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PROCEEDINGS AND DEBATES OF THE 89th CONGRESS, SECOND SESSION

SENATE

THURSDAY, JULY 21, 1966

The Senate met at 11 o'clock a.m., and was called to order by the Vice President.

Hon. WALLACE F. BENNETT, a U.S. Senator from the State of Utah and a member of the Church of Jesus Christ of Latter-day Saints, offered the following prayer:

Our Father in heaven, we come before Thee today in a time of great peril and difficulty which covers all the earth and affects all Thy children in it.

Because we in this Nation have a tremendous added responsibility given to us by our power and our wealth, we pray for wisdom to use that responsibility wisely. We pray for insight which will enable us to penetrate the fog of misunderstanding, of ignorance, of selfishness, and of every other evil thing, to the simple truths that are the essence, the gospel of truth. We pray for wisdom to apply those truths to these problems.

Most of all, we pray for courage to face up to the problems—the same kind of courage that rides with two wonderful Americans far above the earth at this time and that lies in the hearts of those unfortunate Americans who lie in prison, in an enemy's hands, pawns in his game of international power.

We ask a special blessing for them, and we ask that we may be blessed with courage to match theirs, with faith to follow the precepts that we know in our hearts are the essential keys to success; and do it in the name of Thy Son, Jesus Christ. Amen.

THE JOURNAL

On request of Mr. MANSFIELD, and by unanimous consent, the reading of the Journal of the proceedings of Wednesday, July 20, 1966, was dispensed with.

ENROLLED BILLS SIGNED

The VICE PRESIDENT announced that on today, July 21, 1966, he signed the following enrolled bills, which had previously been signed by the Speaker of the House of Representatives:

S. 822. An act to authorize the Secretary of the Interior to convey certain public land in Wyoming to Clara Dozier Wire; and

H.R. 318. An act to amend section 4071 of the Internal Revenue Code of 1954.

MESSAGE FROM THE PRESIDENT—APPROVAL OF BILL

A message in writing from the President of the United States was communicated to the Senate by Mr. Geisler, one of his secretaries, and he announced that on July 19, 1966, the President had approved and signed the act (S. 2999) to amend section 6 of the Southern Nevada Project Act (act of October 22, 1965; 79 Stat. 1068).

WITHDRAWAL OF NOMINATION

The VICE PRESIDENT laid before the Senate a message from the President of the United States withdrawing the nomination of Michael Kuzma to be postmaster at Columbus, Pa.

REPORT ON ACTIVITIES OF GEOLOGICAL SURVEY

The VICE PRESIDENT laid before the Senate a letter from the Secretary of the Interior, reporting, pursuant to law, on the activities of the Geological Survey of that Department concerning areas outside the national domain, for the 6-month period ended June 30, 1966, which was referred to the Committee on Interior and Insular Affairs.

PETITION

The VICE PRESIDENT laid before the Senate a letter from the secretary-treasurer, American Federation of Musicians, transmitting a copy of a recommendation adopted by that organization, praying for the ratification of the international convention relating to the protection of performers' rights as respects recorded music, which, with the accompanying paper, was referred to the Committee on Foreign Relations.

"PESTICIDES AND PUBLIC POLICY"—REPORT OF A COMMITTEE (S. REPT. NO. 1379)

Mr. RIBICOFF. Mr. President, pursuant to Senate Resolution 27 of the 88th Congress as amended and extended by Senate Resolution 288 of the 88th Congress, I hereby submit a report entitled "Interagency Environmental Hazards Coordination—Pesticides and Public Policy," and ask that it be printed. The report was unanimously agreed to on July 19, 1966, by the full Committee on Government Operations.

Mr. President, this report is based on the findings and conclusions of the Committee on Government Operations after 2 years of hearings on the use of pesticides held by its Subcommittee on Executive Reorganization. The report is an effort to summarize the state of knowledge, analyze the public policy issues, and present a course of further study and action relating to pesticides. In conducting these hearings and preparing this report we found it much easier to deal with and understand the strictly technical questions than the broader implications—the questions of balancing the benefits and risks to our environment in a chemical age. And the ultimate question, the supreme interest, is hardest of all to answer: What is the total effect of a man-induced change in the environment on the quality and quantity of our civilization?

This ultimate question is what most concerned the late Rachel Carson. Pesticides are only one aspect of the problem of environmental pollution. As Miss Carson told the committee shortly before her untimely death:

> I have pointed out before, and I shall repeat now, that the problem of pesticides can be properly understood only in context, as part of the general introduction of harmful substances into the environment.

During the heated controversy over the use of pesticides in 1963–64 this broader concern often was overlooked. When asked if she would stop the use of pesticides—as her detractors had accused—Miss Carson told the committee:

> It would not be possible, even if we wished to do so, to eliminate all chemicals tomorrow. A great deal of the discussion of "Silent Spring" and of the issues has, as you say, been placed on an all-or-none basis, which is not correct. This is not what I advocated, sir. . . . What I have advocated is not the complete abandonment of chemical control. I think chemicals do have a place. In fact, I have cited with great approval the coordination of chemical and biological controls such as is applied in the apple orchards of Nova Scotia. . . . I think that instead of automatically reaching for the spray gun or calling in the spray planes, we must consider the whole problem. We must find out first whether there is any other method that can be used. If there is not, then we should use chemicals as sparingly and as selectively as we can, and we should use them in such a way that we do not destroy the controls that are built into the environment.

That is the ecological point of view of pest control, stated as simply and yet eloquently as only Miss Carson could. It is a point of view I share and it is toward the attainment of this broadened view of pest control that this report is directed. It is, then, more than a report on pesticides. It goes beyond the question of whether they are good or bad, beneficial or harmful and attempts to define the central public policy issue of the pesticide problem rather than rehashing all the technical issues. After all, it is the public policy question which ultimately must be decided by the people and their elected representatives. The technical questions are settled by the technicians.

What is that central issue? Stated simply it is how willfully to change our environment for the greatest good, for our society now and in the future. The concern of the hearings and this report is with the irony that for all their good, pesticides also constitute a potential hazard to individual health and are capable of contaminating our environment. Chemical pesticides kill pests because they are toxic, and because they are toxic some are also capable, in excessive dosages, of causing illness, even death, in people and wildlife. The problem is how to kill pests without endangering other forms of life.

The first question, then, was whether the present use of chemical pesticides constitutes a hazard to human health or to the productivity of our environment. The almost 4,000 pages of printed record is replete with evidence of harmful effects on fish, wildlife, birds, and beneficial insects. But what of humans? The committee concluded that no significant human health hazard exists today when the great benefits of disease control and food production are weighed against known hazards.

However, this raises the second question: Will the future increasing requirement for pest control constitute a hazard? The committee found that too little was known of the possible chronic effects of chemicals on man or other organisms. Future pest control, we concluded, must be accomplished with many alternative weapons, applied strategically in an integrated manner, as Miss Carson suggested in her testimony. The fact that no significant human health hazard has been detected to date does not constitute adequate proof that hazards will not be encountered in the future. No final answer is possible now but we must proceed to get the answer and we must proceed to strengthen some existing weak links in the pesticide management process if we are to avoid a "Silent Spring" in the future.

What are some of those weak links the committee found? We concluded, for instance, that the safe and proper application of chemical pesticides cannot be fully assured by "when used as directed" labeling. As pointed out in the report:

> There seems to be considerable opportunity for misapplication when the pesticide is used by the housewife, gardener, hired man, or when the user is illiterate or careless. In this case it is not up to the crop producer, it is up to the food inspector to detect the contamination. With 1 percent of the interstate food shipments being sampled, there is a reasonable chance that gross violations, extending over a large crop or for a period of time, will be discovered. But no FDA inspector stands between the consumer and the roadside market, the rose garden spray drift, and the kitchen insecticide on eating utensils. It has been well proven that the general public does not read the label before using economic poisons and is guided only by vague impressions picked up from safety tips on the television or whatever commonsense can contribute. The high mammalian toxicity of some common pesticides means that a really awesome responsibility is thrust on the amateur purchaser. This poses a grave challenge to safety education and suggests that in some cases, especially pesticides for non-food-crop use in the home, further restrictions on sale should be considered. There is a limit to the amount of information which can be put on a label. There is a limit to the degree which the writer of safety instructions can concoct directions which when followed will not allow a hazardous situation to develop. It seems excessive for Government and industry to say "It's up to you."

Another serious problem is the mobility of pesticides after they are applied, or from faulty waste disposal. As pointed out in the report:

> To label all incidents of contamination and pollution as accidents, mistakes, or ignorance of instructions may be technically correct but presents no solution to the problem. The mobility and stability of toxic chemicals combine to present serious hazards when they are placed in the environment uncontrolled or unknowingly . . . (Therefore we see) the desirability of using, insofar as possible, chemicals which have short lives and disappear through a decomposition route soon after accomplishing their purpose.

In addition the committee found that the changing pattern of application of economic poisons in modern life has resulted in a public health problem which transcends the use of these chemicals in agriculture, and that the diversity of application points, training of operators, label deficiencies and difficulty of detecting residues suggest that improved and uniform State laws will be needed in the future. For instance, the committee found:

> The efficient distribution of chemicals to control large, widespread populations of insect pests is made possible by the airplane . . . About half the States have laws of varying rigidity, but, in general, the aerial sprayer depends on county agents and farmers to tell him what and where to spray while he simply flies the airplane. It is quite a different matter when pesticides are dispensed from aircraft over a populated area, and the testimony was virtually unanimous that widespread community spraying should be eliminated except for well thought out public health purposes and even then only in an emergency. Such spraying may constitute an unwarranted invasion of privacy in the first place. More importantly it is extremely difficult to take into account the effect on persons weakened by age, illness or allergy. The risks to human life may be too great. Aerial spraying in urban areas should be drastically curtailed and allowed only under strict supervision by skilled ground personnel and pilots.

The committee concluded that any excess of pesticides over the minimum amount necessary to do the job must be avoided. As pointed out in the report:

> The hearings show there is much to be learned about the optimum amount of pesticide to apply, even when measured strictly in terms of economic value. Pesticides may be given undue credit for crop yields in certain cases. It is extremely difficult to ascribe a particular percentage to the prevention of insect damage. Weather still plays a principal role in determining crop yields * * *.
>
> The farmer may spray for protection against a certain insect only to have another pest, which is immune to the specific treatment used, do considerable damage. We need more knowledge in order to avoid "spraying by the calendar" or preventative pest control regardless of pest appearance * * *.
>
> Substantial pressures are on the side of excess application. Pesticides should only be applied when pest populations approach the level where significant crop loss will occur, the economic threshold.

Another weakness is that the sampling and analysis of 1 percent of interstate food shipments by FDA may not prove to be adequate in the future. As a matter of fact, the entire sampling and tolerance-setting system needs scrutiny. As pointed out in the report:

> If a certain concentration causes a barely noticeable effect in the test animal, then one hundredth of that dosage is adopted as the threshold in humans. This arbitrary arithmetic is the basis for establishing tolerance for pesticide residue in food. The hearings related animals differ in their susceptibility produced considerable evidence of the inadequacy of this technique. Some closely to the same agent by factors of 25 to 100. Also assessment of human differences due to illness, age, or allergy is very difficult.

These weak links in the pesticide management chain led the committee to additional questions and issues. What, for instance, can research do to provide better future pest control methods? The quantitative knowledge of the risks must be improved through expanded studies of human pharmacology. Public policy cannot be based on unknown risk, for too restrictive an approach will hamper agricultural economy and too lax regulation might lead to human tragedy. Research in ecology, performed in concert by many scientific disciplines, should be undertaken to reveal weaknesses of pests lending to new control methods; effects on nontarget organisms; consequences of environmental manipulation; and improved agricultural practice. As the committee pointed out:

> Human ecology is a major part (but only a part) of the research to be done. Our genetic makeup is fixed, but the effects of environment are subject to control and modification. Mankind is a very adaptive species, but there may be limits to our ability to respond and we should certainly know much more about the interplay of surrounding forces. Chemical contamination is just one of a group of factors which may exact an increasing toll on our society, individually and collectively. The effects of noise, crowding, and bright lights, along with radiation, automobile exhausts, and chemicals, are just as important to civilization as medicine and molecular biology.

Another question involves the role of the Federal Government in ecological management. In the United States the marketplace has been the historic test of the worth of products and ideas, even the sophisticated ones of advancing technology. However, such potent factors as ionizing radiation, pharmaceutical drugs, and chemical pesticides have long been recognized as beyond the ability of the individual to evaluate. Industry, even in its most enlightened phase, cannot be expected to have broad interests and responsibilities corresponding to the effects on our entire environment of these new factors. Government must preserve the environment and its resources and must protect its citizens. Also, 550 million acres of public land are administered by the Department of Interior. The Federal Government's role is apparent when hazardous or damaging environmental effects move widely throughout the country. Also, water and air pollution, and interstate food shipments, require surveillance and regulation from Federal agencies. Furthermore, in the case of pesticides, the Federal Government, through its responsibilities to agriculture, public lands, recreation, and wildlife, is a developer and user of pesticides. Thus, when manmade disturbances spread across the country, only the Federal Government has sufficient jurisdiction to form policies in dealing with the effects.

The question of how much Federal control of chemicals is needed was considered. Governmental regulations deal with efficacy, safety in application, and surveillance against unexpected residues in the environment. The committee believes Federal controls should continue to seek to prevent misapplication and excessive use of potential environmental hazards; they should monitor the routes of ingress to humans to detect contamination. Federal agencies should advise individuals and institutions in planning the best management of chemicals, from manufacture through use to eventual removal from the biosphere. However, it is vital that regulations should not inhibit research or the application of new advances which may be beneficial in the light of future scientific judgment.

The hearings examined closely the question of what federally funded research is needed. Ecological management requires detailed knowledge in many fields, available in a time scale corresponding to the economic demand for new environmental manipulation. Federal funds are required to stimulate the research to acquire this capability and to coordinate the work, especially in the present period of overall limitations of scientific competence, funding, and facilities. Government research is needed to provide the basis for administration of pesticide laws, and for planning future Federal ecological management. Only at the Federal level can this be done. As the report states:

> The industry naturally was sensitive to the caricature devised by some of its critics. The chemical companies felt that industrial research had been tremendously successful in discovering cheap, effective pesticides and in working with the Department of Agriculture to enhance the economy of food and fibre production. Their testimony in the hearings dealt mostly with these accomplishments and there seemed to be little recognition of ecological problems.

Whether the Federal forces operating to change the environment are well coordinated was closely examined. This question of coordination is paramount in all current national programs which involve parts of the missions of several agencies and various sciences. Some form of interagency organization with more than advisory functions is necessary. Budgetary control is an efficient means of coordination. Reorganization or reassignment of some missions is indicated. Coordination of the research itself achieves better operational programs.

The analysis of these issues and questions, then, led the committee to two fundamental conclusions. First, despite the reassuring finding that the benefit-risk equation is presently in balance, the committee was also impressed by the fact that our large store of knowledge regarding the risk of chemical pesticides will have to be broadened and refined considerably in order to provide clear-cut answers to questions that will be raised by the increased need for pest control in the future. The conclusion drawn from the testimony is that the magnitude of the future risk is uncertain in many important areas. While some of the more gloomy prophecies that had been made could not be supported by hard scientific fact, it is also true that science could not and still cannot prove that some of these prophecies are untenable.

Second, the public debate over pesticides is but one facet of a wider debate which reflects a greater sensitivity to the fundamental questions raised by the continuing and accelerating pace of man's modification of his total environment. Pesticides are but one factor and we are increasingly aware that our environment is being altered even more dramatically by air and water pollution, atomic fallout and the population explosion. These are manifestations of the great issues of our time—man's relationship to the world around him. As we come to appreciate more keenly the significance of this vast, accelerating, irreversible alteration of our environment we recognize the need for stocktaking and the necessity of endeavoring to take into account all the multitude of complex relationships between man and his natural and artificial surroundings.

The committee also concluded that certain new laws and some changes in the administrative regulations and interagency coordination are needed.

The major legislative recommendations contained in the report would strengthen the present pesticide regulatory system and develop a more adequate basis for future national policy in environmental management.

Any doubts about the need for stronger regulation were dispelled by the Mississippi River fish kill case. Despite its scientific inadequacies that case pointed up the need for such regulation. The scientists may still be arguing about what killed the fish but the public policymaker must go beyond that discussion and ask himself: Are we doing all we can to prevent the contamination of our environment? The answer is obvious. We are not. For instance, a Department of Agriculture survey of the Mississippi River Delta revealed the following operations were common to most formulating and manufacturing industrial concerns handling the insecticide endrin and associated chlorinated hydrocarbons:

> Burning of used fiber chemical cartons adjacent to the plant or at municipal dumps which were located near a stream.
>
> Except in one case, no attempt was being made to neutralize plant effluent which might contain pesticides.
>
> Disposal of used metal drums, each containing a small amount of chemical, to cooperage companies where they are cleaned of chemical substances and sold for use in building floats, houseboats, and for other purposes in the delta.
>
> In addition, it was discovered that many drums were sold by the formulating plants to individuals for various uses; that drainage from waste dumps emptied into nearby streams; that many of the dumps were on the Mississippi River side of the levee; and that a basic pesticide manufacturing company emptied waste containing endrin into an industrial sewer system which flowed into a river leading to the Mississippi; wash water or solution from drum-cleaning operations entered into a city sewer.

The USDA report concluded that the "practices observed constitute a significant factor in the contamination of the Mississippi River with pesticides." Yet does the Department of Agriculture or any agency of the Federal Government have the power to inspect any of these plants? The answer is no. A plant manufacturing aspirin would be subject to such inspection, but plants producing some of the most toxic materials known to man are immune from Federal inspection.

The committee recommends that Congress enact legislation to prevent contamination of the environment by unintentional release of hazardous substances through industrial waste disposal, used containers, mislabeling, or faulty application. Such legislation should include registration with the Secretary of Agriculture of facilities for pesticide manufacture, compounding, processing or packaging; assurance of good operating practice and product quality control by factory inspection, sampling and analysis; provision for deeming misbranded any pesticide made in an unregistered or substandard facility; and Federal court injunction authority and penalties for enforcement of the law.

Such legislation is now pending before the Senate in the form of S. 2470 which I introduced last August. It is the administration's bill—suggested by the President, transmitted by the Secretary of Agriculture, supported by conservationists, civic groups and many others, and opposed—unequivocally they say—by the pesticide industry. I say it is time we passed such legislation. And that regulation of the pesticide industry be updated. We are operating under laws passed in 1947. It is time they were strengthened.

Another key recommendation is to establish, within the appropriate science based executive agency, a program to accumulate factual knowledge on the present and future status of the environment. As pointed out in the report:

> The clearest proof that man is intimately linked to other organisms and cannot be isolated from the ecosystem may be the response to the plight of birds and animals affected by the onrush of civilization. Pesticides bring up not only this threat but other serious considerations of how to conserve the beauty and usefulness of roadsides, parks, wilderness areas, and recreational facilities.

But we do not know the answers to these problems because they have never been viewed in their totality. A bill, S. 2282, introduced by the junior Senator from Wisconsin [Mr. NELSON] would fill this void. It would authorize the Secretary of the Interior to conduct a program of research, study and surveys, documentation, and description of the natural environmental systems of the United States for the purpose of understanding and evaluating the condition of these systems and to provide information to those concerned with natural resources management.

In concluding the presentation of this report, Mr. President, let me say as an individual Senator that we live in a time of unusual, continuing change. The revolution in technology has produced new chemicals, new techniques, and new pollutants of our environment. The time is long past when we could be casual or unconcerned about the effect of our civilization and the growth of technology on our environment. All over the world, nations are beginning to encounter new phenomena—and new evidence that the very nature of Nature is changing. We must answer the basic question: Will man leave a scourge on this planet—or will he be a force for good? Only constant vigilance will safeguard our heritage.

The VICE PRESIDENT. The report will be received and printed, as requested by the Senator from Connecticut.

Mr. MUNDT. Mr. President, because he is absent on official business, I ask unanimous consent to have printed in the RECORD, a brief summary prepared by Senator PEARSON concerning the report "Interagency Hazards Coordination—Pesticides and Public Policy," which has been filed today by the chairman of the Subcommittee on Reorganization and International Organization of the Committee on Government Operations, Senator RIBICOFF.

The report, which members unanimously approved, is an able summary of the hearings that the subcommittee began in the spring of 1963. Its objectives were to determine how effectively Government agencies coordinate regulation of the use of pesticides and to assess the balance between benefits obtained from this use and any environmental risks which society accepts in using them.

This is a well-balanced report. It says in essence that the benefit from pesticides clearly justifies continuing use, but it warns that we do not fully understand certain environmental changes resulting from this use.

Hence the report recommends greater care in application of pesticides. Further, it recommends that we pursue vigorous research both toward learning how best to apply pesticides so as least to endanger the environment and toward better understanding of their long-term environmental effect.

I want especially to congratulate the chairman [Mr. RIBICOFF] and Senator PEARSON, whose contributions were particularly outstanding. They conducted hearings during a period of notable public anxiety over any unintended effects of pesticides on human beings and wildlife and over the adequacy of Government safety regulations.

It is a credit to the subcommittee that these Senators conducted a thorough inquiry and subsequently were able mutually to assess the present role of chemical pesticides.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

STATEMENT BY SENATOR PEARSON

The exhaustive investigations of the Subcommittee conclusively established that the present use of chemical pesticides do not constitute an environmental health hazard. Despite these reassuring findings as to present regulation and use of pesticides, however, the Committee concluded that the increased need for pest control in the future will require an expanded research and information exchange program to guarantee future balance of the benefit-risk equation and to assure continued public confidence.

At the same time, the study serves as a forceful reminder that without chemical pesticides, American food supply would be far less abundant, more expensive and of poorer quality than we now enjoy. There are also benefits from chemical pesticides in the eradication of disease carrying insects.

Thus, the committee's principal conclusion is that there is no reliable evidence to suggest that the benefit-risk equation is unbalanced in any significant way. The Committee found no evidence that chemical pesticides presently constitute a hazard to human health or that animal life has been significantly jeopardized.

In this connection, the Committee found that the quantity and quality of available empirical information as to both the benefits and risks of chemical pesticides is far more extensive than was generally recognized. Thus, many of the sweeping generalizations of impending disaster, that have been sincerely advanced by some commentators aroused great anxiety, not because there was insufficient information available to disprove these prophecies, but because the public was not sufficiently aware of the existence of this information.

One of the greatest contributions of the Committee study will be to allay public concern that may have developed as to whether or not pesticides are being used by farmers and regulated by Government in such way as to prevent potentially harmful contamination of our environment.

As to the administrative regulations and interagency coordination of chemical pesticide management, the Committee concluded that there is a need for some changes. However, for the most part, the responsible individuals and Government agencies have responded quickly and effectively to correct past deficiencies.

The Committee made four basic sets of recommendations. First, to strengthen the present regulatory system, the Committee recommended: the enactment of uniform indemnification to farmers whose products have been removed from the market for containing pesticide residues where the contamination is in no way the fault of the farmer; improved safety standards in pesticide production; grants to states encouraging uniform training, methods and equipment in monitoring pesticides; encouragement of international agreements on chemical pesticide use and management.

Second, to improve coordination of Federal chemical pesticide management programs, the Committee recommended: that the mission and activities of the Federal Committee on Pest Control be given legislative authority, and that agencies be required to register programs with the Science Information Exchange.

Third, to help further assure protection of human health from possible harmful exposure to environmental contaminants, the Committee recommended: greater emphasis within HEW on environmental health programs, greater research in human pharmacology, acceleration of the development of non-chemical pest control methods, and an expanded public educational program as to the possible dangers from the improper use of chemical pesticides.

Fourth, to develop a more adequate basis for future national policy in environmental management the Committee recommended: the establishment of a program to accumulate factual knowledge on the future status of the environment, an acceleration of the interpretation of science to the public, and increased Congressional oversight of the administration of the regulatory programs dealing with activities capable of affecting the environment.

BILL INTRODUCED

A bill was introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. STENNIS (for himself, Mr. SYMINGTON, Mr. TOWER, and Mr. BYRD of West Virginia):

S. 3632. A bill to amend title 10, United States Code, to strengthen the Reserve components of the Armed Forces, and for other purposes; to the Committee on Armed Services.

(See the remarks of Mr. STENNIS when he introduced the above bill, which appear under a separate heading.)

NATIONAL GUARD—RESERVE BILL

Mr. STENNIS. Mr. President, on behalf of myself and Senators SYMINGTON, TOWER, and BYRD of West Virginia, I introduce, for appropriate reference, a bill to strengthen and upgrade the status of the Army and Air National Guard, the Army and Air Force Reserve, and other Reserve force programs in the military services.

This bill affects the Reserve of the Army, Navy, Air Force, Marines, and Coast Guard.

It is similar to a bill being introduced in the House. While some of the provisions of this bill will require modification, it outlines the general principles which I think should be followed in strengthening and improving the position of our Reserve forces.

This bill rejects the idea of a merger of the Army Reserve into the National Guard and establishes minimum strength levels which I feel are required. It also provides that our Reserve forces must be fully supported from every standpoint, including personnel, technicians, equipment, training, and in all the other essentials of a well-trained and Ready Reserve force.

I have always felt that the National Guard and Reserve forces have been a very necessary and vital part of our military preparedness program. Recent developments have very forcefully pointed out the necessity of making our National Guard and Reserve forces as strong as possible.

Also I feel that we get more for the military dollar that is spent on Reserve and National Guard forces than perhaps in any other part of our military program. For instance, a national guardsman can be trained and maintained at an almost completely combat-ready status for one-sixth of the amount required for a Regular Army soldier. It cost about one-half as much to train and maintain a combat-ready Air National Guard squadron as it does a Regular Air Force squadron.

I recognize that the Regular services must have preference and first priority. However, the importance of our Reserve forces is emphasized by the fact that as small a combat operation as we face in Vietnam has created a situation in our

Regular forces so serious that on three separate occasions the Joint Chiefs of Staff recommended a callup of Army Reserve and National Guard units.

The air transport squadrons of the Air National Guard are currently flying more than 200 missions monthly on a voluntary basis in support of our operations in southeast Asia. They are also flying very essential aeromedical missions in the continental United States and offshore in support of the Regular Air Force. The air reserve transport squadrons are currently flying many missions monthly in the United States, thus relieving Regular Air Force planes to fly more missions to southeast Asia.

A recent investigation of the Preparedness Investigating Subcommittee revealed that the operations in Vietnam have depleted our tactical fighter forces so badly that we could not meet another sizable emergency without a callup of the Air National Guard.

An investigation recently completed by the subcommittee disclosed that the Army National Guard and Reserve forces are badly lacking in equipment and other essential items required to put them in a desired combat-ready status.

For these and other reasons, it is absolutely necessary that we place more emphasis on our Reserve forces of all the services and give a higher priority to meeting their needs. This bill is designed to put them in a better position where they can effectively obtain the support necessary to attain and maintain the combat readiness condition necessary to the national security.

The VICE PRESIDENT. The bill will be received and appropriately referred.

The bill (S. 3632) to amend title 10, United States Code, to strengthen the Reserve components of the Armed Forces, and for other purposes, introduced by Mr. STENNIS, was received, read twice by its title, and referred to the Committee on Armed Services.

Mr. TOWER. Mr. President, I am pleased to join the distinguished Senator from Mississippi in sponsoring this bill to upgrade the status of the Reserve force programs. As chairman of the Preparedness Subcommittee he is known as a master of military policy and law. We in the Senate know him as a man who is not awed by glamour, who is not beguiled by power, who is not intimidated by the powerful—but a man who makes his judgment for the paramount interest of his country.

The bill now before us is very definitely in the paramount interest of our country. Last year, this body clearly rejected the Reserve merger plan, or at least thought it had. Apparently the Department of Defense did not interpret our action that way, for the Secretary of that Department has proceeded to do by executive mandate what he could not do by legislation—weaken the Reserve program of this country.

I will not at this time go into the many sound reasons for rejecting the merger plan. If the only harms resultant from the plan were those which we exposed last year, we might be content to simply bury it again and hope that the Defense Department will return to its job of strengthening our national security rather than continue upon its present course of weakening it. However, the revival of the merger plan has such a damaging effect upon the morale and readiness of the Reserve that we cannot be content to merely indicate our present disapproval of it. We must emphatically reject the plan once and for all and make it unmistakably clear that we do not intend to allow the Reserve program to fall into a sort of Defense Department limbo of doubt. How can we honestly expect a dedicated and prepared Reserve when its members do not know from one day to the next if there will even be a Reserve?

Every day the mail brings me letters from fellow Texans seeking clarification of the status of the Reserve. These veterans of World War II, Korea, and the Berlin callup do not even plead the case of the Reserve, they merely wish to know its status. These men deserve to know where they stand. We are not just dealing with units on paper or with machines, but with the hearts and minds of thousands of dedicated reservists. These men are needed by their country now as they have been needed so many times in the past. This bill will let them know this and it will let the Defense Department know it. It deserves and demands our wholehearted support.

UNITED NATIONS COMMITTEE ON THE PEACEFUL USES OF OUTER SPACE

The VICE PRESIDENT. The Chair wishes to announce the appointment of Senators GORE and AIKEN as congressional advisers to attend the United Nations Committee on the Peaceful Uses of Outer Space.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Hackney, one of its reading clerks, announced that the House had passed a bill (H.R. 15941) making appropriations for the Department of Defense for the fiscal year ending June 30, 1967, and for other purposes, in which it requested the concurrence of the Senate.

HOUSE BILL REFERRED

The bill (H.R. 15941) making appropriations for the Department of Defense for the fiscal year ending June 30, 1967, and for other purposes, was read twice by its title and referred to the Committee on Appropriations.

FOREIGN ECONOMIC ASSISTANCE, 1966

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the unfinished business be laid before the Senate.

The VICE PRESIDENT. The bill will be stated by title.

The ASSISTANT LEGISLATIVE CLERK. A bill (S. 3584) to amend further the Foreign Assistance Act of 1961, as amended, and for other purposes.

The VICE PRESIDENT. Is there objection?

There being no objection, the Senate resumed the consideration of the bill.

ORDER OF BUSINESS

Mr. KUCHEL. Mr. President——

The VICE PRESIDENT. The Senator from California is recognized.

Mr. MANSFIELD. Mr. President, we are operating under the rule of germaneness. I am attempting to speed up the consideration of the pending bill; and until the Senator arrives who is to offer the amendment to be proposed, I certainly would object to anyone being given unlimited time.

Mr. KUCHEL. Mr. President, I have two matters, one of which is relevant to the issue, and will take about 10 minutes. The other is for a very brief insertion.

Mr. MANSFIELD. Would the Senator withhold the relevant issue until we are on the issue with an amendment or other relevant matter?

Mr. KUCHEL. I shall do that.

I therefore ask unanimous consent that I may speak for 1 minute.

The VICE PRESIDENT. Without objection, it is so ordered.

CLAIM OF WATER WASTE IN SOUTHLAND REFUTED

Mr. KUCHEL. Mr. President, in few areas of the United States are Americans as conscious of the value of water as in southern California, where the Nation's most dynamic population growth has occurred in a virtual desert region. Only the resourcefulness of the residents and their willingness to invest hundreds of millions of their own dollars in water development projects have enabled factories to grow, farms to produce, and people to enjoy the finest climate in the country.

Yet criticism from other parts of the country continues over alleged extravagant uses and flagrant waste of water. I certainly would not contend that we have reached the peak in water conservation practices or that we can rest on our laurels, but I do challenge any other region of the United States to show that it has as active and successful a program to make the best possible use of water. Our universities, our water agencies, our cities, our industries, and our State government have taken important steps to use this precious resource much more efficiently.

Mr. President, I ask that an article written by Mr. Ray Hebert, which appeared in the Los Angeles Times of July 3, 1966, entitled "Claim of Water Waste in Southland Assailed," be printed in full in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

CLAIM OF WATER WASTE IN SOUTHLAND ASSAILED—METROPOLITAN MANAGER POINTS TO METERING OF SYSTEMS, BUILDING OF UNDERGROUND SUPPLIES

(By Ray Hebert)

Semi-arid Southern California's cities and farms use billions of gallons of water a day but very little is wasted, contrary to charges it is squandered and used unwisely. Most supply systems are metered and recreational swimming pool and golf course demands are negligible, officials here have replied to critics alarmed by the Southland's far-ranging search for more water.

Furthermore, it is unthinkable for Southern California to break up an affluent society and force its population to go where water is plentiful, as some critics have suggested.

"Doubtless a claim could be made in regard to excessive use to satisfy an affluent standard of living, but these trends appear irreversible," a water leader here said.

COLUMBIA RIVER PLANS FOUGHT

Charges of wasteful practices and water losses have come from other regions, notably the Pacific Northwest where concern is growing for proposals to tap the Columbia River as a new source of water for Southern California, Arizona and other Colorado River Basin states.

A long-range study which could lead to the diversion of water through a 1,000-mile-long aqueduct is included in legislation before the House Interior Committee.

To Sen. Henry Jackson (D-Wash.), chairman of the Senate Interior Committee, the vast water transfer plan could mean "total disaster" for the Pacific Northwest.

Actually, he says, there would be no need even to consider diversions from the Columbia if Southern California, Arizona and other Pacific Southwestern states made better use of their water.

His fellow Senator, Sen. Warren Magnuson (D-Wash.), is just as emphatic.

Washington, he says, cannot permit its resources to be depleted "by those people . . . who waste their own water and then look to the Columbia for relief."

Specifically, complaints of poor water practices in urban areas and agricultural communities have followed three general themes:

Wastefuness caused by old or unmetered systems; objections to the use of water to sustain economically unjustified activities which might be conducted elsewhere, where water is plentiful, and the discharge of large quantities of water—to the sea or underground—after a single use.

FOUR PUBLIC AGENCIES

Responsibility for distributing most of the water used in Southern California rests with four large public agencies whose sole source now is the Colorado River.

The Colorado supplies about 50% of the water used in the crowded coastal plain, the area served by the Metropolitan Water District. The rest comes from underground reserves and the High Sierra. For Southern California as a whole, which includes the region's heavy water-using inland agricultural valleys, the Colorado accounts for roughly 80%.

Of the nearly 5 million acre-feet of water the agencies draw annually from the Colorado, about 1.1 million—1 billion gallons a day—goes to Metropolitan for nearly 10 million people in its Ventura-to-San Diego service area.

Robert A. Skinner, Metropolitan's general manager, says there is relatively little basis for criticism of water losses and unjustifiable uses in Metropolitan's populous six-county region.

Almost complete metering prevents it, unlike New York where a lack of meters was blamed for part of the city's heavy drain on water supplies during last year's emergency drought.

Furthermore, according to Skinner, any water which does escape here sinks into the ground to mingle with underground reserves which are pumped out later.

As for water to fill Southern California's swimming pools and keep its golf courses green, he said an investigation shows these uses are relatively minor.

In Los Angeles, which has 65,000 pools, for example, it takes an estimated 1.3 billion gallons to fill them once a year. This amounts to .008% of the city's total water use.

The city's golf courses require more water, about 14 billion gallons a year, but this is only .08% of the water used by Los Angeles' 2.7 million residents.

Skinner noted that nearly $200 million a year is spent on gardening supplies and lawn maintenance in Southern California. The amount of water consumed by gardens and lawns is extensive.

"But this must be accepted as a justifiable part of the current mode of living," he said.

At the same time he noted suggestions that future water shortages here could be prevented if water were used only for the "highest and most justifiable" purposes.

This raises a question about the practicability of producing goods here which cause a heavy drain on the region's water supply but nevertheless contribute heavily to the area's economic development.

Since this water cannot be totally replenished by local sources, critics have questioned whether its depletion confers a right on the population here to expect replacement water from other distant sources.

"We hear repeated many times the assertion that people should be forced to move where water is plentiful rather than expect to have water imported to supply their needs," Skinner said.

"But the well-being of vast segments of the population is at stake, as well as the survival of great economic developments. There are also significant interrelationships in the areas of national interest and security."

With particular reference to the discharge of water to the sea after it has been used only once, Skinner said this is being given increasing attention.

Some domestic sewage, after treatment, is being percolated into the underground for later use in the Los Angeles basin.

But Skinner said problems involving chemical quality and subsequent treatment methods to dissolve solids could put the cost of reclamation virtually in the same category as desalination.

In Southern California's inland agricultural areas, meanwhile, water-saving practices have been in effect for many years and others have been adopted recently to enforce even stricter controls.

For example, the Imperial Irrigation District, Southern California's largest user of Colorado River water, is in the third year of an extensive program to concrete-line lateral canals to prevent seepage.

The smaller Coachella Valley County Water District points out that its entire system is based on the conservation of land and water. The Coachella Canal is completely concrete-lined.

A recurring complaint from the Pacific Northwest involves waste water which drains into the Salton Sea from Imperial Valley farms.

This water, so-called agricultural sewage, amounts to 1 million acre-feet annually. Much of it is attributable to the leaching necessary to cleanse the farmlands of heavy salt deposits left behind by the highly mineralized Colorado River water.

Although water officials here are certain the Pacific Northwest's complaints will continue to grow, Skinner believes the determining factor in the Southwest's search for more imported water will be the region's own ability to pay.

Assuming that it does not infringe upon the rights or welfare of other areas, he pointed out, it will be up to prospective water users in Southern California and Arizona to decide how much they are willing to pay "to fulfill a preferred way of life."

EXECUTIVE SESSION

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate go into executive session, to consider a nomination on the calendar.

The VICE PRESIDENT. Without objection, it is so ordered.

DEPARTMENT OF THE INTERIOR

The assistant legislative clerk read the nomination of Frank C. Di Luzio, of New Mexico, to be an Assistant Secretary of the Interior.

Mr. KUCHEL. Mr. President, this nomination came from the Senate Committee on Interior and Insular Affairs. It came to the Senate unanimously. May I say, not simply for myself, but also for the members of the committee, that Frank C. Di Luzio is uniquely qualified to handle the specially skilled responsibilities that come to his office, and I shall vote for his confirmation with enthusiasm.

Mr. ANDERSON. Mr. President, on July 20, the Interior Committee held a public hearing on the nomination by President Johnson on July 5 of Frank C. Di Luzio to be an Assistant Secretary of the Interior. At the conclusion of the hearing, the full committee voted unanimously to report to the Senate Mr. Di Luzio's nomination.

Mr. Di Luzio's position is a new one, having been created by section 2 of Reorganization Plan No. 2 of 1966. This plan, which became effective April 29 of this year, transferred the functions of the Department of Health, Education, and Welfare under the Federal Water Pollution Control Act to the Department of the Interior.

Among the duties of the new Assistant Secretary of the Interior will be the administration, under the Secretary, of the water pollution control program and the performance, in the words of the plan, "of such other duties as the Secretary shall from time to time prescribe."

As of the time of the nomination hearings, the Secretary had not prescribed any "such other duties," although an Interior Department press release dated July 7 on Mr. Di Luzio's nomination stated:

> "Transfer of the Office of Saline Water, now under Assistant Secretary for Water and Power Development Kenneth Holum, and the Office of Water Resources Research, which now reports directly to the Secretary, to the area to be supervised by Mr. Di Luzio is under consideration," Secretary Udall said.

It was the sense of the Committee on Interior and Insular Affairs that Secretary Udall should act promptly in bringing those activities under Mr. Di Luzio's administrative responsibility, together with such other duties respecting supplies and quality of water in the United States as will be in the interests of efficiency and sound administration.

On behalf of the committee, I call upon the Secretary to take appropriate action.

Mr. President, it has been my good fortune to know Mr. Di Luzio well over a period of years. For some time he served and lived in my State of New Mexico. I ask unanimous consent that the text of a statement I prepared for the hearings on Mr. Di Luzio's nomination, together with biographical material on him, be printed at this point in the RECORD.

There being no objection, the statement and the biographical material were ordered to be printed in the RECORD, as follows:

STATEMENT OF SENATOR ANDERSON AT OPEN HEARING OF SENATE INTERIOR COMMITTEE ON NOMINATION OF FRANK C. DI LUZIO TO BE ASSISTANT SECRETARY OF THE INTERIOR JULY 20, 1966

I have known Frank Di Luzio for 20 years. The Committee has a copy of his biographical sketch which will become part of the Record, but in presenting him to the Committee, I wanted to touch briefly on a few personal experiences.

I first became acquainted with Frank when he was Manager of the Los Alamos Community for the Atomic Energy Commission. Running a community to support the Los Alamos Scientific Laboratory was no easy task. Frank is a civil engineer by training, but at Los Alamos, which has attracted many of the world's most distinguished scientists, he also had to be a skilled diplomat.

There is the story about Frank and Enrico Fermi, the brilliant physicist, who had come from Italy to escape Fascist persecution. Fermi had played a leading role in the development of the first atomic bomb. After the war Professor Fermi used to come back to Los Alamos regularly during the summer months to teach and do research. He had a cottage and the maintenance people were upset because Professor Fermi was not cutting the grass around the place, but no one would approach the great man about the grass. Finally Frank, who was born in Rome, went over to the Fermi cottage one day and asked Fermi if he wanted special privileges. Fermi assured him he did not; the only problem was that he had no room in his car—filled with books and papers—to haul a lawn mower back and forth each year to Los Alamos. "We'll let you borrow one," said Frank. And the small crisis was over. I think Frank's tact, good humor, and common sense were valuable in that situation. I think they will be very useful in the period that lies ahead.

When I became Chairman of the Senate Committee on Aeronautical and Space Sciences, I asked Frank to join the Committee as Staff Director. He did an extremely effective job and earned the respect of the officials of the National Aeronautical and Space Administration, the Department of Defense and the members of the Committee, both Democrats and Republicans. He brought a high degree of professionalism to the operations of the Committee.

In the midst of the work of the Space Committee, Alaska was shaken by a disastrous earthquake on Good Friday, 1964. President Johnson asked that I take over the chairmanship of a special relief and reconstruction commission. We had to borrow staff from government departments. I asked Frank to become my special assistant in that work—without taking off his hat as Staff Director of the Space Committee. I am indebted for his fine assistance in the Alaska reconstruction program. When we started up the work of the Alaska commission, Frank informed me that he had a license as a civil engineer in Alaska. I think that is typical of the many facets of this man.

Frank didn't stay with the Space Committee as long as I would have liked. The President of the United States and the Secretary of the Interior discovered his qualifications and abilities and asked me to let him move over to head the Office of Saline Water. Reluctantly I agreed. The result has been some very fine work in desalination processes that will pay great dividends not only in the United States but in the arid regions of the world as well.

I think Frank will bring to his new post a broad understanding of water problems for he is quite sensitive to the interlocking of these problems, seeing them in their totality. I think this is the approach we need—viewing the water problem on a regional basis, rather than just as a local matter.

It will be no easy task to reverse the tide of apathy, half-effort, intergovernmental controversy, and myopia which have afflicted our streams and river basins. But I think Frank Di Luzio can measure up to the assignment.

PERSONAL HISTORY RÉSUMÉ: FRANK C. DI LUZIO

Address: 9504 Barroll Lane, Kensington, Maryland, Telephone: 949–1345.

PERSONAL INFORMATION

Date of Birth: September 2, 1913.
Place of Birth: Rome, Italy.
Marital Status: Married, 2 children.
Height: 5′6½″.
Weight: 150 lbs.
Citizenship: U.S.
Security Clearance: Military DOD—Top Secret; U.S. Atomic Energy—"Q".

January 25, 1965 to Present

Title: *Director*—Office of Saline Water. Completed formulation of and placed into effect an aggressive and accelerated program for economically feasible means of desalting sea and brackish waters. Instituted short, medium, and long-range programs leading to increased emphasis in engineering for practical application of desalting techniques.

April 20, 1963 to January 25, 1965

Title: *Staff Director*—Committee on Aeronautical and Space Sciences, United States Senate.

October 15, 1962 to April 20, 1963

Title: *Vice President & Director*—Fairbanks, Morse & Co., Hydraulic and Special Projects Division. In charge of engineering design, applications engineering, sales, and project administration. Responsible for the management and coordination of English Electric and Vickers-Armstrong, London, England—license agreements covering their hydraulic products. Served as member of R & D Committee, and Management committees of both Fairbanks, Morse & Co., and Fairbanks Whitney Corp.

October 1, 1961 to October 15, 1962

Title: *Vice President*—Engineering, Fairbanks, Morse & Co., Beloit Division. In charge of all product and special engineering, reporting to Vice President, Group Executive. Products consist of motors, diesel engines, pumps, magnetos, compressors, etc. Engineering organization has a staff of approximately 325 professional and sub-professional people.

January 1, 1961 to October 1, 1961

Title: *General Manager*—Albuquerque Research Center, Fairbanks, Morse & Co., reporting to Vice President Government Products. In addition, was also assigned as Assistant for Research and Development to President of Fairbanks, Morse & Co. Coordinated R & D corporation-wise, served as Chairman of R & D committee, and evaluated engineering proposals related to national defense programs.

May 19, 1957 to January 1, 1961

Title: *Deputy Manager*—Atomic Energy Commission, G. S. 18, Albuquerque Operations Office, assisting Manager in performance of executive duties, covering all functions assigned to ALO. Directly responsible for the evaluation, coordination, and taking appropriate action regarding performance of functions assigned to the operating divisions in the areas of research, development, manufacturing and quality assurance on atomic ordnance. Directed activities related to storage operations, nuclear materials, management and security administration. Upon special assignment from the Atomic Energy Commission, Washington, D.C. executed programs for AEC headquarters organizations other than the Division of Military Application. Coordinated for the AEC-Division of Military Application the exchange of weapons technology between the United States and United Kingdom Atomic Energy establishments at Aldermaston and Harwell, England.

January 15, 1956 to May 19, 1957

Title: *Asst. Manager for Manufacturing*, AEC, G. S. 17, Albuquerque. Directed and coordinated Albuquerque Operations Office development and production complex in design, development, and manufacture of nuclear and non-nuclear weapons and weapons components. Developed from broad DMA directives detailed ALO Directives and Planning Schedules, allocating responsibility and establishing delivery requirements, time schedules, and procurement authorizations for the several contractors involved. Coordinated plans for all major changes in existing or new development or manufacturing facilities and equipment resulting from mission or programmatic changes. Planned and directed the execution of ALO programs and policies designed to effectively coordinate design activities with the manufacturing processes; planned and coordinated program reporting needs of the Manager and the preparation of periodic consolidated progress summaries and program statistics. Coordinated weapons development, testing and production with Armed Forces Special Weapons Command—Defense Atomic Support Agency for military weapons input.

August, 1952 to January 15, 1956

Title: *Manager*, G. S. 16, Los Alamos Area office of AEC. Administered assigned programs in the field of research and development of atomic weapons and in this capacity administered AEC's contract with the Los Alamos Scientific Laboratory. Planned and executed a comprehensive program for construction and maintenance of technical and other project facilities. Provided supervision of all contract operations, including Architect-Engineer, and construction and supply contracts.

April, 1950 to August 1952

Title: *Director*, Community Management Division, AEC, G. S. 15, Los Alamos. Participated as a member of Area Manager's staff in the continuous review of the assigned Los Alamos Office program and all community facilities and activities. Responsible for the following general areas of activities: (a) Administration of the contract of operating contractor (The Zia Company), (b) Maintenance and operation of community properties and facilities within Los Alamos County.

April, 1946 to April, 1950

Title: *Director Engineering and Construction Division*, AEC, G. S. 14, Los Alamos. During this period assumed positions of progressively greater responsibility. Initially responsible for overall negotiations and renegotiations of Architect-Engineer and construction contracts. Responsible for overall supervision of engineering and construction work, coordination, and inspection of all construction. During this period had direct and primary responsibility for a total construction program involving design and construction of technical facilities and transformation of Los Alamos from a temporary project to a permanent community involving the expenditure of approximately $248,000,000.

July, 1944 to July, 1946

Title: *Civil Engineer,* Military Service and P. 6, U. S. Army, Los Alamos. Assigned to Manhattan Engr. District, which was charged with the responsibility of constructing facilities for the production of the atomic bomb. Charged with the responsibility of negotiation and renegotiation of all Architect-Engineer contracts, and construction contracts, and preparation of plans and specifications. Assisted the Chief Engineer in engineering problems of a complex nature.

October, 1941 to July 1944

Title: *Engineer,* P. 5, Corps of Engineers, Ravenna, Ohio. Assigned important duties during the construction of (a) Ravenna Ordnance plant, Ravenna, Ohio; (b) Lordstown Ordnance Depot, Warren, Ohio; (c) Keystone Ordnance Plant, Meadville, Pa.

Title: *Engineer,* Corps of Engineers. Assigned as Chief Enginer and Assistant Resident Engineer during the construction of Mosquito Creek Dam, Warren, Ohio. The dam was an earth-filled structure, reinforced concrete spillway and water intake tower.

September, 1940 to October, 1941

Title: *Engineer,* U.S. Bureau of Reclamation, Parker Dam, California. Field inspection of Power Plant (one shift), checked field changes in construction, steel setting, construction details and procedures.

March, 1938 to Sepember, 1940

Title: *Jr. Engineer,* U.S. Bureau of Reclamation, assigned to Coulee Dam, Washington. Field Engineer inspection of placing of concrete, setting reinforcing steel, and installation of power plant equipment and drum gate mechanism.

PROFESSIONAL ORGANIZATIONAL MEMBERSHIP

International Association for Hydraulic Research Association for Applied Solar Energy, Scientific Member, Tempe, Arizona.

National Society of Professional Engineers.

Professional Engineer New Mexico Registration No. 3252.

Professional Engineer Alaska Registration No. 859-E.

Professional Engineer Maryland.

American Geophysical Union, National Academy of Sciences, Washington, D.C.

Seismological Society of America.

SELECTIVE MEMBERSHIP

Member, Rivers and Harbors Congress (New Mexico Advisory Board) 15 years—1948–1962.

Member, Economic Development Commission. State of New Mexico (Water Resources Development & Utilization) Resigned 1962.

The VICE PRESIDENT. Without objection, the nomination is considered and confirmed.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the President be immediately notified of the confirmation of this nomination.

The VICE PRESIDENT. Without objection, it is so ordered.

LEGISLATIVE SESSION

On request of Mr. MANSFIELD, and by unanimous consent, the Senate resumed the consideration of legislation business.

(At this point Mr. BYRD of Virginia assumed the chair as the Presiding Officer.)

COMMITTEE MEETINGS DURING SENATE SESSION

On request of Mr. MANSFIELD, and by unanimous consent, the Committee on Post Office and Civil Service and the Committee on Interior and Insular Affairs were permited to meet during the session of the Senate today.

Mr. MANSFIELD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. CARLSON. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MANSFIELD. Mr. President, how long does the Senator wish to proceed?

Mr. CARLSON. Mr. President, I ask unanimous consent that I may proceed for 2 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

WASHINGTON CORRESPONDENT JESSIE STEARNS WRITES ABOUT TWO KANSANS IN USIA

Mr. CARLSON. Mr. President, Jessie Stearns, a native Kansan, and a foreign and Washington correspondent of long standing has written two byline stories of interest about U.S. Information Agency and the two top officials who run it.

I have known Mrs. Stearns for many years. She has broad experience of reporting from the Far East and within the United States.

Having reported from China before Nationalist China was forced to leave the mainland, she has firsthand knowledge of the information agency that disseminates news abroad.

For the past 3 years she has been the Washington correspondent for the three Topeka newspapers owned by Oscar Stauffer; namely, Topeka Daily Capital, Topeka State Journal, and the Topeka Capital Journal.

Robert Akers, Deputy Director of the U.S. Information Agency, is a Kansan and one of our outstanding citizens. He was born in Topeka. His mother, Mrs. Everett Akers, still lives there. He has been rendering outstanding service in his new assignment.

There have been excellent articles written about his work by Jessie Stearns.

Jessie is known for her integrity, reliability, accuracy in reporting. She is always seeking the truth and the facts which entails long hours of work.

The entire Kansas congressional delegation and other Members of the U.S. Congress hold her in high esteem.

The other article relates how Leonard Marks, Director of USIA is aiding the Vietnamese, and the other article highlights Kansan Robert Akers, editor of all media for the Government news agency.

Mr. President, I ask unanimous consent that two articles written by Jessie Stearns, one entitled "Marks and USIA Help To Educate Vietnamese" and the other entitled "Topekan USIA Leader" be printed in the RECORD at this point.

There being no objection, the articles were ordered to be printed in the RECORD, as follows:

[From the Overseas Press Bulletin, May 28, 1966]

MARKS AND USIA HELP TO EDUCATE VIETNAMESE

(By Jessie Stearns)

WASHINGTON.—Even if there were no US troops in Viet Nam to assist in the war effort, Vietnamese school children and illiterates could still be grateful to the US becaues of Leonard Marks and the United States Information Agency, which he has directed since September.

It is an organization with a $178 million budget (1966-government year ending June 30) that is a major broadcaster, a huge publisher, a vast distributor of printed material, an immense library and an educational institution.

The former radio and television attorney sent 500 23-inch television sets to Saigon which started to receive programs last February. He had two airplanes rigged up as TV transmitters. One flies daily above the war capital. The purpose of these broadcasts is "to provide education and information to the Vietnamese people."

The sets are in public schools, libraries, pagodas, police stations, and public meeting halls. Five days a week, from 9 a.m. to 4 p.m., the "airborne transmitter" brings TV broadcasts to the classrooms.

One hour a day the South Vietnamese who plans and produces the classrom programs use the facility for announcements, which contain information about agriculture, education, economy, care of children, sanitation, etc. Marks says this element of instruction will decrease the illiteracy rate.

Richard Critchfield, Asian correspondent for the *Washington Evening Star,* reports that a rickshaw driver and laborers watched the meeting of President Johnson and Premier Nguyen Cao Ky at the Honolulu conference over a public television set in a market place in Saigon. Because of what the rickshaw driver saw he is going to help with the social revolution in his country.

Armed Forces radio uses the "flying transmitter" two hours daily bringing news, movies and network shows to the American troops stationed in the Saigon area.

The reaction to television is so great another 500 sets are being shipped to Saigon to be placed in public places.

He says a recent survey indicates that 25,000 TV sets can be sold in one year to private industry in the war capital.

The director of the huge enterprise that speaks to the world for America dislikes the term "propaganda". He says the easiest and best way to present America's objectives overseas is to tell the "truth." Continuing, he said, "The US has nothing to hide. Our people enjoy freedom. Our principal job is to explain to the world how we live, our progress and our aspirations."

Marks speaks glowingly of another achievement of his Viet Nam operation, the dropping of "safe conduct passes." They are red, white and blue slips of paper about the size of a baseball ticket featuring the Stars and Stripes and the Viet Nam flags and dropped over Viet Cong territory. These passes have been found hidden in shoes and clothing.

He says from 1,500 to 2,000 passes are presented to US forces monthly. The great fear of the Viet Cong is that they will die and be buried outside of their villages.

Presently US military obtains the names of the Viet Cong killed in action and their names are broadcast over radio.

In addition, colorful and interesting leaflets are dropped in Viet Cong territory. Other material such as newspapers, magazines, and films are found in USIS libraries.

The Viet Nam staff includes 126 Americans and 390 Vietnamese.

The public affairs staff briefs, billets and provides transportation for the 380 foreign correspondents including 220 correspondents for US publications.

These services in Viet Nam and others provided by the agency during the government year ending June 30 cost $6,078,000. With the war escalation and increase in troop personnel, only $377,000 more has been requested for Viet Nam operations in 1967.

Other worldwide services provided by the agency directed by Marks are: Voice of America, which broadcasts 838 hours a week in 38 languages; publishes 85 magazines; produces 600 films a year; transmits daily 10,000 words to 115 US posts plus all official statements including Presidential press conferences; publishes two million books a year; offers TV film services to 87 countries; teaches 300,000 students English by radio and TV in classrooms; published over 50 million cartoon books in Latin America the last five years, picture books; exhibits in Eastern Europe and other countries.

As far as Marks' tenure as USIA chief, he says the President's commission says he will serve during the pleasure of the President "for the time being." He finds the assignment exciting and doesn't plan to research the meaning of "time being."

TOPEKAN USIA LEADER

(By Jessie Stearns)

WASHINGTON.—Two men who worked together in private life for 15 years are now a public team disseminating information abroad.

Robert "Bob" Akers, born in Topeka, educated at Washburn University and University of Texas and retired in 1964 as editor-in-chief and director of the Beaumont (Tex.) Enterprise and Journal, is now deputy director of the U.S. Information Agency.

DIRECTOR NAMED

President Johnson appointed Leonard Marks in July, 1965, as director of USIA. Before Marks was the attorney for radio and television stations owned by the Beaumont Enterprise and Journal.

Akers, who was appointed Sept. 1, is editor-in-chief of all media for the government news agency. When Marks is away, Akers is acting director.

He is responsible for daily transmission of 10,000 words to 115 U.S. ports abroad plus all official statements including presidential press conferences; Voice of America broadcasts of 838 hours a week in 38 languages; publication of 85 magazines; production of 600 films and two million books a year, and television film services to 87 countries.

Marks sent to Saigon in February 500 23-inch television sets. He had two airplanes rigged as TV transmitters. One flies daily above the war capital. Purpose of these broadcasts is "to provide education and information to the Vietnamese people."

The sets are in public schools, libraries, pagodas, police stations and public meeting halls. Five days a week, from 9 a.m. to 4 p.m., the airborne transmitter brings broadcasts to classrooms.

One hour a day, South Vietnamese who plan and produce classroom programs, use the facility for announcements, with information about agriculture, education, economy, care of children and sanitation.

Armed Forces uses the flying transmitter two hours daily bringing news, movies and network shows to U.S. troops in the Saigon area.

Another 500 sets are being shipped to Saigon to be placed in public locations. Marks said a recent survey indicates 25,000 TV sets can be sold in a year in Saigon.

The USIA issues 1,500 to 2,000 "safe conduct passes" to U.S. forces monthly. Colorful leaflets are dropped in Viet Cong territory.

The public affairs staff of 126 Americans and 390 Vietnamese briefs, billets and provides transportation for 380 foreign correspondents including 220 correspondents representing U.S. publications.

Akers visits his mother, Mrs. Everett Akers, Brewster Place, Topeka, whenever he passes through Kansas City on overseas trips.

Mr. MANSFIELD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. MORSE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

"A NEW BENCHMARK FOR EDUCATION"—AN ADDRESS BY HAROLD HOWE II, U.S. COMMISSIONER OF EDUCATION

Mr. MORSE. Mr. President, night before last, at the Mayflower Hotel, Mr. Harold Howe II, U.S. Commissioner of Education, Department of Health, Education, and Welfare, made an excellent speech on the subject, "A New Benchmark for Education" before the members of the National Conference on Education of the Disadvantaged.

Mr. President, this speech is full of substantive content. I hope that every Senator will read it before we take up some of the problems connected with education legislation—secondary, elementary, and higher education—that will be before the Senate in the not too distant future.

Mr. President, I ask unanimous consent that the very able speech of Commissioner Howe be printed in the RECORD at this point.

There being no objection, the address was ordered to be printed in the RECORD, as follows:

A NEW BENCHMARK FOR EDUCATION

(An address by Harold Howe II, U.S. Commissioner of Education, Department of Health, Education, and Welfare)

I am here tonight to thank you for your time, your interest and your creative contributions to this conference. I am also here to try to take an honest look at perhaps the most demanding challenge confronting American elementary and secondary education—the challenge of helping the schools do more for those students who come to the classroom with a built-in disadvantage.

As we go about this exercise of looking at our problems, it is important to keep a decent perspective, lest we seem to be saying that nothing is good about American education. We all know that much of the activity in our schools is first rate. I think it is entirely accurate to say that the United States provides more education to more people than any other Nation in the world.

Remarkable advances are taking place in many of our schools. Some communities have taken positive and successful steps toward providing equal opportunity for all children and toward introducing promising innovations in teaching methods and tools. Consolidation of the schools in many States is providing a richer education for hundreds of thousands of children. The general public interest in improving education has reached unprecedented levels during the past ten years, and the actions of our President and our Congress have made us an education-conscious nation.

But as we take pride in these achievements, we must recognize that innovative education and high quality education and equal educational opportunity are not available to many of America's children. And we must recognize also that the children who are least served by the new push of the last ten years to improve the schools are those who are most in need of special help: the minority group children—the Negroes, the Puerto Ricans, the Mexican-Americans. Add to them the children of those we call "poor whites" and you have about 20% of America's school-age young people, those between 5 and 17. It is because of these children that we have Title I of the Elementary and Secondary Education Act. And it is because of them that you and I are here in Washington tonight to share our ideas on how to make better use of the magnificent opportunity this act gives us as educators.

As we consider next steps to improve what we are doing with Title I funds in the service of disadvantaged children, we have the benefit of new insights into our problem of providing equal educational opportunity. These insights come from a scholarly study of the status of our efforts in desegregating the schools, in upgrading the education offered to disadvantaged children, in giving these youngsters a sense of their own worth in the national community.

The study I speak of is summarized in a 33-page booklet published by the Office of Education and entitled "Equality of Educational Opportunity." My feeling is that the data lying behind this publication will have—and most certainly should have—a deep and lasting effect on American education. I would like to discuss the report this evening because it bears on the subject of our conference.

The booklet presents the preliminary findings of an undertaking instigated by the Congress in the Civil Rights Act of 1964. The Congress directed the Commissioner of Education to survey "the lack of equal educational opportunities for individuals by reason of race, color, religion, or national origin at all levels in the United States, its territories and possessions and the District of Columbia." The full 700-page report is expected to be off the presses by the end of this month.

The project ultimately involved some 60,000 teachers and 645,000 pupils in 4,000 schools across the Nation and in its territories.

So far as I know, this is the largest, most comprehensive and scientific look that has ever been given to the schools—and the school children—of the United States. We asked some straightforward questions, and we assume we got straightforward answers.

I stress the fact that the findings I shall refer to tonight need further interpretation. It will be many months before the data collected in a survey of this magnitude can be fully evaluated, so that firm recommendations for public policy can flow from them. I stress, too, the fact that the information on which the report is based was gathered last fall—before any Title I projects really got launched. So, although the survey was not made with Title I in mind, I think it may provide a reliable baseline for measuring the impact of the various Title I programs now underway.

The survey is in effect an effort to describe statistically the extent of educational opportunity which exists through the country for the minority groups as compared to the white majority.

In the months and years ahead the Office of Education staff, aided by advisors from the educational community throughout the country, will be studying how the survey findings can sharpen our current programs and what implications they have for future directions.

But the study does not belong to the Office of Education. It belongs to the Nation, and I would encourage other groups, public and private, to explore it carefully. In particular, I invite the attention of those of you here tonight. Challenge the survey, hypothesize from it, learn from it. I especially ask for your cooperation because I think that in many ways the survey's implications and the applications of Title I are complementary.

Now, let's take a look at what we have found so far—and what the survey might seem to suggest to the States and the local school systems most of you represent.

We found that for all practical purposes, American education can be labeled as segregated.

Over two-thirds of all Negro pupils in the first grade go to schools that are 90 to 100 percent Negro; only a handful of the Nation's Negro first graders are getting the benefit of desegregated education. In the light of the 1954 Supreme Court ruling, the requirements of the Civil Rights Act, and the further finding of this survey that segregated education is likely to be of lower quality for minority group children than for the majority, these facts should give us pause.

Turning to the general characteristics of schools, in one part of the survey we measured such matters as the age of the school building, the average number of pupils per classroom, whether there was a library, a cafeteria, a chemistry laboratory. We asked about accreditation, accelerated curriculum, use of the track system, salaries of principals, debate teams and bands, teacher tenure.

Next we turned to the classroom and asked questions of the students themselves. Some of the questions were designed to give us an index of socio-economic factors; others, an academic achievement rate of verbal and mathematical results.

Among other things we found that many of the obvious differences among schools do not have a major bearing on differences in student achievement. Within that finding, however, it was also clear that achievement of disadvantaged pupils does depend to a statistically significant degree on the schools they attend—considerably more than for children of the white majority.

Put another way, advantaged students are less affected one way or the other by the quality of their schools. It is for the most disadvantaged children that improvements in school quality mean the most.

This finding obviously has significant implications. It seems to say, for example, that a program like Title I can make a difference if we are skillful enough to use it effectively. But before I jump to this or any other conclusion, I want to offer you the same caveat I offered my staff when we first discussed the survey. I think we must steadfastly refrain from reaching for quick, simplified conclusions. I believe we all need to spend considerable time with the full report—all 700-odd pages of it—before we can make plans for special projects and programs based upon it. We have to insert a step between implication and application, and that step should involve very careful study—not just speculation.

Next, let's take a look at the teachers we surveyed . . . sixty thousand of them.

We sought information about how much they earn, what they majored in at college, years of teaching experience, average scores on a verbal test, and so on.

The results were not especially surprising. In some ways—though by no means all—they were reassuring. The figures indicate that the quality of teachers defined in terms of the factors I have just listed bears a much stronger relationship to student achievement than does the quality of the school. Furthermore, a good teacher's impact on students appears to be greatest at the higher grades. And third, teacher quality seems to be significantly more important to the disadvantaged boy or girl than to the advantaged student.

These facts have interesting implications too, particularly when they are put against other information that emerged from the study—information which shows that disadvantaged students tend to wind up with the least capable teachers. We must, then, link this fact with the finding that it is the disadvantaged child who most needs a good teacher and who can gain the most from him. Parenthetically, it seems to me worth noting that Congress wisely pre-guessed these survey findings by forming the National Teachers Corps. This new enterprise is the only effort on a countrywide basis to train high quality teachers specifically for working with disadvantaged children.

Now that I have suggested some implications concerning schools and teachers, let us turn to the children. We asked 145,000 of them to take an achievement test, designed to measure verbal and mathematical skills that are most important in our society for getting a good job, moving up to a better one, and keeping on top of an increasingly technical world.

We also touched upon such matters as student attitudes and aspirations in the survey. And in the process we came upon one pupil attitude that appears to affect achievement more than all other school factors together. I refer to the exent to which the individual student feels he has some control over his destiny—over the possibility of his own success or failure. Far more than the average youngster, the disadvantaged boy or girl feels that his future lies in the lap of the gods—that whether he succeeds or fails will be determined primarily by blind chance rather than by his own efforts.

Such findings raise interesting questions about what schools can do to build confidence and self-assurance—qualities characteristically lacking in a great many disadvantaged pupils. We must explore the implications here for counselors in the schools, for school organization, and for the human relationships which exist between pupil and teacher.

The survey also demonstrated that when the disadvantaged child walks in the schoolhouse door for the first time, he scores lower on standard achievement tests than his advantaged peers. And by the time he reaches the 12th grade, the gap has widened considerably. Whatever may be the combination of nonschool factors which put minority children at a disadvantage when they enter first grade—poverty, community attitudes, low educational level of parents—the schools have not only failed to make up the difference: they have let these youngsters slip further away from the mainstream of our national life.

This fact presents a sobering challenge to American education. The survey report is full of such challenges. And thus our schools have—for the first time, to my knowledge—a benchmark. Against that benchmark, in the next two or three years, we can measure the impact of programs like the Elementary and Secondary Education Act in the schools.

One more item from the survey about students: The findings strongly suggest that perhaps the most significant element in creating opportunity for disadvantaged pupils is to put them in schools with children who are not disadvantaged. I want to emphasize that the educational effectiveness of a mixture of children from different backgrounds does not refer only to racial integration. It also refers to economic and social integration. It means that if you put a small group of disadvantaged Negro children in a class with a large group of white children from middle-class homes, the Negro children will profit appreciably by that association almost without regard to the quality of the school. And it means that if you put white children from an urban slum in a classroom with middle-class children—white or Negro—the disadvantaged white children's school work also will improve. On the other hand, if you took two groups of disadvantaged children—some Negro, some white—and put them in the same classroom, neither group would receive the kind of stimulation for added learning achievement that our survey findings reveal. Such integration would perhaps improve the social attitudes of both Negro and white children, but it would not necessarily produce intellectual stimulus.

Finally—on this matter of students stimulating other students—our survey findings indicate that the integration of children from different social and economic backgrounds helps the disadvantaged without harming the education of the advantaged.

The major point to remember is that when we are talking about public policy and placing youngsters of varied backgrounds in school together to create the best learning situation, we are talking economic and social factors every bit as much as racial factors.

The report also says this to us—that the neighborhood school concept is going to be subjected to considerably more study and debate, much of it doubtless heated. I think we must all agree that neighborhood schools have served us well and continue to do so in many areas of the Nation.

But the extraordinary population shifts taking place in our country make it necessary that we take a close look at what the meaning of the word "neighborhood" has come to include. To a disturbing degree it has come to mean the polarization of families according to the size of their split-level homes or the size of their welfare checks. We are faced with the fact that we are becoming a Nation of plush suburbs on one hand and mid-city slums on the other. Economically and socially, and in the ability of millions of American citizens to achieve their aspirations, the two show signs of becoming separate and even antagonistic continents.

The schools in the suburbs teach children who live in a world of wall-to-wall carpeting, pleasant back yards, and summers at camp. The parents demand quality education, and they have the political muscle and the capacity to tax that make this demand stick.

But they also have the capacity to forget that their neighbors in the central city have children who play in alleys and live six to a room. These people share the suburbanite's interest in quality education, but they can support it only with their spirit, not their pocketbooks.

Let me emphasize here a fact that often gets lost in our discussions on civil rights: Deprived children come in assorted colors. When we talk about the "disadvantaged" we are not speaking only of Negro children. Nor are poverty and want strictly urban afflictions. There are rural enclaves—in Appalachia and in the Ozarks, to mention just

> two—where Anglo-Saxon Americans still live in tarpaper shacks and cannot read or write or earn a decent living. And there are pockets of poor whites within the boundaries of our industrial cities.
>
> These are the reasons why we will have to re-appraise where the boundary lines of neighborhoods should be drawn when we speak of "the neighborhood school." It is essential that we give youngsters a glimpse of American life as Americans of every strata actually live it. Among other things, this means operating our school systems in a fashion that encompasses the rich social, economic, and cultural diversity that distinguishes our Nation.
>
> None of us is sure what changes should be made in school policy and organization. But we are rapidly developing a useful shopping list of ideas for experimentation. States and local school boards will have to determine what approaches best fit their particular situations. Certainly they can be helped by Title I funds as they make changes of a variety of kinds.
>
> Learned Hand once observed that "it is well enough to put one's faith in education, but the kind makes a vast difference." I suspect that in the surge of faith in education that has characterized the last few years, too many Americans have neglected to pay enough attention to what kinds of education we are talking about—what standards of quality we have in mind and how universal we believe quality education should be. I congratulate all of those here tonight who have taken on the responsibility of leading the drive to give *all* our children the best education that money, talent, training, and initiative can provide.
>
> Your success in providing that leadership and marshalling the good will and resources of the American people toward the achievement of equal opportunity will provide the final comment on the survey I have been reviewing tonight. Your actions in the next 12 months and the next decade will determine whether the report on Equal Educational Opportunity becomes a plan for progress, or whether it remains nothing more than an interesting, well-documented diagram of inequalities which exist in 1966 and will continue to exist in the years that follow.

Mr. MORSE. Mr. President, in this speech Mr. Howe speaks about a study that Congress requested the Department of Health, Education, and Welfare to make in relation to title I of the Elementary and Secondary Education Act. In the course of the speech he said:

> As we consider next steps to improve what we are doing with Title I funds in the service of disadvantaged children, we have the benefit of new insight into our problem of providing equal educational opportunity. These insights come from a scholarly study of the status of our efforts in desegregating the schools, in upgrading the education offered to disadvantaged children, in giving these youngsters a sense of their own worth in the national community.
>
> The study I speak of is summarized in a 33-page booklet published by the Office of Education and entitled "Equality of Educational Opportunity." My feeling is that the data lying behind this publication will have—and most certainly should have—a deep and lasting effect on American education. I would like to discuss the report this evening because it bears on the subject of our conference.
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> The booklet presents the preliminary findings of an undertaking instigated by the Congress in the Civil Rights Act of 1964. The Congress directed the Commissioner of Education to survey "the lack of equal educational opportunities for individuals by reason of race, color, religion, or national origin at all levels in the United States, its territories and possessions and the District of Columbia." The full 700-page report is expected to be off the presses by the end of this month.
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> The project ultimately involved some 60,000 teachers and 645,000 pupils in 4,000 schools across the Nation and in its territories.
>
> So far as I know, this is the largest, most comprehensive and scientific look that has ever been given to the schools—and the school children—of the United States. We asked some straightforward questions, and we assume we got straightforward answers.

He makes this statement following the lapse of some time since the passage of the civil rights bill.

He continues:

> Now, let us take a look at what we have found so far—and what the survey might seem to suggest to the States and the local school systems most of you represent.
>
> We found that for all practical purposes, American education can be labeled as segregated.
>
> Over two-thirds of all Negro pupils in the first grade go to schools that are 90 to 100 percent Negro; only a handful of the Nation's Negro first graders are getting the benefit of desegregated education. In the light of the 1954 Supreme Court ruling, the requirements of the Civil Rights Act, and the further finding of this survey that segregated education is likely to be of lower quality for minority group children than for the majority, these facts should give us pause.

Mr. President, this is typical of the substance of this fine speech. It also points out what the great survey by the Department of Health, Education, and Welfare has found, which should be of help to us in realizing the importance of enacting legislation this year to provide whatever sum of money will be needed in order to meet the school crisis.

As chairman of the Subcommittee on Education, I serve notice on the floor of the Senate, as I have in committee, that I shall not give support to any attempt by the administration, in the name of economy in Government, to deprive the schoolchildren of this country of the needs that they are entitled to have provided, as brought out by the report of the Department of Health, Education, and Welfare.

Let me suggest to the Secretary of HEW and his associates that, in my judgment, they will make a great mistake if they ask for any cut in the budget beyond the point in which the money can be justifiably spent in carrying out the needs presented by the Department's own report.

ORDER OF BUSINESS

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senator from Wisconsin [Mr. PROXMIRE] may speak for 3 minutes. I think that by that time the Senator from New York [Mr. JAVITS] will be in the Chamber to offer his amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

THE 1966 TAX INCREASES ALREADY COOLING OFF ECONOMY

Mr. PROXMIRE. Mr. President, our economy is gradually slowing down, contrary to the view of some persons who are still advocating that we need a tax increase designed to be an anti-inflationary measure.

Yesterday, I presented the most recent available data on our gross national product and the index of industrial production. This data indicates beyond doubt that such a slowdown is taking place.

A tax increase would accelerate this slowdown and possibly we would find ourselves in a position similar to the late 1950's with a recession on our hands and prices still going up.

Those who argue that a tax increase is needed seem to be unwilling to accept the fact that this slowdown is taking place. They also seem to forget that we have already had some substantial tax changes this year that have had a substantial dampening effect on the economy.

I am referring to the increase in social security taxes that went into effect the first of this year, and the accelerated collection of personal and corporate income taxes that went into effect in May.

The staff of the Joint Committee on Internal Revenue Taxation have estimated that an additional $1,645,000 was collected in social security tax payments during the first half of this year. The committee staff estimates also that $1,130,000 additional revenues was provided by the accelerated collection of the income taxes.

Together, then, these tax measures meant that $2.775 billion in added taxes were collected. This was a substantial amount and it undoubtedly has played a major role in cooling off the economy.

Those who want additional tax increases now should realize that the impact of these measures are just beginning to be felt.

The Tax Adjustment Act did not have its full effect in the first half. Only a small amount of the $1.1 billion came from excise taxes on automobiles, and the effect of telephone excise taxes has not been felt because of the normal lag in collections.

It is estimated that revenues due to the Tax Adjustment Act will rise to about $2 billion during the second half of calendar 1966; and to about $3 billion in the first half of calendar 1967.

Mr. President, the full impact of the fiscal restraints we have already provided is yet to be felt. I suggest that these restraints have already helped slow down the pace of the economy. We now have to be on guard that it is not slowed down too much.

One area that has really felt the pinch of monetary measures designed to curb our economic activity is the housing industry. It is one sector of the economy that has truly slowed down. As I said yesterday, it is time we began seriously to consider loosening the monetary restraints that have caused this situation—but to move cautiously and not precipitously.

I ask unanimous consent to have information from the Department of Commerce and the Survey of Current Business showing the plight of the housing industry, and a table on new housing starts, printed in the RECORD.

There being no objection, the information and table were ordered to be printed in the RECORD, as follows:

RESIDENTIAL CONSTRUCTION ACTIVITY

The increased stringency in credit conditions apparent this year has introduced considerable uncertainty into the outlook for homebuilding activity for the rest of 1966, despite the continued strong flow of consumer income. This uncertainty follows a period when housing starts in a number of large metropolitan areas were reduced to correct overbuilding, particularly of apartment houses and especially in the Southwest and along the West Coast.

OUTLAYS LEVEL OFF THIS SPRING

So far in 1966, current-dollar outlays for private nonfarm residential structures have fluctuated within the relatively narrow range evident since the spring of 1964. Outlays rose $1 billion in the first quarter of this year to a seasonally adjusted annual rate of $27.6 billion but appear to have leveled off this spring.

Construction costs have shown some signs of accelerating this year. In the first quarter, costs were some 4 percent above those a year earlier, as compared with increases of about 3 percent during the 2 previous years. Constant-dollar residential outlays, which make allowance for higher costs, also appeared to show a pickup in the first quarter and a leveling this spring. However, in contrast to the current-dollar expenditures, real outlays have been in a moderate downtrend over the past 2 years or so; private nonfarm starts rose to a seasonally adjusted annual rate of 1.55 million units in the fourth quarter of last year and fell back to a rate of 1.49 million in the first quarter. The first quarter rate was about the same as the rate for 1965 as a whole and some 10 percent below the first quarter 1964 peak. Starts have declined somewhat more than real expenditures because of the trend toward units of higher quality and cost.

Starts edged down from March to April and dropped sharply in May. Data on housing permits, which normally lead starts slightly, suggest a developing weakness in homebuilding since seasonally adjusted permits this April and May were some 9½ percent below the first quarter 1966 average.

REGIONAL PATTERNS DIFFER

Regional figures have shown diverse trends in housing starts over the past 2 years or so (chart 3). Through the end of 1965, starts rose in the two northern regions, decreased slightly in the South, and showed a sharp and prolonged decline in the West.

The overall strength of the economy, especially the durable goods manufacturing sector, was unquestionably important in sustaining housing activity in the heavily industrialized Northeast and North Central regions throughout 1965. In addition, these areas have witnessed considerable demolition of older dwelling units, especially urban apartment and tenement buildings, for which replacement structures have been erected. The easing of starts in the South reflected largely a drop in apartment construction in the major metropolitan areas of Texas, after very substantial increases—apparently in excess of demand—from 1960 to 1963. Overbuilding accompanied by high vacancy rates was also an acute problem in the West; the correction that began 2½ years ago has been severe and has brought starts below their 1960 level.

This spring, both starts and permits data have shown some departure from recent trends. According to permits data, which are somewhat less irregular than starts, homebuilding activity has fallen considerably in the northern regions and has edged down a little further in the West and in the South.

TABLE 1.—*Private housing units authorized by building permits, by region, based on 12,000 permit-issuing places*

[Thousands of units, seasonally adjusted at annual rates]

	U.S. total	Northeast	North Central	South	West
1963					
1st quarter	1,258	236	222	377	423
2d quarter	1,332	231	279	398	424
3d quarter	1,326	235	267	401	423
4th quarter	1,387	247	284	435	421
1964					
1st quarter	1,372	254	313	410	395
2d quarter	1,290	243	268	409	370
3d quarter	1,264	242	290	394	338
4th quarter	1,229	239	289	394	307
1965					
1st quarter	1,257	264	301	413	297
2d quarter	1,227	243	312	407	265
3d quarter	1,213	255	334	371	253
4th quarter	1,289	266	346	430	247
1966					
1st quarter	1,249	275	343	398	233
2d quarter [1]	1,130	222	285	396	228

[1] Based on average of April and May.

Source: U.S. Department of Commerce, Bureau of the Census.

HOUSING MIX FAIRLY STABLE SINCE MID-1964

From 1960 to about mid-1964, changes in multifamily housing construction accounted for most of the change in total private housing starts. Multifamily housing rose sharply until late 1963 and early 1964 and then experienced a brief but fairly substantial cutback because of rising vacancy rates. Since the middle of 1964, when constant-dollar housing activity started to show a decline, there has been relatively little change in the mix of single family and multifamily housing. Until very recently, single family starts fluctuated within a rather narrow range. Multifamily starts have been roughly stable at about 15 percent below their recent quarterly peaks but more than double their level of 1959–60.

Seasonally adjusted data on starts are not available by type of structure. To judge from seasonally adjusted permit statistics, both single family and multifamily units in the first quarter of 1966 were about the same as their 1965 quarterly averages. However, both declined this spring with the single family starts off sharply and the multifamily down only slightly.

SINGLE FAMILY HOUSING STARTS

Demographic factors are mainly responsible for the failure of single family housing starts to show any marked changes over the past 5 or 6 years. Although incomes have risen substantially over this period and mortgage funds, until recently at least, have generally been ample, the number of persons 25 to 44 years old—the most important homebuying age group—has been quite stable. Data published by the Census Bureau show that sales of single family housing erected by merchant builders have been steady at about 50,000 per month, seasonally adjusted, for more than 3 years (middle panel, chart 4). Sales showed a slight pickup in the fourth quarter of 1965 and a small dip in the first quarter of 1966.

The difficulties in accurately gaging demand have led to some mild cyclical movements in starts by merchant builders since 1960. For example, in 1963, starts increased moderately without a corresponding rise in sales; as a result, inventories of unsold new houses rose, reaching a peak around the middle of 1964. With sales about unchanged, a cutback in starts reduced unsold stocks from the second half of 1964 through the first quarter of this year. Judging by the limited experience of the Census Bureau survey, stocks of unsold homes have been quite low relative to sales since late last year, even though the first quarter 1966 ratio was slightly above the fourth quarter 1965 figure.

MULTIFAMILY HOUSING

The most remarkable aspect of the multifamily housing market is not that starts are down from their peaks of late 1963 and early 1964 but that they have held up so well. On an annual basis, multifamily starts in 1965 were only 8 percent below 1963, the recent annual high. There are several underlying reasons for the comparatively high rate of multifamily housing. Demographic factors are undoubtedly important: The number of very young household heads, who typically rent rather than buy, began to increase a few years ago and is expected to grow considerably over the next several years. Apartment house construction has been very strong in suburban areas, which have had large population growth and which up to a few years ago had shown relatively little construction of this type. Multifamily construction was comparatively low throughout the 1930's, 1940's, and 1950's, and the apartment house stock was in need of a major renewal. The many new conveniences introduced in modern apartment houses have undoubtedly attracted many families and individuals.

The decline in apartment house construction from the peaks reached more than 2 years ago was dampened because cutbacks in response to increased vacancies did not occur simultaneously in all regions. While starts were being reduced in some areas, they were still rising in others, and in some areas that completed their adjustment to overbuilding relatively early, starts began to increase once again.

According to Census data, the national vacancy rate for rental units—which include a substantial proportion of single family houses for rent—was slightly lower in the first quarter of 1966 than in the corresponding 1965 period. For both years, vacancy rates were above those prevailing in early 1963 and 1964.

A more detailed view of the apartment house situation is provided by the annual FHA vacancy survey of FHA rental projects. On a national basis, the 1965 data show a small rise in the vacancy rate over early 1964, which showed a rather sharp increase over early 1963. Among the largest metropolitan areas, changes in vacancy rates from 1964 to 1965 were mixed outside of the Southwest and the West Coast, where rates were uniformly higher and at very high levels. The 1966 results are not yet available. Apartment construction has been sharply curtailed in those metropolitan areas with unusually high vacancy rates. Last year, for example, permits for apartment units declined almost 35 percent in San Francisco, about 40 percent in Houston, Dallas, and San Diego, and 50 percent in Los Angeles.

MORTAGE MARKETS TIGHT

This spring, homebuilders and home buyers have been faced with the most unfavorable credit market conditions since 1959. Even though there has been a substantial rise in yields available on home mortgage investments, rates on other types of debt instruments have risen even faster, and mortgage investments have become relatively less attractive. In previous postwar years, such a development has been associated with a reduction in funds available for construction and a cutback in homebuilding.

Until late 1965, mortgage funds were generally in ample supply and mortgage yields had shown a slight downdrift since the start of the economic expansion. At present, however, conventional mortgage rates on new houses are close to 6¼ percent, as compared with approximately 5¾ percent last fall. The maximum rates permissible on FHA-insured and VA-guaranteed home mortgages have been boosted twice this year. In early April, these rates were raised ¼ of a percent to 5¾ percent, after a ¼-percent increase earlier in 1966. In secondary market trading, yields on FHA mortgages have risen to about 6⅜ percent, after staying under 5½ percent from early 1963 through late 1965.

TABLE 2.—*Vacancy rates for FHA apartments, selected areas, March 31*

	1961	1962	1963	1964	1965
U.S. total	5.4	5.5	5.1	6.3	6.5
Northeast:					
New York	2.0	2.6	2.6	6.0	4.8
Philadelphia	6.3	7.3	7.8	7.3	9.2
Boston	1.2	2.4	3.3	5.4	5.4
Buffalo	5.2	5.7	4.0	3.3	2.4
Newark	1.2	3.0	3.7	4.2	4.7
North Central:					
Chicago	1.3	3.3	2.4	5.5	2.0
Detroit	7.7	12.3	4.2	6.2	3.7
Pittsburgh	5.8	6.6	8.3	4.7	5.9
St. Louis	17.1	13.0	9.7	8.3	7.9
Cleveland	5.4	8.7	7.8	7.5	5.8
South:					
Washington	1.8	1.5	1.6	2.9	2.8
Baltimore	2.3	4.9	4.8	3.0	4.6
Houston	18.6	12.7	10.2	15.7	15.4
Dallas	9.9	7.6	7.9	13.3	25.1
Atlanta	8.3	7.3	6.4	4.5	5.4
West:					
Los Angles	5.3	4.9	4.8	8.0	10.9
San Francisco	6.1	4.0	4.1	5.8	8.9
Seattle	11.2	6.9	6.9	11.7	12.3
San Diego	17.1	4.8	16.7	14.6	16.1
Denver	3.2	5.5	11.6	6.3	10.6

Source: Federal Housing Administration.

New housing units started by ownership, and seasonally adjusted annual rates of private starts, June 1965, and April, May, and June, 1966

[In thousands of housing units]

Period	Total (including farm)			Nonfarm		
	Total private and public	Private	Seasonally adjusted annual rate, private only	Total private and public	Private	Seasonally adjusted annual rate, private only
1965—June	162.3	155.5	1,566	159.7	152.8	1,539
1966—April	149.2	147.1	1.502	146.9	144.8	1,481
May [1]	137.1	133.2	1,295	133.8	129.9	1,264
June [1]	130.9	127.7	1,288	128.5	125.3	1,264

[1] Preliminary.

SCHOOL MILK PROGRAM SHOT IN ARM TO FARM SECTOR OF OUR ECONOMY

Mr. PROXMIRE. Mr. President, yesterday, I had colloquy on this floor with my distinguished colleague from New York [Mr. JAVITS], on the need for a tax increase. I pointed to a number of facts indicating that not only was a tax increase unnecessary at the present time but also that unemployment was up significantly.

This unemployment increase, together with the slowdown in the rate of growth of our gross national product, makes it ever more important for the administration to reverse the present heavy outflux of dairy farmers from the farm into other sectors of our economy. What a pity it is to force these efficient producers off the farm because of inadequate dairy prices only to find that after a few months of work they had to join the ranks of the unemployed. After all, without seniority, these last hired would be the first fired.

The administration has taken some new steps to improve the dairy income picture. They have increased dairy price supports to $4. They have decided to support the school milk program in its present form.

It is now up to Congress to act to reaffirm these administration decisions. For example, both House and Senate should take early action on the McGovern proposal to keep milk support prices at $4 per hundredweight through March 31, 1970. In addition, the House of Representatives should act quickly to approve the Ellender child nutrition bill, which extends the school milk program for 4 years. Finally, House-Senate conferees on the agriculture appropriations bill should meet quickly to approve the expenditure of $105 million on the school milk program in fiscal 1967.

The school milk program's impact on dairy farm income cannot be minimized. Fully 2.5 percent of the Nation's yearly milk production is used in the school milk program. By keeping the program strong, Congress can give dairy farm income a real shot in the arm and, as a consequence, alleviate low farm income. This will keep many dairy farmers from swelling the ranks of the unemployed.

STRATTON COMMITTEE TO SAVE WEST FRONT OF CAPITOL

Mr. PROXMIRE. Mr. President, last month, Representative STRATTON announced the formation of the Committee of One Million To Save the U.S. Capitol. That is, to save the Capitol from the $34 million extravaganza proposed by the Architect of the Capitol.

Representative STRATTON invited Members of the Senate to join the committee as cochairmen. Several Senators, including myself, have accepted.

I am happy today to announce that the distinguished Senator from Maryland [Mr. BREWSTER] also has joined the committee.

As the Senator from Maryland said:

> I feel strongly that Congressmen and Senators have a duty to assume the leadership of a massive grassroots drive to stop the Commission for the Extension of the U.S. Capitol from presenting the nation with a costly and esthetically disastrous fait accompli that will be resented for years to come.

I heartily endorse his views and welcome him as a cochairman of the Committee of One Million To Save the U.S. Capitol.

I also ask unanimous consent to have printed in the RECORD two excellent newspaper editorials dealing with the west front of the Capitol. One, from the Milwaukee Journal, points out that the Capitol is "a symbol of our Government" that has never been damaged except by the British and the Architect of the Capitol. The other, from the Washington Post, notes:

> No proponent of this costly and wasteful project has put forward a good reason why a Government beset by budgetary crisis must undertake at this juncture an unneeded, unwanted, unnecessary and unwise remodeling of the Capitol.

There being no objection, the editorials were ordered to be printed in the RECORD, as follows:

[From the Milwaukee (Wis.) Journal]

BACKFIRE ON CAPITOL CHANGE

The plans of J. George Stewart to do more harm to the United States capitol have stirred so much opposition that they may be thwarted. However, Stewart—the capitol architect, who is a former congressman and not an architect at all—has succeeded before in flying in the face of strong opposition from outraged experts on architectural art and style.

In Europe, old buildings are kept in repair but they are not ruined by tacking on modern facings and changing their whole character. If the historic stone walls of the capitol's west front are crumbling, they should be fixed. But there is no need to extend the whole building 44 feet straight across its face and replace sandstone with marble.

The capitol is a symbol of our government. George Washington laid the cornerstone. Abraham Lincoln insisted on going ahead with its construction during the Civil war as symbolic of the nation's faith in its future. Only the British—in 1812—and Stewart have ever done it damage. The British tried to burn it. Stewart is trying to encase it in marble and redo its whole design.

His plan—unfortunately backed by such powerful politicians and artistic geniuses as Speaker McCORMACK and Senate Minority Leader DIRKSEN—has stirred anger in congress, among architects, among patriots, to whom the capitol is precious. Perhaps this time Stewart can be stopped. If the congress needs more meeting and office space, let it build another office building—but, even then, don't let Stewart do it.

[From the Washington (D.C.) Post]

West Front Opposition

The Council of the Institute of Early American History and Culture has written a letter to Speaker John W. McCormack urging reconsideration of the plan to destroy the West front of the Capitol. They correctly assert that the proposed extension will "result in the destruction of all the original external architectural details which make the Capitol one of the country's historic landmarks."

The Council, membership of which includes some of the foremost historical scholars in America, acknowledges that the Capitol is not a museum but a working forum, but they describe it as a "three dimensional lesson in the history of our country."

While the scholars were appealing to the Speaker, Senator Ribicoff appealed for an examination of the office of the Architect of the Capitol and a delay in construction until that can be completed. He rightly said the matter is deserving of the consideration of the President.

The overwelming majority of American architects and scholars and a substantial number of Senators and House members oppose the destruction of the West front. No proponent of this costly and wasteful project has put forward a good reason why a Government beset by budgetary crisis must undertake at this juncture an unneeded, unwanted, unnecessary and unwise re-modeling of the Capitol.

FOREIGN ECONOMIC ASSISTANCE, 1966

The Senate resumed the consideration of the bill (S. 3584) to amend further the Foreign Assistance Act of 1961, as amended, and for other purposes.

AMENDMENT NO. 681

Mr. McGOVERN. Mr. President, I have an amendment to the foreign aid bill at the desk and ask that it be reported.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk read the amendment, as follows:

> And at the end of the bill the following new section:
>
> "Sec. 203. Notwithstanding any other provisions of this Act, the authorizations in this Act shall be adjusted on a proportional basis so the total shall be no less than 10 per centum of the total funds authorized to be appropriated for United States operations in Vietnam during fiscal year 1967."

Mr. McGOVERN. Mr. President, the pending foreign assistance bill as reported by the Senate Committee on Foreign Relations authorized a total of $2,351,762,000 for the worldwide assistance efforts of the United States. Since this bill was sent to the floor, very large reductions have been made in the amount suggested by the Senate Committee after it completed its reductions on the administration request.

Mr. President, the United Nations has recently recommended that all developed countries devote no less than 1 percent of their gross national product for the assistance of the developing world. A similar recommendation was made last summer by the White House Conference on International Cooperation. Realistic but tough-minded American bankers and experts on international development have arrived at a similar figure.

The bill now before us represents less than one-third of 1 percent of our gross national product. As the Senator from Pennsylvania [Mr. Clark] pointed out in his individual views, the United States was devoting nearly 2 percent of our gross national product to foreign economic assistance 15 years ago under the Marshall plan. That investment has come back to us many times over in the increased purchasing power of Europe and Japan, to say nothing of the increased political stability of the countries we assisted so generously.

Yet, the needs of Asia, Africa, Latin America and the Middle East are vastly more acute and urgent than the needs of postwar Europe and Japan. How can we justify in terms of our own self-interest or on grounds of broad humanitarian and political considerations the very meager approach proposed in the bill before us as reduced by various amendments offered from the floor?

Mr. President, let me say at this point that I approve of some of the emphasis in the Senate committee actions—the Senate committee report—particularly the separation of military and economic aid and the recommendation for more multilateral programs. I think that is the rationalization under which some of the members of the committee who have been strong supporters of economic and technical aid have felt it would be useful at this point to curtail our program and perhaps take another look at it next year.

While understanding that point of view, I think we have also gotten the impression from some of the discussion on the Senate floor that the basic strain on our resources is the foreign aid program, which simply is not true.

We are spending approximately $2 billion a month on our involvement in Vietnam. There is some difficulty in trying to find out what the cost of our Vietnam activities is. As near as I can judge, based on discussions with members of the Armed Services Committee and with other senior Members of the Senate, it would be perfectly right to assume that our involvement in Vietnam is costing us close to $2 billion every 30 days, which amounts to about $25 billion a year.

Mr. President, we are now spending approximately $2 billion a month on our involvement in Vietnam. As one of those who has seriously questioned the wisdom of this deepening involvement, I nevertheless do not believe that our expenditures there should be used as an excuse to reduce our investments in all the rest of the world.

The purpose of my amendment is to hold our foreign assistance programs for the world as a whole to no less than 10 percent of what we will expend on our Vietnam venture during fiscal year 1967. It would seem to me that our interest and our responsibility in the entire world ought to be considered at least 10 percent as important as our interest in South Vietnam.

Mr. President, before we further weaken our aid to the developing world, let us consider that the wealthiest nation on the face of this earth cannot live at peace in a sea of poverty. It makes no sense on either economic or moral grounds for us to devote $25 billion annually trying to put out a fire in Vietnam when we are unwilling to expend even 10 percent of that amount in the rest of the world to prevent other more dangerous fires from breaking out, fires of the same kind arising from misery and poverty in underdeveloped areas.

Let us consider, too, that 88 percent of the funds expended under the proposed bill will be spent here in the United States to stimulate American industry and agriculture and to provide jobs for Americans. Let us consider that as nations raise their standards of life, they become commercial purchasers of American products. For example, Japan, which was assisted by American food and capital in the postwar period, has now become our best cash customer, purchasing a billion dollars a year of American agricultural produce alone.

Foreign aid is not a giveaway; it is a sound economic, political, and moral investment that the United States can ill afford to neglect.

For those reasons, I offer this amendment.

I ask unanimous consent to have printed at this point in the Record an editorial entitled, "Leadership on Aid," published in yesterday's Washington Post.

There being no objection, the editorial was ordered to be printed in the Record, as follows:

[From the Washington (D.C.) Post, July 20, 1966]

Leadership on Aid

World Bank President George Woods deserves wholehearted and unequivocal support from the United States in his effort to step up the flow of soft loans to developing countries. The proposal Woods is scheduled to present today to the Development Advisory Committee would mean a quadrupling of contributions by the United States and other member countries of the Bank's soft-loan affiliate, the International Development Association. But this would still entail an outlay of only $400 million by the United States as part of a projected overall I.D.A. pool of $1 billion per year. A soft loan program on this scale can hardly be considered over-ambitious against the background of an official Bank estimate that the developing countries could absorb $3 to $4 billion per year more in external capital than they are now receiving. This is especially so at a time when economists are talking of a trillion-dollar U.S. Gross National Product by 1976.

Woods has acted decisively during his three years as president to bring Bank repayment terms into line with the facts of life in the developing countries. Many of the original loans made by the Bank (and the United States) during the Fifties carried short-term repayment provisions which bore no relation to the inherently long-term nature of the development process. The result has been a pileup of debt obligations in the Sixties coinciding with what was a predictable new cycle of aid requests from still-poor countries. As an immediate palliative, the aid-givers have been driven to the anomalous recourse of allocating new aid to cover repayments on old debts and in some cases, to stretching out the terms of existing loans. Now the Bank is seeking to give new emphasis to the I.D.A. as a major channel for its aid in an effort to meet the repayment problem head-on. In contrast to the Bank itself, which normally charges 5.5 per cent interest and now expects repayment in 20 or, at most, 35 years, the I.D.A. makes loans for 50 years and imposes only a .75 per cent service charge.

The need for increased American backing to I.D.A. in no way alters the importance of a continuing and indeed enlarged bilateral U.S. economic aid program. It is extremely unfortunate that Senator FULBRIGHT has tended to link his support for increased multilateral aid with opposition to any long-term authorization for U.S. aid. Senator FULBRIGHT and some of his colleagues have permitted their anxieties about military aid in some countries to blind them to the very great value of a firm U.S. economic aid commitment in others.

In opposing the long-term aid authorization approved by the House, FULBRIGHT originally pointed to Secretary Rusk's Las Vegas speech and other statements tracing the origins of American involvement in Vietnam partly to our long aid commitment there. Happily, however, Rusk has now all but swallowed his words, stating in a letter to Majority Leader MANSFIELD that "our aid program neither implies nor prohibits a commitment to use our armed forces in cooperation with the self-defense efforts of a foreign country."

Mr. LAUSCHE. Mr. President, will the Senator yield for a question?

Mr. McGOVERN. I yield.

Mr. LAUSCHE. In substance and briefly, the amendment would increase proportionately each of the allocations in an amount equal to 10 percent of what this country will spend in fiscal 1967 in fighting the war in Vietnam. Is that correct?

Mr. McGOVERN. That is correct. As I said earlier, it is a little difficult to know exactly what that figure is. Members of the Armed Services Committee and other senior members of the committees concerned with this question have estimated that we are spending $2 billion a month. In a rather carefully, well-done article in a recent Fortune magazine article, the cost on a yearly basis was calculated at $21 billion. So we are fixing the figure at from $2,100 million a year to approximately $2,400 million a year, which is about the figure the committee recommended.

The impact of this amendment, as the Senator has said, would be to hold the authorizations in the present bill, on a proportional basis, at not less than 10 percent of that figure, which would be approximately $2 billion a year.

Mr. LAUSCHE. If the Senator's amendment were adopted, the foreign assistance bill would provide moneys amounting to not less than 10 percent of what we are spending in the war in Vietnam. Is that correct?

Mr. McGOVERN. That is correct.

SAVING OUR FISHING FLEET

Mr. KUCHEL. Mr. President, the vessels of the American tuna fleet based in my home State of California continue to be harassed by naval vessels of South American nations claiming territorial zones far beyond the limits of reasonable international comity. Two recent incidents, one in May 1966, and one in December 1965, involved naval vessels of Peru, which claims as national waters a zone stretching 200 miles from its coastline. Protection of American tuna vessels in these waters of the open ocean is a matter of continued and recurring concern to all Americans.

The Senate has now before it the foreign assistance program. In the last session I was joined by a number of my fellow Senators, Republican and Democrat alike, in offering an amendment to provide that no aid would be extended to any country which imposes penalties on United States fishing vessels in regions beyond the equivalent of the territorial limits of the United States. Although this proposal was overwhelmingly supported in the Senate, it did not, I regret to say, find similar support in the House of Representatives. The House-Senate conferees weakened the Senate position by permitting the President to have discretion in this matter. My amendment was an unequivocating mandate. The intent of the Congress is nevertheless clear that no aid should be provided to countries which interfere with American fisheries on the high seas.

President Belaunde of Peru recently told the Los Angeles Herald-Examiner that his country's 200-mile limit has been a great rallying cause for many Peruvian political parties because it establishes a national identity, "It tells the world 'We amount to something.' "

Mr. President, it is clear that only the most severe measures, perhaps nothing short of armed force, would effect a revision of the territorial boundaries of these proud Latin American nations. Such measures are clearly too drastic for the United States, in the 20th century, though a few generations ago I have no doubt that force would have been applied.

Even as these seizures of American vessels have taken place, use of the open seas has been changing radically to the disadvantage of our traditional American fishing activities. We all agree that we must protect American fishermen against interference by foreign naval vessels on the high seas. But, now as we see Soviet factory fleets off our own shores, ravaging the spawning beds just beyond the 3-mile limits of our own coast, as other nations in Latin America join the minority claiming greater territorial limits, we are witnessing an international grab for the resources of the sea. The expanding population on this ever smaller globe is pressing to its last frontier, the high seas.

Protection of the American tuna fleet is no longer solely a matter of the protection of the vessels and their crews, but of maintaining a resource vital to the food supply and to the nutrition of our Nation.

Since the incident of May 23 of this year, I had been in active consultation with the Department of State to find a formula for a long-term solution of this recurring crisis.

There is an anomaly in international law permitting any nation, if it so decrees and determines, to claim as much of its territorial sea as it is able to protect, and to receive appropriate recognition for. I believe it is the consensus of the Senate that the United States would not claim territorial limits which would unreasonably encroach on the rules of the road or upon traditional international fishing grounds. In the time of President Eisenhower, the delegates to an international conference of the Law of the Sea in 1960 came within one vote of adopting an international agreement limiting territorial waters of each nation for fishing purposes to 12 miles from the coast. That was a pretty gloomy rollcall for maritime nations.

Some of the prominent fishing nations of the world are now seeking to mark out their dominance in the fisheries of the international seas, much in the same way that in the last century the imperialist nations carved up Africa. In this scramble America must provide leadership with firmness. She will not be greedy, but she will protect her own.

In consultation with the Department of State, I have proposed a four point program to insure the protection and preservation of our fishing activities off Latin America. I stated, earlier this year, it is essential that we establish a system of licensing whereby our fishermen may peacefully enter and fish in the waters off Latin America. No intergovernmental arrangement is possible which would recognize the egregious limits of Peru, Ecuador, and Chile.

Moreover, we cannot, by way of attempted retaliation, run our own jurisdictional claims hundreds of miles out into the sea, nor is it feasible to provide constant United States naval convoy protection for our American fishing vessels. Where we cannot provide physical security for them, we must at least give them the opportunity to protect themselves. The following proposals should be a first step toward achieving these goals:

First. I intend to introduce shortly a piece of legislation proposing a revision of the Fishermen's Protection Act, to provide for reimbursement of registration fees and a portion of the cost of fishing licenses which U.S. fishermen are compelled to purchase in order to harvest their historic fisheries. The U.S. Government should not only pay fishermen the cost of fines, as the law now provides, and of other losses involved in seizure by foreign vessels in international waters; it should pay also—as proposed by my distinguished fellow Senators from the Pacific Coast, the Senator from Washington [Mr. MAGNUSON] and the Senator from Alaska [Mr. BARTLETT]—it should compensate them for at least half of the cost of the licensing fees under an equitable formula to be worked out with the industry. It is in the national interest to support a continuation of the activities at full capacity of the fishing industry, whose production is valued at an annual rate of $250 million.

I observe that this year Japan, one of the most active fishing nations in the world, paid over $7 million to compensate for fishing rights in Korean waters. The cost of the measure I propose should not run to more than $500,000 to $1 million at present rates of licensing charged by all nations on the West Coast of Latin America likely to be concerned.

Second. The Department of State has accepted the task of facilitating licensing procedures so that our vessels, crossing from the zone of one nation into another, can conveniently purchase licenses without time wasted in bureaucratic procedures and without touching shore. It is vital that the fishing fleet be able to continue without interruption its pursuit of schools of fish as they cross artificial international boundaries in the seas and oceans.

Third. The Department of State has agreed to the establishment of a consular office in Talava, Peru, to improve its services to our fishermen in Latin America. The Department will also seek to improve licensing arrangements available to our fishermen in San Diego and other cities where our fishing interests have ready access. The Department is also considering means of implementing my suggestion of a permanent regional fishing attaché in Latin America.

Fourth. Recognizing that we must agree to disagree on the limits of our international fishing boundaries, the U.S. and Latin American nations must also recognize that we have broad mutual interests in the defense and development of this hemisphere. The Department of State has agreed to continue consultations toward resolution of these multifaceted problems through negotiations and discussion.

I call upon the fishing industry and upon my colleagues in the Senate to recognize the urgency of maintaining the American-flag fishing fleet in international waters. This problem becomes more urgent every day.

Mr. President, I ask unanimous consent to have printed in the RECORD at this point a letter addressed to me, dated July 15, 1966, from the Department of State, signed by Robert M. Sayre, Acting Assistant Secretary of State for Inter-American Affairs, and a letter addressed to me under date of yesterday, July 20, 1966, signed by August Felando, the general manager of the American Tunaboat Association.

There being no objection, the letters were ordered to be printed in the RECORD, as follows:

DEPARTMENT OF STATE,
Washington, July 15, 1966.

Hon. THOMAS H. KUCHEL,
U.S. Senate.

DEAR SENATOR KUCHEL: Prior to his departure for Central America, Lincoln Gordon asked me to report to you on the status of our efforts both in Washington and overseas to aid our American tuna fishing industry. In this connection your suggestions have been most helpful and we will make every effort to implement them.

While the United States has traditionally recognized a three-mile limit for both territorial seas and for exclusive fisheries jurisdiction, certain other nations follow different rules. The situation has given rise to numerous difficulties where the varying points of view come into conflict and has made the defense of the right of our fishermen to operate on the high seas a difficult problem. Perhaps the most extreme case is off the west coast of Latin America where certain nations claim a fisheries jurisdiction extending 200 miles from their coasts. Under present circumstances there does not appear to be an effective remedy under international law. Either we must accept such claims, attempt to impose our views, or find a negotiated position which does not prejudice either party's claim but results in a workable arrangement. As the first position is not acceptable and the second not practical, we have been attempting to find some mutually acceptable solution through negotiation. We have, in addition, investigated means of improving the lot of our American fishermen while these international questions remain unresolved.

Recognizing the difficulties that these conflicting claims present to the American fishing industry, the Congress enacted legislation which provides compensation for certain fines levied against our fishermen when they are apprehended on what we consider to be the high seas. As discussed with you, the Administration is presently considering the need for broadening the benefits now available under the provisions of this Act. These amendments could include such things as reimbursement for registration fees and fishing licenses which U.S. fishermen are compelled to purchase in return for operating on what we consider to be the high seas.

As you have pointed out, in those situations where U.S. fishermen intend to fish in waters off a Latin American country and are willing to buy licenses, the procedure should be as uncomplicated and convenient as possible. In this regard, Chile, Peru, Ecuador and other relevant Latin American countries have established consular representation in San Diego and in other cities to which our fishing interests have ready access. Certain countries permit licensing by radio when the plans of a captain change and it appears he will wish to fish in the waters off the indicated country. As you have suggested, we will explore the possibility of obtaining this facility from other countries as well. In this area, we are encouraging discussions between representatives of the fishing industry and the foreign consulates to broaden the services which are made available.

We will continue to attempt to avoid confrontations between U.S. fishermen and foreign governments and will continue to improve and broaden the services available to American fishermen when they are apprehended on the high seas and taken to foreign ports. In Ecuador, for example, our Consulate General in Guayaquil provides the necessary consular services in the port of Salinas (the port where our vessels have on occasion been taken), and attempts to provide these services within two hours or so of notification that a boat has been apprehended. This has even on occasion meant that a representative of the Consulate General has been able to be waiting on the dock when the vessel arrived in port. In Peru the principal ports where our vessels have been taken after seizure are in the northern part of the country at some distance from the capital at Lima, and our Ambassador has used the Air Attaché plane to fly a team to the site to provide assistance. This has resulted in the prompt handling of the cases of our tuna vessels and their subsequent release. We have, of course, vigorously protested these incidents to the respective host governments when such have occurred and will continue to do so as required. We will also investigate your suggestion that we find a means of establishing a consular office at Talara.

In the more difficult area of reaching an understanding with the governments concerned, our Embassies are currently engaged in an effort to explore areas of possible agreement regarding fisheries which would not prejudice the legal position of either party. We will continue to discuss these problems with you and the fishing industry, and are hopeful that we will thereby obtain further suggestions that can be helpful in these negotiations. If these proposals are mutually acceptable, we will attempt to obtain their approval by the affected governments.

In our active search for a solution to these problems the Department of State plans in the immediate future to assign a regional fisheries attaché, highly skilled in fisheries problems, to a post in South America where he will be able to serve the entire area.

I hope that the ends of the American fishing industry will be best served through the services described above and through continuing negotiations. I look forward to further cooperation with you and representatives of the American tuna fishing industry.

Sincerely yours,

ROBERT M. SAYRE,
Acting Assistant Secretary for Inter-American Affairs.

JULY 20, 1966.

Hon. THOMAS H. KUCHEL,
U.S. Senate,
Washington, D.C.

DEAR SENATOR: The program you have outlined as an approach to the solution of our longstanding problem with Latin American nations in continuing our traditional tuna fisheries in that area has the support of the American Tunaboat Association. I would particularly like to commend your constructive and positive proposal to defray the costs incurred by our fishermen to harvest tuna in areas which have been recognized as traditional fishing grounds for the United States fleet, and which in many places the United States recognizes as international waters.

As you well know, the tuna industry in the United States originated in Southern California in 1903. Since that time Southern California fishermen have developed fisheries from the coast of California to Chile. These fisheries now produce approximately 190,000 tons, or over 400,000,000 cans of tuna, per year, for the consumption of the people of the United States.

Since 1950 American tuna fishermen have provided the benefits of their knowledge, including many of their trade secrets, to the Inter-American Tropical Tuna Commission, so that the Commission may appropriately investigate the fisheries, carry out its conservation activities, and provide a basis for regulation of this fishing for the benefit of the nations of the Pacific Basin.

We recognize this fishery, not as the preserve of one nation, but as the common resource of all.

Sincerely yours,

AUGUST FELANDO,
General Manager,
American Tunaboat Association.

Mr. McGOVERN. Mr. President, there was a previous understanding that the senior Senator from New York [Mr. JAVITS] would call up an amendment in which he is interested at this time.

So under the circumstances, I ask unanimous consent that I be permitted to withdraw my amendment.

The PRESIDING OFFICER. The Senator has that right. The amendment is withdrawn.

Mr. JAVITS. Mr. President, I send to the desk an amendment, and ask that it be stated.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk read as follows:

On page 20, between lines 3 and 4, insert a new subsection as follows:

"(g) Section 620, which relates to prohibitions against furnishing assistance, is amended by adding at the end thereof the following new subsection:

" '(p) No assistance shall be furnished under this Act to any member state of the Organization of American States the government of which came into power by the unconstitutional overthrow of a freely elected, constitutional, democratic government which had been acting in accordance with its constitutional mandate, if, in consultation with the members of the Organization of American States, in accordance with applicable resolutions and agreements of the Organization of American States, the President finds that such government does not intend to take appropriate steps, within a reasonable time, for the restoration of constitutional government, the holding of free elections, and the application of human and civil rights and liberties, until (1) the President is satisfied that such government intends to take such appropriate steps or (2) the President has determined that the furnishing of such assistance is essential to the national interest of the United States, and reports such determination and his reasons therefor to the Senate Committee on Foreign Relations and to the Speaker of the House within 30 days accordingly.' "

Mr. JAVITS. Mr. President, I announce for the information of the Senate that the amendment I have called up is a mimeographed amendment. I call this especially to the attention of the Senator from Oregon [Mr. MORSE], because there is a material difference between the mimeographed amendment and the printed amendment which I originally intended to propose.

That material difference lies in the use, in the third line of the section which I propose to insert—that is, section (p)—of the word "came," in the mimeographed form, as a substitute for the words "comes into" in the printed document.

That makes a great difference. It is my desire to have included within the purview of this amendment the de facto regime in Argentina. By the use of the word "came," it is likely included. On the other hand, the use of the words "comes into" cloud also mean this, if the author of the amendment said it was the intention to deal with current de facto regimes, and of course Argentina is the current one.

I have been unable to come to an agreement with the Department of State on that interpretation. Therefore, to end any question as to what I meant, I had to change the words "comes into" to the word "came."

I shall make that explanation again when more Senators are present, but I wanted to make it clear that the amendment I have offered is the mimeographed amendment and not the printed amendment.

Mr. President, I suggest the absence of a quorum.

The **PRESIDING OFFICER.** The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. FULBRIGHT. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The **PRESIDING OFFICER.** Without objection, it is so ordered.

Mr. JAVITS. Mr. President, I should like to give this amendment the degree of weight and responsibility and seriousness which it deserves.

It represents a very real and a very pressing problem for us in a part of the world which, without denegating the importance of other parts of the world, is, in terms of the long-term future of the United States, the most important. Solidarity of the Western Hemisphere is the most important element or should be.

This is said, as I say, without in any way deprecating or depreciating the critical importance of anything else we do anywhere in the world.

The real problem facing us is what to do with nonconstitutional regimes, military regimes in the main, which take over generally by force, even though it may be bloodless, from constitutional governments in this hemisphere. I emphasize that the amendment relates to this hemisphere.

Mr. President, let us first be very clear as to what the amendment would do. The amendment does not deal with recognition. That is not our congressional prerogative. The amendment deals only with assistance, which is something on which we legislate.

The amendment deals with assistance to any member of the Organization of American States. That confines the amendment to 19 countries in the Western Hemisphere, excluding Canada.

The amendment relates only to governments which have come into power, so-called de facto governments, by the unconstitutional overthrow of freely elected and constitutional, democratic governments which have been acting in accordance with their constitutional mandates. The amendment would apply to that kind of a de facto regime.

To me, and this is the most critical aspect of the amendment, it would require consultation with the members of the Organization of American States in accordance with the applicable resolutions and agreements of the members of the Organization of American States.

This is the first time that an effort is being made to introduce into the motivating action of the United States the result of consultations with other American countries.

This would come about through a resolution adopted at the November 1965 meeting in Buenos Aires of the Second Special Inter-American Conference. It is Resolution No. 26. I shall describe it later. It is of critical importance to me in respect of this amendment because it is a recognition of the impact upon our policy of collective consultation with other American countries.

If my amendment is agreed to, we would stop foreign assistance—military, economic, technical, or any kind of assistance—to such a government after the consultation to which I have referred, if the President were to find that such a de facto government does not intend to take appropriate steps within a reasonable time for the restoration of constitutional government and the holding of free elections and the application of civil rights and liberties.

This is in accordance with the resolution of the Organization of American States, to which I refer. That is the exact term of that resolution.

This denial of aid is to obtain until the President is satisfied that such a government does intend to hold free elections and to apply human and civil rights and liberties, or until the President determines that the furnishing of such assistance is essential to the national interest of the United States, and he reports such determination and his reasons therefor to the Committee on Foreign Relations and to the Speaker of the House within 30 days.

These are the essential components of the resolution. It requires a cutoff of aid, both military and economic, after consultation with the members of the Organization of American States, if the President finds that the de facto government does not intend to have free elections or to extend human and civil rights and liberties. The resolution provides for the cutting off of aid until such time as the President advises Congress that he is satisfied that the government intends to take those steps or that, notwithstanding the fact that it does not intend to take such steps, it is still essential to the national interest of the United States to give such aid.

For practical purposes, this puts the President to his proof, and serves notice that we do not favor military takeovers, and that, as a necessary concomitant of recognition, which is within the power of the Executive, aid will not follow.

This is a matter peculiarly within the competence of Congress to say, because this is the one organ of a democratic government or a representative government which is immediately eliminated in the event of such a takeover. The first thing that goes is the legislative arm of government. So I believe that we in Congress have a right to show a special solicitude for the legislative arm of government, as an organ of the freedom of the people, by this kind of amendment emanating from us, at the very least—really, we are proceeding on the basis of "at the very least"—putting the President to his proof.

The first question that comes to mind, naturally, is, Who would be affected by the proposed amendment? What countries would be affected? Our researches and our checking with the Department of State would lead us to believe that only Argentina, which has very recently been the subject of a military takeover, would be affected.

Other military regimes are in existence in Latin America. For example, Paraguay is one, but Paraguay is approaching an election; so the President could certify a continuance of aid to that country, fully within the terms of the proposed amendment.

Bolivia has a military government, but, again, elections are scheduled for July 3; and Bolivia, too, under the proposed amendment, could qualify on certification by the President.

The same is true of Brazil, the largest country in Latin America, which also has a regime which came into power with military support. There, too, the President could certify qualification, because elections are scheduled to take place in

October and November of this year for various elements of the government.

Haiti presents a different situation, although they have a government, under their version of a constitution and processes of law, which we thoroughly disapprove of, because the President holds office for life, by a resolution of the legislative arm of the country. But I do not believe that that kind of fuzzy situation could come within the terms of the proposed amendment and bring Haiti within the terms of the amendment, which deals with unconstitutional overthrow of a freely elected and constituted democratic government. That would not fit the case of Haiti.

So when the matter is boiled down in the way I have described, the one country which would come under this amendment—except by virtue of the President's determination that aid should be continued—would be Argentina.

A good deal of opinion has been pressed upon me that the language of the original printed amendment proposed, which was prospective entirely, unless differently construed, should be the way in which I ought to present the amendment, because it would exclude Argentina, and that as we had already recognized Argentina by action of the President, there ought to be a free hand on the part of the President in respect of Argentina.

I am not opinionated on this subject, but I believe it fair to disclose to the Senate why I took the other course and made it retrospective in operation.

I first suggested, I might say parenthetically, that I would be willing, as the author of the amendment, to state that the words which were prospective would nonetheless include Argentina, because it was a contemporary takeover. But as the administration demurred to that interpretation, I naturally could not make it, because I could not do it unilaterally. Therefore, I went the whole way and adopted the retrospective word "came."

I did so in order to submit the case to the Senate in its full strength, which I believed was the only fair thing to—especially with the Argentinian situation facing us currently—to present to the Senate, in the first instance, at the very least, the situation with Argentina included.

Ample parliamentary means are available by which to confine the proposed amendment to its prospective operation, if I feel that that is the prevailing opinion in the Senate, in which respect I say it would still be an effective and an important amendment, but not so effective and not so important as if it did include Argentina. Then we could manage, within parliamentary means, to bring it in line with that view, if it represented some general view of the Senate.

However, in the first instance, I felt that I wished to present the matter in its pristine form to the Senate, facing the Senate directly with a decision as to whether the Argentine military regime should be included in this declaration of policy.

Mr. President, the desire on the part of the administration that this be prospective only and the reason it seeks to give itself an absolutely free hand with Argentina are understandable. Naturally, the Executive always desires to retain as much initiative in foreign policy as possible. This I understand. But I point out that my reason, on the other hand, was the unique custodianship which I feel a legislative body has in a representative government. We are the legislative body of our Nation. Legislative bodies of other nations, subject to this kind of de facto takeover, are the first to go.

I point out in respect to the Argentine regime, which I have no desire to attack, that we hear mixed views and reports about that matter, even from Argentina itself. I do not wish my words to constitute an attack on the Argentine regime specifically. I have no such intent in mind. But I do attack the concept that without some deliberation in which Congress should participate, aid may be continued solely at the will of the Executive of our own country to a military takeover government.

I point out that the first thing that was done in Argentina was the dissolving of the Congress, the Supreme Court, and all political parties. In short, all forms of representative government and of democratic government were immediately swept aside in Argentina. This is the traditional practice of a military government, no matter how beneficent.

Under my proposed amendment, even that could be done. We contemplate the fact that it could be done. But we also say that at the very least we expect good-faith efforts to bring back representative government, in order to qualify such a nation for aid from this country, which is the participation by another nation in our resources, which we in Congress have an important hand in giving.

It is not like the recognition which we have entrusted under the Constitution to the President.

(At this point, Mr. MONDALE assumed the chair.)

Mr. CARLSON. Mr. President, will the Senator yield?

Mr. JAVITS. I yield.

Mr. CARLSON. I hold no brief for the military junta that has taken over the Government of Argentina. However, yesterday I received a letter from a man who for a period of 5 years was in the mercantile field in Argentina, a man whom I know well. He went to Argentina. He wrote to me urging that we not take any action, but that we give the new Government an opportunity to try to establish some semblance of being a good government, to give it an opportunity later to hold democratic elections so as to give the people an opportunity to express themselves.

He did state that, as we know, the Peronistas are a strong organization in that country and that it was his opinion that they had no great love for the United States.

I think that when we deal with Argentina, we must keep in mind that perhaps this is the best we can do temporarily. I hold no brief for the Government there.

Mr. JAVITS. Mr. President, I wish to point out that in our debate we are dealing with the subject of institutions, the future of institutions, and also the encouragement of free and representative government.

In this regard, when the distinguished Senator from Kansas and I submitted our resolution on this very subject—in which he did give me the great honor of joining with me—in September of 1965, I made a statement, in presenting the resolution, which remarks run somewhat along the lines of the amendment I submitted today. That was before the Argentine takeover, and if we had adopted that resolution, it would have had a bearing on the Argentine situation:

> Such military coups have occurred in Latin America since the beginning of 1962. It may be argued very convincingly that not all of these takeovers were undesirable but it may be argued with equal persuasion, however transitional may be the military in political affairs in Latin America, that these are becoming increasingly damaging to Latin American development and should, therefore, inspire great hemispheric concern.

I am sure we all understand that one of the most upsetting aspects of government stability in Latin America is the danger of military takeover. When I was in Argentina a few months ago and saw President Illia, and looked over the situation there, the country was having serious economic difficulties.

I am sure—because it is probably true of every country in varying degrees—that the President and his administration could have run the country a lot better than it was being run. I am sure there are all knds of legitimate complaints and difficulties, but we have learned over such a long period of time that the institution is more important than the vicissitudes of an administration. When the institution goes, the people's freedom goes. They can endure the lack of success much more than the loss of the institutions.

The important point that we must remember in the Senate is that almost every Latin American government exists by sufferance of the military. There cannot be real stability in Latin America until that ends. This is a critical point for all of us to remember as we give our votes and support for hundreds of millions of dollars in appropriations.

There was widespread public information in Argentina that the military could take over the government on any afternoon that they wished. Hence, President Illia's government operated constantly under that disability.

Indeed, so pressing was this idea that when I was there a general had to issue a statement saying that he had no intention or design to take over the government, so persistent were the rumors that this was likely to happen any day.

Even in firmly established governments such as those in Chile and Peru and other countries in Latin America, one inevitably finds the people looking over their shoulders as to what the army is going to do. This has been one of the great elements of instability, and imperils the democratic process in Latin America.

We must do everything we can to end that kind of approach and make it clear that we do not intend to reward military takeovers, as we did with respect to Argentina. It is a great mistake to recognize the Argentine position merely because a few other Latin American countries recognize it or whatever it was before the military coups had a chance to cool off. One could get an idea of the importance of the action if it had brought enough public support to sustain the government rather than the military power, which can give an appearance of tranquillity for a period of days or weeks.

I say again that I am not assailing the Argentine regime. It may be a beneficient military dictatorship, but a dictatorship is what it is. In my judgment, we cannot as a legislature—and that is what we are—allow the idea to go abroad that we shall turn over to the President, without some participation by us, no matter how minimal—and certainly the participation I propose is minimal—some share in the decisions taken with respect to this critically important matter which is so vital to the future of Latin America.

Indeed, the real danger in these situations is that in the continued erosion of the hope and the faith of the people in the viability of democratic government and by the comparative ease with which successive coups can follow, their faith can be broken by the frequent or prolonged absence of democratic experience. See what dictatorship did to the Dominican Republic through blood baths. See what dictatorship of the military has done in Argentina itself within the last decade, since Peron left. Even he himself was the product of a military coup and fixed a dictatorship on the country for years, a dictatorship which almost broke the country's back, in economic and social terms.

See what Argentina itself has endured during the last 10 years. Its government, since the fall of the dictator in 1955, has been unable to break the strength of the Peronist movement, but has reached a compromise with it that is acceptable to the armed forces. The Government of Argentina apparently has been unable to handle the armed forces there.

So this is a very sticky wicket, as the saying goes. I have no illusions that my amendment, if adopted, will end that kind of situation; but it is high time that we began to express ourselves clearly and unequivocally upon this subject, especially in the desire to preserve representative government, which is what we as a Congress should seek to obtain.

A few years ago, a somewhat similar amendment was adopted to a foreign aid bill, but it fell in conference. I sincerely hope that the bitter experience of the last few years on this subject will enable whatever amendment the Senate decides to adopt in this field to survive conference.

Mr. HICKENLOOPER. Mr. President, will the Senator from New York yield?

Mr. JAVITS. I yield to the Senator from Iowa.

Mr. HICKENLOOPER. The amendment which the Senator originally offered contained the word "comes" rather than the word "came."

The substitute amendment appeals to me, perhaps, as being a much more practical approach to this problem, and I am sympathetic to the Senator's purpose.

Mr. JAVITS. I know the Senator is, and I am grateful to him.

Mr. HICKENLOOPER. I am sympathetic to what he is trying to do. I only wish that by the adoption of his amendment we could be assured that it would really accomplish his purpose. He realizes that fully as well as I do.

Mr. JAVITS. Of course.

Mr. HICKENLOOPER. However, I feel that we can contribute toward alleviating an emotional situation if we do not leave the amendment as a prospective operation, since we have already, in the last few days, recognized Argentina's Government as a de jure government.

To go back now and adopt an amendment of this kind, which says that in spite of the fact that we had reason to recognize the Argentine Government officially, we now take this particular position, could have, perhaps, an effect that is not quite warranted.

So far as military governments are concerned, that does create a most confusing situation because I think we can sit down and analyze certain military coups which have occurred in Latin America over the past several years, and, at least I, could come to the conclusion that except for some of them the governments involved would be probably Communist today.

Mr. JAVITS. If I may interrupt there, that certainly was the suspicion about the two governments.

Mr. HICKENLOOPER. There was so much evidence of that. In almost every instance—I am not so sure about Argentina now, because I do not think that has disclosed itself sufficiently—when the military has taken over in such countries as Peru, Brazil, and others—even in Argentina before this—in so many instances where the military has taken over, it has taken over with the declaration that it wants to restore constitutional government which, it says, is in danger of being destroyed in the country, and therefore they have to step in to protect what it calls constitutional government.

I do not say that is true or untrue, but I think there is evidence to indicate that that has been the case because that has been the situation.

In most of those instances, within a reasonable time, the military has carried out exactly what it said it would do. It has stepped aside when a strong constitutitonal government has been installed and free elections have been called for, and other things of that kind.

Now, in one or two cases I think we have had some rather serious and self-serving operations by the military which have not been quite so altruistic or so patriotic. I am not passing on the Argentine situation, as I said a moment ago, because it has not unfolded itself sufficiently yet for us to get a good picture of it; but I would very much hope that the Senator could leave his amendment as it was originally filed, largely because our Government has now seen fit to recognize the Argentine Government, although that does not necessarily mean that we approve of everything they have done, or that we will approve of everything that they have done.

I recall that we become emotional, sometimes, on these things. A year or so ago, I was very much opposed to an absolute legislative prohibition against furnishing any aid to Indonesia, for instance. Much as I disapprove of what Sukarno is doing, I took the position at that time that it was entirely possible Sukarno would not be in control of Indonesia forever, that there might be something there that would happen that we would want to move rather rapidly on, at the discretion of the President, and furnish some aid to a—hopefully—better, government controlled regime.

I did not have any crystal ball—it was not that sort of thing—however, it did turn out exactly that way. I think we are justified in the new Indonesian Government which is definitely oriented, at the moment at least, it seems; westward rather than eastward. We are justified, I think, without going through the tortured process of legislative discussion, to be able to give them a little aid in order to encourage them to go on toward the establishment of a more representative government.

I feel the same way here. I think that more discretion should be left to the President.

Mr. JAVITS. I am very grateful to the——

Mr. HICKENLOOPER. I do not mean to say that I will not vote for the Senator's amendment. That is not the point. If an amendment of this kind is adopted, I hope it will be the least abrasive of several alternatives which we might have.

Mr. JAVITS. The Senator is a high-ranking member on the Committee on Foreign Relations, and I think on all of these matters of such delicacy in foreign policy I would be among the first to listen to him. I hope very much that we may have the views of other members, and that we will have a test vote of confidence, I might say to my good friend, the Senator from Iowa, because I understand that the Senator from Oregon [Mr. MORSE] is going to move to strengthen even this amendment—the amendment which the Senator from Iowa already feels may perhaps be properly modified by requiring congressional action before the President can actually give aid—which I do not require under the amendment.

It seems to me that when we get, perhaps, a consciousness of the views of the Senate through that vote with respect to strengthening even further the amendment and by perhaps a little debate afterward, we may have some idea as to what is the broadest possible support here for an amendment, or whether the way I have it now, or the way the Senator from Iowa suggested.

If the Senator has time, I should like to submit one other question to him.

I think that Argentina, incidentally, is a case where we may have a situation with the military which would be sui generis—and he is a lawyer and understands what I mean by that. For this reason: One of the interesting things about Argentina is that the whole military effort is directed toward blocking what many claim to be a majority of the people from electing a majority government which could be a Peronista government. It might be a Peronista government without Peron, which is the argument of about one-half of that movement now; or it might be a Peronista government with Peron. Nevertheless, it would be a government, perhaps, that a majority of the people—most of whom are workers and farmers—would want.

This is a profound question for us, as to what our attitude would be in this connection. I disapprove as much as does the Senator from Iowa of the extremism, the destruction, and the breaking of the back of the Argentine community, socially, and economically, which resulted from the Peron regime. We have a deep question to decide. We do not have to aid it. We can deny it aid if it became a government, but what shall we do about the processes which might conceivably bring it into being so that a military government in the Argentine may not be nearly so ready? I do not think it will be nearly so ready as the military government in Brazil would be for free elections, civil rights, and other liberties and so forth, as called for by the resolution of the second special Inter-American Conference of the OAS. Therefore, an evaluation of our posture with regard to Argentine is really a serious component of this debate.

Mr. HICKENLOOPER. Mr. President, will the Senator from New York yield further?

Mr. JAVITS. I yield.

Mr. HICKENLOOPER. I think there is a great deal to what the Senator has said. I invite his attention, however, to the fact that there have been military takeovers in the Argentine before.

Mr. JAVITS. The Senator is correct.

Mr. HICKENLOOPER. Those military takeovers have resulted rather speedily in a return of the government to what at least the military thought—and I think most people agree—was a constitutional concept of government.

Mr. JAVITS. If I may buttress the Senator's argument, the fact is when they were holding the election, two-thirds were Peronistas, but they elected a leader who was not a Peronista.

Mr. HICKENLOOPER. That is true. I think they got frightened of that in one state, a few months ago. I forget what the percentage was, but I think it was approximately 2 to 1 in favor of the Peronistas in that state.

Mr. JAVITS. That is exactly right.

Mr. HICKENLOOPER. Of course, the Peron government was a tyrannical kind of government. It was not a representative government. I think that may be what they are afraid of. They may not be. I do not know. I cannot make up my mind about this government yet.

Mr. JAVITS. I think perhaps it would help Senators, including the Senator from Iowa, if I read into the Record the declaration of the Ongania regime which I think is pertinent to this debate.

I have three statements here. We have checked and tried everywhere for as much information as we could obtain on the attitude of the Ongania government on this question.

First, on July 9, 1966, when President Ongania addressed the nation at San Miguel de Tucuman, he stated in part as follows:

> To this end we shall give each citizen the opportunity to feel himself master of and responsible for his own destiny; social and political peace, making possible harmonious solidarity without petty divisions; security, so that sudden fears shall not weaken labor; justice, so that the fruit of our effort shall not be wasted in privileges and so that we may all feel united in our common labor, true freedom, in order that intelligence and enthusiasm may create without restrictions our great national future.

Then, in a subsequent statement, on July 12, he gave assurances in response to matters which had been laid before him, of the fact that he would not abide by having extremist groups in the country which do not hide their threats, thereby seeking to provoke artificial divisions in the Argentine family, thus distorting the image of the nation.

He was laying down what we in this country would call civil rights and civil liberties in that regard.

Finally, on July 13, 1966, he stated as a basis of his internal policy his desire to formulate the bases necessary for the reestablishment of representative democracy which corrects preexisting political deformations.

But in none of these declarations does the de facto president as a result of a military takeover give the assurances which are called for by the Organization of American States in resolution 26, to which we are a party, which was adopted on November 30, 1965, at the Second Special Inter-American Conference in Rio de Janeiro. I should like to read into the Record the pertinent aspect of that resolution, because it is so pertinent to the present discussion. I read from document No. 150 of that conference.

First I ask unanimous consent that the whole resolution be printed in the Record at this point.

There being no objection, document No. 150 was ordered to be printed in the Record, as follows:

[Doc. 150 (English) Rev.]

XXVI—Informal Procedure on the Recognition of De Facto Goverments

Whereas:

The various instruments of the inter-American system have established and reiterated the principle that, in order that there may be real harmony and solidarity among the American states, it is essential that the effective practice of representative democracy be exercised in each one of them;

Consequently, the overthrow of a government and its replacement by a de facto government could be dangerous to the peace and solidarity of the hemisphere, and is therefore the subject of concern on the part of all the American states;

Through Resolution XXXVI, the Ninth International Conference of American States charged the Inter-American Council of Jurists with the preparation of a draft statute on the recognition of de facto governments, a task which it has not yet been possible to carry out; and

Until such time as said statute has been drafted, it is desirable that an informal procedure on the recognition of de facto governments be established,

The Second Special Inter-American Conference

Resolves:

1. To recommend to the member states that, immediately after the overthrow of a government and its replacement by a de facto government, they begin an exchange of views on the situation, giving due consideration to whether or not the overthrow of the government took place with the complicity and aid of one or more foreign governments, or of their respective officers or agents.

2. To recommend that the governments member states, in the exchange of views provided for in the preceding article, consider the following circumstances:

a. Whether the de facto government proposes to take the necessary measures for the holding of elections within a reasonable period, giving its people the opportunity freely to participate in the consequent electoral process; and

b. Whether the de facto government agrees to fulfill the international obligations assumed previously by its country, to respect the human rights expressed in the American Declaration of the Rights and Duties of Man, and to comply with the commitments assumed by the signatories of the Declaration of the Peoples of the Americas and the general principles of the Charter of Punta del Este.

3. To recommend that, once opinions have been exchanged, each government decide whether it will maintain diplomatic relations with the de facto government.

Mr. JAVITS. Mr. President, the Conference resolved as follows:

> To recommend to the member states that, immediately after the overthrow of a government and its replacement by a de facto government, they—

To wit, the member states—

> begin an exchange of views on the situation, giving due consideration to whether or not the overthrow of the government took place with the complicity and aid of one or more foreign governments, or of their respective officers or agents.
>
> 2. To recommend that the governments member states, in the exchange of views provided for in the preceding article, consider the following circumstances:
>
> (a) Whether the de facto government proposes to take the necessary measures for the holding of elections within a reasonable period, giving its people the opportunity freely to participate in the consequent electoral process; and
>
> (b) Whether the de facto government agrees to fulfill the international obligations assumed previously by its country, to respect the human rights expressed in the American Declaration of the Rights and Duties of Man, and to comply with the commitments assumed by the signatories of the Declaration of the Peoples of the Americas and the general principles of the Charter of Punta del Este.
>
> 3. To recommend that, once opinions have been exchanged, each government decide whether it will maintain diplomatic relations with the de facto government.

Mr. President, it will be noted that I have transposed into my amendment precisely the condition of consultation and assurances by the de facto government which are called for by the resolution.

I should like to close this part of my direct presentation by calling attention to the fact that, in my own view, the most critical part of the amendment is the recognition of the consultative aspects in the relationships between the American states, with the dignity attendant thereon. There is now a requirement of carrying on and consulting with the other American states in a deliberate way and in arriving at whether, with respect to a de facto government, we should have relations and give it aid, or determining whether it is not a de facto government without the assurances which would warrant our giving it aid.

I think it is a tremendous element of strength in the inter-American system that we adopted this principle, no matter how we may finally work out this matter. The basic principle of calling for consultation with the other American states with respect to these matters gives strength and diginity to the Organization of American States and the other members who participate.

With that statement, I shall end my part of the debate at this time.

I think the Senator from Arkansas [Mr. FULBRIGHT] may wish to interject his comments and deal with this amendment in the way he thinks it ought to be dealt with.

Mr. SALTONSTALL. Mr. President, will the Senator yield for a question?

Mr. JAVITS. I yield.

Mr. SALTONSTALL. Is my understanding correct that there is nothing in the act now which takes care of the situation the Senator would like to take care of?

Mr. JAVITS. That is correct. This was done, I believe, a year ago. We had an amendment adopted in the Senate with respect to military takeovers, but it fell in conference. There is nothing in the act at present to take care of the situation.

Mr. SALTONSTALL. Would the Senator's amendment be prospective and retroactive?

Mr. JAVITS. It is both prospective and retroactive. I have stated my reasons for it. I think retroactively that it would affect only the Argentine Government. The other countries have qualified by assurances of providing for elections or in some other way. So the retroactive aspect of the amendment would relate only to the Argentine.

I have not closed my mind to making the amendment only prospective, depending on how the matter goes in the Senate.

THE AIRLINE STRIKE: A NATIONAL DISASTER WHICH COULD IMPERIL THE ENTIRE FREE LABOR-MANAGEMENT COLLECTIVE BARGAINING PROCESS

Mr. TYDINGS. Mr. President I reluctantly rise to call to the attention of the Senate the grave fact that after 14 days of strike no progress seems to have been made toward settling the airline dispute which has grounded 60 percent of our national air traffic.

This strike amounts to nothing less than a national disaster for our economy and for tens of thousands of workers and their employers.

The course of conduct being followed by the leaders of the International Association of Machinists' Union not only is imperiling our national economy but also is endangering the future collective bargaining posture of organized labor in general. The IAM's refusal to accept, or even fairly consider the flexible and reasonable settlement terms suggested by the Presidential Emergency Board—which recommended $76 millions in increased wages and benefits—that is a 3.5-percent increase—can only be characterized, even by a staunch friend of labor, as imprudent, unwise, and completely contrary to the public interest.

The transportation industry is and has long been critically associated with the public interest. The airline industry, which now carries 57 percent of all commercially carried intercity travelers in America, is closely controlled and regulated by Federal administrative agencies, even as to the fares the companies may charge and the profit they may earn.

I am advised by the distinguished Senator from Oregon, Senator MORSE, who was Chairman of the Presidential Emergency Board, and who is universally considered a champion of our collective bargaining system second to none, that, in his judgment, the IAM leadership was determined from the beginning of the Board's deliberation to strike and to reject the Board's recommendations, unless they included complete acceptance of the IAM's demands, which would require a 7-percent increase in wages and fringe benefits. At no time during the proceedings of the Presidential Emergency Board, including the 8 days of public hearings, did the union leadership even retain a labor lawyer, or mediation specialist, or labor economist to present the union's case, a failure extremely unusual in major labor-management disputes.

The IAM leadership flatly refused to accept the Emergency Board's findings, which any objective and impartial observer would term fair and favorable to the union's position. These recommendations included:

First. Wage and fringe benefit increases totaling $76 million—the union demand was $130 million.

Second. Accepting the union's basic demand for liberalizing vacation and hours.

Third. Accepting the union demand to increase to eight the number of paid holidays per year by including Good Friday.

The strike of 35,000 airline employees has grounded the planes which daily carry more than 150,000 passengers to 231 cities and 23 foreign countries. The five struck airlines fly 61.5 percent of all U.S. airline passenger miles, carry 70 percent of the Nation's mail, and 73 percent of all America's airfreight.

The strike by these 35,000 employees has already led to the layoff of more than 20,000 nonstriking airline employees who have nothing to do while the planes are grounded. The strike is costing the airlines and their employees alone almost $8 million a day, every day. And this is the 14th day of the strike.

Any natural phenomenon which put 55,000 Americans out of work and cost American industry $56 million in 1 week would surely be called a national disaster. And that is exactly what this strike has already done to the airlines and their employees alone.

The strike is costing thousands of other Americans additional millions in lost wages and sales. Hotels, resorts, and the whole travel and vacation industry is suffering from the strike, which has come at the peak of the vacation season. The Florida Hotel Association reports the strike is costing the greater Miami area $400,000 a day in lost tourist business, and New York estimates its tourist loss is now running over $750,000 a day and getting worse. Layoffs of vacation industry employees have already started in Florida.

Industries all across the country are reporting production delays, because they cannot get needed parts and material by airfreight. Some plants may have to shut down production lines if the strike continues much longer. Although a number of nonstruck airlines have substantially increased their freight loads, one major freight carrier estimates the whole national airfreight traffic schedule has already been thrown a week behind by the strike.

Employers and workers who depend heavily on air freight are being especially hard hit by the strike. The Nation's three leading lobster dealers are losing $1,500 a day in lost shipments. The delivered cost of many California flowers which are shipped by air has risen 5 to 10 percent, and the flowers sometimes spoil in delayed transit.

The strike has gravely inconvenienced the American people, 150,000 of whom normally use the struck airlines every day. Businessmen cannot get to appointments, vacationers have had their vacation plans wiped out, and servicemen have found increased difficulties and delays in getting home on leave.

The first day of the strike grounded 250,000 airline passengers, stranding thousands in cities distant from their destinations.

This incalculable economic damage and enormous inconvenience the airline strike has already caused surely raises grave questions about the effectiveness of present statutory procedures for mediating, arbitrating, conciliating, and settling labor disputes within a free collective-bargaining framework. This is no private disagreement between a remote employer and his employees. This is a major shutdown of the airline industry, and such a shutdown for any reason carries with it enormous public consequences—all of them, as this strike demonstrates, costly and bad. The public has an extremely high stake in averting such strikes, and in the conclusion of noninflationary settlements to them.

The public may be an innocent and helpless bystander to this strike, but the abrasions and damage this strike is causing the public could deal a body blow to the entire philosophy underlying our national collective bargaining framework. The American people have a remedy for intolerable wrongs; that is the power of their Congress to enact laws to protect their well-being. And this strike has every appearance of being unreasonable, unnecessary, and intolerable.

A close examination of the anatomy of the airline strike reveals not just that the statutorily sanctioned collective-bargaining process has broken down in this case, but that the responsibility for the final breakdown must be borne almost entirely by the leadership of the striking union, the International Association of Machinists. These are the facts:

The negotiations which preceded this strike dragged on for nearly a year without producing a peaceful settlement.

The President exhausted every statutory tool available to him to avert this strike, and every tool failed to prevent it.

The union refused arbitration of the dispute by an impartial Government board.

The union rejected the settlement recommended by the Emergency Board created by the President on April 21. That Emergency Board, chaired by the renowned labor-management relations expert, our distinguished colleague, the Senator from Oregon [Mr. Morse], compiled a 3,000-page record during 2 months' proceedings. On that record, the board recommended a fair and basically noninflationary settlement which the airlines accepted and which provided for an increase in benefits of $76 million. But the union rejected that settlement almost before it even knew what the settlement proposed.

After 30 days of continued intransigence toward the recommended settlement, the union walked out on the first day the law allowed, setting in motion this disastrous strike.

I am not an expert on labor management relations, nor have I been a party to the negotiations preceding this strike. But I have studied the report of the President's Emergency Board and the statements Senator Morse has made here in the Senate regarding the background and issues in this strike and the negotiations which preceded it, and I have examined the reports of the strike carried by the press. On that record I am compelled to agree with Senator Morse when he said in this Chamber last week:

> The fact is that on issue after issue the union is trying to substitute its economic power for evidence.

As a Member of the Senate and the Congress, I represent neither labor nor management, neither the airlines nor the union. I, like all Senators, represent the people. And the people have so far been the real losers in this strike. Whether the union leadership in question will recognize its responsibility to the public interest in this case may very well determine whether or not the present statutory posture of our free collective bargaining system—particularly as it applies to the transportation industry—itself becomes a victim of this strike.

The entire Nation has a major stake in the rapid resolution of the airline strike on noninflationary terms. And the whole Nation has a major stake in seeing to it that the collective bargaining system is not abused by irresponsible and inflationary intransigence.

A continuation of this dangerous disruption of our Nation's economy and transportation system must compel Congress to amend the emergency dispute provisions of the Taft-Hartley law to plug the loophole in the law which is becoming more and more visible with each day of the strike.

Mr. MORSE. Mr. President, will the Senator yield?

Mr. TYDINGS. I am happy to yield to the Senator from Oregon.

Mr. MORSE. I commend the Senator from Maryland for his courage and his forthrightness in making the statement he has just made on the airlines strike. In a situation such as this, the partisans very often are blinded by the facts; and I am glad that the Senator from Maryland has been willing to speak as plainly as he has to the partisans in this case, who have a public responsibility and obligation to bring this strike to an end, and seek to return to procedures that will settle it on its merits.

I only wish to add, with respect to the Senator from Maryland, that his record is perfectly clear as to his defense of the rights of both labor and management, and the protection of their legitimate rights. That is the only obligation that we, as Senators, have any right to seek to carry out. When we find, in a situation, that labor is following a course of asking for more than its legitimate rights, then, as Senators, we must make clear that we will not support labor in that position.

I think the Senator from Maryland, as well as many other liberals in the Senate, can stand on the record that they have made over the years in fighting to protect the legitimate rights of labor.

But the last part of the Senator's argument, in which he pointed out the need for amendments to the Taft-Hartley Act, is simply unanswerable. The Senator from New York [Mr. Javits] has taken the same position. Ever since 1947, I have sought to get legislation passed that will amend the emergency dispute section of Taft-Hartley.

In this instance, we need to amend the provisions of the Railway Labor Act, because the Taft-Hartley law does not apply to the workers involved in this dispute. The Railway Labor Act does.

I had hoped that the union involved would come to its senses and substitute the exercise of its responsibilities for industrial statesmanship for the use of economic power in seeking to gain for itself a settlement that, on the facts, it simply cannot justify.

Apparently there is growing doubt as to whether the expectation is justified. Therefore, there is in the process of being prepared today by legislative counsel another proposal for application to this strike. It is a proposal that, in effect, would have Congress declare that an emergency exists which jeopardizes the public interest and call upon the courts to review the situation and to take whatever judicial action is necessary to bring to an end the strike and give to the parties the safeguard to which they are entitled, to resume collective bargaining and mediation on a voluntary basis.

We have reached the point, in my judgment, at which the American people are entitled to have this strike stopped. If the parties are unwilling to work out a fair settlement by applying the volunteerism of that precious right of collective bargaining in this country, Congress has a clear duty to proceed to protect the public interest.

As soon as that legislation is prepared and has been reviewed and we have counseled about it, the senior Senator from Oregon intends to introduce it.

Mr. TYDINGS. I thank the distinguished senior Senator from Oregon.

Mr. JAVITS. Mr. President, will the Senator yield?

Mr. TYDINGS. I yield.

"CONSENSUS" APPROACH WON'T WORK ON STRIKE LEGISLATION

Mr. JAVITS. Mr. President, I had intended to say something about this matter today. I shall say it in the presence of the Senator from Maryland because I value his interest in the situation.

I do not ask that the Senator join me in my opinion, but I was struck by the President's answer to a press conference question yesterday.

The question asked was:

> Mr. President, recalling your State of the Union promise to seek legislation to deal with strikes that threaten irreparable damage to the national interest, do you still plan to ask such legislation and might this include compulsory arbitration in something like the airline strike?

The President went on to say that he had people working on the situation. He then said:

> I must frankly say to you that up until this point we have been unsuccessful in getting legislation that the Secretary of Labor and the other members of my Cabinet felt acceptable and that we felt would have any chance of passage in the Congress.
>
> We are still searching for that answer and we would like to find a solution that could be embraced by the Administration, management and labor and the Congress. Up to this point we've not been very successful.

I do not ask the Senator to agree with me. I am speaking rather freely as a member of the opposition.

I respectfully submit that if the President of the United States is trying to find a solution to the airlines strike that will be acceptable to the administration, management, labor, and Congress, the airlines strike will never be settled. This is "consensus" government really defeating itself. I have made recommendations. The senior Senator from Oregon has some recommendations in the process of preparation. The Senator from Ohio [Mr. Lausche] has some recommendations.

I respect the presidential prerogative whether he is a member of my party or not. I want very much for him to send us recommendations. But I respectfully submit that if he is looking for recommendations that are the consensus of everybody, we might as well stop waiting. It will not happen. We will have to act on our own.

I would much rather that we act in concert with the President.

The statement by the President was alarming in terms of his idea and timing.

I do not say that the President is breaking his promise. He has not delivered on the promise given in January, 6 months ago.

I find it encouraging that the President is seeking to recommend new legislation in this field. But I am somewhat dismayed by the condition which the President now attaches to this course of action.

The President says he is searching for an answer which can be "embraced by the administration, management and labor and the Congress," but he acknowledges that up to now he has not been successful. That is no surprise to me. I have been studying this field for many years, and as ranking minority Member of the Senate Labor Committee I can state that this is one field where there are about as many different opinions as there are people.

If we are to wait until the administration comes up with a recommendation on which everyone agrees, we will wait forever. This is consensus government defeating itself. But there are recommendations which are fair and effective to protect the public interest. I have made one—S. 2797—and there are others which have been recommended.

We are not asking for miracles. We are asking for the President's recommendations—for the best judgment of the President and his advisers. We do not expect him to make a recommendation which every interest in the Nation will endorse. Certainly he attaches no such precondition in other legislative fields, such as civil rights.

It is high time the Congress acted in this field. If the President is to make recommendations, let him make them now. But with or without the recommendations of the administration, the time for action is now, and the Congress should act if the President does not.

Mr. President, on Monday, July 18, 1966, the Buffalo, N.Y., Courier-Express ran an excellent editorial on this subject, and I ask unanimous consent that it be printed in the Record.

There being no objection, the editorial was ordered to be printed in the Record, as follows:

Improved Labor Legislation Is Needed Now

Senator Jacob Javits who is generally recognized as a friend of organized labor is spearheading a drive in Congress for enactment of new legislation to protect the public interest in labor disputes such as the one which prevented flights by five major airlines.

The strike against the airlines by the International Assn. of Machinists is one of many walkouts which have had adverse effects on the nation's economy in recent years. In each of them, the President exhausted all the statutory powers available to him.

Senator Javits' proposed legislation would authorize the President, after all else has failed, to seek appointment by a federal court of a special receiver to operate the struck facilities.

Appointing a special receiver is a drastic step, one which certainly could not be taken lightly. But on the other hand, disputes which tie up vital industries also are drastic and they call for drastic remedies.

The Javits proposal, as the senator says, "has the merit of protecting the public, leaving the parties free to continue their bargaining as long as necessary to reach a settlement and avoiding compulsory arbitration."

The Javits bill may not be the best answer to the problem. But there is no question that we need an answer, one which will serve the public without giving either labor or management an unfair advantage.

Labor leaders would do well to cooperate with Senator Javits and their other friends in Congress to devise a law with which they can live and which will, at the same time, protect the public. If they fail to do so, they may find themselves bound by legislation which is in no way agreeable to them.

Senator Javits insists that "the time to act and the time for Congress to enact is now." All concerned should work together calmly and reasonably to see that what is enacted meets the need in the most beneficial way.

Mr. KUCHEL. Will the Senator yield?

Mr. TYDINGS. Mr. President, I shall yield after I answer the distinguished senior Senator from New York.

Mr. President, I feel that the responsibility of the President is to make every effort within his Executive power, including calling together the heads of the union and of management, to settle this strike. However, I could not disagree more with the distinguished senior Senator from New York that the primary responsibility for the proposal of legislation in this field belongs with the President.

That is one of the troubles with the drift of Congress in recent years. We are always waiting for the administration to propose legislation. Congress is charged in the Constitution with the proposal of legislation. We should be proposing legislation. It is certainly far better to have presidential support. It insures and helps success. However, I think the responsibility rests here in Congress, with the Labor Committees and with the individual Senators, to propose legislation and not to wait for the President.

I think in this instance his responsibility is to call in the president of the union and the presidents of the airlines and tell them they must settle the strike. He should put the full weight of his office behind his endeavor.

I think the primary responsibility for the proposal of legislation is with Congress.

Mr. JAVITS. Mr. President, I love and respect the Senator from Maryland, as he knows. However, what the Senator has said is not borne out by either the facts or the Constitution.

The fact is that the President has promised to send us recommendations. I did not promise that. He did. He promised that last January.

The President constantly requests legislation by special message and by his state of the Union message.

I think Congress ought to act, if the President wishes to waive his prerogative. He ought to call in management and labor and seek an end to the strike. However, that is no substitute for the power of the United States to operate or for Congress to legislate.

We are legislating in a vacuum today. Personally, I am deeply concerned about the future of collective bargaining. If, every time we get in a jam, the President uses the enormous power of his office to settle the strike, that is a very dangerous development.

I respectfully submit that the President should do his utmost to settle the strike, because there is no legislation.

I do not think that I am asking for anything improper or unreasonable. I think we have a right to say to the President: "You said last January that you are going to send us recommendations." If the President does not send us recommendations, we should act.

I shall do my utmost in my committee to see that we do act, if necessary, by calling up my own bill.

Mr. TYDINGS. Mr. President, I have the greatest respect for the wisdom and the experience of the senior Senator from New York.

I think perhaps that basically we are not too far apart. However, I still maintain my position that as much as we like to have the President's advice on the type of legislation we should enact, and as much as we appreciate his assistance, the basic responsibility for legislation rests with the Congress and not with the President.

Congress should move the initiating legislation. As a matter of fact, one of the gravest, and I think one of the most valid, criticisms of Congress in recent years, is that we too often wait for the Executive to propose things. It has been said that we should use our own initiative and we should propose, develop, and initiate legislation. I think that however you cut it, the responsibility for legislation is with Congress and not with the President.

Mr. KUCHEL. Mr. President, my views are these:

This Nation cannot afford prolonged disruptions in such indispensable national services as communications or transportation, when it becomes clear that the national welfare is endangered or the national security is placed in jeopardy. In my judgment, as a citizen and as a Senator, that hazard is rapidly growing today.

It is true that some great American airlines are still flying. It is also true that their contracts are about to expire. And it is equally true that most nationwide commercial airlines are shut down.

The President of the United States has a duty. So does Congress. It is true that the President said he would send his recommendations to Congress. I urgently hope that those recommendations will now be forthcoming.

Meanwhile, I was happy to lend my name to the bill introduced a considerable time ago by the Senator from New York [Mr. Javits]. That bill represents one approach to this problem. It is, I think, a constructive approach. A few moments ago, the Senator from Oregon suggested that he would introduce a resolution reflecting his approach to the problem.

Leadership is required to pass fair and sound legislation in this highly controversial field. That is what we need. I seek to serve a constructive purpose today, by rising not to iterate and reiterate the tragedy of the present strike, but publicly to urge the members of the Committee on Labor and Public Welfare, the chairman of the Committee on Labor and Public Welfare, and the chairman of the appropriate subcommittee of the Committee on Labor and Public Welfare, to begin hearings now on the problem, on what Congress might do legislatively to help cure a dangerous situation in which the American people find themselves today.

Mr. JAVITS. I believe the service which the Senator is performing is a very admirable one.

I am the ranking minority member of the Committee on Labor and Public Welfare, and I shall make a strong appeal to the chairman of our full committee and to the chairman of the subcommittee to immediately initiate hearings upon these measures—mine, that of the Senator from Ohio [Mr. LAUSCHE], and of others. I think the time is overdue.

I repeat that I regret very much that the President has not yet seen fit to act, and I see no happy augury in what he said yesterday. If he is looking for a broad, general consensus, he will not get one in this field.

I hope he will yet lead. I hope that again the situation does not arise in which the moment will go by for legislation, and the President will somehow manage to settle the strike, and then we will wait for the next one to catch us as unprepared as this one did.

I applaud and appreciate the action of my colleagues in bringing this demand to the floor of the Senate, in which the Senator from California, our deputy minority leader, has very eloquently joined.

Mr. KUCHEL. I thank my able friend, the Senator from New York. I echo the sentiments that the Senator has just expressed.

Mr. PASTORE. Mr. President, I have listened with close attention to what my colleagues on the other side of the aisle have said. I hope that this is not a political question.

This problem, or the potentiality of this problem, has been with us for a long, long time. Members of the Senate will recall that in his administration President Kennedy submitted an emergency measure. It became involved in protracted hearings. It was debated in the Senate, and I think we rubbed roughly some people who had a tremendous antipathy to any compulsory arbitration. And that is what the bill proposed: compulsory arbitration.

As a matter of legislative history, I was the manager of that bill. I said at the time that I was advocating the passage of that bill with a heavy heart, because I believed that we had reached the point where we could be doing irreparable harm to our whole process of collective bargaining. After all, it is a keystone of our democratic process.

I believe that the idea expressed here today that we might not have been afflicted with this strike had the President done something a long time ago about sending a message has gone a little bit too far. Legislation is pending in the Senate. As the Senator from Maryland has pointed out, the primary responsibility is with Congress to make the law, and, under the Constitution, the primary responsibility of the President is to enforce the law, and the primary responsibility of the Supreme Court is to interpret the law. But, fundamentally, the responsibility to make the law is in Congress. If there has been any dereliction, if there has been any delay, the blame and the remedy repose primarily on the threshold of Congress.

I realize that something must be done, but let us not run away with the idea that had the President moved the minute that this strike was declared, we would not be in the situation that confronts us today. Realistically, something drastic must be done if negotiation fails. In the doing of this drastic thing that must be done, we shall have to listen to a multitude of people. We shall have to listen to all sides. We shall have to listen to industry. We shall have to listen to labor. We shall have to listen to the public. It will be a long, drawn-out affair, because what we would be doing, basically, would be reforming and modifying our whole process of collective bargaining. That is not something achieved overnight. That will not be an easy thing to do.

When we do get into those hearings, we will not pass any legislation in haste. It will take a long, long time.

I said yesterday—and I repeat today—that this strike is regrettable. There is a law on the books that applies to this situation, but it is not enough. The Taft-Hartley law does not apply to the railroads or to the airlines, because they come under the Railway Act. An act is in existence, and that act is being complied with. And that is all the President can do at the present time.

Senate testimony has assured us that the President has followed every part of the Railway Labor Act—that he has done everything he can do to try to get this case settled.

The President said yesterday that the administration had been working on possible proposals to submit to the Congress to meet such emergencies and they had not come up with legislation acceptable to the President and his Cabinet which legislation, they felt, would have any chance of passage with the Congress.

The argument has been made that had the President carried out the message he gave to the joint session, possibly we would not be in this position today. Maybe we would not be. I do not even know whether Congress would have followed his recommendation. Perhaps the Senator from New York knows.

We all know this: We have been battering ourselves around here for the past week, and what have we been doing? We have been voting down the President of the United States and his recommendations. Under the Constitution, the President is charged with the responsibility of carrying out the foreign policy of this Nation.

I am one Senator who has stood stanchly behind the last four Presidents on foreign aid. I never questioned Truman when he was President and I was a Member of this body. I never questioned Eisenhower when he was the President, though he was a Republican. I voted down the line when Eisenhower said, "I need this to carry on my responsibility as President." I stood behind the President whether he was Republican or Democrat. It did not make any difference to me. I did the same thing with John F. Kennedy. I am doing the same thing now with Lyndon Johnson.

What are some others doing? I have in mind those who are now castigating the President because he did not make drastic recommendation on the airlines.

The President made his recommendation on foreign aid and look what we have been doing to it. They say that if he had made a recommendation on the strike, we would have followed it. Maybe we would have and maybe we would not have. That remains to be seen.

And what has been the initiative of the Congress?

Has the President estopped us?

This is not the fault of the President of the United States. This is the fault of the Congress. Legislation is pending before two committees to rectify the situation. The situation should be rectified. It should not be permissible for any group of people to blindly and boldly tie up the entire economy of the United States, I do not care who they are. They cannot render this country prostrate. They cannot do that. No one can stop the economic machinery of this country and possibly put millions of people out of work because a few in industry or labor are dissatisfied and hold out irrationally to get what they think they are entitled to. Maybe they are entitled and maybe they are not. And there should be a process of fair hearing and binding judgment.

Somewhere along the line when two parties cannot agree, and when irreparable harm is being done to the whole body of American society, there should be some process by which we can have an umpire to say what is fair and what is not fair.

Mr. President, I shall now complete my remarks. I did not expect to get into this fracas this afternoon, but I suggest in closing that we do our job in Congress and maybe things will be a little better all around.

I yield the floor.

AMENDMENT OF VARIOUS PROVISIONS OF LAWS ADMINISTERED BY THE FARM CREDIT ADMINISTRATION

The PRESIDING OFFICER laid before the Senate the amendments of the

House of Representatives to the bill (S. 2822) to amend various provisions of the laws administered by the Farm Credit Administration to improve operations thereunder, and for other purposes, which were, on page 1, line 10, strike out "amended—" and insert "amended"; on page 2, strike out lines 1 through 12, inclusive; on page 2, line 13, strike out "(b)"; on page 2, lines 21 and 22, strike out "Administration":" and insert "Administration"."; and on page 2, strike out all after line 22 over through and including line 7 on page 3.

Mr. TALMADGE. Mr. President, the House yesterday passed S. 2822 with three amendments. The amendments struck from the bill provisions which would have—

First, permitted loan applications to be approved by the manager or other employee of the Land Bank Association instead of by a loan committee;

Second, repealed a requirement that stockholders in a farming corporation assume personal liability to the extent required by Farm Credit Administration regulations on land bank loans to such corporate borrowers; and

Third, repealed the present statutory requirement that any land bank loan in excess of $100,000 must have prior approval by the Farm Credit Administration.

Governor Tootell, of the Farm Credit Administration, which originally proposed the provisions stricken by the House, has recommended that the Senate agree to the House amendment. He advises that he knows of no opposition to such course of action.

Therefore, Mr. President, I move that the Senate agree to the House amendment.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Georgia.

The motion was agreed to.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Bartlett, one of its reading clerks, announced that the House insisted upon its amendment to the bill (S. 254) to authorize the Secretary of the Interior to construct, operate, and maintain the Tualatin Federal reclamation project, Oregon, and for other purposes, disagreed to by the Senate; agreed to the conference asked by the Senate on the disagreeing votes of the two Houses thereon, and that Mr. ASPINALL, Mr. ROGERS of Texas, and Mr. SAYLOR were appointed managers on the part of the House at the conference.

The message also announced that the House had agreed to the amendment of the Senate to the bill (H.R. 139) to provide for the striking of medals to commemorate the 1,000th anniversary of the founding of Poland.

MARCH FROM MEMPHIS, TENN., TO JACKSON, MISS., JUNE 5–26, 1966

Mr. EASTLAND. Mr. President, James H. Meredith began a march from Memphis, Tenn., to Jackson, Miss., on June 5, 1966. After Meredith was sprayed with birdshot on June 6, 1966, other individuals converged on Mississippi and continued the march to Jackson.

The following were among the individuals who participated in the march to Jackson:

Edward Crawford, Earl Harris, Blyden Jackson, Bennett Johnson, Clarence Jones, Phillip Lapsansky, Oliver Leeds, Stanley Levison, Derrick Morrison, Ann O'Brien, and C. T. Vivian.

One Edward Crawford was chairman of the New York Council To Abolish the House Committee on Un-American Activities, a Communist-sponsored movement.

Earl Harris, in 1944, was registered as a member of the Communist Party.

Blyden Jackson was formerly the campaign manager for Herbert Aptheker, a member of the National Committee, Communist Party, U.S.A.

One Bennett Johnson, Jr., attended a meeting of the Negro Commission, Communist Party of Illinois in 1964.

Clarence Jones is an attorney who, during the 1950's, held a position of leadership in the Labor Youth League, which has been cited by the Attorney General as a subversive organization under Executive Order 10450.

Phillip Lapsansky is a current member of the Socialist Workers Party, which organization has been cited by the Attorney General as subversive in accordance with Executive Order 10450.

Oliver Leeds is a member of the Communist Party, USA.

Stanley Levison was a secret member of the Communist Party, USA, as late as 1963.

Derrick Morrison is a current member of the Detroit branch of the Socialist Workers Party.

One Ann Mary O'Brien has admitted membership in the Labor Youth League in Chicago from 1954 through 1958.

C. T. Vivian was a member of the Community Section, Communist Party, Peoria, Ill., prior to November 1947.

Mr. President, these were the people who manipulated the Communist invasion of the State of Mississippi.

These were the people who were behind the cries of "black power" in the State, which was nothing but a revolution against constituted legal authority.

These are the people who, in my judgment, are behind the race riots which are occurring in northern cities in this country today. What we have got is an attempt by the Communists to foment revolution in the United States.

Mr. President, in the future I am going to have some other names and much more to say about the Communist revolution which is taking place in this country today.

FOREIGN ECONOMIC ASSISTANCE, 1966

The Senate resumed the consideration of the bill (S. 3584) to amend further the Foreign Assistance Act of 1961, as amended, and for other purposes.

Mr. JAVITS. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. JAVITS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. JAVITS. Mr. President, I understand that the distinguished Senator from Virginia [Mr. BYRD] has an amendment he wishes to have printed.

AMENDMENT NO. 694

Mr. BYRD of Virginia. Mr. President, I send to the desk an amendment to the foreign economic aid bill (S. 3584) which I intend to propose at the proper time. I ask that it be printed and lie on the table.

The PRESIDING OFFICER. The amendment will be received and printed, and will lie on the table.

Mr. BYRD of Virginia. Mr. President, the pending bill (S. 3584) is in the nature of amendments to the Foreign Aid Act of 1961 which set forth a statement of foreign aid policy. Subsequent acts have expanded that statement.

The Senate Foreign Relations Committee is proposing an additional policy statement in the bill now before the Senate. My amendment would add another expression by Congress.

It is conceded that the Red Chinese are supplying North Vietnam's Vietcong with materiel for fighting the Vietnam war in which thousands of Americans are being killed.

In March of this year it was publicly disclosed in this country that the West German Government approved—with financial backing—a deal under which a West European consortium would supply steel plants to Communist China.

My amendment would have Congress condemn that action as aiding Communist aggressors, and as a grave blow to the common defense of the free world.

REVENUE, EXPENDITURES, DEFICITS

Mr. WILLIAMS of Delaware. Mr. President, the Treasury Department would object if any American taxpayer were to use two sets of books in his business. The Securities and Exchange Commission would take prompt action if any American corporation issued misleading reports to its stockholders. The Department of Justice would move in rapidly if any American corporation when selling its bonds provided prospective purchasers with false or misleading information as to its true income and its expenses.

Yet unfortunately these rules do not apply to the Federal Government.

Yesterday the administration reported that last year's deficit had been brought down to $2.3 billion. No doubt this will be hailed in financial circles as evidence that we are making great progress in Congress and the executive branch toward balancing the budget and that now there will be no need for a tax increase to finance the Great Society's programs.

But this is not the true picture.

The $2.3 billion deficit is compared to the $6.4 billion deficit which was projected by the President in his message to Congress last January.

Also this week—just a couple of days ago—in discussing this problem of expenditures and income with members of the Appropriations Committee, the President emphasized the fact that we were either going to have to cut spending or endorse wage and price controls in this country, or there would have to be a tax increase.

I think that for the Record we should straighten out exactly how much this administration is spending as compared to its income.

The fact is that the deficit for 1966, which ended June 30 last, while it may be reported at $2.3 billion does not tell the true picture.

For example, there were $7.9 billion taken in during fiscal year 1966 in nonrecurring income. This figure is admitted by the Treasury Department. This nonrecurring income is broken down in this manner: In 1964 Congress passed a provision to accelerate payment of corporate taxes, which in fiscal 1966 would have brought in an extra $1.8 billion. At the time the President spoke last January he referred to this item and included that in his computation. He also told Congress that he was planning to sell $2.6 billion in assets. This too was taken into his calculations. Based upon this estimate he still projected a $6.4 billion deficit for fiscal 1966.

Since January, the administration has taken several additional steps to inflate income on a one-shot basis, steps which were not included in the message of the President.

On March 15, 1966, Congress passed a bill which would further accelerate payments of corporate taxes. This resulted in an increase from corporations for fiscal 1966 of an additional $1 billion.

In addition, the Treasury Department decided that it would include as a part of the general revenues the profit it makes from reducing the amount of silver in the dimes, quarters, and half dollars. This results in an increase for fiscal 1966 of an additional $1 billion. This too is nonrecurring income.

In the latter part of May of this year the Treasury Department issued a special regulation which required all corporations over a certain size to start forwarding to the Treasury Department on a semimonthly basis that withheld payroll taxes. Prior to that time, they had been paid on a monthly basis. This executive order accelerating the payment of withheld payroll taxes brought in during fiscal 1966 an additional $1 billion.

Sales from the stockpile over and above normal sales and transactions represented by sales of the Government of aluminum, copper, and other major commodities, brought in another $500 million over and above what would be normal.

All together, as a result of steps that have been taken by the Congress plus Executive orders by the administration since last January, there has been brought into the Federal Treasury during fiscal 1966 in nonrecurring income $3.5 billion more than was taken into consideration in the President's message. This added to the $4.4 billion of nonrecurring income that were already in the budget brings the total to $7.9 billion.

I pointed out earlier that already $4.4 billion, represented by the $1.8 billion which came from the 1964 act accelerating corporate tax payments and $2.6 billion representing sales of assets were in the budget estimates.

When we add these figures we find that in fiscal 1966 the Treasury collected $7.9 billion in nonrecurring income. These are one-shot operations; therefore the real deficit for fiscal 1966 is $10.2 billion, not $2.3 billion as claimed.

There will be some nonrecurring income in 1967, which I shall discuss in a moment, but once nonrecurring income is utilized and included as a part of general revenues it cannot be duplicated, nor will there be an opportunity to get this amount again. Congress must take into consideration the amount of nonrecurring income that was included as a part of 1966 general revenues. Part of it was used to reduce reported expenditures, part of it to increase revenues, but it all had the effect of reducing the deficit as reported on June 30.

I repeat, if we take the $7.9 billion of nonrecurring income and add it to the $2.3 billion deficit which was reported yesterday we have an expenditure in fiscal year 1966 of $10.2 billion more than was taken in income. This is figuring it on the same basis as has always been used prior to this time.

I do not object to the administration accelerating these payments. I supported the legislation which required acceleration of corporate tax payments, but in doing so I said I did not want it to be interpreted by the American taxpayers in any such misleading manner. The fact remains that the Government has spent $10.2 billion more in fiscal 1966 than it has taken in, in normal revenues.

Let us tell the American people the truth.

Mr. PASTORE. Mr. President, will the Senator yield?

Mr. WILLIAMS of Delaware. I yield.

Mr. PASTORE. No one would dispute what the Senator from Delaware is saying. We all know and admit that the Congress of the United States made certain concessions by law, which, in a sense, did affect the deficit or balance. But will not the Senator grant, in the same spirit, that the President is very much concerned that requests by Congress amount to potentially $6 billion over and above the requests made by the administration? If that happens, it will not be the fault of the administration or the President; it will be the fault of the Congress of the United States.

Mr. WILLIAMS of Delaware. I do not disagree with that statement. I will go into that further later.

Mr. PASTORE. The Senator from Delaware talks about keeping two sets of books as though there was fraud or deceit practiced on the part of the administration in reporting the last budget deficit. There is no fraud or deceit involved. Nobody is more concerned than the President about overspending. He has had several meetings with various Members of Congress. He had a group of us at the White House recently, emphasizing his request not to adopt legislation going beyond his requests. The spending mood of Congress has a potentiality of $6 billion more than the budget.

Mr. WILLIAMS of Delaware. I agree with the Senator that the President of the United States cannot spend a dime more than what Congress approves, so Congress does have a responsibility. But the President also signs these bills. I am not trying to place the blame for this alone on either the President or Congress. I am trying to present the facts as far as the American taxpayers are concerned, and it does not make any difference whether it is the fault of the President or of the Congress. Working together we are operators of the Government.

I am presenting the fact that for the fiscal year 1966, instead of a deficit of $2.3 billion as was reported, the Great Society programs, military expenditures, and so forth, actually amount to $10.2 billion more than was received in revenues. This is the true picture if we follow the same methods of bookkeeping we always have followed heretofore. That is the point I want to make. Let us report this deficit in its true form.

We must take these facts into our calculations, because while next year we will have a similar windfall—if one wants to call it that—on these one-shot operations, after fiscal 1967 they will be done.

There will be no more chance for using those one-shot operations. We will not be able to accelerate the payment of corporate taxes beyond the point to which they have already been accelerated in the legislation enacted in 1964 and 1966. Tax payments for corporations as well as for individuals will be on a prepaid basis. At the end of 1967, corporations will be paying in advance on a quarterly basis. Surely no one will advocate that taxes be paid 2 years in advance. Nobody advocates that. So this one-shot operation will come to an end after 1966 and 1967. In the meantime our expenditures are running at an annual rate of about $10 billion higher than our revenues; this at a time when our economy is at a top level.

I am not trying to place the responsibility for this on either the President or the Congress. Both are responsible. I am merely trying to bring out the facts. We should have accelerated corporate tax payments, and I supported the measure which the administration proposed, but in doing so I wanted it clearly understood that the increased payments evolving therefrom during fiscal 1966 and 1967 would not continue forever and should not be included as normal revenues when reporting the deficit.

Mr. PASTORE. Mr. President, will the Senator yield?

Mr. WILLIAMS of Delaware. I yield to the Senator from Rhode Island.

Mr. PASTORE. Will not the Senator admit that this $10 billion over and above what we spend in fiscal 1966, as against fiscal 1965, does include the buildup in Vietnam?

Mr. WILLIAMS of Delaware. Oh, yes.

Mr. PASTORE. Of course it does; and that has been much more expensive.

Will the Senator further agree that because of these decisions as to nonrecurring items we made this last fiscal year, and because of the lack of them next year, it behooves the Congress to be very careful in appropriating money that is not essential?

Mr. WILLIAMS of Delaware. The Senator is correct. That is the basis of my argument here today.

Mr. PASTORE. I am happy that the Senator is making this dissertation, but I would hope he would not do it in the tone and spirit of criticizing the administration. I fear that was his purpose.

Mr. WILLIAMS of Delaware. I am merely stating the facts. If the facts are a reflection on the administration, so be it.

I think Congress should understand these figures, because after fiscal 1967 there will be no further nonrecurring income from these sources.

On the seigniorage on coins the Treasury Department has always claimed a small profit, amounting to $150 million to $200 million a year. But once they complete this major changeover from the quarters, half dollars, and dimes with the silver content to the present content of mostly copper the large windfall stops. Meanwhile it will result in a $2.5 billion profit that will be spread over the 2 fiscal years, $1 billion of it in fiscal 1966, and $1.5 billion in fiscal 1967. After that it will level off and will not recur again unless we start printing paper quarters and paper dimes. So that is nonrecurring income.

In fiscal 1967, there will be the remainder of this nonrecurring income, but as I pointed out earlier, that ends it. In fiscal 1967 through the action of Congress in accelerating the corporate payments under the 1964 and 1966 acts, which brings the corporations fully on a prepaid basis, the administration estimates it will take in $5.3 billion extra. This amount is over the normal taxes that would be paid by the corporations in 1967.

They expect to sell assets in an estimated amount of $4.2 billion next year. The profit on the coins, the seigniorage, will be $1.5 billion next year, which means that next year we will have total nonrecurring income of around $11 billion. That means that we can spend $11 billion more in fiscal 1967 than we are taking in and still report a balanced budget at the end of fiscal 1967.

We have here a situation where we will have a nonrecurring income of around $18 billion to $19 billion spread over fiscal 1966 and fiscal 1967, giving the administration a chance to spend that amount above its regular income and still report a balanced budget when in reality we are spending about $1 billion per month more than we are taking in. As we vote on these appropriation bills Congress should take that factor into consideration. The President was right in reemphasizing this deficit to the Appropriations Committee, but he should have gone further and backed up his remarks with some vetoes. The President could exercise his veto power on some of these bills if he disagrees with them and see whether Congress would sustain him. He has an equal responsibility with Congress, but in making that statement, I am not discharging or absolving Congress of its responsibility.

I wish to point out that the method of financing the Government through the sale of the assets is resulting in an unnecessary increase in the interest cost. There is no question on that point; in fact, the Treasury admits that selling these assets through FNMA is costing them in excess of the one-half percent extra interest charge. Selling these assets as Government-guaranteed obligations is costing us now $34 million a year more in interest charges than would be necessary. Project that over the next 10 to 20 years, and you can see what just that one item alone means.

This was the President's idea to cover up his real deficits. It is like a shell game—"now you see it, now you don't."

There is no question but that the administration's plan of selling these as guaranteed obligations rather than direct obligations not only has had the effect of costing one-half percent more interest but also has had a tendency to skyrocket further the prevailing interest rates on all loans throughout the country. It was only a matter of a few days after the administration sold its 5.75 percent Government-guaranteed FNMA mortgages that the prime interest rates of all of our banks advanced automatically to 5.75 percent. And why would they not? Why would they lend to the A-1 corporations of America at rates less than they can obtain on a Government-guaranteed obligation?

Meanwhile, the administration is selling 4.15 percent E bonds to small investors, while at the same time, paying 5¾ percent on Government-guaranteed obligations to the bankers. That rate is filtering down through the whole economy. An extra one-half of 1 percent rise in the interest rates paid by the Federal Government will ultimately mean that on the Federal debt of $320 billion the Government will pay an extra $1.6 billion in annual interest charges.

This is all unnecessary and on this particular point is done solely to disguise or to hide from the American people the true costs of these Great Society programs. The sale of these securities does not show up anywhere in the bookkeeping system as reported to Congress. It would have been far better, not only from the standpoint of saving interest but also from the standpoint of accurate bookkeeping and reporting, if the Government had continued its normal methods of financing, by selling direct Government obligations.

Really this plan may be referred to as the Great Society's poverty program for the bankers.

Mr. AIKEN. Mr. President, will the Senator yield for a question?

Mr. WILLIAMS of Delaware. I yield to the Senator from Vermont.

Mr. AIKEN. To whom is the Government selling these assets?

Mr. WILLIAMS of Delaware. Almost 100 percent to the banks, because the average investor when he sees Fannie Mae bonds advertised is not sure whether or not such bonds have the status of Government bonds. Therefore, very few private investors interest themselves in such bonds. But the banks understand this thoroughly, so in effect this arrangement is a bankers' gravy train because the banks pick up the extra one-half of 1 percent by buying the Government-guaranteed obligations; and a Government-guaranteed obligation is just as good as far as a bank is concerned as is the Government bond itself.

Mr. AIKEN. How do the banks pay for these assets which they purchase? What do they use to pay for them?

Mr. WILLIAMS of Delaware. They use depositors' money or obtain the money through the normal discount procedures.

But the point is that the banks would buy direct Government obligations at the same time for an interest rate at least one-half percent less. The only reason the Government is selling 15-year Fannie Mae, Government-guaranteed bonds at 5½ or 5¾ percent rather than selling Government bonds at the lower rate is that there is a so-called legal ceiling of 4¼ percent on the rate of interest the Government can pay on bonds having a maturity of more than 5 years.

Instead of asking for a repeal of this unrealistic 4¼ percent ceiling the administration insists on selling short-term securities, thereby monetizing the debt and creating inflation.

This little thin cloak of trying to hold down interest rates is being used because the Government is ashamed to ask Congress to repeal the outmoded 4¼ percent legal ceiling. They are, therefore, paying $34 million a year in premiums to protect their ego.

Mr. AIKEN. Is the Government selling Government mortgages to the banks?

Mr. WILLIAMS of Delaware. No; I understand that the Government is selling participation certificates, which are backed by Government mortgages and other collateral with the proviso that if one of the mortgages that is used as collateral turns out to be unsatisfactory it will be replaced immediately by a new and sound mortgage. Also Fannie Mae has the authority to go to the Treasury and borrow money to pay off these bonds upon maturity. They are as good as Government bonds.

Mr. AIKEN. Are some of the securities mortgages on homes?

Mr. WILLIAMS of Delaware. The Senator is correct.

Mr. AIKEN. What puzzles me is that if the banks have money to buy Government assets in the form of mortgages, why do they not have money to lend for the construction or purchase of a home or for the transferring of a mortgage on a home today? Is the Government getting all that money from the banks so that the banks cannot lend to a family that wants to build or buy a new home?

Mr. WILLIAMS of Delaware. The banks could lend it to home buyers, but with the Government-guaranteed FHA notes carrying a rate of 5¾ percent the banks save a lot of the detail work of servicing and collecting on the small mortgages.

When the Government offers the banks a Government-guaranteed bond at 5¾ percent with no servicing required, they do not have to worry about the collections and other details, so they stop lending on homes and lend their money to the Government itself.

This 5¾-percent rate is equal to or above what they could get on small mortgages, so why bother?

Mr. AIKEN. So the Government, in direct competition, has practically put the homebuyer out of business.

Mr. WILLIAMS of Delaware. The Government has gobbled up the money which the banks would otherwise be lending for home construction.

They outbid the homebuyers for the money when the Government started paying 5¾ percent on a Government-guaranteed bond. In effect, they are writing the end of the housing program as long as they follow this deliberate high interest policy.

Ironically, this same administration, which now subsidizes the highest interest rates our country has seen in the past 40 years, is the same administration which has said so much about cheap money.

Mr. AIKEN. Mr. President, I am interested in the statement of the Senator because the largest number of complaints that we receive from our constituency these days relate to the inability to borrow money from banks, insurance companies, or from anybody else for the construction of homes, motels, recreation areas, or any construction at all. They say that they cannot borrow any money.

The Senator from Delaware now undertakes to tell us that the banks are using the money to buy Government assets, and therefore they do not have any money left to lend to homebuilders.

Mr. WILLIAMS of Delaware. As an example of how interest rates have risen I cite a report the Secretary of the Treasury presented to the Finance Committee which shows the interest rates today are at the highest level they have been in the past 40 years.

This has been accomplished by an administration which has shed more crocodile tears over high interest rates than have all the other administrations for the past 100 years. The interest on our national debt in 1961 was $8.9 billion. In 1964 it had risen to $10.6 billion. To pay the interest on our national debt today it is costing $12.3 billion annually. That is over $1 billion a month merely to pay the interest charges on our national debt.

It is interesting to note that $1.5 billion of that annual interest charge goes to pay the interest on the $30 billion deficit that has been created by the Johnson-Kennedy administration in the past 5 years. It costs the American taxpayers $1.5 billion a year to pay the interest alone on the deficit of the Johnson-Kennedy administration.

When we speak about the cost of Government to the taxpayers they should know where the money is going.

Mr. AIKEN. Mr. President, the argument of the Senator is rather depressing, I find, because in view of the present lack of credit which exists among our constituency, it has occurred to me that if this situation continues to grow, the time will come when we will be in dire trouble and the Federal Government will have to step in and buy the assets from the banks in order to keep our economic head above the water. Is there anything to that conclusion?

Mr. WILLIAMS of Delaware. I do not think that there is any question but that we are headed for trouble unless the administrations and the Congress recognize the danger signs and take action to correct it. Nonessential spending must be stopped.

I agree completely with what the President said the other day that we must cut back on our domestic spending and I only hope that he will start using his influence and help some of us who are trying to accomplish this objective. We cannot do it alone, and thus far we have received no help from the White House.

There is a responsibility of Congress; however, it is a dual responsibility, a responsibility of Congress and of the Executive.

While the President cannot spend any money that Congress does not appropriate it is also true that Congress cannot appropriate any money that the President does not endorse. There is a dual authority and responsibility. The President signs every bill, and he could veto some of them if he so desired.

Let us stop pointing a finger at each other by saying that the executive branch or the Congress is to blame. Let us stand up and admit that we the Congress and the executive branch who are in control of the Government, are all to blame if we do not correct this situation.

This planned deficit spending has got to stop, or we can have some real trouble with our dollar. Let us not overlook what is happening in England today. It can happen here unless we change our policies, and the hour may be later than some think.

Mr. AIKEN. The gist of the remarks of the Senator, or part of it at least, indicates that if the Federal Government did not sell its assets to the banks, the banks would have more money to lend on home mortgages even though the Federal balance would not look so well at the end of the year.

Mr. WILLIAMS of Delaware. There is only so much money. The Federal Government interfered with the homebuyers when they unnecessarily boosted the interest rates on Government borrowing by one-half of 1 percent over and above what was necessary. They could have sold direct Government loans for one-half of 1 percent less.

When they adopted this method of back-door financing they siphoned off the money in the direction of the Federal Government rather than permitting it to go through the normal channels of trade as it would have done. Who wants a 5½ percent home mortgage when they can get a Government-guaranteed bond paying 5¾ percent?

To that exent the administration has done great damage to the homebuilding industry. The way that we can correct the situation is to cut down on Government spending and thereby reduce the need to borrow new money. In the last 6 years this Kennedy-Johnson administration has spent $30 billion more than it has taken in. This is the deficit after giving it credit for the one-shot operation.

We do not at all times appreciate how much $1 billion amounts to. Very few people in America understand what $1 billion represents, and certainly I am not one of them. In the past 6 years $30 billion is a total deficit for this administration. It means that they have spent $5 billion a year beyond their income. That is $400 million a month, or reducing it further it is $100 million a week. For a 40-hour week that is $2½ million an hour, or $40,000 a minute that they have been living beyond their means. A $40,000 deficit for every minute of a 40-hour week that the Kennedy-Johnson administration has been in office.

We just cannot afford this. When the President gets concerned about the cost of Government I think that what he should do is to turn on the lights in the White House so that he can see what is actually going on in his administration.

We need more light on what this Great Society is costing.

Last year and again this year the President in the face of a sure deficit proposed a tax reduction. I opposed those tax reductions. I said that I would not approve of a tax reduction when it could be financed only by borrowing the money. We had a $6 billion deficit, and there was no purpose in increasing that deficit by cutting taxes. The result was to overheat the economy, which results in inflation.

This administration must accept its responsibility for this inflation. Through planned inflation this Great Society has been pauperizing the aged of our country. We should recognize the fact that part of this inflation is planned inflation. They have been boasting about it for a number of years.

This planned inflation is the President's responsibility.

When the President says that he is being pressured by Congress and businessmen to increase taxes that is a lot of political bologna in my book. The pressure is being exerted by these deficits created by an administration determined not to cut down spending under this Great Society.

The present administration without any question is the greatest spendthrift of any we have had in the history of our country.

The slogan of this Great Society from the beginning has been that they would plan these deficits and plan the inflation.

The Director of the Budget and the Secretary of the Treasury before our Committee on Finance both boasted of the fact that they were planning these deficits. They said: "We are planning the deficit and can control inflation."

Mr. President, they are not witnessing an example of how well they can control inflation. Prices, the cost of living, is getting out of hand.

Even the administration will soon have to recognize that there is a problem of inflation; however, they still seem to take pride in the increased cost of living. I read in the Evening Star of July 1, 1966, quotes from the President's speech in Des Moines, Iowa, a couple of weeks ago. Here the President was boasting of the fact that inflation is prevalent in this country, and he claimed it as an asset of the Democratic administration. I was surprised and disappointed to hear that statement.

I shall put the entire article in the RECORD, but I should like first to read from the article just what President Johnson said on this subject.

I quote:

> The President got in his first jibe of the day at Republicans while talking with a tenant farmer beside a cornfield near Des Moines.
>
> Anybody "really worried about inflation ought to vote Republican," he said, adding: "Because if you get them in there you won't have to worry about inflation—you won't have to worry about high prices—you won't have to worry about high wages."

Continuing, this article said that the President liked this "idea so much that he ad libbed much the same remark into his speech last night." He told the dinner audience:

> When those folks start talking to you about inflation, you tell them that is something you only have to worry about in Democratic administrations.

Mr. President, I believe it is a sad day in America when the President of the United States, with the cost of living rising as it is today, goes out on the political stump and boasts of the fact that his administration endorses the inflation in this country and even claims credit for it. I wish to say this: At least I compliment him for being honest about who should assume the responsibility.

But what about the housewife who must buy groceries at the higher cost?

Mr. President, I ask unanimous consent that there be printed in the RECORD an item appearing on the UP Wire Service today which outlines the substantial increase in the cost of living for the month of June.

There being no objection, the news item was ordered to be printed in the RECORD, as follows:

WASHINGTON.—The cost of living went up again in June when the Consumer Price Index rose three-tenths of 1 percent, the Labor Department reported today.

The increase was caused mostly by higher prices for food and medical care and higher mortgage interest rates.

The increase in living costs carried the Consumer Price Index to 112.9 percent of the 1957-59 average, up 2.5 percent over a year ago.

This means that consumers in June paid $11.29 for the same market basket of goods and services that cost $10 about 8 years ago.

The price increase in June was three times as big as the rise in May of one-tenth of 1 percent. Prices held steady in January, rose five-tenths of 1 percent in February, four-tenths of 1 percent in March and four-tenths of 1 percent in April.

Overall, the cost of living went up 1.7 percent during the first half of the year, the biggest 6-month increase since 1958.

Food prices, which had fallen four-tenths of 1 percent in May, rebounded and rose four-tenths of 1 percent in June. But the June increase is about normal for that month, the department said.

The main increases were for fresh fruit, pork, dairy products and bread. Egg prices and canned fruit and juice prices both declined last month.

Food prices in June were 3.5 percent higher than a year ago, with the biggest gainers meat and eggs.

But fresh vegetables were 16 percent cheaper than in June 1965.

Consumer services which account for about one-third of the average family budget, also cost four-tenths of 1 percent more in June than in May and were up 3.7 percent over a year ago.

Doctor, dentist and health insurance charges rose seven-tenths of 1 percent in June while hospital charges increased six-tenths of 1 percent. Home repairs, laundry and dry cleaning, and barber and beauty shop charges also moved higher last month.

Mr. WILLIAMS of Delaware. The President is correct—the credit for inflation does belong to his administration, and I hope that every housewife in America gives him full credit when she pays extra for the groceries. Remember that the President claims the full credit for those increased costs.

I ask unanimous consent that this article, which appeared in the Washington Evening Star of July 1, 1966, written by Mr. Garrett D. Horner, be printed at this point in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

WARMUP FOR THE FALL: JOHNSON, THE BARNSTORMER, RETURNS

(By Garrett D. Horner, Star Staff Writer)

SAN ANTONIO, TEX.—President Johnson, in good spirits after warming up for the congressional election campaign, relaxed at his Texas ranch home today.

The President stoutly defended his Viet Nam policy and jibed at Republican cries of alarm about inflation in speeches at Omaha, Neb., yesterday afternoon and at Des Moines, Iowa last night.

The day harked back to Johnson's vigorous, personal style of campaigning in the 1964 presidential race.

The President apparently had decided to use the barnstorming style to take up the offensive politically—to go to the people and plead his case on Viet Nam, inflation and other issues.

Despite polls showing his popularity slipping in the area recently, Johnson got an enthusiastic reception, especially in Des Moines and in the Iowa countryside on a visit to a farm near Des Moines.

A GOOD EVENING

"This evening in Iowa has been good for your President," he told a cheering crowd of more than 5,000 at a Democratic fund-raising dinner in Des Moines. "It may be just a warmup of things to come between now and the fall."

He said he was told that the campaign talk this year was going to be about two things—the Viet Nam war and inflation, so he talked about those issues.

He stressed determination to fight on in Viet Nam until the Communists are convinced their aggression cannot succeed—and challenged critics to produce an honorable alternative.

Occasionally departing from his prepared texts, Johnson pressed his points with the personal, off-the-cuff rhetoric which proved effective in 1964.

At the same time, the President was more eloquent than ever in urging the Communist leaders in North Viet Nam to join in unconditional peace talks.

JIBE AT GOP

The President got in his first jibe of the day at Republicans while talking with a tenant farmer beside a cornfield near Des Moines.

Anybody "really worried about inflation ought to vote Republican," he said, adding: "Because if you get them in there you won't have to worry about inflation—you won't have to worry about high prices—you won't have to worry about high wages."

He liked the idea so much that he adlibbed much the same remark into his speech last night. He also told the dinner audience: "When those folks start talking to you about inflation, you tell them that is something you only have to worry about in Democratic administrations."

Much of his Speech at the Democratic dinner, giving boost to the re-election campaigns of Iowa's Democratic congressmen, was on the theme that farmers—as well as most other Americans—never had it so good. He cited a lot of economic statistics to prove it.

Officials said some 2,500 persons paid $100 a plate to dine with the President at the Des Moines Memorial Armory, and more than that many sat, dinnerless but for free, in the balcony to hear him. It was the first time Iowa Democrats ever had got above $25 a plate dinner.

Johnson was at his handshaking, folksy campaigning best during his Iowa visit. At least seven times during the afternoon and evening he stopped his motorcade to shake hands with cheering throngs along the streets or roadside.

When they were spotted riding in a separate car, the President's daughter Luci and her fiance, Pat Nugent, were almost as big an attraction. Women got a kick out of seeing Luci's engagement ring.

"That was a good speech you made in Omaha," cattle farmer Tom M. Tenhagen told the President along the roadside on the way into Des Moines from the airport.

"We are not going to duck our tail and run out of South Viet Nam," Johnson had declared at Omaha in words that seemed aimed at domestic critics as well as the Communist leaders in North Viet Nam.

He said the Communist aggressors "are wrong" in believing that "political disagreements in Washington fan confusion and doubt in South Viet Nam—and then in Asia."

Departing from his prepared text, his voice impassioned, Johnson recalled that only 20 months ago he was elected President, and said:

"Now there are many, many, many who can recommend, advise—and sometimes a few of them consent. But there is only one that has been chosen by the American people to decide.

"I hear my friends say," he remarked, "'I am troubled, I am confused, I am frustrated,' and all of us can understand these people.

"Sometimes I almost develop a stomach ulcer myself just listening to them."

A small crowd interrupted with applause several times during the President's speech beside the sun-baked Omaha municipal wharf on the Missouri River.

Much bigger crowds lined the main street of little Indianola, Iowa, a small town he passed through on his way from the Des Moines airport to visit the $270,000 model farm of Woodrow W. Diehl.

They cheered him and waved home-made welcome signs. Police estimated the Indianola crowds at 12,000, nearly twice the population of the town.

ENJOYS INSPECTING CATTLE

At the Diehl farm, Johnson seemed pleased by a big sign of welcome to "Our Farmer President." He poured lemonade for himself, Mrs. Johnson, Luci and Pat. He inspected cattle and hogs—jumping a feeding trough to mingle with the hogs in their pen and straddling a fence to admire some cattle.

On the way into Des Moines from the Diehl farm, Johnson stopped at a crossroads to talk to two men who described themselves as "old carpenters."

One of them was a Republican. The other, Francis Knouse, told the President: "I am an old Democrat."

With a big grin, Johnson told him "get in there and do a good job."

Several hours later, instead of showing weariness after hours under a broiling sun and in the sweltering armory, Johnson still was exhibiting campaign vigor when he stopped his motorcade to shake hundreds more hands as he approached the Des Moines airport late last night.

From Des Moines, he flew to Randolph Field near San Antonio and from there early today to his LBJ Ranch, some 75 miles northwest of San Antonio.

He plans to remain at the ranch over the July 4 weekend and may stay through all next week.

Mr. WILLIAMS of Delaware. In his recent comments the President has been attempting to blame Congress and business for the deficits and the possibility he may have to increase taxes. He is trying to pretend it will be their fault. I say again that Congress does have a responsibility, but so does the President. The appeal by the President to Congress and to American business to cut back spending would have far more effect in this country if he would set the example and start using his veto power on some of the measures passed by Congress that he says are too expensive. I shall cite a few examples of these measures and ask why he did not veto them if he disapproved.

The President expressed concern about the pay raise bill because Congress made an effective date of July instead of January. During the discussion of that bill the Senator from Ohio [Mr. LAUSCHE] offered an amendment, which I cosponsored, which would have made the effective date of that pay raise January 1967 instead of July 1966. That proposed amendment received exactly nine votes in the Senate, and one of the main reasons it did not receive more than nine votes was that word came from the administration to defeat the amendment. Not one call did the administration make to assist us in passing the amendment. The word was passed around to defeat the amendment. Any number of Senators said, "We would have supported you, but we know the President wants the July date and will sign it.

The President could have used a veto pen, and if he does not have one I will send him one. He could have used a veto pen and sent that bill back to Congress, and then if Congress passed it over his veto I would excuse him from his responsibility. But I do not give him any credit for the speeches about economy he is making if he does not back them up with actions.

In his message to Congress the President said he desired to liberalize retirement benefits, provided they were properly financed. I give him credit for recommending that point in his message. I took him at his word, and during the debate in the Senate I offered an amendment which would have raised the contributory rates of the employees and the Government by one-half percent. This merely carried out his recommendations in January of financing the cost of those increased benefits. That proposed amendment received 18 votes, and the President gave us no support but instead signed the bill, and bragged about all he is doing for these retirees.

So I say again that I am not impressed by what the President says if he does not back it up with appropriate action. I wish to see him veto some of these bills if he does not desire them. I assure him that I will support his veto, just as I supported him by offering the amendments to which he had given lip service, but a minority in Congress cannot do it alone.

The President questioned the veterans bill. The reason that Congress had to pass a veterans benefits bill was that this administration does not recognize that a war is going on in Vietnam. Therefore, without special legislation, the American boys who are being drafted and sent to Vietnam would not be entitled to any of the benefits under the GI act because presumably there is no war going on. By all means this bill had to pass.

The President seems worried about what Congress is doing. So am I. About 4 weeks ago Congress passed a cotton subsidy bill which would allow special payments to the cotton producers who instead of planting cotton decided to plant soybeans. This bill was amended and expanded so that it covered wheat and corn and other feed grains. The estimated cost of that bill was $400 million per year. It is a 4-year bill. That represents a cost of $1.5 billion over the 4 years. The President had made no recommendations in his budget for this item. The bill was introduced and passed by the House the same day it was reported by the committee. No hearings were held in the House, no hearings were held in the Senate, and it was pushed through the Senate over the strong opposition of some Senators. Its passage represents in the next 4 years $1.5 billion extra costs beyond what the President had even asked for. But did he help those of us who opposed it? Not at all.

Instead the President signs the bill, and he is going to Texas to say, "Look what we are doing for you." I say he should also tell the taxpayers, "Look what we are doing to you." He should use the word "to" as well as the word "for."

Again, the President delivered a speech in Texas last December, and I quote from the New York Times of December 2. It is headlined, "President Backs a Cut in U.S. Jobs; Approves a Plan To Retire 25,000 Employees."

Then according to the article he spent a quiet day. He has spent a quiet 7 months. The President has not done a thing to carry out the pledge of cutting 25,000 employees from the payroll as he said he would. At that time this pledge was hailed throughout the country as a great economy move.

He said he would cut 25,000 employees from the public payroll. But what did he do? Since December 1, last year, the same day that he promised to cut 25,000 employees from the payroll, he has added 117,327 more employees to the public payroll. Figuring a minimum of $6,000 per employee, that means he has added an extra $700 million to the public payroll. This cost is above what it was last December when he said he was going to cut it.

Mr. MILLER. Mr. President, will the Senator yield?

Mr. WILLIAMS of Delaware. I yield.

Mr. MILLER. It might be pointed out that in addition to the civilian employees about which the Senator has been speaking, approximately 550,000 more men are in the Armed Forces. They are also on the payroll.

Mr. WILLIAMS of Delaware. The Senator is correct. But the President was not speaking about the Armed Forces. In fact, they are increasing in number, and we understand why.

But the President made much of the promise that he would cut 25,000 civilian employees from the public payroll. Instead of that, during the succeeding months he has added 117,327. In fact, 185,758 employees have been added to the public payroll in the last 12 months.

The fact that this is an election year may have some significance.

It is time that the American people put a halt to any administration's dipping into the Federal Treasury every time an election approaches and its padding of the public payroll with a lot of political hacks. Last December the President said that he did not need these employees. He said then that he had 25,000 more employees than he needed. Why did he add 117,000 if he had 25,000 too many last December? Why?

This is another example which I cited a couple of weeks ago: During the last 10 days of the last fiscal year the Department of Agriculture bought 2,900 typewriters at a cost of about $500 apiece. It instructed each of its offices throughout the country to buy one typewriter. It is estimated that if they had combined this purchase and had solicited bids they could have saved four to five hundred thousand dollars on this item alone. Why this extravagance?

Such waste could be corrected if the administration means what it said when it speaks of economy.

Just a couple of weeks ago the President addressed the Elderly Citizens at their National Convention. He promised them an increase in Social Security benefits. Significantly he never mentioned the fact that an increase in the Social Security benefits would automatically increase the Social Security tax. Oh, no. He mentions nothing about the tax, but he does mention the benefits. Why not tell the whole truth?

Four weeks ago the administration, through an agency of Government, recommended that Congress authorize one pilot plant at a cost of $1 million to develop a process, for manufacturing fish flour. Congress increased that recommendation to five pilot plants at a cost of over $5 million. They multiplied this amount by 500 percent over and above what the administration had asked for and those of us who opposed this increase went down in defeat. Did we get any help in our opposition from the President? No, we are now told he plans to sign the bill.

The President signs these bills and than says, "Don't you boys down there in Congress vote me too much money."

Recently the President decided to allot $10 million for a housing project in Alaska which it was earlier claimed was not economically feasible. The only explanation that we received was that in turn, for approving that $10 million project he could pick up one vote on a major bill he was ramming through Congress. This indicates that the price tag that this administration puts on one vote is $10 million. That is a high price tag to get through the Great Society program. In fact, I would say that it may break his so-called guidelines.

Much of the confusion over whether or not we are going to increase taxes under this administration is unnecessary. The President's warning that we have to cut spending, have price and wage controls or a tax increase is justified. But the first step that the administration and Congress should take is to cut spending and stop just talking about it. Stop spending. If the President does not like a bill he should veto it and those of us in the Congress who have been trying to cut spending will try to sustain him.

I am getting a little impatient with the fact that the President is always talking about how he is going to cut spending and then makes grandstand plays when he signs the bills, boasting how much his administration is giving to the people.

Such talk is just political window-dressing and deceives no one.

The question is asked: Will there be a tax increase in 1967 or 1968? I do not think there is any doubt about the answer. There is going to be a tax increase in 1967, but the President is not going to ask for it until after the election. He knows now that we cannot continue the rate of spending under the Great Society unless there is an increase in taxes, but the administration does not have the courage to tell the American people the cost of these programs until after the election.

It is even rumored that they are going to drag out this session of Congress and then recess until after the elections so that we can come back after November and approve an increase in taxes. Even now soundings are being taken as to how fast Congress can act should the request be delayed until after January.

If it takes them a year to make up their minds and work up enough courage to ask for an increase in taxes as far as I am concerned they need not ask Congress to stampede it through without an explanation with regard to the spending plans.

As one member of the Committee on Finance I shall ask that they put first things first. The first duty of Congress and the administration, before they talk about increased taxes, is to cut spending. It is time that we go ahead and cut the spending rather than just talking about it when we get out on the political platform.

FOREIGN ECONOMIC ASSISTANCE, 1966

The Senate resumed the consideration of the bill (S. 3584) to amend further the Foreign Assistance Act of 1961, as amended, and for other purposes.

Mr. MANSFIELD. Mr. President, what is the pending business?

The PRESIDING OFFICER (Mr. KENNEDY of New York in the chair). The pending business is the amendment of the Senator from New York [Mr. JAVITS].

Mr. MANSFIELD. Mr. President, I ask unanimous consent that it be temporarily laid aside so that the Senator from Alaska [Mr. GRUENING] may offer his amendments.

The PRESIDING OFFICER. Without objection, it is so ordered. The Senator from Alaska [Mr. GRUENING] is recognized.

AMENDMENT NO. 685

Mr. GRUENING. Mr. President, I call up my amendment No. 675 and ask that it be stated.

The PRESIDING OFFICER. The amendment will be stated.

The legislative clerk read as follows:

On page 4, line 23, before the quotation marks insert the following: "With respect to any dollars herein provided, the voting power of the United States shall be exercised for the purpose of disapproving any loan for any project, enterprise, or activity in any country during any period for which the President has suspended assistance to the government of such country because of any action taken on or after January 1, 1962, by the government of such country or any government agency or subdivision within such country as specified in paragraph (A), (B), or (C) of subsection (e)(1) of section 620 of the Foreign Assistance Act of 1961, as amended, and the failure of such country within a reasonable time to take appropriate steps to discharge its obligations or provide relief in accordance with the provisions of such subsection."

Mr. GRUENING. Mr. President, paragraphs (A), (B), and (C), of subsection (e)(1) of section 620(3) of the Foreign Assistance Act of 1961, as amended, direct the President to suspend assistance to the governments of those countries which have acted directly, or through subsidiaries, to nationalize, expropriate, or seize ownership of U.S. citizens' property, or have acted in other discriminatory ways, which would have a similar effect of taking control of such property.

The application of my amendment would cause the voting power of the United States in international lending organizations to be directed against requests by those countries to which the President has suspended U.S. assistance pursuant to the above-directed conditions.

I, therefore, submit the amendment. This is nothing more than an application of the Hickenlooper amendment to the lending agencies. We do not have complete control, but we do have a substantial voice. I believe it is entirely proper if we deny aid to countries which expropriate property of our nationals, the same should apply to lending agencies.

On the amendment I shall ask for the yeas and nays.

Mr. McCARTHY. Mr. President, will the Senator yield?

Mr. GRUENING. I yield.

Mr. McCARTHY. Did the Senator ask for the yeas and nays?

Mr. MANSFIELD. No, the Senator said he is going to.

Mr. McCARTHY. I think, as the temporary manager of the bill, that we can accept the amendment.

Mr. GRUENING. I thank the Senator.

The PRESIDING OFFICER. The question is on agreeing to the amendment (No. 685) offered by the Senator from Alaska [Mr. GRUENING]. [Putting the question.]

The amendment was agreed to.

AMENDMENT NO. 684

Mr. GRUENING. Mr. President, I call up my amendment No. 684, and ask that it be stated.

The PRESIDING OFFICER. The amendment will be stated.

The legislative clerk read as follows:

On page 3, after line 24 insert the following:

"(c) Section 201(e), which relates to the making of loans from the Development Loan Fund, is amended to read as follows:

"'(e) In carrying out this title, the President shall not allocate, reserve, earmark, commit, or otherwise set aside, funds, including foreign currencies or credits owned by the United States, aggregating in excess of $100,000 for use in any country under this title unless (1) an application for such funds has been received for use in such country together with sufficient information and assurances to indicate reasonably that the funds will be used in an economically and technically sound manner, or (2) the President determines with respect to each such allocation, reservation, earmarking, commitment, or set-aside that it is in the national interest to use such funds pursuant to multilateral plans.'"

On page 4, line 1, strike out "(c)" and substitute "(d)".

On page 4, line 11, strike out "(d)" and substitute "(e)".

Mr. GRUENING. Mr. President, section 201(e) of the Foreign Assistance Act of 1961, as amended, has prohibited the commitment of development loan funds by the United States in any country unless an application is made with sufficient information and assurances to indicate reasonably that the funds will be used in an economically and technically sound manner.

This requirement is one which any prudent lender would insist on to protect his investment and in practice has proven to be a sound requirement which makes those countries desirous of borrowing funds from the United States face up to their financial responsibilities at the time they submit a loan application. However, a major loophole exists in that section 201(e) applies only to loans made in dollars and does not apply to loans made in foreign currencies owned by the United States.

The United States has acquired very large holdings of foreign currencies in recent years through the sale of agricultural commodities overseas pursuant to the Agricultural Trade Development and Assistance Act of 1954, commonly known as Public Law 480. These currencies are given or loaned to the same countries in which the agricultural sales were made to be used for military assistance and economic development. In 1965 over $700 million in U.S.-owned foreign currencies were loaned to foreign countries for their economic development programs.

I believe it important that these foreign currency loans be made subject to the same requirements as dollar loans, insofar as the United States obtaining assurance that they will be used in an economically and technically sound manner. There is an all too prevalent attitude among the officials of the executive agencies that foreign currencies do not represent assets of real value to the United States, and I have noted instances in which these currencies are used in a manner which would never be contemplated for U.S. dollars.

The purpose of my amendment is to stop this practice and to require a change in attitude. U.S.-owned foreign currencies can be every bit as valuable as dollars if property managed and effectively utilized. Indeed they can go a long way in substituting for dollars and in favorably affecting our balance of payments.

Mr. McCARTHY. Mr. President, I oppose this particular amendment. In carrying out this title, the President shall not allocate, reserve, earmark, commit, or otherwise set aside, funds aggregating in excess of $100,000 for use in any country under this title unless (1) an application for such funds has been received for use in such country together with sufficient information and assurances to indicate reasonably that the funds will be used in an economically and technically sound manner, or (2) the President determines with respect to each such allocation, reservation, earmarking, commitment, or set-aside that it is in the national interest to use such funds pursuant to multilateral plans.

This applies because they are funds. The law now carries almost the exact language which the Senator from Alaska seeks to change. His proposal has to do with foreign currencies on credits owned by the United States aggregating in excess of $100,000. The foreign currency loans to which this amendment would apply are made from foreign currencies and generate almost entirely under Public Law 480 and not under this particular development loan program. It may be that the Senator would like to offer this amendment when we consider Public Law 480, but I respectfully suggest that it does not have any really significant application to this bill.

Mr. GRUENING. I do not know why not.

Mr. McCARTHY. It does not generate foreign currencies under the development loan program. It does under Public Law 480, which is another bill, to be considered at another time. I hope that the Senator would not press his amendment at this point in consideration of the bill.

Mr. GRUENING. I think it is important to have a record on this amendment. Therefore, Mr. President, I suggest the absence of a quorum, for the purpose of asking for the yeas and nays.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MANSFIELD. Mr. President, I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. MORSE. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

The question is on agreeing to the amendment No. 684 of the Senator from Alaska [Mr. Gruening]. On this question, the yeas and nays have been ordered; and the clerk will call the roll.

Mr. LONG of Louisiana. I announce that the Senator from Tennessee [Mr. Bass], the Senator from Connecticut [Mr. Dodd], the Senator from Washington [Mr. Magnuson], and the Senator from Oklahoma [Mr. Monroney] are absent on official business.

I also announce that the Senator from Arkansas [Mr. McClellan], the Senator from Florida [Mr. Smathers], the Senator from Alabama [Mr. Sparkman], and the Senator from New Jersey [Mr. Williams] are necessarily absent.

I further announce that, if present and voting, the Senator from Alabama [Mr. Sparkman] and the Senator from Connecticut [Mr. Dodd] would each vote "nay."

Mr. KUCHEL. I announce that the Senator from Kansas [Mr. Pearson] is necessarily absent.

The Senator from Pennsylvania [Mr. Scott] is absent because of illness.

If present and voting, the Senator from Kansas [Mr. Pearson] and the Senator from Pennsylvania [Mr. Scott] would each vote "nay."

The result was announced—yeas 29, nays 61, as follows:

[No. 147 Leg.]

YEAS—29

Bartlett
Bayh
Bible
Brewster
Byrd, Va.
Byrd, W. Va.
Cannon
Eastland
Ervin
Fong
Gore
Griffin
Gruening
Harris
Hart
Hartke
Jordan, N.C.
Long, La.
Mondale
Morse
Moss
Ribicoff
Robertson
Russell, S.C.
Russell, Ga.
Symington
Talmadge
Thurmond
Tydings

NAYS—61

Aiken
Allott
Anderson
Bennett
Boggs
Burdick
Carlson
Case
Church
Clark
Cooper
Cotton
Curtis
Dirksen
Dominick
Douglas
Ellender
Fannin
Fulbright
Hayden
Hickenlooper
Hill
Holland
Hruska
Inouye
Jackson
Javits
Jordan, Idaho
Kennedy, Mass.
Kennedy, N.Y.
Kuchel
Lausche
Long, Mo.
Mansfield
McCarthy
McGee
McGovern
McIntyre
Metcalf
Miller
Montoya
Morton
Mundt
Murphy
Muskie
Nelson
Neuberger
Pastore
Pell
Prouty
Proxmire
Randolph
Saltonstall
Simpson
Smith
Stennis
Tower
Williams, Del.
Yarborough
Young, N. Dak.
Young, Ohio

NOT VOTING—10

Bass
Dodd
Magnuson
McClellan
Monroney
Pearson
Scott
Smathers
Sparkman
Williams, N.J.

So Mr. Gruening's amendment (No. 684) was rejected.

AMENDMENT NO. 672

Mr. TOWER. Mr. President, I call up my amendment No. 672, and ask that it be stated.

Mr. JAVITS. Mr. President, will the Senator from Texas yield?

Mr. TOWER. I yield to the Senator from New York.

Mr. JAVITS. Mr. President, I ask unanimous consent that the amendment of which I am the sponsor may be temporarily laid aside, and that the Senate proceed to the consideration of the amendment to be proposed by the Senator from Texas [Mr. Tower], and when that amendment is disposed of, that my amendment may again become the pending business.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

Mr. TOWER. I thank my distinguished friend, the Senator from New York.

Mr. GRUENING and Mr. YARBOROUGH addressed the Chair.

The PRESIDING OFFICER. The junior Senator from Texas has the floor.

The Senator's amendment will be stated.

The Legislative Clerk. It is proposed by Mr. Tower, at the end of the bill, to add a new section as follows:

Sec. 203. It is the sense of the Congress that, in view of recent changes in the Government of Indonesia, the Secretary of Agriculture should take such steps as may be necessary to encourage and facilitate the export to Indonesia of agricultural commodities produced in the United States, under the Commodity Credit Corporation export credit sales program authorized by title IV of the Agricultural Trade Development and Assistance Act of 1954, as amended.

Mr. TOWER. Mr. President, I shall be very brief.

The purpose of my amendment is to stimulate the sale of agricultural commodities to Indonesia. It is well known that in the past I have opposed any kind of help or aid to Indonesia under the Sukarno government; but in view of the internal political change in Indonesia, I think we should proceed as rapidly as possible to establish normal economic and political relations with that country. Considering the fact that we are searching for export markets for our cotton, and considering the fact that the Indonesian textile mills very much want our cotton, I think this would be a very constructive piece of legislation to pass.

I am aware, however, that this is properly a matter to be handled by the Committee on Agriculture and Forestry, and that this amendment is primarily addressed to Public Law 480. I therefore yield to the distinguished Senator from Louisiana [Mr. ELLENDER] for any comment he may wish to make.

Mr. ELLENDER. Mr. President, the Committee on Agriculture and Forestry is now considering the food-for-freedom bill. We will take cognizance of this amendment since what the Senator is trying to do in his amendment is properly within the purview of our committee. The amendment clearly amends the so-called food-for-freedom program, or Public Law 480 as it is commonly known.

I assure the Senator that, before the food-for-freedom bill is reported, consideration will be given to the amendment of the Senator. If the Committee on Agriculture disagrees with the views of the Senator from Texas, he will then have an opportunity to offer his amendment to the food-for-freedom bill when it is presented to the Senate.

Mr. TOWER. Mr. President, I thank the Senator from Louisiana for that assurance.

Mr. FULBRIGHT. Mr. President, I wish to make a short comment on this matter. Yesterday the junior Senator from Illinois introduced an amendment which was agreed to, banning the granting of aid to Indonesia.

There is already in the law section 620(j) which generally prohibits aid to Indonesia unless the President determines it to be in the national interest.

I want to note that the Communists were suppressed in Indonesia only after U.S. aid was halted. I think that we should be very careful about reinstituting aid to that country, because none of us want to revive the Communist influence in Indonesia.

Mr. TOWER. Mr. President, I point out that this provision would come within the purview of Public Law 480, and it therefore would not be subject to the proscription noted by my distinguished friend, the Senator from Arkansas.

When a government determines that it will be friendly to the United States and its allies, or when a government has successfully thwarted a Communist takeover, I think we should do everything we can to strengthen that government and to establish normal relations with the government.

I hope that my amendment will be agreed to in the food-for-freedom bill.

I again express my thanks to the distinguished Senator from Louisiana and withdraw my amendment.

The PRESIDING OFFICER. The amendment is withdrawn.

Mr. ELLENDER. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. ELLENDER. Mr. President, do I understand correctly that the Senate will revert to the Javits amendment at 3 o'clock?

The PRESIDING OFFICER. The Senate will consider the amendment immediately.

Mr. ELLENDER. Mr. President, I have an amendment that I would like to offer. I doubt that we could conclude action on my amendment before 3 o'clock unless my good friend, the Senator from Arkansas, will accept the amendment. It is very mild amendment, and I have discussed it with him.

Mr. FULBRIGHT. Mr. President, I think it is the kind of amendment that we ought to vote on. I do not think that we ought to accept an amendment of that character without a vote.

Mr. ELLENDER. Mr. President, I ask unanimous consent that my amendment be held at the desk and be considered after the disposition of the Javits amendment that is now pending.

Mr. JAVITS. Mr. President, reserving the right to object, the senior Senator from Oregon is going to move to amend my amendment.

Mr. ELLENDER. I ask unanimous consent that my amendment be held at the desk until the disposition of the Javits amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. JAVITS. Mr. President, so much time has elapsed since we began to consider my amendment, that I feel it necessary to restate very briefly the premises upon which the amendment is based. I shall do this rather quickly and then the senior Senator from Oregon may proceed.

Mr. President, the amendment which I have proposed is designed to prevent the granting of assistance to any member country of the Organization of American States—that means the Western Hemisphere, other than Canada, for all practical purposes—which is controlled by a government which came into power by the unconstitutional overthrow of a freely elected, constitutional, democratic government—or a so-called de facto takeover—generally by military means, as our experience has shown.

The amendment provides that we shall end assistance, military or economic, to such a de facto regime if, in consultation with the member countries of the Organization of American States, and in accordance with applicable resolutions and agreements of the OAS, the President finds that such government does not intend to take the necessary steps, within a reasonable time, to restore constitutional government, to hold free elections, and to apply human and civil liberties. The cutoff shall not take place if (1) the President is satisfied that it is essential to the national interest that we should proceed to aid such a de facto government and reports such determination and his reasons therefor to the Senate Committee on Foreign Relations and to the Speaker of the House or (2) the President is satisfied that such government intends to take appropriate steps to restore constitutional government, within a reasonable time.

Mr. President, the amendment as I have offered it, rather than the printed copy which is on the desk of Senators, is both prospective and retrospective in its application. Insofar as its retrospective application is concerned, it would for all practical purposes apply only to Argentina. The only two active military regimes at present are in Bolivia and Argentina, and Bolivia will shortly hold an election. Therefore, they would fall within the exception, or at least would be certified by the President and fall within the exception to the amendment.

The amendment would therefore apply restrospectively only to Argentina. I pointed out previously that the military regime in Argentina has given no promises or assurances as to what they will do. It has made only a most general statement of what it intends to do. It has eliminated the Congress, the political parties, and the Supreme Court of Argentina.

I made it clear that I was not attacking the Argentine regime. The President may feel that it is wise to give aid to that regime, and he may so certify to Congress with his reasons. However, he should at least be put to the proof.

I pointed out the tremendous instability created in Latin America by the constant concern over these military takeovers. Everybody is looking over his shoulder. The people do not know whether the army will let them have a duly constituted government or not.

The same situation existed in Argentina when I was there within the last 3½ months. It was common knowledge at that time that at any time the military wanted to pull the plug on the government they would do so. When I was there, an Argentine general issued a statement that he was not going to take over the government that particular Wednesday, so rife were the rumors and so unstable was the situation.

Congress ought to strike a blow for self-government and freedom and democratic institutions by giving notice that we are not going to leave it only to the executive to decide, without Congress having an opportunity to declare itself on the subject of when he will not only recognize the government but also continue to give it aid.

Recognition is in the hands of the President, but the aid is a matter over which we legislate.

For those reasons, I offered the amendment as I did. I believe that it will have a very salutary effect on two things. It will involve the prospects for self-government and democratic government in the Americas. Second, in my judgment—and equally important—it will be noted that my amendment ties in with the necessity for consultation among the Organization of American States in respect of any new de facto government.

This is a new thing and is occasioned by the fact that the Organization of American States adopted last November at Rio a resolution calling for just such a procedure on the recognition of de facto governments.

If we follow it, as we would be doing if the proposed amendment were adopted, I believe it would be such an element of strength to the Organization of American States as to be worthy of adoption on that ground alone.

I point to the fact that Resolution No. 26 of the November 30, 1965, meeting at Rio carries out this design of the Organization of American States, which is followed in my proposed amendment.

For all these reasons, Mr. President, I urge that the Senate approve the proposed amendment.

I yield the floor.

Mr. MORSE. Mr. President, I hope the Senate will agree with me that the amendment offered by the Senator from New York [Mr. JAVITS] should be modified.

The Senator from New York and I have had a common objective in regard to this subject for the past several years. But in my judgment, the amendment offered by the Senator from New York, relating to assistance in Latin America, is good as far as it goes, but it does not go far enough.

In 1963, I attempted to accomplish very much the same thing. In 1963, I offered an amendment that provided for suspending financial assistance to any government in Latin America that had come to power by overthrowing a prior-elected constitutional government.

Upon the same supposition as the one now made by the Senator from New York, I modified the amendment to give the President the same loophole that the Senator from New York proposes today to give to him, to act upon his own to resume assistance 30 days after notifying Congress of his intention.

The supposition was that that loophole would gain support for the amendment, and I was even given to believe that the amendment would be acceptable to the State Department. But that was a purely fraudulent supposition, as I find so often is the case with respect to so-called formal understandings reached with the State Department. The State Department opposed my amendment in other quarters, with the result that it threw its influence against my amendment, by its legislative lobbyists, who are sitting in the gallery as I now speak. That is one reason why not the best of cooperative relationships exists between the Committee on Foreign Relations and the State Department on a good many matters.

This watered-down version did not receive even the vote of the Senator from New York [Mr. JAVITS]. It received 11 votes on a yea-and-nay vote. The State Department did a good job of lobbying that year.

My conclusion was that it was a waste of time to offer such ineffectual language in the hope or expectation that it would at least furnish an indication of congressional attitude on an area of concern.

If we are to exercise our constitutional checks—we owe it to the American people to exercise them—we cannot leave a loophole by which a President can ignore an expression of viewpoint on the part of Congress. That is all that would be done by the language in the proposed amendment. That is why I have sadly come to the conclusion that the so-called Presidential escape clause has the effect, in most instances, of defeating the very purpose and objective that Congress has in mind when it seeks to express its view in the field of foreign policy, as would be done by the amendment proposed by the Senator from New York.

I agree with the point of view. I disagree with the procedure set forth in the amendment of the Senator from New York.

My amendment of 1963 at least had the virtue of giving Congress 30 days in which to act to ban the renewal of assistance. There was that much of a congressional check. The amendment now proposed by the Senator from New York does not provide even for that.

What a pity that the Senate did not see fit to adopt this language in 1963. It could have served as a warning, both to Presidents of the United States and to potential military adventurers in Latin America, that the Senate took a dim view of coups against elected, constitutional governments, and a dimmer view of supporting them with American money.

What a pity that the Senate in 1963 saw fit to judge this issue on the basis of the man who occupied the White House at the moment, and not on the basis of the duty of Congress to establish standards for the administration of foreign aid.

I point out to Senators that the problem before us in connection with the amendment is not the recognition of a foreign power. That is the prerogative of the White House. But it is not the prerogative of the White House, without congressional approval, to pledge the money of American taxpayers to another government. We should give that approval on the basis of the facts existing at the time the President seeks to grant the aid.

What is being sought here is that we tell the President: "We have strong doubts about whether or not you should support a military junta that has come into power by overthrowing a constitutional government. We don't want you to do it. We don't think you should do it. But, of course, if you decide that it is in the national interest that it should be done, then go ahead."

So we simply transfer to the President what is obviously a legislative responsibility to analyze the facts, case by case, and decide whether we want to adopt a recommendation by the President to grant aid to a military dictatorship that has overthrown a constitutional government. That is the plea of the Senator from Oregon.

There is no reason in the world, after a military junta has overthrown a constitutional government, why the President should be given discretionary power to invest the taxpayers' money to the tune of a good many million dollars, in most instances, in that kind of dictatorship, without the approval of Congress. All I am asking is that Congress grant its approval.

I know all the old line arguments that there is a question of time; that getting approval takes time. But how long does it take for the President to get a message before Congress, setting forth his reasons why aid should be granted to a military junta that has overthrown a constitutional government? If his report is a good report and establishes a sound case, it will not take much time for Congress to adopt a concurrent resolution, as my amendment provides, authorizing such a grant.

I know that when one talks about constitutional theory in the Senate, particularly when the pressure is on to have a bill disposed of, there are those who wish that that amount of time would not be taken for such discussion. I shall continue to point out, perhaps on the basis of the educational principle that sometimes much repetition is needed to get a lesson across, so often as I have it presented to me in the Senate, any proposal that seeks to give to the President what amounts, in fact, to unchecked power.

The Senator from New York [Mr. JAVITS] and I have worked shoulder to shoulder on so many issues that I now find myself in the unhappy position of not agreeing with him on a particular issue; but I say most respectfully that I do not believe our difference is really a difference of objective, but is more a difference concerning the procedure that ought to be followed by Congress in a determination of the exercise of a legislative check.

So I shall continue to plead that we stop developing in this country, more and more of a government by executive supremacy. I shall continue to try to warn the Senate and the people of my country that we must check the executive branch of the government, I do not care who sits in the White House. This has nothing to do with the personality in the White House. This is an abstract principle of American constitutionalism; yet all the freedoms and all the liberties of the American people depend upon the implementation of the check-and-balance system of our Government, a system which our constitutional fathers gave to us as a great governmental legacy for maintaining a system of three coordinate, coequal branches of government, each branch checking the other.

Therefore, as far as this abstract principle of constitutionalism is concerned, the senior Senator from New York takes the position again, as I have time and time again during my 21 years in the Senate, of saying: Stop, look, and listen before you give this unchecked power to a President.

If the Senate this afternoon thinks that the situation is serious enough so that we should warn the President to go slow whenever he is dealing with a junta that has overthrown a constitutional government, then all the more reason for saying to the President: "If you think that there are reasons for providing the aid, you tell us those reasons and we will decide whether or not we agree with you."

But under the Javits amendment we do not have that right. Under the Javits amendment we forgo it. Under the Javits amendment we delegate it.

Under the Javits amendment, as I have said so many times, we again advocate what I consider to be the clear, constitutional responsibility of the Congress to check a President in the exercise of arbitrary discretion.

But you say that a President will not exercise arbitrary discretion, and you cannot be more wrong. The pages of American history are filled with example after example when Presidents have engaged in arbitrary and capricious discretion.

The Senate knows and the country knows that I feel that that is one of the great problems confronting us in connection with the war in Vietnam. We have permitted the President to exercise arbitrary discretion, and, in my judgment, shocking, capricious discretion at that. You simply cannot continue this trend. If more and more discretionary power is granted to him by the Congress, this fine principle of checks and balances disappears.

I am pleading this afternoon that we add my amendment to the Senator's proposal to require that the President be required to send to the Congress a report setting forth his reasons why aid should be given to a military junta or a coup group that has overthrown a constitutional government, and then Congress considers his reasons and passes a concurrent resolution approving of the aid, if it decides that the President is right.

I think it will be discovered in many cases that he was wrong. In fact, if we had the procedure that the senior Senator from Oregon is arguing for, some aid we have given in Latin American countries in recent years never would have been given.

As chairman of the Subcommittee on Latin American Affairs, it was most unfortunate that it was given, for it has greatly increased our problems in Latin America in some of the instances I shall mention before I finish my speech.

No, Mr. President, I think that now is the time for the Senate to go on record in an amendment that carries out what the Senator from New York [Mr. JAVITS] has in mind, as far as his major purpose and objective are concerned, but requires that the Congress place its stamp of approval upon the recommendation.

Since 1963, the flurry of coups, which had begun that year, has continued apace. The resumption of assistance to such juntas as the Reid-Cabral junta in the Dominican Republic, the Peralta junta in Guatemala, and that in Honduras encouraged the fashion to spread to the continent of South America.

I have talked to a great many Latin American leaders. I talk to many of the outstanding democratic Latin American leaders each year. I am in frequent communication with them. Our democratic friends in Latin America are greatly concerned about the foreign policy of the United States, vis-a-vis Latin America, when a coup takes place. They just take it for granted that after a polite waiting period the United States will recognize them and then proceed to pour millions of dollars by way of aid into that country.

When we do, we are letting down our democratic friends in Latin America, and we are playing into the hands of the Communists in Latin America.

In fact, this policy of the United States in Latin America in my opinion, must be charged with the responsibility of aiding and abetting the Communists in a good many Latin American countries. When we help build up juntas and help supply aid to juntas, we play into the hands of the Communist propaganda which, points out to the people, whose rights are going to be trampled under foot by these military dictators: "See what the policy of the United States is. It talks a good game about freedom but when the chips of freedom are down in Latin America time and time again it does not support freedom."

I shall summarize quickly in connection with this case because it is so applicable. The President on December 10, 1963, had under consideration the recognition of a military junta in the Dominican Republic, because there was threatening a new coup and this coup was to overthrow the civilian commission that had been set up to administer the government as a facade for the military junta. My good friend the majority leader, the Senator from Montana [Mr. MANSFIELD] was at the White House when the incident I now describe took place. There had been called in by the President a group of Senators for advice, after we had been briefed by the Under Secretary of State, who was the Acting Secretary of State that day because the Secretary of State was out of the country.

We were told that the policy level of the State Department was unanimous in favor of recognizing this military junta. I happened to be the lone dissenter at the meeting in the cabinet room. That is not a new role for the senior Senator from Oregon. But, Mr. President, I am always willing to be judged by the decisions which I make on the basis of subsequent events.

I take the position that had my position prevailed that day a good deal of the trouble that the President had to go through in the Dominican Republic subsequently never would have developed, because when he agreed to follow the advice which he got to recognize that junta in the Dominican Republic, in my judgment, he paved the way for what history will record as a series of costly mistakes which the United States made in the Dominican Republic.

It was on that occasion that I said to the President:

"You should call in your democratic friends in Latin America and get their advice. You should call in the President of Chile. You should call in the old President of Colombia and the new President. You should call in the former President of Venezuela, Betancourt, and the new President. You should call in the old President of Costa Rica and the new President. You should call in the President of Peru, Terry, former Governor Marin of Puerto Rico, and the President of Mexico."

If he had done that, Mr. President, the advice would have been unanimous against the proposal the State Department is making for recognition of the military junta. The President, in a conversation which he had with me in his office subsequent to the meeting, expressed some serious doubt as to whether or not he was wrong.

But, under the circumstances, he probably would have to go along, and would go along with the advice of the State Department. That was on a Tuesday. On the following Saturday, he recognized the military junta in the Dominican Republic.

It was at the meeting in the Cabinet room that for the first time I said that when the chips of freedom are down in Latin America, too frequently the United States walks out on freedom.

That has been our record. We have supported dictatorships in Latin America such as Batista of Cuba and Castro of Cuba. Do not forget that we recognized Castro of Cuba and proceeded to support him. For some time, the one person in the Senate who opposed Castro was the senior Senator from Oregon. I stood on the floor of the Senate at that time and tried to warn the Senate and the Government that it was making a great mistake in the support it was giving to Castro. I said at that time that what we were doing was merely changing our support from a Fascist dictator to a Communist dictator—at least a dictator who was following the Communist line because, then, there was doubt as to whether he was a Communist—but his procedures were Communist.

The Senate went along then, too. The Senate should have exercised its checks against the administration then, as it should exercise its checks against the administration today.

Mr. President, it was then that I stressed that we have got to stop walking out on freedom in Latin America when the chips are down. We have got to stop supporting military dictatorships in Latin America. We have got to stop adopting the rationalization that just because some other countries recognize a dictatorship, we should join the crowd. I do not care how many countries recognize a dictatorship. I do not propose to let them determine what is sound American foreign policy.

No President should object to it. Give me any reason why a President should object to have a recommendation for economic aid that does not fall within his constitutional prerogative. Recognition does. But not the granting of taxpayers' money to be spent by the millions of dollars in a country ruled by a dictatorship which has overthrown a democratic constitutional form of government.

Give me a reason why the President of the United States has any justification for not wanting to put his case before Congress.

Is he afraid of it?

Does he not trust his own case?

Does he not think that he can prove his case?

If he cannot prove his case, then he should not be given this extraordinary constitutional prerogative. He should be held to the facts of the case.

Oh, yes, it can be said, but the Senator from Oregon has gone along in past years with some resolutions and some legislation which have included Presidential escape clauses in them.

I have.

In fact—and I am quickly recalling now—I know that in 1956 the Senate adopted the Morse-Lehman resolution expressing the sense of the Senate that the executive branch should not give countries economic aid which discriminate against American citizens because of their religious faith, which applied at that time to American soldiers who were Jewish who were being denied the right to serve on American bases in Saudi Arabia. It also dealt with practices of Arab countries in their discrimination against American-Jewish citizens.

At that time, in Norway, although they quickly changed it, there was an example of discrimination against American Catholic priests. But even the raising of the problem in the Senate, I was advised later by some of my friends familiar with the situation in Norway, brought an end to discrimination there.

It can be said that I went along at that time with the Morse-Lehman resolution which included a Presidential escape clause.

I did.

It can also be said, going back through my record, that in 1949, in the Javits-Morse amendment to a policy section of the foreign aid bill dealing with the same general problem, we had a President's escape clause written into it.

That is true.

But, I have learned my lesson since. I have learned the lesson that it is simply a waste of effort, because those escape clauses have not, so far as I can see, ever had any effect on the White House. It has gone right along, in spite of so-called sense-of-the-Senate resolutions. In 1959, on the Javits-Morse amendment, they sent up a report telling why the President was proceeding with the aid, but they went ahead with the aid, anyway, and there was nothing we could do about it until the next aid bill.

Now the Senate has a new aid bill before it, and there is something it can do about it.

The Senate can adopt an amendment this afternoon which will place the responsibility squarely in the lap of Congress.

The military coup in Brazil was positively beamed on by Washington, not only by the Pentagon but by the State Department. The Ambassador, who is now Assistant Secretary of State for Inter-American Affairs, was a leading exponent of American financial support to the Castelo Branco military junta in Brazil.

Some of my colleagues in the Senate found it a little difficult to understand why I did not support his nomination, and voted against it—the only Senator on the Committee on Foreign Relations to do so. In my speech against his nomination on the floor of the Senate, I gave one of the controlling reasons, that, in my judgment, I did not feel that the American Ambassador to Brazil should be appointed Assistant Secretary of State for Inter-American Affairs in view of the well-known strong support he gave to those who had overthrown constitutionalism in Brazil.

The increasing financial assistance by the United States has been accompanied by increasingly dictatorial practices, by increasing disaffection for the junta in Brazil, and increasing evidence that the junta plans to remain in power no matter how heavy an iron fist it takes to maintain itself.

Congress must assume its responsibility for picking out of the pockets of the American taxpayers millions of dollars to feed into Brazil to support its junta and strengthen the threat of communism there.

Mr. President, many do not wish to face it now, but I am certain that it is only a matter of time when unless constitutional governments are established in the countries of Latin America, junta governments will be faced with bloody revolutions. The pages of history are replete with examples, that the people can be suppressed only so long and then, as inevitably as the sun rises in the morning, they will revolt.

With all the media of information now available to the masses of people in the trouble spots of the world, here we are following a shortsighted course of action as we support dictatorships and juntas anywhere in the world.

Those of my generation may not live so long as to see the fruition of the prediction I have just made, although we will see its fruition in the not too distant future in some spots of the world. But I am talking about worldwide revolt of the masses of people against tyranny, of the oppressed against the denial of human dignity and civil rights all around the globe.

I do not want to leave a legacy to American boys and girls who will follow me of making a record here which will lead to the finger of scorn being pointed at the United States as having to assume responsibility for giving support to military dictatorships and juntas that suppressed freedom in the countries where agitation is already on for freedom. The leaders of the freedom movements are not Communists. The leaders of the freedom movements do not want anything to do with communism.

We all know that whenever there is strife anywhere, whether it is abroad or at home, the Communists will always try to move in to capitalize on the strife, to seek to agitate so they can falsely claim credit for any constructive development that might flow from the strife.

It may be said that the particular problem to which I am addressing myself this afternoon in connection with my amendment is not of such serious import as I say it is. It clearly is. My purpose is to prevent the development of executive, arbitrary, capricious suppression, and to put in the type of checks to prevent it. That is the purpose of the amendment.

The April 25 issue of the New Leader carries an article written in Rio de Janeiro entitled "Letter from Brazil." It is by William Lineberry, and after reviewing the activities of the Branco junta and the decision of the United States to promote the junta government to the No. 1 recipient in Latin America of U.S. aid, he states:

> The result of all this is that inflation remains an unsolved problem, the economy continues to lag, reforms have been sabotaged in some cases and slow to start in others, and the political course has been away from rather than toward the restoration of popular democracy. Perhaps the one solid accomplishment of the regime has been thoroughly to debunk the notion that generals make good, progressive reformers.
>
> True, two years is a short time in which to coax an economy as vast as Brazil's back from the brink of ruin. But it has been ample time for the regime to show its colors.
>
> Meanwhile, conditions in the poverty-stricken, rural Northeast of Brazil continue to fester. One U.S. official recently returned to Rio from two years in that area reports privately that, if anything, conditions are worse than in the past. SUDENE, the much touted Northeast Development Superintendency, is said to be almost wholly ineffective in its work—a bagunca, as the Brazilians say, meaning an impossible bureaucratic mess. This is the same Northeast which a few years back was the subject of much sensational attention in the U.S. press for its grinding poverty and its Communist-influenced peasant leagues. The grinding poverty is still there, but the troublemakers are in prison or exiled—hardly cause for rejoicing in the "new stability."

I ask unanimous consent that this article be printed in its entirety at the close of these remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. MORSE. Mr. President, Guatemala is another example of the futility of the American "aid the dictators" policy in Latin America. It is interesting that during the Eisenhower administration we befriended the dictators in Latin America, and when that policy proved disastrous we thought it desirable to abandon it. But now, we not only befriend them, we hasten to bestow millions of dollars of American financial and military support upon them.

An article written from Guatemala City before the recent election appeared in the Los Angeles Times on March 13. After describing the details of the election campaign, the correspondent, George Nathanson, concluded:

> Many observers here believe the anti-Communist campaign has helped rather than harmed the Communists, first by crediting them with powers they do not have, and secondly by giving communism publicity it could never have otherwise received.
>
> Politics in Guatemala appears to be bent more on instilling fear in the people than on encouraging hope. All parties, including the government, are contributing to electoral confusion.
>
> The way is seemingly being paved for a small band of ragged, ignorant Communist guerrillas whose only strength lies in the growing hopelessness here to reap rewards of sympathy and hope from an apathetic and disillusioned people.

That is the pattern that is followed in Latin America when we aid juntas and military dictatorships and walk out on the rights of the people who are seeking to improve their lot. It is no way to help people who want freedom by, in effect, reinforcing communism when we support an aid program which makes it possible for the dictators to levy an even-heavier hand on the people in denying them their precious rights of human dignity.

This was 3 years after we resumed bountiful American aid to a military junta on the ground that it would be more efficient in reforming the Guatemalan economy and society than the elected government had been.

"Growing hopelessness," and "an apathetic and disillusioned people"—those are the results of the roughly $15 million a year in aid we had been extending to the Peralta junta in Guatemala.

I ask unanimous consent to have two articles concerning Guatemala printed at the conclusion of these remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 2.)

Mr. MORSE. Mr. President, it is scarcely to be wondered at that, after this performance by the United States of supporting dictator after dictator in Latin America on the flimsy excuse that some alleged Communist influence would prevail if the military did not kill off democracy before the Communists could do it, the generals in Argentina concluded that military governments were welcomed in the United States for their own sake.

There was no particular known threat of communism in Argentina. But the concept of military rule has become a good one in itself to those who once advocated it as an anti-Communist measure. Now the militarists do not even wait for the Communists to appear on the scene before they begin to see advantages in government by generals and admirals.

The New York Times has quoted one official of the new Argentine junta as stating that the generals believed the official opposition to a coup from our Embassy to be "just window dressing." How right they were. The day before we extended recognition to the coup government, the Times reported:

> "We thought the Pentagon favored a grand anti-Communist alliance between the military governments of Brazil and Argentina," a Government House aide said.

I ask unanimous consent that this entire clipping from the Times of July 14, 1966, be printed at the close of these remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 3.)

Mr. MORSE. Surely Brazil, Argentina, the Dominican Republic, Honduras, Guatemala, Ecuador, and El Salvador, all of which have succumbed to military juntas in recent years, are evidence enough that whatever our military aid missions are advising the local military, they are encouraging and not discouraging the seizure of power by military cliques.

It was what the Pentagon was considered to favor in South America that prevailed in Argentina, and it will continue to prevail so long as the State Department goes along with Pentagon thinking.

As I have been heard to say so many times, the evidence continues to increase that American foreign policy is determined, in a large measure, by the military policies of the Pentagon. And let me say, when a foreign policy becomes militarily oriented, I advise the American people, "Watch out for your freedom. For you can have military control under democratic slogans and democratic labels. You can have a military leading you into war, outside of the Constitution, without a declaration of war."

That is why, already, over 4,000 American boys have died in South Vietnam, because the Pentagon has been running American foreign policy in Asia.

Mr. President, we are talking, again, I say this afternoon, about some basic abstract concepts in principles of constitutionalism. We have before us an obligation to check the executive branch of the Government by imposing upon it the duty of coming before Congress and justifying any recommendtion for the support of a junta that has overthrown a constitutional government.

I agree with the Senator from New York that the Senate should give support to the views of the Latin American governments assembled recently in Rio. But we should give it support and not just lipservice. It is only lipservice to say we will suspend aid to a government that overthrows a constitutional government, but on the other hand if the President decides to give aid anyway, that is all right, too.

If Congress is going to support this basic principle of the Alliance for Progress, then let us support it, and not further weaken it with meaningless verbiage that will not be taken seriously either by the administration or by the generals and admirals of Latin America.

Mr. President, as chairman of the Subcommittee on Latin American Affairs, in my conversations with great democratic leaders in Latin America, do you know what they told me? Why, it is just then taken for granted that after there has been a coup, a certain number of U.S. Senators and Representatives will stand on the floors of Congress and deplore it, and issue some constituent-attention statements.

We make nice talks about it, and then, when we have an opportunity to vote and check, we vote just the opposite. That is why I have been heard to say so many times, "Never pay any attention to anything a politician says, I do not care who he is, including the senior Senator from Oregon, unless what he says can be squared with his voting record."

The sad thing is that too frequently, in the development of American foreign policy, the votes of U.S. Senators cannot be squared with their speeches in or outside of the Senate.

Mr. President, I think that the crisis in American foreign policy has become so serious that the American people need to wake up to the failure on the part of their Congress to carry out its checking responsibilities. And the American people ought to make clear to Congress that they expect it to exercise its checking responsibilities when appropriate legislation comes before it.

In my judgment, this is such a case this afternoon. It is not one of the great major issues in the aid bill, but it is a very important issue in the aid bill.

The amendment I am offering is an amendment to the amendment proposed by the distinguished senior Senator from New York [Mr. JAVITS].

The principal weakness of the Javits amendment is that its loophole is too big. The Javits amendment would prohibit economic assistance to unconstitutional Latin American governments—

> Unless (1) the President finds that the prohibition against furnishing such assistance is contrary to the national security interest of the United States, or (2) the President is satisfied that [such] government . . . has agreed to take appropriate steps, within a reasonable time, for the restoration of constitutional government, the holding of free elections, and the application of human and civil rights and liberties . . .

This exception is so broad as to make the amendment virtually meaningless.

All I say is that if the President thinks they are going to take appropriate steps within a reasonable time for the restoration of constitutional government, for the holding of elections, and for the application of human and civil rights and liberties, let him send our committees a report that proves it, and then let that report go to Congress. The report will go first to the Foreign Relations Committees of the two houses, and they will make their recommendations to Congress, as to whether or not they believe the facts warrant the contentions of the President.

My amendment to the Javits amendment provides a loophole but one which is very much smaller and which, furthermore, is guarded by the Congress.

I would require the President to send to Congress his recommendations. I know the tendency of so many in Congress to rubberstamp a President and go along with him if he asks for something. But I always have hope, Mr. President, and I think we have a right to assume, that Members of Congress will vote upon the merits of an issue. And so I do not think that I weaken my amendment in any way in providing for this report from the President, but in fact I strengthen my amendment, though some may call it a loophole.

Then, after that report is made, upon a finding by the President that the action proposed is in the national interest, my amendment would require that the matter come to the floors of Congress, and Congress be given an opportunity to vote on a concurrent resolution in support of the aid.

Thus, under my proposed amendment, if a coup d'etat took place in Latin America, and if subsequently it appeared to be in the national interest of the United States to aid the country involved, the President would submit such a report, together with his reasons, to the two committees of Congress, which in turn would report to their parent bodies. If he made a good case, the committees in Congress could approve the proposal quickly, and send a proposed resolution to the floors of the Senate and of the House. If he did not make a good case, then Congress would have the additional check of a report from the committees of the Senate and the House, setting forth what was wrong with the President's alleged findings of fact.

That is the check and balance system. That is what we mean by it. And it is for that reason that it was written in the Constitution in the first place, as a great political heritage for the American people, to protect this system of three coordinate and coequal branches of government.

There are several other points, some of them technical, about my proposal which I wish to mention.

The Javits amendment, in referring to assistance "under this act," limits itself to economic aid. I suppose the Senator from New York can say, and with merit, that he does that because we have only the economic aid bill before us. It is too bad that we have only the economic aid bill before us. It is too bad that we have two bills on aid this year, instead of the combined bill for economic and military aid. But in my judgment, the same check should also be imposed in connection with military aid—exactly the same check.

There is no reason in the world why the President should be allowed to grant military aid to a military junta without its being checked by Congress through the approval of a concurrent resolution.

In this connection, attention should be called to sections 638 and 639 of the Foreign Assistance Act which provide that no provision of the act shall be construed to prohibit assistance pursuant to the Peace Corps Act, the Mutual Educational and Cultural Exchange Act, or the Export-Import Bank Act, or assistance for famine or disaster relief.

My amendment contains a sentence that—

> No other provision of this Act shall be construed to authorize the President to waive the provisions of this subsection.

It is important to have that safeguard in view of the very broad waiver authority the President is given in section 614 of the act.

In present circumstances, the amendment would prohibit assistance only to Argentina, where assistance has already been suspended by executive action—but where, absent this amendment, it might also be reinstituted by executive action.

I want to make it very clear that the amendment would apply to Argentina. The situation at present is that he would have to send his report to the committee, the committee would make its report to Congress, and Congress would, by way of concurrent resolution, decide whether it wanted to give the President this power. That would apply to Argentina as well as to any other country.

Mr. JAVITS. Mr. President, will the Senator yield?

Mr. MORSE. I yield.

Mr. JAVITS. Mr. President, there is no difference between us on that point. I have provided against the granting of aid to Argentina in my amendment.

Mr. MORSE. I have attempted to list all the points on which we agree. This is simply a persuasive argument to put us in complete agreement on the adoption of the Morse amendment.

Mr. JAVITS. I thank the Senator.

Mr. MORSE. Mr. President, as of today, Bolivia would also come under the terms of the amendment, but an elected President is to take office in Bolivia August 6 and the amendment would then no longer apply.

Ecuador has an unconstitutional government, but it did not come to power through the overthrow of "a prior government which had been chosen in free and democratic elections." Thus the amendment would not apply to the present government of Ecuador, nor to governments which might come to power in Cuba and Haiti through the overthrow of the existing governments of those countries.

The case of Brazil is admittedly ambiguous. It is arguable whether Goulart jumped or was pushed from power in 1964. In any event, once the presidential office was vacant, the constitution was meticulously followed in providing for the succession. Further, Brazilian elections are scheduled for this fall, though it is difficult to see how they can be very democratic in view of the fact that a new President will be elected by a lame-duck Congress.

In any event, U.S. policy toward Brazil seems badly in need of review in the light of Brazilian political trends, and this amendment would require such a review in both the executive and legislative branches.

EXHIBIT 1

LETTER FROM BRAZIL

(By William Lineberry)

RIO DE JANEIRO.—Two years have now passed since the Brazilian military jumped into the political arena by replacing Leftist President João Goulart with Marshal Humberto Castello Branco. According to the original "revolutionary" times table, Brazil was to return to democratic civilian rule at about this time—its economy healed and its political system purged of corrupt and subversive elements. But the generals have found that getting into the Brazilian political arena is a lot easier than getting out, and in effect have extended their "revolutionary mandate" until March 1971, when the term of the new President, to be named by Congress this October, expires. Presumably, it will take that long to revive Brazil's tattered economy and to establish a political framework immune to the menace of Leftist demagoguery.

These have been a rough two years for the Army, which prides itself on its professionalism, its adherence to legality and its apolitical tradition. Not only has its economic recovery program met with considerable resistance, but its political policies have opened serious fissures within the ranks of the military establishment itself. And since the Army must give final approval of the President chosen in the indirect election next October, the ugly spectacle of generals running against one another has become the likely eventuality.

The so-called "hard line" faction of field commanders is pushing the already announced candidacy of War Minister Artur Costa e Silva, to the obvious consternation of President Castello Branco, who represents the so-called "Sorbonne School" of military intellectuals and made the mistake of declaring himself ineligible to serve again in the top office. Two other generals have also entered the race, Amauri Kruel and Oswaldo Cordeiro Farias. Meanwhile, a sizable faction of lower ranking officers is said to be grumbling in favor of a "return to the barracks" where they belong.

In marked contrast to the usual loathing accorded politicians in Brazil, the Army has long enjoyed the respect and admiration of civilian opinion. It builds the bridges, maintains the roads and offers a modicum of law and order in the vast frontier regions, as wild and wooly as the U.S. West in its own era of cavalry versus Indians. Unlike many self-serving Latin American "gorillas," moreover, Brazilian military men have a tradition of serving constitutional governments rather than themselves. A colonel earns about $200 a month, and even generals are financially embarrassed by tours of duty in high-priced cities like Rio.

In the past, the military has intervened in politics only to insure the preservation of legality and constitutionalism. It toppled the Vargas dictatorship in 1945, demanded Vargas' resignation in 1954 (after he had been popularly elected), assured the installation of President Juscelino Kubitschek in 1955, and demanded in 1961 that Goulart's powers remain within the limits set by the Constitution. But on each of these occasions the Army was careful to withdraw in favor of civilian rule as quickly as it had intervened.

In April 1964, saddled with the chaos unloosed by Goulart, it decided to stay on and straighten things out once and for all. This is perhaps the biggest mistake it could have made, for after being ground up in the Rube Goldberg machinery of Brazilian politics, it will be lucky to emerge with even a tattered shred of its old respectability intact—and it may well find itself shorn of the unity it sought to preserve by intervening against Goulart in the first place.

When Castello Branco assumed the Presidency two years ago he was promptly hailed by Washington as a new, progressive, reform-minded and professional variety of military strongman, wholly removed from the self-serving *caudillo* type of old. Here, according to the State Department, was a prime example of the patriots and responsible new military class emerging in Latin America—a class dedicated to national economic development and the protection of democratic institutions from extremists of the Right and Left. Trained in the U.S. or under U.S. advisors in their own countries, possessed of middle-class values, untainted by corruption—these men have been singled out by U.S. officials like Ambassador-at-Large W. Averell Harriman as cornerstone of future Latin American stability.

And, indeed, the Marshal remains the very antithesis of that peculiar blend of charisma and brute force which constitutes the successful *caudillo's* image. He is a humble, pensive man given to self-depreciating jokes about his squat, undistinguished appearance. (Even now the Marshal's image on the screen evokes titters of laughter among Rio moviegoers.) He reads widely in several languages and is undoubtedly one of the most distinguished graduates of Brazil's Superior War College (the so-called Sorbonne School), where the nation's complex economic, social and political problems are subject to as thorough an analysis as problems of military command.

During the twilight hours of Goulart's rule it was Castello Branco who, torn between fealty to the Constitution and disgust with the mounting chaos and leftward drift in evidence around him, finally came down on the side of those pressing for a military revolution, carrying a number of fence-sitting generals along with him. When he took office as President in April 1964, it was with the pledge that Brazil would soon return to popular democratic rule and stable economic growth. These goals were to be realized by a series of drastic reforms which would halt spiralling inflation, curb runaway spending by corrupt bureaucrats, tax the rich into a sense of responsibility for the country's future development, and assuage the multitudinous poor with programs of better education, housing and land reform. In fact, the Marshal was proposing to do in moderation much of what the wild-eyed Goulart had been threatening to do in excess.

Professionals themselves, the new soldier-statesmen called upon other professionals, such as economist Roberto Campos, to man the ramparts of reform. In came U.S. and International Monetary Fund experts to advise on monetary and fiscal policies. Out went the old and discredited politicians in an extensive purge. At the same time, the revolutionary government ended official anti-Americanism and opened the door to close and cordial relations with Washington. The welcome mat went out to foreign investors and the regime let it be known that the Alliance for Progress, ignored by Goulart, was now considered a bulwark of hemispheric solidarity.

For its part, Washington could not have been more pleased. It had become a cliché of U.S. opinion that if reforms were not soon carried out in Brazil by responsible elements, they would most certainly be carried out—and in the most painful manner—by irresponsible ones. As a token of U.S. esteem for the new government, the State Department promptly promoted Brazil to the rank of number one aid recipient in Latin America, and U.S. technicians began to help draft the great changes that were to be made.

Certainly, Brazil had been crying out for change. During Goulart's last months in office, inflation had been running at the rate of 144 per cent a year and economic growth had ground to a virtual halt. Even now some 60 per cent of the country's rapidly expanding population of 85 million people is illiterate, the bulk living a hand-to-mouth existence outside the money economy altogether. Although three-fifths of all Brazilians make their living in agriculture, 75 per cent of the land is concentrated in the hands of 8 per cent of the population, while the nation's rural conditions are as squalid as any in the Hemisphere. And the luxury-loving upper classes, alarmed themselves by the structural inequities and social ferment around them, have been shipping their capital to New York and Switzerland, where it can do capital-hungry Brazil no good whatsoever.

The revolutionary government's reform program, however, was shot through with contradictions from the start. It sought to halt inflation through rigidly enforced austerity while pledging costly improvements in education, housing and land tenure. It promised to uphold democracy while threatening, and sometimes imprisoning, entrenched and powerful elements in Brazilian society and proposing drastic changes harmful to their interests. It tossed out Goulart, who had preached radical reform, while keeping in office the Congress which had so successfully blocked Goulart's program. (It still sits.) It talked of a new deal for Brazil's poor, but put political police in charge of their labor unions, banned strikes, and put the squeeze on wages in the name of fighting inflation. It also has allied itself with some of the most conservative elements in Brazilian politics.

Last October, when Castello Branco decreed the abolition of Brazil's 13 old political parties, those politicians who had not been purged by military tribunals were ordered to group themselves into the two new parties created by government fiat—the government-backed ARENA (National Renovation Alliance) and the MDB (Brazilian Democratic Movement), representing the loyal opposition. Curiously, Castello Branco chose to build the new ARENA around a hard core of politicians belonging to the old UDN (National Democratic Union), which had been one of the three strongest parties under the old system.

This was curious because the UDN had been the party of conservative and traditional interests in Brazil—the party of Right-winging Carlos Lacerda, for example, the dynamic ex-governor of Guanabara state—and it seemed strange that a "revolutionary" government committed to "drastic reforms" would purposefully ally itself with such unenthusiastic instruments. But the generals were also in revolt against the twin evils of Communism and corruption, each of which they saw embodied in the two other dominant parties of the old system—the Brazilian Labor party of Goulart (PTB) and the Social Democratic party of ex-President Juscelino Kubitschek (PSD). Hence ARENA, which was after all to be the majority party, had little place else to turn except to the UDN.

The UDN, of course, was delighted. It had never won the fruits of Brazil's patronage-rich Presidency in a popular contest, and now it foresaw not only obtaining these delectables by riding khaki coattails but stifling all this wild talk about reforms.

The result of all this is that inflation remains an unsolved problem, the economy continues to lag, reforms have been sabotaged in some cases and slow to start in others, and the political course has been away from rather than toward the restoration of popular democracy. Perhaps the one solid accomplishment of the regime has been thoroughly to debunk the notion that generals make good, progressive reformers.

True, two years is a short time in which to coax an economy as vast as Brazil's back from the brink of ruin. But it has been ample time for the regime to show its colors. The battle against inflation, which continues to occupy so much of the government's energies, is indicative. Wage rises have lagged behind price rises by government design, and the working classes have borne the brunt of official austerity measures. General wage levels are set by official action, but in the name of "free enterprise" the government has sought to hold down prices through "voluntary" schemes.

Time and again Planning Minister Roberto Campos has issued optimistic statements to the effect that the inflation problem has very nearly been resolved, and time and again the upward swirl of prices has belied his optimism. Retail prices rose 45 per cent in 1965 by one authority's count, 65 per cent by another's. According to government plans, prices for the entire year 1966 were to rise no more than 10 per cent, but in January alone they jumped 5.1 per cent, against a 4.8 per cent rise during January 1965. Quite naturally, Brazilians are asking what all their sacrifices have been for.

In mid-February an opposition deputy rose in the Brazilian Congress to recite some figures compiled by the Getulio Vargas Foundation (Brazil's most reliable data gathering organization). Until 1963, the Foundation reported, the consumption of meat in Brazil was 250 grams (a little over half a pound) per capita a week, while between 1964–65 this average fell to 180 grams. Milk consumption in the same periods fell from one soupspoon to one teaspoon per person a day. Bread descended from 100 grams a day to 80 grams and eggs from two to one a day per person.

The people have literally been paying with emptier bellies for the regime's stabilization efforts. But since most of the old labor leaders, who were allied with Goulart, have been jailed, exiled or removed from office, and since union activities are now under the control of political police, effective channels of worker protest have been silenced. A recent strike of dock workers over wages, for example, was broken up by government troops.

The situation might be understandable if the social reforms pledged by the Castello Branco government were being carried through as promised. But except in the fields of banking and taxation, where far-reaching reforms have been initiated if not wholly implemented (the rich are actually being threatened with imprisonment for income-tax evasion, though no one is yet known to have spent a night in jail for it) there is distressing evidence of the old political run-around—the gap between promise and performance—which has made talk of reform in this country the special province of demagogues in years past.

In the case of land reform, for example, the government has effectively overseen the emasculation of its own program. Under the direction of Campos, the professional, the land reform bill was designed to tax potentially productive but unused lands on large estates at progressively higher rates, the aim being confiscation and redistribution to the landless poor. The key to the bill's enforcement was a section transferring taxing powers from the hands of state and municipal authorities, where they had traditionally rested, to the hands of Federal authorities, where they would be effective. The transfer was deemed essential because in states where land reform really counts, local taxing authorities tend to be in the pockets of the big landowners.

In the name of "states' rights," however, Castello Branco's conservative allies in the UDN objected strenuously, and while Campos was out of the country the tax-transfer provision was quietly removed from the bill. Not quietly enough, though, because members of the old PSD and PTB in Congress caught wind of what was going on and gleefully voted the original taxing scheme back in before passing the bill. A slightly embarrassed Castello Branco then issued a decree "temporarily" returning the taxing powers to state and municipal authorities "for administrative reasons." And there they rest.

Meanwhile, conditions in the poverty-stricken, rural Northeast of Brazil continue to fester. One U.S. official recently returned to Rio from two years in that area reports privately that, if anything, conditions are worse than in the past. SUDENE, the much touted Northeast Development Superintendency, is said to be almost wholly ineffective in its work—a *bagunça*, as the Brazilians say, meaning an impossible bureaucratic mess. This is the same Northeast which a few years back was the subject of much sensational attention in the U.S. press for its grinding poverty and its Communist-influenced peasant leagues. The grinding poverty is still there, but the troublemakers are in prison or exiled—hardly cause for rejoicing in the "new stability."

Since the policies of the revolutionary government have made eating difficult and voting in popular elections next to impossible, and since Brazilians are fond of doing both, it is safe to say that the Castello Branco regime has failed to arouse any notable enthusiasm among the people. Accordingly, the Marshall himself has taken to posing as a sort of modern-dress Coriolanus, refusing to pander to the popular will while studiously rigging the nation's political system to insure that the popular will cannot be expressed.

In a series of three so-called "Institutional Acts," the government has armed itself with dictatorial powers, crushing several of the old political parties, providing for the indirect election of the President and state governors, and in other ways overriding the Constitution to assure the continuation of revolutionary rule, at least through the next Presidential term ending in March 1971.

According to the new schedule, state governors will be elected by their respective legislatures on September 3 of this year (somewhat of an irony, since state legislatures have been recently criticized by the regime for being infested with corruption); the President of the Republic will be elected by Congress on October 3; and direct popular elections will be held for Federal senators and deputies and state deputies on November 15.

The prospect, of course, is for a divided government, since the old Congress is bound to appoint a President loyal to the revolution (*i.e.*, agreeable to the military), while the people are expected to vote in a new Congress overwhelmingly in the opposition. But the regime has many cards to play and does not appear overly concerned about the prospect. Under the Institutional Acts its powers to purge "subversives" and "corrupt elements" are vast. Very early in the revolution Congress was picked clean of such undesirables, and the process is now going forward at the state legislature level. Military "boards of inquiry" are still in operation throughout the country, and thus far about 500 Brazilians (including all three living ex-Presidents) have had their political rights suspended for 10 years while some 3,600 others have been purged from Federal or state office.

It is likely, then, that the range of candidates open to popular approval will fall within bounds considered "decent" by the authorities. And the power to purge will continue even after the new Congress is installed—a sword of Damocles over obstructionists. Finally, there is nothing to prevent the current government from issuing a Fourth Institutional Act tossing out congressional elections or even abolishing Congress itself altogether.

About the only thing that can seriously disrupt the government's program is a falling out within the military itself, a matter widely talked about in Rio, along with rumors of another *golpe*, but discretely played down, thus far, by military top brass. Should hard-living, hard-lining General Artur Costa e Silva patch his differences with Castello Branco and gain the ARENA nomination for president, he is expected to assure the Armed Forces better pay, the people a relaxation of current austerity measures, and the "corrupt and subversive elements," whom the hard-liners have been out to get much rougher treatment than they have received from Castello Branco in the past.

The War Minister has been much quoted for his famed response to a senator who congratulated him on his political strength: "I am not strong, Senator, but my party is" (meaning the Army). But there seems to have been more bravado than substance to this remark. Castello Branco and the Sorbonne School are said to distrust him on the grounds of economic ignorance, impulsiveness and general immoderation (the general likes to bet on the ponies and is the type of funloving Latin who wears dark glasses into the shadiest night spots).

In fact, the President is said to have told his War Minister that he will not have Arena's nomination unless he pledges to keep Campos and agrees to a scheme for unifying the Army, Navy and Air Force under a single ministry of defense. General Costa e Silva has so far been unwilling to promise these things. But never mind. The next President may well be none other than Humberto Castello Branco himself, who, when the time is ripe, is expected by some to renounce his previous renunciation of another term and patriotically heed the call to continued national service.

Whichever general finally wins, it seems clear that somewhere along the line the progressive, reform-minded new military class got lost in the political shuffle. For this reason it seemed strange for retiring U.S. Ambassador to Brazil Lincoln Gordon (now Assistant Secretary of State for Inter-American Affairs) to heap praise upon the Castello Branco government before the Senate Foreign Relations Committee earlier this year and declare, "I think they have made tremendous headway." In so saying, he perpetuated a myth that was badly tarnished from the start. For professionally trained, life-long soldiers make poor saviors of democracy, particularly from an internal threat, in any society. And as social revolutionaries in Brazil they obviously have a long way to go.

EXHIBIT 2

TWENTY-EIGHT IN GUATEMALA REPORTED SLAIN BY POLICE IN PERALTA'S REGIME

GUATEMALA, July 17.—Twenty-eight Guatemalan students and leftists, missing since their arrest in February and March, were shot by firing squads of the head of the former military government, Col. Enrique Peralta Azurdia, two former police agents told the University Students Association last night.

Among the victims, the association was told, were the former Communist party leader, Victor Manuel Gutierrez; the former farm labor leader, Leonardo Castillo Flores, and Fernando Arce Behrens, a law student on vacation from the University of Mexico.

The former police agents, whose identity was withheld, said the three men were tortured in the police headquarters in the capital, then driven to a military base near Pacific coast and shot. Their bodies were sewn into burlap sacks and dropped into the ocean from an army transport plane, according to the informants.

The former policemen also told the association, which has been conducting an investigation of missing-persons cases since March, that "many others" besides the 28 people known to be missing were also killed by the police.

WOMAN REPORTED SLAIN

Those killed were said to include Kris Yon Cerna, the niece of the guerrilla leader, Marco Antonio Yon Sosa, and Eunice Campiran de Aguilar Mora, wife of a Mexican student David Aguilar Mora, who disappeared after his capture in Guatemala last December. She had come to Guatemala to search for her husband. Both young women were said to have been beaten to death with clubs and buried in shallow graves near the Zacapa military base.

The former police agents told the student asociation's investigators that most of the police killings had been ordered by Alberto Barrios, who was chief of the judicial police under the former military regime. He is believed to be outside Guatemala.

In another development, the guerrilla organization Rebel Armed Forces declared war anew against the Guatemalan army despite the advent of a civilian Government under President Julio César Méndez Montenegro, who was inaugurated July 1. In a statement issued last night and signed by the rebels' 24-year-old commander, Luis Turcios, and their political adviser, Bernardo Alvarado Monzon, the leftist guerrillas set their policy toward the new Government.

The statement said that "despite the popular extraction of the new regime, the army retains most of the effective power." "The Guatemalan Army is still the same reactionary tool of native plutocracy and foreign companies and therefore must be fought to the bitter end," it added.

The statement, while avoiding any direct challenge to President Méndez, said in effect that the guerrillas were not going to fold their tents and go home. But, there has been no significant guerrilla action since the new Government was inaugurated.

To many, the rebels' statement reflected their apparent dilemma with respect to the new Government. Their criticism of the Peralta regime as unconstitutional and rightist cannot be used against President Méndez, who won election against the Peralta forces.

But the guerrillas apparently feel that their movement remains necessary and will die if it becomes inactive. Hence their attack specifically on the army, not the civilian Government.

GUATEMALA ELECTIONS SOLVED NO PROBLEMS

(By George Natanson)

GUATEMALA CITY.—The Guatemalan presidential elections held here last Sunday have settled none of the political, social and economic problems endemic to this country.

If anything, the situation here has worsened.

Under the military regime which has governed Guatemala for the last three years there has been some semblance of political stability—even if it was maintained through repression and the iron fist. But accusations of electoral fraud from all three participating parties and irresponsible threats of violence emanating from the country's political leaders, military and civil alike, have obviously brought Guatemala to the brink of chaos.

NO OFFICIAL RESULTS

Still, no official results have been announced. Instead, the three contesting parties, including the official party, have lashed out at each other, threatened to take their partisans to the streets, and have claimed victory for themselves while declaring they will recognize no results other than their own.

Added to the muddle is the jumble of the radically conflicting returns which each party has released. This has led to a student declaration made Friday morning that if the issue is not settled by Tuesday night, university students here will declare a strike and take to the streets. These developments clearly raise the possibility of a disastrous civil war.

At best the Guatemalan people can expect little from the party that eventually wins control of the country. This includes the military party which might manage to remain in power.

A study of the platforms of all three contesting parties in last Sunday's race leads to the conclusion that none has an ideological base. All make vague promises of urgently needed social and economic reforms, but pledge that the old order of Guatemala's government structure will undergo no change.

No matter which faction eventually takes power, Guatemala's leadership will remain essentially unchanged.

Even leaders of the so-called mildly leftist Revolutionary Party (PR) blanche at the mention of agrarian reforms, probably the most pressing issue which confronts this country's new government.

"In this respect we are ultra-conservative," said Gregorio Prem, member of the Revolutionary Party and one of the few candidates for Congress whose victory is believed assured.

In an interview with The Times, Prem declared: "With the PR in power, we will not touch any privately held lands (it is estimated that more than 75% of Guatemala's arable and accessible land is owned by 27 families. Instead, we will open vast land tracts owned by the government and encourage migration."

While the plan has practical merit it calls for large outlays of money, believed to be beyond Guatemala's financial capabilities. Prem made no suggestion that the PR had any detailed plan for financing its agrarian program. Like many other members of his party, Prem is among Guatemala's largest landowners.

ISSUE DODGED

When control of the Guatemalan armed forces was broached, Prem said with an uneasy laugh, "I don't think the party wants to get involved in that issue. It's too hot."

Their program appears to have been written to allay the fears of the country's businessmen rather than to strike at the heart of the social and economic problems which beset the nation. But however mild the platform might be, the two remaining parties go further to the right with conservative principles of tight credit, strict inflationary controls, wage ceilings, a free price market and tightly controlled labor.

Above all, both the official Institutional Democratic Party (PID) and the National Liberation Movement (MLN) have a campaign of anti-communism; both PID and MLN accuse the PR of Communist leanings. It is generally agreed among diplomatic observers here that Communist elements in Guatemala are few in number and totally lacking in popular support. It is believed that even if a popular uprising were to occur here as post-election confusion becomes more chaotic, the Communists could do little more than contribute to the general chaos.

Many observers here believe the anti-Communist campaign has helped rather than harmed the Communists, first by crediting them with powers they do not have, and secondly by giving communism publicity it could never have otherwise received.

Politics in Guatemala appears to be bent more on instilling fear in the people than on encouraging hope. All parties, including the government, are contributing to electoral confusion.

The way is seemingly being paved for a small band of ragged, ignorant Communist guerrillas whose only strength lies in the growing hopelessness here to reap rewards of sympathy and hope from an apathetic and disillusioned people.

Mr. MORSE. Mr. President, for the reasons I have enumerated, I send to the desk an amendment to the amendment of the senior Senator from New York and urge its adoption.

The PRESIDING OFFICER. The amendment will be stated. The assistant legislative clerk read as follows:

> Beginning with "(1)" strike out all through the period, and insert in lieu thereof the following: "(1) the President has determined that such government intends to take such appropriate steps or that the furnishing of such assistance is essential to the national interest of the United States, and reports such determination and his reasons therefore to the Congress, and (2) the Congress shall have adopted a concurrent resolution approving the furnishing of assistance to such government. No other provision of this Act shall be construed to authorize the President to waive the provisions of this subsection."

Mr. FULBRIGHT. Mr. President, I hope that we may get a vote on both the amendment offered by the senior Senator from Oregon and the amendment offered by the senior Senator from New York.

We have a little history on this matter. In 1963 we agreed to a very similar amendment to the amendment of the senior Senator from New York. We took that amendment to conference and the House would not agree to it. I think it is a good amendment.

In my view, the amendment of the senior Senator from Oregon really closes up any loophole as if there were a flat prohibition, because at any time the President wished to get an exemption, he could come up and ask for new authority. That is what, in effect, the amendment of the senior Senator from Oregon requires.

We have had these recent coups, and it seems logical to me that, if we are going to do anything at all, we ought to agree to the amendment of the senior Senator from Oregon.

I agree that an expression of opinion deploring this situation may be of some value. We have done that sort of thing before. We have had many speeches on the floor of the Senate on the subject. I am willing to vote now and I shall vote for the amendment of the senior Senator from Oregon.

Mr. MORSE. Mr. President, with the consent of the majority leader, I shall do whatever I can to get a rollcall vote on my amendment. Mr. President, I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. JAVITS. Mr. President, I should like very briefly to address myself to the amendment of the senior Senator from Oregon. He sneaks up on my weak side as it were, because he makes a really magnificent argument, a much better argument than mine for the amendment which I have proposed. However, I must say that I am disquieted by the certainly very understandable buttoning up of the fact that the President shall not do this without the consent of Congress. However, for practical purposes it seems to me that this is tightening down these rivets too much.

With the greatest regret, because I like the senior Senator from Oregon, and I would much prefer to be with him than not, I feel that the amendment as I have offered it offers us the best opportunity.

There is a minor loophole in the amendment of the Senator from Oregon [Mr. Morse] which I am sure can be buttoned up in conference, but it presents a little question.

In the amendment of the Senator from Oregon, no account is taken of the time Congress might be out of session. It might be a number of months. There would be no way for a 30-day notice period to receive congressional reaction. As I say, that is a technical thing. We have met it in other legislation.

In addition, if the amendment of the Senator from Oregon should carry, he perhaps would have to write in language which would deal with the question of extended debate, as was done, for example, in the reorganization act, which also contains a 30-day limitation on the adoption of a nonconcurring resolution, so that the nonconcurrence could not be blocked by extended debate.

As I say, those are procedural matters. I call them to the attention of the Senator from Oregon because they are not included within the concept of the amendment as he has submitted it.

Mr. MORSE. First, may I say that I believe there is very little danger that Congress would ever be out of session long enough to create any problem—at least in our time.

In the second instance, I wish to say that I believe the matter is of sufficient importance to justify a reconvening of Congress, because we are dealing with something fundamental, and I believe the people should have their elected representatives come back here and exercise their check.

In regard to the second matter, I have no doubt that the Senate, if it were dealing with a matter of foreign policy, would have no difficulty in seeing that the matter got to a vote on its merits. I do not believe anything about that is needed in the legislation.

Mr. JAVITS. Mr. President, I am not quarreling too violently with the Senator from Oregon on those scores, but I should like to get to the merits.

On the merits, this is what disquiets me. All these foreign matters are very delicate; and where a military junta takes over, the representations it may or may not make to the nation could pose an extremely delicate question. We are dealing with delicate questions all the time. We are dealing with one right now, when we are talking about Argentina. But it seems to me that not having adopted an amendment of this kind before, and coupling it with the fact that this would be the first time it would be done, I believe that the temper of Congress is such that we are likely to make it stick this time, and that it would not fall away in conference as it has done before.

Coupled with the fact that there is a resolution of the Organization of American States which calls for a considerable amount of consultation by the President with the other American States in order to come to a decision of this character, and that my amendment would permit the President to make those consultations, I had felt that a fair compromise was being made between our feelings about these military juntas, if we vote for the amendment; and the fact that in a particularly exacerbated situation, when a military junta has taken over, and the President has certified and we are ready to vote, we should not mount, as we undoubtedly would, a full scale debate here upon what would very likely be the internal affairs of another country. At least, we should try it out that way. This legislation has not been on the books before, this has not been the case before.

In the first instance, therefore, I deeply believe that we should approach it with a little modesty, rather than going all the way, which is what the Senator from Oregon would have us do, and do the three things which my amendment would do: give notice that we are against aid to military juntas unless they are going to come back at an early time to constitutional government; require the President to carry through on the resolution of the Organization of American States for consultation, which the amendment does very effectively as it stands; and put the President to his proof.

My amendment not only calls for a report to Congress, but also for the President's reasons. I believe that when we are dealing with a President of the United States, this is not a weak position but a rather strong position. I believe we should not go all the way, which is what the amendment of the Senator from Oregon would require, to require a new approval by Congress under those circumstances.

For those reasons, Mr. President, I hope that my amendment will be approved. I am ready to vote now. The debate seems to be over.

A new resolution of the Organization of American States is on the books, and there is a new consultative relation between the United States and the American States on this very delicate subject of dealing with de facto regimes, such as exist in Latin America. I hope that under the circumstances, as the situation is new in these two respects, both as to the OAS and as to our policy in the law, we would not go the whole way as yet.

I shall show a proper respect for the prerogatives of the Presidency and a proper respect for the prerogatives of Congress. If the Senator from Oregon wins, I shall be very anxious to have the amendment approved as he has caused it to be amended. I am giving the Senate my best and honest judgment.

I believe it is a fair compromise, as it stands, between attempting to preserve as far as we can the position of the President in these matters and giving Congress a point of entry into a situation which has given us great dissatisfaction.

For those reasons, Mr. President, I hope that the amendment will be left unamended, and that the Senate in due course may be able to carry it as it is.

Mr. GRUENING. Mr. President, I would be very happy to support the amendment of the Senator from New York, provided that it is amended and thereby strengthened, as Senator MORSE proposes.

Our experience in the Senate has been extensive in the field of having this type escape clause not merely in this proposed legislation of Senator JAVITS, but also repeatedly other legislation in previous sessions of the Congress. Again and again, Congress has passed bills which state that such and such shall not be done unless it is found by the President to be in the public interest. Without any additional report or explanation to Congress we find that some unseen man in some bureau downtown acting in the name of the President has declared that it is in the national interest, and so the escape clause nullifies the expressed purpose of the Congress.

I believe that the time has come if indeed it is not overdue when Congress should reassert its duty to advise and consent in a field within which the Constitution gives it the right and the duty to act. We are not dealing here with the recognition of a regime. That clearly is a province of the executive. It is not wholly within the province of the Executive but of the Congress when it has to do with the appropriation of funds, which it is the duty of Congress to provide and to protect.

So I am hopeful that the amendment of the Senator from Oregon, which is an attempt to get realism into this picture, to assert for the first time in this debate the duty of Congress to pass on appropriations. With the Morse amendment the amendment of Senator JAVITS would have real meaning. I think that without it, the Javit's amendment would be of little value and would merely be a pious expression of hope. I hope that the amendment of Senator MORSE will be adopted, and we can then vote for a strenghened amendment of the Senator from New York.

Mr. MORSE. I wish to reply to the Senator from New York.

First, I wish to say that I do not see how his amendment can be described as a compromise amendment. The only thing it compromises, it seems to me, is Congress, and it seeks to delegate once more to the President a checking power that Congress itself should exercise. That is the only compromise I see.

What my amendment does is to simply say that we shall exercise our right to determine whether or not aid should be given to a military junta. The granting of aid is not the prerogative of the President of the United States. The prerogative of the President is to recognize the country. That is his executive prerogative. But the prerogative of granting aid is a congressional prerogative, and I do not propose to compromise that congressional right.

Considering the position of the President for a moment, I wish to say in reply to the Senator from New York that my amendment strengthens the hand of the President. If one really wishes to put the President in the strongest possible position in dealing with a country in Latin America, or anywhere else, that falls within the factual framework encompassed by the amendment, he should put the President in a position where the President would present to Congress a case that would deserve the support of Congress and would get the affirmative vote of Congress in support of the President, and the President would be greatly strengthened in his relationships with the country concerned.

What happens now, when Congress is not exercising its voting voice in this matter, is that a great deal of doubt is created in other countries—for example, in Latin America—that are opposed, may we say, to the new government of the junta country, who wonder what the situation would have been if Congress had had a chance to pass upon it.

It makes a lot of difference. If Congress backs up the President, these countries know that the President has the backing of his Congress. It makes a lot of difference also in all of the diplomatic relations of the President with that country, for that country knows that it cannot flout a proposal of the President of the United States in the diplomatic field because it knows he has his Congress behind him. He has the vote of his Congress, which is quite contrary to the argument of my friend, the Senator from New York [Mr. JAVITS].

If the Senate wishes to strengthen the hand of the President, I believe that my amendment should be adopted.

Mr. KENNEDY of New York. Mr. President, I will support the Javits amendment regarding the cutting off of assistance to unconstitutional governments. I do so because it is an important expression of the feelings of the U.S. Senate that these coups are not favored by us.

I did not, however, support the Morse amendment which would have taken away all discretion in these matters from the President. As I have said, I did not agree with our Government's quick recognition of the Argentine junta. But I believe the President must retain flexibility in these matters.

Now, for example, we give aid to Argentina only for universities. Will it help democracy in Argentina to cut off aid to the university?

The building of democracy, and the discouragement of military dictatorships, are not such a simple matter; they will not be accomplished by a simple aid cutoff—which may, for example, only enhance the regime's patriotic standing, as I pointed out in my speech on Latin America.

I, therefore, favor the Javits version, which allows some discretion to the President.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Oregon [Mr. MORSE] to the amendment of the Senator from New York [Mr. JAVITS].

On this question, the yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. LONG of Louisiana. I announce that the Senator from Tennessee [Mr. BASS], the Senator from Nevada [Mr. CANNON], the Senator from Connecticut [Mr. DODD], and the Senator from Washington [Mr. MAGNUSON], are absent on official business.

I also announce that the Senator from Arkansas [Mr. MCCLELLAN], the Senator from Florida [Mr. SMATHERS], the Senator from Alabama [Mr. SPARKMAN], and the Senator from New Jersey [Mr. WILLIAMS] are necessarily absent.

I further announce that, if present and voting, the Senator from Connecticut [Mr. DODD], the Senator from Alabama [Mr. SPARKMAN], and the Senator from Nevada [Mr. CANNON] would each vote "nay."

Mr. KUCHEL. I announce that the Senators from Colorado [Mr. ALLOTT and Mr. DOMINICK], the Senator from New Jersey [Mr. CASE], and the Senator from Kansas [Mr. PEARSON] are necessarily absent.

The Senator from Pennsylvania [Mr. SCOTT] is absent because of illness.

If present and voting, the Senators from Colorado [Mr. ALLOTT and Mr. DOMINICK], the Senator from Kansas [Mr. PEARSON], and the Senator from Pennsylvania [Mr. SCOTT] would each vote "nay."

The result was announced—yeas 16, nays 71, as follows:

[No. 148 Leg.]

YEAS—16

Burdick
Church
Clark
Fulbright
Gore
Gruening
Hartke
Jordan, Idaho
McCarthy
McGovern
Morse
Murphy
Nelson
Simpson
Tydings
Young, Ohio

NAYS—71

Aiken
Anderson
Bartlett
Bayh
Bennett
Bible
Boggs
Brewster
Byrd, Va.
Byrd, W. Va.
Carlson
Cooper
Cotton
Curtis
Dirksen
Douglas
Eastland
Ellender
Ervin
Fannin
Fong
Griffin
Harris
Hart
Hayden
Hickenlooper
Hill
Holland
Hruska
Inouye
Jackson
Javits
Jordan, N.C.
Kennedy, Mass.
Kennedy, N.Y.
Kuchel
Lausche
Long, Mo.
Long, La.
Mansfield
McGee
McIntyre
Metcalf
Miller
Mondale
Monroney
Montoya
Morton
Moss
Mundt
Muskie
Neuberger
Pastore
Pell
Prouty
Proxmire
Randolph
Ribicoff
Robertson
Russell, S.C.
Russell, Ga.
Saltonstall
Smith
Stennis
Symington
Talmadge
Thurmond
Tower
Williams, Del.
Yarborough
Young, N. Dak.

NOT VOTING—13

Allott
Bass
Cannon
Case
Dodd
Dominick
Magnuson
McClellan
Pearson
Scott
Smathers
Sparkman
Williams, N.J.

So the amendment of Mr. MORSE to the amendment of Mr. JAVITS was rejected.

Mr. JAVITS. Mr. President, I will take the time of the Senate for only 1 minute because it has just manifested its views after comprehensive debate. I have sought to lay the affirmative side of the amendment before the Senate. We heard no opposition during debate as to what is left of the amendment and therefore my disposition, unless other Senators feel differently about it, would be that this part of it be just left, if the Senate has decided as to the Morse amendment. My amendment could be decided by a voice vote. Therefore, I would deeply appreciate it if any Senators have disquiet about what is left of the amendment to speak on it, and then I shall ask for a voice vote and not take the time of the Senate to ask for a yea-and-nay vote.

The PRESIDING OFFICER (Mr. TYDINGS in the chair). The question is on agreeing to the amendment of the Senator from New York [Mr. JAVITS].

The amendment (No. 680) was agreed to.

Mr. JAVITS. Mr. President, I move that the vote by which the amendment was agreed to be reconsidered.

Mr. DIRKSEN. Mr. President, I move that the motion to reconsider be laid on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The bill is open to further amendment.

Under the unanimous-consent agreement entered previously, the pending question now is on the amendment of the Senator from Louisiana. The clerk will state the amendment.

The assistant legislative clerk read as follows:

On page 14, line 23, strike out "$700,000,000" and insert in lieu thereof "$658,000,000".

FOREIGN AID AND THE NUMBER OF COUNTRIES AMENDMENTS

Mr. McGEE. Mr. President, I should like to express my deep concern over two provisions in the foreign aid bill reported by the Foreign Relations Committee. These provisions limit the number of countries to which development loans and technical cooperation grants may be extended. The committee bill requires that development loans to more than 10 countries and technical cooperation grants to more than 40 countries can be made only if the President determines it is in the national interest and his action is approved by resolutions of both the Foreign Relations Committee of the Senate and the Committee on Foreign Affairs of the House of Representatives.

I believe there is considerable doubt as to the constitutionality of statutory provisions in the foreign affairs field which require formal consent by committees of Congress rather than the Congress as a whole.

More important, I believe that this requirement is unwise. It involves the Foreign Affairs and Foreign Relations committees in executive decisions which can best be made on the basis of a thorough country-by-country program analysis. The Foreign Affairs and Foreign Relations committees have neither the time nor all of the facts necessary to make such an analysis.

The committee amendments are also arbitrary and mechanistic. The substitute numbers for sound analysis and judgment. This is legislation by arithmetic.

The Senate has always prided itself on a mature reasoned approach to matters of foreign policy. We have given way to no one in our adherence to sensible, practical standards for the administration of our country's foreign affairs. We should adhere to these standards and traditions today.

The committee action would lead to inefficient and wasteful use of funds. It will undoubtedly lead to delays in the processing of loans. The Senate has been critical of these delays. The committee amendment would only serve to aggravate these problems.

The committee action would result in split administration of the program. We would be saying that the President should decide on the first 10 countries to receive development loans while decisions as to any additional countries would be made by 2 committees of the Congress. The same is true of the decision on technical cooperation grants—the President has a free hand regarding the first 40, but after that the committees decide.

This is illogical and inconsistent. If we trust the President to decide on whether U.S. interest is served by aiding the first 10 and first 40, involving the large bulk of funds, it makes no sense to say "we don't trust your judgment as to whether aid to additional countries is in the U.S. interest."

Congress should exercise review and oversight, but should not be in the business of making day-by-day decisions. That is not our role, as I have heard the distinguished chairman of the Foreign Relations Committee emphasize many times in the past.

No one disagrees with the aim of the Foreign Relations Committee that development lending should be concentrated in as few countries as possible. But the program is already highly concentrated; 95 percent of development loans are concentrated in 10 countries. Thus the committee amendment would limit the President's ability to act for the sake of 5 percentage points.

Development loans should be made to no country without carefully examining U.S. objectives in that country, the degree and nature of the country's needs, whether its needs can be met from other sources, and whether the country will make effective use of loan funds if they are made available to it. But to take the further step of declaring that development loans should not be extended to more than a stated number of countries in a given year would introduce a wholly arbitrary and mechanistic element into what should be an orderly process of examination and analysis. If the Congress wishes to cut out paid programs, it should examine each one on a country-by-country basis, and then decide. But it should not say to the President, "this number sounds good. You choose the countries we can drop."

To the extent that development loan funds are made available by the Congress, the President should be free to determine, in the light of U.S. interests, the countries in which those funds are to be used under the standards laid down by the Congress in the Foreign Assistance Act. In fiscal year 1965 the United States made development loans to 18 countries. We made such loans to 19 countries in fiscal year 1966. An immediate cutback to 10 countries in fiscal year 1967 would unduly limit the President's freedom of action in advancing U.S. interests under the Foreign Assistance Act.

Any such numerical restriction would, among other things, limit AID's capacity to carry out a policy which has the support of both the Congress and the executive branch. The United States has consistently refused to make development loans to a number of countries on the ground that their self-help performance did not justify such assistance. Implicit in this position has been the assumption that if their performance improved, they would become eligible for, and would receive, development loans. If a limitation were put on the number of countries to which we could make development loans, the United States would not be able to live up to our part of the bargain. The Senate amendment would therefore eliminate the leverage we now have to urge better performance of such countries.

The committee amendment is thus self-defeating, and would undercut a basic congressional policy.

The amendment would also seriously limit AID in another respect. As a matter of policy the World Bank will today not make loans for certain purposes, for example, to carry out health programs such as the eradication of malaria. In certain situations loans for such purposes are desirable. If AID were prohibited from making loans to more than a set number of countries—and if the World Bank or some other appropriate multilateral institution was not prepared to make loans for purposes such as these—the proposed amendment might well prevent the United States from doing so in a number of countries where such loans would serve an extremely useful purpose.

The proposed restriction on the number of countries to which technical cooperation grants may be extended would severely and unnecessarily limit the President's ability to use, under the standards laid down in the Foreign Assistance Act, an important instrument of U.S. foreign policy. The committee version places the President in a straitjacket. Perhaps even more important, it would force a cut-back in small programs—mostly in Africa—which bring direct benefit to thousands of people and provide direct evidence of U.S. interest. We might save a few thousand dollars to be sure, but we would pay too high a price. Here again, let us remember we are dealing with people and their future. If we want to eliminate programs, we should get down to cases, and study each one.

The United States, through technical assistance activities, helps less developed countries acquire the skilled manpower and institutions essential to economic, social, and political progress. Technical assistance, largely carried out through private American institutions, provides skills in such fields as agricultural extension, malaria eradication, tax reform, education, and family planning. This is point IV—type aid. It gives the newly emerging and other less developed countries the kind of help that they need most. It is a relatively inexpensive way of advancing U.S. foreign policy objectives and at the same time giving concrete expression to American humanitarian concern.

An arbitrary limitation of 40 for the number of countries which can receive technical cooperation does not serve the interests of the United States. In fiscal year 1965 the United States gave such assistance to 52 countries in Africa and Asia. In fiscal year 1966 the figure dropped to 48 countries. In the presentation for fiscal year 1967 the executive branch has proposed to the Congress technical assistance programs for 47 countries. These programs are limited to those cases where the sound criteria of the Foreign Assistance Act will be met. But under the arbitrary and mechanistic numerical limit imposed by the committee, some 7 or more countries would be lopped off.

The President reports fully to the Congress each year on the proposed program for the coming year. He also reports on past programs and accomplishments in great detail. I know of no program which receives so much scrutiny—from four committees of the Congress, the GAO, a variety of ad hoc groups, the press, and the executive branch.

There is no lack of information on what we are doing in each country. The presentation materials and reports are complete and informative. There is no lack of opportunity for us to exercise continuing oversight and reasonable legislative control.

And I have no doubt of the ability of members of the authorizing committees or the Congress to make their views know in case they object to an action of the executive branch.

Mr. President, before concluding, I should like to return to the committee provisions to mention a very serious aspect, the constitutional questions they raise.

The provisions require the President to obtain resolutions from the Foreign Relations and Foreign Affairs Committees authorizing loans or technical assistance to additional countries. In other words, if the Congress enacts these provisions, the Congress is saying to the President that he has the authority to grant assistance, but before he can exercise this authority he must obtain the approval of two committees of the Congress.

In my judgment, the Constitution of the United States does not permit this kind of arrangement.

The authority to extend foreign assistance must be viewed as an exercise of either, one, executive powers; or two, legislative powers. If viewed as executive, the provisions in the committee bill violate the principle of separation of powers embodied in the Constitution by attempting to give the Members of the legislative branch—in this case committees of Congress—the right to participate in the execution of the laws. If the authority is viewed as legislative, the provisions are an attempt to shortcut the constitutional process of legislation. The Constitution does not permit committees of Congress to enact legislation on behalf of or in lieu of the whole Congress.

Both Congress and the executive must be continually alert in their defense of the constitutional principle of separation of powers and the constitutional procedure for legislating.

Throughout our history Presidents have rejected legislation which they felt were unconstitutional. President Eisenhower did so.

More recently, in the case of Pacific Northwest Disaster Relief Act in 1965, President Johnson did so. That act required that no appropriation for certain reconstruction projects be made which was not approved by the House and Senate Committees on Public Works. In his veto message the President explained that the provision "seriously violates the spirit of the division of powers between the legislative and executive branches." "It is not only,"

He continued:

> An undesirable and improper encroachment by the Congress and its committees into the area of executive responsibilities—it also leads to inefficient administration. The executive branch is given, by the Constitution, the responsibility to implement all laws—a specific and exclusive responsibility which cannot properly be shared with a committee of Congress. (S. Doc. 34, 89th Cong., 1st Sess., 1965.)

In spite of the fact that most Presidents have taken a strong stand when attempts were made to shortcut the legislative process and when the separation of powers principle was at stake, there are statutes on the books with provisions similar to those in the committee bill now under consideration. These existing provisions are now cited by proponents of the provisions contained in the Foreign Relations Committee bill.

But the statutes cited raise the same constitutional problems as do the provisions before us. The fact that they are on the statute books does not resolve the constitutional issues. In my opinion, they were constitutionally objectionable at the time they were enacted and the passage of time has not served to give them a gloss of constitutionality.

Mr. President, an examination of the facts shows that we have ventured into dangerous territory. The committee provisions raise major constitutional questions.

But they do more. They establish arbitrary, mechanistic standards which force administration of the foreign aid program into a straitjacket. The result will be waste, delay and inefficient use of funds.

Even more, the provisions would limit the President's freedom to move quickly and effectively in support of vital U.S. interests.

If the Congress wishes to hobble U.S. foreign policy or cripple the U.S. aid program, it should say so directly and act directly.

I strongly urge that we do not.

I believe that the Congress should support efficient administration of the foreign aid program, maintain Presidential effectiveness, and avoid a venture into unconstitutional legislation by rejecting the restrictions in the committee bill relating to development loan and technical assistance funds.

Mr. FULBRIGHT. Mr. President, I have received a letter from the Deputy Administrator of AID clarifying certain aspects of the debate on this pending bill yesterday. It was stated at that time that AID had reported certain grants as loans. I think the letter will clear the record on this point.

I ask unanimous consent that this letter be printed in the RECORD at this point.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

DEPARTMENT OF STATE,
AGENCY FOR INTERNATIONAL DEVELOPMENT,
Washington, D.C., July 21, 1966.

Hon. J. WILLIAM FULBRIGHT,
Chairman, Committee on Foreign Relations, U.S. Senate,
Washington, D.C.

DEAR MR. CHAIRMAN: Yesterday during the foreign aid debate a statement was made on the floor of the Senate indicating that A.I.D. had misled the Congress by reporting as loans over $10 billion of assistance which was in fact given as grants. This statement by Senator DIRKSEN (p. 16470 of the CONgressional Record) was repeated later in the debate by Senator Dominick (p. 16512 of the Congressional Record). I think it important that the record be clear on this matter.

A.I.D. has correctly reported loan and grant assistance to the Congress.

Apparently, there has been some confusion over certain figures in a report entitled "U.S. Overseas Loans and Grants" prepared by A.I.D. for the House Foreign Affairs Committee. A sample page from this report is enclosed. Included in this report is the amount of assistance under "Other U.S. Economic Programs" (indicated by a double asterisk on the enclosed sample sheet). Because of space limitations this item was not broken down by loan and grant component in the report. However, the loan and grant components of "Other U.S. Economic Programs" are included directly in the totals for economic loans and grants (these totals are indicated by triple asterisks on the enclosed sample sheet). The figures reported by A.I.D., therefore, have accurately reflected the amounts of loan and grant assistance.

Sincerely yours,

William S. Gaud,
Deputy Administrator.

Greece

[U.S. fiscal years. In millions of dollars]

Program	U.S. overseas loans and grants, net obligations and loan authorizations												Repayments and interest, 1946-65	Total (less repayments and interest)
	Postwar relief period, 1946-48	Marshall plan period, 1949-52	Mutual Security Act period					Foreign Assistance Act period				Total, 1946-65		
			1953-57	1958	1959	1960	1961	1962	1963	1964	1965			
AID and predecessor agencies, total	--------	706.7	188.0	27.7	20.7	56.6	20.4	30.3	31.5	7.8	−9.9	1,079.7	17.4	1,062.3
Loans	--------	--------	35.0	12.0	--------	31.0	--------	10.0	31.6	7.7	−9.9	117.4	17.4	100.0
Grants	--------	706.7	153.0	15.7	20.7	25.6	20.4	20.3	−.1	.1	(1)	962.3	--------	962.3
Social Progress Trust Fund	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------
Food for peace, total	--------	0.5	85.6	33.4	11.6	10.8	20.8	15.1	14.6	18.0	25.1	235.3	12.2	223.1
Title I—(Total sales agreements)	(--------)	(--------)	(46.0)	(18.8)	(------)	(5.8)	(15.1)	(9.6)	(11.2)	(16.0)	(6.7)	(129.1)	(--------)	(129.1)
Less (planned for U.S. uses)	(--------)	(--------)	(12.1)	(6.0)	(------)	(2.2)	(5.5)	(3.3)	(4.7)	(6.7)	(2.8)	(43.5)	(--------)	(43.5)
Title I—Planned for loans and grants	--------	--------	33.9	12.8	--------	3.6	9.7	6.2	6.5	9.3	3.9	85.7	12.2	73.5
104c—Grants for common defense	--------	--------	--------	--------	--------	--------	--------	--------	5.0	5.0	--------	10.0	--------	10.0
104e—Grants for economic development	--------	--------	7.3	--------	--------	--------	--------	--------	--------	--------	--------	7.3	--------	7.3
104e—Loans to private industry	--------	--------	--------	2.9	--------	.9	2.3	1.4	1.5	2.1	.9	12.0	3.5	8.5
104g—Loans to governments	--------	--------	26.6	9.9	--------	2.6	7.3	4.8	--------	2.2	3.0	56.3	8.7	47.6
Title I—Assistance from other country sales agreements	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------
Title II—Emergency relief and economic development	--------	--------	--------	--------	--------	--------	3.5	--------	--------	--------	.2	3.7	--------	3.7
Title III—Voluntary relief agencies	--------	.5	51.7	20.6	11.6	7.2	7.6	8.9	8.1	8.7	3.1	128.0	--------	128.0
Title IV—Dollar credit sales	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	17.9	17.9	--------	17.9
Export-Import Bank long-term loans	14.6	--------	--------	--------	--------	--------	1.2	2.0	3.0	--------	17.5	38.3	14.4	23.9
Other U.S. economic programs [2]	510.5	26.2	--------	--------	--------	--------	--------	--------	--------	--------	--------	536.7	112.9	423.8
Total economic	525.2	733.4	273.6	61.1	32.3	67.4	42.4	47.4	49.1	25.8	32.7	1,890.0	156.9	1,733.1
Loans	111.3	--------	61.6	24.8	--------	34.6	10.9	18.2	36.1	12.0	29.4	338.5	156.9	181.6
Grants	413.9	733.4	212.0	36.3	32.3	32.8	31.5	29.2	13.0	13.8	3.3	1,551.4	--------	1,551.4
Military assistance program (charge to appropriation) [3]	--------	150.8	433.7	135.1	81.2	91.4	42.8	34.9	68.2	83.2	104.0	1,349.6	--------	1,349.6
Credit assistance	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------
Grants	--------	150.8	433.7	135.1	81.2	91.4	42.8	34.9	68.2	83.2	104.0	1,349.6	--------	1,349.6
(Additional grants from excess stocks)	(--------)	(32.7)	(11.7)	(6.8)	(6.8)	(13.4)	(14.2)	(19.7)	(6.2)	(3.9)	(17.0)	(137.5)	--------	(137.5)
Other military assistance [4]	198.4	172.7	--------	8.3	8.0	25.3	--------	--------	17.6	--------	--------	430.3	--------	430.3
Total military	198.4	323.5	433.7	143.4	89.2	116.7	42.8	34.9	85.8	83.2	104.0	1,779.9	--------	1,779.0
Total economic and military	723.6	1,056.9	707.3	204.5	121.5	184.1	85.2	82.3	134.9	109.0	136.7	3,669.9	156.9	3,513.9
Loans	111.3	--------	61.6	24.8	--------	34.6	10.9	18.2	36.1	12.0	29.4	338.5	156.9	181.6
Grants	612.3	1,056.9	645.7	179.7	121.5	149.5	74.3	64.1	98.8	97.0	107.3	3,331.3	--------	3,331.3

[1] Less than $50,000.

[2] Includes UNRRA and post-UNRRA, $317,100,000; Greek-Turkish aid, $122,500,000; surplus property credits, $96,600,000; and other, $5,000,000.

[3] Annual data represent deliveries; total through 1965 is the cumulative program.

[4] Includes Greek-Turkish aid of $371,100,000.

Mr. KENNEDY of New York. Mr. President, 5 years ago, President Kennedy pledged—

> To those people in the huts and villages of half the globe struggling to break the bonds of mass misery, our best efforts to help them help themselves, for whatever period is required—not because the communists may be doing it, not because we seek their votes, but because it is right. If a free society cannot help the many who are poor.

He warned, "it cannot save the few who are rich."

Three years later, President Johnson restated that pledge:

> We have proved that by the wise application of modern technology, the determined labor of skilled men and women can ultimately produce enough food and clothing and shelter for all mankind. The possession of new abilities gives us new responsibilities and we want to live up to those responsibilities. That is our Christian duty.

And last year, the Senate reaffirmed, in an amendment to the Foreign Assistance Act offered by the Senator from Pennsylvania and myself, and approved by a vote of 78 to 1, the responsibility of the United States to "close the widening gap between the economically privileged nations and those nations striving to achieve a developed economy."

Never were these pledges more important to fulfill than today.

I am particularly distressed to note that the gap between promise and performance, between hope and fulfillment, seems to be growing wider rather than narrower.

The events and amendments of the past few days have been distressing indeed. The amendments we have adopted—and failed to adopt—are signs of retreat from responsibility and from honoring those pledges of Presidents Kennedy and Johnson. Today, our newspapers report the virtually unanimous passage in the House of the largest money bill in our peacetime history—$58.6 billion for defense spending. Surely we can afford one-twentieth of that sum in foreign assistance—and without terms and conditions which virtually destroy its usefulness to the recipient.

We in Congress have failed to meet these obligations. But it is also a fact that foreign aid has no constituency, and no lobby, in Washington; and without a major effort at all levels of the executive branch of government, foreign aid will continue to decline.

That unfortunately, is what has happened this year.

We are increasingly an island of affluence and privilege in a world of desperate poverty—a world in revolution.

This is a revolution for individual dignity, in societies where the individual has been submerged in a desperate mass. It is a revolution for self-sufficiency, in societies which have been forced to rely on more fortunate nations for their manufactured goods and their education, cotton textiles and calculus texts. And above all, it is a revolution to bring hope to the children.

The population of this globe, grows every day, nowhere faster than in the underdeveloped nations. In the next 15 years, the population of Latin America alone will be 50 percent greater than it now is. Already, more than half the world's people are under the age of 25; within a few years, the majority will be under 18.

We have it within our power to give to millions of these young people a greater chance at a decent life—to now have a major effect on the course of their next 30 or 40 years. Millions are without schools—and we can help to build schoolrooms; millions more are without textbooks, or teachers—and we can help to provide textbooks and train teachers; others cannot eat—and we have food.

Clean water, better housing, education and training, a job to look forward to; these things we can help to provide. And we must.

Opportunities lost to these young people now, as we have found to our sorrow here at home, will be far harder to make up later. But a relatively modest investment now can make a difference, in 5 or 10 years, to as much as half the world's people—including our own.

For our legacy—to our children, to the next generation of political leaders in the United States—will be far more than what we leave within our boundaries. Its most important element will be the role and standing of the United States in the world—whether, in short, people will look to this country with hope or with hate, emulation or envy.

The test for this bill, as for any foreign aid bill, is whether it does enough for the future of the young majority of the world.

In my judgment, it does not meet that test.

In the year just passed, the gross national product of the United States has grown by more than $40 billion; it will grow by a similar amount this year. The total wealth of this Nation—in plant and equipment, in educated and trained manpower, in housing and health, and every other physical measure—has grown almost beyond our capacity to count.

Since President Kennedy's inaugural pledge, our gross national product has grown by more than $200 billion—an increase greater than the total annual product of 84 countries on 4 continents—every non-Communist underdeveloped nation in the world.

But this increased wealth has not been used for the benefit of others. Our foreign aid budget—the authorization now before the Senate—is no larger than the authorization passed by a less fortunate nation in 1961.

In the last year, I have traveled in 10 countries on 2 continents:

To Ethiopia, where the average life expectancy is less than 35 years;

To Brazil, where there are villages in which 7 out of 10 children die before their first birthday;

To Tanzania, where 97 percent of the people cannot read or write; and to other countries, to Peru and Kenya and Chile and Venezuela, where there is no joy, but only day that follows day, with death the only goal. Everywhere I went, in this year, and everywhere I have gone before, men looked to the United States—looked to us to give of our knowledge and treasure, to bring help to their present and hope to their future.

The United States owns more than half the total wealth of the non-Communist world. The dozen developed countries of Europe and Japan share a total wealth about half as large as ours. The rest of the non-Communist world—the more than 100 nations potentially affected by this bill—share a total annual production of something over $300 billion—less than half of what we, 6 percent of the world's population, consume each year. The developed nations as a group—20 percent of the world's people—consume 80 percent of the world's goods.

It is not given to us to right every wrong, to make perfect all the imperfections of the world. But neither is it given to us to sit content in our storehouses—dieting while others starve, buying 8 million new cars a year while most of the world goes without shoes. We are simply not doing enough.

Fifteen years ago, rising to the challenge of a war-devastated Europe, we devoted 10 percent of our Federal budget—fully 2 percent of our gross national product—to foreign aid. In 1960, under the administration of President Eisenhower, we joined in the pledge of the United Nations' development decade—to devote a minimum of half that much, 1 percent of our gross national product, to the equally desperate needs of the newly developing nations.

I believe the time has come to reaffirm that pledge, and to make it a reality.

Such a pledge, in my judgment, is necessary to the demands of the 1960's.

To make such a pledge, it should be clear, the Senate—and the American people—must be fully satisfied as to certain vital points:

First. Can such sums be usefully absorbed by the developing nations?

George Woods, President of the World Bank, has told us that the underdeveloped world has an annual foreign exchange shortage of $3 to $4 billion each year—which shortage prevents the investment in schools and factories and farms and health, that alone can bring self-sufficiency, stability and self-respect. The Inter-American Committee for the Alliance for Progress—a body in which the Committee reposes such confidence as to give it a veto over U.S. development aid to this hemisphere—has said that Latin America alone has a foreign exchange shortage of over $1 billion each year.

Moreover, the accomplishments of U.S. foreign assistance are already substantial—and are being felt in dozens of countries, all over the world. This year, 15 million students will learn in schools assisted by U.S. aid. Three-quarters of a billion people will be safe from malaria, 77 million from smallpox, 7 million from cholera, because of vaccinations given in 1966 alone. Over a million acres of farmland will be irrigated for the first time, and 3 million farmers will receive loans to improve their land, as a result of AID efforts. Nineteen million textbooks, 50,000 miles of better roads, 4,000 loans to private businesses—this is only some of what our aid will do this year.

I have seen—I know other Senators have seen—the hunger for education, for land, for progress and improvement of every kind, that pervades every nation in the developing world. If we provide more help, they will use it.

Second. Will the aid have an effect—will it be more than a perpetual dole.

At the outset, we must realize, as James A. Perkins, the distinguished president of Cornell University and chairman of the President's Advisory Committee on Foreign Aid has written, that—

> We are not discussing a problem to be solved in a year or even a decade. We must consciously adopt a program that will last for the rest of the century—and perhaps into the next.

Still recognizing the enormity of the task, we can also take comfort in the fact that nations have achieved self-sustaining growth, and ended the need for U.S. assistance. As Mr. David Bell pointed out aptly last week, it was thought by some as late as 1949 that our economic aid to Japan was a "$2 billion failure," and that "the American taxpayer must prepare himself for an indefinite period of vast appropriations." But within 5 years our aid to Japan had ceased; Japan will now repay much of our assistance; and, in 1965, it in turn aided other developing nations with over $240 million.

Taiwan is another country which has moved into self-sustaining growth, progressing without further American aid. It should be noted in this connection that heavy investment in Taiwan over a relatively short period produced better results than lower levels of aid to other countries carried on over a longer period—this proving what every businessman knows, that too little investment may be worse than none at all. As the National Citizen's Commission on International Cooperation has said:

> The approach requiring the least amount of assistance in the long run is one which requires a relatively large volume of assistance during the early period when self-help measures are initiated and first become effective.

Third. Does our assistance advance the essential interests of the United States?

I believe the American people are ready to recognize that foreign aid is not a "giveaway," but rather a moral obligation and a sound and necessary investment in the future. I believe we are ready to recognize that millions saved now can mean billions lost 5 or 10 or 20 years from now—and that the human cost of delay is incalculable.

We have shown in the Senate that we are willing to spend nearly $2 billion a month for tanks, for planes, for napalm, for the other weapons of war—all to save people from communism. But we seem reluctant to spend, to save people from the tyranny of starvation and ignorance, as much in a single month—even though we know, in our own purest self-interests, that the tyranny of poverty is easily exchanged for the tyranny of communism.

The foreign aid program has not been completely successful. There has been corruption. There have been abuses of other kinds in some of the recipient countries. But if we consider the program as a whole—what is at stake, what has been accomplished—I believe we will conclude that it has been a significant success, and made a major difference in the security of the United States and the peace of the world.

Economic assistance is no magic cure; it will not abolish dictatorship, nor automatically remove oppression, and injustice; and given unwisely, it can even bolster the forces of reaction and hamper progress. But an adequate program of assistance can help to prevent oppression, can at least right the basic injustices of starvation and ignorance and degradation and want, in dozens of countries on four continents.

Ideals, however, are not self-executing. They require thoughtful planning and forceful administration. Last year, the Senate attempted to meet this problem by creating a special Foreign Aid Planning Committee charged with reexamining and reevaluating our entire foreign aid program.

Although that committee was eliminated—along with the 2-year authorization—in conference, the need for a basic reappraisal is as great today as it was last year. I therefore urge that the study, contained last year in sections 702–704 of the Senate bill, be inserted in this bill with appropriate changes. Foreign aid is too important to receive less than the best planning and administration of which we are capable.

There is one final question: the proper relation of this aid bill to the war in Vietnam. The committee has stated that American citizens should not be called upon to accept reductions in programs which affect their daily lives, see their taxes increased and war costs spiral, while the foreign aid program escapes unaffected and undiminished. But foreign aid, as I have stressed, is not a giveaway. And if anything, the war in Vietnam should serve as a reminder of the greater costs we may have to pay in the future, if we now fail to meet the challenge of development in Latin America or Asia or Africa.

The war in Vietnam should not and cannot be allowed to keep us from doing anything which is vital to our future, at home or abroad. A nation which increases its gross national product by $40 billion a year can spend $20 billion in Vietnam and still meet its domestic and foreign needs out of new growth, without diminishing the well-being of its citizens. This war is difficult and dangerous enough without causing us to now lay the seeds of greater difficulty and danger in the future.

Mr. President, I ask unanimous consent to have printed in the Record at this point a speech made by Mr. George Woods, president of the World Bank Group, on July 20, 1966, on the question of foreign aid and assistance; and also an article entitled "Aid-to-Africa Policy Being Reappraised by Presidential Panel," written by Richard Eder, and published in the New York Times, of July 5, 1966.

There being no objection, the items requested were ordered to be printed in the Record, as follows:

Remarks of Mr. George D. Woods, President of the World Bank Group, to the Ministerial Meeting of the Development Assistance Committee of OECD, Washington, D.C., July 20, 1966

When I last had the honor of addressing the Ministerial Meeting of this Committee a year ago, I suggested that the time had come to take bold decisions about the volume and character of development assistance. I think we must all be deeply disappointed, 12 months later, that these decisions still wait to be taken. Let me state again my conviction that the amount of financial assistance to the developing countries is inadequate by any reasonable standard—whether it is considered in relation to the growth rate the industrial countries say they are willing to help the developing countries to achieve, or by the amount of capital which the developing countries themselves are able to use to good purpose.

If there were to appear on this planet earth tomorrow a new country with a population, say, as big as that of the United States or the Soviet Union—some 200 million or more—this would be an event of far-reaching significance. Foreign offices and defense establishments would have to adjust themselves to this new presence; so would ministries concerned with international trade, finance and the distribution of physical resources in the world. In many countries, the necessary adjustments would be matters of the highest policy, to be determined by cabinets and chiefs of government.

You may say that this is fanciful. Yet in the past five years the population of the developing countries has grown by over 200 million souls—a number larger than the population of the United States, and comparable to the population of the Soviet Union, of Africa south of the Sahara, or of all Latin America.

While this is certainly not the same as the emergence of a single country, it is emphatically a circumstance of great weight in world affairs. It presents new tasks to the political and administrative organizations of the developing countries, and bears heavily on their physical and financial resources. It speaks urgently for striking a new balance in the relations between high and low-income countries.

* * *

Yet the pages of recent history show little recognition by the industrial countries that the equivalent of a new continent has been added to the less developed world, or that, despite population controls which are starting to take effect, a second such equivalent will be added in the next five years. The low-income countries must finance their development effort mostly out of exports to industrial countries—and they are increasingly able to produce for export. But the trade policy of the industrial countries in 1966 still offers them too few opportunities. The flow of financing for development has not noticeably increased. In fact, by some important measures it has declined.

Since 1961, the level of official net capital flows from OECD countries to the developing countries has remained static at about $6 billion a year. As a proportion of the rising incomes of the OECD countries, these net official flows declined from an estimated eight-tenths of one per cent to six-tenths of one per cent. The export of private capital increased, but most of it was directed to only a few countries, and discouragingly little of it went to the poorer ones.

We know and agree that the terms of development finance must be made easier for the developing countries. But the reverse is happening. As the Chairman's Report points out, the recent trend toward improvement in loan terms has been more than offset by a decline in the amount of grants. Today the average terms of assistance are harder than they were last year or the year before, and the prospects are disturbing.

At the same time, more and more of the flow of finance is being counterbalanced by the debt service paid by the developing countries. Service on public and publicly guaranteed debt more than doubled between 1961 and 1965. More than half the inflow of development finance is now being offset by the return flow in the form of amortization, interest and dividends.

Paradoxically, at the same time that the relative volume of aid has been dwindling, the capabilities of the developing countries have been growing. Last year, I reported the judgment of the World Bank staff that for the balance of the 1960's, the developing countries—outside the Sino-Soviet areas—each year could effectively use, on the average, some $3 to $4 billion more of development finance than they are now receiving. This judgment was based on estimates of the capacity of the developing countries to save and to export, to follow acceptable economic policies, and to plan and carry out high-priority development. We have kept these estimates under review, and this review confirms and underlines our judgment of a year ago. And in this connection I wish to reassure the Chairman, who on page 51 of his draft report wonders if we are basing these estimates on what he calls "our fairly high standards of economic justification for external assistance." We are. We have only one standard.

The capacity of the industrialized countries to support an effective assistance effort also has been rising. Assuming that effective financial assistance would cost an added $3 to $4 billion a year, the industrialized countries can certainly afford it. Their national income has been increasing, in the aggregate, at the rate of $40 to $50 billion a year; and if over the last five years, only one per cent of that increase had been devoted to additional development support, we should by today be not very far from a satisfactory level of assistance.

In the meantime, the contrast between the rich and the poor continues to be both striking and, it must be said, ominous. The 20 or so industrial countries of Western Europe, North America and the western Pacific now account for over a thousand billion dollars of the world's product. These 20 countries, with less than a fifth of the world's population, produce and enjoy more than half the world's wealth. By contrast—taking only the developing countries within the World Bank's membership—another segment which is half of the world's population accounts for only one-sixth of world product.

It is unrealistic to think that this state of affairs can persist. Surely any government, if half or more of its people lived in poverty, either would make strenuous efforts to help them or would itself fail to survive. Through changes in communications and transportation, the world each year becomes a smaller neighborhood, and what is intolerable in a single nation inevitably—and quickly—will become intolerable in the community of nations.

Many of the industrialized countries represented here today are now, and for some time have been, engaged in examining at high levels of their governments matters which they consider to be of pressing and mutual concern. Foreign ministers and commerce ministers and others are negotiating fundamental changes in trade and tariff policies; finance ministers are conferring on the troublesome problem of international monetary policy; and the foreign ministers and defense ministers of the North Atlantic Treaty nations are facing up to problems of defense organization.

Yet, looking ahead over the next ten years, where *are* the threats to international tranquility and order? Are they confined to balance and maintenance of military strength among the most powerful nations? Of to financial questions among the richest? Or is there also a threat arising from the possibility that, without concerted and adequate help from abroad, a large part of humanity will remain on the ragged edge of subsistence? I believe this is a possibility which presents a real and present danger.

What is now necessary, I suggest, is that the governments represented in this room should give to consideration of their policies relating to development finance a priority at least comparable to consideration of their other basic concerns. After twenty years of experience—and to some extent of frustration—the time has come, I believe, for a thorough examination of the objectives we are trying to achieve in our relationships with the developing world, of the importance of those objectives to the national interests of the DAC countries, and of the adequacy of the resources, the mechanisms and the techniques which are being employed to attain those objectives.

The kind of examination I have in mind would engage foreign ministers and finance ministers as well as development ministers. It would put the world-wide aid effort—which has emerged somewhat haphazardly from the post-war reconstruction program—in a well thought out and agreed upon place in the whole scheme of international affairs. It might implement some of the thought-provoking suggestions made last May by the American Secretary of the Treasury, Mr. Fowler, in a speech to a meeting of bankers in Spain.

The industrial countries here represented have been assisting world development for a span of two decades. In that time, science, technology and the means of creating material prosperity have advanced at a rate unprecedented in history. We can say confidently that the knowledge and the means exist to enlarge greatly the resources of the world, and to help many millions to achieve, or at least approach, decent living standards for the first time. A solution to the problem of hunger, one of the major problems which will be discussed here, is certainly not beyond our reach if we arrive at a plan and coordinate our efforts to implement it.

Agriculture is entitled to the highest priority, not only in the context of the food shortage, but also, and importantly, because up to 80 per cent of the people in the underdeveloped world depend on it for a livelihood, and because in many countries, the output of agriculture is the biggest single item of production. However, as is true of most development matters, we must stay with the problem of agriculture for the necessary period of years. Unhappily, there are no shortcuts to sound development.

All along the development front, the policies which must now be evolved and the actions which must be taken transcend the interests of any particular group of nations; they involve all. Today, the disparity between the living standards of a prosperous fraction of mankind and the rest of humanity is a gulf that separates the two; but tomorrow it may swallow up both rich and poor in political strife and economic chaos. We must begin to act decisively, and now, to avoid that outcome.

[From the New York Times, July 5, 1966]

AID-TO-AFRICA POLICY BEING REAPPRAISED BY PRESIDENTIAL PANEL

(By Richard Eder)

WASHINGTON, July 4.—A searching effort to rethink and, eventually, to reshape the strategy of United States assistance to Africa has concluded its first phase here.

The project was commissioned by President Johnson a month ago. It is being carried out by Edward M. Korry, Ambassador to Ethiopia, assisted by five African experts whom he chose from the State Department and the Agency for International Development.

Mr. Korry has spent the last month meeting with persons from a wide range of backgrounds—business, the universities, professionals and scientists—all of whom have experience in Africa.

In a series of brain-storming sessions, which participants described as freewheeling and irreverent, he and his staff talked with disparate gatherings including Peace Corps members who have returned from Africa, members of the National Academy of Science, a group of lawyers who served in African governments under the auspices of the Massachusetts Institute of Technology, and others.

PROPOSALS ARE GATHERED

From these, from a broad range of books and reports, and from his three years of contact with Africans from all parts of the continent, Mr. Korry has gathered suggestions for what the United States could be doing to spur the continent's development.

The group is now sifting these suggestions into a report that will attempt to define what the United States role should be in Africa, what objectives it should pursue, and how it should attain them.

In a departure from State Department practice, the report will go to the President and Secretary of State Dean Rusk as written by Mr. Korry, without revision by the layer of committees that usually get at State Department papers before they are finished. It will, according to an official familiar with the work so far, approach the problem "as if we had no previous policy."

What use will be made of the report is difficult to say. With the heavy involvement of the United States in Vietnam, and its difficulties with gold outflow, it is unlikely that Mr. Johnson will be able to order a substantial new effort in Africa.

LIMITATIONS TO BE SHOWN

The report, however, will not attempt to prescribe how much money should be spent in Africa, although it may point out the limits of the present aid level. What it will try to do is to define a purpose, a role and a method for United States assistance in the continent—something that Mr. Korry and other African specialists believe is lacking at present.

A.I.D. assistance to Africa has run to $200-million a year in recent years. This, as African specialists are fond of pointing out, is approximately what one United States company, the International Business Machine Corporation, spends each year on development and research. It is considerably less than the $250-million to $300-million that the Soviet Union sends in arms alone. As for United States military aid, it is limited to $25-million annually.

If the aid is small—some officials call it, not in jest, "conscience money"—the fundamental problem, in the view of many specialists, is the fact that although it is frequently spent on worthy projects, the total effect is one of aimless scattering.

The $200-million goes to 33 nations, making an average expenditure of a little more than $6-million. In one country, Mauretania, assistance in 1965 was something under $50,000. In many countries, the programs run from $1-million to $2-million.

Officials, who believe that the United States can and must play an important part in helping Africa to develop, are frequently bitter about the restrictions in the United States aid program. They argue that unless development comes quickly, perhaps in the next generation, the forces of disintegration may begin to move irreversibly.

One official, noted for his enthusiastic faith in Africa's future, speaks, with an evident effort not to exaggerate, of "a Haiti of continental proportions" resulting unless the next 10 or 15 years are made use of.

Mr. Korry is expected to argue that in the long run the limitations of the United States effort—even if commitments elsewhere diminish—are a result of a lack of a thought-out strategy for Africa. If Congress cuts the African appropriation a bit more each year, it is because it gets a series of isolated projects to approve, with little sense of over-all direction.

QUESTIONS ARE RAISED

To identify such a direction, the Korry group will seek to answer a number of basic questions.

For example, it will explore means by which regional groupings—commonly conceded to be a desirable goal—can be encouraged. The difficulty has been that countries that would be logical partners in one sector may be badly matched in another.

Nations that could cooperate to form a power grid may not be suitable for agricultural or industrial integration. The old colonial divisions may suggest one combination of states, but economic or political interests may point a different way. Finally, the linguistic barriers between French and English Africa may impede groupings that otherwise would be dictated by geography and resources.

Another question is how the United States can harmonize its aid with Britain and France, whose roles are often more significant, so as to work toward a common economic strategy.

Mr. PASTORE. Mr. President, will the Senator yield?

The PRESIDING OFFICER. Does the Senator yield the floor?

Mr. KENNEDY of New York. I yield to the Senator from Rhode Island.

Mr. PASTORE. First of all, I should like to compliment and congratulate the Senator from New York for a very articulate, inspiring, and tremendously moving speech on this question of foreign aid. My only regret is that he did not make it at the beginning of the debate; because, contrary to what he has recommended and so well reasoned, we have already made very serious cuts in this bill, cuts which I consider to be most regrettable.

I should like to join with the Senator in everything he has said. I agree with him and I support him in the statements he has made. It is American statesmanship at its best.

A matter that has puzzled me during the past four Presidential administrations is the frustration of foreign aid. Whether it was President Truman, President Eisenhower, President Kennedy, or now President Johnson, all men of very wide experience, each dedicated to the welfare of this great society of ours, each devoted to the security of our Nation and the peace of the world, each, in his turn has come before Congress, year after year, in his dedication and in his attempt to carry out his responsibility under the Constitution to administer the foreign policy of this country. Each has consistently, constantly, and persistently advocated a foreign aid program.

Each has seen the role that an affluent America must play in a world plagued by the desperate needs of yesterday and of today—needs that will grow tomorrow beyond desperation unless we see the picture as displayed by the Senator from New York—and make it our purpose to make tomorrow better.

Each President has made a logical presentation to Congress.

With what result?

Each President has had a miserable experience with Congress—so much so that it has become an enigma why the Chief Executive, the one man, elected by all the people, who is charged with the development of this society and the peace of the world, must be subjected to this sabotage. The President has recommended a very modest amount, as the Senator from New York has brought out, to keep this world together. After all, we are the most affluent society in the world. If we allow the world to fall apart, we who have the most have the most to lose. All we are trying to do, is to keep the world together by extending a helping hand to those who cannot help themselves.

Every time a foreign aid bill has come before us, there have been attempts to whittle it down, to chop it down, and to destroy it. In this year of 1966 the situation is no different. Already we have done a terrific scissors and hatchet job on the bill. By the time we get through it, it will not be recognizable as an aid bill.

I hope that the eloquent remarks of the Senator from New York have not fallen on deaf ears. Here is a man who has traveled the world over and has seen human need at first hand. Here is a man who has been privy under two Presidents to the most intimate information that could come to any government. He stands before us today and tells us that we have the resources and the responsibility to keep this world together, if it is to be kept together at all. His facts and figures are unanswerable. The responsibility falls the greatest upon our senatorial shoulders. I hope that Congress, and particularly the Senate, having heard him—will heed him.

Mr. KENNEDY of New York. I thank the Senator for his remarks.

Mr. ELLENDER. Mr. President, will the Senator yield?

The PRESIDING OFFICER. The Chair recognizes the Senator from Louisiana. Under the unanimous-consent agreement, the pending business is the amendment of the Senator from Louisiana.

Mr. ELLENDER. Mr. President, at this point I simply wished to respond with a few words to what the distinguished Senator from Rhode Island has said.

Mr. President, as is well known, I voted for the original Marshall plan, and I have no excuses to make; I would probably vote for it again.

But when the Senator from Rhode Island and the President of the United States state that these are barebones requests, I should like to refer to the appropriations made last year.

We had a barebones suggestion by the President of the United States of $3,400 million. But when you add the $3,400 million to the $1,750 million for surplus commodities, and when you add to that the amounts that we provide each year in order to finance the international banks, to which we contribute heavily, you will find that the barebones appropriations of last year did not amount to $3.4 billion, but to $6.8 billion.

As a matter of fact, Mr. President, the amount that we appropriated for fiscal year 1966, the fiscal year which ended on June 30, was as large an amount as was provided when the Senate first considered and provided funds for the foreign aid program.

Mr. PASTORE. Mr. President, will the Senator yield?

Mr. KENNEDY of New York. I yield.

Mr. PASTORE. Mr. President, I would like to enunciate the great adage:

> Cast your bread upon the water.

In the process and profit of doing that, our gross national product has risen from $650 billion a year to $750 billion a year. With all our generosity we have become richer. What I am saying here this afternoon is that we have given the money to a degree that is modest compared to our means. Whatever we have given we have given it in love of neighbor to alleviate the suffering and poverty in the rest of the world. I do not think it is disgraceful. I think it is a mark of distinction for America.

It would be a world tragedy if America did not care.

It would be a national shame if America did not share.

Mr. McGOVERN. Mr. President, will the Senator yield?

Mr. KENNEDY of New York. I yield.

Mr. McGOVERN. Mr. President, I subscribe wholeheartedly to the views expressed by the Senator from New York today. I am glad that he made reference to the action of the House of Representatives on yesterday in authorizing $58.6 billion for military expenditures. The Senator might have added that that was $1 billion more than the administration wanted.

While we are going through the exercise here of curtailing the administration request for a very modest expenditure for economic and technical assistance, we are also being treated to an exercise in which Congress is forcing an additional $1 billion on the administration for armaments that the administration says it does not want and has no plans to spend.

Beyond that, the news article to which the Senator referred informs us that the Pentagon has another $42 billion left over from their previous authorizations. That money has not been spent. Therefore, with the additional $58.6 billion, they now have approximately $100 billion to spend in the fiscal year 1967.

Earlier today I offered an amendment to provide that the United States ought not to reduce the economic and technical assistance that we are giving worldwide to less than 10 percent of what we are spending on our highly questionable effort in Vietnam.

As the Senator suggested, approximately $20 billion a year is being expended in Vietnam. Some estimates are higher than that. I think that the distinguished chairman of the Armed Services Committee, the senior Senator from Georgia, has estimated our Vietnam expenses at approximately $2 billion a month. Certainly, if we can afford, in the name of freedom, to spend approximately $24 billion a year in Vietnam, we ought to be able to find some way to spend 10 percent of that amount for all the remainder of the world—Asia, Africa, Latin America, and the Middle East. For every $10 that we spend in Vietnam, we should surely be able to allocate $1 to the remaining countries of the world to help meet their serious problems.

I earlier asked that my amendment be laid temporarily aside because of a prior understanding with the Senator from New York [Mr. JAVITS] that his amendment would be considered first.

Since then, I have discussed the amendment with the Senator from Arkansas [Mr. FULBRIGHT], the distinguished chairman of the Foreign Relations Committee. Although I think it is a worthy amendment, the Senator from Arkansas feels that a majority of the Senate would probably oppose it. So, I think, under the circumstances, I shall not ask that it be further considered. Again let me say that I wholeheartedly endorse what the Senator from New York has said. There are, indeed, rich moral, political, and economic dividends that can come to us, to our children, and to the world when we join in a cooperative effort to raise standards of life in the developing countries of the globe.

Mr. MOSS. Mr. President, will the Senator yield?

Mr. KENNEDY of New York. I yield.

Mr. MOSS. Mr. President, I congratulate the Senator from New York on what he has said here today. I think perhaps it should have been said earlier in the course of the debate. It awakens in our minds many of the things that have been going on in the Senate for these past few days as we have our annual free for all in an effort to see whether we can pick apart the foreign aid bill with the greatest ferocity.

This is one of the reasons that I strongly supported the proposal for an authorization for a longer period of time than for 1 year.

It seems to me that we come back and go through this exercise again and again. I do not believe that anyone who heard the speech of the Senator or anyone who will read the speech can help but be impressed with the facts he mentioned concerning our great affluence in this country, the vast productive power, and the great consumption of goods that exists in this country.

Nevertheless, we are here cutting funds in every possible place on a bill that would lend some assistance to the less fortunate of the world. It certainly is in our own interest to stabilize and help the governments and peoples of the world to reach a higher pinnacle of economic self-sufficiency.

I think the Senator from New York has rendered a great service to us here today.

I associate myself with his comments and commend him highly.

Mr. KENNEDY of New York. Mr. President, I thank the Senator. I wish to make an additional remark regarding the miscalculation that I perhaps made, and that perhaps others made, about not speaking at the beginning of the debate.

I think all of us felt that we generally supported foreign aid. We realized the importance of the various programs around the world, and the position of the United States around the world. The foreign aid program had been very modest; it had been proposed by the administration, and supported by the country. It was obvious that there would be some changes, but generally, from the information given to me, it was felt that the measure would receive the support of the Senate. It was only after the debate commenced, these last few days, that we realized that the measure did not have that kind of support. In fact, in my judgment, the measure is badly damaged, was destroyed in many areas.

I think that if we were to examine our position in the Senate now and realize how different our position is from the position of this body in the 1940's and 1950's on the aid that was given to Europe and other countries, we would realize that we in the United States are as powerful as we are and are able to sit in this Senate Chamber because of the efforts made by others 20 or 30 years ago.

We have the same responsibility to the next generation of Americans. But instead we are making only one-third of the effort our predecessors were willing to make. And the next generation of Americans, the next generation of political leaders, will have to face hatred and distrust of the United States all over the globe because we have saved a few dollars today.

We certainly should not be proud of that legacy. I think it will present a major problem for us.

The profit, for instance, of the General Motors Corp.—one of our finer corporations—is $2.2 billion a year, which is more than the gross national product of half of the countries of the world.

Mr. FULBRIGHT. Mr. President, will the Senator yield?

Mr. KENNEDY of New York. I yield.

Mr. FULBRIGHT. Mr. President, the Senator does not quite reflect what some of us, at least, think about the AID program. It is not the amount that we question. It is the manner in which the program has been administered, and the use to which aid has been put by the administration. For example, they have used our aid as one justification for intervention in the civil war in Vietnam.

The engagement in the war itself colors the judgment of many of us, in my opinion, at least, as to the validity and wisdom of this form of intervention all around the world.

The Senator from Rhode Island made a very impassioned and eloquent plea concerning charitable contributions. I have never regarded this program as justifiable on the basis of charity. It is much too large for a charity program. It is not a relief program. We have had relief programs under UNRRA in its different stages.

A day or two ago, the majority leader offered to send $25,000 as relief to Outer Mongolia. Relief aid is a tradition with this country. However, I never think of this foreign aid program as being a charitable program, any more than I think of old-age assistance or social security as being charitable programs.

It is a program which this country has deliberately adopted for justifiable reasons as being in our own interests. I think the program should be administered on a nonnational basis.

I would go along with the Senator from New York as to amounts if the program were administered through the proper international agencies. For example, the Senator cited Mr. Woods, who made, I thought, a very important statement the other day with regard to IDA. I favor his proposal.

I would favor not only the amount he proposed, but also the diversion of much of our aid through such agencies. But our bilateral aid program has, in my view, over these recent years, accumulated some very serious political barnacles, if I may call them that. It has created some serious problems for us, among them the involvement in Vietnam.

I am not willing to continue to use this tool, which could be used very beneficially to promote both our interests and the interests of the developing countries, in the way that it is now being used.

I am not for undertaking a policy of hegemony in Asia, certainly not without very serious consideration and approval by the Senate. I, therefore, am inclined to reexamine this program very thoroughly.

The Senator from New York mentioned his proposal for reexamination of the program which was adopted last year. I am in favor of that. I have no objection to it.

I may say that I am unable to read parts of the copy that I have. I wonder whether the Senator could present a printed copy for the benefit of the Senator from Arkansas.

AMENDMENT NO. 696

Mr. KENNEDY of New York. Mr. President, I send the amendment to the desk and ask that it be printed and lie on the table. I intend to offer it tomorrow.

The PRESIDING OFFICER. The amendment will be received and printed, and will lie on the table.

Mr. FULBRIGHT. If it is identical to the committee's proposal of last year, providing for the restudy of aid, I point out that we have already agreed to the need for such a review. The committee considered and recommended it last year. I do not wish the record to appear to indicate that some of us who have voted for these cuts have suddenly decided that we should close our pocketbooks and do nothing to help the poor nations. My complaint is about the manner in which we are providing aid. I think the way the program is now constituted is self-defeating and is doing great harm.

Numerous studies have been made. A whole book was written recently about our program in Nepal, and the conclusion was that it has done more harm than good. I believe this can be said about a number of places around the earth.

It is a misunderstanding and a misrepresentation to say that those of us who voted for certain restrictions and cuts are turning our backs on the world, have no interest at all, and do not realize that this is a rich country. We are rich, but we have much to learn. We are not nearly as wise as we are rich.

Mr. KENNEDY of New York. I have some serious reservations about the struggle that is now taking place in Vietnam, and about some of the steps that are being taken. I do not believe that if we look back over the history of the war in Vietnam, we can say mistakes have not been made. Mistakes have been made by every administration, including that in which I served the longest period of time—the administration of President Kennedy. But I do not believe we can say the determining mistake that was made was in giving foreign aid and foreign assistance to Vietnam. There have been mistakes, and perhaps that might have been one; but I believe it is pretty far down on the list of errors made in Vietnam or southeast Asia over the last 10 years.

If we are going to look at Vietnam and say we should cut back on foreign aid, we should consider the situation in the forties and fifties. We are now giving approximately a third of our budget and of our gross national product as compared to what we gave 15 years ago.

All Members of the Senate have traveled. Although mistakes have been made, some of these programs have been very effective. Some of these programs have saved the lives of many tens of thousands of people. Some of these programs have permitted hundreds of thousands of young men and women to obtain an education and removed the burden of ignorance from their backs.

I do not know about the situation in Nepal; I accept the remarks of the Senator from Arkansas about that. But I believe we also should look at what has been done all over the world that has been good, and why people look to the United States. Why do they think there is something special about the United States? It is not just because of what we have done internally, that our companies and corporations have grown. It is the Peace Corps, and also the fact that we have in a generous way given our aid and assistance to those countries, in helping them to develop themselves. We have a responsibility as the most developed nation in the world. We have taken an interest in them. If we have decided not to be an isolationist country, and that we have a role to play in the world, then it should be something more than going in when a war takes place, as in Vietnam, and being able to buy bigger tanks and better planes and larger bombs and killing more people and more Communists or Vietcongs, or whatever they might be called, than any other country.

I believe that we have a responsibility on the other side, to attempt to prevent those situations from arising, not just for ourselves, but also for the next generation.

In Tanzania there is 97 percent illiteracy, and the life expectancy is under 35 years of age. We are giving $10 million to Tanzania, and we spend 80 percent of that in the United States. This percentage is in the form of food.

Mr. FULBRIGHT. The money amount is really very small.

The Senator from New York has drawn attention to the fact that a bill has been passed providing $58 billion for defense. The other day the Secretary said that we have spent $850 billion for defense since World War II. According to the figures of the minority leader, about which there is some question on items, we have spent roughly $114 billion, less than one-eighth that amount, for our aid program. I do not object to the amount; I am only saying that I believe there is a more effective way of administering our aid effort.

The one outstanding example of success was the Marshall plan. That was not administered as a unilateral program. We utilized the OEEC to plan and administer the program and we furnished the money.

I am only saying that I believe it would be a great thing if we could take one-tenth of the amount now spent for military purposes and give it to the International Bank or the U.N. Development Fund and have it used to help build up the societies and economies of the underdeveloped world.

One of the distinctive things we have tried to develop since World War II, in my opinion, has been a cooperative, multilateral, approach—not a unilateral approach—to world problems.

What I believe I detect in recent statements of this administration—and I am not sure the Senator does not confirm them—is that this whole program is just for the United States, that we should do it; that the United States, because it is rich, ought to undertake a program of rehabilitation and assistance around the world. I believe we can make a great contribution monetarily, and I believe we can do it through these organizations. I do not believe we have the wisdom to do it, but even more, I do not believe any nation can, as a national entity, undertake this kind of job and do it effectively. Inevitably, it is bound to become tainted with the suspicion—if not the fact—of materialism or paternalism. These words have acquired certain rather bad connotations by their use.

I believe a trend in this direction is already in progress. If a country undertakes to administer this kind of program worldwide, in accordance with its own individual views, without utilizing an international organization, the effort will ultimately defeat its purpose. It will not bring about political peace and social and economic reform, in the countries it tries to help. It will only end up in political competition with other countries.

Even now, I believe that our aid program has inspired Russia to start one; also the Chinese, who probably never would have done so on a competitive basis.

What would make sense to me is that our undertaking to bring about improvements in the underdeveloped countries should be a cooperative program through the international agencies; and, hopefully, we should enlist aid not only from the Western World but also from Russia. The Russians are having second thoughts and disillusionment about some of their aid programs, for many of the same reasons that trouble our program. They had experience in Ghana, in Iraq, and in Indonesia that was not unlike our experience in certain countries. This happened for the same reasons, I may say—resentment of the smaller countries at the incursion of big, rich countries.

I believe there is an inherent defect in this approach. I am perfectly willing to match the desires of the Senator from New York as to amounts, if the program is administered by the international agencies.

All we need to do is to make up our minds to approach this problem as a member of the community of nations, and not just as the great United States, which is going to tell everybody what to do and pay them to do it, as we are now doing in a number of instances. That, I believe, is the real difference between us.

Mr. KENNEDY of New York. I appreciate that.

The Senator referred to other countries. It is true that the United States, on the basis of its gross national product and its budget, even at the present time gives less percentagewise than France or Germany, for instance.

Mr. FULBRIGHT. I would have to say that they provide assistance in a very different way to their colonies. Let us say that their aid is in the nature of an investment.

Mr. KENNEDY of New York. The Senator is correct.

Mr. FULBRIGHT. But the French do not go around giving grants. About 99 percent of their aid goes to their colonies where they know what the results of the aid will be, and it is really in the nature of an economic investment, in my opinion.

Mr. KENNEDY of New York. I have no disagreement with what the Senator from Arkansas suggests.

If we can develop in the Senate and in the Government a program of administering aid in a fashion which would be more acceptable, I would be completely in favor of that. That is why I suggested that there be formed a committee to make a study of our foreign aid to see if we are proceeding in the best possible way.

Mr. FULBRIGHT. I am sorry.

Mr. KENNEDY of New York. That is one of the reasons I suggest that this committee should make a study of it to determine what we should do.

Mr. FULBRIGHT. Yes.

Mr. KENNEDY of New York. I agree with the Senator that what was effective for the forties, fifties, or the early sixties we might not want for the 1970's. In the meantime, it is my strong feeling that we should not burn down the house while trying to reach understandings either in the Senate, the House of Representatives, or in the executive branch.

If we get beyond what the Senator from Rhode Island referred to, I think we have a moral responsibility in connection with our self-interest.

I think all of us have traveled around the world and everyone would feel that what we did in the forties, the fifties, or the early sixties in the aid program has been in our self-interest.

Mr. FULBRIGHT. Some of it has, but not all of it.

Mr. KENNEDY of New York. I do not think all of it. But while trying to find an answer, to have the whole program fall apart at the seams and bring all kinds of repercussions, not only for the present but for the future of the United States, does not seem to me to make a great deal of sense.

Mr. FULBRIGHT. I do not know why the Senator thinks it has fallen apart. The bill has not been completed. What does the Senator mean by "falling apart"?

Mr. KENNEDY of New York. I am referring to the amendments that have been accepted over the last 2 days. I refer to the fact that there was a modest proposal in the beginning which is getting more restricted each year.

I find in this critical period and in the last 2 days less of an effort that is necessary on the part of the executive branch of the Government to marshal the forces of business, labor, churches, and others interested in this matter to develop public interest in the importance of the aid program.

Mr. FULBRIGHT. I agree with the Senator that the administration is so preoccupied with making war that they have very little time for anything else—time or money. They are spending about $2 billion a month in the prosecution of this futile war in southeast Asia. There is $68 billion in this budget and they do not have the time or the money for this program.

Mr. KENNEDY of New York. I thought that maybe the Senator from Arkansas [Mr. FULBRIGHT] would make up for that deficit.

Mr. FULBRIGHT. There is nothing new about my views about this multilaterialism, if the Senator had something else on his mind.

But 3 or 4 years ago I began to plead with the Senate. We put in a provision authorizing the diversion of loan funds for the International Bank where they have a good reputation for administering this kind of program for the development of underdeveloped countries. It was approved by the Senate and by the

House of Representatives, but the Appropriations Committee of the other body refused to abide by it and put in a limitation which would prohibit it.

We tried it year after year. There is no other way to do it. This is not a rational view. I am hopeful of bringing about a change.

I am perfectly willing to have a committee. As a matter of fact, I advocated it last year, and the Senator from Oregon did. The House of Representatives would not approve it last year. They were adamant about it. We passed it here with little opposition. This entire matter should be restudied and some new approach taken.

Mr. GRUENING. Mr. President, will the Senator yield?

Mr. KENNEDY of New York. I yield to the Senator from Alaska [Mr. Gruening].

Mr. GRUENING. I thank the Senator. I would like to make the comment at this time that the emphasis in the speech of the Senator from New York [Mr. Kennedy], and in the colloquy of my good friend the Senator from Rhode Island [Mr. Pastore], and others who have joined them in exalting foreign aid, is that those who have introduced amendments are aiming to slash, ruin, downgrade, and diminish the foreign aid program.

As a matter of fact to this bill providing economic aid I have six amendments, one of which has already been accepted by the Senate. It happens that not one of my six amendments cuts a single nickel from the pending bill. They are designed to improve the program. Some of the amendments will be adopted as some of mine have been in the past and are part of the existing foreign aid procedure.

The amendments which I have submitted and will offer would materially improve the program.

I call to the attention of the Senate the report issued by me as chairman of the Subcommittee on Foreign Expenditures of the Committee on Government Operations which gives a case study of one country which was selected because it was in its area, Latin America, most advantageous from the standpoint of prospective success. Yet the report is an objective and factual exhibit of the tremendous errors which have been committed in the past in our foreign aid programs and have not been rectified by experience, and which if rectified would greatly strengthen and improve the foreign aid program.

There are few of us who do not believe that some foreign aid program is necessary. But the fact is that as it has been administered and misapplied, the program has been greatly weakened. That is why many of us seem to be and are critical of it. If we are to improve the program, it is not going to be by the mere addition of money. Experience has shown that larger doses of the wrong medicine do not effect a cure.

There is also another aspect to be considered. There has been a certain amount of—perhaps not conscious—misrepresentation. The President sends down a budget, as the distinguished Senator from Louisiana pointed out which is declared to be a "barebones" request. Yet it is less than half of the program. There are all kinds of other spigots which more than double the alleged barebones request.

The loans being made under it at negligible rates of interest are one large spigot running into billions of dollars. We have tried to raise the interest rate. Many are loans which will never be repaid. They are, in reality, grants, but the American people are asked to consider them as loans.

I remember 3 years ago when I was in Egypt on a foreign aid study I was present when our Ambassador signed an agreement with Nasser to build a powerplant in West Cairo. The terms of that loan provided for no repayment of capital for the first 10 years. The interest was to be at three-quarters of 1 percent during the entire period, and it was to run for a period of 40 years. That was not a loan. It was a gift. A powerplant is a profit-making, self-liquidating enterprise. The loan should have been made at the rate the American people are obliged to pay for their money.

We have been making that type of loan all over the world. It makes people wonder what kind of suckers we are. There are some types of loans, whether for schools, roads, or some other project which do not generate revenue where the token interest rates may be justified. We have not been as vigilant as we should be in the interest rates, and this has been brought up year after year without much improvement.

In many instances we have unquestioningly accepted the foreign aid program of the administration. The amount of money we ladle out is not the answer. It is the way in which it is administered.

Instead of giving money promiscuously all over the world, often rushing in before a nation is even independent, we should give it to those countries which are willing to cooperate and are willing to make self-help efforts and have an appreciation of their responsibility to help expend these vast sums honestly and prudently.

I remember that 5 years ago John K. Galbraith, one of our leading economists and recently our Ambassador to India, wrote an article in the quarterly Foreign Affairs in which he pointed out four conditions to make foreign aid effective, and without which it could not be so.

First, in the country receiving aid there should be a knowledgeable elite which knew how to receive foreign aid and use it; second, that the people in its government would have to be honest so that the money would not be stolen; third that there would be a sense of social justice in the government so that the money would not stay at the top and benefit a few, but would percolate through its social structure to all levels; and fourth, such country would have to have a sense of direction, purpose, and destiny.

Those are desirable guidelines, but except in one instance they have not been followed. If these desirable guidelines had been adopted, our program would be infinitely more successful and would have far more support by the American people and in the Congress than it appears to have.

Let me say in conclusion that it is difficult for some of us to be wholly enthusiastic about scattering our funds generously in all parts of the world when we are cutting down our own essential programs at home, when for example the administration has sought to eliminate even the milk program for our children, and cuts out other authorized projects which our own people need. It is difficult, therefore, to work up any fervor for far more lavish projects abroad, for which there is often doubtful validity. That is probably the most compelling reason why so many of us have doubts about the foreign aid program today. I consider that our first obligation is to the folks at home. Nevertheless I have sought to improve the foreign aid program to weigh its importance in relation to our domestic needs but not to weaken it.

Mr. KENNEDY of New York. I appreciate the remarks of the Senator from Alaska. I also appreciate his efforts, with which I frequently agree. I appreciate his dedication to strengthening the foreign aid program.

I am sure that mistakes have been made in the foreign aid program. Mistakes have also been made in the military program. The Senator knows that hundreds of millions of dollars—perhaps billions of dollars—have been wasted by the military at various times, in the wrong kind of shells, the wrong kind of planes, the wrong kind of tanks, or the wrong kind of ships. Fuel has been wasted. Planes have been wasted. However, but just because it has not been completely successful or completely effective, or because we can point out corruption, inefficiency, or bad judgment, we do not suddenly cut out the whole military program.

As the Senator knows, the defense budget this year will be $58.6 billion.

I agree with the Senator that the program has not always been administered in the best possible way. It is administered by human beings. General Electric has made mistakes. General Motors has made mistakes. All of us as Senators have made mistakes because we are human beings. The foreign aid program will make mistakes, too. But if we look at the overall picture of foreign aid over the past 20 years, we know that it has benefited not only people all around the world, but also ourselves. That is what I think is to our best interests.

Mr. GORE. Mr. President, I desire to make a few remarks prompted in part by the statement of the Senator from New York [Mr. Kennedy].

As one who has supported every foreign aid program beginning with the Marshall plan, I do not feel that the votes I cast yesterday are calculated to tear the program apart. The two important votes yesterday dealt with the

Development Loan Fund, one with respect to the amount available and the other with respect to the interest rate.

I do not know to what extent all Members of the Senate have studied the programs. Certain members of the Committee on Foreign Relations have studied them in detail, of course. I hold in my hand only one of the several compilations which were available, some in confidential form.

Does the Senate realize that many of these loans, at these unreasonably low interest rates, are made to our largest U.S. corporations for investment abroad?

They are made to concerns—I shall not name them because I do not criticize them, and to name them in this context might be interpreted by some as criticism—whose securities are on the board in the New York Stock Exchange, corporations which could sell their stock in the United States and raise their own money, corporations which, in fact, could borrow within the countries where they expect to make investments.

Please understand that not all loans, not even a majority of the loans, are made to U.S. corporations. But, I say that when a large U.S. corporation with unprecedented profits flowing into its coffers wishes to make an investment abroad, there should be a limit to the subsidy which the American taxpayers should be called upon to supply.

Shall we continue to loan money at 1 percent when there are people in our own country—like the expectant mother who came to me this week complaining that she and her husband could not obtain a GI loan to build a home in which to rear the child. We should think of what effect current policies are having here at home.

Mr. PASTORE. Mr. President, will the Senator yield at that point, just out of curiosity concerning his presentation?

Mr. GORE. I am happy to yield to the Senator from Rhode Island.

Mr. PASTORE. I am somewhat amazed at what the Senator is saying. Is it not because the American company is really the builder of the project, but the recipient nation must pay back the bill—the benefits, or whatever it is being built, because of our interest to see that the money is spent in America through an American firm. Naturally, the project will have to be built depending entirely upon the economic situation in the recipient country and how we feel about that country. But they have to pay back the debt. In other words, this is not a loan made to the American company. The loan is made to the country. The company is the beneficiary because it is contracting and it is the company that will do the building. That is the way I understand it. I have gone into this thoroughly myself. I am on the committee, too, that listens to this.

Mr. GORE. Well, Mr. President, the situation which the able senior Senator from Rhode Island describes certainly prevails in many cases, but by no means all. Loans are made for which the United States corporations or the foreign subsidiaries of a large United States corporations are the direct beneficiaries.

Here is the modus vivendi of repayment. The corporation which invests, let us say, in Brazil, repays the loan, not to the United States but to the Government of Brazil. The corporation repays the loan but with a grace period, not over a 40-year period, but in 15 years to the Government of Brazil. It is the Government of Brazil, then, which enjoys the long and very generous period of repayment, not the U.S. corporation that really obtains the credit at comparatively low rates for capital investment abroad.

This is presented to us and justified to us on the ground that that country has a great problem of balance of payments. Well, the United States has a slight problem of balance of payments, too.

It has not been submitted to the satisfaction of some members of the committee that a U.S. corporation with vast investments already in existence in a given country could not borrow within that country.

But, this is only one of the questions. The question of amount, I think, is only one of the questions involved. That was in one of the amendments. When the United States has an enormous financial drain burdening it, and when the President calls the leaders of Congress together and admonishes them to reduce governmental programs here at home that go to the very essence of our social welfare, then it may be prudent for Congress to seek some ways to reduce this particular program.

Mr. ELLENDER. Mr. President, will the Senator from Tennessee yield at that point?

Mr. GORE. I am happy to yield to the Senator from Louisiana.

Mr. ELLENDER. Mr. President, I ask for the yeas and nays on the pending amendment.

The yeas and nays were ordered.

Mr. GORE. Mr. President, I think, if United States corporations desire to invest, they should be willing to borrow their own funds on their own debentures, rather than seek subsidy from the U.S. Treasury. This reduction would not seriously harm the program.

What about the interest rates? I do not subscribe to policies which have brought about artificially high interest rates, which have restricted credit and tightened the supply of money. Interest rates are artificially high, pushed to present unreasonable rates by government programs and actions or the lack thereof.

Shall the foreign aid program, shall foreign loans, be the only exceptions to the extra toll the use of money is taking now?

It seems to me the program started with some relationship to the cost of borrowing in the United States. That cost of borrowing on the part of the United States Government has drastically increased.

The amendment adopted yesterday raises the interest rate from 1 to 2 percent for the first 10 years of such loans. This may hinder some projects, but in every State of the Union there are counties and cities galore that are postponing projects to build schools, hospitals, and water systems because of high interest rates.

In every community in this country there are men and women who want to build homes. The desire to build homes is not less than it was 5 years ago. It is more. But there now is the lowest rate of home construction in 5 years. Why? Because lumber is in short supply? No. Because bricks are in short supply? No. Because of the high interest rates and the unavailability of money for home mortgages.

So I say, while we consider raising the interest rates under the bill from 1 to 2 percent, think of the small businessmen, in America, many of whom are now paying 8 percent. Think of young fathers and mothers who desire to build homes but are unable to do so because of the policies which our Government has pursued.

Mr. MILLER. Mr. President, will the Senator yield?

Mr. GORE. I yield.

Mr. MILLER. Would it not be safe to say that when the businessmen pay 8-percent interest, this is only the start; that the ultimate consumer will be the one who will be paying the 8 percent, because of the increase in the cost of the product he will buy from that company?

Mr. GORE. Of course.

Mr. MILLER. So we have this situation——

Mr. GORE. If I may interrupt, the high interest rate is a very important cause of the rise in the cost of living.

Mr. MILLER. So we have this unfortunate situation. We have high interest rates which ultimately are going to be borne by the general consumer, and we have the reason for that increase in interest rates in the form of inflation, because inflation always brings increases in interest rates, and the general consumer will absorb them.

I wish to make the point with my colleague that if he will trace where inflation comes from, he will end up finding its cause in the Congress, because in every case the majority of the Members of Congress have voted to run our Government deeper and deeper into debt year after year. It is such a foundation for inflation which brings about high interest rates.

Mr. GORE. Mr. President, I shall close by saying that I expect to vote for passage of the bill, as I have voted for all foreign aid bills. I am beginning to have some doubts, I may say. We seem to have as good relations if not better, with countries we have not aided as with those we have aided. But as one who has supported the bill, and still expects to do so, I do not wish to sit still when the charge is made that I am tearing down the program when I wish to bring about a reduction which I hope will result in American corporations borrowing their own money upon their own vast resources, and raising interest rates just a little. The increase in interest rates is not equal to the rise in the effective interest rates in the United States, but the increase in the interest rates now in the bill are a small increase, in an effort to bring about some ratio between the rates at which the money is borrowed by the U.S. Treasury and the rates at which the loans are repaid.

Mr. LAUSCHE. Mr. President, will the Senator yield?

Mr. GORE. I yield to the Senator from Ohio.

Mr. LAUSCHE. Pursuant to the discussion of the Senator from Tennessee on interest rates, there appear, on page 322 of the transcript of the hearings before the Foreign Relations Committee, two interesting tables showing the interest rates charged by other countries on loans to different nations of the world.

If my colleagues will look at page 322 of the hearings, they will find that the interest rates charged by Germany, France, Italy, and England by far exceed the 1 percent, and also the 2 percent to which we raised the original 1 percent figure.

I ask unanimous consent that the two tables appearing on page 322 of the transcript of the hearings be placed in the RECORD at this point.

There being no objection, the tables were ordered to be printed in the RECORD, as follows:

TABLE 7.—*Interest rate structure of official bilateral loan commitments in 1962*

[Millions of dollars]

Country	Total loans	Interest rates of official lending for more than 1 year							
		Less than 1 percent and interest free	1 to less than 3 percent	3 to less than 4 percent	4 to less than 5 percent	5 to less than 6 percent	6 to less than 7 percent	7 percent and more	Not available
Austria	5.8						5.8		
Canada	14.0						14.0		
France [1]	140.7	8.6	54.2	13.4	4.0	40.9	19.6		
Germany	315.0		1.0	137.3	30.5	127.2	19.0		
Italy	112.4			9.0	12.3	4.8	32.0	54.3	
Japan	183.0					65.3	54.4	41.4	21.9
Netherlands	17.3			8.7		7.2			1.4
Portugal [1]	39.4	1.4	7.0	3.1	22.3	3.7	1.4	.5	
United Kingdom	356.5	26.3				52.3	270.7		7.2
United States	1,700.0	988.0	30.0	117.0	106.0	452.0	8.0		
Total of above industrial OECD countries	2,884.1	1,024.3	92.2	288.5	175.1	753.4	424.9	96.2	30.5

[1] Gross disbursement data.

Source: "The Flow of Financial Resources to Less-Developed Countries, 1956-63," Organization for Economic Cooperation and Development, p. 152.

TABLE 8.—*Interest rate structure of official bilateral loan commitments in 1963*

[Millions of dollars]

Country	Total loans	Interest rates of official lending for more than 1 year							
		Less than 1 percent and interest free	1 to less than 3 percent	3 to less than 4 percent	4 to less than 5 percent	5 to less than 6 percent	6 to less than 7 percent	7 percent and more	Not available
Austria	0.9			0.9					
Belgium [1]	3.1	1.8		1.3					
Canada	81.6						81.6		
France [1]	174.1	1.4	45.6	55.7	2.8	53.7	14.3		0.6
Germany	523.5		14.0	279.0	16.0	145.0	64.5	5.0	
Italy	140.3				2.3	87.8	26.3	23.9	
Japan	218.1				4.5	132.0	81.4	.2	
Netherlands	20.6			2.9	2.6	13.7			1.4
Norway	.5								.5
Portugal	44.7			42.0	2.7				
Sweden	2.2		2.2						
Switzerland	5.8				5.8				
United Kingdom	240.7	6.6	50.8	9.8	1.6	166.5			5.4
United States	1,515.0	1,040.0	75.0	112.0	3.0	283.0	1.0	1.0	
Total of above industrial OECD countries	2,971.1	1,049.8	187.6	503.6	41.3	881.7	269.1	30.1	7.9

[1] For Belgium and France, gross disbursement data have been used.

Source: The Flow of Financial Resources to Less-Developed Countries, 1956-63, Organization for Economic Cooperation and Development, p. 153.

Mr. GORE. I thank the Senator for his contribution.

I might suggest, if he does not mind, that it was upon a motion offered by him, the Senator from Ohio [Mr. LAUSCHE], and the Senator from Idaho [Mr. CHURCH], that the amortization interest rate after the grace period was raised from 2½ to 3 percent.

Mr. MORSE. Mr. President, will the Senator yield?

Mr. GORE. I yield.

Mr. MORSE. I completely associate myself with the remarks the Senator from Tennessee has made. They are a partial and very effective answer to the Senator from New York [Mr. KENNEDY].

I wish to make a few comments on the Senator's time, because the Senator from New York must return to his office, and I have notified him that I wish to make certain replies to his speech. So far as his criticisms of those of us who have been voting to improve the foreign aid program by amendments are concerned, I completely disagree with his point of view.

In my judgment, those who are doing great injury to the foreign aid program of this country are those who have spoken this afternoon in support of the point of view of the Senator from New York, for they are among those Senators who have taken the position here in the Senate that there should be foreign aid, at any cost, and have been in favor of granting great authority to the administration to run foreign aid in any way it wants to. They are the very Senators, these ardent advocates of blank-check foreign aid who for the most part have not supported those amendments. Some of them have not spoken. They have supported the position of the Senator from New York [Mr. KENNEDY].

Let me say to the Senator from New York that, in my opinion, it is those who are criticizing and opposing our efforts to improve the foreign aid program through necessary amendments who are doing great harm to the foreign aid program. We do not have to yield to the Senator from New York [Mr. KENNEDY], or the Senator from Utah [Mr. MOSS], or the Senator from Rhode Island [Mr. PASTORE], or the Senator from South Dakota [Mr. MCGOVERN], or any of the rest of them who, for the most part, have been voting for blank-check foreign aid as it comes from the administration, and who have failed to support our amendments in order to adopt reforms that foreign aid should have.

I say to my good friend from New York—and he knows we are good friends—that he has an obligation to come forward with a bill of particulars as to what we need to do to improve foreign aid, instead of making the general statement he makes in this speech of his, which I think is a statement of confession and avoidance—and he is a lawyer, and knows what I mean.

Mr. KENNEDY of New York. Mr. President, will the Senator yield?

Mr. MORSE. As soon as I complete my charge.

Mr. KENNEDY of New York. I thought the Senator said he wanted some information.

Mr. GORE. Mr. President, I have yielded to the Senator from Oregon, after which I have agreed to yield to the Senator from Indiana. Then I shall be happy to yield to the Senator from New York.

Mr. MORSE. When the Senator says in his speech, "The foreign aid program has not been completely successful," I am glad he recognizes that. When he says, "There has been corruption," I am glad he recognizes that. When he says, "There have been abuses of other kinds in some of the recipient countries," I am glad he recognizes that.

He continues:

> But if we consider the program as a whole—what is at stake, what has been accomplished—I believe we will conclude that it has been a significant success, and made a major difference in the security of the United States and the peace of the world.

Mr. President, I believe he needs a bill of particulars on that.

Let me say to my friend from New York that I believe it has been a success in some areas, and it has been a shocking failure in some areas; and the Senator from New York ought to be in here, working shoulder to shoulder with us, in trying to get some reforms adopted in the aid program to eliminate those abuses, so that he and I and the rest of us can go forward with a foreign aid program double the amount that we are now spending.

The Senator from Oregon, for the last few years, has said he is willing to vote for three times the amount of money now spent for foreign aid, if we will clean it up.

I wish to say that the first obligation of the Senator from New York is to help us clean it up first, before he comes to the floor of the Senate in what is obviously a blitzkreig on the part of the administration to stop us from cleaning up foreign aid this year.

Now is the time, may I say to my friend from New York, that we ought to clean it up. Now is the time he should be supporting reforms in foreign aid, instead of giving us this very generalized speech, making a great emotional appeal for the morality of foreign aid.

I agree on its morality in principle. But I wish to say to the Senator, I cannot see how I can, support this foreign aid bill as it has come up here, when we cannot get any support from the administration to reform foreign aid.

I did not hear the Senator mention a thing about the evidence of the Comptroller General that has been submitted year after year in regard to the inefficiency, the waste, and the corruption in foreign aid.

Mr. GORE. Mr. President, I wish to reclaim the floor.

Mr. MORSE. The Comptroller General referred more directly to the military program, but I wish to say that economic aid, too, is wasteful.

Mr. GORE. Mr. President, I do not yield further, lest I get caught in this crossfire.

Mr. MORSE. Mr. President, I have not even looked at the Senator from Tennessee yet. I have only been looking at the Senator from New York.

Mr. GORE. I promised to yield, some bit ago, to the distinguished Senator from Indiana. Then I shall yield to the Senator from New York.

Mr. MORSE. The Senator has already yielded to the Senator from New York. I have lots more I wish to say to him, but I am willing to do it on my own time. However, I think it is only fair that he have an opportunity to comment on what I have already said.

The PRESIDING OFFICER. The Senator from Tennessee has the floor.

Mr. GORE. Mr. President, I appreciate the remarks of the Senator from Oregon. I do not wish to be unfair to the Senator from New York, and I shall not so be, but I think those gems of the Senator from New York will be sufficiently imperishable that I may live up to my commitment to yield first to the Senator from Indiana; and I am sure that the Senator from New York will use the time the better to prepare his response.

The PRESIDING OFFICER. Does the Senator from Tennessee wish to continue to speak?

Mr. GORE. I wish to yield now to the Senator from Indiana.

Mr. HARTKE. Mr. President, I asked the Senator to yield to me sometime before this last exchange started.

Mr. GORE. Does the Senator wish me to yield?

Mr. HARTKE. I would like for the Senator from Tennessee to yield to me for a comment on the original remarks which the Senator from Tennessee made.

Mr. GORE. I yield.

Mr. HARTKE. I gather that the remarks of the Senator from Oregon and the Senator from New York will probably be quite extended, and will not involve what I wish to talk about.

First, I commend the Senator from Tennessee for his outstanding analysis of the problem with regard to interest rates. I point out, for the information of the Senate, that before the matter is concluded, I intend to offer an amendment affording another opportunity for some of those who have, it is claimed, gutted this bill, to make equal—more equal, at least—the interest rates our American people are required to pay at home with those the people from some of the foreign countries concerned are required to pay. But that will come at a later time.

I wish to say that those of us who have asked certain questions, those of us who are really for the first time saying no to some of the things being asked in this bill, are following more or less what the distinguished Senator from Arkansas has stated. He has done this numerous times; I should like to try to pull it all together once more.

I think I can do this without taking too much time away from the fine deliberations of the Senator from Oregon and the Senator from New York.

There was a letter addressesd to the distinguished majority leader [Mr. MANSFIELD] by the Secretary of State, Mr. Rusk, which said exactly the opposite of what he had said before in regard to how we got involved in Vietnam.

As we go through the hearings before the Foreign Relations Committee, we find a statement there by Hon. Dean Rusk, the Secretary of State, in which he makes this voluntary statement—and this is not in answer to any specific question, but it is a voluntary statement, made by the Secretary of State, during the hearings on the supplemental foreign aid bill.

He asks this question, in bold type: "Why are we in Vietnam?"

Then he says, on page 567:

> It is this fundamental SEATO obligation that has, from the outset, guided our actions in South Vietnam.

Here is the remarkable portion of what has always been admitted, and what causes all of the difficulty for so many of us who are now questioning this legislation. On page 568, he voluntarily states—and I am quoting from the hearings:

> On October 1, 1954, President Eisenhower wrote to President Diem, offering "to assist the government of Vietnam in developing and maintaining a strong, viable state, capable of resisting attempted subversion or aggression through military means."

This is a voluntary reference to a letter from the President of the United States, President Eisenhower, to President Diem. The thing about it is that it is pulled out of context. It does not point to the true facts.

The true fact is that when you read that letter, the message to President Diem was a commitment on foreign aid, which got us involved in Vietnam. This was the whole point of it. This is the origin of it, and there is no language to the contrary which denies it.

In fact, the Secretary of State, Mr. Rusk, before he became confronted with this problem that it would affect the foreign aid bill, said differently at Las Vegas, and that is why the Las Vegas speech is so important. The distinguished chairman of the Foreign Relations Committee has put that in the record.

But let me read the portion of that statement from President Eisenhower which they do not like to discuss at this time. It is in the background information relating to southeast Asia and Vietnam:

> The Secretary advised the 89th Congress, the Second Session, "the purpose of this offer"—

This is the offer of foreign assistance, right in this letter—

> "is to assist the Government of Vietnam."

You see, he has left out the purpose of the offer. The offer was a commitment on a condition. That offer of foreign aid and the offer of assistance was on a condition. The condition stated here was never met.

But we have gone ahead and put our military forces in to back up this offer. This cannot be denied. It is in the record.

I wish to compliment the Senator from Arkansas for bringing this to the attention of the Senate. If this is to be the reason for the foreign aid, and we are going to back it up with the lives of American boys, without help from any of the other nations of the world, I think it is high time we call all these people to question, and I will excuse the Senator from New York if he did not understand this full background. I think it is all right to criticize those of us who voted yesterday, but if he wants to have a study, let him have a study. But the time has now come to vote; he is not going to have time to make that study before the vote on final passage of this measure. As for myself, I, for the first time since I have been in the Senate, will cast my vote against it. I am not going to do it with any reluctance, nor am I going to change my mind with any arm-twisting or criticism.

Mr. GORE. Mr. President, I have been advised by the able junior Senator from New York that he will seek the floor in his own right. Therefore, I shall close my remarks in order that he may have an opportunity to respond to the statements of the senior Senator from Oregon.

Just briefly, before doing so, since I have referred to interest rates, let me remind the Senate that on yesterday President Johnson held a press conference during which he was asked about high interest rates, slowdown in housing, and related matters. Somehow, from the President's response the impression that Congress was at fault seemed to be conveyed. Secretary Fowler, it seems, a few days ago asked Congress to take some action. As I examine the action he has requested, it is certainly minor if not innocuous. It might actually result in increasing interest rates, rather than in decreasing them.

Where does the fault, the responsibility for these unreasonably high interest rates lie? I should like to remind the Senate that President Roosevelt led this country through World War II with reasonable interest rates. President Truman led this country through the conflict in Korea with reasonable interest rates. Recently, President Johnson had an opportunity to appoint a man to the Federal Reserve Board, a man who would constitute the balance of power between the tight money advocates and those who wish a more reasonable structure and policy. What have we heard from the new man—tighter money, higher interest rates. It is impossible to conclude that this is not administration policy. The evidence is overwhelming.

Mr. LONG of Louisiana. Mr. President, will the Senator yield?

Mr. GORE. I yield.

Mr. LONG of Louisiana. Mr. President, the Senator asked a question. Is it not true that officially it is our fault, and as a practical matter it is the fault of the President? That is the answer to the question.

Mr. GORE. Mr. President, I am not going to deny responsibility. Under the Constitution it is clearly the responsibility of Congress, but unfortunately this power has devolved upon the President and upon the Federal Reserve Board.

I do not wish to be supercritical. I plead for some relief so that fathers and mothers can build homes, so that communities can build community facilities, schools, hospitals, sewage disposal systems, and fresh water systems, and so that we will be able to stop this trend of concentration of the Nation's wealth into the hands of a mere few.

Who suffers from this policy? It is the people who need to borrow money to build homes and the people who must buy a refrigerator, a stove, and household appliances for their families. It is the people who must buy automobiles with which to go to work and the small businessmen who need to buy trucks and equipment to build buildings.

It is these people, the mass of our people, who are suffering from these policies. Yet we hear the cry in the Senate that we are wrecking the foreign aid program when we raise the interest rate on the foreign loans from 1 percent to 2 percent.

Ask the mother who comes to me and complains that she and her husband, the GI, cannot get a loan to build a home. Ask those few who are able to obtain a home mortgage loan how much they have to pay under the table in discount rates. Even the discount rate is more than 2 percent.

Mr. President, lest I wax warm on this subject, I am going to exercise some self-discipline and listen to the junior Senator from New York.

Mr. COOPER. Mr. President, will the Senator yield?

Mr. KENNEDY of New York. I yield.

Mr. COOPER. Mr. President, I probably take my own life in my hands, by intervening in the debate between Members of the majority party. I have listened to the debate with interest and some joy. However, I do want to say that I think the Senator from New York has made a very notable speech this afternoon. There is no question that it was a good speech. It has stirred a storm. It has struck sparks and has caused some thinking.

Chiefly, I think it a good speech because he has turned the minds of Senators toward the original purposes of the foreign aid program—purposes which have been enunciated, as the Senator from Rhode Island said, by four Presidents.

I have had the honor of serving in the Senate when President Truman, President Eisenhower, President Kennedy, and President Johnson voiced the same aims which the Senator from New York has recalled so eloquently today.

Its purposes are to help other countries develop and advance the living conditions of their people. And it is in our interest to assist peaceful growth and association of free countries.

I do not think the Senator's speech should be interpreted as neglecting the necessity of reforms and improvements. Every time the foreign aid bill is debated some reforms are included and many are suggested. I pay my tribute to the Senator from Oregon and to the Senator from Arkansas for their efforts toward reform commenced several years ago. Others have proposed reforms.

In 1963 Congress agreed to an amendment which I submitted to establish a special committee similar to the one the Senator from New York proposes. It required an examination of the program in every country and a report whether aid should be continued or discontinued in specific countries.

This year the debate has taken a new turn. The war in Vietnam—and, of course, it overshadows everything else—has entered into the debate, ironically, as an argument to abolish or critically reduce foreign aid as a peaceful arm of foreign policy.

In saying this, I want to make it clear that I believe the cost of the war—approximately $20 billion a year—must be considered as we vote on the total cost of this foreign aid bill.

I did not vote for the cut yesterday because I thought it was too large. However, I will vote for cuts that might be proposed in the days that follow in this debate, if they do not destroy the program.

Another factor has entered this debate and moves against the bill, which I do not think valid in passing judgment on the merits of the bill. It is the resentment against the war in Vietnam and the opposition to certain policies of the administration.

Some in the Congress now argue that the United States has entered new fields of policy and action, internationally. They argue that the U.S. policy is to gain its objectives by armed power.

I have disagreed with some of the specific actions of the administration—the resumption and extension of bombing. I urged negotiation before we were so largely committed, and shall continue to do so.

But I do not believe our country, or the President, has adopted a policy of achieving its objectives by power and force.

If there are those who consider that such a new policy has been adopted by our country—and there are some throughout the world who believe it—then I would argue even more that we ought to support a reasonable program on foreign aid, to hold out a generous and peaceful hand to other nations of the world, and not foster the idea, either in Congress or in the country, or in the world, that the United States has changed its policy of friendship and association with other countries which we believe leads toward peace.

So I congratulate the Senator from New York on what I consider to be a speech which leads us back toward the true basis of our foreign aid program.

Mr. JAVITS. Mr. President, will the Senator yield?

Mr. KENNEDY of New York. I will yield, but first I wish to say how much I appreciate the remarks of the Senator from Kentucky, who has not only had experience in the legislative branch of Government but also in the executive branch of Government, and in my opinion is so highly respected.

Mr. JAVITS. Mr. President, Senator COOPER and I talked about whether we should intervene. As he represents Kentucky, the buffer State, he has decided for both of us that we should.

I should like to say, very briefly, that I believe it is good and salutary and healthy to be called back to our origins.

As Senator COOPER has said, I have been in this program ever since the Marshall plan days. By tricks of fate, though I was the freshman on the Foreign Affairs Committee of the House of Representatives, I was one of the managers of the original Marshall plan bill, with Dr. Eaton, chairman of the committee.

I feel that we were particularly lucky with respect to the Marshall plan, in that that dealt with the impact of an enormous sum of money. We committed $17 billion for 4 years, at a relatively narrow target of very highly industrialized and skillful people, and all the mechanics worked. I believe this is very illustrative and is a good object lesson of what the Senator from New York has been talking about, for this reason: We have a duty in this regard. That is really what he is saying.

I believe we have a duty, and to my mind the duty remains paramount, not to let the gap between the poor and the less poor in any way grow so great as to be a moral outrage. That is really what we are engaged in.

In addition, we hope thereby to bring most of the nations into the technology of the modern day.

I might say to the Senator from New York that the trouble has been that we have been very inartistic, we have lacked initiative, we have lacked imagination in how this has been done, and we in Congress have been a lot to blame, in so harassing the successive administrations that they never really had the time and the disposition to get down to attempting to work out a better plan.

One of the reasons I am for a multiyear authorization—and I hope that is what will result from conference—is the sheer elementary ability to allow the executive department to catch its breath and to take a totally new look at a totally different plan for foreign aid. There are many component parts of that, especially the private enterprise part. I am grateful to Senator FULBRIGHT for having worked constantly with me over the years in the repeated private enterprise amendments, in the effort to bring private enterprise into effective participation in the foreign aid program, which has not yet been done.

I might also say that other ideas, like the executive service corps of our older executives, the greater utilization of the Peace Corps and of technical assistance generally, the idea of consortia of receiving nations as well as consortia of giving nations—all these ideas have not adequately been explored.

Finally, I point out that foreign aid cannot stand alone. The world today is hung up on a cross of gold, in terms of international trade. Britain is having tremendous problems with the pound. Unless contemporaneous efforts are made to help to deal with those massive problems, no amount of foreign aid would help in many of the underdeveloped areas.

Yet, there has been enormous progress. There would not be even this much of a gap between the rich and the poor—the gap would be infinitely greater—had it not been for foreign aid.

I therefore say this to the Senator from New York: I believe the burden upon him and others who have spoken in general support of that position is not to show that this method is the best, that it is the optimum, that it has been completely successful everywhere it has been used. It is to show that it is necessary, and to show that on balance we are better off doing it than not doing it. I think the burden has been overwhelmingly maintained by the people on our side. I beseech those who are the most ardent opponents of it, whether they have in mind the arguments Senator COOPER has said they have in mind—opposition to the Vietnam war or the traditional opposition to foreign aid—or whatever motivates them—to recognize the intelligence of giving an interregnum of some form of multiyear authorization which would allow us at least to be able to ask, with reason, for a totally different approach, for a different way of handling it, for a more efficient and a tighter ship than has been run up to now.

But even with the losses we have had—I believe that we are probably wasting somewhere in the area of 10 to 20 percent of foreign aid—on balance it is still absolutely indispensable to the future of America, to the security of America, and to America's moral obligation to the world.

I join my colleagues in expressing to the Senator from New York, as his colleague, my satisfaction that he has sparked debate upon this high level of the basic principles which it is always necessary to repair to.

Mr. KENNEDY of New York. I appreciate the remarks of the senior Senator from New York. He has said in an eloquent way what many of us have tried to say over some period of time.

The Senator from Oregon has made some statements about me, and I believe he will have more to say about me in a few minutes. I wish to take a little time to talk about some of the remarks he has made. I also wish to refer to something that the Senator from Indiana has said.

I have been accused of many things in my life, and the Senator from Oregon said that I was participating in a blitzkrieg with the administration. That is the first time I have been accused of that, and I thank the Senator from Oregon. Since I have been in the Senate, I have never heard that said about me.

Mr. MORSE. I did not make the speech. The Senator from New York did.

Mr. KENNEDY of New York. I believe that the Senator from Indiana spoke about the fact that the aid program and the aid or assistance that has been given to Vietnam might have caused the difficulty that we face in Vietnam at the present time.

I said earlier that if we look back upon the mistakes that have been made over the period of the last 10 years in Vietnam, perhaps by each administration, I believe that if we examine that—even though the Senator from Indiana disagrees with some of the things that are going on in that country now and what we are doing, as I do—I do not believe that we could honestly reach the conclusion that the fact that we gave aid or assistance to that country played a major role.

But even assuming that it did, we should go back to the fact that we gave aid and assistance to France after the Second World War. I believe that was worthwhile. We gave aid and assistance to Germany. We have given aid and assistance to many countries around the world, and this has not involved us in conflicts. It was in our national interest at that time, and it is in our national interest now.

Even assuming that the Senator from Indiana is correct, the fact that we became involved does not seem to me sufficient basis to cut off our whole aid program and to say that our aid program is not effective, any more than because we have not been successful completely in every military program we should decide not to have a military program in the United States.

Mr. HARTKE. Mr. President, will the Senator yield?

Mr. KENNEDY of New York. I yield.

Mr. HARTKE. I did not say that it was the aid program and it was the intention of the aid program, but that President Eisenhower wrote a letter to have us involved in the war.

Mr. KENNEDY of New York. I understand that.

Mr. HARTKE. The point was that it was the Secretary of State—the now Secretary of State, in 1966—who has said that the reason that we are there and the reason for the escalation in the continuation of this effort there on a military basis is the commitment which was made by President Eisenhower.

What I pointed out was that there was an obvious omission rather than an intentional oversight. It is hard for me to see how anyone could miss the first few words of a paragraph which was inserted into the supplemental authorization hearings before the Committee on Foreign Relations.

Just before these hearings the Secretary of State went to Las Vegas and stated that one of the reasons we are in Vietnam is because of the aid program which started with this commitment by President Eisenhower in 1954.

I do not want to vote foreign aid money with the thought you are going out there and do what I have seen done in Liberia. There I saw the young doctor go in there at $3,900 a year helping lepers. That is wonderful. I am for that. I am for feeding the hungry and educating the uneducated. But I am not for going ahead and giving many amounts in a foreign aid authorization in which the Secretary of State under this administration, who is to administer the program, says that this is the reason for us to be involved in the internal affairs and in the determination of the future of those people. I think that is wrong. I do not want to be a part of it. I do not ask the Senator from New York to make up his mind. He can cast his vote if he wishes. I do not want anyone to say that I have had a change of heart or attitude until this administration indicates that they are going to change their policies. I do not want to be a part of it.

I want to bring a peaceful settlement in Vietnam. I would like to see the money in foreign aid used for peace. I would like to see it used to build human bodies and human life and not to see it destroy human bodies and human life.

Once we come back to a program of building I will be for it, and not for 1 year but for 4 years—as my dear friend from Pennsylvania [Mr. CLARK] advocates, who is looking at me.

But I do not want to be there today under a program which is dedicating itself to a policy that I cannot subscribe to in any form whatsoever.

(At this point, Mr. GORE assumed the chair.)

Mr. CLARK. Mr. President, will the Senator yield?

Mr. KENNEDY of New York. I should first like to make a comment on the statement of the Senator from Indiana.

I think that we can all reach our conclusions as to why we are involved in Vietnam, and as to when mistakes were made. I do not think that anybody in the Senate feels, even if we disagree with what is going on in Vietnam, that it was the fault of President Eisenhower, or that it all goes back to the fact that we should not have given assistance.

Maybe that was a contributory factor, but certainly it was no more than that.

Moreover, the bill includes on page 2 a statement which places the Congress on record that—

> The furnishing of economic or military assistance is not to be construed as creating a commitment, or as affecting any existing commitment, to use U.S. armed forces to defend another country.

I should like to ask the Senator from Oregon [Mr. MORSE] a question in connection with some of the matters about which he spoke. The Senator said that I had not set forth any specific ideas about foreign aid. The Senator remembers that I made a speech on Latin America which the Senator from Oregon [Mr. MORSE] was kind enough to remark about, in which I set forth my thoughts in connection with Latin America. The Senator was kind enough to comment on that speech because I pleaded for some of the programs in connection with suggestions I have in the field of foreign affairs. I would be glad, if the Senator would be interested, in sending him a copy of that speech.

Mr. MORSE. I can almost quote it to the Senator. It is not applicable to the criticism that I made of the speech.

I am asking the Senator to make a bill of particulars with reference with what he proposes to do about abuses. I have made references to abuses in foreign aid which I think must be cleared up before there is voted additional millions of dollars of taxpayers' money, for a large part to be wasted again.

Mr. KENNEDY of New York. May I ask the Senator a question?

Mr. MORSE. Yes.

Mr. KENNEDY of New York. I understand that a number of those who voted for cuts over the last 48 hours, and a number of those who made statements, said they were in favor of the principle of foreign aid, and that they were in favor of increasing it if it were handled in a different fashion.

Would the Senators who feel that way be willing to offer an amendment on the floor of the Senate that many of us could support—such as the Senator from Oregon, who studied this matter for a long time—increasing assistance in foreign aid and with, perhaps, the safeguards that the Senator feels are necessary?

Would the Senator from Oregon be in favor of increasing the appropriation for aid by a billion dollars?

Mr. MORSE. I do not know whether it would be by a billion dollars. I do not know whether they could wisely spend that much money in 1 year. But that avoids the major premise of the Senator from Oregon.

Mr. KENNEDY of New York. Mr. Woods said they could use $3 or $4 billion more. That is an international organization.

Would the Senator from Oregon and the Senator from Arkansas [Mr. FULBRIGHT] and others be in favor of offering an amendment to the Senate increasing aid by a billion dollars and having it administered through IDA? I would support that.

Mr. MORSE. I would vote to increase the program for IDA in whatever amount they can show on a plan that they submit to us that they can wisely spend. There would first have to be a condition precedent adopted in this entire foreign aid program, and that is that we eliminate abuses. The Senator admits that there are abuses in the foreign aid program.

I am not going to vote to increase foreign aid or vote for giving the President this foreign aid bill until they first clean up foreign aid. That is the first thing that should be done.

Mr. KENNEDY of New York. Why does not the Senator offer the amendments? If they are accepted, fine. That is, the amendments that clean it up.

Mr. MORSE. If the Senator——

Mr. KENNEDY of New York. If I may complete my statement. They could be offered up or down, but at the same time, if the Senator from Oregon is in favor of foreign aid, he could offer an amendment and perhaps join with the chairman of the Committee on Foreign Relations—joining with him and offering an amendment to increase foreign aid by $1 billion and have it go to IDA.

Mr. MORSE. Is the Senator finished?

Mr. KENNEDY of New York. Temporarily.

Mr. MORSE. I know that the Senator has a good memory, but he is forgetting. The Senator from Oregon has stood on this floor for some 3 or 4 years now offering amendments to try to get reforms in foreign aid. I say regretfully on many of those occasions I did not have the vote of the Senator or many other Senators, other Senators who are objecting because we suceeded in cutting the foreign aid bill yesterday.

I think that what we need to do first is clean up the foreign aid bill and then enlarge the foreign aid money that we appropriate for it.

Mr. KENNEDY of New York. I would be very impressed if those members of the Committee on Foreign Relations who study this problem and find difficulties with foreign aid as it is presently administered would come in with a program—either the chairman of the Committee on Foreign Relations or the Senator from Oregon, who says he would be in favor of increasing foreign aid—and offer those amendments to increase the foreign aid on a basis which would be acceptable.

I have not seen the amendment, at least not in the last few days, saying that they would increase it under these circumstances.

Mr. MORSE. Last year we came before the Senate with a committee report which set out a bill of particulars for needed reforms. That is why we offered the Fulbright-Morse amendment to amend the foreign aid bill in 1963 which proposed a 2-year period to get reforms.

We got it through the Senate. It was lost in the House. Who blocked it in the House? The Johnson administration blocked it in the House. If we could have gotten that reform program adopted, the Senator from New York and I—I am willing to venture—would not be having any difference of opinion tonight, because our objectives on foreign aid are the same. I am simply not going to go along with him, however, in voting for the request of the administration to continue foreign aid which will only waste additional millions of dollars of the taxpayers' money.

I am going to set forth, on my own time, shortly, my reasons for that, and I should like to have the Senator from New York in the Chamber when I do. I think that we have an obligation, first, to adopt procedural reforms in the Senate along the lines of the recommendations of the Comptroller General in the stack of adverse reports which stand better than 24 inches high.

Mr. KENNEDY of New York. Let me say that it would be helpful to me if the Senator from Oregon came in with a positive program—to include in an amendment—not just dealing with what he feels are imperfections in the program in the past, but what he thinks would be the kind of foreign aid program the Senator says he is in favor of.

Mr. MORSE. I have said it with a multiplicity of suggestions——

Mr. KENNEDY of New York. If the Senator will permit me to finish—would he?

Mr. MORSE. Go ahead.

Mr. KENNEDY of New York. Perhaps an appropriation of $4 billion would then be satisfactory to the Senator. I should like to see that from members of the Committee on Foreign Relations who support some of these cuts.

Mr. CLARK. Mr. President, will the Senator from New York yield?

Mr. MORSE. No; I am going to reply to the Senator from New York.

Mr. KENNEDY of New York. But I have the floor. Of course, I want the Senator from Oregon to have every chance and opportunity to reply.

Mr. MORSE. On my own time, I shall do so. I hope that the Senator will be in the Chamber, so that I can reply to him in detail.

Mr. TYDINGS. Mr. President, will the Senator from New York yield?

Mr. KENNEDY of New York. Mr. President, I still have the floor, and I am happy to yield to the Senator from Maryland.

Mr. TYDINGS. Mr. President, I realize that we would all like the administrative operations of the Government to be beyond pale and beyond criticism. However, to take the position taken by the Senator from Oregon that he is going to oppose the entire program because the administrative improvements recommended by the General Accounting Office have not been adopted seems to me to be inconsistent.

On some of the major legislative fights I have been side by side with the Senator. I refer specifically to the fight in which the Senator from New York and myself both supported the Senator from Oregon, involving aid to dependent children of unemployed parents in the District of Columbia.

The prime reason why we lost, I might add, is that the Senator from West Virginia [Mr. BYRD] was able to bring forth a preponderance of evidence of 2 or 3 years ago, based upon General Accounting Office examinations of the program in the District of Columbia, that there had been extremely poor administration of the program, so poor indeed that a majority of Senators disagreed with the Senator from Oregon, the Senator from Maryland, and the Senator from New York in our efforts to have it instituted regardless, because we thought that the children of the District of Columbia deserved some help even if there was some poor administration going on in the Welfare Department of the District of Columbia.

We are talking about foreign aid, not just some children in the District of Columbia. We are talking about children on the verge of starvation in many areas of the world. It occurs to me that the argument is not entirely consistent on the part of the Senator from Oregon.

Mr. CLARK. Mr. President, will the Senator yield?

Mr. FULBRIGHT. Mr. President, will the Senator yield?

Mr. KENNEDY of New York. I am glad to yield to the Senator from Arkansas.

Mr. FULBRIGHT. I do not want to take too much time but with regard to the specific proposal I have already mentioned, I approve of that and the Senate has already approved our providing some aid through IDA. There are provisions in this bill relating to additional aid through the multilateral agencies. I would be willing to provide more aid through the United Nations Special Fund. IDA happens to be ready, willing, and available for this purpose.

The purpose was to develop, in the first instance, a technique and method by which we could make available larger sums than our regular contribution, and they could administer it through IDA, without upsetting its international character.

It is a serious problem. I have talked about it to both Mr. Woods and Mr. Black on several occasions.

I would be willing to join the Senator in an amendment, if he wishes to propose one, to make our bilateral development funds available to IDA. I do not think we will get anywhere with an abrupt approach of that kind, but I will support it. I only took the more modest approach because I thought it more likely to succeed. It was approved during the authorization process but it did not succeed when it ran into the traditional opposition of the Appropriations Committee of the House. The administration was lukewarm about it. I think they might have influenced that committee. Certainly, I could not. But I do not think I made it clear in my statement that AID's trouble is not just a relatively minor thing—there are some serious defects primarily in judgment—which afflict this program. It is the natural character of it.

I do not believe, even if we had better administration today, that I could continue to support a bilateral—unilateral, really—program for intervention in so many countries. Aid should be on a multilateral basis, for the same reasons that the United Nations is more capable than the United States in assuming the role of world policeman.

It is too late for the United States to assume the white man's burden, to try to step into the shoes of Great Britain during the last century, but I think that we want to be doing something in that direction. I disapprove of it. I think that we should rely on the United Nations in that field. We should use the international organizations for the dispensation of aid.

I simply do not approve of this great country continuing to intervene unilaterally in the affairs of other countries through aid, or through any other means, for that matter. However, aid happens to be the subject under consideration. And we have had millions of dollars wasted under this program, but this is inevitable in view of the process by which our aid is dispensed.

Mr. KENNEDY of New York. I appreciate the remarks of the Senator from Arkansas. The Senator from Arkansas is very highly regarded in this body—especially by me. His views on this subject carry much weight with me. I do not know if it is appropriate to ask the Senator from Arkansas this question. He has been studying this subject. Let me say to him that what I am concerned about is the fact that those who feel they are for foreign aid but do not like the present administration combining with those who are against foreign aid anyway, are going to represent a majority of the Senate, and will continue to represent a majority of the Senate.

The foreign aid program, in my judgment—even though I think changes should be made—has been to our overall interest and the interest of the rest of the world, and will be for the next generation. It should continue, but that program is going to continue to be cut particularly if no major effort is made for better administration.

But what I was going to ask the Senator, was if it would be appropriate for the Senator from Arkansas, as chairman of the Foreign Relations Committee, not this year, perhaps, to come to the Senate with a program that he would accept which would be in the magnitude he has described during the course of the exchanges in this Chamber this afternoon, and which he would also feel would be acceptable to a majority of Senators, or would be acceptable to those in the Senate who are basically in favor of foreign aid, so that the Senator from Arkansas can join with the rest of us who are anxious to have foreign aid but have seen it whittled away as it has been over the period of the last few days. Could that be possible, for the Senator from Arkansas to come in and make a specific proposal?

Mr. FULBRIGHT. Not this year. I want to refer to one other point to which I referred a moment ago. I do not wish to leave any illusions about the effect of the Vietnamese war. This is the culmination of a long period of incubation, if you like. I do not wish to review the war since it began, but it had its inception even before the administration of President Eisenhower. It had its inception in 1950, with intervention in favor of the French. It has been a long time growing.

The Government of the United States, including the President, the Vice President, and the Secretary of State, have made statements in recent weeks that have been, to me at least, extremely distressing. I am very concerned about them. I believe the President's most recent speech—the one made in West Virginia—appears to me to mean—that our Nation is moving toward unilateral intervention in Asia on a permanent basis.

The Vice President has described on two occasions our unilateral responsibilities in this area—not those of the United Nations or regional organizations. This seems like a revival of Pax Britannica; only it is Pax United States. This is a very serious involvement. It is intertwined with our aid program. This point will have to be clarified if I am going to continue to support the program. The utilization of the international organizations for providing aid removes at least one of the strongest temptations and inducements to the expansion of the ambitions of this country. I do not like to see this country go down the road that other great nations of the world have gone. It is a great temptation, because we do have the physical power to do so.

Mr. KENNEDY of New York. I am not questioning what the Senator has said.

In view of the serious way this is taking its course, I think it would be helpful to the rest of the Senate—I know it would to me—if Senators who have studied this program for a long time and are acquainted with it and who have serious reservations about it, were in a position, at some future time, to make specific legislative proposals as to the kind of program that they would think would be acceptable to them. The exchanges had with both Senators indicate that that might be desirable.

Mr. FULBRIGHT. I may say to the Senator from New York that this cut is not as serious as it may seem. We must go to conference, and the probability is that the amount will come out larger that it now is. I think the cut has been grossly exaggerated in the press.

Mr. CLARK. Mr. President, first let me say I strongly support the position of the chairman of the Foreign Relations Committee in favor of multilateral aid as opposed to bilateral aid.

I would hope very much, as a result of the colloquy of the chairman and other members of the Foreign Relations Committee, that there will be brought before this body, if not during the consideration of this bill, then before Congress adjourns this year, a proposal to increase our Nation's contribution to IDA by a minimum of $1 billion. I would be glad to join in that request.

I do not know whether we could get it through the committee, or through the Senate, but we ought, in good conscience, to try.

Second, I have been impressed by the fact that so much of the criticism of the foreign aid bill has been directed against the administration of the AID program, which does not readily lend itself to a remedy through the legislative process. The position of some Senators has been, "We do not like the way the program is being administered. Therefore, we are going to cut it back."

Last year, by a vote of 78 to 1, the Senate adopted an amendment proposed by the Senator from New York [Mr. Kennedy] and myself saying that it was our responsibility to close the gap between the economically privileged nations and those trying to achieve a developed economy.

I share the belief of the Senator from New York that the gap between promise and fulfillment, between hope and fulfillment, is growing wider rather than narrower.

While this body does not deserve the sole responsibility for that situation, it shares in the responsibility for it.

My hope is that the speech of the Senator from New York will be the opening gun in a campaign to awaken the conscience of Members of this body to the recognition that it is our duty to share in the responsibility to help the underdeveloped nations of the world.

I have no illusions that we will be able to awaken the conscience of the Senate today. That will have to wait for some years because of the atmosphere in which the foreign aid bill has been considered this year and in recent years.

I have read with interest the speech of the Senator from New York. I am in complete agreement with it. I think that the request for foreign aid funds made by the administration was inadequate. That inadequate request is now being cut back by the Senate.

I could go through the speech of the Senator from New York [Mr. Kennedy] paragraph by paragraph and express my complete accord with the position which he takes, with the disappointment which he feels, with the urgency of conscience—and a well developed conscience—which he feels because of the failure of the Senate to do its duty to the American people and to the people of the underdeveloped parts of the world. But that would probably be redundant, because the Senator from New York has said it so well.

I invite the attention of the Senate to an amendment, No. 682, intended to be proposed by the Senator from New York and me, which we may call up at a later time during the debate, merely to intensify the debate on this question of conscience, on this question of duty, and on the question of the obligations of the richest country the world has ever known, and involving the moral principles of the great religions of the world.

Mr. President, I ask unanimous consent that the text of amendment No. 682 be printed in full at this point in my remarks.

There being no objection, the amendment (No. 682) was ordered to be printed in the Record, as follows:

At the end of the bill add the following:

"CHAPTER 3—MISCELLANEOUS PROVISIONS

"Sec. 203. Chapter 3 of part III of the Foreign Assistance Act of 1961, as amended, which relates to miscellaneous provisions, is amended by adding at the end thereof the following new section:

" 'Sec. 650. Authorization for Aggregate Appropriations.—Notwithstanding any other provision of this Act, there is hereby authorized to be appropriated for use in the fiscal year 1967, for furnishing assistance and for administrative expenses under this Act, an aggregate amount equal to 1 per centum of the estimated gross national product of the United States for the preceding calendar year as determined by the President. The supplemental authority provided in the preceding sentence shall take effect when (1) the President determines that the expenditure of such additional funds would be in the national interest and (2) transmits a report setting forth the reasons for such determination to the Committee on Foreign Relations of the Senate and the Committee on Foreign Affairs of the House of Representatives'."

Mr. CLARK. Mr. President, the amendment provides that notwithstanding any limitations on the authorizations which are contained in other sections of the bill, the President shall have the power to authorize the expenditure of additional funds up to an amount equal to 1 percent of the estimated gross national product of the United States, after he has come before the Committee on Foreign Relations and the Committee on Foreign Affairs and explained why the expenditure of such additional funds would be in the national interest.

In the report of the Committee on Foreign Relations on this bill, I undertook to set forth my individual views. I ask unanimous consent that those individual views may be printed in full at this point in the Record.

There being no objection, the individual views of Mr. Clark (Rept. No. 1359) were ordered to be printed in the Record, as follows:

6. INDIVIDUAL VIEWS OF MR. CLARK

Despite my dissent from a number of amendments made in the committee—in particular, the increase in interest rates, the elimination of 5-year authorizations, and the country number limitations—I joined in voting to report the economic assistance bill. My sole purpose in filing these individual views is to express my deeply felt concern and disappointment about the growing disparity between this Nation's dwindling foreign aid effort and the world's increasing need.

During the height of the Marshall plan, more than 15 years ago, the United States annually devoted nearly 2 percent of its gross national product to foreign economic assistance. The program authorized in the pending bill is roughly one-sixth as large, or about one-third of 1 percent of our GNP.

This sharp cutback is justified neither by a decrease in the need for foreign aid, nor by a reduction of this country's capacity to support a foreign aid program. The very opposite is the case on both counts. Our gross national product was $260 billion in 1949. Estimates for 1967 are in the neighborhood of $720 billion—more than 2½ times as great. Meanwhile the need for foreign aid, spurred by the worldwide population explosion, has grown progressively more acute. It is a cliche to observe that the rich nations have been getting richer and the poor nations have been getting poorer—yet that is precisely the case. Nearly a billion human beings, most of them inhabitants of Asia, Africa, and Latin America, have an average annual income of less than $100. The figure for the United States is more than 25 times larger.

In order to prevent the gap between the need and the effort from widening still further, I offered an amendment in the committee granting authority to expend up to 1 percent of our GNP for foreign economic aid. This amendment was designed to implement a recommendation made by the Committee on Technical Cooperation of the White House Conference on International Cooperation, and is consistent with the United Nations resolution which calls on all developed countries to devote 1 percent of their GNP for development assistance. Fourteen votes were cast against the amendment; only one, my own, was cast in favor.

In part I suspect that our backsliding since the days of the Marshall plan has been due to the unrealistic expectation that the need for foreign aid would shortly come to an end. This is simply not going to happen. As James A. Perkins, the distinguished president of Cornell University and Chairman of the President's Advisory Committee on Foreign Aid has written: "We are not discussing a problem to be solved in a year or even a decade. We must consciously adopt a program that will last for the rest of the century—and perhaps into the next. The annual debate on the continuation of foreign assistance is both absurd and misleading. It only confuses our purposes, increases impatience, obscures the issues, and inhibits success. We might as well have an annual review of the wisdom of having a public school system."

I wholeheartedly agree.

It seems to me that a sharp distinction should be made between our foreign economic aid programs and our foreign military aid programs, and for that reason I am pleased that the committee has chosen to report out separate bills. In my judgment the committee has been almost as generous with military aid as it has been niggardly with economic aid. I do not question the need for military assistance programs, but rather the emphasis. In the long run we shall measure both our security and the extent of the acceptance overseas of American principles of freedom and democracy not by the value of the armaments we have given away but by the extent to which the underdeveloped nations of the world have, with our help, achieved a better life for their people.

JOSEPH S. CLARK.

Mr. CLARK. Mr. President, in that regard, I should like to stress what the Senator from New York has said: The amount of 1 percent of our gross national product is far less than what the United States was spending at the time of the Marshall plan in order to relieve distress in the rest of the world. The amount of 1 percent was not plucked out of the air; it specifically implements a recommendation made by the Committee on Technical Cooperation of the White House Conference on International Cooperation, held last November and December, to which I had the privilege of being a congressional delegate. It is, moreover, consistent with the United Nations resolution which calls upon all developed countries to devote 1 percent of their gross national product for development assistance.

In order that the gross amount involved in the amendment which the Senator from New York and I intend to propose may be understood, it would be roughly $7 billion. That is 1 percent of our gross national product for this year, whereas we used to spend from 2 to 2½ percent of our gross national product.

It is on the basis of these facts that I make the comment that I do not believe either the administration or the Senate has done its duty to our own citizens and to the people of the underdeveloped parts of the world.

I close by again commending the Senator from New York for the splendid speech he has made. I also commend Senators who take a different view, because for a few brief hours this afternoon the Senate has engaged in a debate worthy of its great traditions.

I thank the Senator from New York for yielding.

Mr. MORSE. Mr. President, I shall make only a few comments tonight about the speech of the Senator from New York, but I shall address myself to it at greater length tomorrow.

I wish to ask unanimous consent to have printed in the RECORD at the conclusion of my remarks, Mr. President, certain sections of the committee report of last year, minority report of last year and my minority report of this year on foreign aid, which set forth a good many of my proposals for reform in foreign aid, and explain why I have not supported foreign aid.

The PRESIDING OFFICER. There being no objection, it is so ordered.

(See exhibit 1.)

Mr. MORSE. We had better take a look at the present financial status of the bill. The President sent to us a request for economic aid of $2,469 million. The Foreign Relations Committee reduced it to $2,352 million. As of now, it is reduced to $2,102 million.

That is a far cry from scuttling the bill, may I say to my friend from New York. It leaves a substantial amount for foreign economic aid in the bill.

Nor is this the only form of aid. We have many other aid channels that bring the total at least to $5 billion this year.

Of course, what the Senator from New York and the proponents of the administration's program want is that when the President of the United States sends up a bill for $2,469 million, the Senate should automatically rubberstamp it. But then he loses me on that approach, too. We have a responsibility, in the Foreign Relations Committee, to analyze the President's requests, and we have a responsibility here in the Senate to analyze the recommendations of the Foreign Relations Committee. That is what we are doing.

I can well understand that those who were defeated in the votes feel that they should have won; but apparently they belong to a group that is not accustomed to being defeated. They should sit in my seat for awhile, and defeats would not upset them that much. What they would be concerned about is whether or not, when they are defeated, they are right or wrong, and try and try again.

I shall continue to press, may I say to my friend from New York, for the reforms in the administration of foreign aid for which I have been pressing for several years; and I shall not vote for large appropriations for foreign aid until we can get some efficiency in it, and some of its admitted great mistakes and the corruption in foreign countries resulting from it can be stopped.

The appropriation request for 1966, for the economic aspects of foreign aid, was $2.463 billion. I respectfully submit that when we consider the financial problems that confront this country today, we certainly owe it to the American taxpayers to appropriate at least $400 million to $500 million less for foreign economic aid this year than we appropriated last year. Somebody had better start thinking about the American taxpayer's rights and interests in this matter, to have some protection and say something about what the American taxpayer is entitled to by way of a domestic aid program, which he is not going to get if we follow this administration's program.

Take military aid. Last year the military appropriation of 1966 was $1,170 million, including Vietnam. This year, the administration is requesting $917 million, not including Vietnam, which means a greater amount of money than asked for last year, when we take into account Vietnam.

The Foreign Relations Committee has reduced the military aid program to $892 million, which is not enough. As my minority report indicates, I shall ask for further cuts.

But I give these figures for the RECORD because it is my answer to the Senator from New York, whose speech, I am sure, will go out over the wires as indicating that the U.S. Senate, by the amendments that it has adopted, has in some way scuttled the economic aid bill. Mathematics do not sustain the Senator.

Mr. President, I hear not a word from the Senator from New York, in his speech, about the need for a domestic aid program in this country. I wonder if he will support the administration in its denial to the people of this country of what they are entitled to have to protect their rights under the Great Society promises of the Johnson administration.

We in the United States are experiencing very serious domestic problems, and our tremendously complex industrial society probably complicates rather than mitigates them.

We, too, are experiencing a population explosion, as they are in some of the countries for which the Senator from New York wishes to increase our appropriations for foreign aid. We, too, are experiencing the rot of cities incapable of managing a rapidly changing social and economic structure. In Latin America, the beautiful and largely central city areas are increasingly ringed with a strangling urban jungle of shacks and slums, while in the cities of America, the central core has become the economically distressed area as wealth moves out into the suburbs.

The manifestations, I admit are different; but the difficulties faced by the underprivileged of America are much the same as are being faced by the foreign lands with which the Senator is dealing this afternoon, in an attempt to get us to appropriate more and more millions to assist them, while this administration proposes to cut millions and millions more out of a domestic program for our own people, and thereby, in my judgment, in effect place a greater emphasis upon a foreign aid program than a much-needed domestic aid program.

These are the mechanical problems of rapid social and economic change. The human problem that gives rise to them is not only one of numbers but of another quality we have too long attributed to underdeveloped countries—the revolution of rising expectations. That exists in the United States as well as in Latin America or Africa or Asia.

The expectations of racial minorities in the United States have reached an explosive point. The legislation of 1964, which was a monument to human equality unequaled since the Emancipation Proclamation, has been enacted but has not been realized. As we support the Johnson administration's proposal to cut our domestic budget, are we going to deny to hundreds of thousands of Negroes in this country the domestic aid that they are entitled to now, in order to meet their problems, which are very similar to the problems of underprivileged people in some other countries?

But I think, Mr. President, if we are going to keep this Republic strong, if we are going to protect the greatest security weapon we have, namely, our economy, we must take care of the domestic problem first. Until the administration is willing to adopt the reforms necessary to clean up foreign aid, it ought to be considered secondary to a domestic aid program needed in this country.

Mr. President, the legislation on civil rights of 1964 is far from having been implemented. It has been our custom to read of unrest and riot among young people in Mexico, or in Indonesia, or Colombia. Now we read daily of unrest and riot in Cleveland and Chicago, and the indications are that the trend is growing and not diminishing.

Our problems at home will require massive capital investment to cope with them. There is a limit, Mr. President, to which we can take from the taxpayers of this country. In the field of education alone, and this is where the attack must begin on all the other forms of poverty and racial injustice, we no longer think in terms of millions but in terms of billions.

The Senator from New York sits on my subcommittee. And let me say, on my subcommittee, he points out the great problems that confront him in the State of New York. He has been urging that our financial definition of the poverty limit be raised from $2,000 to $3,000.

I am supporting him. The Johnson administration proposes to cut it. The Secretary of Health, Education, and Welfare and his associates are spending hours these days up on the Hill, lobbying to cut it. The administration lobbyists over at the State Department are up here lobbying to increase the amount of the foreign aid bill in order to take care of foreign problems, while at the same time they propose to sell short the problems of the underprivileged and the impoverished here at home.

I say to the Senator from New York that he would make a much stronger appeal to me if he were to do two things, first, if he were to leave no room for doubt as to where he stands on the need for a domestic aid program, and also where he stands with regard to supporting the necessary policy guidelines in the foreign aid program to make it effective.

We had an example this afternoon of where he stands when he voted against a check on assistance to the many tyrants, dictators, and juntas in Latin America, where little of our aid benefits the people.

If the Senator from New York is interested in cleaning up foreign aid, he should have voted with me and not against me on this program. The Senator from New York knows very well that when we give these millions of dollars to military dictators in Latin America, we are not protecting the American taxpayers, and we are not protecting these underprivileged people in the country concerned. We are doing them a great injustice. If we want to support the freedom of those underprivileged people in those countries ruled by the tyrants, we would not do what the Senator from New York did this afternoon and vote to give to the President of the United States unchecked arbitrary and discretionary power to give them foreign aid after he recognizes them. Yet there is nothing that Congress can do about it in view of the position that the Senator from New York took on that matter this afternoon.

Mr. President, if the Senator from New York wanted really to help reform foreign aid, he would not have cast so many votes against the policy amendments that have been offered in the last 2 years. Those of us on the Committee on Foreign Relations have tried to force the AID administration to reform its inefficiency and bring an end to its course of corruption which the Comptroller General has pointed out in report after report. The Senator from New York knows what the Comptroller General has found.

The Senator from New York seeks now, in order to divert attention from what I consider to be his untenable position to divert attention by saying that the Senator from Arkansas [Mr. FULBRIGHT] and the senior Senator from Oregon ought to come in here with some amendments that would seek to clean up foreign aid.

A great many improvements were made in the committee.

We have given him his chance to help clean up foreign aid even further here on the floor. I want to say that I am not going to join him in pouring more millions of dollars into the underdeveloped countries of the world, which he proposes to do, until we can first assure the American taxpayers that the money is going to be wisely and efficiently spent. The Senator himself knows, as I shall show in a moment, that he knows that that does not take place in some instances.

Mr. President, our problems at home will require massive capital investment to cope with them in the field of education alone. The Senator from New York knows that we will have to spend billions of dollars in the next 10 years to be of assistance to the schoolchildren of this country. The demonstration cities program cannot be viewed as anything but the first token installment on the modernization of the core of dozens of cities, located in every State. The war on poverty is on the statute books but its effects on the grassroots, where it must be won, are questionable.

We need increased money to meet the poverty challenge in this country, but this administration, through its Bureau of the Budget report, proposes a cut here as well.

Some of us who have been giving intensive study to our domestic problems recognize that the cost of their remedying will vastly exceed the cost of any aid program to undeveloped countries. And we have scarcely scratched the surface.

Yet, as so many administrations before, this one finds it easier to go abroad to develop great societies than to do it at home. To build, to introduce new techniques, to instruct the ignorant abroad has for half a century had much more appeal to Washington than to rebuild, to reeducate, to rejuvenate, and to modernize the outmoded here at home. For the domestic problems are the problems of politics while the problems of the great society in Asia are problems of international relations. And politicians are seeing to it that they are removed far from the consideration and understanding of their constituents. However, their constituents are catching up with them. Their constituents are beginning to recognize the failure of Congress to reform foreign aid and to save the American taxpayers the millions of dollars that have been wasted.

It is very interesting to hear it said this afternoon by one of the proponents of increasing foreign aid that perhaps 10 to 20 percent of it is being wasted, as though that were a drop in the bucket. Let the record show how much the American taxpayer has had taken from him since the beginning of foreign aid in 1946—$116 billion.

The apologists for the foreign aid, if their figures are correct—and they are dead wrong because their figures are too low—say that 10 to 20 percent, is the amount which very well may have been wasted. Let me say that that is a shocking amount of waste out of $116 billion. However, if one reads the report of the Comptroller General, he cannot escape the conclusion that the figure is more than 20 percent. So again I say to the Senator from New York, to the Senator from Kentucky [Mr. COOPER], the Senator from Pennsylvania [Mr. CLARK], the Senator from Utah [Mr. MOSS], the Senator from Maryland [Mr. TYDINGS], the Senator from South Dakota [Mr. McGOVERN], and to the others who seek some way to throw a block in the deliberation on the bill on those who seek to get the votes to prevent further needed cuts in the bill; the difficulty with your position is that they are not doing what ought to be done to help those of us who want to join with them in the foreign aid program in strengthening the standards and guidelines of foreign aid administration before we waste additional billions of dollars.

The energies of many administrations before this one, frustrated at home have been turned abroad, where the results of reform programs may be no more discernible but where the political liabilities are minimal. But let me say that the liabilities are just as serious abroad, as far as the rights of the American taxpayers are concerned, as they are here at home.

Many of us who thought that the great unfinished domestic work of Franklin Roosevelt was about to be accomplished through the Great Society, have therefore been deeply disappointed to hear the administration rush into a Great Society program for billions of Asians before it has ever begun to be accomplished here at home.

We have been deeply disappointed to hear the President warn Congress against funds for domestic programs, even as Congress considers his defense budget of $58.6 billion. The increase in the defense budget, and the special supplemental funds to prosecute the war, are adding up to a war cost of some $1.5 billion a month, or $18 billion a year above what was spent before we took over the war in South Vietnam.

Now we are told that we must hold the line on the budget at home so that we can spend increasing amounts for the war in southeast Asia; a war in which we should not be involved at all. We must hold the line at home so that we can increase expenditures for foreign aid in many other places of the world as proposed this afternoon by the Senator from New York, the Senator from Rhode Island, and the other Senators I have already mentioned, thereby laying the groundwork for the great society of southeast Asia, while the Great Society program in the United States goes down the drain.

The Senator from Oregon is not going to be a party to that kind of a legislative program. I am satisfied that what we are going to be faced with in this country if that program is adopted is that increasing millions of Americans are going to be so resentful that we will have a republic characterized by disunity, and what we need in these troubled times is a maximum of unity. If we can work to get unity, we should put first things first.

The first thing we should give our consideration to is adequate support for a domestic aid program and to continue a reasonable foreign aid program. A foreign aid program, let me say, in the neighborhood of $2 billion for economic aid is plenty high. Any military aid program in the neighborhood of $500 million—not including, of course, Vietnam—is reasonably high.

I would be much more impressed with the speech of the Senator from New York if he took the position that we should spend a reasonable sum, not in excess of the sum this year, and if he then gave unquestioned support to the development of a domestic aid program at home.

Mr. President, I want the RECORD to show my answer to one or two of the comments that the Senator has made, and then tomorrow I shall give further answers, in greater detail, on other aspects of his speech.

The Senator says on page 5 of his speech:

> I believe the American people are ready to recognize that foreign aid is not a "giveaway," but rather a moral obligation and a sound and necessary investment in the future.

I challenge that.

I say to the Senator from New York that, in my judgment, if he and the others who are supporting foreign aid do not help us clean up the administration of foreign aid, the American people will demand from Congress that foreign aid be drastically cut, if not discontinued.

No country has a moral obligation to give away money for its own sake. I am satisfied that the foreign aid program is exceedingly unpopular to the grassroots of America, and for good reason. The principal reason is that neither the administration nor Congress has been willing to clean it up.

Mr. President, the Senator from New York says that we have shown in the Senate that we are willing to spend nearly $2 billion a month for tanks, for planes, for napalm, for other weapons of war—all to save people from communism. I do not know whether he intends to allege that we are in fact saving them from communism at the expenditure of $2 billion a month for tanks, for planes, for napalm, and for other weapons of war.

I may have misinterpreted the Senator from New York in months past, but I believed the Senator from New York was raising serious question as to whether our military outlay in southeast Asia was making any constructive contribution to saving anyone from communism.

I wish the Senator from New York to know that my view is that this great expenditure for military involvement is making Communists by the hundreds of thousands around the world.

The Senator from New York says:

> But we seem reluctant to spend, to save people from the tyranny of starvation and ignorance, as much in a single month—even though we know, in our purest self-interests, that the tyranny of poverty is easily exchanged for the tyranny of communism.

I agree with the principle of that observation. As long as we continue to support the involvement of the United States on a unilateral basis in a war in southeast Asia—which it never should have entered in the first place—we will make no progress, in my judgment, in saving any considerable number of people in the world from the tyranny of poverty or the tyranny of communism.

On the contrary, I believe that as we are building up hatred for us around the world because of the shocking military policy that we are following, and that by taking the position that we are either going to have our program adopted or we are going to move in with U.S. military muscle to force its adoption, we are destroying the hope of achieving the very objective that I assume the Senator from New York has in mind.

If the Senator from New York really wishes to help pave the way for a sound foreign aid program directed at helping the economic lot of the underprivileged of the world, I shall welcome his starting to vote with us, those of us who have sought to modify the State Department's and the Pentagon's foreign policy in southeast Asia.

In my judgment, we must stop and change the image of the United States as a military intervenor, before we shall be able to gain the cooperation and the good will of the millions of people in the other parts of the world. This is necessary before any foreign aid program can be successful.

As I said earlier, the Senator from New York admits in his statement:

> The foreign aid program has not been completely successful. There has been corruption. There have been abuses of other kinds in some of the recipient countries. But if we consider the program as a whole—what is at stake, what has been accomplished—I believe we will conclude that it has been a significant success, and made a major difference in the security of the United States and the peace of the world.

Some of our foreign aid has been successful, but one cannot say that the foreign aid program has been successful overall, when one considers the shocking failures of foreign aid that have been revealed by one investigation after another.

I hope the Senator and I will be able to join in a foreign aid debate in the future. I hope that by next year we will be able to bring about some reforms in the administration of foreign aid so that there will be a justification for those of us who are supporting amendments to the bill this year to support an enlarged foreign aid program.

The argument of false analogy always interests me, and this afternoon, as many times in the past, the Marshall plan has been brought up as justification for our now pouring millions and billions of dollars into underdeveloped areas of the world.

When we joined in the Marshall plan, I was an enthusiastic supporter of it, although, as I have said many times before, if I were to have it to do over again, I would have been more insistent on a loan program rather than a grant program. But we did have an obligation, growing out of World War II, to come to the economic aid of our allies. We were a little belated in entering the war in the first place, and part of that war was the rebuilding of our allies—France, Great Britain, and others—through grant aid.

However, let us not forget that we had tremendous industrial and financial resources. Let us not forget that the balance of payments was all in our favor. Let us not forget that there was great concern in this country about what we were to do about our surplus capacity and the recognition that we had better do something about this or that surplus would rise to plague us and lead to economic stagnation here at home.

If we go back to the speeches and the concerns voiced of the time of the Marshall plan, we find that that was one of the arguments that helped induce us to embark upon a strong grant program under the Marshall plan. The same situation does not exist today. It is just the opposite. The balance of payments is against us. The economy of the country is threatened by inflation.

The Senator from New York and those who are supporting him had better take a long, long look at what the economic situation of this country is, before they go ahead with this drive that they obviously have started today. I am satisfied that this drive will be stopped. I believe the American people will insist that it be stopped, because they do not want to throw additional millions of American taxpayers' dollars in increased foreign aid down ratholes abroad.

I wish to say to the Senator from New York, as I am sure he well knows—in fact, our conversation before he departed left no room for doubt that he recognizes—that our difference is not a personal difference, but a very sincere difference, over what legislative policy should be.

I shall continue to vote for reasonable cuts in this bill, and to vote against any proposal to restore any cuts that have been made. And if the conference committee does not report a foreign aid bill which, in my opinion, protects the American taxpayer, I shall once again vote against the bill.

Mr. President, I have obtained consent to put into the RECORD certain proposals that we have made in the past in regard to needed reforms.

EXHIBIT 1

EXCERPTS FROM COMMITTEE REPORT, 1965

4. COMMITTEE COMMENTS

The committee this year approached the foreign aid bill with something close to a consensus on three basic points: first, that some kind of foreign assistance program is essential to the national interests of the United States; second, that there is a great deal of profound dissatisfaction with the program conducted under the Foreign Assistance Act of 1961, as amended; and, third, that the Congress has a clear duty to perform in providing policy guidance in the field of foreign relations, including the aid program. At the same time, committee members hold widely differing views about the deficiencies of the current program and advance partial or tentative alternatives which often are mutually contradictory.

It should be stressed in this connection that such views and suggestions usually are aimed at fundamental questions of policy, rather than at administrative and short-term difficulties. For there is general agreement that small adjustments in the administration's proposals could not result in a program which would secure broad public and congressional support. Moreover, some members feel that Congress increasingly in recent years has seen its constitutional role in the formulation of U.S. foreign policy relinquished to or usurped by the executive branch of the Government, regardless of which political party held power. This trend has resulted in a situation in which support or rejection of administration policy have seemed the sole alternatives.

Only by questioning the basic premises behind the foreign aid program, as it has taken shape over the years, can there be a productive discussion of policy alternatives outside the misleading and barren context of being compelled to consider a single thesis and its antithesis.

Accompanying and intertwined with this attitude is the feeling among members that the Committee on Foreign Relations increasingly is being forced into the role of a Committee on Foreign Aid. To a considerable extent the necessity for lengthy and exhausting reviews of the aid program each year is preventing the committee from giving its attention to other equally important or even more significant foreign policy questions, and reducing the time which it can devote to legislative oversight of executive agencies. So long as there is so much criticism of the aid program—whether valid or not—the committee is unable to sponsor or approve a long-term authorization for this program, and is unable to break the dreary cycle of full-scale and time-consuming annual reviews.

These views converge and are reflected in the bill reported by the committee. On the one hand, in part IV of the bill, provision is made: for terminating the foreign aid program in its present form at the end of fiscal year 1967; for establishing a Foreign Aid Planning Committee with two-thirds of its members being drawn from the Congress; for establishing guidelines for that committee's profound scrutiny of the question of foreign assistance; and for having this committee make its findings known to the President, who is requested to submit his recommendations on foreign aid to the Congress on or before July 1, 1966. On the other hand, the bill provides a 2-year authorization for the foreign aid program during the interim period in which the whole issue is exhaustively studied.

These two major provisions are almost indissolubly connected with respect to the committee's heavy vote in favor of the bill. Some committee members are very reluctant to provide an authorization for more than 1 year. They approve this course only on the basis of these two points: first, they recognize that it would be highly confusing and unproductive if the administration and the Congress were simultaneously forced to work on two possibly quite different approaches to the question of foreign assistance; and, second, they recognize no inhibitions on the committee or individual members with respect to raising questions or promoting new views in connection with the program for fiscal 1967. It is clearly understood that the committee will continue to watch the foreign aid program closely in carrying out its functions of legislative oversight under the Legislative Reorganization Act.

Under these circumstances, then, the committee is approving for a 2-year period the program requested by the President for fiscal year 1966. In view of the widespread criticism of the existing foreign aid program, this action may be queried by those who are strongly opposed to the program. The main point here is that intolerable confusion would result if Congress tried in 1966 to review an annual foreign aid program in the traditional format at the same time it was planning a future program. This bill provides that the current program is to end June 30, 1967. The President is to submit his proposals for a new program by July 1, 1966, so that Congress will have ample time to consider them before the cutoff date. Within the guidelines set forth in part IV of the bill, the committee maintains an open mind as to the results of the inquiry provided for.

Meanwhile, despite the criticism which has been directed towards it, there is a great deal that can be said in support and justification for the program authorized in this bill. Indeed, a great deal has been said, and ample material on this score is contained in the hearing record on the bill, as well as in the presentation made to the Congress by the executive branch. Justice cannot be done in this report to all the many persuasive arguments in favor of the bill. The main point here is that the committee reaffirms its belief that a foreign assistance program is essential and that there is no current alternative to considering that program in the light of the basic policies which have prevailed over a number of years and which still prevail. Within this framework the committee has carefully considered the administration proposals at great length and the majority of members are satisfied that this is the best program wihch can be arrived at under existing conditions.

5. SUBSTANTIVE PROVISIONS

* * * * *

Part IV—Programs for fiscal years beginning after June 30, 1967

The bill adds a new part IV to the act which will, the committee believes, lead to substantial changes and improvements in the scope and nature of the foreign assistance program.

First, in the new section 701 it is provided that all assistance under the Foreign Assistance Act of 1961, as amended, and under title I of the Agricultural Trade Development and Assistance Act of 1954, as amended (Public Law 480), or any extension thereof, shall be terminated as of June 30, 1967. The purpose is to make possible a completely fresh start with a revamped program after that date.

The new section 702 requests the President to submit to Congress by July 1, 1966, his recommendations and legislative proposals for future foreign aid programs taking into account principles which are set forth in the new section 703. The committee also contemplates that the President may wish to take account of the recommendations of the Planning Committee referred to below and to counsel with it.

The principles of section 703 are that assistance should be divided into four distinct categories:

(1) Assistance intended primarily for humanitarian purposes, including famine relief and other assistance under title II of Public Law 480, and assistance extended through worldwide international organizations (as distinct from free world organizations). This would be the means by which the United States meets its obligations as a good citizen of the world—analogous to an individual's contributions to a charity drive.

(2) Development assistance: This would be extended "only to countries in which progress is being made toward respect for the rule of law, freedom of expression and of the press, and recognition of the importance of individual freedom, initiative, and private enterprise." It would also be extended in furtherance of sound plans for economic and social growth with a view to making the recipient countries self-sufficient as soon as possible. This type of assistance would be aimed directly and exclusively at economic development in countries selected according to the criteria stated. Only in such countries is there a reasonable possibility that economic development can be brought about in a framework compatible with U.S. national interests.

(3) Political or contingency assistance: This would be primarily to advance or protect the mutual interests of the United States and a limited number of recipient countries or areas. This recognizes that, on occasion, a power with the worldwide interests of the United States has to engage in aid for purely political reasons, narrowly defined.

(4) Military assistance: This would be furnished to serve the military defense of the United States as recommended by the Secretary of Defense, subject to the approval of the Secretary of State.

Further principles to be taken into account in proposals for any further aid program are that, except for humanitarian assistance, aid should be extended to no more than 50 countries; and that administration of nonmilitary assistance should be unified, insofar as practicable, under a single agency. Finally, it is provided that any future foreign aid proposals should include recommendations as to the extent to which assistance should be furnished multilaterally or bilaterally and the extent to which it should be extended on a program or a project basis.

The new section 704 creates a Foreign Aid Planning Committee to advise and assist the President upon his request and to make its own independent studies and investigations with a view to submitting recommendations to the Congress.

The committee is to consist of 12 members—four to be appointed by the President, four members of the Senate Foreign Relations Committee to be appointed by the Vice President, and four members of the House Foreign Affairs Committee to be appointed by the Speaker. The committee is given the usual authority to provide itself with a staff, to hold hearings, and to subpena witnesses and documents. Departments and agencies of the Government are directed to furnish the committee, upon its request, such information or other assistance as may be necessary. Not to exceed an aggregate of $400,000 of foreign aid appropriations is to be made available to the committee to carry on its work. The committee's final report is due January 3, 1967.

The Foreign Relations Committee intends for the principles enunciated in these new sections of the bill with respect to any future foreign aid programs to be interpreted by the President and by the Foreign Aid Planning Committee as broad guidelines. They are not meant to be all-inclusive or as limitations on any recommendations or on any studies which the Foreign Aid Planning Committee may feel desirable. Among other things, the committee should address itself to the question of loan terms, and to the question of separating economic and military assistance.

The Foreign Aid Planning Committee is specifically authorized to submit interim reports prior to the date of its final report. It will have available in July 1966 the President's recommendations to the Congress, and it will take these into account in framing its own recommendations for final submission 6 months later.

The Foreign Relations Committee believes that out of the guidelines which the bill provides and out of the studies which it authorizes, there can be developed a foreign-aid program which is sharper in focus and clearer in purpose than the miscellany of activities presently lumped under the heading of "foreign aid." The committee also believes that the number of countries receiving assistance of one kind or another should be reduced. It recognizes that progress has been made in this direction in recent years, but further reductions are called for. The figure of 50 countries, which is mentioned in the guidelines in the bill, is to be compared with 82 countries for which military or economic aid is programed under the Foreign Assistance Act. The figure of 50 is admittedly arbitrary and may be adjusted upward or downward depending on the recommendations of the President and of the Foreign Aid Planning Committee. Some limitation on the number of aid-recipient countries, however, should have at least two salutary effects: (1) It should induce the executive branch to adopt more stringent priorities and to reconsider its present tendency to view an "AID presence" in a developing country as ipso facto desirable; and (2) it should make aid, where extended, more meaningful.

6. MINORITY VIEWS OF MR. MORSE

I did not vote for the bill in committee because I do not consider that it embodies a worthwhile aid program for the 2 years of aid which it authorizes. Once again, the Foreign Relations Committee has found the program in its existing form to be unsatisfactory. Its report states that: "the committee this year approached the foreign aid bill with something close to a consensus on three basic points: first, that some kind of foreign assistance program is essential to the national interest of the United States; second, that there is a great deal of profound dissatisfaction with the program conducted under the Foreign Assistance Act of 1961, as amended; and third, that the Congress has a clear duty to perform in providing policy guidance in the field of foreign relations including the aid program."

But even as it expressed its "profound dissatisfaction," the committee once again declined to do anything of consequence to improve the program for the 2 years covered by the bill. The most it could bring itself to do was to terminate the program at the end of that time and call for a Foreign Aid Planning Committee to be set up in the meantime to recommend a new program.

Part IV of this bill is a revision of an amendment I first offered 2 years ago. At that time, the Foreign Relations Committee said of it in its 1963 report: "in fact, the committee gave serious consideration to an amendment that would have terminated the program in its present form June 30, 1965, so that both the Congress and the administration could consider a major reorganization and reorientation of the program prior to that date. The committee refrained from adopting this amendment in the expectation which it hopes will not prove unjustified, that the administration will submit a fiscal year 1965 program to Congress which has been revamped in major respects."

Since no revamped program has been received in 2 years, I do not see how the committee can conscionably recommend another 2 years of the existing one.

The 2-year authorization dovetails with the timetable of the Planning Committee, which will make interim reports and a final report by January 3, 1967. I concurred in it for that reason. But establishment of the Planning Committee does not relieve the Foreign Relations Committee or the Congress from their duty to alter the program in *this* bill, for those 2 years.

Responsibility for aid program rests with Congress

For too long, the committee, and the Congress as a whole, have failed in their duty to establish clear policy guidelines for the extension of American foreign aid to other nations. This is not an area of foreign policy that the Constitution assigns to the President. If it were, legislation would be unnecessary.

As it is, only Congress is authorized to appropriate money, and that only in pursuance of law. And only Congress is authorized "to lay and collect taxes, duties, imposts, and excises, to pay the debts and provide for the common defense and general welfare of the United States." It is only under this provision of the Constitution that foreign aid is possible at all.

The recommendations of a President are as desirable in the enactment of a foreign aid program as they are in the enactment of an antipoverty program or a flood control project. But there is no constitutional basis for the general use of administrative discretion which has rendered the aid program the flabby and unproductive one it is today.

The freehanded extension of aid in the last 15 years has greatly weakened it in all its various purposes. It was the conditioning by the United States that led the United Arab Republic's delegate to announce to the United Nations last December "It [foreign aid] is a right to which the developing countries are entitled."

So long as our administrative officials regard aid as a means of American ingress all over the world, receiving countries will continue to be encouraged to think it comes with diplomatic recognition and requires nothing more from them than their existence.

This lack of standards, and the delegation of its duties and functions, are the fault of Congress. Hence, the failure of foreign aid to return to the American people any results commensurate with their expenditure is also the fault of Congress.

The foreign aid program has operated as though through a ministry changing when its chief executive falls, but otherwise carrying out its activities free from legislative direction. Some authorities prefer that system for the United States, but that is not the system established by the Constitution and I do not believe we should allow ourselves to drift into it by the voluntary relinquishment of its powers on the part of Congress.

The 2-year authorization

While I voted with a large majority of the committee members to authorize a 2-year extension of the foreign aid program, I am compelled to make my position on this question completely clear. The sole reason why I went along with this extension, even while voting against final passage, hinges upon committee acceptance of my amendment which is carried in part IV of the bill, and which dictates an end to the program as presently constituted in 1967. I accept the committee consensus that there would be considerable confusion and technical difficulties if my cutoff amendment became law, and if the subsequent special committee and the administration at the same time were working on two possibly very different approaches to the foreign aid problem.

Thus, I agreed to vote for a 2-year authorization—although not for the bill as a whole—with the understanding that this agreement depends on part IV of the bill becoming law.

At the same time I do not believe—and I know the majority of committee members agree with me—that we can relinquish in any way our duty to check into the foreign aid situation each and every year, regardless of whether or not an administration bill is referred to us. In the first place, this duty of legislative oversight is inescapably imposed upon us by the Reorganization Act of 1946, as well as by all historical precedent. Secondly, there is nothing to prevent either the committee or a single member of it from seeking out the facts on foreign aid at any point during any year, and making the resulting information available to the Senate and to the public. In the third place, I would contemplate a situation in which the Foreign Aid Planning Committee established by my cutoff amendment would make interim reports on its findings, whether formal or informal in character. I would further expect the Committee on Foreign Relations to consider such data closely and to press for any necessary changes that might be made by the AID Agency. Should the latter not comply on a voluntary basis, it must be understood that there would be no inhibition against this committee introducing legislation to give mandatory effect to the Planning Committee's recommendations. In sum, no one should be under any illusion that the Foreign Relations Committee by agreeing to a 2-year extension of the program is thereby giving up even the slightest bit of jurisdiction over the operation of the program.

Finally, I want to reemphasize my understanding that the 2-year authorization and the cutoff amendment are indissolubly linked. There should be, if there is not, fierce determination on the part of the Foreign Relations Committee to contest any effort to scuttle my amendment while trying to preserve the 2-year authorization.

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Inflated military assistance

As in the past years the military assistance element in the foreign aid program is unjustifiably large and scattered in character. This year, even more than in the past, the military aid component appears to be based on an outmoded and ineffective policy framework. It adds insult to injury for the Congress to be asked to authorize $115 million more for fiscal year 1966 than the $1.055 billion appropriated in the current fiscal year. Even the Clay Committee Report of 1963, which did not seriously contest the overall policy governing military aid, but protested the number of countries involved, made it clear that by this stage we should be contemplating a program of no more than $1 billion for military assistance.

We can derive no comfort from the constantly repeated assertion that 72 percent of the military aid funds are concentrated in 11 so-called "forward defense countries": Greece, Turkey, Iran, Pakistan, India, Thailand, Laos, Vietnam, Philippines, Taiwan, and Korea. These countries described in the unclassified summary presentation book as bordering on the Soviet Union and Communist China—erroneously in the case of three of them—are, it is true, most exposed to the possibility of Soviet or Communist Chinese aggression. On the other hand, even if one believes, as I do not, that our past heavy infusions of military assistance could help these countries to defend themselves for more than a few days without massive U.S. intervention, the problem is that most of these countries do not appear to share that view of the situation. On the contrary, at least four of them are far more interested in concentrating their troops in a position to fight each other, rather than to repel any fancied Communist invasion. In the case of the two island nations concerned, there scarcely can be any question but that their security depends almost entirely on American air and sea power in the Pacific, and not on large numbers of ground forces.

Each year, we are told that indigenous armies are cheaper to "field" than an equivalent number of U.S. troops and they will be on hand to help us fight any war in their area. This comforting theory has been voiced in special connection with the Far East. But right now we are fighting a war in the Far East, and where are the troops from South Korea, Thailand, the Philippines, Pakistan, and Taiwan that our taxpayers have been supporting all these years?

The time is long overdue for us to confront the premise that the policy framework for our military aid program depends very largely on obsolescent theory developed a dozen years ago. The hallmark of this theory was a severe case of "pactitis." Because NATO was a real success and totally valid at a time of great peril for Western Europe, it was decided that the success should be emulated in every area that might be threatened by the then monolithic Sino-Soviet bloc. Thus we had the creation of SEATO and CENTO—or the northern tier, as it was often called—and in our period of fondest enthusiasm even thought of creating a southern tier which would make everything tidy if not sensible.

Now we go on today as if nothing had really changed in the last decade. We do so despite the evidence of change on every side. The Sino-Soviet bloc has split into two competing powers, whose only prospect of renewed cohesion probably stems from the pressure exerted by the United States on southeast Asia. The SEATO alliance has been proved virtually useless in the context of the undeclared war in southeast Asia, and may be deserted by France at the first politically opportune moment. CENTO long ago lost its Baghdad headquarters through the withdrawal of Iraq; it now finds that its eastern anchor, Pakistan, is busily making friendly gestures toward Red China while indulging its apparent true vocation of warlike maneuvers on the borders of India. The latter, which has steadfastly refused to play the alliance game, is diverted from the necessary task of guarding its borders against Chinese incursions by the threatening posture of the U.S.-equipped Pakistani Army.

One would think that, with all the transformation which has occurred in Asia, the Pentagon might be inhibited from coming to the Congress with the selfsame story which it has advanced unchanged for these many years. Such is not the case, however. Those of us who have been on the committee for some time can recite the Defense Department's testimony from memory before the hearings on foreign aid even begin.

"Obsolescence" theory will lead to permanent military aid

Another argument we have heard with wearying frequency in this regard concerns the purported need for us to replace obsolete equipment with up-to-date weapons in these forward defense countries. This is the case, even though there is growing evidence that the more modern American equipment being used in Vietnam is not suited to the nature of the conflict there. For example, we seem to be finding that propeller-driven aircraft are far more useful than modern jets; indeed, it may not be too farfetched to envisage us buying back some of the "obsolete" equipment which we furnished to the forward defense countries. In any event, if our policy dictates that we must constantly keep replacing obsolete equipment in every country receiving large amounts of military aid, then we can anticipate the likelihood of our being forced to conduct such a program in the year 2000—if the world reaches that year intact. In the name of sanity, that policy should be promptly overhauled except for certain specific limited applications.

The reason for this great emphasis on such countries as Greece, Turkey, Pakistan, Taiwan, and Korea comes from two themes presented by the executive branch. In the first place, we are told that the military aid funds for southeast Asia in the bill not only cannot be curtailed, but should be subject to constant increase. As I note elsewhere in these remarks, the full cost of our undeclared war in Vietnam should be broken out of the foreign assistance bill and justified in a separate authorization which calls things by their right names. As matters stand, the argument afforded by the urgent situation in Vietnam is used by the Pentagon on every occasion to resist any cuts whatsoever in the military aid component.

* * * * *

Vietnam aid should be authorized separately

Our military activities in Vietnam and our national interests in Vietnam and Laos have burgeoned far beyond the intents and purposes of a foreign aid, and should be authorized in separate legislation.

It was an aid program unchecked and unsupervised by Congress that drew us into an undeclared war in that part of the world, but the war has reached the stage where it should no longer be lumped in with foreign aid.

Moreover, the proposal for an "open-end" authorization for Vietnam is a very bad precedent to put into a foreign aid bill. It represents the kind of authorization that will be sought for other areas if Congress approves this one, and will mark a further renunciation of congressional control over a legislative program.

Summary

Because the authorization continues for 2 years aid programs for an excessive number of countries, because it increases military aid to countries where it will do American interests more harm than good, and because it promotes an increase in funds for international lending agencies sight unseen by Congress, I believe at least half a billion dollars should be cut from this bill for each of the 2 years.

WAYNE MORSE.

EXCERPTS FROM COMMITTEE REPORT, 1966

Section 101

This section would amend the statement of policy relating to economic assistance contained in section 102 of the Foreign Assistance Act of 1961, as amended, by adding the following sentence:

"This Act, or the furnishing of economic, military, or other assistance under this Act or the Military Assistance and Sales Act of 1966, shall not be construed as creating a new commitment or as affecting any existing commitment to use armed forces of the United States for defense of any foreign country.

In the nearly two decades this committee has studied aid bills each year it never considered that economic or military assistance to another country could in any way constitute a commitment of U.S. military forces. However, administration officials have in recent months suggested that the provision of foreign assistance to Vietnam over the years is one component of the overall U.S. commitment to that country. The committee cannot agree with any such interpretation of its intent in recommending the Senate's approval of aid legislation each year. It was recommending aid, and nothing more.

The committee's statement of policy makes it clear that it is intended in no way to detract from any existing commitment to Vietnam or to any other country. Neither is the foreign asisstance program to be used in the future as a substitute for a treaty or other constitutional commitment of U.S. military forces regardless of the size, scope or duration of the aid program in any country.

The American people must be reassured that furnishing foreign aid does not constitute a back-door commitment of military forces to a potential series of brushfire wars in countries throughout the world. In addition, aid recipients need to be put on notice that regardless of the extent of aid, they should in no way interpret U.S. generosity as a promise to help with military forces in time of trouble.

This statement of policy should help clear the air for the public, the Congress, the executive branch, and every country which is or may become a recipient under the foreign assistance program.

CHAPTER 2.—DEVELOPMENT ASSISTANCE

Title I—Development Loan Fund

Section 102(a)(1). Loan Criteria

This section amends section 201(b) of the Foreign Assistance Act by adding the following three new criteria to the factors to be taken into account in making development loans:

(1) The degree to which the recipient country is making progress toward respect for the rule of law, freedom of expression and of the press, and recognition of the importance of individual freedom, initiative, and private enterprise.

(2) The degree to which the recipient country is taking steps to improve its climate for private investment, both domestic and foreign, through encouragement of maximum private ownership in new and existing industry, through nondiscriminatory treatment between national and nonnational and between public and private enterprises and products, through adequate protection of industrial property rights (such as patents and trademarks).

(3) Whether or not the activity to be financed will contribute to the achievement of self-sustaining growth.

These criteria are self-explanatory and are in addition to the six criteria now in the act. Two of the new criteria were included in last year's Senate foreign assistance bill as principles to be taken into account in shaping a new aid program. The committee believes that the new criteria are reasonable objectives for the aid program.

Section 102(a)(2). Limitation on Countries to Which Loans Can Be Made

This section limits to 10 the number of countries outside Latin America to which development loans can be made except through the World Bank and its affiliates. AID has firm plans to make loans to only 10 countries in fiscal 1967. Three additional countries are "eligible" for development lending and the committee was advised that the total countries to which loans might be made in fiscal 1967 might be 18 or 19 after distribution of $18,200,000 programed for lending to several unspecified African countries. AID made development loans to 19 countries in the 1966 fiscal year.

The committee bill incorporates a procedure which will permit loans to be made to additional countries above the limit of 10 if (1) the President makes a finding that the loan to the country is in the national interest and submits a report giving his reasons therefor to the Committee on Foreign Relations of the Senate and the Committee on Foreign Affairs of the House of Representatives, and (2) each of these committees adopts a resolution approving the making of the loan or loans to that country. This will provide flexibility to make loans in countries above the basic limit of 10 but only after the appropriate committees of the Congress have approved the proposal. The requirement follows the pattern under existing law for approval of certain public building and watershed projects by congressional committees.

The committee hopes that the adoption of this amendment will encourage AID officials to concentrate their efforts by providing assistance to a smaller group of countries which are in a position to use aid most effectively. The committee does not believe that the national interest is served merely by establishing, as AID does in too many countries, an aid "presence" that makes little, if any, permanent contribution toward solving economic and social problems. It is the view of the committee that maximum effectiveness per dollar of aid can be achieved only by concentration of effort. This limitation is a modest step in that direction. It does not apply to assistance provided through the multilateral lending agencies and the committee hopes that its imposition will have the effect of stimulating greater interest in channeling more aid through the World Bank group.

Section 102(b). Interest Rate on Development Loans

Under existing law there are two interest rates for development loans. A rate of not less than 1 percent is charged for the period no longer than 10 years from the time the loan is made, and for the remainder of the loan term a rate of not less than 2½ percent is required. This section amends section 201(d) of the act to increase the minimum interest rate for the second stage of the loan from 2½ to 3 percent.

The committee considered at some length a proposal to raise the interest rate to that which would equal the cost to the Federal Government of its long-term borrowings. Although no long-term Treasury bonds are being issued at the present, the market yield on outstanding issues with 20-year maturities averaged 4⅜ percent for the first 11 months of the 1966 fiscal year. The committee recognized that an increase of this magnitude would have a considerable impact on the development loan program and would in effect place the program on a self-sustaining basis after the 10-year grace period minus administrative costs and assuming no losses. However, the committee does believe that the prevailing high interest rates in this country call for adjusting the minimum interest on development loans to narrow the gap between what the Federal Government and the American taxpayer must pay on money they borrow and the interest the foreign government must pay for loans under the program.

The subsidization rate on development loans, on the basis of the 4⅜ percent average rate in fiscal 1966 on long-term Treasury issues, is 3⅜ percent for the first 10 years and 1⅞ percent for the remaining period of the loan. Market yields on long-term Treasury issues are actually about 4¾ percent at present. In 1964, when the Congress raised the minimum rate on the second stage of development loans from 2 to 2½ percent, the average rate for long-term Treasury borrowings was 4⅛ percent. In view of the significant increase in the cost of Government and private borrowings since then, the committee believes that the increase of one-half of 1 percent is fully justified.

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Section 102(d). Use of International Lending Organizations

This section would amend section 205 of the Foreign Assistance Act relating to the use of international lending agencies for the channeling of development loan funds to underdeveloped countries. Section 205 now authorizes the President, at his discretion, to transfer up to 15 percent of the funds made available for development lending for use through the International Bank for Reconstruction and Development or its affiliates, the International Development Association and the International Finance Corporation. The amendment to this section would permit use of 15 percent of the development loan funds only through these organizations. In other words, 15 percent of the loan funds would be available only for transfer to the multilateral lending agencies and could not be used for regular bilateral lending by AID.

Last year the committee recommended that the President be authorized to use up to 20 percent of the Development Loan Fund through the World Bank group. This figure was reduced to 15 percent in the authorization bill as finally enacted. The committee believed then, as it does now, that there are compelling reasons for placing more aid on a multilateral basis through the international lending agencies. These agencies are able to enforce higher economic standards and also to avoid the political pitfalls inherent in a bilateral aid relationship. Unfortunately, last year, as has been the case in previous years, restrictive language in the Foreign Aid Appropriations Act prevented the use of the transfer authority by the President.

The committee hopes that its action in earmarking funds may be helpful in stimulating the Congress to be consistent on both the authorization and the appropriation bills and allow the President to use the facilities and expertise of the World Bank group in administering a small portion of the total aid effort.

Title II—Technical cooperation and development grants

Section 103(a)(1). Additional Criteria for Technical Cooperation and Development Grants

This section amends section 211(a) of the Foreign Assistance Act, which contains the general authority for technical cooperation and development grants, by adding the following two new criteria for the President to consider in determining a country's eligibility for this type of aid: (1) The degree to which the recipient country is making progress toward respect for the rule of law, freedom of expression and of the press, and recognition of the importance of individual freedom, initiative, and private enterprise, and (2) whether or not the activity to be financed will contribute to the achievement of self-sustaining growth.

The criteria are self-explanatory and are the same as two of the three new criteria to be added to the Development Loan Fund program by section 102(a)(1) of this bill. They were approved by the Senate in last year's foreign aid bill as principles to be taken into account in the formulation of a new aid program.

Section 103(a)(2). Limitation on Countries

This section amends section 211(a) of the act by limiting to 40 the number of countries which may be provided technical cooperation and development grants in 1 year. However, countries can be added above the limit if the President recommends such action to the Committee on Foreign Relations and the House Committee on Foreign Affairs and each of the two committees adopts a resolution approving the addition of the country. It is the same procedure prescribed in section 102(a)(2) of the bill for making additional countries above the limit of 10 eligible for development loans. The procedure requiring approval by committee resolution is adopted from that followed for approval of certain public buildings and watershed projects.

This limitation does not include the nations of Latin America programed to receive technical assistance under the Alliance for Progress. Outside of Latin America AID proposed technical cooperation and development grant programs in 47 countries in fiscal 1967—plus 6 regional programs. Of the 47 country programs proposed, 19 are for less than $1 million.

The committee believes that the program could be more effective if it were not so diffuse. The amounts programed for many countries in the 1967 fiscal year are so small that the result can be little more than an American aid "presence." The committee cannot support this concept of spreading a little aid to a large number of countries. This small cutback in countries will make the program more effective in the long run.

The committee points out that this limit does not apply to assistance through the multilateral agencies and hopes that this action will serve to emphasize the advantages of administering a greater portion of the aid program through the international agencies.

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Title VI—Alliance for Progress

Section 105(a)(1)(i). New Criteria for Aid Under the Alliance for Progress

Additional criteria for the President to consider furnishing assistance under the Alliance for Progress, identical, with one exception, to that approved for the development loan program, have been recommended by the committee. The exception is aimed at Latin America and is designed to encourage economic and political integration of the region. The new criteria to be added to the four now in the act are—

(1) The degree to which the recipient country is making progress toward respect for the rule of law, freedom of expression and of the press, and recognition of the importance of individual freedom, initiative, and private enterprise;

(2) The degree to which the recipient country is taking steps to improve its climate for private investment, both domestic and foreign, through encouragement of maximum private ownership in new and existing industry, through nondiscriminatory treatment between national and nonnational and between public and private enterprises and products, and through adequate protection of industrial property rights (such as patents and trademarks);

(3) Whether or not the activity to be financed will contribute to the achievement of self-sustaining growth; and

(4) The extent to which the activity to be financed will contribute to the economic or political integration of Latin America.

The committee believes that these are reasonable and desirable objectives which the President should take into account in making aid determinations under the Alliance for Progress.

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Section 105(a)(2). Emphasis on Multilateralism in Alliance for Progress

This section would introduce two new elements into the Alliance for Progress, both designed to move it further in the direction of multilateralism.

First, it would provide that Alliance for Progress loans may be made only to support national economic plans approved by the Inter-American Committee for the Alliance for Progress (CIAP). The effect would be that before a country could participate fully in the Alliance it would have to make a national economic plan which would be approved by the Alliance's international body. CIAP would not be given the power to control American aid; it would be given only a limited veto in the sense that if it did not approve a country's plan, that country could receive no U.S. loans. CIAP, consisting of six distinguished Latin Americans and one North American is in a better position than AID or the State Department to insist on rigorous Latin American compliance with the standards of the Alliance. The requirement would not apply to grant aid; i.e., to technical assistance or to emergency assistance to meet unforeseen contingencies.

Second, the section would authorize the transfer of up to 15 percent of Alliance for Progress funds to the Inter-American Development Bank or to the World Bank or its affiliates. This is analogous to the authority presently existing in section 205 for the transfer of development loan funds to the World Bank or its affiliates.

The President would be given discretion to transfer loan funds for distribution through the international lending agencies, whereas under the amendment to section 205 of the act contained in section 102(a)(2) of this bill, relating to the development loan program, 15 percent of the funds appropriated would be available only for transfer to the international institutions.

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CHAPTER 4.—SUPPORTING ASSISTANCE

Section 108(a). Limitation on Countries To Receive Assistance

This section amends section 401, relating to general authority for the supporting assistance program, by placing a limit of 10 on the number of countries which can be provided assistance in any fiscal year. However, the President can add more countries when he determines that it is in the national interest. The determination, and the reasons for it, are to be reported to the Senate Committee on Foreign Relations and the House Committee on Foreign Affairs.

The administration proposed to provide supporting assistance to 13 countries in 1967. By adopting the limitation of 10, the committee hopes to encourage retrenchment in the number of countries included in this program. On the basis of the information presented thus far, the committee is unable to appreciate the importance of continuing supporting assistance to several of the countries programed for 1967. But the committee recognizes that unforeseen situations may occur. It has, therefore, approved a procedure which will permit the addition of other countries by the President.

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CHAPTER 6.—ASSISTANCE TO NONINDUSTRIALIZED COUNTRIES

Section 110. Population Control

Section 110 of the bill adds a new section 462 to the act, to authorize specifically the use of funds for furnishing a country, at its request, with technical or other assistance for the control of population growth. Section 241(b) of the act now authorizes research into the problems of population growth but the committee believes that AID officials have taken too conservative an attitude toward use of this authority. About $10 million is programed for work on population control problems in fiscal year 1967.

The committee is deeply concerned about the impact of population growth on the developing countries. Many of the benefits from aid are offset by population growth. Unless greater progress is made in control programs even massive aid will be relatively ineffective in raising living standards in many underdeveloped countries. Because of population growth too many developing nations are like the country described by the Queen in "Alice in Wonderland" where "it takes all the running (they) can do, to keep in the same place."

This new authority, plus that contained in section 201(c) of the bill, is intended to give impetus to efforts in this field. The committee will follow closely the work of the Agency for International Development in implementing these sections and will expect to see a significant increase in activity by the time of the next Congressional presentation.

CHAPTER 7.—JOINT COMMISSIONS ON RURAL RECONSTRUCTION

Section 111 of the bill adds a new chapter authorizing the President to conclude agreements with underdeveloped countries in Asia and Africa for the establishment of Joint Commissions on Rural Reconstruction. If any such agreements are concluded, the President can make up to 10 percent of the total development grant and technical cooperation funds available for use by such joint commissions. For fiscal year 1967 the amount that could be used for this purpose could not exceed $21 million.

The committee was motivated to include this provision in the bill because of the success of this type of arrangement in connection with U.S. aid programs to Nationalist China. The Joint Commission on Rural Reconstruction in China, authorized by the China Aid Act of 1948, has been one of the most successful ventures of the United States in aiding underdeveloped countries. Had the program been started earlier in mainland China, it might have helped weaken the appeal to the peasants of the Chinese Communists.

The advantages of this approach are twofold. First, the organizational technique can become a practical means for isolating efforts at agricultural development from the vagaries of political change so common in the newer nations of Asia and Africa. Second, it can provide a means whereby American aid can be made available directly to the people of a recipient country without being channeled through bureaucracies.

The language of this chapter is permissive. But the committee expects the administration to examine the methods of the Chinese program of rural reconstruction, to consult with individuals who had experience in that program, and to explore with vigor the possibility of adapting this method for dealing with rural problems in such countries as South Vietnam. The committee will expect a full report on experience with this approach before acting on the fiscal year 1968 aid bill so that it may be determined whether the language should be made mandatory.

PART III, CHAPTER 1.—GENERAL PROVISIONS

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Section 201(c). Use of Excess Foreign Currencies for Population Control

This section would amend section 612 of the act, which relates to the use of foreign currencies, by authorizing use of excess foreign currences by friendly foreign governments and private, nonprofit U.S. organizations for carrying out voluntary family planning programs. The President must be assured that reasonable precautions will be taken to see that assistance is given only to persons who desire help. A maximum of 5 percent of the total excess foreign currencies on hand in all countries could be made available in any year for the program in one or more countries.

The committee hopes that this amendment will stimulate greater efforts in population control in those countries where we hold excess currencies, though it is not contemplated that these programs will be carried on in each such country. The following are the countries in which the United States holds excess foreign currencies: Burma, Ceylon, Guinea, India, Israel, Pakistan, Poland, Tunisia, United Arab Republic, Yugoslavia.

This amendment was considered by the committee at the same time as the amendment in section 110(b) of the bill and the comments under that subsection apply here also.

Section 201(d). Reports by the President

This provision would amend section 614(c) of the act by requiring the President to report to the Speaker of the House and to the chairman and ranking minority member of the Senate Committee on Foreign Relations on his use of the confidential funds which are now authorized in the amount of $50 million by section 614(c). The committee, in the military assistance bill, approved the reduction of this amount to $25 million in economic and $25 million in military funds.

The law authorizes the President to use these funds "pursuant to his certification that it is inadvisable to specify the nature of the use of such funds, which certification shall be deemed to be a sufficient voucher for such amounts."

This is the only important provision of the act on which the President is not required to make some kind of report to Congress. Most of these reports, many of which are classified, are made to the Speaker of the House and to the Committees on Appropriations and Foreign Relations of the Senate. In view of the sensitivity of the subject matter, the proposed amendment would require reports on the use of confidential funds only to the Speaker and to the chairman and ranking minority member of the Senate Foreign Relations Committee.

Section 201(e). Prohibition of Assistance on Large Projects Without Approval of Congress

This provision would amend section 620(k) of the act to broaden and make permanent the temporary prohibition against the initiation of very large projects.

This prohibition had its origin in 1963 in the concern of Congress over the proposed Bokaro steel mill in India. As originally enacted in 1963, the subsection read as follows:

"Until the enactment of the Foreign Assistance Act of 1964 or other general legislation, during the calendar year 1964, authorizing additional appropriations to carry out programs of assistance under this Act, no assistance shall be furnished under this Act to any country for construction of any productive enterprise with respect to which the aggregate value of such assistance to be furnished by the United States will exceed $100,000,000. No other provision of this Act shall be construed to authorize the President to waive the provisions of this subsection."

In 1964, this prohibition was extended to 1965; but it has not been again extended and has not been operative since September 6, 1965, the date of enactment of the Foreign Assistance Act of that year.

The new provision would require, from now on, the express approval of Congress for the initiation of these very large projects.

It would also broaden the existing law to include grant military assistance programs which will amount in aggregate to more than $100 million. The purpose is to attempt to provide an additional safeguard against programs which begin small and grow to major commitments.

With respect to military assistance, the committee intends the restriction to apply to executive agreements for new programs or for substantial modifications of existing programs where the U.S. commitment is for more than $100 million even though spread over several years. The agreements for military assistance to Spain and Pakistan are historical examples.

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7. MINORITY VIEWS OF MR. MORSE (1966)

Foreign aid and foreign policy

To the extent that foreign aid has been a tool of American foreign policy, it has been a costly and highly ineffective tool. At best, it has helped some countries at an extravagant price to the American taxpayer; at worst, it has sucked the military forces of the United States into foreign lands where we believed our prestige was involved because we had expended lavish aid on a particular political faction.

The Congress cannot escape the full responsibility for the direction, the effectiveness, and the cost of economic assistance. This is not foreign policy of the kind that the Constitution vests in the Executive. If it were, no legislation would be involved.

Economic assistance from the United States to any foreign country requires legislation, and while wide discretion may be given to the executive branch for its administration, the responsibility for its successes and failures will always lie with Congress.

In the recent past, indiscriminate aid programs have served to stimulate and underwrite the war between India and Pakistan, the near war between Greece and Turkey, the growing arms race in the Middle East, widespread corruption in numerous countries, and a rash of military juntas in Latin America. So long as Congress fails to prescribe the terms and conditions that will curtail or suspend aid in these situations, and impose guidelines that will discourage our involvement in them in the future, we do not fulfill our legislative duty.

If there are those who regard legislative conditions and guidelines as undue interference in foreign policy, it must be pointed out that the only way to take Congress out of this field is to have no foreign aid at all.

Aside from partisans of aid who view it as an obligation owed the poor by the rich, there are partisans who view it as furnishing the United States a toehold for intervention. These partisans argue that aid is simply a tool of foreign policy which gives us the means to deal with situations which may occur in a foreign country. This is a cynical exploitation of foreign people for alleged security interests of the United States. Worse, it will delay rather than advance the time when the people of these countries will have the home-grown institutions and conditions that will enable them to resist the lures or pressures of Communism.

The only realistic test of sound economic aid is results. The major way to test results is to measure them against what was planned or anticipated when an aid program was begun. Where the results fail to measure up, Congress must write corrective measures into the program, for the American people will not support permanently a multibillion dollar program that does not produce what is advertised for it.

This year, public confidence in foreign aid is sagging lower than ever. Results from many years of the program are coming in at a time of crisis in American foreign policy, and the public does not like what it sees. Public confidence will deteriorate further if Congress continues to relax its already lax guidance of the program.

Advances and shortcomings in committee bill

The committee has made some improvements in this year's bill. Fixing the number of countries in each category is the only way to assure that our financial efforts will be concentrated on countries where they have the best prospects for achievement.

But no loophole should have been left for supporting assistance to additional countries, for this is the worst rathole in the whole program. Moreover, the development, lending, and technical assistance country limits are exclusive of Alliance for Progress countries. American foreign policy officials are so accustomed to offering money as an integral part of diplomatic relations with poor countries that $2 million for Guyana was announced before it had been independent a week and before a U.S. Ambassador had been confirmed. This assumption that establishing diplomatic relations or recognizing a government means adding that country to the U.S. dole is not one that will be abandoned readily by any administration. It can only be abandoned by strong congressional action.

Retaining annual review at the authorizing stage as well as the appropriation stage is the only way to notify recipients that the American people want performance and not promises as a condition of aid.

Restoration of the $100 million limit on new programs or projects that may be undertaken without specific authorization by Congress will enable Congress to consider new directions or major new obligations of the aid program.

The bill's chief shortcoming is its failure to reduce the amounts in each category. Expansion of other channels of lending, the demands of the war, the threat to the balance of payments, and the lack of performance by many recipients, justify marked reductions in all aid categories in the bill.

As reported, it also fails to put limits on economic aid to nations using our substance as a foundation for military establishments beyond their needs, and adventures aimed at non-Communist neighbors.

Economic aid on the rise

The separate provision of funds for southeast Asia and the Asian bank have raised total economic assistance well above last year's level. It is, in fact, a device increasingly used to leave the single aid bill at the same level while getting more funds from new sources.

There is no place in the Federal Government where the American citizen can go to get a reliable dollar figure on the total cost to the United States of our annual foreign activities. But the economic bill before the Senate, in the amount of $2.46 billion is but a small portion of this Government's outlay for what are essentially economic aid purposes—or which have that effect.

Funds available or requested for fiscal year 1967

Agency for international development	$2.460
Food for peace	1.600
Anticipated supplemental for southeast Asia	.500
Asian Bank	.120
Inter-American Bank	.250
International Development Association	.104
Total	5.034

This still does not include the Peace Corps, the World Bank subscriptions sold to private investors, United Nations development agencies, or Federal Reserve and Export-Import Bank contingency support of the British pound sterling. Nor does it include any military aid or expenditure abroad by 800,000 American servicemen and their families.

I take this occasion to serve notice that next year I will ask that the administration present the Senate with a bill of particulars and include in it the total amount of assistance of this kind.

I believe that the annual foreign drain on the budget of the United States, exclusive of the war in Vietnam, is in the magnitude of $10 billion per year. It is an educated guess. Let the administration prove the figure is too high, or too low. They have the figures and the personnel to do the job.

Effect on U.S. balance of payments

As the costs of the Vietnam war accentuate the problem with our deficient international financial accounts, the Congress must examine more closely than ever the extent to which the aid program contributes to that problem. Here is one of the key areas where we cannot afford a "business as usual" attitude toward foreign aid.

That sector of American business which enjoys AID contracts to send its goods abroad at taxpayer expense has largely dominated the foreign aid debate within the business community. But American business which exports for sale is making a stronger case each year against the effect of assistance which mean loss of cash business.

The International Economic Policy Association sets forth evidence on this point that Congress can continue to ignore only at real peril. The association's spokesman, N. R. Danielian, pointed out to the committee that voluntary restraint in overseas investment by U.S. business helped bring our deficit in 1965 down to $1.3 billion, compared with $2.8 billion in 1964.

But outlays for the Vietnam war, plus increased imports resulting from a high level of economic activity for which the war is also partly responsible, have worsened the outlook.

Despite assertions that AID lending is tied to American industry, the flight of foreign cash business away from the United States through substitution is alarming. Geographically, it is most acute in Latin America, and it is most acute financially where "program lending" is used.

Latin America, the Near East, and south Asian countries received 90 percent of program loans in fiscal 1964 and 1965. In 1965, 58 percent of U.S. aid in these areas took the form of program loans.

During the years 1958–64, our economic assistance exceeded our trade deficit by amounts running between $1.1 and $1.5 billion a year. Increased efforts to "tie" our assistance has not changed this picture.

Mr. Danielian stated the case in a nutshell when he said:

"Since we put a line of credit at their disposal against which they can charge anything they buy in this country, except some questionable items like luxury goods, they shift their cash purchases to purchases with aid money, and they use the resulting savings of their own foreign exchange to buy in other countries. * * *

"I think the first important point to realize is that development loans should be used for development purposes, and development is the creation of industrial capacity for production. This can only be accomplished by projects, whether they are powerplants, shoe factories, food processing plants, and so on, and if this is the purpose of the aid program, then let us put our money into these kinds of projects, incremental projects, that add to the capacity of the country to increase its production."

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Economic aid and military assistance are inseparable

One of the tragedies of the American economic aid program is the degree to which there has developed a direct relationship between economic assistance and military expenditures of recipient countries. It argues convincingly against separating economic and military aid in the legislative process.

Economic aid often supports the creation of military machines in countries which cannot support them. The administration and the Congress have not come to grips with this problem.

The classic case involves the assistance which the United States has given to India and Pakistan. When the United States agreed to arm Pakistan on the theory that it would be a bulwark against possible Communist aggression, India complained. The Indians were worried that U.S.-supplied arms would enable Pakistan to use force some day against India, rather than against a Communist onslaught as the United States feared. India, therefore, used its own budgetary resources to purchase and manufacture arms with which to meet potential threats not only from China, but from Pakistan.

But with India putting funds into armaments, there was little left over for food and other necessary imports. So the United States provided economic aid in the amount view us as meddlesome neighbors anxious to tell others how to act and what to do. There is a further effect on the United States when it assumes responsibilities everywhere.

This point was made a few days ago by Dr. Henry Kissinger, of Harvard University, when he testified on June 27 before the Committee on Foreign Relations. Although he was referring specifically to the American attitude toward Europe, his comment is equally applicable to our posture toward Asia and toward recipient aid countries generally. He said in part:

> Some critics of American policy argue that the attempt to play a role simultaneously in every part of the globe is beyond our physical resources. It seems to me clearly beyond our psychological resources. If we insist on assuming the principal responsibility for every square mile of territory at every moment of time, we will tear ourselves to pieces inwardly. The continent closest to us culturally, with similar political traditions and substantial economic resources should—for our sake as well as its own—assume a greater responsibility for its policy and defense. It is neither in our interest nor that of Europe that Europe become the Greece to our Rome—a political backwater, interesting culturally but unable to play an active role. This would not be healthy for us because hegemony is demoralizing in the long run.
>
> "Painful as it may be to admit, we could benefit from a counterweight to discipline our occasional impetuosity and to supply historical perspective to our penchant for abstract and 'final' solutions."

I have made this extensive report to buttress what seem to me to be two fundamental points: first, that aid as such does not necessarily advance our foreign policy interests but as presently conceived may actually damage our interests abroad; and second, that even when we pour in economic aid, it too often does not bring economic results—to use the words of the Senator from Michigan, Mr. GRIFFIN, it often makes the rich richer and the poor poorer.

Furthermore, it often creates an unhealthy dependency upon the United States at the very time when recipient countries should begin to make way on their own. Sooner or later the spoon-fed baby will knock the spoon out of his mother's hand; and that is what is going to happen to the United States if we continue present policies.

I would not begrudge the expenditure of 1 cent of these sums were I convinced that the American people were getting their money's worth. But they are not. Much of our aid—military as well as economic—is creating abroad societies which will be ever resentful of the United States. Their resentment will be focused on military forces we have created which stifle change and often promote military domination. Their resentment will be focused on our unilateral interference, financial or military, in their internal affairs, when there were international institutions available. Their resentment will well up from their desire to be independent and to do things for themselves—or at least not under the benign thumb of the United States.

WAYNE MORSE.

TRANSACTION OF ROUTINE BUSINESS

By unanimous consent, the following routine business was transacted:

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. ERVIN, from the Committee on the Judiciary, with amendments:

H.R. 10104. An act to enact title 5, United States Code, "Government Organization and Employees", codifying the general and permanent laws relating to the organization of the Government of the United States and to its civilian officers and employees (Rept. No. 1380).

By Mr. EASTLAND, from the Committee on the Judiciary, without amendment:

S. 849. A bill for the relief of Arminda Padua Viseu (Rept. No. 1390);

S. 2010. A bill for the relief of Fun Wat Hoy (Rept. No. 1389);

S. 2770. A bill to control the use of the design of the great seal of the United States and of the seal of the President of the United States (Rept. No. 1396);

H.R. 1407. An act for the relief of Leonardo Russo (Rept. No. 1388);

H.R. 1414. An act for the relief of Jacobo Temel (Rept. No. 1387);

H.R. 4083. An act for the relief of Mr. Leonardo Tusa (Rept. No. 1386);

H.R. 4437. An act for the relief of Bryan George Simpson (Rept. No. 1385);

H.R. 4458. An act for the relief of Michel Fahim Daniel (Rept. No. 1384);

H.R. 4584. An act for the relief of Mrs. Anna Michalska Holoweckyj (formerly Mrs. Anna Zalewski) (Rept. No. 1383);

H.R. 7508. An act for the relief of Guiseppe Bossio (Rept. No. 1382); and

H.R. 11718. An act for the relief of Jack L. Philippot (Rept. No. 1381).

By Mr. EASTLAND, from the Committee on the Judiciary, with an amendment:

H.R. 10220. An act for the relief of Abdul Wohabe (Rept. No. 1391).

By Mr. EASTLAND, from the Committee on the Judiciary, with amendments:

S. 3272. A bill for the relief of Dr. Jacobo Albo (Rept. No. 1392).

By Mr. BURDICK, from the Committee on the Judiciary, without amendment:

H.R. 4602. An act for the relief of Maj. Donald W. Ottaway, U.S. Air Force (Rept. No. 1394); and

H.R. 8865. An act for the relief of Ronald Poirier, a minor (Rept. No. 1393).

By Mr. TYDINGS, from the Committee on the Judiciary, without amendment:

H.R. 8317. An act to amend section 116 of title 28, United States Code, relating to the U.S. District Court for the Eastern and Western Districts of Oklahoma (Rept. No. 1395).

By Mr. BAYH, from the Committee on the Judiciary, with amendments:

H.R. 2681. An act for the relief of Shirley Shapiro (Rept. No. 1397).

By Mr. LONG of Missouri, from the Committee on the Judiciary, with an amendment:

S. 3051. A bill granting the consent of Congress to the compact between Missouri and Kansas creating the Kansas City Area Transportation District and the Kansas City Area Transportation Authority (Rept. No. 1398).

TO AUTHORIZE PRINTING OF REPORT ON AUTOMOTIVE AIR POLLUTION—REPORT OF A COMMITTEE

Mr. RANDOLPH, from the Committee on Public Works, reported the following original resolution (S. Res. 285); which, under the rule, was referred to the Committee on Rules and Administration:

Resolved, That there be printed as a Senate document the fourth semiannual report of the Secretary of Health, Education, and Welfare, on the problem of air pollution caused by motor vehicles and measures taken toward its alleviation, dated June 23, 1966, in compliance with Public Law 88–206, The Clean Air Act, as amended by Public Law 89–272.

SEC. 2. There shall be printed two thousand five hundred additional copies of such document for the use of the Committee on Public Works.

EXECUTIVE REPORTS OF COMMITTEES

As in executive session,

The following favorable reports of nominations were submitted:

By Mr. EASTLAND, from the Committee on the Judiciary:

Vance W. Collins, of Kansas, to be U.S. marshal for the district of Kansas;

Leo A. Mault, of New Jersey, to be U.S. marshal for the district of New Jersey;

Lloyd P. LaFountain, of Maine, to be U.S. attorney for the district of Maine;

John W. Peck, of Ohio, to be U.S. circuit judge, sixth circuit;

Ben Hardeman, of Alabama, to be U.S. attorney for the middle district of Alabama;

Jesse L. Dobbs, of Texas, to be U.S. marshal for the western district of Texas;

Joseph P. Kinneary, of Ohio, to be U.S. district judge for the southern district of Ohio;

Jackie V. Robertson, of Oklahoma, to be U.S. marshal for the eastern district of Oklahoma;

Woodrow B. Seals, of Texas, to be U.S. district judge for the southern district of Texas;

Ernest Guinn, of Texas, to be U.S. district judge for the western district of Texas;

Irving L. Goldberg, of Texas, to be U.S. circuit judge, fifth circuit;

Robert A. Ainsworth, Jr., of Louisiana, to be U.S. circuit judge, fifth circuit;

John C. Godbold, of Alabama, to be U.S. circuit judge, fifth circuit;

William M. Taylor, Jr., of Texas, to be U.S. district judge for the northern district of Texas;

Jack Roberts, of Texas, to be U.S. district judge for the western district of Texas; and

John V. Singleton, Jr., of Texas, to be U.S. district judge for the southern district of Texas.

By Mr. EASTLAND (for Mr. SMATHERS), from the Committee on the Judiciary:

C. Clyde Atkins, of Florida, to be U.S. district judge for the southern district of Florida.

By Mr. HRUSKA, from the Committee on the Judiciary:

Donald P. Lay, of Nebraska, to be U.S. circuit judge, eighth circuit.

By Mr. PASTORE, from the Joint Committee on Atomic Energy:

Samuel M. Nabrit, of Texas, to be a member of the Atomic Energy Commission.

By Mr. JACKSON, from the Joint Committee on Atomic Energy:

Wilfrid E. Johnson, of Washington, to be a member of the Atomic Energy Commission.

ADDITIONAL BILLS AND JOINT RESOLUTION INTRODUCED

The following additional bills and a joint resolution were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. TYDINGS:

S. 3633. A bill for the relief of Neil B. Poole; to the Committee on the Judiciary.

By Mr. McGOVERN:

S. 3634. A bill to promote rail-highway safety by requiring light reflecting markings on railroad locomotives and cars; to the Committee on Commerce.

(See the remarks of Mr. McGOVERN when he introduced the above bill, which appear under a separate heading.)

By Mr. NELSON:

S. 3635. A bill for the relief of Nikolaos G. Kalaras; to the Committee on the Judiciary.

of $5.8 billion from 1949 until 1965, thus freeing Indian funds for armament.

Those in India and Pakistan who suffered from this arrangement were the people—the little people—the ones who needed food and fertilizer. Then, of course, there were the soldiers who served in the armies which finally clashed last August in battles which pitted American-supplied Patton tanks manned by Pakistanis, against British Centurion tanks purchased from the British and manned by Indians.

Much the same thing is happening in the Middle East. We supply arms directly by grant to Jordan and sell them to Israel and Saudi Arabia. Meanwhile, Egypt's economic base for a Soviet-supplied military establishment is strengthened by our munificent extension of food. Our policymakers believe they are balancing these forces against each other. What they are doing is building a house of matchsticks. When it collapses, the United States will once again be encouraged to believe that mililtary intervention by the United States is the only thing that can save the situation.

What do we owe to developing countries?

Grants and loans for development purposes, as contrasted with reconstruction, began about 15 years ago. Enough time has elapsed to arrive at some firm judgments about the value and effectiveness such programs can have in undeveloped countries.

The first conclusion must surely be that local interest, determination, and leadership are the essential ingredients for development and not American capital. Our loans and grants can supplement but can never replace those ingredients.

Our 15-year experience surely demolishes the worst fallacy about foreign aid. This fallacy holds that wealthy, industrial countries owe some obligation to contribute a fixed percentage of their national wealth to the poor nations. Yet the advocates of this theory would be horrified to see it applied within the United States. It would mean taxing the rich States in order to give money to the poor States just because they are poor, without providing extensive guidelines on how it is to be used, intensive supervision to see that the purposes of the program are carried out, and prompt suspension of assistance when specifications of the national purpose are not carried out.

The first and foremost obligation to the undeveloped countries lies with the people of the undeveloped countries, and their governments. It is the obligation to use outside financial help as effectively as possible. Too much American money is simply foisted on them for purposes and projects in which they have no interest and which they merely tolerate because the United States wants them to have it.

Proponents of the "we owe you a fixed percentage of our gross national product" theory give little attention to the real needs of poor nations. The one thing the people of these nations do not need is American subsidization of their old, semifeudal ways of doing things. Such subsidizing is not sound policy for the United States, either, for it induces us to throw more and more resources—even military forces—behind an unpopular and precarious government in the effort to justify our initial bad judgment.

Secondly, in our zeal to push funds into many of these countries we have found it much easier to push products and commodities than to promote or finance the development of natural and human resources. Much of this development probably calls for grants rather than loans. But it is being dangerously neglected by both borrowers and lenders.

Education in too many poor countries remains the mark of the privileged. In some, sending sons abroad for degrees from America or Britain is a sine qua non of the upper classes. Too much of our AID education assistance simply accommodates them in this neglect of their total national human resources. Despite the overcrowding of American campuses with American students, we continue to jam foreign students into them instead of concentrating on building education centers in their home countries.

We are also neglecting in our aid programs the basic education that we would call elementary and secondary. Figures for the Alliance for Progress, which is the most purely development program of any we have, show a distressing lack of emphasis on education.

Alliance for Progress breakdown of total fiscal year 1966 technical cooperation funds

	Amount (thousands)	Percent
Basic education	$8,471	10.8
Technical training in industry and agriculture	6,012	7.7
Natural resources development-land reform	[1] 4,369	5.6
Other	59,148	75.9
Total	[2] 78,000	100.0

[1] Natural resources development including land reform as shown above is restricted to natural resource surveys, forest management, land settlement, agrarian reform, and related activities. Excluded are overall agricultural productivity programs such as agricultural extension, crop research and development, cooperatives development, rural community development, agricultural marketing, agricultural diversification, etc. If the category of natural resources development is expanded to include all food and agricultural activities, including technical training in agriculture, the total TC funds would be 13,629 and the percentage would be 17.4.

[2] Total of $78,000,000 excludes $10,000,000 for Alliance for Progress share of nonregional costs.

Breakdown of total fiscal year 1966 development loan program funds

	Amount (millions)	Percent
Basic education	$3.2	(1)
Technical training in industry and agriculture	----------	----------
Natural resources development-land reform	[2] 111.4	22
Commodity imports (nonproject)	305.0	[3] 62
Other	73.5	15
Total	493.1	100

[1] Less than 1 percent.

[2] Includes loans for supervised agricultural credit; livestock, agricultural, and mining banks; access roads fertilizer imports; and related activities.

[3] Local currency counterpart also programed in many cases for education, agriculture, and other natural resources development.

The use to which proceeds of nonproject, or program, loans are put are not included in the above table. But the breakdown of the proceeds from program loans to Chile shows that about 9 percent of the 1963 loan went for education, about 5 percent of the 1964 loan, and about 16 percent of the 1965 loan. This is a meager allotment relative to need.

Although Chile has a high literacy rate relative to other South American countries, 40 percent of its total population is under 15 years of age. Literacy rates in many of these countries experiencing a population explosion will not even be maintained, much less reduced, unless faster progress is made to expand teaching facilities.

Education is perhaps the most important key to the development of poor nations. It cannot be forced on them; it cannot be financed by the United States on our say-so and without their enthusiastic cooperation.

Unless recipients move much faster and further in this field, they will never achieve sufficient productive capacity of their own to sustain growth or repay our loans.

CONCLUSION

We will not have a useful and effective aid program of the kind that seeks to build stable and autonomous governments until we learn that a massive American presence is not the key to this process. It can be a great hindrance. The Wall Street Journal of June 10, 1966, reports from Tokyo the high returns that Japan is enjoying from its modest aid efforts:

"Compared to exportable great societies, massive U.S. overseas spending and America's awesome foreign military commitments, Japan's modest approach to international affairs may seem, to some Americans, almost amusing. Yet Asian recipients of even small Japanese offerings, tied as they are to goods made in Japan, are nonetheless grateful. In fact, some appear more appreciative of small Japanese help than they are of infinitely more lavish U.S. gifts.

"And if Japan isn't hailed as Asia's new political precursor, she at least isn't damned, as is the United States so often, for meddling in others' internal affairs or supporting unpopular regimes."

General Ne Win, of Burma, a country which needs capital and technical assistance, took the initiative a few years ago to throw us out. Recently he was quoted (New York Times, June 20, 1966) as saying:

"Unless we Burmans can learn to run our own country we will lose it. Of course there are hardships. But we must put our own house in order."

He referred to some of his southeast Asian neighbors staggering under loads of money from the United States. The general said:

"This kind of aid does not help. It cripples. It paralyzes. The recipients never learn to do for themselves. They rely more and more on foreign experts and foreign money. In the end they lose control of their country."

Very well put. The Burmese are poor but not much worse off than Indonesians, Thai, Laotians, Indians, Pakistanis, and Vietnamese, all of whom have been deluged with U.S. aid.

George Kennan stated the case very well before the House Foreign Affairs Subcommittee on the Far East when he said:

"I do feel very strongly that the only people really worth helping in this world are the people who say: We propose to survive whether you help us or not, but it will be a little easier for us if you help. The ones who come along and say to us: 'If you don't help us, we are going to go Communist, and then where would you be?' I think by definition are beyond helping."

But there is another side to the aid coin. Not only do we alienate the people we are trying to help, but we alienate those we are not trying to help. The latter are likely to to make this equipment more readily visible at night, and thus eliminate the hazards of motor vehicles striking the sides of freight trains or cars moving over rail-highway grade crossings. Reflectorized materials or paints have been successfully used in highway signs and markers for a considerable period of time. Congress, several times in the past, has evinced interest in bills which would require reflectors or reflectorized markings on the sides of railroad cars, but took no action on any of the proposed measures. Perhaps now with the growing public awareness and concern for traffic safety at rail-highway grade crossings, introduction of a bill to effect such legislation might receive more favorable consideration.

The suggestion as to applying reflective paint or reflectorized markings to the sides of railroad equipment has merit. At the present time, several railroads have made limited applications of such materials on cars and locomotives. We are studying the effectiveness of these applications which show some promise of eliminating or reducing the type of accident in which the visibility of trains or cars moving over a rail-highway crossing at night is an important factor. Certainly consideration must be given to new concepts and to newly developed materials to make railroad equipment more readily visible and to advance safety in this field.

Thank you for inviting my comments on these suggestions toward the prevention of rail-highway grade-crossing accidents. We appreciate the interest which you and your constituent have in these matters. Anything which will reduce or eliminate these tragic accidents is of vital interest to this Commission.

Reverend Carlsen's letter is returned herewith for your records.

Sincerely.

JOHN W. BUSH,
Chairman.

BILL TO MAKE COMMUNITY FACILITIES LOANS AVAILABLE FOR CULTURAL PURPOSES

Mr. KENNEDY of Massachusetts. Mr. President, I introduce, for appropriate reference, a bill to amend title II of the Housing Amendments of 1955, to make community facilities loans available to municipalities and nonprofit organizations who desire to build or remodel structures for cultural purposes.

Under title II of the Housing Amendments of 1955, the Federal Government is currently authorized through the Community Facilities Administration to extend credit for the construction of basic public works to those municipalities who could not otherwise find credit on reasonable terms and conditions. This title is based on a recognition by Congress that in many instances municipalities or other political subdivisions of the States are unable to raise elsewhere the funds necessary to provide for essential public works and physical facilities.

The bill that I offer today would expand the coverage of this credit assistance so that private municipalities can receive community facilities loans for the construction and remodeling of arts and museum facilities. It would also make these loans available to private nonprofit corporations which are seeking funds for such purposes.

Mr. President, the strength of a democratic society is in part a function of the value placed on the creative expression of the human spirit. For the quality of artistic and intellectual life which a society creates and supports determines in large measure the character of its people and the richness of their lives.

Consequently, I believe, development of our Nation's cultural facilities, without which artistic expression cannot flourish or be enjoyed, deserves the same kind of support as the water works and the street improvement projects which now receive primary emphasis and assistance under the community facilities program.

The need for such assistance is clear. From the day that the National Endowment for the Arts was established, it has received numerous inquiries and requests for assistance for construction, remodeling or preservation of arts and museum facilities. There have been over 200 requests in the last year from municipalities seeking capital funds. Among these inquiries were requests for:

Theaters (including studios, workshops, storage rooms, etc.)	57
Centers for the visual arts (including galleries, studios, sculpture gardens, lecture rooms, etc.)	49
Centers for the performing arts (including theaters, auditoriums, opera houses, and rehearsal and studio facilities)	33
Museums	16
Remodeling or expansion funds for theaters, museums, opera houses	16
Historic preservation for cultural purposes (including museums, opera houses, art centers)	6
Music, drama or art schools	8

As the interest in the arts continues to grow in our society, the number of such requests will continue to grow. This burgeoning interest in the arts is already manifest in the 40,000 community theater groups, 750 opera companies, 200 nonprofessional dance groups, and over 1,000 community orchestras that have sprung up all over America. Many of these groups have the talent resources to provide great educational and cultural opportunities for our Nation's citizens. Yet they suffer from a lack of adequate facilities. Some communities have wisely sought to combine the need for such facilities with a desire to renovate, maintain, and preserve structures of historic and esthetic significance to the community. These old buildings, with a modest investment, can often be easily converted into museums, art centers, and galleries.

A large number of the requests for assistance are from private nonprofit organizations. Although these organizations have traditionally played an important role in the development of the arts and education, their contribution to the cultural life of this country has been severely hampered by a lack of adequate physical facilities. With the passage of this amendment these private organizations could acquire and expand cultural facilities, and become more deeply involved in community education programs. The net result would be that the private, cultural organizations could receive more community support, and in turn could offer to the community a more stimulating and challenging program of artistic, cultural, and educational activities.

Let me point out that extending credit assistance to such groups will not involve any substantial risk to the Federal purse. Many of these nonprofit groups have a steady source of income from tuition, membership, and admission fees, making it possible for them to undertake and meet Community Facilities Loan commitments. Furthermore, my amendment stipulates that loans to such nonprofit private organizations would be made with the same safeguards and limitations as are currently made with respect to municipalities.

Mr. President, the establishment of the National Endowment for the Arts signified a recognition on the part of the Congress of the role of the Federal Government in supporting the arts—a recognition that we must seek to make the fruits of culture available to all our citizens just as we are trying to make the fruits of economic abundance available to them. I am hopeful that this bill will help in the attainment of this goal.

The PRESIDING OFFICER. The bill will be received and appropriately referred.

The bill (S. 3638) to assist nonprofit corporations in the provision of specific projects for cultural centers and to remove certain restrictions and limitations on similar assistance to municipalities, other political subdivisions and instrumentalities of one or more States, and Indian tribes; introduced by Mr. KENNEDY of Massachusetts, was received, read twice by its title, and referred to the Committee on Banking and Currency.

THE FOREIGN ASSISTANCE ACT OF 1966—AMENDMENTS

AMENDMENT NO. 694

Mr. BYRD of Virginia submitted amendments, intended to be proposed by him, to the bill (S. 3584) to amend further the Foreign Assistance Act of 1961, as amended, and for other purposes, which were ordered to lie on the table and to be printed.

AMENDMENT NO. 695

Mr. ELLENDER (for himself and Mr. MORSE) proposed an amendment to Senate bill 3584, supra, which was ordered to be printed.

AMENDMENT NO. 696

Mr. KENNEDY of New York submitted an amendment, intended to be proposed by him, to Senate bill 3584, supra, which was ordered to lie on the table and to be printed.

(See reference to the above amendment when submitted by Mr. KENNEDY of New York, which appears under a separate heading.)

ADDITIONAL COSPONSORS OF BILL

Under authority of the order of the Senate of July 12, 1966, the names of Mr. GRUENING and Mr. HARTKE were added as additional cosponsors of the bill (S. 3608) to prohibit the sale or shipment for use in the United States of the

By Mr. ALLOTT (for himself, Mr. DOMINICK, Mr. BENNETT, and Mr. SIMPSON):

S. 3636. A bill to establish a national mining and minerals policy; to the Committee on Interior and Insular Affairs.

By Mr. BREWSTER:

S. 3637. A bill for the relief of Dr. Bambran Aravind Adyanthaya; to the Committee on the Judiciary.

By Mr. KENNEDY of Massachusetts:

S. 3638. A bill to assist nonprofit corporations in the provision of specific projects for cultural centers and to remove certain restrictions and limitations on similar assistance to municipalities, other political subdivisions and instrumentalities of one or more States, and Indian tribes; to the Committee on Banking and Currency.

(See the remarks of Mr. KENNEDY of Massachusetts when he introduced the above bill, which appear under a separate heading.)

By Mr. ELLENDER (by request):

S.J. Res. 178. Joint resolution to delete the interest rate limitation on debentures issued by Federal intermediate credit banks; to the Committee on Agriculture and Forestry.

CONCURRENT RESOLUTION

EXPRESSION OF SENSE OF THE SENATE RELATING TO U.S. MILITARY PERSONNEL HELD CAPTIVE IN VIETNAM

Mr. TOWER submitted the following concurrent resolution (S. Con. Res. 102); which was referred to the Committee on Armed Services:

S. CON. RES. 102

Resolved by the Senate (the House of Representatives concurring), That it is the sense of the Congress:

(a) that all United States military personnel held captive in Vietnam are prisoners of war entitled to all the benefits of the Geneva Conventions of 1949;

(b) that the trial, punishment or execution of any such personnel by the Communist regime in North Vietnam would be contrary to the Geneva Conventions of 1949, accepted concepts of international law and standards of international behavior;

(c) that any such action undertaken by the Communist regime in North Vietnam in regard to United States military personnel would be an inhumanitarian act and a reprehensible offense against the peoples of the world;

(d) that the trial, punishment or execution of such United States personnel by the Communist regime in North Vietnam would seriously diminish the opportunity for the achievement of a just and secure peace in Vietnam and Southeast Asia, which is the objective of the people of the United States.

SEC. 2. The President of the United States is hereby requested to convey the sense of the Congress expressed in this resolution to the Communist regime in North Vietnam, to the participating states of the Geneva Conferences of 1954 and 1962, to the states adhering to the 1949 Geneva Conventions, and to the member states of the United Nations.

RESOLUTION

TO AUTHORIZE PRINTING OF REPORT ON AUTOMOTIVE AIR POLLUTION

Mr. RANDOLPH, from the Committee on Public Works, reported an original resolution (S. Res. 285) to authorize the printing of report on automotive air pollution, which, under the rule, was referred to the Committee on Rules and Administration.

(See the above resolution printed in full when reported by Mr. RANDOLPH, which appears under the heading "Reports of Committees.")

PROPOSAL TO ELIMINATE NEEDLESS RAIL-HIGHWAY GRADE-CROSSING ACCIDENTS

Mr. McGOVERN. Mr. President, I introduce, for appropriate reference, a bill to promote rail-highway safety by requiring light reflecting markings on railroad locomotives and railroad cars.

Every day, every hour, every minute Americans are killed or maimed on our Nation's highways. More than 50,000 of them will die this year alone.

Public concern over this carnage on our highways and the senseless human tragedy which it involves has never been greater. States and local communities all across the country are taking action to cut down the highway death toll. The U.S. Congress too has begun to recognize its responsibilities. Within the last few weeks the Senate has passed two important bills, one dealing with traffic safety, the other with highway safety.

Mr. President, actions such as these designed to make our highways safer are most gratifying. Some serious problems remain unresolved, however.

One of these is the alarming number of rail-highway grade-crossing accidents every year in the United States. In 1964, collisions at grade crossings involving trains and motor vehicles totaled 3,539. These collisions involving motor vehicles accounted for 1,432 deaths and 3,676 persons injured. Preliminary figures for 1965 indicate more than 3,600 such accidents, with more than 1,400 persons killed and over 3,600 injured.

Particularly disturbing among these accidents are those in which motor vehicles run into the sides of trains. Here the preliminary 1965 figures show 1,215 accidents, in which 359 persons have been killed and 1,419 injured. Most of these accidents occur at night, when cars strike moving trains. Often they involve unlit railroad cars, particularly freight cars.

Several years ago at a dark railroad crossing in Indiana my family and I narrowly missed death when the car in which we were riding barely avoided striking the side of an unmarked, unlit freight train. I can assure my colleagues that it was a terrifying experience.

I am firmly convinced that many lives would be saved by using reflective paint on unlit railroad cars to make this equipment more readily visible at night, thus eliminating the hazards of motor vehicles striking the sides of freight cars moving over rail-highway grade crossings. I have discussed this idea with the Interstate Commerce Commission and they believe it has merit.

The bill which I am introducing is a very simple one. It provides the Interstate Commerce Commission with the authority to establish such orders as may be necessary to require each railroad carrier to place, prior to such date as is established in such orders, on all of its locomotives and cars in service such light-reflecting paint or other reflector markings as the Commission determines to be best suited to promote safety at rail-highway crossings. These orders shall also require proper maintenance of such markings and installation of such markings on locomotives and cars placed in service after such date.

In light of the increased concern of the Congress for safety on our highways, I very much hope that action will be taken at an early date on this bill designed to save additional lives.

Mr. President, I ask unanimous consent that a letter which I have received from one of my constituents on this matter and a letter which I have received from the Interstate Commerce Commission may be printed at this point in the RECORD.

The PRESIDING OFFICER. The bill will be received and appropriately referred; and, without objection, the letters will be printed in the RECORD.

The bill (S. 3634) to promote rail-highway safety by requiring light-reflecting marking on railroad locomotives and cars, introduced by Mr. McGOVERN, was received, read twice by its title, and referred to the Committee on Commerce.

The letters, presented by Mr. McGOVERN, are as follows:

SIOUX FALLS, S. DAK.,
May 23, 1966.

Senator GEORGE MCGOVERN,
Senate Office Building,
Washington, D.C.

DEAR GEORGE: I'm writing you to pass on an idea which came to me some time ago as we read in the papers about several costly accidents which occurred on South Dakota highways. People drove into moving trains at night. If we could cut down this particular kind of accident, it would greatly reduce fatalities on our highways.

I recall one time when I was driving at night on a backtop road which was just a little bit slippery. I was probably going about 45 miles per hour. Suddenly I realized that a train was crossing the road probably 120 yards in front of me. There was no light of any kind on that train visible to my area. No shiny part to reflect my own lights. Fortunately I was able to stop, with not too much to go on.

If every car which made up that train had been marked with a large X, made with reflector paint, I would have been warned at least a quarter of a mile away. I believe a federal regulation, requiring all freight cars to be marked with reflector paint will save more lives on our highways than any other regulation which might be passed.

I hope you will give this suggestion thoughtful consideration, and that you will start action through the proper channels to bring about reflector paint identification markings on all railroad cars that are not otherwise lighted, such as passenger coaches.

Sincerely yours,

SAMUEL CARLSEN.

INTERSTATE COMMERCE COMMISSION,
Washington, D.C., May 27, 1966.

Hon. GEORGE MCGOVERN,
U.S. Senate,
Washington, D.C.

DEAR SENATOR MCGOVERN: This has reference to your communication of May 25, 1966, enclosing a letter from Reverend Samuel Carlsen of Sioux Falls, South Dakota, suggesting that many lives would be saved by using reflective paint on railroad freight cars chemical compound known as DDT, introduced by Mr. Nelson on July 12, 1966.

ADDITIONAL COSPONSORS OF BILLS

Mr. THURMOND. Mr. President, I ask unanimous consent that, at its next printing, the name of the distinguished Senator from Texas [Mr. Tower] be added as a cosponsor of the bill (S. 3430) to amend the Veterans' Readjustment Assistance Act of 1966, in order to authorize the approval of courses in flight training under such act.

The **PRESIDING OFFICER.** Without objection, it is so ordered.

Mr. YARBOROUGH. Mr. President, I ask unanimous consent that the names of the senior Senator from Pennsylvania [Mr. Clark] and the senior Senator from Wisconsin [Mr. Proxmire] be added as cosponsors of S. 3602, a bill to preserve the U.S. Capitol and to establish a Commission to study the existing and future needs of the Congress with respect to the Capitol, and that their names appear on the bill at its next printing.

The **PRESIDING OFFICER.** Without objection, it is so ordered.

Mr. MORSE. Mr. President, I ask unanimous consent that at the next printing of Senate bill 3565, relating to educational expenses of teachers, the name of the Senator from New York [Mr. Javits] be added as a cosponsor.

The **PRESIDING OFFICER.** Without objection, it is so ordered.

NOTICE OF HEARINGS ON RURAL ELECTRIFICATION SUPPLEMENTAL FINANCING

Mr. TALMADGE. Mr. President, I wish to announce that the Subcommittee on Agricultural Credit and Rural Electrification of the Senate Agriculture and Forestry Committee will begin hearings on legislation authorizing supplemental financing for rural electrification systems on Monday, August 15.

The subcommittee plans to hear departmental and organizational witnesses at length, but will limit individual testimony to 10 minutes.

Testimony should be directed to the draft bill proposed by the Department of Agriculture and S. 3337, introduced by Senator Bass and others.

ENROLLED BILL PRESENTED

The Secretary of the Senate reported that on today, July 21, 1966, he presented to the President of the United States the enrolled bill (S. 822) to authorize the Secretary of the Interior to convey certain public land in Wyoming to Clara Dozier Wire.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Bartlett, one of its reading clerks, announced that the House further insisted upon its amendment to the bill (S. 602) to amend the Small Reclamation Projects Act of 1956, asked a further conference with the Senate on the disagreeing votes of the two Houses thereon, and that Mr. Aspinall, Mr. Rogers of Texas, Mr. Johnson of California, Mr. Saylor, and Mr. Reinecke were appointed managers on the part of the House at the conference.

The message also announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 14324) to authorize appropriations to the National Aeronautics and Space Administration for research and development, construction of facilities, and administrative operations, and for other purposes.

ENROLLED BILL SIGNED

The message further announced that the Speaker had affixed his signature to the enrolled bill (S. 2948) to set aside certain lands in Montana for the Indians of the Confederated Salish and Kootenai Tribes of the Flathead Reservation, Mont.

ORDER FOR ADJOURNMENT UNTIL 11 A.M. TOMORROW

Mr. MANSFIELD. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in adjournment until 11 o'clock a.m., tomorrow.

The **PRESIDING OFFICER.** Without objection, it is so ordered.

COMMITTEE MEETING DURING SESSION OF THE SENATE TOMORROW

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Committee on Finance may be authorized to meet during the session of the Senate tomorrow.

The **PRESIDING OFFICER.** Without objection, it is so ordered.

MORAL RE-ARMAMENT "SING-OUT, '66"

Mr. FANNIN. Mr. President, some Members of the Senate may have had the pleasure of seeing either a live performance or television version of the "Sing-Out, '66" program organized by the Moral Re-Armament movement.

Beginning with the first sing-out group organized in 1965, this project has captivated audiences throughout our country. The original group of 130 high school and college students, with their entertaining narrative and musical presentation of traditional American ideals, has caught on to such an extent that more than 5,000 young Americans are now participating in 53 local "sing-out" casts—all proudly dedicated to spreading the fundamental themes of freedom and citizen responsibility.

I am informed that during the last year, upwards of two million persons in the United States and several foreign countries have taken an enthusiastic and active part in patriotic rallies featuring the sing-out group. These performances have taken place in more than 50 cities, on more than 300 college and high school campuses, and on many of our military bases.

Even more heartening has been the response of peoples in many foreign lands. Tens of thousands of young people in Japan, South Korea, Australia, New Zealand, Canada and Germany—to mention only a few of the countries—are participating in "sing-out" casts modeled after the original group's presentation of our cherished ideals.

More recently, a 1-hour television film production of "Sing-out '66" has been shown in many of our major cities as a public service feature, with the television time underwritten by the Schick Safety Razor Co.

Literally millions of our people have seen and greatly enjoyed this wholesome hour of fine entertainment, which is all the more appealing at a time when a small but noisy minority of anti-American demonstrators are constantly in the news with their disgusting and often illegal behavior.

Throughout the sing-out program, the themes of duty, sacrifice, honor, loyalty, and responsibility are emphasized. These are among the virtues that made America great—and in my opinion they need emphasizing.

Regrettably, the management of one major network saw fit to refuse this sponsored program for telecasting on its network stations in St. Louis, Chicago, and Philadelphia.

The sponsor understandably has complained to the Federal Communications Commission about this matter, and it is my hope that the Commission will carefully examine the content of the program. I am sure they will find that it is an inspiring, patriotic presentation that should not offend any loyal American's sensibilities.

Public response to the sing-out groups helps place in proper perspective the antics of the few who have been unduly publicized for anti-American demonstrations. The continuing work of those who are dedicated to the objectives of the Moral Re-Armament movement gives all of us cause to hope that our historic pride and idealism as a united people continue to exert a powerful appeal.

CAPTIVE NATIONS WEEK

Mr. THURMOND. Mr. President, it is with mixed emotions that I join in the eighth observance of Captive Nations Week.

First. Because I share in the aspirations and yearnings of those brave citizens of the captive nations which have for years experienced the yoke of foreign domination, I regret the necessity of once again merely calling attention to their plight. Second. However, I consider it entirely fitting that Congress set aside a week during which the Members of Congress and the citizens of this country express their recognition and support for the dreams and hopes of these captive people to once again secure their rightful place among the community of free nations.

The annual observance of Captive Nations Week takes on added significance this year as we experience and resist the attempt to forcefully subjugate a free people in South Vietnam.

The desire of freedom-loving peoples throughout the world to assist Vietnam in maintaining its independence should be no greater than its desire to assist the people of the captive nations to once again secure their freedom. Although the individuals of the captive nations have been subjugated and dominated for many years, the awesome force of totalitarian rule has failed to extinguish the flame of liberty which burns within the hearts of the captive people.

The people of the United States and the Government of the United States should not limit recognition of and assistance to the people of the captive nations to the 1 week set aside each year for observance of Captive Nations Week. Every effort should be made all year round to assist these people to secure the freedom to choose their own destiny. This Government should avoid taking steps to more firmly entrench the governments in power in these countries. Attempts to expand trade and commercial transactions should be firmly resisted because in the final analysis, such trade would serve to benefit the rulers in power rather than the people subject to their totalitarian rule.

In addition, the United States should take positive steps to bring the plight of these people to the attention of the whole world. Our representatives to the United Nations should be instructed to place this question on the agenda of the United Nations for discussion and debate. A free and democratic referendum of the people to express their political aspirations should be demanded.

All the governments of the free world must pledge to use all peaceful means to restore and protect the right of freedom of choice for the oppressed people of captive nations everywhere. Dedication and constant devotion to the cause of liberty on the part of all freedom-loving people would, I am convinced, soon result in tangible accomplishments toward self-determination for the people of the captive nations.

MISSOURI IDLE ACRES THAT COULD PRODUCE NEEDED SUGAR ARE AGAIN PASSED OVER

Mr. SYMINGTON. Mr. President, farmers in Missouri who have cropland idle as a result of their desire to cooperate with Federal programs will read with interest the announcement by the Department of Agriculture issued July 18 reporting an increase of 125,000 tons in the quota for sugar for 1966. Of this increase, 98,247 tons will come from foreign countries, but not a pound, apparently, from the mainland, U.S.A.

For the past 5 years many of the farmers and some of the farm organizations in Missouri, with the cooperation of the University of Missouri, have been conducting tests which clearly show that sugarbeets can be produced commercially in the parts of Missouri where the acreage reduction has been heaviest, on some of our domestic crops in surplus, particularly cotton.

We would hope the time will come in the not too distant future when these farmers in Missouri will have the opportunity to share in the needed increases in sugar production.

I ask unanimous consent that the Department of Agriculture release on the increase in sugar quotas be inserted at this point in the RECORD.

There being no objection, the release was ordered to be printed in the RECORD, as follows:

U.S. DEPARTMENT OF AGRICULTURE,
Washington, July 18, 1966.

USDA ANNOUNCES INCREASE IN SUGAR QUOTAS

The U.S. Department of Agriculture today announced an increase of 125,000 tons in the estimate of total sugar requirements for 1966—from 10.1 million tons to 10,225,000 short tons, raw value.

Today's action increases the quota for Hawaii by 26,753 tons and the quotas for foreign countries by 98,247 tons.

A portion of the statement of bases and considerations is quoted below:

"Section 201 of the Act directs the Secretary to revise the determination of sugar requirements at such times during the calendar year as he deems necessary in order to meet the needs of consumers. Prior to the current period of hot weather over most of the Nation, it was apparent that sugar was being sold at a rate slightly higher than that expected on a seasonally adjusted basis. The hot weather now prevailing has added impetus to that tendency. At this point it appears likely that sugar consumption during the calendar year will exceed the 10.1 million short tons, raw value, which was estimated at the time 1966 sugar requirements were initially established in December of last year. With the heavy consuming season at hand, augmented by the current high temperatures, additional sugar supplies will be required to adequately serve the needs of the market. Accordingly, total sugar requirements for the calendar year 1966 are hereby increased to a total of 10,225,000 short tons, raw value."

"* * * Section 202(a) (2) (B) provides that the quota otherwise established for Hawaii shall be increased within prescribed limits on the basis of the quantity of sugar available for marketing in the continental United States stemming from increased production. A determination of the amount of sugar so available for marketing under the statute has been under consideration. Such determination has been made and the Hawaiian quota is increased in accordance with the requirements of the statute. The quota for Hawaii for calendar year 1966 is hereby established at 1,200,227 short tons, raw value."

Quota increases and revised quotas are shown in the following table:

[Short tons, raw value]

Production area	Change in quotas	Basic quotas	Temporary quotas and prorations pursuant to sec. 202(d)[1]	Deficits and deficit prorations	Total quotas and prorations
Domestic beet area		3,025,000			3,025,000
Mainland cane area		1,100,000			1,100,000
Hawaii	26,753	1,200,227			[2] 1,200,227
Puerto Rico		1,140,000		−410,000	[2] 730,000
Virgin Islands		15,000		−5,000	10,000
Total, domestic areas		6,480,227			6,065,227
Republic of Philippines	13,575	1,107,015		195,963	[2] 1,302,978
Mexico	16,471	203,485	210,582	42,010	456,077
Dominican Republic	16,107	199,010	205,950	41,086	446,046
Brazil	16,107	199,010	205,950	41,086	446,046
Peru	12,848	158,734	164,270	32,771	355,775
British West Indies	1,332	79,499	73,909	15,565	168,973
Ecuador	2,344	28,956	29,967	5,978	64,901
French West Indies	419	25,008	23,249	4,896	53,153
Argentina	1,980	24,482	25,335	5,054	54,871
Costa Rica	1,952	23,428	25,639	4,978	54,045
Nicaragua	1,952	23,428	25,639	4,978	54,045
Colombia	1,704	21,059	21,794	4,348	47,201
Guatemala	1,644	19,743	21,605	4,195	45,543
Panama	1,194	14,742	15,255	3,044	33,041
El Salvador	1,208	14,479	15,844	3,077	[2] 33,400
Haiti	896	11,056	11,442	2,283	24,781
Venezuela	809	10,003	10,351	2,065	22,419
British Honduras	96	5,791	5,384	1,134	12,309
Bolivia	192	2,369	82,452	489	5,310
Australia	2,086	94,767	87,546		182,313
Republic of China	869	39,486	36,478		75,964
India	835	37,907	35,019		72,926
South Africa	614	27,903	25,778		53,681
Fiji Islands	458	20,796	19,212		40,008
Thailand	191	8,687	8,025		16,712
Mauritius	191	8,687	8,025		16,712
Malagasy Republic	98	4,475	4,134		8,609
Swaziland	75	3,422	3,161		6,583
Ireland		5,351			[2] 5,351
Total	125,000	8,903,005	1,321,995	0	10,225,000

[1] Includes the proration of quotas withheld from Cuba and Southern Rhodesia and the proration of the quota for Honduras to Central American Common Market countries.

[2] Direct-consumption portion: Hawaii, 34,970 tons; Puerto Rico, 153,375 tons; Republic of the Philippines, 59,920 tons; Panama, 3,817 tons; and Ireland, 5,351 tons.

HOUSE COMMERCE COMMITTEE ADOPTS HARTKE-MACKAY TRAFFIC PROPOSAL

Mr. HARTKE. I was delighted to learn from my colleague of the House of Representatives, Congressman JAMES MACKAY, of Georgia, that the deliberations of the Interstate and Foreign Commerce Committee of the House have resulted in a decision to recommend one more major feature of the Hartke-Mackay amendments to the bill for safety on the highways. That is a proposal, which was a feature of the original Hartke-Mackay traffic safety bill introduced before the administration measure, to center the Federal safety drive in a separate Traffic Safety Agency under an Administrator.

This is surely a desirable move, and I commend the House committee for receiving the amendment favorably, since it will give a stature and a standing and a degree of independent action to the operations of the Agency which it could not attain in the same way as a subordinate operation within the Department of Commerce. Our intention is to give the Traffic Safety Agency, as the operating arm of the legislative action, a status equivalent to that, for example, of the Federal Aviation Agency. It should, I believe, become a vital part of the Department of Transportation if and when the new Cabinet agency is established.

It is my understanding that the Administrator of the Traffic Safety Agency will be recommended in the House proposal for level IV of the Federal executive scale. This is certainly none too high a rank for such a most important post. As we said in the section-by-section analysis which appeared in the Congressional Record upon the introduction of the comprehensive Hartke-Mackay amendments:

> The bill proposes a comprehensive traffic safety plan, but its various parts are vitally interconnected and they must, to be effective, be coordinated under an Administrator of appropriate eminence.

While a large number of the proposals which we made earlier became a part of the Senate-passed bill, this was one area in which the Senate Commerce Committee did not take action. Since it was one of the suggestions we made which I believe would be a substantial improvement, I want to congratulate Congressman Mackay and the House committee for their adoption of a valuable change. I hope the Senate will see fit to accept it if it becomes a part of the House version upon passage.

BILLY GRAHAM'S PLEA TO PRESIDENT JOHNSON FOR ACTION

Mr. MUNDT. Mr. President, crime in the streets; murder at night; riots in the heat of summer; arrogant leaders of offbeat organizations virtually calling for bloodshed, violence, or revolutionary measures; and a growing manifestation of contempt for law and order have combined to make this a sad and disillusioning era of American history.

Action is needed and courageous leadership is required to bring this great Nation back to the pathways of commonsense and good behavior. As the leader of the free world and a Nation of people quick to find fault with undesirable policies and practices in other countries, it is imperative in my opinion that President Johnson and Congress take action now to bring respect for law and order back into practice in America. Every church and school and home should also help meet this challenge to decency by exerting special efforts to restore domestic tranquillity to these United States.

It is a known fact which this administration unfortunately seems reluctant or unwilling to proclaim that the Communist Party and other undesirable and lawless elements are back of some of the riots, and marches, and violence now shocking the conscience of dedicated Americans. In some instance these attacks upon the order, the reputation, and the prestige of the United States have only the most remote—if any—connection with racial tensions or injustices but slap-happy headline writers fail to distinguish between actions resembling anarchy itself and legitimate protests against specific injustices.

Rev. Billy Graham has made a public appeal to President Johnson to do something specific to slow down or stop this mad march toward the self-destruction of America. Congress, I am sure, is willing to respond to any leadership the President properly exerts in this long neglected field.

I ask unanimous consent, Mr. President, that a column by widely read and respected David Lawrence relating to the subject matter of my remarks be made a part of the Record at this point.

There being no objection, the article was ordered to be printed in the Record, as follows:

Billy Graham's Plea to Johnson

(By David Lawrence)

The Rev. Dr. Billy Graham, evangelist of world renown, has appealed publicly to President Johnson—his close friend—to identify the groups inside America "who are teaching and advocating violence, training in guerrilla tactics and defying authority."

The famous Baptist minister declares that, "incredible as it may seem, we are on the road to anarchy in some of the large cities in this country, and the symptoms are ominous and dangerous." He says that "our leaders should not ignore this threat any longer."

Recently, Congress has been studying the Ku Klux Klan and is about to consider legislation dealing with "clandestine organizations." But this does not go far enough. For it is becoming known that some of the persons with considerable influence in the terroristic activities being carried on in the name of the "civil rights" movement in America either are Communists themselves, or are sympathetic to communism.

Dr. Graham points out that many of the demonstrations have "the pattern of defiance of authority," and he emphasizes that "they are organized and planned by a hard core of extremists who are taking advantage of just grievances by people living in the frustrations of ghettoes." He adds that "the FBI and the President know who they (the extremist leaders) are and what they are up to. Now the people need to know. Congress has no more urgent business than to pass laws with teeth in them."

Police Superintendent O. W. Wilson in Chicago says the recent riots there were intensified by militant groups which courted violence. So far as is known, not one of the principal leaders of the civil rights groups is himself accused of being a Communist. But among the different organizations are said to be top advisers with a wide knowledge of Communist tactics who are accomplishing what the Communists want—namely, to produce a state of anarchy by means of violence, as mobs are incited and collisions with the police are stimulated.

Nearly every day the newspapers are reporting hundreds of Negroes shouting either "Black Power!" or other provocative slogans, as they clash with the police. Innocent bystanders have been hurt and lives have been lost. Big riots have occurred not only in Chicago and New York, but also in many other cities in nearly every section of the country, from Los Angeles to Jacksonville, Fla., and from Memphis, Tenn., to South Bend, Ind.

It is difficult for the President himself to reveal individual identifications. He can only denounce in general terms the types of organizations which are guilty of what amounts to a process of subversion. Congressional committees, on the other hand, have the power to subpoena witnesses and to expose the inner workings of Communist and other groups. But there has been a tendency in recent months to deal gently with civil rights organizations for fear of alienating votes. The theory is that Negroes themselves would resent such accusations and that this would be considered as a blanket indictment of the Negro cause.

The time has come, however, in the opinion of many observers—particularly those who agree with Dr. Graham—for the administration to initiate hearings in Congress and tell the people what is going on that has caused much of the rioting and mob violence, allegedly in support of the civil-rights movement. Actually the result has been a disturbing of the peace generally and a heating up of friction between the races.

Dr. Graham's appeal expresses the viewpoint of many citizens who have been hopeful that Congress would forget about politics, courageously tackle the problem of mob violence, and make it a crime to impair the safety of citizens anywhere in the United States by incitements to violence. Many people are unable to traverse the city streets nowadays and go to and from their homes without being subjected to the risks and dangers of physical violence.

In these days of increased reliance on the federal government there has been a strange indifference here to the use of those powers which could be lawfully exercised to stop the wave of mobocracy that has been developing throughout the country.

ONE-SIDED CREDIT LAWS

Mr. DOUGLAS. Mr. President, there has recently been brought to my attention an excellent article which appeared in the March 1966 issue of Consumer Reports. This article reveals in detail practices used by some retailers who sell on the installment plan, particularly used car dealers, to bilk American servicemen. Many of the examples used were turned up by the investigations last year conducted by a House Banking and Currency Subcommittee.

The article convincingly shows that under the present inadequate protections for consumers, "soldiers and civilians alike leave their consumer sovereignty at the door when they buy on credit."

One of the reforms endorsed in the article is the truth-in-lending bill which would require the seller or lender to make full disclosure of the finance charges before a contract is signed. The article concludes that "the foundation stone" of Federal protection for consumers in the credit field should be the truth-in-lending act.

I point out that, in the time which has passed since this article was published, the Department of Defense has corrected some of the deficiencies in its consumer affairs directive, one of these actions being the requirement that those who lend or sell on time to servicemen must make a truth-in-lending disclosure if they hope to use military channels to collect debts owed them. Also, the Massachusetts State Legislature has passed a retail sales credit act which includes truth-in-lending disclosure.

I ask unanimous consent to insert this article in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

Are Changes Coming in Those One-Sided Credit Laws?—Easy Payment Deals Give Sellers Far More Rights to Your Property Than You May Realize—But There's a Ray of Hope

It came as a nasty shock to a Congressional subcommittee last year, at a time when the casualty lists from Vietnam were beginning to rise, to learn that right here at home many members of the Armed Forces were being bled white by credit sellers.

Buy-now-pay-later promotions were sweeping servicemen into a sea of financial obligations in which hundreds of thousands of others, soldiers and civilians alike, were already floundering. The laws of the land, instead of helping them survive, seemed to be buoying up the sellers and lenders: automobile dealers, department stores, banks, finance companies—in fact, every kind of retailer and installment lender. "Extortion, pure and simple," was the way an Army legal officer described what was happening to his men. But, technically speaking, it wasn't extortion at all, for what the debt collectors were doing was quite legal.

After a House Banking and Currency subcommittee had exposed some details of the harassment of servicemen by their creditors, the Pentagon went to the defense of its 2,600,000 people in uniform by instituting some new regulations aimed at curbing unrestrained collection and repossession tactics. The subcommittee's hearings had dealt with only one lender, Federal Services Finance Corp., specializing in loans to the military and boasting a board of directors heavily laden with retired generals and admirals. But the testimony made it plain that credit company harassment is by no means confined to one company's dealings with one class of borrower but that it menaces everyone who buys on credit. Thus the impact of what went into the hearing record may, or at least should, be felt everywhere from Capitol Hill to the legislatures of the 50 states.

SOLDIERS WITHOUT WEAPONS

Lt. Col. Clyde Griffith, a judge advocate at Fort Myer, Va., described to the subcommittee a hypothetical but, so he said, typical case: An enlisted man in need of a car finds one to his liking on a used car lot, and the car dealer writes a no-down-payment deal for $600. The dealer promptly sells the installment contract to a finance company closely affiliated with the used-car sales operation. What the soldier may not know is that he will be paying the finance company instead of the car dealer.

Under a peculiar rule of credit law, this resale of debt deprives the borrower of his most effective recourse against mistreatment—the threat to withhold payment. This is no threat at all to an unscrupulous seller who already has converted credit obligations into cash by selling them. Nor is it likely to be effective against the finance company. In legal parlance, this lender may be an innocent "holder in due course" and under the laws of a majority of states, a buyer cannot bring against a holder-in-due-course many of the claims he might have brought against the seller.

The installment sale contract with the enlisted man's signature on it has a good many other hookers in it, which led to the Army lawyer's charge of "extortion, pure and simple." Col. Griffith explained how the gouging can go.

His soldier's purchase of a $600 used car, plus car insurance loaded with dealer and lender commissions, plus credit life insurance, plus finance charges for two or three years at upwards of 30% true annual interest, results in a debt package of $1200—double the price of the car. The soldier supports a wife and children. After paying off about $200 on his debt, he finds that he cannot afford the car any longer and asks the finance company to take it back. The finance company amiably agrees to do so. It promptly sells the repossessed car to a dummy bidder for $200. The dummy bidder, an alter ego of the finance company and the used car lot, is then free to market the car all over again at something like the original $600 price, plus a new load of insurance and finance charges. Meanwhile, the finance company credits the soldier with only $200 on its resale, plus the $200 in payments made, and bills him for $800 in further installments.

"In other words," Col. Griffith testified, they could sue on this note and this soldier can't even go in and say: But this $800 represents two and a half years of unused interest, unused insurance. . . . It is a very vicious circle and it hurts the serviceman badly and it is certainly something which should be controlled, but I regret to say it is rather a general practice among finance companies, particularly those that finance automobiles."

Members of the Armed Forces would seem to have a little more protection in some areas of debt collection than ordinary customers. A serviceman's pay cannot be garnisheed, and within the civil jurisdiction his defenses against court judgments are stronger than those of a civilian. But until recently finance companies dealing with service personnel have had something much more convincing than garnishments and sheriffs working for them, as Col. Griffith explained:

"[Under] the Uniform Code of Military Justice . . . it is a criminal offense for a soldier to willfully and dishonorably fail to pay a debt. . . . He can be court-martialed and, in many instances, . . . [the finance] companies will write to the company commander and say, "Why haven't you court-martialed this man? . . . You know that the criminal code requires you to do so." . . . [It does] if the debt is an honest, genuine debt, and he is willfully and dishonorably failing to pay it. But when you start out with a debt that is of questionable integrity and you use military command channels to try to collect that debt, I can't think of anything more vicious."

According to the testimony of Col. Griffith and others, a number of servicemen have been dishonorably discharged under just such circumstances. Back in civilian life, they find the finance company waiting with lawsuits and all the other pressures in its arsenal of civilian collection methods. If the disgraced serviceman is fortunate enough to get a job, garnishments may follow him. Many companies discharge employees whose wages have been garnisheed. And so the vicious circle continues round.

REPOSSESSION IS NINE-TENTHS OF THE LAW

The large number of servicemen squeezed in the vise of debt can be attributed partly to the fact that many unscrupulous merchants—especially car salesmen—prey on them at lots and salesrooms fringing military bases. The low pay of an enlisted man doesn't disqualify him at all as a credit risk for these operators. People in low-income groups are prime target of salesmen with installment contracts. Naturally, too, they show up conspicuously in the list of those whose debts have gone sour. But a significant percentage of the names on such lists belong to members of the supposedly prospering middle class. The Federal Reserve Board has found to its surprise that of a sampling of people in financial trouble in Mobile, Ala., 25% were solid citizens with records of at least eight years' continuous employment with the same firm.

The runaway rise in consumer debt, which CU deplored in last September's CONSUMER REPORTS, is worrying others as well. *Business Week* quotes the president of the Atlas Finance Company of Atlanta as saying, "The economy has expanded and opened the door for credit to a lot of people who haven't attained credit worthiness," and a Houston department store executive as saying that "a lot more customers . . . are getting into extended revolving credit accounts and some of them are taking on bigger payments than they can handle."

These businessmen are concerned, of course, primarily about the soundness of their own lending operations. Government economists are worried by the sudden, snowballing effect on the nation's economy that an overload of consumer debt could produce with any downturn in the national prosperity. But the cold statistics of debt failure find their most immediate reality in hardship for the individuals and families who are the flesh and blood behind the statistics. And what happens to them has to do with the carefully contrived structure of state installment credit laws.

Although sometimes enacted in the name of consumer protection, these laws generally condone grossly unfair collection tactics. Under many laws, for example, an installment-sale contract may empower the seller to repossess items bought on credit whenever he deems the debt insecure. Only a handful of states, moreover, prohibit installment-sale contract provisions giving the lender arbitrary power to demand accelerated payment. With this weapon, a lender can actually force a borrower into default if it suits his purpose to repossess a car or other goods. Still another contract clause sanctioned under certain laws makes it a breach of contract to drive a credit-financed car out of the state where it was financed.

There are also states in which a revolving-credit charge account may give the merchant or holder of debt "conditional title" to everything financed through the account, so long as any balance remains unpaid. Items long since bought and, so the buyer thought, paid for may be repossessed by virtue of this hooker in a contract.

With the retail installment contracts generally used in many states, the borrower turns over to the lender his power of attorney. Any time the borrower fails to meet his obligations in the slightest degree (such as making one payment a single day late), the lender may, if he wishes, simply go to court and "confess" the borrower's inability to pay. Then he may receive an assignment of the borrower's wages or get a judgment that gives him legal access to any of the borrower's assets for purposes of collecting the entire balance immediately.

It may come as a shock to many people, too, that in most states the lender can set up his contract so that he is, in effect, authorized to break into the borrower's home or car in order to grab his security. Only in California, Delaware, Hawaii, Illinois, Maryland, Massachusetts, Michigan, New Hampshire, New Mexico, New York, North Dakota, and Pennsylvania do retail installment-sales acts specifically prohibit this legalized theft.

Every now and then it is acknowledged that laws set up to permit lenders such extraordinary powers as these are not really in the public interest. Pennsylvania legislators, for example, wrote the following in the preamble to a motor vehicle installment-sales act passed in 1958: "the extension of credit to the purchaser has been so inextricably entwined with the alleged bailment of the motor vehicle as to deprive the consumer of the benefit of existing laws. . . . Consumers, because of these legal technicalities and because of their unequal bargaining position, are at the mercy of unscrupulous persons and are being intolerably exploited in the installment purchase of motor vehicles. Such exploitation is evident in the unfair provisions of the installment sale contract, exorbitant charges for credit, extortionate default, extension, collection, repossession and other charges, unconscionable practices respecting execution of contracts, refinancing of contracts, prepayment, refunds insurance, repossession and redemption."

The law that followed this irate preamble remedied some abuses on the list but left others untouched.

Really good credit laws are as yet nonexistent, and even fairly good ones are very scarce. Because lenders may go along quite far with an installment purchaser before invoking their powers, most people are not aware of how thoroughly they put themselves in the lender's hands with that name on the dotted line. The harsh truth is this: Soldier and civilian alike leave their consumer sovereignty at the door when they buy on credit. There are only two choices—take the contract or leave it.

THE SOLDIERS GET SOME WEAPONS

The Pentagon, stung by the public revelations of what was happening to its predominantly young and inexperienced enlisted personnel, has struck back with Defense Department Directive 1344.7. This document, which attempts to remedy most of the abuses brought to light by the Congressional hearings, is in some respects a landmark in the annals of consumer credit.

The directive represents probably the first attempt by a Federal agency to define standards of fairness in the execution of retail credit contracts. Seen in this context, it reaches, potentially, beyond the military to the entire consumer economy. Here are some of its salient provisions:

Any fair contract, by the new Armed Forces standards, should, among other things, agree that repossession of security—a car, for instance—will serve as payment in full, no matter how little the finance company gets by selling the item. In other words, the lender can sue for the balance due or repossess the purchase. But he can no longer do both.

"Will this not provide encouragement to servicemen to buy more expensive cars . . . and . . . to be less responsible with respect to payment . . .?" a credit trade group asked the Pentagon. It replied: "The Department of Defense anticipates that the opposite effect will be achieved . . . in that lenders may require larger down payments and be more selective in granting credit."

Another standard, aimed at insurance charges heaped on borrowers to pay for nonexistent or mispresented policies, states that insurance premiums and interest on money borrowed to pay premiums should not be collectible unless the borrower is given, within 30 days of signing his contract, evidence of an insurance policy reflecting the promised coverage. (But, in our opinion, it is not a good idea under ordinary circumstances ever to buy car insurance as part of a credit deal.)

The Pentagon has also set standards for such penalties as fees for late payment (no more than 5% of the overdue amount) or attorneys' fees (no more than 10% of the balance declared due in a court judgment). A high official in the Defense Department told CU that in a good many instances finance companies have exacted "atrocious" fees. He knew of some charges running as high as 30% or 40%, which he called "punitive in their impact and unjust enrichment of the lender."

There are nine standards in all, and at the heart of them are what we believe to be two crucial rights for all credit buyers. The first is that, in the eyes of the Pentagon, a fair credit contract will renounce the holder-in-due-course doctrine and substitute its exact opposite—namely, the doctrine that any valid defense that the borrower may be able to use against the seller or original lender will be equally valid against all subsequent holders of the debt. The laws of a few states, most notably those of Massachusetts, provide precedent for this new doctrine, although the pro-lender version is far more often perpetuated.

The second crucial standard of fairness states that, except when a product is being custom-made, a serviceman should be free to cancel an order for goods or services at any time before the goods are delivered or the service is performed. In other words, he should have a chance to change his mind even though he has been signed to a credit deal. This cooling-off period takes aim not so much at car lots and over-the-counter deals as at fast-talking door-to-door salesmen, who are skilled at blitzing their prospects into signing up before they can think twice. In California and Massachusetts, the most vehement opponents of bills with similar intent have been, not surprisingly encyclopedia salesmen.

INTEREST RATES NEGLECTED

The Pentagon directive also calls for an itemized breakdown of all finance charges. But on this score, as a standard for truth in lending, it is a dismal failure. It does not call for disclosure of true annual interest rates (or rates in any form, for that matter). Yet, unless the borrower can easily determine lending rates, he cannot shop intelligently for credit. The Truth-in-Lending bills before Congress have recognized this fact by making disclosure of true annual interest their main objective. The credit industry has fought the bills all the way down the line, and you get a good idea of the issue at stake from information filed with the House Banking and Currency subcommittee by Clayton Norris, the president of Federal Services Finance Corp. His company's average loan in Colorado, where interest ceilings are among the highest in the country, carries "an annual rate of return [true annual interest] of 32.17%." At best, this is an understatement, omitting as it does credit life insurance premiums equal to 1% of the amount borrowed (about 2% true annual interest on installment loans), insurance commissions, and any other hidden (through still legal) finance charges.

But the Pentagon's standards do call for disclosure of actual finance charges. For instance, all insurance commissions must be itemized separately from the premiums themselves. The seller must also indicate that the price of the goods or services to the buyer-on-credit is no higher than to a cash customer—information more pertinent to some types of sales than to others. Salesmen on car lots are more likely to *reduce* prices for credit customers than to raise them because they often profit more in the financing than in the car sale as such. On the other hand, freezer-food plans often bury an exorbitantly high price for the freezer in monthly payments for the freezer and food.

Military authority cannot, of course, overrule civil law. Therefore, the directive is in full force only when applied to companies doing business directly on a military post or to unofficial military publications, such as the Army, Navy, and Air Force *Times*, which are now expected to see that all credit advertisements disclose their terms and describe their wares with "the highest probity."

Reaching beyond the immediate military confines, the directive permits military commanders to declare merchants and finance companies off-limits to service personnel because of flagrant violations of the standards. But in other respects the Pentagon concedes to the finance companies more ground than we think it should. Although it can't countermand state laws, it *can* turn its back on debt collectors who refuse to live up to its standards, leaving them with little recourse against delinquent servicemen, whose pay cannot be garnisheed. And, in fact, the directive does brandish the weapon of noncooperation. But it seems overly cautious about the use of it. For instance, the weapon will not be used at all, the directive states, if an off-the-base lender makes his contract comply with *either* the full-disclosure *or* the fairness standards. He does not have to live up to both.

Acknowledging that the directive has some shortcomings, a Pentagon spokesman told us it has nevertheless managed to put the heat on the finance companies for the time being and has caused them to mend some of their more abusive ways. We can add that the directive has also served as a strong argument for credit reform in at least one state. Consumer groups backing a very good retail installment-sales bill in Massachusetts say that the Defense Department's action has won them some important supporters in the legislature.

THE CREDIT INDUSTRY COUNTERATTACK

This sort of ammunition comes none too soon, for the credit industry has not been neglecting its own interests. Far from being satisfied with the powers already at its disposal, it wants still more. For one thing, there is a move afoot to undermine the citizen's right of voluntary bankruptcy, the last refuge available to debtors, some of whom are being hounded by holders of contracts about as savory as those described to the House subcommittee. Personal bankruptcies zoomed 60% from 1960 to 1964; in the latter year more than 155,000 petitions were filed, and, as a result, lenders had to write off $1.2 billion in bad debts.

Seeking to cut their heavy losses, credit men are backing H.R. 292 and S. 613, House and Senate versions of a bill to take away an individual's unrestricted right to obtain a discharge of debts through bankruptcy and to require him instead, at the discretion of the court, to file under Chapter XIII, the so-called wage-earner plan. The court would then decide what proportion of the debtor's future pay checks should go to paying off the debt, and it would collect this amount each week for doling out to the creditors.

On another front, the credit industry has raised well over $100,000 to help finance the writing of a Uniform Consumer Credit Code as a model for state legislation. One avowed purpose of the industry is to head off a Federal "invasion of State regulation of consumer credit"—i.e., the Federal Truth-in-Lending bill.

The Uniform Consumer Credit Code has been scheduled for completion in time for action by some state legislatures in 1968. No word has come from the drafting committee as to the substance of any recommendations thus far agreed on, but there is very little reason to expect that standards of fairness similar to those drawn up by the Pentagon are being considered.

Yet these standards are less than the bare minimum of consumer protection that any model code or state law should provide. Disclosure of true annual interest, plus total finance charges in dollars, is essential. We would also put high on the list of needs a ban against garnishments as a means of collecting overdue installments (Texas has already banned them), against balloon notes (in which the final payment is far larger than the rest), and against contracts giving the seller the buyer's power of attorney in lawsuits against the buyer or giving the seller the authority to breach the peace.

Above all, state laws should do more than merely proclaim a list of buyers' rights. They should give the state itself responsibility for policing the unconscionable practices of credit merchants and the tools for doing the job.

Additional protection is badly needed in the Federal domain. Credit abuses are widespread in interstate mail-order lending and selling and in interstate advertising of credit, and regulatory power parallel to that of the states should be established to govern these transactions. The foundation stone of all credit regulation, of course, should be a Federal Truth-in-Lending law. Despite a general air of gloom about the prospects for this law in 1966, President Johnson at least has not forsaken it. He called for its passage in his state of the Union message, and he has a way of getting what he wants—if not this year, then next year or the year after.

U.S. COKING COAL

Mr. BYRD of West Virginia. Mr. President, I am pleased to report that the ministers of the European Coal and Steel Community nations have decided against a subsidy program that would have made it difficult for U.S. coal to compete in European markets. I am inclined to believe the expressions of concern voiced by my colleagues were instrumental in impressing upon representatives of the ECSC member states the wisdom of the course of action they have taken.

As a result of the decision reached in the ECSC meeting in Luxembourg earlier this month, the steel mills of the six-nation area will continue to have access to competitively priced, high-quality coking coal mined in the United States. Consumers of goods produced in Europe will not be forced to pay higher prices, which would have been the result if the subsidy program proposed by the High Authority had been adopted. And certainly, the men who mine U.S. coking coal, and their families, in West Virginia and its sister coal-producing States, will continue to benefit by being able to continue serving European markets.

The action taken by the ESCS ministers is not final, however. According to reports, they have directed the High Authority and subordinate representatives of the six member states to draft an alternative plan, possibly for consideration at the next ministerial meeting scheduled for September 27. We, of course, have no indication now concerning the alternatives being considered, but the fact that the issue is not entirely dead places us on warning that we must continue our diligent efforts to safeguard American coal's ability to compete abroad.

It is my opinion, and I believe it is shared by others who are well versed in the philosophies of the ECSC nations, that this subsidy scheme will not be adopted. We cannot relax, however, and we cannot fail to take advantage of every opportunity to remind our friends abroad of the truly significant contributions U.S. coal makes to the maintenance of a strong economy in Europe.

Under the plan proposed by the ECSC High Authority, and rejected at the Luxembourg meeting, members would have been required to pay into a Community fund a stated amount per ton of U.S. coking coal imported for steel mill consumption. Payments would be made from the fund on coking coal mined in one ESCS country and consumed in steel mills in another. Payments into and from the fund would have represented, as I understand it, about 80 percent of the $4 per ton favorable price advantage which U.S. coal now enjoys on the continent.

The reasons behind the ministers' decision to block the subsidy plan perhaps are not important to us, for they represent the views and positions of the respective individual governments with respect to the whole idea of importing U.S. coal. It is obvious that, in the majority, they wisely prefer to use coal which our Nation can provide in abundance and at low cost. It is equally obvious, in my opinion, that they wish to maintain the present economic strength of the six-nation area and that they realize the importance of U.S. coal in this respect.

There is a lesson to be learned in this situation, as I see it. While our coal is important to us here at home, in terms of the energy it produces and the jobs it provides, it is equally important to our friends abroad who have come to rely on U.S. coal as a dependable and economical source of abundant, low-cost energy. We can point with justifiable pride to this fact, for when we export U.S. coal we send abroad one of the fruits of the free enterprise system which has made our own Nation so great and so strong. And in the bargain, of course, we see that the coal industry contributes $500 million a year to our own balance of payments.

Senators and Members of the other body have many opportunities to meet with citizens and official representatives of foreign nations who visit our Nation's capital. In our official and private talks with these welcome visitors, we have every reason to extol the virtues of U.S. coal, and certainly we should avail ourselves of every chance to do so.

THE AIRLINE STRIKE

Mr. FONG. Mr. President, this the fifth time I have risen in the Senate to speak on the airline mechanics strike, now in its 14th day.

On these previous occasions, I have made my position clear. Beginning a week ago yesterday and repeatedly since, I have urged President Johnson to call the parties to this costly dispute into around-the-clock sessions at the White House until a settlement is reached.

I have also urged the chairman of the Senate Committee on Labor and Public Welfare, the chairman of the Labor Subcommittee, and the chairman of the Committee on Interstate and Foreign Commerce to initiate steps toward a legislative remedy in the strike should Congress have to move in to settle it.

I have also urged these committees to begin a comprehensive study of feasible alternatives to protect the American people in labor-management disputes affecting the public interest.

Mr. President, the current strike is a bread-and-butter matter to millions of Americans who are affected directly and indirectly by this costly and damaging strike.

The vice president of the Hawaii Visitors Bureau, Mr. Robert C. Allen, recently said the tourist industry in Hawaii is losing "well above $2¼ million a week" because of this strike.

Losses to industries allied with tourism in Hawaii are losing well above $2 million a week and the State of Hawaii is losing $200,000.

It is reported hotels in Waikiki have dropped to 90-percent occupancy, when ordinarily they would be 100-percent occupied at this tourist season peak. Hotels on our neighbor islands are down to 85-percent occupancy.

One interisland airline reports passenger cancellations at the rate of $1,500 a day since the strike began.

Another interisland airline reports it has lost $75,000 in passenger revenue during the strike. Not only that, it is estimated the effects of the strike will be felt for about 10 days after the strike ends.

But the devastating economic impact is not the only tragedy.

Thousands of American workers have been made idle by the strike.

Thousands of American people have suffered hardship. In Honolulu, every day sees hundreds of people stranded at our airport, some with only a few pennies in their pockets. Some cannot even buy their meals and have been subsisting on coffee and cookies distributed by Host International.

A recent article in the Honolulu Advertiser of July 19 reports one mother stranded at the airport with a sick baby and only 35 cents in her purse. The longer this strike continues, the greater will be the human misery. I ask unanimous consent that the entire article be printed in the RECORD at the conclusion of my remarks.

Mr. President, the American people are entitled to a prompt settlement in this situation. I call on those in control of the executive branch and those in control of Congress to use all the resources at their command to get the planes flying once more.

I ask unanimous consent that several news articles on the strike which appeared in the Honolulu Star-Bulletin and Honolulu Advertiser be printed in the RECORD at this point.

There being no objection, the articles were ordered to be printed in the RECORD, as follows:

[From the Honolulu Advertiser, July 18, 1966]

STRIKE ENTERS 11TH DAY . . . TIME FLIES, OTHERS DON'T

(By Leonard Lueras)

As the airlines strike is entering its 11th day, hundreds of would-be jet setters are still standing by at Honolulu International Airport.

Pan American Airlines, the only commercial airline flying from Honolulu to the U.S. points on the Mainland, flew 15 regularly scheduled flights and an extra flight to the West Coast yesterday. All were filled.

As of yesterday afternoon, 80 stand-bys had been accommodated on 10 flights. A Pan Am spokesman reported that "July's weekend traffic is full under normal circumstances, and in this strike situation it's worse."

Pan Am's offices continue to be flooded with phone calls, but there are only scattered single seats available. No group blocks can be obtained. Extra flights may be added to the daily schedule, but Pan Am officials will not know until 6 or 7 a.m. today.

Terminals at Los Angeles, San Francisco, Portland and Seattle all have full flights coming to Hawaii, and they are limiting their stand-by lists to 55 persons, United Press International reported.

Hawaii-bound persons have been told not to go to the airports unless they are on a stand-by list or feel a trip to Honolulu is an emergency. Five San Francisco-to-Honolulu flights yesterday were able to accommodate 31 stand-bys.

UPI also said the Civil Aeronautics Board has granted World Airways of Oakland permission to sell tickets to Hawaii, but a World spokesman said. "Our planes are all tied up so we have to wait until we can spring one loose."

World Airways usually carries only cargo and soldiers on charter.

Meanwhile, Honolulu stand-bys are trying to dream up new ways to get to the Mainland.

Ideas include buying a ticket to an international location outside the United States, stopping over in San Francisco, and using the rest of the flight later.

The most practical air route, as far as expenses go, is Qantas Airlines' flight to Vancouver via San Francisco. Qantas is booked until Wednesday, but persons can still get a reservation for Thursday or later.

The only other alternative, via Qantas, is to buy a ticket to London or some other locale via San Francisco. Whichever final location one chooses, he has a year in which to use the complete ticket, if he stops over on the West Coast.

[From the Honolulu Star-Bulletin, July 18, 1966]

AIR STRIKE HAS SLOWED ISLE TOURISM

The lengthening airline strike cut sharply into Hawaii's visitor industry over the weekend, spokesmen for the industry said today.

"I would place the loss at well above $2¼ million a week," Robert C. Allen, vice-president of the Hawaii Visitors Bureau, said today.

Hotels at Waikiki will be dropping to 90 percent occupancy or a little lower by tomorrow, Allen said. He said Neighbor Island hotels will be down to 85 percent occupancy.

Two major sightseeing companies and some concessionaires at Honolulu Airport have begun to furlough employees, Allen said.

Inter-island airlines and resorts felt the pinch of the strike this weekend.

Aloha Airlines reservations are down, a spokesman said, and passenger traffic fell off sharply after early flights Saturday.

Cancellations have come in at the rate of $1,500 worth a day since the strike began, a spokesman said.

Hawaiian Airlines has lost about $75,000 in passenger revenue since the strike started.

Inter-Island Resorts has lost about 700 guest bookings for the month of July. The strike has not yet begun to cut into August bookings, but probably will by the end of this week.

"We think the effects probably will continue to be felt for about 10 days after the strike," said Jack Tobin, vice-president of Hawaiian Airlines, predicting additional loss of business.

"It's a tough period for us. The Inter-Island carriers make their profits during the summer months," he said.

Aloha Airlines has been getting only 15 to 25 members of tour groups of 30 to 40 which hold bookings on the airline.

"We can't tell who's going to arrive," a spokesman said.

Today the first of United Air Line's layoffs went into effect, idling 63 stewards, most of whom are Hawaii-based personnel.

[From the Honolulu Star-Bulletin, July 18, 1966]

NO END OF STRIKE LIKELY FOR AT LEAST A WEEK: AIRLINES, UNION STILL FAR APART

WASHINGTON.—Pessimistic negotiators predicted today the strike against five major airlines probably will last for at least another week.

Struck are United, Northwest, Trans World, Eastern and National airlines.

Now in its 11th day, the strike has shut down all but national defense operations of the five lines and has inconvenienced travelers throughout the nation who have besieged other airlines as well as railroads and bus lines in an effort to carry out summer travel plans.

The chief union negotiator blamed the airlines for the slow pace of the talks.

"They keep their feet planted in the concrete," said Vice-President Joseph Ramsey of the A.F.L.–C.I.O. International Association of Machinists.

Ramsey said extensive layoffs and closing of ticket offices indicate the strike could go on "for an extended period of time."

Chief airline negotiator William Curtin said "we are a long way apart" as the negotiators walked into a meeting with Assistant Secretary of Labor James J. Reynolds.

Reynolds, who yesterday compared the pace of the negotiations with the speed of two turtles, had no comment today.

Curtin said he saw no reason to expect an early settlement.

He also said he could not dispute estimates that the strike is costing the five airlines $7 million a day in revenue losses.

Ramsey said of the estimated strike losses: "That's their funeral, not ours."

Ramsey accused the airline negotiators of taking the attitude of "the public be damned."

He added "we are not attempting to drag our feet."

Ramsey said there has been no progress on one key point—the union's demand for a 36-month contract. The airlines want a 42-month agreement.

The carriers announced last night that 65,880 airline personnel would be out of work today because of the strike. The figure included striking members of the A.F.L.–C.I.O. International Association of Machinists and other workers who have been furloughed.

But some 1,100 Trans World Airlines employees, who walked off the job at Cape Kennedy, Florida, when the strike began July 8, voted yesterday by a 3–2 margin to return to work today.

T.W.A. holds the prime contract for the nation's Moon launch operations on Merritt Island, adjacent to Cape Kennedy. It provides manpower for supply, maintenance and other housekeeping tasks.

The T.W.A. workers agreed to work under terms of their old contract until a new one is agreed upon. Union officials said last night picket lines around the installation would be removed immediately.

In addition to T.W.A., the struck lines are United, Eastern, National and Northwest.

Reynolds, presiding over the talks in Washington, said last night the only progress yesterday was a free exchange of views on the "substantive issues—certain of the national issues."

There are eight of these major problems, including wages, pensions, hospitalization, vacations, overtime and holiday pay.

Another, separate issue caused the joint negotiations to be broken off Saturday until noon yesterday. It, in substance, is an I.A.M. accusation that Northwest is carrying on commercial operations under the guise of authorized military flights which the union has pledged not to stop.

Although a union spokesman did not specify what the I.A.M. might do if Northwest does not halt the practices, he promised "appropriate action." This presumably would mean again breaking off the talks.

Northwest has not commented on the union's accusation.

The airlines gave these figures of the number of employes affected by strike:

United 21,780 off, 17,000 working.

T.W.A.—13,700 out of work, 17,800 still working.

Eastern—19,200 off, 3,750 working.

National—5,400 off, 250 working.

Northwest—5,400 off, 250 working.

The union is seeking wage increases of about 53 cents hourly over 36 months. The company has indicated it is willing to offer slightly more than the 44-to-48 cents recommended by a presidential panel over the same period.

Pay levels now range from $2.25 hourly for janitors to $3.52 hourly for top-rated machinists.

The struck airlines agreed to bargain jointly with the union last August. Braniff, Continental and Northeast airlines, with employes represented by the machinists, did not enter into the agreement and were not struck.

Other non-struck airlines, such as American, have contracts with mechanics represented by the A.F.L.–C.I.O. Transport Workers Union.

[From the Honolulu Advertiser, July 19, 1966]

ALOHA HELPS EASE PLIGHT OF STRANDED PASSENGERS

(By Bob Krauss)

Hawaii's Aloha Spirit, battered by the airline strike, was fighting back at the Honolulu International Airport yesterday.

Here's the latest battle report:

An unidentified local housewife brought a picnic basketfull of Japanese kau kau, spread a beach mat on the floor of the terminal and invited half a dozen stranded haole passengers to eat.

Mrs. Jane Kakelaka, a ground hostess for Canadian Pacific Airlines, gave all the money she had to a woman with a sick baby who had only 35 cents left in her purse.

Mrs. Aggie Napuunoa, a janitress at the airport, regularly unlocks the pay toilets in the women's restroom when the lines get too long, as her contribution to the Aloha Spirit.

Two airline workers volunteered to donate their time to circulate among the waiting passengers and find those who need help but are too bashful to ask for it.

Meanwhile, Host International has given away 402 gallons of coffee and 20,468 cookies to stand-by travelers. State Hostesses are giving out pineapple juice. A hula troupe performs for an hour every morning in the terminal.

Even so, the discomforts of waiting up to three days for a seat on an airplane make it pretty difficult for most passengers to smile at the end of the day.

"There are never enough seats to go around at night," said Robina Chong of the State Information Center. "There are about 300 seats here in the main terminal and a few more in the baggage areas. But there are sometimes 500 people waiting for flights."

Miss Chong said the stranded travelers sleep on beach mats spread on the floor, on piles of suitcases, on baggage counters and on the lawn outside.

One middle-aged woman, after spending two nights in a chair at the air terminal, called the Red Cross and asked for a blanket, Miss Chong said.

There are repeated reports of travelers who have run out of funds because of the delay.

Porter Robert McKandes said he met three girls who were penniless after waiting for three days at the airport. "If it hadn't been for the free coffee and cookies, I don't know what they'd have done," he said.

Janitress Mrs. Rita Homanaunui said she met people who had run out of money. The State Information Center Hostesses have reported the same thing.

Mrs. Kakelaka, the ground hostess, said she met an almost penniless mother in the women's rest room last Friday.

"She was bathing her baby in a sink because he was feverish," Mr. Kakelaka said. "All she had was 35 cents in her purse. I gave her all I had, $1.50, and sent her down to the nursery."

Few stranded mothers seem to be aware of the complete free nursery, equipped with washers and driers and cribs, on the ground floor of the terminal, the custodians told me.

One result of the sudden increase in guests at the airport terminal is a bigger workload for the airport janitors. They said they have to mop constantly to clean up spilled Coke and ice cream. But the staff doesn't seem to mind.

"Those poor women," said Mrs. Napuunoa, a motherly Hawaiian. "When there's a big crowd in the women's rest room, I unlock the pay toilets. I just have to. I can't stand seeing them wait so long."

Mrs. Kakelaka, also Hawaiian, has offered her services along with those of Mrs. Ella Corea, ground hostess for Northwest Airlines, to circulate among the crowds and look for people who need help.

"If somebody will get an Operation Aloha going, Mrs. Corea and I will be glad to volunteer," said Mrs. Kakelaka.

She said that, in spite of the inconveniences, most of the stand-by travelers manage to stay in good spirits. These included two girls who stripped to their bikinis in the garden area yesterday and took sun baths.

HISTORY OF RESPONSIBLE FISCAL ACTION

Mr. MOSS. Mr. President, the final budget results of our Government for fiscal year 1966 are heartening—to both the Congress and the American people. The administration's diligence in keeping Government finances appropriate to the national needs has been amply demonstrated. Budgetary stimulus was provided in past years, when needed; now, restraint is being employed when the need for such action is appropriate. For example.

In 1964, our budget deficit was more than $8 billion, when more than 5 percent of our labor force was unemployed.

In 1966, our deficit dropped to $2.3 billion, as we increased employment until now we have only about 4-percent unemployment.

I think the means employed to exercise restraint are as laudable as the end result:

First. Because the administration's earlier economic policy choices were sound, the economy advanced rapidly—producing higher revenues as it went.

Second. Even though Defense spending unavoidably increased by $1.1 billion since the January budget estimate, total expenditures rose less than one-half billion dollars. This was accomplished by reducing nondefense expenditures by about $600 million.

Third. Finally, the choice of program reductions in the civilian agencies were as appropriate to the needs of the Nation as the reduced deficit is to the requirements of the economy. We did not ignore the hopes of our disadvantaged citizens for a better future. The Office of Economic Opportunity, the Department of Health, Education, and Welfare, and the Department of Housing and Urban Development spent nearly $9½ billion in 1966—$120 million more than the amount estimated last January, and $3.2 billion more than in 1965.

In retrospect, I think we can rightly conclude that the 1966 budget advanced the needs of the economy as a whole, and the opportunities of its individual citizens as well. We may be certain that the budget for the current fiscal year is as well conceived.

AMERICA AS A PACIFIC POWER—WHAT ARE THE FACTS?

Mr. GRUENING. Mr. President, in a column of characteristic lucidity, that distinguished columnist, Walter Lippmann, sets straight the historic record of the U.S. concern for an activity in the Pacific. As there is much misconception concerning the why and wherefore of our current involvement in southeast Asia, it is well that some of the background and origin of what is going on there be spelled out and clarified. Therefore, I ask unanimous consent that Walter Lippmann's column from the Washington Post entitled "America as a Pacific Power," be printed at this point in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

AMERICA AS A PACIFIC POWER

(By Walter Lippmann)

Recently the White House has been pushing the notion that we now have a President who is ready to meet our obligations as a great power in the Pacific. In the President's speech at White Sulphur Springs on July 12, he said that his critics are opposed to the "determination of the United States to meet our obligations in Asia as a Pacific power" and "claim that we have no business but business interests in Asia; that Europe, not the Far East, is our proper 'sphere of interest.'" This line of talk does nothing to clarify and everything to befuddle the discussion of high policy.

For the historic truth of the matter is that the United States began to play the part of a great power in the Pacific long before it began to recognize a vital interest across the Atlantic. Since the beginning of the Republic—since the days of the clipper ships in the China trade and the opening of Japan more than a century ago by Commodore Perry's naval ships—the American nation has maintained and expanded its presence in the Pacific. We bought Alaska, we annexed Hawaii, we occupied the Philippines. Indeed, American isolationism, which stems from President Washington and was formulated in the Monroe Doctrine, has always been directed against Europe.

Nor has the United States defaulted on its obligations as a Pacific power. We became involved in the Second World War by the Japanese attack on Pearl Harbor, and the reason for that attack was our refusal to give Japan a free hand in the conquest of China and of southeast Asia. In the light of the historic record, it sounds strange indeed to be told that there is a new revelation at the White House about our obligations and our role in the Pacific.

The President himself served in the Pacific war, and his feeling that his critics today are interested only in Europe is almost certainly an echo of the great debate during the war about the strategy of "Hitler first." In that debate Churchill and Roosevelt prevailed over General MacArthur and Admiral King, and gave first priority to the war in Europe. This was deeply resented by the so called "Pacific firsters." But the record shows that Churchill and Roosevelt were right. Not only was Nazi Germany a more dangerous enemy than Japan, but in Europe we had a formidable ally in the Soviet Union, already at war with Hitler and probable enemy of Japan.

Many of the critics of the Johnson policy in Vietnam today were strong supporters of the Churchill-Roosevelt strategy in the World War. To say that they do not care about Asia and are interested only in Europe is, to put it mildly, uninformed nonsense.

The critics of President Johnson's conduct of the Vietnamese war hold that by involving the United States in a great land war in Asia, he is breaking with the fundamental conception of America's role as a power in the Pacific and in the Far East. They do not regard the Korean war, which was a fairly big Asian land war, as a precedent which justifies the abandonment of the established American doctrine. For the Korean war, unlike the Vietnamese, was authorized by the United Nations and was participated in by 17 nations of Europe and Asia. It nevertheless came close to being a great military disaster, and was finally brought to an end by a compromise peace without victory.

Moreover, it was brought to an end by General Eisenhower who was educated in the American tradition against land wars in Asia, and as President, consistently refused to commit American troops to fight on the mainland. President Johnson has broken with this American tradition in order, as he supposes, to carry out our obligations as a great power in the Pacific. Twenty months ago, when he was campaigning against Senator Goldwater, Mr. Johnson was still talking about not sending "American boys" to fight "Asian boys."

On top of the strategic error of involving ourselves in an Asian land war, the President has piled the political error of insisting that the formulae for making peace are the same in Asia as they were in Europe when Hitler erupted. They are not the same. The European problem in 1939 was posed by the attempted conquest by the Nazis of the old established nations of the European continent. The Asian problem today rises from the militant Communist social revolution which has been sweeping the undeveloped and backward parts of the earth.

Insofar as there is any analogy between our problem in Asia today and our problem in Europe, it is not that we are facing a case of aggression as with Hitler, but that southeastern Asia and China are in the throes of a revolution today as was the Soviet Union after 1917. The threat of Communist expansion into Western Europe was dealt with without fighting a land war in Eastern Europe.

A serious debate about high policy in the Pacific is very much needed. But there will be no such debate if the President continues to befog the question by saying that his critics want "to ignore threats to peace in Asia." If he reduces the discourse to that level, there will not be a serious debate.

DEDUCTION OF EDUCATIONAL EXPENSES FROM INCOME TAX PAYMENTS

Mr. TOWER. Mr. President, I rise today in protest to the proposed ruling by the Internal Revenue Service which would deny deduction of educational expenses from individual income tax payments.

For more than 20 years, the teachers of our Nation through the National Education Association and Texas State Teachers Association have fought to win recognition of the tax deduction procedure. This policy has been accepted in principal by the Treasury Department since a ruling on the subject in 1960. It certainly seems strange to me that all of a sudden, this policy is no longer acceptable to those who set the policy.

The effect of this ruling, if applied to teachers, will be detrimental to the schoolchildren of this Nation. The ruling will certainly discourage teachers from seeking additional training which they constantly need to keep abreast of latest educational developments in their field of specialization.

In my State of Texas, out of 112,000 teachers, approximately 26,000 are attending summer school in order to upgrade their competency, thus benefiting their pupils. This is a remarkable record. Over one-fourth of the teachers each year, at their own expense in time and money, are enrolled in summer programs.

Another 200 or so Texas teachers are engaged in educational travel to improve their understanding of the culture and language of other countries, thus making them better teachers.

Such practices should be encouraged, not discouraged, by short-sighted policies of an administration that, on the one hand, talks about upgrading American education, and on the other hand places obstacles in the teachers' path toward excellence. In the long run the children in our schools who are our future citizens will pay the penalty for this arbitrary action of the Internal Revenue Service.

The Nation will be better served if, instead of Federal control of education which is becoming increasingly apparent as the objective of the U.S. Office of Education, we use sound tax policies to encourage states and individuals to invest their own resources into improving educational quality. Certainly permitting teachers to deduct the expenses incurred in improving their educational competence is justified in light of the far-reaching value to the Nation that such a policy will produce.

For many months now we have been concerned about the consequences of inflation. We have clearly recognized the most apparent manifestation of inflation—the cost-of-living increase that is running at about a 5 percent annual rate now.

Everyone has found that it costs more than it used to for food, clothing, and other necessities. And, it has become obvious that the unwise, deficit spending of the Federal Government is the principle cause of this inflation.

However, we now have skidded into added inflationary troubles—troubles not so readily apparent, but, if anything, more serious than the progressive price increases on retail goods. We now are seeing the first seeds of the recession threat which is part and parcel of any serious inflationary trend. And, we are seeing some unusual, hectic scrambling by the Federal Government in its attempts to fight inflation without really admitting that there is inflation.

Certainly, teachers cannot be regarded as the persons causing inflation. Yet, teachers find themselves singled out to suffer.

Here's how it happened.

You will recall that there has been considerable talk in Washington of increasing taxes to fight the high cost of living. The Federal Government, rather than cut back its own unnecesary spending, has hit on this method—even though a tax increase would simply further increase the American family's cost of living.

Since the logic of raising the cost of living to fight the rising cost of living has been somewhat lost on the taxpayers, the Internal Revenue Service has had to cast about for some way to increase taxes without calling it a tax increase. One way it found to do this was the curtailing of customary tax deductions which our tax laws provide many classes of citizens for many different reasons.

It was this attempt at a hidden tax increase which caught our teachers.

The Internal Revenue Service has decided that contrary to past practice, contrary to reason, and contrary to the intent of Congress teachers will no longer be allowed tax deductions for study courses they take to improve their teaching qualifications.

Both the Texas State Teachers Association and the National Education Association have protested this arbitrary Federal tax action, pointing out that the curtailment would wipe out 25 years of programs aimed at encouraging and helping our teachers to train themselves so they may better train our children.

Thus, we see surprising and shocking consequences of our inflation. Because of inflation we find our Federal Government actually discouraging teachers from improving their teaching knowledge and from undertaking educational travel.

Let it be noted also that this curtailment of tax deductions for education expenses also will strike at other Americans such as doctors, lawyers, dentists, accountants, and skilled technicians.

I have called on the Internal Revenue Service to reverse itself and to restore the education-expense deductions. There is no doubt we have inflation, but teachers are not to blame and should not be singled out as victims.

Therefore, Mr. President, it is certainly in order that we here in the Senate now proceed to give careful consideration to two measures, S. 3581 and S. 1203, which I have cosponsored, giving the teachers a legal safeguard for their tax deductions and credits.

This legal guarantee is made necessary by the proposed rules change in the recent IRS ruling. This ruling will result in much confusion among the teachers of the Nation as to just what their rights are; let us say here and now that we approve of giving tax-credits to teachers so that they might further their educational skills and that the education of our Nation might thus benefit.

Mr. President, I have long supported the tax credit program for teachers. If it had not been for a ruling by the IRS giving the teachers certain rights in 1958 and again in a supplemental ruling of 1960, we would have had a bill long before now to do just that. We have thus learned the hard way that legislation of this nature is needed if the teachers are to be able to plan ahead, knowing that once they are in school, they will be able to deduct their expenses. This measure will provide equal treatment for all teachers and they will not have to come to the Federal Government for a handout. All universities will benefit as will all school systems, without the fear of losing a Federal grant or of complying with sometimes harassing regulations.

In closing, may I point out also that I and many other Senators remain of the opinion that a further education tax credit is vital for all American taxpayers for all of their education costs from elementary school through college. Each American taxpayer should be granted tax relief so that he can apply more of his funds to education, rather than to taxes.

In this way we can take a major step toward meeting the financial needs of our schools, while maintaining the local, State, and institution control we all regard as so important.

MEDICARE ELIGIBILITY REQUIREMENTS IN THE DISTRICT OF COLUMBIA

Mr. BREWSTER. Mr. President, one of the responsibilities of the Senate is to act as a local legislature for the District of Columbia. Until home rule is granted, this is a responsibility we cannot avoid. But the inaction of this Congress on a bill which is of vital importance to our "other constituency"—Washington, D.C. residents—is keeping thousands of local residents from obtaining badly needed medical assistance.

I am referring to Senator Morse's bill S. 3469, which would make certain changes in the eligibility requirements for medical aid. By making these minor changes, the District would qualify for participation in title 19 of the Medicare Act. But this Congress must pass the enabling legislation to permit the District Commissioners to make these changes. Maryland and many other States have already developed programs under title 19.

Participation under 19, as a recent article in the Washington Star pointed out, would make 40 percent of the District population eligible for assistance with burdensome medical expenses. A family of four with a gross income less than $4,800 a year would be eligible for this assistance.

Part of the cost would be paid out of the District government's funds, and the rest would come from matching "medicaid" grants from the Federal Government. But unless we act on this enabling legislation, the District of Columbia will not be able to participate fully. And unless District participates fully, many thousands of residents—including many children—will go without the medical care they need.

I urge my colleagues to give this matter some attention this session, and not to leave their Washington constituents without medical care for another year.

MEMORIAL SERVICES FOR WORTH BINGHAM

Mr. COOPER. Mr. President, this afternoon a short memorial service was held at the parish house of St. John's Episcopal Church for Worth Bingham, the son of Mary and Barry Bingham of Louisville, who was killed in an accident last week.

I saw Senator DOUGLAS there, and my colleague Senator MORTON, and Senator BAYH and Senator CLARK—and many young friends of Worth Bingham from the news field and from government.

Robert Riggs, bureau chief of the Courier-Journal and Louisville Times told of Worth's 2 years in the bureau here, his seasoning in government and political reporting, and then he read Worth's obituary, which had been written by the Louisville papers' executive editor, Norman Isaacs.

Ward Just, of the Washington Post, read from some of Worth's editorial essays, fine pieces, human and rememberable pieces.

We heard another obituary from the Kentucky Irish-American—a unique example of personal journalism—read by Clayton Fritchey. It was written by Mike Barry, and it had that Irish keening to it.

Walter Pincus of the Washington Post told us that an annual prize is being established in Worth's name for Washington reporters who do an exemplary job of disclosing congressional or executive waste. Worth won a high award for a series like that when he was a Washington reporter.

Then it was over—a short service. We will grieve for a longer time, but we will remember Worth Bingham.

CAPTIVE NATIONS WEEK

Mr. RIBICOFF. Mr. President, each year at this time we observe Captive Nations Week. With sadness we direct our thought to the oppression that hangs over many nations of the world. With admiration we recognize the spirit of freedom that continues to inspire people, though they live under the yoke of Communism.

The history of the Eastern European countries is the story of people struggling for freedom and independence. Yet, today a hundred million people are denied the right of self-determination. They cannot speak or publish the thoughts that hold meaning for them. Many cannot worship as they choose.

We are deeply concerned about the fate of these millions of people. As a Nation, we are dedicated to the ideas of freedom and justice, and it is our solemn hope that these may also serve as a guiding principle for the captive nations in the years ahead.

OHIO'S UNEMPLOYMENT COMPENSATION FUND

Mr. LAUSCHE. Mr. President, in the Cleveland Press issue of Saturday, July 16, 1966, in the column of Richard L. Maher appears the statement:

> Ohio's unemployment compensation fund, the barometer of the state's economy, was near bankruptcy 3½ years ago.
>
> Today the fund is up to $434,000,000 and is approaching a point where it is possible that a cut in the rates assessed employers can be made.

I call especial attention to that statement of Mr. Maher "that a cut in the rates assessed employers can be made."

I hope ardently that no cut in the assessment will be approved either by administrative or legislative action.

While I was Governor with a smaller population and a lesser scale of wages, the fund hit the all time high of $679 million. At that time representatives of industry and leaders of labor unions proposed that a rebate of approximately $70 million be made to the employers. I opposed the proposal; however, in the end agreed that one-half of the amount be rebated. The legislature went beyond my recommendation and authorized the total requested rebate of $70 million. By March 1963, the fund had dropped from a high of $679 million to the sum of $68 million necessitating legislative action upping the rates to employers.

This fund should be kept amply large to insure that any future lack in employment will not deplete the fund to the dangerously low proportionate levels that they reached in 1963. If a mistake is to be made, the fund should be kept too high rather than too low.

Mr. President, I ask unanimous consent that the column of Mr. Richard L. Maher under the title "Jobless Fund at $434 million; Cuts Seen" be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

JOBLESS FUND AT $434 MILLION; CUTS SEEN

(By Richard L. Maher)

Ohio's unemployment compensation fund, the barometer of the state's economy, was near bankruptcy 3½ years ago.

Today the fund is up to $434,000,000 and is approaching a point where it is possible that a cut in the rates assessed employers can be made.

In March 1963, the fund had dropped to $68,000,000. BUC officials were afraid that it was approaching a point which might endanger payments to the jobless.

The Legislature upped rates to employers. Within a year $60,000,000 had been added to the fund.

BUC Administrator Willard Dudley says that the minimum safe level for the fund is $377,000,000. When the fund passes that mark, the state can consider lifting the additional half of 1% increase imposed by the lawmakers in 1963.

A year ago Dudley estimated that if collections continued at the then current rate, the fund would reach $377,000,000 by July 1. The growth has been faster than he anticipated. If it continues to grow until Jan. 1, employers can look for a rate reduction.

In March, 1963, there were 148,000 workers drawing compensation. Today the figure stands at 20,000.

The $434,000,000 figure is not a record. In 1954, the fund hit $679,000,000. In nine years, $601,000,000 of that surplus was paid out.

AN OPEN LETTER FROM CHICAGO

Mr. BYRD of West Virginia. Mr. President, a column by Paul Harvey, titled "An Open Letter From Chicago," appeared in the Wheeling, W. Va., News-Register of July 19, 1966. I ask unanimous consent that this interesting conversation piece be inserted in the RECORD at this point.

There being no objection, the column was ordered to be printed in the RECORD, as follows:

CONVERSATION PIECE: AN OPEN LETTER FROM CHICAGO

(By Paul Harvey)

DEAR DIXIE: Can you possibly find it in your heart to accept our sincere apology? When there was race rioting in Little Rock, Arkansas, we were convinced that the cause was callousness. Our public officials and our press in Chicago insisted that the only two reasons for Negro restiveness were your segregated schools and your stubborn governor. We in Chicago, with integrated schools and a very liberal governor are now writhing in the agony of race rioting. And as we seek to set our house in order, we hope your headlines will be kinder to us than ours were to you.

And when a Mississippi Negro boy was found drowned, we in Chicago called this the "inevitable result of a white-supremacy tradition." Now a Negro girl, 14 and pregnant, has been shot to death on the front porch of her own home in Chicago—and we are confused and ashamed—and frightened.

What are we doing wrong that has made eight square miles of our city a battleground? Help us, if you can find it in your own hurt heart to help.

And Alabama, when your state police were photographed subduing rioters with night sticks, Chicago's bold-face front pages condemned you for "indefensible brutality." Now Illinois State Police have resorted to armored cars and cracking skulls and shooting to kill. . .

Your governor has alleged that "Communists are fomenting this strife." We scoffed.

Now 13 Negroes on Chicago's West Side have been charged with "plotting treason." We are sweeping admittedly Communist literature from our littered streets.

Forgive us for not knowing what we were talking about.

Georgia: When you were photographed in the act of turning back crowds of marching children—we could not control ourselves. "The very idea," the Chicago press editorialized, "that youngsters should be considered a menace sufficient to justify the use of tear gas!"

Now, in our own asphalt jungle, we have seen Negro youngsters of 9, 10, 11—advance on police with drawn guns or broken bottles—screaming, "Kill Whitey!"

And we used gas and clubs and dogs and guns and, God forgive us, what else could we do! Can you, Georgia, forgive us, too?

We tried the patience we had preached. Honest, we did. We tried so desperately that seven policemen were shot the other night, two of them through the back. So, in the end, we resorted to methods more brutal than yours. But, don't you see, we had to!

And our mayor listened to the Negroes' leaders, as he so often admonished you to do. He had listened, he had made compromises and concessions and he had offered sacrificial police officials and school officials—but they kept coming from so many directions with so many demands—and then—demanded to keep the fire hydrants gushing for their playing children during the city's most critical drought—

Dear Dixie, perhaps we have not yet learned fully to appreciate what you have been trying to do to effect evolution without revolution—but for whatever belated comfort it may be, from our glass house we will not be throwing any more stones at you . . . for a while.

AUTO SAFETY LEGISLATION

Mr. GRIFFIN. Mr. President, earlier today I addressed the International Platform Association which is meeting in the Nation's Capital. I ask unanimous consent that the address be printed in the RECORD.

There being no objection, the address was ordered to be printed in the RECORD, as follows:

REMARKS BY U.S. SENATOR ROBERT P. GRIFFIN BEFORE THE INTERNATIONAL PLATFORM ASSOCIATION, WASHINGTON, D.C., JULY 21, 1966

Members and friends of this great Association: Following Ralph Nader on the subject of auto safety is not exactly an enviable assignment. It's a bit like trying to succeed Jimmy Brown as fullback for Cleveland.

It is safe—at any speed—(I think) to say that there is no one—anywhere—who deserves more credit than Ralph Nader for stirring up public interest and generating legislative support for auto safety legislation—no one, that is, unless it might be the General Motors executive who put the private detectives on Mr. Nader's tail.

Let me make it clear at the outset that I am not an automotive engineer; I am not an expert on auto safety; in fact, I'm not even a member of the Commerce Committee which handled the auto safety legislation in the Senate. However, as the junior Senator from Michigan, I am very proud of the automobile as the major product and the symbol of progress of my great State.

I do not come here to apologize for automobile manufacturers, and why should I? The Board Chairman of the Ford Motor Company is an active supporter of one of my opponents in the current Michigan campaign battle that involves my political life.

You may wonder about my credentials if you are aware of the fact that I was one of only six members of the House (the only one from Michigan) to vote against reducing the auto excise tax in 1965. However, in view of the situation facing us in Vietnam, I felt we had no business reducing the level of federal revenues. Later, you will recall, President Johnson changed his mind and called on Congress to restore the excise tax cut. Let me emphasize that I would have been glad then, and certainly I would be delighted now, to substitute a general revenue measure of some kind for the very discriminatory auto excise tax which operates as a special burden on my State.

I grew up in the family of an automobile factory worker in the Detroit area, and I worked on the automobile assembly lines myself to earn enough money to go to college. I suspect that my background may have something to do with the resentment I feel when sweeping charges are thrown out against the quality and safety of American-made automobiles. To be sure, the indictments are aimed primarily at corporate executives, but they also prick the pride of thousands of automobile workers who put those automobiles together.

Regardless of what the program for this meeting may seem to suggest, I am not here to debate Mr. Nader on the need or the merits of auto safety; and I see little point in haggling at great length about the record of previous neglect.

Arguments can be made about who should bear the most blame for the alarmingly high rate of auto accidents and injuries—the auto manufacturers, the highway builders, the drivers, the State and local governments, or the Federal Government. Frankly, I think there is more than enough blame to go around.

I believe it is important to focus on the meaning and impact of safety legislation from the viewpoint of a balanced recognition that, although there are some shortcomings in the modern automobile, those shortcomings are but a part of a total problem.

The problem of traffic safety has been with us since the first recorded traffic fatality in 1899. In the 1950's the dimensions of the problem attained frightening proportions. It has been pointed out that more people are killed in one year in automobile accidents than were killed in the entire Korean War.

In 1965, more than 2,100 people died in the State of Michigan in automobile accidents. Another 156,000 were injured.

This shocking increase in traffic accidents finally led to important moves. It precipitated a series of hearings by Congressional committees, it sparked action by the automobile industry and by its critics such as Mr. Nader—and this activity is now culminating in the legislative measures we are so interested in at the present time.

In our discussion today, I think it is important to focus on the broad and growing *agreement* that has developed on the subject of automotive safety—agreement which is shared by an unusual cross-section of opinion, both inside and outside of government. Almost everyone now agrees that effective government action must be taken on a broad front to curb accidents, injuries and death on the highway. And, almost everyone seems to agree now that the Federal Government—as well as State and local government—has a vital role to play.

Indeed, the extent of agreement on this subject was indicated when the comprehensive auto safety legislation passed by the Senate last month was highly praised by President Johnson, by Senator RIBICOFF, by leading spokesmen for the automobile industry—and it even came in for a bit of praise from Mr. Nader himself. Where can you find a better "consensus" than that?

The Traffic Safety bill of 1966 and the Highway Safety bill of 1966 are milestones in safety legislation. And they result from more than a decade of discussion, investigation, hearings and consideration. Those who have contributed toward bringing these laws about are to be complimented.

Socrates once said that he regarded himself as a gadfly and the State as a noble steed that occasionally had to be stung into action. Perhaps Mr. Nader has been the gadfly that has been needed to sting the nation and the automobile industry into action.

The Senate has already passed two wide-sweeping bills. One deals with Federal standards for safety performance of vehicles. The other very important (but less publicized) bill deals with the road, the driver, law enforcement, highway lighting, uniform markers and signals and auto inspection. Similar bills are now pending in House committees and should reach the House Floor in the next few weeks.

There is widespread agreement regarding the Traffic Safety bill of 1966, but I am concerned that there may be disappointment with the results of it. Traffic safety *does* involve far more than the vehicle itself. As with most social problems, a single factor is not solely responsible.

There is danger, in my opinion, that overemphasis in the public mind on one feature of the total problem will build expectation out of proportion. Treatment of one factor alone will not solve the problem.

It may be true that safety has not been the only—and perhaps not the major—consideration in the design of automobiles. Businesses do operate for the purpose of making a profit—and profit is made by efficient production and volume sales.

Products are sold through their appeal to the people. Most people—for better or worse—have wanted style and horsepower in their automobiles. Unfortunately, too few people have considered safety as a key factor in the decision to purchase an automobile.

Yet, aside from a few regrettable instances of stupid advertising, the auto industry has not been irresponsible. One need only to consider what the industry could have done with the speed and power of the automobile—or what it could have failed to do in respect to safety—to realize the many positive safety accomplishments have been made.

To say the least, the automobile industry is a vital factor in the American economy. Furthermore, I think it is important to recall that the automobile has played a large role in the social revolution that has taken place in modern America. Through the automobile industry's ingenuity and efficiency, we have developed revolutionary techniques of mass production; we have made available an enormously complex product at a relatively low cost to most people; we have developed a working force that is well paid and technically sophisticated. These significant accomplishments are the envy of the world and we should look upon them lightly.

There is a need, I think, to make sure that the public receives the maximum increase in safety for each dollar spent—and that the cost increases involved in every proposed safety regulation will be justified in terms of actual improvement in automotive safety. As the government issues each new auto safety regulation, it is important to realize that the bureaucracy will be intervening in the operations of the number one consumer industry in the United States. I believe good and sufficient reason has been shown for the Federal Government to intervene—but it is exeremely essential that the responsible government officials have a full awareness and understanding at all times of the economic and social impact of each action that is taken or proposed.

In Michigan alone, the automotive industry *directly* employs 407,000 workers. It accounts—directly—for 17 percent, or roughly $4 billion of the personal income received by Michigan residents. In the Nation as a whole, the auto industry is responsible, directly and indirectly, for the employment of one out of every seven persons in the labor force.

Any responsible person should think long and hard before attempting to make the automobile industry the scapegoat for a complicated social problem. For, if we punish the industry haphazardly, or if we cripple its efficiency needlessly, we will only punish ourselves.

Because the Congress has recognized that vehicle safety is only a part of the answer, it passed the Highway Safety bill of 1966 which addresses itself to other factors in the total, complex problem. Although the general public has heard little about it, the Highway Safety bill was companion legislation which is likely, in the long run, to prove to be of more importance than the auto safety bill.

The Highway Safety bill and the Auto Safety bill form a two-pronged attack to deal with the four major elements in the safety problem—the driver, the roads, law enforcement, and the car. Together, these two pieces of legislation comprise a balanced and unified systems approach to the total problem.

It is essential to realize that unwise administration of our safety efforts can result in serious damage to the automobile industry and to the economy of the nation as a whole. It is critically important, for example, that basic engineering changes which may be ordered to improve safety characteristics of vehicles be announced with sufficient lead time to allow manufacturers to phase the new designs into their model change-over schedules. If Government officials should blithely ignore the realities of production scheduling, thousands of workers could be thrown out of their jobs needlessly.

Under even the wisest guidance, safety will cost money; and each new addition of cost will eventually be borne by the consumer. To be sure, many safety features will cost relatively little; and manufacturers have been installing new features with each new model change. It is important to realize that if basic engineering changes are ordered they will, undoubtedly, add appreciably to the price of the automobile. This factor should be taken into consideration by those who will administer this program, and every reasonable opportunity should be afforded the industry to put required changes into effect at a reasonable cost to the consumer.

From the standpoint of the national interest, progress on traffic safety cannot take place in a vacuum. There must be a balance and a recognition of the legitimate interests of the automobile industry, its thousands of workers, and the millions of other Americans whose livelihood depends on the automobile.

There may be some who would actively favor a decline in U.S. automobile production and consumption. There are probably others who would demand that production be limited to crash-proof cars—never mind the cost. But neither of these objectives is the intended goal of the legislation which Congress is now in the process of enacting.

As approved by the Senate, the Traffic Safety Act of 1966 explicity requires the Secretary of Commerce to consider whether a proposed safety standard is "reasonable, practicable and appropriate." The criteria to be applied, according to the Senate Committee on Commerce, include "cost, feasibility and leadtime."

The companion bill, Highway Safety Act, authorizes research and development in highway safety systems—with attention directed to characteristics of the vehicle, highway and driver, communications, accident investigation methods, and care and transportation of the injured. It provides Federal assistance for State motor vehicle inspection and driver education programs. It sets up an advisory mechanism to recommend Federal standards for State highway safety programs.

And it authorizes funds necessary to put these improvements into effect—$160 million to assist the States over a three-year period—$55 million for research—$15 million for motor vehicle inspection programs—$70 million for driver education—and $160 million for community safety programs.

The Highway Safety bill of 1966 is comprehensive legislation for a comprehensive social problem. Its results will depend upon the efficiency of the research, the willingness of officials to translate knowledge and standards into effective action and, finally, the cooperation of the public.

The importance of cooperation by an informed public cannot be stressed too much. A free people must bear a responsibility for their freedom.

It might be possible to sit idly by and permit an all-embracing, unbridled bureaucracy to promulgate rules and regulations for all aspects of our behavior which might "solve" most of our social problems—but not without the loss of our freedom.

The crises in traffic safety is part of a total problem which includes personal irresponsibility in our society. Irresponsibility plays a large role in the misuse of the modern miracle of technical and scientific ingenuity—the automobile. The automobile is, and will remain, a powerful instrument. But it is—and despite our laws it will remain—a dangerous, a lethal weapon in the hands of those who have no respect or concern for the rights of others.

Obviously, there are many facets and many approaches to this complex, growing problem of safety. I am convinced there is hope for great improvement if we keep this immense challenge in perspective. If we do not approach it from that standpoint, then there is danger that we will only fasten upon a scapegoat and drive it into the desert. That course may provide a way to vent anger or to secure emotional release, but the problem, its causes and its effects will still be with us.

Thank you.

BRITISH CRISIS: U.S. RESPONSIBILITY FOR NEW CONTROLS

Mr. HARTKE. Mr. President, during recent weeks, Britain has once again entered a period of acute financial crisis. The parity of the pound and the stability of the present international monetary system have once again been called into question. On Wednesday, July 20, Prime Minister Wilson moved to meet this crisis and preserve the pound by setting in motion the most severe restrictions on British economic activity since the rationing of the immediate post-World War II period.

The extent and depth of the British crisis can be measured by the fact that Mr. Wilson has instituted a system of price and wage controls throughout the economy. Balance-of-payments figures have a way of appearing abstract and distant from the lives of ordinary men and women. But the action that Mr. Wilson has taken demonstrates dramatically—to Americans as well as to Britons—the all-pervasive impact of a real financial crisis.

Mr. President, I cannot express too strongly my distress and sympathy at the lengths to which the British Government has been driven in the current crisis. This is not only because in our interrelated free world economy, deflation and recession in one country threatens the prosperity of every other country. It is also because of the role of American authorities in bringing this British crisis to a head. Nearly 1 year ago, I joined with my distinguished colleague, the senior Senator from Minnesota [Mr. McCarthy] in a joint statement to the Interantional Finance Subcommittee of the Senate Banking and Currency Committee. At that time, we warned that too great a restriction on the outflow of U.S. dollars in a misguided effort to oversolve our balance-of-payments problem could have a disastrous impact upon the rest of the free world, above all upon Britain. "No doubt," we then said—

> that Britain's fundamental problem of uncompetitiveness in the world market can only be solved, over time, by Britain herself. But no doubt as well, that Britain must have the time—as well as the determination now manifest—to undertake the fundamental reforms modernization requires. . . . It is certain that the United States cannot afford to see Britain go under; it is equally certain that we cannot afford to contribute, in any degree, to Britain's present difficulties.

One year later, that danger we warned against has come true. Prime Minister Wilson began his speech to the House of Commons announcing the new restrictions with the statement that:

> Action taken by the United States' authorities to strengthen the American balance of payments has led to an acute shortage of dollars and Euro-dollars in world trade and this has led to a progressive rise in interest rates in most financial centers, and to the selling of sterling to replenish dollar balances.

What we do here in America does affect the world. It is to our own benefit to act correctly for all concerned.

Mr. President, I ask unanimous consent that the full text of Prime Minister Wilson's speech to the House of Commons, dated July 20, 1966, be inserted in the Record at the conclusion of these remarks.

There being no objection, the statement was ordered to be printed in the Record, as follows:

British Prime Minister's Statement in the House of Commons on the U.K. Economic Situation, July 20, 1966

Sterling has been under pressure for the past two and a half weeks. After improvement in the early weeks of May, we were blown off course by the seven week seamen's strike and when the bill for that strike was presented in terms of the gold and convertible currency figures in June, the Foreign Exchange markets reacted adversely. But there were deeper and more fundamental causes. Many have been at home and of these I shall speak in a moment. Several have been overseas. For several weeks past, there has been an increasing pressure on liquidity in the world's financial centres. Action taken by the United States' authorities to strengthen the American balance of payments has led to an acute shortage of dollars and Euro-dollars in world trade and this has led to a progressive rise in interest rates in most financial centres, and to the selling of sterling to replenish dollar balances. Last Thursday action was taken by the Bank of England to raise its discount rate and to double its call on the clearing banks for special deposits. On that day, I informed the House that I would shortly be announcing further measures to deal not only with the short-run pressure on sterling, but also with the underlying economic situation.

Action is needed for the purpose of making a direct impact on our payments balance, and particularly on certain parts of our overseas expenditure which in recent years has been growing rapidly. Action is needed equally, to deal with the problem of internal demand, public and private, and to redeploy resources, both manpower and capacity, according to national priorities and check inflation.

Exports until the seamen's strike have been rising. By value in the first five months of this year they were 9% higher than in the same period last year. By volume, the increase over the same period last year was 6%, a rate of increase higher than that laid down in the National Plan. But, abundant market opportunities abroad for British products—which are competitive enough in terms of quality, performance and price—are being lost owing to the shortage of labour. Order books are too long, and delivery dates excessively protracted. Hours of work have been reduced and incomes have been rising faster than productivity.

What is needed is a shake out which will release the national manpower, skilled and unskilled and lead to a more purposive use of labour for the sake of increasing exports and giving effect to other national priorities.

This redeployment can be achieved only by cuts in the present inflated level of demand, both in the private and public sectors. Not until we can get this redeployment through an attack on the problem of demand can we confidently expect growth in industrial production which is needed to realise our economic and social policies.

I will begin with the measures needed to restrain private demand at home. The economy is carrying too heavy a burden of production financed by hire purchase, which means that too high a proportion of today's production is being paid for by a mortgage on tomorrow's earnings.

My Rt. Hon. Friend, the President of the Board of Trade, has today made orders, which will come into effect at midnight tonight, tightening up still further the regulations governing hire purchase. The down payment on cars, motor cycles and caravans is raised to 40% and the repayment period shortened to 24 months. The down payment on domestic appliances is raised to 33⅓%: the repayment period remains at 24 months. There is no change in the present regulations for cookers and water heaters. Corresponding changes are made in the regulations governing rental payments. It is estimated that this will cut hire purchase borrowing by £160 million.

This of itself is not enough. The Government have therefore decided to activate the regulator created under Section 9 of the Finance Act of 1961, renewed insuccessive Finance Acts and given greater flexibility in Section 8 of the Finance Act, 1964.

The Treasury has today made an Order, the effect of which is to put a surcharge of 10% on the duties on beer, wines and spirits: on hydrocarbon oils, petrol substitutes and power methylated spirits: and on purchase tax.

I wish to make it clear that in the case of purchase tax the increase is the equivalent of 10% of the existing rates. Thus for goods now chargeable at 10% the new effective charge will be at 11%: for goods chargeable at 15% it will be 16½%: and for goods chargeable at 25% it will be 27½%. The surcharge will take effect from midnight tonight.

Its effect will be further to increase the revenue at the rate of about £150 million in a full year. This is a net figure after allowing for the effect of the hire purchase proposals and for the additional export rebate which will become payable following the increase in oil duty and purchase tax.

The increase in the duty on petrol and derivatives will, following the precedent set last year, be refunded to bus operators. The necessary administrative arrangements will be made as soon as possible and Parliamentary authority sought in the ordinary way. In addition a further £20 million will be taken out of the economy as a result of changes announced today by my Rt. Hon. Friend, the Postmaster General, in certain postal and telecommunications tariffs: parcels, registration and overseas rates will be increased from 3 October. The telecommunications changes affecting certain call charges will involve no net increase in Post Office revenue but will be designed to rationalise changes on a basis more closely related to costs. These will take effect from 1 January next. In addition my Rt. Hon. Friend will be requiring a year's rental in advance for new telephones instead of a quarter's rental as at present. This will apply to orders accepted from tomorrow. Details will be published in the official report and are now available in the Vote Office.

In the field of direct taxation the Government propose that a one-year surcharge of 10% be imposed on surtax.

This will be levied on surtax liabilities for 1965/66 for payment on 1 September, 1967. The necessary legislation will be introduced in next year's Finance Bill. The extra yield is estimated at £26 million.

These measures on private current expenditure will be reinforced by action to restrain private sector building outside the housing and industrial fields and outside the development areas. The Government has decided to intensify the control on less essential building work and thus to reinforce the priority accorded to building programmes in the fields of housing, schools, hospitals—and new factories. When the Building Control Bill now before Parliament receives the Royal Assent, the Minister of Public Building and Works will make an Order reducing the cost limit above which a project is subject to control from £100,000 to £50,000. The Order will require an affirmative Resolution by both Houses. As before, this control will not apply in the development areas as now defined. With a cost limit of £100,000 the control would affect about 500 projects worth £180 million in a year. The lowering of the limit to £50,000 will extend control to cover a total of about 1,000 projects worth £220 million in a year.

This will give the Government more power to adjust the volume of privately-sponsored construction work as the economic situation develops. Hitherto, approval has been withheld from less than 10% of the projects about which the Minister has been consulted, but it will be necessary to defer a larger proportion of privately-sponsored work in future. The lowering of the limit will give the Minister scope to concentrate the postponement control on less urgent smaller schemes instead of having to rely on deferring some of the larger projects which are more in the public interest.

This measure will be supplemented by a tighter control on office building.

My Rt. Hon. Friend, the President of the Board of Trade, has made an Order, coming into force at midnight, extending control of office building to the whole of Britain south of a line from the Wash to the borders of Hampshire and Dorset, by including within the control the whole of the East Midlands, West Midlands and Southeast region. Projects for building of more than 3,000 square feet of office space which were not the subject of an application for planning permission at the time the Order comes into operation will require an office development permit. In addition to tightening the control on building, this measure will reinforce those already taken by the Government for the prevention of undue congestion in these parts of the country and will supplement the strict policy which is being applied to the issue of industrial development certificates.

Now I turn to public investment programmes. The investment programmes in the public sector have been reviewed and the Government are introducing a number of deferment measures which will reduce demands on resources in this field by £150 millions in 1967/68, though these steps will also lead to significant reductions in demand in the current year. While they will involve forgoing for the present a number of desirable projects, they will be concentrated on those activities which are not vital to our production capacity and for the development of the economy as a whole. Housing, schools, hospitals, Government-financed factories built in development areas, including advanced factories, will not be affected.

On investment by central and local Government we are making cuts amounting to £55 million in 1967/68. This will mean cutting back projects designed to contribute to local amenities but which in present circumstances must be postponed without any setback to our major projects. This will cover such items as swimming baths and new local Government offices. The Covent Garden market project will similarly be deferred.

The programme for investment in nationalised industries has been carefully scrutinised to ensure that essential industrial investment within the public sector shall go on. Nevertheless, the Government are arranging in consultation with the Chairman of these industries for a reduction in the total demand on resources made by public industry investment to be reduced by £95 million in 1967/68. This is in addition to programmes which have fallen behind schedule owing to slippage in construction, or in the delivery by contractors of the necessary plant and machinery.

The measures I have so far announced, by reducing the level of demand within the domestic economy will make a vital contribution to our balance of payments by freeing resources, particularly *labour,* for work on exports and essential investment.

But this of itself is not enough. More direct action on the balance of payments is required.

In accordance with the policy foreshadowed in the Defence White Paper, we have been urgently reviewing how far we can make a major saving in overseas Government expenditure without altering the basic lines of external policy on which the Defense Review was founded. We have also reviewed the level of military and economic aid which we can afford next year. The Government have decided on firm programmes which will reduce our overseas Government expenditure, military and civil, by at least £100 million.

I will come in a moment to the cost of our forces in Germany. Elsewhere we are pressing ahead with measures designed to ensure a substantial and early saving compared with the present level of expenditure. Given an end to confrontation, the plans made by My Rt. Hon. Friend, the Secretary of State for Defence, during his recent visit to the area will secure a major contribution towards this saving.

As regards Germany, in the Defence White Paper published in February, we said that we thought it right to maintain our ground Forces in Germany at about their existing level until satisfactory arms control arrangements had been agreed in Europe provided, however, that some means was found for meeting the foreign exchange costs of those Forces. In my Rt. Hon. Friend's Budget Statement on May the 1st he made clear our intention to negotiate with the Federal Government a new settlement aimed at eliminating the foreign exchange cost of our troops in Germany. In a few minutes My Rt. Hon. Friend will be leaving for Bonn to continue these negotiations. In the light of these discussions, the Government will immediately consider what, if any, further action is called for including the question whether this would mean proposing forthwith through the prescribed NATO and W.E.U. procedures very substantial cuts in our Forces in Germany, sufficient to bring the foreign exchange costs down to the level covered by offset and other payments.

The figure of $100 million that I have mentioned includes, in addition to the savings on defense expenditure, reductions on military and civil aid expenditure and in the cost of our representation and information services overseas. Private overseas expenditure must also make its contribution. Expenditure on holiday travel outside the sterling area has been rising rapidly and the deficit on travel account with non-sterling countries has risen from £38 millions in 1961 to an estimated figure of £95 millions in 1966 and is expected on current trends to reach about £105 millions next year. We cannot allow this formidable deficit to go on mounting without restriction but the change requires consultation with the International Monetary Fund which we have initiated. For the twelve months starting on November 1 next, there will be a basic allowance of £50 per person for travel to countries outside the sterling area. This allowance will have to cover all the foreign exchange requirements of the traveller, whether paid for in sterling of a foreign currency, except for fares paid for in sterling. There will be special arrangements for business and health travel and for those who, instead of paying fares abroad, take their cars abroad.

From today up to October 31, the amount of foreign exchange which may be bought for journeys to be started during that period will normally be limited to £50 per person. Special arrangements will, however, be made for people who have already made their holiday bookings to acquire a reasonable amount of foreign exchange, and sterling payments through travel agents may continue to be made under existing arrangements.

The Treasury is announcing full details this afternoon.

On the positive side of encouraging tourist expenditure in this country, the Government have decided to introduce for an experimental period of one year in the first instance, a scheme under which development loan assistance can be offered for the building, expansion or modernization of hotels which can show that this will result in a significant increase in their earnings from overseas visitors. The President of the Board of Trade will be making a full announcement before recess.

There is another field of private overseas expenditure lying between current and capital expenditure, which has imposed an increasing charge on our balance of payments—the remittance of emigrants to non-sterling area countries. In addition to the genuine transfers of capital by emigrants, there has been evidence of evasion of the control of capital movements. We have decided that while the existing allowance of up to £5,000 in official exchange for each emigrating family should stand, any balance over and above this should be transferred through the investment currency market and not through the security sterling market. Also from today, the total amount which may be sent by way of cash gifts to residents outside the sterling area will be reduced from £250 a year to £50.

The net direct saving on our overseas payments from all these measures, Government and private, amounts to £150 m. This is a direct saving on our overseas outgoings and therefore on the balance of payments deficit. To sum up the measures that I have so far outlined, I estimate that they will reduce demand on the domestic economy by more than £500 m. This is in addition to the earlier budgetary measure by this Government reducing the pressure of demand in the private sector by over £700 m. They are in addition to the monetary policy which has been in force and which was reinforced by the three further measures announced last week. They are in addition, also, to the impact of this year's finance Bill yet to have its effect on the economy and which is due to reduce demand and which will extract a further £300 m. from the economy, with all that this means in terms of imports and of redeployment of labour towards exports and other essential industries.

In addition to the measures designed to reduce the domestic pressure, the economies in overseas expenditure, public and private, will, as I have said, make a direct saving of £150 m.

But the House will recognize that the whole operation stands or falls on the extent to which we can keep our costs and prices under control.

In recent years, money incomes have been increasing at a rate far faster than could be justified by increasing production: In 1965, we paid ourselves increases in money incomes of about £1,800 m. About £1,300 m. of this represented increases in wages and salaries. Over the same period we earned only £600 m. by way of increased production. These trends are continuing. The declaration of intent of 16 December, 1964, was a great landmark when for the first time in our history, employer, trade union and Government signed a compact designed to restrain the growth of incomes to a norm within the national capacity to pay. Yet ever since that time, wage increases have outrun the figure allowed for, and pre-empted the amount available for such increases for a considerable period ahead. The time has come to call a halt.

The Government are now calling for a six-month standstill on wages, salaries and other types of income, followed by a further six months of severe restraint, and for a similar standstill on prices.

Where a definite commitment already exists to increase pay or reduce hours, its implementation should be deferred for six months. New commitments should not be implemented during the rest of 1966 and in the following six months only if the grounds for exceptional treatment are particularly compelling. In this wait, it is intended to secure virtual stability in incomes for a period of six months followed by a limited growth of incomes in accordance with national priorities during the first six months of 1967. Thereafter, it will be essential to secure that the growth of incomes is resumed in an orderly manner in step with national output. The same principles apply to other types of money income. Companies, for example, must hold down their dividends during the twelve-month period.

The Government similarly call for a twelve-month standstill on prices of all goods and services, except to the limited extent that increases are necessitated by increases in the cost of imported materials, by seasonal factors or by the action of the Government for example through increased taxation.

It is not our intention to introduce elaborate statutory controls over incomes and prices. This is a situation in which the Government look with confidence to everyone concerned with these matters to act in accordance with the public interest. Many individual salaries and other forms of remuneration are fixed outside the normal process of collective bargaining. Here too the same cannons of restraint must apply. This applies also to emoluments of direction and high executives: companies will be required to publish details of these fees and salaries with comparable figures for the previous year.

Within the main field of collective bargaining we shall rely in the first instance on voluntary action. Nevertheless, in order to ensure that the selfish do not benefit at the expense of those who co-operate it is our intention to strengthen the provisions of the Prices and Incomes Bill. To speed its passage and to redefine the role of the National Board for Prices and Incomes, which will not hesitate to act within the powers it enjoys, or may further seek, to deal with any actions involving increases outside and beyond this policy.

The Government will be consulting the T.U.C., C.B.I. and other interested organizations on the detailed application of the standstill within the next few days and a White Paper will be issued in the near future.

The House will not under-rate the deep significance of what I have just announced, its implications for industry and the degree of cooperation and restraint which will be required on the part of those affected by it. But equally the House, and I believe the country, will recognize the urgency of these measures, if we are to get our economy into balance and to keep our costs under control.

I should not feel justified in making this demand on industry, if I did not feel we had done everything in our power to secure social justice in the broader fiscal and social policies of the Government. For no Government has the right to ask for restraint, still less for an effective standstill, unless it has done everything a Government can do to create a climate of social justice, which alone can justify such a policy. Inevitably today I have dealt with measures which, taken by themselves, involve restriction and restraint. But the House will realize that their whole purpose is to provide industry with the opportunity to achieve a major increase in productivity by streamlining production and labour utilization. They must be seen against a background of policies designed to speed the application of scientific methods and techniques—already well-known to progressive managers—to increase efficiency in private industry and in the public sector. Industry by industry, the Economic Development Committees are tackling the practical problems of raising efficiency and spreading knowledge of how performance can be improved in individual companies. Industry by industry—shipbuilding, printing, the docks, rail transport—the Government are engaged in urgent discussions designed to increase productivity and eliminate over-manning and restrictive practices. We have sought to proceed by voluntary agreement. Where this is not forthcoming, other action must be taken. The Government have indicated to all concerned its determination that the freight liner train service shall go ahead on the basis of open terminals.

The problems with which I have been dealing are problems that have beset Britain's economy virtually since the end of the war. The unsung achievements of keen executives and of hard-working responsible trade unionists, of inventive scientists and creative designers are all often overshadowed by attitudes of selfishness and indifference, of indolence and indiscipline on both sides of industry.

For while the Government can and must do all in its power creating conditions to lay down the rules within which the economy must operate, the determination and resolve which today's measures demonstrate must be matched by effort and endeavour on the part of the whole British people.

SUIT BY STATE OF DELAWARE TO HAVE "WINNER-TAKE-ALL" ELECTORAL VOTING SYSTEM DECLARED UNCONSTITUTIONAL

Mr. BOGGS. Mr. President, Delaware's attorney general, David P. Buckson, yesterday brought suit in the Supreme Court of the United States to declare unconstitutional the present "winner-take-all" system under which all of a State's electoral votes are cast for the presidential nominee receiving most of the State's popular vote.

This is a suit of vast importance and has been appropriately covered in detail by the Nation's news media.

In the interest of inviting the attention of Senators to the substance of the suit which Attorney General Buckson has filed, I ask unanimous consent that two of today's news articles, one from the Wilmington (Del.) Morning News and one from the New York Times be printed at this point in the RECORD.

There being no objection, the articles were ordered to be printed in the RECORD, as follows:

[From the Wilmington (Del.) Morning News, July 21, 1966]

DELAWARE HITS U.S. VOTE SYSTEM—ASKS HIGH COURT RULING

WASHINGTON.—Delaware yesterday asked the U.S. Supreme Court to knock out the "winner take all" system of choosing the electoral college in presidential elections.

A suit filed by Delaware Atty. Gen. David P. Buckson against the other 49 states and the District of Columbia asks the court to clear the way for an alternative system that would bring the electoral vote into line with the popular percentage.

Buckson told a news conference the present system is unconstitutional, is unfair to small states and violates the one-man, one-vote rule laid down by the Supreme Court in decisions requiring state legislatures to reapportion and enlarge underpopulated congressional districts.

He said the change also would end the dominance of big states in national political conventions and might make it possible for a Delawarean such as Republican Senator JOHN J. WILLIAMS to win a nomination.

Because of the bloc voting power of large states, he said, 36 states never have had a favorite son elected president, and 26, including Delaware, have not had a candidate nominated.

"We have a man of national stature in Delaware," he said in reference to WILLIAMS, who has loaned his office to Buckson for the press conference. The Senator, who was attending hearings of the Foreign Relations Committee, made a brief appearance later at the meeting.

All states now use the unit-vote system, but neither the Constitution nor federal law requires it. Under the system, the candidate who wins a bare majority of the popular vote in New York, for example, wins all 43 electoral votes from that state.

The result is that at present the electoral votes of the 11 largest states, plus those of any one other state, are enough to win a presidential election.

Buckson said the suit does not request any specific alternative to the current system. He said, however, he is personally inclined toward a system of votes by district.

Under this plan, each citizen would vote for no more than three electors—one would represent his congressional district and two would run at large in each state. Buckson said the court-ordered moves toward equalizing the population of congressional districts would make the district electoral system equitable.

Another suggested alternative would divide each state's electoral votes according to the percentage division of the popular vote.

James C. Kirby Jr., a Northwestern University Law School professor, who is a special counsel in the suit, said action could come in two ways. A court decision holding the "winner take all" system invalid would clear the way for a congressional pact establishing a reasonable alternative, or the court could order one of the alternatives put into effect.

Buckson said he has been interested in electoral college reform since his law school days and has been working on the present court brief since 1964.

In that year, he said, he discovered that the National Small Business Association had been working on a similar plan for a number of years and obtained the organization's assistance in helping to prepare the lawsuit.

John A. Gosnell, a partner in the law firm which represents the association, said the organization had contributed less than $10,000 to the legal costs so far. Gosnell, who attended the press conference, said the American Farm Bureau Federation also is interested in the litigation.

The suit names the defendant states in descending order of population. Thus New York, the largest state at the time of the 1960 census, is named first and the suit is entitled Delaware vs. New York.

Buckson said he expects other small states to join Delaware as plaintiffs in the suit.

[From the New York (N.Y.) Times, July 21, 1966]

DELAWARE SUIT ASKS NEW ELECTORAL PLAN

(By Fred P. Graham)

WASHINGTON, July 20.—Delaware asked the Supreme Court today to declare unconstitutional the "winner take all" system under which all of a state's electoral votes are cast for the Presidential nominee receiving most of the state's popular vote.

Invoking the Court's original jurisdiction to hear disputes between states, Attorney General David P. Buckson of Delaware brought suit against the 49 other states and the District of Columbia. However, he directed his legal attack specifically at New York and other states with large blocks of electoral votes.

The suit charged that a citizen of a large state exerted more political influence than a citizen of a small state because, theoretically at least, he is capable of delivering a decisive number of electoral votes. It asked the high court to extend its one-man, one vote doctrine to declare unconstitutional the winner-take-all or unit-vote system of choosing Presidential electors.

All states now use the unit-vote system, but neither the Constitution nor Federal law requires it.

According to the suit, in the early years of the Republic a majority of the states used the district system to choose electors. This method gave one electoral vote to the President nominee who carried each Congressional district, with each state's two Senatorial electoral votes going to the nominee who carried the state.

ELEVEN CRUCIAL STATES

But, the suit said, a few states were able to exert additional political influence by giving all their electoral votes to the nominee who carried the states, and this forced all the other states to adopt the same system.

The result is that now the electoral votes of the 11 largest states (based on electoral vote totals), plus those of any one other state, are enough to win an election. The 11 states, in descending order according to number of electoral votes, are New York, California, Pennsylvania, Illinois, Ohio, Texas, Michigan, New Jersey, Florida, Massachusetts and Indiana.

They have 268 electoral votes among them. A majority, or 270, of the 538 electoral votes is necessary to elect a President.

The defendants were listed in descending order, down to the smallest states. The suit, entitled Delaware v. New York, is in fact directed at the 11 big states.

Mr. Buckson said at a press conference that other small states were expected to realign themselves on the plaintiff side.

A New York citizen, the suit contends, has also been benefited unduly from the unit-vote system by having a greater chance to become President.

Of the 100 men nominated for President or Vice President, 24 have been New Yorkers, while no citizen of Delaware has ever been nominated for either office. And Delaware and 35 other states have never had one of their citizens elected President.

SEES WASTED VOTES

"Citizens of these states are as well qualified for national office as are New York's citizens," the suit says, but they have been overlooked because of "the premium placed upon the strategic location of potential candidates residing in New York and other large states."

The suit found fault with the present system also because, it said, those who vote for the losing nominee in a state waste their votes and because individuals' votes can be distorted in the casting of the electoral votes.

In 1960, it pointed out, John F. Kennedy received 67.5 per cent of the combined electoral votes of Illinois and Indiana when he carried Illinois by a narrow margin and got its 27 electoral votes. Richard M. Nixon received 51.6 per cent of the combined popular votes but got only Indiana's 13 electoral votes.

Citing a 1963 decision in which the Supreme Court declared unconstitutional the county unit system of electing Governors in Georgia and other apportionment cases, the suit contended that a state's use of the unit-vote system in Presidential elections denied citizens of other states the equal protection of the laws and due process guaranteed by the Fourteenth Amendment.

The present system, the suit said, creates a risk that a nominee may be elected although receiving fewer popular votes than his opponents. This happened when Rutherford B. Hayes defeated Samuel J. Tilden in 1876 and when Benjamin Harrison defeated Grover Cleveland in 1888.

The suit asked the Supreme Court to bar any system "which is not designed reasonably to reflect in its electoral vote the division of the will of the people of the state as shown in its popular vote."

This would allow only the district system or a plan that divides each state's electoral votes among the nominees in proportion to their popular votes, Mr. Buckson said.

Mr. Buckson said the suit was not being supported by Delaware tax money but by the National Small Business Association. John A. Gosnell, the association's general counsel, said his group had financed the action in the amount of "less than $10,000" so far.

After the Supreme Court reconvenes on Oct. 3 it will decide whether to accept Delaware's complaint and hear the case.

CAPTIVE NATIONS WEEK

Mr. SIMPSON. Mr. President, the Congress of the United States determined in 1959 that a Captive Nations Week observed annually in the United States would be a great morale booster for the millions of people enslaved in Poland, Albania, Bulgaria, Czechoslovakia, Estonia, Hungary, Latvia, Lithuania, Rumania, and other countries.

Some 100 million people were arbitrarily deprived of their national integrity and individual freedom by a relatively simple ploy of the Soviet Union. The Russians, our so-called allies of World War II, simply turned the nations they occupied during the war into postwar colonies.

While the rest of the post-1945 world was demilitarizing and trying to return to a semblance of normalcy, the Soviet Union was tightening its grip on the captive peoples. When Congress took official cognizance of this fact in 1959 by calling upon the President to observe annually a Captive Nations Week, it was felt that this observance would do much to encourage the people behind the Iron Curtain and renew their faith that the free world had not turned its back on them.

The first proclamation, issued by President Eisenhower, got right to the point. It accused the Soviet Government of imperialistic and aggressive policies and it took note of the very obvious fact, which should be just as obvious today, that communism and Soviet nationalism together constitutes the force which holds the captive nations captive.

Anyone reading the most recent captive nations proclamation would have a hard time identifying its purpose. It mentions neither Russia nor China, nor does it identify the Communist ideology in which name the captive nations are held in subjugation. The Great Society apparently sees no need for a great rebirth of freedom in Eastern Europe or other captive lands.

Despite the intent of Congress, an uninitiated reader exposed for the first time to the current captive nations proclamation might well think that it is directed to apartheid in South Africa or a military-oriented government of Latin America. It mentions none of the causes, forces, or reasons for Captive Nations Week. I certainly hope that the American people, their allies in the captive nations, and the Congress of the United States will bring about a change in the strength of the language that will go into the resolution for Captive Nations Week 1967. To facilitate a comparison of the first captive nation's resolution and the current one, I ask that both be printed in the CONGRESSIONAL RECORD at the conclusion of my remarks.

It has always seemed particularly tragic to me that an organization conceived, as is the United Nations, in the noble principles of peace and freedom should turn its back on the dilemma of the captive nations. That the U.N. has done so and that the United States has acquiesced in its conduct is but one more symptom of the inadequacy of both the United Nations and of American policy therein. In my judgment, the only two truly colonial powers left in the world are the Union of Soviet Socialist Republics and Communist China. And yet, the question of colonialism in the United Nations is always one which is pointed critically toward the free world. The United States could perform no better service in the United Nations than to demand that the question of the captive nations be at the top of the agenda of every session of every year.

There is a feeling in the captive nations that America's once proud national policy of peace through freedom for the captive nations has given way to neutralization through discouragement. This administration, and the one which preceded it, would rather see the captive nations captive and quiet than "rocking the boat" for their independence. It is the patency of this fact which makes a mockery of many of the splendidly intoned speeches heard annually during Captive Nations Week.

Mr. President, the people of the captive nations—and I would include in this category many mainland Chinese who are as sick of the ludicrous pronouncements of their Communist dictators as any people could be—have never lost faith. Last night at the National Press Club, the Assembly of Captive European Nations held a dinner honoring Members of Congress. The dinner should have been the other way around. It should have been the Members of Congress and the American people honoring the captive nations.

In any event, splendid speeches were delivered at that dinner—speeches by Europeans who have been exposed personally to the viciousness and total subjugation of life under communism. And there were speeches by Members of Congress who have supported the objectives and aspirations of the captive peoples.

I ask, Mr. President, that as this Captive Nations Week nears its close, several of the speeches delivered at last night's captive nations dinner be printed with my remarks.

There being no objection, the proclamations and speeches were ordered to be printed in the RECORD, as follows:

[No. 3303, July 21, 1959, 24 F.R. 5773]

CAPTIVE NATIONS WEEK, 1959

A PROCLAMATION BY THE PRESIDENT OF THE UNITED STATES OF AMERICA

Whereas many nations throughout the world have been made captive by the imperialistic and aggressive policies of Soviet communism; and

Whereas the peoples of the Soviet-dominated nations have been deprived of their national independence and their individual liberties; and

Whereas the citizens of the United States are linked by bonds of family and principle to those who love freedom and justice on every continent; and

Whereas it is appropriate and proper to manifest to the peoples of the captive nations the support of the Government and the people of the United States of America for their just aspirations for freedom and national independence; and

Whereas by a joint resolution approved July 17, 1959, the Congress has authorized and requested the President of the United States of America to issue a proclamation designating the third week in July 1959 as "Captive Nations Week," and to issue a similar proclamation each year until such time as freedom and independence shall have been achieved for all the captive nations of the world:

Now, therefore, I, Dwight D. Eisenhower, President of the United States of America, do hereby designate the week beginning July 19, 1959, as Captive Nations Week.

I invite the people of the United States of America to observe such week with appropriate ceremonies and activities, and I urge them to study the plight of the Soviet-dominated nations and to recommit themselves to the support of the just aspirations of the peoples of those captive nations.

In witness whereof, I have hereunto set my hand and caused the Seal of the United States of America to be affixed.

Done at the City of Washington this seventeenth day of July in the year of our Lord nineteen hundred and fifty-nine, and of the Independence of the United States of America the one hundred and eighty-fourth.

[SEAL] DWIGHT D. EISENHOWER.

By the President:

DOUGLAS DILLON,
Acting Secretary of State.

[No. 3732, Presidential Documents]

CAPTIVE NATIONS WEEK, 1966

A PROCLAMATION BY THE PRESIDENT OF THE UNITED STATES OF AMERICA

Whereas the joint resolution approved July 17, 1959 (73 Stat. 212), authorizes and requests the President of the United States of America to issue a proclamation each year designating the third week in July as "Captive Nations Week" until such time as freedom and independence shall have been achieved for all the captive nations of the world; and

Whereas freedom and justice are the inalienable rights of all people; and

Whereas these basic rights are presently denied to many peoples throughout the world; and

Whereas the United States of America, from its founding as a nation, has firmly subscribed to the principles of national independence and human liberty; and

Whereas, in keeping with this tradition, it remains an essential purpose and a fundamental policy of the United States of America to sustain these principles and to encourage their realization by all peoples:

Now, Therefore, I, Lyndon B. Johnson, President of the United States of America, do hereby designate the week beginning July 17, 1966 as Captive Nations Week.

I invite the people of the United States of America to observe this week with appropriate ceremonies and activities, and I urge them to give renewed devotion to the just aspirations of all people for national independence and human liberty.

In Witness Whereof, I have hereunto set my hand and caused the Seal of the United States of America to be affixed.

Done at the City of Washington this eighth day of July in the year of our Lord nineteen hundred and sixty-six, and of the Independence of the United States of America the one hundred and ninety-first.

[SEAL] LYNDON B. JOHNSON.

By the President:

GEORGE W. BALL,
Acting Secretary of State.

[F.R. Doc. 66–7714; Filed, July 12, 1966; 2:44 p.m.]

ADDRESS BY VACLOVAS SIDZIKAUSKAS, CHAIRMAN, ASSEMBLY OF CAPTIVE EUROPEAN NATIONS, AT THE CAPTIVE NATIONS WEEK DINNER, THE NATIONAL PRESS CLUB, WASHINGTON, D.C., JULY 20, 1966

Your Excellencies, Distinguished Members of Congress, Honored Guests: On behalf of the Assembly of Captive European Nations I take great honor and pleasure in welcoming you to this annual event.

Over the past years, the speeches of my predecessors at Captive Nations Week dinners focused on the key issues confronting East-Central Europe. My choice for tonight's address centers on the very word that has spurred nationwide observances of this week—the word "captive".

We all have heard it said that, as "evolution" in East-Central Europe has become a new catchword, the term "captive" has lost much of its impact. In fact, some even question whether the term is justified at all. If that be true, our dinner tonight is a misnomer, and Captive Nations Week itself has become superfluous.

But—*is* it true? What better way is there to answer this crucial question than by taking a closer look into the current situation in the captive countries and by listening to the voice of the people of East-Central Europe?

The young people in Czechoslovakia, the Communist press informs us, are "confused" and clamor for "bourgeois-type democracy". In Prague, at the Majales festival last May, young men and women greeted the harassment by the militia with shouts of "Gestapo". The Czechoslovaks, apparently, still consider themselves captive. A more detailed report on the situation in Czechoslovakia will be submitted later this evening by Jan Lukas, a recent escapee.

The same accusation—"Gestapo"—was hurled at the security forces by Polish demonstrators, who had lost patience with crude Communist interference and mounting regime restrictions in connection with this year's observance of the Polish Millennium. Demonstrators in Warsaw also demanded "freedom of the press".

When a nation with a ninety-five per cent Catholic population is facing unceasing regime obstruction in its exercise of the freedom of worship; when a nation which has given Europe many of its greatest thinkers and poets is denied the freedom of expression—then such a nation is "captive".

The question about the word, "captive", is often made in conjunction with the increasingly nationalistic overtones in the pronouncements of the Communist rulers in East-Central Europe—especially those in Rumania. We are also being told that these rulers no longer blindly accept orders from Moscow.

If that is indeed a fact, then it represents a positive development. But it seems that the prime motivation is rather the indomitable nationalistic spirit in East-Central Europe, which is too deep-rooted and too widespread to be permanently ignored by the Communists.

Moreover, one must not forget that none of these Communist regimes have come to power through free, unfettered elections. They represent a distinct minority, and their takeovers of the East-Central European countries were aided and abetted by the Soviet Union. Despite limited, but welcome, alleviations in regime rule, they continue to rely on the machinery of a police state. A citizen of a police state is, and must be considered, "captive".

It is significant that, as we observe this year's Captive Nations Week, we must note with sadness and disappointment that "liberalization" in East-Central Europe appears to be grinding to a halt. Repression is the order of the day in Poland, Czechoslovakia and Hungary. Prison camps in Bulgaria and Rumania are still filled with political prisoners. Colonization, exploitation and forcible Russification continue unabated in Estonia, Latvia and Lithuania. Stalinism and its dogmatic, regimented teachings reign supreme in Albania, although her rulers have turned from Moscow to Peking.

Therefore we must say: *Yes*, we are for "evolution", but for an evolution viewed soberly and objectively. We cannot accept the concept of an evolution which may tend to confer an aura of normalcy and legitimacy on Communist-controlled states and their rulers. Neither can we subscribe to an evolution which would draw a curtain of oblivion over the plight of the Baltic States, which are almost completely cut off from the mainstream of "liberalization."

On this solemn occasion, during Captive Nations Week 1966, we pledge to continue our work for self-determination and independence in East-Central Europe. For only when this goal has been achieved will we be justified in removing the poignant term, "captive" from any reference to our countries.

I wish to conclude my remarks by asking Admiral Harold B. Miller to take over from here. Admiral Miller, a staunch champion of our cause, has devoted his life to public service. After a distinguished career in the United States armed forces, Admiral Miller served briefly as President of the then Committee for a Free Europe—now Free Europe, Inc.—and as President of Crusade for Freedom. Admiral Miller is at present Director of Special Affairs at Pan American Airways. Admiral Miller.

TIGHT REGIME CONTROLS ON ARTISTS IN CZECHOSLOVAKIA

(Speech by Jan Lukas at the Captive Nations Week Dinner on July 20, 1966, at the National Press Club in Washington, D.C.)

(Jan Lukas, 50, is generally considered Czechoslovakia's top creative photographer. His photographs, ranging from the Nazi occupation of Austria in 1938 to current subjects, have provided the material for some 20 picture books—some of which are considered masterpieces of creative photography. His distinguished record also includes an exhibition in the Czechoslovak Pavilion at the 1958 Brussels World Fair. In 1964, Mr. Lukas came to the U.S. for a one-month visit, but his family had been forced to stay behind in Czechoslovakia. In August 1965, he made his way, via Hungary, to Yugoslavia—where his wife and two daughters had gone on vacation. Once together, the Lukas family escaped to Italy. They arrived in the United States only a month ago. Mr. Lukas hopes to continue working in his field and make full use of his talent and experience.)

It has been said that a picture is worth a thousand words. This not only holds true in a free society, but even more so when one lives under a totalitarian regime.

I know. During the years I worked in Czechoslovakia I saw many of my pictures suppressed before they could reach the public. One of my picture books—on Moscow—was even taken out of the bookstores, because the Czechoslovak regime considered some of the pictures in the book too frank and therefore embarrassing to the Soviets. Pictures have a strange way of pressing home the climate of apathy, despair and resentment that is in strong evidence throughout the Communist "paradise". Text may sometimes be dismissed as propaganda, but a photograph of a woman—looking yearningly at the stilled belltowers of the churches inside the Kremlin—can only have one explanation and is not easily forgotten.

As a member of the Czechoslovak Association of Creative Artists, which groups the country's top-flight men and women in the field, I was practically a member of the "New Class". But, although the bars were gilded, it was still a prison.

True, I did not live in material want. My daily life was quite comfortable. I was even permitted to go abroad, from time to time. These trips, however, were hardly pleasure trips. The regime had a distinct ulterior motive in letting me out . . . foreign currency. Whenever I would go abroad on an assignment, the fee I would earn from foreign publishers or other sources would be paid directly and in foreign currency to the Czechoslovak regime. I would then be compensated by the regime in local, Czechoslovak, koruny. Moreover, I was never allowed to take my family along on these trips. To the Communists, my family's presence in Czechoslovakia while I was abroad was a guarantee that I would return.

Yet, the experience gained on these trips to foreign countries was invaluable. They offered a breath of fresh air after the sickening, polluted atmosphere at home. To work, to create, or even just plain "live" in a Communist-ruled country is oppressive, drab and monotonously predictable. People go through the motions day after day, only to wake up to another day of a dreary existence that offers little challenge or joy of living. Deprived of their individuality, the people feel like automatons and are tired of the same commands.

In the arts, as well as in other fields, the regime seeks to maintain a rigid monopoly on ideas. So-called deviations are occasionally overlooked or even sanctioned, since they help provide a safety valve for pent-up frustrations and resentments. But whenever the regime feels the danger point has been reached, the door is promptly and unreservedly slammed shut in the artist's face. The artist, therefore, often feels akin to a yo-yo—manipulated openly or covertly, depending on his stature.

In coping with "deviationists" and "rebels", the Czechoslovak regime employs various tactics. A classic case is that of the Beatles. It is well known that the younger generation throughout the Communist orbit copies Western fads and is most enthusiastic about Western music. To ban the Beatles, the regime figured, would only encourage clandestine Beatles clubs and elevate the English quartet to the status of an anti-Communist symbol. So the regime adopted a more subtle and more effective way to cope with the Beatles—overexposure. They began to literally ram the Beatles and their music down young people's throats until the Beatles had become a "routine" experience rather than a tantalizing, regime-forbidden hobby.

There is little doubt that this type of regime approach is more dangerous than the former blanket suppression of all that comes from the West. First of all, it may lead some people at home to believe that there is a gradual "thaw" in the regime's attitude to the people over whom the Communists rule. Secondly, such regime tactics may be mistaken for genuine attempts toward "liberalization" and be talked and written about as such in the West.

Although the terror of the Stalin era is no longer in strong evidence, fear remains. At the same time, the average citizen has had to date very little personal benefit from the so-called liberalization.

Freedom, as you know it in the West, is still a mirage. An apt illustration of this point is a story, still very much in vogue in Prague and throughout Czechoslovakia. It goes like this: "Every man and woman in Czechoslovakia has the right to criticize the President . . . . of the United States.

Thank you.

ADDRESS BY THE HONORABLE ED REINECKE, REPUBLICAN OF CALIFORNIA, AT THE CAPTIVE NATIONS WEEK DINNER, THE NATIONAL PRESS CLUB, WASHINGTON, D.C., JULY 20, 1966

Thank you very much for this opportunity to join with you tonight for the eighth annual observance of Captive Nations Week at this dinner honoring members of the United States Congress. Perhaps, however, the honor and tribute of this particular occasion should be reversed. We Congressmen owe you a debt of gratitude—for your sincere concern in the affairs of this nation and the world, and for your willingness to give of your time and resources to serve the cause of freedom. Your dedication sets a valuable and excellent example.

As we gather here in this notable place we cannot help but wonder what effect these annual observances have on the Communist governments of eastern Europe. Apparently we bother them a little. And I'm glad about that, aren't you?

After last year's Captive Nations observances a few reports of reaction filtered through the iron curtain. One editor of a newspaper in the Ukraine said, "They are beating the drums again across the sea, filling the columns in newspaper and delivering hypocritical speeches. For the umpteenth time the ruling circles of the United States are holding the so-called 'Captive Nations Week.' And the propaganda machine is deafening the citizens with atrocious inventions about the fate of nations which are suffering under the yoke of the Kremlin regime."

Another Russian writer said, "Especially disgusting is the villainous demagoguery of the imperialistic chieftains of the United States. Each year they organize a so-called captive nations week, hypocritically pretending to be defenders of nations that have escaped from their yoke . . ."

It seems that these observances have been effective in developing a psychological and political weapon against the tyranny of Eastern Europe. These reactions sound like another way of saying "ouch."

We must also ask ourselves the question: "Why should we be concerned, as Americans, for the plight of people in such far away places? We have many problems of our own to solve. We are engaged in a major military action in Southeast Asia. And besides, what can we do about the people of Eastern Europe short of a major war with the Communist world?"

I think that the answers to these questions come from the deepest roots of our own country's history. For the work that was begun just one hundred and ninety years ago is still going on today. It is spreading around the world.

I am reminded of the words of Emerson in his "Concord Hymn" when he said,

> "By the rude bridge that arches the flood,
> "Their flag to April's breeze unfurled,
> "Here once the embattled farmers stood,
> "And fired the shot heard 'round the world."

The sound of that 'shot' still rings throughout the world. For in the goals of our revolution we crystalized the deep aspirations of every man in every nation and in every age. Our revolution is still going on. And so is theirs. And that is why we cannot turn our backs on them. They are following in our battle paths. And we dare not let them down. Our revolution, and their struggles to throw off the yoke of tyranny are part of the same universal battle of mankind for freedom, for spiritual fulfillment, for peace, for prosperity and for progress.

And if we be true to our own principles of democracy and of individual liberty and responsibility, and to our own system of free enterprise, we must believe that every people should have the opportunity to choose for themselves a system of government. They must be allowed to adopt to their own cultures the universal concepts of free self-government.

We have often said in this country that if even one man lives in fear or in tyranny or does not enjoy the full opportunities afforded by our Constitution then we all live in fear and tyranny. In our free society if one man is robbed of his inalienable rights or of his dignity, then all men become victims of the same crime.

And this principle ought to be applied to the world as a whole. For if the freedom of one nation is destroyed then the freedom of all nations is in jeopardy. And if any people anywhere suffer from the burdens of captivity, then all people everywhere are in some measure held equally captive.

Therefore, we see that the plight of the captive peoples of eastern Europe, and even of southeast Asia, becomes the plight of free men everywhere. Their struggle becomes our struggle. Our stewardship of democracy becomes their hope for freedom. That is why we cannot neglect the over 100 million people held captive by Communist colonialism. That is why we are here tonight.

Well, then, what are we going to do about it? What hope do we hold out to these people? What is our responsibility?

The United States, whether we like it or not, has been thrust into history at this time as the leader of the free world. The cause of freedom and the development of its ideals has become the great work of our generation. How have we done so far?

We have not done all that we could. In current times we have seen the steady decline of the great alliance of NATO. Time and time again the initiative to take positive action in foreign affairs has been stolen from us by our enemies. Our foreign policy has become simply a series of stop-gap emergency reactions.

Because of the inaction and lack of forethought of those who carry the responsibility our diplomats have been made to appear like a comic water brigade running back and forth around the world putting out brush fires.

It is time that the United States reassert its leadership in the free world rather than to follow the whims of those who do not care, or who are playing power politics with the fate of their nations.

Leadership means ideas. New ideas; and we had better start thinking. I propose that we mount an effective freedom offensive. A campaign using psychological, political and economic weapons against the regimes of captive nations everywhere. We have already seen what this simple observance here will do to unnerve and irritate those on the other side of the iron curtain. And we ought to do more of it.

In our freedom offensive we ought to draw more broadly on the resources of leadership of the responsible private sector of this country.

I propose that we gather together, under private sponsorship, or under the authority of the Congress or the President, the great technicians of mass communication, advertising, and public relations for a brief time to design a creative program of propaganda to be used against the regimes of iron and bamboo curtain countries. The technology of propaganda, and I use that word in the best sense, has been developed by private industry to an amazing degree. But not enough of this new knowledge has been put to work by our government's foreign public relations directors.

We need fewer foreign policy philosophers, and more communications experts in the United States Information Agency. The Voice of America should be strengthened and its programming drastically improved.

We need to draw more upon the experience and resourcefulness of our motion picture industry, our radio and television industry, and our universities with their vast new communications research centers. We ought to bring to government the fresh ideas that these people have. Then we could mount a psychological campaign that would beam the weapons of ideology and the hope of freedom to the captive peoples of the world. It has never really been done before. Why not try it!

In the matter of the economic and political offensives, we must seek to drive a wedge into every tiny crack that appears in the iron curtain. We must avoid every pitfall that might lend comfort or support to the Communist regimes of these countries. We must not provide the means for propping up their failing economies and thereby perpetuate their dictatorial governments.

I would propose that we bring before the United Nations General Assembly the whole question of the captive nations, and request that the Soviet Union be made to answer to the charges of history.

Or, as an alternative, that we embark on a diplomatic freedom offensive, similar to the recent peace offensive for Vietnam, to seek the cooperation and ideas of every free nation in a united effort to liberate the captive peoples.

Real progress demands revision of thought, policy, and action. We need to do a lot more thinking about extending the frontiers of freedom. We have grown accustomed to living in a world half-free and half-slave.

There can be no peace in the world; no peace among nations; no peace in the hearts of captive peoples until all the world—every nation—and each person is free. "Freedom isn't free," in the words of the popular song:

> "Freedom isn't free.
> You've got to pay the price,
> You're got to sacrifice,
> For your liberty."

The easiest thing for a rich nation to do is to give of its wealth. But the noblest thing for any nation to do is to give of its heart.

Let the price we pay for our freedom be to lift even higher the torch of liberty—and by its light to expose the still darkened corners of captive nations—in Asia, as well as in Eastern Europe. Let the price we pay be to extend our heart and hand in encouragement and moral support to those whose struggle for freedom is not yet accomplished. And let our word of courage be to them that "there is a universal, eternal law which is man's will to be free. And though the struggle may be long and hard, you have allies in every nation on earth, and in every age of history. You will not be defeated."

Thank you.

ADDRESS BY THE HONORABLE LESTER L. WOLFF, DEMOCRAT, OF NEW YORK, AT THE CAPTIVE NATIONS WEEK DINNER, THE NATIONAL PRESS CLUB, WASHINGTON, D.C., JULY 20, 1966

Good evening. It is a privilege to speak tonight before this most respected organization—whose members know better than anyone else the true meaning of Freedom.

We are gathered here tonight at a crossroads. The past has been tragic for us all since the tyranny of communism enveloped some of the proudest nations on the face of the earth. The future must inevitably be brighter. A day will come when the freedoms we all have in the Free World will be shared by all.

This banquet is being held on a fateful anniversary.

The Potsdam Conference, at which the Free World began to realize how serious Russia's goal of world conquest really was, first convened twenty-one years ago last Saturday.

Within a few years of that fateful conference, nearly one billion men, women, and children lost their most precious possession, their freedom, because of the ambitions of totalitarian Russia. Untold millions have suffered for many years under the yoke of Communist servitude.

We are in a time when much of American attention is concentrated on the fight for freedom in Viet Nam.

Important as that struggle may be, it is just as important that Americans remember that the Captive Nations of Eastern Europe are still captive.

The inhuman practices of communism have in no way diminished in Eastern Europe.

Men are still shot as they attempt to pierce the Iron Curtain to freedom.

Men are still coerced by the State in all aspects of their daily existence.

There is no freedom of speech in the Captive Nations.

Every word uttered in a Captive Nation can condemn a man on the spot.

There is no freedom of the press in the captive nations. The only information disseminated to the people is the propaganda churned out by the puppet regime and the Communist Party.

The only way those in the captive nations can learn the truth about their world is by listening clandestinely to such radio stations as the Voice of America and Radio Free Europe.

There is no freedom of religion—despite the claims to the contrary by the local parties.

Communist ideology is Godless.

The outcry around the world raised against Red anti-Semitism is only one example of the true intention of the Communists: to erase religion and God as a competing force in the Captive Nations.

This campaign has been a miserable failure.

In captive Poland, the Catholic Church has survived under the brave leadership of Cardinal Stefan Wyszynski, even as the Communists continue to show their enmity to the Church by refusing to allow the Pope to visit Poland to celebrate the Millennium of Christianity.

In Hungary, Cardinal Joseph Mindszenty remains a symbol of defiance and courage.

All through the captive nations, the spirit of religion has been crushed.

But religious freedom is not the only victim of the Communists.

Within the Captive Nations, there are no free elections. The puppet regimes would never dare to test their popularity by allowing the people a choice.

History has taught us that whenever men have had free elections, they always vote for an increase in freedom for the people. Free election in the Captive Nations would bring an immediate end to every single puppet regime imposed by Russian imperialism.

There has never been a single nation where a free election has resulted in victory for Communist candidates.

Men are by nature free: they will never consciously choose serfdom.

Tonight, we are proud to entrust Mr. Wells of Freedoms Foundation with temporary custody of the beautiful plaque which was presented to Congressman Horton and me last year.

We hope it will not long remain at Valley Forge, the home of Freedoms Foundation.

We hope it will soon find its permanent shrine in the capital of the first captive nation to be liberated from the yoke of communism.

My friends, the past has taught us many lessons. If we remember them, that day of liberation will not be far off.

We must remember that even today when men talk of detente the Communists continue to see the world as a struggle between two forces—with only one essential question: "Who will survive?"

And let us not forget, my friends, what bitter experience has taught us about dealing with the Communists: we must never let our guard down.

My friends, there is growing evidence that the Red Tide, unleashed across the world by the Russian Revolution has passed its crest.

I believe that I have good cause for my optimism about the future.

The Communists will not win in Viet Nam.

The Communists admitted the failure of their economic system to provide for the needs of their people when they built the Wall across Berlin.

The Communists have failed notoriously in Asia—especially in Indonesia and India—in Africa where they have not even managed to gain a toehold, and in Latin America where Fidel Castro, who perverted the ideals of his nation's revolution for freedom, has been trying unsuccessfully for over seven years to export his poison.

And I believe it is only a matter of time before communism begins to crumble in the ancient states of Eastern Europe now held captive.

In fact, the process may have already begun.

For communism is none other than a modern day version of traditional Russian imperialism. And such a force, relying on violence and hypocrisy, has never been able to permanently prevail.

It has been almost ten years since the brave freedom fighters of Poland and Hungary fought to the death against overwhelming odds.

Although these men did not succeed the first time, their cause lives on.

There are and there will be, I can assure you, other men just as dedicated to the cause of freedom.

For God did not will that men should live in slavery.

Just as Abraham Lincoln said that the United States could not exist half slave and half free, history will bear out my prediction that our world will not continue half in submission and half in freedom.

Because all men are brothers, as long as one single man is a captive of communism, a part of all of us is captive.

CRIME IN THE DISTRICT OF COLUMBIA

Mr. BYRD of West Virginia. Mr. President, during June 1966, a total of 3,097 part I offenses were reported in the District of Columbia. This was an increase of 14.4 percent over June 1965. I ask unanimous consent that a report, entitled "Crime in the District of Columbia—June 1966," issued by the District of Columbia Police Department, be inserted in the Record at this point.

There being no objection, the report was ordered to be printed in the Record as follows:

Crime in the District of Columbia—June 1966

During June 1966, a total of 3,097 Part I Offenses were reported in the District, an increase of 390 offenses or 14.4% from June 1965.

During this month increases occurred in the classifications of Criminal Homicide, up 3 offenses or 27.3%; Robbery, up 16 offenses or 5.8%; Aggravated Assault, up 68 offenses or 27.6%; Housebreaking, up 29 offenses or 4.5%; Grand Larceny, up 18 offenses or 12.2%; Petit Larceny, up 239 offenses, or 27.4%; Auto Theft, up 21 offenses or 4.2%. A decrease occurred in the classification of Rape, down 4 offenses or 26.7%.

The increase for this month brought the trend of serious offenses (total offenses for the past 12 months) to 35,222, an increase of 2,677 offenses or 8.2% from the trend of June 1965, and an increase of 19,429 offenses or 123.0% from the low point of June 1957.

Clearance of Part I Offenses for the twelve month period ending with June 1966 were down to 27.9% as compared with 36.7% for June 1965.

This month brought to a close fiscal year 1966 with the preliminary crime count (subject to final changes because of unfounded offenses) 8.2% above the preliminary count of fiscal year 1965. The following table compares data for fiscal year 1957 (the low point under the present reporting system), fiscal 1965 and fiscal 1966:

Part I offenses reported, preliminary data

Classification	Fiscal year			Percent change	
	1957	1965	1966	1965–66	1957–66
Criminal homicide	88	179	170	−5.0	+93.2
Rape	199	155	196	+26.5	−1.5
Robbery	944	3,969	3,825	−3.6	+305.2
Aggravated assault	2,555	2,498	2,845	+13.9	+11.4
Housebreaking	3,023	9,361	9,276	−.9	+206.8
Grand larceny	798	1,610	1,910	+18.6	+139.3
Petit larceny	6,343	8,716	11,466	+31.6	+80.8
Auto theft	1,843	6,057	5,534	−8.6	+200.3
Total	15,793	32,545	35,222	+8.2	+123.0

The crime data for 1966 is especially encouraging with respect to the decreases in the classification of Robbery, Housebreaking, Auto Theft. Since the current upward trend began in 1957 these categories have shown sharper increases than the other Part I Offenses. During the five year period from fiscal year 1960 through fiscal year 1965 the annual rate of Robbery moved from 1315 to 3969, an increase of 201.8%; the annual rate of Housebreaking moved from 4446 to 9361, an increase of 110.5%; and the annual rate of Auto Theft moved from 2074 to 6057, an increase of 192.0%.

These comparisons of fiscal years 1965 and 1966 clearly indicate that the combined special anti-crime programs provided last year (Tactical Force, one-man cars, added school crossing guards, added footman radios) have had a very positive effect in reducing crime trends in this city, especially in those categories of crime most affected by police preventive patrol.

The above data is particularly striking in view of the fact that these three offenses which show reductions for the year were the primary targets of the Tactical Force.

REPORT ON REORGANIZATION OF THE CONGRESS

Mr. MONRONEY. Mr. President, the Joint Committee on the Organization of the Congress today announced approval of its final report. The report recommends major changes in congressional organization and machinery. The recommendations include uniform rules of procedure for the standing committees, changes in committee jurisdiction, improved staffing and use of modern management techniques in evaluating the Federal budget. Approval of the report was announced at a news conference held by Senator A. S. Mike Monroney and Representatives Ray J. Madden, cochairmen, and Senator Karl Mundt and Representatives Thomas B. Curtis, ranking Republican members of the bipartisan joint committee.

The report is the product of a year and a half of study. The committee was formed in March 1965. It conducted several months of hearings where 200 witnesses testified, including Members of Congress, high Government officials, political scientists and representatives of national organizations. The committee has begun preparation of an omnibus reorganization bill—to be entitled the Legislative Reorganization Act of 1966—based on the recommendations contained in the report. It will ask for permission to report the bill directly to the floor of each House during this session. This procedure was followed in 1946 when the last comprehensive review of congressional organization took place.

The report proposes major revisions in the standing committee system—the basic working unit of Congress. It recommends a committee "bill of rights" to give a majority of the committee membership the right to call meetings and report legislation in the event a chairman refuses to do so. It recommends more frequent use of open hearings and that committee deliberations may be televised or broadcast at the option of the committee. Safeguards are prescribed to insure that all committee members can participate in the preparation of committee reports and that committee reports are available to all Members prior to floor action. The use of proxy voting in committees would be eliminated.

Major changes in committee jurisdiction are recommended. New Committees on Education would be created in each House. These committees would assume the educational jurisdiction of the Senate Committee on Labor and Public Welfare and the House Committee on Education and Labor, as well as educational programs under the jurisdiction of other committees. The jurisdiction of committees dealing with scientific matters in each House would be expanded and redefined. The committee recommends redesignation of the Banking and Currency Committees as the Committees on Banking, Housing, and Urban Affairs to give recognition to growing urban problems. It also recommends creation of a Senate Committee on Veterans' Affairs with jurisdiction comparable to the House Veterans' Affairs Committee.

The committee attempts to achieve a better distribution of workload in the Senate by placing a limitation on committee assignments and chairmanships. It also recommends that no Senator can serve on more than one of the Appropriations, Finance, Foreign Relations, and Armed Services Committees because of the jurisdiction of those committees.

Committee staff resources would be expanded and improved. The right to employ outside consultants is authorized and encouraged. Three positions—two professional and one clerical—are to be assigned to the minority on request. An additional staff member designated as a "review specialist" would be assigned to each standing committee to review the administration of existing laws.

The report makes a number of important recommendations in the field of fiscal controls and congressional review of the budget. It urges the use of automatic data processing to expand the budget information available to Members. Specific improvements in the presentation of the budget are recommended. Budget officials are to appear before the full Appropriations Committees of each House within 30 days after submission of the budget to discuss overall budget guidelines. The Appropriations Committees are urged to expand their study of multiagency programs and to hold more open hearings. It recommends new operating units within the General Accounting Office to assist the committees in program evaluation.

Each Member is to have a personal legislative assistant. The Legislative Reference Service of the Library of Congress is to be redesignated as the Legislative Research Service to emphasize the scope of its responsibilities. A new reference division to handle routine requests in order to free expert personnel for more important inquires will be created. It recommends better liaison between the Service and the congressional committees.

The report also deals with Capitol housekeeping functions. Patronage appointments are to be eliminated on the Capitol Police Force and an Office of Personnel and Office Management shall be created.

The report recommends the creation of a Joint Committee on Congressional Operations to conduct a continuing study of the organization and operations of the Congress. The proposed joint committee would supervise a number of housekeeping functions and in some respects would become a permanent successor to this committee.

The Legislative Reorganization Act of 1946 provided for the registration of individuals and organizations who solicit or receive funds for the purpose of influencing legislation. The committee proposes to strengthen the act by requiring registration of those having influencing legislation as a "substantial purpose" rather than the present "principal purpose" requirement. It would also transfer responsibility for the maintenance and publication of lobby registration records to the General Accounting Office. Stringent arrangements for contingent fees for lobbying purposes would be required.

The committee urges that congressional business be scheduled on a 5-day workweek. In the event a session extends beyond July 31, a recess would be held in August and the business of the session completed in the fall.

Finally, the committee recommends that Members divest themselves of patronage responsibilities on the appointment and confirmation of postmasters and the recommendation of rural mail carriers.

The report was unanimously approved by the committee. A number of Republican members also filed supplemental views. They made additional recommendations beyond those of the full committee. Among these were proposals for minority party control of an investigatory committee when the same party controls both Houses of Congress and the Presidency, curbs on administrative lobbying by the executive branch, disclosure of assets and income by Members and proposals relating to financing of political campaigns.

Congressman KEN HECHLER, Democrat, of West Virginia, expressed strong support of the recommendations in the report, and also added supplemental views designed to give the public a more informative view of the Congress, to provide for electric voting on an optional basis, and several other suggestions for future consideration by the Joint Committee on Congressional Operations proposed in the report.

The complete report of the committee will be available to Members and the public next week.

Other members of the committee are Senator JOHN SPARKMAN, Democrat, of Alabama, Senator LEE METCALF, Democrat, of Montana, Senator CLIFFORD P. CASE, Republican, of New Jersey, Senator J. CALEB BOGGS, Republican, of Delaware, Representative JACK B. BROOKS, Democrat, of Texas, Representative DURWARD G. HALL, Republican, of Missouri, and Representative JAMES C. CLEVELAND, Republican, of New Hampshire.

Mr. President, I ask unanimous consent that a summary of recommendations of the Joint Committee be printed at this point in the RECORD.

There being no objection, the summary was ordered to be printed in the RECORD, as follows:

SUMMARY OF RECOMMENDATIONS

The Joint Committee has made a number of recommendations for the improvement of the organization of Congress. It is our intention to request authority to report legislation based on these recommendations. The specific recommendations are contained in the body of the report.

They may be summarized as follows:

Committee procedures should be strengthened to provide—

1. For a committee "bill of rights" to give a majority of the committee the right to call meetings, to eliminate proxy voting, and to give a majority the right to require a chairman to report legislation.

8. That committee *hearings* should be public to the maximum extent possible and may be broadcast or televised at the option of the committee.

3. That committee *meetings* should also be open except for necessary executive sessions, and results of all committee action should be made public.

4. That the Legislative Reference Service prepare concise legislative histories of bills scheduled for hearings.

5. That committee hearings should be announced publicly at least 2 weeks in advance and witnesses should submit written statements at least 2 days in advance of their appearance.

6. That the minority be given at least 1 day to call witnesses of its choice.

7. That daily summaries of hearing testimony should be prepared by staff.

8. That committee reports should be circulated among all Members at least 2 days prior to filing with the opportunity for submission of supplementary and minority views Floor votes should not be taken until committee reports and hearings have been available for at least 3 days.

9. That committees should be permitted to conduct hearings during floor sessions by consent of the majority and minority leadership and should schedule their business on a 5-day workweek.

10. That subcommittees should follow the rules of their parent committees and should be funded by a single annual resolution of the full committe.

Committee jurisdictions should be realigned by—

1. Division of the House Committee on Education and Labor into a Committee on Education and a Committee on Labor and Public Welfare and creation of a Senate Committee on Education with redefinition of the jurisdiction of the Senate Committee on Labor and Public Welfare.

2. Redesignation of the Senate Aeronautical and Space Sciences Committee as the Committee on Science and Astronautics and expansion and redefinition of the jurisdictions of the Science and Astronautics Committees of both Houses.

3. Redesignation of the House and Senate Banking and Currency Committees as the Committees on Banking, Housing, and Urban Affairs.

4. Creation of a Senate Committee on Veterans' Affairs.

Committee assignments of Senators should be limited to:

1. Membership on two major committees and one minor, joint, select, or special committee.

2. Membership on not more than one of the following committees: Appropriations, Finance, Foreign Relations, and Armed Services.

3. One committee chairmanship and the chairmanship of not more than one subcommittee of any major standing committee.

Committee staff resources should be augmented by—

1. An increase of professional staff positions under the 1946 act from four to six.

2. Assignment of two professional staff positions and one clerical position to the minority on their request, and equitable treatment to the minority in the staffing of subcommittees.

3. Authorization to employ outside consultants to supplement permanent staff.

4. Authorization to provide supplemental training or education for professional staff.

Review of the administration of existing laws should be strengthened by—

1. Redesignation of the term "oversight" to "review" for better public understanding.

2. A full-time review specialist for each standing committee in addition to other authorized professional staff.

3. An annual report on review activities by each standing committee.

4. Provision for committee hearings on major reports required of the Executive.

Conference committee procedures should be modified to provide that—

1. Senate conferees should prepare an explanatory statement in connection with the conference report.

2. The minority should have the right to half the allotted time in floor debate on the conference report.

Fiscal controls should be strengthened by—

1. The use of automatic data processing of budget information.

2. Reorganization of the General Accounting Office of participate in the establishment of a standard classification code of activities and expenditures, to assist in locating budget information, to provide expert assistance in the analysis of cost-effectiveness studies, and to prepare tabulations of budget data.

3. Improvement of the budget document to include multiple-year financial projections for ongoing programs, better descriptions of carryover balances, updating of budget summaries on June 1, and more detail on financial assumptions underlying the budget totals.

4. Requiring an appearance before the full Appropriations Committee of each House of the Director of the Bureau of the Budget, the Secretary of the Treasury, and the Chairman of the President's Council of Economic Advisers within 30 days after the submission of the budget.

5. Modifying the appropriations process to include examination of multiagency programs, open hearings (except in national security matters), yea and nay votes on all appropriations bills, and more comprehensive reports on supplemental and deficiency bills.

6. Requiring more uniform distribution of GAO audits and reports, and reference to those reports in agency budget justifications.

7. Greater participation by the legislative committees through a projection of costs on new legislation in committee reports, review of fixed obligation and grant-in-aid programs, and authorization of programs in such a manner that they will be subject to annual appropriations review.

Office staff and allowances should be improved by—

1. Creating the position of legislative assistant for each Member.

2. Increasing the maximum allowable salary for one position on the House Member's office staff without increase in the total clerk-hire allowance.

3. Increasing the transportation allowances available to Members and Members' staffs.

4. Studying the feasibility of a Capitol-wide leased-line telephone service and consolidation of present telephone and telegraph allowances under the unit system.

The Legislative Reference Service of the Library of Congress should be strengthened by—

1. Redesignation of the Service as the Legislative Research Service.

2. Creation of a new reference division to handle routine reference inquiries.

3. Authorization to employ outside consultants and research organizations on a temporary basis.

4. Better liaison between the Service and committees of Congress.

5. Provisions for closer supervision of the Service by the Joint Committee on the Library through approval of the Director of the Service by the Joint Committee, an annual report by the Service to the Joint Committee and provision for a review specialist on the Joint Committee to oversee the Service.

6. Abolition of the Office of Coordinator of Information of the House of Representatives and the transfer of its functions to the Service.

The CONGRESSIONAL RECORD *should be improved by recommendations to the Joint Committee on Printing to—*

1. Limit the body of the RECORD to germane insertions and verbatim remarks actually delivered, with provision for special time periods during which insertions will be permitted.

2. Print nongermane debate separately in the body of the RECORD.

3. Utilize modern printing techniques for greater readability and more frequent indexing.

A Joint Committee on Congressional Operations should be established to—

1. Conduct a continuing study of the organization and operations of the Congress.

2. Study and recommend the use of automatic data processing for congressional purposes.

3. Absorb the functions of the Joint Committee on Disposition of Executive Papers.

4. Identify court proceedings and actions affecting Congress as an institution and provide for appropriate legal representation.

5. Consolidate functions lending themselves to central supervision.

To deal with the problem of ethics, the House of Representatives shall—

Create a Committee on Standards and Conduct similar to the Senate Committee on Standards and Conduct.

Capitol housekeeping functions should be improved by—

1. Providing greater authority for the elected officers of each House to supervise the activities of Capitol employees under their jurisdiction.

2. Creating a professional Capitol Police force operating as a division of the Metropolitan Police Department.

3. Creating an Office of Personnel and Office Management to assist Members and committees in filling job vacancies and to render assistance on office management practices.

4. Limiting the appointment of pages to persons who have completed high school.

5. Placing the Capitol Guide Service under the Joint Committee on Congressional Operations.

6. Repealing the House Classification Act.

The Lobbying Regulation Act should be strengthened by—

1. Broadening its scope to require registration by individuals and organizations who solicit or receive funds and have influencing of legislation as a "substantial purpose."

2. A requirement for a more complete disclosure of expenditures for influencing legislation.

3. Transfer of the responsibility for the maintenance and publication of lobby registration records to the General Accounting Office.

4. Stringent requirements for disclosure of arrangements for contingent fees for purposes of influencing legislation.

Scheduling of the business of Congress should be improved by—

1. Scheduling committee and floor business on a 5-day workweek.

2. Requiring a majority rollcall vote in each House to extend the session beyond July 31.

3. Providing for no session in August except in time of war.

Appointment and confirmation of postmasters and recommendation of rural carriers should be by the Post Office Department with no congressional participation.

Mr. MUNDT. Mr. President, I ask unanimous consent to have printed at this point in the body of the RECORD a statement I issued today in connection with the release of the report disclosing the recommendations made by our Joint House-Senate Committee on the Reorganization of the Congress.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

There are numerous recommendations in the Joint Committee's report which, if adopted by the Congress, will lead to substantial improvement in Congressional procedures.

I invite special attention to the proposed Joint Committee on Congressional Operations. From the long-range point of view, this new departure may well prove to be the most fundamental item in the report. It will assure continuous scrutiny of Congressional procedures and it will initiate the use of electronic data processing for use of the Congress. Even more basic, it creates, for the first time in history, a central agency in the Congress to identify vital issues affecting the Congress and strengthen it as an institution.

I do feel, however, that the report does not delve very deeply into the vital question of preserving the traditional check and balance system of our government. Everyone knows that the Executive Branch increasingly has encroached upon the powers of the Congress. We might well have created a mechanism which would help assure a better check and balance system. I believe we should have looked more closely at proposals which would have provided a sort of watchdog committee on procedures and policies of the Executive Department which would be chaired in each House by Members of the minority party. This would give greater assurance that partisanship would not prevent or modify complete scrutiny by the Congress of the executive branch, especially when both Houses of the Congress, as well as the Executive, are controlled by the majority party. Surely it would give far greater assurance that the public would be given the full truth in matters such as the Bobby Baker scandal. This is a parliamentary tool which the British have found to be very effective through the operation of what they call "The Committee of Public Accounts" which is controlled by the minority.

I hasten to add I believe a number of recommendations in the report do represent good progress toward improving the position of the minority. Although much reliance still reposes in the chairman of the committee, we did provide a completely new position for each committee which we call a "Review Specialist." This position will be filled by the chairman with the approval of the ranking minority member of each committee. The Review Specialist must make an Annual Written Report to both the majority and the minority. His activities will be jointly supervised by the chairman and ranking minority member of each committee of Congress. This is a new concept which should greatly strengthen all the committees in overseeing administration by the executive branch of the laws under jurisdiction of the respective committees. Also specific provision has been made, where the minority Members so request, for two professional staff positions on each committee. While many of the committees already have provided minority staff personnel, this measure would at least assure, as a matter of right, that the minority is entitled to professional staff assistance.

When the full printed report is available, I commend its careful study not only to members of the news media, but to all students of government. It is an important document and merits careful study by everyone. It contains many recommendations for strengthening Congress as an institution and for improving its procedures.

I am especially pleased the Joint Committee unanimously approved my motion to set up a new and separate Senate Committee on Veterans Affairs.

The Members of Congress making this eighteen month study and approving unanimously its recommendations are as follows:

JOINT COMMITTEE ON THE ORGANIZATION OF THE CONGRESS

Senate

A. S. MIKE MONRONEY, Oklahoma, *Cochairman.*
JOHN J. SPARKMAN, Alabama.
LEE METCALF, Montana.
KARL E. MUNDT, South Dakota
CLIFFORD P. CASE, New Jersey.
J. CALEB BOGGS, Delaware.

House

RAY J. MADDEN, Indiana, *Cochairman.*
JACK BROOKS, Texas.
KEN HECHLER, West Virginia.
THOMAS B. CURTIS, Missouri.
DURWARD G. HALL, Missouri.
JAMES C. CLEVELAND, New Hampshire.[1]
W. DeVier Pierson, *Chief Counsel.*
George Meader, *Associate Counsel.*
Melvin W. Sneed, *Staff Assistant.*
Nicholas A. Masters, *Research Consultant.*[2]

X-RAYS AND NUCLEAR MEDICINE: BENEFITS AND RISKS

Mr. BARTLETT. Mr. President, on June 23 I spoke to the Senate on the subject of the radioactive contamination of some American rivers by uranium mill tailings.

The purpose of my talk was a simple one. It was to draw attention to the ever increasing hazards to man and his surroundings caused by the ever increasing amounts of radiation man is releasing into his environment.

I want every Senator, and every American, to be aware of these hazards.

I want every Senator and every American to be aware of the inadequacies in the efforts our Government is making to meet the challenge presented by these hazards. I believe it is important these efforts be improved.

As a first step, I look for the full implementation of the recommendations contained in the report to the Surgeon General prepared by the National Advisory Committee on Radiation in April of this year. This respected, professional Advisory Committee recommends that the number of radiologists, radiological scientists and radiological technicians be substantially increased; that Federal regulation and control over radioactive materials and X-ray equipment—now almost nonexistent—be strengthened and that the Public Health Service play a greater role in the appraisals of health risks associated with nuclear facilities and laboratories. These recommendations are sober and modest. They are the result of a quiet appraisal of a serious problem. If the recommendations have not received the public attention they deserve it is because the committee has been determined to avoid sensationalism and irrational reactions of fear or panic from the public.

I ask unanimous consent that the recommendations of the committee may be made a part of the RECORD at this point.

There being no objection, the recommendations were ordered to be printed in the RECORD, as follows:

RESTATEMENT OF RECOMMENDATIONS

In this report the National Advisory Committee on Radiation has made a number of recommendations which it hopes may be helpful to the Surgeon General in meeting the responsibilities of the Public Health Service in the radiological sciences. For convenience, these recommendations are summarized as follows:

1. The Public Health Service should take immediate steps to strengthen its programs in the radiological sciences by unifying their administrative direction. Such action is needed to assure an orderly development of the broad spectrum of radiological activities for which the Service is responsible and to give continuous attention to the balance of benefit and risk in all matters pertaining to the human application of ionizing radiation.

2. The Service should undertake the following training and research and development programs to upgrade the quality of the radiological services which have become such a critical part of medical and dental care and to improve radiation protection practices in the health professions:

(a) a series of training programs: (i) to strengthen radiological instruction of medical students; (ii) to increase the number of academic radiologists in American medical schools; and (iii) to increase the number of practicing radiologists in the United States.

(b) a series of training programs to provide increasing numbers of radiochemists, radiological engineers, radiobiologists, radiological physicists and radiological health specialists.

(c) a series of training programs to provide increasing numbers of technologists in the several disciplines of the radiological sciences.

(d) a series of applied research and development programs to increase the effectiveness and safety with which radiological procedures are employed in the health professions.

(e) a series of programs to provide training and research facilities for academic departments of radiology in American medical schools.

3. The Service should take the initiative in the formulation and promulgation of (a) standards dealing with the qualifications of personnel who operate X-ray equipment or who use radioactive materials not regulated by the Atomic Energy Commission; (b) design standards for sources containing radium and other radioactive materials that are not reactor byproducts; and (c) standards for the premarketing clearance of X-ray equipment used in the health professions and in industry.

4. The Service should take appropriate action to assure that official health agencies play an increasingly prominent role in the appraisal of the health risks associated with the construction and operation of major nuclear facilities.

5. The Service should take immediate steps to strengthen its laboratory and statistical resources in the radiological sciences. These resources are essential components of the PHS effort to meet the Surgeon General's responsibilities to the nation.

6. If needed, appropriate legislative authority should be sought at the earliest possible time to carry out the foregoing recommendations.

Mr. BARTLETT. Mr. President, if these recommendations are to be adopted, if this report is to be approved the Congress must be made aware of the extent of the problems. That was my purpose on June 23 when I spoke on river contamination, that is my purpose today when I speak on X-rays. That will be my purpose in the days ahead when I speak on fallout. Only by drawing public attention to the hazards will it be possible to obtain the preventative measures necessary to safeguard the public from unnecessary or excessive exposure to radiation.

I do not want to be an alarmist. I do not want to arouse fears or panic. I do not want to deal in sensationalism or exaggeration. But I do want the public to be aware of the extent of the problem and the rising need for Federal solutions.

Today I speak of X-ray machines and fluoroscopes. The benefits of diagnostic and therapeutic X-ray treatment are many and well known. A great many lives have been saved because of X-rays. A great many lives have been prolonged. Needless operations have been averted. Advanced cases of carcinoma have been stayed. Without doubt, mankind is much better off as a result of the discovery of the X-ray.

The discovery of the X-ray dates back but 70 years. So widely recognized have been the benefits of X-rays that now, today, more than half our population each year is X-rayed or administered radioactive materials during the treatment of disease. The new and promising field of nuclear medicine is expanding rapidly and the number of patients examined by these procedures doubles every 3 to 5 years.

Although the use of X-rays and nuclear medicines continues to grow, there has been no commensurate expansion of registration of machines and surveillance of equipment. Some States maintain careful registration and licensing procedures for X-ray equipment. Some States provide for a systematic and regular inspection of this equipment. More than half the States, however, have little or no supervision.

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[1] Appointed on May 18, 1966, to succeed Robert P. Griffin, of Michigan, who resigned to accept appointment to the U.S. Senate.

[2] Walter Kravitz of the Legislative Reference Service assisted the Joint Committee staff.

Regulations, licensing, and supervision take a technical competence that some State departments of health do not have. Licensing and adequate inspections take time and money with which many States are loathe to part.

The Federal Government which has subsidized the development of many of these nuclear medical techniques has not—to any real, responsible, or adequate degree—assisted the States in shouldering these burdens.

Why is it important to have Federal control over the use of X-rays, fluoroscopes, and over the construction of X-ray equipment for medicine and dentistry?

Let the Senate think about the following facts. They are taken from reputable articles in reputable professional publications. I will not burden the RECORD with the full bibliographic citations. I have them on file and I will make them available to any who seek them.

In the first years of the development of X-ray machines over 100 radiologists died of skin cancer brought on as a result of exposure to X-rays.

It has been estimated that in past years radiologists have experienced incidences of leukemia 10 times greater than the general population. It is believed this leukemia was the result of exposure to X-rays.

A study made in 1963 indicated that as a result of exposure—often unnecessarily large exposure—to X-rays the life expectancy of U.S. radiologists has been statistically shortened.

In a study, conducted in 1962, of the case histories of 700,000 children born in hospitals in the U.S. Northeast results indicated that the incidence of cancer was about 40 percent higher in children who had received X-ray exposure in utero than in non-X-rayed children.

In a similar English study conducted during the years 1953 to 1965 information was collected on 677 children under 10 years of age who had died of malignancies. The mothers of these children reported receiving diagnostic X-rays during their pregnancies twice as frequently as mothers of normal children. Children exposed in utero to X-rays, according to this report, are about twice as likely to die of cancer before the age of 10 as are other children.

It is thought that a direct relation between exposure to radiation and leukemia can be detected in doses as low as 2 to 10 roentgens. The usual exposure received from a chest X-ray is not much more than 15 milliroentgens. This implies, however, that the X-ray machine is in good shape. If it is not, exposures can easily increase substantially, by multiples of tens and even hundreds, without the operator being aware. The average exposure during fluoroscopy exceeds 10 roentgens per minute.

The calculation of the total genetic and somatic damage from X-ray exposure of large populations is largely a matter of informed guesswork.

It is incontrovertible that some damage is caused by X-ray exposure. It is incontrovertible that this damage includes shortening of life, cell damage and genetic mutation. The difficulty comes in estimating how much harm is caused. An article in the American Journal of Public Health in January of 1964 by Hermann J. Muller, Ph. D., a study financed by the AEC, makes some ballpark estimates.

It is thought that the average American receives approximately 3 roentgens from medical sources over a 30-year period. This constitutes about half the total exposure received from all radiation sources—natural and manmade—and about 90 percent of all manmade radiation exposure. A conservative estimate holds that a man's life is reduced by 2¼ days for every roentgen received after his postnatal life. There are 80 million people in the reproductive portion of the U.S. population. By straight mathematical calculation using a 70-year lifetime, 21,180 lifetimes are lost by an average 3-roentgen exposure to our population.

The above figure by no means indicates that 20,000 people have been killed by X-rays. It indicates that the equivalent of 20,000 lives have been lost this generation. It indicates also the great power of this important medical tool which, like all tools, is dangerous if improperly used.

It is more difficult to calculate hereditary damage to large populations. The extent of the damage depends upon many variable factors. These include not only the amount of radiation but the length of radiation exposure as well as the time period over which it is applied.

Dr. Muller has estimated that the present level of exposure being received by Americans of reproductive age would result in one mutated gene for every 400 babies born. This works out to 200,000 babies with a newly mutated gene for every 80 million babies born. This is, says Dr. Muller, "a modest estimate." However, he adds, "of course only a small fraction of these 200,000 or more lethal equivalents cause genetic death in the first generation of offspring that receive them. The losses are spread out over centuries."

It is clear that X-ray machines are dangerous when improperly handled. Fluoroscope machines are even more dangerous. The average fluoroscopic examination exposes the patient to approximately 200 times more radiation than he would receive from an X-ray machine. This is if the machine is properly used. If it is improperly used the radiation exposure is even greater. Studies seem to indicate that the improper use of these machines is a common occurrence. Some doctors are careless about the length of time they leave a patient under the rays of the beam. Often as not the beam is turned on before the doctor's eyes are accustomed to the dark and the patient must wait under radiation until the doctor's eyes are adjusted to the darkness. In the dark the doctor may find it difficult to judge the passage of time. Further, the machine is often improperly shielded.

There is no reason why fluoroscopes should emit more than 10 roentgens per minute. The National Committee on Radiation Protection and Measurement has specified that exposure should be as low as possible and shall not exceed 10 roentgens per minute. And, yet for example several years ago a survey in a southern county showed that of 189 fluoroscope machines tested 113 were found to emit more than 10 roentgens per minute. Twenty-five were delivering 20 roentgens per minute. In a survey taken in a western State, one fantastic machine was found to emit 65 roentgens per minute.

Fluoroscope machines are important to modern medicine. There is no reason why they cannot be used properly and there is every reason why in certain medical procedures they must be used.

On the other hand, there is no excuse for the unnecessary use of fluoroscopes. To guard against this the American Academy of Pediatrics has advised "against the installation of fluoroscopes in doctors' offices." And has stated flatly that "routine fluoroscopy of children, or fluoroscopy for demonstration to parents, is strongly condemned." Most reputable medical authorities have urged the use of fluoroscopes "only when there is a specific medical need not met by other diagnostic means, and taking very special care with infant children, pregnant women, and young adults."

Research into the effect of X-rays on large populations has been meager and inadequate but even what facts and figures are available indicate strongly that special care should be taken to see that machines are properly equipped and handled and that those handling them are properly trained in their use.

Is this special care being taken?

The answer is "No." The director of the office of radiation control for the health department of the city of New York in an article published in the December 1964, New England Journal of Medicine makes this clear. Professor Blatz states that "examinations are often done with insufficient clinical reason, and that many exposures are unnecessarily repeated." Professor Blatz says that the average dose to patients could be reduced by 50 percent overnight, by 75 percent or more within a month. But these reductions have not been made.

The persons conducting the survey in the southern county study left 118 written recommendations for eliminating the hazards which they found in their investigations of physician-owned X-ray and fluoroscope machines. A check made a year after the original survey was taken indicated that only 41 of these recommendations had been complied with.

Professor Blatz estimates that New York City physicians' compliance with written requests to improve their X-ray equipment as required by law in that State is only about 60 percent.

Persons continue to receive radiation from unproperly shielded machines, often unnecessarily. It is well known that shoe-fitting fluoroscopes are a source of severe gonadal dosage of a totally unnecessary sort. And, yet only 32 States have banned their use. These machines are still in use in stores across the Nation.

Professor Blatz points out that 85 percent of all X-ray equipment is owned by physicians without formal training in radiology. The simple fact of the matter is that these physicians are "quite ignorant" says the professor, "of the many factors that contribute to patient dose and means for controlling it." He goes on, "many years of attempted professional education have been quite unsuccessful."

One of the most horrifying examples of this sort of thing is found in an article published in the June 16, 1966, issue of the New England Journal of Medicine. This article concerning medical ethics tells of a research project undertaken on newly born babies who were subjected to extensive and continuing X-ray exposure of the bladder and gonads. Such practices in the name of medicine are unspeakable. The author of the article, Dr. Henry K. Beecher, pointed out, in remarkable understatement:

> What the results of the extensive X-ray exposure may be, no one can yet say.

Obviously X-rays and fluoroscopic equipment are not now being properly regulated. This regulation has been left to the States. They are capable of providing proper protection but many are apparently unwilling to do so.

Only 37 States have any regulations governing X-ray protection. If a State program is to be effective it must have registration and licensing and active inspection programs to see that its regulations are enforced. The Public Health Service estimates there are over 113,000 X-ray machines in the United States and yet there are only 116 full-time people working on the X-ray licensing, regulating, and inspecting activities of the States. The States spend only $1,800,000 a year on their X-ray programs and this sum includes formula grants from the Public Health Service.

Mr. President, I ask unanimous consent that statistics on State efforts on X-ray protection prepared for me by the Public Health Service may be made a part of the RECORD at the conclusion of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. BARTLETT. Mr. President, Senators who have heard me out will understand why the eminent and respected National Advisory Committee on Radiation has recommended that the Federal Government take the lead in determining the qualifications of persons who use X-ray equipment or radioactive materiials and in developing standards for X-ray equipment manufacturers and use. The Committee recommends the upgrading of all radiological services. We need better radiological instruction of medical students. We need to increase the number of academic radiologists. We need to increase the number of practicing radiologists.

The continued careless use of these machines must come to an end. This is an age of increasing radiological hazards. The number of nuclear power plants increases yearly. The amount of atomic waste products continues to grow. The French and Chinese continue their atmospheric testing. And, atomic fallout continues to fall. In the years ahead, it is as certain as certain can be that the radiation exposure burdens received by all men will grow.

I do not mean that we should be afraid. There is no cause to fear. There is cause to be alert. I pray the Senate, the Congress, the administration and the President will hear me in this call.

EXHIBIT 1

Number of States having X-ray protection legislation and regulations[1] *as of Dec. 31, 1965*

	Total number of States[1]
Legislation:	
Total, enabling act	38
Therapeutic and industrial uses only	1
Total statutes	25
Registration only	10
General authority	4
Total regulations	37
Registration only	5
Therapeutic and industrial uses only	1
Both legislation and regulations	36
Nothing	8

[1] Includes 50 States, District of Columbia, and Puerto Rico.

Expenditures for State X-ray programs[1]

[Dollar amounts in thousands]

Fiscal year	Amount	Percent of total	Percent over previous fiscal year
1962	$682.8	26.1	
1963	946.1	21.9	38.6
1964	1,381.5	25.9	46.0
1965	1,839.4	29.7	33.1

[1] Includes PHS formula grants.

Number of people working in State X-ray programs

Fiscal year	Full time	Part time	Total
1962	54.0	20.1	74.1
1963	79.5	12.8	92.3
1964	100.2	18.4	118.6
1965	116.4	26.7	[1] 143.1

[1] Fiscal year 1965 shows 93.1 per cent increase over fiscal year 1962.

Medical X-ray program activities[1]

	Estimated number of units	Number registered (cumulative)	Fiscal year 1965 activities		
			Number of units inspected	Number of units defective	Number corrected
Total	113,806	88,635	25,174	11,001	7,713
Number of States showing nothing		13	7	7	10

[1] Includes 50 States, District of Columbia, Puerto Rico, and the Virgin Islands.

Laws and regulations governing use of shoe fitting fluoroscopes (Dec. 31, 1964)

	Registration required only	Banned	Nothing
Total number of States	17	32	3

FELIX GREENE: RED CHINA'S MAN IN AMERICA

Mr. SIMPSON. Mr. President, America plays host to a variety of citizens from many nations. We have within our shores nationals of more than 100 countries living here in various stages of permanency and engaged in a wide range of pursuits.

They are a unique element in our citizenry and most are assets to the United States. None, however, is more unique or less of an asset than an impeccably manicured British gentleman who lives in Palo Alto, Calif.

Not only is this Britisher, who has lived off our country for more than a quarter century, able to champion the causes of the People's Republic of China without registering as a foreign agent, he is able to travel between the United States and China in violation of our laws, slap the face of our Government in his travels, and have reentry permission handed him on a silver platter. And that is not the limit of his wiliness.

When he is through gathering his notes and remembrances from mainland China, he is able to regain his resident status; and he can get his American citizen wife into China without a properly validated American passport.

He is able to draw immense crowds of bright-eyed, eager students because he represents himself as an objective lecturer and journalist.

This most clever man is Felix Greene, whose current claim to fame is as the producer-distributor of a film entitled "Felix Greene's China."

Greene was one of the first 86 persons to register in 1938 under the newly authenticated Foreign Agents Registration Act. He registered at that time as a BBC employee and hence an agent of Great Britain. Today, unregistered, he is a most articulate and persuasive advocate of the People's Republic of China.

The reason I am given for this by the Justice Department is that Mr. Greene has either avoided, or cleverly concealed, a contractual relationship between himself and the government he serves. It may be true that his ties to Peiping are more emotional than pecuniary, but the fact remains that his actions are in enthusiastic support of Communist China and her government.

Mr. Greene represents a new kind of China lobby quite unlike the small anti-Communist lobby of the 1940's which endeavored to tell Americans that Mao Tse-tung and company were not agrarian reformers. This new China lobby of the left works on Mao's side of the ideological fence. Mr. Greene, as an articulate, sincere-sounding, and persuasive advocate of the People's Republic of China, is the new China lobby's blue-chip asset.

In making these remarks, Mr. President, it is not my purpose to silence the clever Mr. Greene, only to label him.

Mr. Greene may say whatever he wishes to whomever will listen so long as he is properly identified and within the law. I wish Mr. Greene to be prohibited from speaking from the false platform of an objective, nonpartisan China watcher, because he is anything but nonpartisan. He is an advocate, and a most persuasive and articulate one, for the rapacious regime which governs mainland China.

It is not surprising that in his role Mr. Greene has sought to avoid compliance with the Foreign Agents Registration Act. His lectures draw substantial audiences, his manuscripts appeal to major publishers, and his propaganda is freely distributed in this country, all because he has escaped the onus of registration.

Eager for what they think are objective reports from mainland China, the American people accept Mr. Greene at face value because after all, the Government, which has been his host and which he has abused so egregiously for the past decade, has not suggested to the people that Mr. Greene is anything other than what he purports to be.

Before I go more fully into Mr. Greene's activities, I should point out that he has been a resident of the United States since about 1940. He travels on a British passport and has been granted permanent resident status—several times—by the Department of State. So that he will be properly backgrounded, I ask that at this juncture of my remarks a brief résumé, prepared at my request by the Library of Congress, be printed in the Record.

There being no objection, the memorandum was ordered to be printed in the Record, as follows:

The Library of Congress,
Washington, D.C., April 20, 1966.

To: Hon. Milward L. Simpson.
Attention: Mr. Baldwin.
From: Foreign Affairs Division.
Subject: Background Data on Mr. Felix Greene.

Mr. Greene was born May 21, 1909 in Berkhamsted, England of Edward and Eva (Stutzer) Greene. He is the cousin of the celebrated author, Graham Greene (Brighton Rock, End of the Affair, The Quiet American, etc.). He married Elena Lindeman and the marriage produced a daughter, Anne. Mr. Greene graduated from the Sidcot School but terminated his university level studies at Cambridge after two years.

Between 1931 and 1933, Mr. Greene was employed as a political worker with the Prime Minister's office in London; from 1932 to 1940 he served as a "senior official" with the British Broadcasting Corporation in London and New York. Since that time has been variously employed in the United States: he has been an importer, a free-lance radio and television commentator, a photographer for McGraw-Hill Book Company, and a traveling lecturer on international affairs. Mr. Greene travels extensively on a British passport, having toured South America as a representative of B.B.C., gone round the world twice in the employ of British Commonwealth radio organizations, visited mainland China thrice (1957, 1960–61 and 1963). Mr. Greene obtained the first television interview ever given in Communist China by Chou En-lai (1961) and conducted a controversial interview with Ho Chi Minh in Hanoi in late 1965 (text in Washington Post, Dec. 14, 1965).

On his last trip to Communist China, Mr. Greene made a movie, predictably entitled "China"; during the past two years, Mr. Greene has travelled broadly in the United States showing his movie and lecturing on U.S. policy toward China. The film has been shown in most of the cities of this nation and has, without fail, caused controversy due to what might be termed "a somewhat left-of-center interpretation" of the occurrences on the mainland since 1949. Understandably, Mr. Greene has been associated with the recent "peace movement."

Mr. Greene's publications include: "Awakened China; The Country Americans Don't Know" (Doubleday, 1961, 425 p.): "A Curtain of Ignorance: How the American Public Has Been Misinformed About China" (Doubleday, 1964, 340 p.); "Let there be a World" (Fulton Publishing Co., Palo Alto, 1963, 63 p.) (a tract on nuclear arms).

Mr. Greene also edited "Time to Spare; What Unemployment Means by Eleven Unemployed" (1935).

He is a member of: The Press and Union League Club (San Francisco), Royal Societies Club, Royal Institute of International Affairs and P.E.N. (all headquartered in London).

Mr. Greene's home and office is at 1765 Fulton St., Palo Alto, California. His literary agent is Brandt and Brandt, 101 Park Avenue, New York, N.Y.; the agent handling his lecture program is W. Colston Leigh, 521 5th Avenue, New York. N.Y.

Mr. SIMPSON. I ask also, Mr. President, that other related editorials, to which I shall allude, be printed in the Record at the conclusion of my remarks—including the translation of an article by French journalist, Jules Roy, which paints a starkly vivid picture of the so-called new China.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. SIMPSON. As noted in Mr. Greene's biography—which, incidentally, contains an omission of one in the number of trips he has made to China—he has written two full-length books on China, both of which were published by Doubleday. His books and other writings are their own testimony to the author's purpose and allegiances as is the motion picture "China," which tells graphically of the producer's affinity to Communist China.

Let's look at the reviews of Mr. Greene's books. With hardly any exceptions, they are ecstatic in leftwing publications and sharply critical in all others.

GREENE'S PROPAGANDA

The Saturday Review of August 22, 1964, writing of "A Curtain of Ignorance," calls it "the second book—Greene—has written in an effort to achieve" the purpose of convincing Americans "that they are completely wrong in their view of Communist China." Further on in the same review, writer John N. Ellison notes:

> The book is so one sided and the author commits so many of the crimes of omission, partial quotation, and complete dependence on official statements and government statistics that he charges others with, that one is tempted to dismiss everything he says as arrant propaganda.

In a more recent review of "A Curtain of Ignorance," Mr. George E. Taylor notes in "Problems of Communism" for May–June 1966 that—

> Mr. Greene also tells us—not surprisingly—that it was the Communist armies which took the initiative against the Japanese invaders, while Chiang Kai-shek was more concerned with protecting himself against the Communists. This is actually nothing but a Communist-inspired myth which even Mao has corrected.

Mr. Greene would also have us believe, according to reviewer Taylor, that "the Soviet standard of living will be the highest in the world within the lifetime of our children," and that "the historical role of communism is to provide the most effective way for backward countries to become industrialized, and if this means the establishment of a self-perpetuating party and a bureaucratic state, we have only to wait for the healing influence of time to turn it into a democracy."

Reviewer Taylor notes in addition that—

> It is strange to have an Englishman writing a book on American policy and meaning Americans when he says "we." It is even stranger to have him claim that the United States of America is ignorant about China when it publishes more news, more translations of Chinese Communist materials, more scholarly books and articles on that country than all of western Europe.

I might add that Mr. Taylor gave his review of "A Curtain of Ignorance" a title which mirrored his opinion of Mr. Greene's book. He called it "A Curtain of Distortion."

The Los Angeles Herald-Express, in a review December 18, 1961, calls Greene's "Awakened China.":

> A piece of propaganda which in no manner reflects facts of strife and hunger and failing industrialization which are known to the western world. No intelligent reader would

swallow Greene's assertion that he was "unbiased" in his report. One needs only look at the book itself which denounces Nationalist China and goes page after page into what he calls "the Chinese case—an apology for Communist China."

But a far rosier review came from the left. The Worker of July 31, 1962, calls the book:

> The most authoritative and heart-warming account of a great nation's emergence into the new world of socialism.

Says the Worker of Mr. Greene's literary output:

> A rare combination of excellent reporting—objective yet human—a thoroughly enjoyable style of writing, and a full appreciation of the human miracle being wrought in the building of socialism in China . . .

Lucid and graphic accounts of what he wants audiences to believe about Red China constitute the lecture feature of the Felix Greene propaganda potpourri. Those to whom he has spoken attest to the effectiveness and drama of the Greene oratory. That oratory varies little from the naked propaganda of his books and motion picture.

Mr. Greene's most recent and spectacular contribution to the interests of the People's Republic of China is his motion picture "China." This 65-minute color film, which, I am informed, is being promoted for showing in our public schools in the not-too-distant future, is an unqualified success, technically and in the propaganda field. It has drawn substantial audiences in Washington, New York, and a score of other cities.

Mr. Greene has told critics of his film and his conduct that he went to China in 1963 under contract with the Associated Television Co. of London to produce a television film on China. This may be true as far as it goes because he did provide documentaries for the British firm. But the full story is that he was not on contract to produce a specific film entitled "China." This he did on his own, with Peiping's help, and British Television has no share in or of the production. The film "China" is a creature of Felix Greene and Peiping, and the producer was not underwritten by British Television.

The Department of State has acknowledged that Mr. Greene took his raw, unedited film to them in an attempt to reap a gigantic profit by peddling it as intelligence material. After screening some of it, the Department and intelligence sources agreed that it was so lacking in objectivity that it had no intelligence value. Mr. Greene was simply trying to make a profit off the Government that he had slapped down in making his trip to the Orient—a "double whammy" for the People's Republic.

But Felix Greene still made money—good old American greenbacks—from his propaganda activities, as evidenced by this press release from his New York City publicist:

> "China," the documentary film report on Communist China, has grossed $13,500 from the second week of its premier engagement at the Carnegie Hall Cinema, it was announced today by Felix Greene, the producer of the film.

I should add that Mr. Greene gives credit in his film to the official China Film Corp. of Peiping for its cooperation. There is also reference to the Chinese photographer, Hsu Chih-Chiang, who shot many of the scenes and, of course, whose cooperation was approved by Peiping.

As to the 15,000 miles Mr. Greene professes to have traveled in photographing the Chinese people and landscape, Variety, in a review of "China," points out:

> Although he says that he has traveled over most of China, most of the film deals with two cities, Shanghai and Peking, both with heavy political overtones. The few rural and village shots could have been immediately outside either city.

Felix Greene's "China," like Felix Greene's books, drew reviews along typically predictable lines. A column in the San Francisco Examiner notes that the movie is "good professional propaganda fare," while the Worker of June 8, 1965, points out:

> Old China is shown in black and white, its people starving, ravaged by the western powers * * * the momentum of advance permeates the entire film.

Felix Greene wrote a short piece for a recent issue of Ramparts in which he said that when traveling through China "you will be amazed how much communication is possible. And above all—listen. Listen to what China and her people are telling you."

That would be a good trick for Mr. Greene because he would have to overcome his own private, cut-to-order "Curtain of Ignorance." Anyone, including Felix Greene, can "listen" to Chinese, but few westerners, including Mr. Greene, can understand it. By his own admission, he does not speak Chinese in any of its dialects, nor does he read or write it. Official interpreters provided for the Britisher by the People's Republic of China related in their own phraseology "what China and her people" were telling him.

Mr. Greene has written also that he knows something of the bloodshed that preceded the Communist takeover of China. It would be extremely unlikely that he would know much of this subject, however, because his first trip to China was in 1957. He returned there again in 1960 and 1963, and we now know that without fanfare he slipped back into China last year in the course of a propaganda sojourn to North Vietnam. There is no record of Mr. Greene ever having been in China for a firsthand perusal of that country prior to its takeover by today's Communist dictators.

THE LAW AND MR. GREENE

The Justice Department, while admitting that it deplores Mr. Greene's conduct while a guest of the United States, asserts that it cannot prosecute him as a foreign agent because there is no proof of contractual relationship.

In my judgment, the "contractual relationship" misses the entire point of the Foreign Agents Registration Act. A man with an emotional commitment to a cause will wax no less eloquently on its behalf than will a mercenary.

Few of history's luminaries have committed themselves to a crusade because of its attractive dollar value. I doubt both that Mr. Greene carries about in his breast pocket a contract from Peiping, or that such a contract would materially affect the quality or quantity of his propaganda.

It is worth recalling that Mr. Greene has ridden the tail of the dragon to considerable affluence simply by the commercial aspects of his campaign. He admits that his Peiping popularity film grossed $13,500 in the second week of its showing; and at a minimum of $500 per lecture, the globetrotting Britisher has certainly been able to keep the wolf from his door.

Felix Greene can write on behalf of the People's Republic of China, he can produce films on behalf of the People's Republic of China, he can deliver speeches on behalf of the People's Republic, and he can exploit the public airways for radio broadcasts on behalf of the People's Republic. But because the Justice Department cannot produce a contract between Mr. Greene and Peiping, the Britisher is apparently beyond the scope of the Foreign Agents Registration Act, which has been just recently amended.

It is perhaps to the credit of the Department of Justice that Mr. Greene has been investigated at some length and that the Department at least finds his activities worthy of "dislike."

In addition to the visible evidence of his unstinting devotion to Peiping, Mr. Greene is an unusual man in other ways. He is fast on his feet. His is a fast man with a nationality change. He is a fast man with his wife's passport. And apparently he has some pretty fast allies in the American bureaucracy.

I call the Senate's attention to this most amazing sequence of events:

In August of 1963, Mr. Greene applied to the Department of State for permission to travel to Communist China. Permission was denied. And yet, 6 weeks later he was en route to China. How? By the simple expedient of informing the Immigration and Naturalization Service that "he" no longer considered himself a permanent resident of the United States.

He wrote the Service, turned in his alien registration card, and, with an unfettered British passport, embarked for mainland China by way of London.

After 4½ months of trekking through the People's Republic, Mr. Greene applied for reentry to the United States as a new immigrant. He was given a visa at the American Embassy in London on January 29, 1964, and reentered the United States at New York on February 6, 1964. Our Embassy in London could have refused him a visa but obviously chose not to do so.

Initial action to have kept Mr. Greene out of his sometimes country should have come from the State Department.

This was Mr. Greene's third trip to China, but not his last. Reports reaching Washington late in 1965 told startled officials that their jolly Greene traveler was again in Communist China and again by way of England. This time he had a fellow traveler—his wife—who is an American citizen and who did not have a passport validated for travel in Red China. Greene had also been in North Vietnam.

This time, Greene did not even go to the trouble of abandoning his permanent resident status in the United States. He summarily and without fanfare went to Communist China, and despite the fact that he was in patent violation of American law, which makes such conduct a felony, he was again allowed back into the United States.

For reasons known only to the Department of State, Mr. Greene was given a visa by our Embassy in London on December 30, 1965. He reentered the United States at New York as a permanent resident on January 3, 1966. To assuage his trepidation in this moment of consternation, his wife dutifully filed a petition declaring him an immediate relative.

The State Department clamped down on the distaff side of the Greene team. Mrs. Greene's passport was withdrawn on March 17, 1966, and she will have a much more difficult time getting back into China. But even though Felix Greene is just as obviously in violation of law, no action has been taken against him.

I should point out in this regard, Mr. President, that for her illegal entry into a restricted country, Greene's wife could have been prosecuted under regulations which make a felony of her conduct. The State Department simply lifted her passport.

Mr. Greene is truly a most clever or fortunate man because the same agency of the Department of State which had denied him permission to travel to Communist China in August of 1963 turned around and approved his reentry into the United States only 4 months later and again 2 years later.

In fairness to the State Department, it should be noted that the agency which at first refused Greene's travel request and then on two occasions helped him get back into the United States was the Bureau of Security and Consular Affairs headed at that time by Abba Schwartz. Mr. Schwartz is no longer with the State Department.

Now, Mr. President, a number of questions come immediately to mind in the matter of the clever Mr. Greene. The first is that our immigration laws, so recently amended, need to be further amended so that the privilege of living in the United States and enjoying the pecuniary and subsidiary benefits thereof cannot be prostituted to benefit a foreigner who is running a one-man political campaign for our country's enemies.

If the law allows Mr. Greene to arbitrarily renounce his permanent status, travel to China in violation of American regulations, and then come back and demand the same status that he had just surrendered, then that law ought to be changed.

Further, I would suggest that if the Foreign Agents Registration Act is so ambiguously drafted as to ignore a man whose attachments to a hostile foreign power might be more emotional than pecuniary, that law ought to be changed.

It can perhaps be argued that Mr. Greene is not under contract to Communist China, that he has enjoyed no direct financial gain from his representation of Peiping in the United States, but there is no doubt that he has a strong emotional tie to the Asian government.

Mr. Greene's feet may be in Palo Alto, but his heart is in Peiping, and this makes him no less effective as a foreign agent.

I would suggest also that responsible public officials ought not to be so circumspect in discharging their responsibilities. There is sufficient legal and discretionary authority vested in the Department of State for officials to have twice denied Greene reentry into the United States.

If the State Department functionaries were afraid of having the free speech argument thrown at them, then they ought not to have been so timid. No one familiar with Felix Greene's utterances or writings could honestly assert that they represent journalism or literature in any form.

But the most important point of all this is the fact that Greene is presently in violation of American law in that his 1965 trip to China was made without the required withdrawal of his permanent resident status and without clearance from our Government. The law clearly provides that it is a felony for an unauthorized alien with permanent resident status to travel to a restricted area.

The Departments of State and Immigration acknowledge that Felix Greene was in two restricted areas—North Vietnam and China—in 1965; that he had not informed the country which had been his host for two and a half decades that he was going on such a trip; and that, in fact, he had not renounced his permanent resident status. This is a clear violation of Federal law—8 U.S.C. 1185—and Federal regulations—22 C.F.R. 46.2 and 46.3. It is a serious violation for which the Departments of State and Justice could and should initiate criminal proceedings against the jolly Greene traveler.

The State Department has claimed helplessness in stopping Mr. Greene's reentry into the United States because, as they see it, he does not fit any of 31 definitions of aliens "excluded from admission." These 31 points are spelled out in 8 U.S.C. 1128(a).

The language of subsection 27 of the above-mentioned citation is, in my judgment, both general enough and specific enough to have applied to a man who has violated American law in traveling to a restricted area and who is known to have a propensity for championing causes diametrically opposed to American interests. This subsection reads, and I quote:

> Aliens who the consular officer or the Attorney General knows or has reason to believe seek to enter the United States solely principally, or incidentally, to engage in activities which would be prejudicial to the public interest, or endanger the welfare, safety, or security of the United States shall be ineligible to receive visas and shall be excluded from admission into the United States

Certainly an analysis of Felix Greene's activities would indicate that they fit this language.

In addition, there is another matter involving the Treasury Department. Title 22 of the Code of Federal Regulations provides that persons under the jurisdiction of the United States—and this includes Greene's resident status—shall have certain licenses before traveling to a restricted area. Neither Greene nor his wife had such licenses in 1965, although Treasury claims it would have issued them had they been requested. The fact is that they were neither requested nor issued and there is a violation of law in this regard. Greene did get an import license for film after his 1963 trip to Communist China.

The Departments with which Greene's travels were discussed warned that the arguments against Greene might be "rebuttable" because the Government could be called upon to establish that Greene's "primary purpose" in his trip was to go to China rather than England. As a lawyer, I find this logic to be ridiculous.

It is to say that if John X stops off at a drugstore en route to robbing a bank, he could not be prosecuted because the "primary purpose" of his trip was to visit the drugstore. The facts of the matter are that Greene went to China; that he had not surrendered his permanent resident status before traveling; and that this is a clear violation of Federal law.

In summation then, Mr. President, I make these points:

Felix Greene for the past decade has acted in the capacity of a foreign agent representing the People's Republic of China. That he is effective in that capacity, despite the lack of a "contractual relationship" between himself and Communist China, cannot be disputed.

Felix Greene willfully violated the intent of our laws in failing to secure in advance of his 1963 trip to China the necessary Treasury Department licenses to bring Communist Chinese film—a commodity—into the United States. He got such permission "after the fact."

Felix Greene has egregiously abused the Government that has allowed him to be a guest of the United States for more than 25 years. He has used his unique status and his British passport to confuse and confound American laws and policy.

And finally, Felix Greene is in patent violation of Federal laws and regulations which prohibit travel to a restricted country by an alien with permanent resident status in the United States. The law is clear in this matter, and the Departments of State and Justice ought to cooperate in initiating criminal prosecution proceedings.

Felix Greene has been a guest of the United States. That he has misused the courtesies extended to him by his sometimes country, there can be no doubt. That he has no inherent right to residency in the United States, there can be no doubt.

He has made no attempt to secure citizenship. He has been an alien leech in this country's jugular, proselytizing on behalf of our enemy, deprecating our policies, and inveighing against our objectives.

He has made countless statements advocating the supremacy of a Communist Chinese hegemony; apologizing for the rapacious excesses of the Peiping regime.

While our guest, he has been actively engaged in pursuits which has been detrimental to the interests of the United States. He has advocated and continues to advocate through lectures, motion pictures, books, radio broadcasts, and other means, the affirmative cause of a nation with which we have extremely hostile relations.

He is slapping down the Government and the country which has extended itself in residency to him. Were he to display comparable conduct as a private house guest, I am sure he would be booted into the street, and I think it is time this country took action to boot him back to Peiping.

Exhibit 1

A Frenchman's Personal Reaction on Visiting Red China: Lies, Dynasts, and Locked Rooms

(By Jules Roy)

(NOTE.—*"Having come to China in an ecstasy of love and admiration, I left bitter and frightened." The speaker is Jules Roy, the strongly opinionated French soldier-author whose latest book "The Battle for Dien Bien Phu" eclipses even his earlier fine work on Algeria. Roy's approach to China was, to say the least, open-minded. A former regular Army officer who resigned his colonelcy rather than continue to fight what he felt was an unjust war in Indochina, Roy went to China recently without any preconceived hostility to Mao's regime, prepared to praise Mao's accomplishments. His conclusions turned out differently, as this excerpt from his forthcoming book on China indicates. Although other political experts may differ with Roy's impressions of Mao's China, no one has thus far written about that state more brilliantly or intuitively.*)

There is no place to drop anchor off the continent that is majestically drawing near. Everywhere the cliffs drop straight down into the sea, forests cover the mountains. "Beyond the hundred rivers, beyond the thousand mountains . . ." But then another hundred rivers and thousand mountains succeed them in endless procession. In his feverish haste to set foot on the empire and pierce its mystery, the traveler fears he will never be able to get inside it. The plains are boundless, the villages all built of the same daub, the rice fields all turn green at the same time, the swine all devour the same roots, the people all carry the same heavy load.

The visitor senses that in the short time available to him he cannot hope to learn anything about this huge phenomenon wrought by the centuries out of almost unscalable peaks, deserts and a sea roiled by typhoons—as if nature wanted to crush the wretched creates that dared inhabit that part of the globe.

Nothing in China assumes the human proportions that enables us to separate truth from lies and sanity from insanity. To gain the upper hand, man has to hoist himself up to the level of cosmic revolutions and victories and win not only over men but over sun and waters, famine and injustice, by trading his own life for his children's.

The Chinese revolution is the refusal to continue serving former masters—a refusal kindled like fire in countless hearts, a refusal that was crushed, rekindled, crushed again and again rekindled into triumph. Oceans, rivers, daring deeds, revolts and plagues—all the words usually applied to China—take on the weight of century-old legend. In that land where nothing is small, disorder and the restoration of order, asceticism and cruelty assume the magnitude of their environment. It is impossible to keep from viewing everything in the same terms. Rivers carry hundreds of billions of tons of silt. Walls cut across a whole continent. The toll of any uprising reaches millions. A march counts only if it exceeds 10,000 kilometers. And when an emperor builds a garden, it is as large as an entire department in France. One million men is the unit of employment, two centuries the unit of time.

At the age of eighty, a learned man still prepares for examinations so he can learn a few thousand more words whose meaning changes with intonation, and every morning he practices his scales. A Westerner who has spent his whole life in China is barely able to get along without making too many mistakes. There is a temptation to abandon China to the swollen-headed scholars who watch over the temples of the Celestial Empire in Europe and devote their whole lives to deciphering poems and studying the customs, society and history. It is embarrrassing to disturb them by asking questions. . . .

Is it sinful to try translating their knowledge into plain language, in an attempt to understand how and why the prophets of Chinese Marxism-Leninism have merely followed in the imperial tradition of a state that oversees all things and all persons from birth to death? "Without the people's trust, government cannot exist," Confucius said twenty-five centuries ago to all who sought to harmonize relations between man and nature. After posthumous self-criticism, Chinese Marxism-Leninism will end up by building Confucius a mausoleum and taking him over.

Old China, the land of pleasant scepticism and tolerance, has already become the land of a faith which can no longer feed upon itself. Religious wars are impending. There is not a man in China who, in the name of Marxism-Leninism, whose banner is flying aloft, will hesitate to fling himself into the just war that Mao Tse-tung has been dreaming about for years, since the end of the Long March. Marshall Chen Yi tried to frighten me with this prospect.

No one is afraid—small children are being prepared for it and tens of millions of young militiamen and women are being trained. It has never been easy to make a soldier out of a Chinese, but now all of them are ready to die or to endure the worst hardships for the fatherland. No longer do they fear leaving their bones thousands of miles from their villages, for Marxism-Leninism has annihilated the ancestor cult and the tradition that sons must not die before their fathers.

The twenty pounds of written notes I accumulated in six months have not allayed my utter ignorance of China. I know hardly more today than when I arrived. . . . A plethora of novels, essays, statistics and philosophy has flooded my library. Professors, poets, diplomats, sailors, geographers, ethnologists and military men have been poring over the customs, language and origins of China, listening to her chest rise and fall in rhythm with history's tides: order and disorder alternating every two hundred years doom her to the heights of greatness or abysmal wretchedness. Certain death was their diagnosis. To read but a fraction of the material was enough to make one dizzy, but all those books were not worth one single look at China.

THE VIEW FROM CAR WINDOWS

Escorted by my mandarins, I wandered from hotel to hotel, city to city. We always had a private bathroom and each of our stops was highlighted by a banquet. We had heat when others were cold; I slept, ate and drank at the expense of the people who were pushing carts under our windows—somewhat hidden away, as was fitting, so that our eyes would not be hurt by their suffering or theirs by our ease. Above us, at unfathomable heights, U-2s and artificial satellites that we could not see were spying upon the Sinkiang deserts. We saw only avenues, squares, streets and the countryside framed by the sleeping car or plane windows; people bent under their load or waving branches of peach trees in bloom; columns of happy children who were being taught to hate imperialism.

A few witnesses of past social struggles and wars of liberation were brought to recite their lesson to me. A once-humiliated people, at last standing erect, had just shaken the atmosphere with its first nuclear explosion. These grains of sand that can slip through one's fingers had turned into concrete; the steel of the Party had reinforced them. It had taken 10 million men as proud and resolute as these to defeat the West at Dien Bien Phu.

Was there anything that the Chinese could not achieve with their valor and sheer mass? The figure of 750 million Chinese was already being mentioned; Chen Yi had spoken to me of 700 million, while a few days later Mao placed it at only 650. Anyway, within that range there is not much difference between 650 and 750 and they may be used interchangeably, depending on the impact sought by the speaker. It is estimated that the Chinese will reach the billion mark in 1980, 2 billion in 2000 and 5 billion in one hundred years if the frenzy of reproduction is not stemmed. My escort of mandarins kept telling me that plowing new lands would suffice to feed these multitudes, provided one took the long view in terms of space and time to be conquered. One century or two in the history of China, 100 or 200 million men more or less, who will notice the difference and who in China would be afraid of losing them? The time has now come when the blanket of men that covers China is threatening to engulf Siberia or Tibet, crushing any obstacle in its path.

I can already hear the snickering brought on by my clumsy image of the yellow peril. Which trap had I fallen into now, this imperialist wolf in a shepherd's cloak? I could not possibly have seen anything of China. This I shall not deny: I have seen almost nothing through the eyes of faith; the truth is that my erstwhile faith has forsaken me. I only know that, having come to China in a trance of love and admiration, I left bitter and frightened.

Is it my fault that the only pictures we were able to bring back were taken on the sly in the street or from car windows? Is it my fault that I was shown only museums, parks in bloom, lake shores and villages swept as clean as a barracks yard just before the colonel's inspection? I can still see that gloomy Sunday in Chungking when the head of the people's commune who was driving at the front of our motorcade on a muddy road roughly pushed an old peasant off the road and into a hut—a ragged old man on his way home with a bag of vegetables hung on a pole.

I would have been happy to glorify the crossing of the Tatu River and the flight in a military plane over the snowy foothills climbed by the remnants of Mao Tse-tung's and Chu Teh's legion. Is it my fault that I was asked to avoid questioning any official I might meet about the past? Is it my fault that most of the conversation consisted of platitudes? That they tried to bring tears to my eyes over the prospect of future friendship between our two nations? That they were happy only when they knew we were locked in our rooms or on night trains, our cameras safely tucked away?

In point of fact, they treated us as if they feared we would discover something. I would have understood some initial distrust. Yet my reputation—an assumed one, in all likelihood—as a man of the Left had helped with the Chinese Embassy in Paris. To reach Peking, however, a reputation has to travel not only 15,000 kilometers but also 10,000 light-years through empty skies. China has not kept up with the evolution of ideas in the West since Montesquieu and Anatole France, and for the past fifteen years Mr. Karl Marx has been studied in the universities instead of literature. If they hurry a little, they may get to Gide, Shaw and Thomas Mann by the year 2000, but to Faulkner the imperialist—never.

In the Middle Empire they sneer at the West's opinion, and it took a few painful failures before any thought was given to copying its production methods. Mao Tse-tung's works stretch around the library shelves of a new Great Wall, while one of the most intelligent peoples on earth is becoming the stupidest. It is a Socialist brand of stupidity, pleased with itself, its statistics and its self-criticism that merely humiliates the individual the better to extol the system. As for me, I was only a writer—in other words, to the Chinese who recognize only those who adhere to their regime, no better than a valet. That I should have the conceit or the naïveté to undertake to write the epic of the Chinese revolution was only the quirk of a barbarian from the distant seas. The emperors used to rewrite history as they saw fit with the help of their court of archivists and scholars. Mao Tse-tung, Chiang Kai-shek and their cliques are no different. Little do they care about books published in London or Berlin: they will never be read in China. If need be, they can write books themselves. China is enough for them. Not for us.

MUSEUMS AND ARMOR

My request for documents different from those preserved in museum cases was not the least cause of the storm I aroused. Had I been honest, I would have been content with what I was offered. What was in the museums was being offered to the people, and the people is the repository of the highest thought in the nation. I happen to distrust museums, just as I distrust institutions, the powers that be, the establishment, the apparatus of justice and of the State, and everything that rests on the power structure or depends on its good will. In the West we know that truth is not told when it displeases governments; it must be dug out of closed stacks in libraries and attics of witnesses. As to the rule that prescribes fifty years of seclusion for files on contemporary history, the good thing about democracy is that it allows writers to flaunt it. But in China, no one would dream of divulging state secrets unless the policy makers themselves did it for reasons of their own.

What was I to do? I knew that nobody would dare express a thought that did not fit in with the official truth, without being prepared to spend the rest of his life in a people's commune; in any case, there would be neither publisher to publish nor readers to buy any opinions not approved by the regime. It was tempting to say: "What does it matter? I shall make do with the museums." Was I going then to rehash the state doctrines, extol the state truths, write about the Long March and Mao's life solely on the basis of books published by the State?

In their naïveté, the Chinese expected us to recognize that China is the land of the heroes and the melting pot where junk, legend, epic and blood turn into gold. They could not understand my need to poke my nose into their brew to find out how the gold was being made. I was expected to settle down, to echo the ladies and gentlemen who had come from France in recent years and were saying that the wind from China was about to turn the world upside down and nothing counted any longer in the face of this cosmic mutation; we were becoming its servants, whether we wanted to or not, our minds were to be readied for the ways of the Chinese people's imperialism and our little European provinces for the Chinese armored divisions. In order, allegedly, to help the peoples free themselves from the West, I should have avoided incurring the displeasure of the Chinese lords who were preparing to pour their propagandists and military instructors all over the earth. I should have let myself be swindled to the accompaniment of the giant drumbeat of their atomic explosions. Well, I was not going to do it!

I admire the courage of the Chinese people. My heart overflows with love for the 700 million men and women who have taken up the challenge and are showing that they, as well as we, are capable of making steel, transistors and tractors, people who have conquered rivers, drought and famine. But I refuse to swallow their mandarins' lies. I was not going to participate in the cult of their emperor, for theirs is not my religion. The sight of so many busts, statues, portraits made me smile, as did the sound of the ecstatic speeches; but in the end I found them pitiable. Was I expected to take my hat off, speak in a whisper, walk on tiptoe, stiffen with awe as in a cathedral every time I entered a railroad station or a factory auditorium and came upon the colossus, his face glowing with health, power and serenity? Was joking allowed? Were people supposed to raise their teapots and drink to the emperor's health? We were somewhat stiff, while our escort of mandarins appeared neither less at ease nor craftier than usual, since by nature they do not behave naturally—save for my friend Tsai, who is unable to fake.

THE FORBIDDEN RIVERBOATS

Had the Chinese still been persecuted, invaded, scorned, had the Chinese people still been treated as dirt, thrashed by landlords, spat upon by foreigners or piled into the holds of slave ships, I would have risen to defend them and explain the causes of their rebellion. But it was no longer so; the Chinese people had won! They wanted to become the first power in the world. They no longer wasted their time baking china or carving jewelry. Instead, they were on the way to producing long-range rockets capable of destroying the United States. Every time the leaders asked for an extra hour of work for the building of the country, they were given 500 million hours and a new project came into being. China now inspired fear instead of pity.

Why should I have refrained from saying so? Because I was going to disappoint those who expected me to follow in the footsteps of the Long March fighters? Because I was going to displease the Chinese people? The Chinese people did not care one iota about me and were not going to read anything I wrote anyway. I was bored and politely said so. Moreover, I was stifling and also said so. Then they bared their teeth at me: I was no longer acting as a friend, I was peddling gossip; I was heeding the Soviet enemies who claimed that the opium trade was still going on in Yunan, and the imperialists who resented President Mao's Messiahship. I replied that they were free to expel me if they wanted to—I should be glad to go to Hong Kong; but since I cannot tell a lie, I do not like to be told lies either.

That was a mistake on my part. In China people do not "lie"—they "express their thoughts." They abhor the straight line. Truth is observed through a telescope, a goal is reached by way of a series of detours. All the Chinese are diplomats at birth. A friend is sounded out without ever being asked any of the brutal straightforward questions that betray low birth. If he seems in a bad mood, attempts are made to discover the reason.

Likewise, no person may ever be offended by being told that foreigners are not welcome on river boats because they might see too much of China's poverty or military might. Why shock or upset the honored guests? So a roundabout way is taken; the waters are rising, the boats are not comfortable enough or too slow, the travel arrangements were forgotten or the boat schedules no longer fit in with the program. If the barbarians are awkard enough to refuse to understand that they are not wanted on the boats, if they insist, or else agree to all the discomforts, the Chinese are thrown into confusion: a thousand tricks are devised to prove to the friends thė depth of the concern felt about their health and happiness. Then, at wit's end, the Chinese avoid them, leaving them in the throes of bitter bewilderment. There is a word for loyalty—chung-chilh—but it is no more than the reflection of a shadow.

Is there a Chinese who does not believe he he owns and is serving truth? Yet his truth is sinuous and has nothing in common with ours. How could I claim that I meant to write the history of the revolution—I who trod elephant-like through museum cases? What could my views of the future be when I seemed so ill-informed about the past?

Confucius, who is still quoted on occasion, forecast the acts of future dynasties by studying those of defunct dynasties. What nefarious schemes were secreted under my frantic search for accurate dates? What use are details about persons when history belongs to the past and the aim is not to set it straight but to dam it up, like all of China's rivers so they may never again overflow their beds? If need be, texts were consulted or amended as many times as necessary in order to align the past with the present, as is being done for Mao Tse-tung, because the prophet may not be second to the theoretician.

I was the only one who was disturbed by this tampering with documents. It mattered very little to the Chinese that truth be adjusted when reality flows into it like a river into the sea. After all, the waters have blended. Who cares if their course has been altered by man? But I could see the heavy load of filth—of slime and silt that muddied the estuaries: I was still too near the shore.

"The Chinese know nothing about freedom," said Doctor Sun Yat-sen, father of the revolution, who remarked that the very word freedom was a recent import; he thought that the Chinese had too much of it at the time. His spirits may rejoice: freedom lives there no longer. Is an eel free to leave its companions when they gather in European waters before swimming to the Sargasso Sea? The concept of freedom has no more meaning for the Chinese than for the eel.

A Chinese gives his life, not in order to become a free man, but to do away with tyrants. A slave by calling, he wants to choose his master; after the coronation no one complains about the master's harshness, especially if he provides food and a dignity that the slaves never enjoyed before. The fact that no Chinese may invite his mother to stay at his house without informing the block chief is part of the rules which everyone willingly obeys for the sake of state security. No one dreams of protesting if a neighbor suspected of being politically lukewarm is sent to a people's commune—to have his revolutionary spirit rekindled.

On what grounds would people demand greater rights when all they know of the West are Stalinist Russia and the specter of American imperialism? Who could set the Chinese right? They know only what they are told by the radio and the press. They do not ask questions of traveling foreigners, and when I happened to ask them some, what could they answer me in front of my escort of mandarins? At Peking University I tried to find out from students of French what they know about America and Europe: it was only the nonsense that is being drummed into them. They had but boundless pity for our obscurantism and despotism.

The Chinese believe that our working class is cowering under the landlord's lash. In China, where nobody has friends but only acquaintances always ready to denounce one another, I wondered whether a student ever dared confide any trace of a doubt. In private, most certainly not; in public, self-criticism is one of the rites of education. After the period of grace has elapsed, any recurrence entails the charge of revisionism. In this immense barracks where everybody lives in dormitories, it is impossible to see a person alone. There are no confessionals in China, only tribunals; and if penance is called for, it must be conducted in public.

In bygone days, anyone with a complaint was entitled to beat the large cymbal that hung in the inner courtyard of the tribunal, and the mandarin had to come out, day or night, to hear the plaintiff. In that old empire of injustice, there was a certain respect for justice. But the Manchus took over the judicial system to destroy the authority of the Chinese mandarins, and ordered whipping for all plaintiffs. The people's regime has reinstated that ancient imperial custom. Now no one, not even a minister, is safe from an indictment which inspires more fear than an indictment would here in France. The institution smacks of terror rather than of freedom.

[From the Worker, June 8, 1965]

China Colorfully, Vividly Captured in Documentary by Felix Greene

(Note.—"China!" A documentary film by Felix Greene. Written and produced by Felix Greene. Photographed in color by Felix Greene and Hsu Chi-chiang. Editor, Jim Jeremy, sound editor, Walter Storey, and narrator, Alexander Scourby.)

(By Doug Archer)

"China!"—the documentary now playing at the Carnegie Hall Cinema, was written, filmed and produced by the British photo journalist, Felix Greene. With Hsu Chi-chiang, a Chinese cameraman, Greene has photographed, in color and black and white, a fine film which focuses on China's great humanity, and leaves its politics alone. The result is, as Greene discloses in an introduction to the film, the discovery of a country quite different from the one we might expect.

With few restrictions, Greene traveled four months and 15,000 miles through the vast region of China, where snow swirls in Mongolia while spring is blooming in Canton. Greene spoke to workers, professionals, students, peasants, religious leaders of Buddhist, Moslem and Catholic faiths.

In splendid color, his camera catches the fervor of marching thousands celebrating the October revolution.

His camera cuts to the awesome natural beauty of the land, its blue mist covered mountains, jagged and craggy, exactly as artists of China's brilliant past depicted them. We see factories, farmers, students playing basketball, their favorite sport, and children singing, "We Shall Not Be Moved," in almost flawless English. We watch the Peking Opera. We see Yin Chen Tsang perform a Liszt piano concerto before an audience of 10,000. And we watch the ancient art of storytelling still packing theaters.

Old China is shown in black and white, its people starving, ravaged by the Western powers, invaded by the Japanese army and rent by civil war. Shanghai, a former colonialist playground, whose streets once sagged with death, pimps and beggars is now a flourishing industrialized port. Vice, opium and hunger have been eliminated, we learn from the narrator, Alexander Scourby. There is only one port, in Japan, where boats are loaded faster than they are in Shanghai.

This doesn't deter the Chinese intent, however, to leap into the modern world. We watch as full advantage is taken of its greatest asset, a man power pool of 700 million people. One fourth of the world's population.

We are awed by China's use of human power and organization, as we watch the citizens of the island town of Amoy build a causeway to connect them with the mainland.

Tons of rocks are dumped into the sea by the men and women of the town. For weeks and months young and old join in the effort. It is arduous work against the changing tides. With water rushing at 40 knots, the little boats are swept away before the rocks can be dumped.

An engineer solves the problem by wrapping the rocks into huge bales that are easily rolled from the boats in the seconds the current allows.

It is a breathtaking scene, characteristic of the Chinese people's effort for any improved life. The Chinese don't compare their conditions with conditions in the West but with what existed in China before, we are told. There are three large tractor plants in China now. They do not meet the needs of the entire country. But none were ever in existence before the revolution. China has more spindles than Britain but they too are not enough.

But machines tools are exported and there is a fast growing industry. Cameras, bicycles, violins, rifles and televisions are being produced. The hydraulic plants are Chinese made and supervised by youth.

Much of the old is still in evidence, however. The ancient arts of jade carving, wood block making and caligraphy are still being taught. There are still few roads. Canals and rivers take their place. And in many rural communities the peasants have never seen a car.

Another memorable scene presents a loudspeaker announcing that pests are ruining the crops.

"Everyone, to the field," the loudspeaker blares.

We see fleets of bikes flying from neighboring areas and even the army joins in the fight.

"Where other countries depend on machines, China depends on human power and organization," says the narrator.

"They have learned the necessity of communal effort."

But nevertheless the momentum of advance permeates the entire film. In an epilogue the commentator declares, "Despite problems and mistakes, the Chinese are united by a common purpose and great national pride. When China takes her place among the powers, will she contribute knowledge to enrich us all?"

He then suggests that the opposite is also possible. Quite so. But I think the answer is provided by the ordinary people in the film. Go and see for yourself.

[From the Worker, July 31, 1962]

New China Portrayed With Eloquent Realism

A rare combination of excellent reporting—objective yet human—a thoroughly enjoyable style of writing and a full appreciation of the human miracle being wrought in the building of socialism in China is the remarkable service rendered by Felix Greene to readers of his Awakened China.

Greene, a British citizen but longtime resident of the U.S. is one of the three reporters who has visited the Peoples Republic of China with the approval of the U.S. government in the last twelve years. He is the only one of the three who has been there twice.

Acknowledging that he took with him all the prevailing assumptions and apprehensions, Greene—in his preface—candidly states:

"The discrepancy between what I had been led to expect and what I actually saw was at first bewildering and disturbing. No one can be in China for more than a few hours without sensing an almost tangible vitality and an enormous optimism. I saw in the people a buoyancy and confidence which was utterly unlike my expectations."

For 392 pages after that, Greene took this enthralled reader through communes, rich and poor, beset with problems which in "great measure came from unexpectedly high production, from enthusiasm, in short from success, rather than from conflict or failure."

"Once again," Greene stated, "the Chinese government has shown extraordinary flexibility when confronted with problems or actual mistakes, and responsiveness to the actual needs of the farmers themselves. There is apparently, to be less administrative control of the communes by the party cadre, for—in the words of the government—the 'masses must be daringly trusted.' "

This daring trust was reflected in countless ways as the author scrutinized, probed and interviewed in factories, schools, prisons, government bureaus and wherever else his unrestrained travels took him.

Never content with first impressions or seemingly pat answers to his questions, Greene has dug deep into the richness of his Chinese people to produce what in all likelihood will stand for a long time as the most authoritative and heartwarming account of a great nation's emergence into the new world of socialism.

Meticulously avoiding even a vague appearance of either personal or political bias, Greene has nonetheless emerged as the most eloquent spokesman for the exciting realities of that new world.

Whether in his coverage of a rural divorce case—which is exquisite tenderness and compassion on the part of the judge and the people's assessors who have an active part to play in helping people eradicate old values—or his interviews with ballet, teachers, steel workers, peasants, professionals or trainmen, Greene found constant reaffirmation of the liberation of the creative talent of an entire people eagerly working, building—and occasionally blundering—under the slogan. "Don't be frightened of the experts—compete with them!"

The author has devoted one entire and compelling section of his book to "The Chinese Case" against those—and this is applied especially against the United States— who pose a threat against her peaceful building of socialism.

The "case" goes deep to the roots of imperialism that tore apart and ruthlessly exploited China's people and resources and which—up to today, through the cold war—continues to harass Chinese efforts to lift themselves "from a state of poverty and feudalism into a modern nation with equal opportunities for all."

Awakened China is a powerful, factual, calmly reasoned—yet impassioned—argument for a change in the United States "China Policy." Its message should be known and told far and wide.

If ever a book merited a place on a reader's "must" list—this is it!

—D.P.

[From the Los Angeles Herald-Express, Dec. 18, 1961]

"AWAKENED CHINA" NAILED AS PIECE OF PROPAGANDA

(By Arthur Hewitt)

The book, "Awakened China," is promoted as a "report in depth" from behind the Iron Curtain of Communist China. But it should be nailed for what it is—a piece of propaganda which in no manner reflects facts of strife and hunger and failing industrialization which are known to the Western world.

It is written by Felix Greene, an American resident but British citizen traveling under a British passport. It is published by Doubleday & Co. at $5.95.

Greene talks of a "people's revolution" which has produced a happy, clean (to excess), contented, hard working people. Under communism they have an enlightened approach to everything from ballet and music instruction to hydroelectric plants and prisoner rehabilitation programs.

Greene visited Red China in 1957. He was a visitor at the invitation of the Communist government for four months in 1960. It would appear that, rather than reporting "in depth," he is touching on highlights of a quick trip—seeing only what he was allowed to see.

There is nothing to indicate in his book that he traveled with anyone but an "official" interpreter and guide. It would appear to an experienced newspaperman that this was a "Communist-guided tour."

No intelligent reader would swallow Greene's assertion that he was "unbiased" in his report. One need only look at the book itself which denounces Nationalist China and goes page after page into what he calls "The Chinese Case"—an apology for Communist China.

Fortunately, important reports on the political and social facts of Chinese Communist life are available to brand Greene's report for what it is.

(Editor's note—By a strange co-incidence, the contents of this book parallels very closely to the Communistic propaganda which is contained in the film "The Face of Red China," which was protested by many groups of parents as unfit to be shown to high school students. The L.A. School District "Committee of Nine," however, rated this film as proper and it still is scheduled by the L.A. School Board to be shown to L.A. students, with the provision a teacher's guide be used with the showing of the film.)

A CURTAIN OF DISTORTION

(Felix Greene: A Curtain of Ignorance, New York, Doubleday, 1964, reviewed by George E. Taylor)

The thesis of this book is that the American people today are more misinformed about China than the people of any other Western nation. According to Mr. Greene, the information exists but is being either distorted or deliberately withheld from the American public by news correspondents, editorial writers, and government officials. The author thinks that this cumulative misinformation has led most Americans to the conclusion "that China's backwardness, her shortage of food, and what is thought of as the prevailing misery of her people, are due to the Communists; that during the civil war in China evil men threw out the good men; and that though the good men were defeated and are now in exile, it is America's moral obligation to support them against the ruthless and aggressive tyrants who have reduced the Chinese masses to unspeakable indignities and suffering" (p. xiii). This, Mr. Greene maintains, is also the picture that governs US national policy, which is therefore based on an unrealistic conception of the condition of China today.

What is the reason for this state of affairs? The author's argument is that emotion gets in the way of objective reporting. He suggests that the exaggerated American hostility to China today has resulted directly from the excessive hopes which the United States pinned on China in the past; and he further claims that an American's views of Communist China have, since 1949, come to be taken as a test of his loyalty. This latter is a peculiar charge in view of the number of Americans who have called for a review of US policy towards China—for example, in the Conlon report,[1] the resolutions of the San Francisco Chamber of Commerce regarding trade with Communist China,[2] and the recent hearings of the US Senate Foreign Relations Committee, headed by Senator FULBRIGHT.

Part one of Mr. Greene's book deals with the background of the American mythology about China. In his view, it seems, Americans have never actually had a correct view of China. During the 19th century, they allegedly looked down upon the Chinese as inferior, crafty, dangerous, and inscrutable. (No doubt some did, but the generalization is far too sweeping.) After the Boxer Rebellion of 1900, the triumphant Western powers patronized the defeated Chinese, and a sympathetic image grew up which carried over for almost half a century. This, runs Mr. Greene's argument, was based upon self-delusion: Americans looked upon themselves as animated by a feeling of kindly benevolence toward a backward people but actually were motivated by crass materialism. (The truth is that many Americans were sincerely pro-Chinese, motivated by genuine sympathy for Chinese culture and the Chinese people.) Then came Chiang Kai-shek, and the Americans—says Mr. Greene—fell into another delusion: hero worship of the Generalissimo and his wife. Chiang, who in the author's words had risen to power by making "his deal with the big Chinese and Western commercial interests," who had "turned on his Communist allies" and taken "savage reprisals" against them, became for Americans the embodiment of all that was "heroic, selfless, fearless" (p. 14).

But then came World War II, during which thousands of Americans came into personal contact with China, and, instead of finding a heroic ally, found themselves—to quote Mr. Greene—"involved with greedy civil and military officials, brutalized policemen, and cynical bureaucrats living off a pauperized population" (p. 17). Some Americans even wrote about these facts, but according to the author the truth never reached the public until the war was almost over. Mr. Greene also tells us—not surprisingly—that it was the Communist armies which took the initiative against the Japanese invaders, while Chiang Kai-shek was more concerned with protecting himself against the Communists. This is actually nothing but a Communist-inspired myth which even Mao has corrected.[3]

The author acknowledges that, for a short period after the war, the curtain was lifted and Americans were told about the horrible realities of Chiang's China. But even this, he says, did not keep President Kennedy from identifying Chiang with freedom and humanity as against the ruthless dictatorship of the present Communist regime (p. 30). It would appear that no one—except, of course, Mr. Greene—recalls the conditions in China under Chiang Kai-shek; yet all he seems to recall is the misery and chaos brought about by eight long years of war with Japan. He does not recall the tremendous progress made between 1928 and 1937—the military and political unification of the country, the establishment of a national currency, the building up of a modern army, the expansion and improvement of education, and the rapid growth of commerce. These achievements of the Nationalist regime deserve to be mentioned no less than its shortcomings.

The author spends thirty pages on the so-called "China lobby," described as a partnership between agents of the Chiang government and Americans who favored full United States support of Chiang. Mr. Greene admits that the US government, as late as May 1950, was ready to accept the admission of Communist China to the United Nations and even to recognize the new regime. This is quite true. Then came the Korean War, Chinese Communist intervention, and the American people's shock at finding themselves at war with China. Was it the casualties, the brainwashing of captured Americans, the acrimonious negotiations, and the frustrations of a war not fought to a decisive conclusion that turned American opinion against Communist China? No, we are told, it was the China lobby. This is patently ridiculous and grossly exaggerates the influence of the lobby on American policy.

Turning to internal conditions in Communist China, Mr. Greene claims that starvation has ceased and heaps scorn on the American press for its reports in 1960–61 of food shortages, mass discontent and apathy, and mounting deaths. He should therefore learn a great deal from reading the captured Chinese military documents which have been available for quite some time to those who can read Chinese and are currently being published in English translation.[4] These documents are secret orders issued to high-ranking Chinese army commanders in 1961 explaining how to handle existing discontent in the ranks caused by malnutrition and by reports of famine deaths in the home villages of the peasant soldiers. While Mr. Greene was actually in China, whole districts in the west and southwest were completely out of control, and estimates of the death toll from starvation run as high as 10 million people.

At this stage in his argument, the author embarks upon a discussion of alternative paths of national economic development. The British and American path, he holds, is no longer acceptable: "The inequitable class exploitation that enabled Britain to industrialize and advance would not be tolerated today by any country in the world" (p. 114). The only way for a backward country to advance, in Mr. Greene's view, is to do what the Russians did—submit to a system of austerity, economic discipline, and forced marches to higher production goals—and we should not criticize the high cost in lives and human suffering that goes with the Communist style of industrialization. This is the old argument that you can't make an omelet without breaking eggs. But the point is what kind of omelet you are trying to make. Is the objective a higher standard of living for the people or a power economy for the elite? Mr. Greene apparently has no qualms at all on this score. Unless we do better than we are doing now, he predicts, the Soviet standard of living will be the highest in the world within the lifetime of our children. This would seem a rather rash forecast considering that at the present moment it does not yet match that of Japan.

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[1] *United States Foreign policy (Asia)*, studies prepared by the request of the Committee on Foreign Relations, US Senate, by Conlon Associates Ltd. No. 5, Nov. 1, 1959. Washington, DC, US Government Printing Office, 1959.

[2] *Report of the Committee to Explore Trade with the People's Republic of China,* prepared for the San Francisco Area World Trade Association of the Greater San Francisco Chamber of Commerce, 1964.

[3] *Selected Works of Mao Tse-tung,* London, Lawrence & Wishart, Ltd., 1954. Vol. III, p. 184 ff.

[4] "Work Bulletins" of the Chinese People's Liberation Army, Issues 1, 6, etc. Released by the US Government in 1963. To be published in English translation by the Hoover Institution, Stanford University, in March 1966 under the title, *The Politics of the Chinese Red Army,* edited by J. Chester Cheng.

In his discussion of development, Mr. Greene has a lot to say about India and much of it is disparaging. If India is lagging, however, it is not in an attempt to build a military-totalitarian society as the Chinese are trying to do; instead, she is engaged in a much more ambitious and commendable effort to construct a parliamentary democracy. The author would have us believe that the historical role of communism is to provide the most effective way for backward countries to become industrialized, and if this means the establishment of a self-perpetuating party and a bureaucratic state, we have only to wait for the healing influence of time to turn it into a democracy. The fact that there is no empirical evidence to back up this claim, and the fact that this amounts to condoning the suffering of millions of people does not seem to bother our author in the least.

Mr. Greene is particularly anxious to defend the communes against descriptions that have pictured them as slave camps, but the weight of evidence is against him. The trick, of course, is to compare what the Communist Chinese say about the communes with either the chaos of the early post-war period, to which the Chinese Communists contributed, or with earlier periods in Chinese history, but never with the enormous progress of the years from 1928 to 1937.

In part three of the book, the author advances the view that Americans wrongly look upon China as the most belligerent, expansionist nation in the world today. One can agree that some sections of the press have exaggerated the Napoleonic designs of Communist China, without, however, accepting Mr. Greene's contention that the Peking regime has no desire for expansion. It is impossible to repeat the whole tortuous argument here; nor is it necessary, because the facts are only too obvious.

It was to be expected that Mr. Greene would spend some time lauding the benefits to be derived from trading with Communist China and making fun of statements that China has very little cash with which to buy from the Western world. Much is made of China's ability to pay cash for wheat. There is, however, no mystery about this: the cash she pays for wheat amounts almost exactly to the profits that Communist China gets from trading with Hong Kong. If the United States were to trade with China and even to become her leading trade partner, the volume of exchange would probably still amount to less than one percent of U.S. trade.

It is strange to have an Englishman writing a book on American policy and meaning Americans when he says "we." It is even stranger to have him claim that the United States of America is ignorant about China when it publishes more news, more translations of Chinese Communist materials, more scholarly books and articles on that country than all of Western Europe. And an American, Edgar Snow, has written the most authoritative book on Communist China of any journalist who has been there. Mr. Greene apparently does not read the available material. No one would deny that there is need for greater and more reliable information about China. But if there is "a curtain of ignorance," it exists largely because China's Communist rulers prefer it that way, hoping to keep the rest of the world in the dark about real conditions in their country.

THE MOST OF MAO'S CHINA

A Curtain of Ignorance, by Felix Greene (Doubleday, 360 pp. $5.50), sets out to prove that the American public has been kept in ignorance about both Nationalist China and the Mao regime. John M. Allison, who is now with the University of Hawaii, has served as United States Ambassador to Japan, Indonesia, and Czechoslovakia.

(By John M. Allison)

Felix Greene is a man with a purpose. It is to convince Americans that they are completely wrong in their view of Communist China. This is the second book he has written in an effort to achieve this purpose. The first, *Awakened China*, was a description of what the Communists had made out of the old China. While much of what Mr. Greene reported was undoubtedly correct, it was obvious that while traveling in Communist China he had worn rose-colored glasses, and the over-all effect of his book was unconvincing.

This new volume is an attempt to prove that the American press, American experts, and American officials have kept from the American public the truth about Nationalist China as well as about Communist China. In telling of the conditions on mainland China under the regime of Chiang Kai-shek, Mr. Greene paints a picture in unrelieved black. The corruption, the inefficiency, and the horror of life under Chiang are detailed unmercifully. The interesting thing is that much of the evidence for these charges is quoted from statements in the same American press that Mr. Greene claims has failed to report the truth about China.

Anyone who ever lived in pre-Communist China and who had eyes to see and ears to hear, to say nothing of a nose to smell, will have to admit that many of the charges made by Mr. Greene are true. But a fair-minded person who had lived in China in those days would also have to report that Mr. Greene tells only part of the story. From 1936 to 1938 I lived in central and northern China and saw the effort that Chiang's government in Nanking was making to do something for the people and to create a sense of unity throughout the country. A small but significant illustration is the fact that the manager of the Bank of China (the government bank) in the capital of Shantung Province was a graduate of Cornell Agricultural College who had spent much time in the southern United States studying American agricultural methods in the cotton and tobacco areas. He had been specially picked by the central government with a view to having the Bank of China in Shantung take the lead in sponsoring the development of cotton and tobacco cooperatives among the people.

That the Chiang government was beginning to make a success of its efforts was undoubtedly one of the motives that prompted the Japanese military to come into North China in 1938. The Japanese wanted to control this area, and if the people began to develop a loyalty to Nanking their plans would be foiled. This Japanese invasion completely disrupted all plans the Nationalist Government had, and the full-scale war that eventually grew out of it must take the blame for much, though certainly not all, of the Nationalist failures listed by Greene.

Greene continually delights in pointing out the mote in Chiang's eye but never mentions the beam in Mao's. For example, in speaking of Chiang he says, "It is difficult to recall that under this man's rule millions were killed and a whole social system went to pieces." Nothing is said of the twenty million landlords and rich peasants estimated by outside observers to have been liquidated under the Communists. Even if this figure is exaggerated by as much as 50 per cent, as it may be, it is still a substantial figure. The Communist Government itself admits to three million killed.

Mr. Greene serves a useful purpose in his review of the activities of the China lobby and its support of McCarthy and his henchmen. This is not a pretty picture, and it is good for the American public to be reminded of the danger of allowing a foreign-government-sponsored group to gain influence in our press and legislative halls.

Much of the argument in this book seems like beating a dead horse. We are told at gruesome length that the charge that millions have starved in Communist China is false. It is true that in the past many American commentators of the more emotional type, some government officials, and a large number of members of the China lobby have tried to create the impression that a starving mainland is ripe for invasion. But it would be hard to find any responsible persons, private or official, making such statements today. And the lengthy account of how Communist China is outstripping India tells little that has not already been pointed out by American writers. The June 29th issue of *Newsweek*, for example, says explicitly: "In its unavowed economic race with Red China India currently seems to be lagging."

This is an irritating book. Mr. Greene is ostensibly trying to inject realism into the emotionally charged China problem. Certainly realism is needed. He rightly points out the strength of the Communist Chinese and the danger in loose talk of invasion that assumes the Chinese people will rise up and welcome Chiang's return with open arms. But the book is so one-sided, and the author commits so many of the crimes of omission, partial quotation, and complete dependence upon official statements and government statistics that he charges others with, that one is tempted to dismiss everything he says as arrant propaganda. This is unfortunate, for there are lessons to be learned from his book. Perhaps the greatest is that the curtain of ignorance has two sides, and Mr. Greene has shown us only one.

ADJOURNMENT UNTIL 11 A.M. TOMORROW

Mr. MORSE. Mr. President, in accordance with the previous order, I move that the Senate stand in adjournment until 11 a.m. tomorrow.

The motion was agree to; and (at 7 o'clock and 10 minutes p.m.) the Senate adjourned, until tomorrow, Friday, July 22, 1966, at 11 o'clock a.m.

WITHDRAWAL

Executive nomination withdrawn from the Senate July 21, 1966:

The nomination sent to the Senate on January 28, 1966, of Michael Kuzma to be postmaster at Columbus, in the State of Pennsylvania.

CONFIRMATION

Executive nomination confirmed by the Senate July 21, 1966:

DEPARTMENT OF THE INTERIOR

Frank C. Di Luzio, of New Mexico, to be an Assistant Secretary of the Interior.

HOUSE OF REPRESENTATIVES

THURSDAY, JULY 21, 1966

The House met at 12 o'clock noon.

The Chaplain, Rev. Edward G. Latch, D.D., offered the following prayer:

God is able to provide you in abundance for every good work.—2 Corinthians 9: 8.

O God, our Father, whom we seek to serve and to whom we look for guidance, we bow before the altar of prayer offering unto Thee the gratitude and the loyalty of our hearts. We thank Thee for this new day fresh from Thy hand with its possibilities for great and good living. By Thy spirit may we always be honest and kind and forgiving: may we be generous in our criticism of others, patient with those who criticize us and considerate with those who differ from us. As we follow Him who went about doing good, may we also stop merely going about and begin, like Him, to go about doing good to all.

Through these trying times, bless Thou our President, our beloved Speaker, Members of Congress and all who work with them. May the benediction of Thy presence rest upon us all this day and every day. Together lead us in the paths of unity and peace for Thy name's sake. Amen.

THE JOURNAL

The Journal of the proceedings of yesterday was read and approved.

MESSAGE FROM THE SENATE

A message from the Senate, by Mr. Arrington, one of its clerks, announced that the Senate agrees to the amendments of the House to a bill of the Senate of the following title:

S. 2948. An act to set aside certain lands in Montana for the Indians of the Confederated Salish and Kootenai Tribes of the Flathead Reservation, Mont.

The message also announced that the Senate had passed a bill of the following title, in which the concurrence of the House is requested:

S. 3523. An act to authorize the Administrator of the Federal Aviation Agency to undertake a comprehensive study of high-speed ground transportation to Dulles International Airport, and for other purposes.

GLOBE-DEMOCRAT REPORTED SUBSTANTIAL CONTRIBUTIONS BY ANHEUSER-BUSCH OFFICIALS TO DEMOCRATS IN 1964

Mrs. SULLIVAN. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The SPEAKER. Is there objection to the request of the gentlewoman from Missouri?

There was no objection.

Mrs. SULLIVAN. Mr. Speaker, I am glad to see so much concern on the Republican side over the fact that people who should have been contributing to the Democratic Party for many years perhaps had not been contributing as much or as often as they should.

However, when this insinuation of ingratitude for past favors—such as the repeal of prohibition—is directed at Mr. August A. Busch, Jr., and other members of his family or executives of his firm, I might say that we on the Democratic side in St. Louis, and in Missouri, are quite pleased with the support this man has given our party ever since 1933.

I do not know what contributions, if any, he has made in previous years to the Democratic National Committee, but according to the St. Louis Globe-Democrat following the 1964 elections, a statement filed in accordance with the laws of Missouri in the office of the recorder of deeds in St. Louis reported that Mr. Busch contributed $5,000 and Mr. Fleishman $1,000 to the Johnson-Humphrey Missouri Citizens Committee, of which Mr. Busch was chairman and Mr. Fleishman was secretary. If the opposition wants to check back over the years, it will find many reports in Missouri of contributions to the Democrats by the Busch family.

Although the name in the paper's masthead indicates it is a Democratic paper, the Globe-Democrat is actually on the other side in most elections, and vigorously supported Senator Goldwater's candidacy in 1964. It commented editorially last Friday that the Republican charge that Anheuser-Busch in some way bought off an antitrust suit with $10,000 in contributions to the President's Club was "baseless."

If there were any substance whatsoever to these insinuations and allegations, then of course the Attorney General of the United States would deserve to be impeached, and everyone in the antitrust division who recommended dismissal of this old lawsuit be summarily fired. I resent political slurs on decent people.

THE AIRLINE STRIKE DRAGS ON AND DAMAGE TO INNOCENT VICTIMS ACCUMULATES

Mr. JONAS. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The SPEAKER. Is there objection to the request of the gentleman from North Carolina?

There was no objection.

Mr. JONAS. Mr. Speaker, the airline strike drags on and the damage to innocent victims accumulates.

Mr. Speaker, many nonstrikers have been thrown out of work and many businessmen are being inconvenienced and are suffering financial losses, because of the breakdown in transportation.

Mr. Speaker, on last Friday I sent President Johnson a telegram calling attention to these facts and urged swift and aggressive action on his part in an effort to get the planes flying again, and I pledge full support of his efforts.

The distinguished Governor of the State of North Carolina has written the President along the same lines, urging him to take personal action.

I was disappointed, Mr. Speaker, to read the negative approach of the President to this problem in his press conference yesterday. The President stated that he was encouraging the parties to continue bargaining. He did not announce any intention of calling the bargainers to the White House to impress upon them that the national interest has become affected.

Mr. Speaker, it is difficult to understand the lack of action on the part of the President of the United States, since in his state of the Union message he promised to deal effectively with "strikes which threaten irreparable damage to the national interest."

Legislation to deal effectively with such strikes has been introduced by our distinguished colleague, the gentleman from Ohio [Mr. DEVINE], and if the President will use his influence, and if he will send the Postmaster General and others up here to urge affirmative action, as has happened frequently this year on other bills, I think we could move that legislation through the Congress but not in time to stop the damage from accumulating.

Mr. Speaker, I believe only determined action by the President in the use of his well-known persuasive powers can accomplish this, and I most respectfully urge him to take that action.

FORTHCOMING ELECTIONS IN VIETNAM

Mr. TODD. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The SPEAKER. Is there objection to the request of the gentleman from Michigan?

There was no objection.

Mr. TODD. Mr. Speaker, many of us are concerned that the forthcoming elections in Vietnam be credible, and that once they have taken place, charges of corruption, bias, or rigging will be without standing in the international community, as well as in Vietnam and in the United States.

Ambassador Bunker and the interim Government of the Dominican Republic have achieved a miracle by holding free and fair elections, which have been accepted both by the people of that nation and by the community of nations as an accurate expression of the popular will.

The same credibility must attach to the elections in Vietnam, or they will reduce and not increase the possibility of an early settlement of the conflict.

I am sorry that the United Nations has not been able to accept Premier Ky's request that observers be sent. So we must encourage other alternatives: The use of the International Control Commission, or a group from independent and preferably Asian nations as observers. These observers should not only report on the voting, but they should report on the ground rules before the elections are held. And time is running out. I hope that prompt action can be taken.

Unless we know both that the rules by which candidates are placed on the ballot and are allowed to campaign permit full expression of differing positions and points of view, and that the ballots will be counted accurately, we will have failed to achieve a most important objective on the road toward peace.

THE AIRLINES STRIKE

Mr. DORN. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The SPEAKER. Is there objection to the request of the gentleman from South Carolina?

There was no objection.

Mr. DORN. Mr. Speaker, tens of thousands of words condemning the airlines strike have sounded through these Halls of Congress the past 2 weeks and have filled up page after page of the CONGRESSIONAL RECORD.

The time for words of protest are gone. I call for legislation.

The President has done everything within his power to settle the airlines strike. He appointed an Emergency Board composed of Senator WAYNE MORSE, Dick Neustadt, of Harvard, and David Ginsburg, a Washington attorney.

The parties to the dispute had full opportunity to present their cases. The Board considered all the evidence presented, a record of 2,000 pages, and came up with a generous recommendation.

The President then publicly urged the parties to come to agreement on the basis of the Board's report, which he said formed the framework for a just and prompt settlement.

He directed Secretary Wirtz and Assistant Secretary Reynolds to work around the clock to obtain a settlement within the 30-day cooling off period by law.

The airlines, acting perhaps without enthusiasm but nevertheless with complete sincerity, accepted the Board's recommendations. The union continues to refuse to do so. The Board's recommendations represent a tidy little $76 million package for the union. The union leadership remains immovable from its original position, leaning its full weight on its original $117 million package.

The President took every action available to him, through all departments of the Federal Government, to reduce the inconvenience to the public, to assure the national security, and to minimize the delay in delivering the mail.

Today, the President of the mightiest Nation in the world stands powerless in a situation that can best be described as a creeping economic paralysis. He has no tools left to deal with this situation. He has no further power available except the power of persuasion, and it should be apparent to all of us that he is faced with men who are listening to other voices.

It is up to us, now, to provide the President with additional tools, tools with a diamond cutting edge, designed to operate swiftly and effectively in this one specific situation. The matter now rests with us.

INJUSTICES IN VETERANS' READJUSTMENT ASSISTANCE ACT OF 1966

Mr. SAYLOR. Mr. Speaker, I ask unanimous consent to extend my remarks at this point in the RECORD.

The SPEAKER. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

Mr. SAYLOR. Mr. Speaker, today I am introducing legislation that is needed to remove the serious injustices that have become apparent since the Veterans' Readjustment Assistance Act of 1966 became effective last June 1. At that time, I explained to the House that a number of flaws in that act would have to be eliminated in fairness to those who served in the uniform of our country.

My bill, the Veterans' Fair Treatment Amendments Act of 1966, provides an increase in allowances for veterans in college or participating in job, farm, or flight training programs to levels now available to war orphans in similar programs. Under present law, the war orphan receives $30 per month more than the veteran, a discrepancy that obviously cannot be justified. It is illogical to expect living expenses of older veterans to be less than those of high school graduates receiving war orphans' allowances.

My proposal is also designed to broaden educational assistance to include children of veterans having service-connected disabilities of 50 percent or more. Surviving children of veterans so rated at time of death would also be eligible.

In addition, this legislation will compensate veterans who obtained their education before the current program became effective. Many veterans, rather than wait for Congress to act, went to college on their own initiative and often on borrowed money. To exclude them from the benefits of the GI bill penalizes them unfairly, and corrective action on the part of Congress is mandatory.

Mr. Speaker, I urge that my bill be given the highest priority at this session. Congress must keep faith with our veterans. It is on this premise that I have introduced the Veterans Fair Treatment Amendments of 1966.

COMMITTEE ON HOUSE ADMINISTRATION

Mr. ALBERT. Mr. Speaker, I ask unanimous consent that the Subcommittee on Elections of the Committee on House Administration may sit during general debate today.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

STRIKING OF MEDALS TO COMMEMORATE THE 1,000TH ANNIVERSARY OF THE FOUNDING OF POLAND

Mrs. SULLIVAN. Mr. Speaker, I ask unanimous consent to take from the Speaker's desk the bill (H.R. 139) to provide for the striking of medals to commemorate the 1,000th anniversary of the founding of Poland, with a Senate amendment thereto, and concur in the Senate amendment.

The Clerk read the title of the bill.

The Clerk read the Senate amendment, as follows:

> Page 2, line 12, strike out "1966" and insert "1967".

The SPEAKER. Is there objection to the request of the gentlewoman from Missouri?

Mr. GROSS. Mr. Speaker, reserving the right to object, I assume that the bill calls for no expenditure of money?

Mrs. SULLIVAN. No, that is perfectly correct. These medals will be struck at no cost whatsoever to the Treasury.

The SPEAKER. Is there objection to the request of the gentlewoman from Missouri?

There was no objection.

The Senate amendment was concurred in.

A motion to reconsider was laid on the table.

FACILITIES FOR VISITORS TO THE NATION'S CAPITOL

Mr. GRAY. Mr. Speaker, I ask unanimous consent that the Committee of the Whole House on the State of the Union be discharged from further consideration of the bill (H.R. 14604) to authorize the Architect of the Capitol to remodel the existing structure of the U.S. Botanic Garden for use as a visitors' center, and I ask unanimous consent for its immediate consideration.

The SPEAKER. The Clerk will report the title of the bill.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the request of the gentleman from Illinois.

Mr. GROSS. Mr. Speaker, reserving the right to object, in view of the President's statements of recent date, his alleged concern about expenditures of the Government, and in view of the potential cost, I am of the opinion that this proposal ought to have more discussion than can reasonably be given it under unanimous consent on the House floor today.

Therefore, Mr. Speaker, I object to consideration of the bill under unanimous-consent procedure.

The SPEAKER. Objection is heard.

CONSTRUCTION, OPERATION, AND MAINTENANCE OF THE TUALATIN RECLAMATION PROJECT, OREGON

Mr. ASPINALL. Mr. Speaker, I ask unanimous consent to take from the Speaker's desk the bill S. 254, to authorize the Secretary of the Interior to construct, operate, and maintain the Tualatin Federal reclamation project, Oregon, and for other purposes, with House amendment thereto, insist on the House amendment, and agree to the conference requested by the Senate.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the request of the gentleman from Colorado? The Chair hears none and appoints the following conferees; Messrs. ASPINALL, ROGERS of Texas, and SAYLOR.

SMALL RECLAMATION PROJECTS ACT, 1956

Mr. ASPINALL. Mr. Speaker, I call up the conference report on the bill S. 602 to amend the Small Reclamation Projects Act of 1956, and ask unanimous consent that the statement of the managers on the part of the House be read in lieu of the report.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the request of the gentleman from Colorado?

There was no objection.

The Clerk read the statement.

The conference report and statement are as follows:

CONFERENCE REPORT (H. REPT. No. 1627)

The committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 602) to amend the Small Reclamation Projects Act of 1956, having met after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its disagreement to the amendment of the House and agree to the same with an amendment as follows: In lieu of the matter inserted by the House amendment insert the following:

"That the Small Reclamation Projects Act of 1956 (70 Stat. 1044), as amended (43 U.S.C. 422a et seq.) is hereby further amended as follows:

"(1) In section 1, by striking out 'in the seventeen western reclamation States' and inserting in lieu thereof 'throughout the United States';

"(2) In section 2, by striking out the second sentence of subsection (d) and the first two provisos thereto and inserting in lieu thereof the following: 'The term "project" shall not include any such undertaking, unit, or program the cost of which exceeds $10,000,000, and no loan, grant, or combination thereof for any project shall be in excess of $6,500,000:' and by striking out *"And provided further,"* and inserting in lieu thereof *'Provided,'*;

"(3) In section 4, by adding at the end of subsection (a) the following: 'The costs of means and measures to prevent loss of and damage to fish and wildlife resources shall be considered as project costs and allocated as may be appropriate among project functions.';

"(4) In section 4, subsection (b), by striking out the word 'construction' from the phrase which now reads 'and willing to finance otherwise than by loan and grant under this Act such portion of the cost of construction' and inserting in lieu thereof 'the project'; by inserting at the end of the parenthetical phrase which follows thereafter ', except as provided in subsection 5(b)(2) hereof,'; and by changing the colon (:) to a period (.) and striking out the remainder of said subsection;

"(5) In section 5, by striking out the present text of items (a), (b) and (c) and inserting in lieu thereof the following:

"'(a) the maximum amount of any loan to be made to the organization and the time and method of making the same available to the organization. Said loan shall not exceed the lesser of (1) $6,500,000 or (2) the estimated total cost of the project minus the contribution of the local organization as provided in section 4(b) and the amount of the grant approved;

"'(b) the maximum amount of any grant to be accorded the organization. Said grant shall not exceed the sum of the following: (1) the costs of investigations, surveys, and engineering and other services necessary to the preparation of proposals and plans for the project allocable to fish and wildlife enhancement or public recreation; (2) one-half the costs of acquiring lands or interests therein for a reservoir or other area to be operated for fish and wildlife enhancement or public recreation purposes; (3) one-half the costs of basic public outdoor recreation facilities or facilities serving fish and wildlife enhancement purposes exclusively; (4) one-half the costs of construction of joint use facilities properly allocable to fish and wildlife enhancement or public recreation; and (5) that portion of the estimated cost of constructing the project which, if it were constructed as a Federal reclamation project, would be properly allocable to functions, other than recreation and fish and wildlife enhancement, which are nonreimbursable under general provisions of law applicable to such projects;

"'(c) a plan of repayment by the organization of (1) the sums lent to it in not more than fifty years from the date when the principal benefits of the project first become available; (2) interest, as determined by the Secretary of the Treasury, as of the beginning of the fiscal year in which the contract is executed, on the basis of the computed average interest rate payable by the Treasury upon its outstanding marketable public obligations, which are neither due nor callable for redemption for fifteen years from date of issue, and by adjusting such average rate to the nearest one-eighth of 1 per centum, on that portion of the loan which is attributable to furnishing irrigation benefits in each particular year to land held in private ownership by any one owner in excess of one hundred and sixty irrigable acres; and (3) in the case of any project involving an allocation to domestic, industrial, or municipal water supply, or commercial power, interest on the unamortized balance of an appropriate portion of the loan at a rate as determined in (2) above;';

"(6) In section 8, by striking out 'Act of August 14, 1946 (60 Stat. 1080)' and inserting in lieu thereof 'Fish and Wildlife Coordination Act (48 Stat. 401), as amended (16 U.S.C. 661 et seq.)';

"(7) In section 10, by striking out '$100,000,000' and inserting in lieu thereof '$200,000,000'.

"SEC. 2. Nothing contained in this Act shall be applicable to or affect in any way the terms on which any loan or grant has been made prior to the effective date of this Act."

And the House agree to the same.

WAYNE N. ASPINALL,
WALTER ROGERS,
HAROLD T. JOHNSON,
JOHN P. SAYLOR,
ED REINECKE,
Managers on the Part of the House.

HENRY M. JACKSON,
ALAN BIBLE,
FRANK E. MOSS,
THOMAS H. KUCHEL,
GORDON ALLOTT.
Managers on the Part of the Senate.

STATEMENT

The managers on the part of the House at the conference on the disagreeing votes of the two Houses on the amendment of the House to the bill, S. 602, to amend the Small Reclamation Projects Act of 1956, submit this statement in explanation of the effect of the language agreed upon and recommended in the accompanying conference report. The language agreed upon is essentially the language of the House amendment with two significant changes as herein noted.

CEILING ON THE AMOUNT OF THE LOAN AND GRANT

The Senate-passed bill included language to amend the basic Act by increasing the maximum amount of any loan or combination loan and grant for a single project from $5,000,000 to $7,500,000.

The House amendment retained the $5 million limitation but with qualifying language to permit adjustment of the amount to reflect changes in costs of construction of the types involved in the particular project which may have occurred between January 1, 1957 and January 1 of the year in which the loan is made. At the present time, the language of the House amendment would provide a ceiling of between $6 million and $6.5 million depending upon the particular project involved.

The conference committee adopted language which places a ceiling of $6,500,000 on the amount of any loan or combination loan and grant for any single project. A specific amount seemed preferable in view of the problems that would be inherent in administering the House language. The $6,500,000 figure is considered an equitable amount on the basis of increases in construction costs since the enactment of the basic Act 10 years ago. In other words, at today's prices, $6,500,000 will purchase about the same in the way of project works and facilities as $5,000,000 would have paid for 10 years ago.

INTEREST RATE

The formula included in the Senate-passed bill for determining the interest rate to be used in repaying those portions of any loan allocable to the irrigation of excess lands, to municipal and industrial water supply, and to commercial power is the formula based on coupon rates which has been adopted by Congress in recent years for various Federal water project programs.

The House amendment made no change in the interest formula in the basic Act which is based on yield rather than coupon rates.

The conference committee adopted the interest formula embodied in the Senate-passed bill in the interest of maintaining consistency among all Federal programs. It seemed particularly important that there be consistency between the interest rate used for this Small Reclamation Projects program and the program of the Department of Agriculture under the Watershed Protection and Flood Prevention Act.

ANALYSIS OF LANGUAGE OF THE CONFERENCE REPORT

The language of the conference report makes the following important changes in the Small Reclamation Projects Act of 1956:

(1) The Small Reclamation Projects Program is extended to the entire United States as in the House amendment to S. 602.

(2) The ceiling on the amount of a loan or combination loan and grant for any one project is increased from $5 million to $6.5 million.

(3) The formula used for determining the interest rate for the interest-bearing portions of loans under this Act is changed from a formula based on yield to a formula based on coupon rates.

(4) New language is added updating the basic Act by incorporating recently adopted cost-sharing policies applicable to recreation and fish and wildlife enhancement. This is substantially the same as in the House amendment to S. 602.

(5) An additional $100 million is authorized to be appropriated to carry out the purposes of this Small Reclamation Projects

Program. This is the same as in the House amendment to S. 602.

WAYNE N. ASPINALL,
WALTER ROGERS,
HAROLD T. JOHNSON,
JOHN P. SAYLOR,
ED REINECKE,
Managers on the Part of the House.

CALL OF THE HOUSE

Mr. HALL. Mr. Speaker, I make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

Mr. ALBERT. Mr. Speaker, I move a call of the House.

A call of the House was ordered.

The Clerk called the roll, and the following Members failed to answer to their names:

[Roll No. 172]

Anderson, Ill.
Andrews, N. Dak.
Arends
Ashbrook
Baring
Beckworth
Boggs
Burton, Calif.
Cabell
Cahill
Celler
Chelf
Clark
Conyers
Corbett
Craley
Dague
Dawson
Delaney
Diggs
Dwyer
Edwards, La.
Ellsworth
Evans, Colo.
Everett
Evins, Tenn.
Farbstein
Farnsley
Flynt
Fraser
Frelinghuysen
Gathings
Goodell
Green, Oreg.
Griffiths
Grover
Hagan, Ga.
Hansen, Wash.
Hébert
Henderson
Hungate
Irwin
Keith
King, N.Y.
King, Utah
Leggett
Long, La.
Mackie
Martin, Ala.
Miller
Mills
Mink
Moeller
Monagan
Morrison
Murray
Nedzi
O'Hara, Mich.
Pepper
Pike
Powell
Race
Redlin
Reid, N.Y.
Rivers, Alaska
Roberts
Roncalio
St Germain
St. Onge
Scott
Senner
Stephens
Sweeney
Toll
Tuten
Udall
Watkins
White, Idaho
Willis
Wilson, Charles H.

The SPEAKER. On this rollcall 352 Members have answered to their names, a quorum.

By unanimous consent, further proceedings under the call were dispensed with.

The SPEAKER. The gentleman from Colorado [Mr. ASPINALL] is recognized for 1 hour.

Mr. ASPINALL. Mr. Speaker, I yield myself 20 minutes.

Mr. Speaker, the conference report on S. 602 provides for continuing a very successful small water projects program which was initiated 10 years ago. The purpose of this program is to encourage State and local participation in the development and rehabilitation of small water projects primarily for irrigation. The Federal Government assists such undertakings by providing loans to the States or to local public agencies. The local agencies retain full responsibility for the planning, construction, and operation of these small projects.

Mr. Speaker, on April 27, 1955, Representative Engle introduced H.R. 5881 which would authorize the Secretary of the Interior to provide Federal assistance in the development of reclamation projects by non-Federal organizations in all 48 States and the Territories of Hawaii and Alaska.

As reported out of committee on May 4, 1955, H.R. 5881 would have retained the authorization of the Secretary of the Interior to furnish such assistance in all 48 States and the Territories of Hawaii and Alaska.

H.R. 5881 was considered on the floor of the House on May 26, 1955, and amended to provide that the Secretary of the Interior would furnish assistance under the bill in the 17 western reclamation States, and that the Secretary of Agriculture would furnish the assistance authorized by the bill in the 31 Eastern States and Hawaii and Alaska—CONGRESSIONAL RECORD, volume 101, part 6, page 7134. The bill passed the House as so amended—CONGRESSIONAL RECORD, volume 101, part 6, page 7159.

The Senate version of this bill, S. 2442, introduced by Senator ANDERSON on July 11, 1955, contained two titles. Title I pertained to the 17 western reclamation States and authorized assistance to be furnished thereunder by the Secretary of the Interior. Title II pertained to the 31 Eastern States and the Territories of Hawaii and Alaska and authorized assistance to be furnished thereunder by the Secretary of Agriculture.

In the Senate, S. 2442 was substituted for the bill passed by the House, and in this form it was passed by the Senate on July 28, 1955.

The conference committee eliminated title II and both Houses subsequently passed the conference bill which was limited to the 17 western reclamation States with assistance thereunder to be furnished by the Secretary of the Interior. The conference report was filed in the House on May 23, 1956, agreed to by the House on June 13, 1956, by the Senate on July 20, 1956, and approved on August 6, 1956.

The statement of managers on the part of the House indicates that the agreement in conference to limit the program to the 17 western reclamation States was based on an amendment, pending before the Congress at that time, to the Watershed Protection and Flood Prevention Act which might provide for the Eastern States the purposes sought by enactment of the Small Reclamation Projects Act. The amendment to the Watershed Act was subsequently passed and both programs have been in operation since 1956.

The Small Reclamation Projects Act was amended in the 85th Congress by the act of June 5, 1957—71 Stat. 48. However, this amendment did not involve the matter of extending the act to the Eastern States.

H.R. 4851, the companion bill to S. 602, to amend the Small Reclamation Projects Act was introduced on February 11, 1965. As introduced it was applicable only to the western reclamation States and to Hawaii. Hearings were held on June 25, 1965, and subcommittee markup sessions were held on August 2 and August 19. The bill was reported to the House on August 25 with an amendment extending the coverage of the act to the entire United States.

On September 7, 1965, under suspension of rules procedure, H.R. 4851 passed the House without any floor amendments. This action was subsequently vacated and S. 602 was passed with the House language. The matter of extending the program to the entire United States was discussed during floor consideration of September 7.

On September 16, 1965, the Senate objected to the House amendments and asked for a conference on S. 602. On May 2, 1966, House conferees were appointed and the conference committee meeting was held on June 2, 1966, in which agreement was reached on the legislation including extension of the program to the entire United States.

Mr. Speaker, the major differences between House and Senate versions of S. 602 are as follows:

First, coverage: Language in the House-passed bill made the small reclamation projects program applicable throughout the United States. There was no comparable provision in the Senate-passed bill. In the conference committee meeting, the Senate receded and the House provision was agreed to;

Second, size of project: The size of project permitted in the House-passed bill was $5 million on the basis of 1956 costs, adjusted to reflect changes in the costs of construction. It is estimated that the House language would have permitted assistance to projects costing about $6.5 million at the present time. The Senate-passed bill would have permitted assistance to projects costing $7.5 million. The conference committee adopted a project cost figure of $6.5 million without any provision for adjustment;

Third, interest rate: The interest rate formula in the House-passed bill was based upon yield while the formula in the Senate-passed bill was based on coupon rates. The House receded and the conference committee agreed to the formula in the Senate-passed bill. This is the same formula which has been adopted by the Congress in recent years for most Federal water project programs;

Fourth, fund advances to conduct studies and prepare reports: The Senate-passed bill included a provision to permit the advance of up to half the cost of making the necessary engineering studies and preparing reports to accompany loan applications. There was no comparable provision in the House-passed bill. The Senate receded and the conference committee deleted this provision; and

Fifth, authorization of appropriations: The House-passed bill authorized the appropriation of an additional $100 million to carry out the purposes of the small reclamation projects program. The Senate-passed bill authorized the appropriation of not only an additional $100 million, but included language increasing that amount by amounts repaid on previous loans and the amounts of nonreimbursable allocations. In other words, the Senate provision would have established a revolving fund for this program. The Senate conceded and the conference committee agreed to the House provision.

Mr. Speaker, from the foregoing, it is clear that the conference committee report differs from the House-passed bill only in one major respect—the interest and for other purposes, with House amendment thereto, insist on the House amendment, and agree to the conference requested by the Senate.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the request of the gentleman from Colorado? The Chair hears none and appoints the following conferees; Messrs. Aspinall, Rogers of Texas, and Saylor.

SMALL RECLAMATION PROJECTS ACT, 1956

Mr. ASPINALL. Mr. Speaker, I call up the conference report on the bill S. 602 to amend the Small Reclamation Projects Act of 1956, and ask unanimous consent that the statement of the managers on the part of the House be read in lieu of the report.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the request of the gentleman from Colorado?

There was no objection.

The Clerk read the statement.

The conference report and statement are as follows:

Conference Report (H. Rept. No. 1627)

The committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 602) to amend the Small Reclamation Projects Act of 1956, having met after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its disagreement to the amendment of the House and agree to the same with an amendment as follows: In lieu of the matter inserted by the House amendment insert the following:

"That the Small Reclamation Projects Act of 1956 (70 Stat. 1044), as amended (43 U.S.C. 422a et seq.) is hereby further amended as follows:

"(1) In section 1, by striking out 'in the seventeen western reclamation States' and inserting in lieu thereof 'throughout the United States';

"(2) In section 2, by striking out the second sentence of subsection (d) and the first two provisos thereto and inserting in lieu thereof the following: 'The term "project" shall not include any such undertaking, unit, or program the cost of which exceeds $10,000,000, and no loan, grant, or combination thereof for any project shall be in excess of $6,500,000:' and by striking out *"And provided further,"* and inserting in lieu thereof *'Provided,'*;

"(3) In section 4, by adding at the end of subsection (a) the following: 'The costs of means and measures to prevent loss of and damage to fish and wildlife resources shall be considered as project costs and allocated as may be appropriate among project functions.';

"(4) In section 4, subsection (b), by striking out the word 'construction' from the phrase which now reads 'and willing to finance otherwise than by loan and grant under this Act such portion of the cost of construction' and inserting in lieu thereof 'the project'; by inserting at the end of the parenthetical phrase which follows thereafter ', except as provided in subsection 5(b)(2) hereof,'; and by changing the colon (:) to a period (.) and striking out the remainder of said subsection;

"(5) In section 5, by striking out the present text of items (a), (b) and (c) and inserting in lieu thereof the following:

"'(a) the maximum amount of any loan to be made to the organization and the time and method of making the same available to the organization. Said loan shall not exceed the lesser of (1) $6,500,000 or (2) the estimated total cost of the project minus the contribution of the local organization as provided in section 4(b) and the amount of the grant approved;

"'(b) the maximum amount of any grant to be accorded the organization. Said grant shall not exceed the sum of the following: (1) the costs of investigations, surveys, and engineering and other services necessary to the preparation of proposals and plans for the project allocable to fish and wildlife enhancement or public recreation; (2) one-half the costs of acquiring lands or interests therein for a reservoir or other area to be operated for fish and wildlife enhancement or public recreation purposes; (3) one-half the costs of basic public outdoor recreation facilities or facilities serving fish and wildlife enhancement purposes exclusively; (4) one-half the costs of construction of joint use facilities properly allocable to fish and wildlife enhancement or public recreation; and (5) that portion of the estimated cost of constructing the project which, if it were constructed as a Federal reclamation project, would be properly allocable to functions, other than recreation and fish and wildlife enhancement, which are nonreimbursable under general provisions of law applicable to such projects;

"'(c) a plan of repayment by the organization of (1) the sums lent to it in not more than fifty years from the date when the principal benefits of the project first become available; (2) interest, as determined by the Secretary of the Treasury, as of the beginning of the fiscal year in which the contract is executed, on the basis of the computed average interest rate payable by the Treasury upon its outstanding marketable public obligations, which are neither due nor callable for redemption for fifteen years from date of issue, and by adjusting such average rate to the nearest one-eighth of 1 per centum, on that portion of the loan which is attributable to furnishing irrigation benefits in each particular year to land held in private ownership by any one owner in excess of one hundred and sixty irrigable acres; and (3) in the case of any project involving an allocation to domestic, industrial, or municipal water supply, or commercial power, interest on the unamortized balance of an appropriate portion of the loan at a rate as determined in (2) above;';

"(6) In section 8, by striking out 'Act of August 14, 1946 (60 Stat. 1080)' and inserting in lieu thereof 'Fish and Wildlife Coordination Act (48 Stat. 401), as amended (16 U.S.C. 661 et seq.)';

"(7) In section 10, by striking out '$100,000,000' and inserting in lieu thereof '$200,000,000'.

"Sec. 2. Nothing contained in this Act shall be applicable to or affect in any way the terms on which any loan or grant has been made prior to the effective date of this Act."

And the House agree to the same.

Wayne N. Aspinall,
Walter Rogers,
Harold T. Johnson,
John P. Saylor,
Ed Reinecke,
Managers on the Part of the House.

Henry M. Jackson,
Alan Bible,
Frank E. Moss,
Thomas H. Kuchel,
Gordon Allott.
Managers on the Part of the Senate.

Statement

The managers on the part of the House at the conference on the disagreeing votes of the two Houses on the amendment of the House to the bill, S. 602, to amend the Small Reclamation Projects Act of 1956, submit this statement in explanation of the effect of the language agreed upon and recommended in the accompanying conference report. The language agreed upon is essentially the language of the House amendment with two significant changes as herein noted.

CEILING ON THE AMOUNT OF THE LOAN AND GRANT

The Senate-passed bill included language to amend the basic Act by increasing the maximum amount of any loan or combination loan and grant for a single project from $5,000,000 to $7,500,000.

The House amendment retained the $5 million limitation but with qualifying language to permit adjustment of the amount to reflect changes in costs of construction of the types involved in the particular project which may have occurred between January 1, 1957 and January 1 of the year in which the loan is made. At the present time, the language of the House amendment would provide a ceiling of between $6 million and $6.5 million depending upon the particular project involved.

The conference committee adopted language which places a ceiling of $6,500,000 on the amount of any loan or combination loan and grant for any single project. A specific amount seemed preferable in view of the problems that would be inherent in administering the House language. The $6,500,000 figure is considered an equitable amount on the basis of increases in construction costs since the enactment of the basic Act 10 years ago. In other words, at today's prices, $6,500,000 will purchase about the same in the way of project works and facilities as $5,000,000 would have paid for 10 years ago.

INTEREST RATE

The formula included in the Senate-passed bill for determining the interest rate to be used in repaying those portions of any loan allocable to the irrigation of excess lands, to municipal and industrial water supply, and to commercial power is the formula based on coupon rates which has been adopted by Congress in recent years for various Federal water project programs.

The House amendment made no change in the interest formula in the basic Act which is based on yield rather than coupon rates.

The conference committee adopted the interest formula embodied in the Senate-passed bill in the interest of maintaining consistency among all Federal programs. It seemed particularly important that there be consistency between the interest rate used for this Small Reclamation Projects program and the program of the Department of Agriculture under the Watershed Protection and Flood Prevention Act.

ANALYSIS OF LANGUAGE OF THE CONFERENCE REPORT

The language of the conference report makes the following important changes in the Small Reclamation Projects Act of 1956:

(1) The Small Reclamation Projects Program is extended to the entire United States as in the House amendment to S. 602.

(2) The ceiling on the amount of a loan or combination loan and grant for any one project is increased from $5 million to $6.5 million.

(3) The formula used for determining the interest rate for the interest-bearing portions of loans under this Act is changed from a formula based on yield to a formula based on coupon rates.

(4) New language is added updating the basic Act by incorporating recently adopted cost-sharing policies applicable to recreation and fish and wildlife enhancement. This is substantially the same as in the House amendment to S. 602.

(5) An additional $100 million is authorized to be appropriated to carry out the purposes of this Small Reclamation Projects

Program. This is the same as in the House amendment to S. 602.

WAYNE N. ASPINALL,
WALTER ROGERS,
HAROLD T. JOHNSON,
JOHN P. SAYLOR,
ED REINECKE,
Managers on the Part of the House.

CALL OF THE HOUSE

Mr. HALL. Mr. Speaker, I make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

Mr. ALBERT. Mr. Speaker, I move a call of the House.

A call of the House was ordered.

The Clerk called the roll, and the following Members failed to answer to their names:

[Roll No. 172]

Anderson, Ill.
Andrews, N. Dak.
Arends
Ashbrook
Baring
Beckworth
Boggs
Burton, Calif.
Cabell
Cahill
Celler
Chelf
Clark
Conyers
Corbett
Craley
Dague
Dawson
Delaney
Diggs
Dwyer
Edwards, La.
Ellsworth
Evans, Colo.
Everett
Evins, Tenn.
Farbstein
Farnsley
Flynt
Fraser
Frelinghuysen
Gathings
Goodell
Green, Oreg.
Griffiths
Grover
Hagan, Ga.
Hansen, Wash.
Hébert
Henderson
Hungate
Irwin
Keith
King, N.Y.
King, Utah
Leggett
Long, La.
Mackie
Martin, Ala.
Miller
Mills
Mink
Moeller
Monagan
Morrison
Murray
Nedzi
O'Hara, Mich.
Pepper
Pike
Powell
Race
Redlin
Reid, N.Y.
Rivers, Alaska
Roberts
Roncalio
St Germain
St. Onge
Scott
Senner
Stephens
Sweeney
Toll
Tuten
Udall
Watkins
White, Idaho
Willis
Wilson, Charles H.

The SPEAKER. On this rollcall 352 Members have answered to their names, a quorum.

By unanimous consent, further proceedings under the call were dispensed with.

The SPEAKER. The gentleman from Colorado [Mr. ASPINALL] is recognized for 1 hour.

Mr. ASPINALL. Mr. Speaker, I yield myself 20 minutes.

Mr. Speaker, the conference report on S. 602 provides for continuing a very successful small water projects program which was initiated 10 years ago. The purpose of this program is to encourage State and local participation in the development and rehabilitation of small water projects primarily for irrigation. The Federal Government assists such undertakings by providing loans to the States or to local public agencies. The local agencies retain full responsibility for the planning, construction, and operation of these small projects.

Mr. Speaker, on April 27, 1955, Representative Engle introduced H.R. 5881 which would authorize the Secretary of the Interior to provide Federal assistance in the development of reclamation projects by non-Federal organizations in all 48 States and the Territories of Hawaii and Alaska.

As reported out of committee on May 4, 1955, H.R. 5881 would have retained the authorization of the Secretary of the Interior to furnish such assistance in all 48 States and the Territories of Hawaii and Alaska.

H.R. 5881 was considered on the floor of the House on May 26, 1955, and amended to provide that the Secretary of the Interior would furnish assistance under the bill in the 17 western reclamation States, and that the Secretary of Agriculture would furnish the assistance authorized by the bill in the 31 Eastern States and Hawaii and Alaska—CONGRESSIONAL RECORD, volume 101, part 6, page 7134. The bill passed the House as so amended—CONGRESSIONAL RECORD, volume 101, part 6, page 7159.

The Senate version of this bill, S. 2442, introduced by Senator ANDERSON on July 11, 1955, contained two titles. Title I pertained to the 17 western reclamation States and authorized assistance to be furnished thereunder by the Secretary of the Interior. Title II pertained to the 31 Eastern States and the Territories of Hawaii and Alaska and authorized assistance to be furnished thereunder by the Secretary of Agriculture.

In the Senate, S. 2442 was substituted for the bill passed by the House, and in this form it was passed by the Senate on July 28, 1955.

The conference committee eliminated title II and both Houses subsequently passed the conference bill which was limited to the 17 western reclamation States with assistance thereunder to be furnished by the Secretary of the Interior. The conference report was filed in the House on May 23, 1956, agreed to by the House on June 13, 1956, by the Senate on July 20, 1956, and approved on August 6, 1956.

The statement of managers on the part of the House indicates that the agreement in conference to limit the program to the 17 western reclamation States was based on an amendment, pending before the Congress at that time, to the Watershed Protection and Flood Prevention Act which might provide for the Eastern States the purposes sought by enactment of the Small Reclamation Projects Act. The amendment to the Watershed Act was subsequently passed and both programs have been in operation since 1956.

The Small Reclamation Projects Act was amended in the 85th Congress by the act of June 5, 1957—71 Stat. 48. However, this amendment did not involve the matter of extending the act to the Eastern States.

H.R. 4851, the companion bill to S. 602, to amend the Small Reclamation Projects Act was introduced on February 11, 1965. As introduced it was applicable only to the western reclamation States and to Hawaii. Hearings were held on June 25, 1965, and subcommittee markup sessions were held on August 2 and August 19. The bill was reported to the House on August 25 with an amendment extending the coverage of the act to the entire United States.

On September 7, 1965, under suspension of rules procedure, H.R. 4851 passed the House without any floor amendments. This action was subsequently vacated and S. 602 was passed with the House language. The matter of extending the program to the entire United States was discussed during floor consideration of September 7.

On September 16, 1965, the Senate objected to the House amendments and asked for a conference on S. 602. On May 2, 1966, House conferees were appointed and the conference committee meeting was held on June 2, 1966, in which agreement was reached on the legislation including extension of the program to the entire United States.

Mr. Speaker, the major differences between House and Senate versions of S. 602 are as follows:

First, coverage: Language in the House-passed bill made the small reclamation projects program applicable throughout the United States. There was no comparable provision in the Senate-passed bill. In the conference committee meeting, the Senate receded and the House provision was agreed to;

Second, size of project: The size of project permitted in the House-passed bill was $5 million on the basis of 1956 costs, adjusted to reflect changes in the costs of construction. It is estimated that the House language would have permitted assistance to projects costing about $6.5 million at the present time. The Senate-passed bill would have permitted assistance to projects costing $7.5 million. The conference committee adopted a project cost figure of $6.5 million without any provision for adjustment;

Third, interest rate: The interest rate formula in the House-passed bill was based upon yield while the formula in the Senate-passed bill was based on coupon rates. The House receded and the conference committee agreed to the formula in the Senate-passed bill. This is the same formula which has been adopted by the Congress in recent years for most Federal water project programs;

Fourth, fund advances to conduct studies and prepare reports: The Senate-passed bill included a provision to permit the advance of up to half the cost of making the necessary engineering studies and preparing reports to accompany loan applications. There was no comparable provision in the House-passed bill. The Senate receded and the conference committee deleted this provision; and

Fifth, authorization of appropriations: The House-passed bill authorized the appropriation of an additional $100 million to carry out the purposes of the small reclamation projects program. The Senate-passed bill authorized the appropriation of not only an additional $100 million, but included language increasing that amount by amounts repaid on previous loans and the amounts of nonreimbursable allocations. In other words, the Senate provision would have established a revolving fund for this program. The Senate conceded and the conference committee agreed to the House provision.

Mr. Speaker, from the foregoing, it is clear that the conference committee report differs from the House-passed bill only in one major respect—the interest rate to be used in repaying interest-bearing allocations.

Mr. Speaker, I yield 5 minutes to the gentleman from Alabama [Mr. Jones].

Mr. JONES of Alabama. Mr. Speaker, I find myself very discomfited by the fact that I must oppose this conference report, but I do so in the light of the history of the fact that we have undertaken during the last 11 years a fine and useful program of implementing watershed development.

Mr. Speaker, in 1955 this same proposition was presented to the House of Representatives.

The Chairman of the Committee on Interior and Insular Affairs at that time was the beloved gentleman from California, Mr. Engle.

Mr. Speaker, I offered an amendment to strike out or to delete the 31 Eastern States from the application of the small projects interior operation bill. That amendment succeeded.

Subsequently, in the following year, we passed Public Law 566, designed to complement and to embrace the furtherance of water resource development, taking into account land use and the ultimate basic needs that we could devise from these stream developments.

Now, Mr. Speaker, that program has succeeded. It has succeeded because it took into consideration the total water utilization.

Now, this proposal comes along designed to extend irrigation in the 31 Eastern States. They already have that authority under Public Law 566.

Now, we have heard—at least I have heard since being in the Congress for a period of 20 years—that we did not want duplication of effort and that we did not want a multiplicity of agencies dealing and dialing in directing these water resource projects. But, here is one seeking today to set up another bureaucracy with which to deal with these problems that are reconciled to local use and understanding, that will be destroyed or at least disturbed through the application of this arrangement.

Mr. Speaker, I see no sense in our having expended millions and millions and millions of dollars to complete the survey requirements of local conditions that have been extended since the adoption of Public Law 566 to a community situation today and throw them out and make no use of them.

Mr. Speaker, it seems to me that if we are going to deal with this enormously expensive problem of water resource development, we should take into account what has been accomplished and what we seek to do in the future.

Now, if we want to commence another agency, operating in all of the other 31 States, here is the commencement of it.

Mr. Speaker, how in the world are we going to vote for an authorization to give sanction to an operation when the Federal Government is not going to have this close scrutiny over the expenditures of Federal funds and how the projects are going to be made compatible to the general use of a basin operation, for instance, and how the withdrawal of water is going to be determined and how its use is to be determined.

Mr. Speaker, the question as to how we are going to make these unified approaches to water problems is of paramount importance.

Here we are called upon to fragment the operation and to set aside one little useful part—and that is irrigation—and close our eyes to the general use of a stream in its relationship to land management.

We have some 19 accredited practices that are employed by the farmers in their soil use and water use programs on their farms.

Are we going to strip them of the opportunity to use the land in conformance to good water policies? I do not think so.

Mr. Speaker, I believe what we need to do, if we are really anxious about the problem, is to accelerate the program of watershed development in cooperation with local people and in cooperation with their local desires.

Mr. Speaker, I hope that the conference report is not agreed to.

Mr. ASPINALL. Mr. Speaker, I yield 5 minutes to the gentleman from Texas [Mr. Poage].

Mr. POAGE. Mr. Speaker and Members of the House, we are again confronted with the question of whether we can wisely extend a good program to areas in which it has not operated and in which other good programs have been and are operating.

To me, the answer seems to be no. To do so, we must either add materially to the appropriations which we are now making as is provided in this conference report or we must spread the benefits of the program very thin indeed. This conference report, if you adopt it, authorizes an extra $100 million for this purpose. If you do not make the additional appropriations—and frankly I am not a member of the Committee on Appropriations and I cannot speak for that great committee—but I do not believe that committee is going to appropriate $100 million of additional money—if it does not and we extend this program which is now applicable to only 17 Western States to all the States of the Union, we will have so diluted the program, so thinned it out, that neither the Western nor the Eastern States are going to have any program of which they can be proud. They are not going to have an effective program if you spread it over the Nation unless you are willing to put up the additional funds, which I just do not think the Committee on Appropriations is going to put up.

We have two programs working now all over the United States and a third one working over 17 States. We have a program that is working very successfully in small watersheds. Something like 700 of them have been approved and are now either in operation or are being constructed. The present small watershed program requires that you do more than merely impound water. You cannot establish one of the existing programs without getting at least half of all the land above the reservoir into soil-conserving contracts so that you protect the reservoir and the land. This is, as I see it, sound conservation.

I see no such provision in this system. Nor is this a "reclamation program." I was deeply interested to hear the great chairman of the committee say that this is not a reclamation program but if I understood right, that it is indeed a small watershed program. If this is true it is indeed a complete duplication of existing programs.

I remember when our late lamented colleague, later Senator Engle, came here and suggested that he would establish a program all over the United States of reclamation because we might need reclamation sometime down the line in Connecticut or we might need it in Mississippi or somewhere such as that. He said it would be reclamation. But as I now understand the chairman he points out, and I think fairly, that this is not reclamation but a small watershed program.

Mr. ASPINALL. Mr. Speaker, will the gentleman yield?

Mr. POAGE. I am happy to yield.

Mr. ASPINALL. The gentleman from Colorado, the chairman of the committee, did not say this is a small watershed program. He said it was an irrigation program.

Mr. POAGE. I sat here on the front row and I thought I heard the gentleman say that it was not a reclamation program.

Mr. ASPINALL. If my colleague will yield again, I said it was not a reclamation program. It was directed by the Bureau of Reclamation, that was what I said. I said it was an irrigation program rather than a Bureau of Reclamation program. But it is financed largely from the revenues that are taken from the public lands of the United States.

I tried to differentiate between the jurisdiction of the Bureau of Reclamation over the 17 Western States and what its jurisdiction would be in taking care of this irrigation program.

May I say to my friend, what we have involved here is not building watershed programs but making available those facilities that would make irrigation available to the East as it is to the West.

The SPEAKER pro tempore. The time of the gentleman has expired.

The Chair recognizes the gentleman from Colorado.

Mr. ASPINALL. Mr. Speaker, I yield 5 minutes to the gentleman from Florida, [Mr. Cramer].

Mr. CRAMER. Mr. Speaker, I thank the chairman of the Committee on Interior and Insular Affairs for yielding me the time.

This conference report on S. 602 is of tremendous importance. It is imperative, as the two preceding speakers have indicated, that the Members of the House should understand exactly what the issues are.

As I see it, the issues are quite simple. If the Members of the House wish to follow the admonition of the President of the United States to curtail expenditures, stated by him only the day before yesterday in very explicit and commanding terms, then it is not time to expand programs which will ultimately require greater expenditures of Federal funds over the continued existence of this act. Although the Department of the Interior now favors an additional $100 million, that amount for expansion was not included in the President's budget request in January of this year. I assume that if we vote down this conference report and maintain the 17 Western States concept that this extra $100 million will not be needed or will be spent over a much longer period of time than now envisioned. The administration, might I add, did not recommend the additional $100 million. The administration did not request the bill, S. 602, and it surely did not request in any departmental report an expansion of authority beyond the 17 western reclamation States.

Let me quote the Department of Agriculture, so that there will be no question about what the position of that Department is on this matter. I say to those who want to support the President of the United States, those who want to practice fiscal responsibility, and those who want to heed the President's admonition that this is the first and one of the major instances in which you can demonstrate that support, practice that fiscal responsibility, and heed that admonition by voting down this conference report, thus, in effect, voting against the $100 million, which means the doubling of the program presently in existence, as well as voting against any expanded authority.

On May 5, 1966, the Department of Agriculture had this to say, through its Secretary, and I think it is important to point out what the Department said:

> This Department was not advised of this section until the bill was reported out and so had no opportunity to submit its views by report or testimony.
>
> * * * this Department recommends deletion of the House amendment which would extend the authority of the Act to all 50 States.
>
> This Department feels that the issue of whether or not the Small Reclamation Projects Act should apply to all the States or just to the western reclamation States was considered and settled at the time the original Act was passed in 1956. * * * It was objected to in debate by the Chairman of the Agricultural Committee and amended on the floor of the House to apply only to the 17 western reclamation States.
>
> This extension of the Federal Reclamation Laws to all 50 States would authorize the Secretary of the Interior to provide Federal assistance in the 31 eastern States on small water resource development projects that would be largely duplicative of that being provided by the Secretary of Agriculture under the authority of the Watershed Protection and Flood Prevention Act. (P.L. 83-566).

This is the Department of Agriculture speaking, and I presume they know what they are talking about.

That has been discussed previously. I continue from the letter:

> Moreover, the Small Reclamation Projects Act does not contain the fundamentally sound requirement of Public Law 566 that needed land treatment measures to protect reservoirs and insure proper water use in the benefited area shall be an integral part of the project.
>
> * * * The Bureau of Reclamation would be required to set up new offices and new personnel to serve the 31 eastern States to carry out this duplication of authority irrespective of the need for increased agricultural production.
>
> Small Reclamation Projects must have irrigation as their primary purpose. The Federal Government should not be promoting new irrigation development in the 31 eastern States because of the effect it would have on increased crop production.

That is the Secretary of Agriculture speaking, and this is what the gentleman from Texas [Mr. POAGE] just stressed and rightly so.

Mr. COOLEY. Mr. Speaker, will the gentleman yield?

Mr. CRAMER. I yield to the gentleman from North Carolina.

Mr. COOLEY. What is the date of that letter?

Mr. CRAMER. The date of that letter is May 5, 1966.

Mr. COOLEY. Notwithstanding this opposition, the measure that is now submitted to the House relates to a program which was rejected years ago by a vote of the House?

Mr. CRAMER. It was rejected some 10 years ago by a vote of the House. This issue was decided once before, and it should now be decided on the same basis, particularly under the circumstances of the President of the United States saying to the Congress of the United States that the Members of Congress are the ones who are responsible for increased spending at this time, causing tremendous inflation, and at a time when the war in Vietnam requires billions of dollars of expenditures.

The President says the Members of Congress are the ones responsible for adding to the budget request of his administration. The President says they are the ones responsible for increased budget expenditures, and they are the ones causing increased inflation. This is the time when we have $100 million on this one vote which we can save from the expenditures of this session.

Mr. Speaker, I have risen in opposition to the conference report on S. 602, for I have serious reservations about it in the form agreed upon by the conferees. I agree with my many distinguished colleagues that its provisions to extend the small reclamation projects activities of the Department of the Interior to the entire United States and its authorizations for an additional $100 million for appropriations for such an expanded program appear to me to be a dangerous attempt to expand the authority and jurisdiction of the Secretary of the Interior over small water resource development programs under the jurisdiction of other Federal departments. The jurisdiction of the Department of Agriculture and its established and successful small watershed development program under the Soil Conservation Service will be challenged substantially, if S. 602 is enacted.

During the past 6 years, we have seen the authority of the Secretary of the Interior expanded time after time, each time encompassing greater jurisdiction for the Department of the Interior.

The small watershed development program of the Department of Agriculture should in no way be jeopardized by the actions of those seeking to expand the Secretary of the Interior's control over the resources of this Nation, particularly its water resources.

I have had the privilege of serving since 1955 on the Committee on Public Works which has jurisdiction over approving workplans for small watershed development projects within the Department of Agriculture of over 4,000 acre-feet of total capacity for any one single watershed structure. As the ranking minority member of that committee, I feel that the small watershed development program, authorized under Public Law 566 of the 83d Congress, would be undermined if we enact S. 602 today. S. 602 does not, per se, transfer the authority for the small watershed program authorized by Public Law 566 from the Department of Agriculture to the Department of the Interior. But the expansion of the small reclamation projects activities of Interior would surely constitute unwise competition and duplication of responsibility and effort between the programs of the two departments in many areas of the Nation.

When the Small Reclamation Projects Act of 1956 was before this body over a decade ago, the gentleman from Alabama [Mr. JONES], one of the most knowledgeable men on water resources in the free world, offered a successful amendment to that original bill which maintained the proper role of the various Federal departments over water resource projects by limiting the program to its legitimate domain, the 17 Western reclamation States. That farsighted amendment to require the continuation of orderly growth and development in the then 48 States and 2 territories should not now be repealed. The principle of that amendment should be reaffirmed.

There are many other reasons for opposing the enactment of S. 602 as agreed upon by the conferees.

The expansion of the Department of the Interior's activities in the area of small water resources development in the Eastern States of the Nation is unwise because the water problems of those Eastern States are wholly different from those over which the Department of the Interior has jurisdiction and over which it has expertise. S. 602 would also establish another Federal agency in the small watershed development field which is more adequately handled by the Soil Conservation Service and the U.S. Army Corps of Engineers.

Mr. Speaker, as the distinguished gentleman from Alabama has stated, the provisions of S. 602 would not only duplicate the small water resources programs now in effect but would also cause irreparable harm to those programs by setting up competing policies and conflicting practices in an area of natural resource management where efforts should be focused rather than diffused. It would require additional offices and additional personnel. It would result in inefficiency and waste in the administration of the small water resource development programs of the Federal Government.

I am glad to see that the Department of Agriculture has objected strongly to those portions of S. 602 which I am discussing, and I am also pleased to see the distinguished chairman of the subcommittee on Conservation and Credit of the House Committee on Agriculture, the gentleman from Texas [Mr. POAGE] making such a fine presentation on behalf of his Committee and the Department of Agriculture. As it has been pointed out by other Members, the Secretary of Agriculture has recommended the deletion of the amendment which was added by the House to extend the authority of the Small Reclamation Projects Act to all 50 States. In my opinion, the matter of whether the act was to apply to the 17 Western States or to the entire Nation was settled by the act's passage a decade ago.

Mr. Speaker, the provisions of Public Law 566, which has been functioning commendably for 12 years, require, in addition to other things, land treatment measures and agreements with owners of lands benefited and local soil conservation districts. No such provisions are contained in the small reclamation projects statutes. At a time when our Nation is suffering great natural resource losses from extensive soil erosion, it is unwise indeed not to require land treatment measures designed to retard such costly erosion.

Mr. Speaker, I do not think that a single Member here could dispute the excellent work which the Soil Conservation Service has done under Public Law 566. During the 12 years since its enactment, and it was enacted and was operating when the Small Reclamation Projects Act of 1956 was considered, 729 projects have been approved by the Department of Agriculture. These 729 projects constitute 4,336 single purpose floodwater retarding structures, 280 multiple purpose structures, and 29 other single purpose structures. The total drainage area encompassed by these 729 projects covers 41,486,600 acres of America's valuable land. Through fiscal year 1965, the floodwater storage capacity of these 729 projects was an astounding 3,675,174 acre-feet; sediment storage was 633,771 acre-feet; and water supply storage for municipal, recreation, and irrigation purposes was an additional 431,151 acre-feet.

In addition to projects approved by the Department of Agriculture, another 1,211 projects have been approved for planning which would encompass a drainage area of an additional 84,124,800 acres. Furthermore, some 2,502 applications have been filed for even more watershed projects which would encompass a drainage area of an astounding 181,617,600 acres.

Mr. Speaker, if these proposed projects and this fantastic program are allowed to suffer because of the administrative disruption and jurisdictional conflicts which will result if we enact this unwise bill, S. 602, today, then we have permitted a great injustice to the development of this Nation's resources to have come about. I just cannot imagine us permitting those projects for which our local people have worked so hard to be jeopardized by the provisions of this bill today.

In conclusion, Mr. Speaker, this conference report before us should be voted down overwhelmingly. By its enactment, the Bureau of Reclamation would be undertaking an expanded program which would presumably require new offices and new personnel to serve the additional 31 Eastern States in carrying out this unnecessary duplication of authority. Furthermore, the expansion of the small reclamation projects program into an additional 31 States of the Union would include them in a program of new irrigation development. Such a new program might have far-reaching effects, and I suggest, as others have today, that such an expansion should be considered much more carefully by the Congress before the adoption of such a far-reaching policy change.

Mr. Speaker, I hope the House will demonstrate the same judgment that it did 10 years ago and prohibit the extension of the small reclamation projects program to all the States of the Union. I urge the Members to vote down this conference report, and I am confident that we will, giving notice to the conferees to strike any provisions to expand the act beyond the original 17 Western States.

Mr. ASPINALL. Mr. Speaker, I yield 5 minutes to the gentleman from Mississippi [Mr. WHITTEN].

Mr. WHITTEN. Mr. Speaker, I rise in opposition to the conference report.

I do not believe any of us here feel more deeply than I do that we need to look after our own country, and all the obligations we have and all the expenditures with which we are faced should not at any time cause us to give less attention to our own country. However, in the present case, there is a great deal more involved than might appear on the surface.

In my opinion, from the start, there has been a desire by the Department of Interior to become the Department for the eastern part of the United States. There has been a constant drive in that direction. If we were to pass this bill and if it becomes law, the Department of Interior as it now stands is not fitted, nor does it have offices, nor does it have any other capacity to know what it is doing in this area. So we would be faced immediately with having to set up an expansion of that Department over the eastern part of the United States and therefore duplicate what we have now in the Corps of Engineers and in the Department of Agriculture.

We just had a little taste of what it means when we get people into an area where they are not experienced. The Congress passed a bill last year—and when I say that, I say it with admiration for my colleague, the gentleman from Colorado, for whom I have the highest regard, as high as I have for any man in the Congress, and no man has higher standards—but that bill was passed with the best intention approximately a year ago. It permitted charging for the use of certain reservoir facilities, though those in my area would or should have been excluded, for they do not qualify.

Approximately a month or so ago, fees were charged for the right to go down a road on one's own farm, which had been flooded by the Government against the desire of the owner. They started to charge the owner fees—the same type of thing was started elsewhere.

Mr. ASPINALL. Mr. Speaker, will the gentleman yield?

Mr. WHITTEN. I yield to the gentleman from Colorado.

Mr. ASPINALL. Mr. Speaker, I just want to be sure we understand each other. It was not the Department of Interior that issued those regulations. It was the Corps of Engineers. What the Corps of Engineers proposed was not the intent in the legislation which later became law.

Mr. WHITTEN. That is right. Following the direction of the act as they interpreted it, and they did after it became law, charge the fees.

My friend from Colorado said this was not intended by the act. Relying on his statement, we got a great deal of change in the regulations, and I appreciate his help on it.

But the point is, in carrying out that law, at the instance of the Federal Government, they were doing something they did not know about.

I go back a long way. I was around, and I was before the Democratic Platform Committee in 1952, and I got them to include watershed and flood prevention. The Republicans won that year, and our subcommittee provided $5 million to set up these pilot projects throughout the country, which led to Public Law 566.

Now, I come back to this. If there is a need and a desire for this type program in the eastern part of the United States or other States, other than the 17, it should be put under those departments where personnel and offices and experience are available, and not under an organization that has 17 States, that would like to be national in its scope. It would just be a beginning of the expansion of the Department of the Interior, as a duplicate for other departments.

Mr. COOLEY. Mr. Speaker, will the gentleman yield?

May I ask the gentleman from Colorado, Chairman ASPINALL one question: Can the gentleman in this House give us the names of three persons on the eastern seaboard who have asked for this—just three out of the whole eastern seaboard?

Mr. ASPINALL. I believe we have had requests from individuals of the east. They were not formally before the committee.

Mr. COOLEY. They were not before the committee? What does the gentleman mean by that? Did somebody just whisper that to the gentleman?

Mr. ASPINALL. Just a minute, if the gentleman will yield? When my friend is pointing the finger of neglect, where was he when this legislation was approved without opposition under suspension of the rules procedure in this House?

Mr. COOLEY. That was because we did not have any notice. In fact, the Department of Agriculture had no opportunity to submit its views upon the amendment, expanding the Reclamation

Act throughout the United States, before it was written into the Senate bill by the House Committee on Interior and Insular Affairs. Under the procedures by which this bill was considered in the House, very few Members were aware that it had been amended in committee to provide for a major territorial extension of authority.

Mr. WHITTEN. Mr. Speaker, I cannot yield further.

The point I am making is this: Let us continue to help our friend WAYNE ASPINALL and his committee and the 17 States, but let us not turn the rest of the country over to this department which does not understand it. If we need these programs, let us give them to those areas where we have experienced people, with officers, who know what they are doing.

We do not have the money, the time or the personnel to put the Interior Department all along the eastern part of the United States.

I believe you will help us by voting down this conference report. Thereby we will have more money and more time to help WAYNE with his own section.

Mr. ASPINALL. Mr. Speaker, I yield 10 minutes to the gentleman from Pennsylvania [Mr. SAYLOR].

Mr. Speaker, will the gentleman yield?

Mr. SAYLOR. I am happy to yield to the chairman of the full committee.

Mr. ASPINALL. May I state, as chairman of the committee, as the gentleman from Pennsylvania [Mr. SAYLOR], presents his position here this afternoon, there is no man who is more careful in his presentations before our committee, the Committee on Interior and Insular Affairs, which is not a sectional committee but happens to be a national committee and in many respects an international committee. The gentleman from Pennsylvania is also very careful about the interests of the rest of the United States as he serves upon the Committee on Interior and Insular Affairs, and I wish to pay this tribute to him.

Mr. SAYLOR. I thank my chairman.

Mr. Speaker, and Members of the House, it has been a long time since it has been my privilege in the House to listen to as much misinformation as has been given to the Members of the House on a conference report today, though this has been given with all good intention by the people who have spoken against the conference report.

What is involved?

The Small Reclamation Projects Act was passed and has become the law of the land and applies to the 17 Western States. It is forced on nobody. The Interior Department does not set itself up for the handling of water affairs.

By the way, it should be amusing to the Members to hear that the Bureau of Reclamation, which has been handling the water affairs of this country since its establishment in 1902, does not know anything about it, but a bureau which was established in the Department of Agriculture only a few years ago knows all about it. That is rather strange.

The projects which will be authorized under this bill can be anywhere in the United States. How does one go about getting them? No Government agency forces anything upon anyone. If a local community decides it would like to take advantage of this act, known as the Small Reclamation Projects Act, the people get together, and they draft their own engineering, or they may use their own money to ask the Bureau of Reclamation to examine the area and to determine whether or not a project can be built. If their own engineer or the Bureau, through the use of their private financing, agrees that a project can be built for the purposes of the act—the principal one must be reclamation, but it could be for water use or it could be for municipal and industrial water, or it could be for fish and wildlife and recreation and the other things in the act—then they come to the Congress or to the Bureau of Reclamation and ask whether there is sufficient money for them to make an application to be given a grant, to be repaid in accordance with a contract they would enter into with the U.S. Government.

Now, the Secretary of the Interior, on the 12th day of July 1966, just announced the signing of departmentwide agreements with 54 soil and water conservation districts authorized by the Small Watershed Act referred to by the opponents of this bill, bringing the total of such agreements to 386 in the 41 States of the Union.

The other States of the Union outside of the Western States are entitled to this. It is not going to be an economy vote. There is going to be $100 million in this project whether or not it applies to the western States alone or whether it applies to all of the United States.

How would you like to go back home and have somebody campaign against you, you who come from part of the drought-stricken East and drought-stricken South at the present time, and have them look at you and say, "Look, we would like to have some of that money going to the 17 Western States, but you voted against giving us the privilege as American citizens of having that same right that you would have if you lived west of the 98th parallel."

Now, the important thing in the difference between the regular reclamation fund and this fund is that the basic reclamation fund is contributed to by the 17 Western States. That is why it does not apply to all of the United States. But where does the money come from in the small reclamation projects fund? It is a draft on the General Treasury. Now, this bill is going to go through. If this conference report is defeated, the same amount of money will be in it. We will go back to conference and the Senate will say, "We agree there should be $100 million in the project. The House agrees there should be $100 million in the project. However, only those citizens who are fortunate enough to live west of the 98th parallel get any benefit from it, while those who live in the metropolitan East, where most of the people of the United States live, are going to have to use their tax dollars to pay for it, but you citizens are not going to be able to get any benefit out of it."

There is not a Member who represents the East on either side of the aisle who does not have an area at the present time where you have a need for municipal and industrial water, particularly you men who live outside of the large concentrations of people where you have your farmers supplying that area and where they supply not the surplus crops which are worrying the Department of Agriculture but the other crops.

By the way, I wish that the Department of Agriculture would at least be consistent. The Secretary of Agriculture just got through telling everybody that he is getting rid of his surplus food crops which may be in short supply. I never knew that the Department of Agriculture ever came along and supported the so-called row crops since we have gotten rid of supporting potatoes. That is what is involved in supporting this act. The people down in West Virginia, in Virginia, and in the eastern part of the United States, in Ohio, Illinois, and Indiana, need this bill. If they want it, that is. Nobody forces it on them. It will not create any new bureau. It will not create any new group of people that are going to have to be put on the payroll.

The fact of the matter is I can recall when the Small Projects Act was passed. Those who supported it got up and said it would not increase the number of people in the Department of Agriculture. You should see the number of people they have working down there now on this same project.

This will not happen in this area.

Mr. GERALD R. FORD. Mr. Speaker, will the gentleman yield?

Mr. SAYLOR. I shall be happy to yield to my distinguished minority leader.

Mr. GERALD R. FORD. Mr. Speaker, I would like the gentleman from Pennsylvania [Mr. SAYLOR], for whom I have a very high regard, to answer two questions.

Allegations or statements have been made by other speakers. One such allegation or statement which has been made is to the effect that if we approve this conference report, then the Department of the Interior and the Bureau of Reclamation will expand their personnel and their offices to 31 other States.

Is that an accurate fact or statement or is it not?

Mr. SAYLOR. This is not an accurate statement, because the Bureau of Reclamation only exercises supervisory capacity.

The local people must pay for their own engineering. They can either hire their own engineers and submit their plans, or they can use their own money and give it to the Bureau of Reclamation and ask them to do it.

This has been done in a number of the Western States. It has been done in both ways. However, the only thing that will affect it after a project is built is the supervision of the project; that is all.

Mr. GERALD R. FORD. Mr. Speaker, if the gentleman from Pennsylvania will yield further, well, let me localize it, if I may.

To my knowledge the Bureau of Reclamation does not have any offices in the State of Michigan. I presume we have a need and probably a desire to have a watershed project of this sort in the State of Michigan. Such office might be obtained under the existing law, Public Law 566.

But if this legislation passes they might exercise their prerogative under this legislation.

Would this mean that the Bureau of Reclamation would then move in with an office in the State of Michigan?

The **SPEAKER.** The time of the gentleman from Pennsylvania has expired.

Mr. ASPINALL. Mr. Speaker, I yield the gentleman from Pennsylvania 3 additional minutes.

Mr. SAYLOR. It does not. We have been assured by the Department of the Interior that the present personnel they have in their district offices are sufficient to take care of all of the needs of this program.

Mr. GERALD R. FORD. Mr. Speaker, if the gentleman will yield further, the second question is this: Is this extra $100 million a budgeted item contained in the President's budget submitted in January of this year?

Mr. SAYLOR. This is not a budgeted item.

Mr. ASPINALL. Mr. Speaker, will the gentleman yield?

Mr. SAYLOR. I yield to the gentleman from Colorado.

Mr. ASPINALL. Mr. Speaker, this is a total authorization for just $100 million. This is not an annual appropriation. No part of this is budgeted in the year 1967 and it is not likely that any will be necessary for fiscal year 1968, although the Department is getting close to the final use of the total funds authorized originally, the $100 million, 10 years ago.

Mr. WHITTEN. Mr. Speaker, will the gentleman yield?

Mr. SAYLOR. I shall be happy to yield to the gentleman from Mississippi.

Mr. WHITTEN. Mr. Speaker, I happen to sit on the Subcommittee on Appropriations which deals with the Bureau of Reclamation.

And, Mr. Speaker, may I say that those in the Bureau of Reclamation do supervise, inspect, and travel to look at all the projects that are presently in operation in the 17 States. They have that responsibility.

Mr. Speaker, I cannot believe that my friends on this committee would approve a program of making these loans in the other 31 States and at the same time saying there would be no supervision, inspection, or travel to or expenditure on the part of the Department of the Interior.

Mr. Speaker, I do not believe any of us could go for a program of that type, and may I say in the 17 States they do not handle the operations of these programs in this way.

Mr. Speaker, Mr. Dominy admitted this year that they have expended more in several instances, far beyond the will of the Congress. They have promised not to do it any more.

Mr. Speaker, one cannot have a program of this nature without someone supervising it.

Mr. SAYLOR. Mr. Dominy's testimony was with respect to the Bureau of Reclamation projects. His testimony did not apply to the small reclamation projects.

Mr. FULTON of Pennsylvania. Mr. Speaker, will the gentleman yield?

Mr. SAYLOR. I am glad to yield to the gentleman from Pennsylvania.

Mr. FULTON of Pennsylvania. Mr. Speaker, I want to compliment the gentleman from Pennsylvania [Mr. SAYLOR] upon his fine statement and say that I support this legislation to provide water programs on small streams through the Department of Interior for our Eastern States.

I wish to indicate to the gentleman from Pennsylvania [Mr. SAYLOR] that I have spoken to the gentleman from Pennsylvania [Mr. SAYLOR] from time to time, urging that this legislation be passed. So there is interest of basic nature in this legislation.

There has been questions raised on the floor of the House today as to whether any interested person from the East has asked for this legislation. Yes, of course, I have consistently been a Member that requested prompt action.

Mr. Speaker, as I represent part of the city of Pittsburgh and surrounding suburbs, with a few farms, one can say, "What interest do you have in such legislation?"

My brother and I operate one of the larger sheep and cattle ranches in southwestern Pennsylvania as a business. We are able to stand the harsh effects of the 4-year drought that has created emergency conditions for our farmers and ranchers in Pennsylvania and West Virginia, but to many small family type farms, this means disaster.

Unless we in the Eastern States have adequate small stream management, as a complete project, it does little good for each farmer, or rancher to try to prevent erosion, and loss of good pasture land because of gouging and course changes due to quick runoff, spring rises of water levels, and flash floods. At present in Greene County, Pa., we just have to let the good bottom pasture land be gouged away, and the land permanently lost for future generations. If the program is not set for the complete small stream complex in this area, there is little use doing anything individually by each farmer or rancher. With individual action, the costs are high, the benefits temporary, so it is just easier to let the land wash away, and buy other land. This is an economic loss and disaster for hilly and mountainous pasture regions like Pennsylvania and West Virginia. I strongly urge this program and worthwhile help for our good hardworking farmers.

My brother and I use 450 to 500 acres and have had 500 head of sheep and cattle. We are eastern ranchers, not farmers, in the good Johnson tradition. From my own personal experience I can say the past 4 years of drought have caused tremendous losses, and have been disastrous to western Pennsylvania and West Virginia farms and ranches. The lack of water has put many small farmers completely out of business.

This legislation will authorize small stream projects for the 50 States, which authorization is already in effect for the 17 Midwestern and Western States.

In view of the extreme drought conditions in the Eastern States over the past 4 years, and in the whole Appalachian region, a vote against this conference report is against a fair share of water assistance for the Appalachian region, and a vote against assisting our farmers in the same way the 17 Midwest and Western States are aided by U.S. programs. This action will not increase the $100 million authorization but will permit eastern farmers and ranchers, as well as all the 50 States, to participate in the U.S. small stream programs, now authorized for only 17 States. We people in the 50 States all pay our taxes for these programs, and it is outrageous that there is discrimination in favor of 17 States, and all States and their taxpaying citizens can not equally participate and benefit.

The **SPEAKER** pro tempore. The time of the gentleman from Pennsylvania has again expired.

Mr. ASPINALL. Mr. Speaker, I yield 3 minutes to the gentleman from Texas [Mr. WRIGHT].

Mr. WRIGHT. Mr. Speaker, I want to thank the distinguished chairman of the Committee on Interior and Insular Affairs, first of all, for yielding to me and to observe that I think he has been quite fair and generous in the distribution of his time among others of us from three other committees of the House who have very serious reservations about the wisdom of this legislation.

I am not opposed to the Department of the Interior. I think it is doing a marvelous job. I certainly have great respect for the distinguished chairman of the House Committee on Interior [Mr. ASPINALL]. I like the Secretary of the Department of the Interior and I regard him as a good personal friend. So I am certainly not opposed to these gentlemen. But I am opposed to the proposition of putting the Department of the Interior or any other agency in competition with the Soil Conservation Service of the Department of Agriculture which for 12 long years has done a truly outstanding job in this small watershed-upstream soil conservation-flood protection program. I do not believe that they need any competition or any interference.

I think Public Law 566, enacted back in 1954 by this Congress, is probably one of the outstanding examples of congressional creativity. It was in every sense a bipartisan creation of the Congress. In these 12 years it has done magnificently. It has met with general and universal acceptance all over the country.

Let me remind you that 49 States of our Union have found in these small watershed programs that have been built by the Soil Conservation Service the answer to many of their problems. Forty-three States of our Union have passed some 285 separate statutes enabling them to participate in this program. There have been 2,405 separate applications from that many different little scattered communities all over the country to the Soil

Conservation Service for such programs covering 174 million acres of land. The program has stimulated more than $400 million in local investments in soil and water conservation.

This is not just a flood control program. This program includes irrigation. This program includes sediment and erosion control. This program includes recreation. It includes municipal water supplies. It has been a magnificent success.

I see no reason for bringing in another agency or a superproliferation of additional departmental structures into competition with this agency that has done such a great job—and a great job remains to be done.

The Soil Conservation Service, whenever it goes into an area and builds these little upstream dams, requires the farmers and every landowner to sign an agreement to do those things that will preserve the soil and hold it there, such as terracing their lands and cover cropping their acres so as to hold every inch of that topsoil in place. I do not think you can approach these problems on a scatter-gun basis. I do not think it is wise. I do not think it is wise, since we have done so well, to go into another additional and in some ways competitive program, which is not, to the best of my knowledge, required.

So I submit that the conference report should be rejected and voted down.

Mr. ASPINALL. Mr. Speaker, I yield 2 minutes to the gentleman from California [Mr. Hagen].

Mr. HAGEN of California. Mr. Speaker, I appear chiefly to express a different opinion from that of the chairman of the Committee on Agriculture and the gentleman from Texas [Mr. Poage] and do not agree that this extension of coverage represents any threat to the jurisdiction of the Department of Agriculture or the Committee on Agriculture.

Also in reference to the gentleman from Florida, and his argument that this $100 million represents a violation of President Johnson's admonition against Congress adding expenditure programs. The conference report represents an authorization—not an appropriation—and it does have administration support through the Interior Department. As a matter of fact the Secretary of Agriculture is not opposing the authorization. The only argument is about the amendment to the original bill which was put in by the very able gentleman from Pennsylvania [Mr. Saylor] to extend this program outside the 17 so-called reclamation States.

There has been talk of duplication. If there is any duplication in here perhaps the Small Watershed Protection Act should be abolished because as I understand it that was enacted after the Small Projects Act was put into being and was justified on a basis of providing a different type of program. This must be true because currently both programs are operating well side by side in the Western States.

I have a 10-page memorandum here distinguishing between them and it shows that they do not duplicate each other. The Watershed Protection Act is primarily a soil conservation act and the Small Projects Act is a water conservation act. I do not see how anyone from the East could deny to their rural and urban residents these same privileges that we have in the West of having both programs which complement each other rather than duplicating each other.

The simple fact is that the Watershed Protection Act does not reach the same problems that are reached by the Small Projects Act. That is precisely the reason that they were both approved by the Congress and the reason that the gentleman from Pennsylvania [Mr. Saylor], secured this amendment of the basic Small Projects Act. He wants to put all States on a par with these Western States. The issue of money has no relevance here. The $100 million authorization has no relationship whatsoever to the extension of the program to the Eastern States. The $100 million authorization will be granted regardless of whether or not the program is extended to the Eastern States.

Do not deprive the Eastern States of the same privilege we have in the West. Furthermore, do not deprive Western States of an authorization which is desperately needed as quickly as possible. I have two water projects, the whole future of which depend upon early enactment of this legislation.

Mr. ASPINALL. Mr. Speaker, may I be advised of the time I have remaining?

The SPEAKER. The gentleman from Colorado has 7 minutes remaining.

Mr. ASPINALL. Mr. Speaker, under those circumstances I yield 3 minutes to the gentleman from North Carolina [Mr. Cooley], the distinguished chairman of the Committee on Agriculture.

The SPEAKER. The gentleman from North Carolina is recognized for 3 minutes.

Mr. COOLEY. Mr. Speaker, I yield to the gentleman from Indiana.

Mr. HARVEY of Indiana. Mr. Speaker, as the ranking minority member of the Subcommittee on Conservation of the Committee on Agriculture, I rise in opposition to this report, and hope that it will be defeated.

Mr. COOLEY. Mr. Speaker, having only a brief time, I wish to make a few observations. It is strange to me that this great committee should bring this conference report before the House with this objectionable feature in it. I asked the chairman to name me three men on the eastern seaboard who had asked for this legislation, and who wanted this legislation. He could not name one.

You did not have hearings. You did not give the Secretary of Agriculture a Chinaman's chance to come before the committee and present his view.

Because of the procedures under which this bill was handled in the House, I first became aware of the amendment, extending to all the 50 States the authority of the Small Reclamation Project Act, when I received a copy of the Secretary of Agriculture's letter of May 5, 1966, to the chairman of the Committee on Interior and Insular Affairs. The letter appears in the Congressional Record of June 16, 1966, page 13456.

In this letter, which has the Bureau of the Budget's approval, the Secretary of Agriculture voices his strong opposition to the extension of this authority and documents the reasons therefor.

In answer to questions raised here, I quote from the letter:

> The Bureau of Reclamation would be required to set up new offices and new personnel to serve the 31 eastern States to carry out this duplication of authority irrespective of the need for increased agricultural production.

This is the Secretary of Agriculture speaking. He has not endorsed this bill. He has not been given the courtesy of an invitation to come before the committee.

This issue before us today was thoroughly thrashed out in the Congress more than 10 years ago. I think it was properly settled at that time. Now the conference report on S. 602 proposes to reverse this previous action of the Congress. Since I was a part of this previous action, I would like to review briefly the legislative history in 1955 on this point.

On April 27, 1955, Representative Engle introduced H.R. 5881 which would supplement the Federal reclamation laws to authorize the Secretary of Interior to provide Federal assistance in the development of small reclamation projects by non-Federal organizations in all 48 States and the then territories of Hawaii and Alaska.

On May 4, 1955, the House Committee on Interior and Insular Affairs reported Mr. Engle's bill.

On May 26, 1955, H.R. 5881 was debated on the floor of the House. An amendment offered by Mr. Jones of Alabama provided that the Secretary of Interior would furnish assistance under the bill in the 17 western reclamation States, and that the Secretary of Agriculture would furnish the assistance authorized by the bill in the 31 Eastern States and Hawaii and Alaska.

Opposition was expressed vigorously in debate, to making the reclamation program of the Interior Department nationwide. In this debate I said, and I quote from the Congressional Record of May 26, 1955:

> I will vote for the Jones amendment and I will vote against the bill if the Jones amendment is not adopted. The gentleman will say to the House that unless we adopt the Jones amendment the Interior Department will be extended into 31 additional States.

The House adopted the Jones amendment.

Mr. Speaker, I feel this is ample proof that this body did give careful consideration to extending the authority of this act to all the States, and after thorough debate, rejected the proposal.

My conviction remains the same now as in 1955. I have quoted from the letter of the Secretary of Agriculture, agreeing with my position.

Mr. GERALD R. FORD. Mr. Speaker, will the gentleman yield?

Mr. COOLEY. Certainly, I yield to the gentleman from Michigan.

Mr. GERALD R. FORD. I am not a great friend or supporter of the Secretary of Agriculture. Therefore I would like to ask the gentleman this question: Is there any evidence that the Secretary of the Interior would agree with the quotation just read of the Secretary of Agriculture?

Mr. COOLEY. I have no idea what the Secretary of the Interior would agree to, but I imagine that he approved this in the committee. Here you come out with the Secretary of Agriculture, for whom I have a great respect, saying that you would have to open up new offices in Michigan. You would have to employ new personnel all over these 31 Eastern States. I do not know of anyone on the eastern seaboard who has asked for this. Why should it be given to us when we are not asking for it?

I ask that the conference report be rejected.

Mr. ASPINALL. Mr. Speaker, I yield the remaining 4 minutes to the distinguished chairman of the Subcommittee on Reclamation, the gentleman from Texas [Mr. ROGERS.]

The SPEAKER. The gentleman is recognized for 4 minutes.

Mr. BOLAND. Mr. Speaker, will the gentleman yield?

Mr. ROGERS of Texas. I yield to the gentleman from Massachusetts.

Mr. BOLAND. I wonder if the distinguished gentleman from Texas can tell the House what will happen if this conference report is rejected?

Mr. ROGERS of Texas. The chances are that if the conference report is rejected on the grounds that are being argued here, all of the money contained in the bill will be available to the 17 Western States. All of the Eastern States will be barred from participating in the program.

I am at a loss to understand the logic advanced by the Members in the debate here today. The Small Reclamation Projects Act is presently applicable to the 17 western reclamation States. The committee felt that if the Eastern States wanted to participate in this excellent program, they should be permitted to do so, and included the Eastern States in the bill. This was agreed upon in the conference report. If this conference report is adopted, all of the States in the United States would be eligible to participate in the program. In other words, the amount of money available for this program would be available to all of the States. If the conference report is rejected it means that all of this money contained in the program would be available to only 17 States in the western part of the United States.

Members from the Eastern States have been grossly misled by Secretary of Agriculture Freeman. From the contents of Mr. Freeman's remarks, he too has been grossly misled by someone. The argument of Mr. Freeman that adoption of this conference report would jeopardize the Small Watersheds Act is completely falacious. The only reason that I can imagine for the opposition by the Secretary of Agriculture and the Corps of Engineers is one based upon power to control water development in the eastern portion of the United States. Do Secretary Freeman and the Corps of Engineers fear that they will not be able to dictate to easterners the water programs in which they will be allowed to participate?

Any Member who votes to reject this conference report is voting to bar those citizens living outside of the reclamation-State area from participating in the Small Reclamation Projects Act. They will be voting to confine any water development of this Nation to the discretion of the Corps of Engineers and the Secretary of Agriculture.

The programs handled by these two named Departments are also applicable in the reclamation States. Hence, the reclamation States have three programs of this type in which they can participate. The Committee on Interior and Insular Affairs simply agreed to let the people in the other part of the United States increase their opportunities to obtain water relief from two chances to three. There is no increase in the amount of money involved, and there is no increase in the amount of operational expense involved.

Speaking from a selfish standpoint, it would be to the benefit of the reclamation States—one of which I come from, to wit, Texas—that this conference report be rejected so that more money would be available to these Western States. However, a battle has been fought for a long time under the able leadership of my good friend, the gentleman from Pennsylvania, the Honorable JOHN P. SAYLOR, to include the Eastern States in this program. He has at last succeeded in accomplishing this result, and I might say that I helped him. We in the reclamation States do not wish to deny to those in the Eastern States the right to participate in good programs.

The people in the Eastern States have one issue involved. They have the right to participate equally with the 17 western reclamation States in an excellent program that makes it possible for local groups to help meet their water needs. If they do not want this additional opportunity, they certainly do not have to take it. This is the only issue involved and it is the decision that will be made today.

Mr. JONES of Alabama. Mr. Speaker, will the gentleman from Texas yield?

Mr. ROGERS of Texas. Mr. Speaker, I am pleased to yield to the gentleman from Alabama.

Mr. JONES of Alabama. Will the gentleman from Texas, Mr. Speaker, give us an example of an operation of a $100 million program that would not require the operation of local offices?

Mr. ROGERS of Texas. The program is already in effect and it is a local program. It is not a program of construction, or operation, or anything else. It is simply a loan program. There may need to be a few additional employees to process loan applications and make inspections. We are taking in 33 additional States in a going program, already staffed.

Mr. JONES of Alabama. I would think the gentleman from Texas has a fancy imagination, if he figures he will not have local offices.

Mr. HANSEN of Idaho. Mr. Speaker, I ask unanimous consent to extend my remarks at this point in the RECORD.

The SPEAKER. Is there objection to the request of the gentleman from Idaho?

There was no objection.

Mr. HANSEN of Idaho. Mr. Speaker, I rise in support of S. 602 and urge the House to adopt the conference report. This bill to amend the Small Reclamation Act of 1956 is very much needed to continue and expand the good work which has been accomplished in a cooperative effort between local agencies and the Federal Government over the past 10 years.

This program successfully compliments the regular reclamation program which is basically designed to larger, more complex and costly development of our water resources. This act has stimulated and encouraged many small communities in developing supplemental water for irrigation. It has made it possible for many areas to move forward economically.

Agriculture in Idaho depends, to a large extent, upon the storage and diversion of water from streams to the arid lands. It is necessary to provide small storage reservoirs in some localities to store the spring runoff for use on the farms. This program has been of special assistance to those not in the larger drainage areas and basins where water is more readily and easily conserved.

This act over the past years has permitted local agencies to develop plans and to construct facilities to improve the water supply. And I am pleased to report that economically this has been justified. Basically, this is a loan program under which loans are advanced to local districts and then repaid to the Federal Government from the proceeds received from the benefits of the project. It is my understanding that more than 95 percent of the money used has been in the form of loans and that there has not been a single default or delinquent account. This is a spendid record and I support the continuation of this program and urge the adoption of the conference report.

Mr. DUNCAN of Oregon. Mr. Speaker, I have listened with interest to the arguments pro and con this afternoon and have decided to, and will, support the conference report.

I do not consider a negative vote on this report to be a vote for economy. The needs of this country in the fields of reclamation will not be met for a long, long time. We cannot have too much water, as drought-stricken area after drought-stricken area now know. The 100 million authority will be needed. The question is simply whether the benefits thereof will be limited to the 17 Western States or shared by the country as a whole. These funds do not come out of the reclamation fund but from a general draft on the Treasury. I suppose from an absolutely selfish standpoint I should oppose the report because extending the benefits of this act into States other than my own and the other 16 in the West will, to a certain extent, deplete the amount available for projects in my own State.

I do not believe, however, we can take such a provincial view of the water needs of this country. Neither do I believe, from the standpoint of self-interest, we should do so. The Northwest is very proud of its water resources. Our entire congressional delegation has very jealously been guarding the waters of the Columbia River which we will need for our future development. If we are to be able to use and develop what we have and need, we must not deny to others that same right. I therefore am pleased to support the conferees on this matter.

The **SPEAKER**. All time has expired.

Without objection, the previous question is ordered.

The question is on the conference report.

The question was taken; and on a division (demanded by Mr. ASPINALL) there were—ayes 57, noes 46.

Mr. **WRIGHT**. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The **SPEAKER**. Evidently a quorum is not present.

The Doorkeeper will close the doors, the Sergeant at Arms will notify absent Members, and the Clerk will call the roll.

The question was taken; and there were—yeas 136, nays 204, answered "present" 1, not voting 91, as follows:

[Roll No. 173]

YEAS—136

Adams
Albert
Annunzio
Aspinall
Barrett
Bates
Battin
Bell
Bennett
Berry
Bingham
Boland
Bolling
Brademas
Brown, Calif.
Brown, Clarence J., Jr.
Burke
Burton, Utah
Byrne, Pa.
Byrnes, Wis.
Cameron
Carey
Chamberlain
Clausen, Don H.
Clevenger
Cohelan
Conte
Corman
Curtin
Daddario
Dent
Denton
Diggs
Donohue
Dulski
Duncan, Oreg.
Dyal
Edwards, Calif.
Erlenborn
Farnum
Fascell
Feighan
Flood
Foley
Ford, Gerald R.
Ford, William D.
Fraser
Friedel
Fulton, Pa.
Giaimo
Grabowski
Gubser
Hagen, Calif.
Halpern
Hanna
Hansen, Idaho
Hawkins
Holifield
Holland
Hosmer
Jacobs
Joelson
Johnson, Calif.
Johnson, Pa.
King, Calif.
King, Utah
Kupferman
Laird
Langen
Love
McDade
McFall
McGrath
McVicker
Martin, Mass.
Martin, Nebr.
Matsunaga
May
Meeds
Moorhead
Morris
Morse
Morton
Moss
Nix
O'Hara, Ill.
O'Konski
Olsen, Mont.
O'Neill, Mass.
Pepper
Philbin
Pool
Price
Race
Rees
Reid, Ill.
Reifel
Reinecke
Resnick
Reuss
Rhodes, Ariz.
Rhodes, Pa.
Rivers, Alaska
Rogers, Colo.
Rogers, Tex.
Ronan
Rooney, Pa.
Rosenthal
Rostenkowski
Roybal
Rumsfeld
Ryan
Saylor
Schneebeli
Schweiker
Sisk
Skubitz
Smith, N.Y.
Stafford
Stalbaum
Stratton
Taylor
Thomas
Tunney
Tupper
Ullman
Van Deerlin
Vanik
Vigorito
Waldie
Walker, N. Mex.
Weltner
White, Tex.
Widnall
Wolff
Wyatt

NAYS—204

Abbitt
Abernethy
Adair
Addabbo
Anderson, Tenn.
Andrews, George W.
Andrews, Glenn
Ashley
Ashmore
Ayres
Bandstra
Belcher
Betts
Blatnik
Bolton
Bow
Bray
Brock
Brooks
Broomfield
Broyhill, N.C.
Broyhill, Va.
Buchanan
Burleson
Callan
Callaway
Carter
Casey
Cederberg
Clancy
Clark
Clawson, Del
Cleveland
Collier
Colmer
Conable
Cooley
Cramer
Culver
Cunningham
Daniels
Davis, Ga.
Davis, Wis.
de la Garza
Derwinski
Devine
Dickinson
Dole
Dorn
Dowdy
Downing
Duncan, Tenn.
Edwards, Ala.
Evins, Tenn.
Fallon
Fino
Fogarty
Fountain
Fulton, Tenn.
Fuqua
Garmatz
Gettys
Gilbert
Gilligan
Gonzalez
Goodell
Gray
Green, Pa.
Greigg
Grider
Gross
Gurney
Haley
Hall
Halleck
Hamilton
Hanley
Hansen, Iowa
Hardy
Harsha
Harvey, Ind.
Harvey, Mich.
Hathaway
Hays
Hechler
Helstoski
Herlong
Hicks
Horton
Howard
Hull
Huot
Hutchinson
Ichord
Jarman
Jennings
Johnson, Okla.
Jonas
Jones, Ala.
Jones, Mo.
Jones, N.C.
Karsten
Karth
Kastenmeier
Kee
Kelly
Keogh
Kornegay
Krebs
Kunkel
Landrum
Latta
Lennon
Lipscomb
McCarthy
McClory
McCulloch
McDowell
McEwen
McMillan
MacGregor
Machen
Mackay
Mahon
Mailliard
Marsh
Mathias
Matthews
Michel
Minish
Minshall
Mize
Moore
Mosher
Multer
Murphy, Ill.
Natcher
Nelsen
O'Hara, Mich.
Olson, Minn.
O'Neal, Ga.
Ottinger
Passman
Patman
Patten
Pelly
Perkins
Pickle
Pike
Pirnie
Poage
Poff
Pucinski
Purcell
Quie
Quillen
Randall
Reid, N.Y.
Rivers, S.C.
Robison
Rodino
Rogers, Fla.
Rooney, N.Y.
Roudebush
Roush
Satterfield
Scheuer
Schisler
Schmidhauser
Secrest
Selden
Shipley
Shriver
Sikes
Slack
Smith, Calif.
Smith, Va.
Smith, Iowa
Springer
Stanton
Steed
Stubblefield
Sullivan
Talcott
Teague, Calif.
Teague, Tex.
Tenzer
Thompson, Tex.
Thomson, Wis.
Tuck
Utt
Vivian
Waggonner
Walker, Miss.
Watson
Watts
Whitener
Whitten
Williams
Wright
Yates
Young
Younger
Zablocki

ANSWERED "PRESENT"—1

Dow

NOT VOTING—91

Anderson, Ill.
Andrews, N. Dak.
Arends
Ashbrook
Baring
Beckworth
Boggs
Burton, Calif.
Cabell
Cahill
Celler
Chelf
Conyers
Corbett
Craley
Curtis
Dague
Dawson
Delaney
Dingell
Dwyer
Edmondson
Edwards, La.
Ellsworth
Evans, Colo.
Everett
Farbstein
Farnsley
Findley
Fisher
Flynt
Frelinghuysen
Gallagher
Gathings
Gibbons
Green, Oreg.
Griffiths
Grover
Hagan, Ga.
Hansen, Wash.
Hébert
Henderson
Hungate
Irwin
Keith
King, N.Y.
Kirwan
Kluczynski
Leggett
Long, La.
Long, Md.
Macdonald
Mackie
Madden
Martin, Ala.
Miller
Mills
Mink
Moeller
Monagan
Morgan
Morrison
Murphy, N.Y.
Murray
Nedzi
O'Brien
Powell
Redlin
Roberts
Roncalio
St Germain
St. Onge
Scott
Senner
Sickles
Staggers
Stephens
Sweeney
Thompson, N.J.
Todd
Toll
Trimble
Tuten
Udall
Watkins
Whalley
White, Idaho
Willis
Wilson, Bob
Wilson, Charles H.
Wydler

So the conference report was rejected.

The Clerk announced the following pairs:

On this vote:

Mr. Sweeney for, with Mr. Tuten against.

Mr. Miller for, with Mr. Roberts against.

Mr. Charles H. Wilson for, with Mr. Hébert against.

Mr. Leggett for, with Mr. Long of Louisiana against.

Mr. Burton of California for, with Mr. Henderson against.

Mr. Corbett for, with Mr. Bob Wilson against.

Mr. Cahill for, with Mr. Martin of Alabama against.

Until further notice:

Mr. Boggs with Mr. Arends.

Mr. Celler with Mr. Frelinghuysen.

Mr. Delaney with Mr. Grover.

Mr. Farbstein with Mr. Wydler.

Mr. O'Brien with Mr. King of New York.

Mr. Macdonald with Mr. Keith.

Mr. Madden with Mr. Anderson of Illinois.

Mr. St. Onge with Mr. Watkins.

Mr. Kirwan with Mr. Findley.

Mr. Gallagher with Mrs. Dwyer.

Mr. Kluczynski with Mr. Andrews of North Dakota.

Mr. Senner with Mr. Whalley.

Mr. Staggers with Mr. Dague.

Mr. Cooley with Mr. Curtis.

Mr. Evans with Mr. Ashbrook.

Mr. Flynt with Mr. Ellsworth.

Mr. Nedzi with Mr. Murray.

Mr. Murphy of New York with Mr. Morrison.

Mr. Mills with Mr. Moeller.

Mr. Udall with Mr. Willis.

Mr. White of Idaho with Mr. Toll.

Mr. Trimble with Mr. Thompson of New Jersey.

Mr. Sickles with Mr. St Germain.

Mr. Beckworth with Mr. Baring.

Mr. Cabell with Mr. Chelf.

Mr. Farnsley with Mr. Conyers.

Mr. Redlin with Mr. Morgan.

Mr. Monagan with Mrs. Mink.

Mrs. Green of Oregon with Mr. Irwin.

Mr. Powell with Mr. Todd.

Mr. Roncalio with Mr. Scott.

Mr. Dingell with Mr. Stephens.

Mr. Edmondson with Mr. Edwards of Louisiana.

Mr. Everett with Mr. Gibbons.

Mrs. Hansen of Washington with Mrs. Griffiths.

Mr. Hagan of Georgia with Mr. Fisher.

Mr. Hungate with Mr. Dawson.

Mr. Gathings with Mr. Mackie.

Mr. SCHEUER, Mr. EVINS of Tennessee, Mr. FULTON of Tennessee, Mr. OTTINGER, Mr. VIVIAN, Mr. O'HARA of Michigan, Mr. BETTS, Mr. LATTA, Mr. STANTON, and Mr. BRAY changed their votes from "yea" to "nay."

Mr. O'KONSKI changed his vote from "nay" to "yea."

Mr. DOW changed his vote from "nay" to "present."

The result of the vote was announced as above recorded.

The doors were opened.

A motion to reconsider was laid on the table.

NASA AUTHORIZATION FOR FISCAL YEAR 1967—CONFERENCE REPORT

Mr. **TEAGUE** of Texas. Mr. Speaker, I call up the conference report on the bill (H.R. 14324) to authorize appropriations to the National Aeronautics and Space

Administration for research and development, construction of facilities, and administrative operations, and for other purposes, and ask unanimous consent that the statement of the managers on the part of the House be read in lieu of the report.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

The Clerk read the statement.

The conference report and statement are as follows:

Conference Report (H. Rept. No. 1748)

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 14324) to authorize appropriations to the National Aeronautics and Space Administration for research and development, construction of facilities, and administrative operations, and for other purposes, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendment of the Senate and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by the Senate amendment insert the following: "That there is hereby authorized to be appropriated to the National Aeronautics and Space Administration the sum of $5,000,419,000, as follows:

"(a) For 'Research and development,' $4,248,600,000, for the following programs:

"(1) Gemini, $40,600,000;

"(2) Apollo $2.974,200,000;

"(3) Advanced missions, $8,000,000;

"(4) Physics and astronomy, $129,900,000;

"(5) Lunar and planetary exploration, $210,900,000;

"(6) Bioscience, $35,400,000;

"(7) Meteorological satellites, $43,600,000;

"(8) Communication and applications technology satellites, $26,400,000;

"(9) Launch vehicle development, $33,700,000;

"(10) Launch vehicle procurement, $142,750,000;

"(11) Space vehicle systems, $36,000,000;

"(12) Electronics systems, $36,800,000;

"(13) Human factor systems, $17,000,000;

"(14) Basic research, $23,000,000;

"(15) Space power and electric propulsion systems, $44,500,000;

"(16) Nuclear rockets, $53,000,000;

"(17) Chemical propulsion, $41,000,000;

"(18) Aeronautics, $35,000,000;

"(19) Tracking and data acquisition, $270,850,000;

"(20) Sustaining university program, $41,000,000;

"(21) Technology utilization, $5,000,000.

"(b) For 'Construction of facilities,' including land acquisitions, $95,919,000, as follows:

"(1) Electronics Research Center, Cambridge, Massachusetts, $7,500,000;

"(2) Goddard Space Flight Center, Greenbelt, Maryland, $710,000;

"(3) Jet Propulsion Laboratory, Pasadena, California, $350,000;

"(4) John F. Kennedy Space Center, NASA, Kennedy Space Center, Florida, $37,876,000;

"(5) Langley Research Center, Hampton, Virginia, $6,100,000;

"(6) Lewis Research Center, Cleveland and Sandusky, Ohio, $16,000,000;

"(7) Manned Spacecraft Center, Houston, Texas, $12,800,000;

"(8) Michoud Assembly Facility, New Orleans and Slidell, Louisiana, $700,000;

"(9) Mississippi Test Facility, Mississippi, $1,700,000;

"(10) Wallops Station, Wallops Island, Virginia, $205,000;

"(11) Various locations, $6,478,000;

"(12) Facility planning and design not otherwise provided for, $5,500,000.

"(c) For 'Administrative operations,' $655,900,000.

"(d) Appropriations for 'Research and development' may be used (1) for any items of a capital nature (other than acquisition of land) which may be required for the performance of research and development contracts and (2) for grants to nonprofit institutions of higher education, or to nonprofit organizations whose primary purpose is the conduct of scientific research, for purchase or construction of additional research facilities; and title to such facilities shall be vested in the United States unless the Administrator determines that the national program of aeronautical and space activities will best be served by vesting title in any such grantee institution or organization. Each such grant shall be made under such conditions as the Administrator shall determine to be required to insure that the United States will receive therefrom benefit adequate to justify the making of that grant. None of the funds appropriated for 'Research and development' pursuant to this Act may be used for construction of any major facility, the estimated cost of which, including collateral equipment, exceeds $250,000, unless the Administrator or his designee has notified the Speaker of the House of Representatives and the President of the Senate and the Committee on Science and Astronautics of the House of Representatives and the Committee on Aeronautical and Space Sciences of the Senate of the nature, location, and estimated cost of such facility.

"(e) When so specified in an appropriation Act, (1) any amount appropriated for 'Research and development' or for 'Construction of facilities' may remain available without fiscal year limitation, and (2) maintenance and operation of facilities, and support services contracts may be entered into under the 'Administrative operations' appropriation for periods not in excess of twelve months beginning at any time during the fiscal year.

"(f) Appropriations made pursuant to subsection 1(c) may be used, but not to exceed $35,000, for scientific consultations or extraordinary expenses upon the approval or authority of the Administrator and his determination shall be final and conclusive upon the accounting officers of the Government.

"(g) No part of the funds appropriated pursuant to subsection 1(c) for maintenance, repairs, alterations, and minor construction shall be used for the construction of any new facility the estimated cost of which, including collateral equipment, exceeds $100,000.

"(h) When so specified in an appropriation Act, any appropriation authorized under this Act to the National Aeronautics and Space Administration may initially be used, during the fiscal year 1967, to finance work or activities for which funds have been provided in any other appropriation available to the Administration and appropriate adjustments between such appropriations shall subsequently be made in accordance with generally accepted accounting principles.

"Sec. 2. Authorization is hereby granted whereby any of the amounts prescribed in paragraphs (1), (2), (3), (4), (5), (6), (7), (8), (9), (10), and (11), of subsection 1(b) may, in the discretion of the Administrator of the National Aeronautics and Space Administration, be varied upward 5 per centum to meet unusual cost variations, but the total cost of all work authorized under such paragraphs shall not exceed a total of $90,419,000.

"Sec. 3. Not to exceed one-half of 1 per centum of the funds appropriated pursuant to subsection 1(a) hereof may be transferred to the 'Construction of facilities' appropriation, and, when so transferred, together with $10,000,000 of the funds appropriated pursuant to subsection 1(b) hereof (other than funds appropriated pursuant to paragraph (12) of such subsection) shall be available for expenditure to construct, expand, or modify laboratories and other installations at any location (including locations specified in subsection 1(b)), if (1) the Administrator determines such action to be necessary because of changes in the national program of aeronautical and space activities or new scientific or engineering developments, and (2) he determines that deferral of such action until the enactment of the next authorization Act would be inconsistent with the interest of the Nation in aeronautical and space activities. The funds so made available may be expended to acquire, construct, convert, rehabilitate, or install permanent or temporary public works, including land acquisition, site preparation, appurtenances, utilities, and equipment. No portion of such sums may be obligated for expenditure or expended to construct, expand, or modify laboratories and other installations unless (A) a period of thirty days has passed after the Administrator or his designee has transmitted to the Speaker of the House of Representatives and to the President of the Senate and to the Committee on Science and Astronautics of the House of Representatives and to the Committee on Aeronautical and Space Sciences of the Senate a written report containing a full and complete statement concerning (1) the nature of such construction, expansion, or modification, (2) the cost thereof including the cost of any real estate action pertaining thereto, and (3) the reason why such construction, expansion, or modification is necessary in the national interest, or (B) each such committee before the expiration of such period has transmitted to the Administrator written notice to the effect that such committee has no objection to the proposed action.

"Sec. 4. Notwithstanding any other provision of this Act—

"(1) no amount appropriated pursuant to this Act may be used for any program deleted by the Congress from requests as originally made to either the House Committee on Science and Astronautics or the Senate Committee on Aeronautical and Space Sciences,

"(2) no amount appropriated pursuant to this Act may be used for any program in excess of the amount actually authorized for that particular program by sections 1(a) and 1(c), and

"(3) no amount appropriated pursuant to this Act may be used for any program which has not been presented to or requested of either such committee,

unless (A) a period of thirty days has passed after the receipt by the Speaker of the House of Representatives and the President of the Senate and each such committee of notice given by the Administrator or his designee containing a full and complete statement of the action proposed to be taken and the facts and circumstances relied upon in support of such proposed action, or (B) each such committee before the expiration of such period has transmitted to the Administrator written notice to the effect that such committee has no objection to the proposed action.

"Sec. 5. It is the sense of Congress that it is in the national interest that consideration be given to geographical distribution of Federal research funds whenever feasible, and that the National Aeronautics and Space Administration should explore ways and means of distributing its research and development funds whenever feasible.

"Sec. 6. This Act may be cited as the 'National Aeronautics and Space Administration Authorization Act, 1967.'"

And the Senate agree to the same.

George P. Miller,
Olin E. Teague,
Joseph Karth,
Ken Hechler,
Emilio Q. Daddario,
Joseph W. Martin, Jr.,
James G. Fulton,
Charles A. Mosher,
Managers on the Part of the House.
Clinton P. Anderson,
Stuart Symington,
John Stennis,
Margaret Chase Smith,
Len B. Jordan,
Managers on the Part of the Senate.

Statement

The managers on the part of the House at the conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 14324) to authorize appropriations to the National Aeronautics and Space Administration for research and development, construction of facilities, and administrative operations, and for other purposes, submit the following statement in explanation of the effect of the action agreed upon by the conferees and recommended in the accompanying conference report:

The amendment of the Senate struck out all after the enacting clause in the House bill and substituted new language. The committee of conference agreed to accept the Senate amendment with certain amendments proposed by the managers on the part of the House.'

The differences are explained as follows:

For fiscal year 1967, the National Aeronautics and Space Administration requested authorization in the amount of $5,012,000,000. The House reduced this request to $4,986,864,150.

The total appropriations authorized by the Senate amendment were $5,008,000,000. This represented an increase over the House bill of $21,135,850. As a result of the conference the total amount of appropriations to be authorized was adjusted to $5,000,419,000. To this sum, the managers on the part of the House agreed.

(1) For "Research and Development," the National Aeronautics and Space Administration requested $4,246,600,000. The House increased the amount to be authorized to $4,248,235,000. The Senate action on the bill resulted in an authorization of $4,248,600,000. The conferees agreed to a total to be authorized for research and development of $4,248,600,000 by effecting adjustments to the Senate amendment as follows:

(a) NASA requested a total of $131,400,000 for the Physics and Astronomy Program. The House reduced this amount by $4,500,000 representing reductions of $3,000,000 in Supporting Research and Technology/Advanced Studies, and $1,500,000 in the Orbiting Astronomical Observatory Project. The Senate restored the full amount of the House reduction.

The House reduction of $3,000,000 in SR&T/AS was made in order to make available additional funds for the unmanned exploration of Mars.

The managers on the part of the House receded and agreed to the Senate restoration of $3,000,000 in the SR&T/AS account, since information has been received from NASA that, due to the passage of time, one of the purposes for which these funds had been redesignated by the House could not be accomplished, specifically, the incorporation of an instrumented probe in the 1969 Mars Mariner spacecraft. NASA officials have stated that the date has passed when it would be possible to begin development of such a capsule so as to meet the launch date early in 1969.

The House reduction of $1,500,000 in the OAO Project, the amount earmarked by NASA for development of the fifth OAO spacecraft was based upon the views that there is no overriding urgency in pursuing this mission. The reduction provides for a deferral of initiation of development of the fifth OAO spacecraft for at least one year. The Senate, while agreeing with the House that work on the fifth OAO mission should be deferred, restored the House reduction so as to provide NASA with flexibility.

The Senate receded and agreed to the House reduction of $1,500,000 in this project. The managers on the part of both the House and the Senate agreed to the deferral of the fifth OAO spacecraft.

(b) NASA requested a total of $197,900,000 for the Lunar and Planetary Program. The House increased this request by a net amount of $30,000,000. An additional $22,000,000 was designated for the Voyager project, and a net increase of $8,000,000 was earmarked for the Mariner project. The $8,000,000 increase in Mariner represented a reduction of $12,000,000 by elimination of the 1967 Venus mission, and an increase of $20,000,000 for initiation of development of an instrumented probe to be incorporated in the 1969 Mars Mariner spacecraft.

Regarding the House increase of $22,000,000 over and above the NASA request of $10,000,000 for the Voyager program, the House took the position that the expenditure of relatively modest amounts of additional money in fundamental preliminary work during these early years would contribute to the success of the project and could save vastly larger sums during the period of hardware procurement toward the end of this decade.

The Senate restored the authorization for Voyager to the amount of the original NASA request, i.e., $10,000,000.

In view of the magnitude and complexity of the Voyager undertaking, however, and the desirability of making the best use of the additional time now available, the managers on the part of the Senate receded and agreed to a $13,000,000 increase above the NASA request. Accordingly, NASA is authorized a total of $23,000,000 for the Voyager project in FY 1967.

Regarding the Mariner Project, the House declined to authorize the 1967 mission to Venus on grounds that it had been hastily conceived and represented a solitary effort unaccompanied by any plans for later missions. Moreover, since NASA had placed priority on the exploration of Mars, the House took the position that funds requested by NASA for expenditure on the 1967 Venus mission might better be applied to the Mars Mariner and Voyager projects.

The Senate restored the full amount of the House reduction and authorized the 1967 Venus mission.

The managers on the part of the House receded and agreed that since a substantial investment has already been made in development of the spacecraft and experiments for the 1967 Venus mission, and that most of these funds would be unrecoverable in the event of cancellation, the NASA request should be authorized in full and the mission approved.

The Conferees noted, however, that NASA's plans for the continuing long-term exploration of Venus have not been fully developed, nor has NASA presented even preliminary plans for the scrutiny of the Congress and the scientific community. Such plans are necessary to a full understanding of the meaningful alternatives and options available to the nation in the conduct of a significant scientific program of planetary exploration. The managers on the part of the House and Senate agreed that NASA should, therefore, transmit to the Committee on Science and Astronautics of the House of Representatives and to the Committee on Aeronautical and Space Sciences of the Senate not later than September 1, 1966, a full report on the alternative approaches deemed scientifically, technically, and fiscally feasible for acquiring fundamental knowledge about the planet Venus. The report should cover the current state of knowledge and theory, the role of the Mariner 1967 mission in advancement of that knowledge, and, based upon expected or probable findings from that mission, the various program alternatives for a continuing effort in the exploration of Venus. The relationship of Venus exploration to that of other planets should be defined in terms of opportunities and scientific priorities as well as of technical mission possibilities. Cost and schedule projections for the various alternatives should be developed in order to permit thorough evaluation by the Congress of the program options. Careful and detailed planning is imperative if the nation is to reap the maximum gains in terms of science and technology from its program of unmanned planetary exploration.

The House increased by $20,000,000 the NASA Fiscal Year 1967 request for funds to underwrite the 1969 Mars Mariner mission. The additional funds were specifically designated for initiation of development of an instrumented probe to be incorporated in the spacecraft for the purpose of making direct measurements in the Martian atmosphere. Expert testimony had been received by the House committee to the effect that such a modification to the 1969 Mars Mariner mission would produce extremely valuable scientific and engineering data which would contribute directly to the success of the Voyager project.

The Senate restored the authorization for the 1969 Mars Mariner project to the amount of the original NASA request.

The managers on the part of the House receded and agreed to reduce the authorization for the 1969 Mars Mariner project to the original NASA request on the basis that there is general agreement that time no longer permits the accomplishment of the proposed development of an instrumented probe for incorporation in the 1969 Mars Mariner spacecraft.

(c) NASA requested $14,700,000 for Supporting Research and Technology in the Bioscience program. The House reduced this amount by $2,000,000 in order to make available additional funds for the unmanned exploration of Mars. The Senate restored the full amount of the House reduction.

The managers on the part of the House receded and agreed to the restoration, since information has been received from NASA that, due to the passage of time, one of the purposes for which these funds had been redesignated by the House could not be accomplished, specifically, the incorporation of an instrumented probe in the 1969 Mars Mariner spacecraft.

(d) NASA requested a total of $152,000,000 for the Launch Vehicle Procurement Program. The House reduced this amount by $20,000,000 representing reductions in the following categories:

(1) A $10,000,000 across-the-board reduction in view of substantial carryovers in unobligated funds year after year in the Launch Vehicle Procurement account.

(2) A $6,000,000 reduction representing the amount requested by NASA for purchase of an Atlas-Agena launch vehicle for the 1967 Venus Mariner mission. The House eliminated the Venus mission, hence there would be no need for the launch vehicle.

(3) A reduction of $4,000,000 in the NASA request of $14,000,000 for sustaining engineering and maintenance associated with the Centaur launch vehicle. The House took the position that SEM funds are used to upgrade reliability or improve performance capabilities of developed launch vehicles; Centaur is still an undeveloped vehicle for

which substantial amounts have been requested under the Launch Vehicle Development Program.

The Senate restored the entire $20,000,000 House reduction.

The managers on the part of the Senate receded and agreed upon an across-the-board reduction of $5,250,000 in the Launch Vehicle Procurement account.

The managers on the part of the House receded and agreed to the $6,000,000 restoration for the purchase of an Atlas-Agena vehicle to be used in the 1967 Venus mission which has been authorized by the Conference Committee.

The managers on the part of the Senate receded and agreed to the $4,000,000 reduction in Centaur SEM funds.

(e) NASA requested $42,500,000 for Space Power and Electric Propulsion Systems. The House bill increased this amount by $2,400,000, which was to be used for an increased component testing program for the SNAP–8 nuclear electric generator. The Senate bill denied this increase; however, the managers on the part of the Senate agreed to an increase of $2.0 million on this item. The final authorization for Space Power and Electric Propulsion Systems is $44,500,000.

(f) The NASA request for Chemical Propulsion Research was $37,000,000. That amount included $3.5 million for the continued development of the 260-inch solid propellant booster. The House bill provided an increase of $7.5 million for the project, or a total of $11 million, which would speed development and would provide for a full-length firing rather than a NASA proposed one-half length firing. The Senate amendment denied this increase and agreed with the NASA request and proposal. Although our limited propulsion capability has been a major factor in the progress of our Nation's space program to date and although solid propulsion technology has the potential of providing a safer, more versatile and more economical booster than other boosters under development, the managers on the part of the Senate would not agree to the increased funding authorized by the House. The compromise position finally agreed upon was $4.0 million additional for the project. This amount will allow NASA to initiate procurement of the long lead time items such as the nozzle, the steel case and facility modifications so that a full-length firing can be conducted within approximately 18 months.

The managers on the part of the House are concerned that NASA is not aggressively pursuing the development of large solid propellant boosters, despite the fact that the House has expressed a sense of urgency for the vigorous prosecution of large solid propellant technology. The House has also provided additional authorization in prior years and has continued to press NASA to accelerate significantly the pace of that program to realize the potential inherent in large booster system. The total amount authorized for Chemical Propulsion is $41,000,000.

(g) NASA requested $279,300,000 for Tracking and Data Acquisition. The House bill reduced this amount by $13,965,000. The Senate amendment restored the full amount. The Senate receded from their position and the Conferees compromised by agreeing to restore $5.515 million. The total authorization is, therefore, $270,850,000.

(h) The NASA request for Technology Utilization was $4,800,000. The House bill increased this amount by $200,000 to provide an increased flow of new technology to the private sector of our industry, particularly to small business. The Senate amendment denied this increase. The managers on the part of the Senate receded on this item resulting in a final authorization of $5,000,000.

(2) For Construction of Facilities, the National Aeronautics and Space Administration requested $101,500,000 for fiscal year 1967. The House approved $94,419,000. The Senate restored $6,081,000, authorizing a total of $100,500,000. In conference, the Senate receded and agreed to a total amount of $95,919,000 to be authorized. Adjustments to the Senate amendment were as follows:

(a) NASA requested $10,000,000 for the Electronics Research Center to construct two buildings and center support facilities. The House reduced the request to $5 million since the prior authorizations for FY 1965 or FY 1966 had not been obligated. The Senate restored the FY 1967 budget request in full. In consideration of limited progress to date in site acquisition, the managers on the part of the Senate receded to a total of $7,500,000 for facilities which will permit NASA to proceed with an integral construction unit of one of the two new buildings, plus center support facilities, along with the previously authorized construction.

(b) For the Manned Spacecraft Center, NASA requested $13,800,000 including $9,100,000 for a Lunar Receiving Laboratory. The House approved this amount for the Lunar Receiving Laboratory; the Senate reduced it by $1,000,000. The managers on the part of the House receded to the Senate figure, making the total authorization for the Manned Spacecraft Center $12,800,000.

(c) NASA requested $581,000 for the Marshall Space Flight Center for an addition to the new Hazardous Operations Laboratory. The House deleted the item for the reason that the proposed extension of the laboratory was not needed for on-going programs. The Senate restored it, but in conference the Senate managers receded to the House position, deleting the entire amount of $581,000.

(d) For Facility Planning and Design NASA requested $7,000,000. The House reduced this by $1,500,000 in view of remaining unfunded balances from prior years' authorization for this work. The Senate restored the full budget request, but in conference the Senate managers receded to the House position.

(3) For Administrative Operations, NASA requested authorization in the amount of $663,900,000. The House approved $644,210,150, effecting a reduction of $19,689,850 in the NASA request. The Senate restored $14,689,850, approving $658,900,000. The Senate also included restrictive language in the bill by: dividing the total authorized into two categories—"personnel compensation and benefits, $397,444,000", and "other expenses, $261,456,000"; adding section 3b which would limit the extent of transfer authority into "personnel compensation and benefits" to 1% ($3.97 million); adding section 3c which would limit the extent of transfer into "other expenses" to 10% ($26.1 million); and striking from section 4 the authority to transfer funds into the Administrative Operations account. The managers on the part of the Senate receded and agreed to strike all restrictive language and further receded to a net reduction of $8,000,000, resulting in a total amount for Administrative Operations of $655,900,000.

(4) Section 5—Architect-Engineer Fees.—The House receded from its proposal to include a new Section 5 which would permit NASA to waive the provisions of 10 U.S.C. 2306(d) regarding limitations on architect-engineer fees.

The Conferees noted that the Comptroller General had on April 20, 1966, at the request of the Committee on Science and Astronautics of the House, initiated a government-wide study of the interpretations and applications of the six percent limitation imposed by various statutes on architect-engineer contracts. The Conferees agreed that the study, as proposed by the House, should be continued to completion by the GAO in lieu of a separate study by the Bureau of the Budget as proposed by the Senate.

In view of this, the Conferees agreed that any legislative action deemed necessary for NASA in this regard should await the results of this study scheduled for completion by January 1, 1967, and until such date with respect to this limitation, the Comptroller General should not take exception to or disallow as unlawful, costs incurred by NASA for research, development or engineering activities required for the establishment of design criteria or development of design concepts involving the use of nuclear energy or other advanced and unusual technology provided that in contracting for such activities NASA is consistent with practices and procedures established by the Department of Defense for similar work.

George P. Miller,
Olin E. Teague,
Ken Hechler,
Joseph Karth,
Emilio Q. Daddario,
Joseph W. Martin, Jr.,
James G. Fulton,
Charles A. Mosher,
Managers on the Part of the House.

Mr. TEAGUE of Texas (interrupting the reading of the statement). Mr. Speaker, this statement and the report were printed in the Record yesterday. The bill when it passed the House was thoroughly debated. There were few votes against it in the House and very few votes against it in the Senate. It is the attitude of the committee to have little debate on it but answer any questions that Members might have and get through with the conference report as quickly as possible. Therefore, Mr. Speaker, I ask unanimous consent that further reading of the statement be dispensed with and it be considered as read.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

The SPEAKER. The gentleman from Texas [Mr. Teague] is recognized for 1 hour.

Mr. TEAGUE of Texas. Mr. Speaker, I yield such time as he may require to the gentleman from Pennsylvania [Mr. Fulton].

Mr. FULTON of Pennsylvania. Mr. Speaker, I join with the gentleman from Texas in asking that this conference report be passed. There is very little difference between the House version and the Senate version. The Conference resulted in a reduced amount from what the Senate wanted. We have an increase in the solid fuel and higher energy fuel sections as well as in nuclear power development. I believe this report should be passed.

Before discussing the report, Mr. Speaker, I would like to mention that the Gemini 10 spacecraft carrying Astronauts John W. Young and Michael Collins is scheduled to splash down in the Atlantic this evening at 5:07 p.m. eastern daylight time, some 300 miles east of Cape Kennedy. We all want to welcome them home. Astronauts Young and Collins deserve the sincere congratulations of the American people for their excellent performance on one of the most complex manned space flight missions to date.

This mission started on July 18 with the flawless dual countdowns of the Atlas Agena target vehicle and the Gemini

Titan rocket. With perfect timing, the Gemini 10 launch vehicle was launched during an extremely short "window" of about 35 seconds in order that the Gemini 10 would be capable of rendezvousing and docking with the Agena target vehicle in the most expeditious manner. This rendezvous was in fact accomplished on Monday evening, during the first day of the flight.

Subsequently, the astronauts activated the Agena primary propulsion system and conducted a series of orbital changes in order to position the spacecraft for later rendezvous with the Agena 8. As you may remember, the Agena 8 rocket has been passively orbiting in space since it was launched March 16, 1966.

While achieving a new altitude record of 413 nautical miles for man-in-space, the spacecraft disengaged from the Agena 10 target vehicle and maneuvered to within a few feet of the Agena 8. At this time, Astronaut Collins left the spacecraft to perform certain planned extravehicular activities, and became the first man to touch another spacecraft while orbiting in space.

In future flights we will witness with increasing frequency the ability of man to work in the hostile environment of space. In time, this capability will enable the United States to assemble and repair orbiting spacecraft, and thereby provide the means of extending the frontiers of space.

Our Committee on Science and Astronautics worked hard on this report and we have kept it within a few million dollars of our figures. As you know, under "TIGER" TEAGUE's leadership on the manned space flight, we on that subcommittee have followed this program very carefully.

Mr. Speaker, on May 5 last, the Committee on Science and Astronautics brought to the floor of the House the results of its deliberations on H.R. 14324, the National Aeronautics and Space Administration Act, 1967. The committee report, filed with the bill, was the culmination of 6 weeks of intensive hearings on NASA's request of $5,012 million for new authorization for fiscal year 1967. We looked at this program in depth, and by unanimous vote within the committee, brought before this body a modified bill totalling $4,986,864,150, or $25,135,850 less than NASA's request.

Following passage by the House, the Senate passed its version, which restored all but $4 million of the NASA request, and in so doing took issue with the House on many of its findings. Thus, the duly appointed members of the committee of conference embarked on a series of meetings to resolve the differences in the actions of the two legislative bodies.

It is interesting to note that of the difference of $21,135,850 between the House and Senate passed versions of the bill, the major monetary differences occurred in the smaller elements of the authorization bill—construction of facilities, and administrative operations. The differences were $6.1 million in construction of facilities and $14.7 million in administrative operations. The total amounts involved in these two segments of the bill represent only 13.2 percent of the overall request.

Research and development, which represents over 86 percent of the total money in the bill, or almost $5 billion, passed the House and the Senate with a difference of only $365,000. While the difference in research and development was relatively insignificant, major program issues were involved, such as the Mariner-Venus, the Mariner Mars, the 260-inch solid propellant booster, and the Snap-8 nuclear electric generator projects.

As you are all aware, under House parliamentary rule, the managers on the part of the House are bound in conference by the upper and lower limits of amounts approved by either body, despite action by the Senate to strike all after the enacting clause. Thus, our task in conference was arduous, particularly in the research and development segment of the bill.

The actions taken by the conferees in arriving at an agreed conference on the NASA authorization bill are included in detail in the conference report before you in the amount of $5,000,419,000. It is not necessary for me to repeat information contained therein since the report covers an account of the efforts over a period of weeks leading to this conference report, both in the Science and Astronautics Committee and in the conference committee.

There are points that I should like to emphasize with regard to this year's NASA bill:

The House receded from its position with regard to striking from the bill the moneys for the Marine-Venus probe. I am still of the opinion that it is a needed exploration mission, but the planning has not been well ordered, is a last minute makeshift effort and without a suitable follow-on program. The Mariner-Venus mission was added to the 1967 program to fill a void caused by the deferral of the Voyager program. The Congress has every right to expect carefully conceived long-range plans for planetary exploration on the part of NASA. Our House Science and Astronautics Committee is correct in pointing out the deficiency in the planning for the 1967 Mariner-Venus flight. The Mariner-Venus 1967 project can hardly be considered a well-planned mission.

As the strong proponent of Mariner-Venus I and II flights I am pleased they have been made, and that Venus II was so successful. However, Mariner I failed because of human error. Let NASA take counsel and heed the warning that the Congress will not accept inadequate planning of this nature.

The Voyager project is probably the most ambitious unmanned effort undertaken by NASA to date. Yet the 1967 request only included $10 million which, in my opinion, is barely enough to keep a project of this nature which will ultimately cost over $3 billion, "warm." In the lunar and planetary exploration area we have witnessed such amazingly successful scientific experiments as the Ranger and Mariner projects as well as the most recent Surveyor soft landing on the moon. These projects have experienced huge cost overruns, and program slippages of from 2 to 3 years. These program deficiencies can be attributed to a lack of adequate prior planning.

The House added $22 million to the NASA request of $10 million for fiscal year 1967 as a move to provide additional money for fundamental preliminary work during these early years in the Voyager program. This will hopefully avoid program slippages and cost overruns by the earlier identification and definition of problem areas, thereby avoiding costly mistakes. While the Senate did not endorse this philosophy the House prevailed to the extent that $13 million was added to the NASA request, making available $23 million for Voyager in fiscal year 1967.

I have always been a strong proponent of research and development of big boosters, higher energy fuel technology, solid fuels, and necessary technology for advancing structures, equipment, components, guidance and control systems. We must emphasize fuels with high specific impulse, long duration use, and space storability. To support my convictions in this regard I include in the RECORD an article which appeared in the Washington Post of July 20, 1966, which clearly shows the absolute and immediate need for research and development of fuels for space travel:

DUAL LINKUP ACHIEVED BY GEMINI 10—BUT SPACE WALK IS ENDED EARLY TO SAVE FUEL

(By J. V. Reistrup)

CAPE KENNEDY, July 20.—Astronauts John W. Young and Michael Collins caught up with the dead agena 8 rocket tonight but the successful rendezvous had used so much fuel that Collins had to cut his space walk short.

The astronauts and the men supporting them on the ground were shaving it so close that by the time Young had finished a maneuver to a lower orbit late tonight, to get ready for re-entry into the earth's atmosphere Thursday, he had used all the propellant in his main tanks and was down to about 20 pounds in the auxiliary tanks.

Re-entry itself is achieved with a separate system, which has plenty of propellant.

As it was, the rendezvous came by a hair's breadth. Final maneuvers to achieve it used up all the fuel allowed.

Command pilot Young then had to use more of that precious propellant to hold his Gemini 10 spacecraft close to the spent rocket. At 7:29 p.m. (EDT) ground control sent word from Flight Director Christopher Columbus Kraft:

"No more fuel."

"Come back in the house," Young told Collins. Collins came in, rested a while and closed his hatch at 7:40 p.m., 38 minutes after he had opened it and moved out.

In that time the spacecraft had traveled from the northwest coast of Australia to the Gulf of Mexico.

The astronauts had carried out the first dual rendezvous in space by catching the Agena 8 launched last March but now completely out of fuel.

The first rendezvous of the flight came Monday when Gemini 10 sought out a live Agena 10 rocket launched earlier that day. But Young had used an unexpectedly large amount of propellant to get there and some of the activities planned for the flight had to be called off to conserve fuel.

Today space officials decided to go ahead anyway with the second Rendezvous and Collins' space walk if Young conserved enough propellant needed to get into position for splashdown Thursday.

The Agena 10, with plenty of fuel had brought them fairly close to Agena 8. But they then needed to perform more precise maneuvering than the rocket could achieve and they had to be able to see better than they could when docked to the rocket. So they separated from it.

Just after 6 tonight, Gemini 10 fired its thrusters to sail within only 700 or 800 feet from Agena 8.

"Fantastic," said a controller from the ground.

"I don't believe it myself," said command pilot Young.

The maneuver had brought the amount of propellant aboard Gemini 10 down to 190 pounds. The cutoff point set by space officials was about 130.

The astronauts reported that Agena 8 was not tumbling on its flight through space. This removed a big worry as to whether Collins would be able to visit the dead rocket as planned.

Command pilot Young fired his thrusters again in the final maneuvering toward rendezvous. Shortly before 7 p.m., space officials reported Gemini 10 holding a position 50 feet from Agena 8. At 7:02 Collins opened his hatch and climbed out.

On the ground, space officials conferred on the fuel problem. They decided that Young had reached the limit but authorized Collins to go ahead with his space walk. They instructed Young to keep them advised on fuel use.

Protected by seven extra layers of aluminized material on his space suit and attached to Gemini 10 by a 50-foot tether, he used a hand-held maneuvering unit to move over to Agena 8.

There he picked up a micrometeorite collection box. In the process, he said, he dropped his hand-held still camera "I'm sorry to say."

He reported to Young that the nose of the Agena was loose and he did not want to get fouled up in it, so he would not go around to the other side of the target as planned. Young told him to come back to the spacecraft and he was unable to leave a new micrometeorite box on the dead rocket as planned.

Young had used Gemini's thrusters to hold it near the target rocket, coming as close as several inches from it. But his fuel level dropped to 110 pounds and the word came up to stop using it.

The astronauts were unable to carry out several other assignments.

One called for a test of the tether, another for a study of the effect on Collins's movements of the umbilical cord linking him with the spacecraft, and a third called for Young to steer the spacecraft toward his companion and pick him up.

Plans for Collins to take movies outside the spacecraft were canceled earlier when it was discovered the camera didn't work.

Later the astronauts opened the hatch again to jettison some material, including the clumsy umbilical, which would clutter the spacecraft during re-entry.

A few minutes earlier they had reported some trouble in getting the excess gear ready for jettisoning:

Young: I'm having trouble. Mike's in his seat and has about 30 feet of hose (the lifeline) wrapped around him. We may have difficulty getting him out.

Ground: Roger.

Ground: How are you coming as far as getting untangled from the umbilical.

Collins: We're about half way.

Ground: Good.

Young: Say, this place makes the snake house at the zoo look like a Sunday School picnic.

Young and Collins are to splash down at 4:38 p.m. (EDT) Thursday in the Atlantic about 300 miles east of Florida, where a recovery fleet is standing by.

The primary recovery ship for this flight is not a full-size aircraft carrier as in past missions.

It is the USS Guadalcanal, a smaller carrier-like craft called a helicopter landing platform and designed for use in copterborne amphibious operations by the Marine Corps.

The decision to go ahead with the dual rendezvous flight plan came this morning after the astronauts woke up.

The astronauts carried out a test of Gemini 10's environmental control system, a device that filters out the carbon dioxide exhaled by the astronauts so that the air can be used again.

It was this system that had cut short the time that Collins spent yesterday with his head poked out into space.

The astronauts suddenly got a whiff of a pungent chemical, apparently lithium hydroxide used in the filtering, and it made their eyes water so badly their vision was affected. Collins was unable to complete one assigned experiment to photograph the earth's terrain but he had already managed to carry out several others.

The astronauts were told to save the small wet towels they had used to wipe out their eyes and any gum they might chew for examination later to determine whether the stuff blown into their faces was in fact lithium hydroxide.

The spacecraft was then still docked with Agena 10, as it had been since Monday night after chasing down the rocket launched an hour and 40 minutes before Gemini 10.

The process of finding Agena 10 had taken far more of Gemini 10's fuel than expected, so a number of undocking and docking maneuvers were scrubbed and the two space vehicles stayed in tandem. The astronauts used Agena's powerful engine for a series of small, or "tweak" maneuvers needed for the second rendezvous rather than use up more of their own propellant.

In the docked position, the nose of Gemini 10 was thrust into the adaptor section of Agena 10 and the astronauts' view from the spacecraft windows was greatly restricted.

They were already looking forward to undocking from their rocket in order to have the field of view necessary to complete rendezvous with Agena 8.

"I guess Mike has probably been looking forward to getting that elephant off him, isn't he?" a ground controller asked.

"He sure is," Young replied, adding, "It's like a railroad engineer driving down the road with a big freight train. All you can see is the freight train."

Just after 3 p.m. (EDT) today, the astronauts fired the thrusters on Gemini 10 to back off from Agena 10.

Shortly afterward, Young reported:

"We have lost the Agena into the sunset."

"How does it feel to get rid of that freight train, John?" a controller asked.

"It was a mighty good train," the command pilot replied.

The sturdy Agena 10 had made possible the first dual rendezvous in space. In order for Gemini 10 to catch the dead Agena 8, it had to catch up with Agena 10 first, dock with it, and then use the Rocket's power to soar into an orbit reaching as far as 474 miles into space.

Yesterday Agena 10's power brought the men back down to an orbit much closer to that of Agena 8 and at the time of separation Gemini 10 was about 158 miles from its goal—Agena 8—and closing with it.

It was the first time any spacemen had been able to link up with a rocket in space and use its power to fly.

My next point concerns space power and electric propulsion systems, and more particularly the development of the Snap–8 nuclear electric power generator. The Snap–8 is intended to provide approximately 35 kilowatts of electrical energy for 10,000 hours of continuous operation. I am firmly convinced that nuclear power is indispensable to future space operations and the Snap–8 is an essential step forward in progress toward this end.

The fiscal year 1967 NASA request included $5.5 million for further development of this project which would permit continuation of the development, but at a minimum level. The House increased the amount for this project in fiscal year 1967 by $2.4 million to make possible an increased component testing program, and to insure that minor component failures would not cause a major shutdown in these tests.

The Senate did not originally concur in this addition to the Snap–8 research project. We were able to have emphasis placed on this nuclear research project. Two million dollars have been added to NASA's request, making available $7.5 million in fiscal year 1967 for further Snap–8 development. NASA should know the Congress has decided on emphasis for nuclear propulsion research and development.

We must look beyond the landing of a man on the moon and his safe return to earth in this decade and look to the future exploration of planets far beyond cis-lunar—earth-moon—space. Nuclear power is the answer for the future and the Congress must assure that sufficient effort is being put forth toward this end.

I have always been a strong supporter of research and development in the area of solid propellant boosters, as has our House Science and Astronautics Committee. For fiscal year 1967, NASA requested only $3.5 million for continued development of the 260-inch solid propellant booster which would only permit a NASA proposed one-half length firing. The House Science Committee version of the bill provided an additional $7.5 million to speed development and to provide a longer length firing in lieu of the half length effort proposed in the NASA request. Two successful short-length firings have already been accomplished, and there is a serious question in my mind as to what is to be gained from a third similar, half-length firing.

I feel that this Nation must vigorously pursue further development of large solid propellant boosters, not only because our limited propulsion capability has been a deterrent to our U.S. space effort in the past, but the solid propellant system will provide a safer, alternative, more versatile and more economical booster capability than we now enjoy with our liquid propellant systems.

While the Senate conferees at first did not agree with this philosophy, they finally agreed, after long deliberation, to the addition of $4 million to the NASA request for this purpose. This amount will not be adequate to pursue vigorously the further development of solid boosters. It is a step in the right direction, and of a certainty expresses the sense of Congress in this regard. Solid propellant research and development must be emphasized.

In the NASA construction of facilities program, there is one project upon which I would like to comment. For facility planning and design, NASA requested $7 million for fiscal year 1967. The House reduced the request to $5.5 million basically because of large unfunded balances of authorization granted in prior years for this purpose. As you may recall, I offered an amendment on the floor of the House during consideration of H.R. 14324 that would have repealed $10 million of the $11.4 million balance remaining of unfunded authorization. My proposed amendment was defeated, unfortunately, and NASA's record on excess authorization above current use and current needs in this account continues to look bad.

The Senate conferees receded to the House position and agreed to limit the new authorization to $5.5 million, supporting the logic of my previously proposed amendment. This item should have been cut further. This is an area within NASA where the Congress must tighten up. There is no rhyme nor reason to continually adding authorization each year to an already large balance that remains unfunded year after year. This is loose budget supervision.

I have made my position plain on various NASA programs and projects in printed dissenting views published as an addendum to the House Science and Astronautics Committee report on the 1967 NASA authorization legislation, Report No. 1441 of the 89th Congress, 2d session.

I have recommended that NASA authorization be reduced by $66 million and that management procedures, both in NASA and NASA contractors be substantially revised.

LUNAR RECEIVING LABORATORY

I strongly oppose the decision of the Science and Astronautics Committee to approve the construction of a lunar receiving laboratory at the Manned Spacecraft Center in Houston, Tex., at this time. I believe that this proposal, with an initial construction cost of $9.1 million, is poorly conceived and has not been given an adequate amount of study and analysis.

We must have, for the processing and analyses of lunar samples, existing laboratory facilities, be they Government, university or college, corporate, foundation or private. We will also need vacuum chamber facilities, combined with specialized laboratory equipment and instruments to make a thorough study of the spacecraft and astronauts returning from the moon.

I do not agree with the NASA arguments that there should be one facility, that it should be centralized, that it should be located at the Manned Spacecraft Center, or that it should be started at this time.

We do not have at this point any of the results of the planned unmanned lunar research missions, such as the Surveyor and Lunar Orbitor programs. These are to provide the very directions that our future programs are to take. Making a decision at this time could as well be based on the "green cheese" theory of the moon.

Nobody has now any knowledge other than surmise or guess as to what the crust of the Moon is. Let us face it, we simply have no facts at this time on which to build a practical foundation for a laboratory. Hence, no considered judgment can be formed.

The ideal location for analyzing lunar samples is in the lunar environment on the Moon, namely, a lunar-based laboratory. Under the circumstances, possibly and probably, temporary interim Earth facilities or installations should be planned. For this, we should use as many of our existing facilities as are available, with such modifications as may be necessary in the light of the results of the coming unmanned lunar exploratory flights.

It would make more sense to have a small delay at this time rather than guess 3 to 4 years into the future, before the unmanned lunar exploratory programs are completed, so that the finally constructed facilities can really meet the actual needs when the lunar samples are actually returned from the Moon.

Considering the vast distances involved in our galaxy and the very close proximity of our satellite, the Moon, as well as its close identity to the Earth in mass, density, color, and surface variations, and other factors, we should not proceed on the bare assumption that the Moon's composition varies greatly from that of the Earth. This will certainly be an expensive and costly guess.

The question of contamination of the Earth from lunar samples is at best a debatable one. High NASA officials have stated that the chances of such contamination are now lower than one in a million. This "number" is pure fantasy.

I would like to add that the Earth now receives hundreds of millions, really uncounted numbers, of micrometeorites, many of which are not dissipated in the upper atmosphere but reach the earth relatively unchanged from their original state. Many of these are so small that they become entrapped in the moisture of our upper atmosphere and fall to earth slowly rather than in a fiery descent as is the case with the larger "shooting stars" or sizable meteors. We have yet to know of any contamination occurring as a result of these particles of matter reaching the earth from outer space. Or are we contaminated already?

In the NASA site selection survey, I enjoy pointing out the method of selection of the NASA site selection committee.

From the point of view of an intelligent person, the appointment by NASA of five out of nine members on this committee from the Manned Spacecraft Center in Houston, is charmingly innocent. It is really disarming to learn that, to insure a majority of five members working as a team, two additional members were appointed from NASA Headquarters to the committee.

It is enchanting to learn that the Manned Spacecraft Center at Houston was the very site finally chosen, as there seems to have been some slight predisposition in that direction. Entirely by accident, as top officials of NASA have so adequately pointed out in their testimony to our Science and Astronautics Committee.

Needless to say, such predisposition does cause a few wry smiles and rather knowing chuckles, particularly in the complete absence of any doubt or disagreement by any member of the site selection committee, as evidenced in testimony, either before or after the final choice, on any factor, or on other installations. When everybody on a committee thinks alike, some people are not thinking very much—or at all.

A reading of the site selection survey reports does not convince me that an adequate and thorough survey was made. For example, NASA gives an order of consideration in site selection as: First, Availability of utilities; second, accommodations for visitors; third, scientific investigation capabilities; and, lastly, fourth, construction, operation, and maintenance costs. I believe the last two factors shown, namely third and fourth, should properly be first, and second in the order of consideration.

NASA officially predicts that the proposed laboratory will have to be expanded as samples are obtained from other planetary bodies. Hence, the decision to locate the basic foundation of all extraterrestrial sample processing only at the Manned Spacecraft Center at Houston is tantamount to locating all such future activity at the same location.

I believe this is wrong, particularly in view of the many existing facilities in the country which are capable of being used with but minor modifications and which already possess pools of scientific talent trained in biological quarantine and processing of metals and mineral samples. Many also have vacuum chamber facilities.

Considering only selected Government facilities, these include: First, the Communicable Disease Center of the U.S. Public Health Service at Atlanta, Ga., with facilities for radiation counting, and laboratory work as well as trained personnel; second, the U.S. Army Biological Center at Fort Detrick, Frederick, Md., with facilities for radiation counting, quarantine, biological research and development, as well as trained personnel; third , the National Institutes of Health at Bethesda, Md., with facilities for radiation counting, quarantine and laboratory support, with trained personnel; fourth, the Oak Ridge National Laboratory at Oak Ridge, Tenn., with facilities for vacuum chamber support, radiation counting, quarantine and laboratory support, as well as trained personnel; fifth, the U.S. Air Force School of Aerospace Medicine at Brooks Air Force Base, Tex., with facilities for radiation counting and trained personnel; sixth, the Ames Research Center at Moffett Field, Calif., with facilities for vacuum chamber support, radiation counting and laboratory support, as well as trained personnel; seventh, the Naval Biological Laboratories at Oakland, Calif., with facilities for quarantine and laboratory support as well as trained personnel; and eighth, the Los Alamos Laboratories at Los Alamos, N. Mex., with facilities for vacuum chamber support, radiation counting, and laboratory support as well as trained personnel.

In addition to these facilities with capabilities, there are numerous other Government installations with capabilities as well as numerous industrial corporations with the ability and plant to perform analyses on all types of metals and minerals.

I believe existing facilities can easily perform the required tasks. This would eliminate a further concentration of still more research and development dollars at one NASA center.

Should none of the existing facilities be used, separately or in combination, the best location for a lunar receiving laboratory would be in an area as close to the splashdown point in the Pacific Ocean as is possible and where power and utilities exist, such as Honolulu or some other Pacific island.

I oppose strongly the thesis advanced by NASA that the returning spacecraft, astronauts and lunar samples be kept together from the time of splashdown to the time they reach a lunar receiving facility. I advocate the exact opposite, that they be kept separate to prevent any losses or contamination in the event of an accident while being transported across the oceans and the country.

I see no reason why the facility proposed must be constructed at this time with a crash program. NASA states that the facility must be started now if the United States is successful in achieving a lunar landing in early 1969. Why did they take so long to make up their mind? Why was it necessary to ask for approval of a project with inadequately prepared presentations and with such a sense of urgency and rush?

NASA claims it needs 15 Saturn V-Apollo systems to insure a successful lunar landing mission. If most optimistically the lunar landing mission is successful in early 1969, then some receiving facilities must be considered.

If this early triumph and success occurs, then NASA will not need at least half of the expensive systems which they have already ordered.

NASA programs cannot be presented in opposite and contradictory ways.

Either the laboratory could be started now or NASA should eliminate about half of the 15 Saturn V-Apollo systems and return the funds saved to the taxpayers.

Let us face it, the original NASA presentation on the lunar receiving laboratory was completely inadequate. Everybody, but everybody on the Science and Astronautics Committee agrees to that. Their second presentation took place less than 1 month later without adequate preparation.

I must point out that the Subcommittee on Manned Space Flight which examined this matter and on which I am the ranking minority member, unanimously and on a nonpartisan basis, deferred the NASA proposal for the laboratory in its report of March 24, 1966, to the full Committee on Science and Astronautics.

My position against the proposed construction project is based on: inadequate justification for a central, major facility; improper consideration of the many alternative facilities available; and insufficient time for the conduct of a meaningful field study, with outside expert help, of these alternative facilities.

I criticize the proposed project specifically because the Science and Astronautics Committee could not conduct a full and detailed field examination of the problem and its possible solution. No effort was made to make the necessary field investigations, to contact various competent industrial and construction contractors, to discuss the problem with members of the scientific community or to examine the inadequate estimates presented on the costs of modifying existing facilities.

Over my strong objections, the full Committee on Science and Astronautics approved reinstatement of the lunar receiving laboratory based on a further hearing of several hours on 1 day. I believe the decision to start the laboratory on a centralized basis, at this time, at the Manned Spacecraft Center in Houston is a shot in the dark rather than a decision made on an adequate development of area of reference and basic facts upon which to base sound business over judgment.

APOLLO APPLICATIONS AND ADVANCED MISSION PROGRAMS

I strongly and firmly oppose the NASA request for $41.9 million for the Apollo Applications program and recommend it be deleted for purposes of economy and efficiency.

The Apollo Applications program has not—repeat not—been approved by the administration, according to testimony presented to the Science and Astronautics Committee. In fact, the administration saw fit substantially to reduce the original request of NASA for this program. It must be remembered that this Apollo Applications program follows the completion of the Apollo lunar landing program in this decade. This is at least 3 or 4 years from now.

NASA witnesses stated that the entire $41.9 million would be used in fiscal year 1967 to buy long-leadtime hardware for additional Saturn I–B vehicles and additional Apollo spacecraft. This hardware is beyond the needs of the Apollo program. We do not even know and cannot possibly, at this time, estimate how much and how many surplus boosters, spacecraft, and hardware will be available from the Apollo program after the lunar landing is completed.

NASA has not determined how many additional boosters, spacecraft, and hardware will be needed for post-Apollo programs. Nobody can even guess at the programs. NASA has not presented to the Science and Astronautics Committee any information on the number of Apollo Applications flights, their purposes, missions, or destinations—absolutely nothing.

NASA witnesses during the hearings stress that the funds requested for Apollo Applications programs are merely to maintain the current production capability. I would point out that this program capability is to be maintained without a set program or purpose, and no use has been planned for the hardware.

It is impossible to hold "open options," as claimed by NASA, for decisions on the Apollo Applications program to be made, hopefully, in fiscal year 1968. This is an expensive, really expensive theory. Businessmen would laugh as such "bone yard" production.

NASA indicates that the delay in approving the Apollo Applications programs already has increased its estimated program cost by as much as 20 percent. This is pure poppycock. No reasonable person can make such estimates at this time.

It is my opinion that NASA's plans for the Apollo Applications program are so indefinite that any estimates as to cost increases are purely speculative. They cannot be considered as substantive factors by the Congress in reaching a decision on this matter.

The hardware planned to be purchased by NASA will surely be obsolete by 1970, which is the earliest date for any flights under the Apollo Applications programs. The present generation of boosters, spacecraft, and hardware, as well as fuels, will look like 1914 Fords by 1970. What are we to have: "Army and Navy and Space" surplus sales stores on every town corner?

The leadtime on the Saturn 1B vehicle and the Apollo spacecraft and current manufacturing lines are such that the proposed hardware will not be available until late 1969. We know that the tempo of launch activity will increase in the next few years. It is certain that the facts that will be learned from coming Apollo flights will require major changes and developments in the current generation of boosters, spacecraft, and hardware.

On my insistence, along with others, the Science and Astronautics Committee has voted additional funds for work (above administration requests) on high energy propellants, large solid rockets, and nuclear propulsion. This research will lead to propulsion breakthroughs, automation, and control equipment, that will make the current launch vehicles obsolete elephants with rabbit-size payloads.

It is therefore premature to procure launch vehicles, at this time, that cannot be used until 1970 at the earliest, when known purposes cannot be determined for such vehicles.

I have always supported and continue to support the manned lunar landing programs. I have always stated that man's exploration of space will not end with the first landing on the moon. We should continue to take advantage of the almost limitless possibilities of space exploration and benefits to mankind.

The discovery of the relations of the 9 planets with their 37 moons of our solar system will be the work of generations. It staggers the imagination to realize there are over 30,000 objects in the area between Mars and Jupiter alone, the largest known to us being Ceres with a diameter of about 500 miles—and consider the tremendous size of Jupiter.

Future U.S. space programs beyond the manned lunar landing must be undertaken in a realistic, efficient, and orderly manner. I strongly recommend the requirements that NASA submit definite plans for Apollo Applications programs to Congress prior to the Science and Astronautics Committee's consideration of the fiscal year 1968 NASA authorization request. This is a must.

I state my firm conviction that NASA should delay the procurement of any hardware or additional launch vehicles and spacecraft until its plans for Apollo Applications programs have been more thoughtfully and thoroughly defined. This definition must take into account the results of the coming Apollo research flights on an integrated basis. It must include plans and specific projects and outline future research programs.

These plans and projects should be submitted through appropriate channels to Congress for prompt approval when the necessary justification and base for decisionmaking has been provided.

Consequently, I strongly recommend the deletion of the $41.9 million requested for the Apollo Applications program at this time. NASA should be encouraged to continue project definition but I strongly oppose the purchase of any "shelf-type," unnecessary hardware at this time of Government deficits, war, and inflation.

The U.S. Government is advising U.S. business at present to forgo unnecessary inventory purchases and to defer capital expenditures, to assist the war effort, prevent inflation, and ease pressure on the economy because of the shortage of skilled personnel. The U.S. Government certainly should not now buy this large amount of useless, expensive, technical inventory that has no definite use or program.

I also recommend the deletion of $5 million from the $8 million request by NASA for its advanced missions program. NASA has failed to provide any justification, plans, projects, or results in its presentations regarding this program.

In my opinion, the advanced missions program is purely "blue sky" and should be reduced by at least $5 million. I therefore recommend $3 million as the budget level for this "no purpose" think department.

FACILITY PLANNING AND DESIGN

As a senior member of this committee, I joined with other committee members in placing heavy and firm emphasis on the efficient use of facility planning and design funds. The purpose of this emphasis has been to bring about improved construction planning and management procedures within NASA. I have strongly supported this element of NASA's program since I am a firm believer in sound, long-range planning.

NASA has not used or programed a substantial part of the authorization granted for these purposes in past years. At present, the records show a balance of $11.9 million in unfunded and unprogramed authorization for facility planning and design. In addition to prior years' authorization remaining unfunded, testimony received from NASA witnesses indicated that $5 million in funds appropriated in past years for facility planning and design remain unobligated at the present time.

NASA requested $7 million for facility planning and design in fiscal year 1967. The committee wisely reduced the amount of the request to $5.5 million. There seems to be no reason why NASA should continue to request from $7 million to $10 million annually for advance facility planning in view of the large unfunded and unobligated balances available. There is no doubt in my mind that amounts available and to be made available for these purposes in fiscal year 1967 are not justified.

In my opinion, this element of the space program should be tightened in order to insure careful use of the funds authorized. The theory behind advance facility planning is sound and serves a good purpose, but the Congress must insist upon better use of the authority in order that the full benefit may be obtained.

Under these circumstances, I recommend that $10 million of prior years' unfunded authorization now available to NASA be rescinded.

CHANGING NASA OBJECTIVES

My criticism of the development of NASA is that its original objective was to be the research and development agency of the Federal Government in the fields of space and aeronautics. But primarily, research and development jurisdiction was to include research and development, wherever it occurred, be it in the Government, private or public sectors, civilian or military sectors.

NASA is now settling down to become primarily a manufacturing, production and engineering operation. Frankly, the research effort in every field is being crowded out and held to a bare minimum by the demands of the Apollo lunar landing mission. This started to become true in the original Mercury era, advanced greatly in the Gemini era to the point where science, research and development are now being forced into total eclipse in the $5.012 billion presently requested by NASA.

In fact, I consider that only about 5 percent of the total current NASA budget request is to be devoted to science, research and development.

NASA's claim that the construction of boosters, the development of hardware, flight training and navigation missions, the production of spacecraft, the operation of tracking networks, and so forth, constitute research and development is a far cry from the scientific meaning of the term.

My view of the present Apollo program is that its proponents are afraid at this point to try anything new or integrate new boosters or high energy fuels into the complex.

It is safer to proceed with the same old fuels, the same old generation of boosters, and the same old type of hardware, as the demand is for immediate success, and not for the best type of performance nor for the scientifically most productive and advantageous. It is better not to risk any new developments but to make do with what NASA has at present, simply performing engineering, plumbing and construction chores.

The race with Russia is hurting NASA scientific and research programs.

URGENT NEED FOR MANPOWER SURVEY OF NASA

I believe that the continuing mushrooming of NASA personnel strength, particularly in the area of scientific and engineering personnel, has reached the point where it requires a detailed review by the Congress.

As an example, I point out the situation at the only recently approved Electronics Research Center at Boston, where personnel requirements have increased from 250 in fiscal year 1965 to 550 in fiscal year 1966 to an estimated need of 1,000 in fiscal year 1967. All this increase happens while the Center itself has yet to build one building for its activities.

If the large amounts of personnel used by NASA were blue-collar workers rather than technicians, there might not be such need for caution. But the fact of the matter is, that the great bulk of NASA personnel are scientists, engineers, and technicians, all of whom are in critical shortage in the U.S. economy.

Aside from the question of determining the actual needs of NASA, there is the major question of management. Is NASA using these critically scarce personnel in the best possible fashion? Is NASA management responding to the sudden changes in our space program as projects phase out and others expand or reach their peak effort?

The impact of reserving to our space activities, both in Government and contractor plants, a large percentage of our scientific and technical personnel can only be judged serious and critical, in view of the war in Vietnam, the current inflation in the economy, and the need to maintain a healthy scientific pool of talent in our scientific and academic communities, as well as for defense industries and business in general.

I strongly recommend that a management survey be conducted by an outside firm of experts of the management and utilization aspects of scientific and technical manpower in NASA. I further recommend that the report of this survey be provided to the Congress before final action on the fiscal year 1967 NASA authorization bill takes place.

I recommend a study in depth of NASA manpower utilization by the appropriate committee of the Congress—either the Manpower Utilization Subcommittee of the House Post Office and Civil Service Committee—or by the House Government Operations Committee.

INADEQUATE FIELD MONITORING OF NASA ACTIVITIES

I am seriously concerned over the lack of field monitoring of NASA activities by the Bureau of the Budget, the General Accounting Office, and the Science and Astronautics Committee.

For example, the Bureau of the Budget has far too few people with far too much control over the NASA budget. I understand that there are only two or three people in the Bureau of the Budget who have the responsibility to make all types of major decisions concerning the $5 billion NASA budget, and this over a period of less than a week. This type of control can only be superficial.

The General Accounting Office has yet to provide Congress with any meaningful management surveys or audits of one of the largest agencies in the Government. I feel that this agency is far too bound with its past history and is emphasizing accounting and bookkeeping practices at the expense of scientific management surveys.

On a $5 billion annual budget, we need to move far beyond the limitations of accountancy and bookkeeping so that we have available for congressional purposes personnel with adequate judgment and experience in research and development activities. These are needed in the General Accounting Office as well as on the Science and Astronautics Committee so that Congress can make decisions of choice among the various programs presented by NASA in the light of the potential research and development gains, all based on an adequate base of reference.

The days of monitoring and supervising large technical programs on the basis of accountancy and bookkeeping are gone forever. We must have technically qualified people to oversee technical programs. Real current and continuing program evaluation is badly needed, and sorely lacking.

For several years I have been urging the Science and Astronautics Committee to increase its technical staff by at least five scientists, engineers and accountants, for continuous field investigatory duties. I repeat my recommendation, particularly in view of the fact that the committee has not used all of its presently allocated funds.

For the Congress to be fully responsive to the U.S. taxpayers on a highly technical program involving about $5 billion a year, it must have research and development, construction and technical management personnel assigned exclusively for field duties.

OFFICE OF INSPECTOR GENERAL

An Inspector General, with necessary staff and facilities, should be established in the National Aeronautics and Space Administration. The current NASA program is replete with a myriad of complex and sophisticated projects designed to meet a wide variety of objectives of importance to the Nation.

Management problems are bound to arise as a result of the various programs and objectives involving an annual Federal expenditure of over $5 billion and the future of the national space program. I believe it is necessary that the Administrator of NASA be provided with the capability of obtaining independent evaluations and examinations of management actions by personnel other than those involved in formulating or implementing management policies.

It is significant to note that numerous other agencies of the Federal Government have recognized the importance of utilizing inspector general offices to effectuate internal and periodic examinations, evaluations, and corrective measures. Among these agencies are the Departments of the Army, Navy, and Air Force, the Department of State, and, more recently, the Department of Agriculture.

The cost reduction directorate within the NASA Headquarters, supposedly established for investigative purposes, is only a bug on the surface of the problem. It is a superficial device which centers attention on minor cost accounting matters to determine if eggs are cheaper on another counter. There is insufficient depth of investigation in the cost reduction activities of this directorate, and it does not provide the across-the-board analysis of NASA activities at all levels of management that an inspector general-type of organization would provide.

This directorate, established in 1964, consists only of three professional persons, none of whom have any engineering, scientific, or technical background in the space and aeronautics field. Assigning three nontechnical people to oversee a $5 billion program from a management analysis point of view is like a canary pecking at the mountain. This directorate was established after the introduction of my H.R. 7770, in July 1963, for an independent NASA Inspector General and does not solve the problem.

Therefore, I strongly recommend that NASA establish and maintain an Inspector General to insure that the space program and objectives of this Nation are carried out and met with both economy and efficiency.

UNBALANCE IN GEOGRAPHIC DISTRIBUTION OF NASA CONTRACTS

NASA continues to place the bulk of its contracts on a noncompetitive basis in areas of the country which have been the recipients of major prior-year contracts. The provision by the Science and Astronautics Committee in the fiscal year 1966 NASA authorization act, that NASA take measures to promote a more equitable distribution of its contracts has had, in my opinion, no effect whatsoever. NASA has simply ignored this provision.

I have yet to see any reports from NASA as to what, if any, measures they have taken to carry out this congressional mandate. Nor have I seen any practical results since the inclusion of the provision in last year's authorization act. The plain fact is that NASA displayed its complete lack of interest in the subject by excluding this provision in the administration bill sent to the Science and Astronautics Committee for fiscal year 1967.

The NASA program which appears to be distributed on an equitable basis is the NASA sustaining university program of research, facilities, and training grants. But this is not to be considered to be a solution to the problem of securing a reasonable and equitable distribution of NASA contracts throughout the Nation and the various States. NASA is to be complimented on its efforts in distributing this $40 million annual program on broad geographical basis. But the overwhelming portion of the remaining $5 billion continues to be awarded or expended annually in specific, almost fixed locations, with no known efforts to spread new work, or diversify to neglected regions.

This causes an unhealthy concentration of science, research, and engineering talent and drains the taxpayers of the rest of the country of their most valued asset, "brains." Technical competence in this country is an asset to which every State and section of the country is entitled to its just share, and as a step in the opportunity for progress.

I recommend that NASA be required to report to the Congress, not later than January 26, 1967, the specific measures NASA has undertaken to correct the current distortion and unbalance in the geographical distribution of NASA contract awards. This report should also include the most current distribution of all NASA expenditures by State, region, congressional district, or metropolitan area.

Congress should take specific action to correct this situation and prevent the continuation of the current "brain-drain" of outstanding engineers, scientists, teachers, and students to certain concentrated areas. The problem of trained students should be faced directly and handled by Congress to protect the local taxpayers who finance the local education and specialized training of outstanding students who are immediately lost to local communities, through actions of NASA roving recruiting teams for technical, scientific, and engineering personnel.

JET PROPULSION LABORATORY, CALIFORNIA INSTITUTE OF TECHNOLOGY

I believe that the "reform" of the management of the Jet Propulsion Laboratory has gone too far.

I remain strongly opposed to the industrial-type management structure that has been imposed upon the organization of the Jet Propulsion Laboratory by the current NASA contract. I believe that the Laboratory, devoted to science, research, and development, should not be severely limited to carrying out programs under specific contracts of NASA.

The Laboratory should be organized so as to permit maximum flexibility in the employment of expertise. It should also be organized to bring about the greatest amount of interchange of knowledge in the various scientific disciplines, both on a horizontal basis as well as on a perpendicular basis.

I believe that the present type of industrial organization heavily emphasizing completion of programs under NASA's contracts does not at present allow the degree of flexibility necessary in a high-level research laboratory such as the Jet Propulsion Laboratory.

The rigid channels of communication imposed by this type organizational structure tend to limit and put a real constraint upon the creativity of the scientific and research personnel of the Laboratory. This prevents the optimum use of the scientific talent of the Jet Propulsion Laboratory process.

There are two extremes in organization applicable to the Laboratory:

First. A purely industrial-type operation where all tasks are specifically defined; or

Second. An academic or university-type operation where the initiative in formulating tasks comes from the faculty.

What is required at the Laboratory is a "formula" or "middle of the road" organization and relationship with NASA which permits responsible NASA control and at the same time does not inhibit the creativity and initiative of the Laboratory scientists.

The important thing is not manpower or money but rather flexibility in operations. The interchange of interdisciplinary information remains an internal problem within the Laboratory. Working level scientists must have the initiative to effect such an interchange.

JPL should have an inbetween type organization compared to a solely industrial-type or academy-type organization. It would not be proper for NASA to completely free wheel. There must be a middle ground to permit initiative on scientific research and development. There is "room for improvement" at the Jet Propulsion Laboratory.

The present NASA contract spells out broad areas of scientific research to be undertaken by the Laboratory concerning the moon and planets. NASA must not, in its zeal to maintain control, restrict the Laboratory from exercising its initiative in proposing the specific tasks and methods to achieve the broad goals specified in the basic contract.

Let us face it: the imposition of an industrial-type organization on a research laboratory such as Jet Propulsion Laboratory can well smother creative activity and reduce the quality of the output and make the facility a manufacturing and plumbing concern.

There is room for improvement in the management and relations of the NASA under the contracts at JPL.

It is my belief that NASA has tightened the management control of the Laboratory, as was necessary in the test phase of the Ranger and Mariner programs. The technical and managerial performance of the Laboratory has certainly improved and is now on a high level. Now there is no need for maintaining rigid, tight managerial control and close program supervision and direction, which in reality is useful only in spacecraft and hardware manufacturing activities and scientific payload construction.

There is no doubt that the purely industrial-type organization clearly specifies what programs are to be done, when they are to be done, and how they are to be done. But we need a compromise management and organizational form at JPL which is between the industrial-type organization and the university type.

There is no doubt that many of the scientists and research people at the Jet Propulsion Laboratory feel that they are constrained under NASA contracts at the working level. There is, therefore, a real necessity for compromise in order to be able to restore initiative and provide flexibility so that initiative is given to the scientists at the working level.

I recommend that an early meeting be held between NASA, Dr. Pickering of Jet Propulsion Laboratory, and Dr. DuBridge of California Institute of Technology on measures to improve the management and structure.

MANNED ORBITING LABORATORY PROGRAM

I strongly oppose the administration's placing the manned orbiting laboratory program under the jurisdiction of the U.S. Air Force.

MOL should be placed under the jurisdiction of NASA, the research and development agency of the Federal Government for space and aeronautics. Or, at best, MOL should be placed under the joint jurisdiction of NASA and the U.S. Air Force for development.

I believe the action is a serious mistake both in organization and philosophy as well as for public relations purposes.

I strongly oppose the action of Secretary of Defense McNamara when, in his December 10, 1963, news conference, Mr. McNamara announced without prior notice of any kind that the manned orbiting laboratory program would be assigned to the Air Force. Neither Congress nor the scientific community of the country had any prior notice or inkling that this was to be the case until Mr. McNamara made his bland announcement.

I also oppose the announcement by the President on August 25, 1964, at a news conference that the MOL program would be worked upon by certain major contractors. This is certainly not the way to do business nor is it appropriate to ignore the existing science and research facilities of the Federal Government without any consultation or authorization by Congress whatever. It is complete fiction to state, as Secretary of Defense McNamara has assumed, that MOL is completely a military task and, therefore, can be handled by him as Secretary of Defense, as if he and that Department are the only people concerned in this tremendous development.

The announcement by Secretary McNamara makes a fiction and is in direct violation of the expressed intent of the Congress in section 102(a) of the original Space Act, Public Law 85-568, dated July 28, 1958, wherein it was expressed that—

"The Congress hereby declares that it is the policy of the United States that activities in space should be devoted to peaceful purposes for the benefit of all mankind."

The action of Secretary of Defense McNamara is also in direct violation of the provisions of Resolution 1472, "International Cooperation in the Peaceful Uses of Outer Space," adopted by the United Nations at the 856th plenary meeting of the 14th General Assembly on December 12, 1959. Under this resolution, the United States along with other countries including the U.S.S.R., agreed to, among other things, foster international cooperation in the peaceful uses of outer space. It was a privilege and a real responsibility for me to be able to work as one of the delegates on the U.S. mission to the United Nations for this purpose, under the leadership of Henry Cabot Lodge, chief U.S. delegate.

Is the Presidential order the beginning of a new military era in space? This basic national policy the Congress of the United States should decide, according to the will of the American people after thorough study and due deliberation.

Being first in space for scientific and prestige purposes is one thing. Being first in space to better deliver weapons of destruction or nuclear and atomic weapons is quite another field entirely.

Do the American people want the administration to have the first Manned Orbiting Laboratory solely dedicated for military purposes, and by so doing, to exclude all research and development which could be done by NASA for the benefit and progress of the American people?

I call attention to the House, of the Action of Conference Committee on H.R. 14324 NASA authorization request for fiscal year 1967:

[In thousands]

	Budget request	House	Senate	Conference
Research and development:				
Gemini	$40,600	$40,600	$40,600	$40,600
Apollo	2,974,200	2,974,200	2,974,200	2,974,200
Advanced missions	8,000	8,000	8,000	8,000
Physics and astronomy	131,400	126,900	131,400	129,900
Lunar and planetary exploration	197,900	227,900	197,900	210,900
Bioscience	35,400	33,400	35,400	35,400
Meteorological satellites	43,600	43,600	43,600	43,600
Communications and applications technology satellites	26,400	26,400	26,400	26,400
Launch vehicle development	33,700	33,700	33,700	33,700
Launch vehicle procurement	152,000	132,000	152,000	142,750
Space vehicle systems	36,000	36,000	36,000	36,000
Electronics systems	36,800	36,800	36,800	36,800
Human factor systems	17,000	17,000	17,000	17,000
Basic research	23,000	23,000	23,000	23,000
Spacepower and electric propulsion systems	42,500	44,900	42,500	44,500
Nuclear rockets	53,000	53,000	53,000	53,000
Chemical propulsion	37,000	44,500	37,000	41,000
Aeronautics	33,000	35,000	35,000	35,000
Tracking and data acquisition	279,300	265,335	279,300	270,850
Sustaining university program	41,000	41,000	41,000	41,000
Technology utilization	4,800	5,000	4,800	5,000
Total	4,246,600	4,248,235	4,248,600	4,248,600

[In thousands]

	Budget request	House	Senate	Conference
Construction facilities:				
Electronics Research Center	10,000	5,000	10,000	7,500
Goddard Space Flight Center	710	710	710	710
Jet Propulsion Laboratory	350	350	350	350
John F. Kennedy Space Center	37,876	37,876	37,876	37,876
Langley Research Center	6,100	6,100	6,100	6,100
Lewis Research Center	16,000	16,000	16,000	16,000
Manned Spacecraft Center	13,800	13,800	12,800	12,800
Marshall Space Flight Center	581	[1]	581	0
Michoud Assembly Facility	700	700	700	700
Mississippi Test Facility	1,700	1,700	1,700	1,700
Wallops Station	205	205	205	502
Various locations	6,478	6,487	6,478	6,478
Facility planning and design	7,000	5,500	7,000	5,500
Total	101,500	94,419	100,500	95,919
Administrative operations	663,900	644,210	658,900	655,900
Grand total	5,012,000	4,986,864	5,008,000	5,000,419

[1] Deleted.

Mr. Speaker, there are many other programs and projects which were in dispute in the committee of conference. I would like to report that all of the items in dispute were settled on a bipartisan basis, and none were influenced by partisan positions.

I urge that the report of the conference be accepted and passed.

Mr. GROSS. Mr. Speaker, will the gentleman yield?

Mr. TEAGUE of Texas. I yield to the gentleman from Iowa.

Mr. GROSS. How much is the bill above the figure approved by the House?

Mr. TEAGUE of Texas. The figure approved by the House was $4,986 million. The bill as approved by the conference is $5,000,419,000. There is a total of about $12 million cut from the request of NASA.

Mr. GROSS. Is the new laboratory to be located in Houston, Tex., for the examination of 60 to 80 pounds of lunar moon dust still in the bill?

Mr. TEAGUE of Texas. Yes, sir. It is in the bill.

Mr. GROSS. Despite the fact that no one knows when we will ever get to the moon, if ever, and whether we will be able to bring back dust?

Mr. TEAGUE of Texas. I think that the gentleman will admit we have made considerable progress on getting to the moon.

Mr. GROSS. I thank the gentleman for yielding and for the information.

Mr. FULTON of Pennsylvania. Mr. Speaker, will the gentleman yield further?

Mr. TEAGUE of Texas. I yield to the gentleman from Pennsylvania.

Mr. FULTON of Pennsylvania. We were opposing this particular lunar laboratory, but the gentleman will be interested to know that it has been cut $1 million from the House figure, so we are saving 10 percent.

Mr. GROSS. Did the gentleman say $1 million?

Mr. TEAGUE of Texas. Mr. Speaker, I yield such time as he may consume to the gentleman from West Virginia [Mr HECHLER].

Mr. HECHLER. Mr. Speaker, I am very enthusiastic about the results of our conference committee deliberations on the NASA authorization.

In the field of advanced research and technology, I am very proud to report that the thorough deliberations of the Subcommittee on Advanced Research and Technology really paid off when it came to defending the House position in the conference committee.

We have to look ahead many years into the future to devise the kind of propulsion system, the kind of on-board power systems, the life support systems, and the many other features of space development which insure our leadership in space in the latter years of the 20th century. How are we going to do this? Only by investing now in the advanced research and technology to keep pushing back the frontiers in space. Successful space flight depends largely on two things: First, how are you going to get them up there? and second, how are you going to keep them up there? The first item depends on propulsion; the second on spacecraft power and fuel.

You have heard our great debates about developing the 260-inch solid propellant booster. On October 5, in a 30-minute special order, I outlined the great potential for the future contained in the successful test firing of the world's largest rocket motor. This is why the House in May voted $7.5 million over and above the President's budget for the further development of this giant solid booster. There was no single issue that divided the conference committee as deeply as the argument over funds for the 260-inch solid motor. The other body was quite adamant in limiting funds for this development, while we in the House underlined the importance of moving as quickly as possible from the successful half-length test firings to a full-length firing.

The conference broke up at one point because we were so far apart on this issue. But when we reassembled after the Independence Day recess, sweet reason prevailed and the conference finally agreed on an increase of $4 million.

Now what are the implications of this decision? It means that NASA will go ahead and do another short-length test firing next summer. They will also use the extra money we are giving them to start getting the long leadtime items needed for a full-length test firing. These critical items are a new nozzle, and new steel case, and some modifications to the facilities needed to build the full-length case. To make a full-length, 7½-million-pound-thrust test firing of the 260-inch solid will take us into fiscal year 1968, so next year I hope you will be watching closely, and help get the funds to make this program a success. It provides a filling of the gap between the Saturn I–B and the Saturn V, since it can put 90,000 pounds into orbit. It has great potential for future space missions, either space rescue missions, or missions to Mars and beyond.

In our Mercury and Gemini flights to date, if there is one subject we have chewed our nails about the most, it is spacecraft power and how to husband the power on board the spacecraft. When we plan for missions to Mars, and establish large space laboratories either on the Moon or elsewhere in space, we need generating equipment which has two characteristics: First, it must be powerful; and second, it must last a long time. That is why we are concentrating on a great, long-life nuclear electric power system called Snap–8. Here is another area where the House voted $2.4 million additional beyond the NASA budget in order to speed the development through more reliable component testing. Once again the Senate did not feel the need for additional funds, but the conference action finally pegged the additional figure at $2 million, which pleased me very much.

Another item of conference disagreement was in the field of technology utilization. I am very enthusiastic, Mr. Speaker, about the results NASA is achieving in applying our great space developments to private industry. The House was so impressed with the importance of this area that we added $200,000 to the $4.8 million asked in the NASA budget. I am pleased to say the conference committee agreed to accept this increase.

I have been talking about research and development and in this phase of the Office of Advanced Research and Technology I am pleased the conference came out with authorizations totaling some $7 million over the NASA budget.

In the area of tracking data and acquisition, the House recommended a

5-percent cut in the NASA budget, the other body recommended no cut, and the conference committee wound up with a 3-percent cut, much closer to the House position.

Now when we go into conference and talk about the Electronics Research Center, we are always fortunate to escape with our shirts. In this case, the House cut the construction authorization in half, largely because funds previously authorized and appropriated had not been spent. The House wanted $5 million instead of $10 million authorized. The conference split this right down the middle, and we came out of conference with an authorization of $7.5 million. I sincerely trust that the Committee on Appropriations will take its usual thorough look at this item, and carefully assess the progress and pacing of construction at this vital facility.

Mr. Speaker, I am very pleased that the House action in increasing the authorization in the field of aeronautics will stick. The Senate accepted the recommendation of the House that we raise from $33 million to $35 million the amount authorized for advanced research in aeronautics. This was not a matter of disagreement in the conference, because the other body accepted the House position. When we first considered this matter in the subcommittee, it was our thought that the additional $2 million might best be spent on aircraft noise research, as well as V/STOL and development of supersonic and hypersonic aircraft.

I feel very strongly that we must place additional emphasis and put more funding into aircraft noise control. The President in proposing the new Department of Transportation recognizes this fact. The Jet Aircraft Noise Panel of the Office of Science and Technology supports this view. Many Members of this body have expressed their support of additional work in aircraft noise abatement. The other body stated in its report on the authorization that the additional $2 million should be confined to aircraft noise control, and as chairman of the Subcommittee on Advanced Research and Technology, I endorse this approach.

So, Mr. Speaker, I hope that the conference report receives the overwhelming endorsement of this body.

Mr. ROUSH. Mr. Speaker, will the gentleman yield?

Mr. HECHLER. I yield to the able gentleman from Indiana, the second ranking member on the Subcommittee on Advanced Research and Technology.

Mr. ROUSH. Mr. Speaker, I wish to compliment the conferees for including section V, which relates to the matter of the geographic distribution of Federal research funds.

I believe the statement included in this section, that it is in the national interest that consideration be given to geographical distribution research funds, is one which is well taken.

Mr. Speaker, I believe that unless this Congress continues to insist that we pay some attention to the geographical distribution of research funds, we are going to have great "desert areas" in this country where there will be very little research, and very little intellectual endeavor.

Mr. Speaker, I feel that this is very important, and I would hope that NASA might listen to the admonition of this particular section of this bill.

Mr. HECHLER. Mr. Speaker, I am particularly pleased that the gentleman from Indiana [Mr. Roush] brought up this point, because he is the author of this particular amendment which was written into the measure by the House Committee on Science and Astronautics and which was accepted by the other body.

Mr. Speaker, I wish to congratulate the subcommittee chairman, the gentleman from Texas [Mr. Teague], the gentleman from Minnesota [Mr. Karth], the gentleman from Connecticut [Mr. Daddario], and the other members who served on this conference for their leadership in bringing this bill through conference and back to the floor of the House.

Mr. TEAGUE of Texas. Mr. Speaker, I yield such time as he may consume to the gentleman from California [Mr. Bell].

Mr. BELL. Mr. Speaker, I was not a member of the conference, but I am a member of the Space Committee.

Included in fiscal year 1967 NASA request for space power and electric propulsion systems was $42.5 million. Of this, $5.5 million was earmarked for Snap–8, a power system capable of generating 35 kilowatts of electrical energy for 10,000 hours of operation. The amount requested by NASA would have only permitted further development at a minimal level. The House increased the NASA request by $2.4 million in order to provide further development, particularly in small-component testing.

The Senate version denied this increase. However, during the conference they receded, agreeing to an increase of $2 million versus the $2.4 million recommended by the House. The bill now provides $7.5 million for Snap–8 in fiscal year 1967.

Nuclear power will be an essential element to continued exploration of space in the future The Soviet Union gained an advantage over us by their early development of the large booster It is therefore important that we continue our research and development in this area of nuclear propulsion. This effort should be put forward now to meet the needs of long-term space flight.

Snap–8 is a step in this direction.

I support the conference report and hope for a substantial vote of approval.

Mr. FINO. Mr. Speaker, I am going to vote to accept this conference report, but I will be doing so with extreme reluctance.

When the NASA authorization bill was before us, an amendment was offered by our colleague, the gentleman from New York [Mr. Wydler], which would have set up a $20 million program to conduct research into the abatement of aircraft noise. Unfortunately, this amendment was defeated, thanks to the opposition of the administration.

I think that this was a shortsighted action for the administration to take. It is all very nice to put a man on the moon, and have him walk around in space on the way, but we have to remember the down-to-earth needs of the people, too. And one of the greatest needs we have today is the need to find a way to deal with the thunderous noise of the increasing number of jetplanes which fly over residential neighborhoods before landing at their airports.

More and more of America's travel is in the air—and more and more of America's air travel is by jet aircraft. This noise problem is going to grow. What are our homeowners supposed to do? They cannot stick their heads in the sand and ignore this problem like the administration. How can you ignore the screaming monsters that drive you out of your skin every 2 minutes or 4 minutes or whatever the case may be?

I am very sorry that this NASA authorization bill does not include the $20 million proposed for research into aircraft noise abatement. I do not see how we can spend millions and millions on seeing how monkeys and chimpanzees can stand the stress of outer space when we do nothing to relieve the shattering throb of endless flights of jets on the ears of those of our citizens who live near airports.

This serious problem must be faced up to. This Congress has not yet faced up to it. It is only reluctantly that I vote for this conference report's acceptance. I feel the lack of any provision to make a serious and affirmative attempt to cope with the aircraft noise abatement problem is a very serious shortcoming.

Mr. FASCELL. Mr. Speaker, I wish to take this opportunity to sincerely thank the members of the conference committee on the NASA authorization bill for working out its difficulties and keeping alive the chemical propulsion research program. As I have stated in this Chamber previously, the need for continued development of our rocket thrust power is essential to our Nation's space program. The additional funds provided for in this authorization will allow NASA to procure the items needed for a long-length rocket firing. The items are a full-length steel case, new nozzles, and tools and facilities needed by shipbuilding companies to build full-length firing equipment. The authorization of these funds will have an important impact on my district as well. The Aerojet-General Corp. in Dade County, Fla., has played a key role in future space exploration with its two half-scale test firings using a solid propellant rocket. These funds which have now been authorized will enable the full-scale test firing of the rockets—a more efficient and less expensive undertaking.

Mr. Speaker, the conferees who participated on the committee handling this bill are to be commended for their insight and awareness of the needs of our space program by granting authorization for these funds. I am sure that the committee will continue its strong interest in this program for full implementation in fiscal 1968.

The **SPEAKER**. The question is on the conference report.

The conference report was agreed to.

A motion to reconsider was laid on the table.

GENERAL LEAVE TO EXTEND

Mr. TEAGUE of Texas. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to extend their remarks on this conference report.

The **SPEAKER**. Is there objection to the request of the gentleman from Texas?

There was no objection.

SMALL RECLAMATION PROJECTS ACT, 1956

Mr. ASPINALL. Mr. Speaker, I move that the House insist upon its amendment to the bill (S. 602) to amend the Small Reclamation Projects Act of 1956, and that the Speaker appoint conferees.

The Clerk read the title of the bill.

The **SPEAKER**. The question is on the motion of the gentleman from Colorado [Mr. ASPINALL].

The motion was agreed to.

The **SPEAKER**. The Chair appoints the following conferees: Messrs. ASPINALL, ROGERS of Texas, JOHNSON of California, SAYLOR, and REINECKE.

LITTLE APPARENT CONCERN ON THE PART OF ADMINISTRATION TO SOLVE AIRLINE STRIKE

Mr. WYATT. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The **SPEAKER**. Is there objection to the request of the gentleman from Oregon?

There was no objection.

Mr. WYATT. Mr. Speaker, there is so little apparent concern on the part of this administration for solving the airline strike that is having such a disastrous impact on many sections of this country, including my own Northwest, that I am deeply frustrated and genuinely concerned.

On last Saturday I wrote the President of the United States advising him that in my judgment the only way this crippling strike could be quickly terminated would be by his own personal intervention, holding the principals in session around the clock until the issues were resolved. I pointed out to the President that upon occasion it has been difficult to locate the negotiators and then to get them in the same room together. Aggressive action on his part, I said, along the lines suggested would be the only quick solution to the problems.

On Tuesday of this week I received a call from Secretary of Labor Wirtz advising me that he did not feel he could become personally involved in the negotiations but that he was urging everyone to press for acceptance of the recommendations of the emergency board.

On Tuesday night when I finally went home I was shocked to see on the society page of the Washington Evening Star, page B-8, a four-column photograph of Secretary Wirtz and his wife, together with Secretary Weaver and his wife. The picture is captioned "Democrats Cruise Down the River." The picture shows Secretary Wirtz smiling gaily, waving his hand. The story in the social columns accompanying the picture reported that the four in the picture were signaling "bon voyage" as they joined the District Democratic Central Committee on a cruise down the Potomac.

Yesterday in his news conference President Johnson is reported as having said "wryly" that he was not much of a politician but that as a matter of fact this coming Saturday he was going to fly into four separate States on a political speechmaking tour.

Mr. Speaker, it is apparent that this administration has no real concept of the havoc the current airline strike is making on the economy of this country. The day the Secretary of Labor spent cruising down the Potomac on a local political mission was the 10th day of the strike. This coming Saturday when the President will be expending his time and precious energy campaigning in four States will be the 15th day of the strike.

Mr. Speaker, I call on President Johnson again personally to take charge of the negotiations and see them through to a successful conclusion to eliminate this crippling and serious strike. I call upon the President of the United States and the Secretary of Labor to drop "their politics as usual" attitude, to show some real and deep concern and to make some meaningful efforts to settle this strike so that we can start repairing the great economic damage which we have suffered.

WHO ARE RESPONSIBLE FOR INCITING RACIAL RIOTS?

Mr. ABERNETHY. Mr. Speaker, I ask unanimous consent to address the House for 1 minute, to revise and extend my remarks, and to include extraneous matter.

The **SPEAKER**. Is there objection to the request of the gentleman from Mississippi?

There was no objection.

Mr. ABERNETHY. Mr. Speaker, I am just as distressed as anyone here when there is violence or racial trouble in any part of our great country. But as I said yesterday, there is very little interest manifested by northern Members in the violence and interracial killings that have recently taken place in Cleveland, California, and Chicago, and the race riots in South Bend, New York City, and other places.

There seems to be none of you who will speak out when it happens in your own northern and western areas.

We picked up the papers this morning and saw again that for the sixth or seventh successive day trouble—racial trouble—had lifted its ugly head in areas other than my own. But the Members of this body who represent those areas are just as silent as the tomb. What has happened to you?

When such happens down my way, some of my northern colleagues take a plane and head south, visit among us and report back how bad it is. You are accompanied by NBC, CBS, ABC, XYZ, and the Washington Post, Life, Time, Newsweek, and everyone who can obtain travel accommodations. You come down and then return in utter horror of what you claim to have seen.

I do not say this to needle any one, but you ought to be ashamed. You should be concerned also about your own racial problems.

I say to the Members of this House and the people of the country that we do have a serious problem all over the country. And we are not going to solve it by annually bringing to this House the type of legislation that is scheduled to be brought in next week, another so-called civil rights bill. This is not going to solve a thing. Oh, yes, it may help some of you to satisfy your political ambitions, but it is not going to settle or solve the racial problems that are visited upon this country.

Mr. Speaker, I know that many citizens around the country, not only in the South, but in the far corners of the North, East, and West, as well as in other parts of the free world, were heartened, as I was, over the strong appeal made by the world renowned and highly respected Rev. Dr. Billy Graham to President Johnson that he and the Department of Justice reveal now to the American people the identity and affiliation of those who are really responsible for inciting the racial riots and unrest which are literally tearing this great Nation of ours to bits. Some of us have long been making the same appeal, loud and clear, but the only response has been dead silence. The time has not only come, Mr. Speaker, it has long since passed, for the leadership of this country to bring our citizens within full knowledge of the element behind, and responsible for, stirring up racial strife and precipitating these bloody riots.

Mr. Speaker, no one could have more frankly and clearly presented to the American people the urgency of and sound basis for the Reverend Billy Graham's appeal to the President, than has the able and widely read David Lawrence in his column appearing in the July 20 edition of the Evening Star. I commend it to the attention of every red-blooded, loyal, and patriotic American citizen who cares what is happening to our country. The editorial follows:

BILLY GRAHAM'S PLEA TO JOHNSON

(By David Lawrence)

The Rev. Dr. Billy Graham, evangelist of world renown, has appealed publicly to President Johnson—his close friend—to identify the groups inside America "who are teaching and advocating violence, training in guerrilla tactics and defying authority."

The famous Baptist minister declares that, "incredible as it may seem, we are on the road to anarchy in some of the large cities of this country, and the symptoms are ominous and dangerous." He says that "our leaders should not ignore this threat any longer."

Recently, Congress has been studying the Ku Klux Klan and is about to consider legislation dealing with "clandestine organizations." But this does not go far enough. For it is becoming known that some of the persons with considerable influence in the terroristic activities being carried on in the name of the "civil rights" movement in America either are Communists themselves, or are sympathetic to communism.

Dr. Graham points out that many of the demonstrations have "the pattern of defiance of authority," and he emphasizes that "they are organized and planned by a hard core of extremists who are taking advantage of just grievances by people living in the frustrations of ghettos." He adds that "the FBI and the President know who they (the extremist leaders) are and what they are up to. Now the people need to know. Congress has no more urgent business than to pass laws with teeth in them."

Police Superintendent O. W. Wilson in Chicago says the recent riots there were intensified by militant groups which courted violence. So far as is known, not one of the principal leaders of the civil rights groups is himself accused of being a Communist. But among the different organizations are said to be top advisers with a wide knowledge of Communist tactics who are accomplishing what the Communists want—namely, to produce a state of anarchy by means of violence, as mobs are incited and collisions with the police are stimulated.

Nearly every day the newspapers are reporting hundreds of Negroes shouting either "Black Power!" or other provocative slogans, as they clash with the police. Innocent bystanders have been hurt and lives have been lost. Big riots have occurred not only in Chicago and New York, but also in many other cities in nearly every section of the country, from Los Angeles to Jacksonville, Fla., and from Memphis, Tenn., to South Bend, Ind.

It is difficult for the President himself to reveal individual identifications. He can only denounce in general terms the types of organizations which are guilty of what amounts to a process of subversion. Congressional committees, on the other hand, have the power to subpena witnesses and to expose the inner workings of Communist and other groups. But there has been a tendency in recent months to deal gently with civil rights organizations for fear of alienating votes. The theory is that Negroes themselves would resent such accusations and that this would be considered as a blanket indictment of the Negro cause.

The time has come, however, in the opinion of many observers—particularly those who agree with Dr. Graham—for the administration to initiate hearings in Congress and tell the people what is going on that has caused much of the rioting and mob violence, allegedly in support of the civil-rights movement. Actually the result has been a disturbing of the peace generally and a heating up of friction between the races.

Dr. Graham's appeal expresses the viewpoint of many citizens who have been hopeful that Congress would forget about politics, courageously tackle the problem of mob violence, and make it a crime to impair the safety of citizens anywhere in the United States by incitements to violence. Many people are unable to traverse the city streets nowadays and go to and from their homes without being subjected to the risks and dangers of physical violence.

In these days of increased reliance on the federal government there has been a strange indifference here to the use of those powers which could be lawfully exercised to stop the wave of mobocracy that has been developing throughout the country.

HOUSING BILL

Mr. FINO. Mr. Speaker, I ask unanimous consent to address the House for 1 minute, to revise and extend my remarks, and to include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. FINO. Mr. Speaker, a few days ago, the Vice President of the United States addressed the National Association of Counties in New Orleans.

Coming during a period of riots in our larger cities, his words could not have been more untimely. In referring to what he called ghetto conditions in our larger cities, he said:

> I think you'd have had more trouble than you have had already because I've got enough spark left in me to lead a mighty good revolt under these conditions.

He then went on to predict open violence in every major city and county in America unless Congress voted all the money the President wants for rent supplements.

This is downright disgusting. It is an attempt by the Vice President to blackjack Congress into a mood of panic in order to save a floundering and highly unpopular administration request. It is also inciting to riot on the basis of misrepresentation, because rent supplements will do nothing for the ghetto. Secretary Weaver has often said that the rent supplement program is aimed at lower middle income groups, and the Catholic archdiocese of New York has said that per unit cost levels laid down by Secretary Weaver are too low to permit new rent supplement housing to be built in the urban core areas of cities like New York.

I have been an outspoken opponent of rent supplements, and after reading the Vice President's remarks, I am more fortified in my convictions than ever before. The Vice President will bear a grave responsibility in blood and lives if he tries to provoke minority group members to riot for rent supplements. The Vice President will not convince the Senate to vote rent supplement appropriations with the specter of bloodshed.

A few years ago, the Congress was told this same line of malarkey in connection with the below-market interest rate rent subsidy program. We were told that this was a program to house the poor. Today, barely 5 years after its enactment, this program is subsidizing the rentals of families making up to $14,000 a year. The same sad story will evolve with regard to rent subsidies if the Congress bows to the threats of the administration and funds the rent subsidy program.

In a few weeks we will hear the same warnings and threats in connection with this year's housing bill. We will be told that it must be passed to avert further riots and civil disobedience in every city in this country.

Mr. Speaker, I include at this point in my remarks an editorial from the Washington Daily News of July 20, and a copy of the FHA maximum income limits for the section 221(d)(3) below market interest rate rent subsidy program:

HHH and the Long Hot Summer

About the last thing the nation needs during this long hot summer is any implication that violence has official sanction as an instrument of protest.

Yet that is what no less an official than Hubert Humphrey implied during his speech to the National Association of Counties in New Orleans.

If he had to live in a slum, said the voluble Vice President, "I think you'd have more trouble than you have had already because I've got enough spark left in me to lead a mighty good revolt under those conditions."

He predicted "open violence in every major city and county in America" unless the Administration's plan for rent subsidies was adopted.

Whatever else he might have had in mind, Mr. Humphrey's vicarious "revolt" and his forecasts of further violence will serve only to encourage the brick throwers.

Nor will Federal rent subsidies, if approved, automatically cure the complex problems of slum dwellers or restrain the violent, who will use any excuse for lawlessness.

The Vice President, who included in his speech other and more constructive suggestions for upgrading slums, knows that.

But his irresponsible remarks do him no credit and won't help those, who live much closer to violence than he, to get the job done. The Vice President's tongue obviously outran his good judgment.

[FHA No. 748 Rev. 8/65]

Maximum Income Limits for Occupancy of Section 221(d)(3) Below Market Interest Rate Housing—3%—August 1965

(Federal Housing Administration, Washington, D.C.)

If area is an SMSA (Standard Metropolitan Statistical Area), income limits are applicable to all other localities within the SMSA, provided such localities have current Workable Programs.

Titles and definitions of Standard Metropolitan Statistical Areas as defined in 1964 are listed in the Bureau of the Budget release "Standard Metropolitan Statistical Areas," 1964, or inquiry can be made at any FHA Insuring Office. This publication is for sale by the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402—Price 25 cents.

Maximum income limits for occupancy of sec. 221(d)(3) below market interest rate housing (3 percent), August 1965

State and city	1-person households [1]	Families of—			
		2 persons	3 and 4 persons	5 and 6 persons	7 persons or more
Alabama:					
Birmingham SMSA [2]	$4,300	$5,250	$6,150	$7,050	$8,000
Decatur	4,000	4,850	5,700	6,550	7,400
Mobile SMSA	4,100	4,950	5,850	6,750	7,600
Opelika	3,800	4,600	5,400	6,200	7,000
Selma	3,400	4,100	4,850	5,550	6,300
Alaska:					
Anchorage	7,100	8,650	10,150	11,650	13,200
Cordova	7,100	8,650	10,150	11,650	13,200
Fairbanks	6,800	8,250	9,700	11,150	12,600
Juneau	7,650	9,250	10,900	12,550	14,150
Kodiak	7,100	8,650	10,150	11,650	13,200
Petersburg	7,650	9,250	10,900	12,550	14,150
Seldovia	7,100	8,650	10,150	11,650	13,200
Seward	7,100	8,650	10,150	11,650	13,200
Valdez	7,100	8,650	10,150	11,650	13,200
Wrangell	7,650	9,250	10,900	12,550	14,150
Arizona:					
Flagstaff	5,050	6,100	7,200	8,300	9,350
Phoenix SMSA [2]	4,600	5,600	6,600	7,600	8,600
Tucson SMSA	4,350	5,250	6,200	7,150	8,050
Yuma	4,700	5,700	6,700	7,700	8,700
Arkansas: Little Rock-North Little Rock SMSA	4,450	5,400	6,350	7,300	8,250
California:					
Anaheim-Santa Ana-Garden Grove SMSA	5,900	7,200	8,450	9,700	11,000
Brawley	4,500	5,500	6,450	7,400	8,400
Calexico	4,400	5,300	6,250	7,200	8,150
Clear Lake	4,200	5,100	6,000	6,900	7,800
El Centro	5,150	6,250	7,350	8,450	9,550
Fresno SMSA	4,950	6,000	7,050	8,100	9,150
Holtville	5,100	6,200	7,300	8,400	9,500
Los Angeles-Long Beach SMSA [2]	5,550	6,750	7,950	9,150	10,350
Modesto	4,950	6,000	7,050	8,100	9,150
Napa County [2]	5,050	6,100	7,200	8,300	9,350
Sacramento SMSA [2]	4,750	5,800	6,800	7,800	8,850
Salinas area (Monterey-San Benito-Santa Cruz)	5,450	6,600	7,750	8,900	10,100
San Bernardino-Riverside-Ontario SMSA	4,800	5,800	6,850	7,900	8,900
San Diego SMSA [2]	5,500	6,650	7,850	9,050	10,200
San Francisco SMSA [2]	5,750	6,950	8,200	9,450	10,650
San Jose SMSA	5,550	6,700	7,900	9,100	10,250
Santa Barbara SMSA	5,750	6,950	8,200	9,450	10,650
Santa Rosa	4,850	5,900	6,950	8,000	9,050
Stockton SMSA	4,650	5,650	6,650	7,650	8,650
Tulare	4,950	6,050	7,100	8,150	9,250
Ventura County [2]	5,450	6,650	7,800	8,950	10,150
Colorado:					
Colorado Springs SMSA	4,750	5,750	6,750	7,750	8,800
Denver SMSA [2]	4,450	5,400	6,350	7,300	8,250
Connecticut:					
Bridgeport SMSA [2]	5,200	6,300	7,400	8,500	9,600
Bristol [2]	4,850	5,900	6,950	8,000	9,050
Danbury	4,850	5,900	6,950	8,000	9,050
Hartford SMSA [2]	4,850	5,900	6,950	8,000	9,050
Meriden SMSA [2]	4,850	5,900	6,950	8,000	9,050
Middletown	4,850	5,900	6,950	8,000	9,050
New Britain SMSA [2]	4,850	5,900	6,950	8,000	9,050
New Haven SMSA [2]	4,700	5,700	6,700	7,700	8,700
New London-Groton-Norwich SMSA [2]	4,850	5,900	6,950	8,000	9,050
Norwalk SMSA [2]	5,450	6,600	7,750	8,900	10,100
Stamford SMSA [2]	5,100	6,150	7,250	8,350	9,450
Waterbury SMSA	5,000	6,100	7,150	8,200	9,300
Windham	4,650	5,650	6,650	7,650	8,650
Delaware: Wilmington SMSA [2]	4,400	5,300	6,250	7,200	8,150
District of Columbia: Washington SMSA [2]	5,500	6,650	7,850	9,050	10,200
Florida:					
Brevard County [2]	4,850	5,850	6,900	7,950	8,950
Crestview	3,750	4,550	5,350	6,150	6,950
Fort Pierce	3,700	4,450	5,250	6,050	6,850
Fort Walton Beach	4,150	5,000	5,900	6,800	7,650
Gainsville [2]	4,450	5,400	6,350	7,300	8,250
Jacksonville SMSA [2]	4,150	5,050	5,950	6,850	7,750
Key West-Marathon	4,050	4,950	5,800	6,650	7,550
Miami SMSA	4,500	5,500	6,450	7,400	8,400
Orlando SMSA	4,150	5,000	5,900	6,800	7,650
Pensacola SMSA [2]	4,300	5,250	6,150	7,050	8,000
Tampa-St. Petersburg SMSA	3,900	4,750	5,600	6,450	7,300
Volusia County	3,800	4,600	5,450	6,250	7,100
West Palm Beach SMSA	4,550	5,550	6,500	7,500	8,450
Georgia:					
Atlanta SMSA [2]	4,650	5,650	6,650	7,650	8,650
Macon SMSA	4,150	5,050	5,950	6,850	7,750
Savannah SMSA	4,050	4,950	5,800	6,650	7,550
Hawaii:					
Hilo	4,950	6,050	7,100	8,150	9,250
Honolulu SMSA [2]	6,150	7,500	8,800	10,100	11,450
Idaho: Boise City SMSA [2]	3,900	4,700	5,550	6,400	7,200
Illinois:					
Carbondale	4,950	6,050	7,100	8,150	9,250
Champaign-Urbana SMSA	5,000	6,100	7,150	8,200	9,300
Chicago SMSA [2]	5,900	7,150	8,400	9,650	10,900
Danville	5,200	6,350	7,450	8,550	9,700
Decatur SMSA	5,300	6,400	7,550	8,700	9,800
Galesburg	5,250	6,400	7,500	8,650	9,750
Montgomery County	4,150	5,050	5,950	6,850	7,750
Peoria SMSA [2]	5,350	6,500	7,650	8,800	9,950
Rockford SMSA [2]	5,850	7,100	8,350	9,600	10,850
Illinois—Continued					
Savanna	$4,950	$6,050	$7,100	$8,150	$9,250
Springfield SMSA	5,250	6,400	7,500	8,650	9,750
Indiana:					
Anderson	4,500	5,500	6,450	7,400	8,400
Bloomington	4,650	5,650	6,650	7,650	8,650
Bremen	4,600	5,600	6,600	7,600	8,600
Elkhart	4,800	5,800	6,850	7,900	8,900
Evansville SMSA	4,600	5,550	6,550	7,550	8,500
Fort Wayne SMSA	4,950	6,050	7,100	8,150	9,250
Gary-Hammond-East Chicago SMSA	5,200	6,350	7,450	8,550	9,700
Indianapolis SMSA [2]	4,850	5,850	6,900	7,950	8,950
Kokomo	4,550	5,550	6,500	7,500	8,450
La Porte	5,150	6,250	7,350	8,450	9,550
Lawrenceburg	4,600	5,600	6,600	7,600	8,600
Michigan City	4,950	6,050	7,100	8,150	9,250
Rockport	3,850	4,700	5,500	6,350	7,150
South Bend SMSA	4,950	6,050	7,100	8,150	9,250
Terre Haute SMSA	4,850	5,850	6,900	7,950	8,950
Vincennes	4,550	5,550	6,500	7,500	8,450
Iowa:					
Davenport-Rock Island-Moline SMSA	5,300	6,450	7,600	8,750	9,900
Des Moines SMSA	5,350	6,500	7,650	8,800	9,950
Garner	4,250	5,150	6,050	6,950	7,850
Pella	4,700	5,700	6,700	7,700	8,700
Rockwell City	4,350	5,250	6,200	7,150	8,050
Kansas:					
Hutchinson	4,600	5,550	6,550	7,550	8,500
Topeka SMSA	5,150	6,250	7,350	8,450	9,550
Wichita SMSA	4,750	5,800	6,800	7,800	8,850
Kentucky:					
Frankfort [2]	4,100	4,950	5,850	6,750	7,600
Louisville SMSA [2]	4,400	5,350	6,300	7,250	8,200
Louisiana:					
Baton Rouge SMSA	4,750	5,750	6,750	7,750	8,800
New Orleans SMSA	4,750	5,800	6,800	7,800	8,850
Shreveport SMSA	4,400	5,350	6,300	7,250	8,200
Maine:					
Augusta	4,750	5,800	6,800	7,800	8,850
Bangor [2]	4,500	5,500	6,450	7,400	8,400
Portland SMSA [2]	4,500	5,500	6,450	7,400	8,400
Maryland: Baltimore SMSA [2]	4,150	5,050	5,950	6,850	7,750
Massachusetts:					
Boston SMSA	5,100	6,200	7,300	8,400	9,500
Brockton SMSA	4,800	5,800	6,850	7,900	8,900
Fall River SMSA	4,550	5,550	6,500	7,500	8,450
Lawrence-Haverhill SMSA	4,950	6,000	7,050	8,100	9,150
Lowell SMSA	5,050	6,100	7,200	8,300	9,350
Springfield-Chicopee-Holyoke SMSA [2]	4,850	5,850	6,900	7,950	8,950
Taunton	4,500	5,500	6,450	7,400	8,400
Worcester SMSA	4,850	5,900	6,950	8,000	9,050
Michigan:					
Ann Arbor SMSA [2]	4,950	6,050	7,100	8,150	9,250
Battle Creek SMSA	4,950	6,050	7,100	8,150	9,250
Bay City SMSA	4,600	5,550	6,550	7,550	8,500
Detroit SMSA	5,000	6,100	7,150	8,200	9,300
Flint SMSA	4,650	5,650	6,650	7,650	8,650
Grand Rapids SMSA [2]	4,950	6,050	7,100	8,150	9,250
Jackson SMSA [2]	5,000	6,100	7,150	8,200	9,300
Kalamazoo SMSA	4,600	5,600	6,600	7,600	8,600
Lansing SMSA [2]	5,000	6,100	7,150	8,200	9,300
Saginaw SMSA	4,900	6,000	7,050	8,100	9,150
St. Joseph-Benton Harbor	4,500	5,500	6,450	7,400	8,400
Minnesota:					
Duluth-Superior SMSA	4,650	5,650	6,650	7,650	8,650
Elk River	4,800	5,800	6,850	7,900	8,900
Grand Rapids [2]	4,950	6,050	7,100	8,150	9,250
Mankato	4,900	5,950	7,000	8,050	9,100
Minneapolis-St. Paul SMSA [2]	5,100	6,150	7,250	8,350	9,450
Rochester [2]	5,000	6,100	7,150	8,200	9,300
St. Cloud	5,200	6,350	7,450	8,550	9,700
Winona	4,850	5,900	6,950	8,000	9,050
Mississippi:					
Corinth	3,500	4,250	5,000	5,750	6,500
Gulfport	3,900	4,700	5,550	6,400	7,200
Jackson SMSA [2]	4,050	4,900	5,750	6,600	7,500
Missouri:					
Columbia	4,900	6,000	7,050	8,100	9,150
Joplin	4,200	5,100	6,000	6,900	7,800
Kansas City SMSA [2]	4,700	5,700	6,700	7,700	8,700
St. Joseph SMSA	4,400	5,300	6,250	7,200	8,150
St. Louis SMSA [2]	5,300	6,450	7,600	8,750	9,900
Springfield SMSA	4,500	5,450	6,400	7,350	8,300
Montana:					
Bozeman	5,150	6,250	7,350	8,450	9,550
Butte	4,900	5,950	7,000	8,050	9,100
Glendive	5,000	6,100	7,150	8,200	9,300
Great Falls SMSA [2]	5,200	6,300	7,400	8,500	9,600
Helena	5,300	6,400	7,550	8,700	9,800
Nebraska:					
Lincoln SMSA [2]	4,600	5,550	6,550	7,550	8,500
Omaha SMSA	5,550	6,750	7,950	9,150	10,350
Nevada:					
Las Vegas SMSA [2]	5,450	6,600	7,750	8,900	10,100
Reno SMSA [2]	5,500	6,650	7,850	9,050	10,200
New Hampshire: Manchester SMSA [2]	4,600	5,600	6,600	7,600	8,600
New Jersey:					
Asbury Park	4,650	5,650	6,650	7,650	8,650
Atlantic City SMSA	4,550	5,550	6,500	7,500	8,450

Footnotes at end of table.

Maximum income limits for occupancy of sec. 221(d)(3) below market interest rate housing (3 percent), August 1965—Continued

State and city	1-person house-holds [1]	Families of— 2 persons	Families of— 3 and 4 persons	Families of— 5 and 6 persons	Families of— 7 persons or more
New Jersey—Continued					
Camden [2]	$4,400	$5,350	$6,300	$7,250	$8,200
Jersey City SMSA [2]	5,500	6,650	7,850	9,050	10,200
Long Beach [2]	5,050	6,100	7,200	8,300	9,350
Metuchen	4,950	6,000	7,050	8,100	9,150
Newark SMSA [2]	5,500	6,650	7,850	9,050	10,200
New Brunswick [2]	5,500	6,650	7,850	9,050	10,200
Paterson-Clifton-Passaic SMSA [2]	5,100	6,200	7,300	8,400	9,500
Perth Amboy	5,200	6,350	7,450	8,550	9,700
Red Bank-Eatontown	5,200	6,350	7,450	8,550	9,700
Trenton SMSA [2]	4,700	5,700	6,700	7,700	8,700
New Mexico:					
Albuquerque SMSA [2]	4,000	4,850	5,700	6,550	7,400
Las Cruces [2]	3,900	4,750	5,600	6,450	7,300
Santa Fe	4,100	4,950	5,850	6,750	7,600
New York:					
Albany-Schenectady-Troy SMSA [2]	4,750	5,750	6,750	7,750	8,800
Binghamton SMSA [2]	4,900	5,950	7,000	8,050	9,100
Buffalo SMSA [2]	5,000	6,100	7,150	8,200	9,300
Ithaca [2]	5,100	6,150	7,250	8,350	9,450
Middletown	4,700	5,700	6,700	7,700	8,700
Monticello	4,350	5,250	6,200	7,150	8,050
Newburgh	4,850	5,850	6,900	7,950	8,950
New York SMSA [2]	5,750	6,950	8,200	9,450	10,650
Poughkeepsie	4,850	5,900	6,950	8,000	9,050
Rochester SMSA [2]	5,000	6,100	7,150	8,200	9,300
Syracuse SMSA	5,050	6,100	7,200	8,300	9,350
Utica-Rome SMSA	4,700	5,700	6,700	7,700	8,700
North Carolina:					
Charlotte SMSA	3,900	4,700	5,550	6,400	7,200
Durham SMSA	3,850	4,700	5,500	6,350	7,150
Greensboro-Highpoint SMSA [2]	3,800	4,600	5,400	6,200	7,000
Raleigh SMSA	3,800	4,650	5,450	6,250	7,100
Salisbury [2]	3,550	4,300	5,050	5,800	6,550
Winston-Salem SMSA	3,800	4,650	5,450	6,250	7,100
North Dakota:					
Beach	3,800	4,600	5,400	6,200	7,000
Bismarck [2]	5,050	6,100	7,200	8,300	9,350
Fargo-Moorhead SMSA [2]	4,850	5,900	6,950	8,000	9,050
Garrison	3,850	4,700	5,500	6,350	7,150
Glen Ullin	3,600	4,400	5,150	5,900	6,700
Valley City	4,450	5,400	6,350	7,300	8,250
Wishek	4,750	5,800	6,800	7,800	8,850
Ohio:					
Akron SMSA	5,100	6,200	7,300	8,400	9,500
Canton SMSA	4,950	6,050	7,100	8,150	9,250
Cincinnati SMSA [2]	4,750	5,800	6,800	7,800	8,850
Cleveland SMSA	5,300	6,450	7,600	8,750	9,900
Clyde	4,600	5,550	6,550	7,550	8,500
Columbus SMSA [2]	4,900	5,950	7,000	8,050	9,100
Dayton SMSA [2]	4,600	5,600	6,600	7,600	8,600
Hamilton-Middletown SMSA	4,700	5,700	6,700	7,700	8,700
Huron	5,100	6,150	7,250	8,350	9,450
Lorain-Elyria SMSA	5,100	6,150	7,250	8,350	9,450
Toledo SMSA	5,100	6,150	7,250	8,350	9,450
Youngstown-Warren SMSA	4,950	6,000	7,050	8,100	9,150
Oklahoma:					
Oklahoma City SMSA [2]	4,550	5,550	6,500	7,500	8,450
Tulsa SMSA [2]	4,650	5,650	6,650	7,650	8,650
Oregon:					
Arlington	4,700	5,700	6,700	7,700	8,700
Corvallis	5,100	6,200	7,300	8,400	9,500
Eugene SMSA	4,950	6,050	7,100	8,150	9,250
Portland SMSA [2]	5,100	6,150	7,250	8,350	9,450
Salem [2]	5,150	6,250	7,350	8,450	9,550
Pennsylvania:					
Allentown-Bethlehem-Easton SMSA	4,700	5,700	6,700	7,700	8,700
Chambersburg	4,400	5,300	6,250	7,200	8,150
Harrisburg SMSA	4,500	5,450	6,400	7,350	8,300
Johnstown SMSA	4,650	5,650	6,650	7,650	8,650
Lancaster SMSA	4,400	5,300	6,250	7,200	8,150
Pennsylvania—Continued					
Philadelphia SMSA [2]	$4,300	$5,250	$6,150	$7,050	$8,000
Pittsburgh SMSA [2]	4,500	5,500	6,450	7,400	8,400
State College	4,250	5,200	6,100	7,000	7,950
York SMSA	4,450	5,400	6,350	7,300	8,250
Rhode Island:					
Newport County	4,400	5,350	6,300	7,250	8,200
Providence-Pawtucket SMSA	5,000	6,100	7,150	8,200	9,300
South Carolina:					
Charleston SMSA	4,150	5,050	5,950	6,850	7,750
Columbia SMSA [2]	3,700	4,450	5,250	6,050	6,850
Spartanburg	3,700	4,500	5,300	6,100	6,900
South Dakota: Sioux Falls SMSA [2]	4,700	5,700	6,700	7,700	8,700
Tennessee:					
Chattanooga SMSA	4,400	5,300	6,250	7,200	8,150
Franklin	4,050	4,950	5,800	6,650	7,550
Jackson	3,700	4,450	5,250	6,050	6,850
Johnson City	3,800	4,650	5,450	6,250	7,100
Knoxville SMSA	4,250	5,200	6,100	7,000	7,950
Lewisburg	3,700	4,500	5,300	6,100	6,900
Memphis SMSA [2]	3,850	4,700	5,500	6,350	7,150
Morristown	3,550	4,300	5,050	5,800	6,550
Nashville SMSA	4,750	5,750	6,750	7,750	8,800
Texas:					
Austin SMSA	4,400	5,350	6,300	7,250	8,200
Beaumont-Port Arthur SMSA [2]	4,400	5,350	6,300	7,250	8,200
Crystal City	4,500	5,450	6,400	7,350	8,300
Dallas SMSA [2]	4,850	5,850	6,900	7,950	8,950
Diboll	3,350	4,050	4,750	5,450	6,200
El Paso SMSA [2]	4,050	4,900	5,750	6,600	7,500
Fort Worth SMSA	4,450	5,400	6,350	7,300	8,250
Galveston-Texas City SMSA	4,500	5,450	6,400	7,350	8,300
Harker Heights	3,300	4,000	4,700	5,400	6,100
Hearne	3,150	3,850	4,500	5,200	5,850
Houston SMSA [2]	4,550	5,550	6,500	7,500	8,450
Killeen	3,200	3,900	4,600	5,300	6,000
Longview	4,000	4,900	5,750	6,600	7,500
Lubbock SMSA [2]	4,250	5,200	6,100	7,000	7,950
San Antonio SMSA	4,350	5,250	6,200	7,150	8,050
Waco SMSA	4,100	4,950	5,850	6,750	7,600
Utah: Salt Lake City SMSA [2]	4,300	5,250	6,150	7,050	8,000
Vermont: Burlington [2]	4,500	5,500	6,450	7,400	8,400
Virginia:					
Charlottesville	4,200	5,100	6,000	6,900	7,800
Newport News-Hampton SMSA	4,050	4,950	5,800	6,650	7,550
Norfolk SMSA [2]	4,100	4,950	5,850	6,750	7,600
Richmond SMSA [2]	4,100	4,950	5,850	6,750	7,600
Roanoke SMSA	3,950	4,800	5,650	6,500	7,350
Washington:					
Pasco-Kennewick-Richland	5,150	6,250	7,350	8,450	9,550
Seattle SMSA [2]	4,950	6,050	7,100	8,150	9,250
Spokane SMSA [2]	4,850	5,850	6,900	7,950	8,950
Tacoma SMSA	4,950	6,000	7,050	8,100	9,150
West Virginia: Charleston SMSA	5,100	6,200	7,300	8,400	9,500
Wisconsin:					
Kenosha SMSA	4,850	5,850	6,900	7,950	8,950
Madison SMSA [2]	4,650	5,650	6,650	7,650	8,650
Milwaukee SMSA [2]	5,200	6,350	7,450	8,550	9,700
Wyoming:					
Casper [2]	4,500	5,450	6,400	7,350	8,300
Cody	4,400	5,350	6,300	7,250	8,200
Gillette	4,500	5,500	6,450	7,400	8,400
Powell	4,400	5,300	6,250	7,200	8,150
Puerto Rico:					
Ponce	3,250	3,950	4,650	5,350	6,050
San Juan	3,250	3,950	4,650	5,350	6,050
Virgin Islands:					
St. Croix	4,650	5,650	6,650	7,650	8,650
St. Thomas	4,650	5,650	6,650	7,650	8,650

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[1] Single persons, who are 62 years of age or older or who are handicapped, are eligible for sec. 221(d)(3) housing.

[2] Income limits based on noncurrent data. Income limits for these areas are not to be used for commitment processing. The FHA insuring office must submit to the Office of Technical Standards an updated cost estimate of example structure exhibit B before firm income limits can be established.

CAPTIVE NATIONS WEEK

Mr. **ALBERT**. Mr. Speaker, I ask unanimous consent that the gentleman from Massachusetts [Mr. McCORMACK] may extend his remarks at this point in the RECORD and include extraneous matter.

The **SPEAKER**. Is there objection to the request of the gentleman from Oklahoma?

There was no objection.

Mr. **McCORMACK**. Mr. Speaker, this memorable and momentous week is the eighth anniversary observance of Captive Nations Week. Since 1959 it has become a national observance for us in this great Republic. Considering the sad fate of so many millions in central and eastern Europe, we could do no less, and I am indeed glad that through a joint congressional resolution and by the proclamation of the President the observance of Captive Nations Week was established. It was done in protest against the Soviet Government's deliberate effort to uproot and eliminate all freedom in all central and east European countries over which communism is maintained today through brute force. In adopting this joint resolution the unmistakable intent of the Congress was to proclaim to the free world that neither the people nor the government of the United States would recognize as permanent the present unenviable status of these nations suffering under Communist totalitarianism in their homeland.

At the end of the last war calamities and tragedies followed each other on unprecedented scale and in quick succession. As a matter of fact even before the victory of the allies over Axis totalitarianism was assured, Communist totalitarianism had already shown its ugly head and grasping hands by occupying and annexing a number of hitherto independent countries in Europe, thus dooming inhabitants there to eventual Soviet enslavement. At the time, however, these moves were not regarded by some people too seriously. Some people even tried to justify certain Soviet moves. Moreover, the governments of democratic countries in the West hoped that these excesses of the Soviet Government could be corrected in calm deliberations that were expected to follow the end of the war. This tolerant and patient attitude of leniency and forbearance on the part of the West toward the Soviet Union, as we all ruefully admit today, was a most serious and grievous mistake. Since the end of the war, for 21 years, the governments of the free West have been trying to correct that major mistake and undo the resulting mischief. Unfortunately thus far all efforts on the part of the West have brought no tangible result.

As the consequence of the Soviet Union's militant aggressive policy in Europe there are today a number of Eastern European nations which are captives of the Kremlin, and a part of another nation—Germany—shares the same fate. These peoples live in countries extending from the Bay of Finland to the Black Sea. They include the Estonians, Latvians, Lithuanians, Poles, Czechoslovaks, Hungarians, Bulgarians, Albanians, and Rumanians, besides some 17 million Germans in the so-called People's Republic of East Germany. Peoples in all these countries have been suffering under Communist totalitarian dictatorship, imposed and maintained upon them by the Kremlin, for more than two decades. The peoples in the three Baltic countries, the Estonians, Latvians, and Lithuanians, have endured the oppressive Communist rule longer than other captive nations.

These people suffer under an additional stigma in that their homelands have been annexed by the Soviet Union and, as far as the Soviet Union is aware, there are no such independent and sovereign entities today as Estonia, Latvia, and Lithuania.

The other captive nations named above, including East Germany, are called free and independent states by the Soviet government. But this is a misleading falsehood. In the West we christened these nations with a new name; to us they all are Soviet satellites, mere marionettes chained to the Soviet steamroller. Today, and until they attain their freedom, the peoples of these countries are captive peoples. In their foreign and domestic policies, in their political, economic, and social structure, the governments of these countries, and their helpless subjects are compelled to follow the inflexible, unbending Kremlin line.

No deviation from that consistent Communist line is tolerated or permitted, and the slightest show of deviation on the part of any of the governments in these countries is ruthlessly punished. Thus the peoples and governments in the Baltic countries, in East Germany, Poland, Czechoslovakia, Hungary, Albania, Bulgaria, and Rumania are captives of the Kremlin. They have been practically sealed off from the free world by the detestable Iron Curtain, one imposed deliberately and maintained quite effectively by the Kremlin between the free West and enslaved East. The truth about these countries is carefully hidden from the peoples of the West, and of course the peoples of these countries are not allowed to travel freely to the countries in the West.

This wholesale enslavement of so many nations, with nearly 100 million freedom-seeking souls, quite unprecedented in known human history on such a scale, has become well-nigh unbelievable, yet it is the saddest and the most depressing truth we are facing today. Of course the helpless and unfortunate millions suffering there know this better than we do, and at times in defiance of their inhuman oppressors they have staged revolts. Unfortunately their valiant efforts have ended in veritable blood baths. However, it is heartening to know that, even under the most disheartening and depressing circumstances these peoples have not given up hope; they have not lost their faith in freedom, and to free themselves from the deadly clutches of Communist tyranny they are prepared to make the ultimate sacrifice for the sublime cause of freedom and democracy.

The people of this great Republic and their government have always shown genuine sympathy for the lot of these unhappy and unfortunate peoples, the captive nations of Europe. Their fate has been, and continues to be, a most serious concern of our Government and of its allies. These captive nations feel that they have a claim upon us, upon our sympathy and humanitarian feelings. They seem to feel that in these anxious days for democracy they are continuing the struggle for the cause of freedom in central and eastern Europe. We are fully cognizant of that, and are aware of our sacred moral responsibility toward these peoples. As proof of that, the observance of Captive Nations Week was duly enacted and proclaimed in 1959.

I offered the resolution in the House. By that act the President is authorized and requested to issue a proclamation each year "until such time as freedom and independence shall have been achieved for all the captive nations of the world." That is our credo, and I am happy to affirm it unequivocally and wholeheartedly on the eighth observance of Captive Nations Week.

A BILL TO DIMINISH THE RIGHTS OF THOSE "BORN TO RAISE HELL"

Mr. MICHEL. Mr. Speaker, I ask unanimous consent to extend my remarks at this point in the RECORD and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from Illinois?

There was no objection.

Mr. MICHEL. Mr. Speaker, in the Sunday, July 10, 1966, issue of the Peoria Journal Star there appeared an article concerning a riot in the Maryland Penitentiary. The Associated Press wire story stated in part:

> Injuries were few and minimal although hundreds of prisoners with baseball bats ran amok for more than two hours, starting fires in four buildings.

Mr. Speaker, the Federal Tort Claims Act, as we all know, imposes liability upon the United States for the negligent or wrongful conduct of its employes, acting within the scope of their employment, in cases where a private individual in like circumstances would be liable under the law of the place where the conduct occurred—28 U.S.C. 1346, 2674.

But this waiver of sovereign immunity from suit was not intended to be an all-encompassing one as the act, itself, contains 13 exceptions to such waiver thereby reserving the traditional sovereign immunity from suit to the United States in the circumstances enumerated in the exceptions—see 28 U.S.C. 2680.

Today, I am introducing a bill, which, if enacted, will provide a 14th exception to suit against the United States by providing that the Tort Claims Act shall not apply to "any claim by an individual confined in a Federal penal or correctional institution arising out of an act or omission of any employee of the Government engaged in the operation or management of such institution," that is, if enacted, the bill would preclude claims and recoveries by Federal prisoners for damages for personal injuries sustained during confinement and allegedly caused by the negligence of Federal prison personnel.

In this area of tort law, the lower Federal courts which have considered the issue, which is the substance of my bill, have held, with rare exception, that the Government was not liable for the negligence of its prison officials under the Federal Tort Claims Act.

However, the Federal Supreme Court, in 1963, reversed this rule in its decision in *U.S.* v. *Muniz*, 374 U.S. 150, on the ground, chiefly, that the legislative history of the Tort Claims Act establishes a congressional intent to include prisoner's claims within the act.

Since this decision, no doubt, a number of prisoner's claims for compensation have been, rightly or wrongly, initiated. In fact, on March 21, 1966, Judge Sidney O. Smith, Jr., of the U.S. District Court for the Northern District of Georgia, Atlanta Division, awarded the sum of $110,000 to Meyer Harris Cohen, a/k/a Mickey Cohen, as total compensation to him for injuries sustained during an assault upon him by a fellow inmate of the U.S. Penitentiary of Atlanta, Ga.

Against results such as these, I am inclined to seriously question not only the legal soundness of the Court's decision in the Muniz case, but, more importantly, its propriety.

The choice of a career in crime is an individual matter. Once made, it must be assumed that the individual also chooses the elements of violence and punishment which are attendant to the perpetration of the crime, or the confinement upon conviction of a crime. In brief, it may be said that having chosen a criminal career, the individual assumes all the risks inherent in such a life, not the least, of which, is the risk of violence at the hands of his fellow careerists either within or without the prison walls.

Having made the choice, and assumed the risks of his career, why, then, should the taxpayer be put to the burden of responding in damages when the violence the criminal assumes does, in fact, occur to his personal disadvantage.

The American soldier, charged with the constructive task of defending our freedoms, is not similarly privileged. To the contrary, the same Supreme Court held, in *Feres* v. *United States,* 340 U.S. 135, that a soldier could not sue under the Federal Tort Claims Act for injuries which arise out of or are in the course of the activity incident to his military service.

Among the reasons articulated by the Court, in support of its decision in the Feres case, was the existence of a comprehensive compensation system for the armed service personnel.

A similar, comprehensive system of compensation, of course, does not exist with regard to Federal prisoners. But a limited system does exist whereunder inmates or their dependents might be compensated for injuries suffered or sustained while engaged in any industry or in any work activity in connection with the maintenance or operation of the institution where such inmate is confined—see 18 U.S.C. 4126, which further provides that in no event shall the compensation paid be an amount greater than that provided in the Federal Employees' Compensation Act which is set forth at 5 U.S.C. 751 et seq.

Imperfect, or incomplete as this system of compensation may be, nevertheless, I submit, that it is the only system of compensation the Congress intended with regard to prison inmates who sustain injuries during their period of confinement. To contend otherwise, would, to me, endow those destructive elements of our society with privileges, advantages, and compensation superior to those granted to our military personnel whose service and career efforts are pointed to the constructive task of protecting and defending our Nation.

Given the authority to remedy this apparent inequity, can it be doubted that the taxpaying constituency would certainly prefer to legislate in a manner limiting the prisoner's recovery for personal injuries sustained during his confinement to those provided for in the aforesaid compensation act:

How, then, can we as the elected representatives of that constituency do otherwise?

To this end, then, I earnestly request your favorable consideration and prompt enactment at my bill to firmly declare the intent of the Congress in this area of tort claims by providing that the claims of Federal prisoners for damages for personal injuries sustained during confinement and allegedly caused by the negligence of Federal prison personnel are without the provisions of the Federal Tort Claims Act.

Mr. Speaker, under unanimous consent, I include at this point two editorials from the May 19, 1966, issue of the Peoria Labor News and the July 19, 1966, issue of the Peoria Journal Star:

[From the Peoria Labor News, May 19, 1966]

So, Who's Wrong?

There seem to be fashions in thinking, as well as in apparel, architecture, interior decorating, music, the arts, and practically anything else that comes to mind, and perhaps there is nothing basically wrong with intellectual cycles or anything else.

Unfortunately, most of us are prone to accept—if not necessarily follow—these trends without giving much thought to their validity.

Apparently there is an "in" way of thinking, and those of us who aren't the automatic "joiner" type and thus pass up the opportunity to participate in the "jet set" intellectuals probably should keep quiet.

But here is one lone voice of possible dissent, or at least skeptical question, to the rapidly spreading theory that the increasing crime rate and other unpleasant developments of modern living are due primarily to the fact that our modern society isn't perfect.

Well, in the first place no one of any consequence has ever claimed that the society of our times is perfect, or that the average Joe Blow citizen is a paragon of virtue, without blemish or without fault.

But how or why should that excuse the criminal who can't or won't obey the law like anyone else; why should living in an imperfect society condone the lazy, the unwilling or the "I want-it-now" kooks who think that working hard and saving are all right for others but not for them?

For the victims of misfortune, of illness, accidents or such economic hazards as unemployment and layoffs, there should be understanding and constructive help; for those who are denied equal opportunity there must be effective aid; for the aged, the ill and the unemployable there must be compassion and a chance to live with some measure of individual dignity.

But let's not go overboard in excusing those who deliberately rob, cheat, steal or chisel because they haven't developed a taste for honest work.

Certainly, our society isn't perfect. Admittedly, there are some things wrong—perhaps even quite a few things wrong—with the economic, social and cultural structure that people are building, and trying to improve, in this country and the rest of the world.

But take a closer look at those who refuse to abide by the rules and regulations that society has devised for its own protection.

Isn't it barely possible that there may be something wrong with them?

[From the Peoria Journal Star, July 19, 1966]

"Born To Raise Hell" Unhindered

Not a single soul was surprised that the man behind the fingerprints in the bloody Chicago apartment where eight nurses were slaughtered turned out to be an ex-convict with a long record of trouble. We're used to it.

Indeed, he was not only a man with a penchant for getting into trouble but one who advertised his war against society in tattoos on his arms.

Yet, society, itself, refused to recognize him as a serious menace until eight young women, preparing for a life of service to their fellow men, were led out to brutal slaughter one by one.

Were they the first? Were they the only ones to pay a frightful cost for our self-righteous indulgence of men like their murderer?

It is an interesting exercise to wonder how men become as bestial as that, and to speculate about the possibilities of curing them. It would be a wonderful thing if we could find a genuine solution by such means.

The record is written in blood from one end of the country to the other, however, that we have failed to do so effectively.

What we have succeeded in doing is releasing such men, over and over again, to carry on this and other kinds of depradations on their fellow men.

We have succeeded in making their capture and conviction increasingly difficult. We have succeeded in making it virtually impossible to hold them in safe restraint as they develop down the path of beatings and burglaries and robberies such as preceded this violent outbreak.

We have succeeded in finding ways for them to return to lives of violence if, by some stroke of fortune, we do manage to convict them.

And with it all we have succeeded in abandoning the reasonable protection of the population—in this case eight young women learning a humanitarian skill.

Society must learn to protect itself—intelligently, realistically, and with restraint—but to successfully protect itself from those who prey upon their fellow man, regardless of how "they got that way."

Ironically, if this man had killed all nine, and one had not miraculously escaped his knife, the chances of convicting him under existing Supreme Court rules would be very slim, indeed.

You don't invite witnesses to crimes of murder and robbery. Yet, we have imposed rules now, whereby without witnesses effective investigation is crippled and effective prosecution almost impossible.

Ironically, too, we have news of major crime in California now being suppressed because of another Supreme Court ruling regarding "pretrial publicity"—and if similar procedures were followed in this case the man might never have been found nor arrested.

If the practice initiated by the Supreme Court spreads, the public will not even have the basic knowledge of what is going on and what criminal activities are threatening their lives—or what public officials are failing in their duty regarding criminal activities.

A change will come when the skyrocketing crime rate reaches the point of public explosion, and tragically, if we wait until then the answer may then be a system of justice much harsher than necessary.

CAPTIVE NATIONS WEEK

Mr. STRATTON. Mr. Speaker, I ask unanimous consent to extend my remarks at this point in the RECORD and include extraneous matter.

The **SPEAKER**. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. STRATTON. Mr. Speaker, it is Captive Nations Week here in America once again. And once again I am happy to raise my voice in support of the cause of freedom for the peoples of these unfortunate countries.

Captive Nations Week, which we have now been observing annually since it was established in 1959, serves a very useful purpose.

It keeps us continually aware of democracy's unfinished work and deserves the attention and support of citizens throughout our land.

It is a time, Mr. Speaker, to renew our pledge to those who lost their freedom at the ruthless hands of Communist tyrants. It is an opportunity to make it clear once again to the rulers in Moscow, Peking, and tyrants wherever they exist, that democracy is a living and dynamic force that will not only survive but will grow. We can make it clear, as we do today on the battlefields of Vietnam, that the United States as leader of the free world does not shrink from that responsibility but rather accepts it as a challenge and an opportunity recognizing that our freedom and that of every nation throughout the world will rise or fall together. This fact has become even abundantly clear in a world which grows smaller every day.

Therefore, the plight of the captive nations is our plight; their hope to regain their freedom and independence is our hope, for we share with them a common goal of independence and the common cause of liberty. Let it be known to those who yearn for their freedom and those that deny it to them that the United States is determined in this cause and committed to this goal.

We recognize, Mr. Speaker, that the struggle for freedom is an endless one. Even when the independence of the captive nations is regained, the struggle will not be over. The forces of freedom must constantly be alert and freemen must always be ready to defend the liberty they love.

The conditions that exist in the captive nations today, the lack of free speech, the lack of religious freedom, in short, the absence of those institutions which are the sacred rights of a freeman, should be made known to those who are asked to make the choice of which type of society they wish to be a part and remembered by those who question whether the sacrifices over the years and today in Vietnam are worthwhile.

Most of all, Mr. Speaker, this week serves the purpose of reminding us that communism has not changed her spots. When we thought that tension had eased in the Caribbean and in Europe, the war in Vietnam heated up. And today the Soviet Union has even refused to send athletes to compete against our own boys in a track meet just because of our determination to resist aggression in Vietnam. No, it does not take much to break through the thin veneer and see the same old Communist tyranny underneath.

So let us not think the problem is solved. Let us not think we can forget the people of the captive nations. Let us resolve instead to keep up the pressure. Since we last met here in this well Indonesia has come over to freedom. Rumania and Bulgaria are making unusual noises. Our efforts, I am convinced, are paying off. Let us keep on pushing, and working, and fighting for freedom, everywhere in the world.

HOUSE SHOULD ACT ON ETHICS LEGISLATION

Mr. BENNETT. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The SPEAKER. Is there objection to the request of the gentleman from Florida?

There was no objection.

Mr. BENNETT. Mr. Speaker, the Nation continues to be shocked and puzzled about the recent Senate investigation and hearing into possible conflicts of interest and the possible misappropriation of campaign funds of a Member of Congress. This situation again points up the need to put teeth into the Code of Ethics for Government Service, which a number of us were successful in enacting in 1958.

During the Senate Rules Committee hearings in 1964, I urged the committee to adopt legislation which I have pushed for almost two decades. I am proud to say that my idea to establish a policing body in the Congress was adopted at least in the Senate. It should be adopted in the House as well.

I am hopeful the Committee on the Organization of Congress will include in its recommendations to the House of Representatives, the proposals which I have worked on and presented to the 89th Congress. I list them here and urge that the Committee give serious attention to reporting out a bill to include these proposals:

House Joint Resolution 36, to establish a Commission on Ethics in the Federal Government: This Commission would have investigative powers and would advise officials in the executive, legislative, and judicial branches of breaches of ethics for appropriate disciplinary action.

House Resolution 18, to establish a House Committee on Grievances: This committee would be authorized to require members of the House to make a full and complete disclosure of personal income and investments, and would have investigative powers leading to recommendations for censure, expulsion, impeachment or prosecution in case of wrongdoings.

H.R. 9626, to tighten the lobbying laws by turning over the administration of lobbying procedures and reporting to the Comptroller General of the United States, to enforce the lobbying law, which is not now being done.

Speedy action will clear the air on possible continued violations of the Code of Ethics which needs these strengthening provisions in the public interest.

GENERAL OBSERVATIONS OF U.N. COMMITTEE OF EXPERTS

Mr. FASCELL. Mr. Speaker, I ask unanimous consent to extend my remarks at this point in the RECORD and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from Florida?

There was no objection.

Mr. FASCELL. Mr. Speaker, in December 1965, the General Assembly of the United Nations established an Ad Hoc Committee of Experts to examine the finances of the United Nations and of the specialized agencies.

The Ad Hoc Committee was composed of 14 countries designated by the President of the United Nations General Assembly. They were: Argentina, Brazil, Canada, France, Hungary, India, Italy, Japan, Nigeria, Senegal, Union of Soviet Socialist Republics, United Arab Republic, United Kingdom of Great Britain and Northern Ireland, and United States of America.

During the past 6 months the Ad Hoc Committee held some 95 plenary meetings devoted to analyzing the financial situation of the whole family of United Nations organizations. In addition, the Ad Hoc Committee worked through various working and drafting groups which met as required to perform various specific functions.

The report which culminates the comprehensive efforts of the Ad Hoc Committee has been released this week and will be submitted to the United Nations General Assembly at its 21st session.

Mr. Speaker, in the brief time allotted to me today I shall not attempt to comment on the numerous recommendations made by the Ad Hoc Committee of Experts. I simply want to draw the attention of the Congress to the publication of the report and to some of the major recommendations included in it. A summary of these recommendations will follow at the end of my remarks.

I should also like to compliment the Ad Hoc Committee for their outstanding effort to improve the financial procedures of the entire family of United Nations organizations. As chairman of the Subcommittee on International Organizations and Movements of the Committee on Foreign Affairs, I have long advocated a thorough review of such procedures with a view to achieving greater economies, more efficient performance, and better coordination. I believe that the remarks of the Ad Hoc Committee of Experts, if properly implemented, will contribute to the attainment of those objectives.

Mr. Speaker, the "General Observations" of the Ad Hoc Committee of Experts, together with their recommendations on various subjects, are as follows:

EXCERPTS FROM REPORT OF AD HOC COMMITTEE OF EXPERTS

II. GENERAL OBSERVATIONS

14. The growth of economic and social activities in the United Nations family of organizations over the past decade has been truly remarkable. During that period, the total funds available to them have increased from about $186 million to almost half a billion dollars annually. Although a proportion of the total funds has been absorbed by increased administrative costs, a sizable part has been expended on new programmes in the field of economic and social development. But in spite of this growth in the developmental activities of the United Nations family of organizations, it must be recognized that the total needs of the developing countries are far in excess of available resources.

15. This unprecedented expansion of vital activities in the economic and social fields has not always followed a preconceived plan. Concern has been expressed lest uncontrolled expansions and growth should render less effective the increased efforts Member States must be prepared to make in order to accelerate economic and social progress in the

developing countries. A judicious allocation of the limited resources available must be made in order to achieve maximum results. For the same reason, it is incumbent upon the organizations, both individually and collectively, to keep their programmes and methods of work under constant review with a view to increasing the effectiveness of their action.

16. The recommendations which follow in this report are based on the general considerations contained in resolution 2049 (XX), namely that any expansion of the activities of the United Nations family of organizations "should take into account both the needs they are intended to meet and the costs Member States will have to bear as a result." In this context, and in addition to the recommendations set forth in the body of the report, certain members were of the opinion that the United Nations and the agencies should attempt to keep the expenditures provided for in their regular budgets within predetermined limits, or to define in advance a rate of growth for the United Nations family of organizations. Several other members were of the view that this was not practicable.

17. The Committee concentrated its endeavours on the basic measures needed to ensure greater efficiency and real value for money in the vital work of human, social and economic development. As a group of experts, the Committee has paid particular attention to over-all efficiency, to the elimination of possible duplication and overlapping, to improved methods of budget preparation and presentation, to inspection and control, to better administration, long-term planning and evaluation and to the best utilization of available resources, both human and material. It is the hope of the Committee that its recommendations, if found acceptable to the General Assembly and subsequently implemented, will further strengthen and invigorate the United Nations family of organizations in the performance of their fundamental task.

III. BUDGET PREPARATION, PRESENTATION AND PERFORMANCE

The Committee recommended the following:

A. Budget preparation

26. The heads of the organizations should transmit preliminary and approximate estimates to the bodies responsible for examining the budget early enough to enable them to consider the main items of the budget well in advance of formal presentation and to make comments and suggestions thereon in good time. This could be done about one year before the date on which the legislative bodies of the organizations are required to give their final approval to the budget.

27. The heads of the organizations would then prepare and draw up their budget estimates for detailed consideration by the competent constitutional organs. The documents constituting the budget estimates should be passed to the competent organs early enough to enable them to make a thorough study before the beginning of their budgetary sessions.

28. In all the organizations, a financial committee or similar body should make a report on the budget estimates, giving its comments thereon. The report should be made available to Members States in adequate time before formal adoption of the budget by the appropriate legislative bodies. Organizations should make sure that bodies responsible for examining financial matters should be so constituted as to make this examination as effective as possible and where members of financial committees or executive boards are not themselves specialists in financial matters they should as far as possible be assisted by such specialists at meetings at which budgetary matters are considered.

29. The organs responsible for examining the budget estimates should arrange their work in such a way that they can devote as many meetings to this subject as are necessary for a thorough discussion.

B. Standardization of budget documents

Uniform Budget Layout

30. A study should be undertaken under the auspices of the Advisory Committee on Administrative and Budgetary Questions with a view to defining ways and means of bringing the organizations' budget layouts into line and of consequently securing, if possible, their acceptance of a uniform budget presentation.

31. Pending the formulation of such a uniform budget presentation, each of the organizations, while retaining for its own budget the layout most closely suited to its particular operating conditions and at the same time to the requirements of control, should provide, in a special document, a breakdown of its expenditures following the standard classification which has been or will be proposed by the Administrative Committee on Co-ordination. As far as the United Nations is concerned, the special document should contain information on the various units included in the budget, particularly those related to the economic and social fields.

Common Principles of Budgetary Presentation

32. Without disrupting the practices followed by each organization, the organizations should in the first instance provide a certain amount of supplementary information for the purpose of imparting greater clarity to the existing budget documents.

(a) The organizations using the traditional budgetary breakdown by object of expenditure, should submit, either in the budget itself or in a special document, a breakdown of their expenditure by main fields of activity.

(b) The organizations using the functional method of budgetary breakdown by main fields of activity should submit, either in the budget itself or in a special document, a breakdown by object of expenditure.

(c) All organizations should submit certain annexes to their budgets, one of which should give a breakdown of expenditures into administrative costs, operational costs, and general research and study costs.

(d) All organizations should include in their budget documents a foreword and comments which are drafted along approximately the same lines.

Cost Increases for Present Establishment

33. Estimates should show clearly to what extent proposed increases are due, on the one hand, to expansion of staff, programs, or activities generally, and, on the other hand, to increases in prices (including in this term salaries and wages). All organizations should adopt a standard budgetary practice and nomenclature in identifying and showing separately increases in proposed expenditure due solely to rises in prices (including salaries and wages), noting that in this context the expression "mandatory increases" is inaccurate.

C. Budget practices and performance

Reporting on Budget Performance

34. The heads of all organizations should prepare a report on their budget performance, emphasizing the salient features of the performance and drawing attention to the main changes as compared with the original estimates including transfers and supplementary expenditures which have taken place during the financial period under consideration and measures taken to meet the cost increases for present establishment (particularly by way of savings, reassessment of priorities and redeployment of resources). These reports should be forwarded to Member States as soon as possible after the close of the financial year.

Transfers

35. The head of each organization should retain full discretion to make transfers within each "appropriation line", provided, however, that he report such transfers at the earliest opportunity to the competent organs vested with financial responsibility. The term appropriation line means the basic heading for the appropriation, whatever the name used by the organization in question.

36. The provisions set forth in paragraph 35 above might leave undue latitude where a particular appropriation line represents a disproportionately large percentage of the total budget. Accordingly, for the purpose of applying that paragraph, such appropriation lines should be subdivided into sub-headings of a reasonable size, each of which would be considered as an individual "appropriation line". It should be left to the competent organs vested with financial responsibility to decide which appropriation lines represent a disproportionately large percentage of the total budget, and what ought to be the size of the sub-headings.

37. As far as transfers between appropriation lines are concerned, the head of the organization should request prior authorization from the competent organs vested with financial responsibility, resorting, if necessary, to a postal approval procedure, which would have the advantage of enabling him to poll the members between sessions.

38. In his financial report on budget performance, the head of the organization should describe any transfers effected, and explain why they were made.

Supplementary Estimates

39. The heads of the organizations should calculate the budget estimates and control obligations in such a way as to ensure that appropriations are not exceeded.

40. Unavoidable increases in expenditure in certain sectors should, as far as possible, be financed in the first instance by savings in other sectors. This applies in particular to increases due to rises in prices (including in this term salaries and wages) which should so far as possible be absorbed by reassessment of priorities, redeployment of resources, and, where necessary, by adjustments within the budget.

41. In order to provide the heads of the organizations with a small amount of funds to meet contingencies which may arise and which cannot be met by savings or postponed until the adoption of the next budget, a special appropriation line might, where necessary, be included in the budget for these minor contingent expenses.

42. Drawings on the working capital fund to finance supplementary expenses without prior appropriation should, as a general rule, be discontinued as from the time when the organizations adopt the procedures suggested above.

43. Drawings on the working capital fund without prior appropriation should be made only in clearly exceptional cases involving emergencies within the limits laid down by legislative bodies, and to the extent that they cannot be financed out of the measures mentioned in paragraphs 40 and 41 above.

44. When drawings on the working capital fund without appropriation have been made, the heads of the organizations should report at the first opportunity to the competent organs vested with financial responsibility and submit the appropriate requests for supplementary appropriations to their organization's legislative body.

45. Adherence to the above procedure should ensure that recourse to supplementary appropriations would be kept to a minimum.

46. In every case the heads of the organizations should include as part of their annual financial reports the requisite explanation of the supplementary expenses incurred

and the financing procedure used to meet them.

Working Capital Funds

47. Working capital funds should not be used to finance supplementary expenses without prior appropriation, except in clearly exceptional cases (see paragraphs 43 and 44 above). The essential purpose of such funds is to make it possible to finance expenditures pending the collection of contributions.

48. The practice whereby some organizations credit all or part of their miscellaneous income to their working capital fund should be discontinued; miscellaneous income should be paid into the general fund.

49. The level of the working capital fund should be determined by reference not merely to the total budget but also to the expected timing of the inflow and outflow of total funds at the disposal of the organization.

50. Consequently, any requests for an increase in an organization's working capital fund should be accompanied by a statement of liquid funds, showing inflows and outflows on a monthly basis during set periods in preceding years and a forecast for the coming year. Explanatory comments should be provided specifying the main factors which might jeopardize the organization's liquidity and the time of year when they most usually occur. The competent organs would thus be in a better position to approve the most appropriate level for each organization's working capital fund.

51. The States members of the various organizations should pay their contributions as promptly as possible, so as not to create additional difficulties for the organizations in respect of liquidity.

D. Standardization of financial regulations

52. If the organizations decide to adapt their internal regulations in order to follow the recommendations made by the Committee in A, B and C above, they should try as far as possible to reconcile and standardize their respective financial regulations when making the necessary amendments thereto.

IV. THE BUDGET CYCLE

The Committee recommends that:

(a) Specialized agencies having an annual budget cycle should adopt a biennial cycle;

(b) The Secretary-General should be asked to make a detailed study of the advantages and disadvantages of a biennial cycle for the budget of the United Nations, having in mind the discussion of this matter in the Committee, and his report, together with the comments of the Advisory Committee on Administrative and Budgetary Questions thereon, should be submitted to the twenty-second session of the General Assembly.

V. STANDARDIZATION OF NOMENCLATURE

The Committee recommends that:

(a) The Secretary-General should be requested to pursue this matter actively in consultation with the agencies, and to prepare a report for the information of the General Assembly;

(b) The specialized agencies should lend their full co-operation to the Secretary-General in this matter;

(c) A standard nomenclature of budgetary and financial terms should be adopted and followed throughout the United Nations system.

VI. AUDIT, INSPECTION

The Committee recommends that:

A. External auditors

(a) The various organizations should, wherever necessary, amend their financial regulations which set out the duties of the external auditors, in order to enable them to make observations on the administration and management of these organizations;

(b) The Secretary-General, as chief administrative officer of the United Nations, and as Chairman of the Administrative Committee on Co-ordination, in co-operation with the heads of the specialized agencies after consultation with the Chairman of the United Nations Board of Auditors should study the question of the establishment of a common panel of auditors, responsible for auditing, on a rotational basis, the accounts of all the organizations of the United Nations family, and report thereon to the General Assembly at its twenty-second session.

B. Establishment of an inspection unit

An Inspection Unit should be established on the following lines:

(a) Establishment of the Inspection Unit: There should be established, in agreement with the various organizations of the United Nations family, a joint Inspection Unit. This Unit would be administratively attached to the Secretary-General, as chief administrative officer of the United Nations and as Chairman of the Administrative Committee on Co-ordination.

(b) Composition and appointment: The Inspection Unit should consist of a very limited number (not exceeding eight) of inspectors chosen from among members of national supervision or inspection bodies, or from among persons of similar competence, on the basis of their special experience in national or international administrative and financial matters. The President of the General Assembly should draw up, with due regard to equitable geographical distribution, a corresponding list of countries, each of which should be requested to nominate a candidate or preferably a panel of candidates. The inspectors should be appointed initially for a period of four years by the Secretary-General of the United Nations, after consultation with the other members of the Administrative Committee on Co-ordination. The inspectors should not be appointed to any post in the secretariats of the organizations of the United Nations family until the expiry of at least three years after termination of their functions.

(c) Functions and powers: The inspectors should make on-the-spot inquiries and investigations, some of which may be without prior notification, as and when they may themselves decide, in any of the services of the different organizations of the United Nations family. Acting singly or in small groups, they should have the broadest powers of investigation in all matters having a bearing on the efficiency of the services and the proper use of funds, and should be accorded at the highest level full co-operation and facilities for the discharge of their duties, including access to any particular information or document. They should be bound by professional secrecy as regards all the information they receive and the contents of their reports. Standards for the conduct of the inspections, and the inspection programme, should be determined by the unit itself. The inspectors themselves should have no power of decision nor should they interfere in the operation of the services they inspect.

(d) Reports: The inspectors should draw up, over their own signature, reports for which they should be alone responsible, and in which they should state their findings and propose solutions to problems they have noted. As regards these inspection reports:

(i) They should be sent to the service being reported on and to the Executive Head of the organization concerned simultaneously;

(ii) The service should have an opportunity to present in writing, in a document to be attached to the inspection report, any comments it may wish to make;

(iii) The combined documents should be transmitted by the Head of the organization concerned to the members of the organization's Executive Board or Governing Body (in the case of the United Nations to the Advisory Committee on Administrative and Budgetary Questions) with a statement of his own stating what action he has taken, or proposes to take, on the inspection report and any other comments he may wish to add;

(iv) The Executive Board should follow up on the matter until it has been satisfied;

(v) The Executive Board should decide on the further distribution, if desirable, of the inspection report and its appendices;

(vi) The Executive Board should communicate to the Special Committee on Co-ordination of the Economic and Social Council for its information a résumé of the above-mentioned reports, comments and action.

(e) Administrative and financial provisions: The cost of the operation of the Inspection Unit should be shared by the organizations of the United Nations family, as agreed upon by them.

(f) Temporary provisions: The Inspection Unit should be established for an initial period of four years. Prior to the end of that period, the organizations of the United Nations family should decide, upon the recommendation of the General Assembly whether the Inspection Unit should be continued.

VII. PROGRAMME PLANNING AND EVALUATION

A. Long-term planning

The Committee recommends to each of the organizations of the United Nations family that:

(a) Early steps should be taken to develop and adopt an integrated system of long-term planning, of programme formulation and of budget preparation;

(b) To this end, each organization should develop an effective long-term plan in keeping with the broad goals included in its charter or statute. The process would involve making these broad goals more specific by formulating the priority objectives to be accomplished by the organization within the planning period. Specific courses of action for accomplishing the agreed objectives and goals would be contained in the organization's proposed plan;

(c) Throughout the planning process choices should be made among competing demands. This entails establishing further priorities by the organization as well as giving consideration to alternative ways of accomplishing its specific objectives;

(d) Each organization should develop its own processes and staff capability to carry out the following:

(i) Define clearly its specific objectives—i.e., *what* it hopes to accomplish within definite points of time—by taking into account the priority needs of Member States, the over-all capability of the organization, and the probable financial costs to Member States;

(ii) Formulate, following consultations with other interested organizations, major alternatives, with related costs, which would express in specific terms *how* to accomplish the previously defined objectives; analyse these alternatives (with related costs); and include in the plan those which would be likely to achieve the best results in terms of cost-effectiveness;

(iii) Provide leeway for possible adjustments to changing circumstances and for the inclusion of further activities which might respond to the special and often changing needs of the developing countries;

(iv) Present the proposed plan to its governing body for consideration and comment on the content of the plan, the priorities, and the general magnitude and time-phasing of expenditures;

(v) Prepare an integrated document (containing all programmes financed from both budgetary and extra-budgetary funds) for the selected time period, which would be based on the agreed plan, which, in addition to containing the long-term agency plan, would include the proposed programme and budget for the next budget period, having taken into consideration prospective resources. This programme would be detailed and provide information on specific activities while the plan would concentrate on major activities and would be drawn up so as to provide the necessary degree of flexibility. The document would show the estimated total cost time-phased over the expected duration of the plan. The appropriate bodies of the organization would review and comment on this document, and approve with whatever changes they considered necessary that part which corresponded to the next budget period. In preparing subsequent programme and budget documents, the heretofore agreed plan might be revised in the light of changed circumstances, and an additional two-year tentative plan formulated to complete the suggested six-year time period. An essential aspect is the continuous process of review and updating. The introduction of new elements into the plan would depend in part on the progress achieved in the preceding period;

B. Evaluation

The Committee recommends that:

(a) The organizations should take steps to improve and strengthen the evaluation process wherever possible;

(b) The organization should utilize information resulting from internal reviews of their operations, as well as the views of Member States in which these operations are conducted, to a greater extent in programme formulation and execution, thus making results of their reviews an important element of the system of long-term planning, programme formulation, and budget preparation which the Committee has recommended;

(c) The organizations should be required to provide governing bodies (including executive committees or councils), as a part of timely progress reports, with evaluation data on continuing projects or programmes at intervals of no more than twelve months, as well as reports on evaluation of projects or programmes when completed;

(d) The Economic and Social Council and the Administrative Committee on Co-ordination should encourage to the fullest extent the development of common evaluation methods and standards for the organizations;

(e) The Economic and Social Council should continue its systematic evaluation of the impact, both over-all and specific, of the programmes of the organizations in the economic and social field in meeting the needs of Member States and, if necessary, strengthen arrangements for co-ordinating evaluation.

VIII. COORDINATION

The Committee makes the following recommendations:

(a) The agencies, the Advisory Committee on Administrative and Budgetary Questions and the General Assembly should, to the extent practicable, perform their respective reviews of budgets in such a way as to enable the agencies to take the recommendations of the General Assembly into consideration before adopting their respective budgets.

(b) The United Nations and the agencies should give careful consideration to the harmonization and adjustment of meeting and conference schedules in order to secure the greatest benefits from the reviews discussed above.

(c) The Advisory Committee on Administrative and Budgetary Questions and the Economic and Social Council should give increasing attention to identifying vital issues and making recommendations thereon for consideration by the General Assembly and each body should share with the other its comments and recommendations on these and other matters within their respective spheres.

(d) The Advisory Committee on Administrative and Budgetary Questions should, from time to time, review systematically and in depth the administrative and management procedures concerning the programmes and budgets of the specialized agencies. This might be done by examining in depth one or two agencies each year. This, in addition to its direct usefulness, should enable the Advisory Committee on Administrative and Budgetary Questions to recommend the application of more consistent standards and approaches to common problems.

(e) In the intervals between the scheduled meetings of the Administrative Committee on Co-ordination at the executive head level, meetings of their alternates should be organized to prepare for top-level discussions, to handle problems not requiring executive heads' consideration and to ensure the execution of decisions taken. The alternates should be from among the direct assistants of the executive heads of the organizations.

(f) In addition to the effective role at present being carired out by the Resident Representatives in achieving co-ordination among the organizations in the field, the United Nations Development Programme, the principal dispenser of funds in the operational field, which has already initiated internal procedures to develop its own information on the actions carried out by a number of organizations on a geographical basis, should, in agreement with the various organizations, systematically improve the procedures for co-ordination on a geographical basis. Accordingly, the organizations should inform the United Nations Development Programme, at the earliest possible stage, of the actions they plan to carry out, in order to make it possible to eliminate the possible overlapping and to improve the harmonization of different projects through mutual information and consultations.

(g) The Economic and Social Council, in order to carry out more effectively its responsibilities for co-ordination under provisions of the United Nations Charter, should reconstitute its Special Committee on Coordination, to consist of experts.

(h) As regards the new Committee:

(1) The Economic and Social Council should elect twelve experts out of nominations by States Members of the United Nations, for a period of three years, on a rotational basis, taking into account the principle of equitable geographical distribution, to serve as governmental representatives in their expert capacity; experts should be eligible for re-election.

(2) Those elected should have a high degree of experience and competence in the following or similar fields:

(a) The United Nations and related organizations, in the economic, financial and social areas;

(b) The governing bodies of the specialized agencies and subsidiary bodies of the United Nations.

(3) The Committee should meet as necessary to review the activities of the United Nations and the specialized agencies in order to prepare recommendations for the Economic and Social Council on the co-ordination of their programmes in the economic, social and human rights fields; it should, inter alia, pay particular attention to possible overlapping and duplication.

(4) The Committee might at an early stage consider the existing procedures for co-ordination.

(5) In the accomplishment of its task, the Committee should place emphasis upon a full exchange of views with representatives of the secretariats of the organizations.

(6) The Committee should, in the discharge of its functions, work in close liaison with the Advisory Committee on Administrative and Budgetary Questions and the Administrative Committee on Co-ordination.

(i) Adequate staff support should be provided to the Advisory Committee on Administrative and Budgetary Questions, the Economic and Social Council, and the Administrative Committee on Co-ordination by utilizing as far as possible the present staff of the United Nations and of the specialized agencies.

91. Despite the other steps recommended above, effective co-ordination will eventually be achieved through co-ordination within Governments themselves of their own efforts and of the positions of their own representatives to the several organizations. It is hoped that the observations and comments contained in this report will impress Governments with the necessity for more effective co-ordination at all levels, including the national level of Member States.

IX. CONFERENCES, MEETINGS AND DOCUMENTATION

The Committee makes the following recommendations, the implementation of which would make it possible not only to rationalize the programme of conferences but also to ensure the best possible use of the financial and human resources available:

(a) Each major organ of the United Nations and the specialized agencies should review the conference programmes of each of its related bodies, including the functional and regional economic commissions or committees of the United Nations and similar commissions or committees of the specialized agencies. This review should be conducted with a view to reducing total meeting time to the extent possible, including consideration of the possibility of biennial meetings;

(b) Those specialized agencies whose legislative bodies now meet on an annual basis should consider the possibility of biennial sessions;

(c) All the organizations in the United Nations family should inform the Secretary-General in good time of the conferences and meetings they are planning and when taking their decisions in this regard, they should be guided by the following procedures:

(i) The Secretary-General, in order to carry out his responsibilities for servicing conferences and meetings, and as Chairman of the Administrative Committee on Coordination, should, in consultation with the organizations in the United Nations family, draw up in advance a draft consolidated annual calendar of all conferences and meetings, reconciling as far as possible the total available resources and the views expressed by the various bodies concerned;

(ii) The appropriate organs of each of the organizations concerned, in their endeavours to bring about close co-ordination among themselves, should be invited to take their decisions in establishing their own programmes of conferences and meetings on the basis of the consolidated calendar;

(d) In the budgets of the organizations of the United Nations family, the costs of conferences and meetings should be the subject of:

(i) A special line in the budget, showing the expenditure directly attributable to conferences and meetings;

(ii) An annex containing an estimate of the total expenditure pertaining directly and indirectly to these activities;

(e) The Secretary-General should be asked to recommend a definition of the term "major special conference" which appears in paragraph 5 of General Assembly resolution 2116 (XX);

(f) The Member States of the United Nations and the specialized agencies should be urged to spare no effort in reducing substantially their requests for all conference documentation, so as to facilitate the possibility of presenting it at the most opportune time, in a concise form and in the most economic way, avoiding all unnecessary expenses; that whenever possible the Chairmen should encourage the holding of meetings without verbatim or summary records since, while affording participants an opportunity to express their views more freely, this would lead to a substantial reduction in services and documentation;

(g) Governments normally sending large delegations to international conferences should substantially reduce the size of their delegations with a view to easing the strain on existing conference facilities and decreasing the quantity of documents required for distribution;

(h) No dependent body should be permitted to increase the number or length of its meetings already authorized without the specific approval of the organ which established it;

(i) Where practical, physical facilities for conferences should not be expanded until it has been possible to evaluate the effect of putting into practice the above recommendations;

(j) Only the most urgently needed new conference personnel should be added to the secretariats of the United Nations family of organizations until it has been possible to evaluate the effect of putting into practice the above recommendations;

(k) In the planning of future conferences and meetings the following guidelines should be taken into consideration by the United Nations family of organizations:

(i) Priorities should be established for fixing the areas and programmes of meetings and conferences on a long-term basis;

(ii) The availability of human and physical resources necessary for servicing conferences should be determined and taken into account;

(iii) The financial ability of the organizations and of Member States to meet the requirements necessary to hold conferences should be determined and taken into account;

(iv) An adequate interval of time should be allowed between conferences of the same body or of a similar nature;

(v) There should be effective co-ordination between the United Nations and the specialized agencies on the convening of major international conferences;

(vi) Whenever possible the United Nations and the specialized agencies should jointly convene conferences, meetings or seminars which are of a similar or complementary nature.

X. LOCATION OF SERVICES OF THE UNITED NATIONS

The Committee recommends that:

(a) The Secretary-General's attention should be drawn to the views expressed in the Committee;

(b) The Secretary-General should be invited to maintain his continuous review of the location of the various services of the United Nations Secretariat, bearing in mind the need for the most effective and economical arrangements.

XI. ADMINISTRATIVE COSTS OF EXTRA-BUDGETARY PROGRAMMES

The Committee recommends that the Advisory Committee on Administrative and Budgetary Questions keep the problem of the administrative costs of extra-budgetary programmes under review in order to ensure equitable sharing of the overhead cost of the United Nations Development Programme by the executing agencies and the United Nations Development Programme.

XII. OTHER QUESTIONS

a. Personnel questions

The Committee recommends that the Secretary-General should make every effort to improve the measures he has already undertaken in the matter of permanent and fixed-term contracts, in order to correct the imbalance in the composition of the Secretariat to the largest extent possible, keeping fully in mind the principles of Articles 100 and 101 of the Charter.

BILL TO EXTEND CITY POSTAL DELIVERY SERVICE

Mr. RACE. Mr. Speaker, I ask unanimous consent to extend my remarks at this point in the RECORD and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

Mr. RACE. Mr. Speaker, a week ago I introduced a bill numbered H.R. 16256, which would extend city postal delivery service to the doors of approximately 3.3 million American families now being wrongfully deprived of such service.

It is a fact that 3.3 million American homes have been placed just a few feet beneath the rest of the country because of an arbitrary decision in the Post Office Department. In trying to determine why certain homes have been refused door delivery service, even though they qualify for such service under Post Office Department regulations, I was told simply that it was an economic measure.

Now, Mr. Speaker, I have no argument with economy, but I do disagree with the way the Post Office Department is trying to economize. The Department has determined that homes in new developments which did not have door delivery prior to May of 1963 shall have curbside service.

In other words, if a family buys a new home in a new development, that family can expect curbside delivery. But, if the family buys a home a block away on a residential row which existed prior to 1963, it may expect door delivery.

The inconsistencies in postal policy were clearly demonstrated to me in the sixth district city of Sheboygan, Wis., recently, when a group of residents picketed the post office to protest the fact that they do not receive door delivery service, even though the area in which they live is an isolated island within a postal route currently receiving door delivery. In fact, they pointed out, the postman who rides a three-wheel vehicle along the curb and drops the mail in their curbside boxes parks his vehicle when he comes to the next block and walks to the door of the home to deposit the mail.

I feel that the principle involved here is not merely a matter of a few feet—the distance these people must walk to pick up their mail. The principle is that all Americans should receive equal service, since they pay equal taxes and equal postal fees. I strongly object to this discrimination against postal patrons whose only fault is that they live in homes which did not qualify for door delivery prior to 1963—possibly because they did not exist—but now fall within the Post Office Department's requirements for such service.

Since the Post Office Department has informed me that the denial of such service is purely an economic problem—that there are insufficient funds for such purpose—I have introduced H.R. 16256 to appropriate $39,325,000 for the remainder of the current fiscal year. This appropriation is for the express purpose of providing the door delivery service in question to the American homes now qualifying but not receiving such service.

It is a short, simple bill. It serves the purpose for which it is intended.

Mr. Speaker, I include the text of H.R. 16256 in the RECORD at this point:

H.R. 16256

A bill making an appropriation to enable the Post Office Department to extend city delivery service on a door delivery service basis to postal patrons now receiving curbside delivery service who qualify for door delivery service

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That there is hereby appropriated to the Post Office Department the sum of $39,325,000, to remain available until expended, for the purpose of providing door delivery service to postal patrons receiving curbside delivery service who qualify for door delivery service.

Mr. Speaker, I would urge all of my colleagues to consider this matter carefully and to lend their support to this bill. This is simply a matter of authorizing the Post Office Department to provide equal services for equal taxes and fees.

COMMITTEE ON THE DISTRICT OF COLUMBIA

Mr. ALBERT. Mr. Speaker, I ask unanimous consent that the Committee on the District of Columbia may have until midnight Saturday to file certain reports.

The SPEAKER. Is there objection to the request of the gentleman from Oklahoma?

There was no objection.

LEGISLATIVE PROGRAM

Mr. GERALD R. FORD. Mr. Speaker, I ask unanimous consent to address the House for 1 minute for the purpose of asking the distinguished majority leader the program for next week.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

Mr. ALBERT. Mr. Speaker, will the distinguished gentleman from Michigan yield?

Mr. GERALD R. FORD. I yield to the gentleman from Oklahoma.

Mr. ALBERT. Mr. Speaker, in response to the inquiry of the minority leader, we have finished our legislative business for the week.

The program for next week is as follows:

On Monday and the balance of the week, the resolution, House Resolution 910, a 21-day resolution providing for consideration of the bill, H.R. 14765, will be taken up. Following that, the bill itself, H.R. 14756, the Civil Rights Act of 1966 will be considered under an open rule with 10 hours of general debate.

The announcement is made subject to the usual reservation that conference reports may be brought up at any time and any further program may be announced later.

Mr. Speaker, I should like to advise the Members of the House that we will proceed on Monday to the consideration of the rule on the civil rights bill. We will continue until the rule is disposed of. Following the adoption of the rule, it is our intention to continue through the week with the consideration of the Civil Rights Act until it is finished. If consideration of the bill is not completed, we will go on through Saturday and pick up again the next week. I do want to advise the Members that we will not break off the consideration of the civil rights bill during the week and we will not adjourn early in the week unless the bill is disposed of.

REPUBLICAN POLICY COMMITTEE STATEMENT ON ECONOMIC OPPORTUNITY ACT AMENDMENTS OF 1966, H.R. 15111

Mr. McEWEN. Mr. Speaker, I ask unanimous consent that the gentleman from Arizona [Mr. RHODES] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. RHODES of Arizona. Mr. Speaker, at the July 19, 1966, meeting of the House Republican policy committee a policy statement regarding H.R. 15111, Economic Opportunity Act Amendments of 1966 was adopted. As chairman of the policy committee, I would like to include at this point in the RECORD the complete text of this statement:

The House Republican Policy Committee is opposed to H.R. 15111, the Economic Opportunity Act Amendments of 1966. The Administration's so-called War on Poverty is scandal-ridden and in serious trouble. Even so, this bill would authorize the expenditure of $1.75 billion for fiscal year 1967 without attempting to correct many abuses and gross mistakes that plague the present program. The anti-poverty program must be reformed and reoriented if public confidence is to be regained.

Unfortunately, the Education and Labor Committee has not fulfilled its responsibility. The Democratic majority on the Education and Labor Committee repeatedly promised a full-fledged study of the war on poverty and was given $200,000 for this purpose. However, field hearings did not materialize and an ever-changing investigative staff has been confused by changes in direction, cancelled trips and recalls from investigations. The reports which were issued have been sketchy and contained statistics and percentages rather than the material needed to draft corrective legislation. Some reports were intentionally withheld from the Republicans and, to date, no final report has been made public.

The hearings that were finally held developed into an eight-day parade of administration spokesmen and apologists for the poverty program. The Republican members of the Education and Labor Committee recommended 67 witnesses who were knowledgeable in all aspects of the anti-poverty program. However, these recommendations were ignored and the hearings abruptly terminated. When Chairman POWELL of the Education and Labor Committee was questioned concerning the arbitrary action and asked why this had been done, his only reply was "Because I am the Chairman."

For these reasons, this bill should be returned to the Education and Labor Committee for the adequate hearings and detailed consideration that it deserves and must receive.

For many years, Republicans in and out of Congress have proposed a variety of programs to assist those on the lower rungs of the economic ladder. We have consistently advocated appropriate educational programs, employment training, tax incentives, equal opportunity as the major means of helping the disadvantaged. These are all incorporated in the Republican Opportunity Crusade Act of 1966. These affirmative and constructive proposals are contrasted with the extravagant, wholly-uncoordinated and makeshift Democratic programs.

In view of the Democrat approach to this serious problem, it is little wonder that the record of the administration of the anti-poverty program is filled with stories of mismanagement, abuse, and scandal. For example:

(a) After one year, the Women's Job Corps Center, Hotel Huntington, St. Petersburg, Fla., graduated only 42 enrollees at a cost of $1,646,601, which averages $39,205 per graduate.

(b) In Boston, Mass., Youth Corps officials were unable to locate 200 youths listed as employees and for whom W-2 income tax forms had been issued.

(c) In Memphis, Tenn., youths with a weekly salary of $31.25 were forced to kickback $25 each from their salaries for the hiring of an unauthorized supervisor.

(d) In Bellevue, Nebr., a neighborhood Youth Corps Project was cancelled after investigators reported 90 percent of the youths enrolled were not from low-income families.

(e) Job Corps costs per enrollee have been estimated to be between $9,120 and $13,000 per year and salary increases for large numbers of Job Corps officials have ranged well over 50 percent. Moreover, known felons have been selected for Job Corps camps and disgruntled Job Corpsmen have terrorized whole communities.

(f) In the selection of Youth Corps enrollees, admitted political favoritism has been employed by local Democratic leaders. And prominent Democrats have been rewarded with unwarrantedly profitable contracts.

(g) Unjustifiably high salaries have been paid to OEO and Community Action officials. Of the 2,350 permanent employees budgeted for the Washington and regional offices of OEO, 1,006 will get $10,619 or more, 521 will be paid over $14,600, at least 54 will get over $19,600, 24 get over $25,000, and 6 will get between $26,000 and $30,000. In Washington, D.C., and Newark, N.J., the Executive Directors of UPO receive $25,000, and in Boston, Mass., the Executive Director of the Action for Boston Community Development received $27,500.

(h) In city after city, the poor have not been properly represented in the Community Action programs.

Providing meaningful assistance to the poverty stricken in this country is one of the most important domestic problems facing America today. There must be a genuine war against poverty—one that is waged for the benefit of the poor—not the politicians. Unfortunately, the present bill does not do this. In order that this may be accomplished, H.R. 15111 must be amended as follows:

1. The known and documented abuses of the Job Corps must be eliminated.
2. In all Community Action programs, the poor should be involved.
3. The States should be given a larger role and greater responsibility.
4. Program and funding priorities should be established which would emphasize the needs of the very young and the training opportunities afforded by private enterprise.
5. All OEO programs and functions should be transferred to other agencies or departments, with the exception of Community Action and VISTA.
6. A select committee should be appointed that would conduct a thorough and bipartisan investigation of the structure and operation of the Economic Opportunity Act.
7. Employees of all OEO-sponsored projects should be placed under the Hatch Act's prohibitions on political activities.

The Job Corps must be completely revamped with an accent on intelligent evaluation of applicants, necessary discipline in the camps, use of private enterprise to create realistic working and training conditions and the immediate elimination of extravagant spending for staff, facilities, and travel. The young men who cannot meet Selective Service standards but want to volunteer for the military should be prepared for service in the armed services.

The poverty program must include active and broad-based participation by the States. The States and local communities are, and have been, in the business of fighting poverty far longer and to a far greater extent than the Federal Government. Welfare and education programs historically have been funded and administered by State and local governments. Cooperation and assistance at the community level must not be set aside. On the contrary, it must be encouraged if the waste and duplication of the present program are to be eliminated.

Project Headstart was originally proposed by Republicans as early as 1961. It is the most successful of the new poverty programs. Unfortunately, since it derives its support from both OEO and the Elementary and Secondary Education Act, confusion, overlapping administration and inadequate funding have occurred. Without question, this program can and should be even more successful. It is an educational program and, as such, it should be funded through the Elementary and Secondary Education Act and administered by the Office of Education.

Except for the Community Action program and VISTA, all programs presently under the Economic Opportunity Act should be taken from OEO and placed in the department or agency where they logically belong. Due to the waste, inefficiency, and political favoritism that have become so much a part of the Office of Economic Opportunity, public confidence can be restored only through this type of reorganization. Moreover, this transfer of functions would result in greater efficiency between all government programs in the same field and would cut down on the present overlapping and duplication of administration.

Employees of OEO-sponsored projects should be placed under the Hatch Act prohibition on political activities. Since the inception of OEO, Republicans have documented the fact that the War on Poverty has been operated in great part for partisan political purposes. To curb these abuses, we urge that Hatch Act provisions applied to Title I be extended to all sections of the Act. In 1965, the poverty hearings were opened with the charge by Chairman POWELL that the poverty program contained "giant fiestas of political patronage." Unfortunately, the House Democrats turned down Republican amendments to provide Hatch Act coverage. This year the Democratic Committee members have admitted the truth of our charges by adopting a Hatch Act amendment which would cover all war on poverty activities. We applaud this long-delayed action. We trust that, if enacted, this provision will be vigorously enforced.

We believe that an honest war on poverty can be waged and won without the scandal and mismanagement that have surrounded the Administration's program. The basic reforms that we have urged can be adopted by substituting the Republican Opportunity Crusade Act for the faltering and misfiring War on Poverty. This substitute will help rather than hinder those who are fighting this important battle.

NEW HAMPSHIRE'S GENERAL COURT PROVES STATE LEGISLATURES CAN DO GOOD WORK EFFICIENTLY; REPRESENTATIVE BROWN REPORTS SUCCESS

Mr. McEWEN. Mr. Speaker, I ask unanimous consent that the gentleman from New Hampshire [Mr. CLEVELAND] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. CLEVELAND. Mr. Speaker, my good friend, Bob Brown, one of the two Representatives to the New Hampshire General Court from Peterborough, periodically writes an excellent and perceptive column reporting on the events in our State capital when the legislature is in session and on other matters of interest to his constituents. His reports in the Peterborough Transcript are always of high quality and interest.

His recent column, about the accomplishments of a 1-day special session, is especially interesting and pertinent. It shows clearly and concisely how good a job can be done by a State legislature when it wishes to. This fact is particularly appropriate now when State legislatures, and the National Congress, too, are so often criticized for inefficiencies and failures to cope with the needs of the people. In reading Mr. Brown's comments, it should also be kept in mind that the General Court of New Hampshire consists of 400 representatives and 24 senators, making it one of the largest legislative bodies in the world. This size does not mean inefficiency, however.

My colleagues may be interested to know, also, that Bob Brown is a retired Air Force colonel, a jet fighter-pilot who holds a commercial flying license. His military duty included assignments to the U.S. Embassies in Turkey, Syria, and Lebanon, as well as combat flying in World War II and Korea. Since his retirement, he has continued his education, winning a masters degree in education in 1964, and has taught statistics and mathematics in a number of schools in New Hampshire on a part-time basis.

He also finds time to assist his wife in her work as managing director of the nonprofit, professional Peterborough Players summer theater. Bob Brown is an experienced and trained observer. I think my colleagues will find his observations on the legislature's special session interesting and encouraging. It appeared in the June 16 issue of the Transcript.

"$9,000 To Find What Public Wants Is Bargain"

(By Bob Brown)

On Monday our efficient and inexpensive state legislature met in special session from late morning until after the normal dinner hour.

In that long working day we demonstrated why a broad-based representative government is the most stable way in which men can live together in 20th century society.

We sampled statewide public opinion.

We listened while experts talked about our problems. We listened while some speakers tried to push pet remedies.

We listened to some attempts to wheel and deal in devious ways. We halfway listened when an exhibitionist or a clown got to the microphone.

Sometimes we talked over what had been said with the men and women sitting near us. Sometimes we left our seats to get opinions or further facts from legislators whose competence we had learned to value.

From time to time we expressed our opinion by voice vote. Our confidence in the proven integrity of our organization is so great that we left it up to Speaker Walter Peterson's trained ears to decide how the majority had voted.

When the wording of the law or the closeness of the vote made an exact count necessary, we stood up to be counted. We knew we could trust the totals reported by the one man in each of the five sections chosen to count heads.

Critics of our large, amateur part-time legislature seem to me to miss two important points.

First: What happens in states like Massachusetts doesn't seem to indicate that having a legislature whose members make their living out of politics is the best way to get a reasonably honest and a reasonably efficient government.

Second: Sometimes the reason our legislature doesn't adopt some pet plan favored by the particular critic is that the public is against the critic's pet plan. (It's a good rule of human nature that the majority is usually right when it turns down pet plans which promise too much.)

Somebody told us that the special session was costing the taxpayer $9,000 per day. He meant to scare us by quoting this high figure.

When you consider how much money industry or the federal government often spends for a marketing survey or for an in-depth public opinion study, an occasional $9,000 spent to find out what the New Hampshire public really wants represents quite a bargain rate.

Other States with different traditions or with long distances which legislators must travel might not be able to use our town meeting type legislature. For New Hampshire, I'm now convinced, our present legislative arrangements are good ones.

Certainly there is room for improvement—as in all human institutions. It is easy to point to short-comings. It is easy to poke fun.

But I noticed lots of short-comings in Army and USAF organizations, from small units right up to headquarters in Washington. The diplomats I served with didn't always have a perfecet record.

High school and college faculty meetings I've attended have sometimes come up with rather odd decisions. Detroit and Madison Avenue experts covered themselves with no glory when they designed and tried to market the Edsel automobile.

Winston Churchill summed it all up when he agreed that democracy is wasteful and inefficient. But, he added, the one thing you can say for it is that it works better than all those other systems that have been tried.

If you don't like the results of our legislative process, don't waste time in day dreams about the magical results that would come from changing the system.

If you want to improve the quality of our legislation, and if you have the time to go to Concord and the ability to influence other representatives, you ought to consider trying to be nominated and elected.

On the other hand, those of us now serving in the legislature have learned from the other 399 representatives that there is more than one side to every question. We have also learned—the hard way—that sometimes there is somebody around who knows more about some subject than we do.

So the next best thing to getting yourself elected is to phone your representative or to stop him in the street to give him your suggestions.

He may not follow your suggestion. But he will listen to the suggestion and consider it carefully.

If he doesn't, you can be sure he isn't planning to run for reelection.

GRAND LARCENY IN THE GRAND CANYON

Mr. McEWEN. Mr. Speaker, I ask unanimous consent that the gentleman from Pennsylvania [Mr. SAYLOR] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. SAYLOR. Mr. Speaker, although political leaders might give the impression that Arizona residents solidly support the legislative maneuvering to steal the beauty of the Grand Canyon in exchange for uneconomic hydroelectricity from Marble Gorge and Bridge Dams, there is increasing evidence that more than a few of that State's populace are suspicious of the artifice even though it might not be discreet to make their distrust public.

One Phoenix resident who prefers to be identified with opponents of the plan of destruction for the Grand Canyon is Dale Slocum, whose opinion has been published in the June issue of Arizona Wildlife Sportsman, which generously devotes space to individual sportsmen for comment on issues pertaining to the outdoors. In fairness to that publication, I cite this sentence from the page on which the Slocum editorial appears: "These views are those of the writer only, unless otherwise designated."

The editorial follows:

Let's Preserve the Grand Canyon

(An editorial by Dale L. Slocum)

(NOTE.—The following editorial was written by Dale Slocum, an outdoor writer and ardent conservationist who successfully led the fight to keep the oil interests out of the Kaibab North while he was the executive secretary for the Arizona Game Protection Association.)

When Clayton Niles, representing the Governor of Arizona at the forum held at Grand Canyon, condemned the individuals, organizations and *Reader's Digest* for using ". . . unfounded, inaccurate and irresponsible propaganda" in defense of preserving the Grand Canyon it reminds one of the old adage—"the kettle calling the pot black."

Proponents for the construction of Bridge and Marble Canyon dams have flagrantly been using "misleading propaganda" in their promotion. From the text of last month's editorial in this magazine it is quite evident that the Governor received his information from these sources.

In support of the construction of Marble Canyon dam they carefully point out that it will be built 12½ miles upstream from the

Park boundary and Niles said, "It follows that this can have no conceivable effect whatsoever upon any portion of the Grand Canyon National Park and to imply that it will is untrue . . . the reservoir being upstream from the dam."

He fails to point out as Ben Avery, outdoor writer for the Arizona Republic wrote, that this dam would have a far greater effect upon the canyon than would Bridge Canyon dam as it would cut off access to the use of the river below this point. Although proponents state there would be 100-miles of river left untouched for those who would care to enjoy such adventure, they fail to say how one is to get their equipment down the precipitous canyon walls to the water. The only access to the river is presently at Lee's Ferry, several miles upstream from Marble Dam.

It is beyond any understanding how the trickle of water, the 1,000 feet per second flow which the Bureau of Reclamation hopes to regulate for downstream commitments, could do anything but effect the canyon. River runners do not care to venture a trip with less than 15,000 fps and they would rather have something in the vicinity of 25,000 fps.

I have been on the river trips on several occasions. On one occasion someone "pulled the cork" and the water dropped to below 7,000 fps by the time we reached Phantom Ranch and one could nearly kick up dust hiking across to the other shore.

Let's turn to Bridge Canyon dam. Here everyone, even the proponents admit it does indeed encroach upon the park area. But how carefully they use their figures. With full realization that few people are aware there are two separate areas of this natural wonder that have been set aside as a shrine to nature they state, ". . . there is no accessible point on either rim of Grand Canyon National Park, or from any trail along the canyon wall, or in the bottom of the canyon from which it would be possible to see any portion of the dams or reservoirs created by either dam."

By referring to the Grand Canyon National Park they can divert attention to the fact that the reservoir would inundate the entire inner gorge of the Grand Canyon National Monument. They do not point out that here is the only point . . . the only point where one can drive an automobile to the very edge of the inner gorge and see the river nearly 3,000 feet directly below. There is absolutely no place like it in the entire Nation.

Proponents for the dam, and our Governor quoted them, say, "The Hermit's Rest viewpoint would be nearer to Bridge Canyon reservoir than any other developed viewpoint in the park. And, when we speak of developed viewpoints and trails on the canyon wall, it brings to mind that if it were not for these highways along the rim and these developed trails, this great scenic wonder would only be available to a small handful of wealthy, healthy people who are fortunate enough to be: rich, endowed with physical stamina; and possessed of the inclination to take expensive trips along the canyon rims."

The key word here is again, "park." They overlook the improved road and lookout developed on the north rim, still within the park, to Point Sublime, several miles nearer the Bridge Canyon reservoir than Hermit's Rest. They fail to mention the road to, and the ranger headquarters that have been constructed in the Monument area that has previously been described. The key word in all of their propaganda is "PARK."

Now I am neither wealthy, nor do I feel that I am endowed with any amount of physical stamina, nor do I feel that it requires any particular amount of stamina to drive a car to the very rim of the inner gorge of the Monument area where one can look directly into the area of Bridge Canyon reservoir that is more than 40 miles below the backup point of the water.

Proponents for the dams state that their plan is not wasteful and that thousands of Arizonans face economic ruin as their wells dry up if these dams are not built. This is misleading. Neither Bridge nor Marble Canyon dams are designed to be diversion dams. The diversion to central Arizona will be made at Lake Havasu near Parker Dam. They are not needed to regulate the river's flow as the Bureau has Glen, Hoover and Davis dams for this purpose.

Then what are they for? They are part of the Bureau's program to perpetuate projects for themselves and to create hydroelectric power sources. Such power costing nearly twice that of atomic energy producing plants.

Overlooked, also, is the loss by evaporation from the surface of these reservoirs. Here proponents say there will be very little loss. But look at their own figures as presented at a public hearing in Los Angeles by Duane L. Georgeson, head of that city's water planning group. ". . . the combined evaporation of these two new reservoirs would be only one-tenth of the present evaporation of Lake Mead. Without power plants at Bridge and Marble Canyon there would be need to construct in excess of 2-million Kilowatts by thermal generating plants. The water requirement for these steam plants would be approximately one-half of the projected evaporation at Bridge and Marble Canyon, therefore, it can be seen that the two new dams will create no significant increase in evaporation in the river."

They did not state that the Interior Department intended to create the steam generating plants regardless. This announcement came from Secretary Stewart Udall at a later date when it was announced as the "largest regional electric power program in history."

This simply means that the evaporation loss will be the combined amount from both dams and that of the steam generating plants. The latter amount being the amount they suggested we would save by the building of the two dams!

One-tenth of the evaporation of Lake Mead does not mean very much until we realize that the evaporation from Lake Powell is great enough to care for the annual needs of a city the size of Denver. The surface area of Lake Mead is approximately nine times that of Lake Powell. And they state their plan is not being wasteful!

The Grand Canyon National Monument and the Grand Canyon National Park were not set aside as areas for exploitation by water users and electric power development, but for its unique scenic qualities.

In closing I would like to quote from Secretary Udall's own statement pertaining to such spoilers when he said, "The land raiders will continue to scar and contaminate our land until enough conservation minded people organize a vigilante movement that will check their desecrations.

"The trouble these days is that few people are aroused until blight hits their own backyard. We will lose most of the big fight to save our countryside unless enough people get involved—and stay involved. Wrong-headed bureaucrats, indifferent public officials and short sighted engineers will put the future uppermost in their planning (and I might add, only) when they feel the hot breath of public opinion."

CRIME RATE MUST BE REDUCED

Mr. McEWEN. Mr. Speaker, I ask unanimous consent that the gentleman from Michigan [Mr. Gerald R. Ford] may extend his remarks at this point in the Record and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. GERALD R. FORD. Mr. Speaker, I am sure every Member of Congress would agree there must be a combined assault on crime by the Federal, State, and local governments if the appalling crime rate in this Nation is to be reduced.

Perhaps the greatest need today is to awaken every American to his personal responsibility in the war against crime. Every citizen must come to realize that local police departments can function effectively only if they have the complete support of the communities they serve—and that means the support of every law-abiding man, woman, and child in that community. It means primarily support of two kinds—dollar backing and a willingness on the part of citizens to become "involved."

Every American who believes in law and order must become an ally of the police officer in his neverending war against the criminal. It is only with this kind of active assistance that our police can do their job well and take pride in it.

Apart from local effort and Federal help, the State must muster stronger forces if the nationwide war on crime is to produce significant results.

I would like to call attention to action being taken in my own State of Michigan, where Gov. George Romney has just named a new State commission on crime, delinquency, and criminal administration.

The new commission is headed by John B. Martin, of Grand Rapids, former State auditor general and a man with more than 10 years' experience on similar State and local groups.

Under Martin's direction, the commission will study all of the facets involved in reducing the incidence of crime in Michigan—the scope of crime; the problems of law enforcement faced by State and local police and by county sheriff's departments; police training, recruitment and salaries, with a possible view to establishing State standards in this connection; the carrying out of criminal justice, including the administration and expediting of criminal cases; the effects of criminal treatment, particularly aftercare programs and how criminal repeat patterns may be deterred; and the extent to which the individual citizen may become "involved" and may assist in solving crimes.

State and Federal funds are being used to finance this study. It is the kind of endeavor which should be undertaken throughout the Nation if America's streets ever are to be made safe again.

A GRAVE SITUATION

Mr. McEWEN. Mr. Speaker, I ask unanimous consent that the gentleman from Minnesota [Mr. Nelsen] may extend his remarks at this point in the Record and include extraneous matter.

The SPEAKER. Is there objection

to the request of the gentleman from New York?

There was no objection.

Mr. NELSEN. Mr. Speaker, the editorial writer of the Mankato Free Press, Mankato, Minn., has pointed out that the paralyzing airline strike could have grave consequences on the traditional collective bargaining between unions and employers.

I wish to draw this thoughtful commentary to the attention of my colleagues, and request unanimous consent to include it in the Record.

A Grave Situation

The massive airline strike which has paralyzed passenger transportation over a large part of the nation could have grave consequences on the traditional collective bargaining between unions and employers.

The strike (still on as this is written) appears to be another example of a "damn the public" attitude by a power hungry labor leader.

Joseph W. Ramsey, vice president of the union that has grounded 60 percent of the nation's air traffic, has spurned the settlement recommended by a presidential board even though this panel ignored the president's 3.2 percent guide lines and offered a proposal that would cost the airlines an estimated $76 million a year. The airlines accepted the board's offer. Ramsey wanted more.

The danger, far greater than the inconveniences to the public and economic hurt to the lines, is that the public, and congress, fed up with ridiculous strikes in essential industries and in public transportation, may turn to compulsory arbitration as a solution. Both labor's Ramseys and employers generally will be the loser if this comes to pass.

Collective bargaining has seen labor, generally, pacing our growing economy. The give and take at the bargaining table has, on the whole, proved a very effective way of providing a fair balance between employe and employer. Compulsory arbitration is something else, again. Labor would lose its most effective weapon, the right to strike, and the employer would, in effect, find the government controlling his costs and hence his business.

Our system of enlightened capitalism would suffer a staggering setback.

Certainly any labor leader capable of reason does not want to see his bargaining rights in the hands of a government arbitrator or panel. But brinksmanship, as exercised by Ramsey, is going to bring this about.

When a union, such as the International Association of Machinists, can, in the face of a generous recommendation by a panel appointed by a sympathetic administration, ground a large part of the air traffic of a nation at war, something is going to give. It will probably be the workers' hard won right to bargain face to face with his employer.

HANDCUFFING THE POLICE

Mr. McEWEN. Mr. Speaker, I ask unanimous consent that the gentleman from Minnesota [Mr. Nelsen] may extend his remarks at this point in the Record and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. NELSEN. Mr. Speaker, the reaction of much of the rural press in southwestern Minnesota to recent Supreme Court rulings on law enforcement and crime procedures can be seen in two recent editorials appearing in the Second District. Les Curtis, editor of the Watonwan County Plaindealer in St. James, and Al McIntosh, editor of the Rock County Star-Herald in Luverne, have addressed themselves to this important subject. I include their editorials for the Record at this point in my remarks.

[From the Watonwan County Plaindealer]

Shoot and Be Merry! Cops Are Handcuffed!

(By Les Curtis)

The recent ruling of the United States Supreme Court barring signed confessions from being used as evidence in the trial of a criminal unless they are obtained under very restrictive procedures, has caused quite a furor among police officials and other law enforcement agencies.

During the past few years the Supreme Court has made so many interpretations and rulings for the protection of the individual that we wonder just how long it will be before criminals, communists and extremists of all kinds will have no fear whatever of the law, or of being prosecuted for their acts against other individuals or groups.

One very good discussion of the situation was written by Paul Harvey, newspaper columnist and radio commentator of Chicago, and published in the June 22, 1966 issue of The Minneapolis Daily American. It is headed: "Shoot and be merry! Cops are handcuffed!" Here is how he views the situation:

"The man with the smoking revolver standing over the dead body says, 'I did it and I'm glad', yet he may go free.

"The policemen at the scene of the crime are now required (by Supreme Court edict) to advise the man with the smoking revolver:

"1. You don't have to say anything.

"2. Anything you do say may be used against you.

"3. You have a right to an attorney before I ask you anything.

"4. If you can't afford an attorney, one will be provided free.

"If police abuses had necessitated clarification of the Fifth Amendment, there might be some justification for a Supreme Court decree, but the fact is that confessions under duress have long since been ruled unacceptable.

"Further, with our crime rate increasing five times faster than our population is increasing—youth crimes seven times faster—this is a most inopportune time to further shackle our law enforcers.

"With street rioting an increasing menace, much of it doubtless spawned by the leniency of our courts, it should appear to any objective observer that we have gone quite far enough in protecting the rights of the criminal; now we'd better give some attention to the rights of the law-abiding citizen who is presently terrified in the asphalt jungle, avoiding the streets, cowering behind locked doors and shuttered windows.

"Henceforth, any crime with no witnesses will be virtually unsolvable.

"My heart bleeds today for the lawmen whom we bind with red tape, then say, 'Stand there and shield us from the lawless.'

"If the police forces of our nation become forceless—if pretty soon nobody will take that thankless job except a sadist on the muscle or a fink on the take or a thug on the make—

"If our police become what police already are in many Latin American nations—hired two-hat lackeys for precinct lawbreakers—

"It will have been because we made the task of a conscientious cop so desperately difficult that no decent, dedicated man will volunteer anymore."

If the Supreme Court is so concerned with protecting the rights of a criminal when he runs afoul of the law, why should it not also be equally concerned with protecting the rights of individuals to walk safely on the streets or to live securely within the walls of their own homes?

The pendulum has swung too far to the left! Let's get it going back the other way for a change!

[From the Rock County Star-Herald]

Handcuffing the Cops but Not the Criminals

(By Alan C. McIntosh)

The recipe for destruction of a nation is not terribly complicated. (It's always easier to destroy a nation from within rather than by force because there are always so many gullible who don't see what is being done to them.)

First of all you poison a nation's soul, by corrupting its personal and national moral and spiritual standards.

Then you put out the poison bait in the form of "free money" that "somebody else will get if we don't get ours while the getting's good."

When the moral fibers have, as a result, rotted enough then you move in for the kill by destroying respect for the courts and the police.

England is now short 6,500 "Bobbies" and the undermanned law enforcement agencies there can't begin to cope with a rising crime wave.

We will eventually see the same thing here. Anybody who wants to be a cop nowdays is just plain out of his mind. Why should any man want to take the spittle, the rocks, the bullets, the foul abuse for which police are prime targets today? There are easier, safer ways to make a living.

Frankly—we have always been a "cop lover." We've known some noble, dedicated men—officers who were willing always to risk their lives to protect society in the line of duty.

(We'd rather have six cops for pallbearers than six millionaires. The millionaires might steal the handles off the coffin on the way to the grave.)

We have always recoiled in disgust at the lunatic fringe of rightists who scream "impeach Earl Warren." They can trace for you the strangest ties connecting the chief justice and sinister forces. Which is so much bunkum.

However—we will say that when President Eisenhower yielded to political pressure and named Earl Warren as chief justice of the Supreme Court he made one of his greatest and most tragic blunders.

Warren never was and never will be a student of the law. We wouldn't be surprised if his law clerk couldn't write a better opinion.

America's future is being reshaped due to the fuzzy wuzzy thinking of the "liberal" wing of the court. But what has been done in stripping the people of protection from the criminal is beyond belief. Giving the chief justice his majority of one in his recent decision was Justice Abe Fortas. He was the "fixer" when Lyndon Johnson got into deep trouble politically when his election hung by a thread of 87 fraudulent votes in his Texas senatorial campaign.

The most recent decision regarding police work the whole monstrosity is like letting a ten year old run the atomic plant at Oak Ridge, Tenn.

The Mapes vs. Ohio decision was bad enough. Even tho you saw a criminal with a million dollars of loot in his possession it would be illegal search and seizure to arrest him.

Now—you can't question a criminal without advising him right off the bat that he can have an attorney . . . and you can't question him against his wishes.

What we are doing is handcuffing the cops but not the crooks.

The protection of society has never entered into the thinking of the court.

Thru the years we've known a lot of law enforcement officers. A few were oafs. A very, very few were bullies who liked to throw their weight around. Some were sadists. But—ninety seven per cent of all those cops were dedicated men, courageous men, men willing to risk their lives to protect the innocent, men that were truly heroes.

Some mighty good cops have actually wept to me over what has now been done to law enforcement and how helpless society is in the face of the onslaught of vicious criminals.

The cops are fed up and we don't blame them. Many are eager to quit.

As to the opinion itself some of the most distinguished jurists in America are aghast at the court's latest opinion. The rambling, woozy, fuzzy, wuzzy opinion written by Chief Justice Warren, say the jurists, is shocking. If it had been written by a law school senior he would have been flunked out of school, they say.

Justice Warren had made it a physical impossibility for police authorities to cope with criminals. To gain a conviction now you will have to have an eye witness for every crime.

We don't want Justice Warren impeached.

But we do think that the Congress and the citizenry should re-evaluate the court.

THE FARMER IS NOT THE CAUSE OF INFLATION

Mr. McEWEN. Mr. Speaker, I ask unanimous consent that the gentleman from Minnesota [Mr. NELSEN] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. NELSEN. Mr. Speaker, Al McIntosh, editor of the Rock County Star-Herald in Luverne, Minn., did a fine job recently in setting the record straight as to the position of the American farmer in our economy. In his editorial, Mr. McIntosh refers to efforts earlier this year by the Administration to make the farmer the fall-guy for the inflation in our economy and goes on to prove how ridiculous this assumption actually is.

I include the editorial at this point in my remarks.

WILL THE REAL VILLAIN PLEASE STAND UP?

Maybe President Johnson did the American farmer a favor when he tried to paint him as causing the inflation spiral of living costs.

It started a lot of farmers thinking.

Thinking about the fact that the farm parity figure has dwindled to 79.

Spokesmen for industry and government would have you believe that the farmer is having it rosy.

In reality the farmer is having it tough.

In truth he is entitled to raise a little pluperfect hell since we are now in the era of pressure tactics.

Let's look at the facts.

For every dollar spent for food last year by the American public American farmer's "take" was 39 cents.

In 1947–1949 the farmer got a half dollar out of every food dollar.

He is getting seven per cent less from the farm food market basket (according to the National Commission on food marketing) than he did 20 years ago.

And the prices of what the farmer pays . . . have they gone up? You can say that again.

On your 21 cent loaf of bread the farmer's share was 2.7 cents.

On that 47 cent half gallon of milk the farmer's share was 29 cents.

For every dollar you spent on beef the farmer's share was 59 cents.

The farmer's share of the 9 cent box of corn flakes was only 2.6 cents.

Food costs to the consumer have gone up 28 percent but that is nothing compared to the 50% increase in rentals and the 77% increase in medical care costs.

The administration and the public tend to low rate the importance of this American farmer who only got $409 out of the $1,042 the average family spent for food in 1965.

The public and the government forget that three out of every 10 jobs in private employment are geared directly to agriculture.

They forget that 30.3 billions is spent each year for goods and services by farmers to produce crops and livestock.

They forget that the farmer also spends 12 billions for consumer goods . . . to say nothing of the 4.7 billions he spent for tractors and other equipment plus the 3.3 billions he spent for repairs.

The farmer is not the one to blame for the inflationary spiral even tho a lot of people are trying to make him look like the culprit.

"Will the real villain please stand up?"

SELF-DETERMINATION FOR THE CAPTIVE NATIONS

Mr. McEWEN. Mr. Speaker, I ask unanimous consent that the gentleman from Ohio [Mr. ASHBROOK] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. ASHBROOK. Mr. Speaker, on October 2, 1964, I inserted in the CONGRESSIONAL RECORD the text of an aggressively moral and uniquely incisive speech by Dr. Charles H. Malik, distinguished philosopher, educator, diplomat, theologian, writer, and lecturer and President of the General Assembly of the United Nations, 1958–59. Decorated by 12 governments and the recipient of honorary degrees from 36 colleges, Dr. Malik was Ambassador of Lebanon to the United States, and Minister for Foreign Affairs of Lebanon, in addition to serving as President of the U.N. General Assembly. Because of his extensive experience in the field of world affairs, his views in this area certainly merit serious consideration. In this address, delivered at the commencement exercises of Seattle University in June 1961, Dr. Malik referred to the contest between the free and Communist worlds as perhaps the most decisive battle in history, and recommended:

> It is most important, therefore to develop and execute policies and actions that will put the Communists and their friends historically on the defensive. Those who believe in man and his freedom, who know truth, and who trust in God, the guarantee of all freedom and all truth, must therefore, pass to the offensive, not only of thought and conviction, but of that real, decisive, historical action which shall cause the Communists to take to their heels.

In no area is there at present a more urgent need for taking the initiative than in the case of the captive nations. While we have, to a certain degree, taken the offensive in helping the people of South Vietnam preserve their freedom, and rightfully so, the cause of freedom for the peoples of the enslaved nations has been almost forgotten. A listing of those nations now under Communist domination will serve to remind us of the enormity of this issue:

Country and people:	*Year of Communist domination*
Armenia	1920
Azerbaijan	1920
Byleorussia	1920
Cossackia	1920
Georgia	1920
Idel-Ural	1920
North Caucasia	1920
Ukraine	1920
Far Eastern Republic	1922
Turkestan	1922
Mongolian People's Republic	1924
Estonia	1940
Latvia	1940
Lithuania	1940
Albania	1946
Bulgaria	1946
Serbia, Croatia, Slovenia, etc., in Yugoslavia	1946
Poland	1947
Rumania	1947
Czechoslovakia	1948
North Korea	1948
Hungary	1949
East Germany	1949
Mainland China	1949
Tibet	1951
North Vietnam	1954
Cuba	1960

We might well profit from the manner in which the Soviet Union takes the offensive at every opportunity. For instance, at the Tricontinental Conference in Cuba in January of this year, representatives from 83 pro-Communist, anti-American groups heard Sharaf Rashidovich Rashidov, of the Soviet Union, declare:

> In Asia, the piratical policies of imperialism have been especially vividly expressed in the criminal aggressive war waged by the U.S.A. against the heroic people of Vietnam. The United States is subjecting the cities and villages of the Democratic Republic of Vietnam to barbaric air raids, destroying the civilian population, burning the crops, destroying industrial enterprises and communications.

Notice that the Soviet Union is not at all bashful in naming the United States as the aggressor in Vietnam. But, although the United States has on occasion referred to Soviet aggression against the captive peoples, it appears that of late more reliance is being placed on increased trade and cultural relations and other forms of peaceful coexistence with the Soviets and the other Communist-bloc nations. Perhaps it is reasoned that a show of friendship will entice the Soviets to remove their missile sites from North Vietnam, or persuade the Red Chinese from supplying Ho Chi Minh with armaments, or cajole Czechoslovakian representatives in the United States into never again attempting to bug our State Department.

At least in 1959 and 1960, the Presidential proclamations on Captive Nations Week made no bones about specifically naming the primary source of world aggression, the Soviet Union. A comparison of the Presidential proclamation of 1960 and that of 1966 will illustrate the point:

CAPTIVE NATIONS WEEK, 1960—A PROCLAMATION BY THE PRESIDENT OF THE UNITED STATES OF AMERICA

Whereas many nations throughout the world have been made captive by the imperialistic and aggressive policies of Soviet communism; and

Whereas the peoples of the Soviet-dominated nations have been deprived of their national independence and their individual liberties; and

Whereas the citizens of the United States are linked by bonds of family and principle to those who love freedom and justice on every continent; and

Whereas it is appropriate and proper to manifest to the peoples of the captive nations the support of the Government and the people of the United States of America for their just aspirations for freedom and national independence; and

Whereas by a joint resolution approved July 17, 1959, the Congress has authorized and requested the President of the United States of America to issue a proclamation designating the third week in July, 1959, as "Captive Nations Week," and to issue a similar proclamation each year until such time as freedom and independence shall have been achieved for all the captive nations of the world:

Now, therefore, I, Dwight D. Eisenhower, President of the United States of America, do hereby designate the week beginning July 17, 1960, as Captive Nations Week.

I invite the people of the United States of America to observe such week with appropriate ceremonies and activities, and I urge them to study the plight of the Soviet-dominated nations and to recommit themselves to the support of the just aspirations of the peoples of those captive nations.

In witness whereof, I have hereunto set my hand and caused the Seal of the United States of America to be affixed.

Done at the city of Washington this 18th day of July in the year of our Lord 1960, and the independence of the United States of America the 185th.

(Seal) DWIGHT D. EISENHOWER.

By the President.

CHRISTIAN A. HERTER,
Secretary of State.

CAPTIVE NATIONS WEEK, 1966—A PROCLAMATION BY THE PRESIDENT OF THE UNITED STATES OF AMERICA

Whereas the joint resolution approved July 17, 1959 (73 Stat. 212), authorizes and requests the President of the United States of America to issue a proclamation each year designating the third week in July as "Captive Nations Week" until such time as freedom and independence shall have been achieved for all the captive nations of the world; and

Whereas freedom and justice are the inalienable rights of all peoples; and

Whereas these basic rights are presently denied to many peoples throughout the world; and

Whereas the United States of America, from its founding as a nation, has firmly subscribed to the principles of national independence and human liberty; and

Whereas, in keeping with this tradition, it remains an essential purpose and a fundamental policy of the United States of America to sustain these principles and to encourage their realization by all peoples:

Now, therefore, I, Lyndon B. Johnson, President of the United States of America, do hereby designate the week beginning July 17, 1966 as Captive Nations Week.

I invite the people of the United States of America to observe this week with appropriate ceremonies and activities, and I urge them to give renewed devotion to the just aspirations of all people for national independence and human liberty.

In witness whereof, I have hereunto set my hand and caused the Seal of the United States of America to be affixed.

Done at the City of Washington this 8th day of July in the year of our Lord nineteen hundred and sixty-six, and of the Independence of the United States of America the one hundred and ninety-first.

By the President:

SECRETARY OF STATE.

But more is required in addition to denouncing aggression and the aggressor—as we have found out in Vietnam. What is further required, as Dr. Malik states it, is "that real, decisive, historical action which shall cause the Communists to take to their heels."

A more direct and specific means of interceding in behalf of the enslaved peoples has been proposed in the past, but to date no action has been taken. Other Members, along with myself, have proposed taking the initiative by placing the issue of self-determination for the Captive Nations on the agenda of the United Nations for consideration.

On March 23, 1965, I introduced House Concurrent Resolution 367 which called for, among other things, that the U.S. Ambassador to the United Nations be instructed to take steps to have this issue placed on the U.N. agenda. I requested a report from the State Department appraising the merit of this recommendation. The State Department replied in part:

> The Department of State believes that in the United Nations Soviet imperialism is most effectively exposed by timely and pertinent statements that relate Soviet imperialistic activities to a concrete issue being discussed before a major United Nations forum. United States representatives have delivered forceful and detailed attacks on Soviet imperialism during debates on the general question of colonialism. On numerous occasions they have also called attention to Soviet imperial practice by linking a specific Soviet act or policy of repression with an individual item being discussed before a United Nations body.
>
> The essential problem facing the United States is to adapt existing capabilities most realistically and effectively to serve the interest of the United States in opposing and combatting Soviet imperialism. The proposed resolution, in the judgment of the Department of State, would not further this objective.

As I stated above, it is certainly true that the United States has in the past spoken out against Soviet repression in the United Nations. But I believe that more decisive action is required. In the recent case of Rhodesia, and although I disagreed with the policy followed by the United States, it should be noted that this Nation did not hesitate to join Great Britain in advocating the use of force in stopping oil shipments en route to Rhodesia. This was real, decisive action on the part of the United States of the severest nature, and certainly more extreme than the proposal to put the issue of self-determination for the captive nations on the United Nations agenda. When it is remembered that the admission of the bandit regime of Red China to the United Nations has been deemed worthy of placement on the agenda a number of times in the past, surely in all fairness the captive nations should be accorded equal treatment.

In conclusion, I believe the closing remarks by Dr. Malik to the students of Seattle University in 1961 are especially pertinent in dealing with the restoration to the captive nations of their God-given rights:

> In your own lives trust God despite all your frailities. He will serve you in the end. You have seen great visions and you have dreamed great dreams. I beg you to remain faithful to the deepest you have known. In its own day it will lead you to the rock of certainty that can never be moved. And when you have run your course, may it be said of you that you overcame the powers of darkness, and may your heart be profoundly grateful.

BILL TO ESTABLISH NATIONAL EYE INSTITUTE

Mr. McEWEN. Mr. Speaker, I ask unanimous consent that the gentleman from California [Mr. BOB WILSON] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. BOB WILSON. Mr. Speaker, I think we would all agree that there are few human ailments more catastrophic than blindness—the inability to see. It is for this reason that I have today introduced a bill which would establish a National Eye Institute within the National Institutes of Health.

The passage of this bill, and the establishment of a National Eye Institute, could well be the single most important step ever taken in its long history to rid mankind of this dread affliction. Its passage will mean that Congress recognizes its responsibility not only to those who are now blind but to those who may be born blind, or go blind, in the future. It will mean that we do not accept loss of vision as a calamity of nature and, who knows, we may end it by virtually eliminating it.

Most humans, when they stop to think, have a horrible fear of blindness. Yet, until or unless, their sight begins to fail, they think seldom about it. Perhaps as a result, there are 1 million Americans who are functionally blind; this means they cannot read ordinary newspaper type even with glasses. Another 1½ million are blind in one eye. And in the world at large there are 10 million people totally blind.

Yet we have not attacked this problem thoroughly in the way made possible by today's science. The truth is that a recent Gallup poll showed that less than half our people can even identify glaucoma as an eye disease; yet more than a million Americans over 40 have glaucoma which can cause blindness and do not know it. Officials report that incidence of cataract among people of 60 runs nearly 60 percent. The Gallup survey showed that not one in five Americans know what a cataract, which causes blindness, is. Moreover, no accepted way has yet been found to dissolve or prevent cataracts.

This Gallup survey shows that blindness ranks next to cancer as the affliction most feared by the American people, feared above heart disease, polio and tuberculosis upon which so much research is currently being done. Add to this, when you consider my bill, the fact that an estimated 90 million Americans suffer from some ocular malfunction. And more than four-fifths of all blindness in this country results from diseases whose causes are unknown to science.

I state flatly that passage of a bill such as I have introduced is vital to the people of our Nation. Not to act would be to turn our backs on those twin synonyms for the United States of America—progress and humanity.

The text of my bill is as follows:

H.R. 16455

A bill to amend the Public Health Service Act to provide for the establishment of a National Eye Institute in the National Institutes of Health.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That title IV of the Public Health Service Act (42 U.S.C., ch. 6A, subch. III) is amended by adding at the end thereof the following new part:

"PART F—NATIONAL EYE INSTITUTE

"ESTABLISHMENT OF NATIONAL EYE INSTITUTE

"SEC. 451. The Surgeon General is authorized, with the approval of the Secretary, to establish in the Public Health Service an institute for the conduct and support of research and training relating to blinding eye diseases and visual disorders, including research and training in the special health problems and requirements of the blind and in the basic sciences relating to the mechanism of sight and visual function.

"ESTABLISHMENT OF ADVISORY COUNCIL

"SEC. 452. (a) The Surgeon General is authorized, with the approval of the Secretary, to establish an advisory council to advise, consult with, and make recommendations to the Surgeon General on matters relating to the activities of the National Eye Institute.

"(b) The provisions relating to the composition, terms of office of members, and reappointment of members of advisory councils under section 432(a) shall be applicable to the council established under this section, except that the Surgeon General, with the approval of the Secretary, may include on such council established under this section such additional ex officio members as he deems necessary.

"(c) Upon appointment of such council, it shall assume all or such part as the Surgeon General may, with the approval of the Secretary, specify of the duties, functions, and powers of the National Advisory Health Council relating to the research or training projects with which such council established under this part is concerned and such portion as the Surgeon General may specify (with such approval) of the duties, functions, and powers of any other advisory council established under this Act relating to such projects.

"FUNCTIONS

"SEC. 453. The Surgeon General shall, through the National Eye Institute established under this part, carry out the purposes of section 301 with respect to the conduct and support of research with respect to blinding eye diseases and visual disorders, including the special health problems and requirements of the blind and the mechanism of sight and visual function, except that the Surgeon General shall, with the approval of the Secretary, determine the areas in which and the extent to which he will carry out such purposes of section 301 through such Institute or an institute established by or under other provisions of this Act, or both of them, when both such institutes have functions with respect to the same subject matter. The Surgeon General is also authorized to provide training and instruction and establish and maintain traineeships and followships, in the National Eye Institute and elsewhere in matters relating to diagnosis, prevention, and treatment of blinding eye diseases and visual disorders with such stipends and allowances (including travel and subsistence expenses) for trainees and fellows as he deems necessary, and, in addition, provide for such training, instruction, and traineeships and for such fellowships through grants to public or other nonprofit institutions."

RESOLUTION RELATING TO CAPTIVE U.S. MILITARY PERSONNEL IN VIETNAM

Mr. McEWEN. Mr. Speaker, I ask unanimous consent that the gentleman from California [Mr. BOB WILSON] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. BOB WILSON. Mr. Speaker, I believe every American would agree that the trial by North Vietnam of the captured American pilots would be indefensible. Not only would such trials be in violations of the Geneva Convention of 1949, to which North Vietnam is signatory, but they would violate every tenet of human decency. The men are prisoners of war and are entitled to treatment as such under terms of international law.

The only way all Americans can express themselves on this vital issue is through the Congress of the United States. I have, therefore, introduced the following House concurrent resolution authorizing—actually urging—the President to convey these views to the Communist regime in North Vietnam as the sense of the Congress. I hope the Congress will act speedily on this resolution.

The text follows:

H. CON. RES. 864

Resolved by the House of Representatives (the Senate concurring), That it is the sense of the Congress:

(a) that all United States military personnel held captive in Vietnam are prisoners of war entitled to all the benefits of the Geneva Conventions of 1949;

(b) that the trial, punishment or execution of any such personnel by the Communist regime in North Vietnam would be contrary to the Geneva Conventions of 1949, accepted concepts of international law and standards of international behavior;

(c) that any such action undertaken by the Communist regime in North Vietnam in regard to United States military personnel would be an inhumanitarian act and a reprehensible offense against the peoples of the world and would be contrary to the interests of North Vietnam;

(d) that the trial, punishment or execution of such United States personnel by the Communist regime in North Vietnam would seriously diminish the opportunity for the achievement of a just and secure peace in Vietnam and Southeast Asia, which is the objective of the people of the United States.

SEC. 2. The President of the United States is hereby requested to convey the sense of the Congress expressed in this resolution to the Communist regime in North Vietnam, to the participating states of the Geneva Conferences of 1954 and 1962, to the states adhering to the 1949 Geneva Conventions, and to the member states of the United Nations.

BILL TO ESTABLISH A NATIONAL COMMISSION ON REFORM OF FEDERAL CRIMINAL LAWS

Mr. McEWEN. Mr. Speaker, I ask unanimous consent that the gentleman from New York [Mr. ROBISON] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. ROBISON. Mr. Speaker, today I am introducing a bill to establish a National Commission on Reform of Federal Criminal Laws. The purpose of the Commission would be to make a full and complete review and study of the statutory and case law of the United States which constitutes the Federal system of criminal justice, for the purpose of formulating and recommending to the Congress legislation which would improve that system. The Commission would be composed of three Members of the Senate appointed by the President of the Senate, three Members of the House of Representatives, appointed by the Speaker of the House, three members from private life appointed by the President of the United States, and one U.S. circuit judge and two U.S. district judges appointed by the Chief Justice of the United States.

The bill would also establish a committee of 15 lawyers and legal experts to advise and consult with the Commission. This committee would be known as the Advisory Committee on Reform of Federal Criminal Laws.

It is imperative that we note that crime is growing at such a fantastic rate that measures will have to be considered at all levels of government to better cope with this immense problem. A recent Gallup poll particularly impressed me when it cited the fact that a majority of Americans list crime as one of our most serious domestic issues, and also note that it has grown much worse over the past 5 years.

This indicates to me that a crisis in public confidence and security is developing, and, that we must take steps immediately to curb this situation. One of the ways that we can do this is by setting up a commission both to study the procedures and statutes of the past, and to propose new Federal action to better meet this growing menace to our societal well-being.

There is no domestic issue which harbors more potential danger to all of our citizens than rampant crime. We have to get ourselves off the notion that society, and not the individual, is responsible for every criminal act and, instead, begin to devote our energies to investigating possible solutions and improvements of the Federal criminal statutes now on the books.

Although the massive problem of crime cannot be legislated away, nor dismissed by rhetoric or by any one commission at one level of government, I am at least hopeful that the adoption of this bill will be a step in the right direction for the Federal Government. A National Commission on Reform of Federal Criminal Laws has the potential of making a sizable dent in the progress of crime—and we can ill afford not to make the effort while the opportunity is still with us.

LEGISLATION TO COMBAT OBSCENE MATERIALS

Mr. McEWEN. Mr. Speaker, I ask unanimous consent that the gentleman from Illinois [Mr. DERWINSKI] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. DERWINSKI. Mr. Speaker, I have introduced a bill today to establish a special Presidential commission to recommend steps to combat distribution of obscene materials. I urge consideration at the earliest possible date of this legislation by the Committee on Education and Labor.

I have contacted Chairman ADAM CLAYTON POWELL to request that the full committee schedule this subject as soon as possible. A bill for this purpose sponsored by Senator MUNDT has already passed the Senate, and I am extremely hopeful that House action can be completed this session.

A contributing cause of crime and immorality is the onslaught being made on the minds of our youth by the sale and distribution of pornographic material. This legislation is long overdue to combat the traffic in filthy and obscene literature which is continuing to flourish.

EXTEND HILL-BURTON ACT TO INCLUDE ANCILLARY FACILITIES FOR HEALTH CENTERS

Mr. McEWEN. Mr. Speaker, I ask unanimous consent that the gentleman from California [Mr. HOSMER] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. HOSMER. Mr. Speaker, everybody talks about rising hospital costs and, until recently, like the weather, nobody has done anything about it.

I have just learned of one city where there is a real effort being made to reduce hospital costs.

Hospitals, for March of this year, describes a new approach at Barnes Hospital in St. Louis. There is thought for the patient. There is thought for the family. Barnes has put in rooms where a patient can have all of the hospital facilities necessary for diagnosis but where he may walk to a restaurant in the hospital to get his food and may walk directly into the hospital for the laboratory and other facilities. He does not have to occupy a regular hospital room for these diagnostic purposes. The hospital room is freed for occupancy by another person whose need for its special facilities is acute. Similarly, there are rooms in which his family can stay. These rooms are relatively inexpensive, costing far less than rooms with health care facilities such as oxygen piped in and attended by nurses.

We are now embarked on a new era of health care in the United States. We have progressed far in establishing hospitals under the Hill-Burton Act. Under that act as administered, doctors offices, restaurants, and other auxiliary services have been take for granted.

More and more hospitals are becoming what Jack C. Haldeman, M.D., former Assistant Surgeon General of the United States and now president of the Hospital Review and Planning Council of Southern New York, calls "health centers."

The practice of medicine centering in the cities requires a patient with a more complicated or extreme illness to leave his home. Unless there is a motellike room for him in the hospital where he has been sent for diagnosis, he occupies a nursing bed which are now becoming scarce. If his family is with him, there is no place for them to stay.

If Hill-Burton money was needed to build hospitals and other health care facilities, those funds are needed to provide the sort of facilities that have been built into Barnes Hospital. It would seem obvious that communities which relied upon Hill-Burton funds to build a hospital should be encouraged to build these facilities which will stop the spiraling cost of hospital care.

Therefore, Mr. Speaker, I have today introduced H.R. 16446 for the purpose of amending the Hill-Burton Act to make funds available to provide self-care rooms and dining facilities for ambulatory patients and for diagnostic patients, and housing and dining facilities for families of patients in hostipals or clinics.

With the pressure for medical facilities now upon us, we cannot wait until private funds can be raised for these ventures. They are likely to come no faster than those for hospital buildings themselves, which was the reason for enactment of Hill-Burton in the first place. The need is urgent. The time for action is now. I urge the prompt consideration and passage of H.R. 16446.

BASEBALL GLOVE IMPORTS

Mr. McEWEN. Mr. Speaker, I ask unanimous consent that the gentleman from Illinois [Mr. COLLIER] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. COLLIER. Mr. Speaker, I recently introduced legislation which would limit the quantity of baseball and softball gloves and mitts which may be imported into the United States.

Due to the imports of baseball gloves from Japan and other countries, the American baseball glove manufacturing industry finds itself in a steadily deteriorating position. Unless Congress enacts legislation that would curtail such imports, the industry may be forced out of business entirely.

Until 1956, when domestic producers were selling over 3,300,000 baseball gloves, imports of such gloves did not appear in any significant numbers. By 1960, however, imports accounted for 47.3 percent of the 5 million annual consumption of baseball gloves.

Today, these imports account for well over 60 percent of the business, and, if allowed to go uncontrolled, could result in the expiration of the American baseball glove industry within a few years. Imported gloves offer comparable quality for one-half the price of domestic gloves. This is due to the low wages paid to workers in foreign nations.

The U.S. Tariff Commission in 1960 initiated an investigation under the Trade Agreements Extension Act of 1951 to determine whether injury to the American baseball glove industry had occurred as a result of cheap imports. On May 1, 1961, the Commission found unanimously that imports were entering the United States in such increased quantities that they threatened serious damage to the domestic glove industry. The Commission recommended an increase in the tariff from the 15 percent then in effect up to 30 percent.

After having asked for certain supplemental information from the Tariff Commission, then President John F. Kennedy on March 19, 1962, decided not to follow the Commission's recommendation with regard to baseball gloves, partly because Japan, the principal supplier, had recently established voluntary quotas on exports of baseball gloves. The voluntary annual quota established by Japan at that time was 1,900,000 gloves.

Imports of Japanese gloves have never been held to the 1,900,000 figure which was promised by Japan. That nation unilaterally increased its self-imposed quota from 1,900,000 during the quota year April 1, 1961, to March 31, 1962, in various stages, to 2,500,000 in the quota year April 1, 1965, to March 31, 1966, without any consultation with the United States.

The following tabulation shows how this increase took place:

Quota-year:	*Quota*	*Actual*
1961–62	1, 900, 000	2, 800, 000
1962–63	2, 100, 000	3, 200, 000
1963–64	2, 300, 000	2, 800, 000
1964–65	2, 500, 000	2, 700, 000
1965–66	2, 500, 000	3, 000, 000

When the Tariff Commission made its unanimous decision in 1961, foreign imports amounted to about 50 percent of the American market, up from about zero in 1956. Under the terms of my bill, the Commission would determine whether imports have indeed exceeded 1,900,000 units annually during the last several years, and whether injury to the American industry still persists.

Should the Tariff Commission's determination be affirmative in both respects, my bill would instruct the President to set a quota of approximately 2,300,000 units of imported baseball gloves annually. This would amount to about 50 percent of the present-day sales. My bill allows for a growth factor to preserve this 50-percent share.

Congress should not stand idly by while imports increase from year to year until they finally destroy our domestic industries.

The American baseball glove manufacturing industry was founded a century ago. It has spent substantial sums of money in developing the game of baseball in America and in preserving it as our national pastime.

Its contributions to the little leagues, Babe Ruth Leagues, and Pony—"Protect Our Nation's Youth"—Leagues, together with its aid to high schools, colleges, and universities, have been a positive contribution to the prevention of juvenile delinquency.

Mr. Speaker, baseball is not only a peculiarly American game, it is an American institution. Why, then, should not the equipment which its participants use be American made? It is ironic indeed that many of the gloves used by American baseball players, professional, semiprofessional, and amateur, come from 10,000 miles away, when American firms have been making excellent gloves for a hundred years.

HANOI SHOULD ABIDE BY ARTICLE 2 OF GENEVA CONVENTION OF 1949

Mr. McEWEN. Mr. Speaker, I ask unanimous consent that the gentleman from New York [Mr. Reid] may extend his remarks at this point in the Record and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. REID of New York. Mr. Speaker, yesterday I introduced—along with Congressman Brad Morse, of Massachusetts, a concurrent resolution relating to U.S. military personnel held captive in Vietnam. It is our hope that this resolution will have the widest bipartisan support.

We have written all Members of the House and Senate, after consultation with the chairman and ranking minority member of the House Committee on Foreign Affairs, urging their consideration of the introduction of this resolution.

It is imperative, in our judgment, to make clear to the leaders of North Vietnam that the people of the United States are united in opposition to the trial, punishment, or execution of U.S. military personnel held captive in Vietnam.

The Congress, as the people's representatives, should speak now and with one voice.

It is clear that if the North Vietnamese regime chooses to follow the reckless course which it reportedly is considering, the task of achieving the just and secure peace in Vietnam and southeast Asia—which is the objective of the people of the United States—will be made far more difficult.

Mr. Speaker, it is plain from article 2 of the Geneva conventions of 1949 that the provisions of the conventions "shall apply to all cases of declared war or of any other armed conflict which may arise between two or more of the high contracting parties, even if the state of war is not recognized by one of them."

Following the Senate's advice and consent on July 6, 1955, the ratification of the conventions by President Eisenhower on July 14, 1955, the conventions went into force for the United States on February 2, 1956. The Communist regime of North Vietnam adhered to the conventions on June 28. 1957.

It is clear, therefore, that our military personnel in North Vietnam are explicitly covered by the Geneva conventions of 1949 and that North Vietnam has adhered to the conventions. No nation including North Vietnam has reserved the right to nullify these conventions simply on the basis of accusing military personnel of war crimes.

Hanoi's reservation to article 85 of the conventions in no sense relieves Hanoi of its obligations under the conventions as a whole. Article 85 is the provision which extends certain benefits to prisoners after conviction during the period they are serving their sentences. This reservation does not provide any basis for war crimes trials of prisoners of war and in any event does not take effect until after a trial and conviction in accordance with standards imposed by the conventions.

Mr. Speaker, we are at a turning point, and I deeply hope that Hanoi will reconsider its projected action. Should they proceed with the war crimes trials, it will not only be a mockery of justice and in clear contravention of the Geneva conventions of 1949, it will be a serious step which would unite this country and which could make more difficult the achievement of that just and secure peace in Vietnam and southeast Asia which is the objective of the people of the United States.

It is my earnest hope that the Congress may act promptly and indeed unanimously on this matter so that the voice of the American people through the Congress will be clearly heard in Hanoi. Hanoi has a chance to turn back from an inhumanitarian act and adhere to the accepted concepts of international law and the Geneva conventions. Let us hope that Hanoi will understand our firmness, our convicton, and our concern for our men on this vital question.

CAPTIVE NATIONS WEEK

Mr. McEWEN. Mr. Speaker, I ask unanimous consent that the gentleman from Massachusetts [Mr. Conte] may extend his remarks at this point in the Record and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. CONTE. Mr. Speaker, this week America celebrates Captive Nations Week, in accordance with Public Law 86-90, and the proclamation of President Dwight Eisenhower, issued in 1959. It is the eighth time we have set aside this third week in July to focus renewed attention on the problems and plight of the freedom-loving, God-fearing peoples held captive behind the Iron Curtain.

And while our concern and deep sympathy for these peoples continues unabated, it is a fitting time to renew our dedication to the proposition underlying this observance—that constant reassurance and reaffirmation of our commitment to the liberation of the captive nations and the restoration of free, democratic governments.

It is true that our hopes have been high in recent years for a greater degree of understanding between East and West. Because of a handful of favorable straws on the wind, we have hoped that greater understanding would lead to a relaxation of tensions, to a lowering of the barriers, and to a restoration of the freedoms wrested away from these people by their Communist captors.

But our hopes have not been upheld in the year since our last observance of Captive Nations Week. We have indeed had tragic reminders that the Red regime is no more interested in freedom and understanding, in fairplay and justice, than it ever was.

The incident involving a young textbook salesman from Sheffield, Mass., last winter made this all too clear.

The callousness and insensitive treatment by the Soviets of this innocent victim of his own naivete and enthusiasm, coupled with the even more shocking attitude of the Russian authorities following the still unexplained circumstances of the death of Newcomb Mott, leave little doubt in anyone's mind that no chinks have yet appeared in the stoic armor of the Communist dictatorship in Eastern Europe.

The repeated evidence of Communist harassment of religious officials and worshipping masses in connection with the millennium of Christianity in Poland this year is further evidence of the enforced supremacy of the Red regime.

The time is not yet arrived when we can lower our guard, when we can confidently anticipate freedom and self-determination for the people of Armenia, Rumania, Bulgaria, Poland, Yugoslavia, Czechoslovakia, and all the rest. We must instead reaffirm our support of these people in their quest for freedom. We must reassure them of our friendship and interest. We must continue to maintain the channels of communication and to continue to seek the means of their liberation.

The Soviets have attempted to make propaganda capital from our annual observance of Captive Nations Week. We hear the shopworn bleatings of their official spokesmen, charging the United States with imperialism and calling us in this body the ruling class and the chieftains.

So be it. If I am to be called a chieftain in the fight to liberate all men from the yoke of tyranny and oppression, then I accept the title proudly. If our policy is one of imperialism, then it is imperialism of freedom, of liberty, and self-determination. These alone are the "evils" we would impose on the voiceless masses, the disenfranchised citizens of the captive nations. I am proud to associate myself wholeheartedly with that kind of imperialism.

We must continue to hurl back the lies and half truths of the Soviet propagandists. We must continue to hold out the truth and to keep open our side of the curtain so these captive millions will know that they are not forgotten or forsaken. We must continue to hold up the torch of liberty and freedom for the whole world to see. It is as important today as it has ever been.

WASHINGTON STAR APPLAUDS THE PRESIDENT

Mr. O'HARA of Illinois. Mr. Speaker, I ask unanimous consent to extend my remarks at this point in the Record.

The SPEAKER. Is there objection to the request of the gentleman from Illinois?

There was no objection.

Mr. O'HARA of Illinois. Mr. Speaker, the Washington Evening Star of July 13, 1966, voices high praise of President Johnson's address to the American Alumni Council on our responsibilities in Asia.

In his remarks, the Star says, the President eloquently reaffirmed the country's desire to bring about a decent peace that would benefit all of Asia.

Despite the Russians' hard line of late, the newspaper says, they should be receptive to such a development—regardless of what Peking may say or do.

Discussing the President's speech the Star editorially states that the President made an excellent summation of our desire for peace and determination to make victory impossible for the aggressors.

The Communists hold the key to peace, the President said. They have only to turn it. If Hanoi, Peking, and Moscow fail to grasp the meaning of what the President said, the Star suggests, they are worse than fools.

By unanimous consent I am extending my remarks to include the Star editorial in full:

Hanoi Has the Key

As if to counter the shrill and persistent Chinese Communist charge that it is "colluding" with the United States all over the world, the Kremlin in recent days has been giving voice to an increasingly hard anti-American line.

Last week, for example, at the Bucharest meeting of the seven-nation Warsaw Pact, the Russians took the lead in drafting a bitterly worded declaration against us. It denounced our country for "aggression" and offered to send "volunteers" to fight on the side of the Viet Cong and Ho Chi Minh's North Vietnamese regulars.

This now has been followed by a Moscow announcement that there will be a step-up in Soviet aid (still only vaguely defined) to Ho's forces. There also has been an outcropping of rumors, presumably inspired by the fear-promoting sector of the Kremlin's propaganda machine, that Russian-directed East German military forces may soon send some fighting units to Viet Nam.

To top it all off with a touch of comic opera, finally, we have the case of the distressed Soviet athletes. They have announced that they will not fly to Los Angeles for a scheduled track-and-field meet. As they have put it, in the inimitable Communist style, "Our hatred for the American military, who are perpetrating atrocities in Viet Nam, and our solidarity with the people of Viet Nam, who are fighting for their freedom and independence, do not permit us to take part in a match with athletes of a country from which this aggression comes."

So what?

So the hard line against the United States seems fashionable once again in the USSR. There is reason to wonder, however, whether the sound and fury of the thing really signify very much beyond a Russian propagandistic effort to offset Peking's accusations. What is interesting, in any case, is that Soviet officials are reported to believe that the Vietnamese war has put the world on the razor's edge of grave danger. Surely, if that is their view, they should be interested in trying to cool off the situation rather than heat it up; they should wholeheartedly welcome this week's visits of Prime Ministers Gandhi of India and Wilson of Britain, both of whom are anxious to promote peace in Viet Nam by having the Kremlin join in reconvening the 1954 Geneva Conference on Indo-China.

President Johnson, in his remarks last night to the American Alumni Council, has eloquently reaffirmed his desire for such action. He wants it, and so does the country at large, in order to bring about honest negotiations for a decent peace that would benefit the whole of Asia, on both sides of the Bamboo Curtain. The Kremlin, despite its tough talk, should be receptive to this, whatever Peking may say or do.

As for the Communists of Hanoi, the President has made things clear enough: "First, victory for your armies is impossible. . . . Second, the minute you realize that a military victory is out of the question, and turn from the use of force, you will find us ready to reciprocate. We want to end the fighting . . . We want an honorable peace. . . . In your hands is the key to that peace. You have only to turn it."

This is an excellent summation of the matter. If Hanoi and Peking, not to mention Moscow, fail to grasp the meaning of it, they are worse than fools.

INVESTIGATION OF THE U.S. MILITARY, ECONOMIC, AND POLITICAL COMMITMENTS IN SOUTHEAST ASIA

The SPEAKER pro tempore. Under previous order of the House, the gentleman from Kentucky [Mr. Carter] is recognized for 30 minutes.

Mr. CARTER. Mr. Speaker, recently four Republicans were honored by selection on the group chosen to go to southeast Asia to investigate the U.S. military, economic and political commitments, and among these four were the Honorable Hastings Keith of Massachusetts; the Honorable John B. Anderson of Illinois; and the Honorable Ed Gurney of Florida.

The Honorable Hastings Keith was a major on the G-3 staff of President Eisenhower. He received a battle star, the Army Commendation Ribbon and other decorations. He has both a distinguished military and legislative career. He is now a colonel in the U.S. Army Reserve.

The Honorable John B. Anderson served in the Field Artillery in World War II. He received four battle stars and other decorations. Certainly he was a superior soldier. In 1952 he became a member of the U.S. State Department's career diplomatic service and was stationed in West Berlin for 2½ years as an adviser on the staff of the U.S. High Commissioner for Germany. It should be stated also that his legislative ability is outstanding.

The Honorable Ed Gurney served in the Army in World War II as a battalion commander in the 8th Armored Division, and he attained the rank of lieutenant colonel. He received the Purple Heart and the Silver Star for heroic action above and beyond the call of duty. He is one of the highly decorated veterans in Congress. He is also one of our most effective, distinguished legislators.

Mr. KEITH. Mr. Speaker, I would like to thank the gentleman from Kentucky for his remarks. It was a pleasure for me to serve with him on our inspection tour of Vietnam. I would like to point out to the House that the gentleman served as a captain in the Medical Corps of the 38th "Cyclone" Infantry Division during the Second World War. He cared for hundreds of wounded soldiers under enemy fire. The gentleman is the holder of the Asiatic Pacific Campaign Ribbon, the Philippines Liberation Ribbon, the Bronze Star, the Combat Medical Badge, and three battle stars.

Mr. Speaker, I would like to express my appreciation for the opportunity to participate in the congressional tour of Vietnam. No one can doubt that the war in that unfortunate country is of primary importance to all Americans. I therefore welcomed the opportunity to visit Vietnam and see the situation firsthand.

However, the Republican Members feel that we would have been much better prepared to study the problem and would have been able to assist the House more meaningfully in its deliberations upon this vital issue if we had been advised earlier about the trip, if we had been able to take staff assistants along with us, and if we had been briefed about about the war sooner. With these objections, and the short duration of our stay, in mind, I would like to make a few observations about our trip.

For military purposes, there are four distinct areas in Vietnam: The northern coastal area, the northern and central mountains and plains, the capital city of Saigon and its immediate vicinity, and, finally, the swampy Mekong Delta to the south.

The northern coastal area is relatively populous and accessible. With the construction of the gigantic new port at Cam Ranh Bay and the stationing of the 7th Fleet off the shore, we have this region pretty well in hand.

The mountainous, forested region to the west of the coast is much more sparsely populated. The people live in small, isolated hamlets. Our Army has been fairly successful in seeking out and largely destroying the enemy, both North Vietnamese troops and Vietcong guerrilla forces, in this region. Our Air Force, operating largely from bases we have constructed along the coast, has worked together with the aircraft assigned to our ground forces to provide close-in support for our troops. This has enabled us, literally and figuratively, to stay on top of the enemy in this area.

In addition, the Air Force B–52's from Guam and the Navy are playing a major role. They are used in close-in support and often they attack real or suspected troop concentrations throughout the countryside—particularly on the routes of approach from Laos which lies to the west.

The third region is the city of Saigon and its immediate surroundings. Our massive military presence and half-billion dollar aid program combine to give us for the present at least, a relatively tranquil city. It is impossible to root out all Communist terrorists, but the strong hand of Premier Ky and economic prosperity give this area, at the moment, a stability which is essential to the supply of our forces and the smooth operation of the city's economic, political, and social structure.

Lastly, we have the area of the Mekong Delta, to the south. In this low-lying, swampy riceland, the enemy is much more active, and much harder to find, fix, and destroy. The South Vietnamese Army has handled the bulk of the fighting in the delta. As yet there are no Americans stationed there other than advisers. The Communists are still in control of much of this region.

WHAT KIND OF WAR IS THIS, AND WHO IS FIGHTING IT?

The Communists are waging two kinds of war in Vietnam. The first is guerrilla warfare: the hit-and-run tactics of assassination, ambush, and terrorism. Guerrilla forces are small and are constantly on the move to avoid detection. They avoid pitched battles with large Government forces, but they will ambush, harass, and set booby traps and mines for these forces. Guerrillas will also attack civilian traffic and make the roads of the country unsafe to travel.

And most tragically, guerrillas terrorize the people and disrupt village life by murdering loyal village officials: teachers, doctors, policemen, and mayors. Since 1958, for example, the Communists have methodically murdered over 14,000 village headmen. In the United States, this would be the equivalent of losing nearly a quarter of a million mayors and town selectmen. The object of this slaughter is to destroy local government so that the Communists can establish their own authority over the people.

In the rural countryside, South Vietnam's villages are scattered, isolated, and remote from the control of the central government. If the Communists attack a village, there is often no way to get help in time, or even to call for help, since there are no telephones or telegraphs in these remote regions. Our task here has been to assist the Vietnamese Government in its pacification program. This program, sometimes called the strategic hamlet program, aims at fortifying the villages against attack and setting up self-defense teams. This must be done after the Vietcong have been driven from an area, so that the enemy cannot return. It was my impression that this program is going well in the areas where it has been attempted, but that it is not yet widespread enough.

The second kind of war the Communists are waging in Vietnam is what we read most about in the papers. During the last year or so the Communists have built a large, well-equipped, professional army. They have begun to fight in regiment- and battalion-sized units and to make larger scale attacks on government forces. North Vietnam has also been infiltrating units of its own regular army into the south. The intention of the enemy is to go beyond guerrilla operations and gather his forces for a knockout blow against the government.

The rapid buildup of American forces which began in January 1965 has been successful in defeating this Communist strategy. The Vietcong have suffered a series of defeats in engaging large allied forces. Greater American mobility and firepower have turned the tables on the Communists in this kind of warfare.

We sometimes hear it said that the South Vietnamese forces lack enthusiasm and suffer from desertions. I want to tell you I was impressed with the morale and fighting efficiency of these native troops. Of every five battles fought, four are fought by the South Vietnamese themselves. They have taken tremendous casualties and are making great sacrifices for their country. I certainly think they deserve the greatest praise.

I was also impressed with the morale of our own forces. I talked with many of our young men in the field, some of them from this area of Massachusetts, including Sp4c. Elliott Sylvia, of Nantucket. These men of our Army, Navy, Air Force, and Marines are highly motivated. They know why they are in Vietnam, and they are undaunted by the demonstrations back home. They are confident of the rightness of their cause. Their morale is justifiably high in areas where heavy fighting has driven out the enemy. Our troops are also effective. They are well trained and they know their job. They are superbly equipped and magnificently led. General Westmoreland is to these troops what Eisenhower and MacArthur were to the fighting men in World War II.

I had an opportunity to talk also with some of the men and commanding officers of the Fighting Tiger Division from South Korea. These crack troops were sent by the Korean Government to help defend American installations and to free United States and Vietnamese troops for other combat missions. We watched some of their training exercises—and, believe me, these are some of the most rugged and skillful fighters in the world.

THE BOMBING OF HANOI AND HAIPHONG OIL FACILITIES

All of the military and civilian personnel whom I met in Vietnam were in favor of the bombing of oil facilities outside the cities of Hanoi and Haiphong. Destruction of these storage tanks will slow down the flow of arms by truck to the Vietcong. No civilian areas near the cities were hit.

Many of us had been in favor of striking these installations as early as last December. Bombing of truck convoys and routes of infiltration seemed to us a waste of effort and a needless risk of our pilots' lives when the oil which carried those trucks over the routes could have been destroyed. I felt, therefore, that the airstrikes were long overdue.

Here is one of the points which have caused confusion in the public mind. Only last May, when the press asked Secretary McNamara if there were not other military targets in North Vietnam which could be hit to slow down the enemy, he said:

> There are practically no military targets of that kind in North Vietnam.

Now, after the bombing, it is admitted that these facilities were important. It should be remembered that during the 6 months of hesitating, there were 15,000 American casualties and 2,500 Americans lost their lives.

PORT FACILITIES—CAM RANH BAY

One of the most impressive parts of my trip was our visit to the huge new port which the Army Corps of Engineers is building at Cam Ranh Bay north of Saigon. Supply is half the problem of any war. When the United States began its massive troop buildup, it put soldiers into Vietnam almost faster than we could supply them. Ports were so jammed that ships could not unload supplies.

Cam Ranh Bay, which a few months ago was just a sandy beach, has now been built into a gigantic port which can unload 6,000 tons of cargo for our troops every day. This facility has taken the pressure off Saigon, which used to handle 90 percent of the country's shipping. Cam Ranh, which was built at a cost of $300 million, is now one of the finest harbors in the Far East. Together with Saigon, it can handle all of the support supplies American troops will need.

PREDICTIONS FOR THE WAR—WE ARE WINNING

To sum up the military situation in Vietnam, I think that we can be guardedly optimistic. The tide of the war has definitely turned against the Communists, but this does not mean that all fighting will be over soon. During the past months, nearly everywhere that a Communist unit has engaged an American unit, the Communists have been beaten.

It is mainly against the Vietcong regular army, augmented by North Vietnam's experienced professional units, however, that we have been successful. As Ambassador Lodge told us in Saigon, we have yet to lick the problem of terrorism. We have yet to construct a net in the provinces which can catch the murderers, saboteurs, and arsonists who terrorize the countryside.

To counter the total Communist threat in Vietnam, then, two things must be done. We must defeat the regular Vietcong and North Vietnamese Army forces militarily. This is what we are now doing successfully.

Second, we must destroy the Communist terrorist apparatus. This requires a much greater effort in the pacification and development program. We need more fortified villages, more instructors to teach village defense, and we need better police training in such things as criminal identification. In the long run, our military successes will bear fruit only if the villages and hamlets of Vietnam can be protected from Communist terrorism.

ECONOMIC ASPECTS OF THE WAR

First. Military success, however, is not our only goal. The war in Vietnam is also being fought on an economic front. In World War II and Korea, the problem with the economic situation was left until the war was over. Our Government has correctly determined that the economic battle in Vietnam must not be left—cannot be left—until the military battle has been won. Vietnam was ruled by China for a thousand years. It was controlled by the French for a hundred years. The Vietnamese have not had much experience running a national government. Where the French fought to save a colony, we must fight to create and save a country.

American and South Vietnamese troops can win battle after battle and skirmish after skirmish. But unless the people in the cities and the villages can look to the same national government to provide the sound economy, stable political system and services they need, there will be no lasting peace, no true victory.

Second. What is being done on the economic front? One of the most interesting and encouraging aspects is the rural pacification and development program. This program has been devised to combat the lack of communication and weak lines of control between the national government and the villages, as I pointed out earlier. Under this program, which is run by the South Vietnamese Government with our help, community action teams of 59 men each are trained to give out medical supplies, set up schools, give crop-growing advice and build defense in villages which the Vietcong have been forced to abandon. Two centers for training these men have been set up. Each center is now turning out 5,500 men every 13 weeks. These teams seem to be quite successful in helping develop their villages and in helping bring the villages closer to the national government. As a result of their efforts, 68 percent of the country's elementary school aged children are now in school.

The job of these teams is very important. For the first time in their lives, the war-weary peasants are learning that their Government does care for them. They have never had simple medical supplies or Government help in public health. While these services must be provided by the South Vietnamese themselves, our troops have assisted wherever they go.

These films were taken in a coastal area of Vietnam where U.S. marines and South Vietnamese forces had recently driven out the Vietcong. The marines shown here are sharing their rations and medical supplies with the villagers. These pills can save lives that would have been lost for lack of basic medicines.

This Navy doctor, with the assistance of native translators, is treating pneumonia patients with modern techniques. This treatment is far different from the simple native remedies which these people have always used.

The children are usually first to accept the American doctors and corpsmen. Frightened at first, they soon come in droves to have their injuries treated. A simple scratch or infection, if uncleaned and untreated, could lead to loss of a limb or even death.

Many people in the villages suffer from malnutrition. Their diet often lacks the proper nutritional elements, and this can lead to bad teeth—or no teeth at all.

These children are orphans. They have lost their parents to the warfare which Vietnam has suffered for so long. The dolls being given to these little girls are probably the only toys they have ever had. The simple happiness of the child is shared by the young American who is able to give a gift of friendship.

Soap and a bucket of clean water are miracles to people who have never known them. Water from a well dug by U.S. marines—water and a little soap—can prevent disease and promote the basic hygiene which government programs must eventually bring to all the people of the countryside.

In a village which as yet has no teacher, a marine is teaching a child to count. A marine here is teaching a child new words of English. These, too, are functions which local village governments will eventually perform, with assistance and training from Saigon.

Third. Our AID mission in Vietnam is also doing a good job. The director of the program, Charles A. Mann, has served 22 years as a career Foreign Service officer. He has 842 people on his staff. AID in Vietnam is responsible for about $700 million appropriated by Congress—$420 million of this is earmarked for stabilizing the government and economy in newly liberated areas. It is used for such things as medical facilities and supplies, waterworks, education, agriculture, electric power, and transportation.

Fourth. Can we improve our economic aid program in any way? On my trip, I noticed a serious lack of doctors. A village may have a clinic or infirmary staffed only by a midwife and perhaps one or two technicians. Often, the drugs they have to give out are labeled only in English, a language they do not understand. There are less than 1,000 doctors for 14 million people and an even greater shortage of medical technicians. If we had the same percentage of doctors in New Bedford as in Vietnam, we would have only 7 instead of the 146 we do have. And Vietnam is a country at war.

I suggest that we help the Vietnamese Government set up more specialized schools to train medical technicians to administer first aid, dispense drugs, and provide basic public health services, such as water purification. We must not lag on the economic and social front. If we do, our efforts on the military front will have been in vain.

CONCLUSIONS

WHEN THE WAR WILL END—THE ROLE OF NEGOTIATIONS

Many people are asking when this war will be over. They want to know when our massive commitment in Vietnam will begin to show conclusive results. Will there ever be peace in Vietnam?

My answer is that, the main body of the enemy's organized opposition could be defeated within a year. Barring intervention from Red China, I believe that the Vietcong's regular army could be completely broken up by some time next year. I strongly doubt that the Vietcong will ever come to the conference table, and therefore I do not visualize the war as necessarily ending in formal negotiations.

As our military strength is built up and the pacification program is perfected, I believe that the Communist opposition will dwindle and gradually fade away. Terrorism will still continue to be a problem, and outbreaks of fighting will still occur in some regions But hopefully large-scale fighting will disappear.

Pressure for negotiations, of course, has recently reached a very high level. I do not believe, however, that negotiations should be seen as an easy way out of our commitment in Vietnam. Our commitment is, after all, to the people of Vietnam and in support of their efforts to build a secure and peaceful nation.

The United States should be careful not to negotiate a withdrawal in such a way as to leave this young nation alone, facing a Communist threat, weak and disunified. If the objectives of our fight are just, then we should be sure that we do not sacrifice them in premature negotiations.

The fighting now appears to be going our way, and our massive aid program is beginning to bear fruit in building a sound Vietnamese nation. We must not give up these advantages, and we must not prematurely withdraw the vital military support for Vietnam's nation building process. The United States has always been willing to negotiate an end to the fighting, but our basic commitment to helping the Vietnamese people cannot be negotiated away.

Second. One thing which I think might speed the close of this war is closer cooperation with our allies in southeast Asia. Countries such as Thailand, the Philippines, Korea, New Zealand, and Australia have not been asked to participate as fully as they might. All of these countries have a vital interest in the Vietnam situation and two of them have troops fighting there. It is important to make these nations full partners in the defense of their part of the world.

Loose coordination among our SEATO and other allies could bring about in our Asian defense alliances the same kind of disarray which now exists in the NATO alliance in Europe. This is certainly not the time to let relations with our Asian allies deteriorate. This is not the time to take major actions without proper consultation with the allies who are similarly involved. It would be wise for the United States to hold regular meetings with our SEATO allies—formal or informal—to consult on the progress of the Vietnam war. This should be done to prevent the loss of communication and divergence of purpose which now plague the NATO alliance in Europe.

Third. If all shipping by Western nations to North Vietnam were stopped, this, too, might hasten the end of the war. Supplies vital to the enemy effort are now being shipped to North Vietnamese ports for transferral to the south to support North Vietnamese regular units and Vietcong terrorists. But even our closest ally, Great Britain, persists in allowing its merchant marine to trade with the North. And yet Britain asked us, and we agreed, to stop our ships from trading with Rhodesia. I suggest that we consider instituting a blockade. This measure could be held in reserve as an additional weapon should North Vietnam persist in its campaign of aggression against the South.

Fourth. A fourth problem which I think is extremely important is the image Americans present to the people of Vietnam. We have all heard talk about the ugly American, but I am afraid not enough is being done about the problem. Our congressional delegation was met at the Saigon airport by seven large Chevrolets, enough to carry two Congressmen per car. We proceeded by police escort to the Embassy—sirens screamed and people scattered. What sort of impression did that make? On the surface, American-South Vietnamese relations appear to be very good. But these people are naturally extremely polite. Do we know what they really think of us? A large foreign military establishment always chafes against the native population, but are we doing as much to relieve the situation as we can? Should we really encourage our servicemen to mix as much as possible with the Vietnamese civilians? One of the foremost values of a Vietnamese is humility. I think our military command there might give a little more thought to public relations to tone down the brashness of our image.

Fifth. Ten days was not a very long time to study the Vietnamese war—it is a long and complex problem. We were able to get a good, helpful, overall view of the situation, but I suggest that Congress return for an in depth study. This return trip should be made during the congressional recess at the close of this session and should last about 30 days. The delegation should be provided with Vietnamese-speaking guides and have complete authority to travel throughout Vietnam and study all phases of the war effort. This new tour would enable us to check on progress made since our trip, as well as provide Congress with experts and a detailed body of information to help it in its deliberations on this extremely vital issue.

Sixth. No withdrawal. Finally—and most importantly—my trip has convinced me that there can be no withdrawal from Vietnam. More is involved in this vital effort than just "face" or prestige. At stake is the credibility of America's word in defending her allies against aggression. If we should fail in Vietnam or desert our allies before the fight is won, other nations in Asia will cease to trust us and will be forced to live on Red China's terms. The future of freedom in this part of the world is in our hands.

Some advocates of peace at any price have argued that Red China is destined to be the predominant power in Asia in any case, and that the United States should withdraw and let this natural pattern of tyranny prevail. We know this cannot be done. Germany was the predominant power in Europe in 1939—but we fought to defend freedom. Soviet Russia was the predominant power in Europe in 1949—but we joined with our allies in NATO to defend freedom again. I do not believe that this Nation—which has fought so unselfishly before to defend the cause of liberty—will let this great cause fail in southeast Asia today.

Mr. ANDERSON of Illinois. Mr. Speaker, as 1 of the 14 Members of Congress to visit South Vietnam during the recent congressional recess, I should like to report some of my own observations and perhaps offer a few conclusions concerning my visit to this strategically important area of the globe. I should also mention at the outset that before proceeding to Vietnam we had a delay of approximately 1 day en route at the headquarters of CINCPAC at Hickam Field, Hawaii, where we received a comprehensive situation report and background briefing from the staff of Admiral Sharp, the commander of U.S. Forces in the Pacific as well as from senior officers from the important components of his command. I was personally highly impressed with the professional competence of the military and naval personnel who have the job of conducting the oversight of the war from our base and headquarters in Hawaii. As we will have occasion to relate further on in this report, I can best summarize their prognosis of the war as one of cautious and carefully restrained optimism combined with a quiet confidence in our ability to get the job done if we do not abandon our goals. Here as elsewhere whenever the question of the recent bombing of POL dumps in the vicinity of Hanoi and Haiphong was raised, it was the unanimous consensus on the part of these highly trained and highly knowledgeable senior military men that this step was not only completely warranted from their professional military point of view, but was indeed a step that should have been taken some time ago to thwart enemy efforts at dispersal of his supplies.

Our refueling stop at Clark Air Force Base in the Philippine Islands was spent on a tour of that base and a briefing on the role that it plays in supporting our war effort in Vietnam. As the headquarters of the 13th Air Force, this base is an extremely important logistical link in the chain of supply that fuels our fighting forces in southeast Asia. New construction work is proceeding that will enable this base to play an even more important role.

Perhaps one of the most poignant hours on this trip was the hour or so spent visiting Americans who have been wounded in the fighting and evacuated—very often—in a matter of just a few hours from the battle zones. For the most part these young lads seemed to evince a quiet stoicism about their personal involvement in the war. One lad expressed bitterness about draft card burners and said they would make good targets for the Vietcong. In most cases they expressed a wish to be sent to a hospital near their homes when they are sent on for further treatment. The stark tragedy of mutilated bodies and amputated limbs was a grim reminder that we are paying a price in young manhood on the battlefields of Vietnam.

Upon our arrival in Saigon we were first briefed on the overall situation by Ambassador Lodge who expressed great satisfaction that "we had come to see for ourselves." He emphasized time and again the completely unconventional nature of this war and the large role played not by the marching and countermarching of divisions and armies but by individual acts of terrorism, sabotage and assassination. He believes that if and as conventional warfare abates the tempo of such terrorism will increase. He said:

> I can leave this Embassy and in a 3 minute walk from here I can find someone who will kill anyone in Vietnam for $5.

We need to construct a fine mesh net to catch these saboteurs and terrorists. We do not have it now. In a recent month, May 1966, 115 village officials were assassinated by Vietcong. At present about 54 percent of the total population is under government control, 24 percent is under Vietcong control and control over the balance is shifting sometimes to one side, sometimes to the other. When asked, when will it be over, Lodge became extremely cautious and would only say:

> A year from now—by July of 1967, I believe we will be on the verge of breaking the military back of the North Vietnamese.

Note he said "military back." This obviously does not mean terror by Vietcong will automatically cease. He is, I gathered, personally in favor of hitting all legitimate military targets in North Vietnam like powerplants and machine tool factories. He was also asked:

> What about a blockade?
>
> Well, that would involve confrontation with the U.S.S.R. I think we can do the job without a blockade.

Lodge believes one of the most important phases of the war is the pacification program. Last year some 26,000 cadre were graduated from training schools. It is hoped that 40,000 a year can be trained—in 59-man teams—to help protect and keep order in villages reclaimed from Vietcong terror.

Deputy Ambassador Porter believes we are making progress on three fronts: First, military; second, toward representative government based on free elections; and third, economic development and reconstruction of the countryside.

Our economic aid program for Vietnam is the largest for any country in the world. In fiscal 1966 it amounted to $650 million. One must remember that two-thirds of this or $420 million is to finance imports. South Vietnam to put it quite bluntly is broke. AID has 842 personnel in Vietnam. One-half of them are in the field and one-half in Saigon. This figure obviously does not include contract personnel. Out of a 55-billion piaster budget the United States furnishes 33 billion or more than half. The country is suffering from staggering problems because of deficiencies in trained personnel. To cite just one example, there are only 209 civilian doctors for the whole country. We visited a program where until recently there was only one 220-bed hospital and only 1 civilian doctor for 550,000 people. There are a half million refugees still in temporary shelters.

In agriculture 4 out of 5 AID people were said to be in the field and implementing plans in strengthening agricultural co-ops and establishing means of providing agricultural credits.

In the field of education, 6,000 classrooms have been completed in various hamlets since 1962. By 1968 it is hoped 14 million textbooks will be available for primary grades. On the secondary level the goal is 8 million texts. Last year 1,200 elementary school teachers were trained. Out of 2.5 million eligible schoolchildren, 1.7 or 66 percent are in primary schools. Out of those eligible for high school only 21 percent are in school or 320,000.

If we needed any reassurance as to the validity of our visit to Vietnam we received it from the opening words of our briefings by General Westmoreland who said:

> The situation here is so complex you have to be on the scene to understand the multiple facets of the situation.

We are faced with two jobs—one to win a war—the other to build a nation wherein the Vietnamese people can defend their hard bought freedom. On the military side, we see no foreseeable change in the present systems of twin or parallel commands. Battlefield conduct and behavior of American troops has been a source of great pride to General Westmoreland. He said we will need more troops to finish the job.

As has been said on many different occasions the war in Vietnam is far from being merely a military conflict. It is also a struggle to build a viable nation. In many respects I feel that our task here is even more difficult than it is in the military sphere. South Vietnam is an underdeveloped country in every sense of the word. In the central highland region there are many hamlets and villages which remain extremely primitive. There is not only a lack of any identification with the national government, but also very little understanding, if any, of the basic fundamentals of a democratic society. I was extremely encouraged to learn that the South Vietnamese with our urging and support are undertaking an extensive project to remedy this situation.

At the training school at Vung Tau, a few miles southeast of Saigon 59 main teams are being trained to go back to their respective villages and hamlets to establish the basic infrastructure of our government. We were told it is planned to introduce approximately 40,000 graduates of this program into the countryside during the coming year. As is well known because of the campaign of terror and assassination carried out by the Vietcong there is a desperate scarcity of trained public administrators. The program being conducted at Vung Tau carries considerable promise of overcoming this shortage of local officials. At this point, I have a recommendation to make based on conversations which I held with some of our own people who have been in Vietnam for a number of years. They believe that our Government has a tendency to shift too quickly from one program to another.

In other words, it is absolutely essential that we elect to follow a particular program and then stick with it. For example, back in 1963 we were pursuing the idea of strategic or fortified hamlets. Indeed, in one speech delivered in that year by the Secretary of State, he made a very optimistic prognosis with respect to this program, and said that it represented a solution to the problem of maintaining government control in the countryside. However, it was not long until we abandoned that program as a failure. I had one of our people in Vietnam tell me that it was his honest opinion that the strategic hamlet program would have worked if we had been consistent and tenacious in our support of this particular approach. I realize the necessity for a certain flexibility; nevertheless some of our past failures can be traced to the fact that we have substituted flexibility for firmness.

One of the extremely interesting programs which I had an opportunity to observe is the Chieu Hoi or open arms program. This program is a systematic effort to encourage and induce defection from the Vietcong. In 1965 there were little over 11,000 defections reported. In the first half of 1966 over 9,200 Quy Chanhs or returnees have come in under this program. While we were in Vietnam I spent a portion of one day in the delta region in Vinh Long Province. One of the Chieu Hoi camps is located here, and I had an opportunity to interview some of the defectors. One young lad, who was only 12 years old, said that he had served as a liaison man between his village and a Vietcong. It was obvious to me from my questioning of him that he was motivated entirely by fear for his own safety, and that he served the Vietcong for this reason and not because of any ideological attachment to communism. I interviewed another defector who said that he had been a member of the political cadre of the Vietcong. When I queried him about marxism he portrayed a total ignorance of basic tenets. This again indicated to me that the average Vietcong is not a hard core Communist, but rather as Ambassador Lodge put it a simple peasant who has been impressed into the service of the Vietcong our of fear. Indeed, I asked this particular defector why he had not sooner deserted from the Vietcong and returned to a village under government control. He said that he was afraid that if he deserted to the government that his family who were living in a Vietcong controlled village, would be killed. The Chieu Hoi program seems to be having some success among these so called "ralliers" or defectors, and it does have the support and cooperation of our Government.

In the aforementioned trip to the delta region we were briefed rather extensively by the Province Chief, Colonel Diep, on the so-called revolutionary development program being carried out in the province in areas reclaimed from Vietcong control. The province chief took obvious pride in their accomplishments to date in building such facilities as schools, a water purification plant, a village market, and so forth. The job of reconstruction and rehabilitation of the shattered and war-torn countryside is a task of enormous proportions; however, I was impressed at the resiliency demonstrated by these people who have suffered so much during more than 20 years of war.

In this same province we also visited a provincial hospital. I think that another recommendation that I would make relates to this area of public health. It is my understanding that the current U.S. AID budget and public health activities amounts to only $27 million. In view of the appallingly low standards of public health and sanitation, I think we could well afford to increase the budget for public health activities. I can think of no better way to win the hearts and minds of these people than to provide them with the medical care they so desperately need.

Mr. Speaker, because the economic and social phases of the struggle now going on in South Vietnam are so important I have undertaken in the following section of my report on my trip to that country to summarize some of the material that was made available to me on some of the Agency for International Development—AID—programs that are being conducted in South Vietnam by the U.S. Government:

USAID Programs in South Vietnam

Through the cooperation of the United States Agency for International Development, South Vietnam is beginning to alleviate many of the problems, both military and public, which plague the country. The USAID is working in various areas of Vietnam, and helping with various aspects of the economy and helping also to build the necessary governmental infrastructure required in any self-governing country. From public health and education to public safety, the USAID is offering supplies and advice to the Vietnamese as they themselves undertake the tremendous task of nation-building.

The area of Public Safety, is one area with major problems, from the top administrative level all the way down to the lowest staff position. The country has a very complex system of law enforcement with much overlapping, and at the same time much specialization. There are no local law enforcement agencies as such, but only the National Police, or the Directorate General of National Police. There are six NP Regional Directorates in addition to the Saigon Municipal Police Directorate (SMPD). The Regions are divided into Provinces, the Provinces into Districts. In each of these divisions there is one top administrator. The Assistant Director of USAID for Public Safety is the chief adviser to the Director General.

In mid-1964 there were 22,000 in the NP. This reached 52,000 by the end of 1965. Even so, they are still behind their goal of 72,000 by the end of this year to try to do their job adequately.

In addition to the regular tasks assigned to law enforcement agencies, the NP must assist in counter-insurgency against the Viet Cong. They assist the military in gathering information on Viet Cong operations. However, because of the lack of manpower, the NP are not able to fulfill this task effectively. They help in the regulation of movement of selected resources, both human and material, and to restrict support for the Viet Cong. Some of the specific objectives of the Public Safety program of the USAID are: (1) to assist the NP in training and equipping new recruits, (2) to help the NP train a tactical field force of highly-mobile, lightly-armed units, (3) to improve records systems for the NP, (4) to establish a country-wide system of communications to serve the NP and other civil security, (5) to assist the NP in training police in civil disturbance control, (6) to help the Saigon Municipal Police, Customs Service and Prison Rehabilitation in their programs.

Under this Public Safety program, the USAID is assisting the NP materially, financially and technically to strengthen the overall economic policy. They have furnished countless weapons, vehicles and clothes to these agencies. In addition, they have assisted in fortifying police installations throughout the country. USAID has undertaken a study of regulations and procedures of the police which should be completed in January of 1967, and should lead to a new code of procedures and standing orders for the NP.

Because approximately 90 percent of all operations are in the field, most of the support is in this area. The USAID plans to station a Public Safety Adviser in each Regional Province and in each city headquarters. As of April of this year there was an adviser in each of the six Regional Headquarters and 31 advisers in the 43 Provinces and autonomous cities. Efforts are now being concentrated on improving office facilities, which are very poor. Basic office machines are missing, filing systems are inadequate and space is limited due to the recent increase in manpower.

USAID is giving extensive aid to the Police Field Forces with the belief that these forces will help in the pacification of the country, These Field Forces, or PFF, overlap the work of the National Police and the ARVN in the pacification of the country. It is their responsibility to defend the villages between the time the ARVN moves out and the National Police can move in. Often there is a considerable time gap between these moves, and many villages have been terrorized by Viet Cong during this time. The PFF are trained in both counter-insurgency and police work, and are thus able to do the jobs of both the ARVN and the NP until that time when the NP can safely move in.

Deployment could be described in terms of a large ring, with the Viet Cong on the outer edges, the ARVN on the middle section and the NP in the inner area. The PFF would occupy the overlapping area between the ARVN and the NP. Looking at a typical province, it is probable that in the six districts, one would be controlled by the Viet Cong, one by the NP and the other three by PFF.

At present there is one training center at Trai Mat, near Dalat, Tuyen Duc Province, from which five companies have graduated and six were undergoing training. The training period is twelve weeks. The total strength is 3,000 men, with an authorized strength of 8,500.

The USAID has supplied 15 advisers, though only 8 have been assigned at this time. They have also provided arms, ammunition, most of the equipment and some clothing and rations to the PFF.

Besides defense of these Village-Hamlets, the USAID is working with the NP to break communications between the Viet Cong and the people. Because guerrilla forces cannot survive without the support of the people, the NP have initiated a series of checkpoints to seal the information leaks between the people and the Viet Cong. They are beginning a complete program of identification of individuals and families to better cope with this problem.

Methods for keeping records in South Viet Nam are far outmoded, as are the present records with which the NP are working. A standard procedure is now being outlined which will help the NP maintain a more complete system of records. USAID is supplying filing cabinets and other needed equipment for this project.

Another area where there are serious problems is that of civil disturbance control. This is handled by the Order Police, of which there are two units of 1,000 men each. Both are stationed in Saigon. The problem facing these units is the lack of training. Administrators hope to initiate a program of rotational training which will give all policemen some training in control of civil disorders.

The USAID is also assisting the Saigon Municipal Police Directorate in building a force. They have given many supplies to the SMPD and are also helping with the training program by providing men, money and materials.

There are several branch organizations of the National Police which the USAID is assisting. In such agencies as the Harbor Police, the Internal Affairs Division, the Judicial Police Service and the Special Police Branch they are acting in an advisory capacity, helping with problems of administration and operation.

USAID has also been partially responsible for the establishment of an integrated system of country-wide communications for all government agencies. There is a major effort underway to support the Village-Hamlet Radio system with some 12,000 radios involved. They have also given some $200,000 in commodities to the Prison Rehabilitation Program.

Public health is another area where USAID is working to help build programs adequate for the country's needs. There are five projects which they have undertaken to help alleviate the trouble. MEDCAP uses military forces to provide medical care for civilians, with most of the assistance insuring ample supplies of various drugs. Project Vietnam allows Americans to volunteer for a two-month service tour of the country in which they offer aid and assistance.

There are 33 Health Service Teams in Vietnam at the present, with an eventual goal of one in every province. These teams provide medical care and health care, and help in administering a program of public health. In addition to these teams, there will be nearly 100 General Duty Nurses in the country by the end of the year which will augment the nursing capabilities of the fixed teams. Through the Logistics Program, the USAID provides the major source of commodities to the Ministry of Health.

Long range plans call for better medical education, in which the USAID will assist in building a Medical Science building for the Medical School and will plan the curriculum, design and faculty for nursing education. They will also assist in paramedical training and rehabilitation. Moreover, because of the great shortage of hospitals and beds, a hospital construction survey will be made to find where these shortages are most critical. They are also initiating preventive programs in three areas: (1) Maternal-Child Health. (2) Communicable Diseases. (3) Malaria.

In the area of agriculture, there are 6,300 trained workers concentrating 75 percent of their efforts toward farmer support activities. Through their assistance, such programs as plant protection, rodent control and vaccination have been accomplished. This has increased income by VN$1.5 billion. Nearly $258 million has been loaned to the farmers and USAID is increasing the number of on-board advisers from 25 to 120 in an effort to better accomplish their goals. In 1966–67 they hope to initiate new land reforms, strengthen the credit system of Vietnam; encourage commercial credit; develop the Mekong Delta area; and offer technical assistance to assure a sound economic policy.

Perhaps the other major problem area lies in the educational system of the country. There are numerous projects underway to strengthen all parts of the system, from the lowest levels to the professional schools. Because people in the rural areas expressed a wish for better educational facilities for their children, the Hamlet Schools Project was initiated in 1963. This has helped Vietnamese officials to administer a developing program of general education and to establish a broad base of literacy essential to all facets of the country's needs.

The Southern Illinois University Project was initiated to upgrade the level of the elementary teachers and to modernize the teaching system. After a 1960 survey team observed that nearly one-third of all children had no educational opportunity, and that there was only one Normal school, the project was started. The team further reported that the basic aim of the educational system had been to eliminate the majority of students from further education, which created an elite but small core of educated persons. Since that time they have built two more Normal schools and plan to increase enrollment in the next few years.

The Technical-Vocational Education Project hopes to train skilled workers, technicians and teachers to aid in economic development. The goal is for 10,000 students in the program. The belief is that by improving the economy they can provide employment for all. They have established Polytechnical schools in Danang, Qui Nhon, Vinh Long and Phu Tho (Saigon), with six more Rural Trade Schools in the planning stage.

To upgrade the scientific skills of the nation, the Science Project has been started. This project concentrates at the elementary level, realizing that few students will go on to higher education. They have completed 38 new laboratories and 21 workshops in science education, along with writing a new, basic textbook.

The Higher Education Project is attempting to eliminate the gap between what the universities are teaching and the country's true needs. They have picked the key faculties and are concentrating on them, rather than spreading the program over a large number of faculties. Facilities are being improved and expanded because they are overcrowded due to the great increase in enrollment.

To improve the overall picture of the educational system the Instruction Materials Project is attempting to rewrite many of the textbooks and to distribute an adequate number throughout the country. A major problem still facing the people is the shortage of printers in Vietnam. They are unable to keep up with the demand for new books and there is no other way to produce them at the present. The project, however, has been responsible for 37 new titles of elementary texts in 10 areas. They have shipped 6,500,000 books to the schools with the same number in production for later delivery. They have also made taped presentations of classes and lectures to be distributed to the schools.

The other major goal of those upgrading the educational system is to teach the English language to the people. With so much written material available in English it is important that these people learn the language to take advantage of these books. It is a known fact that much of the literature being sent to Vietnam is not being read because so few people can translate it. Thus, there are two programs which handle this teaching. The International Volunteer Service works in science education as well as

English education. These volunteers teach about 25 hours a week, more than the average for the Vietnamese teachers, and hold special classes in the evenings for those interested. The other program, Teaching of English, is not only teaching the language to the people, but is upgrading the libraries as well. The program concentrates on specialized groups, such as the doctors or lawyers, for their instruction.

For all these programs, we are supplying aid and assistance in all forms. We have given textbooks, money, men, and many other related materials to aid in this development.

Mr. Speaker, let me say in conclusion, that although I returned from South Vietnam sobered by a new realization of the tremendous task we face in winning a victory for decency, order, security, and social justice in that beleaguered country, I did not come back downhearted, defeated, or dismayed. Unless we lose courage we can defeat the Vietcong and North Vietnamese militarily. This may require additional effort. If such is needed, we should be careful to give priority to those areas like seapower and airpower where our strength is so overwhelming and where the enemy is correspondingly weak. We should not suffer the delusion that the enemy will soon or easily abandon his goal of a Vietnam united by force from the North and subservient to a Communist-led dictatorship in Hanoi. We should be only too aware of this by now. Therefore, to continue to do as we have done in the past and as Hanson W. Baldwin, the military expert for the New York Times put it this week in one of his columns—"the administration is still playing Vietnam by ear" is not my idea of the most efficient way to assess the enemy and the threat that he poses.

The notes and the music have been written for this encounter by the enemy, and the melody is plain. There is no need to read his intentions and then react as if we were playing this by ear. The President must and should let the American people know what our total national security expenditures and requirements—and I refer to both men and materiel—are going to be for the year ahead. Let us truly make the successful prosecution and completion of this war our number one and most urgent national priority. As long as American boys are bleeding and dying on battlefields more than 10,000 miles from their homeland, there cannot possibly be any more pressing business on our national agenda.

When the President has communicated this message in unmistakable terms to the American people, then they too must rise to the occasion and with a single mind and purpose concentrate on the task that confronts us. The other side thinks we are going to falter and finally quit. I have faith that this particular enemy is just as wrong in that assessment as he could possibly be.

SPECIAL ORDER VACATED

Mrs. THOMAS. Mr. Speaker, I ask unanimous consent that the special order previously granted the gentleman from California [Mr. CAMERON] for July 25, be vacated.

The SPEAKER pro tempore. Without objection, it is so ordered.

There was no objection.

THE EFFECT OF THE TIGHT MONEY SQUEEZE

Mrs. THOMAS. Mr. Speaker, I ask unanimous consent that the gentleman from Oregon [Mr. ULLMAN] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Texas?

There was no objection.

Mr. ULLMAN. Mr. Speaker, evidently the President has not yet awakened to the critical nature of the tight money situation and its effect on every community in this country. In yesterday's press conference, President Johnson's inadequate and evasive answer to the excellent question posed by Sarah McClendon of the El Paso Times on the effects of the tight money squeeze in housing revealed his lack of understanding of the impending recession in homebuilding and lumber. In his reply, the President referred solely to the inadequate legislation now pending before the Banking and Currency Committee, which by itself will never reverse the tight money problem.

The latest figures, available in yesterday's press, portend a deepening crisis in homebuilding and lumber production. I recommend that those who dismiss lightly my comment of last Thursday that "we are on the verge of a lumber and building industries recession" consider carefully the June data on housing starts and building permits. A failure affecting the Nation's second largest labor force will surely multiply throughout the economy and be felt in every congressional district in this country.

Housing starts are at the lowest levels in 5 years, building permits skidded another 14 percent since last month, and the Federal Housing Administration's mortgage insurance activity declined again in June. The Commerce Department reports that June's seasonally adjusted annual rate of housing starts fell to 1,288,000 from a May rate of 1,295,000. This followed an enormous 307,000-unit drop in May's rate from April. There has been a 17 percent decline from the June 1965 pace of 1,566,000 units. The June figures, just announced are the lowest since May 1961.

I appreciate the difficulty of those unfamiliar with these figures in interpreting their importance. In the housing industry new construction is tabulated in terms of a rate which, if continued unchanged throughout the year, would indicate the number of homes built, rather than raw monthly totals. Further adjustments are made for seasonal differences. In addition, one must consider that the housing market involves long-range commitments, and is therefore slow in reflecting changes in the economic picture. As a result, new housing starts remained at normal levels through the first 4 months following the Federal Reserve Board's unwarranted discount rate hike of last December. The interest rate war which is raging in the financial community as a direct result of the Reserve Board's action first showed up in the March figures. The new housing starts have continued to plunge since the March statistics were available.

The significance of these statistics is evident when one considers that a recent survey reports that housing contractors expect a cutback of 35 percent in home construction in 1966. The National Association of Home Builders predicts that the annual rate of 1.5 million new starts of December 1965 will skid to only 1.1 million new starts at the end of this year, if financial conditions do not improve. A drop of 400,000 units in home construction means a loss of 800,000 jobs. A drop in homebuilding of this magnitude would cost the lumber market almost 5 billion board feet of sales.

Another indicator of homebuilding, the pace at which building permits are issued, showed a 14 percent drop in June, twice as severe as a May decline. A sharp drop in permits foreshadows a still greater decrease in housing starts for the future. Additionally, in light of the tight money situation, many of the permits will fail to materialize as starts. Compared with the June 1965 totals, housing permits have dropped 25 percent from a year ago.

As might be expected, the decline in the housing industry is most marked for the middle and lower income purchasers who are bearing the brunt of the interest rate competition.

Permits for new single-family dwellings nationally fell to a 574,000 annual rate in June from May's downward revised 596,000 and 698,000 a year earlier. Permits for units in buildings housing five or more families are running at a rate which is only 67 percent of the June 1965 amount. Permits for units in buildings housing two to four families declined in June to a 58,000 annual rate from a May rate of 68,000; the June 1965 rate was 85,000.

A further indication of the severity of the situation is the Federal Housing Administration's figures indicating their participation in the mortgage market. Starts of new houses under FHA mortgage insurance dropped to a seasonally adjusted annual rate of 121,000 from May's 128,000 and April's 151,000. In June 1965 there were 154,000 applications for FHA-insured mortgages, on a seasonally adjusted annual rate.

Mr. Speaker, the evidence is now clear—we are beginning a recession in the homebuilding and lumber industries—and there is no reason to expect an improvement. Commitments made prior to the current money market conditions have helped to sustain building construction to this point, but, as housing permit figures make abundantly clear, the false security of home construction statistics in the first quarter of 1966 is fast disappearing.

The plight of the homebuilding and lumber industries is inextricably connected with the imbalance in the money markets. Savings and loan associations, which account for 44 percent of the outstanding home mortgage loans in the country, have no money to lend to home builders or home purchasers as a result of the drain on their deposits in recent months. The pattern of savings and loan withdrawals, initiated last December by the Federal Reserve Board's permission to commercial banks to offer 5½ percent interest on time deposits, reached the level of a $1.1 billion loss to the associations in April. Most savings and loans cannot justify interest rates of over 4½ or 4¾ percent. In July, likewise a dividend month, similar losses are expected.

The May figures, the most recent available, show a 28-percent decline from a year ago in savings and loan association mortgage loans for home construction. Home purchase loans sponsored by the thrift institutions suffered a 12-percent decline from the June 1965 figures. Total loan commitments by savings and loans fell from $3.1 billion in April to about $2.4 billion in June, indicating a further decline in housing later this year.

Interest rate escalation in other areas of the financial community is hurting the home builder and home purchaser. Conventional mortgage interest rates are now well above 6 percent. Over 55 percent of the Nation's builders are now forced to pay over 4 points for FHA financing on the homes they sell.

On a $15,000 FHA mortgage, a home will cost $1,725 more than was required last September in many areas of the country. The average increase in interest rates on 30-year mortgages of one-half of 1 percent will cost the buyer $1,125. The six additional points now being added to FHA-sponsored mortgages account for an extra $600.

The high interest rate policies pursued by the Federal Reserve Board and adopted by the big financial interests are threatening to destroy the opportunity for homeownership to millions of Americans. The imbalance resulting in the money markets from the interest rate competition is, in effect, forcing a reversal of national housing policy. For the past generation, national policy provided an appropriate and adequate climate for financing homebuilding and for the growth of savings institutions which provided the bulk of home construction funds. Now, by the unilateral action of one institution, the Federal Reserve Board, a sudden reversal of this policy has taken place.

As I have stated in two recent letters to the White House, President Johnson must take the responsibility for immediate action in this domestic crisis. The administration must formulate fiscal policies to combat the growing imbalance in the money markets and reverse the disaster facing the homebuilding and lumber industries.

The recent announcement by the Federal Reserve Board that it would limit multiple maturity time deposits to 5 percent, is an insignificant effort in correcting the monetary imbalance when the situation demands immediate attention by the administration, the Congress, and the Federal Reserve. We are not limited to fighting the monetary crisis with slingshots when we have a whole arsenal available at our command.

Mr. Speaker, last Thursday I called upon the President to convene an emergency high-level conference to discuss the problems of money imbalance and the crisis in the homebuilding and lumber industries. The conference would involve officials from the administration, Members of the Congress, the Governors of the Federal Reserve Board, and representatives of the housing and financial communities, and would formulate a coordinated program using a wide variety of tools.

Unilateral action by one agency of government or another will not restore the balance to our economy. Lowering of discount rates, increasing reserve requirements, and Open Market Committee purchases would come under the Federal Reserve Board jurisdiction. Stoppage of all sales participation offerings should be considered by the Treasury. Immediate suspension of the investment tax credit, passage of an excess profits tax, and restrictions on installment buying should be considered by the Congress. In the Tuesday meeting with members of the Appropriations Committee, President Johnson recognized the growing need for restraint in Federal expenditures.

I submit that a combination of these and other measures would check inflationary pressures in the economy while restoring the health of the lumber and homebuilding industries.

Mr. Speaker and Members of the Congress, I am concerned not only as an advocate of the "new economics" and as a Representative of the Nation's leading lumber-producing State. I am concerned as an American. If we do not reverse the tight money situation and the disastrous effect it is having in the lumber and homebuilding industries, we are threatened with a recession that will spread to other segments of our economy. Once more I call upon the President to treat the problem before its malignancy destroys the gains of the "new economics." Let us launch a coordinated and imaginative effort to stabilize the unprecedented economic growth of the sixties.

NATIONWIDE SYSTEM OF SCENIC TRAILS

Mrs. THOMAS. Mr. Speaker, I ask unanimous consent that the gentleman from Minnesota [Mr. FRASER] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Texas?

There was no objection.

Mr. FRASER. Mr. Speaker, in our increasingly urbanized world it becomes more difficult every year to find a quiet, relaxing refuge near the centers of our noisy, rushing cities. As the population of our urban areas grows, so does the use of land for commerce and housing.

We need to act now to protect what recreational land is left to us. For this reason I am introducing H.R. 16419, a bill that would establish a nationwide system of scenic trails. My bill is identical to H.R. 14289, introduced April 5 by the gentleman from Iowa [Mr. SCHMIDHAUSER] and similar to H.R. 14222, introduced March 31 by the gentleman from Alaska [Mr. RIVERS].

My bill would designate the existing Appalachian Trail as a national scenic trail. The bill calls for a feasibility and desirability study of 13 others that would, I hope, become national trails. One of these 13 would be designated the Mississippi River Trail. It would extend from the mouth of the river in Louisiana to its headwaters in northern Minnesota.

Mr. Speaker, I spent an unforgettable part of my boyhood scrambling up and down the steep banks of the Mississippi River in Minneapolis, near the University of Minnesota. Nobody who has shared this experience, or who has walked along the bluffs overlooking the Mississippi, is likely to forget the magnificence of the huge river. But I have often reflected on a missing element that would make the Mississippi even more magnificent than it already is. The missing element is a trail.

We from Minneapolis are fortunate to have a city of such natural beauty, with so many lakes, parks, and recreation areas. Yet these areas are rapidly becoming inadequate for the needs of our burgeoning metropolitan area. We need more such areas. What could make more sense than a scenic, well-maintained trail along the Mississippi, mightiest of all the Nation's waterways?

The feasibility study, including costs and benefits, would be conducted by the Secretary of the Interior. Where lands administered by him were involved, the Secretary of Agriculture would participate. Assisting the Federal Government would be both governmental and private interstate, state and local organizations. Recommendations from this joint study would be made to the President.

It seems to me, Mr. Speaker, that the people, not only of Minneapolis but of the other 12 regions in all parts of the United States that are included in my bill, have an unequaled opportunity to make use of some of our most beautiful and historic assets—for comparatively few dollars.

PROPOSAL SUBMITTED TO RESTORE MISSING PROVISIONS TO COLD WAR GI BILL

Mrs. THOMAS. Mr. Speaker, I ask unanimous consent that the gentleman from Minnesota [Mr. FRASER] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Texas?

There was no objection.

Mr. FRASER. Mr. Speaker, one of the most significant and worthwhile pieces of legislation passed by this session of the 89th Congress is the Veterans Readjustment Benefits Act of 1966, Public Law 89–358. But this law, called the cold war GI bill, contains some major omissions.

In an effort to correct some of these omissions, I am introducing an amendment, H.R. 16420. My bill is identical to

S. 3303, introduced in the other body May 3 by Senator YARBOROUGH, of Texas, and 27 of his colleagues. The omissions were included in H.R. 11791, which I introduced last October, but were removed from the bill that became law March 3.

Although the 1966 law extends numerous benefits to veterans who have served since the Korean war, Mr. Speaker, it falls short of the Korean benefits in these ways:

It does not include on-the-job training, on-the-farm training or flight training. Despite rising living costs, its educational assistance benefits are lower than those of the Korean bill. It allows only 1 day of education for each day of active duty instead of the 1½ days of education for each day of active duty allowed under the Korean bill. And it does not include the previous provision for payment of $1 per month per veteran-student to schools for helping defray the expenses of preparing and submitting reports and certifications on such students.

My amendment would restore these missing provisions to the cold war GI bill.

All the Federal programs in our hard-fought war on poverty stress the need for on-the-job training. It is ridiculous to omit this important program from the new law. My amendment would allow, for full-time on-the-job training, $70 a month for a veteran with no dependents, $85 for one dependent, and $105 for more than one dependent. The amounts would be scaled down after 4 months. The total of allowance and salary could not exceed $310 a month.

We need to do everything possible to train qualified American farmers to cope with the world food crisis. My amendment for full-time on-the-farm training would allow $95 a month for no dependents, $110 for one dependent, and $130 for more than one. Allowances would be scaled down after 9 months.

The United States is confronted by an increasingly critical shortage of qualified commercial pilots. My amendment would pay 75 percent of tuition costs for flight training.

Under the present law, post-Korea veterans attending colleges and universities are eligible for $100 a month allowance if they are single, $125 if they are married, and $150 if they have two or more dependents. This is hardly fair, since the allowances under the law passed for Korean veterans in 1952 were $110, $135, and $160. My amendment would increase the allowances to their previous levels.

Mr. Speaker, ours is a wealthier Nation now than it was during the Korean war. The military service of the men and women in our Armed Forces today, in Vietnam and other world trouble spots, requires no less dedication than was required then. What excuse can we find for doing less for today's veterans?

The answer is clear that there is no excuse. Congress should take corrective action before this session ends.

HANOI JEOPARDIZES WORLD PEACE

Mrs. THOMAS. Mr. Speaker, I ask unanimous consent that the gentleman from New York [Mr. OTTINGER] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Texas?

There was no objection.

Mr. OTTINGER. Mr. Speaker, I am proud to join in the bipartisan resolution sponsored by my distinguished colleagues, the gentlemen from New York [Mr. REID] and Massachusetts [Mr. MORSE] expressing the grave concern of the U.S. Congress over the outrageous threats of the North Vietnamese Government to try American airmen as war criminals.

Two weeks ago, the North Vietnamese Government marched American airmen through the streets of Hanoi. This in itself was a violation of the rules of war and an offense against common decency, but Hanoi has gone even further by threatening to try these men as "war criminals."

This could represent a very grave turn in the war in Vietnam. Many American soldiers are being held as prisoners in the north today. We are not sure of the number, because the North Vietnamese will not tell us. They have refused to disclose their names, refused to let the International Red Cross see them, and refused to let mail or packages through to where they are being held.

These young Americans are not war criminals by any stretch of the imagination. They were following the orders of superior officers in attacking designated military targets. They were doing their duty for their country, just as the soldiers of North Vietnam are acting in accordance with their duty, as defined by their leaders. This is the oldest tradition of war.

The rules of war specifically forbid the trials the North Vietnamese have threatened. Article 13 of the Geneva Convention, which the government of Hanoi signed in 1957, provides that prisoners of war should be protected against reprisal for acts performed in the line of duty.

If the North Vietnamese act—in violation of international law and in violation of the solemn covenant that they themselves signed at Geneva scarcely 9 years ago—the gravest consequences could result. I hope they think very carefully indeed before taking this barbaric action.

At the same time, we will continue to make sure that our allies observe the prisoner of war conventions. In the past, there have been disturbing reports out of South Vietnam that Communist prisoners have received brutal treatment from the South Vietnamese.

In recent months, however, we are told that the South Vietnamese are observing the prisoner of war conventions, and allowing the Red Cross to use its good offices to help captured soldiers.

I hope that the North Vietnamese will not do the dangerous, desperate thing they are contemplating. They should be wise enough to know that it could exhaust the last remnant of tolerance of the American people and foreclose the last hope for a peaceful settlement.

CULVER CALLS FOR END TO AIRLINE STRIKE

Mrs. THOMAS. Mr. Speaker, I ask unanimous consent that the gentleman from Iowa [Mr. CULVER] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Texas?

There was no objection.

Mr. CULVER. Mr. Speaker, the continuation of the present airline strike, which is now in its 14th day, poses increasing threats to the economy and security of our Nation, and it is critical that normal air service be resumed as quickly as possible.

The interruption of vital transportation and communication networks caused by the strike has gone beyond mere nuisance, and is particularly serious in view of the critical situation in Vietnam. The economic interdependence of all sections of the country and all segments of the population require the efficient movement of personnel and materials within the United States, yet 60 percent of all passengers and 70 percent of all airmail is dependent upon the five airlines which are not now operating. The strike is costing an estimated $7 million a day, and total losses are already approaching the $100 million mark.

Negotiations began in this airline labor dispute almost a year ago, in August 1965. When no agreement could be reached through regular channels, the President appointed an Emergency Mediation Board to find the facts in the case and make recommendations for a settlement.

On the basis of subsequent hearings, that Board recommended an increase which would bring wages for airline mechanics in the coming year to $3.64 an hour or $650 a month without overtime—well above the wages in manufacturing or retail trade.

The carriers accepted the emergency board recommendations and went above them in offering a contract to the union. The union, however, is holding out for higher wages which, if granted, would trigger an inflationary wage-price spiral with harmful economic consequences for all, including members of other labor unions. At the same time, the machinists are protecting themselves against this inflation by insisting upon a one-way escalator clause.

The International Association of Machinists is asking for wages almost 5 times greater than the administration's anti-inflationary guidelines, and Mr. Walter Heller, the former Chairman of the Council of Economic Advisers who was instrumental in establishing these guidelines, has called the union's demands "injurious to the national interest."

No one sector of the economy can be individually blamed for present inflationary pressures. I opposed statements by spokesmen of the administration which could be construed as placing such responsibility on the American farmer, and I am equally opposed to suggestions that the American workingman is responsible for high prices. However, when one union makes demands as excessive as those being proposed and insisted upon by the IAM, then the floodgate is opened wide and the economic stability of the Nation is clearly at stake.

I have, therefore, contacted the president of the IAM, P. L. Siemiller, urging him to call off the strike and return to work so that further mediation can proceed in a calm and reasoned manner. I have further urged that the leadership of the union modify its wage demands to avoid the inflationary consequences which would inevitably occur.

Basic responsibility to the public in this matter rests with the union and the airlines, and I am hopeful that they will demonstrate the necessary industrial statesmanship to settle the dispute within the system of free collective bargaining, so as to avoid the necessity of forced inflationary as well as labor-management controls to protect the national interest and maintain a healthy and stable economy.

I do not favor compulsory arbitration, but some means of assuring a fair settlement without damage to the public interest must be found. Earlier this week, I urged President Johnson to use his good offices to settle the strike.

Last January, in his state of the Union message, President Johnson told us that he would submit recommendations to deal with strikes which threaten irreparable damage to the national interest. Such action can no longer be delayed, and I have urged the President to submit his proposals now, so that the Congress can examine the possibilities for legislation in this critical area this year.

WAGE BOARD BILL

Mrs. **THOMAS**. Mr. Speaker, I ask unanimous consent that the gentleman from Montana [Mr. OLSEN] may extend his remarks at this point in the RECORD and include extraneous matter.

The **SPEAKER** pro tempore. Is there objection to the request of the gentlewoman from Texas?

There was no objection.

Mr. **OLSEN** of Montana. Mr. Speaker, I have today introduced a bill for the purpose of bringing uniformity into the method of determining rates of pay for the so-called blue-collar workers of the Federal Government. This uniformity would be accomplished by the establishment of a Federal Wage Board, to be known as the Federal Departmental Wage Board, which would develop and maintain a uniform system of surveying pay rates for comparable jobs in private industry. Employee organizations would be represented at every level of responsibility in the wage determination system proposed in this bill.

My bill represents a need for legislation of this type; a need which has come about because of inequities in rates in different Federal agencies. These inequities have been increasingly emphasized by the lack of uniformity which would provide fair and equal compensation for skilled, semiskilled, and unskilled manual positions throughout the Federal service. It is impossible to remove these inequities because each Government agency which administers its own wage-fixing program believes it to be the one that is appropriate for its needs. As a result the analysis of wage-rate data obtained from private industry is made on different assumptions and by varying methods which have resulted in some instances in sizable differentials in rates for the same positions existing in different Government agencies.

It is evident that if all employees, particularly within given geographic areas, are to be equitably compensated regardless of the employing agency, a uniform wage board program must be created, and such a program must function on a Government-wide basis.

Development of a system of fixing wage rates for these blue-collar positions has a long history which begins with legislation enacted in 1862 to authorize the Navy Department to establish pay rates for the various crafts and trades in the navy yards. That system was based upon the principle of fixing rates in relation to the prevailing rates for comparable work in private industry in the geographic area in which a navy yard was situated.

The responsibility of Federal departments and agencies for determining these rates was broadened in 1955 when a considerable number of these positions, formerly subject to the Classification Act, were required to be compensated on the bases of administrative wage determinations. During the subsequent 11 years the inequities in wage rates for these jobs have been increased so that employees performing identical duties in different agencies in the same geographic area receive 50 or 60 cents an hour more or less than their fellow employees in another agency in the same area.

The bill which I have introduced would insure uniformity in the governmental wage-fixing procedure, first by the establishment of a Federal departmental Wage Board composed of five members to be appointed by the Secretary of Labor. Two of the five members would represent bona fide employee organizations having substantial membership in the Federal Civil Service. Wage review committees having an equal representation of leading Federal agencies and labor organizations would supplement the functioning of the Departmental Wage Board by adjudicating appeals from disputes referred to the wage board for determination. These committees would also make the final determination of wage rates. There would also be an Employee Advisory Committee, designated by the Secretary of Labor, which would include members holding nonsupervisory wage board positions as well as members representing bona fide employee organizations.

The departmental wage board would have the paramount responsibility for developing and maintaining a uniform system of wage determination. In so doing the board would prepare, with the advice of the departments, systems for placing positions in the proper grades, and would develop a job evaluation plan to determine the relative value of the duties, responsibilities, and qualification requirements of each wage board position.

Wage survey data would be obtained by means of wage surveys conducted by the wage board and from surveys conducted by the Bureau of Labor Statistics. Wage surveys would be required to be made at least every 12 months. Wage surveys would ordinarily be conducted by one survey team in each wage board district. Each wage board district would comprise an area sufficiently large to obtain adequate wage data which would represent large-scale industries or conditions which are more nearly comparable to employment in the Federal service. Each survey team is to include at least one member representing one or more employee organization affected by the survey.

When each wage survey has been completed, the wage data are to be reviewed for accuracy and then forwarded to the wage board in Washington for suitable analysis and to determine adjustments which may be required in wage rate schedules.

Wage board employees would be given assurance of uniform application of a differential for night work. Uniform provision also is to be made for proper compensation for hazardous duties in formulating wage board determinations and would also include uniform application of an overtime rate of 1½ times the hourly rate for work required in excess of 8 hours in a day. Work on a holiday would be compensated at the rate of 2½ times the regular hourly rates.

ALLIES OF POOR

Mrs. **THOMAS**. Mr. Speaker, I ask unanimous consent that the gentleman from Texas [Mr. POOL] may extend his remarks at this point in the RECORD and include extraneous matter.

The **SPEAKER** pro tempore. Is there objection to the request of the gentlewoman from Texas?

There was no objection.

Mr. **POOL**. Mr. Speaker, I feel it is worthy of notation that among the hundreds of communities participating in the struggle against poverty under the Office of Economic Opportunity, Dallas shares in the integrity shown in a recent audit that not one instance of unlawful use of funds by a local community action agency in the State of Texas has been discovered. Such a fine record is further noted in the entire five-State Southwest region. This is an achievement which all Texans can point to with pride.

Furthermore, the program for legal aid for Dallas, conducted by Southern Methodist University has gained the complete cooperation of all bar groups in the city. Leaders of the Dallas bar, the junior bar, and the criminal bar—in addition to the representatives of the areas and groups served—will participate on the governing board of the program.

The Dallas County Community Action Committee's board of directors is, indeed, made up of some of the most outstanding citizens and leaders of Dallas, which promotes the record of achievement and integrity already established.

An editorial in the Dallas Times Herald recently stated the cornerstone of the antipoverty is the development of self-reliant individuals who can become full-fledged participants in the good life of America. Only as we enable deprived citizens to have pride, hope, and dignity can we bury the Communist agitators, the newspaper declares.

As a member of the House Committee on Un-American Activities Committee, I know for a fact that a basic Communist doctrine is appeal to the underprivileged. Here in America, the land of plenty, we have the resources that all may share "the good life." While I have opposed parts of the war on poverty because I believe that the State and local authorities are best able to handle the problems of the underprivileged, I must support the theory that each and every human being on this earth deserves to learn how to provide for himself. It is in the interest of all free peoples and our greatest defense against Communist aggression.

The editorial referred to follows:

Allies of Poor

The cornerstone of the War on Poverty is the development of responsible, self-reliant individuals who, through education, training, counseling and a helping hand, can become full-fledged participants in the good life of America.

It is a distortion to say, as some in our midst do, that the War on Poverty is helping destroy the very traits it promotes. The easy way to attack the problem of the poor is to give them just enough of a dole to subsist on and hope they will go away.

The development of economic opportunity programs is a great experiment in humanitarianism. One recent speaker said, "You have to take the poverty out of the man, not the man out of poverty." That, of course, is exactly what the many projects under the War on Poverty banner are trying to do.

The charge made here and there that Communist agitators rather than civil rights movements are the primary causes of riots and unrest undoubtedly has some truth in it.

But the War on Poverty is an ally in the war on communism. Only as we enable our reprived citizens to have pride, hope and dignity can we bury the Communist agitators who offer glib solutions. Even in Russia, the increasing pressures from the educated and freedom-sniffing masses have brought some softening of communism's harsh totalitarianism.

NATIONAL TRAFFIC SAFETY AGENCY

Mrs. THOMAS. Mr. Speaker, I ask unanimous consent that the gentleman from Georgia [Mr. MACKAY] may extend his remarks at this point in the RECORD and include extraneous matter.

The **SPEAKER** pro tempore. Is there objection to the request of the gentlewoman from Texas?

There was no objection.

Mr. MACKAY. Mr. Speaker, the enactment of the Traffic Safety Act of 1966 by this 89th Congress will bring an end to a long period of neglectful indifference to the daily occurrence of death, injury, and agony experienced by the American people of all ages, in all walks of life and throughout our land.

Since this Congress convened on January 9, 1965, more than 70,000 men, women, and children have died violent deaths in traffic accidents. The enormity of this loss is awesome and awful.

Committee work has been completed on four bills which deal with the three main elements of the legislation: Federal motor vehicle safety performance standards; comprehensive research as to the causes of accidents and resulting deaths and injuries; and grant-in-aid programs aimed at constructing a more uniform and safer traffic environment throughout the Nation.

Yet unresolved is the question of what office or agency of the National Government will be assigned explicit responsibility to properly execute the Traffic Safety Act of 1966.

Thirty-one Members of this House and 15 Members of the Senate have sponsored legislation which would establish a National Traffic Safety Agency. Such an agency would logically be provided in a Department of Transportation. In the event such a department is not created then a National Traffic Safety Agency would be appropriate in the Department of Commerce.

The following article clearly discloses how critically important it is that explicit responsibility be assigned:

[From Christian Science Monitor, July 2, 1966]

Stop Sign: Traffic-Safety Programs in U.S. Hobbled by Shortage of Data

(Brian Justin Hoel)

Traffic accident research in the United States, a basic step in coping with mounting highway-safety problems, is menaced by disorganization and disagreement on methods.

This despite millions of federal, state, and local dollars flowing into accident study and prevention programs.

In addition, The Christian Science Monitor has found that:

There are far too few trained safety researchers;

Too few accidents are thoroughly researched from all possible aspects;

Interstate and intrastate cooperation on highway safety is seriously lagging;

Numerous states have yet to adopt even elemenetary safety standards.

To gather this information, 112 questionnaires were sent to state, federal, and private authorities in the field. Complete background data on accident causes, and age groups affected was sought.

In addition, the National Safety Council, the President's Committee for Traffic Safety, and the United States Bureau of Public Roads were quizzed on the safety measures instituted across the nation.

No questionnaire was completely filled out. Only nine questionnaires were returned with minimal data. No fewer than 53 questionnaires were sent back blank with apologies from the source—most pointing out the complexities of accidents and the problems of complete investigation. Fifty questionnaires were not returned.

Almost all of the 33 states that replied sent what data they did have—usually the Standard Summary of Motor Vehicle Traffic Accidents upon which the National Safety Council bases its annual national summary.

However, Fred W. Hurd, director of Yale University's Bureau of Highway Traffic, said "those who are experienced in the traffic-accident prevention field would have little confidence in the summary."

Even the states which reported their own findings were not satisfied with them. Vern L. Hill, director of the Oregon Department of Motor Vehicles, said, "So few of all traffic accidents are investigated by police. For that reason, we place very little credence on the 'prime causative factor' table included in this summary. . . . Too much of our accident statistics are of little significance."

This dearth of information must be viewed against rising public concern stirred by recent auto-safety hearings in Washington.

COORDINATION LACKING

Just last March President Johnson introduced a $700 million traffic safety bill. It calls for six years of research to make automobiles and highways safer. Passed by the Senate and now before the House, the bill is further evidence that the federal government considers it must provide leadership in this crucial field.

"The toll of Americans killed . . . [in highway accidents] since the introduction of the automobile is truly unbelievable," said Mr. Johnson. "It is 1.5 million—more than all the combat deaths suffered in all our wars."

Last year, he said, 49,000 Americans were killed in automobile accidents.

"The carnage on the highways must be arrested," said Mr. Johnson.

"The weakness of our present highway safety program must be corrected:

"Our knowledge of causes is grossly inadequate. Expert opinion is frequently contradictory and confusing.

"Existing safety programs are widely dispersed. Government and private efforts proceed separately, without effective coordination.

"There is no clear assignment of responsibility at the federal level.

"The allocation of our resources to highway safety is inadequate.

"Neither private industry nor government officials concerned with automotive transportation have made safety first among their priorities. Yet we know that expensive freeways, powerful engines, and smooth exteriors will not stop the massacre on our roads."

Says Mr. Hurd of Yale:

"One of the most frustrating problems we have in solving the highway safety problem is the lack of accurate information on the principal causes of accidents. Those who investigate accidents attempt to indicate the cause [or causes] on the report form but in most cases this is a matter of opinion and is often prejudiced."

INVESTIGATION TEAMS

Mr. Hurd does not blame present methods of traffic-accident reporting by police.

"The truth of the matter," he says, "is that accident causes are a very complex combination of failures and events. The driver is usually blamed because he is in command of the situation. At the same time, a slightly different vehicle-operating characteristic or elimination of the physical cause of the collision may have permitted a driver to avoid an accident."

It was to combat the deficiency in gathering data on accidents that President Johnson in March ordered the Department of Commerce to establish accident investigation teams to "bring us a new understanding of highway accident and their causes."

These teams have not yet been organized, and it has not been decided how they will go about collecting the data, says Paul Sitton, director of the department's office of transportation programs.

PERSONNEL SHORTAGE

He says, however, that there will be no "crash program" and that two or three teams will be established first to develop reporting techniques.

He hopes the team approach will show results within three or four years. But private researchers are skeptical that sufficient meaningful information can be gathered in that time.

J. Stannard Baker, director of research and development for Northwestern University's Traffic Institute, finds a basic lack of people sufficiently trained to carry out thorough traffic-accident investigations.

A college course, Mr. Baker says, must be developed to train investigators. He says they must have some understanding of engineering, medicine, psychology, and sociology. And, he says, they must have time to gain experience. He estimates it will take at least 25 years to glean meaningful results through the use of these teams.

BASIC COMPONENTS

In the meantime, the National Safety Council and most of the others contacted felt the nation and the states must push forward with those safety programs on which there already is agreement.

The President's Committee for Traffic Safety, formed in 1946 to enlist specific public support in this campaign, spotlights the driver:

"The basic components of the traffic system are the driver, the vehicle, and the environment. In any given situation, the vehicle and environment are relatively fixed.

"In the seconds before an accident, there is no way to change the steering characteristics of the vehicle or the grade of the road.

"Only the driver, as the plastic element of the three, may be able to compensate for existing deficiencies in the vehicle or the environment and in the actions of other drivers who may be contributing to the accident situation."

For this reason, most researchers said that in addition to the need for research there must be immediate, rigid enforcement of existing state laws—especially those against excessive speed and drunken driving.

Several said there is a great need for universal adoption of implied consent laws, which enable police to test for drunkenness.

ENFORCEMENT PROBLEM

Art Richardson of the Mississippi Department of Public Safety said: "We feel that traffic accidents and fatalities can best be reduced by more stringent application of enforcement, and a better quality of enforcement.

"Unfortunately," he added, "tighter enforcement of traffic laws is not a very salable commodity to the driving public."

The breadth of the problem is another facet of the challenge. Says Mr. Sitoth: "It is very difficult to get 50 states to agree and coordinate on a subject filled with so much misinformation. It is a federal, not a state, problem."

Mr. Sitton asserts that "there is a natural reluctance on the part of state legislatures to enact strict laws against drinking. Too much of the evidence against drinking is felt by them to be hearsay.

"And then the liquor industry has a strong lobby. Legislators don't like to buck it. This is why we need federal leadership. We need to give them overwhelming documentation which they can point to. This will take the pressure off the legislators, and we will get better laws and enforcement."

ALCOHOL LINKS TRACED

There is near complete agreement by safety experts that alcohol is a prime factor in accidents. The National Safety Council, a national clearing house for much of the available statistical information on driving, says state reports, submitted to it show alcohol to be a factor in 12.8 percent of all fatal accidents and 7.4 percent of all accidents.

The council notes, however, that police officers often fail to report the use of alcohol unless they have enough evidence to convict. The council and many researchers who have done autopsy studies say at least 50 percent of all fatal accidents involve the use of alcohol.

Some studies indicate that as many as eight of every 10 drivers involved in accidents have been drinking.

There is agreement, too, that speed is the other key factor in highway accidents. It is at least partly to blame in 37.4 percent of all fatal accidents, according to the National Safety Council, often along with the use of alcohol.

Many safety standards have been proposed and outlined for the nation and the states, but many have been or are being bypassed.

Only 16 states, for example, have passed implied consent laws.

Only 32 states require seat belts to be installed in new cars. And only 20 states require annual motor vehicle inspection.

In safety legislation now before Congress, the Secretary of Commerce is directed to set interim safety standards for automobiles by Jan. 31, 1967. One year later he must spell out the nation's first permanent safety rules, to be revised and modernized every two years thereafter.

Detailed vehicle regulations being considered range from lap and shoulder safety belt anchors, recessed instrument panels, collapsible steering columns, safety door latches and hinges, flasher signals, safety glass, to standards for tire safety.

The President's committee has also targeted human factors—underscoring the dangers not only of alcohol but of drugs such as tranquilizers, antihistamines, and sedatives, which threaten alertness and performance.

Some researchers even raise the question of smoking's effect on driving safety, citing as one factor the drugging effects of tobacco's nicotine.

AGE FACTOR EXAMINED

Age is another element frequently raised in highway safety discussions. Some sources, without documentation, charge older drivers with hazardous driving. But statistics from the National Safety Council and the World Health Organization dispute such contentions.

For instance, the National Safety Council in its latest issue of Accident Facts reports that drivers under 25 are responsible for 30.7 percent of all accidents—some 35 accidents annually per 100 drivers in this age group.

By comparison, however, these data show drivers 70 and over accounting for only 4.7 percent of all accidents—or 14 per 100 drivers per year. In fact, those in this age bracket have the lowest accident rate of any age group.

Meanwhile, the need for upgrading research and information assessment persists, if only gradually recognized by public and private agencies.

The National Safety Council for one is upgrading its system of reporting. A draft Model Traffic Accident Reporting System was completed in May and is being discussed by traffic experts.

DETAILED FORMS

The system will include certain basic information on all investigated accidents along with additional facts from smaller samples. Patrolmen will carry very detailed forms to complete at the accident scene.

"The choice is ours to make," said the President.

"We build the cars, the trains, the planes, the ships, the roads, and the airports. We can, if we will, plan their safe and efficient use in the decades ahead to improve the quality of life for all Americans.

"Much—much more—remains to be done. The people of America deserve an aggressive highway safety program."

REFORM ELECTION AND CAMPAIGN PROCEDURES

Mrs. THOMAS. Mr. Speaker, I ask unanimous consent that the gentleman from New York [Mr. ROSENTHAL] may extend his remarks at this point in the RECORD and include extraneous matter.

The **SPEAKER** pro tempore. Is there objection to the request of the gentlewoman from Texas?

There was no objection.

Mr. ROSENTHAL. Mr. Speaker, I am today introducing legislation to reform our election and campaign procedures. This legislation has been drafted by the administration and was the subject of a Presidential message to the Congress on May 26 of this year.

In that message, the President argued:

> Public confidence in the election process is the foundation of public confidence in government. There is no higher duty of a democratic government than to insure that confidence.

For some years, spokesmen in the press and in public life have urged electoral reform. The soaring costs of campaigns, the need for wider political participation, and the importance of campaign finance disclosures have gained more and more attention. The President feels, and I agree fully, that there is wide agreement in this country on the need to revise many of our electoral practices. The legislation I am sponsoring today moves in that direction.

The most important provisions in this measure deal with political campaigns. Campaigns are not merely recurring subjects for gossip and controversy. They are a principal source of public education. We are all aware, however, of the degree to which the vitality of this democratic practice is being undercut by the realities of wealth. Forty-one years ago Congress passed the Federal Corrupt Practice Act. Fifteen years later, it passed the Hatch Act. These measures sought to limit the total amount of allotment for campaign expenditures. They attempted to arouse disclosure of funds. They also tried to fix limits on contributions. The legal structure established by these measures, however, is riddled with loopholes.

Thus, under present law, a national committee can raise and spend no more than $3 million in any year. But the law does not limit the number of committees. Likewise, present law restricts senatorial candidate expenditures to $25,000 and House expenditures to $5,000. But again, the number of committees that can work on behalf of candidates is unlimited. These loopholes, and others, must be closed. I believe this measure moves boldly in that direction.

It would, for example, require wide disclosures of campaign expenditures. All committees supporting candidates would be required to report contributions and expenses over $100. This provision, incidentally, would include, for the first time, candidates for President and Vice President. Coverage of this law would be extended to primaries. All gifts to Members of the legislative branch over $100 would have to be disclosed under threat of criminal sanction for failure to comply. This provision moves in the direction of the strict control presently exercised on members of the executive branch by the recent Executive Order 11222 of May 8, 1965.

The law would also limit to $5,000 the total amount of any single source contribution to a political campaign. Likewise, we must extend our present prohibition against political contributions by Government contractors to include corporate contractors. Presently, corporations with Government contracts can make contributions at the State and local level. This loophole must be closed.

As we seek to curtail the political power of big money, we must also magnify the powers of small contributions. My bill, therefore, would permit a special tax deduction for contributions up to $100 in any election at any level of government. This single provision can expand the democratic base of our electoral precedence and can dramatically widen the margins of public participation in national politics.

I believe this measure represents a giant step forward in the quest for electoral reform. I also believe we can seek steps beyond this legislation. I think, for example, that electoral reform should be followed by efforts to devise a congressional code of ethics and to require disclosures by Members of Congress of all financial assets and sources of income. We must also seek means to limit effectively the total amount of expenditure permissible in a single campaign.

But this is the first step in what can be a crusade to purify our democracy and render our institutions more representative of our aspirations than of our weaknesses.

DOCTORS FOR RURAL AREAS

Mrs. THOMAS. Mr. Speaker, I ask unanimous consent that the gentleman from Texas [Mr. White] may extend his remarks at this point in the Record and include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Texas?

There was no objection.

Mr. WHITE of Texas. Mr. Speaker, traveling through the rural areas of my district, I meet with the people I represent to discuss their needs and thoughts. I talk with them to determine how I can best help them. Again and again, I find that the response is the same—"Help us to get a doctor." In west Texas, and in rural areas across the country, people cannot receive adequate medical care without traveling many miles. In emergency situations, help may simply be too late. Lack of proper diagnosis of serious illness may result in a fatal or disabling condition which could have been prevented by proper care early in the illness.

In rural areas, the absence of a doctor presents a grave threat to the way of life which is so basic to our country. Being near a physician is vital to families, and can be the difference between strong bodies and life itself or pain, suffering and tragedy. Little wonder that lack of a doctor is often a reason for moving to an urban area. Thus we can identify a very real factor in the immigration to our cities. Under every rule of fairness and just treatment it is vital to our country that we provide our rural areas, the backbone of America, with a chance to survive and grow. The great productive capacity of our country as food and fiber producer rests in the hands of people who choose to live away from urban centers. The spirit of self-reliance still thrives in these areas, but we must give these people an equal chance to prosper and to preserve our heritage.

The people in rural communities in my district deeply concerned with this problem had demonstrated, before coming to me, that an adequate income for a doctor was available, and that the community would construct whatever facilities were needed. Yet each had failed to attract physicians. This is a condition existing over all the United States. It is such a dire condition that if not resolved soon, the people will demand some formal Federal program to place physicians in the field. I personally believe that there are many dedicated physicians who can be motivated to serve rural America on a private practice basis. I for one prefer that private enterprise show that it can solve this distrubing deficiency.

Before the pressures of this neglect become so great that the public demand produces some less desirable alternative, I propose a solution now, based on private enterprise. I advocate a solution deferring to local and State government, with the Federal Government acting only as a catalyst or partner to initiate this venture in private practice and service. I do not advocate a large bureau, or a corps of Federal employees.

In facing this problem, we can be as ostriches and ignore the growing pressures, or we can meet our responsibilities with intelligence and prevention. We can in a sense practice preventive medicine, recognizing the problem, and exercising a solution now along the lines of American principles of private enterprise, rather than wait until the ultimate stress of the problem overwhelms us.

Today I have introduced a bill which, if enacted, will help relieve this shortage problem in rural areas with a low-cost program. It will enable young physicians to practice in these areas and follow their ancient role of ministering to all people. I am confident that this plan will be a benefit to the medical profession as well as to rural areas.

This bill is called the Rural Medical Corps Act of 1966. It will enable young doctors to practice in these areas completely free from Government direction or control, but with equipment and facilities provided by the community and the Public Health Service. Through a joint agreement between the State and the community, the doctor will be guaranteed an annual gross income, and should his actual earnings fall below that level the State and local people will each supply one-half of the difference.

The doctor will contract with the Surgeon General as agent for the local and State governments for a 2-year period of service, and will be provided with surplus Government equipment. He will be a private practitioner and not subject to control by the Government in any way. At the end of the 2-year period, the doctor may purchase the equipment he has used if he decides to remain in the area.

I believe that this legislation appears at a critical time in the history of medical care in our country. Such a program at this time will help to forestall a crisis.

Many of the Members of this House face this same problem in their districts, and I welcome suggestions from my colleagues and from others concerned with this issue. I urge prompt action by the House to put this plan into effect.

THE AIRLINE STRIKE

Mrs. THOMAS. Mr. Speaker, I ask unanimous consent that the gentleman from New Mexico [Mr. Morris] may extend his remarks at this point in the Record and include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Texas?

There was no objection.

Mr. MORRIS. Mr. Speaker, the reports from the strike front are discouraging.

The machinists union leaders are lined up on one side, and confronting them are the airlines, the administration and the press.

They apparently have the solid support of the 35,000 striking mechanics, baggage handlers, ramp service agents, cleaners, storers, and inspectors.

It might be a fair guess to say that the Nation's 197 million people, minus the 35,000 on strike, would urge the union to accept the President's Emergency Board recommendation that would give the union a very generous settlement.

Instead of reexamining their position, the union leaders are resorting to subterfuge, which has become their hallmark. With the heavy power to ground the Nation's airliners, the union leaders believe they can keep the entire Nation at bay until their demands are met down to the last penny.

The leaders of this strike are going to their union members for a vote, but with no recommendation from them. This strategy is transparent. The union vote will be negative because in effect that is the way the leaders are telling them to vote. A negative vote becomes a vote of confidence in the union leadership. This would serve as a signal to the administration that blocking a settlement is a militant membership rather than a stubborn union leadership.

That union leaders have agreed to conduct the vote as quickly as possible. They express the hope that it can be done in 3 days. But realistically, the balloting must be arranged in 231 cities and some union sources say this might take a full week.

This means that two-thirds of the Nation's domestic airliners remain in their hangars; this means that 150,000 travelers every day will continue to be affected. And beyond that week, there is still little hope of getting approval from the union for any kind of settlement short of the one they have dictated, with their own commas and periods—and dollar signs.

I say that we should act now. It is better to act now than to react later when we reel under the inflationary impact of a settlement on the union's terms.

A PRICE-WAGE ROCKET

Mrs. THOMAS. Mr. Speaker, I ask unanimous consent that the gentleman from Florida [Mr. MATTHEWS] may extend his remarks at this point in the RECORD and include extraneous matter.

The **SPEAKER** pro tempore. Is there objection to the request of the gentlewoman from Texas?

There was no objection.

Mr. MATTHEWS. Mr. Speaker, I wish to address myself to the shameful situation created by a few willful men who can be likened to dynamiters preparing to blow up a dam high above a sleeping town of trusting people.

I refer to the leaders of the International Association of Machinists who are making excessive demands on the airlines, are ignoring the pleas of the President of the United States, and the needs of our men in Vietnam. They are ignoring the needs of hundreds of thousands of travelers and countless businesses throughout the Nation.

If this union, whose 35,000 striking members are already among the best paid wage earners in the Nation, continues to press its demands, we might as well forget about price-wage stability. It will not be a price-wage spiral—it will be a price-wage rocket.

Airline workers perform a public service. They have contributed to making the U.S. airline industry the most efficient, the safest and the most economical in the world.

Yet, for 2 weeks, two-thirds of this domestic airline capacity in our great Nation have been grounded, an industry crippled by a few men who put their own interests above those of the rest of the Nation.

These men must not forget that while they are enjoying a standard of living second to none, American fighting men in Vietnam, second to none, are defending our way of life—and those men in uniform did not inquire in advance about pensions or fringe benefits or ask for any written guarantees against escalation.

I want to point out that in my opinion, the International Association of Machinists has been acting in bad faith from the very beginning. When President Johnson appointed a three-man Emergency Board, the president of the union sent a telegram to the White House which said that the Board would be a "total waste" of time and taxpayers' money. The union representative stated that in all probability any recommendations that were to be made by the Board to the President would be rejected by the union. This was a rather startling attitude even to some of the oldtimers in labor. Here was a suggestion from the representative of the union that the decision which had not even been written yet, would in all probability be rejected by the union.

I firmly believe the leaders of this union wanted a strike. I firmly believe the union does not intend to end this strike, except on its own terms, down to the last decimal point, down to the last dotted "i," down to the last crossed "t," as dictated by them. Period.

This is sheer irresponsibility. It is a manifest lack of compassion or concern for our country.

I warn these men that their stubborn, vacuumlike position is a direct invitation to enact new legislation that will prevent the kind of intolerable situation we are faced with today.

If the IAM demands were to be met, we could not continue to ask for restraint and moderation from workers in other industries. If the IAM demands were to be met and they were matched by others, do you realize what would happen to the cost of living of the American people? I ask these men to think, to reason, to rise above the demands and to emerge as statesmen of labor.

The time to subordinate their interests to those of the American economy is now—before the strike goes any further.

Now is the time to end this crippling strike.

Now is the time for the IAM to show our men in Vietnam that the union places the national welfare first.

And now is the time to restore vital airline services for thousands of travelers and businesses throughout our Nation.

Time is running out and so is the patience of the American people. Our President has done all he can under existing law. It is becoming increasingly clear that it now falls to us—the legislative branch of the Federal Government—to go beyond the existing law and broaden the President's power to enable him to cope forcefully with the present strike situation.

Congress must move, the President must move, the country must move.

AN UNJUSTIFIED AIRLINE STRIKE

Mrs. THOMAS. Mr. Speaker, I ask unanimous consent that the gentleman from North Carolina [Mr. FOUNTAIN] may extend his remarks at this point in the RECORD and include extraneous matter.

The **SPEAKER** pro tempore. Is there objection to the request of the gentlewoman from Texas?

There was no objection.

Mr. FOUNTAIN. Mr. Speaker, for 2 weeks the United States has been hobbled by an unjustified airline strike.

Hundreds of thousands of travelers have been inconvenienced. Thousands of workers have been involuntarily idled. The national economy is being severely damaged. Many individual businesses have suffered disastrous losses. Our ability to carry out essential military functions has been placed in jeopardy.

I have received telegrams and letters from many public officials and citizens of North Carolina expressing concern about the situation. I share their concern about the serious and harmful effect the strike is having on North Carolina and the Nation.

A three-member Presidential Emergency Board, headed by Senator WAYNE MORSE, has recommended a settlement of the wage dispute between the airlines and the union which would represent an estimated $76 million cost to the airlines. Under the recommended settlement, an airline mechanic would make $3.64 per hour during the coming year—about $650 per month without any overtime.

The airlines have agreed to accept the recommendations of the Presidential Board. According to press reports, the union negotiators have refused to accept the Board's recommendations and have been unwilling to agree to a temporary truce so that negotiations can continue without further harm to the country's economy.

The President has already exhausted the limited legal authority presently available to him for dealing with the airline strike. The public is growing impatient and the hour is growing late.

Congress cannot and will not allow this situation to continue. If this crippling strike cannot be resolved through voluntary means, then additional legal authority must and will be provided to protect the public interest.

ANOTHER CRISIS IN THE TRANSPORTATION INDUSTRY

Mrs. THOMAS. Mr. Speaker, I ask unanimous consent that the gentleman from Virginia [Mr. TUCK] may extend his remarks at this point in the RECORD and include extraneous matter.

The **SPEAKER** pro tempore. Is there objection to the request of the gentlewoman from Texas?

There was no objection.

Mr. TUCK. Mr. Speaker, today we are faced with another crisis in the transportation industry as a result of the crippling and paralyzing airline strike now in progress. The President yesterday told the Nation that the administration is working on possible proposals to submit to Congress that could be used in cases of emergencies that vitally affect the public interest. I truly hope that a reasonable proposal will be forthcoming promptly from the White House.

The laws of this country allow for collective bargaining. I favor collective bargaining. This fundamental right must be preserved, but there is not now and never has been, and never should be, the right to strike against the public interest.

Under the present laws, however, the Government has no power to order the workers to return to their respective posts of duty. Almost 100 Senators and Congressmen, several Governors and scores of mayors have urged the President to do something about the airline strike. The President appears to be doing all that the law now permits. Thus, it is incumbent upon the Congress to act, and to act with dispatch.

This critical situation must be dealt with firmly and resolutely.

The union is plainly stalling. It has proposed recessing immediately for a week while a membership vote is taken. This procedure is pointless and is unquestionably a delaying tactic. The price to the public is intolerable. There is no agreement to be voted upon. Such procedures make a farce of collective bargaining. This is nothing but an effort on the part of the union tyrants to terrify and frighten the public into demanding of the airplane companies a settlement on the terms laid down by these ruthless and heartless czars.

Despite the fundamental principles involved in collective bargaining, the right to strike is not absolute. Those who accept employment in public utilities assume and owe an obligation to the public to continue in their employment until suitable relief can be obtained. They have no right to recklessly cut off public utilities such as power, light, transportation, and services of that nature which are essential to the general welfare and to the health, happiness, and safety, if not indeed the very lives, of our people.

This is a sound doctrine and it is not new to me. I faced a similar situation during my term as chief executive of the Commonwealth of Virginia. On one occasion, I found it necessary in the public interest to call into immediate service the unorganized State militia of the Commonwealth in order to continue the generation of electricity by a large power company serving three-fourths of our State. I found that my action in so doing was not only pleasing to an overwhelming majority of the people, but even the union members themselves for the most part showed a willingness to cooperate because they realized that they, as individual members, did not want to be a party to human suffering and inconvenience.

After this crisis was solved, I called the General Assembly of Virginia into extraordinary session and laid before them a recommendation which resulted in the enactment of Virginia's present public utilities labor relations act. This law has worked very satisfactorily, and Virginia did not, during that 4-year period, suffer 1 minute's interruption of service of any public utility.

In the current airline strike, these union leaders clearly appear to have come to the conference table in bad faith. They deserve and no doubt will receive the condemnation of the enraged public, who have become tired of these union shenanigans and who will rise up in righteous indignation and demand that those responsible for this situation be brought before the bar of the courts, as well as the bar of public opinion. These machinist union leaders will some day have to answer to their own brethren for their faults and misdeeds.

If these men are deaf to reason, they must be made to look at the realities. As Members of the Congress, we cannot remain mute and silent while the country suffers. We must meet this responsibility and our voices must be heard with clearly worded legislation that will make known to all our intentions as public servants.

THE AIRLINE STRIKE

The **SPEAKER** pro tempore. Under previous order of the House, the gentleman from New Mexico [Mr. WALKER], is recognized for 5 minutes.

Mr. **WALKER** of New Mexico. Mr. Speaker, I rise today to voice my concern about the increasing gravity of the airline strike.

I have been contacted by various civic and business leaders from across New Mexico, and especially from Albuquerque. As you are aware, Mr. Speaker, my State has many defense installations which play a vital role in the security of this great Nation. And our situation is somewhat unique inasmuch as my State is served by only one transcontinental airline company. Over the past several years, I have worked with New Mexico leaders in an effort to get additional flights into and out of Albuquerque, but thus far have been unsuccessful. I think the current adverse conditions point to the need of increased flights into my State.

This is not to say, Mr. Speaker, that New Mexico has been left completely without air service, but it has been only through the concern for the public welfare exhibited by the other airline's officials and employees which has kept my State and its economy from becoming a complete shambles and I commend them for their cooperation.

But to focus on the more immediate problem, Mr. Speaker, this strike is having a serious impact on the New Mexico economy, and is obstructing the work being done on vital Government contracts which affect our military preparedness. I have contacted both the President and Secretary of Labor Wirtz. I have urged that they use all the power and prestige of their respective offices to bring about a quick settlement of this strike. They have assured me that they have done so and would continue in their efforts. I am confident that they are doing their best. The President has appointed a special commission to make recommendations within his expressed guidelines of 3.2 percent and what is needed now, Mr. Speaker, is cooperation and a sense of public responsibility by the contesting parties to accept a settlement within that framework.

I am a firm believer in the process of collective bargaining, but when either of the parties displays a lack of regard for the public interest, and such action creates a national emergency, I say that party is not living up to its responsibility. When such a situation exists and the President is forced to take actions which would not be warranted under collective bargaining in good faith, I say that such an action is a direct consequence of their lack of public responsibility.

I realize that—as has been pointed out by some of my distinguished colleagues—this strike once again points to the need for new strike legislation which would give the President more effective means than he presently has for settling such disputes. But such proposals are not going to settle the present strike; therefore, Mr. Speaker, I once again respectfully urge the President to use the power and prestige of his office to bring about a quick and equitable settlement to this crippling strike.

GOVERNMENTAL PRESSURE ON PRICES

Mr. **CURTIS**. Mr. Speaker, I ask unanimous consent to extend my remarks at this point in the RECORD and include extraneous matter.

The **SPEAKER** pro tempore. Is there objection to the request of the gentleman from Missouri?

There was no objection.

Mr. **CURTIS**. Mr. Speaker, recently, an editorial in the New York Times, July 15, 1966, brought out very forcefully some of the points I have tried to make in the past about wage-price guidelines and applied them to the recent molybdenum price increase. This increase of approximately 5 percent in the price of molybdenum, an important metal in the steelmaking process, was rescinded by the industry in the face of administration pressure. This action raises weighty questions of both procedure and substance in the application of the guidelines which deserve more consideration than they have received.

First, I will discuss how the price of molybdenum was kept down, saving until later the consideration of whether the price should have been frozen. From the point of view of those of us on both sides of the aisle who are interested in fair and equitable procedures, this incident is very disturbing. For one thing, the guideposts have never been authorized by either House of Congress. They are an invention of the Federal bureaucracy enforced totally without legislative sanction. They are designed as a temporary stopgap measure to give the impression to the American public that the administration is sincere in its attempt to hold back inflation. This is nothing but image building. If this administration were really interested in fighting inflation, it could have reduced nonessential civilian expenditures and avoided priming the pump of an already overheated economy by increasing the cash deficit from $1.5 billion in the third quarter of 1965 to $4.2 billion in the first quarter of 1966. Instead of cutting nonessential Federal expenditures, this administration preferred to aim sporadic blows at selected industries who had dared respond to the pressures of excess demand generated by Federal spending.

Here is the real problem which the Congress should investigate. If the Congress should ever decide to authorize such intervention of the Federal Government in business decisions, and I sincerely hope we will not, there is a need for proper procedures, so that both sides get their "day in court." At the present time, the Chairman of the Council of Economic Advisers can utilize the press resources of the Executive Office of the President to present the Government's case to the American people. A business executive could not hope to duplicate the coverage that any member of the President's Council of Economic Advisers gets when attacking business leadership. This imbalance must be corrected by the establishment of a public forum where charges and countercharges about prices can receive proper attention. Let me make this clear—I do not think the Government has any business interfering with private economic decisionmaking, except to establish and maintain essentials of a market system—fair weights and measures, and workable competition in the market. But if the Government must interfere, orderly procedures for such intervention must be established in order to avoid complete chaos.

Did the administration follow fair procedures in dealing with the molybdenum producers? The answer to this question is cloudy, to say the least. Gardner Ackley publicly condemned American Metal Climax Co. for raising prices. After the price increase was rescinded, A. A. Sawyer, Jr., the president of the Molybdenum Division of American Metal Climax Co., stated:

> The company continues to believe an increase in molybdenum prices is justified, and, in fact, is necessary to assure adequate future supplies to meet rapidly growing requirements. (Wall Street Journal, July 14, 1966.)

Why then did he rescind the price increase, Mr. Speaker? What forms of pressure were brought to bear by the administration? Was it the threat of stockpile dumping, or antitrust action, or Internal Revenue audit, or what, that rolled back the price increase? Mr. Speaker, I think the Congress has the right to know how the administration convinced the molybdenum industry that the "public interest" would be served if the price increase were rescinded.

There is an undertone to this which I find even more disturbing. Evidently, the reason that the administration began a public outcry about the price increase was that it had not been notified of the increase in advance. It is bad enough when the Executive Office of the President publicly intervenes in economic decisionmaking. But I must protest when economic decisions are made according to political criteria behind closed doors, without any of the safeguards that open discussion and debate can provide. It is regrettable that even these safeguards were not always present in the recent price confrontations. If the guidelines are to be enforced without statutory authorization, at least let them be enforced in public. The advent of joint industry-business planning on prices is a dangerous step toward totalitarianism, that is the concentration of political and economic power in the same hands, and a step which every Member of this body should resist.

Mr. Speaker, we have examined the question of how the molybdenum price increase was retracted, and concluded that the matter deserves a great deal more investigation by appropriate congressional committees than it has so far received. We have overlooked until now the question of whether molybdenum's price should have been frozen by administration pressure. The problem of molybdenum was simply that present supply is inadequate for the high level of demand—stimulated in large part by excessive Federal spending. This administration has short circuited the signals provided by the market to direct investment into the most productive endeavors. When a commodity is in short supply, its price should rise—to ration available supplies among various users, to encourage low-priority users to turn to substitutes for the commodity, and to encourage additional output and investment in the industry. By keeping the price down, the administration has made it seem unnecessary to invest in molybdenum production or conserve the supplies of this scarce metal. This is a political interference with the allocative function of prices that can only perpetuate the existing shortage of molybdenum.

Finally, Mr. Speaker, I would ask, as this editorial does, "Why Molybdenum?" Was the increase of the wholesale price index of 3.7 percent from April 1965 to April 1966 due entirely to molybdenum? The answer is an obvious "No." Why was this price increase singled out for condemnation by the administration? Why not sulfur, coal, or tires? The answer suggested by this editorial is an ominous one. Molybdenum was chosen as a target because the administration wanted to convince labor of its sincerity about the guideposts, and the molybdenum price increase was a timely opportunity to give this impression. The inequity of this procedure should need no explanation. When political considerations of this sort influence what should be an economic decision, the economic results can be disastrous.

It is my hope that my colleagues will be willing to have this matter looked into more closely by the appropriate congressional committees. The problems of procedure, efficiency, and equity raised by the extralegal enforcement of these guidelines cannot be made to disappear by the rambling invocation of the "public interest" which have become so fashionable in Washington these days. By unanimous consent, I would like to submit the editorial for the RECORD at this point:

[From the New York Times, July 15, 1966]

ROLLBACK ON MOLYBDENUM

In forcing the cancellation of a 5 percent price increase posted by producers of molybdenum, the Administration has served notice that it does not intend to abandon the controversial wage-price guideposts in its war against inflation.

Over the past few months there had been considerable confusion about the Administration's position. Prices have been increased in several areas—in shoes, coal, sulphur and tires—without so much as a murmur of criticism. In May, Secretary of Commerce John T. Connor let it be known that the Administration would no longer engage in "public confrontation" with industry of the sort that created so much resentment and uncertainty last year.

Instead, Government officials took to holding private consultations with businessmen, convinced that it was easier to persuade industry to exercise moderation before raising prices than to use pressure to force a rollback after prices have been raised.

The successful and publicized effort against the molybdenum producers removes the suspicion that the Administration was weakening in its adherence to the guideposts. But its action raises fresh questions about fairness in applying them as well as about their effectiveness in curbing inflation.

Chairman Gardner Ackley of the Council of Economic Advisers publicly attacked American Metal Climax for raising the price of molybdenum without informing the Government, suggesting that prior consultation might have resulted in a partial increase rather than a complete rollback. And Administration officials freely admit that they brought pressure on the molybdenum price increase to impress labor; but they remain conspicuously reluctant to impress business by combating unjustified wage demands.

This arbitrary and capricious use of the guideposts stems largely from the Administration's failure to take more direct action to curb mounting inflationary pressure. In the absence of a tax increase, the guideposts, which are of real value in stressing the importance of considering the public interest in private price and wage decisions, have been called upon to act as a disguised form of wage and price control. The Administration may make use of them to score occasional victories, as it has in molybdenum. But the rise of industrial prices to date and the prospect of large-scale increase in wage demands makes them an inadequate weapon for fighting inflation.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to Mr. Bow (at the request of Mr. BETTS), for Monday, July 25, and Tuesday, July 26; on account of official business.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

Mr. MICHEL, for 15 minutes, Monday, July 25; and to revise and extend his remarks and include extraneous matter.

Mr. MORSE (at the request of Mr. MCEWEN), for 30 minutes, today; and to revise and extend his remarks and include extraneous matter and all Members may have 2 legislative days to extend their remarks on the same subject matter.

Mr. WALKER of New Mexico, for 5 minutes, today; to revise and extend his remarks and include extraneous matter.

Mr. CORMAN, for 40 minutes, July 25; to revise and extend his remarks and include extraneous matter.

EXTENSION OF REMARKS

By unanimous consent, permission to extend remarks in the CONGRESSIONAL RECORD, or to revise and extend remarks was granted to:

(The following Members (at the request of Mr. MCEWEN) and to include extraneous matter:)

Mr. BOW.
Mr. CUNNINGHAM.
Mr. AYRES.
Mr. COLLIER.
Mr. PELLY.

(The following Members (at the request of Mrs. THOMAS) and to include extraneous matter:)

Mr. FOGARTY in two instances.
Mr. LOVE.
Mr. BOLAND.

SENATE BILL REFERRED

A bill of the Senate of the following title was taken from the Speaker's table and, under the rule, referred as follows:

S. 3523. An act to authorize the Administrator of the Federal Aviation Agency to undertake a comprehensive study of high-speed ground transportation to Dulles International Airport, and for other purposes; to the Committee on Interstate and Foreign Commerce.

SENATE ENROLLED BILL SIGNED

The SPEAKER announced his signature to an enrolled bill of the Senate of the following title:

S. 2948. An act to set aside certain lands in Montana for the Indians of the Confederated Salish and Kootenai Tribes of the Flathead Reservation, Mont.

BILL PRESENTED TO THE PRESIDENT

Mr. BURLESON, from the Committee on House Administration, reported that that committee did on this day present to the President, for his approval, a bill of the House of the following title:

H.R. 318. An act to amend section 4071 of the Internal Revenue Code of 1954.

ADJOURNMENT

Mrs. THOMAS. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 2 o'clock and 50 minutes p.m.), under its previous order, the House adjourned until Monday, July 25, 1966, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

2578. A letter from the Governor, Farm Credit Administration, transmitting a draft of proposed legislation to delete the interest rate limitation on debentures issued by Federal intermediate credit banks; to the Committee on Agriculture.

2579. A letter from the Director, Federal Mediation and Conciliation Service, transmitting the 18th annual report of the Service for the fiscal year ending June 30, 1965; to the Committee on Education and Labor.

2580. A letter from the Secretary of Commerce, transmitting supplemental information regarding anticipated participation by foreign countries and by private industries at the Inter-American Cultural and Trade Center in Dade County, Fla., pursuant to the provisions of Public Law 89–355; to the Committee on Foreign Affairs.

2581. A letter from the Secretary of the Interior, transmitting a report of activities carried on by the Geological Survey during the period January 1 to June 30, 1966, pursuant to the provisions of Public Law 87–626; to the Committee on Interior and Insular Affairs.

2582. A letter from the Acting Secretary of the Army, transmitting a letter from the Chief of Engineers, Department of the Army, dated June 20, 1966, submitting a report, together with accompanying papers and an illustration, on a letter report on Yale water supply facilities, Keystone Reservoir, Okla., in final response to an item in section 209 of the Flood Control Act approved October 23, 1962; to the Committee on Public Works.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. PIRNIE: Committee on Armed Services. H.R. 7973. A bill to amend section 4339 of title 10, United States Code (Rept. No. 1750). Referred to the Committee of the Whole House on the State of the Union.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. MOORE: Committee, on the Judiciary. H.R. 3671. A bill for the relief of Giuseppina Restivo; with amendment (Rept. No. 1751). Referred to the Committee of the Whole House.

Mr. DONOHUE: Committee on the Judiciary. H.R. 7671. A bill for the relief of Miss Zofia Suchecka; with amendment (Rept. No. 1752). Referred to the Committee of the Whole House.

Mr. KING of New York: Committee on the Judiciary. H.R. 10656. A bill for the relief of Kimberly Ann Yang; with amendment (Rept. No. 1753). Referred to the Committee of the Whole House.

Mr. MOORE: Committee on the Judiciary. H.R. 11347. A bill for the relief of Maria Anna Piotrowski, formerly Czeslawa Marek; with amendment (Rept. No. 1754). Referred to the Committee of the Whole House.

Mr. KING of New York: Committee on the Judiciary. H.R. 11844. A bill for the relief of Maria Guiseppina Innalfo Feole; with amendment (Rept. No. 1755). Referred to the Committee of the Whole House.

Mr. FEIGHAN: Committee on the Judiciary. S. 146. An act for the relief of Delma S. Pozas (Rept. No. 1756). Referred to the Committee of the Whole House.

Mr. FEIGHAN: Committee on the Judiciary. S. 196. An act for the relief of Georges Fraise; with amendment (Rept. No. 1757). Referred to the Committee of the Whole House.

Mr. FEIGHAN: Committee on the Judiciary. S. 642. An act for the relief of Chung K. Won; with amendment (Rept. No. 1758). Referred to the Committee of the Whole House.

Mr. FEIGHAN: Committee on the Judiciary. Senate Concurrent Resolution 99. Concurrent resolution favoring the suspension of deportation of certain aliens (Rept. No. 1759). Referred to the Committee of the Whole House.

PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. ANNUNZIO:

H.R. 16413. A bill to provide for a more conservative capitalization of the St. Lawrence Seaway Development Corporation, and for other purposes; to the Committee on Public Works.

By Mr. BERRY:

H.R. 16414. A bill to prohibit desecration of the flag; to the Committee on the Judiciary.

By Mr. CUNNINGHAM:

H.R. 16415. A bill to exclude from income certain reimbursed moving expenses; to the Committee on Ways and Means.

By Mr. DINGELL:

H.R. 16416. A bill to establish the Channel Islands National Park, in the State of California, and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. FINO:

H.R. 16417. A bill to amend title XVIII of the Social Security Act to provide payment for chiropractors' services under the program of supplementary medical insurance benefits for the aged; to the Committee on Ways and Means.

By Mr. GERALD R. FORD:

H.R. 16418. A bill to amend title II of the Social Security Act to provide for cost-of-living increases in the benefits payable thereunder; to the Committee on Ways and Means.

By Mr. FRASER:

H.R. 16419. A bill to establish a nationwide system of trails, and for other purposes; to the Committee on Interior and Insular Affairs.

H.R. 16420. A bill to authorize on-the-job training programs, on-the-farm training programs, and certain flight training under chapter 34 of title 38, United States Code, to increase the educational assistance allowances paid under such chapter, and for other purposes; to the Committee on Veterans' Affairs.

By Mr. GRAY:

H.R. 16421. A bill to provide for a more conservative capitalization of the St. Lawrence Seaway Development Corporation, and for other purposes; to the Committee on Public Works.

By Mr. HUTCHINSON:

H.R. 16422. A bill to establish a National Commission on Reform of Federal Criminal Laws; to the Committee on the Judiciary.

By Mr. MICHEL:

H.R. 16423. A bill to amend the tort claims procedure contained in title 28 of the United States Code to provide that the United States shall be immune from suits for tort claims by individuals confined in Federal penal or correctional institutions arising out of acts or omissions of Government employees in the operation or management of such institutions; to the Committee on the Judiciary.

By Mr. MOSS:

H.R. 16424. A bill to amend title 10, United States Code, to equalize the retirement pay of members of the uniformed services of equal rank and years of service, and for other purposes; to the Committee on Armed Services.

H.R. 16425. A bill to establish the Channel Islands National Park, in the State of California, and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. OLSEN of Montana:

H.R. 16426. A bill to provide an equitable system for fixing and adjusting the rates of compensation of wage board employees; to the Committee on Post Office and Civil Service.

By Mr. PUCINSKI:

H.R. 16427. A bill to improve the safety of railroad transportation under the jurisdiction of the Interstate Commerce Commission; to the Committee on Interstate and Foreign Commerce.

By Mr. ROSENTHAL:

H.R. 16428. A bill to revise the Federal election laws, and for other purposes; to the Committee on House Administration.

H.R. 16429. A bill to regulate interstate and foreign commerce by preventing the use of unfair or deceptive methods of packaging or labeling of certain consumer commodities distributed in such commerce, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. SAYLOR:

H.R. 16430. A bill to amend title 38 of the United States Code so as to make the educational assistance program under that title as broad as the program provided for Korean conflict veterans, to increase the allowances payable to veterans participating in such program, to make educational assistance available to the children of veterans having service-connected disabilities rated at 50 percent or more, and to provide for compensatory payments to certain veterans who obtained their education before the educational assistance program of title 38 became effective; to the Committee on Veterans' Affairs.

By Mr. SKUBITZ:

H.R. 16431. A bill to prohibit desecration of the flag; to the Committee on the Judiciary.

By Mr. TEAGUE of Texas (by request):

H.R. 16432. A bill to liberalize the provisions of title 38, United States Code, relating to the reinstatement and renewal of term policies of national service and U.S. Government life insurance; to the Committee on Veterans' Affairs.

By Mr. THOMPSON of New Jersey:

H.R. 16433. A bill to amend section 503 of title 38 of the United States Code so as to provide that certain social security benefits may be waived and not counted as income under that section; to the Committee on Veterans' Affairs.

By Mr. WHITE of Texas:

H.R. 16434. A bill to amend the Public Health Service Act by adding a new title X thereto which will establish a program to provide doctors in rural areas of need; to the Committee on Interstate and Foreign Commerce.

By Mr. HÉBERT:

H.R. 16435. A bill to amend titles 10, 14, and 32, United States Code, to strengthen the Reserve components of the Armed Forces, and clarify the status of National Guard technicians, and for other purposes; to the Committee on Armed Services.

By Mr. BRAY:

H.R. 16436. A bill to amend titles 10, 14, and 32, United States Code, to strengthen the Reserve components of the Armed Forces, and clarify the status of National Guard technicians, and for other purposes; to the Committee on Armed Services.

By Mr. HARDY:

H.R. 16437. A bill to amend titles 10, 14, and 32, United States Code, to strengthen the Reserve components of the Armed Forces, and clarify the status of National Guard technicians, and for other purposes; to the Committee on Armed Services.

By Mr. BOB WILSON:

H.R. 16438. A bill to amend titles 10, 14, and 32, United States Code, to strengthen the Reserve components of the Armed Forces, and clarify the status of National Guard technicians, and for other purposes; to the Committee on Armed Services.

By Mr. NEDZI:

H.R. 16439. A bill to amend titles 10, 14, and 32, United States Code, to strengthen the Reserve components of the Armed Forces, and clarify the status of National Guard technicians, and for other purposes; to the Committee on Armed Services.

By Mr. PIRNIE:

H.R. 16440. A bill to amend titles 10, 14, and 32, United States Code, to strengthen the Reserve components of the Armed Forces, and clarify the status of National Guard technicians, and for other purposes; to the Committee on Armed Services.

By Mr. LENNON:

H.R. 16441. A bill to amend titles 10, 14, and 32, United States Code, to strengthen the Reserve components of the Armed Forces, and clarify the status of National Guard technicians, and for other purposes; to the Committee on Armed Services.

By Mr. HAGAN of Georgia:

H.R. 16442. A bill to amend titles 10, 14, and 32, United States Code, to strengthen the Reserve components of the Armed Forces, and clarify the status of National Guard technicians, and for other purposes; to the Committee on Armed Services.

By Mr. LONG of Louisiana:

H.R. 16443. A bill to amend titles 10, 14, and 32, United States Code, to strengthen the Reserve components of the Armed Forces, and clarify the status of National Guard technicians, and for other purposes; to the Committee on Armed Services.

By Mr. SIKES:

H.R. 16444. A bill to amend titles 10, 14, and 32, United States Code, to strengthen the Reserve components of the Armed Forces, and clarify the status of National Guard technicians, and for other purposes; to the Committee on Armed Services.

By Mr. BENNETT:

H.R. 16445. A bill to amend titles 10, 14, and 32, United States Code, to strengthen the Reserve components of the Armed Forces, and clarify the status of National Guard technicians, and for other purposes; to the Committee on Armed Services.

By Mr. HOSMER:

H.R. 16446. A bill to amend the Public Health Service Act to permit grants under title VI of that act to be used for self-care facilities in hospitals, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. ASHLEY:

H.R. 16447. A bill to establish an emergency program of direct Federal assistance in the form of grants and loans to certain hospitals in critical need of new beds and related facilities in order to meet the demands for service resulting from new and expanded Federal programs; to the Committee on Interstate and Foreign Commerce.

By Mr. ASHMORE:

H.R. 16448. A bill to amend title 38 of the United States Code to provide for the payment of an aid and attendance allowance to certain individuals with severe service-connected disabilities; to the Committee on Veterans' Affairs.

By Mr. DERWINSKI:

H.R. 16449. A bill creating a commission to be known as the Commission on Noxious and Obscene Matters and Materials; to the Committee on Education and Labor.

By Mr. EDWARDS of California:

H.R. 16450. A bill to amend the Internal Revenue Code of 1954; to the Committee on Ways and Means.

By Mr. HANLEY:

H.R. 16451. A bill to provide for improved employee-management relations in the Federal service, and for other purposes; to the Committee on Post Office and Civil Service.

By Mr. MATSUNAGA:

H.R. 16452. A bill to provide an equitable system for fixing and adjusting the rates of compensation of wage board employees; to the Committee on Post Office and Civil Service.

By Mr. ROBISON:

H.R. 16453. A bill to establish a National Commission on Reform of Federal Criminal Laws; to the Committee on the Judiciary.

By Mr. THOMSON of Wisconsin:

H.R. 16454. A bill to protect the domestic economy, to promote the general welfare, and to assist in the national defense by providing for an adequate supply of lead and zinc for consumption in the United States from domestic and foreign sources, and for other purposes; to the Committee on Ways and Means.

By Mr. BOB WILSON:

H.R. 16455. A bill to amend the Public Health Service Act to provide for the establishment of a National Eye Institute in the National Institutes of Health; to the Committee on Interstate and Foreign Commerce.

By Mr. POAGE:

H.J. Res. 1217. Joint resolution to delete the interest rate limitation on debentures issued by Federal intermediate credit banks; to the Committee on Agriculture.

By Mr. SCHMIDHAUSER:

H.J. Res. 1218. Joint resolution to provide for the designation of the first week in September of each year as "National Voter Registration Week"; to the Committee on the Judiciary.

By Mr. BYRNE of Pennsylvania:

H. Con. Res. 846. Concurrent resolution to provide for a permanent United Nations peacekeeping force; to the Committee on Foreign Affairs.

By Mr. RIVERS of Alaska:

H. Con. Res. 847. Concurrent resolution expressing the sense of the Congress with respect to certain proposed regulations of the Food and Drug Administration relating to the labeling and content of diet foods and diet supplements; to the Committee on Interstate and Foreign Commerce.

By Mr. SCHMIDHAUSER:

H. Con. Res. 848. Concurrent resolution expressing the sense of Congress on the holding of elections in South Vietnam; to the Committee on Foreign Affairs.

By Mr. ABBITT:

H. Con. Res. 849. Concurrent resolution relating to U.S. military personnel held captive in Vietnam; to the Committee on Foreign Affairs.

By Mr. ADDABBO:

H. Con. Res. 850. Concurrent resolution relating to U.S. military personnel held captive in Vietnam; to the Committee on Foreign Affairs.

By Mr. BATES:

H. Con. Res. 851. Concurrent resolution relating to U.S. military personnel held captive in Vietnam; to the Committee on Foreign Affairs.

By Mr. BOLAND:

H. Con. Res. 852. Concurrent resolution relating to U.S. military personnel held captive in Vietnam; to the Committee on Foreign Affairs.

By Mr. HARVEY of Michigan:

H. Con. Res. 853. Concurrent resolution relating to U.S. military personnel held captive in Vietnam; to the Committee on Foreign Affairs.

By Mr. HAYS:

H. Con. Res. 854. Concurrent resolution relating to U.S. military personnel held captive in Vietnam; to the Committee on Foreign Affairs.

By Mrs. KELLY:

H. Con. Res. 855. Concurrent resolution relating to U.S. military personnel held captive in Vietnam; to the Committee on Foreign Affairs.

By Mr. McDADE:

H. Con. Res. 856. Concurrent resolution relating to U.S. military personnel held captive in Vietnam; to the Committee on Foreign Affairs.

By Mr. MICHEL:

H. Con. Res. 857. Concurrent resolution relating to U.S. military personnel held captive in Vietnam; to the Committee on Foreign Affairs.

By Mr. MIZE:

H. Con. Res. 858. Concurrent resolution relating to U.S. military personnel held captive in Vietnam; to the Committee on Foreign Affairs.

By Mr. OTTINGER:

H. Con. Res. 859. Concurrent resolution relating to U.S. military personnel held captive in Vietnam; to the Committee on Foreign Affairs.

By Mr. RHODES of Pennsylvania:

H. Con. Res. 860. Concurrent resolution relating to U.S. military personnel held captive in Vietnam; to the Committee on Foreign Affairs.

By Mrs. SULLIVAN:

H. Con. Res. 861. Concurrent resolution relating to U.S. military personnel held captive in Vietnam; to the Committee on Foreign Affairs.

By Mr. TENZER:

H. Con. Res. 862. Concurrent resolution relating to U.S. military personnel held captive in Vietnam; to the Committee on Foreign Affairs.

By Mr. WELTNER:

H. Con. Res. 863. Concurrent resolution relating to U.S. military personnel held captive in Vietnam; to the Committee on Foreign Affairs.

By Mr. BOB WILSON:

H. Con. Res. 864. Concurrent resolution relating to U.S. military personnel held captive in Vietnam; to the Committee on Foreign Affairs.

By Mr. CAHILL:

H. Res. 924. Resolution to establish a select committee, and an advisory commission, to conduct a full and complete study and investigation of the national cemetery system; to the Committee on Rules.

By Mrs. DWYER:

H. Res. 925. Resolution to establish a select committee, and an advisory commission, to conduct a full and complete study and investigation of the national cemetery system; to the Committee on Rules.

By Mr. FRELINGHUYSEN:

H. Res. 926. Resolution to establish a select committee, and an advisory commission, to conduct a full and complete study and investigation of the national cemetery system; to the Committee on Rules.

By Mr. WIDNALL:

H. Res. 927. Resolution to establish a select committee, and an advisory commission, to conduct a full and complete study and investigation of the national cemetery system; to the Committee on Rules.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mrs. BOLTON:

H.R. 16456. A bill for the relief of Dr. Peter H. Bennett; to the Committee on the Judiciary.

By Mr. FINO:

H.R. 16457. A bill for the relief of Calogero Troia; to the Committee on the Judiciary.

By Mr. GRAY:

H.R. 16458. A bill for the relief of Khatchadour B. Palandjian; to the Committee on the Judiciary.

EXTENSIONS OF REMARKS

Physical Fitness

EXTENSION OF REMARKS

OF

HON. WILLIAM H. AYRES

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 21, 1966

Mr. AYRES. Mr. Speaker, we, as a nation, have become more aware of the importance of physical fitness. Industry recognizes its importance by spending over $1 billion for employee recreation programs.

In 1956, President Dwight Eisenhower recognized the need of a coordinated plan for the improvement of the physical fitness of our youth and by Executive order created a Council of Youth Fitness. In 1961, President John Kennedy reorganized this Council so that its interest became that of the adult as well as that of youth. Mr. Stan Musial is the present head of the Council.

Now known as the President's Council on Physical Fitness, it has had the full support of President Johnson who has said:

> The fitness of our Nation for the tasks of our times can never be greater than the general physical fitness of our citizens.

In the past, we have concentrated very heavily on the major sports of football and baseball. These are great sports but not all of our citizens can participate in them. I would call your attention to a less publicized athletic activity—the game of squash.

A short time ago, I noted a very interesting squash tournament held at the University Club here in Washington. No one could question that this sport in which people of all ages could play, would add to our physical fitness.

The tournament was organized by Peter Gaynor, Bill Wilson, and the club professional, Henry Goodheart.

I am certain that those young and mature people who watched Charles Ufford, of New York, defeat Deihl Mateer, of Philadelphia, in the finals or watched Blair Sadler defeat Bill Morris in the consolation match, would be encouraged to become players and thus improve their physical fitness.

I mention this as an encouragement to all people to search out some of our less publicized sports so that they might find one that meets their needs. In this way, we can truly be a part of our national physical fitness program.

Disclosures of the Week—Part X

EXTENSION OF REMARKS

OF

HON. THOMAS M. PELLY

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 21, 1966

Mr. PELLY. Mr. Speaker, the usual number of unpleasant news items and other shocking bits of information came to my attention this past week. Among these were the following:

CASE I

Herb Robinson, associate editor of the Seattle Times, revealed a new item of Federal largesse. In his column recently he told of Project Public Information financed by Federal funds involving a mobile study which will travel throughout Alaska and the Pacific Northwest. It will produce documentary films, television news clips and articles to build the image of public schools. Critics call this unit a propaganda wagon. The cost to the taxpayers—$153,000.

CASE II

The Wall Street Journal of July 15, 1966, in a report by Bryce Porter says things are worse than ever in Harlem and getting worse all the time. The poverty program, he says, does far more harm than good.

CASE III

It was disclosed last week that the Department of Justice dismissed an antitrust suit against the Anheuser-Busch Co. of St. Louis less than 30 days after the firm's top executives contributed a total of $10,000 to the President's Club.

CASE IV

Congressman GERALD R. FORD, speaking of the urgent need for reform in the field of political finances said all who are interested in the integrity of the election process will be grieved that Congress is dragging its feet in considering bills to effect long-overdue reforms.

CASE V

Prof. F. Benham of the London School of Economics made a study of underdeveloped nations. He decided that to raise the more than 1 billion inhabitants of backward nations to a modest income level of $200 each per year would require $83 billions of foreign aid a year. This estimate was made in 1961. Writer Walter Trohan of the Chicago Tribune says the cost today would be $100 billion per year.

CASE VI

According to the Chamber of Commerce of the United States strikes idled more workers during the first quarter of this year than in any similar period over the last 11 years.

CASE VII

The U.S. chamber also says it has analyzed 12 Great Society programs and found spending is up 258 percent since 1964 for these programs.

CASE VIII

Lyn Shepard, staff correspondent for the Christian Science Monitor gave the latest political whodunit. He noted that on July 12, 1966, Vice President HUBERT H. HUMPHREY flew to St. Louis in a plane furnished by Anheuser-Busch. President Busch arranged this so the Vice President could throw out the first ball at any all-star baseball game. He later addressed a luncheon of major party contributors. The head of the Justice Department's antitrust division and son accompanied Mr. HUMPHREY and flew back with him to Washington.

CASE IX

Columnists Robert S. Allen and Paul Scott have pointed out that Sargent Shriver has $2.5 billion to spend in the poverty war.

The columnists' report says it goes without saying that the Democrats will take the utmost advantage of these funds to improve their uncertain election prospects.

Address of the Honorable Durward G. Hall, Before the Missouri Rural Letter Carriers Association, Springfield, Mo., July 8, 1966

EXTENSION OF REMARKS

OF

HON. GLENN CUNNINGHAM

OF NEBRASKA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 21, 1966

Mr. CUNNINGHAM. Mr. Speaker, I call to your attention and to the attention of the Members of this body, an excellent address by one of our colleagues, the Honorable Durward G. Hall, of Missouri. Congressman Hall, who has had a longstanding interest in the welfare of our Government workers, addressed the Missouri Rural Letter Carriers Association in Springfield, Mo. I join with our colleague when he says he is proud of the tremendous job our rural letter carriers are doing.

Remarks by Congressman Durward Hall, Missouri Rural Letter Carriers Association Convention, July 8, 1966, Springfield, Mo.

It's indeed a pleasure to have the opportunity to address the Missouri Convention of the Missouri Rural Letter Carriers Association, to welcome you not only to Springfield, but also to this 7th Congressional District. I hope you'll come often and stay late to enjoy our Ozarks hospitality. I think particular congratulations are in order to your State president, Harry Thompson, who has the responsibility of presiding over this convention.

We here in the 7th district are especially proud that one of our own, Floyd Huffman, from Flemington, has had the distinction and the honor of serving as national president of your great association.

I had an opportunity to read the June issue of the Missouri Rural Carrier and to read of Floyd's interest throughout his career in the affairs of your State and national organization. The story I read said that this was a proper place to show your appreciation for the long hours, many sleepless nights and thousands of miles traveled by Floyd on your behalf. I can personally vouch for the fact that many of those hours have been spent in my Washington office keeping me informed of the legislative matters in which you have an interest, briefing me on some of your problems, as well as the problems of the Nation in seeing that the mail gets delivered, and always doing these things in his courteous and understanding way that's so typical of Floyd's personality. I don't think your organization could have had a better man to represent you on Capitol Hill.

While Floyd has been briefing me so much, I welcome this opportunity to brief you and to advise you of the status of some of the legislation in which you have an interest. I checked with my office in Washington today, and with the House Post Office and Civil Service Committee just to be sure we were up to date.

I know you're all interested in the pay bill, and let me say here that I think a word of appreciation is due to you and the letter carriers in general, because in your efforts to reach comparability you demonstrated responsibility, and I might even add statesmanship, in recognizing the tremendous demands on the Federal Budget resulting from our involvement in Vietnam, and in tailoring your requests to meet this situation. I'm not a strong exponent of compulsory guidelines, but this certainly is a period when restraint is needed by all segments of the economy, and you have measured up to that need perhaps better than most groups and organizations.

I'm sure you're wondering, along with me, why the pay bill isn't over on the President's desk awaiting his signature.

I'm sure I don't have to tell this knowledgeable group that it takes both the House and the Senate to enact legislation. We've done our part, about 2 months ago, in fact, but there seems to be some kind of delay going on in that other body. As you know, the rules of comity prevail between the House and Senate, and we never say harsh words about the other. I don't know who comes out ahead under this arrangement, but I think maybe they do.

Now, one of the reasons, I understand, for the delay in the other body was a fear that the Bureau of the Budget didn't like the July 1st effective date we inserted in the House. That's the beginning of the fiscal year and we thought it both prudent and wise to do so.

I can report to you that effective date remains July 1 and there was no change made by the Senate Post Office and Civil Service Committee. I'm advised that the pay bill will be the first order of business when the Senate reconvenes next week.

One of the other provisions of the bill which I'm confident will not be changed permits retirement at age 55 after 30 years of service or age 60 after 20 years service.

Also, for the first time there is a mandatory annual uniform allowance of $125 a year, and an increase in automobile allowances on special delivery calls.

The Rural Letter Carriers Association has always been a working organization, working always to provide a better service to those in the community in which you live. Yours is an honorable career, and I especially concur in the purpose of your organization as published in the National Rural Carrier magazine which comes to my office regularly. . . . . "To improve the methods used by rural mail carriers, to cooperate with the Post Office Department and the public for the good of the service, to promote a fraternal spirit among members of the association, and to benefit their conditions of labor."

You, the rural carriers, have an excellent opportunity to lead the way for all postal employees in the execution of an outstanding customer service program. You are the principal contact and in many instances, the only contact for over one fifth of the country's population with the postal service.

No other position in the postal service can be looked upon in quite the same perspective as a rural carrier. You are both clerk and distributor, carrier and collector, educator and emissary, and I'm sure, in many instances, confidant and postal chaplain to your customers!

I'm sure there isn't a rural carrier who hasn't been unduly detained while a customer expands on his pet theory for the postal service or offers his solution to all the problems facing the postal service.

I know this often presents a problem in trying to maintain your daily schedules and still take the time to discuss a particular problem with one of your constituents—if I can use that term—as it applies not to me but to you.

Yet, I'm sure you know that suggestions and inquiries from patrons are often a forerunner of customer complaints, and occasionally I, too, hear from those who think they know what's needed to speed up the delivery of mail. I'm happy to say that I don't get many such complaints from your routes here in the 7th District.

I think the postal service has found that some of the best suggestions for improved service comes from the carriers themselves, for you're at the grass roots location where the problems are noticed.

We in the legislative branch are also vitally interested in ways to improve service and sometimes we can see that a good suggestion is brought to the attention of those who have the direct responsibility of managing the Post Office Department. I may not always be able to see that your suggestions are followed, but I usually can insure that it will be given serious consideration.

I want to stress again that I'm proud of the work you are doing and the calibre of the people that are here today, good fine patriotic Americans, the salt of the earth, people with a dedication to their country, to their job, and to their fellow man who are so vitally dependent on the service you render.

I find in reviewing the annual report of the Postmaster General for last year that there are in Missouri 1,346 rural routes involving a total mileage of almost 81,000 miles. That's a lot of driving, a lot of walking, and a lot of responsibility, and I know there are a lot of good men here today who will see that it's carried out to the best of their ability. I know you will continue to work together with the Congress for a progressively improved postal service to which our 190 million fellow Americans are justly entitled, and I want you to know that in the future, as in the past, I am always anxious to work with you on every matter in which we have a mutual concern. Thanks for the opportunity to be with you this afternoon, and to show my personal appreciation for the good works you are doing.

Establishment of Cape Cod National Seashore and Dedication of Salt Pond Visitor Center, May 30, 1966

EXTENSION OF REMARKS

OF

HON. EDWARD P. BOLAND

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 21, 1966

Mr. BOLAND. Mr. Speaker, the Cape Cod National Seashore was formally established during impressive Memorial Day exercises on May 30 last at the Salt Pond Visitor Center in Eastham, Mass.

The Cape Cod National Seashore was created to extend to mankind forever the opportunity to enjoy, within this stimulating and inspiring seaside environment, the outstanding scenic, scientific, and historical values found there. Our late beloved President John Fitzgerald Kennedy, who sponsored the authorization bill in 1959 when he was the junior Senator from Massachusetts, signed the Cape Cod National Seashore bill into law on August 7, 1961.

It was with a great deal of pride that I participated in the dedication ceremonies, because I had cosponsored the first comprehensive bills, along with Congressman Thomas P. O'Neill of Massachusetts, to authorize the Cape Cod National Seashore Park, on May 12, 1958. My bill that year was H.R. 12449. Congressman Philip J. Philbin, of

Massachusetts, had earlier introduced a Cape Cod Park authorization bill. Senator Leverett Saltonstall and the then Senator John F. Kennedy cosponsored the bills in the Senate, and Congressman Hastings Keith, who represents the Cape Cod area, and Congressman Silvio Conte joined with us in sponsoring similar bills after they took their seats in Congress in January 1959.

Mr. Speaker, under previous permission I include with my remarks in the Record, the program for the establishment ceremony and dedication of Salt Pond Visitor Center, Cape Cod National Seashore, Mass., and the speeches by Secretary of Interior Stewart L. Udall and Director George B. Hartzog of the National Park Service.

Establishment Ceremony and Dedication of Salt Pond Visitor Center, 2 p.m., Monday, May 30, 1966

Lemuel A. Garrison, Regional Director, Northeast Region, National Park Service, Presiding.

Musical Selections: Nauset Regional High School Band and Frank James, Director.

Advance of the Colours: United States Coast Guard, Race Point Rescue Life Boat Station, Chatham Coast Guard Station.

Invocation: Rev. William J. McMahon, Pastor, St. Joan of Arc Parish, Orleans.

Welcome to Cape Cod National Seashore: Stanley C. Joseph, Superintendent.

Remarks: Luther Smith, Chairman of Board of Selectmen, Eastham, representing Towns of the Lower Cape.

Introduction of Guests: George B. Hartzog, Jr., Director, National Park Service.

Presentation of Deeds: Honorable John A. Volpe, Governor, Commonwealth of Massachusetts.

Acceptance of Deeds and Dedication of Visitor Center: George B. Hartzog, Jr.

Remarks: Senator Edward M. Kennedy.

Remarks: Senator Leverett Saltonstall.

Remarks: Representative Hastings Keith.

Musical Selection: Nauset Regional High School Band.

Establishment Address: Honorable Stewart L. Udall, Secretary of the Interior.

Benediction: Rev. Richard E. Waters, Pastor, Eastham Methodist Church.

Retirement of the Colours: United States Coast Guard.

Remarks of Secretary of the Interior Stewart L. Udall at Dedication of Cape Cod National Seashore, Cape Cod, Mass., May 30, 1966

Today we dedicate anew one of the lasting landmarks of America.

It was landfall for the Pilgrams, reconnoitering their new homeland. Sea Captains have blessed the guiding glow of Cape Cod's beacons, and intrepid generations of fishermen and whalers have blessed the beckoning anchorage of this beautiful Cape.

These brave people have already given Cape Cod a special place in the American heart. We rededicate it today as another landmark—a gift of untrammeled nature for all the generations of the future.

Each generation has its own rendezvous with the land: the questing seafarers who looked for the headlands of other shores; the settlers who plowed the land and made it prosper.

Now, at a later hour, we turn to this landscape to support and renew other values. We who have chopped and mined and built and machined our way to wealth and power now grope out from our cities, puzzled, yearning, almost wistful, for something we cannot forget. Beyond the noise and the asphalt and ugly architecture we yearn for the long waves and the beach grass; we see white wings on morning air, and, in the afternoon, the shadows cast by the doorways of history.

Cape Cod National Seashore is, in a very real sense, a pioneer park. It marked a turning point in conservation—a reversal of the shortsighted policy of refusing to pay from the public purse to acquire scenic masterpieces for all of the people.

President Johnson described our predicament recently in these words: "The increasing tempo of urbanization is already depriving many Americans of the right to live in decent surroundings. More of our people are growing into cities and being cut off from nature. Cities themselves reach out into the countryside, destroying streams and trees and meadows as they go. A modern highway may wipe out the equivalent of a fifty acre park with every mile. And people move out from the city to get closer to nature only to find that nature has moved farther from them."

The original sponsors of the Cape Cod legislation had deep roots in this Commonwealth and an abiding love for this Cape. Two of them are with us today: Leverett Saltonstall, the senior Senator from Massachusetts, and Hastings Keith, who represents Cape Code in the House. Americans down the generation will thank them for their foresight.

The third cosponsor is gone—but his spirit burns brightly here. If John F. Kennedy had a special attachment to this continent, it was to its shoreline and marginal sea. He agreed, in his private thoughts, with another New Englander, Henry Thoreau, that "the seashore . . . is a most advantageous point from which to contemplate the world." It was part of his conservation philosophy that a father should be able to show his children—all children—the wonders of nature he himself had known. The marshes, the seascapes, the sea itself should remain inviolate for all time for all men.

"We have been slow as a Nation," he told Congress in introducing the original Cape Cod bill, "to adapt our public policies so as to improve the quality and breadth of recreational experience for the Nation. Yet we are aware of the increasingly narrow margin which still exists—especially in the East—for National Park development . . . we know of no alternative . . . which could provide the citizens of the Commonwealth and the national public with such a rich and varied blend of scenic, recreational and scientific values."

With the passage of the Cape Cod National Seashore bill five years ago, the Nation resolved to open its eyes to need for safeguarding and restoring the beauty of our land. Here began a new era of conservation in America. Since President Kennedy proudly signed this pioneering legislation into law, the Congress has added a record-setting thirty-four new national parks, seashores, and other historic and recreational areas to our National Park System.

The Nation's battle to save the common estate is far from won. In October 1963, President Kennedy warned that, "Our economic standard of living rises but our environmental standard of living—our access to nature and respect for it—deteriorates . . . we must expand the concept of conservation to meet the imperious problems of the new age. We must develop new instruments of foresight and protection and nurture in order to make sure that the national estate we pass on to our multiplying descendants is green and flourishing."

This is our only world; if we care, our duty is to love it.

We commemorate here today a love affair with land. And this piece of land—this masterwork of nature—is now dedicated to the people who shall henceforth call themselves citizens of these United States.

Remarks of Director of the National Park Service George B. Hartzog, at Dedication of Cape Cod National Seashore, Cape Cod, Mass., May 30, 1966

Receiving these deeds on behalf of the people of the United States to be administered by the Department of the Interior is a great honor and privilege.

Too few people may appreciate the significance of the transfer of ownership of the Province Lands Reservation. This Reservation is one of the oldest tracts of land in America under continuous public ownership. These dunes and marshes at the tip of Cape Cod were set aside as early as 1670—nearly 300 years ago—by the "Plimoth Colony" in pioneering conservation action. In transferring title of these lands, you, in effect, challenge us to carry out the far-sighted action of those hardy pioneers.

One of the missions of the National Park Service is to provide for the enjoyment of the park areas. It is our belief that enjoyment of these great resources is almost inevitable and that our true mission, in this regard, is to stimulate the visitor to open his eyes to this enjoyment in the fullest sense. Our programs, then, are ones that help the visitor interpret what he sees for himself.

One of the most successful tools if we can call them that, has been visitor centers, like this beautiful building, and the exhibits and orientation programs presented in it. Our National Park people are here to help.

It is to this purpose—assisting you in getting the most meaningful experience out of your visit to Cape Cod—that we dedicate the Salt Pond Visitor Center.

Public Opinion Poll

EXTENSION OF REMARKS

OF

HON. HAROLD R. COLLIER

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 21, 1966

Mr. COLLIER. Mr. Speaker, more than 14,100 of my constituents participated in the public opinion poll which I recently conducted. I have conducted such polls by mail during each of my five terms in Congress. The 1966 questionnaire was sent to all of the 146,500 mailing addresses in the 10th Congressional District.

Four of the seven questions asked in the 1966 poll concerned the war in Vietnam. Sixty-eight percent of those who participated in the poll answered "No" to the question, "Should we withdraw all of our Armed Forces, regardless of negotiations?" while 17.8 percent replied in the affirmative, and 14.2 percent were undecided.

To the question, "Should we continue to fight a limited war, not so much with the idea of winning, but to convince the Vietcong and the North Vietnamese that they cannot win?" 16.8 percent answered "Yes," 61.9 percent "No," and 21.3 percent were undecided.

The third question on Vietnam was, "Should we cease all air attacks and call for peace negotiations, the participants to include the United States, South Vietnam, North Vietnam, the Vietcong, and the National Liberation Front?" The responses were: 20.7 percent "Yes," 60.7

percent "No," and 18.6 percent undecided.

To the final question in the Vietnam category, "Should we accelerate bombing, mine the Haiphong harbor, and cut enemy supply lines with the designed purpose of achieving victory?" 66.6 percent said "Yes," 20 percent "No," and 13.3 percent were undecided.

The three remaining questions concerned inflation. Obvious dissatisfaction with huge domestic spending programs was evident, as 72.3 percent voted "Yes" when asked, "Should we curtail spending on domestic programs in order to help meet the costs of defense and war?" "No" replies were given by 19.1 percent and 8.6 percent were undecided.

My constituents, for the most part, do not want their taxes increased, as only 8.2 percent of them gave an affirmative response to the question, "Should we increase taxes so that we can, at the same time, fight the war in Vietnam and carry out the domestic programs of the Great Society?" "No" replies were given by 75.4 percent with 16.4 percent undecided.

The final question in the poll, "Should we impose governmental controls on both prices and wages in order to avoid further inflation?" drew 31.1 percent affirmative votes, 55.2 percent negative, and 13.7 percent undecided.

A complete tabulation of the results of my poll follows:

	Yes		No		Undecided	
	Number	Percent	Number	Percent	Number	Percent
VIETNAM						
Should we withdraw all of our armed forces, regardless of negotiations?	2,519	17.8	9,620	68.0	2,007	14.2
Should we continue to fight a limited war, not so much with the idea of winning, but to convince the Vietcong and the North Vietnamese that they cannot win?	2,372	16.8	8,763	61.9	3,011	21.3
Should we cease all air attacks and call for peace negotiations, the participants to include the United States, South Vietnam, North Vietnam, the Vietcong, and the National Liberation Front?	2,935	20.7	8,582	60.7	2,629	18.6
Should we accelerate bombing, mine the Haiphong harbor, and cut enemy supply lines with the designed purpose of achieving victory?	9,427	66.6	2,831	20.0	1,888	13.3
INFLATION						
Should we curtail spending on domestic programs in order to help meet the costs of defense and war?	10,226	72.3	2,704	19.1	1,216	8.6
Should we increase taxes so that we can, at the same time, fight the war in Vietnam and carry out the domestic programs of the Great Society?	1,160	8.2	10,667	75.4	2,319	16.4
Should we impose governmental controls on both prices and wages in order to avoid further inflation?	4,402	31.1.	7,804	55.2	1,940	13.7

Congressman John E. Fogarty, Brain Research Foundation, Drake Hotel, Chicago, Ill., June 2, 1966

EXTENSION OF REMARKS
OF
HON. JOHN E. FOGARTY
OF RHODE ISLAND
IN THE HOUSE OF REPRESENTATIVES
Thursday, July 21, 1966

Mr. **FOGARTY**. Mr. Speaker, under leave to extend my remarks in the RECORD, I include the following:

CONGRESSMAN JOHN E. FOGARTY, BRAIN RESEARCH FOUNDATION, DRAKE HOTEL, CHICAGO, ILL., JUNE 2, 1966

When I received Mr. Linck's invitation to speak to you this evening I was particularly pleased, for several reasons. For one, I hold voluntary health organizations such as yours in very high regard. Over a period of twenty-five years as a Member of Congress, I have shared in the tremendous excitement of the growing medical research movement, and have been in a particularly privileged position to observe the role and importance of voluntary health groups in backing up the Federal side of the program. The tireless efforts of your officers and volunteers, in serving on our advisory committees, testifying as citizens before Congress, promoting the whole national movement in a thousand ways, have had an immense effect in making the Federal medical research program both popular and successful. And from overshadowing your efforts, we have helped you too, as the growth statistics amply show. We are partners in the greatest battle in history—the battle for human health.

Another reason why I was pleased to come was because the occasion offers a chance to meet some of the nation's leaders in brain research, and to think with you for a few minutes about this especially fascinating and challenging part of medical research. The miracle of the brain and nervous system to me exceeds that of any other part of the body.

And the challenge is not so much understanding of the miracle itself, but the goals of brain research—solution of the problems of the neurological and sensory diseases. We are sometimes inclined to relegate neurological diseases to a minor position because of the importance of heart disease and cancer as public health problems. But when we group them together, we find that they are responsible for a major share of all deaths, disability, and suffering.

I would like to dwell this evening on that part of the nation's effort in brain research with which I am most familiar—the Federal program as administered through the National Institutes of Health, and more specifically, the National Institute of Neurological Diseases and Blindness.

As many of you know, this Institute has been in existence since 1950; it has grown with the other Institutes at NIH; it has an appropriation in the range of $100 million annually, most of which is devoted to grants and awards for the support of neurological research and research training in universities, hospitals and other institutions throughout the country, with most of the remainder supporting intramural research, both basic and clinical, in Bethesda, Maryland. The Institute has had a strong impact upon the field generally, both in increasing the amount of research going on, and in encouraging people to enter the field, but the needs are still many times what can be accommodated. As a simple example, there are still less than 2,000 neurologists in the United States, with estimates of more than 10,000,000 people suffering from neurological illnesses. There are large areas of the country which remain hundreds of miles from a hospital large enough to have a neurology department. Institute training programs have been steadily increased, they could be doubled and still not meet the need.

There are a number of areas in the NINDB program upon which Dr. Shannon, Dr. Masland, and their staffs are attempting to focus interest and in which activity is being stimulated.

BRAIN INJURY

An important neurological concern that is demanding increasing national attention is the problem of accidental brain injury. We have data showing that accidents are the major cause of death during the productive years from birth to the age of 44. Over 100,000 people are killed annually in accidents. Approximately 70 percent of these deaths are from head injury, according to our best estimates. Hospital records show that approximately 1.3 million people suffer at least temporary disability from head injury, and that 130,000 a year have serious permanent disabilities.

The conflict in Viet Nam and the alarming rise in brain injuries from auto accidents point up the significance of this problem. NINDB is approaching the problem in a number of ways. One of these is the support of research projects such as that of Dr. Joseph P. Evans here at the University of Chicago. Dr. Evans and his group, I understand, are conducting a laboratory and clinical study of head injury which includes an exploration with the electron microscope of the many changes which take place in brain tissue as a result of the internal swelling caused by a blow on the head. They are also evaluating current forms of treatment, and attempting to develop better methods of handling these cases.

Some of you were probably aware of the NIH-supported head injury conference held here in February. This produced a highly valuable set of recommendations outlining needs in the epidemiology, diagnosis, and therapy of head injury, and calling for the creation of clinical research centers patterned after those already in existence in many other problem areas. The conferees were some of the most knowledgeable people in the world in this field, and proceedings, which we had incorporated into the NIH appropriation hearings in March, should be of substantial help in stimulating wider interest.

Our concern here is not limited to the early stages of the head injury reaction, or to adults, but extends also to the effects which are detected later, and to the brain-injured child. Many individuals whose initial injury seems trivial have a subsequent relapse due to swelling of the brain. And in about 10 percent of the cases of mental retardation, the disorder results from some post-natal event. To better coordinate the attack on the problems of the brain-injured child, NINDB has organized three task forces.

One is devoting itself to definition of the problem, which ranges from cerebral palsy, epilepsy, and gross intellectual defect to what is classified as minimal brain dysfunction. A second is studying the medical and educational services needed for these children. This task force is sponsored by the Neurological and Sensory Disease Service Program of the Public Health Service, the National Society for Crippled Children and Adults, and the U.S. Office of Education. Task Force III will outline the scientific research necessary for solution of the problem. In addition to the task forces, a collaborative research project is in process of being organized, with the aim of evaluating the effectiveness of various forms of treatment. These efforts at coordination and providing guidance while not as glamorous are, of course, just as essential as the actual scientific work in the laboratories and the training support in the schools.

STROKE

Another major neurological disease area, in which the Federal Government, through NIH, has begun a big "push," is stroke. Coupled with the overall research training program of NINDB, including neurology, neuropathology, neurosurgery, and the many other disciplines needed, there has been a program of research grant support in cerebrovascular disease for many years. This, however, has been pathetically inadequate, considering the extent of the problem, and the program has been accelerated, reflecting the great interest and concern during the last several years of both the Congress and the President.

One of the major developments has been establishments, through grants from NINDB, of a group of broad-based, multidisciplinary research centers where patients can be studied by experts, and various aspects of this complex disease investigated. Three of these stroke research centers, located at Minneapolis, New York City, and Detroit, were begun in 1961; five more, in Miami, Durham, Baltimore, Boston, and Philadelphia, were funded in 1965; and grants for two others, in Rochester, Minnesota, and Winston Salem, were just awarded in March of this year, bringing the total to ten. Each of these centers has a major area of emphasis within the stroke field: examples are mechanisms of blood clotting; dynamics of blood flow; the pathology and chemistry of the cerebral vessels; speech difficulties following a stroke; epidemiology; and general problems of diagnosis and treatment. As you can see, these centers are presently concentrated in the East, for the reason that resources and interest have been rather heavily concentrated there. I understand, however, that a number of grant applications from scientists in midwestern and western population centers have been received, and we are hoping that this distribution can be improved within the next year or two, so that we will have a base for training of research and service personnel throughout the country, as well as a vital research resource. These centers can become an important component of the evolving regional medical programs for heart disease, cancer, and stroke.

In addition to the expansion of the stroke centers program, several new types of training support, both direct and institutional, are now available from NIH, for clinical study. Clinical training grants and clinical traineeships are now providing short term training opportunities to medical practitioners who want to learn from experts the latest developments in stroke diagnosis, prevention, and treatment. Since most physicians cannot leave their practices for very long, some of these traineeships may be awarded for periods as short as six weeks. As soon as the training courses can be set up in the hospitals, these traineeships will begin to move us toward our goal of bringing the latest advances in care to the remotest villages and hamlets of America.

At the apex of the Federal stroke research program is a Joint Council Subcommittee on Cerebrovascular Disease, consisting of members of the national advisory councils of the Heart and Neurology Institutes who have special skills and experience in this field. This subcommittee has to its credit some remarkable achievements, the chief one being coordination of the whole national program through recommendations to the Councils.

EPILEPSY

Epilepsy is another of the major areas of our Federal neurological research program. There are estimated to be between one and two million victims of epilepsy in the United States. There is no known cure and treatment is largely through anticonvulsant drugs. More than 50 percent can now have their seizures controlled through anticonvulsants but for many the answer has not been found. A large part of the program relates to fundamental research on the basic mechanisms. Two epilepsy research centers, similar to those I mentioned in the stroke field, are being supported through grants. In one, at the University of Washington, neurophysiologists, neuroanatomists, neuropharmacologists, and behavioral scientists are pooling their talents in long-term basic studies; in the other, at the University of Wisconsin, new drugs are being evaluated, using electroencephalography, and other approaches. Part of the UCLA Brain Research Institute program is devoted to mechanisms of epilepsy, and at the Neuropharmacology Research Center at the University of Utah, anticonvulsant mechanisms are under scrutiny. In addition to these, there are some 80 other NINDB-supported research projects, as well as an intramural program in Bethesda including patient studies and studies of artificially induced epilepsy in animals.

For purposes of improving national coordination and encouragement of the epilepsy research effort, a Public Health Service Advisory Committee on the Epilepsies was just officially announced by Surgeon General Stewart about three weeks ago. This committee is being chaired by Dr. H. Houston Merritt, dean of Columbia University's College of Physicians and Surgeons, and also codiscoverer of the well-known anticonvulsant drug, Dilantin. Other members are persons of national prominence in the field, and I know they will make an important contribution.

PARKINSON'S DISEASE AND MULTIPLE SCLEROSIS

Another area in which the NINDB is attempting to focus greater research interest is that of the so-called degenerative diseases of the nervous system, including Parkinson's disease, and multiple sclerosis. There are again afflictions for which medical science has little to offer. In Parkinsonism, drugs, physical therapy, and surgery offer three ways of possibly alleviating some of the crippling symptoms. Drugs can provide 25 to 50 percent control of the rigidity, tremor, and lethargy. Intensive physical therapy can bring patients from 50 percent to 75 percent of normal, under ideal conditions. Surgery, although widely publicized, is a more limited possibility, because only 10 to 12 percent of all victims are suitable subjects, and because, usually, patients over 65 are not helped by surgery. The picture for these people is discouraging, but there are some hopeful developments. One, of course, is the growth of the program, both Federal and voluntary.

The NIH research grant and intramural programs range broadly from clinical studies with patients to basic investigations of the physiology, biochemistry, and metabolism of brain centers and muscle groups involved in motor control. The Neurology Institute's biggest programming effort of the past several years has been establishment and support of a Parkinson's Disease Information and Research Center at Columbia University. Here scientists are making electron microscopic studies of brain tissue from Parkinson patients taken at autopsy, and analyses of the neurohormones, enzymes, and other substances making up the metabolic chain which, when properly functioning, preserve balance in the nervous system, and which appears to be deficient in some cases, in the brain tissues of Parkinson patients.

In multiple sclerosis, there is no effective treatment that can be offered the patient, in spite of an extensive research program for years. This disease produces disintegration of the myelin sheathing nerves in the brain and spinal cord. It afflicts about a quarter of a million Americans between 20 and 40. A good portion of the Federal program in MS is devoted to exploration of the theory that the cause may be a slow virus—one which may be carried for as many as 10 years before the symptoms develop. A particularly interesting research study on this is underway in Israel. It has been known for a long time that the incidence of MS is much greater in colder climates than in warm climates. In fact, the disease is almost non-existent in the tropics. Before the influx of many peoples to Israel, the disease was almost non-existent there. Now, however, the incidence has risen considerably and the cases are found among those peoples migrating from Europe rather than the Afro-Asian countries. Additionally, it has been found that many do not show symptoms until a number of years after they have come to Israel.

Pursuing the viral theory, NINDB is supporting substantial work at its Patuxent Research Center at Laurel, Maryland, on slow animal viruses causing neurological diseases resembling multiple sclerosis. But this is just one approach; to mention a few others, NIH and grantee scientists are studying autoimmunity, the abnormal process causing the body to reject, or develop antibodies to certain of its own tissues; they are studying the chemistry of demyelination, and, in collaboration with the National Multiple Sclerosis Society, they are treating nerve cell cultures with specimens taken from the blood and and spinal fluid of MS patients to see if these patients carry myelin-destroying substances in their own bodies.

What may be a very important development in slow virus research just took place this year when scientists succeeded in transmitting kuru, a rare neurologic disorder somewhat related to Parkinson's disease and MS, from man to chimpanzees. This opens up tremendous possibilities for the study of processes that could not be observed in human patients.

CONCLUSION

This is far from being a comprehensive summary of the broad Federal program of research in the diseases of the brain and nervous system. I am simply attempting to highlight some of the areas in which progress is being made. We, of course, think in terms of larger sums and programs than is possible for even the largest of the voluntary health organizations, but I would like to stress again that this doesn't make the job you people are doing any less important. It is probably more important, because of the immensely crucial public acceptance you help to secure for the whole movement. Voluntary agencies, such as the Brain Research Foundation and the Federal Government are each concentrating their resources where they will do the most good in a complementary and highly effective effort. There are still oceans to span—and unexplored continents. Most of the neurological diseases are still unconquered. But we have a magnificent movement underway in this country, and all of us here tonight are part of it. Let us hope that it continues to grow.

The Ney Memorial Awards Program

EXTENSION OF REMARKS

OF

HON. RODNEY M. LOVE

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 21, 1966

Mr. LOVE. Mr. Speaker, it is my pleasure to bring to the House information concerning the Ney Memorial Award's competition which I learned about as a result of a visit from my good friend and constituent, Mr. John C. Smith, formerly an Ohio State senator and presently a member of the Board of County Commissioners of Montgomery County, Ohio.

Mr. Smith and Maj. Walter Pienkowski, retired, another constituent—formerly food service officer for the U.S. Air Force—were the two men most responsible for the Food Service Executive's Association's participation in the Ney Memorial Award, Major Pienkowski having been the gentlemen who created a similar program in the Air Force known as the Hennessy Trophy Award.

Mr. Smith, recently returned from an inspection tour for the Navy, participated in a team evaluation of the nine finalists in this year's competition.

The Secretary of the Navy in 1958 announced the establishment of an all-Navy food service competition to give merited recognition for outstanding accomplishment in the preparation, service and management of food within the Navy.

The Navy has long considered good food as a most important factor in sustaining the high morale of its men on land, at sea and in the air. The establishment of a distinguished award naming the Navy's best feeders to a "Hall of Food Fame," known as the Ney Memorial awards program, has stimulated even greater interest and improvement in the already outstanding food service operation in Navy general messes.

The Ney Memorial awards program commemorates the late Capt. Edward Francis Ney, Supply Corps, U.S. Navy, who served with distinction as head of the Subsistence Division of the Bureau of Supplies and Accounts during World War II. The Ney program is administered for the Secretary of the Navy by the Commander, Naval Supply Systems Command, an office currently held by Rear Adm. H. J. Goldberg, SC, USN.

From its inception the Ney Memorial awards program has been sponsored by the Food Service Executives Association, since 1901 a national nonprofit organization of food procurement, service, and management executives. Representatives of the winning Navy general messes ashore and afloat will be guests of the association for the special plaque presentation ceremonies at the FSEA 65th National Convention from August 15 to 17 at St. Louis, Mo.

Although our Navy is advancing into the age of missiles and nuclear power, the men and women who man our shore stations, ships, and planes are the key elements in its power. With the exception of leadership, probably no one thing is more important to the health and morale of these men and women than good food service.

When we consider these men and women who man the ramparts during peace and war, we too often consider their morale and well-being in relation to pay and promotion, but another very direct and abiding concern of every military person is his food.

I would like to commend the members of the Food Service Executive Association for all they have done in these past 9 years by presenting these awards to the winning naval facilities for outstanding food service and for gaining the recognition of this all-important factor in the health and morale of our fighting men.

The Ney Memorial awards competition has economic benefits as well. It has dramatically reduced the per man ration cost per day. In every instance, without exception, the finalists in this annual program have reduced their food costs to the Government. The program has been a deciding factor in the creation of more cheerful dining areas for our seamen. It has increased the morale of our seamen and instilled pride in our food service commissarymen. The Pacific Fleet has even included participation in the Ney Memorial award competition a must for inclusion in the "E" for excellence award. It has even encouraged one of this year's winners—U.S.S. *Semmes*—to print a cookbook of the ship's favorite receipes to send home to the ship's personnel, parents, and dependents. This cookbook has even been requested by commercial as well as private interests outside the Navy.

As a member of the Armed Services Committee, I was glad to know about this competition and am proud of the parents and dependents of our Navy personnel. I am reassured to find that our men are the best fed and I appreciate John Smith's interest in taking his time to make this tour and I commend him and all the finalists in this year's competition.

The winners are:

LARGE MESS AFLOAT

1. U.S.S. *Gridley* (DLG-21) (winner), Commander, Cruiser Destroyer Force, Pacific.
2. U.S.S. *H. W. Gilmore* (AS-16) (first runner-up), Commander, Submarine Force, Atlantic.
3. U.S.S. *Proteus* (AS-19) (second runner-up), Commander, Submarine Force, Pacific.

SMALL MESS AFLOAT

1. U.S.S. *Semmes* (DDG-18) (winner), Commander, Cruiser Destroyer Force, Atlantic.
2. U.S.S. *Aggressive* (MSO-422) (first runner-up), Commander, Mine Force, Atlantic.
3. U.S.S. *Skagit* (AKA-105) (second runner-up), Commander, Amphibious Force, Pacific.

ASHORE MESS

1. NAS, Miramar, Calif. (winner), Commandant, 11th Naval District.
2. NAVCOMMSTA, San Miguel, Philippines (first runner-up), Commander, Naval Forces, Philippines.
3. NAVSUPPACT, Naples, Italy (second runner-up), Commander, Naval Forces, Europe.

American Seapower

EXTENSION OF REMARKS

OF

HON. FRANK T. BOW

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 21, 1966

Mr. BOW. Mr. Speaker, I would like to share with the Members of the House an important address by our colleague, the gentleman from California [Mr. MAILLIARD], on the subject of American seapower. As ranking Republican member of the House Committee on Merchant Marine and Fisheries, the gentleman from California [Mr. MAILLIARD] is an expert in this field whose analysis and warning should be heeded in the agencies of our Government and wherever men and women are concerned about the security of the United States. The address follows:

AMERICAN SEAPOWER—WHERE ARE WE GOING?

The great 17th century Dutch statesman, Jan De Witt, once admonished his fellow countrymen in the following fashion, and I quote:

"Never in time of peace . . . will they take resolution strong enough . . . beforehand . . . unless danger stares them in the face . . . I have to do with people who, liberal to profusion where they ought to economize, are often sparing to avarice where they ought to spend." Well, today, three centuries later, the Johnson Administration is subject to the same reproach. It, too, is liberal to profusion where it ought to economize, yet sparing to the point of folly where it ought to spend.

The even greater irony, however, is that the lopsided priority of the current federal budget allocating our national resources is being accomplished at a time when danger is staring us in the face—the very real danger that, within the time frame of the mid-1970's and beyond, the United States will no longer be a major world sea power, and that we will have abdicated our position of maritime superiority to none other than Soviet Russia. Thus, the title of my remarks—"American Sea Power—Where Are We Going?"—is simply a manifestation of my deep personal concern over the current shocking de-emphasis in our national maritime efforts.

The concept of sea power and its importance to the United States is neither new nor complex. At the turn of this century Admiral Alfred Thayer Mahan gave the all time classic statement of the effect of command of the seas upon the destiny of nations. Since then his concepts have been fortified and expanded to a point where today, as at no time in our history, sea power is vital to both our national security and our economic well-being. The misfortune, however, is that nothing that is so readily understood or so blatantly apparent as the importance of sea power seems to concern our policy makers of today!

In its broadest sense, and conceived as an integral whole, sea power is the ability of a nation to project into the world ocean in times of peace its national sovereignty; in times of war, its military might. It is composed of all those elements enabling a nation to use the oceans advantageously during either peace or war—its navy, its merchant shipping, its shipbuilding, its fishing industry, and its knowledge in the field of marine science and engineering (now usually referred to as oceanography). It is within this frame of reference that the United States, as a world leader with global security commitments, must face-up to the issue of the future sufficiency of its elements of sea power.

We face today and in the future what frequently has been referred to as the new four-ocean challenge. The naval conflict in World War I was a one-ocean war centered about the North Atlantic. World War II was a two-ocean war involving the North Atlantic with the adjacent area of the Mediterranean and the Pacific Ocean. These two ocean areas—the North Atlantic and Pacific—still remain of primary concern, but advances of modern science and the retrenchment of traditional allies have added two new ocean areas. The third is the Arctic Ocean to the north as a result of accessibility gained with nuclear submarines. The fourth is the Afro-Asian Ocean embracing the broad expanse of the South Atlantic and Indian Oceans, extending all the way from New Guinea across to the southern shore of Asia and Africa. The withdrawal of France from Indo-China left us as the only western nation capable of filling the power vacuum in the Asian theatre, a factor which has been further enhanced by Great Britain's announced intention to phase out its fleet air arm and hint of eventual military withdrawal to "West of Suez." Whether we have the requisite national leadership to marshal and direct the national will to meet this expanding challenge at sea, and the foresight to provide adequately for the tools of sea power—fast, modern ships and skilled seamen to man them—is a matter of utmost concern to me.

U.S. NAVY

Despite the absence of any major naval engagements, the U.S. Navy has been playing a significant role in the current conflict in Southeast Asia ever since the Tonkin Gulf incident of August 1964. At that time we had but three attack carriers deployed in the western Pacific, one of these being kept on the line in combat readiness at all times. But, as the need for tactical air strikes increased faster than our ability to construct air fields ashore, additional carriers were called for until today there are five carriers in the western Pacific with three of these on the line at all times, providing about half the air strikes against North Viet Nam, plus tactical support. In addition, U.S. Navy units, augmented by the U.S. Coast Guard, are maintaining patrols in the waters off Viet Nam.

The importance of this ability of the Navy to carry the war to an enemy located more than 8,000 miles from our shores cannot be too strongly emphasized to demonstrate the geographical and tactical mobility of sea power. However, in our praise for the Navy's admirable response to this demand, let us not lose sight of, and fail to capitalize upon, the shortcomings brought to light on this Southeast Asian proving ground. But, in doing so we must assume the risk of being accused by our esteemed Secretary of Defense of taking ". . . pleasure in flailing ourselves with imaginary weaknesses." Or, perhaps we, too, will be favored with the more succinct retort, "Baloney!"

Well, regardless of how Mr. McNamara wishes to slice the baloney on this occasion, the fact is that, great as our Navy was at the end of World War II, it has now reached a critical point in obsolescence both by age and technology. Two-thirds of our naval tonnage consists of vessels designed to meet combat conditions prevailing more than twenty years ago. Some of these ships have been converted and modernized, but there is a practical limit to the process of trying to make silk purses out of sows' ears—a factor which the Department of Defense "whiz kids" frequently seem to forget to crank into the computer. As I stated on the floor of the House of Representatives six years ago, and I quote: "A fleet of ships with limited capability—and such limitations increase with years of service—cannot do the job. * * * To expect World War II ships, even though modified and modernized, to continue to perform reliably after twenty years of strenuous service is absurd; . . . to demand naval fulfillment of present and prospective worldwide commitments with obsolete or obsolescent major vessels is to invite costly operational losses in peacetime and disastrous unreliability in time of combat." So acute has this problem become that the Secretary of the Navy has stated that for the next ten years the Navy's needs call for the building of a ship a week, if we are to keep our position on the seas from deteriorating. Yet, our current rate of construction of nuclear warships is such that professional naval officers point out it will take 200 years to replace our present fleet!

Military hardware, like all machinery, wears out, but this deterioration is further accelerated by the rapidity of technological developments. Obsolescence arising out of technological change is perhaps the gravest threat to the future responsive capabilities of the Navy, since the vessels we design and construct in the immediate future will be those which must serve us into the 21st century. Yet, despite this widely recognized fact, Vice Admiral Hyman G. Rickover pointed out to the House Committee on Appropriations in May of this year that the President's budget request for fiscal year 1967 for the construction of major surface warships represents only 3% of the total Navy budget and, that for the three prior fiscal years, the Defense Department has not requested the construction of a single major surface warship of either nuclear or conventional propulsion. As a matter of fact, it is only owing to efforts during the Eisenhower Administration that today we have in the fleet three nuclear-powered surface warships—the carrier *Enterprise*, the missile cruiser *Long Beach*, and the frigate *Bainbridge*. Moreover, the frigate *Truxtun*, which is the only nuclear-powered surface warship currently under construction, was changed from a conventional oil-fired vessel to nuclear power, not upon the initiative of the current Administration, but rather by Congressional action five years ago.

Notwithstanding the superior operational capabilities of our three nuclear-powered surface warships demonstrated during their recent deployment off Viet Nam in actual combat operations, and the fact that they can withstand the rigors of continuous high speed better than any warship of the past, the Johnson Administration continues to drag its feet in the field of nuclear naval construction. Of course, the Secretary of Defense has tacitly acknowledged the errors of his ways by now requesting a second nuclear aircraft carrier. But, oddly enough, in the same request the Secretary seeks to build conventionally-powered escorts which can only serve as a limiting factor upon the operational capabilities of nuclear carriers. This continuing frustration of the Navy's modernization efforts by the "dead hand" of cost effectiveness and the hesitancy in high places of the Executive to make the transition from oil to nuclear propulsion boldly and unequivocally simply begs the question—Will we meet the future challenge at sea with modern high speed nuclear-powered surface ships?

STRENUOUS DUTY IN VIET NAM

Further aggravating the problem of obsolescence of our naval vessels is the strenuous duty to which they are being subjected in Viet Nam. Units of the Seventh Fleet are being kept in a state of underway combat alert for periods as long as 30 to 40 days at a time, making it next to impossible to conduct routine maintenance. Moreover, it is reported to be commonplace for naval personnel to work 16 to 18 hours a day. The aircraft carrier, *Coral Sea*, for example, was deployed in the western Pacific for a period of 11 months, 8 of them in combat. Ships, like automobiles, if run hard enough and long enough cannot help but wear to the point where there will be a succession of failures until the only economical solution will be new construction. As Admiral A. G. Ward pointed out in November of last year when speaking of the Navy's role in Viet Nam, and I quote: "It would be difficult to continue indefinitely to maintain our current level of deployment without increases in force levels and in manpower."

Bear in mind also that this potential maintenance problem and deferral of routine overhauls is arising in the absence of any major naval conflict to cause battle damage. As Rear Admiral E. J. Fahy, Chief, Bureau of Ships, commented before the House Committee on Appropriations last March, and I quote: "We are really keeping our fingers crossed that we do not come up with something in the way of battle damage." And, on a related subject before our own Committee on Merchant Marine and Fisheries in the same time period, Vice Admiral Glynn R. Donaho, Commander, Military Sea Transportation Service, stated, and I quote: "We are having difficulty in even keeping the ships up that we are operating in our own fleet." Again, in recent weeks I received a copy of a letter from a young sailor assigned to a fleet oiler operating off Viet Nam, in which he wrote, and I quote: ". . . this ship is run down and falling apart. Forty rivets were leaking when we came into port last week . . . . when we were out by Viet Nam our radar was out, both radios were out, the fathometer was out and one steering engine was out. . . . A guy dropped a hammer in the bilge the other day and it went through the bottom. It's rusted out."

I would surmise, also, that the limited demands of Viet Nam are taking their toll in adversely affecting the Navy's responsive capability in other areas of the world by "robbing Peter to pay Paul." For example, as a result of the decision to take the carrier *Lake Champlain* out of service and to transfer the carrier *Intrepid* to the western Pacific, the Chief of Naval Operations, Admiral David L. McDonald, testified this year that, and I quote: "Our ASW [antisubmarine warfare] capability as far as the hunter-killer force in the Atlantic is concerned is reduced by two-fifths." Thus, while you cannot get anyone to officially admit it because of Department of Defense "muzzling," I have good reason to be concerned over the general ability of the Atlantic Fleet to meet many demands of its contingency plans.

Viet Nam has served also to raise the question of whether our active fleet contains sufficient non-nuclear fire power to assure the continued success of the Navy in gunfire support missions. Fear has been expressed that since World War II the Navy's gunfire support capability has been allowed to deteriorate in the backwash of more glamorous weaponry to a point where we may have a possible "gun gap." For example, during fiscal year 1966 the Navy found it necessary to reactivate four missile ships for Viet Nam and to retain two heavy-gun cruisers which had been scheduled for deactivation in fiscal 1967–68. It has even been recommended by Vice Admiral John S. McCain, Jr., that the battleship *Missouri* be reactivated at the earliest date to accommodate General Westmoreland's continuing demands for naval gunfire support. I strongly concur in this recommendation.

THE AMERICAN MERCHANT MARINE

We should be doubly concerned over the direction of American sea power if, as Admiral Mahan states in his "Elements of Sea Power," and I quote: ". . . sea power . . . includes not only the military strength afloat, . . . but also the peaceful commerce and shipping from which alone a military fleet naturally and healthfully springs, and on which it securely rests." The unfortunate truth of the matter is that the general condition of the American Merchant Marine today is deplorable and borders on being a national disgrace. It is obsolete both physically and economically since more than 80% of the ships were constructed during World War II and are destined to reach the end of their economic life within the next five years. Personally, I can think of no unhealthier fountainhead for our Navy to spring from, or no more insecure base on which it should rest! Yet, it is this same American Merchant Marine which has been called upon by the Johnson Administration to go to wàr in Viet Nam while the rest of our economy remains at peace.

This same American Merchant Marine responded to our country's defense needs in World War II, in Korea, and now in Viet Nam with many of the same ships constructed 20 years or more ago. The only noticeable difference between Viet Nam and the Korean conflict of 16 years ago is that airlift is transporting 2% of the military supplies to Viet Nam, reflecting a splendid increase of 1% over Korea! American-flag shipping today is again demonstrating that the art of war is the art of the logistically feasible. Over a sea route of more than 8,000 miles, all the bulk petroleum requirements of Viet Nam, 98% of all the military equipment and supplies, and two out of every three fighting men are being transported by ship.

Thus, as in the past, the American Merchant Marine is meeting the shipping needs of our Nation's security requirements, but it has been severely taxed to accomplish this end. Several American-flag subsidized ship operators whose ships were the first to be diverted to Viet Nam since they were the most modern, found that they were required to take the unprecedented action of chartering older, foreign-flag ships to maintain commercial services. Still other American-flag ships were chartered from non-subsidized operators. Also, we already have reactivated more than 100 World War II vintage ships from our National Defense Reserve Fleet at an average cost of about $500,000 per ship, and an additional 40 to 70 are scheduled to be reactivated before the end of this year. It is becoming increasingly apparent, therefore, that we are well on our way to the figure of 200 reactivated cargo ships, which I anticipated as early as August of last year in a statement made on the floor of the House of Representatives.

Almost 19 months ago, in his state of the Union message of January 1965, President Johnson promised to submit to the Congress a "new" maritime policy to revitalize our ailing merchant marine. Consistent with the lip-service being paid the American Merchant Marine by the present Administration, we are still waiting for that promise to be fulfilled. Meanwhile, as reported by the Maritime Editor of the Baltimore Sun, and I quote: "Since President Johnson first stated on the floor of Congress that a new maritime policy was forthcoming, the United States has slipped from first to sixth place in size of its active fleet; from sixth to fourteenth (or fifteenth) in ship construction, and literally to rock bottom in the number of new ships being built to fly the stars and stripes."

The Congress has before it today the President's budget request for new merchant ship construction, representing a cut of about one-third below the prior fiscal year's level of actual appropriation. If everything breaks right, this might give us a dozen ships for the Vessel Replacement Program, which even now is about 100 ships behind schedule. This is the replacement program which was started during the Republican Administration in 1958. Yet, under the stewardship of this Democratic Administration there has been an increasing and cumulative slippage in the program, and with almost diabolical precision the American Merchant Marine is today being slowly but surely strangled through budgetary privation.

By way of comparison, the budget request for new merchant ship construction for fiscal year 1967 is about one-half the amount requested by the Republican Administration in fiscal year 1959 at a time when the total federal budget was about 60% of the present level. Thus, there is more than ample merit to the recent characterization of the American Merchant Marine as a "Hero in War—Stepchild in Peace" since today it is truly treated as a stepchild in the Great Society!

U.S. SHIPBUILDING AND SHIP REPAIR

During this same period, American shipyards have been chided by Administration spokesmen for failing to modernize their facilities and become more competitive, yet it is this Administration that is depriving the industry of ship construction support funds necessary to enable our yards to modernize. Then we have these same agencies of the Executive using their own criticisms as a vehicle to advance the cause of building American ships in foreign shipyards.

The Department of Interior, for example, earlier this year was proposing the construction of stern-ramp trawlers in Polish shipyards, yet the same Administration spokesman has testified in the Senate one year earlier that he knows of no one in Government desiring to construct ships abroad. Similarly, only last week the press reported that the Department of Defense is proceeding to award a $17 million contract to a British shipyard for the construction of two survey ships. And, finally, we have had the former Maritime Administrator, the Honorable Nicholas Johnson, stating, and I quote: "We may very well end up sinking our [merchant] fleet in the name of preserving our shipyards." * * * unless we embrace the concept of constructing our ships abroad.

Now, every school child knows of our international balance of payments problem, and the fact that the President has had the Secretary of Commerce out beating the bushes for months urging private American businessmen to reduce their expenditures abroad. Yet, on the matter of ship construction we have not one but several agencies of the Executive actively promoting the blatantly contradictory concept of buying ships abroad. You reconcile the inconsistency of this approach. I am unable to, unless it is "Do as I say, not as I do!"

More importantly, however, this trend to foreign ship construction evidences an ignorance of the importance of American shipyards to American sea power. Shipyards are a defense industry and as much a part of a nation's sea power as its Navy and its merchant shipping, witness the current demands upon our ship construction and repair facilities because of Viet Nam and the present shortages of skilled shipyard personnel.

In the four year period from 1961 to 1965, twelve American shipyards were forced to close, and further threatening to deteriorate the industry by reducing the geographical diversification of our shipyard facilities, we have both the Department of Defense and the Maritime Administration proposing single shipyard contract awards. By far the one promising to have the greatest effect is that of the Department of Defense with its Fast Deployment Logistic ship project valued at $800 million to $1.5 billion to be financed entirely by the taxpayers. Yet, the investment of these same funds under the subsidy provisions of existing federal legislation could reduce the cost to the taxpayer by as much as one-half and yield from two to three times the number of ships now contemplated under this program.

U.S. FISHING INDUSTRY AND OCEANOGRAPHY

No examination of the direction of American sea power would be complete, of course, without consideration of our fishing industry and our efforts in the field of marine science and engineering. As the population of the world increases and our resources on land diminish, we must look to the oceans for food, fresh water, raw materials and power.

Unfortunately, the United States fishing industry is plagued by many of the same problems afflicting our merchant marine and is in a state of relative decline. When the higher labor costs of the American standard of living are combined with antiquated vessels and outmoded equipment, international competition becomes exceedingly difficult, if not impossible. Because of this, roughly every other fish in an American frying pan is imported. Congressional concern over the state of the industry has resulted in some federal assistance to alleviate the situation, but much more remains to be done.

In the field of oceanography, the Federal Government finally stuck its big toe in the water when on the 17th of last month the President signed into law the Marine Resources and Engineering Development Act of 1966. This represented the culmination of seven years of congressional effort, commencing during the Republican Administration in 1959. An earlier congressional effort to coordinate federal activity in this field received a pocket veto by the late President Kennedy following the adjournment of the 87th Congress.

Hopefully, this new federal legislation in the field of oceanography will serve as a catalyst to bring about a unified national effort so as to enable effective exploitation of the promising rewards of this area of so-called "inner space." Our effort heretofore has been disjointed and has been described by one foreign observer in the following terms: "The administration of U.S. oceanography reminds me of a contemporary abstract painting rendered by an ape!"

Our total national oceanographic program budget for each of the past three fiscal years has been at a level of less than 4% of that provided for our "outer" space programs. In the field of education over the last twenty years, only about 50 undergraduate degrees and less than 900 graduate degrees have been conferred by major institutions offering courses in the field.

U.S.S.R.: SEAWARD THRUST

What is really most disturbing about this generally unfavorable direction being taken with American sea power is that while we appear to be "fiddling and declining," Russian sea power is modern and growing at a fantastic pace. Two years ago Hanson W. Baldwin noted in his article, "Red Flag Over the Seven Seas," and I quote: "If to vast Russian land power is added major maritime power, the problem of deterrence becomes formidably difficult. If we lose control of the seas, it becomes impossible." Yet, this is the very real danger that now stares us in the face.

Today Russia has the second largest navy in the world. Its merchant marine is growing at the rate of about one million tons a year. Its fishing industry has invaded every major fishing ground in the world, and she will soon surpass even Japan as the leading industrial fishing country. Russia's annual catch, for example, is valued at close to four times our balance of payments deficit. And, she has more than 100 oceanographic vessels employed worldwide.

The point is that since World War II the Soviet Navy, like the Soviet merchant marine and fishing fleet, has been transformed from what was formerly a coastal defensive force into a "blue-water" offensive fleet. And, the intensity of this Soviet seaward thrust has not faltered for lack of funds, including the expenditure abroad of scarce "hard" currency.

The British publication "Jane's Fighting Ships" assesses this Soviet drive in the following terms, and I quote:

"The Soviet Union is reaching out with her naval units and infiltrating in a multi-pronged movement into all the seven seas, not only with combatant ships but with intelligence trawlers and research ships in a determined effort to achieve a worldwide naval capability in conjunction with a challenging increase in her merchant fleet and developing a maritime strategy as a major factor in her overall policy of extending her influence throughout the world.

* * * * *

"There is no doubt that the Soviet Navy is growing with the object of challenging U.S. supremacy at sea. The Soviet Union now understands the value of sea power."

CONCLUSION

Even without this growing Soviet threat, the present unfavorable direction of American sea power should be a matter of national concern. Yet, when I add up the negative actions of the past five or six years, in the face of our ever-expanding worldwide military responsibilities and the growing demands of the American industrial complex for raw materials from overseas, I am not overly optimistic. It seems crystal clear that we, unlike Soviet Russia, are sadly lacking in an appreciation of the value of sea power. We appear to be pursuing the idiotic course of sticking our heads in the sand, blithely ignoring this very real threat to our national security and economic well-being in the hope that, like a bad dream, it will go away. But the fact remains that the challenge is real and unless there is a rebirth of national leadership—and soon—we will be aroused from this dream-like state by what Admiral Mahan called, and I quote: "The rude awakening of those who have abandoned their share of the common birthright of all people—the sea."

Disability: A National Health Problem as Seen From Capitol Hill

EXTENSION OF REMARKS

OF

HON. JOHN E. FOGARTY

OF RHODE ISLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 21, 1966

Mr. FOGARTY. Mr. Speaker, under leave to extend my remarks in the RECORD, I include the following:

DISABILITY: A NATIONAL HEALTH PROBLEM AS SEEN FROM CAPITOL HILL

(Remarks of U.S. Representative JOHN E. FOGARTY, Second Congressional District of Rhode Island, at Georgetown University symposium, Washington, D.C., Thursday, June 9, 1966)

I accepted with pleasure this invitation to appear here tonight, because I welcome every opportunity to participate in an activity whose aims is to improve the health of the American people. This seminar today is such an activity.

I have been asked to talk to you this evening on disability, a subject that is of as much concern to me as a legislator as it is to you as physicians and health workers, although from a somewhat different point of view.

Health matters have traditionally been a great concern of law as well as of medicine. The history of health legislation is almost as old as the history of lawmaking itself in this country. Let me go back for just a moment to these earliest efforts on the part of governing bodies to halt the inroads of disease on the citizens of our first colonies. Our earliest health laws were related almost exclusively to the spread of disease through travel, which was originally of special importance in maritime traffic and more recently has become important in air traffic.

In Colonial America, the earliest quarantine restriction, to halt the spread of disease from foreign ships, was enacted in 1647 by the Massachusetts Bay Colony against ships arriving from Barbados, and in 1700 the Province of Pennsylvania enacted legislation "to prevent sickly vessels coming into the government."

Although the original legislative health efforts were directed specifically against communicable diseases entering by sea, governing authorities began to develop broader health concerns as early as 1754 when the Colonial Government of New York imposed a tax on all seamen and passengers entering the port of New York, and with these funds provided not only quarantine hospital accommodations but established the first city dispensaries and provided financial support to the Society for the Reformation of Juvenile Delinquents.

In 1798 the U.S. Public Health Service, now the principal health agency of our country, was created as a Marine Hospital Service when an act of Congress providing for the relief of sick and injured seamen was signed by President John Adams. Proponents of the Act were not concerned with the humanitarian considerations alone, but argued also that the National defense demanded a National program of direct medical and hospital care for seamen, since the merchant fleet had always been a major element of the Nation's naval defense.

In the more than a century and a half which followed these pieces of legislation, Congress has often demonstrated its continuing interest in the health of the American people. This interest is based upon a conviction that a healthy nation is a productive nation and that a general state of National health is an economic asset and an essential component of defense even if there were no human issues involved. This Congressional concern has been reflected in such laws as these:

Legislation to control a third "killer" disease was enacted in 1833 as the result of a widespread outbreak of cholera, and authorized the use of revenue cutters in enforcing quarantine laws of States and cities.

The world-wide pandemic of influenza in 1918 stimulated Congress to appropriate one million dollars for the Public Health Service to use in suppression of influenza in the United States. In the 20's, the Veterans Bureau, later to become the Veterans Administration, and the Bureau of Indian Affairs were both established by law.

And so it has gone, with each decade bringing new laws relating to health and disease control.

A new dimension of health concern began with the National Health Survey of 1935, the first definitive survey of health to determine the relationship of disease and certain environmental factors such as income, education, and housing conditions. This survey brought together for the first time information that formed a basis for Federal, State, and local action directed toward the prevention and control of the chronic as well as the communicable diseases, and stimulated the development of programs aimed at the bettering of social and economic conditions among the deprived of our Nation.

Beginning with the impact of the findings of the first National Health Survey, and given additional impetus from World War II, there has been a gradual but substantial shift of legislative perspective in regard to health. This has evolved as a response to the changing health needs of a changing society. That our society has changed, few persons would argue.

For example, while by no means entirely eliminated from the health picture, the communicable diseases and the sanitation problems incident to these no longer have a dominant claim on either medical or legislative attention. Just as our society has changed greatly in the past 30 years, so it will no doubt continue to change, at least into the foreseeable future. A glance at the population figures reveals one very basic factor: we are becoming a Nation of the very young and the very old. We have increased our life expectancy to span the decades in which chronic diseases are increasingly common and their crippling effects more disabling.

We have managed to control the great killers of the past—yellow fever, smallpox, cholera—but we have created new killers and cripplers to take their place. Heart disease, cancer, and stroke claim over a million lives every year and disable many more. Vehicles with fatal highway speeds cause mass crippling in the youth of our land. We have acquired great technological skill, but with it a longer life span in which to develop social and economic hardships in the so-called "golden years".

We have, in short, set the stage for disability. For nearly a century we have collected statistics on mortality. Only in recent years have we really begun to realize the vast implications—of chronic and malignant diseases, of injuries and old age—for those who do not appear on our mortality tables because they are not yet dead.

What are some of these implications? In the three great killer diseases I have just mentioned—heart disease, cancer, and stroke—death itself is not the only tragedy. If those individuals we have listed in the statistical tables as "survivors" are merely snatched from the jaws of death to become doomed to a bedfast existence at home or in the back wards of public institutions then the advances merit only limited praise. There is abundant evidence, however, that disability no longer need be accepted as the natural and inevitable aftermath of cancer surgery, or heart disease, or stroke, or old age; evidence that disability can be prevented or minimized; evidence that knowledge already available could be more fully utilized to offer useful and productive years to be lived in dignity by millions of chronically ill and aged persons.

I am referring, of course, to that area of medical care known as medical rehabilitation. For in this portion of comprehensive health care lies our conception of medical science as a tool for health, rather than limiting it to the bare provision of basic bodily survival. We have in the past directed our major medical and legislative efforts toward those activities—from immunization to organ transplant—designed to prevent death. But we have an additional obligation to those whom we have rescued—we must insure that that life is worth living. We must do more than substitute one tragedy for another. And this is where medical rehabilitation comes into focus.

The respect I have for those who cultivate the fields of rehabilitation is profound. I have come to know many of these workers well. Through the work of the appropriations subcommittee which I have chaired for several years, I too have endeavored to serve the disabled people of this country. In these years I have had an opportunity to gain an understanding of the national problem posed by disability and an awareness of the obstacles to delivery of medical rehabilitation services to those who need and could benefit from them. I have come to understand that medical rehabilitation, or disability control, or whatever you choose to call it, has vast potentials, not only in restoring the disabled to a high level of independence, but in preventing disability from developing.

Those of you here today are demonstrating by your presence at this seminar on the management of the chronic disease patient your concern for better care of this segment of the poplation. You and your counterparts in other sessions of this type are seeking to expand the horizons of medical care for this neglected group. You are denying, in effect, the validity of medical attitudes which claim that nothing can be done for those so unfortunate as to be afflicted with chronic diseases and old age. You are attempting to find solutions to the common problems associated with disability. We have learned by now that shutting the disabled out of sight accomplishes nothing. We can never build enough custodial "boxes" even for this. And we should not try.

In the process of gathering information relative to disability and to the need for rehabilitative services throughout the country, I have come to view rehabilitation in its broadest sense—health care concerned with preventing disability and maintaining function, as well as restorative services to those with existing impairments—as the window on the future. I am convinced that health measures enacted by Congress and health services provided by physicians and other health professionals must all take into account the chronicity of many illnesses and conditions. In our fight for life-saving techniques, let us make sure that it is really the whole life we are saving. Let our philosophy be based on reality, and let our goals be based on a belief in the true worth of man.

Workers in public health know that when large numbers of people need health services which in the usual course of events they do not receive, then it becomes a public health problem. When such a need is widespread, then it becomes also a national problem and of concern to legislative authorities. That there has been legislative recognition of such national health problems is evident in such laws as the following:

The Community Health Services and Facilities Act of 1961, which provides for demonstrations of new methods of providing community health services, including a variety of rehabilitation services.

The Health Professions Educational Assistance Act of 1963 and the Nurse Training Act of 1964 are both designed to increase professional health manpower, for without sufficient personnel to provide health services, the most desirable and effective medical program falls short of its goal.

The Heart Disease, Cancer, and Stroke Amendments of 1965 which assigns responsibility to the Public Health Service for encouraging and assisting the establishment of regional cooperative arrangements among medical schools, research institutions and hospitals, designed to forge a closer link between the centers of scientific and academic medicine on the one hand, and community health services on the other. This legislation specifies that this forthright program must not interfere with present patterns of patient care and professional practice, but it is nonetheless a revolutionary piece of legislation. It is designed to develop and disseminate medical knowledge of treatment techniques through cooperative efforts of medical resources in the community.

Nowhere in the legislation, or in the testimony in its support before the Congressional committees, will you find a blueprint for this program—because there is no Federal blueprint and it is not intended that there should be one. The pattern of grants-in-aid, already so well established and so successful in the support of medical research, will also be followed in this new program. These grants will be made in response to local initiative, to facilitate local planning, and to assist local execution of the plans. The emphasis of this program is clearly on bringing this country's proven research capability—as reflected in the medical schools and research hospitals—into a closer relationship with medical practice, as a resource for the practitioner, the local hospital, and the community health services in a wide geographic area.

The Social Security Amendments of 1965, which provide health insurance benefits to the aged and is popularly known as "Medicare." This legislative package evolved out of a recognition that it is one thing to have improved medical service, but quite another thing to pay for it. The rapid and dramatic increase in the costs of hospital care and health services generally is alarming. It is alarming because it means that despite our general prosperity we are still putting some forms of medical care beyond the reach of many of our citizens. This is not a tolerable situation. I am not contending that the charges made for medical services are excessive in relation to costs, or in relation to value but merely that they are still too often excessive in relation to ability to pay. Fear of the doctor's bill or the hospital bill should not be the factor that keeps members of any economic group from availing themselves of medical care.

There is another aspect to this problem of costs which disturbs me. This is the attempt to extend to the field of health services and medical research the concept of cost-benefit economics generated by our defense and space technology. These approaches start off with the assumption that every public act must be weighed in terms of its economic rate of return. This is a concept which we must reject out of hand. It involves a principle which cannot be applied to health.

This is not to say that there are never economic savings as a direct result of medical care. Certainly, the nearly 200,000 vocationally rehabilitated persons each year are returning to the labor market and paying taxes where formerly they contributed only to the costs of medical care, or prevented a family member from being employed. But there are millions of citizens with no employment potential. Those over 40, handicapped and uneducated for other than manual tasks; those with deteriorating chronic diseases; those past retirement. What of these? How do we measure the dollar costs to society of not providing them with necessary health services? And if we could do this, would it be in any way a yardstick of the human values involved?

There will be new advances in medical science in the years to come, and there will be new laws relating to health. Hopefully, breakthroughs in preventing death will lead to enriching human life as well, and emerging legislation will consider the human above the economic values of life. Medicine and law have been partners for generations in this land of ours. I expect this to continue into more and more areas, such as poverty—which goes hand in hand with disease and disability—and old age—which has outlived the killer diseases of youth only to fall heir to the chronic diseases in later years—and ignorance—which prevents the delivery of appropriate health services to all who need them.

Only then, when all men have the opportunity to achieve and to maintain their highest potentials, may we—the health professions and the lawmakers—rest upon our laurels secure in the knowledge that we have done our job faithfully and completely.

SENATE

FRIDAY, JULY 22, 1966

The Senate met at 11 o'clock a.m., and was called to order by the Acting President pro tempore (Mr. METCALF).

Rev. Clair M. Cook, Th. D., Methodist clergyman, and legislative assistant to Senator VANCE HARTKE, Washington, D.C., offered the following prayer:

O Thou God of our fathers and of the ages, as day follows day, and night follows night, in the years which stretch to eternity, we in our instabilities of time need to reach up to Thee for the immutable and unchanging verities of timelessness.

Therefore, we come before Thee in this hour that we may seek a higher vantage point of truth and righteousness. From the heights where we find Thee, may we seek to enlarge our too little outlook and to remedy our too large failures of perception.

Our Father, as we turn to the business of this day, make us aware that Thou hast entrusted us with decisions fateful in the lives of other men. Impress upon our consciences the vast responsibilities of the task, so grave that we must doubt our own wisdom and seek Thine own. Give to us the ability to look at our land with clarity, to view our international policies with the eyes of those whose lives they alter, to assess dispassionately and fairly the rights and wrongs of every issue.

As we deal with the lives and welfare of our own and of the rest of the world, keep us aware that we deal not simply with comforts or discomforts, but often with survival or with death. Add to our good will, good judgment; to our political expediency, courage to defy it when right demands; to our words for peace, the will to achieve it.

Thus, for this day and for every day, we ask Thy righteous guidance, Thy compassionate love, and Thy eternal wisdom as companions for the tasks here undertaken. Amen.

THE JOURNAL

On request of Mr. MANSFIELD, and by unanimous consent, the reading of the Journal of the proceedings of Thursday, July 21, 1966, was dispensed with.

ENROLLED BILL SIGNED

The ACTING PRESIDENT pro tempore announced that on today, July 22, 1966, the Vice President signed the enrolled bill (S. 2948) to set aside certain lands in Montana for the Indians of the Confederated Salish and Kootenai Tribes of the Flathead Reservation, Mont., which had previously been signed by the Speaker of the House of Representatives.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. RANDOLPH, from the Committee on Public Works, without amendment:

H.R. 15225. An act to amend section 15d of the Tennessee Valley Authority Act of 1933 to increase the amount of bonds which may be issued by the Tennessee Valley Authority (Rept. No. 1399).

By Mr. RANDOLPH, from the Committee on Public Works, with an amendment:

H.R. 14548. An act to extend the authority of the Postmaster General to enter into leases of real property for periods not exceeding 30 years, and for other purposes (Rept. No. 1400).

By Mr. LONG of Louisiana, from the Committee on Finance, with amendments:

H.R. 8188. An act relating to deduction for income tax purposes of contributions to certain organizations for judicial reform (Rept. No. 1401).

By Mr. BIBLE, from the Committee on Interior and Insular Affairs, without amendment:

H.R. 12389. An act to increase the amount authorized to be appropriated for the development of the Arkansas Post National Memorial (Rept. No. 1402).

By Mr. GRUENING, from the Committee on Interior and Insular Affairs, without amendment:

S. 3070. A bill to amend the Mineral Leasing Act with respect to limitations on the leasing of coal lands imposed upon railroads (Rept. No. 1408).

By Mr. JACKSON, from the Committee on Interior and Insular Affairs, with amendments:

H.R. 13277. An act to amend the Revised Organic Act of the Virgin Islands to provide for the reapportionment of the Legislature of the Virgin Islands (Rept. No. 1407).

By Mr. HART (for Mr. DODD), from the Committee on the Judiciary, without amendment:

S. 3238. A bill for the relief of Miss Matsue Sato (Rept. No. 1405).

By Mr. HART, from the Committee on the Judiciary, with amendments:

S. 1237. A bill to encourage the creation of original ornamental designs of useful articles by protecting authors of such designs for a limited time against unauthorized copying (Rept. No. 1404).

By Mr. TYDINGS, from the Committee on the Judiciary, without amendment:

S. 3254. A bill to amend sections 2072 and 2112 of title 28, United States Code, with respect to the scope of the Federal Rules of Civil Procedure and to repeal inconsistent legislation (Rept. No. 1406).

JUDICIAL REVIEW OF CONSTITUTIONALITY OF GRANTS OR LOANS UNDER CERTAIN ACTS—REPORT OF A COMMITTEE—ADDITIONAL COSPONSORS OF BILL (S. REPT. NO. 1403)

Mr. ERVIN. Mr. President, from the Committee on the Judiciary, I ask unanimous consent to submit a report on S. 2097, to provide for judicial review of the constitutionality of grants or loans under certain acts, together with the individual views of the Senator from Michigan [Mr. HART] and the Senator from New York [Mr. JAVITS].

Mr. President, unanimous consent is also hereby requested that the names of the Senator from Florida [Mr. SMATHERS], the Senator from Kentucky [Mr. COOPER], and the Senator from Hawaii [Mr. FONG] be added as cosponsors of the above-mentioned bill.

The ACTING PRESIDENT pro tempore. The report will be received and the bill will be placed on the calendar; and, without objection, the report will be printed, as requested by the Senator from North Carolina, and the names will be added as cosponsors.

BILLS AND JOINT RESOLUTIONS INTRODUCED

Bills and joint resolutions were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. TALMADGE:

S. 3639. A bill for the relief of certain corporations;

S. 3640. A bill for the relief of certain individuals; to the Committee on the Judiciary; and

S. 3641. A bill to amend the Internal Revenue Code of 1954 to allow teachers to deduct expenses incurred in pursuing courses for academic credit and degrees at institutions of higher education; to the Committee on Finance.

(See the remarks of Mr. TALMADGE when he introduced the last above-mentioned bill, which appear under a separate heading.)

By Mr. FANNIN:

S. 3642. A bill for the relief of Zarko Vucinich, and wife, Alexandra Vucinich; to the Committee on the Judiciary.

By Mr. RUSSELL of South Carolina (for himself and Mr. THURMOND):

S. 3643. A bill for the relief of certain claimants; to the Committee on the Judiciary.

By Mr. TYDINGS:

S. 3644. A bill to authorize the burial of the remains of Matthew A. Henson in the Arlington National Cemetery, Va.; to the Committee on Interior and Insular Affairs.

(See the remarks of Mr. TYDINGS when he introduced the above bill, which appear under a separate heading.)

By Mr. ERVIN (for himself and Mr. THURMOND):

S.J. Res. 179. Joint resolution proposing an amendment to the Constitution relating to the power of courts of the United States to review convictions in criminal actions; to the Committee on the Judiciary.

(See the remarks of Mr. ERVIN when he introduced the above joint resolution, which appear under a separate heading.)

By Mr. MORSE:

S.J. Res. 180. Joint resolution to provide for the settlement of the labor dispute currently existing between certain air carriers and certain of their employees; to the Committee on Labor and Public Welfare.

(See the remarks of Mr. MORSE when he introduced the above joint resolution, which appear under a separate heading.)

CONCURRENT RESOLUTION

U.S. MILITARY PERSONNEL HELD CAPTIVE IN VIETNAM

Mr. JAVITS submitted a concurrent resolution (S. Con. Res. 103) relating to U.S. military personnel held captive in Vietnam, which was referred to the Committee on Foreign Relations.

(See the above concurrent resolution printed in full when submitted by Mr. JAVITS, which appears under a separate heading.)

COMMITTEE MEETING DURING SENATE SESSION

On request of Mr. MANSFIELD, and by unanimous consent, the Subcommittee on Constitutional Amendments of the Committee on the Judiciary was authorized to meet during the session of the Senate today.

On request of Mr. MORSE, and by unanimous consent, the Committee on Interior and Insular Affairs was authorized to meet during the session of the Senate today.

ADDRESSES, EDITORIALS, ARTICLES, ETC., PRINTED IN THE RECORD

On request, and by unanimous consent, addresses, editorials, articles, etc., were ordered to be printed in the RECORD, as follows:

By Mr. RANDOLPH:

Address by Hon. Stewart L. Udall at July 18, 1966, meeting of the National Petroleum Council; citation presented on that occasion to outgoing council president, Jake L. Hamon.

LIMITATION ON STATEMENTS DURING TRANSACTION OF ROUTINE MORNING BUSINESS

On request of Mr. MANSFIELD, and by unanimous consent, statements during the transaction of routine morning business were ordered limited to 3 minutes.

TAX BENEFITS FOR TEACHERS—BILL TO AMEND INTERNAL REVENUE CODE

Mr. TALMADGE. Mr. President, President Johnson has characterized the education of our youth as the "No. 1 business of the American people." Both quality and quantity of education are being pursued as a primary national goal of the United States. The 88th Congress was called the "education Congress" and the 1st session of the 89th Congress exceeded the 88th in the amount of legislation enacted in the field of education.

Not the least of these enactments are the billion-dollar Elementary and Secondary Education and Higher Education Acts of 1965.

It can no longer be said that the role of the Federal Government in education is passive.

However, in the midst of all this intensified activity in the area of education, there seems to be one Federal agency which has not gotten the message. Judging from one of its recent actions, it seems determined to do what it can to retard the progress of education in this country. That agency is the Internal Revenue Service, which, by means of some income tax regulations it has proposed, appears bent on frustrating the desire for achieving educational excellence in this country.

The proposed income tax regulations published in the Federal Register on July 7 make it more difficult for teachers to deduct from their Federal income tax expenditures incurred in continuing their education.

I wrote Commissioner Sheldon Cohen protesting these proposed new regulations, and urged that the Internal Revenue Service give every consideration to a reappraisal of them. I ask unanimous consent that my letter, along with the regulations as published in the Federal Register, be printed in the RECORD at the conclusion of my remarks.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

(See exhibits 1 and 2.)

Mr. TALMADGE. Mr. President, this is not the first time the Internal Revenue Service has tried to deny the expenses of schooling as a legitimate tax deduction to teachers interested in becoming better teachers.

The Revenue Service a number of years ago ruled that a Virginia schoolteacher could not deduct her expenses in attending a summer school even though she was required to take the summer school courses or risk revocation of her teaching certificate. But the Fourth Circuit Court of Appeals ruled against the Revenue Service in that case—*Hill* v. *Commissioner*, 4 Cir., 181 F. 2d 906—and held the expenses deductible. The Revenue Service did not give up its battle against schoolteachers, though, and it was only after the success of the Russian sputnik and the hue and cry raised about the needs of American education in 1958, that the relevant regulations were amended. Instrumental in this revision may have been a letter from the Secretary of Health, Education, and Welfare to the Secretary of the Treasury that—

> The importance to the national security of encouraging teachers to employ their summers and their leaves of absence in acquiring greater mastery of their professional responsibilities leads . . . to the conclusion that the criteria which now govern the deductibility of expenses of teachers for further education should be liberalized.

The 1958 regulations, which have remained intact on this point up to the present, state that—

> Education expenses "are deductible if they are for education (including research activities) undertaken primarily for the purpose of (1) maintaining or improving skills required by the taxpayer in his employment or other trade or business, or (2) meeting the express requirements of a taxpayer's employer, or the requirements of applicable law or regulations, imposed as a condition to the retention by the taxpayer of his salary, status or employment.

These regulations were interpreted by the Revenue Service itself in a 1960 Revenue Ruling (Rev. Rul. 60–97, 1960–1 C.B. 69) to permit a deduction for expenses of education primarily undertaken to maintain or improve one's skills or to meet the requirements of one's employer regardless of whether "academic credit, a degree, a new job, or advancement" might result.

The test of deductibility was the primary purpose of the education undertaken. The Revenue Service evidently found the test too tough—that it was losing too many cases and that too many underpaid schoolteachers were successfully deducting their school expenses. The Internal Revenue Service was particularly unhappy about those teachers who had other permanent or continuing teaching certificates and who were pursuing additional education in order to secure permanent or continuing certificates. The Revenue Service unsuccessfully has claimed persons holding temporary certificates do not meet the minimum educational requirements for qualification as teachers, and thus that their expenses of education are not deductible since such expenses are for the purpose of furthering the "temporary" teachers' prospects of employment and of advancement to the position of permanent teachers. The Revenue Service was defeated on the grounds that regardless of the type of certificate held, these persons were teachers and their primary purpose in going to school was to meet their employers' requirements that they must obtain additional credits in order to remain as teachers.

Thus, thwarted in attempts under the present regulations to prohibit teachers from deducting educational expenses, the Internal Revenue Service wants to promulgate a new set of regulations.

First of all, this presents a question whether income tax regulations of long standing, which have been litigated and approved by the courts and are as much a part of the law as congressional enactments, can be replaced by a new set of regulations.

It may be that such well-established regulations can only be changed by statute. But, even setting aside the question of the legality of proposing new regulations in this regard, the new regulations in question go farther than ever—they make it clear that no teachers can deduct the expenses of any education that results in a degree or similar recognition of the completion of an educational program, regardless of whether the teacher ever had it in mind to go for the degree or regardless of the fact that the degree does not mean a promotion, increase in compensation, or any other advancement. In addition, the deduction would be disallowed if the education qualifies the teacher for advancement in his field of education, regardless of whether he is in fact so advanced or not. Gone would be the primary purpose test of the present regulations. No longer would it matter that the additional education sought by the teacher was primarily for the purpose of maintaining or improving his teaching skills or of meeting the requirements of his employer in order to retain his present position.

These harsh regulations will greatly discourage this Nation's teachers from pursuing any further education. Teachers who are certainly not getting rich, even though their lot has been generally improved some in the past few years, will not be able to continue their schooling, knowing that no deduction will be available for their tuition and fees, their books, and the other incidentals that make the cost of higher education so steep today. The effects on our educational system will be serious, if not disastrous. Our educational system which we treasure so much gains its vitality from our teachers. Teachers are the heart of education in America.

We must do everything we can to encourage, not to discourage, our country's teachers to improve themselves in every way that they can to keep up with the rapidly exploding vistas of knowledge.

Toward this end, I am introducing a bill to amend the income tax law to allow a deduction to teachers as an ordinary and necessary business expense for any reasonable cost they incur in obtaining further education in their field. While the proposed regulations of the Internal Revenue Service apply to expenses for education by any individual, not only teachers, my bill provides a deduction only for teachers, be they teachers with permanent or continuing certificates or not.

It is the teacher, more than anyone, who must continue to keep her skills current and yet it is the teacher, less than anyone, who can afford to pay the cost of additional training. It is the teacher who will suffer most under the proposed regulations, and yet it is the teacher that we, as a nation, can least afford to see suffer.

On our teachers rests the fate of the generations to come, and on the generations to come rests the fate of our Nation and of the world.

I send to the desk a bill for this purpose and ask that it be printed.

The ACTING PRESIDENT pro tempore. The bill will be received and appropriately referred.

The bill (S. 3641) to amend the Internal Revenue Code of 1954 to allow teachers to deduct expenses incurred in pursuing courses for academic credit and degrees at institutions of higher education, introduced by Mr. TALMADGE, was received, read twice by its title, and referred to the Committee on Finance.

EXHIBIT 1

U.S. SENATE,
COMMITTEE ON FINANCE,
July 19, 1966.

Hon. SHELDON COHEN,
Commissioner, Internal Revenue Service,
Washington, D.C.

DEAR MR. COMMISSIONER: I read with a sense of profound disbelief the proposed regulation published in the July 7 issue of the Federal Register dealing with deductibility of expenses for education which, if made effective, would disallow deductions for many teachers who incur educational expenses while sharpening their teaching skills.

Surely, the retarding effect that this regulation would have on the quality of professional instruction in this country is apparent to the Service.

At a time when a concerted effort is being made by the Congress, the President, and the States to upgrade present standards of education in our country, it is inconceivable that an instrumentality of the Federal Government would entertain such an incongruous proposal. Certainly it cannot be said that the intent of Congress is being implemented by the proposed new regulation when the present regulation dates back to 1958 and has never been challenged, so far as I know, by any Member of Congress.

Nor can this be explained away as a step toward clarification of the law. By not acting to change the long-standing rules, Congress has, by implication, adopted their rationale as expressive of its own intent, that is, that deductions for educational expenses incurred for the sake of improving skills and maintaining professional status be allowed, irrespective of the coincidental occurrence of a higher position in the educational hierarchy or an increase in salary.

Certainly we do not want to discourage higher compensation for our school teachers who are now paid at rates slightly above those paid babysitters. Nor do we want to discourage higher achievements in their professional fields merely because they are symbolized in the form of academic degrees.

It absolutely makes no sense to say that a teacher may receive a deduction for his expense in attending institutions of higher learning except in those cases where a degree is conferred as a result thereof or where the education attained qualifies him for an advancement in his field of teaching, regardless of whether he intends to advance himself as a result of the education.

I respectfully urge the Internal Revenue Service to carefully reappraise the proposed new regulation and refrain from taking any action that would limit present deductibility for educational expenses incurred by school teachers.

With best wishes and kindest personal regards, I am

Sincerely,

HERMAN E. TALMADGE.

EXHIBIT 2

[From the Federal Register, July 7, 1966]

PROPOSED RULEMAKING

DEPARTMENT OF THE TREASURY

Internal Revenue Service

[26 CFR Part 1]

Income Tax

Expenses for education

Notice is hereby given, pursuant to the Administrative Procedure Act, approved June 11, 1946, that the regulations set forth in tentative form below are proposed to be prescribed by the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury or his delegate. Prior to the final adoption of such regulations, consideration will be given to any comments or suggestions pertaining thereto which are submitted in writing, in duplicate, to the Commissioner of Internal Revenue, Attention: CC:LR:T, Washington, D.C. 20224, within the period of 30 days from the date of publication of this notice in the FEDERAL REGISTER. Any person submitting written comments or suggestions who desires an opportunity to comment orally at a public hearing on these proposed regulations should submit his request, in writing, to the Commissioner within the 30-day period. In such case, a public hearing will be held, and notice of the time, place, and date will be published in a subsequent issue of the FEDERAL REGISTER. The proposed regulations are to be issued under the authority contained in section 7805 of the Internal Revenue Code of 1954 (68A Stat. 917: U.S.C. 8705).

[SEAL] WILLIAM H. SMITH,
Acting Commissioner
of Internal Revenue.

In order to clarify § 1.162–5 (relating to expenses for education) and § 1.262–1 (relating to personal, living, and family expenses) of the Income Tax Regulations (26 CFR Part 1), and for other purposes, those sections are amended as follows:

PARAGRAPH 1. Section 1.162–5 is amended to read as follows:

§ 1.162–5 Expenses for education.

(a) *General rule.* Expenditures made by an individual for education (including research) which are personal or capital expenditures, or which have elements of both, are not deductible. Educational expenditures included within this category are described in paragraph (b) of this section. On the other hand, expenditures made by an individual for education (including research) which are neither capital nor personal expenditures are deductible as ordinary and necessary business expenses if the education—

(1) Maintains or improves skills required by the individual in his present employment or other trade or business, or

(2) Meets the express requirements of the individual's employer, or the requirements of applicable law or regulations, imposed as a condition to the retention by the individual of an established employment relationship, status, or rate of compensation.

(b) *Nondeductible educational expenditures*—(1) *In general.* Educational expenditures described in subparagraphs (2) and (3) of this paragraph are personal or capital expenditures, or have elements of both, and, therefore, are not deductible as ordinary and necessary business expenses even though they may maintain or improve skills required by the individual in his present employment or other trade or business or may meet the express requirements of the individual's employer or of applicable law or regulations.

(2) *Education qualifying individual for a trade or business, position, or specialty.* (i) The first category of nondeductible capital or personal educational expenses are expenditures made by an individual for education which of itself, or when combined with education previously taken (or to be taken) will—

(*a*) Qualify the individual for a trade or business, position, or specialty therein for which he has not, at the time such education is undertaken, met the minimum educational requirements; or

(*b*) Qualify the individual for substantial advancement in his present area of employment or other trade or business or specialty therein. For this purpose, it is immaterial whether the individual intends to engage in the trade or business, position, or specialty or to advance himself as a result of the education. The education necessary to qualify for a trade or business, position, or specialty must be determined from a consideration of such factors as the requirements of the employer, the applicable law and regulations, and the standards of the profession, trade, or business involved. The fact that an individual is already performing service in a trade or business, position, or specialty does not establish that he has met the minimum educational requirements for qualification in that trade or business, position, or specialty. Moreover, if the minimum educational requirements for a trade or business, position, or specialty are changed, the fact that an individual has met the old requirements is immaterial in determining whether the expenditures for additional education undertaken to meet the new requirements are deductible. The preceding sentence shall apply only with respect to expenditures for education undertaken to meet a change in minimum educational requirements which was made after (the date on which notice is to be published in the FEDERAL REGISTER.)

(ii) In the case of teachers who are required to hold certificates issued by a designated State or local educational agency (such as the State department of education), a permanent or continuing certificate in a particular position will be accepted, under ordinary circumstances, as evidence that the teacher has met the minimum educational requirements for qualification in that position. Conversely, a certificate which is not a permanent or continuing certificate for a particular position will establish, under ordinary circumstances, that a teacher holding such a certificate has not met the minimum educational requirements for qualification in that position. As used in this subdivision, the term "permanent or continuing certificate" means a certificate which either need not be renewed, is renewable or convertible on the basis of experience only, or is renewable indefinitely by acquiring education which is required generally of all teachers holding such a certificate without regard to their prior level of education. The name or term applied to a particular certificate is not controlling.

(3) *General education.* The second category of nondeductible capital or personal educational expenses are expenditures for education which is undertaken as part of a program leading to attainment of a recognized level of education. Included within this nondeductible category are expenditures made by an individual for education which of itself, or when combined with education previously taken (or to be taken) will qualify the individual for a degree, diploma, or similar certificate evidencing completion of a recognized educational program. For this purpose, in the absence of clear evidence to the contrary, an individual will be considered to be undertaking education to meet the requirements for a degree if he has indicated to the institution from which he is taking such education that he is a candidate for a degree.

(4) *Special rule for education undertaken prior to January 1, 1967.* The determination of whether expenditures for education undertaken prior to January 1, 1967, are deductible shall be made without regard to the rules in subparagraph (3) of this paragraph (relating to general education). Thus, if an individual takes a course which begins before January 1, 1967, the expenditures for such course may be deductible even though he is taking such course as part of a program leading to a degree.

(c) *Deductible educational expenditures*—(1) *Maintaining or improving skills.* The deduction under the category of expenditures for education which maintains or improves skills required by the individual in his present employment or other trade or business is normally limited to expenditures for courses of relatively short duration which are in the nature of refresher courses or courses dealing with current developments. However, a deduction may also be allowable under this category for expenditures for academic or vocational courses provided such expenditures are not within one of the categories of capital or personal expenditures described in paragraph (b) of this section.

(2) *Meeting requirements of employer.* An individual is considered to have undertaken education in order to meet the express requirements of his employer, or the requirements of applicable law or regulations, imposed as a condition to the retention by the taxpayer of his established employment relationship, status, or rate of compensation only if such requirements are imposed for a bona fide business purpose of the individual's employer and not for the individual's benefit. Only the minimum education necessary to the retention by the individual of his established employment relationship, status, or rate of compensation may be considered as undertaken to meet the express requirements of the taxpayer's employer. However, education in excess of such minimum education may qualify as education undertaken in order to maintain or improve the skills required by the taxpayer in his present employment or other present trade or business (see subparagraph (1) of this paragraph). In no event, however, is a deduction allowable for expenditures for education which, even though for education required by the employer or applicable law or regulations, are within one of the categories of capital or personal expenditures described in paragraph (b) of this section.

(d) *Travel as a form of education.* In general, an individual's expenditures for travel (including travel while on sabbatical leave) as a form of education are personal in nature and, therefore, not deductible.

(e) *Travel away from home.* If an individual travels away from home primarily to obtain education the expenses of which are deductible under this section, his expenditures for travel, meals, and lodging while away from home are deductible. However, if as an incident of such trip the individual engages in some personal activity such as sightseeing, social visiting or entertaining, or other recreation, the portion of the expenses attributable to such personal activity constitutes nondeductible personal or living expenses and is not allowable as a deduction. If the individual's travel away from home is primarily personal, the individual's expenditures for travel, meals and lodging (other than meals and lodging during the time spent in participating in deductible educational pursuits) are not deductible. Whether a particular trip is primarily personal or primarily to obtain education the expenses of which are deductible under this section depends upon all the facts and circumstances of each case. An important factor to be taken into consideration in making the determination is the relative amount of time devoted to personal activity as compared with the time devoted to educational pursuits. Expenses in the nature of commuters' fares are not deductible. The rules set forth in this paragraph are subject to the provisions of section 162(a) (2), relating to deductibility of certain traveling expenses, and section 274 (c) and (d), relating to allocation of certain foreign travel expenses and substantiation required respectively, and the regulations thereunder.

(f) *Examples.* The application of this section may be illustrated by the following examples:

Example (1). A, a general practitioner of medicine, takes a 2-week course reviewing new developments in several specialized fields of medicine. A's expenses for the course are deductible because the course maintains or improves skills required by him in his trade or business and the expenses are not capital or personal expenses described in paragraph (b) of this section.

Example (2). B, a high school teacher of physics who has met the minimum education requirements for qualification in his position, takes summer school courses in nuclear physics and educational methods. B is not taking these courses as part of a program leading to a degree. As a result of taking such courses B receives an ingrade increase in salary pursuant to a wage schedule applicable to his present position. B's expenditures for such courses are deductible since they maintain and improve skills required by him in his position as a physics teacher and are not capital or personal expenses described in paragraph (b) of this section.

Example (3). Each 3 years State X requires all teachers who holds a continuing teaching certificate as elementary-school teachers either to read a list of books or to take certain courses giving 6 hours' academic credit in order to retain their position as teachers. C fulfills the requirements by taking the courses, but not as a part of a program leading to a degree, and thereby receives an automatic salary increase pursuant to the wage schedule applicable to his present position. Since C took these courses in order to fulfill those requirements are retained in employer and the expenses are not personal or capital expenses within the meaning of paragraph (b) of this section, the expenses for such education are deductible.

Example (4). The facts are the same as in example (3) except that, due solely to a shortage of qualified teachers, C's employer does not enforce the prescribed educational requirements (that is, teachers who do not fulfill those requirements are retained in their positions). C's expenses are nevertheless deductible.

Example (5). The facts are the same as in example (3), except that C took the courses under a program leading to a graduate degree. Under these circumstances, C's expenses for the courses are not deductible under paragraph (b) (3) of this section.

Example (6). D, a general practitioner of medicine, takes a course of study which qualifies him as a specialist in pediatrics. D's expenses for such education are not deductible because the course of study qualifies him for a specialty within his trade or business. See paragraph (b) (2) of this section.

Example (7). E, a self-employed certified public accountant, attends law school at night and after completing his law school studies receives a bachelor of laws degree. The expenditures made by E in attending law school are nondeductible personal and capital expenditures within the meaning of paragraph (b) of this section.

Example (8). Assume the same facts as in example (7) except that E is employed by an accounting firm, rather than self-employed, and that his employer requires him to obtain a bachelor of laws degree. E intends to remain as an employee of the accounting firm. Nevertheless, the expenditures made by E in attending law school are capital and personal expenditures and, therefore, not deductible.

Example (9). F, who has completed two years of a normal three year law school course leading to a bachelor of laws degree (LL.B.), is hired by a law firm to do legal research and perform other miscellaneous functions on a full-time basis. As a condition to continued employment, F is required to obtain an LL.B. and pass the state bar examination. F completes his law school education by attending night law school, and he takes a bar review course in order to prepare for the state bar examination. F's expenditures for night law school and for the bar review course are not deductible since they are personal and capital expenditures under paragraph (b) of this section.

Example (10). G, who holds a bachelor of arts degree, obtains temporary employment as an instructor at University X and undertakes graduate courses as a candidate for a graduate degree. Under the university's regulations, an individual may qualify for employment as a regular faculty member only if he holds a graduate degree and may hold a position as instructor only so long as he shows satisfactory progress toward obtaining this graduate degree. G's expenses for education leading to a graduate degree are nondeductible personal and capital expenditures within the meaning of paragraph (b) of this section.

Example (11). H, who has not completed the full college program leading to a bachelor of arts degree, applies for a certificate authorizing him to teach in the elementary schools of State X. The applicable regulations in State X require an individual to have a bachelor's degree in order to qualify for a continuing-elementary-school-teaching certificate. Because H has not obtained a bachelor's degree, he is issued a temporary certificate which is convertible to a continuing certificate upon the acquisition of a bachelor's degree. H obtains employment as a teacher on the basis of his temporary certificate, and he undertakes education at night and during summer vacations to obtain a bachelor's degree. H's expenditures for education leading to a bachelor's degree are nondeductible personal and capital expenditures within the meaning of paragraph (b) of this section.

Example (12). I, who holds a bachelor of arts degree from an accredited college, applies for a certificate authorizing him to teach in the secondary schools in State X. Because I does not have the number of credits in professional education required by laws and regulations of State X, he is issued an emergency teaching certificate. I obtains employment as a teacher and, while so employed, obtains the additional credits in professional education necessary to obtain a continuing certificate in his position. I's expenditures in obtaining the additional credits in professional education are not deductible under paragraph (b) (2) of this section.

Example (13). J, who holds a bachelor of arts degree, obtains a permanent teaching certificate to teach in the secondary schools in State X. Subsequent to the issuance of the permanent certificate, the regulations of State X are changed to require as a condition to the issuance (or retention) of a permanent teaching certificate for the secondary schools, in addition to a bachelor's degree, a specified number of hours of graduate courses. J's expenditures for the additional graduate courses are not deductible under paragraph (b) (2) of this section.

Example (14). K, a self-employed tax consultant, decides to take a 1-week course in new developments in taxation, which is offered in City X, 500 miles away from his home. His primary purpose in going to X is to take the course, but he also takes a side trip to City Y (50 miles from X) for 1 day, takes a sightseeing trip while in X, and entertains some personal friends. K's transportation expenses to City X and return to his home are deductible but his transportation expenses to City Y are not deductible. K's expenses for meals and lodging while away from home will be allocated between his educational pursuits and his personal activities. Those expenses which are entirely personal, such as sightseeing and entertaining friends, are not deductible to any extent.

Example (15). The facts are the same as in example (14) except that K's primary purpose in going to City X is to take a vacation. This purpose is indicated by several factors, one of which is the fact that he spends only one week attending the tax course and devotes five weeks entirely to personal activities. None of K's transportation expenses are deductible and his expenses for meals and lodging while away from home are not deductible to the extent attributable to personal activities. His expenses for meals and lodging allocable to the week attending the tax course are, however, deductible.

Example (16). L, a high school mathematics teacher in New York City, in the summertime travels to a university in California in order to take a single 3-hour mathematics course the expense of which is deductible under this section. A full course of study for the summer session is 12 hours. Since L is pursuing only one-fourth of a full course of study and the remainder of her time is devoted to personal activities the expense of which is not deductible, absent other compelling circumstances, the trip is considered taken primarily for personal reasons and the cost of traveling from New York City to California and return would not be deductible. However, one-fourth of the cost of L's meals and lodging while attending the university in California may be considered properly allocable to deductible educational pursuits and, therefore, is deductible.

PAR. 2. Paragraph (b) of § 1.262–1 is amended by adding a subparagraph (9) at the end thereof which reads as follows:

§ 1.262–1 Personal, living, and family expenses.

* * * * *

(b) *Examples of personal, living, and family expenses.* * * *

(9) Expenditures made by a taxpayer in obtaining an education or in furthering his education are not deductible unless they

qualify under section 162 and § 1.162–5 (relating to trade or business expenses).

[F.R. Doc. 66–7378; Filed, July 6, 1966; 8:46 a.m.]

MATTHEW A. HENSON

Mr. TYDINGS. Mr. President, I am introducing a bill today to permit the remains of Matthew A. Henson to be buried in Arlington Cemetery. A member of all seven of Adm. Robert E. Peary's arctic expeditions, Matthew Henson was the first man to set foot on the site of the North Pole. At Admiral Peary's command, he planted the American flag at that spot on April 6, 1909. His contributions to the arctic expeditions have been recognized by a Congressional Medal and a Presidential commendation.

Henson died in 1955 and was buried in New York. His last wish was to be buried in Arlington Cemetery with the commander who had called him his "most valuable companion." My bill would fulfill that wish, and would give added recognition to the feats of a little known American hero.

I ask unanimous consent that there be printed in the RECORD a biographical sketch of Matthew A. Henson by Dr. Herbert M. Frisby.

The ACTING PRESIDENT pro tempore. The bill will be received and appropriately referred; and, without objection, the sketch will be printed in the RECORD.

The bill (S. 3644) to authorize the burial of the remains of Matthew A. Henson in the Arlington National Cemetery, Va., introduced by Mr. TYDINGS, was received, read twice by its title, and referred to the Committee on Interior and Insular Affairs.

The sketch, presented by Mr. TYDINGS, is as follows:

MATTHEW (MATT) ALEXANDER HENSON

Matthew ("Matt") Alexander Henson was born August 8, 1866 on a farm, the site of a former slave market, in Nanjemoy, Charles County, Maryland. Henson, the man destined to become the first person to locate and stand on the Top of the World, was born in virtual obscurity. Little is known of his early boyhood. Around the age of eleven, he ran away from Nanajemoy one night and walked to Washington, D.C. There he divided his time between working in a restaurant operated by his aunt, Mrs. Janey Moore, and attending irregularly, the N Street Elementary School.

Henson left Washington at the age of thirteen, walked to Baltimore, Maryland, and located around the waterfront. Soon thereafter, as one without a home, he shipped as a cabin boy on a schooner under the command of a Captain Childs. This skipper taught him the rudiments of simple mathematics and navigation. The voyage carried him to China and return.

Returning to Washington, he found employment as a porter in a hat shop on Pennsylvania Avenue. One day, the then Lt. Robert E. Peary visited this store. He observed Matt Henson at work and became impressed with him. Matt was invited by Lt. Peary to join him on a canal surveying expedition to Nicaragua. Henson accepted.

When this mission was completed, Peary became interested in heading an expedition in search of the North Pole, which at that time, was the intensive objective of many nations. Henson accompanied Peary on each of his seven expeditions into the Arctic and Polar regions.

Matt saved Peary's life when he was attacked by an infuriated musk ox, and also on one occasion rescued him from starvation. He was chosen by Peary to be a member of the party of six to make the final dash to the Pole. Peary paid him this compliment—"He is my most valuable companion. I could not get along without him."

Overcome with exhaustion and crippled by the loss of most of his toes by frostbite, Peary sent Henson forward to make final observations and calculations, and await his arrival. Forty-five minutes later, Peary, driven up on his sled by four Eskimos, joined Henson. Peary's check confirmed the discovery of the North Pole.

"90 N. Lat., North Pole
April 6, 1909

"Arrived here today, 27 marches from Cape Columbia. I have with me 5 men, Matthew Henson, colored, Ootah, Eginwah, Seegloo and Ookeah, Eskimos; 5 sledges and 38 dogs.

"The expedition under my comand has succeeded in reaching the Pole . . . for the honor and prestige of the United States of America.

"Robert E. Peary,
"United States Navy."

(From the Log Book of Admiral Peary.)

"This scene my eyes will never see again. Plant the Stars and Stripes over there, Matt, . . . At the North Pole."—Peary.

Aside from Peary, the leader of the expeditions, Henson has been given most of the credit for the success of the discovery of the North Pole. This is because of his courage and daring, ability to withstand the most rigorous climate and exposure, mastery of the Eskimo language and their admiration of him, his skill in sled building, driving and igloo construction. These credits were accorded him by all the surviving members of the polar expeditions.

In recognition of his contributions, Mr. Henson was awarded the Master of Science degree by Morgan State College and Howard University, a Congressional Medal, Life Membership in the Explorers Club, a medal from the Chicago Geographical Society, a citation by the U.S. Department of Defense, a commendation from President Dwight D. Eisenhower, at the White House, numerous medals and plaques from civic organizations.

On August 12, 1956, a memorial tribute to him was dropped on the North Pole from a U.S. Air Force plane by Afro-American Arctic Correspondent, Herbert M. Frisby, the author of this biographical sketch.

There is Henson Bay, in northwest Arctic Canada, named as a tribute to him.

Mr. Henson died March 9, 1955 in New York City. He is survived by Mrs. Lucy J. Henson, his widow.

Since his passing, he has been memorialized by His Excellency, J. Millard Tawes, Governor of Maryland, proclaiming April 6, 1959, the 50th Anniversary of the Discovery of the North Pole, as Matthew Alexander Henson Day in the State of Maryland.

By action of the Maryland General Assemblies in 1959 and 1961, provisions were made for the permanent establishment of permanent memorials to Mr. Henson, one placed in the State House of Annapolis, and a small replica of the same one the campus of the Pomonkey High School, Charles County, both in Maryland.

By action of the Board of School Commissioners of Baltimore, Maryland, April 10, 1962, one of the city's recently constructed million dollar elementary schools was named in his honor—The Matthew A. Henson Elementary School.

The Herbert M. Frisby Historical Society is now engaged in a very hopeful memorial project providing for the transfer by the U.S. Government of Mr. Henson's remains from a cemetery in New York City to the U.S. National Cemetery, Arlington, Virginia and given a hero's burial.

H.M.F.

PROPOSED AMENDMENT TO THE CONSTITUTION RELATING TO POWER OF COURTS OF THE UNITED STATES TO REVIEW CONVICTIONS IN CRIMINAL ACTIONS

Mr. ERVIN. Mr. President, on behalf of myself and the Senator from South Carolina [Mr. THURMOND], I introduce for appropriate reference a joint resolution proposing an amendment to the Constitution, relating to the power of the courts of the United States to review convictions in criminal cases.

The proposed amendment would do two things: first, it would restore to the law the doctrine of res judicata and provide that the judgment of a State court in a criminal case would be conclusive as to all matters actually determined, and all matters which could have been litigated and determined in the case, and that it could only be reversed or set aside or modified by a direct review by appeal or certiorari from the highest court of the State having jurisdiction in the case to the Supreme Court of the United States.

The second provision of the amendment would establish the very sensible and sound rule that the voluntary confession of an accused in a criminal case shall be admissible in evidence against him on his trial, either in a Federal or a State court, and that a ruling of the trial judge admitting a confession as voluntary cannot be set aside by the Supreme Court of the United States or any other court of the United States, if it is supported by any competent evidence in the case.

Mr. President, this morning I made a statement before the Subcommittee on Constitutional Amendments of the Committee on the Judiciary, explaining in detail the purposes of the proposed amendment; and I ask unanimous consent that such statement, together with a copy of the proposed joint resolution, be printed at this point in the RECORD.

The ACTING PRESIDENT pro tempore. The joint resolution will be received and appropriately referred; and, without objection, the joint resolution and statement will be printed in the RECORD.

The joint resolution (S.J. Res. 179) proposing an amendment to the Constitution relating to the power of courts of the United States to review convictions in criminal actions, introduced by Mr. ERVIN, was received, read twice by its title, referred to the Committee on the Judiciary, and ordered to be printed in the RECORD, as follows:

S.J. RES. 179

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled (two-thirds of each House concurring therein), That the following article is proposed as an amendment to the Constitution of the United States, which shall be valid to all intents and purposes as part of the Constitution when ratified by the legislatures of three-fourths of the several States:

"Article —

"SECTION 1. The judgment of a court of a State upon a plea or verdict of guilty in a criminal action shall be conclusive with respect to all questions of law or fact which were determined, or which could have been determined, in that action until such judgment is reversed, vacated, or modified by a court having jurisdiction to review such judgment. No court of the United States shall have jurisdiction to reverse, vacate, or modify any such judgment of a State court except upon appeal from, or writ of certiorari granted to review, a determination made with respect to such judgment upon review thereof by the highest court of that State having jurisdiction to review such judgment.

"SEC. 2. Notwithstanding any requirement or prohibition of any other provision of this Constitution, an admission or confession made before trial by a defendant in a criminal action in a court of the United States, any State or possession of the United States, the District of Columbia, or the Commonwealth of Puerto Rico shall be admissible in evidence against the defendant in the trial of that action if such admission or confession was voluntary. No court of the United States shall have jurisdiction to reverse, modify, or set aside a determination of a trial court in any such criminal action to the effect that any such admission or confession was voluntary if that determination is supported by any competent proof received in evidence in the trial of that criminal action.

"SEC. 3. This article shall be inoperative unless it shall have been ratified as an amendment to the Constitution by the legislatures of three-fourths of the several States within seven years from the date of its admission to the States by the Congress."

The statement presented by Mr. ERVIN is as follows:

STATEMENT OF SENATOR SAM J. ERVIN, JR., BEFORE THE SUBCOMMITTEE ON CONSTITUTIONAL AMENDMENTS ON THE IMPLICATIONS OF THE SUPREME COURT DECISION OF MIRANDA *v.* ARIZONA

Mr. Chairman, no problem more critically demands attention and action than the alarming increase in crime in this country. Last year, the President expressed great alarm that the crime rate had doubled in this country in 25 years and had increased five times faster than the population growth in the last seven years. In our great cities, citizens are faced with increased odds that they may become the victims of muggings, vicious assaults, burglaries, and the wanton destruction of property. When we consider the staggering cost of crime in terms of dollars lost, of death, injury and suffering inflicted on thousands of victims, and of fear engendered in millions of law-abiding citizens, we must agree with President Johnson that "crime is a national problem."

The series of hearings of your Subcommittee, Mr. Chairman, on the implications of the recent decision of *Miranda* v. *Arizona* will, I feel, shed valuable light on the problems posed by this decision and the action Congress can take to deal with them.

Of course, there are many ways in which crime can be fought. Poverty and substandard social conditions are part of the crime picture, but more welfare and social programs, the greatest in our country's history, have not made a dent in the crime problem. Also, the problem of increasing crime is intimately related to the effectiveness of law enforcement. Improving police administration should certainly be considered by everyone sincerely interested in fighting crime, and I feel the "Law Enforcement Assistance Act of 1965" was a great step forward in this area. The upgrading of law enforcement activities is one of the most important steps that can be taken to reduce crime and I sincerely hope that Congress will continue to look for creative approaches in this area.

This investigation, however, deals with another part of the crime picture and I think this subcommittee should face the fact that increasingly in the last decade our law enforcement officers have been limited and often hamstrung in dealing with crime by high court rulings. These rulings have drastically limited police investigative powers, have forbidden the use of voluntary confessions by the accused in many instances heretofore permitted, and have altered reasonable procedures which once were the great bulwarks against crime. Recent high court rulings have stressed individual rights of the accused to the point where public safety has often been relegated to the back row of the courtroom. In the process, police have become confused in their efforts to protect the public from acknowledged criminals. Dissenting court opinions have pointed out that investigative procedural rules are becoming unrealistic.

Civilization represents at best a delicate balance between the rights of the individual and society's rights. As Mr. Justice Cardozo explained in ***Snyder*** v. *Massachusetts*, 291 U.S. 97, 122 (1934), "Justice, though due to the accused, is due to the accuser also. The concept of fairness must not be strained till it is narrowed to a filament. We are to keep the balance true."

We have not kept the balance true. Unfortunately, the Supreme Court in recent years has moved through logic shattering sentiment and stiffling procedures to favor the individual to such an extent that the administration of criminal justice is defeated. Indeed, in the prosecution of crimes, we have seen the powers of the police at any level to conduct in-custody interrogation gasp in the case of *Escobedo* and, more recently, die in *Miranda*.

Basically, the Court majority held in the Miranda case that:

"The prosecution may not use statements, whether exculpatory or inculpatory, stemming from custodial interrogation of the defendent unless it demonstrates the use of procedural safeguards effective to secure the privilege against self-incrimination."

The Court majority henceforth requires that before any suspect may be questioned he must be warned that he has a right to remain silent, that anything he says may be used against him, and that he has a right to the presence of an attorney, either retained or appointed. The suspect who submits to interrogation after being so warned may terminate such interrogation himself at any time simply by indicating that he wants it stopped.

Thus did the majority for all practical purposes fulfill the prediction by Mr. Justice White of its ultimate goal "to bar from evidence all admissions obtained from an individual suspected of crime, whether involuntary made or not". *Escobedo* v. *Illinois*, 378 U.S. 478, 495 (1964).

The claimed basis for the decision was the Fifth Amendment's protection of the privilege against self-incrimination, a basis which has no support in the language of the Fifth Amendment or in the history of the privilege. The clear language of the Amendment is that "in any criminal case" no person shall be compelled "to be a witness against himself." One of the foremost legal scholars of this century, Edward Corwin, after careful study, concluded that the Amendment, when "considered in the light to be shed by grammar and the dictionary appears to signify simply that nobody shall be compelled to give oral testimony against himself in a criminal proceeding under way in which he is defendant." This construction, that the privilege applies to prohibit compelled judicial interrogations only, is firmly supported by the English authorities and the common law history of the privilege. Moreover, the dissent by Mr. Justice Harlan and Mr. Justice White convincingly demonstrated that no legal precedent existed for the application of the privilege to police interrogation, a demonstration the majority opinion never really refuted.

It requires little reflection to realize what the Court majority has done. It has not only practically eliminated confessions from trial court considerations; it has probably made impossible the ordinary practice of police interrogation itself, a result which surely entails harmful consequences for the country at large. Mr. Justice Harlan in dissent warned that although the extent of the harm wrought by the decision could not be accurately foretold; it was readily apparent that it would impair law enforcement to some extent. He said:

"We do know that some crimes cannot be solved without confessions, that ample expert testimony attests to their importance in crime control, and that the Court is taking a real risk with society's welfare in imposing its new regime on the country. The social costs of crime are too great to call the new rules anything but a hazardous experimentation."

I believe that this "hazardous experimentation" is one which we cannot afford to take in view of the grave problems that crime now poses to this country. Accordingly, I propose to introduce a Constitutional Amendment to deal with the Miranda decision. My amendment will allow the law, as it did previously, to protect suspects and defendants from having confessions and other admissions coerced from them without rendering next to impossible the solving of many crimes. By providing that any admission or confession shall be admissible in evidence if made voluntarily, my amendment will return the rule which the Supreme Court itself recognized as valid until recent days and which has prevailed in all states whose legal systems are based upon the experience of the common law. When all is said, there is no reason residing in the proposition that persons charged with crime should be protected by law against their voluntary admissions and confessions that they committed the crime with which they are charged.

Beginning with ***Brown*** v. ***Mississippi***, 297 U.S. 278 (1936), the Court applied due process standards to questions of admissibility of confessions in court. Excluded were confessions gained by threats or imminent danger, physical deprivation, physical brutality, repeated or extended interrogation, lengthy detention and other coercive means. The goal to be achieved, as in my amendment, was "voluntariness," not in the sense of the removal of all pressure but the removal of unfair, illegal, or reprehensible pressure.

My amendment will allow a determination of whether the confession was voluntary, and, as such, will afford protection to the civil liberties of suspects while allowing leeway to protection of the general public interest in having crime either prevented or solved.

After Miranda, we have the police handcuffed. In many cases, there are no clues at the scene of the crime. There may be no witnesses or the witness may be dead or disabled. The only thing the police may have to go on is a known criminal lurking in the area, or a crime being committed in a certain pattern. If they may not bring people in and question them, the rate of crime solving is likely to drop precipitately

If we do not seriously consider the enactment of this type of amendment, the result will be that the civil liberties of criminal suspects will be over protected while the rights and liberties of society will be seriously infringed upon.

The danger in the constant innovating drive of the majority of the court was well set out by the late Mr. Justice Jackson. He said:

"This Court is forever adding new stories to the temple of constitutional law, and the temple has a way of collapsing when one story too many is added". *Douglas* v. *Jeannette,* 319 U.S. 157, 181 (1943).

I maintain that we must act before the temple collapses.

In view of the nature of your hearings, Mr. Chairman, I wish to take this opportunity to discuss with you another section of the Constitutional Amendment which I intend to introduce. Many of the recent cases in which the Supreme Court has acted to handicap law enforcement officers have occurred through the use of federal habeas corpus review of state supreme court decisions. Much discussion and many law review articles have recently been written on the use of federal habeas corpus review. These articles point out that this review postpones almost indefinitely the settlement of cases, and delays beyond all reason the enforcement of justice.

As the matter now stands, after having appealed to the state supreme court and then to the United States Supreme Court, the defendant may still file a petition for habeas corpus in a lower federal court at any time after his conviction. These hearings constitute a completely new trial for the accused and the state will still have to follow the case to the Circuit Court of Appeals, and finally back again to the Supreme Court. Even then the journey is not ended; similar petitions can be filed in other lower federal courts.

This means that the liberalized rules governing issuance of federal habeas corpus virtually grant the guilty party an uncancelled ticket of admission to compete with society in an endless contest designed to test the propriety of retribution for his sins. The upshot of this protracted litigation is a distortion of values. It is as if society is put on trial for daring to extract penitence of the person accused of misconduct.

This procedure is a decided departure from the principle of res judicata which simply stands for the proposition that at some point all litigation must be concluded. In explaining the dangers of lower federal courts continuously reviewing state supreme court decisions, Justice Robert H. Jackson said:

"Call it res judicata or what one will, courts ought not to be obliged to allow a convict to litigate again and again exactly the same question on the same evidence . . . The writ has no enemy so deadly as those who sanction the abuse of it, whatever their intent."

This review by federal district courts of a decision of a state supreme court which has already been to the U.S. Supreme Court does violence to the basic principles of our Federal system. It is demeaning to our state supreme courts and must lead to the impairment of public confidence in our judicial institutions.

Accordingly, I feel that one of the most important steps Congress could take to improve the administration of criminal justice and to ensure orderly judicial procedures in our Federal system would be to provide that a final judgment of a state supreme court should be subject to review only by the Supreme Court of the United States and this is what my amendment proposes to do, Mr. Chairman. By preventing lower federal courts from sitting in judgment on a matter thoroughly litigated in the state courts, there will be a restoration of balances in this area and an end to the absurdity of endless litigation.

When one reads some recent decisions of the nation's highest Court, and realizes that under them perpetrators of the foulest crimes are turned loose in society to repeat their crimes, he is tempted to exclaim: Enough has been done for those who murder, and rape and rob. It is time to do something for those who do not wish to be murdered or raped or robbed. It is for this purpose that I propose my Constitutional Amendment.

U.S. POW'S IN NORTH VIETNAM

Mr. JAVITS. Mr. President, I invite the attention of the Senate to the resolutions which have been introduced in the other body and which have been introduced in the Senate by the Senator from Texas [Mr. Tower] with respect to the U.S. prisoners of war in North Vietnam.

Mr. President, I send to the desk for appropriate reference a similar concurrent resolution.

The ACTING PRESIDENT pro tempore. The concurrent resolution will be received and appropriately referred.

Mr. JAVITS. Mr. President, I believe that very strict attention should be paid to this concurrent resolution, which was developed in the other body by my colleague from New York, Representative Reid and by Representative Morse of Massachusetts, because it emphasizes the fact that we are not threatening anything, but only pointing out to the North Vietnamese the dreadful danger to the peace of the world, and the dreadful danger to their own people, which would be incurred by creating the kind of climate which would result from treating American prisoners of war as war criminals.

The American people would never understand this. The people of the world would never understand it. It would, in my judgment, cause a wave of revulsion to move through the world which would be extremely damaging to the short- and long-term prospects for peace, the responsibility for obstructing negotiations, imperiling the peace of the world, and killing innocent people lies with the regime in Hanoi. There is no wisdom in further imperiling the situation with these new threats by Hanoi.

Thus, Mr. President, I hope that serious attention will be paid to the concurrent resolution, which is an expression of conscience by a number of us, and that it will be an additional fact in causing the Government of North Vietnam to stay its hand from a barbarism which could be so devastatingly dangerous and damaging to their own people, let alone the peace of mankind.

Mr. President, my concurrent resolution serves to make several points which already should be perfectly clear to the leaders in Hanoi:

First. That United States opinion strongly believes that military personnel held captive in North Vietnam are entitled to be treated as prisoners of war as provided by the Geneva Convention of 1949 and other standards of international law and behavior.

Second. That failure by the Government of North Vietnam to accord them such treatment as prescribed by these accepted standards would a. be contrary to the best interests of the people of North Vietnam; b. would serious diminish opportunities for peace.

Third. That the President is requested to make these points clear to the Government of North Vietnam and other concerned parties.

If the leaders in Hanoi, unmindful of the consequences, take this fateful step, there is no telling the effect on prospects for peace in Vietnam. It is my hope that we shall not have to face such a tragedy.

The ACTING PRESIDENT pro tempore. The concurrent resolution will be received and appropriately referred; and, under the rule, the concurrent resolution will be printed in the Record.

The concurrent resolution (S. Con. Res. 103) was referred to the Committee on Foreign Relations, as follows:

Resolved by the Senate (the House of Representatives concurring), That it is the sense of the Congress:

(a) that all United States military personnel held captive in Vietnam are prisoners of war entitled to all the benefits of the Geneva Conventions of 1949;

(b) that the trial, punishment, or execution of any such personnel by the Communist regime in North Vietnam would be contrary to the Geneva Conventions of 1949, accepted standards of international law and standards of international behavior;

(c) that any such action undertaken by the Communist regime in North Vietnam in regard to United States military personnel would be a barbaric act and a reprehensible offense against the peace of mankind, the peoples of the world and the interests of the people of North Vietnam; and

(d) that the trial, punishment, or execution of such United States personnel by the Communist regime in North Vietnam would seriously diminish the opportunity for the achievement of a just and secure peace in Vietnam and southeast Asia, which is the objective of the people of the United States.

Sec. 2. The President of the United States is hereby requested to convey the sense of the Congress expressed in this resolution to the Communist regime in North Vietnam, to the participating states of the Geneva Conferences of 1954 and 1962, to the states adhering to the 1949 Geneva Conventions, and to the member states of the United Nations.

THE FOREIGN ASSISTANCE ACT OF 1966—AMENDMENTS

AMENDMENT NO. 697

Mr. McCARTHY submitted an amendment, intended to be proposed by him, to the bill (S. 3584) to amend further the Foreign Assistance Act of 1961, as amended, and for other purposes, which was ordered to lie on the table and to be printed.

AMENDMENT NO. 698

Mr. MUNDT submitted an amendment, intended to be proposed by him, to Senate bill 3584, supra, which was ordered to lie on the table and to be printed.

ADDITIONAL COSPONSORS OF BILLS

Mr. LONG of Louisiana. Mr. President, I ask unanimous consent that at the next printing of S. 3496, to authorize the appropriation of funds from the Treasury to help defray the costs of presidential campaigns the name of the Senator from Montana [Mr. Metcalf] be added as a cosponsor.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. MONRONEY. Mr. President, I ask unanimous consent that, at its next printing, the name of the Senator from Michigan [Mr. HART] be added as a cosponsor of the bill (S. 3434) to amend the Federal Aviation Act of 1958 in order to limit the liability of trip insurance sold within the confines of an airport.

The **ACTING PRESIDENT** pro tempore. Without objection, it is so ordered.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that, at its next printing, the name of the Senator from South Carolina [Mr. THURMOND] be added as a cosponsor of the bill (S. 3632) to amend title 10, United States Code, to strengthen the Reserve components of the Armed Forces, and for other purposes.

The **ACTING PRESIDENT** pro tempore. Without objection, it is so orderd.

FOREIGN ECONOMIC ASSISTANCE, 1966—ADDITIONAL COSPONSORS

AMENDMENT NO. 675

Mr. COOPER. Mr. President, I ask unanimous consent that the Senator from New York [Mr. JAVITS], the Senator from Wyoming [Mr. MCGEE,] the Senator from Oklahoma [Mr. HARRIS], and the Senator from Texas [Mr. TOWER], be permitted to join as cosponsors of the amendment.

The **ACTING PRESIDENT** pro tempore. Without objection, it is so ordered.

ADDITIONAL COSPONSORS OF AMENDMENT NO. 694

Mr. BYRD of Virginia. Mr. President, I ask unanimous consent to have added to an amendment which I sent to the desk yesterday, being amendment No. 694 to Senate bill 3584, which I am sponsoring, the name of two additional cosponsors, the senior Senator from Rhode Island [Mr. PASTORE], and the junior Senator from Georgia [Mr. TALMADGE].

The **ACTING PRESIDENT** pro tempore. Without objection, it is so ordered.

EXECUTIVE SESSION

On the request of Mr. MANSFIELD, and by unanimous consent, the Senate proceeded to consider executive business.

EXECUTIVE REPORTS OF COMMITTEES

The following favorable reports of nominations were submitted:

By **Mr. HILL**, from the Commitee on Labor and Public Welfare: Dr. Robert S. Morison, of New York, Dr. Emanuel R. Piore, of New York, Dr. Clifford M. Hardin, of Nebraska, Dr. Charles F. Jones, of Texas, Dr. Thomas F. Jones, Jr., of South Carolina, Dr. Joseph M. Reynolds, of Louisiana, Dr. Athelstan F. Spilhaus, of Minnesota, and Dr. Richard H. Sullivan, of Oregon, to be member of the National Science Board, National Science Foundation.

Mr. HILL. Mr. President, I also report favorably from the Committee on Labor and Public Welfare sundry nominations in the Public Health Service. Since these names have previously appeared in the CONGRESSIONAL RECORD, in order to save the expense of printing on the Executive Calendar, I ask unanimous consent that they be placed on the Secretary's desk for the information of any Senator.

The **ACTING PRESIDENT** pro tempore. Without objection, it is so ordered.

The nominations, ordered to lie on the desk, are as follows:

J. Robert Lindsay, and sundry other candidates, for personnel action in the regular corps of the Public Health Service.

By Mr. MONRONEY, from the Committee on Post Office and Civil Service:

One hundred eighty-nine postmaster nominations.

By Mr. HART (for Mr. DODD), from the Committee on the Judiciary:

Joseph T. Ploszaj, of Connecticut, to be U.S. marshal for the district of Connecticut.

The **ACTING PRESIDENT** pro tempore. If there be no further reports of committees, the nominations on the Executive Calendar will be stated.

DEPARTMENT OF JUSTICE

The legislative clerk proceeded to read sundry nominations in the Department of Justice.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the nominations be considered en bloc.

The **ACTING PRESIDENT** pro tempore. Without objection, the nominations will be considered and confirmed en bloc.

SIX NEW FEDERAL JUDGES IN TEXAS

Mr. YARBOROUGH. Mr. President, the six new Federal judges appointed by the President from Texas, and being confirmed today, one as a circuit judge for the fifth circuit, and five as U.S. district judges for Texas districts, make this a landmark day in the history of the judiciary of Texas.

I know all of these six men well. They represent notable achievements at the Texas bar. The President has selected wisely and well in choosing them. They bring to the bench physical and intellectual acumen and vigor and will be able to do the work necessary to relieve congested dockets and the growing volume of litigation in a State that has rapidly become urbanized and in its great cities is becoming industrialized.

The concentration of people, wealth, industry, and activity in great cities has led to an increase in the business of the Federal courts. The three new district judgeships created in Texas were badly needed, in addition to the new Federal circuit court judgeships created.

Two of these six men, Irving Goldberg, appointed U.S. circuit judge for the fifth circuit, and John B. Singleton, Jr., appointed U.S. district judge for the southern district of Texas, served on the staff of President Lyndon B. Johnson while he was a Member of the Congress of the United States. They have had Federal service in the legislative branch of the Government in Washington.

Woodrow Seals, appointed U.S. district judge for the southern district of Texas, was appointed U.S. district attorney for the southern district of Texas by the late President Kennedy in 1961, and has served as U.S. district attorney continuously from that date to this. He goes to the bench well versed in the duties of a Federal judge in that district.

The other three judges represent wide experience in the State judicial and governmental system. Judge Jack Roberts, of Austin, Tex., has served as a State district trial judge for 18 years and is now serving as a trial judge in Austin, the capital city of Texas.

Judge William M. Taylor, Jr., served as a State district judge in Dallas County, one of the two most populous counties in Texas, and is familiar with the duties of a judge in trying important cases in that great city. Judge Taylor's father was an able judge of the Supreme Court Commission of Appeals of Texas. He represents two generations of fine judicial service to the State of Texas and the people of this country.

Ernest Guinn, of El Paso, with high scholarly attainments in the University of Texas Law School, has served as city attorney for the city of El Paso and as county attorney for El Paso County, Tex. El Paso is the largest city on the United States-Mexican border. In those official capacities he learned the problems of the courts in a border city, both civil and criminal, and of the municipalities which border on our sister Republic of Mexico. Ernest Guinn has been a close personal friend for more than two score years; we were classmates in the University of Texas School of Law.

Ernest Guinn's appointment has been commended in editorials in the El Paso Herald Post and the El Paso Times, the two daily newspapers of El Paso.

The appointments of Judges Seals and Singleton have been commended in editorials in the Houston Chronicle and the Houston Post, the two daily newspapers of Houston.

The appointments of Judge Irving Goldberg, of Dallas, to the circuit court and of Judge William Taylor, of Dallas, to the district bench have led to the greatest volume of commendatory letters and telegraphs that I have ever received from the Dallas area on any matter. These six men come well recommended and I believe that they will add much to the efficiency and the dispatch of business of the Federal courts in Texas. I commend them to my colleagues in the Senate.

Mr. President, I ask unanimous consent to print at this point in the RECORD the aforementioned editorials from the El Paso Times, the El Paso Herald Post, the Houston Chronicle, and the Houston Post, and various and sundry articles from the Dallas News, the Dallas Times Herald, the El Paso Herald Post, the Houston Chronicle and the Austin American with biographical sketches of these six judges and with articles about them.

There being no objection, the editorials and articles were ordered to be printed in the RECORD, as follows:

[From the El Paso Times, June 29, 1966]

JUDGE GUINN

Appointment of Attorney Ernest Guinn to be a U.S. district judge was pleasing in a number of ways.

First, he is eminently qualified to be a federal judge.

Second, he is the first El Pasoan to receive such an appointment since R. E. Thomason was named by President Truman in 1947.

We on The Times have known Ernest Guinn for many years. We are fully aware of his capabilities as an attorney, his devotion to the welfare of his fellow man and of his other accomplishments as a student of the law and a citizen.

The Times editor for almost 30 years has known and admired Ernest Guinn.

We wish to commend President Lyndon Johnson for making a wise and timely appointment.

We are confident Guinn's appointment will receive quick approval in the Senate Judiciary Committee and in the Senate.

We hope Guinn, when he becomes a federal judge, will be assigned to preside in El Paso at least part of the time.

[From the El Paso Herald-Post, June 29, 1966]

Mrs. Guinn Weeps Happily; Ernest Gets Congratulations

When Mrs. Mary Guinn learned that her husband, Attorney Ernest Guinn, had been appointed as new federal judge in the Western District of Texas, she wept with happiness.

"I'm crying," she said. "I always start crying when things are good."

Judge Guinn said he is "most grateful for this honor and deeply appreciative of the confidence expressed in me by our President by this appointment."

Congratulations were in order today from the couple's many friends in the Southwest and they were receiving them happily. Mrs. Guinn is also a practicing lawyer and equally as well known as her distinguished husband in professional legal circles.

Judge and Mrs. Guinn, who live at 1901 North Kansas street, have six children, and one grandchild, Ernest Guinn III, five-months old son of Ernest Jr.

Ernest Jr. is working in San Antonio as a criminal investigator for the State District Attorney's office. He is a student at St. Mary's University. His brother Dick also works in the State District Attorney's office and attends St. Mary's.

Daughters Kate and Laura are both attending summer school at the University of Texas in Austin. Sarah and Gammon Guinn live at home with their parents.

Judge Guinn said "it is an honor to El Paso and West Texas for the President to choose one of the members of the local bar for this judgeship," he said. "My life has been devoted to my profession, and I shall in all humility devote the rest of my life in endeavoring to fulfill the great responsibilities of a federal judge in such a manner as to reflect credit to the bench and to the bar."

Judge Guinn is a gradute of El Paso High School and received his law degree from the University of Texas School of Law in 1927, posting the highest grades in the school's history.

He was admitted to the bar 100 years to the day from his grandfather's admission in Tennessee. He was named El Paso City Attorney in 1938 by Mayor Marvin A. Harlan, and on Sept. 1 of the following year was appointed County Attorney. El Paso voters returned him to this elective post for 15 years before he retired to private practice of law with his wife.

He was elected chairman of the El Paso County Democratic Executive Committee in 1934 and was active in Democratic politics for many years, regarded as one of the ablest leaders in the liberal faction of the party.

Judge and Mrs. Guinn, a former Aoy school teacher, celebrated their 27th wedding anniversary this year.

Sen. Ralph Yarborough, who nominated Guinn for the federal judgeship, was among the first to offer congratulations. In a telegram, the Senator said he believes that the work of the federal courts will be stepped up in efficiency and in disposition of the court's business.

"I think this is a good idea for justice in Texas," he said.

Senior U.S. District Judge R. E. Thomason gave his congratulations.

He said: "Ernest Guinn will make a fine judge because he is a man of fine character and ability. He is an experienced court and office lawyer and I welcome him as a colleague."

[From the Houston Chronicle, July 1, 1966]

Two Good Men for Federal Bench

President Johnson has made two good appointments in his selection of Woodrow B. Seals and John V. Singleton Jr. to fill the new federal district judgeships in Houston. Both are attorneys worthy of this high honor and of the President's confidence.

Seals, who is 48, has served as U.S. attorney for the Southern District of Texas since 1961. He is a native of Bogalusa, La. During the war he was an Army Air Corps pilot and served 26 months in the European Theater. When the war ended he was a captain and since has risen to lieutenant colonel in the Air Force Reserve.

Before he accepted his present U.S. attorney's post he practiced law in Houston privately. He is a liberal Democrat, a friend of Sen. Ralph Yarborough and a leader in Harris County Democratic Party activities.

In 1957 he was elected chairman of the Harris County Democratic Executive Committee and he worked for the Kennedy-Johnson presidential ticket in 1960 and the Johnson-Humphrey ticket in 1964.

In 1960 he was instrumental in arranging then Sen. John Kennedy's appearance before the Houston Ministerial Assn. That was the dramatic meeting at which Kennedy disarmed many of the critics of his Catholic faith.

As a U.S. attorney, Seals has played behind-the-scene roles in promoting racial harmony in Houston and in securing voluntary compliance with civil rights laws.

He also was partly responsible for the writing of Texas' new Code of Criminal Procedure, for in 1957 he proposed at the state bar convention that a committee be formed to study possible revision of the existing code. Later he was chairman of the committee which recommended that the code be revised.

He is a former president of the Houston Criminal Lawyers' Assn.

Singleton, also 48, was born in Kaufman but grew up in Waxahachie. He is a lifelong friend of the President, having served as his secretary in 1941–42 when Mr. Johnson was in Congress.

Singleton is a member of the Houston law firm of Barrow, Land, Rehmet and Singleton.

During World War II he was in the Navy and served briefly after the war as an attorney with the Veterans Administration in Houston and as an investigator for the Office of Price Administration.

He is a past president of the Junior Bar Assn. and past vice-president of the Houston Bar. In 1963 Gov. Connally appointed him as the first lay member of the state depository board since the board was established in 1905. In 1964 he was a regional campaign director for President Johnson.

A conservative, Singleton also has served as Democratic state committeeman.

Both Seals and Singleton are men of ability, experience and intellect and we are confident they will add distinction to our federal judiciary.

[From the Houston Post, July 4, 1966]

Two Excellent Appointments

President Johnson made two excellent appointments in naming Woodrow B. Seals and John V. Singleton Jr. both of Houston, as federal district judges in the Southern District of Texas.

Both have distinguished themselves as able lawyers, and Seals has served ably as United States attorney for the Southern District for the past five years, having been appointed to that position in 1961 by President John F. Kennedy. Both, at 48, are relatively young men and will bring to the bench a vigor that is needed in disposing of the ever-increasing volume of work which the courts must handle. Both men can look forward to a long period of service, with benefits to both the government and the public.

Seals engaged in the private practice of law before becoming United States attorney and served as chairman of the Harris County Democratic Executive Committee. He served as a captain in the Air Force during World War II and received his law degree in 1949 from the University of Texas.

Singleton, was a secretary to President Johnson in 1941–42 when the President was a member of the United States House of Representatives and later served as a member of the House police force. During World War II, he served in the Navy.

For a short time after the war, he was an attorney with the Veterans Administration and an investigator for the Office of Price Administration in Houston. He also received his law degree from the University of Texas and was admitted to the bar in 1942. Since leaving government service, he has been engaged in the private practice of law but has been active in Democratic politics.

The Post joins the many friends of both men in extending its congratulations on their selection. It is confident that both will prove to be outstanding members of the federal judiciary.

[From the Houston Chronicle, July 10, 1966]

Singleton: Spectator to Bar to Bench

(By Bill Lee)

When John Virgil Singleton Jr. was a boy growing up in Waxahatchie, he killed many a hot summer afternoon listening to trials at the Ellis County Courthouse.

Now 48 and a Houston attorney, he is preparing to mount the bench of a higher court than he ever visited in the little central Texas cotton town—the federal district judgeship for which he has been nominated by President Lyndon B. Johnson.

Singleton sprang from the rich blacklands, where cotton was king and where plants and men grew easily. Ellis County once boasted it marketed more cotton than any other county in the United States.

But in Singleton's time, an ugly depression replaced the pleasant prosperity.

FIVE-CENT COTTON

"I can remember when cotton sold for 5 cents a pound," Singleton recalls.

But in the face of hard times, the Singleton family maintained its stability. Young Singleton went through the public schools, played basketball and managed the football team in high school.

Even then Singleton wanted to become a lawyer.

"I have no recollection of the time when I didn't want to become a lawyer," Singleton says.

Perhaps Dan Moody, the young governor from Georgetown, had something to do with the desire. Moody was a lawyer and a close friend of Singleton's father, who owned an insurance agency in Waxahatchie.

Singleton was graduated from high school in 1936. That summer he and friends piled into a 1927 Pierce Arrow and traveled the South and Southwest, selling magazine subscriptions.

It wasn't easy. Sometimes they traded subscriptions for eggs and vegetables, and then exchanged these for meals at restaurants.

"One of my most vivid memories is being without food in Little Rock for a day and a half because I had no money," he says.

On entering the University of Texas that fall, Singleton became close friends with two schoolmates who were to influence his career tremendously. They were Gov. John Connally and U.S. Rep. JAKE PICKLE.

"John beat me for president of the student body one year," Singleton recalls.

CONNALLY REQUEST

In 1941, when Lyndon Johnson was running unsuccessfully for the U.S. Senate nomination, Connally asked Singleton to help his friend. Singleton campaigned, as he was to do in later Johnson senatorial and presidential races.

Later that year, having been graduated from the Texas law school, Singleton went to Washington and worked as Johnson's secretary for a few months while awaiting an assignment in the U.S. Navy.

The next four years Singleton was in the Navy, spending most of the time as a gunnery officer aboard a destroyer escort in the Pacific.

On his discharge as a lieutenant senior grade in 1946, he came to Houston and joined the law firm of Fulbright, Crooker, Freeman and Bates. He left in 1954 to become a partner in a smaller firm. In 1962 he took up his present practice with Barrow, Bland, Rehmet and Singleton.

In 1953 he married Jane Tully, the fashion editor for the old Houston Press. They now live at 221 Sage Rd.

Singleton was Harris County chairman of the Johnson-for-President movement in 1960 and later that year served on the county steering committee for the Kennedy-Johnson campaign. In the last presidential campaign he was director of a seven-state region for Johnson.

Connally appointed him in 1963 to the important state depository board, from which he must resign before assuming the judgeship.

In 1964 he was named state Democratic committeeman from Harris County.

He has been president of the Houston Junior Bar Assn. and vice-president of the Houston Bar Assn. He is a director of the Texas Bar Assn. and chairman of its grievance committee.

Singleton says a good judge must have more than legal ability and experience.

"The important thing is heart, a feeling for people and their rights," he explains. "He must be compassionate, and know what makes people tick."

On the walls of Singleton's office are inscribed portraits of the President and the Johnson family and a lithograph of Scottish golfers of a by-gone age. An explanation is below the lithograph:

"In 1582 John Henrie and Patrick Rogie were prosecuted for playing Golf on the links of Leith every Sabbath during the time of the sermons."

Somehow, one gets the idea that Singleton knows such prosecution belongs to a by-gone age.

He is a golfer himself, and a good one, shooting in the upper 70s.

SEALS: CHURCH, CIVIC WORK AND POLITICS

(By Bob Tutt)

Woodrow Bradley Seals was the oldest of seven children in a humble family at Bogalusa, La.

His father, who had a third-grade education, operated cafes and worked as a sawmill hand, a janitor and a WPA worker.

As he grew up Seals helped support the family and sold newspapers on Canal St. when the family lived in New Orleans. He worked in sawmills for 10 cents an hour.

After graduation from high school he worked for a railroad for two years before he was able to enroll in Pearl River Junior College at Poplarville, Miss.

PILOTED TRANSPORTS

During World War II he piloted transport planes that dropped paratroops during the invasions of North Africa, Sicily and Italy. He came through three crashes without injury.

After the war he used the GI Bill of Rights to study law at the University of Texas. He settled in Houston in 1950 to open a general law practice.

Plunging into church and civic work and politics, he was elected county Democratic chairman in 1958, was re-elected two years later and was named co-chairman of the 1960 Kennedy-Johnson campaign in Harris County.

This briefly, is the man President Kennedy appointed U.S. attorney for the Southern District of Texas five years ago.

President Johnson now has nominated him for a federal district judgeship, a lifetime position of power and prestige.

The 48-year-old attorney has impressive credentials for the job.

He has played an important behind-the-scenes role in helping head off and solve civil rights problems in this area.

The Texas Bar Assn. has saluted him for helping bring about the revision of the state code of criminal procedure and helping write the state's first bail bond regulatory law.

Although identified with the liberal wing of the Democratic Party, Seals earned the respect and friendship of many conservatives during his tenure as county chairman.

Seals has far-reaching interests.

He has held every position in St. Stephen's Methodist Church a layman can hold. He is vice-chairman of the Board of Christian Social Concerns of the Texas Methodist Conference.

He teaches a Sunday School class and a Bible class.

EXPERIENCE IS WIDE

He is a vice-president of the Texas Bill of Rights Foundation, a director of the Community Council, the United Fund, the Planned Parenthood Assn. and the Council on Human Relations and a lieutenant colonel in the Air Force Reserve.

He subscribes to periodicals ranging from the London Economist to the Reader's Digest to the Scientific American.

He is a voracious newspaper reader, subscribing to Houston's two daily and one weekly newspapers as well as Catholic, Jewish and Negro papers.

Seals met his wife Daisy at Pearl River Junior College. She is from a family of cotton planters in Yazoo County in the rich Delta country of Mississippi. They were married in Massachusetts on June 1, 1942, just hours before he was scheduled to fly to Europe.

The couple lives at 1510 Lehman with their son Bradley, who will be a junior at the University of Texas in the fall.

[From the Dallas News, June 29, 1966]

FORMER JUDGE WILLIAM TAYLOR WILL ASSUME DISTRICT POSITION

William McLaughlin Taylor, Jr., 57, named to succeed Federal District Judge T. Whitfield Davidson, is a former assistant district attorney, assistant city attorney, district judge and political worker.

After serving in the district attorney's office, 1933–1936, and the city attorney's office, 1936–1939, Taylor was in private practice until 1949 when he was appointed judge of the 134th District Court.

He won a full term on the district court bench in 1950, running on the Democratic ticket. He resigned from the bench in April, 1953, however, to return to private practice.

He has managed Dallas campaigns of U.S. Senator RALPH YARBOROUGH and "campaigned for Lyndon Johnson every time he ran."

YARBOROUGH wired Taylor Tuesday: "Your elevation to this high post is a great moment for Texas and will enhance the stature of our federal judiciary."

Taylor said, "This is a great honor, and a great responsibility. I trust I can live up to the President's and the Senator's confidence."

A partner in the firm of Strasburger, Price, Kelton, Miller and Martin, Taylor has represented many insurance companies and construction contractors.

One of his trials in 1956 lasted 11 weeks before a jury, a record duration at the time. Taylor won it.

Born in Denton, Taylor came to Dallas when he was 4 years old. From 1918 to 1921 he lived in Austin where his father, William M. Taylor, Sr. was a member of the Supreme Court Commission of Appeals.

Called "Mac" by his friends, the younger Taylor attended the University of Texas and Southern Methodist University Law School. He has been practicing law in Dallas since 1932. During World War II he served as a captain the U.S. Marine Corps.

IRVING GOLDBERG WILL FILL POST IN CIRCUIT COURT OF APPEALS

Irving L. Goldberg, who will celebrate his 60th birthday Wednesday, is described by a colleague as a lawyer who will carry "a high degree of intellectual capacity" to his new federal bench.

Goldberg, a Dallas lawyer since 1932, has been named by President Lyndon Johnson to one of the four new judicial posts created in the U.S. Court of Appeals for the Fifth Circuit. Goldberg will be one of 13 judges.

A partner in the firm of Goldberg, Akin, Gump, Strauss and Hauer, Goldberg, is a graduate of the University of Texas and Harvard Law School. He said Tuesday he plans to maintain his residence at 5906 Walnut Hill Lane in Dallas.

The circuit court, based in New Orleans, meets in various cities throughout the South.

In addition to the appointment, Tuesday was an important day for the Goldberg family, because Goldberg's daughter and son-in-law, Mr. and Mrs. Michael Lowenberg of Dallas, were in Austin taking the state bar examination.

The Lowenbergs are recent graduates of Harvard Law School.

Another daughter, Miss Nancy Goldberg, is a teacher in a private school in New York City.

An acquaintance described Goldberg as "a very gentle man who usually has a book on government, history or philosophy within reach."

Born in Port Arthur, Goldberg came to Dallas in 1932 to begin a successful career in civil law. He has held no political offices but has been "interested" in Democratic politics.

He supported campaigns of U.S. Senator RALPH YARBOROUGH and President Johnson. He is vice-chairman of the State Advisory Committee to the U.S. Commission on Civil Rights.

A past president of Temple Emanu-El, Goldberg also has served as president of the Jewish Welfare Federation in Dallas and Golden Acres, a home for Jewish aged.

[Dallas Morning News, June 22, 1966]

LBJ PICKS EIGHT FOR FEDERAL JUDGE POSTS: DALLAS ATTORNEYS, TAYLOR, GOLDBERG, AMONG APPOINTEES

(By Robert E. Baskin)

WASHINGTON.—President Johnson Tuesday named five federal district judges for Texas, including Dallas lawyer William M. Taylor Jr., and three judges for the Fifth Circuit

Court of Appeals, including another Dallas lawyer, Irving L. Goldberg.

The appointments appeared to be the result of a compromise between Mr. Johnson and Sen. Ralph Yarborough. The senator's first choice for the vacancy in the northern district was Taylor, while Johnson had favored either Goldberg or Dallas Dist. Atty. Henry Wade for the post.

In the lengthy negotiations over the judgeships, Wade apparently lost out, despite the fact that he had been highly regarded by Mr. Johnson and had assisted several of his campaigns. Yarborough was known to be adamantly opposed to Wade.

Other judgeship nominations by Mr. Johnson included Federal Dist. Atty. Woodrow B. Seals of Houston for the southern district, Travis County Judge Jack Roberts of Austin for the western district, El Paso lawyer Ernest A. Guinn for the western district, and Houston lawyer John V. Singleton Jr. for the southern district.

Yarborough issued a statement in which he reported that "the President and I have labored for long hours to fill these lifetime federal judicial appointments in Texas."

He said that Atty. Gen. Nicholas Katzenbach and Deputy Atty. Gen. Ramsey Clark of Dallas had a part in the selections. Yarborough said he would support all of the nominees for confirmation in the Senate.

"I congratulate the President, a nonlawyer, on his patience and diligence in searching for qualified men," Yarborough declared.

"I have been present personally while the President read the estimates and recommendations of each of the men by the bar. All of them have the approval of the Bar Association. With their vigor and good health, I believe that the work of the federal courts in Texas will be stepped up in efficiency and in dispatch of the court's business. I think it is a good day for justice in Texas."

The nomination of Dallas attorney Taylor for the northern district judgeship was hardly a surprise. The Dallas News reported last January that he was the first choice of Yarborough to succeed retired Federal Judge T. Whitfield Davidson.

Taylor and Yarborough served together in the Texas attorney general's office in the 1930's and their friendship has remained firm over the years. A native of Denton and a graduate of Southern Methodist University and the University of Texas, the 55-year-old Taylor has assisted in several of Yarborough's campaigns in Dallas County.

Goldberg, 60, a native of Port Arthur who holds degrees from the University of Texas and Harvard Law School, has long been a friend of Mr. Johnson. He is currently serving on the state advisory committee of the U.S. Commission on Civil Rights.

Seals, the nominee for the southern district, is another University of Texas Law School graduate, who has served as federal district attorney since June 1961.

In addition to Goldberg, Mr. Johnson named two others for the Fifth Circuit Court, which sits in New Orleans. They were Federal District Judge Robert A. Ainsworth of New Orleans and Montgomery, Ala., lawyer John C. Goldbold.

[From the Dallas Times-Herald, June 29, 1966]

Texas Posts Filled: Dallasites Named Federal Judges

(By Margaret Mayer)

Washington.—President Johnson nominated and Sen. Ralph Yarborough heartily endorsed six Texans, including two Dallasites, for judgeships, breaking a hiatus that has existed in Texas patronage appointments for more than a year.

The nominations announced by the White House Tuesday are:

Irving L. Goldberg, Dallas attorney and longtime personal friend of the President, to the Fifth Circuit Court of Appeals.

William M. Taylor Jr., Dallas attorney and longtime personal friend of Sen. Yarborough, to fill the northern district bench vacated by Judge T. Whitfield Davidson last November. Woodrow B. Seals of Houston, U.S. district attorney and friend of Sen. Yarborough, to a newly-created southern district bench.

John V. Singleton Jr., Houston attorney and friend of Gov. John Connally, to newly-created Southern district bench.

State District Judge Jack Roberts of Austin, to a western district bench.

Ernest A. Guinn, former El Paso county attorney now in private practice, to a western district bench.

One of the western district judgeships was left vacant by the President's promotion of former Rep. Homer Thornberry of Austin from the district court to the court of appeals last July. The other western district position was created by Congress this year.

The nominations will go to the Senate Judiciary Committee where, in the view of Sen. Yarborough's unqualified support, they are expected to receive prompt approval.

With a 10-day congressional recess starting this weekend, the committee is not expected to hear the nominations before mid-July.

The choices for judgeships, reported in The Times Herald two weeks ago, continue in effect a 50-50 division of Texas patronage between the President and the Texas Democratic senator that began when Johnson became vice president.

They are the first patronage appointments the two have agreed upon since Judge Thornberry's promotion a year ago. Meanwhile, a vacancy still exists in the northern federal district attorney's office, pending district Barefoot Sanders' resignation in February 1965.

Seals' appointment as a southern district judge creates a second district attorney's vacancy, perhaps opening a 50-50 way for agreement on the northern district appointment.

Sen. Yarborough issued a statement on the President's nominations soon after they were announced. He said:

"The President and I have labored long hours to fill these lifetime federal appointments in Texas, so important to the preservation of rights of every person and the just workings of our constitutional system. We have had continued efficient aid of the attorney general and deputy attorney General Ramsey Clark.

"These recommendations are joint recommendations for confirmation by the Senate . . . our problem was not just to find six qualified men to be federal judges. That would be easy in an able bar the size of the Texas bar. Our problem was to choose six qualified men out of many . . .

"I congratulate the President, a nonlawyer, on his patience and diligence in search of qualified men. I have been personally present while the President read the estimates and recommendations of each of the men by the bar. All of them have the approval of the bar association . . . I think it is a good day for justice in Texas."

Goldberg, a member of the Dallas law firm of Goldberg, Akin, Gump, Strauss and Hauer, will fill one of four new positions on the Fifth Circuit Court of Appeals which covers the Southern states.

Other nominees for the circuit court also announced Tuesday are U.S. District Judge Robert A. Ainsworth Jr., of New Orleans and John Cooper Godbold, attorney in Montgomery, Ala.

Goldberg, who celebrates his 60th birthday Wednesday, has been practicing law in Dallas since 1932. He is a native of Port Arthur and a graduate of the University of Texas and Harvard Law School. He served in the Navy during World War II and is presently vice chairman of the Texas Advisory Commission to the U.S. Commission on Civil Rights. Goldberg and his wife live at 5906 Walnut Hill in Dallas.

Taylor, 57 years old, is a native of Massachusetts. He is a graduate of the University of Texas and SMU School of Law, has been an assistant district attorney and assistant city attorney in Dallas, served in the Marine Corps in World War II and as a state district judge in Dallas in 1949–53. He is a partner in the Dallas law firm of Strausburger, Price, Kelton, Miller and Martin.

The President's two Houston nominees have both been active in state politics in past years, Seals as a leader among democratic party loyalists and Singleton as a campaign worker for the President and Gov. Connally.

Seals, 48, is a native of Bogalusa, La., and was a railroad messenger and mail handler before he attended a junior college in Mississippi. He was a captain in the Air Corps in World War II, got his law degree from the University of Texas after the war and practiced law in Houston before his appointment as district attorney in 1961.

Judge Nominees' Careers Began Here in Same Year

Irving L. Goldberg and William M. Taylor Jr. began their legal careers in Dallas the same year—1932.

Wednesday they began preparing to be Federal judges on the same day.

The two well-known and highly respected attorneys were appointed to judgeships Tuesday by President Johnson. Goldberg fills a new position on the U.S. Fifth Circuit of Appeals and Taylor replaces the retired T. Whitfield Davidson on the Dallas Federal District Court bench.

"As a lawyer who is devoted to his profession" said Goldberg Wednesday, "this appointment comes as a new dimension to my professional life."

Taylor, son of a former Texas Supreme Court judge, echoed his colleague's assessment.

Goldberg, 60, will be one of 13 judges on the important appeals court which is based in New Orleans but hears cases throughout the southeastern and southwestern parts of the United States.

Born in Port Arthur, he is a graduate of the University of Texas and Harvard Law School. He began his private practice of law here in 1932 and is now a partner in the firm of Goldberg, Akin, Gump, Strauss and Hauer.

While never holding a political office of any kind, the "intellectual lawyer," as he is often called by his admirers, has been active in behind-the-scenes politics for many years.

He is a personal friend of President Johnson. It was Goldberg the President called shortly after President Kennedy was assassinated. Johnson wanted Goldberg to locate U.S. District Judge Sarah T. Hughes to swear him in as President.

He has been active in Jewish affairs in Dallas, holding top leadership positions at Temple Emanu-El, The Jewish Welfare Federation and Golden Acres. He is a member of the board of Hebrew Union College, Cincinati, and is on the board of the Community Council of Greater Dallas.

Taylor, 57, is a graduate of the University of Texas and the Southern Methodist University Law School.

"Mac" to his friends, has served as an assistant district attorney of Dallas County, an assistant city attorney and spent four years as judge of the 134th District Court.

This position he resigned in 1953 to return to the private practice of law. He is now a partner in the firm of Strasburger, Price, Kelton, Miller and Martin.

His father, William M. Taylor Sr., was a justice of the Texas Supreme Court. The younger Taylor served as a Marine captain during World War II.

Taylor's activity in politics also has been behind-the-scenes, with the exception of his four years on the state bench.

He has managed campaigns in Dallas County for RALPH YARBOROUGH and has worked for other Democratic candidates.

[From the Austin American, June 29, 1966]

LBJ PICKS ROBERTS FOR U.S. BENCH

(By Nat Henderson)

President Lyndon B. Johnson said Tuesday that he will nominate 126th District Court Judge Jack Roberts for a federal bench in the huge Western District of Texas.

The 56-year-old Austin jurist, who in 17 years has presided over some of the most important civil litigation in Texas and who has experience in both the prosecution and defense of criminal cases, apparently will continue to reside here and have his chambers in the U.S. Courthouse.

Judge Roberts thus will become the third federal jurist with chambers in Austin. The others are Justice Homer Thornberry of the Fifth Circuit Court of Appeals and District Judge Adrian A. Spears, chief judge of the Western District.

President Johnson also disclosed in Washington shortly before announcing he will spend the July 4 holidays in Texas that he will nominate five other men from his home state for federal judgeships.

To be nominated with Judge Roberts for another vacant bench in the Western District is Ernest A. Guinn, an attorney who is a former city and county attorney at El Paso.

When the Senate confirms the appointments of Judge Roberts and Guinn, all four benches allotted to the Western District will be filled. Besides Chief Judge Spears of Austin, the only jurist sitting in the Western District is Judge D. W. Suttle of El Paso.

The Travis County Bar Association and other groups of attorneys for several months have been urging the President to fill the vacancies in the Western District because of the tremendous work load on Judges Spears and Suttle.

The district, one of the largest in the nation, has divisions of Federal Court in Austin, San Antonio, Waco, Pecos, Del Rio and El Paso. On the basis of criminal filings per judgeship the Western District tops all others in the nation.

The Southern District of California is the only one to handle more criminal cases numerically than the Western District. However, the California district in 1964 terminated 3,400 criminal cases with 16 judges and 45 assistant U.S. attorneys while the Western District closed 1,500 with only two full-time judges and 10 assistant attorneys.

Judges Spears and Suttle additionally have had a heavy schedule of civil hearings. One anti-trust case heard by Judge Spears lasted 50 days in court.

President Johnson's other nominees for the district courts in Texas will include John V. Singleton Jr., a Houston attorney; Woodrow Seals of Houston, U.S. attorney since 1961; and William A. Taylor Jr., Dallas, a former state district judge.

Singleton, who was secretary to Johnson when Johnson was a House member in 1941–42, and Seals are being nominated for judgeships in the Southern District of Texas. Taylor will be in the Northern District.

A Dallas lawyer, Irving Goldberg, will be nominated for a post on the Fifth Circuit Court of Appeals. Goldberg since 1962 has been vice chairman of the Texas State Advisory Commission to the Federal Civil Rights Commission.

Also to be nominated by Johnson to the Fifth Circuit are Robert Ainsworth Jr., New Orleans, a U.S. district judge for Eastern Louisiana since 1961, and John Goldbold, an attorney from Montgomery, Ala., Texas is in the Fifth Circuit.

When informed of the new Johnson nominees, Judge Thornberry said in Austin, "Judge Roberts, a personal friend for over 30 years, brings to the bench of the U.S. Courts a wealth of legal talent and judicial experience. I welcome him to the judiciary and congratulate the President of the U.S. and Sen. RALPH YARBOROUGH."

Commenting in Washington on the nominations, Sen. YARBOROUGH said, "I think it is a good day for justice in Texas."

He said he worked "many hours" with the President to choose men who were qualified, had the necessary experience and were recommended by the Bar Association. The Senator said consideration also was given to geographical distribution and the heavy workloads on the courts.

YARBOROUGH said many lawyers and judges were considered. He said the hardest job was to select a few out of the wide field of able candidates.

Judge Spears, presiding Tuesday in San Antonio, said "I have known Judge Roberts personally and by a reputation for a number of years, and I am happy to welcome him as one of our colleagues. He is certainly well qualified, and I am looking forward to working with him."

He said a meeting of the judges in the Western District will be held after the Senate confirmations. The division of the work will be discussed then.

The elevation of Judge Roberts will leave a vacancy in the 126th District Court, where he has presided since Oct. 1, 1948. Such a vacancy in the state courts is filled by gubernatorial appointment. However, there has been no confirmation and very little rumor about the choice of Gov. John Connally for the district bench here.

Judge Roberts, who received his law degree from the University of Texas in 1933, was in private practice before becoming a title attorney for the General Land Office. During World War II, he served with Army intelligence. He was elected district attorney here in 1946 and district judge in 1948.

ATOMIC ENERGY COMMISSION

The legislative clerk proceeded to read sundry nominations in the Atomic Energy Commission.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the nominations be considered en bloc.

The ACTING PRESIDENT pro tempore. Without objection, the nominations will be considered and confirmed en bloc.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the President be immediately notified of the confirmation of these nominations.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

LEGISLATIVE SESSION

On request of Mr. MANSFIELD, and by unanimous consent, the Senate resumed the consideration of legislative business.

FOREIGN AID AND THE OTHER PROGRAMS—HOW LONG CAN THE MONEY HOLD OUT?

Mr. SYMINGTON. Mr. President, because of the current hearings on defense appropriations, it was not possible for me to be in the Chamber yesterday during debate on the foreign aid bill. I have now read the RECORD, however.

The United States is in a war; and whether or not we approve of this war, I am certain that every Member of the Senate believes that the young Americans who are fighting it should have fullest support.

It is a real war. Including the planes lost this week, the total loss of America planes over North Vietnam alone now amounts to over 300; and more important, American casualties now run into the tens of thousands, with thousands dead.

In addition to all this, the United States still maintains hundreds of thousands more troops, all over Europe and other parts of the Far East.

This morning, the press states that the expected surge of support for the British pound has failed to materialize, even after the emergency economic program announced by the British Prime Minister.

From Germany today also comes the report that the British will cut heavily their military forces in Germany.

At the Bretton Woods Conference of 1944, the pound, as well as the dollar, was made synonymous with gold for international trade. It is, therefore, to our interest to stand behind the British pound to the best of our ability.

Under these and other developing circumstances, one has the right to ask: How long can the United States continue to defend this much of the free world and to finance this much of the free world at the same time it both conducts this war in South Vietnam and carries on the essential domestic programs to which it is committed and which are so vital to the future of our country?

The gross national product of the United States is one thing, and the continuing unfavorable balance of payments of this Nation is another—and as we pursue and increase these vast expenditures, with relatively little priority, it is fair for some of us to begin to worry, frankly, as to whether or not the money in turn is beginning to run out.

If there is even a remote chance of that being true, and especially because the integrity of the dollar is the very base of the strength of the free world, the time to face up to it is now, not later, when possibly the dollar could have developed the same type and character of problem that faces the British pound today.

Let us not delay corrective actions until we are faced with the difficult choice the British have just had to make, such as depressing the economy with wage-price controls and other severe measures, or devaluing the currency.

All of the programs mentioned in the debate yesterday are desirable, including all the aid we can afford to Asia and Africa and the other parts of the world. But we also have serious problems here, and they are growing: the lack of adequate educational facilities, the explosions in our cities resulting from the stark tragedies of unemployment and poverty.

Therefore, even though, again, all of these programs are desirable, is it not fair to start considering just how many of them we can afford; and, with that premise, which ones are the most desirable?

In answer to some of the more ardent critics of those of us who believe that, because of such reasons as the above, there ought to be a new look at the foreign aid program, may I say, with respect, that I believe the time has ended when people in American public life can be sure of improving their position by recommending increasing Government expenditures in every field.

UNIFORM RELOCATION ACT OF 1966

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar No. 1343, S. 1681.

The PRESIDING OFFICER (Mr. BREWSTER in the chair). The bill will be stated by title.

The LEGISLATIVE CLERK. A bill (S. 1681) to provide for uniform, fair, and equitable treatment of persons, businesses, or farms displaced by Federal and federally assisted programs.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

There being no objection, the Senate proceeded to consider the bill, which had been reported from the Committee on Government Operations, with amendments, on page 1, line 4, after the word "of" to strike out "1965" and insert "1966"; on page 2, line 5, after the word "programs" to strike out the comma and "by code enforcement activities undertaken in connection with an urban renewal project, or by a program of voluntary rehabilitation of buildings or other improvements in accordance with an urban renewal plan"; at the beginning of line 12, to strike out the word "and"; in line 13, after the word "assisted" to strike out "programs" and insert "programs, and (5) land acquisition policies"; on page 3, line 5, after the word "the", to strike out "business" and insert "business"; in line 13, after the word "years", to strike out "immediatley" and insert "immediately"; on page 4, line 8, after the word "lesser;" to strike out "and"; in line 10, after the word "person", to strike out "owned the fee title or a life estate in the real property occupied." and insert "purchase a dwelling for the purpose of residence within one year from the date of actual displacement except that such displaced person shall only be eligible for payment under this subsection when the dwelling purchased is situated upon real estate in which such person acquires fee title, life estate, ninety-nine-year lease, or other type of long-term lease equivalent to fee ownership; and"; after line 17, to insert:

(4) An additional payment for reasonable and necessary expenses incurred for (i) recording fees, transfer taxes, and similar expenses incidental to conveying the real property from which such person is displaced, (ii) penalty costs for prepayment of any mortgage encumbering such real property, and (iii) the pro rata portion of real property taxes paid which are allocable to a period subsequent to the date of vesting of title in a Federal agency, or the effective date of the acquisition of such real property by a Federal agency, whichever is earlier.

On page 5, line 15, after the word "pay", to insert the "to or"; in line 18, after the word "exceed" where it appears the second time, to strike out "$1,000 to" and insert "$500 in the first twelve months and $500 in the second twelve months to"; in line 21, after the word "dwelling.", to strike out "The" and insert "Subject to the limitation imposed by the preceding sentence, the"; on page 6, line 9, after the word "the", to strike out "Housing and Home Finance Administrator" and insert "Secretary of Housing and Urban Development"; in line 12, after the word "such", to strike out "Act" and insert "Act, or a dwelling unit assisted under section 101 of the Housing and Urban Development Act of 1965"; after line 14, to insert:

(2) The Secretary of Housing and Urban Development shall make the determinations under this subsection on the amount of assistance according to family size, family or individual income, average rents required, or similar considerations for all agencies making such payments.

After line 19, to insert:

(3) The additional payments under this subsection may be paid on a lump sum or other than monthly basis in cases in which the small size of the payments that would otherwise be required do not warrant a number of separate payments or in other cases in which other than monthly payments are determined warranted by the head of the Federal agency.

At the top of page 7, to insert:

(4) No payment received under this subsection shall be considered as income for the purpose of determining the eligibility or the extent of eligibility of any person for assistance under the Social Security Act or any other Federal act.

After line 4,

(f) No provision of this section shall be construed to give any person a cause of action in any court, nor may any violation of this section be raised as a defense by such person in any action.

After line 8, to insert:

(f) All functions performed under this section shall be subject to the operation of the Act of June 11, 1946 (60 Stat. 237), as amended (5 U.S.C. 1001–1011). Any displaced person adversely affected or aggrieved by the operation of this section after the effective date of this Act may institute in the district court of the United States for the judicial district in which such claimant resides or in which such claim first arose an action for the review of such determination. Upon the filing of such action, such court shall have jurisdiction to hear and determine such action and to enter therein such judgment, decree, or order as it shall deem appropriate and may modify such determination upon a showing that such determination was arbitrary, capricious, or in violation of standards applicable to such determinations in similar cases.

On page 8, line 3, after the word "subsection", to strike out "(b)" and insert "(c)"; after line 8 to insert:

(b) Federal agencies administering programs which may be of assistance to displaced persons covered by this Act shall cooperate to the maximum extent feasible with the Federal or State agency causing the displacement to assure that such displaced persons receive the maximum assistance available to them.

At the beginning of line 15, to strike out "(b)" and insert "(c)"; in line 20, after the word "assistance;" to insert "(2) to assure that within a reasonable period of time prior to displacement, there will be available, in areas not generally less desirable in regard to public utilities and public and commercial facilities and at rents or prices within the financial means of the families and individuals displaced, decent, safe, and sanitary dwellings equal in number to the number of, and available to, such displaced families and individuals and reasonably accessible to their places of employment, except that such assurance may be waived during any period of national emergency proclaimed by the President;"; at the beginning of line 5, to strike out "(2)" and insert "(3)"; in line 7, after the word "farms;"; to strike out "(3)" and insert "(4)"; in line 13, after the word "persons;", to strike out "(4)" and insert "(5)"; in line 14, after the word "and", to strike out "(5)" and insert "(6)"; after line 19, to insert:

(d) Paragraph (3) of section 7(b) of the Small Business Act is amended to read as follows:

"(3) to make such loans (either directly or in cooperation with banks or other lending institutions through agreements to participate on an immediate or deferred basis) as the Administration may determine to be necessary or appropriate to assist any small business concern in continuing in business at its existing location, in reestablishing its business, in purchasing a business, or in establishing a new business, if the Administration determines that such concern has suffered substantial economic injury as the result of its displacement by, or location in, adjacent to, or near, a federally aided urban renewal project or highway construction program or any other public improvement program conducted by or with funds provided in whole or in part by the Federal Government or by the States; and the purpose of a loan made pursuant to such project or program may, in the discretion of the Administration, include the purchase or construction of other premises whether or not the borrower owned the premises occupied by the business and,".

On page 11, line 5, after the word "President", to strike out "shall make such" and insert "is authorized to make such rules and"; in line 8, after the word "section", to strike out "2" and insert "3"; after line 10, to strike out:

(2) That a displaced person who makes proper application for a relocation payment authorized for such person by section 2(a)—

(A) shall be reimbursed for his actual and reasonable expenses in moving himself, his family, his business, farm operation, or other personal property, and in the case of a farm operation, for his actual and reasonable expenses in searching for a replacement farm; and

(B) shall, if he disposes of personal property on moving his business or farm operation and replaces such property at the new location, be paid an amount equal to the reasonable expenses that would have been required in moving such personal property to the new location.

And, in lieu thereof, to insert:

(2) That a displaced person who makes proper application for a relocation payment

authorized for such person by section 3(a) shall be reimbursed for or paid—

(A) his actual and reasonable expenses in moving himself, his family, his business, farm operation, or other personal property, and in the case of a farm operation, for his actual and reasonable expenses in searching for a replacement farm;

(B) if he disposes of personal property on moving his business or farm operation and replaces such property at the new location, an amount equal to the reasonable expenses that would have been required in moving such personal property to the new location; and

(C) such other expenses authorized by section 3(a) as may be provided for in regulations issued under this section;

On page 12, line 18, after the word "move," to insert "or, in certain hardship cases, the President may, by regulation, authorize advance payment of certain relocation costs"; on page 13, line 8, after "8" to strike out "(d)" and insert "(b)"; on page 14, line 6, after "(a)" to strike out:

If a State agency acquires real property, and if—

(1) Federal financial assistance is available to pay the cost in connection with the acquisition of such real property or of the improvement for which such property is acquired, and

(2) Such State agency has agreed.

And insert:

Notwithstanding any other provision of law, on and after the effective date of this Act, no contract, grant to, or agreement with a State agency, under which Federal financial assistance will be available to pay the cost in connection with the acquisition of real property or of a public improvement for which real property is to be acquired or as the result of which displacement will otherwise occur, may be approved by the head of the Federal agency responsible for the administration of such Federal financial assistance unless such State agency has entered into an agreement.

In line 22, after the word "of" to strike out "the" and insert "such"; in the same line, after the word "agency", to strike out "responsible for the administration of such Federal financial assistance"; on page 15, at the beginning of line 1, to strike out "(A)" and insert "(1)"; in the same line, after the word "reasonable", to strike out "location" and insert "relocation"; in line 2, after the word "section", to strike out "3" and insert "3(a)"; in line 4, after the word "this", to strike out "Act," and insert "Act;"; at the beginning of line 5, to strike out "(B)" and insert "(2)"; in line 8, after "(c)," to strike out "and (d)" and insert "(d), and (e)"; in the same line, after the word "this", to strike out "Act," and insert "Act;"; at the beginning of line 9, to strike out "(C)" and insert "(3)"; at the beginning of line 11, to strike out "(D)" and insert "(4)"; in line 13, after the word "that", to strike out "there are or are being provided," and insert "within a reasonable period of time prior to displacement, there will be available"; in line 22, after the word "of", to strike out "employment," and insert "employment."; after line 22, to strike out "then Federal financial assistance shall be available to share the cost of such relocation payments and relocation assistance programs in accordance with subsection (d) of this section. However, no State agency need agree to make any relocation payment in excess of $25,000 to any displaced person in order to receive the assistance authorized by this subsection or to meet the requirements of section 9."; on page 16, after line 4, to insert:

(b) The cost to a State agency providing the payments and services described in subsection (a) of this section may be included as part of the cost of the project for which Federal financial assistance is available to such State agency, and such State agency shall be eligible for Federal financial assistance with respect to such payments and services in the same manner and to the same extent as with respect to other project costs, except that the Federal agency providing such assistance shall contribute the first $25,000 of the cost of providing a relocation payment to any displaced person. However, no State agency need agree to make any relocation payment in excess of $25,000 to any displaced person in order to receive the assistance authorized by the subsection.

At the beginning of line 18, to strike out "(b)" and insert "(c)"; in line 22, after the word "subsection," to strike out "(c)", and insert "(a)"; on page 17, at the beginning of line 3, to strike out "(c)" and insert "(d)"; in the same line, after the word "Any", to insert "grant to, or"; after line 9, to strike out:

(d) The cost to a State agency providing the payments and services described in subsection (a) of this section may be included as part of the costs of the project for which Federal financial assistance is available to such State agency, and shall be eligible for Federal financial assistance in the same manner and to the same extent as other project costs, except that the Federal agency providing such assistance shall contribute the first $25,000 of the cost of providing a relocation payment to any displaced person.

In line 23, after the word "persons," to insert "or to provide the funds necessary to meet the requirements of section 10(b) of this Act"; on page 18, line 1, after the word "payments", to insert "and an amount necessary to make the required payments under section 10(b)"; after line 9 to strike out:

Requirements for approval of contracts or agreements for Federal financial assistance

SEC. 9. Notwithstanding any other provision of law, on and after the effective date of this Act, no contract or agreement with a State agency, under which Federal financial assistance will be available to pay the cost in connection with the acquisition of real property or of a public improvement for which real property is to be acquired, may be approved by the head of the Federal agency responsible for the administration of such Federal financial assistance unless such State agency has entered into an agreement in compliance with the requirements of section 8(a).

At the top of page 19, to strike out:

Displacement by code enforcement for urban renewal project or voluntary rehabilitation under urban renewal plan

And, in lieu thereof, to insert:

Displacement by certain programs receiving assistance under title I of the Housing Act of 1949, as amended

After line 6, to strike out:

SEC. 10. A person who moves his business or other personal property, or moves from his dwelling, on or after the effective date of this Act, as the direct result of code enforcement activities undertaken in connection with an urban renewal project or a program of voluntary rehabilitation of buildings or other improvements in accordance with an urban renewal plan, which project or plan receives Federal financial assistance under the Housing Act of 1959, shall, for the purposes of this Act, be deemed to be a displaced person.

And insert, in lieu thereof:

SEC. 9. A person who moves or discontinues his business, or moves other personal property, or moves from his dwelling on or after the effective date of this Act, as a direct result of any project or program which receives Federal financial assistance under title I of the Housing Act of 1949, as amended, shall, for the purposes of this Act, be deemed to be a displaced person.

On page 20, after line 2, to strike out:

PART C. GENERAL PROVISIONS

District of Columbia and National Capital Housing Authority eligible for Federal financial assistance

SEC. 11. Whenever, in connection with the acquisition of real property, the District of Columbia or the National Capital Housing Authority provides to a displaced person any relocation payment or advisory service required by this Act, and Federal financial assistance is available to pay the cost in connection with the acquisition of such real property, or of the public improvement for which such property is acquired, the cost of such agency of providing such payments or services shall be eligible for Federal financial assistance in the manner provided for in section 8(d).

And, in lieu thereof, to insert:

PART C.—LAND ACQUISITION POLICY

SEC. 10. (a) The following policies shall be adhered to by Federal agencies in the acquisition of real property by Federal agencies through the exercise of the power of eminent domain to carry into effect Federal programs:

(1) the agency shall make every reasonable effort to acquire the real property by negotiated purchase; and

(2) the construction or development of any public improvement shall be so scheduled that no person lawfully occupying the real property shall be required to surrender possession on account of such construction or development without at least ninety days' written notice from the agency of the date on which such construction or development is scheduled to begin.

(b) Notwithstanding any other provision of law on or after the effective date of this Act, no contract, grant to, or agreement with a State agency, under which Federal financial assistance will be available to pay the cost in connection with the acquisition of real property or of a public improvement for which real property is to be acquired or as the result of which displacement will otherwise occur, may be approved by the head of the Federal agency responsible for the administration of such Federal financial assistance unless such State agency has entered into an agreement by which such State agency has undertaken—

(1) to comply with the policies prescribed by subsection (a) to the same extent to which such policies would apply if such acquisition were made by a Federal agency; and

(2) to refrain from requiring any owner of real property so acquired to surrender possession of such property before the agency pays to the owner (A) the agreed purchase price arrived at by negotiation, or (B) in any case where only the amount of the payment to the owner is in dispute, not less than 75 per centum of the appraised fair value of such property as approved by the agency.

On page 22, after line 3, to insert:

PART D.—GENERAL PROVISIONS

At the beginning of line 6, to change the section number from "12" to "11"; at the beginning of line 7, to strike out "(1)" and insert "(a)"; at the beginning of line 8, to strike out "(A)" and insert "(1)"; in line 9, after the word "Government", to strike out "including the National Capital Housing Authority"; in line 11, after the word "corporation", to insert "and"; after line 11, to strike out:

(B) the District of Columbia, and any agency or instrumentality thereof, including the District of Columbia Redevelopment Land Agency; and

At the beginning of line 15, to strike out "(C)" and insert "(2)"; at the beginning of line 16, to strike out "(2)" and insert "(b); at the beginning of line 17, to strike out "(A)" and insert "(1)"; in line 20, after the word "or", to strike out "imminence of acquisition" and insert "reasonable expectation of acquisition"; at the beginning of line 23, to strike out "(B)" and insert "(2)"; in the same line after the word "the", to strike out "owner" and insert "farm operator"; on page 23, line 1, after the word "or", to strike out "imminence of" and insert "reasonable expectations of"; at the beginning of line 4, to strike out "(C)" and insert "(3)"; in line 7, after the word "or", to strike out "imminence" and insert "reasonable expectation"; in line 10, after the word "or", to strike out "imminence" and insert "reasonable expectation"; in line 11, after the word "acquisition", to insert "of such real property"; at the beginning of line 15, to strike out "(D)" and insert "(4)"; in line 18, after the word "or", to strike out "imminence" and insert "reasonable expectation"; in line 21, after the word "or", to strike out "imminence" and insert "reasonable expectation"; in line 22, after the word "acquisition", to insert "of such real property"; on page 24, at the beginning of line 1, to strike out "(E)" and insert "(5)"; at the beginning of line 2, to strike out "(A)" and insert "(1)"; in the same line after the amendment just above stated, to strike out "(B)" and insert "(2)"; in the same line after the amendment just above stated to strike out "(C)" and insert "(3)"; in the same line after the word "or" to strike out "(D)" and insert "(4)"; in line 5, after the word "or", to strike out "imminence" and insert "reasonable expectation"; in line 7, after the word "State", to strike out "agency." and insert "agency: *Provided*, That this shall not include the owner of property on the premises of another under a lease or licensing arrangement where such owner is required pursuant to such lease or license to move such property at his own expense."; at the beginning of line 12, to strike out "(3)" and insert "(c)"; in line (13), after the word "primarily", to strike out "(A)" and insert "(1)"; in line 14, after the word "property;" to strike out "(B)" and insert "(2)"; in line 16, after the word "or", to strike out "(C)" and insert "(3)"; at the beginning of line 17, to strike out the word "public." and insert "public; or (4) by a nonprofit organization."; at the beginning of line 20, to strike out "(4)" and insert "(d)"; at the top of page 25, to insert:

(e) The term "farm operator" means any owner, part owner, tenant, or sharecropper who operates a farm.

At the beginning of line 3, to strike out "(5)" and insert "(f)"; at the beginning of line 6, to strike out "(6)" and insert "(g)"; in line 7, after the word "States," to insert "the District of Columbia,"; after line 9, to strike out:

(7) The term "State agency" means any agency or instrumentality created by a State or by a compact between two or more States approved by Congress.

And insert, in lieu thereof:

(h) The term "State agency" means any agency or instrumentality created by a State, or by a political subdivision of a State or by agreement between two or more States or by two or more political subdivisions of a State or States.

At the beginning of line 17, to strike out "(8)" and insert "(i)"; at the beginning of line 22, to strike out "(9)" and insert "(j)"; on page 26, at the beginning of line 1, to strike out "(10)" and insert "(k)"; at the beginning of line 4, to strike out "(11)" and insert "(l)"; at the beginning of line 7, to strike out "(12)" and insert "(m)"; in line 10, after the word "or", to strike out "imminence" and insert "reasonable expectation"; after line 13, to strike out:

(13) The term "person" means any individual, and any partnership, corporation, or association.

And insert, in lieu thereof:

(n) The terms "owner" and "person" mean any individual, and any partnership, corporation, or association.

After line 17, to strike out:

Applicability of Administrative Procedure Act

SEC. 13. No provision of the Administrative Procedure Act shall apply to this title except section 3 (5 U.S.C. 1002), which shall apply to section 5 of this Act.

At the beginning of line 23, after "SEC." to strike out "14" and insert "12."; on page 27, at the beginning of line 4, after "SEC." to strike out "15" and insert "13"; in line 16, after "1964", to strike out "(78 Stat. 305)." and insert "(49 U.S.C. 1606 (b))."; in line 17, after "1949" to strike out "(78 Stat. 786)." and insert "(42 U.S.C. 1455(c))."; at the beginning of line 19, after "(7)", to strike out "Sections 114(b) and 114(c)" and insert "Section 114"; in line 20 after "1949", to strike out "(78 Stat. 788–789)." and insert "(42 U.S.C. 1465(a)–(d))."; in line 23, after "1937", to strike out "(78 Stat. 795)" and insert "(42 U.S.C. 1415(8)),"; after line 24, to strike out:

(9) Section 2 of the Act entitled "An Act to authorize the Commissioners of the District of Columbia to pay relocation costs made necessary by actions of the District of Columbia government, and for other purposes", approved October 6, 1964 (78 Stat. 1004), and in the second sentence of section 4 of such Act the following words: "administer the payments authorized by section 2 of the Act."

And insert, in lieu thereof:

(9) Title IV of the Housing and Urban Development Act of 1965 (42 U.S.C. 3071–3074).

On page 28, at the beginning of line 16, after the word "SEC." to strike out "16" and insert "14."; at the beginning of line 17, to strike out "of the fourth month beginning"; and, at the beginning of line 18, to strike out "of this Act."; so as to make the bill read:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Uniform Relocation Act of 1966."

Declaration of policy

SEC. 2. The purpose of this Act is to establish a uniform policy for the fair and equitable treatment of owners, tenants, and other persons displaced by the acquisition of real property in Federal and federally assisted programs. Such a policy shall be as uniform as practicable as to (1) relocation payments, (2) advisory assistance, (3) assurance of availability of standard housing, (4) Federal reimbursement for relocation payments under federally assisted programs, and (5) land acquisition policies.

PART A.—FEDERAL PROGRAMS

Relocation payments

SEC. 3. (a) If the head of any Federal agency acquires real property for public use in a State, or the District of Columbia, he shall make fair and reasonable relocation payments to displaced persons in accordance with the regulations established by the President under section 6 of this Act.

(b) If any displaced person who moves or discontinues his business elects to accept the payment authorized by this subsection in lieu of the payment authorized for such business by subsection (a) of this section, the head of such Federal agency shall make a fixed relocation payment to such person in an amount equal to the average annual net earnings of the business, or $5,000, whichever is the lesser. No payment shall be made under this subsection unless the head of such agency is satisfied that the business (1) cannot be relocated without a substantial loss of its existing patronage, and (2) is not part of a commercial enterprise having at least one other establishment, not being acquired by the United States, which is engaged in the same or similar business. For purposes of this subsection, the term "average annual net earnings" means one-half of any net earnings of the business, before Federal, State, and local income taxes, during the two taxable years immediately preceding the taxable year in which such business moves from the real property acquired by the United States and includes any compensation paid by the business to the owner, his spouse, or his dependent children during such two-year period. Such earnings and compensation shall be established by Federal income tax returns filed by such business and its owner and his spouse and dependent children for such two taxable years.

(c) If any displaced person who moved from a dwelling elects to accept the payments authorized by this subsection in lieu of the payments authorized by subsection (a) of this section for moving from such dwelling, the head of such Federal agency shall make the following fixed relocation payments to such person:

(1) A moving expense allowance, determined according to a schedule established by the head of such agency, not to exceed $200;

(2) A dislocation allowance equal to the amount paid under paragraph (1) of this subsection or $100, whichever is the lesser;

(3) An additional payment of $300 if the displaced person purchases a dwelling for the purpose of residence within one year from the date of actual displacement except that such displaced person shall only be eligible for payment under this subsection

when the dwelling purchased is situated upon real estate in which such person acquires fee title, life estate, ninety-nine-year lease, or other type of long-term lease equivalent to fee ownership; and

(4) An additional payment for reasonable and necessary expenses incurred for (i) recording fees, transfer taxes, and similar expenses incidental to conveying the real property from which such person is displaced, (ii) penalty costs for prepayment of any mortgage encumbering such real property, and (iii) the pro rata portion of real property taxes paid which are allocable to a period subsequent to the date of vesting of title in a Federal agency, or the effective date of the acquisition of such real property by a Federal agency, whichever is earlier.

(d) If any displaced person who moves or discontinues a farm operation elects to accept the payment authorized by this subsection in lieu of the payment authorized for such farm operation by subsection (a) of this section, the head of such Federal agency shall make a fixed relocation payment to such person in the amount of $1,000. In the case where the entire farm operation is not acquired by such Federal agency, the payment authorized by this subsection shall be made only if the head of such agency determines that the remainder property is no longer an economic unit.

(e)(1) In addition to any amount under subsections (a), (b), (c), and (d) of this section, the head of such Federal agency may pay to or on behalf of any displaced family, displaced elderly individual, or displaced handicapped individual, monthly payments over a period not to exceed twenty-four months an amount not to exceed $500 in the first twelve months and $500 in the second twelve months to assist such displaced family or individual to secure a decent, safe, and sanitary dwelling. Subject to the limitation imposed by the preceding sentence, the additional payment shall be an amount which, when added to 20 per centum of the annual income of the displaced individual or family at the time of displacement, equals the average annual rental required for such a decent, safe, and sanitary dwelling of modest standards adequate in size to accommodate the displaced individual or family in areas not generally less desirable in regard to public utilities and public and commercial facilities: *Provided*, That such payment shall be made only to an individual or family who is unable to secure a dwelling unit in a low-rent housing project assisted under the United States Housing Act of 1937, or under a State or local program found by the Secretary of Housing and Urban Development to have the same general purposes as the Federal program under such Act, or a dwelling unit assisted under section 101 of the Housing and Urban Development Act of 1965.

(2) The Secretary of Housing and Urban Development shall make the determinations under this subsection on the amount of assistance according to family size, family or individual income, average rents required, or similar considerations for all agencies making such payments.

(3) The additional payments under this subsection may be paid on a lump sum or other than monthly basis in cases in which the small size of the payments that would otherwise be required do not warrant a number of separate payments or in other cases in which other than monthly payments are determined warranted by the head of the Federal agency.

(4) No payment received under this subsection shall be considered as income for the purpose of determining the eligibility or the extent of eligibility of any person for assistance under the Social Security Act or any other Federal act.

(f) All functions performed under this section shall be subject to the operation of the Act of June 11, 1946 (60 Stat. 237), as amended (5 U.S.C. 1001–1011). Any displaced person adversely affected or aggrieved by the operation of this section after the effective date of this Act may institute in the district court of the United States for the judicial district in which such claimant resides or in which such claim first arose an action for the review of such determination. Upon the filing of such action, such court shall have jurisdiction to hear and determine such action and to enter therein such judgment, decree, or order as it shall deem appropriate and may modify such determination upon a showing that such determination was arbitrary, capricious, or in violation of standards applicable to such determinations in similar cases.

Relocation assistance programs

SEC. 4. (a) If the head of any Federal agency acquires real property for public use in a State, or in the District of Columbia, he shall provide a relocation assistance program for displaced persons which shall offer the services described in subsection (c) of this section. If the head of such agency determines that other persons, occupying property adjacent to the real property acquired, are caused substantial economic injury because of the public improvement for which such property is acquired, he may offer such persons relocation services under such program.

(b) Federal agencies administering programs which may be of assistance to displaced persons covered by this Act shall cooperate to the maximum extent feasible with the Federal or State agency causing the displacement to assure that such displaced persons receive the maximum assistance available to them.

(c) Each relocation assistance program required by subsection (a) of this section shall include such measures, facilities, or services as may be necessary or appropriate in order (1) to determine the needs of displaced families, individuals, business concerns, and farm operators for relocation assistance; (2) to assure that within a reasonable period of time prior to displacement, there will be available, in areas not generally less desirable in regard to public utilities and public and commercial facilities and at rents or prices within the financial means of the families and individuals displaced, decent, safe, and sanitary dwellings equal in number to the number of, and available to, such displaced families and individuals and reasonably accessible to their places of employment, except that such assurance may be waived during any period of national emergency proclaimed by the President; (3) to assist owners of displaced businesses and displaced farm operators in obtaining and becoming established in suitable business locations or replacement farms; (4) to supply information concerning the Federal Housing Administration home acquisition program under section 221(d)(2) of the National Housing Act, the small business disaster loan program under section 7(b)(3) of the Small Business Act, and other programs offering assistance to displaced persons; (5) to assist in minimizing hardships to displaced persons in adjusting to relocation; and (6) to assure, to the greatest extent practicable, the coordination of relocation activities with other project activities and other planned or proposed governmental actions in the community or nearby areas which may affect the carrying out of the relocation program.

(d) Paragraph (3) of section 7(b) of the Small Business Act is amended to read as follows:

"(3) to make such loans (either directly or in cooperation with banks or other lending institutions through agreements to participate on an immediate or deferred basis) as the Administration may determine to be necessary or appropriate to assist any small business concern in continuing in business at its existing location, in reestablishing its business, in purchasing a business, or in establishing a new business, if the Administration determines that such concern has suffered substantial economic injury as the result of its displacement by, or location in, adjacent to, or near, a federally aided urban renewal project or highway construction program or any other public improvement program conducted by or with funds provided in whole or in part by the Federal Government or by the States; and the purpose of a loan made pursuant to such project or program may, in the discretion of the Administration, include the purchase or construction of other premises whether or not the borrower owned the premises occupied by the business and,"

Federal programs with local cooperation

SEC. 5. Whenever real property is acquired by a State agency for a Federal public improvement project, such acquisition shall, for purposes of this Act, be deemed an acquisition by the Federal agency having authority over such project and such Federal agency shall make relocation payments, provide relocation assistance, and provide assurance of availability of housing as required in the case of acquisitions of real property by a Federal agency.

Authority of the President

SEC. 6. (a) To carry into effect the provisions of this Act, the President is authorized to make such rules and regulations as he may determine to be necessary to assure:

(1) That relocation payments authorized by section 3 shall be fair and reasonable and as uniform as practicable;

(2) That a displaced person who makes proper application for a relocation payment authorized for such person by section 3(a) shall be reimbursed for or paid—

(A) his actual and reasonable expenses in moving himself, his family, his business, farm operation, or other personal property, and in the case of a farm operation, for his actual and reasonable expenses in searching for a replacement farm;

(B) if he disposes of personal property on moving his business or farm operation and replaces such property at the new location, an amount equal to the reasonable expenses that would have been required in moving such personal property to the new location; and

(C) such other expenses authorized by section 3(a) as may be provided for in regulations issued under this section;

(3) That a displaced person who makes proper application for a relocation payment authorized for such person by this Act shall be paid promptly after a move or, in certain hardship cases, the President may, by regulation, authorize advance payment of certain relocation costs;

(4) That any person aggrieved by a determination as to eligibility for a relocation payment authorized by this Act, or the amount of a payment, may have his application reviewed by the head of the agency; and

(5) That a displaced person shall have a reasonable time in which to apply for a relocation payment authorized by this Act.

(b) The President may, by regulation, establish a limitation on the amount of a relocation payment authorized by section 3(a) with due consideration for the declaration of policy in this Act and the provisions of subsection (a) of this section and section 8(b).

(c) In order to prevent unnecessary expense and duplication of functions, and to promote uniform and effective administration of relocation assistance programs for displaced persons, the President is authorized to require that any Federal agency make relocation payments or provide relocation services, or otherwise carry out its functions under this Act, by utilizing the facilities, personnel, and services of any other Federal agency, or by entering into appropriate contracts or agreements with any State agency having an established organization for conducting relocation assistance programs.

(d) The President may make such other rules and regulations consistent with the provisions of this Act as he deems necessary or appropriate to carry out this Act.

Fund availability

SEC. 7. Funds appropriated or otherwise available to any Federal agency for the acquisition of real property or any interest therein shall be available also for obligation and expenditure to carry out the provisions of this Act.

PART B.—FEDERALLY ASSISTED PROGRAMS

Relocation payments and assistance; assurance of availability of housing

SEC. 8. (a) Notwithstanding any other provision of law, on and after the effective date of this Act, no contract, grant to, or agreement with a State agency, under which Federal financial assistance will be available to pay the cost in connection with the acquisition of real property or of a public improvement for which real property is to be acquired or as the result of which displacement will otherwise occur, may be approved by the head of the Federal agency responsible for the administration of such Federal financial assistance unless such State agency has entered into an agreement with the head of such Federal agency to provide to displaced persons for moves from such real property—

(1) fair and reasonable relocation payments as described in section 3(a) of this Act and in accordance with regulations established by the President under section 6 of this Act;

(2) fixed relocation payments in the same amounts and under the same terms and conditions as are required to be made by a Federal agency by subsections 3 (b), (c), (d), and (e) of this Act;

(3) relocation assistance programs offering the services described in section 4(c) of this Act; and

(4) a feasible method for the temporary relocation of families and individuals displaced from the property acquired, and assurance that within a reasonable period of time prior to displacement, there will be available in areas not generally less desirable in regard to public utilities and public and commercial facilities and at rents or prices within the financial means of the families and individuals displaced, decent, safe, and sanitary dwellings equal in number to the number of and available to such displaced families and individuals and reasonably accessible to their places of employment.

(b) The cost to a State agency providing the payments and services described in subsection (a) of this section may be included as part of the cost of the project for which Federal financial assistance is available to such State agency, and such State agency shall be eligible for Federal financial assistance with respect to such payments and services in the same manner and to the same extent as with respect to other project costs, except that the Federal agency providing such assistance shall contribute the first $25,000 of the cost of providing a relocation payment to any displaced person. However, no State agency need agree to make any relocation payment in excess of $25,000 to any displaced person in order to receive the assistance authorized by the subsection.

(c) In order to prevent unnecessary expenses and duplication of functions, and to promote uniform and effective administration of relocation assistance programs for displaced persons, any agreement by a State agency under subsection (a) of this section shall provide that such agency may make relocation payments or provide relocation assistance or otherwise carry out its functions under this Act by utilizing the facilities, personnel, and services of any other State agency having an established organization for conducting relocation assistance programs.

(d) Any grant to, or contract or agreement with a State agency executed before the effective date of this Act, under which Federal financial assistance is available to pay the cost in connection with the acquisition of real property, or of the improvement for which such property is acquired, may be amended to include an agreement as described in subsection (a) of this section.

(e) If the head of a Federal agency determines that it is necessary for the expeditious completion of a public improvement for which a State agency has entered into an agreement, as described in subsection (a) of this section, to make relocation payments to displaced persons, or to provide the funds necessary to meet the requirements of section 10(b) of this Act, he may advance the Federal share of such relocation payments and an amount necessary to make the required payments under section 10(b) to such State agency. Upon determination by the head of such Federal agency that any part of the funds advanced to a State agency under this subsection are no longer required, the amount which he determines not to be required shall be repaid upon demand. Any sum advanced and not repaid on demand shall be deducted from sums otherwise available to such State agency from Federal sources.

Displacement by certain programs receiving assistance under title I of the Housing Act of 1949, as amended

SEC. 9. A person who moves or discontinues his business, or moves other personal property, or moves from his dwelling on or after the effective date of this Act, as a direct result of any project or program which receives Federal financial assistance under title I of the Housing Act of 1949, as amended, shall, for the purposes of this Act, be deemed to be a displaced person.

PART C.—LAND ACQUISITION POLICY

SEC. 10. (a) The following policies shall be adhered to by Federal agencies in the acquisition of real property by Federal agencies through the exercise of the power of eminent domain to carry into effect Federal programs:

(1) the agency shall make every reasonable effort to acquire the real property by negotiated purchase; and

(2) the construction or development of any public improvement shall be so scheduled that no person lawfully occupying the real property shall be required to surrender possession on account of such construction or development without at least ninety days' written notice from the agency of the date on which such construction or development is scheduled to begin.

(b) Notwithstanding any other provision of law on or after the effective date of this Act, no contract, grant to, or agreement with a State agency, under which Federal financial assistance will be available to pay the cost in connection with the acquisition of real property or of a public improvement for which real property is to be acquired or as the result of which displacement will otherwise occur, may be approved by the head of the Federal agency responsible for the administration of such Federal financial assistance unless such State agency has entered into an agreement by which such State agency has undertaken—

(1) to comply with the policies prescribed by subsection (a) to the same extent to which such policies would apply if such acquisition were made by a Federal agency; and

(2) to refrain from requiring any owner of real property so acquired to surrender possession of such property before the agency pays to the owner (A) the agreed purchase price arrived at by negotiation, or (B) in any case where only the amount of the payment to the owner is in dispute, not less than 75 per centum of the appraised fair value of such property as approved by the agency.

PART D.—GENERAL PROVISIONS

Definitions

SEC. 11. As used in this Act—

(a) The term "Federal agency" means—

(1) any department, agency, or instrumentality in the executive branch of the Government and any wholly owned Government corporation; and

(2) the Architect of the Capitol.

(b) The term "displaced person" means—

(1) any person who is the owner of a business which moves from real property or is discontinued on or after the effective date of this Act as a result of the acquisition or reasonable expectation of acquisition of such real property, in whole or in part, by a Federal or State agency;

(2) any person who is the farm operator of a farm operation which moves from real property or is discontinued on or after the effective date of this Act as a result of the acquisition or reasonable expectation of acquisition of such real property, in whole or in part, by a Federal or State agency;

(3) any individual who is the head of a family which moves from real property occupied as a dwelling on or after the effective date of this Act, as a result of the acquisition or reasonable expectation of acquisition of such real property, in whole or in part, by a Federal or State agency, or which moves from such dwelling as a result of the acquisition or reasonable expectation of acquisition of such real property by such Federal or State agency, of other real property on which such family conducts a business or farm operation;

(4) any individual, not a member of a family, who moves from real property occupied as a dwelling on or after the effective date of this Act, as a result of the acquisition or reasonable expectation of acquisition of such real property, in whole or in part, by a Federal or State agency, or who moves from such dwelling as a result of the acquisition or reasonable expectation of acquisition of such real property by such Federal or State agency, of other real property on which such individual conducts a business or farm operation; and

(5) any individual, not described in paragraph (1), (2), (3), or (4) of this section, who moves his personal property from real property on or after the effective date of this Act as a result of the acquisition or reasonable expectation of acquisition of such real property, in whole or in part, by a Federal or State agency: *Provided*, That this shall not include the owner of property on the premises of another under a lease or licensing arrangement where such owner is required pursuant to such lease or license to move such property at his own expense.

(c) The term "business" means any lawful activity conducted primarily (1) for the purchase and resale of products, commodities, or any other personal property; (2) for the manufacture, processing, or marketing of any such property; or (3) for the sale of services to the public; or (4) by a nonprofit organization. Such term does not include the activity of an investor in acquiring or holding real property for resale for gain.

(d) The term "farm operation" means any activity conducted solely or primarily for the production of one or more agricultural products or commodities for sale and home use, and customarily producing such products or commodities in sufficient quantity to be capable of contributing materially to the operator's support.

(e) The term "farm operator" means any owner, part owner, tenant, or share cropper who operates a farm.

(f) The term "family" means two or more individuals living together in the same dwelling unit who are related to each other by blood, marriage, or adoption.

(g) The term "State" means each of the States of the United States, the District of Columbia, the Commonwealth of Puerto Rico, and any territory or possession of the United States, and any political subdivision thereof.

(h) The term "State agency" means any agency or instrumentality created by a State, or by a political subdivision of a State or by agreement between two or more States or by two or more political subdivisions of a State or States.

(i) The term "Federal financial assistance" does not include any annual payment by the United States to the District of Columbia authorized by article VI of the District of Columbia Revenue Act of 1947 (D.C. Code, secs. 47–2501a and 47–2501b).

(j) The term "head of a Federal agency" or "head of a State agency" includes a duly designated delegate of such agency head.

(k) The term "elderly individual" means a person, not a member of a family, who is sixty-two years of age or over.

(l) The term "handicapped individual" means a person, not a member of a family, who is handicapped within the meaning of section 202 of the Housing Act of 1959.

(m) The term "displaced", when used in relation to any person, means any person moved or to be moved from real property on or after the effective date of this Act as a result of the acquisition or reasonable expectation of acquisition of such property for a public improvement constructed or developed by or with funds provided in whole or in part by the Federal Government.

(n) The terms "owner" and "person" mean any individual, and any partnership, corporation, or association.

Severability

SEC. 12. If any provision of this Act, or the application thereof to any person or circumstance is held invalid, the remainder of this Act and the application of the provision to other persons or circumstances shall not be affected thereby.

Acts repealed

SEC. 13. (a) The following laws and parts of laws are hereby repealed:

(1) The Act entitled "An Act to authorize the Secretary of the Interior to reimburse owners of lands required for development under his jurisdiction for their moving expenses, and for other purposes," approved May 29, 1958 (43 U.S.C. 1231–1234).

(2) Paragraph 14 of section 203(b) of the National Aeronautics and Space Act of 1958 (42 U.S.C. 2473).

(3) Section 2680 of title 10, United States Code.

(4) Section 133 of title 23, United States Code.

(5) Section 7(b) of the Urban Mass Transportation Act of 1964 (49 U.S.C. 1606(b)).

(6) Section 105(c) of the Housing Act of 1949 (42 U.S.C. 1455(c)).

(7) Section 114 of the Housing Act of 1949 (42 U.S.C. 1465(a)–(d)).

(8) Paragraph (8) of section 15 of the United States Housing Act of 1937 (42 U.S.C. 1415(8)), except the first sentence of such paragraph.

(9) Title IV of the Housing and Urban Development Act of 1965 (42 U.S.C. 3071–3074).

(b) Any rights or liabilities now existing under prior Acts or portions thereof shall not be affected by the repeal of such prior Acts or portions thereof under subsection (a) of this section.

Effective date

SEC. 14. This Act shall take effect on the first day after the date of enactment.

Mr. MUSKIE. Mr. President, S. 1681, as amended, constitutes a long step forward toward achieving a uniform Federal policy of relocation assistance for those displaced by Federal and federally aided programs. These programs have made governments at all levels a major purchaser of land. Over the next 8 years more than 1 million families, businesses, and farm operations, according to fairly conservative estimates, will be forced to relocate at sizable personal expense and inconvenience. The record to date shows that a majority of the displaced are the poor, the aged, members of minority groups, and owners of small businesses. These individuals and businesses have extreme difficulty in successfully relocating.

Yet, compensation for people forced to move by Federal projects and by federally aided programs is now covered by several uncoordinated legislative and administrative provisions. None of these—with the possible exception of those for urban renewal and public housing—adequately recognizes the real impact of relocation in human terms.

Mr. President, an article from the May 14, 1966, Miami Herald illustrates my point. I ask unanimous consent that the article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

HARD TIMES FOR A CORNER GROCERY

A grocer we know leases a little store in what is left of the Central Negro District. He moved in years ago and took care of the needs of white and Negro alike, often extending credit to the old and the impecunious who literally shop for food from day to day to live from day to day.

Urban Renewal and the expressway are moving out our friend's customers bodily. Each thrust of the bulldozer is a push toward bankruptcy or the loss of his business. Some of the many merchants in the area already have been driven to the wall.

Get a government loan designed more or less for these emergencies? Yes—maybe. But that is more debt, and a similar operation elsewhere could be driven out again.

The impulse is to say that this is just somebody's hard luck. But that is not quite the case. Little merchants—genuinely—have been victimized by big government. Their investments are shot. And, as we said, there are many of them. They are also employers. As they go, jobs go with them.

We have no pat answer for this injustice. But somewhere there must be one.

A business destroyed in this manner is an asset that has been confiscated for what we generally regard as a good social purpose. But it is a hollow mockery of the very words "economic opportunity."

Something is wrong or wanting with the governmental thinking which confronts our friend, the corner grocer, with personal disaster. What can be done? Let the planners and the law-givers answer. Without malice but without reason, they planned it this way.

Mr. MUSKIE. Mr. President, it makes no sense that a person displaced by one type of Federal project may be eligible for relocation compensation and assistance, while some others may not. It makes no sense that a person in one State may be compensated for a move because his State has authorized payment—under the highway program for example, while in a neighboring State a person may be forced to move under the same Federal grant program, without compensation.

These inconsistencies and inequities should no longer be tolerated. The Federal Government should not, by the diversity of its programs, be the source of these inequities. Instead, we should have a uniform set of provisions to help families and individuals, businesses and nonprofit organizations, and farmers avoid the human and economic disasters that are frequently the lot of those forced to relocate. The displaced should be fairly and equally treated. They should be assured of equal or better housing. The lives of small businesses should be sustained. The burdens of relocation should not sound the death knell of small businesses and farms or create unnecessary misery for displaced families.

The principal objective of S. 1681 is to correct these conditions. It seeks to achieve consistency and equity in treatment of those forced to relocate because of Federal and federally aided public improvement programs.

The need for achieving this policy objective has been fully documented in four different studies: "[The] Study of Compensation and Assistance for Persons Affected by Real Property Acquisition in Federal and Federally Assisted Programs" by the Select Subcommittee on Real Property Acquisition of the House Committee on Public Works (Committee Print No. 31, 88th Cong., 2d sess., 1964); "Relocation: Unequal Treatment of People and Businesses Displaced by Governments" by the Advisory Commission on Intergovernmental Relations—January 1965—"Housing of Relocated Families—Summary of a Bureau of the Census Survey of Families Recently Displaced From Urban Renewal Sites" by the Housing and Home Finance Agency, Office of the Administrator—March 1965; and hearings on "Uniform Compensation for Relocation" held by the Subcommittee on Intergovernmental Relations of the Senate Committee on Government Operations, June 30, July 1, 13, and 14, 1965 (89th Cong., 1st sess.). These studies suggest six basic findings which clearly establish the need for this legislation:

First. The governmental displacement of persons and businesses is substantial at present, and all indications are that the rate of displacement will continue to grow. Displacements in the immediate past totaled 85,550 per year, while such displacements in the future will amount to an estimated 132,600 per year. U.S. House of Representatives, Committee on Public Works, Select Subcommittee on Real Property Acquisition, "Study of Compensation and Assistance for Persons Affected by Real Property Acquisition in Federal and Federally Assisted Programs," 88th Congress, 2d session, Washington, 1965, Committee Print No. 31, page 18. The latter is based on the forecast that 111,080 families and individuals, 17,860 business and nonprofit organizations, and 3,660 farmers will be displaced annually as a consequence of governmental acquisition of real property under Federal and federally assisted development programs during the years ahead, ibidem.

Second. The present provisions for relocation assistance under existing legislation are widely inconsistent, as the following table demonstrates. U.S. Senate, Committee on Government Operations, "Uniform Compensation for Relocation," hearings by Subcommittee on Intergovernmental Relations on June 30, July 1, 13, and 14, 1965—89th Congress, 1st session, pages 69–70.

I ask unanimous consent to insert the table in the RECORD.

There being no objection, the table was ordered to be printed in the RECORD, as follows:

TABLE 1.—*Comparison of present relocation provisions in Federal and federally aided programs causing displacement*

Displacing department or program	Statutory maximum relocation payments authorized			
	When individual or family is displaced from dwelling	When displaced business terminates (does not move)	When displaced business reestablishes	When farm operation is displaced
Urban renewal	Moving expenses and losses on disposition of personal property to $200 for anyone, plus relocation adjustment payment up to $500 for low- and moderate-income families and elderly individuals, the exact amount depending on family's or person's income and the rental level of available housing.	$3,000 (almost exclusively for losses on disposition of personal property) plus an additional $2,500 for firms with average annual net earnings of less than $10,000 per year which are not part of an enterprise having establishments outside the urban renewal area.	Loss of property only to $3,000; or moving expenses and loss of property combined to $3,000; or total certified moving expenses only (administrative ceiling established at $25,000); plus additional $2,500 allowance as for firms terminating.	Not applicable.
Public housing	Same as urban renewal	Same as urban renewal	Same as urban renewal	Do.
Mass transportation	$200 (moving expenses and losses on disposition of personal property).	$3,000 (almost exclusively for losses on disposition of personal property).	Loss of property only to $3,000; or moving expenses and loss of property combined to $3,000; or total certified moving expenses only (administrative ceiling established at $25,000).	Do.
Federal-aid highways	$200 (moving expenses only)	No payment	$3,000 (moving expenses only)	$3,000 (moving expenses only).
Defense Department; Interior (except NPS); NASA.	"Fair and reasonable costs" but not to exceed 25 percent of fair market value or property taken (moving expenses, costs in search for replacement property, costs to obtain financing, and closing costs for replacement property).	do	"Fair and reasonable costs" but not to exceed 25 percent of fair market value of property taken (moving expenses, costs in search for replacement property, cost to obtain financing, and closing costs for replacement property).	"Fair and reasonable costs" but not to exceed 25 percent of fair market value of property taken (moving expenses, costs in search for replacement property, costs to to obtain financing, and closing costs for replacement property).
TVA	None	None	None	None.
Agriculture Department; GSA; Post Office Department.	do	do	do	Do.

Displacing department or program	Relocation assistance		Assurance of standard housing	Federal reimbursement for relocation costs of federally aided programs
	Persons	Businesses and farms		
Urban renewal	HHFA Administrator issues regulations requiring a relocation assistance program including measures to (1) determine needs of families and individuals for relocation assistance, (2) provide information and assistance to aid in relocation and otherwise minimize hardship of displacement, and (3) assure necessary coordination of relocation activities with other governmental actions in the community which may affect carrying out of relocation program.	Same as for persons. (Farms not applicable.)	Loan or capital grant contracts require local public agencies to show that there is a feasible method for temporary relocation of displaced families and individuals and that there are decent, safe, and sanitary dwellings equal to number of displaced units. Rehousing units must not be generally less desirable in regard to public utilities and public and commercial facilities, and must be at rents within the financial means of the displaced and reasonably accessible to their places of employment.	100-percent Federal reimbursement.
Public housing	None	None	Same as urban renewal	Do.
Mass transportation	do	do	Same as urban renewal except provision does not apply to individuals.	Do.
Federal-aid highways	Secretary of Commerce requires State highway departments to give satisfactory assurance that relocation advisory assistance shall be provided for relocation of families. No requirement that advisory services be directed toward finding decent, safe, and sanitary housing at prices or rents within their means.	do	None	90-percent Federal reimbursement on Interstate; 50 percent on primary-secondary.
Defense Department; Interior (except NPS); NASA.	None	do	do	Not applicable.
TVA	Authorized to advise and cooperate in readjustment of population displaced by its projects and to cooperate with Federal, State, and local agencies to that end.	do	do	Do.
Agriculture Department; GSA; Post Office Department.	None	do	do	None.

Mr. MUSKIE. In assessing this problem, the Advisory Commission report commented:

> Great inconsistencies exist in present provisions for relocation assistance. These inconsistencies concern the amount and scope of relocation payment, advisory assistance, and assurance with respect to availability of standard housing. Nationwide, federally aided urban renewal and highway programs cause the most displacement. The urban renewal program makes the most comprehensive provision for relocation assistance; relocation provisions of the highway program are appreciably less generous.
>
> To illustrate, a homeowner whose property is condemned for a federally aided urban renewal project can claim moving costs up to $200. The man across the street, whose property is taken for a federally aided highway project, is also entitled to a maximum of $200 for moving expenses, but only if the State has authorized participation in the Federal relocation payments program. Twenty-eight States had not authorized such payments as of December 1964, and even among those that had, a sizable number had not allowed payments up to the Federal dollar limit, or not for tenants and lessees. Inconsistency in payment of business moving expenses is even more striking since the Federal Aid Highway Act allows such expenses only up to $3,000, whereas the Federal urban renewal program pays the businessman up to $25,000 for the expenses of each move. Finally, Federal urban renewal provides fairly comprehensive advice and counseling to displacees; the Federal highway program provides no such service to businesses and individuals. (Ibid., pp. 64–65.)

Third. The adverse effects of relocation hit most severely those families and individuals least able to withstand them. The report of the House Select Subcommittee on Real Property Acquisition pointed out:

> Most displacements affect low- or moderate-income families or individuals, for whom a forced move generally is a very difficult experience. The problem is aggravated for the elderly, the large family and the nonwhite

> displacee. Lack of standard housing at prices or rents that low- or moderate-income families can afford is the most serious relocation problem. Moving costs, where not reimbursed, and related expenses and losses are substantial burdens. ("Study of Compensation, etc.," op. cit., p. 106.)

The HHFA survey cited above further highlights the adverse impact of displacement on low- or moderate-income families. On the basis of interviews conducted at 2,300 relocation housing units which were occupied by households relocated during June–August of 1964 from urban renewal projects located in 132 cities, it was found that 1,090 of the households covered were white and 1,210, nonwhite. Nearly two out of every five of the relocated families had incomes below $3,000, and almost the same proportion had incomes between $3,000 and $6,000. While 94 percent of displaced families were relocated in standard housing, the median gross rents were higher—$74 compared to $66 prior to relocation, and the median proportion of income spent for rent increased from 25 to nearly 28 percent. These are but some of the dimensions of the displacement hardships stemming from a Federal development activity with one of the best relocation programs—Housing and Home Finance Agency, Office of the Administrator, "The Housing of Relocation Families," March 1965, page 1.

Fourth. In terms of business displacees, the surveys show that small businesses, particularly those owned and operated by the elderly, are major victims of the relocation process. The House select subcommittee found that, in general, dislocated businesses bear a disproportionate share of the social costs of the project which causes their displacement and more of them are forced to discontinue than are businesses unaffected by governmental action. "Study of Compensation," in the work cited, page 122. During the Senate hearings, the executive administrator for the Small Business Adminstration reported that by 1972 about 120,000 businesses will have been displaced by urban renewal, and that at the present rate, 3 out of 10 of these firms will liquidate. If this loss ratio continues, upward of 35,000 concerns will be put out of business by urban renewal alone. "Uniform Compensation for Relocation," in the work cited, page 154. The difficulties are especially severe for those engaged in nonspecialized types of business, such as the "Mom and Pop" grocery stores or taverns and those that require special zoning or licenses, such as liquor stores. Studies of small displaced businesses in Boston, Providence, New Haven, and Hartford indicate that the typical displacee is an independent commercial establishment, a partnership, or proprietorship, rather than a corporation, and the owners are usually over 60 years old and tenants without long-term leases. The Advisory Commission found that the elderly fare far worse than other small businessmen in that they have less capital and have more difficulty in obtaining outside financing, including SBA loans. Such entrepreneurs, it was discovered, have insufficient energy or spirit to start again in a new location.

Fifth. Of growing importance in the relocation process is adequate provision for advisory assistance. The previously cited HHFA study discovered that 90 percent of the households displaced as a consequence of urban renewal projects in the 132 survey cities required counseling and financial or other assistance from local agencies during the relocation period. "The Housing of Relocation Families," in the work cited, page 1. The Advisory Commission found that for the poor, the nonwhite, the elderly, and many small business people, relocation payments are not enough to assure their making an adequate adjustment to a forced move. Such displacees, the Commission report concluded, need intensive counseling "to prepare them for displacement and help them carry out their move; advice about suitable housing, business opportunities and alternative sources of livelihood if they discontinue business; and followup after displacement to help make a successful readjustment." Advisory Commission on Intergovernmental Relations, "Relocation: Unequal Treatment of People and Businesses Displaced by Governments" January 1965, page 105.

Sixth. Present Federal relocation provisions are not only inconsistent and inequitable, but their administration, particularly in the case of business relocation, is too cumbersome. Current requirements for detailed documentation are costly for the public and for the displaced person. The House select subcommittee encountered great concern "over the detailed documentation now required to support relocation payments" "Study of Compensation, and so forth," in the work cited, page 113, and recommended the adoption of a simplified optional fixed payment procedure in order to "encourage prompt payments and substantial savings in costs of administration, with adequate safeguards for all parties." Ibidem. Congress has already authorized fixed relocation payments for displaced families or individuals in certain programs. Yet administrative agency practices do not always give the displacee the opportunity to decide whether to accept the fixed payment or to prove his actual cost.

The Committee on Government Operations was impressed with these findings and believes that S. 1681, as amended, will make the relocation process more humane and just. Three basic reasons highlight the need for this uniform national relocation policy:

First. The Government's exercise of eminent domain in acquiring real property establishes its clear responsibility in this field. Under this constitutional doctrine, it can force people to sell their property and the property owner cannot refuse to sell even if he feels the price offered is insufficient compensation for the cost of reestablishing himself. Since the courts generally have limited compensation to the fair market value of real property acquired, property owners and tenants must look to the legislature to be compensated for incidental costs not covered by the value of the real property taken. Further, unlike property owners displaced by private acquisition, owners displaced by public acquisition cannot hold out for a price which will assure them compensation for the cost of resettling as well as for the value of their real property. Tenants in either case have little protection, and low-income groups—usually renters—find it most difficult to rehouse and readjust.

Second. The Federal Government for many years has indicated its concern for the economic and social welfare of its citizens. Yet this concern has not resulted in a uniform effort to alleviate the adverse effects of forcible displacement. Persons and businesses displaced by local, State, or Federal development programs are entitled to assistance in relocating, and this entitlement should extend to lessees and tenants as well as to owners of homes and business establishments.

Finally, the legislation implements one of the legislative goals of President Johnson. In his housing message of 1964, the President took special note of the critical nature of the displacement problem as it related to urban renewal:

> Despite existing programs assisting families and persons displaced by urban renewal projects, the human cost of relocation remains a serious and difficult problem.
>
> The vast majority of those displaced by urban renewal and public housing have relocated in better and standard housing, but some have not. For most, the cost of improving housing has been an unsought burden. For some, the inconvenience of displacement has meant only another slum dwelling and the likelihood of repeating this experience.
>
> * * * Similarly, small businessmen—especially those in leased premises—often incur economic loss and hardship as a result of displacement by urban renewal and moving expense reimbursements. CONGRESSIONAL RECORD, volume 110, part 1, page 1104.

What are the specific purposes of S. 1681? How does the measure implement them? The bill specifically declares that a uniform policy for fair and equitable treatment of owners, tenants, and other persons displaced by the acquisition of real property by Federal and federally assisted programs involves: First, uniform relocation payments; second, advisory assistance; third assurance of availability of standard housing; fourth, Federal reimbursement for relocation payments under federally assisted programs and fifth, certain land acquisition practices.

First. As to relocation payments: Who is covered? What are the benefits? All persons, businesses, and farms displaced by Federal or federally assisted programs are covered by this legislation. Such displaced persons and firms are given the choice of reimbursement, either according to their "actual and reasonable expenses," or according to a fixed or formula-based schedule. The first option normally would be utilized by the wealthier displacee, while the second clearly would be the choice of the less well to do, since the small amounts authorized and speedier administration contemplated are geared to the special needs of this group.

Under the second option, a displaced individual or family could receive moving expense and dislocation allowances of up to $300, and an additional $300 payment if a new home is purchased within the year from the date of actual displacement. Under this fixed-payment option, a displaced business which decides to terminate or to start over, would receive a relocation payment of up to $5,000, and a displaced farmer could receive a relocation payment of $1,000.

Section 3(e) of the legislation builds upon the Department of Housing and Urban Development's experience with relocation adjustment payments authorized by section 114(c)(2) of the Housing Act of 1964—Public Law 88-560. Under this provision of S. 1681, low income displaced families, elderly individuals, or handicapped individuals—for whom housing units are not available—are entitled to monthly payments over a period not to exceed 2 years and totally not more than $1,000 for relocation in "decent, safe, and sanitary housing" of modest standards.

These relocation payment provisions would apply uniformly to Federal and federally assisted programs.

Second. As to relocation assistance: What is it? How is it to be administered? The bill provides that relevant Federal agencies must provide a relocation assistance program for displaced persons—in addition to the payments I have described. This would include special studies of the needs of the individuals and firms involved; assistance to displaced businesses and farm operators in obtaining and becoming established in suitable replacement enterprises; supplying information concerning the FHA home acquisition program and the SBA disaster loan program; and above all, the assurance "that within a reasonable period of time prior to displacement, there will be available, in areas not generally less desirable in regard to public utilities and public commercial facilities, and at rents or prices within the financial means of the families and individuals displaced, decent, safe, and sanitary dwellings.

In addition to this relocation assistance program, the legislation amends the Small Business Act to provide assistance to any small business concern if it has suffered substantial economic injury as a result of a Federal, federally aided or State public improvement program.

The Housing Act of 1961 authorized SBA to make loans on favorable terms to displaced business concerns suffering such injury. But many small firms are adversely affected even though their property is located outside the boundaries of the development project. This provision of the legislation provides loan assistance for these and other concerns, as well as for the enterprises actually displaced.

Third. What reimbursement for relocation payments is provided for federally assisted programs? The legislation specifically requires State and local agencies administering federally assisted development programs to agree to provide the same schedule of relocation payments, advisory assistance, and housing assurances I have already described with reference to direct Federal efforts—as a condition of payment of Federal funds. Equally significant, it provides that a State or local government using Federal funds for property acquisition or improvement may receive Federal reimbursement for 100 percent of the cost of relocation up to $25,000 for any displaced person or business. Expenses in excess of $25,000 will be paid on a project-cost formula basis. This provision corresponds with present urban renewal practice and will go far toward correcting some of the serious injustices that now confront larger firms that are forced to move.

Finally, S. 1681 extends the coverage of three land acquisition policies contained in section 402 of the Housing and Urban Development Act of 1965. Section 10 requires that every reasonable effort must be made to acquire property through a negotiated purchase. It also stipulates that the development of public improvement programs should be so scheduled that no person lawfully occupying the affected real property shall be required to surrender possession without at least 90 days written notice from the date on which such development is to commence. Finally, this section of S. 1681 requires that Federal financial assistance under any joint development effort may be provided only if the Federal agency head involved is satisfied that the applying State agency has met both of the above requirements when the acquisition of land is required to implement the program. The State applicant must also adhere to a policy wherein no owner is required to surrender possession of his real property before the State agency pays him: First, the agreed negotiated price; or second, not less than 75 percent of the most recent fair and reasonable value of the property as determined by such agency, provided that this amount alone is in dispute. This 75-percent payment is restricted to federally assisted programs since direct Federal activities already provided a much higher percentage.

Uniform relocation payments, a meaningful program of advisory assistance—including assurance of adequate substitute housing, full Federal reimbursement for relocation payments of up to $25,000 under Federal-State-local development programs, and adoption of certain land acquisition policies—these are the four integral features of this legislation. These are the answers we have provided to those who call for a more uniform, fair, and equitable treatment of owners, tenants, and others displaced by the Government's acquisition of real property.

The estimated cost of S. 1681 is comparatively modest. Present forecasts indicate that, over the next 4 to 8 years, Federal and federally assisted programs will displace annually more than 111,000 families and individuals, nearly 18,000 businesses and nonprofit organizations, and 3,700 farm operations. The following table provides a breakdown of forecasts by departments and agencies:

I ask unanimous consent to have the table printed in the RECORD.

There being no objection, the table was ordered to be printed in the RECORD, as follows:

Average displacement per year by direct Federal and federally assisted programs causing substantial dislocation estimated for next 4 to 8 years

Departments and agencies	Families and individuals	Businesses and nonprofit organizations	Farm operations
Direct Federal:			
Defense	3,240	260	1,890
General Services Administration	540	310	10
Interior	580	50	360
International Boundary and Water Commission	240	30	10
Post Office Department	150	20	----------
Tennessee Valley Authority	120	20	30
Federally assisted:			
Bureau of Public Roads	36,770	3,880	1,350
HHFA Public Housing	3,170	170	----------
Urban Renewal Administration	66,250	13,130	----------
Summary:			
Direct Federal	4,900	700	2,300
Federally assisted	106,200	17,200	1,400
All programs	111,100	17,900	3,700

Source: Hearings, "Uniform Compensation for Relocation," p. 65.

Mr. MUSKIE. Based on these figures, it is estimated that the total annual cost of S. 1681 will approximate $136.6 million. This is nearly $63.8 million more than the relocation payments authorized under present laws—as the following table indicates.

I ask unanimous consent to insert the table in the RECORD.

There being no objection, the table was ordered to be printed in the RECORD, as follows:

Estimated future annual costs of relocation payments under S. 1681 to all Federal and federally aided programs (in thousands)[1]

Departments and agencies	Estimated future costs under present laws	Estimated future costs under S. 1681
Urban Renewal Administration	$63,234	$77,316
Public Housing Administration	1,033	1,801
Bureau of Public Roads	6,477	51,897
Army Engineers	1,903	4,073
Navy	2	7
Interior	188	271
Departments and agencies now without relocation provisions	----------	1,297
All programs	72,837	136,629

[1] These figures are extrapolated from data contained in the following sources: Advisory Commission on Intergovernmental Relations, from data in "Study of Compensation for Persons Affected by Real Property Acquisition in Federal and Federally Aided Programs," 1964, pp. 12-19; and "Uniform Compensation for Relocation," hearings, Subcommittee on Intergovernmental Relations, U.S. Senate, 89th Cong., 1st sess., 1965, p. 80.

Mr. MUSKIE. Mr. President, it is to be noted that the largest item in this increase relates to the Federal highway program, which at present provides maximum payments of only $200 for relocation expenses for families and individuals, and $3,000 for the relocation of businesses and farm operations.

Mr. President, in conclusion I want to express my thanks to the members of the Senate Subcommittee on Intergovernmental Relations and to the members of the full Committee on Government Operations who participated in developing this legislation. I also want to express my gratitude to the junior Senator from Alabama and the Committee on Banking and Currency for their continuing interest in and cooperation on this legislation. Senator SPARKMAN was the first to focus the attention of the Senate on the relocation question. And S. 1681, as amended, includes many of the provisions contained in Senator SPARKMAN'S own bill, S. 1201.

Mr. President, I ask unanimous consent that a section-by-section analysis of S. 1681 be inserted at this point:

There being no objection, the analysis was ordered to be printed in the RECORD, as follows:

SECTION-BY-SECTION ANALYSIS

Section 2. The purpose of S. 1681 is to establish a uniform policy for fair and equitable treatment of persons displaced by Federal and federally aided programs. Uniformity applies to relocation payments and advisory assistance, assurance of availability of standard housing, Federal reimbursement for relocation payments, and certain land acquisition policies.

* * * * *

Section 3 enumerates the kinds of relocation payments to be made when displacement occurs as a result of a Federal development program. A major effect of this section would be to standardize relocation payments among agencies providing such assistance and to require payments by displacing agencies not now authorized to make them, such as the General Services Administration and the Post Office Department. Under this section the displaced person is given the choice of reimbursement (1) according to his actual and reasonable expenses, or (2) according to a fixed or formularized schedule.

Section 3(a). Heads of Federal agencies are required to make relocation payments in accordance with regulations established by the President under section 6 of this act. The displaced person is entitled to fair and reasonable relocation payments. This subsection provides the first reimbursement alternative cited above.

Section 3(b). In lieu of his actual and reasonable expenses, a displaced person can elect to accept compensation according to a fixed schedule. In the case of independent businesses, those that cannot be relocated without loss of patronage are entitled to an amount equal to their net earnings or $5,000, whichever is less. Such payments are authorized only if (1) the head of the Federal agency is satisfied that the business cannot be relocated without a substantial loss of its existing patronage, and (2) the business is not part of a commercial operation having at least one other establishment not being displaced, which is engaged in a similar business. This second restriction is similar to that found in section 114(a)(2)(C) of the Housing Act of 1964 (Public Law 88-560). Average annual net earnings are defined as one-half of any net earnings of the business, before Federal, State, or local income taxes during the two taxable years preceding the taxable year in which the business moves. Such earnings would include any compensation paid by the business to the owner, his spouse, or his dependent children during this 2-year period and would be established by pertinent income tax returns. This provision recognizes the economic impact of displacement on the proprietor who must buy an established concern; reestablish his business at a different location; or discontinue business operations and, in some cases, lose his livelihood as a result. Moreover, it permits disbursements to a qualifying displaced concern within a week from the time of a move and with a minimum of administrative expense and redtape.

Section 3(c). A displaced person who moves from a dwelling has the option under this subsection of accepting fixed and/or formularized payments in lieu of reimbursement for his reasonable and actual expenses. These include: (1) a moving expense allowance, determined according to a schedule established by the head of the Federal agency authorized to make the payment, of up to $200; (2) a dislocation allowance not greater than the moving expense allowance, or $100, whichever is the lesser; and (3) an additional payment of $300 if the displaced person purchases a residence within 1 year from the date of actual displacement. In addition, such a displaced person is entitled to (4) an additional payment for certain reasonable and necessary expenses incurred as a result of the conveyance of his real property to the acquiring Federal agency. This provision is comparable in all major respects with section 404(d) of the Housing and Urban Development Act of 1965 (Public Law 80-117). A departure from the fixed and/or formularized approach employed in the rest of this subsection was necessary in that with this fourth payment category, the wide variation in these closing costs made it impossible to establish a fixed payment.

The first formularized payment authorized by this subsection for displaced residential occupants provides a moving expense payment, determined in accordance with a schedule established by the displacing agency. The second provides a dislocation allowance of $100 or an amount equal to the actual moving expense, whichever is the lesser. This is intended to reimburse the displacee for loss of property and out-of-pocket costs without the time-consuming documentation presently required by the urban renewal "loss of property" provision. The additional flat payment of $300 is provided only for the prospective homeowner and recognizes to some degree certain of the closing costs required for the purchase of a replacement home.

Section 3(d). A displaced farm operator under this subsection has the option of accepting a fixed payment of $1,000 in lieu of reimbursement for his fair and reasonable expenses. This lump-sum payment is intended to cover moving expenses, loss of property, and related costs in securing a replacement farm or adjusting to nonagricultural activity. This fixed payment is established to meet such average costs only as they relate to a single farm operation and is authorized on this basis, whether the enterprise is conducted by a single operator, or two or more operators working the same farm. If the entire farm operation is not acquired by a Federal agency, the authorized payment shall be made only if the head of such agency determines that the remainder property is no longer an economic unit. In making this determination, the agency head should consider, among other factors, the following criteria:

(*a*) The appraised values of the whole property before, and the remainder property after, acquisition;

(*b*) The extent of damages to the remainder property because of acquisition;

(*c*) The income-earning capacity in farming for the whole property before acquisition and the income-earning capacity in farming of the remainder property; and

(*d*) Whether or not the farm operation will be discontinued as a result of a partial taking.

This subsection is designed primarily to assist the small farm operator. The large farm or ranch operator who incurs sizable moving expenses and costs in search of replacement property inevitably will prefer to claim reimbursement for such expenses as provided in section 3a.

Section 3(e). Low-income displaced families, elderly individuals, or handicapped individuals for whom public housing units are not available are entitled to monthly payments over a period not to exceed two years, and totaling not more than $500 in the first 12 months and $500 in the second 12 months for relocation in "decent, safe, and sanitary housing" of modest standards. The criterion "decent, safe, and sanitary housing" has been established by the Department of Housing and Urban Development. The committee expects that other agencies, in administering this subsection, will follow these guidelines.

Total payments in any one year cannot exceed an amount which, if added to 20 percent of the annual family or individual income, equals the average annual rent required for a modest "decent, safe and sanitary" dwelling, adequate in size to accommodate the displaced family or individual. These provisions closely resemble those for relocation adjustment payments authorized by section 114(c)(2) of the Housing Act of 1964 (Public Law 88-560).

The amount of the monthly payment an eligible person would receive can be easily computed by determining the average annual rental required for such a dwelling—deducting from this amount 20 percent of the annual income of the displaced family or individual—and dividing by 12. It is hoped that by the end of the 2-year period during which monthly payments would be made to such persons, there would be a significant increase in the supply of standard low-income and medium-income housing. Further, it is hoped that some of the families involved would have increased their incomes and rent-paying capacity. Finally, the committee believes that these relocation assistance payments will ease the transitional period during which displaced persons adjust to somewhat higher housing costs.

Section 3(f) requires that a Federal agency administering a program involved in the acquisition of real property publish in the Federal Register the rules under which it operates as well as such information as is required in section 3 of the Administrative Procedure Act (Public Law 79-404). In addition, it affirms the right of aggrieved parties, as provided in section 10 of that Act, to bring an action on administrative determinations before a Federal district court, which is empowered to modify such determinations. The citation in section 3(f) of two criteria for judicial modification of administrative actions is not intended to limit the additional criteria cited in section 10(e) of the Administrative Procedure Act.

* * * * *

Section 4 provides that Federal agencies render relocation assistance to those displaced and to certain others adversely affected by Federal public improvement projects.

Section 4(a) requires heads of the Federal agencies involved to provide a relocation assistance program for displaced persons, businesses, and farm operators and for persons occupying adjacent property, if such agency heads determine that they have suffered substantial economic injury by a public improvement program. The latter provision authorizes the relocation services for highway-oriented and other business concerns which are not physically displaced but frequently incur substantial economic injury because of a Federal or federally assisted program.

Section 4(b). The subsection recognizes that the family or individual facing displacement may be in need of advice and assistance not normally performed by the relocating agency. For example, the wide range of programs extended under the Economic Opportunity Act, where appropriate, should be made available. Relevant health and medical services might also prove to be of assistance, as well as employment counselling. The committee expects that the relocating agency will coordinate these efforts as they relate to the relocation provisions and assist the displacee by directing him to all the available and pertinent services.

Section 4(c). Each agency's relocation program will include such measures and services necessary in order to—

(1) determine the needs of various types of displacees for relocation assistance;

(2) assure that within a reasonable period of time prior to displacement there will be available to displaced homeowners and tenants "decent, safe, and sanitary housing" at prices within their financial means and in areas reasonably accessible to their places of employment; this assurance can be waived during a period of national emergency where the President determines that this stipulation would materially hinder a program's development; in the event that this waiver is granted, the affected agency is not relieved of its responsibilities under the other sections of this act;

(3) assist owners of displaced businesses and displaced farm operators in obtaining and reestablishing in suitable business locations or replacement farms;

(4) supply information concerning the Federal Housing Administration's home acquisition program under section 221(d)(2) of the National Housing Act, small business disaster loan program under section 7(b)(3) of the Small Business Act, and other Federal programs offering assistance to displaced persons;

(5) assist displaced families or individuals in adjusting to relocation; and

(6) assure coordination of relocation activities to the maximum extent possible, with other pertinent governmental efforts in the community or nearby areas affected by relocation programs.

Provisions (1) through (5) above, in effect, extend present urban renewal relocation assistance provisions to all Federal development programs.

Section 4(d) amends the Small Business Act to provide assistance to any small business concern if it is determined that such an establishment has suffered substantial economic injury as a result of a Federal, federally aided, or State public improvement program. The Housing Act of 1961 authorized the Small Business Administration to make loans on favorable terms to displaced business concerns suffering such injury. Many small business concerns are adversely affected even though the property they occupy may be located outside the boundaries of the development project; highway-oriented businesses generally are most adversely affected. This subsection would provide loan assistance for these and other concerns, as well as for business enterprises actually displaced.

* * * * *

Section 5 provides that the same requirements for relocation payments and assistance programs shall apply in cases where a State agency requires real property for a Federal public improvement project. Data compiled by the House Select Subcommittee revealed that some displacements have occurred when local interests have acquired the necessary lands for the Federal Government. In some of these cases, the Federal agency in question has been unable or unwilling to extend relocation payments.

* * * * *

Section 6. This section vests responsibility for relocation regulations in the President in order to achieve Government-wide uniformity and compliance. The responsibility for making such regulations is delegable.

Section 6(a)(2) stipulates that the displacee who makes proper application for payment authorized by section 3(a) shall be paid or reimbursed for his actual and reasonable expenses for moving himself, his family, business, farm operation, or other personal property. In the case of a farm operator, he shall also be reimbursed for his reasonable expenses in searching for a replacement farm. In the case of a business or farm operation, reimbursement equal to the cost of moving personal property is authorized if the displacee chooses to dispose of rather than move the enterprise. Finally, this subsection provides for such other fair and reasonable relocation expenses as may be authorized by the head of the Federal agency acting in accordance with Presidential regulations. The purpose here is to grant the President the necessary flexibility to deal with situations not specifically enumerated in the first two subsections of section 6(a)(2). These payments might include, among other items, fair and reasonable expenses of a property owner in conveying real property to the Government. The committee wants to make it clear that the President's authority to provide payments is not limited solely to those covered in section 6(a)(2) (A) and (B). At the same time, all payments authorized by section 6(a)(2) necessarily involve detailed itemization and documentation.

Section 6(a)(3). The President is also authorized to make such necessary rules and regulations to assure that displacees who make proper application for authorized relocation payments shall receive such funds promptly after a move or, in certain hardship cases, prior to displacement. This is designed to assist those low-income displacees who have inadequate funds to finance a move.

Section 6(a)(4). A person whose eligibility for a relocation payment, or the amount of such payment, is in question is accorded the right to have either administrative action reviewed by the head of the agency involved. This section provides initial relief to persons affected by the operation of Federal or federally aided programs. In no way is it meant to restrict rights respecting relocation payments provided in section 3(f).

Section 6(a)(5). A displaced person is permitted reasonable time to file for relocation payments.

Section 6(b). This subsection permits the President, by administrative decision, to set ceilings on the amount of relocation payments authorized by section 3(a) paid to any single individual, family, farm operator, or business. Discretionary authority is needed, the committee feels, in order that relocation costs do not exceed the bounds of reasonableness. Yet the overall goal of uniform, fair, and equal treatment of such displacees, as stipulated in the declaration of policy and in section 6(a), and the fiscal guideline stipulated in section 8(b) should be given careful consideration in the development and promulgation of regulations on this topic.

Section 6(c) authorizes the President to require affected Federal agencies to use established relocation facilities of other Federal agencies or State and local agencies in carrying out relocation activities. This subsection seeks to eliminate unnecessary expense and overlapping of relocation functions and is intended to assist in promoting more uniform and effective administration of relocation assistance payments.

Section 6(d) authorizes the President to make such other rules and regulations as may be necessary to carry out responsibilities under this act.

* * * * *

Section 7 stipulates that funds appropriated or otherwise available to any Federal agency for the acquisition of real property, or any interest therein, are available for obligation and expenditure to implement provisions of this act.

Section 8 provides for relocation payments and assistance, as well as assurance of availability of housing under federally assisted programs.

Section 8(a), as amended, requires State and local government agencies administering federally assisted development programs to agree to provide the relocation payments, services, and housing assurances described in this section as a condition of payment of Federal funds. More specifically, this subsection requires: (1) the same fair and reasonable payments authorized by section 3(a) and subject to the regulations established by the President under section 6; (2) the same flat or formularized relocation payments as are required to be made by Federal agencies under subsections 3 (b), (c), (d), and (e); (3) a relocation assistance program offering the same services described in section 4(c); and (4) provision for temporary housing for relocated families and individuals and the assurance that standard housing will be available within a reasonable period of time prior to displacement.

Section 8(b), as amended, provides that a State or local government using Federal funds for property acquisition or improvement may receive Federal reimbursement for 100 percent of the cost of relocation up to $25,000 for any displaced person. This provision accords with present urban renewal practice. The Urban Renewal Administration also pays moving expenses in excess of $25,000 on a project cost formula basis. Similarly, Federal agencies will contribute to the cost of any relocation payment above $25,000 according to the project's cost-sharing formula. Yet, it is not necessary for a State agency to make relocation payments in excess of $25,000 in order to receive the funds authorized by this subsection. Federal participation, on a project formula basis, above $25,000 was considered necessary by the committee to encourage reimbursement of those businesses whose costs exceed this amount. In addition, this formula helps to assure that the displacing agency will consider carefully the desirability of relocating such companies.

Section 8(c). To avoid unnecessary expenses or duplication of services and to promote uniform and effective administration, this subsection provides that any State agency entering into an agreement under subsection 8(a) may utilize the facilities, personnel, and services of any other State agency already operating a relocation assistance program.

Section 8(d) provides that any contract or grant entered into before the effective date of this act, under which Federal financial assistance is provided for the acquisition of real property, or for related purposes, may be amended to provide for the payments and assistance listed in subsection 8(a).

Section 8(e) provides for advance payment of the Federal share of relocation payments if it is determined that the advance payment is necessary for expeditious completion of a public improvement program. This also provides for advancement of the funds necessary to meet the payments required under section 10(b) of this act.

One of the principal effects of section 8, as a whole, would be changes in the federally assisted highway program. Its "before and after" situation may be compared as follows:

PRESENT	UNDER S. 1681
Relocation payments are optional with the States. Thirty-two States have elected to make payments. Of these, only 22 provide payments up to the level authorized under the highway program. Yet even here, the payments are far less than those provided by other relocation assistance programs, such as urban renewal.	Relocation payments are required as a condition of grants.
Federal reimbursement of relocation payments is according to the project's cost-sharing formula: 90 percent on interstate programs; 50 percent on primary and secondary programs.	Full Federal reimbursement up to $25,000 for any move; Federal-State sharing on project's cost-sharing formula (90–10 or 50–50) for the portion of individual payments above $25,000.
Advisory assistance required for families displaced.	Advisory assistance required for families, businesses, individuals, farm operators, and to be similar to present urban renewal provisions.
No assurance of availability of housing required.	Requires that supply of adequate standard housing be provided or in process of being provided.

Section 9 declares that any person who moves or discontinues his business or moves other personal property, or moves from his dwelling as the result of any program which receives Federal financial assistance under title I of the Housing Act of 1949, is a displaced person for the purposes of this act and entitled to all the attendant benefits. This assures that relocation payments are available to those displaced as a result of code enforcement, demolition activities, or voluntary rehabilitation activities carried out with assistance authorized by title I. Frequently, displacements occur even though the property is not acquired as a result of these projects. In addition, the provision would permit relocation payments to be made to anyone displaced from an urban renewal area in which a project receiving Federal financial assistance is being carried out. Such payments will be made regardless of whether the property from which the person is being displaced is acquired with Federal financial assistance. Finally, this section permits relocation payments to be made in connection with any program which, in the future, may be added to title I and which results in displacement without acquisition of property.

* * * * *

Section 10(a) provides that all Federal agencies acquiring real property through the exercise of the power of eminent domain must adhere to the following land acquisition policies in carrying out their respective development programs:

(1) Every reasonable effort must be made to acquire the property through a negotiated purchase; and

(2) The development of any such public improvement program must be so scheduled that no person lawfully occupying the affected real property shall be required to surrender possession without at least 90 days' written notice from the agency involved of the date on which such development is slated to commence.

Section 10(b) stipulates that Federal financial assistance under any development assistance program may be provided only if the Federal agency head involved is satisfied that the State agency applying has met both of the above requirements when the acquisition of land by eminent domain is required during the course of such a program. The State applicant must also adhere to a policy wherein no owner is required to surrender possession of his real property before such State agency pays him (1) the agreed negotiated price, or (2) not less than 75 percent of the most recent fair and reasonable value of such property as determined by the agency, if only the amount of such payment is in dispute. This payment of 75 percent is restricted to Federal assistance programs since direct Federal programs already provide a much higher percentage.

In general, section 10 is similar to section 402 of the Housing and Urban Development Act of 1965, which applies the three abovementioned land acquisition policies to certain development programs administered by the Department of Housing and Urban Development.

* * * * *

Section 11 defines "Federal agency," "displaced person," "business," "farm operation," "farm operator," "family," "State," "State agency," "Federal financial assistance," "head of a Federal agency," "head of a State agency," "elderly individual," "handicapped individual," "displaced," "owner," and "person."

These definitions are self-explanatory except for the following:

(1) The term "farm operation" as defined in subsection 11(d) is consistent with the general definition used by the Bureau of the Census and the U.S. Department of Agriculture, except that it does not specify any dollar income or acreage minimum necessary for the operation to qualify as a farm. The phrase "contributing materially," as used in this definition, means that the farm operation has contributed—or could contribute—at least one-third of the operator's income.

(2) The term "State agency" (subsection 11(h)) includes units of local government.

* * * * *

Section 12 states that the invalidity of any provision of this act or the application thereof shall not affect the remainder of this act and the application of the provision to other persons or circumstances.

* * * * *

Section 13 repeals relocation sections of statutes applicable to the Department of the Interior (42 U.S.C. 1231–1234), the Department of Defense (10 U.S.C. 2680), the National Aeronautics and Space Administration (42 U.S.C. 2473), the Federal aid highway program (23 U.S.C. 133) the urban mass transportation program (49 U.S.C. 1606), and certain parts of relocation provisions of the Housing Act of 1937 (42 U.S.C. 1415(8)), the Housing Act of 1949 (42 U.S.C. 1455(c); 1465 (a)–(d)), and the Housing and Urban Development Act of 1965 (42 U.S.C. 3071–3074).

* * * * *

Section 14 provides that this act will take effect on the day following the date of enactment.

Mr. JAVITS. Mr. President, in connection with this bill, I wish to be added as a cosponsor. I ask unanimous consent that my name be added to the bill as a cosponsor. It is a splendid bill. I am on the committee which reported the bill.

The **PRESIDING OFFICER.** Without objection, the name of the Senator from New York [Mr. JAVITS] will be added as a cosponsor.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 1378), explaining the purposes of the bill.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

PURPOSE

The purpose of S. 1681, as amended, is to establish a uniform policy for the fair and equitable treatment of owners, tenants, and other persons displaced by the acquisition of real property for Federal and federally assisted programs and by other activities undertaken in connection with programs authorized by title I, of the Housing Act of 1949, as amended. The bill specifically declares that this policy shall be as uniform as practicable as to (1) relocation payments, (2) advisory assistance, (3) assurance of availability of standard housing, (4) Federal reimbursement for relocation payments under federally assisted programs, and (5) certain land acquisition practices.

This policy is necessary to eliminate the great inconsistencies that exist among Federal and federally assisted programs with respect to the amount and scope of such payments, and the advisory assistance and assurance of housing offered. It recognizes that relocation is a serious and growing problem in the United States and that the pace of displacement will accelerate in the years immediately ahead. It recognizes that advisory assistance is of growing importance in the relocation process especially for the poor, the nonwhite, the elderly, and small business people. It recognizes the need for more equitable land acquisition practices in connection with the procurement of real property by eminent domain. In short, this legislation recognizes that the Federal Government has a primary responsibility to provide uniform treatment of those forced to relocate by Federal and federally aided public improvement programs and to ease the impact of such forced moves.

COMMITTEE AMENDMENTS

The committee adopted 4 major and 26 minor amendments to S. 1681 as introduced. Following are the major changes:

(1) It was agreed to include the three land acquisition policies set forth in section 402 of the Housing and Urban Development Act of 1965 (Public Law 89–117, 89th Cong., H.R. 7984, Aug. 10, 1965, p. 35), and to extend these to cover persons displaced as a consequence of Federal as well as federally assisted programs. In conjunction with this decision, the committee adopted a related amendment, which is similar to section 403 of the Housing and Urban Development Act of 1965, in order to provide clear assurance of full Federal financial responsibility under the land acquisition policy outlined in section 10(b) as amended. These changes were effected by:

(A) Page 2, line 6, striking "and"; and line 7, striking the period and, following the word "programs", inserting ", and (5) land acquisition policies."

(B) Page 13, immediately after the new section 9, inserting a new part C as follows:

"PART C.—LAND ACQUISITION POLICY

"SEC. 10. (a) The following policies shall be adhered to by Federal agencies in the acquisition of real property by Federal agencies through the exercise of the power of eminent domain to carry into effect Federal programs:

"(1) The agency shall make every reasonable effort to acquire the real property by negotiated purchase;

"(2) The construction or development of any public improvement shall be so scheduled that no person lawfully occupying the real property shall be required to surrender possession on account of such construction or development without at least ninety days' written notice from the agency of the date on which such construction or development is scheduled to begin.

"(b) Notwithstanding any other provision of law on or after the effective date of this Act, no contract, grant to, or agreement with a State agency, under which Federal financial assistance will be available to pay the cost in connection with the acquisition of real property or of a public improvement for which real property is to be acquired or as the result of which displacement will otherwise occur, may be approved by the head of the Federal agency responsible for the administration of such Federal financial assistance unless such State agency has entered into an agreement by which such State agency has undertaken—

"(1) to comply with the policies prescribed by subsection (a) to the same extent to which such policies would apply if such acquisition were made by a Federal agency; and

"(2) to refrain from requiring any owner of real property so acquired to surrender possession of such property before the agency pays to the owner (A) the agreed purchase price arrived at by negotiation, or (B) in any case where only the amount of the payment to the owner is in dispute, not less than 75 per centum of the appraised fair value of such property as approved by the agency."

(C) Page 12, line 4, after the word "persons", inserting the phrase "or to provide the funds necessary to meet the requirements of section 10(b) of this Act"; and line 5, after the word "payments" inserting the phrase "and an amount necessary to make the required payments under section 10(b)". These amendments were adopted in recognition of the fact that they are similar but not identical to section 101(a)(1), (5), and (6) of Senator SPARKMAN's S. 1201, which the committee also considered, and in recognition of the desirability of extending the land acquisition policies, which now apply as a condition of eligibility for Federal assistance pursuant to a development program of the Department of Housing and Urban Development, to all Federal or federally assisted programs which involve the acquisition of real property by eminent domain.

(2) A new subsection (4(d)) was added in order to incorporate the provisions of section 301 or S. 1201 which relate to providing assistance from the Small Business Administration to owners and employees of small business concerns displaced and injured by Federal or federally assisted programs. In addition, the committee extended the scope of this provision to cover State and local relocation programs. The new subsection appears on page 6, after line 20, as follows:

"(d) Paragraph (3) of section 7(b) of the Small Business Act is amended to read as follows:

"'(3) to make such loans (either directly or in cooperation with banks or other lending institutions through agreements to participate on an immediate or deferred basis) as the administration may determine to be necessary or appropriate to assist any small business concern in continuing in business at its existing location, in reestablishing its business, in purchasing a business, or in establishing a new business, if the administration determines that such concern has suffered substantial economic injury as the result of its displacement by, or location in, adjacent to or near, a federally aided urban renewal project or highway construction program or any other public improvement program conducted by or with funds provided in whole or in part by the Federal Government or by the States; and the purpose of a loan made pursuant to such project or program may, in the discretion of the administration, include the purchase or construction of other premises whether or not the borrower owned the premises occupied by the business.'"

(3) The committee adopted an amendment which applies the Administrative Procedure Act (5 U.S.C. 1001–1011) to section 3 and provides for judicial review of administrative actions made pursuant to that section. This change was made to give recognition to the principle that the payments authorized by section 3 should be viewed as rightful compensation of persons displaced by Federal programs and not as benefits, privileges, or gratuities. Such persons, thus, are placed in a position of being able to maintain this right to which they are entitled, rather than of applying for a privilege that is within the power of a Federal agency to deny or modify. This action necessitated:

(A) Deleting the original subsection (f), on page 5, lines 11–14, and substituting the following:

"(f) All functions performed under this section shall be subject to the operation of the Act of June 11, 1946 (60 Stat. 237), as amended (5 U.S.C. 1001–1011). Any displaced person adversely affected or aggrieved by the operation of this section after the effective date of this Act may institute in the district court of the United States for the judicial district in which such claimant resides or in which such claim first arose an action for the review of such determination. Upon the filing of such action, such court shall have jurisdiction to hear and determine such action and to enter therein such judgment, decree, or order as it shall deem appropriate and may modify such determination upon a showing that such determination was arbitrary, capricious, or in violation of standards applicable to such determinations in similar cases."

(B) Page 17, deleting lines 21–24; page 18, line 2, striking "14" and substituting "12"; and in line 8, striking "15" and substituting "13".

(4) The final major amendment is essentially a procedural one, but it highlights more clearly one of the basic features of the bill as introduced. It combines sections 8 and 9 into a new section 8, in order to make it clear that the provisions of the original section 8, which relate to federally assisted programs, are mandatory and not voluntary in nature. The insertion of the new language on page 9, line 17, which is almost identical to section 9 of the bill as introduced, removes any doubts as to the necessity for State compliance with the subsequent sections dealing with relocation assistance and payments, before any contract, grant, or agreement providing for Federal financial assistance in connection with the acquisition of real property may be approved by Federal agency heads responsible for the administration of this type of assistance. The adoption of this amendment required the following:

(A) Page 9, line 11, strike everything beginning with the word "If" through the word "agreed" on line 17, and insert the following:

"Notwithstanding any other provision of law, on and after the effective date of this Act, no contract, grant to, or agreement with a State agency, under which Federal financial assistance will be available to pay the cost in connection with the acquisition of real property or of a public improvement for which real property is to be acquired, or as the result of which displacement will otherwise occur, may be approved by the head of the Federal agency responsible for the administration of such Federal financial assistance unless such State agency has entered into an agreement".

(B) Page 9. line 18, delete the first "the", substitute "such", and strike the phrase "responsible for the administration of such Federal financial assistance" as it appears on lines 18 and 19.

(C) Page 9, line 21, delete "(A)" and substitute "(1)";

Page 10, line 1, delete "(B)" and substitute "(2)"; line 5, strike "(C)" and substitute "(3)"; line 7, strike "(D)" and substitute "(4)"; line 16, strike the comma at the end of the line and substitute a period.

(D) Page 10, delete lines 17–23 and substitute the following:

"(b) The cost to a State agency providing the payments and services described in subsection (a) of this section may be included as part of the cost of the project for which Federal financial assistance is available to such State agency, and such State agency shall be eligible for Federal financial assistance with respect to such payments and services in the same manner and to the same extent as with respect to other project costs, except that the Federal agency providing such assistance shall contribute the first $25,000 of the cost of providing a relocation payment to any displaced person. However, no State agency need agree to make any relocation payment in excess of $25,000 to any displaced person in order to receive the assistance authorized by the subsection."

(E) Page 8, line 14, strike "(d)" and substitute "(b)".

(F) Page 10, line 24, strike "(b)" and substitute "(c)";

Page 11, line 3, strike "(e)" and substitute "(a)"; line 9, strike "(c)" and substitute "(d)"; delete lines 16–24; and

Page 12, delete lines 13–24.

* * * * *

THE NEED FOR S. 1681

The principal objective of S. 1681 is to achieve consistency and equity in treatment of those forced to relocate because of Federal and federally aided public improvement programs. The need for achieving this policy objective has been fully documented in four different studies: "(The) Study of Compensation and Assistance for Persons Affected by Real Property Acquisition in Federal and Federally Assisted Programs" by the Select Subcommittee on Real Property Acquisition of the House Committee on Public Works (Committee Print No. 31, 88th Cong., 2d sess., 1964); "Relocation: Unequal Treatment of People and Businesses Displaced by Governments" by the Advisory Commission on Intergovernmental Relations (January 1965); "Housing of Relocated Families—Summary of a Bureau of the Census Survey of Families Recently Displaced from Urban Renewal Sites" by the Housing and Home Finance Agency, Office of the Administrator (March 1965); and hearings on "Uniform Compensation for Relocation" held by the Subcommittee on Intergovernmental Relations of the Senate Committee on Government Operations, June 30, July 1, 13 and 14, 1965 (89th Cong., 1st sess.). These studies suggest six basic findings which clearly establish the need for this legislation:

1. The governmental displacement of persons and businesses is substantial at present, and all indications are that the rate of displacement will continue to grow. Displacements in the immediate past totaled 85,550 per year, while such displacements in the future will amount to an estimated 132,600

per year.[1] The latter is based on the forecast that 111,080 families and individuals, 17,860 business and nonprofit organizations, and 3,660 farmers will be displaced annually as a consequence of governmental acquisition of real property under Federal and federally assisted development programs during the years ahead.[2]

2. The present provisions for relocation assistance under existing legislation are widely inconsistent, as the following table demonstrates.[3]

TABLE 1.—*Comparison of present relocation provisions in Federal and federally aided programs causing displacement*

Displacing department or program	Statutory maximum relocation payments authorized			
	When individual or family is displaced from dwelling	When displaced business terminates (does not move)	When displaced business reestablishes	When farm operation is displaced
Urban renewal	Moving expenses and losses on disposition of personal property to $200 for anyone, plus relocation adjustment payment up to $500 for low- and moderate-income families and elderly individuals, the exact amount depending on family's or person's income and the rental level of available housing.	$3,000 (almost exclusively for losses on disposition of personal property) plus an additional $2,500 for firms with average annual net earnings of less than $10,000 per year which are not part of an enterprise having establishments outside the urban renewal area.	Loss of property only to $3,000; or moving expenses and loss of property combined to $3,000; or total certified moving expenses only (administrative ceiling established at $25,000); plus additional $2,500 allowance as for firms terminating.	Not applicable.
Public housing	Same as urban renewal	Same as urban renewal	Same as urban renewal	Do.
Mass transportation	$200 (moving expenses and losses on disposition of personal property).	$3,000 (almost exclusively for losses on disposition of personal property).	Loss of property only to $3,000; or moving expenses and loss of property combined to $3,000; or total certified moving expenses only (administrative ceiling established at $25,000).	Do.
Federal aid highways	$200 (moving expenses only)	No payment	$3,000 (moving expenses only)	$3,000 (moving expenses only).
Defense Department; Interior (except NPS); NASA.	"Fair and reasonable costs" but not to exceed 25 percent of fair market value of property taken (moving expenses, costs in search for replacement property, costs to obtain financing, and closing costs for replacement property).	do	"Fair and reasonable costs" but not to exceed 25 percent of fair market value of property taken (moving expenses, costs in search for replacement property, costs to obtain financing, and closing costs for replacement property).	"Fair and reasonable costs" but not to exceed 25 percent of fair market value of property taken (moving expenses, costs in search for replacement property, costs to obtain financing, and closing costs for replacement property).
TVA	None	None	None	None.
Agriculture Department; GSA; Post Office Department.	do	do	do	Do.

Displacing department or program	Relocation assistance		Assurance of standard housing	Federal reimbursement for relocation costs of federally aided programs
	Persons	Businesses and farms		
Urban renewal	HHFA Administrator issues regulations requiring a relocation assistance program including measures to (1) determine needs of families and individuals for relocation assistance, (2) provide information and assistance to aid in relocation and otherwise minimize hardship of displacement, and (3) assure necessary coordination of relocation activities with other governmental actions in the community which may affect carrying out of relocation program.	Same as for persons. (Farms not applicable.)	Loan or capital grant contracts require local public agencies to show that there is a feasible method for temporary relocation of displaced families and individuals and that there are decent, safe, and sanitary dwellings equal to number of displaced units. Rehousing units must not be generally less desirable in regard to public utilities and public and commercial facilities, and must be at rents within the financial means of the displaced and reasonably accessible to their places of employment.	100 percent Federal reimbursement.
Public housing	None	None	Same as urban renewal	Do.
Mass transportation	do	do	Same as urban renewal except provision does not apply to individuals.	Do.
Federal aid highways	Secretary of Commerce requires State highway departments to give satisfactory assurance that relocation advisory assistance shall be provided for relocation of families. No requirement that advisory services be directed toward finding decent, safe, and sanitary housing at prices or rents within their means.	do	None	90 percent Federal reimbursement on Interstate; 50 percent on primary-secondary.
Defense Department; Interior (except NPS); NASA.	None	do	do	Not applicable.
TVA	Authorized to advise and cooperate in readjustment of population displaced by its projects and to cooperate with Federal, State, and local agencies to that end.	do	do	Do.
Agriculture Department; GSA; Post Office Department.	None	do	do	None.

In assessing this problem, the Advisory Commission report commented:

"Great inconsistencies exist in present provisions for relocation assistance. These inconsistencies concern the amount and scope of relocation payment, advisory assistance, and assurance with respect to availability of standard housing. Nationwide, federally aided urban renewal and highway programs cause the most displacement. The urban renewal program makes the most comprehensive provision for relocation assistance; relocation provisions of the highway program are appreciably less generous.

"To illustrate, a homeowner whose property is condemned for a federally aided urban renewal project can claim moving costs up to $200. The man across the street, whose property is taken for a federally aided highway project, is also entitled to a maximum of $200 for moving expenses, but only if the State has authorized participation in the Federal relocation payments program. Twenty-eight States had not authorized such payments as of December 1964, and even among those that had, a sizable number had not allowed payments up to the Federal dollar limit, or not for tenants and lessees. Inconsistency in payment of business moving expenses is even more striking since the Federal Aid Highway Act allows such expenses only up to $3,000, whereas the Federal urban renewal program pays the businessman up to $25,000 for the expenses of each move. Finally, Federal urban renewal provides fairly comprehensive advice and counseling to displacees; the Federal highway program provides no such service to businesses and individuals." [4]

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[1] U.S. House of Representatives, Committee on Public Works, Select Subcommittee on Real Property Acquisition, "Study of Compensation and Assistance for Persons Affected by Real Property Acquisition in Federal and Federally Assisted Programs" (88th Cong., 2d sess.) Washington, 1965 (Committee Print No. 31), p. 18.

[2] Ibid.

[3] U.S. Senate, Committee on Government Operations, "Uniform Compensation for Relocation," hearings by Subcommittee on Intergovernmental Relations on June 30, July 1, 13, and 14, 1965 (89th Cong., 1st sess.), pp. 69–70.

3. The adverse effects of relocation hit most severely those families and individuals least able to withstand them. The report of the House Select Subcommittee on Real Property Acquisition pointed out:

"Most displacements affect low- or moderate-income families or individuals, for whom a forced move generally is a very difficult experience. The problem is aggravated for the elderly, the large family and the nonwhite displacee. Lack of standard housing at prices or rents that low- or moderate-income families can afford is the most serious relocation problem. Moving costs, where not reimbursed, and related expenses and losses are substantial burdens." [5]

The HHFA survey cited above further highlights the adverse impact of displacement on low- or moderate-income families. On the basis of interviews conducted at 2,300 relocation housing units which were occupied by households relocated during June–August of 1964 from urban renewal projects located in 132 cities, it was found that 1,090 of the households covered were white and 1,210, nonwhite. Nearly two out of every five of the relocated families had incomes below $3,000, and almost the same proportion had incomes between $3,000 and $6,000. While 94 percent of displaced families were relocated in standard housing, the median gross rents were higher—$74 compared to $66 prior to relocation, and the median proportion of income spent for rent increased from 25 to nearly 28 percent. These are but some of the dimensions of the displacement hardships stemming from a Federal development activity with one of the best relocation programs.[6]

4. In terms of business displacees, the surveys show that small businesses, particularly those owned and operated by the elderly, are major victims of the relocation process. The House select subcommittee found that, in general, dislocated businesses bear a disproportionate share of the social costs of the project which causes their displacement and more of them are forced to discontinue than are businesses unaffected by governmental action.[7] During the Senate hearings, the executive administrator for the Small Business Administration reported that by 1972 about 120,000 businesses will have been displaced by urban renewal, and that at the present rate, 3 out of 10 of these firms will liquidate. If this loss ratio continues, upward of 35,000 concerns will be put out of business by urban renewal alone.[8] The difficulties are especially severe for those engaged in nonspecialized types of business, such as the "Mom and Pop" grocery stores or taverns and those that require special zoning or licenses, such as liquor stores. Studies of small displaced businesses in Boston, Providence, New Haven, and Hartford indicate that the typical displacee is an independent commercial establishment, a partnership, or proprietorship, rather than a corporation, and the owners are usually over 60 years old and tenants without long-term leases. The Advisory Commission found that the elderly fare far worse than other small businessmen in that they have less capital and have more difficulty in obtaining outside financing, including SBA loans. Such entrepreneurs, it was discovered, have insufficient energy or spirit to start again in a new location.

5. Of growing importance in the relocation process is adequate provision for advisory assistance. The previously cited HHFA study discovered that 90 percent of the households displaced as a consequence of urban renewal projects in the 132 survey cities required counseling and financial or other assistance from local agencies during the relocation period.[9] The Advisory Commission found that for the poor, the nonwhite, the elderly, and many small business people, relocation payments are not enough to assure their making an adequate adjustment to a forced move. Such displacees, the Commission report concluded, need intensive counseling "to prepare them for displacement and help them carry out their move; advice about suitable housing, business opportunities and alternative sources of livelihood if they discontinue business; and followup after displacement to help make a successful readjustment." [10]

6. Present Federal relocation provisions are not only inconsistent and inequitable, but their administration, particularly in the case of business relocation, is too cumbersome. Current requirement for detailed documentation are costly for the public and for the displaced person. The House select subcommittee encountered great concern "over the detailed documentation now required to support relocation payments" [11] and recommended the adoption of a simplified optional fixed payment procedure in order to "encourage prompt payments and substantial savings in costs of administration, with adequate safeguards for all parties." [12] Congress has already authorized fixed relocation payments for displaced families or individuals in certain programs. Yet administrative agency practices do not always give the displacee the opportunity to decide whether to accept the fixed payment or to prove his actual cost.

The committee is impressed with these various findings and believes that S. 1681, as amended, constitutes a long step toward achieving a uniform Federal policy of assistance for those displaced by Federal and federally aided programs, for the following basic reasons:

First, the Government's exercise of eminent domain in acquiring real property establishes its clear responsibility in this field. Under this constitutional doctrine, it can force people to sell their property and the property owner cannot refuse to sell even if he feels the price offered is insufficient compensation for the cost of reestablishing himself. Since the courts generally have limited compensation to the fair market value of real property acquired, property owners and tenants must look to the legislature to be compensated for incidental costs not covered by the value of the real property taken. Further, unlike property owners displaced by private acquisition, owners displaced by public acquisition cannot hold out for a price which will assure them compensation for the cost of resettling as well as for the value of their real property. Tenants in either case have little protection, and low-income groups—usually renters—find it most difficult to rehouse and readjust.

Second, the Federal Government for many years has indicated its concern for the economic and social welfare of its citizens. Yet this concern has not resulted in a uniform effort to alleviate the adverse effects of forcible displacement. Persons and businesses displaced by local, State, or Federal development programs are entitled to assistance in relocating, and this entitlement should extend to lessees and tenants as well as to owners of home and business establishments.

Finally, the legislation implements one of the legislative goals of President Johnson. In his housing message of 1964, the President took special note of the critical nature of the displacement problem as it related to urban renewal:

"Despite existing programs assisting families and persons displaced by urban renewal projects, the human cost of relocation remains a serious and difficult problem.

"The vast majority of those displaced by urban renewal and public housing have relocated in better and standard housing, but some have not. For most, the cost of improving housing has been an unsought burden. For some, the inconvenience of displacement has meant only another slum dwelling and the likelihood of repeating this experience. * * * Similarly, small businessmen—especially those in leased premises—often incur economic loss and hardship as a result of displacement by urban renewal and moving expense reimbursements." [13]

LEGISLATIVE BACKGROUND

In recent years there have been a growing number of complaints to the Congress concerning the equity of Government agency land acquisition practices, the adequacy of traditional standards of compensation, and the sufficiency of assistance to persons adversely affected by public improvement programs undertaken by the Federal Government or with the aid of Federal funds. In recent sessions of Congress, legislation has been enacted to provide more liberal payments for individual programs. Many bills have been introduced in both Houses proposing additional changes in present standards of compensation. Yet there was a growing feeling that these measures offered only a "patchwork" solution to the problem, at best. Some recognized that this additional legislation relating to particular programs would create even greater inequities for persons affected by programs not covered by such legislation.

Accordingly, several Members of Congress introduced bills proposing an independent commission to make a comprehensive study of all aspects of the land acquisition and relocation problems. Representative Ludwig Teller was the first to introduce such legislation in the 85th and 86th Congresses (H.R. 9994 and H.R. 1066). Majority Leader CARL ALBERT and Representatives Frank Burke and FRANK STUBBLEFIELD introduced similar bills in the 87th (H.R. 4851, H.R. 1995, and H.R. 2074, respectively. Senator JOHN SPARKMAN, chairman of the Housing Subcommittee of the Senate Banking and Currency Committee, introduced commission bills in the 86th and 87th Congresses (S. 2802 and S. 671). The Bureau of the Budget endorsed the purpose and objective of the proposed commission but suggested that the study be conducted within the legislative branch. This proposal was adopted, and the House Committee on Public Works established the Select Subcommittee on Real Property Acquisition, with Representative Clifford Davis serving as chairman.

The subcommittee was directed "to make a comprehensive, impartial and nonpartisan study, in order to determine whether owners, tenants, and other persons affected by the acquisition of real property in Federal and federally assisted programs receive fair and equal treatment and adequate compensation, considering the value of their property and the losses and expenses they incur on being required to move from their homes, farms, or business locations."[14] Senator SPARKMAN gave support to the subcommittee study in an address to the Senate on April 24, 1962.

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[4] Ibid., pp. 64–65.

[5] "Study of Compensation, etc.," op. cit., p. 106.

[6] Housing and Home Finance Agency, Office of the Administrator, "The Housing of Relocation Families," March 1965, p. 1.

[7] "Study of Compensation, etc.," op. cit., p. 122.

[8] "Uniform Compensation for Relocation," op. cit., p. 154.

[9] "The Housing of Relocation Families," op. cit., p. 1.

[10] Advisory Commission on Intergovernmental Relations, "Relocation: Unequal Treatment of People and Businesses Displaced by Governments" (January 1965), p. 105.

[11] "Study of Compensation, etc.," op. cit., p. 113.

[12] Ibid.

[13] CONGRESSIONAL RECORD, vol. 110, pt. 1, p. 1104.

After 3 years of extensive study, the subcommittee submitted its report in December 1964, entitled "Study of Compensation and Assistance for Persons Affected by Real Property Acquisition in Federal and Federally Assisted Programs." This publication is the most important single source of information on this complex topic. Its recommendations were introduced in the Senate in the 89th Congress as S. 1201 by Senator SPARKMAN, and in the House as H.R. 3421 (JOHNSON of California), H.R. 6559 (BINGHAM), and H.R. 6580 (ST GERMAIN). The report also provided indispensable background data for the committee's deliberations on S. 1681.

Following on the heels of this report came a survey by the Advisory Commission on Intergovernmental Relations in January 1965, entitled "Relocation: Unequal Treatment of People and Businesses Displaced by Government." This ACIR report focused its attention primarily on the issue of relocation. A basic source of information was a questionnaire survey of the relocation practices and policies of cities over 100,000 population which was conducted jointly in the summer of 1964 by the Commission and the U.S. Conference of Mayors. The ACIR staff, it should be noted, also worked closely with the staff of the House Select Subcommittee.

On the basis of its findings, ACIR made 14 recommendations for local, State, and Federal action to meet the problems of persons displaced by governments. For Federal action, the Commission recommended:

First. That the Congress establish a uniform policy of relocation payments and advisory assistance for persons and businesses displaced by direct Federal programs and by Federal grant-in-aid programs, and that the President direct that the necessary steps be taken to formulate uniform regulations for carrying out such a policy.

Second. The Congress should require that State and local governments administering Federal grant-in-aid programs assure the availability of standard housing before proceeding with any property acquisition that displaces people. This requirement should be at least comparable to that in Federal urban renewal legislation, assuring that (*a*) there is a feasible method for temporary relocation of displaced families and individuals, and that (*b*) there are or are being provided standard housing units within their financial means and in areas reasonably accessible to their places of employment.

Third. With respect to financing relocation payments under federally assisted programs, the full costs of payments to any person for relocating a family, and the costs of payments up to $25,000 to any person relocating a business, should be completely reimbursed by the Federal Government; and the costs of business relocation payments in excess of that amount should be shared on the basis of the cost-sharing formula governing the particular program.

Fourth. The Small Business Administration Act should be broadened to authorize disaster loans to small business concerns (*a*) that suffer substantial economic injury as a result of a construction program conducted by State and local government, as well as one conducted by a Federal or federally aided program; or (*b*) that are adversely affected but not actually displaced by government property takings.

Fifth. The Congress should amend the Manpower Development and Training Act to permit widow and widower owners of displaced firms to be eligible for manpower retraining allowances.

Sixth. The executive branch should: (*a*) authorize and encourage all Federal agencies causing displacements in urban areas to centralize in a single local agency in each major urban jurisdiction, through formal or informal agreement, responsibility for administering relocation planning, payments, and services; and (*b*) require all displacing agencies to give advance notice at the earliest practical time to local units of general government of any construction programs which will cause displacement.[15]

All but the fifth recommendation above were introduced by Senator MUSKIE on April 1, 1965, as S. 1681. The fifth recommendation was embodied in a separate bill on manpower development (S. 974), and was enacted and signed into law by the President as Public Law 89-15 on April 26, 1965. Companion measures to S. 1681 were introduced in the House by Representatives FOUNTAIN (H.R. 7821) and DWYER (H.R. 7970). H.R. 10212, introduced by Representative SICKLES, includes provisions similar to S. 1681.

COMMITTEE HEARINGS

Hearings on S. 1201 and S. 1681 were held on June 30, July 1, 13, and 14, 1965. Twenty-two witnesses testified, including Senators SPARKMAN, KENNEDY of New York and KENNEDY of Massachusetts; William G. Colman, Executive Director, Advisory Commission on Intergovernmental Relations; Curtis Aller, Director, Office of Manpower, Automation and Training, Department of Labor; Lewis A. Sigler, Assistant Legislative Counsel, Department of the Interior; George S. Bullen, assistant to the president for legislation, National Federation of Independent Business; Mayor Chuck Hall, of Dade County, Fla., representing the National Association of Counties; Henry H. Krevor, formerly counsel for the House Select Subcommittee on Real Property Acquisition; Ross D. Davis, Executive Administrator, Small Business Administration; Joe E. Moody, General Counsel, General Services Administration; Congressman WILLIAM B. WIDNALL (New Jersey); James Drought, assistant administrator for development, Boston Redevelopment Authority, speaking on behalf of Mayor John F. Collins, of Boston, the U.S. Conference of Mayors, and the National League of Cities; Richard L. Steiner, director of the Baltimore Urban Renewal and Housing Agency, speaking on behalf of Mayor Theodore R. McKeldin, of Baltimore; Lawrence Jones, Deputy Federal Highway Administrator, Bureau of Public Roads, Department of Commerce; Clarence Mitchell, director, Washington bureau, National Association for the Advancement of Colored People; Harry W. Reynolds, Jr., chairman, Center for Urban Studies, Municipal University of Omaha, Nebr.; Robert W. Hendricks, vice president and chairman, Public Affairs Committee, Society of Real Estate Appraisers; Timothy J. McCarthy, chief counsel, Providence, R.I., Redevelopment Agency; William L. Slayton, Commissioner, Urban Renewal Administration; Robert L. Free, president, American Institute of Real Estate Appraisers, on behalf of the National Association of Real Estate Boards; and Matt Triggs, assistant legislative director, American Farm Bureau Federation.

Official reports from 15 departments and agencies, and communications and statements from 12 public and private officials were submitted and made part of the hearing record. Every witness and all reports and statements favored enactment of S. 1681 as introduced, or with certain amendments.

Fifty-one amendments to S. 1681 were proposed during the hearings. Of the 44 minor proposals of a clarifying or substantive nature which were in harmony with the bill's purpose, 26 were adopted.[16] The committee rejected those procedural and substantive amendments which conflicted with the intent of the legislation, went far beyond its scope, or simply were not germane. The committee's reasons for rejecting two of the major amendments are cited later in this section.

The remaining five major proposals dealt with the relationship between S. 1681 and S. 1201, or major clarifications, or substantive changes which were in harmony with the basic purpose of the measure. All of these were adopted and are discussed below.

First, the committee decided to consider the relocation issue within the framework of the provisions of S. 1681. Under the leadership of the Bureau of the Budget, every Federal agency which testified or submitted a statement, requested more time to study the land acquisition provisions of S. 1201. During the 88th Congress, and at the request of the House Select Subcommittee on Real Property Acquisition, these agencies had studied problems similar to those which provisions of S. 1201 seek to alleviate. At the subcommittee's 1965 hearings, however, they were not prepared to discuss the many complexities and basic issues raised. They commented primarily upon relocation assistance and endorsed only those provisions of S. 1201 which are common to S. 1681. They were clearly opposed to consideration at this time of its other provisions, with the exception of section 301 (amendments to the Small Business Act), and some minor items that have been the subject of other current legislation.

Some of the issues considered by the House Select Subcommittee and treated in S. 1201, such as those dealing with land acquisition policies and taxation of capital gains resulting from forced sales, are quite complex. Aside from the three minor provisions discussed below, it is anticipated that the entire question of land acquisition will be explored in the first session of the 90th Congress.

Second, the committee amended S. 1681 by adding the provisions of subsections 402(1), 402(2), and 402(3) of the Housing Act of 1965. These subsections deal with land acquisition policies administered under six Department of Housing and Urban Development programs: public housing, urban renewal, mass transit, public facilities loans, open space, and community facilities.

This amendment goes beyond the scope of these provisions in the Housing Act of 1965 and calls for a uniform land acquisition policy to minimize present inconveniences and inequities to owners and tenants displaced by all Federal and federally assisted programs. In the case of Federal development programs, it calls for (1) negotiated purchase of property wherever possible, and (2) a 90-day notice before owners and tenants must surrender property. In the case of federally assisted development programs, it requires that both of the above policies shall apply and also requires, in cases where agreement on price has not been reached, immediate payment of 75 percent of the appraisal value of the property to the owner, with the balance deposited with the court. These changes conform with provisions of the Housing Act of 1965, and accord generally with recommendations of the Select Subcommittee on Real Property Acquisition.[17] They also conform with three provisions of title I of S. 1201, and implement the recommendation of Congressman WIDNALL that property owners receive a substantial proportion of the appraisal price at the time the property is transferred.[18]

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[14] "Study of Compensation, etc.," op. cit., p. 1.

[15] "Uniform Compensation for Relocation," op. cit., p. 74.

[16] See committee amendments section of this report, pp. 2–11.

[17] See "Study of Compensation, etc.," op. cit., pp. 122, 123.

Third, a provision was included in section 4 of S. 1681 for disaster loans to small businesses suffering substantial economic injury, though not actual displacement, as a result of Federal, federally aided, or State development projects. This extends the authority contained in section 7(b)(3) of the Small Business Act of 1961 and in S. 915 of the 89th Congress. The Select Subcommittee on Real Property Acquisition[19] recommended this extension, and it was endorsed by the Advisory Commission on Intergovernmental Relations and the Housing and Home Finance Agency.[20] Senator SPARKMAN, subsequent to hearings on the bill, recommended extending the proposal contained in his S. 1201 to include State and local projects. The committee sanctioned these changes.

Fourth, the committee accepted an amendment (section 3(f) advanced by Senator CURTIS subsequent to the hearings, to apply sections 3 and 10 of the Administrative Procedure Act of June 11, 1946, to section 3 of S. 1681. This action was taken to make clear the committee's intent that the bill provide for publication in the Federal Register of actions taken under Federal programs, as well as for judicial review of administrative actions growing out of this section. It is the intention of the committee that judicial review will advance the principle that payments to persons who suffer consequential damage as a result of displacement by Federal programs should be viewed as a right of such citizens, and not as a gratuity or privilege. This view was enunciated by the American Farm Bureau Federation during the hearings.[21] The committee rejected the contention of the Department of Justice that such payments should not be subject to review by the courts.[22]

The Supreme Court has already established that, in the Government's taking of property rights other than fee title, certain costs associated with displacement of the owner are compensable.[23] It is the opinion of the committee that in both the *General Motors* and *Kimball* cases the Court felt that equity required a modification of the traditional rule that consequential damage was beyond the requirements of the Fifth Amendment, as generally interpreted. Equally important, the Court took jurisdiction in these cases. It is the committee's belief that its provision for judicial review of administrative actions under section 3 is essential, particulary since these actions arise as a direct consequence of eminent domain proceedings—over which the Court has always exercised jurisdiction.

Fifth, a major change adopted by the committee required combining sections 8 and 9 of the bill as introduced. In urging this modification, the Department of Health, Education, and Welfare noted that the language of the original section 8(a) failed to make clear the mandatory intent of the legislation.[24] The committee agreed that, unless compliance with the relocation assistance and payment features of the bill by State and local governments was clarified at the outset, its basic objectives might be obscured.

The committee considered two broad categories of amendments advanced during the hearings, and rejected both.

First, the committee examined proposed amendments to section 3(e) which sought to achieve comparability with title I of the Housing Act of 1965. The latter provides for rent subsidies in private housing for certain low-income families, including those "displaced by governmental action."[25] Displaced persons, under the provisions of title I, must have an income below the maximum amount established for public housing eligibility. The formula provides for a subsidy which is the difference between the fair market rental for a dwelling unit and one-fourth of the tenant's income. Prescribed procedures include recertification of the income of such occupants at intervals of 2 years or less for the purpose of adjusting rental charges, and annual payments on the basis of the occupant's income.[26] These provisions differ from those of S. 1681 in several ways:

(*a*) The rental subsidy is higher in S. 1681 because it provides for payments equal to the difference between 20 percent of the family income and the actual rent in private accommodations, while the 1965 Housing Act limits this difference to 25 percent of the family income;

(*b*) S. 1681 sets a ceiling of 24 months and $1,000 for such assistance. There is no such ceiling in the 1965 Housing Act;

(*c*) S. 1681 limits eligibility for payments to an individual or a family unable to get into a low-rent public housing project, but it does not specifically limit family income under these provisions except by providing that the subsidy shall be related to 20 percent of income for the rental of a dwelling of "modest" standards. The 1965 Housing Act applies only to those whose income is low enough to qualify them for public housing; and

(*d*) S. 1681 provides this relocation assistance payment regardless of whether a full-fledged rent subsidy program has been established in the community. The Housing Act of 1965 requires a community to establish and operate such a program; in smaller localities, this may prove impractical.

The committee decided, in light of the broader and more positive features of S. 1681, to retain the provisions of section 3(e). In doing so, it was necessary to add a clarifying amendment which states that, should a displaced person receive assistance under title I of the Housing Act of 1965, he shall be ineligible to receive the relocation adjustment payment contained in section 3(e). In adhering to the original section, with this minor modification, the committee recognized that the purposes of section 3(e) of S. 1681 and title I of the Housing Act of 1965 are in essence quite different. The relocation adjustment payments authorized by the former cover only certain categories of persons and families displaced by governmental action. The forced relocation process then establishes the critical dividing point. As a consequence, the committee decided that relocation adjustment payments should be made to cover certain low-income displacees who are ineligible for public housing and should not be disbursed on an experimental basis without time limits. The committee basically has accepted the arguments supporting the relocation adjustment payments as provided by section 310(a) of the Housing Act of 1964 and the rationale for their continuance when the issue of rent supplements arose in 1965. These payments were extended to the elderly, and to certain low-income families displaced as a consequence of urban renewal programs, and they have not been superseded by title I of the Housing Act of 1965. In short, by retaining section 3(e), the committee has broadened the coverage and expanded the benefits authorized by the relocation adjustment payments program in the 1964 Act.

Second, the Bureau of the Budget, as well as other agencies and witnesses, favored changes in the schedule of payments under certain provisions of the bill. The Bureau's recommendations in this instance were rejected:

(1) The committee did not accept the suggestions of the Bureau of the Budget, the Department of the Interior, and the Bureau of Public Roads that the $5,000 relocation payment as provided in section 3(b) be reduced to $2,500.[27] The statement of the Bureau of the Budget maintained that the lower figure would be more in line with the provisions of the Housing and Community Development Act of 1964. Under that act, the Administrator paid small displaced businesses $1,500 plus moving expenses. The Housing Act of 1965 raised this figure to $2,500 in addition to actual moving costs. This action raised the maximum relocation payment for such concerns—as a practical matter—to $5,500 and, in effect, negated this argument of the Bureau of the Budget. The committee was impressed with the reasoning of Henry H. Krevor, formerly counsel for the House Select Subcommittee on Real Property Acquisition. Mr. Krevor stressed the importance to small businessmen of immediate payment as a result of displacement. In many marginal businesses, he pointed out, failure to receive quick payment has prevented successful relocation.[28] This payment of up to $5,000 is made to an owner on the basis of his net annual income. The owner or operator need merely present his tax returns for the preceding 2 years in order that his relocation payment can be equitably computed. This payment releases the Government from any further financial obligation, thereby eliminating costly delays in administrative time required to settle itemized claims.

(2) Bureau of the Budget, Department of Defense, Department of the Interior, and the Bureau of Public Roads favored reducing from $1,000 to $500 the fixed relocation payment to a displaced farm operator provided in section 3(d).[29] Budget declared, "The report of the House committee notes that the average payment for displaced farms made by the Corps of Engineers to move the farmer and provide for his relocation expenses is $475."[30] The committee fails to see the logic in making this "average" payment of $475 the maximum allowed under this fixed relocation approach. Such a payment would force many small farm operators whose expenses are greater than $475 to take the time-consuming, itemized option. The committee believes that the $1,000 payment should cover as large a segment of the small farm operators as possible. Moreover, the $1,000 payment would absolve the Federal agency of any further financial assistance and provide the farm operator with a small additional payment to cover the inconvenience of moving, plus additional miscellaneous expenses.

(3) Bureau of the Budget, Department of Defense, Department of the Interior, and General Services Administration suggested deleting section 3(c)(3), which provides an additional $300 payment to a displaced owner of a residence to be taken as part of the Federal or federally assisted project.[31] It was pointed out that this provision discriminates against a displaced tenant who purchases a home. The committee recognized the wisdom of this suggestion and amended the subsection to extend this $300 payment to

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[18] "Uniform Compensation for Relocation," op. cit., p. 177.

[19] "Study of Compensation, etc.," op. cit., p. 139.

[20] "Uniform Compensation for Relocation," op. cit., pp. 74–77.

[21] Ibid., p. 301.

[22] Ibid., pp. 37, 38.

[23] *U.S.* v. *General Motors Corp.*, 323 U.S. 373, 382 (1945); and *Kimball Laundry Co.* v. *U.S.* 338 U.S. 1., 12–15 (1949).

[24] "Uniform Compensation for Relocation," op. cit., p. 43.

[25] Ibid., pp. 81–83.

[26] Public Law 89–117, title I, sec. 101.

[27] "Uniform Compensation for Relocation," op. cit., pp. 29, 89, and 219.

[28] Ibid., p. 147.

[29] Ibid., pp. 29, 36, 89, and 221.

[30] Ibid., p. 29.

[31] Ibid., pp. 29, 36, 89, 168, and 272.

any owner or tenant purchasing a home within 1 year of his actual displacement.

(4) Bureau of the Budget and the Urban Renewal Administration favored reducing the rent supplement provision in section 3(e) from $1,000 over a period of 24 months to $500 over a period of 12 months.[32] The 12-month, $500 maximum approach, the Bureau contended, encouraged communities to make a "maximum effort to provide housing under the regular housing programs."[33] The committee rejected this contention, noting that the original relocation adjustment proposal, contained in President Johnson's message on the Housing and Community Development Act of 1964, included the 24-month period.[34] The Select Subcommittee on Real Property Acquisition also recommended the 24-month, $1,000 ceiling.[35] Finally, testimony of redevelopment officials and others on balance favored the high-option approach.

(5) The Bureau of the Budget, Department of Health, Education, and Welfare, Department of the Interior, and the Bureau of Public Roads opposed section 8(d) as introduced.[36] This section, which is based on present urban renewal regulations, provides that a State or local government using Federal funds for property acquisition or improvement may receive the full cost of providing relocation payments up to $25,000 for any displaced person. The Bureau contended that this should be considered a project expense and that reimbursement should be made on the same formula basis under which the project is funded. In the committee's opinion, adoption of this proposal would defeat the basic purpose of S. 1681, i.e., uniformity of payment and assistance among all Federal or federally assisted programs. Acceptance of this recommendation, moreover, would mean that many States would have to pass enabling legislation to permit reimbursement under the project formula. Testimony presented before the committee by the Bureau of Public Roads disclosed that only 32 States now authorize any relocation payments under these programs, and that of these 32, only 20 offer relocation payments on the same scale as the federally assisted program.[37]

(6) The committee also considered proposals by Congressman **Widnall** and Mr. James Drought, of the Boston Redevelopment Authority, to eliminate the $25,000 ceiling for full Federal payment of relocation costs. Concerning this recommendation, Mr. William L. Slayton, Urban Renewal Commissioner, commented that in 99 percent of URA cases involving displaced businesses, moving expenses did not exceed $25,000.[38] Subsequent to the S. 1681 hearings, HHFA, by administrative order, lifted the $25,000 ceiling with the proviso that the responsible local authority may treat any expense in excess of this amount as a project cost, and reimbursement to the affected business would be made on the basis of the project formula.[39] The committee agreed that providing total Federal assistance above $25,000 might encourage urban renewal and other project proposals "which begin to look toward moving expenses as an end in themselves."[40] The decision to adhere to section 8(d) of S. 1681, as introduced, was based in part on the fact that its language is in full accord with present Department of Housing and Urban Development practice.

ESTIMATED COST OF S. 1681

Over the next 4 to 8 years, it is estimated that Federal and federally assisted programs will displace annually more than 111,000 families and individuals, nearly 18,000 businesses and nonprofit organizations, and 3,700 farm operations. The following table provides a breakdown of forecasts by departments and agencies:

Average displacement per year by direct Federal and federally assisted programs causing substantial dislocation estimated for next 4 to 8 years

Departments and agencies	Families and individuals	Businesses and nonprofit organizations	Farm operations
Direct Federal:			
Defense	3,240	260	1,890
General Services Administration	540	310	10
Interior	580	50	360
International Boundary and Water Commission	240	30	10
Post Office Department	150	20	--------
Tennessee Valley Authority	120	20	30
Federally assisted:			
Bureau of Public Roads	36,770	3,880	1,350
HHFA Public Housing	3,170	170	--------
Urban Renewal Administration	66,250	13,130	--------
Summary:			
Direct Federal	4,900	700	2,300
Federally assisted	106,200	17,200	1,400
All programs	111,100	17,900	3,700

Source: Hearings, "Uniform Compensation for Relocation," p. 65.

Based on these figures, it is estimated that the total annual cost of S. 1681 will approximate $136.6 million. This is nearly $63.8 million more than the relocation payments authorized under present laws—as the following table indicates:

Estimated future annual costs of relocation payments under S. 1681 to all Federal and federally aided programs (in thousands)[1]

Departments and agencies	Estimated future costs under present laws	Estimated future costs under S. 1681
Urban Renewal Administration	$63,234	$77,316
Public Housing Administration	1,033	1,801
Bureau of Public Roads	6,477	51,897
Army Engineers	1,903	4,073
Navy	2	7
Interior	188	271
Departments and agencies now without relocation provisions	----------	1,297
All programs	72,837	136,629

[1] These figures are extrapolated from data contained in the following sources: Advisory Commission on Intergovernmental Relations, from data in "Study of Compensation for Persons Affected by Real Property Acquisition in Federal and Federally Aided Programs," 1964, pp. 12–19; and "Uniform Compensation for Relocation," hearings, Subcommittee on Intergovernmental Relations, U.S. Senate, 89th Cong., 1st sess., 1965, p. 80.

It is to be noted that the largest item in this increase relates to the Federal highway program, which at present provides maximum payments of only $200 for relocation expenses for families and individuals, and $3,000 for the relocation of businesses and farm operations.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the committee amendments be considered en bloc.

The PRESIDING OFFICER. Without objection, the amendments are considered and agreed to en bloc.

The bill is open to further amendment. If there be no further amendment to be proposed, the question is on the engrossment and the third reading of the bill.

The bill was ordered to be engrossed for a third reading, was read the third time, and passed.

JUNE PRICE INCREASE NO BASIS FOR TAX INCREASE

Mr. PROXMIRE. Mr. President, the Consumer Price Index rose 0.3 percent in June, according to figures released yesterday by the Department of Labor.

This unadorned fact is going to be misinterpreted, misused and, above all, misunderstood. It undoubtedly is going to be used by some as an indication that our economy is still overheated, with prices being sent into an upward spiral by excessive consumer demand.

Well, one cannot use the Consumer Price Index in quite that way. It simply does not give that kind of information. Before the CPI can be used as a tool to analyse the economy, it must be understood how the index is constructed, what its limitations are. In other words, there must be known what it does not reveal.

The Statistics Subcommittee of the Joint Economic Committee recently held the first comprehensive hearings in years on the prices indices prepared by the Federal Government: the Consumer Price Index and the Wholesale Price Index.

As chairman of that subcommittee, I would like to say, Mr. President, that those hearings provided an enormous amount of useful information about the nature of the indices and how they need to be improved. The hearings also made very plain some of the limitations of the indices as tools for economic analysis.

When the Consumer Price Index for each month is announced, it is duly reported in the press. As people across the Nation read those stories, they think—and how could they do otherwise—that the increase in the index means that they are paying more for exactly the same products.

In some cases, of course, they are. In a host of others, they are not.

For example, the greatest increase in the CPI during the past year occurred in April, a 0.5 percent increase. But testimony at the hearings from officials who prepare the index disclosed that three-fourths of this increase was the direct result of Government actions, not excessive demand.

One-fourth of the increase was due to the reimposition of the Federal excise taxes on automobiles and telephones at their former levels. One-fourth of the increase was due to higher State and local taxes. And one-fourth was due to higher interest rates, primarily on mortgages, which were in turn due to a tight monetary policy designed to hold down inflation.

Now, presumably the consumer got something for his money in each of these areas. The Consumer Price Index indicated prices had risen. But the point I wish to make, Mr. President, is that the consumer was getting something additional as he was paying the higher price.

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[32] Ibid., pp. 29, 273.

[33] Ibid., p. 29.

[34] "Study of Compensation, etc.," op. cit., pp. 141, 142.

[35] Ibid., p. 141.

[36] "Uniform Compensation for Relocation," op. cit., pp. 30, 42, 90, 91, and 224.

[37] Ibid., p. 227.

[38] Ibid., p. 275.

[39] Federal Register, Aug. 12, 1965, p. 10027.

[40] "Uniform Compensation for Relocation," op. cit., p. 275.

This certainly is not inflation as it is usually defined.

Was this the case again in June? No, in most part it was not. A small portion of the 0.3 percent increase last month was due to higher interest rates, the result of our continuing tight money policies. But the increase was the result of another phenomenon almost wholly unrelated to the general level of economic activity in the country.

Since 1951 the month of June has seen the economy in just about every possible state: boom and recession, going upward and going downward. Yet with startling regularity, every June the Consumer Price Index has gone up. And it has gone up an average of 0.3 percent.

In other words, the increase in the CPI last month was exactly the same as the average for June during the previous 15 years.

Mr. President, this tells us little or nothing about the state of the economy. It tells us instead that seasonal factors dictate that every June certain food prices are going to go up. And they are going to go up whether the economy is in boom or recession.

Prof. Richard Ruggles, of Yale University, one of the foremost statistical economists in the country, sums up some of the limitations of the CPI that I have been describing. During the hearings before my subcommittee, he testified:

> Unfortunately, the misinterpretation and consequent misuse of aggregate price indexes as a direct reflection of the level of excess demand in the economy has resulted in unwise economic policy. Since some of the components of the price index (services in particular) continue to rise on a secular basis, there has been a widespread impression that the economic system is always pressing upon capacity, and that every effort must be made to slow it down, to hold it in check. Such a view has led to a slower rate of growth, and higher unemployment, than would be desirable, and substantial underutilization of capacity. The economy has fallen far short of its true potential, and we live in terror of a bogey which may not really exist.

"A bogey which may not really exist." Mr. President, that is what we are facing. The bogey to which Professor Ruggles was referring is not inflation in general but an inflation that is the result of an overheated economy. An inflation of the sort that could be halted by further tax increases designed to slow down even further the Nation's level of economic activity.

As I have said in other statements earlier this week, the economy is already slowing down. During the second quarter of this year, the gross national product increased at a far slower rate than in the previous two quarters. In fact it grew at only an annual rate of 2.4 percent in real terms.

The Index of Industrial Production showed the same sort of decline. During the second quarter it fell to a monthly rate of increase of only one-half of 1 percent—a rate only one-third that of the previous quarter.

I suggest, Mr. President, that the economy is slowing down and that the increase in the Consumer Price Index announced yesterday presents no evidence to the contrary.

It may well be that prices will continue to move upward for a while as the result, not of an overheated economy, but because of institutional influences. Big business and big labor can cause prices, and wages which in turn affect prices, to move upward even when demand is not excessive. These are the factors that may contribute to inflation.

The best measures of inflation we have are the consumer and wholesale price indexes. By what I have said here this morning I do not mean to imply they are of no value. On the contrary, they are of immense value. My caution is this: in using them, make certain that their limitations and components are fully understood. Make certain, in other words, that what they do not tell is as fully understood as what it is they do tell.

Mr. President, economically speaking the immediate future is somewhat uncertain. Any further downturn could be very serious indeed.

Something must soon be done—but done carefully—to ease our tight money situation and provide some relief for our housing industry.

We must make every effort to appeal to labor and business to resist contributing to a structural inflation that would only complicate matters.

But we must not make the mistake of misunderstanding whatever inflation may occur. We must not make the mistake of slowing down our economy too much—by a tax increase or otherwise—in terror of bogey which may not really exist.

This morning newspaper's business section headlined a spectacular "Personal Income Rises Sharply in June to $576.4 Billion Peak." Now, anyone reading that headline would quickly conclude that it was another significant indication that the economy is running away, soaring off in a boom that is going to end in a bust.

What the headline does not tell, but the story does, is that this June figure—if put in the perspective of the total figures for the quarter, represents a stabilizing, even a slowing down in growth rate. The increase was less, for instance, than in February and March. What is more, the rise was from a May level of $573 billion and, therefore, represented a one-half of 1 percent or a roughly 7 percent annual rate of increase, a significant but hardly excessive growth in income.

Mr. President, there was one other more ominous development—this is the increase in business loans in June, in the face of record high interest rates and in spite of a usual drop in loans at this time of year.

This suggests to this Senator that high interest rates are not acting as an effective way of restraining credit expansion; and that borrowers have heard so much about threatened credit tightness in the future that they may very well have moved to secure loans while the loans are available.

Certainly the slowdown in virtually every index of production and demand which I described in some detail a couple of days ago in the Senate, does not suggest that the additional borrowing is to meet growing demand.

Mr. President, I ask unanimous consent to have printed in the RECORD a news release of the Department of Labor under date of Thursday, July 21, 1966.

There being no objection, the news release was ordered to be printed in the RECORD, as follows:

CONSUMER PRICE INDEX FOR JUNE 1966

The Consumer Price Index rose by 0.3 percent in June, the United States Department of Labor's Bureau of Labor Statistics announced today. The increase was caused mostly by higher food prices, medical care costs, and mortgage interest rates. At 112.9 (1957–59=100) the index stood 2.5 percent above a year ago.

PRICE CHANGES, MAY–JUNE 1966

Food prices customarily go up in June, so that the 0.4 increase was in line with seasonal expectations. The principal increases were for fresh fruit, pork, dairy products and bread. Apples, oranges, grapefruit, and watermelons all bore higher price tags. Seasonally reduced hog slaughter brought price increases for fresh pork cuts, but beef prices averaged slightly lower. Prices of evaporated milk, butter, and white bread increased by about 1 percent over the month. Margarine prices held steady.

Egg prices dropped almost 10 percent, considerably more than the usual decline in June, with increased production and lower demand for both domestic and export use. Canned fruit and juice prices moved down by more than 1 percent, in contrast with the increases for fresh fruits.

Charges were raised for many types of consumer services. Doctors' and dentists' fees and health insurance charges rose 0.7 percent, while hospital charges increased 0.6 percent. Home repairs, laundry and dry cleaning, and barber and beauty shop services also moved higher.

A 2 percent advance in mortgage interest rates in June reflected a continuing scarcity of funds for new mortgage lending and the upward climb of interest rates generally.

Used car prices went up, as they usually do in June, and new cars showed the usual slight price reduction. Gasoline prices rose seasonally. Taxi fare increases in several cities accounted for a 0.6 percent rise in the index for public transportation.

PRICE TRENDS, JUNE 1965-JUNE 1966

One half of the increase in the Consumer Price Index over the past year has been caused by higher charges for consumer services (up 3.7 percent). Charges for hospital services, mortgage interest, automobile insurance, home repairs, housekeeping services, and barber and beauty shop services have advanced 5 percent or more.

Food prices in June were 3.5 percent higher than a year ago, with restaurant meals up 4.8 percent and food in grocery stores up 3.2 percent. Meat prices averaged 8 percent higher over the year, mostly because of a 14 percent increase for pork. Egg prices climbed 6 percent.

Fresh vegetables, on the other hand, were 16 percent cheaper than a year ago.

Apparel prices averaged 2.3 percent higher than in June 1965, with footwear up by 6½ percent. Tobacco products also showed an increase of nearly 6 percent, due in part to higher State and local taxes. Used car prices dropped 3½ percent over the year.

COST-OF-LIVING ADJUSTMENTS

About 84,000 workers will receive cost-of-living wage increases based on the national

Consumer Price Index for June. Approximately 50,000, mostly aircraft workers, will get 2 cents an hour, about 9,000 will receive 3 cents, and some 21,000 (mostly interstate bus workers) will receive 1 cent, as a result of the rise in the index since March. An additional 3,650 workers will receive 1 cent an hour as a result of the index rise since December 1965.

TABLE 1.—*Consumer Price Index—U.S. city average for urban wage earners and clerical workers—Major group, subgroup, and special group indexes, June 1966 and percent changes from selected dates*

Group	Indexes (1957-59=100)					Percent change to June 1966 from—				
	June 1966		May 1966		June 1965 unadjusted	May 1966		March 1966		June 1965 unadjusted
	Unadjusted	Seasonally adjusted	Unadjusted	Seasonally adjusted		Unadjusted	Seasonally adjusted	Unadjusted	Seasonally adjusted	
All items	112.9		112.6		110.1	0.3		0.8		2.5
Food	113.9	114.0	113.5	114.0	110.1	.4	0	0	−0.2	3.5
Food at home	112.3	112.4	112.0	112.6	108.8	.3	−.2	−.3	−.4	3.2
Cereals and bakery products	114.7		114.3		111.0	.3		1.0		3.3
Meats, poultry, and fish	114.2	115.9	113.9	116.0	106.4	.3	−.1	−2.3	−1.5	7.3
Dairy products	109.6	110.7	109.3	110.2	104.0	.3	.5	1.4	2.5	5.4
Fruits and vegetables	121.7	115.8	119.2	115.3	125.9	2.1	.4	3.7	−1.4	−3.3
Other foods at home	101.3	102.9	102.8	104.0	100.5	−1.5	−1.1	−2.3	−1.4	.8
Food away from home	122.8		122.2		117.2	.5		1.3		4.8
Housing	111.1		110.7		108.2	.4		1.4		2.7
Shelter [1]	114.1		113.5		110.3	.5		1.6		3.4
Rent	110.2		110.2		108.8	0		.3		1.3
Homeownership [2]	115.8		[3] 115.0		111.0	.7		2.0		4.3
Fuel and utilities [4]	108.0	108.4	108.2	108.5	106.9	−.2	−.1	1.3	2.0	1.0
Fuel oil and coal [5]	107.0	109.2	108.0	109.5	103.4	−.9	−.3	−1.7	2.2	3.5
Gas and electricity	108.1		108.9		107.8	−.1		−.1		.3
Household furnishings and operation	104.8		104.6		103.1	.2		.8		1.6
Apparel and upkeep [6]	109.4	109.5	109.3	109.4	106.9	.1	.1	1.1	.9	2.3
Men's and boys'	110.1	110.2	109.9	109.9	107.1	.2	.3	1.0	.7	2.8
Women's and girls'	104.7	105.0	105.0	105.4	103.5	−.3	−.4	.8	.6	1.2
Footwear	119.8	119.9	119.0	119.0	112.3	.7	.8	2.5	2.5	6.7
Transportation	112.2	112.3	112.0	112.0	111.2	.2	.3	.7	.4	.9
Private	110.7	110.8	110.5	110.5	109.7	.2	.3	.7	.3	.9
Public	122.8		122.1		121.3	.6		.6		1.2
Health and recreation	118.7		118.4		115.7	.3		.9		2.6
Medical care	127.0		126.3		122.2	.6		1.4		3.9
Personal care	112.2		112.0		111.0	.2		1.1		1.1
Reading and recreation	117.0		116.8		115.7	.2		.3		1.1
Other goods and services [7]	114.9		114.7		111.0	.2		1.0		3.5
SPECIAL GROUPS										
All items less shelter	112.6		112.4		110.0	.2		.6		2.4
All items less food	112.8		112.5		110.3	.3		1.1		2.3
Commodities [8]	109.0	108.9	108.8	109.0	106.9	.2	−.1	.6	.3	2.0
Nondurables	111.5	111.5	111.3	111.6	108.6	.2	−.1	.4	.1	2.7
Durables [8] [9]	102.6	102.6	102.5	102.5	102.6	.1	.1	.6	.5	0
Services [10]	122.0		121.5		117.6	.4		1.6		3.7
Commodities less food [8]	106.4	106.5	106.3	106.4	105.1	.1	.1	.8	.8	1.2
Nondurables less food	109.5	109.6	109.3	109.4	107.3	.2	.2	.8	.7	2.1
Apparel commodities	108.3	108.4	108.3	108.4	106.0	0	0	1.1	.9	2.2
Apparel commodities less footwear	106.0	106.2	106.1	106.3	104.7	−.1	−.1	.8	.6	1.2
Nondurables less food and apparel	110.1		110.0		108.1	.1		.6		1.9
New cars	96.8	97.4	97.0	97.4	97.4	−.2	0	−.3	.5	−.6
Used cars	118.2	116.8	117.5	117.6	122.7	.6	−.7	2.4	−.7	−3.7
Household durables [11]	96.7		96.7		97.3	0		.5		−.6
Housefurnishings	98.6	98.4	98.5	98.4	98.2	.1	0	.6	.6	.4
Services less rent [10]	124.8		124.1		119.7	.6		1.9		4.3
Household services less rent	121.7		120.9		116.8	.7		2.7		4.2
Transportation services	123.2		123.0		118.6	.2		.5		3.9
Medical care services	133.0		132.1		127.0	.7		1.7		4.7
Other services [12]	126.4		125.9		121.7	.4		1.1		3.9
All items index on other bases:										
1947-49=100	138.5		138.2		135.1					
1939=100	233.1		232.5		227.4					
Purchasing power of the consumer dollar:										
1957-59=$1	$0.886		$0.888		$0.908	−.2		−.8		−2.4
1947-49=$1	.722		.724		.740					
1939=$1	.429		.430		.440					

[1] Also includes hotel and motel rates not shown separately.

[2] Includes home purchase, mortgage interest, taxes, insurance, and maintenance and repairs.

[3] Corrected index.

[4] Also includes telephone, water, and sewerage service not shown separately.

[5] Called "Solid and petroleum fuels" prior to 1964.

[6] Also includes infants' wear, sewing materials, jewelry, and apparel upkeep services not shown separately.

[7] Includes tobacco, alcoholic beverages, and funeral, legal, and bank service charges.

[8] Includes home purchase costs which were classified under services prior to 1964.

[9] Also includes auto parts, toys, and recreational goods not shown separately.

[10] Excludes home purchase costs which were classified under this heading prior to 1964.

[11] Called "Durables less cars" prior to 1964.

[12] Includes the services components of apparel, personal care, reading and recreation, and other goods and services.

TABLE 2.—*Consumer price index—The United States and selected areas for urban wage earners and clerical workers, all items—Most recent index and percent changes from selected dates*

Area [1]	Pricing schedule [2]	Indexes			Percent change from—	
		1957-59=100	1947-49=100	Other bases		
		June 1966			March 1966	June 1965
U.S. city average	M	112.9	138.5		0.8	2.5
Chicago	M	110.6	139.5		.6	2.5
Detroit	M	111.0	136.9		1.5	3.7
Los Angeles-Long Beach	M	114.5	142.8		.7	1.4
New York	M	115.3	138.9		.4	2.8
Philadelphia	M	113.4	139.3		.6	2.4

See footnotes at end of article.

TABLE 2.—*Consumer price index—The United States and selected areas for urban wage earners and clerical workers, all items—Most recent index and percent changes from selected dates*—Continued

Area[1]	Pricing schedule[2]	Indexes: 1957–59=100	Indexes: 1947–49=100	Indexes: Other bases	Percent change from—	
		April 1966			January 1966	April 1965
Boston	1	116.8	144.7		2.5	3.5
Houston	1	110.9	136.6		.8	2.8
Minneapolis-St. Paul	1	111.8	138.3		1.2	2.7
Pittsburgh	1	113.0	139.2		1.8	2.9
		May 1966			February 1966	May 1965
Buffalo (November 1963=100)	2			106.6	0.8	3.5
Cleveland	2	109.7	136.2		1.5	2.7
Dallas (November 1963=100)	2			104.6	1.2	3.5
Milwaukee	2	110.1	138.8		.5	1.8
San Diego (February 1965=100)	2			101.6	.4	1.1
Seattle	2	113.7	142.9		1.0	2.6
Washington	2	112.8	135.8		.8	3.0
		June 1966			March 1966	June 1965
Atlanta	3	111.1	137.5		0.7	3.0
Baltimore	3	113.4	140.7		.8	3.1
Cincinnati	3	110.2	134.1		1.0	2.5
Honolulu (December 1963=100)	3			104.6	.2	2.9
Kansas City	3	116.5	144.1		1.0	2.3
St. Louis	3	113.6	141.0		1.3	3.1
San Francisco-Oakland	3	115.2	146.2		.3	1.9

[1] Area coverage includes the urban portion of the corresponding standard metropolitan statistical area (SMSA) except for New York and Chicago where the more extensive standard consolidated areas are used. Area definitions are those established for the 1960 census and do not include revisions made since 1960.

[2] Foods, fuels, and several other items priced every month in all cities; most other goods and services priced as indicated:
M—Every month.
1—January, April, July, and October.
2—February, May, August, and November.
3—March, June, September, and December.

TABLE 3.—*Consumer Price Index—The United States and selected areas[1] for urban wage earners and clerical workers, major groups—Percent change from May 1966 to June 1966*

Group	U.S. city average	Chicago	Detroit	Los Angeles-Long Beach	New York	Philadelphia
All items	0.3	0.4	0.5	0.3	0.1	0.3
Food	.4	.6	.4	−.5	.1	.4
Housing	.4	.3	1.3	.7	.2	.1
Apparel and upkeep	.1	.3	0	0	−.5	.1
Transportation	.2	.4	.1	.8	.3	.4
Health and recreation	.3	.2	.2	−.4	.6	.3
Medical care	.6	.2	.7	.3	1.5	.5
Personal care	.2	.3	.4	−1.8	−.2	−.3
Reading and recreation	.2	.3	.2	−.5	.4	.6
Other goods and services	.2	0	−.3	−.5	.2	(²)

[1] See footnote 1, table 2.

[2] Not available.

TABLE 4.—*Consumer Price Index—U.S. city average for urban wage earners and clerical workers major group indexes, selected dates*

[1957–59=100]

Date	All items	Food	Housing	Apparel and upkeep	Transportation	Health and recreation: Total	Medical care	Personal care	Reading and recreation	Other goods and services
1966:										
June	112.9	113.9	111.1	109.4	112.2	118.7	127.0	112.2	117.0	114.9
May	112.6	113.5	110.7	109.3	112.0	118.4	126.3	112.0	116.8	114.7
April	112.5	114.0	110.3	108.7	112.0	118.1	125.8	111.6	116.8	114.3
March	112.0	113.9	109.6	108.2	111.4	117.6	125.3	111.0	116.6	113.8
February	111.6	113.1	109.4	107.6	111.1	117.1	124.5	110.8	115.9	113.6
January	111.0	111.4	109.2	107.3	111.2	116.9	124.2	110.4	115.7	113.4
1965:										
December	111.0	110.6	109.4	108.1	111.6	116.6	123.7	110.0	115.4	113.4
November	110.6	109.7	109.2	108.1	111.5	116.4	123.4	109.6	115.4	113.3
October	110.4	109.7	109.0	107.8	111.2	116.2	123.0	109.2	115.2	113.3
September	110.2	109.7	108.6	107.2	111.0	115.8	122.8	109.2	114.8	112.7
August	110.0	110.1	108.2	106.4	111.0	115.6	122.8	109.0	114.3	112.6
July	110.2	110.9	108.3	106.1	111.5	115.3	122.7	108.7	114.6	111.5
June	110.1	110.1	108.2	106.9	111.2	115.7	122.2	111.0	115.7	111.0
Annual average:										
1965	109.9	108.8	108.5	106.8	111.1	115.6	122.3	109.9	115.2	111.4
1964	108.1	106.4	107.2	105.7	109.3	113.6	119.4	109.2	114.1	108.8
1963	106.7	105.1	106.0	104.8	107.8	111.4	117.0	107.9	111.5	107.1
1962	105.4	103.6	104.8	103.6	107.2	109.4	114.2	106.5	109.6	105.3
1961	104.2	102.6	103.9	103.0	105.0	107.3	111.3	104.6	107.2	104.6
1960	103.1	101.4	103.1	102.2	103.8	105.4	108.1	104.1	104.9	103.8
1955	93.3	94.0	94.1	95.9	89.7	91.4	88.6	90.0	92.1	94.3

TABLE 5.—*Consumer Price Index—United States and selected areas,[1] for urban wage earners and clerical workers, commodity groups, June 1966 indexes and percent changes from March 1966*

Group	U.S. city average	Atlanta	Baltimore	Chicago	Cincinnati	Detroit	Honolulu (December 1963=100)	Kansas City	Los Angeles-Long Beach	New York	Philadelphia	St. Louis	San Francisco-Oakland
	Indexes (1957-59=100 unless otherwise specified)												
All items	112.9	111.1	113.4	110.6	110.2	111.0	104.6	116.5	114.5	115.3	113.4	113.6	115.2
Food	113.9	112.4	115.9	114.3	111.6	112.0	106.6	116.9	112.4	114.5	112.9	117.2	113.6
Food at home	112.3	111.8	112.9	114.0	110.0	110.6	106.9	116.2	109.0	111.4	111.2	115.2	110.5
Cereals and bakery products	114.7	108.8	119.0	115.0	111.1	108.1	103.2	118.0	119.3	115.8	110.4	113.5	112.2
Meats, poultry, and fish	114.2	115.2	114.3	114.7	115.6	115.4	111.2	117.8	105.0	113.0	110.3	119.4	112.8
Dairy products	109.6	106.7	110.0	117.6	107.9	110.7	101.1	118.0	111.1	103.1	114.6	117.2	109.5
Fruits and vegetables	121.7	120.4	125.3	121.2	118.6	115.6	112.3	123.8	121.7	122.5	122.0	122.1	118.8
Other foods at home	101.3	106.3	99.5	103.1	96.5	98.9	101.0	104.8	94.4	101.0	99.9	103.8	97.9
Food away from home	122.8	114.7	128.1	116.5	121.2	120.5	105.7	119.7	125.3	128.7	122.9	123.3	127.2
Housing	111.1	110.4	111.3	108.1	105.1	105.1	106.2	110.3	117.1	115.2	111.3	108.2	118.7
Shelter	114.1	110.1	113.6	109.5	104.5	105.9	109.3	110.9	123.4	118.7	113.9	109.0	124.6
Rent	110.2	106.5	109.9	----------	103.7	98.1	104.6	105.2	----------	118.9	----------	106.5	125.2
Homeownership	115.8	111.1	115.2	111.1	104.9	107.9	112.6	113.3	127.4	117.8	114.9	109.3	124.2
Fuel and utilities	108.0	110.7	107.0	105.8	104.3	102.8	99.2	114.3	103.8	107.1	106.4	108.0	103.7
Fuel oil and coal	107.0	----------	109.5	105.0	98.9	100.2	----------	----------	----------	110.9	111.2	106.1	----------
Gas and electricity	108.1	110.7	101.9	106.4	106.7	105.1	99.9	116.4	110.9	108.1	101.9	110.3	107.6
Household furnishings and operation	104.8	108.0	109.5	105.9	103.9	101.4	101.4	103.8	104.7	110.0	105.4	106.9	107.1
Apparel and upkeep	109.4	109.8	111.4	105.7	110.5	110.1	104.2	113.3	109.4	111.8	114.3	110.9	113.2
Men's and boys'	110.1	110.4	110.2	105.8	112.7	107.2	99.5	115.1	113.2	113.2	109.3	110.4	110.0
Women's and girls'	104.7	101.0	108.4	100.0	102.6	109.7	109.7	108.2	105.6	104.9	110.5	107.8	109.9
Footwear	119.8	121.3	130.4	117.5	124.7	120.4	103.2	122.2	117.0	122.0	121.8	123.4	117.7
Transportation	112.2	110.4	113.6	109.6	112.5	110.9	98.2	119.3	119.1	109.8	118.8	115.5	111.5
Private	110.7	107.9	111.1	109.8	110.8	109.0	99.5	117.2	115.0	112.3	114.7	113.9	112.8
Public	122.8	124.5	123.5	109.2	124.7	119.4	92.3	125.9	139.9	102.0	137.3	120.7	102.2
Health and recreation	118.7	116.1	116.0	113.9	117.0	120.9	105.2	126.6	111.8	123.9	117.3	120.3	118.0
Medical care	127.0	123.7	138.1	133.2	131.8	134.8	107.3	134.3	123.0	130.0	131.0	126.2	130.4
Personal care	112.2	115.4	111.6	112.1	106.8	112.8	102.3	116.0	106.3	109.8	108.7	117.3	120.8
Reading and recreation	117.0	115.2	110.0	101.5	116.1	116.3	100.9	128.7	103.5	126.3	112.7	122.0	109.1
Other goods and services	114.9	110.7	107.1	107.6	108.3	113.7	110.5	120.2	108.6	122.2	112.4	114.0	111.9
	Percent changes March 1966 to June 1966												
All items	0.8	0.7	0.8	0.6	1.0	1.5	0.2	1.0	0.7	0.4	0.6	1.3	0.3
Food	0	0	.3	−.7	.6	.6	−.1	.2	−.9	−.5	.1	.4	−.9
Food at home	−.3	−.5	.4	−1.1	.3	.4	−.3	−.3	−1.4	−1.0	−.2	.2	−1.3
Cereals and bakery products	1.0	1.1	−.7	.7	1.9	1.5	0	1.2	2.1	.8	.8	.5	1.0
Meats, poultry, and fish	−2.3	−2.5	−1.0	−4.5	−1.1	−2.9	.1	−2.5	−2.9	−2.0	−.7	−1.8	−2.3
Dairy products	1.4	1.0	3.1	1.3	2.7	3.6	1.3	.4	.1	−.6	.5	3.4	.3
Fruits and vegetables	3.7	4.4	7.1	6.4	1.9	6.8	−2.3	5.4	−.7	1.9	2.9	3.9	−.3
Other foods at home	−2.3	−2.6	−3.6	−3.4	−1.3	−1.8	−.2	−2.2	−2.8	−3.0	−3.2	−1.7	−2.4
Food away from home	1.3	2.0	.5	1.1	1.8	2.0	.7	1.5	.6	1.1	1.7	1.5	.3
Housing	1.4	1.1	1.0	1.4	1.6	2.9	.3	1.2	1.6	.8	.9	1.2	.9
Shelter	1.6	1.3	1.2	1.5	2.1	3.9	0	1.3	1.8	.7	.7	1.4	.8
Rent	.3	.8	.3	----------	.5	[2].4	−.3	.2	----------	[2].1	----------	.2	.1
Homeownership	2.0	1.5	1.6	2.0	2.8	4.6	.2	1.6	2.4	.9	.9	1.7	1.1
Fuel and utilities	1.3	1.7	1.6	2.5	1.2	1.9	2.2	2.0	2.1	1.5	1.2	1.4	2.3
Fuel oil and coal	−1.7	----------	0	−.6	−8.3	−.4	----------	----------	----------	−2.6	−1.2	.2	----------
Gas and electricity	−.1	0	.4	1.3	0	.7	0	.3	−.1	−.2	0	−.1	0
Household furnishings and operation	.8	0	0	.4	.5	.7	.3	.4	.5	.5	1.1	.7	.7
Apparel and upkeep	1.1	1.3	.7	.5	1.4	.6	1.1	1.8	1.0	.4	.7	1.5	.4
Men's and boys'	1.0	4.0	.6	.1	1.4	1.2	−.3	.8	1.3	.3	.4	.5	.4
Women's and girls'	.8	−1.2	0	.1	1.5	−1.3	2.6	2.9	.8	−.6	.3	1.6	.5
Footwear	2.5	.4	2.9	2.3	2.8	2.5	.9	2.3	1.5	2.8	2.7	2.5	1.8
Transportation	.7	.2	.5	.8	1.2	.5	.6	1.8	1.1	.6	.8	2.7	−1.0
Private	.7	.1	.5	.9	1.2	.3	.4	1.8	1.1	.7	1.0	2.6	−1.0
Public	.6	0	0	0	.5	4.0	2.0	.2	0	.3	.3	2.4	0
Health and recreation	.9	1.2	1.0	.9	.5	.9	.1	.9	0	1.3	.4	2.0	1.0
Medical care	1.4	1.6	1.8	.7	1.2	1.1	.9	.9	.8	2.6	1.0	2.4	1.9
Personal care	1.1	1.4	−.1	−.2	−.1	.2	−1.4	1.7	−1.9	.9	.4	6.2	.8
Reading and recreation	.3	.7	.4	.9	−.4	1.3	−.5	.6	−.3	.4	.2	.2	.3
Other goods and services	1.0	1.0	1.4	(3)	.8	(3)	.5	.6	(3)	(3)	.2	1.2	.7

[1] See footnote 1, table 2.
[2] Change from April 1966.
[3] Not available.

TABLE 6.—*Consumer Price Index—United States and selected areas for urban wage earners and clerical workers, food and its subgroups, June 1966 indexes and percent changes from May 1966*

Area[1]	Total food	Food at home						Food away from home
		Total	Cereals and bakery products	Meats, poultry, and fish	Dairy products	Fruits and vegetables	Other foods at home	
	Indexes (1957-59=100 unless otherwise specified)							
U.S. city average	113.9	112.3	114.7	114.2	109.6	121.7	101.3	122.8
Atlanta	112.4	111.8	108.8	115.2	106.7	120.4	106.3	114.7
Baltimore	115.9	112.9	119.0	114.3	110.0	125.3	99.5	128.1
Boston	115.7	112.7	116.0	116.3	103.8	126.0	100.4	128.7
Buffalo (November 1963=100)	108.5	108.3	100.4	112.1	104.5	117.8	103.3	109.8
Chicago	114.3	114.0	115.0	114.7	117.6	121.2	103.1	116.5
Cincinnati	111.6	110.0	111.1	115.6	107.9	118.6	96.5	121.2
Cleveland	111.1	109.7	111.0	114.7	104.2	121.0	97.3	119.0
Dallas (November 1963=100)	109.4	109.9	107.1	116.8	109.2	111.4	102.3	107.7
Detroit	112.0	110.6	108.1	115.4	110.7	115.6	98.9	120.5
Honolulu (December 1963=100)	106.6	106.9	103.2	111.2	101.1	112.3	101.0	105.7
Houston	114.4	112.6	119.6	110.8	108.9	125.2	102.6	122.8
Kansas City	116.9	116.2	118.0	117.8	118.0	123.8	104.8	119.7

See footnote at end of table.

TABLE 6.—*Consumer Price Index—United States and selected areas for urban wage earners and clerical workers, food and its subgroups, June 1966 indexes and percent changes from May 1966*—Continued

Area [1]	Total food	Food at home						Food away from home
		Total	Cereals and bakery products	Meats, poultry, and fish	Dairy products	Fruits and vegetables	Other foods at home	
	Indexes (1957–59=100 unless otherwise specified)							
Los Angeles-Long Beach	112.4	109.0	119.3	105.0	111.1	121.7	94.4	125.3
Minneapolis-St. Paul	111.6	110.8	107.9	113.0	116.5	116.8	101.6	114.2
New York	114.5	111.4	115.8	113.0	103.1	122.5	101.0	128.7
Philadelphia	112.9	111.2	110.4	110.3	114.6	122.0	99.9	122.9
Pittsburgh	111.4	110.7	113.5	116.7	101.1	122.1	99.4	115.7
St. Louis	117.2	115.2	113.5	119.4	117.2	122.1	103.8	123.3
San Francisco-Oakland	113.6	110.5	112.2	112.8	109.5	118.8	97.9	127.2
Seattle	114.3	112.0	106.2	116.7	117.8	119.1	99.7	124.8
Washington	114.1	111.8	108.9	112.5	112.4	120.6	103.2	124.8
	Percent changes May 1966 to June 1966							
U.S. city average	0.4	0.3	0.3	0.3	0.3	2.1	−1.5	0.5
Atlanta	.4	.4	1.1	.7	.9	1.8	−1.9	.4
Baltimore	.5	.6	−.7	1.3	.3	4.2	−2.3	.2
Boston	.3	.3	.8	−.2	.4	3.4	−2.1	.6
Buffalo (November 1963=100)	.5	.6	.1	.3	2.8	.3	−.5	.4
Chicago	.6	.7	1.6	1.0	.5	2.8	−2.0	.3
Cincinnati	.8	.7	−.5	1.7	1.4	1.4	−1.1	1.2
Cleveland	1.0	1.2	.7	.5	.5	5.0	−.1	0
Dallas (November 1963=100)	0	.1	.1	.2	.2	.5	−.6	0
Detroit	.4	.5	.7	.4	1.1	2.4	−1.3	.2
Honolulu (December 1963=100)	.4	.5	−.1	−.7	.6	2.8	.7	0
Houston	.3	.4	.6	.5	−.4	3.0	−1.2	.1
Kansas City	.8	.8	.9	1.2	−.3	3.9	−1.6	.9
Los Angeles-Long Beach	−.5	−.8	.2	−.8	−.4	−.5	−1.9	.2
Minneapolis-St. Paul	−.1	−.2	.3	.3	−1.6	2.1	−1.6	.2
New York	.1	−.1	.1	−.1	−.7	2.3	−1.9	.8
Philadelphia	.4	.4	.5	.1	.3	2.8	−1.4	.7
Pittsburgh	−.1	−.2	.5	−.5	.5	2.3	−2.5	.8
St. Louis	.2	.1	.1	.3	.3	1.0	−1.0	.7
San Francisco-Oakland	−.3	−.5	.1	−.7	.3	.6	−1.4	.2
Seattle	−.1	−.2	−1.5	1.0	.8	0	−2.1	.2
Washington	.4	.4	−.9	1.0	.4	3.5	−1.9	.6

[1] See footnote 1, table 2.

TABLE 7.—*Consumer Price Index—U.S. city average for urban wage earners and clerical workers, food items June, 1966 indexes and percent changes from selected dates (1957–59=100 unless otherwise specified)*

Item or group	Index, June 1966		Percent change to June 1966 from—		
	Unadjusted	Seasonally adjusted	May 1966		June 1965 unadjusted
			Unadjusted	Seasonally adjusted	
Total food	113.9	114.0	0.4		3.5
Food away from home	122.8	----------	.5	----------	4.8
Restaurant meals	123.1	----------	.5	----------	5.0
Snacks [1]	105.9	----------	.3	----------	3.4
Food at home	112.3	112.4	.3	−0.2	3.2
Cereals and bakery products	114.7	----------	.3	----------	3.3
Flour	110.4	----------	−.1	----------	.2
Cracker meal [1]	115.7	----------	.2	----------	6.0
Corn flakes	122.3	----------	1.7	----------	2.9
Rice	107.0	----------	0	----------	.8
Bread, white	119.9	----------	.8	----------	4.9
Bread, whole wheat [1]	107.9	----------	−.4	----------	4.5
Cookies	97.8	----------	−1.4	----------	−1.2
Layer cake [1]	102.1	----------	.8	----------	4.2
Cinnamon rolls [1]	105.4	----------	.8	----------	5.2
Meats, poultry, and fish	114.2	115.9	.3	−.1	7.3
Meats	116.6	118.7	.3	0	8.0
Beef and veal	112.8	115.2	−.4	.4	2.9
Steak, round	108.5	110.6	.2	1.1	−.9
Steak, sirloin [2]	106.2	----------	.9	----------	−1.5
Steak, porterhouse [1]	110.7	----------	.6	----------	−.4
Rump roast [1]	104.9	----------	0	----------	.4
Rib roast	118.5	120.5	−1.3	−1.2	.9
Chuck roast	104.5	109.9	−3.8	−.6	.7
Hamburger	116.0	116.8	−1.2	−1.9	8.3
Beef liver [1]	108.8	----------	−.6	----------	6.9
Veal cutlets	127.9	127.9	.7	.7	7.8
Pork	123.9	126.2	1.9	.8	13.8
Chops	124.0	126.5	6.3	3.4	7.1
Loin roast [2]	131.9	----------	3.6	----------	9.0
Pork sausage [1]	134.3	----------	−1.6	----------	17.8
Ham, whole [1]	113.1	114.9	−1.1	−2.2	10.8
Picnics [1]	125.7	----------	−1.0	----------	23.1
Bacon	132.2	134.8	1.3	.6	18.9
Other meats	119.0	119.0	−.4	−.6	11.2
Lamb chops [1]	119.6	----------	.4	----------	4.1
Frankfurters	119.3	119.5	0	−.5	9.4
Ham, canned [1]	120.5	----------	−2.5	----------	19.0
Bologna sausage [1]	117.6	----------	.6	----------	12.3
Salami sausage [1]	113.3	----------	−1.0	----------	10.5
Liverwurst [1]	117.8	----------	.2	----------	12.8

See footnotes at end of table.

TABLE 7.—*Consumer Price Index—U.S. city average for urban wage earners and clerical workers, food items June 1966 indexes and percent changes from selected dates (1957–59=100 unless otherwise specified)*—Continued

Item or group	Index, June 1966		Percent change to June 1966 from—		
			May 1966		June 1965 unadjusted
	Unadjusted	Seasonally adjusted	Unadjusted	Seasonally adjusted	
Total food—Continued					
Food at home—Continued					
Meats, poultry, and fish—Continued					
Poultry	96.3		0.4		3.0
Frying chicken	97.1	96.3	.1	−2.4	2.9
Chicken breasts [1]	105.5		1.3		4.6
Turkey [1]	107.4		.7		3.0
Fish	118.0	118.1	−.2	0	6.9
Shrimp, frozen [1]	101.6		.1		7.5
Fish, fresh or frozen	122.3	122.8	−.8	−.2	5.6
Tuna fish, canned	115.1		.4		13.2
Sardines, canned [1]	106.6		−.1		2.0
Dairy products	109.6	110.7	.3	.5	5.4
Milk, fresh, grocery	106.8	108.9	−.2	.4	5.8
Milk, fresh, delivered	110.6		.3		5.1
Milk, fresh, skim [1]	103.1		−.4		5.0
Milk, evaporated	109.6		1.2		3.8
Ice cream	94.9		.3		0
Cheese, American process	128.9	129.0	.2	.3	10.6
Butter	109.2	109.9	1.1	1.4	6.3
Fruits and vegetables	121.7	115.8	2.1	0.4	−3.3
Fresh fruits and vegetables	131.1	121.4	3.8	1.1	−7.4
Apples	155.2	128.2	10.6	−.5	13.9
Bananas	101.7	100.9	1.8	.9	6.0
Oranges	119.2	121.5	4.4	4.6	1.4
Orange juice, fresh [1]	84.4		.5		−7.0
Grapefruit	159.2	148.9	12.8	.5	1.5
Grapes*	(*)	(*)	(*)	(*)	(*)
Strawberries*	139.0	157.8	5.1	14.7	10.7
Watermelon*	125.4	102.9	(3)	(3)	5.9
Potatoes	152.0	131.8	5.1	−5.4	−29.5
Onions	148.7	136.4	6.4	1.3	2.3
Asparagurs* [1]	103.7		−5.7		9.4
Cabbage	141.9	129.6	−12.3	−11.9	−17.4
Carrots	128.7	123.3	10.9	1.8	13.2
Celery	116.3	115.8	15.4	17.6	9.7
Cucumbers [1]	123.5		−.8		9.1
Lettuce	109.7	108.8	−4.3	−6.4	−35.1
Peppers, green [1]	153.0		−2.7		−6.7
Spinach [1]	99.1		.9		−3.2
Tomatoes	113,3	107.7	−10.2	−.3	−7.3
Processed fruits and vegetables	110.1		−.5		4.1
Fruit cocktail, canned	100.4		−1.7		5.5
Pears, canned [1]	104.4		−1.9		9.5
Grapefruit-pineapple juice, canned [1]	97.3		.2		−2.0
Orange juice concentrate, frozen	93.8	95.9	−.5	.2	−3.1
Lemonade concentrate, frozen [2]	89.4		−1.9		−1.3
Beets, canned [1]	103.5		1.3		4.7
Peas, green, canned	115.7		.5		.2
Tomatoes, canned	112.7		.4		8.3
Dried beans	124.6		−1.0		16.3
Broccoli, frozen [1]	96.1		−.2		0
Other food at home	101.3	102.9	−1.5	−1.1	.8
Eggs	89.1	100.9	−9.8	−7.6	6.2
Fats and oils:					
Margarine	103.6		0		1.0
Salad dressing, Italian [1]	101.2		.5		1.4
Salad or cooking oil [1]	120.7		.1		10.4
Sugar and sweets	110.6		−.4		−2.9
Sugar	109.9		−.2		1.1
Grape jelly	116.3		−.1		.7
Chocolate bar	92.7		−.2		−12.5
Sirup, chocolate flavored [1]	99.1		−1.0		0
Nonalcoholic beverages	100.8		.6		.6
Coffee, can and bag	94.1		.3		−.7
Coffee, instant [4]	99.5		.8		.8
Tea	101.0		.2		−.2
Cola drink	129.8		.6		3.6
Carbonated fruit drink [1]	104.5		1.2		2.3
Prepared and partially prepared foods [1]	99.6		−.1		−1.5
Bean soup, canned [1]	97.5		−.6		−.6
Chicken soup, canned [1]	98.2		−.2		−1.4
Spaghetti, canned [1]	104.8		−.2		4.6
Mashed potatoes, instant [1]	102.1		.5		−6.6
Potatoes, french fried, frozen [2]	85.8		−.1		−8.8
Baby foods, canned	105.0		.1		−2.6
Sweet pickle relish [1]	103.8		−.7		3.3
Pretzels [1]	99.9		0		.9

[1] December 1963=100.
[2] April 1960=100.
[3] Not available.
[4] July 1961=100.
*Priced only in season.

UNCERTAINTY WILL PLAGUE SCHOOL MILK PROGRAM UNLESS EXTENSION LEGISLATION PASSED

Mr. PROXMIRE. Mr. President, the school milk program is due to expire on June 30, 1967. Recently legislation was passed in the Senate extending the program for an additional 4 years. Unfortunately, this legislation has run into a jurisdictional hassle in the House of Representatives. Because it is part and parcel of a larger bill covering the school lunch program as well, the milk program extension proposal is before both the House Education and Labor Committee and the House Agriculture Committee. The Education and Labor Committee apparently has jurisdiction over the lunch program while the Agriculture Committee has jurisdiction over the milk program.

I understand that many House Members are not terribly impressed with the need for acting on the milk program because it does not expire until next year. This means that a new Congress could initiate and pass legislation extending the program in 1967.

However, this reasoning overlooks two important facts. First, at the beginning of a new Congress there are a multiplicity of housekeeping problems which make it very difficult to get down to the business of considering legislation seriously in committee, let alone passing it, in the first month or two of the new Congress. It is very doubtful that a school milk bill introduced early in 1967 could pass both Houses and be signed into law by June 30.

Second, the uncertainty already caused by the administration's earlier proposal to slash the program by 80 percent would be compounded if Congress refused to take action to extend the program this year. The result would be a sharp dropoff in program participation at the expense of the schoolchildren participating in the program.

Consequently, I hope that the House will reach an early resolution of its jurisdictional dispute and act with dispatch to pass the school milk program extension. I am sure that the 67 Senators who cosponsored my bill extending the milk program share my sentiments.

HOW TO HELP OUR FELLOW MEN?

Mr. TALMADGE. Mr. President, I ask unanimous consent to have printed in the RECORD a UPI article which was published in the Albany, Ga., Herald on July 20, 1966, entitled "How To Help Fellow Men?"

There being no objection, the article was ordered to be printed in the RECORD, as follows:

HOW TO HELP FELLOW MEN?

NEW YORK (UPI).—Not all New Yorkers remain oblivious to the plight of a fellow citizen in distress.

When Vall Molorni, 41, slipped on a banana peel at a subway station Tuesday it was only a matter of minutes before two men rushed to his aid.

As he was lying on the ground in a daze, the first man grabbed Molorni's wristwatch and fled. The second man attempted to steal his wallet, but was frightened away by passers by.

Finally, help did arrive, and Molorni was hospitalized for treatment of injuries received in the fall.

DISARMAMENT

Mr. PASTORE. Mr. President, I ask unanimous consent that I may proceed for 10 minutes in the morning hour.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. PASTORE. Mr. President, headlines are written to attract attention. They are intended to jolt us. And sometimes they confuse us. We do not read the remainder of the article—nor do we analyze it for its real meaning.

Many of us in the Senate are concerned with international disarmament and have sought to support our Government in meaningful steps toward disarmament and peace.

We were jolted by some headlines of the past week. One read, "Study Finds Danger in Disarmament Plan." Another ran, "Disarmament Plan of United States Unfeasible, Study Panel Says." Still a third proclaimed, "Disarmament Plan of United States Criticized by Panel It Financed."

It turns out that the study referred to was completed some 2 years ago. It was a study instigated, instituted, and paid for by an Agency created by the Congress of the United States—the U.S. Arms Control and Disarmament Agency.

I am informed by the Agency that the purpose of the study was to obtain an analysis of the basic problems in maintaining international peace and security that could arise under a treaty on general and complete disarmament.

Such a study should be made by an outside group of scholars who had no prior commitment to U.S. disarmament proposals.

Such an outside group was selected in the Washington Center of Foreign Policy Research of the Johns Hopkins School of Advanced International Studies.

Their 2-year-old observations were recently published by the Washington Center of Foreign Policy Research under the title, "The United States in a Disarmed World."

The current press accounts derive from this publication.

My concern arises from the fear that the headlines and the articles might be misinterpreted. They might be regarded as casting doubt on the wisdom of the repeatedly stated U.S. foreign policy objective.

Such an interpretation would be tragic and inaccurate.

One press account, however, puts the issue in better perspective. It was in the Washington Sunday Star of July 17, in the form of an editorial entitled "Disarmament: The Dream and the Reality."

I ask unanimous consent that this editorial, and the three news items to which I have previously referred, be printed in the RECORD as a part of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. PASTORE. Mr. President, Congress stated in the Arms Control and Disarmament Act that:

> An ultimate goal of the United States is a world which is free from the scourge of war and the dangers and burdens of armaments; in which the use of force has been subordinated to the rule of law; and in which international adjustments to a changing world are achieved peacefully.

Support by the Senate for the long-term goal of general and complete disarmament has been expressed by various resolutions and particularly by our action giving overwhelming consent to the ratification of the limited nuclear test ban treaty in 1963. The preamble to that treaty again proclaimed our aim of "agreement on general and complete disarmament under strict international control."

The Eisenhower administration proclaimed that goal in 1960 and advanced a proposal for general and complete disarmament. Subsequent treaty draft outlines were advanced by the United States in 1961 and again in 1962. These drafts were designed to serve as a framework for discussion of the problems of general disarmament. According to the Disarmament Agency, these drafts have been extremely useful in exposing the complexity of the problems involved. They were not intended to represent a fixed and immutable position, but to serve as a basis for negotiations and further study that could lead to a solution of some of the problems inherent in achieving agreement.

Such an agreement is obviously far in the future and current U.S. efforts are principally geared toward preventing the further spread of nuclear weapons. Both the American and Soviet draft treaties on general and complete disarmament have served to delineate the difficulties in achieving this long-term goal. Moreover, our draft has served as a good jumping off place for the negotiation of collateral measures at Geneva. Many of these collateral measures, such as the test ban and the hot line, have been drawn from the stage 1 proposals in the draft outline.

At this point, I would like to note that some of the press accounts on the Johns Hopkins study stated that the Arms Control and Disarmament Agency declined to comment on it. I have been assured that this was not the case and that an Agency official discussed the matter at some length with the author of that particular story. As for myself, when I queried the Agency, I found no reluctance whatever on the part of Agency officials to discuss it.

The U.S. outline of basic provisions of a disarmament treaty submitted in 1962 gives the United States a veto over whether it would move from a first stage of 30-percent reductions in all major armaments to later stages. These later stages were quite general, no time period even being specified for the last.

The draft was formulated in this way because the Agency was fully aware of the profound changes which would have to occur in the political environment before anything like it could be carried out.

After the initial sessions of the Geneva Disarmament Conference in 1962, the Agency felt that it would be valuable for the United States to seek an analysis from independent and experienced scholars in order to explore the fundamental issues in linking disarmament and international peacekeeping. Despite the fact that, over a long period of time, disarmament had been linked to arrangements for maintaining the peace, the Agency believed that it would be desirable to have an assessment of the 1962 draft by a group of qualified and experienced scholars not immersed in the day-to-day execution and advocacy of policy.

Indeed, I feel that, under its congressional mandate, the Agency has a duty to engage in this type of research. Section 31 of the Arms Control and Disarmament Act authorized and directed the Agency to study, among other things, "the national security and foreign policy implications of arms control and disarmament proposals upon national security and foreign policy" and "methods for the maintenance of peace and security during different stages of arms control and disarmament." This study, undertaken pursuant to that authority, was, like all Agency sponsored research, designed to explore how our security can best be promoted in the arms control and reduction field.

Whether one agrees with the observations of the Johns Hopkins panelists or not, I would like to make one thing abundantly clear. As far as I am concerned, given the awesome instruments of destruction in today's world, the ultimate goal of general and complete disarmament must be diligently pursued and the problems inherent in achieving this future goal must ultimately be solved. For if they are not, the consequences defy the wildest imagination. As President Johnson stated in his message to the current session of the 18-Nation Disarmament Conference:

> The avoidance of war and particularly nuclear war is the central, common concern of all mankind.
>
> My country is dedicated to this end. The effort to control, and reduce—and ultimately eliminate—modern engines of nuclear destruction is fundamental to our policy.
>
> There are differences among the members of the Conference on Vietnam, but these differences make our common interest in preventing nuclear spread and curbing the nuclear arms race all the more important to pursue. Even while our own Nation is engaged in necessary resistance to aggression in southeast Asia, it must continue to pursue every avenue for stable peace, both in Vietnam and throughout the world. The great general effort has no more important set of goals than those of disarmament.

Mr. President, I submit that, despite the difficulties and disappointments involved in the long road ahead, we must remain objective but steadfast in our quest for general and complete disarmament in a peaceful world.

Either the world moves sincerely toward arms control and disarmament—or the world detours to its utter destruction.

EXHIBIT 1

[From the Washington (D.C.) Sunday Star, July 17, 1966]

DISARMAMENT: THE DREAM AND THE REALITY

A book just published by the Johns Hopkins Press has stirred up considerable interest here as a critique of United States disarmament policy. It also has attracted attention as yet another reminder of how far our befuddled and harried world still is from the fulfillment of Isaiah's celebrated prophecy, "They shall beat their swords into ploughshares, and their spears into pruning-hooks; nation shall not lift up sword against nation, neither shall they learn war any more."

The book consists of a study, in the form of separate essays, completed two years ago by a panel of seven distinguished Americans associated with the Johns Hopkins University's Washington Center of Foreign Policy Research. The essays, though written independently of each other after some 20 joint meetings over a period of a year, show a remarkable unanimity of views. They are basically pessimistic as regards the proposals that our government has been advocating for so long a time at sessions of the 17-nation Geneva Conference.

These proposals, an "Outline of Basic Provisions of a Treaty of General and Complete Disarmament in a Peaceful World," were submitted to Geneva in 1962 with a flourish of propagandistic trumpets and a special message from President Kennedy. They call for a revolutionary three-stage divestment of military power by every country in the world. Stages I and II would be carried out over a period of about six years. Establishing elaborate inspection and policing machinery, the signatories would (1) suspend the production of nuclear weapons, (2) cut down the number of delivery systems for intercontinental ballistic missiles, and (3) greatly reduce the number of men in their armed forces.

Finally, in the third stage, which presumably would require several additional years for completion, all countries would be stripped of their nuclear and other strategic weapons. Military forces retained would be sufficient only to guarantee domestic order. With every nation thus rendered incapable of external warfare, the task of maintaining international peace and security would be turned over to a United Nations army so powerful that nobody—not Americans, not Russians, not Chinese—would dare to challenge it.

Since its presentation at Geneva four years ago, this plan has been the subject of well over 250 meetings and millions of words of discussion, much of it bitter. But no progress has been made toward disarmament. One of the great sticking points, of course, has been the unyielding Soviet opposition to the kind of verification system without which Stages I and II could gravely endanger the United States and the free world at large. As for Stage III, the Johns Hopkins panelists made clear their belief that it can have no application to anything resembling the world today. An international peace force may prove an eventual possibility but, in the words of former Undersecretary of State Livingston Merchant, "the dawn of that day is far distant."

It is far distant for important reasons. There is, in the first place, the fact that a proud and powerful nation will not be easily persuaded to give up its own military strength and submit itself to the sort of vaguely conceived international power that the American disarmament plan contemplates. And then, should it? Aside from whether such a decision is politically possible for a country like ours, could it rely on a world police force to protect its legitimate interests and the peace of the world? Is not a world police force likely to be stymied by the "bad guys" in time of crisis? Are not peaceable states, those with no designs on their neighbors, likely to find therefore that they are the one whose hand has been weakened when the great day comes?

Complete disarmament, therefore, may never become a reality. But depite the unrealism that has befogged Geneva, there is still reason to strive for piecemeal advances in the disarmament field. One such advance has been the limited test-ban treaty; another is the "hot-line" agreement on communications between Moscow and Washington. A third possibility, however remote, is the current effort at Geneva to work out a treaty that would ban the proliferation of nuclear weapons among nations not now armed with them. Some day, we may even get somewhere with phases I and II of the American plan.

The Geneva conference should keep on trying for agreement, bit by bit, on what President Kennedy called "the foremost item on the agenda of humanity." The agenda, in all probability, never will be completed. But if mankind is ever to breathe easy again—or even keep breathing at all—there must be progress toward Isaiah's vision.

[From the Washington (D.C.) Post July 11, 1966]

STUDY FINDS DANGER IN DISARMAMENT PLAN

(By Lewis Gulick)

A non-Government research panel said yesterday that the U.S. plan for eventual global disarmament is unworkable and possibly dangerous.

An underlying theme in the 129-page study is that the scrapping of national armed forces in favor of a powerful U.N. Peace Force, as envisioned in the final stage of the U.S. blueprint, does not provide adequate alternative machinery to protect national interests in a troubled world.

The two-year study of the U.S. plan for general and complete disarmament was carried out by a seven-man panel of experts at Johns Hopkins University's Washington Center of Foreign Policy Research under an $87,308 contract with the Arms Control and Disarmament Agency.

Among the panelists were Livingston T. Merchant, former Under Secretary of State and still a State Department-Disarmament Agency consultant, former State Department policy planner Charles Burton Marshall and Prof. Arnold Wolfers, director of the Research Center and consultant to the State and Army departments.

AGENCY DECLINES COMMENT

A spokesman for the Disarmament Agency declined to comment on the study, which consists of essays by each of the seven panelists.

Other officials of the agency said criticism is part of the job of research specialists, and added that the U.S. disarmament plan is open to revision before such time in the distant future as nations really get to the point of agreeing to abolish their armies.

The U.S. proposal was presented to the continuing 17-nation disarmament parley at Geneva in 1962 partly as a counter to the Soviet Union's widely publicized proposition for universal disarmament.

Under the U.S. plan, balanced arms reduction would proceed by stages. By the final phase, Stage Three, means for just and peaceful settlement of all international disputes would be worked out and the U.N. Force would be too strong to be challenged by national forces.

Among the comments of the panelists in the study, as made public by the Foreign Research Center:

Wolfers—An international peace force controlled by the U.N. as presently constituted "would offer little comfort to the United States" in coping with anti-Western subversive forces and might even side with them.

TEMPTATION TO STRIKE

Robert E. Osgood—General disarmament would create "a temptation to strike first" by nations which figure they could hit even a potentially powerful state before it had a chance to rearm.

Paul Y. Hammond—Soviet-American competition for influence abroad would continue in a disarmed world, perhaps including a willingness to operate in the "gray area" between what is clearly allowed and what is banned under a disarmament agreement.

Laurence W. Martin—Recent disarmament plans have not required political solution of major existing disputes as a prerequisite. "It is unlikely, then, that disarmament can be accompanied by an effective ban on violence and a wholly defensive system of peaceful settlement."

Robert Tucker—"If new rules of international law, especially against subversion and indirect aggression, would have to be agreed on before the process of partial disarmament can substantially proceed, the prospects for achieving such disarmament would be severely impeded."

Marshall—"Military forces are an essential part of the internal security arrangements of a state. With military power vested in a U.N. force, national governments would lose a power to assure their survival."

Merchant—"If the process of disarming in stages promoted a climate in which existing sources of tension and conflict would be eased, then eventually the world might approach a consensus on fundamental principles and values such as would ultimately enable the establishment of the 'irresistible' peace force suggested. However, the dawn of that day is far distant."

[From the Washington (D.C.) Evening Star, July 11, 1966]

DISARMAMENT PLAN OF U.S. UNFEASIBLE, STUDY PANEL SAYS

The U.S. Arms Control and Disarmament Agency has declined to comment on the opinion of a research panel that the U.S. plan for eventual global disarmament is not feasible.

The agency made public last night a 129-page study by the panel that also contends the U.S. disarmament plan possibly is dangerous because it does not provide adequate alternative machinery to protect national interests.

The U.S. plan calls for eventually replacing national armed forces with a powerful U.N. peace force. It was presented to the continuing 17-nation disarmament parley at Geneva in 1962.

The two-year study of the U.S. plan was conducted by a seven-man panel at Johns Hopkins University's Washington Center of Foreign Policy Research under an $87,308 contract with the Arms Control and Disarmament Agency.

PANELISTS LISTED

Among the panelists were Livingston T. Merchant, former undersecretary of state and still a State Department disarmament agency consultant; former State Department policy planner Charles Burton Marshall and Prof. Arnold Wolfers, director of the research center and consultant to the State Department and the Army.

The U.S. proposal was presented at Geneva partly to counter the Soviet Union's widely publicized proposal for universal disarmament.

Under the U.S. plan, balanced arms reduction would proceed by stages. By the final phase, stage three, the means for just and peaceful settlement of all international disputes would be worked out and the U.N. force would be too strong to be challenged by national forces.

Among the comments of the panelists in the study:

Wolfers—An international peace force controlled by the United Nations as presently constituted "would offer little comfort to the United States" in coping with anti-Western subversive forces and might even side with them.

* * * * *

[From the New York Times, July 11, 1966]

DISARMAMENT PLAN OF U.S. IS CRITICIZED BY PANEL IT FINANCED

(By John W. Finney)

WASHINGTON, July 10.—The Johnson Administration's proposal for general and complete disarmament has been criticized as unworkable and contrary to United States foreign policy interests by a research study performed for the Arms Control and Disarmament Agency.

The Government-financed study found that the disarmed world contemplated in the plan, instead of promoting peace, actually could have a destabilizing effect on world politics. The objection was also raised that American foreign policy interests could be jeopardized by reliance on an international peace force.

The criticism was contained in a report written after a two-year study by seven associates of the Washington Center of Foreign Policy Research, which is affiliated with the Johns Hopkins University's School of Advanced International Studies. The results of the $87,308 project were made public today in a book, "The United States in a Disarmed World," published by the Johns Hopkins Press.

POLITICAL IRONY IN REPORT

There was political irony in the results of the research project. Last year Senator J. W. FULBRIGHT, chairman of the Foreign Relations Committee, said it was an example of the self-serving and unproductive type of research being conducted by the Disarmament Agency. After defending the research, the agency now finds its disarmament plan severely criticized at its own expense.

Perhaps to ease the impact of the criticism, the introduction of the book says the findings do not represent the official position of the Disarmament Agency and therefore are "not a repudiation" of present policy. But it does suggest that the report "provides a basis for re-examination of that policy."

The research contract called for a review of the disarmament plan presented by the United States to the United Nations in 1962. This plan, which still stands as United States policy, calls for progressive, balanced disarmament leading eventually to a stage where nations would have only enough forces to maintain internal order. At the same time, a United Nations peace force would be built up until it had sufficient strength so that no nation could challenge it.

The study concentrated its criticism on the final stage contemplated in the plan particularly on the dangers of relying on an international peace force. The study emphasized the risks and difficulties involved in upsetting the traditional military patterns in favor of international peace-keeping.

The book takes the form of separate reports by seven analysts, the first three dealing with the American interests that would require protection during the disarmament process, and the four others evaluating the practicability and effectiveness of peace-keeping after disarmament is achieved.

Dr. Arnold Wolfers, former director of the Center of Foreign Policy Research, found that "a drastically disarmed United States might find its interests jeopardized unless it enjoyed the protection of an international military force."

"But if such a force were controlled by the United Nations," he noted, "it would offer little comfort to the United States and might indeed render the safety of many vulnerable American interests more precarious."

Dr. Robert E. Osgood, director of the Washington Center of Foreign Policy Research, and "complete disarmament would be destabilizing simply because it would legally restrict the capacity of governments to adjust their most crucial element of power to meet shifts in political interest and foreign policy."

Paul Y. Hammond of the Rand Corporation wrote that, since "great powers will want friends the more their ability of exerting external pressures on others declines, political warfare as the major form of indirect aggression will gain in significance." He added that in this area the Soviet Union "enjoys the advantage of being freer to take initiatives."

Laurence W. Martin, professor of international politics at the College of Wales, declared "It is unlikely that disarmament can be accompanied by an effective ban on violence" and "would have to coexist with injustice and covert struggle."

Robert Tucker, professor of political science at the Johns Hopkins University, said that without the restraints imposed by national military force "law in the new international environment would have to be given a role exceeding in importance that which it has been given in national life."

"This would also mean giving a role of unprecedented importance to those individuals who apply and enforce it," he added.

Charles Burton Marshall, research associate at the Washington Center of Foreign Policy Research, noted that "military forces are an essential part of the internal security arrangements of a state" so that "any project for general and complete disarmament has deep implications for the existence of states and for the character of authority within them."

THE AIRLINES STRIKE—JOINT RESOLUTION

Mr. MORSE. Mr. President, I have discussed the unanimous-consent request I am about to make with the majority leader, and have his approval. I hope I may have the approval of the Senate. The request is to speak for such time as I need in presenting and explaining to the Senate a measure in the form of a joint resolution which I am about to send to the desk, as a solution for the national emergency that has been created by the airline strike. Therefore, I ask for such time as I may need to explain the joint resolution. I shall be as brief as possible, but I do not want to be limited as to a particular number of minutes.

The PRESIDING OFFICER. Is there objection?

Mr. JAVITS. Mr. President, for how many minutes did the Senator from Oregon ask?

Mr. MORSE. I asked to speak without a time limitation.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered. The Senator from Oregon is recognized.

Mr. MORSE. Mr. President, I seek to bring up the measure and explain it at this time because I think it is important that it be considered at the earliest possible moment. I think it is of the utmost importance to the national welfare that this strike be brought to an end at the earliest possible hour, consonant with protecting the rights of the parties concerned. I hope my measure will receive the prompt consideration which it needs.

Mr. President, if anyone had ever told me, prior to this emergency, that the senior Senator from Oregon, out of a sense of public duty and responsibility, would have introduced the measure I am about to introduce, I would have said I did not think such a time would come. But it has come.

Each one of us, dedicated to the protection of the rights of labor and the rights of management, would like to see labor and management exercise their precious rights of volunteerism upon which our economic system is based, and which we have recognized. When the public interest is involved and is threatened, then, in my opinion, there is no choice left to the people, through their representatives, than to proceed in this way.

As I have already said in three statements I have made on this subject, the airline strike presents a strike which is vested with the public interest. Because it is vested with the public interest, Congress has already, through the Railway Labor Act, exercised a legislative prerogative in connection with it. Because it is vested with the public interest, the Government of the United States regulates rates. Because it is vested with the public interest, the United States has expended millions of dollars in the development of the industry, as I pointed out the other day, through airports and other forms of safety measures.

The expenditure of taxpayers' funds has provided facilities that have provided work for the workers. Because of this public interest, those workers have been recipients of more economic advantages than they would otherwise have had. As a result, they are not underpaid workers. Their pay is substantially above the average, as far as income of American workers generally is concerned.

Mr. President, I could not begin to select the words that really describe my feelings of pain in offering a measure such as this, because I think it is so unnecessary for the workers in this industry to have placed the Congress in the position they have placed it. But they will have to assume the responsibility for that.

It is because this strike is not a strike only against the airlines, but against the public interest and public welfare, and in a very real sense because of the vital interests and rights of the Federal Government and obligations of the Federal Government to see to it that air transportation in this country continues uninterrupted from the standpoint of our national security—and in my judgment they have nobody to blame but themselves—that I believe it is necessary for Congress to pass legislation of the type I now introduce.

May I say I am not married to the form of this legislation. I am openminded to any amendments that may have to be made to this legislation; but, Mr. President, I am perfectly willing to stand on this legislation from the first word to the last word until it can be shown on the record that the legislation needs to be modified in any particular.

Let me say that this is legislation designed to meet special emergency, an emergency that has been created by the airline strike; but I want it also to be understood, as I introduce this legislation, that the senior Senator from Oregon has advocated, since 1947, a modification of the emergency dispute section of the Taft-Hartley Act. I have for many years advocated a modification of the procedures for the handling of disputes which develop into national emergency disputes. That is my record.

Some of my older colleagues in the Senate will recall that in 1947, when I was one of those who led the fight against adoption of the Taft-Hartley law, and voted against it, one of my reasons for opposing it was the emergency dispute provision of the bill. My recollection now is, and I am only depending on memory, but I am sure the record will bear me out, that Senator Taft, in his colloquy with me at the time, and also in discussions with me on the Labor Committee, recognized that it might be necessary to modify the emergency dispute section, but he believed the instances would be far and few between in which the emergency dispute provisions would have to be applied, and he thought it would be workable. But the Senator from Oregon also made it clear at that time that he thought the emergency dispute section of the Taft-Hartley law should be modified.

I did not feel that we should follow that program of postponement. I thought we ought to pass a bill at that time that had an emergency dispute section in it that was more preferable.

The introduction of this joint resolution today, to meet this specific case, in no way lessens my intention to support general legislation in this field that will be on the books, available in the future for any crisis that arises in connection with emergency disputes.

Therefore, I say to the Senator from Florida [Mr. HOLLAND], the Senator from Ohio [Mr. LAUSCHE], and the Senator from New York [Mr. JAVITS] that the proposals they have made are proposals that I too, think should be among those to be considered by the Committee on Labor and Public Welfare for general legislation on this subject. As they know, I have from year to year introduced my own bill for general legislation in this field. I am working on some modifications of it now, as far as general legislation is concerned, and will, in due course of time, introduce it also.

But today I offer this joint resolution as, I think, a desirable framework of legislation with which I believe Congress now has the clear duty to proceed. Let us face it; this matter is at the doorstep of Congress. The American people are looking to us to take the necessary legislative action to protect the vested interests of the public in air transportation.

The joint resolution itself—which I shall read—really constitutes my speech, Mr. President. I have agreed to read it on the floor of the Senate, and then submit it, urging immediate action by the appropriate committee, in the hope that the committee can send it back to the Senate at the earliest possible hour.

Mr. PASTORE. Mr. President, will the Senator yield before he begins reading?

Mr. MORSE. Yes, I yield to the Senator from Rhode Island.

Mr. PASTORE. The Senator tells us that the average pay of the machinists in the airline industry is above average.

Mr. MORSE. That is correct.

Mr. PASTORE. Could he tell us in dollars what it amounts to, and also in dollars what is being sought, so that the record may be placed in proper perspective?

Mr. MORSE. The average hourly rate for airline employees is $3.25 per hour. That is for all of them, including the ramp men, the people working in the pastry department and the commissary, the cleaners, the mechanics, and all the so-called ground maintenance employees covered by the agreement. The average hourly wage for all manufacturing industries is $2.70 per hour. The union in this dispute is asking for an increase for mechanics from $3.52 per hour to $4.05 per hour. The Emergency Board, which I chaired, recommended an increase for mechanics to $4 per hour. The union has rejected that recommendation.

Mr. John Bruff, to whom I am greatly indebted for his assistance as legal counsel for the Committee on Labor and Public Welfare, who has worked closely with me on this case, obtained these figures from the record of our hearings. The figures were supplied by the Bureau of Labor Statistics.

I have promised to yield to the Senator from Ohio.

Mr. LAUSCHE. I contemplated asking the Senator from Oregon to state specifically what his bill was intended to do.

Mr. MORSE. I shall read it.

Mr. LAUSCHE. The Senator is now coming to the point which will answer my question.

Mr. MORSE. Mr. President, my legislation takes the form of a joint resolution. As the Senate knows, a joint resolution, if passed, goes to the White House for the signature of the President.

My joint resolution is as follows:

S.J. RES. 180

Joint resolution to provide for the settlement of the labor dispute currently existing between certain air carriers and certain of their employees

Resolved by the Senate and House of Prepresentatives of the United States of America in Congress assembled, That (a) the Congress does hereby find and declare that a labor dispute between Eastern Airlines, Inc., National Airlines, Inc., Northwest Airlines, Inc., Trans World Airlines, Inc., and United Air Lines, Inc. and certain of their employees represented by the International Association of Machinists and Aerospace Workers, a labor organization, threatens essential transportation services of the Nation; that it is essential to the national interest, including the national health, safety and defense, that essential transportation services be maintained; that all procedures for resolving such dispute provided for in the Railway Labor Act have been exhausted and have not resulted in settlement of the dispute, including a report and recommendations of the Emergency Board No. 166, a proffer of arbitration and mediation with the parties by the National Mediation Board; further, that the efforts of the President and Secretary of Labor to settle this dispute have been unsuccessful; and that it is desirable to achieve a settlement of this dispute in a manner which preserves the free collective bargaining method.

(b) The Congress therefore finds and declares that emergency measures are essential to the settlement of this dispute and to the security and continuity of transportation services by such carriers.

PRESIDENTIAL DETERMINATION OF EMERGENCY

SEC. 2. If the President determines, after consultation with appropriate departments and agencies of the Government, that the labor dispute referred to in the first section of this joint resolution, if permitted to continue, imperils or threatens to imperil the public health and safety of the United States, or of any substantial part thereof, or impairs or threatens to impair the national defense, he shall order the Attorney General to petition the United States District Court for the District of Columbia for the relief authorized under section 3.

INJUNCTIONS AND APPOINTMENT OF RECEIVER

SEC. 3. (a) The United States District Court for the District of Columbia shall, upon petition brought by the Attorney General pursuant to this joint resolution, have jurisdiction to hear, consider and render judgment on the labor dispute referred to in the first section of this joint resolution in accordance with the provisions hereof.

(b) If, in a proceeding held on the basis of such a petition, such court determines, on the basis of the evidence presented to it in such proceeding, that such dispute, if allowed to continue, imperils or threatens to imperil the public health and safety of the United States, or of any substantial part thereof, or impairs or threatens to impair the national defense, such court shall issue an order enjoining the parties to such dispute from calling or continuing any strike or lockout during the effective period of such order (as provided in subsection (d)) and appointing a special receiver to take immediate possession, in the name of the United States, of the transportation facilities which are the subject of such dispute, and to retain possession thereof and to operate the same for the effective period of such order.

(c) In granting an injunction of relief under this section, the jurisdiction of such court sitting in equity shall not be limited by the Act entitled "An Act to amend the Judicial Code, to define and limit the jurisdiction of courts sitting in equity, and for other purposes", approved March 23, 1932 (29 U.S.C. 101–115).

(d) Any order granted pursuant to subsection (b) shall be dissolved (1) upon settlement of the dispute, (2) when such dispute no longer imperils or threatens to imperil the public health and safety of the United States, or of any substantial part thereof, or no longer impairs or threatens to impair the national defense, or (3) upon the expiration of the two-year period which commences on the date such order is issued.

OPERATION OF FACILITIES BY RECEIVER

SEC. 4. (a) Any receiver appointed to operate facilities pursuant to an order under section 3 shall operate such facilities by utilizing, to the fullest extent practicable, existing management personnel. During the period that such receiver is in charge of such facilities, the wages, hours, or other conditions of employment of personnel involved in the labor dispute giving rise to such order shall be the same as the wages, hours, or other such conditions existing immediately prior to the appointment of such receiver, except that such receiver may make such changes with respect thereto as are consistent with the recommendations of the Emergency Board heretofore appointed with respect to such dispute pursuant to section 10 of the Railway Labor Act and as may be authorized by the President.

(b) During the period during which facilities are under receivership pursuant to this joint resolution, the United States shall impound and hold all income received from the operation thereof in trust for the payment of general operating expenses incurred by the United States in the operation of such facilities. Any income remaining shall be covered into the Treasury of the United States as miscellaneous receipts. In determining just compensation to the owners of such facilities, due consideration shall be given to the fact that the United States took possession of such facilities when their operation had been interrupted by a stoppage of work or operations or that a stoppage of work or operations was imminent; and to the fact that the United States would have returned such facilities to their owners at any time when an agreement was reached settling the issues involved in such stoppage of work or operations: *Provided*, That any increase in wages or other compensation or any increase resulting from a change in the method of computing wages or other compensation which is agreed to retroactively for the period of government operation or any portion of that period shall be deemed costs or expenses for such period.

(c)(1) The President shall appoint a compensation board to determine the amount to be paid as just compensation under this section to the owner of any facilities of which possession is taken. For the purpose of any hearing or inquiry conducted by such board the provisions relating to the conduct of hearings or inquiries by the Special Airline Dispute Board as provided in section 5 are hereby made applicable to any such hearing or inquiry. The members of such compensation board shall be appointed and compensated in like manner as are the members of the Special Airline Dispute Board.

(2) Upon appointing such compensation board, the President shall make such provision as may be necessary for stenographic, clerical, and other assistance and such facilities, services, and supplies as may be necessary to enable the compensation board to perform its functions.

(3) The award of the compensation board shall be final and binding, unless within thirty days after the issuance of such award, a party moves to have such award set aside or modified in the United States Court of Claims in accordance with the rules of such Court.

(d) The fact that facilities are under receivership under this joint resolution shall in no wise operate to make inapplicable to such facilities any State or Federal law concerning health, safety, security, or employment standards, and the receiver operating such facilities shall comply with such laws as if such facilities were privately operated.

SPECIAL AIRLINE DISPUTE BOARD

SEC. 5(a). Upon issuance of a court order granting the relief prescribed in section 3(b), the President shall, at the earliest possible date, appoint a Special Airline Dispute Board to be composed of such number of persons as the President may deem desirable: *Provided, however*, That no member appointed shall be pecuniarily or otherwise interested in any organization of employees or any carrier. Notwithstanding any other provision of law, the National Mediation Board is authorized and directed: (1) to compensate the members of the Board at a rate not in excess of $100 for each day together with necessary travel and subsistence expenses, and (2) to provide such services and facilities as may be necessary and appropriate in carrying out the purposes of this joint resolution.

(b) Such Board shall have power to conduct investigations and take testimony at any place within or without the United States. For the purpose of any hearing conducted by such Board, the provisions of sections 9 and 10 (relating to the attendance of witnesses and the production of books, papers, and documents) of the Federal Trade Commission Act of September 16, 1914, as amended (15 U.S.C. 49 and 50), are hereby made applicable to the powers and duties of such Board.

(c) Upon the appointment of the Board, such Board shall promptly hold a public hearing of the parties with reference to the dispute and shall make and publish a report in writing with respect to the dispute which shall state the findings, conclusions, and decision of the Board on each of the issues involved. Such report shall be made within sixty days after appointment of the Board, except that the President, on good cause shown, may extend such period. Such report shall be filed with the President and with the National Mediation Board and shall be made available to the parties and all other interested persons.

SEC. 6. Upon issuance of a court order granting the relief prescribed in section 3(b), the parties to the dispute shall continue or immediately resume collective bargaining with respect to all issues raised in the notices of August 9, 1965 exchanged by said parties and shall exert reasonable efforts to resolve such dispute by agreement. The Secretary of Labor and the National Mediation Board are hereby directed to give all reasonable assistance to the parties and to engage in mediatory action directed to promoting such agreement.

REPORT TO CONGRESS

SEC. 7. At the earliest practicable date after the termination of any receivership ordered pursuant to this joint resolution, the President shall submit to the Congress a full and complete report of the dispute giving rise to the ordering of such receivership, the management and operation of the facilities under receivership, and all pertinent data concerning the relationship between the parties to the dispute and between such parties and the receiver during and at the end of such receivership, together with any recommendations he may desire to submit to the Congress with respect to such dispute or with respect to labor disputes in general.

Before I answer any questions, Mr. President, I want to say that in no small measure we relied heavily upon the experience that I had during World War II as a public member of the National War Labor Board. In a considerable number of the cases, we followed the procedure of this bill during the war under the no-strike, no-lockout agreement. It did become necessary, unfortunately, for the Board to recommend to the President of the United States that it was necessary to raise the American flag over a given industry for a so-called token seizure or receivership by the Federal Government.

I want to say that in each and every one of those cases I happened to be the enforcement and compliance officer of the Board, as well as a public member of the Board, and it was necessary to receive the approval of the President prior to the enforcement of any decision of the Board. It was my responsibility to explain to the President the reasons for the requirement of the Government intervention.

Let the RECORD show that President Roosevelt on not one single occasion approved of a Government intervention by way of a token seizure until he was completely convinced that that action was essential from the standpoint of the national interest.

I am also pleased to report that there was not a single instance in which the Board made such a recommendation that the President of the United States, after a consideration of the facts that the Board presented to him in support of their decision, did not comply with the decision and order the Government intervention.

Mr. President, I do not know of any existing evidence that the companies or the union concerned suffered any injustice whatsoever as the result of the Government's action. The record is perfectly clear that it did not take the parties very long after the Government intervention to proceed to come to a voluntary agreement between themselves.

Let me make it clear that, under the War Labor Board procedure, it was not necessary to go to court. The recognized war powers of the President were sufficient for the President to act as Commander in Chief in time of war and authorize the taking of that action on two main grounds: One, that the no-strike, no-lockout agreement entered into by the parties in each case, and their pledge to the United States, which organized labor and American industry through the industry representatives had made, vested in the President the authority to see to it that his no-strike, no-lockout agreement was maintained.

The President recognized, as did the Board, that the first time any union or any company was permitted to violate the no-strike, no-lockout agreement by defying a decision of the Board, then the no-strike, no-lockout agreement provision was dead. Furthermore, it was not necessary to go to the courts because, as I said, the President, exercising his war powers, obviously had the authority as Commander in Chief to raise the American flag over any plant that sought, in effect, to interfere with the war effort, whether it was on the part of management or union.

The two situations are not parallel in every respect, but they certainly are analogous. In this instance, an additional precaution has been mentioned concerning the court procedure. That has been provided for in my proposed legislation.

I close my comment by saying that I am satisfied that the national interest called for some such action on the part of the Congress of the United States. We cannot continue to occupy these seats, Mr. President, and permit this strike that does such great damage to the national interest to continue. We have a duty to work out legislation that, under all the circumstances, is as fair to the disputants as we can be fair under these circumstances. But this measure places the public interest first. It is certainly the paramount interest in an industry regulated by the Government, because it is vested with the public interest.

Mr. President, may I say, properly using the words when I make the statement, that it makes me sad to find that we have come to a situation in America in which such legislation should be introduced. But that is my responsibility, as I see my responsibility. I am satisfied that such legislation, similar in form to that which I have introduced, should be passed. If it is passed, I have no doubt that soon following its application, the parties will proceed to do what they should have done in the first place: Exercising their precious right of volunteerism under that great economic freedom of collective bargaining which is theirs—and which makes them free employers and free workers, when all is said and done—they will sit down around the bargaining table and enter into a fair agreement. But it will not be a fair agreement if it is an agreement by which economic force, or the threat of economic force, brings to an end inflationary control in this country.

The public has a vital interest, also, in seeing that we do not blow the lid off the money value of this country, in a time of national crisis, by letting any segment of the economy, be it labor or industry, follow a course of action that amounts, in effect, to exploiting the economic welfare of the American people.

That is a basic issue with the senior Senator from Oregon, and that is why I close with this plea on my lips: We cannot tarry any longer. We must pass legislation. I offer the joint resolution as a framework of legislation, with whatever modifications Congress in its wisdom believes should be adopted, to form a basis with which to start.

I will take a question from the Senator from Ohio.

Mr. LAUSCHE. The Senator from Oregon understands that about 2 weeks ago I introduced a bill calling for compulsory arbitration after all the present provisions of the Federal law had been complied with in trying to reach an adjustment, and that the Senator from New York [Mr. JAVITS] also filed a bill which, seemingly, in substance, is identical to the one just discussed. However, I wish to ask a few questions about the pending measure.

Mr. MORSE. I shall be glad to take them.

Mr. LAUSCHE. I have not had a chance to study it, but my recollection, on the basis of what I have heard, is that the joint resolution contains a provision that the judge before whom the matter is pending shall ipso facto dissolve the receivership when the issues are resolved by the parties.

Mr. MORSE. That is in essence the provision.

Mr. LAUSCHE. Secondly, he shall dissolve the receivership if and when it appears that the national interest is no longer challenged and affected.

Mr. MORSE. That is in it.

Mr. LAUSCHE. Thirdly, the receivership shall automatically be dissolved at the end of 2 years.

Mr. MORSE. That is in it.

Mr. LAUSCHE. Does that mean that at the end of 2 years, whether or not the issues have been resolved, the receivership would come to an end?

Mr. MORSE. Yes, that is what it means, but I am not at all concerned about that; because as we would approach that period of time, Congress would be sitting, in order to take whatever other action would be necessary in the event that that unbelievable emergency should develop.

Mr. LAUSCHE. That is what I believed the Senator had in mind.

Mr. MORSE. I also say that it is important that the carriers, as well as the union, know that this is not a legislative device for national ownership of the airlines of this country. In this country there are some people who are not defenders of the private enterprise system, as are the Senator from Ohio and the Senator from Oregon; and although we may be poles apart in some points of political philosophy, I believe the Senator from Ohio knows that we both are together on the fact that political freedom cannot be maintained in this country if there is a nationalization of American industry.

Mr. LAUSCHE. I agree thoroughly.

Now I come to a second subject which I would like to explore. The receiver appointed by the judge shall have the power to make wage adjustments in accordance with and within the recommendations made by the President's Emergency Board, of which the Senator from Oregon [Mr. MORSE] was the Chairman.

Mr. MORSE. The Senator is correct. I believe that is equitable and fair. I had pondered this for a long time. I believe the provision is equitable and fair, because the carriers have already agreed to go along with those recommendations. They consider them acceptable. They would have had the lesser amount if they were writing the report, and the union would have had a larger amount if they were writing the report. However, in their collective bargining, the carriers have agreed to make some further adjustments.

In my opinion, we should stop with the report of the Emergency Board; because further negotiations between the parties should still be made available, and I do not believe it would be fair or right for Congress to say we would incorporate in the wage structure any bargaining offers that the carriers had made to date because a settlement had not been reached.

Therefore, I believe that the table should be cleared of any tentative suggestions on either side, and that a stop should be made with the recommendations of the Emergency Board; and then, after the resolution becomes applicable, the parties should start their negotiations all over.

Mr. LAUSCHE. The right of the receiver to make adjustments within the recommendations of the Emergency Board would be discretionary?

Mr. MORSE. The Senator is correct.

Mr. LAUSCHE. Now I put this question: The Emergency Board recommended adjustments totaling $76 million?

Mr. MORSE. The Senator is correct.

Mr. LAUSCHE. The companies subsequently said they would go to $78 million?

Mr. MORSE. The Senator is correct.

Mr. LAUSCHE. What was the total amount that was asked by the unions?

Mr. MORSE. Although I cannot state an exact figure, if you include the cost of union demands on work rule changes the original demand could be as much as $130 million.

Mr. LAUSCHE. If the receiver, in his discretion, were to put into effect the $76 million adjustment, the gap is left between $76 million and $130 million, which would be $54 million. In other words, they would get the $76 million, and then the argument would be about the additional $54 million. My question is this: Does that not demonstrate a danger in this provision that the receiver may, in his discretion, put into effect the adjustment?

Mr. MORSE. No, I think not. In the realities of labor cases, I do not believe that that danger exists, because the President has to concur. The proposed measure contains the Presidential check.

Mr. LAUSCHE. Turning to another subject: Am I correct in my recollection that the proposed measure provides that retroactivity may be adopted?

Mr. MORSE. The Senator is correct.

Mr. LAUSCHE. If retroactivity would be allowable under the joint resolution, would not that constitute an inducement for the labor unions to continue the dispute, to keep the company in operation, out of the hands of the owners, knowing that in the end they could obtain a retroactive order making the increase payable for 1 year back, or whatever it might be?

Mr. MORSE. They would not be guaranteed retroactivity.

Mr. LAUSCHE. I understand that.

Mr. MORSE. It may be ancillary, but the Senator has raised the point. Let me say this about retroactivity in this case. The Emergency Board is not in any way limited to a time period. The union sought retroactivity.

I point out that almost invariably when parties to a dispute follow legislative procedure—in other words they can strike at any time and they do not strike at any time. We are going to let the procedure work. They get retroactivity in the final settlement. That is very common. But the time factor is important. There are a great many factors involved in this case.

The Board unanimously decided it would recommend retroactivity back to January 1, 1966, but that it would provide for a contract duration of 42 months instead of 36 months. The Board could have denied retroactivity—I mean theoretically could have denied retroactivity—but could not have justified a denial on the basis of the case made by the parties.

The most surprising people in the case would have been the carriers if the Board had not recommended retroactivity. If the Senator would read the transcript of the case it would strike him as perfectly clear that although they made an argument against retroactivity they recognized they were making a losing argument because they did not have a good case against it.

Mr. LAUSCHE. The Senator will understand that I am trying to uncover what may be some weaknesses; at least they appear to be weaknesses in my mind for the time being.

I think that the measure provides that a Board shall be created. How many members would be on that Board?

Mr. MORSE. It is up to the President.

Mr. LAUSCHE. And that Board——

Mr. MORSE. It shall have no connection with industry or labor.

Mr. LAUSCHE. And that Board must make its findings or recommendations——

Mr. MORSE. May I make the record as perfect as I can.

The members of the Board shall have no connection with the industry involved or the union involved.

Mr. LAUSCHE. And the Board makes its investigations, takes testimony, and at the end of 60 days must make a recommendation?

Mr. MORSE. That is correct; make a report to the President and the National Mediation Board which includes a recommendation.

Mr. LAUSCHE. The recommendation, however, is not what would be called a binding effective disposition.

Mr. MORSE. The Senator is correct.

Mr. LAUSCHE. After the recommendation is made, the parties then resume their negotiation and attempt to build a settlement upon the recommendation.

Mr. MORSE. Not only that, but negotiating all the time, from the time the Board is appointed, it would be my hope to get the case settled so the Board would never have to file a report.

Mr. LAUSCHE. I thank the Senator for answering the questions as he did.

I appreciate the fact that there is a sort of coordinated activity here to evolve some program to present this challenge to the Nation's authorities, and this would have an impact on them.

Mr. JAVITS. Mr. President, will the Senator yield?

Mr. MORSE. I yield.

Mr. JAVITS. I shall not question the Senator in detail about his measure because I am the ranking member of the Subcommittee on Labor, and I will have an opportunity to work out the details of the joint resolution.

I am pleased and honored that the Senator adopted the receivership technique—which I think is essential in this situation and a rather new procedure which is embodied in my bill, S. 2797, and which I had hoped to introduce into the labor field in connection with strikes in regulated industries.

I am extremely pleased that in adopting this technique in the measure it has been given this most weighty consideration by probably the most experienced labor man in the Senate.

The Senator signals the fact that there is here a great default. It will be remembered that in the firemen's and enginemen's dispute, the President recommended that we act. To get action here and get the priority which this deserves, there is needed some recommendation of the President. I think the recommendation is due. I am rather sad and I deplore the fact that it is not here and that the President seemingly is still stumbling around with this matter on the theory that he is still thinking over the kind of remedy that there should be.

The Senator from Oregon is one Senator, without the machinery of the Department of Labor, but working on a couple of bills introduced from his own experience, who has come up with a measure which would provide an adequate pattern—and I shall not go into detail now—for dealing with this dispute.

I use this time to express the hope that what the Senator has done will stimulate the President to take more of a hand in the dispute and settle it himself, as he has done before, although I deprecate the need for Presidential intervention and the absence of more adequate legislation on the books.

The strike is on, and the long procedure of committee hearings, markups, and statements will put this matter far beyond the time when the parties will settle it, to the great disadvantage of the country. This matter needs urgent and immediate action.

I feel honored and privileged by what the Senator has done. I think that the model which the Senator gives—and it is based largely on my bill S. 2797—is the right thing. I hope that it provides the necessary stimulus so that at long last this dispute may be settled and that the President will step in and settle it, or tell Congress that he wants legislation.

Mr. MORSE. I agree with the Senator on so many things—not only on labor, but also on education—I am sure that he will appreciate the fact that I have the duty to take exception to his views when we are not in agreement. I have never hesitated to do that either.

I take exception to the view of the Senator that the President has not carried out his responsibility in regard to this case. I am not in a position to say to the Senator from New York on the floor of the Senate—to discuss some of the things I know about the leadership that the President has given in this case. But I have no criticism of the President's course of action in this case. He has carried out his responsibilities under the act and worked closely with the Emergency Board.

I am sure that—and I have to be so careful in carrying out my responsibilities, which are privileged in this matter—I am not going to say what I started to say.

I want the Senator from New York [Mr. JAVITS] to know that I think the President has been of great help in connection with this case. When we pass legislation and the President signs it, with all of the authority given to the President in this case, I think he will have completely complied with his responsibilities. I know that he can follow another course of action. But after all, the President has the responsibility of exercising his wisdom as to how best to get this case settled, and in my judgment, this is the best way to do it. That is a matter of judgment. I do not think the President is making a mistake in judgment.

I have great respect for the view of the Senator from New York [Mr. JAVITS], but I think it is rather significant that the Senator from Oregon would be standing on the floor of the Senate today and completely underwriting the policy that the President followed, because in my relations with the President, as with the Senator from New York, when I find myself in disagreement, I never hesitate to express that disagreement.

In this case, the history of this case will show after it is all settled and information then becomes known as to the fine leadership of the President in this case, that he was right and those who thought he should follow a different procedure were wrong.

That is the only thing I am going to say, except that I plead with the Senator from New York with respect to his view as to what should have been done and was not done.

We have this problem and we should go ahead as Senators to get legislation—whether it is this legislation or modified legislation—passed immediately. As far as I am concerned I say to my distinguished majority leader that I think this must have the most urgent emergency ratings.

If we can get immediate action, we should get that immediate action even if we have to meet again in session tomorrow.

Mr. JAVITS. Will the Senator from Oregon yield to me further?

Mr. MORSE. I yield.

Mr. JAVITS. I am not criticizing the President.

Mr. MORSE. I understand that.

Mr. JAVITS. If I have given that implication, I apologize. I have no desire to be critical of the President. Lord knows, he is carrying the weight of Atlas on his shoulders. I am only saying that this dispute, in the judgment of the principal expert in the Senate, is ready for legislation. That is what the Senator has signaled here today. I think that the way to get legislation, if the issue is ready for it, is for the President to ask for it, as he did in the firemen's and enginemen's dispute.

The Senator may exhort the majority leader, and he may exhort the committee. At most, that goes only for the Senate. There is still the House of Representatives. But when the President says that this dispute is ready for congressional action, that is the signal, then, that Congress has got to act. And it will—as it did before—in a short period of days.

I hope that the President will do it. I want him to do it. I will cheer and applaud him if he does. I am not criticizing him at all. If I gave that impression, I am terribly sorry.

Mr. MORSE. If what I said gave that false impression in the view of the Senator from New York, then I am sorry, too. I am not saying the Senator is criticizing the President. I only sought to make clear that the Senator thought this procedure should be followed in order to get legislation introduced and reinforced. But at least, as I interpret his remarks at the press conference the other day, the President left no room for doubt that he thought this case was one which should be settled immediately. He certainly was not indicating that he would not welcome a course of action which in the wisdom of Congress it should follow.

Mr. JAVITS. Let me express the hope that the President will throw his prestige behind the fact that Congress should now act, that the dispute is ready for congressional action. That is the normal pattern in a matter of this kind. It was followed before and I believe it should be followed now. I thank my colleague, the Senator from Oregon. I will cooperate to the full. I am glad to sit tomorrow, or any other day or night, in committee or out of committee, or on the floor of the Senate, in order to get the job done.

Mr. MORSE. I thank the Senator from New York.

Mr. PASTORE. Mr. President, will the Senator from Oregon yield?

Mr. MORSE. I yield.

Mr. PASTORE. I want to preface my questioning with a short statement, merely to reiterate for the RECORD that I believe the Senator from Oregon speaks today as a friend of labor. He has that reputation. He has always acted in that spirit. I remember principally, because I was Senator in charge of the previous resolution in connection with the railroad strike, which has been mentioned on the floor of the Senate.

I should like to recapitulate, merely for purposes of clarification, to try to discover whether the Senator from Oregon agrees with me.

In essence, the measure would in no way do violence to the whole philosophy of collective bargaining?

Mr. MORSE. I think it would strengthen it.

Mr. PASTORE. In no way would the measure suggest nor institute any compulsory arbitration?

Mr. MORSE. Not at all.

Mr. PASTORE. At best, all that the measure intends to do, where the public interest is determined to be paramount in a nationwide strike, would be to act as an instrument to prevent a strike or to get an industry refunctioning where a strike has been declared?

Mr. MORSE. That would be the sole purpose of the legislation.

Mr. PASTORE. At best, all the measure would provide would be for a cooling off period of 2 years?

Mr. MORSE. The Senator is correct.

Mr. HOLLAND. Mr. President, will the Senator from Oregon yield?

Mr. MORSE. I yield.

Mr. HOLLAND. I compliment the Senator from Oregon on coming forward with a solution which is certainly worthy of consideration. I hope that he will have better luck than I have had over a period of years in getting the appropriate Senate committee to consider my resolutions. I think that while we are talking about the delay on the part of the executive branch, we might as well admit that the legislative branch has also delayed over a period of years, because we had notice in 1959, when we had a serious strike of pilots and later of engineers, as I recall, that here was a field in which a strike would operate to seriously inconvenience the public, to seriously affect the public interest and the public welfare—even the national defense. Since that time, our committee has had various bills before it, but has never been willing to hold a hearing. I hope that the distinguished Senator will have better luck from the committee than I have had in connection with my repeated attempts since 1959 to get a hearing, during which time I have asked repeatedly for a hearing but up to this time I have never been successful.

Does the Senator agree with me that a hearing is long past due on the part of the Committee on Labor and Public Welfare?

Mr. MORSE. Yes, I do. Let me say that after we dispose of this emergency, involving this emergency legislation, I think that we should also proceed to conduct hearings on general legislation governing emergency disputes.

Mr. HOLLAND. I thank the Senator. I want next to comment on the situation insofar as the executive branch is concerned. I have already said that I think the legislative branch is seriously behind in dealing with this important question and that we should accept the responsibility which is ours and let the blame fall where it may. It certainly is our joint responsibility in Congress for not having dealt effectively with this problem long, long ago.

Mr. MORSE. I completely agree with the Senator from Florida.

Mr. HOLLAND. I thank the Senator.

Now, next, I come to the question of the exchange between the President and certain members of the press in the President's press conference of day before yesterday.

Mr. Ted Knap, of Scripps-Howard, asked the President this question, which I would ask the Senator from Oregon to allow me to read into the RECORD:

> Mr. President, recalling your State of the Union promise to seek legislation to deal with strikes that threaten irreparable damage to the national interest, do you still plan to ask for such legislation, and might this include compulsory arbitration in something like the airline strike?

That was the question of Mr. Knap as reported in the press, and I have no doubt that it was correctly reported.

The answer of the President, as reported in the press, was in the following words:

> We have had Administration people working on possible proposals to submit to the Congress that could be used in cases of emergencies that vitally affect the public interest.
>
> I must frankly say to you that up to this point we have been unsuccesfsul in getting legislation that the Secretary of Labor and the other Members of my Cabinet felt acceptable, and that we felt would have any chance of passage in the Congress.
>
> We are still searching for an answer. We would like to find a solution that could be embraced by the Administration, management, labor, and the Congress. But up to this point we have been quite unsuccessful.

That does not look like fast progress is being made, even by the executive, does it?

Mr. MORSE. I answer that question by saying that I think the best way we can help the President now is just to go ahead and start some hearings on the legislation which has been introduced, and then the Senator knows what the policy of the executive branch will be. It will send up its reports on the various pieces of legislation and, I am sure, will recommend whatever steps it thinks would be wise in order to conform to what the administration thinks will be a fair bill.

I do not think that the President's statement is any indication at all that he is not deeply concerned about this problem. He is working on it. There is another part of that press conference where another question was asked the President in regard to the airlines dispute itself, which I think indicates also the very clear implication that I think we should move ahead to get this dispute settled. But, I repeat, I do not think that we should try to put words in the President's mouth as to what we think he might have said in order to coincide with our views as to what we think the President should say. But I am not hedging on it. I am simply saying that I think the President has been frank about this situation and we owe it to him to enact some legislation and give him an opportunity to sign it.

Mr. HOLLAND. I have already said that the legislative branch has a direct responsibility. Whether the President grants that he has such responsibility or leaves it up to us is a different question.

Since the Senator has mentioned the other question which was asked of the President, I wonder whether the Senator would allow me to read into the RECORD the other question and the answer which the President made?

Mr. MORSE. I wish the Senator would.

Mr. HOLLAND. The other question was asked, according to the press reports, by Garnett Horner, of the Washington Evening Star, in these words:

> Mr. President, do you contemplate any further action in the airline strike?

Again I am quoting from the press, and I assume that this is correctly quoting the President.

The President replied:

> Yes. Secretary Wirtz has made a statement, a rather strong statement, within the hour in connection with that controversy. The President has followed the law. We have taken every legal step that we could. We appointed and convened a very fair and judicious board of distinguished Americans who heard testimony that runs into the hundreds of pages, who made proper recommendations and drew appropriate conclusions, and submitted them to the President.
>
> My advisers examined those recommendations, and I, as President of this country, urged both labor and management to follow the Board's recommendations.
>
> The Board recommended that the airlines pay approximately an additional $76 million in increased wages and benefits.
>
> After some consideration, the management agreed to the Board's recommendations, but the union representatives refused.
>
> We have no legal remedies left to us in the Government. We have done all we can do under the law. We are continuing to persuade management and labor people to continue their discussions. We are hopeful that they will continue those discussions and work around the clock, because the people of this country deserve to be served.
>
> While we have no law that can force these men to go back to work, I think the patience of the American people is being tried. Although the Government has done everything it can to keep the mail moving, to serve the needs of defense, the time has come when a settlement is indicated. We would hope that the parties would continue to bargain until a decision is reached.

Was that the other question and answer to which the Senator has just referred?

Mr. MORSE. Yes. If the Senator will take into account the circumstances, I think the implication is quite clear that the parties understood that the President was insisting that there be an early settlement, and it was really something that the President felt he could not allow to continue indefinitely.

Mr. HOLLAND. I agree with the Senator. I think that is a fair interpretation of the statement.

I should like to ask next what in the opinion of the distinguished Senator from Oregon is the time factor involved, assuming the Senate was able to pass tomorrow—which it is not, but assuming it was able to pass—the piece of legislation offered by the Senator from Oregon as the most appropriate one that the subcommittee thought should be passed on the subject. What would be the time factor that would exist before the airlines could be brought back into operation?

Mr. MORSE. I shall answer specifically the question, but before I give my estimate of the time, let me say to the Senator from Florida I think the introduction of the proposed legislation and the record that has been made by our colloquy this morning will leave no room for doubt in the minds of the leaders of the carriers and the union that legislation will be passed to end the strike. I am hopeful the record made here this morning will be conducive to an early end of the strike, making it unnecessary to pass the legislation in the first part of next week.

I want to say most respectfully to the leaders of the carriers and the unions that wisdom and good judgment on their part, in my opinion, call for a return to work and a giving of assurances that they will work out their differences by negotiations which would make it unnecessary for the passage of the legislation. But there must be no letup by the Congress. I want to emphasize that.

I want to say to the majority leader and the minority leader that I think every effort should be made to proceed with prompt hearings on the issue and on the various bills that have been introduced. I think the Committee on Labor and Public Welfare is under an obligation to bring to the floor of the Senate, at the earliest possible hour—and I do not think it would be too long—proposed legislation as to the strike. I think certainly legislation ought to be passed and the case made to the Congress for implementation within the period of the next week.

Mr. HOLLAND. I thank the Senator from Oregon for his estimate of the time that would be involved. I assume that the Senator would not care to make an estimate of the time that would be involved in considering the proposed legislation.

Mr. MORSE. I would have to yield to the Senator from Florida for that answer, because I should think he would have had more experience with the subject than the Senator from Oregon. However, I just cannot imagine Congress failing to pass the proposed legislation by late next Tuesday or early Wednesday morning.

Mr. HOLLAND. I certainly hope the Senator's estimate is correct. I must say, however, that I am not as encouraged as he is as to the early passage of legislation.

Mr. MORSE. The eyes of millions of Americans will now be focused on Congress, to see whether Congress will live up to its responsibilities to those Americans. Congress has no other choice. I do not believe there is any desire in Congress to make any other choice. Congress now knows, as the Senator from New York [Mr. JAVITS] stated a few moments ago, and as the Senator from Rhode Island [Mr. PASTORE] also pointed out, that the responsibility is clearly ours.

Mr. HOLLAND. My reason for stating that I am not encouraged to think that we shall have any such speedy action from the committee is based on a letter I received from the distinguished Senator from Texas [Mr. YARBOROUGH], the chairman of the subcommittee. I wrote to him a week or 10 days ago, requesting an early hearing on the whole subject, including a hearing on the bill I introduced, S. 210, which I have discussed at some length in the RECORD heretofore.

On Thursday, July 21, I received a reply from Senator YARBOROUGH, in which he said that executive meetings of the subcommittee had prevented him from forming any definite conclusions as to what schedule of hearings could be set during the remainder of the session. "The remainder of the session" are the words he used.

Senator YARBOROUGH went on to say that he is somewhat familiar with the problem involved in legislation of this type and the difficulty of attempting to write prudent legislation under the conditions of haste and urgency then present; however, he would be studying my bill, S. 210, and related proposals so that a definite schedule for subcommittee study of this subject could be set. I am hopeful, in view of the statements made by the President on July 20, during his press conference, that Senator YARBOROUGH will move more quickly than his letter indicated, because I thoroughly agree with the Senator from Oregon that this is an emergency matter, in which the speediest sort of action that is possible, without using undue haste, and using good judgment, is desired under the conditions now existing.

Mr. MORSE. I have no right to speak for the Senator from Texas [Mr. YARBOROUGH], but I serve under his leadership as chairman of the Subcommittee on Labor of the Committee on Labor and Public Welfare; and he and I serve together under the leadership of that incomparable Senator from Alabama [Mr. HILL]. In the absence of the Senator from Texas, I think I should say that it seems to me that, in all probability, he would say that his letter referred primarily to proposed legislation of a general nature for the amendment of the Taft-Hartley Act in regard to emergency disputes in general, not to this specific emergency. But be that as it may, he is now confronted with special legislation to meet a special emergency. Also, I think he will realize that a point has now been reached in the dispute where everything else must be set aside, and that we must now move to give attention to the national interest that is involved in the dispute.

I fully expect the Senator from Texas to say, when he reads the remarks I am now making, that I have made an appropriate interpretation of his intention and his motives. I have no doubt that the chairman of the Subcommittee on Labor, on the basis of the record that has been made this morning, will proceed not only without delay, but with deliberate haste, to call meetings, if the subject is to be handled by the subcommittee, although I believe it should be handled by the full committee. I do not think we should waste the time it would take to have the joint resolution considered first by the subcommittee and then by the full committee; it should be handled by the full committee immediately.

Mr. HOLLAND. Mr. President, I certainly share the feeling that immediate action is necessary.

I should say for the RECORD, however, that I wrote to the distinguished chairman of the full committee, the Senator from Alabama [Mr. HILL] at the same time that I wrote to Senator YARBOROUGH, and I received from him a letter stating he had referred the matter to the Labor Subcommittee, and he was asking Senator YARBOROUGH to review the matter immediately to see what could be done in the situation.

Mr. MORSE. Again, I cannot speak for the full committee or its chairman, Senator HILL, but I think the situation is somewhat different from what it was at the time he received the letter from the Senator from Florida.

He, too, is now presented with specific legislation to meet a specific emergency; and I would that he were here to speak for himself. But I take the liberty of at least saying what I think he would say, and that is that the circumstances are now different, and with this emergency need facing the situation, it will be given immediate priority.

Mr. HOLLAND. I thank the Senator, and I sincerely hope that both the chairman of the full committee and the chairman of the subcommittee will feel the urgency of this situation as deeply as does my friend, the Senator from Oregon.

I wish to ask the Senator one further question. Does he not think the one thing which would bring this matter to an immediate head and focus, to insist upon and require immediate action, would be a message from the President either approving any legislation now offered, or suggesting legislation of his own, because of the seriousness of the national emergency?

Mr. MORSE. The Senator's question really places me in the position of speaking for the President, and I never do that.

I say to the Senator from Florida, let us wait and see what the President says about the proposed legislation.

Mr. HOLLAND. The last word that the Senator from Florida has on the President's attitude is the two quotations in his press conference of day before yesterday. They did not seem to me to offer any immediate action from the Executive.

Mr. MORSE. I thought they were very pregnant statements.

Mr. HOLLAND. Well, the Senator's idea of pregnancy may differ from that of the Senator from Florida. I thought, in view of the statement made in the state of the Union message in January, considering the time elapsed since then and the more than 2 weeks that have elapsed during this strike, that the statements were at most only a little bit pregnant, if at all.

I thank the Senator for yielding.

Mr. MORSE. That is the beginning. Mr. President, I yield the floor.

The **PRESIDING OFFICER.** The joint resolution will be received and appropriately referred.

The joint resolution (S.J. Res. 180) to provide for the settlement of the labor dispute currently existing between certain air carriers and certain of their employees, introduced by Mr. MORSE, was received, read twice by its title, and referred to the Committee on Labor and Public Welfare.

ORDER OF BUSINESS

Mr. MANSFIELD. Mr. President, I understand that the Senator from New Mexico [Mr. ANDERSON] has a conference report to file, which is privileged. The Senator from New York [Mr. JAVITS] wishes to speak for 10 minutes.

Mr. President, I ask unanimous consent that at the conclusion of the disposition of the conference report and the 10 minutes which the Senator from New York will request, that morning business be concluded and the unfinished business be laid before the Senate. I further ask unanimous consent that the Senator from Virginia may also speak for 10 minutes.

The **PRESIDING OFFICER.** Without objection, it is so ordered.

Mr. MANSFIELD. But I think we had better serve notice that from now on, morning hours will have to be for the transaction of routine morning business, because we have much urgent pending legislation. There was a reason for the Senator from Oregon to make his speech today, because it dealt with a critical national emergency.

AUTHORIZATION OF APPROPRIATIONS TO THE NATIONAL AERONAUTICS AND SPACE ADMINISTRATION—CONFERENCE REPORT

Mr. ANDERSON. Mr. President, I submit a report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 14324) to authorize appropriations to the National Aeronautics and Space Administration for research and development, construction of facilities, and administrative operations, and for other purposes. I ask unanimous consent for the present consideration of the report.

The **PRESIDING OFFICER.** The report will be read for the information of the Senate.

The report was read, as follows:

CONFERENCE REPORT (REPT. NO. 1748)

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 14324) to authorize appropriations to the National Aeronautics and Space Administration for research and development, construction of facilities, and administrative operations, and for other purposes, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendment of the Senate and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by the Senate amendment insert the following: "That there is hereby authorized to be appropriated to the National Aeronautics and Space Administration the sum of $5,000,419,000, as follows:

"(a) For 'Research and development,' $4,248,600,000, for the following programs:

"(1) Gemini, $40,600,000;

"(2) Apollo, $2,974,200,000;

"(3) Advanced missions, $8,000,000;

"(4) Physics and astronomy, $129,900,000;

"(5) Lunar and planetary exploration, $210,900,000;

"(6) Bioscience, $35,400,000;

"(7) Meterological satellites, $43,600,000;

"(8) Communication and applications technology satellites, $26,400,000;

"(9) Launch vehicle development, $33,700,000;

"(10) Launch vehicle procurement, $142,750,000;

"(11) Space vehicle systems, $36,000,000;

"(12) Electronics systems, $36,800,000;

"(13) Human factor systems, $17,000,000;

"(14) Basic research, $23,000,000;

"(15) Space power and electric propulsion systems, $44,500,000;

"(16) Nuclear rockets, $53,000,000;

"(17) Chemical propulsion, $41,000,000;

"(18) Aeronautics, $35,000,000;

"(19) Tracking and data acquisition, $270,850,000;

"(20) Sustaining university program, $41,000,000;

"(21) Technology utilization, $5,000,000.

"(b) For 'Construction of facilities,' including land acquisitions, $95,919,000, as follows:

"(1) Electronics Research Center, Cambridge, Massachusetts, $7,500,000;

"(2) Goddard Space Flight Center, Greenbelt, Maryland, $710,000;

"(3) Jet Propulsion Laboratory, Pasadena, California, $350,000;

"(4) John F. Kennedy Space Center, NASA, Kennedy Space Center, Florida, $37,876,000;

"(5) Langley Research Center, Hampton, Virginia, $6,100,000;

"(6) Lewis Research Center, Cleveland and Sandusky, Ohio, $16,000,000;

"(7) Manned Spacecraft Center, Houston, Texas, $12,800,000;

"(8) Michoud Assembly Facility, New Orleans and Slidell, Louisiana, $700,000;

"(9) Mississippi Test Facility, Mississippi, $1,700,000;

"(10) Wallops Station, Wallops Island, Virginia, $205,000;

"(11) Various locations, $6,478,000;

"(12) Facility planning and design not otherwise provided for, $5,500,000.

"(c) For 'Administrative operations,' $655,900,000.

"(d) Appropriations for 'Research and development' may be used (1) for any items of a capital nature (other than acquisition of land) which may be required for the performance of research and development contracts and (2) for grants to nonprofit institutions of higher education, or to nonprofit organizations whose primary purpose is the conduct of scientific research, for purchase or construction of additional research facilities; and title to such facilities shall be vested in the United States unless the Administrator determines that the national program of aeronautical and space activities will best be served by vesting title in any such grantee institution or organization. Each such grant shall be made under such conditions as the Administrator shall determine to be required to insure that the United States will receive therefrom benefit adequate to justify the making of that grant. None of the funds appropriated for 'Research and development' pursuant to this Act may be used for construction of any major facility, the estimated cost of which, including collateral equipment, exceeds $250,000, unless the Administrator or his designee has notified the Speaker of the House of Representatives and the President of the Senate and the Committee on Science and Astronautics of the House of Representatives and the Committee on Aeronautical and Space Sciences of the Senate of the nature, location, and estimated cost of such facility.

"(e) When so specified in an appropriation Act, (1) any amount appropriated for 'Research and development' or for 'Construction of facilities' may remain available without fiscal year limitation, and (2) maintenance and operation of facilities, and support services contracts may be entered into under the Administrative operations' appropriation for periods not in excess of twelve months beginning at any time during the fiscal year.

"(f) Appropriations made pursuant to subsection 1(c) may be used, but not to exceed $35,000, for scientific consultations or extraordinary expenses upon the approval or authority of the Administrator and his determination shall be final and conclusive upon the accounting officers of the Government.

"(g) No part of the funds appropriated pursuant to subsection 1(c) for maintenance, repairs, alterations, and minor construction shall be used for the construction of any new facility the estimated cost of which, including collateral equipment, exceeds $100,000.

"(h) When so specified in an appropriation Act, any appropriation authorized under this Act to the National Aeronautics and Space Administration may initially be used, during the fiscal year 1967, to finance work or activities for which funds have been provided in any other appropriation available to the Administration and appropriate adjustments between such appropriations shall subsequently be made in accordance with generally accepted accounting principles.

"SEC. 2. Authorization is hereby granted whereby any of the amounts prescribed in paragraphs (1), (2), (3), (4), (5), (6), (7), (8), (9), (10), and (11), of subsection 1(b) may, in the discretion of the Administrator of the National Aeronautics and Space Administration, be varied upward 5 per centum to meet unusual cost variations, but the total cost of all work authorized under such paragraphs shall not exceed a total of $90,419,000.

"SEC. 3. Not to exceed one-half of 1 per centum of the funds appropriated pursuant to subsection 1(a) hereof may be transferred to the "Construction of facilities" appropriation, and, when so transferred, together with $10,000,000 of the funds appropriated pursuant to subsection 1(b) hereof (other than funds appropriated pursuant to paragraph (12) of such subsection) shall be available for expenditure to construct, expand, or modify laboratories and other installations at any location (including locations specified in subsection 1(b)), if (1) the Administrator determines such action to be necessary because of changes in the national program of aeronautical and space activities or new scientific or engineering developments, and (2) he determines that deferral of such action until the enactment of the next authorization Act would be inconsistent with the interest of the Nation in aeronautical and space activities. The funds so made available may be expended to acquire, construct, convert, rehabilitate, or install permanent or temporary public works, including land acquisition, site preparation, appurtenances, utilities, and equipment. No portion of such sums may be obligated for expenditure or expended to construct, expand, or modify laboratories and other installations unless (A) a period of thirty days has passed after the Administrator or his designee has transmitted to the Speaker of the House of Representatives and to the President of the Senate and to the Committee on Science and Astronautics of the House of Representatives and to the Committee on Aeronautical and Space Sciences of the Senate a written report containing a full and complete statement concerning (1) the nature of such construction, expansion, or modification, (2) the cost thereof including the cost of any real estate action pertaining thereto, and (3) the reason why such construction, expansion, or modification is necessary in the national interest, or (B) each such committee before the expiration of such period has transmitted to the Administrator written notice to the effect that such committee has no objection to the proposed action.

"SEC. 4. Notwithstanding any other provision of this Act—

"(1) no amount appropriated pursuant to this Act may be used for any program deleted by the Congress from requests as originally made to either the House Committee on Science and Astronautics or the Senate Committee on Aeronautical and Space Sciences,

"(2) no amount appropriated pursuant to this Act may be used for any program in excess of the amount actually authorized for that particular program by sections 1(a) and 1(c), and

"(3) no amount appropriated pursuant to this Act may be used for any program which has not been presented to or requested of either such committee,

unless (A) a period of thirty days has passed after the receipt by the Speaker of the House of Representatives and the President of the Senate and each such committee of notice given by the Administrator or his designee containing a full and complete statement of the action proposed to be taken and the facts and circumstances relied upon in support of such proposed action, or (B) each such committee before the expiration of such period has transmitted to the Administrator written notice to the effect that such committee has no objection to the proposed action.

"SEC. 5. It is the sense of Congress that it is in the national interest that consideration be given to geographical distribution of Federal research funds whenever feasible, and that the National Aeronautics and Space Administration should explore ways and means of distributing its research and development funds whenever feasible.

"SEC. 6. This Act may be cited as the 'National Aeronautics and Space Administration Authorization Act, 1967.'"

And the Senate agree to the same.

GEORGE P. MILLER,
OLIN E. TEAGUE,
JOSEPH KARTH,
KEN HECHLER,
EMILIO Q. DADDARIO,
JOSEPH W. MARTIN, Jr.,
JAMES G. FULTON,
CHARLES A. MOSHER,
Managers on the Part of the House.

CLINTON P. ANDERSON,
STUART SYMINGTON,
JOHN C. STENNIS,
MARGARET CHASE SMITH,
LEN B. JORDAN,
Managers on the Part of the Senate.

The **PRESIDING OFFICER**. Is there objection to the present consideration of the report?

There being no objection, the Senate proceeded to consider the report.

Mr. **ANDERSON**. Mr. President, the total authorization request for fiscal year 1967 was $5,012 million. The House in acting on H.R. 14324 authorized a total of $4,986,864,150. In acting on the Senate amendment to H.R. 14324 the Senate agreed to a total authorization of $5,008 million. In conference the two Houses recommended a total authorization of $5,000,419,000. This final figure is $11,581,000 less than the administration's original request, $13,554,850 more than was originally approved by the House and $7,581,000 less than approved by the Senate.

In arriving at this total amount the conferees recommended a total of $4,248,600,000 for research and development. This amount represents $2 million more than was requested for research and development by NASA, $365,000 more than was approved by the House, and the exact amount that was approved by the Senate.

The amount recommended for construction of facilities is $95,919,000 which is $5,581,000 less than was requested by NASA for construction of facilities, $1,500,000 more than was approved by the House and $4,581,000 less than that approved by the Senate.

The conferees recommended a total of $655,900,000 for administrative operations. This amount is $8 million less than the NASA request for administrative operations, $11,689,850 more than approved by the House, and $3 million less than approved by the Senate.

Mr. President, I believe that some explanation should be made with respect to the action taken by the conferees during the conference.

PARLIAMENTARY SITUATION

The freedom of action of the conferees was restricted by a House parliamentary ruling that the House conferees, notwithstanding the fact that the Senate substituted the entire bill, were bound in their negotiations by the dollar amounts appearing in the House and Senate versions of H.R. 14324. This limitation applied not only to the total amount in the bill, but also to the three principal authorization categories and further, to the line item amounts.

This constraint created special difficulties with respect to the research and development account where a net difference of only $365,000 existed between the House and Senate, but where because the House had added substantial amounts to some programs and made large reductions in others, the real difference was over $100 million.

This constraint was present to a lesser degree in the construction of facilities category and did not influence the negotiations in resolving differences in administrative operations.

RESEARCH AND DEVELOPMENT

The House receded from its position that NASA should cancel the proposed Mariner-Venus mission scheduled for launch in June 1967 and also receded from its position that a probe be added to each of the 1969 Mariner-Mars missions. The conferees agreed that the time remaining does not now permit the addition of such a probe to the 1969 Mars mission and that work on the 1967 Mariner-Venus project is well underway and is a mission fully supported by the Space Science Board of the National Academy of Sciences.

Basic to the House action to terminate work on the 1967 Venus mission was the belief that NASA had no follow-on plans for the scientific exploration of the planet Venus. The Senate believes that because of renewed scientific interest and conflicting scientific option about Venus that the 1967 flight is basic to determining whether or not Venus should be included for additional investigation in the planetary exploration program. The conferees agreed that a clearer definition of NASA's plans for the exploration of Venus could be provided. Accordingly, NASA is requested to submit a report of its plans for future Venus exploration by September 1, 1966.

The Voyager project, held in the definition stage during fiscal year 1967 because of overall Federal budgetary constraints, is a proposed unmanned mission to the planet Mars in 1973. It would consist of an orbiting spacecraft and a survivable capsule which would be ejected to return data from the Martian surface. This spacecraft would be the largest and most complex ever undertaken by NASA in its unmanned programs. To accelerate the identification and resolution of the many technical problems the House added $22 million to this project. The Senate conferees recognize the complexities of this undertaking and that additional funds could be used to refine project definition, to do preliminary work on the landing capsule, and to resolve some of the principal technical problems. Therefore, inasmuch as this project is still in the definition phase your conferees agreed to add $13.0 million on the basis that it would provide additional information on which to base decisions relative to the full scale program development in fiscal year 1968. This action, of course, does not imply approval of the latter phases of the Voyager project. Because of the parliamentary restrictions previously referred to the addition of money to the Voyager project necessitated an offsetting adjustment; this was effected in the launch vehicle procurement program and in the tracking and data acquisition program.

The conferees agreed that the House cut of $3 million in supporting research and technology in the physics and astronomy program should be restored. However, the Senate conferees agreed to sustain the $1.5 million House cut in the orbiting astronomical observatory flight project. In so doing, however, it is not our intent to place restrictions on NASA which would prohibit approaches designed to obtain the maximum return on the total project investment.

NASA requested funds to continue the work on the SNAP–8 space nuclear power system and the 260-inch solid motor project, both of which are advanced research and technology projects. The NASA request, agreed to by the Senate, represented a minimum funding level to explore the technology looking forward to the time several years hence when larger onboard spacecraft power requirements and launch vehicle booster requirements might dictate a necessity for a greater capability than the Nation now has in development. The House added $2.4 million to the SNAP–8 project and $7.5 million to the 260-inch solid motor project to expedite the development of the technology. The Senate believed that the NASA program represented a reasonable level of activity for these projects. However, in the spirit of compromise your conferees agreed to add $2 million to the SNAP–8 and $4 million to the 260-inch solid motor project. Here again compensating reductions had to be made to accommodate the parliamentary situation and accordingly adjustments were made in the launch vehicle procurement program and the tracking and data acquisition program.

In other actions in the research and development category, the House conferees receded from its $2 million reduction in the bioscience program and the Senate conferees agreed to add $200,000 to the technology utilization program.

CONSTRUCTION OF FACILITIES

The conferees agreed to an authorization of $7,500,000 for the Electronics Research Center. This is $2,500,000 more than approved by the House, $2,500,000 less than approved by the Senate, and $2,500,000 less than requested by NASA. The $2,500,000 reduction was not assessed against any specific building requested for the center and, therefore, will be taken at NASA's discretion.

The House receded to the $1 million cut by the Senate on the Lunar Sample Receiving Laboratory at the Manned Spacecraft Center, and the Senate receded to the $1.5 million reduction by the House in the request for facility planning and design funds.

NASA also requested an addition to the hazardous operations laboratory at the Marshall Space Flight Center authorized for construction in fiscal year 1964. Since the basic facility became fully operational only last fall the Senate conferees agreed with the House that the proposed addition could be deferred at this time.

ADMINISTRATIVE OPERATIONS

The conferees agreed on a total amount of $655,900,000 for administrative operations which is $3 million less than approved by the Senate, and $11,689,850 more than approved by the House. The conferees also agreed that there were no restrictions placed on this category and that the cut should be absorbed at NASA's discretion.

LEGISLATIVE CHANGE

NASA proposed an amendment to the National Aeronautics and Space Act of 1958 to provide a statutory exemption from the 6-percent limitation imposed upon architect-engineer costs and fees by title 10, United States Code, section 2306(d).

H.R. 14324, as passed by the House, authorized the Administrator of NASA, in certain cases, to exempt the agency from this limitation until June 30, 1967. Also the House Committee in reporting the bill recommended a comprehensive analysis, by the General Accounting Office, on a Government-wide basis of interpretations and applications of architect-engineer contracting limitations with a report and recommendations for legislative action to be submitted by January 1, 1967.

The Senate struck the provision from the bill and your committee in its report recommended a similar study by the Bureau of the Budget.

The House and Senate conferees recognized the need for uniformity and consistent application of architect-engineer contracting practices by Federal agencies and further, the conferees were in agreement that a Government-wide study should be undertaken to determine the extent to which uniform practices were being applied. Since the Comptroller General had initiated such a study in April 1966, at the request of the House, the conferees agreed that it should be continued by the GAO in lieu of a separate study by the Bureau of the Budget as proposed by the Senate. In view of this and the fact that the GAO study is scheduled for completion by January 1, 1967, the conferees agreed that any legislative action deemed necessary should await the results of this study. Consequently, H.R. 14324 as agreed to by the conferees does not include a provision for exempting the National Aeronautics and Space Administration from title 10, United States Code 2306(d). I ask unanimous consent the language setting forth the agreement of the conferees be placed in the Record at this point.

There being no objection, the statement was ordered to be printed in the Record, as follows:

The Conferees noted that the Comptroller General had on April 20, 1966, at the request of the Committee on Science and Astronautics of the House, initiated a government-wide study of the interpretations and applications of the six percent limitation imposed by various statutes on architect-engineer contracts. The Conferees agree that the study, as proposed by the House, should be continued to completion by the GAO in lieu of a separate study by the Bureau of the Budget as proposed by the Senate.

In view of this, the Conferees agree that any legislative action deemed necessary for NASA in this regard should await the results of this study scheduled for completion by January 1, 1967, and until such date with respect to this limitation, the Comptroller General should not take exception to or disallow as unlawful, costs incurred, by NASA for research, development or engineering activities required for the establishment of design criteria or development of design concepts involving the use of nuclear energy or other advanced and unusual technology provided that in contracting for such activities NASA is consistent with practices and procedures established by the Department of Defense for similar work.

Mr. ANDERSON. Mr. President, I ask unanimous consent to have printed in the RECORD a table showing a summary of the authorization action on H.R. 14324, setting forth the amounts requested for the various activities, the amounts approved by each House, and the amounts finally agreed to by the conferees.

There being no objection, the table was ordered to be printed in the RECORD, as follows:

Action of conference committee on NASA authorization request for fiscal year 1967 (H.R. 14324)

	Budget request	House approved	Senate approved	July 19, 1966, conference committee approved
Research and development:				
Gemini	$40,600,000	$40,600,000	$40,600,000	$40,600,000
Apollo	2,974,200,000	2,974,200,000	2,974,200,000	2,974,200,000
Advanced missions	8,000,000	8,000,000	8,000,000	8,000,000
Physics and astronomy	131,400,000	126,900,000	131,400,000	129,900,000
Lunar and planetary exploration	197,900,000	227,900,000	197,900,000	210,900,000
Bioscience	35,400,000	33,400,000	35,400,000	35,400,000
Meteorological satellites	43,600,000	43,600,000	43,600,000	43,600,000
Communications and applications technology satellites	26,400,000	26,400,000	26,400,000	26,400,000
Launch vehicle development	33,700,000	33,700,000	33,700,000	33,700,000
Launch vehicle procurement	152,000,000	132,000,000	152,000,000	142,750,000
Space vehicle systems	36,000,000	36,000,000	36,000,000	36,000,000
Electronics systems	36,800,000	36,800,000	36,800,000	36,800,000
Human factor systems	17,000,000	17,000,000	17,000,000	17,000,000
Basic research	23,000,000	23,000,000	23,000,000	23,000,000
Spacepower and electric propulsion systems	42,500,000	44,900,000	42,500,000	44,500,000
Nuclear rockets	53,000,000	53,000,000	53,000,000	53,000,000
Chemical propulsion	37,000,000	44,500,000	37,000,000	41,000,000
Aeronautics	33,000,000	35,000,000	35,000,000	35,000,000
Tracking and data acquisition	279,300,000	265,335,000	279,300,000	270,850,000
Sustaining university program	41,000,000	41,000,000	41,000,000	41,000,000
Technology utilization	4,800,000	5,000,000	4,800,000	5,000,000
Total	4,246,600,000	4,248,235,000	4,248,600,000	4,248,600,000
Construction of facilities:				
Electronics Research Center	10,000,000	5,000,000	10,000,000	7,500,000
Goddard Space Flight Center	710,000	710,000	710,000	710,000
Jet Propulsion Laboratory	350,000	350,000	350,000	350,000
John F. Kennedy Space Center	37,876,000	37,876,000	37,876,000	37,876,000
Langley Research Center	6,100,000	6,100,000	6,100,000	6,100,000
Lewis Research Center	16,000,000	16,000,000	16,000,000	16,000,000
Manned Spacecraft Center	13,800,000	13,800,000	12,800,000	12,800,000
Marshall Space Flight Center	581,000	deleted	581,000	0
Michoud Assembly Facility	700,000	700,000	700,000	700,000
Mississippi Test Facility	1,700,000	1,700,000	1,700,000	1,700,000
Wallops Station	205,000	205,000	205,000	205,000
Various locations	6,478,000	6,478,000	6,478,000	6,478,000
Facility planning and design	7,000,000	5,500,000	7,000,000	5,500,000
Total	101,500,000	94,419,000	100,500,000	95,919,000
Administrative operations:				
Personnel compensation and benefits	------------	------------	397,444,000	------------
Other expenses	------------	------------	261,456,000	------------
Total	663,900,000	644,210,150	658,900,000	655,900,000
Grand total	5,012,000,000	4,986,864,150	5,008,000,000	5,000,419,000

	Research and development	Construction of facilities	Administrative operations	Total
Total	$4,248,600,000	$95,919,000	$655,900,000	$5,000,419,000
Difference from NASA request	+2,000,000	−5,581,000	−8,000,000	−11,581,000
Difference from Senate approved	0	−4,581,000	−3,000,000	−7,581,000
Difference from House approved	+365,000	+1,500,000	+11,689,850	+13,554,850

Mr. HOLLAND. Mr. President, will the Senator yield for a question?

Mr. ANDERSON. I yield.

Mr. HOLLAND. Do I correctly understand that in dealing with this bill in conference, the conferees saw fit to make a substantial increase in the authorization for research and development of solid propellants for the 260-inch missile?

Mr. ANDERSON. Yes. The Bureau of the Budget recommended $3.5 million. The conferees provided $7.5 million, which satisfies all those involved.

Mr. HOLLAND. I thank the Senator.

Mrs. SMITH. Mr. President, will the Senator yield?

Mr. ANDERSON. I am happy to yield to the Senator from Maine.

Mrs. SMITH. Mr. President, I believe the conferees have negotiated a most acceptable bill in conference with the House. The differences in most cases were those of substantive program direction rather than of a monetary nature which made our conference most difficult.

I compliment the Senator from New Mexico for his most able management of the conference, and I believe that the bill now before the Senate represents the minimum necessary to maintain a balanced national space program as well as to support the major goal of landing a man on the moon in this decade.

I believe that the program for fiscal year 1967 as reflected in this bill warrants the support of the Senate so that the Nation may continue to demonstrate its scientific and technological capability as it did so successfully in the flight of Gemini X which was completed yesterday.

Mr. ANDERSON. Mr. President, I would be derelict in my duty if I did not take this opportunity to extend my thanks and appreciation to the Senator from Maine [Mrs. SMITH] and the Senator from Idaho [Mr. JORDAN] for their efforts as conferees on the part of the Senate. I appreciate very much their fine service.

Mr. President, I move that the conference report be agreed to.

The **PRESIDING OFFICER.** The question is on agreeing to the motion of the Senator from New Mexico.

The motion was agreed to.

U.S. LONG- AND SHORT-TERM ACTION NEEDED AGAINST GHETTOS

Mr. JAVITS. Mr. President, I shall address my remarks to an emergency which is as great or perhaps greater than the airline strike. That is the disorders which have required the calling out of the National Guard with respect to the conflict between the races and the riots in so-called Negro ghettos in Chicago, Cleveland, and Brooklyn, N.Y.

On more than a half-dozen occasions in recent years—two of them within the past week—Americans have observed the spectacle of uniformed and armed soldiers patrolling the streets in our own country to restore peace in areas of racial and economic tension.

We have heard many pleas from many different sources for an end to violence, and I, of course, concur. Rocks and bullets, arson and murder create problems, deepen despair; they solve nothing.

But I am dismayed that such incidents of racial violence have apparently not led us to look ahead; they have not led the administration to the realization that despite brave words and the laudable war on poverty, we must be doing something wrong or, at the very least, not doing enough that is right. I am dismayed, too, that we are shortsighted enough to talk about a "long, hot summer" when what we are really facing is a "long, hot decade."

It may be that the problems caused by big city ghettos will overshadow everything else in our national life in the decade to come as well. Unless we take the necessary short- and long-term action now, this may well be true. The ghettos themselves are spreading and could envelop whole cities in the near future. Statistics indicate that Negroes will make up one-third of the population in almost all of our 30 largest cities within the next generation and that Negroes will outnumber whites in 8 out of our 10 largest cities in the same period.

Do we want these cities to face chronic violent outbursts of frustration as half of their people feel cheated and discriminated against in housing, education, job training, or what is more important than anything else, human dignity?

Mr. President, I have some recommendations to make to my fellow Americans which I shall make today. In my judgment, the history of recent racial disturbances and the future of our cities should lead all Americans—Negro and white, conservative and liberal, business and labor, and government at all levels—to the realization that action must be taken by all of us now.

Looking to the long-range solution of problems causing these outbreaks of violence, I feel that the Nation must launch a "Marshall plan for deprived Americans," a plan that I and others have been advocating. This proposal could cost the Federal Government $35 billion—5 percent of 1 year's gross national product—over a 10-year period; with an estimated 90 percent of matching funds from other sources. Like the war on poverty, much of this is already being spent by public and private agencies but a coordinated Marshall plan type attack on the problem can lift these efforts out of the rut of inadequacy in which they still flounder. We provided as much for our war-torn allies 20 years ago, and we must certainly do as much for our own citizens left unprepared by centuries of discrimination and apathy to meet the challenges of the modern world.

In addition to working to solve long range problems, however, there are certain steps that Congress and the executive branch should take immediately, steps that would be beneficial to the restoration of peace in troubled communities.

Mr. President, I have five points to mention on this matter.

First. Congress should make its promises into realities as quickly as the merits require, not as slowly as the procedures permit. For example, the bill to extend the antipoverty program through June, 1967 is just now being considered by the House and is only at the subcommittee level in the Senate Labor and Public Welfare Committee. Until that bill, and the subsequent supplemental appropriations bill, are enacted, no new antipoverty programs can be launched and existing ones can only be continued at their present levels under a continuing resolution. Why was this necessary? Congress could have taken these actions during the first 6 months of the year instead of creating these delays, especially delays in such crucial aspects of the antipoverty program as the summer programs. The same sort of timing has infected other programs primarily aimed at the disadvantaged, such as the elementary and secondary education bill and the higher education bill. Congress is very much to blame if, after all the brave words about enacting pioneering antipoverty legislation, it waits too long to follow through with appropriations.

Second. The administration—and the Congress—should stop watching the budget as if the antipoverty programs were endlessly negotiable. The Nation cannot wait for carefully thought out long-term research. It needs action quickly, and in sufficient amount to make a dent in a snowballing situation. The executive branch should not seek, as it has, to obstruct the Congress in increasing the antipoverty budget from $1.75 to $1.9 billion. It should not do it in education, or housing, or hospitals. If a tax increase is needed, as I believe it will be, to finance these increases, we should vote a tax increase, not trim these budgets as if the problem they are designed to meet can wait—it will not.

Third. The Congress should enact a strengthened antidiscrimination in housing provision, which is pending in title IV of the omnibus civil rights bill. A crucial feature of the ghetto environment is the inability of Negroes to find housing outside the ghetto, particularly in the suburbs, even when they can afford to pay for it.

Fourth. The Congress should enact a strengthened equal employment opportunity law. Without open access to jobs, Negroes will never be able to become full participants in our economy. Under the existing law—title VII of the Civil Rights Act of 1964—the Equal Employment Opportunity Commission is swamped with complaints and can do very little about them. The Commission must have enforcement powers like all the other Federal regulatory agencies.

The bill now at the desk would grant such power. If the bill is not called up soon, I shall offer it as an amendment to the civil rights bill when the civil rights bill is called up here. It must be acted on.

Fifth. The Congress should enact home rule for the District of Columbia. At issue here is self-determination and the dignity of the individual, which is more precious to the Negro than even might or money.

These suggestions are not a panacea but they are capable of effecting significant improvement. They can be most effective in a climate where Negroes have rejected violence, and where whites offer compassion, control, and contribution.

In the first "long, hot summer" of 1964, we had riots in New York's Harlem and Rochester and in Newark, N.J. Last year, Watts exploded, and this year Chicago and Cleveland. As one who has been active in the civil rights movement, I was among the first to speak out 2 years ago, deploring the violence and urging an end to looting and destruction. Today, I reiterate with all the force at my command, the view that such action can only harm the civil rights movement and impede its acceptance.

In the past 2 years, civil rights legislation has been signed, sealed, and delivered before the dog days of summer; rioting had its impact, but it did not stop the passage of vitally needed legislation. This year, we cannot be as sure. We are in the midst of enacting a new law—with a vital fair-housing section—and we cannot know what effect lawlessness could have on its passage. This pragmatic reality—if no other—should be in the minds of civil rights leaders and supporters seeking to restore and preserve order this summer.

Before 1964, it may indeed have been true that the Negro did not have access to the prescribed forms for the redress of his very real grievances. To make his just complaints known he resorted to civil disobedience and demonstrations. But in 1964, we took a giant step toward getting this conflict off the streets and into the courts and voting booths. The Nation gave the Negro at least some real opportunity to exercise the power of the litigant, the power of the voter, the power of an organized minority exerting legitimate political pressure. Violence may be the power of the inarticulate, but the American Negro now has a voice which is heard in the Congress, in the White House, in the statehouses, and in the highest courts of the land. This kind of power is his best weapon for equal opportunity and he should use it; violence may only destroy it.

We have heard a great deal about black power lately; indeed news reports indicate that it was a phrase used during the riots in Cleveland earlier this week. It is a phrase that has been opposed by some Negro leaders and has caused dissent and uneasiness in the American community generally. I consider this phrase to be essentially a rallying cry for the leaders of CORE and SNCC. But the fact is that its use has sent a wave of deep concern through American communities with important Negro populations because it is thought—rightfully or wrongfully—to be departure from the policy of nonviolence, which had given the civil rights movement such dignity, to a forceful use of power whether lawful or not.

I hope very much that the use of the phrase "black power" will be rejected because of the alarm which it created—probably unnecessarily—and the concern which it engendered in the communities which alone can give relief to the injustices which black power was meant to redress.

Our Nation can afford what the national security and the national interest demands and it certainly demands action on a much more accelerated and broader basis with the needed resources than we are now giving in the civil rights struggle. When we put ourselves in the position of doing what needs to be done then we are in a much better position to demand as of right that civil disobedience has no place in the civil rights movement. The legal position is now impregnable but our moral position will be much improved by what I have suggested.

At a time of great international responsibility for the United States, the security of the homefront and its tranquillity becomes as important as any part of the struggle for freedom and justice in the world. I have been strongly in opposition to those who would oppose our effort in Vietnam on the ground that it distracts us from the civil rights effort at home, but I am also very strongly for the idea that while we pursue what the Nation's interest demands in Vietnam we should at the same time pursue what the Nation's interest demands in the United States and count ourselves fortunate that we are able to do it, as indeed we are.

In exhorting the Negro to mature participation in our society, the concomitant responsibilities of whites must also be stated. I see these as three: compassion, control, and contribution.

First. Compassion: The lament which Members of Congress hear most frequently from their constituents runs something like this: "My grandfather came to this country 75 years ago as a poor man. He worked long and hard, and nobody gave him anything for nothing. He faced discrimination and economic hardship, but he overcame them and sent his sons to college. Why can't the Negroes do that? Why are they special? Why should we be taxed to help them?"

It is a legitimate question, and one which should be considered and answered honestly. In my judgment, the American Negro is different from any immigrant group, and he is different because the white man has made him so. For 250 years, Negroes in this country were slaves, unable to live as families. Strong family ties—so important in other immigrant groups—are not present as often for support, encouragement, and stability, and may not evolve adequately for generations. We must understand this situation and work with it instead of piously deploring a condition which was brought about by our own ancestors.

For 350 years, the Negro has been outside the mainstream of our society—not for an initial generation as were other groups, but for centuries. He has suffered poor schooling, unequal justice and social exclusion unknown to any of our ancestors. Its effects have been accumulating and like an unloved individual who eventually reaches a breaking point, the whole Negro society could explode with frustration and rejection. We must recognize this emotion and act to remove the barriers to understanding instead of creating new ones in anger and fear.

An Eastern European diplomat recently commented to me:

> We have slums in our country, too, but yours seem so much worse because the contrast with the affluence of the rest of your country is so much greater.

Our ancestors may have been poor, but there were not many Americans who were very rich. Immigrants may have envied the industrial barons of the late 19th century, but they were not constantly told that they should be living in the same manner. But, a Negro in Watts, or Chicago or Harlem cannot escape the all-pervasive communications and advertising media of our time which are constantly telling him that he needs a second car, an air conditioner, and a swimming pool when he does not even have a bicycle and an open fire hydrant. In July of 1898, when the temperature reached 100 degrees, rich and poor were uncomfortable. Today, only the slumdweller takes to the streets at night in search of a cool breeze. In 1898, only the sons of rich men went to college. Today, a college degree is no longer a luxury, but almost a necessity. In 1898, the immigrant lived primarily in his own society where his aspirations and achievements were measured against those of his contemporaries. Today, because every citizen is in continuous communication with all parts of our society, expectations have risen. We must acknowledge this change and capitalize on it, instead of refusing to admit that circumstances have altered our times.

Finally, the Negro is different today, because we ourselves are different. The Nation has never been more productive or more powerful. Never have our resources and our talents been so great. Never have we had the time, the interest, and the ability available today to turn our efforts toward social justice. There is not one of us, I believe, who would not agree that if America had been this rich and able in 1898, we should have done more to help the immigrant groups. A sign advising that "Irish need not apply" was just as reprehensible in 1898 as the label "Whites only" is today. It is regrettable that our resources were not directed at social ills a century ago, and it is praiseworthy that so many overcame these obstacles without the assistance of the Government. But because some people survive smallpox does not mean that the vaccine should not be given to all as soon as it is available. We must welcome this opportunity and offer assistance instead of hoarding our help now that we can afford it.

Second. Control: The race problem in this country began in 1619 when the first slaves were put ashore at Jamestown. It has been building for 350 years, and it will not be solved in a day. It is my guess that we are not in for a "long, hot summer," but rather for a long hot decade. Within the next 10 years, 8 out of 10 of our largest cities will be more than half Negro, and it is in these population centers that trouble is most likely to occur. There may indeed be violence, and there will be conflict over school districting, housing, employment, and unemployment. But if the white community reacts with violence, the foundations of our society will be shaken. Understanding, determination and a tremendous amount of self-control will be needed. We know the damage which can be done by lawless sheriffs and judges who themselves believe in white supremacy. We have seen that it is corruption and callous insensitivity in the white community which can aggravate an already explosive situation. Whites must impose upon themselves the highest standards of lawful conduct if we are to expect the same from Negroes.

Third. Contribution: Compassion and control on the part of the white community will enable the Negro to make some progress on his own. But the absence of conflict is not enough. We must be ready to make positive contributions.

This is why I have urged the inauguration of the "Marshall plan for deprived Americans," and why I will continue to urge the Congress and the executive branch to act on measures which can provide immediate assistance to people forced to live in the ghettos of this country.

In short, all Americans must express their indignation over recent racial violence and make every attempt to head off future outbreaks that could endanger the success of the civil rights struggle. But all Americans must match this indignation with action designed to alleviate conditions spawned by centuries of inadequate education, housing, employment opportunities and the day-to-day indignities of racial discrimination.

STUDY OF HIGH-SPEED GROUND TRANSPORTATION TO DULLES INTERNATIONAL AIRPORT

The PRESIDING OFFICER. Under the previous order, the Senator from Virginia [Mr. Byrd] is recognized for 10 minutes.

Mr. BYRD of Virginia. Mr. President, first, I should like to thank the distinguished Senator from New Hampshire [Mr. Cotton] for his patience this morning.

The Senate late Wednesday passed, with voice vote, Senate bill S. 3523, to authorize the Federal Aviation Agency to undertake a comprehensive study of high-speed ground transportation to Dulles International Airport.

The action by the Senate is recorded on pages 16524–16526 of the Congressional Record of July 20, 1966.

The bill was introduced by the Senator from New Hampshire [Mr. Cotton], and I wish to compliment him for initiating this much needed study.

It will be a study involving not only Dulles Airport, but also the Washington National Airport. Both are located in Virginia. Dulles is situated in two great counties of our State—Loudoun and Fairfax. Most of the ground transportation and kindred facilities serving them also lie in the State I have the honor to represent.

I favor the bill, and I voted for it. Due to the late hour in which the bill was brought up, I postponed until today a few friendly statements I should like to make and a few friendly questions I would like to ask for the record and legislative history.

I note from the report by the Senate Commerce Committee, as made by the Senator from New Hampshire that—

> The Committee believes the study should not necesarily be limited to systems exclusively for use of those going to and from the airports.
>
> The desirability of intermediate stops, in both directions, should be fully reviewed.

I am sure the Senator from New Hampshire is familiar with the lack of use which has been made to date of the FAA road to Dulles. It is for exclusive use of airport traffic, and the airport traffic to date has been very light.

I am sure he is also familiar with the tremendous development which has occurred in Northern Virginia in recent years.

I should like to ask the splendid Senator from New Hampshire if the scope of the study is broad enough to have the FAA consider the use of this road for local traffic, so long as it does not impede the primary purpose of the road—and until air traffic at Dulles requires closing the road to all but airport traffic?

Mr. COTTON. Mr. President, I am happy to respond to the distinguished

Senator from Virginia. I cannot resist complimenting him for the keen interest he shows in taking care of his constituents in Virginia.

I believe it is unfortunate, in view of these pertinent questions, that I shall have to answer them very briefly because of the time limitation.

The Senator is correct that the bill, S. 3523 specifically provides enough latitude so that the use by local traffic of the FAA road to Dulles can well come within the scope of the investigation by the FAA.

It specifically provides, as the Senator has wisely noted, that the question of intermediate stops on the way to Dulles may be fully explored in the study to be made. It may be that the FAA will see fit to arrange for those stops if they do not restrict the usability of the road and the feasibility of surface transportation. I am sure that the FAA not only can, but will, give careful consideration to the needs of those living along the road.

However in view of the fact that the FAA road to Dulles was financed entirely with Federal funds, it may well be that some thought should be given by the FAA study group to a toll charge if access to the highway is made available to other than airport traffic.

Mr. BYRD of Virginia. I thank the Senator. I desired to establish that for the record.

I note from the bill and the committee report that in the course of the FAA study, the Administrator is directed "to consult, as he deems desirable, with other Federal, State, local, and District of Columbia agencies."

In view of the great public interest in this matter, I should like to ask the Senator from New Hampshire if the scope of this direction is broad enough to include consultation with local citizen organizations and interested private groups for the purpose of learning their views?

Mr. COTTON. I can again reassure the Senator from Virginia that the committee, made the bill broad enough so that, within the discretion of the FAA, they certainly can hear and consult with all interested parties.

There is not much congestion at National Airport today, but there could be in the future. It is necessary to eliminate this. I am sure that the FAA will have to use its judgment about the time allotted to the study, but certainly it can and will be happy to consult with and receive the suggestions of local organizations that do not have official status.

Mr. BYRD of Virginia. In that connection, did the committee put a time limit on the filing of the report?

Mr. COTTON. Yes. The FAA is supposed to report not later than July 31, 1967. Of course, that could possibly be extended. Due to the urgency of the matter, the need for complete safety at National and the need for Dulles, a $108 million installation, to be used fully, instead of being isolated, it is hoped that the study will be completed within that time.

Mr. BYRD of Virginia. I thank the Senator. I note with interest, also, the committee report statement that provision is made for the FAA Administrator to consult with the National Capital Transportation Agency, because of that Agency's responsibility for the new subway system for the District of Columbia, and that the committee believes any transportation system to Dulles and Friendship must tie into the new subway system.

Pending in the Senate Judiciary Committee is Senate bill 3488, and before the House Judiciary Committee is House Resolution 1163. These are companion bills establishing a compact between Virginia, Maryland, and the District of Columbia for establishment of a rapid mass transportation system in the whole District of Columbia metropolitan area.

Hearings were started on this legislation in the House Judiciary Committee Wednesday.

I should like to ask the Senator from New Hampshire if the scope of his bill is broad enough to include FAA consultation with the constituted local, State, and Federal authorities concerned with this Interstate System.

Mr. COTTON. Mr. President, I am confident that I can again reassure the distinguished Senator from Virginia that the fact that the bill provides for consultation with the present local authorities, carries with it their right and their duty to consult with the new authorities or boards that would in the meantime be created as successors to, or supplementary to, the present authorities.

I am sure that the FAA will give consideration to this legislative history.

Mr. BYRD of Virginia. I thank the Senator from New Hampshire.

I should like to say to the Senator from New Hampshire that I was pleased by the committee's statement:

> It is convinced that the Federal Aviation Agency is the best choice for the study, and that there is no question as to the competence of the FAA to undertake the study required by the bill.

I concur in that assertion and I compliment the very able and distinguished Administrator of the Federal Aviation Agency, Gen. W. F. McKee, whom I regard as one of the ablest men in public life in our Nation. I have not been able to get him to agree with many things that I would like him to agree to.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senator may proceed for 1 additional minute.

The PRESIDING OFFICER. The Senator is recognized for 1 additional minute.

Mr. BYRD of Virginia. I have not been able to get General McKee to agree with some of the proposals I have laid before him, but I do believe that he is one of the ablest men in Government and I have the highest regard for his integrity.

I thank the Senator from New Hampshire for the courtesies of his replies and comments. I wish to compliment him again for calling for this study. And I wish to assure him and the FAA of my deep interest, and fullest cooperation.

Mr. COTTON. Mr. President, the aim of S. 3523 is to point the way to an effective, long-term solution to the critical problems of congestion at Washington National Airport. It will do this by authorizing the Administrator of the Federal Aviation Agency to make a comprehensive study of ways to establish high-speed transportation systems from the District to Dulles and Friendship Airports.

The crowding at Washington National Airport has been temporarily, and most unfortunately, eased this week because of the intolerable strike by airline mechanics against five major airlines. But as soon as the strike ends the problems of congestion at Washington National will promptly reoccur, and reoccur in spite of the steps which the FAA and the airlines are taking to ease the situation.

Washington National Airport this year will handle well over 7 million passengers—enough to jam the terminal buildings to the rafters, and hopelessly overcrowd the parking facilities. At Dulles International Airport, on the other hand, despite the Federal investment of $108 million, passengers will rattle around, using only about 25 percent of its capacity. Baltimore's Friendship Airport, too, is being utilized at less than its present capacity.

This feast-and-famine situation is costly, wasteful, and foolish.

It arises because Washington National Airport is so close and convenient to the city, as compared with the other two airports.

The bill is aimed at bringing Dulles and Friendship closer to the city—not in actual miles, but in time and convenience through use of high-speed ground transportation systems.

The study authorized by the bill should be completed in a year, so that the Congress may then consider the recommendations submitted by the Administrator of the FAA.

If we can penetrate outer space and hope to reach the moon we ought to be able to solve the problem of getting to Dulles International Airport.

MARYLAND FIRST TO ADOPT TIRE SAFETY STANDARDS

Mr. BREWSTER. Mr. President, this past Fourth of July weekend I was grieved to see a record number of Americans slaughtered on our highways. In many instances, if not the majority, fatal accidents are due to driver error. However, in a substantial number of accidents, driver judgment plays no part. One such situation is tire blowouts.

To help remedy this particular cause of automobile fatalities, the federally established Vehicle Equipment Safety Commission developed a set of standards for tire safety. Recently, Maryland assumed the national lead in tire safety by becoming the first State to require the marking of all tires sold to the public that conform to these safety standards prescribed by the Commission.

John R. Jewell, our State's motor vehicles commissioner, was instrumental in obtaining the tire manufacturers' recognition of these standards. Commissioner Jewell deserves to be commended for demonstrating how the individual

States can play an active role in mitigating hidden dangers facing the conscientious driver.

Mr. President, I ask unanimous consent to print in the RECORD an editorial aired over WJZ–TV in Baltimore which describes these developments.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

MARYLAND LEADS IN TIRE SAFETY

(Presented by Kenneth T. MacDonald, General Manager July 9, 1966, 4:55 p.m.; July 10, 1966, 6:25 p.m.)

Moving along on a high speed expressway, a driver may be alert, law-abiding, courteous and far from other cars, and still be the sudden victim of an accident. This happens as a result of the one mishap for which he has no defense—a tire blowout.

For many years the quality of most tires has gradually improved, and the public has become educated to the danger of worn tires. But higher average speeds have made the blowout—though rare—an ever-present possibility.

Despite this hazard, Maryland and most other States have had little or no effective regulation for the standards of tires. The tire buyer has been pretty much at the mercy of the seller—though the vast majority of these have tried to sell as safe a tire as possible in each price range.

The problem has been to create a tire that is as near blow-out proof as possible. This means a tire that practically wears out before it blows out. After many years of testing, the Vehicle Equipment Safety Commission, set up by act of Congress, finally established an accurate test for blow-out proof qualities in a tire. A year ago April the test was officially adopted, and from it minimum tire standards were established.

Maryland was the first state to adopt the Vehicle Equipment Safety Commission standards for tires. Tires that meet the requirements are marked "V–1," regardless of the manufacturer. For some months there was some reluctance of the manufacturers to accept the V–1 standards. Now, after negotiations with John R. Jewell, Commissioner of Motor Vehicles, the manufacturers have agreed to comply to the V–1 standards. New Jersey has also adopted the standards.

As a result of Maryland's efforts and the cooperation of the manufacturers, the V–1 anti-blowout standards are now in effect, and will probably be adopted nationally.

There is no substitute for safe driving, but we commend Mr. Jewell for his efforts that have decreased one more hazard on the highway.

NEW YORK COUNTY LAWYERS ASSOCIATION REPORT ON CIVIL RIGHTS ACT OF 1966

Mr. JAVITS. Mr. President, the Committee on Civil Rights of the New York County Lawyer's Association has prepared a report on S. 3296, the proposed Civil Rights Act of 1966. This thoughtful study, provides strong support for the bill with regard to both its aim and its constitutionality.

The committee report devotes considerable material to a discussion of the constitutionality of title IV of the bill, and suggests four other steps toward elimination of housing segregation:

First. An extension of the President's order on housing segregation to cover all public housing whenever constructed;

Second. An extension of the order to include all subsequent sales or rentals of VA and FHA financed housing;

Third. Action by the Federal Government to eliminate discrimination through supervision of federally insured mortgage institutions, and

Fourth. Strong open housing legislation in the District of Columbia.

Mr. President, I ask unanimous consent that the text of the report, together with a list of the members of the committee, be printed at this point in the RECORD.

There being no objection, the report was ordered to be printed in the RECORD, as follows:

NEW YORK COUNTY LAWYER'S ASSOCIATION, REPORT OF COMMITTEE ON CIVIL RIGHTS ON S. 3296 AND H.R. 14765 (CIVIL RIGHTS ACT OF 1966)

The proposed Civil Rights Act of 1966 (S. 3296 and H.R. 14765, 89th Cong., 2nd Sess.) [1] was sent to the Congress on April 28, 1966, with a message from the President of the United States and an accompanying letter from Attorney General Katzenbach. Numerous other bills relating to the general areas covered by S. 3296 and H.R. 14765 have been introduced in both Houses of Congress. The only action which has taken place with respect to these bills, is the completion of hearings before a subcommittee of the Judiciary Committee of the House of Representatives and the commencement of hearings before the Judiciary Committee of the Senate.

Scope of the report

After reviewing the Administration Bill and the communications accompanying it, it was the opinion of the Committee that it wished to limit its comments to the provisions of three general areas of the Bill which are particularly susceptible to legal analysis, and as to which the Committee felt it could make a further contribution on the law.

The areas discussed in this report are:

1. Titles I and II relating to the selection of juries in federal and state courts;
2. Title IV, relating to discrimination in the purchase, rental, lease, financing, use and occupancy of housing; and
3. Title V, relating to interference with constitutional right.

TITLES I AND II RELATING TO JURY SELECTION

Conclusion

The provisions of Titles I and II, relating to the non-discriminatory selection of juries in federal and state courts are within the constitutional power of Congress and their enactment will promote the fair administration of justice.

Discussion

Titles I and II of the Administration Bill are designed to assure to a defendant in a criminal case and to the litigants in a civil case a fair trial by jury. The broad aim of the provisions is to eliminate the widespread exclusion of racial minorities and the economically disadvantaged from jury duty.

These titles seek to improve the quality of justice, by standardizing qualifications for jury service on a nationwide basis and putting them in line with contemporary needs and realities. They set up specific procedures with respect to the selection of federal juries, and for the challenge of state jury selection procedures, and provide for the maintenance and availability of adequate records to furnish the requisite statistical data and to permit the courts to deal with the problems on the basis of adequate information and experience. Overall, these titles represent an organized approach on how and whom to select for jury service and sets up both the administrative and judicial machinery to achieve that result.

The transmittal letter from the Attorney General stated that present statutes are inadequate and that they offer uncertain guidance to the courts and judicial administrators. It stated that: "While this uncertain system appears not to have operated unconstitutionally, [and this premise is subject to question] in some districts Negro representation on juries has been substantially less than the proportion of the Negroes in the community and other classes have sometimes been inadequately represented on juries." The Committee agrees with Mr. Katzenbach's views.

The Judicial Code of 1948, as later amended, made a sharp departure from the earlier federal statute which had made state laws determinative of jury qualification in federal courts. Present section 1861, which now deals with jury qualifications, provides that any citizen over 21, not a criminal and in sound mind, can serve if he can read, write and understand English.

The proposed Title I does not change these essential requirements; it elaborates upon them. By declaring a policy and providing detailed directions, it prescribes who may serve (i.e., even the economically disadvantaged) and, what may in practice be just as important, it sets out who should not be kept off the jury rolls. It re-emphasizes that a jury panel should be composed of a genuine cross-section of the community, and provides for one or more jury commissioners in each district with detailed directions as to the way in which names of potential jurors are to be selected and processed. It proposes that the commission must use never less than 2,000 names and at least 1% of the total names on voter registration lists or from the other sources specified.

While the Administration Bill recognizes the problems of fair jury selection existing particularly in sections of the South, it gives insufficient recognition to decisions condemning efforts calculated at engrafting a caste system on the law, even where that system was for the purpose of securing minority group representation. For example, in *State* v. *Collins,* 242 La. 704, 138 So. 2d 546 (1962) Collins, a Negro, was indicted, convicted and sentenced to death for rape and attempted murder of a white woman. At the time of Collins' arrest, there were no Negroes on the Grand Jury then sitting. Consequently, Collins was held in jail for six months until he could be indicted by a new Grand Jury. The new Grand Jury of twelve was drawn by lot from a list of twenty persons, six of whom were Negroes intentionally selected because of their race to achieve "fairness." The twelve Grand Jurors ultimately selected included seven whites and five Negroes. Collins was convicted. His conviction was ultimately affirmed by the Supreme Court of Louisiana and certiorari was denied by the United States Supreme Court, 371 U.S. 843 (1962). A petition for habeas corpus was then brought and denied by the District Court 215 F. Supp. 805 (E.D. La. 1963). On appeal, the Fifth Circuit reversed, 329 F. 2d 100 (1964), cert. denied, 379 U.S. 901, holding that Collins had been denied the equal protection of the laws. The Fifth Circuit based its decision on two grounds: first, that a Negro stands equal before the law and is viewed by the law as a person, not as a Negro: thus Collins was denied equal protection when the Grand Jury was selected with reference to his race, Collins was entitled to have the charges against him considered by a jury in the selection of which there has been neither inclusion nor exclusion because of race. The Supreme Court which had earlier denied certiorari to review the affirmance of Collins' conviction by the Louisiana Supreme Court, then denied certiorari to the Fifth Circuit, thus letting stand their reversal. See also, *Martin* v. *Texas,* 200 U.S. 316(1906); *Hill* v. *Texas,* 316 U.S. 400 (1942); *Avery* v. *Georgia,* 345 U.S. 559 (1953) on the issue of "non-selective" jury selection.

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[1] For the purposes of this report, S. 3296 and H.R. 14765, as introduced, will be referred to as the "Administration Bill."

By providing procedures for judicial review of transgressions in state jury selection, and by giving the Attorney General the power to come in and petition the court to rectify prevailing conditions, the Administration Bill provides, in our opinion, a realistic remedy. One very useful aspect of the legislation is in the clinical approach which it adopts in reaching for a solution of the problem. It properly recognizes the need for more sophisticated sociological inquiry in this area, in which statistics have not always been helpful.

Historically, the jury was to be drawn from the locality in which the litigant lived or where the crime was committed, so that a party would have the benefit of his own good character and standing with his neighbors. The provisions of the Administration Bill relating to federal jury selection leave this concept intact. Furthermore there is no federal interference with state jury selection unless discrimination is proved. They do not attempt to take away the states' right to establish their own fair procedures is undiminished and state criminal juries are affected only if obvious abuses exist.

Although the federal courts have jurisdiction under the 14th Amendment to determine whether a defendant has been accorded due process, and to void his conviction if he has not, it is more desirable to assure a defendant the equal protection of the laws in the first instance, than to have on occasion to free a convicted felon as a deterrent to improper jury selection. This, Titles I and II seek to accomplish. While the implementation of these Titles may create an additional interim burden upon the federal courts, this condition should not long endure. Once the proper impact of these Titles has been established their administration should operate smoothly and result in further implementation of the rights sought to be protected.

TITLE IV RELATING TO HOUSING DISCRIMINATION

Conclusion

The Committee concludes that the provisions of the Administration Bill relating to housing are within the constitutional power of Congress to enact. This opinion of constitutionality is based upon established principles of constitutional law relating both to the Commerce Clause and to the Fourteenth Amendment. Further, it is the Committee's opinion that a substantial portion of the ends sought by the Administration Bill may be achieved without legislative action through the expansion of the existing Executive Order on housing discrimination. We believe that the Bill would be strengthened by the insertion of specific congressional findings as to the facts upon which the enactment of the Bill is based, including a finding based upon evidence presented at the hearings that there is a rational connection between the housing transactions regulated in the bill and interstate commerce.

Constitutional basis of housing discrimination legislation

The power of Congress to enact the proposed provisions of Title IV is based both upon the Commerce Clause (implemented through the "necessary and proper" clause of the Constitution) and the Fourteenth Amendment (enforced through the "appropropriate legislation" clause of section 5 of that Amendment). Together, the congressional power based upon these provisions may reach all aspects of housing sought to be covered by the Administration Bill.

Whether, in an analysis of the reach of the constitutional power of Congress, the national housing market is considered as a whole or in separate segments, the proposed legislation is within that reach. If the housing market is considered as a whole, it is imbued with broad and multifarious impacts upon interstate commerce and is affected broadly by local, state and federal action. On a segmented basis, most identifiable segments of the housing market are ones as to which the power of Congress is beyond serious question. These include housing which is built with federal or local government assistance, or by the federal or local governments themselves and housing which is financed by or with the assistance of any government agency. In the case of federal participation, these activities are covered by the plenary power of Congress over federal expenditures and the constitutional duty of Congress to avoid discrimination in federal activities. In the case of local government participation, the duties of the States under the Fourteenth Amendment and the power of Congress to enforce the Fourteenth Amendment by "appropriate" legislation provide the constitutional anchor for federal legislation. Housing located in the many metropolitan areas which cross or abut on state lines, and newly constructed housing for which the materials must travel through interstate commerce have an obvious impact on interstate commerce. Similarly, new construction and sales of existing housing which are financed in the interstate financial markets are reached through the commerce power over the flow of credit. It has been suggested that there is a major gap in the power of Congress to reach that portion of the housing market consisting of rental (without new financing) of existing units in old housing in non-multi-state housing markets. However, the Congressional power under the Commerce Clause and the Fourteenth Amendment so pervades each of the other areas of the housing market that it must, of necessity, also reach this last single segment. The relatively small size of this last segment is indicated by data in the 1960 U.S. Census of Housing. At that time over 25% of housing units were less than 10 years and 3 months old—(representing movement of new housing materials and labor in commerce) and 70% of the population moved into its present housing units within those 10 years and 3 months (representing movement of persons within and between the States). In any case, on the basis of the principles of constitutional law discussed below, it is our opinion that this segment of the housing market is such an integral part of the total market for available housing that Congress may reach it in legislating as to housing as a whole.

The Congressional power over commerce relating to the financial affairs of the nation supports the constitutionality of the Administration Bill in two ways:

1. With respect to the Bill's specific prohibition discriminatory practices in the making of mortgage loans and other financing incident to the purchase of real estate.

2. With respect to the effect of discriminatory practices in the sale and rental of housing upon the volume of such sales and rentals and upon new construction of housing, affecting the demand for, and availability of, capital funds in interstate commerce. Mortgage lending today necessarily involves much interstate movement of credit as a result of the heavy volume of interstate lending done by finance institutions. This assertion is substantiated by a study undertaken by the Division of Research and Statistics of the Federal Reserve System in 1952. One of the findings stated:

"The data nevertheless suggests that an appreciable part of the funds for financing real estate in the Richmond, Atlanta, St. Louis, Kansas City, and Dallas Districts comes from the financial districts such as Boston and New York, and from Chicago and San Francisco. . . . The movement of funds from one part of the country to another has been encouraged by investors seeking outlets for large amounts of funds. . . . Both institutional and noninstitutional registrants participate in this movement of funds. Insurance companies and other institutional lenders hold large amounts of loans on real estate located at a distance and in many instances have them serviced by noninstitutional lenders close to the properties." Real Estate Loans of Registrants Under Regulation X, 38 Fed. Reserve Bull. 620, 627, 621 (1952).

Even where a mortgage is initially procured from a small local lender, it may be sold subsequently to a large out-of-state financing institution. Thus, the original lender affects interstate commerce. Numerous cases have held that a business need not be in interstate commerce to be subject to federal regulation—it is sufficient that the business affects interstate commerce.

"The source of the restraint may be intrastate, as the making of a contract or combination usually is; the application of the restraint may be intrastate, as it often is; but neither matters if the necessary effect is to stifle or restrain commerce among the states. If it is interstate commerce that feels the pinch, it does not matter how local the operation which applies the squeeze." *United States* v. *Women's Sportswear Mfrs. Ass'n.,* 336 U.S. 460, 464 (1949).

Money plays a crucial role in the general housing picture. Few builders have sufficient working capital to engage in construction without the benefit of mortgage loans and must depend on long-term mortgage financing from insurance companies, savings banks, commercial banks, savings and loan associations and federal programs of financing.

It is now beyond serious question that the flow of credit and lending is an interstate activity. This issue was settled in *United States* v. *South-Eastern Underwriters Ass'n.,* 322 U.S. 533 (1944), which determined that fire insurance companies dealt in interstate commerce for the purposes of application of the Sherman Act. Justice Black, writing for the Court, concluded:

"Perhaps no modern commercial enterprise directly affects so many persons in all walks of life as does the insurance business. Insurance touches the home, the family, and the occupation or the business of almost every person in the United States." (At page 540.)

In answer to the argument that individual financial transactions are intrastate only, the Court stated:

"True, many of the activities . . . which constituted this chain of events [the insurance contract, negotiations, payments, communications, etc.] might . . . be regarded as wholly local." But "[a]ll . . . constituted a single continuous chain of events, many of which were multistate in character . . . ." Ibid, at 537.

In *N.L.R.B.* v. *Northern Trust Co.,* 56 F. Supp. 335, 336 (N.D. Ill. 1944), the district court stated that the reasoning of the Supreme Court in *National Polish Alliance* v. *N.L.R.B.,* 322 U.S. 643 (1944) "brings the ordinary business of a bank, other perhaps than a very small local bank, within the meaning of the term interstate commerce." See also *N.L.R.B.* v. *Bank of America,* 130 F. 2d 624, 626, (9th Cir. 1942), describing the interstate nature of a bank's business. The Commerce Clause is also, in our opinion, able to reach factors which affect the demand for, and flow of, housing materials and labor for new construction and for maintenance, in interstate commerce.

The recent decision of the Supreme Court in *Katzenbach* v. *McClung,* 379 U.S. 294 (1964) is in point on this issue. That case, upholding the constitutionality of the public accommodations provisions of the Civil Rights Act of 1964, dealt with a restaurant in Birmingham, Alabama which was not on an interstate highway and could be found to have primarily local business. The Court dealt with this point as follows:

'It goes without saying that, viewed in isolation, the volume of food purchased by Ollie's Barbecue from sources supplied from out of state was insignificant when compared with the total foodstuffs moving in commerce. But, as our late Brother Jackson said for the Court in *Wickard* v. *Filburn,* 317 U.S. 111 (1942): 'That appellee's own contribution to the demand for wheat may be trivial by itself is not enough to remove him from the scope of federal regulation where, as here, his contribution, taken together with that of many others similarly situated, is far from trivial.' At 127–128." (At pages 300–301)

"The power of Congress in this field is broad and sweeping; where it keeps within its sphere and violates no express constitutional limitation it has been the rule of this Court, going back almost to the founding days of the Republic, not to interfere." (At page 305)

The Supreme Court decision in *N.L.R.B.* v. *Denver Building & Construction Trades Council,* 341 U.S. 675 (1951), clearly illustrates that interference with the flow of building materials across state lines constitutes a burden on interstate commerce. The Court held that the commerce clause gave the NLRB jurisdiction over a dispute in the building trade because the disagreement might have prevented building materials from crossing state lines. See *United States* v. *Employing Plasters Ass'n. of Chicago,* 347 U.S. 186 (1954), in which a complaint alleging a conspiracy to suppress competition among Chicago plastering contractors affecting the flow of plastering material into Illinois was held to state a cause of action; also see *United States* v. *Employing Lathers Ass'n. of Chicago,* 347 U.S. 198 (1954).

The applicability of the Commerce Clause to housing is further supported by the generally broad interpretations given in various other areas. Courts have usually been ready to find interstate commerce in cases which otherwise satisfy statutory requirements. Thus, they have found that interstate commerce is burdened by the activities of janitors in a building where some of the offices did interstate work, *N.L.R.B.* v. *Tri-State Casualty Insurance Co.,* 188 F. 2d 50 (10th Cir. 1951) [Labor Management Relations Act of 1947], by the labor practices of a newspaper with an out-of-state circulation of ½ of 1%, *Mabee* v. *White Plains Publishing Co.,* 327 U.S. 178 (1946) [Fair Labor Standards Act of 1938], and by the price of milk which is produced and sold intrastate but which competes with milk shipped from outside the state, *United States* v. *Wrightwood Dairy Co.,* 315 U.S. 110 (1942) [Agricultural Marketing Agreement Act of 1937].

In the building trades area, the Court in *N.L.R.B.* v. *Austin Co.,* 165 F. 2d 592 (7th Cir. 1947), held that:

"In this case it is obvious that interstate could be affected by industrial strife in the Chicago office. Any interference due to an unfair labor practice in the transmission of the blueprints in interstate commerce necessarily would retard construction and would disrupt the flow of building materials traveling in interstate commerce. This would constitute sufficient cause to bring respondent within the Act, because 'Interstate communication of a business nature, whatever the means of such communication, is interstate commerce regulable by Congress under the Constitution.' *Associated Press* v. *N.L.R.B.,* 301 U.S. 103."

The reach of the Commerce Clause to regulate what may at first glance appear to be purely local transactions, but which are part of a national market, has been made clear by the Supreme Court in its interpretations of the Commerce Clause. See, *United States* v. *Darby,* 312 U.S. 100 (1941); *Wickard* v. *Filburn,* 317 U.S. 111 (1942) and cases cited therein. In the *Darby* case a unanimous Supreme Court held that Congress had ample authority to regulate the employment standards of workers whose jobs were performed entirely within the boundaries of a single state when some part of their work product (lumber) was shipped in interstate commerce. Similarly, in the *Wickard* case, the Supreme Court upheld marketing penalties imposed for failure to comply with established quotas, even in connection with wheat grown for consumption on the farm. It is clear that the power of Congress under the Commerce Clause is not limited by the size of any particular regulated activity or of an individual's participation therein; rather, Congress is to be guided by the impact which the aggregate of similar activity has upon commerce. Speaking to this point, the Court in the *Wickard* case stated:

"That appellee's own contribution to the demand for wheat may be trivial by itself is not enough to remove him from the scope of federal regulation where, as here, his contribution, taken together with that of many other similarly situated, is far from trivial." Ibid. at 127–128.

The Court also left no doubt as to the scope of Congressional power under the Commerce Clause when it remarked in the *Darby* case at page 115:

"The motive and purpose of a regulation of interstate commerce are matters for the legislative judgment upon the exercise of which the Constitution places no restriction and over which the courts are given no control."

The fact that the construction of a single house is involved likewise appears to afford no exemption from regulation by Congress if it chooses to invoke its full power under the Commerce Clause.

While the Commerce Clause is a principal bulwark to the constitutionality of Title IV, the Administration Bill contains no specific findings by Congress that discrimination in housing has any effect on interstate commerce.

The Committee urges that such findings be incorporated in the Bill and recommends their addition to Title IV.

Only recently, in *Heart of Atlanta Motel* v. *United States,* 379 U.S. 241, 258, 272, 279 (1964), the Court again indicated the usefulness to the courts of Congressional findings in establishing the necessary rational connection between the local activity to be regulated and interstate commerce. In analyzing the Civil Rights Act of 1964, the Court observed that "the Act as adopted carried no Congressional findings." 379 U.S. at 252. The Court then comments at length on testimony and evidence adduced at Congressional hearings prior to passage of the Civil Rights Act of 1964 showing that racial discrimination in motels did indeed affect interstate commerce adversely. 379 U.S. at 252–253.

A similar analysis of the Congressional hearings and a similar comment that no legislative findings were made by Congress when passing the Civil Rights Act of 1964 is contained in *Katzenbach* v. *McClung,* 379 U.S. 294, 295, 296 (1964). The Court made the following statement of the rule governing the power of Congress to exercise its regulatory authority under the Commerce Clause:

"The commerce power invoked here by the Congress is a specific and plenary one authorized by the Constitution itself. The only questions are: (1) whether Congress had a rational basis for finding that racial discrimination by motels affecting commerce, and (2) if it had such a basis, whether the means it selected to eliminate that evil are reasonable and appropriate." (Emphasis supplied) (*Heart of Atlantic Motel* v. *United States,* 379 U.S. 241, 258–59 (1964).)

Heart of Atlanta and *Katzenbach* makes it apparent that the courts would be aided in finding a "rational basis" for Congressional regulation of discrimination in housing under the Commerce Clause if detailed legislative findings were included as a part of Title IV, even though such findings by Congress "are not necessary." *Katzenbach* v. *McClung,* 379 U.S. 294, 299 (1964). There is ample precedent in statutes for such findings by Congress. See *e.g.* Securities Exchange Act of 1934, 15 U.S.C. § 786; Public Utility Holding Co. Act of 1935, 15 U.S.C. § 79a; Trust Indenture Act of 1939, 15 U.S.C. § 77bbb; Investment Advisers Act of 1940, 15 U.S.C. § 80b–1; Fair Labor Standards Act of 1938, 29 U.S.C. § 202; Labor Management Relations Act, 1947 (Taft-Hartley Act), 29 U.S.C. § 141, see also 29 U.S.C. § 151; Welfare and Pension Plan Disclosure Act, 29 U.S.C. § 301; Tobacco Inspection Act, 7 U.S.C. § 511a; Agricultural Adjustments Act, 7 U.S.C. § 601 and § 1311; Colored Oleomargarine Act, 21 U.S.C. § 347a. Such findings of fact have been of aid to the Court in establishing the requisite "rational basis" for Congressional regulation under the Commerce Clause in the past, See *e.g. N.L.R.B.* v. *Jones & Laughlin Steel Corp.,* 301 U.S. 1, 23, 37 (1937) upholding the National Labor Relations Act of 1935 under the Commerce Clause. Section 1 of that Act (29 U.S.C. § 151) as it then existed was cited and quoted in full by the court which stated that "it is primarily for Congress to consider [whether a burden to interstate commerce exists under the Commerce Clause] and decide the fact of the danger and meet it." Similarly, in *United States* v. *Darby,* 312 U.S. 100, 109 (1941) the Fair Labor Standards Act was upheld under the Commerce Clause with detailed reference to legislative findings contained in 29 U.S.C.A. § 202, as it then existed. See also *Block* v. *Hirsh,* 256 U.S. 135, 154 (1921); *Borden's Farm Prods. Co.* v. *Baldwin,* 293 U.S. 194, 209 (1934); *Communist Party* v. *Subversive Activities Control Board,* 367 U.S. 1, 94 (1961).

Past court decisions also make clear that where the Commerce Clause is not invoked specifically in a statute, as in sections of the Civil Rights Act of 1875 which were declared unconstitutional in the *Civil Rights Cases,* 109 U.S. 3 (1883), there is danger that the enactment may not be considered a statute regulating commerce.

Additional Fourteenth Amendment support

We do not wish to imply, by our detailed discussion of the Commerce Clause as an adequate constitutional support for proposed Title IV, that this clause is the sole constitutional basis available to the Congress for the coverage of much of the housing to be reached by the Administration Bill. There are equally persuasive cases under the Fifth and Fourteenth Amendments setting out the specific power of Congress to enforce the substantive guarantees of these amendments by appropriate legislation. To the extent that federal or local governmental action (either at the present time or in the sufficiently recent past to create presently existing effects) has caused the existence of conditions which Title IV seeks to remedy, the Equal Protection Clauses of the Fifth and Fourteenth Amendments apply to such acts and empower Congress to enact broad legislation to deal with them, so long as such legislation can rationally be found to be "appropriate".

Without feeling it necessary to discuss the applicability of the Fifth and Fourteenth Amendments to these situations in greater detail, the Committee urges that such constitutional basis be given appropriate weight in both the findings and the enforcement provisions of Title IV. Such dual constitutional basis is neither unusual nor inappropriate. Much legislation is expressly founded upon more than one power of Congress and the Supreme Court has in the past relied upon multiple constitutional support in upholding the validity of various statutes, e.g., *Board of Trustees* v. *United States*, 289 U.S. 48 (1933); *Ashwander* v. *TVA*, 297 U.S. 288 (1936).

Coverage of public housing in title IV

The committee wishes to call the attention of the Congress to an important omission in the coverage of the proposed legislation, even in conjunction with the existing Executive Order. The Administration Bill does not appear to cover housing owned or operated by local or national government agencies which are not listed among the "persons" to whom the legislation is to apply. Even if the existing Executive Order is retained in power and effect, there is no coverage of public housing erected under contracts entered into prior to November 20, 1962, the cutoff date in the Executive Order. This is an irrational distinction which might well be unconstitutional. While such discrimination is already barred under the Fifth and Fourteenth Amendment cases brought by individual plaintiffs, there is no reason why the legislation should not specifically direct itself against this glaring problem. It is our recommendation that any ambiguity in this respect be resolved through the inclusion in the coverage of Title IV of national, state or local government and all instrumentalities thereof.

Extension of the existing Executive order on housing

This committee has previously reported[2] on the legal basis of Executive Order 11063, issued by President Kennedy on November 20, 1962, which directed various federal agencies to take action with respect to discriminatory practices in housing. This Executive Order is still in effect. At the time of that report, this committee concluded that the Executive Order was based on sound and well established constitutional grounds and that it was well within the authority of the President—and his duty—to enforce the Constitution of the United States; that it did not establish any new rights which did not heretofore exist but established new procedures and directives for their enforcement; that the exclusion of certain contracts for the financing of housing entered into prior to the effective date of the order was not based on any appropriate legal distinction; and that the power of the President to enforce the Constitution extended substantially beyond the scope of the Executive Order and that the executive power to implement public policy through the inclusion of contract provisions extended even further.

The committee recommended then, and repeats its recommendation now:

1. That the Executive Order be amended to cover all public housing, irrespective of when constructed; all urban renewal projects, irrespective of when contracted for; and all other housing programs to which Federal grants, loans or subsidies are made.

2. That the Executive Order be amended to include subsequent sale or lease of property covered by FHA or VA insurance, on the ground that such sale or transfer subject to FHA or VA mortgages is a new action which should extend to new individuals the benefits of Federal action after the date of the Executive Order.

3. That the recommendation of the United States Civil Rights Commission with respect to the elimination of discriminatory practices in mortgage loans by Federally supervised mortgage lending institutions be given early implementation, through the use of the contract power or other proper tools of Federal supervision and action, with a minimum interference with concepts of free enterprise consistent with achieving effective results.

4. That the recommendations of the Civil Rights Commission with respect to housing in Washington, D.C., which should be a model community demonstrating American freedom and equal opportunity in housing, be implemented at an early date by the Commissioners for the District of Columbia.

The Committee believes that the first step in the extension of anti-discrimination protection in the field of housing should take place through the further extension of the existing Executive Order. There is no constitutional or practical conflict between the full implementation of the President's power through Executive Orders, and either the pendency or the enactment of legislation dealing with the same area, so long as there is no specific conflict with such legislation after enactment or preemption of the President's power thereby. We will not repeat in this report the discussion of constitutional principles upon which our conclusions and recommendations were based in 1963. Suffice it to say, however, that all of the decisions rendered by the courts since that time have, to the extent applicable, reenforced the constitutional discussions presented at that time.

This committee therefore now renews its recommendation for the immediate promulgation of an Executive Order expanding the scope of the existing order carrying out the recommendations set forth above. Such action would have the following benefits:

1. It will expand federal action against discrimination in housing to a substantially larger area without the delay inherent in the present debate over the Administration Bill.

2. The flexibility in operation of an Executive Order makes it desirable to use such mechanism to as broad an extent as possible. It may well be that, in any case, the implementation of the Administration Bill, when enacted, will require executive or departmental orders similar in scope to those which may already by adopted.

3. The enforcement of constitutional rights have, in recent years, developed through a well balanced combination of action by the executive, legislative and judicial branches of government. It is the responsibility of the executive branch to carry out its powers in this respect to the greatest extent possible and not to waive such responsibility to the legislative branch. The power to act through Executive Order, particularly in the field of contract provisions, is an executive responsibility.

THE PROVISIONS OF TITLE V RELATING TO INTERFERENCE WITH CONSTITUTIONAL RIGHTS

Title V would impose new criminal penalties upon any person who interferes either directly or by acts of intimidation or reprisal with the enjoyment of specified activities on account of race, religion or national origin. The provisions are operative whether the interference is directed at the actual participants in the enumerated activities or at other persons. Title V also increases existing penalties for violation of constitutional rights and makes them commensurate with the degree of crime committed.

It is beyond question that Congress has the constitutional power to punish interference with the exercise of rights arising out of the Constitution and to apply appropriate punishment upon conviction of such acts. The Committee believes that the constitutional basis for such Congressional action, and for the protection of individuals who aid those directly asserting their constitutional rights, is now beyond question. Whether such rights arise out of the nature of national citizenship; the rights created by federal statutes enacted under the Commerce Clause or the Fifth, Thirteenth, Fourteenth and Fifteenth Amendments or the right to vote in federal elections; or any other basis for federal action is immaterial. The specific enumeration of the 'protected rights in Title V is an appropriate method by which Congress can eliminate any ambiguity as to the intended breadth of coverage. None of the enumerated areas in which protection is offered are outside the federal power as elaborated by existing judicial decisions.

Additional comments

It is the opinion of the committee that the purposes of the Administration Bill, and particularly of Title IV as described in the statement of policy (§ 401), are laudable and necessary implementations of present policies which are intended to put to an end the remaining vestiges of the Negro's social, political and economic disadvantages based solely upon his race. New York State has been a leader in the enactment of legislation dealing with this problem, and New York's experience in operating under such legislation can be of immense assistance to any federal effort in the same area.

The proposed legislation seeks to fulfill the promise of equality inherent in the Emancipation Proclamation, the Thirteenth, Fourteenth and Fifteenth Amendments to the Constitution, and the long and continuing struggle of minority group citizens of our nation for equal treatment based upon merit rather than upon the color of their skin or their religion. Discrimination in the selection of juries and in the availability of decent housing has been a continued blot upon the American image at home and abroad. Racial living patterns created by housing discrimination are basic causes of many other inequalities, such as defacto school segregation, unequal employment opportunities and unequal recreational opportunities. The arbitrary denial to American citizens not only of their rights but of their security and lives by those who feel that they need fear no punishment must finally end.

It is incumbent upon all branches of government to redeem the promise of a century ago; in particular, the executive and legislative branches must take the initiative in providing laws and practices to end the effects of these 100 years of shame.

This is the 100th anniversary of the Civil Rights Act of 1866 which proclaimed the equal rights of all citizens to purchase and hold real and personal property. Thus, it is particularly appropriate that the Congress make these rights meaningful in the Civil Rights Act of 1966.

Respectfully submitted.

COMMITTEE ON CIVIL RIGHTS, NEW YORK COUNTY LAWYERS' ASSOCIATION.

Robert M. Kaufman, Chairman; Peter D. Andreoli, Harold Baer, Jr., Michael A. Bamberger, William C. Breed, Jr., Helen L. Buttenwieser, Porter C. Chandler, Saul C. Downes, Arthur Q. Funn, Julius L. Goldstein, Richard W. Hulbert, Philip Kazon, John J. Loflin, Harold Mitherz, Stoddard D. Platt, Sol Rabkin, Guy G. Ribaudo, Robert K. Ruskin, Cora T. Walker, Thomas G. Weaver, Henry Weiner.

THE TAXPAYER—A PIGEON FOR THE $4 BILLION SST?

Mr. PROXMIRE. Mr. President, the Government, through the Federal Aviation Agency, is currently well on the road to building our first supersonic transport. The FAA estimates development costs at $1.5 billion, but reliable sources have placed the figure as high as $4 billion before the SST enters service.

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[2] Equal Opportunity in Housing—The President's Executive Order, A Report of the Committee on Civil Rights, New York County Lawyers' Association, Spring, 1963.

Is this expense justified when we face increasing commitments for defense and the President of the United States appeals to us so rightly to curb Federal expenditures?

I think not.

Consider these facts:

First. The British rushed ahead in the early part of the last decade with production of the Comet. The flight record of that aircraft, fraught by a tragically high accident rate, is far from enviable.

Second. No convincing case has been established that the market will be there for this costly Federal gamble.

Third. The unsolved technological problems are immense. Their solution is of incalculable cost. The time it may take to solve them may be very great. Experimentation in France and England may clear the way, and if we postpone our own effort, greatly reduce our cost.

Fourth. Defense officials have made it clear that this plane will have no military value.

John E. Gibson, an engineer, has written a provocative and revealing article in the current issue of Harper's magazine. Among the many problems he cites, let me mention a few of the more startling.

We have little experience in sustained supersonic flight, and what experience we do have as a result of short flights by B–58 Hustlers shows us that cruising at this speed is dangerous and unpredictable.

The plane's skin temperature rises to 300°. It passes through communications networks too quickly to be contacted. Any failure of cabin pressure means instant death, and cosmic radiation constitutes an invisible danger.

Yet the FAA is rushing ahead with its plans and calls for inservice operation of the SST by 1974.

Mr. President, in the argot of the gambling business, the pigeon is the fall guy, the sucker, the loser whose losses keep the gamblers in swimming pools and beautiful blondes.

The supersonic transport seems more and more to represent an immense gamble, with the odds against the pigeon whose money the Congress is gambling.

Should we make the American taxpayer this kind of pigeon?

A couple of weeks from now this Senate will be asked to decide this question when we vote on appropriations for the SST. I suggest that in preparation for that vote, Members of the Senate might be interested in reading the article by Mr. Gibson to which I have referred and I ask unanimous consent that it be printed at this point in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

THE CASE AGAINST THE SUPERSONIC TRANSPORT

(By John E. Gibson)

(NOTE.—The government is now hell-bent on a crash program to build—at enormous expense to the taxpayer—an airliner that flies 2,000 miles an hour. But who needs it? And is it worth the risk to passengers, the high operating cost, and the ear-shattering annoyance to everybody near its flight path?)

In May 1965, in a triumph of bureaucratic inevitability, the Federal Aviation Agency began to commit more than two billion dollars to the crash development of a Supersonic Transport aircraft that no airline really wants and on which no manufacturer is eager to spend a dime of his own money. The decision is of doubtful technical validity. It also seems designed to stretch still further our already overextended economy. With the prospect of a long and costly engagement in Vietnam, the President has declared his intention of subjecting nonessential capital expenditures to increasingly careful scrutiny. The SST surely belongs in this category. Yet in the face of compelling facts the FAA continues to maintain, as it has since 1960, that the United States must have a 2,000 mph airplane by the early 1970s, and that the FAA is just the agency to supervise its construction.

Something about new means of transportation seems to bring to the surface the latent gullibility in the best of us. The present SST fever is merely the latest of such imbroglios which stretch far back into American history.

The initial bold success of the Erie Canal in 1825, for example, triggered the building in the next quarter-century of some 4,000 miles of canals in the United States. None were financially successful. The same cycle was repeated after the completion of the first transcontinental railroad in 1880. Four more quickly followed. And in the next decade enough new track was laid in this country to girdle the globe three times. As a result of this overbuilding, long before they were confronted with truck and aircraft competition, many railroads were burdened with unnecessary mileage and unprofitable branch lines.

The third act in this drama began with the phenomenal growth of airline passenger traffic following World War II. As with the Erie Canal and the first transcontinental railroad, we gambled by crashing into the jet age. And again we have been lucky. The modern jet transport is a magnificent engineering achievement. It is moderately well-behaved as high-spirited steeds go. Passengers love the jets and they have proved economical in operation beyond the airlines' wildest dreams. Imagine a 707 or DC–8, either of which seats more than 100 passengers, making two round trips per day between Chicago and Los Angeles. This is normal procedure. Thus, an $8-million jet can gross almost a million dollars *per month* on this run. The FAA has gradually relaxed its stringent restrictions on miles between overhauls as experience has been gained with jet engines and the new fan-jet principle makes more power available as needed. Now the new DC–9 and 727 for short hauls have proved better than optimists dared hope and the airlines are making money at last.

But the Supersonic Transport is a threatening storm cloud on this sunny horizon.

Test and experimental aircraft and some standard military planes have operated in short bursts above the speed of sound for more than a decade. But this experience does not reduce the problems of sustained operation by commercial airlines at such velocities. Supersonic speed induces strange behavior patterns in aircraft. The force required to push an object through the air rises abruptly as it approaches the velocity of sound (approximately 660 miles per hour at high altitudes). Thus—though it is not impassable—the "sonic barrier" is a very real thing. Because the waves of sound cannot outspeed a supersonic aircraft, the air in front of it is undisturbed before the craft pushes it aside. This simple fact accounts for the sonic boom, the heat barrier, and the peculiar handling qualities of the craft.

Supersonic commercial aircraft began to be talked of several years ago after European aviation interests recognized that the long-range subsonic market had been largely preempted by such superb American-built passenger jets as the Boeing 707 and the Douglas DC–8. Wisely, the British and the French shifted their sights to short-haul jets like the Caravelle and the Britania, which are now available. However, we countered with the Boeing 727 and Douglas DC–9. So once again Europe failed to make a clean sweep. Moreover, the short-haul jet is not a suitable object for improving national prestige. De Gaulle toured South America last year in a Caravelle but he was carried across the Atlantic in a Boeing 707. One can imagine his pique.

Almost against their will, European designers were then forced across the sound barrier and told to design a plane which would operate at twice the speed of sound. Because of the enormous expense, Britain and France agreed in late 1962 to share the cost of designing and constructing the monster. Simultaneously, de Gaulle was freezing Britain out of the Common Market. In 1964 the British, under Prime Minister Wilson, signified their desire for an "agonizing reappraisal" of this forced alliance whose purpose appears both frantic and unrealistic.

The United States has had far greater experience in designing and operating supersonic craft than any other country. It has been gained with our Century series of fighters which are capable of supersonic flight for short dashes and with the B–58 Hustler bomber which can achieve sustained operation at speeds above Mach 1.[1] While a British aircraft was the first to break the sound barrier in level flight, the British-French consortium has had almost no real operational experience with sustained supersonic flight.

The Europeans are using aluminum and conventional structural design for their ship, probably because they cannot afford to undertake costly studies of newer, heat-resistant materials such as titanium. Thus it will be difficult for the Concorde to evolve gradually during operational use into a more powerful and efficient craft. In essence it will be obsolescent before it leaves the drafting table. In contrast, the present generation of American-built jets have undergone continual modification and improvement, giving them more passenger-carrying capacity, more powerful engines for shorter take-off runs, and longer nonstop cruising.

The only men in the world accustomed to prolonged flying at Mach 2 are U.S. Air Force B–58 bomber pilots. Until recently it was not our policy to make this expertise available to all comers. Indeed, USAF technical reports on supersonic craft were restricted to American vendors with a demonstrated "need-to-know."

Thus British aircraft designers were more than a little interested in a lecture given in London during December 1964 by Lt. Col. George E. Andrews of the USAF to the British Guild of Air Pilots and Navigators. Colonel Andrews was one of the pilots of a B–58 Hustler which flew the 8,000 miles from Tokyo to England nonstop. About 1,400

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[1] A Mach number is the ratio of the speed of an object through the air to the speed of sound under the same conditions and is named after the eminent Austrian fluid dynamist Ernst Mach. Although the speed of sound varies with such factors as temperature and altitude, it is about 660 miles per hour at the normal operating altitude of the SST. Thus, Mach 1 is approximately 660 mph and Mach 3 is almost 2,000 mph.

miles were flown at supersonic speeds, between inflight refuelings. This one to one-and-a-half-hour segment of the flight apparently represents a significant portion of the *total* supersonic experience acquired in sustained flight. At times, Andrews reported, the skin temperature of the plane rose to 300 degrees. F. This rather unexpected heat rise put an appreciable fraction of the plane's essential electronic gear out of action.

The British magazine which reported Andrews' talk remarked with characteristic understatement that the facts reported by the Colonel confirmed the data upon which the design of the Concorde is based, with the exception of the general heat rise which could only be halted by slowing to subsonic speeds. This small "exception" would, of course, if not corrected, result in complete failure of the craft.

TAXPAYER'S GAMBLE

The Federal Aviation Agency was disturbed by European activity on the SST. Overlooking Britain's disasterous previous attempt to press aviation frontiers with the ill-fated Comet jet, Federal Aviation Administrator Elwood R. (Pete) Quesada announced in May 1960 that America was not to be left behind. The FAA indicated that the government would probably be willing to subsidize 50 percent of the development costs of the Mach 3, Titanium jet. American aircraft manufacturers met this modest proposal with thundering silence. The FAA then retreated a step. In 1961 its new Administrator, Najeeb E. Halaby, called for cost-consciousness; a "lean, mean, austere approach." This was fine by plane manufacturers; they were for zero costs—to themselves. Halaby subsequently explained that the government would support 75 percent of the cost of SST development. This proposal also failed to the salute test. By July 1963, Halaby was admitting that the aircraft industry displays "a great deal of anxiety" about sharing costs and that it has a "trauma" about past losses on new developments. When the Kennedy Administration did not include SST development in its fiscal year 1964 budget, it seemed the project would be dropped with a loss of only the $11 million allocated by Congress for preliminary studies in fiscal '63. But pressure for a supplemental allocation of $60 million mounted. And at the threat of Soviet and British-French progress, Congress acquiesced.[2]

In August 1963 Kennedy appointed Eugene R. Black, former World Bank director, as his financial adviser on the SST program. In December Black's report was on President Johnson's desk. The President released it without comment in February 1964. It called for 90 per cent of the costs to be borne by the government and for careful progress without racing other nations. Halaby was soon telling industry representatives that he had always felt that 25 per cent participation was too high for industry and that he had had a change in heart about the need for a race. Black also recommended that responsibility for the SST be removed from the FAA and an independent agency be set up to supervise its development. Halaby did not comment on this suggestion. Doubtless he was busy fending off criticism from industry, which still refused to accept the principle of participation and has not accepted it to this day.[3]

Boeing and Lockheed are adamant against the 75/25 per cent split but both are willing to discuss a 90/10 per cent split, provided a number of special guarantees and tooling-cost loans are included which will further reduce their involvement. There is no question, of course, that many millions of company funds are tied up in the competition for the prototype-development contract and that the losers will suffer financially.

SELF-CERTIFICATION

The frantic approach by the FAA to the Supersonic Transport is epitomized in the official timetable announced in 1964:

First flight of *production model,* September 1968.

Type certification by FAA, September 1969.

Introduction to passenger service, May 1970.

For the first flight to occur in 1968, the design must be frozen by 1966 at the latest, and a host of technical problems must be solved in a miraculously short period. Doubtless this realization prompted the present Federal Aviation Administrator, William F. McKee, recently to stretch the entire schedule two years.

However, the position of the FAA in this adventure remains peculiar. FAA is a small but respected agency, concerned primarily with all aspects of flight safety, air traffic control, and certification of new aircraft types.[4] It has no experience in administering huge technical development efforts like those carried on by NASA and the Department of Defense, Gordon M. Bain, until recently the Deputy Administrator in charge of the SST program, has said that the FAA intends to remain above technical details, allowing the manufacturers almost complete freedom. Lockheed and Boeing, prime investigators on the first phase of the work, were selected to continue with Phase 2, which will result in a detailed preliminary study of the two proposed SST designs. FAA will have to make the choice between these two proposals. How FAA can do this and stay above details is baffling. FAA is handicapped by complete ignorance of research-and-development management principles, such as those instituted by Mr. McNamara in the Department of Defense. FAA also suffers from a unique disability. In due course the agency will be asked to certify an aircraft developed only at its urging and almost wholly subsidized by its funds. Such a conflict-of-interest situation is pregnant with disaster for the whole concept of objective federal regulation of airways safety. In effect the FAA will be asked to certify that it has spent its money wisely and that its own technical judgment is sound.

The SST concept is an excellent long-range technical development goal for the aircraft industry and the role of the federal government in fostering such research and development is well established. Probably the investment over the past half-century of government funds in aircraft development has paid for itself many times over in establishing new sources of tax revenue. This concept is not under question here. What I do question, however, is the premature crash program to force the commercial use of the SST on the reluctant air-transport industry.

NO NEED FOR OXYGEN MASKS

Formidable technical obstacles still lie ahead. At March 3, the SST is well into the "thermal thicket." This is the name of the operating region in which the craft cannot dissipate the heat generated by air friction. Consequently the aircraft continually grows warmer, as mentioned by Colonel Andrews in his British talk. Unlike the Concorde designers, American engineers seem fully aware of this problem. Their solution is rather frightening, however. They propose to use the aircraft fuel as a "heat sink." Since the aircraft grows unbearably hot after a short stretch of supersonic flight, the engine fuel will be made to flow through passages in vital parts to prevent it from melting. We are assured that the warmed fuel will function just as well in the engines and that it won't explode. In fact, there will be only an hour's safety margin beyond normal flight time before the danger point is reached. (The critical moment comes when the pilot shuts off fuel to the engines in preparation for descent. Engine temperature will zoom 150 degrees higher in a few minutes' interval.)

There are several other interesting technical problems. At 70,000 feet, the proposed cruising altitude of the SST, there will be no need of oxygen masks if cabin pressure is lost. The reason is that the human body undergoes explosive decompression, the blood boils, and death occurs within several seconds. This happens whether or not one wears an oxygen mask. The only safeguard is an astronaut-type pressure suit. Engineers know this. They are also aware that the point of maximum threat to the integrity of the cabin pressure seal occurs at door joints and windows. This is why it was proposed on technical grounds to build the SST without windows. Psychological consultants felt, however, that passengers would grow uneasy without windows (something about a coffin complex perhaps). Thus in a later design, windows appeared beside each row of seats.[5]

In a report by a company asked to design the cabin temperature and pressure controls for the SST, the following passage occurs:

"The ambient temperatures [normal operating temperature of aircraft skin] at Mach 2–3 are those, at which you normally cook chicken or broil steak [350–500 degrees F.] Thus the [cabin] cooling system must work continuously. Furthermore, if the pressurization system failed at 60,000 to 80,000 feet, the cabin would probably collapse. Even if this didn't occur, no one would survive since at 62,000 feet external pressure is so low the blood boils. Even at 42,000 to 45,000 feet, a human being would suffocate in pure oxygen without pressurization."

An efficient supersonic aircraft which can also perform at slow speed for takeoff and landing will probably require a folding wing arrangement similar to the experimental TFX fighter, which recently took its first test flight. To design a bearing for the folding wing of a plane big enough to carry 200 passengers is a mechanical engineering problem of considerable complexity. The entire stress of the wing must pass through this single pivot. If one wing folds while the other does not, the plane will be subjected to twisting forces far beyond the capacity of the structure. If it is impossible to return the wings to slow-speed position for the descent to land, the plane will be unable to maintain a controlled descent. A "landing speed" in excess of 200 to 300 miles per hour is to be expected under this situation. If any of these contingencies face a young, superbly conditioned Air Force pilot of a TFX fighter, he simply presses the eject button. This ejects the completely enclosed, pressurized cockpit from the disabled craft. After falling five or ten miles into breathable air the pilot opens a metal parachute from within his escape capsule. He may then elect to remain with his capsule or leap from it relying on his personal, conventional chute. It is doubtful that an escape pod would be practical for the entire crew of an SST.

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[2] In 1961 Col. Gen. Yevgeni F. Loginos, chief of Soviet civil air operations and head of Aeroflot, told Western reporters that the Soviets realized that a whole new aircraft, not a rebuilt bomber, was needed for SST operations. Since that time there has been little sign of unseemly haste on the part of the U.S.S.R.

[3] In April 1966 Gen. J. C. Maxwell, director of SST development for the FAA, was quoted in *Aviation Week,* as saying the financial controversy is unresolved. He repeated White House policy that all government funds will be recovered with interest. Ives, Whitehead and Co., a New York investment firm, has proposed private financing via a government-guaranteed bond issue.

[4] It also deals with cockpit regulations such as ruling that pilots must remain strapped down during the flight, will not eat fish, will not take tranquilizers, and that pilots laps will not hold hostesses. Pete Quesada also ruled that hostesses may *not* be allowed to fly the plane.

[5] Still later, half of the six-inch-diameter windows were eliminated. Furthermore, Lockheed now advocates a reduction to design speed to Mach 2.7 to help overcome certain operating problems.

UNCOMFORTABLE PROBLEMS

Air Force-sponsored studies predict that a typical SST will provide a far less comfortable ride than current jet airliners because of atmospheric turbulence. Perhaps passengers will have to remain strapped on a contour couch for the entire flight to avoid injury. Our British friends report that Colonel Andrews' remarks on this subject are really quite "reassuring." They point out that "clear-air turbulence"—that little-understood phenomenon which is held responsible for several air crashes in the last few years—is seldom encountered at SST operational altitudes. On the other hand one B–58 Hustler has been reported lost in the turbulence of a thundercloud. One might expect that this maneuverable Mach 2 plane would simply slip around such an obvious cumulonimbus thunderhead, which can tower to altitudes of 50,000 to 60,000 feet. Andrews pointed out, however, that at a *60-degree bank,* the B–58 requires 50 miles to make a turn. The Mach 3 SST could be expected to need at least 100 miles to turn. Thus the pilot will have little time to initiate a course change if a cloud appears on the horizon 50 miles away.

At least two more B–58s have been lost to a more insidious supersonic enemy. Aeronautical engineers call the imaginary point in the aircraft where all its weight balances, its "center of gravity." Similarly its "center of pressure" is the point at which all its lift forces may be concentrated. As a plane goes supersonic its center of pressure undergoes a marked change with respect to its center of gravity. This is in contrast to the conventional subsonic aircraft where balance calculations for safe flight may be made before the craft leaves the ground. In the SST, the pilot must keep continual account of changes in the center of pressure in order to maintain control of his craft. One or two passengers moving the length of the cabin can affect this rather critical balance—another reason for keeping them strapped in contour couches.

Without doubt there are other technical problems about which little is known and which will reveal themselves slowly, through hundreds of hours of test flights. Take, for example, cosmic radiation. It is known that at 70,000 feet, cosmic-ray intensity is more than twice that at sea level at temperate latitudes and more than five times normal near the poles. The long-term effect of cosmic radiation on metal fatigue and electronic instruments as well as disease and mutation in the human body needs careful study.

There are also a number of other "engineering details" to be cleared up before I would put Aunt Jane on the next SST for her vacation in Europe.

First, we must be alert to claims of years of supersonic experience with Air Force planes. Commercial craft must fly 2,000 to 3,000 hours per year to show a profit for their operators. This is ten to fifteen times the typical military usage. Thus, supersonic life-test experience is acquired very slowly with military craft. In addition to normal wear and tear, experience must be gained, for example, in restarting jet engines at supersonic speeds. Should a jet engine be turned off in flight, present military practice is to slow to subsonic speed before attempting to restart it. This is very costly in fuel and intensifies the sonic boom problem. The automatic pilot must be completely fail-safe since its operation is essential for stability augmentation of the aircraft during flight.

Technical problems involved in airway communication and traffic control will be severe in SST operation. Present radio-operation techniques will be rendered obsolete. In July 1961, a USAF Hustler bomber flying from New York to Paris was out of touch with traffic control for almost the whole flight due to the rapidity with which it passed from one controller's block to the next. This became critical as the plane approached Paris with little reserve fuel.

Several manufacturing problems have already been mentioned above. Others include the design of hydraulic control systems to operate reliably at temperatures of 500 to 1,000 degrees F, and the extremely close tolerance to which the surface of the aircraft must be held. A small bump or ridge any higher than three sheets of this paper anywhere on the one-third acre of skin surface will increase the drag and thus reduce the efficiency of the craft.

One more matter of some concern is the problem of supersonic rain erosion. After five years of research, no material has been found which can withstand the effect of this cavitation-like process, which can disintegrate cockpit windows and destroy the smooth leading edges of supersonic wings.

WHAT AIRLINE PRESIDENTS CAN'T SAY

Technical problems have a way of disappearing as time goes by and perhaps we will all chuckle one day at the silly little details I have discussed up to this point. So now let's turn to the real problem with the SST. It can't make money.

Following the preliminary design reports, various airlines began economic studies of the SST's commercial possibilities. What they have found is not encouraging. United, the country's largest carrier, for example, has found that the operating cost of a Mach 3 transport will be 26 per cent higher than present-generation jet transports for transcontinental flights. For "short hauls," such as Chicago to Los Angeles, the cost will be 43 per cent higher. These are in-flight costs and do not tell the whole tale.

A simulation study of terminal operations reveals that the total number of flight operations of an airport servicing SSTs must be reduced severely compared with today's averages. Because of the turbulence of the wake of an SST, all craft must keep out of its track for as long as five minutes after it passes. All craft must be kept from in front of it since the SST, once committed to a landing, is dangerous and expensive to wave off. Takeoffs likewise are critical. One extra climbing turn as the plane takes off from an airport will require as much as 16,000 pounds of extra fuel. These and other factors mean that terminal costs will skyrocket for SST operations.

Earlier studies have shown that basic changes in normal airport procedures will be required if the SST ever sees the light of day. A 30-minute "hold" in an airport traffic pattern before being allowed to land will cost more than 10 tons of extra fuel. At 200 pounds per passenger plus baggage, this extra fuel takes the place of about 100 passengers. The Concorde will carry 130 passengers while the American SST is slated for about 200.

Finally there is the $25 million to $40 million price tag for an SST compared with the $8 million cost of a present-generation intercontinental jet. To fight these costs, the airlines have contemplated austerity measures in the passenger compartment. Passengers will be placed five or six abreast with restricted legroom. The number of lavatories will be reduced. There will be no coat-racks or carry-on baggage racks and, sad to say, the size of the liquor locker is to be reduced.

Several months ago President Johnson announced plans for a huge new military transport plane called the C5A. There was speculation about its future conversion into a vast passenger craft which might carry as many as 700 persons. Such a payload would make it possible to cut the transatlantic round-trip fare from the present level of $300 to about $150.

This April Pan Am ordered twenty-five immense Boeing 747 jets. Each will have a capacity of 490 passengers. Though speedier than present jets, these planes will be subsonic. Boeing estimates a saving of 35 percent in passenger-mile costs. One wonders how many passengers will want to pay $300 to $400 extra to save three hours in crossing the Atlantic in an SST.

Recently the London *Observer,* under the banner "Has Boeing Killed the Concorde?" quoted the comments of Sir Giles Guthrie, BOAC chairman. "BOAC recognizes that supersonic aircraft will come into existence," he said, "but it is obviously vital to all airlines that they shall not acquire any supersonic transport unless they are certain that they will not lose a packet of money in the process." BOAC, the *Observer* predicted, will follow Pan Am in ordering 747s. To date BOAC has *not* ordered the Concorde nor has it even paid a deposit for a delivery position.

At International Air Transport Association meetings, the thoughts of the conferees return again and again to "the SST problem." The remarks of an Air India official in September 1964 seem to capture the mood of the majority: "We can't pay five times present costs for two-and-one-half times present productivity." At the same meeting Sir William Hildred, Director General of the IATA, said, "I hope I shall not live to see the damn thing. . . . I can afford to say things like that," he added, "but airline presidents cannot."

The SST will produce problems for more than the minority of citizens who are air travelers. The sound of an SST taking off will make citizens living near airports long for the good old days of subsonic jets. The SST engines will be much louder. It is doubtful also, that the airlines can be forced to undertake dangerous noise-abatement maneuvers with SSTs as they do with jets on takeoff.

It is fruitless to suggest relocating airports any farther from the center of cities. With approximately one-half of the total transatlantic travel time devoted to getting to and from the airports in their present locations, the SST traveler may begin to ask himself what he has bought for his money.

"A LITTLE TOO CLOSE AND A LITTLE TOO FAST"

Airport noise is a minor headache compared with the sonic-boom problem. A supersonic aircraft lays down a path of pressure disturbance which may be as wide as 100 miles. The boom may only be a dull, window-rattling crack but it can easily be more. By failing to minimize the effect by flying at just the proper speed and altitude, an SST can inflict property damage and pain. Studies reveal that low-altitude supersonic flight may be a more effective weapon on an enemy population than an atom bomb. Properly done, a sonic boom attack can maim and kill people while knocking down buildings in a wide swath from one end of the country to the other.

A propaganda effort in the fall of 1964 to soothe fears about the sonic boom backfired in amusing fashion in full view of millions of television viewers. Those watching Chet and David that evening saw a film report on an FAA study at White Sands Proving Ground, New Mexico, on the effect of sonic booms on typical home construction. The day was almost complete with a number of tame booms that did no damage. On the last pass, however, the Air Force plane came over "a little too close and a little too fast." Plaster fell from the walls, picture windows were shattered as were the nerves of the newsmen, and foundations of the buildings were damaged along with the confidence of the FAA.

The complete results of the more extensive Oklahoma City sonic-boom tests more than two years ago have not been released officially at this writing. It seems safe to say, however, that they did not meet with universal approval. Two hundred persons received compensation from the FAA for damage to their homes from the more than 1,200 deliberate booms. More than 40 per cent of a sample of 2,000 citizens interviewed were convinced their homes had been damaged by the booms. Thus if not for economic reasons, then for public safety, SST operation probably should be limited to long over-water flights.

The United States today enjoys undisputed leadership in jet-aircraft construction, and no one questions that the federal government should encourage our continued supremacy by sponsoring aerospace research. The present generation of subsonic jets is the fruit of this policy. The Boeing 707, for example, flew for millions of miles as the Air Force KC–135 tanker before moving into commercial aviation. Similarly the experience gained on such military planes as the TFX, the A–11, and B–70 will provide a reservoir for a possible supersonic transport someday.

But the technical and operational problems of a commercial SST are numerous and difficult. The fact that one military aircraft has flown 1,400 miles supersonically does not prove commercial feasibility. Lindbergh flew the Atlantic twenty-five years before most of us were willing to try it.

SIKORSKY'S MEDICINE

The Federal Aviation Agency is abandoning its historic role as the objective guardian of airways safety to push a commercial adventure for which little if any technical or economic grounds can be found at present. The Concorde consortium was used as an excuse to trigger our unobjective rush not to be left behind. The loud "second thoughts" by the British on the Concorde and the recently revealed distress of the consortium at skyrocketing costs have, unfortunately, not slowed the push on this side of the Atlantic.

As a young engineer some years ago, I was fortunate to be called in as a consultant to the Sikorsky Aircraft Company in Bridgeport, Connecticut. On one of the reception-room walls I noticed a framed copy of that famous photograph of Igor Sikorsky himself at the controls of an early model of his helicopter. At first, I dismissed it as a typical publicity photo. Later, however, I found it was more than that. Sikorsky is not only a technical genius but a leader of men. He recognized that it was necessary to force his engineers to take personal responsibility for their technical decisions. Thus he required that all his designers make the first test flight of any new "improvement" they worked on. The photo showed Sikorsky taking his own medicine.

I suggest that Congress require the FAA to follow the Sikorsky plan. On the first test flight of the SST funded by the FAA, *all* responsible officials of the FAA would be required to be on board. On all subsequent flights at least one responsible FAA official would be on board until one full year of daily test flights had been completed.

(NOTE.—*John E. Gibson, now dean of engineering at Oakland University in Michigan, was professor of electrical engineering and director of the Control and Information Systems Laboratory at Purdue for five years. A Yale Ph.D., he has done research for the Navy, the Signal Corps, the Air Force, and NASA. He has written dozens of technical articles and several books, including "Nonlinear Control Systems" (McGraw-Hill)*.)

VIETNAMESE ELECTIONS

Mr. FULBRIGHT. Mr. President, a letter on the subject of the forthcoming Vietnamese elections in this week's Economist makes an interesting proposal which I think merits consideration.

The author of the letter, Mrs. Crane, who has written a pamphlet entitled "Vietnam—A Plea for Self-Determination" published by the United Nations Association, suggests that the elections to be held in South Vietnam in September "hold the key" to the present impasse. She suggests that the United Nations or the International Control Commission, which has so far been unwilling to play a role in these elections, might be willing to do so if a truce were called during the period of the election campaign. Mrs. Crane believes that there might be a chance of securing a truce if the United States and the South Vietnamese Government would be willing to admit the National Liberation Front as a political party eligible to submit candidates for election. Mrs Crane points out that, under the rules promulgated by Marshal Ky governing the forthcoming elections, those suspected of Communist affiliations are prohibited from participating. Finally, Mrs. Crane suggests that a temporary truce would offer the Soviet Union and Britain, as cochairmen of the Geneva Conference, "a reasonable chance of agreeing to call a meeting to consider whether the most recent statements from Hanoi and Washington offer a basis for a settlement."

I am not proposing at this time that we should decide to urge the South Vietnamese Government to admit the NLF as a political party in the forthcoming elections. I am simply calling attention to Mrs. Crane's proposal and suggesting that it be considered by the administration.

I ask unanimous consent that the full text of Mrs. Crane's letter, which appears on page 244 of the July 16 issue of the Economist, be inserted in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

VIETNAMESE ELECTIONS: COULD THIS BE A WAY OUT?

(A letter from Mrs. Crane, the author of the United Nations' Association pamphlet, "Vietnam—A Plea for Self-Determination," published this week)

SIR—The bombing of oil installations near Hanoi and Haiphong, according to President Johnson, is intended to speed up the end of the Vietnam conflict. Many people believe the opposite—that this will, in fact, make a political settlement of the war more difficult. But when Mr. Wilson visits President Johnson at the end of this month, there is one suggestion he could make that might break the deadlock.

The elections that are supposed to be held in South Vietnam in September hold the key. Properly handled they could offer a way out of the present impasse and a breathing space in which to try to convene a Geneva-type conference.

Both the South Vietnamese government and Mr. Arthur Goldberg, the American permanent representative at the United Nations, have indicated that they would like to see the United Nations or the International Control Commission supervise these elections. Not unnaturally, however, U Thant has shown little enthusiasm to use the UN in a situation where there can be no guarantee that the elections will be fair and free. Under the rules promulgated by Marshal Ky, those suspected of communist affiliations are prohibited from participating in these elections and a raging war hardly offers proper opportunity for campaigning and effective promotion of candidates for the constituent assembly.

The United Nations or the Control Commission might, however, be persuaded to risk their reputations if a truce were called to the fighting during the period of the election campaign. There might be a chance of achieving this if the United States and the South Vietnamese government were to make an important concession. This would be to admit the National Liberation Front as a political party eligible to submit candidates for election. With such an offer the Hanoi government might be prepared to agree to a truce, and even if the date of the elections had to be postponed to enable proper arrangements to be made, the prospect of a South Vietnamese election under international control would make it worth while.

A temporary truce to the fighting would offer the Soviet Union and Britain, as cochairmen of the Geneva conference, a reasonable chance of agreeing to call a meeting to consider whether the most recent statements from Hanoi and Washington offer a basis for a settlement.

Would the Americans and South Vietnamese government accept the National Liberation Front as a political party? It is true that statements to date do not make it seem very hopeful. Prior to the bombing raids near Hanoi and Haiphong there had been some shift in American attitudes regarding the role of the NLF and the Vietcong in peace negotiations, and *The Times* on January 8th reported that, in the event of a cease-fire, the Administration would accept the National Liberation Front as a political party in South Vietnam. Though this has not been confirmed by official statements, it is difficult to see how any valid elections in Vietnam can exclude the communists altogether.

The 14 points issued by the White House on January 4th, listing conditions for a settlement, merely restated the President's earlier remarks that the Vietcong would have no difficulty in being represented at a peace conference and having their views presented if Hanoi decided it wanted to cease aggression. On February 8th, Mr. Averell Harriman went further and stated that Washington would be willing to have the NLF participate either as part of a North Vietnamese delegation or as an independent group. On February 22nd, Senator ROBERT KENNEDY suggested that the Vietcong should be allowed a share in the government of South Vietnam.

It is just possible, therefore, that if a condition of international inspection of the election were recognition of the NLF, the Administration could be persuaded by both internal and external pressures to accept this. In the circumstances it would be difficult for the Saigon government not to agree. Here is Mr. Wilson's chance.

On May 24th U Thant said bluntly that 20 years of outside intervention had so profoundly affected Vietnamese political life that it seemed illusory to represent the war as a mere contest between communism and liberal democracy. He thought that the so-called "fight for democracy" was no longer relevant to the realities of the situation. Given a proper chance to express their views the majority of the South Vietnamese people may feel the same. Common sense would suggest that they should really be given a chance to decide.

Mr. Wilson might also draw President Johnson's attention to statements and hints from Hanoi that indicate some basis for discussions at a conference, and suggest that they might be tested out in practice. The most important hint from the Viet Minh appeared in a *New York Times* report from Algeria in January in which Vietcong supporters suggested that, as a quid pro quo for recognition of the National Liberation Front, there would certainly be concessions on their part. A truce while elections took place in South Vietnam could well be such a concession.

Both Washington and Hanoi refer to the Geneva agreements of 1954 as a basis of settlement. Though it is difficult to understand how the United States can contemplate this unless it is prepared to accept the possibility of an electoral victory for Ho Chi Minh, Mr. Goldberg firmly stated on June 7th that America would abide by the results, not only of the South Vietnamese elections, but also the reunification elections contemplated by the Geneva agreements.

If everyone means what they say in this tangle it would seem that by recognizing the National Liberation Front as a political party now the United States will save itself much trouble and anguish in the future.—Yours sincerely,

PEGGY CRANE.

LONDON, W4.

THE AIRLINES STRIKE

Mr. BENNETT. Mr. President, the strike by the International Association of Machinists against five major U.S. airlines that has grounded 60 percent of the Nation's commercial airplanes is about to begin its third week. In what is becoming an ever-increasing pattern, as a result of strikes, a most vital segment of the Nation's transportation system has been unjustifiably and arbitrarily disrupted. Once again the real victims are the American people. I submit, Mr. President, that airlines exist to serve the public, but this strike has repudiated that basic fact.

I have no doubt that now both sides are finally working very hard to settle the dispute. Neither management nor labor wants to be blamed for tieing up our air travel system and causing the mass inconvenience and hardship resulting from this present deadlock in negotiations. Nonetheless, the strike continues and the public, I repeat the public, bears the major brunt of the impasse.

Labor, of course, insists that higher profits accrued by the airlines should be distributed to the employees in the form of a higher wage. Indeed, one picket in Chicago was quoted as saying:

> We not only insist on our shart of profits, we demand and plan to get them.

One of the strongest pillars of free enterprise is that labor be fairly rewarded for its vital contribution to our productive capacity as a nation. I believe that this is widely accepted by our people. May I point out that this concept has been honored by one party to this dispute. When the airline and labor negotiators failed to reach an agreement last spring, the President appointed a board headed by Senator MORSE, a friend of labor, which recommended a settlement which Senator MORSE described as, one of the "fairest" he had seen. This, the airline industry accepted, but the unions rejected it. In an effort to get over this hurdle, the airlines made a new offer which was substantially better than the Board's recommendation. Once again the union representatives turned it down. Consequently, the air strike continues, our traveling public is denied a service which is basic to our national life and the Nation as a whole faces the prospect of a wage settlement that once again will be highly inflationary. Certainly, the public interest, which I feel should be primary, has again been subordinated to the narrow and inflationary demands of a labor union.

Compulsory arbitration is against the wishes of both disputing parties. However, no union or organization should be allowed to disrupt the lives of millions of citizens and the proper functioning of business and industry. The speedy flow of mail has been checked, faltering air shipments have slowed down production lines, and innumerable travel plans have been changed or canceled. Air transportation has become a necessity in our modern age, and our economy is heavily based upon its reliability and its continuation.

Mr. President, tourism has grown into a multimillion-dollar industry in this country, largely due to the increased accessibility of both populated and remote areas through expanding airline service. When air transportation is not readily available, would-be travelers either stay home or take land transportation facilities to some holiday site closer at hand. Utah and other Western States have particularly benefited from the readiness of people to fly and the increasing ease with which airlines make it possible for them to reach the spectacular and diverse national parks in the West. And now, at the peak of the tourist season, millions of dollars are being lost by the tourist industry in my State and the West because of this deadlocked strike.

Because the Federal Government in the past 15 years has invested more than $3 billion in airports, maintenance, operation, research and subsidies; because the Government controls aviation through its authority to determine routes, rate structures, mail subsidies, and licensing of pilots; and because the entire American public has so much at stake in a smooth and dependable air transportation service, I believe it is not only within the rights of Congress, but it is its duty to the American public, to enact legislation as soon as possible designed to solve this and other future paralyzing nationwide strikes against the public.

My colleagues, Senator JAVITS and Senator LAUSCHE, have each introduced legislation providing for Federal involvement in heavily disputed stalemated strike cases.

Thus far the administration has not only ignored both of these bills but has absolutely failed in the promise made in the President's state of the Union message last January that the administration would send up proposed legislation this year.

I quote from the President's message:

> I also intend to ask the Congress to consider measures which without improperly invading State and local authority will enable us to deal effectively with strikes which threaten irreparable damage to the national interest.

This week in his news conference the President called the strike "intolerable." My question is if he finds it "intolerable" then why doesn't he do something about it.

I find the President's inaction particularly strange since the administration was compelled vigorously to oppose price increases in steel, aluminum, copper and molybdenum.

Mr. President, I hope the Congress will take immediate action to forestall another occurrence of the strike situation as it is today. When labor and management cannot reach a decision, it is up to the Congress to make sure that the public, business, and industrial economy and comfort are not needlessly upended.

Also on the subject of air traffic I think a commendation should be given to the nonstruck airlines in the country which are doing excellent work in trying to fulfill the needs of a busy flying America. The lines are long, the waiting lists frustrating and travelers' tempers are short. However, most of the employees of the nonstruck lines are doing their best to serve the public and I commend them highly.

I ask unanimous consent to have enclosed in the RECORD corespondence from my State and the intermountain area pointing out the disastrous effect of the airline strike.

There being no objection, the correspondence was ordered to be printed in the RECORD, as follows:

SALT LAKE CITY, UTAH,
July 21, 1966.

Hon. WALLACE F. BENNETT,
Senate Office Building,
Washington, D.C.:

The strike that has crippled service of major airlines in this country is having a very serious adverse effect on the economy of this region to say nothing of its effect on necessary business travel. Urge you to use your good influence to help bring about a reconciliation of the parties and a resumption of much needed service.

UTAH POWER & LIGHT CO.,
E. M. NAUGHTON.

BOISE, IDAHO,
July 16, 1966.

Hon. WALLACE F. BENNETT,
U.S. Senator, Utah,
Senate Office Building,
Washington, D.C.:

The airline strike has already caused tremendous loss of time, money and patience to individuals within Boise Cascade Corp. and to the general traveling public. Losses to the economy of the entire United States are substantial. This situation is particularly critical in the Pacific Northwest because of the lack of available air transportation caused by the strike. I respectfully urge that you use your good offices to bring about an end to the dispute at the earliest possible moment.

I. V. HANSBERGER,
President, Boise Cascade.

OGDEN, UTAH,
July 20, 1966.

Senator WALLACE F. BENNETT,
Senate Office Building,
Washington, D.C.:

Prompt action by the Federal Government needed to help settle crippling air line strike as of many business men closely affected.

I urge you to do all you can to end this strike as soon as possible.

Sincerely,
HERTZ RENT A CAR,
D. J. SPAROW,
Licensee.

PROVO, UTAH,
July 15, 1966.

Senator WALLACE F. BENNETT,
Senate Office Building,
Washington, D.C.:

Airline strike is critical. We have international passengers and tours now being inconvenienced by Johnson's lackadaisical attitude. We need to have some relief that can only come by settlement. Can you bring pressure on the administration? We need help desperately. Would appreciate your cooperation.

JOHN L. WEENIG CHRISTOPHERSON TRAVAL.

SAN LEANDRO, CALIF.,
July 15, 1966.

Senator BENNETT of Utah,
Senate Office Building,
Washington, D.C.:

Airline strike having detrimental impact on business. Please do all possible to effect a just settlement promptly. Best regards.

THOMAS HUNTER,
President, Industrial Boxboard Corporation of Utah.
CLEARFIELD, UTAH.

SALT LAKE CITY, UTAH,
July 14, 1966

Senator WALLACE BENNETT,
Senate Office Building,
Washington, D.C.:

The airline mechanics strike is a direct assault on innocent bystanders. Our company can phrase its complaint directly in terms of airport limousine, air freight, rent cars, taxicabs, and tour buses stop since the Federal Government accepted responsibility. In the beginning its responsibility is paramount, now this is no cat and mouse political game.

CHARLES A. BOYNTON, Jr.,
President, Salt Lake Transportation Co.

INTEGRATED TRANSPORTATION SYSTEM NEEDED

Mr. BREWSTER. Mr. President, one of the most disturbing problems produced by the rapid urbanization of our country is the increasing traffic congestion in our metropolitan centers. While rural areas may still claim relatively effective highway networks, our large cities are plagued by either a lack of planned road systems or an overcrowding of existing facilities.

Belatedly, planners have realized that building more and more highways is not the whole answer to this dilemma. What is needed is an integrated transportation system—one that includes highways for the private automobile owner, buses, and trucks, as well as mass transportation to handle the swelling number of urban commuters.

Recognizing the usefulness of the integrated approach, I believe, is the first step toward remedying the present situation. But in order to fully utilize this idea, a single State agency should be charged with coordinating, planning, and supervision of all transportation modes in each State.

Mr. President, I ask unanimous consent to have a recent editorial of WJZ-TV, a leading proponent of the "single agency" concept in my own State of Maryland, printed in the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

A LESSON FROM NEW JERSEY

(Presented by Kenneth T. MacDonald, general manager, July 5, 1966, 11:30 p.m.; July 6, 1966, 12:55 p.m., 6:20 p.m.)

WJZ-TV has pointed out many times that highways and public transportation are part of the same problem. They are both involved in moving people and goods from one place to another. More than a year ago we proposed that in the Baltimore area the Metropolitan Transit Authority be expanded to control metropolitan highway planning as well as mass transit planning. The proposal drew qualified support from Baltimore County Executive Spiro T. Agnew and City Councilman Thomas Ward. Mr. Ward extended the WJZ plan to a state-wide proposal, urging that all transportation be under the State Roads Commission.

In New Jersey, the State Legislature has just passed a measure initiated by Governor Richard Hughes that placed all transportation under a single agency. Henceforth in New Jersey, highways, commuter trains, buses, and some local transit, as well as aviation, will all be under the State Department of Transportation.

We believe Governor Hughes has taken a far-reaching step that other states will soon be following. New Jersey seems to have learned what many other states are slow to learn—that everyone benefits from a well-balanced transportation system. Increased use of public transit helps not only the person who chooses this form of travel, but highway users as well because each transit rider reduces the traffic on the highway.

Maryland, of course, does not have the same kind of problems as New Jersey. Commuter trains still are an important part of New Jersey's total transportation, whereas they have almost disappeared in Maryland. Since more of Maryland is rural, the need for coordination of plans here is limited almost entirely to the Baltimore and Washington metropolitan areas.

However, the need is acute around, in and between Baltimore and Washington for much better highway and public transit cooperation.

SENATOR ERVIN'S TESTIMONY ON MIRANDA CASE

Mr. HRUSKA. Mr. President, for 3 days this week, the Senate Subcommittee on Constitutional Amendments, under the chairmanship of the Senator from Indiana [Mr. BAYH], conducted hearings relating to the implications of the Miranda against Arizona case. This U.S. Supreme Court decision relates to the admissibility—or, rather, the inadmissibility—of confessions in trials of one accused of crime. It was decided in June of this year.

Much dismay spread across the land in police and law enforcement circles, generally, because of this decision. There has been a great deal of discussion and, unfortunately, too much speculation as to its real meaning, the departure it signifies from earlier interpretation of our Federal Constitution, and the impact upon future efforts to enforce the law.

This decision was one of several that have resulted in increased difficulty and obstacles in the path of police and law enforcement procedures. There can be no doubt that the Constitution resides in the police precinct station and its "squeal" room as it does in any other place in the Republic. It is also true that constitutional rights of individuals must be jealously guarded and protected. But there is also great concern for preserving the delicate balance which the rights of society against crime and violence provides.

The fifth amendment provides, in part, that in any criminal case, no person shall be compelled to be a witness against himself. This amendment has a long history. Its origins and its meaning had been well established prior to the Escobedo against Illinois and the Miranda against Arizona decisions. The origins and the history of the amendment should be well and clearly in the minds of those who are interested in the general subject of law enforcement.

The Senator from North Carolina [Mr. ERVIN] made another of his very splendid contributions to his career in the Senate by testifying before our Subcommittee on Constitutional Amendments on the subject. His statement given before the subcommittee earlier today so impressed this Senator with its clarity and with its reach into the essence of this problem, that I request unanimous consent that the portion thereof which deals with the Miranda case particularly be printed in the CONGRESSIONAL RECORD at this point.

A thoughtful reading of this excerpt will prove highly valuable to anyone. It is an excellent foundation for proper consideration of any action which may be made at a later date to modify the 5-to-4 decision in the case of Miranda against Arizona.

There being no objection, the excerpts were ordered to be printed in the RECORD, as follows:

EXCERPTS FROM SENATOR SAM J. ERVIN, JR., TESTIMONY BEFORE THE SENATE SUBCOMMITTEE ON CONSTITUTIONAL AMENDMENTS, JULY 22, 1966

This investigation, however, deals with another part of the crime picture and I think this subcommittee should face the fact that increasingly in the last decade our law enforcement officers have been limited and often hamstrung in dealing with crime by high court rulings. These rulings have drastically limited police investigative powers, have forbidden the use of voluntary confessions by the accused in many instances heretofore permitted, and have altered reasonable procedures which once were the great bulwarks against crime. Recent high court rulings have stressed individual rights of the accused to the point where public safety has often been relegated to the back row of the courtroom. In the process, police have become confused in their efforts to protect the public from acknowledged criminals. Dissenting court opinions have pointed out that investigative procedural rules are becoming unrealistic.

Civilization represents at best a delicate balance between the rights of the individual and society's rights. As Mr. Justice Cardozo explained in *Snyder* v. *Massachusetts*, 291 U.S. 97, 122 (1934), "Justice, though due to the accused, is due to the accuser also. The concept of fairness must not be strained till it is narrowed to a filament. We are to keep the balance true."

We have not kept the balance true. Unfortunately, the Supreme Court in recent years has moved through logic shattering sentiment and stifling procedures to favor the individual to such an extent that the administration of criminal justice is defeated.

Indeed, in the prosecution of crimes, we have seen the powers of the police at any level to conduct in-custody interrogation gasp in the case of *Escobedo* and, more recently, die in *Miranda*.

Basically, the Court majority held in the *Miranda* Case that:

". . . the prosecution may not use statements, whether exculpatory or inculpatory, stemming from custodial interrogation of the defendant unless it demonstrates the use of procedural safeguards effective to secure the privilege against self-incrimination."

The Court majority henceforth requires that before any suspect may be questioned he must be warned that he has a right to remain silent, that anything he says may be used against him, and that he has a right to the presence of an attorney, either retained or appointed. The suspect who submits to interrogation after being so warned may terminate such interrogation himself at any time simply by indicating that he wants it stopped.

Thus did the majority for all practical purposes fulfill the prediction by Mr. Justice White of its ultimate goal "to bar from evidence all admissions obtained from an individual suspected of crime, whether involuntarily made or not." *Escobedo* v. *Illinois,* 378 U.S. 478, 495 (1964).

The claimed basis for the decision was the Fifth Amendment's protection of the privilege against self-incrimination, a basis which has no support in the language of the Fifth Amendment or in the history of the privilege. The clear language of the Amendment is that "in any criminal case" no person shall be compelled "to be a witness against himself." One of the foremost legal scholars of this century, Edward Corwin, after careful study, concluded that the Amendment, when ". . . considered in the light to be shed by grammar and the dictionary . . . appears to signify simply that nobody shall be compelled to give oral testimony against himself in a criminal proceeding under way in which he is defendant." This construction, that the privilege applies to prohibit compelled *judicial* interrogations only, is firmly supported by the English authorities and the common law history of the privilege. Moreover, the dissent by Mr. Justice Harlan and Mr. Justice White convincingly demonstrated that no legal precedent existed for the application of the privilege to police interrogation, a demonstration the majority opinion never really refuted.

It requires little reflection to realize what the Court majority has done. It has not only practically eliminated confessions from trial court considerations; it has probably made impossible the ordinary practice of police interrogation itself, a result which surely entails harmful consequences for the country at large. Mr. Justice Harlan in dissent warned that although the extent of the harm wrought by the decision could not be accurately foretold; it was readily apparent that it would impair law enforcement to some extent. He said:

"We do know that some crimes cannot be solved without confessions, that ample expert testimony attests to their importance in crime control, and that the Court is taking a real risk with society's welfare in imposing its new regime on the country. The social costs of crime are too great to call the new rules anything but a hazardous experimentation."

I believe that this "hazardous experimentation" is one which we cannot afford to take in view of the grave problems that crime now poses to this country. Accordingly, I propose to introduce a Constitutional Amendment to deal with the *Miranda* decision. My amendment will allow the law, as it did previously, to protect suspects and defendants from having confessions and other admissions coerced from them without rendering next to impossible the solving of many crimes. By providing that any admission or confession shall be admissible in evidence if made voluntarily, my amendment will return the rule which the Supreme Court itself recognized as valid until recent days and which has prevailed in all states whose legal systems are based upon the experience of the common law. When all is said, there is no reason residing in the proposition that persons charged with crime should be protected by law against their voluntary admissions and confessions that they committed the crime with which they are charged.

Beginning with *Brown* v. *Mississippi,* 297 U.S. 278 (1936), the Court applied due process standards to questions of admissibility of confessions in court. Excluded were confessions gained by threats or imminent danger, physical deprivation, physical brutality, repeated or extended interrogation, lengthy detention and other coercive means. The goal to be achieved, as in my amendment, was "voluntariness", not in the sense of the removal of all pressure but the removal of unfair, illegal, or reprehensible pressure.

My amendment will allow a determination of whether the confession was voluntary, and, as such, will afford protection to the civil liberties of suspects while allowing leeway to protection of the general public interest in having crime either prevented or solved.

After *Miranda,* we have the police handcuffed. In many cases, there are no clues at the scene of the crime. There may be no witnesses or the witness may be dead or disabled. The only thing the police may have to go on is a known criminal lurking in the area, or a crime being committed in a certain pattern. If they may not bring people in and question them, the rate of crime solving is likely to drop precipitately.

If we do not seriously consider the enactment of this type of amendment, the result will be that the civil liberties of criminal suspects will be over protected while the rights and liberties of society will be seriously infringed upon.

The danger in the constant innovating drive of the majority of the court was well set out by the late Mr. Justice Jackson. He said:

"This Court is forever adding new stories to the temple of constitutional law, and the temple has a way of collapsing when one story too many is added. *Douglas* v. *Jeannette,* 319 U.S. 157, 181 (1943).

I maintain that we must act before the temple collapses.

FLY ASH CAN BE AN ASSET

Mr. BYRD of West Virginia. Mr. President, it is always a pleasure for me to report on a project which holds great economic potential and which makes wise and profitable use of one of our Nation's most plentiful natural resources. I now have reference to our vast coal resources which could lie dormant if it were not for research into new uses.

Today I speak of a project which I personally have sponsored and helped to carry to the pilot-plant stage—it is the conversion of coal fly ash, a costly waste product, into useful building bricks. The story of this research at West Virginia University has been convincingly told in the May–June edition of Consol News, a publication of the Consolidation Coal Co.

Mr. President, as a member of the Senate Appropriation Subcommittee which votes funds for the Office of Coal Research, I was instrumental in amending the fiscal year 1966 appropriation bill for the Department of the Interior to add $275,000 for this coal fly ash project.

The preliminary research has been highly promising and the project directors at West Virginia University in Morgantown are looking forward with great enthusiasm to the installation of equipment and machinery this fall to begin the pilot operation.

They believe that the use of this fly ash, which has represented a costly disposal problem to public utility companies which use coal, will now represent a salable asset. It will mean a reduction in the cost of using coal and will, at the same time, lead to the foundation for a new industry.

I ask unanimous consent that the article from Consol News be printed in the CONGRESSIONAL RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

FLY ASH CAN BE AN ASSET

Until recently, fly ash—which looks like gray powdered talc and is produced in coal combustion—presented an air pollution menace to the coal-burning electric utilities. The companies themselves found ways of collecting this coal byproduct through the use of mechanical and electronic devices.

That solved the pollution problem, but created another business expense: Disposal of the fly ash trapped by the collectors. It usually costs from 50 cents to 2 dollars a ton to get rid of waste fly ash, and the electric utilities in the U.S. are now producing about 20 million tons a year. Not only are some utilities having difficulty in finding a place to dispose of fly ash, but more and more of it is being produced each year.

It's estimated that by 1980 the utilities will have 50 million tons of this waste product to dispose of each year. How successful the utilities are in getting rid of this tremendous amount of ash might well determine how competitive the coal industry will be when competing with the nuclear industry. So says Gerard C. Gambs, assistant to Consol's vice president-chemicals. Although his statement points up the seriousness of the situation, it doesn't mean that he isn't hopeful the industry will meet the challenge. He sees a potential silver lining in the production of this huge volume of fly ash. He thinks it's possible to turn this liability into an asset.

In a paper he read in New York before the Society of Mining Engineers of the American Institute of Mining, Metallurgical and Petroleum Engineers, Mr. Gambs said:

"Coal companies have a chance to turn power plant ash into a hidden opportunity. They can obtain better concrete at a lower price by using one of their own byproducts. This in turn will reduce the cost of fuel burned by the utilities, the best customer of the coal industry. The sale of these ashes by the utilities would reduce the cost of burning coal by as much as 1 to 2 cents per million BTU.

"Coal companies can lead the way in this program by starting to specify the use of fly ash concrete, fly ash concrete blocks and similar concrete materials which can use fly ash."

It's been known for a long time that fly ash when used to replace a portion of the cement in a concrete mix will produce stronger, better and more durable concrete. Certainly the Bureau of Reclamation and the U.S. Corps of Engineers are aware of this. For years, they have built dams and other structures with fly ash as a partial replacement for cement.

Consol currently is using fly ash concrete in at least a dozen construction jobs—including mine shafts, foundations and silos.

Fly ash from power plants in New Jersey, Pennsylvania, Illinois and Missouri is being used in these projects.

"Prior to these construction jobs," Mr. Gambs said, "none of the companies involved had ever used fly ash concrete before. We hopefully expect that since they have been made aware of its many advantages including its lower cost, that they will continue to use fly ash concrete for all of their concrete work. Thus, the chain reaction could bring about an almost infinite use of fly ash concrete, far greater than the use generated by one individual coal company.

"Fly ash can usually be delivered to the readymix plants or concrete block plants at a delivered price of about $5 per ton, compared with a delivered price for cement of $20 a ton. Since the fly ash is substituted for cement on a pound for pound basis, it is obvious why fly ash concrete can usually be sold for about $1 per cubic yard less than regular concrete."

Mr. Gambs says that the amount of fly ash used in mixes varies from about 20 per cent by weight or absolute volume of the original cement in the mix to as much as 50 per cent. The higher proportions work well in mass concrete of leaner mixes, where it is important to reduce the heat of hydration.

Truax-Traer Coal Company, a division of Consol, is utilizing fly ash concrete in its construction in southern Illinois. Fly ash from the Meramec Station of Union Electric Company, St. Louis, was used in the mix. Five sacks of cement, plus 100 pounds of fly ash, were used instead of the usual six-sack mix for the concrete. McDowell-Wellman of Cleveland, Ohio, and Roberts & Schaeffer of Chicago are the contractors.

Tests conducted by the Pittsburgh Testing Laboratory show that after 24 hours fly ash concrete has a higher compressive strength than regular portland cement. Tests also pointed up the fact that fly ash concrete continues to grow in strength over the years, a quality that regular concrete lacks.

Fly ash concrete used on Truax-Traer construction projects was mixed by the Chester Concrete Company, which has plants at Sparta, Chester and Red Bud, Ill. This company uses fly ash in more than half a dozen mixes and finds the fly ash good to work with. It's smoother, stronger and cheaper.

Although Consol is pioneering in efforts to find major markets for fly ash, it is not alone on this respect. Other companies are trying to find ways to dispose of this waste product profitably.

For example, Con Edison's Astoria, N.Y., generating station is converting fly ash into a lightweight material for use as an aggregate in concrete and concrete products. This plant is producing pellets ranging from three-eighths to three-quarters of an inch in diameter at the rate of 1,000 tons a day. Its product compares favorably in price and is lighter in weight than ordinary crushed stone or gravel. The material has been approved by the Board of Standards and Appeals for building construction in New York City.

The chief advantage of this fly ash aggregate in concrete products is its lighter weight. It gives concrete the same strength as that made with ordinary aggregate, but weighs approximately a third less per cubic foot. This makes possible the construction of floor slabs, foundations and column sections of much lighter weight and reduces the amount of reinforcing and structural steel.

A process known as sintering is used at the Astoria plant to produce the fly ash aggregate. Wetted-down fly ash is rotated in bowls 18 feet in diameter to form pellets. They then are baked at 2,300 degrees Fahrenheit on a traveling grade. The pellets are smooth and hard. Commercial operation of the sintering plant represents a major breakthrough after a 25-year program of research aimed at solving a major problem. Disposal of the approximately 150,000 tons of fly ash collected each year at Astoria station alone has cost about $250,000 annually.

The National Coal Association announced earlier in the year that the use of coal by southern California electric companies will open the way for utilization of fly ash in that area's building industry. Vice President Robert E. Lee Hall said that fly ash will be used in the construction of houses and other buildings, highways and bridges.

It will have the added advantage of keeping costs down, Mr. Hall said, because fly ash can be delivered there for about one-quarter of the price of cement. The Sante Fe Railway is already using fly ash to stabilize its roadbed, he pointed out. In addition, Mr. Hall said, the material has been used to reinforce concrete in construction of several dams in the Rocky Mountain area.

He predicted that the introduction of fly ash to California industry will begin as soon as the Southern California Edison Company plant in Nevada's Clark County comes into operation. Other use of the material will increase with the completion of a steam-fired generating plant in southern Utah and another in the Four Corners area of New Mexico. Both will produce electricity for the Los Angeles area.

Two West Virginia University scientists—Harry E. Shafer, Jr., and Charles F. Cockrell, research geologist and research chemist, respectively—have developed a brick that is composed largely of fly ash but is stronger and lighter in weight than clay brick. Messrs. Shafer and Cockrell are members of a research team at the Coal Research Bureau of the WVU School of Mines, Morgantown. Their brick offers such a great potential as a building material that the Office of Coal Research (OCR) approved the construction of a pilot plant in Morgantown.

Two buildings are being renovated at the old Morgantown Ordnance Works, and equipment for the process is due to arrive this fall, according to Senator Robert C. Byrd (D.-W. Va.). "Once the plant is in operation, it is expected to produce 8,000 unbaked bricks each eight-hour day," he added. "One thousand of them can be sent into the kilns each day."

The pilot plant of the $466,500 OCR research project will determine the commercial feasibility of the process. It's expected to conclude that the bricks can be manufactured for considerably less than the current market price of clay bricks. The contract is for 30 months and includes construction and operation of the pilot plant.

Coal companies can use fly ash to their advantage in at least one other way: In the manufacture of fly ash concrete blocks. As Mr. Gambs said in his paper, they have only a small fraction of the air and water leakage of regular blocks and are nearly twice as strong. These two factors should provide a strong argument for the use of fly ash concrete blocks in mine stoppings. Consol alone uses several thousand concrete blocks for mine stoppings each work day.

Another product of coal combustion—the bottom slag from cyclone boilers and wet bottom pulverized boilers—represents another hidden opportunity for the coal industry, Mr. Gambs says. He added:

"Bottom slag is the granular molten ash and is a hard, black, glassy material. It is an excellent aggregate for roads and is particularly good as the topping material for road surfaces due to its non-skid properties and its ability to withstand fading. It is also used for roofing granules and for abrasive grit.

"The coal companies can use their influence to have roads in their area use bottom slag in many ways. This will not only make better roads but will be using one of our own products."

Mr. Gambs thinks the industry should look upon the use of coal in terms of a closed fuel cycle in which coal is sold to the utilities in order that they can extract the thermal units from it. The residue then becomes a valuable byproduct, but only if we become aware of its potential. He added:

"When every coal company starts to use fly ash concrete and fly ash concrete blocks, and persuades others to do the same, we will be on the way to helping our industry survive the competitive threat from the atom and other fossil fuels."

To this end he has pledged his full cooperation and support. He has offered to give the details on the concrete design mixes which Consol has used and to share all the available test data. He suggests that the next time we order cement for a Company project that we unhesitatingly tell our supplier: "Fly ash concrete, please."

RENT SUBSIDIES WILL WORK

Mr. JAVITS. Mr. President, I ask unanimous consent to place in the Record a copy of a recent article in the Chicago News American of July 10 concerning the new Federal rent supplement program and how it has affected the life of one New Yorker. I commend this article to those who question the workability of this new program. It seems to me that in the example of the Cambrelen family may be seen the beginnings of one of the most effective programs which the Federal Government has initiated in many years. I wish to note also that the city of New York has granted a 100-percent tax exemption to the buildings in the project discussed in the article. This demonstrates the need for intergovernmental cooperation of this sort to really make the program valuable.

There being no objection, the article was ordered to be printed in the Record, as follows:

[From the News American, July 10, 1966]

FHA Rent Subsidy To Change Life of Family

New York, July 9.—One day later this summer, Mrs. Carmen Cambrelen will fill out Federal Housing Administration form 2501 and sign her name in the box at the bottom.

With that, this pleasant, round-faced mother of four will become one of the first ordinary citizens to benefit from the controversial new federal *rent supplement program.*

Many critics in Congress and out have attacked these "rent subsidies"—government payments for a share of your rent—as a "boondoggle" and a "step toward socialism."

Mrs. Cambrelen doesn't see it that way. Standing on the steps of the stifling, grimy-brick tenement in *East Harlem,* where she has *struggled to raise her family for the last 10 years, Mrs. Cambrelen said in a soft Puerto Rican accent:*

"I think it is wonderful. At least we will have a more decent place to live. All the people here are very happy."

Next door, at 319 East 102d Street, workmen chopped away the crumbling interior of an identical, six-story tenement.

By fall, No. 319 will be almost completely rebuilt. Only the 80-year-old exterior walls of the original structure will be left.

Inside, instead of 30 cramped hovels, there will be 17 roomy apartments with modern equipment and simple but attractive decor.

By Christmas, if Mrs. Cambrelen's hopes are realized, she and her family will be living in one of the new apartments—despite a rental far beyond her means.

Rent supplements—a new Great Society program launched by Congress this spring—will make the difference.

Here's how the program will work for Mrs. Cambrelen and eventually thousands of others like her:

At present, Mr. and Mrs. Cambrelen and the four children occupy four wretched rooms at 317 East 102d, an "East Side Story" neighborhood where Negroes and Puerto Ricans jostle and seethe in heat, dirt, and discontent.

The Cambrelens pay $45 a month rent for their quarters in what a New York housing official called "one of the most ghastly slums in the city."

When No. 319 is ready, the Cambrelens will be assigned to a five-room apartment. They will pay about $75 a month rent—one fourth of Cambrelen's wages as a factory worker.

That's a $30 a month jump in rent but even that falls far short of the real, so-called "economic rent"—the sum it takes to pay for the land, building, improvements, operation, and management of the property.

The actual cost of the Cambrelens' new quarters will be about $140 a month, even with no profit for their landlord, a nonprofit association of churches and private charitable organizations.

The cap will be made up by the taxpayers in two ways:

Federal rent supplement payments estimated at $50 a month will be paid by the FHA directly to the Cambrelens' landlord, Metro Northeast Harlem Housing Society.

The city of New York has granted a 100 percent tax exemption to the six buildings in the project. City officials estimated this is worth about $16 a month on the Cambrelen apartment.

Three doors away, in an already rebuilt extenement at 307 East 102d, Zion Paige was relaxing in his spic-and-span, newly remodeled apartment after his all-night job as a stationary fireman for the city.

DIPLOMATIC RECOGNITION TO OUTER MONGOLIA

Mr. YOUNG of Ohio. Mr. President, in a speech in the Senate on May 16, 1966, I strongly urged that the President offer to extend diplomatic recognition to Outer Mongolia. The decision of administration officials to offer $25,000 for flood relief in Outer Mongolia and making it clear to officials of that nation that we are prepared to offer further assistance was not only a humanitarian measure but was also a long-delayed gesture toward improving relations with that remote nation and an important step toward formal diplomatic recognition.

Outer Mongolia, a country of little more than one million people, is landlocked between the two greatest powers of the Communist world—Soviet Russia and Red China. It shares an 1,800-mile border with the Soviet Union on the north and a 2,500-mile border with China on the east, south and west. However, it is generally conceded that Outer Mongolia is within the Russian sphere of influence and that its Nationalist Communist rulers have allied themselves with the Soviet Communist leaders in the power struggle between the Russians and Chinese.

Extending diplomatic recognition to Outer Mongolia would provide our Nation with a strategic outpost in one of the most vital, yet relatively unknown areas of the world. Here indeed is an opportunity to establish another listening post in the heart of Communist Asia. We need that open window. We need the listening post. Mongolia was admitted to United Nations membership in October 1961. There is no valid reason why we should not have diplomatic relations with the Peoples Republic of Mongolia at this time.

We cannot withhold diplomatic recognition from Outer Mongolia on the basis that it is an aggressor nation. It threatens no one. It is a Communist nation, but we have diplomatic relations with many Communist nations. Since 1933 that has not been a criterion for our extending diplomatic recognition to a country.

The United States and Outer Mongolia will both benefit from a diplomatic exchange and the establishment of formal channels of communication. We have few friends and fewer allies in that remote part of the world. There are clear indications that the rulers of Outer Mongolia are desirous of establishing diplomatic relations with the United States. We Americans have nothing whatever to lose and we would have much to gain were we to establish diplomatic relations with Outer Mongolia. This would help prevent its complete submergence into the Communist bloc, would contribute toward a relaxation of international tensions, and would give us a valuable listening post in that part of the world.

Mr. President, in this morning's Washington Post, there appeared an excellent editorial on this subject, entitled "Opportunity Knocks," which clearly and succinctly sets forth the case for diplomatic recognition of Outer Mongolia. I commend this to my colleagues and ask unanimous consent that it be printed in the RECORD at this point as part of my remarks.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

[From the Washington (D.C.) Post, July 21, 1966]

OPPORTUNITY KNOCKS

Since Mongolia has existed as a state for 45 years, the United States can hardly be accused of hasty improvisation in making, only now, its first official contact with this Asian Communist land. By offering $25,000 in cash for flood relief and inviting Mongolia to ask for more, Washington is acting in an old humanitarian tradition and, we trust, opening a new diplomatic avenue to Ulan Bator.

The United States should proceed on to formal diplomatic recognition. Nationalist China, which considers Mongolia a Chinese province, has dictated American policy on this issue in the past, but its objections are specious. Unlike the other Communist countries unrecognized by the U.S., Mongolia cannot be accused of aggression or hostile intent. Through recognition, the U.S. could better see what's going on in a remote strategic enclave between Russia and China. It could increase its activity and influence in a continent—Asia—which President Johnson has freshly proclaimed "the crucial arena of man's striving for independence and order—and for life itself."

FREEDOM OF INFORMATION

Mr. LONG of Missouri. Mr. President, I am very pleased to inform the Senate that the Federal Communications Commission is the first agency to begin complying with the new freedom-of-information law.

As the Senate knows, this is the bill which we passed twice, July 31, 1964, and October 13, 1965, and which passed the House on June 20, 1966. It was signed by the President on historic July 4, 1966. The freedom-of-information law will help insure the right of the press and the public to find out what their Federal Government agencies are doing.

Mr. President, I would like to take this opportunity to congratulate the Federal Communications Commission for their fine decision to begin complying now "rather than wait until the effective date of the law in July, 1967."

The FCC has already begun publishing all Commission orders, opinions and other documents of precedential significance. Also within recent months, the FCC has started the preparation of an index to all reported Commission decisions.

I know I speak for all Senators when I offer our congratulations to the Commission. They have made an outstanding decision, a decision which reaffirms the public's right to know.

This agency, as we all know, plays an extremely vital role in the Nation's communications—their daily activities affect the lives of every American, in every State and in every community. We deeply appreciate the Commission's leadership in complying with the freedom-of-information law.

I am now hopeful that other Federal agencies will begin complying.

Mr. President, I ask unanimous consent to have placed at this point in the RECORD the FCC's public notice concerning its decision to begin compliance with the freedom-of-information law.

There being no objection, the notice was ordered to be printed in the RECORD, as follows:

[FCC 66–674, 86561, Public Notice–G]

FEDERAL COMMUNICATIONS COMMISSION,
Washington, D.C., July 21, 1966.

THE PUBLIC'S RIGHT TO INFORMATION

BY THE COMMISSION (Commissioner Johnson not participating): The Federal Communications Commission announced today that it would promptly begin compliance with Public Law 89–487, the so-called Freedom of Information Law, rather than wait until the effective date of the law in July 1967. Immediate steps to implement the law and bring FCC practice into full compliance will be supervised by Chairman Rosel H. Hyde.

The law, which is an amendment to section 3 of the Administrative Procedure Act, was signed by President Johnson on July 4, 1966. At that time the President called on all agencies "to make information available to the full extent consistent with individual privacy and the national interest." Chairman Hyde stated that the FCC is fully committed to observe the letter and the spirit of the law and to achieve the objective stated by the President.

Chairman Hyde noted that the FCC had started publishing all Commission orders, opinions and other documents of precedential significance in July 1965, and within recent months had started the preparation of an index to all reported Commission decisions. These measures are among those which will be required by the new law. In addition, a review of Commission practices and records will be made to insure that all records are available to the public except those which are specifically privileged to be withheld. Other actions to implement the new law will include coordination with other interested Government agencies.

Adopted, July 20, 1966.

DOCTORS WARN OF MOTORCYCLE HAZARDS

Mr. HARTKE. Mr. President, I was glad to note the strong support given to my plea in a speech here in the Senate last week for motorcycle safety, support provided on Monday by my colleague from Connecticut [Mr. Ribicoff] who has done so much for the cause of safety. Together with the articles which he inserted in the Record, his statement and those of others who have recently commented, point up the growing motorcycle hazard of which I spoke. Only this morning the local radio news reported the death of a motorcyclist on a nearby highway in a collision with an automobile, in which the unprotected rider of the machine was hurled 127 feet through the air by the impact.

The American Medical Association, in material sent to me under date of Monday, June 20, summarizes an article appearing in the Journal of the American Medical Association of that date. The article is written by two surgeons and a neurologist based on their experience with motorcycle accident victims in Portland, Maine. The extent of the problem is pointed up by the fact that in the period from May through August last year there were 38 such victims treated at Portland's Maine Medical Center.

Mr. President, I ask unanimous consent that the press release reporting this article may appear in the Congressional Record.

There being no objection, the press release was ordered to be printed in the Record, as follows:

(A news release from the American Medical Association, June 20, 1966)

PHYSICIANS WARN OF MOTORCYCLE HAZARDS

Chicago.—The motorcycle is creating a new epidemic in the United States, warn three physicians in the current (June 20) Journal of the American Medical Association.

Alarmed by the number and severity of motorcycle accidents in their own community, the three doctors from Portland, Maine, call for a campaign to reduce motorcycle deaths and injuries.

"It seems clear that the increasing popularity of small motorcycles is creating a serious health hazard in our communities," they said.

Part of the fault is driver carelessness, part is lack of safety devices, and part is due to the public's lack of awareness of special features of motorcycle handling, the physicians said.

"In motorcycle accidents, the victims have no protection whatever. Few helmets are used by the cyclists, and those in use are generally inadequate."

Head injuries are usually much more severe than those in auto accidents, and contaminated, compound fractures are more common, they noted.

"Victims are thrust, often at high speed, into another vehicle or to the pavement. The head receives the full force of impact when the cycle collides with another object, and the cyclist is catapulted over the handlebars."

The authors—two surgeons and a neurologist—saw the effects of such crashes on the patients they treated. From May through August last year, there were 38 victims of motorcycle accidents treated at Portland's Maine Medical Center.

Three of these victims died. One is blind and paralyzed. Ten suffered fractures of the lower extremities. There were two spinal fractures, two pelvic fractures, two severe abdominal injuries, and nine cases of major injury to the head and neck.

It was difficult to classify the damage in these accidents, the authors said, because so many victims suffered multiple injuries.

"A most distressing fact is that the group involved are young, otherwise healthy persons. This is not an epidemic involving the aged or the infirm—rather it involves a group of young, healthy people who must be regarded as a most important group in our society."

According to the U.S. Bureau of Vital Statistics, there were 882 motorcycle-accident deaths in 1963. It seems reasonable, the authors said, that there were "far more than a thousand" deaths in 1965.

States need to develop carefully supervised mortorcycle driver-training programs, meaningful road tests, and rigid inspection and licensing rules, the physicians said.

"Educational programs in public schools, as well as press and other news media campaigns are needed. Physicians should make themselves available to participate in such efforts in their communities.

"Ways to improve safety equipment, should be sought. Universal use of crash helmets alone would undoubtedly reduce the severity of many injuries."

Multiple injuries are so common in motorcycle accidents that physicians should work in teams in caring for them, the authors said. Skilled, early treatment of severe central-nervous-system injuries and complicated extremity fractures can improve recovery chances, they said.

Finally, the physician noted another aspect of motorcycle crashes: "In many of our cases, parents were opposed to their children having such vehicles. After considerable pressure, the parents reluctantly agreed. When an accident occurred following such a situation, the psychological problems were tremendous."

Physicians should warn parents of the hazards in driving motorcycles, the authors said.

"Only by taking a firm position in combating this rising hazard to health can we expect to avert a great epidemic."

The authors are Richard C. Dillihunt, M.D., George L. Maltby, M.D., and Emerson H. Drake, M.D., all of the Maine Medical Center, Portland.

TRUTH-IN-LENDING TALES

Mr. DOUGLAS. Mr. President, the very useful magazine, "Everybody's Money," published by CUNA International, Inc., recently asked its readers to write letters describing an actual experience they had had with deceptive credit practices. These letters furnish very useful examples of the range of practices carried out by some lenders and sellers to conceal the true cost of credit. These examples come from every part of the country, and they help to reinforce the fact, fully proved by the hearings of the Subcommittee on Production and Stabilization, that truth-in-lending is badly needed.

I think Members of Congress will find some of these letters of interest, and I shall, therefore, insert some of them in the Record from time to time. I have taken care to remove any indication of the businesses involved, and the names of the correspondents have also been deleted. These are actual letters signed by the authors, but it is better not to mention names, and I have followed the policy throughout our investigations of credit practices of not publicly naming those who engage in deceptive credit practices or their victims.

Mr. President, I ask unanimous consent that a letter from Binghamton, N.Y., which I have entitled "The Case of the Rusty Arithmetic," be printed in the Record.

There being no objection, the letter was ordered to be printed in the Record, as follows:

THE CASE OF THE RUSTY ARITHMETIC

BINGHAMTON, N.Y.,
March 15, 1965.

DEAR CONTEST EDITOR: My wife, like many, found "easy credit" too enticing. It was while teaching that she finally saw the light. Hired by the school district to home-tutor a fallen football hero, she had to scrape the rust off her per cent, interest, and algebraic equations.

She had just purchased some carpeting and succumbed to the temptation of the furniture store's friendly credit plan to finance the balance . . . $154.16 in 6 easy installments. Although she signed the usual forms, she was chagrined to find a $2.31 credit service charge no one had bothered to mention on her first statement. After an irate call to their office, she was placated by the explanation that it was just a formality and it had all been figured into the monthly payments.

Testing her newly reviewed math skills, my wife figured a formula of $R = I \div P$ and came up with the rate of interest of .0145. "Wow!" she shouted, "1½% in one month? That's 18% a year! Some formality!"

"That's what I've been trying to tell you all these years", I chided, "we pay that on most of our short term loans."

So the teacher learned a lesson. Wouldn't you think more people would be able to see through the innocent appearing little monthly service charge? We now borrow from our credit union exclusively and check any other credit arrangements carefully in advance.

Yours truly,
——— ———.

Mr. DOUGLAS. Mr. President, this letter reveals one of the most common practices used to conceal the true cost of credit; namely, stating only a rate per month. The truth-in-lending bill would require that the annual rate be disclosed. If the basic rate were 1½ percent per month, the annual rate would have to be stated as 18 percent per year. I do not say that this is an excessive finance charge. It depends upon the service rendered. But the statement of an annual rate would permit the customer to shop for the best credit buy.

Mr. President, I ask unanimous consent that a letter from Carlsbad, N. Mex., which I have entitled "The Case of the Bogus Insurance," be printed in the Record:

There being no objection, the letter was ordered to be printed in the Record, as follows:

THE CASE OF THE BOGUS INSURANCE

CARLSBAD, N. MEX.,
March 12, 1965.

EDITOR, EVERYBODY'S MONEY,
CUNA International, Inc.,
Madison, Wis.

DEAR SIR: When we purchased our last car the salesman, of course, had a finance company (* * * ________________________, Albuquerque, N.M.) eager to handle the financing. He also persuaded us to buy the required insurance and "just add it to the contract." The premium seemed a little high but it was so *easy*.

Later I figured it and found the interest to be approximately 14%, the insurance almost $200 for a year's coverage! But the real blow came three years later when we paid the last installment. SIC refused to release our automobile title until we had paid an additional charge of $33 for "insurance".

After much angry correspondence we were informed that the original policy had been renewed (without notifying us) before they received notification of the coverage we had purchased from __________ Insurance Co. Further checking showed that the car was without coverage for a month. For that month we were required to pay $33!

Three years of chafing under the knowledge that we were being taken was sufficient to impress the lesson upon us without the exclamation point of a $33 additional charge! We are cured of patronizing finance companies in general and * * * in particular.

Sincerely yours,

——— ———.

Mr. DOUGLAS. Mr. President, this letter illustrates the practice which some call "loading the camel." Under this scheme to conceal the true cost of credit, extra fees, both unnecessary and exorbitant, are added to the finance cost. In this example, apparently part of the charge was actually for nonexistent "insurance." Moreover, the charge for the insurance which did exist clearly was excessive.

Mr. President, I ask unanimous consent that a letter from Dubuque, Iowa, describing the case of the credit advertisement which said "no carrying charges," but which did not mention interest, be printed in the RECORD:

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

THE AD SAID "NO CARRYING CHARGES," BUT IT DIDN'T MENTION INTEREST

DUBUQUE, IOWA,
March 1966.

DEAR * * * EDITOR: Our old set was getting so shabby that we jumped at the chance to take advantage of the following ad.

"Your old set makes the down payment."

"Pay as little as five dollars a week."

"No carrying charges."

"Free delivery . . . etc."

Pictured was a living room set I'd dreamed of. We bought the lovely sectional, tables and lamps.

Six weeks we lived in seventh heaven. We scarcely noticed the small weekly payments. We thought we'd made a wonderful deal. We were wrong!

The Monday following the sixth payment, I received a phone call from a finance company. The manager told me that we had missed our payment. I told him that we had no loan. It seems we did. He explained, as though I was a stupid child.

"The store where you bought your furniture is too small to bother with small accounts. They can't be doing all the extra bookwork that the $5.00 payments involve. We take over their bills and they are able to reinvest the lump sums. You can see this is the only way they can stay in business."

I didn't care if they stayed in business, in fact I hoped they wouldn't. I argued and stormed, to no avail. We were hooked. Our old set was gone, we loved the new furniture, and we had paid $30.00 that wouldn't be returned. The ad had said "No carrying charges" but it hadn't mentioned interest.

We had to pay almost $100.00 extra because of the interest. However, I did get even with this particular company. I went to another place and borrowed the money to pay them off in full and cheated them of their blood money!

We never buy on credit anymore, no matter how attractive the deal looks. We use the credit-union that we joined since then.

Sincerely,

——— ———.

Mr. DOUGLAS. Mr. President, this letter reveals a common way of misleading customers. The writer was told that there were no carrying charges and assumed, therefore, that no fees would be added to the selling price. But the seller said that carrying charges did not mean interest, so the purchaser was deceived and denied the opportunity to shop for the best credit buy.

The truth-in-lending bill would not regulate interest rates nor advertising. It would make two simple requirements at the time a contract is signed: One, the full cost of the credit must be stated in dollars; and two, this amount must be stated as an annual rate on the outstanding unpaid balance.

These cases very convincingly show the need for truth in lending. On another day, I shall continue my truth-in-lending tales.

BALTIMORE CHAMBER OF COMMERCE MAGAZINE WINS TOP AWARDS

Mr. BREWSTER. Mr. President, I point with pride to the dynamic and constructive efforts of the Metropolitan Baltimore Chamber of Commerce. Indicative of the chamber's recent accomplishments is the chamber's newly designed Baltimore magazine. Under the imaginative direction of Editor William Stump, Baltimore has become one of the Nation's outstanding publications. This past July 20, the American Association of Chambers of Commerce Publications awarded Baltimore magazine top honors in their annual competition. Such recognition by the association reflects credit not only to Baltimore's business community, but to all Baltimore as well. I therefore ask unanimous consent to print in the RECORD an article from the Baltimore Sun which comments on this distinction.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Baltimore Sun, July 21, 1966]

C. OF C. MAGAZINE HONORED

The Chamber of Commerce's monthly magazine *Baltimore* won two top awards and two awards of merit in the annual competition of the American Association of Chambers of Commerce Publications.

The awards were announced yesterday at the association's annual gathering in Hartford, Connecticut.

WILLIAM STUMP IS EDITOR

William Stump is editor of the magazine. He took the post September 1, 1964, and directed a complete redesigning of the journal, beginning with issue for October, 1965.

Baltimore received awards of merit for design, layout and typography and it took top awards for photography and artwork and cover design.

The cover design judged the best in the nation last year was on *Baltimore's* March, 1966, issue.

"FRIEND OF THIRSTY"

The cover made use of a line conversion print of a photograph of Dr. Abel Wolman, which the magazine identified as a "friend of the thirsty" in its profile of the Baltimorean who is a world authority on water problems.

Twenty-one magazines were entered in the competition. They were judged by Dr. Paul Fisher, of the University of Missouri School of Journalism.

REQUIEM FOR A HERO

Mr. MONTOYA. Mr. President, many of my colleagues will recall the heroism of Sp4c. Daniel Fernandez in Vietnam last February. Fernandez gave his life to save his buddies when he hurled himself on a grenade during action with the 25th Division.

Marcella Powers, editorial assistant of New Mexico magazine, has written a tribute to Sp4c. Fernandez which touched me deeply, and I would like to share it with the other Members of the body.

The article appeared in the August issue of the magazine, under the title, "Requiem for a Hero."

Mr. President, I ask unanimous consent that this article be reprinted in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

REQUIEM FOR A HERO

Born during one war, he died during another, barely on the threshold of what we call life. Yet in that brief span from 1944 to 1966 he managed to influence people around him in a most remarkable and mature way. A child of fortune he, little knowing and maybe not caring what the future held. Or perhaps some inner voice told him that his time was short and that he had to do his best always, for he always did.

Fate does not tip off in advance those individuals marked for special valor. There was nothing in the background of Daniel Fernandez, 21-year-old aerial gunner, that indicated that he was destined to sacrifice his life to save the lives of four comrades. He lived all his life in a small town south of Albuquerque, but thought he might like to move to Texas after the war and raise horses. He loved horses. He volunteered for a three-year hitch in the army and planned to marry his girl after it was over, and hoped to be a rancher like his father.

But shortly after midnight on February 18, with fifteen others he chose to go out on ambush patrol from Cuchi, South Viet Nam. He had been out all night when the grenade was thrown at 7 a.m. It hit Danny in the leg and started to roll toward four other men. Without a second's hesitation, he shouted "Move out!" and threw himself on top of the grenade, which exploded instantly beneath him. A .40 caliber machine gun bullet hit him seconds later. Still conscious, his last moments on earth were with the men who had been his buddies since he returned to Viet Nam in January. Less than a month, but a lifetime together for these young-old men.

When they brought his body home, so many came to pay their respects that the final Mass had to be said in a gymnasium instead of the local church. He was given a hero's funeral with full military honors at National Cemetery in Santa Fe on February 26, 1966, and on that day all flags on State buildings flew at half staff in tribute to

Danny Fernandez, the Los Lunas boy who became a man on the plains of Viet Nam. *Pax vobiscum.*

—M. P.

CONFIRMATION OF FRANK C. DI LUZIO

Mr. **BYRD** of West Virginia. Mr. President, I wish to offer my support and best wishes on the appointment and confirmation of Mr. Frank C. Di Luzio as Assistant Secretary of Interior for Water Pollution Control.

As a member of the Senate Appropriations Subcommittee for the Department of the Interior and Related Agencies I am well aware of the importance of water pollution control. As a West Virginian, I look forward to working with Mr. Di Luzio on the many projects underway in my State to improve the quality of water, both for general population uses and for the necessary expansion of industry.

I welcome Mr. Di Luzio's direction of these projects from his new role in the Department of the Interior.

I look forward to his personal supervision of these projects which I would like to describe briefly:

First. A demonstration project on the control of acid mine drainage. This project has just moved to the construction stage with the award of a $1.6 million contract. It will involve the sealing of abandoned mine openings and surface cracks in the Roaring Creek-Grassy Run watershed of Randolph County, W. Va. The Water Pollution Control Administration, working with the Bureau of Mines, mapped a plan to prevent rainwater from entering the abandoned mines, only to seep out later in an acid condition, thus polluting the fresh-water streams. It has been estimated that some 30 tons of acid a day are carried by one stream—the Tygart River—in this watershed.

Second. The Upper Ohio River Basin, under which a laboratory to analyze water from the Ohio River and its tributaries has been established at Wheeling, W. Va., to pinpoint and eliminate causes of pollution.

These projects are exceptionally important to the future development of West Virginia. In view of the responsible manner in which the Department of the Interior has acted in the past to assist West Virginia in its development, I welcome Mr. Di Luzio to his new role in the Interior Department.

THE NUMBERS GAME

Mr. **HRUSKA**. Mr. President, no Member of the Senate needs a reminder of the extent to which we Americans have become addicted to numbers. A sharp and painful reminder is presented each time we seek to charge a long-distance telephone call to our credit card. With area codes, a minimum of 20 digits is required for the 2 telephone numbers, even without extension numbers and the credit card itself has another 10 digits.

The mailing of a letter to a boy in Vietnam requires not alone his serial number, his unit, regiment, division and APO, but a five-digit ZIP code as well.

And so it goes—bank account numbers, insurance numbers, social security numbers, driver's license numbers. We figure soon to run out of figures. A national magazine not long ago calculated that a young New York executive, married and the father of 3 young children, must cope with some 50 sets of digits in this complex and computerized civilization of ours.

Even our fictional heroes have forsaken names for numbers. James Bond is 007 and that brave young Control agent on television faces danger with, "I'll handle this, 99!" Sorry about that, Mr. President.

One would think that some sort of saturation point must have been reached, but no, like lemmings driven mysteriously to the sea, we are somehow impelled onward, if not upward in this frenzy of figures.

The same kind of mechanistic urge which caused the telephone companies to abandon words as prefixes for telephone numbers displayed itself during the recent efforts of the National Commission on Food Marketing on which I was privileged to serve as a representative of the Senate.

The staff of the Commission, supported by 9 of our 15 members, argued that the time had come to do away with descriptive labeling of canned and packaged foods. Instead of mouth-watering descriptions like "old-fashioned goodness" and "home-style" and "sun-ripened" they opted for something called "grade labeling." This means that corn for example, would be labeled No. 1 or No. 2 or No. 3. Just that, Mr. President.

Gone would be the brightly hued picture of what is inside the can. In its place would be a sterile number. It is almost as though brand X had won respectability.

One of the oldest of jokes, Mr. President, concerns the prison inmates who were not allowed to talk in the messhall. To circumvent the rule, they had numbered all their jokes and committed them to memory so that when one sang out "No. 76," all the others burst into appreciative laughter. When a newcomer first tried the system by shouting "No. 14," nobody laughed and it was sadly explained to him, "Some people just can't tell a joke."

That is the way it is with the grade labeling proposal of the Food Marketing Commission. With only a number on the can, you will not know whether to laugh or cry.

These thoughts came to me, Mr. President, in connection with a satirical little essay printed in the "Apprise or Dissent" section of the Lincoln Journal. It was written by the Honorable Clarence Davis, whom Senators will remember as Under Secretary of Interior and Solicitor of that Department during the Eisenhower administration.

Figuratively speaking, he signs it not with his name, but with his social security number.

Mr. Davis, now practicing law in Lincoln and in Washington, suggests that we give up names altogether and simply use numbers. Then he carries the idea several steps further, proposing that each child at birth be given a certain number of credits by the Government which he can pay back if he later becomes a producer.

There are further refinements on this theme and I ask unanimous consent, Mr. President, to have Mr. Davis' essay printed in the Record as a point of departure for Senators to give their own fancies free flight for its further development.

There being no objection, the essay was ordered to be printed in the Record, as follows:

Why Not Dispense With Names

(By 505-61-7386, Clarence Davis, Lincoln Attorney)

(Note.—"Apprise or Dissent" is a periodic individual opinion feature of this page. It is intended to provide public expression, both to advocate and to dissent, on the issues of the day. Selection of articles is based on timeliness, readability, general interest and variety of subject matter.)

On one of his chatty broadcasts from his farm on Blackbird Road, Bill MacDonald, tongue in cheek, planted an idea.

Bill said, in substance, "Why do we bother with money any more? Why don't we simply have the government keep books and give us credit for what we do and deduct for what we get?"

That appealed to me. Besides that, money is more or less worthless any more. It has no real value. They've taken the gold (De Gaulle has most of it) and silver which used to back it up and the money in your pocket is nothing more than a piece of paper (or perhaps 1-10 cent of copper) on which the government promises to pay. All you really get now is a government promise to pay—no date set.

This leads me to further amplification of what I think is a brilliant idea. We are now all living by numbers; social security, medicare, income tax, credit cards, automobiles, house numbers and so forth.

Why should we bother with names? Names simply lead to vanity. Pride in a name is not democratic. Besides that, there are too many of them alike. Consider the Smiths, Browns and Johnsons. Why don't we simply give everybody a number at birth under which the government will record all of his acts and doings the rest of his life. Instead of saying "Dear Bill" we would say "Dear 506" or something of that kind.

* * * * *

Every child, at birth, could be credited on the government books with a certain number of credits which would be enough to insure his health and welfare while he is growing up and going to college, or if we are able to afford it, to a poverty school, and perhaps a couple of advance degrees, because we don't grade people by brains any more, but by the number of funny letters after their now obsolete names. Then when "506" begins to produce, if he does he can accumulate credit on the government books.

* * * * *

Instead of signing checks, he simply signs a government chit by his number and that would be charged against him on the government books and if he produces, that will be credited to him on the government books. To prevent cheating everybody should be finger printed and his finger print put on all his charges—his tax returns, etc.

This also has other great advantages. It would substantially relive unemployment. Think of the tens of thousands of incompetents who can't do anything else who could be put to work in a new government bureau running these government books and the ledger pages of all people.

* * * * *

They in turn could be paid by government credits to their accounts. See how simple to deduct income taxes and social security taxes! And, if we run out of credits then the relief agencies would give us some more.

* * * * *

Furthermore, this would greatly hasten the day of complete government supervision of our lives which undoubtedly could improve our efficiency. We could get a letter from the government saying that an examination of our ledger page account shows that we are spending above the national average for cigarettes, or food, or clothing or automobiles, etc., with a gentle reminder that we should curtail our activities or expenditures to conform to the national average—or maybe contribute a little more to the party.

This system would eliminate the banks who are probably loaning too much money to too many unstable people already. It would eliminate all of the bank bookkeepers who could be transferred to the government payroll. It would eliminate having to carry money around with us, of which we could be robbed without any hope of convicting the robber because he would have to be spoken to gently, in a dignified manner and informed of his right to refuse to speak and his right to counsel before he was asked whether he stole our money.

* * * * *

It would make total and absolute equality of all human beings under the federal constitution. Aren't all men created equal? It would eliminate the jealousies which those who are lazy have against those who work a little and that in turn would achieve, I am sure, a more placid society. I am amazed that the Russians and Chinese have not thought of this, although as I understand it, they have come reasonably close.

* * * * *

There are doubtless many other useful applications of this theory which could be made.

CONTINUING NEED FOR MORE PROFESSIONALLY TRAINED GRADUATES IN THE FIELDS OF SCIENCE AND ENGINEERING

Mr. PELL. Mr. President, I should like to speak briefly about the continuing need for more professionally trained graduates in the fields of science and engineering in the United States today.

Mr. Gerald G. Gould, technical director of the Naval Underwater Weapons Research and Engineering Station, at Newport, R.I., conducted a poll of the scientific and engineering staff of the station regarding this problem in 1961. Earlier this year, Mr. Gould conducted another poll of the same staff on the same subject.

I should like to compare a couple of important questions appearing on the questionnaire for both polls.

In his 1961 poll and his 1966 poll, Mr. Gould asked his respondents what had influenced them to study engineering or science. He found that 77 percent of the respondents in 1961, and 72 percent of the respondents in 1966 had been motivated by an aptitude for science.

The respondents in each poll were asked whether or not they would advise their sons or daughters to pursue careers in science or engineering. Forty-one percent of the 1966 respondents said "Yes," and 14 percent said "No." Thirty-four percent of the 1961 respondents said "Yes," and 8 percent said "No."

In both polls, with 130 respondents in 1961 and 119 respondents in 1966, the general feeling among scientists and engineers at the station was that education is the critical factor in increasing the number of science and engineering students being graduated in this country today.

In the 1961 poll, 72 percent of the respondents cited educational factors as the cause of declining enrollments in engineering. In the 1966 poll, when the question was turned to reflect positive solutions to the problem, 49 percent of the respondents said that an improvement in educational procedures would stimulate more young people to enter the field.

To quote Mr. Gould directly on this subject:

> The purpose (of question 10) was to elicit opinions on how to stimulate young people to choose engineering and science as careers. The importance of the answers to this lies in noting that half of the respondents believe that improved educational procedures are the most significant items in providing such stimulation. The image of the profession was not considered as important as the educational procedures. There were many detailed comments about the shortcomings in the way science is taught, both at the secondary level and in the early college level.

The conclusion of Mr. Gould's polls of scientists and engineers at the Naval Underwater Weapons Research and Engineering Station in Newport, R.I., thus seems to be that improved educational procedures, both at secondary and college levels, would stimulate college enrollments for engineering and scientific degrees.

I am pleased to be able to report, in this regard, that the Senate will soon have an opportunity to take constructive action to help remedy a portion of this problem when it considers my bill S. 2439, the National Sea Grant College and Program Act of 1966. This bill would provide $45 million over the next 3 years for the support of education and research in the marine sciences and, as such, it should improve the quality of an important segment of professional education. I hope it will thus stimulate and give fresh impetus to enrollments in at least a part of the science and engineering field.

Mr. President, I ask unanimous consent to insert in the RECORD Gerald Gould's 1966 poll at the Naval Underwater Weapons Research and Engineering Station, Newport, R.I., along with a letter from Mr. Gould dated May 27, 1966, and a summary of the 1961 poll. I should like also to express my appreciation to Mr. Gould for his constructive assistance in helping the Congress to become more aware of a particular need and of the circumstances which have created the need.

There being no objection, the poll, letter, and summary were ordered to be printed in the RECORD, as follows:

"FOUR YEARS LATER"—1966 POLL

1. Please check whether you are an engineer ______ or other technical professional ______.

2. When did you receive your BS degree? ______.

3. Please check your GS rating:

GS–5 to GS–11 ______.
GS–12 to GS–13 ______.
GS–14 to GS–15 ______.

4. What influenced or motivated you to study engineering or science?

5. What do you believe is the most important reason why young men and women today want to study engineering or science?

6. Would you advise your son or daughter to enter the engineering profession?

7. Would you advise your son or daughter to enter the scientific profession?

8. Do you believe the responses to the three questions as given four years ago are representative of today's opinions?

9. If you had it to do over again, would you still choose engineering and science as a career?

10. How, in your opinion, can more young people be stimulated to choose engineering and science as careers?

Responses to 1966 questionnaire

[In percent]

	Composite	Junior group	Senior group
QUESTION 4			
What influenced or motivated you to study engineering or science?			
1. Aptitude for science	68	66	72
2. Influence of others	21	29	16
3. Promise of rewarding career	11	5	12
QUESTION 5			
What do you believe is the most important reason why young men and women today want to study engineering or science?			
1. Aptitude for science	39	36	39
2. Influence of others	1	2	1
3. Promise of rewarding career	60	62	60
QUESTION 6			
Would you advise your son or daughter to enter the engineering profession?			
1. Yes	41	31	50
2. No	14	13	14
3. Qualified response	45	56	36
QUESTION 7			
Would you advise your son or daughter to enter the scientific profession?			
1. Yes	48	50	47
2. No	10	8	12
3. Qualified response	42	42	41
QUESTION 8			
Do you believe the responses to the 3 questions as given 4 years ago are representative of today's opinions?			
1. Yes	66	59	72
2. No	23	35	16
3. Qualified response	11	6	12
QUESTION 9			
If you had it to do over again, would you still choose engineering and science as a career?			
1. Yes	73	75	72
2. No	10	9	11
3. Qualified	15	14	15
4. No answer	2	2	2
QUESTION 10			
How, in your opinion, can more young people be stimulated to choose engineering and science as careers?			
1. Improve image of profession	33	29	37
2. Improve education procedure	49	53	46
3. Increase salary or compensation	13	14	12
4. No answer	5	4	5

NAVAL UNDERWATER WEAPONS
RESEARCH AND ENGINEERING STATION,
Newport, R.I., May 27, 1966.

Hon. CLAIBORNE PELL,
U.S. Senate,
Washington, D.C.

MY DEAR SENATOR PELL: Pursuant to your request, we have conducted a poll of the egineering and scientific staff of the Station to follow up on the one we made in 1961, wherein we sampled the attitudes of the engineers with respect to their profession. The present poll was addressed to the question of why men turn to Engineering or Science as a career and whether today's opinions differ from those of four years ago. We also seeked to discern the motives of the younger men who had recently entered the profession. Enclosed are the Questionnaire we distributed to the Station professional staff, and Summary Tabulation of the responses. Also enclosed, for comparison, is a summary of the 1961 Poll.

A total of 119 responses were received. The group constituted 96 with engineering degrees and 23 with other scientific degrees, including physics, mathematics, chemistry and metallurgy. Forty-six of the respondents were categorized in the "young" group i.e. they have been out of school for a period of six years or less; the balance of 73 was categorized in the "older" group, i.e. they have been out of school for seven years or more. In general, we find upon examining the responses that there are only minor differences of opinion between the juniors and the seniors. We also find only minor changes from the responses obtained in the 1961 poll.

Some further analysis of the responses highlights the following points.

a. The responses to Question 4 show there has been no change in the reason for studying engineering or science. More than two-thirds entered the field because they had natural aptitude for these disciplines.

b. The responses to Question 5 indicates that it is the belief of our engineers, just as it is the belief of the average layman, that the promise of a rewarding career motivates young men to study engineering. Sixty per cent have so stated.

Although this may be a popular opinion, it is important to note that the engineers themselves did not make their choice for a promise of a rewarding career. As shown in Question 4, their own choice was made by their individual aptitude for scientific matters.

c. In the responses to Question 6 and Question 7, it appears that the junior group is more certain of science as a profession, as distinct from engineering as a profession, in recommending such to a son or daughter. This may be a small point, and the statistical sample too small to attach much significance to it.

d. The response to Question 9 is of interest in noting that about ten per cent, both the junior and senior group, would not choose engineering as a career if they had to do it over again. However, the large majority would.

e. The purpose of Question 10 was to elicit opinions on how to stimulate young people to choose engineering and science as careers. The importance of the answers to this lies in noting that half of the respondents believe that improved educational procedures are the most significant items in providing such stimulation. The image of the profession was not considered as important as the educational procedures. There were many detailed comments about the shortcomings in the way science is taught, both at the secondary level and in the early college level.

I hope that these preliminary findings will be of value to you, and I shall be pleased to expand on any facet of the study that you may wish.

Sincerely yours,

G. G. GOULD,
Technical Director.

SUMMARY OF 1961 POLL

The 1961 poll asked three questions with the following responses:

Question. What influenced or motivated you to study engineering or science?

Answer:	*Percent*
Early demonstrated aptitude for science	77
Influence of others	22
Promise of rewarding career	17

Question: Would you advise your son to become an engineer?

Answer:	*Percent*
Yes	34
No	8
Qualified response	58

Question. Why, in your opinion, is engineering enrollment decreasing in college these days of increasing need?

Answer:	*Percent*
Educational factors	72
Social factors	36
Pay	36

BAN THE JETS AT WASHINGTON NATIONAL AIRPORT

Mr. BREWSTER. Mr. President, the Federal Aviation Agency recently reconsidered its disastrous decision to allow extensive use of jets at National Airport—a nonjet airport. The FAA decided to cut back the volume of traffic and ban all nonstop flights beyond a 500-mile radius.

It is now rumored that the FAA is about to change its position once more and allow long nonstop flights. While it has always been my position that there should have been no jets at National in the first place, the FAA at least took a step in the right direction when they cut back flights. Now they are apparently considering another step in the wrong direction.

If the FAA yields again to the pressures for long-distance flights, it will be another indication that this Agency really is more concerned with private interests than with the public interest in safety, convenience, and quiet. As the Washington Post editorializes today:

> The names of those who have pushed FAA into such a capitulation ought to be set in standing type in every newspaper in the country, to be held for the day when the inevitable air tragedy occurs. And then these names could be promptly and appropriately published along with other "causes" of the disaster.

I think that the position taken by the Washington Post is a notable one. The Post originally supported the FAA decision to open National to jets. But the confusion, noise inconvenience, and danger created by this tremendous expansion of traffic have caused the Post to conclude that General McKee should once again close National to jets. I concur strongly in this conclusion; I only hope that the FAA will not move in the opposite direction and expand the jet traffic.

Mr. President, I offer this post editorial for the consideration of my colleagues. I ask unanimous consent that it be printed in the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

BAN THE JETS

The Federal Aviation Agency is being so unmercifully pressured by Congress and by the airlines industry to relax current restrictions on jet use of National Airport that it ought to reconsider the decision which opened National to jet use on April 24.

The initial decision of General William McKee was commended by this newspaper. But the commendation rested on the assumption that jet traffic could be kept by regulation at a level consistent with the convenience, comfort and safety of the community. As soon as any jet traffic became possible, the industry proved itself incapable of keeping the volume within reasonable limits without arbitrary Federal controls. And as soon as FAA imposed arbitrary Federal controls, confining National's use to originating and terminating flights of less than 500 miles, the airlines and Congress set up intolerable clamor for alteration. It is pretty clearly indicated by this deplorable experience that the airlines, animated by a passion for volume and Congressmen solely concerned with their own convenience are not going to permit intelligent limitations on jet use of National. General McKee ought to go back and start all over again, beginning with no jet flights at all into National.

The CAA first recommended a second Washington airport in 1949. The demand for another and safer airport was greatly sharpened when, a little later, a Bolivian military plane collided with a passenger transport. The community was frightened at one point by the report of 33 near misses in a year at WNA.

Now it is argued that the accelerated traffic at National has not brought movements up to the 1959 peak—but the 1959 peak was not satisfactory or safe. And the type of aircraft now involved present greater difficulties than the piston aircraft of 1959. It looks as though neither the airlines nor the Congressmen will be content with a limited jet use of National. An unlimited use will impose hardships on passengers, as it did a few weeks ago. And ultimately it will involve genuine risks to passengers and to the citizens in the densely populated urban areas that surround National. It will certainly result in delays by stacked aircraft waiting to land and by overcrowded luggage facilities and congested parking conveniences. Of course, many Congressmen are able to escape some of the ground inconveniences by VIP treatment, but rank and file users without congressional prerogatives cannot by-pass these annoyances and delays.

The traveling public apart, the citizens of this city have a great stake in the way National is used. Only some seven per cent of the population ever travels by air. And the non-flying majority of the public has its rights to air space over the great cities. They ought to have a voice in decisions that deluge their communities with sound, blacken them with soot and threaten them with the worst consequences of air disasters involving crashes in built-up regions. All in all, it looks as though the FAA ought to go back to its point of departure—the ban on jets at National in effect before April 4.

If FAA is coerced by the pressures of Congressmen and airline operators into promoting, against its judgment, an unlimited use of National, with all the hazards entailed, it will be a sorry day. The names of those who have pushed FAA into such a capitulation ought to be set in standing type in every newspaper in the country, to be held for the day when the inevitable air tragedy occurs. And then these names could be promptly and appropriately published along with other "causes" for the disaster.

THE ARGENTINE PRICE STRICTURES ON DRUGS

Mr. BAYH. Mr. President, some 13 months ago, on June 23, 1965, I called the attention of the Senate to the problems which might be caused by price strictures that the Government of Argentina was seeking to impose on the pharmaceutical industry in that country. At that time I said:

> Enforcement of what appears to be a shortsighted law could endanger the livelihood of more than 20,000 Argentine families whose bread is earned in the pharmaceutical industry, and could prove detrimental to the good health of the entire country. Among many others in that country, members of the medical profession of Argentina have been gravely concerned.

Although the pharmaceutical industry has complied with the requirements of Decree 3042, issued by the Argentine Ministry of Health, with few exceptions no relief has yet been granted. It is to be hoped, however, that the new Argentine Government will soon modify this stringent policy so that this industry can grow and prosper to the benefit of the Argentine people.

A number of Indiana companies which have branches in Argentina have suffered losses and difficulties because of the obstacles imposed by this decree. These American companies have enjoyed doing business in Argentina and would like to continue to do so. A clarification of this matter would be helpful to the Argentine employees and their families who are working in the pharmaceutical industry, as well as to the parent companies in the United States which export raw materials to their Argentine plants.

A memorandum has been prepared by the pharmaceutical industry summarizing the background of this matter and making certain specific recommendations. In view of the importance of this problem, I ask unanimous consent that this memorandum be printed in the RECORD at the end of my remarks.

There being no objection, the memorandum was ordered to be printed in the RECORD, as follows:

MEMORANDUM ON THE CONTINUING DRUG INDUSTRY CRISIS IN ARGENTINA

I. BACKGROUND

From the date of publication, April 26, 1965, through the end of 1965, the drug price control decree No. 3042 issued by Argentine Health Minister Onativia, had been strenuously opposed by nearly all pharmaceutical laboratories in Argentina, both domestic (owning more than one-third of the market) and foreign. The reasons: the decree aims at setting prices based on the submission by each company of a sworn declaration, in which manufacturing and all other expenses are to be calculated according to a highly unrealistic Health Ministry formula. This formula allows fixed, extremely low percentages for production and all other expenditures to be added to the costs of raw materials and labor, the latter having been established by a cursory Health Ministry survey of a sampling of drug laboratories during the period November 1964 to March 1965.

In official conversations with Argentine, Swiss, German and U.S. drug industry leaders, in the fall of 1965, Minister Onativia had repeatedly stressed that he would administer decree 3042 equitably and expeditiously if each company would promptly submit the required sworn declaration forms described above. More specifically, Dr. Onativia had pledged that, once his demands are complied with, he would speedily grant increases in prices, which have been frozen since November 1963, and that the existing obstacles to the introduction of new pharmaceutical products in the Argentine market would be removed rapidly. On the basis of these assurances, in December 1965, and January 1966, virtually all of the foreign laboratories and the great majority of the small domestic drug houses filed with the Health Ministry the sworn declaration forms.

II. PROBLEM

Although three to six months have elapsed since the required documents were filed, only two or three out of more than a hundred laboratories have been granted moderate price increases. The prospects of obtaining the promised speedy relief by the remaining overwhelming majority of companies are remote because of the painfully slow processing of the declaration forms, caused ostensibly by the Health Ministry's personnel shortage, requests for additional data, and outdated accounting equipment, but due predominantly to a lack of official cooperation.

Thus, nearly one year since the issuance of decree 3042, the Argentine pharmaceutical industry is held down to an untenable 30-month-old price level for its older products, and hardly any authorization has been given for setting prices of its new products, preventing their marketing, despite the following highly onerous factors:

1. the Argentine peso underwent, shortly after the publication of the decree, still another devaluation, thus sharply raising the import cost of essential medicinal raw materials (when drug prices were frozen in November 1963, the exchange rate was $1=80 pesos as against $1=190 pesos today);
2. the local prices of all other components of finished drug products have also steadily gone up;
3. a new labor contract, in September 1965, has increased drug industry wages by 35%.

As a result, economically viable returns on virtually all significant products have been wiped out, and many of them sold at a loss. Thus, even though the industry has leaned over backwards to meet the Health Minister's demands, the year-old crisis has not been settled nor is the outlook for the foreseeable future at all favorable.

III. RECOMMENDATIONS

It is therefore respectfully recommended that the United States Government, which has effectively backed the U.S. pharmaceuticompanies' position with regard to decree 3042, continue to lend its invaluable support toward:

1. a thorough re-examination at the forthcoming Paris Club negotiations of the continuing acute drug industry problem in Argentina with a view to its speedy and satisfactory solution, as pledged by the Argentine delegation at the 1965 session of the Paris Club;
2. using the influence of all appropriate U.S. Government agencies, including our Embassy in Buenos Aires, to accelerate such a solution and insure its fair implementation.

It is respectfully submitted that continued failure to resolve this critical problem will reinforce the foreign pharmaceutical companies' reluctance to invest new capital in Argentina, to expand existing production facilities, and to introduce their important products within her borders. It will also surely cause additional bankruptcies and withdrawals from the market of Argentine national laboratories, as in several recent cases.

The consequences of all this for Argentina's public health and economy are obvious.

APRIL 21, 1966.

DOUGLAS STRESSES NEED FOR CONGRESSIONAL CODE OF ETHICS

Mr. PROXMIRE. Mr. President, the distinguished senior Senator from Illinois, PAUL DOUGLAS, authored an excellent article appearing in the July 10 issue of Parade magazine on congressional ethics.

Senator DOUGLAS, with compassion and wisdom, assesses the tremendous pressures Members of Congress are under to bow to the wishes of special interest groups. As he indicates, legislators are, on the whole, more incorruptible than the average man, but the temptations are awesome. These temptations are accentuated by the need to raise funds for campaign expenditures.

My good friend from Illinois then goes on to propose two steps Congress could take to minimize the pressures for special interest voting. The first would be a requirement that all Members of Congress disclose their assets and the sources of their income. Senator DOUGLAS does this voluntarily, as do I and a few other Members of Congress. But it should be a mandatory requirement.

The second step would be for the Federal Treasury to pay to the candidates a flat fee based on the number of voters in a candidate's district or State. As Senator DOUGLAS so aptly points out, this would minimize the pressure on legislators to vote for or against an issue as a result of substantial campaign contributions.

Mr. President, I can think of no man in Congress who is better qualified to discuss congressional ethics, because I know of no other man in Congress whose personal and business ethics are so unimpeachable. I ask unanimous consent that the article from Parade magazine be reprinted in the RECORD at this point.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

NEEDED NOW: A CODE OF ETHICS FOR CONGRESSMEN

(By Senator PAUL DOUGLAS)

I believe that the time has come for Congress to act to reform the antiquated laws on campaign contributions and political expenses and to provide for the disclosure of the income, assets and the holdings of its members.

Congress has been dilatory in these matters. We have fooled around long enough. The failure to act could jeopardize the public confidence in the legislative branch of the government.

There are already a series of bills before Congress, including President Johnson's proposals, which could go a long way to solve the problems we face.

But year after year Congress fails to act. One year, the Senate passes a bill but the House fails to act. The next Congress, the House acts but the Senate does not. For a variety of reasons, nothing of consequence gets done.

Basically, there are two problems: Members of the Senate and House have great power and influence over a variety of favors, privileges or benefits that selfish interests desire—Defense Department contracts, insurance for a bank or savings and loan company, a quota for an oil refinery, agricultural allotment arrangements, sugar quotas at highly subsidized prices, tax favors, appointments to important positions and influence over hundreds of bills and resolutions that Congress routinely passes.

The other problem is the tremendous amount of money that a candidate needs to run a modern political campaign. It has been estimated that in the New York City mayoralty campaign last year at least $5 million was spent. In the recent senatorial campaign in that state, the expenditure for each candidate has been estimated at over $3 million. In my own state of Illinois, a recent candidate for statewide office said that he spent a million dollars before the final campaign; certainly he must have spent at least that much when the campaign really got underway. In a major two-party state, under modern campaign conditions—especially with the importance and extremely high cost of television and radio time—a bare minimum of $500,000 would be needed to run even a modest campaign.

MISTAKES AND TEMPTATIONS

I advocate disclosure not because I think that members of the House and Senate are dishonest or corrupt. On the contrary, I believe that the level of honesty is a good deal higher than the general level in our society. But the fact is that these men have more opportunities for mistakes and more temptations thrown their way in a month or year than the average person does in a lifetime. If congressmen and senators acted as most of those in private business do, many would be pilloried in the press and driven out of public life. So it is not because of lack of integrity on the part of my colleagues as a group that I advocate both disclosure and reform of campaign contributions, but rather as a protection for these men whose power and position make them especially vulnerable in the ambitious, the self-seekers and the narrow interest groups.

One of the reasons Congress has failed to act vigorously in these areas is that each member of Congress knows from personal experience the pressures of running even a modest campaign. He therefore tends to be a good deal more tolerant and considerate of his colleagues for fear that "there, but for the Grace of God, go I." And, in addition, as men who deal daily in their public lives with the tremendous problems and difficulties of human beings, legislators are far more compassionate than those in administrative and judicial positions.

Nonetheless, Congress has great problems that we must do something about. Let me give some examples. One man I know, who was literally without funds near the end of his campaign for the Senate, was asked if he could use $10,000. His reply was, "Can I use $10,000?!" But strings were attached. He could have the $10,000 if he agreed to support one of the most flagrant of the tax loopholes. The candidate said that he had not studied this provision, but he could not agree to take the money on condition that he vote in a particular way. Eventually the $10,000 was raised elsewhere, and the candidate received it with no strings attached.

DOZENS OF GIFTS

Shortly after I was first elected, my wife and I received dozens of gifts, some quite valuable. These came from people whom we scarcely knew and from people we had not known at all. We packed them up and shipped them back.

I remember in a major debate on the steel basing point price system, I was taking a position essentially against the steel industry when it crossed my mind that I owned a few steel shares and that if the fight were successful my own shares would decline in value. This did not deter me, but the mere fact that I thought about it warned me, and I sold the shares and since have put what small holdings I have into mutual funds where no legislation could affect the value.

On numerous occasions people have offered campaign contributions while making a request for a job, privilege or favor. My policy is to return these and to make certain that campaign contributions are insulated from me so that I will not be influenced either consciously or subconsciously. But these are precisely the reasons why we need to have disclosure legislation.

The expenses of holding office are not commonly understood. Last year I spent over $10,000 buying lunches for constituents, holding receptions for Illinois visitors, going back and forth to Illinois, for weekly television and radio reports to the citizens of my state, for political contributions and for telephone and telegraph expenses beyond the allowances given a senator. This year I will probably spend more. Tremendous demands are made on the public official, and if he doesn't pick up the check, people will properly complain that he is a "freeloader." And frankly, I regard contributions to my political party and to candidates in whom I believe as much a civic duty as contributions to church and charity.

I believe that the full disclosure of a senator's income and assets is the best possible insurance to the people that he is not engaging in conflicts of interest. I believe that the people who elect us at least have a right to know about our income and holdings as well as expenses. For this reason, first as an alderman in Chicago and more recently as a senator, I have made a public disclosure of income, assets and expenses of myself and my wife. Also for this reason I have a rule for myself and my staff of returning any gift the value of which exceeds the arbitrary figure of $2.50.

What is the solution to these problems of requiring personal financial disclosure? The best solution would be for all citizens to take their civic duty seriously and contribute a few dollars to their party and its candidates. This would adequately finance campaigns and leave no candidate indebted to anyone. But this obviously does not happen and will not happen.

The system that has grown up recently of having dinners where a guest gets a $5 dinner for $50 or $100 is a great improvement as a campaign fundraising device. No officeholder can feel that anyone can influence him for amounts as relatively small as this. Even the larger sums from the trade unions represent the dimes and dollars of ordinary working men and women. It is much healthier to have a large number of people giving $50 and $100 than a handful giving $5,000, $10,000 or $15,000 apiece. People who give large amounts expect, and generally get, favors in return. And in the end, the public pays for these contributions because the cost is absorbed in the defense contract or deposit insurance or the sugar quota received in return.

FLAT FEE PER VOTER

In my judgment, the best solution is that put forward more than a half-century ago by Theodore Roosevelt and more recently by the late Sen. Richard Neuberger of Oregon. They believed the best method of financing campaigns was for the federal treasury to pay to the major candidates for federal office a flat fee such as 10¢ per prospective voter. Campaign expenditures would be limited to these amounts. In this way, campaigns would be adequately financed, candidates freed of any obligation and the public protected.

Some may say that with the present level of taxes and of government expenditures this would be just another unnecessary expense. But the fact is that under our present system the public generally pays anyway. This proposal is a better method of doing it.

For all these reasons some proposals should be enacted into law by the Congress. These problems can no longer be swept under the rug.

SOME CURRENT COMMENTS ON VIETNAM

Mr. GRUENING. Mr. President, two current editorials which led their respective publications—namely, the Nation and the New Republic—express some dissenting views on our steadily deepening military involvement in southeast Asia and as such are useful in informing the public that there is another side.

I ask unanimous consent that these editorials entitled "The War President," from the July 16 issue of the New Republic, and "Snow Job" from the July 25 issue of the Nation, be printed at the conclusion of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. GRUENING. Likewise, a thoughtful article by Murrey Marder, entitled "Russia Seen Trapping Self in Hard Viet Line," suggests the alarming possibility that as a result of U.S. escalation in bombing the installations around Hanoi and Haiphong, Russia is being driven closer to the position of China. It has seemed hitherto, fortunately, that the split between these two great Communist powers was irremediable—a situation highly favorable to the United States. But it may be, as Marder reports, that our escalation will bring Russia and China closer together—a dire eventuality to be obviated at all costs.

It becomes increasingly clear that every escalation to date has not brought about the results which the President and his advisers appear to expect. A few of us have sought to point out the inevitably disastrous results of the folly of our military involvement and our undeclared war.

I ask unanimous consent that this article by Murrey Marder from the Washington Post of July 22 be also printed at the conclusion of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 2.)

Mr. GRUENING. Finally, Mr. President, a recent column by James Reston, the able associate editor and commentator of the New York Times, entitled "Washington: Power, Violence, and Purpose," is pertinent, and I also request its inclusion in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 3.)

EXHIBIT 1

[From the Nation, July 25, 1966]

SNOW JOB

As the founding fathers well knew, undistorted information about public affairs is as vital to democracy as universal suffrage. As we are now being taught, modern techniques of management of the news are destructive of the democratic process. A current example is the way in which the latest escalation of the Vietnamese war—the bombing of the oil installations in Hanoi and Haiphong—was turned into the most prophylactic combat operation in history, with domestic protest effectively muffled in advance.

The present campaign was not entrusted to underlings like Arthur Sylvester, the accomplished juggler of fact and fancy at the Pentagon. This time it came straight from Papa at the White House and, from a purely technical standpoint, one must admire his performance. Nothing was left to chance and every possible loophole for truth was closed off. Top officials received outlines of the points to be stressed—that the United States was winning, that Hanoi knew it was losing, that domestic opposition was negligible and that the latest bombings were proof of our peaceful purpose and our carefully graduated, humane way of fighting the war which had been forced on us.

Against the protests of C.B.S. and N.B.C., the Defense Department withheld films of the Hanoi and Haiphong bombings. Accounts in the French press reported the wailing of ambulances and other indications of casualties, but the Administration insisted that only one or two civilians had been hit. Precision bombing had achieved miraculous levels of accuracy, and the home folks could enjoy their vacations assured that our fliers burned only oil, not people.

Another prong of the news management operation consisted of a chorus of optimistic statements by the President, Secretary McNamara, and acting Secretary of State George Ball—statements which, without actually saying so, gave the impression that with these bombings, and perhaps a few further escalations, we were on the home stretch. In *The New York Times*, Max Frankel referred to these paeans as a "sustained celebration of progress" designed to persuade Americans that the war had reached a turning point. "By blunting the criticism at home," Frankel suggested, "officials are said to seek not only political advantage but also a further demonstration to Hanoi that it cannot count on domestic opposition to inhibit the American war effort."

It is scarcely likely that except for their own home propaganda purposes the leaders in Hanoi ever harbored any such idea. How often has a great military power been seriously handicapped in the prosecution of a war by minority opposition? Even the often cited French example in Vietnam has been greatly exaggerated; the French army was defeated by the Vietminh, not by Mendès-France. But in the way of political advantage, and muting such opposition as Mr. Johnson has encountered in his design for conquest in Southeast Asia, the campaign worked perfectly. The President's Harris rating shot up 12 points, from a pre-bombing low of 42 per cent to 54 per cent. The President, who reckons in percentages without asking questions when the arithmetic favors him, was elated. Harris himself was more discerning and pointed out that the 5-to-1 support for the bombings had to be interpreted. People are tired of the war. They want it ended. They hoped that the bombings might do it, although on the face of it how could an enemy like the Vietcong, without an air force, tanks, and heavy artillery, be greatly handicapped by a shortage of petroleum?

But this acquiescence, and the entire record of management of the news in this war, only shows that crude methods of manipulation work quite well with the mass of citizens. The intellectuals may be disturbed, together with politicians like FULBRIGHT, MORSE, GRUENING, AIKEN, et al., but most of the people are still committed to the "my country right or wrong" mores and are glad to receive the President's assurance that we are reluctantly combating a godless enemy. They believe in democracy in a desultory way, as if it had been established in 1776 and nothing could ever happen to it. These millions of self-satisfied Americans had better learn to read the news, to become sophisticated about news management, and to be utterly skeptical about anything this Administration tells them. Otherwise they will find themselves with the forms of democracy but none of the substance.

[From the New Republic, July 16, 1966]

THE WAR PRESIDENT

In Omaha, the day after Hanoi and Haiphong were first hit, the President called on God to forgive his critics, "for they know not what they do." All of us stand in need of enlightenment; human judgment is fallible. Just how fallible, Mr. Johnson illustrates. "We have made it clear," he said, "that we wish negotiations to begin on the basis of international agreements made in 1954 and in 1966"; and, "those who say that this is merely a Vietnamese 'civil war' are wrong. The warfare in South Vietnam was started by the government of North Vietnam in 1959." God forgive us, we don't think so.

As early as 1956, the then government of South Vietnam with the backing of the United States, violated the 1954 Geneva agreements, which provided, among other things, for "general elections which will bring the unification of Vietnam"; it also prohibited "the introduction into Vietnam of any troop reinforcements and additional military personnel." Within two years, Ngo Dinh Diem, with our military aid, had made himself a dictator, smashed all political opposition and spurned elections to bring about unification. The Viet Cong began as an armed rebellion against Diem (of whom the U.S. itself finally tired and in 1963 allowed to be overthrown and murdered by a military junta). Intervention from outside Vietnam has been largely American—so far.

Nevertheless, the President now affirms that he will accept and abide by those Geneva agreements. Why, then, don't the Viet Cong and the North Vietnamese agree to negotiate on that basis? Our hunch is, because they don't believe him, and they may well be right. Actions do speak louder than words, and Mr. Johnson is acting out his determination to preserve South Vietnam as a client state, close to China, so that there may be another link in a solid chain that includes South Korea, Formosa and Thailand. The well-being of the Vietnamese is a secondary concern. They must serve our purpose—the military containment of Peking. That is the objective, and it is nonnegotiable. We therefore cannot, Secretary Rusk informed the SEATO conference in Australia the end of June (and later told Congressman FRANK HORTON (R. N.Y.) on TV), permit the Viet Cong to be formally admitted to a peace conference: that would give them a veto on a settlement; they might haggle over terms, whereas what Mr. Rusk and the President really want is unconditional surrender.

When the bombing of North Vietnam began in February last year, the Pentagon stated that the rate of infiltration from North to South was about 1,600 men a month; air strikes, so the logic then ran, would halt or slow down this infiltration. After 15 months of constant pounding from the air, the infiltration rate is said to have tripled to 4,500–5,500 men a month, and the jungle tracks, according to the President, have become "boulevards." Therefore, the original justification had to be discarded and another found. It was. In his July 6 press conference, Mr. Johnson acknowledged that: "We do not say that [the raids] will even reduce it [infiltration]," but they will make life "more difficult" for the enemy. And so they will.

We have been seeing, week after week, where such logic leads us. The estimate of Peter Arnett, who has been reporting from Vietnam for the Associated Press since 1962, is that by bombing the North and pouring American, Korean and Austrian troops into the South, "we can beat the major units of the enemy," but "in so doing, we make very little impact on the other two levels of the war." By "the other two levels of the war," Arnett means the battles of the "very tired" Vietnamese army against "local, homegrown" Viet Cong battalions; and the battles of local militia forces against Viet Cong guerrillas in the mountains, in the Mekong Delta rice fields, and along the highly populated coastal plains. It is at this third level that "the real blood of Vietnam is seeping away," and also "at this level the war could continue indefinitely." The Viet Cong can go on fighting as guerrillas for a long, long time.

American forces, who are "beginning to bear the brunt," according to Arnett, are waging war on the enemy units with vastly superior air power, modern artillery and such refinements as the "cluster bomb unit" that shoots out both napalm and hand grenades. But he warns that in order to destroy the main enemy units, the U.S. will have to double its forces; "certainly at least twice as many as are here now will be needed." And, he adds, "it will also probably mean the destruction of much of Vietnam—both North and South. As the war grows, the destruction is getting very considerable over the countryside. Villages are being devastated as a matter of course." The end of this road is genocide, with no one left with whom one need negotiate.

Arnett is a top-flight reporter, but he is not a professional soldier. General Ben Sternberg is. Commander of the 101st Airborne, he recently returned from 26 months in Vietnam, where he served on General Westmoreland's staff. General Sternberg sees "no stabilization of the military regime, at least in the near future"; he thinks Premier Ky eventually "will have to go," but "civilian government is not possible in South Vietnam now." He believes that 500,000 more U.S. troops are needed in Vietnam—a total of about 800,000—to seal off infiltration and supplies from the North.

But first, the gamble of victory through air power must be played out, with doubled and redoubled bets even though the systematic destruction from the air of North Vietnam, as Richard N. Goodwin, former Special Assistant to both Presidents Kennedy and Johnson has pointed out, is more likely to pressure the North into sending into battle its 300,000-man army, instead of the 12 North Vietnamese regiments thus far engaged. This in turn would bring a million or more GIs into the war and make it very tempting to consider landing U.S. troops in the North.

Politicians in both parties meanwhile press the President to "get it over with," hit harder and more often —and hope that a fist in the face of the North will not provoke too brutal a counterpunch. At the moment, official Washington is rather complacent about the danger of Chinese intervention, believing that Peking has enough troubles without borrowing more. It is a hazardous assumption in view of the history of our entrapment in Vietnam, a history that is littered with miscalculation.

Who could have foreseen it? The Great Society exponent, the practitioner of common sense, compromise and consensus, has become The War President—sworn to prevent at any cost one set of Vietnamese (unfriendly, we have guaranteed that) from overcoming other Vietnamese (who could not hold power without us).

EXHIBIT 2

RISKS GREATER INVOLVEMENT—RUSSIA SEEN TRAPPING SELF IN HARD VIET LINE

(By Murrey Marder)

U.S. air strikes against Hanoi and Haiphong oil depots are rebounding diplomatically against Washington.

No one in Washington is advertising the diplomatic consequences. They are too subtle to draw public attention so far. But to foreign policy experts, they are at the very least, disquieting.

There was no great surprise when the Soviet Union spurned new, personally delivered appeals, by the Prime Ministers of India and Britain, to try again for peace talks on the war in Vietnam. The intensified bombing was hardly likely to induce the Kremlin to conclude it was a specially opportune time to urge Hanoi to start bargaining.

What did cause Western diplomatic surprise, however, was the calculated harshness of the Soviet rebuff to the pleas of Prime Ministers Indira Gandhi and Harold Wilson.

Both went to Moscow after having publicly criticized the American decision to bomb oil supply dumps near Hanoi and Haiphong. But instead of finding that this gave them bargaining power to persuade the Soviet Union to press Hanoi for joint peace talks, they found the Russians on just the opposite tack.

The Kremlin sought to convince India and Britain that such a course was unthinkable, and that they had better use their influence on the United States to halt all bombing of North Vietnam unconditionally, before there could be any hope of applying diplomacy to avert international catastrophe.

To a considerable extent, certainly in India's case, the Kremlin scored a heavy impact. Mrs. Gandhi considerably irritated the United States by shifting to that position, reversing her last, previous stand, which was that a conference could bring a halt in the bombing and other hostilities.

But what is potentially more troublesome to American interests has escaped general notice. It is that the Soviet Union's public position on the war in Vietnam has hardened considerably. The Soviet stand, while still relatively more moderate than that of the Chinese Communists who daily denounce Moscow for traitorous "collusion" with the United States, is now closer to the Chinese position, and more inflexible, than ever.

The Russians have publicly assailed British Prime Minister Wilson for engaging in "support of the American aggression." To the Warsaw Pact offers of readiness to send "volunteers" into the war if North Vietnam asks for them, the Russians have pledged intensified "effective assistance" for North Vietnam's defense. The Soviets are now even airing "suspicion" that a "punitive invasion of North Vietnam" may be "imminent."

"They have told Mrs. Gandhi that their basic stand will be guided solely by Hanoi's desires. The Russians have agreed with Hanoi that the United States indeed is committing "crimes" in North Vietnam and that Hanoi is perfectly justified in treating captured American pilots as "war criminals."

As one American diplomat put it, "the Russians have painted themselves into a corner." But the total diplomatic impression is that each participant, or critically interested party, in the Vietnamese struggle, has put itself increasingly into a diplomatic dead end.

A major, but never officially stated, premise in Washington has been that one way the war could end would be by reaching such a high level of great international danger that some power, meaning the Soviet Union, would step in for preservation of its own vital interests, to shove the conflict toward the bargaining table.

The question is whether the Soviet Union is now in the process of impaling its own prestige, to make it impossible to maneuver even if it wants to do so. The Soviet Union appears to have put itself in a position where North Vietnam readily can levy demands on Moscow for a stream of missiles and planes, and perhaps pilots too, that will "hook" the Soviet Union irretrievably to the fortunes of North Vietnam.

Communist nations have great inherent capacity to operate in zig-zags. But they are not immune from paying the consequences of miscalculations. They too can be entrapped by their own pledged commitments.

EXHIBIT 3

[From the New York Times International, July 18, 1966]

WASHINGTON: POWER, VIOLENCE AND PURPOSE

(By James Reston)

WASHINGTON.—Power and violence are now dominating the headlines. More and more bombing in Vietnam, Riots and the National Guard in the streets of Chicago. Most of the airlines and most of the newspapers in New York paralyzed by strikes. And beyond this, the majority of the American people looking on in wonder, troubled but helpless.

Is it as bad as it seems? What happened to all the talk of a few months ago about peace abroad and a Great Society at home? Are the problems of the cities and the races, the contending nations and philosophies, beyond rational control?

THE LARGE PERSPECTIVE

Some times it seems they are, but the larger picture is probably not so dark as the headlines suggest. Power is being used in the world but it is also being restrained and its limitations are being exposed. The bomber is not prevailing in Vietnam. "Black Power" is not prevailing in America. They are dramatizing the problems but demonstrating that they cannot solve the problems. The rule of physics tends eventually to prevail in politics: force produces counterforce, and in the end is likely to create balance.

We are going through a difficult experiment with power at the moment both in Vietnam and at home. Power is being used both places, paradoxically, to prove that power will not prevail. It is invoking fear, again paradoxically, to encourage reason, and power will probably continue to be used both at home and in Vietnam until reasonable remedies to those problems begin to be discussed.

Both sides, fortunately, are afraid. In fact, the only thing we have to cheer is fear itself. And this is true in the wars at home as well as in the war abroad. Everybody is using power but is afraid of it. Everybody is threatening to use more of it, but is holding back. So there is still a chance that a balance of power will eventually be established and lead to common sense.

Unfortunately, there is very little evidence in Washington that the Johnson Administration has an adequate sense of priorities in dealing with all this violence at home and abroad. It has a policy for dealing with each problem—whether it is hands-off on the newspaper strike or limited intervention in the airplane strike, or more legislation in the racial war, or more bombing in the Vietnam war—but no sense of relationship between all these difficult questions.

COST ACCOUNTING

This is odd, too. For the President has been converted by Secretary of Defense Robert L. McNamara to the managerial techniques of "cost accounting." He loves to talk these days about how Mr. McNamara showed the Pentagon how big business methods in Detroit applied to big Government problems in Washington.

Under the McNamara plan, everything should be put to the test of "cost and benefit." Each purchase of planes or missiles, each decision about new weapons systems must demonstrate that the benefits equal the costs. Yet there is very little evidence that the McNamara system has been applied to the Johnson Administration's program as a whole.

The cost of the Vietnam policy, for example, is well over a billion dollars a month and over 100 lives a week—to say nothing of the wounded, and the diseased, and the corrupted. The cost to the South Vietnamese is hard to calculate or even to imagine.

TALLYING THE COST

What is the cost of a "victory" that would humiliate China? What the cost of a prolonged war that would block progress with the Soviet Union in the control of nuclear weapons? No doubt we can eventually prevail on the battlefield, if the Chinese stay out, but what benefits will match the hostility of the 700 million Chinese people in the future? And what would a cost-benefit test tell us about spending enough money in Vietnam and on the moon to wipe out most of the slums and illiteracy in the American cities.

The Johnson Administration does not give the impression of having a sense of relationship on all these things. It wants everything: peace in Vietnam on our terms; the abolition of inequality and poverty; a Great Society—but it could, the way things are going, end up first in peace, first on the moon, and last in the big American city slums.

It is the lack of skill and scope, of proclaiming great goals and raising vast hopes which is adding to the doubts of the American people today. The demoralization of disappointed hopes is now fairly evident in the violence of the slums.

NO CLEAR CONVICTION

"A demoralized people," Walter Lippmann wrote during the Depression, "is one in which the individual has become isolated and is the prey of his own suspicion. He trusts nobody and nothing, not even himself. He believes nothing, except the worst of everybody and everything. He sees only confusion in himself and conspiracies in other men. That is panic. That is disintegration. That is what counts when in some sudden emergency of their lives men find themselves unsupported by clear convictions that transcend their immediate and personal desires."

There is no such clear conviction in the country today. The use of power and violence dramatizes the point. But the violence may, hopefully, have positive results. It may, both in Vietnam and in the American cities, demonstrate its own impotence and thus finally bring the nation back to a redefinition of purpose and priority, which it now lacks.

FARMERS NOT RESPONSIBLE FOR MILK PRICE RISE

Mr. McGOVERN. Mr. President, in recent weeks I have received numerous letters from constituents complaining about the rise in retail milk prices and blaming the increases entirely on a higher return for the farmer. I am sure other Members of the Congress have had the same experience.

At the same time, I have noticed a number of press reports in which dairies and retailers have announced increases of from 2 to 2½ cents a quart in milk prices, attributing the rise entirely to the increase in farm price supports for fluid milk.

The rise in price supports was absolutely necessary to improve farm returns for milk and to encourage dairymen, who had been culling and selling off their herds at an alarming rate, to stay in business. Without it, we were confronted with declining production and severe shortages of milk and dairy products which would have skyrocketed prices much more than the 50 cent per hundredweight increase in the manufacturing milk support and the 22- to 24-cent-per-hundredweight rise in the fluid milk support.

That increase was nominal indeed in comparison to the prospect of sharp rises growing out of the potential shortage. According to my calculations, the farm price increase should have brought no more than a one-half cent increase per quart on the retail end.

Mr. President, I am indignant over the way retail price rises of much more than that have been blamed on the farmer. We are witnessing evidence of the reason why consumers sometimes view reasonable increases in farm returns with a critical eye, and why they tend to blame farmers every time retail prices go up. They are being told today that farmers are responsible for a milk price rise that has been, in some cases, as much as five times the amount justified by any increase which got into the farmers' pockets.

It is extremely important that consumers receive accurate information about the great bargain they are getting from farmers. We recognize in rural America that we must have the support of consumers to eventually attain the goal of parity returns for agriculture. We believe that over the long run there is no conflict between the farmers interest in parity returns and the consumer's need for abundant supplies of reasonably priced food. The dairy situation today is ample evidence of that fact.

The new president of the National Farmers Union, Mr. Tony Dechant, has today issued a message that I believe should be read by consumers. It asks them not to blame farmers for increases in the retail milk price that have not gone to farmers. I ask unanimous consent that Mr. Dechant's statement be printed at this point in the RECORD.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

[Press Release from National Farmers Union, July 22, 1966]

DECHANT SAYS FARMERS ARE WRONGLY BLAMED FOR MIDDLEMAN'S INCREASED TAKE ON MILK

National Farmers Union president Tony T. Dechant has urged consumers "not to blame farmers for rises in retail milk prices caused by an increased take for the middleman."

Dechant said today in Denver, Colo., that on a nationwide basis, retail milk prices have gone up by at least three times the amount justified by the Department of Agriculture's order earlier this month raising dairy price supports. And he said that dairies and retailers, "almost without exception, have attributed the entire increase to higher farm returns.

"These attempts to mislead the consumer need to be countered by the facts," Dechant said.

The Farmers Union leader said that early in July the minimum price for Class I fluid milk was raised by 31 cents per hundredweight, but that the actual increase in costs to the processor has been estimated at between 22 and 24 cents because market prices had been running above the support.

"With about 23 half-gallons in a hundredweight, that would justify a rise of no more than one cent in the retail price of a half-gallon of milk. Yet the reports I have received indicate that the smallest rise in half-gallons has been three cents, and that it has been substantially more than that in some areas.

"We looked upon the increase in dairy price supports as a step to protect the consumer as much as to help farmers, because without it the continuing sell-offs of dairy herds would have resulted in severe shortages of dairy products and an inflationary spiral in prices," Dechant said. "But the processors, by using it as an excuse to increase their share, have blunted the benefit to consumers and are giving the farmers a black eye in the bargain.

"I don't believe consumers would have objected to a modest rise in order to prevent dangerous inflation in the future. But they have every right to object when retail prices are increased by three times the amount justified and more.

"And farmers have reason to object, too, for once again being made the fall guy for increased returns for someone else," Dechant declared.

Mr. McGOVERN. Mr. President, as anyone who has attempted to gain an understanding of milk prices in the United States well knows, the various factors affecting prices in Federal marketing order areas, and the wide variations in these areas both in farm and retail prices, make it difficult to get an accurate picture. For this reason, I intend to introduce in the Senate Agriculture Committee a resolution which would enlist the aid of the Department of Agriculture in a survey of the recent increases in retail milk prices, their relationship to the increase in farm returns, and the extent to which the public has received faulty information with respect to the farmer's responsibility for it.

For the benefit of members of the committee who will be asked to consider it, I ask unanimous consent that the resolution be printed at this point in the RECORD.

There being no objection, the resolution was ordered to be printed in the RECORD, as follows:

Whereas members of the Senate Agriculture Committee are receiving protests against milk price support increases indicating public misunderstanding of the extent of April 1 and July 1 rises in supports to farmers, and,

Whereas scattered newspaper accounts indicates retail price increases of as much as 5 times the price support increase to farmers have been attributed entirely to the increase in farm return: Now, therefore, be it

Resolved, That the Secretary of Agriculture is requested to make a survey through the field office of his Department of the amount of retail milk price increases since April 1 in towns and cities of the Nation, their relationship to increases in farm price support in each instance, and the extent to which the public was clearly advised, or misinformed, as to the reason for such increase.

FOOD FROM NATURAL GAS: LORD ROTHSCHILD'S DISCOVERY AND EVALUATION

Mr. HARTKE. Mr. President, the most important race for the future of the world is that between population growth and food production. Recently, new hope has been offered to the people of the world by a discovery of historical importance made by the Royal Dutch Shell group. The discovery is that natural gas can be transformed into raw protein—the No. 1 nutritional raw material.

The man most responsible for this great achievement is Lord Victor Rothschild, a member of the extraordinarily talented and creative British Rothschild family. In an interview with my distinguished friend, Eliot Janeway, published in the Chicago Tribune of July 21, Lord Rothschild explained and evaluated his discovery.

I ask unanimous consent that the article entitled "Distribution Is Key to Protein Problem," written by Eliot Janeway, and published in the Chicago Tribune for July 21, 1966, be printed at this point in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

DISTRIBUTION IS KEY TO PROTEIN PROBLEM

(By Eliot Janeway)

NEW YORK, July 20.—"An army fights on its stomach," Napoleon said. The contemporary world is inclined to believe that if you can feed people, you may not have to fight them. Certainly, as the rest of the world sees it, the most conspicuous success of the American system is rooted in the prodigious output of its food producing resources; while the most ominous and alarming failure of the Soviet system has been advertised again and again, first, by Russia's crop failures, and, now, by China's.

Believing that if the free society can harness the discoveries of the laboratory to produce abundance for all, it can remain both free and a society, this column asked Lord Rothschild, research coordinator of the Royal Dutch Shell group in London, to describe his epoch-making findings in the field of protein nutrition. Lord Rothschild is the father of one of the senior partners of London's famed N. M. Rothschild & Sons.

Janeway: We hear a lot nowadays about the "nutritional gap," about "subsistence diets" and "protein shortages." Is there really a world shortage of protein?

PROTEIN SUPPLY PLENTIFUL

Rothschild: Indeed not. There is, in some countries, a shortage of "natural" high-protein foods—meat, fish, eggs, milk, grains, and so on. Consequently, some peoples, especially in the emergent countries, are subsisting on protein-deficient diets. But the real problem is one of distribution, not supply.

Janeway: Is it true that your company has recently found a way to get edible protein from natural gas?

Rothschild: Yes, it is. What we have actually found is a bacterium which uses the methane in natural gas as its sole source of energy for reproduction. These bacteria consist of about 50 per cent protein, and the protein can be extracted from them as a tasteless white powder. All living cells need protein to maintain and reproduce themselves. No matter how you slice or flavor it most nutrition boils down to protein.

Janeway: So the nutritional gap is really a protein production problem?

ATTITUDES A PROBLEM

Rothschild: It's not quite that simple. You can package the protein in pills, or in any shape and with any taste you want: chocolate or strawberry jam or caviar. But it takes a certain degree of sophistication to be willing to take a pill just because you know it's good for you. Undereducated people—and for the most part they're the ones who need the protein—tend to resist eating anything unfamiliar. In Jamaica, for instance, babies eat protein in the form of powdered, dried grass with apparent pleasure, but grown-up Jamaicans won't touch it. So there is a packaging problem.

Janeway: What about soybeans as a source of protein?

Rothschild: The composition of soybean protein is not as good as that of animal protein. When you're trying to make up protein deficiencies, it's better to get the protein with the best composition.

Janeway: But won't people object to "eating bacteria"?

Rothschild: The protein extracted from the bacteria contains absolutely no bacteria at all. It is just a pure protein and one which, because it contains the amino-acid methionine is of exceptionally high nutritional value.

Janeway: Has your company made any evaluation of the economy feasibility of this project?

FEASIBILITY NOT TESTED

Rothschild: No. It is still too early to do this. The scientific problems are solved, and we are now entering the feeding trial stage—that is, we're moving from research into development. But decisions about production will probably not be made for another two years. There's certainly no shortage of methane, and it's cheap to ship pills. If we can make the price right, and if we can persuade human beings to eat protein in new forms, we may be on the way to solving a good part of the world's nutritional problems.

Janeway: This sounds more like the kind of research that used to be done only in university laboratories. But now the universities are increasingly commercial, and industrial corporations like Shell are doing more creative work.

Rothschild: It seems so. This is really an interdisciplinary venture, involving the fields of nutrition, biochemistry, bacteriology, geophysics—and dependent on economics and finance.

COTTON RESEARCH

Mr. THURMOND. Mr. President, on June 30 WBT and WBTV in Charlotte, N.C., broadcast an excellent editorial regarding passage of the cotton research bill. This editorial elucidates so well the reasons behind the need for this legislation. I ask unanimous consent that it be printed in the Congressional Record.

There being no objection, the radio editorial was ordered to be printed in the Record, as follows:

[WBTV Editorial, June 30, 1966]

The Cotton Research Act

The Cotton Research and Promotion Act just passed by Congress provides a perfect example of what should be the proper function of government in its relation to private business. It sets up a new area of cooperation, but it does not exercise the tight control that is found in so many other activities of the Department of Agriculture.

This bill allows cotton growers to assess themselves one dollar a bale to be used for research and development, thus enabling cotton to compete for the textile market on a more even basis with other fibers. But there is nothing compulsory about it. Any farmer who objects can get his dollar back.

The bill also provides for a referendum among the farmers, to decide whether to make the assessment or not. This, too, is not a government operation. The farmers will merely be using the machinery already set up for other referendums.

The only part of the plan that has any hint of government regulation is the provision that the Secretary of Agriculture will appoint a cotton board to administer the system. But he does not pick his own men, he must choose from among men nominated by the cotton producer organizations. This board will not spend any money, but will contract with a national organization for the planning of programs and the use of the money.

So this is a project free from government control, but with the advantage of having government help in ways that do not give it authority over the plan. If this method of cooperating without control had been used through the last twenty years by the farmers and the Department of Agriculture, we would not be plagued today with the house-that-Jack-built structure of agricultural controls piled on top of controls. We have price controls, soil controls, acreage allotments, crop loans, export subsidies, and a system of quotas that would almost drive a computer mad.

When it was first established, the Department of Agriculture had a legitimate and worthwhile function. It helped farmers develop new and better strains of plants and animals, fought disease and insects, and gave instruction in soil management and fertilizers and marketing methods. It provided a climate in which the business of farming could prosper.

If it had stayed in this area of helping rather than ruling, there would be no objection to its activities. But when it went in for all the controls and red-tape wrappings that now tie up the farmer, it almost destroyed the free market in crops—especially the five basic crops.

In this cotton Research and Promotion Act, the government controls nothing. It is merely lending organizational machinery to the farmers to conduct their own vote, collect and spend their own money, and manage their own research program. It does just what ought to be done in all similar programs—that is, the government helps the farmers to help themselves.

ADVERSE EFFECTS OF THE HIDE EXPORT ORDER

Mr. McGOVERN. Mr. President, I remain very hopeful that there will be opportunity to get congressional action on S. 3175, an amendment to the Export Control Act, before the present Congress adjourns.

Evidence is accumulating that the order restricting cattle hide exports is having adverse effects on the very consumers it was supposed to protect, as well as on cattle producers and packers.

As is now well known, the price of shoes, which the hide export controls were supposed to keep down to consumers, went up shortly after the export order was issued.

One of the effects of the order is to cut off hide supplies to foreign shoe manufacturers and thereby protect the domestic manufacturers from the competition of imports. At the time the hide order was issued, Barron's magazine predicted that over a period of time, the market protection afforded the domestic industry would result in a lessening of competition and managed shoe and leather goods prices. I am advised that there are indications of this already coming about.

I have today received a resolution adopted by the National Independent Meat Packers Association, protesting the hide export order and supporting S. 3175. The resolution points out that the meat produced from a cattle carcass does not pay the packers' cost of the live animal—they make up the deficit and any profit from byproducts, including hides. With the softening of the market for hides, and lowered returns from this byproduct, the packers have to pay the farmers less for animals or get more for meat from the consumers, or both.

The consumers, already paying more for shoes, consequently face higher meat prices as the result of this supposedly anti-inflationary hide export order.

I ask unanimous consent, Mr. President, to include in the Record the resolution of the National Independent Meat Packers Association, adopted at their recent annual meeting.

There being no objection, the resolution was ordered to be printed in the Record, as follows:

Resolution of National Independent Meat Packers Association Regarding Legislation To Amend Section 3(c) of Export Control Act of 1949

Whereas, it is an interesting economic phenomenon of the meat packing industry that the dressed beef carcass normally must be sold by the packer for less total dollars than the initial total cost to him of the live animal, thus requiring the packer to make up the difference, as well as any profits, on byproducts, and

Whereas, for many years the members of the livestock and meat industry, have recognized that an increase in the per capita consumption of beef was being accompanied by a decrease in demand for the hide of the beef animal, thus creating a growing imbalance in the hide market between supply and demand, and

Whereas, affected segments of the livestock and meat industry actively sought and finally developed—with the support and cooperation of the Federal Government—improved export markets for hides, and

Whereas, the issuance by the United States Department of Commerce of export controls on cattle hides, ostensibly to prevent the price of shoes from advancing by holding down the price of one of the raw materials, has severely damaged the work of years in developing foreign markets for hides, and

Whereas, the price of shoes has advanced further, even with export controls on hides, thus obviating the fact that the controls have failed the purpose and reason for which they were issued, and

Whereas, recent events have indicated that it is desirable and necessary to have a specific official who is in the best position to be well informed about domestic economic and supply conditions, gather up-to-date information, and on this basis make a specific determination of the existence of conditions which may require the President or his delegate to use the authority of the Export Control Act of 1949: Now, therefore, be it

Resolved, That it is the conviction of the National Independent Meat Packer Association that Section 3(c) of the Export Control Act of 1949 should be amended as proposed in the bill, S. 3175, introduced by Senator McGovern, and that the National Independent Meat Packers Association fully supports this bill, its legislative intent and purpose.

CAPTIVE NATIONS WEEK

Mr. LAUSCHE. Mr. President, the ideas of self-determination and independence have always played the most important part in American political history. Throughout our past we have defended these principles. Today we continue to lend our support to all peoples and nations striving to gain individual and political freedom.

It is for this reason that the fate of the countries of Eastern and Central Europe concerns us deeply. The history of these nations provides a long account of the persevering struggle of their people for the right to determine freely their own affairs, to decide by themselves on the policies of their countries.

Recent developments in Eastern Europe are encouraging, and have given us new hope for a better future for these states. Only a few months ago we witnessed a dramatic assertion of independence and political sovereignty by Rumania. Rumania, however, is not an isolated case. The policy of many governments following a centralized direction is not working and will not work. The monolithic unity of the Communist bloc under Soviet domination has been disrupted. Physical outside intervention and coercion are no longer the order of the day. Compromise and cooperation have begun to take the place of suppression. The weakness of centralized control has been demonstrated. Internally the people have properly won more rights. There is greater freedom of artistic and literary expression, there is a new openness to outside influences. A marked contrast, indeed to the dark days of Stalinism.

We welcome these developments, however limited in scope they may be, for they can only serve the causes of freedom and justice. We hope that these liberalizing trends will continue and that greater progress will be made. It is our task to give the peoples and nations of Eastern Europe understanding and support. Through a strategy of peaceful engagement Americans are willing, in the words of our President, to build bridges between their peoples and ourselves. We are looking forward to the day, Mr. President, when the nations of Eastern Europe will have gained full freedom and independence, when they will no longer be captive nations.

SECRETARY FREEMAN ON FORESTRY

Mr. MORSE. Mr. President, at the recent annual meeting of the National Forest Products Association, Secretary of Agriculture Orville Freeman made a comprehensive report on national forest activities.

Of special note are the Secretary's remarks concerning the gains made in multiple-use activities in our national forests. They include:

First. A 45-percent increase in timber cut between 1960 and 1965 in the Douglas Fir forests of the Pacific Northwest;

Second. Creation of a Board of Forest Appeals;

Third. Revised timber sale contracts;

Fourth. An agreement on access roads;

Fifth. A record reduction in acres burned by forest fires; and

Sixth. A new record in tree planting which exceeds that set in 1936 under the old Civilian Conservation Corps program.

In addition, Secretary Freeman reported on studies underway on timber appraisals and allowable cuts. I commend his speech for study by my colleagues in the Senate and by all who are interested in proper management of our national forests.

I ask unanimous consent that the Secretary's speech be printed in the RECORD.

There being no objection, the speech was ordered to be printed in the RECORD, as follows:

SPEECH BY SECRETARY FREEMAN

It is indeed a pleasure to meet again with members of the National Forest Products Association.

Much progress has been made since we met a year ago . . . progress on our joint undertakings, progress by your industry, progress by the Forest Service, and progress by the general economy.

First, let me quickly review the joint projects we have had underway since our first meeting in 1962.

NATIONAL FOREST TIMBER CUT

The National Forest timber cut keeps going up. We expect it will be 12 billion board feet for the fiscal year ending June 30, 1966, an increase of about three-quarters of a billion board feet over the preceding year.

In 1962 the cut was 9 billion board feet. This increase of 33 percent in the cut during the four-year interval is a quick and simple index of our joint progress . . . and it is an accomplishment in which both your industry and the Department of Agriculture can take pride.

TIMBER APPRAISAL

Virtually all of our work on timber appraisal the past year has been in connection with a review of Federal timber pricing for the Budget Bureau. The work has been done jointly with the Bureau of Land Management of the Department of the Interior.

It has been necessary to defer the start of the profit study I discussed with you last year until this project for the Budget Bureau is completed.

The pricing study is scheduled for completion at the end of this month, and we plan to start the profit study shortly thereafter. As a result of closer coordination with the Bureau of Land Management, we are now planning to make this study on an interagency basis.

APPEALS

The Board of Forest Appeals is now organized and doing business, with John R. Harris of the General Counsel's office serving as chairman of the board. The first meeting of the board was held last week, and on May 2 we issued a press release which identified the five regular and the three alternate members. The proposed rules of procedure will be published in the Federal Register this month.

TIMBER SALE CONTRACT

The revised timber sale contract has been in use for almost a year, and thus far we have been surprised by the lack of problems its use has generated. I am told that excellent work has been done by local industry groups with the Regional Offices of the Forest Service in developing C Division clauses to fit local conditions.

We must recognize that this contract project is not a one-shot proposition and must be kept alive by constant scrutiny and exchange of views by the Forest Service and industry people.

ACCESS AND EASEMENTS

We have reached agreement with you on road regulations and easement forms for use in connection with the Act of October 13, 1964. I understand that just recently there has been a successful joint effort on procedures and content of cooperative agreements for development and use of roads to serve intermingled private and public lands. I want to thank the Industry people who participated in this cooperative effort.

INDUSTRY PROGRESS

The progress of your Industry can best be measured by your production records and the prices for your products.

You have developed new products and new marketing techniques, and unquestionably you are in a stronger position today than you were a year ago. The nation needs a healthy forest products industry, and I congratulate you on your progress.

FOREST SERVICE PROGRESS

The past year also has been a year of progress for the Forest Service. In addition to a new record cut, an all-time low of 76,431 acres were burned within National Forest protection areas. The average annual burn for the preceding five years was 2.7 times greater.

Tree planting was also at a record level, with 232,742 acres of National Forest land planted or seeded. This exceeded by about 10,000 acres the longstanding record established by the Civilian Conservation Corps in 1936.

THE GENERAL ECONOMY

The general economy, as you must know, is robustly healthy.

Americans are enjoying an unprecedented stretch of prosperity . . . a prosperity which has now extended 62 consecutive months . . . and which shows no signs of falling off.

Over the past five years seven million new jobs have been created. The percentage of unemployed in February and March of this year stood at 3 and ¾ percent, the lowest in 12 years. Five years ago this figure was above 7 percent.

During that same five year period, the purchasing power of the average farmer's income shot up by a third; corporate profits after taxes soared 88 percent; weekly earnings in manufacturing climbed 25 percent; and our total output of goods and services jumped an amazing 31 percent.

Did these truly impressive achievements just happen? . . . Just come about by themselves?

We in this Administration don't think so. We like to think they came about, in part at least, because of vigorous, imaginative, and responsible application of Governmental fiscal and monetary policies, combined with the best working relationship between government, business and labor in the history of the U.S.

PPBS

Let me turn now to the inquiries on broad public policy which have been made by your executive vice president, my good friend Mort Doyle.

Your leadership has inquired about the effect of the Programming-Planning-Budgeting System will have on Federal timber management and on other Department of Agriculture and Forest Service programs affecting the forest industry.

This new approach to Federal budgeting is more than just a different way to keep records and charges. It is actually an important facet of a new program of inquiry and challenge which is being applied to all Federal activities by this Administration.

It reflects President Johnson's businesslike approach to government. He is determined to have every on-going program carefully analyzed to make certain it is necessary.

The basic procedure of the Programming-Planning-Budgeting System is simple. A broad management objective is identified. Then an analysis is made to establish the inputs which go into the project. We also make an estimate of the end product outputs and then compare costs with returns.

A second phase of the procedure is to consider alternative courses of action. Thus we consider how much of a change in output will be obtained from an increase or decrease in input.

This provides a systematic basis to judge whether more or less resources and effort are justified for a particular project. We also consider the inputs and outputs involved in accomplishing the same objective in a different way.

This is the basic tool in the Programming-Planning-Budgeting System. If an analysis indicates that a project is too costly, the System provides for special studies to prove or disprove this indication or to develop alternative approaches.

The procedure is simple, but it is also subtle. The P–P–B system forces everyone concerned to think and to justify the course of action advocated. This course must not only have an acceptable cost-benefit relationship, it must be better than any available alternative course of action.

Your interest in the possible effects of P–P–B–S on Federal timber management activities understandably centers on National Forest timber sales.

The National Forests are now supplying nearly 30 percent of the total roundwood raw material for the forest products industries of the Nation. A steady flow of this raw material is vital to maintaining an orderly market and price structure for lumber, plywood, paper, and other forest products. This steady flow is also vital to maintenance of employment and support to forest-dependent communities. Keeping timber sales going is a basic management objective. The P–P–B System will, I think, help us to do it even better.

The various programs of the Department to increase productivity on State and private lands constitute a second area of Federal timber management.

A study of input-output relationships at various levels and in different parts of the country should show how to get more effective results per dollar of input.

Forest management research activities, protection policies for both fire and forest pests, and reforestation and stand improvement programs will also be reoriented on the basis of P–P–B–S reviews.

The new System will be applied to all activities of this Department and, as a matter of fact, to all activities of the Federal Government.

In summary, the forest products industries have nothing to fear from the Programming-Planning-Budgeting System. It is designed to insure that first attention is given to first priorities in the Forest Service. As we learn to do that with more preciseness and efficiency everyone will benefit.

TIMBER WITHDRAWALS

There is nothing new about the fact that timber cutting is restricted or prohibited on certain areas of the National Forest System. What *is* new, and of real significance to both Industry and the Forest Service, is growing public sentiment in this direction.

The 1964 Wilderness legislation reflects this growing public interest. The nationwide campaign for a more beautiful America is a potent force. The surge in outdoor recreation continues ever upward. Wild Rivers proposals, National Recreation Areas, landscape management zones—all of these and more have a direct bearing on the availability of National Forest timber for industrial use.

Our specific challenge—and we both are full partners in facing it—is to help guide the allocation of land and resources in the direction of full and balanced use. It will tax our ingenuity to the utmost, I'm sure, but it's a job that can and must be done. For example, much more effort and imagination needs to be demonstrated in safeguarding esthetic values as we go about our business. Much more skill is needed in developing public appreciation of a forest at work—and why it *must* produce crops of timber.

Administrative decisions by the Forest Service can restrict timber cutting. One example is developed recreation sites. On these sites, cutting is done only for clearing, site improvement, or safety.

Although there are many such decisions, these should *not* create a significant impact. The amount of land involved in such occupancy areas is less than six-tenths of one percent of the total National Forest acreage.

On the whole, I do not think that "withdrawals" for specific purposes will result in a serious impact on the availability of National Forest timber. It is the more general case of public attitudes toward forest management that requires our immediate attention.

Our concern should be that the nation adopts rational policies governing the use of public resources. How well logging can be fitted into such a program, in balance with other uses, will largely determine the availability of timber from the National Forests. We need your help in working toward that end.

ECONOMIC OPERABILITY

Some misunderstanding has recently developed because of the difference between timber which is unavailable for cutting because of withdrawal for other uses and timber which is currently nonoperable because of adverse cost-return relationships.

The Forest Service uses the term "operable timber" to mean timber which appraises to at least minimum stumpage rates after allowance for a normal margin for profit and risk. Nonoperable timber is not withdrawn from commercial timber management. Allowable cuts are determined on the basis that currently nonoperable timber will become operable in time when needed for harvesting to meet allowable cut schedules. In the National Forests where there is a demand for the full allowable cut, most of the timber is currently operable and there is no problem.

There are a few National Forests in the Rocky Mountain States where much of the timber is nonoperable. Here the Forest Service is now making surveys to get the facts on operability. These operability studies are not for the purpose of withdrawing timber from commercial use.

Operability studies give a quantitative rating of the economic difficulties and the problems to profitable commercial utilization of National Forest timber. They will flag the areas where particular emphasis should be given to construction of publicly-financed timber access roads.

Nonoperable timber is included in the inventory which, with growth potentials on the lands available for cutting, is used to determine allowable cuts. Where most timber in a working circle is nonoperable, timber sale offerings must necessarily include some of it. It is available for sale if operators want to purchase it.

PRICES AND INFLATION

So far I have been talking about production, and production, of course, is of vital importance in our current effort to maintain price stability.

Earlier I remarked that our general economy is healthy. It is robustly healthy. But with high employment and widespread prosperity come inflationary pressures.

Our economy is now operating near the limits of its productive capacity. When that limit is approached, inflation can result if we try to buy more goods and services than the economy can produce.

The President has called upon all of us to join with him to fight the threat of inflation.

The Administration has taken action on a number of fronts.

A number of industries have been persuaded to avoid or modify unnecessary price increases.

Business and industry have been asked to reconsider plans for plant and equipment investment . . . and to postpone what can be postponed. Local and state governments have been asked to do the same.

Monetary and fiscal policies have been adjusted to discourage unnecessary borrowing and credit buying.

Higher payroll taxes, graduated withholding of personal income taxes, accelerated corporate tax payments and the postponement of the scheduled reduction of excise taxes on phones and cars will combine to drain off some excess purchasing power.

Heeding the need for increased defense spending, the Federal government held the expansion of civilian spending the coming fiscal year to only $0.6 billion.

The civil service pay bills of last year and this year provide pay raises for Government employees within the guidelines the President has recommended for private workers.

And the Administration has repeatedly asked private workers to exercise moderation in wage demands. The cooperation for the most part has been excellent.

But labor is understandably concerned about consumer prices, and business and industry profits, and its continued cooperation will depend in large part on just what happens to those prices and profits.

The higher food prices of earlier this year caused some of this concern, and I would like to talk about that for a moment or two.

Farm prices for a few products rose to unrealistic levels early this year because of exaggerated cyclical reductions in production and because of adverse growing conditions, primarily weather.

The conditions which resulted in a few "unrealistic" prices no longer exist. Retail food prices should begin to decline if food processors react responsibly to the stabilizing of farm prices.

Unfortunately, that temporary abnormality of certain farm prices gave some people a distorted picture of farmers, farm programs and farm income, and now certain of the overzealous, especially certain big city newspapers and political office seekers, are making the American farmer the whipping boy in the struggle against inflation.

This is wrong. This is unjust. I say this because the record will show that the American farmer actually subsidizes the cost of living . . . rather than inflates it.

I say this because Americans still spend a smaller percentage of their income for food than any other people on earth.

I say this because an hour's pay today buys more food than it did in 1960 . . . and double what it bought 30 years ago.

I say this because while consumer food prices are up 12 percent over what they were in 1952, farm prices in 1965 were 14 percent below what they were 13 years ago. Farm prices that lag so far behind other prices in our economy can hardly be called inflationary.

Nevertheless, although farm prices lag, the farm economy today, because of new programs developed the last 5 years, is healthier than anyone could have anticipated six years ago. Farm income this year will climb to the highest level in history, except for the postwar years of 1947 and 1948.

Net realized income per farm will reach $4,600 this year, an increase of about 55 percent in the past six years. Surpluses have been eliminated and we spend over 200 million dollars less for storage than we did 5 years ago.

The Department of Agriculture is pleased, and takes some degree of pride, in this truly remarkable record of progress. But it is far from satisfied.

For though the income gap between farm and nonfarm people is narrowing, people on the farm this year will still earn only 65 percent of what nonfarm people earn.

The farmer has not yet attained that parity of income, that full, fair share of our national prosperity, which is rightfully his. I am pledged and determined to do what I can to see that he gets that full, fair share as quickly as possible.

I have digressed, but I'm sure you understand why.

The topic of the moment is the threat of inflation. And inflation *is* a threat. Restraint is required of every sector of our economy.

It is the judgment of the Administration that present fiscal and monetary policies are adequate without tightening controls. And it is the judgment of the Administration that for the moment at least there is no need for an anti-inflationary tax increase.

This is, after all, basically a civilian, and not a war-inflated, prosperity. We have the fiscal and the monetary policies to deal with inflationary pressures. But coupled with those policies we need restraint and responsibility on the part of you, on the part of me, on the part of everyone.

LUMBER PRICES

Lumber and plywood are basic commodities for virtually all forms of building and construction. As such, their price movements affect the economy critically.

Your industry is highly competitive. In fact, there are no recognized price leaders. This makes it all the more urgent to cope with the factors which have caused the recent sudden bulge in lumber and plywood prices. I am aware that the lumber industry has not enjoyed as favorable a profit position as many other segments of our economy. Nonetheless, most of you will agree I think, that recently prices have moved up so rapidly that there is serious doubt whether the present prices are good for the industry and the nation.

It is to your interest and the Nation's interest to hold price increases within the President's guidelines.

The Administration will continue to do its part by maximizing the raw material available from the National Forests in every way possible. The new record cut of 12.0 billion board feet for the fiscal year ending June 30, 1966, will, we hope, be followed in fiscal year 1967 by another increase to a new record total cut of 12.75 billion board feet.

We are exploring ways and means to expand thinning and salvage sales in the Pacific Coast and Inland Empire States, for this would be a new source of raw material for industries where log supply is critical.

In short, we want to market more timber from the National Forests. Sound conservation principles must be adhered to but we will exercise every bit of ingenuity we have consistent with those principles to keep the supply of raw material growing.

ALLOWABLE CUT DETERMINATION ALTERNATIVES

There have been issues raised recently on alternate approaches to allowable cut determinations. Public discussion of this matter has centered around a so-called Duerr report which was prepared for the Forest Service in 1960.

A portion of this report raised challenges on the need for adhering to an even flow of forest products for supports of individual communities. It included a very tentative schedule for an accelerated program for cutting the old-growth timber in the Douglas-fir region. Continuous support of many communities could not be maintained under this proposed cutting schedule.

Because the Forest Service did not consider this alternative sufficiently thorough and mature enough to merit publication, it has been charged with trying to suppress this material. This is just not true. This material has now been published in the CONGRESSIONAL RECORD.

The Forest Service continuously seeks to improve procedures for determination of allowable cut. It has no reluctance to consider and discuss alternative approaches to allowable cut determinations. These discussions should be thorough and orderly. They must give consideration to the impacts of accelerated cutting on all the uses and interests which would be affected. This includes the viewpoints of those concerned with scenic and recreation values, watershed values, wildlife habitat, and continuity of support of individual communities.

We will be discussing these matters for many years. In the meantime, you should bear in mind that in the Douglas-fir region, where timber supply problems are most acute, the National Forest cut has gone up. In 1965 it was slightly more than 4 billion board feet, 45 percent more than the volume cut in 1960.

In summary, I feel the last year has been a year of mutual progress for the Department and the Forest Industries. We have worked together cooperatively and constructively. We have made tangible accomplishments in the harvesting of National Forest timber. Next year gives promise of both excitement and accomplishment. I look forward to enjoying both with all of you in the year ahead.

A SURGEON WRITES FROM VIETNAM

Mr. BYRD of West Virginia. Mr. President, I have today received an interesting letter and enclosure from Mr. James E. McCoy, Comptroller, First National Bank of Bluefield, Bluefield, W. Va. The letter and enclosure are self-explanatory, and I ask unanimous consent that they be included in the RECORD in order that Senators, Members of the other body, and other readers of the RECORD may know of the message which comes from an American volunteer physician serving in Vietnam at his own expense.

There being no objection, the letter and enclosure were ordered to be printed in the RECORD as follows:

THE FIRST NATIONAL BANK OF BLUEFIELD,
Bluefield, W. Va., July 21, 1966.
Hon. ROBERT C. BYRD,
Senator From West Virginia,
Senate Office Building,
Washington, D.C.

DEAR SENATOR BYRD: I am enclosing a copy of a letter from Dr. Robert Neilson, a member of the staff of Bluefield Sanitarium, who volunteered two months service in Viet Nam at his own expense. Dr. Neilson is a member of the First Baptist Church of Bluefield and needless to say we are proud of him and his devotion to humanity.

Very sincerely yours,
JAMES E. MCCOY.

PASTOR'S PEN

I received a most interesting letter this past week from our Dr. Robert Neilson. As you probably know he is in Viet Nam, volunteering his services for two months to perform surgery in one of our large government hospitals in Da Nang. This is a most worthy use of his time and skill.

May I share his letter with you:

"I just felt like writing a letter thanking God for Christianity and Christian ministers. The only spark of love and compassion I have seen in Viet Nam so far has been from Christians. All day long I am operating on women and children with severe injuries—arms and legs blown off by mortars, abdomen and severe chest injuries. Many lay out in the woods and rice paddies several days before being brought to the hospital. The Vietnamese without Christianity are without pity or compassion even for their own people. Even the native doctors and nurses are indifferent and compassionless. A few Catholic Vietnamese exhibit pity for the injured.

"Every day we see a dirty, tired, U.S. Marine bringing in some injured Vietnamese child—he is gentle, loving, tender with the child—nursing care by a tough Marine because he was brought up a Christian in the U.S. Every day I'm over here I see things that make me proud of the United States and our Christian heritage.

"We must not lose in Southeast Asia. Our work here is good and just, and we are not exploiting the Vietnamese.

"Sincerely,
"BOB NEILSON, M.D."

We are proud of Dr. Neilson—proud that he is one of the best thoracic surgeons in the country, proud that he has genuine compassion for his fellowmen, even in far away Viet Nam, and rightly proud that he is one of our devoted members.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Is there further morning business? If not, morning business is closed.

ORDER OF BUSINESS

Mr. MANSFIELD. Mr. President, I ask unanimous consent that, despite the Pastore ruling of germaneness, the Senator from West Virginia [Mr. BYRD] be allowed to proceed for 5 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MANSFIELD. Mr. President, at the conclusion of that time, the Senator from Louisiana [Mr. ELLENDER] will be recognized. I understand his amendment is pending.

The PRESIDING OFFICER. The Senator is correct.

CIVIL DISTURBANCES—A CALL TO THE PRESIDENT

Mr. BYRD of West Virginia. Mr. President, I have sent a telegram to the President today appealing for stronger leadership than has thus far been displayed to end the senseless riots which have broken out in our major cities in recent days and weeks, resulting in injuries and deaths to innocent bystanders, widespread destruction of private property, and the blackening of this country's name around the world.

The President's belated statement at a news conference this week warning civil rights workers that they stand to lose the support of many white citizens by these riots, apparently has gone unheeded. This is obvious from the riots which have continued in Cleveland and which occurred last night, between rival groups in Brooklyn.

My telegram to the President reads:

THE PRESIDENT,
The White House,
Washington, D.C.:

America is becoming increasingly disturbed by the wanton riots which are occurring with growing frequency in cities throughout the country. As in the Watts riot last year, the current riots do not revolve around the issue of civil rights. No one is being denied first amendment freedoms. No one is being denied the right to vote or the right to petition the government against grievances. The riots in Chicago, Cleveland, and elsewhere constitute sheer wanton looting, vandalism, and arson. There is no rational justification for tolerating these incredible attacks on firemen, policemen, and innocent citizens. It is time that the leadership of this country take a forthright and firm stand against acts of lawlessness which result in senseless loss of human lives and property.

Too long our leaders have been hesitant to speak out forcefully against rioters and lawlessness. In some instances, the public statements of our leaders may have been misunderstood as an open invitation to revolution and rebellion. The people have a right to expect strong leadership in condemning riots and violence, and I urge you to use the full power and prestige of your office to discourage and help bring to an end these lawless and provocative demonstrations and racial disturbances.

I appeal to you to speak firmly and unequivocally in support of the police departments which are being harassed and hampered in their efforts to control the riots and to maintain the law as a means of protection of people who wish to live their lives peacefully. Moreover, if the government has any evidence, of direct or indirect ties between riot leaders and communist elements, or if the riots have been deliberately planned by trained agitators, as has been implied in some press reports, I urge that the public be so informed. I also urge that you place upon leaders of the Negro communities in the large cities the responsibility of assistance in handling and policing these professional agitators themselves. The least that responsible Negroes can do is to inform and cooperate with the law enforcement authorities in controlling and preventing further racial conflict.

Continued violence will set back the cause of civil rights for another generation and an already deplorable situation will grow worse if irresponsible elements in our society are not made to understand that civil rights go hand in hand with civic and social responsibilities and that continued provocations and violence will not be condoned but will be confronted by the full weight of a government that rules through law.

Mr. President, the time has come for the President of the United States to use the full power and prestige of his office to discourage and help end these lawless demonstrations. Law-abiding people cannot accept wanton destruction of property and deliberate shooting of human beings as a just way to gain social rewards.

I appeal to the President to speak firmly and unequivocally on these dangerous situations. I appeal to him to say that they must end and that they will not be tolerated. I appeal to him to urge the rioters to live within the law.

The President must speak out now to civil rights organizations and challenge them to disavow violence.

Unless this is done I fear that our major cities may well become the battleground for rival juvenile gangs and militant civil rights forces.

The police departments in the large cities of this country are harassed and hampered in their efforts to control these riots by the lack of full support of the civil rights leaders. The time has come to give the police departments of the country and the law-abiding citizens of this Nation the best support they can receive and that would be the full and publicly expressed support of the President. I appeal to the President to speak out strongly, forthrightly, and plainly against lawlessness, crime, and violence, and in favor of maintaining the law as a means of protection for people who wish to live their lives peacefully.

Mr. THURMOND. Mr. President, will the able Senator yield?

Mr. BYRD of West Virginia. I am glad to yield to the Senator from South Carolina.

Mr. THURMOND. Mr. President, I would like to be associated with the remarks of the distinguished Senator from West Virginia [Mr. Byrd] and commend him for his splendid statement.

I have made remarks along this line on numerous occasions. I feel that the time has come when it is essential that the President take a stand on this matter.

The country has almost come to the point now of whether we are going to have law or whether we are going to have a lawless country.

I feel that the time has come when the Congress must submit a constitutional resolution that will provide that certain changes can be made in confessions.

The PRESIDING OFFICER. The 5 minutes of the Senator from West Virginia have expired.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent to proceed for 2 additional minutes.

The PRESIDING OFFICER. The Senator from West Virginia is recognized for 2 additional minutes.

Mr. THURMOND. Mr. President, the old rule was that if a confession was voluntary, that was the test. As a lawyer, I have witnessed that rule being followed for many years. As a judge, I charged that rule to the jury, that so long as the confession was voluntary—and that was a matter for court and jury to determine—it should be admitted.

Last week, I was talking to a chief of police and he told me that in 90 percent of the crimes which occur, the criminals are apprehended chiefly by confessions or where there is a followup in getting a confession. He said it was difficult to get witnesses and to produce evidence that might be sufficient to convict, in many cases.

I am therefore hoping that the Judiciary Committee of the Senate will submit to the Congress a proposed amendment to the Constitution which will have the effect of invalidating the unreasonable, impractical, unwise, and unwarranted decisions of the U.S. Supreme Court along this line.

Again I commend the able Senator from West Virginia for his stand on this matter.

Mr. BYRD of West Virginia. I thank the Senator from South Carolina for his comments.

Mr. President, I ask unanimous consent to have printed in the Record an editorial which was published in the Moorefield Examiner, In Moorefield, West Virginia, on July 20, 1966, entitled "More Riots."

There being no objection, the editorial was ordered printed in the Record, as follows:

More Riots

We are disturbed by the three days of riots in Chicago which resulted in the deaths of three persons, injuries to scores, and hundreds of thousands of dollars in damages to private property. Again, as in the Watts riots in Los Angeles, it wasn't a case of civil rights, no one was being denied the so-called freedoms, no one was denied the right to vote, the right to protest, the right to march, or any other of the alleged grievances associated with the civil rights movement. The Chicago riots were sheer wanton looting, vandalism and arson. There simply is no rational reason for hundreds of negroes breaking store windows so they could steal the contents of the stores. There is no rational reason for deliberate arson, for attacking strangers, hurling rocks and bricks at passing cars. What sort of criminals are they that hide in upper story apartments and shoot at police? It was incredible that no one was hit in the hundreds of shots that were fired.

And all of this senseless damage, mostly to property owners who had nothing to do with any of it, was supposedly caused because police turned off a fire hydrant which was illegally turned on.

While we are far from being an admirer of Dr. Martin Luther King, he was making honest, frantic but futile efforts to stop the senseless violence. As were other dedicated civil rights workers. The violent, property destroying, thieving and wanton burning of private property by criminals has done more to crystalize opinion against the emerging negroes than anything else that could happen. Most people in the country are either indifferent to the cause of civil rights, or have mild reservations. A relative few are either rabidly for or rabidly against the movement.

It is apparent that these riots are a bit more than spontaneous occurrences. Too many people are involved. They are too well prepared, which makes it obvious that there are agitators on the spot who spent considerable time planning the moves. It is also obvious that this violence is timed to occur whenever responsible, non-violent civil rights workers are conducting a campaign. There is no question about it that those fomenting and agitating these planned acts of violence are known in the negro communities. Whether they have direct or indirect ties with the Communists is academic, but the acts have all the earmarks of trained agitators and only two countries have schools for that kind of training.

We submit that the negro communities will have to accept the responsibility of handling and policing these professional agitators themselves. The least that responsible negroes can do is to inform the authorities. Continued violence will set back the cause of civil rights for another generation.

FOREIGN ECONOMIC ASSISTANCE, 1966

The PRESIDING OFFICER. The Chair, in accordance with the unanimous-consent request, lays before the Senate the unfinished business, which will be stated by title.

The Legislative Clerk. A bill (S. 3584) to amend further the Foreign Assistance Act of 1961, as amended, and for other purposes.

The Senate proceeded to consider the bill.

The PRESIDING OFFICER. Under the previous order, the question is on agreeing to the amendment of the Senator from Louisiana [Mr. Ellender] (No. 695), on page 14, line 23, to strike out "$700,000,000" and insert in lieu thereof $658,000,000".

Mr. TALMADGE. Mr. President, I suggest the absence of a quorum.

The **PRESIDING OFFICER.** The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. FULBRIGHT. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The **PRESIDING OFFICER.** Without objection, it is so ordered.

Mr. ELLENDER. Mr. President, the pending amendment is simple. It seeks to cut from the supporting assistance program only $42 million. The purpose of the amendment is, of course, to permit the authorization to coincide, so to speak, with what the Committee on Foreign Relations did in reducing the number of countries which will be entitled to these funds from 14 to 10.

I listened with great interest to much of the debate that took place yesterday afternoon when the distinguished junior Senator from New York [Mr. KENNEDY] made his speech. The great trouble is that many Senators are not too well informed about the foreign aid program. Over the past 18 years, the United States has been furnishing foreign aid to practically all the countries of the world and foreign aid has become an arm of our foreign policy. When this program began in 1948, funds were appropriated only to take care of Western Europe.

The countries there were badly in need of economic assistance because they had been ravaged by the action that ensued during World War II.

Mr. President, I voted for aid to Western Europe and I make no apology for this. I felt then, as I feel now, that it was a good thing to do. But I have since become disillusioned. I felt that if we did help the countries of Western Europe, that if, as, and when we needed their assistance, we would have no trouble obtaining it from them. But that has not happened.

Today our great country is engaged in a cruel conflict in southeast Asia. We have knocked many times at the doors of our rich allies of Western Europe for assistance, but most of them have said to Uncle Sam, "That is your baby; you nurse it." As a result of that attitude, we have been carrying the load in southeast Asia almost alone. The only assistance we are receiving there comes from the peoples of southeast Asia and from South Korea, which furnishes one division that we support in toto. We provide all of the military hardware, the transportation, and even a part of the salaries of the people who assist us in southeast Asia with the possible exception of Australia.

Mr. President, I want to point out that the amount of foreign aid that is made available, in the Foreign Assistance bill does not reflect the total amount of foreign aid we furnish each year. Last year, the President sent us an estimate which he called a barebones estimate of $3.4 billion. We finally voted for $3.2-plus billion. But in addition to that huge sum, we furnished $1.750 billion worth of food and fiber to our friends under Public Law 480 and some additional billions for international banks and organizations as was pointed out yesterday by the Senator from Illinois, the minority leader [Mr. DIRKSEN]. He presented evidence indicating that we are members of seven or eight international organizations, to which we have contributed and are contributing very heavily.

When these sums are totaled for this fiscal year it will be found that foreign aid will be far in excess of the barebones $3.3 billion the President is requesting in the pending measure.

As I stated yesterday, Mr. President, the current amount we provide for foreign aid is in excess of the yearly amounts provided by us during the early years of our foreign aid program.

Mr. President, it was my privilege to make a special trip to Western Europe in 1960 between the Democratic and Republican conventions. My reason for doing it was to try to substantiate some secret information that I had obtained from the Defense Department in respect to the extent of the military capability of our allies in Western Europe. When I read the secret document, I was dumfounded. I could not believe it. So I decided to find out for myself if it were true.

During this trip, I visited every NATO country with the exception of Greece and Turkey, and what I found to be reality was even worse than that revealed by the secret report. If the Russians had struck Western Europe in July of 1960, the only soldiers ready to go into that conflict would have been the five and a half American divisions and the brigade from Canada. It would have required time to get the rest of our allies ready.

Mr. President, it is indeed deplorable that we must continue, even today, to hold a military umbrella over our prosperous allies in Western Europe. We have furnished France more than $9 billion of aid, Germany over $5 billion, Italy over $6 billion, the United Kingdom over $9 billion, Greece almost $4 billion, and Turkey with $4.8 billion. Yet we must still provide these countries with military protection.

I do not want to go into the agreement or contract that we made with our NATO allies, but I wish to say emphatically that when I visited Europe in 1960, between the Republican and Democratic conventions, I was amazed, dumfounded, and disappointed at what I found.

Mr. President, our troops are in Western Europe in greater numbers than they were at the beginning of 1948. Senators who are acquainted with the situation know what happened shortly before our late President Kennedy was assassinated—that because of the flareup which took place in Germany, in addition to our five and one-half divisions, we had to send in excess of 47,000 men over there to show the Russians that we meant business.

Mr. President, that would not have been necessary if our allies had kept their promise. Today we have in Western Europe in excess of 600,000 Americans including troops and their dependents. It is costing the taxpayers of our Nation in excess of $2.3 billion a year to maintain those soldiers in Western Europe, in order to hold this umbrella of protection over our allies.

And it seems that we are not appreciated. We are now on the verge of having to spend more millions of dollars because Mr. de Gaulle is saying to us, in effect, "Get out of France; we don't need you any more. We can do without you."

We recently had a golden opportunity to let Mr. de Gaulle not only take care of the economic end in Western Europe, but the military end as well. If I had been President of the United States, I would simply have told him to take over.

Mr. President, last fiscal year, as I recall, the deficit in our balance of payments was about $2.6 billion; and that is just about the amount of money we spend in Western Europe in order to maintain the 600,000-odd Americans who are there, helping to hold that umbrella of protection.

Yesterday, in arguing for the amendment submitted by the distinguished Senator from Illinois, the minority leader [Mr. DIRKSEN], I put in the RECORD figures to show that of the $780 million that was available for the Development Loan Fund in fiscal year 1966 almost 50 percent of that huge amount had been obligated in the last month of the fiscal year.

You know, it is pretty tough for our administrators to get these countries to sign on the dotted line, and carry out programs in keeping with section 201 of the Foreign Aid Act. We have spelled out in the law, the conditions under which these loans are to be made. And I repeat, Mr. President, that it was never intended that any of the funds in the Development Loan Fund were to be used to buy commodities under the so-called program loans. The funds were to be used to improve the economic condition of those countries, by building something that would produce for them. In other words, they should be used for project aid.

Mr. President, the large amount of June obligations is not confined to the development loan program. On the contrary, it pervades the entire AID program. In the contingency fund, a total of $106 million remained unobligated at May 31, 1966, just 1 month before the end of the fiscal year. By June 30, 1966, this unobligated balance had been reduced to approximately $35 million. And how did this come about? During the last month of fiscal year 1966, in fact right up to June 30, the last day of the fiscal year, approximately $70 million was obligated. I ask, why should we provide so much if it is not used?

That has been the burden of the arguments that many of us have put forth in past debates. We have on many occasions provided entirely too much money for those nations to use wisely. That is why much of the money has been wasted.

My good friend, the junior Senator from New York, stated that some of our allies were doing more than we were, that we were spending less than one-half of 1 percent of our gross national product. As a matter of fact, if we were to add all of the many facets of aid together, it would be found that we are spending in excess of 1 percent of our gross national product to assist our friends across the seas. I do not believe that we have at any time been niggardly in providing our friends with the necessary moneys, food, and fiber.

Much has been said about what we should do in Africa and in South America. It has been my privilege to visit these areas of the world on more than one occasion, and I repeat what I stated in many of my reports. In the case of Africa, I do not care how much money we make available to the people living on that great continent, we shall never get anywhere unless we can get the natural resources there developed for the good of the people.

When I was in Africa in 1962, I found that most of the natural resources—in fact, practically all of the natural resources—were in the hands of Europeans. The Europeans own and control, lock, stock and barrel, practically all of the natural resources of the great continent of Africa. It is my belief that, unless those who own and control those resources work with the people of Africa and develop the minerals, the land, and the water for the good of the people of Africa, no progress will ever be made.

Our country affords a classic example of how a nation should be developed.

We borrowed millions of dollars from the rich of western Europe at that time—the Dutch, the English, and the French. We did not get money from them at one-half of 1 percent with a 10-year grace period, but we had to pay from 5 percent to as much as 7.5 and 8 percent for the money that was borrowed in order to permit us to develop the great resources of our country. Except for the fact that we ourselves undertook the job, worked at it, and developed those resources for the benefit of the people in the United States, we would probably still be as backward a nation as our forefathers found when they first came here.

But it was because of the work that was put forth by our forefathers in developing the resources for the benefit of all, that we developed into a great country.

I can say the same for the continent of Africa. Unless the great mineral resources—the water and land resources—are developed for the benefit of the people who live there, we can never expect great progress to be made in Africa. The same is true of South and Central America, as I have often said. But if that is done, I have no fear that the people will not get along. If a large percentage of the resources is used to build roads, schools, and hospitals, as we have done in our own country, there is no doubt that great progress can be made in the underdeveloped countries.

Incidentally, that is one of the reasons why I have always supported wholeheartedly our technical aid assistance program. The peoples of Africa, of South and Central America, and of Asia can get our know-how more or less for the asking. We have spent billions of dollars in research, and we have the know-how. In making available that experience to the peoples of Asia, of Africa, and of South and Central America, the economies of those countries can be developed.

But I criticize the State Department for having in advance promised Nigeria, in Africa, $250 million over a period of 5 years without consulting Congress or without consulting anyone else, except probably the Chief Executive. We agreed to put up $50 million each year, but I contended then, as I contend now, that most of that money is not being used to develop the great Nigerian resources. Nigeria is potentially rich, but all of the oil, all of the valuable timber, and all of the other natural resources that are in the ground in Nigeria are owned and controlled by Europeans. Unless the Europeans agree to develop those resources in Nigeria for the benefit of the people, by providing for them hospitals, schools, roads, and other types of facilities, such as we have in this country, that area of the world will never be developed.

Most of the raw material found in those areas was transported in its raw state to Europe.

In 1962, I saw mahogany logs that measured 8 feet in diameter being loaded on large ships for shipment to Europe, to the British and to the French. And what did the local people get out of that? They received measly wages, low wages, to cut those logs down and bring them to the port, for shipment across the seas.

If that lumber were used in the manufacture of products there, if the oil produced in Nigeria were refined there, much employment would be provided for the people, and it would not be long before a viable economy could be established in that area of the world.

Mr. President, in my report I stated what would happen in Nigeria. In Nigeria were three regions—the northern, the western, and the eastern—all headed by tribes. The people there never thought of themselves as Nigerians. They belonged to the Ibo or the Yoruba, or other tribes.

Soon after I left there, the very thing happened that I had predicted: The prime minister of the government that had been established and was in charge was shot to death. And today, Nigeria has a military government, with each of the three of the regions pulling from each other. For instance, instead of one research station that we helped to put up in Nigeria, it was necessary to establish three. As I said, the very thing happened that I had predicted.

In recapitulation, Mr. President, I wish to say that regardless of how much money we make available to the people of Africa, unless the natural resources of that great continent are developed for the benefit, first, of its people, so as to create and establish a viable economy, no progress to amount to anything will be possible.

I am hopeful that the Europeans will be able to assist in developing that great area of the world and in creating viable economies in many of those countries. Undoubtedly, if ever a viable economy could have been created in the Congo, the Belgians were on the way to creating one. But the unfortunate happened, and soon after the natives took over, chaos followed, and there is still much chaos.

The same situation exists in the Rhodesias—North and South Rhodesia—and Nyasaland. When I was in that area in 1952, I stated that one of the best steps that could be taken would be the creation of a confederation of North and South Rhodesia and Nyasaland. That area of Africa was capable of creating a most potent and viable economy. But 10 years later, when great progress was being made, the British consented to permit Nyasaland to secede, and of course that was followed by North Rhodesia seceding. In that area of the world today, where a great and viable economy was being established, there is chaos threatening.

Mr. President, in the pending amendment I have attempted to provide the funds in keeping with what the Committee on Foreign Relations has suggested. The Committee on Foreign Relations has provided that the supporting assistance would be made available to 10 countries, instead of 14. But when the committee took that position, it provided more money for 10 countries than was provided for 14 countries. My proposed amendment would simply do this: One of the 10 countries would be South Vietnam, and for South Vietnam we would provide $550 million. My amendment would not affect that amount at all.

In respect to the nine remaining countries that would be provided for under the bill proposed by the Committee on Foreign Relations, I have provided $108 million that would average out $12 million for each country, which is the same amount received by supporting assistance recipients in fiscal year 1966 when there was a total of 14 countries on the list.

Again, I repeat. According to my calculation, $12 million multiplied by 9 totals $108 million. If that amount is added to $550 million, it represents a total of $658 million to be provided for these countries in keeping with what the Committee on Foreign Relations desires. If the $658 million is deducted from the $700 million, there is a difference of $42 million, and that is the amount that I ask the Senate to cut from supporting assistance.

I repeat, Mr. President, that this cut would in no manner affect South Vietnam. South Vietnam would retain its $550 million, and the rest of the countries that would be entitled to this money under the bill of the Committee on Foreign Relations would receive a total of $108 million. That would give to each of those countries the same amount of money in toto that they received last year.

It seems to me, Mr. President, that it is almost senseless for us to decrease the number of countries from 14 to 10 and then give more money than was given last year.

The proposal I am submitting is based on facts. It is based on what the Committee on Foreign Relations intended to do, and it is my contention that with this $42 million cut, the amount provided for the 10 countries under the provisions of the bill will be the same as what those countries got last year.

Mr. President, as I said in the beginning of my remarks, in many of these programs the money made available was not used in full. In the case of supporting assistance the total appropriated for fiscal year 1966 was $684,200,000, and the estimates of unused funds at June 30, 1966, are in excess of $15 million.

I wish to emphasize, Mr. President, that the Senate decided several years ago to convert our aid program from the grant type to a loan type program. I might point out that supporting assistance programs are all grants. Of course, the more it is increased, the more money there will be to make available to these countries by way of grants, and if this is so they will not wish to borrow money.

In this connection, Mr. President, our foreign aid program is once again being converted to a grant program rather than a loan program. The Foreign Assistance Act of 1961, as initially adopted placed emphasis on a loan program. By 1964 74$\frac{4}{10}$ percent of our aid was by way of loans. Now, the amount is only 65 percent, and it is going down, while grants continue to increase.

The amendment which I am proposing is in keeping with what the Congress decided to do 5 years ago, which was to veer away from the grant program and to go into the loan program.

I submit that we should follow that principle. I feel confident that the people we are trying to help will be more prone to help themselves if we provide that they are to repay the money which we make available to them.

I hope that the amendment which I have submitted is agreed to.

(At this point Mr. MONDALE assumed the chair.)

Mr. RUSSELL of South Carolina. Mr. President, will the distinguished Senator from Louisiana [Mr. ELLENDER] yield?

Mr. ELLENDER. I yield.

Mr. RUSSELL of South Carolina. I compliment the Senator on his fine presentation. I know that he has taken a great deal of interest and has a great fund of knowledge in this field.

I have just finished reading Cabell Phillips book entitled "The Truman Presidency." He discusses the genesis of the Marshall plan. He indicates the Marshall plan originated, as I read his book, from a memorandum prepared by Mr. Paul Nitzi, who was at that time an economist with the State Department, and assistant to Under Secretary Clayton.

He prepared a memorandum in which he justified both as a program and as to amount, the entire Marshall plan on the basis of the surplus we had in the balance of payments. He fixed it at $5 billion. That became, as I read it, the basis—the memorandum again—of foreign aid as it originated at that time. The amount was fixed at $5 billion.

I wonder if the Senator could tell us the condition of our balance of payments at this time?

Mr. ELLENDER. I wish to state first to my good friend from South Carolina that the RECORD will show that I was the first Senator to raise that question back in 1957–58. In 1954, as I remember, and as I have pointed out, we had a reserve of $22.8 billion in gold bullion. Today we have about $13.4 billion. In other words, in the space of less than a little over 10 years we have lost the difference between $13.4 billion and $22.8 billion.

Mr. President, what concerns me is that a good deal of this gold has found its way to Western Europe. Against the $13.4 billion that we now have in gold bullion, we owe in short-term notes and other obligations that we have created, in excess of $27 billion.

If the countries of the world who own these short-term securities were to convert them into gold, as they have the right to do under the law, we would be about $12 billion short in gold bullion in order to meet this problem.

As the Senator knows, citizens of the United States can only accept the $20 bill, some of which is backed by silver, some by gold, and some by the Federal Reserve Bank. We cannot dip into the gold bullion. But if a Frenchman has $100,000 in dollar bills he can send over here and get gold for that.

I think we are fortunate that heavy demands are not being made on us now. Our gold reserves are, as I have said, far short of meeting the demands of those who now own the short-term notes of this country, the dollars, and other securities. They could dry us up overnight if they wanted to. But I am not expecting that. It simply demonstrates, Mr. President, what happened to us in the last 8 or 10 years, and all of this is being done now.

We have obligations in South Vietnam where we send many dollars to pay off our soldiers; they spend a lot of money and, of course, those dollars worm their way to markets in Hong Kong and Japan and other places. The foreigners have only to present the dollars and ask for gold and we have no recourse except to pay them off in gold.

Mr. RUSSELL of South Carolina. At the time we began our foreign aid program, we had a surplus of about $5 billion a year. Today we have a deficit in the balance of payments which creates quite a difference in our position, as far as foreign aid is concerned.

Mr. ELLENDER. The Senator is correct. That has been going on since 1958 when I first brought it to the attention of the Senate. In fact, it was going on 2 or 3 years before that.

Mr. KENNEDY of New York. Mr. President, will the Senator yield?

Mr. ELLENDER. As the problem became more and more aggravated, I again brought it to the attention of the Congress. But at the time very few Senators paid attention to it.

Mr. KENNEDY of New York. The Senator from Louisiana has had a considerable background in connection with foreign aid during the 1940's and spoke about it briefly at the beginning of his remarks.

Would the Senator advise the Senate as to what percentage of our gross national product went into foreign aid?

Mr. ELLENDER. Now?

Mr. KENNEDY of New York. During the time between the 1940's and the early 1950's. Does the Senator have those figures?

Mr. ELLENDER. I do not have that figure.

Mr. KENNEDY of New York. The figures which were given to me——

Mr. ELLENDER. The gross national product at that time was less than half what it is now. As I recall, approximately $250 billion. It has now gone up to $675 billion. It is my belief that if we are enveloped by inflation, it might reach a trillion dollars.

Mr. KENNEDY of New York. My understanding was that during that period of time the percentage of the gross national product that went to our aid program was approximately about 1.3 or 1.4 percent, and that it is now down—if we are making any comparison—to about one-half of 1 percent.

Mr. ELLENDER. Does the Senator mean of the gross national product?

Mr. KENNEDY of New York. The gross national product. The same is true of our budget. Aid was given under rather difficult circumstances from 1948 to 1950, amounting to about 8 or 9 percent of our budget, and now it is below 3 percent.

Mr. ELLENDER. No. I hate to disagree with my good friend from New York, but the Senator is basing his figures on the appropriation now before the Senate, which is $3 billion, in round figures. But the Senator must add to that the funds that will be required to pay for the food and fiber we are giving in connection with this program.

Mr. KENNEDY of New York. Food for peace.

Mr. ELLENDER. Right. In addition to that, my good friend from New York overlooks the fact that we are the major contributors to 7 or 9 international banks—including the World Bank, in which we have put many, many billions of dollars. That, of course, must be considered as foreign aid, because we have already put up the money, and we are putting up money each year, and are being called upon to contribute our share to IDA. Concerning the World Bank, I saw in the paper the other day, that it is going to try to get another $1 billion increase. I think that the amount of assessment which may be made against us will be around $400 million. Certainly, that is a part of foreign aid.

Mr. KENNEDY of New York. Even accepting those figures, still, it is a very small percentage, and we are making a very small percentage of effort now, compared with what we did during the 1940's and the early 1950's. If we were now to give 1.4 percent of our gross national product, as we did then, we would spend over $10 billion. The point is the small size of our present effort, let me say to the Senator from Louisiana.

Mr. ELLENDER. That is, if we consider the gross national product.

Mr. KENNEDY of New York. The gross national product in the United States, or if we consider the Federal budget of this country, the growth of our economy and the growth of the population, the percentage of effort we are making in the United States is far less now, in 1966, than it was 15 or 18 years ago when the United States was a much poorer country.

Mr. ELLENDER. I would agree to that, let me say to my good friend from New York, but at that time, I believe that more efforts were being made to try to balance the budget. Our debt at that time, if I remember correctly, in 1940, was about—what?

Mr. KENNEDY of New York. I am talking about 1948.

Mr. ELLENDER. 1948—I would say approximately $26 billion.

Mr. KENNEDY of New York. I mean right after the war, so it would be considerably more than that.

Mr. ELLENDER. Of course. Excuse me. I was thinking of when I first came to the Senate in 1937. Around 1945—or just after the war, of course, it was around $265 to $270 billion.

Mr. KENNEDY of New York. Yes.

Mr. ELLENDER. That is true. The debt, as the Senator knows, has been gradually increasing to the point that it is now $329 billion. Our carrying charge on that huge amount has been steadily increasing until now it is approximately $1.1 billion a month. That is quite a nice sum of money.

Mr. KENNEDY of New York. Just on that point, would not the Senator agree, however, that the debt per person in the United States—in fact, over the period of the past 15 years—has been going down, rather than up?

Mr. ELLENDER. That is because there are more people in the United States now. Yes. That is right. There are 195 million people in this country now.

Mr. KENNEDY of New York. Could I add, also, that the debts of State, local, and city governments, of course, have increased at a much higher rate than the debt of the Federal Government?

Mr. ELLENDER. The Senator is correct.

Mr. KENNEDY of New York. The debts of corporations, and other companies in the United States have also increased considerably more, percentagewise, than the debt of the Federal Government.

Mr. ELLENDER. We are living now, of course, on the high part of the hog, as the Senator knows. If we do not sell more goods abroad and try to correct this gold bullion problem we are now talking about, it is possible that the economy will flatten out. I hope that it will not. I pray that it will not. But we are at a point now that we have got to be careful.

I want to say to my good friend that he mentioned yesterday the effort being put forth by our friends—let us say, West Germany, in 1961, which furnished foreign aid to the developing nations of the world in the amount of $600 million. In 1964, West Germany furnished $460 million, a decline of $140 million, or 23.3 percent.

I invite the attention of the Senate to the fact that this amount was more or less in loans, not by way of grants and gifts, as we did in the early part of the program.

Mr. KENNEDY of New York. I agree.

Mr. ELLENDER. In the case of France, the country which supplies more aid to the less developed nations than any other country except the United States, the amount in 1962 was $1 billion, which is about 1.3 percent of the French gross national product. But, that money was being used by France in her colonies in north Africa, French Equatorial Africa, and French West Africa. I was there and analyzed that situation in my reports when I returned after having visited Africa. The French subsidized peanutgrowers and growers of other commodities which the French desired. This was not a gift which the French made, but they got value received for it. I can well remember——

Mr. KENNEDY of New York. Could I interrupt the Senator at that point——

Mr. ELLENDER. Of course.

Mr. KENNEDY of New York. I think a better description of those countries would be former colonies, rather than present colonies.

Mr. ELLENDER. No, I would not agree with the Senator on that. The Senator is contending, for instance, that the——

Mr. KENNEDY of New York. The Ivory Coast.

Mr. ELLENDER. Yes, the Ivory Coast is free.

Mr. KENNEDY of New York. Yes.

Mr. ELLENDER. The French still deal there. They are in charge there. They are still in charge of most of the commercial interests. The banks there are being run by the French. The same thing is true of India. The British have been in India for 200 years, yet India is supposed to have obtained its independence 18 years ago.

I wish to say to my good friend from New York that all the banks in India and all the commercial features of the economy of India are practically all controlled by the British.

The same thing happened, as I said a while ago, in Nigeria. The English have been, shall I say, cunning in the management of their colonies. I brought in the fact that what the British did was to educate the best talent they could find in their colonial possessions and gradually work them into their government.

So although the British gave independence to Nigeria, the British do not have an ambassador there, as we have; they still have a governor there. The Nigerians depend a great deal on the advice that they get from the British for the management of the economy of Nigeria. The British have charge, as I recall, of the foreign relations of Nigeria, and in other colonies that they control in Africa.

Of course, the same thing, as I have just indicated, holds in practically all of the colonies that were dominated by the British at one time. The British still have control over foreign and commercial affairs.

Mr. KENNEDY of New York. Mr. President, will the Senator yield?

Mr. ELLENDER. I yield.

Mr. KENNEDY of New York. Could I ask the Senator how much his cut amounts to?

Mr. ELLENDER. $42 million.

Mr. KENNEDY of New York. From what countries would that $42 million be taken?

Mr. ELLENDER. The countries that are now receiving this aid are Bolivia, the Dominican Republic, Haiti, Trinidad and Tobago, Jordan, Yemen, Belgian Congo, Guinea, Rwanda, and Senegal. Those are 10 of them.

We have, in addition, Korea, Laos, Thailand, and Vietnam.

Mr. KENNEDY of New York. Are the nations in the first group receiving the aid that the Senator is planning to cut?

Mr. ELLENDER. Some of them, but they are not going to be cut.

Mr. KENNEDY of New York. I understand it was the second group from which the money would be taken.

Mr. ELLENDER. No; it would be left to the Administrator, because today we are making available supporting assistance to 14 countries. The Foreign Relations Committee has reduced it to 10 countries. As I said, of this amount, the amount included in the bill will not affect South Vietnam at all. It will receive the full amount programs; namely, $550 million. That amount will remain intact.

The point I am making is that the Foreign Relations Committee has stated that the 14 countries that are receiving aid should be reduced to 10 countries. In doing that the amount of money needed has been reduced.

Mr. KENNEDY of New York. I have just contacted the AID Administrator's office, and I was informed that the following countries are recipients of the bulk of the aid: Korea, Thailand, Laos, Dominican Republic, and Jordan.

Mr. ELLENDER. I know that Korea is also included.

Mr. KENNEDY of New York. I mentioned Korea, Thailand, Laos, the Dominican Republic, and Jordan.

Mr. ELLENDER. Bolivia——

Mr. KENNEDY of New York. They say that is not covered.

Mr. FULBRIGHT. Mr. President, if the Senator from Louisiana will yield, I might say that he is correct. I think perhaps the confusion comes about from this fact. Originally the category was only for those countries to whom we gave military aid, but in recent years we have been providing aid under supporting assistance to some countries to which we do not give military aid. The Senator from Louisiana is correct. It includes countries like Bolivia.

Mr. ELLENDER. I have read the list. In Latin America we have four.

Mr. KENNEDY of New York. What percentage of the money in the program is going to Vietnam?

Mr. ELLENDER. Eighty-three.

Mr. KENNEDY of New York. What percentage?

Mr. ELLENDER. It is $550 million out of $658 million; all except $108 million.

Mr. KENNEDY of New York. So the other $108 million will be taken from the other countries?

Mr. ELLENDER. No; that is what they receive.

Mr. KENNEDY of New York. How much would they receive if the Senator's cut would not go through?

Mr. ELLENDER. I can give the average each received. Bolivia received—I am told by the clerk of the committee that that is classified information. It is secret, classified. But they will receive more, I can assure my friend, than they received last year, because the Foreign Relations Committee has made the decision to reduce the number of countries from 14 to 10.

Mr. KENNEDY of New York. Does the Senator have some language contained in his amendment that would prevent this money from being taken from Vietnam?

Mr. ELLENDER. Language?

Mr. KENNEDY of New York. What is to prevent this money from being taken from Vietnam?

Mr. ELLENDER. It is left to the administration. That is the amount it asked for Vietnam. I am not touching it.

Mr. KENNEDY of New York. Is that secret or classified?

Mr. FULBRIGHT. Mr. President, if the Senator will yield, these are presentation figures seeking to justify the overall amount. The AID officials are not bound by any of these figures. They can shift these funds around, because there is nothing in this bill that gives any particular country a particular amount. The authorization is for an overall figure. The individual country figures are classified. One of the reasons they are classified is that no agreement has been made with the countries, and they do not want to make public information that would make any country believe it is entitled to a particular amount. That has always been true. These are only what we call presentation figures. They are not supposed to be made public, but every now and then they get out.

Mr. KENNEDY of New York. Could I clarify the figures in connection with the amendment of the Senator from Louisiana? Korea, Thailand, Laos, the Dominican Republic, and Jordan receive about 30 percent. Vietnam receives approximately 70 percent. The additional countries in Latin America, for example, receive a total amount of only $8 million as between all of them.

Mr. ELLENDER. No.

Mr. KENNEDY of New York. They receive more than that?

Mr. ELLENDER. Last year they received—I cannot say.

Mr. FULBRIGHT. Last year's figures are not classified.

Mr. ELLENDER. The total that was made available to Latin American countries was $45 million-plus. In addition to that, one of the countries, the one to which we sent soldiers, got quite a bit from the contingency fund. As the Senator knows, we have a stable government there and we expect to withdraw and let them be more or less on their own.

We are trying to lend them money rather than make grants to them. That is what the supporting assistance funds are. They are part of the grant program. We have been trying to get away from that.

Mr. KENNEDY of New York. How does the Senator assure me and assure the rest of the Senate that the cut is not going to affect the money designated for Vietnam?

Mr. ELLENDER. It will be left to the Administrator. As the distinguished chairman of the Foreign Relations Committee stated, it is up to the Administrator to make the decision. I am saying now on the floor of the Senate that there is no intention, through the adoption of the amendment, of curtailing in any manner the amount stipulated to be used to assist South Vietnam.

Mr. KENNEDY of New York. What about Korea?

Mr. ELLENDER. And the amount that I have just mentioned has been given to us as the amount that would be made available in South Vietnam.

Mr. KENNEDY of New York. What about Korea, for instance. There will be a large amount taken away from Korea, will there not?

Mr. ELLENDER. No, not very large.

Mr. KENNEDY of New York. What about Thailand?

Mr. ELLENDER. There is probably no reason we should continue the aid to Korea. Has the Senator been to Korea lately?

Mr. KENNEDY of New York. Yes, I have.

Mr. ELLENDER. He found that country prosperous, did he not?

Mr. KENNEDY of New York. I felt they had a great number of economic problems.

Mr. ELLENDER. Similar to those we have in our own country, I presume.

Mr. KENNEDY of New York. A little bit more acute, I thought.

Mr. ELLENDER. Well, I do not think so. I have been there, too. If the Senator had been there in 1946, and compared the situation then with the situation now, he would have seen great progress.

The Koreans are borrowing a lot of money from us, and we wish to continue having them do that, instead of our making direct grants.

Mr. KENNEDY of New York. This money, for the most part, will therefore be taken from Korea, Thailand, Laos, the Dominican Republic, and Jordan?

Mr. ELLENDER. No, no.

Mr. KENNEDY of New York. Not Laos?

Mr. ELLENDER. No.

Mr. KENNEDY of New York. Where will it be taken from?

Mr. ELLENDER. Well, it will be left to the Administrator.

Mr. KENNEDY of New York. I understand that, but——

Mr. ELLENDER. In other words, the amount provided for is $658 million, and of that amount——

Mr. KENNEDY of New York. The $550 million goes to Vietnam.

Mr. ELLENDER. We cut only $42 million.

Mr. KENNEDY of New York. The Senator says none of the $550 million to Vietnam is supposed to be cut; how much will that leave?

Mr. ELLENDER. Just $108 million.

Mr. KENNEDY of New York. So $45 million is being cut out of the $108 million?

Mr. ELLENDER. No; $42 million out of $150 million.

Mr. KENNEDY of New York. That would be cutting it about 28 percent.

Mr. ELLENDER. We are cutting out four countries. I do not know which countries will be cut out; it is left to the Administrator to make that decision. The bill does not provide which countries are to be cut out.

But the Foreign Relations Committee did say that instead of furnishing direct aid and grants to 14 countries, we will furnish this type of aid to only 10 countries in fiscal year 1967.

Mr. KENNEDY of New York. May I ask the Senator how much of the money spent under this program is spent here in the United States?

Mr. ELLENDER. I do not know. I cannot tell. But I have seen some figures which indicate as much as 75 to 80 percent, in military hardware and commodities such as wheat and feed grains.

Mr. KENNEDY of New York. So when we talk about the fact that we propose to cut $42 million, as the Senator's amendment suggests, we are pointing out also the fact that $34 million or $35 million of that amount would be spent here in the United States?

Mr. ELLENDER. No, I am not saying that. I cannot tell. I am simply reading to the Senator a statement from estimates that have been made by the Administrator of foreign aid.

But I wish to reiterate to my good friend that, let us say, the Dominican Republic would be reduced considerably from what it received last year; and I understood that the administration was going to make a cut, at any rate, to reduce the number of countries. But the Committee on Foreign Relations, as I said, has seen fit to reduce the number from 14 to 10, and I am sure that every one of the 10 remaining countries will receive almost as much as they did last year.

Mr. KENNEDY of New York. May I get something clarified? Perhaps the chairman of the committee could help on this. I received information from the Agency that other than the five countries that I named, all the other countries together receive only $8 million. Is that statement incorrect?

Mr. FULBRIGHT. It is very little.

Mr. KENNEDY of New York. If four of the countries in that category were cut out, we would be cutting out only $2 or $3 million altogether.

Mr. FULBRIGHT. They said it was very little.

Mr. ELLENDER. Will the Senator name the countries he has in mind?

Mr. KENNEDY of New York. Korea, Thailand, Laos, the Dominican Republic, and Jordan were the countries I mentioned. If Vietnam receives about 70 percent, and these five countries receive almost 30 percent, all the other countries together receive only $8 million to $10 million.

Mr. ELLENDER. Well, the Latin-American countries last year received $45 million.

Mr. FULBRIGHT. That includes the Dominican Republic.

Mr. **ELLENDER**. Surely.

Mr. **KENNEDY** of New York. But take the Dominican Republic out. I mentioned the Dominican Republic.

Mr. **ELLENDER**. The African countries receive a total of $27 million. The other countries in Latin America, aside from the Dominican Republic, receive about $11 million.

But I wish to say, without going further than I can——

Mr. **FULBRIGHT**. We are making a calculation.

Mr. **KENNEDY** of New York. I have mentioned Korea, Thailand, Laos, the Dominican Republic, and Jordan.

Mr. **FULBRIGHT**. I am taking those outside of that. There are six.

Mr. **KENNEDY** of New York. Outside?

Mr. **FULBRIGHT**. For a total of $15,750,000.

Mr. **KENNEDY** of New York. Could the chairman of the committee also tell me, if we took out the four lowest of those countries, how much it would amount to, approximately?

Mr. **FULBRIGHT**. The four lowest? About $6 million.

Mr. **KENNEDY** of New York. The point that I am making to the Senator from Louisiana is that first, we are talking about cutting $42 million. Obviously, from those figures, even if we cut four countries out, we are going to get into Korea, Thailand, Laos, the Dominican Republic, and Jordan. Second, we are talking about a cut from those countries outside of Vietnam. The Senator speaks of suggesting a cut of about 28 percent.

Mr. **ELLENDER**. Of course, it depends on which countries they cut. I do not know which countries will be cut. But I do know a gradual decrease of direct aid to Korea is expected, as well as to Thailand—except that lately they have had to raise it a little bit. And of course the amount for Vietnam has been raised tremendously.

But as I said, the Foreign Relations Committee decided to cut the number of countries from 14 to 10; and they will still have, on the average, as much this year as they had last year.

Mr. **KENNEDY** of New York. Yes. What we wish to do, though, is to make sure it is understood that there are about eight countries which receive a total of $15 million, a very small amount. So when we talk about cutting four countries, some of those countries receive very little, and we would still be cutting only $6 million or $8 million, or whatever the figure was, from the overall budget. The Senator's suggestion is a decrease of $42 million from a total of about $150 million, which is a 28-percent cut for all the countries involved. That is my point.

I appreciate the courtesy of the Senator.

Mr. **ELLENDER**. Yes. That would be done by the Administrator, out of the overall figure we make available to them.

Mr. **McGOVERN**. Mr. President, will the Senator yield?

Mr. **ELLENDER**. I yield.

Mr. **McGOVERN**. I am inclined to support the amendment of the Senator from Louisiana. I think it is a prudently drawn amendment, and it is based, as he says, on the committee's action in reducing the number of countries eligible for this type of aid.

But beyond that, I should like to ask the Senator from Louisiana to clarify my own thinking on this point: Is it not true that supporting assistance is assistance made necessary because of military aid that we are giving to certain countries? Is that not the meaning of supporting assistance?

Mr. **ELLENDER**. That was the reason, but we have changed that somewhat.

Mr. **McGOVERN**. Is it still basically the reason?

Mr. **ELLENDER**. Basically is exactly correct.

Mr. **McGOVERN**. I merely wish to clarify my own position on that point. I have been opposing reductions in our economic and technical aid programs, as the Senator knows.

Mr. **ELLENDER**. Yes.

Mr. **McGOVERN**. But I am strongly opposed to military assistance. If the Senator's amendment will help reduce some of our military commitments abroad, I wish to support it.

Mr. **ELLENDER**. Yes.

Mr. **McGOVERN**. I think we do more damage to these underdeveloped countries by loading them up with military burdens and military budgets than we do good. So when the military assistance bill comes before the Senate I intend to offer amendments and support others which I expect will be offered to reduce the amount provided in that bill. In fact, I wish we could end the so-called military assistance program. I do not think it assists anyone. I think it creates a threat to our own security, it adds an unnecessary burden to the economies of these poverty-stricken countries, and it is partly because of that extra burden that we find it necessary to introduce programs like this so-called supporting assistance aspect of the bill.

Mr. **ELLENDER**. The Senator is so right; and I wish to say that I have pointed to that in all of my reports.

As the Senator knows, we created, in this foreign aid program, a large number of missions which we sent abroad.

We have the JUSMAAG, which maintains local military people with ours, and we have other military missions as well.

I can well remember the time when I was in Pakistan. I do not recall the exact year. I got into quite an argument with the mission there. They were contending that Pakistan needed so many soldiers and so much equipment. I said, "How do you expect your people to raise the taxes to pay for this?" They said, "We are trying to get them to pay as much as we can, and we will do the rest." That is how we got hooked militarily into those countries.

I am in thorough agreement with the Senator from South Dakota that we have done too much in the military field. I was in South Vietnam and attended the inauguration of President Diem. I thought that it was a mistake for us to ever send any advisers there, because it meant the creation of a local army. As we know, this force grew in intensity from the time when President Eisenhower was in office through the administration of President Kennedy and down to the time when President Johnson took over. It then turned into a hot war.

We started the buildup in Vietnam, and we should have expected that the enemy would also build up their forces. Now that we are engaged there and have made so many promises, I have taken the position—and as the Senator knows, I have never criticized the President—that in my opinion we have gone so far that we cannot pull out now.

I have also taken the position that we should go all out or get out. I am still of that opinion. I know that does not agree with the opinion of some of the Senators on the floor here, but I believe we have gone entirely too far in providing military equipment and hardware for a good many countries.

If it were left to me, I would certainly limit it to a large degree. The Senator remembers when we dealt with Africa in, I think, 1963. I tried to limit the amount of military equipment to $25 million for all countries in Africa, but the administration would not agree to that, unless it were provided that, if the President thought more aid was needed, the aid could be increased.

It was one of the loopholes that we always get involved in.

May I say to my friend, the Senator from South Dakota, that we never seem to learn. In all of our military expansions abroad, we always get the worst end of it.

Mr. **McGOVERN**. Mr. President, will the Senator yield further?

Mr. **ELLENDER**. I yield.

Mr. **McGOVERN**. Mr. President, the other day the senior Senator from Oregon and the senior Senator from New York offered a proposal to curtail economic and military aid to countries in which a military junta had come into power and taken over the government. Is it not true that a good many of those juntas have tooled up by means of military assistance sent to them by our country under our aid program?

Mr. **ELLENDER**. We have a classic example in Pakistan and India. We furnished both sides with assistance. They were fighting each other and the military hardware they were using was labeled "Made in America."

As I said, the situation is prevalent not only in Asia but also all over the world. We have had sad experiences in Iraq where we furnished millions of dollars in aid. That country turned against us and used the very military equipment we sent to them to fight our friends.

I fear that the same thing will occur some day in the Near East.

Mr. **McGOVERN**. I thank the Senator. I intend to support his amendment.

Mr. **MORSE**. Mr. President, will the Senator yield?

Mr. **ELLENDER**. I yield.

Mr. **MORSE**. Mr. President, I have a very brief statement to make in support of the amendment offered by the Senator from Louisiana, of which I am a sponsor.

Much of what was said yesterday in support of the Dirksen amendment is equally applicable to the supporting assistance category of our program.

I have had a conversation with the Senator from South Dakota [Mr. McGovern], and I have not had an opportunity to talk with him again since that conversation.

Supporting assistance during most of its existence has been primarily American aid money to support the military establishment of a given country when from its own resources, it could not raise the money for the support of its military establishment.

For many years I have urged cutbacks in that expenditure of foreign aid and so has the Senator from Louisiana. It has led in many instances to countries building up military establishments, and particularly a military oligarchy. It has not been conducive to the development of other programs in the country that would help to meet the needs of the impoverished masses of the people.

It is still true that much of this money can and is and will be used in some countries for his military support. But I want to make it clear to the Senator from South Dakota that in recent years there has been approval granted by the AID officials for the use of some supporting money for other uses, although most of it is used directly for military support.

This is a catchall category, in that AID may permit the country to use our funds for some other purpose, making money available for support of their establishment.

It is still strongly characterized as providing aid money to the military establishment. I would not want to mislead the Senator from South Dakota, because I checked with the chairman and counsel of the committee.

After I talked to the Senator from South Dakota, I remembered that in our discussion in the committee this year there was some evidence that it was used for other purposes, too.

I also point out that I think the symbolism of this cut is very important, too, because it makes clear to the countries concerned that they ought to be directing their primary attention to meeting the needs of the people of their countries on the economic front, rather than building up, I submit, in too many instances, inflated military establishments.

Also, may I say that the so-called general loan funds are made available to these countries. In addition, if they have an emergency, the assistance that the record shows they have received from the President's contingency fund is still available to them. So I am supporting the proposed amendment because I believe that this is a place in which we can cut without doing any serious damage to the welfare of the people of those countries.

I desire the aid to go to the benefit of the people, not the governments. If I had my way, little would be made available simply to support a government budget or general imports. I am a project-to-project man. I believe that the aid should go to specific projects which would give assurance to the American taxpayers that the people would benefit from the expenditure of those dollars.

Furthermore, may I say that I would support a great many procedural reforms—and have supported a great many procedural reforms—that would require, for example, that the money could not be spent unless assurance could be given that there would be a direct economic benefit to the people.

When we seek to institute various forms of domestic aid programs in this country—that is what a public works program is, in one sense—we must show a benefit-cost ratio relationship. AID does not have to; AID does not do it, either. A good many of the millions of dollars expended by AID in foreign countries have not been justified under the benefit theory that the Senator from Oregon is emphasizing.

A cut here would do no damage in the long run to a sound foreign policy, but would help to improve what is at the present time, in my judgment, a very bad foreign aid program.

Mr. McGOVERN. The Senator from Oregon has referred to this supporting assistance program as a kind of "catchall." Is it under that authority that we send things like hair spray for the natives who have befriended our troops in Vietnam?

Mr. MORSE. No, I do not believe it would be fair to say that.

Mr. McGOVERN. I thank the Senator.

Mr. MORSE. Mr. President, I wish to say this about the cut in assistance to South Korea. There certainly is a need for a reduced supporting assistance for South Korea. Millions of dollars are being poured into South Korea in connection with our Military Establishment, in that we are paying the whole bill, for instance, for South Korea's participation in Vietnam. So it cannot be argued that South Korea is entitled to the money she would get under the bill by way of supporting assistance because of her need for the total amount of money that is being made available to her in connection with South Vietnam.

The amendment that the Senator from Louisiana has offered, and of which I am cosponsor, does not cover the expenditure of funds in connection with South Vietnam.

Our amendment proposes a $42 million reduction, from the $700 million of the committee bill to $658 million, with the understanding that the funds presently contemplated for Vietnam shall not be reduced.

I believe I owe it to Senators to indicate that I shall do as I always have done when I have a plan for subsequent action in connection with a particular subject matter. If this amendment should fail, I shall offer a subsequent amendment of the same type, for a lesser amount. But this amount is reasonable and the amendment should pass in this form.

This means the cut would be applied elsewhere than in South Vietnam. The summary presentation document indicates that $550 million is programed for South Vietnam, and I propose to leave that sum alone.

The question is whether $150 million in pure grant aid should be distributed to countries other than South Vietnam. This is a complete giveaway program. This is a complete grant of American taxpayer money, in the amount of $150 million, to the countries concerned. I believe the figure is much too high. It has come to be almost a romantic concept that the more dependent upon us a country is, the more generous and less demanding we should be in financing it. It is time we took the opposite tack—the more dependent upon us these countries are, the more insistent we should be that they not look forward to a permanent American subsidy.

Korea, Laos, Thailand, Jordan, the Dominican Republic, Bolivia, the Congo, Haiti, Trinidad-Tobago, Yemen, Guinea, and Ruwanda are on the administration list for supporting assistance. The Foreign Relations Committee, in a wise and sound move, limited the number to 10. This means that some of these programs will have to be eliminated, and presumably they will be in what the presentation calls "small programs in several other countries."

To maintain this financial subsidy in such countries as Korea, Jordan, and Bolivia, as an indefinite dole, irrespective of the growing cost of the war, is creating a more dangerous situation for the United States than it is avoiding. One of the reasons for our military involvement in so many parts of the world is the attitude that we have fostered in so many countries that no matter what happens to them, and no matter what they do or do not do for themselves, Uncle Sam will take care of them.

There is no justification whatsoever for Bolivia to get a single dollar of grant aid for its budget from the United States. As was said of development loans yesterday, it is unreasonable to extend long-term loans for budget support. Grant aid is equally poor policy.

I yield to no Member of the Senate in the support I shall give for sound loans to Bolivia or to other countries that need loans, if the projects in which the money is to be invested are sound projects and if there is a requirement—and there ought to be a requirement—that a report be made as to the purpose of the expenditure.

That is one of the procedural reforms which the senior Senator from Oregon has urged for some years. I shall continue to urge it. The question is whether, if we fail in committee with respect to procedural reforms, we ought to bring the question of procedural reforms to the Senate. In this field we ought to find out what is happening to the funds. I am not so sure that a package of procedural reforms should not be brought to the floor of the Senate before the debate is closed on the foreign aid bill this year. I feel certain that the majority leader would not be too happy to consider such a package. I should have to admit—and I should like to have the attention, as I have it, of the chairman of the committee—that probably a more successful program in regard to procedural reforms would be, rather than to try to turn the Senate into a Committee of the Whole, to continue to do what we have done and been trying to do; that is, to get a complete reexamination of foreign aid at the committee level.

That is why the committee arrangement was adopted by the Senate last year. It was tragic that it had to be dropped after 60 days of good-faith attempts to convince the House to include it in the foreign aid bill last year. Had it been included, many of the problems that are plaguing us in the debate this year would have been pretty well on the way to solution.

I certainly shall support such an amendment in the bill or shall offer an amendment that would provide for the creation of another blue-ribbon committee, whatever title it is felt should be attached to it, for the making of a 1-year or a 2-year survey of the need for procedural reforms, as well as substantive reforms, in foreign aid.

But I would want to have attached to such a proposal the proviso that it is to be understood that foreign aid would have to be completely revised, or that at least consideration should be given to a complete revision of foreign aid, on the basis of such a report, findings, and recommendations. To do that, it would be necessary again to try to do what we succeeded in doing in the Senate last year; that is, to fix a date certain for the end of foreign aid as it is now operating, and for the beginning of a new foreign aid program. At that time, the procedural reforms that would have been recomended to us would be placed in effect.

The danger of bringing to the floor of the Senate a package of procedural reforms, which we would have to do now if we follow such a course of action, is that we cannot buttress it with the findings of fact, the evidence, and the data that would be brought forward by such a report as the Senator from Arkansas [Mr. FULBRIGHT], the Senator from Oregon, and an overwhelming majority of members of the committee supported last year, and which the Senate itself supported by the adoption of our amendment.

But I am going to continue to try to help to bring about these needed reforms in foreign aid so that we will not be hearing again that 10 to 20 percent is admitted to be wasted, which out of $116 billion is a tremendous amount of money.

We have to have a foreign aid bill that will cover the bare necessities for now, but we still have an obligation before we start expanding it to bring about reform of the abuses which have been proved over and over again to exist.

In fact, on Monday I shall have on the top of my desk each of the Comptroller General's reports on foreign aid, as I did last year. I can read the titles. The titles will tell the story of the area in which reform should be brought about.

My good friend the Senator from Ohio [Mr. LAUSCHE], good naturedly says that he does not want me to do it today. That means that he has an engagement and I shall not inconvenience his schedule.

Returning to the statement I wish to make about the pending amendment, Mr. President, Senators who have been here for a number of years will recall that this category of aid is one that the Senate has sought to terminate altogether. We adopted a Mansfield amendment several years ago, that sought to phase out supporting assistance. It is a program that should have been phased out before now.

The advent of the war in Vietnam has, unfortunately, become a device for increasing most forms of aid to the rest of the world. That clearly was an administration objective in its presentation. It asked for $200 million in supporting assistance, with an open-ended, unspecified amount for Vietnam in addition to the $200 million for use elsewhere.

That should be kept in mind. This administration this year asked for more than it asked for last year.

This is a substantial increase over the "non-Vietnam" supporting assistance provided last year. In fiscal year 1966, the regular aid and the supplemental aid bill of February combined provided $541 million in supporting assistance for Vietnam and $143 million elsewhere.

Although the Foreign Relations Committee reduced this sum and fixed the supporting assistance funds at $700 million, the report makes clear that this is still an increase of $15,800,000 above the total of supporting assistance voted last year.

I shall repeat that figure, Mr. President. The supporting assistance program in the committee bill this year is $15.8 billion above the total of supporting assistance voted last year.

I shall quote from the committee report:

> The committee recommends approval of a one-year authorization of $700 million for the entire program, the report states on page 17. This represents an increase of $15,800,000 above the authorization and appropriation for the 1966 fiscal year, including the suplemental approved by Congress earlier this session.

I find it difficult to understand why the world should be given to understand that no matter how high the cost of the war in Vietnam goes, the American taxpayer has a bottomless pocket out of which to keep the world in the style to which it has become accustomed. I cannot understand why the Yemen, Jordan, Guinea, Korea, Ruwanda, Haiti, the Congo, yes, the Dominican Republic, too, and Trinidad-Tobago, should expect to receive the same rate of supporting assistance, or close to it, as they received when there was little war cost in Vietnam. Those programs should be closed out entirely, if the funds are needed for Vietnam, Thailand, and Laos, as I am sure the administration will argue they are.

The extent of help the United States is receiving in Vietnam is meager, indeed, relative to the cost of that war. We say we are fighting there to preserve freedom for everyone. "Everyone" apparently does not see it that way, for their participation in the war, either financially or physically, is still largely token.

Modest reductions in their financial aid from the United States is a contribution that all recipients could make toward the cost of the war. They should make it. Certainly they cannot expect business as usual at the foreign aid window when the cost of the war in Vietnam is being estimated at a higher rate almost daily.

The Congress should make clear that we do not intend to let the war in Vietnam interfere with our purpose of phasing out supporting assistance elsewhere in the world.

I wish to make this final comment. Here is a place where savings can be made in the foreign aid program, certainly without doing damage to the legitimate objectives of the foreign aid program, and also help to save money for the American taxpayer which, in my judgment, needs to be spent in regard to our domestic aid program here in our country. There is a growing, and a justifiably growing, demand on the part of the American people that we must spend more than the President's budget proposes to spend to meet some of the domestic crises that exist in our country in connection with a reduction in the plans for a Great Society program.

We owe it to the American taxpayer to make this savings of $42 million in a part of a foreign aid program—and for several years, there has been general agreement in our committee—that should be phased out entirely.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Louisiana [Mr. ELLENDER]. The yeas and nays have been ordered, and the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. KUCHEL (after having voted in the negative). On this vote I have a pair with the distinguished junior Senator from Texas [Mr. TOWER]. If he were present and voting, he would vote "yea." If I were at liberty to vote, I would vote "nay." I withdraw my vote.

Mr. LONG of Louisiana. I announce that the Senator from Tennessee [Mr. BASS], the Senator from Nevada [Mr. CANNON], the Senator from Arizona [Mr. HAYDEN], and the Senator from Washington [Mr. MAGNUSON] are absent on official business.

I also announce that the Senator from Connecticut [Mr. DODD], the Senator from Mississippi [Mr. EASTLAND], the Senator from Massachusetts [Mr. KENNEDY], the Senator from Arkansas [Mr. MCCLELLAN], the Senator from Oregon [Mrs. NEUBERGER], the Senator from Florida [Mr. SMATHERS], and the Senator from Alabama [Mr. SPARKMAN] are necessarily absent.

On this vote, the Senator from Mississippi [Mr. EASTLAND] is paired with the Senator from Massachusetts [Mr. KENNEDY]. If present and voting, the Senator from Mississippi yould vote "yea," and the Senator from Massachusetts would vote "nay."

On this vote, the Senator from Nevada [Mr. CANNON] is paired with the Senator from Alabama [Mr. SPARKMAN]. If present and voting, the Senator from Nevada would vote "nay," and the Senator from Alabama would vote "yea."

On this vote, the Senator from Connecticut [Mr. DODD] is paired with the Senator from Oregon [Mrs. NEUBERGER]. If present and voting, the Senator from

Connecticut would vote "nay," and the Senator from Oregon would vote "yea."

Mr. KUCHEL. I announce that the Senators from Colorado [Mr. Allott and Mr. Dominick], the Senator from Michigan [Mr. Griffin], the Senator from Kansas [Mr. Pearson], and the Senator from Texas [Mr. Tower] are necessarily absent.

The Senator from Pennsylvania [Mr. Scott] is absent because of illness.

If present and voting, the Senator from Colorado [Mr. Dominick] would vote "yea."

The pair of the Senator from Texas [Mr. Tower] has been previously announced.

On this vote, the Senator from Colorado [Mr. Allott] is paired with the Senator from Michigan [Mr. Griffin]. If present and voting, the Senator from Colorado would vote "yea," and the Senator from Michigan would vote "nay."

On this vote, the Senator from Kansas [Mr. Pearson] is paired with the Senator from Pennsylvania [Mr. Scott]. If present and voting, the Senator from Kansas would vote "yea," and the Senator from Pennsylvania would vote "nay."

The result was announced—yeas 51, nays 31, as follows:

[No. 149 Leg.]

YEAS—51

Bartlett
Bennett
Bible
Boggs
Burdick
Byrd, Va.
Byrd, W. Va.
Church
Cooper
Cotton
Curtis
Dirksen
Ellender
Ervin
Fannin
Fong
Fulbright
Gore
Gruening
Hartke
Hill
Hruska
Jordan, N.C.
Jordan, Idaho
Long, La.
McGovern
McIntyre
Metcalf
Miller
Montoya
Morse
Morton
Mundt
Murphy
Nelson
Pell
Prouty
Proxmire
Randolph
Robertson
Russell, S.C.
Russell, Ga.
Simpson
Stennis
Symington
Talmadge
Thurmond
Williams, Del.
Yarborough
Young, N. Dak.
Young, Ohio

NAYS—31

Aiken
Anderson
Bayh
Brewster
Carlson
Case
Clark
Douglas
Harris
Hart
Hickenlooper
Holland
Inouye
Jackson
Javits
Kennedy, N.Y.
Lausche
Long, Mo.
Mansfield
McCarthy
McGee
Mondale
Monroney
Moss
Muskie
Pastore
Ribicoff
Saltonstall
Smith
Tydings
Williams, N.J.

NOT VOTING—18

Allott
Bass
Cannon
Dodd
Dominick
Eastland
Griffin
Hayden
Kennedy, Mass.
Kuchel
Magnuson
McClellan
Neuberger
Pearson
Scott
Smathers
Sparkman
Tower

So Mr. Ellender's amendment (No. 695) was agreed to.

Mr. ELLENDER. Mr. President, I move to reconsider the vote by which the amendment was adopted.

Mr. FULBRIGHT and Mr. MORSE moved to lay the motion on the table.

The motion to lay on the table was agreed to.

"TO WHOM MUCH IS GIVEN," ARTICLE BY EDWARD F. SNYDER

Mr. CLARK. Mr. President, Edward F. Snyder is executive secretary of the Friends Committee on National Legislation. He is also serving as chairman of the Board of the International Development Conference, a group of nongovernmental agencies concerned with American foreign aid programs.

I ask unanimous consent to have printed in the Record at this point as a part of my remarks an article written by him, entitled "To Whom Much Is Given," which was reprinted from the Earlham Review, spring 1966. The views expressed by Mr. Snyder in this article closely coincide with my own, that the foreign aid bill is far too inadequate.

There being no objection, the article was ordered to be printed in the Record, as follows:

[From the Earlham Review, spring 1966]

TO WHOM MUCH IS GIVEN

(Note.—Edward F. Snyder is Executive Secretary of the Friends Committee on National Legislation, the "Quaker Lobby" in Washington. He is also serving currently as Chairman of the Board of the International Development Conference, a group of non-governmental agencies concerned with American foreign aid programs.)

(By Edward F. Snyder)

George Orwell made his novel 1984 a symbol of horror by extending some of the social, political trends already visible in 1949. He thus confirmed the judgment of most newspaper city editors that readers are more interested in bad news than good news.

Unfortunately, no one has yet made a best seller by projecting into the future some of the constructive forces and trends at work in our society. But it might be instructive to envision how a newspaper of August 16, 1976 might report Senate passage of the foreign aid bill if some of the thinking evident in the field of world economic development is permitted to bear fruit. The dispatch might read as follows:

"SENATE PASSES ECONOMIC DEVELOPMENT BILL 70–28 ENLARGED PROGRAM WINS BIPARTISAN SUPPORT

"Washington, Aug. 15.—The Senate tonight passed and sent to the President with only minor cuts the $13.8 billion economic development bill he requested last March. The $2.3 billion increase over last year's bill reflects final Congressional acceptance of the benchmark of 1.5 per cent of the gross national product which the industrialized countries are committed to devoting to aid the developing world.

"The back of the opposition to the new bill was broken during Senate hearings when Budget Director Frank Dollar promised reluctant Senators that savings accruing under the first stage of the East-West Geneva Disarmament Treaty will provide more than enough money for new aid funds in addition to the 'new cities' program and a 3 per cent tax reduction.

"President Farsight issued a statement commending the Democratic and Republican floor leaders for their handling of the bill. He challenged the Soviet Union as a 'member of the privileged circle' to match the U.S. contribution.

"The Senate vote on final passage of 70–28 and the House vote of 295–104 indicated that the President's 'fireside chats' and the work of Congressional speaking teams across the country have been remarkably effective in building support for the massive international economic development program. The efforts of public organizations, the churches, business groups, unions, cooperatives and women's groups also played an important role in mobilizing public opinion behind the President.

"The major fight occurred, as was expected, on the percentage of U.S. funds to be channeled through international organizations as against AID's bilateral programs. The final '50-50' compromise was reached after Senator I. C. Worldview's motion to increase the percentage through international channels to 60 per cent was defeated 48-45. Sen. Worldview vowed a renewed fight next year. Senator Anna List noted that in reality the issue has 'less and less meaning every year' because AID funds are now spent to a very great degree in accordance with the criteria laid down by the UN Development Programme for projects on the UN's 'Priority A' and 'Priority B' lists.

"The real issue, said Sen. List, is which international agencies should receive the funds. Conservatives generally favor international channels where the U.S. has a strong voice in voting, such as the IBRD, IADB, IDA and the Asian Development Bank. Liberals have generally urged that the U.S. should 'rely on the world's conscience' and channel more funds through the UN Capital Development Fund where the less developed nations have a predominant voice. This year the U.S. contribution to UNCDF was increased by $400 million for a total U.S. contribution to UNCDF to $2.8 billion.

"While some criticism was directed at Economic Aid Czar N. O. Overlap, Sen. M. N. Chairman said the plan to coordinate all food, money, Peace Corps, Farmer Corps and other programs under Mr. Overlap had worked relatively well during the first eight months of operation and it was still too early to draw any meaningful conclusions. Mr. Overlap was at the Capitol when the Senate action came and issued a statement saying he was 'most gratified.' He reiterated his theme of recent weeks that 'the peace will not be secure until the gap between the developing and the developed countries is closed.' He added that 'the only way to cut the aid program materially is to modify U.S. trade laws to permit developing countries to enter the U.S. market more fully.' The issue of 'trade vs. aid' is expected to receive major consideration when the Trade Expansion Act comes up for renewal next year.

"The bill as passed by Congress is 'pure' economic assistance, Sen. Chairman said. He noted that the last of the bilateral foreign military assistance programs was phased out early this year. Military assistance to regional and international organizations is on a declining basis and is handled by the blue ribbon Joint Senate-House Committee on the Geneva Disarmament Treaty."

Fanciful? No doubt. Yet thinking and planning at the UN, in our universities, within the government, and among private citizens has already laid the groundwork for these and further developments.

A realistic assessment of today's situation, however, shows how far we are from the kind of breakthrough which would make such a dispatch possible. The U.S. is mired down in a nasty guerrilla war on the Asian mainland which prevents any real progress toward disarmament with the Soviet Union and makes impossible even tentative first steps toward a U.S. detente with China and peace in the Far East. Our foreign policy is set by the negative goals of anti-communism rather than by the vision of a positive and constructive mission in a developing and increasingly interdependent world.

In this context of tension between optimism and near despair it seems relevant to examine six basic questions for which satisfactory answers must be found before a truly comprehensive and effective aid program can be developed, indicating a few of the salient facts and suggesting some tentative answers.

1. WHAT BASIC MOTIVATION FOR U.S. ASSISTANCE?

Today's foreign aid program is based on a conglomeration of motives that are as confused as any that ever supported a major U.S. foreign policy thrust. At least six different elements can be discerned:

(a) *Faith in arms as a reliable means to "contain the march of world communism."*

Military hardware is being sent to such countries as India and Pakistan, Greece and Turkey. In 1965, 18 Latin American countries received U.S. military assistance. Studies prepared for the Senate Foreign Relations Committee have criticized military aid as aiding totalitarianism, slowing down economic development, increasing tensions among neighboring nations, and encouraging military supremacy over civilians in newly independent countries. While most policy makers support military aid, there is considerable Congressional skepticism, especially in the Senate, about its real worth. Last year's military assistance program was $1.17 billion.

(b) *A more sophisticated anti-communism which pours dollars and other economic aid into key countries*, especially those ringing China (Korea, South Vietnam, Laos, Thailand) as well as nine others in order to bolster) their military and economic strength. Congress in 1965 appropriated $369 million for this program, called "supporting assistance."

(c) *Surplus disposal*. The Food for Peace program, a most constructive and worthwhile effort, is still basically a program to dispose of excess U.S. farm products. This year's program will cost $1.6 billion. Whether Congress will support a farm program designed specifically to produce for the world's needs is not yet clear.

(d) *Bilateral programs* such as the Alliance for Progress, Development Loan Fund, and AID's technical assistance programs motivated by enlightened self interest. In recent years a "bankers' emphasis" had been discernible in these programs, evidenced by a continuing shift to loans rather than grants and a trend to higher interest rates on loans.

(e) *Enlightened internationalism*. A considerable number of loan programs are administered on an international basis. In 1965 U.S. contributions to the International Development Association, the Inter-American Development Bank and the International Monetary Fund amounted to $1.6 billion. In addition, grants totalling $145 million were made to the UN Technical Assistance program, the Special Fund, FAO, WHO, refugee relief, Indus Basin development and others.

(f) *Altruism*. Two programs seem to be supported primarily on this basis—UNICEF, which enjoys real popularity in Congress and has wide organizational backing for its $12 million yearly appropriation, and the Peace Corps, which in 1965 received $102 million.

Motivation is a subtle, pervasive and influential factor in the success or failure of assistance programs. The basis on which the aid program is presented by the President to Congress helps set the tone and framework for day-to-day administrative decisions; the grounds on which the program is justified on the floor of the House and Senate affects attitudes and policies in the recipient countries. Consequently, it is important that U.S. motives be clarified. A sound U.S. program, aimed at bringing the developing nations to economic strength as quickly as possible, can only be built on motives of enlightened self-interest, enlightened internationalism and altruism. While these motives are often referred to in Administration and Congressional speeches, the effect is vitiated by an overriding emphasis on anti-Communism and an uncritical and unjustified faith in military solutions.

The clearest, best understood basis, for most U.S. citizens, is the moral obligation of a rich nation to help the poorer nations. In his famous Rose Garden Speech of April 21, 1964, President Johnson eloquently stated this basis for U.S. aid:

"We are waging an all-out war against poverty here at home. . . . But we are also engaged in that same battle on 100 different fronts around the world, in 100 or more nations.

"We do this for two reasons: First, for the first time in history, man has the real power to overcome poverty. We have proved that by the wise application of modern technology, the determined labor of skilled men and women can ultimately produce enough food and clothing and shelter for all mankind. The possession of new abilities gives us new responsibilities and we want to live up to those responsibilities. That is our Christian duty.

"Second, we now know that the progress which others make in satisfying their own desire for a better life will ultimately affect our own future and our own prospects, for we are now a part of a single world community. . . .

I have no doubt that the American people would respond affirmatively if the President made these our guiding principles and discarded sterile anti-communism as a chief motivating factor for U.S. aid A positive program based on a desire to help others help themselves can make U.S. aid both more effective in recipient countries and more acceptable to the American public in the long run.

2. WHAT AMOUNT OF U.S. AID?

A benchmark of 1 per cent of the gross national product from the developed countries for long term financial aid was set by the United Nations in 1961, as part of the Decade of Development. But in mid-1965 the developed countries were committing only some .7 per cent. In 1965 the U.S. Congress appropriated about $5 billion for all U.S. nonmilitary aid programs. This is only about three-quarters of one per cent of the U.S. gross national product. This half-a-loaf U.S. aid effort is especially disappointing because it comes at a time when the developing countries have formulated more worthwhile investment projects than the industrial countries are willing to finance.

These contributions from the developed countries are intended to help the developing countries reach the goal of 5 per cent growth, per year, in their gross national product. Secretary General U Thant reported in July 1965 on the "UN Development Decade at Midpoint" that "The growth in developing countries as a whole slowed down from an average annual rate of 4.5 per cent in 1955–1960 to 4 per cent in 1960–1963." Population pressures, rapid urbanization and low agricultural productivity have all contributed to the failure to meet the 5 per cent goal.

The UN's goals of 1 per cent giving by the "haves" and 5 per cent growth by the "have nots" are absolutely minimal. Under the 5 per cent growth goal it is estimated it will take the developing countries 80 years to reach Western Europe's per capita income level and 120 years to reach the U.S. level. This is morally intolerable and politically dangerous. The developing nations are increasingly impatient, and rightly so, at the widening gap between their needs and U.S. affluence.

A U.S. contribution of 1.5 per cent of its GNP per year for economic assistance to the developing world is clearly feasible. At the current annual U.S. growth rate of more than 5 per cent (some $40 billion a year) this amount could be taken out of the annual increase in U.S. wealth without any sacrifice in U.S. living standards. Even more could be spent if the developing countries were able to absorb it effectively. Put another way, the United States is spending more than 8 per cent of its GNP annually in a search for national security through arms. How much more constructive and realistic would be an expenditure of 1.5 per cent of the GNP to raise living standards around the world and to begin to create stability and hope where there is currently so much chaos and despair.

Much of the increase in U.S. aid should be in the form of outright grants instead of long or short term loans. Interest is now becoming a major charge on development programs. In 37 developing countries, according to the International Bank, public and governmental guaranteed debts rose from $7 billion in 1955 to $18 billion in 1962, interest payments nearly quadrupled, and amortization payments tripled. By 1963, the servicing of the external debt absorbed 13 per cent of the export receipts of those countries.

3. THROUGH WHICH CHANNELS?

U.S. economic aid is now predominantly bilateral—about 75 per cent. But key Senators like Chairman FULBRIGHT of the Senate Foreign Relations Committee are urging that more be channeled through multinational institutions. The argument is now in midstream. Last year the Senate approved language in the foreign aid bill saying that "Congress further urges that the United States and other free world nations place an increasing portion of their assistance programs on a multilateral basis." The House refused to accept this language, though it did agree tentatively to increase the amount of U.S. bilateral funds which could be channeled through international institutions.

Bilateral aid has several advantages for U.S. policy makers from the short term point of view. It can be dispensed more quickly than other kinds of aid. It can be placed under complete U.S. control and tied to current political or military objectives. It can be ended or expanded in order to persuade or retaliate. All these mean that it has advantages as a cold war tool. But it also means that recipients may look upon U.S. aid with considerable skepticism or as an opportunity to spend money on uneconomic projects or to play off one cold war antagonist against the other.

Multilateral aid has many values if the basic objective is world economic development rather than anti-communism. International development organizations can often require economic, social or political reforms as a condition to aid, while such pressure is more difficult for the United States to apply in its bilateral programs. Contributions in dollars and technical experts come from many countries in international programs. Often technicians from a recently developed nation can be of more real assistance in an underdeveloped area than a highly skilled U.S. expert. The UN is now carrying on effective educational and technical programs through its Economic Commissions for Latin America, Africa, Asia and the Far East, and Europe. The use of international institutions strengthens internationalism, increases cooperation, and lessens the divisiveness and competition often accompanying rival bilateral programs.

Presently, U.S. assistance is channeled primarily through those multinational agencies where the United States has a strong voice in decision making—the World Bank, International Development Association, International Monetary Fund, and Inter-American Development Bank. Other international institutions are also open for business or in preparatory stages: the European Development Fund created by the Common Market countries, the African Development Fund, the African Development Bank created September 15, 1964, and the Asian Development Bank, to which the United States is ready to contribute up to $200 million, 20 per cent of the initial capitalization.

The United States continues to support the UN Technical Assistance Program and Special Fund, which have been merged into the "UN Development Programme." The U.S. contribution is now at the level of 40 per cent, and there seems to be a temporary lull in Senatorial pressure to reduce the U.S. level to 33 per cent of the total program.

On the basis of the 40 per cent limitation, U.S. contributions to EPTA/Special Fund have risen from $33 million in 1960 to $65 million in 1965, indicating the increasing contributions of other countries to these efforts.

Larger UN Role. While supporting the modest UN technical assistance programs, the United States and other developed countries have for years resisted creation of SUNFED, a large UN capital investment program. U.S. opposition is based on the fact that it would be called upon to contribute a great deal of the money but have relatively little to say regarding its disposition. But years of pressure for SUNFED have had some by-products. Such pressure helped create the UN Special Fund where pre-investment surveys are a halfway house between technical assistance and capital development. It also seems fair to say that such pressures for SUNFED helped bring into being the International Development Association.

The developing countries are continuing to press for a UN capital program, however. The 1962 General Assembly and the 1964 UN Trade and Development Conference called for a United Nations Capital Development Fund, though these recommendations have not been supported by the developed private enterprise countries.

In order to further strengthen the UN as well as to create another channel for international aid especially open to Soviet bloc participation, it would seem particularly appropriate for the United States to reverse its stand and support the creation of the UN Capital Development Fund.

4. WHAT U.S. ROLE ON POPULATION AND FOOD?

Better medicines, food and education have caused rising life expectancies and lowered death rates in poorer countries around the world. Coupled with continued high birthrates, these have meant a startling population growth. From 1960 to 1980 the world's population is expected to increase 43 per cent—22 per cent in the more developed areas, 53 per cent in the less developed areas. In Latin America the increase will be 76 per cent in this 20 year period. In 35 years, at the end of the century, world population, according to UN figures, will have doubled to some 6 billion.

While food production in the developing countries has risen impressively in the last 10 years, the increases were virtually wiped out by population growth. Figures by the Food and Agriculture Organization show that food production *per person* in the developing countries rose only 1 per cent during the last decade. To provide an adequate diet for people in the developing countries, food supplies must be increased four-fold in the next 35 years, according to Dr. B. R. Sen, FAO Director General. "We know that the technical means by which this immense task might be accomplished are available. But it cannot be accomplished . . . unless the leaders of the nations are alive to the issue at stake, and are prepared to devote a large share of the world's resources to meet the looming crisis."

The United States can provide some assistance on the *population* issue through continuing research and providing advice and supplies on request. President Johnson has indicated that the United States is prepared to move rapidly to supply such help. But the major job must be done within each developing country through an intensive education program at the village level, often working against tradition, religious practices, taboos and ignorance.

In the area of *food production*, the United States is facing some major policy decisions. There is a worsening world food shortage. Reserves of U.S. agricultural surpluses are falling. More than 50 million U.S. acres have been taken out of production. In a world threatened by famine the United States must reorient its basic agricultural policy, step up its own agricultural production, and begin a crash program to help the less developed countries increase their food production rapidly.

The "Food for Freedom" program recently submitted to Congress by President Johnson is an enlightened and far reaching approach. It would nearly double the amount of "food for freedom" products moving to other countries over the next five years. It would also stimulate world food output through AID assistance and otherwise. The new program would abandon the "surplus" concept by bringing land back into production, permitting donations of foods not in surplus and enriching some foods distributed abroad.

Food is a healing, life giving resource. U.S. abundance could be used as a reconciling bridge to the food deficit Communist areas. But in the past restrictions in the law have tended to make it a cold war tool. The President's proposal moved away from this concept, but Congress is insisting on reinserting some of the anti-Communist provisions.

5. WHAT ROLE FOR U.S. AID IN A REVOLUTIONARY WORLD?

Institutions, traditions, personalities and ideologies vary tremendously in the developing world. Perhaps one of the few generalizations which can be made is that the "have not" nations are in turmoil and are likely to remain so for a generation or more. Into the ferment created by the "revolution of rising expectations" have come the great powers seeking influence and support, often using hapless peoples as pawns in the struggle between the "free world" and the Communist world.

In this ideological battle the United States has the advantage of greater financial and technical resources to share with the developing world, but it also has the mixed blessing of working largely through existing governments. While this may give it a temporary advantage, the forces with which the United States may thus find itself allied make for uncertain companions over the long run. These forces are likely to include the military establishment, often the most stable institution in the nation, and the political and economic elite, who may be quite reluctant to share their advantages with those less privileged. U.S. officials may thus find themselves in the frustrating position of seeing the absolute necessity for such fundamental changes as land reform or steeply progressive taxation, but being unable to persuade the nation's leaders to adopt the program which would accomplish the desired result. Popular reform movements may be viewed with deep suspicion. If popular discontent grows, the government may impose repressive measures and move toward more military control. The reform movement shifts increasingly to the left and becomes identified as anti-American, the latent fears of U.S. officials and Congressmen are felt to be realized, and the stage is set for another tragedy in which the United States is identified with the forces of reaction against the interests of the mass of the people.

Senator FULBRIGHT, in his Senate speech of September 15, 1965 posed the question sharply regarding this hemisphere, pointing out that we cannot successfully advance the cause of popular democracy while at the same time aligning ourselves "with corrupt and reactionary oligarchies." The direction of the Alliance for Progress is toward social revolution in Latin America, he said, but U.S. intervention in the Dominican Republic shows a tendency to suppress revolutionary movements supported by or suspected of being influenced by Communists.

The Senator went on to say:

"Since just about every revolutionary movement is likely to attract Communist support, at least in the beginning, the approach followed in the Dominican Republic, if consistently pursued, must inevitably make us the enemy of all revolutions and therefore the ally of all the unpopular and corrupt oligarchies of the hemisphere. . . .

"We must try to understand social revolution and the injustices that give it rise because they are the heart and core of the experience of the great majority of people now living in the world."

It is not at all clear yet whether the U.S. government and the American people are prepared to support the kind of policies which will be necessary to realize a peaceful but dynamic social and economic revolution in the developing world in the generation ahead.

A desirable foreign aid policy, it seems to me, lies in the direction of (a) identifying U.S. goals with those of the mass of the people; (b) supporting and actively promoting fundamental reforms, where necessary, even though these may be inconsistent with U.S. free enterprise patterns; (c) taking risks on the side of supporting popular governments with democratic tendencies; (d) recognizing the inevitability of a certain level of anti-Americanism as natural and inescapable in newly developing countries; and (e) promoting U.S. goals increasingly through international institutions which can require necessary reforms and turn down unsound projects more easily than the United States can acting alone.

6. FINDING NEW ANSWERS

In his Senate speech, Senator FULBRIGHT said:

"It is not surprising that we Americans are not drawn toward the uncouth revolutionaries of the non-Communist left. We are not, as we like to claim in Fourth of July speeches, the most truly revolutionary nation on earth; we are, on the contrary, much closer to being the most unrevolutionary nation on earth. We are sober and satisfied and comfortable and rich; our institutions are stable and old and even venerable. . . ."

How can the average American in his affluent society feel a sense of identification with the world's needy? How indeed, when we find it difficult to identify even with those in our own nation, or in our own community, of different color or economic status?

Yet ways *must* be found, so that our circle of concern can include the whole world. Service with the Peace Corps, AID and international program can help. The emphasis in the American Friends Service Committee's VISA program on giving oneself in addition to material aids is certainly in the right direction. Increased travel and exchanges are necessary. Visual aids can help, too. The county to county and state to state relationships in AID's "Partners of the Alliance" program are also useful.

Much more must be done to develop a general national consensus in support of massive U.S. assistance. We need to understand better the process by which people identify and sympathize with those they do not see daily or even occasionally. Our social scientists and psychologists must help us devise ways to increase our understanding of and appreciation for people in the process of economic development.

And we need to develop better ways of harnessing and challenging the idealism and desire for service of American young people. Our affluent society can afford to support its youth in service projects abroad and at home for at least a two-year period. Instead of merely accepting those who are already motivated in this direction, real efforts should be made through our educational systems, religious institutions and society as a whole to inculcate the concept of service as an exciting part of every young person's life. Then the variety of existing governmental and non-governmental channels for such service can be expanded to accommodate those wishing to serve on a *voluntary* basis.

If American young people as a whole can be touched and involved in the gigantic task of service in the developing world, they can make a real contribution. When they return home their experiences will also help them to educate their parents and society at large to U.S. responsibilities in a needy world.

Little has been said here about the crucially important and extremely complex issue of international trade which the UN General Assembly has indicated it believes is actually the primary instrument for economic development. The very significant 1964 Conference on UN Trade and Development showed that 75 nations with diverse ideologies, economies and political systems could act together in international councils to try to overcome their common bondage of poverty. The 55-member Trade and Development Board will now carry on the work.

Nor has enough been said about the overarching East-West struggle which permeates domestic attitudes and foreign policies to the detriment of sound economic and social development. This struggle is also preventing the effective functioning of the United Nations and cooperative East-West multilateral efforts. A major effort must be made to expand the detente with the Soviet Union and to begin the painful but essential process of rapprochement with the People's Republic of China. Then the log jam preventing real progress toward world disarmament can be broken. Reduced tensions would enable developing nations to concentrate on economic and social progress. Resources freed by cuts in military spending could provide badly needed capital.

The future of American foreign aid offers cause for both optimism and deep frustration. There is one overall impression which emerges from a survey of the many international, national, and non-governmental efforts now underway, and that is the impressive amount of skill, ingenuity, and human understanding which men and women of goodwill are already devoting to their fellowmen. The task of raising living standards around the world has already rallied the noble hearted from all lands. We are at the beginning of a period of challenge which will take us at least to the end of the century. There is much to be done, and it can be done if the world's leaders can avoid a major war, cool off national, ideological, racial and economic antagonisms, and give the common people of all lands time to knit together the human family and build a world community.

ESTABLISHMENT OF AN INSTITUTE FOR REHABILITATION OF CHILDREN AND ADULTS IN INDIA

Mr. CARLSON. Mr. President, at the request of the Minister of Health of the Government of India, the late Dr. Martin F. Palmer, Director of the Institute of Logopedics in Wichita, visited India with a view of cooperating with the Indian Government in the establishment of an institute for the rehabilitation of children and adults with communication and allied disorders.

Several conferences have been held by our AID people with representatives of the Government of India. It is hoped that the recommendations of Dr. Palmer and the acceptance of the program as expressed by the Government of India might receive full cooperation and approval by our AID people.

I ask unanimous consent that a letter, dated July 15, 1966, signed by Charles W. Wurth and addressed to Mr. William Gaud, AID Administrator, be printed in the RECORD at this point.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

JULY 15, 1966.

Mr. WILLIAM GAUD,
AID Administrator, Department of State, Washington, D.C.

DEAR MR. GAUD: At the request of the Minister of Health of the Government of India, the late Dr. Martin F. Palmer, the Director of the Institute of Logopedics in Wichita, with Mrs. Palmer, visited India for the purpose of exploring the possibilities of starting in an appropriate place in India, an Institute for the rehabilitation of children and adults with communication and allied disorders. Dr. Palmer and Mrs. Palmer were given a warm welcome by the then Prime Minister of India and the Minister of Health, Dr. Sushila Nayar who deputed one of her officials to go around with Dr. Martin Palmer to the Important centers in India. His Highness, the Maharaja of Mysore, who was then the Governor of the State of Mysore, also recorded the necessary information. The Vice-Chancellor and the Chancellor of the University of Mysore had expressed their interest in linking up with the University of Wichita. In the proposed plan, after Dr. Palmer visited the different parts of India, he made certain recommendations in a report to the Government of India.

The following are the summarized observations/recommendations of Dr. Palmer as recommended to USAID by the Ministry of Health in seeking support for this urgent project:

A. There exists a tremendous need for qualified Logopedists in Hospitals, institutions, and schools of India.

B. Neglect of this large segment of the population is economically as well as sociologically a tremendous burden to the State.

C. Qualified persons exist in such small numbers in India that they constitute a virtual zero on which to start building.

D. The need is for a professional education and research Institute of Logopedics where intelligent students may be trained to three levels (1) Technicians, (2) Fully qualified clinicians, and (3) Research investigators.

E. In order to staff this with Indian nationals as soon as possible, selected students should be sent at once to the States for training.

F. In the meantime, a staff of American experts will be sent to the new Institute for the first three through possible five years to get this project on its foot. Here Indian nationals will receive training also as rapidly as possible.

G. After studying possible locations, and administrative problems from every point of view, Mysore City and the University of Mysore is by far the best. This should be a project of the State of Mysore.

H. It is probable the project as estimated by Dr. Palmer is as under:

(a) Institute of Logopedics:	
1st year	$5, 95, 225
2d year	8, 47, 400
3d year	12, 47, 549
Grant to Mysore University:	
1st year	1, 04, 610
2d year	75, 783
3d year	1, 27, 132
1st year total	6, 99, 835
2d year total	9, 23, 183
3d year total	13, 74, 681

Cost of building—Rs.10 lakhs.

(b) The assistance anticipated will include:

(i) Free gift of 20 acres of land by His Highness of the Maharaja of Mysore.

(ii) Use of two buildings which could be used temporarily during the construction of the permanent Institute.

(iii) The Institute of Logopedics and Department of Logopedics, Wichita to meet the salaries of foreign consultants to India amounting to Rs.2,19,462 for three years.

(iv) Expenditure at Wichita for planning—Rs.50,000.

(v) Cost of fellowships for Indian Nationals at Wichita—Rs.4,09,536 for three years.

In addition to the above, the Government of India wishes to seek assistance for the travel within India of the American specialists, travel of Indian nationals in the United States, and required specialised equipment in the following amounts:

1st year	Rs.1,85,085
2d year	Rs.1,57,640
3d year	Rs.1, Rs.1,61,981

The Government of India may have to provide funds as follows: Non-recurring: Rs.5 lakhs (likely to be about 10 lakhs; Recurring: first year, Rs.5,14,750; second year, Rs.7,65,543; third year, Rs.12,12,800.

The above estimates are in terms of 12 months period. Since the project would only be in effect for approximately three months of the fiscal year 1964–65 April, 1, it is anticipated that only architectural and planning expenditure would be involved, and thus a grant of Rs.1,00,000 will probably suffice. For fiscal year FY. 1965–66, it is estimated that approximately Rs.7,00,000 will be required. The expenditures during subsequent years are estimated as follows: 1966–67, Rs.12 lakhs approximately. 1967–68, Rs.12 lakhs approximately.

The recommendations of Dr. Palmer and the acceptance of the program as expressed by the Government of India through its Minister of Health in New Delhi is very well summarized in the request made by the Minister of Health to the Director of the USAID Mission in New Delhi, seen above. The complete copy of recommendations for ready reference are attached.

Since the date of this letter, much work has been accomplished in bringing the center into existence. The Government of India appointed two of its top people, Dr. Dharmaraj and Dr. Rathna to head this program and these men are currently working in this behalf in Mysore. The Institute of Logopedics in Wichita has recruited a team of experts that are now ready to go to India if certain minimal financial assistance can be made available as outlined in the request of the Minister of Health. I am also attaching a most exciting recent letter regarding the progress by the Indian government and wish to point out that the cornerstone for the clinical building will be laid by the President of India, Dr. Radhakrishnan, and that the center will be dedicated on October 2, 1966, the birth date of Mahatma Gandhi, the Father of India.

This letter, spelling out the building of the clinic and the beginning of the clinical program again mentions the need for external financial assistance, in order to get this program in complete operation. The Institute of Logopedics wishes to again request the review of USAID of this program and asks that immediate attention be given to the approval of the necessary funds to get this most worthwhile project underway. Everything is in readiness. The approval of the request and the interest of the Government of India is well known and clearly stated. The institute of Logopedics—Wichita State University stands ready to supply the necessary professional and research personnel to assure its success. This project, although small by some standards, will be of major importance to the professional community in India and will serve many of its people, now handicapped, by these disorders.

Time is always of essence, but in this project that has had a history of delays, time is now of paramount importance. If we can get the sufficient financial approvals from you, we propose to send our team to India late in August in time for October 2 dedication date.

I shall look forward to hearing from you on this project.

Most sincerely,

CHARLES W. WURTH,
Executive Director.

Enc. July 6, 1966 letter from Dr. J. J. Dharmaraj, December 29, 1964 letter from Ministry of Health of India.

Cc: Senator FRANK CARLSON, Dr. Moseman.

THE ASIAN DOCTRINE

Mr. FULBRIGHT. Mr. President, during the past week, on various occasions I have made references to certain statements that I think represent the emergence of a new policy on Asia. I wish to take a few minutes of the time of the Senate to bring these remarks together in one place.

Except for the Monroe Doctrine, the United States has traditionally rejected policies of unilateral responsibility for entire regions and continents. In the 19th century the United States played almost no part in European politics and only a marginal role in Asia, preferring to regard itself as an example of progress and democracy which others might imitate or not as they saw fit. For example, in the opium wars with China, we stood aside and let the British carry the load of the fighting, while we did business with the Chinese. In the 20th century events beyond our control brought us into two world wars and imposed upon us responsibilities far beyond our borders. Until quite recently, however, our policies for meeting those commitments have been guided by two extremely important qualifying principles: First, that these responsibilities were limited to certain countries and certain purposes; second, that they would be discharged collectively either under the United Nations or in cooperation with our allies.

The emerging Asian doctrine about which so much is currently being said and written represents a radical departure in American foreign policy in that it is virtually unlimited in what it purports to accomplish and unilateral in its execution. Without reference to the United Nations and with only perfunctory reference to the nonfunctioning SEATO treaty, the United States on its own has undertaken to win a victory for its protegés in the Vietnamese civil war and thereupon to build a "great society" in Asia, whatever that might turn out to mean. I think it extremely important that the Senate, which used to be asked for its advice and consent on major foreign commitments, consider some of the sweeping implications of the Asian doctrine before it becomes an irrevocable national commitment undertaken without the consent or even the knowledge of the Senate.

American policy in Europe after World War II consisted of collective measures for the containment of Soviet power. Though financed by the United States, the Marshall plan was shaped and largely executed as a cooperative program for European economic recovery. Although American military power was preeminent, NATO was created as and remained a system for the collective defense of Europe and the North Atlantic. We did not talk in those days of a New Deal or a Fair Deal for Europe; we were satisfied to support economic reconstruction and to restrain Soviet power.

The Korean war was fought under the auspices of the United Nations for an ultimately limited purpose. The United States provided most of the forces from outside, but a great many others, members of the United Nations sent troops and the United Nations itself took part in the direction of the war. After the abandonment of the disastrous attempt to occupy North Korea, which brought hundreds of thousands of Chinese soldiers into the conflict, the war was fought for the limited purpose of repelling a clear act of aggression which had been incited by Stalinist Russia.

In Vietnam we are fighting virtually alone and for undefined purposes in a war which is not an international conflict but an insurrection in one part of a divided country supported by the other part. Aside from the token forces provided by Australia and New Zealand for their own political purposes, the only other outside force in Vietnam besides the American army of 300,000 is a Korean force of 25,000 heavily subsidized by the United States.

Except for peace proposals offered by the Secretary General, the United Nations plays no part in the war and is generally ignored by the belligerents; many members of the United Nations are extremely critical of the American involvement in Vietnam and it is most unlikely that if a vote were taken, the United States could muster a majority in the General Assembly in support of its policy.

As for the SEATO treaty, ignored until a few months ago but recently hauled out as the source of an American military obligation to Vietnam, four of its seven members do not support the American military effort and at least one, France, is extremely critical of American policy.

American war aims have escalated with the fighting. A few years ago a handful of American advisers were committed to support a South Vietnamese counterinsurgency effort with the clearly stated stipulation that it was up to the South Vietnamese themselves to win or lose their battle with the Vietcong. When they had virtually lost, the United States changed its policy and sent its own army to take over the war. Since early 1965 our military effort has expanded from counterinsurgency to a large-scale ground and air war and our political commitment has grown into an Asian doctrine.

Under the emerging Asian doctrine the United States is taking on the role of policeman and provider for all of non-Communist Asia. Defining Asia as "the crucial arena of man's striving for independence and order," the President, without reference to the United Nations or the obligations of other countries, recently declared "the determination of the United States to meet our obligations in Asia as a Pacific power," denounced those—whoever they may be—who hold to the view that east is east and west is west and never the twain shall meet, and laid down certain essentials for peace in Asia, all requiring a predominantly American effort for the shaping of a "Pacific era."

In a television interview last April 19, the Vice President defined the Honolulu declaration resulting from the President's meeting with General Ky as a Johnson doctrine for Asia, "a pledge to ourselves and to posterity to defeat aggression, to defeat social misery, to build viable, free political institutions, and to achieve peace." Acknowledging these to be "great commitments," the Vice President went on to say:

> I think there is a tremendous new opening here for realizing the dream of the Great Society in the great area of Asia, not just here at home.

All this must come as a big surprise to Senators who have not even been informed of these sweeping commitments, much less asked for their advice and consent, but the President's close friend and biographer tells us that the Asian doctrine has been in the President's mind for 5 years, and Mr. White should know.

It is ironic that at the same time that the vestiges of the Monroe Doctrine are being fitfully liquidated, the United States should be formulating a similar doctrine of preeminent American responsibility for Asia. One wonders whether the Asian doctrine will reap for the United States as rich a harvest of affection and democracy as has the Monroe Doctrine. One wonders whether China will accept American hegemony as gracefully as Cuba and the Dominican Republic have accepted it. And one wonders whether anyone ever thought of asking the Asians if they really want to join the Great Society.

Mr. President, those are some of the reasons why I have such grave reservations about expanding our commitments through programs authorized by this bill.

Mr. MANSFIELD. Mr. President, I have listened to the distinguished chairman of the Foreign Relations Committee with great interest. This is the first I have ever known that the President had inaugurated, either through himself or his subordinates, associates, or colleagues, a Johnson doctrine or an Asian doctrine.

I do know that the President is interested in the economic development of certain parts of Asia, and has shown his good faith in helping to bring about the creation of the Asian Bank, the members of which are mostly Asian, and the Asian members of which have contributed most of the capital.

I know that he is interested in developing the Mekong, so that the countries extending from Burma and Laos down through Vietnam have some hope for the future.

I am somewhat surprised at the allegation made by a columnist to the effect that an "Asian doctrine" has been in the mind of the President for the past 5 years. I would assume that this columnist is referring to the fact that in 1961, the late beloved President Kennedy sent his Vice President, Lyndon B. Johnson, to Asia for the purpose of finding out what the situation was there.

If I recall correctly, at that time the President of the United States, who was then the Vice President, came back and reported that much could be done in the way of economic development for the southeast Asian area; and I believe at that time he advanced the idea of cooperation in the Mekong River development.

That has now been put into effect in a limited sense, and it does offer hope to the people of that area.

Frankly, Mr. President, I never have looked upon the United States as an Asian power. I do not look upon it as an Asian power now. I do look upon it as a Pacific power. I think we have interests in Asia, and I do think that those interests are legitimate and should be given every consideration.

I would point out that as far as our major commitments in Asia are concerned, they are unfortunately primarily military. Those commitments are the basis of mutual security agreements and treaties and the like, and they extend all the way from Iran on the west around through the southeast Asian area, up into the confines of Korea.

I do not think the President at any time has ever considered the possibility of a Monroe Doctrine for Asia. I think it would be inadvisable. I do not feel he has given it any consideration.

But I do think that he has emphasized that we are, not an Asian power, but a Pacific power; and I, of course, am in wholehearted agreement with him in that respect, just as we are an Atlantic power in relation to our position vis-a-vis the European Continent.

As far as the statements made by the Vice President are concerned, which are quoted from a speech—and I just saw this speech before the distinguished Senator spoke—I do not think that he has made pledges which are concrete and which can be set down and examined. It appears to me that he made a general statement relative to defeating social misery, building viable, free political institutions, and achieving peace.

Those are generalizations which we would all be in accord with, but we are—at least I am of the opinion that this is the primary responsibility of the nations themselves, and what assistance we give should be on the periphery, should be on the margin, so to speak.

These "great commitments" have never been brought before the Senate, to my knowledge, and I am certain that if anything on the scale envisaged in the quotations were to be undertaken, that it would be brought before the Senate for its advice and consent, or at least I would hope that would be the case.

Mr. FULBRIGHT. Mr. President, will the Senator yield?

Mr. MANSFIELD. I yield.

Mr. FULBRIGHT. I wish to be a little more specific about some of my sources, to complete the record, because I believe this is an extremely important matter. We have seen how commitments grow from statements by officials over the past decade or so; they become official policy, and we consider that we have a moral commitment.

Let me cite, for example, an official communique, which normally would have been cleared by the officials of this Government, and by that I mean the Secretary of State; and certainly he is acting as a major agent of the President.

This communique is dated February 15, 1966. When it came to my attention, for the first time I had an uneasy feeling that we were drifting—through such pronouncements—into the adoption of a Monroe Doctrine for Asia.

I shall not read all of the communique, although I shall ask unanimous consent that the full text be printed in the Record. I do not want anyone to think I am reading out of context, and purely in the interests of time I will summarize it. All of it is not entirely pertinent.

This is the Vice President's communique of February 15 from Bangkok following talks between Vice President HUMPHREY and Prime Minister Thanom of Thailand.

He was there, I may say, as a representative of the President of the United States.

I read the significant part of the communique:

> He emphasized the determination of the United States to provide all necessary assistance to enable Thailand and the other countries of Southeast Asia threatened by Communist aggression to defend themselves and to achieve in peace their just economic and social aims.

What are their just economic and social aims? I read further:

> Recognizing Thailand's commitment to defend itself against Communist aggression both from within and from without, the Vice President reaffirmed the United States pledge to assist in programs for the improvement of individual well-being and security in Thailand.

These are gradual expansions of what I conceive to be any commitment under SEATO or under any other pledge to Thailand.

Later on it said:

> The Vice President recalled President Johnson's pledge in April 1965 of a one billion dollar American contribution to such a program following its organization by Asian leadership. In this context the Vice President noted the visit of Mr. Eugene Black for discussions with the Prime Minister, which have resulted in the necessary engineering or other survey actions for all the 13 projects proposed by the Prime Minister.

Mr. President, I ask unanimous consent to have this communique printed at this point in the Record.

There being no objection, the communique was ordered to be printed in the Record, as follows:

JOINT COMMUNIQUE ISSUED IN BANGKOK FEBRUARY 15 FOLLOWING TALKS BETWEEN VICE PRESIDENT HUMPHREY OF THE UNITED STATES AND PRIME MINISTER THANOM OF THAILAND

The Vice President of the United States and the Prime Minister of Thailand have concluded a most useful discussion and review of the common struggle against Communist aggression in Southeast Asia, including the results of the recently concluded conference in Hawaii.

The Vice President paid tribute to the strong and unhesitating stand which Thailand and her leaders have taken against the many forms of Communist aggression, the disguised as well as the blatant ones. He expressed the gratitude of his Government for Thailand's initiatives in seeking a larger regional framework for the peaceful achievement of social and economic progress. He emphasized the determination of the United States to provide all necessary assistance to enable Thailand and the other countries of Southeast Asia threatened by Communist aggression to defend themselves and to achieve in peace their just economic and social aims.

The Prime Minister concurred with the principle underlying the Declaration of Honolulu: that the war in Southeast Asia must be waged on two fronts simultaneously—the military front and the struggle to improve the social, economic, and physical well-being of the people.

Recognizing Thailand's commitment to defend itself against Communist aggression both from within and from without, the Vice President reaffirmed the United States pledge to assist in programs for the improvement of individual well-being and security in Thailand. Despite the progress already made in the development of rural areas, a need was clearly identified for greater efforts to provide more ample water supply, further expansion of rural credit for agriculture and related small industry, irrigation of farmlands, expansion of rural electrification, an expanded road system to connect outlying areas to markets, better medical care extended to presently isolated villages, and the provision of more schools to educate the populace and to insure that they will be better equipped to share in the progress of their country and contribute to its strength and stability.

It was agreed that the stops taken to improve the security in certain areas had proved their worth, but that further strengthening of security forces was an urgent necessity. Both governments would provide additional resources to achieve this end, so that villages would be freed from the threat of Communist terrorism and harassment. At the same time further assistance beyond on-going programs for the improvement and modernization of the Thai armed forces was a pressing requirement which would be met by the United States with the flexibility and promptness required by the current emergency.

Thailand's present contributions in regional affairs were jointly reviewed with specific reference to the constructive role Thailand has played in the Mekong Committee, its leadership in the recent regional educational conference, its strong support for the Asian Development Bank, and leadership in forming a highly competent regional council for exchange and coordination of development plans. The Prime Minister stressed the need for Asian initiative and innovation in achieving more rapid progress in economic development so as to improve the lives of the Asian peoples. This is one of the objectives underlying the renewed interest in the Association of Southeast Asia. The Vice President recalled President Johnson's pledge in April 1965 of a one billion dollar American contribution to such a program following its organization by Asian leadership. In this context the Vice President noted the visit of Mr. Eugene Black for discussions with the Prime Minister, which have resulted in the necessary engineering or other survey actions for all the 13 projects proposed by the Prime Minister.

It was agreed that organizations such as the Association of Southeast Asia could play a valuable role in fostering new cooperative institutions and stimulating the ideas that would make dramatic transformations possible.

Mr. FULBRIGHT. The Vice President was quoted again in an article by Mr. Philip Geyelin in the April 20 issue of the Wall Street Journal. Mr. Geyelin has, I believe, written a book concerning the President's foreign policy.

The headline is "A Johnson Doctrine: HUMPHREY Says Meaning of Honolulu

Talk Is a Sweeping U.S. Commitment for Asia."

Mr. President, I ask unanimous consent to have this article printed at this point in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

[From the Wall Street Journal, Apr. 20, 1966]

A Johnson Doctrine: Humphrey Says Meaning of Honolulu Talks Is a Sweeping U.S. Commitment for Asia

(By Philip Geyelin)

Washington.—Vice President Humphrey had stunning news for those in the U.S. Senate and elsewhere who have been bitterly condemning this country's past commitment to Vietnam and sharply questioning the future Asian role of the U.S.

Even while debate on these issues was raging before the Senate Foreign Relations Committee two months ago, it seems, President Johnson was propounding a new "Johnson Doctrine" as sweeping in its implications for Asia as was the U.S. commitment to Europe almost two decades ago. Or so the Vice President reported in a transcript issued in advance of a television interview to be aired last night on the Columbia Broadcasting network. Mr. Humphrey was discussing the results of the Honolulu meeting between Mr. Johnson and South Vietnamese leaders in early February.

"I would never want anyone to underestimate the meaning of the Honolulu conference or the Honolulu declaration," the Vice President declared. "If that is studied carefully, I think it has as much significance for the future of Asia as the Atlantic Charter had for the future of Europe."

At the time, no such interpretation was read into the joint statement issued by Mr. Johnson and the South Vietnamese. Mr. Johnson didn't talk of an Asian "doctrine" and neither did the document itself, whose precise terms dealt strictly with Vietnam. But it actually was intended as "a much broader declaration," the Vice President insisted last night. "It was directed towards an Asia, a modern Asia, an Asia at peace, an Asia with tremendous programs of social, economic betterment."

ILLUSTRATIVE EXCERPTS

Excerpts from the exchange that immediately followed are illustrative, at the very least, of how "doctrines" come into the geopolitical lexicon. But they also bear heavily on the very question currently disturbing Senator Fulbright (Democrat, of Arkansas), Foreign Relations Committee chairman: How is it that the U.S. gets committed to large international undertakings with hardly anybody being aware of it. In the CBS interview, which was taped last Wednesday, Mr. Humphrey says it would have been obvious if "more attention (had) been given to that declaration and a little less attention to the personalities involved."

This, then, was the "articulation of a Johnson Doctrine for Asia?" Mr. Humphrey was asked. "Yes, I think it was," he replied. "I hadn't heard it put quite that way, but as you have said it, that would be as I would envision it and see it." The Vice President noted that the declaration pledged the U.S. in general terms to "defeat aggression, to defeat social misery, to build viable, free institutions and to achieve peace." These are "great commitments," he went on. "I think there is a tremendous new opening here for realizing the dream of the Great Society in the great area of Asia, not just here at home. And I regret that we haven't been able to dramatize it more."

Q. (from CBS commentator Eric Sevareid). Mr. Vice President, there are immense implications, it seems to me, in what you are saying here.

A. Yes.

Q. You seem to me to be saying that the Johnson Doctrine, if we may call it that, is proposing a relationship between this country and Asia, far away as it is, and sprawling and diverse as it is, a relationship as fundamental, as long-lasting, intimate and possibly expensive as our historic associations with Europe. Is it of this scale, of this magnitude?

A. I think so.

REGIONAL APPROACH

The Johnson Administration's plans for exporting the Great Society to Asia and elsewhere, with emphasis on a regional approach to Asian economic and social development, aren't new. The U.S. played a major role in promoting the recently created Asian Development Bank, subscribing $200 million in capital out of the $1 billion total. The President has talked up plans for joint development of the Mekong River Basin in Southeast Asia and pledged heavy U.S. outlays to that end, too. Next week, former World Bank President Eugene R. Black is off on another Asian tour as the President's special representative to examine new projects on which the U.S. and Asian nations might collaborate; yesterday, Mr. Black conferred with the President on plans for this excursion.

But nothing as formal and high-flown as the Vice President's "Johnson Doctrine" concept had yet been put forth. Nor had the U.S. mission in Vietnam ever been described in quite the terms used by Mr. Humphrey last night—terms certain to sharpen the Congressional debate over this country's future Asian policy.

Vietnam, Mr. Humphrey declared, is "almost like the first voyage of an explorer into a new land. The ship has almost been storm-tossed on the shore, but we are there." And he added:

"We are going to be in Asia for a long, long time."

That, of course, is what the debate in Congress and in the public arena has been all about. Senator Fulbright and others have been arguing heatedly that the U.S. had no business getting bogged down in Vietnam in the first place, that it ought to disentangle itself as rapidly as possible, and that it shouldn't take on similar commitments in the future, especially in Asia.

Earlier this week, in committee hearings on foreign-aid legislation, Chairman Fulbright hammered hard at the need to put foreign aid on an "impersonal" basis through wider use of multilateral agencies, just to avoid having broad political and military obligations grow out of seemingly narrow commitments to economic assistance, Senator Fulbright contended this was how the U.S. got drawn into Vietnam, and he and others argued that it shouldn't be allowed to happen again elsewhere.

Yet, if the Vice President's statements are to be interpreted as firm policy, the enunciation of a Johnson Doctrine can only "personalize" the U.S. role. As for the thought advanced by Senator Fulbright and many other critics of the Vietnam War—that the U.S. has no real business being so deeply entangled in Asia—the Vice President seemed almost to be inviting argument. "That is what the (Senate) hearings are all about," he declared in stating categorically that "we can't be a world power with a half-world involvement."

It was impossible to determine precisely how much of a hand, if any, Mr. Johnson may have in the Vice President's declarations. Late yesterday, officials who might have been expected to know professed ignorance. Some of them also conceded to some surprise that Mr. Humphrey had gone as far as he did in challenging the critics of current Asian policy.

"This will really make Fulbright explode," said one who feared a rapid heating of Congressional and public debate as the result of the Vice President's remarks, whatever the President's role may have been.

Controversy is likely to be all the more inflamed by the Vice President's claim that "great commitments" to all of Asia were contained in a document that seemed to deal almost exclusively with the war in Vietnam.

EASE OF COMMITMENT

Already, deep concern is apparent about the ease with which the U.S. Government gets itself committed, as in Vietnam, by such seemingly innocuous documents as former President Eisenhower's original promise of economic assistance to the government of former South Vietnamese Premier Ngo Dinh Diem just after the signing of the 1954 Geneva accords. For years, the U.S. involvement in Vietnam was founded on this pledge, which included no reference to military support.

The Honolulu declaration, on its face, is equally innocuous, as far as mentioning the rest of Asia is concerned. Its four parts include a brief preamble, in which the governments of the U.S. and Vietnam jointly declare their "determination in defense against aggression," their "dedication to the hopes of all the people of South Vietnam," and "their commitment to the search for just and stable peace."

The next two parts are devoted to defining, respectively, Vietnamese and U.S. purposes in the war. The U.S. statement makes general reference to U.S. "pledges" to the principle of self-determination and to playing "its full part in the world-wide attack upon hunger, ignorance and disease," in explaining what the U.S. is doing in Vietnam.

In the fourth section, the two governments subscribe jointly to a common commitment to "defense against aggression, to the work of social revolution, to the goal of free self-government, to the attack on hunger, ignorance and disease, and to the unending quest for peace."

It was in this last declaration, apparently, that Mr. Humphrey saw a "Johnson Doctrine"; his March report to the President, on his return from an Asian tour after the Hawaii meeting, did make vague reference to something grander in scope than a commitment to Vietnam. In that report, Mr. Humphrey said the Honolulu declaration "could represent a historic turning point in American relationships with Asia." He argued that Asian leaders were taking the Honolulu goals "very seriously."

But the notion that this amounts to a "doctrine" or a "great commitment" is new, and almost certain to raise the question of whether the Administration isn't once again reading profound obligations retroactively into documents that weren't billed as obligations, commitments or high policy at the time.

One practical effect could be more far reaching than the anticipated difficulty for the Johnson foreign-aid program. Mr. Fulbright has already threatened to oppose it. The Foreign Relations Committee's second ranking Democrat, Senator Morse of Oregon, has promised to battle for deep reductions, centering on funds for Vietnam. Conscious of this developing opposition, atop the usual Congressional resistance to foreign aid, most Administration officials have been taking a low-key, once-removed approach to Asian aid, playing up multilateral methods and the importance of Asian self-help. The Vice President's pronouncement last night make this line somewhat more difficult to maintain.

Mr. FULBRIGHT. Mr. President, I shall read certain parts of the article. I read:

> Even while debate on these issues was raging before the Senate Foreign Relations Committee two months ago, it seems, President Johnson was propounding a new "Johnson Doctrine" as sweeping in its implications for Asia as was the U.S. commitment to Europe almost two decades ago. Or so the Vice President reported in a transcript issued in advance of a television interview to be aired last night on the Columbia Broadcasting network.

I continue to read:

> This, then, was the "articulation of a Johnson Doctrine for Asia?" Mr. HUMPHREY was asked. "Yes, I think it was," he replied. "I hadn't heard it put quite that way, but as you have said it, that would be as I would envision it and see it." The Vice President noted that the declaration pledged the U.S. in general terms to "defeat aggression, to defeat social misery, to build viable, free institutions and to achieve peace." These are "great commitments," he went on. "I think there is a tremendous new opening here for realizing the dream of the Great Society in the great area of Asia, not just here at home. And I regret that we haven't been able to dramatize it more."
>
> Q. (from CBS commentator Eric Sevareid). Mr. Vice President there are immense implications, it seems to me, in what you are saying here.
>
> A. Yes.

The Vice President agrees that they are. I agree that they are too. All I am trying to do is to alert the Senate to this development before this commitment goes beyond the point of no return. We would then be called upon to implement a commitment which would have been made without protest or consideration by the Senate.

For the information of the Senate, I have the complete transcript of that broadcast referred to by Mr. Geyelin.

I ask unanimous consent that the entire transcript of the CBS special news report of April 19, 1966, be printed at this point in the RECORD so that there will be no room for misunderstanding about what was said.

There being no objection, the transcript was ordered to be printed in the RECORD, as follows:

A CONVERSATION WITH HUBERT HUMPHREY

(CBS news special report as broadcast over the CBS television network and the CBS radio network, April 19, 1966)

Guest: Honorable HUBERT H. HUMPHREY, Vice President of the United States.

CBS news correspondents: Eric Sevareid and Martin Agronsky.

Producer: William J. Small.

Associate producer: Sylvia Westerman.

Director: Robert Vitarelli.

Mr. AGRONSKY. This is the desk of the Vice President of the United States in the Executive Office Building. From this desk he can see the White House across the way.

A view of the West Wing which contains the office of the President.

The office of HUBERT HUMPHREY has the expected memorabilia, photographic reminders of a busy political career spanning several Presidents, F.D.R. on the entrance wall, Johnson, Kennedy, Truman and photographs of the family, Mrs. Humphrey, his parents, his children, grandchildren, and a wry bit of philosophy.

Sometimes I grow tired of a dedicated people, community minded people, great endeavors, things that some things should be done about, eager beavers. And when I grow tired of such things I look with fondness on gentle philosophies, the light of heart, children.

ANNOUNCER. From Washington, CBS News presents a conversation with HUBERT HUMPHREY. With him are CBS News Correspondents Eric Sevareid and Martin Agronsky.

Their discussion with the Vice President begins after this message.

Mr. SEVAREID. Mr. Vice President, this administration seems to have given the American people several explanations as to why we are in Vietnam, beginning with the letter from Mr. Eisenhower about aid, and all the way up to the SEATO Treaty.

Do you think this has been well done in terms of persuading the people that there is a clear and consistent policy?

Vice President HUMPHREY. It is always easier, of course, to persuade people, or to get a message to the American people, if there is a sudden development.

For example, it did not take much persuading of the American people when Pearl Harbor happened. And, indeed, it didn't take a great deal of persuading of the American people after Dunkirk. These were dramatic events that compelled everyone's—well, that compelled everyone to know what was going on, the information was there, the drama was there. It was rather—it was simple, even though horrible. And a declaration of war, for example, surely compels people to know what is going on.

In this situation, though, it is much more complex. The war is different itself. It is a political war. It is a guerrilla war. It is an area of the world that is in revolution—instability of government, the fragility of the—the fragile nature of the political institutions. All of this makes it very complicated to find any simple, direct answers to the problems in Southeast Asia, or to give simple, direct, understandable statements as to what we are seeking to do.

And it is, as you have indicated—we sort of approached the Vietnamese situation by walking up and putting our toe into that trouble—into those troubled waters, and then going in just a little deeper, starting back in 1965, where we made some commitments, economic commitments at that time.

But I think our objectives are rather clear—to defeat the aggression, to stop the aggression, to prevent the success of aggression, we have said, and to give the peoples of South Vietnam their opportunity to make their own choice, to design their own government, to have free elections for the establishment of their own government, and ultimately to make a decision as to whether or not they wish to unite in one country or to have two countries.

Mr. AGRONSKY. Mr. Vice President, to use your own figure of speech, we began by putting our toe in the water, and certainly now we are in it up to our neck.

How wise and how fair is it for the American people to be involved to that extent without a declaration of war?

Vice President HUMPHREY. I personally believe that a declaration of war would only exacerbate the situation. I think it would create a highly emotional fever in this country that would truly escalate the struggle.

Mr. AGRONSKY. Why do you think that?

Vice President HUMPHREY. Because the whole attitude of the people changes. The organization of your country changes.

The activities of your government change. One of the things that we have tried to do in this period is to continue to operate an economy on a rather normal basis without the strict controls that come in by the declaration of war on a national emergency.

Furthermore, you trigger a whole series of events once there is a declaration of war. It is a matter of telling the rest of the world—join up. It really is putting up a signal that you are not only in trouble, but trouble is everywhere, and you may want to join in that trouble.

Mr. SEVAREID. It looks to a lot of people as though the troubles of Marshall Ky in Saigon more or less date from the Honolulu Conference, when he came to see President Johnson. Is there a direct connection?

Vice President HUMPHREY. Not at all. I wouldn't think there was any direct connection. There, of course, this is the sort of a base line for American journalism, because Prime Minister Ky took on added significance in the American mind, in the American communication media, from the Honolulu Conference. He had high visibility at that particular time because the President of the United States was at the conference, and because the conference was a very important conference.

There had to be some identification with individuals because individuals make up government and the only government that was available at that time in Saigon was the government representatives that the President met with in Honolulu.

I would never want anyone to underestimate the meaning of the Honolulu Conference, and the Honolulu Declaration. If that is studied carefully, I think it has as much significance for the future of Asia as the Atlantic Charter had for the future of Europe.

Mr. AGRONSKY. What do you have in mind when you say that?

Vice President HUMPHREY. Because the Honolulu Declaration that came from that conference, while in terms of current history was directed towards Vietnam, it was a much broader declaration. It was directed towards an Asia, a modern Asia, an Asia with abundance, an Asia with social justice, an Asia at peace, an Asia with tremendous programs of social, economic betterment. That is the way I read the Honolulu declaration. And I have studied very carefully and frankly have been very much moved by it.

I regret that more attention has not been given to that declaration, and a little less attention to the personalities involved.

Mr. AGRONSKY. This was the articulation of a Johnson doctrine for Asia?

Vice President HUMPHREY. Yes, I think it was. I really believe that, sir. I had not heard it put quite that way, but as you have said it, that would be as I would envision it and see it.

Now, what was said in this declaration was a pledge to ourselves and to posterity to defeat aggression, to defeat social misery, to build viable, free political institutions, and to achieve peace.

Now, those are broad terms, but these are great commitments. And then you add onto this, sir, our relationships with India and Pakistan, but particularly now India, where the discussions between our two governments have gone far beyond just food; they have gone into the whole matter of development of the economy, the social, political structure.

I think there is a tremendous new opening here for realizing the dream of the Great Society in the great area of Asia, not just here at home. And I regret that we have not been able to dramatize it more.

Mr. SEVAREID. Mr. Vice President, there are immense implications, it seems to me, in what you are saying here.

Vice President HUMPHREY. Yes.

Mr. SEVAREID. You seem to me to be saying that the Johnson doctrine, if we may call it that, is proposing a relationship between this country and Asia, far away as it is, and sprawling and diverse as it is, a relationship as fundamental, as long-lasting, intimate, and possibly expensive as our historic associations with Europe. Is it of this scale, of this magnitude?

Vice President HUMPHREY. I think so.

Mr. SEVAREID. Then the American people have not really been told that we are taking on another half of the world as our intimate and chief responsibility.

Vice President Humphrey. Well, I don't think they ought to be called that, because that is not the case. It is not our responsibility. I think the American people have been told, again by the cruel facts of war in Vietnam, that we are involved in Asia. Whatever one may think about the struggle in Vietnam—and there are honest differences of opinion about how it ought to be conducted, whether we ever should have been there and how we are going to get out—and I don't want to spend my time arguing the details of that.

We have our problems there; but I do know this, that we are there and that it is almost like the first voyage of an explorer into a new land. The ship has almost been cast, has almost been tossed—storm tossed on the shore and on the beach, but we are there. And we are going to be in Asia for a long, long time. That is what these hearings are all about, about our relationship with Communist China. There is no way that we can really ignore this part of the world, or should we.

We can't be a great power like America with a half world or, as I have said so many times, a world power with a half world involvement, or a world power with a half world knowledge.

Our first objective, it seems to me, should be to be better acquainted with this part of the world in depth, to know more. And I suppose one in public life should not admit his own inadequacies, but it is very difficult for anyone to conceal them, so you might just as well admit them. How little we know, how regrettably how little I have known about Asia—even though I thought I was a student of government and of international politics, if not a good practitioner, at least a student of it. But now Vietnam has compelled us to take a good look at where we are and whether we—and what we are going to do about this part of the world.

It does not mean that we manage it. The one thing that I learned on my visit to Asia, the one impression that I came back with was that Asians themselves want to make Asian policy, they want to take their own initiatives, they want our help, they want our cooperation, they desperately need it. They need our know-how. They need our technical assistance.

When I returned I said to many of my associates in government, this is going to really challenge us. This will be the test of our leadership capability. We have great military men in our nation. We have powerful weapons. I think we can be very proud of their achievements and their competence. The question is do we have the same statesmanship quality to help build nations.

We are literally being called upon to help a people build a whole new society. And I have said to many of my good liberal friends in government—I said, "Look, we ought to be excited about this challenge, because here is where we can put to work some of our ideas of how a—nation building, of new concepts of education, development of local government, the improvement of the health standards of people, and really the achievement and the fulfillment of social justice."

Mr. Sevareid. This Vietnam war seems to have become a kind of a measuring rod for a person's general political philosophy in this country, and we are told now, in the press and by many speakers around the country, that you are losing your liberal identification and your liberal following, after a lifetime of enjoying it, because of your support of this war.

Vice President Humphrey. Did you say a lifetime of enjoying it?

Mr. Sevareid. You have enjoyed their support. No doubt much pain with it.

Do you feel this is true?

Vice President Humphrey. I think it is fair to say that a number of my old friends disagree with me on my position on the struggle in Vietnam. I respect their right to do so and I respect their point of view.

But I must say in all candor that if a lifetime—and you are right—if a lifetime of service to progressive and liberal causes and legislation is to fall by the wayside because of a disagreement over an action in Vietnam, then the reliability of friendship is found wanting.

I have disagreed with many a man in public life on a particular issue, and yet joined with him again with great respect and admiration in another stuggle.

I used to lose friends because I was for medicare. I lost a lot of them. I lost many good supporters. They called me all kinds of things. I lost a host of friends when I advocated civil rights. But I was right, and I felt it deeply. It was not politically popular. I want to make it quite clear, that was a political albatross for years. I carried a heavy load but I felt it.

Mr. Agronsky. You feel it is unfair, then, to take away your liberal credentials as a result of the Vietnam—

Vice President Humphrey. Well, I don't think a man ought to say it is unfair. Everybody is entitled to their own peeve. But I have not really found too many people that dislike Hubert Humphrey for one particular issue. There are apparently quite a few that are not too fond of him, both conservative and liberal.

Mr. Sevareid. I think we might interrupt at this point, Mr. Agronsky and Mr. Vice President; we will be back with this discussion with Vice President Hubert Humphrey in just a moment.

Mr. Agronsky. Do you and the President feel, as so many seem to feel, that abroad the whole American policy system seems to be unraveling, with the NATO problem which you have mentioned, with the crisis in Vietnam? Are we going to be forced to reevaluate our whole foreign policy position, are we in the process of doing that?

Vice President Humphrey. I heard the Secretary of State say the other day, gentlemen, that there had been in the past I think two years over fifty changes of government. This necessitates constant reevaluation of your policies, a readjustment of your relationships, new forces come into being—the situation in the Congo, for example—two years ago it was entirely different than it is today. The situation in Rhodesia today is entirely different than it was even six months ago. Obviously the situation in Brazil is much different than it was two or three years ago.

All I am saying is that a big power such as the United States, or a large power such as the Soviet Union, constantly has to readjust and re-evaluate its endeavors, its diplomatic, its economic programs, and its overseas endeavors.

Mr. Sevareid. Mr. Vice President, you make these changes sound more or less like a normal process. But surely the change in Europe is a breakup of the fundamental patterns of European power and its balance as we have known it for twenty years. I am at a loss to see what conception this government has of the new Europe that is going to arrive, what we want to see.

Vice President Humphrey. Well, I don't suppose that I am capable of giving you a blueprint of the kind of new Europe that will arise, and I must say that I doubt that you build—I doubt that societies are created out of blueprints. They generally come out of the pragmatic approach of experience and sometimes even sad experience.

We learned a great deal out of the sadness of and the tragedy of war, and out of depression.

Mr. Agronsky. What are we going to do about living in a Europe without France, which is deliberately excluding itself from participation in Western European life and policy and defense?

Vice President Humphrey. I think what the Secretary of State has indicated is that it is possible to have a NATO, that is, a North Atlantic Treaty Organization, without France. And, of course, it is. The other fourteen members can have an integrated command, can have political consultation, that is, the NATO consultative body or the NATO Council. These things can be.

Now, if you ask me, will it be as strong as if you had France within it, my answer would be, in candor, no. Western Europe with France an integral part of a Western European alliance or a Western European treaty organization like NATO, is a better Western Europe—that is, it is a stronger one. It is stronger politically, it is stronger militarily, and I think it is stronger economically. But I don't think we ought to say that if any one country drops out, that this is the end of the road.

I do think it is fair to say that NATO without France will make Germany a much more significant power. It will place a greater power emphasis upon Germany. But we are going to move ahead, to preserve NATO, if France—and France will, under de Gaulle, pursue its independent course.

France wants, under President de Gaulle, wishes to pursue an independent policy, but at the same time to have the umbrella of American power and Western European integrated power as her protection. She wants total defense without total commitment.

Mr. Agronsky. Would it be fair to say, Mr. Vice President, that the American view of France today might be predicated on the feeling that de Gaulle, after all, is not immortal?

Vice President Humphrey. It is my view that France will come back into a Western European alliance, an integrated alliance. I think France is needed. As long as President de Gaulle is the leader of the French Republic, she will pursue a very independent course. And I think we have to be prepared for that.

By the same token, I do not expect France to be unaware of her own defense, and she knows that her relationships with the United States are very important. She will want to have bilaterals, that is, treaties with the several European countries. She just doesn't want to have her so-called sovereignty touched.

Mr. Sevareid. What kind of a treaty do you think de Gaulle wants with the Russians?

Vice President Humphrey. I don't think we have any real evidence yet as of this moment what the President of the Republic of France will do. But I am sure of one thing, that he will attempt to convey to all of Europe his idea and his dream of a Europe between the Atlantic and the Urals, a Europe of peace, and as he thinks of it, a Europe more closely allied, more closely—not integrated—that word doesn't fit into his picture or pattern—but a Europe of non-aggression. There has even been talk of non-aggression pacts.

These things are not particularly frightening to anyone. I think that you ought to look with some favor upon creative thought about political arrangements in Europe.

Mr. Sevareid. Is this a time for President Johnson to go to Europe?

Vice President Humphrey. The President has never suggested that I should be his tour director or to outline his travel program. I think it would be better to put that question to the President, and you will have that opportunity some day, I am sure.

Mr. Sevareid. I make the personal assumption that you would like to be President some day and on that assumption, may I ask you, wouldn't you have a freer and easier track towards that ultimate ambition, assuming it is yours, if you were still a Senator and not Vice President?

Vice President HUMPHREY. There are those that feel that way and have said so.

Mr. SEVAREID. I was asking about your feelings.

Vice President HUMPHREY. I am the Vice President. I wanted to be Vice President. I feel that I can offer something to my country in this position. I am at the center of the decision-making processes of our government. I make some contribution. I would not want anyone to think that the Vice President is a man of great power. He has responsibility without authority. He has prestige without power.

I would like to believe, gentlemen, that I have read history and studied American government. I used to teach it. And I want to say that there are very few professors of political science that spend one lecture on the Vice Presidency. And maybe that is all it deserves.

But I think from here on out—not from the day of HUBERT HUMPHREY, but going into the 20th Century, particularly the—starting of the thirties, that the office of the Vice President will command much more attention.

Mr. AGRONSKY. Mr. Vice President, Eric has raised the question of your own personal ambition for the Presidency, which we do not ask that you accept or deny.

But there is a consensus in the country that the major obstacle in the path of that personal ambition—and we speak now of course in terms of 1972—would be the Senator from New York ROBERT KENNEDY.

Now, what do you think of the press preoccupation with that particular issue? How does it affect you? Does it damage you in any way politically? Is it important?

Vice President HUMPHREY. Well, you men of the media must have something to write about and talk about, and there is nothing better than people.

Of course, the Senator from New York is an extremely able man, a fine family, well-known American family.

The Vice President is a political officer.

I am somewhat flattered, I might say, because most Vice Presidents didn't get written up quite that much.

But to predict 1972, that is really quite a ways off. And I venture to say that both the Senator from New York and the Vice President cannot make any safe predictions about what will happen by 1972. There may be many other people on the political horizon that will over-shadow us all. That is entirely probable.

Who knows what those days ahead will offer.

Now, to answer your question—how does this affect me; it interests me. But it really does not upset me. It surely does not impede my activities. And, quite frankly, I don't sit around day and night plotting and planning how I am going to better my political position.

Mr. SEVAREID. Perhaps part of your problem, a continuing one, is that one-half the American population is about twenty-five years of age or under, and memories are short.

Vice President HUMPHREY. That is right. I am young of heart. I understand that fully well.

Mr. SEVAREID. And the young heroes are the popular heroes.

Vice President HUMPHREY. Well, heroes come and go.

I must say that one of the observations of politics is to remember that popularity is sometimes short-lived. Also that your stand on a particular issue can change your acceptance or can give you acceptance or rejection.

I don't think you can make long-term predictions.

Mr. SEVAREID. Mr. Vice President, you have given us a lot of time. You have been very responsive. We are very grateful.

Vice President HUMPHREY. Thank you.

Mr. SEVAREID. I think this might be the point to terminate the conversation.

ANNOUNCER. A Conversation with HUBERT HUMPHREY was prerecorded and edited under the supervision and control of CBS News.

Mr. FULBRIGHT. Mr. President, I want to say that I have had very serious conversations with Mr. Rostow on this subject. I do not wish to appear to quote him off the cuff. I can only say on my authority that my impression is that he believes it is the proper role for this country to become a major Asian power, to create a balance there as opposed to China and Russia.

I am not saying this policy is necessarily wrong. It comes as a great shock to me to think that this concept of our role could be contemplated without consideration by the Senate. I do not say that I would oppose such a policy, but I would like to study the matter thoroughly before I would be willing to support commitments to take this country into Asia in that fashion.

That is my position on the views of Mr. Rostow. I think it is of sufficient importance to warrant bringing it to the attention of the Senate.

Mr. President, a very enlightening and interesting article, written by Clayton Fritchey, appears in today's issue of Newsday. I believe the article has great merit, and I commend a reading of it to my colleagues in the Senate.

Therefore, I ask unanimous consent that it may be printed in the RECORD at this point.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

STATE OF AFFAIRS

(By Clayton Fritchey)

WASHINGTON.—If President Johnson is saying what he seems to be saying, in adumbrating or proclaiming a new Asia First policy, the U.S. is about to embark on the most grandiose undertaking in its history.

One disturbing aspect of this extravagant ambition is that it has a kind of Thurber quality about it—a Walter Mitty dreams-of-glory fantasy—for the whole idea seems so far removed from real life and the logic of the future.

Washington correspondents have learned the hard way not to take all the Johnson rhetoric too literally, for often it is full of sound and fury, signifying only the mood of the moment. But a careful examination of both the text and context of his recent statements on the future U.S. role in the Far East suggests that they were not made off the cuff.

This sense of deliberation is fortified by collateral but little noticed statements which Vice President HUMPHREY and Secretary of State Rusk have been making since the Johnson meeting with South Vietnam leaders in Hawaii.

The Vice President was the first to assert that the Honolulu Declaration was not limited to Vietnam, but really constituted a new "Johnson Doctrine" for all of Asia, involving enormous commitments for the future.

"I would never want anyone," said HUMPHREY, "to underestimate the meaning of the Honolulu Conference or Declaration. If that is studied carefully, I think it has as much significance for the future of Asia as the Atlantic Charter had for the future of Europe."

Now comes the President himself announcing the "Pacific Era." Asia, he says, "is now the crucial arena of man's striving for independence and order—and for life itself." He coupled this with what he called "the determination of the U.S. to meet our commitments in Asia as a Pacific power."

In short, the commitment is no longer just to Vietnam, but to a whole continent. The U.S. is going to be Mr. Big in Asia, whether most Asians like it or not, and irrespective of how this affects our relations with Russia and our own allies.

In his most recent statement, Secretary Rusk made it clear that worsening relations between Russia and America would not deflect the U.S. "We are going to meet our commitment," he said, "and if there are those who don't like it, it's too bad."

The Administration's proprietary attitude toward Asia is exemplified by Rusk's warning to Russia and other Warsaw Pact countries against sending volunteers to fight in Vietnam.

Rusk himself has been constantly prodding our allies in both NATO and SEATO to send troops to Vietnam, and several have grudgingly responded but the Secretary now says that "it would be very unwise" for Hanoi's friends to do the same.

Does all this add up to a policy or to megalomania? There has always been a lot of dubious talk about America's "Manifest Destiny," but if it has such a destiny there are few, if any, geopoliticians who believe it is in Asia.

We are talking about a vast area that is 10,000 miles from Washington, and one that reason tells us is going to be dominated in the long run by China and Japan on the one hand, and by India and Indonesia on the other.

Japan, with 100 million determined, hard-working people, is already the third or fourth greatest industrial power in the world, but even so it will be dwarfed by the rapidly growing might of China, with its endless resources and 700 million disciplined people. Can there be any doubt that in a decade or so China will also be a major nuclear power?

Since, China, Japan, India, and Indonesia refuse to accept U.S. hegemony even in their present state of development, is it likely that they will defer to us when they are much stronger? There is not the slightest evidence that they share Johnson's new Asian vision. Quite the contrary.

The U.S. economy and military establishment are already straining under the burden of Vietnam alone; we could not sweepingly magnify our Asian effort except at the risk of seriously imperilling our position elsewhere in the world, which, in fact, is what we already are in the process of doing.

If the U.S. attempts to extend the Monroe Doctrine to the eastern as well as western hemisphere, it will find itself isolated, except for a handful of small satellites and dependents who have to play ball with us.

Before this becomes the irreversible policy of the government, perhaps there had better be a new round of Senate hearings so that Americans clearly understand what is involved. Now is the time to find out—before, not after, the Johnsomagne Pacific era begins.

Mr. MANSFIELD. Mr. President, as always, the distinguished chairman of the Committee on Foreign Relations gives food for thought. I was not aware that Mr. Rostow was either the Secretary of State or the President of the United States, nor was I aware that the Vice President has taken over the Presidency.

Everyone is entitled to his personal views, and we may agree or disagree with them. As far as Mr. HUMPHREY is concerned, I would assume that what he was doing was not giving out official information at the time of a television interview, but was rather expressing his views as to what he envisaged to be the panoramic setting for the development of southeast Asia.

The distinguished Senator from Arkansas quoted Mr. Geyelin, who did write an autobiographical book on the President. He quotes him as follows, referring to the Vice President:

> It seems he was proposing a Johnson doctrine.

Whether it is a Johnson doctrine in fact, or seems to be one—involves a set of different factors which ought to be considered.

The Senator has raised the question of our assistance to Thailand and what the Vice President had said when he was in Bangkok earlier this year.

If I remember correctly, we do have a security agreement with Thailand. We certainly are very closely allied to them in military terms.

We have a number of airbases which are operational. And I would say that the Vice President's reference to other countries probably takes in the countries with which we have commitments and which have, in effect, been agreed to by the Senate in a proper procedural form.

Then the statement is brought up that Mr. Eugene Black, a man whom we all admire and who, I know, is a very close friend of the distinguished chairman of the Committee on Foreign Relations, was in Bangkok around the same time for the purpose of bringing the countries in the area together to form an Asian Bank, and to bring about the development of the Mekong Delta.

I think that both ideas are good. A bank which would be largely appropriated for by Asians living in that part of the universe is an excellent idea. Most of the money happens to come from those countries, including Cambodia which, in the meeting in Manila of December 1965, raised its appropriations from $1.5 million to $3 million.

I believe that Eugene Black is an excellent man to help bring about not only the creation of an Asian Bank, which is now happily in existence, but also the development of the Mekong, which will furnish, in an exceptional sense, some security and hope to the people who live in that area, including the Cambodians, the Laotians, the Vietnamese, the Thais, and, I would hope, in time the Burmese, because the Mekong also borders Western Laos and Eastern Burma.

But as far as an Asian doctrine is concerned, I really know of none. As far as this country is concerned, I repeat that we are not an Asian power, we are a Pacific power, with interests along the Asian coast.

Mr. FULBRIGHT. Mr. President, will the Senator yield for a question?

Mr. MANSFIELD. I yield.

Mr. FULBRIGHT. Just for the purpose of clarifying my mind with regard to the Senator's view, assuming, for the purpose of illustration, that there is such a doctrine as I have described, would the Senator favor it?

Mr. MANSFIELD. I would think that if there is such a doctrine as the Senator has described, it ought to be brought before the Senate for its consideration, at least.

Mr. FULBRIGHT. Does the Senator not believe that this evidence of statements by people who, while they do not have the last word—the President does—who are advisers of the President—and certainly the Vice President is a spokesman in an official capacity on numerous occasions, gives sufficient warning that there ought to be a discussion of this matter, consultation, a confiding by the executive in the Senate?

Mr. MANSFIELD. Yes; I would agree with the Senator in that respect.

Mr. FULBRIGHT. That is what I really am trying to elicit from the Senator. I believe that the President's speech to the Alumni Association in West Virginia, and other references, would indicate that he is very strongly committed to Asia and to this area at the moment, even beyond the war itself.

Mr. MANSFIELD. Yes; I would say that that is a statement of fact, on the basis of reading the speech. I would only hope that the commitment would not go too far or too deep.

We do have peripheral areas with which we are allied and to which we have to give consideration. Whether or not we personally agree with that proposition is beside the point. But once a government gives its word, regardless of our personal feelings, we have to do the best we can to uphold what we have pledged.

I repeat, I hope we do not go too far in. I hope that we do not consider ourselves an Asian power. I am sure that nobody would disagree with the President's statement that we are a Pacific power, just as we are an Atlantic power, but there are limits beyond which we should not go.

Mr. FULBRIGHT. I agree with the statement of the Senator from Montana. I have nothing to quarrel with. If that is the case, I would like to be reassured about it. I agree with what the Senator has just said.

Mr. SALTONSTALL. Mr. President, will the Senator yield?

Mr. MANSFIELD. I yield.

Mr. SALTONSTALL. I have listened to this discussion with a great deal of interest. I speak extemporaneously, because I did not know the Senator from Arkansas was going to make this speech.

I look at the situation from the military point of view. I have been on the Committee on Armed Services and the Committee on Appropriations for a number of years. The Senator from Arkansas and the Senator from Montana speak about an Asian policy. I have looked at the matter from the point of view of a policy of security to ourselves, for the safety of our country in the days ahead, and keeping our agreements.

I call to the attention of Senators the problems that existed in the Mediterranean in the administration of President Eisenhower. Also, we went into Korea as a member of the United Nations. We bore a great deal of the effort in that situation. We had agreements through SEATO with Thailand.

We have now gone into South Vietnam, perhaps more heavily than we ever intended. We have gone in there to protect our own security as well as to help a country retain its freedom. We know that if Australia, New Zealand, and those other countries come under other influences, it will affect our security and safety.

I do not say that there may not be policies looking to the future; but certainly a number of us—I speak only for myself—have carried forward our obligations as part of the effort of the United States to bring about greater security and greater safety for our citizens and an opportunity for peace in the world.

I agree with both Senators that if we go into these broader policies, certainly the Members of the Senate should have more factual information concerning those policies than is provided by discussions of them in various speeches by the President and the Vice President.

As I have said, I speak now as one who has followed this matter from a military point of view, essentially, with the safety and security of our country as major considerations. Of course, we have to keep our agreements.

I call attention to the situation that existed in the Sea of Formosa, at which time the Senate supported almost unanimously the so-called Eisenhower doctrine, as I think it was called, to keep the Sea of Formosa free; because if we did not do that, the Communists would come over to Formosa, and that would make it more difficult for us in the channel, the Philippines, Japan, and so on.

Before that, we went into Korea, as part of the United Nations effort. There was some question as to whether that situation involved our security and safety as much as some of the other places did. It is my understanding that we have gone into Vietnam because we made an agreement—perhaps wrongly—back in 1954 to help protect those people and to give them an opportunity to establish a government of their own. Perhaps, as I have said, we have gone in further than we had intended.

But I look at all that we have done today, as Members of the Senate and as members of the U.S. Government, as an attempt to build up our own security and safety and to increase the opportunity for greater peace in the world. In the future we can look forward, perhaps, to something different; and if changes are under consideration, then we ought to be consulted.

I speak, as I say, to the two distinguished Senators—without having known that this speech was coming up—without an opportunity to reflect on all its implications.

Mr. MANSFIELD. Mr. President, I did not know that this speech was going to be given, until it was given, when I received a copy of it just before the Senator from Arkansas stood up.

The Senator from Massachusetts mentioned the Mediterranean. Of course, we have the 7th Fleet in the Mediterranean and we are a member of NATO. That does not mean that we are a European power. Because we are in Korea, Taiwan, and Vietnam does not mean that we are an Asiatic power. We are not. We are an Atlantic power on one side, with interests in Europe, and we are a Pacific power on the other, with interests in Asia, but we are not an Asian power.

Mr. SALTONSTALL. I agree 110 percent with what the Senator from Montana has said, and he has expressed it better than I could.

Mr. McCARTHY. Mr. President, I do not believe the chairman of our committee has really raised a new question, but he has called to the attention of the Senate a most serious matter which has been developing over a rather long period of time.

The Senator from Montana has said that we are not a European power. I believe that in a significant measure we are a European power. I believe that one of the matters of concern to many Members of the Senate is whether or not there is an Asian doctrine—if it can be called a doctrine; at least there are indications that there are some thoughts and beliefs that we should have an Asian doctrine. It does not have to be a Monroe Doctrine, but a doctrine which commits us in somewhat the same way as we are and have been committed in Europe.

I do not know whether we ought to attribute official status to statements made by the Vice President, except when he is acting directly as the official agent of the President. This disposition to give official status to the statements of the Vice President began, I believe, under the Eisenhower adminstration, when there was talk that a new meaning was being given to the office.

If new meaning is being given, I believe it is a meaning just short of official, and we ought not create, in debate here, a disposition to accept interpretations or statements by Vice Presidents with reference to Presidential policies or administration policies, unless those statements are in relation to an assigned responsibility, an official responsibility, which is outside that which is ordinarily carried under the Constitution by the Vice President of the United States. That official responsibility is limited, as the Senate knows, to presiding over the Senate.

I believe the Vice President has more power in the Senate than has generally been used by a Vice President in recent years, when debates on Senate rules are under consideration. Beyond that, the Vice President has clear authority to vote in the event of a tie in the Senate. To go beyond those two defined responsibilities, one must judge the Vice President's remarks on the basis of how intimately the Vice President may know the mind of the President or anyone else whom he quotes.

Mr. President, I send to the desk an amendment, and ask that it be stated.

The **PRESIDING OFFICER.** The clerk will state the amendment.

The LEGISLATIVE CLERK. On page 3, strike out lines 22 through 24.

(At this point, Mr. PROXMIRE assumed the chair.)

Mr. McCARTHY. Mr. President, this amendment has the effect of leaving the interest rate on development loans at the rates which now exist and at the rate which was recommended in the bill which the administration sent to the Senate.

The Committee on Foreign Relations discussed this question at some length and, as I recall, by a relatively close vote decided to increase the rate for the second stage, that period 10 years beyond the time the loan is made, from 2½ to 3 percent.

I opposed the amendment in committee and I urge that the Senate now act to leave the interest rate at its present level.

I believe this action is particularly justified now, since the Senate supported the Dominick amendment which increases the interest rate on the so-called 10-year grace period, from 1 to 2 percent.

To take that interest rate increase and carry it on with the interest rate raised from 2½ to 3 percent in the time beyond the first 10-year period would be, in my judgment, too great a burden on the development loan program.

On the floor of the Senate and in committee, I have supported amendments which dealt largely with procedures and proposals designed to give Congress greater control over the foreign aid program. Members of the Senate, on the floor and in committee, have voted to cut certain programs. I have not always agreed, but the cuts were specific and the cuts could be determined. But I do not believe there is anyone who can fully interpret or make any kind of forecast or judgment as to what consequences these across-the-board increases in interest rates will have on countries that we are trying to help.

A number of Senators have been speaking during the last 3 or 4 months about the great consequences of the increase in interest rates in the United States and how this increase has disturbed, upset, and caused disruptions in our economy, which is the most productive economy in the world, and which has great internal strength. These Senators are greatly disturbed about consequences of interest rate increases which not even the experts could have foreseen.

Yet we are moving to increase interest rates in programs designed to help countries which are marginal and struggling, and on the edge of collapse. We proceed as if they were countries of great strength and vitality.

I suggest that this is a highly improper and dangerous way to proceed in connection with the program.

If it is dangerous in the United States, certainly this should serve as a warning to us to go slowly in dealing arbitrarily with interest rates in underdeveloped and struggling countries around the world.

The Senator from New York [Mr. KENNEDY] and the Senator from Ohio [Mr. LAUSCHE] addressed the Chair.

Mr. McCARTHY. Mr. President, I yield to the Senator from New York [Mr. KENNEDY].

Mr. KENNEDY of New York. I commend the Senator from Minnesota [Mr. McCARTHY] in the effort he is making in this matter, and the amendment he has offered. I think it is most worthy and can be beneficial. We face these difficult problems round the world. I want to associate and identify myself with the Senator.

Mr. McCARTHY. Mr. President, I yield to the Senator from Ohio [Mr. LAUSCHE].

Mr. LAUSCHE. Mr. President, to carefully analyze the proposal made by the Senator from Minnesota [Mr. McCARTHY], and to obtain information about the interest rates charged by our country and other countries, such as Great Britain, Italy, Germany, and France, I direct the attention of the Senator to page 322 of the transcript of hearings. On that page there are two tables, one for the year 1962 and the other for the year 1963.

I merely wish to point out to the Senator that for the year 1962 our Government made loans of $988 million at an interest rate of less than 1 percent, or completely free of interest. In 1963 it made loans of $1,040 million, also at a rate of less than 1 percent, or interest free.

If Senators will study these tabulations and compare our interest charge with that of France, Italy, Great Britain, and Germany, and other nations of the world, it will be found that even though we raised our interest rate for the first 10 years, and the balance of the tenure of the loan, we are still tremendously below the rate other nations are charging.

I recommend that he study the table, to see what the comparative statement is.

Mr. McCARTHY. I thank the Senator from Ohio for stating that point. However I am not going to refer to 1962 and 1963 but about 1964, 1965, and 1966.

Mr. LAUSCHE. I did not talk about them because they are not in the RECORD.

Mr. McCARTHY. The Senator would not have said quite what he said had they been in the RECORD, because the case would have been much clearer. I shall have something to say about what happened in 1964, 1965, and 1966. It does not altogether destroy the Senator's case, but it definitely weakens it.

This change may seem minor, since it reduces the rate from 3 to 2½ percent, but the effects are highly important. The proposed increase to 3 percent would move us one step further in the process that has been taking place since 1963, a period of 3 years. The interest rate charged by the United States on AID development loans will have increased by 300 percent—a threefold increase in the interest rates that were charged in 1961 and 1962.

The minimum interest rate was set by Congress in 1961 at three-fourths of 1 percent. In 1963, it was raised to 2 percent. In 1964, it was raised to 2½ percent. Now it is proposed, by the amendment adopted by the committee, to raise the rate to 3 percent.

In 1964, the Committee on Foreign Relations, I remind the committee, suggested that the executive branch make a thorough study of loan terms and report to Congress. Now it is proposed that another study of foreign aid be made, presuming that it would be helpful to us.

The study directed to be made in 1964 was made, and a report was submitted. The report stated:

> Hard loan terms are incompatible with the goal of helping developing countries achieve self-sustaining growth in the shortest time with the least amount of aid.

That recommendation was made by the study group which the Committee on Foreign Relations recommended. The report went on to say that:

> AID minimum loan terms are already hard enough—if they are not to hard. They should not be hardened further.

Now it is proposed that we proceed to harden them and to make it more difficult for those countries to repay their development loans.

Last year, Congress held the minimum at a level of 2½ percent. This year, by committee action, the rate has been raised to 3 percent. There is no question that this action will add greatly to the debt burden and debt service burden of the developing countries; and it may well reverse the promising trends toward softer loans on the part of other nations.

Let me speak first as to the debt burden. Congress should decide whether we are conducting an AID program or whether this is a commercial venture. We should decide whether we want to create a heavy burden of debt and encourage default, because that certainly will happen. We can provide assistance on reasonable terms and encourage true and productive development, or we can continue to raise our minimum rates, turn the AID program into a commercial operation, and slow down and perhaps destroy the hopes for progress in many countries of the world.

Last year the World Bank, to which continuing tribute has been paid on the floor of the Senate, reported that outstanding public and publicly guaranteed indebtedness of the developing countries had increased from $9 billion in 1955 to an estimated $33 billion at the end of 1964—a compound rate of interest of something like 15 percent a year. No doubt it has further increased by a substantial amount during the past year and a half.

Moreover, these figures present only part of the picture. They exclude nonguaranteed private debt, commercial arrears, and direct private investment with its attendant obligations for remittance of dividends, royalties and managerial fees.

Taking into account that a high proportion of this mounting indebtedness is of short and medium term maturity, it becomes apparent that the rate of increase in debt servicing obligations of the developing countries has been even more rapid. The IBRD has estimated that aggregate debt service payments in 1964 by the developing countries were probably well over $4 billion. They absorbed something like 12 percent of export earnings, compared with an estimated 4 percent as recently as the mid-1950's.

Currently interest and amortization payments received by the developed country members of the Development Assistance Committee on official loans to the less developed countries are running close to 20 percent of loan funds disbursed to those countries. With the approaching end of grace periods on development loans made in recent years, the debt servicing burden can be expected to increase still more sharply, posing a serious threat to the determination and capacities of the developed nations through new loans to continue to contribute a net flow of resources to the investment capabilities of the less developed countries.

The problem of debt is a very serious matter. Mr. George Woods, President of the World Bank, spoke frankly in a recent article in Foreign Affairs, saying:

> These levels of debt service are dangerously high. They mean that a good part of the countries' foreign exchange resources must be devoted to servicing previous obligations rather than to new productive development. Indeed, when all amortization, interest and dividend payments are taken into account, the backflow of some $6 billion from the developing countries offsets about half the gross capital inflow which these countries receive. These payments are continuing to rise at an accelerating rate, and in a little more than 15 years on present form, would offset the inflow completely. In short, to go on doing what the capital-exporting countries are now doing will, in the not too long run, amount to doing nothing at all. More finance is needed, and on terms more appropriate to the facts of life in the underdeveloped countries.

An increase in AID interest rates would serve only to aggravate the problem—to increase the total debt burden of recipient nations and increase the yearly costs of their debts.

The committee action would increase the total appropriations from the Congress that would be required to do the same job. The AID study shows that the proposed Senate amendment would mean that Congress would have to appropriate $100 million per year to do the same job. We can do the job faster at less expense with lower rates.

If Congress approves the committee action, it will increase the burden to be imposed on the less developed countries.

The World Bank itself has moved to meet the problem of mounting debt by establishing the International Development Association, which extends loans of low interest with a long-term repayment period. And under the leadership of Mr. Woods, the Bank has been encouraging all donor nations to take every possible step to head off the crises which can now be foreseen.

Mr. President, it is neither in the U.S. national interest nor in the interest of the developing countries themselves for us now to adopt an amendment which would further aggravate the debt problem.

The second problem raised by the committee amendment is its effect on the increasingly successful efforts to persuade other donor nations to lower their interest rates. I address this to the Senator from Ohio [Mr. LAUSCHE], who has raised the point: The United States has been a leader in this effort and in recent years we have been more and more successful.

On the average, the loan terms of other aid-giving nations are still harder than our own, and harder even than ours would be if the proposed increase of one-half of 1 percent were enacted. However, over the last few years, there has been a significant trend towards softer loan terms by these other nations. Whereas U.S. terms, including Export-Import Bank loans, on the average hardened from 2.5 to 3.3 percent between 1962 and 1965, the average terms of other members of the Development Assistance Committee in the aggregate softened from 5.3 to 4 percent over the same period.

Mr. LAUSCHE. These are Export-Import Bank loans?

Mr. McCARTHY. This includes all the loans, including the Export-Import Bank. For France the weighted average interest rate over this period decreased from 4 percent to 3.7 percent; for Germany from 4.4 percent to 4.2 percent; and for the United Kingdom from 5.8 percent to 3.3 percent. They should, of course, do better, but at least the trend is downward.

I do not say that their interest rate should be higher than ours but, with the example of U.S. persuasion which we have been able to exert upon them because our rates were lower, it has had the effect of inducing them to reduce their interest rates.

Mr. LAUSCHE. It is a fact, however, in spite of their reduced rates, that ours are still substantially lower?

Mr. McCARTHY. In the case of the United Kingdom, this aggregate rate would be roughly the same—that is, 3.3 percent for the United Kingdom and 3.3 percent for the United States. In the case of France it is slightly higher—that is, 3.7 percent as against 3.3 percent, and in the case of Germany it is even higher, 4.2 percent as against 3.3 percent. The idea has been to get them to reduce, and they have been reducing their rates. Thus, it is dangerous for us to continue to press for this increase to what I believe would be the danger point, as we might discourage the efforts they have been making.

Mr. FULBRIGHT. Mr. President, will the Senator from Minnesota yield?

Mr. McCARTHY. I yield.

Mr. FULBRIGHT. Would the Senator's amendment affect the interest rate during the grace period?

Mr. McCARTHY. The amendment would have no effect on the interest rate during the grace period, which is now 2 percent, by virtue of the amendment offered by the Senator from Colorado [Mr. DOMINICK], and agreed to by the Senate yesterday.

Mr. FULBRIGHT. In other words, the Senator is not seeking in any indirect way to undo what the Senate did yesterday with regard to the interest rate during the grace period?

Mr. McCARTHY. That is right.

Mr. FULBRIGHT. There is a misunderstanding on that, which I wanted clarified.

Mr. McCARTHY. The interest rate in this amendment applies only after the grace period. We seek to reverse the action taken by the Foreign Relations Committee, which did not anticipate that the interest rate would be raised from 1 to 2 percent in the grace period.

Mr. FULBRIGHT. In the committee I did not vote for the increase in the interest rate. I disapprove of increasing it in the grace period. As long as we are going to make loans, I think they should be made under conditions which are reasonable. The matter does not deal with the overall amount available for loans, so I wanted to make clear that the Senator is not dealing with the interest during the grace period, only that in the committee we increased it one-half of 1 percent.

Mr. McCARTHY. The Senator is quite correct. In fact, the adoption of the committee amendment which raises the interest rate from 2½ to 3 percent after the grace period, which is 10 years, plus the increase which the Senate adopted in accepting the amendment of the Senator from Colorado from 1 to 2 percent, means, in effect, that we will have increased the interest rate by three-fourth of 1 percent over a 20-year period. That does not check out quite to that amount, but it is 100 percent more in the first 10-year grace period and one-half of 1 percent more in the period following that. I may have an amendment to offer dealing with the amendment of the Senator from Colorado, but this particular amendment applies only to the interest rate following termination of the grace period.

Mr. MILLER. Mr. President, will the Senator from Minnesota yield?

Mr. McCARTHY. I yield.

Mr. MILLER. I should like to ask this question: As a result of action taken on the Dominick amendment, as I understand it, the interest rate for the first 10 years is now 2 percent.

Mr. McCARTHY. That is right.

Mr. MILLER. If the Senator's amendment is adopted, that would be following on the interest rate, and it would also be 2 percent?

Mr. FULBRIGHT. Two and a half percent.

Mr. McCARTHY. The existing law calls for a maximum rate of 2½ percent. The committee raised it to 3 percent.

My amendment would restore it to 2½ percent, which is the current rate. It is not intended to have any bearing on the interest rate during the grace period of 10 years.

Mr. MILLER. Then where is it reduced, if the Senator's amendment is adopted, so that the grace period amounts to only one-half of 1 percent for 10 years?

It does not look very much like there would be much of an advantage if 2 percent is to be charged if, on the follow-on, there will be a charge of only one-half of 1 percent more.

Mr. McCARTHY. I would be inclined to agree. I think we have practically destroyed the grace period. The reference to the grace period is only on the principal.

Mr. MILLER. I understand——

Mr. McCARTHY. There would be a little difference between the two periods. In the grace period the interest was increased by 1 percent.

Mr. MORSE. Mr. President, will the Senator yield?

Mr. McCARTHY. I yield.

Mr. MORSE. The Senator's amendment would eliminate from this section of the bill all the interest rates that have been changed. He would end up with the interest rate in the present law. That means the amendment would in effect repeal the 2 percent for the 10-year grace period that we adopted yesterday. The Senator is not only asking to change the 2.5 to 3 percent beyond the grace period, but automatically, by his amendment, he would eliminate that part of the bill which refers to the grace period. I am opposed to both. I do not think the Senator should——

Mr. McCARTHY. I have consulted the Parliamentarian.

Mr. MORSE. Consult him again.

Mr. McCARTHY. That is the language I thought he recommended in that place in the bill. If what the Senator has said is the case, perhaps we can ask him.

Mr. LAUSCHE. Mr. President, will the Senator yield?

Mr. McCARTHY. I yield.

Mr. LAUSCHE. Is the amendment offered by the Senator from Minnesota parliamentarily in order, in view of the fact that it contemplates changing the Dominick amendment?

Mr. McCARTHY. It was not intended to change the Dominick amendment, but upon the advice of the Parliamentarian, we can change it, if necessary.

The PRESIDING OFFICER. The Parliamentarian advises the Chair that the amendment is in order because it is broader than the Dominick amendment.

Mr. McCARTHY. I discussed it with the Parliamentarian. I did not have in mind changing the interest rates in the grace period which was affected by the Dominick amendment.

Mr. LAUSCHE. But the amendment does change the Dominick amendment, because it strikes it.

Mr. McCARTHY. Mr. President, I ask unanimous consent to change the wording of the amendment, if, on the advice of the Parliamentarian, it does change the Dominick amendment.

The PRESIDING OFFICER. The Parliamentarian advises the Chair that the amendment would have the effect of striking out the Dominick amendment.

Mr. McCARTHY. If I may have unanimous consent, I modify my amendment to conform with the advice of the Parliamentarian.

The PRESIDING OFFICER. The Senator may modify his amendment. It is not necessary to obtain unanimous consent.

Mr. McCARTHY. If the Parliamentarian will suggest language to accomplish the purpose that I intended, I shall be appreciative.

Mr. MORSE. Mr. President, for the record, it is important to the Senator from Minnesota, and certainly to the Senate, that we understand what the Senator is doing.

I understand the issue the Senator is seeking to address himself to is to make the interest 2½ percent beyond the grace period, instead of the 3 percent the Foreign Relations Committee recommended. If we can get that understanding and get the amendment put into that form, then we can meet the Senator from Minnesota on the merits of his proposal.

I think it would be an unwise position for the Senate to take. The Senate is too lenient even with the 3 percent. The American taxpayers are entitled to the cost of interest rates, which is far beyond any such amount as 3 percent. I think the record should be made on any such proposal before it comes to a vote.

Mr. McCARTHY. Mr. President, may I have the clerk read the amendment as modified?

The PRESIDING OFFICER. The amendment of the Senator from Minnesota, as modified, will be stated.

The legislative clerk read as follows:

> On page 3, strike out lines 22 through 24 and insert:
>
> "(b) Sec. 201(d), which relates to interest rates, is amended by striking out: '1 per centum' and substituting '2 per centum'."

Mr. McCARTHY. Mr. President, may I have a statement from the Chair that the amendment the clerk has just read will have a bearing only on the interest rate that applies beyond the grace period and would not in anyway affect the action the Senate took on the Dominick amendment?

The PRESIDING OFFICER. That is the Parliamentarian's interpretation.

Mr. McCARTHY. There is no appeal beyond the Parliamentarian at this point.

Mr. MORSE. Mr. President, may I make a parliamentary inquiry?

Mr. McCARTHY. I yield for a parliamentary inquiry.

Mr. MORSE. It is my understanding that the amendment offered by the Senator from Minnesota would have the effect of eliminating from the bill subsection (b) of section 201 which relates to interest rates, as amended, by striking the 2½ percent and substituting 3 percent, and by striking out 1 percent and inserting 2 percent, and he is now offering to put back what was in the Dominick amendment. But the amendment as the Senator offered it did have the effect of eliminating the Dominick amendment.

My parliamentary inquiry is whether the amendment that came to the floor of the Senate from the Senator from Minnesota is one that had the effect of eliminating the Dominick amendment.

The PRESIDING OFFICER. The Senator is correct, but the amendment has been modified.

Mr. MORSE. It was modified so that it only reduces the interest rate from 3 to 2½ percent after the grace period.

The PRESIDING OFFICER. That is correct.

Mr. MORSE. I appreciate the modification, because now we can go to a discussion of the issue on its merits.

Mr. McCARTHY. If the time comes when the Senator from Oregon wishes to be the Parliamentarian, I shall vote for it.

Mr. MORSE. I would be a bad Parliamentarian.

Mr. McCARTHY. The Senator would be a good one. I like his rulings.

As I pointed out, the other countries have been moving their interest rates down. This has been suggested by the World Bank in a report which was before the Foreign Relations Committee. It has been national policy to encourage their interest rates to move somewhat closer to ours.

This trend has reflected a number of policy changes in virtually every other member country of the DAC changes designed to increase flexibility in granting softer terms. The policies introduced included new soft loan programs, extended grace periods on interest and principal, interest rate subsidies, waivers of interest, the increasing use of current budgetary funds in the place of borrowing at high rates on domestic capital markets, and the blending of soft loans or grants with credits at harder terms.

The United Kingdom introduced in 1962 a policy of waiver of interest charges on selected loans during the grace period which resulted in effective interest rates significantly below the nominal rates. This was followed in 1965 by the introduction of a policy allowing completely interest-free loans in certain cases. It is expected that a high proportion of future British loans to developing countries will be interest-free.

In other words, they have provided a grace period in which there is no interest charged at all by the United Kingdom.

Contrary to that, we have just decided here on the floor of the Senate to impose a 2-percent grace period interest rate on loans made by the United States.

Canada introduced in 1964 a soft loan program for development purposes under terms similar to the IDA; that is, 50-year repayment, 10 years grace period on repayment of principal, and three-fourths of 1 percent per year service charge during the grace period.

On the 20th of July, if I could particularly have the attention of the Senator from Ohio, the Canadian Government announced, at a meeting of the Development Assistance Committee of the OECD in Washington, that it was softening even further its development lending terms. While we are increasing ours, they are softening theirs. They have been charging three-fourths of 1 percent during the 10-year grace period. The Canadians have announced that on most future loans, they will abolish the service charge altogether. The Canadians will now join the British in making loans available during the grace period at no interest rate and no service charge whatsoever.

Mr. MORSE. Mr. President, will the Senator yield?

Mr. McCARTHY. Yes, I yield to the Senator from Oregon.

Mr. MORSE. Does the Senator know whether or not the Canadian Government has a disaster loan program for the benefit of Canadian farmers, in case of some disaster, when they are about to have their property foreclosed on as the result of disaster?

Mr. McCARTHY. I am sure they do. I think they have a rather comprehensive program of crop insurance.

Mr. MORSE. Does the Senator know what interest rate Canadian farmers are charged in such a situation?

Mr. McCARTHY. I do not know. Does the Senator from Oregon know? I assume they charge interest at some rate.

Mr. MORSE. I want to know whether the Senator knows the interest rate charged to American farmers for disaster loans.

Mr. McCARTHY. Well, it is higher than this 2½ percent.

Mr. MORSE. It is 3 percent.

Mr. McCARTHY. That is right.

Mr. MORSE. Does the Senator think it to be a proper protection of American taxpayers' money, if we charge our own farmers 3 percent for disaster loans, in order to help them save their property from foreclosure and try to get themselves back into production, but charge people abroad only 2½ percent?

Mr. McCARTHY. I would be quite happy, if the circumstances are properly defined, to make not only interest-free loans but grants to farmers who are disaster victims in this country.

I do not think we help solve the problems of developing countries by raising their interest rates. Perhaps it would help solve the problem of the American farmers to reduce theirs; but I do not see how any good could be accomplished abroad.

Mr. MORSE. I respectfully suggest that we ought to take care of our own farmers first.

Mr. McCARTHY. Perhaps we can set an example. As the Senator knows, the only way we have been able to do anything about migratory workers in America was by making an issue of the way in which foreign migrants were treated in the United States. It might be that by doing something about the underdeveloped areas of the world, on proper terms, we might set an example which Congress might follow with reference to domestic problems.

Mr. MORSE. That would be an example for further waste of millions of dollars of the taxpayers' money.

Mr. McCARTHY. Not necessarily.

Mr. MORSE. What the Senator's proposal really amounts to is an indirect method of increasing the amount of money available under this aid bill by a good many millions of dollars.

Mr. McCARTHY. I say to the Senator, I think the first judgment we have to make is whether the programs are good.

Mr. KENNEDY of New York. Mr. President, will the Senator yield?

Mr. McCARTHY. I am quite prepared to say, as I have disagreed on some of the specific cuts, these are hard, specific judgments that get to a particular point. When you begin to deal with the problem of interest rates, as I said earlier, you do not know what the consequences will be. We have seen the consequences in the United States, where we have a great and strong economy, of the increase in interest rates in the last 6 months, and the dislocations and disturbances and the slowing down in the economy. These are the effects of imbalances created by virtue of an interest rate increase, which was thought would have, automatically, a good effect. It has not had that effect.

With reference to the struggling economies of the world and increasing the interest rates, while some good may come of it, I believe the total effect would be otherwise.

Mr. KENNEDY of New York. Mr. President, will the Senator yield?

Mr. McCARTHY. I yield to the Senator from New York.

Mr. KENNEDY of New York. When we talk about these programs, we are talking about something other than interest rates; we are talking about programs aimed at helping individuals in the fields of education, housing, agriculture, or clean water, so that the high death rate among young children in Peru or Chile or Venezuela or Kenya, or wherever it might be, might be reduced and those lives might be saved.

Is it not true that by agreeing to the amendment the Senator from Minnesota has offered, a great deal more money would thereby be available in those countries, which desperately need this kind of help? Could the Senator tell a little bit about the kinds of programs that would be possible, under the program we are discussing today?

Mr. McCARTHY. I think the Senator has really covered the whole field. These are not just loans to bail out governments and forestall inflation. There are such loans, which are made under some supervision. But these are loans to meet what are considered vital needs for these countries' development.

Mr. KENNEDY of New York. Commenting on the statement of the Senator from Oregon, I would be completely in favor of lowering interest rates for those who need that kind of help here in the United States under the terms the Senator has described so eloquently, to farmers who need disaster aid and disaster assistance; but it does not seem to me that it makes any substantial difference here in the United States, with the economy as it is, with the growth of our economy, the tremendous gains we have made economically here in the United States, to start penalizing people all over the world, just because of the fact that perhaps we have an inadequate or insufficient program here in this country. Again, to go back to the terms, in which I spoke yesterday, it does not seem to me to make any sense not to permit children to obtain an education in Latin America or Asia because we are upset about the war in Vietnam.

Mr. MORSE. Mr. President, will the Senator yield?

Mr. KENNEDY of New York. I yield.

Mr. MORSE. Those are the words of the Senator from New York, not mine. I am simply saying I do not think we can justify granting them the 2½-percent money the Senator from Minnesota proposes, when our own farmers in this country, for emergency disaster loans, have to pay 3 percent.

The Senator from New York says he would be perfectly willing to support less; so would I. But we ought to do that first, because if we do not, those of us who are really friends of the foreign aid program are going to find ourselves meeting so much opposition in public opinion in this country that we will be unable to do the things we ought to do in foreign aid even in connection with these humanitarian programs.

I know of no reason why the governments concerned should not understand that they ought to be required to pay at least 3 percent interest on the money. This constant giving away and giving away has not won for us friends in the countries to which we have made the giveaways. We ought to face up to that.

The 3-percent proposal that the committee has made is reasonable. It is comparable to the charges we make in our own country to people who also are suffering great hardships, and I do not think we ought to go below it.

We should have, from the Senator from Minnesota, the figure as to the amount of increase in dollars that his proposal will result in, by adding it to this bill.

Mr. McCARTHY. It would have no direct effect on the increase in dollars. As a matter of fact, in view of the action of the Senate in cutting the amount of the development loan program funds, I do not know what the Senator means by "increase in dollars."

Mr. MORSE. It means, if we get 3 percent instead of 2½ percent, we have protected the American taxpayer to the extent of the difference. More dollars will be returned in interest, if the same amount is lent.

Mr. GRUENING and **Mr. McGEE** addressed the Chair.

Mr. McCARTHY. I yield to the Senator from Alaska.

Mr. GRUENING. Are the Senator from Minnesota and the Senator from New York aware that the countries to which we make these loans relend the money at rates as high as 10 percent?

Mr. McCARTHY. Oh, yes, we are aware of that.

Mr. GRUENING. Is that not a pertinent fact?

Mr. McCARTHY. Yes, we know it. We have taken it into account fully.

Mr. GRUENING. Would the Senator support an amendment which would say that this money should not be reloaned at interest rates in an amount more than 5 percent greater than the amount we have charged? I would think that would be a desirable amendment.

If we would control that kind of gambling with our money, I think that it might encourage those who would be willing to vote for low-interest rates. Otherwise, it would be very difficult to reconcile that with the fact that we are raising the interest rate for Americans. It is very difficult now to get a loan for housing or for any other purpose. I find the dual standard is very intolerable.

Mr. McCARTHY. Mr. President, if we were to do that, in view of the increase in interest rates proposed here, I believe that the pressure would be on them to raise their rates to get money to pay back the United States. We seem to be working at cross purposes and putting great pressure on countries which I understand are operating under conditions urged upon them by our officials.

Mr. McGEE. Mr. President, the Senator from Minnesota is one of the recognized experts in the Senate on financial matters as well as on general policy.

Mr. McCARTHY. I appreciate the remarks of the Senator. Perhaps he should say one of the newly recognized experts in the Senate.

Mr. McGEE. He is not recognized enough in my judgment for his competence in these fields. However, here we are wedding the matter of policy with the matter of international finance.

I wonder whether the Senator from Minnesota would agree with me that, in many of the suggestions submitted here in the last few minutes, we are tending to penalize the economic capability and growth capacity of our whole program by focusing on the commas and the semicolons in the program itself. Are we not tending to put our cart before the horse, to borrow another cliche?

Mr. McCARTHY. I quite agree with the Senator. I think the basic purpose of the foreign aid program is to stimulate economic development and to help those in need of help.

In this case, the proposal is to put these loans on some kind of hard banking base.

Mr. McGEE. Is it not called into question whether economic development is wise or unwise? We are starting with the assumption that this is a wise way to proceed to assault some of the problems of the world economic development. It seems to me that we begin to take precedence over this basic measure, the yardstick, by the comparison of an interest rate that would imply in the economic intrastructure of a country overseas with one which would operate in our own country, or that could have an entirely different impact overseas on capital generation. That is an entirely different question in areas like Vietnam or Burma or some of the other developing areas of the world in which they have very few capital generating institutions in their economy.

For that reason, I commend the Senator for keeping the focus on the main sections of the program, rather than on minutia. Any minutia lifted out of context and applied in our setting could be demonstrated to be unwise by our standard. But when we are accused of a double standard, those who make the accusation accuse us of applying another standard. They say that we operate in a foreign economy and the details of this foreign economy are used to compare unfavorably with standards that we take for granted in our capital enterprise system at home.

Mr. McCARTHY. The Senator is quite correct. This is really the substance of the amendment. We had to make our case with reference to the interest rate question which perhaps should not have been raised. The substance of the argument for the Alliance for Progress is the very argument made by the Senator from Wyoming.

I think that I have made the case as clearly as I can for the return of the interest rate to 2.5 percent. It would have no bearing on the balance of payments since most of the countries have an unfavorable balance as against the United States. The problem of outflow of money from the United States would be in no way affected by the interest rate.

Mr. KENNEDY of New York. Mr. President, will the Senator yield?

Mr. McCARTHY. I yield.

Mr. KENNEDY of New York. In addition to the argument made in the exchange between the Senator from Wyoming and the Senator from Minnesota, must we not also consider the fact that we are doing this in the interest of our own national security? Obviously, while we still have people in the United States who do not have adequate education, who do not have adequate housing, who do not have enough to eat, considering the various areas of poverty that we have across the country, any time we deal with foreign aid, we can argue that we should not take any of these steps until we rectify the problems in our country.

We do it because we think we have a moral responsibility, because we are far ahead of the other countries. However, we also do it because it is in the interest of the national security and the interest of the United States that there be stability in Latin America, so that we do not have any other Cubas and so that we will have some stability for the next generation of Americans, and so that we will have some stability in Africa and in the rest of Asia.

That is why we help other countries. We also want to assist these other countries. We get into an argument about the 2.5 percent interest rate, and the fact that the farmers of the United States do not have this kind of program, that their interest rate is 3 percent. We are losing sight really of one of the major issues involved in the whole program, one which has been in the law for the last 20 years.

Mr. McCARTHY. Ever since the end of World War II, the same argument could have been made against every other program we have had. It is not a compelling argument.

There is another consideration to be taken into account. The changes in the Public Law 480 program as recommended by the administration and as approved by the House of Representatives will link the interest rates on "sales for dollars on long-term credit"—title IV sales—to the terms for development loans under the Foreign Assistance program. In effect, if we adopt a 3-percent rate, we set a precondition under which the rate with reference to these sales under the Public Law 480 program would operate.

It can be changed, of course. The disposition is to have the same interest rate apply on both types of loans. If we increase the rate to 3 percent, it could be argued that we are likely increasing the interest rate under Public Law 480 loans in the same amount. We do not have to do it.

Mr. LAUSCHE. Mr. President, will the Senator yield?

Mr. McCARTHY. I yield.

Mr. LAUSCHE. Mr. President, I point out that in attempting to determine the mercifulness of the interest rate or its cruelty, we also have to take into consideration the tenure or the time in which the debt must be paid.

On that subject, on page 321 of the testimony, there are two tabulations, one for the year 1962 and one for the year 1963.

In 1962, the U.S. Government made loans of $921 million, payable in 40 years or more. Britain made none. In the 30 to 40 year range, Britain made none.

In 1963, we made loans in the amount of $998 million, payable in 40 years or more.

The point I want to make is that if we make a loan payable in 20 years, the interest rate is lower than that which we are charging. Think of how much lower it is when we have 20 years in which to pay the debt. Twenty years at 3 percent I would say is tremendously higher than 40 years at 2 percent.

I submit that, both on the rate of interest charged and on the time within which the debt has to be paid, the United

States has bordered practically in the position of being a grantor or donor in all of these instances compared to what the other nations of the world have done.

Mr. MORSE. Mr. President, will the Senator yield?

Mr. McCARTHY. I was not quite sure of the argument the Senator from Ohio made.

Mr. LAUSCHE. I just pointed out that we have suggested what Britain is charging.

Mr. McCARTHY. I said that they are reducing their interest.

Mr. LAUSCHE. Yes, but it has not extended its time of payment at all. We have allowed 40 to 50 years for repayment, and our interest rate is below that of all the other countries in the world, practically, unless Britain has come up in 1965 or 1966.

I repeat: In 1963 we made $998 million in loans, payable in 40 years or more. In 1962, $933 million, payable in 40 years or more. The interest has been three-quarters of 1 percent for the first 10 years, with full grace on the payment of principal, and then 2½ percent for the period beyond the 10 years.

I do not believe that anyone can argue that we have not been humane and merciful. We have practically given away the money, and that is the way these recipient nations have construed our loans.

Mr. McCARTHY. I say to the Senator from Ohio that if one pays 2½ percent for 10 years, one pays the same amount. The amount paid is the same each year, whether 2½ percent a year for 20 years or 2½ percent a year for 30 years.

I do not say that we have not been humane. I believe that in most instances we have acted in the name of justice rather than in the name of charity. We have been urging the other nations to extend the period, and already the British have been extending the period. The Canadians now go to 50 years, which is 10 years longer than we go.

We are arguing in a relative area of what one nation does as compared with another.

Mr. LAUSCHE. Two and a half percent a year in 10 years, with the full amount payable at the end of 10 years, enables the lender at the end of 10 years to fix a new rate of interest.

Mr. McCARTHY. The Senator is correct.

Mr. LAUSCHE. Two and a half percent in 20 years prevents the lender from changing the rate of interest at any time until the 20 years has expired. We tie ourselves down for 50 years and say that it ought to be 2½ percent.

Mr. McCARTHY. The interest might be higher or lower at the end of the period. In the case of the British and the Canadians, the interest rate has been going down as they have renewed loans. In the case of the United States, they have not begun to mature, and the disposition would be for them to go up. I do not believe we need to pursue the interest rate in Canada. The trend has been a proper trend.

Mr. MORSE. Mr. President, will the Senator yield?

Mr. McCARTHY. I yield.

Mr. MORSE. There has been a great deal of discussion about what this money is used for, and the countries under the Alliance for Progress program have been mentioned several times.

As my colleague on the committee, the author of this amendment, knows, this matter came up under considerable discussion in committee.

I wish to take the Senate to page 496 of the hearings, at which page appears a table which I ask to have printed in the RECORD.

There being no objection, the table was ordered to be printed in the RECORD, as follows:

Breakdown of total fiscal year 1966 development loan program funds

	Amount (millions)	Percent
Basic education	$3.2	([1])
Technical training in industry and agriculture		
Natural resources development-land reform	[2] 111.4	22
Commodity imports (nonproject)	305.0	[3] 62
Other	73.5	15
Total	493.1	100

[1] Less than 1 percent.

[2] Includes loans for supervised agricultural credit; livestock, agricultural, and mining banks; access roads; fertilizer imports; and related activities.

[3] Local currency counterpart also programed in many cases for education, agriculture, and other natural resources development.

Mr. MORSE. This is headed "Breakdown of Total Fiscal Year 1966 Development Loan Funds." That is what we are talking about. Basic education, $3,200,000; less than 1 percent.

The footnote states that local currencies from nonproject loans are programed in many cases for education, agriculture, and natural resource development.

But the breakdown of proceeds from program loans to Chile, recipient of huge program loans, shows that about 9 percent of the 1963 loan went for education, 5 percent of the 1964 loan, and 16 percent of the 1965 loan. I do not have the breakdown for the other uses, but I submit that this is a very meager allotment to education, relative to need.

Yet, the discussion would lead us to believe that a lot of this money is going into so-called human welfare causes. Well, that is not borne out by the statistics in the record itself.

Technical training in industry and agriculture none. Natural resources development-land reform—which includes such public works as farm access roads—22 percent. General commodity on nonproject loans—62 percent. Other—15 percent.

This money is not going into the so-called human resource and natural resource programs that are supposed to help increase food supply and provide for the training and education of people.

Under the amendment proposed by the Senator from Minnesota, it is proposed to give them 2½-percent money for what will amount in many instances to capital investments.

Mr. President, the record does not bear out the allegation here that this money will go into expenditures for human development. To the contrary, I see no reason why large sums of this money, for what amounts to public works programs, should be made available at 2½ percent, when I have to put up a terrific struggle every time I desire public works development in my State—not only with high interest rates, but also I have to show a cost-benefit ratio. I should be required to show it, and to pay interest at a fair rate. I am not quarreling about that.

In closing, I wish to say that I do not forget the purpose of this form of government, as set forth in the Preamble to the Constitution:

> We, the People of the United States, in Order to form a more perfect Union, establish Justice, insure domestic Tranquility, provide for the common defense, promote the general Welfare, and secure the Blessings of Liberty to ourselves and our Posterity, do ordain and establish this Constitution for the United States of America.

That was meant to promote the welfare of this country. I am perfectly willing to be of help in promoting the welfare of other countries, when it promotes our interest to do so. But not on the basis of discrimination against our own country in the field of interest rates for capital investments, for public works programs, and where less than 1 percent goes to education.

No, I am sorry. I love the Senator from Minnesota, but I shall leave him on this one.

Mr. McCARTHY. I hope the Senator from Oregon is not called upon very soon to vote on the question of the interest rate for REA loans, which is now 2 percent, after the fight to raise interest rates in this case.

Mr. MORSE. When a particular program goes through a developing stage and I fight for its development, that does not mean I shall continue to vote for a particular part of it in perpetuity.

Mr. McCARTHY. I know that.

Mr. MORSE. I will look at the evidence.

Mr. LAUSCHE. On that score, may I point out that I have a measure pending that would lift the interest rates to REA.

Mr. McCARTHY. The Senator from Ohio, I believe, would be consistent on this matter.

Mr. GORE. Mr. President, will the Senator yield?

Mr. McCARTHY. I yield.

(At this point Mr. HART assumed the chair as the Presiding Officer.)

Mr. GORE. Mr. President, perhaps it would be helpful to the Senate to take an actual example of a development loan. I do not ask Senators to take a fictitious example. I do not ask Senators to take one that I have particularly selected. I ask Senators to take the example which the administration used in presenting this program to the Committee on Foreign Relations.

On page 47 of this large brochure, which is not available for general distribution because it contains certain confidential or classified information—I shall not read any classified information—I shall read from the administration presentation:

> For example, AID recently made a $40 million loan to a private electricity distribu-

> tion system. The borrower will make repayments in Brazilian cruzeiros at 5.5 per cent interest for 18 years, including a three-year grace period. Brazil will repay AID in U.S. dollars, with interest at 1 per cent for ten years and two per cent for the next thirty years.

I was not quite satisfied with that brief information. I inquired the identity of the private concern that received the loan. This is not a loan of a few American dollars to a child whose health is broken, who is poverty stricken, ill clothed and ill housed.

This is a $40 million loan to Rio Light S.A. and São Paulo Light S.A.

What are these two concerns? When I inquired, I found that they are subsidiaries of a Canadian corporation. So this lower interest rate was made to a Canadian corporation, although in large part owned by interests in New York City, to expand its electrical plant in Rio and São Paulo. I am not saying that that is wrong, Mr. President.

I would that I could join the bleeding hearts on the floor of the Senate this afternoon about this program. My heart bleeds, too, for these worthy causes, but how come the American taxpayer is called upon under presently prevailing interest rates to pay the interest cost on U.S. bonds at approximately 4.5 percent, and then lend it to a Canadian corporation to spend in Brazil?

The distinguished senior Senator from Minnesota [Mr. MCCARTHY] talked about how hard it was going to be upon the countries to repay. Let us examine this burden. Let us take this exact case. Remember that the money has been loaned to this subsidiary of the Canadian corporation. How does the administration say that this corporation is going to repay it? At 5.5 percent interest to the Government of Brazil.

I shall read again:

> AID recently made a $40 million loan to a private electricity distribution system. The borrower will make repayments in Brazilian cruzeiros at 5.5 per cent for 18 years, including a three-year grace period.

What does this mean? It means for 3 years this Canadian corporation, or the subsidiary of this Canadian corporation, will have a grace period on both interest and principal. Then, the loan will be repayable in 15 years to the Brazilian Government, in Brazilian currency, whatever inflation has done to that meanwhile, at 5½ percent.

How does 5½ percent interest compare with the rate of interest in Brazil? I had the staff of the committee inquire about this. The going rate of interest in Brazil on first rate commercial bank loans is 2 percent per month. We are not exactly being hard on this Canadian corporation to require them to pay 3 percent, although the Brazilian Government gets repaid, though it did not advance the loan in the first place—the principal in 15 years after a 3-year grace period at 5½ percent.

When does the United States get repayment, using the example the administration uses?

> Brazil will repay AID in U.S. dollars with interest at 1 per cent for 10 years, and 2½ per cent for the next 30 years.

The committee thought it wise to increase this 2½ percent to 3 percent.

I thought in case of loans, such as this, at least they should pay the going rate of the cost of money to the U.S. taxpayer. The committee decided upon 3 percent. Does the Congress wish to vote on that basis to undo what the committee did and lower the rate of interest?

I would like to cite other cases, Mr. President. There are many other cases here. I became interested in the subject and, as the senior Senator from Oregon [Mr. MORSE] pointed out, although in the public mind these development loans have the very worthy purpose of education, health, and welfare, they are actually development loans for hard purposes, worthy purposes, yes. But they are purposes which we have a right to consider here on the basis of merit and not on an emotional basis.

I have a whole sheaf of these loans that I would like to go through. Here is one in Turkey for $2.5 million. The loan is made to Goodyear Lastikleritas. This is a corporation owned 75 percent by the Goodyear Tire & Rubber Co. I do not criticize the Goodyear Tire & Rubber Co. I am only saying that we are lending money from the Treasury of the United States, in many instances, to corporations that have vast treasuries.

Why do they not issue their own debentures and borrow their own money? Why should the American taxpayers be called upon to subsidize a development of Goodyear Tire & Rubber Co. in Turkey? I am glad to see the development in Turkey. Perhaps it is a sound investment. Why must we extend such terms to it?

I shall cite some other examples.

Here is the Valco Aluminum Co. They received a loan of $55 million under preferential conditions. Who owns that? Valco is 100 percent owned by two U.S. corporations: Kaiser Aluminum and Chemical 90 percent, and Reynolds Metals 10 percent.

Mr. KENNEDY of New York. Mr. President, will the Senator yield?

Mr. GORE. I yield.

Mr. KENNEDY of New York. Does not the last loan which the Senator referred to deal with the Volta Dam?

Mr. GORE. The Senator is correct.

Mr. KENNEDY of New York. Was it not determined, first back in 1958, and again in 1961, that that kind of investment for the development of that area would be very worthy for the people living in Ghana and West Africa?

I suspect that it was also thought that it would be better to have an American company that had know-how and experience to carry out that kind of work.

Mr. GORE. Undoubtedly these determinations have been made. I am not now complaining about the rectitude of that determination.

I know that at the time it was under consideration the junior Senator from New York [Mr. KENNEDY] was in another capacity, and he, like I, opposed the making of that loan. But that is done. What I am discussing here is the interest rate.

Mr. KENNEDY of New York. I should like to inform the Senator from Tennessee that I am familiar with that loan, and that I opposed it. Looking back on it now, however, in retrospect, I was wrong. I felt then that the relationship of the United States to Mr. Nkrumah was so difficult that it was not a good investment. But I do not think that anyone questions the fact that the loan was made on the basis of some stability in that country, that the people of Ghana and the people of West Africa would greatly benefit by the construction of this dam. That was the basis of it. That was the reason the loan was made and the guarantees were made by the United States. It was an effort to try to develop a kind of TVA in that part of the world. I think that in retrospect, looking back on it now, I was wrong in 1961 when I opposed it. What has happened to Ghana and what has happened in that part of the world has indicated clearly that the investment was worthwhile.

Could I just mention the situation in Turkey and——

Mr. GORE. I wish, first, to comment on the Senator's point. I do not wish at the moment to discuss the merits or demerits of this project or any other project. What we are discussing here is an interest rate structure. What is the proper level of interest that should be charged on these loans? The Senator has said that he opposed this loan when it was made. So did I. I think that when the ultimate story is written, both of us will have been proved to be right. However, that is beside the point. The question is: Why should the taxpayers of the United States be called upon to subsidize Valco, owned 90 percent by Kaiser Aluminum and 10 percent by Reynolds Metals?

Mr. KENNEDY of New York. If the Senator will yield, could I answer that question for the Senator?

Mr. GORE. I am happy to yield to the Senator for that purpose.

Mr. KENNEDY of New York. It is as simple as possible to answer: Because they would not do it otherwise. They could make investments in a much more attractive country. They would not make these kinds of investments unless the United States came in and helped.

When we talk about the question of interest rates, I think that the Senate begins to sound like "Scrooge." But we make the investment in projects not only for others but also for our own future interest and security.

Mr. GORE. Would the Senator make the same statement with respect to a loan to a Canadian corporation to make an investment in Brazil? I just do not know how far this bleeding heart will go——

Mr. KENNEDY of New York. It is not a question of a bleeding heart.

Mr. GORE. I will join the Senator in low-interest rate loans for education, health, welfare, highways, sewage systems, water systems, but I do not know why we should have to subsidize a Canadian corporation or a great American corporation such as the Goodyear Tire & Rubber Co., Reynolds Metals, or Kaiser Aluminum. It seems to me that we are mixing impoverished children with giant corporations when they do not quite belong in the same bed.

Mr. KENNEDY of New York. The Senator said that he would be glad to help in sewage and water systems——

Mr. GORE. Yes, I would.

Mr. KENNEDY of New York. Is it not possible that in order to put in an adequate sewage or water supply system, we might need electricity?

Mr. GORE. That is possible.

Mr. KENNEDY of New York. But the development in São Paulo and the development in——

Mr. GORE. The two are not necessarily tied together. I would not say yes or no to that.

Mr. KENNEDY of New York. But I think that the development in São Paulo and the development in Rio de Janeiro are undoubtedly in connection with trying to develop the economy of those cities and construct adequate electrical plants so that the city, the community, and the surrounding area can build up so that part of the country, which is part of the undeveloped world, will expand. I think that is what we are interested in. That is, I think, a clear and simple answer to these problems.

Mr. GORE. I think the Senator might find it very interesting to inquire a little further as to what the dividends have been from the Brazilian subsidiary of the Canadian corporation. Some of the Senator's constituents in New York State have reaped a rich reward from their investments. I do not criticize them at all, but I doubt that the American taxpayer should not be called upon to subsidize further investments from which they are enriched.

Mr. McCARTHY. Mr. President, will the Senator from Tennessee yield at that point?

Mr. GORE. Not just now. I want to make a point, Mr. President.

The foreign aid program has, in large measure, come to be a subsidy for American business and American exporters, just as Public Law 480, and the Food for Peace program, is primarily to subsidize American agricultural exports.

I have instincts which I believe to be charitable. The committee studied the problem and found that many of the development loans were being made to subsidiaries of American corporations and other corporations, such as Canadian corporations, at unreasonably low interest rates, in view of our domestic situation. I wish that we could separate the two—the profit motive from the eleemosynary motive, the selfish motive from the charitable motive.

I will go with my friend from New York down the bloody path, as far as he will go, for crippled children, the impoverished, the diseased, and the ill educated. I will join the senior Senator from Wyoming in importuning the Senate from spending its time with minutia. But $40 million is hardly minutia.

Another angle to which we should give thought is the effect upon the American economy. I read a headline this morning that there was a right sharp increase in the cost of living. Senators make declarations that 80 percent of this money is spent in the United States. Is that all to the good? Does that establish our charitable purpose beyond question or does it show the slip of exports a bit? Let us examine that. In the first instance, the money is borrowed in the United States, further tightening money and further pushing interest rates up. It is borrowed in competition with seekers of credit for other purposes, some worthy. When we spend these large sums in our economy, it further places inflationary pressures upon goods and commodities.

I am not saying this by way of opposition to the program. I said only yesterday that I expected to support it. But *it seems to me that that Members of the* Senate need to consider this program on the basis of facts rather than on the basis of emotion and catch phrases.

We are talking about an interest rate for development loans. What should that interest be? Should we relate it to the cost of money to the Treasury of the United States? That cost of money has undergone a drastic increase. I expressed my views yesterday in opposition to the policies that have permitted and brought this about. But, be that as it may, the Government of the United States is forced to pay around 4.5 percent now for long-term money.

The committee has recommended that it be loaned for a grace period of 10 years at 1 percent, and thereafter at 3 percent. This still leaves the American taxpayer subsidizing a loan according to the current rate of approximately 1.5 percent.

Mr. KENNEDY of New York. Mr. President, will the Senator from Tennessee yield?

Mr. GORE. In just one moment I will. For instance, I read another: A loan of $5 million to the Bank of Environmental Development on the Ivory Coast. Who owns that? One of these poor impoverished institutions? No, the Chase International Investment Corp., and Lazard Freres.

Now, Mr. President, why must the taxpayer be called upon to subsidize an investment in a branch for the Chase Bank? This is not one for our impoverished children.

I yield to the Senator from New York.

Mr. KENNEDY of New York. I go back again to the speech made by George Woods, which I placed in the RECORD yesterday. I commend it to the Senator. Mr. Woods is President of the World Bank Group.

A central fact of life in the less developed countries is the existence of increasing debt burden and debt service burden. The total external debt of the developing countries increased from $10 billion at the end of 1955, 7 percent of their total gross national product, to over $30 billion at the end of 1964, 15 percent of their gross national product. The annual debt service charges have risen from less than $1 billion in 1955 to $4 billion in 1964.

Mr. George Woods recently stated that:

> These levels of debt service are dangerously high. They mean that a good part of the countries' foreign exchange resources must be devoted to servicing previous obligations rather than to new productive development.

I think, finally, I come back to the fact that if we are to have an aid program, we should have an aid program which will be effective, which can help these countries develop their economy.

In the Ivory Coast and some of the other countries they do not have large industrial complexes to perform the necessary functions, so they have to go to Canada, the United States, or Great Britain. I think it would be better if they could go on their own.

I do not think any company should make exorbitant profits from the taxpayers of this country, but until these countries develop their own resources, *until their people are able to get on their* own feet, we in the Western world should provide this help.

It may not be direct, but the table the Senator from Oregon [Mr. MORSE] put in the RECORD indicates that, although funds are used for industrial purposes, *the counterpart funds that are thereby* made available are used for educational purposes, for agricultural purposes, for the construction of roads. So the country gets the double use of these funds, instead of only the initial use of them.

A number of statements have been made about the foreign aid program. If this is not the best program, as has been suggested by the Senator from Oregon [Mr. MORSE] and other senators, then I think we should go into it, but we cannot stand still for the next 2 or 3 years until the time when recommendations can be made.

And may I say to the Senator from Tennessee [Mr. GORE], who has had much experience in his field, that the program is not without fault, but I think the Senator has visited places where it has been said that this is an attempt to subsidize our own farmers. I think the food-for-peace program is one which has resulted in helping tens of thousands of children. They have been able to build schools. They have been able to buy books that the children can read now. So it has been a worthwhile program.

I would be willing to support the distinguished chairman of the committee [Mr. FULBRIGHT], the Senator from Oregon [Mr. MORSE], and other Senators who have made suggestions to improve the program which would make it a satisfactory program and would be protective of the American taxpayer and the U.S. Government; but until that study is made, until there is an opportunity, in every way available, to look into the matter, I shall vote in support of the program.

Mr. GORE. Mr. President, I agree almost 100 percent with what the Senator from New York has just said. I do not have to keep reminding Senators that I have supported the foreign aid program. I expect to do so again. But I am not terribly impressed with the extent of the sentiment that has prevailed in the Senate over the development loan funds. I think the interest rates, if we are to make loans, must be related to the cost of money. We cannot relate it to the interest rates prevailing in other countries. The going rate for a commercial loan in Brazil is 2 percent a month.

One of the conditions of the Alliance for Progress is economic, monetary, fiscal, and social reforms. I supported the program. I expect to continue to support it.

I would like to see a reduction in the interest rates in those countries so that companies could build capital reserves and the sooner operate upon their own resources.

I am willing to support the development loan fund, but I think loans should be made at interest rates that are related to our own cost of money.

I do not like to advocate high interest rates. I regret our own high interest rates. I shall have something to say about it later. I expressed myself rather vigorously yesterday. However, it is nearly 6 o'clock, and I understand the chairman of the committee wishes to postpone further consideration of this matter.

Mr. FULBRIGHT. I would appreciate that very much, because, obviously, we cannot vote tonight. If the Senator will allow the Senator from Minnesota [Mr. McCarthy] to withdraw his amendment, so that we can proceed to two or three other matters, I would appreciate it. We have not accomplished much today. We have had only one vote. We can proceed to two or three other matters without disposing of the McCarthy amendment at this time.

Mr. McCARTHY. Mr. President, in view of absence of Senators who would vote in opposition, which I consider an admission of weakness, I believe a request was made by the Senator from Oregon that further debate on this amendment be withheld until Monday.

Mr. MORSE. Mr. President, will the Senator yield?

Mr. McCARTHY. For a question.

Mr. MORSE. I merely wish to state why I made the request. I deeply appreciate the cooperation that I would expect from my friend from Minnesota. He knows I would be a pretty poor private in the parliamentary ranks if I did not try to help the other privates who have gone and will not be back until Monday. I would not want them to miss a rollcall on an issue so close to their feelings on this matter. That was the reason for my request.

Mr. McCARTHY. Let me point out that only 3 percent of the loans that have been made have benefited U.S. subsidiaries; but we can discuss this in greater detail when we resume Monday.

Mr. President, I ask unanimous consent to withdraw my amendment.

The PRESIDING OFFICER. Does the Senator desire that the amendment be printed?

The Senator from Minnesota withdraws his amendment.

Mr. HICKENLOOPER. Mr. President, the Senator has the right to withdraw his amendment, but can the amendment be withdrawn so we can adjourn until Monday?

Mr. FULBRIGHT. The Senator's colleague [Mr. Miller] has an amendment, and there are several others, on which we can act.

Mr. HICKENLOOPER. I did not catch the significance of the request.

Mr. FULBRIGHT. The Senator's colleague is part of the significance.

The PRESIDING OFFICER. The bill is open to amendment.

Mr. MILLER. Mr. President, I call up my amendment No. 655, and ask that it be stated.

The assistant legislative clerk proceeded to read the amendment.

Mr. MILLER. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

Mr. PASTORE. Mr. President, I object.

The PRESIDING OFFICER. Objection is heard.

The assistant legislative clerk resumed the reading of the amendment (No. 655), which is as follows:

On page 20, after line 3, insert the following:

(f) Section 620 is amended by adding the following new subsection:

"(o) In the case of the government of any nation which is more than one year in arrears in its payment of any assessment by the United Nations for regular budget or for peace and security operations, assistance under the provisions of this Act may nevertheless be furnished upon a determination by the President that the particular assistance to be furnished is in the national interest of the United States and transmittal by him of a report to the Committee on Foreign Relations of the Senate and the Committee on Foreign Affairs of the House of Representatives setting forth the assurance given by the government concerned of paying (independently of such assistance) all of its arrearages and placing its payments of such assessments on a current basis, or an explanation of the unusual and exceptional circumstances which render it economically incapable of giving such assurance."

Mr. MILLER. Mr. President, Americans have always been a generous people. This basic characteristic has been demonstrated in the massive support of charities and nonprofit foundations and similar institutions. Long before the Marshall plan, millions of our citizens were helping less fortunate people in other lands through lend-lease and foreign missionary activities. Foreign aid, financed by the taxpayers of our country, is a natural development in keeping with our national character. Since 1945, the United States has spent more than $116 billion in foreign aid in efforts to help the people of other nations.

This is not to say that a certain amount of self-interest has not been present in our foreign aid programs. With only a limited amount of national resources available, foreign aid must be limited—although I would venture to say that many taxpayers of this country are convinced that our policies dictate and draw on what appears to be unlimited foreign aid funds. Our limited resources compel priorities, and it would be self-defeating if priorities were not measured according to factors other than need. Limitations on resources for foreign aid require a choice of countries to which aid is to be extended; and, as between those countries to which aid can be extended, a choice often must be made regarding relative amounts and types of aid. Assuming an equal need as between India and Red China, it would be unreasonable to ask the taxpayers of this country to pay for foreign aid to Red China, whose national policy is hostile to ours, instead of to India, whose national policy is genuinely neutral and, in many respects, consistent with ours.

The United States is not self-sufficient. This being so, if there is competition with the Soviet Union, for example, in winning the good will and trade of a country from which certain strategic materials are required, it would be expected that the United States, as a matter of self-interest, would seek to compete.

In the last few years, we have evolved an increasingly stronger policy of requiring self-help and internal reform on the part of those nations receiving assistance from our taxpayers. This has made its most dramatic appearance in the program and administration of the Alliance for Progress, although there are indications that even this may be faltering because of a lack of consistency. It is generally recognized that with the population explosion, our foreign aid can at best prove to be only a stopgap between the present and the future, when the developing nations must be able to provide most if not all of their own requirements.

Additionally, the passage of the Trade Expansion Act of 1962 emphasized the need of not only the United States but of the nations of the world to increase foreign trade. Developing nations cannot become good customers for United States exports unless their economies are greatly improved. And so our long-term foreign aid objectives include improved export trade with these countries which are now receiving our assistance.

It was found during the earlier years of our foreign aid programs that grant aid was not bringing about the necessary initiative, reform, and self-pride desired on the part of the recipient nations. Accordingly, the emphasis in our foreign aid programs has moved from grant-aid to long-term development loan assistance. This has not only had greater acceptance on the part of the people who are paying the bill—the American taxpayers—but it has resulted in improved administration of the assistance on the part of the recipient governments.

In my opinion, there is still a fundamental defect in our foreign aid policy. It has to do with the United Nations. Our national policy has long been to support the United Nations and, particularly the charter and its principles. Unfortunately, the United Nations is in serious danger of bankruptcy. Its financial condition is so severely strained that it can scarcely pay for the relatively modest cost of a peacekeeping force on Cyprus.

The reason for this deplorable situation is that a majority of the members of the United Nations are delinquent in paying their dues and assessments. As of February 8 of this year, delinquencies totaled close to $155 million—$29.4 million in the regular account, $43.6 million in the emergency force account, and $81.6 million in the Congo force account. As of that date, 109 members of the 116-member world organization were delinquent, in one form or another. And there is an increasing number of these nations which are more than 2 years in arrears and which are, therefore, subject to the loss of voting rights under article 19 of the charter—31 countries in all. Of the 31, 20 received aid from us during fiscal year 1965.

During fiscal year 1965, 93 members of the United Nations received foreign aid from the United States—and 89 of these were behind in payments as of February 8, 1966.

The focus of my amendment is the 46 countries which received more than $1.7 billion in foreign aid from the United States in fiscal year 1965. This amendment calls for cutting off U.S. aid to nations over 1 year in arrears in their assessments to the United Nations. These 46 owe close to $43 million in back assessments with $40.3 million due from 1964 and prior years.

If, indeed, we are as strongly in support of the United Nations as we say we are, it would seem consistent to tie in a requirement to our foreign aid programs that recipient nations keep current in their payment of dues and assessments to the United Nations. The scale of dues and assessments has been set by a U.N. committee on the basis of relative ability to pay; and so there is little room for complaint on the part of the delinquents that their dues and assessments have been unfairly determined. Such a requirement as I have advocated could be coupled with a provision giving the President discretion to waive the requirement in those limited cases where special circumstances warrant it. As matters now stand, those nations receiving our foreign aid and paying their dues and assessments are treated the same as those who are delinquent.

Added to the $155 million in delinquent assessments should be nearly $40 million owed on a headquarters loan, an estimated $1.3 million owed on the old League of Nations Building in Geneva, and an estimated $140 million owed on bonds. This amounts to more than $336 million—a condition which amply demonstrates that the United Nations is in danger of being emasculated by the very nations which are insisting on the "one nation, one vote" principle.

These nations, which are so insistent that their vote should weigh as heavily as that of the larger nations, are giving only lipservice to the United Nations concept.

It would seem to me that these nations should face up to the realities of the financial situation and that they do not deserve to receive our aid and do not have the right to vote, if they fail to pay their just and fair share of the costs of operations.

There is much being said, in the newspapers, of the new "hard look" being taken by the United States at the financing of the United Nations.

It is reported that the United States is considering withholding certain financial support if the derelict nations do not pay their share.

The latest on this was in the form of a speech in Atlanta on April 2 by Joseph J. Sisco, Assistant Secretary of State for International Organizations.

In the course of his speech, Mr. Sisco quoted a memorandum sent to the Secretary of State on March 15 by President Johnson. In this memorandum, Mr. Johnson declared that "if we are to be a constructive influence in helping to strengthen the international agencies so that they can meet essential new needs, we must apply to them the same rigorous standards of program performance and budget review that we do to our own Federal programs."

Mr. Sisco also declared that "we are convinced that more of the needs can be met by assuring that the United Nations and its family of agencies are operating at maximum efficiency, that sound and systematic budgetary procedures are followed."

This all sounds nice. It looks well when the United States warns that it will take a "hard look" at the financing if nations do not pay up.

Yet I would suggest that this is a repeat of an old record—a record of the United States alternating between a hard and a soft line, between firmness and giving in, between threats and pulling back. If one is to examine this record in detail, it is likely that the administration will not apply hard action to its tough words. Therefore, it is up to the Congress to assert itself and in doing so, save the United Nations from itself.

The history of the hard and soft lines only serves to confuse the member nations, and, because of this, only creates in their minds a conviction that the United States will not follow through; that they do not have to pay their fair share of the assessments.

Let us look at that record of statements by the United States.

On March 31, 1964, Charles W. Yost, Deputy U.S. Representative to the U.N., said:

> Of course, if they (the Soviet Union) are more than two years behind in their payments to the United Nations when the next Assembly opens, they will automatically lose their vote under Article 19. That is not something that the United States or the United Nations itself decides. It is up to the Soviet Union.

Secretary Rusk, in a letter dated August 17, 1964, to the chairman of this committee said:

> Reference is made to your request for a report regarding Senate Concurrent Resolution 93 with respect to the enforcement of the provisions of Article 19 of the United Nations Charter . . . The United States supports the vigorous and impartial application of Article 19 . . . I consider it useful for the Congress now to take the additional step proposed in the concurrent resolution . . . The resolution would serve as a clear indication of the united support of the Congress and the American people for the vigorous and impartial application of the Charter, and would demonstrate our determination that the obligations of the Charter shall be given effect.

A U.S. Government memorandum, dated October 8, 1964, and delivered to Secretary General U Thant for circulation in the General Assembly said:

> The consequences of not applying Article 19 would thus be far worse than any conjectured consequences of applying it . . . Could the United States agree that Article 19, despite its plain terms, should not be applied against a great power in support of General Assembly assessments, simply because it is a great power? The United States does not see how, without violating the Charter, anyone could or should agree to any of these propositions.

On January 26, 1965, the late Adlai Stevenson, our U.N. Ambassador, declared:

> We cannot have two rules for paying assessments for the expenses of the organization—one rule for most of the members, and another for a few. If the Assembly should ignore the Charter with respect to some of its members, it will be in no position to enforce the Charter impartially as to the others, with all the consequences which will follow with respect to the mandatory or voluntary character of assessments.

Those are examples of the hard line—a hard line which should have been followed and adhered to.

Let us look further at the record:

On February 10, 1965, Ambassador Stevenson said:

> The United States has not been inflexible. While we believe the constitutional integrity of the Charter must be preserved, and with it the principle of the General Assembly's power to tax and its residual authority to recommend peace-keeping operations where the Security Council is paralyzed by a veto, we have not insisted that the delinquents adopt our legal interpretation. We have not insisted that they pay up; we have long since agreed to a "voluntary contribution" sufficient to satisfy Article 19, without prejudice to anyone's legal position. We have indeed suggested that we too would make a voluntary contribution to help the organization restore its financial stability.

On March 12, 1965, Ambassador Stevenson said:

> It was not the U.S. which decided that there should be no confrontation—no showdown—on Article 19. It was the Assembly which decided that there should be no voting and that it should transact only such business as could be transacted without objection, while negotiations proceeded in search of a solution.

At this point, this was the tip-off that the United States was ready to back down, despite its tough words, its belief in the charter of the United Nations.

On April 22, 1965, Ambassador Yost said:

> Let me be clear on this point. We would prefer to have full collective financial responsibility applied to all member states and we believe the principle of full collective financial responsibility should continue to be the presumptive one for United Nations peacekeeping operations. But if others feel a modification of this sort is necessary for the preservation of the basic principle of collective financial responsibility for United Nations peacekeeping, we would be willing to consider it.

On April 29, 1965, Ambassador Yost said:

> I would therefore venture to suggest that far from adding further paragraphs on Article 19 to the draft resolution before us, the best course would be to delete the reference to Article 19 in operative paragraph 1 of the draft resolution.

On July 16, 1965, Ambassador Francis T. P. Plimpton, Deputy U.S. Representative to the United Nations, remarked:

> The deadlock must be broken and it can be broken. It must be broken by a compromise, for the UN is too important for the peace and the future of the world to be shackled by insolvency and dissension.

On July 17, 1965, President Johnson said:

> Well, that is a matter (financial condition of UN) that deeply concerns us. We don't want to see the UN wrecked on account of a dollar. At the same time, we recognize the responsibilities of the member nations and there are differences of opinion there . . . we have great hopes for the UN and we think it would be tragic if because of a relatively minor amount of money compared to the total budgets of the various nations, the UN should become less effective because of that.

On July 28, 1965, Ambassador Arthur J. Goldberg said:

> I cannot give you any formulae as to how this crisis can be resolved. I can only tell you that I regard this to be my first responsibility as United States Representative here.

This brings us up to the crucial vote last fall on abiding by article 19. On August 16, 1965, Ambassador Goldberg said:

> I do not intend to review here in detail the position which the United States has taken with respect to Articles 17 and 19 of the Charter. As the members of this committee are well aware, we believe in the soundness of the following straightforward principles: first, that the concept of collective financial responsibility adopted by the United Nations in 1945 is a sound principle and a landmark in the practice of international organizations; second, that Article 17 of the Charter of the United Nations is impeccably clear on the right of the General Assembly to assess and apportion among its members the "expenses of the Organization"; third, that the costs of peacekeeping operations, once they are assessed and apportioned by the General Assembly, are expenses of the Organization within the meaning of Article 17—a proposition confirmed by the International Court of Justice and accepted by the General Assembly by an overwhelming vote; fourth, that Article 19 is clear beyond question about the sanction to be applied in the case of two-year delinquents.
>
> Our views on these matters have not represented a bargaining position, nor have they changed. They have not been based on narrow national interest, but on the clear language of the Charter and what seemed to us to be the clear interests of the Organization . . .
>
> We regret exceedingly that the intransigence of a few of the Member States, and their unwillingness to abide by the rule of law, has led the Organization into this state of affairs.

This was the prelude to our capitulation. For Mr. Goldberg then said:

> Therefore, without prejudice to the position that Article 19 is applicable, the United States recognizes, as it simply must, that the General Assembly is not prepared to apply Article 19 in the present situation and that the consensus of the membership is that the Assembly should proceed normally. We will not seek to frustrate that consensus, since it is not in the world interest to have the work of the General Assembly immobilized in these troubled days.

So with these remarks, the tough policy went out the door.

And what do we have now? A world organization with a great potential for bringing peace to the world, but one which, because of the intransigence of France and the Soviet Union refuses to act on the problem of aggression in South Vietnam and is in such critical financial condition that it could not set up a peacekeeping force there if it was so inclined.

This is why the Congress of the United States should take action which will—within its capability—encourage the delinquent nations of the U.N. to fulfill their responsibilities to keep their payments current. Our foreign aid program offers such an opportunity. Under this program, we seek to assist other nations to engage in many self-help activities, including land reform and tax reform. There is no reason why we should not seek to encourage these nations to participate in international organizations designed to help the world become more peaceful—because unless the world is at peace, these nations will never be able to realize their potentials. There is no reason why our foreign aid program should not be so administered as to point these nations in the direction of supporting such international organizations. And so, I believe, my amendment is quite proper under the circumstances.

My amendment would permit extension of foreign aid to those nations which are more than 1 year behind in the payment of their dues and assessments to the United Nations. However, such action would require a determination by the President that it is in the national interest of the United States to extend the particular assistance involved; and he would have to transmit a report to the two committees of the Congress having jurisdiction over foreign relations setting forth the assurance given by the government concerned of paying—independently of such foreign aid—all of its arrearages or an explanation of the exceptional circumstances which render it incapable of giving such assurance. I might point out that these circumstances would have to be very exceptional, because the scale of assessments and dues has been established by a committee of the U.N. on the basis of each nation's ability; and they therefore reflect the economic problems facing such nations.

These 46 nations owed close to 43 million, according to the most recent report of the Comptroller of the United Nations, and if this amount were paid, it would go a long way to helping restore the financial security of the U.N.

In conclusion, I believe that the least we ought to do for the people who are paying the bill for this program through their taxes is to provide them with assurance that foreign aid going to these 46 nations has been determined by the President to be in our national interest; and that they, the taxpayers, should receive assurances that each country will pay up its delinquencies or have a satisfactory explanation of its failure to do so.

I ask unanimous consent that four tables be printed in the RECORD at this point in my remarks.

There being no objection, the tables were ordered to be printed in the RECORD, as follows:

Countries affected by Miller amendment [1]

Country	Total U.N. arrearages	U.N. arrearages, calendar year 1964 and prior	U.S. aid, fiscal year 1965	Total U.S. aid
			Millions	*Millions*
Afghanistan	$77,115	$74,747	$33.5	$308.8
Argentina	917,199	873,623	14.3	722.8
Bolivia	129,754	93,980	15.9	430.3
Brazil	1,510,679	662,761	289.3	2,819.1
Burundi	121,899	84,286	1.1	7.1
Central African Republic	10,740	8,845	.7	2.8
Chad	57,934	20,311	2.1	4.1
Chile	366,633	353,845	143.0	1,129.9
China	10,934,448	10,733,146	174.2	4,804.5
Colombia	273,158	67,924	44.4	722.1
Costa Rica	24,194	25,765	15.6	136.8
Dahomey	9,798	7,903	1.1	8.7
Dominican Republic	153,523	116,684	90.8	205.7
Ecuador	83,087	36,333	33.0	247.9
El Salvador	23,913	22,018	19.6	99.9
France	17,031,152	17,031,152	19.2	9,428.5
Guatemala	51,622	49,727	14.2	204.3
Guinea	25,774	23,879	21.7	69.1
Haiti	130,435	93,986	2.3	102.9
Honduras	23,794	21,899	4.6	73.3
Iraq	257,601	184,179	9.6	112.8
Jordan	41,725	39,830	44.9	509.0
Lebanon	34,321	31,953	.8	88.3
Mali	24,259	24,259	2.5	16.1
Mexico	$1,393,330	$1,354,965	$200.9	$1,121.7
Nepal	7,391	5,496	12.1	85.9
Nicaragua	85,345	48,754	23.9	110.8
Panama	45,989	44,094	20.6	155.7
Paraguay	129,853	87,355	11.0	90.5
Peru	162,826	158,564	45.0	627.0
Poland	4,393,562	4,082,873	6.8	550.9
Portugal	201,673	201,673	5.7	514.6
Rwanda	18,175	16,280	.2	1.5
Saudi Arabia	138,126	134,811	4.2	138.8
Senegal	117,263	79,699	1.6	19.1
Somalia	25,062	23,167	7.8	47.5
Spain	2,009,932	1,975,356	109.0	1,931.2
Sudan	200,995	143,625	7.6	89.0
Syria	115,448	68,433	1.2	83.1
Togo	37,924	36,029	1.4	9.9
Uganda	18,175	16,280	2.5	17.4
United Arab Republic	586,295	374,313	152.9	1,096.0
Upper Volta	91,978	54,365	1.0	5.7
Uruguay	329,517	240,446	1.3	122.3
Yemen	164,743	127,130	4.8	39.4
Yugoslavia	333,269	333,269	102.1	2,687.6
Total (46)	42,921,628	40,290,012	1,722.0	31,800.4

Source: U.N. Secretariat reports; State Department.

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[1] The amendment provides that U.S. assistance be withheld from any nation over 1 year delinquent in United Nations dues.

United Nations regular budget (as of Feb. 8, 1966), uncollected dues

Country	Calendar years			Total
	1963	1964	1965	
Bolivia		$22,711	$33,879	$56,590
Brazil		248,031	847,918	1,095,949
Burundi	$35,100	32,906	35,718	103,724
Chad		3,980	35,718	39,698
Colombia		67,924	205,234	273,158
Dominican Republic	4,311	40,441	34,944	79,696
Ecuador		28,550	44,386	72,936
Haiti	8,108	31,770	34,554	74,432
Iraq		72,344	69,633	141,977
Nicaragua		11,221	35,563	46,784
Paraguay	$4,885	$32,934	$35,718	$73,537
Senegal	9,990	41,166	35,669	86,825
Sudan		57,632	53,529	111,161
Syria		8,233	44,647	52,880
United Arab Republic		5,429	201,078	206,507
Upper Volta		25,753	35,718	61,471
Uruguay	16,411	85,653	84,335	186,399
Yemen	10,764	32,934	35,718	79,416
Total	89,569	749,612	1,903,959	2,843,140

Source: U.N. Secretariat reports; State Department.

United Nations Congo account[1] *(as of Feb. 8, 1966), uncollected dues*

[Calendar years]

Country	1964	1963	1962	1961	1960	Total
Afghanistan	$4,186	$8,238	$7,949	$11,887	$5,344	$37,604
Argentina	4,529					4,529
Bolivia	3,349	6,589	6,366	7,925	10,604	34,833
Brazil	86,235	169,679	158,816			414,730
Burundi	3,349	6,589	533			10,471
Central African Republic	3,349	3,240				6,589
Chad	3,349	6,483				9,832
Chile	21,769	42,831	41,372	53,492	65,383	224,847
China	382,617	752,846	1,823,774	2,481,426	548,856	5,989,519
Costa Rica	3,349	6,589	3,977			13,915
Dahomey	3,349	3,645				6,994
Dominican Republic	4,186	8,238	7,958	9,905	24,216	54,503
Ecuador	4,120					4,120
El Salvador	3,349	6,589	6,358			16,296
France	888,069	1,957,068	4,746,691	6,339,772	3,099,652	17,031,152
Guatemala	4,186	8,238	7,958	9,905	7,922	38,209
Guinea	3,349	6,589				9,938
Haiti	3,349	6,589	6,366	7,925	9,687	33,916
Honduras	3,349	6,589	6,239			16,177
Iraq	7,535	14,827				22,362
Lebanon	4,186	7,922				12,108
Mali	3,349	6,589	6,396	7,925		24,259
Mexico	61,956	121,906	117,801	140,664	343,866	786,193
Nepal	$3,240					$3,240
Nicaragua	3,349	$6,589	$6,366	$7,925	$9,686	33,915
Panama	3,349	6,589	6,366	7,925	9,686	33,915
Paraguay	3,349	6,589	6,366	7,925		24,229
Peru	8,372	16,474	15,907	21,793	26,638	89,184
Poland	191,369	421,726	510,845	678,553	663,517	2,446,010
Portugal	13,396	26,358	25,431	39,624	96,864	201,673
Rwanda	3,349	6,589	533			10,471
Saudi Arabia	5,860	11,532	11,149	11,887	29,059	69,487
Senegal	4,186	8,238	7,994			20,418
Somalia	3,349	6,589	6,396	1,111		17,445
Spain	72,002	141,674	136,816	184,250	450,417	985,159
Sudan	5,860					5,860
Syria	4,186	8,238	7,955			20,379
Togo	3,349	6,589	6,396	7,925	1,065	25,324
Uganda	3,349	6,589	533			10,471
United Arab Republic	20,931	27,456				48,387
Upper Volta	3,349	6,589	4,207			14,145
Uruguay	9,209	18,121	17,499	23,774	29,059	97,662
Yemen	3,349	6,589	6,366	7,925	19,373	43,602
Yugoslavia	31,816	62,600	60,505	69,341	109,007	333,269
Total	1,910,981	3,953,108	7,786,094	10,132,859	5,559,891	29,353,341

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[1] No assessments since 1964.

Source: U.N. Secretariat reports; State Department.

United Nations Emergency Force (as of Feb. 8, 1966), uncollected dues

[Calendar years]

Country	Total, all years (as of Feb. 8, 1966)	1964	1963	1962	1961	1960	1959	1958	1957
Afghanistan	$39,511	$4,333	$2,821	$907	$5,584	$5,926	$9,092	$8,480	
Argentina	912,670	87,518	56,974	18,442	103,291	109,594	168,180	285,000	$40,095
Bolivia	38,331	3,466	2,256	735	7,484	3,939	6,056	12,500	
Burundi	7,704	3,466	2,256	87					
Central African Republic	4,151	2,256							
Chad	8,394	3,466	2,256	777					
Chile	141,786	22,529	14,667	4,765	25,125	26,643	35,269		
China	4,944,929	395,997	257,793	217,133	466,207	989,797	759,151	1,252,500	405,049
Costa Rica	10,279	3,466	2,256	735	3,722	1,671			
Dahomey	2,804	909							
Dominican Republic	19,324	4,333	2,821	919	9,356				
Ecuador	6,031	3,663							
El Salvador	7,617	3,466	2,256						
Guatemala	13,413	4,333	2,821	919	3,445				
Guinea	15,836	3,466	2,256	735	7,484				
Haiti	22,087	3,466	2,256	735	3,722	3,951	6,062		
Honduras	7,617	3,466	2,256						
Iraq	93,262	7,798	5,077	1,654	16,840	8,854	13,623	30,000	5,627
Jordan	41,725	3,466	2,256	735	7,484	3,951	6,062	10,000	5,876
Lebanon	22,213	4,333	2,821	919	4,653	4,938	2,181		
Mexico	607,137	64,121	41,744	13,729	132,849	70,158	107,564	138,707	
Nepal	4,151	2,256							
Nicaragua	4,646	3,466	152						
Panama	12,074	3,466	2,256	735	3,722				
Paraguay	32,087	3,466	2,256	735	3,722	3,951	6,062	10,000	
Peru	73,642	8,665	5,641	1,826	20,582	10,817	16,649	5,200	
Poland	1,927,552	226,453	121,406	60,854	256,343	135,134	207,514	380,000	229,159
Rwanda	7,704	3,466	2,256	87					
Saudi Arabia	68,639	6,066	3,949	1,297	11,227	5,915	9,087	17,500	10,283
Senegal	10,020	4,333	2,821	971					
Somalia	7,617	3,466	2,256						
Spain	1,024,773	74,521	48,512	15,720	174,013	91,643	140,826	277,500	167,462
Sudan	83,974	6,066	3,949	1,927	11,227	5,868	9,067	27,500	16,159
Syria	42,189	4,333	2,821	915				20,000	11,752
Togo	12,600	3,466	2,256	777	3,762	444			
Uganda	7,704	3,466	2,256	87					
United Arab Republic	331,401	21,663	14,102	4,574	59,876	31,477	48,432	87,500	52,883
Upper Volta	16,362	3,466	2,256	777	7,524	444			
Uruguay	45,456	9,532	6,205	2,010	11,167	11,806			
Yemen	41,725	3,466	2,256	735	7,484	3,951	6,062	10,000	5,876
Total	10,720,957	1,028,399	635,449	357,223	1,367,895	1,530,872	1,556,939	2,572,387	950,221

Source: U.N. Secretariat reports; State Department.

Mr. MILLER. The first is a table showing the 46 countries which would be affected by my amendment. It details total United Nations arrearages, the arrearages for 1964 and prior years, the total foreign aid they received from the United States in fiscal year 1965 and the total U.S. foreign aid since inception.

The second table is a breakdown by country and year of the uncollected dues for the regular budget of the United Nations. The third shows the same information for the Congo account and the fourth, for the Emergency Force account.

For the RECORD, I would like to summarize the data:

First. Under the regular budget account, 18 nations have not paid 1964 dues totaling $749,612; 7 have not paid 1963 dues totaling $89,569.

Second. Under the Congo account, 44 nations have not paid 1964 assessments totaling $1,910,981, 40 have not paid 1963 assessments totaling $3,953,108, 33 have not paid 1962 assessments totaling $7,786,094, 23 have not paid 1961 assessments totaling $10,132,859, and 20 have not paid 1960 assessments totaling $5,559,891.

Third. Under the Emergency Force account, 40 have not paid 1964 assessments totaling $1,028,399, 36 have not paid 1963 assessments totaling $635,449, 32 have not paid 1962 assessments totaling $337,223, 26 have not paid 1961 assessments totaling $1,367,895, 22 have not paid 1960 assessments totaling $1,530,872, 18 have not paid 1959 assessments totaling $1,556,939, 16 have not paid 1958 assessments totaling $2,572,387, and 11 have not paid 1957 assessments totaling $950,221.

In summary, Mr. President, the amendment is very brief. It applies, in the present state of affairs, to some 46 nations. In the case of those nations, it would require merely a determination by the President that the foreign aid is in the national interest, and a report, to the two committees of Congress having jurisdiction over foreign relations, of the assurances that those nations have given of placing their payments on a current basis, or an explanation of the exceptional or unusual circumstances which render them incapable of doing so.

I think it is a helpful amendment. I believe it is germane and relevant, and I hope that the distinguished chairman of the Foreign Relations Committee will give it his best consideration

Mr. FULBRIGHT. Mr. President, I have always opposed this kind of amendment in the past because it seeks to achieve an ulterior purpose by utilizing the aid program.

The Senator discussed his amendment with me, and made a very good case relative to the unusual increase in the number of delinquents in the United Nations. According to the information he gave me, 20 of the 31 delinquent countries receive aid.

I cannot assure the Senator that I can hold his proposal in conference, but I think it is of sufficient importance that it is worthwhile taking it to conference.

I am very disturbed that so many of these countries, which obviously are friends of ours, and are receiving aid, are unwilling to pay, not special assessments, but the regular assessments of United Nations dues. There is a difference of opinion of considerable consequence with regard to such special assessments as those growing out of the Congo; but there certainly is not any dispute as to the regular dues owed to the United Nations. I cannot understand why some of the peoples who have benefited to such great extent under the aid program are unwilling to pay the ordinary dues they owe the United Nations.

I am willing to take the proposal to conference for whatever it is worth, although to do so will violate my usual rule in this regard.

Mr. PASTORE. Mr. President, I want the RECORD to show I am opposed to this amendment. The amendment actually makes the foreign aid program a collection agency for the United Nations, and I think it is bad.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Iowa (putting the question).

The amendment was agreed to.

AMENDMENT NO. 675

Mr. COOPER. Mr. President, I call up my amendment No. 675, and ask that it be stated.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk read as follows:

> On page 10, strike out lines 11 through 17, and insert in lieu thereof the following:
>
> "(1) Strike out in the first sentence the words beginning with '1963, 1965, and 1966,' through the words 'year 1966' and substitute '1967 and 1968, not to exceed $543,000,000 which sums are authorized to remain available until expended and, except for not to exceed $87,700,000'."
>
> On page 10, strike out lines 19 through 21, and insert in lieu thereof the following:
>
> "(3) In the final sentence, strike out 'June 30, 1965 and June 30, 1966,' and substitute 'June 30, 1967, and June 30, 1968,'."

Mr. COOPER. Mr. President, I know that many Senators are eager to leave town, and some have reservations, so I shall not be very long.

I think my amendment can be very easily understood, as it goes only to the Alliance for Progress programs of development assistance. It would provide a 2-year authorization for the program for Alliance for Progress nations, at the same level of authorization for funds as reported by the committee for a 1-year authorization. It would make no other changes.

As Senators know, the original authorization made by Congress for development loans ran from 5 years from 1961, and in 1962, a 4-year program was fixed for specific Alliance programs. That authorization expires this year, and my amendment would limit the new authority to 2 years for the programs of the Alliance for Progress under this act.

The Committee on Foreign Relations reported a bill containing an authorization for 1 year. Two days ago the Senate rejected amendments, one offered by the distinguished Senator from Wyoming [Mr. MCGEE] and one offered by the distinguished Senator from Ohio [Mr. LAUSCHE], providing for a 2-year authorization. The one offered by the Senator from Wyoming applied to all countries; the one offered by the Senator from Ohio applied to specific countries and specific programs.

I believe that even if we accept the assumption which prevailed against a general authorization of 2 years, it does not apply in this particular case and to the program of the Alliance for Progress.

The original Latin America Development Act, which was enacted in 1960 as the Inter-American social and economic cooperation program in the administration of President Eisenhower, contained the following statement:

> SECTION 1. (a) It is the sense of the Congress that—
>
> (1) the historic, economic, political, and geographic relationships among the American Republics are unique and of special significance and, as appropriate, should be so recognized in future legislation.

So I make the first point, which was so well stated in that act, that our relationships "are unique and are of special significance." I believe that a 2-year authorization should be provided for the Alliance for progress. But in the debate over a more general authorization of 2 years, certain arguments were made which, as I have said, I do not think are applicable to the Alliance.

First, there was questioning as to whether substantial progress has been made in many countries to which the United States furnishes aid. But in the report of the committee, page 15, third paragraph, the committee makes this statement:

> The fact that the Alliance for Progress is the only major non-UN aid program which the committee did not cut demonstrates the committee's support for the program. Although the results over the last five years have not been as dramatic as we and our Latin-American partners would have liked, there has been considerable progress and the committee believes that the results justify authorization of the full amount of the budget request.

I shall not take the time of the Senate to invite attention to all the facts that show progress. They are provided by the committee report. But I should say that a careful reading of parts of the committee report dealing with fiscal reform, social reform, agricultural improvement, and industrial growth indicates that the report of the Committee on Foreign Relations is correct, and that substantial progress has been made.

Second, the committee has argued for a multilateral approach. So far as concerns the Alliance for Progress, this is a multinational program, and it is a hemispheric program. The countries of Latin America have joined together with the United States to work toward more rapid development and to bring advances in their economies and living conditions.

Third, the committee itself has written into the bill stricter controls and requirements on the countries of Latin America which are receiving aid under the alliance. It is provided that the Inter-American Committee for the Alliance for Progress, called in Latin America CIAP, must approve every national economic program before development loans can be made to a country. Additionally, new criteria for making loans are written into the law.

So the committee itself has recognized these special features. The report also shows that in the last 5 years there has been a growing and large private investment in Latin America; further, it shows that savings in Latin America have been increased markedly, and we know that savings are the basis for the investment of the Latin American people themselves.

Other countries have, I believe because of the progress in Latin America, also joined to make loans available to Latin America. Not only international organizations, and the United Nations, but also European countries, are now making available to Latin America their own loans, and their trade is growing at a good rate.

Mr. LAUSCHE. Mr. President, will the Senator yield?

Mr. COOPER. I yield.

Mr. LAUSCHE. Would the amendment of the Senator from Kentucky give a 2-year life to the program of the Alliance for Progress?

Mr. COOPER. The Senator is correct.

Mr. LAUSCHE. Is it a fact that, under the last law, the program had a 4-year life?

Mr. COOPER. The Senator is correct.

Mr. LAUSCHE. So, the Senator from Kentucky accepts the reduction of the life of the Alliance for Progress from a 4-year life to a 2-year life?

Mr. COOPER. The Senator is correct.

Mr. LAUSCHE. The bill provides 1 year.

Mr. COOPER. The Senator is correct, and my amendment would simply extend the authorization in the committee bill to 2 years at the same annual level.

Mr. LAUSCHE. I will support the amendment.

Mr. COOPER. Mr. President, I thank the Senator from Ohio very much.

Mr. President, I have pointed out the evidence of the progress that has been made, and I believe that this progress has been made because the Latin American countries have proceeded on the basis that they are joined hemispherically and should proceed toward economic and agricultural and social growth.

It is evident from reading the statements made by the three Presidents who have supported the Alliance for Progress, and from the treaties that have been entered into by the United States, that it is looked upon as a long-term program.

President Johnson spoke of the progress that could be made in a decade. Now, if the United States plans for a 1-year authorization, I think that these countries would question the intention of the United States to continue its assistance over that decade. Such a limited period of authorization could also bring about a reduction of the efforts they are making in their own self help, and that is one of the important purposes we have and which has been stated in the debate in the Senate.

I recall to the Senate these well-known facts. It was in 1960, in the administration of President Eisenhower, that the act to which I have just referred, and from which I read a section, was passed by Congress. Later in that year, under the administration of President Eisenhower, $500 million was authorized for this program. Then, when President Kennedy came into office, in a speech to the Latin American diplomats in the White House, he spelled out these programs in greater detail and gave the idea of the alliance a further meaning.

President Kennedy said that he was proposing a vast cooperative effort unparalleled in magnitude and nobility of purpose to satisfy the basic needs of the American people for homes, work, land, health, and school. The Senate and the Congress supported this concept and the program.

The Congress had authorized $500 million to start these programs in 1960. In 1961 and 1962, authority and appropriations were made for long-term programs, including the Alliance. On November 26, 1963, 4 days after the tragic death of President Kennedy, President Johnson gathered the Latin American leaders in the White House and said:

> I have come to reaffirm the Alliance and to pledge all energies of my government to our common goals.

Congress itself by its various acts has given, I think, its approval of this long-term program. As a result, the Latin American States have gathered in various conferences, at Bogotá and Punta del Este, among others, and have worked out the details of this great program.

We do have political and strategic connections with Latin America, and with all the difficulties, they have been faithful in their support of most policies of the United States. Beyond that, the two great revolutions of the world, after the French Revolution, were in our hemisphere, and this country was the first to recognize those two independent countries and to give them help and encouragement as they became independent.

We started this latest effort in 1960, and it has made progress. As the committee says, I think it has been a good effort; I think it would be in keeping with all our purposes to give this recognition of confidence in the progress that our Latin American neighbors are making. I think also it would show some nobility of purpose if we would give this small indication—and it is a small indication, a 2-year authorization—to sustain, encourage, and continue this great program of the Alliance for Progress.

I hope very much that the Senate will agree to the amendment.

Mr. MORSE. Mr. President, I appeal to the Senate not to vote on this amendment tonight. It is a basic amendment, and, in my judgment, it should not be agreed to.

The Senate needs adequate time for a full consideration of the amendment, and that time is not available tonight.

Let us face it. The Senate, I respectfully submit, has had a long, hard day. I shall not comment upon the situation for anyone else, but if I were asked to characterize the Senate at the present time, I would have to include in the characterization the word "fatigue." I do not think that tired men should consider an amendment as important as this one.

We have already rejected an amendment of a 2-year authorization. I think it is very difficult to explain to those other countries why we should select certain countries for 1 year and other countries for 2 years.

On the merits, I would be opposed to the amendment. I would like to have adequate time to discuss the provisions, because as chairman of the Subcommittee on Latin American Affairs, I want to urge the defeat of this amendment.

If we want to help our Latin American friends in Latin America, we will not do it with this amendment.

One year is a great help to democratic countries in Latin America, and a 2-year or 3- or 4- or 5-year authorization is a bonanza for the juntas, the dictators, and the other countries that would like to get commitments tied up for as long a time as possible, and the progressive, democratic countries have nothing to fear from a 1-year authorization.

They make a good case. I believe we would make a great mistake if we tried at this late hour to go into the details of the implications of the proposed amendment.

Furthermore, I happen to know that quite a number of Senators have a quasi-senatorial function to perform at an early hour tonight. I shall forgo it, if I am forced to, but I should like to be there again in my official capacity. A very important dinner is being held for the President-elect of Bolivia, and Bolivia is one of the most important of the Latin American countries. Although I am sure they would understand my absence, I should like to be there.

I suggest that the Senator from Kentucky either leave this amendment as the pending business for Monday or temporarily lay it aside until Tuesday or Wednesday, and not press for action on it tonight.

That is one of my shortest speeches, and I am ready to yield the floor.

Mr. COOPER. Mr. President, I believe the Senator from Oregon would agree that he has discussed and the Senate has discussed and debated the considerations that applied to the proposed amendment. They came into play when we talked about the amendment offered by the Senator from Ohio and the Senator from Wyoming, and they have been talked about all during the debate.

I believe all Senators know how they would like to vote on the amendment. I have been trying to obtain the floor since yesterday afternoon, in order to call up the amendment. This has been a long week, and I believe everybody understands it. I believe the Senator from Oregon would perform a great service to us all if he would let us go ahead.

Mr. MORSE. As one of the parliamentary leaders in opposition to the proposed amendment, I do not want to fail in my duty to the absentees in my ranks. I wish to bring them back, so that they can go on record in opposition to the amendment. I owe it to them. The Senator from Kentucky will be here with us next week, and there will be ample time for him to present the amendment.

Mr. COOPER. I shall have to cancel my engagements and make other arrangements, but I shall do so.

Mr. President, on my amendment, I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. COOPER. The distinguished junior Senator from Texas [Mr. TOWER] has had to be away today, and I ask unanimous consent that a statement he has prepared in support of this amendment be printed at this point in the RECORD.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

STATEMENT BY SENATOR JOHN TOWER

Mr. President, I am pleased to rise in support of the amendment of my distinguished colleague from Kentucky. The Alliance for Progress has been in most cases an effective and worthwhile program. It is the type of program which can benefit most from an extension of the authorization period for two years.

The people of Texas are familiar with the need for and close cooperation between the United States and our Latin American neighbors. Latin-American influence has given my state much of its traditions and history. The Spanish tongue is no stranger to Texas.

The people of Texas know that cooperation and coordination with our Latin neighbors is possible.

Mr. President, the Rio Grande is for Texas a border of friendship, not of discord. The Alliance for Progress does much to extend this feeling of cooperation throughout Latin America. The amendment before us now will do much to hasten that extension.

ORDER FOR RECESS UNTIL MONDAY

Mr. MANSFIELD. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in recess until 11 o'clock a.m., Monday next.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER OF BUSINESS ON MONDAY

Mr. MANSFIELD. For the information of the Senate, there will be no morning hour on Monday. The pending business will be the amendment of the Senator from Kentucky [Mr. COOPER]; and I ask unanimous consent that that be followed by amendment No. 652, the amendment of the Senator from Indiana [Mr. BAYH] to change rules regarding iron and steel procurement for Vietnam.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MANSFIELD. That will be followed by the amendment of the Senator from Minnesota [Mr. MCCARTHY].

Mr. COOPER. Reserving the right to object——

Mr. MANSFIELD. After the amendment of the Senator from Kentucky.

I make the request only because the Senator from Indiana left the floor briefly, with the understanding that we would complete action on the amendment of the Senator from Kentucky tonight, and that the amendment of the Senator from Indiana would be laid down and made the pending business on Monday.

RECESS UNTIL MONDAY AT 11 A.M.

Mr. MANSFIELD. Mr. President, if there is no further business to come before the Senate, in accordance with the previous order, I move that the Senate stand in recess until 11 o'clock a.m., Monday next.

The motion was agreed to; and (at 6 o'clock and 4 minutes p.m.) the Senate recessed until Monday, July 25, 1966, at 11 o'clock a.m.

CONFIRMATIONS

Executive nominations confirmed by the Senate July 22, 1966:

DEPARTMENT OF JUSTICE

John W. Peck, of Ohio, to be U.S. circuit judge, sixth circuit, to fill a new position created by Public Law 89-372, approved March 18, 1966.

Irving L. Goldberg, of Texas, to be U.S. circuit judge, fifth circuit, to fill a new position created by Public Law 89-372, approved March 18, 1966.

Robert A. Ainsworth, Jr., of Louisiana, to be U.S. circuit judge, fifth circuit, to fill a new position created by Public Law 89-372, approved March 18, 1966.

John C. Godbold, of Alabama, to be U.S. circuit judge, fifth circuit.

Donald P. Lay, of Nebraska, to be U.S. circuit judge, eighth circuit.

Joseph P. Kinneary, of Ohio, to be U.S. district judge for the southern district of Ohio.

Woodrow B. Seals, of Texas, to be U.S. district judge for the southern district of Texas to fill a new position created by Public Law 89-372 approved March 18, 1966.

Ernest Guinn, of Texas, to be U.S. district judge for the western district of Texas to fill a new position created by Public Law 89-372 approved March 18, 1966.

C. Clyde Atkins, of Florida, to be U.S. district judge for the southern district of Florida to fill a new position created by Public Law 89-372 approved March 18, 1966.

William M. Taylor, Jr., of Texas, to be U.S. district judge for the northern district of Texas.

Jack Roberts, of Texas, to be U.S. district judge for the western district of Texas.

John V. Singleton, Jr., of Texas, to be U.S. district judge for the southern district of Texas to fill a new position created by Public Law 89-372 approved March 18, 1966.

Lloyd P. LaFountain, of Maine, to be U.S. attorney for the district of Maine for the term of 4 years.

Ben Hardeman, of Alabama, to be U.S. attorney for the middle district of Alabama for the term of 4 years.

Vance W. Collins, of Kansas, to be U.S. marshal for the district of Kansas for the term of 4 years.

Leo A. Mault, of New Jersey, to be U.S. marshal for the district of New Jersey for the term of 4 years.

Jesse L. Dobbs, of Texas, to be U.S. marshal for the western district of Texas for the term of 4 years.

Jackie V. Robertson, of Oklahoma, to be U.S. marshal for the eastern district of Oklahoma for the term of 4 years.

ATOMIC ENERGY COMMISSION

Samuel M. Nabrit, of Texas, to be a member of the Atomic Energy Commission for the remainder of the term expiring June 30, 1970.

Wilfrid E. Johnson, of Washington, to be a member of the Atomic Energy Commission for the remainder of the term expiring June 30, 1967.

EXTENSIONS OF REMARKS

National Petroleum Council Excellent Example of Government-Industry Cooperation in the Public Interest—Hon. Stewart L. Udall, Secretary of the Interior, Commends the Council for 20 Years of Service

EXTENSION OF REMARKS
OF
HON. JENNINGS RANDOLPH
OF WEST VIRGINIA
IN THE SENATE OF THE UNITED STATES
Friday, July 22, 1966

Mr. RANDOLPH. Mr. President, in May 1946, the President of the United States, by letter to the Secretary of the Interior, stated that he had been impressed with the meaningful contributions of Government-industry cooperation in the success of the World War II petroleum program. He commented on the importance of such close and harmonious relations between the Government and the petroleum industry, and emphasized his belief that it should be continued.

Accordingly, President Truman suggested that the Secretary of the Interior establish an industry organization to consult with and advise the Department on oil and gas matters. Pursuant to this direction, the National Petroleum Council was established by the Secretary of the Interior, Hon. J. A. Krug, on June 18, 1946.

In honor of the 20th anniversary of its establishment the Council held a dinner last Monday evening, July 18, at the Statler-Hilton Hotel, Washington, D.C. Guests included members of the Council, congressional and governmental leaders, and oil and gas industry officials. West Virginia is an important oil and gas producing State, and I was pleased to be present on this important occasion.

The purpose of the Council is solely to advise, inform, and make recommendations to the Secretary of the Interior or the Director of the Office of Oil and Gas with respect to matters which relate to the industry, and which are submitted to the Council or approved by the Secretary or Director.

Its members are appointed each fiscal year by the Secretary of the Interior. Membership is drawn from all segments of the petroleum and natural gas industries, from the production phase to the retail marketing level. It is wholly supported by the voluntary contributions received from members.

The Council is headed by a Chairman and Vice Chairman, and the Secretary of the Interior serves as a Cochairman.

Mr. President, I am pleased to note that the first Chairman of the National Petroleum Council was the Honorable Walter S. Hallanan, of Charleston, W. Va. Mr. Hallanan, a cherished friend, served in this responsible post for the first 16 years of the Council's existence, and made many contributions in bringing it to the present level of responsive and effective action.

From 1962–64 the Council was headed by R. G. Follis, chief executive officer of Standard Oil of California. Mr. Follis was succeeded by Jake L. Hamon, an independent oil producer from Dallas, Tex., who was honored at the July 18 dinner. He was presented a citation by former Assistant Secretary of the Interior John M. Kelly. The citation expressed the appreciation of Council members for Mr. Hamon's outstanding service and leadership.

Now serving as Council Chairman, having been elected at a meeting on July 19, is James C. Donnell II, president of Marathon Oil Co.

Mr. President, there were two speakers at the anniversary dinner. Carl E. Reistle, Jr., former chairman of the board of Humble Oil & Refining Co., urged closer communication between leaders of government and industry. He pointed out that this interchange of ideas has been instrumental in building a 20-year record of effective action between the Council and the Department of Interior.

Hon. Stewart L. Udall, Secretary of the Interior, responded for Government. The Secretary expressed appreciation to the Council for its substantial assistance over the years. He pointed out that we must have the closest liaison and cooperative effort between Government and industry if we are to meet the challenges of a highly industrialized society.

It is also noteworthy that the former Secretary of the Interior, Hon. Oscar L. Chapman, was in attendance on this occasion, and was received warmly. He pioneered in the Government-industry concept.

Mr. President, the Council is a continuing means through which the American Government and our oil and gas industries can work jointly in promoting long-term national security and emergency preparedness. During its life the Council has prepared at the request of the Department of the Interior more than 160 detailed studies on the complex operations of the petroleum industry. The problems examined fall into four categories: supplies of crude oil, natural gas, and petroleum products; facilities for producing, refining, transporting, and storing oil and gas; advance planning and preparations by the Government and industry for possible national emergencies; and specialized informational and advisory studies.

I commend the National Petroleum Council and congratulate its members for lasting contributions to the public welfare. It is an excellent example of the positive results which can be achieved through a working partnership between our Federal Government and the private sector of the economy.

I request that the address of Hon. Stewart L. Udall, at the July 18, 1966, meeting of the National Petroleum Council be printed in the Record, together with the text of a citation presented to Jake L. Hamon on that occasion.

There being no objection, the address and citation were ordered to be printed in the Record, as follows:

Remarks of the Honorable Stewart L. Udall, Secretary of the Interior, Before the National Petroleum Council, Washington, D.C., July 19, 1966

I would like to begin my remarks with a quotation from a distinguished writer and city planner about a current problem: "If atmospheric sewage was the first mark of paleotechnic industry, stream pollution was the second. The dumping of industrial and chemical waste products into the streams was a characteristic mark of the new order. Wherever the factories went, the streams became foul and poisonous; the fish died or were forced, like the Hudson shad, to migrate, and the water became unfit for either drinking or bathing. In many cases the refuse so wantonly disposed of was in fact capable of being used; but the whole method of industry was so shortsighted and so unscientific that the full utilization of by-products did not concern anyone for the first century or so. What the streams could not transport away remained in piles and hillocks on the outskirts of the industrial plant, unless it could be used to fill in the watercourses or the swamps on the new sites of the industrial city."

Does all this sound like something you read in the Magazine section of the New York Times last week? It isn't. This was Lewis Mumford, writing in 1930 about a condition that had attended the very birth of Western industrial society, and which has steadily worsened in direct proportion to the growth of what Mumford aptly called "carboniferous capitalism."

My point is simply that the problem of environmental pollution is not new. The new feature in the story is the encouraging fact that under President Johnson's leadership we have finally recognized that we do have a problem—a national problem—and that we must find a solution as the condition for our continued survival. This is a strong statement. I believe it. I believe that we must restore our air and our water resources to some tolerable state of purity or we shall as a nation surely suffocate in our own effluvia.

For nearly three hundred and sixty years we have been steadily building a nation, organizing and exploiting an incredible inventory of natural resources to make ourselves the richest, most powerful people the world has ever known. We have buildings that rise a thousand feet into the air; planes that span the continent in four hours; automobiles—nearly one for every two people—that transport the average American family farther in an hour than George Washington could travel in a week—and in air-conditioned comfort to boot. We have poured out of our horn of plenty a flood of devices to ease the burdens of housewife and mill worker alike. This year we shall increase our gross national product in real terms by over $40 billion over that of 1965. No people on earth ever had more in the way of material comforts and conveniences; and no people on earth ever had to put forth less physical toil to enjoy them.

We have come this far in only three centuries. We are indeed an affluent society.

But as you fly at 600 miles an hour toward any one of several of our major cities, the first thing that tells you of its presence is likely to be a pall of yellow haze that floats like a blanket between the city and the blue sky.

In the largest of these cities last summer you had to ask for a glass of water to go with your dinner. The waitress risked a fine if she provided it without your specific order. In other cities the aroma of rotten cabbage and the sour taste on your tongue tell you of the proximity of a pulp mill or a chemical plant. In a hundred valleys of the Appalachians the corrosive leachings from coal mines poison the streams and everything in them. In the Great Lakes area, rivers warm to the touch, and loaded with human and industrial waste, threaten to make a second Dead Sea of Lake Erie, and seriously menace the lower portion of Lake Michigan. On our own doorstep you can admire the quiet beauty of the Potomac. But if you should fall into it, your wisest action would be to go get a typhoid shot.

We have come this far, too, in only three centuries. We are also an effluent society.

The truth is that there is a direct connection between affluence and effluents. Our material opulence is the product of an enormous conversion of natural resources to human use, accomplished through the interaction of technology and energy upon the raw products of the land. The inevitable by-product of this massive conversion is a vast amount of waste material which has no apparent economic use and which has to be disposed of in some manner. Our traditional way of disposing of the fluid portion of these wastes has been to pump it into the air or into the closest watercourse in the hope that a forgiving Mother Nature would somehow take care of it for us. And for many generations, she did. But no more. There are now so many of us, and our capacity to create pollutants is now so extensive that we can no longer trust the assimilative capacity of our air and water to absorb the unwanted residue of our industrial society.

We are very late in recognizing the seriousness of the problem we have created for ourselves, in no small measure because of the fugitive nature of our air and water resources. It was a simple matter to vent pollutants into the air or the nearby river, knowing that the next day they would be gone, borne away by the currents of wind and water. And all too few were troubled by the fact that they had simply moved their problem downstream a few miles, there to vex the lives of their riparian neighbors. Both authority and responsibility were fragmented along the course of our Nation's major streams, with the result that all could degrade and abuse them, and none could raise an effective voice of protest against what was taking place.

Slowly—very slowly—our Nation began to awaken to the fact that a river that extends for a thousand miles through a dozen states and a hundred municipalities cannot be adequately protected by any authority below that of the Federal government. The first official recognition of this truth came with the passage of the Water Pollution Control Act in 1948—the first to pass of more than 100 anti-pollution bills that have been introduced in Congress in the preceding 60 years. Although the law had no great impact, at least it represented a victory over the forces that have so consistently and successfully opposed Federal entry into this particular area.

In the years since 1948 public awareness of water pollution problems became more perceptive and the demands for their solution more insistent. But it was not until President Johnson rallied the Nation to full understanding and acceptance of the great efforts needed to correct the situation that real progress began to be made.

In Feburary of 1965 the President sent to Congress his now famous message on Natural Beauty. In it was included an assignment to me, to take the leadership in devising a clean-up program for the Potomac River. His language was blunt and clear: "Clean up the river and keep it clean, so it can be used for boating, swimming, and fishing."

Eight months later, at a ceremony at the White House, the President elaborated on his clean-up order. In equally blunt and clear terms, he deplored the use of rivers as pipelines for toxic wastes. And then he said:

"This sort of carelessness and selfishness simply ought to be stopped; and more, it must be reversed. And we are going to reverse it. We are going to begin right here in Washington with the Potomac River . . . with the signing of the Water Quality Act of 1965 this morning, I pledge you that we are going to reopen the Potomac for swimming in 1975. And within the next 25 years we are going to repeat this effort in lakes and streams and other rivers across this country."

In Feburary of this year, the President announced a reorganization plan to transfer to the Department of the Interior the Federal Water Pollution Control Administration, which was then under the Department of Health, Education, and Welfare. Last May 10 this transfer became effective. It was, as I said at the time, a "red-letter" day in my five and a half years as Secretary. The legislative authority and the administrative structure are now available for an effective attack upon the formidable problems of water pollution at a truly national level.

As a result of the Water Quality Act, we of the Federal establishment find ourselves in a new role. The water quality standards afford us an opportunity to extend our nationwide effort beyond mere correction and into the area of prevention. The battle for better environment thus moves from a rearguard action to a forward attack. The task is no longer just to clean up yesterday's mess, but to prevent tomorrow's from occurring at all.

The guidelines to the States have been established pursuant to the authority contained in the Act, and the response has been uniformly satisfactory. I have even detected a note of relief that the troublesome task of insuring equitable application of water quality standards is to be shouldered by the Federal government.

These standards will take into consideration several factors. One of particular interest to refiners and petrochemical manufacturers is your competitive position with relation to plants in other regions. In recognition of this problem, the Federal position is a reasonable one. It takes account of the economic feasibility of water quality requirements and sets up hearing procedures by which affected industries may state their cases for modification of proposed standards. We want to have full knowledge beforehand of what the likely effects of our contemplated actions will be. We do not intend for our enforcement practices to be hasty or ill-advised. We do intend for them to be effective.

In this national water clean-up effort we need—we welcome—your help. Water and oil may not mix, but they certainly have a lot to do with one another. I was amazed to learn recently of the tremendous volumes of water—most of it saline—that oil producers must dispose of in the course of their operations: 24 million barrels of it a day; a million barrels every hour; 3 barrels of water for every barrel of crude oil produced. I was also gratified by the manner in which your industry, working with State conservation authorities, is dealing with the problem: the protection of fresh groundwater strata by drilling, casing, completion and abandonment procedures which insure that no brines or other contaminants are allowed to leak into fresh water aquifers; the reinjection of saline water into oil reservoirs to stimulate recovery—a double dividend for conservation; and the steady reduction of the amount of salt water being disposed of in surface pits. The oil industry's record of brine disposal is one of encouraging progress. But in 1963, over 2½ million barrels a day of salt waer was still going into unlined pits and another million was going into streams and rivers. You still have a way to go, but your willingness and ability to progress in this area have been demonstrated, and you need only to press to a conclusion the excellent programs you now have under way.

Oil processing operations also use huge amounts of water, with the possibility that the water returned to the streamflow may be contaminated by oil droplets, or by chemical wastes, even though in minuscule concentrations. The oil industry has done much in the past to reduce the frequency and extent of such occurrences, and the very large sums of money the refining segment has spent, and is spending, for the abatement of air and water pollution is a testament to the importance you attach to this effort. The cooperation of the refiners in the Chicago area in working with Federal, State and local officials in the effort to save Lake Michigan is another example of responsible civic action. Your initiative is appreciated. Your continued active support of and participation in pollution abatement actions is solicited.

Nobody expects the clean-up program to be cheap. Last year the people of New York State voted four to one for a billion dollar bond issue to clean up their rivers. And many more billions must be paid by other citizens in other parts of the country before we can begin to see the kind of results we are aiming for. What makes the programs appear so costly to us now is the fact that for a hundred years we have been skimping on the essential and legitimate costs of our material abundance. We have not been paying full fare. We have failed to face up to the fact that the cost of clean-up, the cost of restoring the landscape for other uses, the cost of properly disposing of waste on a current basis, are all properly chargeable items in the price we should have been paying for our goods and services for many years gone by.

From now on we shall not only have to pay the current costs of these items, but we shall have to amortize the deferred charges of the past several decades as well. It is quite a load. But there is no reason for the most prosperous nation in the world to give off the look and smell of the shabbiest. We can surely create an environment worthy of our wealth, our talents, and our technical skill. We can have again the clean air, the clear streams, the sparkling lakes, the white unblemished beaches that have been so largely lost to us through generations of shortsightedness and neglect.

We meet on the common ground of concern for our environment. From each of our sectors of society must come a sincere effort to improve the quality of that environment. Working together in a spirit of cooperation and understanding, I know we can succeed.

PRESENTED BY THE MEMBERS OF THE NATIONAL PETROLEUM COUNCIL TO JAKE L. HAMON ON THE OCCASION OF ITS 20TH ANNIVERSARY

In grateful appreciation for his outstanding leadership as Chairman of the National Petroleum Council, 1964–1966.

As a charter member of the Council, he has continued to serve this organization for 18 years. He has actively participated in over 20 major study committees of this Council, and has been a member of its Agenda Committee since 1961.

Through his abiding belief in the value of the National Petroleum Council, together with his complete dedication to its purposes, Jake L. Hamon exemplifies the principle that the American oil and gas industries can and should cooperate at all times with the Government of the United States in the interest of this Nation and its people.

Throughout his life Jake L. Hamon has worked diligently to serve the petroleum industry, of which he is a most vibrant part, through positions of utmost responsibility which he has so faithfully fulfilled. Yet he has not confined his energies solely to the oil industry, but has also given of himself unstintingly toward the betterment of his community, state and country.

The Members of the National Petroleum Council, by this Citation, wish to express to their associate, Jake L. Hamon, their deep appreciation for his warm friendship, for his devotion to those sound principles in which he believes, and love of his fellow man. Let it be known, therefore, that we, the Members of the National Petroleum Council, regard Jake Hamon as a good friend, and respect him as a true gentleman, an industry statesman, and a great American.

Presented this 18th day of July, 1966, in the City of Washington in the District of Columbia.

HOUSE OF REPRESENTATIVES

MONDAY, JULY 25, 1966

The House met at 12 o'clock noon.

The Chaplain, Rev. Edward G. Latch, D.D., offered the following prayer:

Blessed is the nation whose God is the Lord.—Psalm 33: 12.

O God, our Father, who art the creator and the sustainer of all mankind, without whose blessing all our labor is in vain, we pray that our lives may be built not upon the shifting sands of superficial and shallow living but upon the rock of eternal truth and enduring love—so we come to offer unto Thee once again the devotion of our hearts, the dedication of our minds, and the discipline of our lives. May this moment of devotion at the beginning of this week be the open door to an increasing fellowship with Thee and with one another.

We are mindful of the experiences and the events which bind us together as a nation. By a common devotion to a common cause—the welfare of our beloved land—may we close ranks and by understanding and sympathy and good will bring together our different classes, heal the rift between races and make us a nation united in spirit, eager to do Thy will and to keep Thy commandments.

We remember with honor and affection those who are giving their lives for our country. May their devotion become our devotion, their dedication our dedication that in an unselfish spirit we may serve our Nation well this day. Amen.

THE JOURNAL

The Journal of the proceedings of Thursday, July 21, 1966, was read and approved.

MESSAGE FROM THE SENATE

A message from the Senate, by Mr. Arrington, one of its clerks, announced that the Senate agrees to the amendments of the House to a bill of the Senate of the following title:

S. 2822. An act to amend various provisions of the laws administered by the Farm Credit Administration to improve operations thereunder, and for other purposes.

The message also announced that the Senate had passed a bill of the following title, in which the concurrence of the House is requested:

S. 1681. An act to provide for uniform, fair, and equitable treatment of persons, businesses, or farms displaced by Federal and federally assisted programs.

The message also announced that the Senate agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 14324) entitled "An act to authorize appropriations to the National Aeronautics and Space Administration for research and development, construction of facilities, and administrative operations, and for other purposes."

CIVIL RIGHTS ACT OF 1966

Mr. CELLER. Mr. Speaker, pursuant to the provisions of clause 23, rule XI, I call up House Resolution 910, providing for the consideration of H.R. 14765, which has been pending before the Committee on Rules for more than 21 calendar days, without being reported by the said committee.

The Clerk read the resolution, as follows:

H. RES. 910

Resolved, That upon the adoption of this resolution it shall be in order to move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 14765), to assure nondiscrimination in Federal and State jury selection and service, to facilitate the desegregation of public education and other public facilities, to provide judicial relief against discriminatory housing practices, to prescribe penalties for certain acts of violence or intimidation, and for other purposes. After general debate, which shall be confined to the bill and shall continue not to exceed ten hours, to be equally divided and controlled by the chairman and ranking minority member of the Committee on the Judiciary, the bill shall be read for amendment under the five-minute rule. It shall be in order to consider the amendment in the nature of a substitute recommended by the Committee on the Judiciary now in the bill and such amendment shall be considered under the five-minute rule as an original bill and read by title instead of by section. At the conclusion of such consideration the Committee shall rise and report the bill to the House with such amendments as may have been adopted, and any Member may demand a separate vote in the House on any of the amendments adopted in the Committee of the Whole to the bill or the committee amendment in the nature of a substitute. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

CALL OF THE HOUSE

Mr. CEDERBERG. Mr. Speaker, I make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

Mr. ALBERT. Mr. Speaker, I move a call of the House.

A call of the House was ordered.

The Clerk called the roll, and the following Members failed to answer to their names:

[Roll No. 174]

Ashley
Aspinall
Baring
Blatnik
Bow
Broyhill, Va.
Callaway
Clark
Clevenger
Curtis
de la Garza
Dent
Dulski
Edwards, La.
Ellsworth
Fino
Frelinghuysen
Fulton, Pa.
Fulton, Tenn.
Gathings
Gilligan
Green, Oreg.
Hall
Hamilton
Hardy
Hébert
Henderson
Hull
Huot
Kee
Keogh
King, N.Y.
King, Utah
Kluczynski
Leggett
McCarthy
McDade
McEwen
Martin, Mass.
Miller
Mills
Morrison
Morse
Murray
O'Konski
Olsen, Mont.
Ottinger
Patman
Pepper
Pool
Powell
Redlin
Rees
Resnick
Roudebush
Scott
Sickles
Skubitz
Smith, N.Y.
Sweeney
Toll
Trimble
Wilson, Bob

The SPEAKER. On this rollcall 367 Members have answered to their names, a quorum.

By unanimous consent, further proceedings under the call were dispensed with.

CIVIL RIGHTS ACT OF 1966

The SPEAKER. The gentleman from New York [Mr. CELLER] is recognized for 1 hour.

Mr. CELLER. Mr. Speaker, I regret indeed the necessity to make use of this procedure open to us to bring before this representative body H.R. 14765, to assure nondiscrimination in Federal and State jury selection and service, to facilitate the desegregation of public education and other public facilities, to provide judicial relief against discriminatory housing practices, to prescribe penalties for certain acts of violence or intimidation, and for other purposes.

In understanding the exigencies of the circumstances which did not lend themselves to the granting of a rule by the Rules Committee, I must perforce take all necessary and proper steps to insure the consideration of this vital and essential legislation, legislation which our President has urgently called for.

I call this legislation essential and vital because Congress is the proving ground, wherein time and time again we assert that this is a government of law.

The rule calls for general debate which shall be confined to the bill and shall continue not to exceed 10 hours, to be equally divided and controlled by the chairman of the Judiciary Committee, myself, and the ranking minority member of the Committee on the Judiciary, the distinguished Member from Ohio [Mr. MCCULLOCH]. The bill then shall be read for amendment under the 5-minute rule. It shall be in order to consider the amendment in the nature of a substitute recommended by the Committee on the Judiciary, now in the bill, and such amendment shall be considered under the 5-minute rule as an original bill and read by title instead of by section. At the conclusion of such consideration, the Committee shall rise and report the bill to the House with such amendments as may have been adopted, and any Member may demand a separate vote in the House of any of the amendments adopted in the Committee of the Whole to the bill or the committee amendment in the nature of a substitute. The previous question shall be considered as ordered on the the bill and amendments thereto to final passage, without intervening motion except one motion to recommit, with or without instructions.

I ask the adoption of this rule so that we can move along rapidly to the business at hand. That is insuring, through law, the guarantee of constitutional rights to all inhabitants of this mighty and beloved land of ours.

By guaranteeing and insuring equality of opportunity to all people, regardless of race, color, religion, or national origin, we are not, like the lords of the manor, conferring a favor; we are dispensing justice.

We must not permit justice and law to be separated. We cannot afford to allow the disadvantaged and the deprived to seek justice through violence. This is the contradiction which only we, through concerted action of the executive and legislative and judicial branches of the Government, can prevent.

We have acted to insure voting rights, to insure equality of opportunity in employment, to guarantee equality of opportunity to receive an education, equality of opportunity to use public facilities and accommodations, but for a man to achieve his fullest potential, he cannot separate or compartmentalize his opportunities. They are inextricably interwoven. His educational opportunities are dependent upon where he lives. His success in a job depends on his preparation for such a job. Where he works will determine where he can afford to live. And back again we go to where he lives will determine his accessibility to opportunity.

If we talked to a man from outer space, could you hear yourself say that here in the United States a man's life and way of life is determined by the color of his skin?

Mr. Speaker, at this point I would like to give a brief description of the titles of H.R. 14765.

Title I of the proposed act would reform the present Federal jury system to assure that all qualified persons have an opportunity to serve on Federal juries without discrimination on account of race, color, religion, sex, national origin, or economic status. It provides for specific procedures for the selection of prospective and actual jurors to assure that Federal grand and petit juries are composed of a broad cross section of the community.

Title II deals with discrimination in State court juries. It prohibits denial of the right to serve on State grand and petit juries on grounds of race, color, religion, sex, national origin, or economic status and establishes judicial procedures to make this prohibition effective.

Title III of the bill as amended would authorize the Attorney General and private parties to sue for injunctive relief from the denial of or the interference with civil rights. This is the old part 3 that was originally passed by this Congress in 1957 but was rejected by the Senate.

Title IV seeks to end discrimination in residential housing. It prohibits discrimination on grounds of race, color, religion, or national origin by real estate brokers and agents and other persons dealing in the business of building, developing, buying, or selling of residential housing. This title provides for judicial and administrative relief and civil, not criminal, remedies in the event of violation of those prohibitions.

Title V deals with racial violence and would make it a Federal crime to use force or threats of force to interfere with the exercise of specific rights.

Title VI, originally title III of the administration's bill, is designed to remedy certain defects in the provisions of the Civil Rights Act of 1964 authorizing the Attorney General to bring suit against segregated public facilities and public schools. The title eliminates the requirement of a written complaint as a prerequisite to suit by the Attorney General. It also provides for desegregation suits in cases of official or private interference with the constitutional right to equal protection of the laws with respect to public schools and other public facilities.

Title VII of the bill as amended would authorize the Attorney General on petition to waive the requirement of title III of the Civil Rights Act of 1960 that State and local officials retain all voting records for 22 months after any Federal election.

Title VIII authorizes the necessary appropriations for the implementation of the act and contains the customary severability clause.

Finally—and I say this without any flag waving—the purpose of this bill echoes the preamble to the Constitution:

> We the people of the United States, in order to form a more perfect union, establish justice, insure domestic tranquility, provide for the common defense, promote the general welfare, and secure the blessings of liberty to ourselves and our posterity, do ordain and establish this Constitution for the United States of America.

Mr. Speaker, I say this reluctantly, and ladies and gentlemen of the House: A vote against this resolution will be tantamount to a vote against the civil rights bill.

Mr. Speaker, a bill cannot come before this House without the affirmative vote of the members of a committee thereof, and let that sink in to those who have any idea of voting against this rule.

If you are opposed, try as hard as you will, the guilt of obstruction will not wash out the defeat of this resolution, defeat will do irreparable harm, and will encourage violence by various Negro groups and organizations—something which you abhor and which I abhor and of which we are seeing entirely too much in our cities lately.

Mr. Speaker, the trouble in the ghetto areas is in part in response to a revolutionary spirit.

That revolution is following a pattern, and that pattern existed in connection with the industrial workers of this Nation. It was not unlike the revolution of the farmers of this country. They likewise rebelled and they fought off the chains that bound them, and there was violence on the farms.

Mr. Speaker, it is not unlike the fight for the vote for women in the last century, that was a revolutionary mission. The vote had been withheld from the women for centuries, and they fought. You recall the terms of force which was used. Women threw themselves across the path of traffic, not only in this country, but in England, and there was violence—much violence—on the part of these ladies.

Mr. Speaker, I did not then, you do not now, condone violence, and I am sure you did not, and I do not condone it now, but I am just giving you some of the history of this country where we have had these waves of revolution. We are having them now.

And, Mr. Speaker, just because we pass something here in Washington may not completely satisfy the militant voices. But what we do in Washington is quite different from what has happened in the localities where we have had this violence, where Washington has no control of the local police force or the local conditions that exist. These eruptions are most unfortunate, and it is hoped that temperate voices will prevail.

However, if we do not pass this bill or we vote against this rule, we would be encouraging those militant voices.

I hope this resolution will pass with a thumping majority.

The SPEAKER pro tempore (Mr. BOGGS). The gentleman from New York has consumed 15 minutes.

Mr. CELLER. Mr. Speaker, I yield to the gentleman from California [Mr. SMITH] 5 minutes for the purpose of debate only.

Mr. SMITH of California. Mr. Speaker, I do not wish to appear to be a sorehead because I do not think I am a sorehead, but in all truthfulness, Mr. Speaker, as far as I am concerned I do not think the Committee on Rules was treated fairly in connection with the resolution before us today.

The distinguished gentleman from New York has stated he regrets the necessity of bringing it up in this manner. Very frankly, I do not think there is any necessity of bringing it up in this manner.

Let me give you a little history on how this actually worked.

Let us take the last civil rights bill. The rule was granted on that on July 1, 1965, by a vote of 11 to 4 after hearings in the Committee on Rules. I voted for that rule and I voted against the bill. I intend to vote against the bill today or when the final vote comes. But I would in all honesty and sincerity support a rule on this bill out of the Committee on Rules because this is an important subject and the House should have an opportunity to work its will.

We also reported out the common situs picketing bill some time ago. It is on the calendar. It has not been scheduled yet. After considerable hearings back and forth last week and the week before on the poverty bill, we ended up last Tuesday changing the rule again and it was supposed to be heard Wednesday but it was taken off the schedule.

Let me tell you what happened on this particular bill. The Committee on the Judiciary held extensive hearings. We were going to take a recess starting on Thursday, June 30. We completed our business the night before so we did not have any business for consideration on June 30. Many of the members went home. But on that day the House met and was in session for 1 hour and 6 minutes at which time H.R. 14765 was introduced on June 30, 1966, the first time anybody had had a chance to see it. At the same time during that 1 hour and 6 minutes, the report accompanying the bill or a partial report at least was introduced on that date, June 30, 1966.

At the same time during the same hour and 6 minutes, House Resolution 910, dated June 30, 1966, which we are considering now, calling for debate taking away the situation from the Committee on Rules, was filed.

Now just what happened? On the same day, June 30, around 4 o'clock, the Committee on Rules received a telephone call that the documents would be over shortly with a request for a hearing. They were received about 4:30 o'clock of the same day, June 30. We started an 11-day vacation on adjournment June 30. We came back on Monday, July 11. The final report covering 18 members of additional and minority views under unanimous consent to file, was not filed until July 14. So there would not have been any possibility of the Committee on Rules to have had the necessary information for hearings until after July 14. We always wait at least 1 day for hearings so we have a chance to read the report.

We could not have even started on this matter until July 15 which was just a matter of a little over a week ago.

Let me read rule 732 which is the 21-day rule. It says:

> If the Committee on Rules shall adversely report, or fail to report within twenty-one calendar days after reference—

And so forth. I submit to the Members of the House that we never had a chance to hear this bill in the Committee on Rules. And in fact 21 days has not now expired during which time we adversely reported or failed to report.

I wish to say from my side of the aisle that if a request sincerely had been made to hold hearings in the Committee on Rules, we would have held hearings and I think we would have brought the bill to the floor of the House in ample time for it to be duly considered. To rush it through under this so-called necessity, in my opinion, is not correct and I do not think to rush this week in the passage of this legislation—if it is passed—will hurry it up

1 minute in the Senate so far as the passage is concerned.

As I say, Mr. Speaker, I do not want to be a sorehead but I do think that in a situation like this before they jump all over us in the Committee on Rules, I think we ought to have at least had a chance to hear the bill and been given the opportunity to report a rule, without climbing all over us even before we received information upon which we could have actually sat down and held fair hearings.

Mr. HALLECK. Mr. Speaker, will the gentleman yield?

Mr. SMITH of California. I yield to the gentleman from Indiana.

Mr. HALLECK. I think I have demonstrated here in my time a thoroughgoing and sincere effort in behalf of civil rights legislation. I well recall that in 1964 there was a great deal of debate as to what the Rules Committee would do. There was a definite intent, apparently, to create the impression that the five Republican members of the Rules Committee would not vote to report the rule. I was put to the necessity of announcing that they would vote for it, and the rules have been granted. It would have been granted on this bill.

It seems to me that this is an unjustified abuse of the 21-day rule that was not necessary at all. It would have been much better to have had the matter considered by the Rules Committee and reported in the proper way, as the Rules Committee has reported these bills time and again.

I for one resent the statement that all at once, because of this situation, we are to be put on the blacklist in respect to civil rights. I do not believe that should or will follow.

Mr. SMITH of California. Mr. Speaker, I intend to vote against the resolution for the reasons stated. I would not have voted against the rule if it had been brought out of the committee.

Mr. CELLER. Mr. Speaker, I yield, for the purpose of debate, to the gentleman from Virginia [Mr. POFF], 3 minutes.

Mr. POFF. Mr. Speaker, I did not ask for the time and shall not use the 3 minutes. However, I do think it might be appropriate at this time to underscore the points just made by the gentleman from California. The reason this is an unhappy occurrence is not because of some particular fetish about the propriety of adherence to the rules. The reason is that at least two major parts of this bill have never—and I repeat, never—been exposed to public hearings. I have particular reference to title III and to the Fair Housing Board provision under title IV. Had the matter proceeded as all who had anything to do with the amendment to the rules intended that it should proceed, these two sections of the bill would have had an opportunity for some degree of public hearing before the Rules Committee. That is why I say it is unfortunate, and I suggest that it will be a precedent which will haunt this House in years to come.

I yield back the balance of my time.

The SPEAKER pro tempore. The gentleman from Virginia has yielded back 1 minute.

Mr. CELLER. Mr. Speaker, I yield 3 minutes to the gentleman from California [Mr. SISK] for the purposes of debate.

Mr. SISK. Mr. Speaker, I take the floor to announce that I expect to vote against this rule. I think my colleague from California [Mr. SMITH] has very clearly outlined the procedure with which we are faced. I was one of those who voted for the 21-day rule when it was adopted. This action, to me, is a complete misuse and abuse of what the intent of Congress was when we voted and passed the 21-day rule.

That rule was passed for the purpose of handling an obstreperous committee, a committee that arbitrarily refused to hear or consider legislation. I think, as I have said, my colleague from California has very clearly outlined the situation. He has stated the procedure whereby this bill was introduced and a resolution under the 21-day procedure was filed. At no time did anyone ever even mention to me—and I have conferred with members of the Rules Committee and they have told me the same thing—that there was no request made even for consideration or for time to sit to consider this matter before the committee.

As my colleague further indicated, the reports were not filed—the final reports certainly—until the 14th of July. So I simply want to say that if this is the type and kind of use that is to be made of the 21-day rule, then certainly, in my opinion, the next step should be the total elimination of the Committee on Rules.

Mr. EDMONDSON. Mr. Speaker, will the gentleman yield?

Mr. SISK. I am glad to yield to the gentleman from Oklahoma.

Mr. EDMONDSON. I want to say to my friend from California that I will be voting with him against this resolution, not because I oppose civil rights legislation—I have voted for every civil rights bill that has come to the floor of the House since I have been in the House—but I believe the situation regarding title IV is such that this House will act wisely if it returns this bill to the committee. The committee can then straighten out the ambiguities and uncertainties that exist with regard to this title or take it out entirely before the House votes on the measure.

Mr. SISK. Mr. Speaker, in conclusion, I too have supported every civil rights bill that has been brought before this House. I voted for the rules on the last few civil rights bills that came up. The question arose, as illustrated by the gentleman from California [Mr. SMITH], when a request was made in 1964 for the last civil rights bill. It came before the Rules Committee, and the members of the committee, by a substantial vote, granted the rule after due consideration.

All I am saying today is, if we have rules of the House and if we have procedures, then I believe we should follow those procedures. I hope this resolution will be defeated.

Mr. CELLER. Mr. Speaker, I yield to the distinguished gentleman from Virginia, Judge SMITH, 5 minutes for the purpose of debate.

Mr. SMITH of Virginia. Mr. Speaker, I concur with everything that has been said about the irregularity in the way this matter is brought before the House today. We received the formal letter that usually comes to us, but we never proceed until we get some further communication from the chairman of the committee that he does want a hearing and an indication as to when he wants it. Evidently it was intended to bypass the Rules Committee.

Everything we have been told about the circumstances is correct. If we defeat this rule today—as we should defeat it if we believe in the 21-day rule being used for its proper function—I as chairman of the Rules Committee will call a meeting of the Rules Committee to hold a hearing on this bill and perhaps do as we have done in the past, that is straighten out some of the uncertainties and irregularities that exist on this. I will call that meeting promptly, and we will hold the hearings and see what we see.

I hope we will defeat this rule, because it is a violation of the spirit and the intent of the 21-day rule.

As to the rule itself, we already have notice from the other side of the Capitol that there will be a filibuster on it. This bill will not be passed by the Congress as such. Why put all the burden of consideration of this bill on the busy Congress and consume a week of time in the futile thing of putting everybody on the spot as to whether they are going to surrender further to the so-called revolution of the Negro race?

I was deeply distressed to hear the speech of my old friend from New York, the chairman of the Judiciary Committee, when he argued with the House that, instead of standing up and voting for what we believe in and doing what our oath of office requires us to do, we tremble in our seats and yield to the fear of the Negro revolution.

If that is the kind of spirit that has come to this country and we are going to operate in the Congress on the theory of fear, on the theory of violence, on the theory of mobs, and so forth, then this is not the place to which I was first elected.

I was distressed to hear all this talk about operating not on the righteousness of causes, but operating on the fear of this revolution that has been encouraged from high places, until it has reached the point that unless somebody shows some courage in this Congress and elsewhere, we are going to have a situation where we operate under the threat of political reprisals and revolutionary emotions.

I was distressed when I saw the President address a joint session of this Congress and I heard him adopt the war cry of a Negro revolution—"We shall overcome; we shall overcome"—repeated time and time again, when we were about to consider a civil rights law.

And I was deeply distressed to see members of the Supreme Court sitting on those front seats, hearing discussed and advocated a piece of legislation the constitutionality of which they would soon be called upon to pass upon, applauding—applauding the revolutionary call that "we shall overcome."

I was distressed a few days ago to see in the press, and not refuted, the statement by the Vice President of the United States that if he lived in a tenement, in the ghettos of the cities, on the second floor, he would have the spirit to "lead a revolt."

What are we going to have next?

My friends, the political fates have decreed that when this Congress adjourns I will leave you. I have few personal regrets about that, but I do hate to leave you with the spirit that seems to prevail and about which you are exhorted daily—"Do this or the Communists will get mad at you. Send millions of dollars to other countries or somebody is going to get mad at you. Give away your substance. Forget the American people's needs and wants and the great tax burden that is upon them and give to this and give to that and give to the other." Out of fear; a tribute, if you please, to other areas of the world in order to placate them, in order to try to purchase their friendship.

Now we come here with mobs in the streets, with further mob violence threatened, and no word is spoken of courage to defend the American way of Government.

Mr. CELLER. Mr. Speaker, I yield, for the purpose of debate, 5 minutes to the gentleman from Ohio [Mr. LATTA].

Mr. LATTA. My colleagues, it is always extremely difficult for any one to follow the gentleman from Virginia, especially after he has given one of his eloquent statements. It goes without saying that every Member of this House who has had the pleasure of serving with the gentleman from Virginia will miss him when he completes his congressional service this year. All succeeding Congresses will miss him and his talents. His memory will always be with us, however, as this great man has written a legislative record in this Congress which will be unmatched in our time. The Nation and his district are in his debt for the 38 years he has so ably served in this Congress.

I come to you as a member of the Committee on Rules and a person who has voted for every single civil rights bill since he has been in the Congress. However, I come to you today as a person asking you to vote against this rule, as I think that it is not only affront to the Committee on Rules but to the rules of this House and to the individuals who supported the enlargement of the Committee on Rules as well.

A couple of years ago, when this question of enlargement of the Rules Committee was before the House, it was maintained by the proponents that we needed to enlarge the committee so that the House could get legislation from the Committee on Rules; that the leadership needed the change in the rules so that it could get the legislation it wanted from the Committee on Rules; and so that the executive branch could get its legislation passed. Since I have been a member of the Committee on Rules, the leadership of this House has been getting the legislation it wanted from the Committee on Rules. No one can deny this fact. Now let me cite just a couple of examples where this House needed the Committee on Rules so that it could properly act on two important pieces of legislation this session. I call your attention to the Sales Participation Act, an all-important piece of legislation to this administration. This legislation came before the Committee on Rules without proper consideration and hearings. It then became the duty of the Committee on Rules to delve into the intricacies of this piece of legislation. The Committee on Rules performs its duty to the House and to the American people. As a result of the Committee on Rules hearings, proper amendments were eventually proposed by the committee itself and adopted by this House. I hate to think what type of legislation this Congress would have passed if we had not had these extensive hearings before the Committee on Rules.

Second, I have reference to the poverty bill. Insufficient hearings were held before the Committee on Education and Labor on this bill and this was admitted before the Committee on Rules by proponents and opponents alike. Our committee followed with extensive hearings and opened up a lot of doors and windows, if you please, to the people of this Nation so that they could peer into this important piece of legislation to see what was on the inside.

Now let us come down to the piece of legislation which is now before the House under the 21-day rule. I am told by members of the Committee on the Judiciary that after certain language was agreed upon concerning the Housing section, not one single day of open hearings were held. Get that. Not one single day of open hearings were held on this important section after the language was agreed upon. As a consequence, after it was reported out, even the proponents of this legislation disagreed on who was covered by it. I ask my colleagues, Is this the way to bring legislation before the Congress of the United States? Even the Attorney General of the United States went over to the other body and testified that the language that was agreed upon in committee did not exclude the persons that the committee thought it was excluding. Certainly the Congress should know what it is doing on this subject. The American people should know, since they are all affected. We have a way of finding out what is in this bill and a way of letting the American people know what is actually in the bill and what it does to them and their rights. This bill can be heard before the Rules Committee in open session. Certainly the American people are entitled to such a hearing as their property rights are involved. The Committee on Rules then can delve into these amendments, call expert witnesses, and give the American people an opportunity to learn what is in this bill before it passes. I think that we owe them no less than that. For that reason I shall vote against the rule.

Mr. CELLER. Mr. Speaker, I yield 5 minutes to the gentleman from Indiana [Mr. MADDEN], for the purpose of debate only.

Mr. Speaker, I ask unanimous consent to revise and extend my remarks and include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. MADDEN. Mr. Speaker, the pending civil rights legislation, H.R. 14765, comes to the floor of the House under the extraordinary proceedings of the 21-day rule. This bill provides for further Federal protection against unlawful discrimination toward groups of our citizens who have suffered discrimination and lack of protection under the citizenship rights guaranteed by the Constitution of the United States.

This Congress has in the past several sessions enacted a number of civil rights bills which have been effective and have aided millions in minority groups to make remarkable progress in the enjoyment of a number of citizenship rights which have been denied for generations. These prejudices on account of color, race, religion, or nationality existed in some localities more than other areas of our Nation.

During the last quarter of a century we have made more progress toward eliminating and outlawing injustices and denial of legal rights to portions of our citizenry than has been accomplished during the last 200 years. I firmly believe that the leadership in the civil rights problem and those of us who have been active in the battle for civil rights over the years, fully realize that injustices which have been permitted and allowed to exist against minority groups cannot disappear and be completely outlawed in the matter of a few years. The unjust practices, bigotry, and racial hatreds that have existed among certain segments of our population for generations cannot be changed by law overnight. All of our older citizens who have been familiar with conditions of segregation and prejudice will unanimously admit that progress through education and Federal legislation during the last quarter of a century has been phenomenal. Sensible leaders on both sides of the legislative process in civil rights are to be commended on the remarkable progress and change that has taken place on all angles pertaining to equality in citizenship to all citizens beginning with the Supreme Court decision of 1954 and followed by four major civil rights bills during the last 10 years.

The legislation which we are now considering has been the result of many days and weeks of work in hearing testimony by the House Judiciary Committee from many organizations, public officials, and other witnesses, with the hope that the provisions set out in this bill will be a great advancement and progress toward our ultimate goal of complete civil rights and protection of all citizens. This bill will foreclose against discrimination caused by ignorant prejudices and, if enacted, will be a great step toward reaching the ultimate goal of full citizenship for all American citizens.

This pending legislation will aid in outlawing segregation in public education, public facilities, schools, and will eliminate defects in the present Federal and State jury selection system. If enacted, it will also provide just relief against discriminatory housing practices and prescribe penalties for acts of violence or intimidation against legitimate law-abiding and conscientious persons who are devoting their time toward establishing civil rights practices among all our citizens in various communities throughout the Nation.

This legislation has some excellent provisions, clarifications and protections that possibly should have been provided in previous civil rights bills. In a complicated program as nationwide and complex as civil rights legislation, new problems arise and improvements can always be made in the legislation and practical application on problems of this magnitude.

In my district we have been practicing civil rights for over 30 years. We have a large population of all nationalities, races, and religion. Our schools, public facilities, and residential areas are not segregated. We have not had any racial riots or disturbances. One of our large cities has over 60 percent Negro population. We have made great civil rights progress in the last 25 years.

Mr. Speaker, I do object to the statement which the gentleman of Virginia [Mr. SMITH] made that we are voting in fear.

We are not voting in fear of anything today when we are voting for constitutional recognition of all our American citizens. If this rule is enacted we will be voting to give all our citizens civil rights which our Government guarantees all American citizens.

This bill, H.R. 14765, calls for a debate not to exceed 10 hours and to be equally divided between the majority and the minority leadership. The Judiciary Committee has made some changes in the original concept of the bill, especially on section 4, known as the housing provision, in order to get the legislation reported out of committee and for consideration on the floor of the House. I am informed that the Attorney General advises that this change will aid enforcement and eliminate numerous lawsuits from individual and small house ownership units.

I do hope that in the 2 or 3 days of debate and consideration of this legislation no major amendments will be offered that will weaken its major provisions and necessitate further legislation on this great national problem at some future session of Congress.

Mr. ALBERT. Mr. Speaker, I ask unanimous consent to extend my remarks at this point in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Oklahoma?

There was no objection.

Mr. ALBERT. Mr. Speaker, with reference to the method by which this bill has been called up, I think that a few observations are in order.

No one denies that the rule under which we are proceeding is provided for by the rules of the House. We are proceeding under a rule which the membership of this House made in order by a majority vote. Now, of course, the normal procedure in legislation is by a rule granted by the Committee on Rules. I think, however, that a review of the situation in the present case would indicate that the chairman of the Committee on the Judiciary has been justified in the action which he has taken. The chairman of the Committee on the Judiciary on June 30 wrote a letter to the Committee on Rules requesting a hearing and a rule on this legislation.

Since then I have been advised by the distinguished chairman of the Committee on the Judiciary that he has had no response either orally or in writing to his request.

No one, Mr. Speaker, respects and loves the distinguished chairman of the Committee on Rules more than I. He is a great Member of the House. He is a great American. But the gentleman from Virginia has not generally been very anxious in my time to conduct hearings on rules making in order civil rights bills.

This procedure is orderly procedure. It brings to the House today in good order a bill that we must pass soon if it is to be passed at all in this session of the Congress.

I urge the adoption of the rule.

The SPEAKER. The time of the gentleman from Indiana has expired.

Mr. McCULLOCH. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state his parliamentary inquiry.

Mr. McCULLOCH. What is the total amount of time remaining for debate on the question before the House?

The SPEAKER. The gentleman from New York has 16 minutes remaining.

Mr. McCULLOCH. Mr. Speaker, if I might make a further inquiry, was not my understanding correct that 30 minutes would be yielded to the minority of the House on this resolution, and as of this time we have used only 13 minutes on this side of the aisle? Is that understanding not correct, Mr. Speaker?

Mr. CELLER. That is correct. I have been trying to allot the time equally and I will continue to do so. Practically all the rest of the time will be allotted to the gentleman from Ohio.

Mr. McCULLOCH. Mr. Speaker, I again inquire, what is the total number of minutes available on this resolution for debate?

The SPEAKER. As previously stated, there are 16 minutes remaining.

Mr. McCULLOCH. Mr. Speaker, in view of the fact that the commitment has been made to the minority——

The SPEAKER. The Chair will state that time is now running.

Mr. McCULLOCH. Mr. Speaker, this is a parliamentary inquiry.

The SPEAKER. The Chair will state that while it is a parliamentary inquiry, the time necessary for the inquiry comes out of the time of the gentleman from New York. Does the gentleman from New York yield further for a parliamentary inquiry?

Mr. CELLER. I yield 3 minutes to the gentleman from Illinois [Mr. ANDERSON] for the purpose of debate.

Mr. ANDERSON of Illinois. Mr. Speaker, in his opening remarks the distinguished chairman of the Judiciary Committee referred to certain unspecified or undefined exigencies that prevented or foreclosed consideration of this bill under normal procedures. I should like to make it abundantly clear that, as a member of the minority, I have no responsibility for any of those exigencies, whatever they may be.

I see on the floor the gentleman from Virginia [Mr. SMITH], the chairman of the committee, and he can contradict me at this point if I am wrong. But I have a very strong feeling, after listening to his remarks, that should this resolution be defeated here today, he would not object to the holding—and the prompt holding—of hearings on this very important bill.

Mr. SMITH of Virginia. Mr. Speaker, will the gentleman yield?

Mr. ANDERSON of Illinois. I yield to the gentleman from Virginia.

Mr. SMITH of Virginia. I made a definite statement that if this resolution is defeated, I will immediately call a meeting of the Rules Committee for consideration of the proper rule.

Mr. ANDERSON of Illinois. I thank the gentleman from Virginia for making that statement. I think it adds to the case we have already made against trying to, in effect, short-circuit the legislative process by using the 21-day rule in this particular case. We are not merely concerned with the prestige of the Rules Committee. There is nothing sacrosanct about that committee or any of its members. I think that the Rules Committee ought to be not a bottleneck but it ought to be a channel through which we can, in an orderly manner, see the flow and the processing of legislation before it comes to the floor of this House.

My dissatisfaction with the procedure of bringing the bill to the floor of the House in this way stems entirely from the fact that the bill is today coming to the floor under a vast cloud of misunderstanding as to what it would really do and what it provides. Some Members think that under title IV an individual homeowner and the broker or the real estate agent that he may engage is exempt from the provisions. We have, on the other hand, the word of the chief law-enforcement officer of the United States, the Attorney General, spoken before a committee of the other body, to the effect that this is not so, that only the individual homeowner is exempted, and if he engages a broker or salesman, he would still not be exempt from the fair housing provisions of title IV of this bill.

I would suggest that if we should have had an opportunity to conduct hearings in a decent and orderly fashion on this bill, under the questioning of Members of the Rules Committee it could have been brought out and made clear just exactly what this bill does or does not do, because we are in—mark you well—a field here which is fraught with the very gravest constitutional principles.

Should we not, gentlemen, under those circumstances, rather than adopting a short-circuit procedure, rather than jettisoning the normal legislative procedures, that govern our deliberations, make even more clear under those circumstances just exactly what it is we are about to do?

Mr. CELLER. Mr. Speaker, I yield to the gentleman from Michigan, the distinguished minority leader, 10 minutes for the purpose of debate.

Mr. GERALD R. FORD. Mr. Speaker, I strongly believe that the House should disapprove of this resolution. I believe we should vote against this resolution. I believe that because this is a misuse of the 21-day rule. It is a highly irregular manner for the consideration of this important legislation. Third, I do not believe that the Committee on Rules in the 89th Congress deserves this kind of treatment, bearing in mind the record made in 1965 at the time the voting rights legislation was before the committee.

Mr. AYRES. Mr. Speaker, will the gentleman yield?

Mr. GERALD R. FORD. I yield to the gentleman from Ohio [Mr. Ayres].

Mr. AYRES. Mr. Speaker, speaking as one who voted to expand the Rules Committee, I must say that I cannot support this rule today, because when I voted to expand the Rules Committee I never conceived that such an operation would be going on as is going on here today.

I believe the 21-day rule has a place in the Congress if the Rules Committee does not act, but in this particular case it was not given the opportunity to do so. Anything as important as this, it seems to me, deserves more careful consideration.

Mr. GERALD R. FORD. Mr. Speaker, I thank the gentleman from Ohio.

I think it appropriate for me to say in 1957, in 1960, in 1964, and in 1965, I voted for civil rights legislation.

Mr. ALBERT. Mr. Speaker, will the gentleman yield?

Mr. GERALD R. FORD. I yield to my friend from Oklahoma.

Mr. ALBERT. Mr. Speaker, I appreciate the gentleman yielding. I hate to take the gentleman's time, but the statement of my distinguished and beloved friend from Ohio just is not consistent with the facts. The Committee on Rules has had more than 21 days. It has had 2 weeks since we returned from the July 4 recess.

Mr. GERALD R. FORD. Mr. Speaker, I will say to my friend from Oklahoma, the distinguished majority leader, that I believe I will answer the question that has been raised.

I strongly feel that this resolution before us today is a misuse of that parliamentary procedure. On January 4, 1965, the first day that this body came together following the elections of 1964, the Speaker of the House, in discussing the 21-day rule, said the following in reference to this procedure:

> It is a strengthening of the rules of the House in the direction of the individual Member having an opportunity to pass upon legislation that is being reported out of a standing committee and which has been pending before the Committee on Rules for 21 days or more.

In my judgment, Mr. Speaker, this bill from the Committee on the Judiciary and its report, in effect, have not been pending before the Committee on Rules for 21 days. The crucial word is "pending." Let me explain.

In my hand I have H.R. 14765, which was reported on June 30, along with the 62-page report. This was submitted to the Committee on Rules on that day, and a request was made of the Committee on Rules for a rule.

But it took 15 more days before the additional and minority views of 18 members of the House Committee on the Judiciary—this 53-page report—were made available to the Committee on Rules. In effect, only half of the work of the Committee on the Judiciary was before the Committee on Rules until the 14th or 15th of July.

I believe it is fair to say that this vital material, a 53-page part of the report never got to the Committee on Rules for 14 or 15 days, and under those circumstances how can one argue that this matter was pending before the Committee on Rules for a 21-day period? At the most it was before the Committee on Rules for 5 days.

Therefore, Mr. Speaker, I believe the House ought to vote against this resolution. We should not condone a misuse, or irregular use of the 21-day rule.

May I also say that the Committee on Rules in the 89th Congress has a record that should not be condemned, but it is one that should be approved of, in the consideration of civil rights legislation.

Let me cite the record in 1965, when we had before us the voting rights legislation. On June 1, 1965, the Committee on the Judiciary reported the voting rights bill. On June 2 the distinguished chairman of the Committee on the Judiciary asked for a hearing before the Committee on Rules. Hearings were held on June 24, 29, 30, and July 1. And on July 1 a rule was granted. It came to the floor of the House July 6.

But also, let us look at what happened between the day that the rule was requested by the gentleman from New York [Mr. Celler] and the date that the rule was granted. In this 30-day period the Committee on Rules approved 14 rules, including rules on military construction, on the debt limit, on the omnibus housing bill, on the poverty bill, on the Department of Housing and Urban Development, on the Cigarette Labeling Act, and on the Coinage Act. I do not believe we can honestly say that the Committee on Rules failed in its responsibility. It acted promptly in granting a rule to the Committee on Judiciary on the voting rights proposal.

I am proud to say that the Republican members acted responsibly in the consideration of and the approval of that rule in 1965, and I am certain that the Republican members of the Committee on Rules in 1966 will also act responsibly on this legislation.

Certainly this legislation, which has 18 minority or additional views, needs to be exposed for public examination. The hearings conducted by the Committee on Rules can and will result in a better understanding of this crucial and critical legislation.

Let me say I am pleased to hear that the distinguished chairman of the Committee on Rules has promised every Member in this body on both sides of the aisle that if this rule is defeated today—and I hope it will be—immediately, promptly, hearings will be held before the Committee on Rules on this legislation. This means that the Committee on Rules can have before it both the original committee report and the 53-page additional and minority views.

That is the orderly, proper way for us to proceed on this difficult controversial legislation.

Mr. Speaker, I hope and trust that this resolution will be defeated. It is obviously a misuse of the 21-day rule. It is an irregular procedure. Third, I do not believe the Committee on Rules in 1966, bearing in mind the good record it made in 1965, deserves to be bypassed—deserves the abuse, either indirectly or directly, that will result from an approval of this resolution.

Mr. Speaker, I urge as strongly as I can, from one who has consistently supported civil rights legislation, that we vote down this resolution and hold those hearings before the Committee on Rules. In that way all of us will be better informed on the content of legislation that is extremely controversial and vital to all Americans.

The SPEAKER. The Chair will advise the persons in the gallery that they are guests of the House and no manifestations one way or another under the rules of the House can be evidenced by anyone who is a guest of the House.

Mr. CELLER. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. CELLER. Mr. Speaker, how much time remains?

The SPEAKER. The gentleman from New York [Mr. Celler] has 3 minutes remaining.

Mr. REINECKE. Mr. Speaker, I ask unanimous consent that the gentleman from New York [Mr. Kupferman] may extend his remarks at this point in the Record.

The SPEAKER. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. KUPFERMAN. Mr. Speaker, on Monday, June 27—Congressional Record, page 14278—just several weeks ago, we voted a rule (H. Res. 875) by 222 to 148 to bring up under the 21-day rule (rule XI) a bill "revising postal rates on certain fourth-class mail," although it was pointed out—page 14281—by Mr. Derwinski that it involved no great social legislation.

Here we have one of the most important pieces of legislation to come before us this year. Can we do less in bringing it to the floor of this House? I shall vote "aye."

Mr. RYAN. Mr. Speaker, the achievement of equal rights for all our citizens is the major unfinished business before all of us. Legislation intended to further the goal of equality should not be delayed. House Resolution 910 should be supported, for it is under the circumstances the most expeditious way of bringing before us the Civil Rights Act of 1966.

However, the issue involved in the present resolution is not whether or not we shall ban discrimination in housing. It is not whether or not we shall eliminate discrimination in the selection of juries. It is not whether or not we shall deal at last with crimes of racial violence.

The present resolution deals only with the question of whether we shall consider these issues. It does not deal with the merits of H.R. 14765; rather it allows us to consider that bill, with adequate debate, before the full House. I would urge my colleagues to keep this in mind in considering House Resolution 910.

Mr. Speaker, the fight over the 21-day rule has been a long and noteworthy battle, and the victory we gained last year must not be allowed to fade away. I have fought for the 21-day rule since my election to Congress.

I was fully aware of its adoption by the 81st Congress and of the record it enabled that Congress to make. By use of the 21-day rule, an anti-poll-tax bill was brought to the floor for a successful vote. It forced action on housing and minimum wage bills. In fact, seven of the eight measures brought to the floor by use of the 21-day rule passed the House.

Unfortunately, in the 82d Congress, the 21-day rule was not readopted. Indeed, this House labored at the mercy of the Rules Committee all the way through the 88th Congress. However, at the beginning of the 89th Congress our strong Democratic majority allowed us to reenact it.

I was pleased to see the House use the 21-day rule six times during 1965. On July 26, we pried the bill to repeal section 14(b) of the Taft-Hartley Act from the Rules Committee, which had refused to even hold hearings on the measure. The bill subsequently passed the House. So did the school construction in disaster areas bill, which came to the floor under the 21-day rule a month later. On September 13, as the session drew to a close, the House in its wisdom saw fit to take four bills from the Rules Committee, among them the equal employment opportunities bill.

Mr. Speaker, today we consider use of the 21-day rule for only the second time in 1966. It is appropriate that we should do so with regard to the civil rights bill of 1966, for just as Negroes throughout this land have been the victims of arbitrary and capricious discrimination, so has this House often been the victim of arbitrary and capricious refusals to act upon major legislation on the part of the Rules Committee. And civil rights legislation has been the principal target of this obstructionism.

In 1963 President Kennedy's civil rights program was frustrated by the Rules Committee. Only when it appeared that the rising number of signatures on the discharge petition would bring the bill to the floor in any event, did the Rules Committee finally act in the winter of 1964.

History and experience show that there is good reason to bypass the Rules Committee.

The debate shows that there is still a basic disagreement about the function of the Rules Committee. I believe that its function should be procedural—to direct legislation to the floor for action, to set the terms of debate, and so forth. It should not pass judgment on the substance of legislation, a function it has assumed in the past and obviously would like to assume here. The merits of legislation is for the House as a whole to determine. Then it is clear that the purpose of the Rules Committee is involved in this debate.

Mr. Speaker, I should like to comment briefly on the comments of the chairman of the Committee on Rules. I do not believe that the distinguished chairman of the Judiciary Committee ever suggested that the House should adopt either this resolution or H.R. 14765 out of fear of violence. Of course, he did not.

H.R. 14765 should be adopted because it is right and just. It reaches areas of discrimination which either were not treated or were inadequately treated by the civil rights legislation of 1957, 1960, 1964, and 1965. However, let us not ignore the fact that, if Congress had acted forthrightly long ago to eliminate segregation and discrimination, we would not now be witnessing the misery and frustration and sense of hopelessness which has produced the social dynamite in our cities. And incidentally, apropos of the remarks of the gentleman from Virginia [Mr. SMITH] regarding Vice President HUMPHREY's observation, I wonder how long the gentleman from Virginia would tolerate living in a slum. Perhaps he as well as others should try the experience.

Mr. Speaker, every Member of this House knows of my desire to pass a strong and meaningful civil rights bill. This, however, is not the issue involved in this debate. I urge my colleagues, whatever their views on H.R. 14765, to join me in allowing this House to work its will.

Mr. TENZER. Mr. Speaker, during the course of the debate on the proposed Civil Rights Act of 1966, many questions were raised in connection with title IV, to prohibit discrimination in residential housing transactions by persons in the housing business. Because of these questions I requested statistics and research material relating to fair housing laws in the various States and territories in order to evaluate the impact of title IV on my own State of New York and on the Nation.

The statistics are interesting and revealing and I believe my colleagues will find them helpful in formulating a position with respect to title IV of the bill H.R. 14765.

The State of New York has a more comprehensive law against discrimination than the bill before the House this week. The New York State law prohibits discrimination in the sale, leasing, or rental of all housing except owner-occupied two family dwellings and the rental of a room in an owner-occupied house. Of particular significance is the fact that real estate brokers and lending institutions are specifically covered by the New York State law.

Seventeen States and the District of Columbia, Puerto Rico, and the Virgin Islands have fair housing laws which go beyond title IV of the proposed Civil Rights Act of 1966. These 17 States represent more than 50 percent of the total population of the United States.

The laws of these 17 States cover public housing or publicly assisted housing and all cover private housing. Eight of these States cover single family homes and only two—Michigan and Indiana—exempt realtors. Four States and one territory exclude lending institutions.

The 17 States are Alaska, California, Colorado, Connecticut, Indiana, Maine, Massachusetts, Michigan, Minnesota, New Hampshire, New Jersey, New York, Ohio, Oregon, Pennsylvania, Rhode Island, and Wisconsin.

More than half of all U.S. citizens live under fair housing laws which go beyond the coverage of the legislation now under consideration by this Chamber. The other citizens of the United States are entitled to the same protection for so long as we diminish the rights of a single American, the rights of all Americans are in danger. Freedom and democracy can make no distinctions with respect to equal treatment of our citizens and I urge my colleagues to formulate their decision upon this principle and to support the proposed Civil Rights Act of 1966.

Mr. CELLER. Mr. Speaker, we hear much about so-called injured innocence expressed by some members of the Committee on Rules. It has been said by the distinguished minority leader that the Committee on Rules had only 5 days in which to consider this bill. That is quite contrary to the fact. I repeat what the distinguished majority leader said, that the request was made for a rule in writing on June 30. No response was received by me on that request. Congress went into recess from June 30 to July 11. Today is July 25. The Committee on Rules, without counting the period of recess, had 14 days in which to act on this bill. There was no action on the bill. There was no indicia or sign of action on this bill. Knowing the proclivities of the gentleman from Virginia, the very distinguished chairman of the Committee on Rules, for whom I have an abiding affection and have had that abiding affection for many years—he is not inclined to grant a rule on this bill. It was essential that we take this route so that the bill could be brought before the House and the House could work its will. Now we are told that the performance of the chairman of the Committee on the Judiciary is quite irregular. How can it be irregular when the chairman of the Committee on the Judiciary follows a rule? I defy anybody to tell me that I have departed from the 21-day rule. That is part of the rules of the House. It is proper procedure for me to avail myself as a chairman—and any Member can—of the 21-day rule. How can it be charged that that is improper. I would say that these excuses we hear now are inane and that they are utterly insincere. These excuses are given so that you will not be able to vote on the civil rights bill. The distinguished minority leader makes a statement about irregularities. His purpose is to prevent a vote on the civil rights bill, and the country should know that. The minority leader, of the Republican side——

Mr. GERALD R. FORD. Mr. Speaker——

Mr. CELLER. I refuse to yield.

Mr. GERALD R. FORD. Mr. Speaker——

Mr. CELLER. I refuse to yield, Mr. Speaker.

The **SPEAKER**. The gentleman declines to yield.

Mr. GERALD R. FORD. Mr. Speaker, as I believe that the gentleman——

Mr. CELLER. I refuse to yield, Mr. Speaker.

Mr. GERALD R. FORD. Used my name, I think it is a matter of courtesy for the gentleman to yield.

Mr. CELLER. Mr. Speaker, I refuse to yield.

The **SPEAKER**. Does the gentleman from New York yield to the gentleman from Michigan?

Mr. CELLER. I refuse to yield.

The **SPEAKER**. The gentleman declines to yield.

Mr. CELLER. Mr. Speaker, the distinguished minority leader uses an excuse about so-called irregularities. I regret that this is used as a facade behind which to hide his real purpose.

Mr. Speaker, the gentleman's real purpose is not to vote on the civil rights bill. His opposition to this rule is equivalent to a vote against the civil rights bill.

The **SPEAKER**. The time of the gentleman from New York has expired.

Mr. McCULLOCH. Mr. Speaker, a parliamentary inquiry.

The **SPEAKER**. Does the gentleman from New York [Mr. CELLER] yield for the purpose of the gentleman from Ohio making a parliamentary inquiry?

Mr. McCULLOCH. Mr. Speaker, I have already been recognized. Mr. Speaker, have I not been recognized?

The **SPEAKER**. The Chair did not recognize the gentleman from Ohio. The Chair stated or asked if the gentleman from New York yielded for the purpose of the gentleman from Ohio making a parliamentary inquiry.

Mr. CELLER. Mr. Speaker, I move the previous question.

The previous question was ordered.

The **SPEAKER**. The question is on the resolution.

The question was taken, and the Speaker announced that the ayes appeared to have it.

Mr. CELLER. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 200, nays 180, answered "present" 3, not voting 49, as follows:

[Roll No. 175]

YEAS—200

Adams
Addabbo
Albert
Anderson, Tenn.
Annunzio
Ashley
Bandstra
Barrett
Bates
Bell
Bingham
Boggs
Boland
Bolling
Brademas
Brooks
Brown, Calif.
Burke
Burton, Calif.
Byrne, Pa.
Callan
Carey
Celler
Clark
Cleveland
Cohelan
Conte
Conyers
Corbett
Corman
Craley
Culver
Daddario
Daniels
Dawson
Denton
Diggs
Dingell
Donohue
Dow
Dulski
Duncan, Oreg.
Dyal
Edwards, Calif.
Evans, Colo.
Evins, Tenn.
Fallon
Farbstein
Farnsley
Farnum
Fascell
Feighan
Flood
Fogarty
Foley
Ford, William D.
Fraser
Friedel
Fulton, Tenn.
Gallagher
Garmatz
Giaimo
Gibbons
Gilbert
Gonzalez
Grabowski
Green, Pa.
Greigg
Grider
Griffiths
Grover
Halpern
Hamilton
Hanley
Hanna
Hansen, Iowa
Hansen, Wash.
Harvey, Mich.
Hathaway
Hawkins
Hechler
Helstoski
Hicks
Holifield
Holland
Horton
Howard
Irwin
Jacobs
Joelson
Johnson, Calif.
Johnson, Okla.
Karsten
Karth
Kastenmeier
Kelly
King, Calif.
Kirwan
Krebs
Kunkel
Kupferman
Long, Md.
Love
McCarthy
McDowell
McFall
McGrath
McVicker
Macdonald
MacGregor
Mackie
Madden
Mailliard
Mathias
Matsunaga
Meeds
Minish
Mink
Moeller
Monagan
Moorhead
Morgan
Morse
Moss
Multer
Murphy, Ill.
Murphy, N.Y.
Natcher
Nedzi
Nix
O'Brien
O'Hara, Ill.
O'Hara, Mich.
Olson, Minn.
O'Neill, Mass.
Ottinger
Patman
Patten
Perkins
Philbin
Pickle
Pike
Price
Pucinski
Rees
Reid, N.Y.
Resnick
Reuss
Rhodes, Pa.
Rivers, Alaska
Rodino
Rogers, Colo.
Ronan
Roncalio
Rooney, N.Y.
Rooney, Pa.
Rosenthal
Rostenkowski
Roush
Roybal
Ryan
St Germain
St. Onge
Scheuer
Schmidhauser
Schweiker
Secrest
Senner
Shipley
Sickles
Slack
Smith, Iowa
Stafford
Staggers
Stalbaum
Steed
Stratton
Stubblefield
Sullivan
Tenzer
Thomas
Thompson, N.J.
Thompson, Tex.
Todd
Tunney
Tupper
Udall
Ullman
Van Deerlin
Vanik
Vigorito
Vivian
Waldie
Weltner
White, Idaho
Wilson, Charles H.
Wolff
Wydler
Yates
Young

NAYS—180

Abbitt
Abernethy
Adair
Anderson, Ill.
Andrews, George W.
Andrews, Glenn
Andrews, N. Dak.
Arends
Ashbrook
Ashmore
Ayres
Battin
Beckworth
Belcher
Bennett
Berry
Betts
Bolton
Bray
Brock
Broomfield
Brown, Clarence J., Jr.
Broyhill, N.C.
Broyhill, Va.
Buchanan
Burleson
Burton, Utah
Byrnes, Wis.
Cabell
Cahill
Callaway
Cameron
Carter
Casey
Cederberg
Chamberlain
Chelf
Clancy
Clausen, Don H.
Clawson, Del
Collier
Colmer
Conable
Cooley
Cramer
Cunningham
Curtin
Dague
Davis, Ga.
Davis, Wis.
Derwinski
Devine
Dickinson
Dole
Dorn
Dowdy
Downing
Duncan, Tenn.
Dwyer
Edmondson
Edwards, Ala.
Erlenborn
Everett
Findley
Fisher
Flynt
Ford, Gerald R.
Fountain
Fuqua
Gettys
Goodell
Gross
Gubser
Gurney
Hagan, Ga.
Hagen, Calif.
Haley
Halleck
Hansen, Idaho
Harsha
Harvey, Ind.
Hays
Herlong
Hosmer
Hungate
Hutchinson
Ichord
Jarman
Jennings
Johnson, Pa.
Jonas
Jones, Ala.
Jones, Mo.
Jones, N.C.
Keith
Kornegay
Laird
Landrum
Langen
Latta
Lennon
Lipscomb
Long, La.
McClory
McCulloch
McDade
McMillan
Machen
Mackay
Mahon
Marsh
Martin, Ala.
Martin, Nebr.
Matthews
May
Michel
Minshall
Mize
Moore
Morris
Morton
Mosher
Nelsen
O'Neal, Ga.
Passman
Pelly
Pirnie
Poage
Poff
Pool
Purcell
Quie
Quillen
Race
Randall
Reid, Ill.
Reifel
Reinecke
Rhodes, Ariz.
Rivers, S.C.
Roberts
Robison
Rogers, Fla.
Rogers, Tex.
Roudebush
Rumsfeld
Satterfield
Saylor
Schisler
Schneebeli
Selden
Shriver
Sikes
Sisk
Smith, Calif.
Smith, Va.
Springer
Stanton
Stephens
Talcott
Taylor
Teague, Calif.
Teague, Tex.
Thomson, Wis.
Tuck
Tuten
Utt
Waggonner
Walker, Miss.
Walker, N. Mex.
Watkins
Watson
Whalley
White, Tex.
Whitener
Whitten
Widnall
Williams
Wyatt
Younger

ANSWERED "PRESENT"—3

Watts
Wright
Zablocki

NOT VOTING—49

Aspinall
Baring
Blatnik
Bow
Clevenger
Curtis
de la Garza
Delaney
Dent
Edwards, La.
Ellsworth
Fino
Frelinghuysen
Fulton, Pa.
Gathings
Gilligan
Gray
Green, Oreg.
Hall
Hardy
Hébert
Henderson
Hull
Huot
Kee
Keogh
King, N.Y.
King, Utah
Kluczynski
Leggett
McEwen
Martin, Mass.
Miller
Mills
Morrison
Murray
O'Konski
Olsen, Mont.
Pepper
Powell
Redlin
Scott
Skubitz
Smith, N.Y.
Sweeney
Toll
Trimble
Willis
Wilson, Bob

So the resolution was agreed to.

The Clerk announced the following pairs:

On this vote:

Mr. Keogh for, with Mr. Watts against.

Mr. Gilligan for, with Mr. Hébert against.

Mr. Clevenger for, with Mr. Edwards of Louisiana against.

Mr. Dent for, with Mr. King of New York against.

Mr. Wright for, with Mr. Henderson against.

Mr. Fulton of Pennsylvania for, with Mr. Baring against.

Mr. Pepper for, with Mr. Scott against.

Mr. Miller for, with Mr. Zablocki against.

Mr. Delaney for, with Mr. Frelinghuysen against.

Mr. Sweeney for, with Mr. Hall against.

Mrs. Green of Oregon for, with Mr. Bob Wilson against.

Mr. Kluczynski for, with Mr. McEwen against.

Mr. Blatnik for, with Mr. Murray against.

Mr. Powell for, with Mr. Ellsworth against.

Mr. Leggett for, with Mr. Hardy against.

Mr. Aspinall for, with Mr. Willis against.

For this day:

Mr. Huot with Mr. Bow.

Mr. Kee with Mr. Curtis.

Mr. Gathings with Mr. O'Konski.

Mr. Gray with Mr. Martin of Massachusetts.

Mr. Redlin with Mr. Fino.

Mr. Toll with Mr. Skubitz.

Mr. King of Utah with Mr. Smith of New York.

Mr. Olsen of Montana with Mr. de la Garza.

Mr. WRIGHT. Mr. Speaker, I have a live pair with the gentleman from North Carolina [Mr. HENDERSON] who is in the hospital. If he had been present he would have voted "nay." I voted "yea." I withdraw my vote and vote "present."

Mr. ZABLOCKI. Mr. Speaker, I have a live pair with the gentleman from California [Mr. MILLER]. If he had been present he would have voted "yea." I vote "nay." I withdraw my vote and vote "present."

Mr. WATTS. Mr. Speaker, I have a live pair with the gentleman from New York [Mr. KEOGH]. If he had been present he would have voted "yea." I voted "nay." I withdraw my vote and vote "present."

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Mr. CELLER. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 14765) to assure nondiscrimination in Federal and State jury selection and service, to facilitate the desegregation of public education and other public facilities, to provide judicial relief against discriminatory housing practices, to prescribe penalties for certain acts of violence or intimidation, and for other purposes.

Mr. WILLIAMS. Mr. Speaker, a point of order.

The SPEAKER. The question is on the motion offered by the gentleman from New York [Mr. CELLER].

Mr. WILLIAMS. Mr. Speaker, a point of order.

The SPEAKER. All those in favor of the motion will let it be known by saying "aye." All those opposed by saying "no."

The motion was agreed to.

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill, H.R. 14765, with Mr. BOLLING in the chair.

Mr. WILLIAMS. Mr. Chairman, a point of order. Mr. Chairman, I have a point of order. I was on my feet——

The Clerk read the title of the bill.

By unanimous consent, the first reading of the bill was dispensed with.

Mr. WAGGONNER. Mr. Chairman.

The CHAIRMAN. Under the rule, the gentleman from New York [Mr. CELLER] will be recognized for 5 hours and the gentleman from Ohio [Mr. MCCULLOCH] will be recognized for 5 hours.

Mr. WILLIAMS. Mr. Chairman.

Mr. WAGGONNER. Mr. Chairman.

Mr. McCULLOCH. Mr. Chairman.

The CHAIRMAN. For what purpose does the gentleman from Ohio rise?

Mr. McCULLOCH. Mr. Chairman, I rise for a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. McCULLOCH. I would like to know if the resolution unqualifiedly guarantees the minority one-half of the time during general debate and nothing untoward will happen so that it will be diminished or denied contrary to gentlemen's agreements.

The CHAIRMAN. The Chairman will reply by rereading that portion of his opening statement. Under the rule, the gentleman from New York [Mr. CELLER], will be recognized for 5 hours, the gentleman from Ohio [Mr. MCCULLOCH] will be recognized for 5 hours. The Chair will follow the rules.

Mr. McCULLOCH. I thank you, Mr. Chairman.

Mr. WILLIAMS. Mr. Chairman.

Mr. CELLER. Mr. Chairman, I yield myself such time as I may care to use.

Mr. Chairman, Negroes propose to be free. Many rights have been denied and withheld from them. The right to be equally educated with whites. The right to equal housing with whites. The right to equal recreation with whites.

Mr. WILLIAMS. Mr. Chairman, a point of order.

Mr. CELLER. Regular order, Mr. Chairman.

The CHAIRMAN. The gentleman will state his point of order.

Mr. WILLIAMS. Mr. Chairman, immediately before the House resolved itself into the Committee of the Whole House I was on my feet on the floor seeking recognition for the purpose of making a point of order against consideration of H.R. 14765 on the ground that the report of the Judiciary Committee accompanying the bill does not comply with all the requirements of clause 3 of rule XIII of the rules of the House known as the Ramseyer rule and intended to request I be heard in support of that point of order. I was not recognized by the Chair. I realize technically under the rules of the House at this point, my point of order may come too late, after the House resolved itself into the Committee of the Whole House on the State of the Union.

Mr. CELLER. Mr. Chairman.

Mr. WILLIAMS. But I may say, Mr. Chairman, that I sought to raise the point of order before the House went into session. May I ask this question? Is there any way that this point of order can lie at this time?

The CHAIRMAN. Not at this time. It lies only in the House, the Chair must inform the gentleman from Mississippi.

Mr. WILLIAMS. May I say that the Parliamentarian and the Speaker were notified in advance and given copies of the point of order that I desired to raise, and I was refused recognition although I was on my feet seeking recognition at the time.

Mr. FLYNT. Mr. Chairman, I appeal the ruling of the Chair.

The CHAIRMAN. The Chair will have to repeat that the gentleman from Mississippi is well aware that this present occupant of the chair is powerless to do other than he has stated.

Mr. WAGGONNER. Mr. Chairman, I appeal the ruling of the Chair.

The CHAIRMAN. The question is, Shall the decision of the Chair stand as rendered?

The question was taken; and on a division (demanded by Mr. WILLIAMS) there were—ayes 139, noes 101.

The decision of the Chair was sustained.

Mr. WILLIAMS. Mr. Chairman, I move that the Committee do now rise, and on that I demand tellers.

Tellers were ordered, and the Chairman appointed as tellers Mr. CELLER and Mr. WILLIAMS.

The Committee again divided, and the tellers reported that there were—ayes 168, noes 144.

So the motion was agreed to.

Accordingly, the Committee rose; and the Speaker having resumed the chair, Mr. BOLLING, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 14765) to assure nondiscrimination in Federal and State jury selection and service, to facilitate the desegregation of public education and other public facilities, to provide judicial relief against discriminatory housing practices, to prescribe penalties for certain acts of violence or intimidation, and for other purposes, had come to no resolution thereon.

The SPEAKER. The Chair recognizes the gentleman from Mississippi.

Mr. WILLIAMS. Mr. Speaker, the House resolved itself into the Committee of the Whole House on the State of the Union a moment ago. When the question was put by the Chair, I was on my feet seeking recognition for the purpose of offering a point of order against consideration of the legislation. Although I shouted rather loudly, apparently the Chair did not hear me. Since the Committee proceeded to go into the Committee of the Whole, I would like to know, Mr. Speaker, if the point of order which I had intended to offer can be offered now in the House against the consideration of the bill; and, Mr. Speaker, I make such a point of order and ask that I be heard on the point of order.

The SPEAKER. The Chair will state that the Chair did not hear the gentleman make his point of order. There was too much noise. Under the circumstances the Chair will entertain the point of order.

Mr. WILLIAMS. I thank the Speaker and ask if I can be heard on the point of order.

The SPEAKER. The gentleman will state his point of order.

Mr. WILLIAMS. Mr. Speaker, I make a point of order against the consideration of H.R. 14765, on the ground that the report of the Committee on the Judiciary accompanying the bill does not comply with the requirements of clause 3 of rule XIII of the rules of the House, known as the Ramseyer rule, and I request that I be heard in support of the point of order.

Mr. Speaker, clause 3 of the rule XIII provides, in relevant part, as follows:

> Whenever a committee reports a bill . . . amending any statute or part thereof it shall include in its report . . . a comparative print of that part of the bill . . . making the amendment and of the statute or part thereof proposed to be amended, showing by . . . appropriate typographical devices the omissions and insertions proposed to be made.

This comparative print is to be made, in the case of a substitute amendment, showing according to the proviso in the rule—

> any changes in existing law proposed by the . . . substitute.

I submit that the committee's report fails to comply with this requirement in at least two respects, and is quite misleading—though I am sure unintentionally so—in another.

The first error I would like to call to the attention of the Chair is set forth on page 49 of the committee report, at the bottom of the page, purporting to show amendments made to section 16-1312 of the District of Columbia Code. The bill, in section 103(e), found on page 52, lines 1 through 5, states as follows:

> Section 16-1312 of the District of Columbia Code is amended—

And so on—yet the report does not set out the section amended—it merely sets out selected excerpts from the section.

I cannot tell from looking at the material on page 49 of the report just what the amendments to the section accomplish, and I defy any other Member to do so. Subsection (a) of that section sets out the duties of the jury commission, but the matter printed in the report fails to set out all the duties as prescribed by the section. Then the printed matter completely omits subsection (b) of the amended section, and subsection (c) as printed in the report states:

> (c) Except as provided by this section, Chapter 121 of title 28, U.S.C., insofar as it may be applicable, governs qualifications of jurors.

But how can a Member tell what is provided by the section, when the section is not set out for him to see?

This section 16-1312 which is amended by the bill also contains a subsection (d), which is not printed in the report.

Mr. Speaker, this failure of the report to show the law which is changed by the bill makes it impossible for Members to be able to determine just what changes are actually being made in the section, and therefore fails to comply with either the spirit or the letter of the Ramseyer rule. Of course, for that matter, even the material printed in the subsection (c) at the bottom of page 49 of the report fails to comply literally with the rule, since the material in italic is not literally the same as the material proposed to be inserted by the bill—the Ramseyer abbreviates to "U.S.C." the words "United States Code" appearing in the bill. The same erroneous abbreviation also appears in the amendment made to subsection (a) of that section.

Another failure to follow the literal text of the bill can also be found on page 52 of the report, Mr. Speaker, where the text of the proposed new section 303 of the Civil Rights Act of 1964 differs substantially in form from the section 303 added to that act by the bill, on page 79, lines 10 through 19.

Most serious of the deficiencies in this report, however, Mr. Speaker, is the matter appearing on page 53 of the report, where the report purports to show changes in title III of the Civil Rights Act of 1960 made by section 701 of the bill, which appears on page 80, line 9. Section 701 states "Title III of the Civil Rights Act of 1960 is amended" and so on—yet the report does not even purport to show title III of that act or any part thereof—all that Members have to guide them as to the provisions of title III is a row of asterisks, which I must confess I do not find very helpful—especially since the proposed new section 307 of the Civil Rights Act of 1960 refers back to section 301 of the Civil Rights Act of 1960 stating—page 80 lines 12 and 13 of the bill—"Any officer of election or custodian required under section 301 of this Act to retain and preserve records and papers may" and so forth. This portion of the committee's report is completely worthless, in my judgment, in helping Members to understand the changes in existing law made by the bill.

The Ramseyer rule requires that the report show, and I quote:

> That part of the bill or joint resolution making the amendment and of the statute or part thereof proposed to be amended.

I submit, most respectfully, Mr. Speaker, that with respect to title III of the Civil Rights Act of 1960, there has been a complete failure to comply with the portion of the Ramseyer rule requiring that the statute proposed to be amended be shown. The report does not show the statute, and it does not even show any part of the statute—not even the part of the statute most necessary to understand what the proposed section 307 is all about; namely, section 301 which is cross-referenced to in the proposed section 307.

Mr. Speaker, on page 43 of the report, sections 1873 and 1874 of title 18 of the United States Code are shown as repealed, and new language added in their place; also the Ramseyer on the same page shows two new sections added—sections 1875 and 1876. I have not been able to find any place in the bill which repeals any of these sections, or which adds new text as sections 1875 and 1876, although the explanatory matter on page 35 of the report, under the heading "Changes in existing law" states as follows:

> Matter proposed to be stricken by the bill as reported is enclosed in black brackets. New language proposed by the bill as reported is printed in italic.

I, for one, find this very confusing, if the intent is to show the changes in section numbers made by section 103 of the bill, especially since the language preceding the Ramseyer states that "there is printed below in roman existing law in which no change is proposed."

This is, at best, a very odd way to show a renumbering of sections—so odd, in fact, that I think its potential for confusion is such as to render it a violation of the Ramseyer rule.

In summary, Mr. Speaker, the committee report fails to comply with the Ramseyer rule by showing language in the report as a purported change in existing law which is not the same as language contained in the bill; the report fails to show the entire text of a section which is proposed to be amended by the bill, but leaves Members to guess as to what the amendment actually does; the report fails to show any part whatsoever of a provision of law amended by the bill, even where the setting forth of such provision is essential to understanding of the changes made; and shows nonexistence repeals and amendments as a means of showing renumbering of sections.

I respectfully submit that this point of order should be sustained and the bill recommitted to the Committee on the Judiciary in accordance with the rules of the House.

Mr. CELLER. Mr. Speaker, of course, the technical objections raised by the gentleman from Mississippi come as rather a surprise, but nonetheless in the few moments we had to check on his remarks we find that there is compliance with the Ramseyer rule. For example, with reference to title I, he makes reference to page 49 of the report and he makes some objection to the fact that instead of spelling out "United States Code" in letters we use the abbreviation "U.S.C.," which is the way we always refer to the United States Code. That is done invariably. There is no misleading, there is no ambiguity, and there is substantial compliance with the Ramseyer rule.

He also draws attention to the fact with reference to subtitle (3) that there is nothing stated under (3). There is nothing stated because there were no changes and there were no amendments to that provision. Therefore, there was no need to set forth anything except blanks. That is compliance with the Ramseyer rule.

On page 53 of the bill, referring to title III, there are six blanks with reference to six sections. There were no changes as to those sections. Since there were no changes, there was no need to make any comment. There was no ambiguity there. There was no misinformation. There is nothing that is misleading. There is no confusion. It is again substantial compliance.

And so with all of the other trivial objections made by the gentleman from Mississippi.

So, Mr. Speaker, I state that there is substantial compliance with the Ramseyer rule in the report of the Committee on the Judiciary.

Mr. WILLIAMS. Mr. Speaker, may I be heard further?

The **SPEAKER.** The gentleman from Mississippi.

Mr. WILLIAMS. Mr. Speaker, in respect to the argument posed by the gentleman from New York, I would point out that in the first case, where I made reference on page 49 of the report, there is this language:

> Except as provided by this section (chapter 23 of Title 11) chapter 121 of Title 28, U.S.C., insofar as it may be applicable.—

And so forth. It is utterly impossible for a Member to know what these exceptions are from reading the report.

Mr. Speaker, I have no further argument except that I stand on the argument that I have previously made. I feel that the point of order is valid; that the purpose of the Ramseyer rule is to inform the Members fully and completely on the legislation before the House and the laws which it amends, and this report is deficient in that respect.

I submit again, Mr. Speaker, that this legislation should be recommitted to the Committee on the Judiciary in accordance with the rules of the House.

The SPEAKER. The Chair will call attention to a very important decision on the same subject made on April 15, 1940, by the Speaker pro tempore, Mr. Cooper.

At that time, the Speaker pro tempore, Mr. Cooper, said, on a point of order raised by our former colleague, the gentleman from Michigan, Mr. Walcott, and I quote:

> The gentleman from Michigan makes the point of order against consideration of the bill on the ground that the rule mentioned by him, the so-called Ramseyer rule, has not been complied with.
>
> The chair has read hurriedly—

And so have I—

> but the chair believes sufficiently examined the report and the chair is of the opinion that the committee has made an effort to comply with the provisions of the Ramseyer rule.
>
> It is the opinion of the chair that the duty does not devolve upon the chair to analyze every word of existing law or to pass upon the sufficiency of the compliance with the provisions of the so-called Ramseyer rule.
>
> The chair being of the opinion that the committee reporting the bill has made an effort to comply with the provisions of the Ramseyer rule, feels therefore constrained to overrule the point of order.

Now, on the pending point of order, the Chair calls attention to the fact that there are approximately 18 pages in the committee report which relate to complying with the Ramseyer rule.

It is the opinion of the Chair that the committee has substantially complied with the Ramseyer rule, and follows the decision which I have referred to, and which was made in 1940 by Speaker pro tempore Cooper, and reaffirms that decision.

The Chair therefore overrules the point of order.

Mr. WAGGONNER. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman from Louisiana will state his parliamentary inquiry.

Mr. WAGGONNER. Mr. Speaker, under the rules of the House of Representatives no provision is made for use of the word "substantial" is it deemed sufficient in this case that compliance is only substantial and not technically complete?

The SPEAKER. Well, as the Chair states, and as Speaker pro tempore Cooper stated, the Chair cannot analyze every word, but there are parts here apparent to the Chair that, of course, are not only substantial compliance but which are certainly overcompliance, which is not violative of the rule, as has been advanced.

The committee overcomplied with the rule, and that, certainly, does not seem to the Chair to be a violation of the rule.

And, following the reasoning, which the Chair considers to be sound, of the Speaker pro tempore, Mr. Cooper, in 1940, and examining the report and applying it to the facts involved in the point of order, it is the opinion of the Chair that the Ramseyer rule has at least been substantially complied with and, as stated before, the Chair overrules the point of order.

Mr. WAGGONNER. Mr. Speaker——

The SPEAKER. The gentleman from Louisiana.

Mr. WAGGONNER. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state his parliamentary inquiry.

Mr. WAGGONNER. May I respectfully inquire as to the precedent the then Speaker pro tempore Cooper in 1940 utilized in rendering his then decision?

The SPEAKER. The Chair will state that as far as examination of the Record is concerned and after consultation it has been ascertained that was the first time the question came up. But that ruling has been followed since more than once. For example, the present occupant of the Chair followed it on one occasion when a point of order was raised on July 26, 1965. The Chair followed the opinion expressed by Mr. Cooper who then was the Speaker pro tempore in 1940.

Mr. WAGGONNER. Mr. Speaker, a further parliamentary inquiry.

The SPEAKER. The gentleman will state his parliamentary inquiry.

Mr. WAGGONNER. Do I correctly understand the ruling of the Speaker that in this instance as in the instance of the then Speaker pro tempore Cooper that "substantial compliance" is all that is necessary and technicalities are irrelevant? Is compliance in fact with the rules to be ignored?

The SPEAKER. The Chair will state that substantial compliance, as the Chair is not in a position to analyze every word, would comply with and be in conformance with the rule.

Mr. WAGGONNER. A parliamentary inquiry, Mr. Speaker.

The SPEAKER. The gentleman will state it.

Mr. WAGGONNER. Is the Speaker in effect saying that he has had insufficient time to evaluate properly the precedent we have cited?

The SPEAKER. The Chair will state that the Chair listened very intently to the able presentation made by the gentleman from Mississippi and the Chair also examined the precedents, and under the circumstances feels that the Chair has had ample opportunity in which to make a decision on the point of order.

Mr. WAGGONNER. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state his parliamentary inquiry.

Mr. WAGGONNER. For the edification of the Members of the House, would the Speaker tell the House what the facts and circumstances were surrounding the decision of the then Speaker pro tempore Cooper in 1940?

The SPEAKER. The Chair will state that the entire proceedings will be found in the Congressional Record of April 15, 1940. The Chair happens to be familiar with it because the Chair was here at the time and heard the point of order passed upon. So the Chair suggests that my friend from Louisiana examine the Record.

Mr. WAGGONNER. That I will be glad to do, Mr. Speaker, but you have not answered the inquiry.

Mr. WILLIAMS. Mr. Speaker, may I be recognized?

The SPEAKER. The gentleman from Mississippi is recognized.

Mr. WILLIAMS. Mr. Speaker, as the senior-junior Member of the House, I wish to express my personal appreciation to the Chair for protecting my rights as a Member of this body. Of course, I accept the Chair's statement that he did not hear me or see me when I was seeking recognition and the Chair was gracious enough to permit me to make this point of order even though technically perhaps it may not have been an appropriate time under the rules of the House.

The SPEAKER. May the Chair suggest that the present occupant of the chair advised the gentleman that he was going to recognize him no matter how the vote went. The Chair was going to recognize the gentleman anyway.

Mr. WILLIAMS. The purpose of taking this time, Mr. Speaker, is to express my personal appreciation as a Member of this body for your fairness in protecting my rights as a Member of this body.

Mr. CELLER. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the State of the Union for the further consideration of the bill (H.R. 14765) to assure nondiscrimination in Federal and State jury selection and service, to facilitate the desegregation of public education and other public facilities, to provide judicial relief against discriminatory housing practices, to prescribe penalties for certain acts of violence or intimidation, and for other purposes.

The motion was agreed to.

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the further consideration of the bill, H.R. 14765, with Mr. Bolling in the chair.

The Clerk read the title of the bill.

By unanimous consent, the first reading of the bill was dispensed with.

The CHAIRMAN. Under the rule, the gentleman from New York [Mr. Celler] will be recognized for 5 hours and the gentleman from Ohio [Mr. McCulloch] will be recognized for 5 hours.

The gentleman from New York is recognized.

Mr. CELLER. Mr. Chairman, the Negro is supposed to be free. But is he? Many rights have been denied and withheld from him—the right to be equally educated with whites, the right to equal housing with whites, the right to equal recreation with whites, the right to equality in labor with whites. We have accorded him some freedoms, but no opportunity to exercise them. That is like giving him an appetite but no food.

In this bill we round out the Negro's civil rights to a fair trial before a jury of his peers. We nail down his right to equal education. We start the campaign for genuine open housing for the Negro. We seek to give him protection in his rights on all levels of American life. We give the food as well as the appetite. In so according the Negro such rights, we really secure those rights for all Americans.

The fashioning of this bill has not been easy. It has not been all beer and skittles. It has involved hard work by all members of the House Judiciary Committee. I shall accept willingly any constructive change, but will repel any amendments offered for obstructive purposes.

We do not approach you with a "holier than thou" spirit. We are no Pecksniffs. We are not straitlaced. We are humble but prideful of our work. We ask your generous support.

It has been said that we passed four principal civil rights bills; why another?

The evil and scourge of granting true equality among blacks and whites are pervasive, wide, long, and deep. It is like a prairie fire that cannot be extinguished save by long and patient effort. Great reforms do not just happen.

The French Revolution was the accumulation of widespread evil of long duration. The English Reformation was preceded by decades of struggle and travail.

Dr. Fleming worked hard for years before he came up with penicillin. The polio vaccine came to Dr. Salk after the greatest efforts. Insulin did not come in a day or a year, although the diabetic waited patiently and suffered agonies until it finally came upon the market.

Similarly, Congress is the physician to rid the body politic of the disease of segregation. Segregation becomes a plague. No one is immune from its evil power. Plagues are not easily or quickly dissipated. It all depends upon whose ox is gored. Many civil libertarians have cried out against segregation. Now the warm winds of integration move northward and now all are feeling the heat.

The bill before us, let me emphasize, operates equally in the North as well as in the South.

In ancient Rome, bridgebuilding was considered a sacred duty. Note the name they gave to their priest: They called him pontifex, which translated means "bridgebuilder." The Pope is called pontiff, a bridge which unites that which nature divides. Civil rights laws unite those whom our society divides.

This civil rights bill is a bridge, as it were, seeking to unite whites and blacks from the regulation of human rights. It seeks to integrate them, according each equal rights.

You cannot raze the slum, you cannot level the ghettos without what is known as title IV of this bill. Without title IV we shall continue to create new pales of settlement, new segregated areas, new ghettos and slums, placing us where we were years ago.

The Negro is too often confronted with the equivalent of Hitler's "verboten," which means "forbidden." We must take out that word and destroy it as applicable in furtherance of segregation. They who believe in segregation are like those who seek to walk up a descending escalator.

Especially dear to the white man is his home and his house. That spells to him happiness and dignity. It means also security. To deny him the right to own his house in an area where a white man can own one is to rob the Negro of his dignity and security and happiness. Whatever else you give him pales in value; whatever else you give him seems like a promissory note without collateral.

Victor Hugo said that "when the time of an idea has come, nothing can stop it." The time of the idea of equality has come. To some of the Members I say that time is changing rapidly. Some can no longer be protected in their seats by the anomalous success. Already a number of segregationists have gone down under. Clouds are now on the horizon, "clouds no bigger than a man's hand," but they will grow to gigantic storm clouds and overwhelm.

It is charged that title IV as presented is a compromise. I plead guilty. Is not the great goal of all commonsense compromise? Burke said, "All government, indeed every human benefit and enjoyment, every virtue and every prudent act are founded upon barter and compromise."

I desired title IV as originally written. It was as such approved by the committee by a narrow margin—too narrow for comfort. A furious storm of disapproval arose. Thereafter, title IV was modified and owner-occupied homes with up to four units or apartments including the owner's were exempt.

By accepting title IV as modified, I squared ideals with reality. I am a realist, a pragmatist. If I cannot get all, I will take less, especially if failure or reluctance to take less will result in naught. I do not want to be a hero going down in flames of defeat. It might be good for storybooks, but it would not give the Negroes much needed relief. Such truculence, such opposition to compromise is worthless—worthless as trying to run a mill with water that has passed on. To the South I say, "We must not remember today the hatreds of yesterday." To the North I say, "The Negro has come amongst you. We must take him in."

Finally, there was a cartoon in a magazine called the New Yorker which showed a man at his office desk with many telephones on it. "Dammit, operator," he cries out, "I keep getting myself." Well, that is what happens when the lines of sympathy connecting us with our fellow men, white or black, are out of order.

Mr. WHITENER. Mr. Chairman, I make the point of order that a quorum is not present.

The CHAIRMAN. The Chair will count.

Sixty-eight Members are present, not a quorum. The Clerk will call the roll.

The Clerk called the roll, and the following Members failed to answer to their names.

[Roll No. 176]

Anderson, Tenn.
Aspinall
Baring
Blatnik
Bow
Clark
Clevenger
Curtis
de la Garza
Delaney
Dent
Dickinson
Edwards, La.
Ellsworth
Everett
Evins, Tenn.
Farnsley
Fino
Frelinghuysen
Fulton, Pa.
Gathings
Green, Oreg.
Hall
Hanna
Hardy
Harvey, Ind.
Hawkins
Hébert
Henderson
Holifield
Hull
Huot
Ichord
Kee
Keogh
King, N.Y.
King, Utah
Leggett
McEwen
McMillan
Martin, Mass.
Miller
Mills
Morrison
Olsen, Mont.
Pepper
Powell
Redlin
Rogers, Tex.
Scott
Sisk
Skubitz
Smith, N.Y.
Sweeney
Taylor
Toll
Trimble
Tunney
Willis
Wilson, Bob
Wilson, Charles H.
Young

Accordingly, the Committee rose; and the Speaker having resumed the chair, Mr. BOLLING, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 14765), and finding itself without a quorum he had directed the roll to be called, when 373 Members responded to their names, a quorum, and he submitted herewith the names of the absentees to be spread upon the Journal.

The Committee resumed its sitting.

The CHAIRMAN. The gentleman from New York [Mr. CELLER], is recognized.

Mr. CELLER. Mr. Chairman, Members of the Committee, I shall endeavor to explain some of the provisions of the titles of the bill, but before doing that, I should like to make some opening statements.

The struggle for civil rights continues today in 1966 not because of doubts about the law and the rights the Constitution confers concerning schools, voting, public accommodations, public transportation facilities, juries, or employment, but because of refusal to accept, to follow, to apply, and to be governed by the law of the land and to administer that law fairly without discrimination.

There is danger today that the right to equal enjoyment, which the Congress has sought to secure through legislation in the past decade, may be denied through the violence or intransigence of a few. The bill which we debate today seeks to meet the challenge presented by those who would deny due process of law and equal protection of the laws by intimidation, violence, and murder.

The bill before us today seeks to assure that the place of justice remains a hallowed place. In the first place, the bill is designed to improve the selection of jurors in both State and Federal courts. Jury service is one of the few opportunities open to the average citizen to participate in the affairs of his government. Too often, however, there is a wide gap between our professions and our practices when it comes to jury selection. In 1966 alone, Federal and State courts have found systematic exclusion of Negroes in State court juries in six different counties in the South.

It often requires courage for a Negro defendant and his counsel even to raise a claim of discrimination, and even when the claim of exclusion is raised, the costs of litigation may be prohibitive to a private party, for the evidence required to prove the claim simply may be unavailable under State law or practice.

The problem in the Federal courts is less one of unfairness and more a lack of uniformity and the existence of too much discretion in jury officials, which may create the appearance of unfairness.

Title I of the bill provides uniform specific procedures in the selection of jurors in the Federal courts.

Title II concerns the State jury problem and prohibits discrimination in jury selection procedures in all State courts on account of race, color, religion, sex, national origin, or economic status in terms comparable to provisions of title I. But since title II permits State jury officials to continue to follow such valid practices as they now use, the scope of the ban in discrimination on account of sex or economic status would not be identified to that resulting from use of the prescribed selection system under title I.

Title II would override the two types of State laws regulating jury service by women. First are those in Alabama and Mississippi and South Carolina, which totally exclude women from juries.

Second, those in Florida, Louisiana, and New Hampshire, which exclude women unless they affirmatively volunteer for jury service by taking steps, not required of men, to sign up for jury service.

The State laws that allow women to claim exemption from jury service either absolutely or depending upon family responsibilities would not be nullified. Similarly, the ban on economic discrimination in title II would not outlaw every State procedure which might have some incidental economic impact.

State laws imposing direct economic qualifications for jury service, such as that of my own State, New York, a $250 property qualification, would be nullified by title II.

State laws prescribing the tax lists as the exclusive source of names of jurors would also be nullified unless the tax base were so broad as to include practically every adult in the community.

In other words, we do not interfere with the State laws unless those State laws in their operation discriminate on the basis of race, color, religion, sex, or economic status.

Aside from the substantive rights secured in title II, there are two other principal features.

Section 202 authorizes the Attorney General to institute civil actions for preventive relief whenever he has reasonable ground to believe that State jury officials have engaged in or are about to engage in any act or practice which would deny or abridge any rights secured by section 201.

Mr. WAGGONNER. Mr. Chairman, will the gentleman yield?

Mr. CELLER. I yield to the gentleman from Louisiana.

Mr. WAGGONNER. Could the gentleman, early in this debate, describe for the House what guide or what yardstick is to be used in determining when a man is about to discriminate? How is that interpretation to be made? Who is to make this determination?

Mr. CELLER. If, for example, there were a situation in a county where there was a great preponderance of Negro population, but only a comparatively few or no Negroes served on the juries, then there would be grounds to believe that Negroes were being discriminated against. That would be one of the indicia of discrimination.

Mr. WAGGONNER. In other words, it is a presumption of guilt before the fact?

Mr. CELLER. It is not guilt. It is not a criminal matter. Rather, it is a question of seeking to assure that juries reflect a general cross section of the population. So that the individual may be tried by a jury of his peers; so that we will not have the situation in which there is an imbalance of a far greater number of whites on juries than blacks.

Mr. WAGGONNER. The gentleman speaks of balance. Is he advocating a percentage balance, a true percentage of balance by race? I do not understand his use of the word peers.

Mr. CELLER. No. There is no percentage in this bill at all. Each case of discrimination would have to be considered by the cause.

Mr. WAGGONNER. How does one achieve balance without requiring a percentage? Is the executive branch of the Government to establish percentages of balance?

Mr. CELLER. I would not hazard any idea about a percentage.

Mr. WAGGONNER. Does the gentleman mean that the Federal agency which will prescribe the regulations to administer this legislation would be forbidden to apply percentages?

Mr. CELLER. The Federal officials would not interfere. The Attorney General would not indicate a suit unless there was evidence to indicate that there was discrimination on the ground of race or color, religion, national origin, economic status, or sex. Then it would be up to the Attorney General to proceed. The court would be the final arbiter of the situation.

Mr. WAGGONNER. Then the final determination of what is determined to be a true application of the provisions of this language, saying a man is about to discriminate, would be left finally to the Attorney General?

Mr. CELLER. No. The Attorney General would proceed to bring an action. The court would be the final judge.

Mr. ROGERS of Colorado. Mr. Chairman, will the gentleman yield at that point?

Mr. CELLER. Yes. I yield.

Mr. ROGERS of Colorado. May I point out to the gentleman from Louisiana that an instance where there are reasonable grounds to believe that any person has engaged or is about to engage in any act or practice which would deny or abridge any right secured by section 201 is as follows: Suppose you have a State law on its face violates section 201 which discriminates against an individual and excludes him from service in any State court on account of race, color, religion, sex, national origin, or economic status. Now, if the Attorney General knows that the State officials in administering such a State law must administer it so that it would be discriminatory, then he knows they are about to engage in an act or practice which would deny or abridge any right secured by section 201. That is one instance.

Now, there may be any number of instances that may be anticipated, as has been demonstrated in the last few years throughout various sections of the country. Not only can the Attorney General under section 202 institute the action; there is also the right of the private individual to institute a suit which is in existing law, under title 42 of the United States Code section 1983. As set forth in section 204, an individual instituting such an action may obtain information from jury officials to ascertain whether or not a citizen has been excluded because of race, color, religion, sex, national origin, or economic status.

Mr. CELLER. May I further elucidate in answer to the gentleman from Louisiana's question? First, section 201 of title II contains a general provision which is an expression of the purpose of the title, as follows:

> No citizen shall be excluded from service as grand or petit juror in any State court on account of race, color, religion, sex, national origin, or economic status.

We start out with that and then we provide, first, that whenever there are reasonable grounds to believe that any person has engaged or is about to engage in any act or practice which would deny or abridge any of the rights secured by section 201, then "the Attorney General may institute for the United States, or in the name of the United States, a civil action"—a civil action—there is nothing criminal about it—"a civil action" for an injunction or restraining order or other relief. But then we provide that the contest shall be determined by the court.

The district courts of the United States shall have jurisdiction and they shall determine the question. So that first we have the situation where there are reasonable grounds to believe that there is such a violation or discrimination. Then the Attorney General brings the suit in the U.S. district court and then the court must make the decision.

Now, if you read our report, you will find the following, which might indicate some additional information on this score. or example, if the court found that Negroes had in the past been systematically excluded from service by maladministration of a keyman system, that is, a system that is frequently used where the jury commission asks men prominent in the community to suggest certain names, the court could act.

Mr. WAGGONNER. Mr. Chairman, will the gentleman yield at this point?

Mr. CELLER. Just a minute.

Experience in the voting area proves that where officials are predisposed to discriminate on the ground of race, the courts should foreclose all such kinds of discrimination in order to insure effective relief.

Mr. WAGGONNER. Now, Mr. Chairman, will the gentleman yield?

Mr. CELLER. I yield to the gentleman for a question.

Mr. WAGGONNER. I believe the gentleman's home State of New York requires that as a qualification for voting an individual before being registered to vote must be able to read and write, and comprehend the English language.

By contrast, my home State of Louisiana will allow an individual to qualify for voting if he or she can read and write his native language or speak in his native tongue, without having to qualify in the English language.

Now, one of the qualifications, to be able to participate as a petit or grand juror in this legislation is that an individual be able to read and write the English language.

Mr. ROGERS of Colorado. Mr. Chairman, will be gentleman yield?

Mr. CELLER. I yield to the gentleman from Colorado.

Mr. WAGGONNER. Is the gentleman disqualifying those people who are qualified voters in Louisiana by this legislation?

Mr. ROGERS of Colorado. Mr. Chairman, first of all, title I deals with the Federal juries. We are rewriting the law as it relates to the selection of the jurors in the Federal courts.

Therefore, the question that the gentleman from Louisiana asks about the qualifications as they relate to the gentleman's State of New York has no application to title I.

Mr. WAGGONNER. Mr. Chairman, will the gentleman yield?

Mr. ROGERS of Colorado. Just a minute. Let me finish.

And we go further, and I would like to point out that under title II, as the chairman has so ably set forth, the Attorney General may, whenever a person may have engaged in discrimination or is about to practice it, contrary to section 201, then the Attorney General may institute an action.

Now, the act is designed to see to it that there shall not be any discrimination. It does not provide that your State law, ipso facto, is null and void.

Mr. WAGGONNER. Unless it suits the Attorney General?

Mr. ROGERS of Colorado. No. He must go to court and prove certain things, and if you want to and would like to take the time, you will see that upon the complaint being filed under title II the appropriate relief may be provided, as set forth in section 203.

Now, the court then has jurisdiction over the matter to determine whether or not the State official who has the duty in connection with the selection of jurors is practicing discrimination as prohibited by section 201.

Mr. WAGGONNER. Mr. Chairman, will the gentleman yield?

Mr. CELLER. I yield to the gentleman from Louisiana.

Mr. WAGGONNER. Is it not a fact, then, that the Federal district court has authority and jurisdiction without regard to whether or not all avenues of relief have been exhausted in the local courts or lower courts?

Mr. ROGERS of Colorado. Mr. Chairman, if the gentleman from New York will yield further, may I say to the gentleman that the question——

Mr. WAGGONNER. Is it a fact or not?

Mr. ROGERS of Colorado. Well, Mr. Chairman, what happens here, even if we do not adopt title II——

Mr. WAGGONNER. Well, is it a fact?

Mr. ROGERS of Colorado. Mr. Chairman, if the gentleman from New York will yield further.

If we do not adopt title II there still is an opportunity of an individual under the existing Federal statute to institute actions to challenge discriminating selection of State juries.

Now, what title II does is to give to the Attorney General the authority to institute such actions, as well.

Mr. WAGGONNER. This is not anything new in law.

Mr. CELLER. May I say to the gentleman from Colorado and the gentleman from Louisiana, title II does not change the State law with reference to the qualification and selection of jurors. The only change is that the State law when carried out cannot involve discrimination in the qualification of and in the selection of the jurors based upon race, color, or religious creed. This is practically all that title II does and it provides for a remedy in the event there is such discrimination.

Mr. WAGGONNER. Would you yield for one more question?

Mr. CELLER. Yes; I yield.

Mr. WAGGONNER. Then a man could be qualified, sir, on a State petit or grand jury in Louisiana but disqualified under the provisions of this legislation to serve on a Federal petit or grand jury; is that correct?

Mr. CELLER. That is possible; yes, sir.

Mr. WAGGONNER. Does that not constitute discrimination in itself?

Mr. CELLER. I do not think so. I do not think this is discrimination because you are in a different jurisdiction. You are in two different courts. It is like different qualifications for jury service in two different States. You have laws that will differ one from the other depending upon the State you are in.

Mr. WAGGONNER. I thought that was the purpose of the voting rights act last year? What in fact was its purpose?

Mr. CELLER. No; I think you could have that situation developing and I do not think that would violate the spirit and letter of the law.

Mr. ROGERS of Colorado. Mr. Chairman, will the gentleman yield?

Mr. CELLER. I yield to the gentleman.

Mr. ROGERS of Colorado. May I state that under title I which deals with the Federal jury system, veniremen must be registered voters selected at random in order to be eligible for Federal jury service.

Mr. CELLER. I would say to the gentleman, for example, if a State wants to be more liberal than a Federal law, all well and good.

Mr. WAGGONNER. Would the gentleman feel the same way if my State or any State wants to be more restrictive than his State is?

Mr. CELLER. It is up to the State. If the State wants to do it that way, I do not think we can complain about the jury system. In other words, for example, we simply say in title II that we do not want to interfere with how you select your jurors providing you do not discriminate on the grounds of race, color, creed, religion, sex, national origin, or economic status. That is the practical quintessence of title II.

Mr. DOWDY. Mr. Chairman, will the gentleman yield?

Mr. CELLER. I yield to the gentleman.

Mr. DOWDY. I realize that under the modern concept our Constitution is probably just a scrap of paper. But in this title II, may I state that I think that probably that ought to be the law about women serving on juries. Some States do not provide for this. By writing this provision into the law, we are going to overturn the State law which the gentleman just stated we would not be doing.

Back some years ago when the question of women's right to vote came up, it was considered that a constitutional amendment was necessary to provide that right for them and to overrule the State laws which prohibited women from voting.

Does the gentleman think that by a legislative act we can do that here or would not the proper procedure be a constitutional amendment—and I will support that incidentally. I have introduced a resolution that would give them that right.

Mr. CELLER. I believe the courts have already held that the statutes excluding women from jury service such as exist in Alabama, are unconstitutional, and violate the equal protection of the laws.

Mr. DOWDY. As far as women serving on the jury, some States do and some States do not permit it.

Mr. CELLER. I would say to the gentleman from Texas that much water has gone under the bridge since the equal rights amendment came up and there have been any number of decisions which could justify our action here.

Mr. WHITENER. Mr. Chairman, will the gentleman yield?

Mr. CELLER. I yield to the gentleman.

Mr. WHITENER. Mr. Chairman, I was very interested in the statement the gentleman from New York made when we were considering the resolution bringing this bill up, about his concern for the workingman and for the economically depressed portions of our population. I am sure that the eminent lawyer, the chairman of the Committee on the Judiciary, is familiar with the standard procedures in the Federal district courts that when one subpenas a witness that he must have accompanying that subpena money to cover the mileage and the per diem for the witness.

Perhaps the gentleman would tell the Members of the House why, if he is so concerned about the welfare of the poor litigant, the economically depressed litigant, that this bill has the effect of raising the per diem of a witness in the Federal court from $4 to $20 a day, the travel allowances from 8 to 10 cents a mile, and changes the subsistence rate from $8 to $16 a day. Many litigants that I have represented in the Federal courts could not possibly have gotten ready for trial if they had to subpena as many as 10 witnesses into the Federal court to testify. How can you say that we are concerned about the workingman and the laboring man and the economically depressed if we are going to raise these fees to get him into court by such outlandish amounts as those?

Mr. CELLER. I do not know that they are outlandish. I think that is a rather violent term to use in characterizing them. But I think those fees are more in line with the rising cost of living, and I think they are justified. I do not think there was any real opposition in the Judiciary Committee as to the amount of those fees. I do not think the gentleman himself raised any question then. I do not think they are outrageous. They are perfectly in line with the advanced cost of living.

Mr. WHITENER. If the gentleman will yield further to me, since he has mentioned that the point was not raised in the committee, of course it was not, and there was a great deal that we did not have an opportunity to raise, because we were trying to get through, as the Chairman advised us, before the July Fourth recess. The rather meager dissenting views I wrote I had to get up within less than 1 day in order to get them printed with the original report. I notice that the distinguished chairman himself was not satisfied, and he had to come back on July 14 and write his views in this supplemental report. So I do not think we ought to be chastised for not having had an opportunity in the committee to give full consideration.

Mr. CELLER. I think the gentleman was kicking an old horse around when he was speaking about not having time. We considered this bill for not days or hours, but months—it almost seems like decades. The gentleman had plenty of time to raise this question. Nobody urged him not to. I think ample time was given to him, and if the gentleman feels there should be changes and the changes are constructive, I would be the first man to accept those changes in the Committee of the Whole.

Mr. WHITENER. If the gentleman will yield further, I am sure he would do that if it met with his thinking.

Mr. WHITTEN. Mr. Chairman, will the gentleman yield?

Mr. CELLER. I yield to the gentleman from Mississippi.

Mr. WHITTEN. Mr. Chairman, I note that in reply to the inquiry by the gentleman from Louisiana, I believe it was stated, if I remember correctly, by the chairman, the gentleman from New York, that the State jury laws would prevail unless the Attorney General saw fit to bring an action or unless others brought an action in the courts. Is that correct?

Mr. CELLER. No——

Mr. WHITTEN. I am talking about the State courts.

Mr. CELLER. The laws of the State courts would prevail unless the court would find, after the Attorney General brings suit, that there is discrimination. The laws are not changed because the Attorney General brings a suit. The laws would be changed because the Federal court would so rule and find.

Mr. WHITTEN. May I say that the gentleman has clarified one point. So it is the intent of the committee, as expressed by the chairman, that though the Attorney General would see fit to bring the suit, the court itself would have to decide that the laws did not conform to the practices.

Mr. CELLER. That is correct.

Mr. WHITTEN. The most disturbing thing—and I hope to get time later to go into this in greater detail, for I, as many others in Congress, have served as district attorney—the thing that has disturbed me in recent years is the fact that the certainty of punishment no longer exists.

I believe that that is the big reason for the great wave of lawlessness and violence that we have had, because the courts have punished the public by releasing on a technicality defendants who are guilty and who, on a broad reading of the record, formerly would have been held by the court to be guilty. While the court would find these technical rules have been violated, but the overall evidence clearly demonstrated the guilt of the defendant, they had not reversed the case and released the defendant on the public.

The point I am making is that by failing to spell out what a jury system must consist of, we leave this for a question of determination by the courts, all the way to the Supreme Court, where we have had a continuing release of guilty defendants; that is, where the overall reading clearly demonstrates the guilt, where some technicality is brought out.

In a nutshell: Does the fact that the Attorney General has not seen fit to bring the suit, and the court, of course, has not acted on that, would that in turn mean the practice of the States would be prima facie to let some defendants stand guilty after being convicted? Does the gentleman follow me? Is the presumption that it is all right, to the point that a defendant is found guilty and will stand guilty, if the Attorney General has not brought a suit and if there is no contest about the jury system pending?

Mr. CELLER. No, a private party can bring an action also.

Mr. WHITTEN. Could the private party or any other party bring a suit?

Mr. CELLER. Today a private party can bring suit if the private party believes his rights have been violated. This bill does not change that law.

Mr. WHITTEN. May I ask the Committee, if neither the private party nor the Attorney General has brought any suit to contest the statutes of the various States, would the presumption be that the jury would have a proper form and that the defendant would stand guilty?

Mr. CELLER. I take it if no action is brought by the Attorney General and nobody brings any suit, if everybody seems to be satisfied, no question is raised.

Mr. WHITTEN. The presumption is that the system is all right and there would not be grounds for reversing or releasing convicted defendants?

Mr. ROGERS of Colorado. Mr. Chairman, will the gentleman yield at that point?

Mr. CELLER. I yield to the gentleman from Colorado.

Mr. ROGERS of Colorado. Mr. Chairman, I know that for a number of years the Supreme Court has granted writs of habeas corpus and other processes releasing individuals from penitentiaries where his constitutional rights have been taken away from him. This bill does not remove that authority in any manner whatsoever. The objective of this legislation is to see that in the first instance if we have a properly constituted jury and a conviction is brought about as the result thereof, that it will stand and not be set aside, as the Supreme Court on a number of occasions has done. In fact, there are about 35 cases where they have set aside decisions because there was not a fair selection of jurors.

The objective of this legislation is to see that the State itself goes about the selection of jurors without regard to race, color, creed, and so forth, as provided in section 201.

Now, the fact that the State court may have violated the man's right does not, by virtue of the fact that this legislation may be approved, prohibit him in the future from raising that right if he wants to.

Mr. WHITTEN. May I follow this through and say that those of us—and there are many—who feel that this practice of recent years of reading the overall record and concluding beyond a reasonable doubt that the defendant is guilty, that where there are, as the gentleman from Colorado has said, 35 cases where defendants have been released because of a finding by the court that the jury selection was not in order, there is nothing in this bill to stop the practice of releasing a guilty defendant upon the public as against taking action against those who have failed to carry out some technical provision in jury selection.

Mr. ROGERS of Colorado. At least every decision I have known of when a man has been released it has been because of the abuse of his constitutional rights. It has not been a question of whether he was guilty or not guilty. The question was whether or not his constitutional rights had been denied.

In 35 different instances, a man's constitutional rights were denied because of discriminatory jury selection. That is what we are trying to deal with, so that the jury selection in the future will be according to the Constitution and not on the basis of discrimination.

Mr. WHITTEN. I am trying to show that each time we pass a new law we raise new obstacles in respect to the public being protected from those who are guilty of serious crimes.

Mr. CELLER. I do not agree with that.

Mr. WHITTEN. In my opinion, I will qualify it by saying, in my opinion.

Mr. CELLER. I would vouchsafe this information so far as I am concerned. I believe in one or two instances the Supreme Court may have gone a bit too far in the protection of defendants, in that it failed to protect the community. I will admit that, without going into detail, because this is not the proper place to do so. I agree with the gentleman in that connection. I do not believe that has anything to do with the issue at hand here.

Mr. WHITTEN. I have one further statement and question.

From the press I have noticed that cases of course have been reversed, and defendants have been released because of a failure in connection with the selection of juries. I have seen that when certain minority groups were not represented on the jury. I recall having read in the press of other cases which have been reversed because the people very carefully saw to it that the jury had representatives of various minority groups on it.

The point I am making is this: Is there any known way for any prosecuting attorney or for any judge to give a criterion by which they can operate the courts, which is essential to the certainty of guilt, which is essential to the protection of the general public? Will this give any standard for any court to know a proper proceeding to protect the rights of the public, under this bill?

Mr. CELLER. I believe we have gone far enough with the declaration of the title, in which we speak of discrimination. I believe that is crystal clear and the courts would have no difficulty in establishing relief or injunctive restraint in that connection.

I would say the gentleman is conjuring up a lot of ghosts that will not exist. I do not believe we need to worry too much about the situation.

The gentleman has been told that we will not interfere at all with the State jury system except when there is such discrimination. That is all this will do, in a nutshell.

Mr. WHITTEN. I thank the gentleman. I hope that I may have some time affirmatively to present my own views later.

Mr. CELLER. Certainly.

Mr. Chairman, title III was added by the Judiciary Committee as an extension of the old part III of the 1957 civil rights bill, which was approved by the House but failed on a close vote in the other body.

Title III authorizes the Attorney General to initiate civil proceedings against persons who are engaging in acts or practices that deprive others of any rights, privileges, or immunities granted or secured by the Constitution or the laws of the United States on account of race, color, religion or national origin.

The title also authorizes both the Attorney General and private individuals to bring suit against interference by private persons or public officials in the lawful exercise of the rights of free speech, assembly, and petition for the purpose of securing recognition of or protection for equal enjoyment of Federal rights free from discrimination on account of race, color, religion, or national origin.

Title IV, as amended by committee, bans discrimination on the grounds of race, color, religion or national origin, in residential housing by real estate brokers, agents, salesmen and other persons "in the business of building, developing, selling, renting, or leasing dwellings."

A person is deemed to be in the business of building, developing, selling, or leasing dwellings if he has participated in three or more transactions involving the sale or rental of a dwelling or has an interest in the sale or rental of a dwelling within the preceding 12 months. Since the average homeowner does not normally engage in three real estate transactions a year, he would not be covered by the provisions of the title.

Title IV as amended by the committee exempts an owner with respect to the sale, rent, or lease of a part of a building which he occupies as his own residence providing it contains living accommodations for no more than four families living independently of one another.

In my additional views which I filed I made the following statement:

> The intent of the author of the amendment, as I understand it, is to the effect that a real estate agent or broker in representing an individual owner not covered by title IV would not be in violation of the prohibitions of section 403(a) in respecting the express instructions of his principal with respect to the conclusions of any sale or rental to any particular person or class of persons. The language of the title is not explicit on this point and should be clarified on the floor as may be desired by the Members of the House.

Title IV also prohibits discrimination on the grounds of race, color, religion, or national origin in the financing of housing. The prohibition against discrimination in such financing applies without exception to banks, savings and loan institutions, credit unions, insurance companies, and any other person who makes loans for the purchase, construction, and prudent repair and maintenance of dwellings.

Title V makes it a crime for any person by force or threat of force to injure, intimidate, or otherwise to interfere with or attempt to injure, intimidate, or interfere with any person because of race, color, religion, or national origin while he is lawfully engaged in or seeking to engage in certain specified activities. Among those protected activities are voting, enrolling or attending public school or college, participating in Federal programs, employment, housing, jury service, transportation, participation in Federal financial assistance.

Mr. BUCHANAN. Mr. Chairman, I make the point of order that a quorum is not present.

The CHAIRMAN. The Chair will count. [After counting.] Eighty-two Members are present, not a quorum. The Clerk will call the roll.

The Clerk called the roll, and the following Members failed to answer to their names.

[Roll No. 177]

Ashley
Aspinall
Baring
Barrett
Blatnik
Bow
Clark
Clevenger
Curtis
de la Garza
Dent
Edwards, La.
Ellsworth
Everett
Fallon
Farnsley
Fino
Fisher
Fogarty
Ford,
Gerald R.
Frelinghuysen
Fulton, Pa.
Gathings
Gray
Green, Oreg.
Hall
Hardy
Hébert
Henderson
Hull
Kee
Keogh
King, N.Y.
King, Utah
Kluczynski
Leggett
McCarthy
McEwen
McFall
Martin, Mass.
Martin, Nebr.
Miller
Mills
Morrison
Morse
Mosher
Moss
Olsen, Mont.
Passman
Patman
Pepper
Powell
Redlin
Reid, N.Y.
Rivers, S.C.
Rogers, Tex.
Scott
Sikes
Skubitz
Smith, Calif.
Smith, N.Y.
Staggers
Steed
Stephens
Sweeney
Toll
Trimble
Willis
Wilson, Bob
Young

Accordingly, the Committee rose; and the Speaker having resumed the chair, Mr. BOLLING, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill H.R. 14765 and finding itself without a quorum, he had directed the roll to be called when 359 Members responded to their names, a quorum, and he submitted herewith the names of the absentees to be spread upon the Journal.

The Committee resumed its sitting.

The CHAIRMAN. The gentleman from New York [Mr. CELLER].

Mr. CELLER. Mr. Chairman, continuing, for prosecutions under section 501(a) it need only be proved that the misconduct was motivated racially or by religious or ethnic considerations. A specific purpose to interfere with the activity reported need not be shown. Section 501(b) provides the same protection. Where the purpose of the accused is to discourage participation by the victim and any other person or class of persons to any of the protected activities and the violence was done because the victim has participated or sought to participate in any such activity or aided others so to participate or is engaged in speech or peaceful assembly opposing any denial of the opportunity so to participate.

Section 501(b) was drafted specifically to cover the case of the random shooting of a Negro who may have no connection with civil rights activities and which is done to create a climate of terror intended to intimidate others who may want to exercise their rights.

Title VI amends existing law to eliminate the requirement contained in titles III and IV of the Civil Rights Act of 1964, but before the Attorney General may institute a suit to desegregate a public facility or a public educational institution he must have received a written complaint and determined that the complainant is unable to bring suit because of financial inability or possibility of reprisal. It would also authorize civil proceedings by the Attorney General to enjoin interference by either private individuals or public officials with desegregation of public schools and facilities. The technicalities of the complaint are the requirement of existing laws. The fact that many Negroes are unaware that they must submit a written complaint before the Federal Government can act and the continued violence and intimidation of Negroes seeking to assert constitutional rights to a desegregated education and desegregated public facilities make this title broadening the Attorney General's power to bring suit a critical one.

Title VII was added by the committee. It would authorize the Attorney General to grant requests of local voting officials to destroy ballots and tally sheets and other materials relating to the casting and counting of ballots that had been required to be maintained by title III of the 1966 Civil Rights Act and where the Attorney General determines such destruction will not hinder, prevent, or interfere with publication of the various voting rights laws passed by Congress in recent years.

Mr. Chairman, in conclusion, we recognize that law in itself is not an end-all, nor can it be a substitute for human understanding. But the law must lead.

Mr. Chairman, we have witnessed significant progress in recent years through enactment of earlier civil rights statutes. The progress in voting, education, public accommodations and even in employment—but these are only plateaus in the ascent. The summit has not been reached.

Mr. Chairman, we must not falter now—we must not allow violence or intimidation to deter the realization of the promises we have made.

We must assure that the hopes we have raised are fulfilled.

Mr. Chairman, when we are back in the House I shall secure permission to insert in the RECORD at this point a more detailed description of the bill, and a memorandum prepared, at my request, by the Department of Justice, which outlines the constitutionality of the various titles of H.R. 14765, the Civil Rights Act of 1966.

DESCRIPTION OF BILL

Mr. Chairman, title I of the bill provides uniform specific procedures for the selection of jurors in the Federal courts. The procedures are designed to assure that Federal jurors are chosen from a broad cross section of the community. Thus, section 1861 declares it to be the policy of the United States that all qualified persons shall have the opportunity to serve as jurors and the obligation to serve when summoned for jury service. Title I prohibits the exclusion of any person from Federal jury service on account of race, color, religion, sex, national origin, or economic status. It creates substantive rights in, first, qualified citizens of the judicial district, to be considered for jury service without discrimination on any of the grounds stated; second, accused persons in criminal cases, to be indicted and tried by grand and petit juries selected in conformity with this section, and third, parties in civil cases, to go to trial before a jury selected in conformity with this title.

Section 1864 of title I prescribes that the jury commission is required to maintain a master jury wheel which is to contain names of jurors selected at random from the official voter registration lists of persons residing in the district or division. The voter rolls are to be the exclusive source of names of prospective jurors, unless supplementary sources of names are prescribed by the judicial council of the circuit upon a determination that the use of the voter rolls alone in a particular district or division might have the result of excluding from jury service any class of persons on the grounds of race, color, religion, sex, national origin, or economic status.

Section 1864(a) requires that names to be placed in the master jury wheel be taken at random from the voter rolls—or other sources prescribed by the judicial council. The procedures for the random selection are to be set down by rule by the chief judge of the district. Although the rules of court governing random selection procedures could vary from district to district, perhaps the simplest procedure would be to take every hundredth—or other appropriate—name from the voter list, thereby automatically insuring compliance with the randomness requirement and with section 1864(b).

Under the definition of "division" contained in section 1870(c) a separate master wheel may be set up for each division of a district, or, if the district is not subdivided into divisions, for each place of holding court, as set forth in the judicial code, where court is actually held. Thus, title I makes allowance for places where unduly long distances would have to be traveled to court if only one master wheel were used in a district where the court sits in more than one place.

Section 1865 prescribes the methods to be followed in drawing names from the master wheel, summoning prospective jurors, and testing their qualifications. Most importantly, the juror qualification form would provide all of the information necessary to determine whether a person is able to meet the English-literacy qualification, and that determination is to be made solely on the basis of the form. Only where objective evidence not shown on the juror qualification form indicates that a person does not possess the qualifications relating to age, citizenship, residence, mental or physical infirmity, and criminal convictions will the court or the jury commission be authorized to go behind the form. In short, title I outlaws the apparent practice in some districts of imposing higher and subjective standards in order to obtain so-called blue-ribbon juries.

The committee added a provision to the title to make it possible to mail the qualification form to the prospective juror, who is to fill it out and mail it back, in division where long distances might have to be traveled to the courthouse by persons whose qualifications for jury service are to be tested. Thus, a personal appearance would not always be required for testing qualifications.

Section 1867 establishes a means for challenging compliance with the technical selection procedures prescribed by title I. The challenging party may present testimony of the jury commission together with other available evidence in support of his contention that there has been a failure to comply with section 1864, 1865, or 1866 of the title. If the challenger adduces enough evidence to lead a reasonable man to conclude that further investigation is necessary before the claim of noncompliance can be disposed of, the challenger is given access to otherwise confidential jury records. The challenge would be sustained upon proof of a significant departure from the procedure, set forth in sections 1864, 1865, or 1866 and in that event in a criminal case, the court would be required to dismiss the indictment or stay the proceedings pending the selection of a petit jury in conformity with title I. The Attorney General, and litigants in civil cases would be authorized to utilize a similar challenge procedure.

Section 1868 governs the maintenance and inspection of records and papers compiled and maintained by the jury commission in the performance of its duties, and will remedy one of the defects of existing law where litigants seeking to challenge the operation of the jury system have been faced with records inadequate to substantiate their claims.

Section 1869 of title I prohibits the exclusion, excuse, or exemption of entire classes of persons on hardship or other grounds, except as provided in section 1872. Under present law entire classes of persons such as wage earners, apparently may be so exempted or excluded. By requiring a finding of unusually severe hardship, section 1869 would restrict excuses to instances of particularized hardship not shared generally with many others called for jury service.

TITLE II

Title II concerns the State jury problem and prohibits discrimination in jury selection procedures in all State courts on account of race, color, religion, sex, national origin, or economic status, in terms identical to the comparable provision of title I. But since title II permits State jury officials to continue to follow such valid selection practices as they now use, the scope of the ban in discrimination on account of sex or economic status would not be identical to that resulting from use of the prescribed selection system under title I.

Title II would override two types of State laws regulating jury service by women. First, those in Alabama, Mississippi, and South Carolina, which totally exclude women from juries. Second, those in Florida, Louisiana, and New Hampshire which include women unless they affirmatively volunteer for jury service by taking steps—not required of men—to sign up for jury service. But State laws allow women to claim exemption from jury service either absolutely or depending upon family responsibilities would not be nullified.

Similarly, the ban on economic discrimination in title II would not outlaw every State procedure which might have some incidental economic impact. State laws imposing direct economic qualifications for jury service, such as New York's $250 property qualification, would be nullified by title II. State laws prescribing the tax lists as the exclusive source of names of jurors would also be nullified unless the tax base is so broad as to include practically every adult in the community.

Aside from the substantive rights secured, title II has two other principal features. Section 202 authorizes the Attorney General to institute civil actions for preventive relief whenever he has reasonable ground to believe that State jury officials have engaged or are about to engage in any act or practice which would deny or abridge any right secured by section 201. If the court finds that a section 201 right has been violated it is authorized to grant relief, to be effective for such period of time as may be appropriate. The bill specifies a number of types of equitable remedies, which, among others, the court could grant.

First, any qualification for jury service, or any basis for excuse, exemption or exclusion from jury service violative of section 201 or unduly discretionary may be barred. For example, if the court found that Negroes had in the past been systematically excluded from service by maladministration of a keyman system or by simply not summoning Negroes whose names were drawn from a wheel or similar device, the court could enjoin not only those practices but also suspend the use of subjective qualifications like "good character" or "intelligence" which are likely to be abused, even though they theretofore had not been abused. Our experience in voting shows that where an inclination to discriminate has been proved the courts should be zealous to remove the temptation to discriminate by new and as yet untried means. The "good character" tests are the most easily perverted to this end. Second, concomitantly with the prohibition on subjective criteria, the court could require the use of objective criteria in determining qualifications, exemptions, exclusions, or excuses. Third, the court could require the future maintenance of detailed records—including records containing race identification and other relevant data concerning persons considered and selected for jury service—over and above any recordkeeping requirements prescribed by State law. Fourth, if necessary, the court could appoint a master to perform the duties of the jury officials.

Section 203 makes it clear that courts should not hesitate to grant full and effective relief where warranted by the facts. The section makes it equally clear that the courts are to grant any other relief that may be necessary or appropriate.

The third principal feature of title II is its disclosure provision contained in section 204. The disclosure mechanism is activated when it is asserted that the discrimination is being or has been practiced in violation of the rights granted by section 201. Upon the filing of such a claim, the appropriate State or local officials are required to file a sworn statement providing a detailed and comprehensive description of every step in the process of selecting jurors in the State court in which discrimination is alleged to have occurred. The statement would include the sources of names of prospective jurors, the criteria used in determining qualifications for jury service, and the methods used in summoning jurors and assigning them to jury panels. The statement constitutes evidence on the question whether discrimination has occurred, and, in addition, the complaining party has the right to cross-examine the jury officials and any other persons, such as court officials or employees, having knowledge of the relevant facts. The complaining party can also adduce other evidence in support of his claim. At that point, if the court determines that enough evidence of discrimination has been shown to lead a reasonable person to believe that the claim should not be disposed of without further inquiry—a slight burden for the complainant to meet—the complaining party is given access to any relevant records and papers used by the jury officials in the performance of their duties which are not public or otherwise available. If the records and other evidence do not permit a definite finding to be made one way or another but there is probable cause to believe discrimination has occurred, the State or local officials must produce further evidence to rebut the claim or the court would enter the appropriate order in favor of the complainant.

This challenge procedure which I have described may be used by the Attorney General in a suit under this title, private litigants residing in the area who seek to enforce the prohibition against discrimination in injunctive proceedings, or a defendant in a criminal case or convicted person attacking collaterally a criminal conviction.

TITLE III

Title III was added by the Judiciary Committee. It is an extension of old part III of the 1957 civil rights bill, which was approved by the House, but failed on a close vote in the other body. Title III authorizes the Attorney General to initiate civil proceedings against persons who are engaging in acts or practices that deprive others of any rights, privileges, or immunities granted or secured by the Constitution of laws of the United States on account of race, color, religion, or national origin. The title also authorizes both the Attorney General and private individuals to bring suit against interference by private persons or public officials with the lawful exercise or rights of speech, assembly, and petition for the purpose of securing recognition of or protection for equal enjoyment of Federal rights free from discrimination on account of race, color, religion, or national origin.

TITLE IV

Title IV, as amended by the committee, bans discrimination on grounds of race, color, religion or national origin in residential housing by real estate brokers, agents, salesmen, and other persons in the "business of building, developing, selling, renting or leasing dwellings." A person is deemed to be in the business of building, developing, selling or leasing dwellings if he has participated in three or more transactions involving the sale or rental of a dwelling or an interest in a dwelling within the preceding 12 months. Since the average homeowner does not normally engage in three real estate transactions a year, he would not be covered by the provisions of the title.

Title IV, as amended by the committee, exempts an owner with respect to the sale, rent or lease of a part of a building which he occupies as his own residence, provided that it contains living accommodations for no more than four families living independently of one another.

In my additional views which I filed I made the following statement:

> The intent of the author of the amendment, as I understand it, is to the effect that a real estate agent or broker, in representing an individual owner not covered by title IV, would not be in violation of the prohibitions of section 403(a) in respecting the express instructions of his principal with respect to the conclusion of any sale or rental to any particular person or class of persons. The language of the title is not explicit on this point and should be clarified on the floor, as may be desired by the Members of the House.

Section 403(c) exempts religious or denominational institutions and bona fide private or fraternal organizations so as to permit them to give preference to persons of the same religion or denomination, or in the case of private or fraternal organizations, to their own members, or to make such selections as are reasonably calculated to promote the principles for which they are established or maintained.

Title IV also prohibits discrimination on grounds of race, color, religion and national origin in the financing of housing. The prohibition against discrimination in such financing applies without exception, to banks, savings and loan institutions, credit unions, insurance companies and any other person who makes loans for the purchase, construction, improvement, repair or maintenance of dwellings.

The title also forbids any person in the exercise or enjoyment of the rights granted by the title, or because he has exercised or enjoyed, or aided or encouraged others in the exercise or enjoyment of, such rights. It would authorize civil actions for injunctive relief against individuals or mobs seeking to prevent a minority group family from moving into a home, for example, or any other type of coercion or interference with the exercising of rights under this title.

Rights granted by the title are enforcible in both State and Federal courts. An individual who is discriminated against in violation of the title may bring a civil action for injunctive relief and for such damages as he can actually prove. If the defendant has received or agreed to receive compensation for services during the course of which the violation occurred, and if the plaintiff requests such relief, the court may, as an alternative, award as liquidated damages an amount not exceeding such compensation. A Federal court could waive the payment of fees, costs or security and appoint attorneys to represent either or both parties, as could State and local courts, if permitted to do so by local law and practice. Private actions under the title—but not suits by the Attorney General—would be subject to a 6-month statute of limitations.

Where there is a State or local fair housing law which also bars the discrimination complained of under title IV, the court is authorized to stay its own proceedings in any private suit under the title pending referral to a State or local agency which has authority to grant relief to the plaintiff. The court can initially grant a 30-day stay by issuing an order protecting the rights of the parties before it. The stay may be appropriately extended once local proceedings have begun. These provisions are designed to permit Federal and other courts to avoid unnecessary proceedings where experience has shown that State or local housing agencies are capable of doing an effective job.

The Attorney General is authorized to enforce the title when he has reasonable cause to believe that there is a "pattern or practice" of discrimination in housing. He is permitted to intervene in a private action in Federal court if he certifies that it is a case of general public importance.

Title IV, as amended by the House Judiciary Committee, also establishes procedures for administrative enforcement. Section 408 establishes a Fair Housing Board of five members, to be appointed by the President. The procedures prescribed by the section are modeled on those applicable to the National Labor Relations Board. Under title IV, however, investigative functions are assigned to the Secretary of Housing and Urban Development and adjudicative reasonability is given to the Fair Housing Board, which will be independent of the Secretary. The Secretary is authorized to investigate possible violations of the title on the basis of information available to him indicating that a violation may have occurred or on the basis of a written complaint from a person claiming to have been aggrieved by a violation. Upon determining the existence of a probable violation, the Secretary will present the case at a hearing before the Board; if it finds that there has been discrimination prohibited by the title, it can enter a cease and desist order which would be subject to enforcement and review as are NLRB orders.

Finally, the Secretary of Housing and Urban Development is also directed to make and publish reports on discrimination in housing, to cooperate with and render technical assistance to appropriate private or public agencies, and to operate his Department's relevant programs in such a way as to further the policies of the title.

TITLE V

Title V makes it a crime for any person by force or threat of force to injure, intimidate or otherwise interfere with, or to attempt to injure, intimidate or interfere with any person because of his race, color, religion, or national origin while he is lawfully engaging in or seeking to engage in certain specified activities. Among those protected activities are voting, enrolling in or attending public schools or colleges, participating in Federal programs, employment, housing, jury service, transportation, participating in Federal financial assistance, and obtaining service in any place of public accommodations. In prosecutions under section 501(a), it need only be proved that the misconduct was motivated racially or by religious or ethnic considerations—a specific purpose to interfere with the activity involved need not be shown.

Section 501(b) provides the same protection where the purpose of the accused is to discourage participation by the victim or any other person or class of persons in any of the protected activities, or the violence was done because the victim has participated or sought to participate in any such activity, or has urged or aided others to so participate, or has engaged in speech or peaceful assembly opposing any denial of the opportunity to so participate. Section 501(b)(1) was drafted specifically to cover the case of the random shooting of a Negro, which may have no connection to civil rights activities, and which is done to create a climate of terror intended to intimidate others who may want to exercise their rights.

Section 501(c) protects persons with legal obligations not to discriminate with respect to the protected activities—such as public school officials, restaurant owners, and employers—by prohibiting the same conduct barred by section 501(a) where the purpose is to discourage such official or person from affording equal treatment to those participating or seeking to participate in any of the protected activities or as a reprisal for having afforded other persons such equal treatment.

The penalties for violations of sections 501 (a), (b), or (c) are graduated depending upon whether actual physical injury or death results. The penalties for violating sections 241 and 242 of the existing laws are also increased.

Since title V sets forth very specifically the kinds of conduct to which criminal liability attaches there would be no need for proof of "specific intent" as required under sections 241 and 242 by the decision in *Screws* v. *United States,* 325 U.S. 91 (1945).

TITLE VI

Title VI—which was title III of the bill as introduced—amends existing law to eliminate the requirement contained in titles III and IV of the Civil Rights Act of 1964 that before the Attorney General may institute a suit to desegregate a public facility or a public educational institution, he must have received a written complaint and determined that the complainant is unable to bring suit because of financial inability or the possibility of reprisal. It would also authorize civil proceedings by the Attorney General to enjoin interference by either private individuals or public officials with desegregation of public schools and facilities.

The technicalities of the complaint requirement of existing law; the fact that many Negroes are unaware that they must submit a written complaint before the Federal Government can act; and the continued violence and intimidation of Negroes seeking to assert their constitutional rights to a desegregated education and desegregated public facilities, makes this title, broadening the Attorney General's power to bring suit, a critical one.

As amended by the committee, the title would prohibit the Attorney General from instituting suits to overcome "racial imbalance" in public schools. It should be clearly understood that this is not intended to prevent suits by the Attorney General against unconstitutional racial discrimination in schools, whether such discrimination is directed against pupils directly or indirectly by such means as perpetuating faculty desegregation.

TITLE VII

Title VII was added by the committee. It would authorize the Attorney General to grant requests from local voting officials to destroy ballots, tally sheets, and other materials relating to the casting and counting of ballots required to be maintained by title III of the 1960 Civil Rights Act, where the Attorney General determines that such destruction will not hinder, prevent, or interfere with the accomplishment of the purposes of the various voting rights laws passed by Congress in recent years.

TITLE VIII

Title VIII contains the usual provision authorizing necessary appropriations and a separability clause.

The memorandum referred to follows:

CONSTITUTIONALITY OF THE PROPOSED CIVIL RIGHTS ACT OF 1966 (H.R. 14765)

TITLE I—FEDERAL JURIES

Title I of H.R. 14765 prescribes a detailed system of jury selection for the federal courts, designed to ensure that all persons are considered for federal jury service without discrimination on account of race, color, religion, sex, national origin or economic status. The provisions are fully authorized by Article I, Section 8, Clauses 9 and 18 of the Constitution, which authorize the Congress to "constitute Tribunals inferior to the Supreme Court" and to "make all laws which shall be necessary and proper for carrying into Execution the foregoing Powers . . . ." See, also, Art. III, Sec. 1, which vests the judicial power of the United States in the Supreme Court and "such inferior courts as the Congress may from time to time ordain and establish."

That the power to establish courts includes authority to regulate the practice in federal court proceedings, said Chief Justice Marshall, "seems to be one of those plain propositions which reasoning cannot render plainer." *Wyman* v. *Southard,* 10 Wheat 1, 22. The power of Congress "embraces the whole progress of [the] suit, and every transaction in it, from its commencement to its termination . . . ." *Beers* v. *Haughton,* 9 Pet. 329, 360. See, also, *Hanna* v. *Plumer,* 380 U.S. 460, 472; *Sibbach* v. *Wilson,* 312 U.S. 1. Jury selection is obviously an aspect of that regulation. Thus, when Congress in the Civil Rights Act of 1957 eliminated State jury qualifications as prerequisites to federal jury service, the statute was upheld against constitutional attack. *United States* v. *Wilson,* 158 F. Supp. 442 (M.D. Ala.), *affirmed,* 255 F. 2d 686 (C.A. 5) certiorari denied, 358 U.S. 865.

The proposed legislation is consistent with the constitutional requirement of trial by an "impartial" jury. U.S. Const., Amend VI; see, also, Art. III, Sec. 2, cl. 3, and Amend VII. As the Supreme Court said in *Thiel* v. *Southern Pacific Railway,* 328 U.S. 217, 220:

"The American tradition of trial by jury, considered in connection with either criminal or civil proceedings, necessarily contemplates an impartial jury drawn from a cross-section of the community. *Smith* v. *Texas,* 311 U.S. 128, 130; *Glasser* v. *United States,* 315 U.S. 60, 85. This does not mean, of course, that every jury must contain representatives of all economic, social, religious, racial, political and geographical groups of the community; frequently such complete representation would be impossible. But it does mean that prospective jurors shall be selected by court officials without systematic and intentional exclusion of any of these groups . . . distinctions and discriminations which are abhorrent to the democratic ideals of trial by jury."

See, also, *Ballard* v. *United States*, 329 U.S. 187; *Glasser* v. *United States*, 315 U.S. 60. Since the object of Title I is legitimate and the means chosen are plainly adapted to achieving that object, Title I is constitutional. *McCulloch* v. *Maryland*, 4 Wheat 316; *Katzenbach* v. *McClung*, 379 U.S. 294.

TITLE II—STATE JURIES

Title II, the State jury title, contains four basic provisions. *First*, it prohibits the exclusion from jury service in any State or local court of any person on account of race, color, religion, sex, national origin, or economic status. *Second*, it authorizes the Attorney General to seek injunctive relief where he has reasonable cause to believe that this prohibition on discriminatory exclusion has been violated. *Third*, it expressly confirms the authority of the federal district court, if it finds that prohibited discrimination in jury selection has occurred, to bar use of offending procedures, substituting objective criteria, and, where necessary, to appoint a master to perform the duties of the local jury commissioners. *Fourth*, it requires that State jury officials preserve for four years such records as they ordinarily prepare in the course of their duties, and (as described in more detail *infra*) requires them, in any court proceeding where jury discrimination is put in issue, to disclose such records and other information as may be necessary to determine whether there has been discrimination. The constitutional basis for Title II is Section 5 of the Fourteenth Amendment, under which Congress is empowered to enact all "appropriate legislation" to enforce the Amendment.

1. The right of a defendant in a criminal case to be tried by a State jury from which no class of persons has been excluded on account of race, color or national origin, is of long standing. 18 U.S.C. 243; *Strauder* v. *West Virginia*, 100 U.S. 303; *Ex Parte Virginia*, 100 U.S. 339; *Arnold* v. *North Carolina*, 376 U.S. 773; *Hernandez* v. *Texas*, 347 U.S. 475. More recently it has been held that the exclusion of women or persons of a particular religion as a class from jury service violates the Fourteenth Amendment. *White* v. *Crook*, 251 F. Supp. 401 (M.D. Ala.); *Schowgurow* v. *Maryland*, 213 A. 2d 475.

While no decision has directly invalidated the practice of excluding persons from jury service in State courts on account of economic status, recent Supreme Court decisions indicate that such a procedure would offend the Equal Protection Clause of the Fourteenth Amendment. As the Court said recently in striking down the Virginia poll tax as working an impermissible economic discrimination (*Harper* v. *Virginia State Board of Elections*, 86 S. Ct. 1079, 1082): "Lines drawn on the basis of wealth or property, like those of race . . . are traditionally disfavored. See, also, *Griffin* v. *Illinois*, 351 U.S. 12 (free transcripts for indigents); *Gideon* v. *Wainwright*, 372 U.S. 335 (appointed counsel for those financially unable to retain and pay counsel); *Douglas* v. *California*, 372 U.S. 353 (appointed counsel on appeal). Since economic status is no more germane to the ability to cast an intelligent vote in the jury box than it is to the ability to cast an intelligent vote in the ballot box, it would seem to follow that no State may erect an economic barrier to jury service.

Moreover, even if the Equal Protection Clause of its own force does not outlaw economic discrimination in jury selection, it is clear Congress may do so under its power to implement the guarantees of the Fourteenth Amendment. See *Katzenbach* v. *Morgan*, 383 U.S. 903. Indeed, the Supreme Court not only approved such legislative initiative when Congress gave content to the general language of the Equal Protection Clause by banning racial discrimination in State juries (*Ex Parte Virginia*, 100 U.S. 339, 345–346), but also indicated that it would be largely guided by the judgment of Congress with respect to the exclusion of economic classes from jury service. See *Fay* v. *New York*, 332 U.S. 261, 282–284, 293. See, also, *Harper* v. *Virginia State Board of Elections*, *supra*, at 1083 and 1089 (opinions of Black, J., and Stewart and Harlan, JJ.).

2. With respect to the authority granted the Attorney General to sue for injunctive relief where he believes jury discrimination has occurred, it need only be noted that Congress granted similar authority to the Attorney General in 1957, 1964, and 1965 in the areas of voting, public accommodations, schools, and public facilities, and that the comparable provision of the 1957 Civil Rights Act was sustained in *United States* v. *Raines*, 362 U.S. 17. The Supreme Court there said (*id.* at 27):

"There is the highest public interest in due observance of all constitutional guarantees * * * and we think it perfectly competent for Congress to authorize the United States to be the guardian of that public interest in a suit for injunctive relief."

3. The remedial provisions of the Title are wholly appropriate. Even without legislation, a court of equity would be authorized to suspend procedures which invite violations of a constitutional right and to require the keeping of the necessary records to police its decree. See *Louisiana* v. *United States*, 380 U.S. 145. So, also, the court may require use of objective procedures. Such remedial action has become a commonplace in the area of school desegregation, legislative reapportionment and voting. Certainly Congress may confirm this authority, as well as recognize the court's traditional power to appoint a master to undertake such specified duties in connection with jury selection as may be necessary to assure compliance with the court's orders. The Supreme Court has settled this beyond debate. See *South Carolina* v. *Katzenbach*, 383 U.S. 301. See, also, *White* v. *Crook*, 251 F. Supp. 401 (M.D. Ala.).

4. The requirement that the State preserve its jury records for four years is patterned after the requirement that State voting officials preserve voting records. See 42 U.S.C. 1974. The voting statute has been sustained. See *Kennedy* v. *Owen*, 321 F. 2d 116 (C.A. 5); see also, *Kennedy* v. *Lewis*, 325 F. 2d 210 (C.A. 5); *Kennedy* v. *Lynd*, 306 F. 2d 222 (C.A. 5), certiorari denied, 371 U.S. 952.

Section 204 of Title II requires disclosure of those records, and of certain other information, under some circumstances. When a claim of jury discrimination is made—whether at the trial or in injunctive or collateral proceedings in State or federal court[1]—the State jury officials must file a written statement describing in detail how their jury selection system operates. Then, if there is evidence of discrimination indicating that the claim should not be disposed of without further inquiry, they must disclose their records to the complainant and, if there is probable cause to believe discrimination has occurred but the records are not sufficient to permit a definite decision, the burden is on jury officials to produce additional evidence that there has been no discrimination.

These provisions are designed to remove a major obstacle to effective enforcement of the requirement of non-discrimination in jury selection—the inability of complainants to ascertain how jury selection actually operated, due largely to the inaccessibility of official jury records. See, *e.g.*, *Scott* v. *Walker*, No. 20814 (C.A. 5); *United States ex rel Seals* v. *Wiman*, 304 F. 2d 53 (C.A. 5); *State* v. *Lowry*, 263 N.C. 536, 139 S.E. 2d 870. The proposed procedure would permit the court which considers a jury exclusion claim to base its decision on a complete record of the questioned events.

The imposition of federal requirements on State court proceedings is sufficiently familiar. Even without Congressional legislation, the Due Process and Equal Protection clauses of the Fourteenth Amendment control many aspects of local procedure. Thus, State courts must respect the privilege against self-discrimination (*Malloy* v. *Hogan*, 378 U.S. 1) and may not permit the State prosecutor to comment on the failure of a defendant in a criminal case to take the stand in his own defense. *Griffin* v. *California*, 380 U.S. 609. They must appoint counsel for any defendant charged with a serious crime, at the trial level (*Gideon* v. *Wainwright*, 372 U.S. 335), and on appeal (*Douglas* v. *California*, 372 U.S. 353). They must furnish a free transcript to those who cannot afford to pay for it. *Griffin* v. *Illinois*, 351 U.S. 12. They may not apply rules creating presumptions which impinge upon Thirteenth or Fourteenth Amendment rights. *Oyama* v. *California*, 332 U.S. 633; *Bailey* v. *Alabama*, 219 U.S. 212. They may not frustrate the assertion of federal claims through procedural traps, whether arbitrary (*Wright* v. *Georgia*, 373 U.S. 284, 289–291) or discriminatory (*NAACP* v. *Alabama*, 357 U.S. 449; see *Davis* v. *Wechsler*, 263 U.S. 22, 24), or defeat a federal claim "under the name of local practice" by applying unduly strict rules of pleading even when those rules are nondiscriminatory and applicable to State law claims. *Brown* v. *Western Ry.*, 338 U.S. 294, 299. Nor may they apply doctrines of waiver which do not recognize the fundamental nature of federal constitutional rights. *Henry* v. *Mississippi*, 379 U.S. 443; cf. *Fay* v. *Noia*, 372 U.S. 391. And, finally, State judges are now required to pass on the voluntariness of a confession before submitting the issue to the jury. *Jackson* v. *Denno*, 378 U.S. 368.

Indeed, the Fourteenth Amendment itself affects State procedure with respect to jury discrimination claims. It shifts the burden of proof to the State when in a State court proceeding a complainant makes out a *prima facie* case of jury exclusion. *Patton* v. *Mississippi*, 332 U.S. 463; *Reece* v. *Georgia*, 350 U.S. 85, 88; *Hernandez* v. *Texas*, 347 U.S. 475; *United States ex rel. Seals* v. *Wiman*, 304 F. 2d 53 (C.A. 5). This rule often requires the State to come forward with additional evidence. Basically, Section 204 is simply a refinement of this existing obligation.

It is wholly appropriate for Congress to implement the Equal Protection Clause in this area through procedural and remedial regulations. It would of course be possible to provide for removal of all cases in which a federal constitutional claim of jury discrimination is asserted by the defendant. See *Strauder* v. *West Virginia*, 100 U.S. 303; *Tennessee* v. *Davis*, 100 U.. 257. But the lesser remedy—less offensive to State prerogatives—is simply to provide for a fair hearing of the claim in State courts. Thus, the very first Civil Rights Act, in 1866 expressly required State courts to recognize the right of the new freedom "to sue, be parties [and] give evidence," and forbade the imposition of disparate "pains and penalties." 14 Stat. 27, now 42 U.S.C. 1981. And, as already noted, jury discrimination, in particular, is a proper subject for legislation. See *Ex Parte Virginia*, 100 U.S. 339, 345; *Fay* v. *New York*, 332 U.S. 261, 282–284. The proposed rules—appropriate as they are to implementing constitutional guarantees—are well within permissible boundaries. Cf. *South Carolina* v. *Katzenbach,* 383 U.S. 301, 325–328; *Katzenbach* v. *Morgan,*—U.S.—.

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[1] For the reasons given in discussing Title I of the bill, there is no constitutional inhibition to regulation of the procedure for hearing the claim in a federal court. The present discussion relates only to claims of State jury discrimination when litigated in the State courts.

TITLE III—PUBLIC SCHOOLS AND PUBLIC FACILITIES (TITLE VI OF THE BILL REPORTED BY THE HOUSE JUDICIARY COMMITTEE)

Present law (Titles III and IV of Civil Rights Act of 1964) permits the Attorney General to sue to desegregate schools or public facilities only if he has received a written complaint and determined that the complainant is unable to sue on his own behalf. Title III of the pending bill would eliminate these restrictions on the Attorney General's power to sue. This change presents no constitutional question; the 1957 Civil Rights Act granted the Attorney General the same power to sue in the voting field as the bill would grant him with respect to schools and facilities, and its constitutionality was sustained in *United States* v. *Raines,* 362 U.S. 17. (For the same reason, no constitutional objection can be made to Title III of the bill reported by the House Judiciary Committee, which authorizes the Attorney General or an aggrieved person to bring suit to redress deprivations of any right under the Constitution or laws of the United States on account of race, color, religion or national origin, and to bring similar actions against State officals who deny or burden another in the exercise of a lawful right to speak, assemble, or petition for the purpose of receiving equal treatment.)

The additional authority granted the Attorney General by Title III to seek to enjoin any person who interferes (whether by force or more subtle forms of coercion) with a right to attend schools or facilities on a desegregated basis parallels similar authority granted in the Civil Rights Acts of 1957, 1964, and 1965 with respect to interference with public accommodations and voting. This authority has been frequently invoked and upheld. See *United States* v. *Wood,* 295 F. 2d 772 (C.A. 5), certiorari denied, 369 U.S. 850; *United States* v. *Bruce,* 353 F. 2d 474 (C.A. 5); *United States* v. *Beatty,* 288 F. 2d 653 (C.A. 6); *United States* v. *Clark,* 249 F. Supp. 720 (S.D. Ala.); *United States* v. *Original Knights of the Ku Klux Klan,* 250 F. Supp. 330 (E.D. La.). Insofar as Section 302 authorizes suits against private persons who interfere with these rights which are based upon Fourteenth Amendment, its constitutionality is established by *United States* v. *Guest,* ——S. Ct. ——, (34 U.S. L. Week 4323) more fully discussed later in this memorandum. (So, too, that part of Title III of the bill reported by the House Committee, authorizing suit against private or official interference with First Amendment right exercised to achieve equality, is constitutionally sound.)

TITLE IV—HOUSING

Title IV of the proposed Civil Rights Act of 1966 would prohibit discrimination on account of race, color, religion or national origin with respect to the sale, rental or financing of residential housing.

There can be no serious claim that the proposed legislation unduly impinges on "liberty of contract" or constitutes an unconstitutional deprivation of property without "due process of law" or a taking of private property without just compensation. Some aspects of the question have been settled at least since the restrictive covenant cases. See *Shelley* v. *Kraemer,* 334 U.S. 1, 22; *Hurd* v. *Hodge,* 334 U.S. 24, 30–36; *Barrows* v. *Jackson,* 346 U.S. 249, 260. Since then State and local laws barring discrimination in the sale and rental of housing have become a commonplace. See U.S. Commission on Civil Rights, *Freedom to the Free* (1963), p. 144.[2] If any doubt remained it was settled by *Atlanta Motel* v. *United States,* 379 U.S. 241, 259–261, sustaining the public accommodation title of the Civil Rights Act of 1964. It is now beyond debate that forbidding discrimination on account of race, religion, or national origin in commercial transactions does not unconstitutionally invade private rights.

The remaining question is simply one of federal *versus* State power to deal with the problem. There are two independent constitutional bases supporting the power of Congress to enact this legislation: the Commerce Clause (Art. I, Sec. 8, cl. 3) and the Enforcement Clause of the Fourteenth Amendment (Sec. 5).

A. The commerce clause

The power of Congress over interstate commerce and activities affecting interstate commerce is broad and plenary. It does not matter whether the motivation is solely to promote commerce. What was said in upholding the public accommodation law of 1964 is applicable here: "That Congress was legislating against moral wrongs in many of these areas rendered its enactments no less valid." *Atlanta Motel* v. *United States,* 379 U.S. 241, 257. Congress has frequently exercised its powers over interstate commerce to protect the public health, safety and morals, to protect various groups in society from exploitation or unjust treatment, and to prohibit or regulate practices deemed injurious to the public welfare.[3]

Nor is the power of Congress under the Commerce Clause restricted to goods or persons actually in transit. "The congressional authority to protect interstate commerce from burdens and obstructions," the Supreme Court said in *Labor Board* v. *Jones and Laughlin Steel Corp.,* 301 U.S. 1, 36–37, "is not limited to transactions deemed to be an essential part of a 'flow' of interstate or foreign commerce. The fundamental principle is that the power to regulate commerce is the power to enact 'all appropriate legislation' for 'its protection and advancement' . . . to adopt measures 'to promote its growth and ensure its safety' . . . 'to foster, protect, control and restrain.'" "Nor are the cases holding that interstate commerce ends when goods come to rest in the State of destination apposite here. That line of cases has been applied with reference to state taxation or regulation but not in the field of federal regulation." *Katzenbach* v. *McClung,* 379 U.S. 294, 302.

The reach of the Commerce Clause is not exceeded merely because the particular activity regulated is local or is quantitatively unimportant. It is enough if it measurably affects interstate commerce. Thus, in *Wickard* v. *Filburn,* 317 U.S. 111, 125, the Agricultural Adjustment Act of 1938 was applied to a farmer who sowed only 23 acres of wheat and whose individual effect on interstate commerce amounted only to the pressure of 239 bushels of wheat upon the total national market. In *Mabee* v. *White Plains Publishing Co.,* 327 U.S. 178, the Fair Labor Standards Act was applied to a newspaper whose circulation was about 9,000 copies and which mailed only 45 copies—about one-half of one percent of its business—out of State. See, also, *Labor Board* v. *Fainblatt,* 306 U.S. 601, 607; *United States* v. *Darby,* 312 U.S. 100, 123. In *United States* v. *Sullivan,* 332 U.S. 689, the Supreme Court held that Congress has power to forbid a small retail druggist from selling drugs without the form of label required by the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 301 *et seq.*), even though the drugs were imported in properly labeled bottles from which they were not removed until they reached the local drugstore and even though the drugs in question had reached the State nine months before being resold. And, most recently, the Court sustained under the Commerce Clause the application of the federal public accommodations law to a small restaurant importing less than $70,000 of food from out-of-State.[4] *Katzenbach* v. *McClung*, 379 U.S. 294.

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[2] The only recent decision invalidating fair housing legislation is *O'Meara* v. *Washington State Board Against Discrimination,* 58 Wash. 2d 793, 365 P. 2d 1, in which the Washington State Supreme Court divided 5 to 4. Three of the five judges comprising the state court majority rested their decision on the view that the statutory distinction between publicly-assisted housing and other housing was not supportable under the federal and State constitutions, and the other two rested their decision solely on the state constitution. The Supreme Court of the United States evidently declined to review the judgment on certiorari because it was viewed as resting independently on the State Constitution. See 369 U.S. 839. The view of the United States Supreme Court is revealed in its dismissal "for want of a substantial federal question" of the appeal from the decision of the Supreme Court of New Jersey rejecting a similar argument. See *Levitt & Sons* v. *Division Against Discrimination,* 31 N.J. 514, 158 A. 2d 177, appeal dismissed, 363 U.S. 418. Unlike a denial of certiorari, dismissal of an appeal by the Supreme Court of the United States for want of a substantial federal question is a ruling on the merits. Thus, the view of the federal constitution reflected by part of the O'Meara majority is inconsistent with the Supreme Court's disposition of *Levitt.* And in any event, that view is inapplicable to Title IV, which makes no distinction between publicly-assisted housing and other housing.

Other State courts have uniformly upheld fair housing laws against various federal and state constitutional attacks. See *Massachusetts Commission* v. *Colangelo,* 182 N.E. 2d 595; *Burks* v. *Poppy Const. Co.,* 57 Cal. 2d 463, 20 Cal. Rep. 609, 370 P. 2d 313; *Colorado Commission* v. *Case,* 151 Colo. 235, 380 P. 2d 34; *Jones* v. *Haridor Realty Corp.,* 37 N.J. 384, 181 A. 2d 481; *Conney* v. *Katzen,* 41 Misc. 2d 236, 245 N.Y.S. 2d 548 (Sup. Ct.); *New York State Commission* v. *Pelham Hall Apartments,* 10 Misc. 2d 334, 170 N.Y.S. 2d 750 (Sup. Ct.); *Swanson* v. *The Commission,* 6 Race Rel. L. Rep. 841 (Conn. Sup. Ct.); *Porter* v. *Oberlin,* 30 O O 2d 491, 205 N.E. 2d 363 (Ohio Sup. Ct.); see also *Mulkey* v. *Reitman,* C.A. No. 28360 (Calif., May 10, 1966) (invalidating "Proposition 14").

[3] For a few out of many examples, see: the Federal Food, Drug, and Cosmetic Act, 21 U.S.C. 301 *et seq.*; the Meat Inspection Act, 21 U.S.C. 71 *et seq.*; the Poultry Inspection Act, 21 U.S.C. 451 *et seq.*; the Plant Quarantine Act and related legislation, 7 U.S.C. 150–167; legislation regulating intrastate and interstate traffic in biological products, 42 U.S.C. 262; legislation prohibiting interstate traffic in lottery tickets, in liquor contrary to State law and in women for immoral purposes, 18 U.S.C. 1301 *et seq.*, 1261 *et seq.*, 2421 *et seq.*; prohibitions against interstate transmission of gambling devices and of switch blade knives, 15 U.S.C. 1171 *et seq.*, 1241 *et seq.*; the Fair Labor Standards Act, 29 U.S.C. 201 *et seq.*; the Labor-Management Relations Act, 20 U.S.C. 141 *et seq.*; the Welfare and Pension Plans Disclosure Act, 29 U.S.C. 301 *et seq.*; the Federal Trade Commission Act, 15 U.S.C. 41 *et seq.*; the Securities Exchange Act, 15 U.S.C. 78a.

The remaining question is whether the Congress may reasonably conclude that discriminatory housing practices, viewed as a whole, adversely affect interstate commerce. The fact is that the discrimination at which Title IV is directed affects commerce in at least four different ways.

1. The movement of building materials and home furnishings from one State to another.

Forty-one-million tons of lumber and finished wood stock were shipped in the United States in 1963. *1963 Census of Transportation, Commodity Transportation Survey, Shipper Series, Lumber and Wood Products, Except Furniture (Group 11) Preliminary Report,* Table 5, p. 7. Forty-three percent of this material was shipped 500 miles or more. *Ibid.* Nine million tons of millwork and wood products were shipped in 1963 and 51 percent of it traveled 500 miles or more. *Ibid.* Seven percent of all the brick that was shipped traveled 500 miles or more. *Id., Clay and Glass Products (Group 13), Preliminary Report,* Table 5, p. 8. As one major builder of residential homes told Subcommittee No. 5 of the House Judiciary Committees which recently conducted hearings on Title IV, "perhaps 80 percent of the materials that go into our houses come from across state lines." Thus, there can be no question that a substantial portion of the basic materials and goods employed in the construction and furnishing of dwellings is marketed in interstate commerce.

Supreme Court decisions have many times sustained the power of Congress to legislate to remove restrictions upon the local markets for products from other States. For example: *Stafford* v. *Wallace,* 258 U.S. 495 (regulation of commission men and dealers in stockyards); *Interstate Circuit* v. *United States,* 306 U.S. 208 (regulation of exhibition of motion pictures); *Radovich* v. *National Football League,* 352 U.S. 445 (regulation of football games); see also, *Labor Board* v. *Reliance Fuel Corp.,* 371 U.S. 224.

Most directly in point is the recent holding in *Katzenbach* v. *McClung,* supra, sustaining the public accommodations sections of the Civil Rights Act of 1964, as applied to a restaurant that obtained a portion of the food it served from sources in other states, on the ground that racial discrimination in such a restaurant restricted the movement of food in interstate commerce. The Court there said:

"This diminutive spending [of Negroes in restaurants] springing from a refusal to serve Negroes and their total loss as customers has, regardless of direct evidence, a close connection to interstate commerce. The fewer customers the restaurant enjoys the less food it sells and consequently the less it buys. . . ." (379 U.S. at 299).

The logic of *Katzenbach* v. *McClung* is directly applicable to housing. A builder who refuses to sell to Negroes sells fewer homes and consequently buys fewer of the building materials which move in interstate commerce. Similarly, a refusal to rent to Negroes will reduce the number of new apartment buildings constructed and the amount of materials purchased for their construction.

To be sure, the refusal of a particular builder to sell or rent to Negroes (or another class) may be, to some extent, offset by another builder's willingness to do so. But, unless both builders are in the same community, the discrimination will, at the least, deflect the flow of commerce away from the segregated area and thus distort its flow, even if the overall national volume were not significantly affected. This artificial restriction of the market is within the power of Congress to correct. See *Katzenbach* v. *McClung, supra,* 379 U.S. at 299–300. In fact, however, discriminatory housing practices—widespread as they are—obviously affect the volume of interstate commerce in building materials.

The underlying reason is that in segregated communities the victim of discrimination (usually the Negro) is excluded from the more desirable neighborhoods, whether or not he could afford to move there, and is confined to a "ghetto." The existence of the ghetto itself inhibits the ability of those who dwell there to achieve the economic status necessary to buy or rent better housing. But there are a substantial number who are financially able to leave the ghetto, typically comprised of older buildings, and remain only because they are excluded from the areas of better and newer housing. The demand for new housing and the flow of construction materials is lessened accordingly.

2. The movement of funds from one State to another.

The total mortgage debt on nonfarm one-to four-family homes in 1965 was $204.8 billion. In 1960, 2.4 million out of a total of 14.5 million one-family occupant-owned dwellings subject to mortgages were located in a State other than that of the mortgage lender. *1960 Census of Housing, Volume V, Part I, Residential Finance—Homeowner Properties.* The comparable figures for residential apartment dwellings are 38,000 out-of-state mortgages out of 312,000 on apartments of five or more dwelling units, and 268,000 out-of-state mortgages out of 2,238,000 on apartments of 1 to 4 dwelling units. 1960 Housing Census, *supra,* Part II, Residential Finance—Rental Properties. More than half of the residential mortgages held by insurance companies in 1960 were on property in a State other than that in which the company was domiciled. *Ibid.* Secretary of Housing and Urban Development Robert Weaver testified before the House Subcommittee that in 1964 approximately 40 percent of the mortgage holdings of mutual savings banks (representing some $15 billion dollars) were on properties located outside the States where the banks were located, and that there is also a very substantial interstate flow of mortgage funds involved in the activities of savings and loan associations. Almost 40 per cent of all the nonfarm mortgages on property located in California were given to secure loans the funds for which came from outside the State. Leo Grebler, "California's Dependence on Capital Imports for Mortgage Investment," *California Management Review,* Spring 1963, Vol. V, No. 3, page 47, at 48–49.

Discrimintion in housing restricts the interstate movement of mortgage funds just as it restricts the movement of materials for home construction and furnishings. This directly affects all housing because mortgage loans are commonly involved in the sales of older buildings as well as newly constructed homes. Thus, restrictions on sales of housing caused by discrimination in financing operates immediately to restrict the movement of mortgage funds whether sales of older buildings or new housing are involved.

3. The movement of individuals from one State to another.

Each year one family out of every thirty in the population moves to a different State. A substantial proportion of the population of the United States is composed of members of minority racial or religious groups. See *United States Department of Commerce, Bureau of the Census, American at Mid-Decade,* Series P–23, No. 16, January 1966, pp. 17–18, 4–7. Although many Negroes do move from one part of the country to another despite the segregation of housing at their destination, there can be little doubt that many others are deterred from doing so. In particular, Negroes in the professions or those with technical or other skills are less likely to move into communities where a "black ghetto" is their only prospect. See *Katzenbach* v. *McClung, supra,* 379 U.S. at 300.[5] In short, discrimination in housing impedes the interstate movement of individuals. Cf. *Katzenbach* v. *McClung, supra,* 379 U.S. at 300; see, also, *Heart of Atlanta Motel* v. *United States, supra.*

The power of Congress to remove special impediments to the interstate movement of these individuals is clear. Thus, businesses affecting the interstate travel of individuals have been regulated and such regulations repeatedly upheld. *Heart of Atlanta Motel* v. *United States,* 379 U.S. 241 (prohibition of racial discrimination in motels); *Katzenbach* v. *McClung,* 379 U.S. 294, 300 (prohibition of racial discrimination in restaurants); *Walling* v. *Armstrong,* 68 F. Supp. 870, affirmed, 161 F. 2d 515 (regulation of wages of employees engaged in preparing meals for interstate airlines); *Sherry Corine Corp.* v. *Mitchell,* 264 F. 2d 831, cert. denied, 360 U.S. 934 (regulation of wages of employees engaged in making sandwiches for sale in a railroad terminal); *Mitchell* v. *Royal Baking Co.,* 219 F. 2d 532 (regulation of wages of employees engaged in making ice for cooling trains); *Boynton* v. *Virginia,* 364 U.S. 454 (prohibition of discrimination in restaurant located in a terminal used by an interstate passenger carrier).

In dealing with such impediments, Congress is not limited to removing obstacles to those who move from one State to another.

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[4] Other cases sustaining or applying without question Congressional regulations of local transactions include *Heart of Atlanta Motel* v. *United States,* 379 U.S. 241 (motels); *Hotel Employees Local 255* v. *Leedom,* 358 U.S. 99 (hotels); *Howell Chevrolet* v. *NLRB,* 346 U.S. 482 (retail auto dealers); *J. L. Brandeis & Sons* v. *NLRB,* 142 F. 2d 977 (C.A. 9), certiorari denied, 323 U.S. 751 (retail department stores); *May Department Stores* v. *NLRB,* 326 U.S. 376 (retail department stores); *Retail Fruit & Vegetable Union* v. *Labor Board,* 249 F. 2d 591 (retail store); *Labor Board* v. *Reliance Fuel Co.,* 371 U.S. 224 (retail fuel oil distributor); *Meat Cutters* v. *Fairlawn Meats,* 353 U.S. 20 (retail grocery); *McLeod* v. *Bakery Drivers Local,* 204 F. Supp. 288 (E.D. N.Y.) (bakery); *Local 74* v. *Labor Board,* 341 U.S. 707 (store, dwelling renovation); *Int'l Brotherhood* v. *Labor Board,* 341 U.S. 694 (local construction project); *NLRB* v. *Combined Century Theatres,* 278 F. 2d 306 (C.A. 2) (theatre); *Labor Board* v. *Gamble Enterprises,* 345 U.S. 117 (same).

[5] Housing discrimination also affects the morale of Armed Forces personnel. As the President's Committee on Equal Opportunity in the Armed Forces put it, "Discrimination in housing confronts the Negro serviceman in most sections of the country. Private housing in many parts of town is not available. Many real estate agents will have nothing to do with him. He is forced to that part of town and type of housing occupied by Negroes. Here in many cases are structures well below acceptable standards, expensive, dirty, delapidated—in all respects undesirable. Often Negro housing areas are farthest from the base. Almost always the available segregated housing is below the standard available for white military personnel. Frequently little or no housing is available and space is at a premium. After one or two nights sleeping with his family in his car or at an expensive Negro motel (if he can find one) he takes whatever turns up." Initial Report, "Equality of Treatment and Opportunity of a Negro Military Personnel Stationed Within the United States," at 47 (1963).

It may also regulate the same or similar conditions as they apply to persons moving locally. Congress may "choose the means reasonably adapted to the attainment of the permitted end, even though they involve control of intrastate activities." *United States* v. *Darby,* 312 U.S. 100, 121. Moreover, movement between States is discouraged if the individual is aware that others of his race are subjected to housing discrimination. Congress may eliminate these impediments to interstate movement. *Heart of Atlanta Motel* v. *United States, supra*; *United States* v. *Darby,* 312 U.S. 100; *Currin* v. *Wallace,* 306 U.S. 1; *Thornton* v. *United States,* 271 U.S. 414; *Shreveport Rate Cases,* 234 U.S. 342.

4. Disputes and disturbances that interrupt the interstate movement of persons and of goods and materials of all kinds.

The National Labor Relations Act is based upon the Commerce Clause. It was upheld on the ground that Congress has the power to alleviate the causes of disputes and disturbances that interrupt the flow of goods and materials in interstate commerce. See *N.L.R.B.* v. *Jones & Laughlin Steel Corp.,* 301 U.S. 1; *N.L.R.B.* v. *Suburban Lumber Co.,* 121 F. 2d 829, cert. denied, 314 U.S. 693; *J. L. Brandeis* v. *N.L.R.B.,* 142 F. 2d 977, cert. denied, 323 U.S. 751; *N.L.R.B.* v. *Reliance Fuel Corp.,* 371 U.S. 224. The same rationale is applicable here. Those who have studied the genesis of recent disturbances in a number of urban areas have concluded that the living conditions produced by segregated housing and the principle of segregation itself have been major causes. Such disturbances almost paralyze business in their vicinity and so represent at least as serious an interruption of interstate commerce as labor disputes. The fear and distrust left in their wake can dampen economic and social activity for years. The Court in *Katzenbach* v. *McClung, supra,* 379 U.S. at 300, took cognizance of the depressant effect on business conditions in communities beset by racial difficulties.

B. The Fourteenth Amendment

Section 5 of the Fourteenth Amendment expressly empowers the Congress "to enforce" the substantive guarantees "by appropriate legislation." That is a broad provision, fully equivalent in scope to the "necessary and proper clause" of the original Constitution, authorizing the Congress to define the boundaries of the Equal Protection Clause and to proscribe action which the Amendment of its own force does not condemn. *Katzenbach* v. *Morgan,* — U.S. —. The present attempt to eliminate residential segregation is a proper exercise of this power.

1. The fundamental character of the right.

Unlike other civil rights which were denied recognition until recently (cf. *Brown* v. *Board of Education,* 347 U.S. 483; *Harper* v. *Virginia State Board of Elections,* 86 S. Ct. 1079) the right to acquire property without discrimination dates from emancipation. The Negro slave was confined to a segregated compound or "slave quarters," legally disabled from acquiring a residence of his choosing. This was, indeed, one of the "necessary incidents of slavery." *Civil Rights Cases,* 109 U.S. 3, 22. Nor did the situation change radically with formal emancipation. Some of the so-called "Black Codes" of 1865 and 1866 continued these disabilities sometimes altogether "fencing out" the Negro from the towns. See *Slaughter-House Cases,* 16 Wall. 36, 70. It is not surprising, therefore, that the drafters of the Fourteenth Amendment addressed themselves to the problem.

Even before the adoption of the Fourteenth Amendment the Thirty-Ninth Congress recognized the right to hold property as one of "those fundamental rights which appertain to the essence of citizenship", "the enjoyment or deprivation of which constitutes the essential distinction betwen freedom and slavery" (*Civil rights cases,* 109 U.S. at 22). Invoking its power to enforce the Thirteenth Amendment, Congress provided in the very first Civil Rights Act, in 1866, that all citizens of the United States, "of every race and color", "shall have the same right * * * to inherit, purchase, lease, sell, hold and convey real and personal property * * * as is enjoyed by white persons, * * * any law, statute, ordinance, regulation, or custom, to the contrary notwithstanding." Act of April 9, 1866, § 1, 14 Stat. 27. Two months later, the same Congress proposed the Fourteenth Amendment, which was understood as incorporating into the Constitution the guarantees of the Civil Rights Act of 1866. See *Slaughter-House Cases, supra,* 16 Wall. at 70; *Civil Rights Cases, supra,* 109 U.S. at 22; *Yick Wo.* v. *Hopings,* 118 U.S. 356, 369; *Buchanan* v. *Warley,* 245 U.S. 60, 78–79; *Oyama* v. *California,* 332 U.S. 633, 640, 646; *Shelley* v. *Kraemer,* 334 U.S. 1, 10–11; *Hurd* v. *Hodge,* 334 U.S. 24, 32–33 , *Takahashi* v. *Fish Comm'n.,* 334 U.S. 410, 419–420. And to make assurances doubly sure, a subsequent Congress expressly re-enacted the 1866 provision in the Enforcement Act of 1870. Act of May 31, 1870, § 18, 16 Stat. 144, 146.

That law remains on the statute books today. R.S. § 1978, 42 U.S.C. 1982. The right involved is not a mere abstract privilege to purchase or lease property which is satisfied if Negroes are not absolutely disabled from acquiring property at all. What was given was more than the bare right to hold property. The constitutional and statutory guarantee includes also an immunity from being "fenced out" of any neighborhood, indeed, any block, on the ground of race. See *Buchanan* v. *Warley, supra; Harmon* v. *Tyler,* 273 U.S. 668; *Richmond* v. *Deans,* 281 U.S. 704; *Shelley* v. *Kraemer, supra; Hurd* v. *Hodge, supra; Barrows* v. *Jackson,* 346 U.S. 249.

To be sure, despite its absolute language, the existing statute has been held to protect only against State action. *Shelley* v. *Kraemer, supra.* See, also, *Civil Rights Cases, supra,* at 16–17. But it does not follow that Congress may not now enlarge the right. On the contrary, in light of its origin, it is arguable that the right to be free of racial discrimination in the purchase and rental of residential property—partially grounded as it is in the Thirteenth Amendment—is one of those privileges of national citizenship which Congress may protect against wholly private action. See *Slaughter-House Cases, supra,* 16 Wall. at 80; *Civil Rights Cases, supra,* 109 U.S. at 20, 23; *Clyatt* v. *United States,* 197 U.S. 207, 216–218. Indeed, in the *Civil Rights Cases,* the Supreme Court distinguished between the asserted right to be free from discrimination in privately-owned places of public accommodation—which it characterized as one of the "social rights of men and races in the community"—and the "fundamental rights which are of the essence of civil freedom" enumerated in the Civil Rights Act of 1866; and the Court came close to suggesting that, while Congress could not constitutionally protect the former as against private discrimination, it might be competent to fully safeguard "civil rights." 109 U.S. at 22.

But, at all events, it is clear that the right to freedom from discrimination in housing has enjoyed a special status under the Fourteenth Amendment. This is reflected in the fact that State-imposed residential segregation was held unconstitutional (*Buchanan* v. *Warley, supra*) as early as 1917, at a time when enforced segregation in public and private schools was condoned (*Berea College* v. *Kentucky,* 211 U.S. 45; see *Gong Lum* v. *Rice,* 275 U.S. 78, 85–87; *Missouri ex rel. Gaines* v. *Canada,* 305 U.S. 337, 344, 349), as it was with respect to transportation (*Plessy* v. *Ferguson,* 163 U.S. 537; see *McCabe* v. *A.T. & S.F. Ry. Co.,* 235 U.S. 151, 160) and other activities (*e.g., Pace* v. *Alabama,* 106 U.S. 583). So, also, it is revealing that in the restrictive covenant cases (*Shelley* v. *Kraemer, supra; Hurd* v. *Hodge, supra; Barrows* v. *Jackson, supra*), the Court found prohibited "State action" in the apparently neutral judicial enforcement of private discriminatory agreements—invoking a doctrine which it has declined to follow elsewhere. See, *e.g., Bell* v. *Maryland,* 378 U.S. 226, 328–333 (opinion of Black, J., dissenting).

Against this background, it is fair to conclude that the power of Congress under Section 5 of the Fourteenth Amendment to eliminate residential segregation is somewhat broader than it is with respect to other forms of discrimination. Even assuming national legislation is "appropriate" only when it is necessary "for correcting the effects of prohibited State laws and State acts" (*Civil Rights Cases, supra,* 109 U.S. 11), it is surely proper to search out those "effects" more vigorously when the evil involved is one that is particularly offensive to the spirit of the Amendment.[6]

2. The extent of governmental participation.

Title IV of the present bill is aimed at a national problem which is the consequence of constitutionally prohibited action over an extended period of time by State and federal governments;[7] it deals with "[c]onduct that is formally 'private' [but which is actually] so entwined with governmental policies * * * as to become subject to the constitutional limitations placed upon state action." Cf. *Evans* v. *Newton,* 382 U.S. 296, 299. Governmental action has contributed in large part to the current segregated status of minority-group housing and it has helped shape the community customs and attitudes which influence most seemingly "private" decisions to discriminate in the sale or rental of housing. That involvement has been both direct and indirect.

a. *Unconstitutional State and federal action dealing directly with housing.* Although a unanimous Supreme Court outlawed compulsory residential segregation as early as 1917 (*Buchanan* v. *Warley,* 245 U.S. 60), that decision did not spell the end of governmentally fostered racial discrimination in housing. Local ordinances which had the same effect, albeit they operated somewhat differently, were still being tested in the courts as late as 1930. See *Harmon* v. *Tyler,* 273 U.S. 668 (1927), reversing 158 La. 439, 104 So. 200; *City of Richmond* v. *Deans,* 281 U.S. 704 (1930), affirming 37 F. 2d 712 (C.A. 4). And governmental support of residential segregation persisted for at least three decades through other means.

(1) *Racially restrictive covenants.*

Perhaps the principal impetus to housing discrimination after *Buchanan* v. *Warley* was legal recognition and judicial enforcement of the racially restrictive covenant. Decisions in 17 States and in the District of Columbia declared such covenants legally enforceable prior to the Supreme Court's 1948 ruling in *Shelley* v. *Kraemer*, 334 U.S. 1,[8] and it was not until 1953 in *Barrows* v. *Jackson*, 346 U.S. 249, that the Court held it unconstitutional for a state court to award damages for violation of such covenants. The racial covenant was extensively used in the thirty years between the *Buchanan* and *Shelley* decisions and became the primary legal means of enforcing residential segregation.[9] That period was a particularly critical time since it saw the heaviest Negro migration to the Northern cities from the South.[10] Whereas only 10 percent of the country's Negro population lived outside the South in 1910, that figure rose to more than 30 percent by 1950. One study of the problem of residential segregation has observed that the failure of the courts to strike down racial restrictive covenants during the period of heavy migration of Negroes "helped establish the current pattern of urban segregation and suburban exclusion which is accelerating racial tensions in American communities. Considering that more than seven million houses were built in the 1920's during the Negro migration, only a small fraction of them for Negroes, the restrictive covenant may leave its influence upon American racial patterns and biases for generations ahead." [11]

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[6] Of course, Congress, like the courts, is authorized to premise its action on "the nonobvious involvement of the State in private conduct." Cf. *Burton* v. *Wilmington Parking Authority,* 365 U.S. 715, 722.

[7] Discrimination forbidden to the States by the Fourteenth Amendment is, of course, equally forbidden to the United States under the Fifth. *Bolling* v. *Sharpe,* 347 U.S. 497; *Simkins* v. *Moses H. Cone Memorial Hospital,* 323 F. 2d 959 (C.A. 4). Cf. *Tucker* v. *Texas,* 326 U.S. 517; *Hurd* v. *Hodge,* 334 U.S. 24. So, also, it seems clear that congressional power to correct the effects of unconstitutional federal action is at least as broad as with respect to State action.

(2) *Support for racial covenants by the Federal Housing Administration.* Support for maintenance of patterns of racially separate housing has come even from the federal government. The 1935 and 1936 *Underwriting Manuals* of the Federal Housing Administration recommended the insertion of racial covenants in deeds [12] and warned that "inharmonious racial groups" or "incompatible racial elements" would reduce the value of property.[13] The 1938 FHA *Manual* advised: "If a neighborhood is to retain stability, it is necessary that properties shall continue to be occupied by the same social and racial classes." [14] For some time after the Supreme Court decision in *Shelley* v. *Kraemer*, FHA continued to treat racial integration of the neighborhood as a reason to deny an application for mortgage insurance.[15] The effect of FHA intervention on the side of racial restrictions was damaging:

"FHA's espousal of the racial restrictive covenant helped spread it throughout the country. The private builder who had never thought of using it was obliged to adopt it as a condition for obtaining FHA insurance. * * *

"FHA succeeded in modifying legal practice so that the common form of deed included the racial covenant. Builders everywhere became the conduits of bigotry. * * *

"The evil that FHA did was of a peculiarly enduring character. Thousands of racially segregated neighborhoods were built, millions of people re-assorted on the basis of race, color, or class, the differences built in, in neighborhoods from coast to coast." [16]

(3) *Maintenance of segregation in public housing.* At the same time—and even after the *Shelley* decision—State and local governments likewise fostered racial segregation in their administration of public housing projects. Segregated projects in Philadelphia for Negroes and whites were approved in *Favors* v. *Randall*, 40 F. Supp. 743 (E.D. Pa. 1941), and as late as 1955 the constitutionality of such a segregated program in Detroit was being contested in the courts. *Detroit Housing Commission* v. *Lewis*, 226 F. 2d 180 (C.A. 6). Although segregation in public housing clearly violates the Fourteenth Amendment, local reports to the Commission on Civil Rights observed that such segregation was being practiced in Kentucky, Missouri and Tennessee as recently as 1961.[17]

b. *Unconstitutional State action in related areas.* Students of the problem to which this legislation is directed have concluded that "[m]any factors work together to shape the patterns of racial residence. Neither the existing segregation of any group nor the situation in any community can be adequately explained in terms of a single causative force. The factors at work are combined in a variety of ways and have different impacts." [18] Accordingly, it is proper to look further in searching out governmental action which has influenced the development of racial ghettoes and the erection of other restrictions upon the freedom of minority-group members to reside where they choose.

It has often been suggested that the poor housing conditions of minority groups leads to discrimination against them in other areas.[19] But the converse is equally true. There is a vicious circle.[20] Thus, racially segregated schools may, of course, be viewed as the result of residential segregation. But, in a less obvious way, school segregation also causes racial discrimination in the sale and rental of housing. It gives nourishment to the majority's myth that close association of whites with Negroes debases the former, thereby discouraging whites from entering into the relatively permanent neighbor relationship with Negro homeowners.

The short of it is that discrimination breeds discrimination. And, of course, "the impact of segregation is greater when it has the sanction of law." See *Brown* v. *Board of Education*, 347 U.S. 483, 494. Accordingly, in assessing State responsibility for racial ghettoes, it is proper to notice the network of local statutes, ordinances and regulations requiring, encouraging or authorizing racial discrimination in related aeas.

Official support of segregation in almost every activity in most Southern States until very recently is too notorious to require elaboration. The impact those State policies had on residential discrimination is obvious. But this fabric of racially discriminatory laws had another effect also. Because enforced racial separation "generates a feeling of inferiority as to . . . status in the community that may affect . . . hearts and minds in a way unlikely ever to be undone" (*Brown* v. *Board of Education*, *supra*, 347 U.S. at 494), the large number of Negroes who migrated from Southern communities to the urban North after 1915 carried with them the attitudes imposed on them at home.[21] Not surprisingly, the migrants immediately settled in racial ghettoes, even when legally free to reside elsewhere, and tended passively to accept the inevitability of a segregated life. This fact alone has significantly retarded the break up of the ghetto.

But the whole responsibility is not confined to the South. Although less flagrantly, Northern and Western communities, also, have indulged in official segregation which perpetuated racial distinctions and thereby contributed to creating and maintaining racial ghettoes. Significant in this respect is the fact that State statutes authorizing separate-but-equal public schools were in effect in Indiana until 1949, in New Mexico until 1954, in New York until 1938, and in Wyoming until 1954.[22] Other Northern States authorized such segregation after the Civil War and did not repeal their authorizing statutes until early in this century.[23] There have even been occasions where federal courts *in the North* have found a racially discriminatory motive in the drawing of school district lines and have invalidated existing public school districts. *E.g., Taylor* v. *Board of Education,* 191 F. Supp. 181, 195 F. Supp. 231 (S.D.N.Y.), affirmed, 294 F. 2d 36 (C.A. 2), certiorari denied, 368 U.S. 940; *Blocker* v. *Board of Education,* 226 F. Supp. 208 (E.D. N.Y.). And there are a variety of other situations in which governmental power has been exercised in Northern communities in support of racial segregation. See, *e.g., Pennsylvania* v. *Board of Trusts,* 353 U.S. 230; *Burton* v. *Wilmington Parking Authority,* 365 U.S. 715; *Culver* v. *City of Warren,* 84 O.A. 373, 83 N.E. 2d 82; *Kern* v. *City Commissioners of Newton,* 151 Kan. 565, 100 P. 2d 709; *Lincoln Park Traps* v. *Chicago Park District,* 323 Ill. App. 107, 55 N.E. 2d 173; *Todd* v. *Joint Apprenticeship Committee,* reversed on grounds of mootness, 332 F. 2d 243 (C.A. 7), certiorari denied, 380 U.S. 914.

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[8] Alabama: *Wyatt* v. *Adair*, 215 Ala. 363 (1926); California: *Los Angeles Inv. Co.* v. *Gary*, 181 Cal. 680 (1919), *Janss Investment Co.* v. *Walden*, 196 Cal. 753 (1925), *Wayt* v. *Patee*, 205 Cal. 46 (1928), *Stone* v. *Jones*, 66 Cal. App. 2d 264, 152 P. 2d 19 (1944), *Burkhardt* v. *Lofton*, 63 Cal. App. 2d 230, 146 P. 2d 720 (1944), *Littlejohns* v. *Henderson*, 111 Cal. App. 115, 295 Pac. 95 (1931), *Shideler* v. *Roberts*, 69 Cal. App. 2d 549, 160 P. 2d 67 (1945); Colorado: *Chandler* v. *Ziegler*, 88 Colo. 1 (1930); Georgia: *Dooley* v. *Savannah Bank & Trust Co.*, 199 Ga. 353 (1945); Illinois: *Burke* v. *Kleiman*, 277 Ill. App. 519, 534, (1934); Kansas: *Clark* v. *Vaughan*, 131 Kan., 438, 292 Pac. 783 (1930); Louisiana: *Queensborough Land Co.* v. *Cazeaux*, 136 La. 724, 67 So. 641 (1915); Maryland: *Meade* v. *Dennistone*, 173 Md. 295 (1938); Michigan: *Parmalee* v. *Morris*, 218 Mich. 625 (1922), *Schulte* v. *Starks*, 238 Mich. 102 (1927), *Malicke* v. *Milan*, 320 Mich. 65, 30 N.W. 2d 440 (1948), *Mrsa* v. *Reynolds*, 317 Mich. 632, 27 N.W. 2d 40 (1947), N.W. *Civic Assn.* v. *Sheldon*, 317 Mich. 416, 27 N.W. 2d 36 (1947), *Sipes* v. *McGhee*, 316 Mich. 614 (1947), 25 N.W. 2d 638 reversed, 334 U.S. 1; Missouri: *Koehler* v. *Rowland*, 275 Mo. 573 (1918), *Porter* v. *Pryor*, 164 S.W. 2d 353 (Mo. 1942), *Porter* v. *Johnson*, 232 Mo. App. 1150 (1938), *Thornhill* v. *Herdt*, 130 S.W. 2d 175 (Mo. App. 1939), *Swain* v. *Maxwell*, 196 S.W. 2d 780, 355 Mo. 448 (1946), *Kraemer* v. *Shelley*, 355 Mo. 814, 198 S.W. 2d 679 (1946), reversed, 334 U.S. 1, *Weiss* v. *Leaon*, 359 Mo. 1054, 225 S.W. 2d 127 (1949); New Jersey: *Lion's Head Lake* v. *Brzezinski*, 23 N.J. Misc. 290 (1945); New York: *Ridgway* v. *Cockburn*, 163 Misc. 511 (1937), *Dury* v. *Neely*, 69 N.Y. Supp. 2d 677 (1942), *Kemp* v. *Rubin*, 188 Misc. 310 (1947); North Carolina: *Vernon* v. *R. J. Reynolds Realty Co.*, 226 N.C. 58 (1946); Ohio: *Perkins* v. *Trustees of Monroe Ave. Church*, 79 Ohio App. 457 (1946), reversed, 334 U.S. 813; Oklahoma: *Lyons* v. *Wallen*, 191 Okla. 567 (1942), *Hemsley* v. *Sage*, 194 Okla. 669 (1944), *Hemsley* v. *Hough*, 195 Okla. 298 (1945); Texas: *Liberty Annex Corp.* v. *Dallas*, 289 S.W. 1067 (1927); Wisconsin: *Doherty* v. *Rice*, 240 Wisc. 389 (1942); District of Columbia: *Corrigan* v. *Buckley*, 271 U.S. 323 (1926), *Torrey* v. *Wolfes*, 6 F. 2d 702 (1925), *Russell* v. *Wallace*, 30 F. 2d 981 (1929), *Edwards* v. *West Woodridge Theater Co.*, 55 F. 2d 524 (1931), *Grady* v. *Garland*, 89 F. 2d 817 (1937), *Hundley* v. *Gorewitz*, 132 F. 2d 23 (1942), *Mays* v. *Burgess*, 147 F. 2d 869 (1945), *Brogan* v. *Saunders*, 71 F. Supp. 587 (1947); *Hurd* v. *Hodge*, 82 App. D.C. 180, 162 F. 2d 233 (1947), reversed, 334 U.S. 24.

[9] See Mangum, *The Legal Status of the Negro*, 140–152 (1940); Sterner, *The Negro's Share* 205–209 (1943); Johnson, *Patterns of Negro Segregation* 172–176 (1943); Myrdal, *An American Dilemma* 622–627 (1944); Weaver, *The Negro Ghetto* 214 (1948); Long and Johnson, *People* v. *Poverty* 31 (1947); Clark and Perlman, *Prejudice and Property* 14–18 (1948); McEntire, *Residence and Race* 73–74 (1960).

[10] See McEntire, *Residence and Race* 9–11 (1960), and official census statistics reproduced therein.

[11] Abrams, *Forbidden Neighbors* 220 (1955).

[12] 1935 *Manual*, §§ 927, 310, 315, 307, 229, 330, 255; 1936 *Manual*, §§ 228, 252, 266, 210d, 284, 229.

[13] 1936 *Manual*, §§ 229, 255.

[14] 1938 *Manual*, §§ 927. See also 1938 Manual, §§ 233, 935, 951; 1940 *Manual*, §§ 207, 217.

[15] Abrams, *Forbidden Neighbors* 233 (1955); Weaver, *The Negro Ghetto* 71–73 (1948).

[16] Abrams, *Forbidden Neighbors* 234–236 (1955). See also Weaver, *The Negro Ghetto* 71–73 (1948); Abrams, *The City is the Frontier* 61–62 (1965).

[17] *The 50 States Report* 173, 329, 591 (1961).

[18] McEntire, *Residence and Race* (*Final and Comprehensive Report to the Commission on Race and Housing*) 87 (1960); see, also, Abrams, *The City is the Frontier* 64 (1965); Weaver, *The Negro Ghetto* 19 (1948).

[19] See, *e.g.*, McEntire, *Residence and Race* 95 (1960).

[20] See *e.g.*, the report of the Connecticut State Advisory Committee in *The 50 States Report* 73 (1961). Professor Myrdal commented in 1942, "One factor which in every Northern city of any size has contributed to form patterns of segregation and discrimination against Negroes has been residential segregation, which acts as a cause as well as an effect of social distance." Myrdal, *An American Dilemma* 602 (1962 ed.).

[21] "A Negro recently from the South is characterized as much by his manner and bearing as by his racial traits. . . . [F]undamentally it takes a racial re-education to get him out of his Southern demeanor or the reaction to it. For a long time after migrating he will invoke discrimination by his own behavior." Myrdal, *An American Dilemma* 602 (1962 ed.).

3. *The force of widespread community customs and attitudes.* Residential segregation is to a significant extent the product of direct governmental action sanctioning discrimination in housing and other related areas. That is justification enough for corrective legislation. But a further reason for Congressional intervention is that housing discrimination, perhaps more than other inequalities, is maintained today, not by a series of independent individual decisions, but by pervasive customs, practices and attitudes that have the practical force of law. In these circumstances, the coercive effect of the custom may be treated as constitutionally equivalent to official action.

The principle was recognized in all the early Reconstruction legislation which proscribed action taken pursuant to "custom" as equivalent to conduct under color of positive "law, statute, ordinance, [or] regulation." See, *e.g.*, § 1 of the Civil Rights Act of 1866, 14 Stat. 27, now 18 U.S.C. 242; § 1 of the Enforcement Act of May 31, 1870, 16 Stat. 140, now 42 U.S.C. 1971(a); § 1 of Ku Klux Act of April 20, 1871, 17 Stat. 13, now 42 U.S.C. 1983. See, also *Civil Rights Cases,* 109 U.S. 3, 17, 21. More recently, the Supreme Court has ruled the Fourteenth Amendment applicable where the "community aspects" of a restriction are the same as would result from government-imposed regulation. *Marsh* v. *Alabama,* 326 U.S 501, and see Mr. Justice Frankfurter's concurring opinion, at 510–511. See also, *Terry* v. *Adams,* 345 U.S. 461, especially at 475, 477; *Evans* v. *Newton,* 382 U.S 296. This is a comparable situation.

It is sufficiently obvious that housing discrimination reflects widespread adherence to custom; it is rarely attributable to individual prejudice. A seller's or broker's decision whether or not to sell a house to a member of a racial or religious minority is usually made for him by his neighbors. His personal stake, if he is leaving the neighborhood, is minimal. And the same is true of an apartment owner with respect to the selection of his tenants. As one commentator has summarized it:

". . . The individual concerned is less free than in many other areas of life to make decisions according to whatever personal feelings he may have. His choices are shaped and limited by pressures that converge upon him from family and friends, neighbors, other associates, and the whole community." [24]

Nor is this adherence to prevailing custom a wholly free choice. For the broker, the builder, the developer, respect for local attitudes, regardless of his personal beliefs, is often an economic necessity so long as discrimination remains legally sanctioned. The seller or renter's policy is often dictated by fear of social, economic, even physical, reprisal. And the excluded minority itself tends to accept residential segregation as the inevitable unchangeable "law" of the community.[25]

In sum, racial customs, practices and attitudes with respect to housing operate like a powerfully sanctioned zoning code. Shaped as they were by official action, they involve "the interplay of governmental and private action." [26] *NAACP* v. *Alabama,* 357 U.S. 449, 463, quoted in *Anderson* v. *Martin* 375 U.S. 399, 403. But even where, today, no governmental approval is given, the custom remains a self-sufficient regulation, imposed on the community by its dominant element and effectively enforced by real estate brokers, builders, lending institutions and others associated with the sale and management of housing. So large and so enduring a confluence of public forces against the enjoyment of a fundamental right resembles too closely impermissible governmental regulation to escape the reach of the Fourteenth Amendment.

4. The appropriateness of federal legislation.

Congressional action to eliminate residential discrimination is "appropriate" in the sense of Section 5 of the Fourteenth Amendment for several reasons. They relate to the dimensions of the problem, the importance and enduring effect of hostile governmental action in this area, and, finally, the difficulty of disentangling private decision.

a. *The national dimensions of the problem.* National legislation is appropriate here because the problem is national in scope. Ghetto living is the fate of the great majority of our Negro citizens. Black ghettoes, each surrounded by a "white noose" [27] of new suburban housing, unavailable to Negroes, are characteristic of urban areas in the United States.[28] The housing is of inferior quality and overcrowding is intense. For example, in Harlem 237,792 people live in a 3½ square mile area or 100 people per acre. Ninety per cent of the housing is more than thirty years old and nearly half was built before 1900.[29] This problem is not limited to any one region of the country. No section of the United States is free from housing discrimination and racial ghettos.[30] In 1950 sixty per cent of the housing occupied by non-whites in the nation's urban areas did not meet the Census Bureau's minimum criteria for standard housing.[31]

What is more, the situation—already of long duration—is not likely to correct itself. Unlike other minority groups of the past, Negroes are unable to escape the ghetto by raising their economic level or modifying their social behavior, because most of the housing market is closed to them.[32] As the United States Commission on Civil Rights has on several occasions noted: "housing . . . seems to be the one commodity in the American market that is not freely available on equal terms to everyone who can afford to pay." [33]

The result is a multiplication of growing racial ghettos.

The dimensions of the problem require national action. Sometimes—as in the case of the Washington metropolitan area—the situation involves several jurisdictions, and the action of no one of them is adequate to remedy the evil. But, whether unable or unwilling, the hard fact is that the States have not eliminated housing discrimination. Nor is there any indication that the enduring problem will soon be solved without comprehensive national legislation. In these circumstances, congressional action is both necessary and proper. Cf. *Missouri* v. *Holland,* 252 U.S. 416; *Atlanta Motel* v. *United States,* 379 U.S. 241.

b. *The enduring effect of past governmental action.*

In a different context, there might be some question about the propriety of federal legislation to "correct" the effects of impermissible governmental action two or three decades ago; it would be argued that the taint had become too attenuated in so long a time. That objection is not applicable to housing, however, because here—even if one looks only to official action—hostile governmental intervention has been perhaps uniquely effective and enduring. Housing patterns do not appear or vanish overnight. While changes of residence are today more frequent than a generation ago, housing remains typically a long-term matter. Moreover, because the choice of a place to live usually contemplates some degree of permanence, the decision is not made casually, or adventurously, as one might select a restaurant or a motel in which to spend the night. This is a matter in which caution, tradition and the other conservative instincts tend to control. Here, also, attitudes are more entrenched and the effect of community pressures is more pronounced. It is therefore not surprising that students of the problem have concluded that official support of residential discrimination is "of a peculiarly enduring character" [34] which "may leave its influence upon American racial patterns and biases for generations ahead." [35]

Once the continuing force of governmental action fostering housing discrimination is established, there can be no doubt that Congress may act to erase those effects. That was, in part, the rationale of the Voting Rights Act of 1965, sustained as "remedial" legislation in *South Carolina* v. *Katzenbach*, 383 U.S. 301, 326. The same principle is applicable here.

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[22] See Mangum, *The Legal Status of the Negro* 81 (1940).

[23] See generally Stephenson, *Race Distinctions in American Law* 177–188 (1910).

[24] McEntire, *Residence and Race* 86 (1960).

[25] *E.g.,* Commission on Civil Rights, *Civil Rights U.S.A.: Housing in Washington, D.C.,* 7 (1962).

[26] A recent study concluded:

"Imposed segregation connotes not merely difference but inferiority of the segregated group. When individuals or groups are excluded from a neighborhood, the inescapable implication is that they are considered not fit to live there. Since the character of neighborhoods carries corresponding implications about the character and worth of the residents, the minority groups are further stigmatized by the obvious inferiority of their residence areas." McEntire, *Residence and Race* 95 (1960).

[27] *Report of U.S. Commission on Civil Rights (1959)* at 367. (Mayor Dilworth of Philadelphia thus described the imbalance of white residence in the suburbs).

[28] See Weaver, *The Negro Ghetto* (1948); Abrams, *The City is the Frontier* (1965).

[29] See Clark, *Dark Ghetto* 30 (1965).

[30] "Where Shall We Live?", *Report of the Commission on Race and Housing* (1950); Eunice and George Grier, "Discrimination in Housing" (Freedom Pamphlets, Anti-Defamation League, B'nai B'rith, 1960).

[31] Eunice and George Grier, "Discrimination in Housing" (Freedom Pamphlets, Anti-Defamation League, B'nai B'rith at 43, 1960).

[32] See Abrams, *The City is the Frontier* (1965); McEntire, *Residence and Race* (1960).

[33] Report of the *U.S. Commission on Civil Rights (1959)* at 534; "Housing," Book 4, *Report of the U.S. Commission on Civil Rights* (1961) at 1.

[34] Abrams, *Forbidden Neighbors* 236 (1955).

[35] *Id.* at 220.

c. The interdependence of private and public action and the impracticability of disentangling the influences. It is no objection that the pending bill may control some truly private decisions uninfluenced by the continuing force of hostile governmental action. It may be that such discriminatory conduct does not violate the Equal Protection Clause. But, in this respect, the "enforcement" power of Congress under Section 5 can reach farther than the Fourteenth Amendment by itself. Cf. *Katzenbach* v. *Morgan*, — U.S. —. Indeed, that is, in part, what makes Title IV appropriate legislation.

The principle that Congress may prohibit private action which is beyond the self-executing ban of the Amendment in order to "enforce" a right as against the State is now authoritatively settled by the opinions in *United States* v. *Guest*, — U.S. —, 34 U.S.L. Week 4323. The same reasoning applies here: to eradicate effectively governmentally supported or nurtured discrimination Congress may announce a general prohibition. To be sure, the necessity for outlawing private action is not quite the same in both cases, but the common governing rule is that Congressional legislation under the Fourteenth Amendment may reach nongovernmental acts when appropriate to enforce the guarantees of the Equal Protection Clause. So much established, there is no difficulty in justifying the scope of Title IV.

The point is sufficiently made by suggesting a substitute title that would ban discriminatory housing practices only if the seller or lessor's act is fairly attributable to entrenched custom or the continuing influence of past government action. The necessity of sorting out such public influences from what might be labelled "privately motivated" discrimination in each case would render the legislation difficult, if not unworkable. The nature of the inquiry, which is largely historical and sociological, would be neither appropriate nor consistent with reasonably expeditious judicial or administrative procedures. In most cases it would also be extraordinarily difficult, for privately motivated discrimination, when it occurs, is almost always merged and intertwined with public influences to an extent that it is impossible wholly to separate the two. Thus, just as effective regulation of alcohol for beverage purposes required, and thereby constitutionally justified, applying the same controls to intoxicants dispensed for medicinal purposes (*Everard's Breweries* v. *Day*, 265 U.S. 545) so, here, effective prohibition of housing discrimination attributable to public influences requires, and thereby justifies, prohibiting privately motivated discrimination as well.

Constitutional warrant for including privately motivated discrimination within the proscription of legislation based upon the Fourteenth Amendment can also be found in the fact that private discrimination in housing reinforces existing discriminatory patterns, public and private, and thereby adversely affects the efforts to eradicate them. Congress may therefore prohibit even private discriminatory acts for the same reason that it may regulate intrastate activities that materially "affect" interstate commerce. See, *e.g., Labor Board* v. *Jones & Laughlin*, 310 U.S. 1; *United States* v. *Darby*, 312 U.S. 100.

In sum, nothing short of a generalized, uniform legislative prohibition can correct the effects of past official discrimination and custom and remedy a nationwide evil. In the circumstances, the enactment of a broadly remedial measure is an appropriate exercise of the Congressional power to enforce the Fourteenth Amendment.

TITLE V—INTERFERENCE WITH RIGHTS

This title imposes criminal penalties upon any person (whether or not a public official) who forcibly interferes with the enjoyment of specified activities on account of race, religion or national origin. The provision penalizes both direct interference with persons actually in the pursuit of enumerated activities and acts of intimidation or reprisal with respect to participation without discrimination in such activities, whether immediately directed at the participants themselves, those who urge or aid them, those who oppose denials of such participation, or those (typically public officials) who control participation in the activity.

1. It has long been settled that Congress may make it a crime for any person (whether or not an official or acting "under color of law") to interfere with the exercise of rights arising out of the relationship between the citizen and the national government or rights created by federal statutes enacted under Article I, Section 8, of the Constitution. See *Civil Rights Cases*, 109 U.S. 3, 18; *Ex Parte Yarbrough*, 110 U.S. 651; *United States* v. *Waddell*, 112 U.S. 76. Specifically, there is no question of the constitutional power of Congress to punish private interference with voting in federal elections (*Ex Parte Yarbrough, supra*), interstate travel or interstate commerce (*United States* v. *Guest, supra*). Thus, so far as Title V of the bill vindicates rights in these categories it is plainly not subject to objection.

Nor does any problem arise because, in a few instances, the scope of protection is greater than that afforded by the substantive statutes defining rights dependent on the Commerce Clause. Congress is not constitutionally bound by the lines of coverage announced in the Civil Rights Act of 1964, with respect to access to places of public accommodation or equal employment opportunities, nor by its earlier decision to regulate, for some purposes, only interstate carriers and their terminals. In dealing with violent interference with the right to be free from racial discrimination in interstate activities it is reasonable to conclude that effective regulation requires reaching related local activities also.

Indeed, it is all too clear that if racial violence directed against activities closely related to those protected by federal anti-discrimination legislation is permitted to go unpunished, the exercise of the protected activities will be deterred. A Negro prevented by violence or the threat of violence from seeking employment in a firm of less than 100 employees will likely be too intimidated to seek a job with an employer who is subject to the Civil Rights Act of 1964. Likewise, a Negro violently prevented from using an intrastate bus may be hesitant to assert his right to equal treatment on interstate buses,[36] and a Negro prevented by force from entering a place of public accommodation not covered by that Act will fear to claim equal treatment in public accommodations covered by the Act. Experience teaches that racial violence has a broadly inhibiting effect upon the exercise by members of the Negro community of their federal rights to non-discriminatory treatment. Such violence must, therefore, be broadly prohibited if the enjoyment of those rights is to be secured. As already indicated in discussing Title IV of the bill, legislation that regulates intrastate commerce in order to assure the effective regulation of interstate commerce is a commonplace, and its constitutionality is beyond serious debate. See especially, *United States* v. *Darby*, 312 U.S. 100, 118–119; *United States* v. *Wrightwood Dairy*, 315 U.S. 110, 119; *Atlanta Motel* v. *United States*, 379 U.S. 241, 258.

2. Title V also vindicates the right to the equal enjoyment, without distinction on account of race, religion or national origin, of State facilities or activities (such as public schools, municipal parks, public assistance programs and the State electoral process). This is, of course, a right secured by the Fourteenth and Fifteenth Amendments against denial by officials or agents of the States, and there are many decisions upholding the power of Congress to punish criminally state officials who by force deny this right. *E.g., Screws* v. *United States*, 325 U.S. 91; *United States* v. *Price*, — U.S. —— (34 U.S. L. Week 4313 (1966)). The present title reaches private interference as well.

While those Amendments, of their own force, do not forbid private discrimination, they expressly authorize Congress to enact appropriate legislation to "enforce" the substantive guarantees. The scope of this congressional implementing power is broad. *South Carolina* v. *Katzenbach*, 383 U.S. 301, 326–327; *Katzenbach* v. *Morgan*, — U.S. ——. It surely comprehends legislation punishing private persons who for racial reasons engage in acts or threats of violence that obstruct access on equal terms to the facilities and benefits which a State provides its citizens, and thereby thwart the attainment of the promise of the Fourteenth and Fifteenth Amendments. Any doubt on this score was laid to rest by the opinions of Mr. Justice Clark and Mr. Justice Brennan (speaking together for six of the nine Justices), in the *Guest* case which declare in almost the same words that "there now can be no doubt that the specific language of § 5 [of the Fourteenth Amendment] empowers the Congress to enact laws punishing all conspiracies—with or without State action—that interfere with Fourteenth Amendment rights."

TITLE VII—ELECTION RECORDS

The Civil Rights Act of 1960 requires election officials to preserve and retain registration and election records for a specified period of time. The 1960 Act has been held constitutional. See cases cited *supra* p. 8. Title VII of this bill would authorize the Attorney General to permit state election officials, upon their application, to destroy ballots, tally sheets and other documents related to counting and casting ballots. This delegation of authority is constitutional, since the Attorney General's discretion to grant such an exemption is to be exercised only when in his judgment the destruction of records will not hinder, prevent, or interfere with the accomplishment of the objectives of the various voting rights laws enacted by Congress. Compare section 5 of the Voting Rights Act of 1965, sustained in *South Carolina* v. *Katzenbach*, 383 U.S. 301, 334–335; Civil Rights Act of 1964, section 709(c), 42 U.S.C. 2000e–8(c) (exemption from record-keeping requirements); Interstate Commerce Act, section 204(a)(4a), as amended, 49 U.S.C. 304(a)(4a); see also *United States* v. *Bush & Co.*, 310 U.S. 371, 380.

Mr. CELLER. Mr. Chairman, I move that the Committee do now rise.

The motion was agreed to.

Accordingly, the Committee rose; and the Speaker having resumed the chair, Mr. BOLLING, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill

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[36] The transportation provision of Title V is supportable on an additional ground: that every common carrier, whether or not in interstate commerce is so closely regulated by a State as to become a State instrumentality (see *Public Utilities Comm'n* v. *Pollak*, 343 U.S. 451; *Baldwin* v. *Morgan*, 287 F. 2d 750 (C.A. 5); *Boman* v. *Birmingham Transit Co.*, 280 F. 2d 531 (C.A. 5)).

(H.R. 14765) to assure nondiscrimination in Federal and State jury selection and service, to facilitate the desegregation of public education and other public facilities, to provide judicial relief against discriminatory housing practices, to prescribe penalties for certain acts of violence or intimidation, and for other purposes, had come to no resolution thereon.

GENERAL LEAVE TO EXTEND

Mr. CELLER. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days in which to extend their remarks on the rule preceding the consideration of this bill.

The SPEAKER. Is there objection to the request of the gentleman from New York?

There was no objection.

THE JOINT COMMITTEE ON THE ORGANIZATION OF THE CONGRESS

Mr. MADDEN. Mr. Speaker, I ask unanimous consent to extend my remarks at this point in the RECORD and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from Indiana?

There was no objection.

Mr. MADDEN. Mr. Speaker, the Joint Committee on the Organization of the Congress completed its hearings and executive sessions work in preparation for its written report to the Congress.

The following is a copy of the official press report outlining, in general, some of the results of its hearings and deliberations.

As cochairman of the Joint Committee on the Organization of the Congress I ask unanimous consent to include with my remarks the following joint statement issued by cochairman Senator A. S. MIKE MONRONEY and myself on the preliminary report.

The final report will be prepared and submitted to the Congress at an early date:

FROM THE JOINT COMMITTEE ON THE ORGANIZATION OF THE CONGRESS, JULY 21, 1966

The Joint Committee on the Organization of the Congress today announced approval of its final report. The report recommends major changes in congressional organization and machinery. The recommendations include uniform rules of procedure for the standing committees, changes in committee jurisdiction, improved staffing and use of modern management techniques in evaluating the federal budget. Approval of the report was announced at a news conference held by Senator A. S. MIKE MONRONEY and Representative RAY J. MADDEN, Co-Chairmen, and Senator KARL MUNDT and Representative THOMAS B. CURTIS, ranking Republican members of the bi-partisan Joint Committee.

The report is the product of a year and a half of study. The Committee was formed in March 1965. It conducted months of hearings where two hundred witnesses testified, including Members of Congress, high government officials, political scientists and representatives of national organizations. The Committee has begun preparation of an omnibus reorganization bill—to be entitled the Legislative Reorganization Act of 1966—based on the recommendations contained in the report. It will ask for permission to report the bill directly to the floor of each House during this session. This procedure was followed in 1946 when the last comprehensive review of congressional organization took place.

The report proposes major revisions in the standing committee system—the basic working unit of Congress. It recommends a committee "bill of rights" to give a majority of the committee membership the right to call meetings and report legislation in the event a chairman refuses to do so. It recommends more frequent use of open hearings and that committee deliberations may be televised or broadcasted at the option of the committee. Safeguards are prescribed to insure that all committee members can participate in the preparation of committee reports and that committee reports are available to all Members prior to floor action. The use of proxy voting in committees would be eliminated.

Major changes in committee jurisdiction are recommended. New Committees on Education would be created in each House. These committees would assume the educational jurisdiction of the Senate Committee on Labor and Public Welfare and the House Committee on Education and Labor as well as educational programs under the jurisdiction of other committees. The jurisdiction of committees dealing with scientific matters in each House would be expanded and redefined. The committee recommends redesignation of the Banking and Currency Committees as the Committees on Banking, Housing and Urban Affairs to give recognition to growing urban problems. It also recommends creation of a Senate Committee on Veterans Affairs with jurisdiction comparable to the House Veterans' Affairs Committee.

The committee attempts to achieve a better distribution of workload in the Senate by placing a limitation on committee assignments and chairmanships. It also recommends that no Senator can serve on more than one of the Appropriations, Finance, Foreign Relations and Armed Services Committees because of the jurisdiction of those committees.

Committee staff resources would be expanded and improved. The right to employ outside consultants is authorized and encouraged. Three positions—two professional and one clerical—are to be assigned to the minority on request. An additional staff member designated as a "review specialist" would be assigned to each standing committee to review the administration of existing laws.

The report makes a number of important recommendations in the field of fiscal controls and congressional review of the budget. It urges the use of automatic data processing to expand the budget information available to Members. Specific improvements in the presentation of the budget are recommended. Budget officials are to appear before the full Appropriations Committees of each House within thirty days after submission of the budget to discuss overall budget guidelines. The Appropriations Committees are urged to expand their study of multi-agency programs and to hold more open hearings. It recommends new operating units within the General Accounting Office to assist the committees in program evaluation.

Each Member is to have a personal legislative assistant. The Legislative Reference Service of the Library of Congress is to be redesignated as the Legislative Research Service to emphasize the scope of its responsibilities. A new reference division to handle routine requests in order to free expert personnel for more important inquiries will be created. It recommends better liaison between the Service and the Congressional committees.

The report also deals with Capitol housekeeping functions. Patronage appointments are to be eliminated on the Capitol Police Force and an Office of Personnel and Office Management shall be created.

The report recommends the creation of a Joint Committee on Congressional Operations to conduct a continuing study of the organization and operations of the Congress. The proposed Joint Committee would supervise a number of housekeeping functions and in some respects would become a permanent successor to this Committee.

The Legislative Reorganization Act of 1946 provided for the registration of individuals and organizations who solicit or receive funds for the purpose of influencing legislation. The Committee proposes to strengthen the Act by requiring registration of those having influencing legislation as a "substantial purpose" rather than the present "principal purpose" requirement. It would also transfer responsibility for the maintenance and publication of lobby registration records to the General Accounting Office. Stringent arrangements for contingent fees for lobbying purposes would be required.

The Committee urges that congressional business be scheduled on a five-day workweek. In the event a session extends beyond July 31st, a recess would be held in August and the business of the session completed in the fall.

Finally, the committee recommends that Members divest themselves of patronage responsibilities on the appointment and confirmation of postmasters and the recommendation of rural mail carriers.

The report was unanimously approved by the Committee. A number of Republican members also filed supplemental views. They made additional recommendations beyond those of the full committee. Among these were proposals for minority party control of an investigatory committee when the same party controls both Houses of Congress and the Presidency, curbs on administrative lobbying by the executive branch, disclosure of assets and income by Members and proposals relating to financing of political campaigns.

Congressman KEN HECHLER, Democrat, of West Virginia, expressed strong support of the recommendations in the report, and also added supplemental views designed to give the public a more informative view of the Congress, to provide for electric voting on an optional basis, and several other suggestions for future consideration by the Joint Committee on Congressional Operations proposed in the report.

The complete report of the committee will be available to Members and the public next week.

Other Members of the committee are Senator JOHN SPARKMAN, Democrat, of Alabama, Senator LEE METCALF, Democrat, of Montana, Senator CLIFFORD P. CASE, Republican, of New Jersey, Senator J. CALEB BOGGS, Republican, of Delaware, Representative JACK B. BROOKS, Democrat, of Texas, Representative DURWARD G. HALL, Republican, of Missouri, and Representative JAMES C. CLEVELAND, Republican, of New Hampshire.

AMENDMENT OF THE AVIATION ACT, SECTION 416

Mr. FRIEDEL. Mr. Speaker, I ask unanimous consent to address the House for 1 minute, to revise and extend my remarks, and to include extraneous matter.

The SPEAKER. Is there objection to request of the gentleman from Maryland?

There was no objection.

Mr. FRIEDEL. Mr. Speaker, I wish to call attention to the urgent need for a technical amendment to section 416 of the Federal Aviation Act of 1958. Doubtless many Members of this House, as well as myself, have noticed the recent announcement by Japan Airlines that it intends to inaugurate in October a regular through air service from Tokyo by way of the west coast of the United States to New York. According to the announcement, by March of next year, the frequency of this new through service will have reached the rate of one flight a day and will have become a part of the round-the-world service offered by Japan Airlines. Two other foreign airlines have also been authorized for some years to provide a round-the-world service which transits the United States and have been providing such service for a number of years.

However, I have been astounded to learn that no American international carrier is authorized to provide a competitive service because no such carrier is presently authorized to provide through service which transits the United States. I am further informed that, under the present law and regulations of the CAB, it is unlikely that any American carrier will be authorized to provide such service for another 4 or 5 years, pending the completion of the gigantic CAB proceedings just launched in the Transpacific route case. The need for such a service by an American-flag carrier was recognized as long ago as 1960. This irregular situation cannot be allowed to continue. The United States, in terms of its national interest in the development of an international air transportation system, in terms of its balance-of-payments difficulties, in terms of employment opportunities, and in terms of its interest in the economic health of American-flag air carriers, cannot afford to give foreign air carriers a headstart in the exploitation of these new routes, least of all when such a high proportion of the passengers traveling these routes will be U.S. nationals.

Fortunately, the situation can be quickly and easily corrected since it derives entirely from a procedural irregularity which has been allowed to develop in the administration of the Civil Aeronautics Act, as I will explain more fully in a few minutes. Under the present law, the President now has ample authority to negotiate international agreements for the reciprocal exchange of air routes with foreign nations. Also, under the present law, the CAB has adequate authority to license foreign air carriers to commence operations on the routes which the United States has agreed to exchange with foreign nations. However, the CAB has no present authority under the statute as interpreted by the courts to license American carriers to exploit the same routes with the same promptitude as is possible for foreign air carriers. In my opinion, it is urgent that we promptly take action to amend the statute so as to enable the President and the Civil Aeronautics Board to act with equal promptitude in licensing operations by American-flag carriers on routes now being exploited solely by foreign air carriers. Our negotiators are held to a strict standard of accountability in assuring that we get at least as good a bargain from the foreign government as we give. Yet, after these carefully negotiated bargains take effect, foreign carriers are permitted to capitalize on their new routes almost immediately, whereas U.S. carriers are restrained by our internal procedures from exploiting the new routes for a matter of several years. This simply does not make sense. Our carriers are placed at a competitive disadvantage and our national objectives in the promotion of U.S. international air transportation are adversely affected.

The explanation for this anomalous situation is not hard to find. Our statutory and regulatory procedures in the United States have not kept pace with the remarkable changes which have occurred in international commercial aviation in recent years. The flexibility and speed of modern commercial aircraft, since the inauguration of the jet age, have created situations in international air commerce which were not contemplated when the Civil Aeronautics Act was first passed in 1938. Nor were these situations contemplated when the aviation law was reenacted in 1958 as the Federal Aviation Act. The jet age of commercial aviation was then only 1 year old. One of the consequences is that U.S.-flag carriers are now frequently placed at a substantial disadvantage in seeking to compete with foreign airlines for traffic to and from the United States. The ironic part about this situation is that the competitive disadvantage under which our airlines presently labor is a self-imposed one which we are perfectly free, as far as our international aviation arrangements are concerned, to correct. I am certain that no other nation has similar self-imposed restraints on its ability to develop aviation routes secured by the negotiation of bilateral agreements.

For many years the State Department has been negotiating international agreements under which the United States grants to foreign countries the right to designate carriers to serve important air routes to the United States and through the United States in exchange for reciprocal routes for American-designated carriers. These international agreements are frequently renegotiated, revised and amended so as to grant new or more direct routes which take advantage of the increased speed and range of modern aircraft. Once an exchange of routes has been agreed upon, each nation designates a carrier or carriers to operate over that route. After designation, a carrier must however apply to the Civil Aeronautics Board for a formal license to commence operations. In the case of foreign air carriers, the procedures are simple and expeditious and the CAB, assuming Presidential approval, usually issues a foreign air carrier permit within a matter of 60 to 90 days after filing of the original application. Once the foreign air carrier permit is issued, the foreign airline is fully authorized to commence service.

In contrast to this simple and expeditious procedure, an American-flag carrier, under present law and regulation, is often required to wait many, many years before it can expect to receive a certificate authorizing it to begin service on the same route.

My bill is intended to provide a means by which American carriers can be granted temporary authority to operate with equal promptitude.

Two procedures are available under existing American law for U.S. carriers to obtain new operating rights:

First. The American carrier may apply under section 401 of the act for a certificate. This involves a lengthy CAB proceeding, including notice to all interested parties, hearings, oral testimony, briefs, and so forth.

Second. The American carrier may apply under section 416 of the act for an exemption from the certification requirement. This exemption is available in certain very limited cases.

Under the certificate proceeding, the Board has the power to issue the necessary certificate but only after elaborate hearings. CAB certification proceedings are held to be subject to the rule of the Supreme Court in *Ashbacker* v. *FCC*, 326 U.S. 327 (1945). This means that all applications seeking the same rights or even seeking similar rights are required to be heard in the same proceeding. Thus certificate proceedings typically involve many applicants and they are inevitably awkward and time consuming in the extreme, frequently requiring 4 or 5 years for completion.

The existing exemption procedure, while speedy enough, is nevertheless of doubtful applicability to the problem which has now arisen because the courts have by decision severely restricted the power of the CAB to grant relief. Under section 416 of the statute, the Board must find "an undue burden" on the applicant carrier "by reason of the limited extent of the operations of such carrier" or "by reason of unusual circumstances affecting the operations of such air carrier." The courts have interpreted the foregoing language as requiring a showing of something more than potential loss of revenue pending completion of the certification proceedings. *American Airlines* v. *Civil Aeronautics Board*, 235 F. 2d 845 (D.C. Cir. 1956); *Pan American World Airways* v. *Civil Aeronautics Board*, 261 F. 2d 754 (D.C. Cir. 1958).

It is not my purpose to argue for or against the wisdom of this interpretation insofar as a domestic route case, involving competition only between domestic U.S. carriers, is concerned, but I do maintain that it would be most unwise to allow such a result in the international situation which now confronts us, in which valuable new air routes are being vigorously exploited by foreign air carriers at a time when U.S.-flag carriers are not permitted to exercise reciprocal rights. In any event, because of this interpretation, U.S. carriers are forced to go through lengthy certification procedures as the only practical alternative available.

This procedural anomaly works to the competitive disadvantage sometimes of both the Government and the U.S.-flag carriers and at other times only to the disadvantage of the U.S. Government, as the following examples will illustrate. Some years ago, TWA, which serves Cleveland on its domestic network, was placed at a disadvantage by comparison with Trans-Canada Air Lines which had been authorized to operate a through service between Cleveland and Europe via Toronto. At that time TWA did not have authority to provide through service between Cleveland and Europe on its transatlantic service and an amendment of its certificate was required in order to permit it to offer a service competitive with that provided by Trans-Canada. Unfortunately, TWA's application for amendment could not be finally decided until the so-called Cleveland-New York nonstop case had been decided by the CAB, a case which involved a large number of U.S. carriers and it was several years before TWA was finally authorized to provide a competitive service between Cleveland and Europe. Thus, Trans-Canada Air Lines enjoyed a headstart of several years over TWA in developing this purely U.S. traffic market and TWA was placed at a substantial competitive disadvantage.

A second example is afforded by comparing the situation of Braniff and Panagra on the one hand with that of BOAC and Lufthansa on the other. Many years ago, the two American carriers Braniff and Panagra applied to have their routes extended to New York so as to provide the first U.S.-flag one-carrier through service between the west coast of South America and New York. These applications, as well as those of numerous other applicants, were later consolidated in the United States-Caribbean-South America case. Now after 4½ years this case is still at the examiner hearings stage. By contrast, two foreign carriers BOAC and Lufthansa, by virtue of permits issued by the CAB and the President under section 402, are now operating the only one carrier through services between New York and the west coast of South America. Obviously, Braniff and Panagra have been placed at a competitive disadvantage and they can obtain no relief until the United States-Caribbean-South America case is decided some years from now.

The most striking example is furnished by the current Trans Pacific Route case which gives every indication that it will become the biggest route certification case in the CAB's history. The issues involved in the Trans Pacific Route case first arose in 1959. After lengthy hearings, the CAB recommended to the President that the existing U.S. round-the-world carrier be permitted to transit the United States on round-the-world flights in the same manner as BOAC and Qantas had been permitted. However, the President returned this recommendation to the CAB without action saying that he had decided not to approve the recommendations "solely on considerations of foreign policy" and with the observation that the Board's recommendations would "unsettle our international relations—particularly with Japan." At that time, no Japanese airline had the right to operate across the United States and beyond to Europe under the international agreements then in effect. In December 1965, Japan acquired such rights by virtue of a new agreement with the United States. The route exchange involved in this new agreement is the one which the Japanese propose to implement in the next few months. On the other hand, no U.S. carrier can be granted the reciprocal right until the outcome of the certification proceedings in the Trans Pacific Route case, which was opened in 1965. Because of the number of applicants and the complexity of the issues and the scope and length of the routes involved, it seems likely that this case will take 4 or 5 years. In the meantime Japan airlines, along with the prior entries in the field, BOAC and Qantas will be reaping the benefits of superior access routes to the world's largest source of traffic, the New York metropolitan area. Obviously, U.S. carriers serving this market are placed at a competitive disadvantage. Moreover, the United States as a government is placed at a disadvantage and stands to lose several hundred million dollars in foreign exchange as a result.

Let me give two additional examples which show how the United States, as a government, is placed at a disadvantage even though no U.S.-flag carrier is directly involved. In 1959, the U.S. Bilateral Air Transport Agreement with France was amended to grant air routes to designated air carriers of each country between Tahiti and the United States. A designated French carrier, TAI, filed an application for this route under section 402 of the Civil Aeronautics Act in December of 1959. On March 4, 1960, only 4 months later, a foreign air carrier permit was issued to TAI by the CAB with the approval of the President. Several U.S. carriers applied for the route and these applications were consolidated in the original Trans Pacific case which I referred to earlier. It was not until 3½ years later that a U.S. carrier was certificated to operate on the same route in competition with TAI. During this period the U.S. Government was obviously placed at a disadvantage insofar as the development of a U.S.-flag International Transportation System was concerned. If the CAB had had the necessary authority, it could have granted a U.S. carrier operating rights contemporaneously with those granted to TAI.

A second and even more striking example has arisen under the United States-Brazilian Air Transport Agreement in 1958. Under this agreement, the United States and Brazil exchanged routes between the West Coast of South America and California. A Brazilian carrier, Real, applied on October 21, 1959, for a Foreign Air Carrier Permit under section 402 covering the route. A permit was issued to Real on December 3, 1959, less than 2 months later. However, even today in 1966, no U.S. carrier has been awarded similar rights although several have applied. Their applications are all tied up in the United States-South America case. As a consequence, the United States as a government is being disadvantaged in the "development and promotion of the U.S. Flag International Air Transportation System."

The foregoing examples show that the problem is a current one and that its solution is urgent. Moreover, the problem is likely to increase as new equipment becomes available and as changes are progressively made in the international route pattern in order to take advantage of the increased speed and range of the new equipment. As these developments occur, the United States and its carriers will suffer greater and greater competitive handicaps.

The bill which I am introducing today, which has been drafted by the CAB, is designed to empower the President and the CAB to act so as to eliminate the procedural anomaly and to forestall this self-imposed competitive disadvantage. The bill would broaden the exemption power of the CAB so as to permit it to cope with this type of problem. Specifically, it would authorize the Civil Aeronautics Board, pending final decision on U.S.-flag carrier applications under section 402 of the Federal Aviation Act, to exempt one or more such carriers for a temporary period from the enforcement of section 401—thus permitting them to operate—if the CAB finds that either the United States or one or more of its air carriers is placed at a competitive disadvantage by reason of the operations of a foreign air carrier or carriers serving the United States. Action by the Board in authorizing for a temporary period exemption from the usual certification requirement is made subject to approval by the President so that the President's constitutional prerogative in the conduct of foreign policy is fully protected. Moreover, this enables the President to coordinate his action under the proposed bill with whatever action he may have taken in the negotiation of new bilateral air transportation agreements. Thus the proposed bill is entirely consistent with section 801 of the present Federal Aviation Act.

As I said before, this bill has the approval of the CAB. It incorporates certain suggested amendments made by the CAB to S. 3197 introduced in the Senate by Senator MAGNUSON. S. 3197 as originally introduced contemplated cases where U.S. carriers were placed at a competitive disadvantage with respect to foreign air carriers serving the United States. Chairman Murphy of the CAB and others pointed out at the Senate hearings on S. 3197 that cases might arise in which the U.S. Government was adversely affected by such foreign air carrier operations but no particular U.S. carrier was placed at a competitive disadvantage. The amendment suggested by the CAB remedied this and this amendment has been incorporated in the bill I am introducing. Additionally, the CAB suggested a proviso, which has been incorporated in my bill, which preserves the principle of "route security" which is so important to the operation and financing of U.S.-flag carriers. The proviso assures that eligibility for exemptions under the new law will be limited to the carrier or carriers actually placed in a competitive disadvantage with respect to foreign air carriers and avoids undermining the carefully drawn statutory scheme incorporated in the existing Federal Aviation Act with respect to the award of air route franchises after notice and hearing.

If this bill is passed, the present procedural anomaly will be set aside and the CAB and the President will be empowered to grant on a temporary basis the necessary operating rights to U.S.-flag carriers so that they can compete on a timely basis with foreign air carriers who now receive such rights on an expedited basis. The ultimate result will be to promote the national interests of the United States in the development of a U.S.-flag international air transportation system. Moreover, the United States will be in a position to curtail the several-hundred-million-dollar drain on its foreign exchange position which will occur if this legislation is not approved. Finally, I stress again the urgent need for action on this matter during the present session of Congress.

H.R. 16509

A bill to amend section 416 of the Federal Aviation Act

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That subsection (b)(1) of section 416 of the Federal Aviation Act of 1958 (49 U.S.C. 1386) is amended by adding at the end thereof the following:

"In addition, if an air carrier has filed application under section 401 to engage in overseas or foreign air transportation, the Board may exempt the carrier from the enforcement of section 401 with respect to any such air transportation covered by the application, for a temporary period to continue not longer than sixty days after the final decision by the Board on the application filed under section 401, if the Board finds, after giving notice and an opportunity for interested parties to present their views to the Board, that the United States or one or more of its air carriers is placed at a competitive disadvantage by reason of the operations of a foreign air carrier or carriers serving the United States, that the development and promotion of the United States flag international air transportation system is thereby adversely affected, and that taking into account the effect upon interested parties and all other relevant factors it will be in the public interest to authorize such air transportation for such temporary period: *Provided,* That no air carrier not found to be at a competitive disadvantage shall be granted an exemption hereunder if the Board finds that the competitive disadvantage to which the United States or one or more of its carriers is subject in any case can be overcome by granting exemption hereunder to any air carrier or carriers found to be at a competitive disadvantage with respect to foreign air carriers: *Provided further,* That any order granting an exemption hereunder shall not become effective until approved by the President and shall be withheld from publication until the President's decision thereon: *Provided further,* That operations under any such order shall not be considered as a factor constituting an advantage to the carrier providing such operations in selecting a carrier for certification pursuant to section 401."

Mr. FRIEDEL. Mr. Speaker, I ask unanimous consent that the gentleman from New Hampshire [Mr. HUOT] may extend his remarks at this point in the RECORD.

The SPEAKER. Is there objection to the request of the gentleman from Maryland?

There was no objection.

Mr. HUOT. Mr. Speaker, I am pleased to associate myself with the remarks of my distinguished colleague from Maryland concerning the competitive disadvantage in which the United States and the U.S.-flag carriers involved in international air transportation find themselves with respect to foreign air carriers serving the United States.

Currently the Federal Aviation Act has similar procedures for granting certificates to U.S.-flag carriers—section 401—and permits to foreign air carriers—section 402. However, in practice these procedures operate quite differently.

The advantage currently enjoyed by the foreign carrier lies in the fact that it is usually a chosen instrument of the Nation in the bilateral agreement. Since there are no competing applicants, a permit is usually issued very quickly.

American-flag carriers, however, requesting a certificate under section 402 of the act enjoy no such advantage. Since there are generally numerous applications, all of which must be considered, it is not unusual for several years to elapse before a certificate is issued. Meanwhile, not only have the U.S. Government and the U.S.-flag carriers been deprived of revenue, but the foreign air carrier has become firmly entrenched on that particular route.

This bill, by amending section 416 of the Federal Aviation Act of 1958, will broaden the exemption authority of the CAB to permit it to cope with situations such as those just described. The CAB will be authorized pending decisions on applications by U.S.-flag carriers under section 401 of the act to exempt a carrier from enforcement of section 401. Thus a carrier will be permitted to operate for a temporary period if the CAB finds that the carrier "is placed at a competitive disadvantage" with respect to foreign carriers; and that the national interest is thereby "adversely affected." The Board's action is subject to approval by the President which assures that the President's constitutional prerogative in the conduct of foreign policy is fully protected.

Passage of this legislation will place the President and the CAB in a better position to allow U.S.-flag carriers to compete with foreign carriers equally and permit them to make a better contribution to the commercial interests of the United States and the important balance-of-payments objectives which must be achieved.

Mr. FRIEDEL. Mr. Speaker, I ask unanimous consent that the gentleman from North Carolina [Mr. KORNEGAY] may extend his remarks at this point in the RECORD.

The SPEAKER. Is there objection to the request of the gentleman from Maryland?

There was no objection.

Mr. KORNEGAY. Mr. Speaker, I rise in support of the amendment to the Federal Aviation Act offered by the able chairman of the Subcommittee on Transportation and Aeronautics.

As a North Carolinian, proud of my great State's place in history as the birthplace of aviation, I am appalled that foreign air carriers are permitted to transit the continental United States, picking up and discharging passengers in international travel while U.S. international carriers are denied this right by our own Government.

These foreign carriers are pursuing this tremendous competitive advantage in American-made planes and equipment and utilizing techniques and developments which are conceived, financed, and perfected by this Nation. Yet, the U.S. Government tells our own global carriers that they can fly the American flag to any place in the free world and provide the best international service they can devise except across our own country. This is an obvious injustice.

It is only equitable that U.S. air carriers be afforded the same rights and privileges enjoyed by their foreign competition.

ETHIOPIAN NATIONAL HOLIDAY

Mr. O'HARA of Illinois. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The SPEAKER. Is there objection to the request of the gentleman from Illinois?

There was no objection.

Mr. O'HARA of Illinois. Mr. Speaker, as chairman of the Subcommittee on Africa of the Committee on Foreign Affairs I am happy and privileged to salute the proud and venerable nation of Ethiopia on her National Independence Day which was observed on Saturday last when the House was not in session.

Along the eastern rim of Africa, about half-way down the continent, is situated the nation, Ethiopia. A vertible pot pourri of lakes and rivers, mountains and valleys, plateaus, plains, and deserts, Ethiopia is a striking phenomenon among her sister nations.

In the forefront of the African revolution, Ethiopia has neither ignored nor been overwhelmed by change. Her leader for 36 years—His Imperial Majesty, Emperor Haile Selassie I—has fostered and overseen the longest tradition of independence in Africa. Heading one of the most ancient monarchies in the world, he has gained for Ethiopia the seat of the Organization of African Unity and the headquarters of the United Nations Economic Commission for Africa. Therefore, it is appropriate that the Kingdom of Ethiopia, the crucible of an ancient heritage and modern development, as well as a diplomatic center of Africa, celebrate her national holiday on the birthday of her national leader.

This land of contrasts boasts a long and colorful history. Described as "the most just men" by the Greek historian, Herodotus, the Ethiopians first graced the annals of time as members of the kingdom of Aksum, founded, according to tradition, in the first millennium B.C. by the Queen of Sheba. Christianity was introduced in the fourth century; and with the Muslim conquest of northeast Africa, Ethiopia became the lone bastion of Christian faith in a Muslim setting. The heritage and development of Christianity in this ancient kingdom has since proven to be an invaluable source of information for scholars of religion.

Twentieth century events have stamped international fame and intrigue upon the pages of Ethiopian history. Ras Tafari Makonnen—now Haile Selassie, which means "The Power of the Trinity"—was crowned Emperor in 1930, only to have his reign interrupted in 1935 by the Italian invasion and occupation. Forced into exile due to the League of Nations failure to agree on appropriate action, he gathered resistance forces and with British troops reentered the capital, Addis Ababa, in May 1941. After the war Ethiopia became one of the original signatories of the United Nations Charter and has since continued to play a significant and leading role in African and world affairs.

Contributing to the phenomenon that is Ethiopia is the maturity with which she has faced development. She has identified herself with the aspirations of African nationalism and African rights. Though other nations may sometimes have tended toward restriction of representational government, Emperor Selassie has recently extended this democratic privilege in Ethiopia. And Ethiopia's unity, under the guidance of Haile Selassie, has continued to exist with relatively few challenges.

This is not to say that Ethiopia is a country without problems, however. On the contrary, there are many perplexing issues—economic, social, and political—to be faced. But Emperor Selassie's determination successfully to meet these obstacles is being felt throughout the Nation. One cannot fail to be impressed by the change that is taking place and by the mature manner in which it is being handled.

A salute is due "the most just men" of the present Ethiopian nation, to His Imperial Majesty, Emperor Haile Selassie I, and to His Excellency, Tashoma Haile-Marim, the able and popular Ambassador to the United States.

GENERAL LEAVE TO EXTEND

Mr. O'HARA of Illinois. Mr. Speaker, I ask unanimous consent that any of my colleagues who so desire may have 5 legislative days in which to join me in a salute to Ethiopia.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

ELIMINATING REMAINING TWO EXEMPTIONS TO THE BANK HOLDING COMPANY ACT OF 1956

Mr. BENNETT. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The SPEAKER. Is there objection to the request of the gentleman from Florida?

There was no objection.

Mr. BENNETT. Mr. Speaker, today I am introducing a bill to do away with the remaining two exemptions to the Bank Holding Company Act of 1956: the one-bank holding company provision and the provision exempting labor organizations.

Legislation stripping the exemptions allowed for the Du Pont Estate of Florida, Financial General Corp., nonprofit, charitable, religious, and educational institutions and companies with at least 80 percent of their assets in agriculture was enacted into law July 1, 1966.

I strongly believe in the principle adopted by Congress in the 1933 Banking Act, which said it was against the public interest for banks and nonbanking businesses to be controlled by the same ownership. In 1956 bank holding companies were similarly prohibited, but several exemptions were written into the law. Four of those exemptions were eliminated by law this year.

The bill which I am introducing has been drafted by the Federal Reserve Board. Specifically, it would amend the exemption which states "each of two or more banks" to "any bank" and do away with the provision for "labor, agricultural, or horticultural organizations." I am told that over 500 banks in the country would be covered by these provisions in the bill introduced by me.

The exemptions now in the law represent possible conflicts of interest and monopoly and are not in the public interest. When he signed the law in 1956, President Eisenhower said:

> As a result of the various exemptions and other provisions, the legislation falls short of achieving the objectives. The exemptions and other special provisions will require the further attention of the Congress.

Mr. Speaker, my bill would close the loopholes in the Bank Holding Company Act of 1956, doing away with any possible abuses to the public interest. I am hopeful for favorable reports and an early hearing.

A copy of the bill follows:

H.R. 16053

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That subsection (a) of section 2 of the Bank Holding Company Act of 1956 (12 U.S.C. 1841(a), as amended by Public Law 89–485) is amended by striking the words "each of two or more banks" wherever such words appear and inserting in lieu thereof the words "any bank".

SEC. 2. The first sentence of subsection (a) of section 3 of the Bank Holding Company Act of 1956 (12 U.S.C. 1842(a), as amended by Public Law 89–485), is amended to read as follows:

"It shall be unlawful, except with the prior approval of the Board, (1) for any action to be taken that causes any bank to become a bank holding company or any other company to become a bank holding company with respect to more than one subsidiary bank; (2) for any action to be taken that causes a bank to become a subsidiary of a bank holding company; (3) for any bank holding company to acquire direct or indirect ownership or control of any voting shares of any bank if, after such acquisition, such company will directly or indirectly own or control more than 5 per centum of the voting shares of such bank; (4) for any bank holding company or subsidiary thereof, other than a bank, to acquire all or substantially all of the assets of a bank; or (5) for any bank holding company to merge or consolidate with any other bank holding company."

SEC. 3. The first sentence of subsection (c) of section 4 of the Bank Holding Company Act of 1956 (12 U.S.C. 1843(c), as amended by Public Law 89–485) is amended by striking the words "shall not apply to any bank holding company which is a labor, agricultural, or horticultural organization and which is exempt from taxation under section 501 of the Internal Revenue Code of 1954, and such prohibition shall not, with respect to any other bank holding company" and inserting in lieu thereof the words "shall not, with respect to any bank holding company".

HON. GEORGE W. STEWART

Mr. WHITENER. Mr. Speaker, I ask unanimous consent to address the House for 1 minute.

The SPEAKER. Is there objection to the request of the gentleman from North Carolina?

There was no objection.

Mr. WHITENER. Mr. Speaker, in recent days we have heard a great deal of loose talk and criticism of a very distinguished American with whom we are privileged to be associated with here on Capitol Hill. I refer to the Architect of the Capitol, the Honorable George Stewart.

I have read in the press and other places comments to the effect that Mr. Stewart is not an architect. It is my understanding that this is true. Mr. Stewart is a distinguished engineer. He has on his staff one of America's most distinguished architects, Mr. Mario Campioli, who worked for many years on the Williamsburg renovation and reconstruction, and also worked with the Rockefeller group and in other important architectural ventures.

I am not an architect and I am not an engineer, but I have observed that when any building projects of any consequence are about to take place that architects always must have the assistance of engineers. So I see no inconsistency about the Architect of the Capitol being an engineer and calling in architects and having architects on his staff to work with him in preserving and, if necessary, enlarging the Capitol of the United States. Any layman can look at the west front of the Capitol and see that something must be done. I am not undertaking to say what should be done. But I say that it is time that the public know that Mr. Stewart is not a babe wandering around in an architectural woods. He is a trained engineer, a fine gentleman, and I am sure that many of us are correct when we recommend that we put our faith and confidence in him and the fine staff that he has working with him.

PUBLIC OPINION POLL, NINTH DISTRICT, NORTH CAROLINA

Mr. BROYHILL of North Carolina. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD and include the results of a poll.

The SPEAKER. Is there objection to the request of the gentleman from North Carolina?

There was no objection.

Mr. BROYHILL of North Carolina. Mr. Speaker, each year, it is my privilege to solicit the views of residents of the Ninth District of North Carolina on important national issues. This public opinion poll for 1966 has been conducted over the past several months and it is my privilege to announce its results.

I am grateful for the serious participation by many thousands of residents of the district. The poll has greatly increased the communication with the people I have the honor to represent. Their guidance and interest in the affairs of the Nation are most useful to me in my efforts to speak for them.

The tabulation represents views expressed by 7,111 persons who participated in this survey. A large proportion of those expressing their opinions added detailed comments about many of the issues explaining why they feel as they do. Unfortunately, there is no way to reflect these comments in any statistical form. However, I would like to discuss these results briefly here.

Decided reactions were stated about most of the national problems in this poll although several indicated almost evenly divided viewpoints. In the case of the proposal to increase the Federal minimum wage, 48.4 percent favored the increase while 48 percent were against it. Comments of many factory workers who opposed the legislation expressed widespread worry that increases would result in new inflationary pressures. If this were the consequence, it was argued, the buying power of general wage increases might be wiped out by further increases in the cost of living.

Deep concern from retired persons, factory workers, farmers, housewives, and businessmen was registered in many hundreds of comments about living cost increases. This was usually combined with statements in general opposing increases in Federal authority and opposing the present high level of Federal spending. In this regard, the war on poverty was singled out for particular dissatisfaction. A total of 76.7 percent of those expressing themselves in the poll opposed increased spending in the poverty program while only 15.7 percent favored it. An unusual number of participants stated a lack of confidence in the program and often severely criticized its administration.

The question of whether Federal legislation is needed to deal with strikes that threaten the national interest was supported by 78 percent of those responding. A total of 14.5 percent opposed such legislation. Strong feelings registered about this question were clearly stimulated by recollections of the public transportation strike in New York City and the threat of a national airlines strike.

A broad spectrum of opinion was obtained on the various provisions of the President's civil rights proposals which the Congress is now considering. A total of 55.3 percent favored assurance that jurors in State courts be called and selected without discrimination because of race or sex. However, 68.5 percent opposed legislation that would deny the right of property owners to sell or rent private dwellings on account of race.

Statements of concern about the war in Vietnam and our policy in conducting the war established it as the primary national issue in the Ninth District. In phrasing this question, it was my purpose to reflect as nearly as possible the various points of view that have been stated in the national debate on this serious issue. These questions were submitted to the people of the district prior to the U.S. decision to bomb oil storage facilities in the Haiphong and Hanoi areas. The poll indicated an impatience with the policies of limited bombing existing at the time the poll was distributed. A total of 63.7 percent of those participating in the survey favored a stronger policy than has been pursued. This was, in many instances, accompanied by a conclusion that this country should reassess its self-imposed limitations on the war and conduct a more vigorous campaign to end the conflict. If such a policy is not pursued, many persons explained, serious thought should be given to the withdrawal of American troops.

I wish to commend to the House of Representatives the results of this poll which I believe represents a large and thoughful sample of the opinion of the people of my congressional district in northwestern North Carolina:

	Percent		
	Yes	No	No opinion
1. Do you favor amending the Constitution to increase the term of office for Congressmen from 2 to 4 years?	45.4	51.3	3.3
2. Should the United States expand trade with Communist bloc countries?	24.7	71.9	3.4
3. Are you in favor of increasing the Federal minimum wage rate in several steps from $1.25 per hour to $1.60, the final step effective in September 1968?	48.4	48.0	3.6
4. Do you favor expansion of American farm production to meet the world's rising food needs to be financed largely by the United States?	35.5	54.0	10.5
5. Do you believe this country should encourage and promote birth control methods in overpopulated and underdeveloped countries abroad?	68.7	28.5	2.8
6. Should the House Un-American Activities Committee be abolished?	22.0	68.4	9.6
7. Do you favor establishing a Department of Transportation in the President's Cabinet?	29.6	60.0	10.4
8. Should we have stricter Federal laws regulating the right of individuals to purchase firearms?	52.5	43.9	3.6
9. Would you favor Federal legislation to deal with strikes that threaten the national interest?	78.0	14.5	7.5
10. Should spending for the war on poverty be increased?	15.7	76.7	7.6
11. Do you favor new civil rights legislation to—			
(a) Assure that jurors in State courts are called and selected without discrimination because of race or sex?	55.3	38.3	6.4
(b) Provide Federal compensation for damages to property or personal injury to persons engaged in lawful civil rights activities?	19.8	72.1	8.1
(c) Require nondiscriminatory hiring practices by State and local governments?	42.5	49.2	8.3
(d) Prohibit refusal to sell or rent private dwellings on account of race?	22.6	68.5	8.9
12. Should narcotics laws be changed to allow Federal courts to offer drug addicts who have committed a crime a choice between jail or hospital commitment for treatment?	50.4	41.9	7.7
13. Do you favor a greatly increased program of Federal assistance for hospital modernization and construction?	40.7	51.0	8.3
14. Are you in favor of a Federal law which would give the Secretary of Commerce authority to set minimum safety standards in automobile design and construction?	47.4	43.5	9.1
15. Should the Constitution be changed to provide District of Columbia residents voting representation in Congress?	46.6	43.8	9.6
16. Based on your understanding of the situation in Vietnam, should the United States (mark only 1)—			
(a) Make an all-out effort to win even at risk of greatly expanding the war?	35.2		6.4
(b) Continue present policies on the ground, but enlarge the bombing of military targets in North Vietnam, including facilities in the Port of Haiphong?	28.5		
(c) Continue present policies of support for South Vietnam, including limited bombing of North Vietnam as a means of obtaining a negotiated settlement?	12.9		
(d) Withdraw troops to protect only major population centers in South Vietnam, leaving the rest of the country to Vietcong control?	2.8		
(e) Complete withdrawal of U.S. forces from South Vietnam?	9.8		
(f) Other? (Specify on back)	4.4		
17. Should we have a Federal requirement that daylight saving time begin and end on the same dates each year unless State legislatures act to keep the entire State on standard time during summer months?	53.5	35.6	10.9
18. Should there be Federal standards for the transport, sale, and handling of dogs, cats, and other animals used in medical experimentation and research?	59.1	32.9	8.0

SPEEDING LAND ACQUISITION IN THE DELAWARE WATER GAP NATIONAL RECREATION AREA

Mr. REINECKE. Mr. Speaker, I ask unanimous consent that the gentleman from New Jersey [Mr. WIDNALL] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. WIDNALL. Mr. Speaker, rising costs not only affect the items in the housewife's budget but the items to be bought by the Federal Government as well. I am particularly concerned with the need to acquire property in areas such as the Delaware Water Gap National Recreation Area authorized by Congress last year. While the efforts of local and Federal officials have so far been generally successful in maintaining price stability in the Pennsylvania-New Jersey region to be contained in the project, there is a definite need to move ahead as quickly as possible.

Not only will further delay be costly to the taxpayer, but it will create additional hardship and difficulties for property owners in the area itself. There is indecision as to when to move, and the problem of rising land values around the recreation area, increasing the cost of relocation. The depressed value of property within, and the increase without also make it more difficult for Government appraisers, as time goes on, to set an equitable compensation award, based on recent sales of similar property.

The Committee on Appropriations in its Report No. 1405, of March 31, 1966, expressed its concern over the possible escalation of land prices in areas to be acquired by funds from the land and water conservation fund. It stated its policy as follows:

> With respect to the Bureau of Outdoor Recreation's consideration of acquisition proposals by the Federal agencies, the committee expects the Bureau to pay particular attention to the tracts that have a high cost per acre or substantial costs for improvements. The committee further expects first priority be given to Federal acquisitions which will implement recent authorizations of the Congress and lower priority to acquisitions of lands within existing units of the National Park Service.

This is sound policy, but the money needed to put it into effect, given present budgetary considerations, will probably be unavailable except over an extended period of years. The $6 million-plus to be made available this year for land acquisition in the Delaware Water Gap National Recreation Area is less than one-sixth of the $37,412,000 authorized for acquiring 46,000 acres. Nor does this take into account the money needed by the Corps of Engineers for land acquisition directly connected with the Tocks Island Dam and Reservoir.

The Tocks Island Regional Advisory Council, representative of the six counties in New Jersey, Pennsylvania, and New York directly affected by the new recreation area, has long concerned itself with the need for rapid acquisition of property for the project. In December of 1965, the council asked the U.S. Corps of Engineers to estimate how much land acquisition costs had risen since passage of the bill creating the national recreation area. The Corps of Engineers noted two large and two small developments underway which were estimated to have increased costs by $600,000. As both the corps and TIRAC pointed out, the bill as passed by Congress contained a provision authorizing the exemption of 1,600 acres from the original boundaries, so that the $600,000 is within the contingency created by this exemption. Nevertheless, in May of this year, I received a letter from Frank W. Dressler, executive director of TIRAC indicating that development was continuing in these areas at a normal pace.

In addition, Mr. Dressler noted:

> During the past few months we have, largely through publicity, managed to stop no less than three new large developments within the recreation area.

He also reported that in one development 9 miles of road were bulldozed out shortly before the bill passed Congress last year, and in each such case it will take years for the Park Service to get the vegetation and general ecology of the area back to normal.

In conclusion, Mr. Dressler wrote:

> Our plea for substantial land acquisition funds this year (fiscal 1967), therefore, is to (1) stabilize these two developments, thus preventing ballooning costs, and (2) forewarning other potential developers that there is no future in developing other lands within the recreation area.
>
> For your general information, two other subdivisions within the park have just been filed with the Monroe County Planning Commission. We hope to be able to hold both off, but this will be increasingly difficult if substantial land acquisition funds, indicating government intent, are not made available in the near future.

The Tocks Island Regional Advisory Council, in January of this year proposed that the Delaware River Basin Commission issue bonds to obtain funds for immediate land purchase in the area, the bonds to be secured by future congressional appropriations. While the Delaware River Basin Commission, under article 12 of the compact approved by Congress, has ample borrowing power, it is without revenue, and thus is without a credit base for issuing revenue bonds. On May 23, our distinguished colleague from Pennsylvania, Congressman JOHN P. SAYLOR, the ranking Republican on the House Interior and Insular Affairs Committee, introduced a bill to remedy this difficulty.

Last week I introduced a companion measure, H.R. 16373. I have done so as a cosponsor of the legislation creating the Delaware Water Gap National Recreation Area, and as the Representative in Congress of the entire portion of that project lying in the State of New Jersey. I have done so, moreover, to underline the sense of urgency that is needed in connection with land acquisition for this project. It is a need that is felt on both sides of the Delaware River.

The legislation would authorize the Secretary of the Interior to contract with the Delaware River Basin Commission for repayment to the commission, at an annual rate of no more than 10 percent of the total authorization, the amounts plus interest advanced to the Secretary by the commission for land acquisition in the recreation area. The money advanced by the commission would be obtained by the commission through a bond issue. Without this legislation, the commission would be unable to act in this fashion.

It is entirely possible that with the use of this approach, the 1972 completion date could be moved forward by several years, although this would not affect the 1972 target for beginning the accumulation of water behind the dam itself. I am confident that, following reports from the Corps of Engineers and the National Park Service, this legislation can be affirmatively acted upon by Congress this year.

ARTICLES BY S. T. TUNG

Mr. REINECKE. Mr. Speaker, I ask unanimous consent that the gentleman from California [Mr. YOUNGER] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. YOUNGER. Mr. Speaker, attached are two articles by S. T. Tung, the first entitled "What the China Experts Do Not Know About Red China" and the second, "Will Red China Intervene in Vietnam?" These are both very thought-provoking articles prepared by a Chinese who had considerable experience in Red China after the Communists took over before he was able to leave that country. He still has contacts in Red China from whom he gathers information.

The articles follow:

WHAT THE CHINA EXPERTS DO NOT KNOW ABOUT RED CHINA

(A talk by S. T. Tung to U.S. Naval Amphibious School in San Diego, Calif., June 30, 1966)

There are all sorts of China experts: professors, research workers, journalists, lobbyists, etc.; and of many nationalities: American, British, Canadian, French, Dutch, Austrian, etc. Few Chinese, if any, are considered China experts, at least as far as the Senate Foreign Relations Committee and the sponsors of conferences on China are concerned. It seems that anyone who has been able to obtain a visa to visit Red China is a China expert.

Unfortunately, with the exception of a small number of them, these experts are shallow, uncritical and biased. To depend on them for information and guidance is like depending upon the blind to lead the way. I cannot point out their many errors one by one, but will show by a few examples how superficial and wrong they can be.

1. Take the case of Red China's reconstruction.

China experts unanimously praise the Communist regime for its constructive accomplishment, such as widened streets and new buildings in the large cities; the People's Hall in Peking; the railway bridge across the Yangtze River at Wuhan. One such expert, who was called "Mr. China" by his friends, called the Chinese Communists "nation builders," which reminds us of "democratic reformers" and "agrarian reformers" of the past.

No one denies that the Communists have done some construction, but what's unique about it? Who hasn't? You find new constructions everywhere, in Japan, Taiwan, Hong Kong, even war-torn Korea and Vietnam. Perhaps more has been constructed right here in California than in any other place.

But the China experts would want you to believe that only the Chinese Communists have built and that they have built from scratch. I have seen them show the pictures of the Summer Palace of Peking and the West Lake of Hangchow as proof of Communist construction.

The fact is that the KMT regime—and I don't belong to the KMT—and the regimes before it had constructed a great deal under the most unfavorable circumstances. You know that China has another great river besides Yangtze; namely, the Yellow River. There were two railway bridges across the Yellow River built when Mao Tse-tung was in his cradle. The Chientangkiang bridge was built by Chinese engineers during the KMT regime.

Railroads and motor roads are modern Western things only recently introduced to China. Before the KMT came to power in 1928, there was hardly any motor road in China outside a few coastal cities. Then before the Sino-Japanese War began in 1937, motor roads had extended all the way from Shanghai to the innermost western cities of Chengtu and Kunming. Before the war concluded, motor cars could drive to Tatsienlu, the border city on the Tibetan Plateau. In some provinces such as Kiangsi, Hunan and Szechuan, networks of motor roads had spread to every corner.

The widening of the streets in the cities and towns had been started even earlier, in the Northern warlords time.

A considerable number of colleges, universities, agricultural experiment stations, libraries and hospitals were also built during the KMT regime. More would have been done, were it not hindered by the war and the Communists themselves.

I have no desire to discredit the Communists for their constructions, but several things must be borne in mind in order to evaluate them properly:

a. they have a prolonged period of internal peace;

b. they have complete control of all human and material resources which they could mercilessly exploit;

c. rather than providing employment, Communist construction has been the source of human suffering on account of the forced labor;

d. nothing that is accomplished by the Communists could not have been accomplished without the Communist system and the Communist methods.

The water-benefit constructions of the Communists furnish a good illustration of their boastfulness and of the inferior quality of their works. These constructions are what the Communists brag about the most. They claimed to have basically controlled the great rivers and increased the irrigable areas from 240,000,000 *mou* to one billion *mou* during the ten year period from 1949 to 1959. Then beginning in 1959 China had the greatest famine in her history, and the Communists blamed it on "natural disaster," which means mainly flood and drought!

The 40 billion work-days—100 million people to work for 400 days—which the Communists boasted of having spent for the constructions have been in vain. Imagine the sacrifice of the people.

2. Cleanliness.

Red China has earned quite a reputation for cleanliness. Visitors invariably laud the immaculateness of the trains and hotels, The main streets and railway stations are also generally clean. These are believable. But some visitors, such as the "Mr. China," are apt to add that China was the filthiest country in the world but is now the cleanest. They want people to believe that the Communists have transformed pigs to decent human beings. This is typical Communist propaganda.

There were clean places and dirty places in the past. The trains—at least the first and second classes—big hotels, school grounds, parks, main streets were always kept reasonably clean. The past cannot be recreated for comparison. But the KMT regime still exists in Taiwan. It has not made a fuss about cleanliness, but I don't think Taiwan is terribly filthy.

How have the Communists kept places clean? Here is a report by an Austrian journalist, Hugo Portisch, published in the April 30 issue of the Saturday Review: "The platforms (of railway stations) were painstakingly clean; whole columns of broom-wielding women worked to keep them so." He wrote about his experience in Peking: "I would be wakened at five in the morning by the noise of many scratching whisk-brooms, and if I glanced out of the window, I would see numerous columns of broom-wielding women, sweeping the street in unison."

We wouldn't employ such measures to keep the streets and railway platforms clean in this country. Yet there are very severe, arbitrary penalties for offense or negligence that the Foreign visitor would not know. Cleanliness is the easiest thing to achieve under a system of arbitrary power that has no regard for the right and dignity of the people. But people cannot live on cleanliness alone. From the people's standpoint, it might be better to have a little more food, clothing and freedom, and less hard work, than to have spotless trains and hotels for foreign visitors.

Red China's cleanliness is aimed more at political propaganda than at anything else, and is attained at the expense of the people.

On the other hand, I have heard refugees say that in the out-of-the-way places the conditions are quite different.

3. Are there people starved in Red China?

China experts and visitors are positive that there is no starvation in China now. I wonder how they know and why they can be so sure. They say they have not seen any starved bodies, so they concluded there is none. But let us reflect a little. I have lived in this country many years and have traveled freely and widely, but I have never seen murder, robbery, riot, forest fire or a hurricane. Does it mean that there are no such things in this country? What we can see with our own eyes is very limited, but we read them in the papers and watch them in the television. Now in a totalitarian country every news medium is managed by the government. Do you think that they would publicize such a thing as starvation and allow starved corpses to be displayed in the streets?

Not only no such corpses would be allowed to lie in the streets but no unwanted and undesirable person can live in the big cities such as Peking, Shanghai and Canton. They are rounded up and sent to out-of-the-way places. Most of the people living in these cities have some connection, either politically or economically, with the Party or the government. That is why they look adequately fed as some visitors have observed.

But I have heard and read reports from many other sources that tell a different story—that not only is malnutrition extremely common and serious but outright starvation and cannibalism are widespread. A few examples follow:

a. A German businessman wrote from Shanghai: "Ambulances travel day and night to gather up the people who collapse on the pavements, in the fields, and in the factories. Hospitals are overflowing, doctors overworked; the necessary medicines are lacking. . . ."

b. The Korean War turncoat Belhomme said that the hungry people of Tsinan flocked to the country in search of wild edible greens, shrubs and reeds; that at least half of the workers in his factory suffered from swollen wrists and ankles; that Tsinan abounded with thieves and in rural areas hungry peasants turned to banditry; and that hunger led to cannibalism, etc., etc.

c. Refugee students from Chinghai and Wuhan also told stories of cannibalism—that many children disappeared while skinless "pork" was sold on the market, which was believed to be human flesh. These students also said that in Chinghai, since 1959, the food ration per person per month was only 12 catties of bran, and that half of the children were too weak to leave bed and go to school.

d. A former student of Peking University who fled China in 1964 and who is now working at a restaurant in New York said that even in Peking only the government establishments eat well while most private homes lack food; that the students eat only corn bread, seldom anything else, so that 70% of them have some kind of liver disease and have to stay in bed a good deal of the time. (There is little chance for the foreign visitors to see these students.)

e. An elderly woman from Hangchow said that at the time she left China in 1963, the city residents were able to buy two ounces of cooking oil and two ounces of sugar per month, but the country people could get none. Many of these ate grass so their stomachs were swollen. The poor old peasants would swear at the Party cadres, who would shrug their shoulders. But other classes of people would not dare to complain, for they would be accused of capitalist tendencies and sent to hard-labor camps for reform.

f. A young woman also from Hangchow who fled the mainland in 1963 described to me how the natives envied the overseas Chinese in China for their food and dresses, and how the children fought for the bones that the overseas students threw away.

g. A Chinese magazine published in Hongkong by Chow Ching-wen, author of the book "Ten Years of Storm," reported that in Nan-ning, Kwangsi, at least 600 people were starved to death in 1957 as a result of over-requisition of grains; that in Kansu in 1960, also owing to over-requisition, the people had only four ounces of barley a day and at least 438,600 starved; and that in the Yungfeng commune, of 1,300 old people only 380 survived, and these survivals lived on the corpses of the starved.

These are merely a few illustrations. The fact that millions of food packages have been sent to relatives on the mainland by the Chinese in Hongkong is known to everyone. Almost every Chinese abroad has been asked by his or her relatives in China to send them pork, fish, oil, beans, peanuts because they were sick from malnutrition. More recently the mainlanders are even forbidden to beg food from their overseas relatives and friends because it contradicts the Communist propaganda and hurts the prestige of the Communist regime.

China experts claim that the conditions are better now than a few years ago. How much better? A few years ago, at the time of the great famine, the Communists never admitted the famine; they only said afterwards that their "temporary difficulty" was over. So, how do we know that things are really good at present?

People do not starve to death in a short time as proven by those on hunger strike. Unless they eat too much grass or leaves or mud, they can live for a long time with very little food. But they become weak and sick, and their lives are shortened. That is starvation, in the true sense. In this sense, starvation is much more widespread in China now than ever before.

Moreover, the famines of the past were caused by crop failure, war and poor transportation. The government would always try to give relief, though it might not be sufficient. Now the Communists would seize the food from the peasants and ship to the cities to feed the vast armies of cadres, bureaucrats and troops, and sent abroad in order to earn foreign exchange. We are familiar with the imports of wheat, barley, oats, maize to Red China, but tend to overlook the huge quantities of pork, eggs, soybeans, rice, fish, vegetables, fruits, fat and oil, badly needed by the mainlanders, exported from China. Between US$300-400 million favorable trade balance was earned each year by Red China largely through the export of food and clothing. This is robbing the people of their means of existence, and the money thus earned is spent abroad for propaganda, subversive activities and the war in Vietnam.

4. What about freedom?

This is something that the experts cannot cover up, pretend or distort, so they come up with the argument that the Chinese people never had any freedom and never care for freedom, and that freedom is only a Western conception. This is, of course, absurd. How can they explain the millions who flee from China and the other millions who have revolted and got killed?

The fact is that the Chinese people used to have a maximum amount of freedom, even though the past dynasties were called autocracies ruled by absolute emperors. During the regimes of the Northern warlords and the KMT, everybody was free to choose his own occupation and place to live in, to travel and migrate, to assemble and organize, to publish newspapers and magazines, to buy or sell anything in any quantity, and even to form political parties. No one can do such things now.

Did the Chinese people care for freedom? The Communists themselves know the answer. How did they win power? One of the main reasons is by preaching freedom to the people. Turn to their declarations and speeches. Nearly all of them carry solemn pledges for all sorts of freedom to the people. The people realized too late that they had been deceived.

5. Why Red China has not intervened in Vietnam with troops?

China experts assert authoritatively that once the Vietnam war is escalated to a certain point, Red China would send in "volunteers," and that to engage in a ground war against Red China would be a most terrible mistake. Some experts compare the army, navy, air force and nuclear weapons of Red China with that of the U.S., and declare that Red China cannot fight an offensive war with the U.S.; yet they are scared of the manpower of the Peking regime and assert that it would be insane to invade the Chinese mainland. This shows how little the China experts know about Red China and the Chinese people.

What the Chinese Communists are most afraid of is not bombing of the mainland, or even of nuclear weapons, but the Chinese people. They know that the people are opposed to them. As long as the mainland has peace, the Party machine will be able to subjugate the population and suppress any revolt in embryo, but once an invasion by the Chinese troops from Taiwan gets established on the mainland, the whole country will explode.

The true reason why Red China has not sent troops to Vietnam is that they know that the U.S. not only will not recognize any sanctuary as in Korea but will unleash the forces from Taiwan and thus touch off the explosion on the mainland.

However, if the Communists become so desperate that they do intervene in Vietnam, which I doubt very much, we should welcome the opportunity to wipe out the Peking regime and bring permanent peace to Asia.

WILL RED CHINA INTERVENE IN VIETNAM?

(Delivered before the convention of the International Platform Association in Washington, D.C., July 22, 1966)

Red China had threatened to intervene in Vietnam even before the Vietnamese War had started. Thus, on June 26, 1964, previous to the Tonkin incident, she had warned: "No one should have any misunderstanding that the Chinese people absolutely will not sit idly by, while the flames of war spread to their sides. . . ."

Since then she had vowed many times that aggression against Vietnam is aggression against China; that "we Chinese people mean what we say," and that she would support the Vietnamese people (the Viet Cong) with actual deeds, men and materials.

Most recently after the oil installations in Haiphong and Hanoi were bombed, Red China declared that the bombing had further freed her from any bounds or restrictions in rendering support and aid to North Vietnam.

On the other hand, a good many people in the United States including senators, military and China experts have publicly expressed fears for Red China's intervention. In his much publicized letter that appeared in the February, 1966 issue of Harper's magazine, General James M. Gavin warned that if we were to increase the bombing of North Vietnam and to bomb Hanoi, or to greatly increase our combat forces in Vietnam we should anticipate the intervention of Chinese "volunteers" and the reopening of the Korean front.

It is comforting to reflect that during the last several months the bombing of North Vietnam has been increased and both Hanoi and Haiphong have been bombed, yet the anticipated intervention has not taken place.

Several professors who specialize on Chinese studies have expressed similar opinions at the Senate Foreign Relations Committee Hearing held last March.

When in April the United States said that it would pursue enemy fighter planes across the Vietnamese border, both Senators FULBRIGHT and MORSE called it "very dangerous." MORSE said in San Francisco that American planes flying at 1,500 miles an hour and dropping bombs within 40 miles of the China border could accidentally stray over the North Vietnam border and drop a bomb on Chinese territory, and that could trigger a land war with Red China which the United States could not win by bombing—even nuclear bombing—and would "bog down 3,000,000 American troops for years." Fortunately such a land war has not been triggered.

The recent bombing of Hanoi and Haiphong has aroused new fears among various people. Senator ROBERT KENNEDY said that it has created a danger of a conflict of confrontation with Red China. Columnist Walter Lippmann wrote that the Peking statement (that the bombing of Hanoi and Haiphong has freed them of any bounds and restrictions in rendering support to North Vietnam) "must be read as notice that in some way or other Red China will enter the war by surprise." He reminded us, as others had previously, that General MacArthur had misjudged Red China's intent in Korea and had told President Truman that she would not intervene but later she did.

Will Red China intervene in Vietnam, or will she not? This is a question of great importance to all the world. What is the answer? What are the reasons for intervening and not intervening?

Before I give my answer, let us see what the experts have to say. Some of them, either believing that Red China will not intervene or seeing that she has not intervened so far, have offered some explanation.

The Time magazine recently interviewed "more than 30 China experts." Their consensus of opinion regarding Red China's military capabilities may be summarized in the following words: She has a big army but it is not modern by Russian and United States standard, so it "could probably defend China well in any homeland war against an invader." But her air force is second rate, her planes are obsolete, her navy is negligible, her nuclear power is elementary; therefore, she cannot wage a war beyond her borders. (Parenthetically, this speaker, though among the interviewed, does not subscribe completely to their opinion.)

A notable military expert, Francis V. Drake, the military editor of the Reader's Digest and "a longtime consultant to the United States Air Force," has expressed pretty much the same view in a recent article in that magazine. He said that while Red China's army is the largest in the world—2,500,000 first-line soldiers, plus many millions of militia and auxiliaries—they are impotent beyond their own borders because they lack air lift, good roads and trucks. However, he warned: "Only a fool would seek to underestimate the manpower of China or the armed might that she may achieve in the future. It be insane to invade the mainland, and the United States has no intention of doing so. . . ."

Thus, the experts seem agreed that Red China is strong for defense in China but weak for fighting outside China. This is why she has not intervened in Vietnam, or why we need not be afraid if she intervenes.

In my opinion, the views expressed by these experts are typical American views representing the American way of thinking. They are seldom right whenever matters relating to China are concerned.

In the first place, Red China would not need any airlift, or a first rate air force and navy, or many good roads and trucks to infiltrate into Vietnam. The reason is not far to seek. North Vietnam does not possess any better transportation facilities than Red China, but she has been able to send enough troops and supply through the Ho-Chi-minh trail to South Vietnam to keep more than a quarter of a million American troops and half a million South Vietnamese troops busy for more than a year. Red China could do much more even with the transportation facilities now available.

But why hasn't she intervened? Is it because she is afraid of bombing? The United States has made it clear that she will not recognize any sanctuary this time as she did in Korea. It is generally interpreted as meaning that the Chinese mainland will be bombed if Red China intervenes in Vietnam. But the Chinese Communists are not necessarily scared of bombing, and the reason again is not far to seek but can be found right in Vietnam. We have bombed North Vietnam for more than a year and so heavily that we were one time out of bombs, yet we are still unable to persuade Ho Chi-minh to stop fighting and come to the conference table. We could bomb the Chinese mainland ten times more heavily and for twenty years and still could not persuade the Chinese Communists to stop fighting.

The Chinese Communists are not even scared by the nuclear bomb. They have always called it a paper-tiger, and I believe they mean what they say in this particular case, because they know that the bourgeois-minded and soft-hearted Americans will not use the nuclear-bomb—not at any rate be the first to use it.

Then what has deterred Red China from intervening in Vietnam? Certainly it is not that the Chinese Communists love peace. That would be completely hypocritical and absurd. The real and most important reason is that they are afraid of an invasion by the Chinese forces from Taiwan.

Contrary to the belief of the experts, what is thought to be the greatest strength—manpower—of Red China is actually her greatest weakness, and what people believe Red China can best perform—land war on her own soil—is actually what she must avoid. She boasts most loudly of her inexhaustible manpower but it will not only be inserviceable to her but will turn against her when the mainland is invaded by the Chinese forces from Taiwan, and she knows it. She also knows that the United States' "no sanctuary" policy will not be confined to bombing the mainland but includes the unleashing of the Chinese forces. This is why the Chinese Communists have stopped at protesting and threatening and have not sent any "volunteers" to Vietnam in spite of the escalation of the war.

You will ask why Red China with two and half million troops and 700 million people should be scared of an invasion from Taiwan with only half a million troops and 12 million people. But the Communists understand it. They know that in an internal war the attitude of the people is really the thing that counts and that the Chinese people are opposed to them.

You will ask how do I know that the Chinese people are opposed to the Communists. I confess that I have not taken a poll of the attitude of the Chinese people; no one has, and it is impossible to do so. Some western visitors to Red China have told us that they had talked to many and all classes of people in China and found out that they are loyal to the Peking regime. This is most naive and absurd. They cannot find out the true attitudes and feelings even if they talk to all the 700 million people.

But if you are Chinese and familiar with the background and the Chinese mentality, know what the Communists have done to the Chinese people these many years, and are able to put yourself in their position and to project your imagination to their minds, you cannot fail to know their feelings and attitudes toward the Communists. Furthermore, you can check your judgment with the refugees, with correspondences from the mainland, and against the statements made by those who spoke out during the "Let a hundred flowers bloom and a hundred schools contend" period and by those who are being purged at the present time. Even the statements of the Communists are revealing if you know how to read them between the lines.

Within my limited time I cannot go into details to explain to you why the Chinese people are fed up with Communism and the Communists but I ask you to try to picture yourself the following conditions:

If your relatives are killed or thrown in prison for no fault of theirs; if your home, savings, farm, store, shop are taken away from you by force; if you are doomed to live on the meagerest ration year in and year out with no prospect of improving; if you are deprived of all freedom to choose your work, occupation, place to live in, and to travel or migrate but can only slave for the Communists; would you love them?

This is exactly the situation in which the Chinese people have found themselves. So how can the Communists expect them to support them?

However, the Communist political and military machine is still strong enough to maintain a tight control of the people and the army as long as the mainland remains in peace. But once the troops are fighting outside China and are confronted with a powerful and yet friendly army, they are bound to defect *en masse*. Once the homeland is invaded by Chinese forces, revolts of both the army and the people are bound to mushroom and spread fast.

These are the reasons why Red China has not dared to intervene in Vietnam and, in my opinion, will not intervene, provided the United States sticks to her "no sanctuary" policy and remains firm.

I would like to add, however, that if the Communists should become so desperate and go out of mind that they intervened, we should welcome the opportunity to liberate the mainland and bring permanent peace to Asia.

LEGISLATION FOR ESTABLISHING A COMMISSION ON ARCHITECTURE AND PLANNING FOR THE CAPITOL

Mr. REINECKE. Mr. Speaker, I ask unanimous consent that the gentleman from New York [Mr. REID] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. REID of New York. Mr. Speaker, I am today introducing legislation which would establish a Commission on Architecture and Planning for the Capitol within the National Foundation on the Arts and the Humanities.

The Commission's approval would be necessary for any "construction, alteration, or repair of any public building on, or landscaping of, real property comprising the U.S. Capitol Grounds," thus insuring that the architecture of the Capitol will be treated consistent with its historical heritage and artistic tradition. This protection is necessary to avoid any tragic mistake such as the ill-considered proposed extension of the west front.

Mr. Speaker, my bill would—

First. Require that construction projects on the Capitol Grounds "meet a standard which exemplifies and reflects excellence in architecture and land use, good taste and judgment, and which demonstrates a proper regard for the historic and symbolic importance of our National Capitol";

Second. Assure that projects meet these standards by providing that the Congress "have the impartial advice and counsel of qualified professionals, eminently established and recognized in their respective fields, to assist it in deciding upon the merits of proposals for such construction projects."

Third. Establish a Commission on Architecture and Planning for the Capitol consisting of 3 architects appointed by the President from at least 12 nominated by the American Institute of Architects, 1 landscape architect appointed by the President from at least 4 nominated by the American Society of Landscape Architects, 1 historian-preservationist appointed by the President from at least 4 nominated by the National Trust for Historic Preservation, 1 artist appointed by the President from at least 4 nominated by the Federal Council on the Arts and Humanities, 1 sculptor appointed by the President from at least 4 nominated by the Commission on Fine Arts, and 1 individual "in private life who is significantly interested or experienced in the matters to be considered by the Commission" to be appointed by the Speaker of the House and one by the President pro tempore of the Senate;

Fourth. Mandate the Commission to prescribe by regulation "the procedure for submission of plans for such construction, alteration, landscaping, or repair"; and

Fifth. Require the approval of the Commission before any construction project is undertaken.

If we want to improve our Capitol so that it will be a source of pride and a place of welcome to all Americans, we can do so only with the advice of a Commission of experts, such as this bill would establish. The distinguished chairman of the Special Subcommittee of the Committee on Education and Labor, the gentleman from New Jersey [Mr. THOMPSON], has scheduled hearings on this proposal Tuesday and Wednesday of this week. As a member of the subcommittee, I will do what I can to insure prompt action; and it is my hope that the House will enact this bill before irreparable damage is done to the Capitol.

"TAXPAYERS' MONEY SHOULD NOT BE USED TO TAKE SIDES IN POLITICS"

Mr. REINECKE. Mr. Speaker, I ask unanimous consent that the gentleman from New York [Mr. GOODELL] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. GOODELL. Mr. Speaker, "Taxpayers' money should not be used to take sides in politics," those were the words of an irate citizen of Durham, N.C., after nine poverty staff members participated in partisan efforts to get Durham residents to Democratic precinct meetings. The Community Action Agency, Operation Breakthrough, used four of its vehicles to provide transportation to the Democratic precinct meeting.

Subsequently, OEO and officials of Operation Breakthrough admitted a mistake and supposedly barred future incidents of this nature. Three weeks later staff members of Operation Breakthrough, using private automobiles as well as vehicles leased by the North Carolina fund actively solicited votes and transported voters to the Democratic primary in Durham. The North Carolina fund is financed by State and foundation money, as well as Federal poverty grants.

Unfortunately, this is just another example in a long series of incidents involving partisan use of poverty money in communities across the country.

Other problems abound in the Durham poverty war in spite of a promising potential in some aspects of the program. In addition to partisan political involvements, Operation Breakthrough staff and vehicles were used to picket city officials and community and business leaders. In a housing dispute, poverty staff and vehicles were even used to picket the private residence of a Negro leader who was attempting to mediate the issue.

Investigation of the Durham poverty program reveals the following additional circumstances that have impaired the efficiency and disabled the potential of the program:

First. Top personnel have exploited their positions of authority in personal relationships with staff employees, creating serious morale and personnel problems.

Second. Various departments of the Durham poverty program are poorly coordinated because of a lack of firm leadership and direction. Since the executive director has resigned effective July 25, 1966, it is urgent that responsibilities of supervisory staff be clearly defined and coordinated by the new director.

Third. The accounts of the Durham poverty program are grossly delinquent and there has been a complete breakdown in communications between accounting and the programs themselves. This information has been verified by recent fiscal audit.

Detailed publication of personnel and administrative deficiencies at this time could only further impair Operation Breakthrough. Firm, forceful, and independent action by OEO and the local leadership of Operation Breakthrough is imperative if the deficiencies of the program in Durham are not to reach scandalous public proportions.

MORE PORK PURCHASE CUTS, MR. SECRETARY?

Mr. REINECKE. Mr. Speaker, I ask unanimous consent that the gentleman

from Minnesota [Mr. Langen] may extend his remarks at this point in the Record and include extraneous matter.

The **SPEAKER**. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. **LANGEN**. Mr. Speaker, little did I know when I was speaking yesterday to a National Farmers Organization picnic in Minnesota that my prediction of further Government efforts to beat down farm prices would come true within a few hours. I refer to the Secretary of Agriculture's appearance yesterday on nationwide television—"Meet the Press"—in which the Secretary said that the Government may again cut down its pork purchases if hog prices rise.

Yesterday, in my Minnesota farm speech, I predicted that "American farmers have seen only the beginning of Government efforts to beat down farm prices and hold them at depressed levels."

Within hours that same afternoon the Secretary of Agriculture was saying, in connection with pork purchases, "I might very well do again what I did before."

It is obvious from such statements that this administration has no intention of letting supply and demand work for U.S. agriculture.

Mr. Speaker, in my speech before Minnesota farmers I emphasized price as the key both to farm income and to an adequate food supply. Fair prices are the most important ingredient in our efforts to assure farmers a satisfactory return for their production, and to assure consumers a plentiful supply of food. Price is the incentive for the production we need to meet our domestic food requirements and to fulfill our foreign commitments as well.

And yet, our Secretary of Agriculture told me and members of the Agriculture Appropriations Subcommittee that parity prices are too high, and that the whole concept of parity prices is really meaningless today.

I am sure that some of the nearly 3 million farm people who have been forced to migrate from the land during the last 5 years believe that parity prices have a very real meaning.

The American farmer deserves far more consideration than he has been getting, but the administration's attitude seems to be hardening instead. The State Department just gave its "very warm blessing" to an arrangement which will bring at least $100 million worth of Rumanian canned pork and ham into this country over the next 10 years, and in the last 2 weeks the Department of Agriculture has expanded sugar imports by a quarter of a million tons.

As if the uncertainty of weather were not enough, the American farmer is also faced with the uncertainty of Government actions in agriculture. This presents him with a formidable challenge, but the days ahead are going to present even greater challenges and will require a further concentration of cooperative effort among farmers all over this Nation.

THE AGRICULTURE DEPARTMENT SHOWS DISREGARD FOR U.S. SUGAR PRODUCERS

Mr. **REINECKE**. Mr. Speaker, I ask unanimous consent that the gentleman from Minnesota [Mr. Langen] may extend his remarks at this point in the Record and include extraneous matter.

The **SPEAKER**. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. **LANGEN**. Mr. Speaker, recent developments in the sugar industry, involving changes in the Aroostook County, Maine, processing plant and fluctuations in the foreign import quotas prompt me to express concern over the administration's lack of sound reasoning in sugar-related decisions.

The Department of Agriculture is showing its disregard for the interests of America's domestic sugar producers and consumers by its inconsistent approach to the sugar import situation and its allotment of domestic acreage to questionable areas of production.

Back in 1964, the area of Aroostook County, Maine, received a 33,000-acre sugarbeet allotment before it was even definitely established the area could support the growing of high quality sugarbeets. Proven beet areas, including the Red River Valley area of Minnesota and North Dakota, were not given the opportunity to realize their full potential in the raising of top-quality beets.

Aroostook County is the site of a sugar processing plant, built in 1964, that was financed by Area Redevelopment Administration—ARA—funds. The plant was originally intended for the processing of sugarbeets and was backed up by the 33,000-acre allotment granted to the area.

It has now been found the Maine plant is being forced to add additional equipment, again government financed, for the refining of sugarcane. Figures show they have not even come close to planting their allotted acreage of beets.

The new equipment, costing over $2 million, is being financed by the Economic Development Administration, the 1965 successor to ARA.

We questioned the original decision on the loan and acreage allotment and our argument seems to be bearing out. The desperate move to keep the factory running by adding facilities for the refining of sugarcane is not the answer either.

This addition of cane refining facilities will produce a "double-pronged effect." The increased facilities will either force further increases in the importation of sugarcane or will take away from the cane available for refining by existing, established plants in other areas.

The latter effect would only result in the transfer of jobs and materials from one place to another and would reflect no overall gain.

If imports should be increased, it would only be another confusing move in the Department of Agriculture's inconsistent approach to import quota decisions. Since the first of the year, the sugar import quota has been raised three times but, last month, the Department sought to lower imports by reducing the percentage of sugar allowable in quota-free, sugar-butterfat mixtures.

A late July increase of 125,000 tons in the import quota for sugar was preceded by one earlier in the month of 100,000 tons and another in April of 200,000 tons. However, in June the Department of Agriculture, "to limit the importation of products or mixtures containing sugar and butterfat," placed import restrictions on any sugar-butterfat mixtures containing over 25 percent sugar.

Original approval by domestic sugar and butterfat producers on hearing of Department intentions to limit the import of this mixture turned to criticism when details of the order, labeled inadequate by producers, were revealed by Department officials.

Contradictory moves such as these by the Department of Agriculture and the administration make their position on the sugar situation seem very unclear. It is plain to see, however, their actions in these and other areas are not geared toward the best interests of the domestic producer and consumer.

THE NEED FOR A HOUSE SELECT INVESTIGATING COMMITTEE UNDER MINORITY CONTROL

Mr. **REINECKE**. Mr. Speaker, I ask unanimous consent that the gentlewoman from New Jersey [Mrs. Dwyer] may extend her remarks at this point in the Record and include extraneous matter.

The **SPEAKER**. Is there objection to the request of the gentleman from California?

There was no objection.

Mrs. **DWYER**. Mr. Speaker, on July 14, I introduced House Resolution 915, to create a select committee of 15 members, to be controlled by the minority, which would have general authority to conduct studies and investigations of the administration and enforcement of Federal laws, subject to certain reasonable limitations.

At this time, I should like to set forth for our colleagues some of the reasons that have impelled me to introduce such a resolution and to explain how and under what conditions the committee would function.

The constitutional principles of the separation and balance of powers, Mr. Speaker, impose upon the Congress the obligation to exercise careful oversight of the administration and enforcement of the laws by the executive branch. This oversight function has increased notably in scope and importance within recent years as the size and complexity of our society have grown and as the activities of the Federal Government have kept pace.

The Congressional Reorganization Act of 1946 issued a clear and compelling mandate that Congress "exercise continuous watchfulness" over the administration of laws. Students of government are in general agreement that the oversight function has become equal in importance to Congress lawmaking authority. And, certainly, from our own experience in the House, we are daily aware of the great significance of providing adequate means to control, check, stimulate, supplement, and ameliorate the Federal bureaucracy.

Congress today has a number of means available which it can exercise its oversight responsibilities vis-a-vis the executive branch. Among them are: the Government Operations Committee with respect to the economy and efficiency of Government activities; the Appropriations Committee through its annual review of the administration's budget requests; the standing committees of the House with reference to the administration of the laws within their respective legislative jurisdictions; the Senate's power to advise and consent to Presidential appointments; and the power of impeachment, among others.

Under certain circumstances, I believe that these means are adequate to permit Congress to do an effective oversight job. This is especially true when Congress and the executive branch are controlled by members of different parties, a circumstance which encourages closer supervision by congressional committees of executive branch activities.

On the other hand, Mr. Speaker, although the authority of Congress to investigate the operations of the executive branch is clear and undisputed, existing methods and procedures are, I believe, demonstrably inadequate when the same party controls both branches of the Government. I need mention only the well-known case of the Bobby Baker investigation as evidence of such inadequacy, though other examples readily come to mind.

The problem exists regardless of the party in power. It is unrealistic to expect the congressional members of a political party—again, regardless of the party—to subject executive branch officials of the same party to the kind of complete and searching scrutiny required for the proper exercise of congressional oversight authority.

While it is understandable in human terms that majority party Members of Congress—whatever the party—should be reluctant to expose their opposite numbers in the executive branch to serious political embarrassment, the integrity and constitutional authority of Congress cannot be allowed to be compromised by inaction, however understandable, when abuse of authority, incompetence, inefficiency, or wrongdoing may be involved.

This is a problem, Mr. Speaker, of such great significance for the proper exercise of congressional authority that a systematic alternative should be provided whereby Congress can assure itself of meaningful oversight of the executive even when the same party controls both branches.

This need to strengthen the check-and-balance role of Congress has been recognized by students and Members of Congress alike, even though there has been disagreement with respect to the best way of achieving the objective. I am hopeful that my proposal may provide a realistic basis for agreement whereby effective oversight could be assured without interfering with the prerogatives of established committees or the responsibilities of the majority party.

Briefly, Mr. Speaker, the select committee I propose would function only when the executive and legislative branches of the Government were controlled by members of the same political party. Its 15 members would be appointed by the Speaker, 8, including the chairman, from among minority Members of the House, and 7 from the majority. The minority party appointments would be made from a panel of at least 24 Members nominated by the minority leader. The committee's jurisdiction would be Government-wide but it would be specifically precluded from investigating any subject which was under active investigation by a standing committee or subcommittee.

I emphasize this last point, Mr. Speaker. The select committee could investigate only when a standing committee or subcommittee—under majority control—failed to conduct an active study. A major part of the select committee's significance, therefore, could well reside in its function as goad or stimulant, with standing committees always aware that the select committee could investigate if they themselves failed to exercise their prior jurisdiction. The very existence of such a select committee, under such conditions, could serve to encourage a substantially better performance of oversight by the Congress using those means which already exist.

There are other features of my proposal, Mr. Speaker, which will also help assure restraint and responsibility on the part of the select committee, but without inhibiting its ability to do a good job. These include the temporary and renewable nature of the select committee's authority, the appointment of its chairman and members by the Speaker, and the slim, one-vote margin by which the minority will control the committee.

In previous discussions of alternative ways of providing for improved oversight by Congress, proposals have tended to center on the idea of utilizing an existing committee, generally the Government Operations Committee, or one of its subcommittees, to be controlled by the minority for this purpose. After considerable reflection, it seems to me that the use of standing committees or subcommittees would be inappropriate for several reasons including the following:

Standing committees must, under our system, be controlled by the majority; minority control, however, would be essential to assure the kind of sustained interest and determination effective congressional investigations require, and there would be no impediment to minority control of a single select committee.

Standing committees have permanence; the oversight group would need only temporary authority, for those periods in which Congress and the Presidency are politically united.

Standing committees have legislative responsibilities which cannot realistically be delegated to the minority; an oversight group would require only investigative authority.

A standing committee, under majority control, would be unlikely to guarantee a minority-controlled subcommittee the necessary independence concerning staff, funds, the issuing of reports, and so forth; an oversight committee would by its nature possess the required independence.

For all these reasons, Mr. Speaker, a select committee such as I have proposed would seem to be the most desirable vehicle with which to accomplish our purpose, maximizing the potential for effective oversight while minimizing the possibilities of irresponsibility or interference with established procedures.

In the final analysis, we come back to this central consideration—if there is any sense to or valid purpose to be served by Congress oversight or watchdog or investigative authority, then that purpose is surely heightened when the executive and legislative branches are both controlled by members of the same party. For it is then that the human and political pressures are at their strongest to limit, in the interests of party harmony and political success, the checks and balances applied by Congress.

But the country needs the checks and balances just as it may require a reasonable degree of legislative cooperation between the two branches. In fact, to the extent that Congress provides more or less ready approval of an administration's legislative program, it should simultaneously be exercising an enhanced degree of oversight. Or, to put it another way, the need for checks and balances increases in direct proportion to the practical difficulty of achieving it.

The only dependable way of accomplishing both objectives—the checks as well as the cooperation—under conditions of single-party control of both branches is by entrusting a minimum share of Congress' investigative responsibility, subject to prudent limitations, to the minority party.

This is what my resolution would do, Mr. Speaker, and I urge our colleagues to reconsider this age-old problem of governmental control in the light of this new and I believe especially realistic proposal.

RED BLOC DOUBLES AID TO NORTH VIETNAM

Mr. REINECKE. Mr. Speaker, I ask unanimous consent that the gentleman from Ohio [Mr. ASHBROOK] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. ASHBROOK. Mr. Speaker, new guidelines prepared by the State Department reportedly will allow travel to Communist China, and Albania, Cuba, North Vietnam, and North Korea. This condescending gesture by the State Department which further relaxes the restriction on travel to Communist countries was announced little more than a week ago. The guidelines propose that visitors to these countries be important and that their visit benefit the United States. Without delving into the vague delineation which the State Department is evidently prepared to make between "important" and "ordinary" tourists, I wonder what effect the easing of travel restrictions will have.

It would appear that the agency is attempting to, at the least, develop a closer relationship between the United States and these countries. This, presumably, would lead to concessions by the Communists.

What is really evident is that the Communists will concede, but only when they are, in fact, gaining. Certainly, they will be happy to permit Americans to visit their countries, but only when they have something to gain. That is, when the Communists benefit.

Keeping in mind that the State Department's guidelines were issued recently, an article in the New York Daily News written under the byline of Joseph Fried indicates how interested the Communists are in concessions.

The article states:

> Communist countries have begun a fresh flow of aid to North Vietnam, including military hardware, with a sharp increase in the number of cargo-laden vessels putting into the port of Haiphong.

The only encouraging note is the statement that most of the foreign ships entering Haiphong Harbor with supplies and munitions for the Vietcong are Soviet and not those of our allies.

The new travel guidelines appear to be the latest in the State Department's attempts to give a little bit more and ask for a little less in return. The only clear result is cited in the last sentence of Mr. Fried's article:

> An unofficial toll of Americans killed in 5 years of war rose to 4,304.

Mr. Speaker, I now ask that the article be printed in the RECORD.

[From the New York Daily News, July 22, 1966]

RED BLOC DOUBLES AID TO NORTH VIET

(By Joseph Fried)

SAIGON, July 21.—Communist countries have begun a fresh flow of aid to North Viet Nam, including military hardware, with a sharp increase in the number of cargo-laden vessels putting into the port of Haiphong.

Intelligence sources said the traffic was about double the usual number of foreign ships calling at Haiphong, and most of the vessels are Soviet.

PLEDGED MORE AID

The Soviet Union and other Warsaw Pact members promised to step up their military and economic assistance to North Viet Nam after the United States began bombing oil storage areas on the fringes of Hanoi and Haiphong last month.

Over North Viet Nam, American fliers yesterday encountered MIG jets, surface-to-air and air-to-air missiles. Six MIGs were spotted and one fired two air-to-air missiles which missed. Air Force and Navy planes encountered nine surface-to-air missiles.

TEN FLIERS MISSING

Three more American planes were brought down yesterday, bringing the number lost over North Viet Nam in a 48-hour period to five. Ten American fliers are missing.

In South Viet Nam, the Communist death toll in Operation Hastings rose to 425. Contact was light in the jungle-covered mountains of Quang Tri province where the U.S. Marines have been conducting their biggest sweep of the war, close to the North Viet Nam border.

A series of clashes yesterday, one of which cost the enemy 30 dead, helped to increase the enemy casualties. Overall Marine losses were described as light.

The U.S. command disclosed a decline last week in total American casualties.

A spokesman announced 65 Americans were killed, 368 wounded and none missing in combat July 10–16, compared with 110 killed, 620 wounded and seven missing in the previous week. In all the allied combat dead totaled 279; Communist dead were listed at 1,200. An unofficial toll of Americans killed in five years of war rose to 4,304.

HORTON URGES CONGRESS TO INFORM HANOI OF THE PERIL THREATENED IN TRIAL OF U.S. SERVICEMEN

Mr. REINECKE. Mr. Speaker, I ask unanimous consent that the gentleman from New York [Mr. HORTON] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. HORTON. Mr. Speaker, recently there has been much concern in our Nation over the question of whether North Vietnam will try as war criminals our military personnel held captive in Vietnam. It is therefore imperative that we in Congress act to inform the North Vietnamese regime that they will be embarking on a perilous adventure should they follow such a course.

I think it is clear by now that the United States is anxious to find a solution to the Vietnamese situation. Our sole aim in Vietnam is to insure that a climate exists in which free institutions can grow and prosper. As soon as the infiltration from the north ceases and the Vietcong abandon their bellicose posture, the United States will gladly end its military operations in that corner of the world.

However, should the North Vietnamese proceed with the trial, punishment or execution of any of our servicemen, the chances for achieving a just and secure peace will be greatly diminished. The American people will not stand for such a flagrant breach of the Geneva Conventions and of the accepted standards of international behavior. Mr. Speaker, I repeat, any trials of captured U.S. military personnel would seriously endanger this country's ability to work for peace in Vietnam.

Because of this fact, I have today introduced a resolution calling upon the President to inform the Hanoi government that it is the sense of Congress that any such proceedings will imperil chances for a just and stable peace in southeast Asia. Passage of this resolution will put Congress on record as recognizing the peril in Hanoi's threatened course of action and will serve to demonstrate that we are attempting to divert North Vietnam from this adventure in folly.

A SLAP AT THE HOMEMAKER

Mr. REINECKE. Mr. Speaker, I ask unanimous consent that the gentleman from Minnesota [Mr. NELSEN] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. NELSEN. Mr. Speaker, as a member of the House Interstate and Foreign Commerce Committee presently studying the so-called truth-in-packaging proposal, I was especially interested in the editorial observations of the Mankato Free Press, Mankato, Minn., concerning parts of the bill. I place the editorial at this point in my remarks for the benefit of my colleagues.

A SLAP AT THE HOMEMAKER

It takes a brave man to resist voting for a bill whose tag is "Truth in Packaging." The label may have helped push the bill, cosponsored by Senator MONDALE, through the Senate by an overwhelming 79 to 9 vote. We believe, however, that the bill, which is in two parts, is half bad and we hope that a more careful House will take a close look at the Senate measure before it votes.

The good half of the bill demands that manufacturers clearly label their packages in even pounds, pints or quarts, etc., and do away with such "gimmicks" as a "Giant Pint" or "Big Pound," which may confuse a consumer. Most manufacturers have been putting net weight on packages for years. To require all to follow the same standard will give the careful buyer a chance to compare values. We doubt if it will change many buying habits. Too many surveys have shown too many reasons why people buy certain products, and price very often is not the compelling reason. However, the labelling provisions may be of help to some.

It is the second half of the bill to which we object. This section gives the Secretary of Commerce the right to dictate the weights or quantities in which a product could be marketed if he decided there were so many different sized packages that comparative shopping was impossible.

True there are situations where comparison of contents to price is difficult. The cosmetic counter—for men as well as women—is one place. Potato chips have been used to illustrate another. There are, Senator PHIL HART of Michigan, another cosponsor, tells us 50 variations in packaging chips. But so long as the buyer can find out what weight she is getting for what price, what difference does it make as to how the package looks? If some buyers didn't want to buy in cans, others in sacks and still others in boxes, there would not be 50 different packages of potato chips.

The government has a duty to protect the health, safety and welfare of the consumer. We question whether it has the duty to limit her choice of packaging. A counter full of drab square containers is going to take a lot of fun out of the housewife's buying trip. It is going to kill packaging incentive—and a lot of packaging has been developed for convenience as well as sales stimulation. It puts the long, unimaginative arm of the do-good government in another new field.

Passage of this portion of the bill by the House would be, in effect a slap in the face of the American homemaker who does most of the buying. It says to her that confronted with modern packaging she is gullible, confused and apt to throw her money away. We don't think it takes the Great White Father to tell her what to buy and we hope House members do away with this second section of the bill. If they don't we will soon have another grand bureaucracy immersed in grave decisions on the correct angle of bend in the macaroni or the size of the letters in alphabet soup.

EDITOR SUGGESTS A FIRMER LINE

Mr. REINECKE. Mr. Speaker, I ask unanimous consent that the gentleman from Minnesota [Mr. NELSEN] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. NELSEN. Mr. Speaker, Al McIntosh, editor of the Rock County Star-Herald in Luverne, Minn., suggests a firmer line in dealing with allies who will not support the American position in Vietnam. I place his editorial on the subject in the RECORD at this point:

HERE COMES MR. WILSON RATTLING HIS TIN CUP AGAIN

There is a polite little fiction that always jars as when President Johnson or Vice President HUMPHREY refer to the Viet Nam war and they use the term "the Allies."

When you look at the casualty lists the South Viet Namese are doing precious little fighting. Outside of some gallant Australians we "just ain't got no allies."

We are financing and fighting that war—alone—and that is the way it is going to be.

We will say this for President Johnson . . . he has reversed the "gutless" policies of some State Department officials of the past who not only turned both cheeks to be slapped—but also said "thank you."

When some of these nations now threaten us with blackmail if we don't "kick thru" the president has been known to say "go ahead." Which is about time.

It is about time too he uses some plain, raw four letter Texas words on Prime Minister Wilson during his conference here at the White House.

We have plucked Britain's chestnuts out of the fire time and time again. Again just lately when we joined in Britain's blockade of the tiny nation she was trying to crush. You may not admire that country's racial policies but you have to respect her gallantry in defying the Mother Country and the world.

So—what did we get in return? Nothing! Britain still keeps on selling and shipping to the Communists regime in Viet Nam.

Things are easier now for Britain now that Sukarno is "out," except in name only, in Indonesia.

Now that Britain no longer has to protect Malaysia we asked her to help us in Viet Nam.

Would she? Not one tiny bit. Heck no.

Not one soldier would she send.

In fact—she won't even sell arms to the U.S. to be used in Viet Nam. Prime Minister Wilson even "disassociated" himself from our bombing of Hanoi and Haiphong.

Prime Minister Wilson's White House conference is on military and financial matters. He's rattling the tip cup again.

When we talk about "allies" let's not kid ourselves. It is American blood that is drenching the ground . . . and other than that of some gallant Australians and some South Viet Namese blood . . . that's it.

And it's about time that we talked brutally frank to Mr. Wilson and tell him that this allies bit is not a one way street.

POOR PERFORMANCE REWARDED

Mr. REINECKE. Mr. Speaker, I ask unanimous consent that the gentleman from Iowa [Mr. GROSS] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. GROSS. Mr. Speaker, it is almost impossible to believe that the No. 2 official in the Department of Defense, Deputy Secretary Cyrus Vance, would help clear the way for the appointment of J. Robert Loftis to a $25,000 a year job with the Communications Satellite Corp.

Loftis was one of three high Defense Department officials who were indicted on charges of embezzlement and false statements. Two were convicted and sentenced to prison terms. Loftis, acquitted in a jury trial, resigned his $20,000 a year job in the Defense Department in the heat of the controversy.

Vance is reported to have said that he would not rehire Loftis at the Pentagon because—

> I don't think he (Loftis) was a very good manager.

Yet Vance was perfectly willing to help send Loftis to his reward of a substantially higher paid job in the Government subsidized Communications Satellite Corp. If he was not a good manager in the Pentagon at $20,000 a year what reason would there be to think he would be a good manager on the payroll of Comsat at $25,000, plus a Government pension of $8,820 a year, compliments of Defense Secretary McNamara?

Unanswered, too, is the question of why Loftis resigned his position at the Pentagon pending the outcome of his trial. This situation further indicates the need for congressional scrutiny of the handling of civilian personnel in the Defense Department.

Mr. Speaker, I submit for printing in the RECORD at this point the following article on this subject as published by the Des Moines Register of the date of July 21, 1966:

CONTROVERSIAL EMPLOYEE GOT VANCE AID ON JOB

(By Clark Mollenhoff)

WASHINGTON, D.C.—Deputy Defense Secretary Cyrus Vance said Wednesday that he cleared the way for J. Robert Loftis to be hired in a $25,000-a-year job with the Communications Satellite Corp.

The deputy defense secretary told The Register he put his okay on the hiring by the government-subsidized corporation because Loftis, a former administrative assistant to Defense Secretary Robert S. McNamara, was acquitted on charges of embezzlement of government funds and false statements.

WILLIAMS CRITICAL

Senator JOHN J. WILLIAMS, Republican, of Delaware, has been critical of the fact that Defense Secretary McNamara had arranged for special circumstances under which Loftis was permitted to resign a $20,000-a-year Pentagon job in the midst of the controversy with a pension of $8,820 a year.

Vance told the Register that we would not hire Loftis at the Pentagon today because "I don't think he was a very good manager."

He said that he had a role in the decision to abolish the job Loftis held in 1964, and that this gave Loftis a choice of whether he would "bump" some person with less seniority from some other post or leave with a pension that was higher than normal.

Vance said that Loftis could have stayed with the Defense Department at that time because it was before the facts came out that resulted in the indictment. The deputy defense secretary denied telling Loftis that he would hire him back at the Defense Department if he wanted a job.

Loftis was one of three high Defense Department officials indicted on charges of embezzlement and false statements. The other two—John A. Wylie and William H. Godel—were convicted and sentenced to five-year federal prison terms.

PENSION AT 52

Loftis, who was acquitted in a jury trial, resigned from a $20,000-a-year job in the Defense Department in the midst of the controversy, but under special circumstances that permitted him to take a pension at age 52.

Vance stated that there were indictments and a trial and an acquittal of Loftis, and as far as he is concerned this ended the government's interest.

Although Loftis told The Register he was "recommended" for the Communications Satellite Corp. job by Vance, the deputy defense secretary drew a distinction between a "recommendation" and the action he took to clear the way for Loftis being hired.

"I was not asked to recommend," Vance said. "I was called by (Chairman and Chief Executive Officer James) Jim McCormack of Comsat. I was asked if he (Loftis) were taken on, would this have any adverse impact on relations (between Communications Satellite) with the Department of Defense. I said 'certainly not.'"

Vance said he did not write to Communications Satellite, as Loftis has indicated, but that he had written "a personal letter" to Loftis and had given Loftis permission to use the letter in seeking the job.

WATERSHED PROJECT RELEASED—SENT TO CONGRESS BY BUREAU OF THE BUDGET

Mr. REINECKE. Mr. Speaker, I ask unanimous consent that the gentleman from West Virginia [Mr. MOORE] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. MOORE. Mr. Speaker, I am pleased that the Bureau of the Budget finally threw in the towel in its bid for more power and bowed to the public interest by sending to the Congress and for House Committee consideration 56 Soil Conservation Service watershed projects.

As is known, the Bureau has not sent up a single watershed project for congressional consideration since last September because of an attempt to wrest from the Congress the right to determine on an individual basis which of such projects should be authorized.

Included among the 56 projects is one from my own district in West Virginia. It is the upper Buffalo Creek watershed project in Marion County, W. Va. This was cleared by the Soil Conservation Service more than 6 weeks ago and sent to the Bureau of the Budget.

I pointed out in a public protest last week the Budget Bureau's highhanded action and sought to encourage the Bureau to release these projects. For nearly 12 years, the Congress has been giving careful consideration to watershed proposals, and as a matter of fact, has approved 446 such projects. I expressed the hope that the President and the Director of the Budget would break loose this logjam and permit the Congress to continue to give its careful consideration to each of these projects as it has done over the past dozen years. This logjam also threatened a delay in the construction of another important project in my district. This is the Wheeling Creek watershed project which is expected to be approved by the Soil Conservation Service in about 2 months.

This action by the Budget Bureau in releasing these 56 pending projects is, in my estimation, a victory for the public.

STUDY OF EFFECTS OF ALCOHOLISM ON TRAFFIC SAFETY PROVIDED IN HIGHWAY SAFETY BILL, H.R. 13290

Mr. REINECKE. Mr. Speaker, I ask unanimous consent that the gentleman from Florida [Mr. CRAMER] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. CRAMER. Mr. Speaker, during the past year, the Congress and its committees have directed a considerable amount of time and attention to the varied and intricate problems of highway, traffic, and automotive safety. During the past year, no less than five congressional committees have held extensive public hearings on bills to provide for greater motoring safety.

The recognition by the Congress that the senseless slaughter of over 49,000 Americans on our Nation's highways each and every year had to stop was made last year.

THE 1965 BALDWIN AMENDMENT

With the enactment of Senate Joint Resolution 81 last year, Congress recognized that the problems of highway safety could no longer be ignored by either the Federal or State Governments. As enacted on August 28, 1965, the Baldwin amendment, section 4 of Senate Joint Resolution 81, which I supported with enthusiasm, provided that after December 31, 1967, each State should have a highway safety program, approved by the Secretary of Commerce, designed to reduce traffic accidents and deaths, injuries, and property damage resulting therefrom on the 382,600 miles of highways on the Federal-aid highway systems. The Baldwin amendment further provided that such a highway safety program should be in accordance with uniform standards approved by the Secretary of Commerce and should include, but not limited to, provisions for an effective accident records system, and measures calculated to improve driver performance, vehicle safety, highway design and maintenance, traffic control, and surveillance of traffic for detection and correction of high or potentially high accident locations. The Baldwin amendment, as enacted, was codified as section 135 of title 23 of the United States Code. The Baldwin amendment, as first offered by our late colleague—Mr. Baldwin—provided that after December 31, 1967, no funds could have been apportioned under the title to any State which did not have a highway safety program, approved by the Secretary, but the amendment was watered down in conference by the demands of the Senate conferees. Inasmuch as Senate Joint Resolution 81 was to provide interim approval of apportionment of funds for the Interstate System and was not concerned, in itself, with highway safety legislation, the House conferees reluctantly accepted a compromise version. Nevertheless, the Baldwin amendment has been heralded, even by key administration spokesmen, as being the impetus behind the drive for more effective and broader legislation during this session.

THE HIGHWAY SAFETY ACT OF 1966, AS REPORTED

From the humble beginnings of the Baldwin amendment, the Congress this session has made even greater strides toward more effective highway safety programs. Committees of the House and the Senate have reported legislation on various aspects of the proposed nationwide highway safety programs. Some of these proposals have been acted upon by the other body. The House will soon consider highway and traffic safety legislation.

On Friday, July 15, the Committee on Public Works, on which I have the privilege of serving as the ranking minority member, favorably reported H.R. 13290, a bill principally to provide for highway safety research and development and certain highway safety programs.

It is impossible at this time to relate in detail to the House here assembled the various highway safety programs set forth in the bill, as reported; however, a full discussion of the legislation and the committee's intent is set forth in the report on the bill, House Report No. 1700.

I do want to comment, however, that the highway safety bill, as reported, represents as I have always proposed a continuation of the Federal-State partnership approach which has so long characterized Federal-aid highway legislation. Under its provisions, the Secretary of Commerce is authorized and directed to assist and cooperate with the State and local government, as well as other Federal departments and agencies, private industry, and other interested parties to increase highway safety.

The proposed section 402(b)(1)(C) to title 23 of the United States Code, as set forth in the reported bill, provides that at least 25 percent of all Federal funds apportioned for highway safety programs under that section to a State for any fiscal year will be expended by the political subdivisions of the State in carrying out local highway safety programs authorized in accordance with that subsection of the title which authorizes political subdivisions of the States to carry out local highway safety programs within their jurisdiction as a part of the State highway safety program, if such local highway safety programs are approved by the Governor of the respective State and are in accordance with the uniform standards of the Secretary of Commerce promulgated under the authority of proposed section 402. The States are to be consulted on the standards. The continuation of this Federal-State partnership approach stands as a memorial to the distinguished author of the 1965 parent amendment, our late colleague from California, Mr. Baldwin, as well as standing as a testament to the determination of the Committee on Public Works to insure a highway safety program of mutual assistance and cooperation.

ALCOHOLISM AND ITS EFFECTS AND RELATION TO HIGHWAY SAFETY

Mr. Speaker, the subject of alcoholism, its effect on, and its relation to highway safety is indeed a complex subject. The problem is an outgrowth of two major medicosocial problems; namely, the problem of alcoholism and the problem of highway accidents. Each of these problems has a tragic effect on the people involved, their families and friends, and their communities. It represents an economic drain which can and must be prevented. Alcoholism is a contributing factor in a strikingly large percentage of accidents. The factors contributing to alcoholism and its effects on and relation to highway safety are elusive, but answers must be found.

The academic studies on this matter are simultaneously encouraging and depressing. Few studies are significant contributions to the field. Most of the current research on the subject, and there is much of it, is hampered by naive research methodology. For example, official police statistics, often because of presumed or actual legal necessity, identify alcohol as a factor in a traffic accident only where the person is obviously intoxicated. According to many research authorities on this intricate subject, alcohol-related accidents differ in several important ways from nonalcohol related ones. Accidents following drinking as examples are more likely to occur on weekends and at night, to be more severe, and in more instances to involve only a single vehicle.

As the report on the bill states:

> Every witness who testified before the Committee (on Public Works) expressed deep and growing concern regarding the incidence of impairment by alcohol in relation to highway accidents.

Although it is impossible to state, on the basis of present information, just how many accidents are in fact the result, or even in part the result, of the drivers' or the pedestrians' consumption of alcohol, the statistics do clearly indicate that alcohol is a factor present in some degree in about 50 percent of all highway accidents. This is a most serious and perplexing problem, and its alleviation and control will be extremely difficult, but as the report states, "its magnitude precludes its evasion." Accordingly, my amendment is a move, even if in its infancy, toward meeting this serious problem headon. The reduction of highway accidents through State, local, and even Federal, if needed, efforts is a worthy goal.

CRAMER AMENDMENT

It is toward such a worthy end that I offered an amendment to H.R. 13290, as introduced, to provide that the Secretary of Commerce shall in consultation with other Government and private agencies make a comprehensive study of alcoholism and the consumption of alcohol and their effects upon and relation to highway safety. Such a study shall include, but not be limited to, review and evaluation of State and local laws and enforcement procedures concerning driving while under the influence of alcohol, and State and local programs for the treatment or rehabilitation of alcoholic and habitual drunkards. Under the provisions of my amendment, the Secretary shall report the results of his study to the Congress not later than July 1, 1967. The report shall include the Secretary's recommendations concerning needed legislation, if any.

The amendment was included as section 204 of H.R. 13290, as reported, without a single "nay" vote. I think everyone realizes the need for such a study and report.

Mr. Speaker, while I do not particularly intend to be spelling out any specific intent of my amendment in these brief remarks for the purpose of those who will have to conduct the study and make the report thereon, I do have some additional comments to make on the amendment.

Inasmuch as the Department of Health, Education, and Welfare has held several highly important conferences on alcohol and accidental injury, I would think it wise for the Secretary of Commerce to consult with the Secretary of HEW during the course of this study and in the preparation of the report thereon. Many agencies under the supervision and direction of the Secretary of HEW have some jurisdiction over matters relating to alcoholism, including the Public Health Service, the National Institute of Mental Health, the Vocational Rehabilitation Administration, the Office of Education, the Cooperative Commission on the Study of Alcohol, the Food and Drug Administration, and others. In addition to that Department, there are other Federal departments and agencies which should be consulted by the Secretary of Commerce on this subject. As everyone knows, there are many private agencies which should be consulted as well.

Mr. Speaker, the enactment of H.R. 13290, as reported, will go far toward alleviating the conditions which plague our Nation's highways.

THE WARREN REVOLUTION

The **SPEAKER**. Under previous order of the House, the gentleman from California [Mr. CORMAN] is recognized for 40 minutes.

Mr. CORMAN. Mr. Speaker. I would like to call to the attention of my colleagues a summary of a series by John D. Weaver which recently appeared in Holiday. It concerns the Honorable Earl Warren, Chief Justice of the U.S. Supreme Court. These articles will form the basis of a book called "The Warren Revolution" to be published next spring by Little, Brown & Co. of Boston.

Earl Warren, a former Governor of California, has presided over the Court during 13 years of vast social change. Under his leadership and guidance, the U.S. Supreme Court has rendered far-reaching decisions which greatly enhance the rights and freedom of all Americans.

The story of Mr. Chief Justice Warren is of special interest now and under leave to extend my remarks, I insert into the RECORD for all to read, the article by Mr. Weaver:

THE HONORABLE EARL WARREN

(By John D. Weaver)

I

The most aggravating disputes of a diverse and contentious people are ultimately brought to the Supreme Court of the United States, where nine men in black robes sit like tribal elders in a white marble temple dedicated to the ideal inscribed above the main entrance: Equal Justice Under Law.

At the time Earl Warren packed his belongings in Sacramento, turned in his key to the Governor's Mansion and flew to Washington to preside over the opening of the 1953 term, American justice under law was something less than equal for—among others—a Negro child, a penniless prisoner and a metropolitan voter.

The Warren Court proceeded to throw open the doors of public schools to all children, to give impecunious defendants the right to counsel when brought to trial in a state court on a criminal charge, and to order the equalization of malapportioned legislative districts, which for years have kept a nation of city dwellers under the thumb of rural politicians.

Like every Court that has met in a time of national growth and change, the Warren Court conducts its deliberations in what Mr. Justice Holmes described in 1913 as "the quiet of a storm center." It is accused of coddling communists and criminals, destroying the last vestiges of the constitutional rights reserved to the states, and meddling in matters that are none of its cotton-picking business.

The Court has made the Republic safe for Henry Miller, foreign films, contraceptives and critics of public officials. It sent shivers down what pass for spines on Madison Avenue when it outlawed television commercials designed to deceive viewers with phony demonstrations purporting to prove a product's merits, and, in another opinion written by the Chief Justice, it rocked Capitol Hill inquisitors by defining the limitations imposed on the power of Congress to conduct investigations (". . . the power to investigate, broad as it may be, is also subject to recognized limitations. It cannot be used to inquire into private affairs unrelated to a valid legislative purpose").

A hurricane was loosed in 1962, when the Court prohibited the New York Board of Regents from prescribing an official prayer for children in public schools. The spectacle of schoolchildren in tax-supported classrooms reciting a prayer composed by bureaucrats might appear to be an intolerable intrusion by the state on the most intimate of family relationships, but oddly enough, the loudest denunciations of this particular decision came from those who are most troubled by encroachments of government on their everyday affairs.

The revolutionary sweep of the Warren Court's decisions has halted at the brink of placing major-league baseball under the Sherman Act. Antitrust laws cover a gainfully employed quarterback and a heavyweight contender, but not a professional shortstop who crosses the same state line to ply his trade in the same stadium.

Not since the turbulent days of Chief Justice John Marshall (1801–1835), when disputes without precedent were settled by rulings that established the supremacy of the Constitution, has the world's most powerful court made so many basic changes in the legal, social and political structure of the United States.

Change has come so quickly that the highly combustible decisions of the McCarthy era already seem as remote as Chautauqua orations on the free coinage of silver, but flag-waiving, hellfire-breathing evangelists of the radical right continue to deplore the Court's application of the Bill of Rights to political heretics. They seem to feel that constitutional safeguards, like salvation, should be extended only to people of their sort.

In their minds, the only question to be settled is whether the Chief Justice should be impeached or lynched (some of California's more advanced cases were driving around last winter with bumper stickers that urged: *Fluoridate Earl Warren*).

Outwardly, Earl Warren appears the least likely man in Washington to be presiding over a revolutionary tribunal that has inflamed so many bigots, crackpots and law professors. He is a big, friendly man; a Mason and a Moose; a deeply religious, Bible-reading father of six children, who is "Grandpa" to some fifteen youngsters, "The C.J." to his wife of forty years, "The Chief" to his law clerks, and "Governor" to California cronies who share his enthusiasm for sports, hunting and politics.

Visiting him in his hushed chambers, where no sound from the outside world intrudes, it is difficult to believe that prejudice, paranoia and pedantry should have brought so much fury to bear on this hearty septuagenarian who comes lumbering out from his law books with the enveloping friendliness of Smokey the Bear. Always, in every public office he has held, he has shown callers the courtesy of coming forward at once to greet them rather than waiting until they reach his desk.

He has a remarkable faculty for putting a stranger immediately at ease. Young law-school graduates, during their first interview before assuming their duties as clerks, are astonished at how quickly their initial nervousness disappears. Within minutes they are chatting freely about hobbies, books, ambitions. Later, on Saturday afternoons, they usually lunch with the Chief, then take in a ball game, go for a brisk walk or, in bad weather, sit around the University Club listening to lively anecdotes about old political campaigns in California.

"He'll work your tail off," says a former law clerk, "but he works just as hard himself, usually harder."

He sets his alarm clock for seven A.M. but awakens before it has a chance to ring. He works for an hour or two in bed, reading and making notes. After putting in ten minutes on setting-up and stretching exercises, he is ready for the light breakfast his wife fixes for him. In recent years he has begun to watch his weight ("more for curiosity than anything else"). He tries to walk at least two or three miles every day, either on his way to Court, which takes him down Connecticut Avenue toward the White House, or on the way home at the end of his workday, generally around six-fifteen, when the traffic has begun to clear.

"He never leaves without taking home a stack of briefs, bench memos and petitions for writs of certiorari," says another ex-clerk, "and he reads them, too. You can tell from the questions he asks next morning."

After years of stumping his native state shaking hands and talking over local problems, Warren often feels lonely in what he calls "this marble mausoleum." The quiet at times is overwhelming. When a young California Congressman spoke to him about the excitement of Washington, the Chief Justice said, "Yes, it's different over there where you are. You deal with people. We deal with records." He welcomes any chance to escape, to be in a crowd again. He turns up regularly at large funerals, cornerstone-layings, graduation exercises and world peace forums.

"He's always loved people," says Mrs. Ethel Plank, the Chief Justice's sister, who remembers him as an active, smiling youngster in knee pants, trotting around the streets of Bakersfield, California, selling papers, delivering ice, riding his pet mule. "He made friends with everyone. Mama used to say that if she missed him, she'd just look for a group of people, and he'd be in the middle of it."

A passionate commitment to law and order lies at the core of the Chief Justice's being. His earliest memory is a scene of mock violence, the hanging of a man in effigy. He was three years old at the time. Seventy years later, discussing the incident in a luncheon conversation, he was still visibly moved by something of the child's horror and repugnance. His large frame trembled, his face flushed a darker pink. The same thing happened a few minutes later, when the subject turned to coerced confessions, and mention was made of a case in which a Negro of limited intelligence had not only been threatened and beaten, but had even been placed in an electric chair before breaking down. "What are we supposed to do in the face of a thing like that?" the Chief Justice said, his big hands clenching.

"He's the fairest man I've ever met," says a former law clerk, "and the most direct."

When a lawyer starts buttressing his client's case with a formidable array of legal precedents, the Chief Justice may break in to ask, "Yes, but was it *fair?*" Once, when a Southern attorney general arguing a civil-rights case, referred to his state in terms of "the people," Warren interrupted with the question, "Just what people are you referring to?"

"He's a Democrat and doesn't know it," President Truman said in 1948, but Warren is a Bull Moose Republican who came of age in a time of reform, when Hiram Johnson was reclaiming California from the railroads and the first Roosevelt was shaking his big stick at the trusts.

The Chief Justice was born of immigrant parents, who had been brought to the United States in infancy. His father, Methias H. Warren (the name was originally "Varran"), was a Norwegian transplanted to Iowa. His mother, Christine (she also liked to use the name "Chrystal") Hernlund, was brought from her native Sweden to Chicago. Later she moved to Minneapolis, where she met and married young Matt Warren. After the birth of their daughter, Ethel, they set out for California, seeking a warmer, drier climate. They settled first in San Diego, then in Los Angeles where Earl Warren was born on March 19, 1891.

Los Angeles was a corrupt, open-shop town dominated, like the rest of California, by the Southern Pacific Railroad, which paid Matt Warren seventy dollars a month to repair its rolling stock. The birthplace of the Chief Justice was a small, rented house on Turner Street, near the old railroad station. Some years later, when the boy asked why he had no middle name, his father said, "Son, when you were born, we were too poor to enjoy any luxury of that kind."

In June, 1893, Eugene Debs announced the formation in Chicago of the American Railway Union, the country's first industrial union. Matt Warren planked down his one-dollar initiation fee, and the following summer, when the A.R.U. came to its moment of truth with management, he was one of the more than 100,000 men who voluntarily quit work. While his savings were eroding, the strike was being broken in the courts. Debs went to jail. Matt was fired and blacklisted.

The family was living in a rented bungalow across from the Ann Street School, which Ethel attended. Sometimes she took her baby brother along with her, and it was here, in the school playground, that he watched a group of strikers run a straw figure up the flagpole. Even at this early age, he was demonstrating the spongelike capacity to absorb facts that was later to leave such an indelible impression on members of his various staffs.

"He was quite precocious," says his sister. "Dad started to teach me the states and capitals and the rivers they were on. I couldn't have cared less. But Earl started to pick them up, and by the time he was three, he was able to recite them all."

After a brief period of working for the Santa Fe in a desert town, living in enforced separation from his family, Matt Warren pulled up stakes and headed a hundred miles north to Bakersfield, where the Southern Pacific was moving its railroad yards. The company's need for skilled labor was so great that Matt was removed from its blacklist and put to work as a car repairer. He settled down with his wife and two children in what was then Kern City, a railroad town on the eastern reaches of Bakersfield.

Matt Warren was a grade-school drop-out who had drifted across the Middle West in his youth, working as a farmhand in the summer, a mechanic in the winter. He was determined to see that his son got the formal education he had missed. From the start it was impressed on the boy that he had been sent to school to learn, not to play.

He was also encouraged to work during his summer vacations. He put in one summen on an ice wagon. Next year, when he was eleven years old, he took over two paper routes, distributing the Los Angeles *Herald* in the morning, the Bakersfield *Californian* in the afternoon. For two summers he drove mule-drawn grocery wagons.

"Son, never let yourself be caught broke," his father used to say.

Insolvency, in the boy's mind, came to be equated with death. His father told him how a tubercular brother had died in his arms one wretched winter in Chicago. With money for medicine and doctors, Matt was convinced, his brother's life could have been saved. Years later, if any single disillusioning experience ever served to alienate Earl Warren from the reactionary fat cats in the Republican party, it was their successful fight to block the health-insurance program he proposed to the California legislature at the start of his third year as Governor. The episode illuminated the gulf between their world and his.

Bakersfield, in the years of Earl Warren's growing up, still had something of the lusty, brawling, lawless atmosphere of the frontier. On Saturday nights the streets crawled with cowhands and sheepherders, with working stiffs from the oil fields and the railroad yards. It was a time of drinking and fighting, gambling and whoring. When violence spilled over into the courts, Earl used to stop on his way home from school, park his bicycle outside the country courthouse and go in to enjoy the drama.

"My determination to become a lawyer goes back so far that I can hardly remember ever having been without it," he says.

He was not a brilliant student of the law. One classmate remembers his as "ebullient, youthful, immature." But later, with the assumption of increasingly onerous responsibilities, he began to demonstrate his extraordinary capacity for growth. He learned law through enforcing it, administering it, interpreting it. A tough prosecutor, he evolved into a progressive governor and, at an age when most men are making plans for retirement, into a just judge.

Aside from three years with a private law firm after his graduation from the University of California (B.L., 1912; J.D., 1914), Warren has spent his entire working life in public service. As district attorney of Alameda County, attorney general of California and as Governor, he reared six handsome children on salaries that never seemed to stretch far enough. In the charming gingerbread mansion assigned the Governor of California (it was Lincoln Steffan's boyhood home), Mrs. Warren continued to wash and iron her husband's shirts.

"She still does," says a former Warren law clerk. "I happen to know because my wife asked her."

Although the Chief Justice could well afford to send his shirts out if his wife cared to have them professionally mangled, he has amassed no large private fortune. He lives pleasantly at the Sheraton-Park Hotel on an annual salary of $40,000 plus the $12,500 a year he receives under California's contributory retirement system. His pay would be larger by $4,100 a year if he had stuck with his old job. In 1965 he might have been given a $3,000 increase if some of the decision of the Warren Court had been more palatable to certain members of the House of Representatives. In the opinion of SIDNEY R. YATES, a Chicago Democrat, the Congressional critics of the Court did not really want an independent judiciary. They wanted tame judges who would "avoid controversy in an explosive time when controversy is a part of our way of life."

The Warren Court was convened at a time when Negroes were voting in jungle villages of Africa but not in county seats of Alabama. No Congress had passed a civil-rights bill since Reconstruction days, and no President had declared that racial segregation was morally wrong and indefensible. The Supreme Court, however, had begun to occupy this moral vacuum. It had opened the Democratic white primaries of the South to Negroes in 1941, and seven years later had forbidden state courts to enforce restrictive covenants that kept Negroes from buying homes in white neighborhoods.

"The law, in its majestic equality," as Anatole France said, "forbids the rich as well as the poor to sleep under bridges, to beg in the streets, and to steal bread."

In the United States, for a hundred years, the law had permitted the Negro as well as the Caucasian to live among his own people. He was free to send his children to his own schools, to eat at his own restaurants. In the South the races were separated by pot-bellied deputy sheriffs enforcing local ordinances. In the North poverty segregated Negroes in rat-infested slums from which there was little hope of escape. Not since Lincoln had given the Negro his freedom had any President, any Congress or any Court seen fit to give him the right to live a life of dignity.

The Fourteenth Amendment, passed by Congress in 1866 and ratified by the requisite number of states two years later, was designed to protect newly liberated Negroes from arbitrary state action. No state was to "deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws." Today, a hundred years later, judges, law professors and practicing attorneys are still arguing over those two phrases, "due process" and "equal protection."

On June 7, 1892, after the Fourteenth Amendment had been on the books for more than twenty years, a Louisiana law requiring railroads "to provide equal but separate accommodations for the white and colored races" was challenged by Homer Adolph Plessy, who purchased a ticket in New Orleans and boarded a train bound for the town of Covington. As he later described himself, Plessy had "seven-eighths Caucasian and one-eighth African blood." That one-eighth was sufficient for the conductor to order him to the Jim Crow car. He refused. He was arrested and brought to trial before Judge John H. Ferguson, who ruled against him.

When *Plessy* v. *Ferguson* reached the Supreme Court, Justice Henry Billings Brown spoke for a majority that found no violation of the equal-protection clause of the Fourteenth Amendment. "We consider the underlying fallacy of the plaintiff's argument to consist in the assumption that the enforced separation of the two races stamps the colored race with the badge of inferiority. If this be so, it is not by reason of anything found in the act, but solely because the colored race chooses to put that construction upon it."

"Our Constitution is color blind," Justice John Marshall Harlan declared in his eloquent dissent.

Segregation of the races, sustained by the Court in 1883 (*Civil Rights Cases*) and restated in *Plessy* (1896), survived the turn of the century, the First World War and the early years of the New Deal. Facilities for Negroes, in most instances, were considerably more "separate" than "equal." Starting in 1938 (*Missouri ex rel. Gaines* v. *Canada*), the Court began to open the doors of state universities to Negroes. It was clearly impossible for segregated states to create and maintain separate professional schools for Negroes that would be the equal of existing white institutions.

"You can't build a cyclotron for one student," the president of the University of Oklahoma was quoted as saying in 1948, after the Supreme Court (*Sipuel* v. *Oklahoma*) had voted unanimously against the State's attempt to keep a Negro out of its law school.

On May 17, 1954, speaking for a unanimous Court in *Brown* v. *Board of Education*, Chief Justice Warren echoed the sentiments of Justice Harlan (Holmes had called the old Kentucky slaveowner "the last of the tobacco-spitting justices"). In language that will give future children little trouble when they read it in their textbooks, the landmark decision declared that "separate educational facilities are inherently unequal." It was an idea whose time had come.

"Today," the Chief Justice wrote, "education is perhaps the most important function of state and local governments. Compulsory school attendance laws and the great expenditures for education both demonstrate our recognition of the importance of education to our democratic society. It is required in the performance of our most basic public responsibilities, even service in the armed forces. It is the very foundation of good citizenship."

Even if separate public schools could be made equal in every respect, there was still a question as to whether the mere act of segregating Negro children deprived them of equal educational opportunities. "To separate them from others of similar age and qualifications solely because of their race generates a feeling of inferiority as to their status in the community that may affect their hearts and minds in a way unlikely ever to be undone," the Chief Justice wrote.

In the view of some experts, including Prof. Robert G. McCloskey of Harvard, the decision was not very well thought out. It leaned too heavily on modern psychological and sociological literature, and the "selection of citations was, to say the least, uninspired." On the other hand, Alfred H. Kelly, an authority on constitutional history, found the decision "remarkable both for its simplicity and for the extraordinary fashion in which it avoided all legal and historical complexities."

"He wasn't writing for scholars," says a source close to the Chief Justice, "but the way he handled the case is really more important than the wording of his opinion. The decision was delivered with the weight of the entire Court behind it. A fine example of judicial statesmanship."

II

Although appointees to the Supreme Court take an oath to "do equal right to the poor and to the rich," American justice has always been made available in the large economy size for the rich and in small, bitter portions for the poor. In one of its most popular decisions, the Warren Court has given the poor a fairer shake. They are now entitled to the services of a lawyer in court, thanks to a stubborn middle-aged drifter named Clarence Earl Gideon, who took pencil in hand at the start of 1962 and wrote a letter to the Supreme Court from a Florida prison.

Unable to afford a lawyer when he was brought to trial, in the summer of 1961, Gideon had asked the judge to appoint counsel to handle his defense on a charge of breaking and entering the Bay Harbor Poolroom with larcenous intent. The judge had refused the request. Under Florida law, he explained, he could appoint counsel only in cases involving a capital offense.

"Imagine a state in this day and age not giving a fellow a lawyer," Warren had commented to a friend one afternoon long before Gideon got into trouble.

Nothing could be more repugnant to Warren's marrow-deep sense of fairness than the spectacle of a penniless prisoner standing defenseless and alone before the dreadful majesty and power of the state in a court of law, but the Supreme Court had held in *Betts* v *Brady* (1942) that appointment of counsel is not a fundamental right, essential to a fair trial. Justice Hugo L. Black had dissented. Twenty-one years later, in *Gideon* v *Wainwright*, the Warren Court was unanimous in over-ruling *Betts*, and Justice Black had the satisfaction of seeing his dissent converted into the law of the land.

The United States was the most lawless civilized nation on earth, Warren said in 1925, when he was appointed district attorney of Alameda County. He later explained to a group of Oakland businessmen: "The only way the racketeers can get control in any community is by alliance with politics, and control of your public officials, your courts, your sheriff, your police chief, your district attorney and other law-enforcement agencies."

Warren ran a tight, honest ship, free of political favoritism. He broke up a bail-bond ring that had always enjoyed cordial relations with city hall. He packed the principals of a paving-contract scandal off to prison, although one of them happened to be a city commissioner of considerable wealth and influence. The same impartial justice was handed out to rumrunners, gamblers and petty crooks.

"He's always operated on the theory that nobody can criticize a man for doing his job," says Robert W. Kenny, a liberal Los Angeles lawyer who had the historic misfortune to run against Warren for governor in 1946. "He was a strict prosecutor. Now he's Chief Justice, and he's no longer dealing with gambling and prostitution ordinances, but with the Bill of Rights, and he's enforcing it."

The Warren Court has stirred up the bleachers by freshening the chalk on the foul lines of criminal procedures. At issue is the inspired ambiguity of the Fourteenth Amendment, which declares that all citizens of the United States are also citizens of the states in which they reside. As such, they are entitled to "equal protection of the laws" and they cannot be deprived of "life, liberty, or property, without due process of law."

The first ten amendments, popularly known as the Bill of Rights, were designed to protect the individual from the Federal Government, not from the states. For years the Supreme Court has been sharply divided on the question of whether the Fourteenth Amendment's "Due Process Clause" is a sort of constitutional shorthand that "incorporates" the Bill of Rights and applies them to the states.

"Yes," says Justice Black, without reservation.

The late Felix Frankfurter disagreed, although he did believe that the clause had made certain basic rights applicable to the states. These were the rights that constitute a form of natural law, the heritage of any freeborn child. In the words of Justice Cardozo, they were "the very essence of a scheme of ordered liberty." The Frankfurter view has traditionally prevailed in the Court, at times by the margin of a single vote.

As a result, criminal justice has operated under a double standard. Evidence obtained by methods that violate constitutional rights, for example, has been excluded from Federal courts since 1914, but at the time Warren became Chief Justice it was still admissible in the courts of more than half the states, including California. This anomaly has had the effect of making the state a partner in the crimes of its law enforcement officers, and has even encouraged them to break the law in order to build a case against a suspected felon.

In criminal cases involving alleged violations of due process, Justice Frankfurter used to test the questionable conduct of the arresting officer, the prosecutor or the judge by Cardozo's standards. Due process was held to have been violated if the state had failed to respect those rights that are "so rooted in the traditions and conscience of our people as to be ranked as fundamental" or are "implicit in the concept of ordered liberty."

In his first term as Chief Justice, Warren was called on to cast the tie-breaking vote in a difficult case that rested on the right of one Patrick Irvine to be secure, under the Fourth Amendment, against "unreasonable searches and seizures." Long Beach, California, police officers had stolen into Irvine's house like burglars, planted a microphone in his bedroom and recorded his conversations with his wife and with customers who liked to do business by phone. He had been arrested for bookmaking, tried, and found guilty. His only chance of beating the rap depended on whether a majority of the newly constituted Warren Court could be convinced that his case was controlled by *Rochin* v. *California* (1952) rather than in *Wolf* v. *Colorado* (1949). In both cases police officers had conducted a questionable search and seizure to gather evidence that had been used in a state court in order to obtain a conviction.

In *Wolf*, the office of a surgeon suspected of performing abortions had been entered with a warrant and a notebook carried off. In *Rochin*, three Los Angeles County deputy sheriffs had forced open the door of a room occupied by a man suspected of selling narcotics. When the suspect, Antonio Rochin, seized two capsules on his night stand and gulped them, the officers handcuffed him, took him to a hospital and directed a doctor to force an emetic into his stomach. The two capsules were vomited up and found to contain morphine. Chiefly on the basis of this evidence, Rochin was convicted and sentenced to a sixty-day prison term.

Justice Frankfurter spoke for the Court in both *Wolf* and *Rochin*. In *Wolf* he declared that the Fourteenth Amendment's guarantee of "due process of law" prohibited the states from infringing on the individual's right to "privacy against arbitrary intrusion by the police." The *Wolf* ruling, as might be expected from Frankfurter, left it up to the states to decide whether they would follow the example of the Federal Government and exclude from their courts any incriminating evidence the police might pick up in the course of an "arbitrary intrusion."

In *Rochin*, where a man had been convicted on evidence coerced not from his mind but from his stomach, Frankfurter found that, under the Cardozo standards, the behavior of the arresting officers did "more than offend some fastidious squeamishness or private sentimentalism about combatting crime too energetically. This is conduct that shocks the conscience." The conviction was reversed on the ground that it had been obtained "by methods that offend the Due Process Clause." As professors of constitutional law jokingly explained to their students. "If it makes you sick, it is not due process."

Patrick Irvine, Long Beach's friendly neighborhood bookmaker, rested his hope of freedom on the possibility that at least five Supreme Court consciences might be sufficiently shocked by the intrusion of a microphone into the privacy of his bedroom to declare his conviction an offense against due process of law.

The case was decided, as are all such matters, in the confessional privacy of the Court's weekly conference. No outsider is admitted to these conferences, and if anyone knocks at the door, the most recently appointed associate justice hops up and answers it. What transpires in these deliberations is kept secret in a city noted for its loose tongues. Gossips delight in spreading rumors of bitter quarrels, which the Chief Justice denies.

"I could count on the fingers of my hands—possibly one hand—all the times that there has been even a flare of temperament in the conference room, and those have always subsided in a matter of minutes," he says.

The Chief Justice begins the discussion of each case. His brethren (members of the Court traditionally refer to one another as "my brother") speak in turn, according to seniority. The junior justice has the last word, but to ward off any possibility of his being influenced by the votes of his senior brothers, he casts the first ballot. The voting continues in this pattern of ascending seniority. The Chief Justice votes last.

When *Irvine* was decided—after what must have been a warm and spirited discussion—it was Warren who cast the deciding vote. His conscience was deeply troubled by the conduct of the Long Beach police officers ("That case really bothered him," says one of his intimates), but he voted to affirm the conviction, apparently in the forlorn hope that the Court's strongly worded displeasure at these obnoxious practices might prompt California and other offending states to tidy up their criminal procedures.

"A judgment so rank will not stand for long," the St. Louis *Post-Dispatch* then predicted.

It stood for a little more than seven years. Its downfall was brought about by the arrest in Cleveland, Ohio, of Miss Dollree Mapp. Acting on information that Miss Mapp had stashed away some "policy paraphernalia," the police called on her, pried open the outside screen door, then broke into the front hall, where they were confronted by the indignant suspect, who asked to see their search warrant. A paper of dubious authenticity was brandished. Miss Mapp grabbed it and stuffed it in her bosom. The officers retrieved it and, in the course of the struggle, handcuffed Miss Mapp and forced her to accompany them upstairs.

A thorough search was made of her bedroom, then of the first floor and the basement. In the course of this "arbitrary intrusion" the officers found some scatological pictures and pamphlets that Miss Mapp insisted had been left by a former boarder. At her trial the police failed to prove that a search warrant had ever been issued. Miss Mapp was convicted under an Ohio statute for the knowing possession of obscene literature and given a prison stretch of from one to seven years.

The Supreme Court reversed her conviction. In *Wolf*, a majority of the justices had proclaimed the right of a free people to be secure in their homes against the unlawful entry of law-enforcement officers, but the remedy for such misconduct had been left to the states. In *Mapp*, the right and the remedy became inseparable. The redoubtable Dolly Mapp has now taken her place in the history of constitutional law. Because of *Mapp* v *Ohio* (367 U.S. 643), as every schoolboy will someday learn, illegally obtained evidence can no longer be admitted in any court in the United States, Federal or state.

"We are forced to fight by Marquis of Queensberry rules while the criminals are permitted to gouge and bite," Michael J. Murphy, a former New York City police commissioner, complained last fall when he took part in a conference of the third United States judicial circuit. In the presence of Chief Justice Warren and Associate Justice William J. Brennan, Jr., the crusty ex-cop explained that in New York "it has been our experience that, if suspects are told of their rights, they will not confess."

Murphy had already been answered by former Associate Justice Arthur Goldberg, who had declared for the Court more than a year before the conference that "no system of criminal justice can, or should, survive if it comes to depend for its continued effectiveness on the citizens' abdication through unawareness of their constitutional rights."

As the Founding Fathers emphatically intended, the Constitution sometimes gets in a cop's way.

In *Mallory* v *United States* (1957), involving a nineteen-year-old Negro who had been arrested in the District of Columbia on a charge of rape and questioned for hours before his arraignment, the Court spelled out the ground rules for a Federal prosecution. "The police may not arrest upon mere suspicion but only on 'probable cause.' The next step in the proceeding is to arraign the arrested person before a judicial officer as quickly as possible so that he may be advised of his rights and so that the issue of probable cause may be promptly determined." The reason for this procedure, the Court explained, is plain. "The awful instruments of the criminal law cannot be entrusted to a single functionary."

The Court in 1963 (*Wong Sun* v *United States*) extended *Mapp* to cover unconstitutional arrests as well as searches. It also excluded any incriminating evidence the police might pick up, observe or hear in the course of an illegal arrest.

Law-enforcement circles were grudgingly making their peace with the provisions of the Bill of Rights when they were suddenly rocked by the Court's 1964 ruling in *Escobedo* v *Illinois*. A young laborer named Danny Escobedo had been picked up by Chicago police for questioning about the murder of his brother-in-law. He was not told of his right to remain silent, nor was he permitted to consult with his lawyer, who was on the other side of the door, trying to reach his client. The artfully framed questions of an assistant state's attorney trapped Escobedo into making statements that were later used in court to convict him. He appealed.

At the weekly conference that decided the case, the Chief Justice broke another four-to-four tie. He voted in favor of Escobedo, then assigned the writing of the Court's opinion to Justice Goldberg, who declared that a suspect was entitled to have a lawyer at his side once a police investigation had become an accusation, "which its focus is on the accused and its purpose is to elicit a confession." The right to counsel, in other words, would be a hollow privilege if it were limited to the appearance in court of a lawyer called in to assist a defendant whose conviction had already been secured in the basement of police headquarters by what is politely referred to as "intensive questioning."

"The police are having to think and work now—using something besides their boots and billies," says Percy Foreman, the famous Texas trial lawyer.

In such cases as *Mapp* and *Escobedo*, Warren's position on police practices is quite consistent with his part performance as a prosecutor. Then as now, he insisted that law enforcement be carried on by well-trained professionals, who had been given an opportunity to learn something about the law and criminology. Surrounded by able, resourceful investigators, Warren fought hard, but in the words of Oscar Jahnsen, his chief investigator, "He never let us sneak up on a fellow's blind side."

In 1932, twenty years before Long Beach police officers bugged Patrick Irvine's bedroom, Warren was asked to comment on a trial in which evidence obtained by a concealed Dictograph had been used in court. Asked what he would have done as prosecutor if he had come into posession of conversations recorded by hidden devices of this sort, he had replied: "I would have burned every scrap of the evidence and shot everyone who knew of its existence."

In some cases, Warren's deputy district attorneys recall, they used skeleton keys to enter a room and plant a Dictograph in order to obtain leads in an investigation, but once a suspect appeared in court as a defendant, this material was not used against him. In preparing his cases, Warren was meticulous in respecting the rights of the accused, even when the trial was to be held in a state court where he could have cut a few constitutional corners. Out of the thousands of cases he handled during the thirteen years he prosecuted Alameda County lawbreakers, not once did a higher court ever reverse one of his convictions or have occasion to condemn his methods.

"We don't break the law to enforce the law," District Attorney Warren used to tell his deputies a generation before Chief Justice Warren voted to exclude illegally obtained evidence from state courts.

As district attorney in the state's third largest county, he worked routinely with violence, but close associates say he has never quite got over his horror of it. "It offends his sense of order, his love of the law," says a former member of his staff. Warren's earliest memory, still vivid, is one of mock violence, the hanging of a man in effigy. Thirty-odd years later, on a Sunday morning in the spring of 1938, he was suddenly forced to relive this childhood trauma.

"We've gone to a Masonic breakfast meeting at the Claremont Hotel in Berkeley," Oscar Jahnsen recalls. "I saw him get up and leave the room, then I was called out. He said, 'Oscar, someone has murdered my father.' "

In East Bakersfield, where Earl Warren grew up, retired railroad men taking their ease in Sumner Street bars remember the Chief Justice's father as a hard worker who stood for no nonsense in his shop. Matt Warren worked his way up on the Southern Pacific from a mechanic to master car builder. He never drank or smoked, and lived frugally, his savings invested in a building-and-loan company, a bank, and in dozens of modest rental properties in working-class neighborhoods.

At the time of his death, five years after he retired from the railroad, he was living alone in a small frame house on Niles Street. His wife, in poor health, was staying with her daughter, Ethel, in Oakland, where she was recuperating from an operation for cataracts. Sometime between 8 p.m. Saturday, May 14th, when a tenant came to pay his fifteen-dollar rent, and 9:30 a.m. on the following day, when a handyman discovered the body of his seventy-three-year-old employer, Matt Warren was killed by a blow on the left temple as he sat in a large chair facing the open oven of the gas stove in his kitchen.

At the foot of the back steps, just fifteen feet from the victim's chair, were several lengths of two-inch pipe about two feet long. A groove in the grass indicated a missing piece of pipe, which was found in the yard next door. It was spattered with blood and bits of hair. The killer apparently dragged his victim from the chair, where he had been mortally wounded, to the bed where the contorted body was found, the face covered by a blanket. A bruise on the left arm suggested an attempt to ward off the blow.

"Reports that he was wealthy have been greatly exaggerated," Warren said when newspaper stories began to refer to his father as a "millionaire" and a "capitalist" living the austere life of a recluse. "Since he was seven years old, my father worked hard, much of his life with his hands. He took no pleasure for himself. He tried to give that to his children and their children."

The old man had been haunted by a fear of poverty, underscored by the memory of an older, penniless brother who had died in his arms of tuberculosis, unable to afford a hospital bed. Poverty, to Matt Warren, was a disease with a high mortality rate. To immunize his family, he worked and scrimped all of his life, indulging only one luxury—his children. He left an estate officially valued at $177,653, but when his body was found, both his wallets were missing (one contained business papers, the other cash) and he had two cents in his pockets.

Earl Warren was the only Republican to win a major office in the November, 1938, elections which installed Culbert Olson in the Governnor's Mansion and Bob Kenny in the State Senate. Without Kenny's backing, Warren probably would not have been elected attorney general. Four years later, when the tides changed, Warren became governor, Kenny attorney general. They worked well together, and despite their political rivalry, their personal relationship remained cordial. In 1946 Kenny became a reluctant Democratic candidate for governor. Warren beat him handily in the primary election of his own party.

They make a strange pair, even by the exotic standards of California politics. Kenny is a wordly wit who enjoys sophisticated company. Warren leans more toward Bob Hope than toward Mort Sahl, and could find pleasure in *What's My Line?* even before his oldest daughter married John Daly, the program's moderator.

"Watch out, Bob, you might be hitting into a double play," Warren used to warn Kenny, but the colorful Democrat has always played a bold, dashing game. Warren has never been flashy. He is a workhorse, a clutch hitter, a money player. In 1942, his last year as attorney general, when he did swing at a bad pitch, he hit into the same double play that had caught up virtually every political and civic leader in California, not to mention the President of the United States, the Congress and the Supreme Court.

"I have come to the conclusion that the Japanese situation, as it exists in this state today, may well be the Achilles' heel of the entire civilian defense effort," he said a few weeks after Pearl Harbor's day of infamy, and then, in a rare gaffe, he told a conference of sheriffs and district attorneys on February 2, 1942: "It seems to me that it is quite significant that in this great state of ours we have had no fifth-column activities and no sabotage reported. It looks very much to me as though it is a studied effort not to have any until the zero hour arrives."

Ten days after Attorney General Warren cited the sinister innocence of California's Japanese-Americans as evidence of their perfidy, Walter Lippmann came out in favor of their mass evacuation from the West Coast. Four days later, Westbrook Pegler concurred, and the deed was done by President Roosevelt in an executive order and by Congress in a law that FDR signed and the Supreme Court later upheld.

"It was the first event in which danger to the nation's welfare was determined by group characteristics rather than by individual guilt," Morton Grodzins writes in *Americans Betrayed: Politics and the Japanese Evacuation*. "It was the first program in which race alone determined whether an American would remain free or become incarcerated."

One American citizen, a man named Korematsu, refused to leave California. He was arrested, tried and convicted. His conviction was upheld in 1944 by a six-to-three vote of the Supreme Court. The opinion supporting this mass assault on the civil rights of some 110,000 men, women and children—70,000 of whom were citizens of the United States—was written by one of the greatest Libertarians in the Court's history, Mr. Justice Black.

The Japanese-Americans were rousted and swindled, shamed and robbed, but when they returned to California, they were given the full protection of the law. Prompt action by Governor Warren helped to stave off the mob violence predicted by the state's jingoists. With an innate dignity that served as the ultimate reproach to their persecutors, the older evacuees went back to work while the younger generation went to school.

In 1950 only one out of twenty-two Japanese-American men was working in a professional field in California. Fifteen years later it was one out of six. Among them was Superior Court Judge John F. Aiso, who had entered the United States Army in 1941 as a private and had left it six years later as a lieutenant colonel. He had first been appointed to the bench by Governor Warren.

Warren had waited so long to take over the attorney general's office that he wanted to stick around for a while and enjoy it, but Governor Olson kept egging him into a fight, forcing him to make the race for governor.

At the time he won temporary title to the twenty-room Executive Mansion at 1526 H Street in Sacramento, the seventy-year-old gingerbread house was shabby and sagging, the cupola tilting, the paint peeling, the front porch chewed up by termites. With characteristic cautiousness, Warren inspected the premises and refused to let his family set foot in the firetrap until something was done about providing fire escapes.

Once the family moved in, the place was so full of Warrens that there wasn't even a guest room. The Governor and his wife took over the room formerly reserved for guests after "Honey Bear" (her father thought little Nina resembled a koala bear) laid claim to what had been the governor's bedchamber. She wanted it because it had a shower, and she usually got what she wanted, including a pinto horse named Peanuts, jointly owned with her younger brother, Bobby.

It was the children's father who bought Peanuts. Their mother thought Honey Bear and Bobby were too small to ride, but she didn't dissent. Later, when the two youngsters began to work out on jumpers, she couldn't bear to watch them take the hurdles. But again she entered no demurrer. She went along with the head of the house, who is fond of saying, "Being alive at all is a perpetual gamble. Too much fear is defeat in advance."

"He is a man without fear," says Oscar Jahnsen, recalling the turbulent days of a waterfront murder trial, when the "Chief" used to stride unarmed past angry maritime union pickets, refusing to be accompanied by a bodyguard.

In those days the pickets came from the far left; now they come from the far right. Neither Marxism nor madness has managed to ruffle him. No more typical portrait of the Chief Justice has ever been published than the news photograph of him in the act of courteously accepting a leaflet from a determined female picket who is clutching a placard that reads: Impeach Earl Warren.

III

The Supreme Court is unique among the power centers of Washington. It is quiet. In the Capitol, the White House and the paneled throne rooms of the major Federal agencies, the daily crises of government are dealt with in an untidy environment hostile to reading and reflection. Phones ring constantly. Pressures pile up. Each day is another frantic race against the clock and the first coronary. Only in the Supreme Court Building is there time for thought in an atmosphere conducive to contemplation.

"I've found the quiet of my chambers and of the library a very soothing thing after the hectic years I've put in as an executive," Earl Warren said at the end of his first term as Chief Justice of the United States.

He had been called upon to preside over a divided, drifting Court that had fallen behind in its work. Not since 1850 had so few cases been decided as in 1950. Since Warren took the oath of office in October, 1953, the Court has been accused of many things, including usurpation of the law-making function of Congress, elimination of the constitutional rights reserved to the states, and holding hands under the table with communists, criminals, smut peddlers and atheists. But no one has charged the Warren Court with indolence.

On June 17, 1957, it staged what is now referred to in Impeach Earl Warren circles as "Red Monday." On this momentous decision day, to quote a pamphlet circulated by an outfit in New Orleans, the Chief Justice tried "to stop congressional investigations" (*Watkins* v. *United States*) and voted "in favor of advocating treason" (*Yates* v. *United States*). In a third case decided the same day, *Sweezy* v. *New Hampshire*, Warren is accused in *Nine Men Against America* of clamping down "on the rights of the states to protect their students against subversive teachers."

Speaking for five members of the Court in *Watkins*, Warren started with the basic premise, "The power of the Congress to conduct investigations is inherent in the legislative process. That power is broad." But, even so, there are certain constitutional margins, as the Court reminded its Capitol Hill neighbor. "No inquiry is an end in itself; it must be related to and in furtherance of a legitimate task of the Congress. Investigations conducted solely for the personal aggrandizement of the investigators or to "punish" those investigated are indefensible."

In *Yates*, the the case in which Warren is charged with favoring the advocacy of treason, he concurred in the majority opinion written by Justice Harlan. The decision spells out the difference between what a person says and what he does. The ruling harked back to the early summer of 1940, when communists were suspected of inspiring strikes in American defense plants at a time when the Nazis were over-running Western Europe. Congress panicked and passed the Smith Act, which, among other features of dubious constitutionality, declared it unlawful to teach or advocate the forceful overthrow of the government. It was this act that the Vinson Court had upheld in its *Dennis* ruling in 1951. The Warren Court, in *Yates*, merely specified that when alleged communists were tried under the Smith Act, the jury must be advised that "advocacy of abstract doctrine"—as opposed to "advocacy directed at promoting unlawful activity"—could not be accepted as ground for conviction.

In *Sweezy*, the Court considered a case growing out of New Hampshire's efforts to thwart the communist conspiracy. The legislature had passed a resolution directing the attorney general to look into violations of the state's 1951 Subversive Activities Act. The Court declared that the attorney general could not use the resolution as a fishing license. Instead, he must limit himself to information actually sought by the legislature, and in the course of his investigations he must observe the constitutional amenities of Due Process. In this particular instance, the attorney general had delved minutely into Professor Sweezy's past conduct, "thereby making his private life a matter of public record."

Two years (and two new Associate Justices) later the Court backed away from the bold, brave stand it had taken on "Red Monday." The application of the *Watkins* and *Sweezy* decisions was sharply limited to the facts in each case. By five-to-four votes in two rulings (*Barenblatt* v *United States* and *Uphaus* v *Wyman*), the Court made it quite clear that a suspected subversive could be required to answer relevant questions and produce pertinent records when a legislative purpose had been established and had been explained to the witness.

Once Senator McCarthy had popularized the sport, the search for subversives found such favor with politicians and the public that by 1956 forty-two states and two territories had passed some sort of legislation encouraging local dowsers to get out their divining rods and hunt for the wellsprings of sedition. The Warren Court, on May 14, 1956, handed down a spoilsport ruling written by the Chief Justice.

In *Pennsylvania* v *Nelson*, the decision of the Supreme Court of Pennsylvania was upheld. "Sedition against the United States is not a *local* offense," the lower court had ruled. "It is a crime against the *Nation*." State laws were declared to have been preempted by the Smith Act, a Federal statute. Thus, a suspected seditionist could not be tried and punished by a state court for committing a Federal crime, but as *Uphaus* pointed out, the states were still free to investigate and punish seditious activity directed against themselves.

As early as 1949, when McCarthy was still an obscure junior senator from Wisconsin, pollsters reported that nine out of ten Americans favored legislation compelling communists to register with the Federal Government. The following year, with an election coming up, Congress passed such a law as part of the Internal Security Act. President Truman vetoed it. The veto was promptly overriden by whopping majorities that included the votes of Rep. John F. Kennedy and Sen. Lyndon B. Johnson.

Last fall the Supreme Court put an end to this national embarrassment by declaring the registration provision a violation of the Fifth Amendment's protection against self-incrimination. "What will our boys fighting in Vietnam say about this?" Sen. JAMES O. EASTLAND of Mississippi trumpeted, but he seemed to be speaking a dead language in the ruins of a deserted forum. Even Barry Goldwater applauded the ruling as "a very proper injunction."

The draftees serving in Vietnam in the closing months of 1965 were drawn from a post-McCarthy generation. They were too young even for kindergarten at the time the Senator first bludgeoned his way into the news, and were in the second or third grade when he was censured by the Senate. Long before the young soldiers had begun to notice girls, much less subversives, the Warren Court had made its major rulings in establishing a constitutional balance between the right of a free man to be protected against the harassment of government officials and the right of a free government to protect itself against an international conspiracy scheming to overthrow it by force and violence.

In the revolutionary history of the Warren Court nothing has inspired so much misplaced indignation as the decisions dealing with prayer and religious exercises in public schools. There is no appeal from these rulings except, possibly, the one filed by a municipal judge in Los Angeles, who declared in a public prayer: "God bless the Supreme Court, and in Your wisdom let it be shown the error of its ways." Sen. EVERETT MCKINLEY DIRKSEN has promised his followers: "I'm not going to let nine men tell the American people where and how to worship."

In spite of such incendiary misrepresentations, the American people still seem to be worshiping where and how they please. Their currency still bears the motto, "In God We Trust"; their children still pledge allegiance to the flag of one nation "under God," and their sons still march off to war in the company of tax-supported chaplains. Both houses of Congress still begin their workday with prayer, and before the Supreme Court gives ear to the arguments of opposing counsel, the crier still follows his traditional "Oyez! Oyez! Oyez!" with the words, "God save the United States and this Honorable Court."

The Chief Justice is one of the few members of the Court who regularly bows his head at this reference to the deity. "He's fiercely religious," says one of his children, and an old friend remarked not long ago, "I just can't figure how Earl went along on that school-prayer business." A former neighbor in East Bakersfield gets red in the face whenever the subject comes up. "He wasn't raised like that," she says. "He was brought up on the Bible." When asked if she had read any of the school-prayer decisions, she said, "No." She resented the question. She knew what she knew.

The trouble began in the summer of 1962, when Justice Black leaned forward in his tall swivel chair and read the Court's decision in *Engel* v. *Vitale*. At issue was a twenty-two-word prayer written in civil-service prose, adopted by the New York Board of Regents and "recommended" for use in public schools. "In this country," Justice Black pointed out, "it is no part of the business of government to compose official prayers for any group of the American people to recite." Ironically, the loudest denunciations of the decision have come from those who are most vigorously opposed to Government meddling, although the state could hardly make a more offensive intrusion on the privacy of a family than by subjecting its children to an official prayer written by some anonymous bureaucrat.

A year later, in an opinion delivered by Justice Clark, the Court ruled that recitation of the Lord's Prayer or reading of Bible verses as part of a devotional exercise could not be required in public schools. "In the relationship between man and religion, the state is firmly committed to a position of neutrality," Justice Clark wrote, and went out of his way to differentiate between "religious exercises," forbidden by the First Amendment, and a permissible "study of comparative religion." Indeed, the decision strongly recommended study of the Bible "for its literary and historic qualities."

Warren, a quondam Methodist married to a devout Baptist, has never been one to make a public display of piety. He lives by a strict moral code and, in the darkest moment of a remarkably healthy, happy life, he attested to his belief in the power of prayer. "God must have heard me that day," he once remarked when discussing the nightmare of triumph and tragedy that occurred on November 7, 1950. Within a twenty-four hour period he was elected to an unprecedented third term as Governor of California and his youngest daughter, Nina (he had nicknamed her "Honey Bear"), was stricken with spinal poliomyelitis.

On that election day, the Governor and his wife had gone to Oakland, where, twenty-five years earlier, they had been married. At 8:45 that morning, after casting their votes, they were having breakfast with friends when the housekeeper called from Sacramento. "Honey Bear's awfully sick, Mrs Warren," she said. "She's in pain and I've sent for the doctor. She didn't want me to call you, but I thought I'd better."

The frightened parents rushed back to the Governor's Mansion. They found the seventeen-year-old girl in extreme pain, paralyzed from the hips down. They did what they could to comfort her, then followed the ambulance that whisked her off to Sutter's Hospital. The Governor had trouble fighting back tears when Honey Bear tried to reassure them ("It's not so bad"). When she said, "Mother, take him home and make him rest," Warren quietly left the room, and in a corner of the hospital corridor, alone, he wept.

"I don't look back on it as a painful memory," Nina Warren says now.

Fully recovered, she is married to Dr. Stuart Brien, a Beverly Hills obstetrician. They are the parents of three small, active children who are being brought up, as their mother was, with no firsthand knowledge of a spanking. "It's awfully hard sometimes," she says. "I don't have my parents' patience." Above the mantel of the high-ceilinged living room of the Briens' large, rambling stucco house is a life-size portrait of the Chief Justice. The eyes are blue and penetrating, the jaw blunt and stubborn.

"He never brought his work home from the office," Mrs. Brien recalls. "When he walked in that front door, he belonged to us. He was all ours."

She remembers the grotesquely charming old Governor's Mansion on H Street as a happy place, overrun with dogs and children, cluttered with ice skates, tennis rackets, fishing rods and baseball gloves. This was where Earl, Jr., planted his Victory Garden, then took up taxidermy and deep-sea diving; where Dottie entertained her Girl Scouts and Bobby romped with Jerry, the family's Dalmation; where Virginia, decked out in her first formal, waited uneasily for the young man who was to take her to a high-school dance. He was met in the front hall by Jerry, who was more accustomed to blue-jeans and T-shirts than to dinner jackets. The Dalmation snapped at the seat of the boy's trousers, then ripped one sleeve from his coat. Virginia burst into tears, Mrs. Warren ran downstairs with needle and thread, and the young couple got to the dance an hour late. Jerry was sent into exile.

"He likes to have young people around him," says one of his former law clerks. "I think we sort of take the place of his kids. I'll bet if you showed him a list of the thirty or forty clerks he's had since he became Chief Justice, he could tell you where each one of them is now, what he's doing, and how many kids he has. I think he had something of that same feeling for President Kennedy.

"Yes," says one of Warren's closest friends, "they got along fine together. He enjoyed Kennedy's dry wit."

On November 22, 1963, while the President was doing a little political fence-mending in Texas, the Chief Justice was presiding over a Friday conference of the Court. No outsiders are permitted to sit in on these deliberations. When, as happened that day, someone knocks on the door, it is the custom for the most recently appointed associate justice to hop up. Mrs. Margaret McHugh, Warren's executive secretary, gave Justice Goldberg a note to hand to the Chief Justice. It informed him that the President had been shot and taken to a Dallas hospital.

"The Chief Justice spent the time after the conference adjourned listening to the radio until all hope was gone," Mrs. McHugh recalls, and the following Sunday, in the rotunda of the Capitol, Warren said in his brief, eloquent eulogy: "What moved some misguided wretch to do this horrible deed may never be known to us, but we do know that such acts are commonly stimulated by forces of hatred and malevolence, such as today are eating their way into the bloodstream of American life."

Well into his seventy-third year, the Chief Justice was old enough to have been the father of the late President, dead at forty-six. The two men had been born into different worlds and had served in different wars, separated by the generation that had split the atom. The older man had grown up on the wrong side of the tracks in a country town in California. The elegant young Bostonian had been reared in wealth. Neither was much inclined toward abstract ideas. Both were immensely practical and successful politicians.

"I remember the Chief's seventieth birthday," says a former law clerk. "We had a surprise party for him and Kennedy showed up for it. It was just a couple of months after his inauguration. The Chief was very pleased and touched."

During the first stunned week after the President death's Warren was approached by two Justice Department officials who asked if he would preside over an inquiry into the assassination. He declined. President Johnson invited him to the White House. He was drafted for the job.

Characteristically, once he had accepted the assignment, he went to work with a vigor that left younger men wilting in his wake. "I don't know where he got the energy," says a member of the Commission staff. "We'd start a hearing at nine in the morning. He'd preside until a few minutes before ten, then leave for the Court. At two-thirty he'd come back and sit there well into the evening. At times he was presiding at the Commission and the Court for stretches of eight and ten hours. During those last weeks, when we were finishing the report, he'd work till one in the morning, then be the first to show up next day."

Warren's critics were quick to pick up and distort a passing remark he made to the press shortly after the Commission began its hearings. On February 3rd, after Mrs. Oswald had testified, Warren ran into a group of newspapermen waiting outside the hearing room. Not wishing to be rude, he stopped to answer their questions. Replying to one of the reporters, he said that all the letters, documents, photographs and exhibits that came to the attention of the Commission would be turned over to the National Archives. What he had in mind was the disappearance of some of the raw material relating to the assassination of Abraham Lincoln. A hundred years later historians and biographers are still trying to find missing pieces of the puzzle.

"Yes," Warren continued when one of the newspapermen asked if all the Commission's material would be made public, "there will come a time. But it might not be in your lifetime."

Published out of context, the statement was taken as an indication that certain factual evidence would be suppressed in the Commission's report. "I am not referring to anything especially," the Chief Justice had gone on to say. "But there may be some things that would involve security. These would be preserved but not made public." He was referring to top-secret material borrowed from the locked files of the State Department, the Pentagon and the Central Intelligence Agency, but his words were widely misconstrued at the time and are still being used to discredit the report.

During this ten-month period when he was moonlighting as chairman of the President's Commission, Warren also found time to write the climactic ruling in a series of legislative reapportionment cases that may prove to be the most significant step taken by the Court in the last hundred years. The text of *Reynolds* v. *Sims* had hardly been distributed to the press, in June, 1964, when an angry, sputtering House of Representatives voted to strip the Federal courts of power to handle cases involving legislative districts. The bill was killed in the Senate. The ruling, left to stand, will radically change the lawmaking process in most State capitals, including Sacramento.

The California legislature, at the time Warren spoke for a majority of the Court in *Reynolds*, was composed of two houses. As had been the custom in many States since the early days of the Republic, the assembly was elected by districts based on population and the senate represented counties, some large, others small. This disproportionate representation was designed to favor the rural voter.

In 1948, Californians were given a chance to vote on a proposed amendment to the State constitution that would reapportion the senate on the basis of population. The proposition was supported by organized labor (the state senate had long been the elephant burial ground of liberal legislation), and opposed by chambers of commerce, farm organizations, rural legislators and Governor Warren.

"Our state has made almost unbelievable progress under our present system of legislative representation," he said. "I believe we should keep it."

The electorate agreed. The proposal was defeated by a two-to-one vote. It failed to carry a single county in California, not even Los Angeles County, which stood to profit most by reapportionment. Twelve years later, in the 1960 census, the 6,000,000 inhabitants of this bizarre county still had only one vote in the state senate. It could be canceled by the vote of an upstate senator who represented 14,294 constituents. Southern Californians were paying 30 per cent of the state's taxes, but in the state senate they had only 15 percent of the votes.

The inequity seemed to be permanently frozen into the American political system, because the city voter had no place to go with his protest. Legislators dominated by back-country politicians were understandably cool to any suggestion that their comfortable seats be relinquished to strangers from the cities. Lower courts, citing decisions of the Supreme Court refused to set foot in what Justice Frankfurter had described as a "political thicket."

In the spring of 1962 the Supreme Court changed its course. In *Baker* v. *Carr*, over a vigorous dissent by Justice Frankfurter in which Justice Harlan concurred, Federal courts were declared to have jurisdiction over suits of this sort, but the decision gave no clear indication as to what would constitute an acceptable system of legislative apportionment. When the Court struck down Georgia county-unit system in 1963, Justice Douglas used the phrase, "one person, one vote." The following February the Court held that Congressional districts should be substantially equal in population. The people, in the words of Justice Black, "should have one vote for one man as nearly as that is possible."

The knockout blow came the following June, when Warren delivered the landmark opinion that both houses of state legislatures must be apportioned on a population basis. Lawmakers who had grown old and often wealthy in the service of sparsely settled constituencies suddenly found themselves faced with the prospects of being cut off from the public purse. "Legislatures," the Court declared, "represent people, not trees or acres" and "are elected by voters, not farms or cities or economic interests." Chief Justice Warren, as his critics gleefully reminded him, had overruled Governor Warren.

"The agricultural communities of California are far more important in the life of our state than the relationship their population bears to the entire population of the state," Warren had said in 1948. "It is for this reason that I never have been in favor of restricting their representation in our state senate to a strictly population basis. It is the same reason that Founding Fathers of our country gave balanced representation to the states of the union, equal representation in one house and proportionate representation based upon population in the other."

"That was sound doctrine then, and it is sound doctrine now," says Senator DIRKSEN.

But the relationship between the Federal Government and the states is not the same as the relationship between a state and its counties. Thirteen states united to form the Federal Government; counties have been formed by the states as local administrative units. In the long, hot summer of 1787 the framers of the Constitution were dealing with thirteen sovereign and mutually suspicious political entities. They were like separate nations sprawled along the Eastern seaboard. Their union was brought about by the famous compromise that provided for a national legislature composed of a House of Representatives based on population and a Senate made up of two senators from each state, regardless of its area or the number of its inhabitants.

In 1948 Governor Warren defended, as Senator DIRKSEN does today, the application of this "Federal plan" to state government, although states and counties are not analogous. Counties in a classic state-court decision have been defined as "local subdivisions of the state created by the sovereign power of the state of its own will, without regard to the wishes of the people inhabiting them." Counties, in short, were never independent governments that came together in a constitutional convention to form a state. They are the state's creatures.

Most states long ago gave up trying to cope with the complexities of the mid-20th Century, as is evidenced by the congestion of their cities, the pollution of their air and water, the injustices in their administration of criminal law, the inadequacy of their schools, hospitals, parks and roads. Corrupt and incompetent legislatures have increased the dependence of the states on the Federal Government. As Warren said in 1943, his first year as Governor of California: "It's one thing to talk about states' rights, but the way to have them is for the states to get in and do their own job."

No one has better credentials to discuss the rights of the states in terms of their responsibilities. Before he became Chief Justice, he had built more schools, hospitals and highways than any governor in American history. Instead of dealing a death blow to the constitutional rights of the states, as its critics contend, the Warren Court may have given state government a chance to mend its ways. With representation more responsive to present-day problems, legislatures may regain something of their old vitality and usefulness.

"Things look different from here," Warren has told California friends who have called on him in Washington and had the temerity to bring up the subject of his revised views on the democratization of state legislatures. When one of his oldest friends asked him why he hadn't made things easier on himself by assigning the writing of the opinion to someone who had no political record of opposition to its doctrine, Warren answered with his usual directness; "I wasn't going to let anybody say I didn't have the guts to write it myself."

Unquestionably, during the years Earl Warren has presided over the Court, the states have lost some rights they had come to take for granted. A state can no longer shunt Negro children away from public schools their parents are taxed to support, nor can the parents be barred from public parks, jury boxes and polling places. Last March, in a decision upholding the major provisions of the Voting Rights Act of 1965, Warren spoke for a unanimous Court in declaring, "Hopefully, millions of non-white Americans will now be able to participate for the first time on an equal basis in the Government under which they live."

A state can no longer deny a penniless prisoner the assistance of a lawyer, nor can it pack him off to jail or the electric chair on the basis of evidence obtained in violation of his basic rights. A state can no longer harbor a Robin Hood legislature geographically rigged to rob the cities and enrich the boondocks. A suburban housewife can no longer be outvoted by an upstate heifer.

"Earl Warren never struck me as a crusader," says one of his early-day associates, expressing a familiar theme among California liberals, who find it difficult to square their memory of the bland, affable Governor with the controversial Chief Justice.

And yet, though he presides over a revolutionary tribunal, Warren is still a cautious man who carefully considers each step. He likes to quote Lincoln: "I am a slow walker, but I never walk backward." It may take him a maddeningly long time to reach a decision, but once he has listened to both sides of an argument and made up his mind, he can't be easily budged.

"No one really knows this man," says one of his more perceptive friends, and a former member of his gubernatorial staff agrees. "All day long we used to hear that booming voice, that belly laugh, that loud 'How *are* you?' But sometimes in the evening when I worked late, I'd see him sitting in his office alone, his back to the door, his head bowed, and on that wall above him, a sad, brooding picture of Lincoln. That's the Earl Warren few of us ever saw and none of us ever knew."

"He's like a man climbing a mountain," says a retired California official whose association with Warren goes back forty years. "When he started out as district attorney, he was standing at the foot of the mountain, a pleasant, hard-working fellow who couldn't see far beyond the problems of the county. He cleaned up the gambling joints, cleared the crooks out of the courthouse and tried to give the honest cop a little pride in his work.

"Then he got himself elected attorney general and, as the state's chief law-enforcement officer, he began to get a broader view of crime and punishment. As Governor, he climbed to new heights where he had to deal with problems he had never faced before. He increased old-age pensions, reorganized the state prison system, provided modern medical care for the mentally ill, bucked the oil lobby to build new freeways and fought a losing battle for compulsory health insurance. Each step along the way, from county prosecutor to Chief Justice, his perspective has changed, but not the man. The man hasn't changed. He's simply grown."

SOYBEANS HELPING OUR BALANCE OF PAYMENTS

The SPEAKER. Under previous order of the House, the gentleman from Illinois [Mr. MICHEL] is recognized for 15 minutes.

Mr. MICHEL. Mr. Speaker, about a year ago I made a statement reviewing the position and contribution of soybeans to our agriculture and our national resources. I pointed out how this expanding crop has provided many products, food and nonfood, that have afforded the same or better quality to consumers at lower cost. I noted the very considerable significance of the soybean crop in the income of farmers, and its expanding growth into the South and Southeast as well as in the Midwest.

Never, perhaps, has the soybean crop seemed so important to our lives and welfare as it does now. Our agricultural plant faces near shortages of the protein and fat which our dynamic economy is using up at a record pace for better nutrition and health of our people. Our programs for overseas food aid look increasingly to soybean protein and fat for their supplies.

Without soybeans today we would find ourselves in a sorry fix. With them, we have a valuable new asset. This "miracle crop" has become America's No. 1 dollar export commodity and it plays a vital role in meeting the balance-of-payments problem facing our country. We should continue to lend it every appropriate encouragement.

Planting intentions offer a picture of a record crop this year of perhaps 890 to 900 million bushels. Just how much we will produce cannot be foretold this early. It may be noted, however, that we could well use 900 and more million bushels. Our carryover stocks of beans as of this September 1 promise to be very small indeed—perhaps only 30 million bushels—so small as to be negligible. At the recent International Seed Crushers Conference at Rome, American and European experts alike pointed out the serious shortages that could ensue if the American crop strikes a weather snag and falls anything below its record expectations.

In common with many other commodity prices, soybeans have experienced a rise in price. The June 15 price averaged $3.04 a bushel. This compares with $2.74 a year earlier. The increase was about 10 percent. Wheat went up about 20 percent and butterfat rose 7 percent.

We are undoubtedly in the midst of a signficant adjustment. It is part of the long-range shift that is going on to oilseed crops as basic, lower cost sources of protein and food fat. The trend has been going on for some time, and has been reflected in the shift to margarine, to soybean meal, to fluid milk, and so on. Right now, however, we seem to be in a sharp adjustment—one of those sudden turns when a progressive development speeds up its course.

Soybeans are a crucial factor in this adjustment as they have been, and will continue to be, in the longer range trend.

It is interesting that, during the current strengthening of soybean prices, the meal has assumed the premium role. This can only mean that our beef and other livestock products and poultry products, now in an expanding period to meet the demand, are requiring more and more protein concentrate. The meat, poultry, and milk we consume are therefore more dependent on soybean meal than ever before.

The price of soybean meal last June 15 was about $5.33 per hundred pounds. That compares with $4.90 a year ago. The price of crude soybean oil has risen, also, but not as much. In late May it averaged about 11.2 cents a pound—Decatur basis—which was about a cent above May 1965.

Insofar as the oil from soybeans finds greater markets, it is going to be able to assume more of the marketing load and help the meal price avoid further sharp increases and hold its markets. Further, the more soybean oil is utilized in our food economy, the more it can satisfy the gaps that have been created by the fall-off in butterfat and by the inadequately rising supplies of lard and other animal fats. Last month the average pound price of butterfat was 63.8 cents—and only 11.2 cents for crude soybean oil.

Let us look at this "margarine sector" in the current picture. This involves the usual comparison of the dairy and the vegetable spreads. Both are excellent products in their respective fields. Both are American farm products and as such deserve objective treatment in our policies.

Millions of consumers are continuing the switch to margarine as butter prices, responding to the sharp downturn in butter production stay up. The administration's weak support price increase last spring of 25 cents for milk has just been jumped another 50 cents, but the trend is already established. Butter production this year is predicted to run at about 1,165 million pounds, or 14 percent below last year. Margarine production is predicted to set a new record of 2,035 million pounds, 7 percent above last year.

During the first quarter of 1966, the Bureau of Labor Statistics reports that the average price of butter and margarine in principal cities was 77.8 cents and 28.1 cents. The lower cost of margarine is in major part owing to its use of soybean oil.

This year, it is estimated that margarine will consume some 1,172 million pounds of soybean oil, refined basis. This is roughly the equivalent of 4.6 million acres of beans and a cash income to farmers of more than $280 million.

Just as consumers are buying soybean oil at a greater rate than ever before, in the forms of margarine, shortening, and many other products, so our nation looks to it to supply what commitments we can make this year overseas. Since September, some 591 million pounds of soybean oil have been exported.

Government purchase programs should be designed to help soybean oil take more of the role of stabilizer in the soybean marketing picture.

Efforts should be made, particularly in conjunction with the market development activities under Public Law 480, to expand the overseas dollar market for soybeans and soybean products.

Such moves would be in line with nutritional recommendations; with what the great body of American consumers are doing; with improving farm income; with expanding our overseas markets; and with the sound policy of encouraging greater production of soybeans, meal, and oil.

In this sector, our soybean agricultural plant can make a definite contribution with benefits all around.

ASSAULT ON FREEDOM

The SPEAKER. Under previous order of the House, the gentleman from Alabama [Mr. Glenn Andrews] is recognized for 5 minutes.

Mr. GLENN ANDREWS. Mr. Speaker, on this historic day, when the Nation braces itself for another assault on freedom cynically in the name of freedom itself; when the Nation's lawmakers are about to consider another debasement of constitutionalism in the name of the Constitution itself; as the Great Society further deteriorates into the "Forced Society"; I should like to introduce a bill to exempt hungry children from becoming an instrument of this political mixmaster madness. I am today introducing a bill which simply removes school lunch programs and school milk programs from the requirements of section VI of the Civil Rights Act of 1964. A top Federal food administrator has assured me that both Negro and white children will go hungry unless their elders bow to bureaucratic civil rights guidelines.

The President has already this year shocked the Nation by advocating severe cuts in the school milk and lunch programs in the name of economy—even as our food was being shipped to many foreign countries. These foreign food shipments have no guidelines attached demanding foreign compliance.

At home, on the other hand, Federal school administrators flaunt aggrogated powers, issue arbitrary and unreasonable guidelines, and promise publicly a variety of future compulsions. All of this presages trouble ahead for hungry children.

I believe it is in the natural interest to put our children on a par with the foreign children we are feeding. I believe that hungry children should be removed from the political arena. I believe our children should continue to eat, even as we in the Congress fight the battle of bulging promises and irresponsible administration.

COMMUNIST TERROR: RED CHINA—PART 1

The SPEAKER. Under previous order of the House, the gentleman from Ohio [Mr. Ashbrook], is recognized for 15 minutes.

Mr. ASHBROOK. Mr. Speaker, for those of us old enough to remember the Second World War, the names of Dachau and Buchenwald are synonyms for terror and unbelievable brutality. The sickening accounts of wholesale slaughter emanating from these and other concentration camps will not be erased from our memories in a lifetime, even though the system officially responsible for this unspeakable inhumanity to man has been banished and obliterated from the face of the earth. Had these horrors been attributable to the individual administrators of the various camps alone, these extreme excesses would have been overwhelming enough. But it is more frightening still to remember: This barbarism was the official policy of a brutal regime motivated by a totalitarian philosophy. Even those who hesitate to apply moral principles to world affairs must concede that the human devastation of the concentration camps ripped all moral tenets to shreds. The free world leaped with joy when the regimes of the Axis Powers were buried in the graveyard of history.

Had freemen at that time been able to look 20 years in the future, they would have instantly recognized the marks of new brutal regimes driven by an equally savage and inhuman philosophy, and would have reacted with revulsion. Yet those same 20 years have now passed, and the chronicle of Communist barbarism is a matter of public record, but unlike the indelible memories of Dachau and Buchenwald, Communist brutalities are explained away or conveniently forgotten. Some of those who realistically believed that "You cannot do business with Hitler," now seek opportunities of "business as usual" with Brezhnev and Mao.

It must be conceded that the field of foreign affairs is a complex one. However, there are basic principles that every citizen can apply in this area. If comrade Mao Tse-tung has declared that "political power grows out of a barrel of a gun," and if he has repeatedly put this policy into action, then until he changes his policy, we cannot trust him not to blow our brains out. If we can prove that Mao's Dachaus and Buchenwalds have taken even more in Chinese lives, then no degree of coexistence can assure us that someday we might not experience their horrors firsthand.

The voting citizens of this Nation are the final custodians via the ballot box of American foreign policy. They can appraise the positions of their representatives in national offices and reward them by reelection or retire them to private life. This is the basis of our representative form of government. The American public in the past has endorsed the policy of quarantine for the bandit regime of Red China by refusing diplomatic recognition and by voting to keep Red China out of the United Nations.

In addition, the American public has shown its solicitude and concern for those under Communist domination through the celebration of Captive Nations Week every year. To further these policies, the American public can insist that self-determination for the captive nations be placed on the agenda of the United Nations before the issue of Red China is discussed and that complete isolation of the Red China regime should continue to be our national policy.

For those who may have forgotten the many brutalities of which the Communist regimes are capable, I am inserting a series of articles and other pertinent information in the Record. The first is entitled "Terror in Tibet," which appeared in the Reader's Digest in December 1960. The author, Lowell Thomas, is, of course, the noted news analyst, author, and world traveler. He and his son, Lowell, Junior, were in Tibet in 1949, the sixth and seventh Americans ever to visit that remote country. Since then Thomas has maintained an active interest in Tibet and has devoted much time to helping the Tibetan refugees who have fled from Red Chinese persecution.

I include the above-mentioned article in the Record at this point:

TERROR IN TIBET

(By Lowell Thomas)

Prior to 1950, Tibet was an isolated, mountainous country in south-central Asia. Its two million inhabitants (or there may be two or three times that number—no census has ever been taken) were devoted to prayer and worship. But in October of that year, inner Tibet, the land ruled by the Dalai Lama, was invaded by Red China, a grim nation of 670 million, whose leaders have proclaimed that "religion is evil." Since that time, there have been many rumors of Red oppression, torture and murder.

I heard, for instance, that one of my friends, Tsarong Shapé, had been tortured and killed. Tsarong for many years was the No. 1 cabinet minister in Lhasa. Lowell Jr. and I visited him in 1949, and found him in retirement. When the Reds swept down in 1950 he fled to the Indian border. Later the old statesman returned to Lhasa. Instead of allowing him to live quietly with his people, the Chinese put him in chains, dragged him through the streets until he was dead. This I heard from one of his Lhasa neighbors. So I wouldn't call it a rumor.

At any rate, for the first time we now are given the facts—and the facts are even worse than the rumors. The detailed story of Tibet's tragic era has been set down with judicious care in one of the most appalling documents ever assembled by objective investigators. The document is the 345-page report of a legal inquiry committee set up by the International Commission of Jurists, a politically free, non-government organization. The distinguished members of the committee included a judge of the supreme court of Ceylon, a former justice of the supreme court of Burma, an ex-prime minister of Thailand, the president of the Philippine Bar Association, and lawyers from India, Ghana and Norway.

To find out the real story of Tibet, the investigators held hearings in India, where more than 50,000 Tibetan refugees, including the Dalai Lama, had fled. They received statements from a large number of these refugees, then subjected many of them to searching direct examination. They also secured copies of what the official Red Chinese and Chinese-controlled Tibetan press and radio were saying during the dread decade. The picture that emerges is almost too horrible to believe.

What Buchenwald was to the 1940's, Tibet was to the 1950's. The Chinese Reds came into Tibet with a systematic design to obliterate its Buddhist religion. Torture and murder of religious leaders were part of the plan. So were humiliation, degradation and ridicule.

Consider the case of the three lamas, Shar Kalden Gyatso, Arrok Dorji Chung and

Sharong Karpo. They were taken before a Meeting which the Red Chinese forced Tibetans to attend. First, the Tibetans had to watch Chinese women beat the lamas and pull their hair out. Then, under threat of death, they were forced to join in the beatings. The lamas were next placed in a pit and the Tibetan people made to urinate on them while the Reds in ridicule invited the lamas to fly out of the pit. Finally, the lamas were chained together around the neck, forced to carry human excrement in baskets, and taken from village to village by Chinese soldiers for display before the inhabitants.

Such taunting, often as a prelude to execution, was a technique widely used to discredit lamas and their religion in the eyes of Tibetans. At the Trasang monastery the monks who refused to work were imprisoned in a room without food for four days—and told by the Communists that their God would provide. At Malung, when Phuntsog Norbu, a hermit lama, died after five days without food and water, the Chinese summoned the people, forced them to look at the corpse, told them that God had done nothing for the lama, so they had better give up their religion. At another monastery a monk, Turkuklu-Sungrab, protested when Red soldiers used the scriptures for toilet paper. His arm was cut off above the elbow by Chinese who then told him that God would give it back to him.

The Reds seized one lama at a monastery in Derge, harnessed him like a horse, made him eat grass, then compelled the village people to ride him and beat him. When the treasurer of the Sakya monastery was beaten, the villagers who did not beat him hard enough were themselves beaten. Five persons died after one such public beating.

No conceivable indignity was overlooked by the Communists in their efforts to undermine the religious faith of what had been one of the happiest peoples on earth. Beggars were forced to kill dogs, skin them in front of cathedrals, then burn their bodies inside in place of incense. Sacred pictures were defiled, religious images dragged through the streets; horses were stabled in temples; tea caldrons were removed from monasteries for use by soldiers as urinals. People were forbidden to carry rosaries, to use prayer wheels and to burn butter lamps before Buddhist images.

Most of the lamas (the priests, teachers and learned men) were killed; the monks were secularized. The apparent reasoning was that elimination of the lamas would bring an end to religious teaching and organized worship. Secularizing the monks, however, would both discredit religion and enable the Communists to get some work out of them. For the invaders were constructing power stations, bridges, airfields, a network of roads inside Tibet and two major highways linking Tibet to China. One, the Tibet-Sikang highway, called for 1400 miles of construction across 14 mountain ranges and 12 rivers, at an average height of 13,000 feet—supposedly the world's highest road. Tibet's more than 300,000 monks were too valuable a labor force to be wasted before firing squads.

The monks were worked from dawn to dark without a break; even while eating they had to work. If they showed no cuts or blisters on their hands they were accused of not working hard enough. If the allotted task was not completed they were allowed no ration. Women, too, including nuns, were forced to work on the roads.

Meanwhile, the Reds were pushing their campaign to force monks (and some lamas) to marry or live with women, brought from China for the purpose. The investigators found evidence that this calculated insult to religious beliefs was sometimes backed up by threats of beheading, torture, starvation. At the Nangsang Gompa monastery the Reds ordered one monk, Derkong Chozey, to stop praying, get married and go to work. He refused, and in September 1958 the Chinese swept into his hermitage, burned the prayer books and seized all religious articles. Then they called an assembly of the local people and machine-gunned Derkong Chozey to death in front of the crowd.

The investigators found ample evidence of mass executions. One nomad testified that while hiding in the hills he saw lamas whom the Chinese had gathered from the monasteries of one district. He estimated that in 15 days about 1000 of them were executed in public. Another 300 from the wealthy class were summoned to a large field, "lined up and shot, one by one, in front of the people."

Usually the Red Chinese favored condemning, torturing and executing a few lamas at a time—as they had tortured and executed my friend, the aged ex-cabinet minister, Tsarong Shapé. The committee found evidence of death by burning, crucifixion, drowning, burial alive. Through the whole catalogue of horror run several common threads: the fake charges repeated in front of people forcibly assembled, the brutal torture for the public to see, then death. At the Litang monastery they compelled villagers to witness a fiendish test: whether lamas could save their own lives. Two lamas, Nori Gen and No-Sog Gen, were brought out and shot—but not fatally. Then boiling water was poured over Nori Gen and he was strangled. No-Sog Gen was stoned and finally felled with an ax. The helplessness of the lamas was, according to the Communists, proof that they could not help others.

Nor were the atrocities confined to religious leaders. In one village the people were called together to witness the fate of two devout laymen, Chopel Gyaltso and Dolma Kyap. They were tied to a tree while the Red Chinese made an announcement: here are two men who had faith in religion and gave money to the lamas; letting them live would be a bad example for young people. So the two were taken to the edge of a trench and shot in the back.

In their systematic anti-religion plan the Red Chinese paid special attention to Tibetan children. As those of us working on the Tibetan refugee problem had already learned, the International Commission of Jurists found that children had been hauled off to China by the truckload. "The main reason for the transfer of the children," the investigators concluded, "appears to be that the Chinese wished to remove them from parental and religious influence. Transferring large groups of young children to the environment of a Communist society from one that is deeply religious would result in producing a new generation far removed from Buddhism, whether the children ever returned to Tibet or not."

In the first years of the occupation the Reds concentrated on children 8 to 15 years old. Then they began taking younger children, then infants. In certain areas all births had to be reported; the Communists then took the babies "10 to 15 days after birth."

One Communist technique was to show movies to boys and girls, then tell them they would see more of these in China. If the child was willing to go the parents were forbidden to interfere; if the child didn't fall for the trick the parents were blamed, taken before a public meeting and beaten. The investigators found evidence that some parents who objected were executed.

Children who escaped transfer to China were indoctrinated in Communist schools set up in Tibet. In some areas food was denied children whose parents did not send them to these schools. Young people were encouraged to harass parents resisting Communist ways. An 18-year-old boy saw his father with a prayer wheel, began kicking him brutally. When the father tried to protect himself Chinese soldiers intervened, said the youth was within his rights, and let him continue. Later the father drowned himself. The Red policy was to produce planned chaos, uproot the old family order. One boy was asked by the Chinese whether his mother had ever beaten him, then told it was now his turn to beat her.

After nine years of this reign of terror, the Chinese Reds delivered the ultimate insult: in March 1959 Lt. Gen. Tan Kuan-san, political commissar of the Chinese army in Tibet, sent a crude letter directing that the Dalai Lama, the god-king of Tibet, present himself *unescorted* at the Chinese military headquarters. This order was virtual blasphemy because religion required that the Dalai Lama, who is the Living Buddha, should not appear in public without his escort of senior abbots and courtiers. Behind it, also, was the threat that the Dalai Lama was about to be abducted, isolated from his advisers, then converted into a helpless tool of Communism.

The result was the dramatic escape of the Dalai Lama to India, where in freedom he told the investigators, "The Chinese Communists invaded Tibet in the name of 'liberating' Tibet. Liberation has come to those brave countrymen of mine who died fighting in the cause of Tibetan freedom. The rest of my country is enslaved by a foreign power known for its ruthlessness and expansionist policies."

The flight of their god-king touched off a nation-wide revolt which the Red conquerors crushed with hideous brutality. Though thousands of Tibetans were slaughtered, pockets of resistance remain in less accessible areas.

Twelve years ago the member states of the United Nations agreed on a Convention for the Prevention and Punishment of Genocide, the gravest crime of which any nation can be accused. Regarding the Red Chinese actions in Tibet, the Dalai Lama said, "As I understand it, it is not necessary for the perpetration of genocide to destroy the major portion of the population. It is enough if an alien power, by mass killings, deportations and immigration, so changes the face of the country that the people become a minority, that their religion is exterminated, their culture destroyed, and even their identity. This is happening in Tibet."

(NOTE.—Lowell Thomas, noted news analyst, author and world traveler, and Lowell Jr. were in Tibet in 1949, the sixth and seventh Americans ever to visit that remote country. Since then Thomas has maintained an active interest in Tibet and has devoted much time to helping the Tibetan refugees who have fled from Red Chinese persecution.)

REPUBLICAN ATLANTIC STUDIES

The SPEAKER. Under previous order of the House, the gentleman from Illinois [Mr. FINDLEY], is recognized for 15 minutes.

Mr. FINDLEY. Mr. Speaker, last Thursday I invited the attention of this body to a series of studies on the Atlantic community being conducted by the House Republican Committee on NATO and the Atlantic Community, of which I am chairman.

Today, I wish to draw your attention to a statement prepared for our committee by Adm. Arleigh Burke, U.S. Navy, retired, a former Chief of Naval Operations and now Director of the Center for Strategic Studies at Georgetown University. Admiral Burke's statement should be considered in light of the recent meetings of the Eighteen Nation

Disarmament Committee in Geneva, Switzerland.

Here is Admiral Burke's statement:

The Impact of Arms Control and Disarmament Proposals on the Atlantic Community

(By Arleigh Burke, admiral, USN (retired), Director, Center for Strategic Studies, Georgetown University)

In surveying the state of affairs existing in the cultural-geographic area which we call the Atlantic Community and comparing it with conditions existing elsewhere, one is immediately struck by the fact that the Atlantic area is now an essentially peaceful area and has been so since the late forties. In no other part of the world does such a degree of stability now obtain. This is not to deny that there are not elements of tension and conflict within the Atlantic Community; these there are. The salient point however is that conflicts and tensions have been adjusted peacefully in the main and the major sources of world conflict lie outside the Community or between it and the communist bloc. Once the members of the Atlantic Community decided to pool their resources against the single biggest threat to their existence as separate nation states, they have been able successfully to contain the expansionsist tendencies of the Soviet Union, and the Atlantic Community while still living under a threat has been able to develop and prosper. The balance of power created to stem the Soviet threat now strongly favors the Atlantic Community and can remain so as long as the individual members are willing to share in their own common defense.

A valid case can be made for the proposition that the Atlantic Community has been able to recognize itself as a community to the degree that it now does largely because of the existence of a strong external threat. Formerly the major world conflicts began as a result of differences between the members of the Atlantic Community. Competing national aims took precedence over other considerations. No power outside the community was either strong or aggressive enough to force the community members to unite on a broad common front. The external threat of the Soviet Union has forced the community members to overlook their internal differences and to unite first on a military basis and then increasingly on an economic and political basis. The problem is to ensure the continued growth of the community and at the same time to reduce the level of threat posed to it by the Soviet Union.

Placed in this context the question, how can arms control and disarmament contribute both to growth and security, must be raised. In attempting to answer the question it should be kept in mind that the balance of military power in favor of the Atlantic Community has been the primary factor in halting the Soviet drive to the west. No arms control measure which distorts the favorable balance should be considered unless other compensating gains are received and no arms control measure which significantly alters the power ratio to the point where the Soviet might persuade themselves that military aggression against the Atlantic Community did not entail a high degree of risk should be accepted. Secondly, in spite of the appeal of general and complete disarmament it should be clearly realized that the political institutions necessary to guarantee protection against aggression simply do not exist and there is little chance that they will come into being in the foreseeable future. If general and complete disarmament is accepted as a worthwhile human ideal, at this point of time it is only an ideal without much foundation in reality. In this respect it has somewhat the same status as the concept of collective security in the more restricted meaning of the term, i.e., of a closed system in which all the states of the world commonly agree to punish any aggressor in their midst. As an ideal it is appealing. As a practical matter it cannot be put into practice without an almost complete change in the present international political system. The likely avenues of approach then appear to be limited and specific arms control measures which foster internal cooperation among the members of the Atlantic Community and which help develop lasting institutional arrangements and at the same time tend to decrease the possibility of war between the Communist bloc and the Atlantic Community.

In considering the kinds of measures which might be put forth for adoption it must be noted that many people who recommend arms control measures have a preconceived and rather fixed idea of how such proposals will be received by other governments. This is particularly true with respect to proposals affecting relations between the United States and the Soviet Union. On one extreme some assure that the Soviet hierarchy would agree to mutually advantageous proposals submitted by the United States if the United States would only take the initiative and unilaterally carry out the measures, thereby demonstrating their feasibility to the Soviets. At the other extreme there are those who hold that Soviets will accept nothing at all, no matter whether it be mutually beneficial to both the United States and the Soviet Union unless the Soviet Union would gain in addition some clear advantage over the United States.

My own point of view is that the Soviets and the Communists generally are hard, realistic negotiators who try to receive, and frequently do receive, advantage from any negotiation they undertake. I also believe that conditions can be established which make it quite clear to the Soviets that it is better for them to accept a proposal than to reject it and that such a proposal can be to our mutual advantage. Unfortunately the conditions usually involve applying increased power against the Soviet Union.

This observation held true in the case of the negotiations in the Korean Armistice Committee. When the United States was gaining on the battlefield, it was quite obvious both to the U.S. and the Communist negotiators that any delay at the negotiating table would be advantageous to the United States and a loss to the Communists. Under these conditions the Communists negotiated quite rapidly. However when the line of battle was accepted as the final line of demarcation and military pressure removed, the Communists again became quite recalcitrant.

I believe too that there are great internal pressures within the Soviet Union which are causing the Soviets to reevaluate and possibly to modify their past techniques. Consequently, I believe that it is possible to negotiate successfully with the Communists by presenting to them a set of alternatives which would be more disadvantageous to them than to accept proposals under discussion. For such a negotiating procedure to be effective the Communists must first be convinced that the alternatives are real and that the alternative courses of action will be adopted if they do not accept the proposal. Such alternatives include the application of military force but are not limited to it; they can exist equally well in the political and economics fields. The essential requirement is that the communists be made to believe that we are as hard and as realistic as they are and that we are not willing to bargain away our security simply to obtain agreement.

For these reasons I am extremely wary of the prevalent belief that the communists would respond favorably if we took positive action to reduce our strength or our application of force before we received comparable concessions from them. In the first place, such actions should be reciprocal. In the second place, if the communists are really interested in reaching accommodations, they should be expected to take the initiative on occasion; the burden of initiative should not always be placed on the United States. Furthermore, when the United States has taken the initiative in seeking agreement, we have usually found ourselves in the position of being asked to swap a present advantage for an abstract future promise. And, finally, many who believe that the United States should be the first to make concessions base their opinions on conversations with Russians who say things privately and unofficially which do not represent official Soviet positions. Such statements may be sincere, but they may also be a tactic or a subterfuge to create or reinforce the belief widely held, i.e., if we give in first the Soviets will give in later. I don't know of any case in which later official Soviet public policies support earlier views given privately.

With these considerations in mind we should be willing to discuss ways and means of reducing the danger of surprise attack, of lessening the threat posed by the very large number of Soviet missiles targeted on Europe, of halting the proliferation of nuclear weapons to countries which do not now possess them and of similar partial arms reducing measures. Discussion with the Soviets along these lines should not prevent us, at the same time, from creating better coordination among the members of the Atlantic Community to lessen the political, economic and social losses the Community might incur as a result of a Soviet nuclear attack upon the area. A common endeavor to solve such problems in the Atlantic Community can lead to better protection of all the nations involved and at the same time develop those institutional habits and associations which are the cement of any community.

Mr. Speaker, our committee is indebted to the gentleman from Indiana [Mr. ADAIR] for reviewing Admiral Burke's statement. The gentleman is second-ranking member of the House Committee on Foreign Affairs, a valued member of the House Republican Committee on NATO and the Atlantic Community, and one of the Republican Party's most respected observers and commentators on foreign problems. I now yield to Mr. ADAIR.

Mr. ADAIR. Mr. Speaker, Admiral Burke, as one of our negotiators in Korea, learned the meaning of negotiation with the Communist world the hard way.

In this paper, one of his most telling points is that the Atlantic Community is secure today because—

> The balance of military power in favor of the Atlantic Community has been the primary factor in halting the Soviet drive to the west.

This points up the fact that this NATO alliance has given the Atlantic Community the possibility of being able to consider disarmament in the first place, for without it we do not know how far west Stalin might have tried to go.

Admiral Burke continues:

> No arms control measure which distorts the favorable balance should be considered unless other compensating gains are received and no arms control measure which significantly alters the power ratio to the point

where the Soviet might persuade themselves that military aggression against the Atlantic Community did not entail a high degree of risk should be accepted.

In other words any approach to this question must be done on a hard realistic basis.

If this is true, then what are the prospects for disarmament and the Atlantic Community? Admiral Burke feels that no adequate machinery exists to seriously implement general and complete disarmament. What then? He proposes the following avenues of approach: "Specific arms control measures which foster internal cooperation among the members of the Atlantic Community and which help develop lasting institutional arrangements and at the same time to decrease the possibility of war between the Communist bloc and the Atlantic Community." Such avenues will be difficult to keep open, because in the Soviet view increasing cooperation among the Atlantic Community nations directly decreases their chances of dominating Western Europe.

What then are the chances of meaningful disarmament negotiations with the Soviet Union? Is there no room for meaningful negotiation? Admiral Burke states that the best possibility lies with presenting proposals which would be more to the advantage of the Soviets to accept than reject. However, he also makes quite clear that this does not mean unilateral gestures on our part designed merely to allay Soviet suspicions. The history of nearly 50 years of Communist diplomacy shows all too clearly the futility of such gestures, although there are those who still have faith in such proposals. To illustrate his point, Admiral Burke uses his experience in Korea, wherein the Communists were willing to negotiate seriously when they were losing ground on the battlefield, but not after the truce line had been drawn.

However, the admiral stresses that for this policy to be effective, the Soviets must be convinced that we mean business and that the alternatives to their acceptance of our proposal, whether it be political, economic, or even military action, would not be acceptable to them.

Following on, the admiral stresses that we should not take initiatives based upon private conversations with the Soviets, as we have all too often been trapped into offering a concession based upon a supposed later Soviet concession, which was never forthcoming. The most recent example of this is the controversy over article 19 of the United Nations Charter; wherein the Soviets vaguely promised a later contribution if we would soften our position, and then after we did so, never made a contribution.

With all the aforementioned in mind, Admiral Burke believes we should strive for agreement aimed at reducing the danger of surprise attack, or at least of lessening the threat of all the Soviet missiles aimed at European targets, and the halting of the proliferation of nuclear weapons. However, he believes that we should not let any of this prevent us from actively seeking greater coordination among the members of the Atlantic Community as to measures to be undertaken in common to lessen the effects of a Soviet nuclear attack.

The views of Admiral Burke on this matter, to my way of thinking, represent a sound and realistic approach to the problem of disarmament, worthy of the widest circulation and attention.

Mr. FINDLEY. Thank you, Mr. ADAIR. I yield back the balance of my time.

CONSERVATION DISTRICT LEADERS IMPROVE UTAH COMMUNITIES

The SPEAKER. Under previous order of the House, the gentleman from Utah [Mr. BURTON] is recognized for 10 minutes.

Mr. BURTON of Utah. Mr. Speaker, 100 percent of the farms and ranches in Utah are covered by soil conservation districts. But what impresses me far more than the quantity of districts is their quality of leadership. I applaud their imaginative yet level-headed plans for improving their local communities.

I am particularly interested in the small watershed projects. There is an old Indian saying that Utah is the land of room enough and time enough. All it needs is water enough. In the West, water is life, and its management and control is a central factor in our State's growth and development.

Small watershed projects generally have a number of local sponsors, including soil conservation districts, and receive technical help from the Department of Agriculture's Soil Conservation Service.

Throughout Utah, there are now 37 small watershed projects in some stage between application and completion. One of them, the 118,000-acre American Fork-Dry Creek project has won the 1966 Watershed of the Year Award from the National Watershed Congress. This is the first time any Western State has received this award.

The American Fork-Dry Creek project is nearly complete, and its effect on the area is readily apparent. Land values in that county are up 15 to 30 percent, giving a broadened tax base. New homes and schools are going up, and local firms report rapidly growing business.

About half this watershed project is paid for by local interests. A major sponsor is the Alpine Soil Conservation District.

The Green's Lake Watershed project, in my district, is another illustration of how these developments help an entire community.

Green's Lake, in Iron County, regularly used to flood the surrounding area. With the completion of the small watershed project in 1962, 500 acres of land were made safe for housing and industrial development. As a result, two large public schools have been built, plus dormitories and other facilities for the College of Southern Utah. In addition, about 100 private homes, a factory and a large office building have been constructed.

None of this healthy development could have safely come about before the watershed project. And I wish to emphasize that these projects are initiated and partly financed by local people.

Except for spectacular scenery, nature has never been overly kind to my State. Since our earliest days, Utah's farmers and ranchers have had to work hard to overcome such natural deficiencies as lack of usable water. They are still working hard—with the help of science and constructive Federal help—to provide the water, the land practices, and the economic conditions that will make for a better Utah. I salute the soil conservation district leaders who are among the front runners in this effort.

ALL CITIZENS OF OUR NATION'S CAPITAL, INCLUDING FEDERAL EMPLOYEES, SHOULD SEE THE AMERICAN LEGION PARADE ON AUGUST 29

Mr. PATTEN. Mr. Speaker, I ask unanimous consent that the gentleman from Tennessee [Mr. MURRAY] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

Mr. MURRAY. Mr. Speaker, for the first time in 12 years our Nation's Capital will have the great privilege of being host to the annual National Convention of the American Legion this summer.

On the afternoon and evening of August 29, as a highlight of the convention, the citizens of the Metropolitan Washington, D.C., area will have the opportunity of viewing the Legion parade, traditionally the largest and most impressive of all such spectacular events held in this country.

It is an opportunity that none of us should pass up, and I am especially interested that as many as possible of our Federal employees be excused from work that afternoon, without loss of pay or charge to annual leave, so that they, too, may witness this colorful and historic event. It is my hope, therefore, that President Johnson will issue an appropriate order, just as President Eisenhower did on the occasion of the Legion parade here 12 years ago.

The American Legion, over the years, has proved to be one of the greatest forces for good operating within our Nation. Its achievements in behalf of a strong national defense program, its continuing vigilant fight against the Communist conspiracy, its dynamic program to foster patriotism and love for country, its alertness to the needs of our disabled veterans, their widows and orphans, are all enduring monuments to the American Legion's value to our American society.

Fortunate indeed is any community, large or small, in this Nation that can boast of having an American Legion post. One of the richest and most rewarding periods of my own life was when I served as commander of the John A. Deaver Post of the American Legion in my hometown of Jackson, Tenn., and when I served as vice commander of the Legion for the State of Tennessee.

It is true that everyone loves a parade, and no parade can be more inspiring or can give the mind and heart more of a lift than that which is staged by the American Legion, particularly during this midsummer of our Nation's unrest. I feel it would be most suitable, therefore, for our Government employees to have time off on the afternoon of August 29 so that they can join with all the rest of the Nation's Capital in paying their respects to the American Legion. They will, I am sure, come away from this parade with higher morale, a deeper feeling of patriotism, greater dedication to the public service, and a renewed sense of all that America stands for.

AMERICA'S CONSERVATION LEADERSHIP AT STAKE IN GRAND CANYON DECISION

Mr. PATTEN. Mr. Speaker, I ask unanimous consent that the gentleman from Wisconsin [Mr. Reuss] may extend his remarks at this point in the Record and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

Mr. REUSS. Mr. Speaker, since the United States established the first national park at Yellowstone in 1872 this country has been the preeminent advocate of the necessity of setting aside sections of the natural environment to be preserved unspoiled for the enjoyment of present and future generations.

When the delegates to the First World Conference on National Parks gathered in Seattle 4 years ago, President Kennedy greeted them with these words:

> Permanent preservation of the outstanding scenic and scientific assets of every country and of the magnificent and varied wildlife which can be so easily endangered by human activity, is imperative.

In the United States we have built an unmatched system of national parks and national monuments, encompassing and protecting our great scenic wonders and features of scientific, archeologic, or historic significance.

Throughout the world, America—by its example, and Americans, because of their devotion to the conservation of man's heritage wherever it may exist—have helped to create and to preserve national parks and reserves.

It is in the light of this history of leadership that a resolution just adopted by the International Union for the Conservation of Nature and Natural Resources—IUCN—takes special significance.

> *In view* of the outstanding importance of the National Parks of the USA, and therefore of the necessity for maintaining their integrity, the *9th General Assembly of IUCN* meeting in Lucerne in June 1966 *urges* that the National Park and National Monument of the Grand Canyon should be kept intact for the benefit of mankind, and protected against technical intrusions.

This resolution was adopted unanimously by some 300 delegates from more than 40 countries. The IUCN is a consultative agency to the United Nations.

Needless to say, the Grand Canyon National Park and National Monument will not be "kept intact" and "protected" if Bridge Canyon dam is built in the Grand Canyon, backing up the Colorado River for the entire 39-mile length of the monument and for 13 miles into the Park. The flooding in the monument would conceal important geological records including features illustrating local volcanism and early stages of canyon cutting. The upper end of the reservoir would substantially alter what is considered to be one of the most scenic areas of the park.

The 140 miles of the Grand Canyon outside the national park and monument are intrinsically as worthy of preservation as the areas within the park and monument.

But the proposed intrusion into the park and monument would be doubly wrong because of the precedent it would set for other parks in the United States and elsewhere in the world.

All around the world hydro-electric projects represent a major and continuing threat to national parks and to the unique natural resources they protect.

The Grand Canyon is well known to foreigners as one of the world's greatest natural wonders. If the plans of the International Cooperation Year are realized it will be one of the few areas of the United States to be designated as areas of world heritage value.

If Congress fails to protect fully the Grand Canyon National Park and National Monument, the United States will sacrifice needlessly some of its leadership in the world conservation movement. We will encourage those who are seeking to "develop" the parks of other countries. We will tarnish the contribution we made to the world in originating the modern concept of national parks. We will be taking a step backward that is all the more ironic at a time when the growth of population and increasing industrialization and urbanization make the preservation of unspoiled natural areas ever more important.

MEDICARE

Mr. PATTEN. Mr. Speaker, I ask unanimous consent that the gentleman from Connecticut [Mr. Giaimo] may extend his remarks at this point in the Record and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

Mr. GIAIMO. Mr. Speaker, on July 1, 1966, medicare hospitalization coverage became effective for almost 20 million Americans age 65 or over. Whether they are covered by social security retirement or not, Americans who become 65 before 1968 will be eligible for the program. However, after January 1, 1968, Americans who are not covered by social security retirement, will not be eligible for the program.

Many employees of State and local governments, including 650,000 teachers, are not covered by social security retirement. Since social security coverage involves a tax on both employee and employer, Congress did not make participation compulsory for State and local employees. It did not want to impose a mandatory tax on the State and local political units, which employ approximately 7.5 million Americans.

However, the law does provide for voluntary agreements by which many State and local employees may obtain social security coverage. If these employees are to be covered, the State must work out a coverage agreement with the Secretary of Health, Education, and Welfare. The members of the local retirement system, however, must first approve of coverage by referendum.

Approximately 2.6 million Americans employed by State and local governments were not covered by social security as of January 1965. This, of course, means they also are not covered by the medicare hospitalization provisions unless other employment has provided them with social security coverage.

These employees do not seek Federal-State agreements that would bring them under social security retirement because they have adequate retirement programs of their own. However, they do not have hospitalization programs similar to medicare. Many desire such insurance and are willing to pay for it, but they are prohibited from doing so by the present law which makes it mandatory that the State cover them by social security retirement as well.

I would like to see these employees participate in the hospitalization insurance program, without being required to participate in the social security retirement program. There is no reason why such a plan could not be worked out. The hospital insurance program and the social security program are financed independently by two separate payroll taxes. Each program has its own trust fund. No administrative difficulties would develop.

The State and local employees and employers will pay according to the same schedule that private employees and employers are now using. Presently this is 0.35 percent of salary up to $6,600 per employee and employer. In 1987 it will rise to 0.80.

The enactment of my bill will allow those 2.6 million State and local government employees who are not presently included under a social security coverage agreement to enroll on the hospital insurance program only. This will be accomplished by agreement provisions similar to the ones under which State and local government employees are presently allowed to participate in the social security retirement program. It will be necessary for a majority of the employees in the coverage group to vote for coverage in a referendum.

BREAKING THE AGE BARRIER

Mr. PATTEN. Mr. Speaker, I ask unanimous consent that the gentleman from Connecticut [Mr. Giaimo] may extend his remarks at this point in the Record and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from New Jersey?

There was no objection?

Mr. GIAIMO. Mr. Speaker, I have recently read a highly interesting and informative article which was published in the March–April edition of Challenge magazine, written by my distinguished colleague from the State of Maryland, the Honorable Clarence D. Long. The article is concerned with discrimination against older workers, stressing the economic and human waste resulting from this form of discrimination. Congressman Long, a former professor of economics at Johns Hopkins University, is eminently qualified to discuss this subject and makes some valuable suggestions aimed at alleviating the problem. I would recommend that my colleagues weigh Congressman Long's points very carefully:

Breaking the Age Barrier

(By Clarence D. Long)

(Clarence D. Long (D.-Md.) was professor of economics at Johns Hopkins University before his election to Congress in 1962.)

(Note.—A Congressman-economist decries the economic and human waste resulting from discrimination against older workers. He proposes that a Bureau of Older Workers be set up in the Department of Labor to focus national attention on—and help solve—this problem.)

The job tribulations of the American worker over 40 are fairly well documented. Labor Secretary Wirtz' 1965 report to the Congress found that age discrimination is indeed widespread; one in four jobs is closed in many states to applicants over 45. Other studies have shown that between 25 and 40 per cent of firms do not take on new personnel above the ages of 45, 40, and even 35.

Paradoxically, unemployment among older workers is not high; that for youths under 25 is much higher. But the bare unemployment totals are deceptive. The unemployed older person is idle for durations of half again to twice as long as the middle-aged or younger person. More important, large numbers of older persons who have lost jobs are not in the unemployment statistics because they have left the labor force. Thus, a fairer indication of the problem is not the number counted as unemployed, but the number actually not working. If, for example, two groups of 100 men each are compared, one group 25 to 45, the other 45 and older, the older group will have about 20 fewer employed. And many of those employed will be working part time or at jobs which are inferior and low paid in relation to capacity and experience.

By no means is all of the joblessness among older workers due to age discrimination. Traditional opportunities for older people have been closed by the decline of agriculture and small business. Many older work aspirants simply lack skills, education, good health; or suffer from emotional instability, including alcoholism. Compounding the problem is the fact that some older persons want higher wages than their true worth justifies. Thus, it is not easy to calculate the number of older workers excluded from jobs by age discrimination. Nevertheless my own experience with the older men and women who come to me for help has convinced me that substantial proportions of them could fill jobs and really want them.

So widespread a rejection of the older worker could not fail to be costly. As long ago as 1952, Prof. Sumner Slichter of Harvard University estimated $3.8 billion as a "conservative" measure of the annual loss of the productivity of retired workers. This figure strikes me as high for that time; but, allowing for growth of population and productivity, it may not be out of line for today. If this loss could be salvaged, the tax burden on the employed worker for all the various social security and retirement programs would be much lighter. Private firms, relieved of part of their pension costs, could pay higher take-home wages, declare larger dividends or charge lower prices.

The labor force of all ages would enjoy a psychic gain of not needing to fear the day when they would be unemployed and unwanted. Finally, pressure would be less to enact all kinds of uneconomic measures—tariffs, double pay for overtime, retirement at full pay after 30 years' service, and featherbedding—measures which derive plausibility and political support from such problems as that of the older worker.

So massive and costly a challenge cries out for a positive program and strong leadership. These cries, unheeded for decades, got some recognition in 1964 when the Civil Rights Act called for a study of age discrimination—a study that was released in the recent Wirtz report. More attention was given in 1965 in the Hearings of the Select Subcommittee on Labor, headed by James O'Hara (D.-Mich.). Now, in 1966, it seems probable that legislation will be reported out—with Administration encouragement—featuring a many-pronged attack on the older worker problem.

A direct attack is the bill of Rep. Roman Pucinski (D.-Ill.) to make it an unfair labor practice to discharge, or to refuse to hire, or otherwise to discriminate because of age, "when the reasonable demands of the position do not require such age discrimination." The Pucinski bill would also make it unlawful to hire through any employment agency, placement service or labor organization which discriminates because of age.

Age is most discriminated against in firms where sheer size, complicated pension and insurance programs, bargaining relationships with many unions in different regions and trades, as well as unwillingness to rely on the judgment of personnel departments, lead to highly formalized procedures. One result: rules against hiring people over a certain age.

Laws forbidding this kind of discrimination could scarcely eliminate it completely; for firms determined to discriminate against older workers can find ways to do so, regardless of law. For one thing, age discrimination is enmeshed in certain hiring and retirement policies which provide powerful institutional reinforcement of this discrimination. Many firms hire only at the bottom and promote solely from within. As the director of personnel of a famous insurance company once pointed out, "We pay nothing for experience." Such practices, although designed to retain and reward long-service employees, nevertheless close the door against older workers who have lost their jobs. If hiring only at the bottom is widespread, the only openings will be at the "office boy" level.

Discrimination is also reinforced by the "nailed-to-the-floor" pension. The employee who leaves—because of slow business, a department closing or a new process—and thereby loses his pension, must find some way of providing for his retirement. A potential employer is torn between the horns of a dilemma. On the one hand, if he hires the man at, say, age 50 and must build up a full pension for him in the 15 years to retirement, the annual pension cost will, of course, be greater than that for a younger man. On the other hand, if he provides the older recruit with a smaller pension or no pension at all, he can be criticized for being inhumane. The humane thing is therefore not to hire the older worker at all! There is obviously a need for a portable pension system, as well as modification of such hiring and promotion policies. These are, of course, complicated matters and call for considerable study. The Holland-O'Hara-Bennett bill (H.R. 10634) would provide for an investigation into such hiring and pension policies, and for proposals to Congress for remedial legislation.

But getting rid of formal rules and procedures will not do the whole job. The main attack on the problem must proceed by convincing employers that older workers are as effective as younger ones and no more costly; by making sure that older workers have the training both to qualify for the new jobs that are opening up, and almost as important, to know how to sell themselves to employers; and by creating adequate organizations in our national government to carry out this attack.

Two broad types of organizations, one temporary, one permanent, would be created by bills introduced in 1965. The temporary organization would be created by the Holland-O'Hara-Bennett bill, already mentioned. This bill would set up a National Commission on Older Workers designed to be a kind of temporary general staff, to get the war on discrimination off to a start. The National Commission would attack the problem on a nationwide scale—plan the board strategy, initiate research and coordinate the many agencies concerned with the problem. The authors of the bill intend that the National Commission on Older Workers would go out of business at the end of two years.

The permanent organization would be provided by my bill (H.R. 2062) to set up a Bureau of Older Workers in the Department of Labor. The Older Workers Bureau would have for its prime mission a long-term campaign to persuade employers all over the country voluntarily to lower barriers against the older workers—as the Department of Agriculture did in selling new methods to farmers through local agents. Persuasion is far more effective than force or propaganda.

But if employers are to be persuaded, the arguments must rest on solid facts supporting the contention that older workers—at least some older workers—are worth hiring. The second mission of the Bureau of Older Workers would be to carry out the research and demonstration projects to establish these facts.

The most serious deterrent is the too general belief that older workers are less efficient. A corporation executive—himself in his sixties—states that "keeping older people with diminished capacity in the labor force appreciably reduces efficiency." Other employers believe that older persons have more accidents, do not get along well with others, are not receptive to new ideas.

Without question, some older workers are less effective than the average younger worker. But so are some younger workers! The central question is, does age affect efficiency so adversely as to justify rigid rules against hiring older workers, regardless of their individual capacities? What are the facts?

Certain capacities do diminish with age, beginning almost at adulthood. Studies at Stanford University revealed that manual mobility and reaction speeds reach an optimum in a person's twenties or thirties and speed of learning peaks shortly after the teens. As a man grows older, investigations of the Cambridge University Psychological Laboratories have concluded, he has increasing difficulty in comprehending verbal or visual data, particularly when new or unfamiliar, and as a result has to rely more and more on his past experience.

Nevertheless, the deterioration is usually slow. Some persons maintain mental abilities without loss until late maturity; others suffer from disuse or lack of training. "Although speed may decrease among older people," the Cambridge study concludes, "the deficiency is often more than offset by gains in quality and accuracy."

Scattered studies suggest that the average older worker may even excell in output, attendance, turnover, safety and attitude, in some cases, output is slightly lower, in other cases steadier—especially compared with the worker in his early twenties or late teens. Convincing employers is another matter, however, and requires thorough research—comparing older and younger workers in productivity, absenteeism, accidents, turnover, pension costs and other important dimensions.

Another mission of the proposed Older Workers Bureau would be to see that older workers get the job training they need for the jobs that are vacant.

Breaking down barriers against older workers will not get them the jobs if they are not able to do the work. As a result of the Manpower Development and Training Act of 1962, training has been approved for 400,000 persons in 700 occupations. These training programs are being directed by the Manpower Administration of the Labor Department and the Division of Vocational and Technical Education in the United States Office of Education.

But these programs are not getting to the older workers. In 1964, only about one in nine trainees was over 45; in the case of Negroes, 1 in 17. Among men 45 to 54, one-third of whites and two-thirds of nonwhites have not gone beyond eighth grade. Yet the Wirtz report acknowledged that only limited arrangements for this further education now exist. The report even proposes "education sabbaticals," financed from contributory insurance programs, to enable the older worker to make up for his failure to complete grade school or high school.

This proposal is intriguing. How well it would work would depend on how effectively it were implemented and sold to the older worker. Poorly educated people do not have an abundant faith in education and, since they spend little time reading or listening to the news, are scarcely aware of the existence of these training programs, let alone appreciate their value. Without a powerful and imaginative selling program—under the leadership I visualize for the Bureau of Older Workers—the education and training of older workers will continue to be a limited-success story.

Still another mission of the Bureau of Older Workers would be to conduct, or at least see that some other agency such as the U.S. Employment Service conducts, a nationwide program of showing workers how to look for a job.

Knowing how to do a job is one thing; knowing how to look for a job is another. Many excellent craftsmen come in unshaved, clothes soiled. They slouch, mumble, mess up simple forms. Asked what they can do, the say, "anything"—employer's translation: "nothing!" Asked where they have looked, they say, "everywhere"—translation: "a few well-known companies!" Asked how often, they say, "all the time"—translation: "a couple of times a week!"

Early last year, I initiated a do-it-yourself job-finding program in the Baltimore area. Six clinics—financed by the Labor Department as a pilot project—meet in fire houses, Knights of Columbus halls, Y.M.C.A.'s, American Legion buildings. Classes meet in late afternoon or evening, giving the worker time to look during the day, and in the evening talk over his experiences and discover any mistakes he may have made. The worker is coached by experts drawn from the U.S. Employment Service, vocational and guidance counselors from public schools, the MDTA Center and personnel staffs of local firms. Rehearsals show him how to get leads on job openings; size up requirements and decide which jobs he has a chance for; fill out application forms; dress, sit and speak when interviewed; take tests.

A bonus of the do-it-yourself clinics has been a kind of group therapy. Talking things over with others in the same fix provides the bitter and frustrated with an outlet for hostilities, and the defeated a balm for bruised confidence.

The program has not been a precision operation; perhaps no job program can be. Some older workers turn out to be unemployable. Others become disillusioned and drop out. At the end of three months, however, about one in three of the participants who reported information on subsequent progress had found a job and nine per cent were in training.

These do-it-yourself clinics have attracted attention outside Baltimore; a report was recently requested by the International Labor Organization. A Bureau of Older Workers could extend the Baltimore-type do-it-yourself clinics throughout the nation.

These missions—convincing employers of the desirability of hiring older workers, carrying out research and demonstration programs, strengthening training and education programs, and extending the do-it-yourself job-finding experiment—would not exhaust the functions of the Bureau of Older Workers. Others can be visualized, including a proposal in the Wirtz report for a Neighborhood Older Workers Corp. to hire older people to improve and beautify communities.

But no program can hope for success unless effectively developed and sold. In our highly organized federal government, little gets done unless there is an agency responsible for developing programs and fighting for the attention of the Executive Branch and the Congress. This would be the role of a Bureau of Older Workers.

It should be emphasized that the Bureau of Older Workers provided for in my bill would not duplicate, or conflict with, the excellent Holland-O'Hara-Bennett proposal for a National Commission on Older Workers; in fact, the two would complement each other. The National Commission would be temporary, for the purpose of getting the attack on the older worker problem started. The Bureau of Older Workers would be permanent, for the purpose of carrying it on. The National Commission would plan the strategy and coordinate the efforts of the many agencies in our national government concerned with older workers' problems. The Older Workers Bureau would do the actual research and administration work for the National Commission, as well as carry out its own continuing missions of persuading employers, through facts and figures, that older workers are worth hiring.

If the Congress in 1966 decides to build on the basis of the blueprint set forth in the legislation proposed last year, millions of despairing men and women would have new assurance that life—not old age—can begin at 40.

REVISE STANDARDS REGULATING HOURS OF SERVICE OF EMPLOYEES ON RAILROADS

Mr. PATTEN. Mr. Speaker, I ask unanimous consent that the gentleman from New York [Mr. MULTER] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

Mr. MULTER. Mr. Speaker, it was my privilege on July 22, 1966, to present the following testimony to the Subcommittee on Transportation and Aeronautics of the House Interstate and Foreign Commerce Committee in support of my bill, H.R. 11263:

STATEMENT OF HON. ABRAHAM J. MULTER BEFORE SUBCOMMITTEE ON TRANSPORTATION AND AERONAUTICS OF THE HOUSE INTERSTATE AND FOREIGN COMMERCE COMMITTEE IN SUPPORT OF H.R. 11263 ON JULY 22, 1966

Mr. Chairman, I appreciate this opportunity to testify in support of my bill, H.R. 11263, which would bring up to date the antiquated standards regulating the hours of service of employees on railroads. H.R. 11263 amends a law enacted, and last substantively amended, in 1907.

The standards which the original law established in 1907 were probably not even adequate for that horse and buggy era. They were standards for employment on steam locomotives, pulling wooden coaches with much smaller boxcars. Trains also ran much more slowly then.

This was before the day of the diesel, even before we had electrified railroads. It was back when only 140,000 automobiles were registered in the United States. We had practically no paved roads.

Today we have millions of miles of surfaced roads and upward of 90 million registered motor vehicles and so the chances for accidents occurring between the general motoring public and the trains have also become substantially greater, despite the decline in railroad traffic in recent years. The standards Congress set forth in 1907 are simply not adequate for 1966.

Much has been made of the point that travel on trains is much safer today than previously, that the number of accidents and injuries is substantially less. This only becomes true, if one compares the bare statistics of 1907 with today's. For example, in 1907, which was the worst year on record, 11,839 employees, passengers and others were killed in railroad accidents. Over 111,000 people were injured. In 1964 only 2,423 were killed and 27,614 were injured. Even allowing for a considerable decline in passengers carried and a reduced exposure to accidents this looks like a good record. Let us remember, that these are American lives we are talking about and not merely statistics. 2,500 is just as appalling to me as is 11,000.

This reflects all the more clearly the need for taking further action such as this subcommittee is considering here today. Over the years the many other safety measures which have been taken on railroads have had their effect. But, we have reached today no better than a plateau in accidents on railroads. We need new safety measures.

Indeed, there is evidence that in recent years we have been losing rather than gaining in our railroad safety record. If we take the ten years from 1954 to 1963, to minimize the impact of the recent reductions in the number of firemen employed, we find that the number of fatal accidents on railroads dropped from 2,475 to 2,141. But during this period the number of train-miles fell from 764 million to 590 million. Thus the number of people killed per million train-miles went up from 3.2 to 3.6. As far as accidents are concerned, they went up even more, from 3.54 per million train-miles in 1954, to 5.10 in 1963.

Thus, even before the recent reduction in the number of operating employees, the likelihood of an accident was increasing with each mile a train moved. It is still increasing, even more rapidly as the years pass. In fact the figure I cited earlier for 1964—2,423 dead—was a shocking increase from 2,145 in 1963, to the highest figure since 1956. We are losing, not gaining, ground in railroad safety.

No man, especially one over 50 years of age as most engineers are, should work 16 hours operating a train without any rest. Personally, I believe the figure in the bill of 12 hours is too long. I certainly favor the provision of the bill that no engineer may be alone in a cab without relief for longer than 9 hours.

The requirement of the bill that an operating employee must have at least eight consecutive hours off duty before returning to work seems to me a minimum amount of rest if we are to protect the safety of the public and the railroad employees themselves.

I do not see how we in the Congress can overlook our responsibility to bring this apparently obsolete law up to date. I am well aware that the motives of many who support this bill extend beyond an interest in safety. It is my personal feeling that, in this respect, the firemen have merit in their contentions that their job rights have been taken away without just compensation. But this is not the prime reason for my support of this bill. In bringing to the attention of our colleagues the failure of Congress to bring up to date this important piece of legislation, the firemen, whatever their motives, have put us all in their debt. The law must be altered.

I cannot too strongly urge this subcommittee to act without delay to favorably report this piece of legislation as an urgently needed *safety* measure. Any further delay will place on us the responsibility for any further increase in the already shocking number of deaths and injuries on our railroads. Until recent years we could look at the safety record of the railroads and say it was getting better, year by year. As I have pointed out this is no longer true. It is getting worse. It is time to act. H.R. 11263 will help reduce the hazards to everyone, including the operating personnel on railroads, who must be exhausted with insufficient rest after 16 hours of work.

WHEN WILL THE UNITED STATES SIGN THE GENOCIDE CONVENTION?

Mr. PATTEN. Mr. Speaker, I ask unanimous consent that the gentleman from New York [Mr. Multer] may extend his remarks at this point in the Record and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

Mr. MULTER. Mr. Speaker, in 1948 the General Assembly of the United Nations adopted the Genocide Convention. Since that time 69 countries of the world have signed the convention including most recently the Netherlands.

As pointed out in the following article from the July 21, 1966, edition of the American Examiner, the United States is one of the few remaining great powers which has not signed the convention.

I believe that we should do so immediately. There is no doubt as to our position on genocide and we should affirm it now.

The article follows:

Netherlands 69th State To Sign Genocide Pact; United States Still Balks

(By Ruth Gershon)

United Nations.—The Netherlands has just become the 69th country to ratify the renowned Genocide Convention which was adopted by the General Assembly on December 9, 1948—the year Israel gained her independence.

The United States remains the single big power which has not yet acceded to the Convention which had come into force on January 12, 1951. The Convention seeks to prevent and punish genocide, whether committed in time of war or in time of peace. It also requests States adhering to the Convention to take legislative steps to give effect to it and to grant extradition in cases of genocide.

The Convention was originally inspired by the late Dr. Raphael Lemkin, a Jew of Polish origin.

The 69 states which have thus far ratified the Convention include: Afghanistan, Albania, Algeria, Argentina, Australia, Austria, Belgium, Brazil, Bulgaria, Burma, Byelorussia, Democratic Republic of the Congo, Denmark, Ecuador, Cambodia, Canada, Ceylon, Chile, China, Colombia, Costa Rica, Cuba, Czechoslovakia, El Salvador, Ethiopia, West Germany, Finland, France, Ghana, Greece, Guatemala, Haiti, Honduras, Hungary, Iceland, India, Iran, Iraq, Israel, Italy, Jordan, Laos, Lebanon, Liberia, Mexico, Monaco, Morocco, Netherlands, Nicaragua, Norway, Pakistan, Panama, Peru, Philippines, Poland, Republic of Korea, Republic of Vietnam, Romania, Saudi Arabia, Sweden, Syria, Tunisia, Turkey, Ukraine, USSR, UAR, Upper Volta, Venezuela and Yugoslavia. (WUP)

RESOLUTION CONDEMNING MISTREATMENT OF PRISONERS OF WAR BY NORTH VIETNAM

Mr. PATTEN. Mr. Speaker, I ask unanimous consent that the gentleman from Florida [Mr. Fascell] may extend his remarks at this point in the Record and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

Mr. FASCELL. Mr. Speaker, the recent statements by the Government of North Vietnam concerning our captured American prisoners of war are cause for grave concern to this Congress and this Nation. It is for this reason that I am introducing a resolution condemning any mistreatment, trial, punishment or execution of U.S. military personnel held captive by North Vietnam.

The terms of the Geneva Convention of 1949 were established to provide and assure humane treatment of war prisoners and any violation of these terms would be a reprehensible offense against the peoples of the world, and would certainly diminish the opportunity for the achievement of a just and secure peace in southeast Asia.

Mr. Speaker, I know that my colleagues will join me in realizing the gravity of this situation and will take prompt and favorable action on this resolution.

A RESOLUTION TO SETTLE THE AIRLINE STRIKE

Mr. PATTEN. Mr. Speaker, I ask unanimous consent that the gentleman from Florida [Mr. Fascell] may extend his remarks at this point in the Record and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

Mr. FASCELL. Mr. Speaker, I am today introducing a resolution to deal with the national emergency. The resolution would bring the present strike on the airlines to an end. It would further provide for a special arbitration board to settle the dispute. I think we all recognize that these two objects can only be attained by our intervention.

Continuation of the present rounds of negotiations is, as Assistant Secretary of Labor James J. Reynolds so aptly indicated, an exercise in futility. Action by the Congress is clearly needed to prevent drastic injury to public convenience and the welfare of the entire Nation.

Mr. Speaker, the airline strike, now in its 18th day, has reached alarming proportions and we have not yet felt the full front of its impact. Thirty-five thousand union workers and their families are involved while costs to the five airlines amount to approximately $7 million each day in lost revenues. The strike has caused 66,000 other airline employees to be furloughed while literally hundreds of thousands of workers whose jobs depend on airline service have been affected.

We in Florida have been particularly hard hit by this strike. In addition to the tens of thousands of airline workers who are on strike or furloughed, another 80,000 aviation-oriented employees who do not work for the struck carriers are affected. Their payroll alone amounts to $10.8 million each week. It has been estimated that the total loss due to the strike, in Florida alone, exceeds $2.5 million each day.

The five principal air carriers serving Miami and Dade County, an area which I have the honor to represent here, are all on strike. Dade County is losing between $18 and $20 million each week because of the strike. I am certain that every other tourist area in America is suffering a loss comparable to that of Miami Beach, where hotel occupancy is only 50 percent of capacity.

Mr. Speaker, an endless list of statistics could be cited to show the immense damage which this strike is causing across the Nation. Suffice it to say that this pattern is being repeated in every major city served by the five airlines involved. New York alone has reported a three-quarters of a million dollars a day cost in lost tourist revenues. Chicago, Washington, Kansas City, and dozens of other cities report similar losses. I do not doubt that there will be many in both Houses of the Congress who will join in support of immediate action on this measure.

This resolution is patterned on the law enacted in 1963 to settle the railroad dispute. Like that law, Public Law 88–108, this measure would not create any permanent apparatus to settle labor disputes. Neither would it in any way interfere with the future rights of airline labor and management to engage in free collective bargaining. It is addressed to the present dispute and to that dispute only.

The arbitration board would be directed to end the present strike, settle the dispute by a binding award, and would then go out of existence. It would be set up, like the arbitration board established in 1963, as just another emergency board, operating under the usual procedures of sections 7 and 8 of the Railway Labor Act. The difference would be that it would have power to make a binding award to settle the dispute. This award would remain in effect for 2 years.

I am not unmindful of the feeling on the part of some Members of the Congress that action of a permanent nature is needed to prevent situations like the present strike arising. I am also aware that many other Members stand ready to oppose any interference in the collective bargaining process.

We face a specific and urgent problem. There is no time for long-range decisions. Our problem is to end the airline strike. This resolution would do it. It would do it without in any way committing the Congress either to favor or not to favor this or any other labor-management legislation in the future.

In 1963 we faced a similar problem, then a threatened strike on our railroads. We acted to settle this problem. We did settle it. I see no reason now why we should not adopt the same method to settle the present dispute.

A question has been raised that in 1963 a strike threatened, but had not taken place, whereas, today we have a strike in being, which must be ended. This measure would restore the conditions existing prior to the strike. It would continue them while the arbitration board is meeting and until it makes its award. This proviso would end the strike, or provide the legal basis for an injunction to end it. After that, the award is binding upon both parties for 2 years, during which time a strike over this issue will not be possible.

Mr. Speaker, I urge that the greatest possible speed be made in acting on this resolution in this emergency.

THE SCHOOLBOY AND THE VICE PRESIDENT

Mr. PATTEN. Mr. Speaker, I ask unanimous consent that the gentleman from Pennsylvania [Mr. BARRETT] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

Mr. BARRETT. Mr. Speaker, this past May, the Honorable HUBERT H. HUMPHREY, the Vice President of the United States, while on a visit to the great city of Philadephia announced the first of the magnet schools, Bartram High School, which is located in my district. This will become one of the finest commercial education schools in the country. The "magnet" school is a new and imaginative concept and, as the term implies, is designed to draw an integrated student body from all parts of the city. The Bartram High School will have a dual role of both preparing students for college courses in such fields as accounting, bookkeeping and all other facets of higher commercial and financial education, while at the same time preparing other students for the business world directly after high school graduation.

This new program represents one of the most meaningful and most exciting adventures in education today. The increased cost of providing for such outstanding educational programs and facilities is being met by a productive partnership of government and private groups at all levels. This pilot effort will serve to benefit the education of our young people throughout the country.

Mr. Speaker, I ask unanimous consent to print at this point in the RECORD the article written by the Vice President of the United States, which appeared in yesterday's Sunday Bulletin magazine, on the challenge which faces Philadelphia's exciting new magnet school program so that all those concerned with the education of our young people can have the benefit of this great American's views on this fine program.

THE SCHOOLBOY AND THE VICE PRESIDENT

When I was in Philadelphia last May I visited several schools and met a lot of children. Your papers reported how, as I was leaving John Bartram High, I took the opportunity to kiss the cheeks of some kindergartners who had gathered there.

Not that there's anything so unusual about a politician kissing kids. But what moved me to this display of good will and affection?

I think you'll understand if I tell you about a little boy I remember very clearly. He was wearing a bright red sweatshirt. I asked him what his name was. His eyes grew very round. He was silent.

Just as I was thinking, "Poor kid, he's so scared he's forgotten his name," he came out with it.

"Larry," he whispered, barely audibly. Then, gaining some courage, he went on to say, "I want to be an ast'naut!"

Why not?

Well, the problem is, or perhaps I can say the problem *used to be*, that Larry happens to go to school right in the center of the city.

For years the central city schools of America have lacked proper books, materials and teachers—and even clean and safe facilities. But to be an astronaut, Larry is going to need a topflight education.

In the past, central city schools have dampened the high hopes of their students. They contributed to community hopelessness and despair. They have all too often produced delinquents and dropouts rather than high school, college and job-bound youth.

With little or no education past grade school "graduates" of these schools have swelled the ranks of the unemployed and joined the vicious cycle of poverty that condemns so many persons to lives of idleness, uselessness and despair.

In the usual course of things, a boy like Larry would have little chance indeed of becoming an astronaut.

But with proper education, the vicious cycle can and will be broken. This is why Philadelphia's new and imaginative magnet school program seems to me to be one of the foremost steps taken in urban education in recent years.

I had the privilege of announcing the first of the magnet schools, Bartram High School, which will become one of the finest commercial education schools in the country.

Here we will have the last word in commercial education.

A new dimension in staffing by using professional people from business and industry as part-time instructors to keep the students abreast of the latest advances in the business world.

The new equipment—business and bookkeeping machines, calculators, comptometers, duplicators—which increasingly play such a critical role in industry today.

Imaginative new materials and methods of instruction to be used by specially trained teachers.

Additional teachers, non-teaching assistants, counselors.

And perhaps the best part of the magnet school will be its "magnet," its power of educational excellence to draw an integrated student body from all parts of the city to study together beneath its roof.

Another new and most welcome concept of Bartram's commercial magnet school will be its dual role of both preparing students for college courses in such fields as accounting, bookkeeping and all other facets of higher commercial and financial education, while at the same time preparing other students for the business world directly after high school graduation.

The increased cost of providing for such outstanding educational programs and facilities must be met by a productive partnership of government and private groups at all levels.

Happily, this has been done in Philadelphia in a manner which should serve as a prototype for the nation.

The federal government has provided great and necessary help through the Elementary and Secondary Education Act.

The Commonwealth of Pennsylvania last year authorized the payment of an additional $19 million in state educational subsidies to the Philadelphia Public Schools, beginning in late 1967.

The City of Philadelphia has played an integral role. Last year the City Council authorized a real estate tax increase to raise $13 million to support the public schools.

The schools will receive additional support from the recently approved $60 million school bond issue.

And private foundations—Carnegie, Ford and Field—have made large grants to the school district.

This new program represents one of the most meaningful and most exciting adventures in education today.

But the fight against complacency and mediocrity in education is a never-ending one. Momentum must not be lost. Initiative and endurance must be maintained and supported by all.

All these programs will be to no avail if young people are allowed to drop out of school.

As Chairman of the Youth Opportunity Campaign, designed to eliminate the dropout problem and provide for youth employment, I am greatly concerned over certain statistics:

A college graduate earns nearly two-thirds more than a high school graduate over the span of a lifetime.

A high school graduate earns three-quarters more than the worker who has only an elementary education.

The blunt fact is this: the unemployment rate for dropouts is four times that of workers with high school diplomas.

Young people should know that their own health, housing and opportunities—and the opportunities of their children in the years to come—are directly related to the education they now acquire.

An individual's capacity to chart his own destiny is directly related to the level of education which he has acquired. One trained to use only the muscles of his arms and back can only dream of the frontiers in physics, space exploration, medicine and human relations which are open to those with proper training.

The goal of the educator—and of every citizen—must be to provide and participate in an educational program which will widen the freedom of choice of each individual to that breadth which is limited only by his own ability and initiative.

Our job, so to speak, is to make it possible for Larry to be an "ast'naut" if he's got the makings of one.

BILLION-DOLLAR DEVELOPMENT

Mrs. THOMAS. Mr. Speaker, I ask unanimous consent that the gentleman from South Carolina [Mr. DORN] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentlewoman from Texas?

There was no objection.

Mr. DORN. Mr. Speaker, today, July 25, I am introducing a bill which I had hoped to introduce last Thursday, July 21.

This bill would authorize Duke Power Co. to build a dam across the Savannah River at Middleton Shoals in Anderson County, S.C., and Elbert County, Ga. This dam will permit Duke to build one of the world's largest steamplants in Anderson County for the generation of electricity.

The bill I am introducing today would also authorize simultaneously a Federal dam at Trotters Shoals in Abbeville County, S.C., and Elbert County, Ga.

I am introducing this legislation today as a result of an agreement reached in my office last week with representatives of Duke Power Co. and the Bi-State power committee representing rural electric cooperatives in Georgia and North Carolina.

The Bi-State committee had filed a protest with the Federal Power Commission to prevent Duke from proceeding with the construction of still another huge Duke project upstream on the tributaries of the Savannah River at Keowee-Toxaway in Oconee and Pickens Counties in my congressional district. Duke made application for a license from the Federal Power Commission on January 4, 1965, to begin the Keowee-Toxaway project. Only a few days ago Duke announced plans to build a $207 million nuclear power generating plant at Keowee-Toxaway in addition to the two hydro units already announced.

The Bi-State power committee, representing rural electric cooperatives, feared that the public power project at Trotters Shoals would never be authorized and built if Duke were granted a license to construct Keowee-Toxaway. Thus, Mr. Speaker, I agreed to support and introduce legislation calling for both Trotters Shoals and Middleton Shoals. The Bi-State committee agreed to withdraw their objections to Duke's application for a license to begin Keowee-Toxaway.

This morning the Bi-State committee withdrew its objections to Duke's Keowee-Toxaway project in Oconee and Pickens Counties before the Federal Power Commission.

Mr. Speaker, Duke has previously announced that its total investment in the Keowee-Toxaway project would eventually cost over $700 million. Duke's Middleton Shoals project would cost over $200 million. The Government dam at Trotters Shoals would cost approximately $85 million. All of these projects are compatible as now proposed.

Mr. Speaker, Mead Paper Co. owned a pulp and paper mill site on the Savannah River at Calhoun Falls which would be flooded by Trotters Shoals. In working out the present compromise arrangement, I suggested to Mead the purchase of another site above the level of the Trotters Shoals Reservoir where Mead could build with or without Trotters Shoals. Mead did so and subsequently approved of this compromise.

Now, Mr. Speaker, the way is clear for the expenditure of more than $1,050 million in my congressional district. Almost all of these developments will be in counties designated as a part of Appalachia. This huge expenditure will equal the entire amount authorized by Congress for the development of the Appalachian Region.

This fair agreement reached with Duke, Bi-State, Mead, and all concerned will insure job opportunity for our people, taxes for our schools, and progress for generations to come. This gigantic development will mean cheap electricity for the people of Georgia, North Carolina, and South Carolina. It will mean for the cities of Charlotte, Greenville, Spartanburg, Anderson, Greenwood, and many others cheap electricity and a continuation of their dynamic growth. This development will mean huge revenues for the Federal, State, and local treasuries—Duke will pay into the Federal, South Carolina, and local treasuries approximately $44 million annually in taxes on the Keowee-Toxaway project alone when completed. This compromise is a positive alternative to stalemate, negativism, and retrogression on the Savannah. It will signal the dawn of a new era.

STANDBY TAX INCREASE AUTHORITY

Mr. PATTEN. Mr. Speaker, I ask unanimous consent that the gentleman from Pennsylvania [Mr. MOORHEAD] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

Mr. MOORHEAD. Mr. Speaker, I have today introduced a bill which would authorize the President, during the period in which the Congress is adjourned sine die, to increase on a temporary basis individual and corporate taxes up to 5 percentage points.

On July 18, according to a Washington Post article, the President told his Advisory Committee on Labor-Management Policy that:

> The upward pressure on prices and costs is continuing and threatens to overheat the economy in the last half of the year.

In view of this threatening situation the Congress should not adjourn without providing a weapon to deal with an overheated economy.

During his press conference of July 19 the President urged the Congress to reduce nondefense expenditures to avoid the alternative of either inflationary deficit financing or a tax bill. I am sure that the Congress will respond to this request and cut expenditures, and I hope that such a reduction will be of sufficient magnitude that a tax increase will not be necessary. However, the future is difficult to predict and, after adjournment, it may develop that such reductions in expenditures were not sufficient to halt inflationary pressures and that a tax increase is necessary. The bill which I have introduced is designed to protect against such a situation.

In the past, proposals to give the President power to increase and decrease tax rates or merely the power to decrease tax rates have not been looked upon favorably by the Congress because they would grant to the executive branch, which has gained power over the years, the opportunity to gain additional power by granting a politically popular tax decrease.

The bill which I have introduced does just the opposite. It imposes on the Executive, the onus for imposing a politically unpopular tax increase. Under the bill, at any time during the period after the sine die adjournment of the second session of the 89th Congress and before the convening of the 90th Congress in January 1967, the President would be authorized to act to increase corporate and individual income tax rates and withholding rates.

Such an increase would be effective only for 6 months except that the bill would also permit the President to make two 6-month extensions of the new rates. However, such extensions would not take effect if Congress approved a concurrent resolution expressing opposition to the extension.

These provisions insure the temporary nature of this standby authority. They would safeguard the authority and responsibility of the legislative branch in the field of tax policy. However, the bill would provide the President, during the adjournment of the Congress, with a weapon to deal with an overheated economy.

You and I hope that inflation can be halted and that the President will not have to use the authority which would be authorized by the bill which I have introduced, but we recognize that the anti-inflationary tight money policy has been used to such an extent that it is seriously threatening the homebuilding industry and that there is not much room for further tightening if inflationary pressures should increase after the Congress has adjourned.

For this reason, standby tax increase authority should be granted.

For this reason, I ask your support for this legislation.

The bill follows:

H.R. 16486

A bill to authorize the President during the period which the Eighty-ninth Congress is adjourned sine die, to increase certain income tax and withholding rates temporarily

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, Section 1. Authority of President To Increase Certain Tax Rates Temporarily.

(a) Proclamation by President of Increase.—If, during the period after the adjournment sine die for the second session of the Eighty-ninth Congress of both Houses of Congress and before the convening of the Ninetieth Congress, the President determines that an increase in Federal income tax and withholding rates is necessary in the national interest, he may during such period publish in the Federal Register a proclamation setting forth a tax increase factor, the withholding tables described in section 3(a), and the pay periods to which such tables are applicable.

(b) Tax Increase Factor.—For purposes of this Act, the term "tax increase factor" means a number, greater than zero but not greater than 0.05, by which each of certain income taxes are multiplied in order to determine the amount of increase in tax imposed during a period for which section 2 applies.

Sec. 2. Increase of Income Tax Rates.

(a) Increase.—During any period for which this section applies, the amount of each tax described in subsection (b) and imposed on the taxpayer shall be increased by an amount equal to the product of (1) such tax (determined without regard to this subsection), and (2) the tax increase factor.

(b) Taxes Increased.—The taxes referred to in subsection (a) are the taxes imposed by chapter 1 of the Internal Revenue Code of 1954 (relating to normal taxes and surtaxes on income), other than the taxes imposed by subchapter G (relating to corporations used to avoid income tax on shareholders) and part II of subchapter N (relating to tax on nonresident aliens and foreign corporations). In applying this section with respect to the taxes imposed by sections 594(a), 802(a), 852(b)(3), 857(b)(3), and 1201 of such code, the 25-percent alternative tax rate for capital gains specified in section 802(a)(2)(B), 852(b)(3)(A), 857(b)(3)(A), 1201(a)(2) or 1201(b)(2) of such code, whichever may apply, shall not be increased.

(c) Computation of Rate for Taxable Year.—If this section applies for less than all of a taxpayer's taxable year, then an increase under subsection (a) in the amount of tax imposed on the taxpayer for such taxable year shall be reduced by an amount which bears the same ratio to such increase as (1) the number of calendar months in such taxable year during which this section does not apply bears to (2) the number of calendar months in such taxable year. For purposes of this subsection, a calendar month only part of which falls within the taxable year shall be disregarded if less than 15 days of such month are included in such taxable year, and shall be included as a calendar month within the taxable year if more than 14 days of such month fall within the taxable year.

Sec. 3. Increase of Withholding Rates.

(a) Contents of Proclamation.—A proclamation issued under section 1 (relating to authority to increase tax rates) or section 5 (relating to extension of period of increase) shall contain—

(1) tables in the form of the tables set forth in section 3402(a) (relating to requirement of withholding), and

(2) tables in the form of the tables set forth in section 3402(c) (relating to wage bracket withholding),

which, in the case of a proclamation under section 1, shall reflect the increase in the amount of tax imposed by chapter 1 of the Internal Revenue Code of 1954 by reason of such proclamation, and which, in the case of a proclamation under section 5, shall contain such modifications of the tables contained in the proclamation under section 1 as may be appropriate to the extension of the period for which section 2 applies.

(b) Increase.—If a tax increase takes effect under this Act, the withholding tables described in paragraphs (1) and (2) of subsection (a) shall apply in lieu of the withholding tables appearing in sections 3402(a) and 3402(c) of the Internal Revenue Code of 1954, respectively, for the pay periods specified in the proclamation which contains the tables. Any reference to the withholding tables appearing in such section 3402(a) or 3402(c) shall be deemed a reference to the withholding tables described in paragraph (1) or (2) of subsection (a), respectively, for pay periods for which the tables described in such paragraphs are applicable.

Sec. 4. Period to Which Income Tax Increase Applicable.

The period to which section 2 applies shall begin on the first day of the first calendar month which begins more than ten days after the publication in the Federal Register of the proclamation issued under section 1, and (except as provided in secs. 5 and 6, relating to extension and early termination of increase), shall end on March 31, 1967.

Sec. 5. Extension of Period of Increase.

(a) Extension.—If before February 1, 1967 (or if there has been a first extension under this section, before August 1, 1967), the President determines that an extension of the period to which section 2 (relating to increase of income tax rates) applies is necessary in the national interest, he may issue a proclamation described in subsection (b) extending the period for which section 2 applies. If Congress does not disapprove such extension in the manner provided by subsection (c), the period for which section 2 applies shall be extended for six calendar months (unless sooner terminated under sec. 6). The period for which section 2 applies may be extended only twice.

(b) Proclamation.—A proclamation extending the period for which section 2 applies shall be published in the Federal Register and shall (1) set forth the withholding tables described in section 3(a) (1) and (2) specify the pay periods for which such tables apply.

(c) Disapproval by Congress.—An extension of the period for which section 2 applies shall not take effect if after the President issues a proclamation extending such period and before the first day of the calendar month immediately preceding the first day of such extension, both Houses of Congress approve a concurrent resolution the matter after the resolving clause of which reads as follows: "That the Congress does not favor the extension until ——— of increased income tax and withholding rates.", the blank space being appropriately filled.

Sec. 6. Early Termination of Increase.

If the President determines that an early termination of a tax increase under this Act is necessary in the national interest and publishes in the Federal Register a proclamation so stating, the period to which section 2 (relating to increase in income tax rates) applies shall be terminated before the day prescribed by section 4 or 5 (whichever may apply), on the last day of the first calendar month ending more than ten days after the publication of such proclamation. Such proclamation shall specify the first pay periods after the proclamation to which the withholding tables contained in sections 2402 (a) and (c) of the Internal Revenue Code of 1954 shall apply.

KU KLUX KLAN IS TRYING TO SHOEHORN ONE OF THEIR MEMBERS INTO CONGRESS

Mr. PATTEN. Mr. Speaker, I ask unanimous consent that the gentleman from Louisiana [Mr. Morrison] may extend his remarks at this point in the Record and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

Mr. MORRISON. Mr. Speaker, the Ku Klux Klan is brazen enough and, I hope, foolish enough to attempt to put one of its members into the Congress of the United States. This klansman is John R. Rarick, who happens to be my opponent in the Sixth District Democratic August 13 primary, who joined the Ku Klux Klan in 1963 and became exalted cyclops in 1964 in St. Francisville, La.

Mr. Speaker, I have been in Congress for almost 24 years, and I have seen many unusual things take place, but not quite like what is happening in my district in Louisiana today.

I believe that this is the first time that the Ku Klux Klan is actually trying to shoehorn one of their members into the Halls of this Congress, and that person is none other than one of my opponents, John R. Rarick. The primary election date is Saturday, August 13. Many law-abiding people in Louisiana feel that this is a brazen act on the part of the KKK and seemed amazed that the KKK would place a candidate in the race for such a high office as Member of Congress.

The KKK, in their usual arrogance, have called upon all Klan organizations to help concentrate on trying to elect Rarick in this coming primary election.

The Ku Klux Klan is making perhaps what can be termed as "the Klan's last stand." They have a fellow member, a former State judge, John R. Rarick, as their candidate in the Democratic primary, Saturday, August 13, in the Sixth District of Louisiana.

A great American, J. Edgar Hoover, Director of the FBI, the organization that is, has been, and is now continuing to investigate the KKK, had this to say about the KKK, and I quote:

> Wrapped in the American Flag and hiding behind the Bible, the Klan sanctimoniously strives to depict itself as a patriotic, Christian, fraternal organization dedicated to the preservation of fundamental American ideals, principles and institutions.
>
> The principal and traditional objective of the Klan during the century of its infamous existence has been to espouse the concept of "white supremacy", with the Negro as its main victim. A secondary hate target group is Jews, who are equated with Communists. Other traditional target groups of the Klan have been the Catholics and the foreign born.
>
> In its public statements the Klan alleges that it has banned any unlawful terroristic activities by its members. It claims to be a "strictly law-abiding organization" and asserts that "every member is sworn to uphold the law at all times and to assist officers of the law in preserving peace and order whenever the occasion may arise, and any member violating this oath would be banished forever from the organization". But evidence indicates that Klan leaders give only lip service to a policy of nonviolence.

The KKK is an organization of a handful of bigots, extremists, terrorists, arsonists, and murderers in many States. Less than 1 percent of the people of any given area belong to the Klan.

But with this extremely small membership, the Klan spreads terror and violence.

Here is what Hon. J. Edgar Hoover, a great American and Director of the FBI—the organization which investigated the Klan and is continuing this investigation—said, and I quote:

> Since the Klan is designed to appeal to the most vehement prejudices of the most frustrated and vindictive segment of the population, it naturally attracts those individuals with a predilection for violence. This extremist element feels that violent action is at times necessary and justifiable and sees nothing in the Bible or the Constitution to preclude it. Although Klan leaders may publicly refuse to encourage or condone illegal activities inflammatory and provocative declarations made by them at secret meetings and in private conversations with other Klansmen have sparked many acts of violence.
>
> The History of the Klan, as disclosed by F.B.I. investigations, is a sordid story of terror and violence. The Klan has provided a cloak for irresponsible and bloodthirsty hoodlums to engage in crimes in the name of morality and justice. F.B.I. investigations over a period of years have grimly documented participation by members of Klan groups in murders, bombings, mutilations, whippings and abductions.
>
> Atrocities committed by Klansmen are usually conceived and carried out independently by groups of members whose participation in these activities is unknown to the rank-and-file membership. These action groups are generally referred to in Klan circles as "holy terrors", "knock-off squads", "flying squads", "wrecking crews" and "killer squads". They range in size from three to a dozen men, and they plan the commission of their lawless acts outside regular Klan meetings.
>
> The propensity for violence on the part of individual Klansmen has become greater in recent years because of the trend toward the acquisition of weapons, ammunition and explosives. Specific information on the accumulation of weapons of destruction obtained during the course of F.B.I. investigation is furnished promptly to appropriate agencies of the federal, state and local governments.
>
> Firearms possessed by Klansmen range from .22-caliber rifles to magnum revolvers, submachine guns, shotguns and high-powered rifles. F.B.I. sources estimate that 90 per cent of the Klansmen in one state own guns. Many Klansmen personally own large numbers of firearms. One Klan, in addition to possessing an arsenal of weapons, has accumulated a quantity of fuses, dynamite caps and other materials for making dynamite bombs.

The KKK operates on terror tactics; violation of laws; murder; flagrant arson, as the burning of schools and churches; the art of threats of violence both actual or implied, unless those threatened individuals give up their freedoms of living and speaking as they choose; the burning of crosses; and the veiled threats of cards and labels placed in given areas bearing the implied threat with red- or black-letter words entitled "The Klan Is Watching You."

What business does the Klan or any other group have watching anybody who is a red-blooded American who chooses to live in freedom and obey the law?

I am not necessarily singling out Louisiana, because I fully realize that several States have been plagued by KKK extremists and terror organizations. But I remember an article by the gentleman from Georgia, Congressman WELTNER, in the CONGRESSIONAL RECORD, entitled "A Case in Point," which went on to tell that less than 3 percent of the citizens in Bogalusa, La., joined the KKK and tarnished a fine city of over 30,000 inhabitants.

The Ku Klux Klan has made Bogalusa a typical showcase of how a KKK organization, dedicated to secrecy and violence, hiding behind secrecy to promote terror, intimidation, illegal wiretapping, boycotting, and threat of bodily harm to individual citizens, can blight and tarnish a fine community before the eyes of the country as well as the eyes of the world.

What is amazing to me is that if an innocent person were asked by the House Un-American Activities Committee if he were guilty of committing a crime as a KKK member, it is certainly reasonable to expect that the person would freely deny any connection with the crime and rightfully explain their innocence. The KKK witnesses did exactly opposite, using the choice of confessing and going to jail, or taking the fifth amendment on the grounds that if he answered he would incriminate himself. If the KKK member were innocent and testified to that effect, that would end it; but it is certainly reasonable to believe that if he pleads silence lest he incriminate himself, he is guilty. Most KKK witnesses did just that, and the stigma of criminal guilt is, therefore, on each KKK witness. A few KKK members admitted guilt of burning churches and bombing homes.

I think that the whole Nation should know how brazen the KKK really is when they try to elect their first member to the Congress of the United States. The man's name is John R. Rarick, who today is a candidate for Congress in Louisiana, and who, I am informed by high officials, joined the Klan in St. Francisville, La., in 1963 and became its exalted cyclops in 1964 while still sitting as a district judge on the bench. It is not only shocking, but it is horrifying, ugly, and nauseating to find an elected judge who is entrusted with peoples' property and their liberties, expected to be impartial; and then to be uncovered as a member and exalted cyclops of perhaps the most extremist organization in all of our history—the Ku Klux Klan—whose record is a horrible picture of flagrant law violations, murder, bombings, terror tactics, threats, intimidations, killings, floggings, and church and school bombings and burnings.

Under the law, the Attorney General of the United States is directed to list subversive organizations in this country. You will find among those organizations listed the Ku Klux Klan, and I hereby list a few of the other organizations which are listed:

American Council on Soviet Relations.
American National Socialist Party.
American Russian Institute, New York.
Associated Klans of America.
Associated Georgia Klans.
Ku Klux Klan.
Knights of the White Camellia.
Black Dragon Society.
Carpatho-Russian People's Society.
Boston School for Marxist Studies.
Communist Party, U.S.A.
Communist Political Association.
Friends of the Soviet Union.
Russian America Society, Inc.
Silver Shirt Legion of America.
Young Communist League.

Judge Rarick says he is for God and Constitution. What God? The Klan's god of violence, murder and terror? What constitution? The Klans constitution of bombings and other unlawful acts?

Just a few days ago, two klansmen in Georgia were sentenced to 10 years in the penitentiary and $5,000 for killing an Army colonel who was traveling through the State.

It is even hard to understand how one of our citizens through ignorance or gross frustration, could join such a horrible group as the KKK, but it is unthinkable that a district judge, duly elected by the people, would join the KKK and betray the trust that the voters had placed in him. John R. Rarick was born in Indiana and went to Ball State College in Muncie, Ind. Whether or not he was a member of the Klan in Indiana, before moving to Louisiana, is not known to me, but I just wonder how those voters in his judicial district in Louisiana must feel when they realize how he duped them, fooled them, and betrayed them after they had elected him judge.

Investigation by the House Un-American Activities Committee has brought out how various klansmen have tried to infiltrate into the community police departments, how they have tried to infiltrate into the sheriffs offices, but never before in all of our history is there such a horrible example of the Ku Klux Klan taking over a district court having criminal and civil jurisdiction in Louisiana. It is certainly unbelievable and even more less understandable.

Just put yourself in a position of having this Ku Klux Klan judge decide whether you kept or lost your home at his discretion; whether you, who might be totally innocent, would be sentenced to jail, or at his discretion go free. It staggers one's imagination.

In California there is a man named Richard Cotten who has a reputation of being one of the best examples of "way-out" extremism. He is such a character and so way out that even the extremist John Birch organization threw him out as being too extreme. Do birds of a feather flock together? Well, this extremist Richard Cotten is evidently so close a friend of John R. Rarick that he is nightly soliciting campaign funds over several radio stations for John Rarick's congressional campaign.

The friendship of these two extremist characters had dated as far back as the time the St. Francisville Democrat carried an account of Mr. and Mrs. Richard Cotten's visit to the Rarick home in St. Francisville. In the paper's edition dated September 9, 1965, the following article appeared:

> Overnight guests of Judge and Mrs. John Rarick and family of St. Francisville this past week-end were Mr. and Mrs. Richard Cotten and daughters from Bakersfield, California.

In Newsweek magazine of July 4, the following was printed about Richard Cotten:

> Cotten is so far out that Robert Welch, the John Birch Society founder, has attacked him for being an extremist. "Welch smeared me," says Cotten, "just because I had kind words for the Minutemen of America" [a militant band of super-patriots].

All of this may sound incredible and shocking, but I believe we can feel some relief, in that the Klan, particularly in the South, is on the decline and from all accounts many people who were duped into joining are trying to get out, despite the threats of bodily harm. And as shocking as this disclosure may be that a duly elected State judge could become an exalted cyclops of the Klan and put his judicial office into the Klan's hands.

The FBI has been and still is investigating the Klan. Here is what the Hon. J. Edgar Hoover said of the Klan:

> Investigation by the FBI has determined that Klan leaders are opportunistic, unscrupulous and ruthless men who are constantly seeking power and vying with each other for leadership and control of the various Klans. The fact is that each Klan organization is virtually a one-man dictatorship.
>
> Membership in the Klan is restricted to "native-born white, Protestant, American citizens of at least 18 years of age who believe in the tenets of the Christian religion". Women and youth have been incorporated into the Klan as auxiliary groups, although these groups meet and function separately from the main organization. However, women do attend, participate in and speak at public rallies held by Klan organizations.
>
> Generally speaking, FBI investigations reveal that most Klan leaders and members have limited education, have extremely narrow outlooks and interests and are handicapped in making sound value Judgments. They were born and have lived most of their lives in communities in which racial prejudice is deep-seated. Their lack of status apparently makes Klansmen feel inadequate, discontented, frustrated, and vindictive. They take refuge in a contrived world of their own—the Klan—with its symbolic costumes, mysterious titles, flamboyant ceremony, clandestine activities and shared hatreds.

J. Edgar Hoover, Director of the FBI, further said:

> Although the Klan professes to be a patriotic and respectable organization, it makes wide use of cover names or front organizations as a facade behind which it carries on its activities. The Klan has sponsored and scheduled public affairs under such covers as improvement associations, historical societies and civil clubs. Many klaverns to conceal their Klan affiliation, have used men's clubs, rifle clubs and hunting and fishing clubs as camouflage.

What is the answer? We know the Klan is on the decline. Two Klan members were convicted in Georgia just recently and received sentences of 10 years each with heavy fines. This helps a lot, but what else can be done? FBI Director J. Edgar Hoover says:

> Thus, the continued existence of the Klan is aided and abetted by a deep-seated and persistent tolerance of and indifference to Klan activities. As a consequence, the attainment of justice is extremely difficult in cases involving Klansmen. It is virtually impossible in some communities to prosecute successfully a white man indicted in a case with a racial aspect, despite evidence of the commission of the crime by the accused.
>
> Effective legislation, competent investigation and efficient law enforcement are important in combating the Klan, which represents a thoroughly repugnant ideology and forces inimical to the welfare of our country. But actions by agencies of the government will not be sufficient by themselves to bring the Klan under control.
>
> In the final analysis, the primary responsibility for curbing the Klan rests with the public. Only an aroused and mobilized public demand for the protection of freedom under law will bring about control of the Klan, and an end to its 100-year-history of violence and lawlessness. Therefore, key segments of the population—especially business, education, labor, the professions and the church—must join with governmental bodies in a constructive, systematic, coordinated and total effort against the Klan. (Unquote.)

The above was thus said by J. Edgar Hoover.

Thus, the decision lies finally in the hands of the people of my district. I have faith in the vast majority of these people and believe that this is the time to triumph over the KKK extremists, so as to destroy this festering form of extremism.

LETTER TO CONSTITUENTS

Mr. PATTEN. Mr. Speaker, I ask unanimous consent that the gentleman from Louisiana [Mr. Morrison] may extend his remarks at this point in the Record and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

Mr. MORRISON. Mr. Speaker, the following is a letter I am sending to some of my constituents:

> My Dear Friend: I am writing this letter to ask for your valuable vote and support in my re-election to Congress, Saturday, August 13th. I have had the great honor and privilege of representing you for 24 years and I have helped literally thousands of you people when you have called on me in the past. I am now calling on you and will consider it a great personal favor if you will help me, as I have tried to help you, by getting your friends, neighbors, relatives and everyone else whom you can to support me and to vote for me.
>
> I would like to appoint you as my personal representative and ask you to set a goal of contacting ten people, getting their assurance that they will go to the polls. Then, please do everything possible to see that they do go to the polls on Saturday, August 13th, and cast their vote for me.
>
> I have certainly tried in every way to justify your confidence by trying to assist each and every person who called on me regardless of their walk of life or political alignment. No problem has been too small nor too large to receive my urgent attention. I think you will agree that I have tried to be one of the best Congressmen that ever served the Sixth District.
>
> I do not want to appear boastful as to my efforts, but I do feel that by writing you this letter it will enable me to let you know how extremely grateful I am to serve as your Congressman. I am sure you understand how important seniority and experience are in Congress. Of a total membership of 435 members, I rank 31 so only 30 Congressmen stand ahead of me and 404 members stand behind me. To have my 24 years of seniority and experience, my opponents would have to run for Congress, not this year, but in the year 1990.
>
> Your Congress has faced a multitude of difficult issues and problems during the past years. I have consistently voted for all measures that would aid all the farmers, the dairymen, the businessmen, the fishermen, the laboring men and women, the school teachers and school employees, and the veterans, our elderly citizens and for the various bills that improve our social security and standards of living.
>
> Perhaps this will be the most important vote that you have ever cast because the issue is clearcut—law and order versus extremism. By voting for me you are voting for law and order and against extremism. I think you will agree with me that the KKK extremism, with its threats and intimidation of all of our people, has gone far enough, in fact too far. The best example is where the Klan is the strongest, which is in Bogalusa, and there you find the most violence and the most chaos.
>
> So, actually you are not voting in an ordinary election for my re-election as an individual, rather you are helping yourself, your District and your country as well as your family and children, when you vote against extremism—because it is just that important. Staying at home or not voting, will certainly help the KKK to the detriment of you and your family.
>
> Warmest regards and best wishes, I am,
>
> Sincerely,
>
> James H. (Jimmy) Morrison,
> *Incumbent.*
>
> P.S. I am enclosing an insertion in the Congressional Record which I think will prove of interest to you.
>
> As you are aware, I am vice chairman of the Post Office and Civil Service Committee and a high ranking member of the House Agriculture Committee. As I have said in the past, I want you to feel that any time I can serve you in my capacity as your Congressman, please do not hesitate to call on me. Also, if you can get more than ten people to vote for me on August 13th, so much the better. Thanks and best regards, and please remember to vote No. 8.
>
> Best regards,
>
> Jimmy.

PRESIDENT LYNDON B. JOHNSON SPEAKS IN THE DISTRICT OF CONGRESSMAN ANDREW JACOBS, JR., OF INDIANA

Mr. PATTEN. Mr. Speaker, I ask unanimous consent that the gentleman from Indiana [Mr. Brademas] may extend his remarks at this point in the Record and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

Mr. BRADEMAS. Mr. Speaker, last Saturday, July 23, 1966, I had the pleasure of traveling with the President of the United States and Mrs. Johnson and their daughter Luci and other Members of the House of Representatives and the Senate from the States of Indiana and Kentucky.

During his trip President Johnson made a major address in the home district of our distinguished colleague, Andrew Jacobs, Jr., at the Indianapolis Athletic Club.

Mr. Speaker, I feel that it is a great tribute to the high regard which the President has for Congressman Jacobs that he delivered this important address in the 11th Congressional District of Indiana, and I ask unanimous consent that the President's address on this occasion be inserted at this point in the RECORD.

In addition to Congressman JACOBS, other members of the Indiana delegation who were present on the trip were our distinguished Senators, the Honorable R. VANCE HARTKE and Honorable BIRCH BAYH and Representatives RAY J. MADDEN, of Gary; J. EDWARD ROUSH, of Huntington; WINFIELD K. DENTON, of Evansville; E. ROSS ADAIR, of Fort Wayne, and WILLIAM BRAY, of Martinsville.

Other persons present on the President's trip to Indiana and Kentucky included Representatives KENNETH J. GRAY and GEORGE E. SHIPLEY, of Illinois, and Senators PAUL DOUGLAS, of Illinois; RALPH YARBOROUGH, of Texas; JOHN SHERMAN COOPER and THRUSTON B. MORTON, of Kentucky, as well as the former Governor of Florida, the Honorable Farris Bryant, and Governor Hulett C. Smith of West Virginia.

Mr. Speaker, President Johnson's address at the Indianapolis Athletic Club follows:

[From the New York Times, July 24, 1966]

TEXT OF THE PRESIDENT'S ADDRESS AT THE INDIANAPOLIS ATHLETIC CLUB

(INDIANAPOLIS, *July 23.—Following is the prepared text of President Johnson's speech today at the Indianapolis Athletic Club.*)

For many of your 150 years, Indiana has been known as the crossroads of America. This is a good time and a good place for me to talk about our oldest dream: the building of a Great Society embracing the talents of all Americans.

Every man sees the Great Society through his own eyes. But I think we all mean just about the same thing.

We mean a nation where man can enlarge his reach and be all he might be.

We mean a nation free of those things that afflict a man's body and restrict his mind: crime, ignorance, poverty and disease.

We mean a nation free of those brutalities that rob him of real happiness in our cities.

And we mean a nation where men set aside their prejudice and work together in common tasks.

For 200 years we have acknowledged that all men are born with certain rights that no one can take from him. We have dreamed of a place where men and women and their children can live and work and learn and grow in peace.

Now this dream has become a national purpose. Our oldest hopes have become our newest possibilities. And they are all within our reach.

We can achieve them if we build on three pillars:

A strong economy;

A sense of duty; and

A spacious vision.

The resources of our economy are boundless.

For decades Americans have enjoyed the highest standard of living on earth. By 1960 our economy had slowed down and become sluggish. But for the last 65 months, it has moved further and faster than the most optimistic "Pollyanna" ever predicted.

TOPS IN PRODUCTION RISE

Last year our 6 per cent real growth of production topped every other industrial nation outside North America. And it is clear that this year, too, we will be near the head of the list.

Our output today is $270 billion higher than it was five years ago—and that is after we have taken into account price increases.

That increase in real output in five years is larger in the real growth product of any other nation in the world—and larger than the gains we made in the preceding 10 years.

Along with it has come steady increase in the job security of our workers.

Five years ago, about 5 percent of our nation's married men did not have jobs. For the past six months, that number has stayed below 2 percent.

Five years ago, almost two million Americans had spent 15 weeks in a row looking for work. Today that unfortunate group numbers less than a half million.

Our economy has created seven million new jobs in the past five years and nearly four million new jobs in just the past two years.

These have been better jobs, better paid jobs, and steadier jobs.

OTHER SIGNS OF PROGRESS

That is not all. Corporate profits after taxes have doubled. Dividends are up by 55 per cent. Income per farm has risen by 48 per cent. And our families have increased their savings and financial assets by nearly half a trillion dollars over the past five years.

Every now and then you hear someone charge that the cost of living has wiped out those gains.

That simply isn't so.

The average family—even after price increases—is earning the equivalent of 11 extra pay checks each year.

The average family in Indiana—after price increases—is spending $1,600 more a year for real goods and services than it did five years ago.

And since the end of 1963 alone, that same family has increased its buying power by nearly $1,000.

The record of the past five years demonstrates that we welcome change and improvement; that automation is not a monster that will devour us; that we don't have to force early retirement or shorter work-weeks on our workers because there are not enough jobs to go around.

But the most important fact is this: "If business, labor and government each go their own way—if each attends to its own narrow interests—if each ignores the interests of others—then the "gloom-and-doom prophets" could be right.

But if we work together, there is no end to our progress.

A TIME FOR RESTRAINT

This Administration has not shirked its own responsibility in the fight against inflation. But government cannot do it all. We must have from labor and business all the restraint and responsibility they expect from Government.

American labor knows what happens when hourly wages advance much faster than the output of each man-hour. The advance of living costs eats up the extra gains.

Last Wednesday, the British Government had to ask for legislation freezing all British wages and prices.

Wage rates in England have moved up in recent months at an average rate of 8 or 9 per cent a year. In the past several years, despite repeated and urgent appeals for restraint, they have increased at the rate of 5 or 6 per cent a year—more than twice the increase in productivity. The result is severe crisis.

Since 1960, American hourly wages and fringe benefits have increased at an average rate of about 4 per cent a year. This is not far from the average advance in our productivity. That is why the American worker's standard of living has improved far faster than that of his British friend.

Between 1960 and 1965, American wholesale prices of manufactured goods, other than food, rose three-tenths of one per cent. In England they rose two and two-tenths per cent.

I do not cite these figures out of complacency, but because all modern democracies—including ours—must learn and remember this lesson: rapid growth and freedom require steady self-discipline and restraint.

COST-PRICE RELATIONSHIP

American businessmen know that if they advance prices when costs are stable, these costs will move upward.

Businessmen sell to each other as well as to the public. One man's price increase is another man's cost increase.

And when higher prices increase the consumers' cost of living, labor will ask for more. Costs will move up. The gains of business will evaporate. Our ability to export will weaken.

The overwhelming majority of labor unions and businesses have taken these lessons to heart. They have heard and answered their nation's call. I hope now the others will join, too. We are engaged at this moment in a fight against aggression in Vietnam. During this emergency your Government is asking the leaders of business and labor to act with extra caution and extra concern.

To business we say: "The right to profit carries the duty of prudence. Avoid reckless expansion. Order only the new plant and equipment your business needs. Don't accumulate unnecessary inventories just to bring in unearned profits if prices jump sharply."

Most businessmen know that this Administration jealously guards their opportunity to earn a fair profit. But this Administration also believes that the freedom to set prices carries with it a responsibility to reduce prices when costs have fallen.

To labor we say: "The right to bargain collectively carries the duty to bargain constructively. We call on them to recognize that the real gain to labor cannot be more than the rise in the nation's productivity."

Most labor leaders know that this Administration strongly supports the freedom of organized labor to seek better working conditions, steadily advancing incomes, shorter hours, security for its members, and increased benefits.

But this Administration believes that this freedom also carries an obligation. This obligation is not to gain a compensation which—if all unions were to achieve it—would increase costs and force higher prices.

We have learned these lessons about economic freedom and responsibility. In these critical times, business, labor, and government cannot afford to forget them.

II

But all our citizens also have a duty with each right.

The first is to keep the peace. A democratic society suffers when any of its citizens seek to change the course of events by violence. The alternative to self-discipline is tyranny.

A second duty is not only to abide by the decisions of government, but to help shape those decisions. Both law and lawmakers are changed in a democratic society through peaceful means, not through violence.

Our third duty is to respect the opinions and interests of our fellow citizens. Men do not protest without cause. A just society will learn the cause and act accordingly. That is what we are trying to do.

Many American citizens are living in poverty, without jobs, and in miserable housing conditions. They are a small minority of our population, but their plight is a cause for national concern.

We have been working to relieve their plight. Our goal is to break down the ghettos, create jobs, improve education, provide better homes.

That is why we are pouring our skills and resources into education programs, antipoverty programs, manpower training, Medicare and better housing.

NEED FOR PUBLIC APPROVAL

That is why we are trying to gain approval for our rent supplement and demonstration cities programs. And that is why we need your help in gaining their approval.

All of this takes time. It takes human and financial resources. It takes the commitment of the Federal Government, the states, and the cities. It takes the effort of the poor themselves—and of men and women like you.

For what we must do is no less than to correct the injustice of two centuries which give men a reason to protest.

But there are ways of protesting that any civilized society can tolerate. There are also ways that are unacceptable. The ballot box, the neighborhood communities, the political and civil rights organizations—are the means by which Americans express their resentment against intolerable conditions. They are designed to reform society, not to rip it apart.

Riots in the streets do not bring about lasting reforms. They tear at the very fabric of the community. They set neighbor against neighbor and create walls of mistrust and fear between them. They make reform more difficult by turning away the very people who can and must support reform. They start a chain reaction the consequences of which always fall most heavily on those who begin them.

So it is not only to protect the society at large that we refuse to condone riots and disorder. It is to serve the real interests of those for whose cause we struggle.

Our country can abide civil protest. It can improve the lives of those who mount that protest. But it cannot abide civil violence.

III

The next pillar of our task is a spacious vision of what America can be.

For prosperity is not enough and duty alone cannot transform our country. "Where there is no vision, the people perish."

But vision does not belong to a President alone. It must be the sum of all our dreams.

For my part, I believe America can be a place where the last man among us—the last man—has an equal chance to become the best that is in him.

For my part, I believe America can be a place where the impossible is unheard of and the unlikely happens today.

When it comes to America, I am an optimist. I am an optimist because I have lived through 57 years of the best and worst years we have ever known. And I have seen what Americans can do.

Think of all that has happened in the last five decades; space crafts and penicillin, computers and electric dishwashers, air conditioners and atomic power, five-day work week and movies in the skies.

But those are only a small part of it. They are the "things" that make life easier. But think of all that has happened to make life better.

Think of the children who don't die—and of those who no longer labor at grueling tasks.

Think of the millions of women and Negroes who vote—and of all the workers who retire in good health.

Think of the millions who can now read and write—and the heart attacks that do not kill.

We forget these victories very quickly. This may be well, for it means we always go on to the next job at hand. And our work is cut out for us.

By 1976 there will be 220 million of us.

We will have to create jobs for 12½ million more people, including four million for teen-agers.

We will have to provide for three million more elementary students—four million more high school students, and four million more college and university students.

We will need two million more elementary and secondary school teachers.

And we will have to build 200,000 additional elementary and high school classrooms and replace almost half a million more.

We will need 40,000 more doctors just to keep up.

And we will have to provide roads, streets, and parking places for up to 40 million more cars.

We must bring to the millions of Americans who still live in misery a better standard of living—a fuller share of justice—and a deeper faith in our nation.

And there are cities to rebuild—traffic jams to resolve—rivers to reclaim.

NO STANDING STILL

All these things and more we will do. There is only one thing that I am sure we won't do. We will not stand still.

We know our problems and our faults. We know the dark shadows that fall across our doubts that disturb us and the frailties that undo us.

But we also know—as one observer has written—that "here is a nation that in 50 years has endured two world wars, beat off a savage depression, played a major role in rebuilding a shattered world, and created the most wealthy, healthy, and educated nation the world has even seen at any time or at any place."

So on this 150th anniversary of Indiana's statehood, it is good to take stock of what we have done and of how much is still ahead. Of this I am certain: The best is yet to come.

POSSIBLE TRIAL OF AMERICAN AIRMEN IN NORTH VIETNAM SHOULD BE RENOUNCED BY CONGRESS

Mr. PATTEN. Mr. Speaker, I ask unanimous consent that the gentleman from New York [Mr. HANLEY] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from New Jersey.

There was no objection.

Mr. HANLEY. Mr. Speaker, I am introducing today a House concurrent resolution relating to U.S. military personnel held captive in Vietnam. I think it is of the utmost importance that the Congress express firmly and swiftly the outrage of the United States at the thought that American airmen will be tried by the Government of North Vietnam as war criminals.

Such an inhuman and cruel act would only serve to destroy all of our efforts at restraint in the conduct of this war. Such an act would considerably lessen the chance of a just and secure settlement of the war. Our feelings on this matter ought to be made unmistakably clear to the leadership of North Vietnam and to the governments which support North Vietnam in its efforts to destroy the independence of South Vietnam.

UNITED STATES AHEAD IN SPACE PROGRAM IN NINE CATEGORIES

Mr. PATTEN. Mr. Speaker, I ask unanimous consent that the gentleman from Tennessee [Mr. EVINS] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

Mr. EVINS of Tennessee. Mr. Speaker, the success in space exploration by America's space team has become so consistent that it is difficult for us at times to realize the extent to which our fantastic progress has been made.

I want to call to the attention of the House the phenomenal progress being made in our space program.

Following the success of our latest astronaut team of Capt. John W. Young and Maj. Michael J. Collins, in their Gemini 10 flight, newspapers across the Nation last Friday carried a box score report of the nine categories in which the United States is ahead of the Russians in space exploration.

The United States has successfully completed 14 manned space flights as against 8 manned flights by the Soviets.

In multimanned flights we have successfully completed eight as against two multimanned flights by the Soviets.

We have had 22 men in space as against 11 for the Soviets.

We have had three successful space walks as against one for the Soviets, and

The United States has completed 1,661 man-hours in flight as against 507 for the Soviets.

In the nine categories shown in the accompanying table, the United States is ahead in space flights in every instance.

The following table reported by the Associated Press, which has been confirmed in its accuracy by NASA, indicates the extent of our success and superiority.

UNITED STATES AHEAD IN 9 CATEGORIES

CAPE KENNEDY, FLA.—The manned space flight box score:

Manned flights:
  United States, 14.
  Russia, 8.
Multi-manned flights:
  United States, 8.
  Russia, 2.
Manned hours in flight:
  United States, 1,661 hrs., 52 min.
  Russia, 507 hrs., 16 min.
Men in space:
  United States, 22.
  Russia, 11.
Time outside capsule:
  United States, 2 hrs., 56 min.
  Russia, 10 min.
Space walks:
  United States, 3.
  Russia, 1.
Maneuverable spacecraft:
  United States, 8.
  Russia, 0.
Rendezvous in space:
  United States, 7.
  Russia, 0.
Space link-ups:
  United States, 2.
  Russia, 0.

In addition, the NASA space team has successfully launched more than 1,000 flights in other space probes and our sounding rocket program, which has contributed greatly to weather reporting and communications, as well as our manned flights into space.

Administrator James E. Webb, of NASA, and every man and woman who has played a part on the U.S. space team in these remarkable achievements, deserve our highest commendation. They have contributed to writing a great and new and exciting chapter in space development.

I congratulate all of America's space team that has made this Nation first in space.

PRESIDENT JOHNSON COMMENDED FOR DEPLORING CIVIL STRIFE

Mr. PATTEN. Mr. Speaker, I ask unanimous consent that the gentleman from Tennessee [Mr. EVINS] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

Mr. EVINS of Tennessee. Mr. Speaker, President Johnson in a major speech last Saturday made some very basic and bedrock statements concerning the epidemic of riots occurring in cities throughout the Nation. The President declared that "Our country cannot abide civil violence." He emphasized that the riots react against those who begin them.

The President pointed out that civil strife tears at the very fabric of our democratic society. He deplored the recent violence, looting, theft, and murder. He urged all of our citizens to have respect for law and order and orderly processes.

I commend the President for his forthright statements. I support his position wholeheartedly.

This Nation cannot tolerate street violence, theft, and plundering destruction of property—in short, anarchy.

As a nation, we have developed democratic procedures for correction of abuses and righting of wrongs.

The courts are available for relief of injustice. The legislative process is available. Street riots and anarchy are not the way to correct civil wrongs.

In city after city we have seen this pattern of riots rear its ugly head in Chicago, Cleveland, Brooklyn, Los Angeles, Philadelphia, and other cities.

The pattern of this wave of riots has all the earmarks of being Communist-inspired, Communist-directed insurrection. It is a technique and pattern all too familiar as a Communist trademark.

Recently I requested Attorney General Katzenbach to investigate this situation and to determine whether and to what extent, these repeated riots are Communist-inspired and directed. I have been assured that the Attorney General is investigating the matter.

Mr. Speaker, where anarchy reigns, democracy dies. This swelling wave of riots and rebellion must be stopped.

Again, I commend the President for his action and leadership. We should heed his words and act upon them.

ON THE LOSING SIDE FOR 26 YEARS

Mr. PATTEN. Mr. Speaker, I ask unanimous consent that the gentleman from Missouri [Mr. JONES] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

Mr. JONES of Missouri. Mr. Speaker, I realize that there is no dearth of reading material in the office of any Member of Congress. Most of us have the problem of trying to allocate our time in such a way that we can keep informed on what is going on, here in this House, in our districts, and throughout the Nation, as well as to know something about world problems that affect us both directly and indirectly.

During the past few days, I believe all of us received through the mail, from the American Tract Society, a nonpolitical, interdenominational religious organization, a paperback book, entitled "26 Years on the Losing Side," written by a retired officer of the New York City Police Department, Deputy Inspector Conrad Jensen, who spent 26 years of his life on the department, attaining the rank of deputy inspector. He is now associate director of Youth Development, Inc., an evangelical organization working with youth gangs in East Harlem.

I do not know what caused me to start reading this book, but I do know that after I had read a few pages, I could not put it down without reading the entire book, consisting of only 83 pages, requiring less than 2 hours. Those 2 hours were one of the most rewarding experiences I have had in some time, and for this reason, I am recommending to my colleagues who are seeking some solution to many of the problems which are facing this country, in this era of deteriorating morals, increasing disrespect for our moral and legal laws, increasing instances of mob violence, marches, sit-ins, lie-ins, and so forth, and an apparent disregard of the laws of God, that they take the time to read this book. It may have the same effect on others that it had on me, to rekindle the feeling of responsibility, which we are prone to forget.

As Officer Jensen points out, "Lawful living does not necessarily imply righteous living. Most people only keep the law because of their fear of the consequences," and "it is a comfort to know that the Lord deals righteously and many a person who having escaped punishment here, will one day be tried by a different kind of judge."

I agree, and I believe many of you will agree with Officer Jensen when he says:

> I am convinced that law enforcement is engaged in a losing fight against crime and criminals.

And he backs up this statement with statistics and statements from no less an authority than J. Edgar Hoover. And I am among those who believe as Mr. Jensen believes, "that the general unrest and tension in our land will continue to increase until enough of us are honest enough to face the facts and return to the discipline of the word of God." He said:

> Crime has increased five times faster than the population growth, and with the roadblocks which are constantly and continually being thrown into the path of the law enforcement officer, I am convinced that "the only thing that can stop this tide of lawlessness is for the people of America to return to the simple faith of those who first settled here. Theirs was a faith based on an open Bible. Today we boast of the Bible being the "best seller" yet how little we turn to its pages and live by its precepts.

I could mention the apparent disdain that the majority of the members of our Supreme Court have for the Bible, but I have long since given up hope that the rights of the innocent, the law-abiding and God-fearing citizen, will be protected by this present Court.

Mr. Speaker, I could quote many other succinct passages from this little book, "26 Years on the Losing Side," but I know the Members would receive greater inspiration if they would take the time to enjoy reading and absorbing the suggestions made by Officer Jensen.

CURBSIDE MAILBOXES AT ALL FUTURE COMMUNITY HOUSING DEVELOPMENTS

Mr. PATTEN. Mr. Speaker, I ask unanimous consent that the gentleman from California [Mr. EDWARDS] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

Mr. EDWARDS of California. Mr. Speaker, in 1963 the Post Office Department issued an order requiring all future community housing developments to be equipped with curbside mailboxes. Since that time, the residents of my district, and indeed residents from all over the country, have vigorously protested this order. I have received resolutions in opposition from the city councils of San Jose, Livermore, Milpitas, Fremont, Newark, Hayward, Union City, and Pleasanton. In fact, the city of Pleasanton is investigating the possibility of engaging the Federal Government in a lawsuit to get the Post Office Department to rescind its mailbox order. California newspapers have carried daily stories on the battle between the residents of California and the Post Office Department. On their editorial pages they have sympathized with the protesting citizens.

The objection is one of esthetics—it does not make sense to me or to my constituents to construct new community developments which from their inception plan for a recreational and pleasing atmosphere and then require each home to put up a curbside mailbox which, regardless of the design of the individual box, is an eyesore for the total area.

The Post Office Department has labeled this order an economy measure, and I am in sympathy with the administration's efforts to economize. But in this case, I do not think the economic advantages outweigh marring the landscape of our new residential areas. I feel quite sure that in a few years we will either spend more money tearing down these boxes or else live with another blight on our landscape which, with a little forethought, could have been avoided.

I had hoped that public opposition would convince the Post Office Department that this is indeed an unpopular and unwanted measure and that the Department would ultimately change its position. But, unfortunately, this has not been the case—the Post Office Department remains adamant.

Therefore, Mr. Speaker, I am introducing a bill to amend title 39 of the United States Code to provide city delivery mail service on a door delivery service basis for postal patrons receiving curbside delivery service who qualify for door delivery service.

CAUSES OF EYE DISEASE

Mr. PATTEN. Mr. Speaker, I ask unanimous consent that the gentleman from Tennessee [Mr. FULTON] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

Mr. FULTON of Tennessee. Mr. Speaker, today I have introduced legislation providing for the establishment of a National Eye Institute under the National Institutes of Health.

My own eyes were opened to the pressing need for this legislation upon discovering how very little we really know about eye disease and the extent to which millions of persons suffer to some degree from eye disease.

It is startling to learn, for instance, that more than 80 percent of all loss of vision suffered by persons in this Nation results from diseases whose causes are unknown.

It is startling to learn that in this Nation more than 1 million persons are "functionally blind," that is, they are unable to read ordinary newspaper type even with the aid of glasses.

It is startling to know that nearly 90 million Americans, almost half our total population, have some form of eye trouble; that about 75 million Americans wear glasses full or part time.

I am told that in the year 1963 the cost of caring for the blind totaled $1 billion but during that year only $9 million was spent on research in this field and this total is for Government and private research combined.

These figures and data make it all too clear that we are not doing enough to combat eye disease. The causes of blindness largely remain a mystery but that mystery can be solved and the establishment of a National Eye Institute may be the key to the solution.

The bill follows:

H.R. —

A bill to amend the Public Health Service Act to provide for the establishment of a National Eye Institute in the National Institutes of Health

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That title IV of the Public Health Service Act (42 U.S.C., ch. 6A, subch. III) is amended by adding at the end thereof the following new part:

"PART F—NATIONAL EYE INSTITUTE

"Establishment of National Eye Institute

"SEC. 451. The Surgeon General is authorized, with the approval of the Secretary, to establish in the Public Health Service an institute for the conduct and support of research and training relating to blinding eye diseases and visual disorders, including research and training in the special health problems and requirements of the blind and in the basic sciences relating to the mechanism of sight and visual function.

"Establishment of Advisory Council

"SEC. 452. (a) The Surgeon General is authorized, with the approval of the Secretary, to establish an advisory council to advise, consult with, and make recommendations to the Surgeon General on matters relating to the activities of the National Eye Institute.

"(b) The provisions relating to the composition, terms of office of members, and reappointment of members of advisory councils under section 432(a) shall be applicable to the council established under this section, except that the Surgeon General, with the approval of the Secretary, may include on such council established under this section such additional ex officio members as he deems necessary.

"(c) Upon appointment of such council, it shall assume all or such part as the Surgeon General may, with the approval of the Secretary, specify of the duties, functions, and powers of the National Advisory Health Council relating to the research or training projects with which such council established under this part is concerned and such portion as the Surgeon General may specify (with such approval) of the duties, functions, and powers of any other advisory council established under this Act relating to such projects.

"Functions

"SEC. 453. The Surgeon General shall, through the National Eye Institute established under this part, carry out the purposes of section 301 with respect to the conduct and support of research with respect to blinding eye diseases and visual disorders, including the special health problems and requirements of the blind and the mechanism of sight and visual function, except that the Surgeon General shall, with the approval of the Secretary, determine the areas in which and the extent to which he will carry out such purposes of section 301 through such Institute or an institute established by or under other provisions of this Act, or both of them, when both such institutes have functions with respect to the same subject matter. The Surgeon General is also authorized to provide training and instruction and establish and maintain traineeships and fellowships, in the National Eye Institute and elsewhere in matters relating to diagnosis, prevention, and treatment of blinding eye diseases and visual disorders with such stipends and allowances (including travel and subsistence expenses) for trainees and fellows as he deems necessary, and, in addition, provide for such training, instruction, and traineeships and for such fellowships through grants to public or other nonprofit institutions."

SELECTIVE SERVICE AND HIGHER EDUCATION

The SPEAKER. Under previous order of the House, the gentleman from Ohio [Mr. FEIGHAN] is recognized for 5 minutes.

Mr. FEIGHAN. Mr. Speaker, every family in America is keenly aware of the selective service law.

The draft is a very real and personal thing for every young man throughout the country.

Hundreds of thousands of our finest youths are now fighting in Vietnam, and hundreds of thousands of others are serving the United States in farflung outposts throughout the world.

It is the recognized responsibility of Congress to assure that the draft is as fair, impartial, and democratic as possible.

Several reviews of the selective service law are now in progress. When they are completed, it will be the duty of Congress to evaluate them and decide what changes, if any, in the present law and procedures would be in the national interest.

In an effort to obtain information and advice that will assist us in assessing this problem, I asked the presidents of the leading colleges and universities in my district, and also the president of Ohio State University, to advise me whether they considered the present selective service law to be fair and equitable, and what improvements, if any, they would suggest.

I will include their replies, for the consideration of my colleagues and others interested in this matter:

JOHN CARROLL UNIVERSITY,
Cleveland, Ohio, July 6, 1966.

Hon. MICHAEL A. FEIGHAN,
House of Representatives, Congress of the United States, Washington, D.C.

DEAR CONGRESSMAN FEIGHAN: Your invitation to an expression of judgment in the current review of the national Selective Service Act is gratifying to have. Military strength can never be adequate or stable unless it is the outcome of an overall manpower policy that assures similar strength in all aspects of the complex interlocking of industrial and educational activities that contribute to it. I respond to your inquiry, therefore, as evidencing an interest in defining military needs not in a narrow, isolated sense but as the climax of indispensable supporting forces.

We live in an era of constant flux, of burgeoning material development, of social evolution, of scientific discovery, of unstable international relations, of bursting industrial growth. Amid such an environment any nation would be nearsighted, foolish, and doomed to decline if it clung to a *status quo* attitude for the guidance of its future. The democratic state, which seeks to preserve fundamental human rights and opportunities along with national welfare, must be especially responsive to changing conditions.

It seems important to me, therefore, that our manpower needs should be undergoing review at this time. Whole new industries have been born, a great diversity of new educational programs have come into being, and the base of our national planning has been enormously broadened since the Selective Service System was passed in 1948.

While we make this study for possible updating and improvement, however, let us not lose sight of the fact that this piece of legislation has proved a remarkably flexible instrument in dealing with the difficult conditions steadily imposed on it. That is to say, let us recognize and preserve the enlightened thinking that went into its underlying principles even though we perhaps find it necessary to modify some aspects in the interest of continuing effectiveness.

Two of these principles assert themselves immediately as valid:

1. Military strength is produced by a combination of supporting strengths: civic, social, industrial, scientific, educational, and financial.

2. The obligation to national service must be developed not by identity of assignment but by diversification that provides our country with a balanced use of individual talents in their most effective and needed spheres.

Let me develop each of these points briefly.

We are only beginning to realize the enormous, even revolutionary, power generated by an effective combination of university-spawned research, an educated citizenry, industrial technology, and public need. The modern military machine is a product of that combination, and the combination must continue to support it. More than ever before, therefore, the education of our citizens is one of our most important national resources. The Selective Service System recognizes that fact, and any amendments to it should not impair the steady functioning of our advanced educational processes. As Time says in its issue of May 6: ". . . the bets are down: the U. S. is relying more heavily than ever on college education to shape its destiny."

Secondly, it would be a wasteful misinterpretation of humanity and of democracy to write legislation founded on identity of talent. The old psychological tenet puts it strikingly: "Nothing is so unequal as the equal treatment of unequals." Let us not confuse democracy of opportunity and obligation, which we must have, with democracy of talent, which the Lord did not provide. Our national assignments, therefore, must be a harmonizing of two considerations: (1) the national need as discerned in manifold industrial, social, civic, and military activities; (2) the special, but different, talents that each individual has whereby he can respond to that need.

I feel, therefore, that there should be clear recognition that the obligation to national service rests equally on every citizen, but that we can best utilize each person by selective assignment according to his abilities and potential as interpreted in relation to national need. Substantially this seems to be the thinking behind the recent statement by the American Council on Education, which supports selectivity, an insistance that deferment be understood literally, and that federal review of manpower policies always be open to judicious review. I hope that the Congress will find a path that very objectively leads to a successful compromise among uniform obligation, individual talent, and diverse needs.

Sincerely yours,

H. E. DUNN, S.J.,
President.

CLEVELAND STATE UNIVERSITY,
Cleveland, Ohio, July 13, 1966.

Hon. MICHAEL A. FEIGHAN,
Congress of the United States,
House of Representatives,
Washington, D.C.

DEAR CONGRESSMAN FEIGHAN: This is in reply to your letter of June 23, 1966 asking for my views on the Selective Service Act. I have been delayed in responding because of several extended trips out of the city.

The Board of Directors of the American Council on Education late last month unanimously adopted a statement confirming support of the selective service system, and I agree with that position. I would urge, however, along the same lines stated in the position of the American Council on Education, that criteria for determining student deferments should be applied literally and uniformally throughout the nation and that national manpower needs and policies should be reassessed most critically in the light of present and future civilian and military manpower requirements.

The intrinsically difficult task of selecting men to serve in the military services during a period of partial mobilization is amply demonstrated by the Defense Department's study of the draft and the questions which the recently appointed President's Commission on Selective Service will try to answer, and as well by the hearings by the House Committee on Armed Services.

I am enclosing a copy of the statement issued by the Board of Directors of the American Council on Education, to which I subscribe.

With kindest regards,

Sincerely,

HAROLD L. ENARSON.

WESTERN RESERVE UNIVERSITY,
Cleveland, Ohio., July 5, 1966.

Hon. MICHAEL A. FEIGHAN,
House Office Building,
Washington, D.C.

MY DEAR MR. FEIGHAN: I have your letter of June 23, 1966, in which you ask me to comment on the National Selective Service Act. I have thought about the matter at length but fear that I have little to offer of a constructive nature.

I believe that the provisions of the present draft law are in the national interest, but I do not feel that it can be described as being also fair and equitable. It is in the national interest because it does produce, in a basically democratic way, the necessary manpower to meet our military requirements; on the other hand, it is not equitable inasmuch as there is substantial discrepancy in the liability for military service between groups and between individuals within particular groups. As an illustration of discrepancy between groups, I would cite that an unmarried man is more liable for service than a married man; a healthy man is more liable for service than one with some physical disability; a student is less liable for immediate service than a non-student. As an illustration of the lack of equity between individuals in a particular group, I would cite the difference in liability of a young man resident in an area where there is a large pool of draft-eligible individuals in contrast to the young man resident in an area where the pool was very limited. A second illustration would be the prospect of liability for military service of the individual wth a key skill, such as a physician, as against an individual with skill of little or no military value. Of course, there are many other points which one could use to demonstrate inequity, but all of these are known to you and have been widely publicized.

Perhaps the central question is, can any selective service system be truly equitable and fair? By definition, such a plan is "selective" and therefore inequitable. The only program which could be described as absolutely fair and equitable would be one in which every citizen of the country would be treated exactly the same without regard to sex, age, marital status, health, mental competence, social utility, and military usefulness. If this observation is correct, then the Congress must consider the draft law chiefly from the point of view of the national interest. If the national interest is served, then we may come as close to our objective of fairness and equity as possible since that which best serves the national interest, best serves every citizen of the nation.

You ask for my suggestion about improvement of the present Selective Service law. On this point I find myself with no suggestions for basic change. However, I do feel that a review of the policies of deferment will be useful. Perhaps a careful study of the priorities of skills from the point of view of both military necessity and social utility would result in a more logical program of deferment so that each young man would give his service at a point in his career which would best serve the overall national interest.

Sincerely yours,

JOHN S. MILLIS,
President.

OHIO STATE UNIVERSITY,
Columbus, Ohio, July 6, 1966.

Hon. MICHAEL A. FEIGHAN,
Member, Congress of the United States,
House Office Building, Washington, D.C.

DEAR CONGRESSMAN FEIGHAN: Without benefit of a personally conducted study and analysis of the selective service system, I would desire to respond to your inquiry by concurring in the following resolution adopted by the Board of Directors of the American Council on Education of which national organization this institution is a member:

"The American Council on Education, through its Board of Directors and Commission on Federal Relations, affirms support of current Selective Service procedures for determining the deferment and the induction of students. We do so out of concern for an adequate supply of qualified manpower for both the civilian and the military needs of the country.

"The nation is confronted with both present and future needs for trained manpower for military and civilian purposes. Selective Service policies inevitably represent a compromise between these needs. It is, therefore, unrealistic to speak either of total deferment or of no deferment for students.

"We believe that the use of the dual criteria of rank in class and college qualification tests to provide guidance to local boards in determining student status represents the best procedure so far devised for meeting the nation's manpower needs.

"In affirming our support, we make two essential qualifications.

"First, we believe strongly that the word deferment should be construed literally. We stated in 1950, and reaffirm today, that students are deferred for the national not individual welfare. They should accept deferment with the understanding that they may eventually be required to make their trained talent available in the service of the nation.

"Second, we believe that manpower policies, with particular emphasis on their relationship to the operation of the Selective Service system, should be reviewed promptly by the Federal government in the light of the nation's present and prospective military and civilian manpower needs. Our support for current Selective Service policies reflects our conviction that alternate proposals so far advanced provide less satisfactory solutions, but we do not foreclose the possibility that the review we are recommending may result in the development of better policies.

"We understand that the Department of Defense has engaged in a study of Selective Service policies. It is our hope that the results of this study will be related to the more comprehensive review here proposed. The American Council on Education stands ready to assist in this review."

In the interim, I am aware that the report of the Department of Defense has been issued and further, that in addition to your congressional review, some advisory study for the executive appears eminent. I am confident that resultant studied conclusions within the spirit of the above resolution would establish an equitable answer to a most difficult national issue.

Thank you for your interest in my opinion.

Sincerely,

NOVICE G. FAWCETT,
President, the Ohio State University.

Baldwin-Wallace College,
Berea, Ohio, June 30, 1966.
Hon. Michael A. Feighan,
Congress of the United States,
House of Representatives,
Washington, D.C.

Dear Mr. Feighan: Your recent letter to Dr. A. B. Bonds, Jr., President of Baldwin-Wallace College, was received after his departure to Europe and the Middle East for the summer. While I am sure that Dr. Bonds supports the present selective service law and believes that it is in the national interest, I am not familiar with his suggestions for improving the present law.

Weaknesses are to be found in any system designed to handle millions of cases. It is to be hoped that you and other members of Congress will continue to keep the long term welfare of the country in the forefront so that the supply of well educated young men will not be drained off to meet a temporary need.

Please be assured of our interest and support.

Sincerely yours,
Robert W. Pitcher,
Vice President for Student Affairs.

THE 14TH ANNIVERSARY OF THE COMMONWEALTH OF PUERTO RICO

The SPEAKER. Under previous order of the House, the gentleman from New York [Mr. Ryan] is recognized for 10 minutes.

Mr. RYAN. Mr. Speaker, today is the 14th anniversary of the Commonwealth of Puerto Rico, a great and unique experiment. On July 25, 1952, Puerto Rico became a self-governing Commonwealth. We cannot look back on the intervening years without feeling profound respect and admiration for the people of Puerto Rico. Their future is bright, for their democratic status has been coupled with an economic boom unequalled in the Western Hemisphere.

It was not always so. Sometime before the close of World War II Luis Munoz Marin realized that Puerto Rico's destiny lay within the context both of American democracy and Puerto Rican self-help. He, and a number of associates, who were to remain dedicated followers, agreed that the island's salvation called for a drastic expansion of its economy from a fluctuating, precarious base in sugar to a great diversity of industrial projects. Thus was born Operation Bootstrap.

From the beginning, and especially after Luis Muñoz-Marín first assumed the governorship in 1949, the project has met with almost uninterrupted success. As of May 1965, 60 of America's largest industrial corporations were operating one or more plants in Puerto Rico. Among the leaders are Kayser-Roth Corp., with 12, and General Electric and Consolidated Cigar Corp., with 8 each. These 60 mainland companies, along with about 400 other firms from the States, have invested more than $800 million in Puerto Rico. By the end of 1964, a total of more than 1,100 new factories, attracted in large measure by long-term local tax exemptions, had been opened since the inauguration of Operation Bootstrap. Approximately 100,000 Puerto Ricans work in these and similar Government-assisted plants, with a total weekly payroll of $3 million. Per capita annual income on the island in 1964 was $830, as compared to $120 in 1940. The average family income rose in the same period from $611 to $3,827; and is expected, in terms of 1955 dollars, to rise to about $6,000 by 1975.

Although wages in Puerto Rican manufacturing plants are still only about half as high as those for mainland workers, they are higher than those accorded their British and West German counterparts. Such relative prosperity has enabled Puerto Rico to become the mainland's fifth best customer. Puerto Rican purchases of U.S. products rose from $300 million in the late 1940's to considerably more than $600 million a decade later, and totaled $1¼ million in 1964.

On a per capita basis, Puerto Ricans buy more from the United States than do Canadians, who constitute America's biggest customer; and on an aggregate basis, more than do the people of such huge countries as Brazil and Argentina combined. New York State alone in fiscal 1964 realized a total of $141 million in income, as well as the creation of 16,000 jobs, from sales to Puerto Rico. These figures represent an increase of 60 percent in 4 years.

The United States, in turn, has been Puerto Rico's best customer. Island shipments to the mainland over a recent 5-year period increased by 49 percent. Trade with other countries, too, has risen, with exports soaring from $6 million to $25 million in a decade, and imports during the same period climbing from $23 million to $46 million.

In terms of public power, Puerto Rico's future is bright indeed. Situated on the west coast, at Rincon, Latin America's first nuclear powerplant daily generates some 50,000 kilowatts for the island's power lines. From all sources, sales of electric power in Puerto Rico rose during the decade from 1954 to 1964 from $17,825,000 to $65,865,000. Generating capacity simultaneously increased from 202,560 kilowatts to 733,920 kilowatts.

Mr. Speaker, these developments, as well as the soaring tourist trade and the acceleration in home construction, give promise that Puerto Rico will maintain the fastest economic growth in the Western Hemisphere. The boom in the tourist trade has been spectacular. It is expected that visitors will be enchanted to the extent of leaving behind well over $100 million this year alone, which is some $90 million more than was spent only 10 years ago. During this same period, housing production has tripled. Two out of three Puerto Rican families now own their homes.

Raphael Durand, Administrator of the Economic Development Administration, predicts continuous progress:

> I foresee the development here of a scientific and technological complex on the style of Cambridge, Mass., and Palo Alto, California. This would give Puerto Rico new direction and new dimensions. We have the climate, the facilities, and the talent to make this a success.

With respect to its own government, the Commonwealth is similar to States of the Union. The Constitution divides the powers of government between the three coordinate branches—legislative, executive, judicial—each of which checks and balances the other. The Puerto Rican people elect their own Governor and members of the house and senate. The Governor appoints the supreme court justices with the advice and consent of the senate.

The Commonwealth is governed by Federal law and participates in most Federal programs such as social security and housing. Puerto Ricans are subject to draft into the U.S. armed services. Sixty thousand Puerto Rican soldiers, sailors, and airmen fought in Korea, and 54,000 of them were volunteers. Puerto Rico's 65th Infantry Regiment has an outstanding record of combat service.

Puerto Ricans do not pay Federal income tax on income derived within the Commonwealth. This exemption accords with the honored American principle of "no taxation without representation." Puerto Ricans do—by mutual agreement of Congress and the Puerto Rican Legislature—pay certain Federal taxes such as social security.

Puerto Rico has its own judiciary. Until 1961, appeals from the Commonwealth supreme court went to a U.S. court of appeals, but now they go straight to the U.S. Supreme Court.

The Spanish name for the Commonwealth—Estado Libre Asociado—is most accurately translated as "Associated Free State." The constitution of 1952 enhances both the value of the political bond with the United States and the value of maximum self-government.

Puerto Ricans set an example for other Americans in regard to fulfilling the primary responsibility of democratic citizenship. They give careful thought to political issues. And then they go to the polls and vote. Over 80 percent of the registered voters in the Commonwealth cast their ballots in 1964. And this degree of political participation is by no means unusual.

I look forward to the findings of the United States-Puerto Rico Commission on the Status of Puerto Rico. I cosponsored the bill which created this Commission. It is scheduled to submit a final report by this September 30, on its studies of "all factors which may have a bearing on the present and future relationship between the United States and Puerto Rico." But we can be sure of one finding: the Puerto Rican people are overwhelmingly in favor of continuing their close ties with the United States.

Mr. Speaker, the people of Puerto Rico have proved—and will continue to prove—that democracy can work. I believe that every Member will join me in congratulating our fellow citizens in the Commonwealth on the 14th anniversary of their successful experiment in democratic self-government.

Mr. Speaker, this occasion also affords me the opportunity to pay tribute to our esteemed colleague, the Honorable Santiago Polanco-Abreu, the Resident Commissioner of the Commonwealth of Puerto Rico. It has been a pleasure to serve with him and to observe his conscientious dedication to the service of the people of Puerto Rico. His companionship is enjoyable, and his contribution to the deliberations of the Congress a credit to Puerto Rico.

HISTORY WILL NEVER ABSOLVE CASTRO

The SPEAKER. Under previous order of the House, the gentleman from Florida [Mr. Rogers] is recognized for 5 minutes.

Mr. ROGERS of Florida. Mr. Speaker, we are on the eve of a day that stands like a giant tombstone casting a shadow on free people everywhere—a day when historians can hark back in citing the death of a nation. The enslavement of a people. The end of a democracy. The extinction of a free society.

That day—July 26—is the day Fidel Castro uses as the birthday of his revolution. Shortly after that day he presumptuously addressed himself to history through a military court of law and said his deeds would be absolved by history. "History will absolve me," Castro told the court before which he stood for leading an aborted coup on July 26, 1953, aimed at the overthrow of the Cuban Government.

In retrospect, history might well have absolved Fidel Castro for what he had done up to that point—in the name of democracy, in the name of freedom, and in the name of Cuban liberty.

But for what he has done since January 1, 1959, he cannot be absolved—not by history, not by the people of the United States and not by any member of a free society.

History will not absolve Fidel Castro for denying Cubans their democratic principles.

History will not absolve Fidel Castro for converting a democracy into a host for the Communist parasite.

Nor will history absolve Fidel Castro for desecrating a once proud land into an isolated island of hopelessness.

History could never absolve an individual who has created such oppressive conditions that the people of Cuba—the very lifeblood of a nation—would voluntarily exile themselves rather than abandon their personal freedoms.

Tomorrow Fidel Castro will work himself into a frenzy in an attempt to absolve himself before his own people. History is long in coming. The needs of the Cuban people are not so distant.

Castro will tomorrow try and fill empty stomachs with promises. This is not a cause of celebration. And he will try and dredge up a new picture of the future for people who have had new futures painted each July 26 for the past 8 years. None of those futures have been realized.

Yet the future he projects are but hazy visions of 8-year-old memories. Memories of times long past. Times never to be repeated under Fidel Castro's Communist dictatorship.

History will unravel the lies that Castro reports tomorrow. History will strip aside the trumped-up statistics he hopes to use as a feeble crutch for a faltering people and the idle words which he hopes will prove to hungry listeners that they are not hungry.

And history will negate Castro's claims that Cuba is on its feet and not tottering on the brink of economic disaster.

History is a clairvoyant writer of truths. Not of idle slogans nor of passionate promises.

It is sheer folly for Fidel Castro to anticipate absolution for history or from freemen now and down through the ages to come.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. Fulton of Pennsylvania (at the request of Mr. Gerald R. Ford), for the period July 25 through July 28, 1966, to attend the conference in Geneva, Switzerland, with the members of the U.S. delegation who are working out the treaty on peaceful uses of outer space.

Mr. Hardy (at the request of Mr. Downing), for Monday, July 25; Tuesday, July 26; and Wednesday, July 27, on account of illness.

Mr. Pepper (at the request of Mr. Albert), for today, on account of official business.

Mr. Kee (at the request of Mr. Staggers), for week beginning July 25, 1966, and extending through July 31, 1966, on account of illness in the family.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

Mr. Glenn Andrews (at the request of Mr. Reinecke), for 5 minutes, today; and to revise and extend his remarks and include extraneous matter.

Mr. Ashbrook (at the request of Mr. Reinecke), for 15 minutes, today; and to revise and extend his remarks and to include extraneous matter.

Mr. Findley (at the request of Mr. Reinecke), for 20 minutes, today; and to revise and extend his remarks and to include extraneous matter.

Mr. Burton of Utah (at the request of Mr. Reinecke), for 10 minutes, today; and to revise and extend his remarks and to include extraneous matter.

Mr. Feighan (at the request of Mr. Patten), for 5 minutes, today; to revise and extend his remarks and to include extraneous matter.

Mr. Ryan (at the request of Mr. Patten), for 10 minutes, today; to revise and extend his remarks and to include extraneous matter.

Mr. Rogers of Florida (at the request of Mr. Patten), for 5 minutes today; to revise and extend his remarks and to include extraneous matter.

EXTENSION OF REMARKS

By unanimous consent, permission to extend remarks in the Congressional Record, or to revise and extend remarks was granted to:

Mr. Celler and to include a more detailed description of the bill H.R. 14765, and a memorandum prepared at his request by the Department of Justice outlining the constitutionality of various titles of the bill.

Mr. Davis of Wisconsin.

Mr. Teague of Texas.

(The following Member (at the request of Mr. Reinecke) and to include extraneous matter:)

Mr. Horton in two instances.

(The following Members (at the request of Mr. Patten) and to include extraneous matter:)

Mr. Cohelan.

Mr. Mackie.

Mr. Fogarty in two instances.

Mr. Wolff.

Mr. Rivers of South Carolina.

Mr. Annunzio.

Mr. Roncalio in two instances.

Mr. Evins of Tennessee in two instances.

SENATE BILL REFERRED

A bill of the Senate of the following title was taken from the Speaker's table, and, under the rule, referred as follows:

S. 1681. An act to provide for uniform, fair, and equitable treatment of persons, businesses, or farms displaced by Federal and federally assisted programs; to the Committee on Public Works.

ENROLLED BILLS SIGNED

Mr. BURLESON, from the Committee on House Administration, reported that the committee had examined and found truly enrolled bills of the House of the following titles, which were thereupon signed by the Speaker:

H.R. 139. An act to provide for the striking of medals to commemorate the 1,000th anniversary of the founding of Poland; and

H.R. 14324. An act to authorize appropriations to the National Aeronautics and Space Administration for research and development, construction of facilities, and administrative operations, and for other purposes.

SENATE ENROLLED BILL SIGNED

The SPEAKER announced his signature to an enrolled bill of the Senate of the following title:

S. 2822. An act to amend various provisions of the laws administered by the Farm Credit Administration to improve operations thereunder, and for other purposes.

ADJOURNMENT

Mr. PATTEN. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 4 o'clock and 59 minutes p.m.) the House adjourned until tomorrow, Tuesday, July 26, 1966, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

2583. A letter from the Acting Director, Bureau of the Budget, Executive Office of the President, transmitting plans for works of improvement on several watershed projects, pursuant to the authority vested in the President by section 5 of the Watershed Protection and Flood Prevention Act, as amended (16 U.S.C. 1005), and delegated to the Director of the Bureau of the Budget by Executive Order No. 10654, of January 20, 1956; to the Committee on Agriculture.

2584. A letter from the Assistant Secretary, Export-Import Bank of Washington, transmitting a report of the amount of Export-Import Bank insurance and guarantees on U.S. exports to Yugoslavia for the month of June 1966, pursuant to the provisions of title III of the Foreign Assistance and Related Agencies Appropriations Act of 1966, and to the Presidential determination of February 4, 1964; to the Committee on Foreign Affairs.

2585. A letter from the Commissioner, Immigration and Naturalization Service, Department of Justice, transmitting a list of applicants for conditional entry into the United States, pursuant to the provisions of section 203(a)(7) of the Immigration and Nationality Act; to the Committee on the Judiciary.

2586. A letter from the Attorney General, transmitting a draft of proposed legislation to provide for the appointment of U.S. marshals by the Attorney General; to the Committee on the Judiciary.

2587. A letter from the Acting Secretary of the Army, transmitting a letter from the Chief of Engineers, Department of the Army, dated June 21, 1966, submitting a report, together with accompanying papers and an illustration, on a review of the reports on Skagit River, Wash., requested by a resolution of the Committee on Public Works, House of Representatives, adopted May 13, 1947; to the Committee on Public Works.

2588. A letter from the Acting Secretary of the Army, transmitting a letter from the Chief of Engineers, Department of the Army, dated June 17, 1966, submitting a report, together with accompanying papers and an illustration, on a letter report on La Pointe Harbor, Wis., requested by a resolution of the Committee on Public Works, House of Representatives, adopted July 31, 1957; no authorization by Congress is recommended as the desired improvements have been approved for accomplishment under the provisions of section 107 of the River and Harbor Act of 1960; to the Committee on Public Works.

2589. A letter from the Acting Secretary of the Army, transmitting a letter from the Chief of Engineers, Department of the Army, dated June 15, 1966, submitting a report, together with accompanying papers and an illustration, on a letter report on Nansemond River, Va., requested by a resolution of the Committee on Public Works, House of Representatives, adopted July 19, 1956; to the Committee on Public Works.

2590. A letter from the Acting Director, Bureau of the Budget, Executive Office of the President, transmitting plans for works of improvement on several watersheds, pursuant to the authority vested in the President by section 5 of the Watershed Protection and Flood Prevention Act, as amended (16 U.S.C. 1005), and delegated to the Director of the Bureau of the Budget by Executive Order 10654 of January 20, 1956; to the Committee on Public Works.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. RIVERS of South Carolina: Committee on Armed Services. S. 3105. An act to authorize certain construction at military installations, and for other purposes; with amendment (Rept. No. 1763). Referred to the Committee of the Whole House on the State of the Union.

Mr. PRICE: Committee on Armed Services. H.R. 11984. A bill to amend section 701 of title 10, United States Code, to authorize additional accumulation of leave in certain foreign areas (Rept. No. 1764). Referred to the Committee of the Whole House on the State of the Union.

Mr. PRICE: Committee on Armed Services. H.R. 15748. A bill to amend title 10, United States Code, to authorize a special 30-day period of leave for a member of a uniformed service who voluntarily extends his tour of duty in a hostile fire area (Rept. No. 1765). Referred to the Committee of the Whole House on the State of the Union.

Mr. PHILBIN: Committee on Armed Services. H.J. Res. 561. Joint resolution to authorize the Secretary of the Army to furnish memorial headstones or markers to commemorate those civilians who lost their lives aboard the submarine U.S. Ship *Thresher* (Rept. No. 1766). Referred to the Committee of the Whole House on the State of the Union.

Mr. CELLER: Committee on the Judiciary. Report on refugee problems in Vietnam, India, and Hong Kong, British Crown Colony (Rept. No. 1769). Referred to the Committee of the Whole House on the State of the Union.

Mr. McMILLAN: Committee on the District of Columbia. H.R. 16337. A bill to amend the District of Columbia Teachers' Salary Act of 1955 to increase the salaries of teachers, school officers, and other employees of the Board of Education of the District of Columbia, and for other purposes; with amendment (Rept. No. 1770). Referred to the Committee of the Whole House on the State of the Union.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. FEIGHAN: Committee on the Judiciary. H.R. 6606. A bill for the relief of Li Tsu (Nako) Chen; with amendment (Rept. No. 1760). Referred to the Committee of the Whole House.

Mr. FEIGHAN: Committee on the Judiciary. H.R. 12950. A bill for the relief of Kazimierz (Casimer) Krzykowski (Rept. No. 1761). Referred to the Committee of the Whole House.

Mr. FEIGHAN: Committee on the Judiciary. S. 2663. An act for the relief of Dinesh Kumar Poddar; with amendment (Rept. No. 1762). Referred to the Committee of the Whole House.

Mr. SENNER: Committee on the Judiciary. H.R. 2671. A bill for the relief of Capt. Lloyd N. Campbell; with amendment (Rept. No. 1767). Referred to the Committee of the Whole House.

Mr. SENNER: Committee on the Judiciary. H.R. 3901. A bill for the relief of Miss Elisabeth von Oberndorff (Rept. No. 1768). Referred to the Committee of the Whole House.

PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. ANDREWS of North Dakota:

H.R. 16459. A bill to establish a National Commission on Reform of Federal Criminal Laws; to the Committee on the Judiciary.

By Mr. BELCHER:

H.R. 16460. A bill to place certain lands in trust status for the Pawnee Indian Tribe, Oklahoma; to the Committee on Interior and Insular Affairs.

By Mr. BURKE:

H.R. 16461. A bill to reclassify certain positions in the postal field service, and for other purposes; to the Committee on Post Office and Civil Service.

By Mr. DOLE:

H.R. 16462. A bill to prohibit desecration of the flag; to the Committee on the Judiciary.

By Mr. WILLIAM D. FORD:

H.R. 16463. A bill to provide for a more conservative capitalization of the St. Lawrence Seaway Development Corporation, and for other purposes; to the Committee on Public Works.

By Mr. GIAIMO:

H.R. 16464. A bill to amend title II of the Social Security Act to permit States, under Federal-State agreements, to provide for coverage for hospital insurance benefits for the aged for certain State and local employees whose services are not otherwise covered by the insurance system established by such title; to the Committee on Ways and Means.

By Mr. HANNA:

H.R. 16465. A bill making an appropriation to enable the Post Office Department to extend city delivery service on a door delivery service basis to postal patrons now receiving curbside delivery service who qualify for door delivery service; to the Committee on Appropriations.

By Mr. HATHAWAY:

H.R. 16466. A bill to amend the Internal Revenue Code of 1954 to increase the investment credit allowable with respect to facilities to control water and air pollution, and to permit the amortization of the cost of constructing such facilities within a period of from 1 to 5 years; to the Committee on Ways and Means.

By Mr. MICHEL:

H.R. 16467. A bill to exclude from income certain reimbursed moving expenses; to the Committee on Ways and Means.

By Mr. MILLER:

H.R. 16468. A bill to establish the Channel Islands National Park, in the State of California, and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. POFF:

H.R. 16469. A bill to exclude from income certain reimbursed moving expenses; to the Committee on Ways and Means.

By Mr. REID of New York:

H.R. 16470. A bill to amend the National Foundation on the Arts and the Humanities Act of 1965; to the Committee on Education and Labor.

By Mr. DORN

H.R. 16471. A bill to modify the general plan for the comprehensive development of the Savannah River to authorize the construction of the Trotters Shoals Dam and Reservoir, and to give the consent of Congress for the construction of a dam at Middleton Shoals; to the Committee on Public Works.

By Mr. LANDRUM:

H.R. 16472. A bill to modify the general plan for the comprehensive development of the Savannah River to authorize the construction of the Trotters Shoals Dam and Reservoir, and to give the consent of Congress for the construction of a dam at Middleton Shoals; to the Committee on Public Works.

By Mr. JARMAN:

H.R. 16473. A bill to protect the public health by amending the Federal Food, Drug, and Cosmetic Act to consolidate certain provisions assuring the safety and effectiveness of new animal drugs, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. O'BRIEN:

H.R. 16474. A bill to protect the public health by amending the Federal Food, Drug, and Cosmetic Act to consolidate certain provisions assuring the safety and effectiveness of new animal drugs, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. ROGERS of Florida:

H.R. 16475. A bill to protect the public health by amending the Federal Food, Drug, and Cosmetic Act to consolidate certain provisions assuring the safety and effectiveness of new animal drugs, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. NELSEN:

H.R. 16476. A bill to protect the public health by amending the Federal Food, Drug, and Cosmetic Act to consolidate certain provisions assuring the safety and effectiveness of new animal drugs, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. HULL:

H.R. 16477. A bill to protect the public health by amending the Federal Food, Drug, and Cosmetic Act to consolidate certain provisions assuring the safety and effectiveness of new animal drugs, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. WATTS:

H.R. 16478. A bill to protect the public health by amending the Federal Food, Drug, and Cosmetic Act to consolidate certain provisions assuring the safety and effectiveness of new animal drugs, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. GEORGE W. ANDREWS:

H.R. 16479. A bill to make an assault of a member of the armed services in uniform a Federal crime; to the Committee on the Judiciary.

By Mr. BROOMFIELD:

H.R. 16480. A bill to provide for a more conservative capitalization of the St. Lawrence Seaway Corporation, and for other purposes to the Committee on Public Works.

By Mr. BROYHILL of Virginia (by request):

H.R. 16481. A bill to enable the District of Columbia to participate in the health and medical assistance benefits made available by the Social Security Amendments of 1965, and for other purposes; to the Committee on the District of Columbia.

By Mr. DOLE:

H.R. 16482. A bill to provide that certain highways extending from Laredo, Tex., to the point where U.S. Highway 81 crosses the border between North Dakota and Canada shall be known collectively as the "Pan American Highway"; to the Committee on Public Works.

By Mr. FULTON of Tennessee:

H.R. 16483. A bill to provide that certain television and radio receiving tubes be appraised under section 402 of the Tariff Act of 1930; to the Committee on Ways and Means.

By Mr. HUOT:

H.R. 16484. A bill to amend section 416 of the Federal Aviation Act of 1958; to the Committee on Interstate and Foreign Commerce.

By Mr. LAIRD:

H.R. 16485. A bill to amend title II of the Social Security Act to provide cost-of-living increases in the benefits payable thereunder; to the Committee on Ways and Means.

By Mr. MOORHEAD:

H.R. 16486. A bill to authorize the President, during the period during which the 89th Congress is adjourned sine die, to increase certain income tax and withholding rates temporarily; to the Committee on Ways and Means.

By Mr. SCHISLER:

H.R. 16487. A bill to provide for a more conservative capitalization of the St. Lawrence Seaway Development Corporation, and for other purposes; to the Committee on Public Works.

By Mr. THOMPSON of Texas:

H.R. 16488. A bill to amend the Internal Revenue Code of 1954 to authorize an incentive tax credit allowable with respect to facilities to control water and air pollution, to encourage the construction of such facilities, and to permit the amortization of the cost of constructing such facilities within a period of from 1 to 5 years; to the Committee on Ways and Means.

By Mr. ULLMAN:

H.R. 16489. A bill to provide for the disposition of judgment funds on deposit to the credit of the Confederated Tribes of the Umatilla Indian Reservation; to the Committee on Interior and Insular Affairs:

By Mr. WRIGHT:

H.R. 16490. A bill to amend the Internal Revenue Code of 1954 to make it clear that the income tax exemption for interest on State and local obligations does not extend to obligations issued by a private corporation, regardless of their nature or purpose or any approval given or other action taken with respect to them by a State or municipality; to the Committee on Ways and Means.

By Mr. WILLIS:

H.R. 16491. A bill to regulate and foster commerce among the States by providing a system for the taxation of interstate commerce; to the Committee on the Judiciary.

By Mr. CELLER:

H.R. 16492. A bill to regulate and foster commerce among the States by providing a system for the taxation of interstate commerce; to the Committee on the Judiciary.

By Mr. McCULLOCH:

H.R. 16493. A bill to regulate and foster commerce among the States by providing a system for the taxation of interstate commerce; to the Committee on the Judiciary.

By Mr. MOORE:

H.R. 16494. A bill to regulate and foster commerce among the States by providing a system for the taxation of interstate commerce; to the Committee on the Judiciary.

By Mr. RODINO:

H.R. 16495. A bill to regulate and foster commerce among the States by providing a system for the taxation of interstate commerce; to the Committee on the Judiciary.

By Mr. WHITENER:

H.R. 16496. A bill to regulate and foster commerce among the States by providing a system for the taxation of interstate commerce; to the Committee on the Judiciary.

By Mr. TOLL:

H.R. 16497. A bill to regulate and foster commerce among the States by providing a system for the taxation of interstate commerce; to the Committee on the Judiciary.

By Mr. KASTENMEIER:

H.R. 16498. A bill to regulate and foster commerce among the States by providing a system for the taxation of interstate commerce; to the Committee on the Judiciary.

By Mr. GILBERT:

H.R. 16499. A bill to regulate and foster commerce among the States by providing a system for the taxation of interstate commerce; to the Committee on the Judiciary.

By Mr. CORMAN:

H.R. 16500. A bill to regulate and foster commerce among the States by providing a system for the taxation of interstate commerce; to the Committee on the Judiciary.

By Mr. MATHIAS:

H.R. 16501. A bill to regulate and foster commerce among the States by providing a system for the taxation of interstate commerce; to the Committee on the Judiciary.

By Mr. GLENN ANDREWS:

H.R. 16502. A bill to amend title VI of the Civil Rights Act of 1964 to exclude the school lunch program and the special milk program from its provisions; to the Committee on the Judiciary.

By Mr. BENNETT:

H.R. 16503. A bill to amend the Bank Holding Company Act of 1956, and for other purposes; to the Committee on Banking and Currency.

By Mr. DOW:

H.R. 16504. A bill to amend the Small Business Act to increase the maximum maturity of regular business loans to 20 years where such loans are made for the construction of facilities; to the Committee on Banking and Currency.

By Mr. DULSKI:

H.R. 16505. A bill to provide for a more conservative capitalization of the St. Lawrence Seaway Development Corporation, and for other purposes; to the Committee on Public Works.

By Mr. DUNCAN of Tennessee:

H.R. 16506. A bill to amend the Internal Revenue Code of 1954 to provide an additional $3,000 exemption from income tax for amounts received as annuities, pensions, or other retirement benefits; to the Committee on Ways and Means.

By Mr. EDWARDS of California:

H.R. 16507. A bill to amend title 39, United States Code, to provide city delivery mail service on a door delivery service basis for postal patrons receiving curbside delivery service who qualify for door delivery service; to the Committee on Post Office and Civil Service.

By Mr. FRIEDEL:

H.R. 16508. A bill to amend section 402 of the Federal Aviation Act of 1958; to the Committee on Interstate and Foreign Commerce.

H.R. 16509. A bill to amend section 416 of the Federal Aviation Act; to the Committee on Interstate and Foreign Commerce.

By Mr. HANSEN of Idaho:

H.R. 16510. A bill to make certain reclamation project expenses nonreimbursable; to the Committee on Interior and Insular Affairs.

By Mr. JENNINGS:

H.R. 16511. A bill to continue for a temporary period the existing suspension of duty on manganese ore and related products; to the Committee on Ways and Means.

By Mr. SCHEUER:

H.R. 16512. A bill to amend the National School Lunch Act to strengthen and expand food service programs for children; to the Committee on Education and Labor.

By Mr. SCHISLER:

H.R. 16513. A bill to provide a method of compensating individuals for injuries and damages sustained by them in the course of assisting in the apprehension of any person who has committed a Federal crime, and for other purposes; to the Committee on the Judiciary.

By Mr. VIVIAN:

H.R. 16514. A bill to amend title II of the Social Security Act to provide cost-of-living increases in the insurance benefits payable thereunder; to the Committee on Ways and Means.

By Mr. SPRINGER:

H.R. 16515. A bill to provide for a coordinated national safety program and establishment of safety standards for motor vehicles in interstate commerce to reduce traffic accidents and the deaths, injuries, and property damage which occur in such accidents; to the Committee on Interstate and Foreign Commerce.

By Mr. GARMATZ:

H.J. Res. 1219. Joint resolution relating to U.S. military personnel held captive in Vietnam; to the Committee on Foreign Affairs.

By Mr. FASCELL:

H.J. Res. 1220. Joint resolution to provide for the settlement of the labor dispute between certain airlines and certain of their employees; to the Committee on Interstate and Foreign Commerce.

By Mr. BENNETT:

H.J. Res. 1221. Joint resolution to provide for the settlement of the labor dispute between certain airlines and certain of their employees; to the Committee on Interstate and Foreign Commerce.

By Mr. FUQUA:

H.J. Res. 1222. Joint resolution to provide for the settlement of the labor dispute between certain airlines and certain of their employees; to the Committee on Interstate and Foreign Commerce.

By Mr. GIBBONS:

H.J. Res. 1223. Joint resolution to provide for the settlement of the labor dispute between certain airlines and certain of their employees; to the Committee on Interstate and Foreign Commerce.

By Mr. HALEY:

H.J. Res. 1224. Joint resolution to provide for the settlement of the labor dispute between certain airlines and certain of their employees; to the Committee on Interstate and Foreign Commerce.

By Mr. HERLONG:

H.J. Res. 1225. Joint resolution to provide for the settlement of the labor dispute between certain airlines and certain of their employees; to the Committee on Interstate and Foreign Commerce.

By Mr. MATTHEWS:

H.J. Res. 1226. Joint resolution to provide for the settlement of the labor dispute between certain airlines and certain of their employees; to the Committee on Interstate and Foreign Commerce.

By Mr. ROGERS of Florida:

H.J. Res. 1227. Joint resolution to provide for the settlement of the labor dispute between certain airlines and certain of their employees; to the Committee on Interstate and Foreign Commerce.

By Mr. SIKES:

H.J. Res. 1228. Joint resolution to provide for the settlement of the labor dispute between certain airlines and certain of their employees; to the Committee on Interstate and Foreign Commerce.

By Mr. BURTON of Utah:

H. Con. Res. 865. Concurrent resolution to provide for a permanent United Nations peacekeeping force; to the Committee on Foreign Affairs.

By Mr. FASCELL:

H. Con. Res. 866. Concurrent resolution expressing the sense of the Congress regarding the treatment of prisoners of war held captive by the Communist regime of North Vietnam; to the Committee on Foreign Affairs.

By Mr. HUNGATE:

H. Con. Res. 867. Concurrent resolution relating to the submission to committees of Congress of watershed improvement plans; to the Committee on Agriculture.

By Mr. RONCALIO:

H.Con. Res. 868. Concurrent resolution to provide for a permanent United Nations peacekeeping force; to the Committee on Foreign Affairs.

By Mr. UTT:

H. Con. Res. 869. Concurrent resolution expressing the sense of the Congress with respect to certain proposed regulations of the Food and Drug Administration relating to the labeling and content of diet foods and diet supplements; to the Committee on Interstate and Foreign Commerce.

By Mr. ANDERSON of Illinois:

H. Con. Res. 870. Concurrent resolution relating to U.S. military personnel held captive in Vietnam; to the Committee on Foreign Affairs.

By Mr. ASHLEY:

H. Con. Res. 871. Concurrent resolution relating to U.S. military personnel held captive in Vietnam; to the Committee on Foreign Affairs.

By Mr. BELL:

H. Con. Res. 872. Concurrent resolution relating to U.S. military personnel held captive in Vietnam; to the Committee on Foreign Affairs.

By Mr. BURTON of Utah:

H. Con. Res. 873. Concurrent resolution relating to U.S. military personnel held captive in Vietnam; to the Committee on Foreign Affairs.

By Mr. CALLAWAY:

H. Con. Res. 874. Concurrent resolution relating to U.S. military personnel held captive in Vietnam; to the Committee on Foreign Affairs.

By Mr. CELLER:

H. Con. Res. 875. Concurrent resolution relating to U.S. military personnel held captive in Vietnam; to the Committee on Foreign Affairs.

By Mr. CRAMER:

H. Con. Res. 876. Concurrent resolution relating to U.S. military personnel held captive in Vietnam; to the Committee on Foreign Affairs.

By Mr. de la GARZA:

H. Con. Res. 877. Concurrent resolution relating to U.S. military personnel held captive in Vietnam; to the Committee on Foreign Affairs.

By Mr. DYAL:

H. Con. Res. 878. Concurrent resolution relating to U.S. military personnel held captive in Vietnam; to the Committee on Foreign Affairs.

By Mr. FULTON of Pennsylvania:

H. Con. Res. 879. Concurrent resolution relating to U.S. military personnel held captive in Vietnam; to the Committee on Foreign Affairs.

By Mr. FULTON of Tennessee:

H. Con. Res. 880. Concurrent resolution relating to U.S. military personnel held captive in Vietnam; to the Committee on Foreign Affairs.

By Mr. HANLEY:

H. Con. Res. 881. Concurrent resolution relating to U.S. military personnel held captive in Vietnam; to the Committee on Foreign Affairs.

By Mr. HANSEN of Idaho:

H. Con. Res. 882. Concurrent resolution relating to U.S. military personnel held captive in Vietnam; to the Committee on Foreign Affairs.

By Mr. HORTON:

H. Con. Res. 883. Concurrent resolution relating to U.S. military personnel held captive in Vietnam; to the Committee on Foreign Affairs.

By Mr. JARMAN:

H. Con. Res. 884. Concurrent resolution relating to U.S. military personnel held captive in Vietnam; to the Committee on Foreign Affairs.

By Mrs. MAY:

H. Con. Res. 885. Concurrent resolution relating to U.S. military personnel held captive in Vietnam; to the Committee on Foreign Affairs.

By Mr. MOSS:

H. Con. Res. 886. Concurrent resolution relating to U.S. military personnel held captive in Vietnam; to the Committee on Foreign Affairs.

By Mr. MULTER:

H. Con. Res. 887. Concurrent resolution relating to U.S. military personnel held captive in Vietnam; to the Committee on Foreign Affairs.

By Mr. O'NEAL of Georgia:

H. Con. Res. 888. Concurrent resolution relating to U.S. military personnel held captive in Vietnam; to the Committee on Foreign Affairs.

By Mr. PELLY:

H. Con. Res. 889. Concurrent resolution relating to U.S. military personnel held captive in Vietnam; to the Committee on Foreign Affairs.

By Mr. ROYBAL:

H. Con. Res. 890. Concurrent resolution relating to U.S. military personnel held captive in Vietnam; to the Committee on Foreign Affairs.

By Mr. SHRIVER:

H. Con. Res. 891. Concurrent resolution relating to U.S. military personnel held captive in Vietnam; to the Committee on Foreign Affairs.

By Mr. STALBAUM:

H. Con. Res. 892. Concurrent resolution relating to U.S. military personnel held captive in Vietnam; to the Committee on Foreign Affairs.

By Mr. BELCHER:

H. Con. Res. 893. Concurrent resolution relating to U.S. military personnel held captive in Vietnam; to the Committee on Foreign Affairs.

By Mr. EVINS of Tennessee:

H. Con. Res. 894. Concurrent resolution relating to U.S. military personnel held captive in Vietnam; to the Committee on Foreign Affairs.

By Mr. GILLIGAN:

H. Con. Res. 895. Concurrent resolution relating to U.S. military personnel held captive in Vietnam; to the Committee on Foreign Affairs.

By Mr. VIVIAN:

H. Con. Res. 896. Concurrent resolution relating to U.S. military personnel held captive in Vietnam; to the Committee on Foreign Affairs.

By Mr. HANSEN of Idaho:

H. Con. Res. 897. Concurrent resolution expressing the sense of the Congress with respect to certain proposed regulations of the Food and Drug Administration relating to the labeling and content of diet foods and diet supplements; to the Committee on Interstate and Foreign Commerce.

By Mr. WALDIE:

H. Con. Res. 898. Concurrent resolution expressing the sense of the Congress with respect to certain proposed regulations of the Food and Drug Administration relating to the labeling and content of diet foods and diet supplements; to the Committee on Interstate and Foreign Commerce.

By Mr. O'NEAL of Georgia:

H. Res. 928. Resolution to authorize the Committee on the Judiciary to conduct an investigation and study of the moral character of Justice William O. Douglas; to the Committee on Rules.

By Mr. O'NEILL of Massachusetts:

H. Res. 929. Resolution authorizing the Speaker of the House of Representatives to appoint a special committee to investigate and report on campaign expenditures of candidates for the House of Representatives; to the Committee on Rules.

MEMORIALS

Under clause 4 of rule XXII,

495. The SPEAKER presented a memorial of the Legislature of the State of California, relative to the initiation of a study of the oceanography of Monterey Bay and the surrounding ocean waters and the pollution thereof, which was referred to the Committee on Public Works.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. CASEY:

H.R. 16516. A bill for the relief of George W. Payne and Jo Nan Payne; to the Committee on the Judiciary.

By Mr. CORMAN:

H.R. 16517. A bill for the relief of Mrs. Esther Sevilla de Soto and her children, Manuel Ricardo Sevilla and Silvia Esther Sevilla; to the Committee on the Judiciary.

By Mr. FINO:

H.R. 16518. A bill for the relief of Stephen O. K. Chen and Ching Nun Ho; to the Committee on the Judiciary.

By Mr. FOLEY:

H.R. 16519. A bill for the relief of Eduard Samuel Farag; to the Committee on the Judiciary.

By Mr. HUNGATE:

H.R. 16520. A bill for the relief of Albert Jelenic; to the Committee on the Judiciary.

By Mr. JOELSON:

H.R. 16521. A bill for the relief of Anjel Turanciyan; to the Committee on the Judiciary.

By Mr. McCORMACK:

H.R. 16522. A bill for the relief of Vicente Fernandez Marino; to the Committee on the Judiciary.

By Mr. MORSE:

H.R. 16523. A bill for the relief of Francesco D'Amico; to the Committee on the Judiciary.

By Mr. O'HARA of Illinois:

H.R. 16524. A bill for the relief of Harry Chuen Lee and his wife, Corinna Lee; to the Committee on the Judiciary.

By Mr. ROYBAL:

H.R. 16525. A bill for the relief of Miss Hea Ja Kim; to the Committee on the Judiciary.

By Mr. TUNNEY:

H.R. 16526. A bill for the relief of Mrs. Constancia D. Saso; to the Committee on the Judiciary.

By Mr. WALDIE:

H.R. 16527. A bill for the relief of Luisa Caridad Roque de Rasmussen; to the Committee on the Judiciary.

PETITIONS, ETC.

Under clause 1 of rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

415. By the SPEAKER: Petition of Henry Stoner, Portland, Oreg., relative to water pollution; to the Committee on Government Operations.

416. Also, petition of Home Owners Enterprises, Inc., Nashville, Tenn., relative to proposed legislation in behalf of one Herbert Key; to the Committee on the Judiciary.

* * *

SENATE

MONDAY, JULY 25, 1966

(Legislative day of Friday, July 22, 1966)

The Senate met at 11 o'clock a.m., on the expiration of the recess, and was called to order by the Vice President.

Rev. Edward B. Lewis, minister, Capitol Hill Methodist Church, Washington, D.C., offered the following prayer:

O God of the way, the truth, and the life, we are conscious of our need of Thee.

We strive to find the way to peace, to abundant life for all, but we have failed. We are grateful that the way is still before us. Give us guidance.

Truth will stand any test. In a world of many ideologies and opinions, help men of all nations to learn the truth that will give opportunity and hope for mankind. Give us knowledge of basic truth.

Thou hast breathed into each of our beings life. Dear Father, be with these servants of the people as they give their lives in national and international leadership. Give them insight as to the true meaning of life. Inspire and guide these important lives today, we pray in the Master's name. Amen.

THE JOURNAL

On request of Mr. MANSFIELD, and by unanimous consent, the reading of the Journal of the proceedings of Friday, July 22, 1966, was dispensed with.

MESSAGES FROM THE PRESIDENT

Messages in writing from the President of the United States submitting nominations were communicated to the Senate by Mr. Geisler, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session,

The VICE PRESIDENT laid before the Senate messages from the President of the United States submitting sundry nominations, which were referred to the Committee on Armed Services.

(For nominations this day received, see the end of Senate proceedings.)

JOINT RESOLUTIONS INTRODUCED

By unanimous consent, the following joint resolutions were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. MORSE (for himself and Mr. JAVITS):

S.J. Res. 181. Joint resolution to provide for the settlement of the labor dispute currently existing between certain air carriers and certain of their employees; to the Committee on Labor and Public Welfare.

(See the remarks of Mr. MORSE when he introduced the above joint resolution, which appear under a separate heading.)

By Mr. DIRKSEN (for himself, Mr. COTTON, and Mr. HRUSKA):

S.J. Res. 182. Joint resolution to provide for the settlement of the labor dispute between certain carriers by air and certain of their employees; to the Committee on Labor and Public Welfare.

(See the remarks of Mr. DIRKSEN when he introduced the above joint resolution, which appear under a separate heading.)

COMMITTEE MEETINGS DURING SENATE SESSION

On request of Mr. MANSFIELD, and by unanimous consent, the following subcommittee and committees were authorized to meet during the session of the Senate today:

The Subcommittee on Government Research of the Committee on Government Operations.

The Committee on Labor and Public Welfare.

The Committee on Finance.

The Committee on Post Office and Civil Service.

ORDER FOR RECESS UNTIL 10 A.M. TOMORROW

Mr. MANSFIELD. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in recess—there will be no morning hour—until 10 o'clock tomorrow morning.

The VICE PRESIDENT. Without objection, it is so ordered.

FOREIGN ECONOMIC ASSISTANCE, 1966

The VICE PRESIDENT laid before the Senate the unfinished business.

The Senate resumed the consideration of the bill (S. 3584) to amend further the Foreign Assistance Act of 1961, as amended, and for other purposes.

Mr. BAYH. Mr. President, I ask unanimous consent that the pending business, the amendment of the Senator from Kentucky [Mr. COOPER], be temporarily laid aside, and that the Chair lay before the Senate my amendment No. 652.

Mr. MANSFIELD. And that the consideration of the amendment of the Senator from Kentucky follow the amendment of Senator BAYH.

The VICE PRESIDENT. The request is that the pending amendment be set aside and that the amendment of the Senator from Kentucky follow the amendment of the Senator from Indiana. Without objection, it is so ordered.

The amendment of the Senator from Indiana will be stated.

The legislative clerk read as follows:

On page 18, line 1, strike out the word "subsection" and substitute the word "subsections".

On page 18, line 5, strike out the quotation marks.

On page 18, between lines 5 and 6, insert the following:

"(f) Funds made available under this Act shall not be used to finance the procurement of iron and steel products for use in Vietnam if the products contain any component acquired by the producer of the commodity in the form in which imported into the country of production from sources other than the United States or a country designated as a limited free world country by code number 901 in the September 1964 Geographic Code Book compiled by the Agency for International Development, at a total cost (delivered to the point of production) that amounts to more than 10 per centum of the lowest price (excluding the cost of ocean transportation and marine insurance) at which the supplier makes the commodity available for export sale (whether or not financed by the Agency for International Development)."

Mr. BAYH. Mr. President, I yield to the Senator from Oregon.

Mr. MORSE. Mr. President, will the Senate yield me such time as it may take me to make a very important statement with regard to the airline strike?

The VICE PRESIDENT. Is there objection? The Chair hears none, and it is so ordered.

THE AIRLINES STRIKE

Mr. MORSE. Mr. President, I introduce a substitute joint resolution for the one that I introduced last Friday, setting forth an alternative proposal for a settlement of the pending airline dispute through legislative action.

Over the weekend, I have participated in conversations and consultations which satisfy me that at this time my new joint resolution for the settlement of this particular case is preferable to the one I introduced Friday. The provisions of my joint resolution of last Friday, along with similar proposals from other Members of Congress, should be considered for purposes of new permanent legislation for the handling of national emergency disputes; these call for more detailed and lengthy hearings by appropriate committees of Congress than time permits.

The national interest requires an end to the present strike without further delay.

The airlines dispute has become a triple threat to the economy.

Its direct costs are heavy.

It is weakening the vital institution of collective bargaining.

It is threatening the whole stabilization policy.

This has to stop.

It is endangering the health, safety, and defense of the Republic. It is endangering the national interest.

There is a law—the Railway Labor Act—covering the handling of controversies in the airlines industry. The procedures established in this law have been exhausted.

There is an idea around that there are unwritten powers in the Presidency that could be exercised to resolve this dispute.

There are no such powers.

In the past it has been possible to find means of resolving such cases as the railroad case of 1964 and the steel case of 1965. But in those cases there was a disposition on both sides to reach an agreement consistent with the public interest. The union in this case states flatly that its own interests must take precedence. It asserts the "militancy" of its members as a sufficient reason for the refusal to consider proposals dictated by the public interest.

One company after another and one union after another has agreed in the past to forgo price or wage increases which it considered reasonable—accepting instead the importance of the public interest in keeping the cost of living down.

This union rejects this balance of interests.

The plain fact is that this union's demands would, if met, lead to the certain spiraling of wages and prices in this country.

I believe too deeply in collective bargaining and in the importance of stabilization to see them sacrificed on this altar.

On Friday I proposed legislation providing for Government seizure of the airlines. Other proposals call for compulsory arbitration. Certainly, the preferable course for any friend of labor is to get the planes flying but maintain the maximum opportunity for free collective bargaining.

I now propose a course of action which will guarantee immediate resumption of operations on these airlines, but without provision for either seizure or compulsory arbitration.

My proposal of last Friday was a two-edged sword—I believe a very fair sword—to apply, but it would involve long hearings, in my judgment, which time does not permit, and ought to be considered in connection with permanent legislation.

This proposal calls for an immediate return to work while the dispute is worked out by further bargaining and mediation.

We should continue to apply to this dispute the precious principle of voluntarism through collective bargaining and mediation. The union and the carriers all recognize it is in the long-term best interests of labor and management that labor disputes be settled not by governmental mandate but by reliance on traditional rights. But when labor or management in a regulated industry such as this one subordinate the paramount public interest to the selfish economic interests of either party, the Government of a free people has the clear duty to pass mandatory legislation. I am convinced that such a legislative procedure would have the overwhelming support of a majority of the American people.

The proposal which I am presenting today would continue to focus attention on the dispute so that the mediators, with the authority and responsibility conferred on them, and the good faith cooperation of the parties, should be able to resolve it. It would enjoin the parties to reach a settlement through free collective bargaining.

The proposal contemplates that mediators will, with the authority and responsibility conferred on them, be able to resolve this dispute. This authority and responsibility includes the obligation to report, if their efforts fail, whose fault such failure is.

If either party proves unwilling in these negotiations to accommodate its position to the broader interests which are involved—including its own—it will then be fairly viewed as inviting "compulsory" settlement in one form or another. The proposed resolution contemplates this possibility, and provides for final determination—but I am confident this will not be necessary.

It would be easier and simpler to prescribe a final and binding settlement procedure in this case now. The circumstances of the particular case warrant this. But the broader interests of the public, and the reactions of labor and of management to the suggestion of Government seizure, warrant giving voluntary settlement processes another chance.

In the meantime, however, the public is entitled to have its air transport continued.

It is the clear duty of the men to go back to work at once. The national interest, the national health, safety, and defense, and their own civic duty require it. The interests of the men will be fully protected, since the resolution explicitly provides that the wage settlement provisions of any agreement shall be retroactive to the date of expiration of the last wage contract, January 1, 1966.

Mr. President, I have agreed to read the joint resolution on the floor of the Senate because it will be immediately referred to the Committee on Labor and Public Welfare for its session which will commence at 2 o'clock this afternoon. It is my hope that the Committee on Labor and Public Welfare may see fit—I believe it should—to stay in session long enough to take action on the joint resolution, so that the Senate may take action on it not later than tomorrow.

The joint resolution provides for the settlement of the labor dispute currently existing between air carriers and certain of their employees.

I read the joint resolution:

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) the Congress does hereby find and declare that a labor dispute between Eastern Airlines, Inc., National Airlines, Inc., Northwest Airlines, Inc., Trans World Airlines, Inc., and United Air Lines, Inc. and certain of their employees represented by the International Association of Machinists and Aerospace Workers, a labor organization, threatens essential transportation services of the Nation; that it is essential to the national interest, including the national health, safety and defense, that essential transportation services be maintained; that all procedures for resolving such dispute provided for in the Railway Labor Act have been exhausted and have not resulted in settlement of the dispute, including a report and recommendations of the Emergency Board No. 166, a proffer of arbitration and mediation with the parties by the National Mediation Board; further, that the efforts of the National Mediation Board and the Secretary of Labor to settle this dispute have been unsuccessful; and that it is desirable to achieve a settlement of this dispute in a manner which serves the public interest in economic stabilization and which preserves the free collective bargaining method.

(b) The Congress therefore finds and declares that emergency measures are essential to the settlement of this dispute and to the security and continuity of transportation services by such carriers.

Sec. 2. The period of time provided for in Section 10 of the Railway Labor Act, paragraph 3, during which no change except by agreement, shall be made by the parties to the controversy, or affiliates of said parties, in the conditions out of which the dispute arose, is hereby reinstated and extended, for one hundred and eighty days, effective immediately. During said period of time none of the parties to the controversy, or affiliates of said parties shall engage in or continue any strike or lock out.

Sec. 3. The President shall, at the earliest possible date, appoint a Special Airline Dispute Board which shall engage in mediatory action directed to promoting agreement between the parties. Any such agreement shall provide that the wage settlement provisions be retroactive to January 1, 1966. Notwithstanding any other provision of law, each member of the Board shall be compensated at a rate prescribed by the President for each day together with necessary travel and subsistence expenses.

Sec. 4. If the agreement has not been reached within one hundred and fifty days, the Board shall make recommendations to the President, and the President shall advise the Congress, regarding terms or procedures which will assure final settlement of this dispute in the public interest and without further interruption of the continuity of transportation services by these carriers.

Sec. 5. (a) Upon suit by any of the parties to the aforesaid dispute or by the Attorney General the several District Courts of the United States shall have jurisdiction to restrain any violations of section 2 of this Joint Resolution. Whenever it shall appear to the Court before which any proceeding under this Section may be pending, that the ends of justice require that other parties should be brought before the Court, the Court may cause them to be summoned, whether they reside in the District in which the Court is held or not; and subpenas to that end may be served in any District by the marshal thereof.

(b) In granting an injunction or relief under this section, the jurisdiction of such court sitting in equity shall not be limited by the Act entitled "An Act to amend the Judicial Code, to define and limit the jurisdiction of courts sitting in equity, and for other purposes," approved March 23, 1932 (29 U.S.C. 101–115).

SEC. 6. If any provision of this Joint Resolution or the application thereof is held invalid, the remainder of this Joint Resolution shall not be affected thereby.

Mr. President, I wish to say that I am satisfied that the resolution he is offering is both constitutional and enforcible or I would not be offering it.

What it says, in effect, is that we are dealing with a regulated industry in which the public is entitled to protection. This resolution would give the public that protection.

There would be resumption of work, and upon a settlement, the wage provisions would be retroactive to January 1966. There is no one of the carriers who does not recognize that that will be necessary anyway.

They have already accepted the proposals of the emergency board to make the wage settlement retroactive to January 1, 1966. This resolution provides a procedure, although it covers 180 days, with 150 days for a public mediation board to work.

In my judgment, if this is adopted the case will be settled in a very short time. I do not predict how long, but far short of 150 days.

It seeks to give the parties their last chance to prove voluntaryism is precious to them in carrying out the responsibilities of collective bargaining.

We are going to have permanent legislation adopted in regard to the applicable emergency dispute section of the Taft-Hartley Act and also the Railway Labor Act, Mr. President, and I repeat for the benefit of the workers.

Let us face it. By adopting this resolution, you prevent the great danger of making some horrendous mistake in permanent legislation in the trying hours under which we are living as a result of this airline strike. The danger is that we may not do as wise a job as we would do if we passed emergency legislation and then proceeded with hearings on permanent legislation.

With regard to permanent legislation, let the record show that I have already introduced the resolution I offered on Friday, and I shall reintroduce the Morse proposal for settlement of disputant legislation which I have introduced since 1947 and in connection with which I pleaded on the floor of the Senate when the Taft-Hartley law was before it.

I always characterized that legislation under the heading of "Keep Them in Doubt" legislation. That legislation takes the position that you cannot have permanent emergency dispute legislation which permits either side to be able to figure out whether or not the application of the legislation would be to their benefit.

My proposed legislation is legislation that would provide for seizure and a requirement for a limited period of time on a mandatory decision that a board handed down. I shall not take the time to explain it as I have in speeches over the years. That is not compulsory arbitration in the sense that labor usually expects that it will be. We should have full hearings on that. This legislation requires only short hearings.

Let us face it. The Congress has a clear duty to the American people to pass emergency legislation that will end this strike. This legislation will do it in fairness to the parties, but it recognizes that both parties to the dispute have to put the public interest first, which is now paramount. The strike does not do that. They will have to look beyond the Mediation Board and voluntarily settle it between them.

The VICE PRESIDENT. The joint resolution will be received and appropriately referred.

The joint resolution (S.J. Res. 181) to provide for the settlement of the labor dispute currently existing between certain air carriers and certain of their employees, introduced by Mr. MORSE, was received, read twice by its title, and referred to the Committee on Labor and Public Welfare.

THE AIRLINES STRIKE

Mr. BREWSTER. Mr. President, the airlines strike has done intolerable harm to passengers and businessmen. It does not appear that continued bargaining will produce a solution—not now, anyway. The only answer is to enact legislation which will put the planes back in the air.

I strongly support the joint resolution introduced by the Senator from Oregon [Mr. MORSE], which would send airline employees back to work for 180 days, while further attempts to reach a settlement are continued.

I am as sympathetic as the Senator from Oregon is to the necessity for free collective bargaining. But there are times when the right of free collective bargaining must be subordinated to the public's right to an essential service. This is one such time.

I would hope that unions and management could reach some agreement during the 180 days provided by this joint resolution. If they cannot, then Congress will have to take further steps to insure that another crippling strike does not ensue.

The joint resolution would not penalize the unions, because any wage agreement would be retroactive to January 1, 1966. But the major beneficiaries would be the public, who have suffered for more than 2 weeks from this work stoppage. I urge all Senators to support the joint resolution.

Mr. DIRKSEN. Mr. President, I ask unanimous consent to introduce out of order a joint resolution to deal with the airline strike, and to address myself to it very briefly.

The VICE PRESIDENT. Is there objection? Hearing none, it is so ordered.

Mr. DIRKSEN. Mr. President, over the weekend I puzzled over the proposal of the distinguished Senator from Oregon [Mr. MORSE] to petition the court to throw these airlines into receivership and virtually to freeze their operation.

It looks to me that is going around Robin Hood's barn to find a solution to what we agree is a serious situation that has brought inconvenience to 231 cities in this country and 23 different countries.

I went back to what happened in August of 1963 in this body. There is a distinction, however, between this strike and what happened at that time, because actually the rail workers were not on strike. They had set a deadline, but prior to that deadline we did put legislation on the books.

It occurred to me that on an ad hoc basis—meaning for this time only—we could duplicate that pattern, and that was grounded on compulsory arbitration.

The President had sent up to us a proposal to determine this dispute over the Interstate Commerce Commission and seeking two interim solutions. That had no special appeal either for the House or for the Senate and, as a result, we worked our own will and when we got through we had approved a joint resolution for creating an ad hoc seven-man board—two to be appointed by the carrier, two to be appointed by the union, and they in turn to select the other three. If, perchance, they could not agree on the other three, then, of course, the President of the United States would fill up the gap. They were given authority, then, to arbitrate this difficulty and to compel both sides to agree and to go into Federal court for the purpose of enforcing the findings of the arbitration board.

There is a precedent for that. We did it once before, and it was successful. We provided that they both would go out of business at the end of 180 days. Inasmuch as the Senate and House had both worked their will on that legislation, there is precedent for it, and I think it is safer, therefore, to follow it.

Senators will appreciate that the bill actually passed the Senate by a vote of 90 to 2. Which shows how nearly unanimous the Senate was for it. It passed the House on the 28th of August 1963, but it was on a voice-vote basis.

I point out, of course, that they were not actually on strike. The late President Kennedy signed that bill just 6 hours before the strike deadline. But the board was selected. It went to work. I think it can do so all over again. There is no use undertaking a freeze, and inconveniencing a great many people and injecting a great deal of uncertain values into the picture.

Suppose we did have a receivership? What would be the impact on the market? What would be the impact on the airlines? What would be the impact on the stockholders? What would be the impact on the country generally, to take that view? And, what would be the precedent that would be established? If we had another major confrontation in the form of a work dispute, how easy it would be to say, "Let us throw them into receivership and then, of course, we can work our will on them and make them toe the mark."

I would far rather follow what we did 3 years ago next month in the form of ad hoc compulsory arbitration than to follow this other course, because it is too uncertain. It is too dubious. We are not at all sure that we are going to get results in time to terminate and minimize the damage that has already been done.

Therefore, Mr. President, I submit the joint resolution for myself. I have not asked anyone else to join me because the time has been all too short.

Mr. President, I ask unanimous consent that the joint resolution be printed in full in the Record.

The VICE PRESIDENT. The joint resolution will be received and appropriately referred; and, without objection, the joint resolution will be printed in the Record.

The joint resolution (S.J. Res. 182) to provide for the settlement of the labor dispute between certain carriers by air and certain of the employees, introduced by Mr. Dirksen, was received, read twice by its title, referred to the Committee on Labor and Public Welfare, and ordered to be printed in the Record, as follows:

S.J. Res. 182

Whereas the labor dispute between Eastern Air Lines, National Airlines, Northwest Airlines, Trans World Airlines and United Air Lines and certain of their employees represented by the International Association of Machinists and Aerospace Workers is disrupting essential transportation services of the Nation; and

Whereas it is essential to the national interest, including the national health and defense, that essential transportation services be maintained; and

Whereas all the procedures for resolving such dispute provided for in the Railway Labor Act have been exhausted and have not resulted in settlement of the dispute; and

Whereas the Congress finds that emergency measures are essential to security and continuity of transportation services by such carriers: Therefore be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That Eastern Air Lines, Inc., National Airlines, Inc., Northwest Airlines, Inc., Trans World Airlines, Inc., United Air Lines, Inc., and the International Association of Machinists and Aerospace Workers shall immediately return their relationship to the status existing on July 5, 1966, at which time, pursuant to the Railway Labor Act, they were prohibited from making changes in the terms of employment and from engaging in strikes or lockouts. They shall maintain that status, absent agreement among themselves to the contrary, pending arbitration as hereinafter provided and for the duration of any arbitration award hereunder, except as the award may direct or authorize.

Sec. 2. There is hereby established an arbitration board to consist of seven members. The representatives of the carriers and organization parties to the aforesaid dispute are hereby directed, respectively, within five days after the enactment hereof each to name two persons to serve as members of such arbitration board. The four members thus chosen shall select three additional members. The seven members shall then elect a chairman. If the members chosen by the parties shall fail to name one or more of the additional three members within ten days, such additional members shall be named by the President. If either party fails to name a member or members to the arbitration board within the five days provided, the President shall name such member or members in lieu of such party and shall also name the additional three members necessary to constitute a board of seven members, all within ten days after the date of enactment of this joint resolution. Notwithstanding any other provision of law, the National Mediation Board is authorized and directed: (1) to compensate the arbitrators not named by the parties at a rate not in excess of $100 for each day together with necessary travel and subsistence expenses, and (2) to provide such services and facilities as may be necessary and appropriate in carrying out the purposes of this joint resolution.

Sec. 3. Promptly upon the completion of the naming of the arbitration board Emergency Board No. 166, which was appointed by Executive Order 11276 dated April 21, 1966, shall furnish to the arbitration board copies of the record developed in open hearing before that Emergency Board and a copy of that Emergency Board's Report to the President, all of which shall be incorporated by reference into the record of the arbitration board appointed under this Resolution. The arbitration board is not bound to accept as conclusive fact either allegations in the record or the final Report of the Emergency Board, such allegations and conclusions being subject to independent or rebuttal testimony before the arbitration board, but the arbitration board shall give them all due consideration. The arbitration board shall make a decision, pursuant to the procedures hereinafter set forth, as to what disposition shall be made of those portions of the organization's notices of October 1, 1965, identified as "National Issues", and implementing proposals pertaining thereto. The arbitration board shall incorporate in such decisions any matters on which it finds the parties were in agreement, shall resolve the matters on which the parties were not in agreement and shall, in making its award, give consideration on those matters on which the parties were in tentative agreement. Such award shall be binding on both the carriers and the organization parties to the dispute and shall constitute disposition of the aforesaid issues covered by the decision of the board of arbitration.

Sec. 4. To the extent not inconsistent with this joint resolution the arbitration shall be conducted pursuant to sections 7 and 8 of the Railway Labor Act, the board's award shall be made and filed as provided in said sections and shall be subject to section 9 of said Act. The United States District Court for the District of Columbia is hereby designated as the court in which the award is to be filed, and the arbitration board shall report to the National Mediation Board in the same manner as arbitration boards functioning pursuant to the Railway Labor Act. The award shall continue in force for such period as the arbitration board shall determine in its award, but not to exceed three years from the date the award is issued, unless the parties agree otherwise.

Sec. 5. The arbitration board shall begin its hearings thirty days after the enactment of this joint resolution or on such earlier date as the parties to the dispute and the board may agree upon and shall make and file its award not later than ninety days after the enactment of this joint resolution: *Provided, however,* That said award shall not become effective until thirty days after the filing of the award.

Sec. 6. The parties to the disputes arising from the aforesaid notices shall immediately resume collective bargaining with respect to all issues raised in the notices of October 1, 1965, not to be disposed of by arbitration under section 3 of this joint resolution and shall exert every reasonable effort to resolve such issues by agreement. The Secretary of Labor and the National Mediation Board are hereby directed to give all reasonable assistance to the parties and to engage in mediatory action directed toward promoting such agreement. Failing agreement on such issues by the date the award is issued pursuant to section 5 hereof, they also shall be submitted to the arbitration board, beginning not later than ten days after the board delivers its award under section 5. The subsequent award on the remaining issues is due thirty days after the commencement of hearings thereon.

Sec. 7. (a) In making any award under this joint resolution the arbitration board established under section 2 shall give due consideration to the interest of the public, the carriers and the employees affected, giving due consideration to the record and recommendations of Emergency Board No. 166 appointed by Executive Order 11276 dated April 21, 1966.

(b) The obligations imposed by this joint resolution, upon suit by the Attorney General, shall be enforceable through such orders as may be necessary by any court of the United States having jurisdiction of any of the parties.

Sec. 8. This joint resolution shall expire one hundred and eighty days after the date of its enactment, except that it shall remain in effect with respect to the last sentence of section 4 for the period prescribed in that sentence.

Sec. 9. If any provision of this joint resolution or the application thereof is held invalid, the remainder of this joint resolution and the application of such provision to other parties or in other circumstances not held invalid shall not be affected thereby.

Mr. MORSE. Mr. President, two items, very quickly. I ask unanimous consent that the Committee on Labor and Public Welfare may meet at 2 o'clock to consider the resolution which I have submitted, as well as that of the Senator from Illionis [Mr. Dirksen], which he has offered in connection with handling this airline strike.

The VICE PRESIDENT. The Chair informs the Senate that earlier this morning unanimous consent was requested by the majority leader on this subject, and it has already been granted.

Mr. MORSE. Second, let me say that the joint resolution which the Senator from Illinois has submitted will go immediately to the committee, to be considered along with the other resolution. There are already differences of opinion on the merits urging adoption of the procedure that was adopted. The airline workers vehemently oppose ad hoc compulsory arbitration procedure in this particular case. I have already given the reasons why I think the question of receivership or no receivership, token seizure or no token seizure, should be considered in the full hearing in regard to permanent legislation along the lines of the proposal of the Senator from Florida, the Senator from New York [Mr. Javits], and others, but I am pressing now for emergency legislation that will put these men back to work and make it possible for them, under the procedure in my new resolution, to try to settle it by the application of the procedure of voluntaryism.

Mr. RANDOLPH. Mr. President, will the able Senator from Oregon yield?

The VICE PRESIDENT. The Senator from Indiana [Mr. Bayh] has the floor, under the unanimous consent request. Does the Senator from Indiana yield to the Senator from West Virginia?

Mr. BAYH. I am happy to yield to the Senator from West Virginia.

Mr. RANDOLPH. I should like to ask a question of the Senator from Oregon. As a member of the Committee on Labor and Public Welfare, is it possible for the Senator, as author of a resolution dealing with the airlines strike, to tell me what we are planning to accomplish today, in the full committee, rather than to first act in our Labor Subcommittee, of which the Senator from Oregon and the Senator from West Virginia are members.

Mr. MORSE. It is not our present intention to have the matter go to the subcommittee, but to go, first, to the full committee this afternoon at 2 o'clock. I have talked with the chairman, the Senator from Alabama [Mr. HILL], and he has authorized the sending of notices to members of the committee that the full committee will meet on this matter at 2 o'clock this afternoon.

Mr. RANDOLPH. Yes, I have received the notice. Is it the Senator's feeling that possibly it would be our responsibility to dispose of this problem this afternoon?

Mr. MORSE. That is my feeling—I do not know whether it is shared by other Senators—but I see no reason why my joint resolution, which I believe to be eminently fair and the one proposed for the ad hoc handling of this matter, should not be settled this afternoon, brought to the floor of the Senate tomorrow, and then have the committee proceed to set hearings for permanent legislation on emergency disputes.

Mr. RANDOLPH. The Senator from Oregon underscores the seriousness of this breakdown in our air transport system so vital to the economy of the Nation and the well-being of our citizens.

ORDER OF BUSINESS

Mr. BAYH. Mr. President, in getting unanimous consent to have my amendment No. 652 placed before the Senate, it was understood that it would be in order to discuss it now; is that correct?

The VICE PRESIDENT. That is correct.

Mr. BAYH. It is my desire to proceed with the consideration of the amendment by the Senate, as it has attempted to do with several other amendments for the past 2 or 3 days. Because of the fact that several other Senators have been advised of this, I felt compelled to get a unanimous-consent agreement to discuss it. However, because of the importance at this particular moment of the airline strike, and the Senator from Iowa [Mr. MILLER] has a brief message he wants to present, I am happy to yield to him now, but would ask Senators' tolerance that we would promptly proceed to this amendment dealing with the Vietnam steel purchases so that we can dispose of it.

I now yield to the Senator from Iowa.

Mr. MILLER. I thank the Senator from Indiana.

Mr. SYMINGTON. Mr. President, will the Senator from Iowa yield to me briefly?

Mr. MILLER. I do not have the floor.

Mr. BAYH. I am happy to yield to the Senator from Missouri.

Mr. SYMINGTON. Mr. President, in case I am not in the Chamber—at the time the distinguished Senator from Indiana brings up his amendment, I would say for the record that I have studied this problem in detail and believe the amendment to be both solid and constructive; and would hope it is adopted by the Senate.

I thank the Senator from Iowa for his courtesy, and the Senator from Indiana for yielding.

(At this point, Mr. MONTOYA took the chair as Presiding Officer.)

THE AIRLINES STRIKE

Mr. MILLER. Mr. President, with respect to the airlines strike, I am concerned not only about the seriousness of the strike but also about the possibility of Congress—particularly the Senate—taking very hasty action. There is comment going around that there will be a meeting this afternoon on a proposed piece of legislation and that it will be reported promptly and passed, before what I would regard as the proper attention being given to it.

I do not think we are necessarily forced into that position now. Before we go that route, it seems to me something should be done and will have to be done by the President of the United States personally. There are several avenues which could be followed if the President personally intervenes and calls the parties together with him and talks with them, so some modus operandi can be worked out, before we adopt such drastic action as proposed in the resolution of the Senator from Oregon.

Section 160 of title 45 of the United States Code establishes the basis for the creation by the President of an emergency board to investigate and report respecting a dispute between a railroad carrier and the union. Section 181 makes this provision applicable to air carriers, and it was under these two sections that the President appointed such an emergency board in the airlines dispute. It is well known that the senior Senator from Oregon was appointed to that board.

I am sure the Senator from Oregon knows that I know that he is an expert in labor-management relationships in this type of matter.

At the same time, I felt it was an error for the President to appoint a Member of Congress to that emergency board who might be a spokesman for a bill on the subject. There would be a suspicion, when this was done, that there existed a conflict of interest between one who was appointed as an impartial member and one who served as a lawmaker of the Nation.

Because of what is regarded by many as very drastic legislation introduced by the Senator from Oregon, there already is a feeling on the part of some people that, because the recommendations of the original Emergency Board were not accepted, together with his statement that the findings and recommendations of that Board were reasonable, that now this very drastic legislation is being introduced by him to force acceptance of the Board recommendations. I do not think that is good. Rightly or wrongly, the suspicion is there.

Section 160 of title 45 is not clear as to whether the President could appoint another emergency board. Perhaps he cannot, but, in any event, it seems to me one possible solution he could ponder would be to have the parties meet with him personally and perhaps meet with another emergency board to exchange their views and get them to accept the recommendations of such a newly appointed emergency board. I would suggest that any such emergency board should not include any Members of Congress or of the executive branch of Government, for the reason that I have given; namely, that they would have a dual role as a member of the board and as a member of the executive branch, because in the situation facing us, the President has power to push through almost what he wants.

I would hope the White House would give some attention to this suggestion.

The legislation proposed is very drastic. While it is not compulsory arbitration, it does involve forced operations, which seems to be in the same ball park. We may have to do that some day, but before we do, I think we should consider what I have suggested, which hopefully could prove to be a solution.

Mr. RANDOLPH. Mr. President, I ask unanimous consent to have printed at this point in the RECORD an article showing how important research at West Virginia University Hospital has been slowed by the airline strike.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

AIR STRIKE SLOWS RESEARCH AT WVU

MORGANTOWN.—The airlines strike has been blamed here for slowing the progress of Medical research.

Officials at West Virginia University Hospital have not been receiving their usual shipments of experimental animals, mainly rodents.

Dr. Dennis Kohn, a veterinarian at University Hospital, said that an Indianapolis supplier helped the situation last week by delivering 200 live mice by automobile.

TREATY OF AMITY AND ECONOMIC RELATIONS WITH THAILAND—REMOVAL OF INJUNCTION OF SECRECY

Mr. BAYH. Mr. President, as in executive session, I ask unanimous consent that the Senate remove the injunction of secrecy from Executive P, 89th Congress, 2d session, the Treaty of Amity and Economic Relations Between the United States of America and the Kingdom of Thailand, together with two exchanges of notes relating thereto, signed at Bangkok on May 29, 1966, and that the treaty, together with the President's message, be referred to the Committee on Foreign Relations, and that the President's message be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The message from the President is as follows:

To the Senate of the United States:

With a view to receiving the advice and consent of the Senate to ratification, I transmit herewith the Treaty of Amity and Economic Relations Between the United States of America and the Kingdom of Thailand, together with two exchanges of notes relating thereto, signed at Bangkok on May 29, 1966.

I transmit also, for the information of the Senate, a third exchange of related notes and the report by the Secretary of State with respect to the treaty.

The treaty will terminate and replace the Treaty of Friendship, Commerce, and Navigation signed on November 13, 1937. It is of the short, simplified type that the United States has negotiated with a number of countries, but it contains the general substance of the typical treaty of friendship, commerce, and navigation. Provisions regarding rights and privileges of consular officers are contained in an exchange of notes.

The stability and growing prosperity of Thailand, and its commitment to freedom despite political and military pressures from outside, make the future of that country a matter of particular interest to all who want peace in southeast Asia. The new treaty reflects the friendship and close cooperation between Thailand and the United States, particularly the determination of both countries to encourage trade and other contacts as a key element of economic growth and political understanding. The treaty records the acceptance by both countries of a body of principles designed to further their close relations along mutually beneficial lines.

The conclusion of the treaty is another important step by the United States in implementing its policy of extending and modernizing its commercial treaty structure and of establishing conditions favorable to foreign investment.

I recommend that the Senate give early and favorable consideration to the treaty and give its advice and consent to its ratification.

LYNDON B. JOHNSON.

Enclosures:

1. Report of the Secretary of State.
2. Treaty of Amity and Economic Relations, with related notes, between the United States and Thailand.

THE WHITE HOUSE, *July 25, 1966*.

FOREIGN ECONOMIC ASSISTANCE, 1966

The Senate resumed the consideration of the bill (S. 3584) to amend further the Foreign Assistance Act of 1961, as amended, and for other purposes.

Mr BAYH. Mr. President, now pending before the Senate is my amendment, No. 652, which deals with the return to the previous requirement for the purchasing of galvanized steel for use in Vietnam under the standard of 90–10 percent, which means the percentage that steel products used in South Vietnam would have to contain of the products originating in this country.

In fairness to the Senate, and because a number of questions have been raised by many of my colleagues on this subject, I wish to state my reasons for the amendment.

As early as January of this year, I was informed that AID served notice that it was going to terminate the 90–10 requirement.

In a letter to the Agency I inquired about its reasons for this. Receiving no satisfaction to my inquiry, I started an investigation on my own which disclosed the following facts.

First, exorbitant prices were being charged for the use of galvanized sheeting, ranging as high as $90 more than the normal price used in the area.

Second, we found that the quality of the steel was inferior. It was half as thick as the normal thickness required in the United States and it contained only half of the galvanizing required under standards in this country.

Third, we learned that the purchasing policy which was being followed was to purchase Japanese black plate, run it through Korean galvanizing mills, and ship it to Vietnam.

In December 1963, AID which was concerned about the abnormally large percentages of foreign aid purchases not containing this componentry, upheld a required componentry of 90–10. However, we found that the 90–10 componentry requirement was violated time after time. In December 1965, AID suspended purchases. In January it terminated the ruling, with the result that there was no strict requirement.

Galvanized steel is a very important product used in Vietnam. It is important in the pacification effort, which to many of us is as important as military victory. It is necessary for better living conditions. It is used for fencing, piping, and roofing for many homes in the villages and towns; so is greatly needed, extremely important.

We asked the General Accounting Office to look into the matter. After investigation GAO found that not only were the allegations correct, but were more serious than we had supposed.

The price was high. Quality was poor. Price fixing and kickbacks were the normal market practice of the day. In fact, Mr. President, the last bid taken was so patently fixed that AID finally suspended the purchases last December.

In fairness to AID officials, I should say that, when they finally got the message of what was happening, they were as distressed as I. I do not intend to imply that AID officials are dedicated to this type of procedure. Sometimes it is difficult for them to realize what is actually happening far away.

It seems to me that the main problem which has been confronting AID in the area of southeast Asia is the fact that they have not had enough capable administrators. For awhile, some half dozen or so administrators were trying to determine how we would handle several hundred million dollars worth of commodities. It seems that Congress has been a bit negligent in not seeing that AID was given enough funds to have the kind of topnotch assistants they need.

Not to lengthen the RECORD unnecessarily, Mr. President, but as a result of my concern, I asked the Senate to accept an amendment to the supplemental aid bill earlier this year. Although it was approved by unanimous consent, the House did not agree to it, and I did not feel inclined to hold up the bill with prolonged discussions after the provision was knocked out in the conference committee report.

Now AID has tried to make a suggestion which it believes would cope with the problem. It would provide for an inspection program, which it is claimed would do away with the faulty merchandise. As stated in a memorandum which AID circulated to us late last week, it is argued that the new rules would guarantee 50 percent or more of the orders for the product going to U.S. steel producers. Third, it proposes a rather complicated letter of credit system to prevent the loss of U.S. dollars, and thus lessen our balance-of-payments problem.

With all due respect to AID officials, who, I am certain, are conscientious, I nevertheless emphatically disagree with the ultimate impact of the AID proposal. Let us look at the three problems which it is contended that this new proposal would meet.

First, let us examine quickly the 50-percent guarantee to U.S. suppliers. This presumption is based upon the fact that all of the larger gages would be guaranteed to U.S. suppliers, with only the more narrow gages open to the competition of southeast Asia's steel suppliers.

On its face, this appears to be a very fair proposal, with obvious results as described in the AID memorandum. But anyone who has investigated the buying practices in southeast Asia can quickly see that the results anticipated would not be accomplished.

The major reason is that the South Vietnamese importers historically, in practice, have not purchased and will not purchase the gages of steel which are made in the United States. Most of our steel companies manufacture as their most narrow gage what is known as a 29-gage. A few companies make as narrow as a 30-gage; and we did have one company or two which made a 32-gage—which is extremely narrow—but because of imperfections involved in manufacturing this narrow gage or thin gage product, they soon terminated it.

What I am driving at, Mr. President, is that if they do not buy any of the thicker gages, they cannot buy any from the United States, because we do not make them as thin as they buy them.

Senators may say, "Why is it that the South Vietnamese buy such thin-gaged galvanized steel?"

It is very simple. They make more profit out of it, for two basic reasons. For one, the importer buys galvanized steel by the ton and sells it by the sheet. So commonsense will show that the thinner it is, the more sheets there are per ton, the more profit will be made in a ton.

Second, the more quickly it wears out, the sooner it will have to be replaced; and the thinner it is and the more poorly it is galvanized, the quicker it wears out.

So I believe that the procedure, as valid as it sounds on its face, as far as purchases are concerned, will result in the fact that few or no bids will be forthcoming on products which the United States produces.

As far as inspection is concerned, I do not doubt that inspection procedures could be worked out. An inspection team could be established to maintain the quality, but that would require added costs, added administration, and in the final analysis, the inspection of the finished product would be tied to the base material that is received.

Even if there is careful inspection of a thinner quality of galvanized material and determine that it meets the standards, there can be no argument about the fact that a thinner quality product will not last as long and will have inferior results in the field.

Third, let us look at the letter of credit proposal—which is, to me, a most important feature, because I am very much concerned about the detrimental effect of having an additional burden put on our gold or dollar outflow by increasing our blance of payments to the extent of $50 million. AID is cognizant of this problem, and it has established a program involving a tied letter of credit arrangement. Under this system all of the dollars spent for the purchase of these galvanized steel commodities will be tied in such a manner that they must be used in the United States to buy iron and steel products—lathes, wheels, reinforcement rods, and so forth. In this manner, it is argued that the dollars will not get away from the manufacturers in the United States.

But to do that, Mr. President, it means that every shipment of steel products that leaves the United States would have to be policed, not only when it leaves but when it arrives at the Asian port; likewise, there would have to be careful guard against any transshipment of these goods.

To me, that would be absolutely impracticable if not impossible. I can foresee the policy that will be followed by those very shrewd businessmen in Asia who receive a letter of credit tied to the purchase of U.S. steel products. They will buy the steel products from the United States, such as a shipload of lathes or machine tools, and they will transship it to some other place in the world which has a ready market for it, and sell it on the open market.

That practice would have two effects. First, it would take away a market that would ordinarily come to the United States in the first place; and, second, it would not protect us from our dollar loss on our balance of payments.

I suggest, as a remedy for the situation in southeast Asia, Mr. President, that we require—and my amendment would require—a simple restatement of the 90–10 componentry rule, which was in force and effect before January of this year. This would require, very simply, a 90-percent content of U.S. component parts for products that are purchased.

I noticed, in the memorandum that was circulated by AID, that it said that the Bayh amendment would merely set up a special program for a very limited number of suppliers.

Quite to the contrary, Mr. President, the 90–10 ruling is identically the same ruling that is used almost everywhere else in the world today. In fact, it is used in South Vietnam on almost all other products except galvanized steel. That product is an exception to the present rule being utilized by AID.

Return to the 90–10 componentry ruling is heartily endorsed by the American Iron and Steel Institute, the association of those who produce the iron and steel commodities on which we all depend in the United States.

It seems to me that a return to that rule would do three basic things. First, it would guarantee a return to a high-quality American product. Tests conducted in the field show that American galvanizing would last as long as 12 years, whereas, with some of the flimsy stuff AID has been buying, they are lucky if it lasts 1 year. Some of it does not even last 6 months. In fact, the GAO report shows some of it was rusted before it even came off the boat.

Second, the product would be purchased from the United States, thus benefiting domestic business and labor, with the resultant tax benefit to our Treasury.

Third, it would prevent an additional drain being placed on our balance of payments.

Mr. President, this amendment is not complicated. It is very simple. It merely means, if we agree to this amendment, that we are going to require the same standard for purchasing galvanized steel in Vietnam that is required everywhere else in the world.

Mr. **FULBRIGHT**. Mr. President, this is an extremely complicated amendment. It was offered on the floor of the Senate during consideration of the supplemental authorization earlier this year. It was accepted and taken to conference, where the House conferees were adamantly opposed, saying they had had no opportunity to consider it. It was, therefore, dropped in conference.

In connection with the pending bill, the amendment has been considered—and rejected—by both the House Foreign Affairs Committee and the Senate Foreign Relations Committee.

Under current AID procedures, half of the galvanized sheet bought for Vietnam is procured in the United States, and half in Korea. The Koreans are reimbursed, not in dollars, but in a special letter of credit which is valid only for the purchase of iron and steel products in the United States. I emphasize those products. That does not mean galvanized steel.

Thus, so far as the U.S. balance of payments and the U.S. iron and steel industry as a whole are concerned, the procurement in Korea has no net effect. It does, however, give Korean industry a chance to participate in supplying the Vietnam market, and there are felt to be important political reasons for doing this, especially in view of the fact that Korea has two divisions of troops in Vietnam.

There are some ways in which we can thank Korea for sending troops to Vietnam. This is one of them.

This amendment would, in effect, require that all galvanized sheet bought for Vietnam be procured in the United States. The amendment would hurt the Koreans. It would not help the U.S. iron and steel industry. It would help only a handful of galvanizing plants. It would help some particular segments of the industry, that is, the manufacturers or the dealers in galvanized sheet.

The total amount of money involved is $10 million—approximately half of the $20 million in annual procurement of galvanized sheet.

The measure is what I would call highly specialized legislation. The committee rejected the amendment. I reject it, and I hope that the Senate will not agree to the amendment.

Mr. **BAYH**. Mr. President, I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. **RANDOLPH**. Mr. President, the able chairman of the Committee on Foreign Relations inadvertently used the figure $10 million instead of $50 million. However, that can be developed with certainty in colloquy between the knowledgeable author of the amendment and the chairman of the committee. The amount is substantial as it affects business and labor in this country.

Mr. President, I support the amendment offered by my diligent colleague, the Senator from Indiana [Mr. BAYH].

In this situation I am intensely interested because the basic steel industry in the State of West Virginia provides many jobs. The employment of our steelworkers and many allied workers depends in large degree on the health and well-being of the steel industry.

Portions of the steel industry, of course, are engaged in different types of production.

I speak in behalf of the many small firms who employ fewer than 8 workers, as well as the large plants which employ from 400 to many thousands of employees.

There is one plant, the Weirton Steel Co., in West Virginia, which has approximately 12,000 employees. Wheeling Steel Corp. is another firm in northern West Virginia employing substantial numbers of workers.

As a member of the Select Committee on Small Business, I have been interested in, and from time to time have attempted to develop, answers to the hardships that are faced by the small business firms in the United States as they labor diligently to remain successfully within the competitive market.

We certainly are aware of the difficulties inherent in the establishment and maintenance of our small firm operations which employ from 1 to 50 or 60 workers at the most. The entire market, of which these small shops are a part, suffers under the impact of increasing imports that we cannot justify. It seems to me that purchases abroad by a branch of the U.S. Government which further adds to the strain of the present problems are intolerable. Thus, it is disheartening to learn that only 20 percent of the steel products being purchased with AID dollars are being bought here at home instead of the 90 percent purchasing percentage being allowed in the case of most other products. This is certainly disheartening to the Senator from West Virginia. Our steel and fabricating companies are being asked to hold the line on profits, and our steelworkers are being asked to hold the line on wage requests. Apparently we are turning abruptly around and awarding large steel purchases to foreign firms, the purchases being financed by American tax dollars paid by, among others, the workers and companies of which I speak.

I have attended the executive sessions of the Subcommittee on Labor when it was considering proposals in the area of fair labor standards legislation.

I make it quite clear and I think the administration generally is to be commended for its strong position on this measure. However, I do not understand what benefit it would be for members of our labor force if we were to enact minimum wage increases and adopt foreign aid purchasing policies which might ultimately lead to the loss of jobs for many workers in the steel industry in West Virginia and other States.

A further point has been made by the Senator from Indiana that this is not merely a provincial problem which is related to any one State, whether it be Indiana, West Virginia, or Pennsylvania—nor is this a one-industry problem relating to steel.

M. BAYH. Will the Senator yield?

Mr. RANDOLPH. I yield.

Mr. BAYH. Mr. President, in order to make this point abundantly clear, inasmuch as one of the arguments set out by AID dealt with the fact that this is a special privilege involving only one or two plants, I ask the indulgence of the Senator from West Virginia and of the Senate to read a telegram I received from Mr. John P. Roche, president of the American Iron and Steel Institute, an institute representing 95 percent of the steel industry. Let us see how special this interest is.

The telegram reads:

> Understand you yesterday introduced an amendment to S. 3584 and that a vote on this matter could occur soon. Accordingly, I wish to reiterate strong, enthusiastic support tendered this amendment by American Iron and Steel Institute, whose membership comprises over 95 percent of the domestic steel industry. AISI's members are constantly interested in any legislation which assures steel of highest quality for Vietnam, as well as benefiting the U.S. balance of payments and protecting jobs for American labor. Specifically, AISI's position was set forth in my letter to you of April 21, 1966, in which I stated: "In our judgment the interest of the domestic steel industry and the Nation will be best served by a reinstatement of AID's ratio of 90–10 as issued in January 1964."

Mr. RANDOLPH. Mr. President, I think it is an across-the-board matter and is not a specialized concern as seems to be indicated by opponents of the pending amendment.

Much has been said in this forum about the concern which we have in reference to the balance of payments. Americans have been asked to forego the pleasure of traveling abroad and to enjoy tourism here in the United States.

Again, I say that generally I think the administration acts correctly in this regard.

However, our balance-of-payments deficit for the first quarter of 1966 was $582 million. At the same time, the Council of Economic Advisers on steel prices, in its report to the President, made by the distinguished and capable Mr. Ackley, placed the adverse impact on the balance of payments of the steel export-import reversal of the U.S. steel trade between 1957 and 1964 at $791 million. If one takes into account the fact that we lose additional dollars through the shipping of these products, much of which is done by foreign-flag vessels, this figure reaches an estimated $873 million.

If we can ask our citizens to remain at home, to contribute their tourist dollars to the American economy rather than to economies abroad, Mr. President, surely we can expect our AID purchasing officials to follow the same guidelines.

I support the amendment of the Senator from Indiana, and I trust that a majority of Senators will agree to this valid proposal.

Mr. President, I hope I will be able to say after the vote on the amendment that the Senate locked into its developing version of the foreign aid authorization bill an amendment requiring that 90 percent of all steel and steel-product purchases for international development be bought in the United States. In terms of dollar volume perhaps such restriction on Agency for International Development purchases would not be as important as would be a sense of the Senate provision that more buying must be done at home in the interest of the domestic economy and our country's balance of payments.

With our steel industry and fabricating concerns experiencing more and more import competition from foreign mills and factories, a new 90-percent domestic purchase requirement in the AID measure would assume a new and helpful meaning for producers and steelworkers—fabricators and their workers—alike.

Mr. BAYH. The senior Senator from West Virginia, who has had long and fruitful experience in matters relating to the basic steel and related industries, and who is knowledgeable on the subject, has made compelling arguments for the amendment, and I express by appreciation and commendation.

Mr. President, I see that our distinguished colleague, the chairman of the Committee on Foreign Relations [Mr. FULBRIGHT] has left the Chamber. Even though he is not here to hear me, I should like to say that no one in the Senate has a greater respect for him and his ability than I. Indeed, he is the No. 1 student of the foreign aid program and the foreign aid bill. He is an expert in this area.

However, when we speak of the expenditure of $7 billion in intricate programs, it is easy for me to see why some of the information which has been supplied to the Senator from Arkansas—which apparently has not been double checked—does not compare favorably with the facts of the situation as disclosed in the GAO report and the actuality of what AID wishes to do.

The Senator from Arkansas has suggested that this would guarantee one-half of the steel being purchased from U.S. steel firms. If I could be sure of that, I would be tempted to say, "All right, I will buy half an apple and will be willing to let the other half go which still has a worm in it," although I did not like the process they were following.

However, when we look at the way in which the memo is worded—all Senators apparently received a memo, hand-carried to their offices—it states that the United States would be guaranteed the purchase of all the bigger gages. The point is, however, that the Vietnamese do not now buy any thick-gage material. The importers buy the thin, flimsy stuff that gives them more profit per ton. As I mentioned a moment ago, they buy it by the ton and slice it thin. The thinner they slice it, the more profit.

Consider the orders for galvanized steel that have been forthcoming. Very few orders at all have been received from South Vietnam for the type of gage up to 29—a few steel companies have ordered 30—which is made in the United States. Most of the gages ordered are 31, 32, 33, and 34, and some of it is as thin as 35 gage. So I do not see how this proposal will guarantee that the United States gets any part of the market at all.

The letter-of-credit proviso, to which I alluded before, is an ingenious device, if we can trust everyone to deal above the board. It says we do not give you dollars; we give you a $1 million letter of credit, with which you have to come to the United States and buy iron and steel products. It seems to me that the very ingenious southeast Asian businessman will take that letter of credit, come to the United States, and buy $1 million worth of lathes or railroad track. But that does not mean they will be used in southeast Asia or any place else in Asia. He can transship those goods to any place in the world, get dollars in exchange, and use those dollars in any way he wishes.

This procedure presents a loophole big enough to drive a truck through.

I should like to state categorically that I am extremely appreciative of the effort that our Korean friends are making to turn back the common enemy in South Vietnam. AID is saying that galvanized steel must be purchased in this way in order to keep the troops of Korea in South Vietnam. Frankly, I believe our brothers in South Korea are more dedicated to fighting communism—they have been fighting it a long while—than to permit the purchase of several million dollars' worth of steel determine where they will send their troops.

Even if this were the case, the record shows that these component rules have been violated ever since 1963, and no troops were there then.

The amendment proposed by my colleagues and myself would not prevent steel from being bought from Korea. American black plate could be shipped to Korea, the Koreans could galvanize it, and then it could be sent to South Vietnam. However, the amendment would prohibit Japanese black plate being galvanized in Korea and being sent to Vietnam.

I do not wish my effort to be interpreted in any way as being unappreciative of what the Koreans are doing. We are dealing with about $50 million of galvanized products in this fiscal year, about $90 million worth in the next fiscal year.

Although I have been in the Senate only 3½ years, I have spoken about this with several Senators who have been involved in the foreign aid program for many years. The AID Administrator states that his Agency will guarantee that the maximum amount of products is purchased in the United States. It seems to me that Congress should stipulate in the act itself that the 90-10 component be maintained in this specific case of galvanized steel

If we lower the bar here, I am extremely concerned about what will happen with other products.

I am not a conservative trade man, and in general favor free trade. But when we talk about aid, about giving assistance to foreign nations, I do not make any apologies for the fact that I wish to do everything possible to see that the product is bought at home, before it is given away, so that it can benefit our economy. By the same token, the evidence is crystal clear that they would get a better quality product. Thus, the true intention of the AID program is better followed through, because they would not be getting inferior goods.

Mr. FULBRIGHT. For the record, I do not pretend that I have been out and hastily checked these figures. On May 12, Mr. Gaud who is the new Director stated before the Committee on Foreign Affairs of the House:

> Galvanized sheets are one of the principal items financed by the Vietnam commercial import program—approximately $20 million is the estimate for fiscal year 1966.

That is the year, of course, which has just passed. It undoubtedly will be larger in fiscal 1967. The whole operation is somewhat larger.

The information from AID is this: About a year ago, U.S. businessmen got 2 percent of this business. Due to a change in AID procurement procedures, they now make about 50 percent of these sales, and 50 percent go to the Koreans. Those changes were made in order to meet objections raised by some who are interested in the proposed amendment. But the AID people now say that 50 percent goes to U.S. business and 50 percent to the Koreans.

Mr. BAYH. Mr. President, will the Senator yield?

Mr. FULBRIGHT. I yield.

Mr. BAYH. In the absence of the Senator, I said that no one respects the Senator's expertise in the area of foreign aid more than I. The Senator is a worthy colleague and a trusted friend, one whose advice I willingly seek.

However, I have spent a number of months digging out some of the facts on this subject, attempting to determine for myself right versus wrong. I wish the Senator would let me have the benefit of his knowledge as to how this aid program will guarantee 50 percent—or any percent—for American businessmen.

Mr. FULBRIGHT. I do not wish to mislead the Senator. I am not an expert, particularly in galvanized sheet. I can only relate to the Senator the information the Director and the AID people have given us. I do not know why they would want to mislead the committee on facts of this kind. The Senator is saying that they are misleading the committee or are ignorant of what is going on.

Mr. President, in order to clarify the issue, I ask unanimous consent that the entire statement of Mr. Gaud be printed in the Record at this point.

There being no objection, the statement was ordered to be printed in the Record, as follows:

STATEMENT OF HON. WILLIAM S. GAUD, DEPUTY ADMINISTRATOR, AGENCY FOR INTERNATIONAL DEVELOPMENT, BEFORE THE HOUSE FOREIGN AFFAIRS COMMITTEE, MAY 12, 1966

Mr. Chairman and Members of the Committee: As you know, over 90% of all the commodities, financed by the Agency for International Development are now bought in the United States. This is in sharp contrast to the situation which existed in 1960, when only 41% were bought here.

The problem which is now before you arises out of the less than 10% of our commodity purchases which are made overseas. More specifically it arises from our commercial import program in Vietnam, which accounts for the bulk of our offshore procurement.

The commercial import program provides Vietnam with dollars to finance the importation of essential goods required by the Vietnamese in excess of their own foreign exchange capabilities. These imports absorb the greatly expanded market demand resulting from the war effort which, if not met, would create dangerous inflation. The imported goods are paid for by Vietnamese businessmen, and then sold in local currency.

Galvanized sheets are one of the principal items financed by the Vietnam commercial import program—approximately $20 million is the estimate for FY 1966. They are used by the Vietnamese primarily for roofing.

Beginning in 1963, Korean galvanizers developed a substantial market for these sheets in Vietnam, using Japanese blackplate as a basic component. In June 1963, for balance of payments reasons, A.I.D. adopted a "componentry rule" restricting to 30% the material in finished products which could come from a source other than the supplier country or the United States. In January 1964, again for balance of payments reasons, A.I.D. adopted a 90/10 componentry rule which restricted to 10% the material which could come from a source other than the supplier or the United States.

This ruled out the use of Japanese blackplate. A Korean galvanizer who attempted to use United States blackplate found he could only sell his galvanized sheets at a loss.

In May 1965, the Koreans worked out a new procedure which they asserted complied with the A.I.D. componentry rule. Under this procedure they bought United States iron and steel scrap and in effect bartered it to Japan to pay for most of the cost of Japanese blackplate which they then galvanized and sold to Vietnam. After extended discussions, we told the Koreans that this did not meet the 90/10 rule. We therefore ordered suspension of procurement of galvanized sheet from Korea on November 1, 1965.

This suspension came just at the time that the Korean Government sent its Tiger Division to fight in Vietnam. In February 1966, the Vietnamese Government asked for a second Korean Division, plus a combat brigade. Shortly thereafter the Korean Government agreed to send these additional troops to Vietnam.

The Koreans have for several years been mounting an intense export drive, which is reducing their need for U.S. aid. They are naturally eager to maintain and expand their sales to Vietnam.

We believe—and we acknowledged to the Korean Government—that it is reasonable for Korea, a developing country and an ally which will soon have 40,000 troops in Vietnam, to have an opportunity to compete for some of the U.S.-financed procurement supporting the war effort. Galvanized products represent at least three-fourths of Korea's present total exports to Vietnam. This is business that Korea has had. Enforcement of A.I.D.'s 90/10 componentry rule would have cut off this business at a most inopportune time. We therefore decided to adopt a new procedure for the procurement of galvanized sheets which would permit Korea to bid for the business—if they got it—to be paid in dollars which could only be spent in the United States for iron and steel products or a limited amount of steel scrap. To assure competition, we offered the same opportunity to several other Far East countries as well as the U.S. industry.

When we announced this new procurement policy Senator Bayh raised several objections. He cited information indicating that the quality of galvanized sheet from Far Eastern sources had been poor, and that prices paid were higher in some instances than appeared reasonable in the light of the supplier's costs. He also urged us to reinstate the 90/10 componentry rule which would have prohibited the use of Japanese blackplate and instead to require the use of U.S. blackplate by Far Eastern galvanizers.

We undertook investigations on these three issues and other aspects of the problem. During these investigations and up to the present time we have not financed any galvanized sheets under the procedure challenged by Senator Bayh.

Our investigation confirmed that many of the sheets had been of poor quality. This resulted primarily from inadequate specifications provided by Vietnamese importers. We now intend to deal with this deficiency by eliminating thinner gauge sheets and by requiring zinc coating meeting U.S. commercial standards as defined by the American Society for Testing and Materials. We also will require that an independent testing agent certify compliance with these standards at the source prior to shipment to Vietnam.

With respect to prices, we found indications of possible collusion and kick-backs by suppliers to Vietnamese buyers. Our new rules will guard against this in several ways. We will require that procurement invitations and awards be managed by a single Vietnamese authority with official U.S. participation, so as to prevent contact between supplier and buyer. We also will set reasonable price ceilings above which awards will not be made.

With respect to source, we have considered three alternatives: requiring procurement only from the United States, or requiring the use of U.S. blackplate, or requiring that procurement be split between U.S. and Far Eastern suppliers.

We concluded that a shift to total U.S. procurement would not only deny Korea the opportunity to bid but also would greatly increase the cost of galvanized sheets at a time when we are trying to check inflation in Vietnam. Our cost analysis indicated that if we insisted on the use of U.S. blackplate, Korean suppliers could not deliver galvanized sheets to Saigon at prices competitive with U.S. galvanized sheets. Consequently, this alternative would exclude Korea from a chance to compete unless we barred U.S. galvanizers from competition. This we are not prepared to do.

The third alternative was to require that some part of the business be directed exclusively to the United States. We have decided to adopt this alternative, requiring that at least half of the galvanized sheet by value be bought from the United States. To the extent that Far Eastern countries obtain the other half of the business, they will be paid in dollars which can be spent only in the United States and only for iron and steel products including machinery, but excluding scrap.

Thus, although United States industry will not be guaranteed all of the Vietnamese market for galvanized sheet, it will get at least half directly and will get indirectly an amount of business equal to the remainder through sales of other iron and steel products to the countries earning these tied A.I.D. dollars.

Attached to this statement is a detailed outline of our new procedure. In summary, it will insure that:

1. All A.I.D. dollars spent on galvanized sheets for Vietnam will remain in the United States and be spent on U.S. iron and steel products.

2. U.S. galvanizers will obtain 50% of the galvanized sheet business and will be eligible to compete for 100% of it. U.S. iron and steel and machinery manufacturers will ultimately receive business on the balance through tied letters of credit.

3. Eligible Far Eastern countries (Korea, Philippines, Singapore, Taiwan and Thailand) will be able to compete for 50% of the business and use blackplate from any Free World source galvanized by them. These countries will be paid not in free dollars, but in a specially restricted tied letter of credit which can be used only for the purchase of U.S.-produced iron and steel products, including machine tools.

4. U.S. "commercial" grade quality standards will be required as a minimum from all sources, with independent inspection before shipment.

5. We will finance only U.S.-produced gauges, up through 31.

6. We will insist on procurement on an aggregate basis, managed by a Vietnamese Government authority with U.S. Government participation in the award decisions.

7. A.I.D. will not finance purchases at prices above those it determines to be reasonable.

8. Existing offers made to Vietnamese importers will be rejected, and all new business will be conducted on the basis of our new procedure.

We believe the revised procurement arrangements are fair and meet our various objectives. We will keep this matter under constant review, and will adjust our procedures as may be necessary to protect U.S. interests. We do not believe that a highly complicated and technical administrative matter such as this should be dealt with by legislation.

I will be glad to respond to your questions.

GALVANIZED SHEET PROCEDURE

The following procedure has been devised to meet the criteria for supply of galvanized iron and steel sheet:

1. Quality must be acceptable to U.S. standards.

2. Price must be reasonable and honestly competitive.

3. Fifty percent of the dollar value must be from U.S. sources.

4. Far East suppliers must have an opportunity to make offers but if successful will receive payment in letters of credit requiring all dollar earnings be spent in the U.S. for iron and steel products and machine tools.

It is proposed that:

1. All Vietnam commercial import requirements of galvanized iron and steel sheet shall comply to ASTM Specification A-525-64T under coating class designated as 1.25 oz. commercial, subject to inspection at source by an independent inspection company.

2. No sheet thinner than gauge 31 shall be eligible for A.I.D. financing.

3. Procurement of galvanized iron and steel sheet shall be under formal bidding, the sealed bids to be opened in the presence of an A.I.D. observer, but otherwise privately.

4. The Director of Commercial Aid will aggregate requests for quotations received from Vienamese importers and divide them into two gauge groups as nearly as possible equal in dollar value. He will then issue two invitations for bid:

(a) U.S. only for the thicker (lower numbered) gauges, and

(b) U.S. and eligible Far East sources for the thinner group. All Far East suppliers would be paid on basis of Small Business Memo 64-4A-26, March 29, 1966, including the restricted tied letter of credit except that scrap would be eliminated as eligible commodity under the tied letter of credit and from the blacksheet requirement.

5. Invitations for bids will require that each bidder forward:

(a) One set of sealed bids to DCA.

(b) One duplicate set of bids to A.I.D., Washington, D.C.

6. The DCA will receive offers, open bids in private, but with USAID/Vietnam present, tabulate and evaluate prices and quantities.

7. When the bids are received A.I.D. will furnish to DCA a confidential ceiling price established for each gauge on the date bids are due or thereafter. Any Far East bidder's price quotation in excess of this pre-established ceiling will be automatically rejected.

8. The DCA will quote prices by gauge and secure confirmation and earnest money from each Vietnamese importer of the total tonnage of each gauge he will accept. The DCA will not then disclose suppliers or source countries.

9. On basis of these confirmed tonnages, the Director of Commercial Aid will:

(a) Determine lowest cost offers.

(b) Allocate not less than fifty percent of the dollar value of the total business to low bidder among the U.S. bidders.

(c) Allocate balance to low bidders among the Far East suppliers. In the event that there are insufficient U.S. bids to total half the business, the DCA shall award to Far East bidders an amount not exceeding the amount awarded to the U.S. A second bid invitation, again split 50-50, may be required. In order to balance U.S. and Far East awards, the DCA may split a gauge between sources. If so, he will average or blend the prices and split the sheet supplied each importer.

(d) Open letters of credit in favor of successful bidders, including among provisions of the letters of credit:

(1) Instructions to suppliers to consign shipments to DCA.

(2) Requirements for an inspection certificate from an independent inspection company if merchandise originates in a non-U.S. source country.

10. After contractual arrangements have been completed, including issuance of letters of credit to successful bidders, all participating bidders will be sent copies of notices of awards. Such notices will be publicly displayed by the DCA and will be furnished to USAID/Vietnam in sufficient copies for transmittal of one set to A.I.D., Washington, D.C.

11. When shipments have been made by the suppliers, DCA will notify participating importers in a timely manner of the anticipated arrival of the merchandise, will arrange for deposit of balance of counterpart to the extent this deposit has not already been covered by payment of earnest money, and license assignment of the merchandise to the importers following clearance through customs.

12. USAID/Vietnam would advise GVN and importers that if irregularities are found in this procedure, we reserve the right to insist on U.S. procurement authorities handling entire import of galvanized sheet.

Mr. FULBRIGHT. The letter of credit I mentioned, which is given to the Koreans, enables them to make purchases in the United States. It is true that some machine tools have been purchased. They are not limited purchases of galvanized sheet.

It does not have to be any particular kind of steel but can be steel products. Tools are made from steel. If their purchases were all machine tools, they would involve higher value from specialized labor than from the raw steel content.

But that is generally what the provision of their letter of credit requires. They must purchase an equivalent amount in steel or steel products in this country.

If the Senator is saying that in spite of the regulations and procedures, it is possible for very sharp individuals to get around them, I am not in a position to deny it. I do not have any expertise that would make me believe that this is not impossible. I do not know of anything in the law that cannot be evaded by a sharp lawyer.

AID reported that they are doing the best they can do to protect the legitimate interests of our steel people. They do not believe that our galvanized sheet people are entitled to all of this business.

The Koreans are participating in this procurement program to some extent because they are supplying troops in South Vietnam. This is one of the indirect ways to show our gratitude. There are other ways.

We also provide them with direct assistance.

I think that AID's position is clear, and I am not in a position to say that AID is not dealing direct.

Mr. BAYH. That is a difficult thing for me to say.

Mr. FULBRIGHT. The Senator just about said that.

Mr. BAYH. I am about to say.

Mr. FULBRIGHT. Yes.

Mr. BAYH. But I am going to be very careful not to. I am going to try to phrase it in such a way, as I said earlier, that, because they have been undermanned and oversupplied, at least they have not had enough capacity——

Mr. FULBRIGHT. Who is undermanned? AID?

Mr. BAYH. My position is that the major reason we got into this problem in Vietnam is that for some time AID had approximately six experts there on this whole program.

Mr. FULBRIGHT. They are not undermanned generally. Does the Senator know how many people they have?

Mr. BAYH. I am not an expert on this matter, and have been trying to learn about only a small area of a vast operation.

The 50-percent proposal, so far as purchases are concerned, as I said a moment ago, completely overlooks the fact that this is not going to insure one-half of the market for the United States. The memorandum does not appear to explain that this thin product is not purchased in the United States. If the United States does not make it, I do not know how we can sell it.

Mr. PASTORE. There is a matter that concerns the Senator from Rhode Island and it is this. I assume Vietnam needs a certain amount of tonnage of this steelplate. I understand they use it for roofing.

Mr. BAYH. And galvanized piping.

Mr. PASTORE. Is it not true that under the present system the Vietnamese are able to buy this steelplate cheaper than if they were forced to buy it from the American market? Is that not correct?

Mr. BAYH. That is not correct.

Mr. PASTORE. Does the Senator mean that this transaction in which they are now indulging does not furnish this steelplate cheaper than if they were compelled to come to the American producer?

Mr. BAYH. The only specific example which we have is several shipments made by an American steel company—I think it was Granite City. Granite City decided to try to produce thin plate for this market. They found that there were so many imperfections they could not meet the standard and it was not worth going into again.

Mr. PASTORE. We went into this in committee but not in the same depth as the distinguished Senator from Indiana. But we took this matter up in considering the supplemental appropriation bill last year.

Mr. BAYH. The distinguished Senator from Rhode Island is to be complimented and I wish to compliment him for the judgment he has shown.

As I read from the replies given by one of the AID officials appearing before the committee, it made the hackles stand on the back of my neck.

Mr. PASTORE. I was merely trying to get the facts. I would like to be corrected if I am in error.

In speaking with representatives of the AID program we were made to understand there is a differential in price. That is to be understood. I have had that condition before me in the textile industry. I am not defending that one iota.

I understand they made a certain amount of this steelplate, and if they cannot buy it cheaper, as they are now, they could either use their own foreign currency or foreign exchange to buy it at a cheaper price or we would have to increase our aid grant to them to buy enough of this plate.

I would like to have the Senator's reaction on this.

Mr. BAYH. From the facts and figures we have from both the American iron and steel industry and from the individual firms, there was some question when we first started inquiring into this whether American industry could meet this demand. However, we have learned that they can supply the required amount on 90 days' notice the same as to everybody else; and second, at a cost which would be within a dollar or two and sometimes cheaper.

It is my understanding that American companies could ship in galvanized steel at the same cost as the Japanese, Koreans, and South Vietnamese.

I do not wish to mislead the Senator from Rhode Island. If the other alternative were followed, of getting American black plate, instead of galvanized, shipping it to Korea, and having it galvanized there, it would cost more. It would cost approximately $120 a ton in Korea as compared to approximately $150 in the United States to galvanize it.

But the United States can lay down in Saigon a much better quality product and might be able to do it a little cheaper. It would cost about the same as sending the Japanese steel to Korea for galvanizing and then down to Saigon.

AID has been purchasing an inferior commodity; it does not help greatly when these products are put to use one year and have to be replaced in a comparatively short time.

Mr. PASTORE. Did the AID agency admit that situation?

Mr. BAYH. I must say that it has been difficult for me to get AID to admit anything. It seemed necessary to have the Accounting Office go in and subpena the files.

Mr. PASTORE. When did the Senator do that? Was that subsequent to the hearing we had?

Mr. BAYH. Yes; after the hearing. The thing that made me doubly unhappy was that certain things given to the Senator from Rhode Island were given to me through the Government report, through AID figures.

Regarding the French report that had been made, it is a part of that classified document. As I pointed out earlier, looking at what this commodity will really cost, I think we have to take into consideration how long it is going to last.

I will read into the RECORD parts of the French study. This is not classified.

Mr. PASTORE. I would only hope that the Senator from Indiana could put documents in the RECORD showing that we could sell a better quality at a better price. If he has those figures I would be interested in any statement that would establish that fact.

Mr. BAYH. I do not have the exact figures. I have been told this and I believe them to be correct.

I shall read excerpts from the French report:

> Most of them were complaining about short life of the sheets they have bought, chiefly during the rainy season. Owing to a rather low quality of material and often defectous coating, all sheets used as roofs or fences are quickly losing their brightness, then attacked by rust and must be replaced within a shorter period than with iron sheets of western origin.
>
> * * * * *
>
> * * * all consumers we approached were unanimous to agree upon the fact that the price they pay for Korean sheeting is less than ever justified by the latter's quality and durability.

Mr. PASTORE. That is the GAO report?

Mr. BAYH. The French report, but it is a GAO report. This was in the AID files when the GAO at my request started investigating.

It points out further:

> It is common knowledge that Korea factories are using raw iron originating from Japan, where the same product is processed chiefly from salvaged scrap and therefore gives a lower quality milled product.

In regard to the prices of commodities, we not only have to consider the prices paid, but also the fact that if we buy the commodities in the United States they will last 12 years, when the record shows that they will last only 6 months to 12 months if we buy them through the other route.

Mr. President, I have no further substantive comment to make.

I do wish, however, to state my appreciation to a number of Senators for associating themselves with me in this amendment and to Senators SYMINGTON, RANDOPLH, and HARTKE for their statements in its support.

Mr. HARTKE. Mr. President, I wish to add my support to the amendment offered by my distinguished colleague from Indiana [Mr. BAYH].

I have followed his progress on this issue closely, and I must commend him for the creditable job he has done in bringing it to the attention of not only the American public, but also the Senate. I, too, have an interest in the balance-of-payments positions of the United States and the part that steel plays in it. The Committee on Finance recently completed hearings on my resolution, Senate Resolution 149, which calls for an in-depth study of the effects of steel imports. One of the facts brought out in those hearings was that our deficit trade balance in steel accounted for 68 percent of our balance-of-payments deficit.

It is inconceivable to me that an agency of the Federal Government, in this case the Agency for International Development, should pursue a policy that directly adds to our balance-of-payments deficit. It was my understanding from listening to speeches by the President, Treasury Secretary Fowler, and Commerce Secretary Connor that one of the primary goals of this administration was the solving of our balance-of-payments deficit. It seems to me a shame that the Senate should have to devote its valuable time and effort to seeing that Federal agencies under the direct control of the administration should be forced through legislation to follow the policies of that administration.

I know of the effects of the flood of Japanese steel imports on the domestic steel industry of the United States; I know the effects of foreign cartels in allocating American markets and in fixing the prices of steel to be imported into the United States; and I will soon know the effects of our good ally, the West Germans, who have just seen fit to underwrite the sale of a steel-rolling mill to the Communist Chinese—steel that could very soon find its way into the bodies of our boys fighting in Vietnam.

With this as a background, I just cannot see why the Agency for International Development continues to follow the policy of buying steel from foreigners for our war effort in Vietnam. I therefore charge that it is the duty of the Senate to adopt the amendment under discussion.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Indiana (No. 652).

On this question, the yeas and nays have been ordered; and the clerk will call the roll.

The legislative clerk called the roll.

Mr. LONG of Louisiana. I announce that the Senator from Tennessee [Mr. Bass], the Senator from Nevada [Mr. Cannon], the Senator from Pennsylvania [Mr. Clark], the Senator from Tennessee [Mr. Gore], the Senator from Arizona [Mr. Hayden], the Senator from Alabama [Mr. Hill], the Senator from Missouri [Mr. Long], and the Senator from New Jersey [Mr. Williams] are absent on official business.

I also announce that the Senator from Connecticut [Mr. Dodd], the Senator from Arkansas [Mr. McClellan], the Senator from New Hampshire [Mr. McIntyre], the Senator from Maine [Mr. Muskie], the Senator from Oregon [Mrs. Neuberger], the Senator from Rhode Island [Mr. Pell], the Senator from South Carolina [Mr. Russell], and the Senator from Florida [Mr. Smathers] are necessarily absent.

I further announce that, if present and voting the Senator from Nevada [Mr. Cannon] would vote "yea."

On this vote, the Senator from Pennsylvania [Mr. Clark] is paired with the Senator from Oregon [Mrs. Neuberger]. If present and voting, the Senator from Pennsylvania would vote "yea," and the Senator from Oregon would vote "nay."

Mr. KUCHEL. I announce that the Senator from Colorado [Mr. Allott], the Senator from Michigan [Mr. Griffin], and the Senator from Kansas [Mr. Pearson] are necessarily absent.

The Senator from Kansas [Mr. Carlson] is absent on official business.

The Senator from Pennsylvania [Mr. Scott] is absent because of illness.

The Senator from Texas [Mr. Tower] is detained on official business.

If present and voting, the Senator from Colorado [Mr. Allott], the Senator from Kansas [Mr. Pearson], the Senator from Michigan [Mr. Griffin], and the Senator from Pennsylvania [Mr. Scott] would each vote "yea."

On this vote, the Senator from Texas [Mr. Tower] is paired with the Senator from Kansas [Mr. Carlson]. If present and voting, the Senator from Texas would vote "yea," and the Senator from Kansas would note "nay."

The result was announced—yeas 64, nays 14, as follows:

[No. 150 Leg.]

YEAS—64

Anderson
Bartlett
Bayh
Bennett
Bible
Boggs
Brewster
Burdick
Byrd, Va.
Byrd, W. Va.
Case
Church
Cotton
Curtis
Dirksen
Dominick
Douglas
Eastland
Ellender
Ervin
Fannin
Fong
Gruening
Harris
Hartke
Holland
Hruska
Jackson
Jordan, N.C.
Jordan, Idaho
Kennedy, Mass.
Kennedy, N.Y.
Kuchel
Lausche
Magnuson
McGee
McGovern
Metcalf
Miller
Mondale
Monroney
Montoya
Morse
Morton
Moss
Murphy
Nelson
Prouty
Proxmire
Randolph
Ribicoff
Robertson
Russell, Ga.
Simpson
Smith
Sparkman
Stennis
Symington
Talmadge
Thurmond
Tydings
Yarborough
Young, N. Dak.
Young, Ohio

NAYS—14

Aiken
Cooper
Fulbright
Hart
Hickenlooper
Inouye
Javits
Long, La.
Mansfield
McCarthy
Mundt
Pastore
Saltonstall
Williams, Del.

NOT VOTING—22

Allott
Bass
Cannon
Carlson
Clark
Dodd
Gore
Griffin
Hayden
Hill
Long, Mo.
McClellan
McIntyre
Muskie
Neuberger
Pearson
Pell
Russell, S.C.
Scott
Smathers
Tower
Williams, N.J.

So Mr. Bayh's amendment was agreed to.

Mr. BAYH. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. RANDOLPH. Mr. President, I move to lay that motion on the table.

The PRESIDING OFFICER (Mr. Byrd of Virginia in the chair). The question is on agreeing to the motion to lay on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. Under the agreement, the amendment of the Senator from Kentucky [Mr. Cooper] is now in order.

Mr. COOPER. Mr. President, the amendment which I offered last Friday is the pending business. As Members of the Senate will remember, the purpose of this amendment is to authorize a 2-year authorization for development loan funds for the Alliance for Progress.

I have had two requests that I yield for brief statements, one by the Senator from New York [Mr. Javits] and one by the Senator from South Dakota [Mr. Mundt].

So, Mr. President, I ask unanimous consent that I may be permitted to yield to each of them for 5 minutes, and that I may then speak again, and that it will not be charged as a second speech on my amendment.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

THE AIRLINES STRIKE

Mr. JAVITS. Mr. President, I asked the Senator from Kentucky to yield briefly only because we face an emergency—the airlines strike—and I think I am something of a factor in what we do about that emergency. I wish to state my views of record to the Senate prior to an executive session of the Committee on Labor and Public Welfare, which will be held this afternoon. As I am the ranking minority member of that committee, I felt justified in breaking into the debate very briefly for this purpose.

Mr. President, I am opposed to compulsory arbitration. That alternative seems to be the one which is being suggested as a solution to this dispute, and in a sense also as permanent legislation.

That suggestion seems to me to be counterproductive, Mr. President. It will result in making all collective bargaining just a holding operation, until the arbitration board or the court gets around to issuing an order establishing what the wages and working conditions should be.

Mr. President, compulsory arbitration has been traditionally inimical to the interests and wishes of both labor and management. Neither has wanted to replace collective bargaining with some kind of governmental decree or fiat by some labor court or governmental commission. We were in a flap, at the very last minute, on the 1963 firemen's and enginemen's dispute, and for practical purposes we decided in favor of compulsory arbitration because there seemed to be nothing else to do. Mr. President, after 2 years that dispute is again before us, and may very well again result in an emergency which we are powerless to resolve.

So, Mr. President, I am opposed to compulsory arbitration. I believe, generally speaking, American business, including both labor and management, is opposed to it. It is unnecessary to impose that upon us at this stage in our national life.

As the Senator from Oregon [Mr. Morse] was gracious enough to state, I am for the technique of seizure, based upon the need to operate critical facilities to the extent required by the public health and safety. I have sponsored legislation on that subject for a long time—legislation which would give the Government the residual authority, which a Government must have, to operate essential facilities; and Senator Morse was gracious enough to state that he based his bill with respect to the airlines disputes upon my legislation—S. 2797.

The third alternative before us is to restore the standstill provisions of the Railway Labor Act, so that, for all practical purposes, we shall have 150 days—a total of 180, but 150 within which a commission must report. Under Senator Morse's joint resolution introduced this morning, we shall have 180 days—the same provision, for all practical purposes, as we have in the Taft-Hartley injunction.

Labor considers injunctions anathema, but the Railway Labor Act has traditionally been accepted as a means for dealing with the problems in that industry.

Under the circumstances, as we are now completely without remedies, Mr. President, I shall express myself as favoring the Morse alternative. If his first alternative—that is, limited seizure—cannot be accepted, then the standstill seems to me the only way out.

I have risen today, however, to emphasize that this is but the briefest and most interim kind of palliative. Pan-American and American Airlines are next in line, Mr. President. The American Airlines' cooling-off period expires on Wednesday, and Pan American's soon thereafter. The teamsters, the telephone workers, General Electric, and Westinghouse follow within a matter of months after that. And, Mr. President, the railway work rules themselves are now about to cause another national emergency.

Mr. President, how long are we to remain powerless? Many of us, including Senator MORSE, myself, and others, have addressed ourselves to the matter of Presidential recommendations. There has been some disagreement about that. I think the only sound way, the only way to arrive at national policy, is for the President to tell us what he wants in that regard, and then we can legislate accordingly.

Even in the absence of Presidential recommendations, Mr. President, it is of the highest priority that permanent legislation be put on the books to deal with these national emergencies. It is a national disgrace, I say advisedly, that the United States finds itself powerless, by the admission of the President, to operate, to get essential parts or essential personnel sent by air from A to B, or in any other way to operate the affairs of this Nation. We have a private enterprise nation. Blessed be it. But, we also have to have a nation in which the Government cannot be made powerless; and it is powerless, today, Mr. President.

I say to the Senate that I shall strive, in the Committee on Labor and Public Welfare, since the matter is before us now at long last, to do something about bringing to the Senate a permanent plan for dealing with these situations, so that Congress will not be put into the demeaning position of being powerless to act in a contract dispute except at the last moment and only temporarily for that particular dispute.

I repeat, Mr. President, compulsory arbitration is not the answer. I think it is misguided, and would set American business, and American labor-management relations, back by decades. I believe that some variation of the seizure technique is the answer. But be that as it may, we urgently need permanent statutory law; and I pledge to the Senate my utmost effort to bring that about, in view of the fact that we are now shaken anyway by this emergency.

I think the Senator from Oregon is entitled to the thanks of the country for showing us a way out with the standstill bill he proposes. I think quick action is necessary, but I believe the real way must be permanent legislation.

Mr. President, I ask unanimous consent that there be printed in the RECORD at this point an editorial which appeared last Friday, July 22, in the Washington, D.C., Daily News.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

[From the Washington (D.C.) News, July 22, 1966]

STATE OF UNION ORATORY?

Last Jan. 12 in his state of the Union message, President Johnson said he intended "to ask Congress to consider measures which without improperly invading State and local authority will enable us to deal effectively with strikes which threaten irreparable damage to the national interest."

On Wednesday of this week at his televised news conference—more than six months later—the President explained lack of action on this matter by saying "we have been unsuccessful in getting legislation that the Secretary of Labor and the other members of my Cabinet felt acceptable and that we felt would have any chance of passage in the Congress."

It can be argued that the airline strike now going into its third week, and with no signs of settlement, is not doing "irreparable damage" to the national interest. The lines still flying are doing a good job, and the inconvenienced public can get there one way or another—eventually. But with strike losses to the economy now estimated at over $300 million, the damage to many is most severe.

Sen. JAVITS of New York put it well when he said he was "somewhat dismayed" that the President is waiting for a proposed legislative solution in this field acceptable to all interests.

"Certainly," Sen. JAVITS said, "he (the President) attached no such precondition in other legislative fields, such as civil rights."

Yes, unquestionably there is quite a difference between the White House attitude on civil rights and labor legislation.

Mr. DOMINICK and Mr. MORSE addressed the Chair.

Mr. COOPER. Mr. President, I have the floor.

The PRESIDING OFFICER. The Senator from Kentucky has the floor.

Mr. COOPER. Mr. President, I ask unanimous consent that I may yield for 2 minutes to the Senator from Oregon, with the understanding that I shall not lose my right to the floor, and that my subsequent remarks shall not be counted as a second speech.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MORSE. Mr. President, I only wish to say to the Senator from New York that I appreciate very much the statement he has made in support of the stop-gap legislation I offered this morning. As I have already set forth in detail, I think it is sound legislation, is needed legislation, and ought to be adopted immediately. At 2 o'clock this afternoon, I shall move that it be made the pending business of the Committee on Labor and Public Welfare, and considered along with the other resolutions which are pending, in the hope that we can have ready for the floor of the Senate tomorrow our recommendations on the matter.

I thank the Senator very much.

Mr. COOPER. Mr. President, I now ask unanimous consent that I may yield for 2 minutes to the Senate from Colorado [Mr. DOMINICK], with the understanding that I shall not lose my right to the floor, and that my subsequent remarks shall not be counted as a second speech.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DOMINICK. Mr. President, I have not taken the floor on this issue heretofore. Like every other office, my office has been deluged with communications regarding this strike. We have a tourist State, and a State which is absolutely dependent upon adequate transportation. We have great problems in being able to get from one area to another without adequate air transportation.

The situation is obviously becoming worse. As the distinguished Senator from New York has just commented, there is imminent the termination of the American Airlines contract on Wednesday. The situation is now so bad that I have had telephone calls this morning from almost everyone I can think of in my State, protesting against the failure of the administration and Congress to take any action.

I can well understand why the Senator from Oregon wishes to move rapidly; but no matter how rapidly we move, it will obviously take at least until the end of this week before we can get any bill through Congress. It seems to me that it is imperative for the President of the United States to bring these people down to the White House and say, "You have got to reach an agreement." Because the ones who are being hurt by this particular strike are not those who are involved in the negotiations. It is the general public who is being hurt; the people who depend on the airlines both for their air travel and for the shipment of their freight. Consequently, this is different from the ordinary labor negotiation.

Unless we establish some pattern by which to solve problems of this kind, I think we are in for a continuing series of very difficult national situations.

I say to my distinguished friend, the Senator from New York, that I myself have a bill which I am prepared to put in today, to take care of this situation. But I am aware, as is everyone else, that it will still take time for congressional action on this matter.

It seems to me that we should invoke a public hearing over a long period of time, and utilize the best brains and effort available, to try to find a solution for labor problems involving not just labor versus management; but where the general public interest is so involved that unless action is taken which will solve the problem, the country as a whole and innocent third parties will be the ones most injured. This is the situation that we are faced with now.

Along with the senior Senator from Oregon, the senior Senator from New York, and other Senators, I am desperately concerned over this situation.

I think the first thing we should do is to try to see if we can arrive at a solution, but, while that effort is being made, it seems to me that it is urgently necessary for the President to take action in this field.

Mr. President, I ask unanimous consent, that I may include as part of my remarks the text of a proposed joint resolution which has already been forwarded to the desk. I ask unanimous consent to the introduction of the joint resolution out of order and that it be referred to committee.

The PRESIDING OFFICER (Mr. Hart in the chair). The joint resolution will be received and appropriately referred; and, without objection, the joint resolution will be printed in the Record.

The joint resolution (S.J. Res. 183) to provide for the settlement of the labor dispute between certain airlines and certain of their employees, introduced by Mr. Dominick, was received, read twice by its title, referred to the Committee on Labor and Public Welfare, and ordered to be printed in the Record, as follows:

S.J. Res. 183

Whereas the labor dispute between certain airlines and certain of their employees represented by the International Association of Machinists and Aerospace Workers threatens essential transportation services of the Nation; and

Whereas it is essential to the national interest, including the national health and defense, that essential transportation services be maintained; and

Whereas all the procedures for resolving such dispute provided for in the Railway Labor Act have been exhausted and have not resulted in settlement of the dispute; and

Whereas the Congress finds that emergency measures are essential to security and continuity of transportation services by such carriers; and

Whereas it is desirable to achieve the above objectives in a manner which preserves and prefers solutions reached through collective bargaining; and

Whereas the parties have failed to reach a settlement of the dispute, and as a result a work stoppage has occurred which has deprived the nation of necessary transportation services; and

Whereas it is essential that such services be restored at the earliest possible date and that procedures be provided for final and binding settlement of the issues in the dispute: Therefore be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That no carrier or labor organization which is a party to the existing labor dispute (National Mediation Board Case No. A–7655) between certain airlines and certain of their employees which has resulted in a stoppage of work by such employees and an interruption of service by such airlines, shall make any change except by agreement, or pursuant to an arbitration award as hereinafter provided, in rates of pay, rules, or working conditions encompassed by any of such notices or engage in any strike or lockout over any dispute arising from any of such notices. Any action heretofore taken which would be prohibited by the foregoing sentence shall be forthwith rescinded and the status existing immediately prior to such action restored.

Sec. 2. Upon the request of the President, the emergency board appointed by the President on April 21, 1966 under section 7 of the Railway Labor Act for the purposes of the dispute referred to in the first section of this joint resolution shall act as a board of arbitration for the purpose of settling the issues in such dispute. For such purposes, the board is authorized to reconvene and to hold such additional hearings and take such additional testimony as it may deem necessary, and to make a decision with respect to such issues. The board's decision shall be binding on both the carriers and the labor organization which are parties to the dispute and shall constitute a complete and final disposition of the issues covered by the decision.

Sec. 3. To the extent not inconsistent with this joint resolution the arbitration shall be conducted pursuant to sections 7 and 8 of the Railway Labor Act, the board's award shall be made and filed as provided in said sections and shall be subject to section 9 of said Act. The United States District Court for the District of Columbia is hereby designated as the court in which the award is to be filed, and the board shall report to the National Mediation Board in the same manner as arbitration boards functioning pursuant to the Railway Labor Act. The award shall continue in force for such period as the board shall determine in its award, but not to exceed two years from the date the award takes effect, unless the parties agree otherwise.

Sec. 4. The board shall begin its hearings immediately after the enactment of this joint resolution, and shall make and file its award not later than thirty days after the enactment of this joint resolution.

Sec. 5. The obligations imposed by this joint resolution, upon suit by the Attorney General, shall be enforcible through such orders as may be necessary by any court of the United States having jurisdiction of any of the parties.

Sec. 6. This joint resolution shall expire one hundred and eighty days after date of its enactment, except that it shall remain in effect with respect to the last sentence of section 3 for the period prescribed in that sentence.

Sec. 7. If any provision of this joint resolution or the application thereof is held invalid, the remainder of this joint resolution and the application of such provision to other parties or in other circumstances not held invalid shall not be affected thereby.

Mr. COOPER. Mr. President, I yield 1 minute to the distinguished majority leader under the same circumstances.

Mr. MANSFIELD. Mr. President, I think I can state on behalf of the President of the United States that, if there were a possibility, the slightest possibility, of reaching an agreement on the present strike by calling the contending parties to the White House, he would do so.

I think the President has gone as far as he can at the moment in the appointing of a Board headed by a distinguished colleague of ours in the Senate, and by delegating Secretary of Labor Wirtz and various assistant secretaries to conduct the negotiations which are currently taking place on an intermittent basis between the unions and the airline operators.

I do not think the President should assume the sole responsibility of attempting to resolve this dispute in view of what he has already done. At this point, I think the responsibility lies here in Congress.

Mr. COOPER. Mr. President, I yield to the Senator from Alaska.

Mr. GRUENING. Mr. President, with the possible exception of the other noncontiguous Pacific State, Hawaii, no State is more dependent on air transportation than is Alaska.

Excepting a ferry system financed and operated by the State of Alaska, air transportation is virtually the only form of passenger transporation from the older 48 States which Alaska has. Therefore, Alaska has been hit extremely hard by this prolonged strike which has paralyzed five airlines, one of which serves Alaska directly and others indirectly.

The State of Alaska has been trying to develop a tourist business. It is in its infancy and beset by the difficulties inevitable to beginnings. Many hotel and motel reservations are being canceled because of the strike. Infant industries are more vulnerable than long-established ones.

I wholeheartedly approve of the expressions made by my colleagues, and their demands for prompt congressional action, and I thank the senior Senator from Oregon for his constructive proposal to bring this destructive and costly strike to a conclusion.

It is unthinkable that this strike should be permitted to continue with the resulting terrific damage to practically every segment of our economy.

I hope that the proposal of the Senator from Oregon will be acted upon promptly and will thus provide a sorely needed solution to this distressing situation.

Mr. COOPER. Mr. President, I yield 5 minutes to the Senator from South Dakota with the same understanding, that I do not lose my rights to the floor.

The PRESIDING OFFICER. The Senator from South Dakota is recognized.

Mr. MUNDT. Mr. President, like all other Senators, I have been receiving torrents of mail, telegrams, and telephone calls about the deplorable airlines strike. I should like to second the recommendation made by the distinguished Senator from Colorado.

I think the situation is serious enough so that the President should call to the White House the disputing parties in the controversy.

The majority leader said that perhaps nothing would come of such an effort, and perhaps it would not. However, I am sure the country expects some kind of leadership action from the White House in this area. We cannot be sure that nothing will come of such action until after it has been tried.

The people of the country are desperate for airline transportation.

AIR TRANSPORTATION ASSOCIATION RECOMMENDATION ON NATIONAL AIRPORT HAS MERIT

Mr. MUNDT. Mr. President, a newsstory late last week in the Washington Post outlines a suggestion by the Air Transport Association that the limit on nonstop flights from National Airport be relaxed from the present Federal Aviation Agency restriction of 500 miles. In calling for an expansion of the nonstop perimeter, the association also recommends that a ceiling of 44 scheduled flights per hour be imposed, which would provide a ratio of about 73 to 27 between airlines and general aviation at National.

In the hope that we will ultimately find an answer to the airlines strike, I am interested in restoring nationwide airlines transportation to the National Airport and not merely to an area within a 500-mile circumference of the National Capital.

It seems to me there is considerable merit in the association's suggestions, particularly the one with respect to extending the proposed perimeter which would blatantly discriminate against all communities beyond a favored east coast area.

National Airport is exactly that which its name implies. It is an airport serving the Nation's needs. It is an airport serving the Capital City of the Nation. It is in fact an all-American airport. It is not a neighborhood airport serving a certain charmed circle in this area.

When we talk about Washington, D.C., we are not talking about a regional center serving a certain region of the United States. This city is here to serve the people of the entire country. Washington is in fact every American's hometown.

And its airport, National Airport, is here for that same purpose, to serve the people of every area in this country.

It is my conviction that in serving the needs of the country, you do not automatically divide up the country and give a first-class citizenship designation to those who travel within a 500-mile radius, and relegate the rest of the populace to the travel status of second-class citizenship.

Yet this is exactly what has happened with imposition of the recent FAA ruling. The citizen from Pittsburgh or New York or Boston now finds that he enjoys a little better service because the accident of geography locates him within 500 miles of Washington. He gets off his plane at Washington, D.C., and saves from 45 minutes to over an hour on his arrival time in downtown Washington.

But the citizen from Chicago, or Minneapolis or Sioux Falls or Miami, or points further West or South, will not find himself traveling more but enjoying it less, for once his plane touches down, he finds that he still is many miles from Washington and frequently, if he is from Chicago, finds that it takes him just as long to get to Washington from the airport as it did to get to the airport from Chicago. He will probably spend more time in city-to-airport ground travel than he does in the air between Chicago and Washington.

There are those who claim that the time difference is of no consequence with respect to the length of time required to reach National Airport from Washington compared to driving time to Dulles or Friendship.

If that is true, that it really makes no difference, then certainly there should be no argument against allocating more shorter flights to Dulles and Friendship airports and more longer nonstop flights to National.

If these two airports need the airline business, and the traffic is such that three airports are required to service Washington, then let us have an equitable formula which does not penalize the citizen from points in this country which are beyond, the proposed 500-mile radius.

Let us have a formula which divides the traffic on the basis of the number of flights and not on the basis of destination or point of departure.

CONVENTIONS WILL NO LONGER FAVOR WASHINGTON

Mr. President, may I respectfully suggest that there is available to the Federal Aviation Agency an equitable and workable formula for resolving the raging controversy evolving over the recent FAA proposal to isolate National Airport as a neighborhood airport instead of one serving all Americans desiring to visit our National Capital for pleasure or business. Certainly, if Washington desires to maintain its reputation as a popular convention center for many national organizations its businessmen, hotel owners, restaurateurs, and others should be interested in applying a fairness doctrine to our airport problems.

Conventioneers and committees selecting convention sites for national organizations are not likely to look with favor on Washington if those attending these meetings are to be discriminated against in their travel plans purely on the basis of accident of geographic residence. Protests against such inhospitable prejudice are already reaching our Congressional offices. It is as unfair and as inequitable as though air passengers to La Guardia Airport in New York City were to be transported downtown to the city by city-leased air-conditioned buses if they live within 500 miles of New York but would have to provide their own much slower, more expensive, and less convenient downtown transportation in the event they happened to live further from New York City than 500 miles. It is easy to imagine the uproar against the city if such prejudicial provisions were provided. Mr. President, the equally unfair and prejudicial provisions proposed for implementation by the FAA will prove equally unpopular and unprofitable if they prevail at our National Capital—the hometown of all Americans.

THERE IS AN EQUITABLE ALL-AMERICAN FORMULA AVAILABLE

Mr. President, no American will quarrel with the very proper desire of the Federal Aviation Agency to provide the maximum in safety for air travelers to National Airport. If the FAA has evidence to support a decision to limit flights at National to 44 per hour, so be it.

What the FAA should do is to establish by all evidence and experience available to it, the following demonstrable factors: Safety, as affected by the number of flights arriving and departing. Possibilities of overcrowding by the ground traffic at the airport and the related parking facilities available. The airport facilities for handling the passenger traffic in and out. Convenience of the traveling public and the capacity of airport facilities for meeting it.

The logical and equitable approach toward limiting these flights has no conceivable relation to the point of origin of the flight or the distance traveled by the plane and its passengers. It is purely a matter of density of traffic.

On the basis of these factors, Mr. President, and any other elements the FAA desires to consider the optimum number of planes per hour can be determined. After that, the flights should be allocated to the various airlines serving National by a fair, objective, and equitable formula designed to serve the travelers of the entire country—not just a few favored cities of the East and definitely not by any formula based on the points of origin or destination of the flights at Washington's National Airport.

Mr. President, in the addition to the foregoing factors, the FAA could very properly issue across-the-board restrictions against the use of National Airport by our larger jetplanes requiring runways too long for the existing runways at National. If the runways are ultimately extended, and as new jets are developed capable of using shorter runways and carrying fewer passengers than this country's largest jetplanes, these restrictions could also be lifted and replaced by the proposed formula mentioned earlier in these remarks.

However, Mr. President, nothing could be more illogical and indefensible than to try to enforce the 500-mile nonstop flight limitation based solely on geographical considerations. To endeavor to make National Airport simply a neighborhood port, serving airlines with a plethora of shuttle flights to nearby cities, with flights every hour on the hour, is, however, as unthinkable and as indefensible as it is unfair and prejudicial. Surely, air traffic is equally dense and dangerous, whether it originates in New York City and Boston or whether it originates in Chicago, Omaha, or Minneapolis.

An agency charged with serving the Nation's interests, and supported by all the taxpayers of America, has no right to limit use of the most popular and convenient airport to nonstop flights serving our National Capital, in a charmed circle arbitrarily selected to give excellent service to some citizens, and to disrupt the travel schedules and delay the arrival times of all other Americans. I sincerely hope that the FAA will give careful, sympathetic, and favorable consideration to the sound proposals of the Air Transport Association, as indicated by the attached news-story, which I ask to have printed at this point in my remarks. I believe, also, that these proposals should be reviewed in connection with the proposed fairness doctrine which I have recommended.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

AIRLINES TO ASK CURB ON FLIGHTS AT NATIONAL

(By Hugh McDiarmid)

The Air Transport Association is going to ask the Federal Aviation Agency to relax its new 500-mile limit on nonstop flights from National Airport. It will ask for a restriction in the number of flights that can use the field each hour.

The proposal, which has substantial but not unanimous support among the 13 carriers serving National, calls for a new nonstop perimeter of 650 to 1,000 miles and a ceiling of 44 scheduled flights per hour.

William Martin, an official of the Air Transport Association, coordinating body for the airline industry, said that while this proposal does not have unanimous support, it appears to have more than any other except one previous suggestion that would freeze all schedules as of June 20.

This was proposed to the FAA before it announced its 500-mile ruling July 1. FAA bypassed it.

The new proposal is expected to go to FAA administrator William F. McKee today.

According to one airline spokesman, it would lead to a scheduling committee made up of airline representatives who would divide the 44 hourly flights among the carriers.

Such a committee operated several years ago for LaGuardia Airport in New York and, according to the spokesman, "their meetings were rather unpleasant affairs."

The 500-mile perimeter was decreed by McKee on July 1 to take effect Aug. 7.

Its effect would be to force passengers who want to fly nonstop to such cities as Chicago, St. Louis, Miami and Minneapolis to catch planes from Dulles and Friendship International Airports.

McKee acted following a public outcry created by the opening of National to some commercial jet traffic in April. The elimination of the ban on jets brought an upsurge of air traffic and an increase in terminal congestion.

RESULTED IN OUTCRY

Before McKee's 500-mile order nonstop flights were permitted to points within 650 miles, including Chicago and Boston, and to eight cities up to 1,000 miles away, including St. Louis and Minneapolis.

But the new perimeter edict resulted in its own outcry, chiefly from such affected states as Illinois, Florida, Georgia, Tennessee and Minnesota.

McKee met with a delegation of Congressmen from affected states July 12 and announced that he would reexamine all alternatives. Another meeting is scheduled early next week. McKee is expected to render a final decision at that session.

MAY BACK DOWN

Airline industry sources expect McKee to back down on the 500-mile perimeter. One said yesterday it is obvious that Congressional reaction has made the perimeter "politically unacceptable" for McKee.

The basic reason for the pressure on McKee is that ground time to downtown Washington increases significantly for flights operating from Dulles and Friendship. Estimates of the difference vary from 15 to 45 minutes.

The FAA had no comment on the new proposal from the airline industry. The limit of 44 scheduled flights per hour is in line with what FAA sought when it ordered the 500-mile perimeter.

WHAT IT CAN HANDLE

In instrument weather, National Airport can handle a maximum of about 60 flights per hour. The 44 flights per hour represents the scheduled airlines' share of an historic 73-to-27 ratio between airlines and general aviation at National.

Presently National is handling an average of 100 flights per hour in good weather including general as well as commercial aviation. The number increases in peak morning and evening hours.

The airline proposal is for a maximum of 44 flights (landings and takeoffs) for any hour of the day, not including general aviation.

The mounting pressure on McKee was discussed yesterday at the monthly meeting of the National Capital Planning Commission. Acting chairman Walter C. Louchheim said, "Some Congressmen appear to be more interested in adding 15 minutes to their campaigns than in the public safety."

Louchheim announced that the NCPC's special National Airport Committee will meet next week. Paul Thiry, a Seattle architect and an NCPC member, said he hopes the special committee will consider some faster means of getting people from Dulles to Washington. He suggested a monorail and said, "You can go to Chicago in less time than it takes to come in to Washington from Friendship or Dulles."

Mr. SMATHERS. Mr. President, will the Senator yield?

Mr. MUNDT. I yield.

Mr. COOPER. Mr. President, I have the floor, and I yield to the Senator from Florida.

Mr. SMATHERS. I thank the Senator from Kentucky.

Mr. President, I wish to commend the able Senator from South Dakota for the remarks he has made, particularly with respect to the regulation which apparently the head of the Federal Aviation Agency is thinking of putting into effect.

It seems to me unjust that those Senators and other people who live the farthest from Washington should be additionally handicapped by having to take a longer car ride or bus ride in order to get on an airplane to go that longer distance.

I have attempted to make it clear to the gentleman who is in charge of this particular program that I believe the imposition of a 500-mile limitation for jets on the local airport would be very unfair.

I might add for the record that both distinguished Senators from Wisconsin have joined me in calling the Federal Aviation Agency and making it clear that we, too, along with the Senator from South Dakota, oppose the 500-mile limit.

Mr. MUNDT. I am delighted to have this contribution, because I understand that the FAA this week is reviewing its earlier proposal, in light of the understandable storm of protests which has come into Washington from those areas which are selected out by this 500-mile nonstop limitation, which would compel many people to undergo the penalty of slower transportation simply because of geographic residence.

FOREIGN ECONOMIC ASSISTANCE, 1966

The Senate resumed the consideration of the bill (S. 3584) to amend further the Foreign Assistance Act of 1961, as amended, and for other purposes.

Mr. SALTONSTALL. Mr. President, will the Senator yield?

Mr. COOPER. I yield to the Senator from Massachusetts, with the understanding that I do not lose the floor.

Mr. SALTONSTALL. Mr. President I appreciate the generosity of the Senator from Kentucky in yielding to me, so that I may state my support for his amendment to the foreign assistance bill, which would provide for a 2-year limitation for the Alliance for Progress in Latin America. I do so because we have a special relationship in Latin America. We have been working to improve that relationship over the years.

This program was started in 1960, and we renewed it in 1962 for 4 years. Now the committee has only recommended a 1-year extension.

Mr. President, I supported a 2-year extension for development loans and for the Alliance for Progress. That proposal was defeated. Now we have it for the Alliance for Progress alone.

Possibly, an added reason exists for the committee recommending the authorization of the full amount of the request for the Alliance for Progress program. I believe that is an indication that the committee puts it on a somewhat different footing than the development loans and Alliance for Progress together.

Three Presidents have recognized the importance of our relationship with the Latin American countries. The committee has put additional safeguards in its recommendation. I believe it is important that we continue this friendship, and show that we value working with Latin American countries in their development, for our mutual interest in the days to come.

So I join with the Senator from Kentucky, in supporting his amendment to make this a 2-year authorization rather than just a 1-year authorization.

I thank the Senator for permitting me to make this statement.

Mr. COOPER. Mr. President, I thank the distinguished Senator from Massachusetts for his statement and for his support. In a short time, he has advanced convincing reasons why this modest proposal should be adopted.

Last Friday, Mr. President, I called up this amendment, which provides for a 2-year authorization of development loan funds for the purposes of the Alliance for Progress, in its particular section of the bill. I know that Senators understand the arguments that will be made for and against the proposed amendment, so I do not believe that the discussion should take much time.

From the beginning, as the record shows, the program to assist Latin America, known as the Alliance for Progress, was intended to be a long-term effort. The original act of assistance, voted by the Congress under the administration of President Eisenhower, makes this intention clear. This Latin American Development Act was enacted on September 8, 1960.

Following this act of Congress and the declaration called the Act of Bogotá, the representatives of the American Republics later agreed in 1961 to the charter of Punta del Este, establishing an Alliance for Progress within the framework of the Organization of American States. Except for Cuba, every Latin American country joined with us in the adoption of this charter.

This plan was implemented under the administration of President Kennedy. In a speech to the diplomats of the Latin American Republics, after he came into office, President Kennedy indicated the desire of his administration to carry on the idea of an Alliance for Progress, which he said was instituted on an Inter-American scale by President Eisenhower.

When President Johnson came into office, in a short time he announced strong support for this program. Again and again, when statements and speeches were made, they referred to the progress which could be made in the decade. Five years have passed since 1960, and the decade does not end until 1970.

The first authorization for assistance to the Alliance for Progress, made in

1962, was for 4 years, ending July 1, 1966, and the amount authorized is about to expire.

It can be said that the first authorization, beginning with the $500 million requested in 1961 under the Latin American Development Act, and followed by the 4-year program adopted in 1962, covered the first 5 years of authority.

The President asked the Congress this year to approve a second 5-year authorization. The House of Representatives has approved that request, and the Committee on Foreign Relations has now recommended a 1-year authorization for the Alliance for Progress in the bill before the Senate.

My amendment, which I think is rather modest, would authorize for 2 years the assistance furnished through development loans without changing the level of the authorization provided in the committee bill for this fiscal year or the next fiscal year.

I should think, considering the history of the Alliance for Progress, the intended program and the accomplishments that we have seen, that the authorization should be for longer than 2 years. With the temper of the Senate, as expressed on amendments in the last few days, I do not think that will be done, but I do believe there is interest in restoring a better long-term basis to this program which bears on our own hemisphere.

A few days ago the Senate defeated the amendment offered by the Senator from Wyoming [Mr. McGEE] which would have provided a general 2-year authorization for all of the programs in the bill; and later an amendment offered by the Senator from Ohio [Mr. LAUSCHE], giving 2-year authorization for some of the programs in the bill, was also defeated.

I do not believe that the arguments that were made against those amendments, and the assumptions upon which they were based, apply to the Alliance for Progress.

The Committee on Foreign Relations and Congress have been critical of the foreign aid program, and I think correctly so. Unless provision is made for more effective use of aid funds, and for reform and revisions of the aid program to achieve better use of these funds, I believe the overall program will not achieve the greater support and effectiveness that is desired.

The committee has also called again and again, as has the entire Congress, upon other countries to assist in sharing the burden of foreign aid.

In regard to the Alliance, I believe that our insistence that other countries should assist in our aid program has had a response, so far as Latin America and the Alliance for Progress are concerned.

The agency has provided the Congress information which shows that the Inter-American Development Bank has approved loans of more than $1.5 billion to Latin American countries since 1961, while the World Bank has also sharply increased its lending to these countries since 1964. Additionally, contributions to the Alliance from the other free world countries that are members of the Development Assistance Committee of the OECD averaged $203 million in 1961, 1962, and 1963, with 1964 and later figures showing increases of some 10 percent above earlier levels.

In the information supplied the committee during hearings on this bill, detailed figures on the total current assistance going to Latin America were given. The grand total for fiscal 1966 was said to include almost $900 million from international organizations and agencies.

These figures do not take into account the efforts made by individual countries and allies. Some of these efforts may also be seen by the various means, in 1965 and 1966, whereby the United Kingdom, Canada, West Germany, Italy, Netherlands, and Spain made available loans for the purchase of bonds in the amount of nearly $100 million to the Alliance for Progress.

Two or three days ago, after the Senate had reviewed a 2-year authorization for all countries, I also read an article in the New York Times saying that Canada was reducing its interest rate and providing a longer grace period for any loan it would make through the Alliance for Progress.

As I understand it, the Alliance for Progress is unique in another way. The Alliance provides that at least 50 percent of its development loan funds shall be used to stimulate and encourage the investment by private enterprise. In this regard, I note in the hearing that the Senator from Oregon [Mr. MORSE] questioned Mr. Gordon at some length about the results of the Alliance in encouraging private investment or largely private investment in Latin America.

From the information supplied in the hearings, the accumulated U.S. private investment alone in Latin America since the Alliance for Progress was initiated was shown to have increased year by year. The last availabale exact figures were for 1964, when this cumulative total U.S. investment portion was approaching $14 billion.

My second point is that the committee has insisted—particularly the chairman—that a larger part of our aid should be channeled multilaterally through international lending institutions. The committee makes that a very strong point in its report, and I think that most Senators agree with this objective.

In the committee report it is pointed out that this aim and objective is being accepted with respect to the Alliance for Progress. I shall read from page 14 of the report:

> Second, the section would authorize the transfer of up to 15 percent of Alliance for Progress funds to the Inter-American Development Bank or to the World Bank or its affiliates. This is analogous to the authority presently existing in section 205 for the transfer of development loan funds to the World Bank or its affiliates.
>
> The President would be given discretion to transfer loan funds for distribution through the international lending agencies, whereas under the amendment to section 205 of the act contained in section 102(a)(2) of this bill, relating to the development loan program, 15 percent of the funds appropriated would be available only for transfer to the international institutions.

Under this authority, if Congress appropriates the full appropriation for the Alliance for Progress the President could transfer up to $81,450,000 to the Inter-American Development Bank or the World Bank group for use in Latin America; that would be out of an authorization of $543 million. I make the point that the committee has provided in the bill for the multilateral objective that it so strongly argues.

I assume that the major argument that has been made against a further term of authority for the Alliance, and is also made against the whole foreign aid program, is simply that it is not effective and not making the progress that was intended by the Congress and by our country, and that steps should be taken to make it more effective before an authorization longer than 1 year should be made.

In response to that argument, I should say that the committee has written into the bill stricter controls upon the use of our funds made available through the Alliance for Progress to insure better planning, and to assure that these funds would be used not only for national purposes but to bring about a closer economic integration of the countries of Latin America.

The committee has provided, and I shall read from page 14 of the report:

> First, it would provide that Alliance for Progress loans may be made only to support national economic plans approved by the Inter-American Committee for the Alliance for Progress (CIAP). The effect would be that before a country could participate fully in the Alliance it would have to make a national economic plan which would be approved by the Alliance's international body. CIAP would not be given the power to control American aid; it would be given only a limited veto in the sense that if it did not approve a country's plan, that country could receive no U.S. loans. CIAP, consisting of six distinguished Latin Americans and one North American, is in a better position than AID or the State Department to insist on rigorous Latin American compliance with the standards of the Alliance. The requirement would not apply to grant aid; i.e., to technical assistance or to emergency assistance to meet unforeseen contingencies.

Mr. President, that is what the Committee on Foreign Relations has written into its bill, this stricter control upon the use of funds provided a country. As I say, it is to assure a more effective national plan, to assure a plan which would encourage integration of the economies of Latin America.

Finally, as I said, the argument is made with respect to many countries that the overall aid program is not tight and effective. I am sure it is made properly, and I have made this argument in the past; in fact, beginning in 1958, I have offered many proposals to make the foreign aid program more effective, and some have been written into the bills for the Foreign Assistance Act in earlier years.

Again, I want to say that reforms in the overall program are required, and I hope the agency will do all that the Congress directs, but I would call attention to the comments about the Alliance in the report on this bill.

The committee reports that the Alliance for Progress is making considerable progress. I read from page 15 of the report:

> The committee has approved a 1-year authorization of $543 million, the amount of the appropriation request, for the Alliance for Progress. Of this amount, $87,700,000, also the appropriation request, will be available for grants. The administration requested an authorization of $850 million for each of the next 5 fiscal years and proposed that $100 million of this amount be authorized to be available annually for grants.
>
> The fact that the Alliance for Progress is the only major non-U.N. aid program which the committee did not cut demonstrates the committee's support for the program. Although the results over the last 5 years have not been as dramatic as we and our Latin-American partners would have liked, there has been considerable progress and the committee believes that the results justify authorization of the full amount of the budget request.

I have no doubt that there have been some defects in the program. I have no doubt that there has been some waste. I have no doubt that a great deal more progress could have been made.

The report states that the Alliance for Progress joined a regional and continental program—almost a complete hemispheric program—into which the Latin-American countries have entered, with the exception of Cuba. The United States has also entered and has fostered this spirit of cooperation, with the intention of carrying it forward.

The Alliance has made progress. I think it would be a grave error to place the program under a 1-year authorization and thus raise doubts among the countries making their efforts against great difficulties. I believe we should encourage these nations to continue to make the effort to secure the economic growth and governmental reforms that are needed, and which we want to see occur rapidly and regularly.

When questioned by the Senator from Vermont [Mr. AIKEN] in the hearings, Mr. Gordon, the Assistant Secretary for Inter-American Affairs, stated that there had been an increase in the rate of economic growth since the Alliance for Progress was instituted, that in the past 3 years it had met the target of a 2½-percent rate of growth per year.

Mr. President, I will not take the time today to place in the record the list of all of the kinds of progress which have been achieved in the Alliance program as they have been thoroughly documented in the reports given to the committee and in information which appears in the record of hearings.

When I called up my amendment in the Senate last Friday, I noted some of these areas of change and improvement, among which tax reform well points up internal self-help action. A recent report of the AID speaks of this reform, and I read from it:

> Comprehensive tax collections improvements have been implemented by five countries while four others have concentrated on the administration and development of better tax systems. Currently, the Internal Revenue Service has teams in 18 countries to assist in these self-help efforts. Among the accomplishments of the program are the following: 11 countries are working on such management improvements as the reorganization of their tax agencies and revenue accounting systems; effective programs for the audit and investigation of tax returns have been or are being established in 13 countries; in-country training organizations have been established in 11 countries. Total tax revenues increased 26% in Latin America in the last five years.

Savings have also increased in Latin America to a marked degree, and we know that savings are the basis for investment by peoples in the countries themselves to improve their industrial and agricultural growth. These savings have grown almost $2.5 billion in 5 years and they provide a steadily increasing share of domestic resources to go to local development.

Progress has also been made in the fields of social reform, education, basic development, and health, and I ask unanimous consent that statistics prepared by the Agency for International Development on July 1 of this year be printed at this point in the RECORD.

There being no objection, the statistics were ordered to be printed in the RECORD, as follows:

EDUCATION

Textbooks: Textbooks distributed to Latin American countries totaled about 14,268,000 at the end of fiscal year 1966; 9,173,000 have been distributed during the past two years.

Classrooms Constructed: AID-assisted classrooms construction has continued with the number completed in fiscal year 1965 and fiscal year 1966 equaling that of the previous three-year period; in all, a total of 27,000 units have been built.

School Enrollment: AID-assisted teacher training courses have been completed by 8,700 and 9,000 teachers in fiscal years 1965 and 1966, respectively, with more than 38,000 teachers having graduated from such program since their inception. Also, more than 100,000 teachers have profited from in-service training sessions financed all or in part by AID.

AGRICULTURE

More than 1,130,000 acres of land have been newly irrigated under AID projects. Also, 387,000 acres have been reclaimed by clearing and draining. Fertilizers provided under AID programs in fiscal year 1965 totaled more than 72,000 nutrient tons, of which 38,000 nutrient tons were produced locally.

Supervised agricultural credit loans totaling $337 million have been extended to $682,000 persons through fiscal year 1966. From fiscal year 1962 through fiscal year 1964 loans totaled $81.5 million; in fiscal year 1965 the amount was $108 million and in fiscal year 1966, $147 million.

HOUSING

Housing constructed through AID financing in fiscal year 1965 and fiscal year 1966 have exceeded 132,000 units, providing better living conditions for approximately 790,000 people. Savings and loan systems to capture savings for investment in housing are succeeding. By December 1965, 90 savings and loan associations with 360,000 members had been established in Latin American countries. Homes financed totaled 41,000 while net savings were $113 million.

HEALTH

Approximately 1,200 health centers are now in operation as compared with 686 in July 1964. Mobile health units during the same period increased from 61 to 88. Vaccinations against measles, smallpox, and cholera have been given to approximately four million people at the close of fiscal year 1966, malaria eradication programs protect 100 million persons.

More than 2,700 rural wells and 1,170 potable water supply systems serving 14,500,000 have been completed at the end of fiscal year 1966.

CREDIT UNIONS

In September 1962, when AID first began its efforts to establish credit unions, there were 432 with 124,000 members and accumulated savings of slightly more than $4 million. As of December 1965, 1,930 credit unions were in operation serving more than 457,000 members with savings of $30 million. Loans totaled $29 million.

MILES OF ROAD BUILT OR IMPROVED

More than 14,000 miles of roads were built or improved under AID-assisted programs through fiscal year 1966.

Mr. COOPER. Mr. President, many of the cities and private organizations in this country have also been stirred and been sympathetic to the efforts of the people of the continent of South America to move forward and have joined in collaborating with that effort. They have made contributions. They have joined sister cities and both have received great benefits from that mutual collaboration and cooperation.

Farm organizations and rural electrical cooperatives have joined in a mutual effort with similar organizations in Latin America to improve agriculture, and to improve cooperatives in those countries. There is a wealth of information to show that progress has been made, perhaps not all that should have been made, but enough to warrant our confidence and a larger measure of our future intentions.

Thus, Mr. President, I have introduced the amendment, because the Alliance for Progress does seem to have different characteristics from the groupings of our other recipients.

I have said that it is multinational. It is continental. It is hemispheric. It brings together a group of nations in the hemisphere which, if they are not alike culturally, do have many historical similarities and experiences, and with whom we have enjoyed long association.

It may be argued this this 1 additional year will not make much difference. I would say, however, that when our countries have joined together, under three Presidents, to look ahead to this association, this country ought to maintain the motivation and impact of the Alliance. One year only could discourage those countries which are beginning to make an effective effort and it could cast some doubt upon the good faith of the statements that have been made, not only by three Presidents of the United States, but the Congress of the United States in the bills that it has enacted.

I should like to note as I close, the statements of three Presidents. The first, as I have said, was by President Eisenhower, when the Act of Bogotá was signed by the United States and countries of Latin America. In that year, 1960, Congress enacted a law relating to assistance for Latin American countries, setting forth longtime goals, and authorized $500 million for the development program.

President Kennedy, when he became President, in speaking about his policy to the diplomats from the Latin American countries, talked eloquently of the goals of their countries and ours in 1961.

I ask unanimous consent to place in the RECORD his speech.

There being no objection, the speech was ordered to be printed in the RECORD, as follows:

ADDRESS BY PRESIDENT JOHN F. KENNEDY AT A WHITE HOUSE RECEPTION FOR MEMBERS OF CONGRESS AND FOR THE DIPLOMATIC CORPS OF THE LATIN AMERICAN REPUBLICS, MARCH 13, 1961

It is a great pleasure for Mrs. Kennedy and for me, for the Vice President and Mrs. Johnson, and for the Members of Congress to welcome the Ambassadorial Corps of our Hemisphere, our long time friends, to the White House today. One hundred and thirty-nine years ago this week the United States, stirred by the heroic struggle of its fellow Americans, urged the independence and recognition of the new Latin American Republics. It was then, at the dawn of freedom throughout this hemisphere, that Bolívar spoke of his desire to see the Americas fashioned into the greatest region in the world, "greatest," he said, "not so much by virtue of her area and her wealth, as by her freedom and her glory."

Never in the long history of our hemisphere has this dream been nearer to fulfillment, and never has it been in greater danger.

The genius of our scientists has given us the tools to bring abundance to our land, strength to our industry, and knowledge to our people. For the first time we have the capacity to strike off the remaining bonds of poverty and ignorance—to free our people for the spiritual and intellectual fulfillment which has always been the goal of our civilization.

Yet at this very moment of maximum opportunity, we confront the same forces which have imperiled America throughout its history—the alien forces which once again seek to impose the despotisms of the Old World on the people of the New.

I have asked you to come here today so that I might discuss these challenges and these dangers.

We meet together as firm and ancient friends, united by history and experience and by our determination to advance the values of American civilization. For this New World of ours is not a mere accident of geography. Our continents are bound together by a common history, the endless exploration of new frontiers. Our nations are the product of a common struggle, the revolt from colonial rule. And our people share a common heritage, the quest for the dignity and the freedom of man.

The revolutions which gave us birth ignited, in the words of Thomas Paine, "a spark never to be extinguished." And across vast, turbulent continents these American ideals still stir man's struggle for national independence and individual freedom. But as we welcome the spread of the American revolution to other lands, we must also remember that our own struggle—the revolution which began in Philadelphia in 1776, and in Caracas in 1811—is not yet finished. Our hemisphere's mission is not yet completed. For our unfulfilled task is to demonstrate to the entire world that man's unsatisfied aspiration for economic progress and social justice can best be achieved by free men working within a framework of democratic institutions. If we can do this in our own hemisphere, and for our own people, we may yet realize the prophecy of the great Mexican patriot, Benito Juarez, that "democracy is the destiny of future humanity."

As a citizen of the United States let me be the first to admit that we North Americans have not always grasped the significance of this common mission, just as it is also true that many in your own countries have not fully understood the urgency of the need to lift people from poverty and ignorance and despair. But we must turn from these mistakes—from the failures and the misunderstandings of the past to a future full of peril, but bright with hope.

Throughout Latin America, a continent rich in resources and in the spiritual and cultural achievements of its people, millions of men and women suffer the daily degradations of poverty and hunger. They lack decent shelter or protection from disease. Their children are deprived of the education or the jobs which are the gateway to a better life. And each day the problems grow more urgent. Population growth is outpacing economic growth—low living standards are further endangered—and discontent—the discontent of a people who know that abundance and the tools of progress are at last within their reach—that discontent is growing. In the words of José Figueres, "once dormant peoples are struggling upward toward the sun, toward a better life."

If we are to meet a problem so staggering in its dimensions, our approach must itself be equally bold—an approach consistent with the majestic concept of Operation Pan America. Therefore I have called on all people of the hemisphere to join in a new Alliance for Progress—*Alianza para Progreso*—a vast cooperative effort, unparalleled in magnitude and nobility of purpose, to satisfy the basic needs of the American people for homes, work and land, health and schools—*techo, trabajo y tierra, salud y escuela.*

First, I propose that the American Republics begin on a vast new Ten Year Plan for the Americas, a plan to transform the 1960's into a historic decade of democratic progress.

These 10 years will be the years of maximum progress-maximum effort, the years when the greatest obstacles must be overcome, the years when the need for assistance will be the greatest.

And if we are successful, if our effort is bold enough and determined enough, then the close of this decade will mark the beginning of a new era in the American experience. The living standards of every American family will be on the rise, basic education will be available to all, hunger will be a forgotten experience, the need for massive outside help will have passed, most nations will have entered a period of self-sustaining growth, and though there will be still much to do, every American Republic will be the master of its own revolution and its own hope and progress.

Let me stress that only the most determined efforts of the American nations themselves can bring success to this effort. They, and they alone, can mobilize their resources, enlist the energies of their people, and modify their social patterns so that all, and not just a privileged few, share in the fruits of growth. If this effort is made, then outside assistance will give vital impetus to progress; without it, no amount of help will advance the welfare of the people.

Thus if the countries of Latin America are ready to do their part, and I am sure they are, then I believe the United States, for its part, should help provide resources of a scope and magnitude sufficient to make this bold development plan a success—just as we helped to provide, against equal odds nearly, the resources adequate to help rebuild the economies of Western Europe. For only an effort of towering dimensions can ensure fulfillment of our plan for a decade of progress.

Secondly, I will shortly request a ministerial meeting of the Inter-American Economic and Social Council, a meeting at which we can begin the massive planning effort which will be at the heart of the Alliance for Progress.

For if our Alliance is to succeed, each Latin nation must formulate long-range plans for its own development, plans which establish targets and priorities, ensure monetary stability, establish the machinery for vital social change, stimulate private activity and initiative, and provide for a maximum national effort. These plans will be the foundation of our development effort, and the basis for the allocation of outside resources.

A greatly strengthened IA–ECOSOC, working with the Economic Commission for Latin America and the Inter-American Development Bank, can assemble the leading economists and experts of the hemisphere to help each country develop its own development plan—and provide a continuing review of economic progress in this hemisphere.

Third, I have this evening signed a request to the Congress for $500 million as a first step in fulfilling the Act of Bogotá. This is the first large-scale Inter-American effort, instituted by my predecessor President Eisenhower, to attack the social barriers which block economic progress. The money will be used to combat illiteracy, improve the productivity and use of their land, wipe out disease, attack archaic tax and land tenure structures, provide educational opportunities, and offer a broad range of projects designed to make the benefits of increasing abundance available to all. We will begin to commit these funds as soon as they are appropriated.

Fourth, we must support all economic integration which is a genuine step toward larger markets and greater competitive opportunity. The fragmentation of Latin American economies is a serious barrier to industrial growth. Projects such as the Central American common market and free trade areas in South America can help to remove these obstacles.

Fifth, the United States is ready to cooperate in serious, case-by-case examinations of commodity market problems. Frequent violent change in commodity prices seriously injure the economies of many Latin American countries, draining their resources and stultifying their growth. Together we must find practical methods of bringing an end to this pattern.

Sixth, we will immediately step up our Food for Peace emergency program, help establish food reserves in areas of recurrent drought, help provide school lunches for children, and offer feed grains for use in rural development. For hungry men and women cannot wait for economic discussions or diplomatic meetings—their need is urgent—and their hunger rests heavily on the conscience of their fellow men.

Seventh, all the people of the hemisphere must be allowed to share in the expanding wonders of science—wonders which have captured man's imagination, challenged the powers of his mind, and given him the tools for rapid progress. I invite Latin American scientists to work with us in new projects in fields such as medicine and agriculture, physics, and astronomy, and desalinization, to help plan for regional research laboratories in these and other fields, and to strengthen cooperation between American universities and laboratories.

We also intend to expand our science teacher training programs to include Latin American instructors, to assist in establishing such programs in other American countries, and translate and make available revolutionary new teaching materials in physics, chemistry, biology, and mathematics, so that the young of all nations may contribute their skills to the advance of science.

Eighth, we must rapidly expand the training of those needed to man the economies of rapidly developing countries. This means expanded technical training programs, for which the Peace Corps, for example, will be available when needed. It also means assistance to Latin American universities, graduate schools, and research institutes.

We welcome proposals in Central America for intimate cooperation in higher education—cooperation which can achieve a regional effort of increased effectiveness and excellence. We are ready to help fill the gap

> in trained manpower, realizing that our ultimate goal must be a basic education for all who wish to learn.
>
> *Ninth,* we reaffirm our pledge to come to the defense of any American nation whose independence is endangered. As its confidence in the collective security system of the OAS spreads, it will be possible to devote to constructive use a major share of those resources now spent on the instruments of war. Even now, as the government of Chile has said, the time has come to take the first steps toward sensible limitations of arms. And the new generation of military leaders has shown an increasing awareness that armies cannot only defend their countries—they can, as we have learned through our own Corps of Engineers, they can help to build them.
>
> *Tenth,* we invite our friends in Latin America to contribute to the enrichment of life and culture in the United States. We need teachers of your literature and history and tradition, opportunities for our young people to study in your universities, access to your music, your art, and the thought of your great philosophers. For we know we have much to learn.
>
> In this way you can help bring a fuller spiritual and intellectual life to the people of the United States—and contribute to understanding and mutual respect among the nations of the hemisphere.
>
> With steps such as these, we propose to complete the revolution of the Americas, to build a hemisphere where all men can hope for a suitable standard of living, and all can live out their lives in dignity and in freedom.
>
> To achieve this goal political freedom must accompany material progress. Our Alliance for Progress is an Alliance of free governments, and it must work to eliminate tyranny from a hemisphere in which it has no rightful place. Therefore let us express our special friendship to the people of Cuba and the Dominican Republic—and the hope they will soon rejoin the society of free men, uniting with us in common effort.
>
> This political freedom must be accompanied by social change. For unless necessary social reforms, including land and tax reform, are freely made—unless we broaden the opportunity for all of our people—unless the great mass of Americans share in increasing prosperity—then our alliance, our revolution, our dream, and our freedom will fail. But we call for social change by free men—change in the spirit of Washington and Jefferson, of Bolivar and San Martín—not change which seeks to impose on men tyrannies which we cast out a century and a half ago. Our motto is what it has always been—progress, yes, tyranny no—*progreso sí, tiranía no!*
>
> But our greatest challenge comes from within—the task of creating an American civilization where spiritual and cultural values are strengthened by an ever-broadening base of material advance—where, within the rich diversity of its own traditions, each nation is free to follow its own path towards progress.
>
> The completion of our task will, of course, require the efforts of all governments of our hemisphere. But the efforts of governments alone will never be enough. In the end, the people must choose and the people must help themselves.
>
> And so I say to the men and women of the Americas—to the *campesino* in the fields, to the *obrero* in the cities, to the *estudiante* in the schools—prepare your mind and heart for the task ahead—call forth your strength and let each devote his energies to the betterment of all, so that your children and our children in this hemisphere can find an ever richer and a freer life.
>
> Let us once again transform the American continent into a vast crucible of revolutionary ideas and efforts—a tribute to the power of the creative energies of free men and women—an example to all the world that liberty and progress walk hand in hand. Let us once again awaken our American revolution until it guides the struggle of people everywhere—not with an imperialism of force or fear—but the rule of courage and freedom and hope for the future of man.

Mr. COOPER. Mr. President, at one point President Kennedy said:

> I propose that the American republics begin a vast new 10-year plan for the Americas, a plan to transfer these years into a historic decade of democratic progress. These 10 years will be the years of maximum progress, maximum effort, the years when the greatest obstacles must be overcome, the years when the need for assistance will be the greatest. And if we are successful, if our effort is bold enough and determined enough, then the close of this decade will mark a new era in American experience.

Then when President Johnson became President, he said, on November 26, 1963, 4 days after the tragic death of President Kennedy:

> I have come to reaffirm the Alliance and to pledge all energies of my government to our common goals.

This year he said:

> We recognize that fulfillment of all our goals will require continuation of our joint efforts beyond 1971. . . . Self-help and mutual aid will be yardsticks in determining the scope of our contribution.

That is a very limited statement of the historical background of this Alliance for Progress. As I have said in my discussion of it, the benefits that have flowed from it have been limited in some fields but very encouraging in others. In our consideration of the foreign aid bill this year, there have been departures, and I believe we have a responsibility to give this program the chance we have promised it and our neighbor nations.

I find no fault at all with trying to make the AID program more effective, to reform it, to assure that the recipient countries exercise more self-help and do a better job themselves. As I have said, I have proposed such provisions in the past. But I believe, out of a respect for Latin America, with the record of the committee itself, we ought to give this proposal very careful consideration. I hope that we can maintain the position we asserted in 1960 under President Eisenhower, and in 1961 and 1962 under President Kennedy, and which has been reaffirmed since that time under President Johnson, to give our member nations of the hemisphere assurance of our continued cooperation, so as to effect progress and further reforms in Latin America. Adoption of the amendment will give momentum to this great Alliance, and to our purposes.

I do want to note one other argument which has been made in this debate which I think has no relevance to the Alliance. It is evident that a part of the opposition to the AID program is the result of dissatisfaction with the situation in Vietnam. It is argued that our AID program will lead to commitments, or claims of commitments, such as have been asserted for our actions in Vietnam.

I am not now arguing the merits of that issue, but it seems to me rather ironic that those who argue that we have advanced or adopted a new policy based upon force should advocate that we discard, that we leave, that we cripple a peaceful arm of our foreign policy, in our own hemisphere.

This program has provided a constructive arm and one that is of assistance in developing nations with common goals. I think this is true in Latin America, as well as in a number of countries we assist, and I can see no real argument that the continuance of our support of the Alliance for Progress will involve us in military adventures in Latin America.

Therefore, upon the arguments that I have made, some of which the Senate has heard before, I hope very much the amendment will be adopted.

Mr. MORSE. Mr. President, I want to make a brief reply to my friend from Kentucky [Mr. COOPER] before I leave to go to the Labor and Welfare Committee to see if we can take some emergency legislative action on the great airlines emergency that confronts the country.

I think the Senate would make a great mistake if it adopted the amendment of the Senator from Kentucky. The Senator from Kentucky and I have worked very closely in the Senate over the years in our mutual interest for the Alliance for Progress program. I have respect for his views and appreciation for his help.

As the Senator knows, I have served as chairman of the Subcommittee on Latin American Affairs of the Committee on Foreign Relations. I am a strong supporter for the Alliance for Progress program. I hope we may continue to contribute to investing, or aiding—whatever term one wants to use—in the program, but I think it would be a great mistake to authorize the program for beyond a year, as recommended by the Senate committee, by a roll call vote of 11 to 6. This provision was fully considered and adopted in the Senate committee after we had the benefit of the testimony of the witnesses in the public hearings, and also additional information that was sought that does not appear in the written record of the committee hearings.

Then I think the Senate should take into account the fact that the House provision for the Alliance for Progress, as pointed out by the Senator from Kentucky, is a 5-year provision; and we all know we are going to conference. Although I think the Senate conferees should hold out for the 1-year provision, for reasons I shall state in a moment, as parliamentary realists, we all know that the odds favor a final settlement somewhere between 1 year and 5 years. I believe that the Senator from Kentucky should wait for the conference, rather than seeking to bind the Senate conferees with a starting point of 2 years. There will be a good many other matters in conference also. But I wish to speak on the merits of the matter for just a moment.

Mr. COOPER. Mr. President, will the Senator yield? The Senator from Oregon has been most kind in not interrupting my presentation, but I should like to comment on that point.

Mr. MORSE. I yield.

Mr. COOPER. I know that the argument has been made and will be made, why should the Senate do anything on this authorization? Why should it increase it to 2 years? It is said that in the conference there will be, perhaps, a coming together of the conferees at some point.

That could possibly be true. But I offer this amendment for another reason also. I recognize that in the conference, there might be agreement on 2 years or 3 years. I do not know.

But I would be sorry if the Senate of the United States, acting for itself, upon its own motion, would not express its continued support for the Alliance for Progress. That is the reason I hope the Senate will agree to this amendment—to show that we, too, have understanding of the purposes and meaning of the Alliance. I would hope that the Senate will help to recall that this Congress has taken such action in the past, and that we are not running away from it, and to recall that three Presidents of the United States, with the great prestige of their office, asked this body to give this kind of promise and hope to these countries.

I would rather have us take affirmative action on this floor than let the issue be threshed out in the conference room at some later date.

Mr. MORSE. The Senator from Kentucky, in his argument, loses me completely. I do not know what a 2-year authorization has to do with whether or not we support the Alliance for Progress. A 1-year authorization is support for the Alliance for Progress. If we did not support it, we would exclude it. I think that is a very weak argument, that we ought to adopt the Senator's amendment providing for a 2-year authorization as an announcement to the world that we support the Alliance for Progress.

I say we will strengthen the Alliance for Progress, in my judgment, if we adopt a 1-year authorization rather than a 2-year authorization, for I think a 2-year authorization will give opportunity for certain forces in Latin America—for reasons I shall point out momentarily—to weaken the Alliance for Progress.

But let me point out what the House minority, in its minority report, said about this matter:

> There are signs that the Alliance needs considerable strengthening because needed reforms are not forthcoming sufficiently fast enough to prevent economic stagnation, which in turn breeds political and social chaos. For example, only 7 of the 19 Latin Republics achieved their 1964 goal of increasing per capita income by 2.5 percent; only 9 passed tax reforms; only 12 adopted land reforms; and only 9 instituted savings and loan legislation.
>
> We commend those countries south of our border which have successfully, to date, repulsed Communist subversion. Latin America supported the U.S. position on Red China at the 20th session of the General Assembly last fall. It was the only geographic area of the world that stood almost totally with us.
>
> Still, AID's present handout program is not providing the solution. The New York Times survey of the economy of the Americas, dated January 28, 1966, summarized it well in an article entitled "For Latin America, Progress is Painful." Rather than lack of funds, the difficulty stems from lack of good projects. In the absence of these, the United States makes "program loans" which is simply a device to provide cash for a country to pay for its imports. Separate and apart from the detrimental effect this has on the U.S. balance of payments, it has a damaging effect on the country's economy. There has been considerable criticism from bankers, economists, and Government officials that the debt burden resulting from our aid programs in many instances is more than the countries can stand and will be a source of trouble in future years.
>
> Dissatisfaction with the administration's handling of the Alliance program arose from another source when last April a panel of international economic experts (the so-called nine wise men) established by the original charter of the Alliance resigned. The group asserted that it had lost its independence and that there was too much dominance of the Alliance by the United States.
>
> To sum up the major problems—
>
> While there has been economic growth in all countries, the population increase has blunted the effect of the economic growth rate.
>
> Private investment, discouraged in some Latin American countries by unwise fiscal and monetary policies is not moving in fast enough and flight of private domestic capital is continuing. The voluntary restraints imposed by the administration on the business community in an attempt to solve our gold problem works against the admitted need for more private investment.
>
> Unstable political and economic institutions remain a fundamental problem.
>
> The bureaucratic processes of AID has caused resentment and scorn on the part of many responsible Latin American officials.
>
> The Organization of American States has yet to become a truly regional collective security organization thereby rendering the OAS ineffective in closing the "collective security gap" in the Western Hemisphere.
>
> The administration of the Alliance is admittedly worsening. This does not seem to be the time, with the problems that beset the Alliance, to lessen congressional review.

I believe that the Foreign Relations Committee, having approved a 1-year authorization by a vote of 11 to 6, is entitled to the confidence of the Senate in a 1-year authorization, rather than 2 or more years. In fact, if we were to provide for 1 year for the other countries of the world—and some of them also, that we are aiding, are very much underdeveloped—and 2 years for Latin America, we would not create good will by that kind of discrimination, either. I believe this should be a uniform program of authorization for all of our aid recipients.

The Senator from Kentucky has spoken of Canada providing grants and interest-free loans.

The contribution that Canada makes to Latin America is a pittance compared with that which the American taxpayers are making. I will be more interested in using Canada as a basis for support for a 2-year authorization if Canada will join the Organization of American States, come in and be a partner with us, and stop standing on the sidelines as an observer so that she can keep herself in a free-wheeling position, which she has. We know some of the problems that we have had with Canada vis-a-vis Latin America. We know what little cooperation we received from Canada with regard to the problems of Cuba. We know to what extent Canada has continued to supply spare parts to Cuba. That is her sovereign right, but it does not make me, let me say, run up the Canadian flag and point to it as a basis for supporting a different policy for the United States in Latin America.

I say further that I would have my friend the Senator from Kentucky and other Senators read and thoroughly examine the penetrating report that the Senator from Alaska [Mr. GRUENING], who is in the Chamber, has submitted to the Senate in connection with foreign aid in Chile. If I were not hastening to another meeting, I would read part of it, but I shall only ask unanimous consent that I may have the privilege of having printed in the RECORD following my remarks some excerpts of the report of the Senator from Alaska in regard to the administration of foreign aid in Chile. Chile is one of our best friends and one of the more democratic countries in Latin America.

Chile has some very serious problems. May I say that there is a lot that can be done by AID people to improve the administration of foreign aid money even in Chile.

Mr. President, I ask unanimous consent that certain excerpts from my minority views in which I quoted from Senator GRUENING's report be printed in the RECORD following my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. MORSE. Mr. President, I think it is well known that the years of dedicated service that I have given now to the development of the Alliance for Progress program was infinitesimal compared with what the then Senator from Massachusetts and later President of the United States, as a member of my subcommittee, devoted to the Alliance for Progress program.

It is my interpretation and my feeling—and it motivates me—that, of course, one can go back to the remarks of any President and pick out an excerpt here or a quotation there about his support for a great program, and then come in and use that quotation as though it had a cause to effect relationship in logic for the support of a 2-year authorization. I call that an irrelevant argument and a complete non sequitur.

We do not have the views of the President referred to in regard to what his position would be. On the basis of the facts, he might very well support more than a 2-year program.

Mr. President, it happens to be our responsibility in the Senate to come to the judgment that we think we ought to reach before we cast our vote as to whether it ought to be 1 year, 2 years, or some other period.

As I said the other day, if we really want to give support to our democratic friends in Latin America, we will put it on a 1-year program rather than on a 2-year or longer program. Our democratic friends in Latin America have no concern about any interference with their programs. It is our nondemocratic friends who would like to get it sewed up. It is our nondemocratic friends who would like to get the authorization so that they can argue in our international conferences that they have a right to this aid. They have so argued. I have been present at those international conferences. I know the approach that they make in these international conferences.

An increasing number of Latin American diplomats are talking in terms of having a right to receive aid from the United States. Why, we had a serious situation arise not so many weeks ago, and there was quite a bit about it published in the newspapers.

The Senator from Arkansas [Mr. FULBRIGHT] and the Senator from Oregon got a little criticism in the press because of the position we took on this particular item. May I say that the Senator from Vermont [Mr. AIKEN], the Senator from Iowa [Mr. HICKENLOOPER]—who attended that conference—and the Senator from Minnesota [Mr. MCCARTHY] joined with us in our protest of the position taken in the conference that had been going on for revision of the OAS Charter, to have written into those revisions language that would seem to support the demand of certain Latin American delegates that they were entitled as a matter of right to have a guarantee written into a treaty that would give them the aid. That is dangerous business. If they have a case they can stand on, they do not have to worry about a 1-year authorization.

What concerns me are some nondemocratic regimes in Latin America that would like to get this kind of guarantee written into our law.

I think that sound discretion and wisdom call upon us to take another look at this program in a year.

I am still hopeful that we will be able to see a number of reforms adopted in Latin America that we can heartily support. Let us take, for example, the matter of interest rate mentioned by my friend, the Senator from Kentucky, when he said that Canada requires no interest rate. Would that be any bar on us as to the length of authorizations? Not at all.

Mr. COOPER. Mr. President, will the Senator yield?

Mr. MORSE. I yield.

Mr. COOPER. Mr. President, I was speaking of other nations beginning to supply aid to Latin America. I named Canada. I said that I read in the newspaper a few days ago that Canada was reducing its interest rate below 3 percent and was providing a grace period of 7 years. I did not say they were providing funds with no interest rate.

Mr. MORSE. Mr. President, of course the amendment that would follow— if I have the schedule right—would be the McCarthy amendment which seeks to reduce the interest rate from 3 percent to 2.5 percent for development loans after the grace period.

One of the great reforms that is needed in Latin America and one of the reforms needed, particularly in more of these nondemocratic nations—is interest reform, for the legal interest in most of those Latin American countries has ranged from 12 to 34 percent.

As long as we keep this on a yearly authorization basis, we are in a better bargaining position to use the position we are in to try to get more reforms adopted, such as interest revision.

I do not think that we can get anywhere in developing a sound project-to-project program that will help to improve the economic lot of the masses of the people in Latin America until they do something about their interest rate. I do not think the American taxpayer will or should look with much favor upon a Congress that is perfectly willing to go along with this low interest rate that we have been going along with, an interest rate that is still below the cost of the use of the money, when the legal interest in most of those Latin American countries may be from 12 to 34 percent.

How would we develop a building and loan association in any country? It would be impossible. We cannot have a person in the low income class in Latin America go along with a building and loan association program unless we get the interest rates down, their national interest rate, to between 5 and 7 percent.

There is evidence in the RECORD, and we have battled about this time and time again, that it is very often because of aid money that they are able to get from us at a very low interest rate—and for a while the rate was three-fourths of 1 percent, and then 1 percent for the 10-year grace period, and now it is proposed to be 2.5 percent for the period beyond that—that they have done two things. They have paid off some debts to other countries, countries to which they are paying a much higher percentage of interest. They have continued to borrow from other countries at a higher percentage of interest.

I speak respectfully and kindly, but I believe that that is really a form of cheating the American taxpayer. It is not playing fair with the American taxpayer.

A 1-year authorization would give them encouragement to bring about more reforms.

The minority views in the House committee report points out some additional reforms needed. A 1-year authorization would be an inducement to bring them about.

Mr. President, this is my last point: I say to the distinguished Senator from Kentucky that the Vietnam war is involved. The Vietnam was is involved, as far as the senior Senator from Oregon is concerned, from the standpoint of the issue he has raised.

I am in favor of limited authorizations for foreign aid everywhere, including Latin America, because not one of us knows what will confront us a year from today. God forbid that the situation will be worse. We have no reason to believe that it will not be worse. All we can do is pray that it will not be.

If these longer term authorizations are provided, the argument can be made, in an attempt to rebut what I have said, that the Committee on Appropriations would not have to appropriate the funds if conditions worsened. That will not change the contemplation of our Latin American friends or the contemplation of any other country in the world that, having authorized it, we have some kind of moral obligation—they even believe a legal obligation—to go through with it and appropriate the money.

We are in a bad way, in my judgment, with regard to the South Vietnam situation. We are not getting much help from many countries, either economically or with other nonmilitary aid, to say nothing of military aid. I do not believe we have any right to commit the American people, through their Government, in any form or to any degree whatsoever, to a long authorization period in this bill, or to an authorization over 1 year.

We will be here next year. We ought to check this each year. That is why I believe we ought to take the 1-year authorization, because we do not know whether we will be in a full-fledged war economy a year from today, or in a massive war a year from today. Honest and sincere men differ on the point I now make. It is my fear that it is more probable that we will be than that we will not be. It is my fear that, at the rate we are going, the war will be so escalated that it will be a massive war. In any event, I do not believe we ought to take the chance. I believe we ought to say to the world that we will help on the basis of our present economic strength, on the basis of our present status, with an authorization for a year, and that we will take a look at it at the end of that year, and decide how much more to authorize.

For these reasons and others which I have expressed in the past, I urge the Senate, in my capacity as chairman of the Subcommittee on Latin American Affairs, to support the 1-year authorization.

EXHIBIT 1

CHILE

An intensive study of aid to Chile prepared by Senator GRUENING for the Subcommittee on Foreign Aid Expenditures of the Government Operations Committee should be read by every Senator before he votes on this bill.

Per capita, assistance to Chile is the highest in Latin America. It is a testing ground for program loans and with its small population of 8.5 million, its stable and democratic Government, Chile seemed to be the one place where foreign assistance could bring meaningful results.

U.S. economic assistance to Chile from 1961 through 1965 has totaled nearly $700 million, and was presumably in conformity with a 10-year economic plan laid out in March of 1962.

Yet Senator GRUENING finds:

"The economy has been virtually stagnant for a decade—its rate of growth in recent years has averaged about 3 percent a year, only inching ahead of the annual 2.5 percent population growth.

"Inflation has been endemic. During the decade 1950–60, the cost of living rose by an annual average of 36 percent. In 1960 and 1961, under an austerity program, inflation was held to 5 and 10 percent respectively. But as inflationary pressures were felt again, living costs rose 28 percent in 1962, 45 percent in 1963, and 38.4 percent in 1964.

"In recent years Chile's monetary and fiscal position has been bleak. The balance of trade has been unfavorable, with imports exceeding exports by some $95 million in 1963 and $93 million in 1964. At the same time, the Chilean Government is responsible for many social and economic services which contribute to recurring budget deficits (the budget deficit reached 452.4 million escudos at the end of 1964, or about $165 million). Meanwhile, the Chilean Government has been forced to rely more heavily upon foreign borrowing. In recent years foreign credit has financed as much as 40 percent of official investment. As a result, Chile faces increasingly serious difficulties in servicing its medium- and long-term foreign debt (currently amounting to $1.4 billion) with payments of interest and amortization imposing a heavy burden on the balance of payments. International reserves of the monetary system dipped to a minus $263.7 million on December 31, 1964."

He finds that Chilean firms produce at high cost for a limited market. In agriculture, the largest source of employment, the feudal system has turned Chile, once an exporter of foodstuffs, into a heavy importer of agricultural commodities and a dependent upon food for peace.

Sixty-five percent of agricultural income goes to 8 percent of the landowners. The rural laborers and their families who comprise a third of the Nation's population remain at the bottom of the economic ladder:

"It is estimated that only 6 percent of the rural population has access to safe water service. Housing for almost half the rural population is primitive. Sewage facilities are practically nonexistent. Despite Chile's educational achievements relative to other underdeveloped countries, one-third of the rural population 15 years and over has received no schooling whatsoever, while another third has completed 1 to 3 years of primary education—hence, two-thirds are functional illiterates.

"A large segment of Chilean landlords have demonstrated little concern for their tenant farmers and laborers or for increasing the productivity of their lands. With plenty of cheap labor available, large landholders earn comfortable livings from extensive farming. Significantly, agriculture in recent years, although accounting for only about 10 percent of gross national product, has received about 35 percent of the private credit outstanding. Most of the credit has gone to a small group of producers, and much of this has been diverted to relatively nonproductive or to nonagricultural uses. Studies of the expenditure patterns of large landowners reveal that they spend almost 80 percent of their sizable incomes for personal consumption."

Although Chile in the past has had a relatively highly developed education system, it has fallen tragically far behind modern needs.

"It has become increasingly clear that the school system, organized in the 19th century, has failed to adapt to the country's real needs. Emphasis has traditionally been upon academic training and the liberal professions, with the result that few people have vocational skills. The dropout rate is high: of every 100 students who enter primary schools, only 33 complete the sixth year of the curriculum."

These are not the conditions of 1960 the Alliance for Progress was designed to correct: these are the conditions that prevail in a primary recipient of development money from the United States, 5 years after massive aid has been underway.

The Gruening report demolishes much of the case the administration tries to make for nonproject, or program, lending:

"Program lending, initiated in 1963, and now the overwhelming component of the U.S. program in Chile, is a highly dubious device for linking assistance to performance."

$35 million program loan was made in 1963 and a $55 million loan in 1964.

Following the 1964 election of President Frei we expected the genuine reforms, and an $80 million program loan was signed early in 1965.

Senator GRUENING finds the results not much different than before. Moreover:

"Chile's investment budget remains largely a random shopping list of unevaluated, unrelated projects submitted by various agencies and ministries. * * * Program lending erodes Chile's incentive to undertake the necessary steps to formulate its investment program on a rational basis. So long as dollars are available through the program loan route, the Chilean Government feels no urgency to build an institutional capability for projectizing its bids for foreign financing. * * * Another serious and related consequence of program lending has been the undermining of the proposed consortium of international lending agencies and governments to be organized under the auspices of the World Bank. Chile much prefers receiving external assistance not tied to specific projects, a situation which the consortium was designed to end. Furthermore, dealing with AID within an international group promised to be a good deal tougher than negotiating bilaterally where considerations other than economic can be raised. Meanwhile, continuation of U.S. program loans made it unnecessary for Chile to prepare projects suitable for international financing. The result: no projects, no consortium. In effect, the program loans helped to scuttle the international consortium, the instrument by which the United States intended to get out of the business of supplying assistance unrelated to specific projects."

These objections to the nature and results of aid to Chile are in no way a reflection upon Chileans. Nor do I intend to criticize by implication any other recipient of American aid. It is our money, and we are entirely responsible for its use or misuse.

Mr. COOPER. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER (Mr. HART in the chair). The yeas and nays have been ordered.

Mr. KENNEDY of New York. I shall speak briefly, because I have to attend the meeting that Senator MORSE is going to, in connection with the airlines strike.

I commend the Senator from Kentucky on the efforts he is making today for the Alliance for Progress.

I believe the Senator from Kentucky touched the heart of this matter when he read the speech that originated the Alliance for Progress. The Alliance for Progress is more than an aid or assistance program. It is an effort to have all the countries of Latin America, and the United States, work together to deal with the great enemies of mankind—illiteracy, disease, and hunger—to try to build up education, to provide a method by which new industry can be developed in Latin America. The aim was not to do it just as an aid and assistance program, as in the past, but with a combined effort.

We dealt with the Alliance for Progress first through President Kennedy, supported by Congress, and last year by President Johnson. There was a commitment not just for a year but for the decade of 1960's, as the Senator from Kentucky read. At the meeting in Rio last year, President Johnson extended it to the 1970's.

The Senator from Oregon has stated that he has traveled around Latin America and has had a good deal of experience in Latin America. I also have traveled around Latin America. All the countries and all the people were grateful for the Alliance for Progress. They were grateful because it had given them new spirit. It had demonstrated to them that the people of the United States are interested in their future and their progress, and that we are interested in their having a different kind of life for themselves and for their children.

They felt that it meant something because it was going on for more than 1 year. There was a tremendous response throughout Latin America when President Johnson said the program would be extended through the 1970's.

When the bill originally was passed, there was criticism that the United States had only begun its interest, after many years of indifference, and that the only time the United States would take an interest in Latin America would be when there was trouble or difficulty there. The Alliance for Progress, and the fact that it went through the 1960's and the 1970's was a demonstration by the U.S. Government and the spokesmen of the United States that we are interested in more than 2 or 3 years, that we are interested in an extended period of time.

That is why I believe the amendment proposed by the Senator from Kentucky is so important. It demonstrates, once again, that Congress and the President are making that commitment. We are not making it by ourselves. But in association with these other countries, we can put into effect the kinds of reforms that will make a difference in that part of the world. The Alliance for Progress initiated a good number of those reforms. They never would have taken place unless the Alliance for Progress had gone into operation.

If we pull back and say the program will be on a year-to-year basis; that we are not interested in an extended period of time, but interested only in acting after we see how the situation develops elsewhere in the world; that we do not really care whether children in this particular village have an opportunity to gain an education; that we do not care whether they have clean water; that we do not care whether roads are built into the central part of Latin America; that we want to find out what will happen in Vietnam or what our problems are in our own part of the world—if we say this, then we are breaking the promise that was made first by President Kennedy, supported by Congress, and then by President Johnson.

When I made my speech on Latin America some months ago, I said that I believed there were many problems about the Alliance for Progress and that it could be improved. But the fact is that we have made it possible, through the Alliance for Progress and the other efforts that have been made by the United States, to bring about tremendous reforms in many countries of Latin America. We have made it possible for tens of millions of young children to obtain an education which they never would have been able to obtain if it had not been for the effort of the United States. We have made it possible for tens of thousands of young children to have a glass of milk or to stay alive because of the assistance and help provided by the United States.

With all the problems and all the difficulties and all the imperfections of the program, we can look back upon this period of time—those who are in Congress can look back upon the early part of the 1960's—and say that they made an effort. Maybe the effort was not perfect, because human beings are not perfect. At least, the effort was made, and for that they can be proud.

I thank the Senator from Kentucky for continuing his effort along these lines.

Mr. COOPER. A few moments ago, when the Senator from Oregon spoke about what had been accomplished in Latin America, I felt that instead of being a reason for voting against a longer authorization, it was a reason for voting for it.

The Senator from New York, with his knowledge, having been in Latin America and having spoken to the people there, can relate, as I cannot, their sentimentality, their feeling, and their reliance on our alliance. I am grateful for his support.

Mr. AIKEN. Mr. President, I appreciate the remarks of the Senator from New York.

I also support the amendment proposed by the Senator from Kentucky, because I believe that we cannot do good work in the Alliance for Progress on a year-to-year basis. I do not believe that I would go as far as a 5-year extension at this time, under the circumstances, particularly the circumstances prevailing in other parts of the world. But I do say that since this cooperative program in Latin America has started, there is hardly a country in Latin America in which the principles of democracy are not a little stronger than they were a few years ago.

There is hardly a country in Latin America where the people are not enjoying a little better standard of living, including education and health benefits, than they were when the Alliance began. There is hardly a country in Latin America where the Communist foothold is not a little weaker than it was a few years ago. There is hardly a country in Latin America that has a government that is not at least as friendly to the United States, and in most cases more friendly, than when the Alliance for Progress was initiated.

Mr. KENNEDY of New York. The Senator from Vermont [Mr. AIKEN] has summarized the whole argument, I think, with many of the statements he has made. He is absolutely correct.

Mr. AIKEN. It is worth continuing on a 2-year basis. Personally I would go for 3 years. But with the atmosphere around the world today, and the uncertainty, I do not know that I would go for 5 years, as the administration requested. But certainly 1 year is not adequate to let us plan cooperatively.

Mr. JAVITS. Mr. President, I would like to support the Senator from Kentucky [Mr. COOPER], and I do so in this case out of personal knowledge.

The arguments of the Senator from Oregon [Mr. MORSE], it seems to me, are invalid for two great reasons. Both of those reasons, in my judgment, are infinitely superior to the reason to see how things go with the program from year to year.

First, we would be offending Latin America's sensitivity. This is not rhetoric when one speaks about Latin America. The basis is that we are now finished with a 4-year authorization for the Alliance for Progress. If the program were to be on a 1-year basis, it is bound to look to Latin America like an expression of dissatisfaction and a vote of nonconfidence in the program. This we do not feel, this we do not intend, and this would be very inimical to ourselves.

Second, I have had rather considerable experience with Latin America in respect of private investment. I have been to Latin America, like my colleague from New York [Mr. KENNEDY] who was there in the fall last year. I was there in April of this year. I went through Peru, Chile, Argentina, and Brazil.

The important thing with multiyear authorization for the Alliance is that these countries have an opportunity to plan upon the things that they can count on. Private investment is inevitably tied to some form of public investment. This requires a certainty and assurance of expectation on the part of those who would undertake projects involving substantial private funds, which they cannot have on a year-to-year basis, especially when the year-to-year basis means, we know, somewhere between 8 and 10 months at the very best, and generally speaking around 9 months. That is just too short a time in economies of that kind, where the economy has to be planned from the ground up, to enable people to build economic strength.

Under these circumstances, it is self-defeating to limit the program in such a way as to make it less efficient and less effective in operation.

The decisive argument is that we were after the Latin Americans for a long time to set up the basic machinery by which they could screen requests for economic aid. It is the function of CIAP, the Latin-American Committee on the Alliance for Progress, to coordinate the aid, to receive and screen their applications. It is indispensable to the operation of that kind of mechanism to have some reasonable assurance that the program will continue.

The best example is the Marshall plan. We are always talking about what a great plan the Marshall plan was. It was great because it was given a 4-year assurance. Hence, Europeans could set up the Organization for European Economic Cooperation for the purpose of coordinating the activities with the U.S. Marshall plan, and to use them to the greatest effect. That would have been impossible on the basis of 8 or 9 months, which would be the situation on a year-to-year program.

We do want the program to succeed. That is infinitely more important a consideration than the climactic condition of keeping everybody guessing on a year-to-year basis.

If we want the Alliance for Progress to succeed, it is my direct personal experience that at the minimum there is needed a 2-year authorization. I agree with the Senator from Vermont [Mr. AIKEN] that that is by no means the optimum period. The optimum period would be slightly longer. But under given conditions that is the best we can do. It will indicate to those who confer with the other body that the mind of the Senate is open on the question of a multiyear authorization with respect to the Alliance for Progress.

Having been shot down on the 2-year authorization for every part of the program, I think the conferees would be seriously inhibited, especially as the chairman of the committee is on record against the 2-year authorization across the board.

Therefore, if we expect the Senate conferees to be at all congenial to a multiyear authorization in any part of this program, the Alliance for Progress is the most logical part. An affirmative vote on this amendment is indispensable.

For personal reasons and for reasons of efficiency, as well as reasons inherent in the Senate making its position clear, the amendment is extremely desirable.

I think we must all be grateful to the Senator from Kentucky [Mr. COOPER] for trying to rescue some part of the multiyear approach. I think he picked a most important and logical part of the program in dealing with the Alliance for Progress.

I feel strongly that the Senate would be well advised to go along with the amendment.

The Western Hemisphere is being recognized as the most critical responsibility of the United States. We should not cripple ourselves in this regard. When we have a program in hand with such possibilities of going forward we should not destroy it ourselves or sap the strength of Latin America which is in it.

Let us indicate a reasonable approach to the problem by voting a 2-year authorization. I shall support the amendment of the Senator from Kentucky [Mr. COOPER]. I hope that the Senate supports him also.

Mr. TYDINGS. Mr. President, I wish to take this opportunity to add my voice in support of the amendment proposed by the distinguished Senator from Kentucky [Mr. COOPER] and to associate myself with the remarks of the distinguished junior Senator from New York [Mr. KENNEDY].

The longer that I am in the Senate the more I realize the depth of the wisdom, foresight, and perception of the distinguished Senator from Kentucky.

As Senator COOPER so eloquently said, the Alliance for Progress, is no ordinary part of the aid program. It deals with our neighbors, our brothers if you will, to the south. North and south, we are all Americans. So I think that the Alliance for Progress deserves a little different treatment than the rest of the aid program.

The Alliance for Progress has taken substantial steps toward meeting the needs of Latin America which prompted President Kennedy to start the Alliance in 1961. In the field of education alone it has already distributed over 6 million textbooks; it has built over 6,900 classrooms; it has assisted over 2 million university students and over 1,200,000 high school and elementary school students in South America. The Alliance has also helped provide inservice training to over 28,000 elementary and high school teachers in Latin America.

I submit there is no greater instrument for preserving liberty and meeting the needs of the people than education. The Alliance for Progress has become an important bulwark for education in Latin America.

When we move into the health field, the statistics are even more striking. Over 56 million people have been protected from malaria. Fifty-six million, Mr. President. More than a million and a half persons have been vaccinated for cholera and smallpox—something which we in this country take for granted, but something which prior to the Alliance for Progress caused the deaths of thousands of innocent young boys and girls in Latin America.

We have helped to reclaim and irrigate 90,000 acres of farmland in Bolivia alone—70 percent of the present total farmland of that country. That is what feeds people. That is what prevents famine. Since the inception of the Alliance for Progress we have built more than 2,700 miles of roads to connect this farmland with the markets which serve it. We have financed and helped to construct over 73,000 individual homes. There is no more stabilizing factor in any community than the right of an individual to own and keep his own home. These homes supply the needs of almost half a million citizens in Latin America.

We have helped to develop almost 2,000 credit unions in Latin America. They give the individual citizen in South America the opportunity to save money, receive a return on his savings, an opportunity which he never would have had before and would not have now without the Alliance for Progress.

Since 1961, seven of the Alliance countries have shown on income growth which met or exceeded the annual minimum 2.5 percent per capita target. In 1965, nearly every country increased its per capita gross national product over the previous year.

The export earnings of the region have increased by more than 25 percent. In nine countries the increase was at least 45 percent. Total exports of the 19 American Republics rose by $700 million, or 7.5 percent, in 1964 alone. Preliminary figures for 1965 indicate a further increase of approximately $500 million to a total figure of $10.4 billion in exports.

Mr. President, I submit that although the Alliance for Progress has problems, weaknesses, and shortcomings, it has done an admirable job. When we talk about the Alliance for Progress with our southern Members, we are not talking about some other part of the AID program. We are talking about a special commitment made by President John F. Kennedy in 1961, and supported by President Johnson. This commitment of honor deserves something better than the hand-to-mouth existence of a single-year authorization. This amendment gives us a chance to show our Latin American neighbors that we regard the Alliance for Progress as something special within our foreign aid program.

I certainly hope that the Senate will support the amendment of the Senator from Kentucky [Mr. COOPER].

Mr. FULBRIGHT. Mr. President, I shall not detain the Senate long. The points made by the Senator were discussed at length the other day, and there was a vote on the general question of a 2-year versus a 1-year authorization. The Senate by a substantial majority, voted to limit the program to 1 year. The basic issue does not go to the merits of the program or whether or not it has been effective. It is a question of control by the Senate. The difficult times in which we now find ourselves prove very clearly, I think, that the AID program should remain under the close scrutiny and control of the Senate.

Mr. President, so far as I am concerned, I am ready to vote.

Mr. KENNEDY of Massachusetts. Mr. President, I would like to express my support for the amendment offered by the distinguished Senator from Kentucky to provide a 2-year authorization for the aid program for Alliance for Progress nations.

The amendment is based on a premise which I consider sound—that the relationships between the United States and our Latin neighbors are unique relationships, deserving of special treatment and consideration.

This unique relationship is reflected in the Alliance program, to which the United States has committed itself to join with the countries of Latin America in a long-term cooperative effort to bring about social reform and economic development. Our commitment has been repeatedly reaffirmed, both by President Kennedy and President Johnson. I believe our Latin friends are demonstrating, by the programs already underway, that they believe in the commitment they have made, and stand determined to fulfill it.

Great progress has been made, greater in the last 5 years than at any other time in the hemisphere's history. But the achievement of the goals of the Alliance, requiring as it will, nothing less than a peaceful resolution, will not be forthcoming without still greater effort, and dedication and sacrifice.

The burden rests mainly with the countries within Latin America. But certainly the United States should make every effort to support and encourage the programs of self-help which these countries are undertaking.

These programs are long-term programs for better homes, and jobs and schools and health facilities. They require large long-term commitments, not only of resources, but also of faith and confidence.

Whenever the United States demonstrates, as it would under Senator COOPER's amendment, that it has confidence in the Alliance, in its goals and its achievements, and that the United States will continue to support and encourage the great effort that is being made, we would bolster the faith and the confidence of the people of Latin America in the future of the Alliance.

This amendment serves that constructive purpose and I urge its adoption.

Mr. MANSFIELD. Mr. President, I shall vote for the Cooper amendment because I think it is not only worth while but also very necessary. I am only sorry it is not for a longer period.

ORDER OF BUSINESS

Mr. MANSFIELD. Mr. President, will the Senator from Arkansas allow me to proceed for 5 minutes?

Mr. FULBRIGHT. I am glad to yield to the Senator for that purpose.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the vote be taken 5 minutes from now, without qualification.

The PRESIDING OFFICER. Without objection, it is so ordered.

RESIGNATION OF AMBASSADOR EDWIN O. REISCHAUER

Mr. MANSFIELD. Mr. President, my purpose in rising at this time is to make the following statement.

I have just learned of the resignation of our Ambassador to Japan, Edwin O. Reischauer. The news is a source of deep regret to me as it will be, I am sure, to many other Members of the Senate who know Mr. Reischauer and are familiar with his great capacity and exceptional achievements in Japan.

He has served the United States for about 5 years in the most important diplomatic post in the Western Pacific. He brought to the American Embassy in Tokyo a knowledge and an experience with Japanese and Asian affairs of the highest order. He conducted the affairs of the U.S. Government in Japan with a consummate skill and great dedication to the interests of the country, and with a sympathetic and realistic understanding of the Japanese nation and its peoples.

Having spoken with Mr. Reischauer only a few days ago, I can appreciate his personal reasons which have compelled him to leave at this time. In all candor, nevertheless, I wish that he had decided otherwise. I know that he received every encouragement from the President to remain in Japan, as Ambassador, in the service of the Nation. The decision to leave was solely his own, and he arrived at it in spite of the urging of the President and many Members of the Senate to the contrary.

He leaves with the gratitude and the respect of the Nation which assigned him as Ambassador and equally of the nation which received him as Ambassador. His going creates a serious gap in the representation of the United States in the Far East.

Mr. FULBRIGHT. Mr. President, will the Senator from Montana yield?

Mr. AIKEN. Mr. President, will the Senator from Montana yield?

Mr. MANSFIELD. I am glad to yield to the Senator from Arkansas.

Mr. FULBRIGHT. Mr. President, I associate myself with the comments of the majority leader regarding the services of Ambassador Reischauer.

He is one of the ablest men we have had in the Far East and I think it is a great loss and a tragedy to allow him to resign at a time when matters in that area are at such a critical stage.

Ambassador Reischauer came to his assignment with unusual, almost unique, qualifications due to his knowledge of the language, culture, and history of the Far East, including China.

We can ill afford to lose a man with his background, considering the very dangerous situation confronting us in the Far East.

I had heard rumors of his resignation, but I had hoped that the President would be able to persuade him to continue, at least until we found the beginning of a way out of our troubles in southeast Asia.

I join the Senator in regretting the loss of Ambassador Reischauer.

Mr. MANSFIELD. Mr. President, I appreciate the remarks of the Senator from Arkansas. Let me reiterate—and I speak from personal knowledge—that the President did personally everything in his power to keep Ambassador Reischauer on as Ambassador to Japan. He even went to the exent of offering him several positions in Government in Washington which would have to do with foreign policy.

Mr. AIKEN. Mr. President, will the Senator from Montana yield?

Mr. MANSFIELD. I am happy to yield to the Senator from Vermont.

Mr. AIKEN. As the majority leader has just stated, everyone who knew Ambassador Reischauer and his work will regret his decision to leave his post in Tokyo.

Ambassador Reischauer was the right man, in the right place, at the right time during the past 5 years.

I am sure that we will never know just how much we owe, for our present cordial relations with Japan, to the very fine work of Ambassador Reischauer in bringing the two countries together.

I had hoped that he would stay on for some time longer, but I appreciate his reasons for wanting to get back to his work in the United States.

I can only wish his successors somewhere near the same satisfactory results which Ambassador Reischauer has been able to obtain in his post in Tokyo.

Mr. MANSFIELD. I thank the Senator from Vermont.

Mr. SYMINGTON. Mr. President, will the Senator from Montana yield?

Mr. MANSFIELD. I am happy to yield to the Senator from Missouri.

Mr. SYMINGTON. Mr. President, I should like to associate myself with the remarks of the majority leader, the chairman of the Committee on Foreign Relations, and the able and distinguished Senator from Vermont.

In recent months, it was my privilege to twice visit with Ambassador and Mrs. Reischauer.

Without question, those of us who have known him and had the benefit of the discussions incident to the problems of the Far East, know that he is one of the ablest men that we have ever had in that part of the world.

Especially do I regret that he is leaving at this time because of the respect and admiration in which the Japanese people hold him.

As we approach the problems incident to the automatic review of our treaty with Japan in 1970, I would hope that the President will find some way to use the talents of this great American and outstanding public servant, as we continue to plot our course with respect to our relationships with the Japanese people.

FOREIGN ECONOMIC ASSISTANCE, 1966

The Senate resumed the consideration of the bill (S. 3584) to amend further the Foreign Assistance Act of 1961, as amended, and for other purposes.

The **PRESIDING OFFICER.** Under the order previously entered, the vote recurs on the amendment of the Senator from Kentucky [Mr. Cooper].

The yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. SIMPSON (when his name was called). On this vote I have a pair with the Senator from Colorado [Mr. Allott]. If he were present and voting, he would vote "yea." If I were permitted to vote, I would vote "nay." Therefore I withhold my vote.

The rollcall was concluded.

Mr. LONG of Louisiana. I announce that the Senator from Tennessee [Mr. Bass], the Senator from Nevada [Mr. Cannon], the Senator from Tennessee [Mr. Gore], the Senator from Arizona [Mr. Hayden], the Senator from Missouri [Mr. Long], and the Senator from New Jersey [Mr. Williams] are absent on official business.

I also announce that the Senator from Arkansas [Mr. McClellan], the Senator from Maine [Mr. Muskie], the Senator from Oregon [Mrs. Neuberger], and the Senator from South Carolina [Mr. Russell] are necessarily absent.

I further announce that, if present and voting, the Senator from New Jersey [Mr. Williams] would vote "yea."

On this vote, the Senator from Nevada [Mr. Cannon] is paired with the Senator from Oregon [Mrs. Neuberger]. If present and voting, the Senator from Nevada would vote "yea," and the Senator from Oregon would vote "nay."

Mr. KUCHEL. I announce that the Senator from Colorado [Mr. Allott], the Senator from Michigan [Mr. Griffin], and the Senator from Kansas [Mr. Pearson] are necessarily absent.

The Senator from Kansas [Mr. Carlson] is absent on official business.

If present and voting, the Senator from Kansas [Mr. Carlson] would vote "nay."

The pair of the Senator from Colorado [Mr. Allott] has been previously announced.

On this vote, the Senator from Michigan [Mr. Griffin] is paired with the Senator from Kansas [Mr. Pearson]. If present and voting, the Senator from Michigan would vote "yea," and the Senator from Kansas would vote "nay."

The result was announced—yeas 54, nays 31, as follows:

[No. 151 Leg.]

YEAS—54

Aiken
Anderson
Bartlett
Bayh
Boggs
Brewster
Case
Church
Clark
Cooper
Dodd
Dominick
Douglas
Fannin
Fong
Harris
Hart
Holland
Inouye
Jackson
Javits
Kennedy, Mass.
Kennedy, N.Y.
Kuchel
Lausche
Long, La.
Magnuson
Mansfield
McGee
McGovern
McIntyre
Metcalf
Miller
Mondale
Monroney
Montoya
Morton
Moss
Murphy
Nelson
Pastore
Pell
Prouty
Proxmire
Randolph
Ribicoff
Saltonstall
Scott
Smathers
Sparkman
Tower
Tydings
Young, N. Dak.
Young, Ohio

NAYS—31

Bennett
Bible
Burdick
Byrd, Va.
Byrd, W. Va.
Cotton
Curtis
Dirksen
Eastland
Ellender
Ervin
Fulbright
Gruening
Hartke
Hickenlooper
Hill
Hruska
Jordan, N.C.
Jordan, Idaho
McCarthy
Morse
Mundt
Robertson
Russell, Ga.
Smith
Stennis
Symington
Talmadge
Thurmond
Williams, Del.
Yarborough

NOT VOTING—15

Allott
Bass
Cannon
Carlson
Gore
Griffin
Hayden
Long, Mo.
McClellan
Muskie
Neuberger
Pearson
Russell, S.C.
Simpson
Williams, N.J.

So Mr. Cooper's amendment was agreed to.

Mr. COOPER. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. JAVITS. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

ORDER OF BUSINESS

Mr. SMATHERS. Mr. President, I ask unanimous consent that all Senators be permitted to introduce bills and resolutions during today's session, out of order.

The **PRESIDING OFFICER.** Without objection, it is so ordered.

HISTORY WILL NOT ABSOLVE CASTRO

Mr. SMATHERS. Mr. President, tomorrow Fidel Castro will crank up his propaganda machine and unleash another barrage of words—a compound of hysterics and the Communist litany—in an effort to commemorate the founding of his July 26 movement.

In the 7 years during which Castro has been in power, this anniversary has been used to exhort the Cubans to greater production.

But each year has produced more words and less crops. Fidel Castro has betrayed his people, stripped a fertile country bare, and left the Cuban people with a mouthful of Marxist ideology and no bread.

This year's anniversary is supposed to be based on the theme, "History Will Absolve Me," a title taken from a speech Castro made in 1953 when he was on trial for leading an attack on government barracks at Santiago de Cuba.

It is indeed an ironic theme, for only a Communist historian could absolve Castro. Any impartial chronicler of history must examine the record of 7 years and conclude that the regime is a failure.

But the failure is not a personal tragedy—it is the tragedy of a proud people betrayed.

The record shows that the Cuban economy is in tatters. The usually reliable Vision letter of June 29 reported:

> The breakdown on the farm . . . is crushing Cuba.

The newsletter states that Cuba's gross national product, which was $2.6 billion in 1959, is still at $2.6 billion—but with a 1 million rise in population. At the same time, the agricultural share of the Cuban gross national product, is down by a fourth.

The Vision letter also reports that the vital Cuban sugar crop is down more than 1.5 million tons from the previous year, aggravated by a steep decline in the international price of sugar.

While it would seem virtually impossible to wreck crop production in a country so fertile, Castro seems to have proven that communism's effect on agriculture can best be described as "dialectics and disaster."

For sloganeering and exhortation are poor substitutes for sound farm management. So desperate have the Cubans been to meet their quotas that they have cut immature cane and thereby jeopardized future crops.

In truth, the island of Cuba is locked in a tryant's grip worse than any in the past.

It is worse because Cuba is in utter thralldom to a foreign power, virtually isolated from the free world and now, in the wake of the Tricontinental Congress, also shut out by its Latin neighbors who want no more of satellite Cuba's efforts to export subversion and discord.

It is worse because all of the old tools of oppression have been used once more—the systematic stifling of personal liberties, the neighborhood spies, and ultimately, the firing squad.

It is worse because the regime has all but destroyed the industrial sector of its economy, lost its professional and managerial classes in an undiminished flow of refugees to our shores, and grown pitifully dependent upon Communist technical assistance.

That assistance is a euphemism—for to receive it, Cuba had to sell its birthright and to make a mockery of the vision of Jose Marti.

Russia may well begin to chafe if the cost of slipping crutches under the Castro economy continues to soar.

And Cuba may find that the Iron Curtain price for hard goods may start climbing.

When that happens, Fidel Castro may find that his persuasive powers as an attorney are weak indeed—for one does not calmly discuss bankruptcy with an angry Russian bear.

Instead of sharing the natural riches of his nation among all Cubans, as Castro promised, he has reduced all Cubans to the same level of poverty.

It is common to read in the Miami newspapers, almost daily accounts that reveal the once gay Cubans now share a life of bleakness and austerity.

An island which once could offer fine foods from the farms and the seas now rations these things in pinches and fistfull portions. Patriotic Cubans are given the voluntary opportunity to give up their weekly food rations.

Mothers and fathers must scheme to find ways to produce extra milk or a fresh egg for a child.

We hear touching stories of how a family must hoard even such basics as light bulbs—which are carried from room to room because they are rationed one to a family.

No, Fidel Castro, history will not absolve you—nor will the Cuban people.

History will write its harsh judgment on the facts.

ZAMBIA BITES THE HAND THAT FEEDS

Mr. EASTLAND. Mr. President, the hand that feeds was bitten again last week. The State Department, which fancies itself above reproach, suffered another nip in the hand which doles out foreign aid to our so-called allies.

Last week the United States was officially snubbed by an African nation which is all but spoon-fed by Americans to keep it alive. Oil and other vital materials, including money, are airlifted to the country of Zambia at U.S. taxpayers' expense.

A top level visit to the United States by Zambian leaders was canceled last week to show the world that Zambia did not approve of U.S. bombing of North Vietnam's oil facilities near Hanoi. Undoubtedly, the State Department will rush to soothe the Zambians' feelings by offering several more million dollars in aid.

At the same time that we are being chastised by Zambia for our conduct of the war in Vietnam, the State Department is trying to strangle friendly Rhodesia. It seems Rhodesia is guilty of fighting the Communist menace in Africa, trying to maintain a stable pro-Western government and worst of all, offering to send Rhodesian troops to help American GI's fighting in Vietnam.

Officials of the State Department have expressed the opinion that they consider Rhodesian racial issues a greater danger than communism in Africa and Europe.

These same officials have admitted that mail from U.S. citizens favoring the Rhodesians totals in the thousands, but they haughtily discharge these letters by pointing out that one letter from a civil rights leader represents more weight.

The case of Rhodesia goes begging for justice and even the American press which has touted itself as a friend of the rights of man, has ignored the basic facts about Rhodesia because it does not dare shine a spotlight on the truth.

The truth is that the Rhodesian Government is not a revolutionary group of rebels who have overthrown a legal government. Rhodesia has never had a government of British civil servants. On the contrary, the Rhodesians have always been independent in their internal affairs. They have always elected their own officials and decided their own domestic policies.

The so-called rebel government of Ian Smith is nothing more than the duly elected government of the people of Rhodesia which has made a technical adjustment in Rhodesia's relationship to the British.

Certainly the action of the Rhodesians has been no less just than that taken by the people of this country when they declared the independence of the United States from the British Crown.

But, for reasons best known to the State Department, the United States is going to great lengths to destroy the freedom and independence of this friendly nation.

We have helped in an economic blockade of Rhodesia at the suggestion of the British, while the British have ignored our pleas to halt trade with North Vietnam.

The British sold buses to Castro to help that Communist maintain an economy while this country is devoting every effort to thwarting that Red regime.

Rhodesia was not only refused a hearing in the Security Council of the United Nations, despite the fact that it had every legal right under the U.N. bylaws, but they were not even afforded the courtesy of an answer to their request.

It should be noted that Arthur Goldberg, our Ambassador to the United Nations, was active in blocking any hearing for Rhodesia.

Rhodesia, it seems, must not be accorded the help this country renders to dictators and Communist nations such as Rumania. Yet, the Rhodesians are friendly to us. The Rhodesians are willing to fight shoulder to shoulder with us. They have vast deposits of chrome ore which this country needs and regardless of the predictions of their enemies, the internal peace and calm of Rhodesia speaks not of tyranny, but of a people, white and black, who endorse and support their government.

Radio broadcasts from Zambia, carried over the powerful stations subsidized by the British regularly call for an uprising, for the slaughter of animals and the sabotage of industry, but these go ignored.

In fact, Rhodesia has maintained a peaceful and friendly bearing in the face of all this adversity. The Rhodesians still share the electric power from the great Kariba Dam with Zambia, although with the dam actually under Rhodesian domination, they could have turned off the power.

I believe our current policy toward Rhodesia is wrong. I believe that we are acting not only unjustly, but imprudently.

There is talk of secret agreements which will pledge the United States to endorse a continued boycott of Rhodesia along with other African nations even if the British and the Rhodesians reach a peaceful settlement of their differences. Such agreements would fly in the face of reality. To bind ourselves to a bloc of unfriendly and even pro-Eastern nations would be the height of folly which might result in the destruction of one of our stanch allies.

In the past, we have too often ignored our friends while buying only contempt from our enemies. The time has come now as we are locked in the struggle with the Communists in Vietnam to gather our allies around us.

FOREIGN ECONOMIC ASSISTANCE, 1966

The Senate resumed the consideration of the bill (S. 3584) to amend further the Foreign Assistance Act of 1961, as amended, and for other purposes.

The PRESIDING OFFICER. Pursuant to the previous unanimous-consent agreement, the amendment of the Senator from Minnesota [Mr. McCARTHY] is now the pending business.

The question is on agreeing to the amendment of the Senator from Minnesota.

Mr. McCARTHY. Mr. President, I do not feel it necessary to restate at length the case for recommending this change in the interest rate which was added by the committee amendment to the bill sent to us by the administration. The arguments were made last week both for and against the amendment. I do not think anything has changed over the weekend that would have any significant bearing upon the facts or considerations which should be used as a basis for judgment. Therefore, I shall merely briefly summarize the case I made for reducing the interest rate on development loans beyond the grace period from 3 percent, as recommended by the committee, to 2½ percent, which is the current rate, and which is the rate recommended by the administration.

One important change that the Senate has made with reference to interest rates, I think, should be taken into account. That is the action taken in agreeing to the Dominick amendment. The effect of that amendment was to increase the interest rate during the grace period of 10 years on development loans from 1 to 2 percent—a 100-percent increase in the interest rate during that period.

That increase was certainly not contemplated when the Committee on Foreign Relations increased from 2½ to 3 percent the interest rate on the period of the loan which runs beyond the grace period. I believe that the debt burden which will result from these two increases will be too severe for the developing countries to bear, and therefore I urge the Senate, with the support of the chairman of the Committee on Foreign Relations, to reverse the action of the committee and agree to a 2½-percent interest rate on development loans beyond the grace period.

An additional consideration is the fact that the United States has been urging the other countries which make development loans—principally France, Great Britain, and Canada—to reduce their interest rates, and they have been doing so. Real progress has been made toward cutting down their interest rates and also toward extending the period of time during which the loans might be repaid. For us at this point to reverse our position and begin to increase the interest rates, it seems to me, would be most discouraging to the other countries which have been responding to our past urgings.

I ask Senators to look again at the statements made by George Wood, the President of the World Bank, and others who have commented upon the danger of increasing the debt burden on recipient countries. The particular point he has made is that if we continue the present trends, in 15 years the debt burden would be greater than the amount of the capital investment on loans going into those countries. If that were to happen, of course, the entire effort to develop those underdeveloped countries would be completely frustrated.

Mr. President, I ask for the yeas and nays on my amendment.

The yeas and nays were ordered.

Mr. McCARTHY. Mr. President, I have no further remarks to make.

Mr. McGEE. Mr. President, will the Senator yield?

Mr. McCARTHY. I yield.

Mr. McGEE. Mr. President, will my colleague agree with me that the pending program is not a program to plunge the American people, or their country, into making money off interest rates?

Mr. McCARTHY. Certainly this program was never conceived as one which was to be developed on commercial principles or to make money for the United States. Under the program loans are to be made by our AID officials to assist developing countries meet their most pressing needs.

Mr. McGEE. Mr. President, by the same token, would it not be fair to say that we are not trying to set up criteria that would legislate the American Government into the professional banking business?

Mr. McCARTHY. Certainly not. This program was set up because the problems could not be met through the ordinary international commercial banking institutions or through the international banking agencies set up by the combined agencies of government. We felt that there was a need for an intermediate operation between the direct grants and the international banking agencies.

Mr. McGEE. Have we not stressed repeatedly that, as a very affluent Nation, we are interested in the economic development of other areas, believing that that also helps the chances for peace?

Mr. McCARTHY. The Senator is correct.

Mr. McGEE. It seems to me that the economic development has been tended to be ignored by some who want to get more interest return than a private fund. Some would compare the program with private banking institutions, which it could not be.

Mr. McCARTHY. The Senator is correct. The comparison has been made between its charges and between its interest rates and those paid by the United States on its borrowings at home. Neither of those bases is a proper basis for judgment.

Mr. McGEE. The Senator from Minnesota is one of the true experts in the Senate on economics and foreign policy. He is a member of both the Committee on Finance and the Committee on Foreign Relations.

I wonder what the judgment of the Senator would be in regard to measuring the economic gain for the United States, if we were to keep books on this matter, and if we were to successfully participate in the economic development of these more backward areas.

Mr. McCARTHY. I think the record of the Marshall plan and of the programs we have begun to develop in other countries indicates that economic progress of the United States is just not indirectly or remotely related but is directly and immediately benefited as the economies of these countries develop. The fact is that the principal exports from the United States today are somewhat advanced and technological products, whether it be in the military, the computer, or the electronics fields.

These products are what those countries want. They cannot really use those products unless they have developed their own economy and technology.

There has also been a great, increasing demand for agricultural products in many countries. In this regard there can be no effective demand for these products unless the countries in need of them have something to trade in international commerce.

This program, together with other programs, has as its primary objective the development of more vital and effective economies in these underdeveloped countries.

The immediate consequence of such development is of great advantage to the United States, because the advanced economy is the only kind of market in which the U.S. products can really find an outlet.

Mr. McGEE. Mr. President, another criticism levied against the proposal of the Senator is that it would lend money more cheaply to foreign governments than we now lend to some of our own people within our domestic economy.

Would the Senator in his long experience with economic matters comment on that matter?

Mr. McCARTHY. I think the choice is not whether we lend to these countries on higher or lower interest rates, but whether we lend to them at a low rate to develop a program under direct aid; that is, this program should be viewed as a step beyond the direct grant-in-aid.

In my judgment, if we are further to burden this particular program of development loans with high interest rates, which those countries cannot pay, and increase their debt burden, the pressure will be on us either to provide more direct aid, or to curtail it without any prospect of payment of either the interest or the principal.

This is the choice offered to the Senate today.

Mr. McGEE. Mr. President, I suggest that the priority that should be accorded to the measure of economic development afforded by different policies would indicate that the further we go in the direction of the suggestion of the Senator today, the more direct the impact of economic growth would be on the countries in which the funds are to be applied.

Mr. McCARTHY. Mr. President, I think the experience we have had within recent months in the United States in terms of an increased interest rate on the most productive and vital economy in the world, and of its depressing and dislocating effect on our own economy should serve as a warning for us. It indicates we should not arbitrarily and without due reflection and consideration increase interest rates in economies which are in a highly unstable condition and are likely to collapse at any time.

The interest differential that we are talking about is not what it seems to be. The loans that may be made by the countries are not made at 2½ percent. They are made at greater rates of interest.

This differential has been pointed out as being beyond explanation. It has even been suggested that there is something dishonest about it.

The fact is that the ones that have borrowed have to pay these interest rates in the currency, in soft currency, of the country to which the loan is made.

The advantage is that the difference between the interest rate paid by the country for such loans and the interest rate paid to the country itself is income. That soft currency can be used to support governmental projects, educational, or otherwise, in the country.

The alternative would be to say, "You have to lend the money at the same interest rate that we lend it to you."

I think every Senator realizes the pressure this would set up to try to obtain loans at the low-interest rate paid by the recipient government. I would anticipate that in every country to which we make development loans, we would have the kind of problem that exists in South Vietnam with regard to import licenses and the possibility of corruption and of attempting to buy favor with the government. In my judgment, these possibilities would be very extensive.

Mr. McGEE. Mr. President, I say to my colleague, the Senator from Tennessee, that I think in all of our dialogs on this and in all of the ramifications of the foreign aid question this year, we still tend to lose sight of one of the biggest and best reasons for this.

We find ourselves in the debates concerning ourselves with comparisons of programs here at home, domestic programs at home, in an attempt to find out the extent to which the programs overseas may be stopped or decreased. We seem to be obsessed with that and have forgotten some of the reasons advanced for doing it. The reason for doing it happens to be that it is right that we, as the most affluent nation in the world, as a nation that came out of World War II with a disproportionate amount of power—perhaps more than possessed by any other nation at any time of the world—the American people and the American Government set an example for the first time in the history of modern nations and that we share our economic treasure not only with our allies, but even with the vanquished. Now we seek to develop in positive and constructive terms—not in military terms—countries that have just been freed from long control under one sort of colonial system or another.

I do not think there is an example anywhere in the history book of a nation like ours doing something just because it ought to be done.

I think we ought to make more of that the basis for the kind of program that we seek to legislate here—intelligently, I hope—in these days.

I commend the Senator.

Mr. McCARTHY. I agree with the Senator. I think the fact that we have cut the money available in the program by 50 percent is bad enough, but if, in addition to that, we are to increase the interest rates, I think that both in the substance of the program and in the appearance and justification of it to other nations, we would suffer immeasurable damage.

I hope that the Senate, having acted to cut the amount and also to approve the Dominick amendment will now reverse the action of the committee and establish an interest rate on development loans at 2.5 percent.

I might add that this rate of 2½ percent is roughly comparable to the interest rate that we charge on disaster loans in our own country, and it is higher than the rate on REA loans, a program developed when the agricultural economy of this country was seriously deprived.

To increase the interest rate on what are in effect disaster loans, emergency loans—because these countries live in a continuing state of emergency—to a higher level would put us, in my judgment, in an indefensible position in terms of competition for ideas and for respect around the world.

I have no further remarks to make at this time.

Mr. MUNDT. Mr. President, this controversy over the proper interest rate to charge on our loans to developing countries has a long and interesting and a rather expensive history.

Several years ago, in the Committee on Foreign Relations, my distinguished colleague, the Senator from Ohio [Mr. LAUSCHE] and I had a little two-member biparty meeting. We decided that some kind of study should be made as to why we were making what were virtually no-interest loans under the title of loans, when in reality they were grants. We found then that one-quarter of 1 percent interest was being charged, which was not even enough to carry the bookkeeping charge, not even enough to legitimatize it as a loan.

So, several years ago we began working in the direction of attempting to develop some realistic kind of interest rate for loans, as distinguished from grants; and bit by bit, with the slow run of progress resembling the great glacial age, we have been moving in the direction of the legitimate loan. We have made steady but slow progress, but we have been moving in the right direction.

In this era of high interest rates, when our taxpayers and our constituents are paying for the money they borrow in this country from 6 to 7, to 8, to 9 percent interest, plus points, it is proposed that we reverse this history of constructive action and go back down the hill again, by providing loans and interest rates which actually crank into them a considerable element of grant and which move downward when all interest rates are moving upward.

My distinguished friend, the Senator from Minnesota, has said that 2½ percent is roughly the equivalent of what our communities in America pay when they are in a disaster condition. It is roughly the equivalent, but it is not the equivalent. The equivalent is the 3 percent interest rate that the committee bill calls for. In other words, by an affirmative vote on the amendment proposed by Senator McCARTHY, we would provide a lower interest rate for disasters in other countries than we provide for equal disasters in the United States.

Mr. President, let us remember that we are dealing here with loans. We hear it said that we ought to have a humanitarian approach, that the United States should not be parsimonious or grabby or stingy with these developing loans. Developing loans are supposed to be actual extensions of money at an interest rate. We have a separate grant program here. For the bleeding hearts in the Senate who are worrying about the fact that we are not doing anything for the rest of the world, let me point out that this bill, in addition to these developing loans, provides $1,149 million in grants, with no interest. When there is a condition overseas that merits the eleemosynary approach by this country, we provide it to the extent of $1,149 million.

I shall break it down. It appears on page 2 of the committee report, in the event that any Senator, deciding in his own mind how he can justify with the folks back home a reduction in the interest rate while interest rates are bouncing around like toy balloons in every area of our economy, might like to read the RECORD. His constituents may read it.

We are giving away money in this bill. We are giving away $210 million for technical cooperation, with no interest at all—not 2½ percent, not the 3 percent that the committee bill provides, not the 2 percent provided in the 10-year immediate period, not even the one-quarter of 1 percent that the State Department cooked up and actually utilized until Senator LAUSCHE and I began focusing attention on it.

We provide $87.7 million for the Alliance for Progress—a giveaway—to meet conditions of health, of education, of quick disaster, where it is necessary for us to come in, as an affluent society, in our responsibilities as a world leader to provide our largesse to countries which are in dire need. We provide $10,989,000, roughly $11 million, for U.S. schools abroad to provide additional educational opportunities. That is free money, a donation, a contribution which our taxpayers collectively make as a grant to foreign countries.

For international organizations, we provide $140 million, plus about $500,000, as a grant, with no interest.

It has been said that this is some kind of mercenary atmosphere in which we are operating when we put the interest rate up to 3 percent. Quite beyond all that are these giveaway programs for which our committee voted—and I might add, incidentally, in which our committee, as to each one of these items, increased the amount of contribution by grants, as compared with what was being done 1 year ago.

Then we come to the supporting assistance—$700 million. That is also without interest. But I wish to be completely fair and point out that part of that goes to meet the situation in Vietnam. There, of course, we do not find ourselves on a parallel basis.

So we add it up, and it amounts to $1,149 million. Take away from that the $550 million of supporting assistance given to Vietnam, and it makes a total of $649,122,000 as a grant provided by this bill, without interest, and outside of our responsibilities in Vietnam.

So let us not assume that, simply because we are attempting to charge something resembling a legitimate interest rate for development loans, Uncle Sam has suddenly become a hard-hearted individual.

I do not believe that we can discuss these contributions in a vacuum. We are living in a high-interest era of American economic history. It has been more than three decades since Uncle Sam has had to pay as much to borrow money as he has to pay now, and those interest rates are being passed on to our constituents. Those interest rates are being reflected in our economy. To propose that on top of the grants which we are making in foreign aid, on top of the development loans at 3 percent—which in themselves involve a sizable subsidy in interest payments on the part of the American taxpayer—another interest paying subsidy should be passed on, seems to me to completely disregard the economy of our times, the financial problems confronting us, the drain on our balance of payments, and the high interest rates that homebuilders, merchants, farmers, and the families of laboring people must pay for the money they borrow for private credit or installment payments or anything else for which they borrow money.

Beyond all this, Mr. President, I believe there is one great prevailing argument for not taking the backward step and the reckless fiscal move suggested in the amendment offered by my good friend, the Senator from Minnesota. We are dealing with a long-term proposition—30-year loans, 40-year loans. We have already made some progress by increasing slightly the interest rates which are to be charged for the first 10 years.

But we are talking here about what is supposed to be a legitimate interest rate a decade hence. Who among us is a Solomon so wise that he can vouchsafe for the fact that now, today, in July of 1966, what should be a legitimate interest rate to be received on these loans beginning 10 years hence?

(At this point, Mr. MONDALE assumed the chair.)

Mr. McCARTHY. Mr. President, will the Senator yield?

Mr. MUNDT. I yield.

Mr. McCARTHY. I say that we are both in the same situation in the terms of that prophecy.

Mr. MUNDT. The Senator is correct in terms of the prophecy, but not in terms of reality.

Mr. McCARTHY. What is the difference?

Mr. MUNDT. Let me point out the difference, because it is clear and the difference should be known.

We are in the same predicament. Nobody knows starting in 1974 what should be the proper interest rate for the next 30 years. It is a guess, but if today we keep the interest rate at 3 percent, as I think we should, and find in 1974 that it is too high, we can reduce it, because no borrower ever complained about a reduction in his interest rate. But if the tides of fortune move the other way and in 1974 we find that this interest rate should be 4 percent or 5 percent or even higher, we cannot increase it because we have bound ourselves for three additional decades.

I refuse, with my vote, to put Uncle Sam in a coat of chains for the period of 30 years in an unpredictable climate of increasing interest rates, when 3 percent interest itself may be ridiculously low 10 years from now.

For us to go beyond that and gamble in a reckless manner with the money of the taxpayer would be irresponsible action on our part. If we guess wrong in terms of the interest rates paid by the country, and interest rates go down, we can correct that at any time, any day, any year, any hour; but if we guess wrong, and the interest rates go up, we have bound Uncle Sam to an interest rate concept for 30 years. I believe that Senators should realize that. I want constituents who read the RECORD to realize that. I hope that the newspapers and news media will report that because we are dealing with an economy already in trouble in America. It is about time that we come to our senses and engage in some prudence, and some caution, and that we do not needlessly jeopardize the economy by binding ourselves to a situation that, as the Senator from Minnesota [Mr. McCARTHY] and I agree, is so unpredictable that nobody can speculate with accuracy in terms of the interest rate 10 years hence.

Mr. LAUSCHE. Mr. President, will the Senator yield?

Mr. MUNDT. I am happy to yield to the Senator from Ohio.

Mr. LAUSCHE. Last week I discussed the table on page 321 of the testimony taken on the economic aid bill.

Mr. President, I ask unanimous consent that the tables dealing with the years 1962 and 1963, appearing on page 321, be printed in the RECORD.

There being no objection, the tables are ordered to be printed in the RECORD, as follows:

TABLE 5.—*Distribution by maturities of official bilateral commitments in 1962*

[Millions of dollars]

Country	Total official bilateral contributions	Grants [1]	Total loans	More than 1 to 5 years, inclusive	More than 5 to 10 years, inclusive	More than 10 to 20 years, inclusive	20 to 30 years, exclusive	30 to 40 years, exclusive	40 years and more
Austria	6.4	0.6	5.8	5.8	----	----	----	----	----
Belgium [2]	65.6	65.6	----	----	----	----	----	----	----
Canada	61.3	47.3	14.0	----	0.9	13.1	----	----	----
Denmark [2]	.8	.8	----	----	----	----	----	----	----
France [2]	897.4	756.7	140.7	4.3	20.1	79.2	[3] 24.9	----	12.2
Germany	473.3	[4] 158.3	315.0	41.0	8.5	164.5	101.0	----	----
Italy	131.2	18.8	112.4	71.3	25.1	16.0	----	----	----
Japan	286.9	103.9	183.0	21.9	148.5	12.5	----	----	----
Netherlands	28.7	11.4	17.3	----	----	----	[5] 17.3	----	----
Norway	4.4	4.4	----	----	----	----	----	----	----
Portugal [3]	42.5	3.1	39.4	5.2	1.3	1.6	31.3	----	----
Sweden	2.6	2.6	----	----	----	----	----	----	----
Switzerland	2.2	2.2	----	----	----	----	----	----	----
United Kingdom	577.7	221.2	[6] 365.5	1.0	13.0	3.0	340.0	----	921.0
United States	4,725.0	3,025.0	1,700.0	65.0	106.0	386.0	209.0	14.0	----
Total of above industrial OECD countries	7,306.0	4,421.9	2,884.1	215.5	323.4	675.9	723.5	14.0	933.2

[1] Including grants, reparations, net loans repayable in recipients' currencies, and net transfers of resources through sales for recipients' currencies.

[2] Gross disbursement data.

[3] Including loans with maturities of 30 years.

[4] Includes Indus Basin $4,500,000.

[5] Includes $1,400,000, the breakdown for which is not available.

[6] The breakdown has been rounded to the nearest million by the United Kingdom authorities.

Source: The Flow of Financial Resources to Less-Developed Countries, 1956-63, Organization for Economic Cooperation and Development, p. 150.

TABLE 5.—*Distribution by maturities of official bilateral commitments in 1963*

[Millions of dollars]

Country	Total official bilateral contributions	Grants [1]	Total loans	More than 1 to 5 years, inclusive	More than 5 to 10 years, inclusive	More than 10 to 20 years, inclusive	20 to 30 years, exclusive	30 to 40 years, exclusive	40 years and more
Austria	0.9		0.9			0.9			
Belgium [2]	78.9	75.8	3.1	1.8			1.3		
Canada	125.2	43.6	81.6		25.9	55.7			
Denmark	6.8	6.8							
France [2]	870.9	696.8	174.1	4.7	25.0	126.7	[3] 12.5		4.6
Germany	686.7	[4] 163.2	523.5	15.5	4.0	394.0	110.0		
Italy	154.3	14.0	140.3	26.3	74.0	40.0			
Japan	298.2	80.1	218.1	30.1	52.1	135.9			
Netherlands	29.1	8.5	20.6		.9	1.4	18.3		
Norway	3.7	3.2	.5			.5			
Portugal	53.5	8.8	44.7				44.7		
Sweden	4.8	2.6	2.2			2.2			
Switzerland	10.7	4.9	5.8		5.8				
United Kingdom	475.4	234.6	240.7	3.6	29.2	31.2	163.4	4.2	9.1
United States	3,963.0	2,448.0	1,515.0	[5] −84.0	177.0	228.0	171.0	35.0	998.0
Total of above industrial OECD countries	6,762.6	3,790.9	2,971.1	−2.0	393.9	1,016.5	521.2	39.2	1,001.7

[1] Includes grants, reparations, net loans repayable in recipients' currencies, and net transfers of resources through sales for recipients' currencies.

[2] For Belgium and France gross disbursement data have been used.

[3] Including loans with maturities of 30 years.

[4] Includes Indus Basin $5,500,000.

[5] Negative figure results from recording new commitments less larger offsetting consolidation credit entries.

Source: The Flow of Financial Resources to Less-Developed Countries, 1956-63, Organization for Economic Cooperation and Development, p. 151.

Mr. LAUSCHE. These tables show the maturity period of various bilateral commitments made by different developed countries of the world in loans.

It shows that in 1962 we made $933 million worth of loans maturing in 40 years or more; in 1963, $998 million maturing in 40 years or more.

A study of these tables will show that we have been most generous and liberal in making loans that will allow the borrowing countries to repay the debt in periods far in excess of the periods demanded by other of the countries which have loaned money.

This matter of maturity of the debt in 40 years or more and between 30 and 40 years must also be considered in connection with the interest rate.

Mr. MUNDT. And we are dealing with a situation which does not become operative until a decade from now.

Mr. LAUSCHE. The Senator is correct.

Mr. MUNDT. We are trying to speculate what the interest rate will be 10 years from now. It seems to me that this is an utterly irresponsible thing that we are asked to do by the McCarthy amendment.

Mr. LAUSCHE. I think that an examination of these tables will show that the other developed countries, such as Italy, Germany, France, and Great Britain have grown in a degree, in the 10- to 20-year period which enables them at the end of 10 or 20 years to call the loan and redraft the interest rate and the maturity time.

We must wait until 40 to 50 years have expired before we have any right to fix a new interest rate predicated upon the economic conditions that will prevail 40 and 50 years from now.

With this narrowing of the liberality of terms, Mr. President, our terms will still be far more liberal and generous than those of Germany, Great Britain, France, Belgium, the Netherlands, and the other nations that have been engaged in a minor degree in this lending program.

In conclusion, their loans have been made as investments. Ours, on the basis of business deals, have not been investments but have been garbed in the cloak of true mercy trying to help these countries.

Mr. MUNDT. The Senator makes a very good point. We are asked by the McCarthy amendment to sign a contract which goes into operation 10 years hence and flows on to future history for 2 to 3 decades; and we are asked to sign the contract, which all the way through retains for the other fellow, the foreign signatory, his option of free choice for right of change, for right of dropping out, but ties old Uncle Sam, who under this amendment would be Uncle Sucker, to a contract which he could not change. It is indeed a heads I lose, tails you win proposal.

I wish to emphasize that interest rates which are paid us by foreign countries can be decreased any day or any hour. They can, however, be increased only once, and that is when the contract is signed. That is today. That is when we vote for this amendment to cut back interest rates.

Mr. President, as the Senator from Tennessee [Mr. GORE] pointed out the other day, some of these loans are very far from being designed to be of any eleemosynary benefit to the recipient countries. Some of them are highly commercial, indeed. Some of them, as the Senator from Minnesota [Mr. MCCARTHY] admitted on the floor today——

Mr. McCARTHY. Mr. President, will the Senator yield for a change of language?

Mr. MUNDT. I yield.

Mr. McCARTHY. I did not admit to anything. I did not think I had been accused.

Mr. MUNDT. The Senator is correct, as the Senator from Minnesota [Mr. MCCARTHY] proposed.

Mr. McCARTHY. I made the simple statement. I did not admit or deny.

Mr. MUNDT. As the Senator from Minnesota [Mr. MCCARTHY] said happily on the floor of the Senate.

Mr. McCARTHY. I thank the Senator.

Mr. MUNDT. Mr. President, I want the RECORD to be correct. The Senator said if there were a profit to be derived between the low interest rate we charge the corporation and the interest rate in turn collected by the recipient country, that that interest rate would go to the recipient country, which is another way by which we subsidize the speculative capacity of mere man to prophesy additional subsidies for the recipient countries in the form of a grant, although our people back home are led to believe we are advancing money as a loan. A loan ceases to be a loan when you start operating in terms of an outright grant or gift.

Mr. GORE. Mr. President, will the Senator from South Dakota yield at that point?

Mr. MUNDT. I am happy to yield to the Senator from Tennessee.

Mr. GORE. There is one other very interesting feature of the development loan program. These agreements are made in two distinctive steps. The first one is a loan made to a business institution. Let me refer here to the list which I requested and select one as an actual example.

I see here a loan to the Olinkraft Celulosa e Papel. Upon inquiry I was informed that Olinkraft is a subsidiary of the Olin Mathieson U.S. Chemical Corp.

Please understand that I am not being critical of the Olin Mathieson Co. It is one of our very large, very successful, and honorable companies. The loan was made to Olinkraft. But Olinkraft, a subsidiary of Olin Mathieson, does not agree to repay the United States.

Olinkraft, in the second step, repays not the United States in the dollars which it receives but repays the Government of Brazil, and not in hard currency but in Brazilian cruzeiros. The rate of exchange, as we know, may be one thing at the time the American dollar goes to Okinkraft, but years later when it is repaid, not to us but to the Brazilian Government in cruzerios, the rate of exchange may be entirely different. In fact, that is the history of inflation in Brazil.

Now, Olinkraft receives—it says here one time 5 years and another time 2 years.

Mr. MUNDT. Probably 10 years; 2 times 5.

Mr. GORE. The interest rate which Olinkraft pays to the Government of Brazil is 5½ percent. The going rate of interest in Brazil on commercial bank loans, I am advised, is 2 percent per month, so that even on these terms Olinkraft receives a favorable interest rate compared to the commercial competitive interest rates in Brazil.

But they also get the unusual benefit of repaying a hard loan with soft currency. Olinkraft does not agree to repay the United States, from whom it receives American dollars, in any respect whatsoever. The Brazilian Government, according to the second step, receives a grace period of 10 years at 1 percent. Then, thereafter, the interest rate for the United States is 2½ percent and the amortization period is 40 years.

I thought the Senator would be interested in having me cite this unusual feature of the program which, as the Senator has pointed out, has been eulogized as being charitable in purpose and eleemosynary in effect. I am not sure it is either. As I look at the development loan program, it is primarily for the benefit, whether intended or not, of the recipients of the loan, in credit, the dollars they are advanced.

Now, unfortunately, as the Senator from Minnesota [Mr. McCarthy] has pointed out, the Government of Brazil profits greatly. It pays 1 percent for 10 years and 2½ percent for 40 years. Meanwhile, it has had payment of the loan, which it did not make in the first place, and has the benefit and use of the money during all this time. It unquestionably is of benefit to the country.

But, why should the United States be considered entirely secondary in repayment? Why should not this subsidiary, the large American corporation, be willing to repay the United States from which it receives the hard loan? I just point this out to the Senator from South Dakota for his information.

Mr. MUNDT. The Senator from Tennessee makes a very good point. I see no good reason why the American corporation which gets this preferential interest rate should not repay the interest rate in full to the United States instead of to a foreign government, enabling the foreign government to make a large and substantial profit on a financial transaction, to the detriment of the United States.

While we are dealing with specific cases, let me point out that a number of us today have sent a letter to the Secretary of Agriculture, Mr. Freeman, the text of which will be released in tomorrow morning's papers, signed by some eight or nine Senators, dealing with one of the concomitants which flow out of this kind of foreign loan.

This one happens to be a loan from the Export-Import Bank, but it might just as well have been one issued by AID. It is in the same category of developing loans, and deals with the announcement in the New York Times on July 11, under the heading of, "United States Investor Makes Rumanian Pork Deal," with the story under a Belgrade, Yugoslavia, dateline.

It describes the investment of a man named Milton Gordon who has come up with a kind of interesting way to make a living in Rumania. He proposes to borrow from the Export-Import Bank the necessary money by which he is going to build in Budapest an organization called Prado Export, a Rumanian trading company, which has announced that it will specialize in breeding and processing more than 300,000 pigs a year.

Mr. Gordon tells the Export-Import Bank:

> Your security is absolutely sound, because the Rumanian pork producing company is going to sell its product in the United States.

Now this is still another blow at long-suffering American agriculture. This is another way we ignore the American processor and producer. When we start making loans to economic enterprises abroad with no consideration of what kind of potential competitor we are creating, and then do it by a ridiculously low subsidized interest rate, we have run the whole gamut of inventive ideas trying to figure out a method to bring bankruptcy to the United States.

We have written Mr. Freeman a letter protesting this. I want to add, in fairness, that it is not his responsibility. It was not his suggestion. It was suggested by the Export-Import Bank. But we are asking the Secretary of Agriculture, as the sole Cabinet member spokesman for the American farmer and rancher, to file a protest with the Export-Import Bank, which is mainly financed by American money, against this loan, subsidizing, with American funds, a Communist pork-processing plant to sell its products in the United States, in competition with the private enterprise American farmer.

Unhappily, we find instances of that kind when dealing with AID, but I want to make it clear for the Record that this is not one of the misadventures of AID. This one happens to be with the Export-Import Bank.

Mr. President, I ask unanimous consent that our joint letter to Secretary Freeman and the news story relating to the matter be printed at this point in the Record.

There being no objection, the letter and article were ordered to be printed in the Record, as follows:

July 25, 1966.

Hon. Orville Freeman,
Secretary of Agriculture,
Department of Agriculture,
Washington, D.C.

Dear Mr. Secretary: All of us were deeply shocked to note in the New York Times for July 11, 1966 on page 41 of Section C that a New York Investor is obtaining credits from the Export-Import Bank to implement a signed agreement for processing pork products in Rumania and selling them in the United States.

According to the news story (copy attached) arrangements provide for the breeding and processing of more than 300,000 pigs a year which are to be sold in the United States. The article goes on to state further that Intercontinental Markets, Inc. will supply about $8 million worth of modern American-made equipment for the process and that the output would be worth about $10 million a year for the next decade. All of this is to be financed with credits to the extent of 72% from the Export-Import Bank, another 12% from American banks and the remaining funds from Prodexport, a Rumanian trade company.

As the spokesman for American Agriculture, it is imperative that you lodge a strong protest against this policy which permits the granting of credits for implementation of this agreement which will permit Rumanian pork products to come to this country in competition with our own producers. Hog prices have already declined several dollars in the past few months to the detriment of our United States producers. All forecasts by knowledgeable agricultural economists are to the effect that hog prices will decline even further in the future.

In fact, the report by the Department of Agriculture entitled Livestock and Meat Situation released in May of 1966 states that hog prices will likely be considered below fourth quarter 1965 and that this general supply-price situation will extend into 1967. This statement in your report is based on the study by the Department that the supplies of hogs will be higher and that the prices will decline in the coming months.

Therefore we urge that you contact officials of the Export-Import Bank requesting that they reconsider their policy of extending credits to foreign investors for the purpose of entering into enterprises which will result in the importation of farm products into this country in competition with our own producers and cause a resultant depressed price for our own hog producers.

Our farm economy is already too depressed and it is unthinkable that our farmers must be subjected to further attacks on their efforts to obtain parity by foreign imports which are financed and implemented through policies of governmental agencies which are mainly financed by the American taxpayer. It is even more unfortunate that these policies and credits are extended to a Communist nation and that we are actually depressing the economy of the hog producers and processors of this nation for the benefit of the hog producers and processors of a Communist nation.

We hope that you will give this matter your most serious consideration and that you will, with the full prestige of your position as Secretary of Agriculture, contact the Export-Import Bank requesting them to reconsider their position on the extension of the credits discussed in this news story so that loaning agencies will in no way be using our taxpayers dollars to further depress parity income for the American farmer. We would appreciate your writing us a letter conveying your reaction to this development and letting us know of any actions you will take to be helpful.

With best wishes, we are

Cordially yours,

Karl E. Mundt, Frank Carlson, Milward L. Simpson, Roman L. Hruska, Jack Miller, Bourke B. Hickenlooper, Carl T. Curtis, John Sherman Cooper, Len B. Jordan, Milton R. Young.

[From the New York (N.Y.) Times, July 11, 1966]

U.S. INVESTOR MAKES RUMANIA PORK DEAL

Belgrade, Yugoslavia, July 10.—Milton A. Gordon, a New York investor, has announced here that he has signed an agreement with a Bucharest company for processing Rumanian pork products and selling them in the United States.

Mr. Gordon said last week the arrangement between his company, Intercontinental Markets, Inc., and Prodexport, the Rumanian trade company, will call for breeding and processing of more than 300,000 pigs a year.

Intercontinental will design a packing plant, probably to be situated near the Danube, and will supply about $8-million worth of modern American-made equipment for the process.

Mr. Gordon added that the output would be worth about $10-million a year for the next decade. He said he would get credits from the Export-Import bank for 72 per cent of the project and financing from American banks for another 12 per cent. The remaining funds are to be provided by Prodexport.

Mr. MUNDT. Mr. President, let me say, in conclusion, we hear a great deal in this country about the merits and demerits of dollar diplomacy. The question is brought up and debated pro and con whether or not, by the use of American money in grants, export loans, development loans, in aid to military juntas and others, we can in fact develop a lasting peace and will in fact help set back the Communist menace of which we are all aware.

During the long, almost 20-year history during which we have had AID, we have had some successes and some failures. Apparently, we learn little from either our successes or our failures, because we move along with the same formula, prescribing the same medicine, regardless of the ailment involving some particular country. We have a responsibility as the greatest free nation in the world, as the leader of the free world. We also have a responsibility as a government of our people to do what we can to help hold the world right, to prevent global war, to prevent godless communism from enslaving additional areas and populations of the world.

And so none of us who are advocating these correctives in the AID program holds to the position that America should not do anything. We do not deny that dollar diplomacy is one tool by which to exercise our responsibility as a world leader. But when dollar diplomacy is changed into tincup diplomacy; when, instead of exercising prudence in allocating loans, in making grants, we simply turn billions of dollars over to foreign governments to make investments, to use these dollars as they please, then we substitute the tincup concept of diplomacy for one which should be related to our American success experience, which is based on building up the productive power of a country, which is based on building up the tax base and income producing capacity of a country, and trying to help it to help itself.

I deplore this tendency to keep trying to inject into what is already an expensive and troublesome practice of dollar diplomacy, this outworn and outmoded concept of tincup diplomacy, which is merely an undirected, unprotected, uncontrolled policy, whereby we hope the mucilaginous quality of American dollars in bigger bundles will hold the world together.

We need something better than that, and I applaud the decision of the Committee on Foreign Relations to hold the interest at 3 percent, even though, at 3 percent, it still requires a considerable subsidy on the part of the American taxpayer, who has to pay much more than that in order to borrow money publicly, and more than twice as much to borrow privately.

I hope the Senate does not emulate the curse of Sisyphus, of Greek mythology, who was condemned to march up a hill pushing up heavy rocks ahead of him until they reached the summit, and then to roll them down again, and then to push them up again, and then to roll them down again, for eternity.

I hope now, having moved a forward step, we do not retreat to the erroneous procedures we have followed in the past. I hope the Senate defeats the McCarthy amendment.

The **PRESIDING OFFICER.** The question is on the McCarthy amendment. The yeas and nays have been ordered, and the clerk will call the roll——

Mr. MUNDT. Mr. President, I suggest the absence of a quorum.

The **PRESIDING OFFICER.** The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. McCARTHY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The **PRESIDING OFFICER.** Without objection, it is so ordered.

Mr. GRUENING. Mr. President, I think it is a great pity that the rollcall has been called off. I think there should be more Senators on the floor to hear these speeches.

Mr. McCARTHY. We were having a call in order to get speakers. If the Senator wishes to speak, he may do so.

Mr. GRUENING. I only wish there could have been more Senators to hear the eloquent speech of the Senator from South Dakota [Mr. MUNDT], and that the audience had been greater.

Mr. McCARTHY. Will the Senator include my speech in that category?

Mr. GRUENING. Yes. All the speeches have been eloquent.

Mr. McCARTHY. It is the same speech I made Friday.

Mr. GRUENING. Like rare wine, the Senator's speech improves with age.

Mr. President, I suggest the absence of a quorum.

The **PRESIDING OFFICER.** The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. GRUENING. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The **PRESIDING OFFICER.** Without objection, it is so ordered.

Mr. GRUENING. Mr. President, I repeat my view that it is a great pity that so few Senators were on the floor when the very interesting discussion between the Senator from Minnesota and the Senator from South Dakota took place.

I personally feel that the amendment proposed by the Senator from Minnesota to reduce the interest rate from the 3-percent figure to 2½ percent is a distinct disservice to the American taxpayer, who is now paying a much heavier interest rate for domestic loans. The low rate now in effect constitutes an additional burden upon him on every loan that is made abroad under our foreign aid program. I hope we will not step backward.

I believe that the 3 percent now provided is extremely generous. It costs the American taxpayer 4½ percent, 5 percent, or 5½ percent to obtain his money and those rates are going up. I see no reason why the modest increase of one-half of 1 percent, which was provided by the committee, should not stand.

I believe that to reverse the committee's action and go backward would be a great mistake. The foreign aid program has been extremely lavish, extremely generous in the loans it has made hitherto and in the negligible interest rates that have been collected to date. Until not long ago, we were making these loans all over the world at three-quarters of 1 percent, with no repayment of principal for 10 years.

It is obvious that many of these loans will never be repaid. When the 30- or 40-year period for which the loans are made expires, it is certain that the argument will be heard that "those who authorized these loans are no longer with us; you cannot expect to get blood out of a stone, and these loans must be canceled." We might at least be collecting a little more interest during that time before the loans are written off for the benefit of the American taxpayer.

I hope that the amendment of the Senator from Minnesota will be defeated; and I regret that the eloquent address of the Senator from South Dakota in opposition to it was heard by so few, as well as the excellent statement made by the senior Senator from Tennessee, who is extremely knowledgeable in matters of finance, and who shares the view that I and other Senators have expressed.

Mr. LAUSCHE. What about the Senator from Ohio?

Mr. GRUENING. The Senator from Ohio calls my attention to the fact that he also spoke on this subject, which I did not know. But if he spoke in opposition to the amendment, I commend him highly.

Mr. GORE. Mr. President, when the senior Senator from Ohio speaks, it is always eloquent.

Mr. GRUENING. It is always eloquent.

Mr. President, I yield to the Senator from Pennsylvania

Mr. SCOTT. Mr. President, I agree with the Senator from Alaska. The restrictions on our credit are so great in our country that we should not at this point support the amendment.

Mr. GRUENING. Mr. President, I do not believe that, at the same time the interest rates are being raised in the United States, we should be engaging in a move to cut the rate of interest to foreign countries.

It is utterly inconsistent. It is an example of a double standard which I cannot approve. Our people deserve equal treatment, at the very least, if not priority. However, that has not been the attitude of those who support amendments of this kind and who have supported some of the lavish expenditures in the past in the foreign aid program.

Mr. GORE. Mr. President, will the Senator yield?

Mr. GRUENING. I yield.

Mr. GORE. Mr. President, the Senator is aware, I am sure, that development loans are made in large part not to foreign governments but to business institutions, many of which are subsidiaries of our own large, successful corporations, for the purposes of their own foreign investment.

These loans undoubtedly inure to the benefit of the foreign country in that it brings about development. It exports dollars and commodities and materials to those countries from the United States, and they have very favorable interest rates and amortization. The first beneficiary in a great many cases, if not in the majority of the cases, is a private corporation doing business in another country.

Mr. GRUENING. The Senator is correct. The Senator pointed that out most eloquently on last Friday. I listened to his speech with rapt attention. I would say also that this is not the time to do this. We took a step forward in the committee. We are moving in the right direction to save our balance of payments.

This would be a move to the rear, as the Senator pointed out.

I regret that more Senators were not on the floor to hear his statement.

Mr. LAUSCHE. Mr. President, will the Senator yield?

Mr. GRUENING. I yield.

Mr. LAUSCHE. Mr. President, I have wanted to support the State Department and the administration to the maximum degree possible under the circumstances that prevail today in the foreign aid program.

I regret that I cannot support it with regard to the interest rates and the maturity periods on loans. I cannot do so, because I know that other nations in the world, from the standpoint of balance of payments, possession of gold, and size of national debt, are in a far better position than is the United States to make what some have described as eleemosynary loans.

Germany is in a better position. France, from the standpoint of position of gold, is in a better position than we are. I doubt whether Britain is. However, there are nations that are better equipped to lend money on long interest rates and long periods of maturity than is the United States.

The fact is that we have been the most generous and the most merciful nation in making these loans. Even though other nations are decreasing these charges and we are increasing our charges, we are still in a much better position to claim generosity than are the nations that are alined with us in the program.

Our loans have been made, as I have previously indicated, for periods of 40 to 50 years.

I would say that the maximum terms of the loans that have been made by the other nations are 15 to 20 years.

Our interest rates are lower. Our periods of maturity are far longer, and thus we occupy an unchallengeable position among the developed nations when we consider what are supposed to be eleemosynary or charitable loans.

These are the reasons why I cannot support the amendment of the Senator from Minnesota. In my judgment, such action would not be sound.

I commend the Senator from Alaska for the position which he has taken. I have advocated an increase in the interest rates on money loaned to rural electrification projects. When I advocate that increase of rate, how can I ask that the rate of interest charged to foreign countries be lower than that which I ask to be charged to the rural electrification programs of the United States?

Mr. GRUENING. Mr. President, before I yield the floor, I should like to comment briefly on the excellent statement of the senior Senator from Ohio. He said the United States has been most merciful. I suggest that this mercy be extended to the American taxpayer by voting against the amendment.

Mr. MUNDT. Mr. President, will the Senator yield?

Mr. GRUENING. I yield.

Mr. MUNDT. Mr. President, I join in the commendation of the senior Senator from Ohio.

I salute the Senator from Alaska for his excellent statement and for his support of fair and equitable interest rates—worked out with great labor, I might say, by the Foreign Relations Committee—and I am cognizant of the high interest rate era in which we are living.

I hope that the Senate will stand by the committee.

I take this opportunity also to congratulate the Senator from Alaska and to call to the attention of the Senate a report which each Senator will find on his desk. The report is entitled "United States Foreign Aid in Action. A Case Study."

It is pretty strong reading for taxpayers with good stomachs. I think we ought to read it.

It was pointed out by the Senator from Alaska, as a member of the subcommittee of the Committee on Government Operations, and authorized for printing and circulation by our full committee.

The report is on our desks, and it is certainly related to this issue of whether we want now to take a backward step and increase even further the interest subsidy that we are asking the American taxpayers to give on the so-called loans abroad.

I hope that the Senate will stand by the committee and the 3-percent rate which we have prescribed.

I congratulate the Senator from Alaska.

Mr. GRUENING. I thank the Senator.

Mr. President, I yield the floor.

Mr. FULBRIGHT. Mr. President, I do not wish to detain the Senate long. We discussed this problem in committee and I supported the position taken by the Senator from Minnesota.

The debt burden of many underdeveloped nations are increasing at a rate beyond their capacity to service them.

I think the problem is getting more and more out of balance.

I have discussed this matter with Mr. George Woods, of the World Bank. Mr. Woods has made public statements to the effect that it would be disastrous for the developing countries if interest rates were made too high. I think that the rate now in the bill would be going too high.

This is quite a different matter from limiting the amount that we will lend. If we are to have a program it ought to be efficient and well adapted to achieve its purposes.

I believe the Senator from Minnesota is correct in his amendment, and I hope the Senate will support it. It is not very much, but I believe it is a symbol and should be supported.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Minnesota [Mr. McCarthy].

The yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. LONG of Louisiana. I announce that the Senator from Tennessee [Mr. Bass], the Senator from Indiana [Mr. Bayh], the Senator from Nevada [Mr. Cannon], and the Senator from Arizona [Mr. Hayden], are absent on official business.

I also announce that the Senator from Connecticut [Mr. Dodd], the Senator from Arkansas [Mr. McClellan], the Senator from Maine [Mr. Muskie], the Senator from Oregon [Mrs. Neuberger], and the Senator from Florida [Mr. Smathers], are necessarily absent.

On this vote, the Senator from Nevada [Mr. Cannon] is paired with the Senator from Oregon [Mrs. Neuberger].

If present and voting, the Senator from Nevada would vote "nay," and the Senator from Oregon would vote "yea."

Mr. KUCHEL. I announce that the Senator from Colorado [Mr. Allott], the Senator from Michigan [Mr. Griffin], and the Senator from Kansas [Mr. Pearson] are necessarily absent.

The Senator from Kansas [Mr. Carlson] is absent on official business.

The Senator from Kentucky [Mr. Cooper] is detained on official business.

If present and voting, the Senator from Colorado [Mr. Allott], the Senators from Kansas [Mr. Carlson and Mr. Pearson], the Senator from Kentucky [Mr. Cooper], and the Senator from Michigan [Mr. Griffin] would each vote "nay."

The result was announced—yeas 36, nays 50, as follows:

[No. 152 Leg.]

YEAS—36

Aiken
Anderson
Bartlett
Case
Church
Clark
Douglas
Fulbright
Harris
Hart
Holland
Inouye
Jackson
Javits
Kennedy, Mass.
Kennedy, N.Y.
Long, Mo.
Magnuson
Mansfield
McCarthy
McGee
McGovern
Metcalf
Mondale
Montoya
Morton
Moss
Nelson
Pastore
Pell
Ribicoff
Sparkman
Tydings
Williams, N.J.
Yarborough
Young, Ohio

NAYS—50

Bennett
Bible
Boggs
Brewster
Burdick
Byrd, Va.
Byrd, W. Va.
Cotton
Curtis
Dirksen
Dominick
Eastland
Ellender
Ervin
Fannin
Fong
Gore
Gruening
Hartke
Hickenlooper
Hill
Hruska
Jordan, N.C.
Jordan, Idaho
Kuchel
Lausche
Long, La.
McIntyre
Miller
Monroney
Morse
Mundt
Murphy
Prouty
Proxmire
Randolph
Robertson
Russell, S.C.
Russell, Ga.
Saltonstall
Scott
Simpson
Smith
Stennis
Symington
Talmadge
Thurmond
Tower
Williams, Del.
Young, N. Dak.

NOT VOTING—14

Allott
Bass
Bayh
Cannon
Carlson
Cooper
Dodd
Griffin
Hayden
McClellan
Muskie
Neuberger
Pearson
Smathers

So Mr. McCarthy's amendment was rejected.

Mr. GRUENING. Mr. President, I move to reconsider the vote by which the amendment was rejected.

Mr. MORSE. Mr. President, I move to lay the motion on the table.

The PRESIDING OFFICER (Mr. Kennedy of Massachusetts in the chair). The question is on agreeing to the motion of the Senator from Oregon.

The motion to lay on the table was agreed to.

AMENDMENT NO. 686

Mr. GRUENING. Mr. President, I call up my amendment, No. 686, and ask that it be stated.

The PRESIDING OFFICER. The amendment will be stated.

The legislative clerk read as follows:

> On page 14, line 18, before the quotation marks insert the following: "No commodity shall be furnished pursuant to this chapter unless the Administrator of the Agency for International Development shall have found with respect to each such commodity that there is substantial need therefor in order to make a planned contribution of the economic development of the country to which the commodity is to be furnished."

Mr. GRUENING. Mr. President, I ask for the yeas and nays on my amendment.

The yeas and nays were ordered.

Mr. GRUENING. Mr. President, the commodity import program provides, under the supporting assistance provision of the Foreign Assistance Act, imports of capital goods, raw materials and consumer goods to developing countries. The objectives of the program are to save foreign currency reserves by cutting down on the necessity for foreign expenditures, to provide additional foreign government revenues to balance the budget and to help combat inflation in the recipient countries. One of the more significant program guidelines outlined by the administering Agency for International Development is that the program be so constituted as to "stimulate domestic production where possible by reducing imports purchased with aid funds as rapidly as domestic production could be developed." High priority raw materials were to be made available to stimulate domestic industrial growth in order to achieve the long-range goal of a viable self-supporting economic base in each country involved.

The program operates by letting foreign commercial importers determine what goods are to be brought into their country with AID financing. This is hardly conducive to producing a demand for goods necessary for sound economic development.

Several weeks ago, in this Chamber, my colleague, the junior Senator from Michigan, made some salient remarks about the administration of the commodity import program in Vietnam. He cited "serious mismanagement and ineffective controls" as causes of the failure of the program in that country, where black-market profiteering and inequitable license allocations have been the rule, rather than exceptional occurrence. Senator Griffin found that instead of open licensing, there is a list of approved importers maintained by the Saigon government; these firms attain this position by "under-the-table payments to the appropriate local officials." Once goods are obtained, the importer has free rein over their distribution. In addition, it was said that the importers received kickbacks from sales, and frequently, by using false documents, purchased goods with our credit that were not produced in the United States.

Unfortunately, this story is not a new one. General Accounting Office reports, for as far back as 1962, about commodity import programs in several Asian nations report comparable failures, where major portions of the aid funds are not used in a way conducive to long- or short-term economic growth. These reports found the program of the Agency for International Development tended toward financing consumable, and even luxury goods, rather than investment capital or raw materials for domestic industry. The GAO reports that synthetic yarns were used for luxury fabrics instead of for tires and fishnets; that fine, highly priced fabrics were produced instead of less costly wool and synthetic cloths of equal durability.

In Turkey and Korea, as well as Vietnam, the early years of this program were rife with evidence of collusive auction bidding for licenses, and commodity imports. In the absence of a valid priorities system, some areas, such as cotton textile and flour, were highly overexpended to the point that there were surplus supplies in warehouses, while fishing net and fertilizer production were inadequate though the raw materials were available for use. There are many cases where the method of allocation caused higher prices than necessary to be paid for goods; for example, had fertilizer been bought in the off season, as estimated, $240,000 could have been saved in 1 year, in one country.

Purchase of goods that countries could have produced themselves or for which there were resources available for the development of industry, have occurred regularly, in contrast to the guidelines which would encourage domestic industrial growth.

It appears that we would be wise to require greater control on the part of the Administrator of AID for the determination of commodities which will be financed by the Agency for International Development, and for the determination of the part these items will play in the country's economic development plan to assure their proper utilization. In view of the fact that the commodity import program takes the largest amount of the supporting assistance allocation, and has shown itself to be in need of revision, I propose the amendment.

Mr. President, I hope that the manager of the bill will accept the amendment. I think that it is reasonable.

Mr. FULBRIGHT. The objective of the amendment is unobjectionable but I think it would be very offensive to those who administer the program. The Administrator, of necessity, must make a determination that every commodity sent to a country is needed.

We are dealing with the question of administration and the efficiency of administration. I cannot see how putting this requirement in the law will make the administration any more efficient than it is now. It is somewhat like passing a resolution requiring everyone to abide by the Ten Commandments. I cannot see how such a resolution would have any effect whatever on the conduct of anybody. The Senator's amendment requires that: "there is a substantial need for each commodity." It might require an enormous amount of paperwork, but I do not see how it would have any practical effect. We went to considerable trouble to set up an inspector general with a staff, and I think they have done a pretty good job trying to check on the efficiency of the administration of the agency with regard to commodities and everything else. This is a difficult activity to supervise. Some of the worst things in Vietnam which have come to my attention are not due to AID operations but result from Defense Department policies in the operation of its PX's.

The famous incident of the hair spray, for instance, was not from an AID activity at all but was part of the operation of post exchanges by the Department of Defense. Other examples of that nature have come to our attention. I do not see how the amendment actually changes the situation at all other than that it imposes a certain amount of paperwork upon the Administrator.

The amendment was not presented to the committee. We had no opportunity to consider it. However, since it has come to my attention on the floor of the Senate, with all due deference to my good friend, the Senator from Alaska, I do not see that it would add anything to the efficiency of AID operations.

Mr. GRUENING. It is a guideline. It seems to me that experience has shown that the AID administration and its predecessors need to hear from Congress, giving it indications which way it should go to improve the program. This is all my amendment would do. It is a strong indication and a desirable one. Here countries are worrying about disposing of their important luxury goods and are neglecting the basic commodities. This is what the amendment is trying to bring about. The Senator says the amendment will not do too much. On the contrary, I feel if AID is to achieve its objectives the amendment will be very desirable. I do not believe that anyone can quarrel with that.

Mr. FULBRIGHT. I am willing to take the amendment to conference, because time is of the essence at this moment. I do not really think, however, that it will change anything.

Mr. GRUENING. I appreciate that. I think we should vote on it now.

Mr. President, I ask unanimous consent to withdraw the yeas and nays and have a voice vote on my amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

The question is on agreeing to the amendment (No. 686) of the Senator from Alaska.

The amendment was agreed to.

Mr. GRUENING. Mr. President, I move that the vote by which the amendment was agreed to be reconsidered.

Mr. FULBRIGHT. Mr. President, I move that the motion to reconsider be laid on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 687

Mr. GRUENING. Mr. President, I call up my amendment, No. 687, and ask that it be stated.

The PRESIDING OFFICER. The amendment will be stated for the information of the Senate.

The legislative clerk read the amendment as follows:

> On page 18, between lines 5 and 6, insert the following:
>
> "(b) Section 605(c) is hereby amended to read as follows:
>
> "'(c) Funds realized as a result of any failure of a transaction financed under authority of part I of this Act to conform to the requirements of this Act, or to applicable rules and regulations of the United States Government, or to the terms of any agreement or contract entered into under authority of part I of this Act shall be covered into the Treasury as miscellaneous receipts.'"
>
> On page 18, line 6, strike out "(b)" and substitute "(c)".
>
> On page 18, line 10, strike out "(c)" and substitute "(d)".
>
> On page 19, line 9, strike out "(d)" and substitute "(e)".
>
> On page 19, line 15, strike out "(e)" and substitute "(f)".

Mr. GRUENING. Mr. President, section 605(c) of the Foreign Assistance Act of 1961, as amended, provides that funds realized by the Agency for International Development from filing claims against foreign countries and foreign importers can be reused by AID for the same general purpose. AID has established numerous requirements concerning its financing of economic assistance and has developed procedures for monitoring transactions to insure that these requirements are adhered to. For example, AID regulations prescribe that commodities which are bought by a foreign importer and which AID finances under the economic assistance program are to be purchased at prevailing market prices. If AID auditors find that a foreign importer has purchased commodities at inflated prices, with AID paying the U.S. supplier a premium price, AID will process a claim against the foreign importer.

In practice it is very difficult to obtain a refund from a foreign private importer because of the difficulty of pursuing the claim in a foreign court. As a practical recourse, AID seeks recovery of any amounts which have been improperly included in its financing from the foreign country involved, which by agreement, has undertaken to reimburse the United States for such amounts. It has also been AID's practice to reprogram any funds realized from claims by making such funds available to the country for economic development programs.

Thus we have seen situations in which a foreign importer conspires with a supplier to fix the price of an AID-financed transaction. AID subsequently discovers that it has overpaid and attempts to obtain an appropriate refund from the importer. This proves to be impossible so AID asks the country government for a refund. The foreign government makes out a check for the amount of the overcharge and AID promptly turns the money back to the country. All of this is permitted under section 605(c).

But what purpose does all of this serve? The foreign importer and the supplier who have conspired to fix the price of the commodity retain their exorbitant profit; and the foreign country has paid for the overcharge out of one pocket and received it back in another pocket. The United States has been the loser and is powerless to do anything about it. Meanwhile AID keeps a large staff of auditors and investigators busy finding instances of overcharges and other improprieties in AID-financed transactions, and another large staff engaged in processing claims.

The only purpose achieved by all of this, as far as I can discern, is that AID is enabled to state that it does not finance any transaction which it finds to be improper. True enough, but the United States does not save a nickel in the process.

My amendment attempts to introduce some rationale into this Alice-in-Wonderland procedure by requiring all funds collected by AID from claims resulting from the inclusion of improper amounts in transactions which it has financed to be deposited to miscellaneous receipts of the Treasury. If AID desires to reuse these funds, it will be required to seek authority to do so in its annual request for authorization and appropriations.

Mr. President, I ask for the yeas and nays.

Mr. FULBRIGHT. Mr. President, I wonder whether the Senator wishes to insist on asking for the yeas and nays on his amendment, or will withhold his request until we can have a little discussion of his amendment. There will be no trouble getting the yeas and nays if the Senator still desires them.

The PRESIDING OFFICER. Does the Senator from Alaska withhold his request for the yeas and nays?

Mr. GRUENING. Mr. President, yes. I will withhold my request.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. FULBRIGHT. Mr. President, what this amendment would do, in effect, would be to say to AID that if it recovers any money from misapplication of funds——

Mr. HICKENLOOPER. Mr. President, a point of order. I could not hear the remarks of the Senator from Alaska, neither could I hear him asking for the yeas and nays on his amendment. There is so much noise in the Chamber that I cannot even hear what the Senator from Arkansas is trying to say. I wish we could have some order in the Chamber.

Mr. FULBRIGHT. It is true there are a number of Senators engaged in private conversation at the moment. I have never found an effective way to stop it. If the Senator can suggest anything, I will be very pleased to know what it is.

The PRESIDING OFFICER. The Senate will please be in order.

Mr. FULBRIGHT. Mr. President, this amendment provides that in the case of mismanagement of a project in a particular country, if part of the funds are misapplied and later recovered, the funds would not remain with AID for reuse, but would revert to Treasury's miscellaneous receipts account.

Mr. HICKENLOOPER. Mr. President, will the Senator yield for a question?

Mr. FULBRIGHT. I yield.

Mr. HICKENLOOPER. Does the Senator interpret that statement to mean that if AID makes a bobble and recovers it, it can put it in its pocket and use it again?

Mr. FULBRIGHT. This need not be a bobble on the part of AID. A foreign government or importer may make a mistake. It may not be a matter of a bobble on AID's part. In some cases it could be a failure by AID to supervise as closely as it should have. Sometimes the importer misrepresents something, perhaps, which it should have reported differently. It is not always a matter of misconduct. Sometimes it is a matter of misjudgment.

The principle involved is that we should not destroy, by such an amendment, an incentive for AID officials to maintain efficient administration. In other words, if AID is not going to get the recovered money back, the officials will say, "What interest is in it for me to try to do anything about it?" AID will be less active in supervising transactions if this amendment is adopted. That is only human nature.

If the money is sent back to the Treasury, the AID officials will say, "Let the Treasury, or the Secret Service supervise it. It is not our problem. It is beyond our competence and jurisdiction," whereas, if AID will have the money to re-use, it will have a distinct motive or incentive to supervise the program to see that it is run properly.

I think it is a matter of everyday, common horsesense, that it is not a good amendment. The money is provided to be used in the AID program in the first place, and if it is recovered because of misuse in some way it should be used in that program and not revert to the

Treasury. AID does not necessarily have to use it in the country where the misdeed occurred.

Mr. GRUENING. But AID can and often does.

Mr. FULBRIGHT. AID can use it in its program wherever it feels it should be used. It is not as a result of misdeeds on the part of AID. Very often it is as a result of the borrower or the host country making a misapplication, perhaps through a misunderstanding of the regulations. Any number of things may occur.

I have no objection to trying to tighten up the administration and make it more effective. There is a question of commonsense involved. It strikes me that there is less likelihood that the administrators will try to improve the program if we say, "You cannot have the money." If we say that, AID will not be as diligent. A question of judgment is involved. From the Senator's knowledge of human nature, it is a question of whether the amendment is best designed to give an incentive to the people in AID to try to recover money which has been misapplied.

Mr. GRUENING. Mr. President, will the Senator yield?

Mr. FULBRIGHT. I yield.

Mr. GRUENING. I am surprised to hear the Senator contend that the AID Administrator would have no concern in seeing the money get back to the Treasury of the United States and to the American taxpayers, rather than respend money, as a result of what may be a fraudulent transaction. I cannot understand why this would not be a motivation for the AID people to be interested in the financial interests of the United States.

Mr. FULBRIGHT. It is a matter of degree. We are all interested in the operations of the Government, but we are more interested in our own aspect of Government operations than we are in the broad operations of the Federal Government as a whole. I did not say that AID officials were not concerned, but that they are more concerned with their own operations than they are with the overall operations of the Government. I think that is commonly true of most Government employees. It is a matter of judgment.

Mr. GRUENING. I think they should be as concerned with the Federal Government.

Mr. FULBRIGHT. We should all be better than we are, but human beings are not infallible.

Mr. GRUENING. I ask for a vote on the amendment.

The PRESIDING OFFICER. The question is on the amendment of the Senator from Alaska (putting the question).

The Chair is in doubt.

Mr. MORSE. Mr. President, I ask for a division.

The PRESIDING OFFICER. All in favor will rise and be counted. All opposed will rise and be counted.

Mr. GRUENING. Mr. President, I ask for the yeas and nays.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on the amendment of the Senator from Alaska. The yeas and nays have been ordered and the clerk will call the roll.

The legislative clerk called the roll.

Mr. LONG of Louisiana. I announce that the Senator from Tennessee [Mr. Bass], the Senator from Indiana [Mr. Bayh], the Senator from Nevada [Mr. Cannon], and the Senator from Arizona [Mr. Hayden] are absent on official business.

I also announce that the Senator from Louisiana [Mr. Ellender], the Senator from Arkansas [Mr. McClellan], the Senator from Maine [Mr. Muskie], the Senator from Oregon [Mrs. Neuberger], and the Senator from Florida [Mr. Smathers] are necessarily absent.

I further announce that, if present and voting the Senator from Oregon [Mrs. Neuberger] would "nay."

On this vote, the Senator from Nevada [Mr. Cannon] is paired with the Senator from Louisiana [Mr. Ellender].

If present and voting, the Senator from Nevada would vote "nay," and the Senator from Louisiana would vote "yea."

Mr. KUCHEL. I announce that the Senator from Colorado [Mr. Allott], the Senator from Michigan [Mr. Griffin], and the Senator from Kansas [Mr. Pearson] are necessarily absent.

The Senator from Kansas [Mr. Carlson] is absent on official business.

The Senator from Pennsylvania [Mr. Scott] is absent because of illness.

The Senator from Kentucky [Mr. Cooper] is detained on official business.

If present and voting, the Senator from Colorado [Mr. Allott], the Senators from Kansas [Mr. Carlson and Mr. Pearson], the Senator from Kentucky [Mr. Cooper], and the Senator from Pennsylvania [Mr. Scott] would each vote "nay."

The result was announced—yeas 29, nays 56, as follows:

[No. 153 Leg.]

YEAS—29

Bartlett
Bible
Brewster
Burdick
Byrd, Va.
Byrd, W. Va.
Cotton
Dodd
Douglas
Eastland
Ervin
Fong
Gruening
Hart
Hartke
Jordan, N.C.
Metcalf
Montoya
Morse
Ribicoff
Robertson
Russell, S.C.
Russell, Ga.
Simpson
Stennis
Symington
Talmadge
Thurmond
Yarborough

NAYS—56

Aiken
Anderson
Bennett
Boggs
Case
Church
Clark
Curtis
Dirksen
Dominick
Fannin
Fulbright
Gore
Harris
Hickenlooper
Hill
Holland
Hruska
Inouye
Jackson
Javits
Jordan, Idaho
Kennedy, Mass.
Kennedy, N.Y.
Kuchel
Lausche
Long, Mo.
Long, La.
Magnuson
Mansfield
McCarthy
McGee
McGovern
McIntyre
Miller
Mondale
Monroney
Morton
Moss
Mundt
Murphy
Nelson
Pastore
Pell
Prouty
Proxmire
Randolph
Saltonstall
Smith
Sparkman
Tower
Tydings
Williams, N.J.
Williams, Del.
Young, N. Dak.
Young, Ohio

NOT VOTING—15

Allott
Bass
Bayh
Cannon
Carlson
Cooper
Ellender
Griffin
Hayden
McClellan
Muskie
Neuberger
Pearson
Scott
Smathers

So Mr. Gruening's amendment (No. 687) was rejected.

AMENDMENT OF SECTION 502 OF MERCHANT MARINE ACT OF 1936, RELATING TO CONSTRUCTION DIFFERENTIAL SUBSIDIES

Mr. BARTLETT. Mr. President, I ask that the Chair lay before the Senate the amendment of the House of Representatives to S. 2858.

The PRESIDING OFFICER laid before the Senate the amendment of the House of Representatives to the bill (S. 2858) to amend section 502 of the Merchant Marine Act, 1936, relating to construction differential subsidies, which was, to strike out all after the enacting clause and insert:

> That the proviso in the second sentence of subsection (b) of section 502 of the Merchant Marine Act, 1936, as amended (46 U.S.C. 1152(b)), is amended by striking out "June 30, 1966", and inserting in lieu thereof "June 30, 1968".

Mr. BARTLETT. Mr. President, I move that the Senate disagree to the House amendment and request a conference with the House of Representatives thereon, and that the Presiding Officer appoint conferees on the part of the Senate.

The motion was agreed to; and the Presiding Officer appointed Messrs. Magnuson, Lausche, Bartlett, Brewster, Prouty, and Dominick as conferees on the part of the Senate.

COMMITTEE MEETINGS DURING SENATE SESSION TOMORROW

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Committee on Labor and Public Welfare and the Committee on Finance be permitted to meet during the session of the Senate tomorrow.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Montana? The Chair hears none, and it is so ordered.

FOREIGN ECONOMIC ASSISTANCE, 1966

The Senate resumed the consideration of the bill (S. 3584) to amend further the Foreign Assistance Act of 1961, as amended, and for other purposes.

AMENDMENT NO. 650

Mr. HICKENLOOPER. Mr. President, I call up my amendment No. 650, and ask that it be stated.

The PRESIDING OFFICER. The amendment will be stated.

The legislative clerk proceeded to read the amendment.

Mr. HICKENLOOPER. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment (No. 650) proposed by Mr. Hickenlooper is as follows:

> On page 16, in lines 2, 7, 8, and 9, strike out "RECONSTRUCTION" and insert "DEVELOPMENT".
>
> In line 10, strike out "underdeveloped" and insert "less developed."
>
> In line 10, strike out "in Asia and Africa".

In line 12, strike out "Reconstruction" and insert "Development".

In line 13, strike out "two" and insert "one or more".

In line 14, strike out "three" and insert "one or more".

In line 15, after "established," insert "A majority of the members of each such Commission shall be citizens of the country in which it is established.".

In line 16, strike out "that" and insert "for the selection of".

In line 17, after "established" insert "who wherever feasible".

In line 20, insert a period after "office" and strike out the rest of the sentence.

In line 24, strike out "reconstruction in" and insert "development of".

In line 25, strike out "shall" and insert "may".

On page 17, insert a comma after "research"; strike out "and"; after "training" insert "and other".

In line 2, strike out "reconstruction" and insert "development".

In line 12, strike out the quotation marks.

After line 12, add the following:

"(e) Nothing in this chapter shall be construed to restrict the authority contained in any other chapters of this Act."

Mr. **HICKENLOOPER**. Mr. President, this is a corrective amendment to a provision already in the bill in chapter 7, section 471, on page 16 of the bill. That provision inserts in the bill the authority for the AID director to establish, with not to exceed 10 percent of the funds made available pursuant to section 212, a Formosa-type land reform program, which has proved to be unusually effective in Formosa. It provides for the establishment of joint commissions between the United States and the receiving country, with a majority of the commissioners belonging to the receiving country. Its jurisdiction goes from the top, that is, from the central authority in the country, down to the various regional authorities, where the same kind of pattern is followed.

In some ways, this provision appeals to me as being a sort of advanced county agent system, where each authority provides for an expert in agriculture to advise and work with the people in the area, until it gets down to the small units. The system has, as I have stated, been remarkably successful in Formosa, or Taiwan.

The provision—which is section 471 on page 16—was put in the bill in committee, but after discussion with AID, there were certain corrective suggestions which AID made.

For instance, instead of calling it a joint commission or a commission on rural reconstruction, AID suggested that a better word would be "development." So this amendment would change that word.

Instead of limiting the joint commission to two citizens of the United States and three citizens of the receiving country, AID suggested that it be changed to provide for one or more citizens of the United States and one or more citizens of the receiving country, provided the receiving country has the majority on the commission.

That, in substance, is the burden of the amendment which I now offer. It meets with the approval of AID, and as far as I am concerned, it meets with my approval. I have submitted it to the staff of the Committee on Foreign Relations, and they feel that it probably is beneficial.

The burden of this is that the employees who are hired by this commission to aid the farmers really work for the local commissioners who can fire them at will. It keeps them on their toes. It is working remarkably successfully in Formosa.

I merely suggest these amendments to that provision that is already in the law.

Mr. **FULBRIGHT**. Mr. President, I have discussed this with the Senator and with the staff. I think it is a good amendment.

I am familiar also with the success of the county agent program which has some aspects similar to those in this proposal. I think it is a good amendment, and I am very glad to accept the amendment.

Mr. **HICKENLOOPER**. I thank the Senator.

Mr. President, by way of explanation and saving the time of the Senate, I have here an article recently written by Albert Ravenholt concerning this program in Formosa which was instituted by the Chiang Kai-shek government and which proved to be so successful.

Mr. Ravenholt is a foreign correspondent who spent a good many years in the Orient and in southeast Asia. He exposes this program to all of the benefits it is supposed to have.

The article is very interesting, and I earnestly hope that all Senators will read the article.

Mr. President, I ask unanimous consent that the article entitled "Awakening the Land," written by Albert Ravenholt, be printed at this point in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

AWAKENING THE LAND—PART 2 OF A SPECIAL REPORT

(By Albert Ravenholt)

HOW LAND REFORM IN FORMOSA IS CREATING A BETTER LIFE

Lee Chun-Sheng, a 67-year-old Formosan farmer, can neither read nor write. But Elder Brother Lee, as he is known, is a happy man. He confidently tends his crops and rears his family in Nantou County on Formosa's gardenlike west-central plain. He owns 3¼ acres of land, which he tills with the aid of his four sons.

His younger brother, Lee Chun-ho, who is 58, is even more prosperous. Younger Brother Lee owns only 2½ acres, which he works with two of his three sons, but he earns additional income by buying pigs from other farmers, fattening them, and trucking them to market. His new, two-story, concrete home dominates the old courtyard where the crops are dried. Ducks and geese wander about, and healthy grandchildren play together. An electric fan helps cool the house; a radio brings music and news into the home.

All across the Formosan countryside today there are signs of a vigorous prosperity comparable to that which the Lees enjoy. Modern brick houses are replacing the traditional thatched huts. Almost every farmhouse has electricity. Radios and sewing machines, once virtually unheard of, are commonplace. Many farmhouses now have electrical appliances such as rice cookers; some even have refrigerators. Mechanized farm equipment and up-to-date food processing plants are increasingly evident.

So rosy was the economic outlook in Formosa that the United States government in 1964 announced that it would end its economic aid to the island in 1965. After 15 years—and 1,400,000,000 U.S. dollars—the island economy was ready to stand on its own feet.

A SYSTEM OF VIRTUAL SLAVERY

To grasp the true significance of this transformation, one needs to look back. For over 4,000 years, the people of Asia have been chiefly farmers. They have always looked to the land for life, but the earth has been more cruel than kind. Peasants, charged with feeding more than half the human race, farmed with sticks and shovels. They grubbed at worn-out soil. They suffered under drouth and pestilence. And, to top it all, they were shackled in virtual slavery by a tenant-landlord system that wrung from them most of what they did produce.

The story of the Lee family of Formosa—coming as it does at a time of exploding population and emerging nations—has a profound significance for the world. The Lees have been swept ahead by social and economic changes that may be applied to many other parts of the world. These changes—loosely described as "land reform"—constitute a remarkable chapter in modern history.

The Lee story really begins back in 1948 in Washington, D.C., where the U.S. Congress passed the historic "China-Aid Act." Intended mainly to bolster the Chinese Nationalists against the communist threat, the act nonetheless specified that for every nine U.S. dollars spent on Chinese military strength, at least one dollar must go to improve the economy of hard-pressed rural areas. To administer this program, a Joint Commission on Rural Reconstruction (JCRR) was set up. It was staffed by three Chinese commissioners and two American commissioners.

But before the JCRR could make a significant impact upon Chinese agricultural life, communist armies overran the mainland, and President Chiang Kai-shek and his Chinese Nationalist government withdrew to Formosa. So it was Formosa, not the mainland, that was to become the scene of this dramatic story.

"We saw that we had two major tasks," said Chiang Monlin, the late chairman of the JCRR. "First, we had to break the economic and social obstacles that had blocked any chance for the peasant to get ahead. Then, we needed to introduce better farming methods that would assure greater, more dependable harvests."

The shift of scene from the mainland to Formosa brought both advantages and disadvantages. More than 2,500,000 mainland Chinese suddenly were superimposed on the economy of an estimated 7,300,000 Formosans. The Formosans, although largely of Chinese ancestry, had problems of their own. As far back as 1683, when Formosa became a prefecture of China, the Formosans had been victimized by officials appointed from faraway Peking. Special taxes exacted by these imperial mandarins eliminated many small landowners, forcing them to work for others. Hence, there emerged on Formosa a large landlord class which took a portion of every harvest. For 200 years, tenant farmers worked the land of others, keeping little for themselves.

FORMOSA IS CEDED TO JAPAN

In 1895, Formosa was ceded to Japan as part of the booty of the Chinese-Japanese War. Japan began at once to develop the island as an agricultural granary to supply its own industrial empire. The Japanese built new irrigation canals, stepped-up fertilizer production, and developed better seed varieties. They built new processing plants, railroads, and seaports. Production of tea, rice, bananas, and pineapples increased. Mineral production boomed. But the lot of the Formosan peasant changed little. Elder Brother Lee remembers those days well.

"We were farming with our father and Middle Brother," he said. "Together, we worked 10 acres, but we paid seven-twelfths of all we produced to the landlord. We had barely enough left to live on, but we had no choice. We did not own the land, and pressure for land got greater and greater."

Perhaps life for the Lees under the Japanese would have been better had not the population of Formosa grown as it did. In 50 years of Japanese rule, the number of Formosans increased from 2,000,000 to 7,300,000—over three and a half times! Credit for this population growth must go largely to modern public health programs, medical facilities, and doctors trained by the Japanese. It was a great achievement, but it intensified an already critical over-population problem in Formosa because the total of cultivated land remained fixed at about 2,153,000 acres.

"We could only have moved to the sea or the mountains," a county official says in describing their dilemma. As the population grew, ever more tenants competed to farm the same land. Landowners pushed rents higher, sometmes up to 70 per cent of the main crops. They also bought out smaller farmers when bad weather or family misfortune forced the latter to sell. Toward the close of the Japanese period, 68 per cent of the farm families on Formosa lived under a system of tenure.

Formosa was restored to China in August, 1945. Paradoxically, this at first made life even more difficult for farmers suffering from disrupted shipping, bombed-out railroads, and lack of fertilizers. Japanese administrators and technicians were sent home. They were replaced by Chinese officials, who now saw a chance to enrich themselves after lean years in the wartime capital of Chungking. Formosans had at first welcomed the mainland Chinese as liberators, but disillusionment turned to anger, and by February, 1947, it sparked an uprising that was suppressed with bloodshed.

Economically hard-pressed, tenant farmers became even more clearly "second class citizens." They hesitated to speak out in their dealings with landowners who often were the only available moneylenders. Formosa was developing bitter rural discontent similar to that which had given rise to communism in mainland China.

By 1949, Chinese Nationalist leaders, having learned a bitter lesson from their earlier reverses on the mainland, were ready to try new ideas. To revive production, and at the same time ease mounting social unrest, the provincial government led by then Governor and now Vice-President Chen Cheng put into effect the program of land reform originally planned for the mainland. The Joint Commission on Rural Reconstruction was revitalized, and a radical yet simple three-stage program was set up. As a first step, rents were to be reduced. Second, public land was to be sold to tenant farmers. Third, limits were to be set on how much land landlords could hold, and the surplus—to be purchased by the government—was to be subsequently resold to the tenant farmers.

The first step was taken in 1949. All farm rents were chopped to a maximum of 37.5 per cent of the annual main crop. (A photograph of the period shows a tenant farmer with his "37.5 per cent bride"—the girl he had been waiting for and now could afford to bring home with the extra cash retained from the crop.) Tenant farmers were guaranteed security by providing them with written leases for a minimum of six years. No family could be ousted from the fields it tilled without cause.

With JCRR assistance, more than 4,000 local officials and young people, including students, were recruited for intense educational "short courses." They then fanned out into the countryside to spread the word. Public meetings were held to explain the program. Posters, pamphlets, and mass media such as radio and newspapers were used to mobilize public enthusiasm before opponents of land reform could organize resistance. The volunteers supervised the writing of new land leases, especially those involving illiterate farmers. Since only a few Nationalist government officials owned land on Formosa, there was little political objection to the action at the top.

GOING AFTER THE TENANTS

Crucial to the success of the program were locally elected land commissions. These commissions, on which tenants and farm laborers held the majority of seats, arbitrated disputes between landowners and tenants and among tenant farmers themselves. Because the commissions were composed of neighbors who knew each others' affairs intimately, they were able to act quickly and with a minimum of political involvement. The few problems they could not solve were referred to the courts. Some charged that this first step in land reform was high-handed. But Dr. Tang Hui-sun, chief of JCRR's Land Division, had a simple, compelling answer. "When you are fighting a civil war, who do you want on your side? The few who are landlords, or the many who are discontended tenants?"

Dramatic results followed. By the end of 1949, more than 370,000 leases had been signed and registered with village officials. Tenant farmers, who now knew they would be on the same land the next year, built pigpens and dug compost pits. Some planted fruit trees and green manure crops that could be plowed under to enrich the soil. Other developments were almost as revealing. Prior to reform, there had been considerable speculation in farmland. Now, however, with returns from farmland stabilized, families with wealth looked for alternative sources of income. This encouraged a more modern business attitude in the towns.

In 1951, the government initiated the second part of its program. Government-owned land was put up for sale to the tenant farmers. This land, involving almost one-fifth of all the farmland on Formosa, had been acquired by the government in 1945 as former enemy property. Only a part of it was held back for sugar plantation management. The price per acre was fixed at two-and-one-half times the value of the annual main crops. It could be paid for in semiannual installments spread over a 10-year period. Within two years, 121,953 farming families had bought 155,610 acres of government land. Income from these land sales in turn produced a much needed source of government revenue.

Meanwhile, provincial officials and JCRR specialists had launched a massive survey of available land and its potentials. All privately owned agricultural land was registered. This land in turn was classified as to productivity. By April, 1952, the task force assigned to the job had compiled and organized all the data on 6,600,000 "Land-Record and Land-ownership Cards." It was a large undertaking but well worth the effort, for the painstakingly gathered information became the basis of land reform legislation which was drafted the following month.

The Provincial Assembly, where Formosa's landowners were well represented, was offered an opportunity to comment. Then the draft was submitted to the Legislative Yuan of the Chinese Nationalist government. On Jan. 20, 1953, the Yuan, after great deliberation, passed three related laws. One provided for the transfer of government enterprises to private ownership; a second authorized the provincial government to issue land bonds in kind—redeemable in crops—and the third was the "Land-to-the-Tiller" Act.

In the Land-to-the-Tiller Act, the Nationalist government gave scrupulously fair consideration to the rights of landlords who had obtained their holdings legally under the prevailing land system. Every landlord was entitled to keep approximately 7.5 acres of irrigated land, or 15 acres of dry land. This he could continue leasing to tenants on terms provided earlier by law. All land in excess of these amounts was bought by the government.

Under the program, the landowners received 30 per cent of the purchase price in shares of stock in government-owned corporations which, under the act now became private enterprises. The remaining 70 per cent due the landowners was paid in commodity bonds representing stipulated quantities of rice or sweet potatoes and bearing 4 per cent annual interest. The bonds were redeemable in cash or kind to guard against currency inflation. They were payable semiannually over a 10-year period. Tenant farmers were then offered this land at the same price paid by the government and on the same terms—4 per cent interest in 20 installments spread over 10 years. Under the new act, 194,823 farmers bought 354,612 acres of land. By the end of 1953, more than three-fourths of all the agricultural land on Formosa was being cultivated directly by owners. The remaining one-fourth either continued to be rented—thus providing a "ladder" for new farmers to get started toward eventual ownership of their own land—or it was used for government enterprises such as the Taiwan Sugar Corporation, schools, experimental stations, or similar projects.

To understand what all this meant to the average farmer, let us turn again to the Lees. At the close of World War II, three Lee brothers were still working the original 10 acres their father had rented. When local political pressures compelled them to give up this land, they pooled their meager resources and bought 1¼ acres of land. Next they managed to rent an additional two acres of privately owned land. In a third, separate plot, they also leased 2¼ acres of government land. This was the extent of their holdings when the Land-to-the-Tiller Act was passed.

"Since we were really cultivating these fields ourselves," Elder Brother Lee explains, "we had the first right to buy them under the act. When the land reform program was completed, we owned approximately six acres. These we divided into three equal parts. But later, when our Middle brother decided to give up farming and go into business, he sold his shares to us. As for me," Elder Brother goes on, "I was allowed 10 years under the law to pay for my new fields. But I paid for them in six. We made good money raising pigs for several years, and I thought the safest thing was to pay for my land."

NEW BUSINESS VENTURES

Not all Formosan landlords were happy to part with their fields. For generations, land had been the most trusted investment, both as a status symbol and as a prized possession to be passed on to the children. But now, with rentals from land either stabilized or nonexistent, families with wealth to invest had to look elsewhere for alternatives. Many former landlords embarked on new ventures. Some joined with the new entrepreneurs who were remaking the faces of Formosa's cities. A Taipei stock exchange soon appeared, trading shares in the corporations now controlled by former landlords. Within a decade, Formosa was manufacturing most of its textiles, though it continues to import raw cotton, especially from the United States. New glass plants, plastics factories, brick kilns, metal fabricating shops, and electrical manufacturing firms sprang up and absorbed capital and talents in often highly profitable pursuits. Thus, a new class of citizen—the businessman—was born on Formosa.

Simultaneously, the old-type tenant farmer had disappeared. Farmers were now secure on their lands and were fortified with new incentives. Still, only one-half of the goal had been achieved. The new landowners now needed a knowledge of more scientific farming methods. A most crucial need, too, was credit and marketing. In a society where interest on private loans often exceeded 40 per cent annually, the farmer still risked becoming a victim of the moneylender. To avoid this, the JCRR began reorganizing the Farmers Associations. These had originally been established by the Japanese and acted as rural banks as well as suppliers of seed, fertilizer, and mill rice. Most, however, were financially unstable. Also, they were controlled by city merchants. Ordinary farmers had little authority in their management. Now, however, they were redesigned into genuine cooperatives. Only families that earned more than half of their income from farming were allowed to vote. Association managers and their staffs were given thorough training. Proper accounting procedures were introduced. Experts from provincial government headquarters audited each cooperative's books every six months. In addition, JCRR grants and loans help pay for new rice hulling machines, peanut and soybean seed granaries, fertilizer and rice warehouses, and orange-packing plants.

In more personal terms, the Lees again serve as examples of what has taken place. Both brothers are among the 7,503 members of the Tsao Tun Township Farmers Association which is located in a bustling, brown-plastered building on the edge of town. Its 15 directors and comptrollers are elected every three years. But every November, about 90 per cent of the members assemble for two days to talk over association business. They also approve the budget for the coming year's operations.

FORMOSA'S FIRST MASS MARKET

The association's activities are many. It serves, for example, as a bank. "I have on deposit cash equal to 105 U.S. dollars," says Elder Brother Lee. It earns him interest at the rate of 4½ per cent annually if he leaves it for one month, and twice this rate of return when left for six months. As a member, he is entitled to borrow at a somewhat higher rate of interest from total deposits in the association. These deposits are equal to about $825,000.

Behind the association's main headquarters is a warehouse. There the Lee brothers and other members of the cooperative trade rice for fertilizer. There, too, they sell their jute and buy farm equipment, such as Elder Brother Lee's new paddy-field marker which enables him to transplant rice seedlings in straight rows.

The warehouse also has a merchandise department where farmers can buy pesticides, bicycles, or even electric rice cookers, the latter priced at $12. Lately, the department has been selling on installment half a dozen small electric refrigerators a month which cost the equivalent of $274. "They still cost more than I can afford," says Younger Brother Lee, "even though the women at home would like one." But already farm families are providing Formosa's first mass market for consumer durables, sometimes manufactured by their former landlords.

Profits earned by the Tsao Tun Township Farmers Association annually have totaled the equivalent of $26,000. Thirty per cent of this went into a sinking fund. The cooperative is building a new $70,000 headquarters. An 11-man cooperative extension staff includes three veterinarians who vaccinate pigs and water buffalo, and a manager of the livestock breeding farm that specializes in artificial insemination of sows. Two 4-H Club directors guide 850 boys and girls belonging to 49 clubs. Among the club members is Younger Brothers Lee's bright and eager 20-year-old third son. "I work in the daytime reading irrigation water meters," he says. "On weekends and in the mornings and evenings I am out in the field helping my brother to see if we can set a rice production record." He would like to try for a college education when another brother returns from army service.

New ideas move through this network into the bosom of the family. A home economics supervisor from the Farmers Association visits with housewives, showing them how to save costly fuel by rebuilding the open Chinese kitchen stove, preserve vegetables, and cook more nutritious, yet simple meals. Four extension specialists explore fields in the township daily for opportunities to give technical help. In the evening, they meet with adult farmers in village "agricultural discussion groups."

A SOURCE OF PRIDE

Formosa's farmers take a great deal of pride in their production records. Over the past decade, island output of rice has increased 40 per cent to above 2,100,000 tons, leaving a surplus for export. Sweet potato production has increased 50 per cent, and the harvest of peanuts even more. Pineapple production tripled, and the area growing citrus fruit has increased nearly threefold. New crops now being canned and exported, such as mushrooms, earn Formosan farmers $7,000,000 annually. A growing Chinese taste for milk has aroused interest in dairy farming, especially among 4-H Club members who have returned from visits to America. Modern milk pasteurization plants have begun bottling milk from black-and-white Holsteins that graze on the dikes between the tiny fields and on new pastures planted on the hillsides. Unlike most of the burdened lands of South and Southeast Asia, rural Formosa has reached that dynamic stage where it can now digest new forms of technology.

The results of these new ideas can be seen in the fields of Elder Brother Lee. His first crop yielded a return of 2⅓ tons of paddy rice per acre, and the second crop was almost as much. A winter crop of sweet potatoes and beans, however, was killed by unusual frost. Jute, first interplanted with rice, was stripped and sold for cash. Cucumbers and other vegetables were grown for family use and as feed for pigs and poultry. "Even though I don't write it down, I have a pretty good idea of what we make," Elder Brother Lee admits. He calculates that the annual crops yielded a gross cash return equal to $1,160. Chemical fertilizer, which island farmers use intensively, was the largest single expense. It cost Lee $149. Other major operating costs were for taxes—which are high, he thinks—insecticides, and irrigation fees. These totaled $174. Labor is the biggest factor in growing rice. If paid for, it would cost Lee the equivalent of $286, even at the prevailing rural wage of one U.S. dollar per day. But since he has grown sons, the family can till the paddy fields, transplant rice seedlings, weed, and harvest largely with their own manpower, or, if the occasion demands, by exchanging work with their neighbors.

A HIGH LIVING STANDARD

Like farmers in many other lands, the Lee brothers calculate their income as much by their standard of living as in cash. Food for the family is chiefly homegrown, and the Lees eat well. Daily caloric intake on Formosa rivals Japan's, the highest in Asia. Meat, especially pork and fowl, or fish appear on the table almost daily. Clothing is simple, yet ample, and becoming more colorful as women buy the new prints. Rubber raincoats are replacing the traditional straw capes among farmers. By choice, the Lees still go barefoot in the paddy fields, but they own rubber boots. The old rural fear of illness has relaxed. "We trust and use the modern drugs and doctors," they say, referring to the health stations and centers which have been established on the island with help from JCRR and the provincial government.

Education has a new importance. All seven sons of the two Lee brothers completed primary school and two attended middle school, although the cost still bars the children of some farmers. Since they can read and write and manage figures, the sons help their fathers in business calculations. They study the rural magazine *Harvest*, published fortnightly in Taipei, and glean ideas on crops and animal care from extension pamphlets. Unlike the cities, rural Formosa has little juvenile delinquency. Young people are productively and satisfyingly involved in many of the affairs of the community.

Elder Brother Lee measures his lot in life by contrasting it with that of his father. Farming is still hard work from sunrise to dusk, but the rewards are vastly greater. "Some day, I may lighten the work a bit," he says, "by buying one of those new little tractors to replace the water buffalo. But not yet." Mechanization will become more practical as the provincial government, with JCRR assistance, helps farmers trade land and rebuild dikes so they can consolidate fragmented holdings and simplify cultivation. Lee and his neighbors feel they could make more money out of poultry and pigs if there were a large packing plant in Tsao Tun Town to stabilize prices and manage marketing.

Good farming and cautious use of his income since land reform have made Elder Brother Lee a man of solid financial means. At today's prices, his fields are worth $9,750, or almost $3,000 per acre, based on Formosan dollars which have an official exchange rate of 40 for one U.S. dollar. Another measure of the prosperity that has come to Formosa is the annual average income of its farming families. Between 1952 and 1964, it has more than doubled. To help make this possible, the JCRR has spent some $7,100,000 in grant aid and roughly the equivalent of $127,800,000 in counterpart funds—Chinese currency generated by the sale of U.S. farm surpluses like cotton on Formosa and partly used for loans that financed irrigation construction.

A NEW WAY OF LIFE

Formosa has become Asia's agricultural "showcase," a kind of pilot plant where ancient civilization and Western techniques have combined to provide a new way of rural life. Formosan agricultural specialists, invited to many Asian, African, and Latin-American countries under technical cooperation arrangements, now are demonstrating modern rice growing methods in Liberia, Libya, and the Ivory Coast. Nations in many parts of the world send their own agricultural experts to Formosa to see an agricultural miracle in operation. Many take home with them ideas on land reform and crop production to put into use in their own countries.

Although political institutions on Formosa leaves much to be desired, rural communities have achieved social and economic democracy. For the Lee family and its neighbors, the hard old days are a fading memory. The better life, to which land reform was crucial, holds out a promise to emerging peoples in many parts of the world.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Iowa.

The amendment was agreed to.

Mr. HRUSKA. Mr. President, I have an amendment at the desk which I ask to have stated.

The **PRESIDING OFFICER.** The amendment will be stated.

The legislative clerk read as follows:

> On page 13, after the period in line 2 insert the following: "With respect to any such funds made available to either or both of said banks or under the supervision thereof, the voting power of the United States shall be exercised for the purpose of disapproving any loan to a communist country, as defined in section 620(f) unless the President complies with the requirements of findings and report to Congress of said section."

Mr. HRUSKA. Mr. President, section 106 of the bill concerns itself with "Title VIII—Southeast Asia Multilateral and Regional Programs." It authorizes the use of not to exceed $50 million of available funds to further the purposes of the title.

Starting on page 12 of the bill at line 21, the language reads:

> (b) In the event that funds made available under this Act are used by or under the supervision of the International Bank for Reconstruction and Development or the Asian Development Bank in furtherance of the purposes of this title, such funds may be used without regard to the requirements of this or any other Act.

This Senator has been informed that the waiver of "the requirements of this or any other act" is sought for sound and good reasons. However, I am further informed that such reasons do not include the effect of such language in waiving also the provisions of section 620(f) of the Foreign Assistance Act of 1961, as amended. It provides that—

> No assistance shall be furnished under this chapter . . . . to any Communist country.

The full text of sub-section 620(f), also cited as 22 USC 2370(f), reads as follows:

> (f) Prohibition against assistance to Communist countries; conditions for waiver of restriction by President; enumeration of Communist countries.
>
> No assistance shall be furnished under this chapter, (except section 2174(b) of this title) to any Communist country. This restriction may not be waived pursuant to any authority contained in this chapter unless the President finds and promptly reports to Congress that: (1) such assistance is vital to the security of the United States; (2) the recipient country is not controlled by the international Communist conspiracy; and (3) such assistance will further promote the independence of the recipient country from international communism. For the purposes of this subsection, the phrase "Communist country" shall include specifically, but not be limited to, the following countries:
>
> Peoples Republic of Albania,
> Peoples Republic of Bulgaria,
> Peoples Republic of China,
> Czechoslovak Socialist Republic,
> German Democratic Republic (East Germany),
> Estonia,
> Hungarian Peoples Republic,
> Latvia,
> Lithuania,
> North Korean Peoples Republic,
> North Vietnam,
> Outer Mongolia-Mongolian Peoples Republic,
> Polish Peoples Republic,
> Rumanian Peoples Republic,
> Tibet,
> Federal Peoples Republic of Yugoslavia,
> Cuba, and
> Union of Soviet Socialist Republics (including its captive constituent republics).

Unless section 106 is amended as here proposed, the national policy enacted by the Congress in section 620(f) as set out, will be rendered ineffective, if funds authorized by the bill will be used or supervised by the International Bank for Reconstruction and Development or the Asian Development Bank.

My amendment would insert on page 13, after the period in line 2, the following language:

> With respect to any such funds made available to either or both of said banks or under the supervision thereof, the voting power of the United States shall be exercised for the purpose of disapproving any loan to a communist country, as defined in Section 620 (f) unless the President complies with the requirements of findings and report to Congress of said Section.

Since the funds under the stated circumstances will be under one or the other of the Banks' jurisdiction, the statute cannot reach them directly. Hence, the recourse to use of the voting power of the United States as a member of those Banks for this purpose.

This same general approach and provision were used in a very similar situation involving the Inter-American Development Bank only last year. See Public Law 86-147, section 14, as added to by Public Law 89-6. Also cited as title 22 United States Code, section 2831(c).

I urge adoption of the amendment.

Mr. FULBRIGHT. Mr. President, I have discussed this amendment with the distinguished Senator from Nebraska. I think he has a point. I did not feel that there was much, if any, possibility—and certainly not the probability—that this money would be used by the Asian Development Bank or the World Bank for a Communist country. Nevertheless, the amendment certainly is not objectionable. It was not the purpose to allow the funds to be used in that manner.

The amendment is a further safeguard against changes that could possibly happen, but which I do not expect to happen.

I may say as a sponsor of the original authorization bill that it certainly was not intended to enable use of this money to aid a Communist country.

Mr. HRUSKA. Mr. President, I am grateful for the remarks of the Senator. I have discussed the measure with the Senator and with the staff. I accept the explanation that it was not the intent to circumvent section 620(f). Nevertheless, it would have that effect, and I think this would clear it up.

The **PRESIDING OFFICER.** The question is on agreeing to the amendment of the Senator from Nebraska.

The amendment was agreed to.

AMENDMENT NO. 696

Mr. KENNEDY of New York. Mr. President, several days ago I submitted an amendment that was cosponsored by the Senator from Pennsylvania [Mr. CLARK].

I call up my amendment No. 696 and ask that it be stated.

The **PRESIDING OFFICER.** The amendment will be stated.

The legislative clerk read as follows:

> On page 21, after line 7, add the following:
>
> "CHAPTER 3—RESTUDY
>
> "SEC. 301. PROPOSALS FOR FUTURE PROGRAMS.—The President is requested to submit to the Congress, on or before July 1, 1967, his recommendations, including legislative proposals designed to carry out such recommendations, for such future foreign assistance programs as may be necessary and appropriate in the national interest and taking into account the principles set forth in section 302.
>
> "SEC. 302. PRINCIPLES TO BE TAKEN INTO ACCOUNT IN PROPOSALS FOR FUTURE PROGRAMS.—(a) In the formulation and submission to the Congress of proposals for foreign assistance for fiscal years beginning on or after July 1, 1968, such proposals should include and be divided into the following separate and distinct categories:
>
> "(1) Assistance intended primarily for humanitarian purposes, including grants, loans, contributions, or other aid to be made available for relief purposes through international organizations or relief agencies, or otherwise, famine relief and other assistance authorized by title II of the Agricultural Trade Development and Assistance Act of 1954, as amended, and similar relief programs.
>
> "(2) Assistance for development purposes (A) to be extended only to countries in which progress is being made toward respect for the rule of law, freedom of expression and of the press, and recognition of the importance of individual freedom, initiative, and private enterprise; and (B) to be in furtherance of sound plans for economic and social growth to the end of developing the resources of the recipient countries to make them self-sufficient at the earliest possible date.
>
> "(3) Assistance for political or contingency purposes, to be extended to a limited number of countries or areas, primarily for purposes of advancing or protecting the mutual interests of the United States and the other countries or areas concerned, such as programs relating to the creation of special relationships with recipient countries, reinforcement of alliance-type relationships, or other political or contingency purposes.
>
> "(4) Military assistance to be furnished for purposes that serve the military defense of the United States as recommended by the Secretary of Defense, subject to approval by the Secretary of State.
>
> "(b) In order to provide for better coordination of all programs of United States assistance to foreign countries, and for more efficient, economical, and effective administration of such programs, the proposals referred to in paragraphs (1), (2), and (3) of subsection (a) should also include provisions for unification, insofar as practicable, of the administration of such programs under a single officer or agency.
>
> "(c) The proposals referred to in subsection (a) should be based on an analysis and estimate of the funds required by the developing nations of the world to close the widening gap between the economically privileged nations and those nations striving to achieve a developed economy. This analysis should examine the relationship between development requirements and the rising gross national product of the United States, assessing the percentage of gross national product that should be devoted to such development assistance. The proposals should include an assessment of the role that economic assistance by the United States and other developed nations can and should play in the economic and social development of the rest of the world, and carefully delineate policies and programs required to fulfill this role.
>
> "SEC. 303. TEMPORARY PLANNING COMMITTEE ESTABLISHED.—(a) There is hereby created a Foreign Aid Planning Committee

(hereinafter referred to as the 'Committee') which shall consist of twelve members to be selected as follows:

"(1) Four members to be appointed by the President;

"(2) Four members of the Committee on Foreign Relations of the Senate, to be designated by the Vice President;

"(3) Four members of the Committee on Foreign Affairs of the House of Representatives, to be designated by the Speaker of the House of Representatives.

"The Committee shall select a Chairman and Vice Chairman from among its members.

"(b) It shall be the duty of the Committee (1) to make such studies and investigations as may be necessary to enable it to make recommendations to the President and to the Congress concerning the proposals referred to in section 302(a), and (2) to provide the President, or such officer or agency as the President may designate, with such assistance as the President or such officer or agency may request in the formulation of such proposals.

"(c) The Committee is authorized to appoint and fix the compensation of such secretarial, clerical, and other staff assistants as may be necessary to enable it to perform its functions, and to procure, without regard to the civil service laws and the Classification Act of 1949, as amended, temporary and intermittent services to the same extent as is authorized for the departments by section 15 of the Act of August 2, 1946 (60 Stat. 810; 5 U.S.C. 55a), but at rates not to exceed $100 per diem for individuals.

"(d) Members of the Committee appointed under subsection (a)(1) who are not otherwise employed by the United States shall be paid compensation at the rate of $100 per diem while engaged in the work of the Committee, and shall be reimbursed for travel and other necessary expenses incurred while so engaged, including per diem in lieu of subsistence, as authorized by law (5 U.S.C. 73b–2) for persons in the Government service employed intermittently.

"(e) The Committee may, for the purpose of carrying out the provisions of this section, hold such hearings and sit and act at such times and places, administer such oaths, and require by subpena or otherwise the attendance and testimony of such witnesses and the production of such books, records, correspondence, memorandums, papers, and documents as the Committee may deem advisable. Subpenas may be issued under the signature of the Chairman of the Committee and may be served by any person designated by the Chairman. The provisions of sections 102 to 104, inclusive, of the Revised Statutes (2 U.S.C. 192–194), shall apply in the case of any failure of any witness to comply with any subpena or to testify when summoned under authority of this subsection.

"(f) Each department and agency of the Government shall furnish to the Committee, upon its request, such information or other assistance as may be necessary to enable it to carry out its functions.

"(g) The Committee shall from time to time transmit to the President, and to the Committee on Foreign Relations of the Senate and the Speaker of the House of Representatives, reports of its activities, including its recommendations, and shall file its final report on or before January 3, 1968. Upon the filing of its final report, the Committee shall cease to exist.

"(h) There shall be made available to the Committee out of sums appropriated pursuant to this Act such amounts, not to exceed an aggregate of $400,000, as the Committee deems necessary to enable it to carry out its functions."

Mr. KENNEDY of New York. Mr. President, this amendment was agreed to virtually unanimously last year.

The amendment would establish a Planning Committee on Foreign Aid to organize the goals and the strategy and the tactics of our aid program. I think it is an effort that is long overdue.

We have heard discussions this last week by Senators who have serious reservations about our aid program. Many of those who have voted for cuts in our aid program stated that generally they support the philosophy of aid, but that they would like to have a program that they feel they can support in execution.

The idea behind the amendment is to establish a committee made up of four Members of the U.S. Senate, four Members of the U.S. House of Representatives, and four members appointed by the President, which committee will study what our aid program has accomplished in the past and what we can hope from our aid program in the future, so that we might determine whether our whole concept of aid should be changed.

I have discussed this matter in some detail, as has the cosponsor, the Senator from Pennsylvania [Mr. CLARK], with the chairman of the Committee on Foreign Relations.

I understand that the Senator from Arkansas is in general agreement with the concept.

Mr. CLARK. Mr. President, will the Senator yield?

Mr. KENNEDY of New York. I yield.

Mr. CLARK. Mr. President, as a cosponsor of the amendment, as I was last year, I would like to endorse the statement made by the Senator from New York.

I have not had an opportunity in the last hour or so to reread the amendment. But my recollection is that there is somewhere in it a declaration that the proposals which are to be made the basis of the study should be based on an analysis and estimate of the funds required by the developing nations of the world to close the widening gap between the economically privileged nations and those nations striving to achieve a developing economy.

That language is contained in lines 18 to 22 on page 3 of the amendment.

Therefore, it is the concept of the Senator from New York, as it is my concept, that we will have to do more in the future, either multilaterally or bilaterally, than we are doing now, and that this study should result in recommendations which would considerably expand the AID program.

Mr. KENNEDY of New York. That is the hope of the Senator from New York. That is my philosophy, and I know it is the philosophy of the Senator from Pennsylvania. But what will be required is a study whereby those who are members of the committee will be able to make their recommendations to the Senate and the House of Representatives as well as to the President. They are to make their report to the President before September 1, 1967. The President in turn will make a report to Congress before January 1, 1968.

Mr. CLARK. Mr. President, will the Senator yield further?

Mr. KENNEDY of New York. I yield.

Mr. CLARK. The Senator is well aware, as is the manager of the bill, that a Presidential Advisory Committee on Foreign Aid has been in existence for a good many years. Its membership has changed from time to time. My understanding is that the present Chairman is Dr. James Perkins, the president of Cornell University, who has been most eloquent and very vocal in indicating that our whole concept of foreign aid today is obsolete, is picayune, and is inadequate, and that foreign aid will be with us for the rest of this century.

Dr. Perkins has stated that we must measure up, as a nation and as a member of the United Nations, to the obligation to attempt to decrease the widening economic gap between the rich nations and the poor nations.

I suspect that it would be difficult, indeed, to find qualified members for this Commission who would come to a view different from that of Dr. Perkins.

Mr. KENNEDY of New York. That is the same feeling I have. I join with the Senator on that.

Mr. FULBRIGHT. Mr. President, will the Senator yield?

Mr. KENNEDY of New York. I yield.

Mr. FULBRIGHT. This proposal is similar to one that the Senate adopted last year. It was taken to conference in the House of Representatives, and all kinds of supposedly insurmountable problems were raised in the conference. They refused absolutely to accept it. The Senator knows about the history of that proposal.

It is past time to have a thorough study made and I would like to see a committee along these lines appointed. They objected to including the Presidential appointees.

Another amendment provides for a similar study. There is room for difference of opinion as to the ideal composition of such a committee.

I may say that neither of these amendment study groups was presented to the committee. But in view of the action taken last year and because of substantial changes in the attitude of the House and the Senate with regard to this program since then, I am willing to submit it to the House conferees.

I believe that the general proposition of a study of this highly controversial subject by some independent group is in order, and I am willing to accept the amendment.

Mr. KENNEDY of New York. I appreciate the statement of the Senator from Arkansas.

The exchanges which have taken place in the Senate during the last 6 or 7 days clearly demonstrate that men of good will differ in regard to this matter. Many who voted for the cuts believe in foreign aid.

If we all believe that it is in the national interest and that it is our moral responsibility to have this kind of program—and disagreements have existed in the past about the effectiveness of the program—it seems to me that it is incumbent upon us to make this kind of study.

I am not wedded to any particular language in the amendment. There may be

Mr. HRUSKA. Mr. President, I have an amendment at the desk which I ask to have stated.

The **PRESIDING OFFICER.** The amendment will be stated.

The legislative clerk read as follows:

On page 13, after the period in line 2 insert the following: "With respect to any such funds made available to either or both of said banks or under the supervision thereof, the voting power of the United States shall be exercised for the purpose of disapproving any loan to a communist country, as defined in section 620(f) unless the President complies with the requirements of findings and report to Congress of said section."

Mr. HRUSKA. Mr. President, section 106 of the bill concerns itself with "Title VIII—Southeast Asia Multilateral and Regional Programs." It authorizes the use of not to exceed $50 million of available funds to further the purposes of the title.

Starting on page 12 of the bill at line 21, the language reads:

> (b) In the event that funds made available under this Act are used by or under the supervision of the International Bank for Reconstruction and Development or the Asian Development Bank in furtherance of the purposes of this title, such funds may be used without regard to the requirements of this or any other Act.

This Senator has been informed that the waiver of "the requirements of this or any other act" is sought for sound and good reasons. However, I am further informed that such reasons do not include the effect of such language in waiving also the provisions of section 620(f) of the Foreign Assistance Act of 1961, as amended. It provides that—

> No assistance shall be furnished under this chapter .... to any Communist country.

The full text of sub-section 620(f), also cited as 22 USC 2370(f), reads as follows:

> (f) Prohibition against assistance to Communist countries; conditions for waiver of restriction by President; enumeration of Communist countries.
>
> No assistance shall be furnished under this chapter, (except section 2174(b) of this title) to any Communist country. This restriction may not be waived pursuant to any authority contained in this chapter unless the President finds and promptly reports to Congress that: (1) such assistance is vital to the security of the United States; (2) the recipient country is not controlled by the international Communist conspiracy; and (3) such assistance will further promote the independence of the recipient country from international communism. For the purposes of this subsection, the phrase "Communist country" shall include specifically, but not be limited to, the following countries:
>
> Peoples Republic of Albania,
> Peoples Republic of Bulgaria,
> Peoples Republic of China,
> Czechoslovak Socialist Republic,
> German Democratic Republic (East Germany),
> Estonia,
> Hungarian Peoples Republic,
> Latvia,
> Lithuania,
> North Korean Peoples Republic,
> North Vietnam,
> Outer Mongolia-Mongolian Peoples Republic,
> Polish Peoples Republic,
> Rumanian Peoples Republic,
> Tibet,
> Federal Peoples Republic of Yugoslavia,
> Cuba, and
> Union of Soviet Socialist Republics (including its captive constituent republics).

Unless section 106 is amended as here proposed, the national policy enacted by the Congress in section 620(f) as set out, will be rendered ineffective, if funds authorized by the bill will be used or supervised by the International Bank for Reconstruction and Development or the Asian Development Bank.

My amendment would insert on page 13, after the period in line 2, the following language:

> With respect to any such funds made available to either or both of said banks or under the supervision thereof, the voting power of the United States shall be exercised for the purpose of disapproving any loan to a communist country, as defined in Section 620 (f) unless the President complies with the requirements of findings and report to Congress of said Section.

Since the funds under the stated circumstances will be under one or the other of the Banks' jurisdiction, the statute cannot reach them directly. Hence, the recourse to use of the voting power of the United States as a member of those Banks for this purpose.

This same general approach and provision were used in a very similar situation involving the Inter-American Development Bank only last year. See Public Law 86-147, section 14, as added to by Public Law 89-6. Also cited as title 22 United States Code, section 2831(c).

I urge adoption of the amendment.

Mr. FULBRIGHT. Mr. President, I have discussed this amendment with the distinguished Senator from Nebraska. I think he has a point. I did not feel that there was much, if any, possibility—and certainly not the probability—that this money would be used by the Asian Development Bank or the World Bank for a Communist country. Nevertheless, the amendment certainly is not objectionable. It was not the purpose to allow the funds to be used in that manner.

The amendment is a further safeguard against changes that could possibly happen, but which I do not expect to happen.

I may say as a sponsor of the original authorization bill that it certainly was not intended to enable use of this money to aid a Communist country.

Mr. HRUSKA. Mr. President, I am grateful for the remarks of the Senator. I have discussed the measure with the Senator and with the staff. I accept the explanation that it was not the intent to circumvent section 620(f). Nevertheless, it would have that effect, and I think this would clear it up.

The **PRESIDING OFFICER.** The question is on agreeing to the amendment of the Senator from Nebraska.

The amendment was agreed to.

AMENDMENT NO. 696

Mr. KENNEDY of New York. Mr. President, several days ago I submitted an amendment that was cosponsored by the Senator from Pennsylvania [Mr. CLARK].

I call up my amendment No. 696 and ask that it be stated.

The **PRESIDING OFFICER.** The amendment will be stated.

The legislative clerk read as follows:

On page 21, after line 7, add the following:

"Chapter 3—Restudy

"Sec. 301. Proposals for Future Programs.—The President is requested to submit to the Congress, on or before July 1, 1967, his recommendations, including legislative proposals designed to carry out such recommendations, for such future foreign assistance programs as may be necessary and appropriate in the national interest and taking into account the principles set forth in section 302.

"Sec. 302. Principles To Be Taken Into Account in Proposals for Future Programs.—(a) In the formulation and submission to the Congress of proposals for foreign assistance for fiscal years beginning on or after July 1, 1968, such proposals should include and be divided into the following separate and distinct categories:

"(1) Assistance intended primarily for humanitarian purposes, including grants, loans, contributions, or other aid to be made available for relief purposes through international organizations or relief agencies, or otherwise, famine relief and other assistance authorized by title II of the Agricultural Trade Development and Assistance Act of 1954, as amended, and similar relief programs.

"(2) Assistance for development purposes (A) to be extended only to countries in which progress is being made toward respect for the rule of law, freedom of expression and of the press, and recognition of the importance of individual freedom, initiative, and private enterprise; and (B) to be in furtherance of sound plans for economic and social growth to the end of developing the resources of the recipient countries to make them self-sufficient at the earliest possible date.

"(3) Assistance for political or contingency purposes, to be extended to a limited number of countries or areas, primarily for purposes of advancing or protecting the mutual interests of the United States and the other countries or areas concerned, such as programs relating to the creation of special relationships with recipient countries, reinforcement of alliance-type relationships, or other political or contingency purposes.

"(4) Military assistance to be furnished for purposes that serve the military defense of the United States as recommended by the Secretary of Defense, subject to approval by the Secretary of State.

"(b) In order to provide for better coordination of all programs of United States assistance to foreign countries, and for more efficient, economical, and effective administration of such programs, the proposals referred to in paragraphs (1), (2), and (3) of subsection (a) should also include provisions for unification, insofar as practicable, of the administration of such programs under a single officer or agency.

"(c) The proposals referred to in subsection (a) should be based on an analysis and estimate of the funds required by the developing nations of the world to close the widening gap between the economically privileged nations and those nations striving to achieve a developed economy. This analysis should examine the relationship between development requirements and the rising gross national product of the United States, assessing the percentage of gross national product that should be devoted to such development assistance. The proposals should include an assessment of the role that economic assistance by the United States and other developed nations can and should play in the economic and social development of the rest of the world, and carefully delineate policies and programs required to fulfill this role.

"Sec. 303. Temporary Planning Committee Established.—(a) There is hereby created a Foreign Aid Planning Committee (hereinafter referred to as the 'Committee') which shall consist of twelve members to be selected as follows:

"(1) Four members to be appointed by the President;

"(2) Four members of the Committee on Foreign Relations of the Senate, to be designated by the Vice President;

"(3) Four members of the Committee on Foreign Affairs of the House of Representatives, to be designated by the Speaker of the House of Representatives.

"The Committee shall select a Chairman and Vice Chairman from among its members.

"(b) It shall be the duty of the Committee (1) to make such studies and investigations as may be necessary to enable it to make recommendations to the President and to the Congress concerning the proposals referred to in section 302(a), and (2) to provide the President, or such officer or agency as the President may designate, with such assistance as the President or such officer or agency may request in the formulation of such proposals.

"(c) The Committee is authorized to appoint and fix the compensation of such secretarial, clerical, and other staff assistants as may be necessary to enable it to perform its functions, and to procure, without regard to the civil service laws and the Classification Act of 1949, as amended, temporary and intermittent services to the same extent as is authorized for the departments by section 15 of the Act of August 2, 1946 (60 Stat. 810; 5 U.S.C. 55a), but at rates not to exceed $100 per diem for individuals.

"(d) Members of the Committee appointed under subsection (a)(1) who are not otherwise employed by the United States shall be paid compensation at the rate of $100 per diem while engaged in the work of the Committee, and shall be reimbursed for travel and other necessary expenses incurred while so engaged, including per diem in lieu of subsistence, as authorized by law (5 U.S.C. 73b–2) for persons in the Government service employed intermittently.

"(e) The Committee may, for the purpose of carrying out the provisions of this section, hold such hearings and sit and act at such times and places, administer such oaths, and require by subpena or otherwise the attendance and testimony of such witnesses and the production of such books, records, correspondence, memorandums, papers, and documents as the Committee may deem advisable. Subpenas may be issued under the signature of the Chairman of the Committee and may be served by any person designated by the Chairman. The provisions of sections 102 to 104, inclusive, of the Revised Statutes (2 U.S.C. 192–194), shall apply in the case of any failure of any witness to comply with any subpena or to testify when summoned under authority of this subsection.

"(f) Each department and agency of the Government shall furnish to the Committee, upon its request, such information or other assistance as may be necessary to enable it to carry out its functions.

"(g) The Committee shall from time to time transmit to the President, and to the Committee on Foreign Relations of the Senate and the Speaker of the House of Representatives, reports of its activities, including its recommendations, and shall file its final report on or before January 3, 1968. Upon the filing of its final report, the Committee shall cease to exist.

"(h) There shall be made available to the Committee out of sums appropriated pursuant to this Act such amounts, not to exceed an aggregate of $400,000, as the Committee deems necessary to enable it to carry out its functions."

Mr. KENNEDY of New York. Mr. President, this amendment was agreed to virtually unanimously last year.

The amendment would establish a Planning Committee on Foreign Aid to organize the goals and the strategy and the tactics of our aid program. I think it is an effort that is long overdue.

We have heard discussions this last week by Senators who have serious reservations about our aid program. Many of those who have voted for cuts in our aid program stated that generally they support the philosophy of aid, but that they would like to have a program that they feel they can support in execution.

The idea behind the amendment is to establish a committee made up of four Members of the U.S. Senate, four Members of the U.S. House of Representatives, and four members appointed by the President, which committee will study what our aid program has accomplished in the past and what we can hope from our aid program in the future, so that we might determine whether our whole concept of aid should be changed.

I have discussed this matter in some detail, as has the cosponsor, the Senator from Pennsylvania [Mr. CLARK], with the chairman of the Committee on Foreign Relations.

I understand that the Senator from Arkansas is in general agreement with the concept.

Mr. CLARK. Mr. President, will the Senator yield?

Mr. KENNEDY of New York. I yield.

Mr. CLARK. Mr. President, as a cosponsor of the amendment, as I was last year, I would like to endorse the statement made by the Senator from New York.

I have not had an opportunity in the last hour or so to reread the amendment. But my recollection is that there is somewhere in it a declaration that the proposals which are to be made the basis of the study should be based on an analysis and estimate of the funds required by the developing nations of the world to close the widening gap between the economically privileged nations and those nations striving to achieve a developing economy.

That language is contained in lines 18 to 22 on page 3 of the amendment.

Therefore, it is the concept of the Senator from New York, as it is my concept, that we will have to do more in the future, either multilaterally or bilaterally, than we are doing now, and that this study should result in recommendations which would considerably expand the AID program.

Mr. KENNEDY of New York. That is the hope of the Senator from New York. That is my philosophy, and I know it is the philosophy of the Senator from Pennsylvania. But what will be required is a study whereby those who are members of the committee will be able to make their recommendations to the Senate and the House of Representatives as well as to the President. They are to make their report to the President before September 1, 1967. The President in turn will make a report to Congress before January 1, 1968.

Mr. CLARK. Mr. President, will the Senator yield further?

Mr. KENNEDY of New York. I yield.

Mr. CLARK. The Senator is well aware, as is the manager of the bill, that a Presidential Advisory Committee on Foreign Aid has been in existence for a good many years. Its membership has changed from time to time. My understanding is that the present Chairman is Dr. James Perkins, the president of Cornell University, who has been most eloquent and very vocal in indicating that our whole concept of foreign aid today is obsolete, is picayune, and is inadequate, and that foreign aid will be with us for the rest of this century.

Dr. Perkins has stated that we must measure up, as a nation and as a member of the United Nations, to the obligation to attempt to decrease the widening economic gap between the rich nations and the poor nations.

I suspect that it would be difficult, indeed, to find qualified members for this Commission who would come to a view different from that of Dr. Perkins.

Mr. KENNEDY of New York. That is the same feeling I have. I join with the Senator on that.

Mr. FULBRIGHT. Mr. President, will the Senator yield?

Mr. KENNEDY of New York. I yield.

Mr. FULBRIGHT. This proposal is similar to one that the Senate adopted last year. It was taken to conference in the House of Representatives, and all kinds of supposedly insurmountable problems were raised in the conference. They refused absolutely to accept it. The Senator knows about the history of that proposal.

It is past time to have a thorough study made and I would like to see a committee along these lines appointed. They objected to including the Presidential appointees.

Another amendment provides for a similar study. There is room for difference of opinion as to the ideal composition of such a committee.

I may say that neither of these amendment study groups was presented to the committee. But in view of the action taken last year and because of substantial changes in the attitude of the House and the Senate with regard to this program since then, I am willing to submit it to the House conferees.

I believe that the general proposition of a study of this highly controversial subject by some independent group is in order, and I am willing to accept the amendment.

Mr. KENNEDY of New York. I appreciate the statement of the Senator from Arkansas.

The exchanges which have taken place in the Senate during the last 6 or 7 days clearly demonstrate that men of good will differ in regard to this matter. Many who voted for the cuts believe in foreign aid.

If we all believe that it is in the national interest and that it is our moral responsibility to have this kind of program—and disagreements have existed in the past about the effectiveness of the program—it seems to me that it is incumbent upon us to make this kind of study.

I am not wedded to any particular language in the amendment. There may be better ways of doing it. The Senator suggested some other kind of makeup of the committee.

Before we begin the discussion of foreign aid next year, I believe it is important that we have some recommendations or some ideas presented to Congress as to what the best alternative is, if this is not the best program.

Mr. MUNDT. Mr. President, will the Senator yield?

Mr. KENNEDY of New York. I yield.

Mr. MUNDT. I have offered a somewhat similar amendment, because I felt that the idea proposed by the Committee on Foreign Relations last year had merit.

I call to the attention of the Senator from New York, however, some of the differences between our amendments, in the hope that we might be able to reconcile those differences.

In the first place, I believe we ought to try to keep the foreign aid program as closely as possible identified with bipartisan effort. It seems to me that in the Senate we have discussed these amendments from the standpoint of bipartisan approval and disapproval.

In my amendment, I provide that not more than two members of each of the three categories be of one political party. If the Senator believes that it is important to have partisanship reflected in the Commission, I would not object to language which would say not over 7 of the 12 shall be of one political party. However, if I were the President, I would welcome the chance to divide the party responsibility. I do not believe there is any particular partisan viewpoint in the whole field of foreign aid. That is one difference between our amendments.

The second difference is that I believe it would be useful to have this study made by people who are not now identified and who never have been identified with the foreign aid program, so that no one would feel he has to defend what has gone on in the past. So I precluded that.

Other than that, the only difference in our proposal is the suggestion of the Senator from New York, which I would not object to if section 302 were just one suggestion for a variety of recommendations. But the way it reads, the Senator from New York has sort of placed the Commission in a straitjacket, forecasting what it should do.

I should like to have them look de novo at the responsibilities of our country in the field of foreign aid, with a clean sheet of paper.

I would not object to suggesting that these three general areas of consideration be included among others. But when it is spelled out as being the total job to be accomplished, it seems to me to circumscribe the potentiality for good which would exist in the Commission.

Those are the three suggestions.

Mr. KENNEDY of New York. As far as the bipartisan makeup of the Commission is concerned, I have no objection to that. I am not certain how it should be spelled out, whether it should be 7 out of the 12 or 50-50. I do not know whether it has been understood, in the exchanges that have taken place on the floor, that that principle should be applied.

Mr. MUNDT. If the conference is limited to the differences between the two bills, legislative language would have to be worked out. I would not care whether it was 7 and 5 or 50-50, but I believe we should get it into the legislation some way.

Mr. KENNEDY of New York. I agree with the Senator from South Dakota.

What was the second suggestion of the Senator?

Mr. MUNDT. The second suggestion I made was that the Senator from New York take into consideration the suggestion contained in item No. 3 of my amendment, which states that four members are to be appointed by the President from private life, as the amendment proposed by the Senator from New York has it.

Mr. KENNEDY of New York. The Senator is correct.

Mr. MUNDT. My proposed amendment contains the provision, "none of whom shall have been employed in carrying out foreign aid programs of the past."

I believe that when someone has been a foreign aid administrator, whether during the administrations of President Eisenhower, President Kennedy, or President Johnson, there is a natural tendency for him to feel obligated to defend what has occurred, and a little reticence on the part of the rest of us to say that he did not do it correctly when he was in charge.

I should like this to be a fresh look at an old problem.

Mr. KENNEDY of New York. I have no objection. I do not know whether any people have been associated in some way with the foreign aid program——

Mr. MUNDT. Say, "none of whom have been employed in an administrative capacity."

In other words, if there is to be a fresh look, it should be meaningful. I think that would be persuasive with the House. They would not like the matter to be colored by the fact that somebody——

Mr. KENNEDY of New York. I agree with the Senator in principle. It is possible that someone may have served 10 or 12 years ago in some small capacity.

Mr. MUNDT. We can contrive language to indicate what we have in mind.

Would the Senator object to refining the language——

Mr. KENNEDY of New York. Just to say "among others."

Mr. MUNDT. Not to limit it.

Mr. KENNEDY of New York. That among the considerations should be these three?

Mr. MUNDT. The Senator is correct.

Mr. KENNEDY of New York. I have no objection.

Mr. MUNDT. If we could have a few minutes to work out compromise language, it would be satisfactory to me.

Mr. GORE. Mr. President, I am very persuaded by the point of view advanced by the able junior Senator from New York [Mr. KENNEDY].

I must say that it would appear to me that his movement would be strengthened if he could find a way to coalesce with the distinguished Senator from South Dakota [Mr. MUNDT], who is very interested in this study. Even though it might entail some temporary withdrawal of the proposal in order that there be bipartisan authorship, the proposal might be strengthened. I wish to join the junior Senator from New York [Mr. KENNEDY].

Mr. KENNEDY of New York. I appreciate that.

I wonder if the Senator from Pennsylvania [Mr. CLARK] has anything to say about the suggestion of the Senator from South Dakota [Mr. MUNDT].

Mr. CLARK. I believe that it would be highly desirable if this were bipartisan. I think the suggestion was made by the Senator from South Dakota that this was quite sensible.

Mr. President, I ask unanimous consent that pending discussion between the Senator from South Dakota [Mr. MUNDT] and the Senator from New York [Mr. KENNEDY] with respect to the pending amendment, consideration of the pending amendment, No. 696, may be temporarily set aside so that I may call up my amendment No. 682. I shall not detain the Senate very long.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk read as follows:

At the end of the bill add the following:

"CHAPTER 3—MISCELLANEOUS PROVISIONS

"SEC. 203. Chapter 3 of part III of the Foreign Assistance Act of 1961, as amended, which relates to miscellaneous provisions, is amended by adding at the end thereof the following new section:

" 'SEC. 650. AUTHORIZATION FOR AGGREGATE APPROPRIATIONS.—Notwithstanding any other provision of this Act, there is hereby authorized to be appropriated for use in the fiscal year 1967, for furnishing assistance and for administrative expenses under this Act, an aggregate amount equal to 1 per centum of the estimated gross national product of the United States for the preceding calendar year as determined by the President. The supplemental authority provided in the preceding sentence shall take effect when (1) the President determines that the expenditure of such additional funds would be in the national interest and (2) transmits a report setting forth the reasons for such determination to the Committee on Foreign Relations of the Senate and the Committee on Foreign Affairs of the House of Representatives.' "

Mr. CLARK. Mr. President, if there is one theme which has emerged from this year's foreign aid debate, it is our failure to recognize the magnitude of the human misery outside our borders, and our failure to accept responsibility, as the world's wealthiest Nation, for doing something meaningful about it.

The simple fact of the matter is that a majority of the inhabitants of this planet will go to bed hungry tonight. Yet the developed nations of the world in general—and the U.S. Senate in particular—have yet to come to grips with the enormous needs and problems of the developing world.

For years we have been pretending to ourselves that the need for foreign economic aid would soon go away—indeed, that it was already going away. We have been treating it like a program which is being phased out by degrees, constantly looking for places to trim, constantly seeking to cut back.

Back in 1949, when the Marshall plan was at its height, we were spending 11½ percent of our Federal budget on foreign economic aid. For 1967 the figure will be roughly 3 percent.

But the need for foreign aid has not diminished. On the contrary, it has greatly increased. We have witnessed a worldwide population explosion—brought on, in part by our success in eradicating disease, curbing infant mortality, and prolonging life—which threatens to produce deprivation and famine on a scale never before imagined. And even if efforts, supported and underwritten by this country, to bring the population explosion under control are successful, ways must be found to feed, clothe, and shelter the millions now being born, and to proceed with the urgent tasks of economic development and education.

The unhappy fact is that at the moment we are not doing very well with these tasks. The rich countries are still getting richer, and the poor countries are still getting poorer. Nearly a billion human beings—most of them living in Asia, Africa and Latin America— have an annual average income nearly 25 times smaller than that of the average citizen of the United States.

The time has come for the Congress—and the public—to wake up to the fact that we need a big foreign aid program—far bigger than the one we now have, and we are going to need it for years and years to come.

I wonder how many Americans realize what foreign economic aid is truly all about. For one thing, it is certainly not charity—although compassion, understanding and a sense of human brotherhood are all attributes of the giver. Nor is foreign aid merely sterile anticommunism—although there can be no doubt that communism, not freedom, will profit most from the misery and turmoil which will result if we fail adequately to meet our obligations.

What foreign aid comes down to—bluntly put—is our own security as a nation and our aspirations to live out our lives in a tranquil world. It is easy to forget that we Americans live on an island of opulence, surrounded by a sea of human misery. But anyone who has ever seen and smelled the teeming slums of Lima and Calcutta knows how frail and tenuous our fat and comfortable security is.

It is this very disparity between our wealth and their poverty which threatens our security, since it carries with it the seed of envy. For envy leads to hate, and hate breeds war.

The question is not whether we can afford a foreign aid program big enough to do the job. The question is whether we can afford not to support a big enough program—for our own sakes, for our children's, and for the sake of all mankind.

The figure I have proposed—1 percent of our gross national product which comes to over $7 billion for 1967—did not come out of thin air. It accords with a recommendation made by the Committee on Technical Cooperation of the White House Conference on International Cooperation, and it is consistent with the United Nation's resolution which calls on all developed countries to devote at least 1 percent of their gross national product for development assistance. And although it is three times as great as the amount authorized in the pending bill, it is only about half as great as the amount—figured as a percent of gross national product—which we were spending in 1949.

I do not expect the Senate to approve this amendment. In fact, I doubt that there are more than five Senators who would be prepared to vote for it. But that is all the more reason why this amendment should be urged and argued—to get the message across to the Congress and to the American people: we cannot permit our foreign economic aid effort to dwindle and die, at a time when the gap between the rich nations and the poor nations is steadily widening. We cannot phase it out or whittle it down because we are bored with it, or unhappy with the way the world is treating us, or because we do not like the way it is being administered or because we would like to believe that the need is decreasing, even though it is plain that the need is actually growing.

What we must do, to borrow a phrase used by Dr. James A. Perkins, president of Cornell University and Chairman of the President's Advisory Committee on Foreign Aid, is undergo a "Copernican revolution" in our thinking about aid. We need to come to terms, for the first time, with the magnitude of the problems faced by the desperate people of the developing nations. Once we have done that—and I hope that we shall be able to do it—perhaps then we shall be able to fashion a foreign economic development program of sufficient size, scope, and duration to offer us some hope of ultimate success.

Mr. LAUSCHE. Mr. President, will the Senator from Pennsylvania yield?

Mr. CLARK. I promised to yield to the Senator from New York. He is occupied at the moment and I am glad to yield to the Senator from Ohio.

Mr. LAUSCHE. I have a question merely for clarification purposes.

Earlier in the reading of the Senator's remarks, he stated that economic aid in 1967 would be 3 percent of the gross national product.

Mr. CLARK. No; 3 percent of our national budget.

Mr. LAUSCHE. Budget.

Mr. CLARK. That is very different. The budget is a little over $100 billion. The gross national product is over $700 billion.

Mr. LAUSCHE. Yes. What does the Senator anticipate the 1967 figure will be in dollars?

Mr. CLARK. In terms of the gross national product?

Mr. LAUSCHE. Yes.

Mr. CLARK. Less than one-half of 1 percent.

Mr. LAUSCHE. I thank the Senator.

Mr. KENNEDY of New York. Mr. President, I commend the Senator from Pennsylvania for the points he has just brought to the attention of the Senate. I think this matter should be thoroughly discussed. We went into it somewhat last year. The idea of the Senator from Pennsylvania was not accepted by a majority of Senators. We suggested the idea of a commission to look into the matter and determine what needed to be done. That has not been done, and here we are back again in the same place we were a year ago arguing about foreign aid, of which many people are in favor. They favor the principle but are against this particular legislation. It seems to me that the basic idea is what the Senator from Pennsylvania has pointed out, that the gap between the rich nations and the poor nations is getting larger. As President Kennedy once said:

> If we cannot help the many who are poor, we will not save the few who are rich.

We cannot do it from the point of view of morality or from the point of view of charity. We should be doing it from the point of view of our own self-interest. We are fighting in Vietnam. We are spending $2 billion a month there, because that is to our self-interest. It does not seem to make a great deal of sense, if we are going to have more problems of the kind facing us in Vietnam in India, the undeveloped nations of Africa, and South America, that we refuse to do anything about these matters until they get to be emergencies and until they explode.

I do not think that we are farsighted. I do not think that we have learned the lessons of history. I do not think that we have learned what has gone on in the past.

Therefore, I commend the Senator from Pennsylvania for bringing the attention of the Senate once again to this vital and important area, to the effort that needs to be given, that it is extremely important it have the consideration of Senators when passing on this measure, not only in foreign aid but also on all the measures which will have an effect on the future.

Mr. CLARK. I thank my friend from New York for his helpful intervention. I welcome his cosponsorship of the amendment. Since it is obvious to any U.S. Senator that the amendment has no present chance of being adopted, I think the next best thing is an amendment for a study, with an indication of the need, to recommend how we can close the gap between the rich nations and the poor nations, which the Senator from New York is now working on, on a bipartisan basis, with the Senator from South Dakota [Mr. MUNDT], and others.

I hope that the amendment offered by the Senator from New York will be quickly approved in whatever modified form is necessary.

I do not wish to ask the Senator in charge of the bill, the Senator from Arkansas [Mr. FULBRIGHT], to state why he opposed my amendment.

Therefore, Mr. President, I withdraw my amendment.

The PRESIDING OFFICER. The amendment is withdrawn.

Mr. KENNEDY of New York. Mr. President, we have had some conversation with the Senator from South Dakota [Mr. Mundt], and there have been some changes made in the amendment which I believe are satisfactory to the Senator from South Dakota, to me, to the Senator from Pennsylvania, and which have been shown to the Senator from Arkansas, the Senator in charge of the bill.

Mr. LONG of Louisiana. Mr. President——

The **PRESIDING OFFICER.** The amendment will be so modified.

Mr. MORSE. Mr. President, may we have the modified amendment stated.

Mr. FULBRIGHT. Mr. President, I think that the clerk should read the modifications of the amendment.

The **PRESIDING OFFICER.** The modifications of the amendment will be stated for the information of the Senate.

The Legislative Clerk. On page 4, under section 303 entitled "Temporary Planning Committee Established"—(a) There is hereby created a Foreign Aid Planning Committee (hereinafter referred to as the "Committee") which shall consist of 12 members—no more than 7 of whom shall be members of the same political party, to be selected as follows——

Mr. KENNEDY of New York. Could I interrupt there, Mr. President, to state that if the clerk is going to read only the modification, that is the end of the modification in the amendment.

Mr. ELLENDER. Mr. President, I hope the whole of the amendment will be read.

The Legislative Clerk (continuing reading). Four members to be appointed by the President from private life, none of whom shall have served at an executive level in the administration of the AID program in Washington——

Mr. MUNDT. Mr. President, there is a third modification at the beginning where we retained the guidelines, suggested in the amendment by the Senator from New York and expanded the functions of the commission to say that they should include those among others.

Mr. LONG of Louisiana. Mr. President, may we have the amendment read, the whole amendment, so we will know what we are voting on?

Mr. FULBRIGHT. There are copies of the amendment, except for the changes. The Senator knows what the amendment is. It is No. 696. The Senator has it in his folder.

Mr. LONG of Louisiana. I do not find it here. I would like to know what we are voting on.

Mr. FULBRIGHT. Before the Senator came on the floor, it was stated that it was very similar to the one the Senate adopted last year. The Senator from Oregon was quite interested in it. The House refused to take the amendment. In fact, the House refused to take any kind of amendment. So it is not anything new.

Mr. LAUSCHE. Mr. President, will the Senator yield?

Mr. FULBRIGHT. I yield.

Mr. LAUSCHE. Am I correct that the Committee would be made up of 12 members, 4 to be appointed by the President, 4 by the Vice President——

Mr. FULBRIGHT. From the Committee on Foreign Relations.

Mr. LAUSCHE. And four from the Committee on Foreign Affairs of the House of the Representatives?

Mr. FULBRIGHT. That is correct.

Mr. LAUSCHE. Of the members to be appointed by the President, at least three of them shall not be serving——

Mr. FULBRIGHT. No; shall not be in executive positions.

Mr. LAUSCHE. What will the function of the Committee be?

Mr. FULBRIGHT. To study the foreign aid program and, hopefully, to bring a new approach, one that will be less controversial and more acceptable to the people.

Mr. MORSE. By 1968.

Mr. KENNEDY of New York. The President will submit recommendations to Congress on or before July 1, 1967. The Committee is to file its final report on or before January 3, 1968.

Mr. HOLLAND. Mr. President, will the Senator yield for a question?

Mr. LONG of Louisiana. Mr. President, who has the floor?

The **PRESIDING OFFICER.** The Senator from New York [Mr. Kennedy] has the floor.

Mr. LONG of Louisiana. How did I lose the floor?

Mr. FULBRIGHT. I had it.

Mr. LONG of Louisiana. I was speaking and I was interrupted, and I lost the floor. At what point did I lose it?

The **PRESIDING OFFICER.** It is the Chair's understanding that the Senator from Louisiana requested what the nature of the amendment was. Upon the request of the Senator from Louisiana, the amendment was read.

Mr. LONG of Louisiana. The amendment has not been read, but I have read it.

The **PRESIDING OFFICER.** The modifications were read.

Mr. HOLLAND. I have one question I would like to ask one of the sponsors.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senator from Louisiana may have the floor.

The **PRESIDING OFFICER.** Is there objection? Without objection, it is so ordered.

Mr. LONG of Louisiana. Mr. President, I wanted to be sure I had some idea what this amendment was, because, I am frank to say, as one Member of this body, I have no objection to a study, but during the colloquy, the legislative history might give some people the idea that we are approving a $7 billion foreign aid program. There have been no speeches on it. The sponsor of the amendment submitted it. I would have no objection to having the program studied, but if the legislative history indicates that a vote for this amendment indicates we are voting for a $7 billion foreign aid program, I do not want to vote for it.

Mr. MANSFIELD. Mr. President, will the Senator yield?

Mr. LONG of Louisiana. I yield.

Mr. MANSFIELD. There is absolutely no connection whatever between the amendment offered by the Senator from Pennsylvania [Mr. Clark] and the pending amendment, which has been modified, which modifications have been read. The Senator from Pennsylvania made clear that there was no connection between the two. I am certain he agrees with that statement.

Mr. CLARK. That is correct, except I am a cosponsor of this amendment.

Mr. MANSFIELD. Excuse me. The Senator is not only a sponsor of the $7 billion amendment, but he is also a sponsor of the amendment of the Senator from New York [Mr. Kennedy].

Mr. CLARK. I agree that there is no connection between them.

Mr. LONG of Louisiana. This amendment does not bind or suggest that the Committee ought to come up with a $7 billion program?

Mr. KENNEDY of New York. This is an amendment setting up a study committee. After the Senator from Louisiana examines it, I am sure he will lend his overwhelming support to a $7 billion program.

Mr. LONG of Louisiana. If the Committee recommends that the program be terminated, I think that would be just as relevant as would a $7 billion program. I hope we understand that by voting for this amendment we are not approving either a $7 billion or a program providing for zero, but are merely authorizing a committee for study.

Mr. ELLENDER. Mr. President, will the Senator yield?

Mr. LONG of Louisiana. I yield.

Mr. ELLENDER. For the information of the Senate, I may mention that last year one of these "bare bones" bills provided for $3.4 billion, but the President forgot to mention that we had the food-for-peace program, which amounted to $1,750 million. A great deal of money went to various corporations to whom money was being loaned. So if we add to the $3.4 billion that the President suggested last year to all the other foreign aid programs, it amounts to almost $7 billion.

I previously put those figures in the Record.

Mr. LONG of Louisiana. Mr. President, I feel these studies have been useful. I think they have made some fine suggestions. The Senator from Montana [Mr. Mansfield] wanted a study made some years ago. A study was made, and quite a few suggestions were made. I will go along with a study. I merely wanted to make sure we do not leave the impression that we are approving this size foreign aid program.

Mr. MUNDT. Mr. President, let me say to the Senator from Louisiana that I would not have cosponsored a $7 billion foreign aid program or any considerable proportion of that amount. There is no dollar stipulation or any stipulation as to amount. The amendment provides for a study to determine what can be done to improve the efficiency of the program.

Mr. HOLLAND. Mr. President, will the Senator from Louisiana yield, so that I may ask a question of the Senator from New York?

Mr. LONG of Louisiana. I prefer to yield the floor.

Mr. HOLLAND. I should like to address a question to the Senator from New York. Does the amendment which would establish a commission envision a study of the food-for-freedom or the food-for-peace program, both of which are cleared through the Committee on Agriculture and Forestry, or does it simply relate to the foreign aid program as it is cleared through the Committee on Foreign Relations?

Mr. KENNEDY of New York. It relates primarily to the foreign aid program.

Mr. HOLLAND. As it is cleared through the Committee on Foreign Relations.

Mr. KENNEDY of New York. That is correct.

Mr. HOLLAND. It does not cover the food-for-freedom or the food-for-peace program?

Mr. KENNEDY of New York. It is not addressed primarily to them. I am not certain that during the course of its deliberation the Committee would not receive some information in connection with those programs; but the proposal is aimed primarily at the AID program.

Mr. HOLLAND. I would have no objection if the amendment were limited in its scope to the foreign aid program as such and did not include the food-for-freedom or the food-for-peace programs.

The Senator from New York will recall his suggestion that the membership of the Committee be entirely, so far as Congress is concerned, from the Committee on Foreign Relations and the House Committee on Foreign Affairs. The Senator from Florida would have no objection to that arrangement, provided that the jurisdiction of the Committee is to be limited to the study of the foreign aid program proper.

Mr. KENNEDY of New York. I shall be glad to give those assurances to the Senator from Florida. In considering the foreign aid that is to be undertaken by the United States or by any of the developed countries, the study might digress into what is proposed to be done in the field of food for peace or food for freedom, or whatever the field might be; but the aim of the investigation or the study is the foreign aid program.

Mr. HOLLAND. I thank the Senator from New York.

Mr. MORSE. Mr. President, I say to the chairman of my committee that I do not think this amendment bears very much similarity to the amendment we offered last year.

Mr. FULBRIGHT. Not as to ending the program.

Mr. MORSE. Other than that it provides for the appointing of a commission.

Mr. FULBRIGHT. That is all it does.

Mr. MORSE. That is all. And I go along with the Senator from New York on the appointment of a commission.

However, I think this amendment needs a considerable amount of overhauling, if we are to accomplish what I think we should be accomplishing in the appointment of a commission.

I refer to subsection (c) of section 302:

> (c) The proposal referred to in subsection (a) should be based on an analysis and estimate of the funds required by the developing nations of the world to close the widening gap between the economically privileged nations and those nations striving to achieve a developed economy. This analysis should examine the relationship between development requirements and the rising gross national product of the United States, assessing the percentage of gross national product that should be devoted to such development assistance.

In my judgment, that will be interpreted by some—and with some reason—as an implied proposal on the part of the U.S. Senate that there should be a relationship between underdeveloped countries and the gross national product of the United States, and that we should assess the percentage of our gross national product that should be devoted to such development assistance.

"Should be devoted." In many parts of the world, among the underdeveloped countries, there is a growing feeling that some way, somehow, as a matter of right to them, we ought to make a contribution to them of a percentage of our gross national product. That concerns me. It is not the 1 percent specified in the Clark amendment, but the seed is planted there that what we contribute should meet some formula of the relationship between our gross national product and what we provide for in the foreign aid program—

> The proposals should include an assessment of the role that economic assistance by the United States and other developed nations can and should play in the economic and social development of the rest of the world,

This word "should," Mr. President, is another commitment of this kind we should be wary of making. This is a commitment of policy, and of vast sums of money. I continue to insist that it must be decided each year, or at any interim period that we have an authorization bill. Whether it is a legal commitment or a moral commitment, or both, it implies some pledge on the part of the United States that we will bind ourselves to some commitment dealing with the relationship, to use the language of the amendment, "between development requirements and the rising gross national product of the United States, assessing the percentage of gross national product that should be devoted to such development assistance."

I say to the chairman of the Committee on Foreign Relations, that was not in our amendment last year. What our amendment last year did, and what I wish we could do this year—though we cannot do it in the same format we did last year——

Mr. FULBRIGHT. Mr. President, will the Senator yield?

Mr. MORSE. I yield.

Mr. FULBRIGHT. I think the Senator may not be correct in that statement. I believe that may have been added on the Senate floor last year.

Mr. KENNEDY of New York. Mr. President, will the Senator yield?

Mr. MORSE. I yield.

Mr. KENNEDY of New York. I think the language was in the amendment last year, and the Senator from Oregon voted for it, on June 14, 1965.

Mr. MORSE. If it was in there, I accept the Senator's statement, but I say we ought to take it out this year.

Mr. FULBRIGHT. We thought we were following the oracle.

Mr. MORSE. You cannot catch everything when you are working on a major piece of legislation such as this. Of course, we also had a lot of other things in the amendment last year that we do not have in this one.

Mr. FULBRIGHT. I agree.

Mr. MORSE. There is not anything in here which calls for this commission to make a survey and an analysis of the findings that have already been made about procedures that are being followed by the AID people. I should like to have a commission that is charged with the responsibility of determining what the objective of our AID program should be, and coming forward with the evidence to support it, and what procedures are required to move toward that objective.

I have called for all the reports of the Comptroller General that set forth many findings as to bad procedures of AID, including military as well as economic assistance.

I should like to see us agree on this point. I think we can agree. We are not far from agreement. I should like to see an amendment adopted to provide for a study commission appointed as the Senator from New York proposes, but eliminating any language that either directly or by implication says that we are undertaking any commitment to authorize an aid program that bears some direct percentage relationship between our national income or our gross national product and what is said to be the needs of the so-called undeveloped nations.

We should get away from emphasis on the unilateral position of the United States, may I say to the committee chairman, and pay more attention to obtaining a multiple agreement with other nations as to what they are willing to do along with us. That would make a great deal of difference. If we could get, for example, through some international body, or some action of the United States, the some 30 so-called "have" nations entering into an understanding that they will jointly face up to this problem, I would go a lot farther than I would go on trying to pave the way here, through this amendment, for a subsequent proposal that a certain percentage of our gross national product should be set aside for foreign aid. I do not think we ought to commit the taxpayers of this country to any such program; and I should like to have section (c) modified. I am not in a position yet—I shall be before we vote on it—to modify it.

But it never was my intention, may I say to the chairman, last year when he and I worked out this amendment in the first place, to adopt any implied commitment such as I think is written here. There is not a line in this amendment that I can find—though I have not had time to study it as I should like to—that directs the commission to come forward with some recommendations, for example, as to the maximum number of countries that should be covered. We had that in our proposal last year. It directed the commission to come forward——

Mr. FULBRIGHT. May I say to the Senator, that is in the bill this year. I never dreamed it would be necessary to put it in here, if it stays in the bill, which it is.

Mr. MORSE. I do not think there is any harm in directing the commission——

Mr. FULBRIGHT. I do not either, but I think that is the purpose.

Mr. MORSE. To make a recommendation to us as to what the number of countries should be. They may decide it is not the number contained in the bill.

Mr. FULBRIGHT. There is nothing to prevent it, either. It is a matter wide open for their consideration.

Mr. MORSE. But there is no direction here. They may say it was not included in our discussions.

Mr. KENNEDY of New York. May I refresh the memory of the Senator from Oregon that the aspect of the amendment he just read and commented upon was debated on the floor of the Senate last year, and one of the strongest speeches given in favor of that very language was given by the Senator from Oregon?

Mr. President, I read from the CONGRESSIONAL RECORD, volume 111, part 10, page 13491, the remarks of the Senator from Oregon:

> Mr. MORSE. Mr. President, will the Senator yield me 3 minutes?
>
> Mr. FULBRIGHT. I yield 3 minutes to the Senator from Oregon.
>
> Mr. MORSE. First, I wish to highly commend the Senator from New York [Mr. KENNEDY] and the Senator from Pennsylvania [Mr. CLARK] for the amendments in their modified form. I do not believe that the Senate even begins to appreciate as yet the future significance of the amendments.
>
> In my judgment, the amendments would bring together in the next 2 years on the floor of the Senate what many people think are irreconcilable conflicting groups—and it never has been true, and it not true now. The amendments would help the country to see that what we all desire is for the United States to live up to its clear moral obligations in regard to helping the underprivileged of the world and the countries in this world that we refer to as underdeveloped countries.
>
> It has never been my position that we should not aid those people. We are dealing with problems of procedure for aiding them. The Senator from New York [Mr. KENNEDY] and the Senator from Pennsylvania [Mr. CLARK] will recognize that. We are now dealing with what our guidelines ought to be. For example, we are dealing with a problem of hard loans and soft loans, the problem of grants versus loans. We are dealing with a problem as to how other countries that have the means with which to assist us ought to be of assistance to us in trying to bring—and I know the danger of using a term such as this, but it will spell out the difference between war and peace in the years ahead—the enjoyment of economic freedom to the "have nots" of this world, so that once they become economically free, they can really develop their political freedom under the principle of self-determination.

Mr. MORSE. I stand for the same thing tonight. There is nothing there with which I do not agree tonight. But this amendment is quite different in some respects, for the Morse-Fulbright compromise proposal made last year called for a commission to go into the investigation of these procedural weaknesses.

Mr. KENNEDY of New York. This statement was made just as to the language that the Senator has read here today. It was read on the floor of the Senate, whereby he commended and supported it.

Mr. MORSE. I understand that, but last year we did not have the discussion that we had here tonight, that we ought to start considering it in terms of our national gross product and the foreign aid bill. Maybe that is what we ought to do. I do not know, but I want the instructions to go to the commission to give us a recommendation as to what we ought to do unilaterally and what we ought to do multilaterally.

I would like to see the commission come out with a report as to what our policy ought to be if we are not giving help under the multilateral program, and what we ought to do if other countries are willing to come in and make a fair contribution also.

I go back again to my point that the amendment of the Senator from New York does not have any instructions contained in it to the Committee as to what it ought to do by way of bringing forth recommendations for procedural changes in the administration of AID.

That is what has bothered me from the beginning of my criticism of the administration of foreign aid.

Congress has never come to grips with insisting that the AID people establish some procedural changes. I do not know why we cannot get a sentence or two in the amendment to accomplish that.

Mr. LONG of Louisiana. Mr President, will the Senator yield?

Mr. MORSE. I yield.

Mr. LONG of Louisiana. Mr. President, since the Senator started to speak, I have found some objection to this action that I did not know about before.

I was looking at page 3, line 18. That contains two things that it seems to me amount to asking somebody to make a study and recommendations, and, in the amendment, telling them what they will recommend when they finish.

I thought they were to make a study and tell us how they thought the program would be better handled.

Page 3 of the amendment, beginning on line 18, reads as follows:

> The proposals referred to in subsection (a) should be based on an analysis and estimate of the funds required by the developing nations of the world to close the widening gap between the economically privileged nations and those nations striving to achieve a developed economy.

If that is what the Senator has in mind, my guess is that 1 percent of our gross national product of $700 billion a year would not begin to be enough. It would mean foreign aid for the next century, if that is what the Senator hopes to achieve.

Page 3 of the amendment, starting on line 23, reads as follows:

> This analysis should examine the relationship between development requirements and the rising gross national product of the United States, assessing the percentage of gross national product that should be devoted to such development assistance.

There is a case that this entire thing should be based on a percentage of the U.S. gross national product.

I notice there is no provision contained in here for members of the Committee on Appropriations to serve on this Committee. It seems apropriate to me that if we are to appropriate money, the members of the Committee on Appropriations should be on the Committee.

I should think that, if the members of the Committee on Appropriations were to serve on this study commission, the first objection they would make would be that their procedure from the beginning of this Nation was not being followed. Their procedure is that the Committee looks at the appropriations on an item-by-item basis and then says, "Here is how much money we think we can justify spending in this country under these particular circumstances."

It would seem to me that this subsection (c) amounts to telling this study group what they will recommend to us.

My thought is that if they are going to study it, they ought to be free to make their own recommendations, rather than be told what to recommend when they get finished with the study.

Mr. LAUSCHE. Mr. President, will the Senator yield?

Mr. MORSE. I yield.

Mr. LAUSCHE. Mr. President, I merely want to express one thought concerning the language used in this bill. The language used in the bill definitely implies and very nearly expresses the thought that the United States has not been just in the amount of money that it grants by way of economic aid.

The language in the measure, as read by the Senator from Louisiana, definitely implies that they have not been, and practically expresses it.

The measure would tell in advance the commission of 12 members: "You have got to study the needs of the developing nations, recognizing that our gross national product is increasing annually, and on the basis of the needs and, on the basis of the increase in our gross national product, you must make a recommendation on what our economic aid program should be."

Mr. President, I am of the belief that this matter is of such significance that it ought not to be included in the bill as an amendment hurriedly drafted and inadequately considered, but ought to be submitted to the Senate as a separate bill with a separate study to be made by the Committee on Foreign Relations on the matter.

Mr. MORSE. Mr. President, I agree with much that the Senator from Ohio said, but I think we can modify this amendment so that it can become a part of the bill.

I do not think that the Senator from New York and the other Senators who are supporting the amendment and those of us who are raising these objections are too far apart.

I would like to take the Morse-Fulbright amendment of last year and do some work on this amendment tonight, and then discuss the matter with the Senator from New York, and those associated with him in an effort to see if we cannot come to an understanding before the amendment is voted on.

We are dealing with something here that may offer more of an opportunity than we now know of getting the group of us in the Senate who are highly critical of foreign aid much closer to those who are strongly for an expansion of foreign aid.

I would like to get some language in here by way of more specific instructions to this Committee or commission as to what its terms of reference will be.

Mr. KENNEDY of New York. Mr. President, it has been mentioned here today that the amendment was hurriedly considered.

First, as I said, the amendment was considered last year. I might say to the Senator from Ohio that the proposal was gone into at great length last year. The Senator from Ohio voted for the amendment last year.

The amendment has been considered on the floor for the last 3 or 4 days, starting on Thursday. It was discussed on Thursday, Friday, and today.

There has been sufficient opportunity for every Senator to reach some conclusion about it.

I expect that the reason we are offering this amendment and the reasons that we are discussing foreign aid is that we are a developed country and are in a better economic position than are the underdeveloped countries.

I doubt very much if this kind of legislation would be considered in Peru, in Venezuela, in Zambia, or in any of the other countries of the world.

The reason why we are discussing foreign aid is, first, that we have the means and the wealth to grant foreign aid. Second, it is important in our national interest that we provide foreign aid.

I could say that I know that the Senator from Oregon has a very good answer. But he raised the question of why we are in Vietnam. Most Senators, with the exception of the Senator from Oregon and the Senator from Alaska, have supported the efforts made in Vietnam. Why are we fighting 12,500 miles away?

The position of the Senator from Oregon is consistent. But if most Senators feel that it is worthwhile to make that effort 12,500 miles away, it seems to me that it is also worthwhile if with less effort we can bring some stability to these countries, so that we will not have these problems 5, 8, or 10 years from now. That is why the language is in the amendment. Our economy is better than that of the underdeveloped countries; therefore we have some responsibility.

Mr. MORSE. If I may have the attention of the Senator from New York, the Senator from Arkansas, the majority leader, and the Senator from South Dakota, who I understand is a cosponsor of the modified amendment, I should like to suggest that action on the amendment be laid aside for tonight, and that it be made the pending amendment at the beginning of the session tomorrow, so that Senators who wish to make some suggestions or modifications may do so.

Mr. MANSFIELD. Will the Senator consider offering the amendment which he has been prepared to propose for the last 2 hours, to my knowledge, so that the type of study he thinks necessary could be made on the pending proposal seeking to set up a committee or a commission to study the foreign aid program?

Mr. MORSE. I told the majority leader that I would offer my amendment tonight, if he wished me to.

Mr. MANSFIELD. Would the Senator be agreeable to making it the pending business?

Mr. FULBRIGHT. Would it be agreeable if Senators can get together on an amendment?

Mr. MORSE. That will be all right with me.

Mr. FULBRIGHT. Then we could make progress.

Mr. MORSE. First of all, let us have an understanding on that. Is it the desire of the Senator from Montana that I offer my next amendment?

Mr. MANSFIELD. Yes.

Mr. FULBRIGHT. Does the Senator from New York withdraw his amendment temporarily?

Mr. KENNEDY of New York. Yes.

Mr. MANSFIELD. The author of the amendment can do that on his own. Unanimous consent is not needed. The Senator from New York can withdraw it on his own, with the understanding that it will be laid aside temporarily.

The PRESIDING OFFICER. Is there objection to the amendment of the Senator from New York being laid aside temporarily? The Chair hears none, and it is so ordered.

Mr. MUNDT. I suggest that in the meantime the modified amendment be printed, so that Senators may have access to it.

Mr. LAUSCHE. The amendment offered by the Senator from Oregon last year, adopted by the Senate, and subsequently rejected in conference, was predicated upon the objective that the foreign aid program would be reduced or brought to an end. That was the essence of the argument made by the Senator from Oregon in advocating the adoption of the amendment.

Mr. MORSE. The Senator is correct, in that all present programs were to terminate. What aid continued thereafter would depend on what the commission proposed.

Mr. LAUSCHE. The vote on that amendment was 78 in favor and 1 against. That is what the RECORD shows. That does not at all render invalid the arguments made by the Senator from Oregon and the Senator from Ohio, because the proposed amendment presupposes that the aid is not adequate; that we are not just in distributing our bounty. I believe that that aspect of the amendment should be deleted, because it is not in accord with the facts and it is not properly within the amendment, because in advance it tells the 12-member commission that we are not doing enough.

Mr. KENNEDY of New York. Mr. President, will the Senator yield?

Mr. MORSE. I yield.

Mr. KENNEDY of New York. I wish to answer the Senator from Ohio by saying that this is exactly the same language that the Senator from Ohio voted in favor of last year.

Mr. LAUSCHE. But last year, as I said a moment ago, the essence of the argument of the Senator from Oregon, the basis upon which the amendment was adopted, was that foreign aid should be reduced——

Mr. MORSE. Ended.

Mr. LAUSCHE. Ended, is what the Senator argued. So that was completely different.

Mr. KENNEDY of New York. I wish to say to the Senator that everyone considered this, the amendment was read, the Senator from Oregon commended it, as I read his comment, and after considering the amendment, the Senate voted 78 to 1 in favor of it.

Mr. MORSE. It might indicate that the Senator from Ohio and the Senator from Oregon at that time were somewhat fatigued.

Mr. KENNEDY of New York. Not at all, because the Senator from Oregon made a brilliant speech in favor of the amendment last year. I was carried away by the Senator from Oregon.

Mr. MORSE. I do not accept the description of the speech. That does not change the fact that we might very well have been fatigued.

Mr. CLARK. Mr. President, will the Senator yield?

Mr. KENNEDY of New York. I yield.

Mr. CLARK. The fact is, is it not, that when the Senator from Oregon proposed the amendment last year, which was adopted by a vote of 78 to 1, a modification of that amendment was proposed by the Senator from New York and the Senator from Pennsylvania, which was readily accepted and which contained the language which is now being criticized by Members of the Senate who voted for the amendment as modified?

Mr. KENNEDY of New York. That language was commended last year.

Mr. MANSFIELD. Mr. President, will the Senator yield?

Mr. MORSE. Mr. President, I live by my past mistakes, but I do not make the same mistake twice, when it has been called to my attention. Therefore, I believe we ought to modify the amendment, and that we can work it out. The Senator will be surprised how well we can work it out.

Mr. LAUSCHE. Mr. President, will the Senator yield?

Mr. MANSFIELD. Mr. President, will the Senator yield?

Mr. MORSE. I yield to the Senator from Ohio.

Mr. LAUSCHE. If it is the objective of the Senator from Pennsylvania and the Senator from New York that an impartial, objective study be made, and if the Senator from Oregon and the Senator from Ohio support that objective, then added to the bill should be language showing a purpose of an impartial, unprejudiced, objective study, recommending neither an increase nor a decrease in the amount of foreign aid for economic assistance that would be provided.

Mr. MORSE. I now yield to the Senator from Montana.

Mr. MANSFIELD. Mr. President, with the Senator's permission, I ask unanimous consent that the pending amendment be temporarily laid aside and that further consideration be given to it at some time after the amendment to be offered by the Senator from Oregon has been debated and voted on.

The PRESIDING OFFICER. Is there objection?

Mr. MUNDT. Mr. President, reserving the right to object, I should like to have a ruling on my previous request that the amendment, as modified, which is now before the Senate, be printed.

The PRESIDING OFFICER. Without objection, the amendment (No. 704) will be printed; and without objection, it will be printed in the Record.

The modified amendment, ordered to be printed, is as follows:

CHAPTER 3—RESTUDY

Sec. 301. Proposals for Future Programs.—The President requested to submit to the Congress, on or before January 1, 1968, his recommendations, including legislative proposals designed to carry out such recommendations, for such future foreign assistance programs as may be necessary and appropriate in the national interest and taking into account the principles set forth in section 302.

Sec. 302. Principles To Be Taken Into Account in Proposals for Future Programs.—(a) In the formulation and submission to the Congress of proposals for foreign assistance for fiscal years beginning on or after July 1, 1968, such proposals should include, among others, the following categories:

(1) Assistance intended primarily for humanitarian purposes, including grants, loans, contributions, or other aid to be made available for relief purposes through international organizations or relief agencies, or otherwise, famine relief and other assistance authorized by title II of the Agricultural Trade Development and Assistance Act of 1954, as amended, and similar relief programs.

(2) Assistance for development purposes (A) to be extended only to countries in which progress is being made toward respect for the rule of law, freedom of expression and of the press, and recognition of the importance of individual freedom, initiative, and private enterprise; and (B) to be in furtherance of sound plans for economic and social growth to the end of developing the resources of the recipient countries to make them self-sufficient at the earliest possible date.

(3) Assistance for political or contingency purposes, to be extended to a limited number of countries or areas, primarily for purposes of advancing or protecting the mutual interests of the United States and the other countries or areas concerned, such as programs relating to the creation of special relationships with recipient countries, reinforcement of alliance-type relationships, or other political or contingency purposes.

(4) Military assistance to be furnished for purposes that serve the military defense of the United States as recommended by the Secretary of Defense, subject to approval by the Secretary of State.

(b) In order to provide for better coordination of all programs of United States assistance to foreign countries, and for more efficient, economical, and effective administration of such programs, the proposals referred to in paragraphs (1), (2), and (3) of subsection (a) should also include provisions for unification, insofar as practicable, of the administration of such programs under a single officer or agency.

(c) The proposals referred to in subsection (a) should be based on an analysis and estimate of the funds required by the developing nations of the world to close the widening gap between the economically privileged nations and those nations striving to achieve a developed economy. This analysis should examine the relationship between development requirements and the rising gross national product of the United States, assessing the percentage of gross national product that should be devoted to such development assistance. The proposals should include an assessment of the role that economic assistance by the United States and other developed nations can and should play in the economic and social development of the rest of the world, and carefully delineate policies and programs required to fulfill this role.

Sec. 303. Temporary Planning Committee Established.—(a) There is hereby created a Foreign Aid Planning Committee (hereinafter referred to as the "Committee") which shall consist of twelve members, no more than seven of whom shall be members of the same political party, to be selected as follows:

(1) Four members to be appointed by the President from private life, none of whom shall have served at an executive level in the administration of the AID program in Washington;

(2) Four members of the Committee on Foreign Relations of the Senate, to be designated by the Vice President;

(3) Four members of the Committee on Foreign Affairs of the House of Representatives, to be designated by the Speaker of the House of Representatives.

The Committee shall select a Chairman and Vice Chairman from among its members.

(b) It shall be the duty of the Committee (1) to make such studies and investigations as may be necessary to enable it to make recommendations to the President and to the Congress concerning the proposals referred to in section 302(a), and (2) to provide the President, or such officer or agency as the President may designate, with such assistance as the President or such officer or agency may request in the formulation of such proposals.

(c) The Committee is authorized to appoint and fix the compensation of such secretarial, clerical, and other staff assistants as may be necessary to enable it to perform its functions, and to procure, without regard to the civil service laws and the Classification Act of 1949, as amended, temporary and intermittent services to the same extent as is authorized for the departments by section 15 of the Act of August 2, 1946 (60 Stat. 810; 5 U.S.C. 55a), but at rates not to exceed $100 per diem for individuals.

(d) Members of the Committee appointed under subsection (a)(1) who are not otherwise employed by the United States shall be paid compensation at the rate of $100 per diem while engaged in the work of the Committee, and shall be reimbursed for travel and other necessary expenses incurred while so engaged, including per diem in lieu of subsistence, as authorized by law (5 U.S.C. 73b-2) for persons in the Government service employed intermittently.

(e) The Committee may, for the purpose of carrying out the provisions of this section, hold such hearings and sit and act at such times and places, administer such oaths, and require by subpena or otherwise the attendance and testimony of such witnesses and the production of such books, records, correspondence, memorandums, papers, and documents as the Committee may deem advisable. Subpenas may be issued under the signature of the Chairman of the Committee and may be served by any person designated by the Chairman. The provisions of sections 102 to 104, inclusive, of the Revised Statutes (2 U.S.C. 192–194), shall apply in the case of any failure of any witness to comply with any subpena or to testify when summoned under authority of this subsection.

(f) Each department and agency of the Government shall furnish to the Committee, upon its request, such information or other assistance as may be necessary to enable it to carry out its functions.

(g) The Committee shall from time to time transmit to the President, and to the Committee on Foreign Relations of the Senate and the Speaker of the House of Representatives, reports of its activities, including its recommendations, and shall file its final report on or before September 1, 1967. Upon the filing of its final report, the Committee shall cease to exist.

(h) There shall be made available to the Committee out of sums appropriated pursuant to this Act such amounts, not to exceed an aggregate of $400,000, as the Committee deems necessary to enable it to carry out its functions.

Mr. MORSE. Mr. President, I shall not take the time to read the titles of the reports from the General Accounting Office.

I ask unanimous consent that there be printed at this point in the Record, because they will bear upon my reasons for seeking additional provisions in the amendment of the Senator from New York [Mr. Kennedy], only the titles of the classified and unclassified reports of the Comptroller General.

These reports set forth the findings of the Comptroller General in the spot check surveys which the General Accounting Office made concerning the administration of both economic and military aid. Some of the reports are classified as of last year; however, I am at liberty to ask unanimous consent that the titles, but not the contents, of the reports be printed in the Record.

There being no objection, the titles of the reports were ordered to be printed in the Record, as follows:

[Classified]

Management of Donated Food Programs for Mexico Under Title III, Agricultural Trade Development and Assistance Act of 1954;

Review of the Military Assistance Program for India;

Review of Air Defense Equipment Furnished to and Procured for the Republic of China under the Military Assistance Program;

Effects of Foreign Currency Sales on Commercial Sales of Wheat to the United Arab Republic, Title I of the Agricultural Trade Development and Assistance Act of 1954;

Need for Improvement in Supply Support for Aircraft under the Military Assistance Program for the Republic of China;

Report on Certain Special Aspects of Food Distribution under Title III of the Agricultural Trade Development and Assistance Act of 1954, as amended;

Inadequate Planning, Programming, and Contracting for a Fixed Communications System for the Government of Indonesia under the Military Assistance Program;

Report on Review of Military Assistance Provided to the Republic of the Philippines;

Ineffective and Overly Costly Aspects of Military and Economic Assistance Provided to Thailand;

Review of Economic Assistance Provided to the Republic of the Philippines for Development Purposes;

Lack of Effective Action by the Military Services To Obtain NATO Cost Sharing of Military Construction Projects in Europe;

Ineffective and Inefficient Administration of the Training of Foreign Personnel under the Military Assistance Program for Greece;

Report on Review of the Military Assistance Training Program for Iran;

Waste of Funds in Construction of Shahabad Depot in Iran under the Military Assistance Program;

Inadequate Consideration Given to Utilizing Reserve Fleet Ships in Lieu of Providing New Ships to Iran under the Military Assistance Program;

Unnecessary Dollar Grants to Iran under the Foreign Assistance Program;

[Not classified]

Audit of Loan Program Financial Statements for Fiscal Years 1962, 1963, and 1964;

Review of the Expedited Signing of Certain Agreements under Title I of the Agricultural Trade Development and Assistance Act of 1954 (Public Law 480);

Survey of Internal Audits and Inspections Relating to United States Activities in Vietnam;

Report on Review of a Transaction Involving the Conversion of Foreign Currency to Dollars at Less Than the Current Exchange Rate;

Use of Dollars Rather Than Foreign Currencies To Pay United States Expenses in the Republic of Korea;

Additional Income Possible by Obtaining More Equitable Rates of Interest on United States-Owned Foreign Currencies;

Significant Dollar Savings Available in Financing Foreign Sales Agents' Commissions on Surplus Agricultural Commodities Exported under Title I, Agricultural Trade Development and Assistance Act of 1954 (Public Law 480);

Questionable Grant of Corn to the United Arab Republic under Title II, Agricultural Trade Development and Assistance Act of 1954 (Public Law 480);

Displacement of Commercial Dollar Sales of Tallow to the United Arab Republic;

Purchase of Residence in Tokyo for Financial Attaché from Exchange Stabilization Fund;

Overpayments of Per Diem Travel Allowances.

Overprocurements Resulting from Ineffective Supply Management in Korea under the Military Assistance Program;

Improper Use of Funds Appropriated for Operation and Maintenance Expenses;

Loose Management in Budgeting and Financial Reporting for Certain Educational Exchange Activities;

Improper Payment of Port Charges on Shipments to Colombia of Food Donated Under Title III of the Agricultural Trade Development and Assistance Act of 1954;

Follow-Up Examination on Certain Aspects of United States Assistance to the Central Treaty Organization for a Rail Link Between Turkey and Iran;

Ineffective Utilization of Excess Personal Property in the Foreign Assistance Program;

Questionable Aspects of Budget-Support Loans Made to the Government of Ecuador;

Failure To Effectively Utilize Excess United States-Owned Foreign Currencies To Pay International Air Travel Ticket Costs Being Paid in Dollars;

Ineffective Utilization of Excess Personal Property in the Foreign Assistance Program;

Unnecessary Costs Resulting from an Inflexible Policy of Donating Flour Instead of Wheat to Voluntary Relief Agencies for Distribution Abroad under the Agricultural Act of 1949, as amended;

Weaknesses in Negotiation and Administration of Contracts for Resettlement of Cuban Refugees;

Unnecessary Dollar Costs Incurred in Financing Purchases of Commodities Produced in Brazil;

Unnecessary Costs Incurred in the Relocation of Highways at the Amistad Dam Project;

Review of Financial Condition and Operations Fiscal Years 1963 and 1962;

Unnecessary Costs Resulting from Inadequacies in the Administration of the Inter-American Highway Program in the Republic of Panama;

Weaknesses Involving Primarily the Disposition of Surplus Nonfat Dry Milk.

Mr. MORSE. Mr. President, still speaking with reference to the amendment offered by the Senator from New York [Mr. KENNEDY], the situation has been complicated somewhat this year—I speak most respectfully—by the discussion earlier of the amendment offered by the Senator from Pennsylvania [Mr. CLARK]. He discussed it and then withdrew it. It would commit us to 1 percent of the gross national product for a foreign aid authorization.

We did not have that proposal last year. The amendment of the Senator from New York—as the Senator from Ohio [Mr. LAUSCHE] pointed out—carries with it the implication that we are not giving enough.

There is some dispute as to the total amount of all of our foreign aid. Our contribution to the World Bank, our contribution to the International Monetary Fund, military assistance, our contribution to the Inter-American Bank, our food for peace, our Public Law 480, the Peace Corps. That is all foreign aid.

The total is far, far above the so-called bare bones economic aid program and a bare bones military aid program.

We get a variety of estimates and the estimates seem to vary from $8 billion to $10 billion. Now, if they are all included and 1 percent of that—that is much more than $7 billion that is being talked about on the floor of the Senate here tonight.

Mr. RUSSELL of Georgia. Mr. President, will the Senator yield?

Mr. MORSE. I yield to the Senator from Georgia.

Mr. RUSSELL of Georgia. As one Senator, I object to any legislation that has as its objective the perpetuation of foreign aid.

Mr. MORSE. Or commitment to foreign aid.

Mr. RUSSELL of Georgia. It is implicit in this amendment that we are to have a permanent foreign assistance program with the objective of closing the gap between the have-nots and the haves.

Mr. MORSE. Yes.

Mr. RUSSELL of Georgia. That is implicit in this amendment, as I read it. In my opinion, it can only arouse the hopes in the hearts of many people, as they look to the largess of the American Congress and the American Government, that they will be brought to a standard of living that we enjoy here.

I do not know what they mean by closing this gap.

If you close the gap between our country and the underdeveloped countries, something must give somewhere. In my opinion, it would be the standard of living of the people of the United States. I do not see how that could be avoided.

To my mind this amendment looks to the perpetuation of the foreign aid program as much in our annual budget as the pay of the Federal judiciary.

I was not here last year during the debate. I do not understand the conditions under which such an overwhelming majority of the Senate approved this amendment last year. I cannot believe that it was given careful study in the committee or there would have been someone on the committee who would have objected.

Mr. MORSE. It did not come out in committee. The provision came out on the floor.

Mr. KENNEDY of New York. Mr. President, will the Senator yield?

Mr. RUSSELL of Georgia. I yield.

Mr. KENNEDY of New York. First, what I think is the concern of the Senator from Georgia [Mr. RUSSELL] is the fact that the gap between the underdeveloped countries and the developing countries of the world, such as the United States, is growing. The total gross national product of Africa, except West Africa, was about one-half of the growth in the gross national product of the United States last year.

I think, as Secretary McNamara said in his Toronto speech, if you look around the world where the United States has had difficulties, it is in those countries where there is poverty and illiteracy; where some guidance and help and assistance from the United States—and I do not mean only financial assistance—may have made a difference in the lives of those people.

Therefore, they will look not to communism and dictatorship of the left, but to the United States.

Again, I wish to stress the fact that this is not just from a moral point of view, but in our self-interest. It makes sense for us that those people have order and economic development.

I think that the purpose in stressing the idea of underdeveloped countries and developed countries, rich nations and poor nations, is this point of view.

Those countries that have had instability and disorder have turned to communism; and there is a relationship between that and poverty, disease and illiteracy. We can play a role in changing that just as we are now fighting in Vietnam at a cost of about $2 billion a month, with hundreds and hundreds of Americans dying, and getting wounded each month. We are willing to make that effort.

We should also be willing to make the effort now to prevent this.

Mr. RUSSELL of Georgia. I was opposed to getting involved in Vietnam but we are there now and I am not in favor of leaving 350,000 American boys there to their own fate. I will do everything in my power to see that they have every weapon and advantage that a man can have under such conditions; the best medical treatment and everything else they need and can be provided by the richest country on earth.

I did not believe in sending any of our men out there. I was opposed to it. But they are there now and it is our responsibility to see that they are taken care of and that proper steps are taken by this country to reduce the ever increasing toll of casualties.

Mr. KENNEDY of New York. We are there for some purposes or we should withdraw. One of the reasons we are there, from the statements made, is that we are trying to deal with Communist expansion and the fact that the peoples of South Vietnam, under the domino theory, will not be taken over by communism.

If the Senator is willing to support that effort he should be willing to support the other effort.

Mr. RUSSELL of Georgia. The Senator is expressing the view of somebody else. I am not going into those intricacies.

American boys are there and their lives are being taken.

Mr. KENNEDY of New York. And there was some reason.

Mr. RUSSELL of Georgia. I did not send them there.

Mr. KENNEDY of New York. We could take them out.

Mr. RUSSELL of Georgia. The Senator may have better luck getting them out than I did keeping them out.

Mr. KENNEDY of New York. We can advise the public now. They must be fighting for some reason.

Mr. RUSSELL of Georgia. I will not be budged on that. I appreciated the fact that the Senator from New York [Mr. KENNEDY] brought in the African situation. I understand that. But that is not the basis of my objection to the foreign aid program.

I know that it is very popular to undertake to bring in the racial question when I undertake to open my mouth on the floor of the Senate.

I was voting on most of these foreign aid programs when colonization was in full swing in Africa. I was voting against them then and do so now because I think they have been poorly handled from the inception. I think Russia and China, although they spend, as nearly as I can estimate, about one-twentieth of what we do on foreign aid, have gotten as much or more out of their money as we have.

The Senator refers to the fact that he wants to do something about this gap.

But the Senator does not say "narrow the gap." He uses the words "close the gap" in his amendment. On line 20, page 3, he states that the committee is to be directed to get an estimate that will "close the widening gap between the economically privileged nations and those nations striving to achieve a developed economy."

Mr. KENNEDY of New York. That is the objective, I would think, let me say to the Senator from Georgia.

Mr. RUSSELL of Georgia. I beg the Senator's pardon?

Mr. KENNEDY of New York. That is the objective, I would think. That is what we would like to accomplish. It may take many years, but that is what we would like to accomplish.

Mr. RUSSELL of Georgia. For my part, I am not willing to put the responsibility on the 6 percent of the inhabitants of this globe who live in the United States of America for bringing the other 94 percent of the people up to our standard of living. I am not willing to take that risk of destroying our civilization.

Mr. MORSE. Mr. President——

Mr. LAUSCHE. Mr. President, will the Senator from Oregon yield?

Mr. MORSE. I yield to the Senator from Ohio.

Mr. FULBRIGHT. Mr. President, could the Senator from Oregon first inform the Senate which amendment he is going to bring up?

Mr. MORSE. I will tell the Senator what I am going to do. I have a few brief comments to clarify the RECORD which I wish to make on the amendment of the Senator from New York, and then I am going to call up amendment No. 667 on restriction on assistance to Latin America, and make that the pending business for tomorrow.

AMENDMENT NO. 667

Mr. President, I call up my amendment No. 667 and ask that it be stated.

The PRESIDING OFFICER (Mr. RUSSELL of South Carolina in the chair). The amendment will be stated for the information of the Senate.

The legislative clerk read the amendment as follows:

> (c) Add the following new section:
>
> "SEC. 254. RESTRICTION ON ASSISTANCE TO LATIN AMERICA.—None of the funds authorized by this Act shall be used to provide assistance to any country in Latin America in any fiscal year if the total estimated expenditures of such country for defense purposes for such year are expected to exceed an amount equal to 3.5 per centum of the estimated gross national product as determined by the President of such country for such year."

Mr. MORSE. Mr. President, my understanding is that we will make that the pending business for tomorrow. I shall make a brief statement tomorrow morning in support of the amendment.

Mr. President, there is available to any special committee appointed a whole series of proposals made in the Committee on Foreign Relations, including majority and minority reports last year and this year, and other proposals that we have made. The sad fact is that we have not gotten anywhere with the AID officials in adopting procedural reforms, or concerning the reports of the Comptroller General on what should be some of the procedural reforms to be adopted.

I should like to add to the amendment a paragraph that would instruct the committee to go into an examination of the administration of foreign aid and give us recommendations as to what it thinks we should do legislatively, and if legislation is necessary to improve the administration of foreign aid. I shall work on that and have it ready when we take it up tomorrow.

But the situation is somewhat different tonight from what it was a year ago when this amendment came out of committee with the Clark amendment. The Clark amendment was added on the floor of the Senate last year.

It is true that the Senator from Pennsylvania offered his amendment. It is also true that I, certainly with all the accolades of approval which the Senator from New York has pointed out, agreed to the amendment. There is no doubt about that. I was a little bit surprised to be able to get the amendment which I brought out of committee, so obviously supported by the Senate that I am not so sure that I paid enough attention to the amendment; but, on the other hand, I would probably do it again if the situation were the same as last year. Since then, there have been some problems in regard to what the administration considers a commitment under foreign aid. Moreover, since then representatives of other countries and some of our international conferences have taken the surprising position that they are entitled to it as a matter of right.

There was a conference in Latin America—I believe it was Buenos Aires—where there was controversy between some of the American delegates and the Latin American delegates over whether they had financial aid coming as a matter of right.

There has been this controversy over modification of the Organization of American States' Charter, where Latin American delegates wanted to write something into the charter that would give the same commitment in treaty form that this amendment seeks to give. We had an informal meeting of the Committee on Foreign Relations one afternoon. State Department officials were left with no room for doubt that the committee was not going to support the treaty if it contained that language; that we were not going to make that commitment.

That leads me to the last point I wish to make, and then I shall yield to my friend, the Senator from Ohio [Mr. LAUSCHE]. I do not believe that these countries have to worry about what future Congresses are going to do about authorizing increased foreign aid money.

If the foreign aid program is improved, I would be ready to vote more money for certain parts of it. I am in an embarassing situation. I should like to be joining the Senator from New York in voting for more money for certain kinds of projects. I am not going to do it until we first have some reason to believe that the foreign aid people are not going to waste a lot of it, and that in some places it is not going to do more harm than good.

If we are going to appoint a committee, let it be instructed to make a complete survey of foreign aid and come back with recommendations as to what Congress should do, including recommendations as to amounts. We can accept or reject the recommendations.

I am happy now to yield to the Senator from Ohio.

Mr. LAUSCHE. I think the record should be made clear concerning what happened last year.

Last year, as I stated previously, the Senator from Oregon advocated a study which was intended primarily either to reduce foreign aid or to bring it to an end.

The Senator from New York [Mr. KENNEDY] and the Senator from Pennsylvania [Mr. CLARK] were opposed to that general philosophy. They felt that the study should embrace the issue not only as to whether foreign aid should be lowered or discontinued but also as to whether it should be increased.

Thus, we had before the Senate the amendment of the Senator from Oregon.

I now read from the CONGRESSIONAL RECORD, volume 111, part 10, page 13486:

> Mr. CLARK. Mr. President, I call up amendments No. 262, and ask that they be stated.
>
> The PRESIDING OFFICER. The clerk will state the amendments.
>
> The LEGISLATIVE CLERK. On page 25, strike out lines 9 to 13, inclusive. On page 25, line 14, strike out "(c)" and substitute "(b)". On page 25, line 21, strike out "(d)" and substitute "(c)". On page 25, after line 25, insert the following:

Mr. President, the amendment offered by the Senator from Pennsylvania [Mr. CLARK] is the identical one which the Senator from Louisiana read several minutes ago about eliminating the gap and bringing the undeveloped nations up to a level of economic richness comparable to that of the United States.

The amendment of the Senator from Pennsylvania was offered. In his argument, the Senator from Pennsylvania [Mr. CLARK] stated that the amendment which they offered today would insure that the committee would also consider the basic question of the proper magnitude of the future U.S. assistance program.

The Senator from Oregon was faced with opposition to his amendment. The opposition was that it was desired to include in it a study of the magnitude of the foreign aid program.

Later the RECORD shows that the Senator accepted the amendment.

The Senator from Oregon, 15 or 20 minutes ago, stated that there was a practical issue involved. He was doubtful whether his amendment for a study to eliminate foreign aid would get through. I can understand why he said he would accept the amendment.

That is the record of what happened last year.

Mr. MORSE. I accepted it.

Mr. LAUSCHE. There was a question whether the amendment ought to be accepted on a voice vote. It was agreed that, to show the firmness of the Senate, there should be a rollcall vote. On that rollcall vote there were 78 yeas and 1 nay. Thus the amendment was adopted in the Senate.

I think every Senator will concede that whenever the chairman of a committee and the sponsor of an amendment agree on its acceptance, there is a purpose to have it accepted on a voice vote. When it went to a rollcall, the result was the equivalent of the result on a voice vote.

The RECORD I have quoted from does not at all support the proposition that those who are having some question about the amendment are in an inconsistent position.

Mr. MORSE. Mr. President, it is true that I agreed to the amendment.

Mr. LAUSCHE. Why did the Senator support it?

Mr. MORSE. I probably did not give the consideration to it that I should have; but what I did last year does not bind me as to what I shall do this year.

Mr. LAUSCHE. My suggestion is that the Senator from Oregon accepted it because he was anxious to get his study proposal approved to bring foreign aid to an end.

It was a practical move.

Mr. MORSE. I wanted to get it accepted. But this year is not last year. Now I want to get it accepted with changes. Events have occurred which justify modification of the measure. I shall offer modifications. I am sure after I do the Senator from Ohio and I will stand together on it.

Mr. LAUSCHE. I favor a study, but the language should be of a nature neither implying nor suggesting any increase or decrease in the program. It should be an objective study.

Mr. MORSE. That is the way I feel about it. To give the Senator an idea of what it means mathematically, if we were to talk the American people into closing the gap between the gross national product in this country and the situation in the "have-not" nations, let us take India for an example. With an average income a year in India of $100 per capita, and assuming the average income in this country were $2,800, and we were dealing with a 500 million population in India, the gap would be $1.350 trillion. I know the proponents of such a measure would say it is absurd. I agree that it is reducing it to an absurdity to make the point, but the point is that that represents the difference between the incomes in the two countries on a per capita basis. We ought not have that kind of language, but we ought to be able to join forces in having a committee appointed to study all aspects of the foreign aid program and make findings of facts and recommendations. The committee might make recommendations as to what this country ought to spend, but we would have an opportunity to pass on that recommendation. But I do not think we ought to imply to them that we feel committed to closing the gap.

Mr. LONG of Louisiana. Mr. President, will the Senator yield?

Mr. MORSE. I yield.

Mr. LONG of Louisiana. Would the Senator mind repeating those figures as to how much would be necessary to bring the people of India into our standard of living?

Mr. MORSE. If we assume that there are 500 million people in India, it would take $1,350 billion.

Mr. LONG of Louisiana. That is about twice our gross national product. The Senator knows that in order to bring the gross national product to $1,350 billion in India, one of the first things we would have to do would be to try to feed the Indians and help them with their health standards. While we were trying to bring up their living standards, is it not possible that the population of India would increase, making the demand even greater than the $1,350 billion?

Mr. MORSE. That is correct. I do not think it would be far wrong to say that, if we eliminated the bloc countries of Europe and took the rest of the world, our gross national product would be greater than all the other countries of the world, which is quite a gap. Even with all our humanitarian impulses, we could not possibly close that gap on a unilateral basis. That is why I said earlier in this discussion I thought a Commission should be appointed and that it should give much consideration to what can be done on a joint multilateral program, rather than place it on the basis of a unilateral foreign aid program by the United States.

Mr. KENNEDY of New York. Mr. President, will the Senator yield?

Mr. MORSE. I yield.

Mr. KENNEDY of New York. With respect to the exchange just had between the Senator from Oregon and the Senator from Louisiana, I think it is quite clear that the suggestion is not that the United States will give enough aid to those countries in order to close the gap. That was not the purpose. Our long-term objective is that the gap shall not widen, but begin to close.

The second point I wish to make, with reference to what the Senator from Louisiana said, is that we are talking about an association with other countries and what they are willing to do. We are talking about the underdeveloped countries joining in the effort, the developed countries joining in the effort, the United States joining in the effort, and also what is in our own national interest. We should always bear in mind what is in the national interest of the United States, and what kind of governments are involved. We should not unilaterally decide that we are going to give the only aid and assistance.

I do not mind accepting any language the Senator from Oregon may suggest to clarify the matter, but, in fairness to the amendment and the discussion that took place last year, we should not distort what is in the amendment.

Mr. MORSE. I did not intend to distort it.

Mr. KENNEDY of New York. The discussion goes in considerable degree into the role the developed countries have to play, and not just the United States.

Mr. LONG of Louisiana. Mr. President, the objection that it seems to me applies most to the amendment, from my point of view at least, is that while we are willing to vote for a study, the whole purpose of a study is to give us information upon which we could base an appropriate conclusion.

I believe the majority of Senators would feel as I do, that we ought not to be telling the study group what they will recommend before they make their study. Let them make their study, and after they make it, it would seem appropriate then that they should come up with their recommendation of what we should do, and not before. That tends to prejudice a study. "Prejudice" is a bad word in some respects, but that is what it does. At least to a certain extent, we have already reached a conclusion, and we are saying now, "You make your study, and you recommend this and you recommend that, and then you can put in such other recommendations as you wish, to arrive at that general conclusion."

That, I think, is the main objective to the amendment in its present form. But if that objection is eliminated, perhaps we could support the amendment.

Mr. MORSE. Mr. President, I do not think I shall make a statement on my amendment tonight. I will make it at the beginning of the session tomorrow. My amendment is the pending business.

Mr. FANNIN. Mr. President, I recognize and appreciate the sincerity of purpose that motivates our foreign economic assistance program and has characterized our Government's approach in extending direct help to less fortunate nations.

All of us would agree that it would be beneficial to the United States if we can persuade those nations not yet alined with or dominated by Communist power to realize that their legitimate hopes and national aspirations can be more readily attained through peaceful cooperation with the free countries of the world, ourselves included.

It can even be argued that long-range benefits might be worth the risks involved in making some assistance available to certain Communist bloc countries that are showing signs of wanting to break away from their Soviet or Chinese masters.

My quarrel is not with the objectives we have sought but rather with the way we have gone about it, frankly, I believe the record is clear that foreign economic aid in its past and present form, has not best served either our own national interest or the best interest of the recipient peoples.

Our tolerance and patience has been worn thin from the abuse showered on us by those we have helped, the American people are disgusted at being taken advantage of by every so-called new emerging nation that has learned from experience how to kick Uncle Sam and get dollars in return.

I am convinced that if the question of continued foreign aid were put to the voters in a national referendum, it would be emphatically rejected.

Last month it was my privilege to attend the 50th session of the International Labor Conference in Geneva as an adviser to the American delegation. For the first time I had an opportunity to personally see and hear the United States subjected to vicious slander and vituperation by representatives of Communist and allegedly neutral nations, including many who have been beneficiaries of our foreign aid largesse.

One after another in dreary succession, they used the podium of this international gathering to denounce the United States as the imperialistic aggressor responsible for outrages in Vietnam, intervention in the Dominican Republic, provocations against Cuba, Communist China, and so forth.

They also ridiculed our free enterprise system and lauded socialism as the way of the future.

There we were again, as we have so often been in the past, being portrayed as an international gangster bent on murder and exploitation of the poor peoples of the world.

Let me cite a few examples from the record of that conference to illustrate how it was subverted from its purpose into a round-table tirade against our country and its policies.

The pattern for all of this naturally was set by spokesmen for the various Communist bloc countries, such as one from Cuba who said:

> There is no need for any further reasoning for the peoples throughout the world to understand that their common enemy is the imperialist government of the United States and that the voice of mankind condemns it energetically.

After commending the election of "A representative from the socialist camp" to the presidency of the ILO, a workers' delegate from the Republic of Mali denounced the United States for "the bloody war in Vietnam."

Praising socialism and attacking private enterprise, a workers' delegate from Burundi said:

> The advanced countries should help us without requiring any political alinement.

Another delegate, from Upper Volta, said:

> African problems could be overcome if the billions of dollars devoted to an unjustified and inhuman war could be used. The sums spent on bombs to crush the people of Vietnam should have been used to improve conditions in Africa.

A Panama Government delegate made the astounding charge that American military bases in that country "Constitute a grave danger to the workers and the Panamanian people in general."

Another delegate from Panama blasted U.S. administration of the Panama Canal and had the gall to complain that we did not pay any tolls for passage of our naval vessels.

That misguided individual should have been reminded that American taxpayers have invested all told more than $2 billion in that country, and that all Panama had to offer was undeveloped land in a unique area.

He should know—and probably does—that our Canal Zone payroll and other related expenditures have been the largest source of income for the entire nation of Panama.

Considering our unhappy and costly experience with paying most of the bills for the United Nations, it will come as no surprise that we also are doing the same thing in the ILO.

The United States pays 25 percent of the direct and 40 percent of the indirect costs of this organization—and this, of course, is by far the largest share of the more than 110 member nations. It is more than several times the Soviet Union's share for example.

Interestingly enough, some of the delegates who were most vicious in their remarks against the United States represented countries that are in arrears in their assessments to support the ILO.

I recognize that the ILO annual budget of approximately $23 million is negligible compared with the billions we are asked to approve in the bill before us today. But the principle is the same.

No thinking person expects our country to be universally loved. But our unmatched record of international generosity has earned us the right to be respected, and we should insist on this respect as a condition of our assistance.

Apart, from the war in Vietnam, we cannot justify the use of American tax dollars to support programs by international organizations that are aimed directly at the destruction of the free enterprise system and global domination as well.

Yet that is precisely what we are doing with our support of the ILO and also in many instances with our economic aid to nations that do not share the basic principles we stand for at home and abroad.

Others are weak and need our help because their economic and political systems are weak. We are strong and able to provide help because our systems are strong. History will hold us responsible for having used our own resources to help undermine the stability of free enterprise and damage its prospects for world growth in the future.

I repeat, Mr. President, that I am not blindly opposed to the objectives we have sought with our foreign aid program. But we are never going to achieve those objectives with our present approach.

This entire program should be subjected to a thorough restudy and evaluation. The major thrust of any sound program of economic assistance must be in the private sector because it is only through the encouragement and development of private enterprise that we can hope to insure any lasting progress in the countries we are trying to help.

In this regard I support amendments that would remove assistance to those nations which indicate no inclination to sever their economic and political affiliation with the Communist bloc.

It is long past time for Congress to boldly assert our Nation's right to be respected. In good conscience, I cannot support a bill to use our own money to finance continued international assaults upon the integrity, good faith, and economic convictions of the United States.

FOREIGN AID BY PRIVATE INVESTMENT

Mr. HARTKE. Mr. President, in all of our discussions so far to date concerning foreign aid, there is one important factor which we have tended to overlook. That is the very important part which American private industry plays in the industrial, economic, and social development of a foreign country.

All the emphasis so far has been on the role of the Federal Government in the foreign aid field. We are presently debating the expenditure of around $2.5 billion in nonmilitary foreign aid, but

I want to point out to you that American businessmen invested some $3.371 billion overseas in 1965.

In addition to this capital investment overseas, Americans exported nonmilitary goods amounting to $26.567 billion last year. These figures make the foreign aid provided by the Federal Government seem small by comparison.

Let us for a moment look at the foreign aid program provided by American private industry.

First. This type of foreign aid is unique in that it not only wins friends; but most importantly, it makes a profit. These businessmen are not trying to compete for the minds of the people they sell their goods to. They are only providing much-needed consumer goods, no strings attached. When you give a man something, he always feels that he is your debtor. But when you sell him something—a fine product produced either in the United States or by the foreign subsidiary of an American firm—then he feels that he has received full value for his purchase. And, as I said earlier, the American firm earns a profit—not only monetarily, but also in goodwill.

Second. Capital investment by American firms overseas helps to broadcast the vital message of the private enterprise system. Where there were once mud huts, there now stands a modern factory surrounded by a new and modern town bringing a new found way of life to its inhabitants. This does more to tell the story of America than countless books or radio broadcasts, or even sacks of wheat.

Third. These investments build factories and assembly plants which recruit their workers from the local labor force. Willing workers in underdeveloped countries are taught to operate sophisticated machinery. Many of these companies promote their workers to the managerial level and so help to build a strong middle class in countries where there are only the very, very rich or the very, very poor. I do not need to tell those of you here of how important a strong middle class is to the development of a stable society, both economical and political.

And finally, many of these plants which are built overseas provide homes, schools, hospitals, and recreational facilities for their workers in countries which have rarely had either the money or the inclination to take care of their own people. This contribution by American industry to the social welfare of an underdeveloped country can never be counted on the scoreboard of the winning of men's minds.

But I must report to you today that both capital investments and exports by American businessmen are in grave danger. Due to policies followed by that same administration which wants to spend more money overseas in the form of foreign aid, these great helps to our foreign aid program are being urged to cut back instead of to increase their contribution.

We have as one of the cornerstones of our foreign policy the promise to solve our chronic balance-of-payments deficit. To do this the administration has instituted the voluntary restraint program on overseas capital investment and on bank lending to foreigners. Instead of offering incentives to our industries to go international, we have embarked upon a policy of economic isolationism.

And how does this affect our foreign aid program? To me it means that for every dollar the administration prohibits American business from either investing overseas or sending overseas in the form of exports, that slack will have to be picked up by the Federal Government in the form of foreign aid, if we are to provide for the expanding economic, industrial, and social development of the world.

I do not want to see this happen. Admittedly there will be gaps in world development which our foreign aid program can be directed toward filling. But private industry plays a so much bigger part in this development, and it should be encouraged to expand the part it plays.

ORDER OF BUSINESS

Mr. MANSFIELD. Mr. President, I ask unanimous consent since there was no period for the transaction of routine morning business today, it be in order to lay before the Senate various departmental communications, and print in the RECORD various routine matters.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE MEETING DURING THE SESSION OF THE SENATE TOMORROW

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Housing Subcommittee of the Committee on Banking and Currency be permitted to meet during the session of the Senate tomorrow.

The PRESIDING OFFICER. Without objection, it is so ordered.

TRANSACTION OF ROUTINE BUSINESS

By unanimous consent, the following routine business was transacted:

EXECUTIVE COMMUNICATIONS, ETC.

The VICE PRESIDENT laid before the Senate the following letters, which were referred as indicated:

REPORT ON EXPORT-IMPORT BANK INSURANCE AND GUARANTEES ON EXPORT TO YUGOSLAVIA

A letter from the Assistant Secretary, Export-Import Bank of Washington, Washington, D.C., reporting, pursuant to law, that the amount of Export-Import Bank insurance and guarantees on U.S. export to Yugoslavia for the month of June 1966, not previously reported, totaled $4,382; to the Committee on Appropriations.

REPORT ON APPROVAL OF LOAN TO SOUTH MISSISSIPPI ELECTRIC POWER ASSOCIATION

A letter from the Administrator, Rural Electrification Administration, Department of Agriculture, reporting, pursuant to law, on the approval of a loan to the South Mississippi Electric Power Association, of Lucedale, Miss., in the amount of $20,671,000 (with accompanying papers); to the Committee on Appropriations.

REPORT ON APPROVAL OF LOAN TO ARKANSAS ELECTRIC COOPERATIVE CORP.

A letter from the Administrator, Rural Electrification Administration, Department of Agriculture, reporting, pursuant to law, on the approval of a loan to the Arkansas Electric Cooperative Corp., of North Little Rock, Ark., in the amount of $14,458,000 (with accompanying papers); to the Committee on Appropriations.

SUPPLEMENTAL REPORT ON ANTICIPATED PARTICIPATION AT INTERAMA

A letter from the Secretary of Commerce, transmitting, pursuant to law, a supplemental report on anticipated participation at Interama by foreign countries and by private industries (with an accompanying report); to the Committee on Foreign Relations.

REPORTS ON ALIENS WHO CONDITIONALLY ENTERED THE UNITED STATES

A letter from the Commissioner, Immigration and Naturalization Service, Department of Justice, transmitting, pursuant to law, reports on aliens who conditionally entered the United States, for the period December 1, 1965, through June 30, 1966 (with accompanying papers); to the Committee on the Judiciary.

APPOINTMENT OF U.S. MARSHALS

A letter from the Attorney General, transmitting a draft of proposed legislation to provide for the appointment of U.S. marshals by the Attorney General (with accompanying papers); to the Committee on the Judiciary.

PLANS FOR WORKS OF IMPROVEMENT IN VARIOUS STATES

A letter from the Acting Director, Bureau of the Budget, transmitting, pursuant to law, plans for works of improvement on Bridge Creek-Ochlocknee River, Ga., Euharlee Creek, Ga., Pine Log Tributary, Ga., Sallacoa Creek Area, Ga., Indian Creek, Ind., Upper Big Blue River, Ind., Three Mile Creek, Iowa, Upper Black Vermillion, Kan., Cypress-Black Bayou, La., Upper Bayou Nezpique (Revised), La., East Branch Sturgeon River, Mich., Houlka Creek, Miss., Tallahaga Creek, Miss., Crow and Broad Canyons and Placitas Arroya, N. Mex., Boundary Creek, N. Dak., Middle Branch Park River, N. Dak., Potomac Creek, Va., South Fork Roanoke River, Va., and Otter Creek, Wis. (with accompanying papers); to the Committee on Public Works.

PETITIONS AND MEMORIALS

Petitions, etc., were laid before the Senate, or presented, and referred as indicated:

By the VICE PRESIDENT:

A joint resolution adopted by the Legislature of the State of California; to the Committee on Commerce:

"JOINT RESOLUTION 28 RELATIVE TO MONTEREY BAY AND SURROUNDING OCEAN WATERS

"Whereas there is an imminent danger of Monterey Bay and the surrounding ocean waters becoming seriously polluted by local and outside forces of contamination and pollution; now, therefore, be it

"*Resolved by the Assembly and Senate of the State of California, jointly,* That the Congress of the United States is respectfully memorialized to initiate a study of the oceanography of Monterey Bay and the surrounding ocean waters in relation to the pollution thereof; and be it further

"*Resolved,* That the Chief Clerk of the Assembly is hereby directed to transmit copies of this resolution to the President and Vice

President of the United States, to the Speaker of the House of Representatives, and to each Senator and Representative from California in the Congress of the United States."

A joint resolution adopted by the Legislature of the State of California; to the Committee on Interior and Insular Affairs:

"JOINT RESOLUTION 29 RELATIVE TO THE SAN FELIPE DIVISION OF THE CENTRAL VALLEY PROJECT.

"Whereas it is the purpose of the San Felipe Division, Central Valley Project, California, to provide, among other things, irrigation and municipal and industrial water supplies, conservation of fish and wildlife resources, and enhancement of outdoor recreation opportunities within the Counties of Santa Clara, San Benito, Santa Cruz and Monterey; and

"Whereas the proposed San Felipe Division will make use of a tunnel to be constructed from San Luis Reservoir westward under Pacheco Pass into said service area and will, by reason of its location, harmonize with and assist the State of California's water plan; and

"Whereas there exists at present in said service area a drastic shortage of underground water; now, therefore, it it

"*Resolved by the Assembly and Senate of the State of California, jointly,* That the Legislature of the State of California respectfully memorializes the President and the Congress of the United States to expedite authorization of the San Felipe Division, Central Valley Project, California; and be it further

"*Resolved,* That the Chief Clerk of the Assembly is directed to transmit copies of this resolution to the President and Vice President of the United States, to the Speaker of the House of Representatives, to the Chairmen of the Committees of the Senate and the House of Representatives on Interior and Insular Affairs, and to each Senator and Representative from California in the Congress of the United States."

A joint resolution adopted by the Legislature of the State of California; to the Committee on Public Works:

"JOINT RESOLUTION NO. 30 RELATIVE TO A FEDERAL STUDY OF ABNORMAL EARTH AND WATER MOVEMENTS IN THE PACIFIC PALISADES AREA OF LOS ANGELES COUNTY

"Whereas Alphonzo Bell, Representative to Congress from the 28th Congressional District of California, has introduced United States House of Representatives Bill No. 15755, 89th Congress, 2nd Session; and

"Whereas this bill proposes that Congress authorize the Secretary of the Army, acting through the Chief of Engineers, to undertake a study of landslides, soil erosion, surface and subsurface drainage condition, flood control and seismic disturbance in the Pacific Palisades area of Los Angeles County; and

"Whereas the proposed study would be conducted in cooperation with the United States Geological Survey and the Department of Interior; and

"Whereas it is imperative that measures be taken to alleviate this critical problem affecting many of the citizens of Los Angeles; now, therefore, be it

"*Resolved by the Assembly and Senate of the State of California, jointly,* That the Legislature of the State of California hereby endorses the study proposed by United States House of Representatives Bill No. 15755, 89th Congress, 2nd Session, and memorializes the President and the Congress of the United States to enact this bill substantially as introduced by Congressman Alphonzo Bell; and be it further

"*Resolved,* That the Chief Clerk of the Assembly be hereby directed to transmit copies of this resolution to the President and Vice President of the United States, to the Speaker of the House of Representatives, and to each Senator and Representative from California in the Congress of the United States."

A resolution adopted by the Minnesota Chippewa Tribe of Indians, Cass Lake, Minn., praying for the enactment of legislation to settle certain claims; to the Committee on Interior and Insular Affairs.

REPORT OF A COMMITTEE

The following report of a committee was submitted:

By Mr. MONRONEY, from the Committee on Appropriations, with amendments:

H.R. 15456. An act making appropriation for the legislative branch for the fiscal year ending June 30, 1967, and for other purposes (Rept. No. 1409).

RESOLUTION PROVIDING ADDITIONAL FUNDS TO COMMITTEE ON FINANCE FOR EXPENSES OF OFFICIAL REPORTING—REPORT OF A COMMITTEE

Mr. LONG of Louisiana. Mr. President, in the 85th, 87th, and 88th Congresses the Committee on Finance found itself unable to conduct important hearings with respect to committee business because of the shortage of funds with which to pay expenses for official reporting. In those years the committee was holding lengthy hearings on the Revenue Acts of 1962 and 1964, on medicare, and on trade expansion. In those Congresses the committee had to request additional authorizations to supplement the $10,000 made available under the Legislative Reorganization Act.

Business before the committee in the 89th Congress is falling into pretty much the same pattern. We have already conducted lengthy hearings on medicare. We have had hearings on excise tax reductions, on the Sugar Act, on the Canadian Automobile Agreement, and, more recently, on this year's $6 billion Tax Adjustment Act.

We are now engaged in extensive hearings leading to revisions of the Federal-State unemployment compensation program. Soon we will begin hearings on the complex Foreign Investors Tax Incentive Act, and on several miscellaneous bills. We may also set hearings on the adequacy of our revenue system in today's economy, particularly in light of the Vietnam conflict. It is becoming clear that we will be unable to conduct these hearings unless our regular authorization is supplemented.

In order that the work on this important unemployment compensation bill will not be interrupted and that hearings on these other bills may be scheduled, I am reporting, on behalf of the committee, a resolution calling for an additional authorization during the 89th Congress of $10,000. As in the past, any unexpended balance at the end of the Congress will be restored.

For the benefit of the Senate, I ask unanimous consent to have printed in the Record a table showing the authorizations and expenditures of the Committee on Finance over the past several Congresses.

The PRESIDING OFFICER. The resolution will be received and appropriately referred, and, under the rule, will be printed in the Record, and, without objection, the table will be printed in the Record.

The resolution (S. Res. 286) was referred to the Committee on Rules and Administration, as follows:

Resolved, That the Committee on Finance is hereby authorized to expend from the contingent fund of the Senate, during the Eighty-ninth Congress, $10,000 in addition to the amount, and for the same purpose, specified in section 134(a) of the Legislative Reorganization Act approved August 2, 1946.

The table presented by Mr. Long of Louisiana is as follows:

Committee on Finance

Year	Authorizations	Expenditures
83d Cong	$10,000	$6,475.87
84th Cong	10,000	9,218.92
85th Cong	[1] 20,000	12,922.38
86th Cong	10,000	5,491.56
87th Cong	[1] 22,000	14,600.11
88th Cong	[1] 15,000	9,836.20
89th Cong	10,000	[2] 7,263.81

[1] Increased by Senate resolutions.

[2] Expenses of committee through June 30, 1966.

BILLS AND JOINT RESOLUTIONS INTRODUCED

Bills and joint resolutions were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. SMATHERS:

S. 3645. A bill for the relief of Mrs. Daisy G. Merritt; to the Committee on the Judiciary.

By Mr. HART (for himself, Mr. Burdick, Mr. Douglas, Mr. Inouye, Mr. McCarthy, Mr. Morse, Mr. Muskie, Mrs. Neuberger, Mr. Proxmire, and Mr. Young of Ohio):

S. 3646. A bill to abolish the death penalty under all laws of the United States, and for other purposes; to the Committee on the Judiciary.

(See the remarks of Mr. Hart when he introduced the above bill, which appear under a separate heading.)

By Mr. CASE:

S. 3647. A bill authorizing modification of the navigation project for Newark Bay, Hackensack, and Passaic Rivers, N.J.: to the Committee on Public Works.

(See the remarks of Mr. Case when he introduced the above bill, which appear under a separate heading.)

By Mrs. SMITH:

S. 3648. A bill to authorize the Secretary of the Interior to exchange certain property at Acadia National Park in Maine with the owner of certain property adjacent to the park; to the Committee on Interior and Insular Affairs.

By Mr. MORSE (for himself and Mrs. Neuberger):

S. 3649. A bill to provide for the disposition of judgment funds on deposit to the credit of the Confederated Tribes of the Umatilla Indian Reservation; to the Committee on Interior and Insular Affairs.

By Mr. LONG of Louisiana:

S. 3650. A bill relating to the income tax treatment of treble damage payments under the antitrust laws and certain other payments; to the Committee on Finance.

(See the remarks of Mr. Long, of Louisiana, when he introduced the above bill, which appear under a separate heading.)

By Mr. DOMINICK:

S.J. Res. 183. Joint resolution to provide for the settlement of the labor dispute between certain airlines and certain of their employees; to the Committee on Labor and Public Welfare.

(See the remarks of Mr. Dominick when he introduced the above joint resolution, which appear under a separate heading.)

By Mr. SMATHERS (for himself, Mr. Bible, Mr. Fong, and Mr. Byrd of West Virginia):

S.J. Res. 184. Joint resolution to provide for the settlement of the labor dispute between certain airlines and certain of their employees; to the Committee on Labor and Public Welfare.

(See the remarks of Mr. Smathers when he introduced the above joint resolution, which appear under a separate heading.)

RESOLUTION

ADDITIONAL FUNDS FOR COMMITTEE ON FINANCE

Mr. LONG of Louisiana, from the Committee on Finance, reported an original resolution (S. Res. 286) to provide additional funds for the Committee on Finance, which, under the rule, was referred to the Committee on Rules and Administration.

(See the above resolution printed in full when reported by Mr. Long of Louisiana, which appears under the heading "Reports of Committees.")

ABOLISHMENT OF DEATH PENALTY UNDER ALL LAWS OF THE UNITED STATES

Mr. HART. Mr. President, I introduce, for appropriate reference, a bill to abolish the death penalty for all Federal crimes, and to substitute life imprisonment instead. Joining me in sponsoring the legislation are the Senator from North Dakota [Mr. Burdick], the Senator from Illinois [Mr. Douglas], the Senator from Hawaii [Mr. Inouye], the Senator from Minnesota [Mr. McCarthy], the Senator from Oregon [Mr. Morse], the Senator from Maine [Mr. Muskie], the Senator from Oregon [Mrs. Neuberger], the Senator from Wisconsin [Mr. Proxmire], and the Senator from Ohio [Mr. Young].

Mr. President, I ask unanimous consent that there be printed at this point in my remarks the text of the bill, a memorandum prepared by the Legislative Reference Service listing those code sections authorizing the imposition of the death penalty for certain Federal crimes, and two recent national opinion polls which indicate increased public support for the abolition of capital punishment.

The PRESIDING OFFICER. The bill will be received and appropriately referred; and, without objection, the bill memorandum polls will be printed in the Record.

The bill (S. 3646) to abolish the death penalty under all laws of the United States, and for other purposes, was received, read twice by its title, referred to the Committee on the Judiciary, and ordered to be printed in the Record, as follows:

S. 3646

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) no sentence of death shall be imposed hereafter upon any person convicted of any criminal offense punishable under any provision of law of the United States, the District of Columbia, the Commonwealth of Puerto Rico, or any territory or possession of the United States, and no unexecuted sentence of death heretofore imposed under any such provision shall be carried into execution after the date of enactment of this Act. Each such provision which authorizes or requires the imposition of such sentence hereafter shall be deemed to authorize or require the imposition of a sentence to imprisonment for life, and each sentence of death heretofore imposed under any such provision which remains unexecuted on the date of enactment of this Act shall be deemed to be a sentence to imprisonment for life.

(b) The Attorney General is authorized and directed to transmit to the Congress at the earliest practicable time his recommendations for appropriate amendments to be made to all such provisions of law which by their terms provide for or relate to the imposition of any sentence of death in order to substitute for such sentence in all such laws a sentence to imprisonment for life.

The memorandum and polls presented by Mr. Hart are as follows:

The Library of Congress,
Legislative Reference Service,
Washington, D.C., July 18, 1966.

To: Hon. Philip A. Hart.
From: American Law Division.
Subject: Provisions of the United States Code and the District of Columbia Code Authorizing Imposition of the Death Penalty.

The code sections in the following list are those which authorize the imposition of the death penalty for conviction of certain crimes. If the death penalty were to be abolished not only these sections but many additional sections (not listed) dealing with procedure and other matters in connection with capital offenses or cases would have to be amended.

This list combines the results of an automated search done by a commercial firm and a non-automated search done by lawyers in the American Law Division. , So far as we know, the list is now a complete one.

You may be interested in knowing that none of the bills yet introduced—even those which purport to abolish the death penalty—cite all the provisions which appear on the accompanying list.

SECTIONS OF THE FEDERAL CODE WHICH AUTHORIZE THE DEATH PENALTY

TITLE 10 U.S.C.

§ 885(c)—desertion in time of war.

§ 890—striking superior officer or disobeying lawful command in time of war.

§ 894—mutiny or sedition.

§ 899—misbehavior before the enemy.

§ 900—subordinate compelling surrender.

§ 901—improper use of countersign in time of war.

§ 902—forcing a safeguard.

§ 904—aiding the enemy.

§ 906—spies.

§ 910—improper hazarding of vessel.

§ 913—misbehavior of sentinel in time of war.

§ 918—murder.

§ 920—rape and carnal knowledge.

TITLE 18 U.S.C.

§ 34—destruction of aircraft or motor vehicle in commerce resulting in death.

§ 794—gathering and delivering defense information to aid foreign government.

§837—destroying schools, churches or other buildings with explosives transported in commerce.

§1111—murder.

§1114—killing certain officers of the United States while in the performance of their duties.

§1201—failure to liberate unharmed a kidnapped person transported in commerce.

§1715—assassination of President or Vice President.

§1716—death resulting from mailing certain non-mailable articles.

§1992—death resulting from wrecking trains.

§2031—rape.

§2113—kidnapping or causing death while engaging in bank robbery.

§2381—treason.

TITLE 21 U.S.C.

§176—sale of heroin to juveniles.

TITLE 22 U.S.C.

§156—murder and insurrection or rebellion against China, Siam, Turkey, Morocco, Muscat, Abyssinia, Persia, and the territories formerly a part of the Ottoman Empire including Egypt (consular courts).

TITLE 42 U.S.C.

§2272—atomic energy offenses (violation of §§2077, 2122, 2131, 2138).

§2274—communication of restricted data.

§2275—receipt of restricted data.

§2276—tampering with restricted data.

TITLE 49 U.S.C.

§1472(i)—aircraft piracy.

§1472(k)—commission of certain crimes aboard aircraft punishable by death, e.g. murder, rape.

SECTIONS OF THE DISTRICT OF COLUMBIA CODE WHICH AUTHORIZE THE DEATH PENALTY

§22–2404—provides death sentence for murder in the first degree unless jury by unanimous vote recommends life imprisonment.

§22–2401—defines murder in the first degree to include killing "without purpose so to do" while perpetrating an arson, rape, mayhem, robbery, kidnapping or armed housebreaking.

§22–2801—rape or carnal knowledge of a female under sixteen years of age—jury may require death penalty.

Vincent A. Doyle,
Legislative Attorney,
American Law Division.

July 18, 1966

[From the Washington Post, July 3, 1966]

Survey Shows Public Doesn't Want Vengeance on Criminals but Is 7-to-1 for Rehabilitation

(By Louis Harris)

Revenge against the offender has a low priority in the attitudes of Americans toward the "National Crime Problem."

Many are anxious about their personal safety and many city dwellers harbor uneasy feelings about their police departments. But most Americans believe that crime can be curbed better by positive measures that attack the environmental and psychological roots of criminal activity than by great employment of police force.

The latest Harris Survey on attitudes toward crime was made amid increasing anticrime activity in Washington and across the country. A presidential crime commission is studying the problem "from arrest to rehabilitation." More Federal money is going to local enforcement officials trying to find new crime-fighting techniques. A bill to put more rehabilitation facilities into the battle against drug traffic is sailing through Congress. The Justice Department has come out against capital punishment.

Contrary to the punitive attitudes many experts have expected to find, people express these specific opinions:

By more than 5 to 1, people believe better programs for young persons will do more to reduce crime than merely a beefing up of local police forces.

By 7 to 1, people think prisons should be more corrective than punitive, with heavy emphasis on rehabilitating criminals to reenter society.

By 4 to 3, most Americans reach the same conclusion about capital punishment that the Justice Department has.

CAUSES OF CRIME

A carefully drawn cross-section of the adult public was asked:

"What do you think are the three or four major things that contribute to crimes—that is, the main reasons people become criminals? Any others?"

Why people become criminals

[Total public]

	Percent
Upbringing	38
Bad environment	30
Mentally ill	16
Wrong companions	14
No education	14
Broken homes	13
Greed, easy money	13
Too much money around	11
Not enough money in home	10
Liquor, dope	10
Laziness	9
For kicks	8
No religion	8
No job	8
No chance by society	7
Born bad	5
Feeling of hopelessness	4
Moral breakdown of society	3
Degeneracy, sex	2
Failure of police	2

(Note: Percentages add to more than 100 because people volunteered more than one cause.)

Implicit in what people say is a rejection of the idea that there is a criminal type in society who cannot be redeemed. Clearly, the American public is firmly on the side of trying to save criminals rather than writing them off.

WAYS TO REDUCE CRIME

This is most evident in replies to the question:

"Leading authorities on crime feel there are two ways to reduce crime. One way is to head off crime by working with young people to show them that nothing can be gained through a life of crime. Another way is to strengthen our law-enforcement agencies to make it hard for criminals to get away with crime. While both ways might be desirable, if you had to choose, which one would you favor: trying to stop criminals before they begin or strengthening the police force to crack down on crime?"

Prevention versus enforcement

[Total public]

	Percent
Work with young people	76
Strengthen police	16
Not sure	8

Again, when asked why they feel this way, strong desires for rehabilitation emerged.

Views on youth programs

[Total public]

Why work with young people	76
Better to prevent crime	29
Stop before it starts	26
Only stop through education	7
Costs less to stop it	5
Help them go to church	5
Learn to respect parents	4
Why strengthen police	16
Put fear into criminals	8
Need more protection	3
Rid law of loopholes	2
Parent should train	1
Learn only if caught	1
Syndicates commit crime	1
Not sure	8

Despite the rising crime rates, Americans do not wish to turn to the billy club as a deterrent. Rather, most people want to attack what they believe are the roots of crime: how people live and are brought up.

THE DEATH PENALTY

On capital punishment, the cross-section was asked:

"Some states have abolished capital punishment—executing persons who commit a murder—and have substituted life imprisonment instead. Do you favor or oppose capital punishment?"

Capital punishment

[In percent]

	Favor	Oppose	Not sure
Nationwide	38	47	15
By education:			
8th grade or less	32	52	16
High school	28	46	16
College	44	44	12
By size of place:			
Cities	37	46	17
Suburbs	48	37	15
Towns	30	56	14
Rural	33	52	15
By sex:			
Men	44	43	13
Women	31	51	18

It is surprising that the less well-educated, more rural and small town resident—women especially—carry the day against capital punishment. The more affluent parts of society, especially among men and suburban dwellers, are more in favor of continuing capital punishment.

CORRECT OR PUNISH

On the approach to take toward criminals in prison, people were asked:

"Do you feel that most prisons today mainly try to be corrective—that is, try to make criminals into useful citizens—or mainly try to be punitive—that is, punish the criminal for having broken the law?" and

"Do you feel prisons should be mainly corrective, trying to rehabilitate criminals or mainly punitive, punishing them for their crimes?"

[In percent]

	Prisons are	Should be
Mainly corrective	57	77
Mainly punitive	19	11
Not sure	24	12

When asked why they held their views on how prisoners should be treated, here are the volunteered answers:

Views on prison treatment

	Total public percent
Why mainly corrective	77
Make better citizens	20
Should be rehabilitated	10
Better to correct than to punish	10
Give them a chance	10
Criminals should be educated	10
More correction means less crime	9
Make safe to protect society	3
Costs money to keep in prison	3
Criminals need mental treatment	2
Why mainly punitive	11
Teach them a lesson	6
They're no good	3
No punishment enough	2
Not sure	12

These attitudes persist despite indications that one adult in 11 has been a victim of crime. In cities, 14 per cent of the public told our interviewers that they had been victimized. Nine percent of suburban dwellers, the national average, said they had suffered from criminal activity, while only 6 percent of those who live in rural areas said they had felt crime personally.

CRIME AND AFFLUENCE

It is interesting that a higher percentage of upper income people have been victims of crime than those in lower income groups, though the more affluent are most frequently victims of nonviolent crimes such as burglary and petty theft:

"What crimes were you a victim of?"

Specific crimes

[In percent]

	Total	Low income	Upper income
Burglary	27	29	24
Theft, petty theft	18	8	21
Robbery	14	10	18
Fraud	10	13	7
Mugging	9	19	5
Stolen car	9	11	7
Armed robbery	6	10	2
Embezzlement	4	----------	10
Forgery	3	----------	6

While the vast majority of people have not been personally touched by crime possibilities of being victimized are much on people's minds. In other Harris Surveys in recent years, almost 50 per cent of the public has said each year they are more worried about their personal safety on the streets than they were in the previous year.

The major thrust of this insecurity is in cities, where confidence in police is at its lowest ebb. Yet, the existence of crime and the low estimate of law enforcement do not necessarily go together. The proof of that is in the suburbs, where residents report the fastest growing incidence of crime, but where police are rated highest. People were asked:

"How would you rate the job the Federal (state, local) Government does on law enforcement—excellent, pretty good, only fair, or poor?"

Ratings of law enforcement

[In percent]

	Good to excellent rating		
	Federal	State	Local
Nationwide	76	70	65
By size of place:			
Cities	80	67	57
Suburbs	79	71	72
Towns	75	72	65
Rural	71	72	66
By race:			
White	75	71	67
Negro	81	63	51

Part of the general uneasiness about the police rests in the pattern of bribes, of taking money illegally. People were asked:

"Do you think there are many, some but not a lot, only a few, or almost no policemen in this community who take bribes of money illegally?"

Police taking bribes

[In percent]

	Total Nation	Cities	Suburbs	Negroes only
Many take bribes	4	14	7	15
Some, not a lot	10	13	11	5
Only a few	22	30	23	20
Almost none	43	28	40	33
Not sure	21	19	25	27

While the public overwhelmingly rejects the idea that many policemen are taking bribes, the significant fact is that less than a majority of the people felt able to say for sure that the police do not take bribes.

Roughly one American in every five is convinced that an organized crime syndicate is operating in his community, that the syndicate is tied to the Mafia and that there is a close tie between organized crime and politics. These numbers rise to about one third of the people who live in big cities and, surprisingly, in the suburbs.

In fact, awareness of organized crime seems to be slightly higher in suburban America than anywhere else. One reason appears to be the higher visibility of wrongdoing in a small community. City residents are more inclined to say they simply can't be sure.

Bookmaking, prostitution and liquor rackets are reported to abound in suburbia, while narcotics, robbery and juvenile gangs are all considered as more likely in the cities. Rural and small town Americans report a drastically lower incidence of organized criminal activities.

In politics, people believe that crime syndicates are seeking power and control of elected officials, protection to operate rackets, money shakedowns and beneficial legislation.

[From the Washington Post, July 2, 1966]

THE GALLUP POLL—47 PERCENT OBJECT TO CAPITAL PUNISHMENT

PRINCETON, N.J.—Opposition to the death penalty continues to mount among the Nation's adults.

Results of the latest survey show that nearly half of the American people (47 per cent), now object to capital punishment as compared with 42 per cent who favor it.

This marks the first time since 1953 when the percentage of persons opposed to capital punishment has exceeded the percentage who favor it. In 1953, the ratio was nearly 3-to-1 in favor of capital punishment.

Although only 13 states have officially abolished the death penalty, in 1965 only seven persons were executed in the United States. All seven men were sentenced for murder.

Since 1953, the Gallup Poll has surveyed the American people on the subject. This is the question asked:

"Are you in favor of the death penalty for persons convicted of murder?"

Following are the latest results for the nation as a whole, and the trend since 1953:

[In percent]

	Latest	1965	1960	1953
Yes	42	45	51	68
No	47	43	36	25
No opinion	11	12	13	7

Much of the change in attitudes toward the death penalty since 1965 may be attributed to the changing views of males. In the 1965 survey, women, by a 3-to-2 ratio, expressed opposition while men favored it by about the same ratio. The attitudes of women have not changed appreciably, but today about as many men oppose capital punishment as favor it.

Mr. HART. Mr. President, this legislation is offered for a number of reasons. The death penalty is ineffective in deterring crime. It discriminates against the poor and friendless. And the mistakes, few but inevitable, which are made in its application are irretrievable.

There is a growing trend in this country and around the world to abolish the death penalty. It is high time the Federal Government joined this movement.

In the midst of wars and rumors of wars, and in a period when we live on the edge of unimaginable nuclear destruction, some may feel it is foolish to be concerned about the life of a relatively few individuals—especially individuals who have transgressed society's laws.

Yet in this same period of great potential and actual violence we have seen increasing concern for the lives of those few individuals who have committed heinous crimes. This is again, a considerable gain. It means that behind the blaring banner headlines there are quiet unobtrusive but important factors working in favor of a more humane and just society.

TREND TOWARD ABOLITION

It is clearly time for the Federal Government to bring our laws in line with the growing movement to abolish the death penalty. In our own country considerable progress has been made in just the past few years. Iowa and West Virginia abolished the death penalty completely in 1965; New York and Vermont also enacted laws abolishing it except for certain special cases last year. In 1964 Oregon passed a complete abolition bill by popular vote—453,654 to 302,105. Alaska and Hawaii abolished it in 1957. All in all there are 13 "abolitionist" States in our country. In addition to those named, they are North Dakota, 1915; Minnesota, 1911; Maine, 1887; Wisconsin, 1853; and Rhode Island, 1852. I am proud that Michigan was the first State in our Nation to abolish the death penalty, in 1847, retaining it only for treason. In 1963 Michigan abolished the death penalty for this offense also.

Around the world, 72 nations have eliminated executions either by law or custom. Great Britain is the most recent and impressive example. In 1965, after years of exhaustive study, doubting legislators were satisfied that the death penalty was ineffective and an abolition bill was passed. It provides for a review at the end of 5 years of operation and excepts only certain specific treasonable acts.

Our Federal system makes abolition in the United States a slower, more decentralized process. But the Congress can play an important part. We can abolish the death penalty for those Federal crimes for which it is now imposed. By so doing the administration of Federal justice will be improved and the abolition process at the State level will be accelerated through leadership by example.

The trend toward abolition can be seen in the actual administration of the law as well as by changes on the statute books. The number of executions in the United States shows a rapidly declining curve during the last three decades:

1935–39	891
1940–44	645
1945–49	639
1950–54	413
1955–59	304
1960–64	181

In 1964 there were 15 executions in all U.S. jurisdictions. In 1965 there were only seven.

These figures are persuasive evidence of a fast growing national consensus against capital punishment. They reflect the views and actions of juries, judges, and law enforcement officials across our country. But this is not a measure of the significance of the issue. At the beginning of this year there were 331 persons under sentence of death.

CRIMES AFFECTED BY THE BILL

Because the time is ripe for action by the Congress, I am proposing the abolition of the death penalty for all crimes over which we have jurisdiction. This includes three categories: general Federal crimes, laws of the District of Columbia, and military crime. Let us take a look at each of these.

GENERAL FEDERAL CRIMES

Our Federal statutes include the death penalty for a variety of crimes including murder, rape, national security crimes, aircraft piracy, and train robbery. In the past 35 years there have been 33 executions for these crimes: 16 for murder, 2 for rape, 6 for kidnaping, 1 for armed robbery, and 8 for espionage. In the last 8 years, only one person has been executed.

The eight persons executed for espionage since 1930 suggest the special, transitory nature of executions for national security crimes as distinguished from crimes against persons and property. Six of those eight were Germans convicted of sabotage and executed in the District of Columbia jail on August 8, 1942. At that time the Soviet Union was our stanch ally in the war against Hitler and fascism. The other two were Julius and Ethel Rosenberg executed at Sing Sing Prison, June 19, 1953, for conspiracy to commit sabotage. At that time the cold war was in full swing against the Soviet Union, our former ally, while Germany was our loyal NATO partner.

DISTRICT OF COLUMBIA CRIMES

The District of Columbia has had 40 executions since 1930, but only one in the last 11 years. Of those 40, 37 were executed for murder, the other 3 for rape. All but three of those executed under District of Columbia laws in the past 35 years have been Negroes.

MILITARY CRIMES

The Code of Military Justice provides the death penalty for a variety of offenses including aiding the enemy, desertion, sedition, and spying. In actual practice the record shows that, with one lone and very questionable exception in World War II, all of the 160 executions by the Army and Air Force since 1930 have been for murder or rape. The last military execution was in 1961. The Army's execution of Pvt. Ed Slovik, of Michigan, on January 31, 1945, for cowardice—the first since the Civil War—indicates the chance and arbitrary operation of this severest of all penalties. In World War II, approximately 40,000 formal charges of misbehavior in the face of the enemy or desertion were preferred against American soldiers. Of these, 2,894 resulted in general court-martial convictions; 49 death sentences were approved by convening authorities, but only one was carried out.

Clearest evidence that the death penalty is not needed to enforce military discipline or safeguard national security matters is the simple fact that the Navy has not executed anyone since 1849.

DOES THE DEATH PENALTY DETER CRIME?

The crimes for which the death penalty is imposed are those which our society considers most terrible and of greatest danger to its existence. Passions run high when we think of murder, rape, presidential assassination and national security.

Yet if our laws are to reflect more than mere vengeance upon the wrongdoers, and an outmoded "eye for an eye" doctrine, we must base our policy on some reasonable and rational basis.

The key question is thus—does the death penalty deter and prevent similar crimes in the future?

All of the evidence I have seen indicates that the death penalty is ineffective in deterring crime and primarily for this reason I am convinced it should be abolished. Surely those who support the official killing of citizens by the state should bear the burden of proof that these acts are necessary. I don't believe they can make that case.

For 4 years from 1949 to 1953 the British Royal Commission on Capital Punishment heard innumerable witnesses and sifted hundreds of documents. They visited Norway, Sweden, Belgium, Holland, and the United States to hear further evidence in those countries. In 1953, the Commission reported that:

> Whether the death penalty is used or not, both death penalty and abolition states show homicide rates which suggest that these rates are conditioned by other factors than the death penalty.

Another way of saying there is no deterrent effect. Further, they said:

> The general conclusion which we have reached is that there is no clear evidence in any of the figures we have examined that the abolition of capital punishment has led to an increase in the homicide rate or that its reintroduction has led to a fall.

We do have some objective evidence on this subject, for we can compare similar abolition and nonabolition States in our country. Studies show that Rhode Island, an abolition State since 1852, has a homicide rate very similar to, though slightly and consistently lower than Connecticut, where the penalty has been retained. The murder rate in Michigan, where the penalty was abolished in 1847, parallels that of Indiana and Illinois, death penalty States, while Wisconsin, an abolition State for practically a hundred years, has a rate significantly below Michigan, again indicating that the murder rate is not affected by the presence or absence of the death penalty.

What about police officers? It is often argued that the death penalty will prevent police killings. But a 1950 study of 266 cities of over 10,000 population in 17 States—6 abolition, 11 death penalty—revealed that:

> On the whole, abolition states seem to have fewer police killings but the differences are small. (Dr. Thorsten Sellin, "The Death Penalty and Police Safety.")

The claim that the death penalty protects police officers is disproved also by a study of police homicides in Chicago from 1920–54. Executions for Cook County take place in Chicago. If the death penalty is a deterrent, when the execution rates rise the homicide rates should fall. But between 1920 and 1954 the two rose and fell together. Here again, the homicide rate was unaffected by the death penalty. Observation by qualified authorities supports these statistical studies.

Clinton Duffy, former warden of San Quentin Prison, says flatly:

> I do not favor capital punishment because I do not believe it is a deterrent to crime.

Warden Duffy had a wealth of experience on which to base that judgment.

> From 1929 to 1952 I talked with every man that was convicted in San Quentin under penalty of death. Many of these men have been executed, others commuted to life imprisonment, some without possibility of parole. A few have had new trials or reversals. Some have died while serving their sentence in prison walls. I have asked personally every man (and two women) if they gave any thought to the fact that they might be executed should they commit a murder or a crime that is covered by the death penalty. I have asked hundreds—yes thousands of prisoners who have committed homicides, and who were not sentenced to death, whether or not they thought of the death penalty before the commission of their act. I have interviewed and have asked the same question of thousands of robbers who used a gun or other deadly weapon, in the commission of their "stick up." They of course are potential murderers. I have to date, not one person say they had ever thought of the death penalty prior to the commission of their crime.

John Baker Waite, for over 30 years professor of criminal law at the University of Michigan, has pointed out:

> After the Lindbergh kidnapping case, when some jurisdictions set up a death penalty for kidnapping, not only did kidnapping increase in frequency, but it occurred as often in the death penalty jurisdictions as in others. Nowhere have I found evidence of deterrent value in capital punishment.

Dr. Philip Q. Roche, former prison psychiatrist and faculty member at the University of Pennsylvania Medical School, told a New Jersey legislative committee:

> The psychological and sociological sciences do not support the belief that the fear of death is an effectual deterrent to crime. On the contrary we more often encounter the opposite effect; the death penalty may be an incentive to murder, and here indirectly capital punishment tends to lower the respect for life. The number of murderers who are mentally unstable is larger than we wish to admit. Even in some instances they are attracted to the spectacle of their own execution and attempt to secure it to insure their own destruction.

There is even the story of an Ohio prisoner, Charles Justice, who worked in the death house and invented a method to make the electric chair more effective. Upon parole, undeterred, he committed another crime, was returned to prison, and died in the electric chair he helped to perfect.

I am inclined to accept the conclusion of Gov. Edmund G. Brown, of California, who said in his 1960 message to the California Legislature:

> The naked, simple fact is that the death penalty has been a gross failure. Beyond its horror and incivility, it has neither protected the innocent nor deterred the wicked. The recurrent spectacle of publicly sanctioned killing has cheapened human life and dignity without the redeeming grace which comes from justice meted out swiftly, evenly, humanely.

THE DEATH PENALTY DISCRIMINATES

Not only is the death penalty ineffective, but it operates in a discriminatory manner against certain segments of our society.

Gov. Michael DiSalle, of Ohio, is a man who has had a deep concern for reform of our penal laws especially regarding the death penalty. He recently wrote:

> In all my experience, I have never seen a murderer with enough money to hire top-drawer counsel condemned to death. The last time I visited death row at Ohio State Penitentiary in Columbus, the ten men there awaiting the electric chair had one thing in common: They were penniless.

The late Warden Lewis E. Lawes of Sing Sing Prison has recalled:

> In the twelve years of my wardenship I have escorted 150 men and one woman to the death chamber and the electric chair. In ages they ranged from seventeen to sixty-three. They came from all kinds of homes and environments. In one respect they were all alike. All were poor, and most of them friendless. The defendant of wealth and position never goes to the electric chair or to the gallows.

The national prisoner statistics issued by the Department of Justice show there were 3,849 executions under civil authority from 1930 to 1964. More than half of these—53.6 percent—were Negroes. Of the 455 executions for rape, 405 or 89 percent were Negroes.

MISTAKES ARE INEVITABLE AND IRREVERSIBLE

Said Thomas Jefferson, with compelling eloquence:

> I shall ask for the abolition of the punishment of death until I have the infallibility of human judgment demonstrated to me.

No system of justice is perfect. Mistakes are inevitable even though every effort is made to assure that only the guilty are punished. Abolition of the death penalty at least will prevent the State from an act for which there can be no possible remedy or recall.

Remorse has in fact been one of the factors in bringing about abolition. Maine and Rhode Island abolished capital punishment principally because they executed an innocent man. I suggest we should not wait for such a tragedy to stir us to action.

THE ADMINISTRATION'S POSITION

It is reassuring to know that the administration supports an end to the death penalty. On July 23, 1965, Deputy Attorney General Ramsey Clark wrote a letter to Chairman JOHN L. MCMILLAN, of the House District of Columbia Committee, concerning H.R. 559, a bill to abolish the death penalty for first-degree murder and substitute life imprisonment. Mr. Clark said:

> We favor the abolition of the death penalty. Modern penology with its correctional and rehabilitation skills affords greater protection to society than the death penalty which is inconsistent with its goals. This Nation is too great in its resources and too

> good in its purposes to engage in the light of present understanding in the deliberate taking of human life as either a punishment or a deterrent to domestic crime.
>
> A piecemeal abolition of the death penalty in Federal law is meaningless, if not harmful. If abolition is indicated for murder, why not for rape? If abolition is indicated within the District of Columbia, why not then for all Federal crimes?

Mr. Clark suggested there be a comprehensive study of all aspects of crime, punishment and sentencing before abolition is accomplished.

The President's National Crime Commission is obviously in a position to undertake such a study and recommend abolition. I am confident that when the Crime Commission focuses on this issue it will conclude that ending the death penalty is a sound and important step to take now.

But I am prepared to suggest that we in the Congress need not have to wait for such a report. A massive body of factual and expert evidence has accumulated on this subject. A major series of congressional hearings through the regular Judiciary Committee procedures or a special subcommittee could gather the evidence and recommend a sound course of action for the Senate and House.

HUMAN VALUES

The value of a human life, I believe, is the basis for much of the instinctive opposition to the death penalty. Even the basest criminal is a fellow human being. We would condemn his being killed by another individual. To justify it because we act as a group is difficult.

One little-noticed fact is the age of those executed. Between 1937 and 1964, 178 teenagers were executed. Eleven of these were 16 and younger, including boys of 15 and 14. Just 12 years ago, in 1954, 10 teenagers were executed including one 16-year-old and two 17-year-olds. I believe our society is the poorer because the decision was made to kill these youths rather than to attempt to rehabilitate them.

The abolition of capital punishment is just one of many steps which must be taken to create a constructive society—constructive for the weak and foolhardy as well as for the strong and confident. I hope that as we study this question of capital punishment and make the decision to abolish it, we will at the same time gain a new understanding of the need to emphasize rehabilitation and redemptive justice for those who transgress against society.

The death penalty is a symbol of a dying order of vengeance and death. Its abolition can be a first step to open our eyes and our hearts and our minds to the need for wholesale reforms throughout our entire penal system so that it will reflect in its daily operation our respect for human dignity and our desire to do justice for all our people.

Sometimes the artists of the world have clearer insight than we more ordinary mortals. Boris Pasternak in "Doctor Zhivago" summarizes in a perceptive comment and poetic images the basic message which many of us are trying to suggest as we propose the abolition of capital punishment:

> I think that if the beast who sleeps in man could be held down by threats—any kind of threat, whether of jail or of retribution after death—then the highest emblem of humanity would be the lion tamer in the circus with his whip, not the prophet who sacrificed himself. But don't you see, this is just the point—what has for centuries raised man above the beast is not the cudgel but an inward music; the irresistible power of warmest truth, the powerful attraction of its example.

CONSTRUCTION OF CERTAIN SHIP MANEUVERING AREAS IN NEWARK BAY

Mr. CASE. Mr. President, I introduce, for appropriate reference, a bill which would provide for construction of two ship maneuvering areas and widening a portion of the channel in Newark Bay.

On June 16, two ships collided in the bay off the southerly tip of Bayonne, with a heavy loss of life. Only a short time before that, another vessel rammed the Jersey Central Railroad drawbridge which crosses the bay and which is very near the scene of the June 16 disaster. Fortunately no one was killed in the earlier accident, but thousands of rail commuters whose trains use the drawbridge were inconvenienced.

Ship movements in Newark Bay alone, I am advised, have almost doubled in a decade—from 25,784 in 1954 to 42,334 in 1964. In roughly the same period, 39 ship accidents have occurred in the bay.

While I have asked the Coast Guard to make a full study of maritime traffic and accidents in all of New York Harbor, I believe we need no study to demonstrate that certain specific steps must be taken, and taken quickly, to improve safety in Newark Bay.

My bill is designed to do this by providing for: First, two ship maneuvering areas—one north and one south of the Jersey Central drawbridge. One important purpose of these areas would be to permit a vessel to wait while another ship passes, thus avoiding competition for space in the presently narrow channel. The cost of the work would be $3,098,000 and would be borne by the Federal Government; second, widening of the channel for a short distance both above and below the Jersey Central drawbridge. The Army Corps of Engineers believes this improvement would make it easier for ships, particularly the larger variety cargo vessels now in service, to aline themselves with the drawbridge before passing beneath it. The cost of this project would be $835,000. Again, the cost would be borne by the Federal Government.

These projects have been approved by the Army Corps of Engineers, by the Departments of the Interior, Commerce, and Health, Education, and Welfare, and, I am told, by the Governor of New Jersey and his commissioner of conservation and economic development.

However, they still must be authorized by Congress before money can be appropriated. It is my hope that both steps can be taken during the present session so that this important work may be undertaken without unnecessary delay.

Spokesmen for the Army Engineers tell me the maneuvering areas, as well as the partial channel widening, will add immeasurably to navigation safety in Newark Bay.

The PRESIDING OFFICER. The bill will be received and appropriately referred.

The bill (S. 3647) authorizing modification of the navigation project for Newark Bay, Hackensack and Passaic Rivers, N.J., introduced by Mr. CASE, was received, read twice by its title, and referred to the Committee on Public Works.

TAX TREATMENT OF TREBLE DAMAGE PAYMENTS

Mr. LONG of Louisiana. Mr. President, I introduce, for appropriate reference, a bill relating to the income tax treatment of treble damage payments under the antitrust laws and certain other payments. I ask unanimous consent that the bill be printed in the RECORD, at the conclusion of my remarks.

The PRESIDING OFFICER. The bill will be received and appropriately referred; and, without objection, the bill will be printed in the RECORD.

The bill (S. 3650) relating to the income tax treatment of treble damage payments under the antitrust laws and certain other payments, introduced by Mr. LONG of Louisiana, was received, read twice by its title, and referred to the Committee on Finance.

Mr. LONG of Louisiana. Mr. President, in a ruling—revenue ruling 64-224—issued on July 24, 1964, the Internal Revenue Service held that amounts paid in satisfaction of treble damage claims under section 4 of the Clayton Act are deductible for Federal income tax purposes as ordinary and necessary business expenses.

On November 18, 1964, Senator Harry F. Byrd, as chairman, and Congressman WILBUR D. MILLS, as vice chairman, of the Joint Committee on Internal Revenue Taxation, instructed the staff of the Joint Committee to seek the views of the Senate and House Antitrust Subcommittees on this ruling, to obtain from the Internal Revenue Service the basis for the ruling, and to inquire from interested parties in industry as to their position in this matter.

On the basis of this request, the staff early in 1965 presented to the Joint Committee the views of interested parties. After an analysis of this material, the committee requested the staff to present ideas for possible legislative action on this subject. The staff complied with this request by presenting suggestions as to possible legislative action. The report I am referring to was released on November 1, 1965.

Section 1 of the Sherman Act makes a violation of the antitrust laws a misdemeanor, and for each violation a fine of up to $50,000, or imprisonment for not more than 1 year, or both may be imposed. Prior to 1955, the maximum fine was $5,000.

Section 4 of the Clayton Act provides for the recovery by private persons for treble damages as follows:

> Any person who shall be injured in his business or property by reason of anything forbidden in the antitrust laws may sue therefor in any district court of the United States in the district in which the defendant resides or is found or has an agent, without respect to the amount in controversy and shall recover threefold the damages by him sustained, and the cost of suit, including a reasonable attorney's fee.

Provision for recovery of treble damages was included in the Sherman Act when it was first enacted in 1890.

The interest in revenue ruling 64–224 in large part is attributable to the criminal proceedings in the "Philadelphia electric cases" and to the mass of civil suits which the utility companies then brought against the electrical manufacturing companies for treble damage payments under section 4 of the Clayton Act.

In 1960, the United States obtained a number of indictments against the manufacturers of various types of electrical equipment and against some of the officers of the corporations for engaging in a combination and conspiracy in restraint of trade. In 1961, the major companies entered pleas of guilty to the major indictments and pleas of nolo contendere, with the Government's consent, to the minor indictments. Seven executives were imprisoned for various lengths of time and 23 others were given suspended jail sentences and put on probation for 5 years. Fines of nearly $2 million were imposed. Twenty-nine companies received fines ranging from $437,500 down to $7,500.

As an aftermath of the criminal proceedings, more than 1,800 civil suits were brought against the electrical manufacturing companies for damages under sections 4 and 4A of the Clayton Act. In most of these cases, the electric companies have tried to reach settlement with the utilities and Government agencies involved. General Electric and Westinghouse, by far the largest electrical manufacturers, have reached settlements with respect to about 95 percent of the sales involved in the suits brought against them. General Electric has already paid over $190 million in settlements. Perhaps something like $300 million will have been paid by all of the companies in settlements when all the cases are settled.

This ruling of the Internal Revenue Service can be considered either from the standpoint as to whether it represents a proper interpretation of present law or from the standpoint of legislative policy as to whether the deduction of these treble damage payments is appropriate.

The staff report to which I have referred reviews quite carefully the issue as to whether this ruling constitutes a proper interpretation of present law. It concluded that it is probable, although by no means certain, that the courts would have supported the Internal Revenue Service, had it taken a position that treble damage payments under the Clayton Act are not deductible in the case of violations where they are based upon the same specific acts which had been found in a criminal case to be in violation of the antitrust laws. Nevertheless, there is enough uncertainty that one could say that the revenue ruling is not "wrong" or "improper."

This also seems to be the position of the Department of Justice when it, in its letter to the Joint Committee staff with respect to this ruling, said:

> While the position adopted by the Revenue Service is not necessarily the one which this Department would have reached had it been charged with the responsibility, and *while we would have been prepared to defend in court, a rule of complete nondeductibility*, we recognize that the Revenue Service position has support in analogous cases under the wartime price control laws. * * * [Emphasis added.]

While the question of what is the proper interpretation of present law in this regard is an interesting one, that, however, is not the purpose of my statement today. I am at the present time introducing a bill developed by the Joint Committee staff to resolve this issue by legislation as to the treatment of treble damage payments.

While the full deductibility of all business expenses, of whatever nature, represents a possible position, it is not one I am prepared to suggest. Present policy already departs from this position at least in denying deductions for fines, improper payments to foreign officials, and certain types of expenses for political campaigns and certain legislative matters—section 162(e)(2). It seems unlikely that this direction will now be reversed. A logical extension of the present statutory treatment would be to deny the deduction of fines, bribes and illegal kickbacks where the States involved enforce their own laws. Legislative action is desirable because public policy in this area is so uncertain at the present time as to make consistent administrative or judicial action with respect to these issues difficult and unlikely.

The bill I am introducing denies deductions both for the fines, bribes, and kickbacks I have referred to and also certain deductions for treble damage payments. This is done, however, on a very careful basis. The denial of a deduction for treble damage payments in effect is limited to cases where there has been a "sharply defined" violation of the antitrust laws. The uncertainty of the application of the antitrust laws is such that a sense of fairplay would seem to require such a limitation. To limit the denial to sharply defined violations, the denial of the deduction is limited to those damage payments arising out of cases in which the courts have imposed criminal sanctions against officers of the companies. The denial of the deduction is also limited to two-thirds of the total, on the grounds that the first third is merely the recovery of actual damages.

The denial of any deduction is not made retroactive. In view of the unsettled status of the law prior to the issuance of revenue ruling 64–224, it was believed that any change which might be made now apply only to antitrust violations occurring in the future.

Let me now describe the bill in somewhat more detail.

The bill denies deductions under certain specified circumstances in the case of four different types of expenditures. All of the proposed limitations are concerned with restricting the deductibility of trade or business expenses—section 162 of the code: A new subsection (f) denies a deduction for fines; a new subsection (g) for treble damage payments under the antitrust laws; a revision of existing subsection (c) denies a deduction for bribes of public officials whether or not foreign officials—present law already deals with foreign government officials and a new subsection (c)(2) denies a deduction for other unlawful bribes or "kickbacks." All of these types of expenditures for which deductions are denied by the bill are limited in certain respects.

While I am primarily concerned with treble damage payments under the antitrust laws, it seems inappropriate to deny deductions for such payments without also specifically denying by statutory provision deductions for fines, penalties, bribes, and kickbacks. By listing these items it is intended for the future to provide greater certainty in the case of these categories of expenditures. There may well be other trade or business expenses for which deductions also should be denied by the code. If so, it is hoped that this will be brought out now that I have introduced this bill. Modifications may also be needed in the categories included in this bill.

In the case of two of the four categories, it is proposed that the amount be denied as a deduction only when it or an associated expenditure arises out of a conviction in a criminal proceeding. For fines and penalties there would be a denial if there is a violation of any law. Under the bill there would have to be a conviction in a criminal prosecution before deductions would be denied for treble damage payments under the antitrust laws and bribes and kickbacks of other than public officials. Except where payments to public officials are involved, it appears undesirable that a revenue agent be permitted to determine whether a taxpayer's payment to a third party is in violation of a law. If the taxpayer had been convicted in a criminal proceeding, he was protected by the requirement that the prosecutor must prove him guilty beyond a reasonable doubt. In such a case it is clear that the taxpayer's payment was in violation of the public policy involved. Denial of the deduction of the payment can then be justified on the ground that the deduction would clearly frustrate a sharply defined public policy. This approach, which is incorporated in the bill as a prerequisite to the denial of these deductions—except payments to public officials—is in accord with a recent decision of the Court of Claims. In the decision the court refused to deny a deduction for an alleged illegal kickback where the State authorities (even though advised by the Internal Revenue Service of the alleged violation of State laws) took no action to prosecute the taxpayer for the alleged violation (*Kirtz* v. *United States,* 304 F. 2d 460 (1962)).

In the case of bribes or other illegal payments to public officials, it is thought that these should not be deductible whether or not action is taken with respect to them by the appropriate authorities. However, to avoid the problem outlined above of making the taxpayer prove that he did not pay a bribe, it is believed that it would be appropriate even in these cases to place the burden of proof of the illegality of the payment upon the Commissioner of Internal Revenue.

In the case of treble damage payments under the antitrust laws, the presence of a criminal conviction is used as a means of identifying "hard core" violations, or those which are violations of sharply defined public policy, where there is no question but that the taxpayer would have known that he was violating the law.

It will be noted that the denial of the deduction in the case of antitrust payments and bribes and kickbacks extends beyond the specific case for which there is a criminal conviction to also cover other related payments. This is necessary to cover the type of situation where only a few out of a series of related actions give rise to specific indictments. A criminal conviction for this purpose includes a conviction after a plea of nolo contendere. The fact that the denial of the deduction is not limited merely to the payment with respect to which the criminal proceedings arose is a clear indication that the denial of the deduction is not itself intended as additional punishment but, rather, as a means of separating out those hard core violations as to which intent has been clearly proved in a criminal proceeding. It is believed, however, that illegal bribes and kickbacks with respect to public officials are in a different category and that these, in all events, should be denied as deductions. It should be noted in this regard that such treatment is, by statute, already accorded bribes of or kickbacks to, foreign government officials or employees.

In the case of treble damage payments under the antitrust laws, attention should be directed to two other aspects of this denial of a deduction. First, the denial of the deduction is limited to two-thirds of the amount of damages paid or incurred. This is on the grounds that the one-third represents merely a restoration of the amount already owing to the other party. In addition, the denial of the deduction in this case applies not only to judgments for damages against the taxpayer under the antitrust laws but also for settlements of any actions brought under these laws. Moreover, in the case of settlements, the same two-thirds rule in determining the amount which is nondeductible is used as in the case of the judgments. This procedure is followed because in settlements the taxpayer and other party, in weighing the chances in litigation, must also take into account the fact that if a judgment for damages is obtained, treble damages are automatically provided.

This bill would be made applicable in the case of fines and penalties and bribes and kickbacks with respect to amounts paid or incurred after the date of enactment of the bill. In the case of antitrust treble damage payments, this bill would apply only with respect to violations occurring after the date of enactment. In this manner it is anticipated that this bill will be prospective in effect. It is believed that the status of the law in the past, in many cases, is too uncertain to make the denial of any of these deductions retroactive. This, of course, would not be intended to modify or affect prior law or judicial interpretation of it in any respect for past years. Thus, it appears clear, for example, that the courts already hold the deduction of payment for fines and penalties to be not allowable for income tax purposes.

The bill (S. 3650), introduced by Mr. Long of Louisiana, is as follows:

S. 3650

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) section 162 of the Internal Revenue Code of 1954 (relating to deduction of trade or business expenses) is amended by redesignating subsection (f) as subsection (h), and by inserting after subsection (e) the following new subsections:

"(f) Fines and Penalties.—No deduction shall be allowed under subsection (a) for any fine or penalty paid to a government for the violation of any law.

"(g) Treble Damage Payments Under the Antitrust Laws.—If in a criminal proceeding a taxpayer is convicted of a violation of the antitrust laws, no deduction shall be allowed under subsection (a) for two-thirds of any amount paid or incurred—

"(1) on any judgment for damages entered against the taxpayer under section 4 of the Act entitled 'An Act to supplement existing laws against unlawful restraints and monopolies, and for other purposes,' approved October 15, 1914 (38 Stat. 731; 15 U.S.C. 15) on account of such violation or any related violation of the antitrust laws which occurred prior to the date of the final judgment of such conviction, or

"(2) in settlement of any action brought under section 4 on account of such violation or related violation."

(b) Section 162(c) of such Code (relating to improper payments to certain Government officials or employees) is amended to read as follows:

"(c) Bribes and Illegal Kickbacks.—

"(1) Illegal payments to government officials or employees.—No deduction shall be allowed under subsection (a) for any payment made, directly or indirectly, to an official or employee of any government, or of any agency or instrumentality of any government, if the payment constitutes an illegal bribe or kickback or, if the payment is to an official or employee of a foreign government, the payment would be unlawful under the laws of the United States if such laws were applicable to such payment and to such official or employee. The burden of proof in respect of the issue, for the purpose of this paragraph, as to whether a payment constitutes an illegal bribe or kickback (or would be unlawful under the laws of the United States) shall be upon the Secretary or his delegate to the same extent as he bears the burden of proof under section 7454 (concerning the burden of proof when the issue relates to fraud).

"(2) Other bribes or kickbacks.—If in a criminal proceeding a taxpayer is convicted of making a payment (other than a payment described in paragraph (1)) which is an illegal bribe or kickback, no deduction shall be allowed under subsection (a) on account of such payment or any related payment made prior to the date of the final judgment of such conviction.

"(3) Statute of limitations.—If a taxpayer claimed a deduction for a payment described in paragraph (2) which is disallowed because of a final judgment of conviction entered after the close of the taxable year for which the deduction was claimed, and if the conviction was based on an indictment returned or on information filed prior to the expiration of the statutory period for the assessment of any deficiency for such taxable year, the period for the assessment of any deficiency attributable to the deduction of such payment shall not expire prior to the expiration of one year from the date of such final judgment, and such deficiency may be assessed prior to the expiration of such one-year period notwithstanding the provision of any other law or rule of law which would otherwise prevent such assessment."

(c) The amendments made by this Act shall be applicable only with respect to amounts paid or incurred after the date of the enactment of this Act, except that the provisions relating to antitrust treble damage payments shall apply only with respect to violations occurring after such date of enactment.

SETTLEMENT OF LABOR DISPUTE BETWEEN CERTAIN AIRLINES AND THEIR EMPLOYEES

Mr. SMATHERS. Mr. President, last Wednesday in this Chamber I stated that the airline strike, which has effectively crippled a large portion of the Nation's economy, has become a burden too great for the American people to bear.

I said at that time that I was considering the introduction of legislation to get the grounded planes flying again while the issues that have divided the International Association of Machinists and the five struck airlines were settled.

Since I made my statement, there has been no tangible progress in the talks between the union and the carriers.

In the 17 days since the machinists first walked off their jobs, the prospects for a voluntary pact have grown steadily dimmer. Each bargaining session has concluded with the sides more cemented in their positions than ever. This morning's Washington Post reports that Assistant Secretary of Labor, James J. Reynolds said yesterday:

> I regret to say there has been no progress whatsoever * * * The parties are still deadlocked, still far apart on their respective views.

While labor and management have maneuvered to gain concessions from one another, the economic effects caused by the loss of 60 percent of our domestic commercial airline service have been felt in every corner of the land.

Because there are no signs that the deadlock will be broken by the normal processes of collective bargaining before irreparable economic harm has resulted, I am introducing for appropriate reference a Senate joint resolution that would place the airlines back in operation and would provide for the appointment of a special arbitration board to rule on the points in contention. The joint resolution, Mr. President, would apply to this strike and this strike only.

Under the provisions of this measure, the airlines and the machinists would revert to the conditions that were in effect before July 8, when the present strike began. The arbitration board, composed of two members chosen by the carriers, two members chosen by the union, and three members selected by the first four, would take testimony from each side and would then hand down a binding ruling based on the merits of each side's case. This ruling would remain in force for a maximum of 2 years.

Mr. President, there is ample precedent for the Congress to take action along the lines I am proposing. In 1963, we enacted Senate Joint Resolution 102, which was signed into law by the late President Kennedy on August 28 of that year. This law authorized the settlement of the railroad work rules dispute through machinery identical to that I am now suggesting.

As I pointed out last week, the parallels between the railroad dispute of 1963 and the airline strike of 1966 are clearly discernible. Both railroads and airlines are cornerstones of our national transportation system. A strike in either industry, if allowed to go unsettled for a long time, could deal a staggering blow to the economy. In 1963, and this year, the machinery of the Railway Labor Act was exhausted without producing a permanent solution.

It is evident that our legislative course in these circumstances has been clearly charted. The law of 1963 is the map we must now follow.

Mr. President, I have not suggested action to supplant free collective bargaining in this particular strike without having given the problem much thought. Every reasonable man, be he union member or manager, recognizes the importance of collective bargaining to good and stable labor-management relations. Those of us who serve in the Congress, as well as those in industry share a common faith in the institutions which bring labor and management to the conference table to work out their differences in an atmosphere of mutual confidence.

When these institutions fail, however, and when the atmosphere becomes heavy with the clouds of anger and mistrust, some steps must be taken to assure that innocent citizens will not be hostages to a dispute in which they have no primary interest.

The distinguished senior Senator from Oregon has also introduced legislation in an attempt to restore commercial air service to its normal volume. The Senator has been familiar with this problem from the beginning, having headed the Emergency Board that was formed under the Railway Labor Act in an effort to head off the present strike. As he has told the Senate, his Board issued a report that was doomed to rejection by the union.

I commend the Senator for his fine work with respect to this whole matter. However, I cannot agree that his suggested solution is the best one.

It seem to me the priorities in this matter have to be as follows:

The first concern must be the interests of the general public. The first concern is not for either party to the dispute. Rather, we who represent all citizens must act to protect the rights of all citizens, and all citizens are now suffering the inconvenience and the enormous growing economic dislocation which is resulting from the strike.

Our first job is to get the airlines back in the air as quickly as possible. Thereafter, the parties to the dispute must be treated fairly and impartially, and it seems to me that to accomplish fairness to both parties to the dispute we must put them back into the position that they were before the strike took place. Having achieved this position for the betterment of the general public and having guaranteed continued service to the general public, we should then proceed to the best method of settling the dispute between the parties on the fairest, most objective, and most impartial basis.

I am fearful that the distinguished Senator from Oregon's proposal postpones relief to the public for too long a time. For, as I read the proposal, it would require first a finding by the Congress that there is a national emergency resulting from the strike. Second, it would require a finding on the part of the President that there is a national emergency. And then third, it would require that a Federal district court make this same finding before any sort of an injunction for relief could be granted.

However, I do not wish to quarrel with my distinguished colleague from Oregon with respect to the best manner and method of approach to the solution of this problem, for I do believe that we both seek to give relief to the general public at the earliest possible moment, while at the same time doing justice to both of the parties involved.

Again the approach which I am recommending in my joint resolution is one which would as quickly as possible put the airlines back in the air and thereby serve the general public. I reiterate and reemphasize that this course which I recommend is almost the identical course which the Congress followed less than 3 years ago when a somewhat similar condition existed in the railway industry. This joint resolution makes use of our most recent precedent. It would provide relief in a demonstrably short space of time.

I therefore respectfully urge that my colleagues on the Labor Committee, who will undoubtedly have this and other proposals before them very shortly, consider this proposal of mine.

The **PRESIDING OFFICER.** The joint resolution will be received and appropriately referred.

The joint resolution (S.J. Res. 184) to provide for the settlement of the labor dispute between certain airlines and certain of their employees, introduced by Mr. SMATHERS (for himself and other Senators), was received, read twice by its title, and referred to the Committee on Labor and Public Welfare.

SETTLEMENT OF LABOR DISPUTE RELATING TO CERTAIN AIRLINES—AMENDMENTS

AMENDMENT NO. 699

Mr. **JAVITS** submitted amendments, intended to be proposed by him, to the joint resolution (S.J. Res. 180) to provide for the settlement of the labor dispute currently existing between certain air carriers and certain of their employees, which were referred to the Committee on Labor and Public Welfare and ordered to be printed.

THE MILITARY ASSISTANCE AND SALES ACT OF 1966—AMENDMENTS

AMENDMENTS NOS. 700 THROUGH 702

Mr. **McGOVERN** submitted three amendments, intended to be proposed by him, to the bill (S. 3583) to promote the foreign policy, security, and general welfare of the United States by assisting peoples of the world in their efforts toward internal and external security, which were ordered to lie on the table and to be printed.

EXTENSION OF LAWS RELATING TO HOUSING AND URBAN DEVELOPMENT

AMENDMENT NO. 703

Mr. **CLARK.** Mr. President, I submit an amendment, intended to be proposed by me, to the bill (S. 2978) to amend and extend laws relating to housing and urban development.

The **PRESIDING OFFICER.** The amendment will be received, printed, and appropriately referred.

The amendment was referred to the Committee on Banking and Currency.

Mr. **CLARK.** Mr. President, section 110(c) of title I of the Housing Act of 1964 authorizes urban renewal projects utilizing air rights as sites for low income or moderate income housing and related facilities and uses. This amendment would extend the coverage of this section by adding industrial development uses, if the area in question is found by the local public agency to be unsuitable for use for low- and moderate-income housing.

One of the great problems in our older cities is the lack of room in the core area for industrial plant expansion. Firms desiring to enlarge their plant facilities are often compelled to relocate at points remote from the core area, thus aggravating the already serious lack of job opportunities existing in the downtown sections of the city.

Under this amendment residential housing would continue to have a priority position for air rights benefits. However, where the development of air rights would seem to be unsuitable for residential purposes, as for instance over railroad rights-of-way and railroad marshaling yards, it would permit their development for industrial purposes.

THE FOREIGN ASSISTANCE ACT OF 1966—AMENDMENT

AMENDMENT NO. 704

Mr. **KENNEDY** of New York (for himself and Mr. MUNDT) submitted an amendment, intended to be proposed by them, jointly, to the bill (S. 3584) to amend further the Foreign Assistance Act of 1961, as amended, and for other purposes, which was ordered to lie on the table and to be printed.

(See reference to the above amendment when submitted by Mr. KENNEDY of New York, which appears under a separate heading.)

ADDITIONAL COSPONSORS OF RESOLUTION

Under authority of the order of the Senate of July 12, 1966, the names of Mr. ANDERSON, Mr. BAYH, Mr. CASE, Mr. CLARK, Mr. DOUGLAS, Mr. FULBRIGHT, Mr. INOUYE, Mr. JAVITS, Mr. KENNEDY of New York, Mr. MCINTYRE, Mr. RIBICOFF, Mr. ROBERTSON, Mr. SMATHERS, Mr. SYMINGTON, Mr. WILLIAMS of New Jersey, and Mr. YARBOROUGH were added as cosponsors of the resolution (S. Res. 282) to authorize a study of needs and costs of remedial action to restore the original Capitol, and of the west-central front extension of the Capitol, submitted by Mr. PROXMIRE (for himself and other Senators) on July 12, 1966.

ADDITIONAL COSPONSOR OF BILL

Mr. **TALMADGE**. Mr. President, I ask unanimous consent that, at its next printing, the name of the Senator from Kansas [Mr. PEARSON] be added as a cosponsor of the bill (S. 3641) to amend the Internal Revenue Code of 1954 to allow teachers to deduct expenses incurred in pursuing courses for academic credit and degrees at institutions of higher education.

The **PRESIDING OFFICER**. Without objection, it is so ordered.

ANNOUNCEMENT OF HEARINGS BY SUBCOMMITTEE ON PARKS AND RECREATION OF THE COMMITTEE ON INTERIOR AND INSULAR AFFAIRS

Mr. **BIBLE**. Mr. President, for the information of interested Senators and other persons, I take this opportunity to announce hearings by the Subcommittee on Parks and Recreation of the Committee on Interior and Insular Affairs:

July 27, 1966: S. 1607, to increase the appropriation authorization for the Point Reyes National Seashore in the State of California.

August 9, 1966: S. 295, to establish the Guadalupe National Park in the State of Texas.

August 17, 1966: S. 2962, to establish the Redwood National Park in the State of California.

ENROLLED BILL PRESENTED

The Secretary of the Senate reported that on today, July 25, 1966, he presented to the President of the United States the enrolled bill (S. 2948) to set aside certain lands in Montana for the Indians of the Confederated Salish and Kootenai Tribes of the Flathead Reservation, Mont.

THE WORLD PRESS INSTITUTE

Mr. **DIRKSEN**. Mr. President, on the completion of its fifth full year of operation, I would like to hail the excellent work done by the World Press Institute.

The institute provides the means by which outstanding foreign newsmen may become better acquainted with the United States and with its people.

Located at Macalester College, St. Paul, Minn., the institute provides fellowships for working newsmen from foreign countries who are flown to the United States for an enriched academic program at Macalester College. This is followed by a combination of internship on American newspapers, magazines, television stations, and group and individual travel to provide a perspective in depth of important aspects of American life so these newsmen may get to know us better.

The professional and personal contacts thus made and these friendships contribute much to mutual understanding.

The institute is privately sponsored by: American Motors Corp., the Coca-Cola Export Corp., the General Foods Fund, General Mills, Hammond Organ Corp., Hilton Hotels, the Johnson Foundation, the National Cash Register Corp., Pan American World Airways, the Procter & Gamble Fund, Radio Corp. of America, the Reader's Digest Foundation, Signode Corp., Standard Oil Co. of New Jersey, and Whitney Communications Corp.

I salute the institute, its personnel and its students and wish them all well.

A REPORT ON PROGRESS IN ALASKA

Mr. **GRUENING**. Mr. President, a thoughtful summary of the progress which Alaska has made 7½ years after the achievement of statehood was published in the New York Times yesterday. It was written by its knowledgeable west coast correspondent, Lawrence E. Davies, who has been to Alaska many times and is now writing a series of excellent articles on some of its developments.

While the confidence of all of us who supported statehood as absolutely essential to Alaska's progress has been fully vindicated, it is clear that the consequences of 92 years of stepchildhood in large part still remain and need to be liquidated. Much catching up remains to be done, particularly in the field of transportation, because of Alaska's total exclusion from the Federal highway aid legislation since it was first enacted in 1916 until 1956. Alaska was thereby condemned to the unique plight, unthinkable in any of the older States, of having not merely a few but the majority of its communities unconnected with any other by highway or railway, a situation which must be rectified if Alaska is really to progress as it should.

In the field of maritime transportation, through which virtually all of Alaska's freight moves, a crippling discrimination was fastened on Alaska in the so-called Jones Act, as it is known in Alaska, officially known as the Merchant Marine Act of 1920, as a result of which a steamship monopoly was imposed on Alaska, and in consequence, freight rates have been astronomic and have been reflected in the high cost of living in Alaska. That situation has been partially rectified by competition to the westward part of Alaska, but the burden of excessive freight charges continues in southeastern Alaska, where, despite the shorter haul from Seattle, the existing steamship monopoly exact rates higher than they are for the much longer distance to the westward ports of Whittier, Seward, and Anchorage.

Power development, which is obviously needed, is virtually nonexistent. While in the lower 48 States such great dams as Hoover, Grand Coulee, and Bonneville, and the rest which dot our Western States have supplied low-cost power to the areas, to date less than one-fourth of 1 percent of Alaska's hydro potential has been developed. The great dam at Rampart on the Yukon, which would have an installed capacity of 5 million kilowatts and would supply power at the bus bar at 2 cents a kilowatt, is being inexcusably delayed in the Interior Department. The Corps of Engineers completed its study over a year ago and has been waiting for the Interior Department's report, which has been repeatedly promised but has not been forthcoming. The Snettisham power project, sorely needed for the Greater Juneau area which is already suffering occasional "brownouts" and also to take care of the great St. Regis Paper Co. projects in the Tongass National Forest, was deleted from the budget as one of the economies believed to be necessitated by our military expenditures in southeast Asia. Clearly, however, this is not an economy, since this power project would produce revenues far in excess of its cost, which indeed rather than an expenditure is in effect a loan repayable through the years from the revenues derived from the sale of electric current.

So, Alaska, because of the near century of neglect and discrimination as well as the continuing obstructive policies of certain Federal agencies, still has a long way to go, but its prospects justify optimism, particularly in view of its initiative in developing trade with Japan and the Orient, which will furnish markets for Alaska's raw materials not found under our own flag.

I ask unanimous consent that the article by Lawrence E. Davies, which appeared in the New York Times of Sunday, July 24, 1966, entitled "Alaska Thriving Under Statehood," be printed at this point in my remarks.

There being no objection, the article was ordered to be printed in the Record, as follows:

[From the New York Times, July 24, 1966]

Alaska Thriving Under Statehood: Business Volume Doubles Since 1958, but Economists See Growth Slowing—Investments on Rise—While Mainland Companies Join in Ventures, Area Also Looks to Japan

(By Lawrence E. Davies)

Anchorage.—Out in the Kobuk River region of northwestern Alaska a promising new mine has been sunk to a depth of almost 1,000 feet by the Kennecott Copper Corporation.

In southeastern Alaska the St. Regis Paper Company is weighing a fill site selection after having bid in the biggest block of timber ever sold by the United States Forest Service.

In the Anchorage area the oil industry is booming and new plants are in prospect—one to liquefy natural gas for export to Tokyo.

These are the kinds of industries—"the big guys," as a Federal economist put it—that Alaska assertedly needs to provide large private capital for its economic growth.

Gov. William A. Evans beams as he talks of the first seven and one-half years of statehood, of grappling with "tremendous transitional problems" and of growth in the private segment of the economy.

BUSINESS ON RISE

He quotes in interviews and speeches his favorite set of statistics to illustrate the condition of Alaskan economy:

"In 92 years under the American flag Alaska experienced a business growth that reached a gross volume of $577-million in 1958, the last territorial year. By 1965 it had more than doubled. Alaskan businessmen last year reported a business gross of $1.24-billion. And this excludes commercial fishing, oil and gas, mineral developments and the liquor industry. This is the business done by people who, under business license tax regulations, have to report sales and other monies received."

Although it is hard to find an Alaskan who discounts the state's potential, economists say its pace is settling down after last years' heavy post-earthquake reconstruction. Unemployment, one economist noted, had risen to 8 per cent. On the other hand, despite the tight-money situation, a big shopping center is rising along Northern Lights Boulevard outside Anchorage's central business district, and other buildings are under way.

SPURT IN EXPLORATION

This year is producing an unusually heavy spurt in exploration of minerals. Senator Ernest Gruening, Democrat, of Alaska and chairman of a Senate subcommittee on mines, materials and fuels, just escorted a party on a week's tour of Alaska and parts of British Columbia and the Yukon Territory. He wanted to acquaint the Interior Department officials and geologists with the thriving mining projects across the border and show how Canada helped prospectors and developers through tax relief and in other ways.

Several Interior Department attachés who had not seen Alaska before were described as "having their tongues hanging out over its potential."

Of the Kennecott copper mine, which the party inspected, Senator Gruening reported: "The corporation has spent $7.5-million on it and expects to spend another $7.5-million."

A visitor to Alaska frequently hears variations of this remark:

"If you really wanted to develop Alaska, you'd cede it to the Japanese and you'd see 10-million people here in three days." (The state's population is estimated at 260,000 including military personnel.)

Dr. Douglas Jones, economist of the Federal field committee for development planning in Alaska, said the state "has all the things Japan needs."

"There is a great need," he asserted, "for Alaska to look westward to Japan, also over the Pole to Europe, not southward to the rest of the United States."

The Japanese established a pulp mill at Sitka several years ago, and they have other Alaska timber interests, as well as fish canning, and are looking to the oil and gas business.

The Federal field committee, under the chairmanship of Joseph H. Fitzgerald, was set up last year with 10 Federal agencies represented. A closely watched experimental group, it is charged with coordinating the Federal planning of Federal agencies and with integrating Federal planning with state planning.

RUNDOWN OF ECONOMY

Dr. Jones, who was professor of economics for five years at the Air Force Academy, gave these thumbnail characterizations of individual Alaskan industries:

Gas and oil—"In good shape."

Timber—"In good shape."

Fisheries—"Still the largest income earner but a tough problem."

Agriculture—"Slipping."

Power—"We need low-cost power." A model system will be shown in a power survey in February.

Communications—"The sale of the Alaska communications system [now operated by the Air Force] would mean lower rates and better service."

Transportation—"A great revolution is going on. Our view is we've got to have government abstain and let competitive modes fight it out."

Dr. Jones added: "Alaska's progress will go as fast as the United States Government wants it to go. It's not national policy to juice up the economy but to let it experience the normal ebbs and flows of economic activity."

He called high prices a key problem and said that under study was a proposal to penalize the hoarding of unused land by taxing it progressively higher the longer it was held. He favored Alaska's letting Canada have a corridor through this state to the sea, for "commerce begets development."

ALASKA MOVES AHEAD

Mr. BARTLETT. Mr. President, it is less than 8 years since the Territory became the 49th State of the Union yet during that time business volume in Alaska has doubled and the prospects for the years ahead are bright and cheering.

All this is described in the article written by Lawrence E. Davies, Times bureau chief in San Francisco. Mr. Davies is especially well qualified for the task he undertook. He travels to Alaska regularly and his articles are objective, well written, and informative.

In the one which was printed yesterday, Mr. Davies tells, among other things, how my colleague, Senator Ernest Gruening, chairman of the Interior Subcommittee on Mines, Materials and Fuels, led a party of high-ranking Interior Department officials concerned with mining to Alaska during the 4th of July recess. Not only did they examine into the present mining situation in Alaska, and inquire about its potential, but they traveled over to the Yukon Territory to make a comparison between the booming Canadian mining economy and that on the American side which, matched against Canadian progress, is in a depressed state.

ONE HUNDRED THOUSAND DOLLAR BUSINESS CITIZENSHIP COMPETITION

Mr. MUNDT. Mr. President, on March 2 of this year, a truly unique project was launched by the American Security Council: a $100,000 essay competition to produce the best possible thinking in the country on the role of American business in the cold war. The response has been explosive. At last count, the American Security Council has distributed over 150,000 rules booklets explaining the regulations of the competition and containing entry blanks. In addition, more than 220 colleges and universities are now cooperating in the essay competition, as well as a series of ASC studies on the cold war.

Anyone may enter: students, professors, business executives, housewives, union officials, and government employees. And it is most heartening to learn that so many Americans have responded to this challenging problem.

As the ASC has stated:

> Our challenge (in this country) is to find the most effective way of recruiting and using the talents and resources of business in the global battle for men's minds.

Unquestionably, the sales, advertising, and public relations talents of American business have not been effectively utilized in this battle. The United States is famous for being able to sell iceboxes to Eskimos or California wine to Frenchmen, but we have not been as effective as we can be in selling freedom and democracy around the world.

The American Security Council calls the cold war a "psychological hot war," waged by communism to shape and influence the actions of freemen. The United States has proved time and time again its ability to win a shooting war, but a talking war, for some reason, puts us on the defensive. It is past time that we took the psychological offensive, and it is obvious that the American business community can be most helpful.

It is, in fact, the responsibility and duty of American business to cooperate in every way possible. As the national Governor's conference report on cold war education stated:

> The American right to engage in private enterprise, like the right of citizenship itself, is balanced by a responsibility to defend and strengthen the system which makes free enterprise possible.

The competition will be conducted by the American Security Council under a public service grant from the Schick Safety Razor Co., which I believe should be commended for its action. The top five individual awards are $25,000, $10,000, $7,000, $5,000, and $2,500, while grants equal to these awards will be given by the Schick Co. to cooperating organizations, colleges, and universities named by the award winners. One thousand medals will also be given as special awards.

Entries are to be in the form of essays which may run from 10 to 20 single-spaced typewritten pages. The winning papers will be published as the appendix of "The Business Gap in the Cold War"; the second in the American Security Council's series of studies on "Peace and Freedom Through Cold War Victory." Entries must be mailed before December 31, 1966.

The contest will be judged by a most distinguished committee headed by Robert W. Galvin, chairman of the board of Motorola, Inc. Information and entry forms may be obtained by writing to Business Citizenship Competition, care of American Security Council, 123 North Wacker Drive, Chicago, Ill. 60606.

Mr. President, we have all heard about various "contests" that feature prizes and gimmicks ranging from a new refrigerator to a 2-weeks vacation in Paris. It occurs to me that the prizes of this ASC competition could be the blueprint for a "grand design" to end the cold war and help secure freedom for the entire world.

AID TO DAIRY FARMERS ESSENTIAL IF WE ARE TO MEET FUTURE FOOD NEEDS

Mr. PROXMIRE. Mr. President, today the House Agriculture Committee will try to resolve the question of which House committee, Agriculture or Education and Labor, will handle the child nutrition bill recently passed by the Senate. This is a most important question, for it affects thousands of dairy farmers who benefit from the school milk program. If this legislation is not approved this year, the milk program, which is extended under section 13 of the child nutrition bill, could expire next June 30. As a result, more dairy farmers may be forced off the farm.

This would be disastrous at a time of dwindling milk production, especially in view of Secretary Freeman's comment yesterday on "Meet the Press" that the full production capacity of America's farmers may be called into use in the next 5 years. With a continuation of the outflow from the dairy farm, this Nation simply will not be able to meet increased milk needs imposed by the population explosion. This is why the school milk program, which accounts for 2.5 percent of the Nation's milk production is essential if the dairy farmer is to be provided an adequate income.

SOUND AND FURY IN OUR STREETS

Mr. BYRD of West Virginia. Mr. President, an editorial which appeared in the Wheeling, W. Va., News-Register of July 21, refers to the civil strife which has been occurring in some of the large cities throughout the country, and States that hoodlums, rabblerousers, and malcontents have seized upon the civil rights struggle to terrorize, loot, and destroy in a wave of lawlessness which shocks all decent citizens of every of race. The editorial, titled "Sound and Fury in Our Streets," goes right to the point when it says:

> It is time to put away the spectacular displays and civil disobedience and begin instead to show respect for law and order, the true mark of maturity.

I ask unanimous consent that the editorial be printed in the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

SOUND AND FURY IN OUR STREETS

> This is the long hot time of the year and the sound and fury of civil strife in our country grows ever louder. There is pillage and disorder in the cities and violence and death in the streets.
>
> It is an ugly mood that has sprung from the civil rights movement. Hoodlums, rabble-rousers and malcontents have seized upon the rights' struggle to terrorize, loot and destroy in a wave of lawlessness which shocks all decent citizens of every race.
>
> What is so terribly disappointing is that this new upheaval with its overtones of "Black Power" comes despite all that has been done in the last couple of years to aid the Negro cause. It seems that the more civil rights legislation put on the statute books, the more Federal money poured into attempts at Negro betterment—the more the bitterness and rancor increases.
>
> Maybe it is true that too much was expected too soon. Maybe in the beginning the promises were too glowing. Maybe there were false prophets among us spreading idle dreams of instant change. But it is time to remember as the Wall Street Journal noted that not all the Federal aid or private help imaginable can lift the Negroes as a group into "instant contentment."
>
> Those who portray themselves as leaders in the civil rights movement need take a more responsible stand; one with emphasis on enlightenment and a more personal involvement with the individual. There is so much to be done today that it is criminal that the hours are being wasted in nonproductive demonstrations, marches, violent rioting and the preaching of hate. Let the leaders turn this energy and drive towards meaningful help while spreading the brotherhood of man.
>
> When we consider the restraint and fair-mindedness with which a great majority of Americans have reacted to the revolution in racial relations there is reason to be proud of our country. We cannot allow a minority of the minority to spoil and foul the progress being achieved. It is time to put away the spectacular displays and civil disobedience and begin instead to show respect for law and order, the true mark of maturity.

THE FORGOTTEN MEN

Mr. BARTLETT. Mr. President, on June 27 the House approved a bill to provide a salary increase for the policemen and firemen of the District of Columbia. This authorization bill is now pending before the Senate District of Columbia Committee.

As a member of the District of Columbia Appropriations Subcommittee, I urge early enactment of this necessary and important measure.

The District police and firemen are not covered by the Federal pay raise bills which we approved last year and this. They did not receive last year's pay raise of 3.6 percent nor are they scheduled to receive this year's pay raise of 2.9 percent. They are the forgotten men.

This bill, H.R. 15857, will give them the pay raise which they deserve and which we need. I say we need this pay raise for our police and firemen because we need as efficient, effective, and able a metropolitan police force and fire department as it is possible to obtain.

Recent events in such cities as Chicago, Cleveland, Los Angeles, and Philadelphia, Miss., make clear how important a competent, fair, and trustworthy police force is to the public safety.

The right to protest is an inherent part of our system. The frustrations caused by hereditary poverty in the urban ghettos is obvious. Nothing is served, however, when this frustration and protest passes into violence and rioting.

Obviously we must heed the protest and work to remove the causes of the frustration. Equally obvious is the importance in maintaining a strong and impartial police force.

We have such a force here in Washington. The men and officers of the Metropolitan Police Force have a difficult job and they do it well. Their excellent record has been made in spite of the fact that the forces are underpaid and understaffed. There are today over 200 vacancies on the authorized 3,100 man force. Despite constant recruitment efforts, the department has been unable to obtain enough qualified candidates. As the President said in his budget message this year "an increase in the salaries of policemen is necessary to bring the police force to its currently authorized strength."

The rate of crime is increasing every year. Prices and wages are going up. If our police force is to cope with the crime it must be paid fair wages—wages comparable with policemen elsewhere and with other professions.

U.S. BALANCE-OF-PAYMENTS DEFICIT IS INCREASING

Mr. HARTKE. Mr. President, the U.S. payments deficit is mounting once again. And the struggle to achieve international monetary reform before the complete disruption of the present world money system continues to be bogged down. Under the pressure of ever rising Vietnam expenditures, the administration's voluntary program of restrictions on U.S. dollar flows grows more apparently bankrupt every day. As documented by Edward Cowan in today's New York Times, this economic bankruptcy is matched by the political bankruptcy of the administration's effort to lead the free world to rational and liberal monetary reform.

Mr. Cowan reports from Brussels that the deputies of the major economic and financial powers—the Group of Ten—have completed their study of reform proposals "without a recommendation for a second stage of planning." In other words, our major partners in the world economy, from France to Japan, have decided—with or without our concurrence—to shelve the issue of monetary reform.

> U.S. officials—

Mr. Cowan goes on—

> continue to express confidence that there will be a second stage, but they do not specify how or what it might evolve.

This is whistling in the dark by a nation which has been left holding the bag.

For the bag is our unprecedentedly tight peacetime restrictions on the flow of capital to those economies which must continue growing if we are to prosper—but who cannot grow on the basis of their domestic savings supply alone. The U.S. commitment to international monetary reform was made 1 year ago as a determination to plan ahead against the deflationary and disruptive impact of a cutback in the dollar outflow. For the same reason, the program of capital flow restrictions was conceived, presented, and justified as a temporary program, to give us the bargaining power to lead the world to forward-looking, progressive reform of its financial and monetary system. Today, 1 year later, we face the reality: We have not achieved a cutback in the dollar outflow great enough to give us the bargaining power we need—although we have succeeded in dislocating every money and capital market from New York to Tokyo. We are stuck with a "temporary" program which looks every day like becoming more permanent. And we are not one practical step closer to the kind of international monetary reform we all know that the world needs.

I ask unanimous consent that the New York Times article of July 12, "Monetary Study Omits Planning," by Edward Cowan, be printed in the CONGRESSIONAL RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the New York Times, July 12, 1966]

MONETARY REPORT SILENT ON PLANNING

(By Edward Cowan)

BRUSSELS, July 11.—The deputies of the world's 10 leading financial powers, which together make up the so-called Group of Ten, have finished a draft report on international monetary reform without a recommendation for a second stage of planning.

United States officials continue to express confidence that there will be a second stage, but they do not specify how or what it might evolve. Washington envisages as a second stage the inclusion in the consultations of additional nations, including semideveloped and underdeveloped countries.

The basic coolness of some European monetary authorities to enlarging the forum has been reinforced by the latest balance-of-payments difficulties of the United States and Britain.

What happens next will be discussed by the finance ministers of the 10 industrialized countries in The Hague on July 25–26. They are Belgium, Canada, France, West Germany, Italy, the Netherlands, Sweden, Britain and the United States. It is possible that the question will not be resolved before the annual meeting of the International Monetary Fund in Washington in September.

U.S. SEEKS RESERVE ASSETS

Treasury Secretary Henry H. Fowler is expected to seek to rally support for continuation of the planning of a new type of reserve asset to be held by central banks. It is thought doubtful, however, that he would be able to muster a commitment to a brisk pace.

The United States has achieved some success in winning support for its view that the new source of liquidity should be linked to the Monetary Fund. In general, Washington has sought to avoid development and management of a new asset in such a way that the have-not nations would be excluded entirely.

The deputy ministers completed the drafting of a report to their chiefs in two long evening sessions last Wednesday and Thursday in Paris.

On an undisclosed number of points the report reflects not a consensus but different views of technical possibilities.

DETAILS UNRESOLVED

Still unresolved, for example, are whether and how a new reserve asset would be linked to gold and how the new device would be administered. These are among the most difficult points, politically and technically, and it is doubtful that they will be decided for some time.

Participants said the drafting sessions have led to a less theoretical and more pragmatic approach, one that has been tending increasingly toward tying in the new asset with the Monetary Fund.

What is slowing down the exercise is the concern in some European capitals, notably in Paris and Brussels, that development of an alternative asset to dollars and pounds sterling will diminish the resolve of Washington and London to eliminate their payments deficits.

Other countries, such as the Netherlands and West Germany, while attaching equal importance to eliminating the deficits are more sympathetic to the United States view that "contingency planning" is desirable.

Because of these differences and because the second-stage question has important political aspects, the deputies are believed to have avoided a full-blown debate on this point.

The new type of credit is seen as a hedge against a shortage of liquidity if and when the United States by balancing its international payments, ceases to add to the dollar balances of the rest of the world. Some Europeans fear that it would come into use before such equilibrium was achieved, thereby easing the threat to American gold reserves and thus weakening the impulse in Washington to trim the dollar deficit.

WESTERN ART AND WONDERFUL WYOMING

Mr. SIMPSON. Mr. President, Wyoming has been richly blessed with men and mountains and an appreciation of both. Nowhere in the world are there mountains to compare with the Tetons of northwestern Wyoming, and nowhere in the world is there a better display of the past and present splendors of western art than in Cody, Wyo., a city which lies on one of the principal routes into Yellowstone Park and the Teton country.

Recently, Wyoming newspapers published two articles by Max Jennings, the bureau manager of United Press International's Wyoming office. In addition to being topnotch feature journalism, the articles tell of the creation of the Whitney Gallery of Western Art in Cody and the acquisition of the most exemplary collection of western art in the United States, principally through the genius of gallery director Dr. Harold McCracken. Mr. Jennings' second article deals with the preeminent western artist Conrad Schwiering, who lives in and paints the splendor of the Teton Mountains.

Mr. President, I ask unanimous consent that these two articles be printed at this point in the RECORD.

There being no objection, the articles were ordered to be printed in the RECORD, as follows:

[From the Cheyenne (Wyo.) State Tribune, July 20, 1966]

TOP WESTERN ARTIST USES TETONS IN HIS PAINTINGS

(By Max Jennings)

JACKSON, WYO.—He works from dawn to dark, whenever the mood on the mountain is right, but there's still not enough time for his job that's his hobby and everything else.

Conrad Schwiering, 50, has chosen to spend his life painting story book mountains is too much for most persons to believe until they see for themselves. And as the Tetons of northwestern Wyoming become better known, so does Schwiering.

"If you have not experienced these mountains you don't believe them," Schwiering says.

The Jackson artist, considered one of the best in his field by western art authorities, waves an arm at the snow-topped mountain range jutting into the sky around his home, and explains the mountains he loves also are sometimes a problem.

Many persons, particularly easterners, "don't believe mountains like these exist," Schwiering says. "They're almost story book mountains.

The mountains are becoming more and more famous, thanks largely to the increase in tourists.

"I'm enjoying a chance to rise on that wave" Schwiering says.

That's not to mean Schwiering already hasn't earned a firm place among contemporary western artists.

Dr. Harold McCracken of Cody, Wyo., director of the Whitney Gallery of Western Art and author of 28 books, says Schwiering is one of the best.

"I think he's tops," McCracken says. "I don't think anyone has done a better presentation of the Rocky Mountains of that area."

Schwiering himself seems a little amazed at the compulsion driving him to do his work.

"Art is an insidious sort of thing," he said. "It gets hold of you and it just won't let you go. It makes you keep digging deeper and deeper. Time doesn't mean anything."

Schwiering says his wife has learned this, too.

"Now she just doesn't cook anything until she sees me coming in the door. Once I start painting it's like trying to turn off a volcano once it starts to erupt."

He says painting doesn't necessarily mean working when "my mood is right, but when the mood on the mountain is right."

Schwiering feels his career was guided largely by his father, Dr. O. C. Schwiering, a former dean of education at the University of Wyoming.

The elder Schwiering took his son into the mountains often to fish.

"I owe, I'm sure, my love for this great country to him," Schwiering says. "He didn't ever cross a stream that he didn't stop and tell me this flower was a buttercup . . . it was just part of the education of growing up."

Schwiering says now, though he literally can't go fishing.

He says he can toss a fly on the water, and then "I see a beautiful reflection or a rich color underneath it and I've had a strike." The artist, who often paints in western clothes and spends a lot of time outdoors, considers it "a funny thing to have a profession that is your hobby, too. I really get a great deal of joy out of my work."

Schwiering majored in commerce at the University of Wyoming but took all the fine arts courses offered as an art minor.

He went to New York to study for two years.

"I went back there to study with people—not to study in a class," he said. "I really think this is the way everybody ought to go to school."

In New York Schwiering met Charles S. Chapman, a man who influenced him profoundly. Schwiering says Chapman, a master, taught him a philosophy of painting along with the mechanics.

"Mr. Chapman said to me one day, 'Connie, why don't you go home?'" Schwiering said. "I said, 'I'm just now getting to the point when I paint a picture of the model it looks like the model.'"

Schwiering said he told Chapman he came to get the fundamentals and Chapman told him, "You got 'em boy."

Art experts, western art collectors and people who love the Tetons agree.

[From the Cheyenne (Wyo.) Eagle, July 19, 1966]

WHITNEY ART GALLERY PORTRAYS OLD WEST

(By Max Jennings)

CODY.—In 1959, the Whitney Gallery of Western Art was completed—a beautiful, half million dollar building that is—and turned over to a director who "didn't have $5 acquisition money."

The insurance inventory at the Whitney Gallery at Cody today is $3.5 million, more than $2 million owned by the museum.

A little town of less than 5,000 nestled at the foot of the mountains in northwestern Wyoming hardly is the place for an art gallery, it would seem, but it turns out it must be exactly at the right spot.

Last season, from June through August, 237,000 persons paid from 50 to 75 cents each to tour the gallery and the nearby Buffalo Bill Historical Center.

Moneywise, the attendance alone has made the gallery big business—to the point where it has paid all its expenses with some left over.

ATTENDANCE INCREASING

And on the side of art, the attendance was even more phenomenal, one of the best of any gallery in the nation.

This year during June, the attendance was up 18 percent over the same period in 1965.

"Our attendance has been increasing at an amazing rate ever since we opened," says Dr. Harold McCracken, director of the gallery who also happens to be the author of 28 books and a preeminent authority on western art.

"The museum paid its own way the first year it was opened," McCracken said.

McCracken is not likely to forget that first year or the moment he took the job as director of the gallery. He had lived in the East a number of years but came to Wyoming regularly to stay at a ranch and write.

He was ready to board a plane to go back to New York when officials of the newly built gallery rushed out to the airport and offered him a job.

McCracken reviewed his secure career, took a look at the mountains around him, "and in two minutes I said yes."

Said McCracken, "I had come to the point of making a respectable living from my books." But he was lured by the challenge.

TRUST FUND

"I didn't have $5 acquisition money when I took this place over," he said.

Gertrude Vanderbilt Whitney set up a trust to provide funds for an art gallery to be built near her bronze statute of "Buffalo Bill," dedicated in 1924.

In 1959, the gallery was put up at a cost of about a half million dollars, but there was no provision for funds to acquire art to put in the museum.

When McCracken was hired, he was told he had four months to get ready for a grand opening. He took one look at the bare walls of the new building and agreed.

"I had a lot of friends," he said, "and they all came to my rescue."

Long days McCracken was on the telephone and writing letters, trying to get donations of art for the gallery.

"I knew where the material was," he said. "That was my advantage. I just kept phoning and sold them on the idea that this was a contribution to the story of the Old West . . . and what is represented, and they were sympathetic."

The art treasures began to arrive from all parts of the nation.

"I had a half million dollars of Western art in one van," McCracken said.

OWNS $2 MILLION

Now that the museum owns more than $2 million in Western art and has more than another million on loan, McCracken says, "we're only getting started. The building already is too small—much too small."

The non-profit gallery has grown largely through word of mouth and because of its location near the east gate of Yellowstone National Park. There never has been a paid publicity worker.

What has been done to publicize the gallery was by McCracken himself.

"I think the fact that we have specialized has had something to do with our success," McCracken says. "When people come to the West, they want to see the West."

Too, McCracken says, the museum has largely developed itself.

"We have presented something worth seeing," he said. "It is the first museum that has ever been dedicated entirely to the collection and exhibition of documentary art of the Old West."

Critics agree about the museum. Said one, "there has never been a more comprehensive exhibit of Western Americana anywhere."

THE ATOM AND THE LAW—ADDRESS BY ATOMIC ENERGY COMMISSIONER JAMES T. RAMEY

Mr. JACKSON. Mr. President, on April 28, Mr. James T. Ramey, a member of the U.S. Atomic Energy Commission, addressed a meeting of the Chicago Bar Association in Chicago, Ill., on the subject, "The Atom and the Law—Circa 1966." Because of the importance of his remarks, I thought every member of the Senate should have an opportunity to have the benefit of Commissioner Ramey's outstanding speech.

Commissioner Ramey, prior to becoming a member of the Atomic Energy Commission, was a longtime employee of the Commission and subsequently served as Staff Director of the Joint Committee on Atomic Energy prior to his nomination as a member of the Commission.

I ask unanimous consent that the text of this address be printed in the RECORD.

There being no objection, the address was ordered to be printed in the RECORD, as follows:

THE ATOM AND THE LAW—CIRCA 1966

(Remarks by James T. Ramey, Commissioner, U.S. Atomic Energy Commission, at a meeting of the Chicago Bar Association, Chicago, Ill., April 28, 1966)

Introduction

It is always a pleasure to come back to Chicago, especially when there is an opportunity to talk with fellow attorneys about the status of the atom and the law.

It is hard for me to realize that I have been working in various capacities in this vineyard—or thicket as it has sometimes been called—for about 20 years. Perhaps, since I shall be referring to some teachings of Professor Karl Llewellyn, my former mentor at Columbia Law School, it might be appropriate to use his term, "bramble bush." At any rate, almost half of that time was spent in Chicago, and the last ten years have been spent in Washington.

While living and working in the Chicago area, it was my privilege to serve with the first Atomic Energy Law Committee of this Bar Association, and to conduct a seminar at Northwestern Law School on the problems of the then fledgling civilian nuclear industry. One of my public appearances here was to give a paper at the Institute on "Impact of Atomic Energy in the Law," sponsored by your bar association and others in September 1956.[1]

The intervening decade has been a period of great growth and progress in the peaceful nuclear program. During this period, the civilian nuclear industry has emerged as a strong and vigorous entity.

CIVILIAN NUCLEAR PROGRAMS

The Chicago area has been able to witness firsthand the rapid development of nuclear power because of the activities of Commonwealth Edison which are, to a great extent, based on the design and development work of Argonne National Laboratory and commercialized by the General Electric Company. The Dresden I plant at nearby Morris began operation in 1959, producing about 180,000 kilowatts. Dresden II is now under construction, and the company has announced plans for Dresden III. Each of these two stations will generate more than 700,000 kilowatts, and they will represent a total investment of about 155 million dollars. But that's not all. Early this month, Commonwealth Edison and the Iowa-Illinois Gas and Electric Company announced they will build another 715,000 kilowatt station, costing about $80 million.

This activity here in your area reflects the widespread acceptance of nuclear power by utilities. It may seem strange that just three or four years ago, we were concerned because nuclear power growth appeared to be lagging. But since then, plants have been scaled up in size, and the economics have improved. Also, industry has become increasingly confident of nuclear power because of the success of such demonstration plants as Dresden I, Yankee, and Shippingport.

So, today the outlook is very good. Since January 1965, utilities have contracted for 14 new nuclear stations involving a total investment of about 1.2 billion dollars. The fact that businessmen will commit money on this scale indicates that nuclear electric power is no longer solely an experimental venture. It is an economic reality.

But we are, of course, pressing on in our research and development program. For example, we are concentrating on improved advanced converter and breeder reactors which will utilize our raw material resources more efficiently.

One of our advanced programs of great interest to me is the concept of using nuclear energy to desalt seawater. We are cooperating in this field with the Department of the Interior. It appears that very large nuclear plants can serve two purposes—they can produce fresh water as well as electric power.

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[1] James T. Ramey, remarks at the Institute on "Impact on Atomic Energy in the Law," entitled "Atomic Energy and Government Institutions," Chicago, Illinois, September 25, 1956.

One of our most promising domestic engineering studies has been conducted in cooperation with the Metropolitan Water District of Los Angeles, the organization which built and operates an aqueduct system from the Colorado River to Southern California. It is possible that the MWD with Federal assistance will start a dual-purpose project involving 1500 MW of power and 150 million gallons of water per day within the next year or so. Nuclear desalting is of great interest to a number of other countries and we have several cooperative programs of study. Israel, for example, has critical water problems and we have recently completed, with the Israeli Government, a joint engineering study on the technical feasibility of a dual-purpose plant there.

There are a number of other interesting applications of atomic energy that I would like to mention in passing. I am sure you are aware that radioisotopes are in widespread use in medical diagnosis and therapy, in industry, and in basic research. Also, because of the unique characteristics of isotopic power sources, radiation is providing energy for a number of uses—including satellite systems, navigational aids, and remote weather stations. And even the possibilities of a small isotopic unit which could provide pumping power for an artificial human heart are being considered.

One of our most promising efforts at present in the space field is the Rover Program, in which we are developing a nuclear rocket engine in cooperation with the National Aeronautics and Space Administration (NASA). Because a nuclear rocket can supply power for relatively long periods of time and lift twice the payload of a conventional rocket, the nuclear rocket will someday provide the energy for long-range space missions to the moon and the planets.

I wanted to discuss some of these activities to indicate the scope of our work. Although we still have many defense responsibilities, much of our work is devoted to the beneficial applications of the atom. At the present time, about half of our operating budget is spent on civilian programs. This indicates the tremendous versatility of nuclear energy as a useful tool—and we have barely scratched the surface.

Against that background, then, let us discuss the atom and the law.

THE ATOM AND THE LAW

History

Twenty years ago the Atomic Energy Act of 1946 became the law of the land. Its drafters, deeply concerned with the effects of this awesome force on the future of our civilization, stated in the opening provision of the Act:

"It is reasonable to anticipate that tapping this new source of energy will cause profound changes in our present way of life."[2]

There were some who thought that the law would be among those institutions which would be profoundly affected by the atom. I recall hearing of a prediction that the introduction of atomic energy to modern society would generate more legal problems than the advent of the airplane. Others disagreed. In the latter category was Gordon Dean, second Chairman of the AEC, who made the following comment in a 1951 speech:

"Despite the scope and significance of the atomic energy program, the events which have followed the first splitting of the uranium atom up to now have hardly left a dent on the substantive law of this country, on the procedural law, or for that matter on the work habits, the interests, the business or the specialties of the practicing lawyer."[3]

I suspect that the truth lies somewhere between these two extremes. Certainly, there are some unusual legal aspects involved. On the other hand, the feasibility of applying and adapting traditional legal doctrines to problems involving the atom has been amply demonstrated.

Before turning to the specific legal problem areas that I will discuss tonight, it may be useful to briefly sketch the unique structure in which the atomic industry is developing. As Senator ANDERSON, then Chairman of the Joint Committee on Atomic Energy, remarked in 1959:

"The atomic energy industry grew upside down; most industries begin on the local level, and come under Federal regulation only when they begin to spread across state lines and affect interstate commerce. The atomic energy industry, on the other hand . . . was nurtured and developed by the Federal Government."[4]

Born as a Federal Government monopoly, the nuclear industry today is in midpassage in converting to a system of Government-regulated private enterprise. However, even when the development and use of atomic energy was legally a Government monopoly, industry was very much involved. The pattern of Government-owned, contractor-operated plants and laboratories, established under the Manhattan Engineering District, was carried over by the AEC and remains the pattern today in the conduct of continuing very large Government operations. Paralleling this is a growing, privately financed industry which is subject to Federal regulation, particularly as to health and safety.

In considering our general progress—and specific problem areas—in atomic energy, I believe we should keep two themes in mind: (1) the effects of technology on the law and how technology can help solve legal problems; and (2) the functions and the interrelationship of lawyers and technical people in the complex nuclear field. It is my hope that a review of the problems we have encountered may be of some value in other new areas of technology such as space, air and water pollution control, oceanography, weather control, and the like.

Special problems

Some of the legal problems associated with the nuclear energy program arise from the Government's role as proprietor of a considerable industrial empire which is operated by that interesting institution the "Government Prime Contractor." The Commission has invested nearly $8.5 billion in capital facilities and its annual budget approximates $2.5 billion.

Other legal problems arise from the Commission's role in regulating a burgeoning new industry, and I will have more to say about this later. Still other problems derive from legislative efforts to establish conditions in which this important new industry can grow and thrive while, at the same time, the interests of the public are fully protected.

Let us first consider two problems that center around the unusual nature of atomic energy itself and the unique materials involved in its use. Of fundamental importance are the so-called special nuclear materials—plutonium and two uranium isotopes, U-233 and U-235. These are the materials which produce a chain reaction. These are used as fuel in nuclear power plants, and they are used in atomic weapons.

Control of special nuclear materials and of atomic energy in general was the major theme of the Atomic Energy Act of 1946. The foundation of the control structure formulated by that Act was governmental ownership of such materials. By the terms of the Act, "all right, title, and interest in or to" any such materials existing at time of passage of the Act or thereafter produced was vested in the Atomic Energy Commission. This was certainly a legal innovation. It is interesting to note that in 1954 when the Act was significantly amended to provide a better basis for peaceful nuclear development, the drafters inserted these words:

"It is essential to the common defense and security that title to all special nuclear material be in the United States while special nuclear material is in the United States."[5]

Yet, scarcely eight years later, that quoted finding was deleted, as new legislative changes were made to permit the private ownership of such materials. This was an instance of the statutory law being revised to reflect the realities of the growing atomic power industry and to provide a more favorable framework for the truly large-scale growth that lies ahead.

Despite these rather dramatic changes in the law, one would be very much in error to conclude that the Government had ceased to worry about the control of special nuclear material. The drafters of the 1946 Act were concerned with preserving what was hoped to be an atomic weapons monopoly. The Act specifically forbade permitting any person to have special nuclear material in such quantities and under such conditions as to permit the possibility of manufacturing a weapon.

Today, while we are equally concerned with the problem of proliferation of atomic weapons abroad, experience has shown practical ways to permit widespread dissemination of large quantities of special nuclear material for peaceful purposes. I shall return to the weapons proliferation problem later. Domestically, we have created a system of licensing, materials accountability, and inspection that will substitute for the Government monopoly of special nuclear material. These administrative mechanisms for preventing the diversion of special nuclear material are backed up by scientific techniques and instruments which enable us to verify information on these materials.

As special nuclear materials move in the direction of being legally treated more and more like ordinary materials in commerce, it will behoove lawyers to learn something about them. The AEC has already found that they can cause complex legal problems in contracts for their use as fuel in nuclear power plants. Without dwelling at length on this subject I will simply note that these materials are very costly. For example, a kilogram or 2.2 pounds of uranium metal containing 90% U-235 is priced at more than $10,000. Many millions of dollars of such materials are needed for a single core of a large power reactor.

Such a core represents the equivalent of thousands of tons of coal or barrels of oil. It is not yet clear how these cores will be financed or who will own them. Different patterns are emerging. In some cases reactor equipment manufacturers will own the core in a utility's plant and simply sell heat to the utility. In other cases the utility will buy its own core. Still another possibility is the formation of organizations to finance and lease core materials to others. Whatever the arrangements, you attorneys representing the institutions that will own or finance such cores may one day find yourselves confronted with drafting language to secure an ownership interest in the highly radioactive fuel elements and plutonium byproducts powering a nuclear reactor. Not only will you be concerned with the quantities of U–325 atoms consumed by the reactor, but you will be asking yourselves what to do with the valuable plutonium which is produced in the fuel element as the fission process goes on. Who owns the plutonium? How do you repossess a hot—both thermally and radioactively hot—fuel element?

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[2] Public Law 585, 79th Congress.

[3] Gordon Dean, remarks at the University of Pittsburgh Law School, "The Impact of the Atom on Law," Pittsburgh, Pennsylvania, February 15, 1951.

[4] Senator CLINTON P. ANDERSON's remarks before the regional meeting of the American Bar Association, "Lawyers, Legislators and the Atom," Pittsburgh, Pennsylvania, March 11, 1959.

[5] Public Law 83-703, as amended.

Nuclear safety and liability

Now let us talk about a more familiar topic—nuclear safety and liability. First, let me say that the need for safety was recognized at the very outset of the nuclear energy program, and safety was built in as the industry developed. Thus, with respect to safety, the nuclear industry hasn't "just growed" like Topsy. There has been careful planning at every stage. In a very real sense, this represents one of the first conscious attempts of Government to understand and control the hazards of an emerging large-scale industry. The effort is paying off. The atomic energy industry is one of the safest in the nation.

I believe we all know that in the use of atomic power to generate electricity there is an extremely remote but finite hazard. This risk is one which, in the public interest, needs to be broadly shared. By reason of legal doctrines stemming back to cases such as *Rylands vs. Fletcher* and *McPherson vs. Buick*, prospective atomic plant owners and suppliers of plant components could be faced with potential financial liabilities of a magnitude that could seriously affect their organizations. On the other hand, third parties who might be injured or whose property might be damaged by such an accident need to be assured that, regardless of the cause and despite the cost of such an accident, they would be compensated for injuries or damages suffered.

I think that most of you are aware of the Price-Anderson Act that was enacted in 1957 to meet this problem.[6] In summary, it provides an indemnity of up to 500 million dollars for each nuclear accident. This governmental indemnity would come into use only after private insurance funds had been exhausted thus providing a first-of-a-kind joint approach by the Federal Government and the insurance industry to this major indemnification problem. Since enactment of the Price-Anderson indemnity provisions, the maximum coverage offered by pools of private insurers has increased from 60 million dollars to 72 million, but is still far short of the Price-Anderson coverage.

Last year the Joint Committee on Atomic Energy, in the course of hearings held on extension of the Price-Anderson indemnity, did re-examine the capability of the private insurance industry to handle the total job. It was ultimately decided to extend the statutory indemnity for an additional ten years with the hope that this will provide time for the insurance industry to develop the necessary experience and for the atomic power industry to expand enough to support the cost of a private insurance program.

Considered, but left unanswered by last year's hearings on nuclear indemnity, was the question of adoption of a Federal rule of absolute liability. As might be expected, the various segments of the atomic industry and others—that is to say the utilities, the equipment companies, the insurance people, bar associations, law professors, etc.—hold widely different viewpoints on this subject. Thus, for example, there are those who feel that establishment of such a rule would constitute an infringement of state prerogatives. We enjoy close working relationships with the states, and certainly we hope that any legislative move toward absolute liability will be accomplished with a minimum displacement of state law. In any event, because of the divergence of opinion, a major battle might well develop over any legislative attempts to establish the rule.

Interestingly enough such a battle may never develop—there are indications that the insurance industry may voluntarily assume the doctrine of absolute liability with respect to nuclear accidents. Such action would constitute a very significant voluntary social change without need of legislation and the controversy which would be involved.

Contract improvements

I would next like to comment about some areas of organization and administration where the AEC has plowed new ground. These are very much a part of the governmental-industrial framework in which the atom is being developed. Despite the fact that the AEC is now 20 years of age—and in the eyes of some—already pretty well over the hill, I like to think that we are still engaged in experimenting with new ways to achieve greater efficiency and increased effectiveness. From its inception, our agency has sought to develop and use new patterns for getting things done. We have sought to take advantage of the unique combination of scientists, engineers, administrators, lawyers and accountants that make up the AEC and its contractors, and to develop effective informal techniques of management. Tonight I shall touch upon only a few examples.

I have already mentioned that interesting new institution called a "Government Prime Contractor" whose operations are a hybrid between private industry and direct Government operations. The AEC has many different types of contractual relationships of this kind and among them there is the "administrative contract."[7] For large undertakings these are normally negotiated cost-reimbursement contracts. The contract document is designed to emphasize the cooperative and continuing relationship between the Government and its contractor. Such contracts are used for the operation of the Commission's major research and development laboratories, such as Argonne.

The administrative contract document might be likened more to a charter than to the normal concept of a Government contract. It should be drafted in clear layman's language and hopefully should not include "whereas clauses." It contains no rigid specifications and it requires numerous subsidiary documents which are not contractual in nature in order to make it work. For example, there are Program Letters that describe work objectives and directions on a yearly basis, and there are Financial Plans that provide annual funding planning and limitations within which the contractor must work. But most of all it requires a continuing mutual interchange between the contractor and the Government representatives, both technical and administrative. The administrative contract has its formal aspects and qualifies as a contract for Government legal and fiscal purposes but, like the base of an iceberg, the informal aspects of arrangement are far more extensive and more important in the success of its operations.

Improved machinery for settlement of contract disputes

The AEC, like all other Government agencies, has a disputes clause in its contracts. However, we like to believe that our system for handling disputes is not run of the mill. The AEC contract disputes procedure places heavy emphasis on amicable resolution of disputes rather than constituting a first step toward litigation.

About a year and a half ago, after previously trying several different arrangements, the AEC established a Board of Contract Appeals as the authorized representative of the Commission for the purpose of considering and finally deciding contract appeals. The Board has a full-time Chairman who is an employee of the Commission. Some members of the Board Panel are lawyers but other members of the Board are distinguished "non-legal" representatives of a broad spectrum of the industrial and university communities, and the accounting, engineering, and other professions. Two Board members are selected to sit with the Chairman to hear disputes. Board procedures emphasize informality. Mandatory pre-hearing conferences are used for the purpose of informally disposing of appeals or narrowing the issues by agreement of the parties prior to a formal hearing. Also, there is an accelerated procedure for small claims and other good causes.

This new informal approach has been so successful that it has resulted in the disposal of 20 of the 23 appeals received since the new procedure became operative.

Improvements in the licensing process

In its regulatory program also, the Commission is emphasizing informality and speed of operation. The Commission has issued a Policy Statement which, among other things, reemphasizes the value of prehearing conferences to identify significant safety questions or points in controversy, and to settle matters of procedure concerning the conduct of mandatory public hearings. We are using scientists and engineers, along with lawyers, as members of the Atomic Safety and Licensing Boards which conduct public hearings. We are asking these Boards to use the hearings to inform the public as well as to satisfy themselves on public health and safety matters. We are urging that a board, in an uncontested licensing action, make known its decision within 15 days of its receipt of a proposed finding, and we hope that in a contested case the initial decision could be handed down within 45 days.

I was gratified by two recent demonstrations of the fact that our regulatory processes can, in fact, be handled with dispatch. The construction permit for Dresden II was approved 21 days after completion of the hearing last December. That is good. However, just this month, a construction permit was issued to Rochester Gas and Electric Corporation only *eight* days after completion of the hearing. That is excellent. So our emphasis on more expeditious handling of regulatory matters while still emphasizing real safety is showing some results.

In this connection, the Commission is also strongly emphasizing the need to develop new and improved engineered safeguards for atomic power plants, and specific standards and codes for plant components.

The interaction of law and technology

The third area which I would like to examine briefly involves unique interactions of law and science. This is an area where we are doing both legal and technical pioneering.

All lawyers know that there is a vast difference between enacting a law making some act illegal, and assuring that such illegal act is not in fact committed. For anyone worrying about the potential illegal use of an atomic weapon, an obvious source of concern has been the many U.S. atomic weapons which are stored abroad for use in cooperation with our NATO allies in the event of hostilities.

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[6] Public Law 85–256; 42 U.S.C. 2210.

[7] See "Introduction to the Concept of the 'Administrative Contract' in Government Sponsored Research and Development." James T. Ramey and John A. Erlewine, 17 Federal Bar Journal 354 (1957).

Where atomic weapons are stored abroad, international agreements implementing the U.S. Atomic Energy Act provide that the nuclear components remain in the possession or "custody" of the United States. Legally such bombs or warheads, intended for use by our allies with their planes or missiles, can only be used on the express authorization of the President of the United States. But no matter how clearly it might be expressed on paper that such weapons can only be so used, it was evident to thoughtful people in the 1950's that weapons stored abroad might be subject to accident or unauthorized use.

The solution to this problem came largely because of the active interest of the Joint Committee, under the leadership of Congressman CHET HOLIFIELD, and with the assistance of its staff, of which I was Executive Director at that time. We all became deeply concerned over this apparent gap between the intent of the law and what was going on in practice. The Joint Committee not only worried about the problem, it pushed for an active effort to solve it. As a result, a program of research and development was launched at AEC weapons laboratories to find a way to place special control devices on all such weapons. That program was pressed with great haste and ingenuity in 1961, and as a consequence, in a relatively short time safety locks, or "permissive action links (PALs)" as they were called, were successfully developed and placed on our atomic weapons used in the NATO system. As a consequence, today the American public can have greater assurance that no irrational person or group can endanger the well-being of the United States or its allies—or jeopardize our foreign relations—through the illegal use of one of our own atomic weapons.

This example, which has been mentioned publicly several times,[8] as well as certain others which remain classified for security reasons, shows that it is possible for laymen and lawyers to sense problems and suggest solutions which scientists and engineers can then implement with all the ingenuity of modern technology. It is certainly a case of technology helping to make law enforcement meaningful.

Pioneering in the prevention of nuclear proliferation

We also have technical and legal problems related to sending special nuclear material abroad for peaceful uses. Political problems of considerable magnitude are also involved. Since 1953, when President Eisenhower announced the United States Atoms for Peace Program, this country has been wrestling with the problem of how to assure that special nuclear materials sent to foreign countries for peaceful uses are not diverted for military purposes. As more and more nations have increased their peaceful atomic capabilities and more nations have "joined the atomic weapons club" the worry has increased.

The importance of this problem of proliferation of atomic weapons was recognized by President Johnson in his State of the Union Message this year. One of the important principles of U.S. policy, President Johnson declared, "is the effort to control and reduce—and ultimately eliminate—modern engines of destruction." To this end, the President stated, "We will vigorously pursue existing proposals—and seek new ones—to control and stop the spread of nuclear weapons."

The U.S. has distributed most of its special nuclear materials abroad through bilateral agreements with the recipient nations. Such agreements include gaurantees by the recipient governments that nuclear material and equipment supplied by the United States will not be used to further any military purpose. Also, the agreements include the right by the U.S. to carry out inspections to assure that those guarantees are observed. At the same time the United States has actively supported building up the inspection capabilities of the International Atomic Energy Agency (IAEA), a United Nations related agency composed of some 95 nations. As a matter of policy, we have supported these increased IAEA capabilities so the agency might assume the international inspection responsibilities of the United States as well as other countries in a position to distribute source and special nuclear materials to other nations.

Thus, we see that the key legal concept here is the right of effective international inspection. Until now, the IAEA has carried out such inspections either (1) in connection with special nuclear materials distributed through the agency itself, or (2) in those cases in which inspection responsibilities under bilateral agreements are transferred to the IAEA, (3) in cases in which a country has voluntarily placed certain facilities under IAEA inspection. Now, we are considering the IAEA as the most likely agency to conduct inspections under a proposed non-proliferation treaty which would be a multilateral agreement. The treaty we would like to have would be designed to prevent the development of nuclear weapons by—or the transfer to—those countries which do not now possess them. Any such treaty should contain the strongest possible provisions for international safeguards.

These inspection developments have taken place in the same time frame as the disarmament discussions between Russia and the Western Nations to bring a halt to the spread of nuclear weapons. A concomitant effort has been devoted to developing techniques for verification of agreements related to such important matters as the proposed cut-off of fissionable material production for weapons purposes, and the detection of clandestine weapons tests underground or in outer space.

These are areas in which international law and atomic science are inextricably mixed. As we have indicated, technology can play a major role in implementing whatever safeguards are established.

CONCLUSION

From the examples I have cited, I believe you will agree that atomic technology is indeed making a significant impact on the law, both domestically and internationally. I believe also that they illustrate the progress we are making in utilizing the diverse talents of lawyers, administrators, scientists and engineers in solving these interrelated problems of law, public policy and technology.

In closing let me hazard a few guesses at what the next 10 or 15 years holds for us in the atomic energy field.

Certainly the age of large-scale use of nuclear power to generate electricity will be truly at hand and there are those who believe that the FPC estimate of 20% of total capacity for nuclear power in 1980 will be exceeded.

If we make as much progress in the next 10 years as in the last 10, we should be well on our way toward developing large combination plants that will both generate electricity and desalt large quantities of water.

We have noted this evening that although atomic energy started as a Government monopoly in the vital areas of special nuclear material and reactors, the private sector is becoming the pattern for the future. Perhaps the next 10 or 15 years will see still another important link as the last major industrial phase—production of enriched uranium-235 at Oak Ridge, Paducah and Portsmouth—could pass from Government to private operation. These are very large plants, and perhaps they will be operated by organizations of mixed private and public participation such as "Comsat."

Also in the next 10 to 15 years, as we continue to gain experience and confidence—and as the volume of regulatory business increases—perhaps the mandatory hearing process might be eliminated, and the licensing board system might evolve into a wholly separate regulatory agency.

I might add that even if these events take place, the AEC will continue to have an important job to do in the field of research, development and demonstration both for national defense and for advanced peacetime uses. As I mentioned earlier among the development tasks which are already under way and which appear to have a great future is the use of atomic power to explore the depths of the oceans and to power flights into outer space.

As uses of atomic energy continue to expand, there is bound to be an ever-increasing impact on all areas of our economy. When that happens it is inevitable that the law and the lawyers will be more and more affected.

I hope that when you do become involved in this area in behalf of clients—perhaps as counsel for a company having contractual relations with the Commission, or as counsel for a utility seeking a license to construct and operate an atomic power plant—you will find that the Commission has managed to preserve its youth and its youthful approach. I hope you will find that "informality" not "ossification" is the hallmark of doing business with us.

It has been a pleasure to be with you tonight.

POLICE NEED PUBLIC SUPPORT IN EFFORT TO CURB VIOLENCE

Mr. BYRD of West Virginia. Mr. President, in this era of growing disrespect for law and order, the Huntington, W. Va., Advertiser has, through its editorials, consistently and forthrightly spoken out in support of the police departments of the country. As an example of such editorials, I call attention to one which appeared in that newspaper on July 22 titled "Police Need Public Support in Effort To Curb Violence."

I ask unanimous consent that the editorial be printed in the RECORD.

There being no objection the editorial was ordered to be printed in the RECORD, as follows:

POLICE NEED PUBLIC SUPPORT IN EFFORT TO CURB VIOLENCE

The Harvard University professor who criticized Chicago police for releasing evidence against Richard Speck were straining at the same gnat and swallowing the same camel as the Supreme Court in recent decisions.

In interviews with a Boston paper all three professors were inclined to see mitigating circumstances in divulging information for the arrest of the man charged with the methodical murder of eight young student nurses.

But they seemed to feel that giving out evidence in advance of the trial would tend to prejudice the jury against the defendant.

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[8] Senator CLINTON P. ANDERSON, remarks on the floor of the Senate, CONGRESSIONAL RECORD, vol. 108, pt. 10, pp. 13056–13058.

Prof. Paul A. Freund said, "Wanted posters are legitimate but they should contain a minimum of comment on guilt or evidence."

The publicity, he added, "might be necessary to assure the public, to prevent hysteria—but this is to be subordinated to a fair trial."

That seemed to mean that the authority on constitutional law placed greater importance upon the fair disposition of Speck's case than upon the protection of all the people of Chicago from a ruthless killer.

For at the time the information was released, since Speck was still at large, no one knew when or where the killer—whether Speck or not—might strike again.

Moreover, the Freund statement seemed also to place small confidence in the integrity of the American jury system. Certainly the information that the police released purporting to connect Speck with the crime will also be presented at his trial.

The idea that releasing the information in advance could prejudice a jury against him does not give the average potential juryman credit for the fairness and intelligence that the record of juries justifies.

The entire campaign to muzzle police and the free press in dealing with criminals and their activities involves more sentimentality than actual evidence of prejudice among juries resulting in the miscarriage of justice.

As a matter of fact, long observance of the conduct of criminal trials will convince the average citizen that juries themselves are more often swayed by sympathy for the accused than by prejudice and that they err much more frequently in freeing the guilty than in convicting the innocent.

This is perhaps as it should be.

But recent decisions of the U.S. Supreme Court in setting up so-called constitutional protections never before recognized for criminals have carried the trend entirely too far.

If there had been a series of improper convictions, there might have been some justification for tighter restrictions upon police and trial courts.

The trend of the times, however, is not toward unfair treatment of criminals but against their conviction. This is in face of the fact that the rate of crime is rising higher and higher each year even at Washington in the shadow of the Supreme Court building.

While the public suffers from increasing violence and people fear to venture out on Washington's streets at night, the court continues to broaden its protection of criminals and by implication to discredit law-enforcement officers.

Decisions implying police brutality in questioning prisoners have encouraged the automatic shouting of charges against officers and probably even frequent physical attacks upon them.

Hoodlums and their spokesmen seem to think a policeman should let a savage mob beat his brains out and use only kind-hearted appeals in taking violators into custody.

The law gives an officer the right to use force when necessary in making an arrest. If the offender resists to the extent that makes force to subdue him harsh, it is his own fault, and he has no just complaint.

The sooner law-abiding citizens come to the defense of conscientious officers and the more forcefully they denounce the bleeding-heart sentimentalists who protect savage criminals, the sooner will the mounting crime wave subside.

URBAN HUMAN RESOURCE PROBLEMS AND THE DEMONSTRATION-CITIES PROGRAM

Mr. RIBICOFF. Mr. President, at the national Governors conference which took place in Los Angeles on July 4, 5, 6, and 7, the Governors' Committee on Human Resources presented to the conference a report which included a statement endorsing the demonstration cities legislation now pending before the Congress.

This committee, chaired by Gov. Richard J. Hughes, of New Jersey, also included the following Governors: Gov. Mark O. Hatfield, Oregon, vice chairman; Gov. Edmund B. Brown, California; Gov. Nils A. Boe, South Dakota; Gov. John H. Chafee, Rhode Island; Gov. Frank G. Clement, Tennessee; Gov. Daniel J. Evans, Washington, Gov. Warren E. Hearnes, Missouri; Gov. Robert E. McNair, South Carolina; Gov. Frank B. Morrison, Nebraska; Gov. Ralph M. Paiewonsky, Virgin Islands; Gov. Karl F. Rolvaag, Minnesota; Gov. Carl E. Sanders, Georgia.

As pointed out in the report many cities in America suffer from a physical rot which leads to the nightmares of crime, delinquency and disease. The committee feels strongly that physical renewal alone will not prevent human corrosion. There must be, in addition, an overall effort at human renewal, tying together physical redevelopment with adequate educational facilities, job training and job opportunity, and healthy, social and recreational services and facilities.

The committee therefore called to the attention of the national Governor's conference the demonstration cities legislation now pending in the Congress which offers a major attempt to concentrate all Federal, State, and local resources in a coordinated drive for the physical and human renewal of entire city neighborhoods.

The conference of Governors then unanimously adopted the report of the committee.

In view of the overwhelming support demonstrated by this action I ask unanimous consent for the Governors' statement on demonstration cities to be printed in the RECORD at this point.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

URBAN HUMAN RESOURCE PROBLEMS AND THE DEMONSTRATION CITIES PROGRAM

The federal government has enacted and proposed a wide range of programs which recognize that many of America's most pressing human resource problems are shaped by the urban environment. We believe that this aspect of overall human resource development should be a focus of continuing study by the governors, since it very clearly implies significant opportunities and responsibilities for the states. Here, as in many other areas of public policy, the states must act boldly to assure their meaningful participation and leadership as partners with the federal and local governments.

The recently proposed demonstration cities program, for example, is premised upon the need for an immediate and massive attack on the individual and social decay of large sections of American cities.

Many cities in America suffer from a physical rot which leads to the nightmares of crime, delinquency and disease. The Committee feels strongly that physical renewal alone will not prevent human corrosion. There must be, in addition, an overall effort at human renewal, tying together physical redevelopment with adequate educational facilities, job training and job opportunity, and healthy, social and recreational services and facilities.

The Committee therefore calls to the attention of the National Governor's Conference the Demonstration Cities legislation now pending in the Congress. It offers a major attempt to concentrate all federal, state and local resources in a coordinated drive for the physical and human renewal of entire city neighborhoods.

The Committee believes that such an overall effort, coordinating federal, state and local endeavor, would be of substantial benefit to many urban areas throughout the nation. This reminds us again of the necessity for states to demonstrate, that they can provide a positive and vital force for physical and human development in urban America.

We invite other governors of the conference to submit suggestions concerning ways in which our committee might focus on the special demands of urban human resource development. The need for increased state activity in this area is both pressing and promising.

INVITATION TO VISIT MOBILE, ALA.

Mr. SPARKMAN. Mr. President, on several occasions recently I have invited my colleagues in the Senate, and their constituents, to come down to Alabama and see what this Deep South State really is like. I want to repeat that invitation today: Come and see us. You will like our hospitality, and you will discover that there is a lot of variety and charm in the 57,000 square miles which we call Alabama.

Today, I want to invite you especially to Alabama's seaport city, Mobile. This city, founded by the French in 1702, three-quarters of a century before the Declaration of Independence, was capital of Louisiana before New Orleans was. For many years it was under Spanish rule. In all, six flags have flown over this Alabama city.

The city prospered first because this was a base for the fur trade, and men from Mobile went far up the Alabama and Tombigbee Rivers to trade for pelts with the Indians, long before the Carolinians, Georgians, and Virginians had begun to push into the Alabama country from the east and northeast. Then, because this great system of rivers offered a route from northwest Georgia, from most of Alabama and parts of Mississippi, Mobile became a great cotton port. The flatboats and the steamboats brought down the cotton from thousands of plantations to make Mobile a rich city.

When the War Between the States interrupted the steady growth of Mobile, this became a theater of operations, and it was at the mouth of Mobile Bay that Admiral Farragut is said to have cried:

> Damn the torpedoes; full speed ahead.

Forts Morgan and Gaines still guard the entrance to the bay, and they are now museums.

Points of interest in Mobile include Oakleigh, a fine antebellum mansion, the U.S.S. *Alabama*, now anchored on the causeway just a few minutes from downtown Mobile, and Bellingrath Gardens and Long Gardens, both famous beauty spots which have been enjoyed by many thousands of tourists. Mobile is justly famous for its Azalea Trail, more than 35 miles of colorful azaleas usually at their peak of bloom in early March. An annual azalea festival is held during the blooming season. One of Mobile's great attractions for me are the great live oaks which interlace over Government Street and Bienville Square. Fortunately, these fine trees have been preserved, even in the heart of the business district.

But Mobile has more than history and more than flowers to recommend it. It has become a major industrial city and a major port. Part of the credit for its growth has been the Alabama State docks, operated by the State of Alabama, where there are facilities for handling a great variety of cargo. Many tourists visit this great complex. It is a busy and exciting place.

Not long ago I had the privilege of standing on the 34th floor of Mobile's new First National Bank Building and surveying this growing city. I could look across Polecat Bay and the Tensaw River toward the ridge of Baldwin County and the Eastern Shore, over the sprawling docks, up and down the bay toward Dauphin Island and the smooth beaches along the gulf, and everywhere I looked I saw signs of growth.

I mentioned the beaches at Dauphin. There are other fine white sands along the gulf just a few minutes away at Gulf State Park and at Alabama Point at the southern tip of Baldwin County. Another Baldwin County attraction is Point Clear with its majestic Grand Hotel surrounded by spacious resort grounds and recreational facilities.

Shrimp and other commercial fishing is the leading activity at Bayou La Batre. Commercial and recreational fishing are generally prevalent throughout the Mobile Bay area. Improvements presently in progress, under legislation which I sponsored, promise to make Bayou La Batre a fine port. Additions to the Alabama State dock system are being built at Bayou La Batre.

Whatever you want—to see an old city which has much in common with the old city of New Orleans, to enjoy deep sea fishing, to participate in gaudy Mardi Gras, or just to relax, Mobile is ideal.

Mobile is the home of the Senior Bowl game and of the Junior Miss pageant. There are events scheduled throughout the year. In addition, the convention facilities of Mobile are unexcelled, with plenty of fine motels and hotels and a great new city auditorium which is as good as you will find anywhere.

In early spring or late winter, just before the beginning of Lent, Mobilians, joined by friends from miles around, join as one in the gay parades and dancing of Mardi Gras. The colorful and majestic Mardi Gras Court reigns as has its predecessors since that first Mardi Gras in Mobile many years ago. Mobile's sister city of New Orleans has joined in the frolic, but Mobilians know and every informed person must agree that Mardi Gras started in Mobile.

It is a wonderful city. If you are going soon, I will be glad to tell you about some of the good eating places around, and about such delicacies as crab claws.

I say it again: Come to Alabama. You are welcome, and you will enjoy Alabama and her people.

LESSER MINDS FIDDLE WITH WHAT FATHERS FUSSED OVER

Mr. SIMPSON. Mr. President, I invite the attention of Senators to a splendid article entitled "Lesser Minds Fiddle With What Fathers Fussed Over," written by Wolf Von Eckardt, and published in the Washington Post of July 24, 1966.

The article deals with plans to destroy the Capitol's magnificent west front and construct something hideously utilitarian in its place. Mr. Eckardt traces the construction of the Capitol from the splendid concepts of Washington and Jefferson, through the architectural excellence of Thornton, Walter, Bulfinch, and Olmsted, down to the hastily conceived present-day plan which would, as the author asserts, "spell the final obliteration of the splendid building that Fillmore saved and Washington and Jefferson worried so much about."

Why any Members of today's Congress, after having seen other examples of the architectural excellence of Capitol Architect J. George Stewart, would want to swap his designs for the splendor of the present edifice is more than I can fathom.

Somehow, I fail to see that the yield of 2 visitors' auditoriums, 2 cafeterias, 4 dining rooms, conference rooms, and 109 new places in which Congressmen can hide from their constituents could be adequate justification for the monumental changes which are envisioned by Stewart and company.

Mr. President, I ask unanimous consent that the article written by Mr. Eckardt be printed at this point in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

A Further Outlook: Lesser Minds Fiddle With What Fathers Fussed Over

(By Wolf Von Eckardt)

Although busy enough making independence and self-government work, George Washington and Thomas Jefferson worried and fussed a great deal about the National Capitol.

The original building—the last remaining portions of which lesser minds would now entomb in a new, vastly extended marble front—is as much their work as that of architects William Thornton, Benjamin Latrobe and Charles Bulfinch.

As Washington and Jefferson saw it, the Nation's first building was to be the symbol for generations of the dignity and permanence of the new republic.

Two generations later, President Millard Fillmore decided against tampering with the original building when Congress demanded more space. Instead, in 1851, he appointed architect Thomas U. Walter to add new wings to either side of the old building. They are connected with it by narrow corridors. To give harmony to this essemble, Walter capped it with his magnificent dome.

To Abraham Lincoln, too, the Capitol was a symbol of the permanency of the Union. Despite the demands which the Civil War made on manpower and finance, he ordered the work rushed to completion. His judgment of the country's sentiment was soon proven correct:

"How is the Capitol? Is it finished?" were among the first questions the representative of the Confederacy asked the representative of the Union when South and North first met to negotiate the end of hostilities on Feb. 3, 1865, aboard a ship in Hampton Roads.

It was essentially finished. Two years earlier—not long after Gettysburg—the bronze statute of Freedom was, precisely at noon on Dec. 2, 1863, slowly hoisted atop the great cast iron dome. A flag was unfurled and a salute of 35 guns was fired from Capitol Hill.

All that remained to be done now was Frederick Law Olmstead's magnificent west terrace and landscaping and, obviously, continuing interior improvements of plumbing, lighting, heating and cooling. But for this the building and the symbol were complete, or should be considered so. Who would dream of extending St. Peter's in Rome, Monticello, Mount Vernon or even the Houses of Parliament in London?

BICKERING GOES ON

But the unending bickering—a curious mixture of political and architectural ambition, of genius and pettiness, parsimony and extravagance, respect for history and disrepectiful vainglory—that had accompanied the work from the very beginning has persisted to this day. In a way this bickering helped create our Capitol. Now it threatens it.

President Fillmore had ended the long debate in Congress about enlarging and changing the original Capitol because he would not "mar the harmony and beauty of the present building which, as a specimen of architecture, is so universally admired." Yet only ten years later scheme after hideous extension scheme was proposed.

For nearly a hundred years, Congress, supported by the vast majority of the country's architects, has resisted all of them. Rather than change and disfigure its glorious home, Congress decided to accommodate the evergrowing need for additional space and facilities by constructing new buildings on Capitol Hill. The results are the Library of Congress, the Supreme Court Building, the old and new Senate Office Buildings, three huge House Office Buildings and now the proposed Madison Memorial Library which will serve as a third building for the Library of Congress.

The old, vainglorious and long rejected enlargement proposals of the 1870s and '80s have, however, intrigued the present Architect of the Capitol, J. George Stewart, who is not an architect but a builder and former Republican Congressman from Delaware.

With the emphatic backing of the late House Speaker Sam Rayburn (D-Tex.), he puffed out the east facade of the original, central portion of the building by 32½ feet with a new, slick marble replica. The work was completed in 1961.

ON THE WESTERN FRONT

Last month Stewart and his powerful Commission for the Extension of the Capitol suddenly announced that they had decided to similarly extend the west front, but this time by up to 88 feet and not with a replica but a somewhat changed design. The members of this Commission, in addition to Stewart, are Vice President Hubert H. Humphrey, House Speaker John W. McCormack, Democrat, of Massachusetts, Senate Minority Leader Everett M. Dirksen, Republican, of Illinois and House Minority leader Gerald R. Ford, Republican, of Michigan.

This second extension would, of course, spell the final obliteration of the splendid building that Fillmore saved and Washington and Jefferson worried so much about.

Of all the politicians who fussed with the work of the Capitol's architects, Washington and Jefferson were surely the most qualified. An informed appreciation of architecture was, in their day, considered an essential part of the education of a Virginia gentleman.

True, Washington thought it best to let the design of buildings "be governed by the rules which are laid down by the professors of the art." But his active part in the enlargement of his home at Mount Vernon belies this modesty.

And for Jefferson, of course, architecture was a passionate avocation. He had, he confessed, in uncharacteristic ecstasy, "stood for whole hours gazing at the Maison Carré like a lover at his mistress." It was not that this exceptionally well preserved Roman temple at Nimes, in southern France, seemed more perfect to him than other buildings he had seen.

It was because, in the words of one scholar, this temple's almost austere simplicity—in contrast to the still predominant Georgian style which accompanied British colonization—"was the speaking symbol of all that America could and should stand for, proclaiming the strength of republican virtue, the beauty of discipline, the wisdom of rule by laws rather than men, in a language he wanted all the United States to learn."

In quest of such architecture, Washington and Jefferson called a competition for the design of the Capitol. Its disappointing results may justify the slight hanky-panky which helped Thornton to win it. The fact that he had been introduced to President Washington by the famous painter John Trumbull may also have helped.

At any rate, Thornton was given permission to enter three months after the competition was officially closed and after the French architect Stephen Hallet had been given reason to believe that he had won. But surely Hallet's drawing of what looked like the fairy tale palace of a minor Renaissance prince was hardly the simple, classic building both Washington and Jefferson had in mind.

William Thornton was born in 1759 at Tortola in the Virgin Islands. He studied medicine in Edinburgh, traveled extensively in Europe and in Parisian society, settled for a while in Philadelphia where he knew Benjamin Franklin, gave up the practice of medicine and married a 15-year-old girl. He eventually became a Commissioner for the District of Columbia and later head of the United States Patent Office which he saved from destruction by the British in 1814 by stepping in front of their cannon and cussing them out.

At Philadelphia he had learned of a competition for the design of a public library. "When I traveled," he wrote, "I never thought of architecture, but I got some books and worked a few days, then gave a plan in the ancient Ionic order, which carried the day.

He carried the day again in the Capitol competition, his second architectural effort.

"Grandeur, simplicity and convenience appear so well combined in this plan of Dr. Thornton's," wrote George Washington on Jan. 31, 1793, to the District Commissioners who were officially in charge, that he was certain of their instant approval.

And Jefferson let it be known that Thornton's design "had capitivated the eyes and judgment of all. It is simple, noble, beautiful, excellently arranged and moderate in size. * * * Among its admirers none is more decided than he whose decision is most important."

But Hallet's eyes and judgment, understandably perhaps, were captivated not at all. He, after all, was a professional architect and Thornton was not. And the District Commissioners, it turned out, made a bad mistake when, to appease the cantankerous Frenchman, they awarded him the same prize as Thornton ($500 and a building lot in Washington), invited him to examine Thornton's plans (which he promptly ripped to pieces in a lengthy report), and gave him the $400-a-year job of supervising the construction of the building (which he proceeded to change in accordance with his own ideas).

When it was discovered that Hallet had laid foundations for a square court instead of the Rotunda Thornton had planned, President Washington, according to the long harassed Thornton, "expressed his disapproval in a style of such warmth as his dignity seldom permitted."

Hallet was fired. But since he refused to surrender the original plans, it is difficult to judge precisely how much influence he had on the design. Some historians have accepted Hallet's assertion that Thornton stole it from him in the first place. Glenn Brown, in his two heavy volumes on the history of the Capitol, defends Thornton's originality and competence with passionate eloquence.

The truth is probably, as Latrobe has written, that Thornton's design was one of the most brilliant and modern of his time, but that the amateur lacked the practical skill to properly execute and articulate it. His, regardless of details, is no doubt the chaste, classic simplicity of the building that pleased Jefferson so well and that Walter's House and Senate wings lack. As any discerning art historian knows, it is impossible to recreate this spirit, the "Zeitgeist," as the Germans call it, of a work of art. And although George Stewart's East Front now appears as an exact replica, future generations will, no doubt, instantly recognize it for what it is—a mid-20th century imitation.

Even Latrobe, aside from his jealous ambition, rebelled against Jefferson's and Thornton's pure classicism, though in the end he, like Bulfinch, faithfully executed Thornton's design. Besides he created the marvelous interiors of the original building.

Another difficulty was lack of skilled craftsmen. It proved hard to recruit carpenters and stone cutters who could build anything higher than thresholds.

Money, furthermore, was short. Washington's public buildings were to be financed from the sale of lots. But in the trackless wasteland where few streets were even marked, the real estate business was slow. The Government had to borrow money.

Under the circumstances, President Washington would not hear doing the building in marble as Thornton urged. There was none about at the time and it would have had to be imported at tremendous expense. Instead the original Capitol was built of sandstone from the nearby Acquia quarry and painted white.

CORRODED AND PAINT-CAKED

Sandstone is porous and has, as the incumbent Architect of the Capitol keeps pointing out with much alarm, corroded in spots and is caked with the innumerable coats of paint. But Washington's sandstone is part of our history, too. And although it must, of course, be repaired, and although marble is unquestionably the most suitable building material, it should no more be changed for the sake of prettiness than we should put up plastic cherry trees around the Tidal Basin.

On Nov. 22, 1800, President John Adams welcomed Congress in the completed north wing of the building, congratulating the gentlemen "on the prospect of a residence not to be changed." Seven years later, built under the direction of Latrobe, the identical south wing was completed. The two were joined by a wooden arcade where the Rotunda now stands.

Latrobe was appointed by Jefferson in 1803. He was a most accomplished architect and engineer but just as arrogant and troublesome as Hallet had been—at least for poor Thornton. The two kept harpooning each other with bitter accusations and acid sarcasm.

Latrobe was born in England and trained partly in Germany. On a visit to Philadelphia, in 1798, he met the president of the Bank of Pennsylvania and in the course of a casual conversation made a sketch of what a bank ought to look like. Nine months later, to his great surprise, he had the commission.

Latrobe was almost unique among the architects of his time in believing in function as well as form. This led him to his many quibbles, not only with Thornton but with Jefferson as well, who would not have his conceptions of classic design altered for the sake of a more workable building.

Latrobe and Jefferson, for instance, disagreed violently over roofing the House of Representatives. Latrobe, for functional reasons, wanted a hemispheric dome lighted by a lantern with vertical glass panes that could be easily waterproofed. Jefferson wanted something like the dome over the new Halle aux Bles he had seen in Paris with long ribs springing from a drum and horizontal glass strips between them. It seemed to him more like the Pantheon in Rome.

The President had his way. Latrobe was sarcastic. "Presidents and Vice Presidents are the only architects and poets," he wrote his assistant. ". . . Therefore let us fall down and worship them . . ." The leaks Latrobe had predicted were fixed with some extra putty.

But Jefferson, like everyone else to this day, much admired Latrobe's handsome "corncob" capitals on the ornamental columns in the original Senate wing. It was a patriotic deed of much daring to replace the 2000-year-old acanthus leaf of antiquity with a motive as lowly—and American!—as carved ears of Indian corn.

BRITISH SET FIRES

"The Cossacks spared Paris," as one English newspaper remarked, but the British did not spare Washington and the fire damage they did to the Capitol in 1814 was extensive. The District Commissioners promised Congress, which had retreated to Sam Blodget's nearby hotel, to have the building restored by 1816. It took 14 years longer.

Latrobe now did over much of the formerly wooden interiors in marble and metal, but was out of town a lot on other business and an increasing irritant to the growing bureaucracy. In 1817 he stiffly informed President James Monroe that he had "no choice between resignation and the sacrifice of all self-respect." He was spared the sacrifice. Bulfinch took over and to him goes the credit for completing the Capitol much as Thornton had envisioned it.

That job completed in 1830, there seemed no more need for an architect of the Capitol and the position was abolished for many years.

In 1850 the country's population exceeded 23 million and even distant California had become a state. The 62 Senators and 232 Representatives who assembled that year felt crowded.

Again, following precedent, a competition was called. Again the munificent sum of $500 was offered as first prize. And again the entries proved most unsatisfactory.

Robert Mills, the official government architect and engineer at the time, was asked to combine the various ideas the competition had brought out into a new scheme. Mills had designed the Washington Monument, the Treasury and the Patent Office (now the National Portrait Gallery), among other handsome buildings, but failed to please

Congress on this job. After much hassle, President Fillmore appointed Thomas U. Walter to build the Capitol as we know it today.

Walter's design reflects a different America than Thornton's. The age of elegance and almost aristocratic refinement had yielded to a new sense of power—in fact, to a certain arrogance, and to the esthetic confusion of the beginning industrial revolution. Walter's idea of "classic" architecture was different from that of Thornton and Jefferson. He would, he once lectured, have architects think as the Greeks thought, not do as they did. And what he thought the Greeks thought was really what most Americans thought of—the manifest destiny of a new industrial empire.

Walter's nine million pound, cast-iron dome reflects this spirit. Besides, it was a great engineering feat. People often wonder how Walter got the 16-foot figure of Freedom way up there. It's quite simple. He merely built scaffolding straight up the middle of the rotunda, through the eye of the dome. From there he swung a derrick by means of which the ironwork could be hoisted up on the outside.

He left the interior of the original rotunda unchanged up to the top of the cornice. From there a new and higher inner dome was constructed.

The last constructive and truly handsome work on Capitol Hill was performed by Frederick Law Olmsted, America's greatest landscape architect, who, beginning with Central Park in New York, gave us fine city parks all over the country. Olmsted, in 1874, spruced up the Capitol grounds. He created the handsome plaza on the east of the building which has now been turned into a dismal parking lot. And he designed the marble terraces and grand stairs on the west which Stewart's extension scheme would also destroy, along with the architecture. They were, according to Olmsted, "to support, sustain and augment."

By the time all this was finished, Ulysses S. Grant was President, the flag had 38 stars and Congress again felt crowded.

Though long retired as Architect of the Capitol, Walter offered two remedies. His plans showed the Capitol enlarged like a blown-up balloon. Then the busy architectural firm of Smythmeyer & Pelz came along with a real lulu. Extending the Capitol east and west, they wanted to adorn it with towers and turrets in all directions. It was filed away.

In 1903, however, these ideas were again resurrected and a Joint Commission of Congress appointed architects Carrere & Hastings to study the possibility of extending the east front.

They recommended an extension of no more than 12½ feet to give Walter's dome better visual support. They called this Scheme A. In addition, they complied with the request of the Commission for more space but recommended against it. This plan, called Scheme B, was to extend the east front by 32½ feet. With some slight amendments, the Commission approved Scheme B, despite the architects' recommendation to the contrary. But the Congress as a whole voted it down in 1905 and built the first House and Senate Office Buildings instead.

Nothing was ever said about the west front.

Scheme B was brought up and voted down three times more—in 1935, 1937 and 1949. In 1955, a year after J. George Stewart was appointed Architect of the Capitol, legislation to extend the east front in substantial accordance with Scheme B was passed as a rider to the Legislative Appropriations Act. There were no public hearings or public debate. But the measure had the emphatic backing of Speaker Sam Rayburn. Many Congressmen apparently took any criticism of the scheme as a criticism of this popular leader. The deed was done.

A PROMISE BY RAYBURN

Again, nothing was ever said about the west front. On the contrary, Rayburn assured the Congress in 1958 that "we are not going to do anything with the west end."

Yet the present Commission for the Extension of the Capitol says that it derives its authority from the 1955 Scheme B legislation.

It proposes to bring out Thornton's portico by 44 feet and change its design by adding a pediment, widening it and adding more columns. Thornton's wings are to be brought out 88 feet. And Walter's corridors that connect the original building with his wings is to be extended by 65 feet. Olmsted's terrace and stairs to be redesigned.

The yield: 4½ acres of space—a 25 percent increase in the size of the present Capitol—to be used for two visitors' auditoriums, two cafeterias, four dining rooms, several conference rooms and 109 "hideaway" offices for Members of Congress.

The cost: an estimated $34 million and the certain loss of a building that for a century-and-a-half has in Thomas Jefferson's words "captivated the eyes and judgment of all."

DECISIONMAKING IN SOUTHEAST ASIA

Mr. KENNEDY of New York. Mr. President, Mr. Philip Geyelin, of the Wall Street Journal, who has written perceptively on this and related issues in the past, contributed two articles appearing in that newspaper July 21 and 22, examining the interrelationships of political, psychological, and military considerations in decisionmaking in southeast Asia. I believe these articles are important contributions to the study of policy formation and of interest to all concerned in that area.

I ask unanimous consent that the articles be printed in the RECORD.

There being no objection, the articles were ordered to be printed in the RECORD, as follows:

[From the Wall Street Journal, July 21, 1966]

THE ESCALATION MACHINE: POLICYMAKING SYSTEM ITSELF MAKES ANOTHER STEPUP LIKELY

(By Philip Geyelin)

WASHINGTON.—The smoke had barely blown away from the Hanoi-Haiphong oil depots and the latest expansion of the U.S. effort in Vietnam when the wheels that could carry the U.S. toward yet another "escalation" began, barely perceptibly but almost inexorably, to turn again.

Not conclusively, necessarily, perhaps not even consciously. No Presidential "decisions" were taken. No military orders were handed down. Quite the contrary; when pressed in public, such leading Administration figures as Presidential assistant Walt W. Rostow stoutly insisted that military considerations—meaning the response of the enemy—would dictate the next U.S. moves, and that nobody could predict the enemy's response.

After all, argued Mr. Rostow, the North Vietnamese had really started it in 1964, by infiltrating new and heavier arms and whole divisions of their troops; the U.S. was merely responding when it landed its own troops and launched air attacks on the enemy's "logistical and military bases" in the North. Similarly, it was only after the invaders continued to pour in that the U.S. did the same, while progressively intensifying the air assault. As for where it would end, Mr. Rostow begged off by declaring that "there is only one target officer in this Government—that is the President of the United States." Besides, he added, the answer rests with "the other side."

There is simple logic in this portrayal of military responses to military moves, with all of it apparently under careful control. But if that was all there is to the machinery of escalation, as it has functioned so far, it would also be a lot easier to accept the prospect put forth of late by at least some influential Administration officials of a protracted conflict, at something close to the present scale, with the Communists ultimately wearying of it all and either quietly scaling down their effort, or openly seeking peace.

It may turn out that way, of course. Or it might turn out just the other way. Either by a massive increase in infiltration, or a big monsoon offensive, or a war crimes trial and execution of captured U.S. airmen, or the entry into the war of the Red Chinese, the Communists might make further U.S. escalation clearly inescapable. But if past performance is any test, it is even more likely that nothing so dramatic or decisive will happen, but that the U.S. war effort will escalate anyway, for reasons only marginally related to strict military need.

A COMBINATION OF INGREDIENTS

For the fact is that the wheels propelling the U.S. toward wider war in Vietnam are not just military wheels. Some are political or diplomatic or psychological, both within and outside the U.S. Government, and all are tightly intermeshed under the complex process of step-by-step consensus-building, of balancing contradictory pressures, which is President Johnson's preferred technique for making Vietnam policy.

The momentum, in short, is in the decision-making system, and nowhere has that been more graphically demonstrated than in the case of the Hanoi-Haiphong raids, and some little-noted developments that were all but lost in the excitement afterwards.

The bombing of the Hanoi-Haiphong oil depots was an entirely "logical," high-priority Pentagon project from the moment the U.S. set out to interdict Communist supply lines by bombing North Vietnam. Why bomb roads, bridges or convoys and leave untouched the oil that fuels the trucks that make up the convoys? But the President at first held off, adhering to the doctrine of "graduated response." Going for the fuel supplies too fast, it was argued, would pose an intolerable provocation to the Communist Chinese.

By early this year, as the U.S. air strikes resumed after a 37-day "pause" for a peace offensive, the oil depots had moved to the top of the list of prime targets. But again the President held back; this time not out of military considerations at all, but because political unrest in South Vietnam raised the question of whether the Saigon government could stand the strain of a new expansion of the war. But the political unrest, in turn, was also helping sap public support in the U.S. for the war. Public dissent was growing loud, and with it official U.S. anxiety that Hanoi would misread U.S. resolve.

Meantime, public speculation and debate was widening over the possibility that the oil depots would be attacked. The longer the U.S. held off the more Hanoi might misunderstand. Hitting those oil depots thus became more than ever a test of U.S. will.

So it should have surprised nobody that, when Premier Ky finally got the upper hand over his opposition, Mr. Johnson began preparing U.S. and world opinion for this next step in intensification of the U.S. air war against North Vietnam. On June 18, the President warned publicly that the cost of aggression would be "raised at its source."

Privately, he began the business of building Congressional backing for the Haiphong-Hanoi raids.

The reasoning put forth was that destruction of the oil depots would curtail, if not cripple, North Vietnam's infiltration capability, that it was a justifiable retaliation for Communist "escalation," that it would ease some of the enemy pressure on U.S. troops in the South. But this military argument was only part of the rationale, perhaps the smallest part. In February, when the Administration didn't want to expand the bombing, Secretary McNamara was one of those arguing privately that even a fourfold step-up of the bombing of North Vietnam's "logistical bases" would have only slight effect on the Communist war effort.

Suddenly, in June, it had become an urgent, crucial element. The real rationale, officials have since explained, was that a dramatic blow at "the source"—the Hanoi-Haiphong oil depots—would serve multiple purposes. It would put some limitations on infiltration. But it would also reaffirm American mettle for Hanoi's benefit, while damping down U.S. dissent by removing the point of further debate over this particular step. It would probably also prove popular with a U.S. public grown frustrated by lack of solid achievement in the war—and thus, too, would reduce dissent.

THE ADMINISTRATION'S FOLLOW-UP

That a showy display of public approval was a good part of the purpose is suggested by the follow-up effort of the President and his top men to picture the enemy as "war weary" and defeatist in spirit and by the flourishing of the resulting, favorable, opinion polls.

With consensus-building so much a part of the whole episode, it is hardly surprising that the news leaked out prematurely; it is hard to enlist a Congressman's backing for a military measure without telling him a little about it. Still, Government officials loudly lamented the "leaks," however unlikely it seems that Hanoi was either surprised or effectively forewarned. After all, the pros and cons of just such action had been a public topic for many months longer than it would have taken to beef up defenses at the target sites.

Indeed, the North Vietnamese were hard at work dispersing the oil supplies when the air raids took place. Even so, officials expressed outrage at the advance news report and the President ordered the FBI to search out the source.

So what happened within hours after the Hanoi-Haiphong raids? First, from the Pentagon came published reports that "top military men" had a list of new objectives, including the closing (presumably by mines) of the Haiphong harbor, destruction of the three biggest airfields in the Hanoi-Haiphong area, and the bombing of power plants and industrial facilities, including quite specifically the Thanguyen steel plant 35 miles north of Hanoi.

This was all anonymously attributed. But before long, according to a dispatch from United Press International, Rear Adm. James R. Reedy, commander of the 7th Fleet Task Force off Vietnam, made it more official. He had picked out new targets in the industrial corridor between Hanoi and Haiphong, he told a press conference aboard his flagship the USS *Constellation*, according to the UPI account, which added: "The Admiral said one target would be a large steel plant if his five-carrier force receives orders to widen its air assault on North Vietnamese targets." (The Admiral later told superiors he was misquoted, but as a practical matter, the impact of the original UPI report is likely to be the same.)

A few days later, in Canberra, the U.S. Ambassador to Australia was still more expansive, according to the Washington Post. Arguing for a stepped-up bombing offensive, he declared "We will knock out oil, electrical grids, power lines, dams and canals."

A GRIM PROSPECT

So Hanoi is on notice, and so are the war critics in the U.S. as well as the press. The notice won't matter, of course, if the latest turn of the screw against the Communists should prove to be the telling one. But history argues for contemplation, at least, of quite a different prospect:

Assuming the war drags on without dramatic change, public patience at home is likely once again to wear thin. There will be a revival of open and acrimonious debate and fresh fears among the policymakers that Hanoi will see such dissent as a U.S. disinclination to stay the course. Finally, perhaps some months from now, there will be urgent consideration of the need, politically, and psychologically, as well as militarily, for further measures to reaffirm U.S. resolve.

At that point, it should surprise nobody if public speculation about next moves should center on the Thanguyen steel mill, on Haiphong harbor, on those three airfields, on electricity grids, dams and canals. As the critics oppose and the proponents propound and the press probes, the President and his advisers may come to see yet another urgent test of will. As Decision Day approaches, they will doubtless also deplore the inevitable security transgressions, perhaps without recalling their original source, and even though a span of months ought logically to allow a lot more time than a span of hours or days for the Communists to beef up defenses or make alternate arrangements to keep supply routes open.

For now, the President can hope that his refurbished consensus, coupled with a real increase in military effort, will actually give the Communists serious second thoughts. At the best, he can hope that it will carry him safely past the Congressional elections, when heavy Democratic losses, growing out of disillusionment with Vietnam policy, might serve to hearten Hanoi. But unless there is positive, demonstrable headway to show for the U.S. effort in Vietnam, serious public disillusionment and dissent is almost certain to recur in time. So will serious consideration of further escalation as a logical, military necessity.

But the "logic" of this military argument may well be less important than the political and psychological pressures inherent in the free play of business-as-usual consensus politics—pressures which give an added measure of inevitability to the escalation machine.

[From the Wall Street Journal, July 22, 1966]

VIETNAM AND VOX POPULI: SOME MERIT SEEN IN CONGRESSIONAL ENDORSEMENT OF OUR AIMS

(By Philip Geyelin)

WASHINGTON.—Air raids aimed in large part at muffling war critics at home by way of reaffirming U.S. resolve abroad. U.S. public opinion polls employed as a psychological warfare weapon against a foreign foe. Step by step endorsement of military measures, sought privately and out loud from Congress and the public in ways that can only give weeks of warning to the enemy.

Is this any way to run a war?

A short answer is that the conflict in Vietnam is no ordinary war. It is undeclared and without any readily understandable, clearly definable goal; here is a U.S. armed force, committed to a struggle rapidly reaching Korean War-size, whose purpose seems to be as much political and psychological as military. By inflicting military punishment, it seeks to break the enemy's will. The professed aim is not surrender, but something much more like stalemate out of which a political settlement might ultimately be forged.

For this unprecedented purpose, the prevailing Administration view remains that the war is being run in the only way it can be, given its nature and the particular talents and preferred techniques of the man who is running it, his high premium on what the diplomats call "wriggle room," his abhorrence of final commitment, his passion for patient building and rebuilding of "consensus" under each successive step.

AUTHORITY FROM CONGRESS?

But there is another view, encountered increasingly among those policy makers and war-planners once or twice removed from the peak of power where domestic and foreign politics must be figured into final decisions (and are figured in with a vengeance by President Johnson). This view has it that the time is fast approaching—if not already passed—when the widening Vietnam effort requires something more in the way of Congressional authority and public endorsement than a controversial treaty commitment, or a two-year-old resolution growing out of a one-shot raid against North Vietnamese torpedo boat pens, or the samplings of Gallup, Roper, Harris or Quayle.

Events, of course could quite quickly make this the prevailing view. A major enlargement of the Communist effort might confront the President with the need for the sort of Congressional action—a declaration of emergency, a Reserve call-up, or whatever—which would constitute unmistakable endorsement of the Administration's Vietnam policy. But even in the absence of a dramatic expansion of the war, a case can be made that if the machinery of steady escalation is ever to be halted or reversed, some better means must be found to convince the "other side" of this country's determination to see the struggle through.

The question, of course, is how to make U.S. staying-power as convincing as its firepower—how to put to rest, insofar as it is possible, any doubts the Communists have about the American public's willingness to carry on the war. Almost everybody agrees that the obvious alternative to consensus politics—a formal mobilization under a declaration of war—would harden demands for unconditional surrender as the goal. It would stir war fever to perhaps irreversible heights, and lock the U.S. even more tightly into the struggle when its best chance of extrication lies in maintaining maximum flexibility.

But there is a middle course open, and it is worth examining, both because it might be adopted at some point, and, even if it isn't because of the insight it offers into one of the most troublesome aspects of the Vietnam conflict. As outlined by some of its advocates, the idea goes something like this:

Congress would be formally requested to approve the basic U.S. approach to Vietnam by accepting the concept of "limited war for limited objectives," to be fought, not all-out, but with a "graduated response" to the escalations of the enemy. In the process, Congress would redefine and reaffirm the U.S. commitment to South Vietnam. The U.S. public, in short, would get an opportunity, in the only way available, to state its acceptance of the war for what it has become and for the long, costly struggle it may well turn out to be.

QUIETING THE CRITICS

In theory, then, either the war's critics, having been offered a meaningful outlet, would pipe down, or if they continued their dissent it would be less likely to mislead Hanoi or Peking or Moscow about U.S. intents. A vote of confidence in current strategy would reduce the need for Mr. Johnson to drum up fresh evidence of backing for each new move, and thus reduce the need for him to tip his hand. Policy—or strategy—*debates within his Administration could be* more readily stifled; there would be less incentive for the debaters, and in particular the military, to carry their arguments into public print or to push their points of view with sympathetic lawmakers.

This, when coupled with official acknowledgement of a state of emergency by a solid majority vote, might even tend to discourage confusing and often misleading public speculation about next steps.

That's the theory—and even its proponents concede it has some flaws. Few seriously doubt that Congressional endorsement of the war effort would be overwhelming; with several hundred thousand U.S. troops already engaged in battle, and U.S. prestige squarely committed, Congress would have little choice. But the language of any very precise Congressional resolution of support would be difficult to draw. There would be a bruising debate, confusing to the enemy, perhaps prolonged. Senator MORSE, Democrat, of Oregon, for one, could be counted on for a filibuster.

Moreover, a request for a fresh Congressional authorization would carry with it the implication that Mr. Johnson felt he perhaps did not have authority to commit the U.S. so deeply to an Asian land war and was seeking authority retroactively. To the extent that Congress tempered its approval, it might seem to be putting limits on Presidential prerogatives—limits which might restrain the President's freedom of action in Vietnam or some future crisis. Finally, a formal resolution of Congressional support might tend to make Vietnam officially "Johnson's war."

Plainly, Mr. Johnson would prefer to draw on the inherent powers of the Presidency; on the original Eisenhower letter of commitment to former South Vietnamese President Ngo Dinh Diem; on U.S. obligations under the Southeast Asian Treaty Organization; on occasional appropriation requests which have been pointedly tied to Vietnam spending and presented as a test of Congressional support for the war; and on the virtual blank check contained in a joint resolution growing out of North Vietnamese torpedo boat raids on a pair of U.S. destroyers in the Gulf of Tonkin in August 1964, and the U.S. air raids in reprisal.

Technically, all this is probably authority enough. But the ten-year-old Eisenhower letter to Diem was in the context of economic aid. The SEATO argument was an afterthought, all but unmentioned at the moment of massive U.S. escalation over a year ago, and tossed belatedly into the argument. The appropriation votes were hardly a fair test of sentiment. As for the Tonkin resolution, when the entire House and all but two Senators voted for it, there were no U.S. troops organized as combat units in South Vietnam, and no systematic air raids against the North, and election candidate Johnson, in vivid contrast with his opponent, was repeatedly promising that he would not "go North."

Indeed, when an attempt was made to restrict the language of the resolution in the Senate, so as to limit authority for any open-ended escalation, assurance was offered by the Administration's floor manager of the measure, Senator FULBRIGHT, Democrat, of Arkansas, that nothing so sweeping was either contemplated or implied.

The real weakness of the Tonkin resolution, however, is not so much in its "legislative history" as in the fact that it is out of date, unrelated to the current U.S. involvement, and almost certainly unpersuasive to the enemy. Whether a new declaration of Congressional sentiment would be any more convincing to Hanoi is perhaps less important than the indirect impact it might have on a decision-making process which currently requires the careful building and *re-building of popular—and impermanent—* majorities behind each new venture in the war.

The polls show powerful support for the oil depot raids. What they don't show is what portion of that approval rests on the belief that the raids will measurably shorten the war, or how quickly this might turn to disillusionment and disapproval if the war drags on inconclusively. It's in this fashion that escalation feeds upon itself, for public disapproval would then argue for some new military blow to demonstrate U.S. will.

It is perhaps unreasonable, in this election year, to expect Mr. Johnson to provoke a showdown with Congress over his conduct of war, especially when his principal advisers are telling him that the war is going relatively well. But if this advice proves premature, criticism of the war is almost bound to swell. At some point, it may not be unreasonable to ask whether the President can continue to demand suspension of debate-as-usual and dissent-as-usual for the duration, while at the White House "consensus" politics-as-usual remains the rule.

IRS RULING IS A STEP IN WRONG DIRECTION

Mr. MUNDT. Mr. President, on July 7, the Internal Revenue Service announced a proposed change in its reguations administering the Internal Revenue Code of 1954 which, if allowed to stand, would discourage every teacher, skilled professional person, salesclerk, and even doctors from furthering their knowledge of their profession or skill by pursuing formal education. The Internal Revenue Service proposed to "clarify" paragraph 1.162–5 of section 162 of the code which relates to the expenses for education. These proposed changes are, in my estimation, a step backward and they are completely unwarranted. They not only penalize initiative and desire but they hit hardest a profession—teaching—that should be helped and not hindered. At a time when teachers' salaries are in many instances failing to keep pace with the rest of the economy, decisions such as this make it just that much more difficult for the young educators to keep the wolf from the door.

Certainly one cannot argue with the agency's noble and well-meaning efforts to expedite rulings on the deductibility of expenses for educational purposes. This is most commendable, and I believe that the vast majority of my distinguished colleagues would agree that, during these times of mushrooming expenditures in the field of foreign and domestic affairs, we must look to the Government administrators to save money through administrative efficiency within their agencies and, in the case of the "tax collector" for the Federal Government, be ever watchful in closing loopholes in the tax structure. However, when such diligence has the effect of negating the incentive of the American educator to get ahead in life on his own initiative, and through sacrificing the luxuries of life in order to spend his free time and hard-earned money by going to school to improve his skill, I feel we must take issue with the proposed "clarification" of regulations.

Let me quote to you a statement by J. L. McCaskill, assistant executive secretary for State and Federal relations, National Education Association, who, I believe, sounds the alarm of not only the teaching profession but all American working people, if the proposed changes in the IRS Code become effective:

> For more than 20 years the NEA and its Legislative Commission have worked with the Treasury Department to convince responsible revenue collecting officials that teaching should not be included with the profit making occupations in the income tax treatment of necessary educational expenses. Yet, the proposed changes, in the Internal Revenue regulations would reverse the modest gains of the past 25 years, denying tax deductions for teachers to broaden and enrich their professional skills in our fast-changing, dynamic American society.
>
> The National Education Association will call on its local and state affiliates to oppose these proposed changes with all the strength and vigor that the united teaching profession possesses.

Now let me give several examples of the effect the proposed changes in the code could have on those dedicated men and women who are teaching in our educational institutions. In the State of South Dakota we have been making good progress in upgrading our State educational system and improving the qualifications of our teachers. We still have, however, 1,342 1-teacher rural schools and of this number only 64 of these teachers have college degrees. If the Internal Revenue Service has its way, the 1,278 teachers without degrees dare not from a tax viewpoint go to summer school or drive 50 to 100 miles one night each week to take extension courses offered by one of our fine universities, as so many do or save his or her money for several years in order to devote a full year to studying on the campus of one of our colleges or go to summer school every summer for 6 or 8 years if their intention or the result of such class work will lead to a college degree. What is wrong with encouraging them to get their degree?

If a teacher in South Dakota has a permanent or continuing teaching certificate which requires further educational courses every 3 or 6 years, he must not announce his plan to work toward the requirements for a degree because by doing so, the newly proposed Internal Revenue Service regulations would disallow the expenses of tuition, travel, or lodging while the teacher is improving his skill and knowledge.

The reasoning of the IRS is that a planned course of study leading toward a person's own specialization or skill is a personal or capital gain, and thus cannot be deducted from yearly earnings. In other words, IRS is saying or judging that every person who wants to better himself through formal education is primarily looking out for his own welfare and the almighty dollar, and that dedication to a vocation such as teaching, or the true Christian desire to help others is always secondary in one's life, and thus personal. As a former teacher myself, I am here to say that I will dispute this philosophy or opinion or belief anywhere at any time. It just isn't so within the ranks of the teaching profession in the United States.

Is it not unrealistic to think that a career teacher would spend his or her summer months going to school and spending money—rather than earning more money—just to get a refund from the Internal Revenue Service for his tuition, living and traveling expenses involved in becoming more skilled when the employer did not require it? It seems to me, however, that the IRS is certainly implying that the majority of teachers follow precisely such a course of action.

The proposed changes in the present code for deducting educational expenses do allow, on a much too restrictive basis, for deduction of expenses under certain conditions. If a teacher takes courses helter-skelter or hit-and-miss just to fulfill requirements for his continuing teaching certificate or if the school administrator signs a letter that the course will make him more skilled in the subject he is teaching, educational expenses can be deducted when he reports his earnings each year. But the courses taken must not lead toward an academic degree.

In other words, if I could convince my superior that basket weaving was essential to my skill as a speech instructor, I could deduct expenses for such study from my yearly income. On the other hand, if I took a course in electrical engineering which qualified me eventually for a degree in that field even though I took the courses in order to be able to build a radio sending set in the speech laboratory in my school—and further could not prove that I had no intention of being an electrical engineer, consciously or subconsciously—I would not be able to deduct such expenses from my annual income.

There is a way, however, of outsmarting the Internal Revenue Service, if their proposed clarification of educational expense deductions becomes effective, that will enable a teacher to get a degree while meeting the necessary qualifications of continued study in order to maintain his teaching certificate. If the teacher conceals his intention of seeking a degree or having a plan for a degree registered with the school he is attending, he can still very likely wear a cap and gown some day and march across the stage to receive his sheepskin. However, the school administrator under whom he teaches must assist him in his secret and surreptitious quest for a degree, and the teacher's college adviser and the college administration must cooperate by not putting anything in writing that would indicate the individual is enrolled in a systematic program leading to a degree. If word got out that the teacher was seeking a degree the IRS would not allow the educational expenses involved as deductions from his annual gross income. What a curious way to run a Federal tax collecting agency.

These procedures seem to be acceptable to the IRS by their proposed changes, but honesty and integrity which have been a hallmark within the teaching profession seem to be punishable by loss of deductibility of education expenses. Is this what we want our teachers to become: slight-of-mind and slight-of-hand technicians? I believe we would rather want them to "practice what they preach"—I do not believe we have come to the point in our society where we want teachers to tell their students, "Do not do as I do; do as I say."

The proposed restrictions on the deduction of educational expenses for millions of our taxpayers are not only detrimental to the entire teaching profession, but they stab at the heart of the incentive of the American workingman and woman to sacrifice present income to procure a better and more secure future. For instance, under these new IRS regulations, if a salesclerk wants to work all day and then enroll in a course at a university—or for that matter, I assume, to obtain a high school diploma—the expenses for this schooling would be a personal or capital expense and not deductible from the clerk's gross annual salary for tax purposes. This proposed change certainly negates the present administration's announced desire to better the economic and educational standards of the American citizen.

As an illustration of this self-defeating policy let me cite an example of what will happen to a young constituent of mine. Recently I received notification that a young South Dakotan had finished a course in electrical work at the Custer Job Corps Center in Michigan. On the basis of his superior work at the center he was awarded a scholarship sponsored by Litton Industries, Inc., to study electrical engineering at Western Michigan University. In addition to the scholarship it is my understanding that the Litton Co. arranged a part-time job for this young fellow to help cover the cost of living while attending the university.

The initial incentive provided by the Job Corps in interesting this youth in the field of electrical engineering is commendable. But where does he go from there? He evidently desires to complete his training so that he may make a greater contribution to society but the IRS is not going to encourage him to do so. His expenses, including travel expenses and living expenses, will not be deductible. He will, at least, have the scholarship, provided by a private corporation, to help him out. If he were motivated enough to go on in school but not lucky enough to win a scholarship, his expenses would still be nondeductible and in all probability, his educational career would be at an end.

In the final analysis, the Government is in effect saying, "We will let you get a taste of the cake, but when you have acquired a taste for the profession, when you believe that you would like to go on and improve yourself as a result of your own initiative and with no government strings attached, then we will restrict your ability to do so."

The aspiring electrical engineer, the salesclerk, and the teacher are not the only victims of this new effort to restrict the incentive of the American taxpayer to make his own way in life. The public accountant, once certified and employed under the minimum conditions required by an employer, dare not unconsciously or consciously improve himself by taking courses at a university leading toward an advanced degree because the result might lead to a promotion or an expansion of responsibilities in his position with the company, and this is personal gain, the likes of which would disqualify him from deducting the educational and training expenses involved.

What is even more ridiculous is that if the employer raises the qualifications for the position the individual holds and he must therefore go on to school in order to keep his job, he still cannot deduct the educational expenses because this would be personal or capital gain. This is hardly a consistent philosophy for raising the standards of employment, or assuring every man the security of a living wage and the individual dignity which has been a continual cry of the present administration.

Mr. President, if these rulings go into operation, their net effect will be to strip away job security in the teaching profession, place an added financial burden on an already overburdened profession, and destroy the initiative for continued self-improvement.

I hope the IRS will reconsider its stand on this issue. It is time someone gave the teachers a helping hand rather than the back of the hand. I know that many of my colleagues agree. This has been illustrated by the support given proposed tax legislation introduced in Congress which would encourage rather than discourage self-improvement on the part of the teachers. One such bill is S. 1203 of which I am happy to be a cosponsor. This bill would provide greater deductions for teachers who wish to broaden and increase their professional skills.

This is the direction in which this country should be moving—forward, not backward, recognizing and rewarding initiative, not penalizing it. In spite of all the billions this Nation may spend for Federal assistance to education the lasting gains that will accrue must come from the services of the educators themselves and these individuals can best be helped simply by encouraging them to improve themselves.

FOOD AND FOREIGN POLICY

Mr. McGOVERN. Mr. President, Mr. Richard Wilson, one of the most knowledgeable observers of the relationship of American agriculture to U.S. foreign policy, has written an interesting piece on this subject which was published in the Sunday, July 24, Washington Star.

I ask unanimous consent that Mr. Wilson's article be printed at this point in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

Food as an Instrument of Our Foreign Policy

(By Richard Wilson)

We are on the way toward spending many more billions to feed the world. This will be a major factor in our economy and our foreign policy for years to come. A great deal hinges on how efficiently and effectively the programs are carried out.

Much more hard-headedness is called for. The no-strings-attached idea, where food is concerned, has little application. There is simply no sense in feeding hungry nations so they can prepare to fight us or each other.

Nor is there any sense in not using food as a persuader in nations that happen to be neutral, or using it, when practical, to moderate those governments that are actively hostile to us.

In that context, selling food to Communist China inevitably will have to be considered. It may never be practical. But it would be vacant-headed not to study how, when and under what conditions shipping food to Red China could be an effective instrument of U.S. foreign policy.

Conversely, we ought to be tough with President Nasser of Egypt on what he does with the food we ship there in the future. As pointed out in a forthcoming article in Readers Digest by Dr. N. R. Danielian, president of the International Economic Association, we made it easier for Nasser to buy arms and hire German rocket technicians by shipping Egypt $1 billion worth of food. At the same time Nasser was receiving American corn, he was shipping Egyptian rice to Red China.

These contradictions have to be examined and reconciled, not after the fact but before.

Congress is now working on a measure called the food-for-freedom bill that would about double our food shipments abroad and limit them to $3.3 billion each year for a two-year period. As passed by the House, the bill gives too little latitude to the President and his administrators. That may be corrected by the Senate.

But what the Senate Agriculture Committee is failing to do in a series of secret hearings is to revise the bill sufficiently so that the President will have a real persuader for use in the satellite countries, and for possible future use in the Soviet Union and China.

Congress is insisting on the tight control of the assignment of food. It is certainly entitled to some control, but the fact remains that under the Constitution the President of the United States conducts its foreign relations.

Senator ELLENDER, of Louisiana, chairman of the committee, is trying to limit the executive authority so that it cannot effectively use the great food producing capacity of this country as an instrument of foreign policy. The secretary of agriculture would be forbidden from making acreage allotments that would produce a surplus to be used for worldwide food allocation.

That provision alone defeats one other desirable effect of the program, which would be to release farmers from acreage restraints so that they could produce for the world market.

The startling fact is that the worldwide food shortage, the spreading plague of hunger is advancing at a faster rate than expected. The recent commitment of wheat to India shows that our wheat reserves are already being drawn down below a desirable point.

The vanishing surpluses are an economic miracle in a nation whose administrators came to think of surplus farm products as a natural condition. They are slow in adjusting to the newer conditions and so committed to old policies of restraint that they are slow to acknowledge what is ahead. Only last year the Johnson administration asked for and got a four-year extension of basic agricultural law contemplating the total retirement of around 40 million additional acres from farm production. That goal is already wholly out-of-date, but the Johnson administration is moving slowly to increase farm acreage. Its concern seems more with holding down farm prices by adjusting government purchases, even though farm prices generally are about 20 percent below the level Congress had declared to be fair and equitable.

Farmers are eager to produce. They have the techniques and the land. It is a widely noted phenomenon that good farmers take great pride in their productive capacity, and some of them feel unnatural and uncomfortable, entirely aside from the economic aspects, if their land is not bountiful.

What is needed now is a more imaginative and constructive approach to a measured expansion of this productive capacity so as to place in the hands of the President a more effective instrument of foreign policy.

LOOTING PROFITABLE BUSINESS

Mr. BYRD of West Virginia. Mr. President, a UPI news story out of Cleveland appeared in the Parkersburg, W. Va., News on July 21, titled "Looting Profitable Business." The story refers to the riot which has recently rocked certain areas of Cleveland, and it depicts the pathetic situation in which merchants found themselves while their stores were being looted. Some merchants, according to the news story, watched their businesses go down the drain and said that they would not reopen in the riot area. Some of the merchants arrived at their stores while they were being looted and, rather than face the possibility of injury in trying to prevent the plundering of their own property, they told the looters to take what they wanted. It goes without saying, the looters obliged them.

I ask unanimous consent that the news story be printed in the RECORD.

There being no objection, the news story was ordered to be printed in the RECORD as follows:

LOOTING PROFITABLE BUSINESS

(M. J. Prendergast)

CLEVELAND.—A fifth of liquor for $3, a new suede jacket for $10, a gold watch for 25 cents, a bottle of wine for 40 cents, food at half price.

The cut-rate sale of looted goods went on. It was a buyers' bonanza.

Looting in this riot-marked city, a profitable business, was also a dangerous one.

Police arrested more than 125 persons for looting during the past two nights of racial strife, but this did little to assuage the anguish of some merchants who watched their businesses go down the drain.

Some said they would not reopen in the riot area.

"I can't believe what I have seen," said Earl Gamer, nearly in tears.

Gamer, owner of Larry's meat market in the heart of the rioting area along Hough Avenue, poked around the charred ruins of his burned and looted establishment.

He said looters smashed into his store, broke into a safe and left him "flat broke."

"They say we are capitalizing on the Negroes," he said. "That's not true. When I first moved here 19 years ago, there were very few Negroes. They came to me. I didn't come to them."

Looters smashed plate glass windows and doors to enter stores along Hough Avenue. Protective wire gates offered little protection. They ripped through the gates to get at the merchandise.

Men, women and children shared in the "windfall."

In some instances, the looting went on as police stood by in the background.

Looters took little or no precaution to disguise their activity.

Men carrying rolls of room-length rugs walked brazenly down Hough Avenue. Others made no attempt to stop photographers from taking their pictures as they carried merchandise from window-shattered stores.

Some merchants arrived at their stores while they were being looted. Rather than face the possibility of injury in trying to prevent the plundering, they told the "bargain seekers" to take what they wanted.

In all cases the looters obliged them.

NEED FOR HIGH-SPEED RAIL SERVICE BETWEEN MAJOR CITIES

Mr. PELL. Mr. President, the Wall Street Journal of July 22 carries a most interesting article regarding new developments in rail passenger service which I should like to call to the attention of the Senate.

The article reports that the New York Central Railroad is planning to seek discontinuance this fall of all long-haul passenger service, including such famous trains as the 20th Century Limited, which provides overnight service between Chicago and New York. Instead, the railroad will concentrate on new, high-speed shuttle service between major cities less than 200 miles apart.

This report is most interesting to me because it confirms what I have been arguing since 1962—namely that there is a real market and need for high-speed rail service over intermediate length routes which are often too short for efficient use of aircraft and too long for automobile travel. This is particularly true here on the Northeast seaboard, where we have many cities clustered together—many of them separated by only 20 or 30 miles of countryside. Indeed, the area between Washington and Boston is becoming so predominately urbanized that it has been called Megalopolis.

It is precisely because of the unique transportation needs of this area that I have urged a rehabilitation of rail passenger service to serve megalopolitan regions. Many of my ideas were incorporated in the High Speed Ground Transportation Act of 1965 which authorized the Department of Commerce to make demonstration tests of high-speed intercity service and to conduct research and development into new phases of ground transportation technology.

The reported plans of the New York Central Railroad should admirably complement these efforts by the Federal Government to promote truly balanced systems of transportation on a regional basis. I would add the personal hope that the Central's plans would not lead to abandonment of useful overnight sleeper service on such highly traveled routes as the Washington-Boston corridor. Also, it seems to me that the current disruption of air service has demonstrated amply the need for retaining a reserve capacity of longer haul passenger service, including sleeper service. Perhaps some of this capacity will have to be preserved in the form of so-called mothball fleets of rail cars, but it is capacity which could be essential to national defense and survival and therefore should not be allowed to disappear.

Mr. President, I ask unanimous consent to insert in the RECORD the article from the July 22 issue of the Wall Street Journal entitled "Central Aims To End Long Passenger Runs, Add Swift Shuttles," and also an article from the Washington Post of July 25 entitled "High-Speed Run Is Made by Jet-Train."

There being no objection, the articles were ordered to be printed in the RECORD, as follows:

[From the Wall Street Journal, July 22, 1966]

Central Aims To End Long Passenger Runs, Add Swift Shuttles—Line To Ask ICC Approval Soon—Other Roads Could Follow—Lower Fares, Faster Runs

(By John D. Williams, staff reporter of the Wall Street Journal)

NEW YORK.—The New York Central Railroad will ask the Interstate Commerce Commission this fall for permission to end all of its long-haul passenger trains. In return, the line will offer to set up a new system of high-speed, all-coach shuttle trains between major cities spaced less than 200 miles apart.

The move, if approved, could lead to a major overhaul of railroad passenger service in the U.S. There is no indication yet what the ICC reaction will be, but a go-ahead for the Central almost certainly would lead to similar requests by other railroads, especially those in the East, railroad officials say. When the Pennsylvania Railroad merges with the Central the combined system probably will seek to abandon the long-haul Pennsy trains, too.

In effect, the road is reemphasizing that it can't compete with the airlines on long runs—such as the New York-to-Chicago trip—but is giving notice that it intends to become a major factor in short-haul transportation—such as the New York-to-Albany run.

The plan would enable the railroad to scrap all its sleeping, dining and parlor cars. And since tickets would be sold only on board, the road could close its reservation offices and non-commuter ticket windows, reducing its work force by attrition.

THE AIM: PROFITS

The aim of the plan, of course, is to make the Central's passenger service profitable. Long-haul service accounted for the great bulk of the line's $16,176,000 deficit from passenger operations last year, when 8.8 million persons rode these trains. The number of passengers was less than half the 18.6 million of 1955. Similarly, the road figures that fast, frequent service between major cities that are relatively close could be quite profitable. Much present trackage could be used for the trains, which eventually would be jet-powered.

The Central, the nation's second largest road in terms of passengers carried, refuses to comment on the plan. But other sources confirm its existence. In fact, as a forerunner to the plan, the Central will begin testing tomorrow a former commuter car now powered by two jet aircraft engines on a stretch of track west of Toledo, Ohio. Engineers will seek to run it at speed of more than 150 miles an hour.

In an effort to lure travelers, fares on the new trains would be low and service frequent. The fare for the 142-mile trip between New York City and Albany, for instance, would be cut from $6.75 to $5—20 cents less than the current bus fare. Trains would leave every three hours.

In its argument before the ICC, the Central is expected to try to show that many cities would have more, rather than less, service under the new plan. It probably would note, for instance, that several major cities between Chicago and New York are less than 200 miles apart, and though these cities no longer would be served by the Twentieth Century Limited, they would have increased short-haul service. It is understood that some of the trains also would have interim stops.

OPPOSITION EXPECTED

The Central's approach—a modern-day version of the old interurban systems—surely will meet with much opposition. Railroads seeking to abandon passenger service are consistently met with strong attacks from the dwindling number of train riders. Some of these people don't drive cars and are afraid to fly. Others simply prefer train travel.

Nevertheless, the Central is determined to press ahead. Economics are the main factor, sources say. The Pennsy's New York-Chicago Broadway Limited, for instance, which carries an average of 75 through passengers, requires a crew of 68 for the 907-mile, 16-hour trip, chiefly because of crew changes and union work rules. A jet, which makes the trip in less than two hours, needs only a crew of seven or eight for the journey.

Some air fares between New York and Chicago already are lower than some train fares, and the Central is known to fear that the gap will widen in the 1970s when new jet planes hauling 250 to 490 passengers are added to the run.

The interurban rail service is just the latest of several plans railroads have for their passenger service. Abandonment is the hope of many roads—10 roads have applications pending to discontinue 25 intercity passenger trains—but others have hopes of improving their service.

Next year, the Pennsy and the New Haven Railroad, which also will be in the Penn-Central combine, will launch a three-year, $90 million Federally sponsored program for high-speed service over major sections of track between Boston and Washington. Under this program, the New York-to-Washington train time would be cut to 2 hours 18 minutes from 3 hours 35 minutes. These trains would travel at speeds of 110 miles or more an hour.

With such schedules, Commerce Department planners believe, the railroads could compete successfully with the popular air shuttles. At present, it takes about an hour on the air shuttle from New York to Washington, but getting to and from the airports can easily add another hour and a half to the traveling time.

The Central's interurban plan could be the answer to the troubles of many railroads, some rail officials say. "The Central's concept is a good one for the East Coast because of the tremendous congestion there," says a spokesman for the Union Pacific. "There is a real place for such service in the East and perhaps as far west as Chicago. But it wouldn't apply in the West where our average passenger haul is far longer than the Central's. We don't have the densely populated centers that would lend themselves to short hauls." The UP loses about $20 million a year on its passenger service.

Not all roads agree, however. The B&O-C&O system, for instance, loses $300,000 a year on its 43-mile run between Washington and Baltimore, and officials doubt that a fast shuttle would improve business, primarily because of a high-speed highway between the cities.

[From the Washington Post, July 25, 1966]

High-Speed Run Is Made by Jet Train

BRYAN, OHIO, July 24.—New York Central Railroad officials appeared elated today after apparently concluding test runs of their jet-powered train of the future.

The converted lounge car with twin jet engines on its roof made two runs, one of about 30 miles from Butler, Ind., and another of about 17 miles.

Company officials would not comment on today's top speed, but one writer said he thought it was 140 mph or better. An unconfirmed report from a Ft. Wayne, Ind., television station said the train reached a speed of 225 mph. The station observed the test from a helicopter.

The railroad's public relations director, Eric Woolfall, said the test runs would be discussed this week at a news conference in New York City.

The Central, soon to merge with the Pennsylvania Railroad, has not announced its plans for jet-propelled trains. But the Wall Street Journal has reported that the company hopes to use them on 200 mph. shuttle runs between major cities less than 200 miles apart.

BANGKOK BUSINESSMAN APPRECIATES EXECUTIVE SERVICE CORPS HELP

Mr. HARTKE. Mr. President, I noted here recently the sound growth of the International Executive Service Corps, which grew out of suggestions I made for the voluntary service of experienced businessmen in personally contributing their executive and technical know-how to counterpart businesses in less developed countries.

In noting that item in the CONGRESSIONAL RECORD, my good friend Frank Pace, Jr., now president of the IESC, forwarded to me a copy of a letter from a Bangkok textile mill director in which he stated that the 3 months of work with him by an American volunteer had moved their mill 5 years ahead.

As we are in the midst of our debate over foreign assistance, it is worth noting what a remarkable job can be, and is being, performed by a private agency such as the IESC, although it must be recognized also that its initial funding was through an AID grant. This is a most constructive approach, and I trust we shall see its continued expansion and success.

Mr. President, I ask unanimous consent that the letter to which I refer may appear in the CONGRESSIONAL RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

THE BANGKOK WEAVING MILLS, LTD.,
Bangkok, Thailand, July 7, 1966.

Mr. FRANK PACE, Jr.,
President, International Executive Service Corps, New York, N.Y.

DEAR SIR: We are deeply indebted to you for sending Mr. Sidney Buffington to us.

Mr. Buffington is not only an expert in textile who had helped to solve all our problems in the mill, he has also made friends with our people and he is loved by all. To us he is also your ambassador-at-large.

During the three short months that Mr. Buffington was here he had worked harder than any of us, transferred to us his 40 years of textile mill experience and moved us 5 years ahead of what we used to be three months ago.

We are so sad that we could not persuade him to stay with us longer. But wherever he goes, our thoughts will always be with him. Our arms will always be opened to welcome him whenever he has a chance to come to Thailand again.

We want to thank you again and we shall never forget your kindness, and the wonderful work which your Thailand representative Mr. John C. Chandler had done here.

Respectfully yours,

TANYAH POCINWONG,
Managing Director.

TRIBUTE TO NATIONAL DRUM CORPS WEEK

Mr. SIMPSON. Mr. President, I invite the attention of Senators to the week of August 20–27, which has been declared National Drum Corps Week. Instilling discipline, an appreciation for music, and a healthy patriotism, drum and bugle corps are an inspiring and exacting, activity for more than 1 million persons in cities and towns across the Nation. Members who make the grade can well be proud of themselves and their organization.

I have a special interest in the National Drum Corps Week, as my State can lay claim to the World Champion Casper Troopers. This fine group of young people has truly been a credit to our great State of Wyoming and to the Nation.

Everyone thrills to the excitement of brass bands, flashing drums and bugles, and the color and rustling of flags in a parade, particularly when these sights and sounds are combined with the eager and freshly scrubbed faces of American youth engaged in a wholesome and worthwhile purpose.

I join with other Senators in wishing the best of success to drum and bugle corps throughout the Nation in the projects they will be undertaking this week and throughout the year.

TWIN MARINES, CASUALTIES OF VIETNAM, REUNITED IN HOSPITAL

Mr. INOUYE. Mr. President, Lance Cpl. Ronald Sanoria, USMC, and his twin brother, Pfc. Richard Sanoria, USMC, sons of Mr. and Mrs. Lucio Agustin of Pahoa, Hawaii, were reunited recently at Tripler Hospital in Honolulu.

Both young men have had their left legs amputated after stepping on enemy mines in Vietnam in separate actions 4 months apart.

Ronald and Richard have been virtually inseparable since birth. They were born on Christmas Day, 1946, and were graduated from Pahoa High School in 1964. They played baseball and basketball in high school and joined the Marine Corps together. They have given much to their country and Hawaii is proud of their record.

An article by Mr. Wallace Mitchell, a reporter for the Honolulu Advertiser, describes their reunion at Tripler Hospital. If there are no objections, I respectfully request that it be printed in full in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

Smiles Don't Hide Tears At Sanoria Twin Reunion

(By Wallace Mitchell)

"Hi, Rick," Ronald Sanoria said when his brother Richard entered the room.

"Hi!" answered Richard, using a cane to take some of the weight off his new artificial leg.

Then their smiles collapsed, and they shook with sobs and tears. Richard buried his face against his brother's bare shoulders.

Their mother came into the room, crying. She put her arm around Ronald.

"I'm okay, Ma," he said through his tears. "I'm okay."

Richard and Ronald are the 19-year-old identical twins from Pahoa, Hawaii, each of whom lost his left leg below the knee in separate mine explosions in Viet Nam.

They were reunited yesterday for the first time since they both lost a leg.

Richard has been in Tripler Hospital since March 17. Ronald arrived here yesterday from Clark Air Force Base in the Philippines.

Their father, Howard Sanoria, and brothers, Robert and Fernando, also joined in the tearful reunion.

"I'm sorry, Ronald," whispered Robert, 22, a sailor home on special orders of Adm. Roy L. Johnson, Pacific Fleet commander.

"I told you I'd come back," Richard said to Fernando, who flew here from Pomona, Calif., to welcome his brother home.

"You've made it so far," Fernando said. "You'll make it all the way."

Robert kept sobbing.

"Thank God you're back," he said, and left the room to try to regain control over his emotions.

Ronald seemed embarrassed when he was greeted at planeside at Hickam Air Force Base by a cluster of reporters and photographers.

Lt. Gen. Victor Krulak, Pacific Fleet Marine commander, moved alongside Ronald's stretcher.

"How are you, Sanoria?" Krulak asked. "How're you doing—how was the trip?"

"Fine, sir," answered the slim veteran.

"I have something here for you," Krulak continued.

He took a medal from a box.

"I always feel a little ashamed about this Purple Heart 'cause it probably only costs a dollar," he said.

"But it's the most important medal your country can give you.

"To begin with, it means you are alive. Then it means you fought for your country and did it in an honorable way.

"And third, and most of all, it means 180 million people are trying to say 'thanks' to you.

"Now you're going to be all right and so is your brother. We're glad to have you here. God bless you."

Ronald, with severe internal wounds received when he tripped a Viet Cong mine near Da Nang, probably will have a longer stay at Tripler than Richard.

But they'll be together, as they have been all their life until their Viet Nam service.

And that was the important thing to Ronald.

TRIBUTE TO JAMES E. WEBB

Mr. ANDERSON. Mr. President, all too often our Government agency executives become known to the public because of errors in judgment and for the mistakes they make.

Less often is the steady day-after-day competence and dedication of many public servants brought to the attention of the public. One such public servant is the Honorable James E. Webb, Administrator of NASA—a very able man of great dedication. I was delighted, therefore, to read the editorial "The Test of Time" in the July 25 issue of Technology Week regarding the 5 years of outstanding service by Mr. Webb to NASA and to his country. I ask unanimous consent that this editorial be placed in the Record.

There being no objection, the editorial was ordered to be printed in the Record, as follows:

The Test of Time

More than five years ago, just after Mr. James E. Webb was named head of the National Aeronautics and Space Administration, a weekly aviation magazine called his selection a great disappointment. The publication was disgruntled because a scientist had not been named to the post.

We said at the time: "Mr. James E. Webb deserves a fair chance to tackle the important job he has accepted without being labeled a failure before he starts." And we added: "We will be among the first to criticize Mr. Webb if we feel he has made a mistake. Meanwhile, we will withhold judgment. Let's not hang a man before he commits a crime."

These past five years have witnessed great events in space. Man's reach for the stars has progressed from glimmering hope to the reality of hardware. During that period, we have not hesitated to criticize NASA when we felt such comment was called for. But the events of this week in the *Gemini* program inspire us now to pass that judgment we refused to pass five years ago.

We think it is time to state for the record our belief that Mr. James E. Webb has done an outstanding job as NASA Administrator. He has presided over an explosive growth of the agency which would have overwhelmed a less capable administrator; he has met and solved some exceedingly thorny management problems; he has dealt effectively with some of the world's most temperamental scientists; he has successfully steered the space agency's budget through the perils of both Administration and Congressional financing; he has given the space program a nationwide base of facilities and political strength; and, most important of all, he has forged a team which is writing an unparalleled record of technical accomplishment.

This issue is our tenth annual world missile/space encyclopedia. One need only study the record of world accomplishment in space, including that of the Soviet Union, to know how great a debt this nation owes to James Webb. We are the foremost nation in the world in many fields of space technology and, if the momentum is sustained, we can achieve this in all fields. The race to the Moon is indeed a race and one we have a chance of winning. Such worldwide preeminence in space most certainly did not exist five years ago.

It is true that there was a group in NASA which was greatly disappointed when President Kennedy did not name a scientist to head the organization. Mr. Webb was aware of this and he emphasized to the President that he was not a scientist.

Mr. Webb had served in a number of Government posts, including three years as Director of the Budget Bureau and three years as Under Secretary of State in the Truman Administration. But he also had displayed more than a passing interest in science. As Under Secretary, he had established the practice of assigning science attachés to our embassies. He also was active in working to improve high school science courses.

This interest helped overcome the nascent opposition in the scientific sector of the space agency. So did the gentle assistance and counsel of the late Dr. Hugh Dryden, whose willingness to work wholeheartedly as Mr. Webb's deputy provided an example for his scientific colleagues.

The NASA Administrator said at the beginning of his term of office that he did not feel it was his job to tell NASA's scientific staff in detail what to do, but rather to build an atmosphere of creativity in which scientific work and innovation could flourish.

The accomplishments of *Gemini 10* are testimony to his success in doing just that. U.S. astronauts have flown higher than their Russian counterparts. They have successfully performed intricate docking and rendezvous maneuvers. The have demonstrated that all the complicated maneuvers required for the lunar mission are attainable. They have performed extravehicular activity and carried out an impressive number of scientific experiments. They have flown many more hours in space than the Soviets.

As the *Washington Post* said last week, "The total achievement, in and of itself, is spectacular beyond the wildest hopes of a few years ago."

To appreciate the truth of that statement one need only remember how things stood when Mr. Webb took office. There was no *Gemini* program. The almost non-existent budget for something called *Apollo* had just been cut back to a study program by the previous Administration. Within a few weeks of Mr. Webb's appointment, the Russians startled the world by putting the first man in space almost a year before the *Mercury* project was in a position to match the feat.

Behind the space competence demonstrated by the astronauts lies five years of hard work in building nationwide facilities; designing, engineering and producing new space hardware; establishing the reliability of hardware and the competence of launch teams to enable two highly sophisticated vehicles to be launched on tight, often-simultaneous countdowns; and erection of a far-flung and complex tracking network.

The success of the space program is attributable to a large government-industry team. The boss of that team is James E. Webb.

As we pointed out five years ago, what President Kennedy was looking for in the man to head NASA was a good administrator with the ability to run a large organization and to help create an effective national space policy. We think he got exactly the right man.

WILLIAM J. COUGHLIN.

KING VEERS TOWARD VIOLENCE

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent to insert in the RECORD a column by Robert Allen and Paul Scott, entitled "King Veers Toward Violence," which appeared in the Bluefield, W. Va., Telegraph on July 17.

There being no objection, the column was ordered to be printed in the RECORD, as follows:

KING VEERS TOWARD VIOLENCE

(By Robert Allen and Paul Scott)

WASHINGTON.—Dr. Martin Luther King may be preaching the doctrine of non-violence for his coming "civil rights" disobedience campaign in the big cities, but he and his aides appear to be organizing for violence.

Federal authorities keeping a close watch on his Southern Christian Leadership Conference report that lieutenants of King are contacting Chicago street gangs and bringing them into his civil rights movement to fight "the power structure."

King, whose organization is studying the Buddhist use of street gangs in Saigon demonstrations, has put the Reverend A. R. Sampson in charge of enlisting gang leaders in SCLC's new militant youth movement.

According to an investigation report being circulated inside the Justice Department, King plans to organize the teen-age gangs into protest and marching groups in all major U.S. cities if his Chicago experiment is a success.

The report reveals that King personally has attended several meetings with gang leaders, including one early in June at a downtown Chicago hotel, where 50 groups held their "first annual gangs convention."

Attending this gathering were the "Blackstone Rangers," "The Disciples," "Del Vikings," "Peacemakers" and "Vice Lords." They are estimated to have a combined membership of more than 1,000.

A government informant who sat in on one meeting said that King and his aides harangued the gang leaders about the "unjust society" and urged them to join their civil rights group fight against its evils—"slums, poverty and police brutality."

In the sing-song rhythm that has become his trademark, Dr. King chanted, "If we are to deal with our problems, we have to get power. And power in Chicago, as in other large cities, is being so well organized that we can get the most powerful political organization in the country to say 'yes' when it wants to say 'no.' "

Sampson was more specific in his appeal to the gang leaders. He promised to establish a Committee on Police Service (COPS), consisting of "local gangs" to pressure the present city and state government to make changes and meet their demands.

Other SCLC speakers, according to the government report, told the gang members, "The real foes are Mayor Daley, policemen, slumlords, bankers, businessmen and school administrators."

Government informants reporting on other SCLC gang organization activities warned, "The gang members are being incited to violence instead of being taught nonviolence." They stressed that the gang leaders "have little or no understanding of civil rights" but do know how to use force.

King's new strategy of involving street gangs in his mounting civil rights activities is being watched by federal authorities because of his announced plans to resort to widespread civil disobedience.

They are concerned that if King uses these gangs to disrupt the flow of the city's transportation system, as he has indicated, he could trigger a Watts-like eruption in the nation's second largest city.

There also are signs that Dr. King contemplates using his new militant youth drive to help "internationalize" the turbulent civil rights movement.

Preparations already are underway to use these "street gangs" in a potentially stormy move against South Africa, whose apartheid policy has been under violent attack by the civil rights groups in this country.

The gangs are to be used in giant demonstrations in New York and other U.S. cities after the World Court, at The Hague, rules on South Africa's old League of Nations mandate over Southwest Africa.

THE USE AND ABUSE OF THE LEGISLATIVE REFERENCE SERVICE

Mr. BARTLETT. Mr. President, much attention has been directed of late to Congress' need for information. The concern is well founded. The increased scope and complexity of Government has resulted in heretofore unheard of demands on legislators. These demands are growing. It is important for our democracy that the legislative branch maintain its ascendency. It is important that the public will and the public interest continue to find its expression via Congress' actions and deliberations. Thus it is important that we not be forced increasingly to defer to the bureaucracy for expertise. We must develop and improve our own sources of information. Political scientist Charles R. Dechert has recently summed up the situation succinctly:

> Effective and independent decisionmaking requires autonomous sources of information and analysis. The Congress today is probably too dependent on executive sources and on the press for the definition of relevant problems, research, analysis, and the development of decisional alternatives.
>
> If Congress is to retain its essential role and relative strength within the American governmental system, it must consider means to facilitate access to factual knowledge, analytic skills and original ideas.

The principal independent congressional source of information is the Legislative Reference Service of the Library of Congress. In many ways LRS has served us well. For some time I have been concerned with Congress' need for a source of expertise on matters of science and technology. A promising first step has been taken with the employment of a small staff of senior scientists within LRS. The work of this group thus far has been most promising. They have been able to concentrate on substantive research and to avoid trivial tasks of the sort that have burdened so much of our research staff. I also should mention the high caliber of the research that was carried out by the International Law Division in connection with proposals to establish a 12-mile fisheries zone.

Too often, however, the case has been otherwise. Too often the work done by Legislative Reference Service has been sadly inadequate, lacking in scope and depth. But it is important, Mr. President, that the blame for this situation be properly placed. The prime fault is not that of LRS, though perhaps some refurbishing is in order. The prime fault lies with Members of Congress and their staffs, who have misused LRS and consequently impaired its functioning as an effective research organ. I evaluated the situation briefly last year in testimony before the Joint Committee on Organization:

> It is sad but true that LRS has often been flagrantly misused by Members of Congress. Work that should have been done by members' staffs, or perhaps not done at all, has been shoved off on LRS's research staff. Top experts in their fields have been saddled with such edifying tasks as writing book reports for high school students. Substantive work, of course, has suffered. It appears that the new scientific branch has been able to escape some of these difficulties, through concentrating on substantive research and declining to assume a heavy workload to trivia. It has been suggested that all research divisions be granted this degree of independence and that most constituent requests, if handled by LRS at all, be handled by a separate division. My information is incomplete, but my impression is that the scientific branch might indeed serve as something of a model for the other LRS divisions in this regard. The abuse of our reference service has gone to the point where legitimate and needed research cannot have the time and attention it deserves.

I am pleased to note that the joint committee plans to include in its report certain proposals designed to give LRS more time to devote to substantive research. Of course the success of any reform proposal will depend on the willingness of Members and their staffs to use the reference service properly.

The July 30, 1966, issue of the New Republic contains an excellent and incisive article by James Ridgeway on the use and abuse of LRS. Mr. Ridgeway's indictment is telling, and it deserves consideration by each Member of Congress. Therefore I ask unanimous consent that the article, "Advising Congress," be inserted at this point in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

Advising Congress

(By James Ridgeway)

Members of Congress frequently complain they don't really know what's going on, which is ironic since across the street from the Capitol at the Library of Congress they maintain a special staff called the Legislative Reference Service to give them expert advice.

The LRS is meant to keep the members informed with reports and briefings, and to help out in handling the work load by writing speeches and answering queries. In short, it is supposed to cut through the mass of junk that floods every congressional office and help the legislator come to grips with the basic issues of public policy. But some members and their staffs long ago despaired of its ever serving this function. "If I were going to want a first class paper prepared for a highly intelligent and literate audience on an important public policy problem," Congressman Brademas has said, "the Library of Congress would be the last place in the United States I would go because I have tried them out, and with rare exceptions the product has been second-rate. . . ." Brademas was testifying before the Joint Committee on the Organization of the Congress, which has been looking into ways Congress could function more effectively. Senator Monroney, the co-chairman, was more insulting. He said, "I have never had a paper from them that I would even insert in the Congressional Record without putting some of my own staff to getting some more basic things, and some of it is juvenile."

This is not entirely fair to the LRS since its work generally reflects the desires of the members, and particularly those conservatives who for so long have dominated Capitol Hill. Thus, while the Congress has increasingly pushed off on the Service a good deal of the day-to-day drudgery, it has been unwilling to pay for more staff to do the job properly. The result is that 228 people are asked to handle 100,000 inquiries a year, some of them involving extended and complicated analysis of pending legislation. More than a few of the requests for information are peculiar:

A research analyst had no sooner sat down to begin a long project than the phone rang. A congressman's secretary had to have the name of the U.S. ambassador to Hawaii. In another instance, a senator's office needed all the information available on medieval medicine by 3:30 that afternoon. The senator's daughter was late with a report for school. The daughter of another member was working for an advanced degree, and the service was asked to help her out by compiling a bibliography on the Suez Canal crisis.

Constituents are taking an increasing, if bizarre, interest in the operation of Congress, and they ask all sorts of questions that are promptly sent over to the Service for answering. People have written in posing such questions as: Was it right for Africa to break away and gain independence? Could the LRS find the article a constituent had read somewhere about happy marriages in the United States? From a woman who wanted to live in Saudi Arabia: Were conditions sanitary there and what sort of diseases would one be likely to contract? Peace Corps volunteers are forever wanting to know about the places they are to be sent. But by all odds teachers are the worst. They are masters at fobbing off on the members children with strange problems. One youngster in Connecticut wrote a congressman: "I mentioned to my US history teacher that the US recently purchased a new country named Gara. I think it is somewhere in or around Africa. He said he heard of no new purchase and asked me to bring in the piece of literature that I read the article in. I couldn't find it so I thought maybe you had some information that may help." Unwilling to run the risk of upsetting a constituent, the members have treated such requests with undue kindness. The Service can get rid of a good many queries by sending out already prepared pamphlets or book lists. The staff will respond to the particularly obtuse question with a pamphlet that tells how to use the dictionary and local library. In response to the great demand for debate materials, the LRS pulls together each year papers that present the pros and cons of the national college and high school debate topics. The Congress then prints them up by the thousands and the members distribute the materials. Where debators once had to do their own research, they now can get by mail booklets with everything done for them.

The members still feel it necessary to mark important historical occasions in countries from which their constituents' forefathers fled. And the LRS people are pulled off research to crank out hundreds of these speeches which can be inserted in the Congressional Record, and then sent back to the district. The independence of the Ukraine is one popular event. More than 80 speeches were read into the Record this year in celebration of the independence of Poland, and the staff of the LRS tries to make each one sound a little different. The birth of Israel brings on another orgy.

When he was Assistant Secretary of State, G. Mennen Williams wanted to make diplomats from the new African countries feel welcome in the United States, and he sent around a letter asking members to help out by putting congratulatory statements in the Record each time an African country had a national holiday. Williams promised his office would write them up, but as it turned out a great deal of work was dumped onto the LRS. Adam Clayton Powell is usually careful to mark the important African events with and LRS speech, and he is interested in the Middle East as well. In 1963 the Kuwaitis were so delighted with a speech he made about them that they flew him to the Persian Gulf for a look around. The speech was written at the LRS.

Members use the Legislative Reference Service to help them win reelection. While the LRS avoids partisan statements, it provides an analysis of issues, ghostwrites speeches and briefs the incumbent on subjects that are important to him—all of which can add to his advantage over the challenger. At election time, the members may ask the Service to coddle more of the voters who write in. The people at LRS were delighted when Lindley Beckworth was beaten in the recent Democratic primary in Texas. They weren't interested one way or the other in his politics. But Beckworth had sent over quantities of constituent mail to be answered.

GHOSTWRITING SCHOOL PAPERS

While the LRS is meant to be used judiciously by members to help them with their work, in practice, requests are usually accepted from anyone calling in from a member's office. This presents interesting opportunities for people on the make. Assistants to members have got the LRS to do research for books they were writing. In one case, the staff was asked to prepare an outline for a lazy political science professor who was a friend of a Congressman. Secretaries have called in with requests for reports, which, as it turns out, are papers for boy friends at college. Students who work as interns in Congress during the summer sometimes send over queries that will be of use to them in college.

Lester Jayson, director of the LRS, says his people catch most of the phony requests. As for constituent mail, while it is increasing, he feels these requests take relatively little time to process, and are not a major obstacle to the researcher in getting work done. But some of the staff people I talked to said the queries meant the interesting substantive work they were assigned had to be rushed and was sloppy as a result. In some quarters in the Congress the service has got itself the reputation of turning out poor, dull stuff. In 1962, for instance, Senator Neuberger asked for a rundown of the previous legislative history on smoking and health preparatory to the debates on cigarette labeling. Her office got back a list of previous bills and a brief description of what each one said. The LRS report said the Congress had held no hearings on the subject. As it turned out, the Congress had held an important set of hearings in 1957.

The Service is at its best analyzing matters of public policy when there is a mass of published information and the arguments are clearly drawn. Two of the staff members, Fred Arner and Helen Livingston were useful to members during the Medicare debates last year. They were loaned first to the House Ways and Means Committee and then to the Senate Finance Committee, where they helped prepare questions for expert witnesses, worked on drafting legislation, and in the final stages were on the floor to advise members.

In an effort to avoid partisan politics, the LRS staff is not permitted to offer opinions in their research papers, which makes the reports dull, and over the long run, very probably discourages spirited people from working there. The researchers also are expected to stick closely to published material, a rule which sometimes prevents a research analyst from giving a member the nuances of what he has discovered. The Service hasn't the money to put together the sort of investigatory research which played an important part in helping Congress make up its mind about auto and tire safety, pesticides, water and air pollution, and poverty. The Congress ought to have imaginative and expert information in such areas before the executive departments and lobbyists descend on it. As it is now, because the LRS is so ineffective, members will ask the executive departments to prepare expert testimony, and write questions for witnesses which, in effect, means that the Administration not only writes the legislation it wants, but exercises oversight as well.

There are signs that the LRS may be slowly changing. A new division of science policy research is beginning to put out the wide ranging reports on science and technology which should go some way towards helping members stand up to the executive departments. Jayson is asking the House Appropriations Committee to give him more staff, and he wants to get the constituent mail and other spot requests out of the researchers' hair. The Joint Committee on Organization has been preparing a report which would strengthen the LRS by creating a separate division to handle routine inquiries, and thus freeing researchers for more substantive work. It also would encourage the Congress to hire expert consultants when needed on a temporary basis. All this will help. But the Congress would find things considerably more lively if it staffed the Legislative Reference Service with people whose opinions the members found stimulating.

NEED FOR NEW TRADE POLICY TO OVERCOME RESTRICTIONS AGAINST AMERICAN FARM PRODUCTS

Mr. PROXMIRE. Mr. President, in commenting on our present international economic position, I have attempted to identify some critical areas where policy or natural changes may affect our overall balance of payments. Today I draw the attention of the Senate to the vital contribution of agricultural exports.

It is easy to overlook their importance. The growth of world trade has been largely in exchanges between industrial countries. The recovery of the war-torn countries of Europe has brought a new competitive challenge to our manufacturing industry. There, as here, the share of agriculture in total output and in the employment of labor has been declining. But, the United States has continued as the world's largest exporter of farm products. It has supplied about one-fifth of the world's total of these exports. And the market is a growing one. The total value of farm product exports is expected this year to be almost double that of only 7 years ago—$6.7 billion compared with $3.7 billion in 1959. Cash receipts will approach $5 billion. Agricultural exports represent almost one-quarter of the value of our merchandise exports, excluding military aid items. A prosperous and increasingly populous world creates growing demand for our produce. The less prosperous, but also increasingly populous, countries need our supply of food. It is in a real sense food for peace.

But the critical role of our agricultural exports is based on our trade with the industrialized countries. They account for about one-third of our total exports to Western Europe, whereas our agricultural imports from these countries are one-tenth or less of our total imports. It is very easy for us to strike a balance and say we have an annual surplus of over $1 billion on our agricultural product trade with the countries of the Common Market. It is just as easy for these same countries to look at the same trade and see a large deficit. And when some of these countries are in overall deficit, there is a ready political appeal, even if no economic case, for a policy of restricting their imports from us.

Now the Congress has made very clear its expectations that trade negotiations under the Trade Expansion Act must assure improved access to world markets for U.S. agricultural exports. Yet we have, since November 1964, been negotiating on industrial products only, and the EEC, while it has recently reached internal agreement on agriculture, has yet to present its agricultural proposals to our negotiators in Geneva.

The evidence is accumulating that we shall be facing a common agricultural policy of the EEC that is protectionist and restrictive in its international aspects. Let it be made clear that we in the United States understand by the term "reciprocity" an agreement on trade that includes agricultural trade liberalization. We need that, and we shall not quietly grant concessions on industrial products without it.

Let me make a serious proposal. If the negotiators of the EEC go on their August vacations without submitting their agricultural proposals, a failure which would cast doubts on their serious intention to bargain, the United States should begin to give thought to a change in its trading policy. This would have two aspects: First, an abandonment of our unconditional most-favored-nation approach, so as to exclude named customs unions that have demonstrated unwillingness to move toward trade liberalization. Second, an offer to negotiate with any and all other nations with a view to the elimination of trade barriers. If the Common Market of Europe will not play, let us show that we can make a common market of the rest of the free world. If we are unable to reduce restrictionism by the EEC, the United States has no prospect of gain from a general retaliatory policy or a broad retreat from all of its postwar trade aims. The United States has a clear interest in liberalizing trade with those who are likewise willing to liberalize it.

PUBLIC OPINION POLLS AND VIETNAM

Mr. McGOVERN. Mr. President, at a time when major foreign policy and military decisions relating to the war in Vietnam seem to be made more and more on the basis of public opinion polls, Mr. Art Buchwald's column on this subject in the Sunday, July 24, Washington Post is of special interest. I ask unanimous consent that the article be printed at this point in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

Bombing Out—Ah Ris Poll Shows Only 13 Percent of North Vietnamese Like Bombs

(By Art Buchwald)

London.—There has been a lot of emphasis on polls of late, particularly on the Vietnam war. After the United States bombed the outskirts of Hanoi and Haiphong, President Johnson announced that 75 percent of the American people approved.

Unbeknownst to most people, a recent poll was taken in Hanoi by the North Vietnamese political pollster, Lu Ah Ris, and someone slipped it to me. The results were very interesting.

Ah Ris revealed that 75 per cent of all the North Vietnamese said they did not like being bombed by American planes, 13 per cent said they didn't mind being bombed and 12 per cent said they didn't know.

Sixty per cent of the people asked said they would rather be bombed than strafed, 23 per cent said they would rather be strafed than bombed and 17 per cent said they had no preference.

A large segment of those questioned said that, while they didn't agree with President Ho Chi Minh's domestic policies, they felt he was doing a good job in foreign affairs. At least 96 per cent replied yes when asked if they were happy with President Ho's handling of the war. The other 4 per cent turned up as refugees in South Vietnam.

President Ho still has a good following in North Vietnam. In answer to the question, "If elections were held tomorrow in Vietnam, would you vote for Ho Chi Minh, Gen. Ky, President Johnson, Gov. Romney or Bobby Kennedy?" President Ho got 63 per cent of the vote.

But in the follow-up question, "If elections were held in 1972 . . .?" Kennedy came out 2 percentage points over President Ho and 34 percentage points over Hubert Humphrey.

When asked if they thought President Johnson was doing a good job in Vietnam, 98 per cent of the North Vietnamese felt he wasn't doing enough bombing of *South* Vietnam. Two per cent said they "didn't know."

President Johnson's popularity in Hanoi hit a new low after the bombing near Hanoi and Haiphong.

Seventy-three per cent of those questioned said they would have thought twice about supporting President Johnson if they knew he was going to bomb North Vietnamese cities. Twenty-three per cent of those interviewed said they saw no reason to go to the conference table now that all their oil supplies were burned up and 7 per cent said Barry Goldwater's approach toward North Vietnam was much more honest and straightforward.

When asked what they thought of the escalation of the bombing, only 6 per cent of the North Vietnamese thought it was a "good thing."

Good thing—6 per cent.
Bad thing—32 per cent.
Not sure, but probably bad—59 per cent.
Too early to tell—3 per cent.

The final question of the poll was about what the average North Vietnamese felt was the most pressing problem facing Hanoi at this time.

Urban renewal—2 per cent.
Air and water pollution—5 per cent.
The move of large masses to the suburbs—6 per cent.
The draft—3 per cent.
The Seventh Fleet—84 per cent.

STUDENT LOAN PROGRAM MOVING FORWARD

Mr. HARTKE. Mr. President, one of the milestone legislative accomplishments of this Congress, which has been dubbed by some the education Congress, was the passage of Public Law 89-329, the Higher Education Act which was signed into law last November 8.

As one who has long sought to improve the opportunities for financing a college education by all those who are qualified to make profitable use of such training, I was particularly pleased that title IV incorporated the proposals I offered in the 88th Congress for student loans guaranteed by the Federal Government, for a program of work-study assistance, and for grants in aid to the neediest students. At the same time, as I have frequently noted, the new program cannot be expected to carry the full load of need without the continuance at its present level of the National Defense Education Act loan fund program.

But it is significant that the bankers of the Nation are girding for participation in the new federally guaranteed private loan program. According to Dr. Benjamin Fine in his syndicated column appearing in the Washington Star recently, the Association of Reserve City Bankers has pledged full support to the program. Charles E. Walker, vice president of the American Bankers Association, is quoted as saying that eventually all banks will participate in the loan process established by the act.

In this time of rapidly rising interest rates and tight money, it is encouraging that the Nation's banks are willing to make such a universal commitment to loans which will bring the banks a lower return than they might receive from other types of lending.

Dr. Fine's article also contains information about available materials for students who wish to become familiar not only with the Federal program but with others as well. The suggestions made there may be useful to Members of the Senate in responding to student inquiries. I therefore ask unanimous consent that the Fine article may appear in the CONGRESSIONAL RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Washington (D.C.) Star, June 26, 1966]

COLLEGE FOR THE ASKING: BANKERS BACK STUDENT AID

(By Benjamin Fine, Ph. D.)

The top management of the nation's largest banks, members of the Association of Reserve City Bankers, have pledged their full support to finance student loans under state and private guarantee plans.

The bankers plan to develop methods and procedures to provide adequate amounts of funds in all sections of the country. An estimated 775,000 college students will be eligible to borrow $620 million during the next school year to finance their education.

According to Charles E. Walker, executive vice president of the American Bankers Association, all banks will eventually participate in the program. He predicted that students will borrow primarily in their home towns rather than in their college towns.

The federal government is the principle source of college loans. More than $190 million a year is loaned to some 250,000 students. But the federal government wants private and state agencies to take over this job, though the government will continue to underwrite the loans and subsidize the interest rate. Thus, if the banks charge the students 6 percent interest, the federal government will pay 3 percent and the student will pay the other 3 percent.

As the importance of education continues to mount, so does the cost of obtaining a higher education. The cost of financing a higher education at either a public or private school has increased by 50 percent in the last 10 years and will jump another 25 percent by 1970. Enrollments are climbing along with costs. The number of students in college doubled between 1955 and 1965, going to 5.5 million. By 1970 enrollments will reach 8 million.

AGREEMENTS SIGNED

Interim agreements to initiate the insured student loan program during the 1966–67 academic year have been signed by the U.S. Office of Education with agencies in 13 states and the United Student Aid Funds which operates a nationwide student loan program. The United Student Aid Funds, 5259 N. Tacoma Ave., Indianapolis, Ind., is a nonprofit student guaranteed loan agency with programs in all 50 states.

The USFA guarantees the loans, reimburses the banks and continues the collection procedure if the loans become delinquent. The loans, of course, are supplemented with scholarships, fellowships and outright grants from private, federal and state sources.

Under the government-guaranteed loan program the government assists state and private student loan insurance plans in underwriting loans up to $1,000 a year for undergraduate students and $1,500 for graduate students.

I have prepared a series of bulletins that spell out the sources available for scholarships, fellowships and loans and the steps to follow in getting college funds. Write to Dr. Benjamin Fine, in care of The Star, and ask for these bulletins: Bulletin No. 1, "College Help for Children of Veterans"; Bulletin No. 2, "Where to Get Federal, State and Private Loans"; Bulletin No. 3, "Major Scholarship Sources"; Bulletin No. 5, "Scholarships Available Through Business and Industry" and Bulletin No. 10, "Federal Scholarships, Fellowships and Loans." Please send a long, stamped, self-addressed envelop and 25 cents in coin for each bulletin desired to cover handling charges. (All five for $1.)

One of the major sources of scholarship aid are the colleges themselves. During the coming year the colleges are scheduled to offer $100 million in scholarship aid to 300,000 students. Not everyone who applies gets help, of course. But two important considerations are involved: academic record and need.

YALE EXAMPLE

Yale University is a good example. At present the total financial assistance received by the four Yale classes amounts to $3 million each year. A request for financial aid will in no way handicap an application. This is generally true among all colleges.

Financial aid, in accordance with need, will be continued all four years, provided only that the student remains in good academic and personal standing. Jobs will normally be offered but are not mandatory. Yale loans may always be substituted for the job. Every effort is being made by Yale to find on-campus jobs when requested. More than 40 percent of each recent class of Yale has received financial aid.

You can get a listing of the scholarships, loans and jobs available at each college and university in the United States from the 360-page U.S. Office of Education book "Financial Assistance for College Students: Undergraduate." (U.S. Government Printing Office, Washington, $1.25.)

For those interestd in graphic arts, the Educational Council of the Graphic Arts Industry, 1411 K St. NW, Washington, has set up a national scholarship trust fund for 12 fourth-year scholarships to be used at institutions offering degree programs or majors in printing design, printing teaching, printing management and technology. The values of the scholarships range from $100 to $1,000 a year. Additional scholarships are offered by several companies, foundations and other donors in the industry.

ALL IS LOST IN DISORDER

Mr. BYRD of West Virginia. Mr. President, the Dominion-News of Morgantown, W. Va., carried an editorial on July 20 titled "All Is Lost in Disorder." The editorial referred to the race riots which have been occurring in various cities throughout the country, and it appropriately stated that "There can be no solution," referring to racial grievances, "which is based on violence." The editorial went on to state:

> Law and order must be maintained for the community good, and our police forces must be supported in this very delicate task.

Mr. President, this is the position which I have been taking for a long time. As the editorial pertinently pointed out:

> There is no excuse for the looting and burning—

And—

> Stealing from stores and businesses has no justification.

The editorial went on to say:

> Much of what we have witnessed in the past week is plain criminal activity. It has nothing to do with civil rights.

Mr. President, I ask unanimous consent that this timely editorial be printed in the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD as follows:

ALL IS LOST IN DISORDER

The race riots in the big cities of the nation are spreading. The apostles of "Black Power" seem to be winning the mass of young negroes to the idea that only through violence and disorder can the Negro achieve his aims of equal rights and justice.

Last week it was Chicago, where only the advent of the Illinois National Guard calmed the situation to a degree where it was possible for leaders of both races to sit down and discuss grievances and their solution.

This week it is Cleveland, Brooklyn, N.Y., and Jacksonville, Fla. Death came to a Negro woman in Cleveland, in the midst of rioting and looting. In the other two cities stupid taunting by white youths set off street battles which ended up in injuries all round.

But no matter what the provocations; no matter how grim is the ghetto life (and grim it is), there can be no solution which is based on violence. Law and order must be maintained for the community good. And our police forces must be supported in this very delicate task. It is one thing to demonstrate peacefully for rights which have been denied; but there is no excuse for the looting and burning which always develops from these disorders. Much of what we have witnessed in the past week is plan criminal activity. Stealing from stores and businesses has no justification—certainly, it has nothing to do with civil rights.

The tragedy of the situation lies in the fact that the Negro complaints have a just basis. The Civil Rights acts of the past several years have had little effect on the lot of the average Negro. Those of the middle classes have been the gainers. But they represent only 10 per cent of the 18 million Negroes in America. The other 90 per cent are caged in ghettos, many jobless, uneducated, frustrated, and full of despair.

These Negroes are ripe for the influences of "Black Power" advocates, who preach a message as hateful and as violent as that of the Ku Klux Klan and the other white racists. Racism of any kind is un-American and begets the type of violence that has been witnessed these past few days.

The Negro leadership on every level must exercise the art of restraint, and this must be the message they pass on to the whole Negro community. The considerable victories won by the Civil Rights movement will mean nothing, if the rest of the American community is alienated by the current show of force and violence. Respect for law and order does not mean subservience or slavery. But to flout the law and burn and pillage under the guise of civil rights, is a mockery of the American ideal. We can have no sympathy and can give no support to those who are party to it.

THE MOST RECENT MARRIAGE OF MR. JUSTICE DOUGLAS

Mr. SIMPSON. Mr. President, the recent marriage of 67-year-old Supreme Court Justice Douglas to a 23-year-old Oregon coed has caused not a small bit of speculation as to the emotional balance of one of the nine men who have within them the power to create Federal by fiat.

The Casper, Wyo., Star-Tribune took note of this marriage in an editorial published on July 20. The paper was unequivocal. Said its editorial:

> There can be little question but that Justice William O. Douglas ought to resign.

The editorial went on to opine that—

> Justice Douglas is entitled to his penchant for taking young wives, but only as a private citizen. Not since Daddy Browning adopted Peaches has there been anything like this.

Mr. President, as a Senator who takes a dim view of the matrimonial musical chairs of a man who has been appointed for life to the Supreme Court of the United States, I ask that the Star-Tribune editorial be printed with my remarks in the Record.

There being no objection, the editorial was ordered to be printed in the Record, as follows:

He Should Resign

There can be little question but that Justice William O. Douglas ought to resign.

The private lives of movie stars, with their multiple marriages, may be their own. The people can make their own choices as to whether to patronize their films and whether to dissociate their public and private careers.

In the case of a public official, particularly in such an important and distinguished office as that of a Justice of the United States Supreme Court, no such choice is permitted. The decisions of the Supreme Court affect all citizens, and their salaries are paid out of the public coffers. This fact gives the people an inherent right to demand of such jurists that they shall show some respect for generally accepted standards of conduct.

Justice Douglas is entitled to his penchant for taking young wives, but only as a private citizen. Not since Daddy Browning adopted Peaches has there been anything like this.

Justice Douglas, who is 67, was married a fourth time Friday to a 23-year-old Oregon coed, Cathleen Curran Heffernan. While the majority of Americans must have lifted their eyebrows at this news, the lid really blew off Monday when five Members of the House of Representatives introduced resolutions calling for an investigation of Justice Douglas' moral character. The question of morality might be hard to determine, since every man must set his own standards. If those standards, however, run counter to public opinion, there is ample reason for skepticism.

Legally, Mr. Justice Douglas can get marriad and divorced as many times as he desires but he adds nothing to the dignity of the Court. He may argue that his private life is his own, but it is not his own. He already has laid it on the bench of American jurisprudence. As a life-time member of the Supreme Court, he presumably has dedicated his best efforts to the American people. Those people, although they may disagree with many decisions, have a right to expect that the personal conduct of men who interpet the laws of the land shall be above criticism.

WALL STREET JOURNAL OPPOSES WEST FRONT EXTENSION

Mr. PROXMIRE. Mr. President, one of the Nation's most respected newspapers, the Wall Street Journal, suggests today that if Congress permits the west front of the Capitol to be extended as proposed by the Architect of the Capitol, then every Member should run for cover from an enraged electorate.

I could not agree more. If Congress allows this needless expenditure of $34 million—and that is only the starting figure—and the totally indefensible destruction of the west front, then every Member will have failed his constituents and his country.

As I have said before: the huge amount of money proposed is inconsistent with the President's pleas for moderation for spending in a time of a tight budget; we do not need additional tourist facilities in the Capitol of the United States; we dare not overlook the historic virtues of preserving the last remaining public structure of the Capitol's exterior; and we simply cannot defend the proposition of trying to improve architectually on one of the world's most famous structures.

We must repair the west front. That much is certain. But we must do it in an intelligent, reasoned, and sensible manner.

I ask unanimous consent to place in the Record at this time this editorial from the Wall Street Journal.

There being no objection, the editorial was ordered to be printed in the Record, as follows:

Obesity on Capitol Hill

If, a decade ago, Congress without question or debate had not given five men the power to "provide for the extension, reconstruction, and replacement" of the Capitol's central portion, perhaps it would not be in the middle of the mess it is in now. And it is quite a mess.

There is no doubt that the Capitol's historic West front, crumbling and patched, needs to be shored up or that it can be. This much is conceded by the Commission for the Extension of the Capitol, headed by House Speaker John McCormack. Its other members are Capitol Architect J. George Stewart (who is not an architect), Vice President Hubert Humphrey, Sen. Everett Dirkson and Rep. Gerald Ford.

Messrs. Stewart, McCormack and Dirksen, the others being absent, recently decided in closed session that the West front should not just be repaired, but extended. Extended substantialy, in fact, to provide more than four acres of floor space including, among other things, two cafeterias, four dining rooms, two auditoriums and a reception center for tourists, plus Congressional committee and conference rooms, although conference space already in the East front is seldom used. It also would include 115 small offices—sometimes known as "hideaways"—for members of Congress.

The cost? An estimated $34 million, at a time when the Government is supposed to be economizing and urging everybody else to do the same.

Mr. Stewart told a questioning Senate committee that since the decision to extend had been made, Congress would not be asked to review the Commission's plans. It would be asked only for the $34 million. The Commission, meanwhile, is paying no heed to the Government's Commission on Fine Arts, composed of four architects, a sculptor and an art critic, which recommends the West front's repair and not its extension.

Before Congress votes a nickel for this plan, maybe it ought to take a fresh look at the Rayburn House Office Building, a structural horror built under the aegis of the Architect of the Capitol. For if the legislators give the Commission carte blanche to proceed with its proposed bloating of the Capitol, they may well need those 115 new little hideaways, and then some.

A CASE FOR REFORMING THE FEDERAL RESERVE

Mr. DOUGLAS. Mr. President, one of the great joys of my years of service on the Joint Economic Committee has been the opportunity to hear my dear friend, Wright Patman, question the Fed. There are very few people who can match his knowledge of the intricacies of our central banking system, and the twists and turns of its historical development. And I know of no one who can match his steadfast dedication to the goal of reforming the Fed to make that august institution more responsive to the will of the people. I have not agreed with him at all times on monetary issues, but I have always appreciated his vigor and dedication.

It was therefore a most gratifying discovery to come across an article by Wright Patman in the spring issue of the St. Louis University Law Review on the Federal Reserve System and its need for legal reform. In his 38 years in Congress, Wright Patman has kept a careful account of the Federal Reserve System, and he has been an active participant in discussions and debates on the subject over the years. He knows things that the historians have never learned, or have overlooked. Out of this knowledge and experience he has distilled an intriguing account of the Fed's legal development, chronicled some of the behind-the-scenes activity and provided a blueprint for reform.

I hope that the article will be widely read—by every Member of Congress, by scholars and, above all, by members of the banking fraternity. It is with this in mind that I offer Wright Patman's Law Review article for the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

The Federal Reserve System: A Brief for Legal Reform

(By Wright Patman[*])

The Constitution vests the monetary powers of the nation in the Congress. Article I, Section 8, Clause 2, of the Constitution provides that: "The Congress shall have power. . . . To borrow money on the credit of the United States. . . ." Clauses 5 and 6 empower the Congress "To coin Money, regulate the Value thereof, and of foreign Coin . . ." and "To provide for the Punishment of counterfeiting the Securites and current Coin of the United States. . . ." Clause 18, embodying the so-called "Incidental Powers," provides that the Congress shall have power "To make all Laws which shall be necessary and proper for carrying into Execution the foregoing Powers and all other Powers vested by this Constitution in the Government of the Untied States, or in any Department or Officer thereof." Article II, Section 1, Clause 1, states: "The executive Power shall be vested in a President of the United States of America." Thus it is eminently clear that Congress has the responsibility of establishing the laws for carrying out the monetary powers and that the President, vested with the executive powers, has the responsibility of carrying out the laws established by Congress.

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[*] United States Congresman, Chairman of the House Banking and Currency Committee and the Joint Economic Committee of Congress.

The founding fathers realized the power inherent in these monetary functions. They were keenly aware from their study of history that the power to regulate and control money, like the power to declare war and to levy taxes, is fundamental to the public welfare. Their study of history had taught them that these great powers must be kept subject to the will and vigilance of a free and alert citizenry; for, otherwise, that citizenry stood in imminent peril of domination by a powerful oligarchic minority, a phenomenon that has recurred countless times throughout human history.

The landmark decision of *McCullough* v. *Maryland*,[1] clearly affirmed the principle that Congress holds the monetary powers under our Constitution, and this doctrine has been reaffirmed and elaborated in a number of cases since that decision, one of the more recent being *Norman* v. *Baltimore & O.R.R.*[2] Furthermore, the federal government argued successfully in the *Legal Tender Cases* that Congress was "under no express restrictions on the subject of money."[3] There is no equivocation in legal precedent, therefore, about the principle that the monetary powers belong to the people and reside in the Congress.

In spite of this indisputable clarity, however, we find that Congress has in fact handed this sovereign power to create and control money to the Federal Reserve System, an institution more responsible to itself than to the federal government, and one which has shockingly close ties to the commercial banks. As an illustration of this self-accountability, William McChesney Martin, Jr., Chairman of the Federal Reserve Board, told the Joint Economic Committee on February 6, 1964, that the Board has "the authority to act independently of the President" and even "despite the President."[4]

On December 5, 1965, by a four-to-three vote, the Board raised the discount rate in flagrant disregard of the President's statement a few days earlier that tightening money would be harmful. This action prompted Professor Tobin of Yale University to say in a letter to the *New York Times* that, "Because of the paranoiac mania for Federal Reserve independence, the Federal Open Market Committee, the real hard core on policy in this country, does not even let the Secretary of the Treasury or the Council of Economic Advisers inside the door to explain the Administration's fiscal outlook for strategy."[5] When the Board was brought before the Joint Economic Economic Committee to answer questions about its precipitate action, Chairman Martin admitted, in response to a question from Senator Sparkman, that prior to raising the interest rate the Federal Reserve Board did not consult the Federal Home Loan Bank Board, which represents the Savings and Loan industry and which was destined to be adversely affected by the action.[6] In the previous year, the Board refused outright to furnish the Banking and Currency Committee of the House of Representatives with minutes of the recent meetings of the Open Market Committee.

It should be stressed that the Open Market Committee is a creature of the Federal Reserve System that possesses tremendous power over the money supply of the nation through the purchase and sale of billions of dollars of United States securities each year. But even the congressional committees, charged with the responsibility of supervising our banking laws, have no access to its activities and decisions. It is unfortunate that the operation of our monetary system is shrouded in obscurity and is not as well known to the people as it should be. This situation has been fostered by the Federal Reserve Board and by some of the banking community who have made a mystique of the subject. They carefully cultivate the illusion that they are the only ones who can understand the money market and the mysterious breezes and occasional hurricanes that blow through it.

The principles of our money system can be clearly understood if people are given a chance to see the facts. We have a fractional reserve system under which the commercial banks are permitted to lend out money approximately ten times in excess of their reserves. These loans by the commercial banks constitute demand deposits which bankers can create, literally, by a stroke of the pen. The Federal Reserve System by regulation, sets the reserve requirements which the private commercial banks must by law maintain against their demand deposits. In other words, it is the Federal Reserve System which has the power under the law to determine the percentage ratio between reserves and demand deposits. In actual practice, the Federal Reserve System controls the supply of money or, more specifically, the amount of commercial bank reserves through the purchase and sale of government bonds in the open market. By selling bonds, the Federal Reserve Board withdraws reserve funds from the banking system. Conversely, by purchasing bonds in the open market, it adds to the reserves of the banking system. In short, the power to create money, which the Constitution vested in the elected representatives of the people, and the power to fix its volume and its cost have been given to the Federal Reserve System and its Open Market Committee, consisting largely of representatives of private banks.

The limit on the lending power of the commercial banks is the supply of reserves which is determined by the Federal Reserve System. It is the Open Market Committee, made up of the seven members of the Federal Reserve Board and the twelve presidents of the regional Federal Reserve banks, who are selected by representatives of private commercial banks, which actually determines the purchase and sale of securities and, thereby, controls the reserves of the banking system. This is the most important power in the Federal Reserve System. This committee has the power to issue notes of the federal government which are interest free in exchange for United States bonds which bear interest. The Committee also has the power to do the reverse: Issue United States bonds bearing interest in exchange for interest-free notes.

The Federal Reserve System is a quasi-private exercise of public power which is completely improper in a modern democracy. Even though the Employment Act[7] gives the President extensive responsibilities for the prosperity and growth of our economy, neither the President nor the Congress controls the monetary powers which are among the most important and fundamental for our well being. The Employment Act cannot be carried out effectively unless the Government has the power to control and coordinate all of its economic activities, including the all-important monetary powers which include the control of the money supply, the available credit, and the interest rates charged to borrowers—the fundamentals of economic stability. The policies of the United States Government for full employment, international stability, equitable taxation, and domestic prosperity can never be sound or dependable while the most important part of the nation's economic powers is in the hands of a private group which exists as a separate government. The result is that there are two governments in Washington—the elected Government of the people and the autocracy that controls our financial destiny.[8]

It is tremendously important to the public welfare that lawyers understand the nature, origin, and development of our present monetary situation. This article will analyze in detail the present structure of the system that manages the public money, explore the turning points of history that brought about the present system, examine some of its results, and, finally, suggest what can be done about it.

THE PRESENT STRUCTURE OF THE FEDERAL RESERVE SYSTEM

As presently constituted, the Federal Reserve System[9] consists of twelve regional banks governed by directorates and supervised by a board of seven members appointed by the United States President for terms of fourteen years. Each of the twelve Federal Reserve banks has nine directors. One of the vital insights into an understanding of the Federal Reserve System is the method of selecting these directors. Three of them are called Class A, three, Class B, and three, Class C. The Class A and Class B directors are elected by member banks. Class A directors are chosen from officers of banks in the area;

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[1] 17 U.S. (4 Wheat.) 316 (1819).

[2] 294 U.S. 240 (1935).

[3] 79 U.S. (12 Wall.) 457, 518 (1871).

[4] *Hearings Before the Joint Economic Committee on the January 1965 Economic Report of the President,* 89th Cong., 1st Sess., pt. 3, at 46 (1965).

[5] Letter to the Editor, N.Y. Times, Dec. 15, 1965, p. 46.

[6] *Hearings Before the Joint Economic Committee on the recent Federal Reserve Action and Economic Policy Coordination,* 89th Cong., 1st Sess., pt. 1, at 120 (1965) [hereinafter cited as *Hearings on recent Federal Reserve Action*].

[7] 60 Stat. 23 (1946), 15 U.S.C. § 1021 (1964).

[8] The Committee on Administrative Management characterized the problem in this manner:

"They (Administrative Agencies) are in reality miniature independent governments set up to deal with the railroad problem, the banking problem, or the radio problem. They constitute a headless 'fourth branch' of the Government, a haphazard deposit of irresponsible agencies and uncoordinated powers. They do violence to the basic theory of the American Constitution that there should be three major branches of the Government and only three. The Congress has found no effective way of supervising them, they cannot be controlled by the President, and they are answerable to the courts only in respect to the legality of their activities. . . .

They suffer from an internal inconsistency, and unsoundness of basic theory. This is because they are vested with duties of administration and policy determination with respect to which they ought to be clearly and effectively responsible to the President, (or to the Congress) and at the same time they are given important judicial work in the doing of which they ought to be wholly independent of Executive control . . . [T]he independent commission is obliged to carry on judicial functions under conditions which threaten the impartial performance of that judicial work. The discretionary work of the administrator is merged with that of the judge . . . . Any program to restore our constitutional ideal of a fully coordinated Executive Branch responsible to the President must bring within the reach of that responsible control all work done by these independent commissions which is not judicial in nature."

Report of President's Committee on Administrative Management 36–7 (1937). For a current summary of these problems see also, Staff of Senate Comm. on Regulatory Agencies (Comm. Print 1960).

[9] 38 Stat. 251 (1913), 12 U.S.C. § 221 (1964).

and Class B directors are chosen by the commercial banks from the fields of commerce, industry, or agriculture, and may be stockholders in banks. Class C directors are appointed by the Board of Governors, and they must not be officers, directors, employees, or stockholders of any bank.

It should be noted that the 7,000 commercial banks who are members and who hold "stock" in the Federal Reserve System, do not vote according to the size of their stockholdings. Rather, each exercises one vote. It should also be noted that the word "stock" is a misnomer since the relationship it denotes lacks the true attributes and power of stock in a corporation. The president of each of the twelve Federal Reserve banks is elected by the nine directors of the bank; and significantly, no oath of office is taken by these presidents or by the directors.

Studies have revealed a preponderance of banking background among directors.[10] Early in 1964 the House Banking and Currency Committee, in connection with the comprehensive review of the Federal Reserve System, sent to all Class B and C directors a questionnaire regarding bank affiliation and bank stock ownership. Since Class A directors are chosen from officers of banks, they would be expected to have banking connections. But the study showed that of the thirty-six Class B directors, all of whom responded, seventeen had been directors of banks before becoming Federal Reserve directors and four had held other positions or offices in banks. Of this total of twenty-one, there were only three who did not own some bank stock. Of the remaining fifteen who had never been directors or officers of commerical banks, nine owned bank stock. Thus, out of thirty-six Class B directors, thirty had some connection with banking.

Of the thirty-six Class C directors, all of whom responded, eighteen had formerly been bank directors and two had held other bank positions. Of this group of twenty, there were only three who had never owned bank stock. Out of the remaining sixteen who had never been directors or officers, five had owned bank stock at one time. Thus, out of the total of 108 directors in the twelve banks, ninety-one are or have been connected with the private banking industry which they have the responsibility to regulate.

The present Chairman, Mr. William McChesney Martin, Jr., is widely regarded as sympathetic to the banking interests and is much respected by them. Mr. Martin has won great respect as a man of ability and integrity; but there is a very serious question whether he has the balanced view that should be the *sine qua non* of public service with broad national responsibilities. He belongs to the money world of New York and was, at one time, the president of the New York Stock Exchange. In his testimony before the Joint Economic Committee on December 13, 1965, Mr. Martin stated that, in his conversation with President Kennedy concerning the idea of making the Chairman of the Federal Reserve Board *"persona grata"* to the President, he [Martin] "would undertake to take that up with the American Bankers Association. . ." to see if he could ". . . get their support for it."[11] The presence of Chairman Martin and of Alfred Hayes, president of the New York Federal Reserve Bank, on the Open Market Committee, along with the additional support received from the presence of the presidents of the Chicago, Boston, and Philadelphia banks, guarantees the powerful New York banks ample protection.

It is important to recognize that the fundamental monetary powers of the nation are exercised by the Open Market Committee which is made up, on the record, of five Federal Reserve bank presidents and the seven members of the Board. But, in actual fact, all twelve bank presidents participate in the deliberations which, of course, are conducted in secrecy every three weeks. In this way, the fundamental power for economic good and economic ill in our country is exercised by a group currently identified with the banking community and operating willfully and deliberately outside the ambit of the United States Government.

HISTORICAL DEVELOPMENT

Throughout the fifty-three years of its existence, there has been a struggle over the control of the Federal Reserve System between the advocates of a public-spirited, impartial, able administration dedicated to the public interest and the advocates of the special interests of the banks. There is no doubt that the bankers have been winning the struggle and that the open market function has been the basis of their control. This extra-legal power is so great that its exercise can literally create prosperity or depression. The Open Market Committee maintains a forty billion dollar portfolio of bonds, over which there is no outside control and upon which the people of the United States are required to pay full interest, in spite of the fact that the Federal Reserve Board has already paid for these bonds with the people's money.

Contrary to notions disseminated by spokesmen for the banking interests, this state of affairs was never sanctioned by the Congress. It was deliberately engineered by the banking interests and was aided by the inactivity of the Congress which failed to take action as, step by step, the people's control of their own monetary powers was whittled away. Furthermore, the Federal Reserve System has never been subjected to public audit or budgetary control like the other agencies of government. Although it controls exclusively the forty billion dollar portfolio which belongs to the Government, handles hundreds of billions of dollars of the Government's money, and exercises the Government's power to destroy soiled and damaged bills, the Federal Reserve System has become a power unto itself. It decides its own budget without any congressional scrutiny and it audits itself.

As passed in 1913, the Federal Reserve Act[12] was never intended to set up anything like the system that exists today. What the Act did was establish twelve regional banks, each with autonomy in its own region and designed to operate more or less automatically to provide a flexible supply of money and credit under general supervision of a Board appointed by the United States President. There was no central bank; President Wilson was opposed to the very concept of a central bank. He also stressed the need for public control. When the Act was under consideration in 1913, President Wilson said:

> "The control of the system of banking and of issue which our new laws are to set up must be public, not private. . . . It must be vested in the Government itself so that the banks may be the instruments, not the masters, of business and of individual initiative and enterprise."[13]

President Wilson was once approached by a group of bankers who desired to assure themselves of control of the System while in its formulative stage. In a circumspect way, they proposed the subject to him in his office. "Which of you gentlemen would condone putting a Railroad President on the I.C.C.?,"[14] asked the President. There was an embarrassed silence, after which the delegation walked out. They did not convince Woodrow Wilson, but they did achieve certain compromises in the final legislation. One of them was the provision that six out of the nine directors of each regional bank be chosen by the banking community. It is this provision, more than any other, which has weakened the Federal Reserve System and has allowed banking interests to dominate it, in spite of the fact that its original legislative character contemplated twelve autonomous regional banks.

When the Federal Reserve legislation was considered in 1913, the question whether it should be a central bank or a system made up of twelve independent regional banks was basic. The Aldrich Commission had proposed a system of branch Reserve banks operating under the control of a central board of directors.[15] Under this system, the branch banks would have carried out mechanical operations without any control over policy. Nelson Aldrich, the maternal grandfather of Governor Rockefeller of New York, was a prominent New York banker. The plan developed by him and his commission was a big-bankers' dream and, thus, it was opposed strenuously by President Wilson. Due to the vigorous efforts of the President and of many legislators mindful of the public interest, the Aldrich plan was rejected in favor of a system of semi-autonomous regional banks which had the power to buy and sell bonds and notes of the United States and of States and counties, to purchase and sell bills of exchange, and to establish discount rates. The Board, which was appointed by the President, had certain supervisory powers such as the right to review discount rates. The clear aim of the legislation's sponsors was to "get the money market out of New York," and that is one reason the Aldrich plan was rejected.

At the time of its enactment and for a number of years thereafter, there was no general awareness of the great power inherent in the open market function. Gradually, several astute eastern bankers began to see the tremendous possibility for power and control in exercising the open market function and, more important to them, in centralizing it under the control of the New York bank. Andrew Mellon, the Secretary of the Treasury from 1921 to 1932, Benjamin Strong, the governor of the Federal Reserve Bank of New York from the time it was established in 1914 until his death in 1928, and a number of others began a long quest for power. It should also be pointed out that in 1921 the banks began to purchase bonds in the open market, mainly to provide themselves with earning assets. They paid for these bonds by simply increasing the reserves of banks. In other words, they simply created the purchasing power. Although this had not been intended by the Act, neither the Board nor the Congress recognized this usurpation and the practice expanded. Each of the Reserve banks determined the amount of its own purchases and bought as much as it felt it needed.

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[10] The results of the House Banking and Currency Committee survey are published for the first time in this article.

[11] *Hearings on recent Federal Reserve Action, supra* note 6, pt. 1, at 167.

[12] 38 Stat. 251 (1913).

[13] 50 CONGRESSIONAL RECORD 4643 (1923) (Representative Carter Glass of Virginia quoting President Wilson).

[14] *Hearings on recent Federal Reserve Action, supra* note 6, pt. 1, at 167.

[15] In 1910 Congress created a National Monetary Commission to conduct a searching examination into the nation's monetary and banking structure. Senator Aldrich was Chairman of the Commission, and submitted the first report to Congress, S. Doc. No. 784, 61st Cong., 3d Sess. (1911). Senator Aldrich retired from the Senate on March 3, 1911, but the proposed plan was later submitted by Senator Burton. Although Senator Aldrich had retired from the Senate, he continued as Chairman of the Commission, and the final report was submitted by him. S. Doc. No. 243, 62d Cong., 2d Sess. (1912).

In the vital period between 1921 and 1932, the Federal Reserve System was dominated by Andrew Mellon, Secretary of the Treasury. For, in those days, the Treasury Secretary and the Comptroller of the Currency were members of the Board and the former was the ex-officio chairman. Mellon was a representative of big banking interests; and, in various ways, he and his associates saw to it that the Board remained weak and under banker domination. He established a pattern that has proved hard to change. Mellon took an immediate and violent dislike to the regional autonomy in the purchase of bonds. He took the position that it interfered with Treasury efforts to purchase securities for government accounts, and he claimed that they were bidding against each other for Treasury securities,[16] a situation which one might expect to redound to the advantage of the Treasury. Unfortunately, the Treasury Department does not have such a delightful option today. Mellon, along with Benjamin Strong and a number of stalwart allies, took the first step away from public control in a 1922 palace revolution which ended in the formation of an *ad hoc* committee of the presidents of the five eastern-district Reserve banks. The function of this "committee of governors" was to coordinate open market operations. As Governor Strong of the New York bank stated, "Nobody watches this market as closely as we do . . . if we do not do something they [the Federal Reserve Board] will. The Federal Reserve Board has power to regulate this matter."[17]

Strong was able to convince the other banks to go along with this proposal, which clearly put the open market function in the hands of eastern bankers, by arguing that, if they did not do what he said, the Federal Reserve Board would take control. Obviously, this was anathema to the banking community and was sufficient to frighten the regional banks into acquiescence. It is also a revealing indication that the Federal Reserve Board had failed at a vital juncture to assert the power that the Congress gave it. This deficiency in initiative furthered the success of the eastern bankers toward their objective of constituting themselves a central bank with the vital monetary powers of the nation in their hands.

When in 1923 the Federal Reserve Board, dominated by Andrew Mellon, failed to take any action, the Committee of Governors started at once on a policy of tightening money and raising interest rates. Already it had become an extension of Benjamin Strong's ego. In the short space of a year he prevailed against most of the other participants in monopolizing the power not only to recommend purchases and sales but actually to control them and thus to dominate the monetary policy. Even Carter Glass, then Chairman of the House Banking and Currency Committee, who often showed great tolerance for the ambitions and powers of the banking community, observed that "Strong is trying to dominant the Treasury and the Federal Reserve Board."[18] Strong and his associates beat down every feeble effort of the Board to reassert its authority except for the relatively minor accomplishment in 1923 of changing the name of the committee and requiring that it submit its actions to the Board for approval. However, the committee retained the power of initiating policy and therefore preserved its control. Meanwhile, Mellon muddied the waters by thundering against the confusion engendered by local bank purchases. Although ostensibly speaking for a stronger Board, he was really strengthening the hand of Benjamin Strong, the president of the New York bank.

Mellon and Strong were the successful architects of the transformation of the Federal Reserve System. It is clear that Congress intended to establish public control over the System through the appointive Board and that the decentralization in the form of regional banks was designed to nullify the monopolistic powers of the New York money managers. Mellon and Strong, however, transformed the nature of the institution through assuring "safe" control of the open market function. They shrewdly left the discount provisions of the law, under which regional banks discount debt paper for commercial banks to provide flexibility for the credit system and to meet local needs, in the hands of the local banks. They realized that the discounting function, which was paramount in the minds of the founders, would decline steadily in importance as the scope of the open market powers became more obvious.

As a matter of fact, the arrogant domination by New York was not readily accepted in the other sections of the country, and there was counter agitation from time to time. Moreover, the Board, stimulated by this grass roots discontent, occasionally made feeble efforts to assert itself. Due to this periodic ferment there was another revision in March 1930, resulting in the informal formation of the open market policy conference to replace the open market investment committee. This was done without any legal sanction.[19] The conference was made up of the heads of all twelve banks and, on the surface, gave more weight to the various regions of the country. But in actuality, the functions continued to be dominated by the New York bank. In the 1933 legislation, this provision was enacted into law,[20] thus giving legal sanction to the idea of complete control of the sovereign monetary powers of the people of the United States by the banking interests. This legislation was reported by the House Banking and Currency Committee without any hearings, and it slipped through without a record vote after an intensive campaign by the American Bankers Association. Representative Lemke of North Dakota summarized it as follows:

"I can well understand why this bill was considered in executive sessions by the committee, because, if my friends and colleagues, the gentleman from Texas (Mr. PATMAN), the gentleman from Pennsylvania (Mr. McFadden), and others had been permitted to take part in the considerations, the bill would never have appeared on the floor of this House in its present form—A bill of this kind could never have been born in the bright sunlight of day. It had to be born in executive session. And now we are asked to vote for it without knowing its contents and without having had time to digest its far-reaching results."[21]

Actually, the 1933 Act was a step toward a central bank, but not a complete one, because it was still possible for regional banks to refuse cooperation with New York. It was the 1935 Act, discussed below, that converted the Federal Reserve System from a twelve-bank regional system to a central bank. Marriner Eccles, who became Chairman of the Federal Reserve Board in 1934, in discussing the 1933 Federal Reserve Act Amendments, said:

"Under existing law open-market operations must be initiated by a committee consisting of representatives of the 12 Federal Reserve Banks, that is, persons representing primarily local interests. They must be submitted for approval or disapproval to the Federal Reserve Board, and after they have been approved by the Federal Reserve Board, the boards of directors of the Federal Reserve banks have the power to decide whether or not they wish to participate in the operations. We have, therefore, on this vital matter a setup by which the body which initiates the policies is not in a position to ratify them; and the body which ratifies them is not in a position to initiate them or to insist on their being carried out after they are ratified; and still a third group has the power to nullify policies that have been initiated and ratified by the other two bodies. In this matter, therefore, which requires prompt attention and immediate action and the responsibility for which should be centralized so as to be inescapable, the existing law requires the participation of 12 governors, 8 members of the Federal Reserve Board, and 108 directors scattered all over the country before a policy can be put into operation."[22]

The struggle by the dominant eastern banking elements to set up a central bank controlled by them in New York continued. As indicated above, a major objective of the founders of the Federal Reserve System and most of the bankers who participated in it was avoidance of the domination of the eastern bankers—the so-called New York Money Trust. But in spite of the fact that the regional bankers and their representatives in Congress battled valiantly over the years and put up strong resistance to the New York forces, they slowly lost the fight. By the early 1930's the trend of the struggle was apparent, and, by the end of the World War II period, the battle was over. At the present time, there is no doubt that the New York money market dominates the Federal Reserve System. As was brought out in the December 1965 hearings of the Joint Economic Committee in a colloquy between the author and Chairman Martin, the President of the New York Federal Reserve bank dominates the open market function, controls its employees, and has exclusive possession of the forty billion dollar portfolio.[23]

One aspect of this situation that should command the attention of students of public law is the existence of an exclusive and limited group of bond dealers who have a monopoly on the huge purchases and sales of government securities conducted by the Open Market Committee. In this way, the twenty authorized dealers are in possession of a double tollgate that permits them to collect commissions on every bond transaction of the Open Market Committee—both purchases and sales. They get them coming in and going out, and neither the Congress nor the people have the slightest idea how much profit these dealers make from this exclusive franchise. The legality of channelling all of this public business through an exclusive and restricted handful of large-scale operators is open to serious question.

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[16] CHANDLER, BENJAMIN STRONG, CENTRAL BANKER 209–10 (1958).

[17] *Id.* at 213.

[18] *Hearings Before the Subcommittee on Domestic Finance of the House Committee on Banking and Currency,* 88th Cong., 2d Sess., vol. 3, at 1986 (1964).

[19] The Federal Reserve Board became particularly concerned with the easy money policy initiated in 1927 by Governor (President) Strong of the New York Federal Reserve Bank. Because of his close connections with the European central banks, Strong became convinced that this policy was necessary to stop the continuous gold flow to the U.S. Consequently, the Open Market Investment Committee, under his domination, undertook a large purchase of government securities in 1927. The disastrous consequences of this policy led the Federal Reserve Board to attempt to assert its authority over the regulation of open market operations. As a result it established the Open Market Policy Conference in March 1930 to replace the Open Market Investment Committee. The main purpose was to reduce the power of the New York Bank by making the Board Chairman, Chairman of the Conference and by giving all 12 banks representation.

The Conference still remained "extra-legal," as there had never been any legislative provision for an open market committee, and this change took place without any legal action. (Emphasis supplied.)

[20] 48 Stat. 168 (1933), 12 U.S.S. § 263 (1964).

[21] *Hearings Before the Subcommittee on Domestic Finance of the House Committee on Banking and Currency, supra* note 18, vol. 3, at 1992.

[22] *Hearings Before the House Committee on H.R. 5757,* 74th Cong., 1st Sess., at 181–82 (1935).

[23] *Hearings on recent Federal Reserve Action, supra* note 6, pt. 1, at 166.

The dominance of the New York bank became obvious to all informed observers. Carter Glass once reported that the English press regards the Federal Reserve bank of New York as the central bank of the Federal Reserve System, with the other eleven banks mere branches.[24]

At the time of the 1933 legislation, advocates of bank domination began to express concern about "political" control of the System. It was first raised in connection with the feeble and partly successful efforts to give the Board some role in the open market function by requiring its approval. This power was exercised in a very timid fashion and had virtually no effect. This theme has been repeated constantly and can be heard daily from the lips of Federal Reserve officials and commercial bankers. The originally intended public role of the Federal Reserve System has been reversed and replaced by the spurious doctrine of nonpolitical control of the monetary powers. By this is meant banker control as opposed to public control in the public interest. This is like having the geese guard the shelled corn. Thus it has never failed to amaze this observer to see how many people can be duped by the notion that somehow the Government would not run the Federal Reserve System properly and that the commercial bankers would. The 1933 legislation also extended the terms of the six appointed governors to twelve years and put them on a staggered basis, thus placing the Board beyond the reach of the President and the administration. It was a great victory for the banking interests.

Riding the crest of his overwhelming mandate in 1932, President Roosevelt had determined that a substantial work-relief program was necessary to increase employment and purchasing power and to help get the country back on its feet. He was well aware that the Federal Reserve System would play a key role in deciding what kind of reception would be accorded the government bond issues that would be necessary to finance it. With good reason he was afraid that the Federal Reserve banks might block his program by failing to take appropriate action in the open market. In particular, he was afraid that they would try to offset the stimulative effects of large-scale government spending by dumping government bonds and shrinking the money supply. This situation was documented by Marriner Eccles, who for many years was Chairman of the Federal Reserve Board.[25]

To avoid this prospect President Roosevelt sent a reform bill to the Congress which would have given authority for open market operations to an eight man Federal Reserve Board, including the Secretary of the Treasury and the Comptroller of the Currency serving as ex-officio members. The Board members were to be appointed by the President to fourteen year terms and were to consult with a five-man advisory committee appointed by the Federal Reserve banks. The committee would not have any vote in the final determination of policy. Thus the proposals were designed to place full authority for open market operations in a central board which represented the national interest.

The bill, as introduced in the House by Congressman Steagall of Alabama, differed from the Administration proposal in the composition of the committee. Steagall's bill provided for a Committee made up of the Chairman of the Board, two members of the Board to be selected by the entire Board, and two Federal Reserve Bank presidents selected by all the presidents of the Reserve banks.[26]

In the hearings before the House Banking and Currency Committee, Marriner Eccles stressed the desirability of placing final authority in the Board. He told the Committee:

"Open-market operations are the most important single instrument of control over the volume and cost of credit in this country. . . . Authority over these operations, which affect the welfare of the people as a whole, must be vested in a body representing the national interest." [27]

He criticized the Steagall bill as follows:

"The Federal Reserve Board, which is appointed by the President and approved by the Senate for the purpose of having general responsibility for the formulation of the monetary policies, would have to delegate its principal function to a committee, on which members of the Board would have a bare majority." [28]

Eccles also quoted from President Wilson and other founders of the Federal Reserve Act, clearly indicating the intention of the framers to assure Government control of the System. After Eccles' testimony, Congressman Steagall introduced an amended bill which would have placed full responsibility for open market operations in the Federal Reserve Board. In the debates that followed on the floor of the House, there was very clear indication that the basic issue was who would wield the monetary power—private banks or the elected government of the United States. Symptomatic of the opinions of the proponents was the following statement by Congressman Sisson:

"I am heartily in favor of the main provisions of title II, which carry out nearly in whole the recommendations made by Governor Eccles to the Banking and Currency Committee, and in accordance with the program initiated by the great leader of the American people, Franklin D. Roosevelt, to give us a sound and adequate currency and to place the control of the issue of money and the control of credit, which is at least nine-tenths of our money, in the Government of the United States rather than in the private bankers." [29]

Another comment, from Representative Hancock, is of interest:

"[T]he heart of this bill, as I have just said, revolves around the operations of the open market committee. . . . Every power provided for in this bill exists today in the present law; but there is a transfer of power to take the control of the volume and the cost of money from private hands and place it in Government hands, where, in my opinion, it should have been for the past 20 years." [30]

And finally, Representative Steagall himself made clear his own considered judgment on the Act, saying:

"After the Federal Reserve Board outlines policies, every Federal Reserve bank will be required to carry out in full faith the plans and policies declared by the Federal Reserve Board, as the servants of the Government of the United States, speaking for all the people and not for any private interest." [31]

Unfortunately for the national welfare, the bill was badly weakened in the Senate—partly, I regret to say, because of efforts of an old friend, the late Senator Glass.

Carter Glass had been annoyed at President Roosevelt for ignoring him when the President chose Eccles to be the new Chairman of the Federal Reserve Board. As Chairman of the Subcommittee on Monetary Policy, Banking and Deposit Insurance in the Senate at that time, Senator Glass challenged the philosophy underlying the bill and solicited support from sympathetic economists and bankers as witnesses before the Subcommittee. As a result of his efforts and aided by the testimony of witnesses he produced, the Subcommittee amended the provisions affecting the open market committee to include five Federal Reserve bank representatives and seven members of the Board. This, of course, greatly changed the original bill. It was passed by the Senate in the form proposed by Glass and, in conference, the Senators were able to prevail. The conference bill passed both Houses on August 19, 1935.[32]

As a result, appointments to the Board were staggered over periods of from two to fourteen years so that not more than one would expire in any two-year period. The fourteen-year term remains in the present law. Moreover, the Chairman was selected from the members of the Board. When Chairman Martin's term expired during the administration of President Kennedy, the President found his hands tied. He had no freedom of choice, being limited to the seven members of the existing Board. A President who serves two full terms will not have, under present law, the opportunity to appoint more than two members in his first four years in office. The third would come in the first half of his second term. Inasmuch as a recent amendment to the Constitution limits a President to two terms, the law virtually denies him any opportunity to control the Board through appointments. The net result is that he is controlled by his predecessors' choice and his selections control his successor.

To sum up the history of deliberations on the vital question of control of the open market committee, the original bill would have drastically revised the open market committee which, because of its control of the monetary system, is one of the most powerful economic forces in the world. The House bill would have placed this important function exclusively in the Federal Reserve

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[24] CLIFFORD, THE INDEPENDENCE OF THE FEDERAL RESERVE SYSTEM 120 (1965).

[25] ECCLES, BECKONING FRONTIERS 186 (1951).

[26] The bill was introduced by Representative Stegall and referred to the Committee on Banking and Currency. H.R. 5357, 79th CONG. REC. 1501 (1935).

[27] *Hearings Before the House Committee on H.R. 5357, supra* note 22, at 181.

[28] *Id.* at 181–82.

[29] 79 CONG. REC. 6964 (1935).

[30] *Id.* at 6734.

[31] *Id.* at 6720.

[32] H.R. 7617 was reported from the House Banking and Currency Committee on April 19, 1935. H.R. Rep. No. 742. It passed the House May 9, 1935, by a record vote of 271 yeas to 110 nays. On May 10, 1935, the bill was introduced in the Senate and referred to the Senate Committee on Banking and Currency, 79 CONG. REC. 7281 (1935). It was reported favorably by Chairman Glass on July 2, 1935, with an amendment. 79 CONG. REC. 10588 (1935). The amendment changed the Open Market Committee provisions of the bill to include not only the Board of Governors, but also five representatives of the Federal Reserve banks which in the House bill were to act in an advisory capacity only. On July 26, 1935, the bill, with the Federal Open Market Committee amendment in tact, was passed by a voice vote. 79 CONG. REC. 11935 (1935). On August 19, 1935, the Conference Report, which included the Senate provision, was agreed to by a voice vote in both Houses. 79 CONG REC. 13711, 13655 (1935).

Board, which is appointed by the President and confirmed by the Senate, and it would have relegated the committee of bank presidents to a supervisory role. This House bill passed, 262 to 110, on a record vote. However, the Senate-passed bill favored the bankers' position, and it was this substitute measure that passed the House and Senate without a record vote.

In addition to diluting the possibility of Board control of the open market activities, the bill eliminated any possibility of day-to-day Administration contact with the Board by eliminating the Secretary of the Treasury and the Comptroller of the Currency from its membership. Moreover, it was not long before all twelve Reserve Bank presidents began to attend the open market committee meetings. While only five could vote, all could participate freely in the discussion and in shaping the consensus of the meeting which was generally summed up for the record, in any, case, by the Chairman. In this way, the Reserve Bank presidents, under the leadership of the New York Federal Reserve Bank, are able to exercise a dominance on the committee.

The Administration's efforts to strengthen the public control of the Board suffered a defeat in 1935 and, as a result, the Board and the open market function were further removed from Administration control and influence. In addition to the 1935 legislation, subsequent developments have strengthened the control of the System by the banking community.[33] The president of the New York bank, for example, was made a permanent member of the Open Market Committee in 1942. This appointment became effective on March 1, 1943. Thus, the New York bank now conducts the open market operation in its entirety. The eleven other banks conduct no open market activities; they are mere service centers for check-clearing and similar functions. They do not even know their condition until the New York bank sends them a telegram to advise them. It is the New York bank which assigns to the other eleven banks their shares of the portfolio of government bonds held by the Committee. These bonds, of course, are the basis for the earnings of the various banks. Detailed questioning of the bank presidents during the 1964 hearings held by the Banking and Currency Committee revealed that most of the bank presidents did not even know how the allocation of the portfolio or its income is determined. For this function is handled completely in New York, and the other eleven banks are merely passive recipients.[34] This practice is particularly indicative inasmuch as the original Federal Reserve Act did not mention the New York bank. Instead, it contemplated taking the money market out of New York and decentralizing it to the twelve regional banks, the sole overall coordination coming from Washington.

These developments in the history of the Federal Reserve System, all of which were made possible by the inaction or indifference of the Congress, placed the Federal Reserve System well beyond the reach of the people and their elected Representatives. It became an autocracy and it has so remained. This transformation to autocracy was accomplished through a number of steps which looked small or harmless to most people at the time. But each step lead eventually to the control of the central bank by private commercial banks. As indicated above, it was the clear intention of the founders that the System be run by public officials and completely in the public interest.[35] But the

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[33] The Voting Record. On September 18, 1913, the Federal Reserve Act was passed by the House with only two Democrats voting against it while 248 voted for it. On the other hand, eighty-one Republicans voted against it with only twenty-five voting for it. 50 CONG. REC. 5129 (1913). In the Senate, forty-seven Democrats voted for it with none voting against it; thirty-four Republicans, voted against it with only six voting for it. 51 CONG. REC. 1230 (1913). It will be recalled that Aldrich, a leading New York banker, and other representatives of the large banks had proposed a system that was completely independent of the Government. Consequently, there was fear that the final version of the Act, moderate as it was, might be too effective in reducing banker control. In the vote on the Conference report in the House 248 Democrats voted for the bill with only two against it while forty Republicans voted for it with fifty-eight against it. 51 CONG. REC. 1464 (1913). In the Senate, thirty-eight Democrats voted for the Conference Report with none voting against it. On the other hand, twenty-five Republicans voted against the bill with only three voting for it. 51 CONG. REC. 1488 (1913).

The 1935 legislation evidenced a similar voting pattern. House bill, H.R. 7617, which would have vested the open market function in the Board and therefore kept it more closely under public control, was passed by a vote of 271 to 110. Two hundred and sixty-two Democrats voted for it, and eleven against it. Only three Republicans voted for it, and ninety-six were against it. 79 CONG. REC. 7270 (1935). However, the bill was changed in the Senate in order to bring the Reserve bank presidents back into the open market picture, and this version stayed in the Conference report. With these added assurances of continued banker influence in the system, the Republicans no longer opposed the bill and, when the Conference report came before the Senate, only three voted against it. 79 CONG. REC. 13655 (1935). It is also of interest to note that the House Joint Resolution, H.J. Res. 27, passed by the Eightieth Congress and which later became the Twenty-Second Amendment to the Constitution had overwhelming Republican support. One of the effects of this legislation was to further insulate the Board members from presidential control. As indicated elsewhere in this article, a President must stay in office for two terms before his influence will be felt by the Board. The vote on this resolution in the House on February 6, 1947, showed 238 Republicans as opposed to forty-seven Democrats for the bill. One hundred and twenty-one Democrats voted against it without a single Republican dissent. 79 CONG. REC. 872 (1947). A month later in the Senate, forty-six Republicans and thirteen Democrats voted for the bill. Twenty-three Democrats voted against it, and, again, not one Republican voted against it. 93 CONG. REC. 1978 (1947). The proposals suggested in this article will probably arouse similar opposition from the Republicans in the Congress.

[34] The strength of the New York Bank president's position is further indicated by the powers granted to him by the Federal Reserve Act.

"[A] Federal Reserve bank shall have power . . . to appoint by its board of directors a president, vice presidents, and such officers and employees as are not otherwise provided for in this Chapter. . . . The president shall be the chief executive officer of the bank and shall be appointed by the board of directors, with the approval of the Board of Governors of the Federal Reserve System, for a term of five years; and all other executive officers and *all employees of the bank shall be directly responsible to him.*" (Emphasis supplied.)

12 U.S.C. § 341 (1964). Thus, the president of the New York Bank maintains a commanding position in the Federal Reserve System.

[35] The following quotations from the House and Senate debates on the original Federal Reserve Act provide further documentation of the intention of Congress in establishing the System:

Mr. Glass (Dem., Va.) quoting President Wilson:

" 'And the control of the system of banking and of issue which our new laws are to set up must be public, not private, must be vested in the Government itself, so that the banks may be the instruments, not the masters, of business and of individual enterprise and initiative.' " 50 CONG. REC. 4643 (1913).

Mr. Glass (Dem., Va.):

"The danger which the banking community professes to see is not the real danger which I apprehend. The bankers seem to fear that men of their craft will be excluded; but the real peril of the provision is the possibility of too many bankers being included." 50 CONG. REC. 4645 (1913).

Mr. Korbly (Dem., Ind.):

"We have created these 12 banks, partly in control of bankers, in conjunction with Government officers, and then we have practically put these 12 banks under the control of the Federal Reserve Board, which is altogether a Government office, and we propose that this board shall see to it that the prescriptions of Congress shall be obeyed." 50 CONG. REC. 4663 (1913).

Mr. Murdock (Progressive, Kansas):

"The measure places the central conventional control of reserve banks in the hands of the Government, a proposition which the bankers themselves very strenuously opposed until a guardian advisory committee of bankers was added to the central governmental board.

"This addition weakened the original proposition, but as the amended governmental control stands, even though it prove feebly formal, it carries the promise of the ultimate actual control by the Government, and this promise alone warrants a supporting vote of the whole measure." 50 CONG. REC. 4664 (1913).

Mr. Phelan (Dem., Mass.):

"The supreme oversight and control of the whole system, however, is vested in a board representing the public. Thus the bill renders unto the bankers what is the bankers', but positively and definitely secures to the public what belongs to the public." 50 CONG. REC. 4673–4 (1913).

Mr. Borland (Dem., Mo.):

"Either the control of credits and money must be turned over to the banker or it must be retained in the hands of the people of the United States and their representatives. The Glass bill does not make the national reserve board a corporation. It is simply a board of public officials similar to the Interstate Commerce Commission or any other governmental agency through which the people exercise administrative control." 50 CONG. REC. 4731 (1913).

Mr. Quin (Dem., Miss.):

"I want to say to you, gentlemen, that the people want the Government to control the banks under this bill, but the special-privilege crowd are all exceedingly anxious that the banking fraternity should control the board. I stand for the rights of the people of this country, and I am voting for them to control through the President and the Senate, for the people in the final analysis are financially responsible for every dollar of this currency." 50 CONG. REC. 4763 (1913).

Mr. Seldomridge (Dem., Colo.):

"We have reached the parting of the ways in this legislation. We must either give the power to regulate our financial system to banking community has never accepted this principle and, today, while the tide of battle has varied, the private banking community clearly has the upper hand.

Throughout the 1920's, these differences were acute. In the course of the 1935 revisions, there were a number of eloquent exhortations by Senator Borah, Senator La Follette, Senator Thomas, Representative Goldsborough, and a host of other prominent

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private and special interests or else we must confine it exclusively to governmental supervision and discretion. The Democratic Party will never permit this great function to be exercised through other than governmental agencies. On this declaration it stands fearless and unafraid." 50 Cong. Rec. 4768 (1913).

Mr. Barkley (Dem., Ky.):

"Mr. Chairman, we hear much criticism from the Republican side of this House and from some of the larger bankers of the country because it provides for a Federal Reserve Board, to be appointed by the President of the United States. Those who have criticized this provision of the bill upon this floor and elsewhere claim to fear that by reason of the fact that this board shall be appointed by the President, it will therefore be a political board and may use its great powers for political purposes.

"There is not a governmental function with which we have to do today that is not a political function. There is not an act of Congress, nor an order of the executive department, nor a decision of the courts, from the smallest to the highest, that is not a political function, for the real definition of "politics" itself is "the science of government," and the definition of the word "political" is simply "pertaining to or having to do with the science of government." It is therefore impossible for any function of the Government to be performed that is not a political function.

"Mr. Hayes: 'Mr. Chairman, will the gentleman yield?'

"The Chairman: 'Does the gentleman yield?'

"Mr. Barkley: 'Yes.'

"Mr. Hayes: 'I would like to ask the gentleman if he claims that all of the powers of the Government are exercised as a matter of partisan politics?'

"Mr. Barkley: 'No, sir; I do not. And that is where the gentleman fails to distinguish between the terms "political" and "partisan."'

"Mr. Hayes: 'I would like for the gentleman to distinguish between "partisan" and "political."'

"Mr. Barkley: 'I appreciate that difference. That is where the critics make their mistake. They take it for granted they are the same, which is largely true of the so-called Republican Party.'

"'The President does not control the action of the reserve board after they are appointed any more than he controls the action of the Interstate Commerce Commission after he appoints its members.'" 50 Cong. Rec. 4789 (1913).

Mr. Helvering (Dem., Kansas):

"The issue and control of money is too intimately connected with the welfare of every inhabitant of the United States to leave it in private hands, and while the banker is a most important cog in the economic life of the Nation, yet his powers are so great and his opportunities for good or evil so many that it is absolutely necessary that he should be the servant of the Government in dealing with the people instead of a separate and independent entity." 50 Cong. Rec. 4800 (1913).

Mr. Collier (Dem., Miss.):

"One of the most serious objections to the Aldrich plan of currency reform was that it contemplated placing this control in the hands of the bankers themselves. I would never agree to support such a propostion. I would never be willing to place this power, this control, in the hands of the bankers or the lawyers or the merchants or any other set of men. Human nature is too strong in the best of us to permit such power to be vested in private hands. This power should properly be placed under the control of the Government itself—under the control of a Government placed into power by the ballots of the American people and responsive to the will of that people." 50 Cong. Rec. 4805 (1913).

Mr. Gray (Dem., Ind.): "I believe that the issue of money and its control and distribution is a vital public function which should be exercised only by the people themselves through the instrumentality of government." 50 Cong. Rec. 4821, (1913).

Mr. Graham (Dem., Ill.):

"The ordinary banker devotes very little of his time to a study of financial system. He devotes himself rather to the immediate management of his bank, such as determining the soundness of the paper he discounts, the character of the loans and investments made for the bank, and all that. In fact, he is so close to this part of the field that it is quite difficult for him to have a clear and disinterested view of the entire field," 50 Cong. Rec. 4943 (1913).

Mr. Neeley (Dem., Kans.):

"The failure of this plan would be directly charged to the administration in power, and justly so. Therefore in installing it and in its future ministrations, no matter what political party may be in power, it should be directed by those who are in sympathy with the administration charged with the responsibility of its proper conduct." 50 Cong. Rec. 4845 (1913).

Mr. Wilson (Dem., Fla.):

"Objection is made by the opposition to this bill, claiming it would give the President too much power in appointing the Federal Reserve Board. The bill provides these appointments shall be made with the advice and consent of the Senate. They also claim this board would be under political control. Political control is governmental control. Who constitutes the Government in this country? The People. Do you want to deny the people the right to govern themselves?" 50 Cong. Rec. 4855 (1913).

Mr. Gray (Dem., Ind.):

"Money is the most vital of all public agencies, and as such vital public agency it should be held in the full and complete control of the public, all the people—its issue, volume, and its distribution, to insure its availability to all the people equally and impartially for their use. Such a public function should never rest in the control of private or selfish interests, to be made the subject of monopoly and concentration into the hands of a few. The provisions of the Glass bill place such control where it properly belongs—in the Government—to be administered by the sworn and chosen representatives of the people.

"The unrestricted power to issue money carries with it the power to control the volume of currency, and thereby the power to fix prices of all products, commodities, services, and property, and of all values as measured in money. To surrender this power to private control would be to surrender the most potent and vital authority of the Government—the control of money and the virtual control of the welfare of the people.

"Give me the absolute power to control the volume of money and I will control the destinies of this Nation more fully and completely than the exercise of arbitrary power by a czar. . . .

"This House is under political control, the Senate is under political control, the Executive is under political control. . . .

"Political control means the rule of the people, and it has terrors only for those who are afraid of and recoil from the rule of the people." 50 Cong. Rec. 5038 (1913).

Mr. Brown (Dem., W. Va.):

"Under the proposed system, however, the appointees on the Federal Reserve Board must be confirmed by the Senate, and the majority of the board must retire when a new President is elected. In this way the people have the power to ratify or reverse the policy of any administration at the end of every four years." 50 Cong. Rec. 5107 (1913).

Mr. Underwood (Dem., Ala.):

"The rock on which our friends on the Republican side have broken when they attempted to pass their monetary legislation through this House in the last 16 years has been the fact that they have attempted to put the control of the system that they advocated in the hands of the men who loan the money and not in the hands of the representatives of the people who borrow the money." 50 Cong. Rec. 1459 (1913).

Mr. Reed (Dem., Mo.):

"The banks have contended that they are entitled to be represented upon the Federal Reserve Board. I utterly deny it. They are on one side of the table; the Government of the United States, representing the people of the country, is upon the other. The bankers represent those who demand, who ask, rights from the Government. They come to the Federal Reserve Board making their demands and proffering their requests. No man should sit upon that board unless he represents the people of the United States—the people of the United States alone—for it is their money and their credit which is to be granted." 51 Cong. Rec. 179 (1914).

Mr. Weeks (Repub., Mass.):

"And the control of the system of banking and of issue which our new laws are to set up must be public, not private, must be vested in the Government itself, so that the banks may be the instruments, not the masters, of business and of individual enterprise and initiative." 51 Cong. Rec. 538 (1914).

Mr. Hollis (Dem., N.H.):

"But the Federal Reserve Board should represent the Government solely. They should control broad questions of policy concerning which individual interests might tend to favoritism and abuse." 51 Cong. Rec. 783 (1914).

Mr. Borah (Repub., Idaho):

"It cannot adjust itself to an industrial life grounded in inequality; it cannot be fitted to monopoly; though strong enough to destroy, it can never be powerful enough to regulate monopoly. These things we ought to realize and cease our efforts to adjust our Government to the centralizing, monopolizing tendencies of business and compel business to adjust itself to the fundamental principles of democracy. This Government should assert its power and exert its prerogatives, and nowhere is it more essential and vital that it do so than in the complete regulation and control of the money and currency of its people. Everything that performs the functions of money, whether technically money or not, should come under this control." 51 Cong. Rec. 1071–2 (1914).

Mr. Norris (Repub., Nebr.):

"I did believe, and do believe, that the banking and currency system and the banks organized under the system ought to be under Government control." 51 Cong. Rec. 1136 (1914).

public figures, pleading for public control of our monetary system.[36] These men were concerned basically with one thing Congress had not realized in 1913, the immense potential of the monetary power. They did not realize a central bank could control the money supply and influence the entire spectrum of interest rates through its absolute control of the reserves of the banking system. This was not realized until long after 1913. Eventually, however, it became apparent that the central banking function was the most concentrated, single economic power in modern society; and that, in a democracy, it must be employed for the social good, kept under complete public control, and completely coordinated with the other broad economic policies of the Government. Nevertheless, the 1935 Act made a central bank out of the Federal Reserve System, further removing the System from public direction and control.

It is ridiculous for the President of the United States to be overruled by the Federal Reserve Board without any preliminary advice and to be forced to resort to the forum of public opinion to try to keep an arrogant central bank in line. It is an absurd and dangerous situation. The proponents of private control have cynically distorted the basic reasoning behind the Act. They persist in arguing, as Mr. Martin has done even before the Banking Committees of the Congress, that the Federal Reserve System must be protected from political control.[37] In effect, the System must be left in private hands, beyond the reach of the elected representatives of the people. It is perfectly legitimate, they argue, that the vital powers of taxation and the issues of war and peace remain in the hands of the elected representatives, but not the monetary powers. And this they argue in spite of the clear, constitutional mandate vesting the monetary powers in the Congress.

It is inevitable that the Federal Reserve System will necessarily reflect the bias of the people who control and dominate it. Interest rates are the bankers' income; and the higher the interest rates, the more the lender receives. Bankers live on debt. If there is no debt, there is no money, no interest, and no income. Bankers want only high-grade, low-risk debt paper, especially government bonds. In fact, the one thing they do not want is Government reduction of the public debt.

Professor John Kenneth Galbraith, testifying before the Joint Economic Committee on February 24, 1965, stated that "it is hard to recall any occasion when the Federal Reserve was known to be agitating for lower interest. . . . We have come to envisage the Open Market Committee as a group of men of excellent character and reassuring demeanor who meet to consider whether there is good reason for tighter money." [38] Professor Emeritus Seymour Harris, testifying on the same day stated:

"Financial groups seem to believe that the higher the price of their product, the more profits. They exercised excessive influence in the 1950's when long-term rates rose by two-thirds. But, in my opinion, they will do better with lower rates. Their attitude toward restrictive monetary policy since 1961 only strengthens the case for the exclusion of the Federal Reserve Bank presidents from the Open Market Committee. . . ." [39]

Both these eminent economists again testified publicly in December 1965 on the issue of the Federal Reserve Board's raising the discount rate.[40]

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[36] Mr. Borah (Repub., Idaho):

"To regulate the value of money is the function of the Government by the express terms of the Constitution. It ought not to be delegated to private interests." 79 CONG. REC. 11909 (1935).

Mr. La Follette (Progressive, Wis.):

"[T]itle II does not go as far as I believe it should. It is my firm conviction that we must have complete control of credit and monetary policies in the public interest. . . . I find myself in complete disagreement, therefore, with the recommendation of the Senate committee that the banker representation upon the open market committee should have full and equal power, so far as their individual votes are concerned, with the members of the newly constituted board." 79 CONG. REC. 11914 (1935).

Mr. Thomas (Dem., Okla.)

"I suggest the advisability of congressional legislation fixing a definite tribunal, and it should be, in my judgment, the Federal Reserve Board to regulate the value of the dollar. Today it is being regulated by influences outside of the public service. In my judgment the value of the dollar is being regulated by the Federal Reserve Bank of New York City. It is my purpose to get that power out of the Federal Reserve Bank of New York City and into some federally owned and controlled institution. . . ." 79 CONG. REC. 11925 (1935).

Mr. Goldsborough (Dem., Md.)

"At this time the banks themselves practically control the monetary policy of the country, and this [the open market provisions] changes all that. That is what this racket is about, that is why the subsidized press tells us that there is something wrong with the bill. They call it a political bill. They say that we are setting up a political board.

"It is exactly the opposite. . . . Now it is the Governors of the Federal Reserve Banks who control the open market policies of the Federal Reserve Banks. This bill places their open market policies under the control of an independent board, the Federal Reserve Board, which is not dependent at all upon the banks." 79 CONG. REC. 6653 (1935).

Mr. Martin (Dem., Colo.)

"That the monetary system of the country has been privately controlled for the benefit of the banking system of the country and not in the interest of the people generally. I believe the time has come to curb that system and that it would be nothing less than a hollow gesture to pass a law here that would still leave the same control in the banks over the money and the credit of the country that has existed up to this time and that exists now." 79 CONG. REC. 6733 (1935).

Mr. Ford (Dem., Cal.)

"What this bill aims to accomplish is to give back to Congress its constitutional function to 'coin money and regulate the value thereof.' This function was long ago surrendered to the privately owned banks and has been tenaciously held by them to the detriment of the people.

"Prior to the creation of the Federal Reserve System, the responsibility for the monetary and credit policies of the Nation was in the hands of a powerful group of New York banks. The reserves of the entire Nation, through the correspondent system then in vogue, were in the hands of this powerful group.

"It was this Money Trust . . . which made apparent the necessity for the Federal Reserve System.

"One of the shortcomings of the act was that it left in the hands of the Federal Reserve banks the control of open-market operations, one of the most powerful of the levers for the control of monetary and credit policy. The bill before us seeks to remedy this defect by placing the control of open-market operations in the hands of the Federal Reserve Board." 79 CONG. REC. 6802 (1935).

[37] See generally, *Hearings Before the Subcommittee on General Credit Control and Debt Management of the Joint Economic Committee*, 79th Cong., 2d Sess., Vol. 1, 86–87 (1952); *Hearings Before the Subcommittee on Domestic Finance of the House Committee on Banking and Currency, supra* note 18, vol. 1, at 536–37, 693; *Hearings Before the Joint Economic Committee on the January 1965 Economic Report of the President, supra* note 4, pt. 3, at 46.

[38] *Hearings Before the Joint Economic Committee on the January 1965 Economic Report of the President, supra* note 4, pt. 2, at 11.

[39] *Ibid.*

[40] Prof. John Kenneth Galbraith, December 15, 1965:

"And this problem [coordination of economic policy] can be solved very simply by giving the ultimate authority to the President of the United States, where it belongs. The point I am making is that . . . the ultimate responsibility—lies with the Secretary of the Treasury, Council of Economic Advisers, Bureau of the Budget, and, also, with the Federal Reserve. If the system of economic management which we have then allows six members of the Federal Reserve who have not attended these meetings, have not participated in this discussion, to exercise arbitrary independent power to overthrow the decisions reached by the previous group, this is a very poor form of coordination. It is indefensible. *Hearings on recent Federal Reserve Action, supra* note 6, pt. II at 331.

"The world in which the Federal Reserve System was born, apart from some romantic echoes in the rescripts of the modern conservatives as they are called, is now gone and forever. . . . The Government now acts to insure expanding output and stable prices. The central bank plays a subordinate but integral role in this policy. To such coordinated management . . . we owe the steady expansion and the steady prices of the last five years . . . . The imperatives of coordinated economic administration have required all countries to bring their central banks fully under government control. . . . Most Americans regard successful management of the economy as an imperative. They do not react well to unemployment, depression or stagnation. The right of the Federal Reserve to independent action has survived only because it has not interfered with that management—because it has not been used. . . . "*Hearings on recent Federal Reserve Action, supra* note 6, pt. II at 308–09.

"I do not wish to be unfair to these excellent and indispensable gentlemen [the bankers]. Perhaps they have persuaded themselves that the money is, in their case, unimportant. But it should be observed that an increase in interest rates is the only form of inflation control that ever appeals to the financial spokesman. Increased taxation is not urged. The wage and price guideposts evoke no applause. And also, alas, one must notice that the stock market did not misunderstand the recent increase in interest rates. It prompted markups of banks' stocks on the over the counter market. If I am wrong, if the banks are only interested in higher interest rates for their public benefit, these capital gains must be most embarrassing." *Hearings on recent Federal Reserve Action, supra* note 6, pt. II at 313.

Prof. Seymour Harris, December 16, 1965:

"Federal Reserve independence is an insane idea. Even in less troubled times, it is folly to allow the Federal Reserve to run in one direction and the Executive in another. I have never had much sympathy with the theory of independence. Particularly in these troubled times the Government certainly should not move in one direction and

The type of quasi-private exercise of public power manifested in the Federal Reserve System is completely improper in a modern democracy. History indicates the control of monetary power by private groups has had adverse consequences for mankind. It is most unsound and actually dangerous for us in the United States to permit the volume of money and the level of interest rates—the two basic determinants of our economic destiny—to remain under the control of an institution which is independent from the executive branch and from the Congress, and which is oriented toward the banking community. The welfare of the nation is at the mercy of a group which is beyond public control and which openly boasts of it. In fact, it asserts that the people, through their elected representatives, cannot be trusted to exercise their own monetary powers, in spite of the fact that the Constitution vests these money powers in the Congress of the United States.[41] This is not simply a question of proper government structure. The country has paid a high economic price for permitting the Federal Reserve System to control our money supply independently of the United States Government. It is a fact of economic life that the creation and the management of money are prime determinants of employment, wages, prices, indeed, of the prosperity and well being of the entire nation. Indirectly, these powers affect the deficits, the debt, and the interest burden of the federal government, as well as those of every governmental unit in the nation.

It was the Employment Act of 1946, with which the author was intimately acquainted, that set forth the basic economic objectives of our society—maxmium production, purchasing power, and employment. The present Chairman, Mr. Martin, recognizes the mandate of this Act. It was his interpretation that the Employment Act gives him the power to take such action as he thinks desirable to promote maximum production or stability, as the case may be. The following colloquy from the 1957 Hearings of the House Banking and Currency Committee on the Financial Institutions Act of 1957 is very interesting in this regard:

"The Chairman: When we delegate power to an agency, without any standards or limitations or definitions or restrictions, it is a legislative power that we delegate.

"Mr. Martin: That is what I conceive. . . .

"The Chairman: We have delegated that to the Federal Reserve.

"Mr. Martin: That is correct, sir.

"The Chairman: Without restrictions or standards.

"Mr. Martin: Oh, yes, indeed.

"The Chairman: We might delegate power with standards, and within the scope of the power delegated to the Board, it would have great freedom of action.

"Do you think it would be feasible and practical to legislate for the Federal Reserve Board certain objectives which they are to attain?

"Mr. Martin: Well, I think they have said to us that we are to attain certain objectives. I think the Employment Act of 1946, to which I subscribe, gives us certain objectives—maximum production, maximum purchasing power. I think we have got to do everything we can, use the resources of the Government to attain those ends.

"The Chairman: Do you think you could attain a uniform price level, a stable interest rate?

"Mr. Martin: I don't think you can do it precisely, but yes, sir, I think that it is possible to have price stability if you have competition in the economy and you have reasonable restraint on the part of businesses and individuals, and you reduce spending and increase saving, when it is in imbalance that way, or the reverse—when it is in imbalance the other way—I believe it is quite possible to attain those objectives. I accept the objectives that we are trying to reach, and the point I have constantly made is that under present conditions the only way we can hope to attain the objectives of the Employment Act is by resisting inflation, and by resisting inflation, I mean dealing with this problem of the cost of living, which for eight successive months has risen, and I think it is something that has to concern all of us."[42]

Chairman Martin has chosen to interpret the Act as empowering him to take whatever monetary action he judges desirable to obtain the objectives of the Act as he interprets them. But this is not the proper interpretation. As indicated above, monetary policy has been coordinated with the general economic policy of the nation.

Tight money is closely related to a high interest rate; and, when money gets too tight, the economy slumps. This nation suffered three recessions in the decade of the 1950's, each of which was preceded by a deliberate tightening of money and raising of interest rates. It is important to note that under our system, the final stage in the creation of money is performed by commercial banks when they lend to borrowers. In this way, the money supply is tied to the creation of debt. Obviously, when people have to pay too high a price to borrow, they reduce their business operations and forgo previously planned expansion. This results in lower spending and lower production; employment falls and deficits rise at all levels of government. The overall result is that economic growth is stunted. The only pepole who benefit from tighter money and higher interest rates are bankers. Interest rates, after all, represent their income, and it is not strange that they wish to take in as much income as possible.

Unfortunately, we have permitted the banking community to control our basic monetary policies. When we consider that banking is not as competitive as other industries and that it is, moreover, threatened by a virulent merger movement, it becomes clear that the oversights of the Congress have permitted an autocracy to develop and flourish.

It is striking to examine the rise in interest rates in the past fifteen years since the Federal Reserve Board asserted its independence by refusing to cooperate with the Treasury in supporting the government bond market. In this period, interest rates on long-term government bonds have more than doubled and the annual burden of the national debt to the taxpayers has risen from about six billion dollars to twelve billion dollars. Interest rates on short-term obligations of the United States have sky-rocketed from one-eighth of one percent during the height of World War II to four percent today, practically as high as the interest on long-term bonds. As a result of this increase, the Government now has to pay thirty-two dollars in interest for every one dollar it would have paid under World War II rates. The yield on long-term United States bonds at the time of writing is four and forty-five hundredths percent, dangerously beyond the statutory ceiling[43] which has been in effect for almost fifty years.

RECENT DEVELOPMENTS

On December 5, 1965, the Chairman and a majority of the Federal Reserve Board openly defied the President of the United States and raised the discount rate, thereby triggering a general rise in interest rates. This occurred at the very time when the President and the Secretary of the Treasury were taking great pains to make it clear that they were pursuing a policy of price and interest rate stability in order to keep the economy on the prosperous course that had prevailed for the preceding five years. This event illustrates the manner in which the Federal Reserve Board can force the hand of the President and of the Congress, and shape the structure of our economy to suit itself. If there were, in fact, any danger of inflation, it could have been countered in any one of several ways: by raising taxes, by reducing government expenditures, or by tightening money. When the Board tightened the money supply, it cut down the options available to the elected Government of the United States. Many observers overlooked the extensive nature of the Board's action. The increase, however, from four percent to five and one-half percent on thirty to ninety day paper is a rise of thirty-seven and one-half percent. These increases result in millions of unbalanced family budgets. This distressing situation is the fault of the Congress. It is the failure of Congress to exercise its responsibilities in the field of money that has permitted the bankers to control the fundamentals of our money system.

CORRECTIVE LEGISLATION

At the beginning of the 89th Congress, the Omnibus Federal Reserve bill, H.R. 11, was introduced by the author. It was preceded by very extensive hearings in the previous Congress during which expert testimony was received from economists, lawyers, bankers, political scientists, and others. The bill is designed to correct the principal defects in the Federal Reserve System and restore it to its proper position. The bill would accomplish this in a number of ways.

First, it would emphasize the public character of the Federal Reserve System by providing for the retirement of the existing Federal Reserve stock which, for many years, has given rise to the spurious impression that the member commercial banks own the Federal Reserve System. Actually, the stock, which is owned by the member banks, cannot be transferred or sold and is clearly a fixed-income, nonproprietary asset. Retirement of the stock will remove any doubts about the System's belonging to the Government and eliminate the notion that it is only "allied to Government," a phrase used

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the monetary authority in another. The latter has every right to push its views before Government decides on a policy. But once the decision is made monetary policy must be an instrument of Government policy, not a barrier to its achievement.

"Who wants higher rates here? Primarily European bankers because they are unwilling or unable to control their inflation; and American bankers who want higher prices for their product, and more profits. But the banking system and the Fed should serve the public, not the banks." *Hearings on recent Federal Reserve Action, supra* note 6, pt. II at 356–57.

"As for the American bankers, they are simply interested in raising the price of the product they sell. Their profits are high and rising; but they want market forces, with an assist from the Fed, to raise their profits even more. Somehow they do not seem to realize that a high money rate will reduce the national product and hence even at higher prices cut into banker's profits." *Hearings on recent Federal Reserve Action, supra* note 6, pt. II at 359.

[41] U.S. Const. art. I § 8.

[42] *Hearings Before the House Committee on Banking and Currency*, 85th Cong., 1st Sess., pt. I, 68–69 (1957).

[43] The Second Liberty Loan Act of 1917 set the statutory ceiling for long-term Government bonds, maturities of five years or more, at 4¼%.

by one of the Federal Reserve officials during a Banking Committee hearing.[44]

Second, it would place the open market powers in the Federal Reserve Board. The independent status of the Open Market Committee and its continued performance of crucial monetary functions are untenable in a modern democracy. As indicated in the first part of this article, there is no basis in law or in fact for having the open market function performed by a mixed body of Federal Reserve Governors and Federal Reserve bank presidents. Moreover, the correction of this situation would go a long way toward ridding the Federal Reserve System of its chronic tight money bias and inflation psychosis.

Third, it would make the Federal Reserve System more responsive to the President by reducing the membership of the Board to five, by reducing the terms of office of the Governors to five years, and by making the term of the Chairman of the Board of Governors coterminous with that of the President. Under the present arrangements, a President does not have an opportunity to appoint a majority of the Federal Reserve Board until his eighth year in office. He is, therefore, unable to count on a Board that is sympathetic and responsive to him. President Johnson will have to retain the seven present Governors until January of 1967. At that time one term expires; the next term expires in January, 1968. Mr. Martin will continue as Chairman until 1967. And, significantly, the President, under existing law and regulation, will have to pick his Chairman from among the seven Governors then on the Board.

Fourth, it would insure public control over the expenditure of public money by requiring the Federal Reserve System to pay into the Treasury as miscellaneous receipts all the revenues which it receives, by providing a public audit by the Comptroller General of all expenditures by the Board and the banks, and by requiring that Congress authorize appropriations to defray the expenses of the Federal Reserve Board and the banks.

Fifth, it would assure coordination of governmental economic policies by requiring the President to set forth in his periodic economic reports the monetary policies to be followed by his Administration and by providing that the Federal Reserve Board report regularly to the Congress on its activities implementing the President's economic policies.

As members of the legal profession will readily discern, this legislation is aimed at the so-called "independence" of the Federal Reserve System. It is designed expressly to return control of our monetary policy to the President of the United States and to the Congressmen who are responsible to the will of the people. The people can remove a Congressman or a President if they disapprove of his actions; but they cannot dislodge the members of the Board of Governors of the Federal Reserve from office, regardless of the mistakes they make.

In theory, the Federal Reserve Board should be an agency of the United States Government. Readers will recall, however, that the law requires that an agent assume a special relationship toward his principal:

"It is the duty of an agent in all transactions concerning or affecting the subject matter of the agency, to act with the utmost good faith and loyalty to further the principal's interests.

"It is an agent's duty to adhere faithfully to all instructions given him by his principal, and a failure or neglect to do so will serve to make the agent liable for any loss or damage which may result therefrom.

"Agency presumes subordination on the part of an agent to the principal." [45]

Needless to say, no such relationship exists between the Federal Reserve Board and the federal government at the present time.

In summary, I would like to make it clear that the Federal Reserve System, as it presently operates, is harmful to the best interests of the people of this country. As has been shown, the Federal Reserve System was not designed to be independent. It merely assumed and seized its present position. Furthermore, this situation has continued because Congress has not retained supervision over its delegated monetary powers, not even to the extent of clearing the annual budget for the Federal Reserve System, appropriating its funds, or auditing its transactions.

As indicated above, for the first twenty-two years of its life, the Federal Reserve System did not really have control over the money supply, nor was it designed to have such control. This was made clear in the Report of the House Committee on Banking and Currency on the Federal Reserve Act. In speaking of the Act as reported to the House, Chairman Carter Glass said:

"It is proposed that the Government shall retain a sufficient power over the reserve banks to enable it to exercise a directing authority when necessary to do so, but that it shall in no way attempt to carry on through its own mechanism the routine operations of banking which require detailed knowledge of local and individual credit and which determine the actual use of the funds of the community in any given instance. In other words, the reserve-bank plan retains to the Government power over the exercise of the broader banking functions, while it leaves to individuals and privately owned institutions the actual direction of routine." [46]

It is now time to remedy the present situation by appropriate legislation, placing the Federal Reserve System into the position envisioned by the Congress when it first enacted the Federal Reserve Act.[47]

WHEN THE ARM OF THE LAW IS STRONG

Mr. BYRD of West Virginia. Mr. President, I have been waging a constant campaign to awaken this country to the growing dangers of lawlessness and crime, riots, and street violence. Time and time again, I have pointed to the damaging court decisions which have helped to handcuff the police, and I have urged our fellow countrymen to rally to the support of the police departments throughout the Nation. If this Republic is to remain strong and great, the laws must be upheld and the citizenry must be able to go about its daily business without fear.

Apropos of this subject, a timely and pertinent editorial appeared in the Beckley, W. Va., Post Herald on July 23, titled "The Inevitable Course Taken in Chicago."

I ask unanimous consent that this editorial be printed in the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

[From the Beckley Post-Herald July 23, 1966]

THE INEVITABLE COURSE TAKEN IN CHICAGO!

"Shoot to kill if you are attacked," were the orders issued National Guardsmen brought in to help keep peace in Chicago. When word of the order swept through areas of the city where the riots were occurring, the streets became virtually deserted.

When the arm of the law is strong and purposeful, lawbreakers usually become peaceful and law-abiding immediately. When the arm is weak and vacillating, however, rioters and other lawbreakers run roughshod.

Even in nations where the freedom of the individual is a truly cherished right, the arm of the law can and should become mighty and awe-inspiring if one of the greatest freedoms of all, freedom from fear, is endangered.

In New York, Chicago, Los Angeles and many other American cities, fear roams the streets of downtrodden and affluent neighborhoods alike. It is the fear of brutality, of fire by night, of looting, of rape, of a knife in the back, of sinister strangers, that makes decent people tremble for their lives and those of their loved ones.

Only a strong and vigilant arm of the law can drive that fear away and make the streets safe again. Only a gutless administration allows lawbreakers to gain the upper hand.

A courageous administration in Chicago risked the revenge of a growing political bloc when it called in the armed forces to restore law and order, but it showed the way for all other American cities threatened this summer by anarchy and worse.

MANDATORY SUICIDE IN SAIGON

Mr. SIMPSON. Mr. President, an article published in the July 24 Washington Post has shed an interesting light on a matter that has had the emotional wallop to produce at least one change in government in Vietnam.

Compiled from news dispatches, the article told of the death of a young Buddhist monk who was apparently to have been the latest in Vietnam's so-called suicides by fire or immolation. The monk gave police a deathbed statement:

> I don't know who wanted to assassinate me but I really had no intention of committing self-immolation.

It is to be remembered that many months ago when Buddhists were incinerating themselves, ostensibly in protest of the various regimes in Saigon, a few journalists had the courage to speculate that perhaps all of these immolations were not suicides. In my judgment, this story from Saigon would support that premise.

It has been reported that Buddhist leaders have systematically doped and coerced their monks and nuns and burned them in a manner which would hardly be called suicide in order to have a political impact in Saigon. If this is true, it is among the most reprehensible, disgusting, and tragic acts that have occurred in the tragedy-filled saga of Vietnam.

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[44] *Hearings Before the Subcommittee on Domestic Finance of the House Banking and Currency Committee, supra* note 18, vol. 1.

[45] C.J.S. Agency §§ 138, 147 (1936).

[46] HOUSE COMMITTEE ON BANKING AND CURRENCY, 85th Cong., 1st Sess., REPORT TO ACCOMPANY H.R. 7873, 18–19 (Comm. Print 1958).

[47] Lawyers must interest themselves in this important public policy question. For this reason, I wish to recommend to the legal profession the Report of the December 1965 Hearings on the Federal Reserve and a recent study of the $49 billion Federal Reserve portfolio, both of which were prepared by the Joint Economic Committee. These documents and those referred to in this article can be obtained from your Congressman or either of your Senators. I am sure they would be happy to supply you with any of the documents you may need.

It is understandable, and admirable as a point of courage and conviction, that a member of a religious organization would knowingly, willingly, and without coercion, make the supreme sacrifice for a cause in which he believes. It is quite another thing when a band of self-serving monks throw one of their drunk or drugged confederates into a village square, douse him in gasoline, set him afire, and then hurl invectives against a government that had nothing to do with the whole thing. The news dispatch from Saigon would seem to suggest that such "involuntary suicides" have been practiced in South Vietnam.

PROBLEMS OF THE U.S. FISHING INDUSTRY

Mr. MAGNUSON. Mr. President, on Thursday of last week an eight-member delegation from the National Fishermen and Wives, Inc., arrived in the Capital to discuss a number of our fishery problems, particularly those associated with the present Soviet fishery off our coasts. They are all ladies, all wives of fishermen in the Oregon and Washington area.

Those arriving were, Mrs. Peter Mosness and Mrs. John Lervold, Seattle; Mrs. John Malchow and Mrs. Lawrence Prest, Chinook, Wash.; Mrs. Rea Green, Mrs. Iola Kelly, Mrs. Delores Hart, and Mrs. Sally Smotherman, all of Warrenton, Oreg.

I would extend a rather belated welcome today to these dedicated ladies and also my congratulations, not only for the good impression they have made with Government people concerned with fisheries, and Members of the Congress, but for their courage in attempting travel during these times of great difficulty.

A telegram which they sent to me and which I received upon my arrival in the Capital on Friday said in part:

> Our fishery is in peril. Fish in the seas adjacent to the coast of North America has been conserved by commercial and sports fishermen for over 50 years. Now huge Russian and Japanese fleets are fishing continuously off our coast with gear designed to take even the smallest fish. When they deplete an area, their hundreds of vessels move on to more lucrative grounds. . . . The seas are eventually to be the main source of protein when population growth renders our land inadequate to meet our needs. . . .

The women further called attention to our failure to heed the warnings of the needs of the ocean, even as President Johnson, in dedicating the *Oceanographer* the other day, referred to the great hope we hold for fish protein concentrate to feed the hungry of the world. I have long urged our Government to increase its efforts both in the area of general oceanography and in the harvest of the resources of the sea, and I share the concern of these women for the future.

For a long time my office and the Commerce Committee has been literally deluged with protests and communications of concern from citizens, particularly in the coastal areas of Washington and Oregon over the increasing threat of the Soviet Union fishing fleets. As you know, I have continuously urged that our Government sit down with the Soviets and discuss the problems of conservation, for it is my judgment that our responsibility to maintain the harvests of the adjacent sea for future generations is even more important than the questions of jurisdiction. I was pleased when I was advised of the talks in Moscow which are getting underway this week to discuss some data exchange and a basis for conservation of the coastal fishery resources.

The timing of the arrival of the delegation from the National Fishermen and Wives, Inc., was excellent, for they were able to meet with the leaders of the U.S. fishery mission to Moscow, just prior to their departure.

In addition to urging a strong U.S. position in these meetings with the Russians, the ladies brought with them a resolution on the offshore fishery problems which now enjoys widespread support, not only in Washington and Oregon, but in other States as well. It calls for the proclamation of extended conservation zones predicated on the principles set forth in the 1958 Geneva Fishing and Conservation Convention. There is nothing unreasonable about this approach, and I would urge that it receive broad support by Government.

I have recently had a communication from the Governor of the State of Washington supporting the 12-mile fishery zone legislation introduced by the senior Senator from Alaska [Mr. BARTLETT] and myself, and I am told that the women will be meeting with members of the other House to urge adoption of this measure.

Whenever we speak of jurisdiction of the fisheries, we find that the U.S. fishing industry tends to divide itself due to the variation of interests. This is regrettable, and I am always hopeful that we can achieve some understanding whereby we may be united in the protection of our resources, and still preserve the historic fisheries which some of our fleets enjoy off other shores. This is not necessarily a question of having our cake and eating it too, for our distant fishing fleets have asked only for fair treatment and a reasonable opportunity to continue in their historic and traditional areas, but as we well know the conditions off South America in the case of the American tuna fleet have been intolerable.

One of the misunderstandings in the question of jurisdiction results from the loose application of the principle of freedom of the seas. One of the longtime leaders in America's international fishery relationships, Edward W. Allen, Seattle attorney, and honored member of many of the treaty commissions, recently made some remarks at the Law of the Sea Conference at the University of Rhode Island.

I ask unanimous consent that Mr. Allen's remarks be included in the RECORD at this point in their entirety.

There being no objection, the remarks were ordered to be printed in the RECORD, as follows:

INTRODUCTORY COMMENT OF EDWARD W. ALLEN AT PANEL OF UNIVERSITY OF RHODE ISLAND CONFERENCE ON THE "LAW OF THE SEA," JUNE 26, 1966

Various elements of the United States fishing industry are united as to certain practical aspects which affect their approach to government and law, and are divergent as to other aspects.

All unite in desiring competency in the fishery divisions of Federal and State governmental agencies. This was demonstrated recently in the unanimous support for upgrading the fishery division of the Department of State. Also, they all avidly support oceanographic research. But they are divergent as to ocean fishery protection.

Although no fishery people openly disclaim their attachment to the cause of conservation, some emphasize the necessity for its being applied right now to coastal fisheries, whereas others contend that the potential of ocean fisheries is so great as to negate necessity for high seas limitations. Those who oppose restrictions on ocean fishery exploitation point out that almost any kind of fish can be made into flour to meet the protein needs of billions of people; hence, that the beautiful phrase "freedom of the seas" must be kept pure, sacred and absolute, whereas the first group, while not disparaging the value of fish flour, suggest that, in this country at least, people prefer to know that they are eating salmon, tuna, shrimp, pampano or cod, rather than risk a diet of spoon-fed conger eel and rat fish powder; hence that practical protection of coastal fisheries is more important than some theory.

These two divergent approaches to the law of the sea met at Geneva with the result that the fishery convention adopted there in 1958 was a compromise; hence its complexity. Although the fisheries convention purported to endorse freedom of the seas, both it and the Continental Shelf Convention in fact contain provisions demonstrating that such freedom is neither absolute nor sacrosanct, thereby leaving the principle open for rational application. This fisheries convention was the last of the four Geneva Conventions to secure enough ratifications to bring it into operation. The United States attached a reservation to its ratification, and the convention need not be considered to be the last word on the subject.

Hugo Grotius, champion of freedom of the seas, was no theoretical dreamer, but a great advocate. The English translation of the title to his thesis is "The Freedom of the Seas or the Right which Belongs to the Dutch to Take Part in the East Indian Trade," that is, freedom of the Dutch to course the Indian Ocean and to break into the Portuguese monopoly of the highly profitable East Indies spice trade. Though not in the same publication, he also extended the application of his thesis to cover freedom of the Dutch to continue their own near monopoly of the herring fishery off the British Coast.

Factually there is as much reason in the 20th century as in the 17th to avoid curtailing trade and communication between nations, and a territorial sea width of not more than three miles is highly desirable as to navigation. But with mechanical power, refrigeration, floating canneries, radar, sonar, power blocks, nylon nets, today's ocean fishing has an efficiency beyond imagination in the Hugo Grotius days when fishing was done from row or sail boats and it was believed that ocean fisheries were inexhaustible.

The American Bar Association in 1964 passed a resolution urging our Government to seek international agreement giving wholly separate consideration to freedom of the seas for navigation, and to the distinct problem of conservation of ocean fisheries.

International law should be kept abreast of the times. If protection of coastal fisheries is essential to their preservation, this should not be hampered by the popularity of an attractive phrase.

Mr. MAGNUSON. Mr. President, though we might find some disagreement with Mr. Allen's views as to the future of fish flour, or fish protein concentrate, I see no conflict as to the interests of the United States, for the protection of the Pacific hake off my State's coast may well provide some protection for the salmon.

The National Fishermen and Wives delegation has made a strong case for damage to the salmon resource by the Soviet Union, and I am told that the representatives from the Department of the Interior and the State Department were much impressed by the depth of their evidence. That the Soviet Union is inflicting damage to our coastal salmon resource seems beyond dobut, regardless of whether their fishery is a specific one or if the salmon are taken incidentally to their fishery for hake.

I am regularly receiving affidavits from fishermen attesting to fresh net marks on the troll and sportsmen's salmon taken offshore, and there are no American seines or gillnets out there, for we are banned from such net fishing for salmon on the high seas by conservation law. The ladies brought with them depositions from fishery biologists who believe the marks were not made by Soviet trawls, but by gillnets.

I have just received another of these affidavits on net-marked fish, this one from Otto Fitterer, a 21-year veteran in the coastal fisheries, and a resident of Westport, Wash.

I ask unanimous consent that Mr. Fitterer's notarized statement to appear in the RECORD in full at this point.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

I, Otto Fitterer, being duly sworn, depose and say that I am owner of the boat "Hardly Able" and that on July 13, 1966 a gill net marked fish was caught on my boat by Mr. Morgan of Yakima in 22 fathoms of water off the North Whistler of Grays Harbor.

The fish weighed between 9 and 10 pounds, and was caught about 12:30 p.m.

The marks on the fish are definitely net burns, and are so deep the flesh was cut. The gill net marks are definitely fresh and recently incurred.

I was born in Hoquiam in 1918 and have been engaged in fishing for 21 years, and have raised two boys in the fishing business. I feel qualified to identify the gill net marks on this fish.

[SIGNED] OTTO FITTERER.

Sworn to and subscribed before me this 13th day of July, 1966. In testimony whereof I have set my hand and seal the day and year aforesaid.

MARTIN R. THURMAN,
Notary Public for Washington.
My Commission Expires: January 2, 1970.

Mr. MAGNUSON. Mr. President, the delegation of National Fishermen and Wives have asked what progress we are making in this problem of foreign fishing. I believe that we are making some headway, but I would hasten to add that it is not enough, not nearly enough, and we are still some distance from solutions to the basic problems.

We have made some progress in some areas:

First. Certainly one of our major marks of recent progress has been the upgrading of the fisheries office in the U.S. Department of State. For too long we have been handicapped by the position of our negotiator in our dealings on international fisheries where across the table we have been faced by men of much higher status. The new ambassador title for this office will be very helpful in our future dealings.

Second. The general surveillance of the Soviet fishing fleet—a matter of great concern and criticism from citizens—has been strengthened and I have been able to announce the appointment of an industry-government committee to study the results and advise improvement.

Third. The long-sought meeting with the Soviet Union is now underway, and our technical team is now in Moscow for the first meeting today. This is an informal meeting—it is only a beginning—but it is progress.

Fourth. I am hopeful for favorable consideration of Senate Joint Resolution 29 which will assist us in getting some needed data on the offshore resources so that we will not again have to make statements that we do not know the conservation requirements of adjacent resources while foreign fleets are in heavy harvest.

Fifth. I am hopeful for favorable consideration by the other House of the fish protein concentrate bill—S. 2720—which will authorize the construction of up to five developmental and demonstration plants, a huge step forward toward establishing some of the necessary markets for substantial production of such species as Pacific hake.

Sixth. I hold equal hope for the passage of S. 2218, to establish a 12-mile fishery zone, which is a useful step toward proper protection of the resources and a move toward establishing the concept for the separation of the fishery zone and the territorial sea.

Seventh. The opening of the fishmeal plant of Pacific Protein, Inc., at Aberdeen, Wash., and the resultant beginning of harvest by American fishermen of the Pacific hake is noteworthy. The effort is a small one alongside the huge Soviet effort concentrated there, but it is a demonstration of our interest, and will be helpful in our talks with the Soviets.

Eighth. The increasing national fishermen's representation as demonstrated in this present visit of delegates of the National Fishermen & Wives, Inc., and the recent delegation from the Congress of American Fishermen who appeared in support of S. 2720 and S. 2218 at the Senate Commerce Committee hearings. It would be extremely helpful if the fishermen of the Nation could speak with a unified national voice, and I would encourage such organizations.

Ninth. The progress toward a World Fisheries Conference is a prime example of recent progress. Though I would have wished it much sooner, the interest of the State Department at present is heartening. We must provide for the conservation of the world ocean resources or we will have violated one of our prime responsibilities to those who are hungry today and those who will be in hunger tomorrow.

These are a few of the general areas of progress, not as many as I would like, but certainly some evidence that our Government is placing a value on its adjacent fishery resources and the fishermen and industry who harvest and process them. I wish that the areas were broadened and the action of greater depth, but the wheels of government turn slowly, as the ladies have discovered in their short visit to the Capital.

Again I would extend welcome to these eight ladies who have journeyed far from the States of Washington and Oregon to personally present their position to the Government. Many of their husbands are even now at sea, performing the tasks of fishery harvest necessary for the support of their families, and in full support of the work of this determined group of women.

These women have made a great personal sacrifice in coming back here at this time, and they appear in defense of their very livelihood and the future welfare of their families. But more than that, their goals stretch far beyond their personal family interest, for the protection and conservation of our great fishery resources is a challenge which will benefit all of the generations to come.

One of the great needs in our country, we are told, is for a better understanding of Government by the citizenry. I think there is an additional need sometimes, for a better understanding of the needs and the thinking of the citizens by the Government, and I know that both purposes have been usefully served by the visit of these eight women to the Capital this past week.

IT DID HAPPEN HERE

Mr. BYRD of West Virginia. Mr. President, in these days of civil rights ferment, riots, and street violence, growing crime rates, and U.S. Supreme Court decisions which straitjacket the police throughout the country, it may be of interest to my colleagues in the Senate and the other body, to call their attention to an incident which recently happened in Huntington, W. Va. The incident is described in the Spotlight, a weekly paper printed in Huntington, and I refer specifically to the July 11 issue.

I ask unanimous consent that this item, titled "It Did Happen Here," be printed in the RECORD.

There being no objection, the item was ordered to be printed in the RECORD, as follows:

YES, IT DID HAPPEN HERE!

This is a true story of a Huntington policeman—a man willing to submit to a lie-detector test to prove it. It isn't nice reading and we document it for one reason: if it happened to a policeman, it is much more likely to happen to you, that is, unless decent, law-abiding citizens live up to their civic responsibilities! Rule by gangs, mobs, or fear should not be tolerated in our city—in spite of the U.S. Supreme Court decisions which favor criminals. The police can still maintain law and order, but only if the public demands it!

This is also a story about hoodlums, and the fact that they were Negroes is not important—they could just as easily have been white. We point this out since, in our opinion, the Negroes in Huntington cannot be held liable for their lawless element any more so than all whites should be held responsible for their thugs and hoodlums. If we recognize this fact, it will then become apparent that the leadership in both races must band together and take whatever steps are necessary—regardless of the cost!

Bob Linville, age 29, is a dedicated policeman who once served a hitch in the Navy during the Korean War. Today, he is married to an understanding and courageous wife, has two little sons, and is a patrolman in Huntington's police department.

It was 12:30 a.m. on April 21st of this year when Linville left the 20th Street area on a routine assignment leading him down 8th Avenue. Just before arriving at the 16th Street intersection, a Negro man darted in front of the cruiser and Linville was forced to jam on his brakes to avoid hitting him. Somewhat shaken by the experience, Linville leaned out of the open window and said, "You should be more careful. I could have run over you!"

Looking intently at Linville while slowly approaching the cruiser, the man then stopped and asked, "Are you the s-o-b that manhandled my son in the alley near Fraternal Hall tonight?"[1]

"I don't know what you're talking about," answered Linville. "I don't even cover that zone!"

"You're a lying s-o-b," said the man as he drew closer. "You forcibly took his name!" As the man spoke, Linville's attention was drawn to the approaching crowd of men and youths, all Negroes, as they surrounded the cruiser. A youth who had peered through the windshield suddenly cried out, "That's the man, daddy, that's him!" At this, the man facing Linville moved closer and said, "Get out of that goddamned car and I'll whip your — — —!"

Linville was on the spot and he knew it! As he radioed headquarters for help, a bystander shouted, "He's a chicken—s-o-b and won't get out of the car!" As he left the radio, Linville heard a loud noise on the rear of the cruiser and turned around in time to see three youths climb on the trunk. All three began hammering the roof of the car with their fists, and one screamed, "That's the s-o-b . . . let's get him!" His attention was drawn away from the trio as he felt a hand grab his jacket and yank him towards the open window. Reacting with speed, Linville pulled his revolver, cocked it, turned to face the man accosting him, and said:

"Let go of me! If you don't, I'll blow your head off!"

"He immediately jerked his hand away," Linville went on to say, "but before I knew what was happening, the cruiser started to shake up and down. The man then asked for my name and badge number, and when he did this, they really started rocking the cruiser! I knew they were out to get me; a thousand things crossed my mind; I knew I'd have to shoot my way out of the mess, and rather than do this, I floor-boarded the gas pedal and got the hell out of there!"

Bob Linville and his wife had asked me to interview them at home. All during this time, Bob had been speaking in a quiet, intent voice, as if to make sure that he repeated everything as it actually took place. A number of questions had come to mind and I opened this part of the interview with "What did the crowd say as they attempted to turn over your cruiser?"

"I don't honestly remember," he replied. "I know they were all saying something, but what it was, I can't tell you. I guess I plain forgot."

"I can tell you," Mrs. Linville broke in to say. "When he came home that morning he was so upset and mad—I'd be surprised that he could remember anything at all! I did hear him say that 'They wanted to turn the car over on me . . . they kept saying that I couldn't get any help . . . now was the time to beat the hell out of me . . . all cops ought to be killed', and so on."

"Are you mad at all Negroes for what they did to your husband?"

"At first I was," she replied; "but after thinking it over, I'm sure that a lot of respectable colored people live in that neighborhood. What I can't understand," she added, "is why we don't have two-man cruisers to police the city."

Turning to Linville, I then asked, "When you made your report at headquarters concerning the incident, what did they suggest ought to be done?"

"At first, they said charges should be placed if I could identify the men. But after thinking it over, we knew there wouldn't be any use. What jury would take my word against 25 or 30 witnesses who would testify against me? After all, it would be my word against theirs, and history will prove that a policeman's word will never hold up in court if a bunch of people testify against him!"

"Now, Bob and Mrs. Linville," I said, "knowing that this issue of The Spotlight will receive city-wide distribution, do either of you have any statements which you feel the public should hear about?"

"I'll say one thing," replied Linville, "those people have absolutely no respect for the law, or do they have any for the uniform of the one organization whose job it is to protect the public! If there was any way to do it and make the charges stick, I'd swear out warrants for everyone involved!"

"Mrs. Linville," I asked, "since you are aware that this bunch of hoodlums are out to get your husband, do you think he should resign from the force?"

"No! If he did, both he and I would be more guilty than all of the hoodlums in town put together. If he resigns, we would be on their level. He is determined to stick it out and we can only hope that Chief Kleinknecht and the public will do something to back up the policemen who are trying to protect the city."

"When you said 'back up', what did you mean?"

"I mean two-man cruisers and more policemen to patrol the city! I don't think any policeman's wife should be forced to worry about her husband's life just because the public isn't aware of what's going on all over the city!"

We agree with Mrs. Linville. Perhaps her husband's experience was an isolated one, but we believe it is symbolic of things to come, that is, unless the public is made aware of what is going on all over the city. Only last week another police officer was physically assaulted, this time by a white man. Hardly a week passes without attacks on civilians being reported to the police. Some involve teenagers; adults often are the victims. At times the injuries received do not require hospitalization, but many times they do.

There are now many areas in the city where people will not walk at night, if they do, they can expect danger. Some streets are not safe and there are incidents when people in automobiles have been molested as a result of slowing down for a traffic light.

A recent ruling of the U.S. Supreme Court has effectively reduced the power of the police to look after the public's interest. No suspect can be forced to answer questions at police headquarters unless his attorney is present. All criminals and law-breakers are aware of this, and, as a result, now feel that they can get by with almost anything just as long as no witnesses are present. Why shouldn't they? Who but a fool would open his mouth at headquarters?

The police want to enforce the law, but their most powerful weapon has been legally done away with by the Court's action. They can no longer seize a suspect and question him, even though he has a criminal record and is present at the scene of a crime. They can suspect him; they can almost be certain he is guilty. But they cannot arrest him for questioning; they can only charge him with the crime. If a mistake was made, and he actually was not guilty, a suit for false arrest will follow. Would you take a chance if you were a policeman?

There is an answer to Huntington's crime problem. But what is it? Are more policemen and two-man cruisers the solution, or are we to be confronted with an entirely different answer? Chief of Police Kleinknecht has agreed to give us an exclusive interview in the next issue of The Spotlight. Look for it!

ACTION MUST BE TAKEN TO END INJUSTICE TO HOUSING AND LUMBER INDUSTRIES

Mr. MORSE. Mr. President, as senior Senator from Oregon, I am compelled to call attention of this body to a situation which is causing increased concern in the Pacific Northwest, and may reach critical proportions during the coming months.

An article in the Wall Street Journal reports that mill prices for quarter-inch sanded plywood "plummeted to $62 a thousand square feet from $74" during a recent 2-week period. Lumber prices have also dropped, although a bit less dramatically.

(See exhibit 1.)

LUMBER PRODUCTION IS DOWN

Mr. MORSE. There are also indications that production is being correspondingly reduced. Figures developed by the National Forest Products Association show that lumber output for May of this year was 6.6 percent below April 1966, although it was about 6 percent higher than May of 1965.

Forest-product industry executives have been specific in ascribing these declines to "continued weakness in the housing market."

In turn, experts in Washington, such as John Horne, the Chairman of the Federal Home Loan Bank Board, have traced the cause of the residential housing problem to the decision of the Federal Reserve Board in December 1965. The Board allowed interest rates on certificates of deposit to be increased to 5½ percent, benefiting primarily a few large New York City banks.

(See exhibit 2.)

MORTGAGE MONEY HAS BEEN SHARPLY REDUCED

Mr. MORSE. Chairman Horne recently informed the Washington Post that flows of savings to building and savings and loan associations have been sharply reduced in recent months and that—

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[1] This location mentioned in Linville's report is 4½ alley and 12th Street—the scene of more than 30 arrests for fighting, assaults, and hoodlumism. One man was assaulted and sent to the hospital last week. The Women's Job Corps recreational lounge is to be located in this area—so we are told!

> (E)conomists in the Board believe that a continuation of current saving flow trends for the balance of this year could cause a sharp reduction . . . in investment in home mortgages.

This observation has been confirmed by the following report in the Scope, the newsletter of the National Association of Home Builders for July 22, 1966:

> Housing starts were down 18% from last June, building permits down 25%. NAHB forecasters in 83 metropolitan areas now see an overall 11% drop in starts for 1966, for lowest total in six years.

(See exhibit 3.)

Mr. MORSE. According to the homebuilders, both the housing start rate and the building permit rate were the lowest since the recession of 1960.

FURTHER STRINGENCY HAS BEEN PREDICTED

The volume of building permits is particularly significant, since it indicates a further contraction in house building in the coming months.

Furthermore, the most recent predictions from the Federal Reserve Board, as reported in the Washington Sunday Star of July 24, 1966, are that:

> Interest rates will soon climb higher and the credit squeeze will tighten . . .

(See exhibit 4.)

EVEN IMPACT ON HOUSING INDUSTRY IS UNFAIR

Mr. MORSE. It is common knowledge that this chain of events has already injured buyers and sellers of real estate by requiring postponement of some purchases and renovations, and forcing those who have succeeded in getting mortgage financing to pay markedly higher interest rates and additional premiums.

The injustice of this situation in the money market is highlighted by another recent report in the Wall Street Journal that credit for nonhousing uses such as the purchase of securities remains relatively available. In fact, the article of June 10 reports that stockbrokers have expanded their loans to customers buying securities on margin by 6 percent during the first 4 months of this year, to a total of $5.8 billion.

(See exhibit 5.)

Mr. MORSE. It therefore appears that certain groups in the country are benefiting from the tight money situation, while home buyers, the housing industry, and the lumber industry in the Northwest are suffering increasing and disproportionate economic injury.

COMPETITIVE STRUCTURE OF LUMBER INDUSTRY COULD BE AFFECTED

If this situation continues, there is a real peril that the structure of the lumber industry will be altered by adversely affecting the many small lumber mills which are least able to withstand such economic reverses. To the extent this may happen, the Nation will have to deal with fewer and larger lumbering firms to supply its increasing demands for forest products.

REMEDIAL ACTION MUST BE TAKEN

Mr. President, it is clearly unfair for the lumber and housing industries to bear the brunt of the Nation's financial policies, particularly when others are profiting by them. Action must be taken to restore these industries to their full measure in the growth of the American economy.

I am pleased that the House Banking and Currency Committee will, this week, review proposals relating to monetary policy which affects this situation. I will be doing all that I can to bring about the needed action before further damage is done.

I ask unanimous consent that the articles to which I have referred be included in the RECORD for the information of all concerned.

There being no objection, the articles were ordered to be printed in the RECORD, as follows:

EXHIBIT 1

[From the Wall Street Journal, June 9, 1966]

PRICES OF LUMBER, PLYWOOD DECLINE ON WEST COAST—COMPANIES CITE REACTION TO LAST WEEK'S LABOR PACT, HOUSING MARKET WEAKNESS "LONG TOUGH SECOND HALF" SEEN

PORTLAND, OREG.—Reacting to last week's labor settlement, West Coast lumber and plywood prices have dropped sharply.

Forest-products industry executives also ascribed the drop to continued weakness in the housing market.

In the past two weeks, prices at the mill for quarter-inch, sanded, interior-grade plywood have plummeted to $62 a thousand square feet from $74. This followed a $4 drop the week of May 23. Prices are approaching the year-earlier level of $60.

Lumber prices have also dropped, although less dramatically. Since the week of May 23, prices at the mill for random-length green Douglas 2-by-4s have dropped about $4, to around $70 a thousand board feet in carload lots for shipment East. This price is about the same as a year ago. Both items are considered key indicators.

GENERAL INDIFFERENCE

Industry officials agree that Eastern buyers are generally indifferent to buying both lumber and plywood now that accords on new labor contracts have been reached. Last week, major forest-products companies settled with the two big unions for a 55-cent-an-hour package increase over the next three years, at a total estimated cost of approximately $60 million over the period.

"You can't stir up an order anywhere now that a strike has been averted," asserts one Oregon plywood-company executive. "The mills don't have much of an order file, and the buyers are still living off the inventories they bought during March and April, buying only for spot needs, since the market is sure to go down further."

"It's pretty obvious that many people overbought in March and April," says a lumber-company official. "The rate of buying during those months was about 10 million to 20 million board feet more than a year ago, and we have to wait until these inventories are eaten away."

HOUSING AND TIGHT MONEY

Executives also contend that slumping housing starts and tight money have had a bad effect on the market. Says one plywood-industry man: "I talked to a friend who has a savings-and-loan business just the other day and he hasn't made a loan for three weeks. No wonder the housing market is down."

Commenting on the labor settlement, most lumber-industry executives say they believe it will be felt most by the smaller, marginal mills. "The small mills were a little incensed at the costly settlement, but what could they do? Smaller producers that have to depend on public timber and who are now operating on a marginal basis will tend to be weeded out gradually. There's little doubt the agreement will eventually cut down competition in the industry," says an Oregon wholesaler.

While some small mills may be fighting to survive, the larger ones are sitting down to figure out how to handle the increased costs, lumber-industry men contend.

"This could mean immediate increased costs of about $2 a thousand board feet on lumber products, but since pricing is determined on the open market, most producers will have to look to other means—taking a hard look at efficiency programs and production norms," says one executive.

Whatever the effects of the settlement, most executives predict prices will slide still further until the market finds a floor. "We haven't reached the bottom yet, and with this tight building situation, it looks like a long, tough, second half," warns an Oregon lumberman.

Meanwhile, Government orders for Vietnam have leveled off, and the boxcar squeeze has been eased considerably. But executives warn that when heavy grain movements begin in late summer, the shortage of rolling stock will again become acute.

Orders continue to drop at the mills. Lumber orders are about 75% of present industry capacity, and plywood orders are down to about 67% of capacity, far less than month-earlier levels.

EXHIBIT 2

[From the Washington Post, June 12, 1966]

SEES NEED TO STEM DRAIN ON SAVINGS & LOAN—HORNE WARNS OF HOUSING CRISIS

(*Perhaps the most important current economic news story is the story of money and money rates. Intense competition between banks and savings & loans institutions for an adequate supply of the basic commodity both need—cash—has led to a rate "war" and a money "squeeze." Both the Executive Branch and Congress have been seeking ways of reducing the bidding up of interest rates. In the following article, written especially for the Washington Post, Chairman John E. Horne of the Federal Home of the Federal Home Loan Bank Board points out the effect the rate "war" may have on S & Ls and on housing construction. In a subsequent article, the problem as seen from the banks' point of view will be explored.*)

(By John E. Horne, Chairman, Federal Home Loan Bank Board)

Tight money and high interest rates are principal topics of discussion among businessmen, economists and investors. The shortage of lendable funds is causing a keen rivalry among financial institutions to attract savings.

In this situation, commercial banks and savings and loan associations understandably are seeking ways to increase the flow of funds into their institutions and to retain the funds they already hold. The tool most readily at hand, of course, is interest rate competition. Banks are offering higher interest rates on some types of savings instruments—certificates of deposit. Savings and loan associations are responding to a degree commensurate with their ability to earn the higher rates.

This competition for savings is often looked upon as a matter of one type of institution vying with another in the market place, with other sectors of the economy little involved in the contest. Such a view of the present situation is an oversimplification of the affects of the current money squeeze.

Commercial banks are general-purpose lending institutions. They lend the funds they attract mostly for relatively short terms and under conditions which permit them to adjust their interest rate charges to current conditions in the money and capital markets. **At present, the bulk of their lendable funds are being loaned out to their industrial, business and consumer credit customers and the high level of economic activity permits them to obtain high yields on these loans.**

FUNDS IN HOUSING

Savings and loan associations, on the other hand, are highly specialized lenders. They place nearly all of their funds in the housing market, either in the purchase of home mortgages, in construction loans, or, to a lesser degree in multi-family dwelling mortgages. Their loans are long term with a fixed interest rate charge and they, consequently, cannot adjust their portfolios quickly to rapid rises in money market interest rates.

In recent years, savings and loan associations have grown to become the principal financers of home ownership in the United States. Nearby 45 per cent of outstanding home mortgages are financed by savings and loan associations. And under this system, home ownership in the United States has expanded to the point where nearly 65 percent of homes are owned by their occupants.

The Board is charged by Congress with promoting sound and economical home financing. Maintenance of the trend toward home ownership, therefore, is a primary basis for the Board's concern over current money market conditions and the competition for savings. Of course, as a part of the Federal Government, the Board also is concerned with any matters that relate to general economic well-being.

Money flows to savings and loan associations have been reduced sharply in recent months due to the rate competition from commercial banks and from market instruments. Economists at the Board believe that a continuation of current savings flow trends for the balance of this year could cause a sharp reduction in the amount of funds available for investment in home mortgages. This means that many buyers and sellers will face some stringency in obtaining financing because of the lack of funds to finance mortgages. It means also that those who succeed in obtaining mortgage financing will have to pay appreciably higher interest rates on their borrowings.

Of even greater significance, it means that housing construction will be adversely affected. And a decline in mortgage activity would be reflected in lower production and sales of the many goods and services that go into making a house a home.

INFLATIONARY IMPACT

At present, funds attracted by commercial banks are flowing into inventories, financing accounts receivable, and to a growing extent, financing the expansion of production capacity of industry in the form of loans to build plants and purchase equipment. This latter category of lending has a sharp inflationary effect under current economic conditions.

While President Johnson has called upon industry to exercise restraint in its investments in new plants and equipment, the totals continue to rise, threatening to overheat the economy.

The question that business and financial leaders must ask themselves, and which Government administrators must examine as well, is: "Is the current allocation of capital funds under present tight money market conditions being carried out in a manner that is in the best interest of the national economy and in the best interest of the public?"

The answer is obvious. If current money market forces are causing too much money to flow into industrial and business expansion at the cost of depriving the housing industry of funds needed to meet desirable home-owning demand, the clear responsibility of all concerned is to take steps to ease the sharp change in the direction of savings flows.

Congress has before it a number of proposals designed to harness the principal method by which commercial banks are attracting funds from the public and from other types and financial institutions. The instrument is the so-called "certificate of deposit."

The Federal Home Loan Bank Board and some other Federal agencies concerned with money market matters, have endorsed the principle of placing restraints on the offerings of some types of certificates, which in fact are thinly disguised passbook saving accounts.

The Federal Reserve Board's "Regulation Q" places a ceiling of 4 per cent on the interest which banks may pay on passbook savings, but permits a rate as high as 5½ per cent on certificates of deposit. By offering small certificates with maturities of as little as 30 days, commercial banks can now effectively evade the Regulation Q ceiling on passbook accounts.

That many of them are doing so can be seen almost daily in the advertisements that banks run in various sections of the nation. And, of course, the savings and loan associations in these areas are among the first to experience a drain on their savings, or smaller inflows of savings. This accounts for the stringency in the mortgage market that many people complain about.

EXHIBIT 3

[From the NAHB Washington Scope, July 22, 1966]

STARTS DIP; PERMITS TAKE SHARPER TURN DOWNWARD

Housing starts edged downward in June and building permits plunged sharply, the Commerce Department has reported. Both rates were the lowest since the 1960 recession.

Starts slid 1% from the May 1966 figure; 18% from June a year ago. Building permits dropped 14% from the May rate and 25% from June 1965.

Additionally, said NAHB President Larry Blackmon in a statement to the press, "in view of the tight money situation, it is likely that many of the permits will fail to materialize as starts."

Starts fell to a seasonally adjusted annual rate of 1,288,000 units from May's 1,295,000 and 1,566,000 in June 1965.

Actual starts for the first six months of 1966 were 696,500, down 7½%. The 1% decline in June from the May rate concealed substantial regional differences. The West dropped 16%. The North Central region continued a slight decline, and the South and Northeast gained slightly.

The big plunge in permits was in the multifamily sector, down 29% from May and 33% from June a year ago. Single family permits dipped 4% under May and 18% from June 1965.

EXHIBIT 4

[From the Washington, D.C., Sunday Star, July 24, 1966]

CLIMBING INTEREST RATES AND TIGHTER CREDIT PREDICTED—U.S. OFFICIALS SEE TREND DESPITE CONGRESS' EFFORT

(By Lee M. Cohn)

Interest rates soon will climb higher and the credit squeeze will tighten despite congressional efforts to reverse the trend, authoritative sources in the administration and at the Federal Reserve Board predicted yesterday.

The only practical way to halt the rate rise and ease credit conditions would be to increase taxes, they said, but no tax action is likely until January.

Interest rates generally have risen close to 40-year highs. In a dramatic reflection of the trend, the Treasury on Wednesday probably will offer to borrow money at 5¼ percent—the highest rate paid by the Treasury since 1921.

Supplies of credit have grown, but not enough to meet booming demand. The relative scarcity has squeezed out many borrowers, with especially severe consequences for the housing industry.

ADMIT TO WORRY

Officials admit they are worried about the economic repercussions of credit tightness and jittery about the political backlash.

Nevertheless, "there's no end in sight," a key source said, predicting the squeeze will become more painful.

Some members of Congress are unwilling to accept this judgment. They are pushing legislation aimed at rolling back interest rates and easing credit.

The House Banking and Currency Committee is taking the lead. Chairman WRIGHT PATMAN, Democrat, of Texas, has called a committee meeting for tomorrow to act on legislation to deal with one aspect of rate escalation—the high rates paid on bank deposits.

PATMAN yesterday predicted prompt committee approval of a bill to put a 4½ percent ceiling on "consumer-type" certificates of deposit issued by commercial banks in denominations below $100,000.

AIMED TO AID S&LS

The basic purpose is to help savings and loan associations in their competitive struggle with commercial banks for deposits. The S&Ls concentrate on housing mortgage lending.

Certificates of deposit (CDs) are essentially receipts for money deposited for specified periods.

PATMAN's proposal would apply to the relatively small, nontransferable CDs—often called savings bonds or savings certificates—sold to individuals and unincorporated businesses.

The larger CDs sold to corporations would not be affected. Banks still would be allowed to pay up to 5½ percent on these CDs, which are negotiable.

CEILINGS LOWERED

The 5½ percent ceiling has applied to consumer CDs, too, but the Federal Reserve Board last week lowered the ceiling for some types to 5 percent for those maturing in 90 days or more and to 4 percent for maturities less than 90 days.

PATMAN proposes to get a step farther, imposing a 4½ percent ceiling on all new consumer CDs below $100,000. He said the ceiling would not apply to CDs issued before June 30, which could be renewed at the old rates.

The bill also would give the Federal Home Loan Bank Board discretionary authority to establish rate ceilings on deposits in federally insured S&Ls.

Despite his past opposition PATMAN also proposes to grant the Federal Reserves' request for authority to vary rate ceilings on bank deposits according to amounts or other criteria.

SIMILAR LAWS PROPOSED

The administration has proposed similar, though milder, legislation to hold down interest rates on deposits. Officials said the purpose is to give the lagging housing industry some relief from the effects of tight credit.

One high-ranking official admitted he is worried about how the legislation would work if it were enacted.

Mild measures would achieve little, he said. If the legislation were strong enough to force bank deposit rates down substantially, he said, it could boomerang and cause turmoil in money markets.

Banks might lose huge amounts of deposits, he said, endangering their liquidity. To protect themselves, he said, the banks might be forced to raise money by dumping securities holdings on the market.

They also would have to reduce lending sharply, he said.

The result could be much tighter credit and higher interest rates—exactly the opposite of the legislation's purpose.

BACKFIRE FEARED

Tinkering with rate ceilings will achieve little and may backfire, officials said, because interest rates are only the symptom of the underlying problem of tight credit.

They said there are two ways to alleviate the scarcity of credit and thus hold interest rates down:

1. Shift the Federal Reserve to easier credit policies.

2. Reduce demand for credit by dampening the economic boom.

The first alternative is out, Federal Reserve sources said. They said the Federal Reserve probably will make policy even tighter because inflationary pressures still are dangerously strong.

Federal Reserve officials admitted they are afraid of tightening policy too severely. They said it is risky and probably not very effective to rely so heavily on monetary policy to fight inflation.

Nevertheless, an official said, "we have no alternative and we will not shirk."

He said the only escape from an endless credit squeeze is action by President Johnson and Congress to curb the economic boom by raising taxes—thus curtailing demand for credit, restraining inflation and reducing the burden on Federal Reserve policy.

Johnson obviously is reluctant to propose tax increases, but a high-ranking administration official said the President probably will make the move next January—or possibly sooner if the credit squeeze becomes unbearable.

[From the Wall Street Journal, June 10, 1966]

Credit Paradoxes: Tight Money Pinches Different People, Firms in Very Uneven Fashion—Banks Are Squeezed, but Still Push Credit Cards; Stock Speculators Feel No Pain—Personal Loan Firms Unhurt

(By Lee Silberman)

If you're a would-be home buyer, you may not be able to get a mortgage loan, no matter how good your credit is. But if you're a veteran stock speculator, you shouldn't have much trouble borrowing money to buy more shares on margin—and you might get a relatively favorable interest rate.

If you're a small businessman, you will have little difficulty buying supplies on credit from a big manufacturer. But heaven help you if you're slow paying the bill; your supplier may cut you off from further deliveries.

If you're a consumer, personal finance companies will push loans at you as vigorously as ever, and some banks will urge you to sign up for one of their new credit-card plans so that you can charge anything from a round-the-world trip to the purchase of a screwdriver at the corner hardware store. But if you don't have a credit card, be sure to pay your bills quickly; otherwise your account will be turned over to a collection agency sooner than it would have been a year ago, and the agency will expect a bigger initial payment.

TIGHT AND LESS TIGHT

These are some of the contrasts fostered by the uneven impact of tight money conditions on the economy. Generally, supplies of lendable funds are low, in relation to the demand for them, and interest rates are high throughout the nation. But the pinch is being felt by different individuals and enterprises to extremely varying degrees, and sometimes in seemingly contradictory fashion.

The contradictions all have explanations—some simple, some growing out of an intricate web of financial relationships. Take the current situation of the nation's banks.

Major New York City banks currently are in the grip of their tightest squeeze in recent history. At present 74% of their total deposits are out on loan, up from 69.9% at the end of 1965 and 62% at the end of 1964. While the situation at banks in other cities is not quite that tight, the loans-to-deposits ratio of all large U.S. banks in financial centers is 69.7% now, considerably higher than usual and up from 63.1% at the end of last year.

Banks, of course, cannot loan out all their deposits. They must keep a specified percentage on reserve, and generally they seek to retain more to handle an unexpected rise in loan demand or a surge of withdrawals. Figures released by the New York Federal Reserve bank yesterday showed that the banking system currently is more severely crimped for reserves than in many years.

DOLLARS FROM ABROAD

To get the cash to make new loans the banks have resorted to the painful step of selling off some of their holdings of bonds of Federal, state and local governments—at depressed prices. Some also have been urgently requesting their branches abroad to send home any dollars they can spare for short periods. "I never thought I'd live to see the day when the huge U.S. banking system would be carried in effect by the dollars we're able to bring out of the Old Country," says a New York banker.

The banks' squeeze, moreover, may get worse in the next few days. Some $3.9 billion of the deposits U.S. banks hold consist of money paid by investors, mostly corporations, for "certificates of deposit" that mature this month—$321 million today, and $717 million next Wednesday, an important deadline for instalment payments of Federal taxes on corporate profits. Certificates of deposit, or "CDs," are documents which evidence that a depositor has placed funds in the bank for a specified time.

Most large banks replaced huge batches of CDs maturing in March and April, around previous tax-deadline times, by raising the interest rate they pay on such instruments—on nine-month CDs, to 5½% from about 5¼% earlier, for instance. But they can't raise these rates again to replace the June CDs; the present 5½% is the maximum that Federal authorities permit them to pay. And a CD holder can get 5½%, or more, on various other types of short-term paper.

PUSHING CREDIT CARDS

Yet in the midst of this squeeze, more banks are pushing credit cards at their individual customers. It's all a matter of timing. The sums they pay out to sellers of various goods and services to cover the bills run up by card holders are relatively modest now, at least compared to the bank's business-loan volume. But the banks expect the credit-card business someday to be giant and profitable—and they are convinced they must develop it themselves, rather than let independent credit-card plans get a lock on the business.

Thus, even as the Monthly Economics Letter of New York's First National City Bank warns that U.S. banks may have to curtail loans of all sorts, individuals going into a First National City branch find racks bulging with application forms for Carte Blanche credit cards, and huge placards imploring them to take one. The bank acquired the Carte Blanche business from a Hilton Hotels Corp. subsidiary early this year, and is continuing to operate it pending the outcome of an antitrust action against the acquisition.

California's giant Bank of America announced two weeks ago that it is negotiating with banks in six other states to license the distribution there of its BankAmericard credit cards, which have been in use in California since 1958. First National Bank of Seattle launched a Firstbank Card plan, allowing consumers to charge all sorts of purchases, throughout the state of Washington on June 1. Hartford National Bank and Trust Co. in Connecticut plans to get what it calls the Hartford National Charge Card in operation by August.

Major banks also appear, surprisingly, to be cutting back only slightly on loans to securities dealers, who relend the money to traders buying stock on margin. The banks consider loans to brokers an excellent temporary use for the funds they keep around to meet unexpected loan or deposit-withdrawal demand. Such loans are usually made on a one-day basis (though they are made every day) and they can be called immediately, if stock prices plunge sharply or if the bank needs its money.

With their bank borrowings, plus funds of their own that have been generated by this year's immense stock-trading volume, brokerage-firm members of the New York Stock Exchange between Jan. 1 and April 1, the latest period for which figures are available, expanded their loans to stock buyers nearly 6%, to a total of over $5.8 billion outstanding. In the like period of 1965, broker loans to customers declined, though only a fraction of 1%.

True, some stock buyers are paying fancy interest to make margin transactions (on such a transaction the buyer puts up in cash 70% of the value of the stock he purchases, and borrows the rest). A stock-market tyro borrowing money to buy his first few shares on margin will pay interest at an annual rate of 7% at some brokerage houses. But a veteran speculator borrowing to finance a huge margin trade will pay only 6% interest to some brokers.

If stock-market speculators have been relatively unaffected by tight money, home buyers have been hit harder than anyone else. The main reason: Individuals—including would-be home buyers—are saving much less money than a year ago, putting a pinch on the supply of money available for mortgages. This trend generally has been blamed on increased payroll withholding for Social Security and Federal income taxes, which has bit into workers' take-home pay.

In the first four months of 1966 net savings (new savings minus withdrawals) received by U.S. savings and loan associations plummeted to $740 million, from nearly $1.8 billion in the 1965 period. April saw a large outflow of savings, as withdrawals exceeded new savings.

S&L officials are certain savings they normally would get have been flowing into bank CDs, which are available to individuals as well as corporations, at rates up to 5½% (savings and loan associations aren't permitted to offer such high savings rates without losing their borrowing power at the Federal Home Loan Banks). But in total the drop in savings at banks has been more dramatic even than the drop at S&Ls.

Big commercial banks that report weekly to the Federal Reserve System by May 25 had increased their CDs outstanding by $1.7 billion, or about 10%, from the start of the year. But in the same period they suffered a $2.2 billion drop in their outstanding totals of passbook savings, on which they are permitted to pay only 4% interest tops. So their totals of CDs and passbook savings went down a net $500 million.

The drop in savings has accentuated the squeeze on banks, and with corporate loan demand booming they have cut back on mortgage loans. The reaction at S&Ls, which make many more mortgage loans, has been more drastic. With money flowing out in

April, some have stopped making mortgage loans entirely for the time being.

Nor will the home buyer find any relief at life insurance companies, which normally make many mortgage loans. The insurers' sales of policies have been expanding at a rapid clip. But the lendable funds that the policy sales supply have been snapped up by corporations that have been unable to borrow as much money as they would like at their banks. The corporations are lining up to arrange private sales of bonds to the insurance companies.

An official at Prudential's main office in Newark, N.J., says the company is short of funds for mortgage lending throughout its Eastern region, and that the cash is being conserved mainly to satisfy the demands of builders and developers who regularly do business with Prudential.

Frustrated home buyers might console themselves by buying something else—plush furniture for the old quarters, perhaps. If the increased withholding tax rates leave too little cash in their paychecks for the purchase, personal finance companies will lend them the money gladly.

Personal-loan companies, like some other non-bank lenders and some corporations, raise money by selling "commercial paper" (essentially a form of IOU) to investors. The rates they have had to pay on the paper to attract funds have risen sharply; they now range from 5½% to 5⅞% on 90-day to six months notes. But the small-loan companies have no qualms about paying such rates, since they can lend the money to consumers at interest rates ranging as high as 20% annually.

"NO SLOWDOWN HERE"

Buoyed by high interest rates, the market for commercial paper has been strong. The total outstanding rose 4% just in April, to a record $11.6 billion outstanding; that was 20% greater than a year earlier. So the finance companies have plenty of money to lend.

"There's no tendency for a slowdown in lending by personal loan companies," says DeWitt Paul, chairman of Beneficial Finance Co., one of the largest of these concerns. "We want to get good customers while the stream is flowing, and have been continuing to do all the things we always do to promote our business."

Some non-bank lenders that concentrate on loans to businesses, and also raise their funds by selling commercial paper, take the same line. Example: Factoring concerns, which lend money to companies in return for the right to collect the bills that customers owe to those companies.

The basic factoring loan rate now ranges from 7.2% to 8.4%, up from 6% to 7.2% in late 1965. But the rise has not hurt volume. The factors are getting a heavy demand from businessmen who have been turned away from banks where they had sought loans.

Mill Factors Corp. in New York expects to expand its new-loan volume to $400 million this year, from $390 million in 1965. "We don't have to compete for new accounts today; they come to us," says Walter D. Yankauer, president. Mill Factors, he says, long has concentrated on loans to textile and soft goods manufacturers, but now is making loans to such new customers as steel distributors.

CORPORATION CASH SQUEEZE

An expansion of lending on the modest scale Mill Factors talks of, however, hardly will meet the credit demands of business. As a group, U.S. corporations, like the banks from which they are trying to get loans, are in a tight cash squeeze.

To finance day-to-day operations and expansion plans, corporations ordinarily rely largely on internally generated funds—chiefly retained profits and sums charged off by the company as depreciation but kept in the treasury. During 1965, however, corporations as a group turned nearly none of these funds into cash or Government securities. At the end of the year holdings of cash and Governments by U.S. nonfinancial corporations totaled $64.1 billion—exactly the same as at the end of 1964.

Some apparent reasons: Corporations chose to put much of their internally generated funds to use financing higher inventories. Inventories held by non-financial corporations expanded to $126.6 billion at the end of 1965, from $114.3 billion at the end of 1964, a rise of nearly 11%.

Companies also apparently made many more of their sales on credit. While the cash and Government-security holdings of nonfinancial corporations didn't rise at all during 1965, the National Association of Credit Management figures that by March 31 this year U.S. manufacturers' holdings of accounts receivable—bills owed to them by customers—jumped to a record $54.7 billion, up almost 12% from $49 billion a year earlier.

Whatever the reason, since U.S. corporations' debts grew while their cash holdings didn't, non-financial companies finished 1965 with cash and Government securities equal to only 27% of their current liabilities—a record low ratio. At the end of 1964 the ratio was 30%; as recently as the end of 1962 it was 34%. This ratio is an important measure of corporate "liquidity"—the ability of businesses to meet unforeseen expenses.

With less cash on hand, in relation to their debts, corporations also are less able to meet those well-foreseen expenditures, spending for new plant and equipment. Their need to do so is much greater, though; according to the most recent Government survey, corporations plan capital spending of $60.8 billion this year, up 17% from 1965.

PAY UP QUICK

In 1965, for the first time in the current boom, corporations' capital spending exceeded the funds they got from "cash flow" (profits plus depreciation), notes Eli Shapiro, Harvard University finance professor. The same thing is expected to happen in 1966.

What to do? Besides besieging banks for loans, and trying to sell bonds privately to insurance companies, cash-pinched corporations have been selling many stock and bond issues to the public. Also, while extending credit liberally to customers, they have been demanding that the customers pay up faster.

At the end of March, according to the National Association of Credit Management 85.7% of the bills owed to manufacturers were being paid on time and only 2.5% were over 90 days past due. A year earlier, only 84.3% of manufacturers' accounts receivable were classed as "current" and 2.8 were 90 days or more delinquent.

"We can invest our idle money and get a return of better than 5% nowadays, but when the money is tied up in old unpaid accounts it's dead," says Peter McLaughlin, comptroller of Union Camp Corp., a leading maker of paper products. So, he says, his company has begun a stricter collection program, with some success. The average period of Union Camp's unpaid bill has been cut to 29 days, from 31 days a year earlier, he says.

Some companies have gone even further. In the aluminum industry, which is swamped with defense orders, one major fabricator is simply refusing to sell any more goods to some of its slower-paying customers. Union Camp, too, is becoming more selective about whom it sells to, says Mr. McLaughlin.

DUNNING CONSUMERS

As big companies dun smaller ones to pay their bills faster, smaller companies are similarly dunning consumers. The American Collectors Association says both the number of bills referred to collection agencies and the size of the original bill that becomes delinquent, have risen in the past year.

In the first quarter of 1966, a spokesman says, the number of accounts held by the average collection agency increased to 1,333, up 4% from 1,278 in the 1965 period. The average size of the individual account referred for collection rose to $62.14 from $51.31.

A bright note: If the American consumer is unable or unwilling to save as much as a year ago, and unable to prevent more of his bills from being turned over to collection agencies, he is at least both able and willing to make bigger payments to the collection agencies. The American Collectors Association says the average initial payment to an agency on a bill turned over for collection rose to $17.18 in the first quarter, from $15.97 a year earlier.

PROPOSED WAR CRIME TRIALS FOR U.S. FLIERS

Mr. McGEE. Mr. President, although today's press suggests there might be some second thoughts in North Vietnamese policy circles over the advisability of submitting American fliers to war crime trials, I think some rather interesting observations were made on this subject last Saturday by the senior Senator from Connecticut, Senator Thomas Dodd.

As one who served as executive trial counsel at the Nuremberg trials at the close of World War II, Senator Dodd convincingly outlines the inapplicability of the propaganda which has suggested that the Nuremberg trials established legal precedent which could now be invoked to prosecute the captured American fliers.

Mr. President, I ask unanimous consent that a press statement issued by Senator Dodd on this subject be printed at this point in the Record.

There being no objection, the news release was ordered to be printed in the Record, as follows:

[A news release from Senator Thomas J. Dodd, July 23, 1966]

Washington, D.C.—Senator Thomas J. Dodd (D.-Conn.) today released the following statement on the Nuremberg war crime trials and the proposed prosecution of American airmen in North Vietnam as war criminals:

"President Johnson spoke for the entire American people, including those who have been critical of the war in Vietnam, when he warned the North Vietnamese communist leaders that if they bring the captured American flyers to trial as war criminals, they will harden the resolve of our people, not weaken it, and they will earn themselves the contempt of civilized opinion throughout the world.

"The communist propagandists in Hanoi have been putting out the claim that the Nuremberg War Crimes Trials established a legal precedent which they can now invoke to prosecute the captured American flyers as war criminals.

"As Executive Trial Counsel at the major Nuremberg trial, I want to state categorically that there is not an iota of truth or an iota of logic to this claim.

"I believe it is important to make this point, because there are apparently some people in our own country who mistakenly believe that the Nuremberg trials set a precedent which the communists can now use to their own advantage.

"The Charter of the Nuremberg Tribunal listed three types of crimes as coming within its jurisdiction:

"(1) 'Crimes against peace,' which involved waging or conspiring to wage a war of aggression, in violation of international treaties and agreements;

"(2) 'War Crimes,' which involved the murder, ill-treatment, or deportation of civilian population in occupied territory, the murder or ill-treatment of prisoners of war . . . and the killing of hostages;

"(3) 'Crimes against humanity,' which included 'the extermination, enslavement, deportation and other inhumane acts committed against any civilian population, before or during the war.'

"The Charter made it clear in its opening paragraph that the trials would be limited to major war criminals.

"The Charter also made it clear that simple obedience to orders could not be used to justify participation in a major capacity in any war crimes.

"However, no member of the German armed forces, of any rank, was prosecuted because he had served as a member of those forces or because he had obeyed orders of a clearly military nature that involved none of the crimes against humanity specified by the Nuremberg Charter.

"No Luftwaffe pilot, or Luftwaffe commander, for example was brought to trial because of his participation in the bombing of London, despite the fact that the Luftwaffe bombings were directed primarily at the civilian population and not confined—as we have been seeking to do in Vietnam—to oil storage tanks and bridges and other clearly military targets.

"The war crimes and crimes against humanity specified by the Nuremberg Charter were criminal by standards generally accepted in all civilized countries. They were clear and grave offenses against the spirit of International Law, which was described in the Fourth Hague Convention of 1907 as including the 'laws of humanity and the dictates of public conscience.'

"The Nuremberg trial did set a precedent—but it was a necessary precedent. As Secretary of War H. L. Stimson eloquently put the matter:

"'. . . Now this is a new judicial process, but it is not expost facto law. It is the enforcement of a moral judgement which dates back a generation. It is a growth in the application of law that any student of our common law should recognize as natural and proper, for it is just this manner that the common law grew up.

"'There was somewhere in our distant past, a first case of murder, a first case where the tribe replaced the victim's family as judge of the offender. The tribe had learned that the deliberate and malicious killing of any human being was, and must be treated as, an offense against the whole community. The analogy is exact.

"'All case law grows by new decision, and, where those new decisions match the conscience of the community, they are law as truly as the law of murder . . .'

"This was the meaning and intent of Nuremberg.

"The American airmen in Vietnam are soldiers performing military duties in the strictest sense of the definition. They have been guilty of none of the crimes against humanity condemned by the Nuremberg Charter. Indeed, since the development of military aircraft, I do not think there has been a war in which any Air Force has exercised so much care and placed such rigid restrictions on itself, to avoid bombing civilian targets.

"No amount of twisting or legal skulduggery will enable the communists to use the Nuremberg trials as a precedent justifying the show trials they now propose to stage with the captive American airmen in their hands.

"If the Nuremberg trials have any application at all to what is going on in Vietnam, it is my conviction that they established a precedent which would brand as criminal both the treatment to which the captured American flyers have already been subjected, and the trial and sentencing of these airmen by communist kangaroo courts pretending to operate with the power and authority of an internationally sanctioned tribunal.

"I join the President of the United States and my colleagues who have already spoken on this matter, in warning the leaders of the Hanoi regime of the possible consequences of their projected action."

THE CALENDAR

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of measures on the calendar in sequence, beginning with Calendar No. 1344, H.R. 10104, to and including Calendar No. 1362.

The **PRESIDING OFFICER.** Without objection, it is so ordered.

GOVERNMENT ORGANIZATION CODE

The Senate proceeded to consider the bill (H.R. 10104) to enact title 5, United States Code, "Government Organization and Employees," codifying the general and permanent laws relating to the organization of the Government of the United States and to its civilian officers and employees which had been reported from the Committee on the Judiciary, with amendments, on page 2, line 1, after item 7, "Judicial Review", insert:

9. Executive Reorganization 901

Page 6, at the beginning of line 21, strike out down to and including "1902" and insert in lieu thereof "1884, 1891–1902, and former section 1641(b)(2),".

Page 10, line 32, strike out "hearing examiner" and insert in lieu thereof "employee".

In line 36 after the comma, strike out "a hearing examiner" and insert in lieu thereof "such an employee".

Page 18, line 3, insert a comma after "States".

Page 21, line 9, strike out from "1641" down to and including "1902" in line 27, and insert in lieu thereof "1884, 1891–1902, and former section 1641(b)(2),".

At the top of page 23, insert the following:

CHAPTER 9—EXECUTIVE REORGANIZATION

Sec.
901. Purpose.
902. Definitions.
903. Reorganization plans.
904. Additional contents of reorganization plans.
905. Limitations on powers.
906. Effective date and publication of reorganization plans.
907. Effect on other laws, pending legal proceedings, and unexpended appropriations.
908. Rules of Senate and House of Representatives on reorganization plans.
909. Terms of resolution.
910. Reference of resolution to committee.
911. Discharge of committee considering resolution.
912. Procedure after report or discharge of committee; debate.
913. Decisions without debate on motion to postpone or proceed.

§ 901. Purpose

(a) The President shall from time to time examine the organization of all agencies and shall determine what changes therein are necessary to accomplish the following purposes:

(1) to promote the better execution of the laws, the more effective management of the executive branch and of its agencies and functions, and the expeditious administration of the public business;

(2) to reduce expenditures and promote economy to the fullest extent consistent with the efficient operation of the Government;

(3) to increase the efficiency of the operations of the Government to the fullest extent practicable;

(4) to group, coordinate, and consolidate agencies and functions of the Government, as nearly as may be, according to major purposes;

(5) to reduce the number of agencies by consolidating those having similar functions under a single head, and to abolish such agencies or functions thereof as may not be necessary for the efficient conduct of the Government; and

(6) to eliminate overlapping and duplication of effort.

(b) Congress declares that the public interest demands the carrying out of the purposes of subsection (a) of this section and that the purposes may be accomplished in great measure by proceeding under this chapter, and can be accomplished more speedily thereby than by the enactment of specific legislation.

§ 902. Definitions

For the purpose of this chapter—

(1) "agency" means—

(A) an Executive agency or part thereof;

(B) an office or officer in the civil service or uniformed services in or under an Executive agency; and

(C) the government of the District of Columbia or part thereof, except the courts;

but does not include the General Accounting Office or the Comptroller General of the United States; and

(2) "reorganization" means a transfer, consolidation, coordination, authorization, or abolition, referred to in section 903 of this title.

§ 903. Reorganization plans

(a) When the President, after investigation, finds that—

(1) the transfer of the whole or a part of an agency, or of the whole or a part of the functions thereof, to the jurisdiction and control of another agency;

(2) the abolition of all or a part of the functions of an agency;

(3) the consolidation or coordination of the whole or a part of an agency, or of the whole or a part of the functions thereof, with the whole or a part of another agency or the functions thereof;

(4) the consolidation or coordination of a part of an agency or the functions thereof with another part of the same agency or the functions thereof;

(5) the authorization of an officer in the civil service or uniformed services to delegate any of his functions; or

(6) the abolition of the whole or a part of an agency which agency or part does not have, or on the taking effect of the reorganization plan will not have, any functions;

is necessary to accomplish one or more of the purposes of section 901(a) of this title, he shall prepare a reorganization plan for the making of the reorganizations as to which he has made findings and which he includes in the plan, and transmit the plan (bearing an identification number) to Congress, together with a declaration that, with respect to each reorganization included in the plan, he has found that the reorganization is necessary to accomplish one or more of the purposes of section 901(a) of this title.

(b) The President shall have a reorganization plan delivered to both Houses on the same day and to each House while it is in session. In his message transmitting a reorganization plan, the President shall specify with respect to each abolition of a function included in the plan the statutory authority for the exercise of the function and the reduction of expenditures (itemized so far as practicable) that it is probable will be brought about by the taking effect of the reorganizations included in the plan.

§ 904. Additional contents of reorganization plans

A reorganization plan transmitted by the President under section 903 of this title—

(1) may change, in such cases as the President considers necessary, the name of an agency affected by a reorganization and the title of its head; and shall designate the name of an agency resulting from a reorganization and the title of its head;

(2) may provide for the appointment and pay of the head and one or more officers of an agency (including an agency resulting from a consolidation or other type of reorganization) if the President finds, and in his message transmitting the plan declares, that by reason of a reorganization made by the plan the provisions are necessary. The head so provided may be an individual or may be a commission or board with more than one member. In case of such an appointment, the term of office may not be fixed at more than 4 years, the pay may not be at a rate in excess of that found by the President to be applicable to comparable officers in the executive branch, and, if the appointment is not to a position in the competitive service, it shall be by the President, by and with the advice and consent of the Senate, except that in the case of an officer of the government of the District of Columbia, it may be by the Board of Commissioners or other body or officer of that government designated in the plan;

(3) shall provide for the transfer or other disposition of the records, property, and personnel affected by a reorganization;

(4) shall provide for the transfer of such unexpended balances of appropriations, and of other funds, available for use in connection with a function or agency affected by a reorganization, as the President considers necessary by reason of the reorganization for use in connection with the functions affected by the reorganization, or for the use of the agency which shall have the functions after the reorganization plan is effective. However, the unexpended balances so transferred may be used only for the purposes for which the appropriation was originally made; and

(5) shall provide for terminating the affairs of an agency abolished.

§ 905. Limitations on powers

(a) A reorganization plan may not provide for, and a reorganization under this chapter may not have the effect of—

(1) creating a new Executive department, abolishing or transferring an Executive department or all the functions thereof, or consolidating two or more Executive departments or all the functions thereof;

(2) continuing an agency beyond the period authorized by law for its existence or beyond the time when it would have terminated if the reorganization had not been made;

(3) continuing a function beyond the period authorized by law for its exercise or beyond the time when it would have terminated if the reorganization had not been made;

(4) authorizing an agency to exercise a function which is not expressly authorized by law at the time the plan is transmitted to Congress;

(5) increasing the term of an office beyond that provided by law for the office; or

(6) transferring to or consolidating with another agency the government of the District of Columbia or all the functions thereof which are subject to this chapter, or abolishing that government or all those functions.

(b) A provision contained in a reorganization plan may take effect only if the plan is transmitted to Congress before December 31, 1968.

§ 906. Effective date and publication of reorganization plans

(a) Except as otherwise provided under subsection (c) of this section, a reorganization plan is effective at the end of the first period of 60 calendar days of continuous session of Congress after the date on which the plan is transmitted to it unless, between the date of transmittal and the end of the 60-day period, either House passes a resolution stating in substance that that House does not favor the reorganization plan.

(b) For the purpose of subsection (a) of this section—

(1) continuity of session is broken only by an adjournment of Congress sine die; and

(2) the days on which either House is not in session because of an adjournment of more than 3 days to a day certain are excluded in the computation of the 60-day period.

(c) Under provisions contained in a reorganization plan, a provision of the plan may be effective at a time later than the date on which the plan otherwise is effective.

(d) A reorganization plan which is effective shall be printed (1) in the Statutes at Large in the same volume as the public laws and (2) in the Federal Register.

§ 907. Effect on other laws, pending legal proceedings, and unexpended appropriations

(a) A statute enacted, and a regulation or other action made, prescribed, issued, granted, or performed in respect of or by an agency or function affected by a reorganization under this chapter, before the effective date of the reorganization, has, except to the extent rescinded, modified, superseded, or made inapplicable by or under authority of law or by the abolition of a function, the same effect as if the reorganization had not been made. However, if the statute, regulation, or other action has vested the functions in the agency from which it is removed under the reorganization plan, the function, insofar as it is to be exercised after the plan becomes effective, shall be deemed as vested in the agency under which the function is placed by the plan.

(b) For the purpose of subsection (a) of this section, "regulation or other action" means a regulation, rule, order, policy, determination, directive, authorization, permit, privilege, requirement, designation, or other action.

(c) A suit, action, or other proceeding lawfully commenced by or against the head of an agency or other officer of the United States, in his official capacity or in relation to the discharge of his official duties, does not abate by reason of the taking effect of a reorganization plan under this chapter. On motion or supplemental petition filed at any time within 12 months after the reorganization plan takes effect, showing a necessity for survival of the suit, action, or other proceeding to obtain a settlement of the questions involved, the court may allow the suit, action or other proceeding to be maintained by or against the successor of the head or officer under the reorganization effected by the plan or, if there is no successor, against such agency or officer as the President designates.

(d) The appropriations or portions of appropriations unexpended by reason of the operation of this chapter may not be used for any purpose, but shall revert to the Treasury.

§ 908. Rules of Senate and House of Representatives on reorganization plans

Sections 909–913 of this title are enacted by Congress—

(1) as an exercise of the rule-making power of the Senate and the House of Representatives, respectively, and as such they are deemed a part of the rules of each House, respectively, but applicable only with respect to the procedure to be followed in that House in the case of resolutions described by section 909 of this title; and they supersede other rules only to the extent that they are inconsistent therewith; and

(2) with full recognition of the constitutional right of either House to change the rules (so far as relating to the procedure of that House) at any time, in the same manner and to the same extent as in the case of any other rule of that House.

§ 909. Terms of resolution

For the purpose of sections 908–913 of this title, "resolution" means only a resolution of either House of Congress, the matter after the resolving clause of which is as follows: "That the ——— does not favor the reorganization plan numbered —— transmitted to Congress by the President on ————, 19—.", the first blank space therein being filled with the name of the resolving House and the other blank spaces therein being appropriately filled; but does not include a resolution which specifies more than one reorganization plan.

§ 910. Reference of resolution to committee

A resolution with respect to a reorganization plan shall be referred to a committee (and all resolutions with respect to the same plan shall be referred to the same committee) by the President of the Senate or the Speaker of the House of Representatives, as the case may be.

§ 911. Discharge of committee considering resolution

(a) If the committee to which a resolution with respect to a reorganization plan has been referred has not reported it at the end of 10 calendar days after its introduction, it is in order to move either to discharge the committee from further consideration of the resolution or to discharge the committee from further consideration of any other resolution with respect to the reorganization plan which has been referred to the committee.

(b) A motion to discharge may be made only by an individual favoring the resolution, is highly privileged (except that it may not be made after the committee has reported a resolution with respect to the same reorganization plan), and debate thereon shall be limited to not more than 1 hour, to be divided equally between those favoring and those opposing the resolution. An amendment to the motion is not in order, and it is not in order to move to reconsider the vote by which the motion is agreed to or disagreed to.

(c) If the motion to discharge is agreed to or disagreed to, the motion may not be renewed, nor may another motion to discharge the committee be made with respect to any other resolution with respect to the same reorganization plan.

§ 912. Procedure after report or discharge of committee; debate

(a) When the committee has reported, or has been discharged from further consideration of, a resolution with respect to a reorganization plan, it is at any time thereafter in order (even though a previous motion to the same effect has been disagreed to) to move to proceed to the consideration of the resolution. The motion is highly privileged and is not debatable. An amendment to the motion is not in order, and it is not in order to move to reconsider the vote by which the motion is agreed to or disagreed to.

(b) Debate on the resolution shall be limited to not more than 10 hours, which shall be divided equally between those favoring and those opposing the resolution. A motion further to limit debate is not debatable. An amendment to, or motion to recommit, the resolution is not in order, and it is not in order to move to reconsider the vote by which the resolution is agreed to or disagreed to.

§ 913. Decisions without debate on motion to postpone or proceed

(a) Motions to postpone, made with respect to the discharge from committee, or the consideration of, a resolution with respect to a reorganization plan, and motions to proceed to the consideration of other business shall be decided without debate.

(b) Appeals from the decisions of the Chair relating to the application of the rules of the Senate or the House of Representatives, as the case may be, to the procedure relating to a resolution with respect to a reorganization plan shall be decided without debate.

Page 30, line 15, strike out the comma after "predecessor".

Page 31, line 37, strike out "the budget estimates" and insert in lieu thereof "requests for appropriations".

Page 32, line 29, strike out "revision and submission of budget estimates" and insert in lieu thereof "submission of requests for appropriations".

Page 43, line 1, strike out "mean" and insert in lieu thereof "means".

Page 44, line 15, strike out "or".

Page 44, line 16, after the semicolon insert "or", and insert the following new clause after clause (D):

(E) the head of a Government controlled corporation:

Page 47, line 12, commencing with the comma strike out through "therefor".

Page 47, line 37, after "agency", insert ", or the Secretary of a military department with respect to an employee of his department,".

Page 48, line 24, after "agency", insert ", the Secretary of a military department with respect to an employee of his department,".

Page 50, line 20, in item "3101" commencing with the semicolon strike out through "authorized".

Page 50, line 21, commencing with the semicolon strike out through "authorized".

Page 50, line 23, strike out "(a)".

Page 50, strike out lines 27 through line 16, page 51.

Page 60, line 33, strike out "A" and insert in lieu thereof "On request of an appointing authority, a".

Page 60, line 34, commencing with the first comma strike out through the second comma.

Page 62, strike out lines 22 through 31 and insert in lieu thereof:

(a) An individual who reaches the retirement age prescribed for automatic separation applicable to him may not be continued in the civil service or in the government of the District of Columbia. An individual separated on account of age under a statute or regulation providing for retirement on account of age is not eligible for appointment in the civil service or in the government of the District of Columbia.

Page 63, line 4, strike out "An" and insert in lieu thereof "Notwithstanding other statutes, an".

Page 63, line 10, strike out "A" and insert in lieu thereof "Notwithstanding subsection (a) of this section, a".

Page 63, line 16, strike out "The" and insert in lieu thereof "Notwithstanding subsection (a) of this section, the".

Page 66, strike out lines 32 through 39 and insert in lieu thereof:

(1) "agency," "employee," and "international organization" have the meanings given them by section 3581 of this title; and

Page 67, line 2, strike out "(4)" and insert in lieu thereof "(2)".

Page 68, line 22, strike out the comma after "title".

Page 73, line 14, strike out "and" and insert the following new clause after clause (A):

(B) a military department; and

Page 73, line 16, strike out "(B)" and insert in lieu thereof "(C)".

Page 78, line 7, commencing with the comma strike out through "State" and insert in lieu thereof "of the United States".

Page 82, line 28, commencing with the second comma strike out through "11012," in line 29.

Page 87, line 22, commencing with the comma strike out through "State" and insert in lieu thereof "of the United States".

Page 88, line 32, strike out "and" and insert in lieu thereof "or".

Page 94, line 7, commencing with the first comma strike out through "State," and insert in lieu thereof "of the United States".

Page 94, line 18, strike out the comma after "Columbia".

Page 94, line 27, strike out the comma after "Guard".

Page 107, line 30, strike out "402" and insert in lieu thereof "407".

Page 114, line 9, after "5335", insert "(a)".

Page 119, after line 29, insert the following:

(72) Chairman, Equal Employment Opportunity Commission.

(73) Chief of Protocol, Department of State.

(74) Director, Bureau of Intelligence and Research, Department of State.

(75) Director, Community Relations Service.

(76) United States Attorney for the District of Columbia.

(77) United States Attorney for the Southern District of New York.

Page 124, after line 2, insert the following:

(100) Administrator, Wage and Hour and Public Contracts Division, Department of Labor.

(101) Assistant Director (Program Planning, Analysis and Research), Office of Economic Opportunity.

(102) Assistant General Managers, Atomic Energy Commission (2).

(103) Associate Director (Policy and Plans), United States Information Agency.

(104) Chief Benefits Director, Veterans' Administration.

(105) Commissioner of Labor Statistics, Department of Labor.

(106) Deputy Director, National Security Agency.

(107) Director, Bureau of Land Management, Department of the Interior.

(108) Director, National Park Service, Department of the Interior.

(109) Director of International Scientific Affairs, Department of State.

(110) General Counsel of the Veterans' Administration.

(111) Members, Equal Employment Opportunity Commission (4).

(112) National Export Expansion Coordinator, Department of Commerce.

(113) Special Assistant to the Secretary of Defense.

(114) Staff Director, Commission on Civil Rights.

(115) United States Attorney for the Northern District of Illinois.

(116) United States Attorney for the Southern District of California.

Page 132, line 5, insert a comma after "Quarters".

Page 133, line 22, strike out "employees" and insert in lieu thereof "Employees".

Page 137, line 8, strike out "the executive branch" and insert in lieu thereof "an Executive agency".

Page 139, line 12, after the first "or", insert "resigns, or".

Page 139, line 13, insert a comma after "ends".

Page 139, line 23, strike out "sections" and insert in lieu thereof "section".

Page 140, line 6, insert after "Code.":

For the purpose of this subsection, "employee" has the meaning given it by section 1551c(z) of title 47, District of Columbia Code.

Page 147, line 5, strike out "prescribed" and insert in lieu thereof "prescribe."

Page 151, line 18, strike out "wage boards" and insert in lieu thereof "a wage board".

Page 154, line 2, strike out "the executive branch" and insert in lieu thereof "an Executive agency".

Page 155, line 26, strike out "5" and insert in lieu thereof "(5)".

Page 162, line 33, after the comma, strike out through "1940," in line 34.

Page 163, line 22, strike out "or".

Page 163, line 23, after the semicolon insert "or", and insert the following new clause after clause (iii):

(iv) the Senate within the purview of section 36a of title 2;

Page 168, line 7, strike out "a House of Congress" and insert in lieu thereof "either House of Congress or of the two Houses".

Page 168, line 14, strike out "including actual expenses".

Page 168, line 30, strike out "An" and insert in lieu thereof "Under regulations prescribed under section 5707 of this title, an".

Page 168, line 34, commencing with the comma at the end of the line, strike out through "title" in line 24.

Page 169, line 8, strike out "covered" and insert in lieu thereof "except to the extent provided".

Page 169, line 21, after "expenses" insert "under this subchapter".

Page 169, line 22, strike out "subchapter" and insert in lieu thereof "section".

Page 171, line 6, insert after "regulations.":

This section does not apply to the fixing or payment of a per diem allowance under section 5703(c) of this title.

Page 173, line 4, commencing with the comma, strike out through "State" and insert in lieu thereof "of the United States".

Page 173, line 15, strike out the semicolon and insert in lieu thereof "to the extent authorized by section 5724 of this title;".

Page 173, line 24, commencing with "in" strike out through "5724(f)" and insert in lieu thereof "to the extent authorized by section 5724(f) of this title".

Page 175, line 20, commencing with the comma at the end of the line, strike out through "State" in line 21, and insert in lieu thereof "of the United States".

Page 176, line 17, strike out "under section 5722" and insert in lieu thereof "and a student trainee to the extent authorized by sections 5722 and 5723".

Page 176, line 39, strike out "under section 5722" and insert in lieu thereof "and a student trainee to the extent authorized by sections 5722 and 5723".

Page 177, line 28, commencing with the comma, strike out through "State" and insert in lieu thereof "of the United States".

Page 177, line 36, strike out "the" preceding "round-".

Page 178, line 2, strike out "agreement" and insert in lieu thereof "agreed".

Page 178, line 8, strike out "the" preceding "round-".

Page 178, line 15, preceding "2" insert "each".

Page 178, line 19, commencing with the comma, strike out through "State" and insert in lieu thereof "of the United States".

Page 178, line 25, strike out "to pay".

Page 179, line 5, commencing with the comma, strike out through "State" and insert in lieu thereof "of the United States".

Page 180, line 20, after "and", insert ", except as otherwise provided by law, may pay".

Page 180, line 22, commencing with "engaged", strike out through line 28 and insert in lieu thereof "engaged—".

Page 184, line 36, strike out "other".

Page 191, line 21, commencing with "the", strike out through "branch" in line 28 and insert in lieu thereof "an Executive agency".

Page 191, line 26, strike out "wage boards" and insert in lieu thereof "a wage board".

Page 192, line 15, strike out "section" and insert in lieu thereof "subsection".

Page 193, line 14, in item "6305", strike out "foreign-service leave" and insert in lieu thereof "leave for Chiefs of Missions".

Page 194, line 10, strike out "the Senate or House of Representatives" and insert in lieu thereof "either House of Congress or of the two Houses".

Page 198, line 12, strike out "foreign-service leave" and insert in lieu thereof "leave for Chiefs of Missions".

Page 212, line 17, after "program" insert "under section 941(b)(1) of title 33".

Page 212, line 19, commencing with the comma strike out through "section" in line 21.

Page 230, line 5, strike out the comma after "compensation".

Page 230, line 29, after "is" insert "a".

Page 237, line 14, strike out "interests" and insert in lieu thereof "interest".

Page 237, line 16, strike out "is" after "compensation" and insert in lieu thereof "shall be".

Page 237, line 21, strike out "is" and insert in lieu thereof "shall be".

Page 239, line 25, strike out "is" and insert in lieu thereof "shall be".

Page 239, line 27, strike out the sentence beginning in this line through line 29.

Page 240, line 17, strike out "member" and insert in lieu thereof "or deceased individual".

Page 243, line 27, strike out the comma after "42".

Page 244, line 3, strike out "the" before "Alaska" and insert in lieu thereof "The".

Page 258, line 12, strike out "reapportionment" and insert in lieu thereof "reappointment".

Page 261, line 1, strike out "section" and insert in lieu thereof "sections".

Page 269, line 25, strike out "separted" and insert in lieu thereof "separated".

Page 288, line 11, strike out the comma and insert in lieu thereof "or".

Page 288, line 13, strike out through the comma in line 14.

Page 288, line 20, strike out "foreign service" and insert in lieu thereof "Foreign Service".

Page 289, line 32, strike out "statute" and insert in lieu thereof "law".

Page 289, line 35, strike out "and".

Page 289, line 37, strike out the period and insert in lieu thereof "; and", and insert the following new clause after clause (6):

(7) "United States", when used in a geographical sense, means the States.

Page 290, lines 4, 14, 17, 25, 27, 30, 34 and 39, strike out "statute" wherever it appears and insert in lieu thereof "law".

Page 291, lines 11, 13, 16, 31, 33, and 36 strike out "statute" wherever it appears and insert in lieu thereof "law".

Page 292, line 3, strike out "statute" and insert in lieu thereof "law".

Page 294, line 14, strike out the comma and insert in lieu thereof "and each".

Page 294, line 15, commencing with the comma after "States" strike out through "cooperatives" in line 16.

Page 294, line 37, strike out "statute" and insert in lieu thereof "law".

Page 297, strike out lines 32 and 33.

Page 297, line 34, strike out "(2)" and insert in lieu thereof "(1)".

Page 297, line 36, strike out "(3)" and insert in lieu thereof "(2)".

Page 297, strike out lines 38 and 39 and 1 through 12 on page 298.

Page 298, line 25, strike out "commissioner" and insert in lieu thereof "Commissioner".

Page 309, line 13, strike out "commissioner" and insert in lieu thereof "Commissioner".

Page 321, after line 2, strike out:

"1916. Accepting voluntary service.

Page 321, after line 2, renumber items "1917" through "1924" as "1916" through "1923", respectively.

Page 321, after line 2, in item "1920", strike out "Service" and insert in lieu thereof "service".

Page 321, strike out lines 5 through 12.

Page 321, line 13, strike out "1917" and insert in lieu thereof "1916".

Page 321, line 26, strike out "1918" and insert in lieu thereof "1917".

Page 322, line 15, strike out "1919" and insert in lieu thereof "1918".

Page 322, line 34, strike out "1920" and insert in lieu thereof "1919".

Page 232, line 3, strike out "1921" and insert in lieu thereof "1920".

Page 322, line 10, strike out "1922" and insert in lieu thereof "1921".

Page 323, line 18, strike out "1923" and insert in lieu thereof "1922".

Page 323, line 31, strike out "1924" and insert in lieu thereof "1923".

Page 326, line 5, after "appoint" insert "in the Department of Justice".

Page 326, line 6, strike out "in the Department of Justice" and insert in lieu thereof ", learned in the law,".

Page 331, line 18, in item "537", strike out "Membership in International Criminal Police Organization; expenses" and insert in lieu thereof "Expenses".

Page 333, strike out lines 10 through 22 and insert in lieu thereof:

§ 537. Expenses of unforeseen emergencies of a confidential character

Appropriations for the Federal Bureau of Investigation are available for expenses of unforeseen emergencies of a confidential character, when so specified in the appropriation concerned, to be spent under the direction of the Attorney General. The Attorney General shall certify the amount spent that he considers advisable not to specify, and his certification is a sufficient voucher for the amount therein expressed to have been spent.

Page 335, line 15, strike out "section 5317" and insert in lieu thereof "sections 5315–5317".

Page 340, line 2, strike out "217(a)" and insert in lieu thereof "217a".

Page 343, line 15, strike out "2101(e)" and insert in lieu thereof "2101(f)".

Page 351, line 22, after the comma, strike out through "1940," in line 23.

Page 351, line 36, strike out "extent" and insert in lieu thereof "extend".

Page 353, fifth column from the left, strike out "3679(b), (i) (as applicable to subsection (b)) [added]".

Page 354, under "Statutes at Large", after the first "Do" under the year "1874", insert the following:

Do------ 344 ------ 2-5 ------ 18 127

Page 354, under "Statutes at Large", strike out the last item under the year "1874".

Page 364, under the year "1917", strike out the item commencing "May 12".

Page 369, under the year "1930", strike out "June 4" and insert in lieu thereof "June 6".

Page 376, under the year "1949", between "June 10" and "June 24", insert:

June 20 226---- ------------- 63 203

Page 377, under the year "1950" and the date "Sept. 6", strike out the eighth "Do" item.

Page 378, under the year "1953", between "Feb. 7" and "Apr. 4", insert:

Feb. 11 3---- ---------------- 67 4

Page 379, under the year "1955", between "Mar. 2" and "Mar. 28", insert:

Mar. 25 16---- --------------- 69 14

Page 379, under the year "1956", strike out the item commencing "June 27", and on the next line strike out "Do" and insert in lieu thereof "June 27".

Page 380, under the year "1957", between "Aug. 29" and "Sept. 9", insert:

Sept. 4 85–286---- ----------- 71 611

Page 382, under the year "1960", in the Section column of the third "Do" under "Sept. 13", commencing with the comma after "(f)", strike out through "Act)." in the next line.

Page 382, under the year "1960", in the Section column of the fifth "Do" under "Sept. 13", after "542" insert "(b)–(d)".

Page 382, under the year "1961", and before the item commencing "Aug. 14", insert:

Apr. 7 87–18---- ------------ 75 41

Page 383, under the year "1964", between "Mar. 26" and "July 2", insert:

July 2 88–351---- ----------- 78 240

Page 383, under the year "1964", strike out "July 2" and insert in lieu thereof "Do".

Page 383, under the year "1965", and before the item commencing "June 24", insert:

June 18 89–43---- ---------- 78 135

The amendments were agreed to.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 1380), explaining the purposes of the bill.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

STATEMENT

H.R. 10104 was referred to the Subcommittee on Revision and Codification of the Committee on the Judiciary of the U.S. Senate. On September 30, 1965, a notice of the pendency of H.R. 10104 was inserted in the CONGRESSIONAL RECORD. Briefly, the purpose of this notice was to advise any and all interested parties of the consideration of this legislation by the subcommittee and to request that those interested inform the subcommittee of their interest therein, together with such suggestions or modifications that would from their point of view be reasonable and desirable. In addition thereto, agencies, departments, and committees of the Senate, were advised by writing of the pendency of this legislation and were requested to submit their comments thereon. As the result of such notice and letters many communications were received by the committee. Some of the received reports expressed approval of the legislation while others recommended amendments and modifications to the bill. All of these communications were studied and as a result of the suggestions, numbers of the proposed amendments or modifications were accepted while others were rejected. In many instances where there were rejections, such acts were based upon the fact that the committee deemed that they were unnecessary or constituted a substantive change in existing law which is not within the concept of a codification.

Purpose.—The purpose of this bill is to restate in comprehensive form, without substantive change, the statutes in effect before July 1, 1965, that relate to Government employees, the organization and powers of Federal agencies generally, and administrative procedure, and to enact title 5 of the United States Code. Queries have been raised as to the effect of this bill on laws passed subsequent to July 1, 1965. This bill will in no way affect them. Only those laws existing prior to July 1, 1965, are the subject matter of this bill. The amendatory effect of laws effective on or after July 1, 1965, which will be covered by a supplemental codification bill, is preserved by section 7(a) of the bill. The bill, like any codification, does not constitute a current legislative endorsement of the substantive provisions of statutes in effect before July 1, 1965, some of which are being currently studied by Congress for possible substantive amendment. As stated in the House report (No. 901) on H.R. 10104, in the revised title 5, simple language has been substituted for awkward and obsolete terms, and superseded, executed, and obsolete statutes have been eliminated. This bill is a part of the program of the Committee on the Judiciary of the House of Representatives to enact into law all 50 titles of the United States Code.

History.—The statutes that relate to Government personnel begin with the first statute enacted by Congress (1 Stat. 23). With the growth of the United States and the accompanying growth in the size of the Government's work force and the complexity of their duties, the personnel statutes grew in number and in complexity. Attempts were made periodically to consolidate personnel statutes, but these attempts had only partial success and grew obsolete through the enactment of subsequent statutes. The Commission on Organization of the Executive Branch of the Government (Hoover Commission), in its report on personnel and civil service, February 1955, recommended that the Civil Service Commission prepare and that Congress enact a statute to codify the personnel statutes of the United States (Recommendation 17, pp. 82–83). The need for codification of the statutes relating to personnel has also been recognized by the Committees on Post Office and Civil Service of both Houses, the Bureau of the Budget, and the Civil Service Commission.

In June of 1956, the Civil Service Commission directed its General Counsel, L. V. Meloy, to undertake the recodification of title 5. The recodification effort resulted in two earlier bills, H.R. 8748, 86th Congress, 1st session, which was introduced on August 20, 1959, and H.R. 4158, 88th Congress, 1st session, which was introduced on February 25, 1963. Both bills were circulated among the departments and agencies of the Government and, after receipt, consideration, and adoption of the constructive comments submitted, and incorporation of subsequent legislation, the bill was revised into the form in which it was received by the Senate upon its passage by the House of Representatives.

Inclusion and exclusion of statutes.—Title 5 as revised does not include all the personnel statutes of the United States. Statutes that relate to the employees of only one agency, if not previously in title 5, have not been brought into the title. Statutes relating to civilian employees which apply to more than one agency are included in title 5 regardless of where they may have appeared previously. Some of these statutes also apply to members of the uniformed service.

Statutes that are temporary in nature are omitted from title 5. A citation to each of these statutes which was in effect before July 1, 1965, is provided in table III. It is expected that the texts of these statutes will appear in the United States Code either in an appendix to title 5 or at appropriate points as footnotes.

In this connection it will be noted that the committee as amendment No. 7, has included the Reorganization Act of 1949, as amended. It is understood that when the code is published, that the reorganization plans in existence by virtue of the Reorganization Act will be set forth in an appendix to title 5 of the United States Code.

Revision of language.—In order to restate the statutes relating to personnel in one comprehensive title, it is necessary to make changes in language. Some of the changes are necessary to attain uniformity within the title. Others are necessary to effect consolidation of related statutes and to conform to common contemporary usage. In making changes in the language, precautions have been taken against making substantive changes in any statute.

Revision notes.—A revision note has been prepared for each section of the revised title 5 and for each section of titles 4, 18, 28, 37, and 39 amended by this bill. The revision note shows the statutory basis or source of the section, and explains significant changes in and omissions of language.

Standard changes.—Certain standard changes are made uniformly throughout title 5 as revised. Some of these are explained in chapter 1, "Organization," and chapter 21, "Definitions". The most significant of the other standard changes are explained in the following paragraphs.

As far as possible, the statute is stated in the present tense and in the active voice. Where there is a choice of two or more words, otherwise of equal legal effect, the more commonly understood word is used.

The word "shall" is used in the mandatory and imperative sense. The word "may" is used is the permissive sense, as "is permitted to" and "is authorized to". The words "may not" are used in a prohibitory sense, as "is not authorized to" and "is not permitted to". The words "no individual may" mean that no individual is required, authorized, or permitted to do the act.

The word "includes" means includes but is not limited to. The word "considered" denotes the exercise of judgment. The word "deemed is used where a legal fiction, or what may in some cases be a legal fiction, is intended. The word "is" is used for statements of fact.

The word "pay" includes all terms heretofore in use representing salary, wages, pay, compensation, emoluments, and remuneration for services. The word "compensation" refers to Federal employees' compensation benefits and unemployment compensation benefits.

When a right is conferred, the words "is entitled" or their equivalent are used.

The words "under section—" are used instead of "pursuant to section—" and "in accordance with section—".

The word "such" is not used as a demonstrative adjective. The use of the word "each", "any", "every", or "all" is confined to instances in which it is feared that doubt would arise if the word were not used.

Provisos are not used. An exception or limitation is introduced by the words "except that" or "but" or by placing the excepting or limiting provision in a separate sentence.

The phrase "territories and possessions" is substituted for "Territory", "Territories", "Territories and possessions" and "possessions" as there are now no "Territories" and to preserve the intended coverage and acquire consistency in language. In some instances the phrase "including the Commonwealth of Puerto Rico" is added to the phrase "territories and possessions" to continue an emphasis contained in the statute.

Substantive change not intended.—Like other recent codifications which have been previously enacted into law and which will eventually result in the enactment of all 50 titles of the United States Code, there are no substantive changes made by this bill enacting title 5 into law. It is sometimes feared or assumed that mere changes in terminology and style will result in changes in substance or impair the precedent value of earlier judicial decisions and other interpretations. This fear might have some weight if this were the usual kind of amendatory legislation from which it can be inferred that a change of language is intended to change substance. The committee wishes to express that in a codification statute, however, the courts uphold the contrary presumption: the statute is intended to remain substantively unchanged. The House in its report on this legislation listed the following cases to substantiate this principle:

Stewart v. *Kahn* (11 Wall. 493, 502 (1871)).

Smythe v. *Fiske* (23 Wall, 374, 382, (1874)).

McDonald v. *Hovey* (110 U.S. 619, 628 (1884)).

United States v. *Ryder* (110 U.S. 729, 740, (1884)).

United States v. *Sischo* (262 U.S. 165, 168 (1923)).

Fourco Glass Co. v. *Transmirra Products Corp.* (353 U.S. 222, 227 (1957)).

Walsh v. *Commonwealth* (224 Mass. 239, 112 N.E. 486, 487 (1916)).

State ex rel. Rankin v. *Wilbaux County Bank* (85 Mont. 532, 281 Pac. 341, 344 (1929)).

In re Sullivan's Estate (38 Ariz. 387, 300 Pac. 193, 195 (1931)).

Sigal v. *Wise* (114 Conn. 297, 158 Atl. 891, 894 (1932)).

Martin v. *Dyer-Kane Co.* (113 N.J. Eq. 88, 166 Atl. 227, 229 (1933)).

Norfolk & Portsmouth Bar Ass'n. v. *Drewry* (161 Va. 833, 172 S.E. 282, 285 (1934)).

Sutherland, *Statutory Construction* (3d ed., Horack, 1943), secs. 3709, 3710.

JACK L. PHILIPPOT

The bill (H.R. 11718) for the relief of Jack L. Philippot was considered, ordered to a third reading, read the third time, and passed.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 1381), explaining the purposes of the bill.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

PURPOSE OF THE BILL

The purpose of the bill is to consider residence abroad by Jack L. Philippot, a citizen of the United States, while in the employ of the U.S. Government to have been physically present within the United States, thus enabling him to transmit U.S. citizenship to his 3 minor children.

GUISEPPE BOSSIO

The bill (H.R. 7508) for the relief of Guiseppe Bossio was considered, ordered to a third reading, read the third time, and passed.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 1382), explaining the purposes of the bill.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

PURPOSE OF THE BILL

The purpose of the bill is to waive the excluding provision of existing law relating to one who has obtained a visa by fraud in behalf of Guiseppe Bossio.

MRS. ANNA MICHALSKA HOLOWECKYJ

The bill (H.R. 4584) for the relief of Mrs. Anna Michalska Holoweckyj (formerly Mrs. Anna Zalewski) was considered, ordered to a third reading, read the third time, and passed.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 1383), explaining the purposes of the bill.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

PURPOSE OF THE BILL

The purpose of the bill is to provide for the filing of an immediate relative visa petition in behalf of Mrs. Anna Michalska Holoweckyj (formerly Mrs. Anna Zalewski) by her U.S. citizen husband.

MICHEL FAHIM DANIEL

The bill (H.R. 4458) for the relief of Michel Fahim Daniel was considered, ordered to a third reading, read the third time, and passed.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 1384), explaining the purposes of the bill.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

PURPOSE OF THE BILL

The purpose of the bill is to classify the adopted son of citizens of the United States as a child under the provisions of the Immigration and Nationality Act.

BRYAN GEORGE SIMPSON

The bill (H.R. 4437) for the relief of Bryan George Simpson was considered, ordered to a third reading, read the third time, and passed.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 1385), explaining the purposes of the bill.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

PURPOSE OF THE BILL

The purpose of the bill is to grant the status of permanent residence in the United States to Bryan George Simpson. The bill provides for the payment of the required visa fee. No quota charge is provided for in the bill, inasmuch as the beneficiary is a nonquota immigrant.

LEONARDO TUSA

The bill (H.R. 4083) for the relief of Mr. Leonardo Tusa was considered, ordered to a third reading, read the third time, and passed.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 1386), explaining the purposes of the bill.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

PURPOSE OF THE BILL

The purpose of the bill is to waive the excluding provision of existing law relating to one who has attempted to obtain fraudulent documentation in behalf of Leonardo Tusa.

STATEMENT OF FACTS

The beneficiary of the bill is a 56-year-old native and citizen of Italy, who presently resides in that country with his wife and 2 children. He immigrated to the United States with his parents at age 5, and returned to Italy when he was 12. In 1932, the beneficiary attempted to return to the United States with a false American passport. He was convicted by Italian authorities and sentenced to 5 months in jail and a fine, which was conditionally suspended. The beneficiary was denied a visa in 1961, based on his former attempt to enter the United States fraudulently. The beneficiary has a sister and a brother who are U.S. citizens and he is the beneficiary of a visa petition approved January 7, 1954.

JACOBO TEMEL

The bill (H.R. 1414) for the relief of Jacobo Temel was considered, ordered to a third reading, read the third time, and passed.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 1387), explaining the purposes of the bill.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

PURPOSE OF THE BILL

The purpose of the bill is to waive the excluding provision of existing law relating to one who has been convicted of dealing illegally with narcotic drugs in behalf of Jacobo Temel.

STATEMENT OF FACTS

The beneficiary of the bill is a 63-year-old native of Poland and citizen of Colombia. He has resided in Bogotá since 1933, and operates one of the city's leading restaurants. It is stated that the beneficiary has been very helpful to representatives of the United States in arranging dinners and official receptions. The beneficiary was admitted to the United States in 1919, and in 1929 was convicted of dealing illegally in narcotic drugs. He was deported on December 23, 1931. The beneficiary's wife is a permanent resident of the United States and four of their children are citizens of this country. The beneficiary is financially independent and it is stated that he has led an exemplary life since his conviction.

LEONARDO RUSSO

The bill (H.R. 1407) for the relief of Leonardo Russo was considered, ordered to a third reading, read the third time, and passed.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 1388), explaining the purposes of the bill.

There being no objection, the excerpt was ordered to be printed in the Record, as follows:

PURPOSE OF THE BILL

The purpose of the bill is to waive the excluding provision of existing law relating to one who has been convicted of a crime involving moral turpitude in behalf of Leonardo Russo.

STATEMENT OF FACTS

The beneficiary of the bill is a 30-year-old native and citizen of Italy, who presently resides in that country where he is employed as a laborer. The beneficiary's father was lawfully admitted for permanent residence in 1955, and his mother in 1958. Two sisters and a brother are also lawful permanent residents of this country. The beneficiary has been unable to qualify for a visa because of his conviction on June 24, 1954, of theft and housebreaking. His prison sentence was suspended and he paid a fine. The beneficiary's brother will file a fifth preference visa petition as soon as he is a naturalized U.S. citizen.

FUN WAT HOY

The bill (S. 2010) for the relief of Fun Wat Hoy was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

S. 2010

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, for the purposes of the Immigration and Nationality Act, Fun Wat Hoy shall be held and considered to have been lawfully admitted to the United States for permanent residence as of the date of the enactment of this Act, upon payment of the required visa fee. Upon the granting of permanent residence to such alien as provided for in this Act, the Secretary of State shall instruct the proper quota-control officer to deduct one number from the appropriate quota for the first year that such quota is available.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the Record an excerpt from the report (No. 1389), explaining the purposes of the bill.

There being no objection, the excerpt was ordered to be printed in the Record, as follows:

PURPOSE OF THE BILL

The purpose of the bill is to grant the status of permanent residence in the United States to Fun Wat Hoy. The bill provides for an appropriate quota deduction and for the payment of the required visa fee.

ARMINDA PADUA VISEU

The bill (S. 849) for the relief of Arminda Padua Viseu was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

S. 849

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, for the purposes of the Immigration and Nationality Act, Arminda P. Viseu shall be held and considered to have been lawfully admitted to the United States for permanent residence as of the date of the enactment of this Act, upon payment of the required visa fee. Upon the granting of permanent residence to such alien as provided for in this Act, the Secretary of State shall instruct the proper quota-control officer to deduct one number from the appropriate quota for the first year that such quota is available.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the Record an excerpt from the report (No. 1390), explaining the purposes of the bill.

There being no objection, the excerpt was ordered to be printed in the Record, as follows:

PURPOSE OF THE BILL

The purpose of the bill is to grant the status of permanent residence in the United States to Arminda Padua Viseu. The bill provides for an appropriate quota deduction and for the payment of the required visa fee.

ABDUL WOHABE

The Senate proceeded to consider the bill (H.R. 10220) for the relief of Abdul Wohabe, which had been reported from the Committee on the Judiciary, with an amendment, to strike out all after the enacting clause and insert:

That, for the purposes of the Immigration and Nationality Act, Abdul Wohabe shall be held and considered to have been lawfully admitted to the United States for permanent residence as of May 8, 1963.

The amendment was agreed to.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the Record an excerpt from the report (No. 1391), explaining the purposes of the bill.

There being no objection, the excerpt was ordered to be printed in the Record, as follows:

PURPOSE OF THE BILL

The purpose of the bill, as amended, is to grant the status of permanent residence in the United States to Abdul Wohabe as of May 8, 1963. The bill has been amended in accordance with established precedents.

DR. JACOBO ALBO

The Senate proceeded to consider the bill (S. 3272) for the relief of Dr. Jacobo Albo, which had been reported from the Committee on the Judiciary, with amendments, in line 4, after the word "act", to strike out "Doctor Jacobo Albo" and insert "Doctor Jacobo Albo Maya", and, in line 7, after "1961", to strike out "upon payment of the required visa fee"; so as to make the bill read:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, for the purposes of the Immigration and Nationality Act, Doctor Jacobo Albo Maya shall be held and considered to have been lawfully admitted to the United States for permanent residence as of June 19, 1961.

The amendments were agreed to.

The bill was ordered to be engrossed for a third reading, was read the third time, and passed.

The title was amended, so as to read: "A bill for the relief of Doctor Jacobo Albo Maya."

Mr. MANSFIELD. Mr. President, I ask unanimous consent, to have printed in the Record an excerpt from the report (No. 1392), explaining the purposes of the bill.

There being no objection, the excerpt was ordered to be printed in the Record, as follows:

PURPOSE OF THE BILL

The purpose of the bill, as amended, is to enable the beneficiary to file a petition for naturalization. The bill has been amended in accordance with the suggestion of the Commissioner of Immigration to reflect the beneficiary's correct name. The bill has been amended further to delete reference to the payment of the required visa fee, since it was paid when the beneficiary was admitted for permanent residence.

RONALD POIRIER, A MINOR

The bill (H.R. 8865) for the relief of Ronald Poirier, a minor was considered, ordered to a third reading, read the third time, and passed.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the Record an excerpt from the report (No. 1393), explaining the purposes of the bill.

There being no objection, the excerpt was ordered to be printed in the Record, as follows:

PURPOSE

The purpose of the proposed legislation is to pay $542.10 to the legal guardian of Ronald Poirier, a minor, in full settlement of the claims of Ronald Poirier against the United States and A1c. Roger Blatchford based upon personal injuries growing out of an accident on May 31, 1957, in Springfield, Mass., involving an Air Force vehicle. The payment provided in the bill would be in full and final satisfaction of the judgment and costs entered in the U.S. District Court for the District of Massachusetts in favor of Ronald Poirier against the Air Force member based upon the same accident.

STATEMENT

The House report on H.R. 8865 relates the facts and justification for the bill, as follows:

"The Department of the Air Force in its report to the committee on the bill indicated that it would have no objection to favorable consideration of the bill.

"The events which gave rise to the claim embodied in the bill date back to May 31, 1957. On that date, Ronald Poirier, then 5 years of age, ran between two parked automobiles in the city of Springfield, Mass., into the path of an Air Force vehicle operated by A1c. Roger Blatchford on official Air Force business. The child was struck by the rear right side of the Air Force vehicle.

"In April of 1958, an administrative claim was filed with the Air Force in behalf of Ronald Poirier claiming damages in the amount of $2,000 for the personal injuries suffered in the accident. This claim was filed under the provisions of section 2672 of title 28, United States Code, which provides for the administrative settlement of tort claims. At that time, the limit provided in the section was $1,000. Accordingly, the claim for $2,000 could not be considered. The Air Force advised Mr. Parish, who filed the claim for Ronald Poirier, to file a lawsuit in behalf of his client under the codified provisions of the Federal Tort Claims Act. The attorney failed to file suit within the period of the statute of limitations provided in section 2401(b) of title 28. Instead of bringing a suit against the United States under the Federal Tort Claims Act, Mr. Parish brought an action on June 7, 1958, in a State court in Springfield, Mass., against the airman in his individual capacity. On motion of the United States, the action was removed to the U.S. District Court for the District of Massachusetts. In that court, the attorney attempted to join the United States as a party defendant; however, this motion was denied because by that time the 2-year statute of limitations applicable to tort claims actions against the United States had expired. On January 3, 1963, the Federal court entered judgment against Airman Blatchford. The judgment and costs amounted to $542.10, which is the amount stated in this bill.

"The committee feels it is pertinent to note that on September 21, 1961, Public Law 87-258 amended the tort claims provisions of title 28 to provide that in cases of this type, the remedy of the injured party would be to proceed against the United States and not against the individual agent or employee of the Government. Had this law applied at the time of the accident involved in this case, the airman would not have been subjected to individual liability. It is also pertinent to note that the provisions concerning administrative settlement were likewise amended following the date of the accident. On September 8, 1959, Public Law 86-238 increased the administrative settlement authority to $2,500. Thus the original administrative claim might have been settled without exposing the individual airman to personal liability. In the light of these developments and the policies expressed in them, the committee feels that relief should be extended as provided in this bill. Accordingly, it is recommended that the bill, as amended, be considered favorably.

"The bill carries a 20-percent limitation upon attorney's fees. Section 2678 of title 28 provides that limitation for amounts recovered under section 1346(b) of title 28. Section 1346(b) is the section providing for jurisdiction in the Federal courts of tort claims actions against the United States. Relief in this instance based on the tort claims provisions of that title and, in effect, the bill merely makes it possible to provide for payment in a manner similar to that which would have obtained had the action been brought against the United States in the first instance. Under these circumstances, it has been concluded that the 20-percent limit is appropriate."

The committee, after study of all of the foregoing, concurs in the action of the House of Representatives, and recommends that the bill, H.R. 8865, be considered favorably.

MAJ. DONALD W. OTTAWAY, USAF

The bill (H.R. 4602) for the relief of Maj. Donald W. Ottaway, U.S. Air Force was considered, ordered to a third reading, read the third time, and passed.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the Record an excerpt from the report (No. 1394), explaining the purposes of the bill.

There being no objection, the excerpt was ordered to be printed in the Record, as follows:

PURPOSE

The purpose of the proposed legislation is to relieve Maj. Donald W. Ottaway, U.S. Air Force, of liability in the amount of $2,522.46 for overpayments of compensation paid him by reason of credit for service as a Reserve midshipman in the Naval Reserve Officers' Training Corps.

STATEMENT

The Department of the Air Force, in its report on this legislation, stated that it has no objection to the favorable consideration of the bill.

The facts and justification for this legislation, as recited in the House report on H.R. 4602, are as follows:

"Major Ottaway first entered the service as an enlisted man in the Regular Navy on July 27, 1946. He was discharged on August 22, 1947, and on September 16 of that year, he was appointed a midshipman in the U.S. Naval Reserve Officers' Training Corps. Under this appointment, he entered the University of Kansas at Lawrence, Kans., as a regular student. He continued as a Naval Reserve midshipman until his discharge on April 8, 1949. Major Ottaway accepted an appointment as a second lieutenant in the Air Force Reserve on May 31, 1951, and entered on extended duty on October 13, 1951. In establishing his pay date, the Air Force fixed the date as September 20, 1948. This pay date correctly credited him with his prior service in the U.S. Navy, but erroneously included his service as a midshipman in the U.S. Naval Reserve. This error was brought to light in 1963, when personnel at the Lowry Air Force Base noted a discrepancy between the pay date listed in the Air Force register and the erroneous pay date on which his pay was based. A review of documents establishing the serviceman's prior service resulted in a determination that service as midshipman in the Naval Reserve was not creditable service for pay. The result was a determination that from the time he entered active duty on October 13, 1951, through June 30, 1963, his pay date had been erroneous. The overpayments of flight pay and basic pay in this period amounted to $2,522.46. This is the amount of indebtedness which would be relieved by this bill.

"These overpayments continued for almost 12 years. The Air Force report states that there is no evidence of lack of good faith on this officer's part. Further, that report indicates that the Air Force investigation establishes that repayment of this considerable sum could impose a financial hardship on this officer.

"In order to document the nature of the hardship on the individual affected, the committee requested and received supporting information concerning the circumstances of this serviceman. Major Ottaway is married and is supporting two teenage children and a child of 6 years of age. The imposition of this additional burden does impose a hardship upon this officer and resulted in a curtailment of money available for the family's needs. In the light of the circumstances of the overpayment, the fact that similar relief has been extended in other cases considered by the committee, and the indication by the Department that it would have no objection to relief, the committee recommends that the bill, as amended, be considered favorably."

The committee, after reviewing all of the foregoing and the attachments hereto, concurs in the action of the House of Representatives and recommends that the bill, H.R. 4602, be considered favorably.

TRANSFER OF FIVE COUNTIES FROM THE EASTERN DISTRICT TO THE WESTERN DISTRICT OF OKLAHOMA

The bill (H.R. 8317) to amend section 116 of title 28, United States Code, relating to the U.S. District Court for the Eastern and Western District of Oklahoma, was considered, ordered to a third reading, read the third time, and passed.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the Record an excerpt from the report (No. 1395), explaining the purposes of the bill.

There being no objection, the excerpt was ordered to be printed in the Record, as follows:

PURPOSE

The purpose of the proposed legislation is to transfer from the eastern district to the western district of Oklahoma, five counties namely, Garvin, Grady, Jefferson, McClain, and Stephens. Accordingly, it amends section 116 of title 28, United States Code.

STATEMENT

The basic purpose of this transfer is for the convenience of the litigants and their attorneys in the five counties in question. Currently, all the filing is done in Muskogee and involves substantial travel and expense, but those items will be lessened if those people are permitted to file at Oklahoma City.

As stated before, the bill provides that the counties of Garvin, Grady, Jefferson, McClain, and Stephens, which are presently in the eastern district of Oklahoma, shall be transferred to the western district of Oklahoma. It also provides that Chickasha and Pauls Valley, which are now places of holding court for the eastern district of Oklahoma, shall be places of holding court for the western district of Oklahoma.

This legislation has the approval of the Federal district judges in Oklahoma, as well as lawyers and residents of these affected counties. In addition, it has the approval of the Judicial Council of the Tenth Circuit. The Department of Justice defers to the Judicial Conference of the United States concerning this proposal. The Judicial Conference has approved the legislation.

CONTROL USE OF THE DESIGN OF THE GREAT SEAL OF THE UNITED STATES AND THE SEAL OF THE PRESIDENT OF THE UNITED STATES

The bill (S. 2770) to control the use of the design of the great seal of the United States and of the seal of the President of the United States was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That chapter 33 of title 18 of the United States Code is amended by adding at the end thereof a new section as follows:

"§ 713. Great seal of the United States and seal of the President

"Whoever, except as authorized under regulations made pursuant to law, knowingly and willfully uses the design of the great seal of the United States, whether the obverse or the reverse, or both, in whole or in part, or any simulation thereof, or the design of the seal of the President of the United States, in whole or in part, or any simulation thereof, shall be fined not more than $250 or imprisoned not more than six months, or both.

"The President shall have authority to prescribe rules and regulations governing the use and reproduction of the design of the great seal of the United States and of the seal of the President of the United States.

"A violation of this section may be enjoined at the suit of the Attorney General upon complaint by any duly authorized representative of any department or agency of the United States."

Sec. 2. The analysis of chapter 33 immediately preceding section 701 of title 18 of the United States Code is amended by adding at the end thereof:

"713. Great seal of the United States and seal of the President."

SEC. 3. The amendments made by this Act shall not make unlawful the preexisting use of the design of the great seal of the United States or of the seal of the President of the United States that was lawful on the date of approval of this Act, until two years after that date.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 1396), explaining the purposes of the bill.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

PURPOSE

The purpose of the bill is to make it a crime knowingly and willfully to use the design, or a simulation thereof, of the great seal of the United States or the seal of the President of the United States, except as authorized under regulations made pursuant to law.

STATEMENT

The Department of Justice has reported to the committee that it has no objection to the bill.

In its report on the proposed legislation the Department of Justice said:

"S. 2770 would amend title 18, United States Code, to add a new section 713, making it a crime knowingly and willfully to use the design, or a simulation thereof, of the great seal of the United States or the seal of the President of the United States, except as authorized under regulations made pursuant to law. The bill would give the President the authority to make such regulations and a violation of its proscriptions would be punishable by a fine of not more than $250 or imprisonment for not more than 6 months, or both. Violations could be enjoined by suit of the Attorney General upon the complaint of a representative of a Government agency or department. A savings clause would permit preexisting uses of both seals to continue for 2 years after the bill's enactment.

"The uses of the seals of the United States and the President are not now governed by law. S. 2770 would appear to fill this void and afford adequate protection to these insignia. The Department of Justice has no objection to its enactment.

"The Bureau of the Budget has advised that there is no objection to the submission of this report from the standpoint of the administration's program."

The committee believes that the bill is meritorious and recommends it favorably.

SHIRLEY SHAPIRO

The Senate proceeded to consider the bill (H.R. 2681) for the relief of Shirley Shapiro, which had been reported from the Committee on the Judiciary, with amendments, on page 1, line 5, after the word "of", to strike out "$150,000" and insert "$120,000", and, in the same line, after the word "to", to insert "Sidney S. Shapiro and".

The amendments were agreed to.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time and passed.

The title was amended, so as to read: "An Act for the relief of Sidney S. Shapiro and Shirley Shapiro."

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 1397), explaining the purposes of the bill.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

PURPOSE OF AMENDMENTS

The purpose of the amendments, is to reduce the amount of the award to that recommended by the Department of Justice, and to amend the bill to include any claim of Mrs. Shapiro's husband.

PURPOSE

The purpose of the bill, as amended, is to pay to Sidney S. Shapiro and his wife, Shirley Shapiro, the amount of $120,000, in full settlement of all claims against the United States based upon multiple injuries, expenses, disabilities, and other losses or damages suffered as the result of Mrs. Shapiro being struck in Naples, Italy, by a U.S. naval mailtruck driven by an intoxicated member of the Navy.

STATEMENT

In a favorable report on the bill, dated July 5, 1966, the Department of Justice has said:

"The facts in this case, as recounted in House Report No. 90 and as reflected in the Department of Justice files, indicate that in the early morning of July 6, 1962, a U.S. Navy mailtruck, negligently driven by an intoxicated sailor, went out of control and struck a parked car in which Mrs. Shapiro was sitting. It also struck a number of other parked cars injurying six other civilians who were Italian nationals and who have been compensated under the Foreign Claims Act (10 U.S.C. 2734), whose benefits are limited to inhabitants of foreign countries. The House report also reflects that the Navy driver began his drinking while on an official mail run. After picking up the mail and returning to the fleet landing too late to catch the boat to his ship, he sat in the vehicle and continued drinking until he became intoxicated and appropriated the vehicle to his own use.

"Since the Federal Tort Claims Act, under which Mrs. Shapiro would ordinarily seek redress, is inapplicable to claims arising in a foreign country, she has had no legal remedy available to her. Furthermore, the Navy Department determination that the driver was not acting within the scope of his employment or official duties at the time of the accident, if sustained, would have precluded recovery even if the accident had occurred in the United States.

"Six pages of the House report consist of a Navy statement of the extremely serious injuries suffered by Mrs. Shapiro. As of February 24, 1965, the date of the report, Mrs. Shapiro was still unable to walk despite having undergone seven operations.

"In arriving at the $150,000 award figure, the House Judiciary Committee reviewed receipted bills and canceled checks for expenses attributed to the accident totaling $26,051.95. It also took into account an estimate of $13,000 for additional surgery and treatment estimated to be required in the future. Finally, the committee estimated that because of her confinement to a wheelchair Mrs. Shapiro would need a full-time housekeeper which "at the present wage of $50 per week for 30.91 years, Mrs. Shapiro's life expectancy, will amount to $80,366. The present discounted value of such an expenditure is approximately $49,000." Thus, the actual and anticipated out-of-pocket expenses in this case will approximate, at a minimum, $88,051.95. Of this, approximately $12,000 has been paid to Mr. Shapiro under a policy of insurance issued by the Metropolitan Life Insurance Co. The Shapiro attorney has undertaken to provide a waiver by the company of any claim for reimbursement out of the proceeds of this legislation.

"In the judgment of the Department of Justice, a fair and reasonable estimate of the value of the claims of Mr. and Mrs. Shapiro is $120,000. This figure includes the special damages set out above, plus compensation for Mrs. Shapiro's pain, suffering, and disfiguration, as well as such compensation as her husband is entitled to for loss of consortium. These are items of damages incapable of precise valuation but recognized as compensable under well established principles of tort law. In reference to Mr. Shapiro's loss of consortium claims and in order that this matter may be forever closed, we would suggest that the bill be amended to apply to the claims of Mrs. Shapiro's husband, Mr. Sidney S. Shapiro. To accomplish this amendment, the title of the bill should be amended to refer to "Sidney S. and Shirley Shapiro", and the words "Sidney S. Shapiro and" should be inserted following the word "to" on line 5, page 1 of the bill.

"If the Congress is disposed to compensate the Shapiros, the bill amended as suggested would constitute a fair and equitable private relief bill to the enactment of which the Department of Justice has no objection.

"The Bureau of the Budget advises that, while there is no objection to the presentation of this report to the committee from the standpoint of the administration's program, the Bureau is concerned about the amount of the award proposed in this case, as compared with the generally smaller awards heretofore provided in personal injury cases by private legislation when there is no legal obligation on the part of the United States."

In its favorable report on the bill the Committee on the Judiciary of the House of Representatives said:

"The incident upon which Mrs. Shapiro's claim is based occurred at approximately 12:15 a.m. on July 6, 1962, in Naples, Italy. A Navy enlisted man was assigned to pick up and deliver mail for a Navy vessel. While on the official mail run he and an accompanying friend began drinking. After picking up the mail and returning to the fleet landing they found they had missed the boat to their ship. The two Navy men sat in the vehicle for some time continuing their drinking, and shortly after 11:30 p.m. on the evening July 5, 1962, while intoxicated and without authority, appropriated the Navy vehicle to their own use and drove it into Naples. A few minutes after midnight, the vehicle collided with several parked motorcars, damaging 11 of them, and injuring 7 civilians. The injured persons included six Italian nationals, of whom the four who reported for treatment suffered relatively minor injuries, and Mrs. Shapiro, a citizen of the United States visiting in Naples, who suffered very severe multiple injuries.

"Mrs. Shapiro was rushed to the Ospedali dei Pellagrini Hospital in Naples where it was found that she had suffered fractures of both arms and legs, collarbone, pelvis, five ribs, and several vertebrae. Initially it was thought that a leg amputation would be necessary but it has been avoided to date, although Mrs. Shapiro is still unable to walk after seven operations. Additional treatment and operative procedures, as well as plastic surgery, will be required before it can be finally determined if the repaired pelvis and left leg will ever be sufficiently strong to permit walking.

"Meanwhile throughout her return to the United States, hospitalization, and home treatment, Mrs. Shapiro has been confined to a wheelchair. Her incapacity has necessitated the employment of a full-time housekeeper to attend to the household duties and care of the two Shapiro children.

"The Shapiro family has reported that the Navy Department cooperated fully within the limits of its ability to assist in the period following the unfortunate accident, but is without statutory authority to give favorable consideration to a claim for the injuries suffered. In November 1962, the Italian authorities waived jurisdiction over any criminal charges, and in January 1963 the Navy driver was tried by general court-martial and convicted of several offenses, including that of drunken driving resulting in personal injuries.

"The Navy advised Mrs. Shapiro, through counsel, that the Federal Tort Claims Act (28 U.S.C. 2672) is not applicable because it specifically excludes any claim arising in a foreign country. The Foreign Claims Act (10 U.S.C. 2734) is also not available since its benefits are limited to inhabitants of foreign countries. The Navy further advised that in view of the determination that the Navy member involved was not acting within the scope of his employment or official duties at the time of the accident, it appeared almost certain that the Italian Government would not give favorable consideration to a claim under the Status of Forces Agreement in Italy. A suit against the driver of the Government vehicle would in all probability result in a profitless judgment in the light of the driver's known resources (or lack of them). It was in view of these unusual circumstances that the Navy Department departed from its general rule in commenting on private relief legislation measures and offered no objection to an earlier proposed bill for the relief of Mrs. Shapiro.

"On June 24, 1964, the subcommittee to which the bill was assigned held a hearing attended by Mr. and Mrs. Shapiro, their counsel, and representatives of the Navy. In view of the undisputed facts in the case, the subcommittee had no difficulty in concluding that sufficient grounds exist to justify equitable relief; accordingly it focused its attention chiefly on the question of the proper measure of damages.

"Review of the Navy's own report of physical examination of Mrs. Shapiro, drafted February 4, 1964, after an all-day examination by six Navy specialists, and of the Italian hospital report of initial injuries and treatment, both of which are incorporated herein as attachments to the Navy report of May 25, 1964, on H.R. 6099 (an earlier bill), make obvious the extreme seriousness of the injuries and the uncertain prognosis as to the degree and extent of eventual recovery. The committee has reviewed receipted bills and canceled checks for expenses incurred to date which total $26,051.95. While some compensation has been received under hospitalization insurance, a reimbursement clause in the policy will require return to the insurance company to the extent of the recovery of such payments.

"No exact estimate can be provided for the additional surgery and treatment required in the future since the extent thereof cannot be predicted with any degree of accuracy at this time. Mrs. Shapiro's attorney estimates that the expense involved will amount to at least $13,000. The added expense for a full-time housekeeper at the present wage of $50 per week for 30.91 years, Mrs. Shapiro's life expectancy, will amount to $80,366. The present discounted value of such an expenditure is approximately $49,000. Thus, it is contended, the actual and anticipated out-of-pocket expenses for treatment of Mrs. Shapiro's injuries will approximate, at a minimum, $88,051.95.

"Mrs. Shapiro's attorney contends that proper consideration of the special damages, of the pain and suffering, loss of earning capacity, disfigurement, psychological effects, and other consequential results of the accident justify an award of at least $300,000. The committee is impressed with the grave nature of the injuries suffered and sympathetic to the undoubted permanent effects upon Mrs. Shapiro and her family. In view of the uncertainty as to the additional expenses to be incurred, and after a careful examination of the evaluation provided by the Navy medical authorities, the committee concludes that an award of $150,000 appears just and equitable. Accordingly it is recommended that the bill, as so amended, be considered favorably.

"Since the information before the committee indicates that an attorney has rendered services in connection with this matter, the bill carries the customary language limiting the amount of attorney's fees."

The committee believes that the bill, as amended in accordance with the recommendations of the Department of Justice, is meritorious and recommends it favorably.

COMPACT BETWEEN MISSOURI AND KANSAS

The Senate proceeded to consider the bill (S. 3051) granting the consent of Congress to the compact between Missouri and Kansas creating the Kansas City Area Transportation District and the Kansas City Area Transportation Authority which had been reported from the Committee on the Judiciary with an amendment on page 10, after line 12, to insert a new section, as follows:

SEC. 3. The consent of the Congress to this compact is granted subject to the express condition that the Kansas City Area Transportation District and the Kansas City Area Transportaion Authority shall not acquire, construct, maintain, operate, or lease to others for maintenance and operation, any interstate toll bridge or interstate toll tunnel without prior approval of the Secretary of Commerce.

So as to make the bill read:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, subject to the provisions of section 2 of this Act, the Congress consents to the compact between the States of Missouri and Kansas which reads as follows:

"COMPACT BETWEEN MISSOURI AND KANSAS CREATING THE KANSAS CITY AREA TRANSPORTATION DISTRICT AND THE KANSAS CITY AREA TRANSPORTATION AUTHORITY.

"The States of Missouri and Kansas solemnly agree:

"ARTICLE I.

"They agree to and pledge, each to the other, faithful cooperation in the future planning and development of the Kansas City Area Transportation District, holding in high trust for the benefit of its people and of the Nation, the special blessings and natural advantages thereof.

"ARTICLE II.

"To that end, the two States create a district to be known as the Kansas City Area Transportation District (hereinafter referred to as "The District"), which shall embrace the following territory: The Counties of Case, Clay, Jackson and Platte in Missouri, and the Counties of Johnson, Leavenworth and Wyandotte in Kansas.

"ARTICLE III.

"There is created the Kansas City Area Transportation Authority of the Kansas City Area Transportation District (hereinafter referred to as the ('Authority'), which shall be a body corporate and politic and a political subdivision of the States of Missouri and Kansas.

"The Authority shall have the following powers:

"(1) To acquire by gift, purchase or lease and to plan, construct, operate and maintain, or to lease to others for operation and maintenance, passenger transportation systems and facilities, either upon, above or below the ground.

"(2) To charge and collect fees and rents for use of the facilities owned or operated by it.

"(3) To contract and to be contracted with, and to sue and to be sued.

"(4) To receive for its lawful activities any contributions or moneys appropriated by municipalities, counties, or by the Federal Government or any agency or officer thereof or from any other source.

"(5) To disburse funds for its lawful activities and fix salaries and wages of its officers and employees.

"(6) To borrow money for the acquisition, planning, construction, equipping, operation, maintenance, repair, extension, and improvement of any facility which it has the power to own or to operate or to own and to operate, and to issue the negotiable notes, bonds or other instruments in writing of the Authority in evidence of the sum or sums to be borrowed.

"(7) To issue negotiable refunding notes, bonds or other instruments in writing for the purpose of refunding, extending or unifying the whole or any part of its valid indebtedness from time to time outstanding, whether evidenced by notes, bonds, or other instruments in writing, which refunding notes, bonds or other instruments in writing shall not exceed in amount the principal of the outstanding indebtedness to be refunded and the accrued interest thereon to the date of such refunding.

"(8) To provide that all negotiable notes, bonds and other instruments in writing issued either pursuant to subdivision (6) or pursuant to subdivision (7) hereof shall be payable, both as to principal and interest, out of the revenues collected for the use of any facility or combination of facilities owned or operated or owned and operated by the Authority, or out of any other resources of the Authority, and may be further secured by a mortgage or deed of trust upon any property owned by the Authority. All notes, bonds or other instruments in writing issued by the Authority as herein provided shall mature in not to exceed thirty years from the date thereof, shall bear interest at a rate not exceeding six percent per annum, and shall be sold for not less than ninety-five percent of the par value thereof. The Authority shall have the power to prescribe the details of such notes, bonds or other instruments in writing, and of the issuance and sale thereof, and shall have the power to enter into covenants with the holders of such notes, bonds or other instruments in writing, not inconsistent with the powers herein granted to the Authority, without further legislative authority.

"(9) To condemn any and all rights or property, of any kind or character, necessary for the purposes of the Authority, subject, however, to the provisions of this compact: *Provided, however,* That no property now or hereafter vested in or held by either State or by any county, city, village, township or other political subdivision, shall be taken by the Authority without the authority or consent of such State, county, city, village, township or other political subdivision. If the property to be condemned be situated in the State of Kansas, the said Authority shall follow the procedure of the Act of the State of Kansas providing for the exercise of the right of eminent domain, and if the property to be condemned be situated in the State of Missouri, the said Authority shall follow the procedure provided by the laws of the State of Missouri for the appropriation of land or shareholders of the company from its unearned surplus account. Shortly prior to this investigation, the company acquired the use of 40 new buses on a lease basis. The reason given the commission for the lease arrangement instead of purchase was the lack of funds with which to make the required downpayment on the buses.

All of these matters, of course, have had widespread coverage in the local press. This has resulted in a continuing decline of patronage because of lack of confidence of the public in the local transit operation, high fares, and decreased service which in turn results in decreased revenue for the company and the effort to recoup this through further increasing fares and decreasing service—an endless cycle.

The transit situation in Kansas City is further complicated by the fact that, in addition to Kansas City Transit, Inc., there are 8 other local bus companies, operating from 1 to 16 buses, coming into the downtown Kansas City, Mo., area. There is no coordination between any of these operations. It would be reasonble to say that on some streets in downtown Kansas City there are some five or six different companies operating.

Faced with this situation, and realizing that mass public transit is one of the basic and fundamental necessities of the community, and that a prosperous and progressive urban area needs a balanced transportation system which can serve all districts within the area, the leaders of the various communities commenced exploring ways in which a solution could be sought. Because of certain tax advantages, the Congress passing the Urban Mass Transportation Act of 1964, and seeking to reinstill the confidence of the general public and the public officials in the transit operation, it was concluded that public ownership and operation of the system would be the first step in such a solution. Public ownership in this area is complicated by the fact that the metropolitan area is split by a State line and spreads into parts of seven counties in the two States, encompassing a large number of cities and towns from the small in population to the very large. After exploring various plans and organizations, it was decided that the only practical solution would be legislation by both Missouri and Kansas authorizing an interstate compact creating a transportation district and a transportation authority with the powers to work toward a solution of this problem.

The necessary legislation was drafted and presented to the Kansas Legislature and Missouri General Assembly in January 1965. Faced with no significant opposition, these bills were passed by the legislatures of both States and approved by the Governors. On December 28, 1965, the compact was executed and the Kansas City Area Transportation Authority came into being.

It is significant to note that while other attempts at bistate cooperation through legislation have been made, this is the first cooperative effort by the States of Kansas and Missouri through legislation to attempt the solution of an area problem in the Kansas City area.

While the commissioners of the authority and public officials in the area realize there are a great number of problems ahead for the authority, there is a feeling of optimism within the area that the two States, cooperating together, can attempt to solve problems facing the two States. In its budget session which just ended, the Missouri General Assembly expressed its confidence in the authority and underwrote its program by appropriating $50,000 to the authority for organization and initial operating expenses. Also, the administrations of the two major cities within the district (Kansas City, Kans., and Kansas City, Mo.) have indicated a willingness to appropriate funds to the authority to aid in meeting these initial expenses.

S. 3051, consenting to the Kansas-Missouri compact creating the Kansas City Area Transportation Authority exempts the authority and the transportation service rendered by it from the Interstate Commerce Act and from regulation by the Interstate Commerce Commission.

Traditionally local transit operations, even between two States, have been exempt from the Interstate Commerce Act. Title 49 U.S.C.A., section 303(b)(8), specifically excepts from the act the interstate transportation of passengers wholly within a municipality, contiguous municipalities, or within the commercial zone of a municipality. The operations of Kansas City Transit, Inc., are not now subject to regulation by the Interstate Commerce Commission because of this exception.

Initially, if the operations of Kansas City Transit are assumed by the authority, the authority's operations would also be exempt from regulation by the ICC. However, it should be pointed out that the boundaries of the transportation district created in the compact extend beyond the commercial zone. The suburban portion of the metropolitan area also extends beyond the commercial zone. Therefore, if the authority eventually provides service to certain of the suburban areas within the district, its operations will go beyond the limits of the commercial zone. At that time, all the authority's operations will become subject to regulation by the ICC. This will even include those lines of Kansas City Transit, over which the ICC does not now have jurisdiction.

The problem which is hereby created is obvious. It was never the intent of Congress to extend regulation by the ICC to local transit operations as evidenced by section 303(b)(8). This exemption is tied to the commercial zone. However, the legislatures of Kansas and Missouri have found that the metropolitan transit needs of the district encompass an area greater than the commercial zone and that the suburban areas, in some cases, lie beyond the commercial zone. The solution to this problem lies in the exemption provided for by S. 3501.

This proposed exemption relieves the Interstate Commerce Commission of the continuing burden of regulation of a purely local transit system, which squares with the intent of Congress as set forth above. Furthermore, it relieves the authority of the burden and expense connected with such regulation; e.g., the preparation and filing of various reports and statements with the Commissions, an expense which the present private transit operator does not bear.

In July 1965 the Congress enacted Public Law 89–86 (title 49 U.S.C.A., sec. 20(a) and 214). This bill granted exemption to all publicly owned transportation systems from the requirement of securing ICC approval of issuance of securities. The reports of the congressional committees (H. Rept. 331, May 10, 1965, and S. Rept. 430, July 9, 1965) in connection with this bill indicate an intent of Congress that there is less need for ICC regulation of public transportation agencies than of private ones.

This problem arises in Kansas City because it is one of the few metropolitan areas which lies in two different States. Other publicly owned transit operations in a metropolitan area lying in only one State are not subject to the Interstate Commerce Act. Examples of this latter situation include the Allegheny County Port Authority in Pittsburgh, the Bay Area Rapid Transit District in San Francisco, and the Transit Authority in Los Angeles.

Both the States of Missouri and Kansas have enacted legislation creating the compact between the two States. Copies of these enactments are contained in the files of the Judiciary Committee.

A review of the foregoing leads the committee to the conclusion that the compact is meritorious and the committee, therefore, recommends that the bill, S. 3051, as amended, be considered favorably.

EXECUTIVE SESSION

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate proceed to consider executive business, for action on nominations.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Montana?

There being no objection, the Senate proceeded to consideration of executive business.

NATIONAL SCIENCE FOUNDATION

The legislative clerk proceeded to read sundry nominations in the National Science Foundation.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the nominations be considered en bloc.

The PRESIDING OFFICER. Without objection, the nominations are considered and confirmed en bloc.

Mr. MORSE. Mr. President, in connection with the nominations for the National Science Foundation, which include Dr. Richard A. Sullivan, president of Reed College, Portland, Oreg., I wish to say I am delighted with this nomination, as I am with all the others to the National Science Foundation.

Dr. Sullivan not only is a great educator of our State and of our Nation, but also one of the outstanding scientists in our country, and I highly commend the President for this very deserved nomination.

Dr. Sullivan, in my judgment, will perform a great dedicated service to our country in the position to which he has been appointed.

DEPARTMENT OF JUSTICE

The legislative clerk read the nomination of Joseph T. Ploszaj, of Connecticut, to be U.S. marshal for the district of Connecticut for a term of 4 years.

The PRESIDING OFFICER. Without objection, the nomination is confirmed

POSTMASTERS

The legislative clerk proceeded to read sundry nominations of postmasters.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the nominations be considered en bloc.

The PRESIDING OFFICER. Without objection, the nominations are considered and confirmed en bloc.

NOMINATIONS PLACED ON THE SECRETARY'S DESK—PUBLIC HEALTH SERVICE

The legislative clerk proceeded to read sundry nominations in the Public Health Service which had been placed on the Secretary's desk.

other property taken for telegraph, telephone or railroad right of ways.

"(10) To petition any interstate commerce commission (or like body), public service commission, public utilities commission (or like body), or any other Federal, municipal, state or local authority, administrative, judicial or legislative, having jurisdiction in the premises, for the adoption of plans for and execution of any physical improvements, change in methods, rate of transportation, which, in the opinion of the Authority, may be designed to improve or better the handling of commerce in and through the District, or improve terminal and transportation facilities therein. It may intervene in any proceeding affecting the commerce of the District.

"(11) To perform all other necessary and incidental functions; and to exercise such additional powers as shall be conferred on it by the Legislature of either State concurred in by the Legislature of the other and by Act of Congress.

"ARTICLE IV.

"Nothing contained in this compact shall impair the powers of any county, municipality or other political subdiviison to acquire, own, operate, develop or improve any facility which the Authority is given the right and power to own, operate, develop or improve.

"Nothing herein shall impair or invalidate in any way bonded indebtedness of either State or of any county, city, village, township or other political subdivision, nor impair the provisions of law regulating the payment into sinking funds of revenues derived from municipal property or dedicating the revenues derived from any municipal property to a specific purpose.

"Unless and until otherwise provided, the Authority shall make an annual report to the Governor of each State, setting forth in detail the operations and transactions conducted by it pursuant to this compact and any legislation thereunder.

"ARTICLE V.

"The Authority shall consist of ten Commissioners, five of whom shall be resident voters of the State of Missouri and five of whom shall be resident voters of the State of Kansas. All Commissioners shall reside within the District, the Missouri members to be chosen by the State of Missouri and the Kansas members by the State of Kansas, in the manner and for the terms fixed by the Legislature of each State except as herein provided.

"ARTICLE VI.

"The Authority shall elect from its number a chairman, a vice-chairman, and may appoint such officers and employees as it may require for the performance of its duties, and shall fix and determine their qualifications and duties.

"Until otherwise determined by the Legislature of the two States, no action of the Authority shall be binding unless taken at a meeting at which at least three members from each State are present, and unless a majority of the members from each State, present at such meeting, shall vote in favor thereof.

"The two States shall provide penalties for violations of any order, rule or regulation of the Authority, and for the manner of enforcing same.

"ARTICLE VII.

"The Authority is authorized and directed to proceed to carry out its duties, functions and powers in accordance with the articles of this compact as rapidly as may be economically practicable and is vested with all necessary and appropriate powers not inconsistent with the Constitution or the Laws of the United States or of either State, to effectuate the same, except the power to levy taxes or assessments.

"In Witness Thereof, we have hereunder set our hands and seals under authority vested in us by law this twenty-eighth day of December, 1965.

"(Signed).

"In the Presence of:

"(Signed)."

Sec. 2. (a) Any obligations issued and outstanding including the income derived therefrom, under the terms of the compact consented to in this Act, and any amendments thereto, shall be subject to the tax laws of the United States.

(b) Nothing in such compact shall be construed to affect, impair, or diminish any right, power, or jurisdiction of the United States or of any court, department, board, bureau, officer or official of the United States, in, over, or in regard to the territory which is embraced in the Kansas City Area Transportation District, as defined in such compact, or any navigable waters, or any commerce between the State or with foreign countries, or any bridge, railroad, highway, pier, wharf, or other facility or improvement, or any other person, matter, or thing, forming the subject matter of such compact, or otherwise affected by the terms thereof, with the exception that the Kansas City Area Transportation Authority, as established in such compact, its affiliates and the transportation rendered by either, within such Kansas City Area Transportation District shall be exempt from the applicability of the provisions of the Interstate Commerce Act, as amended, and the rules, regulations, and orders promulgated thereunder, but such exception shall not affect the power or authority of the Interstate Commerce Commission to regulate and apply the provisions of the Interstate Commerce Act, as amended, to other persons engaged in the transportation of passengers or property in interstate or foreign commerce within such Kansas City Area Transportation District or the transportation rendered by such other persons.

(c) No additional power or powers shall be exercised by such Kansas City Area Transportation Authority under part (11) of article III of such compact unless and until such power or powers are conferred upon such Authority by the legislature of one of the States participating in the compact, agreed to by the legislature of the other participating State, and consented to by the Congress of the United States.

(d) The right to alter, amend, or repeal this Act is hereby expressly reserved.

Sec. 3. The consent of the Congress to this compact is granted subject to the express condition that the Kansas City Area Transportation District and the Kansas City Area Transportation Authority shall not acquire, construct, maintain, operate, or lease to others for maintenance and operation, any interstate toll bridge or interstate toll tunnel without prior approval of the Secretary of Commerce.

The amendment was agreed to.

The bill was ordered to be engrossed for a third reading, was read the third time, and passed.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the Record an excerpt from the report (No. 1398), explaining the purposes of the bill.

There being no objection, the excerpt was ordered to be printed in the Record, as follows:

PURPOSE OF AMENDMENT

The purpose of the amendment is to insure that the intent of Congress in consenting to this compact is clearly stated in regard to the provisions of section 129, title 23, United States Code, which relate to the construction of any toll bridge or toll tunnel.

PURPOSE

The purpose of the proposed legislation as amended is to grant congressional consent to a compact between the States of Missouri and Kansas which creates the Kansas City Area Transportation Authority. The authority would have the power to acquire by gift, purchase or lease, and to plan, construct, operate and maintain, or to lease to others for operation and maintenance, passenger transportation systems and facilities, either upon, above, or below the ground, and to charge and collect fees and rents for use of these facilities.

STATEMENT

The Department of Justice, in its report to the committee, has no objection to the enactment of the pending consent legislation. The Interstate Commerce Commission has no objection to Congress granting the consent to the proposed compact; and the Department of Commerce, in its report, has no objection to the consent to this compact, provided such consent is amended in accordance with the suggestions of the Department of Commerce. Such amendment has been incorporated in the legislation. Information received by the committee indicates the following:

In the past 20 years, the public transit situation of the Kansas City area has paralleled that of most metropolitan areas in the Nation—increasing competition from private motor cars, construction of freeways making the use of the private automobile more attractive; attendant increase in fares and continuing deterioration in service; financial inability of the private operator to expand service into the growing suburban areas. The old established sections of the community which were originally the centers of dense population generally have convenient transportation facilities. However, the expansion to the suburban areas has, to some extent, decreased the population density of the core areas, thereby decreasing the potential receipts from service in that area. The suburban areas, being scattered as they are from the central city to all points of the compass, are difficult to serve with public transportation in view of the costs involved, related to potential farebox receipts.

The public transit needs of the Kansas City area are primarily fulfilled by one private operator—Kansas City Transit, Inc. A review of the operating statistics of this company over the past 6 years is illustrative of the deteriorating service condition in the area:

	Miles operated annually
1961	11,957,290
1962	11,792,262
1963	11,477,746
1964	11,096,027
1965	10,380,307

The present fare structure, one of the highest in the Nation, was approved by the Missouri Public Service Commission in October 1963. The basic adult fare is 30 cents or four tokens for $1.10 with a transfer charge of 2 cents. There is now pending before the Missouri Public Service Commission an application to eliminate the sale of tokens at the reduced rate and to increase the transfer charge from 2 to 5 cents.

Since October 1964, there have been three service reduction cases tried before the Missouri commission. In these cases, orders were entered by the commission in January 1965, June 1965, and November 1965, resulting in permitted reduction in annual miles operated of 454,900 miles, 188,968 miles, and 537,524 miles, respectively.

In addition to this, in 1964, the Missouri Public Service Commission instituted an investigation into the capital structure of this company. This was occasioned by the payment of liquidating dividends to the

Brig. Gen. Joseph Miller Heiser, Jr., O43773, Army of the United States (colonel, U.S. Army).

Brig. Gen. Elmer Hugo Almquist, Jr., O24228, Army of the United States (colonel, U.S. Army).

Brig. Gen. Shelton E. Lollis, O32575, Army of the United States (colonel, U.S. Army).

Brig. Gen. Hal Dale McCown, O23532, Army of the United States (colonel, U.S. Army).

Brig. Gen. Charles Carroll Case, O43824, Army of the United States (colonel, U.S. Army).

Brig. Gen. Lloyd Hilary Gomes, O21353, Army of the United States (colonel, U.S. Army).

Brig. Gen. Thomas Henderson Scott, Jr., O23030, Army of the United States (colonel, U.S. Army).

Brig. Gen. Leonard Copeland Shea, O20231, U.S. Army.

Brig. Gen. Kelley Benjamin Lemmon, Jr., O20816, U.S. Army.

Brig. Gen. Raymond Leroy Shoemaker, Jr., O22978, Army of the United States (colonel, U.S. Army).

Brig. Gen. Robert Edmondston Coffin, O25234, Army of the United States (lieutenant colonel, U.S. Army).

Brig. Gen. John Keith Boles, Jr., O22025, Army of the United States (colonel, U.S. Army).

Brig. Gen. Stephen Wheeler Downey, Jr., O22649, Army of the United States (colonel, U.S. Army).

Brig. Gen. Kenneth Wilson Collins, O22169, Army of the United States (colonel, U.S. Army).

Brig. Gen. Osmund Alfred Leahy, O23106, Army of the United States (colonel, U.S. Army).

Brig. Gen. Wilson Maxwell Hawkins, O22737, Army of the United States (colonel, U.S. Army).

Brig. Gen. David Stuart Parker, O22907, Army of the United States (colonel, U.S. Army).

Brig. Gen. Horace Greeley Davisson, O20650, Army of the United States (colonel, U.S. Army).

Brig. Gen. Francis Johnstone Murdoch, Jr., O19853, U.S. Army.

Brig. Gen. Ward Sanford Ryan, O21339, Army of the United States (colonel, U.S. Army).

Brig. Gen. Wesley Charles Franklin, O45565, Army of the United States (lieutenant colonel, U.S. Army).

The following-named officers for appointment in the Regular Army of the United States to the grade indicated, under the provisions of title 10, United States Code, sections 3284 and 3306:

To be brigadier generals

Brig. Gen. Horace Greeley Davisson, O20650, Army of the United States (colonel, U.S. Army).

Brig Gen. George Gray O'Connor, O21088, Army of the United States (colonel, U.S. Army).

Brig. Gen. William McGregor Lynn, Jr., O21120, Army of the United States (colonel, U.S. Army).

Brig. Gen. Jefferson Johnson Irvin, O21217, Army of the United States (colonel, U.S. Army).

Brig. Gen. Frank Milton Izenour, O21263, Army of the United States (colonel, U.S. Army).

Brig. Gen. Frank Dickson Miller, O21270, Army of the United States (colonel, U.S. Army).

Brig. Gen. Ward Sanford Ryan, O21339, Army of the United States (colonel, U.S. Army).

Brig. Gen. Lloyd Hilary Gomes, O21353, Army of the United States (colonel, U.S. Army).

Brig. Gen. Robert Runyan Linvill, O40305, Army of the United States (colonel, U.S. Army).

Brig. Gen. Joseph Miller Heiser, Jr., O43773, Army of the United States (colonel, U.S. Army).

Brig. Gen. Charles Carroll Case, O43824, Army of the United States (colonel, U.S. Army).

Brig. Gen. John Joseph Hayes, 032309, Army of the United States (colonel, U.S. Army).

Brig. Gen. Robert Riis Ploger, O21760, Army of the United States (colonel, U.S. Army).

Brig. Gen. Walter Evans Brinker, O21776, Army of the United States (colonel, U.S. Army).

Brig. Gen John William Dotson, O21851, Army of the United States (colonel, U.S. Army).

Brig. Gen. Livingston Nelson Taylor, O21853, Army of the United States (colonel, U.S. Army).

Brig. Gen. Roger Merrill Lilly, O21924, Army of the United States (colonel, U.S. Army).

Brig. Gen. Joseph Alexander McChristian, O21966, Army of the United States (colonel), U.S. Army).

Brig. Gen. Phillip Buford Davidson, Jr., O21969, Army of the United States (colonel, U.S. Army).

Brig. Gen. Walter Martin Higgins, Jr., O21987, Army of the United States (colonel, U.S. Army).

Brig. Gen. John Keith Boles, Jr., O22025, Army of the United States (colonel, U.S. Army).

Brig. Gen. Edward Paul Smith, O22063, Army of the United States (colonel, U.S. Army).

Brig. Gen. Kenneth Wilson Collins, O22169, Army of the United States (colonel, U.S. Army).

Brig. Gen. William Merle Fondren, O32481, Army of the United States (colonel, U.S. Army).

Brig. Gen. Stephen Wheeler Downey, Jr., O22649, Army of the United States (colonel, U.S. Army).

Brig. Gen. Shelton E. Lollis, O32575, Army of the United States (colonel, U.S. Army).

Brig. Gen. Wilson Maxwell Hawkins, O22737, Army of the United States (colonel, U.S. Army).

Maj. Gen. Patrick Francis Cassidy, O32809, Army of the United States (colonel, U.S. Army).

Brig. Gen. Howard Wilson Penney, O22917, Army of the United States (colonel, U.S. Army).

Brig. Gen. Richard Henry Free, O22926, Army of the United States (colonel, U.S. Army).

Brig. Gen. Robert Ray Williams, O22962, Army of the United States (colonel, U.S. Army).

Maj. Gen. Henry Augustine Miley, Jr., O22993) Army of the United States (colonel, U.S. Army).

Maj. Gen. Donald Vivian Bennett, O23001, Army of the United States (colonel, U.S. Army).

Brig. Gen. John MacNair Wright, Jr., O23057, Army of the United States (colonel, U.S. Army).

Brig. Gen. Roderick Wetherill, O23158, Army of the United States (colonel, U.S. Army).

Maj. Gen. Leland George Cagwin, O23200, Army of the United States (colonel, U.S. Army).

Brig. Gen. Richard Thomas Cassidy, O23213, Army of the United States (colonel, U.S. Army).

Maj. Gen. John Milton Hightower, O23531, Army of the United States (colonel, U.S. Army).

Brig. Gen. Hal Dale McCown, O23532, Army of the United States (colonel, U.S. Army).

Maj. Gen. Charles Pershing Brown, O23544, Army of the United States (colonel, U.S. Army).

Brig. Gen. Kenneth Howard Bayer, O23551, Army of the United States (colonel, U.S. Army).

Maj. Gen. William Bradford Rosson, O23556, Army of the United States (colonel, U.S. Army).

Maj. Gen. Charles Vincent Wilson, O23564, Army of the United States (colonel, U.S. Army).

Brig Gen. Willard Pearson, O44466, Army of the United States (colonel, U.S. Army).

IN THE MARINE CORPS

The following named (Army Reserve Officer Training Corps) for permanent appointment to the grade of second lieutenant in the Marine Corps, subject to the qualifications therefor as provided by law:

Richard J. Tipton

The following named (staff noncommissioned officers) for temporary appointment to the grade of second lieutenant in the Marine Corps, subject to the qualifications therefor as provided by law:

Abbs, William Edward
Acker, Bruce John
Akers, Ervin Earl
Ailstock, Jack Warren
Alberts, Alfred Bunion
Albizo, David Garcia
Alexander, Arthur Iredell
Alexander, Frank Anthony
Alexander, James Franklin
Allen, Homer Leon
Allen, Robert Leon
Allen, Roosevelt
Alnutt, Ronald Harper
Amos, Robert Douglas
Anaya, John Joseph
Anderson, Robert Jackson
Anderson, William Erskin
Andes, James Andrew
Andrews, George Earl
Andrus, Donald Francis
Anthony, Clarence Thurston
Arnold, Charles Leroy
Asselin, Raymond Fernand
Atherton, Robert Owen
Ayotte, James Andrew
Baca, Francisco Placencio
Badey, James Robert
Bajkowski, Walter Frank
Baldwin, Donald Glen
Baldwin, Grant Harland
Balignasay, Ernest Nicholas
Baltes, John Frederick
Bare, Curtis Jack
Barfield, Jimmy Cullen
Barineau, Richard Leroy
Barker, Charles Phillip
Barker, Robert Lester
Barotti, James "W"
Barrientes, Hector
Barrier, Wade Howard
Bass, William Earl
Battista, Salvatore Anthony
Beardsley, Frank "C"
Beck, Arthur Roy
Belflower, Herman Edward
Bender, Lawrence Joseph
Bishop, Richard James
Bickel, Raymond Randolph
Biesinger, Fredrick Steven
Bigness, David Douglas
Bines, Walter Gillespie, Jr.
Bird, Theodore Allen
Blankenship, Dennis Ray
Blass, Kenneth Louis
Bock, Robert Allen
Boggess, Gary Marion
Boggs, William Ralph
Bogniard, Robert Alexander
Boley, Jackson Dunn Trumble
Bornemann, Michael Joseph

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the nominations be considered en bloc.

The PRESIDING OFFICER. Without objection, the nominations are considered and confirmed en bloc.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the President be immediately notified of the confirmation of these nominations.

The PRESIDING OFFICER. Without objection, it is so ordered.

LEGISLATIVE SESSION

On request of Mr. MANSFIELD, and by unanimous consent, the Senate returned to the consideration of legislative business.

NAACP APPROVAL REQUIRED FOR VIRGINA HOSPITALS

Mr. BYRD of Virginia. Mr. President, I ask unanimous consent to have printed in the body of the RECORD following my remarks a letter I have received from Dr. J. M. Emmett, an outstanding physician and surgeon. He has spent a lifetime rendering distinguished service in two hospitals operated by the Chesapeake & Ohio Railway Employes' Hospital Association; one located in Clifton Forge, Va., and the other one located in Huntington, W. Va.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

CHESAPEAKE & OHIO RAILWAY
EMPLOYES' HOSPITAL ASSOCIATION,
Clifton Forge, Va., July 16, 1966.

Hon. HARRY F. BYRD, JR.,
U.S. Senator,
Washington, D.C.

DEAR SENATOR BYRD: The Chesapeake and Ohio Railway Employes' Hospital Association operates two hospitals, one located in Clifton Forge, Va., and the other in Huntington, W. Va. It has been our effort to qualify both of these hospitals for participation in the Medicare Program. We did receive appropriate certification for our Clifton Forge Hospital; however, under date of June 30, 1966, which letter was received on July 2, 1966, Mr. Robert M. Nash, Chief, Office of Equal Health Opportunity, Department of Health, Education and Welfare, Public Health Service, Washington, D.C., notified Dr. John F. Otto, Jr., Medical Director of our Huntington Hospital, that this hospital could not be certified at that time due to inadequate compliance with Title VI. (His file No. 07848). Dr. Otto subsequently responded to Mr. Nash outlining policies with regard to this matter in our Huntington Hospital, a copy of which is attached. Dr. Otto was subsequently advised through the Office of Equal Health Opportunity Regional Coordinator at Charlottesville that it would be necessary to obtain approval from the local NAACP organization in Huntington as to our satisfactory compliance before that office would be in position to issue certification. Dr. Otto subsequently met with Mr. Henderson of this group on July 7, 1966, following which Mr. Wrenn of the Charlottesville office notified Dr. Otto of the verbal approval of our Huntington Hospital, stating that official certification would follow within a few days.

As of July 14 no certification had been received and Dr. Otto again contacted Mr. Wrenn, as well as Mr. Green in the Health Insurance Office at Charlottesville, and he was advised that our certification could not be confirmed until a complete review had been made by the Social Security Administration in Washington. It was brought out in the conversation that a hospital in Atlanta, Georgia, had received certification through dishonesty and as a result all verbal certifications issued between July 7 and 13 were subject to re-review by the Social Security Administration in Washington and that we had been caught up in that directive. It was also inferred that retroactive approval might not be granted.

I am sure you can appreciate the position in which we are placed, due to the fact that we had patients already in the hospital on July 1 and were expecting to receive our certification momentarily. Actually notice of failure to approve our hospital was not received until July 2. Subsequently, following the verbal release on July 7, we have admitted patients to the hospital in good faith with the understanding that they were covered by Medicare. We feel that the handling given this matter is a gross injustice to the Medicare patients who have been in the hospital as well as to the hospital itself.

Will you make some inquiries into this matter in an effort to have the verbal certification of our Huntington Hospital confirmed in writing so that we may be furnished a code number for filing our claims? I hate to start you out with an assignment of this sort but you are the only person I know of that will give adequate attention to it.

Faithfully yours,
J. M. EMMETT, M.D.

Mr. BYRD of Virginia. Many problems and objections have arisen over the so-called new guidelines fixed by the Department of Health, Education, and Welfare to apply to hospitals admitting patients under the medicare program. It has been, and is now, my view that these guidelines far exceed any intention of the Congress with respect to the applicable legislation.

Like other Senators, I have been receiving complaints from many hospitals and have asked the Secretary of Health, Education, and Welfare to modify his requirements to allow a reasonable and practical solution to these problems.

The letter from Dr. Emmett indicates that HEW is completely unreasonable; and Dr. Emmett says he has been advised that his hospitals must be approved by the NAACP in Huntington, W. Va. This is reprehensible to a free society. It would be just as reprehensible if approval were required by the manufacturers' association, the American Legion, or any other private organization. Why should approval from any private organization be required before certification is given by the Government?

I am protesting again today to Secretary Gardner, and I wanted this unusual requirement, the approval of the NAACP, to be brought to the attention of other Members of the Senate.

RECESS UNTIL 10 O'CLOCK A.M. TOMORROW

Mr. MANSFIELD. Mr. President, if there is no further business to come before the Senate, I move that the Senate stand in recess, in accordance with the previous order, until 10 o'clock tomorrow morning.

The motion was agreed to; and (at 6 o'clock and 49 minutes p.m.) the Senate took a recess until Tuesday, July 26, 1966, at 10 o'clock a.m.

NOMINATIONS

Executive nominations received by the Senate July 25 (legislative day of July 22), 1966:

IN THE ARMY

The following-named officers for temporary appointment in the Army of the United States to the grade indicated under the provisions of title 10, United States Code, sections 3442 and 3447:

To be major generals

Brig. Gen. John MacNair Wright, Jr., O23057, Army of the United States (colonel, U.S. Army).

Brig. Gen. Robert Runyan Linvill, O40305, Army of the United States (colonel, U.S. Army).

Brig. Gen. Ellis Warner Williamson, O34484, Army of the United States (lieutenant colonel, U.S. Army).

Brig. Gen. Paul Francis Smith, O33169, Army of the United States (colonel, U.S. Army).

Brig. Gen. Robert Riis Ploger, 021760, Army of the United States (colonel, U.S. Army).

Brig. Gen. William McGregor Lynn, Jr., O21120, Army of the United States (colonel, U.S. Army).

Brig. Gen. George Lafayette Mabry, Jr., 034047, Army of the United States (lieutenant colonel, U.S. Army).

Brig. Gen. Frank Milton Izenour, O21263, Army of the United States (colonel, U.S. Army).

Brig. Gen. Edward Paul Smith, O22063, Army of the United States (colonel, U.S. Army).

Brig. Gen. Joseph Alexander McChristian, O21966, Army of the United States (colonel, U.S. Army).

Brig. Gen. Richard Joe Seitz, O33979, Army of the United States (lieutenant colonel, U.S. Army).

Brig. Gen. Robert Ray Williams, O22962, Army of the United States (colonel U.S. Army).

Brig. Gen. Willard Pearson, O44466, Army of the United States (colonel, U.S. Army).

Brig. Gen. Olinto Mark Barsanti, O34037, Army of the United States (lieutenant colonel, U.S. Army).

Brig. Gen. Melvin Zais, O33471, Army of the United States (colonel, U.S. Army).

Brig. Gen. Richard Henry Free, O22926, Army of the United States (colonel, U.S. Army).

Brig. Gen. Frank Dickson Miller, O21270, Army of the United States (colonel, U.S. Army).

Brig. Gen. Frank George White, O21378, U.S. Army).

Brig. Gen. Howard Wilson Penney, O22917, Army of the United States (colonel, U.S. Army).

Brig. Gen. George Gray O'Connor, O21088, Army of the United States (colonel, U.S. Army).

Brig. Gen. Clarence Joseph Lang, O40705, Army of the United States (lieutenant colonel, U.S. Army).

Brig. Gen. Richard Thomas Knowles, O35418, Army of the United States (lieutenant colonel, U.S. Army).

Brig. Gen. John Joseph Hayes, O32309, Army of the United States (colonel, U.S. Army).

Brig. Gen. George Philip Seneff, Jr., O23738, Army of the United States (colonel, U.S. Army).

Brig. Gen. Walter Evans Brinker, O21776, Army of the United States (colonel, U.S. Army).

Brig. Gen. Elias Carter Townsend, O31680, U.S. Army.

Boston, Leslie Wilbur
Bowen, James Richard
Bower, John Henry
Bowers, Daniel Clinton
Boyle, Joseph Anthony
Bozelli, Richard
Branch, Billy Thompson
Brewster, Jerry Ray
Briggs, Jerry Joe
Bromley, Austin William
Brooks, "J" "B"
Brooks, John Virgil
Brown, George Robert
Brown, Thomas Edward
Broyer, Fred Dale
Brozena, Thomas James
Bruce, Gale Eugene
Buchholz, James Herbert
Buell, Edwin Lee
Bullock, Delbert Adam
Bunner, Robert Dale
Burcham, Richard Gilmer
Burford, George Ivan
Burlingame, Victor Robert
Burnett, Robert Denny
Burrell, Jack Hugh
Buser, Harry Ellsworth
Byrd, Thomas Argyle
Cameron, Marion Guy
Candlen, Thomas Philip
Capers, James
Carlson, Floyd Arthur
Carswell, Robert Wayne
Carter, Tommy Allen
Casey, Jackie Verlon
Cass, Bert
Caudill, Robert Edward
Cawthorn, Harvey Wayne
Chandler, Herbert
Chase, Daniel Douglas
Chase, Jerry David
Chastang, Percy Lee
Clark, Curtis Robert
Clark, Leonard Thomas
Clelland, John Paul
Cline, Rollin William
Cobb, Oliver Perry
Cofty, Huey Charles
Cohan, Arthur Bryant
Collins, Charles Butler
Collins, Charles G. T.
Collins, Donald Carlos
Conti, Frank John
Cooper, David Hutchinson
Cotterell, Anthony Joseph
Cotton, David George
Craig, Larry Eugene
Creech, Keith Duane
Crews, Billy Derrell
Crowe, Joseph T.
Crull, Williard O.
Curry, Carl Randolph
Cutlip, Homer Scott
Cuttaia, Angelo Joseph
Dale, Wayne Ray
Daniel, Johnny Lee
Darity, Martin Hilton
Daskam, Walter Cash
Davis, Lawrence
Davis, Robert Dale
Davis, Rooney Ferdnand
Dawdy, Lester Leo
Deaver, Richard
Degennaro, Anthony Albert
Detrich, Homer Dean
Dey, Charles J.
Dixon, Isaac George
Dial, Herman Wayne
Dickerson, Donald Lee
Dieter, John Harrison
Dillard, Curtis Jr.
Dirks, David Charles
Dobbins, Jerry Lee
Dollison, Dan Parker
Domke, Walter
Dotson, Weldon L.
Doughty, William David
Doyle, Thomas John
Driggs, John F.
Duchaine, Lonnie Floyd
Duncan, Gerald Schroeder
Dunham, William Ernest
Dunning, Richard Leon
Duran, Roy Gilbert
Duree, Charles Dick
Durham, Jerry Wayne
Eaton, Max "B"
Econom, Samuel Nick
Egan, Brian Paul
Eichholz, William Adolph
Ellis, Roger John
Ervin, Sherman Richard
Eshleman, Allen Henry
Eure, James Louis
Everett, John Rhynear
Falcon, Alfredo
Farrand, Robert Clarence
Farrington, Donald Ray
Ferg, Charles Joseph
Fey, Marvin Henry
Fisher, Norman
Fitzgerald, Victor Kieth
Fields, Bobby Jene
Flores, Arturo
Forbell, Ronald James
Ford, Edwin Charles
Foss, Donald Leroy
Fowler, Glen Virgil
Fraser, John Howard
Frech, Roland Alfred
Galvin, Donald Hartwill
Gaskill, Robert
Gates, Lauren William
Gaul, Ray Hemling
Gearhart, Van Franklin
Georges, Robert Joseph
Giles, Horace Millard
Gilmore, Clayton Stanley
Gingras, Ronald F.
Glass Johnny Mack
Goddard, Neil Warren
Gorman, William Mitchell
Gorton, Glen Lee
Gortz, William Mathew
Gorzynski, Joseph Anthony
Goshey, Frank
Graham, Terry Prentiss
Greathouse, Earl Lee
Greco, Philip
Green, Frank Nolan
Gretton, Robert Kenneth
Grimsley, Richard Arthur
Grizzle, Arthur Wayne
Grzanich, Philip Anthony
Gualandri, Francis Leroy
Guidry, Harold John
Hagan, Stephen Hill
Haithcock, Sam Jay
Hamlin, Edwin Alton
Hano, Kenneth Ray
Hansen, Charles Thomas
Hansen, Richard Clark
Harris, Russell Gilbert
Harlow, Roger Hayden
Harrison, Wilbur Howard
Hart, John Thomas
Hart, Robert Stephen
Hartman, Donald Nelson
Hastey, Robert Lee
Hastings, Sidney Thornsber
Hawkins, Dale Donald
Hawkins, Dicky Elroy
Hawkins, Emerson Wayne
Hayek, Thomas Joseph
Hayes, Gary Paul
Headrick, Harold Dee
Heald, Richard Dor
Heaton, Billy Lester
Helm, Joel Keith
Helmick, James Edward
Henninger, Cecil Duane
Hepner, Stephen Thomas
Hitte, Robert Clement
Hodges, John Andrew
Hogan, Richard John
Holley, Aubrey Ray
Holman, Arthur Franklin
Holt, George Arthur
Hornak, John Joseph
Horne, David Lee
Horsfall, William Donald
Hostrander, Howard Larue
Houle, George Albert
Hudson, Jimmy R
Hughes, Richard Olympia
Hunt, Larry Leroy
Hutchens, Howard Dewey
Iacovacci, Michael Anthony
Innis, Donald Arthur
Isa, Ronald Yoshinori
Ivey, James Walter
Ivy, James Edward
Jackson, Charles Henry
Jackson, James Willis
Janssen, Richard Carl
Jernigan, Charles Rutherford
Jewett, Joseph Merrill
Johnson, Martin Barry
Johnston, Bobbie Joe
Joiner, George Lewis
Jones, Jimmy Charles
Jones, John Anthony
Jones, Linza Joseph
Jones Lynn Frederick
Judy, John Luther
Julian, John Earhart
Kane, Robert Francis
Kane, Robert James
Kasparian, John Pierre
Kearney, Brantley Earl
Keating, Joseph Robert
Keiter, Eugene Lloyd
Keller, Clinton Odis
Keller, William Howard
Kelly, Daniel William
Kelly, Joseph James
Kemp, Bruce Allen
Kendall, Peter Charles
Kerch, Richard James
Kidd, Arthur James
Kilbourn, Frank Dee
Kiley, John James
Kilpatrick, John Francis
Kimberl, John Derryl
Klein, Charles
Klein, Harold Dean
Knagge, Joseph George
Knox, Earl Lewis
Kociolek, John Stanley
Kolb, Theodore Ronald
Kolek, David Lee
Koran, John Gordon
Korn, Ambrose Eugene
Kozma, Joseph Michael
Krabbe, Fredrick, Tyler
Krawiec, Edward Phillip
Krell, Frederick William
Kuykendall, Paul Glenn
Labash, Robert Douglas
Lada, Samuel George
Laferte, Robert Wilfred
Lainhart, Michael Steven
Lambdin, Robert Blair
Lane, Gerald Stanley
Larnay, Henry Joseph
Larrabee, Allen Winfield
Larson, John Henry
Latour, Leonard Wayne
Lavelle, Gerald Aloysius
Leahy, Kenneth John
Leblanc, Carl Joseph
Ledger, Ralph
Lee, Thomas Weldon
Leininger, Jack Lee
Leisher, William Richard
Lephart, Larry Gene
Lewis, Ralph
Little, Foster
Litzmann, Werner James
Lidyard, John Alfred
Lightsey, Regenald Frank
Lile, Brian Kay
Lincoln, John Charles
Linn, Robert Frank
Lonetti, Frank Joseph
Loucks, Donald Charles
Lovelace, William Jackson
Lovette, Joseph Earl
Lucus, Jack

Luna, Albert
Lyons, Joseph Earl
MacNamara, Robert James
Madden, Jimmie Eugene
Maloy, Raymond Lester
Manning, John Edward
Mannion, James Patrick
Marr, Joseph Leonard
Martin, Kenneth Wayne
Martin, William Everett
Marvin, Earl Audrey
Matherly, Junior Lee
Matics, Anton Joseph
Matthews, Richard David
Mayfield, Herman Pierce
Mays, Arthur
McCall, Alonzo Brooks
McCall, Jimmy Edward
McConnell, George Joseph
McDonough, Francis Michael
McGlumphy, Mack Leroy
McGrory, Patrick Arthur
McGuire, Robert Neil
McKee, Jack
McClellan, James Walter
McReynolds, Jack Leroy
McWhorter, Donald George
Mears, Donald Earl
Meier, Bobby Lee
Melson, David Henry
Meston, Ward Beryl
Misemer, Frank George
Miskin, Edward Thomas
Mitchell, John Alan
Micucci, Charles Patrick
Mielnicki, Walter Michael
Miller, August Otto
Miller, Sherwood Maner
Minch, Harry Elias
Moen, Dale Alan
Montoya, Cecilio
Moody, Rex Bernarr
Morgan, Jimmy Burlin
Morris, Allan Raymond
Morrison, Irwin Donald
Morrisette, Joseph Robert
Morrow, Melvyn Thompson
Morton, Bobby Jack
Moss, John Clinton
Mossor, William Albert
Mott, Robert James
Mouton, Joseph
Murphy, James Oliver
Nauth, Paul George
Nelson, David Ernest
Newman, Billy Ronald
Newton, John Hayden
Norris, Gerald Edward
O'Brien, James Erall
Odom, James Edward
Ogg, Robert Carl
Oquendo, Juan Santiago
Orem, Wilbert Edward
Osborne, Bobby Lee
Overcash, W. P.
Overton, Harold Boyd
Owens, Dallas Whit
Page Fredrick Henry
Painter, William Roeby
Paris, Robert Taylor
Parsons, Charles Allen
Pate, Eugene Leslie
Patterson, James Hall
Patterson, Robert Edward
Patterson, Wilbert Lee
Payton, John Lewis
Peabody, Charles Perley
Pearson, Ronald Keown
Peter, Arthur Robert
Peters, William Jennings
Peterson, Carl Edward
Peterson, Clark Allen
Petruna, Michael Nicholas
Pfeiffer, Frank Leon
Pfrimmer, Francis Lee
Philipp, James Leon
Phillips, Lloyd George
Pisacreta, Sam
Pierson, Abel Dexter
Pigeon, Troy John
Pineda, Ralph Anthony
Plaskett, Alrio Edward
Poe, Willard Denyer
Poling, Lawrence Dale
Pomichter, Stanley Darwin
Pouliot, Armand Roger
Price, Ronnie Keth
Pyne, Horatio Eugene
Quaglia, Joseph John
Quebodeaux, Anthony Paul
Ream, Edward Paul
Rebscher, Robert Ronald
Rector, James Samuel
Register, Charlton Lavelle
Reichler, James Richard
Renau, Thomas Tolson
Reynolds, Trace Joseph
Rhine, John Robert
Riser, Jerome Edward
Ritenour, Donald Ford
Rice, Arnold Albert
Richards, Edward Theodore
Richardson, Kilburn Earl
Richey, Ollen Ray
Rijfkogel, Herman
Rine, John Harold
Roberts, Harry Franklin
Robertson, Robert William
Roche, James Joseph
Rohleder, William Primm
Roquemore, Elwyn Lowell
Rothrock, Richard Lee
Rowe, Orville Glenn
Rudd, Claude Thomas
Russell, Vincent Bradley
Ruth, John Rodney
Saldivar, John Gonzales
Samples, John Bourke
Sandmeyer, Robert Francis
Schenck, Kenneth Wayne
Scherer, Melvin Allen
Scheurich, John Andrew
Schlott, Robert Lee
Schmidt, Gary McDonald
Schmidt, Ralph Clemens
Scott, James Harold
Scott, John William
Sellers, Walter Spencer
Shahan, Billy Joe
Shandor, Joseph Patrick
Shine, Thomas Richard
Shirley, Carley Deane
Silen, Tony
Simmons, Clyde Burkett
Slater, Robert Malcolm
Smith, Arthur Garfield
Smith, Frank Eugene
Smith, Harry Rufus
Smith, Lidge Wilford
Smith, Phillip Richard
Snodgrass, Russell August
Sobotor, Francis Elmer
Southerland, William Elber
Spencer, Charles William
Spring, James "A"
Stagnaro, Charles James
Stambaugh, Harold William
Stant, James Edward
Stanton, Lloyd Edward
St. Charles, Ray Bernard
St. Denis, Harold Joseph
Steed, Billy Charles
Stewart, Robert Emmet
Stilson, Frederick Carl
Stitcher, Frederick M.
Stock, Frederick John
Stockdale, James Alan
Stoltzfus, David Stoltzfus
Strenko, Robert Joseph
Strickland, Ralph
Strohschein, Raymond Rudolph
Sullivan, Jeremiah Joseph
Sutton, Terry Dean
Swancutt, Bruce Spencer
Swindell, Thomas Edward
Swinea, Larry Cecil
Sylvester, Gerald Wayne
Sylvia, Joseph Richard
Szymanski, John Stephen
Tackitt, Loyce Merle
Talley, Lee "D"
Tanzey, Theodore Edward
Taylor, Thomas William
Thobois, Paul
Thomas, Dewey Allen
Thomas, Paul Roger
Thomas, William Edwin
Thompson, Dallas Eugene
Thompson, Don Creon
Thompson, Jerry Clyde
Thornton, William Albert
Thrasher, David Ray
Tickle, Randall King
Tidwell, John
Toland, Owen John
Toma, Masao
Tonack, Leland Burton
Tracy, Brandon Lee
Tracy, Normand Cyrile
Trama, Richard
Treon, William Wesley
Trippleton, Eugene Morris
Troutman, Victor William
Tyndall, William Francis
Tyynismaa, Robert Raymond
Uritescu, Jerry
Valent, Stephen
Vandergeeten, Howard Jose
Vaughn, James Otis
Verceles, Federico Trinida
Visnick, Donald Duane
Vigil, Leroy
Volack, Robert George
Wahlers, Larry Fred
Waldorf, James Henry
Walker, Marvin Dennis
Walker, Robert Matthew
Walkup, William Danford
Walsh, Charles Edward
Ward, Anthony Lee
Wasson, Jesse Ray
Webber, Ralph Leland
Weda, Tony
Welch, Stanley Robert
Wells, Thomas Traylor
Whipple, William Lee
White, Herman
Wisdom, Hershel Elmer
Wiggins, William Clinton
Wiktorek, William Adam
Wilding, James Lawrence
Williams, Albert
Williams, Marvin Lee
Wilson, Eugene Seward
Wolverton, Charles "F"
Wood, Lloyd Cecil
Wood, Millard Wilmot
Wood, Myron Clark
Woodward, Robert Long
Worley, Philip Earl
Yadon, Thomas Lewis
Yost, Jere William
Young, Donald Clay
Young, Jessie Bertie
Young, Kenneth Wayne
Young, Louis Leroy
Youngblood, Theodore Ansle
Zeitvogel, Joseph Andrew
Zerbe, Edward Monroe
Ziegler, Earl Kay

In the Navy

Peter J. Leniart, midshipman (Naval Academy) to be a permanent ensign in the Supply Corps of the Navy, in lieu of permanent ensign in the line of the Navy as previously nominated and confirmed, subject to the qualifications therefor as provided by law.

Donald L. Darnell (Navy enlisted scientific education program) to be a permanent ensign in the line of the Navy, subject to the qualifications therefor as provided by law.

Norvelle Curry (Naval Reserve officer) to be a permanent lieutenant and a temporary lieutenant commander in the Medical Corps of the Navy, subject to the qualifications therefor as provided by law.

The following-named (Naval Reserve officers) to be permanent lieutenants in the

Medical Corps of the Navy, subject to the qualifications therefor as provided by law:

Hal D. Bishop
John E. Downing

The following-named (Naval Reserve officers) to be permanent lieutenants (junior grade) and temporary lieutenants in the Medical Corps of the Navy, subject to the qualifications therefor as provided by law:

Larry H. Adams
Thomas L. Angros
Steven A. Balch
William P. Berliner
James D. Blanding
James H. Boring
Edward A. Bracht
Richard P. Buedingen
Howard D. Cantwell
John M. Casey
Nicholas B. Cirillo
George D. Crislip
Francis L. Depenbusch
Robert G. Ellis
Donald E. Farmer
John J. Finn, Jr.
Leon P. Georges
Harvey A. Gilbert
Lester S. Goldstein
Ralph B. Hanahan, Jr.
Carl L. Highgenboten
Robert D. Hodgell
Hugh H. Hoke, Jr.
Howard H. Kaminsky
Carl G. Kardinal
Gary P. Kearney
Gordon F. Kellogg
Robert D. Knudson
Arthur P. Lingousky
Robert F. McCauley
Paul W. Madonia
Lewis Mantel
James D. Mellema
Thomas E. Motley
John W. Nesson
Cyril Newman
Ewell C. Noel, Jr.
Walter J. Paschall
George H. Penn II
Andre K. Perron
Thomas A. Queen
Marques E. Rhoades
Harold W. Sanford, Jr.
Donald E. Schaffer
Paul E. Schroder
James V. Scutero
Jerrold M. Sherman
Carl W. Slocum
James L. Steffens
Robert E. Stetson, Jr.
Rex A. Stout
Donald L. Sturtz
Paulino E. Tocchet
Walter V. R. Vieweg, Jr.
Philip J. W. Vogt
Gene A. Wallin
James R. Warden
Jerry G. Warren
Richard T. Welham
Marshall W. White, Jr.
Billy H. Wilson
John J. Witowski

The following named (Naval Reserve officers) to be permanent lieutenants (junior grade) and temporary lieutenants in the Dental Corps of the Navy, subject to the qualifications therefor as provided by law:

Dennis M. Bertsch
Thomas W. Mansfield
Robert J. Stoicis
Charles D. Young

James R. Moore (U.S. Navy retired officer) to be a chief warrant officer, W–2 in the Navy, for temporary service, subject to the qualifications therefor as provided by law.

Lt. (jg.) Lloyd A. Huck, Supply Corps, U.S. Navy, for temporary promotion to the grade of lieutenant in the Supply Corps, subject to qualification therefor as provided by law.

CWO, W–4 Charles W. Bickel, U.S. Navy, for permanent promotion to the grade of chief warrant officer, W–4, subject to qualification therefor as provided by law.

Joseph L. Renzetti, U.S. Navy, for transfer to and appointment in the Civil Engineer Corps of the Navy in the permanent grade of lieutenant (junior grade).

The following named (meritorious noncommissioned officer) for permanent appointment to the grade of second lieutenant in the Marine Corps, subject to the qualifications therefor as provided by law:

Rodney A. Arena
Robert E. Baurle
John L. Bilodeau
Robert E. Chiesa
Charles A. Collins
Robert C. Dopher, Jr.
Douglas D. Frisbie
Harold D. Hockaday
Russell H. Johnson
Ronald P. Johnson
Frank J. Kaiser
Jack H. Kemeny, Jr.
Larry J. McLain
Charles E. Moore
Michael K. Morrison
George M. Pfeiffer
Lloyd O. Phelps
Charles N. Riley
James E. Scott
George L. Townsend
Burnice N. Willis

The following-named (Army Reserve Officer Training Corps) for permanent appointment to the grade of second lieutenant in the Marine Corps, subject to the qualifications therefor as provided by law:

Michael L. Layson

CONFIRMATIONS

Executive nominations confirmed by the Senate July 25 (legislative day of July 22), 1966:

National Science Foundation

Dr. Robert S. Morison, of New York, to be a member of the National Science Board, National Science Foundation, for a term expiring May 10, 1972.

Dr. Emanuel R. Piore, of New York, to be a member of the National Science Board, National Science Foundation, for a term expiring May 10, 1972.

Dr. Clifford M. Hardin, of Nebraska, to be a member of the National Science Board, National Science Foundation, for a term expiring May 10, 1972.

Dr. Charles F. Jones, of Texas, to be a member of the National Science Board, National Science Foundation, for a term expiring May 10, 1972.

Dr. Thomas F. Jones, Jr., of South Carolina, to be a member of the National Science Board, National Science Foundation, for a term expiring May 10, 1972.

Dr. Joseph M. Reynolds, of Louisiana, to be a member of the National Science Board, National Science Foundation, for a term expiring May 10, 1972.

Dr. Athelstan F. Spilhaus, of Minnesota, to be a member of the National Science Board, National Science Foundation, for a term expiring May 10, 1972.

Dr. Richard H. Sullivan, of Oregon, to be a member of the National Science Board, National Science Foundation, for a term expiring May 10, 1972.

Department of Justice

Joseph T. Ploszaj, of Connecticut. U.S. marshal for the district of Connecticut for the term of 4 years.

Postmasters

ALABAMA

Joe D. Laney, Ariton.
Hugh E. Gwin, Fairfield.
Lucile B. Florey, Vincent.

ALASKA

Nine A. Lie, Kotzebue.
Sophia S. Hapoff, Unalaska.

ARIZONA

Rhoda C. Diskin, Mayer.

ARKANSAS

L. Earl Jackson, Lonoke.

CALIFORNIA

Daniel Phillips, Brea.
Howard F. O'Neil, Canoga Park.
Herbert C. Brown, El Centro.
Jessie K. Ray, Forest Knolls.
Gerald V. Trimeloni, Nice.
Elizabeth Mazzotti, Occidental.
Glenn F. McColley, Sunnymead.
Donald F. Hunerlach, Vina.

COLORADO

Faye W. Von Loh, Wiggins.

CONNECTICUT

Sigurd Peterson, Monroe.

FLORIDA

William R. Lathinghouse, Jr., De Funiak Springs.
Doris M. Medders, Highland City.
Jack R. Herndon, Lake City.

GEORGIA

Eual C. Anderson, Register.
Charles L. Thweatt, Rockmart.
Eloise W. Blackwell, Roswell.
Nell K. Guntharp, Sea Island.

ILLINOIS

H. Fred Hollaway, Benton.
Byron L. Vance, Bluford.
Sterling A. Mayfield, Caseyville.
William G. Caraker, Cobden.
Edward M. Neumann, Delavan.
Raymond Mooney, Dix.
Chester A. Haffner, Jr., Harvard.
Carl E. Cassidy, Smithshire.
William F. Dhom, South Beloit.
Henry E. Ragus, Wood River.

INDIANA

Jack E. Sprague, Angola.
Ruth M. Sutton, Hemlock.
John E. Lansinger, Knightstown.
Donald H. Owens, Mexico.
Harold D. Bowman, Roann.
Charles H. Martindale, Solsberry.

IOWA

Verna M. Smith, Bridgewater.
Jessie E. Sroufe, Harris.
Donald L. Roberts, Havelock.
Mary E. Phillips, Montrose.
Harold J. Williams, Union.

KANSAS

Dwayne K. Stephenson, Ford.
Timothy E. Gilliam, Greenleaf.
Donald A. Peterson, Lakin.

KENTUCKY

Thomas C. Young, Caneyville.
Roy H. Matlick, Middletown.
Anna B. Hawkins, Shepherdsville.

LOUISIANA

Virgil L. Brown, Gonzales.

MARYLAND

Marion E. Tyndall, Sharptown.

MASSACHUSETTS

A. Myrtle Teller, Edgartown.
Thaddeus A. Gumula, Ware.
Louisa C. Waner, Wilkinsonville.

MINNESOTA

Val J. Lawler, Annandale.
Heye Kray, Blue Earth.
David H. Campbell, Byron.
Bertha H. Jones, Elmore.
Herman M. Lemmerman, Fulda.
Ardell J. Facile, Jasper.
Lloyd F. Peterson, Kennedy.
Warren O. Glad, Lancaster.
Clement T. Groh, Le Center.
Harold B. Johnson, Oslo.

MISSOURI

Sharma J. Daugherty, Elvins.
Gaylord R. Vickers, Harwood.
Angelo D. Mouhalis, Jr., Hayti.
John C. Crites, Jackson.
Roy J. Richardson, Lewistown.
Arthur E. Short, Stover.

MONTANA

Reasy T. Rea, Scobey.

NEBRASKA

Spencer D. Morgan, Albion.
Wendell G. Hovie, Comstock.
Maurice A. Eckholt, Whiteclay.
Victor C. Schafer, Wymore.

NEW HAMPSHIRE

Richard A. Stearns, Tamworth.

NEW JERSEY

Otto W. Bahrle, Forked River.
Walter H. Shillito, Hammonton.
Edna M. Coursen, Oak Ridge.
Daniel J. Jordan, Rosenhayn.
Floyd T. Pastuszak, Sewaren.
Gerald L. Halpin, Vineland.
James F. McMahon, West New York.

NEW MEXICO

Francis K. Boyce, Hagerman.
William E. Parchman, Loving.
Florence B. Lookadoo, Mesilla Park.
John H. Phillips, Truth or Consequences.

NEW YORK

L. Howard Jacox, Alfred.
Rita E. Burns, Andover.
Stephen J. Clary, Caledonia.
George H. Matteson, Chenango Bridge.
Marion J. Sullivan, Cleverdale.

Arsa W. Weiman, Constableville.
Roger A. Callahan, Dover Plains.
Beatrice F. McCormack, Eddyville.
Grace D. Witbeck, Feura Bush.
Charles R. Tarbox, Gowanda.
Joseph O. Kline, Great Neck.
Roger P. Hastings, Groton.
James R. Hicks, Lowman.
Barbara O. Bush, Marion.
Edward J. McGlade, Otisville.
John W. J. McCaughin, Ticonderoga.
Joseph B. Scott, Whitehall.

NORTH CAROLINA

Andrew J. Garner III, Ashville.
Weston H. Willis, Jacksonville.
Paul P. Hinkle, Salisbury.
Cannon G. Ward, Sugar Grove.
Charles L. McKaig, Tryon.

NORTH DAKOTA

Stanley M. Lund, Bowdon.
Francis J. Slag, Hebron.
Curtis A. Talley, Lansford.

OHIO

Angela L. Richardson, Custar.
Paul C. Barrett, Mineral Ridge.
James M. Soulsby, Pomeroy.
Fred C. Carey, Robertsville.

OKLAHOMA

James A. Pulliam, Dewar.
O. P. Marshall, Miami.
Melvin L. Turner, Rose.
Betty F. Carder, Tryon.

OREGON

Russell L. Keil, Bend.
John H. Brader, Chemult.
Esma G. Hoover, Kinzua.
Merle T. Beck, Mapleton.
Donald E. Tomlin, Mount Hood.
Robert M. Dort, Riddle.
Iona A. Barclay, Troutdale.
Robert A. Green, West Linn.

PENNSYLVANIA

Nicholas Lalich, Duquesne.
George W. Shuman, Elizebethtown.
Richard E. Sweigart, Ephrata.
Joseph E. Travascio, Essington.
Ralph Gill, Fayette City.
Joseph J. Drake, Hawley.
Marguerite C. Puskar, Imperial.
Michael A. Elias, Irwin.
W. Elliot Jones, Kelton.
Jack Montanile, Leetsdale.
Joseph P. Foley, Mahoney City.
George W. Glattacker, Maytown.
Ellsworth J. Conway, Mill Hall.
Paul C. Brasch, North Wales.
Donald J. Kelchner, Jr., Orangeville.
Irving E. Rath, Pillow.
Elizabeth P. Durinzi, Republic.
E. Louise Goldsboro, Smithfield.
Paul V. Gibson, Southampton.
Marshall W. Beightol, Winburne.

RHODE ISLAND

Vincent Fasano, Bristol.
Henry A. Correia, Portsmouth.
Norman C. Salvatore, Warren.

SOUTH CAROLINA

Clara P. Riley, Piedmont.
Eula C. Dunn, Warrenville.

SOUTH DAKOTA

Duane B. McMahon, Colton.
Signe K. Loseth, Roslyn.

TENNESSEE

Charles H. Haney, Jr., Minor Hill.

TEXAS

William M. Johnson, Jr., Alta Loma.
Olin O. Elliott, Grandview.
John R. Maddox, Mingus.
Billie M. Wight, Somerville.

UTAH

Marjorie A. Predovich, Dragerton.
Donna M. McKinnon, Hiawatha.
Harold J. Dawson, Layton.
Warren L. Marble, Monroe.
Robert A. Cornaby, Pleasant Grove.

VERMONT

Helen B. Horne, Jeffersonville.
Hadley A. McPhetres, Randolph Center.

VIRGINIA

Daniel E. Crisman, Sandston.

WASHINGTON

Arthur K. Lowe, Ashford.
Gerald O. Rhea, Bellingham.
Jack H. Hardin, Lynden.

WEST VIRGINIA

Louis F. Williams, Cameron.
Daniel R. Mace, Elizabeth.

WISCONSIN

Richard D. Huttner, Dresser.
John A. Oberto, Iron Belt.
Elaine S. Chwala, Johnson Creek.
Patricia F. Tessmer, Junction City.
Sylvan H. Erickson, Luck.
Kathleen M. Bink, Malone.
Joseph P. Wergin, McFarland.
Joseph C. Forgie, Oconto.
William P. Roth, Prairie du Sac.
Jerome G. Kosterman, Richfield.
Frederick L. Stich, Stitzer.
Kenneth Felker, Tomah.

WYOMING

Edmond D. Storrs, Alcova.
Gene R. Stapleton, Guernsey.

IN THE PUBLIC HEALTH SERVICE

The nominations beginning J. Robert Lindsay, to be senior surgeon, and ending Ronald L. Jacobson, to be assistant health services officer, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD on June 21, 1966.

EXTENSIONS OF REMARKS

A Tribute to the Remarkable Taggart Family

EXTENSION OF REMARKS
OF
HON. TENO RONCALIO
OF WYOMING
IN THE HOUSE OF REPRESENTATIVES
Monday, July 25, 1966

Mr. **RONCALIO**. Mr. Speaker, it is a remarkable thing these days when the family unit of our society can be recognized as a powerful force for good in its own right, as is being done in Wyoming this week, when the entire State pays tribute to one of its outstanding clans, the Taggart family of the Big Horn Basin in Wyoming.

In 75 years of statehood, Wyoming has only had a Democratic Member of this body for 6 years—only two of my predecessors have been of my political party; one of these was Paul R. Greever of Cody, Wyo., whose son, William H. Greever, is married to one of the nine children of the "Capo de famiglia" Lloyd Taggart. Lloyd and his wife, Louise, are today celebrating their 50th wedding anniversary in Cody, Wyo.

THE 1920 CELEBRATION

In 1920 the parents of Lloyd Taggart, in Cowley, Wyo., celebrated their 50th wedding anniversary. In the earlier family there were 16 children born, and at their 50th wedding anniversary the 15 living children of that family each performed a musical rendition.

As reported by the Lovell, Wyo., Chronicle in those days, after an hour of dancing there was a musical program by the Taggart family. The nine stalwart sons and six beautiful daughters rendered a series of old songs learned in childhood. The Chronicle had this to say:

> The presentation of such a musical program, displaying professional talent on the part of the soloists, to say nothing of the wonderful harmony produced by the chorus, was the more remarkable from a single family. To those privileged to hear it, it was perhaps the only occasion of the kind in a lifetime. More remarkable was the picture the group presented on the stage. Fifteen grown men and women, brothers and sisters—physically perfect, keen mentality, and talented far beyond the average who commercialize their talents. And the father and mother of this group appearing in equally good form with the children.

OUTSTANDING PIONEER FAMILY

This is one of the outstanding pioneer families of Wyoming. Lloyd is one of the surviving 4 of the original 16 and I want to pay special tribute today to the 9 children of Lloyd and Louise, with 4 of whom I was privileged to be a classmate at the University of Wyoming, and particularly to the one member of the family, Mary Louise, who keeps alive the two-party tradition in the family. The children are:

Ruth, now Mrs. Quentin Blair of Cody.

Lloyd Welch, the president of Taggart Construction Co., Cody.

Jesse McNiven, the vice president of Taggart Construction Co., Cody.

Mary Louise, now Mrs. William H. Greever, the wife of a Cody engineer.

Harriet, now Mrs. Joe Brytus, the wife of a retired officer of the U.S. Air Force, living in Sheridan, Wyo.

Becky Barbara, Mrs. Jay Watkins, wife of the president of W.M.K. Transit Mix, Las Vegas, Nev.

Scott Hinckley, a Boeing aircraft engineer, Paris, France.

Raye Rita, Mrs. Scott Graham, the wife of an investment consultant in New London, Conn.

Charles Welch, a real estate investment broker, Salt Lake City, Utah.

AN INSPIRATION TO YOUNG PEOPLE

One of Mr. Taggart's greatest attributes is that he has always been helpful to the young people of Wyoming, regardless of their ethnic or economic or social status. He was always helping young people at the university while I was there. I am proud that he is a citizen of Wyoming and I consider him an outstanding friend and mentor.

The Taggart family has been distinguished by its talented and hard-working members. The family embodies many of the everlasting virtues which have helped make this country great. Thus, Mr. Speaker, it is only fitting that they should receive national recognition by this tribute in the CONGRESSIONAL RECORD.

This Nation and the State of Wyoming send their best wishes to Lloyd and Louise Taggart on their 50th wedding anniversary and hope for the continued strength and vitality of a great American group, the Taggart family.

President Praises Administrator McKee of Federal Aviation Agency for Record in Economy, Safety, and Public Service

EXTENSION OF REMARKS

OF

HON. JOE L. EVINS

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Monday, July 25, 1966

Mr. EVINS of Tennessee. Mr. Speaker, one of the most important and one of the most difficult positions in our Federal Government today is that of Administrator of the Federal Aviation Agency, which deals with a scientific and technical field that is constantly changing and presenting new problems.

It is my feeling that this Nation is fortunate to have as the Administrator of FAA, Gen. William M. McKee, who is doing an excellent job of guiding the FAA as it fulfills its mission and, at the same time, instituting an effective cost reduction program.

As chairman of the Subcommittee on Independent Offices Appropriations, I have some personal knowledge of the Federal Aviation Agency and the way Administrator McKee is responding to this challenge. I can report that upon our subcommittee's recommendation the full Committee on Appropriations praised the FAA for its improvement in efficiency and economy of operations.

In this connection, President Johnson recently wrote Administrator McKee, emphasizing his record as Administrator and commending him for his good work. I ask unanimous consent that the President's letter be printed in the CONGRESSIONAL RECORD because of its interest to my colleagues and to the Nation.

The letter follows:

THE WHITE HOUSE,
July 6, 1966.

DEAR BOZO: I have noted with satisfaction the excellent work which you and your associates at the Federal Aviation Agency have been doing in reducing costs and manpower while absorbing additional workload and improving service to the public.

I have taken particular note of your cost reduction program under which you saved $47 million during the 1966 fiscal year. These savings have been accompanied by a reduction in agency employment of more than 3,500 employees—8 percent—since 1963. The Agency has succeeded in combining economy in administration with a safety program which has helped the commercial air carriers of the United States achieve the best safety record in the world and the best record for any 5-year period in the history of American aviation. You have clearly demonstrated that outstanding performance in a critical and complex program can be continually achieved while reducing costs.

I am pleased to observe that the House Appropriations Committee, after thoroughly reviewing your program and budget for the 1967 fiscal year, singled out the Federal Aviation Agency for special commendation for the efficiency and economies achieved in recent years.

As you know, in my budget message for the 1967 fiscal year, I stressed the importance of strengthening the coordination of Federal programs in the field and giving more freedom of action and judgment to the people on the firing line. The FAA has provided an example of what can be done to decentralize management to field officials who have the authority to act promptly and effectively in meeting the needs of the public. Your success in establishing regional and area centers of field supervision while simultaneously reducing employment in field offices has demonstrated that decentralization can mean better public service and more productive use of field personnel.

I shall count on you and the good people at the Federal Aviation Agency to continue to provide examples of public service at its best.

Sincerely,

LYNDON B. JOHNSON.

Remarks of U.S. Representative John E. Fogarty at New England School Library Association Spring Conference, Newport, R.I., Saturday, May 21, 1966, at 1 p.m.

EXTENSION OF REMARKS

OF

HON. JOHN E. FOGARTY

OF RHODE ISLAND

IN THE HOUSE OF REPRESENTATIVES

Monday, July 25, 1966

Mr. FOGARTY. Mr. Speaker, under leave to extend my remarks in the RECORD, I include the following:

REMARKS OF U.S. REPRESENTATIVE JOHN E. FOGARTY AT NEW ENGLAND SCHOOL LIBRARY ASSOCIATION SPRING CONFERENCE, NEWPORT, R.I., SATURDAY, MAY 21, 1966, AT 1 P.M.

I am happy to be here today to address the New England School Library Association on new legislation and its impact on school libraries.

In the past 3 years, it would seem that the Congress has been extremely busy increasing the demands to be placed on school librarians. The Vocational Education Act of 1963, the Library Services and Construction Act of 1964, the Economic Opportunity Act of 1964, the Higher Education Act of 1965, the National Foundation on the Arts and the Humanities Act of 1965, and the Elementary and Secondary Education Act of 1965 are six pieces of major legislation that will either directly or indirectly affect school libraries. The poverty programs of the Economic Opportunity Act, as we all know, are creating a market expansion of library books and textbooks geared to the culturally and educationally deprived. School librarians are meeting demands for afterschool programs and paperback lending libraries for the underprivileged with every ounce of their energies. They are being called upon to survey existing resources and to absorb great quantities of new resources. And with their help these programs for tutoring, independent study, and general strengthening of community education are working.

Programs under the Library Services and Construction Act are calling upon cooperation between public librarians and school librarians in assessing the overall needs of the community for expanded library services. Interlibrary agreements will be formed to extend the flow of books in areas which must be upgraded educationally.

Vocational education programs will place greater listings of technical and vocational education reference books in school libraries. Programs of the National Foundation on the Arts and the Humanities will bring greater quantities of instructional materials in these two categories to be placed in school libraries.

The Higher Education Act of 1965, which includes a title for community service and continuing education programs, will create an increased request for books on social problems to be made available in both school and public libraries. School librarians will be called upon to assist public and school administrators in pulling together informational materials for the study and solution of community problems.

These are just a few of the acts which will place indirect demands on school librarians as the administrators of school library programs. The act most responsible for direct involvement of school librarians in new programs is the Elementary and Secondary Education Act of 1965. Because of these new responsibilities, I would like to turn our attention to this act for the next few minutes.

Last year, when considering the proposals for strengthening elementary and secondary education in the United States, my colleagues and I were alarmed by the status of school libraries. We felt that quality in textbooks and school library programs was directly related to a student's academic achievement and future educational goals. Yet, almost 70 percent of the public and more than 50 percent of the private elementary schools had no libraries. Nearly one-half of our elementary school children were attending schools that did not have libraries. Public schools were spending from $2 to $4 less per pupil than was recommended to maintain even minimum school library standards.

As a result of reports relating to us the extreme needs of schools for assistance to build up their libraries, we drafted Title II of the Elementary and Secondary Education Act of 1965. Later, when the bill was passed by the Congress, the U.S. Office of Education and the State Library Agencies joined together to administer the program for strengthening school library resources, textbooks, and other instructional materials.

The State plans that have emerged from State Library Agencies show great promise for the future of school libraries. State plans had to illustrate specific needs by category within the three main headings of library resources, textbooks, and other instructional materials.

In order to pinpoint such needs, many States had to take inventories of library books within each major classification of the Dewey decimal system for the first time. This meant that school library problems would no longer be clouded by simply vague statistics on the need for a number of estimated volumes. Each State Library Agency would have a quick catalog of all school library resources and could draw up specific title listings of standard volumes to be purchased. Each State Library Agency would also know whether grant funds should be concentrated on library books or on items such as filmstrips, globes, encyclopedia sets and classroom reading books.

Title II State plans reflect the reports of these surveys. Acquistion of library resources has been given priority by the States.

Every State plan calls for spending at least half its money from school library resources. Twenty of the 34 State plans require at least two-thirds of their allotments to be used for this category.

The progress in the New England area under the Title II program has been extremely encouraging. In our State of Rhode Island, a special Title II coordinator has been appointed to the Office of the Commissioner of Education to assure effective administration of the program. The State plan for Vermont calls for 100 percent of Title II funds to be used for school library resources. It calls for the Director of the Division of School Libraries to administer Title II. His position is financed by another section of the Elementary and Secondary Education Act of 1956. The State plan for Maine similarly emphasizes library resources by calling for 100 percent of the allotment to be spent on this item. One good feature of the Maine plan is the stipulation requiring that each project application contain an assurance that all teachers were given an opportunity to submit lists of materials needed by them and their pupils. This kind of stipulation brings the teacher and the librarian into even closer coordination as they work to achieve the best possible educational atmosphere for their students.

Connecticut's Title II plan, in addition to concentrating on school library resources, establishes an index of need to determine grants to local school districts. The four criteria for grants include: the quantity of materials presently available in relation to existing State standards; quality of available materials; average expenditure of the school district in the past; ability to pay factor.

In this manner the Connecticut State plan hits the areas with the greatest need first.

In the State of New Hampshire, administrators of the Title II program will call for regular inventories of available resources in each individual school participating in the program. These inventories should help them continue to raise school library resources to recommend standards over the next few years.

Finally, the Massachusetts State Plan provides for coordination of Titles I, II, and III of the Elementary and Secondary Education Act to establish demonstration school libraries. These libraries will serve as inservice program locations in several regions of the State.

My talking about the Massachusetts State Plan coordination of Titles I, II, and II brings me to another important and encouraging aspect of the impact of Elementary and Secondary Education Act programs on school libraries. When the Congress passed this act, we could only guess about the emphasis to be placed on library resources in elementary and secondary education programs. We hoped Title II would immediately aid school districts in alleviating the substandard conditions of many school libraries. Since that time, we have seen local and State educational administrators develop and mount projects totaling roughly $1 billion worth of school aid. Now, we have a clearer picture of what the schools are doing. Library resources are being emphasized in Title II projects. Just as important is the fact that Title I projects for the disadvantaged are emphasizing library books as a primary learning tool for school children. Out of 5,000 approved projects, 2,090 had library components. Recurringly, projects have expressed the need for the provision of books and periodicals to create a desire to read on the part of educationally deprived children. Title III of the Elementary and Secondary Education Act has predictably received applications emphasizing better library resources for school children. Community school libraries are being established. In New England, the creativity of local school districts has led to even more exciting developments for school libraries. The Pittsford, Vermont, Title III project provides a Mobile Library Service Center to transport library and instructional materials among nine elementary and one secondary rural schools. In North Providence, Rhode Island, A Center for Reading Diagnosis and Remediation will provide resources for all remedial reading programs.

As you can see, States are really working to develop educational resources under the Elementary and Secondary Education Act. The groundwork for better instruction, for more individualized study, and for excellent school libraries has been done. It is left to each librarian and each teacher to make the plans really work. At the Congressional level, we can only pass the legislation. The hard work of local and State administrators coupled with school librarians and teachers must be counted upon to make programs effective. I think, judging from the reports and plans coming from the New England States, we can depend upon you to see that the new legislation programs have the impact of education hoped for by the Congress that passed them.

But mounting the programs currently providing new services and more books to school children, their parents, and members of communities in the United States is not the only demand that faces school librarians in the next few years. At the same time that Elementary and Secondary Education Act programs are raising school library standards by bringing volume numbers up to par, educational technological know-how is growing at such a pace that within a decade school librarians will be receiving requests for reference materials now beyond the scope of our limited experience and imagination. The computer centers for information storage and retrieval units now being established under Title III of the Elementary and Secondary Education Act will be vitally linked to school libraries. The Systems Approach to Learning—which will involve basic instructional kits, audio-visual support for research, and textbooks including information punch cards for computers—will demand cooperation between teacher and school librarian in leading children to the full exploration required in individual research and programmed instruction suited to each student's particular need.

These new developments are going to call for tremendous growth and flexibility on the part of school librarians. The very general wording of our legislation only sets forth the principles for programs to cope with educational and technological advances in elementary and secondary education. School librarians will have to supply the specific operational support to make such advanced programs effective.

Again, I want to commend you for your fine work thus far under current programs and the demands which they have placed upon you. I can only envy you the challenge that future educational programs have in store.

Vietnam Polls

EXTENSION OF REMARKS

OF

HON. JOHN C. MACKIE

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Monday, July 25, 1966

Mr. MACKIE. Mr. Speaker, these are the results of the poll I conducted in the Seventh Congressional District of Michigan which represents a return of approximately 10,000 opinions. In April I sent approximately 111,000 questionnaires to residents in my district.

I feel the most significant conclusions to be drawn from the majority of replies is that our Nation has a vital interest in southeast Asia and that our Vietnam intervention was justified, specifically to resist Communist aggression with force if necessary.

It is evident that these results would not depict the true story since my questionnaire was mailed a few days prior to the political disturbances in Vietnam.

I am confident that the positions taken by my constituents will be of particular interest to my colleagues.

The results of my poll are:

Continue our present Vietnam policy?	913
Intensify our military efforts in Vietnam?	4, 200
Total favoring military commitment	5, 113
Pull our troops out of Vietnam?	4, 034
Undecided	529

Message From Senator Hugh Scott on Occasion of the Assembly of Captive European Nations' Dinner, National Press Club, Washington, D.C., July 20, 1966

EXTENSION OF REMARKS

OF

HON. FRANK HORTON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, July 25, 1966

Mr. HORTON. Mr. Speaker, last Wednesday evening, July 20, Hon. Hugh Scott, the distinguished Senator from the State of Pennsylvania, sent an inspiring message to those attending the Captive Nations Week dinner.

The wisdom and determination expressed by Senator Scott should be shared with all Americans, and all who love freedom throughout the globe. It is for this reason that I am making the Senator's words a part of the Record:

> Unavoidable circumstances prevent my being with you tonight in person, but I want you to know that I am very much with you in spirit. Your cause has been my cause for many years.
>
> Our era has witnessed the near total abolition of West European colonial rule over underdeveloped and divided areas of Asia and Africa. The United States supported and aided this great historical process because we Americans believe that all peoples are entitled to determine their own destinies. But our era has also witnessed the rise of a new and more insidious form of colonialism—the colonialism of communist imperialism which has engulfed many hitherto free and independent countries in East Europe. Just as we opposed colonialism in Asia and Africa, so too must we oppose it in East Europe. Not to do so would be a betrayal of our own basic ideals.
>
> It is up to us to repeat, and to continue to repeat that we in the United States do not recognize oppression whether it occurs in Asia, Africa, Europe or in our own hemisphere. We must declare with renewed vigor our belief that the captive peoples of East Europe will one day regain control of their own destinies.

The captive peoples have faith that we will hold fast to that belief. I know that you will keep that faith, and you can be sure that I will.

HUGH SCOTT,
U.S. Senator.

Extensive Small Business Committee Hearings Point to Improved Programs and Policies of the Small Business Administration

EXTENSION OF REMARKS
OF
HON. JOE L. EVINS
OF TENNESSEE
IN THE HOUSE OF REPRESENTATIVES
Monday, July 25, 1966

Mr. EVINS of Tennessee. Mr. Speaker, the House Small Business Committee last week completed an extensive review of the programs and policies of the Small Business Administration.

It is my belief that this constructive and beneficial examination of all phases of SBA operations will assist the Agency in serving the American small businessman in a challenging year of change.

In this connection, my last weekly newsletter, Capitol Comments, gives a summary and review of the week's hearings. I ask unanimous consent that this report be reprinted in the RECORD.

The newsletter follows:

SMALL BUSINESS COMMITTEE HEARINGS ON SBA IDENTIFY PROBLEMS, POINT TO IMPROVED POLICIES AND PROGRAMS

(By JOE L. EVINS, Member of Congress, Fourth District, Tennessee)

The full review of programs and policies of the Small Business Administration just completed by the House Small Business Committee was, in my view, a constructive and beneficial examination that will help to improve SBA operations in a challenging year of change. During the week, the Small Business Committee—which I serve as Chairman—heard testimony by officials of SBA, representatives of the Bureau of the Budget and other executive agencies, by officers and directors of small business associations and by small businessmen themselves. A formal Committee report with detailed recommendations will be made at a later date.

With SBA's status established as an independent agency reporting only to the President and the Congress—with a newly appointed Administrator, Bernard Boutin—and with new financing legislation recently enacted into law, testimony indicated that as Fiscal Year 1967 gets underway the agency is doing a competent job in administering the various programs of assistance to small business. These programs include the regular business loan program, the community development loan program (502), the procurement and management assistance program and other services.

Committee testimony developed that there are two problem areas—the Small Business Investment Company program, established to provide long term equity capital to small businesses (SBIC), and the Economic Opportunity Program (OEO), the latter enacted as part of the Anti-Poverty Program. SBA Administrator Boutin said steps were being taken to establish new standards and new rules to put the SBIC program on a sounder and more efficient basis. He also promised to explore every avenue of improvement to assure a broader application of the Economic Opportunity loan program which is currently operating only in urban areas.

As Chairman of the Committee, it is my position that officials of SBA and the Office of Economic Opportunity should comply with the law which requires "equitable distribution" between urban and rural areas, now denied this assistance. Other questions raised by the Committee included the desirability of ceilings on loans below those set by the Congress by statute and the fairness of a system of administrative priorities. It is my belief that SBA loan programs should operate on the basis prescribed by the Congress and that each loan application should stand on its own merits without reference to arbitrary administrative priorities.

Testimony indicated that SBA is changing with the times and endeavoring to put into effect a "team concept" that will focus all of its resources—financial, management assistance, government contract guidance, and other programs—on the problems of a small business at a time when such assistance is needed. Witness after witness testified that the objectives and and purposes of SBA programs are laudable and worthwhile. Helpful new legislation has recently been enacted into law and the future of SBA appears both bright and promising. It is the hope of our Small Business Committee that the suggestions and recommendations made will assist in a more effective use of appropriated funds and programs for American Small Businessmen.

A Permanent U.N. Force

EXTENSION OF REMARKS
OF
HON. TENO RONCALIO
OF WYOMING
IN THE HOUSE OF REPRESENTATIVES
Monday, July 25, 1966

Mr. RONCALIO. Mr. Speaker, I am pleased today to introduce a House concurrent resolution to urge that the United Nations develop permanent organization and procedures to enable it promptly to employ suitable U.N. forces for observation and patrol purposes in situations that threaten international peace and security.

This resolution does not ask for a huge standing U.N. army, but only calls upon the U.N. to adopt methods which will expedite peacekeeping operations in future situations similar to the Suez and Congo crises. This resolution is not to be seen as an attack upon the U.N. or a call for a radical new development that might alienate many U.N. members, but only as a helpful suggestion from those of us who believe that the U.N. has made a great contribution toward world peace and should prepare itself for even greater participation in the future.

A survey of past U.N. actions shows the need for some kind of permanent peacekeeping organization, instead of relying upon the present ad hoc method of starting from scratch on each crisis. In January 1948, the Security Council established a U.N. Commission on India and Pakistan to try to secure a cease-fire and plebiscite. But, due to delays in organizing a group, the Commission did not reach the area until the middle of 1948. However, once in action, it took a leading part in negotiating a cease-fire and a truce line.

THE SUEZ CASE

Organizational delays were also evident after Israeli and Egyptian troops clashed on October 29, 1950. A General Assembly resolution on November 4 authorized the creation of a U.N. Emergency Force. By November 7, the Secretary General had received offers of troops from 24 countries. A few U.N. officers reached Egypt on November 12, with the first troop units arriving 3 days later. The U.N. contributed a great deal in relaxing tensions in the Middle East but, according to Peter Calvocoressi, in his book "World Order and New States," done for the London Institute of Strategic Studies:

> The main lesson was that if the members of the U.N. wanted such operations to be undertaken, they should equip the organization with regular machinery before the next emergency occurred.

THE CONGO OPERATION

The U.N. was able to react somewhat more quickly in response to the Congo situation, but delay was still evident. The Security Council decided to intervene in the early hours of July 14, 1960. On the 18th, 600 U.N. troops reached the Congo. Within 4 days of the Security Council resolution, 4,000 troops had been pledged, 3,500 had arrived. The figure rose to 8,000 on the 26th, 11,000 on the 30th, and later reached 20,000 from 14 countries. U.N. action in the Congo succeeded in preventing the intrusion of the major powers into the heart of Africa.

Mr. Calvocoressi states:

> The U.N. succeeded further, to an astounding degree in the circumstances, in keeping the Congolese economy going, providing elementary services, alleviating disease, preventing famine, and protecting life. . . . On the first anniversary of Congolese independence, chaos had been contained, outside powers had drawn away and a parliament representing virtually the whole territory was about to meet in Lovanium.

The Congo could have become an international battlefield if no U.N. force had been interposed.

But even with this history of successful intervention, if another emergency were to arise tomorrow, the Secretary General would not know whether or not he could assemble a force, nor how long he could keep it in the field. Mr. Calvocoressi believes this is the cardinal fault and until it is remedied peace will be ruled by coincidence.

ALTERNATIVES AVAILABLE

Given this state of affairs, what can be done to strengthen the ability of the U.N. to react promptly if called upon by the nations of the world? There is no present prospect of a permanent standing force. The larger powers dislike the idea of force being used in circumstances beyond their control and, if they changed their minds, the smaller states might accuse them of trying to create an instrument with which to discipline the weaker members. The late Secretary General Dag Hammarskjold argued against a permanent standing force on the ground that the circumstances in which it might be employed are too diverse and unpredictable: the force would either be inappropriate to the next emergency, or it would have to be large enough and varied enough to cope with any emergency and thereby impossibly expensive.

But, given these limitations, U.N. capacities can still be strengthened. Units offered to the U.N. are not necessarily the ones it needs. Most countries offer infantry, which have limited usefulness in police roles unless they have very high standards of discipline. States willing to contribute have little idea in advance what they can most usefully provide. Some states have earmarked troops for secondment to the U.N. in a crisis, but they receive no guidance on training which these units ought to be receiving. There is little information available at U.N. headquarters as to where to go at a particular moment to fill a precise requirement.

RECOMMENDATIONS FOR CHANGE

Mr. Calvocoressi makes a number of specific recommendations for strengthening the U.N. reaction. He suggests a small, permanent staff at U.N. headquarters, with a chief of staff to make inspection tours of likely national contingents, and a staff college. The U.N. could work out a course of training suited to the most likely contingencies it will face. It could develop a uniform staff procedure. It needs an intelligence unit to provide information about terrain and climate in every part of the world. The staff college could create staff doctrines and a reserve of staff officers who had passed through its courses and returned to their own countries with some knowledge of how the U.N. works. Mobile communications teams should be continuously available. The U.N. might even have a broadcasting station.

It is important that these and other suggestions receive publicity and study. House passage of this concurrent resolution would promote such an investigation. It appears that this move would receive the support of the American people since, according to a 1961 poll, a considerable majority of U.S. citizens were in favor of some kind of permanent U.N. emergency organization.

Mr. Speaker, some permanent procedures would facilitate the world's ability to respond to international crises by removing some of the delays which have hampered past U.N. action, thus providing a more certain mechanism for handling future threats to world peace.

The 14th Anniversary of the Commonwealth of Puerto Rico

EXTENSION OF REMARKS

OF

HON. FRANK ANNUNZIO

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Monday, July 25, 1966

Mr. ANNUNZIO. Mr. Speaker, the month of July brings many national celebrations. On the Fourth, we mark our own independence from Great Britain. On the 14th, our oldest ally, the French celebrate Bastille Day. And today, July 25, I should like to take a few minutes to pay a special tribute to the unique partnership in self-government that was established in Puerto Rico, on this date, 14 years ago.

On July 25, 1952, the Commonwealth of Puerto Rico was formally proclaimed, and we embarked on one of the most progressive experiments in the history of American government. Today, 14 years later, I am proud to say that that experiment has been an unqualified success.

Through a constitution adopted by the people, Puerto Rico has provided her more than 2,500,000 residents a republican form of government guaranteeing the same freedom of speech, freedom of religion, and freedom of the press enjoyed by their fellow American citizens everywhere. But, as we all know, these most cherished freedoms represent only a shallow liberty if they are not accompanied by freedom from the ravages of poverty, hunger, and disease. This is the real test of a great society, and it is in this test that Puerto Rico has staked out a place of honor in the history of our hemisphere.

For through Operation Bootstrap, the program first conceived by the legendary Luis Muñoz Marín, Puerto Rico has performed what is perhaps the economic miracle of the century. In the years since 1942, when the island's development program got underway, per capita income has risen from $120 to $905, illiteracy has been largely wiped out, and the best indicator of progress, the average lifespan, has jumped from 46 years to 70 years, while the death rate has dropped to a point lower than that of the mainland.

The machine that has transformed Puerto Rico from the reputation of the "Poorhouse of the Caribbean" to the "Showcase of Latin America" is the Economic Development Administration—or, Fomento. It is this agency that has stimulated private investment to the extent of more than 800 highly diversified and modern manufacturing plants. What this kind of industrial development can mean to an economy of a small island is best demonstrated by the fact that recently Puerto Rico's net income passed the $2 billion mark, and with this income, our partners to the south have purchased over a billion dollars in mainland products—almost as much as West Germany purchased with a population of 56 million people.

This fantastic economic success is not limited to manufacturing. With sugar production running at about 1,100,000 tons a year, agriculture remains an important economic cornerstone; and, as anyone who has ever had the pleasure of visiting this balmy paradise of the Caribbean knows, the tourist industry is very much responsible for a share of Puerto Rico's success story.

Today, then, Puerto Ricans have much to be thankful for and much to celebrate. But the task that Luis Muñoz Marín set out to tackle a generation ago has not been fully completed. The work of Operation Bootstrap remains unfinished. Puerto Rico still has its problems. Poverty has not been eradicated for all, unemployment has been gradually rising, and a rapidly growing population will make these problems increasingly difficult to cope with in the years ahead. But what is important is that Puerto Rico has made an effort to solve these problems—an effort that has met with great success. Under the guidance of the beloved Muñoz, and under the leadership of the new Governor, Roberto Sanchez-Vilella, and with the hard work and dedication of the Puerto Rican people, the island has prospered.

The success that Puerto Rico has so deservedly achieved attests to the benefits of the democratic way of life, and the anniversary of the Commonwealth constitution, which we honor today, represents the best American traditions of political inventiveness, belief in human liberty, and belief in government by the consent of the governed.

Again, on this Constitution Day, I should like to salute the people of Puerto Rico and wish each of them the best of life in the coming years.

Retardation Legislation: What It Means To Massachusetts

EXTENSION OF REMARKS

OF

HON. JOHN E. FOGARTY

OF RHODE ISLAND

IN THE HOUSE OF REPRESENTATIVES

Monday, July 25, 1966

Mr. FOGARTY. Mr. Speaker, under leave to extend my remarks in the Record, I include the following:

Retardation Legislation: What It Means To Massachusetts

(Representative John E. Fogarty, remarks to the Massachusetts Association for Retarded Children, annual convention banquet, White Cliffs, Manomet, Mass., May 22, 1966)

President Frankel, distinguished guests, ladies and gentlemen, I am always pleased to visit my neighboring State of Massachusetts, and even happier to address the Massachusetts Association for Retarded Children at this convention banquet.

Actually, I feel somewhat humble to speak to citizens of this great State who have contributed such a great deal in the continuing battle against mental retardation.

It is rather an odd feeling to be standing here where the Kennedy family virtually started the great movements against mental retardation we are involved in today.

You can all be very proud of this State's Kennedy family, for it was from this State that John F. Kennedy traveled to Washington as a young Senator and later won the Presidency. As President, he fought, succesfully, to create a bold, new approach to mental retardation problems. He, and the panel of experts he called together, formulated the national plan to combat mental retardation that has meant so much to this State and to the country.

From this place, also, you have sent another young Senator, Edward M. Kennedy, who is no less interested in furthering plans to conquer mental retardation.

As a Senator and as President of the Joseph P. Kennedy, Jr. Foundation, "Ted" Kennedy has the same spirit of action that his older brother John possessed. Upon his return to Massachusetts at the end of the last Congressional session, he quietly toured State schools and residential institutions for the retarded to gain first-hand knowledge of the problems they face.

As President of the Kennedy Foundation, "Ted" Kennedy, and other members of the family, have diligently worked to get retarded persons accepted as part of the national work force.

Their efforts have begun to pay off in recent years. For example, the Kennedy Foundation was instrumental in opening up an important area of employment for the mentally retarded—the Federal government. Prior to 1964, there were only a handful of retarded citizens working in Federal jobs. Then, in 1964, through the efforts of the Kennedy Foundation, the Federal Civil Service was persuaded to waive its usual written examination in cases involving the mentally retarded. Now the Civil Service Commission will accept mentally retarded workers if State vocational rehabilitation officials will certify that a retarded man or woman can perform certain jobs.

By the end of last year, this procedure had already resulted in more than 500 retardates being placed in Federal jobs as copy machine operators, messengers, clerical workers, and as custodial personnel in Federal buildings.

The Kennedy's were also instrumental in developing a model project to train retarded workers. Just last month, they saw their idea become a reality when the Vocational Rehabilitation Administration granted $149,000 to run the John F. Kennedy Flame of Hope Candle Project. Through this project, more than 1,200 mentally retarded workers will be employed to make hand-molded candles. It is hoped that this project will serve as a model for training the retarded for simple hand craft jobs in private industry.

Federal support for mental retardation programs, like the one under which the candlemaking grant was made, has been possible as the result of some major legislative developments over the past three years.

Mental retardation programs began to be truly effective in 1963, even though many of us in Congress had been calling for more Federal support since shortly after World War II. At any rate, the big push for action against mental retardation was started by President John F. Kennedy. In 1963, his administration put forward two bills which became milestones in the fight against retardation. These two bills, signed into law by President Kennedy, were "The Mental Retardation Facilities and Community Mental Health Centers Construction Act of 1963," and "The Maternal and Child Health and Mental Retardation Planning Amendments of 1963."

Under the program authorized by the maternal and child health and mental retardation planning law, over 50 States and Territories have completed initial planning for comprehensive programs against mental retardation. In addition, the same law has given assistance to insure better prenatal care for mothers in low-income areas, thus further combating a cause of possible retardation resulting from inadequate care during pregnancy.

Construction aid, authorized in 1963, has been initially successful. Advances made under three basic programs of this law include the following:

Community mental retardation centers—As of last December, two such centers had been approved for funding, and 175 other applicants were interested in receiving such aid. This program will gain momentum as State planning programs are more fully developed.

University-affiliated facilities—This program, to aid in the construction of buildings in which professional and technical training for mental retardation can be given, has so far received over 55 applications for grants. Nine of these have been funded with a total money value of nearly 17 million dollars.

Mental retardation research centers—Since the inception of this aid program, 8 awards, totaling nearly 20 million dollars, have been made to aid in constructing large, multidisciplinary centers to be used for research and research training in retardation.

Your State is participating wholeheartedly in the programs authorized by 1963 legislation. In fact, this year the State will receive 57,200 dollars for planning money, and a like amount next year.

Also, Massachusetts' institutions have received large awards for both university-affiliated centers and for research centers.

The Walter E. Fernald School in Waltham has received some 1.5 million dollars to help construct a retardation research center, and a community evaluation and rehabilitation center on the school grounds.

Working closely with the Massachusetts General Hospital, Boston, and the Harvard Medical School, the research center at Fernald School will focus on basic research in retardation with scientists working in such areas as neurology, psychiatry, pediatrics, epidemiology, and the like.

The school's Community Evaluation and Rehabilitation Center will concentrate on diagnostic and evaluation procedures and will provide training for special education, psychology, social work, nursing, and other allied disciplines.

In Boston, the Children's Hospital Medical Center was recently awarded over 3.3 million dollars in Federal matching funds to help construct facilities for research and for a child development research and evaluation center.

Nearly 2.5 million dollars of the Children's Hospital money will go toward the construction of a large research center with research areas including experimental neurological sciences, behavioral sciences, genetics, and metabolism and clinical research. As at Fernald School, this medical center is closely-linked to the Harvard Medical School.

The Child Development Research and Evaluation Center at Children's Hospital will be constructed as a two-and-a-half floor addition to Children's new outpatient building. This extra space will allow the hospital to increase its services to the mentally retarded in Massachusetts and from surrounding New England States.

Besides the activities generated by the planning and construction acts of 1963, four other major pieces of legislation related to mental retardation were recently signed into law.

"The Social Security Amendments of 1965" authorize 2.75 million dollars, for each of the years 1966 and 1967, to assist the States in implementing retardation plans started with earlier Federal aid. This law authorizes further funds to help train professional personnel to care for the mentally retarded and other handicapped children. In addition, financial aid is authorized for the needy aged in mental or tuberculosis institutions, including the mentally retarded.

A second law passed in 1965 is "The Mental Retardation Facilities and Community Mental Health Centers Construction Act Amendments of 1965." These amendments extend and expand programs for the training of teachers of handicapped children, and for research and demonstration programs related to training and teaching mentally retarded and handicapped children.

A third law—"The Elementary and Secondary Education Act of 1965"—authorizes a three-year program of Federal grants to the States to improve the education of some 5 million children in low-income families. This will benefit those children who are considered retarded because of cultural deprivation.

Finally, fourth law—"The Vocational Rehabilitation Amendments of 1965"—provides further aid to help rehabilitate retarded persons through vocational rehabilitation programs. Under these new amendments, programs for service and for rehabilitation facilities will be expanded and improved.

All of the legislation mentioned here will benefit the retarded and their families in Massachusetts and throughout the country.

In addition to these programs, however, the Federal government is supporting millions of dollars worth of research in various private institutions. The Federal government, through its own agencies such as the National Institutes of Health and the Children's Bureau, is also conducting far-reaching research and research training programs aimed at solving the problem of mental retardation.

We in the Congress will continue fighting for new and better legislation to combat mental retardation, as will President Lyndon B. Johnson. President Johnson's own commitment to this fight was made very plain this year in his Health and Education Message to Congress. In that message he said, "We have begun to ease the tragic burden of the mentally retarded and their families . . . (and) . . . We shall continue our increasing attack on this problem. It deserves the concern and attention of our most able specialists . . ."

President Johnson then said he would appoint a new committee in 1966 to study new and better ways to attack mental retardation. In saying this, President Johnson followed the lead set by your own State son, John F. Kennedy, who created the first President's Panel on Mental Retardation several years ago.

Since the establishment of the original President's Panel, the Nation had made great advances in its attack on mental retardation. I think that now we would all agree even more with the words of President Kennedy delivered to the 1963 White House Conference on Mental Retardation: "We have left behind prejudice, superstition and ignorance which since the dawn of time distorted our thinking about the mentally retarded. We have entered a new era of understanding, hope and enlightenment."

Address of Congressman Lester L. Wolff, Captive Nations Week Dinner, National Press Club, Washington, D.C., July 20, 1966

EXTENSION OF REMARKS

OF

HON. FRANK HORTON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, July 25, 1966

Mr. HORTON. Mr. Speaker, it was my privilege to be present on Wednesday, July 22, at the Captive Nations Week dinner here in Washington at the National Press Club. On this occasion, sponsored by the Assembly of European Captive Nations, a plaque in honor of the Unknown Freedom Fighter was presented to Dr. Kenneth D. Wells, president of the Freedoms Foundation at Valley Forge, Pa.

This plaque was presented to Congressman Lester L. Wolff and me during Captive Nations Week exercises held last year at the United Nations in New York City. Therefore, I was particularly proud to participate with Congressman WOLFF in the presentation of this symbol of freedom for the captive nations to the Freedoms Foundation, its new and temporary home. I say that this plaque will reside only temporarily in Valley Forge, because last year, it was decided that it should be lodged permanently in the capital of the first satellite nation that is freed from the Communist yoke.

On the same occasion, celebrating Captive Nations Week 1966, Congressman WOLFF addressed the Assembly of European Captive Nations. His words were so moving and so inspired that I want to bring them before all Americans by making them part of the RECORD. I could not state Congressman WOLFF's qualifications to speak on this crucial subject any better than they were stated by Chairman Vaclovas Sidzikauskas upon his presentation of the ACEN Medal and Scroll to my New York colleague:

> It gives me great pleasure to present, on behalf of the Assembly of Captive European Nations, our Commerative Medal and Scroll to Mr. LESTER L. WOLFF, Representative from the 3rd Congressional District, New York.
>
> After a distinguished career, which included participation in U.S. Trade Missions to the Philippines in 1962 and to Malaysia and Hong Kong in 1963, Mr. WOLFF was elected to Congress in November 1964. Since his election, Representative WOLFF has consistently and unflinchingly given his full support to the captive peoples of East-Central Europe in their struggle for freedom and self-determination. Both in Congress and in other forums, Congressman WOLFF has continued to bring to public attention the plight of captive East-Central Europeans suffering under Communist tyranny.
>
> In recognition of and gratitude for Representative WOLFF's record in defense of freedom, the Assembly of Captive European Nations begs the Congressman to accept this Medal and Scroll as a token of its appreciation.

SPEECH OF HON. LESTER L. WOLFF

It is a real privilege for me to speak tonight before this most respected organization—an organization whose members know perhaps better than anyone else the true meaning of Freedom.

Today, we stand at a crossroads. The past has been tragic for us all since the tyranny of Communism enveloped some of the proudest nations of the earth. Yet the future will inevitably be brighter, for a day will surely come when the liberty we enjoy in the Free World will be shared by all.

We meet here tonight on a fateful anniversary. Last Saturday was the 21st anniversary of the convening of the Potsdam Conference, where the free world first began to realize how coldly determined, were the Russians in their goal of world conquest.

Within a few years of that fateful meeting, nearly one billion men, women and children lost their most precious possession—their freedom—because of the ambitions of the totalitarian Soviet state.

Untold millions have suffered now these many years under the yoke of Communist servitude.

We live in a time when American attention is riveted on the fight for freedom in Vietnam.

Yet, important as that struggle may be, it is equally important that Americans remember the unhappy fact that the Captive Nations of Eastern Europe are still captive—that their freedom is still to be won.

The ruthless grip of Communism has not relaxed in Eastern Europe. Freedom is still a word from the lexicon of a happier past.

Men still lose their lives in attempts to pierce the Iron Curtain to freedom. The heavy hand of the state is felt in all aspects of daily life in the Captive Nations.

There is no freedom of speech; an ill-advised word can still bring the dreaded knock in the middle of the night.

And there is no freedom of the press. The only information disseminated to the people is the propaganda churned out by the puppet regime and its master, the Communist Party. The only way those in the Captive Nations can learn the truth about the world in which they live, the truth about their own country, is by furtively listening to the Voice of America and Radio Free Europe.

And there is no freedom of religion despite claims to the contrary, for Communist ideology is Godless.

Red anti-semitism is but one example of the true intentions of the Communists, which is to erase religion and God as a competing force to Soviet tyranny.

Their campaign against God has been a miserable failure.

In captive Poland, the Catholic Church has survived, under the brave leadership of Cardinal Stefan Wyzynski, even as the Communists continue to show their enmity to the Church, by refusing to allow the Pope to visit Poland to celebrate the Millenium of Christianity in that land.

In Hungary, Cardinal Joseph Mindszenty remains the symbol of defiance and courage.

Throughout the Captive Nations the spirit of religion has been repressed, but it has not been crushed.

However, religious freedom is not the only victim of Communism.

Within the Captive Nations there are no free elections. The puppet regimes would never dare to test their popularity by allowing the people a free choice.

For history has taught that whenever men enjoy free elections, they always vote for an increase in freedom. Free elections in the Captive Nations would bring an immediate end to every single puppet regime imposed by the new Russian imperialism. And the Russians know it, for there has never been a single nation where a free election has resulted in victory for Communist candidates.

Men are by nature free; they will never consciously choose oppression.

Tonight we are proud to entrust with Mr. Wells, of Freedoms Foundation, temporary custody of the beautiful plaque which was presented to Congressman HORTON and me last year.

We hope it will not long remain at Valley Forge, the home of Freedoms Foundation.

We hope it will soon find its permanent shrine in the capital of the first captive nation to be liberated from Communism.

My friends, the past has taught us many lessons. If we remember them, the day of liberation will not be far off.

We must remember, that even today when men talk of detente, the Communists continue to see the world as a struggle between two forces, with only one essential question: "Who will survive?"

Yet there is growing evidence that the Red Tide, unleashed across the world by the Russian Revolution, has passed its crest.

I believe that we have good cause for optimism about the future.

I'm optimistic because the Communists will not prevail by force in Vietnam.

I'm optimistic because the Communists admitted the failure of their economic system to provide for the needs of their people when they built the Wall across Berlin.

I'm optimistic because the Communists have failed notoriously in Asia, especially in India and Indonesia.

I'm optimistic because the Communists have failed in Africa where even their toehold has been lost.

I'm optimistic because they have failed in Latin America where Fidel Castro, who perverted the ideals of his nation's revolution for freedom, has been trying for over seven years to export his poison to other nations in the hemisphere.

And, I'm optimistic because I believe it is only a matter of time before Communism begins to crumble in the ancient states of Eastern Europe now held captive.

In fact, the process may have already begun.

For the force that holds the Captive Nations in bondage today is none other than a modern day version of traditional Russian imperialism, and such a force, relying on violence and hypocrisy and slavery has never been able to permanently prevail.

It has been almost ten years since the brave freedom fighters of Poland and Hungary fought to the death against overwhelming odds.

There are, and there will be, I assure you, other men just as dedicated to the cause of freedom.

For God did not will that men should live in slavery.

Just as Abraham Lincoln said that the United States could not exist half slave and half free, history will bear out the prediction that our world will not continue half in submission and half in freedom.

Because all men are brothers, as long as one single man is a captive of Communism, a part of each and every one of us is captive.

May the freedom that is the birthright of all men soon come again to the Captive Peoples. Their courage and sacrifices have won for them a special place of honor among the world's champions of liberty. To you members of the Assembly of Captive Nations the world's thanks for continuing to carry the torch of freedom—let us all remember the plight of the oppressed people of the Captive Nations and help keep the torch burning.

Speech Before the American Friends of the Anti-Bolshevik Bloc of Nations—Hon. Frank Horton

EXTENSION OF REMARKS

OF

HON. LESTER L. WOLFF

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, July 25, 1966

Mr. WOLFF. Mr. Speaker, my friend and colleague Mr. HORTON recently delivered an address about the captive peoples of Europe before the American Friends of the Anti-Bolshevik Bloc of Nations in Rochester, N.Y. I commend it to the attention of this distinguished body:

SPEECH BEFORE THE AMERICAN FRIENDS OF THE ANTI-BOLSHEVIK BLOC OF NATIONS, HIGHLAND PARK BOWL, ROCHESTER, N.Y., JULY 23, 1966, BY HON. FRANK HORTON

In a poem entitled "My Testament," Taras Shevchenko, the Ukrainian poet of freedom wrote:

"Oh bury me, then rise ye up
And break your heavy chains
And water with the tyrants' blood
The freedom you have gained."

Thus, was the immortal love of freedom expressed from the heart of Shevchenko. It is appropriate that we remember and reflect on the poetry of Shevchenko this evening, for we are the people who must breathe life into his hope for freedom in Eastern Europe and for men everywhere. I want to talk to you tonight about where the hope of freedom for the Captive peoples now stands, and about what you and I must do to brighten that hope.

Communism holds captive the peoples of Hungary, Poland, East Germany, Czechoslovakia, Rumania, Albania, Bulgaria, Latvia, Lithuania, Estonia, Armenia, Ukraine, Yugoslavia, and its Serbian, Croatian and Slovene peoples. But, the Captive Nations are not confined to Eastern and Central Europe. There are many once-free countries in the Soviet Union and Asia where the lamp of liberty no longer burns. And, as close as 90 miles to our United States shores, the Communist tyrants are in command in Cuba.

To say that this situation which enslaves the minds of millions is distressing is an unbelievable understatement.

Yet what steps have we, as Americans, taken to free the minds and lives of these millions, many of whom are members of your own families? How strong a stand have we made in Europe to let these people know that the hope for their freedom is safe in our hands? If we compare where freedom stood at the close of World War II and what its status versus communism is today, the contrast is frightening indeed. The shadow of Red conquest has fallen over vast new areas of the world, once-held superiority in weapons is being reduced to a mere balance of military power, and unquestioned support for our policies from freedom's friends, our "allies," has deteriorated to an attitude of "let's negotiate."

While Americans at this hour are valiantly defending Asian frontiers of freedom with their very lives, the picture in Europe is far less bold and far less bright. Ten years ago, when the Free World failed so dismally to answer the call of Hungary, which had its Red regime in shambles, it became clear that the United States intended only to contain Communism, but that we would not stick our necks out to free people who were already captive. This was a sad decision for many Americans to swallow, indeed, there are many in Congress like myself who refuse to abandon our determination to win freedom for these people. But sadly, Administration foreign policy makers seem to have abandoned this obligation. In fact, there is now serious question whether even our containment objective in Europe is holding fast. At least in 1956, when we left the Hungarian revolutionaries to fend for themselves, we had a strong and viable defense structure in Europe.

Today, I have serious doubts about the unity and strength of NATO. As I told my colleagues on the floor of the House of Representatives a few weeks ago, we cannot lay all of the blame for the split in NATO at the feet of the French. Pointing the finger of blame at General De Gaulle will not strengthen or improve the Free World Alliance in Europe. We would do better to look at the trend of our own policies. When I spoke in the House on this subject I pointed out that the United States has practically receded from its former position of leadership of the Atlantic Alliance.

We have not made a single policy initiative in Europe since the Multi-lateral Nuclear Force concept failed two years ago, despite the fact that our initiative has never been more desperately needed than in the last two years. With the Nations of Western Europe maturing once again to economic prosperity, and growing further and further from the Nations of East Europe, it is essential that someone continue to hold with determination, the threads of common interest and purpose which bind the Free World together. That someone must be the United States, for since World War II, our Nation has been rightfully regarded as the Free World spokesman in the Cold War alignment. But despite our determination in other areas of the world, our initiative and leadership have been woefully lacking in Europe.

I said at the beginning of my talk that I would tell you where the hope of freedom for the Captive peoples now stands, and that I would suggest what we could do to brighten this hope. I think I have demonstrated to everyone here how very much the hope for freedom in Eastern Europe needs brightening. Far from urging a strong American determination to free these Nations, our people today are seriously questioning our justification for pursuing even a policy of containment in Asia. While the majority of Americans do see the need for holding the line in Viet-Nam, the dissension on this issue gives us an idea about the uncertain attitude of many toward Communism.

If we want to change the policies that have contributed to this bleak prospect for freeing the Captive peoples, we must reharness the attitudes of the American people toward Communist rule. We must reawaken all Americans to the duty of this Nation to bear the standard of the Free World in protecting freedom, and in extending it to enslaved areas of the globe. When I say that *we* must reharness these attitudes, I mean every one of us here tonight and throughout the country who holds high the ideal of freedom for all men. I mean every one of us here tonight and throughout the country whether or not we have personally gone through the ordeal of Communism, whether or not we witnessed how Communism can stifle a nation and enslave a people who once enjoyed a full and vibrant life and culture.

I mean every one of us, first or fifth generation Americans—because you and I have a common heritage. Our roots were nurtured in the same fertile soil—that of Western Civilization. You and I are the products of that Civilization, and we all bear the characteristic of Western background which stands out most in each of us in the love of individual liberty. It is this characteristic longing to be free which binds us together in a common mission—our mission to propagate ideals of freedom.

As former citizens of the nations of Eastern Europe, who can recount first hand what life is like under the boot of Red power, Americans of Eastern European derivation should make it their primary task to educate the American public about the realities of Communism—about barbed wire, about the need for complicated papers and passports to travel only a few miles, about censored news media and about controlled education. It is not enough to repeat over and over the evils of Communism among yourselves. Many of you are here in this country because you were determined to resist totalitarian forces in the old country.

Today, there is apathy in America about our policy, or our lack of policy toward Eastern Europe. It has become old hat to talk about Captive Nations and Communist totalitarian society, just as among some of our American citizens freedom has become old hat. But for people who have seen both America and Communism, there is nothing old hat about Freedom. I know how actively you cherish the rights and privileges of residing in the United States.

But this country will never take a strong stand against established European Communism as long as Captive Nations Week is celebrated by immigrant groups alone. While you, by yourselves, can exert pressures on American policy through the channels open to all citizens, the strong and effective response will only come when all Americans, whether or not they were born in or descended from Eastern Europe, show an active concern for the freedom of your peoples. Captive Nations Week must be a time for all of us to demonstrate our concern, and our disappointment with present appeasement of Red regimes.

You, having had the benefit of seeing both sides; you, to whom Communism is much more than a few words in the newspaper, must go out and reawaken Americans, those you work with and deal with, those who share this State and this community with you. You must communicate to them the realities of totalitarianism which many of your own relatives are now enduring. You must relate your experiences and your comparison of life under freedom with that under enslavement with your fellow Americans at every opportunity.

Captive Nations organizations and nationality groups like those many of you are active in must work together in this task of re-educating Americans. Disputes and prejudices that are left over from the old country must be buried, for the sake of a united effort in getting this urgent message across to our people.

Since I have been your Representative, I have done my best to get this message across to our people and to our leaders.

I hope most of you know that my very first official act as your Congressman was to introduce a resolution calling for the establishment of a Special Committee on the Captive Nations. Ever since, I have continued to work for the adoption of this resolution.

Congress should have a special body to study the plight of the Soviet-dominated nations, to report to the American people on the oppression which exists in the Captive Nations, and to make recommendations for effective policies to return freedom to these freedom-loving lands.

Such an official examination could help to expose Soviet propaganda and reveal the real role of Communism. This action would demonstrate our sincere good faith and conviction to help the captive peoples once again enjoy self-determination.

In addition to the moral principles which inspire this proposal, we owe the people of these nations a great debt. We owe them our support in return for the efforts of the refugees of these countries who have helped build the golden greatness of this Nation. For as you and your countrymen have contributed to the ideals of freedom and independence here, we must come to the aid of those now in your homelands or the lands of your ancestors. They deserve our renewed dedication to the cause for which they live: free government.

Bringing this special Congressional Committee on the Captive Nations into being will not be easy; it will require the same determined reawakening among Members of the Congress.

I have introduced another resolution which would put the Baltic States question on the United Nations agenda. The brutal and illegal annexation of Lithuania, Latvia, and Estonia by the Russians and the deportation and death of hundreds of thousands of their people was a crime against humanity. It should be considered and condemned officially by the nations of the world.

This year, I think we have one of the best opportunities we will ever have to reawaken Americans to the plight of the Captive Peoples. 1966 is the Tenth Anniversary of the valiant Hungarian revolution. The Committee is working diligently to plan suitable events and publicity for the commemoration across the country. I know that here in

Rochester, an exciting commemoration is planned for this October.

In addition to working with the Citizens Committee, I have introduced a resolution to provide for a memorial to the Hungarian Freedom-Fighters in Washington, D.C. By erecting a suitable monument to the most valiant attempt at throwing off the chains of Red rule, we can assure the preservation of the spirit of Freedom of the Captive peoples in our Nation's Capital.

Three nights ago, it was my privilege to present a plaque, honoring the Unknown Freedom-Fighter Against Communism, to the Director of the Freedom Foundation of Valley Forge, Pennsylvania. This plaque was presented to me last year by the Assembly of Captive European Nations during Captive Nations Week Ceremonies. Eventually, this plaque will be enshrined in the Capitol of the first captive nation to be liberated from Communism. In the meantime, placing this plaque at the Freedom Foundation's Headquarters in Valley Forge will serve as a fitting reminder to Americans of the task that lies ahead.

Through these and other activities, I am trying to do my part to convey the cause of Freedom from sterile Communism to all Americans. I have told you already that there can be no improvement in our Government's policy without a demand for improvement by the great majority of our people. Our goal must be to communicate the need for stronger ties in NATO; and above all, to communicate the realities of life under the Red boot to Americans so that they will understand the fatal flaw in appeasing Communist regimes.

Freedom is the only form of government that can sustain itself without force. The peoples of the Captive Nations want freedom and are prepared to risk their lives in order to secure its blessings.

I don't want to leave you with the impression that the only hope of freeing people who have been subject to Communist rule lies in strengthening our military deterrent in Europe. In a world which has had twenty years to consider the dangers and responsibilities of the nuclear age, we must look beyond a mere showing of military strength for the solutions to international problems. There is no question that NATO must be strengthened, and that its purposes must be rejuvenated, but we must also re-orient our alliance and our policies to the world as we find it twenty years after World War II, and 13 years after Stalin.

If we do succeed—as we must—in reawakening Americans to the necessity of winning freedom for all men, we must harness this reawakening to accomplish more than just a "harder line" toward Communism. We must build a determination and a love for freedom so strong that when Americans say that they seek *peace* along with universal freedom, the world will sit up and listen. We must build a determination so strong that even the Communist rulers will have no choice than to consider seriously our demands—not at gunpoint, but across a conference table and through diplomatic channels.

Freedom is contagious, and when faced with demands for freedom in a world where freedom reigns, and in a world where men cherish their freedom, even the Red rulers of the satellite nations must bend with the tide.

Hand in hand with our quest to reawaken America to its blessing of democracy and to the curses of totalitarianism, we must work toward a reawakening of the world to this blessing. There has been very little progress made in loosening the Communist yoke in Eastern Europe, but there has been some. Travel in most of the Captive Nations is a little freer. Russia has turned a little toward providing consumer goods for her citizenry. Hungary has opened its door a crack to outsiders, and has allowed some Hungarians to leave.

As these tiny cracks widen slowly, we must kindle the lamp of freedom in our country so brightly that it will shine through these cracks enough to let everyone behind the Communist curtain know about the rights and privileges we as citizens of the free world enjoy. If we are successful in our task, these bright rays of light will serve as rays of hope—acting as an irresistible wedge in the iron door of Communism.

But we cannot make this wedge work if our own citizens are apathetic. If freedom in our minds is only a dim glow which we take for granted, it can never penetrate the cracks of the Iron Curtain. But when we are determined, and when we are proud of our way of life—not timid and afraid to show our pride at the risk of annoying Red governments—then demands from the American people that freedom be granted to Red subjects will be heard and answered.

I have tried, through every means at my disposal to speak up about freedom, and to demand that it be given to Captive peoples. Since World War II, despite the Cold War, much progress has been made in freeing many of the world's people. Colonialism is now almost extinct in Africa, and most of the newly independent states on that continent were willingly freed from colonialism by their Mother countries in Europe.

We must demand that the Communist masters in the Soviet Union and in Eastern Europe act now to free the people held captive in these countries. The Red masters must recognize and respond to the desire of their people to be free, just as the colonial powers have freed their colonies in Africa, Asia and Latin America. If we are to have a peaceful world, these demands must be heeded. For as long as there are human beings living in closed societies under censorship and oppression, there will be turmoil and conflict among nations.

Our government must call upon Red leaders to answer the demands of these millions for freedom—to open their borders and their social and economic structure to the free exchange of ideas and the free movement of people.

To my knowledge, the resolutions I have introduced voicing these demands have fallen on deaf ears behind the Iron Curtain.

I shall continue to introduce resolutions and to write letters and to speak out whenever a man is persecuted or a prayerbook is burned. I shall continue because I believe that we can rejuvenate the determination that will breathe meaning into the words of my resolutions, determination that will carry this meaning to the ears of the oppressors.

The same determination will inspire our own Government to voice similar demands to Communist leaders. The United States through diplomatic channels and publicly must make clear our intention to stand up for the victims of this Communism. But these demands will be meaningless if they are backed up only with weapons and the threat of nuclear attack. We cannot realistically threaten the world with war and destruction in the name of freedom—for then we will be little better than tyrants ourselves. We can, however, and we must bring to bear upon the oppressors the most powerful weapon available to us—freedom itself.

A steadfast lamp of freedom shining over the Berlin wall, through minefields on the Hungarian border and through the jungles of South Asia is a far more potent force to the Communists than any other.

I am asking you tonight to help keep this lamp burning and intensify its brightness until the light of freedom will shine throughout the world.

Questionnaire Results

EXTENSION OF REMARKS

OF

HON. JEFFERY COHELAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, July 25, 1966

Mr. COHELAN. Mr. Speaker, the responses of nearly 15,000 residents of California's Seventh Congressional District make up the results of my 1966 questionnaire.

I enclose the results of this annual legislative poll for the information and attention of our colleagues:

CONGRESSMAN JEFFERY COHELAN'S 1966 LEGISLATIVE QUESTIONNAIRE POLL

[Results in percent]

1. Vietnam: Recognizing that no short statement can fully convey your views, which of the following most nearly expresses your opinion on the war in Vietnam?

(a) We should blockade ports, increase bombing and take any other steps necessary to achieve military victory	18.7
(b) We should increase U.S. ground troops to whatever size is necessary to clear South Vietnam of Communist forces	7.1
(c) I believe the President's policy of military resistance and efforts to achieve negotiations is about right	13.1
(d) We should continue our military resistance but publicly state our willingness to negotiate with all parties, including the Viet Cong, and to undertake a mutual deescalation of the war	25.9
(e) The war in Vietnam is wrong and we should pull out now	32.3

2. Civil rights: Several proposals to guarantee civil rights have been introduced in Congress. Would you favor the following:

(a) Establishing requirements for nondiscriminatory jury selection in Federal and State courts?

Yes	72.6
No	13.4
Undecided	14.0

(b) Strengthening the authority of Federal courts to try those who murder, attack or intimidate civil rights workers?

Yes	68.7
No	19.2
Undecided	12.1

(c) Prohibiting discrimination in the sale or rental of housing?

Yes	50.3
No	35.8
Undecided	13.9

3. War on poverty: Congress has been asked to increase the funding for the 2-year-old war on poverty from $1.5 to $1.75 billion.

(a) Should the war on poverty be increased?

Yes	35.2
No	37.5
Undecided	29.3

(b) Should it be cut back?

Yes	32.8
No	29.3
Undecided	37.9

(c) Should it be held at its present level?

Yes	21.8
No	33.5
Undecided	44.7

4. Rent supplements: Last year Congress authorized, but did not provide funds for, a program of rent supplements to help low-income families, who are eligible for public housing, afford decent private housing. Should Congress provide funds for this program?

Yes	40.6
No	44.9
Undecided	14.5

5. National Teachers Corps: In 1965 Congress also approved, but did not fund, a National Teachers Corps to provide local education agencies, in areas having high concentration of low-income families, with experienced teachers for two years. Should Congress finance this program?

Yes	63.9
No	26.2
Undecided	9.9

6. Minimum wage: As this questionnaire is being prepared, legislation to increase the minimum wage from $1.25 to $1.60 an hour and to extend its coverage to laundry, dry cleaning, hotel-motel, additional retail trade employees, and workers on large farms is being considered.

(a) Do you favor increasing the minimum wage?

Yes	57.2
No	32.0
Undecided	10.8

(b) Do you favor extending its coverage?

Yes	69.5
No	18.5
Undecided	12.0

7. Unemployment compensation: Legislation has been proposed to amend the Federal-State unemployment insurance system by establishing minimum State standards (California already is at or near the top in most standards) and to extend its coverage to 4.5 million of the 15 million workers not presently covered.

(a) Would you favor establishing minimum state standards for amount, duration and eligibility of benefits?

Yes	59.8
No	21.6
Undecided	18.6

(b) Would you favor extending its coverage, as proposed, to employees of small firms, non-profit organizations, workers on large farms and driver-salesmen?

Yes	57.3
No	23.9
Undecided	18.8

8. Consumer protection: For several years bills have been before Congress to insure truth in lending (require money lenders to provide borrowers with full disclosure of finance charges) and truth in packaging (prohibit misleading or deceptive packaging and labeling). Do you feel there is a need for:

(a) A truth-in-lending bill?

Yes	89.5
No	4.7
Undecided	5.8

(b) A truth-in-packaging bill?

Yes	87.5
No	6.1
Undecided	6.4

9. Highway safety: Last year's highway toll was 49,000 deaths and 3 million injuries. Legislation giving the Secretary of Commerce authority to determine the adequacy of safety features in new cars has been introduced. Would you support this legislation?

Yes	74.6
No	15.8
Undecided	9.6

10. Transportation: A proposal has been made to create a new Cabinet-level Department of Transportation. It would provide central management for transportation and safety functions now carried on by 11 different bureaus and agencies, but would not affect the regulatory functions of the ICC, CAB, or Maritime Commission. Do you favor this proposal?

Yes	52.2
No	22.1
Undecided	25.7

11. Reapportionment: The Supreme Court has ruled that both houses of a State legislature must be apportioned on the basis of population. This is the "one man, one vote" principle. Do you favor this principle?

Yes	45.4
No	39.1
Undecided	15.5

12. Four-year term: Members of the House of Representatives currently serve a 2-year term. Would you support the proposal, presently being considered, to make this a 4-year term beginning in 1972?

Yes	50.6
No	34.9
Undecided	14.5

13. Intelligence agencies: Congress presently reviews the CIA and other government intelligence agencies by subcommittees of the Armed Services and Appropriations Committees. A joint congressional committee to provide broader and continuing review has been proposed. Should Congress establish such a committee?

Yes	56.2
No	20.4
Undecided	23.4

14. Economy: If price increases should necessitate some form of economic control in order to prevent inflation, would you favor the following:

(a) Using fiscal and monetary policies (increased taxes and higher interest rates) to slow down spending, investment and inventory build-up?

Yes	37.1
No	30.0
Undecided	32.9

(b) Continuing present pressures for voluntary adherence to wage and price guideposts?

Yes	47.9
No	18.9
Undecided	33.2

(c) Instituting wage and price controls?

Yes	34.4
No	35.2
Undecided	30.4

Report of the Board of Visitors to the U.S. Air Force Academy

EXTENSION OF REMARKS

OF

HON. L. MENDEL RIVERS

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Monday, July 25, 1966

Mr. RIVERS of South Carolina. Mr. Speaker, I consider it a great privilege to insert in the CONGRESSIONAL RECORD the report of the Board of Visitors to the Air Force Academy for 1966. Included with this report is the entire composition of the Board. My representative was the Honorable FRANK E. EVANS who is one of the most distinguished members of the House Armed Services Committee and in whose district the Air Force Academy is located.

Under the law, Mr. Speaker, this report is made directly to the President of the United States. However, I consider this document to be of such value that I want every Member of the Congress to have the benefit of its contents. I am sure all will agree that the contents of this report will stand as tribute to the Board and to its distinguished Chairman, Gen. Emmett O'Donnell, USAF, retired:

REPORT OF THE BOARD OF VISITORS TO THE UNITED STATES AIR FORCE ACADEMY

The PRESIDENT,
The White House.

1. APPOINTMENT TO THE BOARD OF VISITORS

The Board of Visitors to the United States Air Force Academy was appointed under the provisions of 10 USC 9355.

2. COMPOSITION OF THE BOARD

Appointed by the President

Three Years Effective 1964

Mr. Harold Cutliff Stuart, Former Assistant Secretary of the Air Force, Tulsa, Oklahoma.

*Mr. Houston H. Harte, President, Express Publishing Company, San Antonio, Texas.

Three Years Effective 1965

Dr. Edgar F. Shannon, Jr., President, University of Virginia, Charlottesville, Virginia.

Dr. Robert V. Daniels, Chairman, History Department, University of Vermont, Burlington, Vermont.

Three Years Effective 1966

General Emmett O'Donnell, Jr., USAF (Retired), McLean, Virginia.

Reverend Joseph A. Flaherty, President, Villanova University, Villanova, Pennsylvania.

* Appointed in 1965 to fill an unexpired term.

Appointed by the Vice President

Senator GORDON L. ALLOTT, Colorado.
Senator GALE W. MCGEE, Wyoming.
Senator FRANK E. MOSS, Utah.

Appointed by the Speaker of the House

Representative ROBERT J. DOLE, First District, Kansas.

Representative JOHN J. FLYNT, JR., Sixth District, Georgia.

Representative MELVIN R. LAIRD, Seventh District, Wisconsin.

Representative BYRON G. ROGERS, First District, Colorado.

Ex officio members

Chairman, Senate Armed Services Committee, Senator RICHARD B. RUSSELL, Georgia.

Designee: Senator STUART SYMINGTON, Missouri.

Chairman, House Armed Services Committee, Representative L. MENDEL RIVERS, First District, South Carolina.

Designee: Representative FRANK E. EVANS, Third District, Colorado.

3. CONVENING OF THE BOARD

The Board convened at 0800, 28 April 1966 and elected General Emmett O'Donnell, Jr., as its chairman. The Board completed its meetings at 1230 on 30 April 1966.

Those present were: General Emmett O'Donnell, Jr., USAF (Ret.); Dr Robert V. Daniels, Rev. Flaherty, Mr. Houston H. Harte, Dr. Edgar F. Shannon, Jr., Mr. Harold C.

Stuart, Senator Gordon L. Allott, Senator Frank E. Moss, Representative Robert J. Dole, Representative Frank E. Evans, Representative John J. Flynt, Jr., Representative Byron G. Rogers.

4. COMMENTS OF THE BOARD

Procedural considerations

The Board reiterates the recommendations of the 1965 Board that:

1. The leadership of the House of Representatives and the Senate assume responsibility for the appointments to the Board membership in the first month of each calendar year.
2. The President be informed of the importance of early selection of the Presidential appointees to the Board, which also should be announced by February 1st.

The breakfast meeting of the Board held in Washington, D.C., on 28 March at the invitation of the Secretary of the Air Force, the Honorable Harold Brown, was helpful in providing general information about the current programs of the Academy and saved valuable time during the meetings at Colorado Springs. This preliminary meeting also provided an opportunity for the Board members to become acquainted with each other and to discuss the agenda for the annual visitation.

Attendance at the Academy by all but three members of the Board at the regular meeting indicates that the early announcement of appointments and early notification of the time of meeting enabled a larger proportion of the members to be present than ever before. The Board recommends that the next annual meeting be scheduled for 27–29 April 1967.

The Board was pleased to find that the agenda provided more time for discussions with cadets and faculty members than was experienced in the past. It is recommended that next year, new members who are not acquainted with the Academy be invited to arrive one day in advance of the Board's scheduled meeting so that they may be provided appropriate general information and a tour of the facilities. It is further recommended that other members of the Board who represent colleges and universities be invited to arrive one day early so that they will have sufficient time to inquire in detail into areas of special interest to them. These recommendations are intended to make it feasible to conduct the meeting with a minimum of formal briefings and to provide more time for small forums and individual discussions with cadets, faculty and staff members, and for visits to classes in session. It is particularly desired that a half day be made available for informal conversations with cadets of all classes.

While it is impracticable to increase the length of the regular annual meeting for all members, it was agreed that the Board should spend more time at the Academy. It, therefore, is recommended that the current Board be invited to have a full meeting at the Academy later this year—tentatively on the 18th and 19th of November.

Previous recommendations

The Board reviewed the recommendations made by the previous Board and noted that much progress has been made toward the suggested objectives.

Academy expansion

The Board again endorses the programmed construction of facilities and the increase in the size of the Cadet Wing as authorized by Public Law 88–276, and recommends that the funds required to meet the program be authorized and appropriated. It is essential that the construction of facilities be kept in balance with the growth of the Cadet Wing. Any imbalance in these areas would create chaotic conditions. The Board was pleased to find that the program is thus far on schedule.

The Board again cautions the responsible officials to provide an inspection procedure to insure that no substandard construction of new facilities be accepted by the government. The Board again recommends that, if and when a program for construction of additional family housing for staff personnel is undertaken, every effort be made to utilize more ground space per unit than was originally provided. It appears that with so much space available, overcrowding can easily be avoided.

It was brought to the attention of the Board that as a result of the increase in the size of entering classes, the ratio of qualified candidates to appointment vacancies will drop significantly. This is not yet a serious problem but by 1968 could result in the entry of classes appreciably less qualified than the average of previous classes. Since the selection ratio depends largely upon the number of candidates nominated by Members of Congress, the current provisions of Title 10, United States Code which limit the number of nominations to six per vacancy is a significant limiting factor. To alleviate this situation, it is recommended that the Academy Superintendent present a proposal through appropriate channels for legislation to amend Title 10 so that the number of nominations authorized per vacancy be increased from six to ten.

Fulfillment of Academy mission

The Superintendent is eminently qualified for his duties. He gives wise leadership to his highly motivated faculty and staff. Their combined dedication, competence and vitality were abundantly apparent to the Board. There can be no question that the Academy is admirably fulfilling its stated mission which is, "To provide instruction, experience, and motivation to each cadet so that he will graduate with the knowledge, character, and qualities of leadership essential to his progressive development as a career officer in the United States Air Force." The Board was greatly impressed by the continuing attention to detail along these lines, the careful introduction of innovations, and the judicious balancing of academic programs—all leading to the fulfillment of the "whole man" concept which is the stated goal of the Academy.

Curriculum

Of the many outstanding aspects of the academic program, the Board was most favorably impressed by the coordination of instructional effort among departments which leads to integrated understanding and application of knowledge by the cadets. Also impressive is the extensive research being carried out by cadets in advanced courses. The Board commends the policy of making the most of individual cadet abilities and preparation through the Academic Enrichment Program which gives each cadet the opportunity to reach his own maximum level of achievement. Initially the program was uniquely successful because of the wholehearted cooperation of large numbers of qualified volunteer instructors who enthusiastically contributed time and effort to the project. Since then additional instructors have been authorized to cover the overload, and the program is now on a sound and businesslike basis. The academic majors-for-all program and cooperative master's degree program are logical developments of the enrichment program.

A significant proportion of the Board's time was spent attending classes and conferring with individual faculty members and departmental supervisors. The impressions so gained further support the conclusion of previous Boards that the Academy's academic accomplishments are at least equal to those of the best undergraduate colleges and universities in the United States.

The physical education program is recognized as a most important integral part of the Academy curriculum. The Board was pleased to find this program effectively designed and executed to meet the special needs of future Air Force officers.

The Board noted with approval that emphasis on the Graduation Order of Merit has been greatly reduced. It is understood that diplomas will no longer be awarded in a sequence determined by the GOM. Not more than seven percent of the class will be designated as Distinguished Cadets and awarded their diplomas in alphabetical order before the balance of the class who also will be called in alphabetical order.

Testing and grading

The Board made a special effort to probe testing and grading procedures in detail with the Dean and faculty members. The discussions included the general problem of measurement and evaluation of academic achievement as well as the specific policies, practices, and procedures at the Air Force Academy. The information received by the Board indicates that the current system is operating effectively and is generally in accordance with practices of the leading academic institutions in the country. Academic attrition has ranged from six to nine percent over the past four years. This low rate reflects the high quality of the entering classes and the joint effort of the cadets and faculty in the pursuit of academic excellence.

Honor code

The Board devoted considerable time to meetings with representatives of the Cadet Honor and Ethics Committees and was deeply impressed by their sense of responsibility and their deep belief in the precepts of the Cadet Honor Code. The entire Cadet Wing seems strongly committed to the Code as a personal code of ethics. The Board noted the judicious and constructive modifications of administrative procedures which have been made and recommends that efforts be continued to refine such procedures. Special emphasis should be given to efforts to insure understanding of the Code by entering cadets and their parents.

Instructional staff

The dual nature of the Academy's mission, that of both military and academic training, places heavy demands on the instructional staff. The Board finds that under the capable leadership of the Dean and the Commandant of Cadets the morale and quality of the instructors are remarkably high.

The reports of previous Boards of Visitors, of the Accreditation Team of the North Central Association, and of two ad hoc civilian academic advisory committees fully justify the rationale for the Air Force Academy of an all-military faculty academically qualified through graduate training and degrees. The Board endorses this position and considers such a faculty to be best equipped to meet the combined requirements of the Academy for professional and academic training. The second of the advisory committees, which included four prominent civilian educators, stated in its report of February 1964, "We conclude that an all-military faculty is much better suited to achieve the Academy's goal than is a mixed faculty. In this connection we thoroughly endorse the reasoning and conclusions contained in Section II of the Report of the 1962 Academic Advisory Committee." The 1962 Committee, which included fifteen educators from the fields of physical science, engineering, social science and humanities, devoted a third of its thirty-three page report to the faculty. The report noted the high level of professional knowledge and skill of the faculty members, their intense interest in their subjects, and their dedication to their teaching responsibilities. It was also noted that the advantages of a purely military faculty greatly outweigh the disadvantages.

The Board believes that this favorable situation should be maintained and possibly improved by a variety of Air Force actions such as:

1. Continue to give highest possible manning priority to the Air Force Academy, so that the faculty and military instructional personnel come from among the best qualified officers in the Air Force.
2. Maintain the master's degree as a minimum qualification for faculty membership.
3. Continue actions which lead to increasing the proportion of the faculty who have earned doctoral degrees.
4. Continue the effort to add stability to the faculty by appointing the authorized number of permanent professors and tenure associate professors as soon as practicable. Consideration should be given to increasing the authorized number as the Cadet Wing expands.
5. At the completion of a normal tour of faculty duty, identify the most successful teachers and assign them to Air Force duties related to their academic specialties. The names of those officers should be listed on a special roster with the thought of returning them to the Academy for a second tour of duty as vacancies occur.
6. Continue to take full advantage of manning priorities and select Air Officers Commanding from among officers who have the desire, experience, temperament, education, and training for this vital duty. Only one of these officers is assigned to each cadet squadron. It is essential that he be qualified to provide supervision, guidance, and counsel to cadets and cadet officers in every facet of cadet life, including leadership training and career motivation. This group should be representative of all Air Force commands with final selection being based upon personal interviews.

Fiscal affairs

The Superintendent and his staff are commended for their enviable success in the area of fiscal management. The Board was pleased to find that the Academy has annually exceeded its assigned goal since the inception of the Air Force Cost Reduction Program in Fiscal Year 1963.

The Board was pleased to note that the recent pay adjustment for military personnel provides a cadet pay rate which closely approximates the amount determined by the service academies as necessary to meet current expenses of cadets and midshipmen.

Flying training

The Board reiterates the Academy's need, voiced by several previous Boards, for at least a limited flying indoctrination program. Such training has a uniquely beneficial effect on cadet morale and provides valuable motivation toward an Air Force career. There is no question that a program should be established for the Academy, which is at least equal to the light aircraft pilot training provided for cadets in advanced Air Force ROTC. The Board endorses the program submitted by the Academy, which provides for management by the Air Training Command; training to be conducted at Peterson Field, Colorado Springs, Pine Valley Airstrip on the Academy site, and Butts Army Air Field, Fort Carson; and contractor operated maintenance and supply support.

The Board inspected facilities and received appropriate briefings on existing flying, soaring, and parachute training presently being conducted at the Academy. In this regard, it recommends that steps be taken immediately to improve the associated existing facilities. In particular, the Pine Valley Airstrip should be hardened, and the facility should be provided with utilities, control and communication capability, and a parking area.

Overseas field studies

Overseas field studies provide cadets with broadening advantages and practical knowledge through contact with our allied Air Forces on their own bases in their own countries. While the Board understands and accepts the reasons for the temporary suspension of these field studies, it strongly endorses the reintroduction of this program as an integral part of the curriculum at the earliest possible date.

White Committee report

The response of the Academy to the recommendations of the Special Advisory Committee on the United States Air Force Academy (White Committee) was reviewed in detail by the Board. The Board noted the alacrity and positive nature of the Academy's reaction to most of these recommendations. Further, it noted and approved a delay in implementing a few of the recommendations pending completion of additional studies and analyses.

Advisory Council

The Board was informed of the functions of the newly constituted Air Force Academy Advisory Council. Its stated mission is to provide continuous, broad and penetrating advice to the Superintendent and his staff concerning policies, programs, and techniques for the education, motivation, and professional development of Air Force cadets. It is understood that this Advisory Council to the Superintendent will eliminate the necessity for ad hoc committees which in the past have been convened on a one-time basis to complete specific studies in depth of various aspects of the academic, military, and physical education programs.

Some Board members expressed concern in regard to the Advisory Council concept of operations. The charter and concept of operations afford unusually wide latitude to the Council. The Board suggests that care be taken in developing the mode of operation of the Council to avoid interference with the Superintendent's judgment and responsibility in making major decisions. Further in the opinion of the Board, the Council should carefully review its functions in order to delineate them clearly from the functions, duties, and responsibilities delegated by law to the Board of Visitors.

The Board also suggests that it would be highly desirable to have the Council's report of its yearly activities in the hands of the Superintendent in time for him to discuss it with the Board of Visitors at its annual meeting.

Football schedule

The Board is satisfied that every possible effort has been made to arrange appropriate football schedules for the Academy. Since major games usually are scheduled seven to nine years in advance, it is recognized that an optimum schedule is not always possible. The Academy has been successful in adjusting future schedules to alternate games with the Military Academy and the Naval Academy each year through 1971, and to compete with both each year thereafter. It was noted that the Navy game will be played at the Air Force Academy in 1966 and that the Army game will be played there in 1967.

5. CONCLUSION

The Board carefully studied the 1965 Report of the Board of Visitors and the Comments of the Secretary of the Air Force and the Secretary of Defense to the recommendations of the 1965 Board of Visitors.

While these two documents covered a very difficult year at the Academy, none of the shortcomings mentioned by the Report of the 1965 Board seems to have done permanent damage. Corrective actions have been taken slowly and carefully with considerable success.

The Board was pleased to note these corrections but believes that unremitting attention must be exercised in order to prevent resurrection and recurrence of these flaws.

The Academy is a vital and dynamic organization. The air literally crackles with the boundless energy of twenty-five hundred young men who are being encouraged to develop initiative while submitting to disciplines far greater than those expected of ordinary citizens. Problems and troubles will inevitably occur and recur as the Academy expands and the rotation of individuals through the institution proceeds. The Superintendent and his staff must be capable of sensing and correcting these trends before they gather momentum if possible. This means full-time dedication to the job with a minimum of interference from outside.

The Board finds no area where urgent change is needed. The problem areas are locally recognized, long-range planning is flexible and sound, and the mission of the Academy is kept constantly in mind.

"Bring Me Men" is the motto over the main ramp at the Academy. Good men are being provided by the selection process and they are being trained physically, mentally, and spiritually to be qualified for leadership in the Air Force. The balance between intellectual development and leadership training is good. It is important that this delicate balance be maintained, allowing at no time one facet of this dual-development program to outweigh or overshadow the other.

The Academy is charged with the task of developing men who are fighting leaders. Men who have the ability and will to fight with their intellects as well as their brawn whenever necessary—men who wear their uniform and rank well—proudly, but with compassion, understanding, and a sense of humor—men who are strong, intelligent, and happy warriors with confidence in their weapons, themselves, and each other—and finally, men with good instincts, good appetites and good control of those appetites.

While these ideals may never be fully attained, the Board notes with great pleasure that the Academy is making extraordinary progress toward their achievement.

Respectfully submitted.

EMMETT O'DONNELL, Jr.,
General, USAF (Retired), Chairman,
1966 Board of Visitors.

The Anheuser-Busch Case

EXTENSION OF REMARKS
OF
HON. GLENN R. DAVIS
OF WISCONSIN
IN THE HOUSE OF REPRESENTATIVES
Monday, July 25, 1966

Mr. DAVIS of Wisconsin. Mr. Speaker, within the past 10 days the House has had called to its attention on several occasions the coincidental circumstances of the dismissal of the antitrust action against Anheuser-Busch and the membership of several of the top executives of that company in the Democrat fund-raising effort known as the President's Club.

On July 15, I wrote to the Attorney General to inquire of him as to the legal basis for the dismissal of the Anheuser-

Busch suit as contrasted to the continuation of prosecution of antitrust actions involving three Milwaukee-based breweries.

A copy of my letter to Mr. Katzenbach is set forth as follows:

JULY 15, 1966.

Hon. NICHOLAS DEB. KATZENBACH,
The Attorney General,
Department of Justice,
Washington, D.C.

DEAR MR. ATTORNEY GENERAL: The recent revelation of the dismissal of the anti-trust action against Anheuser-Busch Brewing Company has raised several questions and prompted me to seek explanation and clarification.

As you know, I represent a part of the Milwaukee metropolitan area where there has been, over the years, considerable public discussion of the pending anti-trust actions involving three of the Milwaukee-based breweries. As I understand it, the anti-trust action against Anheuser-Busch, the largest brewing company in the entire country, with a capacity in excess of ten million gallons, involved the purchase of the Rahr Malting Company, a Wisconsin firm with a significant capacity for providing an important element of the production of beer. This dismissal seems difficult to reconcile with the prosecution of the anti-trust action against the Schlitz Brewing Company, now pending in the United States Supreme Court, involving a company fifteen percent smaller in its capacity than Anheuser-Busch. As I understand the Schlitz action, the Justice Department seeks to void the proposed purchase of a minority interest in Labatt, a Canadian brewing firm which apparently owns a majority interest in an American West Coast firm, the General Brewing Company.

The dismissal of the Anheuser-Busch suit also seems difficult to reconcile with the currently pending suit in the U.S. District Court for Eastern Wisconsin seeking to void the eight-year-old merger of the Blatz and Pabst brewing companies with a combined capacity of less than five percent of the national output.

I wish to make it clear that I have never received any complaint from the officials of Schlitz, Blatz or Pabst. I simply have been unable, as a Member of Congress to reconcile these pending actions with the rather flipplant explanation, as reported in the press, that the Anheuser-Busch case was "a weak case which never should have been started in the first place."

How can the public understand the weakness of an anti-trust case against the largest brewing firm in the country, which seeks to solidify and enhance its predominant position by the acquisition of a significant source of supply (thus denying that source of supply to its competitors) while smaller companies seeking to approach a competitive position with Anheuser-Busch are being vigorously prosecuted for violating the anti-trust laws?

Very sincerely yours,
GLENN R. DAVIS,
Member of Congress.

One week later, I received a letter from Mr. Donald F. Turner, Assistant Attorney General, Antitrust Division, responding to my letter. Mr. Turner's letter of response is as follows:

DEPARTMENT OF JUSTICE,
Washington, D.C., July 21, 1966.

Hon. GLENN R. DAVIS,
House of Representatives,
Washington, D.C.

DEAR CONGRESSMAN DAVIS: The Attorney General has asked me to reply to your letter of July 15 concerning the relationship between the recently dismissed Anheuser-Busch suit and our cases against Schlitz Brewing Company and Pabst Brewing Company. As you indicate in your letter, the Anheuser-Busch case involved a "vertical" merger, while the Schlitz and Pabst cases involved "horizontal" acquisitions of competitors. We are indeed concerned with vertical acquisitions of a source of supply that may threaten to put a supply squeeze on the acquirer's competitors. The suit against Anheuser-Busch attacking its acquisition of the Rahr Malting Plant was filed at a time when it apparently was believed that that acquisition and similar acquisitions by other brewers would indeed threaten smaller competitors with future difficulties. On our recent review of the case it appeared fairly clear to us that there was no serious likelihood of this occurring. There is, and has been for some time, considerable excess capacity in the malt industry; no further trend toward vertical acquisitions has developed; and because of the relative size of malt plants, it does not seem at all likely that a significant number of acquisitions will take place in the future. However, we insisted that the suit be dismissed only "without prejudice," so that the Department remained free to reinstitute proceedings in the future should any adverse developments warranting such action take place.

In both the Schlitz and Pabst cases, on the other hand, we proceeded against mergers between substantial competitors. In this area, the Department has quite consistently taken the position—recently vindicated by the Supreme Court in the Pabst and Von's Grocery opinions—that serious market concentration, with its attendant ill-effects on competition, can only be effectively stopped at an early age. In short, if you will excuse an oversimplification, we have felt by and large that the merger of any two substantial competitors should be at least prima facie unlawful.

In the Schlitz case, we attacked the acquisitions by Schlitz of Burgermeister, a west coast brewery, and a stock interest in LaBatt's, a Canadian brewery controlling General Brewing Company, another west coast brewer. In 1960, the year before Schlitz acquired Burgermeister, Burgermeister accounted for 10% of beer sales in California, and Schlitz accounted for 3 to 4%. General Brewing was also a substantial seller in that area. Moreover, there was considerable evidence indicating that LaBatt's would in the future seek to expand General Brewing's sales area and attempt to convert it into a nationwide seller. On the basis of these and other facts, the federal district court recently held both acquisitions by Schlitz to be unlawful. We understand that Schlitz is contemplating an appeal.

As for the Pabst case, at the time of the acquisition Blatz was the leading seller of beer in Wisconsin with 12.8% of total sales in that state, while Pabst, the acquirer and one of the nation's leading sellers, accounted for approximately 11%. The merger made Pabst number one in the state. Again, therefore, the Government has been attacking a merger between two substantial competitors, and as you know, the Supreme Court has recently held that the Government established a prima facie case in violation of Section 7 of the Clayton Act.

I hope this discussion, although brief, suffices to answer your questions. Please let me know if it does not.

Sincerely yours,
DONALD F. TURNER,
Assistant Attorney General,
Antitrust Division.

Mr. Speaker, I do not question the validity of the legal positions set forth in Mr. Turner's letter. It is a lawyer-like letter deserving of respect as such.

Meantime, the distinguished Pulitzer Prize winning columnist for the Des Moines Register, Clark Mollenhoff, has given new insight into the internal workings of the Antitrust Division during the time of consideration of the Anheuser-Busch decisions of the Justice Department.

These additional revelations raise some questions to which the answers have not been provided. If this matter is not put to rest in a manner more satisfactory to the public, it may well be that the Congress has a responsibility to interest itself in this case and that the Judiciary Committee of the House will need to exercise its broad powers of oversight and investigation to assure the members of the House and to assure the public that the public interest has neither been sacrificed nor compromised.

PRESSURE BY BEER FIRM IN TRUST SUIT

(By Clark Mollenhoff)

WASHINGTON, D.C.—Justice Department records indicate that the Anheuser-Busch Co. used "political pressure" to try to bring a settlement on the highly controversial anti-trust suit involving acquisition of a Wisconsin malting company.

The settlement of the suit by the Johnson administration has been subject to Republican criticism since it was settled during the same period that owners and representatives of Anheuser-Busch were making political contributions of $10,000 to the President's Club.

PLANE TRIP

Also involved in the controversy is the fact that Donald F. Turner, head of the Antitrust Division, went to the All-Star baseball game in St. Louis in a plane owned by Anheuser-Busch. The plane ride took place only three weeks after the antitrust action was dismissed on recommendation of Turner.

Alfred Fleishman, the public relations man who arranged for the $10,000 in contributions to the President's Club, has said there was no political pressure in connection with the settlement of the Anheuser-Busch case and no discussions of the antitrust case with the Democratic Party people who accepted the $10,000.

The files of the Justice Department show that the trial lawyers assigned to the Anheuser-Busch case were opposed to dismissal of the action.

Trial lawyers John F. Hughes and David R. Melincoff in a memorandum of May 9, 1966, set out the historic background of the case from the time it was filed in January, 1962, on the recommendations of Lee Loevinger, then the head of the antitrust division.

Anheuser-Busch lawyers tried to obtain a settlement in 1962 and 1963, and relative to one of these efforts in December, 1963, Hughes and Melincoff made the following comment:

"At that time, as Mr. (Baddic J.) Rashid (chief, trial section) is aware, Anheuser was not the least bit hesitant to bring political pressure to bear from among others, Senators (STUART) SYMINGTON and (EDWARD) LONG of Missouri."

The trial attorneys contended that the lawyers for Anheuser-Busch tried to avoid a trial and had halted the "discovery" process by indicating a willingness to settle with a consent decree at several stages.

However, the trial attorneys said this appeared to them to be "dragging heels" for purposes of delay during which time the firm was operating the Rahr Malting Co. at Manitowoc, Wis.

DENY VIOLATION

Edward Barton, a lawyer for Anheuser-Busch, contended that the acquisition would not be a violation of the antitrust laws, and asked "whose interest the department (of justice) seeks to protect since all brewers, former customers of Rahr, have alternate supplies."

Hughes and Melincoff replied: "Our answer is that the public interest will be protected by retaining a vigorous competition in the malt and beer industries as possible in light of oligopolistic tendencies in both industries."

They stated that "in one swoop the nation's largest brewer (Anheuser-Busch) acquired 9 percent of all production of malt."

In his recommendation to dismiss the case, Turner in a June 8, 1966, memorandum stated: "With great reluctance, since I believe there should be a strong presumption against taking such action, I recommend that we consent to the dismissal without prejudice of the above civil complaint. I have had the case carefully analyzed by several staff people, and am convinced the facts simply do not support any of the possible theories which I would consider appropriate."

In the memorandum, Turner said there might be some impact of the dismissal of the Anheuser-Busch case on other pending cases, but commented that the Justice Department is "not wholly unprepared to distinguish between" the Anheuser-Busch dismissal and other cases they do not intend to dismiss.

TIMING OF GIFT

Representative Charles Goodell (Rep., N.Y.) has put together a chronology of the events showing that the contributions of $10,000 to the President's Club took place in mid-May, during the same period that the Justice Department was making a decision to dismiss the suit.

Representative Goodell and others have raised the question as to whether the whole idea of large contributions to the President's Club does not leave an inference of a link with "influence peddling."

Goodell claimed in a statement in Thursday's Congressional Record that official files fail to show any "significant contributions" to presidential campaigns prior to this year by officials of Anheuser-Busch.

Republican House Leader Gerald Ford of Michigan and Goodell have asked for a full investigation of the handling of the Anheuser-Busch case. Goodell has also asked for a full accounting of how the $10,000 was brought to Washington, whether it was delivered in cash or in checks, to whom it was delivered and where.

Fleishman told The Register that "the money was not delivered to the Democratic National Committee in cash."

Conference Report on H.R. 14324

EXTENSION OF REMARKS

OF

HON. OLIN E. TEAGUE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Monday, July 25, 1966

Mr. TEAGUE of Texas. Mr. Speaker, last Thursday the conference report on the bill, H.R. 14324, to authorize appropriations to the National Aeronautics and Space Administration for research and development, construction of facilities, and administrative operations, and other purposes, was considered by this body and agreed to. Under leave to extend my remarks I submit the following additional information to be included in the Congressional Record.

On May 3, 1966, the Committee on Science and Astronautics brought to the floor of the House H.R. 14324, the National Aeronautics and Space Administration Act, 1967. The committee report which was filed with the bill recommended that the National Aeronautics and Space Administration be granted authorization for fiscal year 1967 in the amount of $4,986,864,150. The original request from NASA totaled $5,012 million. The committee recommendation was $25,135,850 less than the agency's request. On that date the House passed the bill as recommended by the committee. Following passage by the House, the Senate action on the bill resulted in total appropriations to be authorized of $5,008 million. This represented an increase over the House bill of $21,135,850. The Senate also struck all after the enacting clause, thus effecting a single amendment for consideration in conference. Consequently, the duly appointed members of the Committee of Conference embarked on a series of meetings to resolve the differences in the House and Senate versions.

The major monetary differences in the two versions occurred in the smaller elements of the authorization bill. In "Construction of facilities" the difference between the House and Senate was $6.1 million. In the "Administrative operations" section of the bill there was a difference of approximately $14.7 million. These two elements of the authorization request represent 15 percent of the total authorization bill.

For "Research and development," which constitutes 85 percent of the bill, there was only a difference of $365,000. However, within this section of the bill there were several major program issues involved, such as the Mariner-Venus and Mariner-Mars programs, the 260-inch solid propellant booster and SNAP–8 projects, which caused considerable debate between the conferees appointed by the two Houses. Under House parliamentary rule the managers on the part of the House are bound in conference between upper and lower limits of not only the total amount authorized but also the upper and lower limits of the individual projects or programs comprising the total contained in the authorization bill.

I am pleased to inform the House that the conferees arrived at an agreement on the various projects and programs in dispute and returned to their respective chambers with a revised authorization bill amounting to $5,000,419,000. This total is broken down into $4,248,600,000 for research and development, $94,919,000 for construction of facilities, and $655,900,000 for administrative operations. Thus, the conference action has resulted in a revised fiscal year 1967 authorization bill that is aproximately $11.5 million less than the NASA request and about $13.6 million more than the originally passed House version.

I would now like to review briefly the major programs and projects which were in dispute during the conference and the final resolution agreed to by the conferees.

First, for the total to be authorized for research and development, the NASA requested $4,246,600,000. The House increased the amount to be authorized to $4,248,235,000. The Senate action on the bill resulted in an authorization of $4,248,600,000, a difference of $365,000. The conferees agreed to a total to be authorized for research and development of $4,248,600,000, by effecting adjustments to the Senate amendment as follows:

In the physics and astronomy program, NASA had requested a total of $131,400,000. The House reduced this amount by $4.5 million, representing reductions of $3 million in supporting research and technology and advanced studies and $1.5 million in the orbiting astronomical observatory project. The Senate restored the full amount of the House reduction.

The House reduction of $3 million in supporting research and technology was made in order to make available additional funds for the unmanned exploration of Mars. During the conference the managers on the part of the House receded and agreed to the Senate restoration of $3 million in this project, since subsequent to the passage of the House version, information had been received from NASA that, due to the passage of time, one of the purposes for which these funds had been redesignated could not be accomplished, specifically the incorporation of an instrumented probe in the 1969 Mariner-Mars spacecraft.

The House reduction of $1.5 million in the orbiting astronomical observatory project, an amount specifically earmarked for the development of the fifth spacecraft, was based on the fact that there is no overriding urgency in pursuing this mission. The Senate receded from their position that this amount be restored and agreed to the House position that the fifth orbiting astronomical observatory spacecraft be deferred.

For the lunar and planetary program, NASA's request for fiscal year 1967 totalled $197,900,000. The House increased this request by a net amount of $30 million, of which $22 million was specifically designated for the Voyager project. The House also eliminated the 1967 Mariner-Venus mission on the grounds that it had been hastily conceived and represented a solitary effort unaccompanied by any plans for later missions. The $12 million thus derived from the cancellation of the 1967 Venus mission along with an additional $8 million were added to the Mariner-Mars program and specifically designated for the initiation of development of an instrumented probe to be incorporated in the 1969 Mariner-Mars spacecraft for the purpose of making direct measurements in the Martian atmosphere.

The Senate denied all House adjustments to the lunar and planetary program, restoring all projects to the original NASA request.

In conference, the managers on the part of the House receded from their position on the 1967 Venus mission basically because it was learned subsequent to the House passage of the bill that NASA had already proceeded with the development of the spacecraft using prior years' appropriations and that a substantial investment has already been made, most of which would be unrecoverable in the event this project was cancelled.

The House also receded from its position with regard to the addition of the instrumented probe for the Mariner-Mars spacecraft. This action on the part of the House conferees was predicated upon the fact that due to the passage of time the purpose for which these funds had been added cannot be accomplished.

With regard to the Voyager project, the Senate receded from their position and agreed to the addition of $13 million for preliminary work on the Voyager program. Thus, the total amount agreed to in conference for the lunar and planetary program is $210,900,000.

For the bioscience program NASA requested $35,400,000 which included $14.7 million for supporting research and technology. The House reduced this amount by $2 million in order to make available additional funds for the unmanned exploration of Mars. The Senate restored the full amount. The managers on the part of the House receded and agreed to the restoration of these funds since the Mariner-Mars project had been restored to the original NASA request by previous conference agreement.

NASA requested a total of $152 million for the launch vehicle procurement program. The House reduced this amount by $20 million by effecting cuts in the request as follows: $10 million across-the-board reduction was made in view of substantial unobligated fund carryovers from previous years; a $6 million reduction, representing the amount for the purchase of an Atlas-Agena launch vehicle for the 1967 Mariner-Venus mission; and a reduction of $4 million for sustaining engineering and maintenance associated with the Centaur launch vehicle.

The Senate restored the entire $20 million House reduction, however, in conference receded from their position and agreed upon an across-the-board reduction of $5.25 million, and the $4 million reduction in the Centaur sustaining engineering and maintenance fund request proposed by the House. The managers on the part of the House receded from their position and agreed to the restoration of $6 million for the purchase of the Atlas-Agena launch vehicle to be used in the 1967 Venus mission which had previously been agreed to by the conference committee. Thus, the total amount authorized for launch vehicle procurement is $142,750,000.

NASA requested $42,500,000 for space power and electrical propulsion systems. The House bill increased this amount by $2.4 million which was specifically earmarked for an increased component testing program for the SNAP-8 nuclear electric generator. The Senate bill denied this increase. However, the managers on the part of the Senate finally agreed to an increase of $2 million for this project. The final authorization for space propulsion and electrical power systems is $44,500,000.

For chemical propulsion research, NASA originally requested $37 million. That amount included $3.5 million for continued development of the 260-inch solid propellant booster. The House version provided an increase of $7.5 million for the project, making a total available for fiscal year 1967 of $11 million which, in the opinion of the House, would speed the development and would provide for a full-length firing rather than a one-half length firing proposed by NASA.

The Senate amendment denied this increase and agreed with NASA's request. Although our limited propulsion capability has been a major factor in the progress of our Nation's space program to date and although solid propulsion technology could provide a safer, more versatile, and more economical booster than others under development, the managers on the part of the Senate did not agree to the increased funding authorized by the House.

A compromise position was finally agreed upon, which provides an additional $4 million for this project in fiscal year 1967. While, in the opinion of the House, this is insufficient it will at least allow NASA to initiate procurement of long-lead time items, such as the nozzle, the steel case and facility modifications so that a full-length firing can be conducted within approximately 18 months. Thus, the total authorized as a result of the conference committee action for chemical propulsion is $41 million.

NASA requested $279,300,000 for tracking and data acquisition. The House bill reduced this amount by $13,965,000. The Senate amendment restored the full amount. The Senate receded from their position and the conferees agreed to a net reduction to the NASA request of $8,450,000. The total amount authorized for tracking and data acquisition is $270,850,000.

The NASA request for technology utilization was $4,800,000. The House bill increased this amount by $200,000 to provide a limited increased flow of new technology to the private sector of our industry, particularly to small business. The Senate amendment denied this increase. The managers on the part of the Senate receded and agreed to the increase proposed by the House, thus authorizing a total of $5 million for this program.

For "Construction of facilities," the NASA requested $101,500,000 for fiscal year 1967. The House approved $94,419,000. The Senate restored $6,081,000 authorizing a total of $100,500,000. In conference the Senate receded and agreed to a total amount of $95,919,000 to be authorized. There were four projects involved in the "Construction of facilities" segment of the bill which were in dispute during the conference.

The first of these had to do with the NASA request for $10 million for the Electronic Research Center to construct two buildings and to provide additional center support facilities. The House reduced the request to $5 million, since authorizations granted in the two preceding fiscal years have not yet been obligated. The Senate restored the fiscal year 1967 request in full. In consideration of the limited progress made to date in site acquisition the managers on the part of the Senate agreed to a total of $7.5 million which will permit NASA to proceed with an integral construction unit during fiscal year 1967.

For the Manned Spacecraft Center, NASA requested $13,800,000, which included $9.1 million for a Lunar Receiving Laboratory. The House approved this project. However, the Senate reduced it by $1 million. The managers on the part of the House receded to the Senate position authorizing a total for the Manned Spacecraft Center of $12,800,000.

NASA requested $581,000 for the Marshall Space Flight Center to construct an addition to the new Hazardous Operations Laboratory. The House deleted this item due to the fact that in their opinion the proposed extension of the laboratory was not needed to support on-going programs. The Senate restored the item; however, in conference the Senate managers receded to the House position, deleting the entire amount of $581,000.

For "Facility planning and design," NASA requested $7 million for fiscal year 1967. The House reduced this amount by $1.5 million in view of the remaining unfunded balances from prior years' authorization for this type of work. The Senate restored the full authorization request, but in conference the Senate managers receded to the House position. Thus, the total amount authorized for "Facility planning and design" is $5,500,000.

For "Administrative operations," NASA requested a total of $663,900,000 for fiscal year 1967. The House reduced the NASA request by $19,689,850, approving a total of $644,210,150. The Senate restored $14,698,850 and passed a total authorization for "Administrative operations" of $658,900,000.

The Senate version of the bill also includes restrictive language which, in the opinion of the managers on the part of the House, would greatly curtail the flexibility now afforded to the Administrator to the extent that the Nation's space effort would be seriously handicapped. The restrictions imposed by the Senate language would have divided the total authorized for "Administrative operations" into two categories—"Personnel compensation and benefits" and "Other expenses." Further restrictions were imposed which would limit the extent of transfer authority into the former account to 1 percent of the total authorized for that purpose and would limit the extent of transfer authority into the latter account to 10 percent of the total authorized for other expenses. The Senate language also struck from section 4 the authority to transfer funds into the "Administrative operations" account.

These restrictions were so limiting as to place NASA in a position of not even being able to meet any Federal pay increases which might be subsequently enacted.

The managers on the part of the Senate receded and agreed to strike all restrictive language and further receded to a net reduction of $8 million to the NASA request, resulting in a total amount for "Administrative operations" of $655,900,000.

As part of its original request NASA included a new section 5 in the bill which would grant the Administrator relief from the 6-percent limitation on architect-engineer fees imposed by the provisions of title 10, United States Code, section 2306(d). NASA's proposal had been to amend the basic Space Act of 1958, thereby enacting permanent legislation which would permit waivers of the 6-percent limitation by the Administrator. The House disagreed with NASA's request in this regard and included a substitute provision which would grant relief to NASA for a period of 1 year only. The provision of temporary relief was based on the House position that all Federal agencies involved in the construction of facilities, particularly in support of research and development programs are faced with the same problem regarding the limitations on architect-engineer fees. The House report accompanying H.R. 14324 instructed the Comptroller General to conduct a Government-wide study with regard to this matter and to submit its recommendations for possible legislative change by January 1, 1967.

The Senate disagreed with the House position in this matter and deleted section 5 from the bill on the basis that NASA should abide by the same procurement practices in effect within the Department of Defense. The Senate agreed with the House that a Government-wide study should be made, however, their position was that the Bureau of the Budget should conduct this study in lieu of the Comptroller General as proposed by the House.

In conference the managers on the part of the House agreed with the Senate that the provision should be struck from the bill and that NASA should be enjoined to abide by the procurement regulations in effect within the Department of Defense pending possible revision to the statutes. The Senate, on the other hand, receded to the House position and agreed that the Government-wide study should be made by the Comptroller General.

Mr. Speaker, the foregoing account of the actions taken in conference has been somewhat in detail as, in my opinion, it should be, in view of the fact that it involves authorization amounting to more than $5 billion. As in all conferences of this nature some compromise is necessary. However, in my opinion, the items in dispute have been settled in conference more in favor of the original House position than the position assumed by the Senate.

I feel that our conferees have adequately defended the House position and prevailed in most major issues involving the national space effort. The bill as finally agreed to in conference is the best possible that we could achieve under the circumstances. It is a bill which, in my opinion, is in the best interests of NASA and the furtherance of the Nation's space program.

SENATE

Tuesday, July 26, 1966

(Legislative day of Friday, July 22, 1966)

The Senate met at 10 o'clock a.m., on the expiration of the recess, and was called to order by Hon. Thomas H. Kuchel, a Senator from the State of California.

Rev. Edward B. Lewis, pastor, Capitol Hill Methodist Church, Washington, D.C., offered the following prayer:

Dear Lord and Father of mankind, we recognize a basic essential of life for prayer at the beginning of this session of the U.S. Senate.

This moment of prayer is for the sincere purpose of invoking divine blessing and guidance upon one of the highest of government assemblies

Prayer is offered today, O God, because of the sense of personal need. We are grateful for leaders who have a consciousness of heavy responsibility. We know that Thou art with them; even through this prayer and their personal meditations, deliberations, and decisions. Be Thou their guide and strength.

Be with our President and the world leaders. Give men of the governments of the world sincere desire and insight to the way of peace, we pray sincerely in the name of the Prince of Peace. Amen.

DESIGNATION OF ACTING PRESIDENT PRO TEMPORE

The legislative clerk read the following letter:

U.S. Senate,
President pro tempore,
Washington, D.C., July 26, 1966.

To the Senate:

Being temporarily absent from the Senate, I appoint Hon. Thomas H. Kuchel, a Senator from the State of California, to perform the duties of the Chair during my absence.

Carl Hayden,
President pro tempore.

Mr. KUCHEL thereupon took the chair as Acting President pro tempore.

THE JOURNAL

On request of Mr. Mansfield, and by unanimous consent, the reading of the Journal of the proceedings of Monday, July, 25, 1966, was dispensed with.

FOREIGN ECONOMIC ASSISTANCE, 1966

The ACTING PRESIDENT pro tempore laid before the Senate the unfinished business.

The Senate resumed the consideration of the bill (S. 3584) to amend further the Foreign Assistance Act of 1961, as amended, and for other purposes.

Mr. MANSFIELD. Mr. President, is the amendment offered by Senator Morse now the order of business?

The PRESIDING OFFICER (Mr. Tydings in the chair). The amendment offered by Senator Morse is now the order of business.

ORDER OF BUSINESS

Mr. MANSFIELD. Mr. President, pending the arrival of the distinguished Senator from Oregon, I ask unanimous consent that the Senator from Massachusetts [Mr. Saltonstall] may speak for 3 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

REFERRAL OF BILLS AND RESOLUTIONS

Mr. SALTONSTALL. Mr. President, I thank the majority leader for giving me this opportunity. I shall be very brief.

Mr. President, I submit, for appropriate reference, a resolution to provide that all original bills or resolutions proposed to be reported shall be introduced and referred to the appropriate Senate committee before being placed on the Calendar of Business. I do so in light of the situation which recently developed on the floor when the chairman of the Foreign Relations Committee reported an original resolution from that committee and asked for its consideration, without its having been referred to the Armed Services Committee, which has jurisdiction over the subject matter involved.

In response to a question first raised by the senior Senator from Rhode Island [Mr. Pastore] the Vice President said that had the resolution been introduced in the customary way, it would have been referred to the Armed Services Committee. He emphasized, however, that this was his informal opinion given to a hypothetical question. Later, as a result of a point of order made by the senior Senator from Georgia [Mr. Russell] when the question arose of whether the resolution as reported from the Foreign Relations Committee had to be referred to the Armed Services Committee, the Vice President ruled that there was no precedent, and left the matter to the Senate to decide.

I think the Senate made the proper decision in that instance, but I do not believe it should be faced with such a question again. As it now stands, the precedent is that the matter should be referred to the Senate for a vote. I think the issue involved in that situation is too important to be left unclear. It should be spelled out in the rules. We know that in instances such as the one recently before us, the House of Representatives has procedures which would prevent the floor action proposed by the supporters of the original resolution. I do not believe this matter should be left open to doubt in this body, either.

I believe that my resolution will be helpful. If a committee is allowed to extend its jurisdiction into areas traditionally within the jurisdiction of other committees, all subjects may be "up for grabs," so to speak. No committee can feel secure that the jurisdiction it possesses today will not have to be shared tomorrow with another committee which asserts its desire to extend its traditional jurisdiction to cover other subjects. This could be done without hearings and without providing an opportunity to consider the views of the committees which traditionally have had jurisdiction over the subject in question. There would, of course, be an opportunity for discussion on the Senate floor, but such matters should first be given careful consideration with adequate opportunity for all interested parties to be heard.

My resolution would avoid problems by establishing regular—and I believe proper—procedures for considering original resolutions reported by committees as well as resolutions amended by striking out all after the enacting clause and inserting new language, the subject matter of which is predominantly within the jurisdiction of another committee. I hope that the Committee on Rules and Administration will be able to schedule hearings on the proposal this session. It may be that such hearings would reveal ways in which it can be modified and strengthened. I am concerned with the principle involved. I believe there should be a provision in the Senate rules to cover this matter. It should not be necessary for the Senate to vote up or down each original resolution reported by a committee which involves the jurisdiction of another committee. Nor is it the way to conduct the business of the Senate.

Mr. President, I hope the Committee on Rules and Administration will give me and those of us who are interested in this subject an opportunity to be heard.

I thank the majority leader for this opportunity to speak.

Mr. MANSFIELD. It is a pleasure, I say to my distinguished friend, the senior Senator from Massachusetts.

The PRESIDING OFFICER. The resolution will be received and appropriately referred; and, under the rule, will be printed in the RECORD.

The resolution (S. Res. 287) was referred to the Committee on Rules and Administration, as follows:

> *Resolved*, That Rule XXVI of the Standing Rules of the Senate is amended by adding at the end thereof the following new paragraph:
>
> "3. All original bills or resolutions proposed to be reported shall be introduced and referred to the appropriate standing committee before being placed on the Calendar of Business. A proposed report on a bill or resolution with a committee amendment to strike out all after the enacting or resolving clause and insert in lieu thereof new language, the subject matter of which predominantly is within the jurisdiction of another committee, shall be referred to such other committee and reported therefrom before it shall be printed on the Calendar of Business for Senate consideration."

COMMITTEE MEETINGS DURING SENATE SESSION

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Subcommittee on Constitutional Rights and the Subcommittee on Antitrust and Monopoly Legislation of the Committee on the Judiciary be permitted to meet during the session of the Senate today.

Mr. KUCHEL. Mr. President, objections have been lodged with the minority leadership. I object.

The PRESIDING OFFICER. It is so ordered.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Subcommittee on Government Research of the Committee on Government Operations and the Committee on Post Office and Civil Service be permitted to meet during the session of the Senate today.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. PASTORE subsequently said: Mr. President, I ask unanimous consent that the Subcommittee on Constitutional Rights of the Committee on the Judiciary be permitted to meet during the session of the Senate today.

The PRESIDING OFFICER. Is there objection? The Chair hearing none, it is so ordered.

Mr. MANSFIELD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

VIETNAM

Mr. MANSFIELD. Gen. Nguyen Kao Ky, provisional premier of South Vietnam, has recently stated to the American people that the requirements of victory in Vietnam compel a ground invasion of North Vietnam. Furthermore, he believes that "we" as "free men" ought to go to war now with China since we will have to do so, in any event, in 5 or 10 years.

General Ky's right to say whatever he pleases is recognized. His right to bind the United States thereby ought to be rejected in equally unmistakable terms.

It so happens that Gen. Nguyen Kao Ky is a northern Vietnamese. It is quite proper for him to desire the reunification of Vietnam, which, as some of us have stated, is basically one culture, north and south, with many shadings. It is quite proper for him to want to go back home to North Vietnam, where he was born and where he grew up and did his initial soldiering with the French colonial forces. It is quite proper for him to believe he must fight the Chinese, if it is necessary for him to get there and stay there.

What is not proper, what is most improper, is for the United States to permit itself to be placed by General Ky in a position which requires us not only to use our strength to protect the provisional Ky government in South Vietnam but to carry General Ky back home to North Vietnam on the shoulders of our marines and infantry. What is not proper is for us to incur tens of thousands of additional U.S. casualties to help General Ky realize his ambitions.

What is not proper is for the United States to have any aim in this war except peace, a peace equitable and restrained, and at the soonest possible moment. That is where the American interest lies, wherever General Ky's interests may extend and whatever they may be.

We have already put upward of 270,000 Americans into Vietnam in order to do most of the frontline fighting there while, in accordance with General Ky's desires, he concentrates on organizing the rear. It would be, and I choose the word most advisedly, an abomination to move this already questionable battle order into North Vietnam in order to accommodate General Ky.

It seems to me that this Government has only one course here and that is, to dissociate itself completely and at once from General Ky's statement, which is his own business, and to reiterate clearly that the commitment of this Nation is to the people of South Vietnam and to the kind of political order which they can and will in time and in freedom choose for themselves. To accept for ourselves a concept of this war, such as that advanced by General Ky, would appear to be at the gravest variance with the interests and the policies of the United States and with the basis on which this war has heretofore been supported.

Mr. AIKEN. Mr. President, will the Senator yield?

Mr. MANSFIELD. I yield to the Senator from Vermont.

Mr. AIKEN. I thank the Senator from Montana for yielding to me. I commend the majority leader for what he has said.

When I awoke this morning and found that there had emerged a great new leader for the Western democracies in the person of General Ky I did not know whether to swell with pride or to tremble with apprehension. I decided that it would be better to let Russia and China do the trembling and perhaps we should be rather proud that we have done so much to develop this new leadership.

It is very possible that after he takes care of Russia and China and North Vietnam, perhaps we could ask his advice as to what we should do in the United States where we are having virtually organized insurrection in our cities, where we have strikes in our most critical industries and where there is no home building or home purchasing possible because the banks are putting their money into channels other than mortgages or homes.

Perhaps he could advise us about the financing of our own Government, which I understand today is in a rather precarious situation.

I do not know just what we might give in return for the advice and leadership which is now available to us. Possibly we could contribute more American troops to start with, but as to what the ultimate number should be, I have no knowledge—possibly a contribution of 5 million would suffice since with competent leadership and direction our quota could be held to a minimum.

As I say, let us leave it to Russia and China to do the trembling. They have wanted us to make a bigger effort in Vietnam so that in 2 years we will be more thoroughly bogged down and they will be in a position to undertake a war of any size and kind. Now, let them worry.

As I have said, I thank the majority leader for calling our attention to this the past, there have been acts of violence and killing of innocent people. In the Hough Avenue area, where some years ago I made my home with my wife and little children, Negroes, frustrated no doubt by neglect, have resorted to acts of violence. Stores have been looted and burned, abandoned, and neglected. Apartments and old dwellings have been destroyed by fire, stores looted of merchandise, and four or more citizens have been killed. Hundreds have been wounded by gunfire or brutally beaten. This is not at all the result of any conspiracy, Communist inspired or otherwise.

Obviously one of the causes of the rioting in Cleveland is the terribly inadequate and long-neglected housing condition throughout the Hough Avenue area. The indignities of ghetto life are distressing and the routine rat-filled houses of the slums appalling. The neglect of this entire area is inexcusable. Church and community leaders in Cleveland should accelerate efforts on a nonprofit housing program not only for the Hough area but for other East Side areas of Cleveland. Then, we in the Congress have a duty to enact into law more effective programs to back up and aid efforts of communities to provide adequate housing.

Violence that has occurred in my home city is also taking place in many other cities throughout the Nation, particularly in northern cities which have tolerated what could be termed "Negro ghettos." We are witnessing explosions in various cities in various sections of our country, both north and south of the Mason-Dixon line. This is an explosion of pent-up frustrations, unemployment, and hopelessness of those living in neglected neighborhoods.

Mayor Ralph Locher of Cleveland, when our police force was unable to cope with the rioting, requested that National Guard units be sent in to restore law and order. Governor Rhodes complied. Elements of the Ohio National Guard, to the extent of approximately 2,000 men, are in this East Side Hough Avenue area establishing road blockades and barricades and enforcing a curfew seeking to end rioting and the killing and injuring of men, women, and children. In most part, objects of destruction by Negro youth in the Hough Avenue area have been stores and property largely owned and operated by absentee owners. Store windows have been smashed, stores looted, apartment buildings burned.

In Cleveland many of the young men, members of the National Guard suddenly called in, frightened of the terror and violence, seemed unable to quell the rioting and to prevent women, children, and men from being injured. In fact, in some instances the guardsmen, unaccustomed to handling weapons in combat, appeared trigger happy.

Mr. President, nearly one-third of the large population of the city of Cleveland consists of Negroes. We have always taken pride in the fact that our city is truly a melting pot. We have believed that our population of various and diverse ethnic origin, Slovenian, Hungarian, Polish, Italian, German, and nationals of other countries of the Old World who came here themselves or whose fathers and mothers settled in Cleveland away from the prejudices and oppressions of the Old World, came in search of political and religious liberty and found it in Cleveland. Perhaps we were wrong in our high hopes.

In this administration of Mayor Ralph Locher there are considerably more than 2,000 men on the Cleveland police force. Yet, of this large number only 137 are Negroes. This in a city where 33 percent of the population is Negro. Furthermore, it has seemed evident that some members, a minority but a substantial minority, of our police force conducted themselves with brutality and a lack of intelligence in trying to cope with unruly crowds who were rioting. In Cleveland, where the 31 members of our city council are elected and not appointed, as are members of the police force, 10 are Negroes. The majority leader of the city council is a respected Negro leader, Charles V. Carr, who has been elected as councilman from his ward for many years.

In the cabinet of the mayor of Cleveland two of the nine directors are Negroes. There are 13 municipal court judges. Of these 13, 2 Negroes have been repeatedly elected to the court. There are 23 Cuyahoga County common pleas court judges, and only 1 is a Negro. Governor Rhodes of Ohio has within the past 2 or 3 years made a number of appointments to the common pleas court of Cuyahoga County. He has made good appointments, but not one has been a Negro. Ohio courts afford a citizen the right of one trial and one review. The court of appeals of the Cleveland area has six judges, one of whom is a Negro. It is deeply saddening that in a great industrial and beautiful city such as Cleveland respect for the laws of our land which American citizens should defend and respect have been flouted and disregarded.

The PRESIDING OFFICER. The Senator's 7 minutes have expired.

Mr. YOUNG of Ohio. Mr. President, I ask unanimous consent that I may proceed for 3 additional minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. YOUNG of Ohio. However, it is difficult to convince a Negro living with eight or nine others in a one-room flat amid rats and disease in Cleveland's Hough area that abstract constitutional ideals have any meaning to him. His immediate needs are food, a roof over his head, and employment.

I deplore the violence which is exploding throughout Cleveland. However, I am thoroughly convinced that much more of the same is to come unless strong corrective measures are taken. It is no solution to beat back rioters with clubs or tear gas. Such action, merely generates more violence and destruction in a spiral which ends in ruin and more bitter memories, which, given a spark, will explode out all over again.

It was hoped that the Economic Opportunity Act of 1964 would provide some answers. Unfortunately, that act has failed to fulfill the high hopes held out for it at its enactment. The programs sound good but the targets have been set far too low. Yet the Economic Opportunity Act has given rise to some very beneficial programs directed toward our urban poor. Only Federal action on a large scale can strike to the heart of this urban dilemma. I am hopeful that meaningful changes will be made this session to rid the war on poverty of its deadwood. For example, Federal funds for the elimination of poverty must be taken from the hands of the politicians in some of our cities who have been appointed to high-salaried positions and who have done very little for the poor and unemployed.

The housing program is too small. The poverty program is too small. The program for slum schools is too small. It is not the riots in the slums but these lame and inadequate programs that are the real disgrace of the richest nation on earth.

It is clear that the elimination of slum misery will require new programs and much money. We as legislators must act with determination in providing the wherewithal to rub out conditions in slum neighborhoods which give rise to the ugly rioting which has racked our cities over this summer. We must be determined in this task. The handwriting is clearly written on the battered walls of Cleveland, Chicago, and other great cities of our Nation.

Cleveland is my home city. It is a matter of pride with me that from 1911 when I moved to Cleveland from the small city of Norwalk, Ohio, right up to the time I was elected to the Senate in 1958, I practiced law in Cleveland and lived in the Cleveland area. My neighbors there, including many thousands of Negro citizens, have been good and generous to me every time I sought elective political office.

Years ago my wife, children, and I lived in the Hough Avenue area close to where the worst of this terrible rioting occurred.

We in the Congress and very definitely the city officials of Cleveland, from Mayor Locher down, have neglected people living in this area and have permitted it to deteriorate into a miserable slum where many thousands live in the midst of filth, stench of overcrowding and lack of toilet facilities and where children are crowded into dark and filthy tenements and compelled to play in streets and where young men and young girls, even to have a breath of fresh air, are compelled to walk outside to escape the heat and fetid air of the tenements. In this hopeless situation and in the continuing heat of some July nights, hindsight tells us that the explosion, was inevitable.

Four deaths resulted and hundreds of men, women, and children were badly injured. The damage to buildings and property will reach a million dollars. This was the worst rioting in the entire history of Cleveland. It was replete with looting, gunfire, and sniping. Even some narrowminded white men who considered themselves self-appointed vigilantes now stand accused of the murder of a young Negro husband and father who had not participated one iota in any rioting.

change in leadership, and it is up to each of us to decide whether he will swell with pride or tremble with apprehension for fear of what it might bring about.

Mr. MANSFIELD. May I say to my distinguished friend that if we were to follow General Ky's advice, we would directly presume to be an Asiatic power which is something I do not think we should do under any circumstances. I believe that we should stay with our historic position which goes back beyond the time when we were an Atlantic power, in reality. We should remain, on the other side of the world, a Pacific power, and not try to stretch ourselves into being an Asian power.

Our interests are on the fringes and borders of the Western Pacific Ocean, but not deep in the mainland of Asia. We are not in Vietnam to become and we should not seek to become an Asiatic power.

Mr. AIKEN. There is nothing like a conference in the mid-Pacific to develop the greatest leadership in the world.

Mr. JAVITS. Mr. President, will the Senator yield?

Mr. MANSFIELD. I yield to the Senator from New York.

Mr. JAVITS. Mr. President, I wish to identify myself with the majority leader and the Senator from Vermont [Mr. AIKEN] in what they have said. I rise to underline the words of the majority leader, which I think are the key words of importance today, and that is to dissociate this Government from the assertions of General Ky.

The origin of the present situation is Honolulu, and the situation has now come full circle with General Ky representing a position into which the United States might be thrown.

I wish to pay my tribute to the majority leader for calling the turn on it. I hope very much that this position is followed by our Government in calling the turn on General Ky.

It is high time that General Ky found that he does not speak for the United States and that he cannot impliedly speak for the United States because he represents, for the time being, the Government of South Vietnam.

Second, as the Senator from Vermont [Mr. AIKEN] emphasized, our responsibility is to the people of South Vietnam, so long as they demonstrate a hunger for freedom and the will to fight for it. If we find that these factors have changed, I say that we do not belong there.

Third, it demonstrates that we must push with all of the effort that we have and all the influence that we have for a duly elected, legitimate civilian government. As long as there is a military junta running South Vietnam, this kind of irresponsibility becomes possible.

I think that the majority leader has shown time and again his complete probity in these matters of foreign policy by taking positions of this kind.

I honor the majority leader for taking the position that he has today. I hope that it is followed by our Government. I think that it is the only way in which the implications of Honolulu—where, it has been said, the United States put its arm around General Ky—can be ended.

General Ky has provided us a splendid opportunity and it should be taken advantage of.

I congratulate the majority leader for his great exercise of responsibility today and the leadership which he has demonstrated.

UNITED STATES MUST DISAVOW PREMIER KY'S EFFORTS TO EXPAND THE WAR IN VIETNAM

Mr. President, in recent weeks leaders of the military junta in Saigon, and in particular Premier Ky, have made statements and stated objectives that are both dangerous and contrary to the aims of U.S. policy in Asia. If the United States is to maintain and strengthen the credibility of its peace position, we must disavow those dangerous objectives as expressed by the Saigon leaders.

The latest of these statements is reported in today's New York Times. Quoting from an interview with Premier Ky from U.S. News & World Report, the article indicates that Premier Ky wants the United States to face the Communist Chinese now. "Sooner or later we, as freemen, have to face the Chinese Communists. I think it is better to face them right now than in 5 or 10 years."

Last week, Premier Ky called for an Allied invasion of North Vietnam.

In previous weeks Ky has repeatedly stated that his government, or indeed any South Vietnamese government over which he has any control, would never under any circumstances, negotiate with the National Liberation Party.

All three of these aims are dangerously out of line with U.S. policy. It is not enough for the United States simply to ignore these remarks. Silence is not sufficient disavowal. If Premier Ky's remarks are ignored by us, other nations cannot help but believe that he is expressing objectives which we ourselves hold but choose not to state publicly.

There is no reason for us to fear the consequences of challenging Premier Ky in these matters. The United States should not allow the military junta to maneuver us into a position where we are made to feel that any public disagreement between our Government and the one in Saigon will result in the toppling of the present Saigon government.

If we act only by silence now, then we will increasingly lose control over events that happen to us in Vietnam. We may soon find that no reasonable negotiating position and no peace offensive are acceptable to the military junta. U.S. interests are at stake in Vietnam and American troops are fighting there, but those interests and those men should never be a party to a war without an end or to a massive Asian land war.

I urge the Government of the United States to restate our negotiating position, to reaffirm U.S. desire for peace, and to disavow any objectives stated by the Saigon government which run counter to our own.

Mr. SALTONSTALL. Mr. President, will the Senator yield?

Mr. MANSFIELD. I yield.

Mr. SALTONSTALL. Mr. President, I wish to add my comments to the discussion to which I have just listened.

The other day the majority leader and the chairman of the Committee on Foreign Relations engaged in a colloquy as to our responsibilities in Asia, and as to whether we were an Asian power, and all that that implied.

At that time I rose and spoke briefly and said that I believed our position there was one of a military character to make it possible for us to have greater safety for our own citizens and more security in our own country.

We are doing that with the idea that if we help South Vietnam to establish a government of their own, then we will have more security and safety here for our own citizens.

If we are to extend our responsibility, as suggested by General Ky, into other areas of Asia, we only decrease our opportunities for security and safety of our own citizens and increase our military responsibilities. In substance we spread our efforts too widely to be effective.

I certainly join with my colleagues who have spoken this morning on that subject, and I commend the majority leader for having emphasized the need for keeping our responsibilities to the original purpose of making it possible for the South Vietnamese to establish their own government which, I understand, is what we are trying to do and what we hope we will succeed in doing in our efforts there.

Mr. KUCHEL. Mr. President, what has been said in this Chamber this morning should have been said.

The majority leader, and those who have followed, spoke for the American people and for this Government.

General Ky does not speak for the people of the United States, nor for the Government of the United States.

On this occasion, I think that members of the executive branch should join responsible Members of Congress in speaking out and saying so.

I very much doubt that the world misunderstands. My judgment is that the position of the American people has been made clear over the past months and years. I think that Communist China clearly understands the goal of the Government of the United States and what it seeks in southeast Asia.

Mr. MANSFIELD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection it is so ordered.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senator from Ohio [Mr. YOUNG] may be recognized for 7 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

CLEVELAND RAKES COALS OF RACIAL VIOLENCE

Mr. YOUNG of Ohio. Mr. President, in recent days, on the East Side of the city of Cleveland where I have lived in can countries, are used primarily to build up, for prestige purposes, a powerful military class.

The figures furnished by Mr. Gordon, our Assistant Secretary of State for Latin American Affairs, appear on page 538 of the printed hearings. They show that in Latin America, Brazil, and Peru currently spend the largest percentage of their national wealth on military establishments. The figure for both is 3.4 percent of their gross national product.

My amendment provides that if any country goes over 3.5 percent of its gross national product, then we cut off the aid until that country returns to a more reasonable figure as far as military expenditures are concerned. Panama spends the least—one-tenth of 1 percent, followed by Costa Rica with four-tenths of 1 percent.

The administration seeks to make much of the small percentage of men under arms in Latin America, relative to the rest of the world. But that hardly has anything to do with the issue. The issue is: What is the real need in Latin America? It is not for military defense, as it may be in West Germany or India, but for economic growth and development.

If the United States is going to be expected to contribute heavily to their economic growth—and we are so expected, and I happen to believe we should make such contributions—then we need to be assured that their own resources are not going to be diverted into unnecessary and wasteful military expenditures.

The Secretary of Defense, Mr. McNamara, sought before our committee to make much of the possibility that if we do not furnish military equipment gratis to Latin America, or at least sell it at cut-rate prices, those countries will take their business to Europe and will spend much more of their resources on military equipment than at present. Of course, that does not follow at all, nor does it follow that the United States should help them do it by continuing the flow of money that enables them to buy military goods elsewhere.

In fact, Mr. President, as I said at the hearing in my colloquy with the Secretary of Defense, I consider his argument the argument of international blackmail. I was very disappointed that the Secretary of Defense would advance it as a serious argument, that we ought to either give or sell military equipment to a given Latin American country in the quantities that they want, on the premise that if we do not, they will turn to Russia and buy it. My answer to them would be, "Go ahead and do it. But we will cut off aid to you, if your military expenditures go over 3.5 percent of your gross national product."

Mr. President, that is only a commonsense proposal. I do not see how we, as Senators, can justify to the American taxpayers our making large sums of money available to a Latin American country for economic development when our contribution has the effect of releasing their own money to buy from us or others large quantities of military equipment.

Mr. President, the issue is whether or not, if we yield to that kind of coercion on the part of any Latin American country, we are protecting the American taxpayer in the way he is entitled to be protected. I think we are not. I believe that the military establishments they will be able to maintain with up to 3.5 percent of their gross national product would give them more military supplies than they need to protect themselves from the internal disorders that might be created by a threatened Communist coup.

Mr. President, Argentina, for example, puts 15 percent of its budget into arms as against 17.5 percent into capital investment.

The Dominican Republic, before the revolution, spent 17.8 percent on arms and only 15.7 percent on capital investment.

I ask unanimous consent that the figures submitted by Secretary Gordon which appear on page 538 of the printed hearing, be printed at this point in the RECORD.

There being no objection, the table was ordered to be printed in the RECORD, as follows:

Latin American military expenses, 1964

	Host government expenditures			U.S. military assistance (millions of dollars)	
	Defense expenditures		Capital budget investment as percent of total expenses		
	As percent of total expenses	As a percent of GNP		Grant assistance deliveries	Credit assistance sales
Argentina	15.0	2.3	17.1	1.5	----------
Bolivia	6.8	1.1	20.2	3.2	----------
Brazil	16.1	3.4	26.7	9.1	----------
Chile	8.8	1.8	32.9	7.8	0.1
Colombia	12.2	1.3	38.9	6.2	----------
Costa Rica	2.0	.4	38.8	.5	----------
Dominican Republic	17.8	n.a.	15.7	1.5	----------
Ecuador	10.0	2.0	17.6	2.6	----------
El Salvador	8.8	1.2	32.4	.9	----------
Guatemala	10.5	.9	16.6	1.4	----------
Honduras	10.1	1.3	21.3	.4	----------
Mexico	8.2	.7	25.5	.3	----------
Nicaragua	16.5	1.8	23.2	1.2	----------
Panama	.5	.1	16.1	.1	----------
Paraguay	30.4	3.1	26.7	1.2	----------
Peru	13.1	3.4	26.8	10.0	----------
Uruguay	6.2	1.2	4.4	1.8	----------
Venezuela	9.9	2.2	39.6	1.5	4.6

Mr. MORSE. Mr. President, rather than measure defense expenditures as a portion of total budget expenditures, however, this amendment measures them as a percentage of gross national product.

I think that is the fair measuring rod. Its nearest impact would be in Brazil and Peru, which devote 3.4 percent of their gross national product to defense expenditures, and Paraguay which devotes 3.1 percent.

The amendment would not affect them immediately, but would serve as a warning that if their expenditures for military purposes go any higher, the United States will no longer subsidize their economic development and, in effect, replace their capital resources with American capital resources.

When I discussed the amendment in committee, where it was rejected, the argument was made that we would be interfering with the sovereign rights of a sovereign state. I understand that argument, Mr. President, but I do not think that a period should be put at the end of that argument, but only a semicolon. There also should be added to it: "so is the United States a sovereign state."

So it is the United States, in carrying out its obligation of sovereignty in relationship to the taxpayers of the United States, that has a duty to lay down conditions on the meeting of which will depend the making available of American taxpayer dollars for aid to any country.

We do not interfere with their sovereign right to place more importance on their buying of arms from Russia than on getting economic aid from the United States to help them improve the lot of the masses of their people.

The argument of sovereignty, Mr. President, works both ways. The Senate has an obligation to carry out a foreign policy within the sovereign prerogative of the United States that protects the American taxpayer from the kind of holdup to which I think they are being subjected in some Latin American countries when they take all the aid they can get from us—and our AID administration has been exceedingly generous to them—and then, in addition, they start using their own resources to obtain supplies, equipment, and heavy equipment for a large military establishment which, in effect, means that the taxpayers indirectly pay for that military establishment.

I think that is a good example of malfeasance in the administration of our foreign aid program. Our foreign aid administrators need to be told that must stop, that we will give those countries that amount of military establishment that will protect them from internal disorder, but no more.

If the countries of the hemisphere want to spend their resources for arms, they can surely do it. But do we want to spend Alliance for Progress funds to replace the diverted money? In my opinion, that is pure waste. In my opinion it is hurting the Alliance for Progress program, but more of that in a moment.

George Barmann, an outstanding news reporter on the staff of the Plain Dealer—a man who is noted in Ohio as an objective and talented news reporter—wrote a fine news column which was published in the Christian Science Monitor under the caption, "Cleveland Rakes Coals of Racial Violence." Mr. President, I ask unanimous consent that this special news column by George Barmann, as published in the Christian Science Monitor, be placed in the RECORD as a part of my remarks.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

CLEVELAND RAKES COALS OF RACIAL VIOLENCE

(By George Barmann)

CLEVELAND.—In the race riots in this city, there are two vital questions which still have no official answers: What has caused this turbulence, with fatalities, injuries to police, firemen, and civilians, and property damage that will reach $1 million? And was it all organized or was it spontaneous?

Few public officials care to make public statements or to give answers to either of these questions.

Cleveland's worst rioting in its history broke out in what is known as the Hough area, on the city's east side, the night of July 18. It carried over into the morning hours of July 19.

It left a Negro woman killed, felled by a bullet from someone's gun. Twenty-one persons were hurt, including 12 policemen and one fireman. They were victims of gunshot wounds and of showers of bricks and rocks. Property damage, authorities said, would reach $1 million—from fires, mostly.

The next day Mayor Ralph S. Locher said "this is a tragic day in the life of our city." Observing the damage and the smoldering fires in stores and homes, he asked Gov. James A. Rhodes for a unit of the Ohio National Guard to be alerted for duty—if necessary.

The trouble area is an urban-renewal area, where renewal has been extremely slow and, by many measures, mostly a failure. It is an area of frustrations—in housing, in jobs, in education. The area has deteriorated badly. That's the big problem: deterioration.

GATHERINGS BROKEN UP

And so the summer's lightning of racial discontent has struck the Hough area again in Cleveland. The summer's first violence, a pattern of vandalism and of looting, began June 22, with roving gangs of teen-agers and young men on the loose with rocks and bricks and fire bombs.

A Negro boy was shot at that time. He was wounded when he stood near a gang of rock throwers. The trouble went on for 10 days, with police squads breaking up gatherings here and there in the area. As quickly as the incidents began, they gave way to an uneasy lull.

Then came the furious troubles of the night of July 18.

Young mobs ran wild again. Only this time the shooting was widespread. Snipers went after policemen. Chief of Police Richard R. Wagner took his own personal hunting rifle with him as he tried to track down snipers on roof tops. Mobs cut fire hoses to keep firemen from putting out blazes.

"Burn, baby, burn!" was the cry heard.

Said the Cleveland daily newspapers, in editorials: "This violence must stop."

Putting down the violence hardly ends the difficulties. Ironically, the trouble broke out hours before Mayor Locher was to visit the racially concentrated area. That visit was prompted by repeated complaints of uncollected and rat-infested garbage, abandoned and vandalized houses, unswept streets, and other marks of the area. All of this—and hot and crowded Hough in July.

Another cause, some persons insist, is sinister leadership. Still, there is plenty of frustration and suffering for the instigation to feed on. Said a social worker in the area: "Nothing has been done about police enforcement or building enforcement. We can reach these people, but we can't get results without more help from City Hall."

MAYOR ORDERS STUDY

Bertram E. Gardner, director, Community Relations Board, said: "It's a combination of frustrations." Ezra Shapiro, cochairman of the board, said: "Not enough is being done to solve the basic problems." Mayor Locher has ordered a study of the area's problems. He has asked for recommendations.

For weeks, police have been collecting information on the activities of several persons—information relating to gun clubs, target-practice ranges in an adjoining county, youth clubs where teen-agers are taught to "mug" and loot, in addition to military drills and crowd-dispersal tactics. Veteran newsmen get the picture. Some persons spoke of the summer riots of 1966 while the snow was still on the ground earlier this year.

The seething element in the Hough community spins out of a youth movement identified with the JFK House, a store-front recreational center. It is directed by Lewis G. Robinson, a Negro, who formerly was a city housing inspector and one-time law student. He believes Negroes are "terribly abused by whites." Youths associated with the house have been involved in fights and street hoodlumism.

Observers have noted that among the teenagers in the latest riots were persons in their 20's.

"There is a classic pattern emerging all over the country," says Chief of Police Wagner. "Juveniles are supposed to get the riot off the ground. If they do, extremists come out and get on the roof tops with their rifles to shoot at policemen. The extremists are a small, loose organization with a lot of opportunists."

Again, with no one willing publicly to pinpoint the trouble, some Negro councilmen and welfare workers blame the riot squarely on the boldness of the youth gangs who are not arrested or punished and who continue to grow in daring.

MESSAGE FROM THE HOUSE—ENROLLED BILLS SIGNED

A message from the House of Representatives by Mr. Bartlett, one of its reading clerks, announced that the Speaker had affixed his signature to the following enrolled bills:

S. 2822. An act to amend various provisions of the laws administered by the Farm Credit Administration to improve operations thereunder, and for other purposes;

H.R. 139. An act to provide for the striking of medals to commemorate the 1,000th anniversary of the founding of Poland; and

H.R. 14324. An act to authorize appropriations to the National Aeronautics and Space Administration for research and development, construction of facilities, and administrative operations, and for other purposes.

FOREIGN ECONOMIC ASSISTANCE, 1966

The Senate resumed the consideration of the bill (S. 3584) to amend further the Foreign Assistance Act of 1961, as amended, and for other purposes.

The PRESIDING OFFICER. The Chair recognizes the Senator from Oregon.

AMENDMENT NO. 667

Mr. MORSE. Mr. President, my amendment No. 667 is pending. It is an amendment which provides that none of the funds authorized by this act shall be used to provide assistance to any country in Latin America in any fiscal year, if the total estimated expenditures of such country for defense purposes for such year are expected to exceed an amount equal to 3.5 percent of the estimated gross national product, as determined by the President, of such country for such year.

Mr. President, this amendment is designed to restrict financial assistance to countries of Latin America that devote a disproportionate share of their already meager national wealth to military establishments.

At the present time, it would not cause suspension of any assistance in Latin America, for no country exceeds the limitation set forth in my amendment, judging from the figures available.

In the hearings on the pending bill, I questioned Assistant Secretary Lincoln Gordon on the extent of militarization of nations of the hemisphere. We all know they are not threatened with attack, say, from the Soviet Union, or China. If world war III comes, it will not come because of Latin America nor will it directly involve Latin America. Defense problems between themselves tend to be more a matter of rivalry in prestige rather than the likelihood of full-scale warfare.

It is obvious, Mr. President, that in some of the Latin American countries, there have been built up, on a prestige factor, rather powerful military oligarchies which cost the countries involved huge sums of money. If we are to provide economic development aid, the taxpayers ought to have assurance that the recipient country will not use, then, its own resources to build up a nonproductive military oligarchy, for it is not needed for the external protection of the country.

We have to draw a clear line of distinction here, Mr. President, between external security and internal security. The Latin American countries exist under the defense umbrella of the United States. Certain types of military aid are needed for internal security, to protect a country from a Communist coup—although it is rather paradoxical that much of the military establishment in too many Latin American countries is used to bring about military coups.

The type of military aid that I have supported has been military aid of that quantity and kind necessary in order to suppress internal riots and internal coups of a Communist nature. That means small arms. It means helicopters, communications equipment, machineguns, and rifles; it means what we generally refer to as small arms military paraphernalia. But tanks, plans, submarines, and heavy equipment, Mr. President, which characterize too much of the military establishment in too many Latin Ameri-

This amendment would discourage these countries from purchasing arms abroad and should accompany any ceiling on arms aid such as is now in the military assistance portion of the law.

My closing argument deals with our actions to put the deleterious effect of our military program in Latin America upon the true objectives of the Alliance for Progress program.

President Kennedy never envisioned the Alliance for Progress program as being anything other than an economic aid program. Members of the Committee on Foreign Relations are well aware of it because many were on the committee with me at the time that the then Senator from Massachusetts, later President of the United States, was a member of the Committee on Foreign Relations and also a member of my Subcommittee on Latin American Affairs.

He stood shoulder to shoulder with me, may I say, on practically all aspects of the Alliance for Progress program, although we did not call it that then. In fact, I cannot recall one single item, major or minor, involving the Alliance for Progress program, or the preparation of it, in respect to which we did not completely agree.

Mr. President, the then Senator Kennedy, later President Kennedy, emphasized that what is needed is an economic program in Latin America. He emphasized that what is needed is investment of American funds in projects that would help improve the economic lot of the people of a given country, leaving within the sphere of economic influence of each project that our objective should be to try to do something to better the economic lot of the people of Latin America at the mass level.

I have said in the Senate so many times that I know I speak only again for the record this morning: there is no hope in some areas of Latin America for a developing political freedom, and there is no hope of maintaining and strengthening political freedom wherever it exists to some degree in Latin America unless we strengthen economic freedom. Only through exporting or helping to export to Latin America the system of economic freedom is there any chance for Latin America surviving the threat that communism is pressing down upon it in many areas of Latin America.

Communism will never be beaten with military assistance. Communism will never be beaten with bullets. You cannot shoot communism out of Latin America, nor can you shoot communism out of the minds of segments of the people who, because of their deprivation and degradation, have reached the point in many instances of hopelessness and are therefore completely willing to go along with something that promises to be better when, in fact, it is bound to be worse and will mean more misery, more poverty, and more degradation if they surrender to it.

Mr. President, we have got to build up, as President Kennedy envisioned when he announced the Alliance for Progress program, a great economic assistance program in Latin America based upon the project concept.

When the military assistance program, or when the expenditure of a given country for an unneeded, exaggerated military establishment, has the effect of interfering with the economic program of a given country, then we ought to be willing to say, and my amendment proposes to have us say: "We are not going to continue economic aid to you. You must cut back, and you ought to establish a ceiling of not more than 3.5 percent of your gross national production."

Here, in connection with the economic aid program, we have an opportunity this morning to put into the proposed legislation this check on excessive spending for a military program in any Latin American country at the cost of the development of a sound economic program.

Therefore, I believe that my figure of 3.5 percent in relationship to the gross national product figure is a fair checkmate upon any Latin American country that wishes to build up a military establishment at the expense of the economic needs of its people.

Mr. FULBRIGHT. Mr. President, this amendment was offered in committee and rejected by a vote of 11 to 4.

According to the latest figures available to the Foreign Relations Committee, Brazil spends the highest percentage of gross national product on defense in Latin America, and that is at the level of 3.5 percent. All other Latin American countries spend a lower percentage.

Thus, the amendment would have no immediate practical application. But it would have the effect of saying to Brazil, "If you increase your defense expenditures, you get no more U.S. aid."

Maybe that ought to be said to Brazil, but it ought to receive more consideration than the Senate can give it during debate on this bill. And it ought also to be related to defense expenditures by other Latin American countries, especially Argentina.

There is a technical defect in the amendment, possibly inadvertent, in that it makes it the responsibility of the President of the Latin American country to determine that country's gross national product.

For these reasons, I oppose the amendment.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Oregon [Mr. MORSE].

Mr. MORSE. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MANSFIELD. Mr. President, I ask for the yeas and nays.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Oregon [Mr. MORSE].

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. LONG of Louisiana. I announce that the Senator from Tennessee [Mr. BASS], the Senator from Indiana [Mr. BAYH], the Senator from Arizona [Mr. HAYDEN], the Senator from Missouri [Mr. SYMINGTON], and the Senator from Arkansas [Mr. MCCLELLAN] are absent on official business.

I also announce that the Senator from Oregon [Mrs. NEUBERGER] and the Senator from Connecticut [Mr. DODD] are necessarily absent.

I further announce that, if present and voting, the Senator from Indiana [Mr. BAYH] and the Senator from Oregon [Mrs. NEUBERGER] would each vote "nay."

Mr. KUCHEL. I announce that the Senator from Colorado [Mr. ALLOTT], the Senator from Kentucky [Mr. MORTON], and the Senator from Kansas [Mr. PEARSON] are necessarily absent.

The Senator from Kansas [Mr. CARLSON] is absent on official business.

If present and voting, the Senator from Colorado [Mr. ALLOTT], the Senator from Kansas [Mr. CARLSON], the Senator from Kentucky [Mr. MORTON], and the Senator from Kansas [Mr. PEARSON] would vote "nay."

The result was announced—yeas 11, nays 78, as follows:

[No. 154 Leg.]

YEAS—11

Burdick
Clark
Ellender
Gruening
Hartke
Kennedy, N.Y.
Morse
Moss
Pell
Tydings
Young, Ohio

NAYS—78

Aiken
Anderson
Bartlett
Bennett
Bible
Boggs
Brewster
Byrd, Va.
Byrd, W. Va.
Cannon
Case
Church
Cooper
Cotton
Curtis
Dirksen
Dominick
Douglas
Eastland
Ervin
Fannin
Fong
Fulbright
Gore
Griffin
Harris
Hart
Hickenlooper
Hill
Holland
Hruska
Inouye
Jackson
Javits
Jordan, N.C.
Jordan, Idaho
Kennedy, Mass.
Kuchel
Lausche
Long, Mo.
Long, La.
Magnuson
Mansfield
McCarthy
McGee
McGovern
McIntyre
Metcalf
Miller
Mondale
Monroney
Montoya
Mundt
Murphy
Muskie
Nelson
Pastore
Prouty
Proxmire
Randolph
Ribicoff
Robertson
Russell, S.C.
Russell, Ga.
Saltonstall
Scott
Simpson
Smathers
Smith
Sparkman
Stennis
Talmadge
Thurmond
Tower
Williams, N.J.
Williams, Del.
Yarborough
Young, N. Dak.

NOT VOTING—11

Allott
Bass
Bayh
Carlson
Dodd
Hayden
McClellan
Morton
Neuberger
Pearson
Symington

So Mr. MORSE's amendment was rejected.

Mr. THURMOND and Mr. BYRD of Virginia addressed the Chair.

The PRESIDING OFFICER. The Senator from South Carolina is recognized. The pending business, however, is amendment No. 696, according to the unanimous consent agreed to yesterday by the Senate.

The Senator from South Carolina has the floor.

Mr. THURMOND. Mr. President, is that the amendment that has been modified and is now numbered or designated as amendment No. 704?

The **PRESIDING OFFICER.** The Senator is correct. The amendment has been modified and is pending now as amendment No. 704, proposed by the Senator from New York and the Senator from South Dakota.

ORDER OF BUSINESS

Mr. THURMOND. Mr. President, I yield to the distinguished Senator from Colorado [Mr. Dominick].

Mr. DOMINICK. Mr. President, I appreciate the courtesy of the distinguished Senator from South Carolina.

I ask unanimous consent to proceed for 1 minute on a nongermane subject.

The **PRESIDING OFFICER.** Is there objection? Without objection, it is so ordered.

AIRLINE STRIKE—INTRODUCTION OF A JOINT RESOLUTION

Mr. DOMINICK. Mr. President, it seems to me the airline strike is getting more acute every day. We keep getting more and more letters, telephone calls, people writing in about their problems in connection with the airline strike.

Yesterday I introduced a joint resolution. I ask unanimous consent that I may introduce a revised version of the joint resolution which would give legislative authority to do something about the airline strike. I also ask unanimous consent that it may be printed in the Record as a part of my remarks.

My original joint resolution called for the reconvening of the Presidential Emergency Board of April 21. I have talked with the distinguished Senator from Oregon [Mr. Morse], who is on the floor, about this proposal. From statements he has made and from statements of other persons, he feels that the Presidential Board has disqualified itself. Consequently, the revised version of my joint resolution would have the President appoint a five man board within 5 days after the adoption of the resolution. The hearings and the recommendations of the Emergency Board would be turned over the new Board. The Board would have 30 days to hold additional hearings and then it would have authority to issue an order which would be binding on both parties.

We are in an extraordinary parliamentary situation in the Labor and Public Welfare Committee. There is pending before it the minimum wage bill. There is pending before it the lower education and the higher education bills. There is pending before it the airline strike proposals and so many other matters that it seems impossible for the committee to consider all of the matters.

I have alerted the committee that I shall object to the Labor and Public Welfare Committee proceeding on other legislation while the Senate is in session, until the airline dispute has been worked out in a legislative way or the strike is settled. I think that is particularly important. I do not see how we can debate with good reason and justice, the other bills before the Labor Committee, until the issue of the airline strike is settled.

This airline strike is having such a devastating effect upon our Nation's economy that it is sheer foolishness to ignore it any longer. Not only will I object to the Labor Committee's bypassing this important issue to take up other legislation, but I intend to object to any executive sessions on other legislation that the committee may attempt to hold while the Senate is in session.

It is not my purpose to hold back action on important legislation such as the current proposal dealing with minimum wages, but it is high time for the Senate to come to grips with the enormous problems created by the airline strike, especially in view of the President's refusal to make his own position clear.

I thank the Senator from South Caroline for yielding to me.

I now send to the desk the revised version of the joint resolution to which I referred previously.

The **PRESIDING OFFICER.** The joint resolution will be received and appropriately referred; and, without objection, the joint resolution will be printed in the Record.

The joint resolution (S.J. Res. 185) to provide for the settlement of the labor dispute between certain airlines and certain of their employees, introduced by Mr. Dominick, was received, read twice by its title, referred to the Committee on Labor and Public Welfare, and ordered to be printed in the Record, as follows:

S.J Res. 185

Whereas the labor dispute between certain airlines and certain of their employees represented by the International Association of Machinists and Aerospace Workers threatens essential transportation services of the Nation; and

Whereas it is essential to the national interest, including the national health and defense, that essential transportation services be maintained; and

Whereas all the procedures for resolving such dispute provided for in the Railway Labor Act have been exhausted and have not resulted in settlement of the dispute; and

Whereas the Congress finds that emergency measures are essential to security and continuity of transportation services by such carriers; and

Whereas it is desirable to achieve the above objectives in a manner which preserves and prefers solutions reached through collective bargaining; and

Whereas the parties have failed to reach a settlement of the dispute, and as a result a work stoppage has occurred which has deprived the nation of necessary transportation services; and

Whereas it is essential that such services be restored at the earliest possible date and that procedures be provided for final and binding settlement of the issues in the dispute: Therefore be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That no carrier or labor organization which is a party to the existing labor dispute (National Mediation Board Case No. 7655) between certain airlines and certain of their employees which has resulted in a stoppage of work by such employees and an interruption of service by such airlines, shall make any change except by agreement, or pursuant to an arbitration award as hereinafter provided, in rates of pay, rules, or working conditions encompassed by such dispute or engage in any strike or lockout over such dispute. Any action heretofore taken which would be prohibited by the foregoing sentence shall be forthwith rescinded and the status existing immediately prior to such action restored.

Sec. 2. There is hereby established an arbitration board to consist of five members who shall be appointed by the President within five days after the date of enactment of this joint resolution. One of the members shall be designated as chairman at the time of appointment. Notwithstanding any other provision of law, the National Mediation Board is authorized and directed (1) to compensate the members of the board at the rate of $100 per day together with necessary travel and subsistence expenses, and (2) to provide such services and facilities as may be necessary and appropriate in carrying out the purposes of this joint resolution.

Sec. 3. Copies of the record of the proceedings before Emergency Board No. 166, appointed by the President under the Railway Labor Act, shall be made available to the arbitration board appointed under section 2. The arbitration board is authorized to consider and adopt such of the testimony taken by the Emergency Board No. 166, and to take such additional testimony, as it deems appropriate. The arbitration board shall make its decision resolving the issues in dispute. Such decision shall be binding on both the carriers and the labor organization which are parties to the dispute and shall constitute a complete and final disposition of the issues covered by the decision.

Sec. 4. To the extent not inconsistent with this joint resolution the arbitration shall be conducted pursuant to sections 7 and 8 of the Railway Labor Act, the board's award shall be made and filed as provided in said sections and shall be subject to section 9 of said Act. The United States District Court for the District of Columbia is hereby designated as the court in which the award is to be filed, and the board shall report to the National Mediation Board in the same manner as arbitration boards functioning pursuant to the Railway Labor Act. The award shall continue in force for such period as the board shall determine in its award, but not to exceed two years from the date the award takes effect, unless the parties agree otherwise.

Sec. 5. The board shall begin its hearings immediately upon its appointment and shall make and file its award not later than thirty days after the date on which it commences its hearings.

Sec. 6. The obligations imposed by this joint resolution, upon suit by the Attorney General, shall be enforcible through such orders as may be necessary by any court of the United States having jurisdiction of any of the parties.

Sec. 7. This joint resolution shall expire one hundred and eighty days after the date of its enactment, except that it shall remain in effect with respect to the last sentence of section 4 for the period prescribed in that sentence.

Sec. 8. If any provision of this joint resolution or the application thereof is held invalid, the remainder of this joint resolution and the application of such provision to other parties or in other circumstances not held invalid shall not be affected thereby.

FOREIGN ECONOMIC ASSISTANCE, 1966

The Senate resumed the consideration of the bill (S. 3584) to amend further the Foreign Assistance Act of 1961, as amended, and for other purposes.

Mr. THURMOND. Mr. President, I am going to speak against the Kennedy amendment which is pending at the desk as No. 704.

I was interested to see in the Congressional Record this morning that quite a discussion and debate developed last evening on the Senate floor concerning an amendment offered by the junior Senator from New York [Mr. Kennedy] and cosponsored by the senior Senator from Pennsylvania [Mr. Clark].

This amendment is the same amendment which was offered last year to the foreign aid authorization bill and was adopted by the Senate on rollcall vote of 78 to 1. It subsequently was deleted in conference, a circumstance which has precipitated its being offered again this year.

During the discussion which ensued yesterday, numerous references were made to the overwhelming approval of the amendment last year by a vote of 78 to 1. Since I was the only Member of the Senate to vote against the proposal last year, when it was considered in such great haste and certainly without adequate discussion, I am particularly pleased that the amendment is being considered for what it actually is this year.

My understanding of the amendment last year was that it directed a study to determine the appropriate level of future foreign aid commitments on the part of tht United States with particular reference as to whether the level of our foreign aid should be tied in, on a percentage basis, with the gross national product of the United States.

I was not opposed then, nor am I opposed now, to a study and rethinking of our foreign aid program. However, even from the brief discussion of the amendment, it appeared obvious to me that the amendment was sadly deficient in several respects.

First, it was predicated on the assumption that foreign economic assistance by the United States was too low and should be increased substantially.

Second, although there was a commission established to study the foreign aid economic program and report both to the President and to the Congress, the amendment virtually tied the hands of the Commission as to what their findings could be.

Third, it appear to me completely unreasonable to attempt to calculate the level of our foreign economic assistance on the basis of our own gross national product since this avoids the necessary question of the need for future assistance on the part of the developing nations.

Fourth, it was implicit from the amendment that it anticipated a foreign economic assistance program in perpetuity, and did not look to the day when the United States would no longer be called upon to devote its own resources to the benefit of other nations.

Fifth, the amendment did not deal with certain elements of the foreign aid program which I considered most worthy of study. I have particular reference here to the numerous administrative deficiencies which have existed from its inception and which continue today.

These are the reasons why I opposed the amendment when it was offered last year and are the reasons why I shall oppose the amendment this year unless it is substantially modified. It is particularly gratifying to me to see that numerous other Members of this body share my concern with the implications of this amendment now that the opportunity has provided itself for a more full and open debate on its merits.

AMENDMENT NO. 694

Mr. BYRD of Virginia. Mr. President, I ask unanimous consent that the pending amendment be temporarily laid aside and that I may call up my amendment No. 694, and request its immediate consideration.

The PRESIDING OFFICER. Is there objection? Hearing none, the request is agreed to.

The clerk will state the amendment.

The Assistant Legislative Clerk. The Senator from Virginia [Mr. Byrd] proposes an amendment, as follows:

> On page 1, line 10, strike out "paragraph" and substitute "paragraphs".
>
> On page 2, strike out the quotation marks at the end of line 6.
>
> On page 2, between lines 6 and 7, insert the following:
>
> "It is the sense of the Congress that the action of the West German Government giving approval and financial backing to a deal under which an international consortium in West Europe, headed by a West German firm, would supply steel plants to Communist China, the chief supplier of war material to North Vietnam and the Viet Cong, is a grave blow to the common defense of the free world and to the safety of American troops in Vietnam."

Mr. BYRD of Virginia. Mr. President, as Senators know, the pending bill, S. 3584, begins with a statement of policy. My amendment No. 694 would add an additional expression of concern on the part of the Senate.

The West German Government, Mr. President, has by official action guaranteed the financing of a steel plant for Communist China. I emphasize that I am not speaking of a private firm, I am not speaking of individual companies, but I am speaking of official action taken by the Government of West Germany. Under that action, the payment for steel facilities for Communist China would be guaranteed.

We have heard from our State Department and our military officials that much of our trouble in Vietnam is due to the Red Chinese. We know, from statements by our military leaders, that the bulk of the war materiel killing American soldiers today in South Vietnam is coming from Communist China. We know that our Nation has drafted and sent to southeast Asia 300,000 Americans.

We know, too, Mr. President, that this Nation has drafted and sent to Western Europe 225,000 Americans, for the purpose of protecting West Germany and Western Europe from Soviet aggression. And yet we have seen that the West German Government, by official action, has guaranteed the financing of a steel plant for Communist China.

When I first brought this matter to the attention of the Senate on March 21, following my statement, the able and distinguished Senator from Rhode Island made a similar statement in regard to this action on the part of the West German Government, and I shall quote now from the statement of Senator Pastore, who incidentally is a cosponsor of amendment No. 694, as is the distinguished Senator from Georgia [Mr. Talmadge].

Senator Pastore, on March 21, made this statement:

> This steel mill will have the capacity to produce steel which could be used to manufacture bombs, missiles, guns, and bullets to be used against American boys. This country should protest it. If the Administration does not do so, then I think Congress should do something about it.

I have felt since that time, Mr. President, that the administration should officially protest—and strongly and publicly protest—this action by the West German Government. It is true that the State Department has voiced concern. Under date of June 29, I received a communication, responding to one which I had sent to the Secretary of State, from the Assistant Secretary of State for Congressional Relations, Ambassador Douglas MacArthur II, which contained this paragraph:

> There is no Allied agreement which would prohibit the sale or the guarantee of credits for the sale of this equipment to Communist China. I know, however, that you are acquainted with the reservations which Secretary Rusk expressed publicly concerning the transaction. The Secretary's public statements were followed, in early April, by conversations conducted, on instructions of the Department, between our embassy in Bonn and the German Government, in which we officially brought the Secretary's comments to the attention of the German Government, and expressed our hope that the German Government would continue to review the matter.

So the State Department has made an official protest. I feel that it is appropriate and desirable, and could be very helpful, if Congress were also to make an official protest. While the West German Government has given its official approval, work on the project has not yet been started. Not all the other members of the consortium have put up their share of the finances. So I think it is very probable that if the Congress of the United States were to speak out on this issue, the West German Government might withdraw its official sanction and its official guarantee of the financing of this steel plant for Red China.

That is what my amendment No. 694 would do. It would be an expression of concern. It would be an expression of disapproval, on the part of the Senate, of this action by the West German Government, and I believe could very readily result in the saving of American lives in Vietnam.

Mr. THURMOND. Mr. President, will the Senator yield?

Mr. BYRD of Virginia. I yield to the Senator from South Carolina.

Mr. THURMOND. Mr. President, I commend the able Senator from Virginia for offering this amendment, and I wish to associate myself with the remarks he has made concerning it.

Mr. MILLER. Mr. President, will the Senator yield?

Mr. BYRD of Virginia. I yield to the Senator from Iowa, but first I should like to express my appreciation to the Senator from South Carolina.

Mr. MILLER. Mr. President, the amendment offered by the Senator from Virginia is a very meritorious amendment in my judgment. However, I suggest that this proposed action poses a threat not only to the lives of our troops in Vietnam, but also to the lives of the troops of our allies fighting in Vietnam—Korean, South Vietnamese, and all other forces presently in South Vietnam.

I wonder if my friend, the Senator from Virginia, would consider possibly modifying his amendment on page 2, line 3, to insert after the word "American" the words "and allied" because I believe that this is right on the point and will strengthen the amendment.

Mr. BYRD of Virginia. Mr. President, I feel that the suggested modification is very desirable. I am very happy to accept the words "and allied." I think the words strengthen the amendment. Certainly our allies who are fighting with us in South Vietnam should have recognition in this measure.

Mr. MILLER. Mr. President, I ask the Senator if he will modify his amendment so that on page 2, line 3, the words "and allied" be inserted after the word "American."

Mr. BYRD of Virginia. Mr. President, I so modify my amendment.

The **PRESIDING OFFICER.** The amendment is so modified.

Mr. TALMADGE. Mr. President, will the Senator yield?

Mr. BYRD of Virginia. I yield.

Mr. TALMADGE. Mr. President, I extend my warmest commendations to the able and distinguished junior Senator from Virginia for his amendment.

I think Congress should express its condemnation of the building by West Germany of a steel mill in Red China at the present time, particularly when the Red Chinese are the principal suppliers of the weapons and sinews of war which are being used daily in Vietnam to kill our American sons who are being sent there to fight in the campaign in this unfortunate country.

I am pleased to be a cosponsor, and I compliment the distinguished Senator, for calling this matter to the attention of the Senate.

I hope that his amendment will be agreed to overwhelmingly.

Mr. BYRD of Virginia. Mr. President, I express by appreciation to the Senator from Georgia for his comments and for his firm support of the proposal.

Mr. President, I ask for the yeas and nays.

The **PRESIDING OFFICER.** Is there a sufficient second? There is not a sufficient second.

The yeas and nays were not ordered.

Mr. FULBRIGHT. Mr. President, I suggest the absence of a quorum.

The **PRESIDING OFFICER.** The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. FULBRIGHT. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The **PRESIDING OFFICER.** Without objection, it is so ordered.

Mr. BYRD of Virginia. Mr. President, I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. FULBRIGHT. Mr. President, I have great sympathy with the feelings of the Senator from Virginia, but two or three observations should be made.

The Italians and the French participate in this consortium, and if we are going to denounce one country, we ought to denounce all of those involved. If we are going to start denouncing people who sell to the Chinese, we should denounce the Canadians, because they have sold a great deal of wheat to them and people cannot fight without eating. We ought to denounce Argentina, because even though they have a new government, they sold some wheat to Communist China.

I think it is a very risky business to denounce countries whose trade policies we do not approve in a policy statement of this sort.

We have very few friends left, and one of the principal ones is the Federal Republic of Germany. Personally, I would not want to take the responsibility of denouncing them for actions which they thought were in their national interest.

Obviously, there is a difference of opinion in many places in the world as to our policy in Asia. I happen to question the wisdom of our policy there. I think there is at least some reasonable ground for honest differences of opinion, and I do not believe it is wise for the Senate to take it upon itself to pick out and denounce one country. Germany happens to be one of the most powerful and loyal allies of this country today, a country upon whom we depend in many ways. I do not think it is wise to single them out and insult them in this manner. It would be a great mistake, in my opinion.

If we are going to pass this sort of amendment, we should include every country who is doing business with Communist China. This would include quite a number of the more important countries of the world.

Mr. BYRD of Virginia. Mr. President, is it not correct that West Germany is the only government which has taken official action insofar as guaranteeing the financing of steel plants for Communist China is concerned? Private investors of other nations have been involved in other examples, but the West German Government is the only government that has officially taken this action.

Mr. FULBRIGHT. Mr. President, I did not make a study of this particular consortium. I did read an account of it in the newspapers. I believe the account I read said that this is a consortium of several countries. I believe that France and Italy participate with Germany in this project, but I do not recall whether or not they extend credits. But they do participate and, presumably, will profit by it.

Very recently we read of a big deal involving a $400 million sale to the Russians by the Fiat Co. of Italy.

I would doubt seriously that there is not some government participation in a deal that big. It would be very unusual if there is not, but I have not made a study of it. I do not object to it.

I am told that in the Fiat deal, the United States will furnish a substantial amount of money or material. It is difficult to draw a distinction between that case and the one involving the steel mill. I believe this raises some complex problems. I believe it would be unwise for us to put this kind of policy statement in a foreign-aid bill. That is one of the reasons why I believe bilateral foreign aid bills do much harm to our national interests. Every year there are vehicles for all kinds of miscellaneous expressions about everything from steel mills to fishing off the coast of Peru.

Mr. BYRD of Virginia. Mr. President, will the Senator yield?

Mr. FULBRIGHT. I yield.

Mr. MAGNUSON. Mr. President, will the Senator yield?

Mr. FULBRIGHT. I yield.

Mr. MAGNUSON. I wish the Senator would add the States of Washington, Oregon, and California.

Mr. KUCHEL. I join in that last request, and ask that the error be corrected.

Mr. BYRD of Virginia. Mr. President, I would like to put in the countries which are involved, but none of which are involved as a nation, except West Germany.

Mr. FULBRIGHT. What about Canada?

Mr. BYRD of Virginia. Canada is not involved.

Mr. FULBRIGHT. But the Government of Canada assisted in the financing of the sale of wheat to China. Canada has an agency which I understand is somewhat similar to our Export-Import Bank.

Mr. BYRD of Virginia. Does not the Senator see a difference between the sale of wheat and the financing of a steel plant, which would undoubtedly be used to kill Americans? The Chinese are supplying the war materials to the Vietcong and the North Vietnamese, who are fighting American soldiers in South Vietnam. I believe there is a great distinction between wheat and steel. Anyway, Canada is not involved in this particular transaction.

Mr. FULBRIGHT. Not in this particular transaction. But I said in a general way that if we attempt to formally adopt in this bill all our disagreements with the policies of various countries around the world, it would be a very serious mistake.

Mr. BYRD of Virginia. Mr. President, if the distinguished chairman of the Committee on Foreign Relations would permit me to ask him a question——

Mr. FULBRIGHT. Yes.

Mr. BYRD of Virginia. Would it overcome the objection of the Senator if the words "West German" were eliminated and in their place inserted the words "any government"? And then on line 9 of the same amendment, the clause "headed by a West German firm," could be stricken, so as to let this apply to any government which guarantees the financing of warmaking plants for Communist China, which is doing so much to supply the materials for our enemies in South Vietnam.

Mr. FULBRIGHT. I do not believe that would cure the problem.

As I said a moment ago, I disapprove of policy statements in general. Although I may be sympathetic with some aspects of these statements I do not believe they are the proper way to deal with differences among nations. Statements are subject to misinterpretation.

I do not know how many countries would be offended if that were done. I have not given the matter much thought. Perhaps everybody would be angry with us. Enough countries are angry at us now.

I do not believe in including this sort of statement in the bill. I have attempted to strike out all of the policy statements in this bill on several occasions. We did strike them out once, and then they were reinstated. Policy riders are an invitation to the inclusion of statements in the act which are not relevant to aid.

The Senator's amendment does not say that we will cut off aid to Germany. That cannot be done since Germany is not receiving any aid. At least, that type of prohibition makes it relevant. But I do not approve of that approach as a general principle either.

There are other ways of dealing with matters of this nature. The proper way in this case would be for our Government, through diplomatic channels, to express our disapproval of any government doing anything that we believe to be inimical to our national interest. I do not wish to lend myself to encumbering the policy section of the act any more than it is now encumbered.

Mr. MUNDT. Mr. President, will the Senator yield?

Mr. BYRD of Virginia. I yield.

Mr. MUNDT. I hope that the Senator from Virginia will make the modifications in the amendment that he has mentioned, because I do not believe it is good legislative practice ordinarily to single out countries by name for condemnation. Every time we have done that, it has caused trouble. Every time the House does it, the administration rushes down and has us write a little escape hatch saying, "unless the President finds it in the public interest."

If we can delineate certain criteria of action to which we object, and then let the shoe fit any foot that happens to inject itself into this problem, I believe that the Senator would improve his amendment substantially. This could be done by eliminating the names of the countries and setting out the conditions and practices to which we object.

I must say that I am not reluctant to use the foreign aid bill as a means by which we can attach statements as to general foreign policy, because this program is in fact a big arm of our foreign policy. I do not agree with the chairman of the Foreign Relations Committee that this is not the place to talk about it or to legislate about it, but I am a little allergic to the idea of singling out countries by name whenever we can avoid it and still achieve the same results.

Mr. BYRD of Virginia. As the Senator from South Dakota has mentioned, the pending bill starts out with a statement of policy. It occurs to me that it is perfectly appropriate to have a statement of policy.

Mr. MUNDT. I see nothing wrong with attaching it to this bill, if we can get across the idea that we wish to convey without needlessly slapping in the face people whose support we may ultimately need.

Mr. BYRD of Virginia. If the amendment were changed to delete the words "West German" and insert "any," would that overcome the objection which the Senator raises?

Mr. MUNDT. It would suit the Senator from South Dakota fine, because I do not believe that we should refrain from discouraging our friends from helping our enemies.

The British have also been in this sordid business. They sold tremendous numbers of buses to Castro at a time when he was desperate for transportation. A great many of our foreign friends are engaged in this practice in one way or another. Some of them are actually sending supplies through Haiphong to Vietnam to help strengthen the forces shooting at our American boys.

I see no objection at all in our raising a voice of protest and discouragement to those among our friends who engage in practices which help our enemy. I believe we can do that as the Senator has now suggested, without mentioning names but I feel the time has come to express our own convictions and speak our minds.

Mr. BYRD of Virginia. In that connection, I ask unanimous consent that amendment No. 694 be amended, as follows:

> On line 7, strike out "West German" and insert "any." On line 9, strike out "headed by a West German firm."

That eliminates reference to a particular government.

Mr. FULBRIGHT. I object.

The PRESIDING OFFICER. There is objection, and the yeas and nays have been ordered.

Mr. WILLIAMS of Delaware. Mr. President——

The PRESIDING OFFICER. The Senator from Virginia has the floor.

Mr. BYRD of Virginia. I yield to the Senator from Delaware.

Mr. WILLIAMS of Delaware. I hope that the Senator will be allowed to modify his amendment. That is customary practice. If it is not allowed to be modified, I have a parliamentary inquiry. An amendment to the amendment could be offered to delete that language, could it not?

The PRESIDING OFFICER. An amendment to the amendment would be in order.

Mr. WILLIAMS of Delaware. I hope that before a motion is made to table, or otherwise, the Senator will be given an opportunity to at least change his amendment as he wishes. I believe he is entitled to that.

Would the Senator from Virginia make his request again? Maybe we can get it in.

Mr. BYRD of Virginia. I thank the Senator from Delaware.

My previous request was for unanimous consent to amend amendment No. 694, as follows:

> On line 7, to strike out "West German" and insert "any."
>
> On line 9, strike out "headed by a West German firm." No insertion.

The PRESIDING OFFICER. Is there objection to the amendment?

Mr. KUCHEL. Mr. President, reserving the right to object—and I shall not object—if this amendment were adopted, the finger would still be pointed at a friend of the Government and the people of the United States.

I remember an occasion when I was at the White House during the administration of President Eisenhower. The President commented on how, when the world turns over, friendships change, and he used West Germany as an example.

The cause of freedom, the opposition to communism, is reflected by the people and the government of West Germany just about as vigorously as by any capital in the world.

I do not believe this country can finger a nation and tell that nation how to run its foreign policy, or with whom it is going to trade or with whom it is not going to trade. As a matter of fact, the President sent to Congress a bill dealing with trade with the countries back of the Iron Curtain. That bill has been pigeonholed in the other body.

I yield to the Senator from Vermont.

Mr. AIKEN. I wonder how many Members of the Senate know how many countries we would have to stop dealing with if we stopped dealing with all countries that do business with Communist China. We could do business only with ourselves because we are the only country in the world, to the best of my knowledge—and I have been advised by people who know what they are talking about—that prevents trading with Communist China. That country has to get any supplies from us through a third party, if it gets them at all. At least one other country has a law against such trade, but the law is not observed.

Mr. KUCHEL. The Senator is correct.

I reserved the right to object in order to express myself. I have no objection, but I shall oppose the amendment in amended form.

The PRESIDING OFFICER (Mr. YOUNG of Ohio in the chair). Is there objection to the unanimous-consent request? The Chair hears none, and it is so ordered. The amendment will be modified.

Mr. MANSFIELD. Mr. President, I yield to the Senator from Virginia [Mr. BYRD].

Mr. BYRD of Virginia. Mr. President, I wish to make one further comment.

The amendment, I might say to the Senator from Vermont, does not express criticism of countries dealing with Red China. It expresses disapproval of the official financing and the building of a steel plant by one government. It does that for the reason that Communist China is the major supplier of war materials which are killing our men in South Vietnam.

If Congress can draft men and send them to South Vietnam, I submit that Congress has the responsibility to protect them while they are there.

Mr. AIKEN. The CONGRESSIONAL RECORD indicates that this is a meaningless question because the discussion has related to West Germany. Maybe we could get along without them. I do not know.

Mr. MANSFIELD. Mr. President, I move to table the pending amendment, and ask for the yeas and nays.

The yeas and nays were ordered.

The legislative clerk called the roll.

Mr. LONG of Louisiana. I announce that the Senator from Tennessee [Mr. BASS], the Senator from Indiana [Mr. BAYH], the Senator from Arizona [Mr. HAYDEN], the Senator from Georgia [Mr. RUSSELL], and the Senator from Arkansas [Mr. MCCLELLAN], are absent on official business.

I further announce that the Senator from Connecticut [Mr. DODD] is necessarily absent.

I further announce that, if present and voting, the Senator from Georgia [Mr. RUSSELL] would vote "nay."

Mr. KUCHEL. I announce that the Senator from Colorado [Mr. ALLOTT], the Senator from Kentucky [Mr. MORTON], and the Senator from Kansas [Mr. PEARSON] are necessarily absent.

The Senator from Kansas [Mr. CARLSON] is absent on official business.

If present and voting, the Senator from Colorado [Mr. ALLOTT], the Senator from Kansas [Mr. CARLSON], the Senator from Kentucky [Mr. MORTON], and the Senator from Kansas [Mr. PEARSON] would each vote "nay."

The result was announced—yeas 37, nays 53, as follows:

[No. 155 Leg.]

YEAS—37

Aiken
Anderson
Bartlett
Cannon
Church
Clark
Fulbright
Gore
Gruening
Hart
Holland
Inouye
Kennedy, Mass.
Kennedy, N.Y.
Kuchel
Lausche
Long, Mo.
Long, La.
Mansfield
McCarthy
McGee
McGovern
Metcalf
Monroney
Montoya
Morse
Moss
Muskie
Neuberger
Pell
Saltonstall
Scott
Smathers
Tydings
Williams, N.J.
Yarborough
Young, Ohio

NAYS—53

Bennett
Bible
Boggs
Brewster
Burdick
Byrd, Va.
Byrd, W. Va.
Case
Cooper
Cotton
Curtis
Dirksen
Dominick
Douglas
Eastland
Ellender
Ervin
Fannin
Fong
Griffin
Harris
Hartke
Hickenlooper
Hill
Hruska
Jackson
Javits
Jordan, N.C.
Jordan, Idaho
Magnuson
McIntyre
Miller
Mondale
Mundt
Murphy
Nelson
Pastore
Prouty
Proxmire
Randolph
Ribicoff
Robertson
Russell, S.C.
Simpson
Smith
Sparkman
Stennis
Symington
Talmadge
Thurmond
Tower
Williams, Del.
Young, N. Dak.

NOT VOTING—10

Allott
Bass
Bayh
Carlson
Dodd
Hayden
McClellan
Morton
Pearson
Russell, Ga.

So Mr. MANSFIELD's motion to lay on the table the amendment of the Senator from Virginia [Mr. BYRD], as modified, was rejected.

The PRESIDING OFFICER. The question recurs on agreeing to the amendment, as modified, offered by the Senator from Virginia.

On this question, the yeas and nays have been ordered, and the clerk will call the roll.

Mr. KUCHEL. Mr. President, I think all Senators should understand that what is pending now is an amendment pointed at the West German Government and, by indirection, suggesting that the action of the West German Government is undermining the position of the United States in southeast Asia.

I regret that the Senate has to vote on this kind of amendment. I am grateful that West Germany stands alongside the other members of the Atlantic Alliance in the cause of freedom in Western Europe and beyond.

The Government of the United States cannot direct her allies as to what kind of trade policy they should follow.

The PRESIDING OFFICER. The Senate will be in order. The attachés who are on the floor must either leave immediately or remain silent. The Senator from California, who has the floor, has a right to be heard.

The Senator from California.

Mr. KUCHEL. Earlier it was brought out on the floor what all Senators know, that the people of the United States have no better friend than Canada, our neighbor.

I did not like to read in the papers that Canada had entered into a series of agreements by which she was going to sell wheat to Red China; but I would oppose voting for a junior-grade censure resolution against Canada.

Mr. President, every year this foreign aid debate degenerates into something like a jungle. One zigs and zags his way through it. We are about ready to have the Senate go on record with an insulting amendment to our friend. It is regrettable that we are ready to vote that way. I am going to oppose it.

Mr. JAVITS. Mr. President, will the Senator yield to answer a question?

Mr. KUCHEL. I yield.

Mr. JAVITS. Like other Members of the Senate, I was tied up in the committee in executive session on the minimum wage bill, and voted "nay" against the motion to table, precisely because I would like to know what the amendment is about in greater detail.

I have no reason for not voting as the Senator from California says he proposes to vote, if we could get some answer to the factual basic question as to whether there is any serious basis for this amendment. Those of us who did not have the benefit of hearing the debate have no idea. Perhaps the distinguished chairman of the committee or the sponsor of the amendment can enlighten us.

The Senator from California has raised a most serious issue. I have always stood against the idea of a censure role on the part of the Congress in the foreign aid bill. We ought to know what is involved. That is the reason for my opposing the motion to table.

Mr. KUCHEL. Mr. President, I ask unanimous consent that the clerk be asked to read the text of the amendment as it was originally proposed, and then to read the text of the amendment as it has now been modified.

The PRESIDING OFFICER. Without objection, the clerk will read.

The legislative clerk read the amendment (694) as originally printed, as follows:

On page 1, line 10, strike out "paragraph" and substitute "paragraphs".

On page 2, strike out the quotation marks at the end of line 6.

On page 2, between lines 6 and 7, insert the following:

"It is the sense of the Congress that the action of the West German Government giving approval and financial backing to a deal under which an international consortium in West Europe, headed by a West German firm, would supply steel plants to Communist China, the chief supplier of war material to North Vietnam and the Viet Cong, is a grave blow to the common defense of the free world and to the safety of American troops in Vietnam."

The legislative clerk then read the language of the amendment, as modified, as follows:

On page 1, line 10, strike out "paragraph" and substitute "paragraphs".

On page 2, strike out the quotation marks at the end of line 6.

On page 2, between lines 6 and 7, insert the following:

"It is the sense of the Congress that the action of any government giving approval and financial backing to a deal under which an international consortium in West Europe would supply steel plants to Communist China, the chief supplier of war material to North Vietnam and the Viet Cong, is a grave blow to the common defense of the free world and to the safety of American and allied troops in Vietnam."

Mr. KUCHEL. Mr. President, all I want to say—and then I am through—is that while the particular country, to wit, West Germany, was deleted from the amendment, the sense of the amendment is precisely the same as it was when it was originally proposed, and the debate will disclose that fact beyond any doubt whatsoever. Whether or not it includes any other nation than West Germany, I do not know, but for my purposes, that is irrelevant. I am not going to vote for an amendment that is an insult to a country that is a friend of the free world.

Mr. JAVITS. What is the substance behind the reason for the amendment?

Mr. KUCHEL. I recall a newspaper article, which I think is probably true, that West Germany has approved a business deal by some of her citizens with a country which we abominate. That is not the first time that a business transaction has taken place involving nations friendly to the United States, as the Senator knows. I am not acquainted with all the relationships of the West German Government, but I am sure the Senator will recall when the Government announced that it was approving the request of its citizens to enter into the transaction.

Mr. JAVITS. So the essence of the Senator's point is not that of censuring another government because it enters into business dealings with a country which we abominate, but the principle involved is that we should have a sense of dignity in our relations with another government like the West German Government. Is that correct?

Mr. KUCHEL. That is correct. I remember when General Eisenhower was in the White House, he remarked on how the world was changing and that there was not any more vigorous supporter of U.S. policy with respect to communism than West Germany. West Germany is divided by the Iron Curtain beyond which remains a large Soviet force. I am not about to participate in the voting of the sense of Congress disapproving a country which is such a friend of this country.

Mr. JAVITS. In other words, whether or not it was West Germany which was involved, the people of West Germany, who have sinned so much against the world, would have a right to be treated without discrimination. There I agree. We must consider whether it is in the highest interest of our country that we ought or ought not to censure, and whether, going beyond the question of principle, we should adopt a sense of Congress resolution against the Government of West Germany.

Mr. HRUSKA. Mr. President, will the Senator yield?

Mr. KUCHEL. I yield.

Mr. HRUSKA. If the material being supplied to Red China were not steel plants, but were arms and munitions, I would like to ask the Senator from California if he would maintain his present position.

Mr. KUCHEL. While my friend does not mention it, that question would implicitly apply to every nation, because I do not think West Germany would send arms and munitions there.

Mr. HRUSKA. I see no objection to casting the question in that way. It is material to the question before us. After all, steel produced in Communist China is used for arms and munitions.

I would like to know how far the Senator from California would go if it were arms and munitions that were being supplied to Red China. I would like to know how far the same principle to which the Senator from New York referred would be applied. The Senate, if it refused to consider this proposition in that instance of arms and munitions shipments, would look odd in the eyes of our troops who are in Vietnam, and those who will be sent there shortly to replace those troops, as well as to all the American people.

Mr. KUCHEL. To deal with the hypothesis which my able friend has brought up, a sense of Congress resolution would not be my idea of the best way of dealing with that hypothetical situation. I simply say I regret that the Senator has to pass judgment on this amendment.

Mr. HICKENLOOPER. Mr. President, will the Senator yield?

Mr. KUCHEL. I yield.

Mr. HICKENLOOPER. I should like to ask the Senator if he draws a distinction—and this is for information and clarification in my mind—between furnishing steel plants to Red China which will furnish the sinews for the making of materials of war, which will in turn be sent to Vietnam, and furnishing steel plants to North Vietnam which will make materials of war. It does not seem to me there is much difference. I think a great many people would rise in abject horror if they realized one of our allies was sending steel plants to North Vietnam. I wonder if there is any distinction between furnishing steel plants to China and furnishing materials of war to Vietnam.

Mr. KUCHEL. I will answer that question in this way. We must take friends as we find them. I regret very much that our friends in World War II, in Europe, apparently have changed somewhat with respect to the question of the strength of collective security in Europe.

I am glad to recall, in that instance, however, that the one nation in the Atlantic Alliance, aside from the United States, that has never been charged with failure to provide its allocated portion of the sinews of our common defense is West Germany.

The United States, alas, cannot dictate trade policy to our allies. I regret, as an American citizen, that we do not have a common trade policy. It is a matter of real sorrow to me, Mr. President, that the members of the Atlantic Alliance could not agree on some basic rules with respect to dealing with Communist countries. But they have been unable to accomplish that. And while the United States has gone along with her own concept of how to trade with Communist countries in Europe, many of our European allies of World War II have entered into extensive trade relations with the Eastern bloc. That is their right under international law.

But I shall not, as a U.S. Senator, pick out one of our friends and, by implication, try to tweak its nose for its own concept of how it will carry on its trade relations; and in that respect, I can only say to the Senator from Iowa that, having those views on the subject, I shall cast my vote against the amendment.

Mr. CASE. Mr. President, will the Senator yield?

Mr. KUCHEL. I yield.

Mr. CASE. I wish to thank the Senator from California for his calling a halt to precipitate action here. I feel, as the Senator from New York stated he felt, that we wanted to know what we were doing, and therefore we voted against the motion to table. I think this is a most useful thing.

Does the Senator feel that it makes a good deal of difference whether an expression of unhappiness is made by the Senate, or by any number of individual Senators as individuals?

Mr. KUCHEL. Well, surely.

Mr. CASE. Is not that one of the main points we are talking about?

Mr. KUCHEL. Indeed it is; and I must say in addition, Mr. President, I have no doubt that the official views of the Government of the United States, in a diplomatic fashion, have been transmitted to the Government of West Germany. That is another matter entirely. But to use this foreign aid bill for that kind of action is wrong, in my opinion.

Mr. CASE. I thank the Senator.

Mr. ERVIN. Mr. President, I have been concerned about the fact that ships bearing the flags of some of our allies are transporting into Haiphong, at this moment, munitions of war to be used by the Vietcong to kill Americans sent there by this Government.

Twice in my lifetime the United States has saved freedom for Western Europe. Since the Second World War ended, we have had hundreds of thousands of American boys over there on duty to protect our allies against any threat posed by Russia and other nations behind the Iron Curtain.

Every Senator knows that Red China is supplying the weapons, the munitions, and the encouragement which keeps North Vietnam and the Vietcong in the war against South Vietnam. This amendment says:

> It is the sense of the Congress that the action of any government giving approval and financial backing to a deal under which an international consortium in West Europe would supply steel plants to Communist China, the chief supplier of war material to North Vietnam and the Viet Cong, is a grave blow to the common defense of the free world and to the safety of American and allied troops in Vietnam.

Mr. President, that is the truth, and I do not mind the Senate of the United States telling the truth, even though it might cause umbrage to some of our allies, who are our allies in Western Europe, but are indirectly assisting our enemy in southeast Asia.

I support the amendment. This is the foreign aid bill, and I think it is well to serve notice on our so-called allies that we do not approve of conduct which is a blow to the common defense of the free world and to the safety of American and allied troops in Vietnam. And I do not mind the Senate saying that, because it is the truth.

Mr. DOMINICK. Mr. President, will the Senator yield?

Mr. ERVIN. I yield.

Mr. DOMINICK. I say to the Senator from North Carolina that I subscribe to what he says 100 percent. About a year ago, I brought up on the floor of the Senate, on two separate occasions, the problem we were having with our so-called allies shipping into North Vietnam and supplying them equipment and supplies, and I also brought up the fact that the Italians, at the present time, are financing the construction of the petrochemical plants in Communist China which supply the necessary oil, petroleum, and other things for the Chinese economy to sustain the war in Vietnam and southeast Asia.

I think it is time the Senate takes a position on this matter, and that we tell our allies we do not like it. Whether they listen or not makes no difference; but we can at least tell them we do not like it.

I shall support the amendment of the Senator from Virginia with great delight.

Mr. FULBRIGHT. Mr. President, the Senator from North Carolina has made some very strong statements which I certainly have never heard before. I do not know of any of our allies who are sending arms to North Vietnam.

Mr. **ERVIN.** Mr. President, if the Senator will yield for a correction, I did not say that.

Mr. **FULBRIGHT.** I understood the Senator to so state.

Mr. **ERVIN.** I said that ships bearing the flags of some of our allies are carrying weapons and munitions to Haiphong.

Mr. **FULBRIGHT.** From our allies?

Mr. **ERVIN.** I said ships carrying their flags.

Mr. **FULBRIGHT.** I thought the Senator meant our allies were furnishing the weapons.

Mr. **ERVIN.** I did not say that, but I would surmise, that the ships carrying the flags of some of our allies who are doing that are getting the weapons and munitions they transport to Haiphong from manufacturers in some of the countries which are supposed to be allied with us.

Mr. **FULBRIGHT.** I do not know about the ships. There are a number of ships chartered out of Hong Kong to Chinese and other companies, that I have heard carry the Greek flag, among others, but I do not know what they transport.

I do not believe any of our allies are supplying arms to North Vietnam. However, some of our allies do trade with Red China, it is true. One of the big traders is Australia, the prime minister of which country has been over here twice in the last month, engaged in the most intimate conversations with our President, and the newspapers indicated that the President was extremely appreciative of the support Australia is giving this country. I think they are furnishing or have promised to furnish 4,500 troops. But Australia has been selling large quantities of wheat to Red China.

The mill referred to, as I understand it, is a rolling mill, which will probably take 2 or 3 years to build. It is not an arms plant, according to the reports I have seen in the papers.

I suppose some believe that this war will go on forever and that maybe by the time we take Peking the plant will be finished and that therefore we might as well let it be built. I do not see that the amendment has any particular relevance in this aid bill.

Japan is one of the biggest suppliers to Red China—$450 million a year. It is expected to be in the neighborhood of $700 million or $800 million. If we want to kick her in the teeth, we can do it. We can tell them all off. But it would be very unwise.

I do not see how everything that the Senator from North Carolina has said can be true because there are some very fuzzy points there as to who is supplying these arms and whether they are causing us great harm in the shipments that take place. I do not know.

I doubt very seriously that the Senator from North Carolina knows what the character of the trade by our allies is. It is well known, I think, that Russia and China are furnishing aid of all description, modern missiles as well as ordinary small arms, and all kinds of aid. I do not know of any allies that are furnishing munitions or war weapons. It may be that surreptitiously and illegally they may be doing so. Recently somebody bought a cannon in Alexandria and took it to Canada and blew up a bank there. You can buy arms in Alexandria, and I expect you can ship them to Vietnam if you went to enough trouble to charter a ship and a big profit might be made.

That is not the point. This is an aid bill. The amendment does not restrict aid. It does not mention aid. It is an expression of disapproval of the action of practically every country that is important to us as allies.

Before the other Senators came in the Chamber, we mentioned that France and Italy are engaged as a part of this consortium. We also mentioned the deal of Fiat Co., of Italy with Russia. The Government of Italy is participating in financing that transaction.

This gets very involved. This is not the proper place, in my opinion, for this statement. It would be a very disorderly way in which to do business. I think it would not do us any good.

I never anticipated that the great debate would take place on this amendment. I thought it was fairly clear that we could bring up the matter and express our disapproval if we felt that way about the deal. However, it would be another thing for the Senate to vote formally to condemn these countries for an action which is, they believe, in their national interest.

I think that, while we are a very rich country, it does not automatically mean that we are the wisest country and have all the wisdom in the world because we are rich and powerful. I do not think we ought to assume that we know all of the answers. Some of these other countries may have valid reasons of their own for following the policies they follow.

If there is any solution to it, that solution is not in the making of gratuitous expressions of opinion. The solution would be the use of wise diplomacy and policies adopted by the executive.

It was quite obvious that some of our allies, our former allies, and friends do not approve of all the policies that our country is following. And they have that privilege of disapproving of it.

The matter should be worked out by persuasion and reason, and not by a statement of this kind on the floor of the Senate.

Mr. **PASTORE.** Mr. President, I am a cosponsor of the amendment, and I am not ashamed of the amendment. I am proud of it.

I have supported the administration on its policy in Vietnam. We must admit this afternoon that it is becoming harder and harder to convince the American people of our obligation to Vietnam, and why we are committed there, almost to the tune of 300,000 American boys, when the American people pick up the newspaper and read about a country on the other side of the world to which we are committing more than 200,000 American boys to guarantee their safety, what they read is that this other nation is giving aid and comfort to our Asiatic enemy by building a steel rolling mill which could make steel to make the casings for the bullets to put in the bodies of American boys—that is a possibility.

When the Soviets shut the autobahn, we had an airlift. A number of American boys died in the process. American men and money came down in flames in the burning planes.

Why did America do it? America did it because it wanted to guarantee the security of the German people. We made a sacrifice for that. We paid dearly in blood and money.

Psychologically what is this bill doing? What does it do for that boy who is trotting and trudging his way through the jungles of Vietnam? How does he feel when he picks up a newspaper when he gets back to his base and reads that our friends, who ought to be standing side by side with us in Vietnam, are not doing that? What are they doing? They are beginning to lend money to our adversaries at the moment—they would help those adversaries to build a steel mill to make sure that their industry becomes better and more powerful so that they can give more and more aid and comfort to North Vietnam. Months ago I warned of this danger when I spoke on this subject before. We talk about taking a formal vote on our feelings in this Chamber this afternoon. Why, even the Secretary of State resented this transaction and said so publicly. Nothing ever came of it.

The Senator mentions that Italy is in the consortium, and maybe Switzerland, and maybe France.

What difference does it make? Does the Senator not think it is high time that we, who have understood everybody's problems, begin to say to our friends: "Please begin to understand our problems?"

We have problems for which we are dying in Vietnam.

That is all this amendment would state here this afternoon—our state of mind.

I know what will happen to the amendment if it is agreed to. It will be knocked out in conference. I know that, but why should the people on the other side of the Atlantic not know that we have problems in America? Do they not know that we are committed up to our ears in men and money in Vietnam? Do they not know that during this trying time when they commit these acts which psychologically give aid and comfort to the enemy, they do us irreparable harm?

That is all we are saying this afternoon, that this is hurting the American boys in Vietnam. This does endanger the lives and safety of our boys, and these acts are inimical to the American interest. Surely they are not to the advantage of America.

So, I say that the time for our continuing to be soft is over. I do not want to push anybody around, but let them stop pushing us around. That is all we are saying this afternoon.

The time has come when America must speak, when her toes are being stepped upon—and they are being stepped upon. If our friends on the other side of the Atlantic are interested in profits, and even to the detriment of American life, let us stand up and say what we think.

When last we discussed this mill I received a letter from the German Ambassador. I do not want to use any harsh language here this afternoon, but it was doubletalk at best.

All this malarkey and all this baloney about the claim that it is only a rolling mill. It is to roll what? Steel. Where does the steel go? It goes into guns. It goes into tanks. It goes into bullets. It goes into bombs. Where do you think the bombs will fall? Do you think they will be falling in Germany? Do you think they will be falling in Italy? Do you think they will be falling in France? No, they will be falling in South Vietnam where our boys are committed.

That is all this amendment is about. I am proud to be a cosponsor of the amendment, and I shall vote for it.

Mr. MILLER. Mr. President, will the Senator yield?

Mr. PASTORE. I yield.

Mr. MILLER. Mr. President, the eloquent statement of the Senator is one with which I thoroughly agree except for one thing. If what the Senator says is so true—and I believe it is—then, why does the Senator say that this will be knocked out in conference?

If it is knocked out in conference, if what the Senator says is true, the conference report ought to be voted down.

Mr. PASTORE. Does the Senator know why the Senator from Rhode Island said that? The Senator has been here for 6 years, and I have been here for 16 years. That is the answer.

Mr. FULBRIGHT. Mr. President, I do not wish to prolong this debate longer. I had not anticipated this. I only regret that the Senator has made the argument he did on this issue.

I do not see anything in this kind of issue that raises the entire question of the validity of our involvement in Vietnam, and yet the Senator has raised it in the manner in which he has discussed this particular issue. We have had much debate about our involvement in Vietnam, and I can only say that I believe the Senator is less than candid in saying that the other members of the community of nations are entitled to their views about the validity of our involvement in South Vietnam.

The intense manner in which the Senator discussed this evidenced to me that he has great concern about our involvement in South Vietnam, and I share his concern. I only wish that I could share with him the assurance that we are there for adequate reasons.

I do not believe that this is the proper time to start an argument about that. We have gone through those arguments before. The administration apparently has made up its mind as to how it will proceed there, and the matter has been settled.

However, I believe that it is unwise, because of differences that exist among nations, and within this country, about the war in Vietnam, for us to go out of our way in a foreign aid bill—where none of the countries involved in the amendment are to receive aid—to take this means of expressing our disapproval of, and in a sense a censuring of, practically all the allies we have.

There is no logical distinction between the steel mill, in my opinion, and feeding the Chinese. If the Chinese starve to death, they will not make any steel, and they will not cause us any harm. There is no logical difference between whether or not they are given a steel mill, which would not be finished for 2 or 3 years or longer, and giving them wheat now. There may be distinctions in trade in the different items, but they are not differences.

Those involved in the steel mill project simply disagree with us on a major policy. It seems to me they are entitled to disagree. We do not approve of many things they do.

Mr. PASTORE. Mr. President, will the Senator yield?

Mr. FULBRIGHT. I yield.

Mr. PASTORE. There is a big difference between giving food to people and helping them to build up their armament industry.

Furthermore, the Senator must realize that in this case we are protecting the security of Germany just as we help South Vietnam against aggression. We are committed in Germany. Our boys are there. When we said we would like to take 18,000 men out of Germany, a remonstrance was made, a protest was made, to our Embassy. In other words, West Germany wants to keep us there to guarantee their security.

I shall not get into a debate on the Vietnam situation this afternoon. Whether we are there rightly or wrongly, we are there. The important thing is that we are there. And we are fighting there. Does the Senator believe that it is complimentary to us, and helpful to our security, for our so-called allies to assist the adversary? That is what they are doing.

One point we have been making right along is that we are attempting to make Hanoi understand that they cannot win. The minute a deal is entered into for the building of a steel mill for the people and the government that are furnishing Hanoi with bullets to kill our boys, does the Senator not think that that gives Hanoi encouragement? Does not the Senator believe that that makes Hanoi stand up more hopefully and fight more bitterly? And who are they fighting? Hanoi and its supporters? Are they not fighting our boys? And when they are stiffened up by these deals do they not hurt us; do they not threaten the security and the safety of our boys? Of course they do.

There is no logical, sensible reason why they should have done this to us at this time. Even their own newspapers have condemned them. Even their own newspapers have published editorials declaring that the timing of this was bad. That proves that they think and worry about themselves alone.

We are not condemning anybody. We are not censuring anybody, only to let them know that their behavior bewilders us. We are merely saying that when they do this, they are hurting us. And what is wrong about saying that?

Mr. FULBRIGHT. In the first place, it will be quite a long time before this steel mill is completed and in operation.

Mr. PASTORE. I am talking about now. This is a buildup of Hanoi morale right now.

Mr. FULBRIGHT. Why does the Senator wish to put this in a policy rider on a foreign aid bill? We have prohibitions in the act and the bill that no aid shall be given to a country which is trading with Cuba, or to anyone trading with North Vietnam. I do not see why the Senator is picking out Germany, which is not receiving any aid and does not ask for any aid. In fact, we are asking her for aid to help support our troops, and I thoroughly approve of such aid. This, to me, seems to be the difference.

I go along with the Senator and say that I do not believe the Germans ought to build this plant. But I do not believe that this is the place to single them out for attack from the other countries involved in trade with China.

Mr. LONG of Louisiana. Mr. President, will the Senator yield?

Mr. FULBRIGHT. I yield.

Mr. LONG of Louisiana. Is it not correct that we tolerate a great deal of difference of opinion in our own country? Many of us have differences about what we should do in Vietnam. But we have not voted a resolution to say we disapprove of someone's opinion.

Germany is one of our best friends, one of our best allies. Although we may differ with Germany, we differ a great deal more with France. If we are to pick out a country to find fault with because it does not agree with us on some matter, why not pick out some of the others—Japan, France, and perhaps a number of others—that we believe have proved somewhat ungrateful, who should have done more, who could have been more helpful?

It seems to me that in complaining about Germany, we would do better to complain about the fact that Germany has not done as much as we have done for the defense of their country, that they have not lived up to the commitment they have made under the NATO treaty. To me, that is a much more serious matter—their shortfalls in that regard—than this particular item, which, as the Senator has pointed out is of no immediate consequence to us.

Mr. GRUENING. Mr. President, will the Senator yield for a question?

Mr. LONG of Louisiana. I yield.

Mr. GRUENING. I would like to ask the majority whip this question: What is the administration stand on this action?

Mr. LONG of Louisiana. I point out that we wish this were not done. I believe that insofar as some diplomatic leverage is concerned, it is being made clear to Germany that this is the view the administration takes. That is my impression.

For the Senate to vote what amounts to a mild resolution of censure against the West German Republic does not make much sense to this Senator. Our allies are doing many things that we do not wish them to do. We have expressed ourselves to them, but I do not see resolutions here, for example, to condemn De Gaulle because he is still exploding atom bombs around the world, even though our country has entered into a treaty not to explode them and not to fill the atmosphere with radiation. The foreign aid bill contains nothing about that, even though we have done more for France than for Germany.

Mr. GRUENING. In other words, the administration's position is that this should better be left to diplomatic channels, through the executive branch. Is that what the Senator is saying?

Mr. LONG of Louisiana. That would be my impression. I cannot speak for the administration on this matter. I am not a member of the Committee on Foreign Relations. That is the impression I have gained.

Mr. PASTORE. Mr. President, will the Senator yield?

Mr. LONG of Louisiana. I yield.

Mr. PASTORE. The Senator mentioned France. France is included in this modification. It is part of the consortium. The modification includes France. And what is wrong with that? It includes Italy. What is wrong with that? It might include Switzerland. What is wrong with that?

We are telling these people that we do not like such action. And why can we not tell them that?

Mr. LONG of Louisiana. When the Senator tells De Gaulle, "I do not like you," he will say, "I do not like you, either."

Mr. PASTORE. That is his privilege. But the Senator should not forget that while our brothers and nephews and neighbors are in South Vietnam, we have an interest. We have an interest to speak out. When anyone does anything to injure their safety and to imperil their security, we have a duty, as Americans, to speak out. Whether it hurts their sensitivities or not, I care very little.

Mr. MUNDT. Mr. President, I wish to mention three points in connection with this discussion. I think that it would be tremendously important if all Senators would do as I have done and get a copy of the revised amendment and read it. I have been listening for 45 minutes to arguments that we should not censure France, Germany, or somebody else.

There is not the remotest word of censureship in any way in the amendment. There is not a single syllable of criticism of any of these foreign countries.

It is the right and the duty of the Senate to advise and consent and it is time to do something besides consenting all the time. Here is an opportunity for Congress to advise, if we feel that way about it.

If we feel that it is bad for our friends to provide military equipment to kill our boys, we should say so. If we feel the other way and defeat the amendment, we are inviting them to double the ante. We would be saying it is all right with us if they supply material to kill our boys; we are unconcerned. Either way we offer our advice.

I shall read the amendment, because I want the entire Senate to know there is no word of censureship in it. I shall read it slowly: I want the Senate to understand it clearly.

> It is the sense of the Congress that the action of any government—

Switzerland, Italy, France as the Senator from Rhode Island [Mr. PASTORE] pointed out, Germany, or any countries—

> giving approval and financial backing to a deal under which an international consortium in West Europe would supply steel plants to Communist China, the chief supplier of war material to North Vietnam and the Viet Cong, is a grave blow—

I wish to repeat—

> is a grave blow to the common defense of the free world.

Does anybody wish to vote no on the amendment and say this steel mill is not such a blow? If 1 plant hurts a little bit, then 10 plants would hurt more. Senators know it is a blow. Why be afraid to say it is a blow? You are going to face the administration, the country, and our fighters in Vietnam, and tell them what you think on this issue. Do you or do you not consider it a blow? The amendment concludes by stating:

> and to the safety of American and allied troops in Vietnam.

Let us clear the atmosphere. There is not one word here of censure anywhere. The question is: Do you think it is a blow to the common defense when they add additional steel mills in Communist China at a time when they are fighting us and killing our boys in Vietnam? Does it help or hurt the cause of freedom?

What do Senators think about the safety of allied troops in Vietnam? That is what you are voting on, and you have a right to do so. It is not an insult to anybody, nor is it criticism to say what you think, from the standpoint of our boys in Vietnam, to have new steel mills being built in Red China by our friends at a time the Red Chinese are providing the armaments to kill our fighting men in Vietnam.

The Senator from Rhode Island [Mr. PASTORE] made a persuasive speech, as he always does. There is the matter of the psychology which is involved. He stressed, and I wish to reemphasize, one point that some Senators may not have caught.

The policy of our administration in this war, as I understand it, is to get Hanoi to quit fighting. That is what we are trying to do. We are not asking for anybody's head, we are not asking for reparations, we are not asking for territory. We are trying to get Hanoi to quit killing people over there. They are killing them and waging war and we are trying to get them to quit.

Senators should ask themselves in good conscience before they vote: Is it going to help induce Hanoi to quit if the Senate votes its approval of the actions of Germany, France, Italy, Switzerland, and other countries who are helping to build steel mills in Red China?

If you were Ho Chi Minh what would you do with that? Would you not use it to propagandize your troops and propagandize your people? Would you not say, "Don't get discouraged. We have serious casualties, but give us time. Hang on; don't quit because even the Western friends of the United States have so little faith in the possibilities of its winning this war and achieving victory that they are beginning to build steel mills for the enemies of the United States in China."

That is the question we are going to vote on. Do not get confused on the issue. It has nothing to do with censorship, junior, senior, lateral, or horizontal. Censorship is not an issue.

Mr. SIMPSON. Mr. President, will the Senator yield?

Mr. MUNDT. I yield.

Mr. SIMPSON. Mr. President, I compliment the Senator on his stand and I wish to associate myself with the remarks of the Senator from Rhode Island [Mr. PASTORE].

I have not heard an adequate answer to the question raised by the proponents of the amendment this afternoon.

We are being told and we are being given old perennial promises that this bill is not the proper vehicle to which to attach an amendment such as this; that we should wait for another vehicle. Then it gets lost in the limbo of forgotten things, and that is the end of it.

I can only say that if the boys demand it, if the people back home demand it—and the people back home are demanding it—our consciences should not be so craven as not to stand up against this practice. We should stop it.

I saw this happen at Canberra, at the Interparliamentary Union, when the American delegates stood up against Russia and proved to the neutrals and our allies that we are no longer the paper tiger we have been described by Russia as being. We made some headway.

I shall vote for the amendment. I hope the Senate itself will sustain the amendment and its sponsors, because it is high time we take such proper action.

Mr. MUNDT. I thank the Senator from Wyoming for his contribution.

With regard to whether we should write or consider policy in this bill, Senators have only to read the first page. It begins:

> Part I. Chapter 1—Policy.

This is the place. Now is the time. Senators can vote in any way they wish to. However, it is not correct to say they should not write policy. The very first part of the bill is entitled "Policy." The first chapter is the Policy chapter. We agreed to it in the Committee on Foreign Relations and brought it to the floor of the Senate, where I hope the entire Senate will accept it. It amends the previous policy declarations written into previous authorizations. This is the place to write policy declarations and we already have some in this authorization act.

If the Senate has any disposition at all to have a voice in the field of foreign policy; if we are Senators of full stature; we do not have to limit our contributions to exercising our "consent." Here is a chance to give our advice as to what we want to have written in the bill. Let us do it here and now.

Mr. McINTYRE. Mr. President, I would like to lend my full support to the distinguished Senator from Virginia [Mr. BYRD] in his efforts to have a clear-cut vote on this sense of the Senate resolution concerning the proposed sale of steel fabricating plants to Communist China.

I have taken the floor of the Senate in the past to call Senators' attentions to the flagrant disregard of our national interest shown by the Department of State in resting content with feeble protests to our German and French allies concerning their support of this steel mill venture.

Last March, I spoke on the floor to express my dismay that nations professing friendship to the United States would lend their support to the sale of strategic production facilities which could be used to kill American soldiers. Since that time I have twice brought this matter to the Senate's attention, and each time received support for the contention that this transaction should be opposed by the full power of our Department of State.

Nevertheless, the Department of State, apparently feeling that its mandate from the American people is unclear, has continued to limit its efforts to prevent this sale to gentle diplomatic conversation over the tea, cookies, or cocktails of embassy parties in Bonn and Paris.

I hope that passage of the language suggested by the Senator from Virginia will make it clear to our diplomatic representatives and to the nations with which they deal that the people of the United States vehemently oppose this transaction. We do not consider the supply of strategic plants capable of assisting in the killing of American soldiers as a "simple, routine commerical transaction."

I support this resolution now before the Senate. I hope that it will succeed in making it clear once and for all that the U.S. Senate does care about these steel mills. If this amendment does not accomplish its purpose, I believe that the Senate should take any additional steps necessary, including, if needed, the use of the appropriations power to reduce U.S. Government expenditures for all purposes, including military, in the European nations which are now permitting their own skills and resources to be diverted into the strategic goals of Communist China.

Mr. THURMOND. Mr. President, I hope the amendment will be adopted. It would be extremely unfortunate if it should not be agreed to. We are at war in Vietnam. Some people think we are over there to prevent the South Vietnamese from being taken over by North Vietnam. But there is only one reason for our being there, and that is to protect the national interest of the United States. It is to prevent Communist expansion. If the Communists take Vietnam, it is felt that they will soon take Laos, Cambodia, Thailand, Burma, perhaps Japan and the Philippines, and then Australia and New Zealand. If such expansion were to continue, the Communists could be on the beaches of Hawaii in a few years.

In my judgment, it is important that we win the war in Vietnam. More than 300,000 of our men are fighting there for that principle.

I see no objection to adopting a policy statement or expressing the opinion of the U.S. Government as to the calamitous effect of furnishing steel mills—to whom? Red China. Who is Red China? Red China is the chief nation which supplies the enemy. Without Red China, the war in Vietnam could not last 30 days. Red China is giving more than moral support; she is providing great armored support. She is furnishing whatever is necessary to North Vietnam and the Vietcong to win the war. After all, this war is another battle on the part of the Communists to accomplish their goal of world domination. We might as well realize that.

This is a war between the free world and the Communists. Red China is on the other side. Why should we not call on our allies not to help the enemy, the enemy who is helping to destroy the free world, including the United States?

Mr. President, I hope that the amendment will be adopted, that the word will not go out to our boys in Vietnam that the Senate has turned down an amendment that expresses our feeling about governments, who are supposed to be our allies, furnishing steel plants to Red China, which is our enemy. There is no question as to how Red China stands. Red China is an aggressor. Red China is responsible for this aggression. North Vietnam would not be down in South Vietnam today, and the Vietcong would not be fighting today, if it were not for Red China. I can see no reason in the world why we should hesitate to adopt the amendment.

How many boys fighting in Vietnam today would oppose this amendment? Out of 300,000 boys, I dare say that 99 percent or more would favor adopting the amendment. They do not want a steel mill built in Red China, because they will be the ones to feel the bullets, the armor, and all the rest of it which will come from that steel mill.

How can we enjoy our freedom back here, being supported by those boys in Vietnam who are protecting our freedom and liberty by fighting for us? How can we do anything except give them 100 percent support?

I hope that the Byrd amendment will be adopted, and adopted overwhelmingly.

Mr. MANSFIELD. Mr. President, I do not agree with the distinguished Senator from South Carolina in his interpretation of what has been called from time to time the domino theory. He seems to have the idea that the Communists—if given enough time—are going to fight us on the shores of Hawaii and the United States. He seems to think that all of Asia—if the amendment is not adopted—will fall to Communist China.

I would point out that there is no aid in this bill for West Germany. I would also point out that the Federal Republic of Germany is a sovereign power and has the right to make its own choice, just as any other country has, as to whether it will trade with mainland China.

There is only one major country that I know of—and that is our own—which does not, by law, allow trade with Communist China. It is my understanding that this rolling mill—not a steel mill, as I interpret it—will take some years to build. It is my further understanding that not only are West Germans involved in this, with the approval of their government, but also some other of our Western European allies as well.

I would hope that the Senate, before it votes, would give the most serious consideration to this responsibility which it is taking unto itself. And I would further hope that it would recognize, regardless of our own feelings in the matter, that other countries are sovereign states and have the right to dictate what their foreign and economic policy will be, just as we have the right insofar as we are a sovereign state.

Mr. JAVITS. Mr. President, will the Senator from Montana yield?

Mr. MANSFIELD. I yield.

Mr. JAVITS. I should like to ask the Senator a question which perhaps he or the Senator from Virginia could answer himself.

There is an organization of Western, industrialized nations called the Coordinating Committee or Cocom which deals with the question of shipping strategic materials to Communist countries. We belong to it and so does the Federal Republic of Germany. I think it is an essential element of this debate that it should be clear of record whether there is any legal prohibition, by virtue of membership in that particular Committee, on the Federal Republic of Germany to authorize this transaction.

Would the Senator from Montana be aware of that, or could the Senator from Virginia answer it?

Mr. MANSFIELD. I know of no prohibition. I do know that the German Government talked this matter over very thoroughly with the U.S. Government in stages. West Germany indicated to Washington what it intended to do. I believe, furthermore, that insofar as this particular rolling plant is concerned, it will take a number of years to build.

Mr. JAVITS. I thank the Senator from Montana.

I wonder whether the Senator from Virginia could enlighten us? Has he studied the question on this point?

Mr. BYRD of Virginia. I would say to the Senator from New York that according to a communication from Douglas MacArthur II, Assistant Secretary of State for Congressional Relations, he says:

> There is no allied agreement which would prohibit the sale or the guarantee of credits for the sale of this equipment to Communist China.

Mr. JAVITS. I thank the Senator very much.

Mr. McGOVERN. Mr. President, it seems to me it is made quite clear from debate on the Senate floor, thus far, that this extremely complicated and complex matter raises a good many foreign policy questions. The Senator from Louisiana raised some of those questions. The distinguished majority leader has raised some fundamental questions about the implications of this move, as has the distinguished minority whip, and the chairman of the Committee on Foreign Relations. There are all kinds of questions which it is difficult to appraise quickly on the Senate floor. The chairman of the committee and the Senator in charge of the bill told me a moment ago that no hearings had been held on this matter whatsoever in the committee. The fact is——

Mr. BYRD of Virginia. Mr. President, will the Senator from South Dakota yield?

Mr. McGOVERN. I yield.

Mr. BYRD of Virginia. Have committee hearings been held on all of the other amendments to this bill?

Mr. McGOVERN. No. I am not justifying some of the previous actions. I am just making the point that this is quite a far-reaching problem before the Senate. This is obvious from listening to the debate. Many Senators feel that this is not in the national interest. It seems to me that after more complete consideration, the proposal should be modified in some way. Perhaps a country making wheat available to Red China, as the Senator from Arkansas has stated, is just as much subject to criticism as the government of West Germany. It is difficult to answer those questions. But a few days ago the Senate, by a rather large margin, went on record as favoring referral of the bill relating to the CIA to the Armed Services Committee, apparently on the assumption that that committee, which has a great interest in the measure, had not looked at it and had no opportunity to examine into it. It is clear that this is a measure that falls within the jurisdiction of the Committee on Foreign Relations.

It may even have some implications for the Committee on Commerce because it is not really an AID matter. It relates to the question of trade and commerce. It seems to be irrelevant to the bill now before the Senate.

Thus, Mr. President, because of all these considerations, and without in any way trying to prejudice the case, I move at this time that the amendment be indefinitely postponed.

The **PRESIDING OFFICER.** The question is on agreeing to the motion of the Senator from South Dakota that the amendment of the Senator from Virginia, as modified, be indefinitely postponed.

Mr. BYRD of Virginia. Mr. President——

Mr. McGOVERN. Mr. President, on that question, I ask for the yeas and nays.

Mr. BYRD of Virginia. Mr. President——

Mr. MANSFIELD. Mr. President, was that a unanimous-consent request?

Mr. McGOVERN. No; a motion.

The **PRESIDING OFFICER.** A motion by the Senator from South Dakota, the Chair advises the Senator from Montana.

Mr. MANSFIELD. Mr. President, will the Senator from South Dakota withhold his motion so that the Senator from Virginia may be recognized?

Mr. McGOVERN. I will.

The **PRESIDING OFFICER.** The Chair recognizes the Senator from Virginia. The motion will be temporarily withheld.

Mr. BYRD of Virginia. Mr. President, I want briefly to mention several points which have been raised today by the opposition.

One is the question of adding this amendment to the present Senate bill, S. 3584.

I submit that the bill itself, S. 3584, starts out with a statement of policy. The amendment which I present would be an additional statement of policy.

Now the point has been made that West Germany and several other European countries which have been mentioned are not now receiving foreign aid so that the amendment should not be incorporated into a foreign aid bill.

First. I think, since it does start out as a statement of policy, it is perfectly all right to add another statement of policy to it.

Second. West Germany, France, and Belgium have received $18½ billion in U.S. foreign aid in recent years.

The point has been made also that because some countries permit trading by their private firms to send wheat to some countries, we should not adopt this amendment, pointing out what a steel plant will do when sent to Communist China.

I do not think there is any similarity between sending wheat to people who are starving, or permitting trading in wheat, and the guaranteeing by a government the sending of a steel plant to a nation which is the major supplier of weapons which are killing Americans in South Vietnam.

All this amendment does is to say that any government that gives official approval and financial backing—I am not speaking of private firms; I am not speaking of individuals trading as individuals in a country—to any nation, and gives official and financial backing to a plan to build steel plants in Communist China, which is the chief supplier of war materiel to North Vietnam and the Vietcong, "is a grave blow to the common defense of the free world and to the safety of American troops in Vietnam."

I do not see how there can be a great dispute on those points.

Why in the world cannot the Senate of the United States pass a point of view on the official action of a government of a nation when the action of that nation jeopardizes the lives of Americans who have been drafted and sent to southeast Asia to fight against communism?

I hope the Senate will see fit to vote today on this amendment.

This point was raised by the Senator from Rhode Island [Mr. PASTORE] 4 months ago, along with the Senator from Virginia. Four months ago attention was called to this deal, and no action has been taken by Congress, and little, or no action, has been taken otherwise. It seems to me time for the Senate or the Congress of the United States to speak loud and clear on a matter which I believe is of grave consequence to the men whom we have drafted to go to South Vietnam, particularly so when we have drafted others and sent them to West Germany and Western Europe to protect those nations from Soviet aggression.

Mr. MANSFIELD obtained the floor.

Mr. CASE. Mr. President, will the Senator yield?

Mr. MANSFIELD. I yield to the Senator from New Jersey.

Mr. CASE. Mr. President, I voted against the motion to table because I thought we ought to talk about it a little more. I have come to the conclusion that I shall not support the amendment. I say this as one who happens to agree with the feeling of the Senator from Rhode Island about that particular matter. I say it as one who thinks it is a most unfortunate, almost unfriendly, act, so far as this country and its personnel in Vietnam are concerned, but, nevertheless, believe that action by the Congress, officially taken on a bill of this nature, would do more harm than good.

I think this is what we really should be thinking about, not whether we approve or disapprove of the furnishing of a rolling mill to Communist China, but whether the action proposed in this amendment would have the effect we want it to have, or would be merely an expression of indignation on our part.

I shall express again my complete disapproval of and indignation over the action taken by the consortium, and at the same time vote against the amendment, the adoption of which would be unwise and undesirable.

Mr. MANSFIELD. Mr. President, I yield to the Senator from Louisiana [Mr. LONG].

Mr. LONG of Louisiana. Mr. President, it seems to me we make a poor case before the world when we undertake to slap on the wrist our friends and allies, who perhaps are not allies of ours in Vietnam, but who are our allies elsewhere.

France has withdrawn from the North Atlantic Treaty Organization. One of the principal reasons for the withdrawal of the French Government, headed by Mr. de Gaulle, is that she fears we may draw France into a nuclear conflict by some of our policies, when they prefer different policies.

France was defeated in Vietnam. She took that defeat and moved out. France thinks we ought to accept defeat and move out of Vietnam.

When we start condemning France, even though it is a mild rebuke, it seems to me we are inviting the French Parliament to condemn our action. We invite them to pass judgment on something we are doing. They may have something to say to the effect that it is this country which is endangering the peace of the world, and not Red China. It invites our other allies, such as Italy, to say we are wrong in what we are doing.

When friends fall out and have a misunderstanding, the thing to do is to get together and talk it over and try to arrive at an understanding of each other's point of view.

The people against whom this amendment is directed are friends and allies who, under other circumstances, would conduct themselves in ways of which we approve. To pick out one action by them, and adopt a resolution against it would be a mistake.

I am sure some of our allies could say to us, "Why do you disapprove of our doing business with Red China?" Did you not trade wheat for gold with Russia? Did not your government get in on the transaction to provide credit? Who are you to tell us we should not trade with Red China when you traded with Russia?"

I do not approve of Canada wheat sale, which I understand was the biggest sale ever made with Red China. Yet Canada thinks it is good business. I would be happy for the officials of our country to talk to the Canadian officials, but I do not see how we help ourselves with this amendment, when this matter was not discussed before the Foreign Relations Committee, and when it could better be discussed among friends and allies, to try to arrive at an understanding of each other's viewpoint, rather than have the Senate condemn our allies. This matter was not discussed in the committee and it has not been presented in any other way. It seems to me it will make for misunderstanding rather than understanding.

I know of nothing that the Communists want more at this time, whether it be the Chinese Communists, the Russian Communists, or the Vietnamese Communists, than to see us fall out with our allies and our friends all over the world by undertaking to judge their conduct rather than seeking to work out with them an understanding, and gain the utmost cooperation that might be forthcoming under better circumstances.

Mr. MANSFIELD. Mr. President, I yield to the Senator from South Dakota.

Mr. McGOVERN. Mr. President, for the reasons expressed by the Senator from Louisiana, and because of other questions and issues that have been raised here on the floor of the Senate, I renew my motion.

I ask unanimous consent that the names of the following Senators be added as cosponsors of this motion: the Senator from New York [Mr. Javits], the Senator from Maine [Mr. Muskie], the Senator from Wyoming [Mr. McGee], the Senator from New Jersey [Mr. Case], and the Senator from Ohio [Mr. Young].

The PRESIDING OFFICER. Without objection, it is so ordered. Does the Senator renew his motion?

Mr. McGOVERN. I renew the motion, and ask for the yeas and nays.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from South Dakota. On this question, the yeas and the nays have been ordered, and the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. LONG of Louisiana. I announce that the Senator from Tennessee [Mr. Bass], the Senator from Indiana [Mr. Bayh], the Senator from Arizona [Mr. Hayden], the Senator from Ohio [Mr. Lausche], the Senator from Montana [Mr. Metcalf], and the Senator from Arkansas [Mr. McClellan] are absent on official business.

I also announce that the Senator from Connecticut [Mr. Dodd] is necessarily absent.

I further announce that, if present and voting, the Senator from Ohio [Mr. Lausche] would vote "nay."

Mr. KUCHEL. I announce that the Senator from Colorado [Mr. Allott], the Senator from Kentucky [Mr. Morton], and the Senator from Kansas [Mr. Pearson] are necessarily absent.

The Senator from Kansas [Mr. Carlson] is absent on official business.

If present, and voting, the Senator from Colorado [Mr. Allott], the Senator from Kansas [Mr. Carlson], the Senator from Kentucky [Mr. Morton], and the Senator from Kansas [Mr. Pearson] would each vote "nay."

The result was announced—yeas 34, nays 55, as follows:

[No. 156 Leg.]

YEAS—34

Aiken
Anderson
Bartlett
Case
Church
Clark
Fulbright
Gore
Gruening
Hart
Holland
Inouye
Javits
Kennedy, Mass.
Kennedy, N.Y.
Kuchel
Long, La.
Mansfield
McCarthy
McGee
McGovern
Monroney
Morse
Moss
Muskie
Neuberger
Pell
Saltonstall
Scott
Smathers
Smith
Tydings
Yarborough
Young, Ohio

NAYS—55

Bennett
Bible
Boggs
Brewster
Burdick
Byrd, Va.
Byrd, W. Va.
Cannon
Cooper
Cotton
Curtis
Dirksen
Dominick
Douglas
Eastland
Ellender
Ervin
Fannin
Fong
Griffin
Harris
Hartke
Hickenlooper
Hill
Hruska
Jackson
Jordan, N.C.
Jordan, Idaho
Long, Mo.
Magnuson
McIntyre
Miller
Mondale
Montoya
Mundt
Murphy
Nelson
Pastore
Prouty
Proxmire
Randolph
Ribicoff
Robertson
Russell, S.C.
Russell, Ga.
Simpson
Sparkman
Stennis
Symington
Talmadge
Thurmond
Tower
Williams, N.J.
Williams, Del.
Young, N. Dak.

NOT VOTING—11

Allott
Bass
Bayh
Carlson
Dodd
Hayden
Lausche
McClellan
Metcalf
Morton
Pearson

So Mr. McGovern's motion was rejected.

The PRESIDING OFFICER. The question is on agreeing to the amendment, as modified, of the Senator from Virginia [Mr. Byrd]. On this question, the yeas and nays have been ordered, and the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. LONG of Louisiana. I announce that the Senator from Tennessee [Mr. Bass], the Senator from Indiana [Mr. Bayh], the Senator from Arizona [Mr. Hayden], the Senator from Ohio [Mr. Lausche], the Senator from Montana [Mr. Metcalf], and the Senator from Arkanas [Mr. McClellan] are absent on official business.

I also announce that the Senator from Connecticut [Mr. Dodd] is necessarily absent.

I further announce that, if present and voting, the Senator from Ohio [Mr. Lausche], and the Senator from Connecticut [Mr. Dodd] would each vote "Yea."

Mr. KUCHEL. I announce that the Senator from Colorado [Mr. Allott], the Senator from Kentucky [Mr. Morton] and the Senator from Kansas [Mr. Pearson] are necessarily absent.

The Senator from Kansas [Mr. Carlson] is absent on official business.

If present and voting, the Senator from Colorado [Mr. Allott], the Senator from Kansas [Mr. Carlson], the Senator from Kentucky [Mr. Morton] and the Senator from Kansas [Mr. Pearson] would each vote "yea."

The result was announced—yeas 56, nays 33, as follows:

[No. 157 Leg.]

YEAS—56

Anderson
Bennett
Bible
Boggs
Brewster
Burdick
Byrd, Va.
Byrd, W. Va.
Cannon
Cooper
Cotton
Curtis
Dominick
Douglas
Eastland
Ellender
Ervin
Fannin
Fong
Griffin
Harris
Hartke
Hickenlooper
Hill
Holland
Hruska
Jackson
Jordan, N.C.
Jordan, Idaho
Long, Mo.
Magnuson
McIntyre
Miller
Mondale
Montoya
Mundt
Murphy
Nelson
Pastore
Prouty
Proxmire
Randolph
Ribicoff
Robertson
Russell, S.C.
Russell, Ga.
Simpson
Sparkman
Stennis
Symington
Talmadge
Thurmond
Tower
Williams, Del.
Yarborough
Young, N. Dak.

NAYS—33

Aiken
Bartlett
Case
Church
Clark
Dirksen
Fulbright
Gore
Gruening
Hart
Inouye
Javits
Kennedy, Mass.
Kennedy, N.Y.
Kuchel
Long, La.
Mansfield
McCarthy
McGee
McGovern
Monroney
Morse
Moss
Muskie
Neuberger
Pell
Saltonstall
Scott
Smathers
Smith
Tydings
Williams, N.J.
Young, Ohio

NOT VOTING—11

Allott
Bass
Bayh
Carlson
Dodd
Hayden
Lausche
McClellan
Metcalf
Morton
Pearson

So the amendment, as modified, of Mr. Byrd of Virginia was agreed to.

Mr. BYRD of Virginia. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. ERVIN. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER (Mr. Talmadge in the chair). The bill is open to further amendment.

TRANSCRIPT OF THE PROCEEDINGS OF THE SENATE IN SECRET SESSION

Mr. MANSFIELD. Mr. President, in accord with Senate resolutions, the transcript of the recent secret session of the Senate has been made available to the chairmen of certain committees as well as to individual Senators who participated in the debate. The offices of all Senators who, under the Senate resolutions, have the right of access to this transcript have been notified of its availability.

I wish to announce today that the transcript, as adjusted, will go to the

Printer on Wednesday afternoon, July 27, 1966. Any Senator who has the right of access to the transcript and who desires to exercise it should do so in room S-208 prior to noon on Wednesday. At that time as adjusted, the transcript, will be sent to the Printer for publication.

FOREIGN ECONOMIC ASSISTANCE, 1966

The Senate resumed the consideration of the bill (S. 3534) to amend further the Foreign Assistance Act of 1961, as amended, and for other purposes.

Mr. KENNEDY of New York. Mr. President, I send to the desk the modified form of amendment No. 704. Section (c) is the only part of the amendment offered yesterday that has been modified, and I ask that that section be read.

The PRESIDING OFFICER. The clerk will state the amendment as modified.

The LEGISLATIVE CLERK. As modified, section (c), beginning on page 4, line 3, reads as follows:

> The proposals should include an assessment of the role that economic assistance by the United States and other developed nations can and should play in economic and social development.

Mr. KENNEDY of New York. Mr. President, there was some discussion about this amendment yesterday afternoon. There were some objections raised by various Senators.

I have discussed the change made in section (c) with the distinguished Senator from Oregon [Mr. MORSE]. I have discussed it in depth and at length with the Senator from South Dakota [Mr. MUNDT], who is a cosponsor of the amendment. I have also received the approval for the change from our cosponsors, the Senator from Pennsylvania [Mr. CLARK] and the Senator from South Dakota [Mr. MCGOVERN]. It has also been discussed with the chairman of the Committee on Foreign Relations [Mr. FULBRIGHT], as well as the majority and minority leaders.

I believe that the amendment is acceptable to all the Senators I have mentioned.

Mr. ELLENDER. Mr. President, I request that the amendment be read in full.

The PRESIDING OFFICER. The clerk will read the amendment in full.

The legislative clerk read as follows:

On page 21, after line 7, add the following:

“CHAPTER 3—RESTUDY

“SEC. 301. PROPOSALS FOR FUTURE PROGRAMS.—The President is requested to submit to the Congress, on or before January 1, 1968, his recommendations, including legislative proposals designed to carry out such recommendations, for such future foreign assistance programs as may be necessary and appropriate in the national interest and taking into account the principles set forth in section 302.

“SEC. 302. PRINCIPLES TO BE TAKEN INTO ACCOUNT IN PROPOSALS FOR FUTURE PROGRAMS.—(a) In the formulation and submission to the Congress of proposals for foreign assistance for fiscal years beginning on or after July 1, 1968, such proposals should include, among others, the following categories:

“(1) Assistance intended primarily for humanitarian purposes, including grants, loans, contributions, or other aid to be made available for relief purposes through international organizations or relief agencies, or otherwise, famine relief and other assistance authorized by title II of the Agricultural Trade Development and Assistance Act of 1954, as amended, and similar relief programs.

“(2) Assistance for development purposes (A) to be extended only to countries in which progress is being made toward respect for the rule of law, freedom of expression and of the press, and recognition of the importance of individual freedom, initiative, and private enterprise; and (B) to be in furtherance of sound plans for economic and social growth to the end of developing the resources of the recipient countries to make them self-sufficient at the earliest possible date.

“(3) Assistance for political or contingency purposes, to be extended to a limited number of countries or areas, primarily for purposes of advancing or protecting the mutual interests of the United States and the other countries or areas concerned, such as programs relating to the creation of special relationships with recipient countries, reinforcement of alliance-type relationships, or other political or contingency purposes.

“(4) Military assistance to be furnished for purposes that serve the military defense of the United States as recommended by the Secretary of Defense, subject to approval by the Secretary of State.

“(b) In order to provide for better coordination of all programs of United States assistance to foreign countries, and for more efficient, economical, and effective administration of such programs, the proposals referred to in paragraphs (1), (2), and (3) of subsection (a) shall also include provisions for unification, insofar as practicable, of the administration of such programs under a single officer or agency.

“(c) The proposals should include an assessment of the role that economic assistance by the United States and other developed nations can and should play in economic and social development.

“SEC. 303. TEMPORARY PLANNING COMMITTEE ESTABLISHED.—(a) There is hereby created a Foreign Aid Planning Committee (hereinafter referred to as the “Committee”) which shall consist of twelve members, no more than seven of whom shall be members of the same political party, to be selected as follows:

“(1) Four members to be appointed by the President from private life, none of whom shall have served at an executive level in the administration of the AID program in Washington;

“(2) Four members of the Committee on Foreign Relations of the Senate, to be designated by the Vice President;

“(3) Four members of the Committee on Foreign Affairs of the House of Representatives, to be designated by the Speaker of the House of Representatives.

The Committee shall select a Chairman and Vice Chairman from among its members.

“(b) It shall be the duty of the Committee (1) to make such studies and investigations as may be necessary to enable it to make recommendations to the President and to the Congress concerning the proposals referred to in section 302(a), and (2) to provide the President, or such officer or agency as the President may designate, with such assistance as the President or such officer or agency may request in the formulation of such proposals.

“(c) The Committee is authorized to appoint and fix the compensation of such secretarial, clerical, and other staff assistants as may be necessary to enable it to perform its functions, and to procure, without regard to the civil service laws and the Classification Act of 1949, as amended, temporary and intermittent services to the same extent as is authorized for the departments by section 15 of the Act of August 2, 1946 (60 Stat. 810; 5 U.S.C. 55a), but at rates not to exceed $100 per diem for individuals.

“(d) Members of the Committee appointed under subsection (a) (1) who are not otherwise employed by the United States shall be paid compensation at the rate of $100 per diem while engaged in the work of the Committee, and shall be reimbursed for travel and other necessary expenses incurred while so engaged, including per diem in lieu of subsistence, as authorized by law (5 U.S.C. 73b-2) for persons in the Government service employed intermittently.

“(e) The Committee may, for the purpose of carrying out the provisions of this section, hold such hearings and sit and act at such times and places, administer such oaths, and require by subpena or otherwise the attendance and testimony of such witnesses and the production of such books, records, correspondence, memorandums, papers, and documents as the Committee may deem advisable. Subpenas may be issued under the signature of the Chairman of the Committee and may be served by any person designated by the Chairman. The provisions of sections 102 to 104, inclusive, of the Revised Statutes (2 U.S.C. 192-194), shall apply in the case of any failure of any witness to comply with any subpena or to testify when summoned under authority of this subsection.

“(f) Each department and agency of the Government shall furnish to the Committee, upon its request, such information or other assistance as may be necessary to enable it to carry out its functions.

“(g) The Committee shall from time to time transmit to the President, and to the Committee on Foreign Relations of the Senate and the Speaker of the House of Representatives, reports of its activities, including its recommendations, and shall file its final report on or before September 1, 1967. Upon the filing of its final report, the Committee shall cease to exist.

“(h) There shall be made available to the Committee out of sums appropriated pursuant to this Act such amounts, not to exceed an aggregate of $400,000, as the Committee deems necessary to enable it to carry out its functions.”

The PRESIDING OFFICER. The question is on the amendment as modified.

Mr. DOMINICK. Mr. President, I rise to ask the distinguished Senator from New York [Mr. KENNEDY] a question with regard to subsection (c) on page 3.

It is my understanding from the reading by the clerk that this is totally different language than appears in printed amendment No. 704. Is that correct?

Mr. KENNEDY of New York. I do not believe it is totally different. There is a difference in language. There are six or seven lines in the beginning that were struck out, and the last four or five lines are substantially the same.

Mr. DOMINICK. I was concerned with the wording under amendment No. 704. I would like to know what difference it makes.

Mr. MUNDT. Mr. President, will the Senator yield on that point?

Mr. KENNEDY of New York. I yield.

Mr. MUNDT. The Senator heard the discussion of the minority leader today, as I did. The section was changed—I think the Senator from New York [Mr. KENNEDY] will confirm this to be satisfactory to the objections raised by the minority leader. The portions he discussed have been stricken.

Mr. DOMINICK. I thank the Senator from South Dakota.

I would like to know what the wording is at the present time.

Mr. MUNDT. Mr. President, I ask that the clerk read the language.

Mr. FULBRIGHT. Mr. President, it was just read in full.

Mr. MANSFIELD. Mr. President, I ask that the clerk read section (c) of amendment No. 704, beginning on page 3, line 18.

The **PRESIDING OFFICER.** Section (c) will be read again.

Has the Senator from New York modified his amendment accordingly?

Mr. KENNEDY of New York. That is correct.

The **PRESIDING OFFICER.** Will the Senator please give to the clerk the amendment as he has modified it, so that the clerk may read it?

The legislative clerk read as follows:

> The proposals referred to in subsection (a) should include an analysis of the role that economic assistance by the United States and other developed nations can play in economic and social development through foreign aid.

Mr. DOMINICK. That is the whole of the subsection?

Mr. FULBRIGHT. That is all.

Mr. MUNDT. The rest has been stricken.

Mr. GRUENING. Mr. President, I should like to ask a question of the Senator from New York. On page 2, paragraph 2, the modified amendment reads:

> (2) Assistance for development purposes (A) to be extended only to countries in which progress is being made toward respect for the rule of law, freedom of expression and of the press, and recognition of the importance of individual freedom, initiative, and private enterprise;

I heartily applaud that provision, but I wonder whether it is not a little indefinite leaving it the way it is—"in which progress is being made toward"—I believe it would be almost impossible to get any country to admit that progress is not being made.

I would therefore like to make the suggestion and wonder whether the Senator would accept it in his amendment, to substitute in lieu of the words "in which progress is being made toward," the words "which exhibit," so that it would read, "only to countries which exhibit respect for the rule of law, freedom of expression and of the press."

In other words, to say, "in which progress is being made toward" in a field so large, is so vague and may prove so controversial that I think it would not mean much; but if we say, "only to countries which exhibit respect for the rule of law, freedom of expression and of the press," then I think we would be nailing it down more specifically to the certain objective which the Senator obviously desires, and which I agree to be desirable.

Mr. KENNEDY of New York. All this amendment does would be to establish a commission to look into this matter, which would report back to the Senate. It was therefore felt that with that broader language, it could perhaps accomplish a good deal more. I have no strong objection to the Senator's suggestion. I say that what we are trying to do is to establish a commission that will come up with reports, suggestions, and recommendations on this basis.

Mr. GRUENING. Nevertheless, it seems to me there has been so much ambiguity and evasions in the foreign aid program, that I strongly favor being as specific as possible. It is important that we try, in connection with the aid we hand out, to try to uphold the rule of law, freedom of expression, and of the press in the recipient countries and I therefore think that if the Senator would agree to my suggestion I feel we would come closer to achieving the objective a little more definitely than by simply saying, "in which progress is being made toward." I cannot imagine any country finding that progress is not being made. That is my suggestion and I hope that the Senator will accept it in his amendment.

Mr. KENNEDY of New York. Inasmuch as the Senator feels strongly about it, I would say that really is a good point, but the commission would look into it anyway, itself; it would look at this current debate in the Senate, and reach an agreement as to what it might recommend to the Senate. I think that the language already in the amendment covers that matter satisfactorily. I do not feel that strongly about it.

Mr. GRUENING. If the Senator has no objection, I should like to move that the suggestion be incorporated into his amendment.

Mr. MUNDT. Would the Senator identify the amendment for us, please?

Mr. GRUENING. It is on line 16, on page 2 of the Senator's amendment, I suggest striking out the words "in which progress is being made," and substituting "extended only to countries which exhibit respect for the rule of law, freedom of expression, and of the press," and so forth.

The **PRESIDING OFFICER.** Does the Senator from South Dakota have any objection?

Mr. MUNDT. I do not believe it makes any difference.

Mr. KENNEDY of New York. If it makes the Senator from Alaska any happier, I think that we should accept it.

Mr. GRUENING. I thank my colleague from New York.

The **PRESIDING OFFICER.** Does the Senator from New York modify his amendment accordingly?

Mr. KENNEDY of New York. Yes.

The **PRESIDING OFFICER.** The clerk will take note of the change in the amendment.

Mr. ELLENDER. Mr. President, I should like to address a few questions to the Senator from New York. I notice on page 2 of his amendment, among the categories to be looked into by this board is specifically mentioned title II of the Agricultural Trade Development and Assistance Act of 1954, as amended—that is the surplus program.

Mr. KENNEDY of New York. Yes; the Senator is correct.

Mr. ELLENDER. Why limit this to title II?

Mr. KENNEDY of New York. Because that is a small percentage of the whole effort made in this field by the food for peace, and the food for freedom, which we discussed yesterday. It was felt that if the Committee on Foreign Relations had the responsibility in the aid program, we would concentrate on the aid program and not try to cover all the other areas, although we were going to take them into consideration, as I mentioned yesterday.

Mr. ELLENDER. They are all under one AID program. Food and fiber has been made available to the countries we are assisting under the AID program. Food for peace, as well as food for freedom supplements the AID program covered in the pending bill.

Mr. KENNEDY of New York. That is correct; $1.6 billion, I believe, this year.

Mr. ELLENDER. Yes. I wish to point out to the Senator that during fiscal year 1964 we made available $1.7 billion for the food-for-peace program. In 1965, we made available $1.7 billion and in 1966, $1.7 billion. In 1967, it is contemplated that we will make available $1.6 billion.

Now, why does not the Senator include in this study all titles of the Food for Freedom Act? Why confine the study to title II only? Why limit the study of the committee?

Mr. KENNEDY of New York. Let me say to the Senator from Louisiana that the part of the program which has raised the greatest controversy and the part which has been debated so strenuously on the floor of the Senate this year, and every year, has been the foreign aid bill program. Obviously, the committee is going to take into consideration that we are making this other effort; but it is a fact that what causes the greatest difficulty, on which Senators feel most strongly, and where there is the greatest opposition, is that part of the program that we have described in this amendment. It is the Foreign Relations Committee—split as it is, with all sides feeling as strongly as they do—which, if we are to have an adequate and sufficient foreign aid program, we must support it. It was for that reason that the concentration of effort was made in this particular field.

There are other committees which have jurisdiction over the other aspects of the program and it was felt that we should not go into all those at this time.

Mr. ELLENDER. It is not as much a question of jurisdiction as it is finding out what is encompassed in foreign aid. The Senator argued here a few days ago that we should make available at least 1 percent of our gross national product, or a figure approximating that sum.

Mr. KENNEDY of New York. Could I interrupt the Senator there by pointing out that, of course, this did not originate with me. The original statement was made under President Eisenhower to the United Nations in 1960. And it has been repeated by various Presidents since then.

Mr. ELLENDER. Yes, but it has been repeated by the Senator, and of course he believes it?

Mr. KENNEDY of New York. Exactly.

Mr. ELLENDER. I want to point out to my good friend from New York that in fiscal year 1964, aside from the money that was made available in economic aid which was $2 billion, and military aid, which amounted to $1 billion, there must be added food for peace, and the various programs of loans under IMF, IDA, and IDB, which when aggregated total $4.8 billion.

For 1965, the amount made available for military and economic aid, food for peace, and the various loans made by banks, our total effort was $5.6 billion.

In fiscal year 1966, the fiscal year ending last June, even though the President stated the amount he asked for was a "bare bones" request of $3.4 billion, the aggregate amount of assistance totaled $7.5 billion, or a little more than 1 percent of the inflated GNP of the second quarter of 1966 which at an annual rate was $732 billion.

For the current fiscal year, if the sums authorized are eventually appropriated, total foreign assistance will be in excess of $6 billion, of course, this would include supplemental requests that may be forthcoming if the Vietnam matter is not brought to a conclusion.

I am wondering why the study by the Commission, should not be comprehensive instead of restrictive, as the amendment contemplates. Why not have the Commission study every facet of aid and look into every spigot before it comes to a conclusion?

Mr. KENNEDY of New York. As I think I tried to answer, perhaps not completely satisfactorily, this was the part of the program which caused great controversy. We thought therefore that the Commission will concentrate here. Of course it would be aware and would take into consideration what was being done in the other fields. But the pending amendment relates to the foreign aid program which we have been discussing in the past week to see if there could not be a new approach to a program over which there has been controversy in the Senate, and through the country.

I would have no objection to expanding the Commission along the lines suggested. There might be difficulty created because of the jurisdiction of other committees. The proposal is limited to this particular situation. We are keeping it limited. If as a result we come up with suggestions or recommendations, I think the country will benefit.

Mr. ELLENDER. Does the Senator concede——

Mr. KENNEDY of New York. The Senator from Louisiana and I have had discussions over the last few days about this, so I concede the figures.

Mr. ELLENDER. Does not the Senator think it is as important to look into the other aspects of foreign aid rather than solely dealing with the assistance embraced in the pending measure.

Mr. KENNEDY of New York. I think it is important. This is a more restrictive study. We thought it well, under the circumstances, to limit it to the area over which there has been the greatest controversy, and that it would be well to make a study of it and come up with some recommendations. Perhaps we might be able to expand the Commission.

Mr. ELLENDER. If the Senator will look at the debate, he will find we raised the issue with respect to the funding for 1965, the increase in the quota in the International Monetary Fund to $1,031 million. That is certainly important. That involves dollars.

Mr. KENNEDY of New York. I agree.

Mr. ELLENDER. The first installment on the $750 million commitment we have to provide funds for the Fund for Special Operations of the Inter-American Development Bank is $250 million. That also is foreign aid and should be included in the study. It would seem to me that our contributions to international organizations must be looked into if the Commission is to do the proper job.

The PRESIDING OFFICER. There will be order in the Senate. Visitors in the galleries will please be quiet. Senators who desire to converse will please retire from the Chamber.

The Senator from Louisiana may proceed.

Mr. ELLENDER. In addition to the items I have just mentioned, in fiscal year 1966 Congress appropriated $205,880,000 for the second and final installment to the callable capital of the Inter-American Development Bank.

We also appropriated as our second installment of $250 million for the Fund for Special Operations of this same Bank and then we provided for another installment to the International Development Association, IDA, of $104 million.

In addition to all that, Mr. President, in the supplemental appropriation bill that was passed this year, we provided another $715 million for foreign aid.

Whenever any Senator states on this floor that we have been niggardly with our foreign aid, as has been stated during this debate several times, I think he is misinformed.

I repeat that, although we made an initial appropriation of only $3.3 billion for fiscal year 1966, we finally ended up with a foreign aid program totaling $7,594,500,000. I repeat, because I feel strongly that emphasis is required, it seems to me that the Commission should examine every facet of aid that we are dealing with and make any criticisms it desires to make about them.

It would seem to me that the Commission should also go into what our allies are doing and what the other rich nations of the world are doing, but that is not covered by the pending amendment.

As I have pointed out, many nations have made money available.

In 1961, foreign aid furnished to the developing nations of the world by the Federal Republic of Germany amounted to $600 million. In 1964 aid furnished by the West Germans had declined to $460 million, a decrease of $140 million or 23.3 percent.

According to information furnished the Congress by the Agency for International Development, the high point in assistance supplied by the Federal Republic of Germany was reached in 1961. Since that time this aid has been on the decline and in 1964 was less than one-half of 1 percent of the gross national product of the Republic. It is expected that the amount of aid furnished the developing nations by West Germany will decline further in 1965 and in future years.

In 1962, French assistance to developing nations amounted to almost $1 billion and approximated 1.3 percent of the French GNP. This aid has declined since then and in 1964 aggregated about $840 million, or a reduction of approximately $160 million since 1962. This decrease stated in terms of a percentage reduction amounts to 16 percent.

Total assistance provided by Japan in 1964 amounted to $180 million, which is less than one-fourth of 1 percent of its GNP. Roughly one-third of Japanese assistance is in the form of indemnification and reparation payments. Most of the remainder of the assistance supplied by the Japanese is in the form of loans with maturities of between 5 and 10 years at average rates of interest of about 6 percent. Furthermore, as is pointed out in the aforementioned justifications, Japanese assistance is used largely to promote Japan's exports in the areas where its trade is concentrated, namely in south Asia and the Far East, which areas receive almost all of the Japanese aid.

It strikes me that the commission should be specifically charged with the duty of ascertaining what other nations are giving aid. I do not believe this proposal spells it out specifically, and in my opinion, I feel we have been too soft with our friends across the seas.

Mr. President, I have hoped that at some time in the future we might be able to end this foreign aid. In this connection I believe there should be included in the amendment a timetable, to let the commission look into the matter and make a determination as to how long they think that foreign aid, as it has been going on for the last 19 years, should proceed. It seems to me that we have put up more than our share in this effort, and it strikes me that if a good job is to be done, we should have the commission come up with a conclusion as to a termination date for foreign assistance as we know it today.

Mr. JAVITS. Mr. President, I must go to another committee meeting, but I wish to affirm my support of the amendment offered by my colleague from New York. I have been present while it has gone through the various stages of debate and modification. I think fundamentally it seeks to approach our problems with intelligence and planning. Though many may not like that word, it is absolutely essential in our modern day, considering the diversity of the effort and of the problems involved, and the number of constituent elements represented. I think it is a worthy effort to join the Congress with the President in advance planning for the foreign aid program.

No matter how some may delude themselves as to the proposition that foreign aid will be over shortly, it will not. I have been in Congress since 1948, and have voted on foreign aid every one of those 18 years, with the exception of two when I was attorney general. We do not know when it will end. We only know it will continue as long as the need persists. Instead of kidding ourselves, and doing it on an annual basis, there have been many efforts to put our planning on a long-range basis.

I have tried, for example, in the matter of private enterprise participation in foreign aid, to proceed in much this way. In fact, we have an amendment to this bill in the Senate which was adopted and which would do precisely that as far as private enterprise is concerned. The junior Senator from New York, my colleague, is trying to put the planning on an overall basis. I think it is a most estimable effort, and I hope very much the Senate will support him in it, and that it will be seen for what it is, an effort to accept reality and to put the future planning of our foreign aid efforts on a sound and continuing basis.

Mr. FULBRIGHT. Mr. President, I am perfectly willing to take this amendment as it is, if the Senate is willing to allow me to make it, because I believe we have now reached general agreement.

Mr. HRUSKA. Mr. President, if the Senator will permit me, it is my intention to ask for the yeas and nays on the amendment, and I do so now ask.

Mr. FULBRIGHT. That is all right.

The yeas and nays were ordered.

Mr. HRUSKA. Mr. President, it is not my intention to vote for this amendment. In my own experience over the last 12 or 14 years, I think this will represent the fourth or fifth special study by a special commission for this special purpose. Perhaps some good might come of it; I do not know. Certainly it amounts to almost a plea by the Senate, saying that the committees charged with servicing and making reports as to authorization bills and appropriation bills are not capable of undertaking and doing the very things that are embraced in the pending amendment.

I make this further observation: Here we propose a study commission to consist exclusively of members of one committee of the Senate; and yet inherently, and in a broad and a very deep way, there are at least two very extensive fields that this amendment gets into and contemplates besides that of foreign relations. One of those fields is appropriations, and the other is the military, the field of the Armed Services Committee, because there are embraced in the amendment an assessment, a study, investigation, and recommendations with reference to military assistance in the role of foreign aid.

Mr. SALTONSTALL. I simply call to the Senator's attention, and also to the attention of the Senator from New York, whose amendment this is, that on the original military assistance bill, when it was before us for the first time, the Foreign Relations Committee took over the hearing, and it was agreed at that time, rather than to have a joint hearing—I think the first one was a joint hearing, and then it was agreed that the Foreign Relations Committee should take it over, and if there was any military question, it should be referred to the Committee on Armed Services thereafter.

For 1 or 2 years, the matter was referred to the Committee on Armed Services, and then I think it was the feeling of those who were on the Armed Services Committee that it really would be better to have it come directly to the floor; so that arrangement was not carried on.

But I wonder, in that connection, if the Senator from Nebraska will permit me to say so, whether the Senator from New York and the Senator from South Dakota, whose amendment this is, would agree to a modification of subsection (2) on page 4, line 18, to read, instead of just four members of the Committee on Foreign Relations, "four members chosen from the Committees on Foreign Relations, Armed Services, and Appropriations of the Senate."

In other words, leave the statement "to be designated by the Vice President" unchanged, and not change anything else, except that the four members be chosen from the three committees, which all three have something to do with the matter, rather than just the Committee on Foreign Relations.

Mr. MUNDT. Mr. President, will the Senator yield?

Mr. HRUSKA. I am happy to yield to the Senator from South Dakota.

Mr. MUNDT. I can see some merit, perhaps, in bringing in the Appropriations Committee in some way, if it can be done, but why bring in the Committee on Armed Services? Because we have taken the military section out of the bill, and this deals only with economic assistance.

Mr. HRUSKA. On the contrary, if the Senator will yield, we have, on page 3 of the pending amendment subsection (4), which reads:

> (4) Military assistance to be furnished for purposes that serve the military defense of the United States as recommended by the Secretary of Defense, subject to approval by the Secretary of State.

That is part of the study the commission would make.

Mr. MUNDT. Yes, but it is attached to the economic aid part of the bill. If we are to have a Commission with only that many committee members on it, no committee will have adequate representation to provide any cross section of views at all.

Mr. SALTONSTALL. If the Senator from Nebraska will permit me to say so——

Mr. HRUSKA. Certainly.

Mr. SALTONSTALL. I did not intend to increase the number at all. I simply said the Vice President should be able to choose from members on the three committees, rather than merely the one.

Mr. MUNDT. I think it is important to increase the size of the committee if that is to be done, because, for example, on the Foreign Relations Committee, as the Senator knows, each of us is more or less typed as having certain ideas on economic aid. If the Vice President were to select one member from each of the committees, the decision could be predetermined in advance. By increasing the number, it could be expected that there would be some pros and some cons.

Mr. McCARTHY. Mr. President, will the Senator yield?

Mr. HRUSKA. I yield to the Senator from Minnesota.

Mr. McCARTHY. Mr. President, I think the supporters of the amendment failed to read it carefully. I see the possibility that, under the amendment, the committee might investigate the CIA, in which case it would be most dangerous to have four members of the Committee on Foreign Relations on it. We might wish to take that into account, because section 3, on page 2, reads:

> Assistance for political or contingency purposes, to be extended to a limited number of countries or areas

That might very well involve the CIA. It would be most dangerous to have four members of the Foreign Relations Committee on such a committee.

Mr. HRUSKA. That is a very interesting observation, particularly in view of the recent debate on the floor on that general subject which had an unfortunate termination so far as the viewpoint just expressed is concerned.

Mr. ELLENDER. Mr. President, in addition to what the senior Senator from Massachusetts just said about the Committee on Foreign Relations, I point out that in 1964, food for peace provided 33 percent of our foreign aid. In 1965 it was 28 percent. In 1966 it was 20 percent. Considering these facts, why should not the Committee on Agriculture and Forestry have a berth on this committee?

Mr. HRUSKA. I see no reason why not. To narrow this committee down for a study and investigation of such monumental scope and to limit the committee to four members of only one committee seems to me to make it a little bit off balance, in fact very ill balanced.

I point that out as an added reason why I do not propose to vote for the amendment.

Mr. HOLLAND. Mr. President, I should like to address a question to the junior Senator from New York.

I note that in subsection (1) of section 201, on page 2, of the pending amendment reference is made to the inclusion of title II of the Agricultural Trade Development and Assistance Act of 1954, as amended.

That is the title that has to do with famine relief.

Mr. KENNEDY of New York. The Senator is correct.

Mr. HOLLAND. And that comes under this heading, "Assistance Intended Primarily for Humanitarian Purposes."

Mr. KENNEDY of New York. The Senator is correct.

Mr. HOLLAND. Do I understand from that that the only research that this committee would make, looking to suggestions or changes of programs lying in the field of agriculture would be in that field covered by title II of the Food for Peace Act?

Mr. KENNEDY of New York. The Senator is correct. As I said to the Senator yesterday, and as I said to the Senator from Louisiana today, they would certainly take into consideration the fact that these other programs exist and how they operate and how much is expended each year while they are determining what should be done under this program, rather than under the foreign aid program.

Mr. **HOLLAND**. The study commission, however, would not take up matters arising under titles I, III, and IV of the Food for Peace Act. Title I, for instance, deals with the sale of food commodities or agricultural commodities for soft currencies; title III, as I recall it, for barter; and title IV, the sale for dollars on the installment plan or credit terms. All such details would still be left exclusively to the Committee on Agriculture and Forestry.

Mr. **KENNEDY** of New York. It would be left to the Committee on Agriculture and Forestry. Obviously the Senator from Florida understands that the planning committee would be aware of that and would take into consideration what was being done under those programs, while considering the foreign aid program.

Mr. **HOLLAND**. No provision would be made for suggested changes in titles I, III, and IV of the Food for Peace Act.

Mr. **KENNEDY** of New York. The Senator is correct. I emphasize to the Senator from Florida and to the Senate that all we have been talking about over the period of the last day or so is a study. After the study has been made—and there will be eight Members of Congress on the study committee—the committee will make its report back to the Senate and to the House of Representatives. Everybody will have an opportunity to consider that study and to make his own judgment as to its validity.

Mr. **HOLLAND**. And the appropriate committees having jurisdiction of the specific subject matter would still have the responsibility of examining and reporting upon suggested legislation.

Mr. **KENNEDY** of New York. They would examine and report upon any suggestion they might make. Some suggestions might be made to other committees. But each Representative would have to pass on the matter and each Senator would have to pass on it.

The **PRESIDING OFFICER**. The question is on agreeing to the amendment, as modified, of the Senator from New York. On this question the yeas and nays have been ordered.

Mr. **HRUSKA**. Mr. President, I suggest the absence of a quorum.

The **PRESIDING OFFICER**. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. **HRUSKA**. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The **PRESIDING OFFICER**. Without objection, it is so ordered.

Mr. **MORSE**. Mr. President, I thank the Senator from New York [Mr. KENNEDY], the Senator from Pennsylvania [Mr. CLARK], and the Senator from South Dakota [Mr. MUNDT] for working out an acceptable adjustment of what were our differences. I think all of our differences were more in form than they were of serious substance all the time.

The amendment now allays the concern, if not the fears, of some who thought there was an implied commitment under the language originally proposed to commit ourselves to narrow the gap between the have and have-not nations. But, be that as it may, we will benefit from the study that will flow from the special commission the amendment calls for.

The purpose and direction of the Kennedy-Clark-Mundt amendment is quite different from the amendment I helped draft in the Foreign Relations Committee last year. It is also very different from the version which was passed by the Senate after the Kennedy-Clark-Mundt amendment was added on the floor. It is not completely accurate to say this is what the Senate approved last year. The Senate must take into account the other amendment that it approved last year.

The committee version of 1965 began by terminating future aid under what are called foreign aid measures and also terminating title I of the Agricultural Trade Development Assistance Act of 1954. This was put into the committee amendment to make certain that the review of foreign aid would include all kinds of assistance, including that under food for peace. Our bill ended the largest program under food for peace along with the current version of foreign aid just so all these forms of aid would be considered and dealt with as a piece.

Take a look at this language in the 1965 bill. It began:

> SEC. 701. TERMINATION OF EXISTING PROGRAMS.—Notwithstanding any other provision of law, no assistance shall be furnished pursuant to this Act or pursuant to title I of the Agricultural Trade Development and Assistance Act of 1954, as amended, or any extension thereof, to any country or area (or enterprise thereon) subsequent to June 30, 1967.

The reason for that language was to include Public Law 480 in any review of foreign aid. The committee fully recognized and appreciated that so-called food for peace is one of the biggest foreign aid programs we have. Beginning this year, Public Law 480 will no longer be a surplus disposal program. We will begin raising food specifically for the purpose of distribution abroad. It is every bit as much a part of economic assistance as the manufactured commodities we also produce for distribution under AID contract.

Senators will recall that last year my good friend, the Senator from Louisiana [Mr. ELLENDER], the chairman of the Committee on Agriculture, seemed to believe that this action would constitute trespassing upon the jurisdiction of the Committee on Agriculture. We sought no trespass upon the jurisdiction of the Committee on Agriculture. We took the position that what they do under Public Law 480 and food for peace is a substantial part of foreign aid, and any commission looking into foreign aid ought to look into that matter, too.

We made some adjustments and got his agreement to the language I have just this afternoon read because he shared our view that Public Law 480 should be included in any review of foreign aid.

I was gratified to hear Senator ELLENDER—if I understood correctly—make the same point, that food for peace and Public Law 480 really are part of the foreign aid program. It is not specifically set forth in this resolution, as it was last year, but I do not see any reason why the Commission that is to be set up here could not cover all forms of foreign assistance, including those authorized in other laws.

Mr. **MUNDT**. Mr. President, will the Senator yield?

Mr. **MORSE**. I yield.

Mr. **MUNDT**. As one of the many coauthors whose names are associated with this proposal, I can assure the Senator from Oregon that, early in our discussions, the first amendment which was adopted by the then sole author, the gentleman from New York [Mr. KENNEDY]—although I believe it had two authors, the gentleman from New York [Mr. KENNEDY] and the gentleman from Pennsylvania [Mr. CLARK]—was to provide the words "among others." So that the Commission, in addition to anything we stipulate here, would have a wide-open field in which to carry out its investigations—any place that it felt its investigations would be valid.

So the legislative history recounted by the Senator from Oregon certainly would prove an inducement to them to do that which they could legally do under this amendment.

Mr. **MORSE**. That statement is very helpful. I understand, then, from his intervention, that the Senator from South Dakota, one of the authors of the pending amendment, advises the Senator from Oregon and the Senate that if the amendment is adopted and the Commission is set up, it would have general power to go into a review of Public Law 480 and food for peace or any other assistance program available.

Mr. **MUNDT**. As now written, the Commission would have the power to make investigations of anything, anywhere, relevant to the whole foreign assistance program, until it runs out of its $400,000.

Mr. **MORSE**. That was my understanding, but I desired to make the record clear, because we clearly contemplated that in my amendment of last year.

A second section of our committee amendment directed the study commission to seek unification of all such aid programs under a single officer or agency. The language reads as follows:

> In order to provide for better coordination of all programs of United States assistance to foreign countries, and for more efficient, economical, and effective administration of such programs, the proposals referred to in paragraphs (1), (2), and (3) of subsection (a) shall also include provisions for unification, insofar as practicable, of the administration of such programs under a single officer or agency.

The Senator from Louisiana has already spoken about the omission from this amendment of a termination provision. I wish it were in. But we must face the fact that there would be no chance of getting it through the House, and I doubt whether it would get through the Senate under the circumstances prevailing this year.

Nevertheless, this comment should be made, to show the difference between the position I took last year on the amendment that the Senate adopted, including the addition of the Kennedy-Clark amendment of last year, and the situation this year with the Kennedy-Clark-Mundt amendment.

Omission of the termination provision, with its inclusion of food for peace, would leave entirely up to the study group the review of all aid programs or just those provided for in this bill and in the military aid bill. The only type of assistance specifically described as including other laws which the Commission is directed to study is in the area of humanitarian relief. No mention is made of specific laws in the area of development, nor the area of political aid, nor the area of military aid.

Another omission from this amendment offered this year is subsection (b) of the committee bill of last year. It reads:

> The proposals referred to in subsection (2) should also provide that after June 30, 1967, the total number of countries receiving assistance referred to in paragraphs (2), (3), and (4) of subsection (a) should not exceed a total of fifty.

I should prefer some limitation in this amendment. But there is a reference to this matter in current bills.

I should like to have the attention of the Senator from South Dakota, because he is the only coauthor of the amendment.

Does the Senator from South Dakota agree with me that the terms of reference of the Commission are sufficiently broad so that in any study of foreign aid it could take into consideration—it seems to me that it should take into consideration—the number of countries that ought to receive aid?

Mr. MUNDT. I am sure that it is broad enough to do that, because actually no arbitrary limitations are in the amendment.

As the Senator will recall, I introduced a companion amendment of my own. The Senator from New York [Mr. KENNEDY] introduced one. When the amendment of the Senator from New York was called up first, I called attention to the basic difference, which was that included in the amendment of the Senator from New York were some stipulations and some suggestions and some guidelines to which I objected. I objected because the guidelines, if established, seemed to mutually exclude anything else.

Realizing that we could not strike the whole subject, I suggested that we include the words "among others." When the Commission is told that among others it may include this, it means that among the other things they may include is everything else in the world relevant to the problem.

So the Senator from Oregon need have no concern about that, provided a Commission is appointed which would follow the leadership of its own noses, instead of accepting direction from some ulterior source.

Mr. MORSE. When this Commission is appointed, it should read this debate very carefully.

Mr. MUNDT. I should hope so.

Mr. MORSE. At least, it would be responsible for following the legislative history of the bill. Therefore, I desire this legislative history to show clearly that if we pass the amendment this afternoon—I shall support it—it is understood that the Commission would have within its terms of reference the authority to make inquiry into the extent of the program for the future, including the number of countries that should receive aid by way of foreign aid from the United States.

Mr. MUNDT. It would certainly be a very short-sighted Commission that would ignore that salient factor.

Mr. MORSE. In my judgment, it would not be carrying out the objectives of the amendment if it did not do so, and it would be subject to criticism if it did not.

Mr. McCARTHY. Mr. President, will the Senator yield for a question of the Senator from South Dakota?

Mr. MORSE. I yield to the Senator from Minnesota to ask a question of the Senator from South Dakota.

Mr. McCARTHY. Will the Senator from South Dakota tell me whether or not it is the intent of the authors of this proposal that the Commission's studies would really include everything that is in the policy declaration that is part of the basic Foreign Assistance Act of 1961? Does the Senator contemplate any limitation?

Mr. MUNDT. No. This amendment deals primarily with foreign aid.

Mr. McCARTHY. This is the Foreign Assistance Act of 1961, which sets forth the general purposes of the foreign aid program. Is it the intention of the Senator from South Dakota that this special committee or commission be set up to study this whole field and all of the objectives which have been set for the foreign assistance program through the years and are still part of the basic act?

Mr. MUNDT. I am not sure about that, but I am sure that the Commission should discuss all of the various records and types and programs of foreign aid which have been engaged in, and all possible other determinations which might be made, governing any foreign aid programs for the future. I am not sure that it is broad enough to go into foreign policy and military policy, and things of that type.

Mr. McCARTHY. I say it is simply the policy which has been set in the Foreign Assistance Act, I assume that is the policy which it is the intention that Congress pursue. In other words, the Senator from South Dakota desires that the Commission have rather general jurisdiction in the whole field of foreign aid.

Mr. MUNDT. In the specific field of foreign aid, I desire the Commission to have general jurisdiction.

Mr. McCARTHY. Mr. President, since the bill before us is an amendment to the Foreign Assistance Act of 1961, I ask unanimous consent to have printed in the RECORD part I, chapter 1, section 102 of that act, which is a three-page statement of policy of the foreign aid program, so that the Senators may know the limitation and scope of the objectives we have set for this program.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

FOREIGN ASSISTANCE ACT OF 1961, AS AMENDED

PART 1

Chapter 1—Policy

SEC. 102. STATEMENT OF POLICY.—It is the sense of the Congress that peace depends on wider recognition of the dignity and interdependence of men, and survival of free institutions in the United States can best be assured in a worldwide atmosphere of freedom.

To this end, the United States has in the past provided assistance to help strengthen the forces of freedom by aiding peoples of less developed friendly countries of the world to develop their resources and improve their living standards, to realize their aspirations for justice, education, dignity, and respect as individual human beings, and to establish responsible governments.

The Congress declares it to be a primary necessity, opportunity, and responsibility of the United States, and consistent with its traditions and ideals, to renew the spirit which lay behind these past efforts, and to help make a historic demonstration that economic growth and political democracy can go hand in hand to the end that an enlarged community of free, stable, and self-reliant countries can reduce world tensions and insecurity.

It is the policy of the United States to strengthen friendly foreign countries by encouraging the development of their free economic institutions and productive capabilities, and by minimizing or eliminating barriers to the flow of private investment capital.

It is the sense of the Congress that the institution of full investment guaranty programs under title III of chapter 2 of this part with all recipient countries would be regarded as a significant measure of self-help by such countries improving the climate for private investment both domestic and foreign.

In addition, the Congress declares that it is the policy of the United States to support the principles of increased economic cooperation and trade among countries, freedom of the press, information, and religion, freedom of navigation in international waterways, and recognition of the right of all private persons to travel and pursue their lawful activities without discrimination as to race or religion. The Congress further declares that any distinction made by foreign nations between American citizens because of race, color, or religion in the granting of, or the exercise of, personal or other rights available to American citizens is repugnant to our principles. In the administration of all parts of this Act these principles shall be supported in such a way in our relations with countries friendly to the United States which are in controversy with each other as to promote an adjudication of the issues involved by means of international law procedures available to the parties.

Accordingly, the Congress hereby affirms it to be the policy of the United States to make assistance available, upon request, under this part in scope and on a basis of long-range continuity essential to the creation of an environment in which the energies of the peoples of the world can be devoted to constructive purposes, free of pressure and erosion by the adversaries of freedom. It is the sense of the Congress that in furnishing assistance under this part excess personal property shall be utilized wherever practicable in lieu of the procurement of new items for United States-assisted projects and programs. It is the further sense of the Congress that assistance under this part shall be complemented by the furnishings under any other Act of surplus agricultural commodities and by disposal of excess property under this and other Acts.

Also, the Congress reaffirms its conviction that the peace of the world and the security of the United States are endangered so long as international communism continues to attempt to bring under Communist domination peoples now free and independent and to keep under domination peoples once free but now subject to such domination. It is, therefore, the policy of the United States to continue to make available to other free countries and peoples, upon request, assistance of such nature and in such amounts as the United States deems advisable and as may be effectively used by free countries and peoples to help them maintain their freedom. Assistance shall be based upon sound plans and programs; be directed toward the social as well as economic aspects of economic development; be responsible to the efforts of the recipient countries to mobilize their own resources and help themselves; be cognizant of the external and internal pressures which hamper their growth; and shall emphasize long-range development assistance as the primary instrument of such growth.

It is the sense of Congress that in the administration of these funds great attention and consideration should be given to those countries which share the view of the United States on the world crisis and which do not, as a result of United States assistance, divert their own economic resources to military propaganda efforts, supported by the Soviet Union or Communist China, and directed against the United States or against other countries receiving aid under this Act.

The Congress further declares that in the administration of programs of assistance under this Act the highest practicable emphasis should be given to: programs providing for loans or loan guarantees for use by institutions and organizations in making repayable low-interest rate loans to individuals in friendly foreign countries for the purchase of small farms, the purchase of homes, the establishment, equipment and strengthening of small independent business concerns, purchase of tools or equipment needed by individuals for carrying on an occupation or a trade or financing the opportunity for individuals to obtain practical education in vocational and occupational skills, and to those programs of technical assistance and development which will assist in carrying out and in preparing a favorable environment for such programs. While recognizing that special requirements, differing development needs and political conditions in various assisted countries will affect the priority of such programs and of each country's relative ability to implement them, it is further the sense of Congress that each such assisted country should be encouraged to give adequate recognition to such needs of the people in the preparation of national development programs.

The Congress reaffirms its belief in the importance of regional organizations of free peoples for mutual assistance, such as the North Atlantic Treaty Organization, the Organization for Economic Cooperation and Development, the European Economic Community, the Organization of American States, the Colombo Plan, the South East Asia Treaty Organization, the Central Treaty Organization, and others, and expresses its hope that such organizations may be strengthened and broadened, and their programs of self-help and mutual cooperation may be made more effective in the protection of the independence and security of free people, and in the development of their economic and social well-being, and the safeguarding of their basic rights and liberties.

It is the sense of the Congress that, in the administration of programs of assistance under chapter 2 of this part, every possible precaution should be taken to assure that such assistance is not diverted to short-term emergency purposes (such as budgetary purposes, balance-of-payments purpose, or military purposes) or any other purpose not essential to the long-range economic development of recipient countries.

The Congress urges that all other countries (including private enterprise within such countries) able to contribute join in a common undertaking to meet the goals stated in this part. In particular, the Congress urges that other industrialized free-world countries increase their contributions and improve the forms and terms of their assistance so that the burden of the common undertaking, which is for the benefit of all, shall be equitably borne, by all. It is the sense of Congress that, where feasible, the United States Government invite friendly nations to join in missions to consult with countries which are recipients of assistance under this part on the possibilities for joint action to assure the effective development of plans for the economic development of such recipient countries and the effective use of assistance provided them; and that the President may request the assistance of international financial institutions in bringing about the establishment of such missions.

It is the sense of the Congress that assistance authorized by this Act should be extended to or withheld from the government of South Vietnam, in the discretion of the President, to further the objectives of victory in the war against communism and the return of their homeland of Americans involved in that struggle.

It is the sense of the Congress that assistance under this or any other Act to any foreign country which hereafter permits, or fails to take adequate measures to prevent, the damage or destruction by mob action of the United States property within such country, should be terminated and should not be resumed until the President determines that appropriate measures have been taken by such country to prevent a recurrence thereof.

This Act, or the furnishing of economic, military, or other assistance under this Act, shall not be construed as creating a new commitment or as affecting any existing commitment to use armed forces of the United States for the defense of any foreign country.

Mr. MORSE. Mr. President, I yield to the Senator from North Carolina [Mr. ERVIN], without losing my right to the floor, so that he may ask a question of the Senator from South Dakota [Mr. MUNDT].

Mr. ERVIN. Mr. President, I invite attention to the language contained in lines 1 through 6 on page 2 which provides that this Commission is to formulate and submit proposals for foreign assistance for "fiscal years"—and I notice that that is in the plural—beginning on or after July 1, 1968.

Does not this proposed amendment contemplate that the foreign aid program is going to be continued until the last lingering echo of Gabriel's horn trembles into silence?

Mr. MUNDT. I think not, because those who study the RECORD and debate on this matter will observe the fact that the Senate emphatically in a rollcall vote called for this to be a 1-year authorization. The program ends at the end of this fiscal year.

Mr. ERVIN. This amendment, regardless of what it would do to foreign aid to foreign countries, would cut off aid to members of this Commission at the end of 1 fiscal year.

Mr. MUNDT. The Commission expires when it makes its report. The Senator is correct.

Mr. ERVIN. I thank the Senator.

Mr. MORSE. Mr. President, as the Senator from Ohio [Mr. LAUSCHE] and I pointed out last night in colloquy on the floor of the Senate, it is not accurate to say that the amendment that we have under consideration is the same thing we voted for a year ago. It has many of the characteristics of the same thing we voted for but we have to take into account what else we voted for that was related to the subject matter of this amendment.

We have to take into account that some of its characteristics did not come out of the committee, but were added on the floor of the Senate. When you look at the total amendment that we reported from committee, including the facts I have pointed out that are not in the bill this year, I think there is a partial explanation of why the Senator from Ohio [Mr. LAUSCHE] and I were right last year in insisting we should modify the amendment this year. That is to the great credit of the Senator from New York [Mr. KENNEDY] and I appreciate it very much. He agreed to do it along the lines which I will mention in a moment.

But because the Senator from Ohio [Mr. LAUSCHE] made the record he made last night, I thought it fair to him, as well as myself, to point out the differences between the bill and amendment this year, and the bill and amendment of last year.

Mr. LAUSCHE. Mr. President, will the Senator yield?

Mr. MORSE. I yield.

Mr. LAUSCHE. Mr. President, in the colloquy that took place last night I emphasized the fact that the amendment as written laid down directions to the Commission of 12. After it laid down directions it proceeded to state that the Commission shall make a study, and that at the conclusion of that study make recommendations.

My anxiety was provoked by the paradox of what is sought to be done. It was declared, in effect, that we shall have an impartial study from which a commission advises about what our course of economic assistance in the future shall be.

But as I have already stated, as a preliminary, the bill proceeded to tell this Commission of 12 what in effect it should do.

I now read from page 3, beginning on line 18 the material which I understand has been stricken from the amendment through the discussions that have been had. Is that correct?

Mr. MORSE. The Senator is correct.

Mr. LAUSCHE. The language of the bill was, as follows:

> The proposals referred to in subsection (a) should be based on an analysis and estimate of the funds required by the developing nations of the world to close the widening gap between the economically privileged nations and those nations striving to achieve a developed economy.

> This analysis should examine the relationship between development requirements and the rising gross national product of the United States.

The amendment to the bill that was under consideration last year, proposed by the Senator from Oregon [Mr. Morse], envisioned, in essence, a termination of the foreign aid program, or a substantial reduction of it. That was the basis upon which we proceeded.

However, this amendment was accepted, as proposed by the Senator from Pennsylvania [Mr. Clark]. It is true that the Record shows that 78 Senators voted for it, and 1 Senator voted against it. But I submit that a complete reading of the Record and the proceedings in 1965 will disclose that the primary objective of the study was to bring about a termination or reduction of the program.

In conclusion, the striking of lines 18 down to a part of line 23 puts the language of this amendment in a form that will require an objective study of the advisability of either increasing, decreasing, or terminating foreign aid.

On that basis, I favor this amendment.

Mr. MORSE. I appreciate that. I wanted to give the Senator from Ohio [Mr. Lausche] the opportunity to make his statement in view of the colloquy we engaged in last night with our friends, the Senator from New York [Mr. Kennedy] and the Senator from Pennsylvania [Mr. Clark], and others.

Mr. LAUSCHE. Mr. President, will the Senator yield?

Mr. MORSE. I yield.

Mr. LAUSCHE. Last night I asked the Senator from Oregon [Mr. Morse] why he accepted the amendment last year.

Mr. MORSE. I said I had made a mistake.

Mr. LAUSCHE. I merely want to add that I think the Senator from Oregon tried to be polite to the Senator from Pennsylvania and the Senator from New York.

Mr. MORSE. I do not have to try to be polite to them; it is always a pleasure.

Mr. LAUSCHE. And also, as a tactical operation, he agreed to accept it, believing that, by so doing, the amendment he offered would be adopted; and it was adopted by a vote of 78 to 1.

Mr. CLARK. Mr. President, will the Senator yield?

Mr. MORSE. I yield.

Mr. CLARK. I should like to have the Record show that the cordial relationship between the Senator from Oregon and myself, which has existed for some 10 years, makes it quite unnecessary for us to be polite to each other. The Senator from Ohio [Mr. Lausche] and I also have a cordial relationship.

Mr. LAUSCHE. Except that some time ago the Senator from Pennsylvania, on television, described me as demagog. This is the first time I have had a chance to call attention to that or point it out.

Mr. CLARK. I have the feeling that the Senator from Ohio has been misinformed. I never think of him as a demagog; nothing would be further from my mind. I consider him a stanch defender of the age that has passed against the age that is "thronging before." [Laughter.]

May I complete my statement by saying that I regret the changes which have been made in the amendment; nevertheless, I shall support it. I hope that the Commission, when appointed, will read very carefully the debate in the Senate during the last 2 days. If they do, they will give great consideration to what will have to be done to bridge the gap between the poorer nations and the richer nations. I realize that my views did not prevail to change the amendment, but I believe that the amendment is better than no amendment, and I shall vote for it.

Mr. MORSE. Mr. President, it is fitting that I should make this comment immediately following what my good friend from Pennsylvania has just said, because I appreciate very much the spirit of cooperation which the Senator from Pennsylvania, the Senator from New York, and the Senator from South Dakota have extended to us, so that we can have an amendment that will provide for a study. That is what we all seek.

The revised amendment eliminates the word "assessment" which was presented several times in the original draft of the amendment as first offered. I think that is desirable, in order to put at rest in the Senate certain concerns and fears that the word "assessment" is becoming common in international finance circles. To talk about an assessment of the gross national product to be levied on industrial countries for use in underdeveloped countries has become quite common.

I stated yesterday, in connection with a couple of items in the bill, that the delegates of some Latin American countries to economic conferences have developed quite a habit of talking about assessments. I do not think that we should commit ourselves to any legislation that uses that term in it, in view of the meaning that seems to have been given to it by some of the Latin American delegates to international conferences.

To say "assessed," meaning to evaluate, does not change the fact that assessed also means "to subject to a tax, charge, or levy."

The original version of this amendment stated that the commission should examine the relationship between the development requirements and the rising gross national product of the United States. That is before we modified the pending amendment. It provides that we should examine the relationship between the development requirements of the rising gross national product of the United States, assessing the percentage of the gross national product that should be devoted to such developmental assistance.

If we mean to have a study that the American people can ever have any confidence in, then I think we were wise in getting the agreement to eliminate the word "assessment" this afternoon.

Again, I want to thank the Senator from New York, the Senator from Pennsylvania, and the Senator from South Dakota for going along with us on this proposed modification, which reads:

> The proposal referred to in subsection (a) should include an analysis of the role that economic assistance by the United States and other developed nations can play in the economic and social development through foreign aid.

I made this statement because I did not want someone studying the legislative history of the Senate to believe that I agreed last year to this amendment. I agreed to major language in the amendment offered by the Senator from Pennsylvania, the Senator from New York, and the Senator from South Dakota as part of a much broader section of the bill, some of which, as I have pointed out, does not happen to be covered in this amendment.

I shall support the amendment.

Mr. HRUSKA. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. HRUSKA. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

The question is on agreeing to the amendment, as modified, of the Senator from New York [Mr. Kennedy].

On this question, the yeas and nays have been ordered; and the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. LONG of Louisiana. I announce that the Senator from Tennessee [Mr. Bass], the Senator from Indiana [Mr. Bayh], the Senator from Arizona [Mr. Hayden], and the Senator from Arkansas [Mr. McCellan] are absent on official business.

I also announce that the Senator from Florida [Mr. Smathers] is necessarily absent.

I further announce that, if present and voting, the Senator from Indiana [Mr. Bayh] and the Senator from Florida [Mr. Smathers] would each vote "yea."

Mr. KUCHEL. I announce that the Senator from Colorado [Mr. Allott], the Senator from Kentucky [Mr. Morton], and the Senator from Kansas [Mr. Pearson] are necessarily absent.

The Senator from Kansas [Mr. Carlson] is absent on official business.

If present and voting, the Senator from Colorado [Mr. Allott], the Senator from Kansas [Mr. Carlson], the Senator from Kentucky [Mr. Morton], and the Senator from Kansas [Mr. Pearson] would each vote "yea."

The result was announced—yeas 74, nays 17, as follows:

[No. 158 Leg.]

YEAS—74

Aiken
Anderson
Bartlett
Bible
Boggs
Brewster
Burdick
Byrd, Va.
Byrd, W. Va.
Cannon
Case
Church
Clark
Cooper
Dodd
Dominick
Douglas
Ervin
Fannin
Fong
Fulbright
Gore
Griffin
Gruening
Harris
Hart
Hartke
Hickenlooper
Hill
Holland
Inouye
Jackson
Javits

Jordan, N.C.
Kennedy, Mass.
Kennedy, N.Y.
Kuchel
Lausche
Long, Mo.
Long, La.
Magnuson
Mansfield
McCarthy
McGee
McGovern
McIntyre
Metcalf
Miller
Mondale
Monroney
Montoya
Morse
Moss
Mundt
Murphy
Muskie
Nelson
Neuberger
Pastore
Pell
Prouty
Proxmire
Randolph
Ribicoff
Robertson
Russell, S.C.
Saltonstall
Sparkman
Symington
Tower
Tydings
Williams, N.J.
Yarborough
Young, Ohio

NAYS—17

Bennett
Cotton
Curtis
Dirksen
Eastland
Ellender
Hruska
Jordan, Idaho
Russell, Ga.
Scott
Simpson
Smith
Stennis
Talmadge
Thurmond
Williams, Del.
Young, N. Dak.

NOT VOTING—9

Allott
Bass
Bayh
Carlson
Hayden
McClellan
Morton
Pearson
Smathers

So Mr. KENNEDY's amendment, as modified, was agreed to.

Mr. FULBRIGHT. Mr. President, I send to the desk an amendment and ask that it be read.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk read as follows:

At the end of the bill, add a new section, as follows:

"SEC. 203. There is hereby authorized to be printed for the use of the Committee on Foreign Relations 14,000 additional copies of its hearings on supplemental foreign assistance, fiscal year 1966—Vietnam, of the Eighty-ninth Congress, second session."

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Arkansas.

The amendment was agreed to.

Mr. DIRKSEN. Mr. President, I should like to ask the majority leader whether he is aware of any further amendments, or whether we can proceed to a third reading.

The PRESIDING OFFICER. The bill is open to further amendment.

Mr. MANSFIELD. Mr. President, the Chair has just put the question, and there seem to be no further amendments. I hope we can proceed to third reading as soon as possible.

The PRESIDING OFFICER. If there be no further amendment to be proposed, the question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed for a third reading, and was read the third time.

Mr. FULBRIGHT. Mr. President, I move that the Senate proceed to the immediate consideration of H.R. 15750, which is the House bill.

The PRESIDING OFFICER. The bill will be stated by title.

The ASSISTANT LEGISLATIVE CLERK. A bill (H.R. 15750) to amend further the Foreign Assistance Act of 1961, as amended, and for other purposes.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Arkansas.

The motion was agreed to, and the Senate proceeded to consider the bill.

Mr. FULBRIGHT. Mr. President, I move to amend the bill (H.R. 15750) by striking out all after the enacting clause and substituting the text of S. 3584, as amended.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Arkansas.

The motion was agreed to.

The PRESIDING OFFICER. The question is on the engrossment of the amendment and the third reading of the bill.

The amendment was ordered to be engrossed and the bill to be read a third time.

Mr. DIRKSEN. Mr. President, have the yeas and nays been ordered on passage?

The PRESIDING OFFICER. The yeas and nays have not been ordered.

Mr. DIRKSEN. I ask for the yeas and nays.

The yeas and nays were ordered.

A NEW CONCEPT ON FOREIGN AID

Mr. FULBRIGHT. Mr. President, I have great misgivings about this year's foreign economic assistance bill. I wish to make it clear, however, that my misgivings are not about foreign aid as such, nor about the Agency for International Development, its personnel and their administration of the program. My misgivings have to do with the basic character of the program and the need, as I see it, for a new concept of foreign aid. In its present bilateral form foreign aid, though composed principally of interest-bearing loans, is run as a kind of charity, demeaning to both recipient and donor. In addition, it is becoming a vehicle toward deep American involvement in areas and issues which lie beyond both our vital interests and our competence. For these two essential reasons, on which I shall elaborate, I propose the transformation of aid, through internationalization, from private charity to community responsibility, from a dubious instrument of national policy to a stable program for international development.

The obligation of the rich to help the poor is recognized, so far as I know, by every major religion, by every formal system of ethics, and by individuals who claim no moral code beyond a simple sense of human decency. Unless national borders are regarded as the limits of human loyalty and compassion as well as of political authority, the obligation of the rich to the poor clearly encompasses an obligation on the part of rich nations to poor nations. Indeed, it is no more than commonsense to recognize that, among nations as within them, the security of the rich is best assured by providing hope and opportunity for the poor.

Neither we nor any other nation, however, has yet accepted an obligation to the poor nations in any way analogous to that which we accept toward the individual poor and the poorer States and regions within our own country. In America and other democratic societies, higher income people provide the bulk of the tax money to finance public services of which the poor are the principal beneficiaries; the redistribution of wealth has become a normal and accepted function of democratic government. The rich pay not as a private act of noblesse oblige but in fulfillment of a social responsibility; the poor receive benefits not as a lucky gratuity but as the right of citizens. The effect of the great social reforms in our country from the time of Theodore Roosevelt to the Great Society has been the virtual displacement of private philanthropy by public responsibility. The Salvation Army has just about been put out of business by social security and, with due respect for the humanity and kindness of the Salvation Army, who can deny that unemployment compensation is a major improvement?

With no less respect for the competence and dedication of our Agency for International Development, I suggest that we begin to replace bilateral foreign aid, which is analogous to private philanthropy, with an internationalized program based on the same principle of public responsibility which underlies progressive taxation and the social services we provide for our own people. I suggest that we extend the frontiers of our concern so as to transform our aid to the world's poorer nations from something resembling a private gratuity to a community responsibility.

The crucial difference between bilateral and international aid is the basic incompatibility of bilateralism with individual and national dignity. Charity corrodes both the rich and the poor, breeding an exaggerated sense of authority on the part of the donor and a destructive loss of self-esteem on the part of the recipient. Whatever the material benefits of our aid—and they have been considerable in some countries—I am increasingly inclined to the view that they have been purchased at an excessive political and psychological cost to both lenders and borrowers. The critical question is whether the transfer of wealth between nations can be made compatible with human dignity as has been done within our own country. I think that it can be done, by the internationalization of foreign aid.

It is with such thoughts in mind that I have decided, after almost 20 years of American foreign aid, that I for one can no longer actively support an aid program that is primarily bilateral. I would, however, support and do all within my power to secure an expanded program of economic aid—a greatly expanded program of economic aid—provided that it were conducted as a community enterprise, that is, through international channels such as the United Nations, the International Development Association of the World Bank, and the regional development banks.

The disruptive effects of bilateral American aid have been referred to by some prominent individuals who know something about it. They emphasize the importance of the way in which the gift—or loan—is given.

There is wisdom if also malice in Prince Sihanouk's comparison of American and Chinese aid to his country.

> You will note the difference in the ways of giving—

He writes:

> On one side we are being humiliated, we are given a lecture, we are required to give

> something in return. On the other side, not only is our dignity as poor people being preserved, but our self-esteem is being flattered—and human beings have their weaknesses, and it would be futile to try to eradicate [them].

General Ne Win has all but ended foreign economic aid to Burma despite its great need of capital and technical assistance.

> Unless we Burmans can learn to run our own country—

He says—

> we will lose it. Of course, there are hardships. But we must put our house in order.

Noting the effects of vast American military and economic assistance on such countries as South Vietnam and Thailand, Ne Win says:

> This kind of aid does not help. It cripples. It paralyzes. The recipients never learn to do for themselves. They rely more and more on foreign experts and foreign money. In the end they lost control of their country.

Extended in the wrong way, generosity can be perceived by its intended beneficiary as insulting and contemptuous. I rather suspect, in this connection, that the well-intentioned public American offer to include North Vietnam in a southeast Asian development program may have been interpreted by the North Vietnamese as an attempt to buy them off from the war and make them an American dependency. Coming as it did from a nation with which North Vietnam is at war, a nation which is bombing its territory, the American offer, though sincere, was perhaps too generous to be credible, and that may explain why it was rejected as another peace plot, as an effort on the part of the United States to win by bribery what it had been unable to win on the battlefields. If the same offer of aid were made privately to the North Vietnamese by the representatives of an international agency, it is possible that it would elicit a different kind of reaction.

The problem of bilateralism is psychological and political rather than managerial. It is a problem of pride, self-respect and independency, which have everything to do with a country's will and capacity to foster its own development. There is an inescapable element of charity and paternalism in bilateral aid—even when it is aid in the form of loans at high rates of interest—and charity, over a long period of time, has a debilitating effect on both its intended beneficiary and its provider; it fosters attitudes of cranky dependency or simple anger on the part of the recipient and of self-righteous frustration on the part of the donor, attitudes which, once formed, feed destructively upon each other.

Foreign aid is not in a literal sense the cause or the reason for American military involvement in Vietnam. It was, however, an important factor contributing to the state of mind of policymakers who committed the United States to a major land war in Asia after having stated forcefully, repeatedly and, to many of us, quite convincingly, that that was exactly what they intended not to do. The relationship between American aid and the Vietnamese war is no less significant for being psychological rather than juridical; indeed it is probably more significant.

The idea of foreign aid as a source of American military involvement is certainly not my own; on the contrary, such a connection never even occurred to me or, I daresay, to other members of the Foreign Relations Committee, until administration officials began referring to the aid program as cause and evidence of what they judge to be an American military obligation in Vietnam. Nor, I think, can the connection between aid and military involvement be dismissed as mere excess of rhetoric by partisans of the Vietnamese war.

Although he has now disavowed aid as a source of military obligations, the Secretary of State on no less than three occasions referred to congressional approval of aid programs as a basis of authority for the American military involvement in Vietnam. He did so at a Senate hearing in August 1964. He did so again in a hearing before the Foreign Relations Committee on January 28, 1966, when, after citing the SEATO Treaty as authorizing American military action in Vietnam, he went on to say:

> In addition to that, we have bilateral assistance agreements to South Vietnam. We have had several actions of the Congress. We have had the annual aid appropriations in which the purposes of the aid have been fully set out before the Congress. . . .

The Secretary made the same point most explicitly in a speech in Las Vegas on February 16, 1966. He said:

> We are committed to assist South Vietnam resist aggression by the SEATO Treaty, which was approved by the Senate with only one dissenting vote; by the pledges of three successive Presidents; by the aid approved by bipartisan majorities in Congress over a period of 12 years; by joint declarations with our allies in Southeast Asia and the Western Pacific; and by the Resolution which Congress adopted in August 1964, with only two dissenting votes.

I very much doubt that any Member of the Senate ever supposed that by voting for foreign aid the Senate was authorizing or committing the United States to use its Armed Forces to sustain the ruling government of any recipient country against foreign attack, much less against internal insurrection. I rather doubt that those who later cited such a connection thought of it, either, before the United States took over the Vietnamese war.

What seems to have happened is that large-scale military and economic aid, along with our gradual assumption of the French role in Indochina and the adoption of Ngo Dinh Diem as an American protégé, created a state of mind among American policymakers under which it was felt that the United States had a proprietary investment in Vietnam—an investment of prestige and money which those responsible were naturally unwilling to see go down the drain. A gambler is always tempted, once he has begun to lose, to keep raising the stakes in the hope of recouping his losses; since early 1965 American policymakers have been steadily raising the stakes of a gamble which began in part with aid and which until a year and a half ago could have been liquidated with a fairly small loss. Once the stakes became high, however, explanations were called for, and, apparently without awareness of the implications of what they were saying, our policymakers began referring to foreign aid as one of the factors that committed the United States to the war in Vietnam.

Explicit references to foreign aid as legal basis for an American military obligation seem, therefore, to have been ex post facto; policymakers who came to feel that the United States was obligated to take over the Vietnamese war, in part because aid programs authorized with no such intention contributed to the sense of an American investment, later referred back to foreign aid legislation as one source of justification and authorization for the American military commitment. Subsequent disavowals of aid as a source of military obligation cannot undo its prior contribution to that state of mind which made military involvement seem essential.

It is a little late to be locking the barn after your prize herd has galloped off into the distance. Nonetheless, in order to disabuse the administration of the view that the Congress, by adopting aid legislation, is authorizing the President to go to war in defense of the beneficiaries, the Foreign Relations Committee added language to the policy statement of the foreign economic aid bill indicating that the authorization of military and economic aid "shall not be construed as creating a new commitment or as affecting any existing commitment to use Armed Forces of the United States for the defense of any foreign country."

As a further precaution the committee, which previously had approved multiyear authorizations, limited this year's foreign aid authorization to 1 year. I myself would strongly favor long-term authorization of an internationalized foreign aid program; should the Congress ever be asked to approve such a program, I for one will not only support the principle of long-term authorization but will do all that I can to secure its adoption. This year, however, I have been unwilling to support a long-term aid authorization because of a lack of confidence in the purposes for which bilateral aid is likely to be used. I have been particularly disturbed by the implications of what is being referred to as an Asian doctrine under which the United States would accept unilateral responsibility for maintaining order and extending the Great Society to non-Communist Asia. Until confidence in the uses to which our aid is likely to be put is restored—and I hope that it will be in the near future—I think it prudent for the Congress to retain its full authority to review the authorization as well as the appropriation of funds for foreign aid.

Many country programs are justified by the Agency for International Development on the ground that they will maintain an "American presence." These programs are too small to have much effect on economic development but big enough to involve the United States in the affairs of the countries concerned. The underlying assumption of these programs is that the presence of some American aid officials is a blessing which no developing country, except for the benighted Communist ones, should be denied.

I think this view of aid is a manifestation of the arrogance of power. Its basis, if not messianism, is certainly egotism. It assumes that the size, wealth, and power of the United States are evidence of wisdom and virtue as well; it assumes that, just as the right-thinking, hard-working laborer in a Horatio Alger novel might have counted it a privilege to take counsel with the local tycoon, every right-thinking, hard-working underdeveloped country must consider it a privilege to have some resident Americans around to tell them how to run their affairs.

Bilateral foreign aid, like some of the other "instruments" of American foreign policy, has become a vehicle toward the involvement of the United States in matters lying beyond its proper concern. Though by no means the sole cause, or even the major cause, of the developing role of the United States as ideological policeman for the world, bilateral aid has been a factor in that development. It has become a factor in a general tendency to go it alone, a tendency reflected in our neglect of the United Nations, in our neglect of the views and sensibilities of allies and other countries, and in the diversion of money and effort from those promising and essential domestic reforms which only a year ago bade fair to make the United States an example of progress and social justice for the world.

Foreign aid does not have to contribute to such results. It can indeed be a powerful means toward the renewal of strained partnerships, toward the reconciliation of national animosities, and above all toward the economic growth of the world's poor countries under conditions that foster dignity as well as development. To accomplish these ends we will have greatly to increase our aid program and to transform it from an instrument of national policy to a community program for international development.

I propose, therefore, the internationalization and expansion of foreign aid. I propose its conversion from an instrument of national foreign policy to an international program for the limited transfer of wealth from rich countries to poor countries in accordance with the same principle of community responsibility that in our own country underlies progressive taxation, social welfare programs, and the effective transfer of wealth from the rich States to the poor States through programs of Federal aid. The time has come to start thinking of foreign aid as part of a limited international fiscal system through which the wealthy members of a world community would act sensibly and in their own interests to meet an obligation toward the poor members of the community.

So great a transformation in the character and conduct of aid cannot be achieved all at once. At present, however, virtually no progress is being made toward the internationalization of aid. The implementation of the Foreign Relations Committee's amendment to the foreign economic aid bill requiring the channeling of 15 percent of the Development Loan Fund through the World Bank and its affiliated agencies would be an encouraging but, in itself, inadequate step forward. A more significant advance would be a favorable American response to the request of Mr. George Woods, the President of the World Bank, for greatly increased contributions to the International Development Association, the Bank's soft-loan affiliate.

What steps can be taken toward the development of an international system for the limited redistribution of income between rich countries and poor countries? First, the aid-providing countries of the world should terminate bilateral programs and channel their development lending through the World Bank and its affiliated agencies, especially the International Development Association. Secondly, the Bank and its affiliates should be authorized to dispense the increased development funds that would be at their disposal as they now dispense limited amounts—that is, according to social needs and strict economic principles. Third, the Bank and its affiliates should execute aid programs through an expanded corps of highly trained international civil servants, encouraging objectivity by the assignment of field personnel, so far as possible, to countries and regions other than their own. Fourth, the Bank and its affiliates should be authorized to recommend amounts to be contributed each year by member countries to an international development pool; contributions should be progressive, with the main burden falling on the rich countries, but, in keeping with the principle of a community responsibility, with even the poorest countries making token contributions.

There are many possibilities for the gradual strengthening of an international fiscal system over a period of years. Some proposals to this effect, although not making reference to the World Bank as the appropriate international agency, were put forth by Mr. Dudley Seers in a thoughtful and creative article calling for the limited transfer of income from rich countries to poor countries.

An internationalized system would provide a framework within which the great powers could convert their aid programs from cold war instruments of competition to cooperative ventures that would benefit their own relations as well as the economic needs of the developing countries. It would be a great thing indeed if the United States and the Soviet Union, the world's two most economically powerful nations, would join in endorsing the principle of an international fiscal system. In this connection it would be highly desirable for the Soviet Union to join the World Bank, of which Yugoslavia at present is the only Communist member. Perhaps the U.S. Government could take the initiative of suggesting to the Russians that they join and of offering, if necessary, to sponsor amendments to the Bank's charter that might make membership more attractive to the Soviet Union.

There are many possibilities for Soviet-American cooperation through development aid. It would be a boon to their own relations and a splendid example for other countries if the United States and the Soviet Union agreed to divert equivalent sums of money from armaments to the international development pool. Under an internationalized development program, one can envision Russian and American engineers and economists working together in many parts of the world as members of an international corps of civil servants. The internationalization of aid, by creating a framework for cooperation between the great powers, could thus provide a powerful impetus for world peace as well as for economic development.

The transformation of economic aid from a national charity and an instrument of cold war competition to an international responsibility would put an end to the peculiar and corrosive tyranny which donor and recipient seem to exercise over each other in bilateral relationships. Aid would be converted to a community responsibility characterized by continuity, predictability, and dignity for all parties. The economic development of the poor nations of the world would be treated for the first time as an end in itself, insulated from international political rivalries and internal political pressures.

It may be contended that such a program is unrealistic, that there are insuperable obstacles to its realization. There are indeed obstacles and they are formidable, but they are not insuperable; they are not natural obstacles, like man's inability to fly by flapping his arms, or technological, like his momentary inability to fly a rocket ship to Mars, but psychological. If the program I recommend is unrealistic, it is unrealistic because, and only because, people think it is unrealistic.

As with most important adjustments in human affairs, the first and most important requirement toward the formation of an international fiscal system is a change in our thinking. We must learn to think of the world as a community in which the privileged accept certain responsibilities toward the underprivileged just as they do in our own country. We must develop a new idea of generosity, one which purports to help people without humiliating them, one which accepts the general advancement of the community rather than cloying expressions of gratitude as its just and proper reward.

Much will be required to accomplish such a transformation in the meaning and purpose of foreign aid. For my own part, whenever the administration is prepared to ask for legislation authorizing the United States to participate in a program of aid to developing countries involving significantly increased amounts of money, softer lending terms and international management, I pledge to use all my resources as a Senator and as chairman of the Foreign Relations Committee to secure its enactment.

SOFT LOANS AND THE WORLD BANK

Mr. SYMINGTON. Mr. President, there has been considerable discussion in the review of this bill on the floor of the World Bank and its soft-loan window. The President of the Bank has announced that he will seek a quadrupling of the funds for his Bank's soft-loan window—the International Development Association—IDA.

It is also reported that the Bank calculates the countries desirous of receiving such soft loans can now absorb some $3 to $4 billion more, each year, than they are currently receiving; and based on past history we can expect that, in the not too distant future, those who now run the World Bank will be asking for additional billions.

This is a strange business.

The continuing unfavorable balance-of-payments situation in this country is becoming steadily more serious. Britain's current and fourth sterling crisis in 21 months is by far its most serious. The United States has been voting, by large majorities, to reduce its multibillion-dollar bilateral foreign aid program.

Nevertheless the head of this World Bank, an international bank that is not controlled by the United States, a bank that has a reserve surplus of nearly a billion dollars, now announces plans which can only exacerbate the growing balance-of-payments crisis in the United States by requesting this country to appropriate hundreds of millions more dollars of the American taxpayer, to be loaned out on terms which, in effect, make these loans gifts. In addition, in the future the question as to what countries will receive the money, and on what basis, will be decided by the Directors of a Bank that is uncontrolled by the United States, even though this country would be putting up far more money than any other country.

An editorial of the Sunday Star of July 24, which discusses the timing of this billion-dollar proposal, concludes:

> But there also is a limit to the total aid the United States should provide annually, and a need to fix priorities. Congress can't do an intelligent job of this if the World Bank lets slip, while debate on foreign aid is nearing a climax, a whole new set of demands. We contribute 40 percent of the IDA's support. Some kind of forethought should have been given to the timing of such a major proposal.

I ask unanimous consent that this entire editorial be inserted in the RECORD at the end of these remarks.

The **PRESIDING OFFICER.** Without objection, it is so ordered.

(See exhibit 1.)

Mr. SYMINGTON. Mr. President, we are told that granting aid on a multilateral basis, instead of a bilateral basis, would help avoid the political pitfalls inherent in a bilateral lending arrangement. But how about the economic pitfalls inherent in multilateral arrangements, pitfalls which could result from lack of control of the funds demanded and dispersed.

Because of the size and nature of this more recent decision of the World Bank, it would appear that the present management of the Bank has little concern for the current fiscal and monetary problems of the United States. This is a far cry from the days of leadership of this international bank under Eugene Black.

An article in the Washington Post of July 24 describes Secretary of the Treasury Fowler as being disturbed about the amount of new money the World Bank states it will seek.

I ask unanimous consent that this entire article be printed at the conclusion of my remarks.

The **PRESIDING OFFICER.** Without objection, it is so ordered.

(See exhibit 2.)

Mr. SYMINGTON. Mr. President, part of it reads as follows:

> He (Fowler) is fretting about the rising domestic budget and the worsening deficit in the American balance of payments. Fowler has indicated to Woods that he wants a chance to back out of any IDA commitment if the American payments abroad aren't in balance.
>
> In Woods' eyes, such an uncommitted commitment would frustrate his difficult selling job with other countries. So the World Bank President is preparing a strong brief for Fowler to consider.
>
> Woods will argue that IDA's balance-of-payments drain is small. His estimates show than 60 per cent of the American contribution comes back to the United States in the form of orders for American goods and services. Thus, a $400 million payment to IDA should cost the American balance about $160 million a year.

First, with respect to the strong brief that Mr. Woods is reported to be preparing for Secretary Fowler, I would hope that the Secretary himself would remember the following remarks he made to the Virginia State Bar Association, over a year ago, on July 10, 1965:

> We must never forget that America's ability to succeed in its difficult and demanding role as leader of the Free World—that all the political, diplomatic and military resources at our command—depend upon a strong and stable American economy and a sound dollar.
>
> We must never forget that our lives can be vitally affected, not only by the events in Saigon or Santo Domingo, but also by such apparently far removed occurrences as the outflow of American gold and dollars abroad.

In connection with the estimate by the World Bank that 60 percent of the American contribution to IDA comes back to the United States in the form of orders for American goods and services, I am reminded of a memorandum of the Secretary of the Treasury last February 3, which dealt with enlarging assistance through the World Bank and IDA, its soft-loan window. This memorandum stated that in the fiscal year 1967–68, U.S. procurement under the loans of these two institutions is estimated to be 25 percent.

In any case, it is interesting to note that this and other differences which have now arisen between the Secretary of the Treasury of the United States and Mr. George Woods, the present head of this World Bank, are now being circulated in the press.

There are not always such differences, however; and in this connection, why at times is the appeal of the World Bank so irresistible? Only this past month, and despite the knowledge that, during the first 5 months of 1966, $224 million more gold has been lost by the United States, in a period of tight money and historically high interest rates, the World Bank floated $175 million more of its bonds in the United States market. Under the articles of the charter of the Bank, Treasury had the authority to disapprove the issue. I wish they had.

In a statement concerning this issue made on the Senate floor last June 29, I presented the fact that the principal argument now being made for the foreign aid program, and for such soft loan windows as the World Bank's IDA, had to do with the debt burden of aid-receiving countries.

At that time I said:

> It is all getting to be quite interesting. The World Bank continues to make hard loans from borrowings in the United States market, which borrowings add to the dollar drain. Then later the World Bank comes out for soft loans from their soft loan window, in order to help many of these borrowers repay their World Bank obligations on what we the people had presumed was a sound hard loan. This further adds to the dollar drain.

Mr. MORSE. Mr. President, will the Senator yield?

Mr. SYMINGTON. I yield to my able friend from Oregon.

Mr. MORSE. I have followed the remarks of the distinguished Senator from Missouri closely, and have read through his entire speech, because he was kind enough to give me a copy of it.

I desire to associate myself with the remarks of the Senator from Missouri. The problem he raises is another reason why I shall not vote for the foreign aid bill this afternoon. I shall not vote for any foreign aid bill until this administration revises the standards and procedures of AID.

The administration has been told over and over by the Comptroller General where the wastes and the inefficiencies take place.

I heard no evidence submitted to the Committee on Foreign Relations this year that indicated that a good faith attempt has been made on the part of the AID people to stop those abuses.

This soft loan program just explained by the Senator from Missouri is another reason why I cannot vote for a foreign aid bill. Although this World Bank program is not within the foreign aid bill, it is part of a total foreign assistance program. A foreign aid bill cannot be considered alone, without taking into account the total foreign assistance program of this Government, which the estimates show, I am satisfied, is well over $7 billion.

The taxpayers of this country put up the hard, cold cash; and then, as pointed out by the Senator from Missouri, these countries move over to the soft loan window and make these soft loans. A large percentage—well over 50 percent—of the soft loans will never be repaid in any value to the American people.

This is another instance in which the American public continues to be taken—this time, through the soft loan window of the bank.

We have a responsibility—which we are not fulfilling—to protect the American taxpayer with respect to the money that goes out of the pockets of the American taxpayer. That is not being done when we continually add the international aid programs onto the bilateral programs.

Mr. SYMINGTON. I thank the senior Senator from Oregon for his fine contribution.

A speech the Senator made in the Senate some years ago with respect to this World Bank soft loan program is one of the reasons I became really interested in this subject.

At that time, IDA money was defended on the grounds it would be primarily used in Central and South America. Investigation at that time showed, however, that 60 percent of all IDA loans went to India, and 20 percent went to Pakistan. Actually, as of today, 78 percent of all IDA disbursements have gone to India and Pakistan.

Mr. DIRKSEN. Mr. President, will the Senator yield?

Mr. SYMINGTON. I yield to the able and distinguished minority leader, who has also been interested in this subject for many years.

Mr. DIRKSEN. I believe that the distinguished Senator from Missouri is making a most important statement.

A little while ago we adopted an amendment, and in its original form was language to the effect that there should be an assessment of the role that economic assistance of the United States and other developed nations can and should play in the economic and social development of the rest of the world. That is a pretty big order. Agreement was finally reached on striking that language.

If we are to redress the grievances and ills of the entire world, we had better look out, and particularly about the stability of the dollar. In connection with a cut in this bill, I said that under the World Bank we have subscribed to over 63,000 shares, in addition to making a down payment of $635 million, and we are still callable for nearly $5¾ billion.

Now the President begins to explore the American market for a billion dollars in these soft loans. I have another name for it. As I look at the record, I call them concealed grants.

Mr. SYMINGTON. The able minority leader is right.

Any businessman or banker knows that a 50-year loan, without interest, and without repayment of principal for the first 10 years, is in effect a gift.

Mr. JAVITS. Mr. President, will the Senator yield?

Mr. SYMINGTON. First, I would thank the able minority leader for his constructive comments.

Inasmuch as we are now spending between $1 and $2 billion a month in South Vietnam, it is only logical for a Senator to ask:

How can any economy, even this the greatest economy in the world continue indefinitely to defend this percentage of the free world and at the same time finance this percentage of the free world, with relatively little help from many of those countries it is spending tremendous amounts in effect to protect?

I yield to my friend the able Senator from New York.

Mr. JAVITS. Mr. President, the Senator from Missouri and I generally agree. I must enter a demurrer now, as we lawyers say, for this reason: The World Bank was a great innovation and an extremely efficient institution as far as the United States was concerned. It marshalled enormous amounts of capital from other countries in the world, whereas when I came on the scene in the late 1940's, we were carrying this load alone.

Therefore, I do not believe we should be too quick to jump with both feet on the World Bank, which has made an enviable record of performance. It is making money, as a matter of fact. As far as the hard loans are concerned, it is a most admirable institution, and it has helped us very much.

Mr. SYMINGTON. Its operations in the past are one thing, and in any case nobody is jumping on the World Bank. As Senators know, I have been apprehensive about some of this operation for many years. Nobody is jumping on the World Bank. I do say that under the management of Mr. George Woods, the bank is operating somewhat differently from the way it did under the management of Mr. Eugene Black. I refer to that in my statement.

My talk today includes an effort to question these heavy soft loan requests at the same time the bank, a nonprofit organization, does not dip into its surplus of nearly a billion dollars.

It is becoming clear, as I shall develop later in my statement, that one of the reasons, if not the chief reason, for this request for heavy additional soft loan funds is that otherwise many of the hard loans could not be paid out. I believe that that situation should be faced frankly by the management of the bank, instead of, as we say in business, putting good money after bad.

Mr. JAVITS. I wish to point out that George Woods, in my judgment, is one of the ablest bankers in the world, as was Eugene Black. Personally, I hold both in very high esteem.

As to the soft loans, I point out that when I came to the foreign aid business in the House of Representatives, in 1948, we were making grants where there are now soft loans. There is at least, as the Senator from Illinois [Mr. Dirksen] has said, a 50-percent chance of getting some of this money back; and 50 years is not a long time in the life of a nation.

There are excellent reasons for the need to shift more development loans from the World Bank to the International Development Association, principally because of the crushing burden on aid recipients of the mounting costs of financing their external indebtedness. In most less developed countries external debt service liabilities have increased at a considerably higher percentage rate than exports of goods and services, gross national products, or savings. We cannot ignore the fact that a considerable part of new gross lending to developing countries today is offset by interest and amortization payments arising from lending in the past. For example, estimates of India's need for foreign exchange on her fourth development plan indicate that about one-third is needed for interest and amortization. According to estimates of CIAP, the Inter-American Committee for the Alliance for Progress, one-third of the foreign exchange deficit envisaged for Latin America is for internal use and two-thirds is to be paid back to the creditors. In many cases, increasing debt service difficulties result in the need to postpone and refinance these external debts. Argentina, Brazil, Chile, Turkey are examples of these situations.

As the Senator from Missouri knows, I am not given to empty speeches. If the Senator would allow me, I should like to submit his speech to the World Bank and request a reply. When I receive the reply, I will take the floor, and then the Senator will have the same privilege that I have, to controvert the situation as they present it.

Mr. SYMINGTON. Mr. President, an excellent idea, and let me say to the able Senator from New York that I have already submitted this to the World Bank. I shall be glad, myself, to enter any contribution from them into the Record.

As always, I appreciate the remarks of my friend, the Senator from New York, a thorough student of international trade.

Mr. JAVITS. I thank the Senator.

Mr. GRUENING. Mr. President, will the Senator yield?

Mr. SYMINGTON. I shall be glad to yield to my able friend from Alaska.

Mr. GRUENING. I congratulate the distinguished senior Senator from Missouri on his presentation.

Some of us have asserted for years that these soft loans, made for periods of 30, 40, and 50 years at three-quarters of 1 percent interest, and no repayment of capital for 40 years, are a fraud and a deception on the American people; that in effect they are gifts, and that the American public is taxed in a kind of concealed way to make up the difference between the cost to the American taxpayer and the terms on which we lend under the foreign aid program.

As the Senator from Oregon [Mr. Morse] pointed out, and I share his conviction, these loans will never be repaid.

There has been much in the way of indications of that in my various investigation of the foreign aid program. Three years ago I made a study of our AID program in 10 foreign countries in the Near and Middle East, which was published in a 472-page Senate Government Operations Committee report. My report on Chile is now on every Senator's desk.

When the attention of the AID officials in a given country was called to some colossal error, some act of corruption and some great waste of money that had taken place previously, and an explanation requested the reply is always, "I was not here when that took place. That was before I got here. The records have gone to Washington." At Washington the details were unavailable.

One can see that that is going to happen 30 years from now when those loans come due and the AID agency officials at that time, if it is still in existence, will say, "That was long before our time. We did not make that loan. Besides we cannot expect this poor country to pay this old debt." And so the loans will be written off.

That is what is going to happen. Perhaps we will do it by refunding. That is another way of evading. That has been done with respect to Brazil. When their loans have fallen due and have been unpaid, the administration merely refunded them putting off the day of reckoning. When that day comes the loans may again not be declared in default, but they will once more be refunded. This goes on and on. Ultimately the accumulated debt will be defaulted. It is a fraud on the American taxpayer. It would be far more honest to call these loans grants, which is what they are and avoid the cost of bookkeeping for repayments which will not come, except in a very few cases.

When we talk about this being a barebones bill—$3 billion or whatever it is—it is easily one-half or less than one-half of the total amount which will be disbursed for foreign aid. In addition to these so-called loans which are nothing but gifts are all kinds of other spigots such as our major share of aid through the United Nations, and still others which I have mentioned from time to time.

I congratulate the Senator from Missouri [Mr. SYMINGTON], on bringing out the facts about our foreign aid lending. He is performing a useful service in exposing these little known aspects.

Mr. SYMINGTON. I thank the able Senator from Alaska [Mr. GRUENING] an expert in this field who has done so much fine work.

When we spoke to the Treasury about this World Bank bond issue their reply was:

> The fact is that by and large the borrowers from IDA are different groups of countries. As shown on page 6 of the Bank's annual report for FY 1965, only three of the eleven countries receiving IDA financing also received World Bank loans. Where countries receive financing from both institutions, it is in accordance with an explicit objective of the Bank to provide a "blend" of funds on World Bank terms with funds on IDA terms, in order to reduce the total service burden of these resources in the future. The resources so provided are all directed toward current development purposes. This is far different from your suggestion that IDA is in effect refinancing World Bank loans.

But this Treasury comparison of the number of countries receiving both hard and soft loans in the fiscal year 1965 is not relevant. One would not expect that World Bank hard loans to such countries as Japan, Italy, Spain, Australia, and other developed countries, would be accompanied by soft loans from their soft loan window, IDA. A statement of World Bank-IDA loans through the fiscal year 1965, however, shows that several of the less-developed countries which had received large World Bank hard loan commitments also had received a very large percentage of all IDA soft loan disbursements.

As example, the largest borrower of hard loans from the World Bank is India, with 34 commitments totaling $1 billion. Note, however, that India has also received the bulk of World Bank soft loan assistance, 16 IDA commitments totaling $485 million.

Pakistan is next, the beneficiary of 20 World Bank hard loan commitments totaling $361 million, plus 17 World Bank-IDA soft loans, totaling $270 million.

In other words, as of the end of fiscal year 1965, these two countries alone have accounted for $1,371 million of World Bank commitments, 15.3 percent of the Bank's hard loan commitments; and $755 million, or 69½ percent of its soft loan IDA commitments.

On a disbursement basis, the same two countries account for $969 million, or 15 percent of the World Bank hard loan commitments, and $323 million, or 78 percent of its soft loan commitments.

We do not mean to imply that every hard loan to a less developed country is automatically accompanied by a soft loan. But should we not ask this frank question: In the absence of further soft loans by World Bank-IDA or AID, would the World Bank hard loans to such countries as Pakistan and India be repaid?

Articles have appeared from World Bank sources about the need to increase soft loan capacity so as to relieve the debt burden of certain countries. These articles are evidence in themselves of a serious and growing question in the minds of proponents of more aid. That question is whether or not the so-called hard loans of the World Bank are as hard as once thought; and whether, accordingly, the increase in World Bank hard loan commitments can only in turn increase the pressures for World Bank soft-loan commitments.

As a result of the above, the United States may be building up a financial house of cards, wherein hard loans to less developed countries, lacking foreign exchange and suffering from stagnating exports, result in a continuing and possibly increasing need for soft loan aid. Let us note in passing that, despite unprecedented prosperity in most of the other developed countries, only the United States appears willing to provide this soft loan aid on any substantial scale.

Mr. MORSE. Mr. President, will the Senator yield at that point?

Mr. SYMINGTON. I am glad to yield to the able Senator from Oregon.

Mr. MORSE. Mr. President, we cannot have it done this afternoon, but I think it is important that we have an answer: I am going to ask to have counsel for the Committee on Foreign Relations prepare a memorandum to obtain it for us. I think that we need to know the answer to the point which the Senator from Missouri [Mr. SYMINGTON] has just made when he said:

> Let us note in passing that, despite unprecedented prosperity in most of the other developed countries, only the United States appears willing to provide this soft loan aid on any substantial scale.

I shall ask the counsel for the committee to prepare for us a table analysis showing the contributions to IDA and the bilateral soft loans made by other countries in comparison with hard loans, and also to prepare the same information with respect to the United States.

I fear we will find that under the semantic word "loan" the United States is pouring out millions of dollars under the representation that we are making a loan, when, in fact, it is a grant, and in fact it is not coming back. I should be surprised if as much as 15 percent is ever returned to the American taxpayers in hard coin for the millions and millions of dollars that we are spending.

As long as we have this kind of financial program through international banks, we cannot justify voting for a bilateral foreign aid bill on top of it, and I am not going to do it.

Mr. SYMINGTON. I thank the Senator for his contribution. In that connection, the other evening I again read a book published in 1938 by Judge Thurman Arnold entitled "The Folklore of Capitalism." In that book the famous judge gave charts on the total amount of bonds issued by American investment houses to certain parts of the world in the period between the First World War and the Second World War; and the recovery therefrom.

I would say to the Senator from Oregon [Mr. MORSE] that his remarks and estimates about the amount that will be recovered are verified by what happened to those other bonds discussed in Judge Arnold's book. It turned into a capital levy on a good many American people.

We are told that the foreign assistance program is essential to U.S. security and national interests. We are also reminded that no steps will be taken to solve our balance-of-payments problem in any way which would injure the broader economic interest of the world community.

But other developed countries do not feel any comparable responsibility for the economic interests of the world community, any more than they feel a necessity to assume what we believe is their fair share of the cost of defending the free world. Instead they continue their unilateral efforts toward prosperity; and continue to receive gold from the United States.

As a result, over the last 10 years all the developed countries except the United States have heavily increased both their gold stocks and their total reserves. The United States on the other hand, during the same period, has lost over 45 percent of its gold, with comparable losses in reserves; and has increased, by over 400 percent, its current obligations abroad which it guarantees to redeem, upon call, in gold.

The lending commitments of the World Bank are now more than double the available financial resources of that Bank. But under the Bank's present management, lending has been increasing steadily. This concerns us. Under present fiscal and monetary circumstances, would it not be logical for the Bank to reduce, instead of increase, its commitments? This would be but comparable to the request made by this administration to private investors in connection with the voluntary restraint program.

The Treasury Department justifies its approval of this recent World Bank bond issue on the grounds the money would affect the balance of payments only when disbursed, and then only to the extent used to finance purchases outside of the United States. But U.S. procurement under World Bank disbursements has been declining steadily over the years, reaching a low of 21 percent in the fiscal year 1965. Further, are we so sure of success in balancing our payments by 1968 that holding off the use of the funds until then was a satisfactory condition on which Treasury could rely for approval of the issue.

Is it not clear that this sudden sharp push toward greater multilateral lending is a push toward an overall increase in foreign aid for debt servicing?

I am convinced that the United States should demonstrate, in more concrete fashion, concern for its own international financial position from the standpoint of the value of the dollar; because in the long run, the security as well as the prosperity of the free world depends a lot on that value.

We should insist on arrangements with the international lending agencies that are designed to prevent a dollar drain during this period in which we are suffering continuous balance of payments difficulties.

In the early years of World Bank operations, when the European countries had serious balance of payments problems, the Bank did not insist that the Europeans pay in even their commitments to capital subscriptions of the Bank, nor did the Bank float its bonds in Europe during that period. This was appropriate recognition of the balance of payments difficulties of the European governments immediately after the war.

All we are asking is that under the present circumstances when the United States is suffering from payments difficulties, we should expect and receive comparable treatment.

Ever since the end of World War II, for over 20 years, the United States has followed the New Testament precept that it is more blessed to give than to receive, to the point where our money is now beginning to run out.

There are some who do not agree, and who insist that it is the duty of the United States to continue to finance so much of the free world, at the same time it defends most of the free world.

As we view such problems as our inadequate educational facilities, the poverty of Appalachia, and the explosions caused by poverty and unemployment in our cities, let us also remember an even earlier observation made by the Roman Playwright Terence, "Charity begins at home."

Exhibit 1

[From the Sunday Star, July 24, 1966]

Upping the Ante

There was a curious and unfortunate timing in the recent news leak that the World Bank is seeking a fourfold increase in contributions from member nations.

This huge new amount, which will total $1 billion a year, is destined to go to a subsidiary, the International Development Association, which makes long-term loans at extremely low interest rates to backward nations.

There is no doubt that these countries can use bigger injections of money. The economic progress of many, particularly the fledgling African nations, has been discouragingly slow. The World Bank in fact thinks they could absorb up to $4 billion more than what they're now receiving annually and put it to productive use.

But it remains a strange coincidence that an official waited until our foreign aid bill was so far along in its annual pilgrimage through Congress before unloading this blockbuster, for the issues raised have a very pertinent bearing on our aid program.

Under the proposal, Uncle Sam's contribution to the IDA would rise from $100 million to $400 million a year. Lawmakers might well ask why this couldn't have been taken into account in determining our own aid bill, since it will fulfill one of the aid program's own purposes, namely, long term loans at low rates to developing countries.

The emphasis in IDA loans of course is on projects such as power plants, whereas our loans tend nowadays to go for commodities bought from the United States. And it also is true that there is room for both types of help.

But there also is a limit to the total aid the United States should provide annually, and a need to fix priorities. Congress can't do an intelligent job of this if the World Bank lets slip, while debate on foreign aid is nearing a climax, a whole new set of demands. We contribute 40 percent of the IDA's support. Some kind of forethought should have been given to the timing of such a major proposal.

Exhibit 2

[From the Washington Post, July 24, 1966]

Despite Aid Cuts, World Bank Seeks Quadrupling of Loan Fund

(By Bernard D. Nossiter)

George Woods, the practical visionary who runs the World Bank, has an audacious sense of timing.

At almost the very moment when the Senate was whittling down the foreign aid bill, Woods proposed that the United States and other rich nations quadruple their contributions to the Bank's soft-loan affiliate.

Instead of the $250 million that the rich have been giving each year to the International Development Association, Woods asked them for $1 billion a year.

He tells visitors that he is not star gazing, that his figure is not inflated for bargaining purposes. Anything less, he insists, ignores the dimensions of the development problem.

As he told a meeting of aid-giving nations here last week, the greatest threats to "international tranquility and order" are not the problems now engrossing Western, foreign, finance and trade ministers. These ministers are worrying about international monetary reform, NATO and the Kennedy Round. But in Woods' view, bargaining among the rich about the difficulties of the rich ought not to be the central concern.

"The real and present danger," he said, is that "a large part of humanity will remain on the ragged edge of subsistence" unless "concerted and adequate help" is given.

Although he was addressing all the big aid givers, Woods' biggest immediate problem is the United States. Other nations won't move to replenish IDA's coffers until they know how much Washington will put up.

If the United States maintains its present share of the IDA load, the annual American contribution would come to $400 million under Woods' plan.

This amount disturbs Secretary of the Treasury Henry Fowler. He is fretting about the rising domestic budget and the worsening deficit in the American balance of payments. Fowler has indicated to Woods that he wants a chance to back out of any IDA commitment if the American payments abroad aren't in balance.

In Wood's eyes, such an uncommited commitment would frustrate his difficult selling job with other countries. So the World Bank President is preparing a strong brief for Fowler to consider.

Woods will argue that IDA's balance of payments drain is small. His estimates show that 60 per cent of the American contribution comes back to the United States in the form of orders for American goods and services. Thus, a $400 million payment to IDA should cost the American balance about $160 million a year.

Secondly, Woods will say that he doesn't need any money budgeted for IDA for three more years. Thus, Fowler would have to reply that the balance of payments will still be unbalanced so drastically three years hence that $160 million would be too painful a loss.

Even if Woods wins an American pledge, his problems are far from over. The other major aid givers are unenthusiastic about increasing IDA's funds.

Woods knows all this as well as anybody. But almost with a sense of resignation, he believes his job now is to press home the size of the problem and let the aid givers decide whether they are serious about meeting it.

Mr. FULBRIGHT and Mr. SALTONSTALL addressed the Chair.

Mr. SYMINGTON. I yield to my able colleague from Massachusetts.

Mr. SALTONSTALL. I have listened most carefully to what the Senator has just said. It has been most informative and educational, and I commend the Senator very highly.

Let me ask the Senator if it is a fair statement to say that he believes the World Bank today should confine its loans to a greater degree to hard loans; that if it goes into the soft loan business, it should go on a multilateral basis, rather than a bilateral basis; is that not a fair statement?

Mr. SYMINGTON. First, I thank the able Senator for his kind remarks. I would hope that at this time, when we are urging our private investors to reduce their investments in Europe, that when we put out World Bank bonds they not be placed for sale in the New York market, in direct competition with the already extremely difficult problem American business is having today in borrowing, primarily because of the very high interest rates.

These are Triple A bonds. There is no difficulty whatever in selling them; therefore there is no necessity for putting them out in New York, paying brokers fees to sell them. If they must be sold, why not sell them where the money is going, abroad. If that is not agreeable, why not sell them direct? Again, they are Triple A.

In any case, I do not see why the Government takes one position with respect to our private sector businessmen and investors, and another position with respect to the operations of the World Bank.

It actually is a Government program, because these bonds could have been sold only with the approval of the United States Treasury. I presented this to the Secretary of the Treasury, what I am presenting to the Senate today. I said I was distressed that the sale of $175 million bonds in the New York market, under these interest rate conditions, was approved by the Treasury.

So much for hard loans. As to soft loan situation as my able friend from Oregon [Mr. MORSE] knows—who has made a detailed study of this—the reason the soft loan idea is now in such vogue is that it is the only way many of these hard loans can be repaid.

We all know conditions in some of the countries which have received heavy aid from the United States in recent years. One country owes over $700 million in hard loans to the World Bank. The only way that country can repay hard loans is to have the United States put up more money in the way of soft loans.

Does that answer the able Senator's question?

Mr. SALTONSTALL. I thank the Senator for his comments, but what I had in mind was that in listening to him, and also to the Senator from Arkansas [Mr. FULBRIGHT], if I heard him correctly, the soft loan business is really, in substance, pretty nearly aground, so that if we are going to go into that business we should go into it on a multilateral basis. The difficulty, as I see it, from a multilateral point of view is that we would lose control, as the Senator said, of the undertaking.

Mr. SYMINGTON. We would lose control. The Senator is correct. In effect, it would be a grant. In fact, it would be better to give it as a grant because if we take all the bureaucratic expenses incident to following a loan for 50 years, with no interest and no repayment of principal for 10 years, the taxpayers would actually be better off if we simply gave them the money and forgot it.

That was pointed out by a former head of the AID program, who once said that when we shifted much of that program into loans in AID, we made AID the biggest bank in the free world, but there were very few people in the agency who had had banking experience. Grants would be better, in my opinion, than such a continuation of soft loans.

Mr. FULBRIGHT. Mr. President, I want to say just a brief word, as I do not wish to let pass this reflection upon what I believe is about the only effective development assistance institution now operating in the international arena, and which has, so far, been free of any serious faults. It has done an extremely good job, made a great deal of money, and has been operated efficiently.

I think that George Woods is one of the ablest bankers and one of the most imaginative financial men in the United States today. I do not quite know why the Bank has suddenly become the object of this criticism. I think that the bank, as well as IDA, is one of the best bargains we have. The United States now contributes only 42 percent, on the average, of IDA's funds. There have been some new members to come in. I think that the Bank officials do an extraordinarily good job and I would hope that all our financial investments for development purposes could be made through these or similar organizations.

All I want to say is that I think Mr. George Woods is an extremely able man, as was Mr. Eugene Black.

Mr. President, I do not want to delay the passage of this extremely troublesome bill before us, so I shall not pursue this matter further at this time, but I hope at a later time to have something more to say about the operations of IDA, the Bank, and the IFC. The World Bank is truly a multilateral organization and deserves our support.

I hope the criticisms will not be taken too seriously at this stage, until we have had an opportunity to go further into the matter.

Mr. SYMINGTON. Mr. President, with all due respect to my able chairman, for whom I have the greatest respect and know he speaks with sincerity, I am not criticizing Mr. George Woods in any way. I am sure he is a man of high caliber, and an able banker. But if I criticize a policy he has put in effect, it is surely not only my right but my duty——

Mr. FULBRIGHT. I was not criticizing the Senator. Of course he has a right to say what he likes. I did not want the RECORD to stand—and this statement was being made as though there was something wrong with the World Bank—without replying. I believe that the Bank conducts an excellent operation. I know of few mistakes it makes.

I am completely in accord with what the Senator from Missouri said about the problem of our balance of payments.

This problem arises because of the failure of our own policies. When we become involved in a war which is costing us $2 billion a month, I do not think IDA should be blamed for the difficulties this creates for balance of payments. The imbalance in tourism causes a far greater problem in our balance of payments than our contribution to IDA does. Look at the way the trade balance is going. IDA plays a very small part in the balance-of-payments problem.

Mr. SYMINGTON. I was not talking as much about the contributions the World Bank has made with respect to our continuing unfavorable balance of payments as I am about the soft loans and the increase in those type loans which I believe have been made against the best interest of American taxpayers.

This is no sudden position on my part. I have been discussing it on the floor of the Senate as my colleagues know, for months and years.

Mr. FULBRIGHT. The Senator has talked about the balance of payments. This is the first time I have heard the Senator talk about the World Bank.

Mr. SYMINGTON. I have expressed myself many times about the World Bank and it's soft window, IDA. The two institutions have the same President and the same Board of Directors. I would not want the American people to think they are two entirely different organizations.

I have become convinced that the soft loan activities of the World Bank, through IDA, are being increased to insure payment of the World Bank hard loans, which otherwise would not be paid out because the countries in question just do not have the money.

There is another point I would make before yielding the floor. As to the AID agency, we decided that here. As far as IDA is concerned once we agree to participate in the soft loans, our vote as to what is done with these IDA funds is 26.3 percent, as against our 100 percent right of decision in connection with AID funds appropriated by the Congress.

Mr. TOWER. Mr. President, this year's foreign aid bill has many improvements over foreign aid bills of recent years. For the first time in the contested and somewhat muddled history of the U.S. foreign assistance programs, there is evidence of a considerably more realistic approach toward the feasibility of giving away huge sums of money.

I am particularly pleased to note the determination of this body to exercise an annual review over the vast majority of the programs created by the bill. We cannot delegate away our duty to the American taxpayer in this area. We must continue to scrutinize closely the administration of the foreign aid program so that we may determine if it is accomplishing the goals for which it was intended. And, Mr. President, in fulfilling our obligation, we must have the courage to admit our errors and to eliminate the unworkable parts of the program when commonsense and clear facts tell us that our plans have gone awry. The retention of our annual review over the bulk of the foreign aid program is a necessary precondition to a realistic and effective program.

May I say that I believe it most significant that the Senate modified its annual-review position to allow 2-year planning of Alliance for Progress programs. In the past, the Alliance has suffered severely from a proliferation of socialistic programs in areas where private enterprise might better have served. But the Alliance is such an important part of our worldwide effort that it deserves special attention.

My own State has special ties to Latin America, and Texans are especially desirous of seeing the Alliance improved and successful. By its action the Senate has served notice that it, too, regards the Alliance as of extraordinary significance. We now hope that the administrators will give it the extra attention the Senate deems wise.

I also am pleased that the military and economic assistance sections of the foreign aid bill have been separated. I have felt for several years that economic aid and military assistance could be more rationally considered by Congress as separate measures.

I may say that the assistance, both military and economic, which I have seen being applied in southeast Asia has been unusually well administered. Despite some very difficult burdens and some losses to blackmarketeers and corrupt officials our aid to South Vietnam has been making a major contribution to our efforts to achieve stability and peace in Asia. This is an example of U.S. aid skillfully and effectively applied. With a little tightening of security precautions, this will be the showplace of how foreign aid may best be used to further American foreign policy and national security.

Perhaps the most important improvement in this year's foreign aid bill over those of previous years is the significant cut, authorized by the Senate, in the total amount of aid to be included in the program. The amendment submitted by the distinguished and able Senator from Illinois will do much to reassure the American taxpayer that his money is not being thrown away and unnecessarily wasted in a time of pressing domestic inflation.

All too often we forget the taxpayers when we consider foreign aid; we forget that the money for our grand plans and projects must come out of the pockets of millions of hard-working Americans. Too often we forget that the taxpayer might not approve of a wasteful and inefficient aid program just because "we need to do something." With a smaller amount of money with which to work and a limited number of countries eligible to receive aid, we can hope that the administrators of the foreign aid program will at last abandon the scattergun approach to economic and military assistance.

I have long been a critic of this scattergun approach to foreign aid. I have argued on many occasions that our foreign aid funds should be used on a more selective bases, that we not contribute to the building of socialistic governments or socialistic schemes abroad.

Yes, Mr. President, this year's foreign aid bill is an improvement, a step in the right direction. But it is not a large enough step. We have only begun to move in the direction of an effective foreign aid policy. I look forward to the day when we will start with a very minimal amount of money in our plan and add to it when proposed projects are worthy of the support of the American taxpayer.

Under the present system, we start with a large sum of money and whittle away at it, placing the burden of proof upon those who seek to insure an effective program by eliminating unwise projects. This is not right. Those seeking funds should be required to show the worth of their plan and then, and only then, should they receive the funds to carry it out.

I must withhold my support from this bill. I cannot be satisfied with a token gesture or even with one step toward the goal of a sound and effective foreign aid program. My duty as a U.S. Senator to my constituents and all other Americans who must pay for our foreign aid programs forces me to say "No" to any bill which does not weed out all the weaknesses and waste which have for so long been a part of our aid programs.

The PRESIDING OFFICER. The bill having been read the third time, the question is, Shall it pass?

On this question, the yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. LONG of Louisiana. I announce that the Senator from Tennessee [Mr. Bass], the Senator from Indiana [Mr. Bayh], the Senator from Arizona [Mr. Hayden], and the Senator from Arkansas [Mr. McClellan] are absent on official business.

I further announce that if present and voting, the Senator from Indiana [Mr. Bayh] would vote "yea."

Mr. KUCHEL. I announce that the Senator from Colorado [Mr. Allott], and the Senator from Kansas [Mr. Pearson] are necessarily absent.

The Senator from Kansas [Mr. Carlson] is absent on official business.

If present and voting, the Senator from Colorado [Mr. Allott], the Senator from Kansas [Mr. Carlson], and the Senator from Kansas [Mr. Pearson] would each vote "yea."

The result was announced—yeas 66, nays 27, as follows:

[No. 159 Leg.]

YEAS—66

Aiken
Anderson
Bartlett
Boggs
Brewster
Byrd, W. Va.
Cannon
Case
Church
Clark
Cooper
Dirksen
Dodd
Dominick
Douglas
Fong
Fulbright
Gore
Griffin
Gruening
Harris
Hart
Hickenlooper
Hill
Holland
Inouye
Jackson
Javits
Kennedy, Mass.
Kennedy, N.Y.
Kuchel
Lausche
Long, Mo.
Long, La.
Magnuson
Mansfield
McCarthy
McGee
McGovern
McIntyre
Metcalf
Miller
Mondale
Monroney
Montoya
Morton
Moss
Mundt
Muskie
Nelson
Neuberger
Pastore
Pell
Prouty
Proxmire
Randolph
Ribicoff
Saltonstall
Scott
Smathers
Smith
Sparkman
Tydings
Williams, N.J.
Yarborough
Young, Ohio

NAYS—27

Bennett
Bible
Burdick
Byrd, Va.
Cotton
Curtis
Eastland
Ellender
Ervin
Fannin
Hartke
Hruska
Jordan, N.C.
Jordan, Idaho
Morse
Murphy
Robertson
Russell, S.C.
Russell, Ga.
Simpson
Stennis
Symington
Talmadge
Thurmond
Tower
Williams, Del.
Young, N. Dak.

NOT VOTING—7

Allott
Bass
Bayh
Carlson
Hayden
McClellan
Pearson

So the bill (H.R. 15750), as amended, was passed.

Mr. FULBRIGHT. Mr. President, I ask unanimous consent that, in the engrossment of the Senate amendment to H.R. 15750, the Secretary of the Senate be authorized to make technical corrections.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. FULBRIGHT. Mr. President, I ask unanimous consent that the bill be printed as passed.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. FULBRIGHT. Mr. President, I move that the Senate insist upon its amendments and ask for a conference with the House of Representatives thereon, and that the Chair appoint the conferees on the part of the Senate.

The motion was agreed to, and the Presiding Officer appointed Messrs. Fulbright, Sparkman, Mansfield, Morse, Gore, Hickenlooper, Aiken, and Carlson conferees on the part of the Senate.

Mr. FULBRIGHT. Mr. President, I move that further consideration of S. 3584 be indefinitely postponed.

The motion was agreed to.

COMMITTEE MEETINGS DURING SENATE SESSION TOMORROW

On request of Mr. Mansfield, and by unanimous consent, the Subcommittee on Housing of the Committee on Banking and Currency and the Committee on Finance were authorized to meet during the session of the Senate tomorrow.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Committee on Labor and Public Welfare be permitted to meet during the session of the Senate tomorrow afternoon, beginning at 1:30 p.m., to consider the airline situation.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. PROXMIRE. Mr. President, I ask unanimous consent that the Subcommittee on Constitutional Rights of the Committee on the Judiciary be permitted to meet during the session of the Senate tomorrow.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR ADJOURNMENT UNTIL 11 A.M.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in adjournment until 11 o'clock tomorrow morning.

The PRESIDING OFFICER. Without objection, it is so ordered.

THE MILITARY ASSISTANCE AND SALES ACT OF 1966

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar No. 1323, S. 3583.

The PRESIDING OFFICER. The bill will be stated by title.

The Legislative Clerk. A bill (S. 3583) to promote the foreign policy, security, and general welfare of the United States by assisting peoples of the world in their efforts toward internal and external security.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

There being no objection, the Senate proceeded to consider the bill.

Mr. LAUSCHE. Mr. President, respecting the military assistance bill, which is now before the Senate, I have pending an amendment the substance of which I wish to call to the attention of Senators.

Mr. PASTORE. Mr. President, may we have order? We are in a state of confusion.

The PRESIDING OFFICER. The Senate will be in order. Senators will take their seats.

The Senator may proceed.

Mr. LAUSCHE. Until now, the military assistance program placed a limitation of $55 million on the quantity of military grants that we could make to the 19 Latin-American countries. That is, grants in excess of $55 million could not be made.

The bill as reported by the committee would change the present law, to provide that the limitation of $55 million on grants shall also apply to sales. Thus the language of the bill, as reported, reads:

> The total value of military assistance and sales . . . . under this Act . . . . for American Republics in each fiscal year shall not exceed $55 million.

This applies to both grants and sales. I think that the recommendation of the committee is wrong. The $55 million at present applies to grants. If this recommendation is accepted, the Department will be permitted to make $55 million in grants. Beyond that, the Latin American countries, if they wish to buy, will go to Britain, Germany, France, or even perhaps Russia.

My amendment contemplates striking out the word "sales."

If my amendment is agreed to, the limitation will be $55 million in military grants. Beyond that, our Government will be able to negotiate as to whether sales shall or shall not be made.

I call that to the attention of the Senate. I do not intend to call up my amendment tonight.

For those who want to acquaint themselves with what the Department has said about the matter, I recommend that they read page 674 of the transcript of hearings. That is a full explanation of the position of the Department of Defense on the subject.

Mr. President, I yield the floor.

Mr. FULBRIGHT. Mr. President, the statement just made by the Senator from Ohio concerns a very controversial issue. I do not believe that we want to pursue it at this time.

I wish to make a brief statement regarding the bill. One thing I want to say is that sales of military materials may be made in the regular course of business without regard to the limitation in the bill. There is no prohibition against our selling on a straight commercial basis. The provision in the bill simply means that sales under the credit program of the act will count against the $55 million ceiling.

The countries of Latin America can still buy anywhere they like, in this country or anywhere else. The fact is that these countries cannot afford to buy without credit assistance. They buy, but they really should not. That is what the committee found and is part of the basis for this amendment. However, I should like to discuss this amendment a little later.

Mr. LAUSCHE. Mr. President, we can discuss it later. That is not the language of the bill. The language says that we shall not make grants and sales in excess of $55 million.

Mr. FULBRIGHT. They cannot do so under the terms of this act. There is nothing in here to prevent them from buying from Du Pont or anyone else. This merely means that the credit terms under this act would not be available after the $55 million limit is reached. That is what it means.

There is no attempt to prohibit them from buying from private companies here under regular commercial terms.

The amendment adopted by the committee does not mean that they cannot buy from U.S. concerns on the same terms that they could buy from the British or from anyone else who does not subsidize the sales.

Mr. LAUSCHE. Mr. President, will the Senator yield?

Mr. FULBRIGHT. I have the floor. I would like to finish.

The PRESIDING OFFICER. The Senator from Arkansas has the floor.

Mr. FULBRIGHT. Mr. President, I ask the majority leader whether it is his purpose to try to get a vote this evening on any amendment. I am perfectly willing if that is the will of the leadership.

Mr. MANSFIELD. Mr. President, in response to the question of the Senator from Arkansas, it is not anticipated that there will be votes on any amendments tonight.

Mr. FULBRIGHT. I thank the majority leader.

Mr. AIKEN. Mr. President, will the Senator yield?

Mr. FULBRIGHT. I yield.

Mr. AIKEN. Mr. President, does not the chairman of the committee feel that in restricting this $55 million to grants only, some are trying to protect American manufacturers when they lose business in competition with the Federal Government on many of these sales? I think there are two or three different versions of why this came about.

Mr. FULBRIGHT. Mr. President, the main reason in my view is that we have overdone this business of being the world's largest arms salesman. We are generating arms races all over the world even to the extent of pushing them on countries that may not really want them under the justification that this helps our balance-of-payments problem.

This is a very poor posture for our country to be in. We are overdoing it.

Many people in the world think that we are trying to save our own bacon by selling arms of any kind almost everywhere. I do not think we ought to do this. That is why I voted for the restriction. I do not see why we should supply arms to countries the world over and contribute toward the generation of wars as we did between Pakistan and India.

Mr. LAUSCHE. Mr. President, will the Senator yield?

Mr. FULBRIGHT. I will yield for a question.

Mr. LAUSCHE. I wanted to make a statement.

Mr. FULBRIGHT. I want to make a brief statement.

Mr. President, the Military Assistance and Sales Act, which has just been laid before the Senate, is essentially a rewrite and clarification of the present provisions of the Foreign Assistance Act as they affect military aid. There is little in the bill that is new; but by considering military assistance in legislation separate from that which provides for economic assistance, it is possible for the Senate to focus on the program more sharply. In this connection, I want to repeat that the separation has no effect on the relative roles of the Departments of State and Defense.

The committee has authorized an appropriation of $892 million for the 1967 fiscal year. This does not include any of the military costs of the war in Vietnam, which are paid out of Defense Department appropriations. The committee figure is only $25 million less than the administration requested; it is approximately offset, or more than offset, by the tighter ceiling the committee has approved for military assistance and sales to Latin America and by the limitation on the total number of countries which can receive grant aid other than training in the United States.

This limitation is 40. Its immediate, practical effect will be to eliminate three countries—to be chosen by the administration—from the list of those scheduled to receive such aid in 1967. This limitation is consistent with the committee's action in limiting the number of countries which can receive various kinds of economic assistance. It reflects a feeling which has been growing for a good many years that the program is too diffuse and is spread too thin. It is a moderate restraint on proliferation, and it is my personal hope that next year it can be tightened somewhat.

The tighter budgetary ceiling the committee has put on military assistance to Latin America might be helpful to the administration in operating within the 40-country ceiling.

For many years, Mr. President, the Foreign Relations Committee has had misgivings about the nature and extent of U.S. military assistance to Latin America. These misgivings have resulted in several provisions now in the law—authority to use military assistance funds for a multilateral force, a directive—which has not been implemented—that military assistance be extended on the basis of joint plans, and a limitation of the purposes for which assistance can be furnished, as well as the present budgetary limitation.

The committee has now moved to restrict military assistance to Latin America further by including within the present limitation of $55 million a year a number of activities which are now excluded. There is now included only grants of defense articles. The committee bill would also include sales made under the act, defense services—other than training—and naval vessels transferred under other laws. The present ceiling permitted the Defense Department to plan a total program of military assistance and sales to Latin America of $146.4 million. Under the committee bill, only $12.3 million of this amount will be exempt from the ceiling. The balance of $134.1 million will have to be compressed to $55 million.

This is a substantial reduction, but it is one which is long overdue. The United States has put entirely too much military equipment into Latin America. This has been an economic burden which the

Latin American countries cannot afford, and it has strengthened a group which is on the whole politically regressive.

There is a need for a small amount of military assistance in Latin America, principally for internal security requirements. But this exists in only a few countries, and it can be adequately met within the limits imposed by the committee bill. What the committee bill will stop is the sale of jet aircraft, the loan of destroyers, the grant of mortars.

I wish to call attention also, Mr. President, to provisions of the committee bill which urges caution upon the administration in making arms sales to underdeveloped countries generally. I hope this is a subject to which the committee can give closer attention in the next year. There are disturbing signs that American arms have contributed to instability as well as to stability. Action to make weapons available, whether on a grant or a sale basis, should be taken with the greatest care.

I urge the Senate to give this bill careful consideration and study.

Mr. CHURCH. Mr. President, I ask unanimous consent that the amendment to the pending bill, the Military Assistance and Sales Act, which I have just filed at the desk within the past 5 minutes may be made the pending business before the Senate tomorrow.

The **PRESIDING OFFICER.** Without objection it is so ordered. The amendment will be stated.

The legislative clerk read as follows:

> On page 33, lines 17 and 18, strike out "$892,000,000" and insert "$792,000,000".

U.S. BALANCE OF PAYMENTS LIKELY TO CONTINUE TO DETERIORATE

Mr. PROXMIRE. Mr. President, in a recent floor speech I pointed out that the first-quarter balance-of-payments statement indicated a declining trend in our current position. There were two reasons for this: First, the rapid rise of imports—a result of our domestic prosperity—and, second, a rise in military spending abroad.

The decline occurred despite a highly satisfactory expansion of our export receipts. Clearly, we shall not permit our military expenditures at their present range to be imprudently curbed merely because of our balance-of-payments position.

Since we will not impose restraints on our imports, it seems that in the near future our current-account trade surplus will not grow larger again.

There is no simple cause-and-effect relation between the current-account balance and any particular part of the capital account in the short run. Yet, it is certain that we are experiencing a lessening of our capacity to sell so much more abroad than we buy from abroad to be able to afford our huge capital outflow.

In the existing pattern of capital movements, there has been a fairly steady rate of private investment abroad maintained since about the middle of last year, a rate that is substantially lower than that of the early part of 1965. In itself, this is a tribute to the effectiveness of the President's program of voluntary restraints to improve the balance of payments. But for these restraints, the outflow would have been considerably greater.

The evidence of the past may be good enough, but the prospects for the remainder of the year are less good. This has two aspects.

First, foreign affiliates of U.S. firms are scheduling some sharp rises of plant and equipment expenditures for the remainder of the year, according to Department of Commerce projections.

Second, the process of restraint in direct investment to conform to the President's program has had the side effect of increasing borrowing abroad by these affiliates and, in consequence, of applying severe strain on foreign capital markets, especially those of Western Europe.

Indeed, competition for borrowing in European currencies and in Euro-dollars has been most effectively waged by U.S. corporations. Not only has this given rise to local resentment at the tightness of credit available for domestic borrowers in these countries, but also it has had the natural effect of pushing up the cost of borrowing in these markets.

The performance of European capital markets was the subject of a study prepared for the Joint Economic Committee as long ago as 1964. The general argument of that study was that, despite a significant expansion of capital market activity, there were institutional and legal barriers to further growth.

Clearly, the problem of this inadequacy has not yet been resolved, and it is not going to be quickly resolved. For as the outflow of funds from the United States to Europe has declined, American firms there have redoubled their efforts to finance their direct investment by the retention of earnings or by borrowing in European markets. Despite the higher cost of this borrowing than of borrowing in the United States, and despite the restrictions of European capital markets, the significant fact is that foreign affiliates of American companies have in the past decade or so become familiar with these markets and gained a high rating on the basis of demonstrated performance.

The manner in which this affects the American position is complex. But to the extent that pressures on these markets raise the cost of credit and because the flow of savings into them remains inadequate, tight money abroad will exercise its influence in many different ways.

The net effect is to maintain, especially for large financial institutions able to operate on both sides of the Atlantic, the relative attractiveness of borrowing here rather than there. The program of voluntary restraints, which was intended as a temporary measure only will thus face a severe test, in that there has not been a quick reduction in our overall deficit.

Furthermore, the diversion of the capital flow brought about by the restraints represents an underwriting of our position at some private cost. In any event, we are trying to prevent credit from finding its own natural level; and we are likely to find that controls—voluntary or compulsory—are almost certain to generate tendencies in the direction of their own frustration.

This argument has several implications. First, conditions would appear to favor a continuing outflow of financial funds from New York. The only basis for forecasting a diminution would be the expectation that the rate of European economic growth was about to slow down somewhat more, with the result that pressures on domestic capital markets would be lessened and the terms of borrowing there would be eased.

In that event, however, we should have to beware of another development. Whatever improvement we might enjoy on private capital account would, in all probability, be outweighed by a deterioration in our commodity exports receipts and a further lowering of our surplus on current account.

In other words, if the European economic situation deteriorates and they have a recession, it is true that we may not lend as much abroad. The important point to recognize is that in that event, on the basis of past experience, our capital investment in Europe would decline more sharply and our exports would decline even more.

We have absolutely no reason to wish for a less prosperous Europe, and the odds are that European growth and tight money will have the effect of maintaining and perhaps increasing our private capital outflow during the remainder of 1966. On balance, then, we can expect our overall deficit on an official reserve basis to be greater and not less than in 1965.

Second, the only combination of circumstances that would tend to reduce our overall deficit would be a reduction of growth at home, as well as abroad. For then there would be both less demand for capital abroad, which would reduce the outflow from the United States, and less demand for imports. Demand for imports may be at a cyclical peak. With a worldwide recession the cut in our expenditures on imports would be both swift and at least as great as the loss of our receipts on commodity exports.

Third, on the assumption of sustained prosperity both here and in Europe, tight money policies in Europe can pose serious problems for our domestic monetary policy. We have been experiencing a ratchet effect on interest rates, an alternating upward movement of rates here and in Europe, which has provided a continuing lure to U.S. capital.

Unfortunately, the maladjustment arising from this is not going to be corrected by the action of one nation alone. What we must continue to advocate, as recent reports of the Joint Economic Committee have emphasized, is the development of guidelines establishing the appropriate mix of domestic fiscal and monetary policies for both surplus and deficit countries. At present, it seems clear that major countries of Europe ought to be giving greater weight to fiscal action in order to relieve some of the strains imposed by monetary policies.

They should be doing so, Mr. President, and we have been urging them to do so. But, obviously, they will not follow our advice, certainly not in the near future.

Finally, at the very moment when I am expressing pessimism over the overall balance, I wish to emphasize the impossibility of accurate prediction—some would say the impossibility of making any useful prediction at all. The overall balance is mostly a result and not a cause of changes; but it is a result of a vast number of influences—from trade, from governmental activity, from financial movements. These influences may offset each other or reinforce each other.

What may be said with certainty is that nothing is certain. Yet, the trend of events suggests that we should be prepared to take new measures to protect our position in the event that the deficit continues to widen, and the conditions both at home and abroad seem to be increasingly adverse to our balance-of-payments position.

Mr. CLARK. Mr. President, will the Senator yield?

Mr. PROXMIRE. I yield.

Mr. CLARK. The Senator from Wisconsin is one of the leading authorities in the Senate on fiscal and monetary matters in general and the balance-of-payments deficit in particular. As a member of the Joint Economic Committee, he has rendered important service in analyzing these complex and difficult problems and calling them to the attention of Senators.

I am particularly struck with the short and succinct speech the Senator from Wisconsin has just made. I wonder whether the Senator would agree with me that one of the most—if not the most—significant adverse factors in our balance-of-payments situation is the war in Vietnam.

Mr. PROXMIRE. Unquestionably, the war in Vietnam, combined with the expenditures which we feel necessary to make for our troops stationed in Germany, Korea, and elsewhere in the world, are very important factors.

The balance-of-payments situation presented by the war in Vietnam is puzzling, as to how we can eliminate or control it, short of a policy determination that lies outside of the economic area.

The Secretary of Defense and others have attempted to do their best to minimize it by paying in scrip and by other means, but it is a very difficult and troublesome situation. The situation probably will become worse as the number of troops abroad increases, and as our commitment seems to be increasing.

Mr. CLARK. As the war escalates, almost inevitably—and I realize that is not the only cause—but almost inevitably the balance-of-payments situation will get worse.

I do not expect the Senator from Wisconsin [Mr. PROXMIRE] to agree with me, but my feeling is very clear, indeed: End the war in Vietnam.

Mr. PROXMIRE. I thank the distinguished Senator from Pennsylvania.

Of course, if the war in Vietnam does end, this would enormously contribute to improvement in our balance-of-payments situation. I do think, however, that this is an important and significant argument with regard to Vietnam, but I think that the Senator would agree with me that this should not be the controlling argument, as significant as it is. It is an argument that we have to keep in mind and be concerned about.

Mr. CLARK. I agree with the Senator, but it seems to me that some of us in the Senate—and I ask the Senator from Oregon who is in the Chamber to listen for a moment to what I have to say—some of us in the Senate should draw up an overall balance sheet with respect to the war in Vietnam which will show anything having to do with the arguments of the President and the Secretary of State about the alleged defense of freedom, and to show what the assets of the American people are in the economy which may arise from a continuance or an escalation of the war in Vietnam, and to total up on the balance sheet, which is an important fact in the impact on domestic programs. The brutalization of hundreds of young Americans who are being taught the ways of guerrilla and air warfare is a third factor. Perhaps we could come out in the end with a determination as to whether the game is worthy of the candle.

Mr. PROXMIRE. I wish to add one point with regard to the balance-of-payments situation. I believe that the distinguished Senator from Missouri [Mr. SYMINGTON] has made a great contribution to the Senate by continually talking about this situation and calling it to the attention of the Senate.

Many critics of the Senate have said that one of the most important problems facing our country is our balance of payments and there should be a great deal more debate and discussion of this in the Senate. The Senator from Missouri [Mr. SYMINGTON] has done a wonderful job in contributing his well-informed viewpoint.

Frankly, while our gold supply has sharply diminished to $13 billion and while our obligations are great overseas, the basic fact is that this country is enormously strong financially. We have a problem in our current accounts, but $13 billion is 30 to 40 percent of all the gold in the world. Serious as our balance of payments is becoming, I cannot see that this is such a decisive problem that it should profound and seriously affect the situation in Vietnam.

Furthermore, I think that if we did run out of our gold, it is interesting to speculate what would happen. As I have said, I intend to develop this point further in another speech. Some economists have said that gold would lose much of its value.

We have real economic power and to contend under these circumstances that this country would be bankrupt or that the value of the dollar would enormously diminish, is not realistic.

Mr. CLARK. I am in accord with the statement of the Senator. I share his admiration for the speeches made by the Senator from Missouri [Mr. SYMINGTON].

I wish to point out that the Senator from Minnesota [Mr. MCCARTHY], the Senator from Indiana [Mr. HARTKE], and myself, as well as several other Senators, have been conferring regularly with the Secretary of the Treasury to keep informed on this problem.

To my way of thinking, gold is an utterly obsolete medium of foreign exchange. The sooner we get away from the gold standard—back to the Roosevelt days—the better it will be.

There is not enough gold being produced to enable us over a foreseeable period of time to create the reserves necessary to finance the constantly growing international trade. One of the principal factors are efforts being made by the Department of the Treasury—and I wonder if the Senator from Wisconsin does not agree—particularly Secretary Fowler and his deputy, Mr. Deming, in an effort to persuade 10 central nations to create a new medium of foreign exchange in the form of CRUS which will, as quickly as possible, get us off the gold standard and onto a basis of international finance in which the gold available will balance, in a sense, in relation to the needs of international trade.

Mr. PROXMIRE. The Senator could not be more correct. I think that the Senator has overlooked the enormous expansion in world trade in the last few years which has only been possible because of the U.S. deficit.

When we recognize that fact we can see that the limited supply of gold and the amount being mined, primarily by Russia and South Africa, will not provide enough liquidity to permit world trade to grow to the level we hope it will in the next 10 years. We will need a greater degree of international exchange and we will not get it from gold.

Mr. CLARK. This will be true if we are able to move to the greater development of underdeveloped countries so they can participate on a suitable basis in world trade which would enable them to market their products.

Mr. PROXMIRE. It is conceivable that we could raise the value of gold by devaluing all currencies, but in doing so we not only confuse and demoralize savers throughout the world, we pay a premium to South Africa and Russia, and none of us want to do that.

Mr. CLARK. It is unfair because it would penalize the part of the community which lives on savings and investments. I do not believe this would be fair in the long run.

Mr. PROXMIRE. The Senator is correct. I thank the Senator for this most useful colloquy.

TRANSACTION OF ROUTINE BUSINESS

Mr. MANSFIELD. Mr. President, I ask unanimous consent since there was no period for the transaction of routine morning business today, it be in order to lay before the Senate various departmental communications and Presidential messages, and print in the RECORD various routine matters.

The PRESIDING OFFICER. Without objection, it is so ordered.

MESSAGES FROM THE PRESIDENT

Messages in writing from the President of the United States withdrawing nominations were communicated to the Senate by Mr. Jones, one of his secretaries.

WITHDRAWAL OF NOMINATIONS

The **ACTING PRESIDENT** pro tempore laid before the Senate messages from the President of the United States withdrawing the nominations of Ubaldo V. Pambianco to be postmaster at Peckville, Pa., and Fred E. Magee to be postmaster at New Milford, Pa.

TRADE AGREEMENT WITH GOVERNMENT OF THE UNITED KINGDOM OF GREAT BRITAIN AND NORTHERN IRELAND—MESSAGE FROM THE PRESIDENT (H. DOC. NO. 461)

The **ACTING PRESIDENT** pro tempore laid before the Senate the following message from the President of the United States, which, with the accompanying papers, was referred to the Committee on Finance:

To the Congress of the United States:

In accordance with section 226 of the Trade Expansion Act of 1962, I herewith transmit a copy of a trade agreement concluded on April 5, 1966, with the Government of the United Kingdom of Great Britain and Northern Ireland, together with a statement of the reasons for entering into the agreement.

The agreement reestablishes in terms of the revised Tariff Schedules of the United States (TSUS) that entered into force in 1963 the U.S. concessions negotiated by the two Governments in previous years under the General Agreement on Tariffs and Trade. It also grants new U.S. concessions, under the authority of the Trade Expansion Act of 1962, in order to offset the net impairment, incidental to bringing the TSUS into force, in the value of those old concessions. The first reductions in tariffs resulting from the compensatory concessions in the present agreement took effect on May 1, 1966; the subsequent stages of these reductions will take place annually through May 1, 1970.

LYNDON B. JOHNSON.

THE WHITE HOUSE, *July 26, 1966.*

REPORT OF COMMODITY CREDIT CORPORATION—MESSAGE FROM THE PRESIDENT

The **ACTING PRESIDENT** pro tempore laid before the Senate the following message from the President of the United States, which, with the accompanying report, was referred to the Committee on Agriculture and Forestry:

To the Congress of the United States:

The Commodity Credit Corporation is a useful instrument in America's effort to build a stronger economy, and a more secure foundation for world peace.

The CCC is the financial mechanism through which we share our food abundance with the hungry people of other nations.

It is a principal means through which we work to balance supply and demand, to maintain ever-normal granary reserves, to expand agricultural exports, and to provide a floor under the farmer's returns from commodity sales.

FOOD FOR FREEDOM

The food for freedom bill, now awaiting final congressional action, is a firm expression of our national policy—and of the personal desire of most citizens to share our food abundance in the interest of world peace.

No longer is it our policy merely to share what is left over from cash markets. Rather, we shall plan our sharing in accord with the needs and best interests of the developing countries and their own resources.

But we know that we cannot provide for all the world's food needs, even if we were to bring every acre of American soil under cultivation. Thus our food aid programs must, and will, benefit those who demonstrate their willingness to help themselves by a deeper commitment to agricultural development.

SURPLUSES AND EXPORTS

Farm programs authorized by the Congress from 1961 through 1965 have helped farmers bring their production of surplus grains and other products into line with demand. They have enabled the CCC to reduce inventories that had grown too large. Storage and handling costs have been reduced $500,000 a day.

Surplus grain is no longer a threat to the livestock industry. Cash receipts from livestock products are up, and the outlook for the industry is bright.

Meanwhile, our exports of agricultural products are setting new records. They are expected to total 40 percent more this year than in 1960, due largely to tremendous increases in feed grains, wheat, and soybean exports. Farm commodity exports amount to one-fourth the value of all U.S. merchandise exported—and thus are vital in creating the foreign exchange necessary to carry on all of our business with foreign countries. The balance-of-payments problem is alleviated by our expanding agricultural exports that are aided in various ways through the Commodity Credit Corporation.

FARM INCOME

The domestic farm programs that have brought surpluses down have carried farm income up. In 1965, net farm income was fully a fifth higher than in 1960 and is expected to be up another billion dollars this year, reaching the highest level in history except for the postwar years of 1947 and 1948. Income per farm has risen 55 percent since 1960.

This is heartening progress, but we still have a long way to go toward our goal of full parity of income for the American farmer.

Though farm prices have increased 4 percent since 1960, they still are 14 percent below what they were in 1952. And this 4-percent increase in farm prices did not keep pace with the 8-percent increase in farm production costs during that same period.

And though the gap between farmer and nonfarmer income was narrowed by 18 percent in the past 5½ years, farmers still earn only two-thirds per capita of what nonfarmers earn.

We cannot rest until we have achieved full parity of income for the American farmer.

FUTURE PROSPECTS

With grain surpluses nearly gone and demands increasing, farmers now look forward eagerly to the opportunity to increase production. We have already increased the national rice acreage allotment by 10 percent and the national wheat allotment by 15 percent. We have twice increased the milk support price in recent months to encourage dairy farmers to remain on the land, to increase production, and thus to assure consumers a continued, adequate supply of dairy products. We are carefully watching farm commodity supply-demand situations, and we will use our program authorities to encourage increased production whenever this appears desirable.

The flexibility of the Food and Agriculture Act of 1965, and of the Commodity Credit Corporation, enables us to encourage increased or decreased production, as national needs and market conditions require.

The legislation now available, together with that nearing enactment, will help us continue our progress toward parity of income. That goal is no longer a long-range hope. It is within our reach—hopefully within this decade. It can be achieved not merely by the large and highly capitalized producers, but by all efficient family-type farmers regardless of race or geography.

Like all policy objectives of a truly great society, parity of income is a classless objective, for it will serve the best interests of every citizen.

We shall use such institutions as the Commodity Credit Corporation to work for parity of income. We shall strive to keep them dynamic and viable and ready, always, to meet our future needs.

It is a pleasure to transmit to you the Commodity Credit Corporation's report for 1965.

LYNDON B. JOHNSON.

THE WHITE HOUSE, *July 26, 1966.*

MESSAGE FROM THE HOUSE—ENROLLED BILLS SIGNED

A message from the House of Representatives, by Mr. Bartlett, one of its reading clerks, announced that the Speaker had affixed his signature to the following enrolled bills:

H.R. 1407. An act for the relief of Leonardo Russo;

H.R. 1414. An act for the relief of Jacobo Temel;

H.R. 4083. An act for the relief of Mr. Leonardo Tusa;

H.R. 4437. An act for the relief of Bryan George Simpson;

H.R. 4458. An act for the relief of Michel Fahim Daniel;

H.R. 4584. An act for the relief of Mrs. Anna Michalska Holoweckyj (formerly Mrs. Anna Zalewski);

H.R. 4602. An act for the relief of Maj. Donald W. Ottaway, U.S. Air Force;

H.R. 7508. An act for the relief of Guiseppe Bossio;

H.R. 8317. An act to amend section 116 of title 28, United States Code, relating to the U.S. district court for the eastern and western districts of Oklahoma;

H.R. 8865. An act for the relief of Ronald Poirier, a minor; and

H.R. 11718. An act for the relief of Jack L. Philippot.

EXECUTIVE COMMUNICATIONS, ETC.

The ACTING PRESIDENT pro tempore laid before the Senate the following letters, which were referred as indicated:

REPORT ON PROPERTY ACQUISITIONS OF EMERGENCY SUPPLIES AND EQUIPMENT

A letter from the Director of Civil Defense, Office of the Secretary of the Army, reporting, pursuant to law on property acquisitions of emergency supplies and equipment, for the quarterly period ended June 30, 1966; to the Committee on Armed Services.

PROHIBITION OF PROCESSING OF STALE CLAIMS BY VETERANS' ADMINISTRATION

A letter from the Administrator of Veterans Affairs, Veterans' Administration, Washington, D.C., transmitting a draft of proposed legislation to prohibit the processing of stale claims for special dividends by the Veterans' Administration (with an accompanying paper); to the Committee on Finance.

REPORT ON SCIENTIFIC RESEARCH GRANTS

A letter from the Deputy Assistant Secretary for Administration, Department of the Interior, transmitting, pursuant to law, a report on scientific research grants, during the calendar year 1965 (with an accompanying report); to the Committee on Government Operations.

REPLY TO REPORT OF COMPTROLLER GENERAL

A letter from the Director, Congressional Liaison, Agency for International Development, Department of State, transmitting, for the information of the Senate, a copy of that Agency's reply to a report of the Comptroller General of the United States on improper payment of port charges on shipments to Colombia of food donated under title III of the Agricultural Trade Development and Assistance Act of 1954 (with an accompanying paper); to the Committee on Government Operations.

AMENDMENT OF ACT ESTABLISHING THE POINT REYES NATIONAL SEASHORE, CALIF.

A letter from the Assistant Secretary of the Interior, transmitting a draft of proposed legislation to amend the act of September 13, 1962, authorizing the establishment of the Point Reyes National Seashore in the State of California, and for other purposes (with an accompanying paper); to the Committee on Interior and Insular Affairs.

PETITION

The ACTING PRESIDENT pro tempore laid before the Senate a resolution adopted by the City Council of the City of St. Paul, Minn., praying for the rescinding of the 500-mile maximum nonstop order relating to operations at the National Airport, Washington, D.C., which was referred to the Committee on Commerce.

REPORT OF A COMMITTEE

The following report of a committee was submitted:

By Mr. RANDOLPH, from the Committee on Public Works, with an amendment:

S. 3155. A bill to authorize appropriations for the fiscal years 1968 and 1969 for the construction of certain highways in accordance with title 23 of the United States Code, and for other purposes (Rept. No. 1410).

EXECUTIVE REPORTS OF A COMMITTEE

As in executive session,

The following favorable reports of nominations were submitted:

By Mr. MAGNUSON, from the Committee on Commerce:

Rear Adm. Paul E. Trimble, U.S. Coast Guard, to be Assistant Commandant of the Coast Guard, with the rank of vice admiral; and

Harry D. Reed, Jr., and sundry other persons, for permanent appointment in the Environmental Science Services Administration.

BILLS AND JOINT RESOLUTION INTRODUCED

Bills and a joint resolution were introduced, read the first time, and, by unanimous consent, the second time, and referred, as follows:

By Mr. CASE (for himself, Mr. McGEE and Mr. BREWSTER):

S. 3651. A bill to amend section 2 of Public Law 88–240 to provide that the Corregidor-Bataan Memorial Commission shall cease to exist on June 30, 1968; to the Committee on Foreign Relations.

By Mr. TYDINGS:

S. 3652. A bill to amend the National Housing Act to authorize a limited experimental program of insurance for mortgages executed by nonprofit organizations to finance the purchase and rehabilitation of deteriorating or substandard housing for subsequent sale to low-income purchasers; to the Committee on Banking and Currency.

(See the remarks of Mr. TYDINGS when he introduced the above bill, which appear under a separate heading.)

By Mr. LONG of Missouri:

S. 3653. A bill to make certain expenditures of the city of Kansas City, Mo., or the county of Jackson County, Mo., eligible as local grants-in-aid for the purposes of title I of the Housing Act of 1949; to the Committee on Banking and Currency.

By Mr. DOMINICK:

S.J. Res. 185. Joint resolution to provide for the settlement of the labor dispute between certain airlines and certain of their employees; to the Committee on Labor and Public Welfare.

(See the remarks of Mr. DOMINICK when he introduced the above joint resolution, which appear under a separate heading.)

RESOLUTION

RELATING TO THE REPORTING OF A MEASURE UPON A SUBJECT WITHIN THE JURISDICTION OF ANOTHER COMMITTEE

Mr. SALTONSTALL submitted a resolution (S. Res. 287) relating to the reporting of a measure upon a subject within the jurisdiction of another committee, which was referred to the Committee on Rules and Administration.

(See the above resolution printed in full when submitted by Mr. SALTONSTALL, which appears under a separate heading.)

SELF-HELP FOR ENTERPRISING COMMUNITIES: A HOUSING ACT AMENDMENT

Mr. TYDINGS. Mr. President, I want to draw the attention of the Senate to the achievements and the aspirations of the residents of Scotland, Md.

Scotland is a small community on Seven Locks Road between Bethesda and Rockville. Its residents are poor Negroes. Many of its dwellings are pitifully small and lack adequate plumbing.

Though Scotland is poor materially, it is not poor in spirit. The land on which the town is built has come into the path of suburban expansion. But the residents of Scotland have refused to sell their land, see their town fall under the bulldozer's blade, and disperse. They have decided to save their community.

They have banded together to form an organization called Save Our Scotland—SOS. They plan to buy all the land in the town. Then they will sell the outer rim at high suburban prices and use the proceeds to rebuild a smaller but better Scotland.

Already they have cleaned up the debris which formerly littered their town. They have repainted their small houses. They have established a community study hall, with maps and encyclopedias, so that their children can have a place to study outside of their cramped home quarters.

Many Montgomery County residents have pitched in to help. The Reverend Carl Pritchett, pastor of Bethesda Presbyterian Church, is president of the local organization SOS—Save our Scotland. Rurik Ekstrom, a Potomac architect, is designing the rehabilitated and rebuilt homes into which Scotland's residents plan to move.

This housing renewal is perhaps the most important part of the save Scotland program. Most of the buildings in Scotland today are too flimsy and too small to be made liveable by any amount of cleaning or painting. These buildings must be rehabilitated or wholly replaced if Scotland is to become the attractive community which its people want to make it.

Today I am introducing a bill which, if passed, will help Scotland and other communities like it throughout the country lift themselves by their own bootstraps toward community renewal.

The bill provides low interest mortgages for the purchase of substandard housing to be rehabilitated and subsequently resold to low income families. It would supplement the existing low interest mortgage program for construction of housing for rental to those low income housing families under Section 221 d(3) of the National Housing Act.

Congress has wisely decided to provide financing on easy terms for the building of apartment buildings for the poor. Should not we then be even more willing to give the same help to the same low income families when they want to buy their own homes?

Substantially this same bill has been introduced in the House by Congresswoman SULLIVAN, and favorably reported as section 506 of the House version of the Housing and Urban Development Act. There is every reason to suppose it will pass the House.

I have what I believe would be an improvement to the House bill. The House version provides the low interest mortgages for rehabilitation of substandard houses. But any rehabilitation project will include some houses in its midst which it would be uneconomic to rehabilitate. They must be torn down and built from scratch.

This is the case in Scotland. Some of the smallest and flimsiest houses—little more than shacks—will have to be completely replaced. Their owners should get the same advantageous mortgage terms as do the owners of the repairable ones. The bill I introduce today would provide such terms.

The Housing Subcommittee of the Senate Banking and Currency Committee is now meeting in executive session to consider the Housing and Urban Development Act of 1966. Although I recognize it is late in the day, I urge the distinguished members of that subcommittee to consider the provisions of this bill in their deliberations on the Housing Act.

The **PRESIDING OFFICER** (Mr. RUSSELL of South Carolina in the chair). The bill will be received and appropriately referred.

The bill (S. 3652) to amend the National Housing Act to authorize a limited experimental program of insurance for mortgages executed by nonprofit organizations to finance the purchase and rehabilitation of deteriorating or substandard housing for subsequent sale to low-income purchasers, introduced by Mr. TYDINGS, was received, read twice by its title, and referred to the Committee on Banking and Currency.

THE MILITARY ASSISTANCE AND SALES ACT OF 1966—AMENDMENTS

Mr. **GRUENING**. Mr. President, I send to the desk five amendments to the foreign military assistance bill (S. 3583) together with my justifications for them, and ask that they lie on the desk until I call them up in the course of the debate.

The **PRESIDING OFFICER**. The amendments will be received, printed, and will lie on the table.

AMENDMENT NO. 705

Mr. **GRUENING**. Mr. President, the NATO infrastructure program which was started in 1951, provides fixed defense installations and facilities required for the training of NATO forces in peacetime and for their operational use in wartime. Funds required to construct facilities approved for construction in the NATO infrastructure program are provided through international cost sharing, and each member nation's share is determined on the basis of periodically negotiated cost-sharing agreements. U.S. contributions have varied from about 43 to 31 percent in more recent years. The United States has incurred financial commitments in excess of a billion dollars as its share of the cost of the NATO infrastructure program.

Concomitantly with this program the U.S. military forces in Europe have been spending large amounts of appropriated funds for the construction of facilities for U.S. forces which are utilized as part of the NATO organization.

A limited review by the General Accounting Office uncovered about $200 million in construction costs which were borne entirely by the United States because the Department of Defense had not sought to obtain NATO funding for these projects. The projects included air weapons control systems, missile facilities, airfield facilities, petroleum storage facilities, ammunition storage facilities, and war headquarters construction. The GAO report notes that the unilateral construction of military facilities in Europe by the U.S. military services without requesting NATO funding has been a common practice. All of these facilities were constructed to support NATO committed forces and were being used for this purpose.

This matter is of particular importance at this time. President de Gaulle has requested the United States to remove its bases and all of its forces from France by April 1967, and the U.S. officials are at present hunting for other sites for NATO bases in the Netherlands and in Belgium and elsewhere. I ask for unanimous consent to include at the conclusion of my remarks a newspaper article from the Christian Science Monitor on the search that is now underway for new sites to relocate NATO bases.

The **PRESIDING OFFICER**. There being no objection, the article is ordered to be printed in the RECORD.

(See exhibit 1.)

Mr. **GRUENING**. Mr. President, the Congress can take action now to prevent the waste of funds that occurred earlier when the U.S. military services bore the entire cost of the construction of bases for NATO uses without seeking NATO funding and the proration of costs in accordance with existing NATO agreements.

Early last week in connection with the work of the Subcommittee on Foreign Aid Expenditures of the Senate Committee on Government Operations, I returned from Europe where I received extensive briefings on the impending moves of bases out of France. From what I could determine no effort has as yet been made to explore with the remaining NATO countries the possibility of cost sharing either in the expenses of moving the existing bases or of establishing new bases.

Congressional action is needed immediately. I therefore send to the desk an amendment to S. 3853, and ask that it be printed and lie on the table. I also ask unanimous consent that the full text of the amendment be printed in the RECORD at this point in my remarks.

There being no objection, the amendment was ordered to be printed in the RECORD, as follows:

On page 6, line 22 strike out the semicolon and substitute a colon and the following: "*Provided*, That with respect to the North Atlantic Treaty Organization maximum effort should be made to obtain multilateral rather than unilateral financing of such facilities; *Provided Further*, That, in connection with the forthcoming removal of NATO military bases and facilities from France, the President shall report to the Congress on October 1, 1966 and each sixty days thereafter until June 30, 1967, what arrangements have been made with each of the remaining NATO allies for each of them to bear their fair share of the costs of moving NATO bases and facilities from France and of establishing equivalent bases and facilities in other NATO countries."

EXHIBIT 1

NATO UNITS HUNT NEW QUARTERS

(By Robert R. Brunn)

WASHINGTON.—Special American teams are criss-crossing the Low Countries, West Germany, Italy, and the United Kingdom these days. They are examining facilities, railroad networks, population densities, leasing and sale arrangements, costs, and national legal restrictions.

It's all part of American and NATO efforts to plan for a shift in personnel, headquarters, supply depots, oil lines, and air bases out of France in the wake of President de Gaulle's decision to withdraw his nation from an active role in NATO.

Pentagon planners admit the de Gaulle decision leaves them with monumental problems.

Intricate discussions with the French, already begun on an exploratory basis, will try to pin down details of a proposed NATO-French strategic link-up. But Pentagon officials believe little can be achieved until after President de Gaulle's June visit to Moscow.

WEAKNESS IMPENDING?

One general says unless President de Gaulle "gives us a certain promise of specific action and we believe in the credibility of the French assurances" a military weakness will exist fairly soon. He indicated that a military stand at the Rhine River would hardly be feasible without the backing of French territory, manpower, and industrial resources.

Any new strategy could be bolstered in the 1970's by the planned advent of new C-54A jet transports. Each could carry 1,000 troops, or 110 tons of cargo, across the Atlantic.

The Pentagon assesses current Soviet policy in Europe as relatively moderate, but does not take it for granted this moderation necessarily will continue.

A few years ago Pentagon intelligence listed the Soviet Union's armed force as 5,750,000; this estimate now has been scaled down to 3,150,000.

Soviet ground combat troops are estimated at 2,000,000; East European nations have another 1,000,000. NATO nations have 2,200,000 troops in uniform, including the French. Citing these statistics Assistant Secretary of Defense Alain C. Enthoven said recently, "It certainly cannot be said that we are hopelessly outmanned or outgunned."

COMPARISON DRAWN

This comparison is offered in the Pentagon as evidence that the Soviet Union, despite the French semidefection, will not be able to take military advantage of Western Europe.

This past week the Pentagon revealed plans to reassign 15,000 highly skilled American soldiers from the seventh Army in Western Europe to undermanned units in the United States. Some offer this as evidence of American confidence in the moderation of the Soviets' European stance.

At this stage of relations with France, Pentagon officials insist the "forward strategy" will remain—the strategy of defending West Germany close to the Iron Curtain.

The French indicate they will keep their 75,000 troops in West Germany. Yet Pentagon planners realize that the joint Chiefs of Staff and the West German military, not to mention the Erhard government, must be reassured.

COOPERATION UNCERTAIN

Will the French actually participate in the "forward strategy," promising to move their troops up from the Rhine Valley toward the East German border should a crisis arise? Would the French, in event of a conflict, coordinate their strategy with NATO?

The American military is trying to work out a compromise with the French. The Americans, for example, know that the French have no early radar warning system. The Americans wonder if the French would continue to allow American planes to fly over France—a question that soon will come up for review—if the United States were to provide France with an early warning system.

Faced with a plethora of questions like this, Pentagon officers and officials often argue they literally do not know what the French plan to do, that strategic and organizational decisions must wait, and that every effort should be made not to isolate the French.

High-level Pentagon figures agree that even if the French cooperate to some degree with NATO after pulling out of it officially, NATO will have less viability, less resiliency, and less cohesion.

FRENCH IMPORTANCE STRESSED

NATO reviews its strategic plans every year. And every year Pentagon officials feel NATO's military structure could easily be weakened if the French are not with them on a day-to-day working level.

Officers who are dealing with the NATO crisis insist that they will not, and cannot, second-guess the French. What they can do is decide whether or not the NATO Council will remain in Paris, and what happens to the NATO military standing group which met in Washington and was made up of the British, the Americans, and the French.

The French will remain in the council and informed guessing is the council will remain in Paris.

But the standing group has no meaning with the French "outside." One solution might be to make the group a NATO committee of the whole, and shift its operations to Western Europe.

As for shifting other NATO operations headquarters out of France, the Pentagon is talking about placing the Supreme Headquarters, Allied Powers in Europe (SHAPE) in London. Domestic politics eventually will be the critical factor.

Central group headquarters, now at Fontainebleau, may be placed in Luxembourg. Some lower-level command groups may end up in West Germany.

Warehouse facilities are being sought in Belgium, the Netherland, and even in Italy.

Already many of NATO's supplies funnel through Antwerp, Rotterdam, and Bremen, not through France. A slow, steady movement of NATO and American personnel and functions out of France has been going on for several years.

U.S. FORCE REDUCED

About 26,000 American military men, and 30,000 wives and children, remain in France. In 1961 close to 40,000 military men alone were there.

Chateauroux, an air field 70 miles south of Paris, will be missed. Close to 500 Americans direct military air transport operations into Europe, Africa, and Asia west of Calcutta. Transport planes have also worked out of Evreux.

Five of 10 air bases designed for use by bombers and fighters have already been turned back to the French. The French long ago banned all foreign nuclear weapons from their soil. Reconnaissance planes remain, but also must be removed.

A five-year-old complex of hospitals near Croix Chapeau has never been used. It includes vast warehouses full of medical supplies. The United States Army planned to build its main European repair shops at Fontenet, but built only a costly steam boiler and left it idle.

Six huge American ammunition dumps are located in France.

If the French force the removal of a complex communications line across France into West Germany the replacement cost will be high.

Oil is stored in tanks in St. Nazaire. From there it is pumped at about five miles an hour across France to West Germany. Six or seven tankers call monthly at St. Nazaire. The Pentagon is arranging alternative routes and fuel routes in case the French make it clear the oil pipeline must "go."

How much of the maze of NATO and American bases in France, totaling about 40, will be completely phased out? Will some be placed on a stand-by basis with skeleton crews ready for a Soviet threat? Will the French allow NATO to keep some facilities operating such as the oil pipeline? American officials wish they knew.

AMENDMENT NO. 706

Mr. GRUENING. Mr. President, the Department of Defense has construed the authority it has been granted under section 507 of the Foreign Assistance Act of 1961, which corresponds in substantial effect to section 32 of S. 3583, to permit it to sell domestic excess property to foreign governments and international organizations before such property is offered to other Federal agencies and to health, education, and civil defense agencies.

The Department of Defense program for selling domestic excess property is administered by the Defense Services Logistics Center in Battle Creek, Mich. The preponderance of sales which have been made under this program concerns property physically located in the United States and under the control of the Inventory Control Points of the Military Services.

During 1962 and the first half of 1963 DOD sold over $75 million of domestic excess property to foreign governments and realized a return of only 4 cents on the dollar. Countries receiving such excesses included Canada and other countries which have no part in our military or economic assistance programs. Further, the type of property which these countries may obtain is not restricted to strictly military items.

I have discussed this program of the Department of Defense with GSA officials who have expressed their concern over the inroads made by this program on the availability of excess property to meet the needs of other Federal Agencies. However, they said they are powerless to do anything about it under existing legislation.

DOD's program, which is being carried out without any statutory limitation as to volume, contrasts with the limitations placed on AID's excess program. Under section 608 of the Foreign Assistance Act, AID is limited in the amount of equipment which it can hold—$15 million at any one time—and the amount it can ship abroad to foreign countries—$45 million in any one year. No such limitations apply to the DOD program.

I see no valid reason for placing foreign countries ahead of our own State education, public health and civil defense agencies insofar as excess Department of Defense supplies and equipment are concerned. I have received hundreds of letters from State agency officials, local communities, school officials and interested citizens who wrote to me of their need for the kind of equipment and supplies which the Department of Defense disposes of as excess. These letters contain eloquent testimony of the excellent use made of surplus equipment and supplies by State agencies, schools, and other eligible local recipients.

I am therefore proposing an amendment which will give State agencies an opportunity to purchase excess Department of Defense supplies and equipment prior to their being offered to foreign countries.

I ask unanimous consent that the full text of the amendment be printed in the RECORD at this time, and I ask unanimous consent that the amendment be printed and lie on the table.

There being no objection, the amendment was ordered to be printed in the RECORD, as follows:

> On page 22, before the period in line 25 insert a colon and the following: "*Provided*, That, prior thereto, the President shall, in accordance with Regulations promulgated by him, offer to sell, and if requested to so do shall sell, such articles on the same terms to any State for purposes of education, public health, or civil defense, or for research for any such purpose".

AMENDMENT NO. 707

Mr. GRUENING. Mr. President, S. 3583 provides no limits on the terms of credit sales to foreign governments for military supplies and equipment insofar as interest rates are concerned. I believe the Congress should make it clear that these credit sales are not meant to be an additional subsidy for governments purchasing defense supplies from the United States.

I therefore am proposing an amendment to S. 3583 which would require that interest be paid on credit sales at a rate not less than the average interest rate paid by the United States on its long-term indebtedness.

I ask unanimous consent that the amendment be printed in the RECORD at this time. I also ask unanimous consent that the amendment be printed and lie on the table until I call it up at a later date.

There being no objection, the amendment was ordered to be printed in the RECORD, as follows:

> On page 26, at the end of line 12, add the following: "The terms of payment shall include a provision for the payment of interest at a rate not less than the average interest rate paid by the United States on its long term indebtedness."

AMENDMENT NO. 708

Mr. GRUENING. Mr. President, the proposed military assistance program for 1967 provides, as the military assistance programs in previous years have provided, for delivering military supplies and equipment as grant aid to countries which have long since been fully capable of purchasing the military materiel they feel they require on a cash basis or which have been cut off from any additional grant aid programs. In the latter case, deliveries of military supplies and equipment continue to meet so-called commitments to these countries made in earlier years when the military assistance programs were approved by the Department of Defense.

Mr. President, I ask unanimous consent to have printed in the RECORD at this juncture in my remarks a tabulation which shows the value of military materiel given to countries in the above categories during fiscal years 1961 through 1965.

There being no objection, the tabulation was ordered to be printed in the RECORD, as follows:

Deliveries of equipment and supplies under the military assistance program

[U.S. fiscal years—millions of dollars]

	1961	1962	1963	1964	1965	Total
Belgium:						
Credit assistance	0.2			(1)	3.3	3.5
Grants	9.6	18.8	7.3	39.6	4.8	80.1
Additional grants from excess stocks	.5	.1		.5	.1	1.2
Total						84.8
Cambodia:						
Credit assistance						
Grants	5.4	8.7	9.9	3.6	.3	27.9
Additional grants from excess stocks	1.1	1.6	2.3	.1		5.1
Total						33.0
Denmark:						
Credit assistance						
Grants	33.4	15.0	13.0	12.1	48.1	121.6
Additional grants from excess stocks	2.3	.2	.3	(1)	(1)	2.8
Total						124.4
France:						
Credit assistance	11.5	7.1	16.0	11.9	9.2	55.7
Grants	14.4	33.8	8.0	5.2	4.9	66.3
Additional grants from excess stocks	.3	.1	.3	(1)	(1)	.7
Total						122.7
Germany:						
Credit						
Grants	16.0	1.5	.4	.3	.2	18.4
Additional grants from excess stocks	(1)					
Total						18.4
Iraq:						
Credit						
Grants	(1)	(1)	(1)	.1	.2	.3
Additional grants from excess stocks	(1)					
Total						.3
Italy:						
Credit				0.2	(1)	0.2
Grants	135.0	83.7	55.9	40.0	94.2	408.8
Additional grants from excess stocks	1.3	4.3	94.1	34.0		133.7
Total						542.7
Japan:						
Credit				34.8		34.8
Grants	66.9	74.0	33.9	18.6	29.6	223.0
Additional grants from excess stocks	29.2	53.4	1.4	2.4	(1)	86.4
Total						344.2
Netherlands:						
Credit	.2	2.0				2.2
Grants	30.3	12.8	18.9	10.7	49.7	122.4
Additional grants from excess stocks	(1)	.1	(1)	.1	(1)	.2
Total						124.8
Norway:						
Credits						
Grants	13.2	24.9	22.9	41.1	35.3	137.4
Additional grants from excess stocks	4.7	15.4	.2	1.3	2.6	24.2
Total						161.6
United Kingdom:						
Credits						
Grants	14.0	27.5	11.6	.3	.4	53.8
Additional grants from excess stocks	2.0	(1)			.8	2.8
Total						56.6
Yugoslavia:						
Credits				.6	.3	.9
Grants						
Additional grants from excess stocks	(1)					
Total						.9

[1] Less than $50,000.

Mr. GRUENING. Mr. President, the military assistance program to the Netherlands was supposed to have come to an end insofar as grant aid is concerned in 1962. Yet we find about $50 million in grants for military equipment and supplies being delivered in 1965. This $50 million is in response to commitments made 3 or more years before. The grant aid program to West Germany was supposed to come to an end in 1960 yet 5 years later we continued to deliver military materiel in the amount of about $200,000. Belgium was supposed to be cut off from grant aid in 1962. Yet, Belgium received $44 million in grant military aid materiel in 1964 and 1965.

The most shocking example is that of France. Eleven million dollars of military supplies and equipment were given to France without charge in 1964 and 1965 at a time when it had the indisputable capability to pay for any military items it needed. This occurred after the termination of new commitments of grant military aid equipment in 1961. Information obtained from the Department of Defense indicates that the grant aid program to France did not come to an end formally until June 30, 1965, and, if our experience in the other countries I have cited is any guide, actual deliveries of materiel to France will continue for many years. And, these gifts of valuable military equipment will be made to a country which has ordered our forces off its soil, has made every effort to destroy the NATO organization into which we have poured so much resources and effort, and has proclaimed its determination to be entirely self-reliant.

Once military assistance programs are approved by the Department of Defense they seem to go on interminably and inexorably. Let the country become as prosperous as West Germany; no matter, deliveries of military supplies under grant aid will continue.

Let the country order our troops off its soil and demand that our bases be closed, as France has done; no matter, deliveries of military supplies under the grant aid program will continue.

How does the Department of Defense justify this? By recourse to our international obligations, to the requirement that we meet our commitments, that we live up to the agreements we have solemnly undertaken. But what are the nature of these so-called commitments? What are the international agreements which we have entered?

The programing of military assistance by the Department of Defense is an involved and changing process. Basically, countries desiring military assistance are supposed to request specific items under the grant aid program. In practice, our military assistance advisory officers work closely with their counterparts in the foreign countries to develop lists of equipment and supplies which the country's forces require. These lists are approved by the Chief of the Military Assistance Advisory Group and forwarded to the Department of Defense for approval. When this occurs the foreign country is notified and a commitment has come into being.

But how can this kind of commitment bind the U.S. Congress? Can a military assistance program approved by the Department of Defense in 1960 prevent the Congress from halting deliveries of military equipment in 1965 when conditions in a country have changed? Certainly the executive branch reserves the right to terminate these commitments when circumstances warrant, and we have seen such right exercised in the case of Cuba. To preclude the Congress from exercising its prerogative to approve or disapprove deliveries of military equipment, on the grounds that a commitment has been made years earlier which only the executive branch can terminate or alter, makes no sense whatsoever.

The right of the Congress to revise commitments for military assistance entered into by the executive agencies is clearly spelled out in section 635(h) of the Foreign Assistance Act of 1961, as amended. This section states that action may be taken "subject to any future action of the Congress."

I firmly believe that it is high time that the Congress require a halt to these never-ending military assistance programs. We must turn off these pipelines. The President is far too occupied with other matters to make a critical review of these matters, and the responsible executive agencies are taking the course of least resistance by allowing deliveries of materiel to continue regardless of changing circumstances in our relations with the countries and in the countries' own capabilities. But this is a responsibility which the Congress should not and cannot avoid.

I send to the desk an amendment to S. 3583 designed to end this practice. I ask that the amendment be printed in the RECORD at this point in my remarks, and I ask unanimous consent that the amendment be printed and lie on the table until I call it up at a later time.

There being no objection, the amendment was ordered to be printed in the RECORD, as follows:

On page 18 between lines 21 and 22 add the following:

"(d) No further assistance under this chapter or from excess stocks shall be furnished or delivered to Denmark, France, Germany, Italy, Belgium, Luxembourg, Netherlands, Norway, Japan, and Yugoslavia."

AMENDMENT NO. 709

Mr. GRUENING. Mr. President, section 91(b) of S. 3583 provides that the duration of a contract which entails commitments for the expenditure of funds under the military assistance program shall be for not more than 5 years at any time. This is the same provision contained in existing legislation under section 635(h) of the Foreign Assistance Act of 1961, as amended with one notable exception. Section 635(h) gives the President the authority to enter into contracts of up to 5 years duration subject to any future action of the Congress.

I am proposing an amendment to section 91(b) which would provide the same limitation as contained in existing legislation.

I ask unanimous consent that the full text of the amendment be printed in the RECORD at this time and I ask unanimous consent that the amendment be printed and lie on the table until I call it up at a later time.

There being no objection, the amendment was ordered to be printed in the RECORD, as follows:

On page 36, line 16, insert the following: "subject to any future action of the Congress". after the word "shall" the following: "*be subject to any future action of the Congress and shall*".

IMPROVEMENT OF FEDERAL-STATE UNEMPLOYMENT COMPENSATION PROGRAM—AMENDMENTS

AMENDMENT NO. 710

AN UNEMPLOYMENT COMPENSATION AMENDMENT TO FACILITATE LABOR MOBILITY

Mr. JAVITS. Mr. President, for myself and the Senator from Connecticut [Mr. RIBICOFF] I send to the desk for appropriate reference an amendment to H.R. 15119, the unemployment compensation bill pending before the Finance Committee. The amendment was proposed in the hearings by Actors' Equity to cover the difficult problem of multiple interstate claims for unemployment compensation.

Under existing law, all but six States have entered into agreements covering these cases. Credits accumulated, and paid for, in one of the six States are wholly or partially lost when the employee moves to another State; the same thing is true when the employee moves to one of the six States. Even in the remaining States, which do have agreements, some claimants are ineligible for benefits anyway, or are eligible only for partial benefits, because there is no provision in the agreements, much less a uniform provision, for definition of the base period on which eligibility and benefits are computed.

Actors' Equity proposed, and the amendment now being introduced embodies, a simple requirement that all States participate in arrangements with other States including one uniform and quite reasonable principle, that is, that the base period shall be determined under the law of the State which pays the benefits. In that way, employees who meet the requirements of the paying State will receive the full amounts of benefits, regardless of the base period requirements of the State or States in which they previously worked.

This is clearly a needed and desirable amendment to the law. Our Nation is facing manpower demands which make it absolutely indispensable that there be true labor mobility throughout the Nation. The Congress has recognized this fact in a number of ways, including tax relief for moving expenses of employees and labor mobility assistance under the Manpower Development and Training Act. It should also avoid penalizing employees for interstate movement under the Unemployment Compensation Act.

I ask unanimous consent that the amendment be printed in the RECORD.

The PRESIDING OFFICER. The amendment will be received, printed, and appropriately referred; and, without objection the amendment will be printed in the RECORD.

The amendment (No. 710) was referred to the Committee on Finance, as follows:

On page 10, line 15, insert "(A)" after "(10)".

On page 10, line 19, strike out the quotation marks and the period.

On page 10, between lines 19 and 20, insert the following:

"*(B) the State shall participate in the basic and extended arrangements, approved* by the Secretary of Labor for combining wages, and the eligibility of any individual for unemployment compensation, his weekly benefit amount, and the maximum benefits payable to him under either of such arrangements, shall be based on the individual's employment or wages paid, or both, in (i) the paying State and (ii) any transferring State or States as if such employment or wages were in the base period of the paying State; provided, however, that no employment or wages may be used more than once in the computation of any individual's eligibility for unemployment compensation under either of such arrangements;".

THE MILITARY ASSISTANCE AND SALES ACT OF 1966—AMENDMENT

AMENDMENT NO. 711

Mr. CHURCH proposed an amendment to the bill (S. 3583) to promote the foreign policy, security, and general welfare of the United States by assisting peoples of the world in their efforts toward internal and external security, which was ordered to be printed.

(See reference to the above amendment when proposed by Mr. CHURCH, which appears under a separate heading.)

ADDITIONAL COSPONSORS OF CONCURRENT RESOLUTION

Under authority of the order of the Senate of July 14, 1966, the names of Mr. BAYH, Mr. BURDICK, Mr. CARLSON, Mr. CURTIS, Mr. DIRKSEN, Mr. HART, Mr. HRUSKA, Mr. MCGOVERN, Mr. MUNDT, Mr. NELSON, Mr. PEARSON, Mr. PROXMIRE, Mr. YOUNG of North Dakota, and Mr. YOUNG of Ohio have been added as additional cosponsors of the concurrent resolution (S. Con. Res. 101) to provide for use of a major factor of avoiding problems of heavy population concentrations in the location of Federal Government activities and in Federal Government purchasing and contracting, submitted by Mr. MILLER on July 14, 1966.

ADDITIONAL COSPONSORS OF BILL

Mr. PROXMIRE. Mr. President, on behalf of the Senator from Illinois [Mr. DOUGLAS], I ask unanimous consent that the names of the Senator from Pennsylvania [Mr. CLARK], the Senator from Massachusetts [Mr. KENNEDY], the Senator from Rhode Island [Mr. PELL], the Senator from New Mexico [Mr. MONTOYA], the Senator from Texas [Mr. YARBOROUGH], the Senator from Ohio [Mr. YOUNG], the Senator from Montana [Mr. METCALF], and the Senator from Wyoming [Mr. MCGEE], be added as cosponsors to S. 3578 relating to amending title XVIII of the Social Security Act to provide coverage under the program of supplementary medical insurance benefits established as part B thereof, of certain expenses incurred by an insured individual in obtaining certain drugs, at its next printing.

The PRESIDING OFFICER. Without objection, it is so ordered.

NOTICE OF PUBLIC HEARING ON NOMINATION OF JOHN P. FULLAM, OF PENNSYLVANIA, TO BE U.S. DISTRICT JUDGE, EASTERN DISTRICT OF PENNSYLVANIA

Mr. EASTLAND. Mr. President, on behalf of the Committee on the Judiciary, I desire to give notice that a public hearing has been scheduled for Tuesday, August 2, 1966, at 10:30 a.m., in room 2300, New Senate Office Building, on the nomination of John P. Fullam, of Pennsylvania, to be U.S. district judge, eastern district of Pennsylvania, vice Abraham L. Freedman, elevated.

At the indicated time and place persons interested in the hearing may make such representations as may be pertinent.

The subcommittee consists of the Senator from Arkansas [Mr. McClellan], the Senator from Pennsylvania [Mr. Scott], and myself, as chairman.

ENROLLED BILL PRESENTED

The Secretary of the Senate reported that on today, July 26, 1966, he presented to the President of the United States the enrolled bill (S. 2822) to amend various provisions of the laws administered by the Farm Credit Administration to improve operations thereunder, and for other purposes.

ADDRESSES, EDITORIALS, ARTICLES, ETC., PRINTED IN THE RECORD

On request, and by unanimous consent, addresses, editorials, articles, etc., were ordered to be printed in the Record, as follows:

By Mr. BYRD of West Virginia:

Speech entitled "Dedication of Stephens Lake," delivered by U.S. Senator Robert C. Byrd, Democrat, of West Virginia, at Stephens Lake, Raleigh County, W. Va., on Sunday, July 17, 1966.

TRIBUTE TO THEODORE HERZ

Mr. FULBRIGHT. Mr. President, I wish to make a brief statement about Mr. Theodore Herz, who died Sunday. Mr. Herz was a partner in the international accounting firm of Price Waterhouse & Co.

I came to know Ted Herz well in 1950 and 1951 when he was staff director and I was chairman of the Subcommittee of the Banking and Currency Committee which investigated the Reconstruction Finance Corporation. He was a man of great ability, and did a remarkable job in directing that investigation. His ability to fit together the pieces of the investigation into a coherent and logical picture was uncanny, and the success of that investigation is due in large measure to the word of Ted Herz. He was one of the most imaginative, and able men I have encountered during my entire public life. His work with that committee, and with the Hoover Commission made great contributions to better government. The country can ill afford to lose gifted men like Ted Herz.

I extend my deepest sympathy to his family.

Mr. President, I ask unanimous consent that an article entitled "Theodore Herz Dies Here at 57," published in the Washington Post of July 26, 1966, may be printed at this point in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

Theodore Herz Dies Here at 57

Theodore Herz, 57, a partner in the international accounting firm of Price Waterhouse & Co., died Sunday in George Washington University Hospital after a cerebral thrombosis. He lived at 1313 Woodside pky., Silver Spring.

Mr. Herz graduated from the University of Wisconsin in 1930 and began his career in public accounting that year in his native Chicago. In 1945 he came to Washington to serve as assistant director in a newly created division of the General Accounting Office.

In addition to participating in development of policy and training for the GAO, he directed a two-year audit of the Reconstruction Finance Corp. and its subsidiaries that led to substantial reorganization in the agency.

In 1947 Mr. Herz became associated with Price Waterhouse & Co. here. He was admitted to membership in the firm on July 1, 1954, and had been in charge of the firm's Washington office since 1959.

In 1948 Mr. Herz served as staff director for the first Hoover Commission's Task Force on Government Lending Agencies. The Commission dealt with organization of the executive branch of the national government.

Mr. Herz was responsible for coordination and direction of the work of the Task Force and for preparation of its report. When the second Hoover Commission was organized in 1953, Mr. Herz accepted appointment as staff director with the same responsibilities.

In 1950 and 1951 Mr. Herz served as staff director for the Subcommittee on Reconstruction Finance Corp. of the Senate Committee on Banking and Currency, chaired by Senator J. William Fulbright, Democrat, of Arkansas. The Subcommittee conducted an inquiry into the lending policies and internal procedures of the RFC.

As a staff director Mr. Herz supervised the work of auditors, investigators and other staff members and helped plan and organize the Subcommittee's executive sessions and public hearings.

Mr. Herz also participated in and supervised numerous other projects for the Government or involving governmental functions. He held memberships and committee posts in professional organizations including the American Institute of Certified Public Accountants, the District of Columbia Institute of Certified Public Accountants, the American Accounting Association and the National Association of Accountants.

In addition, he belonged to the Financial Executives Institute, the National Security Industrial Association, the Washington Board of Trade and the Academy of Political Science.

HISTORY AND PUBLIC POLICY

Mr. McGOVERN. Mr. President, the distinguished Pulitzer Prize-winning historian and former White House presidential adviser, Arthur Schlesinger, Jr., recently delivered a thoughtful lecture on the interpretation of history as a factor in the formulation of public policy.

Speaking at the Institute of Contemporary History in London on May 31, 1966, Mr. Schlesinger warns, with special force, of the danger of drawing false analogies between historical events. He convincingly discards the notion that the 1938 lesson of Munich is a proper justification of our present military venture in Vietnam.

I ask unanimous consent that Mr. Schlesinger's lecture, entitled "History and Public Policy," be printed at this point in the Record.

There being no objection, the lecture was ordered to be printed in the Record, as follows:

History and Public Policy

(By Arthur Schlesinger, Jr.)

I want to talk a little this afternoon about the way statesmen use history—or are used by it. As one who is by profession an historian and has been by accident a government official, I have long been fascinated and perplexed by the interaction between history and public decision. Because I find this problem both elusive and tricky, I can hope to do no more than submit preliminary observations to you today.

It is elusive because, if one excludes charismatic politics—the politics of the prophet and the medicine man—one is bound to conclude that all thought which leads to decisions of public policy is in essence historical. Public decision in rational politics necessarily implies a guess about the future derived from the experience of the past. It implies an expectation, or at the very least a hope, that certain actions will produce tomorrow the same sort of results they produced yesterday. This guess about the future may be based on a general theory of historical change, as with the Marxists; or it may be based on specific analogies drawn from the past; or it may be based on an unstated and intuitive sense of the way things happen. But, whatever it is based on, it involves, explicitly or implicitly, an historical judgment.

And the problem is tricky because, when explicit historical judgments intervene, one immediately encounters a question which is, in the abstract, insoluble: is the history invoked really the source of policies, or is it the source of arguments designed to vindicate policies adopted for other reasons? Moreover, even when history is in some sense the source of policies, the lessons of history are generally so ambiguous that "other reasons" are often free to determine the choice between alternative historical interpretations. Thus in France between the wars Reynaud and Mandel drew one set of conclusions from the First World War, Bonnet and Laval another. Yet one cannot, on the other hand, reduce the function of history in public policy to that of mere rationalization. For historical models acquire a life of their own. Once a statesman begins to identify the present with the past, he may in time be carried further than he intends by the bewitchment of analogy.

However hard it may be to define with precision the role of history in public policy, it is evident that this role stands or falls on the utility of history as a means of prediction. This is a point, it should immediately be said, on which professional historians have few illusions among themselves. They well understand that they study history for its own sake—for the intellectual and aesthetic fulfillment they find in the disciplined attempt to construct the past—and for no other reason. And they know better than outsiders that historians are rarely wiser than anyone else about the choices of public policy.

Still, in justifying ourselves to society, we sometimes invite arguments of a statelier sort: particularly the argument that knowledge of the past can throw light on the future. In what sense is this argument true? Why and how should history help us to foretell the shape of things to come? Because presumably history repeats itself enough to make possible a range of historical generalization. Many historians, of course—perhaps most—reject the idea that generalization is the purpose of history. We all respond, in Marc Bloch's phrase, to "the thrill of learning singular things." Indeed, it is the commitment to concrete reconstruction as against abstract generalization—to life as against laws—which distinguishes history from sociology. Yet, on the other hand, as Crane Brinton once put it, "the doctrine of the absolute uniqueness of events in history seems nonsense." And even historians who are skeptical of attempts to discern a final and systematic order in history must acknowledge the existence of a variety of uniformities and recurrences. There can be no question that generalizations about the past, defective as they may be, are possible—and that they can strengthen the capacity of statesmen to deal with the future.

So historians have long since identified a life-cycle of revolution which, if properly apprehended, might have spared us misconceptions about the Russian Revolution—first, about its good will and, later, when we abandoned belief in its good will, about the fixity and permanence of its fanatical purpose—and which, if consulted today, might save us from the notion that the Chinese Revolution will be forever cast in its present mold. Historical generalizations in a number of areas—the processes of economic development, for example, or the impact of industrialization and urbanization or the effect of population growth or the influence of climate or sea power or the frontier or the circulation of political elites or entrepreneurial innovation—will enlarge the wisdom of the statesman, giving his responses to the crisis of the moment perspective, depth and a more thoughtful sense of the direction and flow of events.

I am happy, of course, that history can make these claims. But honesty constrains me to call attention to the special character of these historical generalizations. They are nearly all generalizations about massive social and intellectual movements over a considerable period of time. They make large-scale, long-term prediction possible. But they do not justify small-scale, short-term prediction. For short-run prediction is the prediction of detail; and, given the complex structure of social events, the difficulty of anticipating the intersection or collision of different events and the irreducible mystery, if not invincible freedom, of individual decision, there are simply too many variables to make precise prediction possible. History, in short, can answer questions after a fashion at long range. It cannot answer questions with confidence at short range. Alas, policy makers are rarely interested in the long run—"in the long run," as Keynes used to say, "we are all dead"—and the questions they put to history are thus most often the questions which history is least qualified to answer.

Yet every day around the planet great decisions are being made—or at least rationalized—in terms of short-run historical estimates. The whole Marxist world, of course, is sworn to a determinist view of the future, according to which fixed causes produce fixed effects and mankind is moving along a predestined path through predestined stages to a single predestined conclusion. For the Marxists, history has become a positive model: it prescribes not only for the long but for the short run, not only strategy but tactics—the immediate policies to be favored, courses pursued, action taken. It is a tribute to the devotion of Marxists, if hardly to their intelligence, that they have remained so indefatigably loyal to their metaphysic in spite of the demonstrated limits of Marxism as a system of prediction.

For, if any thesis was central to the Marxist vision of history, it was that the process of modernization, of industrialization, of social and economic development, would infallibly and inexorably carry every nation from feudalism through capitalism to communism: that the communist society would be the inevitable culmination of the development process. Thus Marx contended that, the more developed a country was, the more prepared it was for communism, and that communism in consequence must come first to the most industrialized nations. In fact, communism has come only to nations in a relatively early stage of development, like Russia and China, and it has come to such nations precisely as a means to modernization, not as a consequence of it. Instead of being the climax of the development process, the end of the journey, communism is now revealed as a technique of social discipline which a few countries in early stages of development have adopted in the hope of speeding the pace of modernization. Instead of the ultimate destination toward which all societies are ineluctably moving, communism now appears, as W. W. Rostow has suggested, a phenomenon of the transition from stagnation to development. Modernization, as it proceeds, evidently carries nations not toward Marx but away from Marx—and this would appear true even of the Soviet Union itself.

History thus far has refuted the central proposition in Marx's system of prediction. And it has also refuted important corollary theses—notably the proposition that the free economic order could not possibly last; that it was doomed to perish of its own inner contradictions. In defiance of this basic dogma, free society in the developed world has rarely displayed more creativity and vitality than it does today. Indeed, it is casting as powerful a spell on the intellectuals and the youth of the communist world as the communist world cast on us during the depression thirty years ago.

Why did Marx go wrong here? His forecast of the inevitable disintegration of free society was plausibly based on the laissez-faire capitalism of the mid-19th century. This devil-take-the-hindmost economic order did very likely contain the seeds of its own destruction—especially in those tendencies, pronounced irreversible by Marx, toward an ever-widening gap between rich and poor, alleged to guarantee the progressive impoverishment of the masses, and toward an ever-increasing frequency and severity of structural economic crisis, alleged to guarantee the progressive instability of the system. But the Marxist vision did not allow for two things: the extraordinary and growing success of the free economic order as a mechanism of production; and, equally important, the reform of classical capitalism through the invention of the affirmative democratic state.

Here the Marxists were undone by ideology. The state, they believed, could never be anything but the executive committee of the capitalist class: dogma told them that those who owned the economy *must* own the state, and the state could therefore never act against their desires or interests. Yet fifteen years before the Communist Manifesto an American President, Andrew Jackson, had already suggested that the state in a democratic society, far from being the obedient instrument of the possessors, could become the means by which those whom Jackson called the "humble members of society" might begin to redress the balance of social power against those whom Hamilton had called the "rich and well-born." Thus the 20th century: while the economic machine drowned the revolution in consumers' goods, the affirmative state, undertaking a course of piecemeal intervention in the economy, brought about both a relative redistribution of wealth, defeating Marx's prediction of the immiseration of the poor, and a relative stabilization of the economy, defeating Marx's prediction of ever-deepening cyclical crisis.

So the Marxist prophecy of a single destiny for mankind missed in both its parts: in its prediction of the irresistible breakdown of the free economy; and in its prediction of the irresistible triumph of communism as the fulfillment of the development process. In spite of its many subsidiary insights and successes, Marxism must surely stand in our time as the spectacular failure both of history as prophecy and of the resort to history as a positive model for policy. The failure, indeed, has been so complete that today Marxists revile each other in seeking the true meaning of the most elementary doctrines, and the more fanatical stand Marx on his head, proclaiming against his whole theory of development the priority of the countryside against the cities.

Yet the democratic world is hardly in a position to take too much satisfaction from the collapse of Marxism. It is true that our intellectual heritage—empirical, pragmatic, pluralistic, competitive—has happily inoculated us against rigid, comprehensive and absolute systems of historical interpretation. But, though we may reject the view of history as metaphysically set and settled, we seem at times to cherish our own forms of historical determination—even if we invoke history less as theology than as analogy. This is only a marginal advantage. The argument by analogy can generate a certitude almost as mischievous as the argument by total determinism.

For the democratic policy-makers, history generally serves as a negative rather than a positive model: it instructs us, not in the things we must do, like Marxism, but in the things we must *not* do—unless we wish to repeat the folly of our ancestors. Thus we have taken very much to heart the warning that generals always fight the last war. So a great deal of the diplomacy of the Second World War was inspired, so far as the United States was concerned, by a passion to avoid the errors of the First. The American insistence on the doctrine of 'unconditional surrender' in 1943 sprang from the belief that the failure to get unconditional surrender in 1918 encouraged the stab-in-the-back myth and stimulated the revival of German nationalism. The American obsession with the United Nations came from the conviction that the failure to join the League of Nations had made the Second World War possible. The American readiness to make concessions to the Soviet Union, as Professor E. R. May has suggested, was based in part on an analogy with Clemenceau's France. The American President viewed the Soviet Union as a nation which, having lived in permanent insecurity, could be expected like France 25 years earlier, to value security above almost anything else. "Roosevelt," Professor May has perceptively written, "was determined to see Stalin's point of view as Wilson had not seen Clemenceau's. He was determined that, insofar as possible, the Soviet Union should have the guarantees it wanted and should not be forced into the sullen self-preoccupation of the France of Poincare."

So too, in the years since the Second World War, the policy consciousness, at least in Britain and the United States, has been dominated by the Munich analogy—the generalization, drawn from the attempt to accommodate Hitler in 1938, that appeasement always assures new aggression. I trust that a graduate student some day will write a doctoral essay on the influence of Munich analogy on the subsequent history of the 20th century. Perhaps in the end he will conclude that the multitude of errors committed in the name of Munich may almost exceed the original error of 1938. Certainly Munich was a tragic mistake, and its lesson was that the appeasement of a highly wound-up and heavily-armed totalitarian state in the context of a relatively firm and articulated continental equilibrium of power was likely to upset the balance and make further aggression inevitable. But to conclude from this that all attempts to avert war by negotiation must always be Munichs is wrong. No one understood this better than the greatest contemporary critic of Munich. An historian himself, Winston Churchill well understood the limits of historical analogy. As he defined the issue in his chapter on Munich in "The Gathering Storm":

> "It may be well here to set down some principles of morals and action which may be a guide in the future. No case of this kind can be judged apart from its circumstances. . . .
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> "Those who are prone by temperament and character to seek sharp and clearcut solutions of difficult and obscure problems, who are ready to fight whenever some challenge comes from a foreign power, have not always been right. On the other hand, those whose inclination is to bow their heads, to seek patiently and faithfully for peaceful compromise, are not always wrong. On the contrary, in the majority of instances, they may be right, not only morally but from a practical standpoint. . . .
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> "How many wars have been precipitated by firebrands! How many misunderstandings which led to war could have been removed by temporizing! How often have countries fought cruel wars and then after a few years of peace found themselves not only friends but allies!"

Sixteen years after Munich President Eisenhower wrote Churchill, "If . . . Indochina passes into the hands of the Communists, the ultimate effect on our and your global strategy and position . . . could be disastrous. . . . We failed to halt Hirohito, Mussolini and Hitler by not acting in unity and in time. That marked the beginning of many years of stark tragedy and desperate peril. May it not be that our nations have learned something from that lesson?" Eisenhower was invoking the Munich analogy to persuade the British to join the Americans in backing the French in Indochina. I need not remind this audience that Churchill was unmoved by Eisenhower's argument. He saw no useful parallel between Hitler, the man on the bicycle who could not stop, a madman commanding vast military force and requiring immediate and visible success, and the ragged bands and limited goals of Ho Chi-Minh. Nor could he see any useful parallel between Europe, a developed continent with well-defined national frontiers, interests and identities and a highly-organized equilibrium of power, and Southeast Asia, an underdeveloped subcontinent filled with fictitious states in vague, chaotic and unpredictable revolutionary ferment. So Churchill rejected Eisenhower's analogy—which did not, of course, prevent Churchill's successor as Prime Minister two years later from seeing Nasser and the Middle East in terms of 1938 and committing his nation to the Suez adventure. This time it was Eisenhower who rejected the Munich analogy.

Today the same analogy haunts us again, echoing in the corridors of Washington, with China cast in the role of Nazi Germany. "In the forties and fifties," President Johnson has said, "we took our stand in Europe to protect the freedom of those threatened by aggression. Now the center of attention has shifted to another part of the world where aggression is on the march. Our stand must be as firm as ever." The instrument of this aggression, we are told, is the war of national liberation. If this technique is permitted to succeed in Vietnam, it will be tried elsewhere. If it is defeated in Vietnam, the Chinese will know that we will not let it succeed in other countries and they will have to reconsider their policies. As Adlai Stevenson put it in a letter published after his death, "I do not think that the idea of Chinese expansionism is so fanciful that the effort to check it is irrational. . . . My hope in Vietnam is that relatively small-scale resistance now may establish the fact that changes in Asia are not to be precipitated by outside force. This was the point in the Korean War. This is the point of the conflict in Vietnam." The Secretary of State has even compared the recent manifesto by the Chinese Defense Minister, Marshall Lin Piao, to *Mein Kampf*.

This is not the place to comment on the Vietnam riddle—except to suggest that it is not to be solved by bad historical analogies. I see no evidence, for example, that we face in Southeast Asia a premeditated and coordinated plan of Chinese aggression for which the Viet Cong constitute the spearhead, nor do the Chinese appear to have the overwhelming military power or the pent-up mania for immediate expansion which would justify comparison with Hitler. As for the Lin Piao document, a careful reading shows that, far from being a Chinese blueprint for revolution around the earth, it is a message to guerrilla movements in other lands that they are on their own. But the fact that the analogy is invalid does not necessarily invalidate every aspect of the policy. I would, for example, be opposed to any precipitate American withdrawal from Vietnam. I strongly support President Johnson's objective of a negotiated settlement, and it is common sense to recognize that the other side will not negotiate so long as it thinks it can win.

My point rather is to suggest the persistence of the cast of mind which seeks to make policy through stereotype, through—historical generalization wrenched illegitimately out of the past and imposed mechanically on the future—and does so in face of Churchill's warning: "No case of this kind can be judged apart from its circumstances." I well remember President Kennedy expressing to me after the Cuban missile crisis in 1962 his fear that people would conclude from his victory that all we would have to do thereafter in dealing with the Communists was to be tough and they would collapse. The missile crisis, he pointed out, had three distinctive features: it took place in an area where we enjoyed local conventional superiority, where Soviet national security was not directly engaged and where the Russians lacked a case which they could convincingly sustain before the world. Things would be different, he said, if the situation were one where the Communists had the local superiority, where their national security was directly engaged and where they could persuade themselves and others they were in the right. Kennedy, who, like Churchill, had the skeptical mind of a first-class historian, was without illusion about the infallibility of historical analogy. Or, as Mark Twain put it in *Pudd'n'head Wilson*, "We should be careful to get out of an experience only the wisdom that is in it—and stop there; lest we be like the cat that sits down on a hot stove lid. She will never sit down on a hot stove lid again—and that is well; but also she will never sit down on a cold one any more."

In confronting the choices of our own time, our leaders would be well advised to emulate this skepticism. For history offers us no short cut to clairvoyance. If history teaches us anything, it is rather that the future is full of surprises and outwits all our certitudes. If 25 years ago, in May 1941, a speaker had predicted that before the end of the decade of the forties Germany and Japan would be well on the way to becoming close friends and allies of Britain and the United States, he would have been considered mad. If 15 years ago, in May 1950, as the Russians and Chinese were signing their 30 year pact of amity and alliance, a speaker had predicted that by the end of the fifties they would be at each other's throats, he too would have been considered mad. The chastening fact is that many of the pivotal events of our age were wholly unforeseen: from the Nazi-Soviet pact and the Tito-Stalin quarrel of years ago to such events in today's newspapers as the anti-communist upsurge in Indonesia and the overthrow of Nkrumah in Ghana—and his resurrection in Guinea.

Occasionally I read in the press that leading political figures in Washington are shaping their actions today by calculations with regard to the Democratic presidential nomination in 1972. I am sure that these men themselves are under no delusion about the hopelessness of such an undertaking. 1972 is tonight as far away from us as 1960—and no one reflecting on the unpredictability of the last six years in the United States could sensibly suppose that the next six are going to be any more predictable. I have often thought that a soothsayer trying to forecast the next three American Presidents in early 1940 would hardly have named as the first President after Roosevelt a man who was then an obscure back-bench senator from Missouri, anticipating defeat by Governor Lloyd Stark in the Democratic primaries; as the second, an unknown lieutenant colonel in the United States Army; and, as the third, a kid still at college. Yet that sequence began to unfold in less time than between now and 1972.

The salient fact about the historical process, so far as the short run is concerned, is its inscrutability. One must bear this in mind, I believe, when asked to accept drastic decisions now on the basis of someone's speculation as to what the behavior of Communist China will be a dozen years from now. In its coarsest form, this is the argument that we must have a showdown with China before it gets the bomb. This is the old preventive-war thesis we used to hear so often in the late forties: yet I do not think anyone can rationally contend that we would be better off today had we dropped the bomb on Russia twenty years ago. Having been wrong so often in the past, how can we be so sure we have achieved such infallibility now that we would risk the future of the world on a guess?

Who can possibly predict the course the Chinese Revolution will take in the years ahead? The study of revolution has shown us that the emotional and doctrinal pitch of revolutions waxes and wanes; that, while revolutions at first may devour their children in the end the children sometimes devour the revolutions that even totalitarian revolutions fail at total mass indoctrination; that a successful revolution begins to develop a stake in the status quo; that post-revolutionary generations have their own identities and aspirations; that the possession of a major nuclear arsenal has thus far had a sobering effect on the possessor; that nations follow their historic interests much more faithfully than they do their ideologies; and that there is no greater error than to try and deduce the policy of future from the rhetoric of the present. Nor does the example of Hitler and *Mein Kampf* change this. Hitler was indeed the man on the bicycle; he had to keep moving; the Nazi revolution never got beyond the first messianic phase; its nature condemned it to *Götterdämerung*. We must not forget that the Chinese revolutionary regime has already lasted five years longer than the whole life of the Third Reich—and we have seen in the case of the Soviet Union the permutation and erosion time and national interest have worked on what were once thought to be final motives and permanent objectives. With an equation so overflowing with variables, how can any one forecast now the behavior of China twenty years from now?

History, in short, offers the statesman a broad and indispensable sense of the massive movements. But it does not give him a detailed forecast of particular relationships or policies. Too often it equips his decisions with good rather than real reasons, holding out a mirror in which he contentedly sees his own face. This is not an argument against the knowledge of history; it is an argument against the shallow knowledge of history. The single analogy is never enough to penetrate a process so cunningly compounded not only of necessity but of contingency, fortuity, ignorance, accident, chance and luck. And the statesman who is sure that he can divine the future invites his own retribution. "The hardest strokes of heaven," Herbert Butterfield has written, "fall in history upon those who imagine that they can control things in a sovereign manner, playing providence not only for themselves but for the far future—reaching out into the future with the wrong kind of farsightedness, and gambling on a lot of risky calculations in which there must never be a single mistake."

What, then, should be the impact of history on policy? What has history to offer the statesman? Richard Goodwin, who served Presidents Kennedy and Johnson so well as a White House Special Assistant, has suggested two cautions:

"First, at every step you have to leave as many options open as possible and decide as little as possible; because you may be wrong, you have to leave yourself with opportunities to change your mind, to make different decisions in the future.

"Secondly, since almost all important policy judgments are speculative, you must avoid risking too much on the conviction that you are right."

Of course, agnosticism about the future cannot be permitted to sever the nerve of action in the present, but present action must confront the concrete situation and the specific circumstance. The curse of international affairs is the statesman who sees himself as philosopher and moralist—we have had some such in Washington—and proposes to resolve all questions according to a higher law visible only to himself and others of the *illuminati*. Let us pledge ourselves to an economy of means, renounce self-righteousness and not try to settle questions which do not need to be settled. Your countrymen and mine find it especially hard to forsake the pleasures of preaching to lesser breeds, but it still might be worth the effort for both of us. The hard fact is that with all our superiority, we cannot intelligently base decisions on a non-existent chart of the future; so we might as well stick to what we know.

I read the other day a sagacious letter written 70 years ago by the young Winston Churchill to a New York politician of the time, Bourke Cockran. "The duty of government," Churchill said, "is to be first of all practical. I am for makeshifts and expediency. I would like to make the people who live on this world at the same time as I do better fed and happier generally. If incidentally I benefit posterity—so much the better—but I would not sacrifice my own generation to a principle however high or a truth however great."

Such an approach may seem too modest—even, perhaps, too cynical—for those ideological statesmen whose self-righteousness has adorned our age—those confident moralists prepared with the deepest conscience and commitment to sacrifice their generation on the altar of their own metaphors. But history, never wholly silent, raises questions about the infallibility of their historical models, whether positive or negative—questions about both the all-encompassing ideology and the single analogy. Far from enabling us to look piercingly into the future, history, if we read it aright, offers us an even more valuable gift: it makes us—or should make us—understand the extreme difficulty, the intellectual peril, the moral arrogance of supposing that the future will yield itself so easily to us.

Properly understood, history must lead statesmen to a profound and humbling sense of human frailty—to a recognition of the fact, so often and so tragically destructive of our most sacred certitudes, that the possibilities of history are far richer and more various than the human intellect is likely to conceive—this; and the final understanding that, despite the limitations of our knowledge and the obscurity of our situation, we are never relieved from the necessity of meeting our responsibilities. Freedom and fatality: still the essence of the human condition.

MORE DISSENT ON VIETNAM

Mr. GRUENING. Mr. President, the dissent from our policies in southeast Asia continues—and properly so. It is rising. It takes the form of analyses of official presentations and of recommendations for new and untried approaches to a cessation of the slaughter and to peace.

A pertinent example of the former is found in Walter Lippmann's column entitled "An Old Slogan," published in the Washington Post of July 26.

An example of the latter is the leading editorial, entitled "New Opportunity in Vietnam," published in the New York Times of July 26.

I ask unanimous consent that these items be printed at this point in the RECORD.

There being no objection, the article and editorial were ordered to be printed in the RECORD, as follows:

[From the Washington Post, July 26, 1966]

TODAY AND TOMORROW: AN OLD SLOGAN

(By Walter Lippmann)

Campaigning in the Middle West the President has used as one of his main theses the cry that the war in Vietnam is a war to end wars like the one in Vietnam. "If guerrilla warfare succeeds in Asia," he said, "it can also succeed in Africa and Latin America as well." This is precisely what we all said during the First World War. That war was "a war to end war." To hear that old slogan brought out again is, to say the least, creepy. For not only did the First World War not end war, as a matter of fact it sowed the ground for the Second World War.

Presumably the President means what he is saying. But it is hard to think that anyone can believe that the outcome in Vietnam will determine whether there are guerrilla wars "in Africa and Latin America," or even in other parts of Asia. Are we really supposed to believe that the future of guerrilla warfare, that is to say of rebellion, will be determined by what happens in Vietnam?

What is the connection between the guerrilla wars waged in Ireland, Palestine, Armenia, Macedonia, Croatia, Crete, Algeria, the Congo? Were not these uprisings separate events? How can anyone deceive himself with the notion that uprisings all over the globe have some kind of underground common instigator and that they can be suppressed and discouraged by what happens in one small corner of the world?

Fifty years ago when the cry of "a war to end war" was first heard, it was used to inspire people who, themselves remote from the fighting, needed a motive to keep on with the battle. The slogan was invented by an Englishman to arouse the insular British and the isolationist Americans who, not being under fire, saw no clear vital interests which they were defending.

Mr. Johnson has dusted off the old war slogan because it is not easy to prove to the American people that they are fighting for a vital interest of the United States. In the First World War the United States did have a vital interest, which was to prevent the conquest of Great Britain and France and to keep open the Atlantic connection with Europe. This was a difficult thing to explain in the excitement of a war, and in lieu of a true explanation of the issues of the war we fell back upon the slogan of a war to end war.

In Asia the United States does indeed have a vital interest in preventing the conquest of the Asian mainland and of the islands and archipelagoes of the western Pacific. But there is no convincing reason for thinking that the war in Vietnam as it has now developed, is vital to the American interests in the world. The American position has always been that our interest in Asia must be defended and promoted without America becoming involved in such a land war as is now raging in Vietnam.

President Johnson sustained his argument about a war to end guerrilla war with loud protestations about the firmness of our intentions to preserve and to defeat guerrilla warfare. Is he sure that what people see happening in Vietnam convinces them of this? Does the deeper and deeper involvement in Vietnam indicate that we would put equal effort into another antiguerrilla war on some other continent? Or does the Vietnamese affair indicate that we would not be able to fight two or three such wars at the same time?

This is another reason for wanting to believe that this one disagreeable war, this one ever-expanding war, is the last and only war that will have to be fought. But to want to believe this does not make it believable.

[From the New York Times, July 26, 1966]

NEW OPPORTUNITY IN VIETNAM

President Ho Chi Minh's statement that there is "no trial in view" for American military prisoners in North Vietnam is a victory for the moral influence of world opinion. That victory transcends the fate of the captive airmen, for it offers hope that common sense and common humanity ultimately may prevail against the ever greater barbarism the war in Vietnam daily inflicts on both sides.

The United States has yielded to the pressure of world opinion in the past by offering peace proposals and twice suspending the bombing of North Vietnam. But this is the first time that Hanoi has shown regard for the opinion of mankind. Its decision to back away from talk of "war crimes trials" follows direct pleas from Secretary General Thant, Pope Paul VI, numerous governments and opinion leaders everywhere, including eighteen liberal American Senators. The hope now must be that reason can prevail on the broader issues of the war itself.

The conflict in Vietnam is a political struggle that, in the end, can only be resolved by political means. In politics, timing is of the essence. A number of opportunities to probe the prospects for peace have been neglected in the past. It is vital that the new atmosphere and the new opportunity opened by Hanoi's response on the prisoner issue not be missed as well.

The approach favored by American moderates and long urged by The Times has just been summed up admirably by Prof. Arthur M. Schlesinger Jr. One essential element is to stop the Americanization of the war by halting the American buildup in South Vietnam; a quarter of a million American troops is more than enough. The second vital element is a civilian Government in Saigon that can open contact with the insurgent forces. Third, is the need to build an atmosphere conducive to negotiations by tapering off the bombing of North Vietnam. Finally, efforts to reconvene the Geneva conference must be linked with broad diplomatic discussions with Moscow, Paris and other interested states to find a formula for the neutralization and economic development of Southeast Asia as a whole.

Most of all, what is needed is a clear indication that the American objective is not military victory but political settlement. The American ability to escalate the war needs no further demonstration. The need now is to halt the escalation and make a vigorous new effort to achieve peace.

DELAWARE STARTS CIVIL RIGHTS SUIT IN SUPREME COURT

Mr. MUNDT. Mr. President, Wednesday, July 20, may well go down in the history books as one of the most memorable and significant dates in American history.

In an epochal action, the State of Delaware last Wednesday asked the Supreme Court of the United States to declare unconstitutional the system under which all of a State's electoral votes are cast for the presidential candidate drawing the most popular vote, thus destroying the civil rights of those voting in the minority, since their votes in opposition are actually added to the votes cast for the winner so that the entire electoral vote of a State is cast, en bloc, for the victorious candidate.

This unique suit also points out in its highly persuasive brief that the civil rights of all American citizens who should have not only an equal right to vote but who should be entitled to have that vote counted with equality with every other vote cast by every other citizen are seriously impaired and prejudiced by the prevailing method of recording electoral votes. In fact, as it now operates, the electoral system records the single vote of an individual citizen in New York State as having more than 14 times the weight and the importance of the single vote cast by an individual citizen in the State of Delaware. No other factor except the accident of geographic residence provides for the unconscionable disparity in counting and evaluating the votes cast by American citizens for the President and Vice President of their choice.

Mr. President, under the prevailing system only the voters of New York State can be considered as first-class citizens. All other citizens of all other States are relegated downward in their citizenship status with Californians being "almost first-class citizens" and with every individual voter in every other State being markedly a "lower class citizen" until we get down to the smaller States whose citizens have only one-fifth, or one-tenth, or less than one-fourteenth the status and standing of the voter in the State of New York.

In fact, it is exactly as though a citizen in New York State were permitted to vote 14 times for President while a citizen of Delaware were permitted to vote 3 times, since an individual voter in New York State moves 14 electoral votes into the Presidential voting computations while a voter in Delaware by his vote moves only 3 electoral votes into the computations of the electoral college. Similarly, voters of all other States are penalized and downgraded by the inequities and injustices of the present electoral system which the suit of the State of Delaware now seeks to correct by its appeal to the Supreme Court of the United States.

In its memorable decision on the so-called Alabama reapportionment case of June 15, 1964, usually alluded to as Reynolds against Sims, the U.S. Supreme Court, in the prevailing opinion written by Mr. Chief Justice Warren said:

> If a State should provide that the votes of citizens of one part of the State should be given two times, or five times, or ten times the weight of votes of citizens in another part of the State, it could hardly be contended that the right to vote of those residing in the disfavored areas had not been effectively diluted. . . . It is inconceivable that a State law to the effect that, in counting votes for legislators, the votes of citizens in one part of the State would be multiplied by two, five, or ten, while the votes of persons in another area would be counted only at face value, could be constitutionally sustainable.

Mr. President, I submit that it is likewise constitutionally unsustainable to permit citizens voting for President to multiply by as much as 14 their votes cast for President.

Every State in the Union having more than a single member in the House of Representatives has been made a defendant in this suit by the State of Delaware. Already this historic suit is attracting much publicity in the press and periodicals of our Nation. I ask unanimous consent to have printed at this point in my remarks an article published under a three-column headline in the Minneapolis Tribune of July 21, 1966.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

DELAWARE SUES TO VOID U.S. ELECTORAL SYSTEM

(By Fred P. Graham)

WASHINGTON, D.C.—The State of Delaware asked the Supreme Court Wednesday to declare unconstitutional the system under which all of a state's electoral votes are cast for the presidential candidate drawing most of the popular vote.

Invoking the court's original jurisdiction to hear disputes between states, Atty. Gen. David P. Buckson of Delaware brought suit against all the other 49 states and the District of Columbia. However, he directed his legal attack specifically at New York and other states with large blocks of electoral votes.

The suit charged that a citizen of a large state exerted more political influence than a citizen of a small state because, theoretically at least, he is capable of delivering a decisive number of electoral votes.

It asks the high court to extend its one-man, one-vote doctrine to declare unconstitutional the winner-take-all or "unit vote" system of choosing presidential electors.

All states now use the unit vote system, but neither the Constitution nor federal law requires it.

According to the suit, in the early years of the republic a majority of the states used the district system to choose electors.

This method gave an electoral vote to the candidate that carried each congressional district, with each state's two senatorial electoral votes going to the candidate who carried the state.

But a few states were able to exert additional political influence by giving all their electoral votes to the candidate who carried the states, and this forced all the other states to adopt the same system, the suit said.

The result is that at present the electoral votes of the 11 largest states, plus that of any one other state, are enough to win a presidential election. These 11 states are New York, California, Pennsylvania, Illinois, Ohio, Texas, Michigan, New Jersey, Florida, Massachusetts and Indiana.

A majority, of 270 of the 538 electoral votes, is necessary to elect a president.

The defendants were listed in this descending order, extending down to the smallest states. Thus the suit is entitled Delaware v. New York, and is in fact directed at these 11 states.

Buckson said in a news conference that other small states are expected to realign themselves on the plaintiff side of the case.

New York citizens have also benefited unduly from the unit vote system by having a great chance to become president, the suit contends.

Of the 100 men nominated for president or vice president, 24 have been New Yorkers, while no citizen of Delaware has ever been nominated for either office, and Delaware and 35 other states have never had one of their citizens elected president.

"Citizens of these states are as well qualified for national office as are New York's citizens," the suit contended, but they have been overlooked because of "the premium placed upon the strategic location of potential candidates residing in New York and other large states."

In 1960, it pointed out, John F. Kennedy received 67.5 per cent of the combined electoral college votes of Illinois and Indiana when he carried Illinois by a whisker and got its 27 electoral votes. Richard M. Nixon received 51.6 per cent of the combined electoral college votes which got only Indiana's 13 electoral votes.

Mr. MUNDT. Mr. President, there is a fair and objective substitute for the inequitable electoral college situation of which Delaware rightfully complains. A number of us in Congress have for many years been advocating a constitutional amendment which would return this country to the so-called district system of choosing our Presidential electors which was intended by our constitutional forefathers and which, in fact, was used in this Republic during the first several presidential campaigns of this country's history. It was changed to the winner-take-all, en-bloc, method of choosing electors only because some early-day politicians with partisan ambitions had it altered by acts of their State legislatures to secure added political power for their respective States and this, of course, in self-defense compelled other States to follow the new, nonrepresentative pattern.

Mr. President, I ask unanimous consent that the text of Senate Joint Resolution 12, which is now before Congress, be printed at this point in my remarks. It is to be noted it has widespread, bipartisan support. It has been the subject of much testimony before the so-called Birch Bayh subcommittee studying electoral college reform. In a somewhat different version, it once was approved by a majority of the Senate, but it lacked necessary two-thirds vote at the time. However, additional support has developed for the proposal since that test vote. In my opinion, this so-called district plan, which gives every voter in America—regardless of where he lives—precisely the same "votepower" in the naming of a President solves the evils of the current electoral college system without injecting any new evils of its own. I commend it to the continued study of Congress and the country.

There being no objection, the joint resolution (S.J. Res. 12) was ordered to be printed in the RECORD, as follows:

S.J. RES. 12

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled (two-thirds of each House concurring therein), That the following article be proposed as an amendment to the Constitution of the United States which shall be valid to all intents and purposes as part of the Constitution if ratified by the legislatures of three-fourths of the several States within seven years from the date of its submission by the Congress:

"ARTICLE —

"SECTION 1. Each State shall choose a number of electors of President and Vice President equal to the whole number of Senators and Representatives to which the State may be entitled in the Congress; but no Senator or Representative, or person holding an office of trust or profit under the United States, shall be chosen an elector.

"The electors to which a State is entitled by virtue of its Senators shall be elected by the people thereof, and the electors to which it is entitled by virtue of its Representatives shall be elected by the people within single-elector districts established by the legislature thereof; such districts to be composed of compact and contiguous territory, containing as nearly as practicable the number of persons which entitled the State to one Representative in the Congress; and such districts when formed shall not be altered until another census has been taken. Before being chosen elector, each candidate for the office shall officially declare the persons for whom he will vote for President and Vice President, which declaration shall be binding on any successor. In choosing electors of President and Vice President the voters in each State shall have the qualifications requisite for electors of the most numerous branch of the State legislature, except that the legislature of any State may prescribe lesser qualifications with respect to residence therein.

"The electors shall meet in their respective States, fill any vacancies in their number as directed by the State legislature, and vote by signed ballot for President and Vice President, one of whom, at least, shall not be an inhabitant of the same State with themselves; they shall name in their ballots the person voted for as President, and in distinct ballots the person voted for as Vice President; and they shall make distinct lists of all persons voted for as President, and of all persons voted for as Vice President, and of the number of votes for each, excluding therefrom any votes for persons other than those named by an elector before he was chosen, unless one or both of the persons so named be deceased, which lists they shall sign and certify, and transmit sealed to the seat of government of the United States, directed to the President of the Senate; the President of the Senate shall, in the presence of the Senate and the House of Representatives, open all the certificates and the votes shall then be counted; the person having the greatest number of votes for President shall be the President, if such number be a majority of the whole number of electors chosen; and the person having the greatest number of votes for Vice President shall be the Vice President, if such a number be a majority of the whole number of electors chosen.

"If no person voted for as President has a majority of the whole number of electors, then from the persons having the three highest numbers on the lists of persons voted for as President, the Senate and the House of Representatives, assembled and voting as individual Members of one body, shall choose immediately, by ballot, the President; a quorum for such purpose shall be three-fourths of the whole number of the Senators and Representatives, and a majority of the whole number shall be necessary to a choice; if additional ballots be necessary, the choice on the fifth ballot shall be between the two persons having the highest number of votes on the fourth ballot.

"If no person voted for as Vice President has a majority of the whole number of electors, then the Vice President shall be chosen from the persons having the three highest numbers on the lists of persons voted for as Vice President in the same manner as herein provided for choosing the President. But no person constitutionally ineligible to the office of President shall be eligible to that of Vice President of the United States.

"SEC. 2. The Congress may by law provide for the case of the death of any of the persons from whom the Senate and the House of Representatives may choose a President or a Vice President whenever the right of choice shall have devolved upon them.

"SEC. 3. This article supersedes the second and fourth paragraphs of section 1, article II, of the Constitution, the twelfth article of amendment to the Constitution and section 4 of the twentieth article of amendment to the Constitution. Except as herein expressly provided, this article does not supersede the twenty-third article of amendment.

"SEC. 4. Electors appointed pursuant to the twenty-third article of amendment to this Constitution shall be elected by the people of such district in such manner as the Congress may direct. Before being chosen as such elector, each candidate shall officially declare the persons for whom he will vote for President and Vice President, which declaration shall be binding on any successor. Such electors shall meet in the district and perform the duties provided in section 1 of this article.

"SEC. 5. This article shall take effect on the 1st day of July following its ratification."

COMMERCE AND CONSERVATION IN THE GREAT LAKES BASIN

Mr. HART. Mr. President, the Great Lakes Commission at its semiannual meeting in Milwaukee in May adopted a number of resolutions relating to commerce and conservation in the Great Lakes Basin. I ask unanimous consent that the texts of these resolutions be printed at this point in the RECORD.

There being no objection, the resolutions were ordered to be printed in the RECORD, as follows:

RESOLUTION REGARDING IMPOSITION OF TOLLS AND USER CHARGES ON THE ST. LAWRENCE SEAWAY

Whereas the Great Lakes Commission by its resolution of January 17, 1964 stated it was opposed in principle to the imposition of tolls and user charges on the St. Lawrence Seaway, and

Whereas there is proposed by the American and Canadian entities that there be an increase in St. Lawrence Seaway tolls and imposition of lockage charges on the Welland Canal, and

Whereas such increase in tolls and lockage charges are not in the best interests of the commerce of the Great Lakes and are unfair burdens thereon: Now, therefore, be it

Resolved, That it is the recommendation of the Seaway, Navigation and Commerce Committee to the Great Lakes Commission that the Commission take a position in respect to commercial navigation: (1) that it is opposed to any increase in St. Lawrence Seaway tolls at this time, (2) that it is opposed to the existence of any St. Lawrence Seaway tolls of any kind and that they should be removed, (3) that it is opposed to any user charges on any inland waterway, and (4) that it is opposed to lockage charges on the Welland Canal.

Approved May 26, 1966.

GREAT LAKES COMMISSION.

RESOLUTION OF THE POLLUTION CONTROL COMMITTEE: RESOLUTION REGARDING ALEWIFE CONTROL IN THE GREAT LAKES

Be it resolved, by the Pollution Control Committee, That the Great Lakes Commission request the Department of Interior to conduct a survey development action program for the effective control of alewife from the Great Lakes.

Approved May 26, 1966.

GREAT LAKES COMMISSION.

RESOLUTION ON LAKE REGULATION STUDIES OF THE GREAT LAKES

The Great Lakes Commission recognizes the historic importance of a U.S. Army Corps of Engineers Report on Lake Regulation, dated December 3, 1965, in which facilities for reducing fluctuations of levels for Lakes Michigan, Huron, and Erie are deemed possible from an engineering standpoint.

The Corps report does not include total up-to-date benefits, but is indicated that the proposed project is not economically feasible under present methods for computing benefits and costs.

New methods for determination of feasibility are necessary. This position is based on recognition that:

Many benefits which are not included in present-day evaluating practices should be considered in a project of such scope as levels stabilization of the Great Lakes.

Evaluation of this project on a 50-year project life is not in the best interests of Canada and the United States. The project obviously should be evaluated on at least 100 years of project life.

Construction costs generally have risen at the rate of three or four percent per year and probably will continue to rise at this or a greater rate. Delay will result in much higher final costs. Savings that would result from early realization of the project deserve very careful study. It is reasonable to expect that benefits from stabilization will increase at an even greater rate than heretofore contemplated, and will include socio-political benefits essential to the solution of the long range North American water supply problem.

The Great Lakes Commission believes that:

Prudence and foresight dictate that fluctuations in lake levels under natural or controlled conditions must be reduced and contained within reasonable ranges of levels.

Vastly increased usage of the Great Lakes for all water resources purposes will occur over the next 100 years.

A Great Lakes level stabilization project such as that now envisioned offers unique problems which have seldom been placed in the hands of any responsible agency for engineering and economic solution.

In addition, the Great Lakes Commission believes a number of other factors call for more intensive investigation. They concern:

Need for further regulation of Lake Superior to provide additional storage to be used more directly in control of levels of the lakes below Superior.

Inclusion of potential water supply benefits in the levels studies due to the fact that the Great Lakes will be the source of huge volumes for such purposes both in Canada and the United States.

More extensive criteria for determining feasibility that can be attained by agreement between the United States and Canada, with participation by the eight bordering states of the United States and the two bordering provinces of Canada.

Channel rectification and construction of regulatory works in such a project undoubtedly will require 10 to 20 years for completion.

Agencies are functioning now which are exceptionally capable of accomplishing such a project, based on all prospective benefits.

Therefore, be it resolved, that the Great Lakes Commission commends the splendid work accomplished to date by the U.S. Army Corps of Engineers and recognizes fully the value of the organizing and planning now being undertaken by the Corps and the International Joint Commission to correct the present undesirable water level fluctuations of the Great Lakes.

The Great Lakes Commission respectfully requests the International Joint Commission to expedite its work on the water levels Reference and to foster new and modern methods for attaining a feasible, comprehensive project for levels stabilization of all the Great Lakes as soon as possible.

Approved May 26, 1966.

Great Lakes Commission.

Resolution Regarding S. 2720, the Fish Concentrate Bill

Whereas fish protein concentrate offers great promise in helping to meet the world's nutritional needs; and

Whereas the Great Lakes have a tremendous population of little-used fish, particularly alewife in Lakes Michigan and Huron; and

Whereas the size and availability of the alewife stock and its availability at reasonable cost have been well established by systematic explorations and biological evaluations; and

Whereas the Congress is currently considering S. 2720, the fish concentrate bill; and

Whereas section 2(a) of this bill would authorize the construction of five demonstration plants to experiment in the use of other types of fish and other extraction processes relating to the preparation of fish protein concentrate: Now, therefore be it

Resolved, That the Great Lakes Commission endorse this legislation and respectfully urge the Congress to establish one of the demonstration plants in the Great Lakes area with the proviso that adequate waste treatment facilities would be included and constructed as an integral part of the demonstration plant; be it further

Resolved, That a copy of this resolution be forwarded to the members of Congress representing the Great Lakes states.

Approved May 26, 1966.

Great Lakes Commission.

Resolution Regarding Federal Emergency Wetlands Acquisition Program

Whereas the Federal Emergency Wetlands Acquisition Program expires on June 30, 1968; and

Whereas less than half of the funds authorized by Congress under this program have been expended in the acquisition of nesting habitat for waterfowl; and

Whereas there is an urgent need to preserve these wetlands so vital to the perpetuation of waterfowl on the North American continent; and

Whereas these lands are being permanently converted to other uses with a resulting decline in waterfowl production habitat; and

Whereas the lands and waters of the Great Lakes basin are a part of the waterfowl flyway with waterfowl hunting being an important segment of the recreational opportunity in the region: Now, therefore be it

Resolved, That the Great Lakes Commission respectfully urges the Congress to extend this program; and be it further

Resolved, That the Emergency Wetlands Acquisition Act be amended to include a state grant-in-aid program as a means of facilitating the early acquisition of needed lands.

Approved May 26, 1966.

Great Lakes Commission.

THE AIRLINES STRIKE

Mr. FONG. Mr. President, the current mechanics' strike against five domestic airlines, which normally carry 60 percent of air travelers and about 70 percent of airfreight, already has cost Hawaii millions of dollars in tourist and related income, as well as losses in agricultural exports.

The adverse effects are fast pushing out into many areas of Hawaii's economy, causing unemployment, loss of revenue to hotels, restaurants, tour bus and rent-a-car operators, retail shops, farm producers and exporters, and loss of taxes to the State of Hawaii.

Even should the strike end today, and it is not expected to end today, the harsh impact on the people of Hawaii will continue for some time.

News articles in last Sunday's Star-Bulletin and Advertiser detail the economic losses already suffered in Hawaii and the gloomy outlook for the future.

I ask unanimous consent that these articles be printed in the Record at this point.

There being no objection, the articles were ordered to be printed in the Record, as follows:

[From the Honolulu Star-Bulletin & Advertiser, July 24, 1966]

Isles Fear Pinch Will Outlast Strike

(By Wallace Mitchell)

The airlines strike that already has cost Hawaii's economy millions of dollars may have a carry-over impact even after the jets are flying again.

Potential Mainland visitors now making vacation plans are shying away from making reservations for a Hawaiian holiday because of the uncertainty of the strike's duration, according to Robert C. Allen, executive vice president of the Hawaii Visitors Bureau.

"A number of agents on the Mainland are tearing their hair out because they're getting cancellations, although they're trying to hold their customers," Allen said.

"This we are going to feel appreciably after the strike is over because many people who would be available to visit here are making other plans at this time. They will go someplace else."

Hotels, restaurants and night spots, tour operators and resort and souvenir shops that cater to tourists already are feeling the pinch caused by the 10,000-visitors-a-week slump the strike has caused.

The effect creeps through the entire island economy as bellmen, waitresses and other service personnel in the tourist industry find themselves with less money to spend than they normally expect during this peak tourist season.

"As of tomorrow," Allen said, "the room availability on Oahu will be about 1,500 rooms.

"That will drop us down to about 85 per cent occupancy over-all at Waikiki Beach at a period when it should be 100 per cent—and of course the decline will continue well beyond that.

"On actual passenger count, as of July 20 we had lost about 10,000 visitors and we figure from here on in we'll lose 10,000 a week.

"We are almost 15 per cent behind last month and 27 per cent behind our projections for July. We've had, this month, 53,857 visitors through July 20 while last year the figure was 63,166.

"We're prepared with a program for dispersing information electronically as rapidly as we can once the strike is over on room availabilities to all the carriers and major hotel chains, which we hope will turn this tide around and get us back in business as rapidly as possible."

The rent-a-car and tour bus operators report staggering revenue losses.

"Based on our pre-book reservations from the Mainland, our business is down 50 per cent," reported Dan DiSesa, comptroller for Hertz Rent-a-Car.

"We do about half of our business at the airports, and this is business we don't think we'll ever regain. On Maiu and the Big Island we're really hurting."

Duane Probst, manager of National U-Rent, also said his Neighbor Island business had been hit the hardest.

"I would say there's probably been a 35 to 40 per cent drop in business at the airports," he said. "That's just a guess, but it's at least 30 per cent.

"Our airport business just isn't doing it," said James E. Oyer, Avis manager.

"They're doing figures that look like February or March, not July."

A spokesman for Mackenzie Tours estimated business was off at least 30 per cent, and Gray Line Hawaii Ltd. figured the drop at about 10 per cent.

A spokesman for Spencecliff Corp., Ltd., operators of a string of dining and entertainment spots in Honolulu and on Maui, reported business was off about 25 per cent during the past week in their Waikiki places, a little less on Maui.

For the Sheraton chain's Royal Hawaiian, Moana-Surfrider and Princess Kaiulani Hotels, group banquets are down 9 per cent for the first 16 days of the strike and 10 per cent off over-all in anticipated food and beverage sales.

The special event nights at the hotels were reported down by 8 per cent and expected to drop to 20 per cent off pace by the end of the month.

Robert Burns, Kahala-Hilton Hotel executive manager, said food and beverage business there now is off 20 per cent "and it's going to be off more.

"We had a good first-of-the-month business, but I'm sure that the whole month will show a 20 per cent drop."

Room occupancy was about 83 per cent, against an anticipated 100 per cent, Burns said.

This tie-in between food and beverage sales and room occupancy was echoed by Raynor Kinney, executive assistant manager for food and beverage at the Hawaiian Village Hotel.

"Food and beverage revenue depends on the house occupancy—and when that drops, as it has, that revenue drops also," Kinney said.

Shop operators have been unable to get a reading on the strike's impact on their business.

"I think it's a little too early to say," commented Richard H. Wheeler, president of Andrade & Co., Ltd., that has resort shops in the Royal Hawaiian, Moana-Surfrider and Halekulani Hotels as well as one on Kalakaua Ave. and one in the Sheraton-Maui at Kaanapali.

"The only indication we have is that it has been a depressant on the other islands where we have shops.

"We operate four resort shops here on this island—and all those are showing comfortable increases, from 7 to 30 per cent. On Maui we show a decrease at our shop in the Sheraton-Maui.

"But the traffic still is good in Waikiki and the rate of occupancy in the big hotels where we operate still is pretty good."

Mitchell Cerka, vice president and treasurer of McInerny Stores, said he believed the strike is "hurting."

"A continuation of this airline strike will definitely have an adverse effect, particularly in the Waikiki area," Cerka said.

"It is a little too early to draw any firm conclusions at the retail level because we may have as many tourists as we had last year despite the strike.

"But there's no question but what it is hurting. How much, we cannot measure as yet."

A spokesman for Liberty House also said business will suffer if the airlines stay grounded much longer.

"We're such an Island store and our customers are mostly Island people and the percentage of tourists is not high in our total traffic," the spokesman said, "so I don't believe we've noticed it although I imagine we will, like everyone else, if it doesn't end soon."

[From the Honolulu Star-Bulletin & Advertiser, July 24, 1966]

On Maui, They're Hurting

(By J. B. Johnson)

WAILUKU.—Fewer visitors are arriving on Maui because of the nation's airlines strike—and those who are coming are cutting their trips short to be available for stand-by space at Honolulu, when it opens.

Aloha Airlines here, which said it did not feel the effect of the strike "much" the previous weeks, said: "We are certainly feeling it now."

Hawaiian Airlines estimated a drop of about 3,000 passengers from its prestrike estimates for this past week.

In the U-Drive and tour field, Maui Island Tours said its business was down 20 per cent, while Paschoal's Grayline reported "little effect so far."

Hertz said that rental autos are being returned early so visitors can get back to Honolulu and start making sure of their airline space to the Mainland. Hertz also noted an increase in "no-shows" and a 20 per cent drop in business.

Hotels in the Kaanapali resort area also are experiencing a drop in business, with Sheraton-Maui reporting a loss of about 10 per cent occupancy. A spokesman said the strike "is affecting us quite a bit."

The Kaanapali Hotel had a similar report, while the Royal Lahaina said it still had "pretty good" occupancy.

In central Maui, not too much effect has been felt at the Maui Palms and Maui Hukilau Hotel.

In Hana, occupancy at Hotel Hana-Maui also reported about a 10 per cent decrease in occupancy.

As in the case of the U-drive and tour groups, the hotels also indicated that guests were leaving early in order to return to Honolulu and be available for standby space.

The Maui Chamber of Commerce, concerned about the detrimental effect of the airlines strike, sent a wire to President Johnson on July 15, asking him to consider intervening. The wire, approved by the Chamber's executive committee said: "Airlines strike detrimental to tourist industry at season's peak. Your considered intervention urgently requested."

As of Friday noon, Acting Maui County Chairman Lanny Morisaki said that the County had taken no action, but he was discussing the matter unofficially with members of the Board of Supervisors.

[From the Honolulu Star-Bulletin & Advertiser, July 24, 1966]

Kona Area Hardest Hit on Big Isle

(By Walt Southward and Bette Fay)

HILO.—The Kona area is suffering most on the Big Isle from the airlines strike.

With the Billfish Tournament concluded, fishermen and their families start returning to Honolulu today, leaving a big void in Kailua-Kona.

William Mielke, manager of the Kona Inn, said: "We've enjoyed a high occupancy during the Billfish Tournament," but hinted that things are looking a little darker already.

Eddie Tavares, manager of the King Kamehameha Hotel, also said the hotel's occupancy rate during the Billfish Tournament was "gratifying," but he admitted he didn't like the look of things for the next few weeks.

Lee Vaughn, manager of the Leialoha Hotel, voiced almost identical sentiments.

Judy Dickie at the "Dolfin" said the hotel's high occupancy won't be affected until the 26th—but after that the strike might begin to hurt.

Among the various shopkeepers in Kona, there was the feeling that money that would normally be spent on gifts was being saved in case visitors had to extend their hotel stays while waiting for transportation.

Jack Mulhull, who owns Kona's Sandal Basket, said Kona is now feeling what Waikiki has been experiencing for some days. Even if the strike ended today, he suggested, the damage already done will affect the economic status of Kona for some time to come.

Elsewhere on the Big Isle, things weren't as good as they might be, but they seemed better than the week before.

A number of firms which reported a large number of no-shows and cancellations a week ago said that the number of house guests has increased this week, and cancellations have decreased.

Typical of the comments was that of Leslie Moore, manager of the Mauna Kea Beach Hotel.

"Our occupancy has increased," Moore said. "We've recovered a little bit. It's almost back to where it was before the strike.

"We're not running full, though. It's taken some off the top, but it's really not too bad now."

Leo Lycurgus, owner of the Hilo Hotel, said, "We still have no-shows, but our business has picked up quite a bit. We're doing much better than we were a week ago."

At the Hilo Hukilau, manager Bill Brown said, "It's not bothering us a bit. We're running about 97 per cent filled.

"Our Honolulu office is really out there selling.

"We expected to start feeling it, but we're not."

At the Naniloa Hotel, manager Bill Davis said, "We're holding out pretty well so far. We're running about 90 per cent, which is slightly below our average. If it continues, I'm sure that figure will come down, though."

[From the Honolulu Star-Bulletin & Advertiser, July 24, 1966]

"Things Could Get Worse" on Kauai

(By Sean O'Neil)

LIHUE.—The prolonged airlines strike is already hurting most of the tourist-connected businesses on Kauai. And things could get worse.

Some hotels report a serious drop in hotel occupancy; though a few of the hotels aren't doing so badly, considering.

One tour company complains that business has been cut almost in half, while another reports no noticeable drop in volume as of last week.

But everyone on Kauai agrees that the island will be far more prosperous when the strike ends.

"Even when the strike does end, the industry will continue to be affected for at least two weeks," said H. S. Kawakami, Kauai director of the Hawaii Visitors Bureau.

"Things aren't so bad now, but they will worsen and last beyond a settlement. There's no question that the strike is causing a lot of mental anguish."

One certainty is that Kauai is not receiving as many arrivals as is normal for this time of year. Both airlines report that their passenger count is down from pre-strike levels.

"We're maintaining our regular schedule," said Hawaiian Airlines manager Louis T. Self. "But we're not running as many special sections as expected during the summer months."

Glenn Lovejoy, manager of the 360-room Kauai Surf, was one of the few who was bullish. "Actually, we're quite pleased. We're holding up very well," he said.

Lovejoy said the Surf has been running at 95.3 percent capacity for July, "which is even better than we did last July."

He noted that there have been some tour cancellations, but that Pan American has been doing an excellent job handling the unexpected traffic load.

"I can't explain why we're doing so well. Maybe everyone wants to stay at the Surf while they're waiting for a plane reservation."

His optimism was not shared by Bob Lloyd, head of the Prince Kuhio Hotel: "The strike hurts," Lloyd said. "We were down 25 to 30 per cent at the beginning, now we're down to 30 or 35 per cent.

"Oddly enough, tours have been our one bright spot. It appears that the more akamai tour conductors are able to get their people on the planes.

"We have a tour of over 100 in this weekend, but mid-week will look like January."

Hardest hit by the labor dispute appeared to be the ground transportation companies.

John Gilruth, manager of Achors' Gray Line, estimated that his volume is down to 60 per cent of normal.

Said Gilruth. "We've been running only 15 to 20 drivers a day, instead of 25 to 30. In other words, it's very bad.

"Every time we open the mail, we get a stack of cancellations. I've already been in contact with our Congressional representatives about the problem. This hurts the payroll."

On the other hand, Smith's Boat Service, which runs scenic trips up the Wailua River, reported: "We're still loaded; everything's sunny here. We're running a full schedule around the clock."

At the Hanalei Plantation, manager Barry Yap explained, "We dropped off for a couple of days, but we're back up to normal now. We haven't felt any major effects yet."

Then, expressing what might be on everyone else's mind, "But it's like waiting for a storm."

HOUSE-SENATE CONFEREES SHOULD MEET SOON ON SCHOOL MILK PROGRAM

Mr. PROXMIRE. Mr. President, it has been more than a week since the Senate passed legislation funding the Department of Agriculture's activities for fiscal 1967. At that time $105 million was provided for the special milk program for schoolchildren.

Now it is of the utmost importance that the House-Senate conferees meet at an early date to resolve the difference between the $103 million the House appropriated for the program and the $105 million appropriated by the Senate. After all, we are now well into fiscal 1967. School food service administrators have to make their plans for the fall semester. The Department of Agriculture has to know what sums they will be working with in promoting the program.

Of course, I hope that the conferees approve the $105 million for the school milk program provided in the Senate bill. Although I fully expect that additional amounts will have to be provided in a supplemental to fully fund the program, this amount is a start.

However, the most important step the conferees can take is to meet soon so that uncertainties over the 1967 school milk program can be resolved.

STRIP MINING IN APPALACHIA

Mr. NELSON. Mr. President, last October I introduced S. 2688, a bill to regulate present and future strip mining for the conservation and reclamation of surface and strip mined areas. The proposed Mined Lands Conservation Act would provide national protection of the surface resource where strip mining is undertaken.

The act would state Congress' recognition that the mining of minerals by the surface or strip method, both past and present, first, destroys natural beauty; second, damages the terrain for an indefinite period; third, causes erosion of the soil; fourth, contributes to stream pollution; fifth, adversely affects commercial and industrial development; sixth, damages real property; seventh, destroys forests, wildlife habitat, and other natural resources; eighth, menaces the public health and safety; ninth, cannot be made subject to uniform conservation requirements because of differing conditions from area to area; and tenth, the diversity of State regulations, or lack thereof, creates competitive disadvantages for firms operating in a given market area and thereby interferes with the orderly and fair marketing of minerals in commerce.

Mr. President, pursuant to direction by Congress as part of the Appalachian Regional Development Act of 1965, the Secretary of Interior has recently completed an interim report to the Appalachian Regional Commission. The report summarizes the Secretary's findings on the aspects of strip and surface mining in the region that most urgently need attention.

The Secretary's report deals only with the coal fields of Appalachia. His findings point to the need for greater effort in rehabilitating strip mined lands and preventing future desecration of its beauty and surface resources. The conclusions of this report apply equally to all strip mining regions in the country.

The report suggests that society as a whole must shoulder responsibility for past abuses, but the miner and consumer must share the future responsibility and cost of conservation and rehabilitation. I agree.

The public now recognizes the need for rehabilitation of damaged lands and resources, and is calling for legislation that will prevent such desecration in the future.

I ask unanimous consent to include in the RECORD at this point the conclusions of the Interim Report of the Study of Strip and Surface Mining in Appalachia, by the Secretary of Interior, to the Appalachian Regional Commission.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

CONCLUSIONS

On the basis of the data developed in this study, two broad goals can be defined; to prevent future devastation of the environment while fostering economic growth of the minerals industries, and to alleviate damage caused by past strip and surface mining operations.

It is first necessary to explore the causes of the present situation if one attempts to allocate responsibility for reclaiming past strip- and surface-mined land. The large tracts of unreclaimed land existing today have resulted essentially from past failure to recognize reclamation as a necessary part of the cost of mining and of the products resulting therefrom. Instead of requiring reclamation, society, through ignorance or apathy, accepted the alternatives—erosion, acid drainage, lowered water quality, and other detrimental after-effects—as costs of "progress." Current protests against despoilment of the land imply that now, however, the public is probably willing to pay for the reclamation of strip and surface mined lands. It is soberly realized that some of the past benefits of that "progress" involved deferred costs for which payments have come due. In other words, benefits have already been realized; we are now confronted with deferred social costs from which there is no cheap and easy escape.

For lands mined and left 'unreclaimed in the past, this former public indifference thus represents what might be considered a cost now payable by the body of our society. But, to avoid sweeping up after tomorrow's miners, it is essential that effective strip mining and reclamation regulations be established. If this is done, reclamation costs will be included in the price paid by consumers, and society will have discharged its responsibility to the future.

Although strip mining for coal has promoted the economy and security of our country, this type of mining has burdened Appalachia with a number of complex problems. Approximately 800,000 acres have been disturbed by strip coal mining in the region. The result has been acid and sediment pollution of the streams, massive slides along outslopes, destruction of forests, damage to watersheds, thousands of acres of land isolated or made hazardous by highwalls, wasted natural resources, health and safety hazards, and impaired aesthetic and economic values. Some excellent reclamation has been accomplished, but most of the damaged acreage has not been adequately reclaimed.

The study has shown a need for Federal aid in remedying the detrimental effects of past mining operations. It is concluded:

That Federal participation with States, counties, municipalities, industry, associations, and private owners will be required to implement a long-range, comprehensive program designed to deal with the adverse effects of past strip and surface mining in the Appalachian region. Two types of projects should be included in such a program.

One is the "basic reclamation" outlined in this report. This would consist of applying corrective measures to past strip-mined lands and abandoned haul roads that are contributing to detrimental off-site conditions in Appalachia. This type of project would be designed primarily to alleviate sediment and acid-pollution of streams, reduce erosion, and provide vegetative cover where the public, rather than individual landowners, would obtain the greatest benefit. For such "basic reclamation" the Federal Government will probably have to bear most of the cost.

The second type of project would include special land-use objectives, such as recreational areas, lakes, industrial and commercial sites, and others which might contribute to the economic growth of the region. Such treatment would result in the enhancement of land values; for such projects the Federal contribution may not have to be as large a percentage of the total cost of reclamation.

The study has also clearly revealed the need for controls to prevent future damage. It is concluded therefore:

That the Appalachian States should establish laws and regulations that will provide sufficient authority to regulate strip and surface mining—insure the reclamation of lands disturbed, or to prohibit such mining if reclamation is not feasible. Should the individual States fail to provide adequate controls within a reasonable period of time, the Congress can be expected to take such steps as may be necessary to protect the public interest.

To discharge the responsibilities of the Federal Government, it is concluded:

That the Federal Government should designate a central agency to administer all Federal activities related to strip and surface mining under a common set of objectives and procedural guidelines, and to correlate such activities with the total Appalachian program. Project planning, development, appraisal (including feasibility determinations), and the provision of technical assistance to Federal land-managing agencies, States, and private owners, also should be functions of the designated agency.

Several Federal agencies have competence in the various scientific disciplines related to the reclamation of strip- and surface-mined lands. Research programs, studies, and field demonstration projects are being conducted on reclamation and other related problems under Federal leadership. Certain agencies specialize in revegetation aspects of reclamation. Others are concerned with acid drainage from surface and underground mines, mine waste products, mine and refuse fires, conservation of resources, water pollution, and recreational values, all of which are interrelated. To provide a balanced program of investigation and corrective action these efforts must be correlated by one responsible agency in the interest of economy and efficiency.

Early reclamation efforts, primarily outside Appalachia, concentrated on reforestation of strip-mined lands. The knowledge and experience acquired has been successfully applied to reclamation projects located in similar environmental surroundings. Appalachia, however, presents complex and unique problems due to different physiographic, climatic, and other characteristics. Present technology does not provide complete solutions to these problems, therefore it is necessary to expand Federal programs, studies, and field demonstrations now being conducted on reclamation and other closely related problems. Specific attention should be given to mining methods and to environmental, technologic, and economic factors.

FORT SAM HOUSTON NATIONAL CEMETERY

Mr. TOWER. Mr. President, I ask unanimous consent to have printed in the RECORD a copy of a resolution passed recently by the 2d (Indian Head) Division Club of San Antonio.

The president of the club, Mr. Orbra L. Longley, was courteous enough to furnish me with a copy of the resolution, which concerns the Fort Sam Houston National Cemetery.

A similar resolution was also passed, I might add, by the Retired Service Personnel Association of San Antonio.

There being no objection, the resolution was ordered to be printed in the RECORD, as follows:

RESOLUTION ON FORT SAM HOUSTON NATIONAL CEMETERY, TEX.

Whereas there remains within the fenced area of the Fort Sam Houston National Cemetery only about 65 acres of vacant land, enough for about 13,000 graves, and

Whereas the Cemetery is rapidly reaching its burial capacity, and no provision has been made to provide additional land for its expansion, and

Whereas under the existing set-up within a few years there will be no space available to provide a veteran in this area burial in a National Cemetery, and he will be deprived of burial in sacred soil to which he is rightfully entitled under the law and under the historic policy of this Country, and

Whereas there are approximately 18 acres near the golf course and 100 acres at and near toward Dodd Field that have heretofore been reserved or future expansion of the Cemetery, and these 118 acres are now vacant, connecting and adjoining the Fort Sam Houston National Cemetery, and

Whereas it appears the policy in respect to reserving this land has now been changed, and that the Department of the Army has ordered that the present Cemetery will not be expanded beyond its present size now

Therefore be it resolved that the Second (Indian Head) Division Association, San Antonio Branch, in regular meeting held on this the 22d day of May A.D. 1966, does respectfully request the Department of the Army set aside the approximate 118 acres, aforementioned, for future expansion of the Fort Sam Houston National Cemetery, and

Be it further resolved that a copy of this resolution be sent to the National President, Second (Indian Head) Division, Inc.; to the Honorable RALPH W. YARBOROUGH and the Honorable JOHN G. TOWER, United States Senators, Texas; and the Honorable H. B. GONZALEZ and the Honorable O. C. FISHER, United States Congressmen, Texas; respectfully soliciting their support and assistance in this matter.

ORBRA L. LONGLEY,
President, Second (Indian Head) Division, San Antonio Branch.

Attest:

RICHARD B. HARN,
Secretary, Second (Indian Head) Division, San Antonio Branch.

MRS. KENNEDY THANKS HAWAII

Mr. INOUYE. Mr. President, on her departure from Hawaii, Mrs. Jacqueline Kennedy wrote a stirring tribute to the news media, the Governor, and the people of my State, for their generous efforts to make her visit a happy experience.

In recognition of these efforts by so many people of Hawaii, and as a token of my deep respect for Mrs. Kennedy, I respectfully request that her letter be entered in the CONGRESSIONAL RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

JULY 23, 1966.

DEAR SIR: As I leave Hawaii after these beautiful weeks, I should like to thank you, the Editor of the *Honolulu Advertiser* and the *Honolulu Star-Bulletin* for all that you have done to make this vacation such a perfect one for my children and for me.

I had forgotten, and my children have never known what it was like to discover a new place, unwatched and unnoticed.

It was your papers that made this possible for us, by deciding at the beginning not to follow our activities. It was completely against your interests to do this. As I understand the problems and pressures the press endures, I truly appreciate the extraordinary gesture you made.

But now I think I should not have been surprised. In this strange land everyone constantly goes out of his way to be kind to the other.

From Governor Burns, who so kindly watched over us and asked people to help make our visit private, to the driver of a vegetable truck who went out of his way to lead us several miles, when we merely asked for direction, everyone in Hawaii has been the same.

Now I know what the Aloha spirit means. I hope it is contagious—for it could change the world.

With my deep appreciation, and our deepest hopes for coming back again.

Sincerely,

JACQUELINE KENNEDY.

REPUBLICANS LOOK AT THE FUTURE

Mr. GRIFFIN. Mr. President, the Senate Republican policy committee recently issued a penetrating study of the American electorate in the mid-60's, and projected its study into the 1970's to determine the issues that must be met in order to attract a majority of the votes.

This analysis places special emphasis on the issues confronting the younger generation. It points out that the growth of the 20- to 34-year-old population in the next 20 years is over 20 million; and growth of the under-20 population in that period is over 35 million. The study declares that whichever party offers the most rational solutions to the problems facing this group may well win the "respect and long-term allegiance of this new electorate."

The State of Michigan recognizes the growing responsibility and authority of the younger generation, and is placing on the November ballot a referendum to decide whether the minimum voting age should be 18 instead of 21. For my part, I strongly favor the minimum voting age at 18.

Another problem—education—is very much in the minds of our youth. The progress of education, in large measure, depends on greater training opportunities for our teachers and for all the youth of our land.

As one of several steps in this direction, I have introduced legislation to provide a tax credit for parents sending their sons and daughters to college. I have also introduced a bill granting tax deductions to teachers continuing their education.

Mr. President, an interesting article on the Republican policy committee's study was printed in the Washington Post under John Chamberlain's byline. I ask unanimous consent that the article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

REPUBLICANS LOOK AT THE FUTURE

(By John Chamberlain)

The Republican Party hasn't distinguished itself recently either at the polls or as a "loyal opposition" in Congress. Nor does it seem to be making much effort to dramatize, through the activities of its National Committee, the issues that might be used to beat Democrats next November. Amid the general melancholy that this columnist feels when he contemplates Republican activities, however, it is a pleasure to report that some Republicans are doing a bit of solid thinking about the future of their party in the strange new world that will be upon us when the Vietnamese war has been finally trundled off stage.

The solid thinking turns up in a study, "Where the Votes Are," that has just been issued by the staff of Senator BOURKE HICKENLOOPER'S U.S. Senate Republican Policy Committee. What distinguishes this study is its almost total avoidance of the cliches of usual political discourse. Instead of gabbling about the "mainstream" or "consensus," the Hickenlooper staff has tried to map the contours of the world of the Nineteen Seventies, with an eye to determining the issues that must be met in order to attract a majority of votes.

Plunging into the thick of things after some rather lugubrious observations on falling Republican registration figures, the report observes that all the old "power centers"—labor, the farm bloc, Big Business—are losing ground to the new power group of the professional and managerial middle class. This new power group is not particularly "party minded"; it tends to vote "in terms of a reaction to problems, not an allegiance to philosophies." The new power group is accustomed to both affluence and security, and it knows little about the world of the Nineteen Thirties, which still control the politics of Lyndon Johnson's generation. In a few more years the young, with no memories of the Depression or World War II, will be taking over completely. The Hickenlooper report observes that "with citizens over age thirty-five increasing by less than 18 million, while citizens under thirty-five increase fully 61 million, certain political inevitabilites become starkly obvious."

We had a well-advertised baby boom in 1945–55. It added 25 million to the population. Ten years from now, when the babies have babies in their turn, a "hospital-busting 46 million increase will begin." So politics will become that art of accommodating to crowds, crowds, crowds.

It will be a "school-centered society," preoccupied with the problem of educating new millions. It will be increasingly worried about providing the young with adequate teachers, and "in less than 10 years we'll have more teachers voting than farmers." (Exit the farm bloc, enter the educationist bloc.)

The farms of America will be businesses, many of which will not be doing actual farming.

The Hickenlooper report argues that the "small" irritants of yesterday will become the "major, nerve shattering issues of today and tomorrow." Pollution will be our biggest headache. The politician will be judged on his responses to the problem of getting sewage and industrial wastes out of Lake

Erie or the Connecticut River, and smoke and grime and sulfur out of the metropolitan air. The Hickenlooper group doesn't want to see Washington becoming the "senior partner" in the politics of meeting the problems of the new world. It notes that an "eight-state Ohio River Compact Commission" is even now using its authority to compel industries in the Ohio Basin to "return to the river water as pure or purer than that withdrawn." With reference to the growth of the Negro population, the report observes that "Republicans could sponsor a wide variety of training programs, even financial assistance programs, to enable the nonwhite to learn business and commercial operations, to become managers or owners of the many, many service-type establishments needed in urban areas."

This is constructive Republicanism, something for every Republican to go to work on, whether his name be Rockefeller, or Reagan, or Romney, or just plain Joe Doakes.

PROPOSED TRIALS OF AMERICAN SOLDIERS AS WAR CRIMINALS BY NORTH VIETNAM

Mr. TALMADGE. Mr. President, the recent North Vietnamese threat to try captured American soldiers as war criminals is fraught with great peril, for if such trials were to be conducted, and if our airmen were to be executed, the United States would have no other choice but to take devastating retaliatory action. In my opinion, an infuriated American public would demand such retaliation.

In view of the reaction to his threat, not only in America but throughout most of the world as well, Ho Chi Minh appears to be backing down some. He is wise to do so.

Moreover, the Hanoi government would be wise also to call a halt to the brutal murder of wounded American fighting men such as that reported in eyewitness accounts yesterday. We cannot and will not tolerate such atrocities; and, if they are repeated, the wrath of the American people is certain to be felt in North Vietnam as never before, and as it should be.

Mr. President, the Macon, Ga., Telegraph of July 20 and the Augusta, Ga., Herald of July 19 published excellent editorials concerning the Communist threat to try captured U.S. servicemen. I invite the attention of the Senate to them and ask unanimous consent that they be printed in the Record.

There being no objection, the editorials were ordered to be printed in the Record, as follows:

[From the Macon (Ga.) Telegraph, July 20, 1966]

Execution of Prisoners Would Invite Reprisal

The ground rules of war require prisoners to be protected against violence, intimidation, insult, and public curiosity. The North Vietnamese already have violated the rules by marching captured American airmen through the streets of Hanoi under armed escort.

A real rupture of the rules will occur if, as suggested in wire dispatches from other Communist capitals, the airmen are put on trial as "war criminals."

The 1949 Geneva Convention on Prisoners of War which forbids such treatment, "to all cases of declared war or any other armed conflict." North Viet Nam signed the accord in 1957.

What is atrocity and what is playing the game by the rules in the agonizing illogic of modern war is a dilemma usually reserved for civilians. At least one GI prisoner of war has been murdered by the Viet Cong in reprisal for the execution in Saigon of VC terrorists. On the other hand, there have been reports published of atrocities by the South Vietnamese. What happens in the heat of battle is perhaps understandable, if not excusable.

Should Hanoi try and execute the captured American pilots, this nation's anger is certain to be great. Such action by the North Vietnamese would invite retaliation in one form or another.

James Reston of the New York Times has written: "Nobody who knows anything about Lyndon Johnson can have much doubt about the severity of his reaction if the fliers he sent into North Viet Nam are executed against the standards of international law for carrying out his orders."

The United States never ratified the 1925 Geneva Convention against chemical-biological warfare. But in 1948 President Roosevelt pledged that the U.S. would not use gas-germ weapons except in retaliation.

Executing or even cruelly punishing or humiliating our airmen is bound to arouse the American public and in the long run hurt the North Vietnamese. We hope Hanoi has the good sense to realize that.

[From the Augusta (Ga.) Herald, July 19, 1966]

Warnings to Hanoi

It is very difficult to imagine any North Vietnamese action which would redound more to their own disadvantage than the threatened war criminal trial by Hanoi of captured members of the U.S. armed forces.

On every hand there is reflected the intense outrage and purpose to all-out retaliation which the projected "trials" seems uniformly to arouse. From President to pundit to public the sentiment appears uniform; such trials, certainly any executions resulting therefrom, would unquestionably loose unrestrained fury upon the perpetrators.

The UN's U Thant and Britain's Harold Wilson, both of whom look with disfavor upon U.S. activity in Viet Nam, have urged the captors of the Americans to abandon any thought of trials.

Escalation of the war would be immeasurably intensified, most likely with firm public support and demand. No one as attuned to public sentiment as President Johnson usually is can be unaware that the Administration has lagged behind apparent public opinion in the tempo of the war. Approval of the stepped-up offensive is general.

Of course most of us, despising the war in the deepest recesses of our being, do not wish to unleash U. S. fury without restraint. Such warfare must inevitably destroy multitudes of bystanding Vietnamese civilians. Like as not, as the might of our war machine rolled over the small nation, destroying and killing, the few leaders really guilty would troop off into Red China, whole of limb and skin, leaving the hapless civilians to suffer for the misdeeds of the leadership.

Let the clearest words, such as those delivered by Secretary of State Rusk yesterday, inform Hanoi of U.S. feeling and determination. No possible doubt should be permitted about the sureness of swift retaliation. The blistering destruction which would fall upon the North Vietnamese would bring no glory to the U.S., but any action short of the most extreme would be unacceptable to the American public.

There is some possibility that, despite the blustering and attempted menace in Sunday's statements by the northern president, Ho Chi Minh, Hanoi has gotten the message. For there had been speculation that the announcement would include information relating to the captive U.S. service men, and likely also to the matter of trials. No mention was made, however, of the prisoners and their fate.

THE HEROIC WORK OF FRANK MRKVA

Mr. CURTIS. Mr. President, it is the strong and sincere desire of all of us that true patriotism shall always remain alive and vibrant in this free country of ours, and I believe we should give public recognition to outstanding examples of it when they occur.

Today, Mr. President, I ask this honorable body to join me in saying thanks to a young man who risked his life for 4½ years in silent devotion to duty and love for this country. Because of his contribution, 180 million Americans are a little bit safer in their homes today.

The name of this young man is Frank Mrkva, and he is the General Services officer in the Passport Office at the Department of State. He has been a Government employee for about 11 years and has risen from the grade of G–3 to G–11 through dedication of his time and talents to his job. Four and a half years ago he began doing double duty for single pay for his country with the knowledge only of his immediate superiors and high officials of the Federal Bureau of Investigation.

A Communist diplomat from Czechoslovakia befriended Mr. Mrkva in the course of official business and began trying to get certain information and documents from him. Mr. Mrkva reported the developments to Mr. Robert Johnson, his immediate superior, the Chief Counsel and Chief Security Officer of the Passport Office. With the additional knowledge only of Mr. Johnson's administrative aid, Mrs. Constance Lumardi, and Miss Frances G. Knight, Director of the Passport Office, the matter was reported to the FBI and Mr. Mrkva began his harrowing double life. Miss Knight and these other two people in the Passport Office are entitled to great credit also. They told no one, not even the high officials in the State Department.

Mr. Mrkva's initial meeting was with Zdenek Pisk, then Third Secretary and later Second Secretary of the Czechoslovakian Embassy. At Pisk's invitation, Mr. Mrkva attended social functions at the Embassy, to which he had been accustomed to delivering and waiting for passports in his job as visa courier in the Passport Division.

The first overt act by Pisk to enlist Mr. Mrkva into the Czechoslovakian espionage network was on November 30, 1961, when he invited Mr. Mrkva to dinner at a metropolitan restaurant and asked him numerous questions about his family, background, relatives in Czechoslovakia and State Department duties. There followed, from November 1961 to July 1966, a total of 48 meetings by Mr. Mrkva with Czechoslovakian officials—11 with Pisk and later 37 with a second agent, Jiri Opatrny, an attache of the Czechoslovakian Embassy who took over the spy operations from Pisk in May 1963.

The two Czech agents paid Mr. Mrkva a total of $3,440 which the American Government employee turned over to the FBI as the payments were made for him to perform certain functions requested by the Czechs.

Most of the meetings were held in the Maryland suburbs of Washington and on the park benches in Northwest Washington. One was held in front of a theater in Northeast Washington, one in Southeast Washington, and another in a Virginia suburban shopping center.

During the entire period of his contact with the Czech espionage agents, Mr. Mrkva acted with full knowledge and guidance of the FBI and his superiors in the Passport Office. At the beginning, he supplied such inconsequential items as a State Department telephone book to the Czech agents. Later he transmitted press releases and certain administrative reports which had been cleared by the FBI. As his relationship with the Czechoslovakian agents progressed, the Communists' interests became more specific. They wanted to obtain a blank U.S. passport of a new series. They wanted information concerning rooms and locations of high officials in the State Department dealing with Czechoslovakian affairs. Finally, they asked Mr. Mrkva to place a listening device—a "bugging" mechanism, if you please—in the office of Mr. Raymond Lisle, Director of the Office of Eastern European Affairs.

Mr. Mrkva, again with FBI clearance, provided Czech Agent Opatrny with a General Services Administration catalog of Government furniture to aid in designing the listening device so that it could be placed unobtrusively in Mr. Lisle's office. This was in December 1965.

After several more meetings, Opatrny delivered an electronic "bugging" device to Mr. Mrkva on May 29, 1966. The device could be activated and deactivated by remote control and was to be placed in the base of a bookcase in Mr. Lisle's office. Opatrny promised to pay Mr. Mrkva $1,000 for making the installation. Mr. Mrkva turned the device over to FBI agents in the State Department Building.

On July 9, 1966, Opatrny contacted Mr. Mrkva to tell him the device was not working and he could not understand the reason, since the mechanism had operated correctly for 20 minutes after Mr. Mrkva had left it in the State Department. Mr. Mrkva replied that he had dropped the device and that it apparently had broken. The Communist agent asked Mr. Mrkva for the return of the mechanism so that it could be sent to Prague for inspection and repair. At their last meeting on July 6, 1966, Opatrny told Mr. Mrkva it was important for them to work closely together because there were other offices, such as that of Under Secretary of State George Ball, which the Communists wanted to "bug."

Shortly before the story was made public, the State Department was informed of the years of hazardous work of Mr. Mrkva and the Department then summoned the Second Secretary of the Czechoslovakian Embassy Miloslav Chrobok and notified him that Opatrny was engaged in activities unacceptable to the United States, and demanded that he leave the country within 3 days. The other Czech agent involved, Zdenek Pisk, was transferred out of the United States in 1963 and only last May returned to this country on reassignment to the Czechoslovakian mission at the United Nations. The State Department has notified the Secretary General of the United Nations concerning Pisk's previous activities in the United States. This whole story, Mr. President, points up the importance of loyal, hard-working employees to a Government agency and especially to one as sensitive as the Department of State.

There were times, as I understand it, when the Communist agents played upon Mr. Mrkva's sympathy and particularly his humble childhood in an attempt to convert him to their philosophy calling for the overthrow of our great Republic. Besides their financial efforts, including a suggestion that they might pick up the mortgage payments on his home and finance an operation needed by his daughter, they made attempts to interest him in Communist ideology. They tried to exploit the fact that his father and mother immigrated to this country from Czechoslovakia, and that his father at times during his childhood held down two jobs to feed, clothe, and shelter the family. Mr. Mrkva's father and mother can be proud today of the son they reared who, in the best traditions of service to the U.S. Government, demonstrated the strong character that has made this country free and great.

Our thanks also should go to Mr. Mrkva's wife and children, who certainly lived in some fear and who with Mr. Mrkva today share some concern about possible future threats to their well-being because of the service he performed to the United States.

Mr. President, I am sure that I speak for the entire Senate and all patriotic Americans everywhere in commending and congratulating Mr. Mrkva for his great contribution to the Nation. I am also submitting copies of two letters of commendation for insertion in the Record at this point, one from Mr. J. Edgar Hoover, Director of the Federal Bureau of Investigation, and the other from Frances G. Knight, Director of the Passport Office, praising Mr. Mrkva for his work. I would also like to include in my remarks the State Department's release making the story public.

The work of this Government employee, besides reflecting true loyalty and patriotism of the highest form, is one of the greatest counterespionage performances in the history of the United States. He has brought credit to those sturdy patriotic people—the Americans of Czech descent.

There being no objection, the material was ordered to be printed in the Record, as follows:

FEDERAL BUREAU OF INVESTIGATION,
U.S. DEPARTMENT OF JUSTICE,
Washington, D.C., July 18, 1966.

Mr. FRANK JOHN MRKVA,
Administrative Division, Passport Office,
Department of State,
Washington, D.C.

DEAR MR. MRKVA: I should like to take this opportunity to extend my personal thanks and congratulations to you for your splendid cooperation with this Bureau in the matter involving Czech intelligence efforts to plant a listening device in the Department of State.

I realize that your contribution has involved many personal sacrifices and much inconvenience to you and your family. However, it is through such cooperation of patriotic citizens that the FBI can fulfill its responsibilities in the internal security field.

My heartfelt thanks are extended to you and your family.

Sincerely yours,

J. EDGAR HOOVER.

DEPARTMENT OF STATE,
Washington, July 20, 1966.

Mr. FRANK J. MRKVA,
Westgate Woods,
Lanham, Md.

DEAR FRANK: I want you to know how very proud your colleagues and I are to be associated with you. It is not often that one gets the opportunity to render service to one's country "beyond the call of duty." But this opportunity did come to you and you filled it in every way.

All of us can hold our heads high in the knowledge that within the Passport Office family we have such dedication to country and devotion to duty.

On behalf of the staff, I extend to you our congratulations and heartfelt thanks for a job well done.

Sincerely,

FRANCES G. KNIGHT,
Director, Passport Office.

CZECHOSLOVAKIAN ESPIONAGE EXPOSED

An effort by Communist agents to plant an electronic listening device in the State Department building has been balked by the Federal Bureau of Investigation with the cooperation of a State Department employee who acted as a double agent for more than four years.

Two members of the Czechoslovakian Embassy in Washington were directly implicated in this espionage operation. The first, Zdenek Pisk served here as Third Secretary and later as Second Secretary of the Czechoslovakian Embassy. Pisk departed the United States on May 8, 1963, but recently returned and now occupies the post of First Secretary at the Czechoslovakian United Nations Mission in New York City. The second agent, Jiri Opatrny, presently an Attache of the Czechoslovakian Embassy here, took over the spy operation from Pisk upon his departure in May 1963.

In 1961, Pisk became acquainted with Frank John Mrkva, an employee of the State Department, whose official duties included messenger runs to the Czechoslovakian Embassy. At Pisk's invitation, Mr. Mrkva attended social functions at the Czechoslovakian Embassy. The first overt act on the part of Pisk to enlist Mr. Mrkva into the Czechoslovakian espionage activities was on November 30, 1961. Pisk invited Mr. Mrkva to dinner at a metropolitan restaurant, where he asked him numerous questions about his family, background, relatives in Czechoslovakia, and his duties at the State Department.

There followed, over the period from November 1961 up to the present month of July, 1966, a series of 48 meetings—eleven with Pisk and later 37 with Opatrny—during which the two Czech spies paid Mr. Mrkva a total of $3,440. Most of these meetings were held in the Maryland suburbs, on park benches in Northwest Washington, one in front of a theater in Northeast Washington, one in Southeast Washington and another in a Virginia suburban shopping center.

From time to time Mr. Mrkva supplied the Czech spies with unclassified papers such as a State Department telephone book, press releases and administrative reports which had been cleared for transmittal.

During the entire period of his contact with the Czech espionage agents, Mr. Mrkva acted with the full knowledge and guidance of the Federal Bureau of Investigation and appropriate officials of the Department of State.

As the relationship between Mr. Mrkva and the Czech agents matured, the latter's interests became more specific. Could Mr. Mrkva obtain a blank U.S. passport of the new series? Could he provide information concerning the rooms and locations of the officers of the Department dealing with Czech affairs—particularly concerning the Director of the Office of Eastern European Affairs and the conference room and for his staff meetings?

In May of 1965, Opatrny revealed his interest in placing listening devices in various offices in the State Department. Mr. Mrkva subsequently provided Opatrny with a General Services Administration catalog of government furniture in December of 1965. This was to be used in designing the listening device in such a fashion that it could unobtrusively be introduced into an office in the State Department.

After many more supposedly clandestine meetings, on May 29, 1966, Opatrny delivered to Mr. Mrkva an electronic listening device which could be activated and deactivated by remote control to be placed in the base of the bookcase in the office of Mr. Raymond Lisle, Director of the Office of Eastern European Affairs. Opatrny promised Mr. Mrkva $1,000 for the installation. The device was immediately turned over to FBI agents in the State Department Building by Mr. Mrkva.

On June 9, 1966 Opatrny intercepted Mr. Mrkva to tell him the device was not working, and he could not understand the reason, as it had operated successfully for 20 minutes after Mr. Mrkva had left it in the State Department. When told by Mr. Mrkva that he had dropped the device presumably making it inoperable, Opatrny then instructed Mr. Mrkva to return the device so that it could be sent to Prague for inspection and repair. Disputes over bad faith on the part of Opatrny in connection with payments due for past services was justification on the part of Mr. Mrkva to stall in carrying out the instruction to return the device.

At their last meeting on July 6, 1966, Opatrny told Mr. Mrkva that they should work closely together. There are other offices like that of Under Secretary of State Ball's in which they would want to place a device. "We want to bring the first device to a conclusion. Everyone wants to know what is wrong with it," Opatrny said.

In the absence of the Ambassador and the Deputy Chief of Mission, the Second Secretary of the Czechoslovakian Embasy, Miloslav Chrobok was called into the State Department earlier this afternoon by Mr. Walter J. Stoessel, Jr., Acting Assistant Secretary for European Affairs.

He was informed that Mr. Opatrny has engaged in activities incompatible with the accepted norms of official conduct. We find his continued presence in the U.S. no longer agreeable to the Government of the U.S. and have requested therefore, that he depart from the U.S. as soon as possible and in any case within three days.

As indicated previously the other Czech agent concerned, Mr. Pisk, was transferred outside the U.S. in 1963. He was reassigned by the Czech Government to their mission at the United Nations in New York last May. The Secretary General is being informed of his previous activities.

For his outstanding contribution to his government, Mr. Mrkva is receiving a spot promotion. He is also being recommended for an Honor Award which will be presented at the Department's Annual Awards Ceremony.

FRANK JOHN MRKVA: A MAN INVOLVED

Mr. HRUSKA. Mr. President, several days ago, the Federal Bureau of Investigation disclosed that a General Services officer of the Passport Office, Department of State, had acted as a double agent for 4 years to thwart an attempt by two Czechoslovak diplomats to spy on the State Department office.

Since then, much has been written about Frank John Mrkva. It is a privilege to record my gratitude and extend my congratulations to this loyal citizen.

Frank Mrkva has been a member of the Passport Office staff since May 1955, and performed his assigned duties in an outstanding manner.

In 1961, he was approached by a Czechoslovakian Embassy official. This was the first overt act of a scheme to enlist him into espionage activities. Frank Mrkva immediately contacted Mr. Robert Johnson, Chief Counsel of the Passport Office. Mr. Johnson advised the Office's able Director, Miss Frances G. Knight, and they contacted the FBI.

For 4, long years, the FBI directed and coordinated the project. During this time, Frank Mrkva was unable to reveal his participation to friend or family.

He met with these foreign spies about 50 times. He was obviously deeply involved. And, apart from everything else that can be learned from the Mrkva story, I would like to emphasize his involvement.

I have talked with him about his experiences. He is an unassuming man. He struck me as a man who will do just what he feels is right. He is a committed individual—to his family, to his job, and to his country.

Allow me to draw a contrast. In the early part of 1964, the country was shocked at the report from New York City that for more than half an hour 38 respectable, law-abiding citizens watched a killer stalk and stab 28-year-old Catherine Genovese as she was returning home from work. Heard most often in subsequent discussions with these witnesses was the plaint: "I just did not want to become involved."

There are numerous examples of similar instances occurring both before and after the great publicity surrounding Catherine Genovese's death. I have used her case simply as illustrative of an attitude still prevalent today.

Crime costs us $27 billion per year. Is this the type of statistic which is needed to eliminate citizen apathy? Cries for help apparently are sometimes inadequate.

It may be that crime will continue as long as mentally and emotionally deranged individuals are loose in society. But what about the morally weak and the mentally defective? As long as the mental climate is tolerant of crime, these elements are encouraged.

As long as the citizen refrains from becoming personally involved, crime will continue to flourish. Every seemingly innocent bet placed with a cigar store bookmaker fans this flame.

Around the country, more and more civic organizations are joining in the campaign against crime. They are conducting effective campaigns for higher police pay, better equipment, stronger law enforcement.

The drive is making headway, but it has a long way to go. And it needs a broader base. It needs more individual commitment.

Thus, it is especially satisfying to study the example of Frank Mrkva. This man has lived through a period of intense individual involvement which stands as a lesson to us all. I know he has the deep and lasting appreciation of his fellow citizens.

As Miss Knight pointed out in a letter to her staff:

> All of us do not get the opportunity to render such outstanding service to our country as did Frank Mrkva but we can serve by being constantly alert to such dangers.

DIFFICULTIES OF NEGRO MILITARY PERSONNEL IN OBTAINING OFF-BASE HOUSING

Mr. HART. Mr. President, recently I received a copy of a letter which the American Veterans Committee addressed to the Honorable Thomas D. Morris, Assistant Secretary of Defense for Manpower.

This letter cites examples of the difficulties Negro military personnel are having across our land in their efforts to obtain off-base housing. I suggest these examples and the many contained in the Department of Defense report which I included in my statement before the Senate Constitutional Rights Subcommittee underline the critical need for enactment of title IV of the civil rights bill now before the Congress.

I ask unanimous consent that the letter be printed in the RECORD at this point.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

AMERICAN VETERANS COMMITTEE, INC.,
Washington, D.C., July 18, 1966.

HON. THOMAS D. MORRIS,
Assistant Secretary of Defense for Manpower,
The Pentagon, Washington, D.C.

DEAR MR. MORRIS: The American Veterans Committee is seriously concerned with the effects of off-base housing discrimination of Negro military personnel. Not only is it a blight on our society, but it constitutes a threat to our national security. It has been stated and documented over and over again that the morale of servicemen is lowered when they encounter discrimination. The chief hardship that Negro servicemen encounter off-base is discrimination in housing.

tors in urging that the St. Lawrence Seaway Development Corporation, recently downgraded in the Department of Commerce hierarchy, become a part of the proposed new Department of Transportation.

3. Six Midwest governors, representing the 13-state Midwest Governors Conference, met here with President Johnson and the conference's congressional delegations to call for a moratorium on increasing seaway tolls.

Hearings were held in Chicago last month on a proposal to increase tolls by 10 percent so that the debt could be paid off on time, but the Department of Commerce is yet to make known its recommendations. By law, the decision, put off two years, must be made this year.

The $470 million seaway, opened in 1959, was financed by bonds, with Canada bearing 70 percent of the cost. The U.S. is currently about $10 million behind in its debt interest payments on the construction and Canada is some $60 million in arrears.

Reuss, calling the financial burden on the seaway "onerous and grossly inequitable," would convert the present revenue bonds to capital stock. The 50-year payback requirement would be eliminated and the stock would be expected to pay a cumulative dividend of 3.45 percent.

The Wisconsin congressman noted that the St. Lawrence Seaway "is virtually the only transportation system which is by law required not only to cover its own operating and maintenance costs but also to pay interest at the going rate and to amortize the capital investment over a relatively short period."

Some observers noted that the Reuss proposal may involve jumping to a solution of the debt problem before negotiations with the Canadian government on the question.

The Canadians are also pondering a 10 percent increase in tolls but a final answer is not expected until discussions between the two governments are completed.

Great Lakes and inland interests want to hold down tolls, or even eliminate some of them, in order to encourage a higher traffic volume. East coast and Gulf port and railroad interests want to boost the tolls because of seaway competition.

The Reuss bill has been referred to the House Public Works Committee chaired by Representative George H. Fallon, Democrat, of Maryland. He is chairman of the National Committee for a non-Subsidized Seaway, which urged an increase in tolls at the Chicago hearings.

ESTABLISHMENT OF A BANK FOR RURAL COOPERATIVES

Mr. TOWER. Mr. President, Mr. O. W. Davis, general manager of the Guadalupe Valley Electric Cooperative, Inc., of Gonzales, Tex., was kind enough to send me a copy of a resolution passed by the members of the cooperative recently at one of their annual meetings. The resolution concerns S. 3337.

I ask unanimous consent to have the resolution printed at this point in the Record.

There being no objection, the resolution was ordered to be printed in the Record, as follows:

The following resolution was adopted at the Annual Meeting of the Guadalupe Valley Electric Cooperative, Inc. on June 24, 1966 at Gonzales, Tex.

"Whereas the rural electric cooperatives have served the rural areas of the nation for many years and have continued to provide adequate and dependable electric service, and,

"Whereas the demand for electricity by rural residents continues to increase, requiring larger amounts of capital to build new extensions and replace existing lines with ones of greater capacity, and,

"Whereas the Rural Electric Administration has been providing capital for such construction through loans which are repaid with interest, but this source of loans has not been sufficient to meet demands in recent years and will be even less able to meet the demands of the future, and,

"Whereas legislation providing supplemental financing for rural electric cooperatives has been introduced in the National Congress whereby the current REA program of 2% loans will be continued for systems requiring such capital and a supplemental financing program through a Bank for Rural Electric Systems at higher rates of interest, with eventual control of the bank to be in the hands of the cooperatives, moving them toward eventual financial self-sufficiency, now, therefore be it

"*Resolved,* That the members assembled at this 27th Annual Meeting of the Guadalupe Valley Electric Cooperative, Inc. hereby endorse the legislation introduced by Congressman Bob Poage of Texas which provides for the establishment of a Bank for rural electric cooperatives, and, be it further

"*Resolved,* That copies of this resolution be forwarded to the Texas Senators and to members of the House, representing this area."

PROPOSED EXTENSION OF WEST FRONT OF THE CAPITOL

Mr. DOUGLAS. Mr. President, the Senate Committee on Appropriations yesterday took action which I feel will have a far-ranging effect on our efforts to preserve the Capitol from architectural ruin. The efforts of the present Capitol Architect to renovate the west wing of the building have attracted national attention and dismay from individuals interested in preserving the building from further alterations.

I have long supported proposals that Capitol restoration be supervised by a commission of competent architects and individuals experienced in the preservation of our national heritage. I feel that the Committee on Appropriations be commended for its constructive action in seeking to avoid the destruction of the Capitol. Now perhaps we can proceed with a coordinated plan for renovating the Capitol according to principles which will allow it to continue as a great national shrine of the American people.

I ask unanimous consent to have printed in the Record articles which were published in the Columbus Sunday Dispatch of July 17, the Washington Post of July 24, and the Washington Post of July 26.

There being no objection, the articles were ordered to be printed in the Record, as follows:

[From the Columbus (Ohio) Dispatch, July 17, 1966]

Architect's Plan To Extend Capitol Draws Fire but General Public Seemingly Is Uninterested in $34 Million Project

(By William McGaffin)

"Oh, architect spare our capitol,
Touch not a single stone.
In youth, it sheltered our republic.
Oh, please let it alone."

Washington.—"Oh, architect spare our capitol."

This is how Senator Paul H. Douglas, Democrat, of Illinois, summed up his feelings in the Senate recently about what he describes as "the arrogant plan" of J. George Stewart, the architect of the Capitol, to extend the west front of the Capitol Building.

Douglas told his constituents in his latest newsletter that Stewart's proposal not only would be "outlandishly costly"—an estimated $34,000,000—"but it would deface one of the great architectural achievements of this nation."

Douglas' outcry, however, has only produced six letters on the subject.

A similar public apathy is reflected in the mail of house speaker John W. McCormack, Democrat, of Massachusetts. He told reporters this week that his mail is "running about even" for and against the extension. Then, with a grin, he disclosed that he had received "two letters for it and two against it."

It generally is agreed that the west front of the Capitol has cracked and crumbled and reached such a dilapidated state that something must be done about it. A controversy has flared in Congress, however, because of Stewart's proposal.

Instead of merely repairing and strengthening the front, or replacing the old sandstone with marble, Stewart's plan calls for moving the whole front out. The central section, completed in the 1920's, would be extended 44 feet. The House and Senate wings, built about 1817, would be extended 88 feet.

Architect Stewart who, incidentally, is not an architect, bases his argument on a safety factor. An engineering firm that he engaged to inspect the building backs his assertion that the extra building on the west front is essential to shore up the whole Capitol and prevent it from a possible collapse.

Stewart's critics, who are numerous, declare that this is simply another example of his passion for wasting the taxpayers' funds on buildings that are not only unnecessary but are done in exercrable taste. Stewart has been blamed for the Rayburn Building, the new Senate Office Building, and the extension of the east front of the Capitol.

In many cases, however, he has been a lightning rod, absorbing criticism that should be directed at Congress. For Stewart could not move without the authorization and financing provided by a willing Congress.

Congress created a bipartisan group 11 years ago known as the commission for extension of the U.S. Capitol. Its members today include McCormack, Dirksen, Vice President Hubert H. Humphrey, House Republican Leader Gerald Ford of Michigan, and Stewart.

About four weeks ago, three members of this commission—Dirksen, McCormack and Stewart—met and approved Stewart's $34,000,000 proposal for extending the west front. Now, all that remains to be done, according to Dirksen, is for Congress to appropriate the necessary money to get the project started.

The critics charge that the commission members were stretching the law that created their little group when they took this action without holding hearings, or going to the whole Congress for approval. But Dirksen denies this. He also excuses the action taken with only three members of the commission present on the ground that this constituted a quorum.

But unless the public gets more excited than it has to date, the project obviously is going to sail through Congress exactly as approved by the three members of the commission.

[From the Washington Post, July 24, 1966]

A Further Outlook: Lesser Minds Fiddle With What Fathers Fussed Over

(By Wolf Von Eckardt)

Although busy enough making independence and self-government work, George Washington and Thomas Jefferson worried

As veterans of two world wars and the Korean conflict and the current Vietnam war, we are shocked at the pervasiveness and extent of the ignominious treatment and hardships suffered by Negro servicemen and their families when they seek to obtain decent housing off-base.

Early this year, in January, representatives of the American Veterans Committee and the Metropolitan Housing Program of the American Friends Service Committee met with Mr. Jack Moskowitz, Deputy Assistant Secretary of Defense for Civil Rights and Industrial Relations and members of his staff, to discuss the problems of Negro servicemen in obtaining adequate housing. During that meeting, the hardships to Negro families in this area in their fruitless attempts to get adequate off-base housing, were cited with full documentation of a number of cases.

During that meeting, Mr. Moskowitz told us that he was going to request briefings from the commanders of the military installations in the Washington area as to how they were meeting the housing needs of their Negro personnel. He suggested that Washington, as the Nation's Capital, might serve as a pilot area for insuring Negro families equal opportunity in obtaining off-base housing as soon as the various installations had been surveyed. Mr. Moskowitz indicated he would inform us of his findings. (See copy of letter to Mr. Moskowitz.)

We were told in early April that only 2 briefings were held, that 2 more were scheduled and that by the end of the month, we would be called. To date, we have not heard any report of the findings of the briefings nor have we had the opportunity to meet with Mr. Moskowitz concerning the findings of the briefings.

One of the objectives of the briefings as we understood them was to find out whether military commanders, in order to carry out the spirit and letter of the Department of Defense Directive 5120.36, dated July 26, 1963, "Equal Opportunity in the Armed Forces," needed stronger guidance and direction from the Secretary of its Department.

Last month, in response to a request from Senator Philip Hart of Michigan, the Department of Defense prepared a report at his request, "Racial Discrimination Against Negro and Other Minority Group Servicemen and Their Dependents in Off-Base Housing." The report again highlights the seriousness of the problem of off-base housing for Negro servicemen. "Adequate, decent off-base housing for Negro Personnel in the Armed Forces is the most stubborn and pervasive form of segregation and discrimination affecting Negroes in the Army, Navy (including the Marine Corps) and the Air Force."

The report came to the following conclusion:

"While there has been some substantial progress made in the reduction of this form of segregation and discrimination, it still remains the most pervasive and stubborn, morale impairing social evil confronting the Negro servicemen off-base."

With this situation so described by the Department of Defense, we question whether it isn't time to revise the directives covering this aspect of off-base discrimination. Three years ago, when the President's Committee on Equal Opportunity in the Armed Forces released its Initial Report, "Equality of Treatment and Opportunity for Negro Military Personnel Stationed Within the United States," the Committee called for more explicit and detailed guidelines for base commanders.

"1. The Defense Department and the Services Must Redefine Responsibilities, Establish Goals and Provide Detailed Instructions.

"While any worthwhile efforts to eliminate off-base discrimination must center on the functions of the base commander, a redefinition of responsibilities at all levels of command in this field is an essential preliminary. It should be the policy of the Department of Defense and part of the mission of the chain of command from the Secretaries of the Services to the local base commander, not only to remove discrimination within the Armed Forces, but also to make every effort to eliminate discriminatory practices as they affect members of the Armed Forces and their dependents within the neighboring civilian communities.

"As a part of this process of redefinition, a different concept of the base commander's functions in the racial field must be evolved. Interviews with base commanders have led the Committee to conclude that commanders desire more explicit instructions and clarification of their responsibilities in this regard. These commanders, concerned with morale factors, increasingly feel the need to act. Before they act, they need to have their responsibilities defined. They need more explicit orders and more detailed directives. These should be provided."

The current Section 13 of Army Regulation No. 600–21, dated Washington, D.C. 2 July 1964, states:

"Commanders will not use the off-limits sanctions in discrimination cases without the prior approval of the Secretary of the Army and then only after all reasonable alternatives have failed to achieve the desired effect."

A similar section is to be found in Air Force Regulation No. 35–78, 19 August 1964.

We cannot understand the theory behind the wording of this section. By limiting the discretion of commanders not to act without prior approval of the Secretary (Army or Air Force), this directive discourages commanders from even trying to take strong steps to prevent discriminatory practices in off-base housing against Negro personnel.

It is our conviction that military commanders would be able to play a positive role in ending the housing hardships suffered by Negro military servicemen if they would order all discriminatory off-based housing "off-limits" to all military personnel. We think no better statement of the need for a firm policy from the DoD in this area than in the statement of 12 commissioned officers quoted in Case No. 30 appended to the June 2, 1966 DoD report:

"We would all readily agree that this housing has been our greatest problem area. All of us are married, most have children, and we were all subjected to overt racial discrimination as we sought to find decent public housing for our families . . . We simply want to be able to find decent housing just as easily (or with as much difficulty) as anyone else. When a door is slammed in our faces because we are Black, *we feel that the full stature and determination of (the Military Departments) should back us up* . . . We suggest that the full economic and diplomatic weight of the government be brought to bear in areas where this problem is proven to be prevalent. (That would include most of the country.) This has been suggested and in fact ordered in the past but the situation remains basically unchanged. We feel that if certain accommodations are not open to all military personnel, no military personnel should be allowed to acquire those accommodations. With regards to housing we are desperately in need of assistance and support."

The situation with regard to Negro servicemen's housing needs, if anything, has deteriorated. It was our thesis then, and it remains our thesis, that if all housing which discriminated against Negro servicemen were declared off-limits and no military commander would permit any military personnel to lease, rent or buy apartments or houses where discrimination took place, that in itself would constitute both sufficient pressure and incentive for real estate interests to change their discriminatory practices.

We call upon the Department of Defense to:

1) Expedite the briefings of installations in the Washington area and schedule a meeting with the interested parties to discuss the findings.

2) Take steps to achieve the stated policy of the Department of Defense regarding equal opportunity and treatment of military personnel. See Army Regulations (No. 600–21, July 2, 1964) and Air Force Regulation (No. 35–78, August 19, 1964).

3) Expedite the issuance of a firm directive to base commanders to use "off-limits sanctions" for discriminatory housing (as referred to in your letter of 6/11/66 to James Harvey), with appropriate guidance.

Your earliest attention would be appreciated.

Sincerely,

John S. Stilman,
National Chairman, American Veterans Committee.

Chester Shore,
Chairman, Subcommittee on Discrimination in Housing of Negro Servicemen.

ST. LAWRENCE SEAWAY PROBLEMS GETTING THE ATTENTION THEY DESERVE

Mr. PROXMIRE. Mr. President, a recent article in the Washington Star demonstrated that the St. Lawrence Seaway, which has been for many years one of the most underutilized waterways in the Nation is, at long last, getting the type of congressional support that is essential if the seaway is to be a real success.

The article points out that House legislation sponsored by Representative Reuss, joined by 21 of his House colleagues, would remove the present requirement that construction costs be paid off in 50 years. In addition, the 12 members of the Great Lakes Conference of Senators, which I founded in 1963, went on record as supporting the upgrading of the St. Lawrence Seaway Development Corporation as a part of the proposed Department of Transportation. Finally, six Midwest Governors met with their congressional delegations to call for a moratorium on increasing seaway tolls.

Mr. President, this is good news to all those who have seen a great future for the St. Lawrence Seaway. I for one will continue to fight for this future. I ask unanimous consent that the Star article be printed at this point in the Record:

There being no objection, the article was ordered to be printed in the Record, as follows:

Legislation Asked To Ease Debts of Struggling Seaway

(By William Reddig)

The 2,400-mile St. Lawrence Seaway, its debts rising about as fast as its traffic, drew increased legislative attention this week to lift the debt load from its back and give it a more important role in United States transportation policy.

The attention came from three quarters:

1. Representative Henry S. Reuss, Democrat, of Wisconsin, introduced legislation, and was joined by 21 co-sponsors from Great Lakes states, to change the financing of the United States portion of the U.S.-Canadian waterway, removing the present requirement that construction costs be paid off in 50 years.

2. Senator Philip A. Hart, Democrat, of Michigan, was joined by 11 Great Lakes sena-

spots and is caked with the innumerable coats of paint. But Washington's sandstone is part of our history, too. And although it must, of course, be repaired, and although marble is unquestionably the most suitable building material, it should no more be changed for the sake of prettiness than we should put up plastic cherry trees around the Tidal Basin.

On Nov. 22, 1800, President John Adams welcomed Congress in the completed north wing of the building, congratulating the gentlemen "on the prospect of a residence not to be changed." Seven years later, built under the direction of Latrobe, the identical south wing was completed. The two were joined by a wooden arcade where the Rotunda now stands.

Latrobe was appointed by Jefferson in 1803. He was a most accomplished architect and engineer but just as arrogant and troublesome as Hallet had been—at least for poor Thornton. The two kept harpooning each other with bitter accusations and acid sarcasm.

Latrobe was born in England and trained partly in Germany. On a visit to Philadelphia, in 1798, he met the president of the Bank of Pennsylvania and in the course of a casual conversation made a sketch of what a bank ought to look like. Nine months later, to his great surprise, he had the commission.

Latrobe was almost unique among the architects of his time in believing in function as well as form. This led him to his many quibbles, not only with Thornton but with Jefferson as well, who would not have his conceptions of classic design altered for the sake of a more workable building.

Latrobe and Jefferson, for instance, disagreed violently over roofing the House of Representatives. Latrobe, for functional reasons, wanted a hemispheric dome lighted by a lantern with vertical glass panes that could be easily waterproofed. Jefferson wanted something like the dome over the new Halle aux Bles he had seen in Paris with long ribs springing from a drum and horizontal glass strips between them. It seemed to him more like the Pantheon in Rome.

The President had his way. Latrobe was sarcastic. "Presidents and Vice Presidents are the only architects and poets," he wrote his assistant. ". . . Therefore let us fall down and worship them . . ." The leaks Latrobe had predicted were fixed with some extra putty.

But Jefferson, like everyone else to this day, much admired Latrobe's handsome "corncob" capitals on the ornamental columns in the original Senate wing. It was a patriotic deed of much daring to replace the 2000-year-old acanthus leaf of antiquity with a motive as lowly—and American!—as carved ears of Indian corn.

BRITISH SET FIRES

"The Cossacks spared Paris," as one English newspaper remarked, but the British did not spare Washington and the fire damage they did to the Capitol in 1814 was extensive. The District Commissioners promised Congress, which had retreated to Sam Blodget's nearby hotel, to have the building restored by 1816. It took 14 years longer.

Latrobe now did over much of the formerly wooden interiors in marble and metal, but was out of town a lot on other business and an increasing irritant to the growing bureaucracy. In 1817 he stiffly informed President James Monroe that he had "no choice between resignation and the sacrifice of all self-respect." He was spared the sacrifice. Bulfinch took over and to him goes the credit for completing the Capitol much as Thornton had envisioned it.

That job completed in 1830, there seemed no more need for an architect of the Capitol and the position was abolished for many years.

In 1850 the country's population exceeded 23 million and even distant California had become a state. The 62 Senators and 232 Representatives who assembled that year felt crowded.

Again, following precedent, a competition was called. Again the munificent sum of $500 was offered as first prize. And again the entries proved most unsatisfactory.

Robert Mills, the official government architect and engineer at the time, was asked to combine the various ideas the competition had brought out into a new scheme. Mills had designed the Washington Monument, the Treasury and the Patent Office (now the National Portrait Gallery), among other handsome buildings, but failed to please Congress on this job. After much hassle, President Fillmore appointed Thomas U. Walter to build the Capitol as we know it today.

Walter's design reflects a different America than Thornton's. The age of elegance and almost aristocratic refinement had yielded to a new sense of power—in fact, to a certain arrogance, and to the esthetic confusion of the beginning industrial revolution. Walter's idea of "classic" architecture was different from that of Thornton and Jefferson. He would, he once lectured, have architects think as the Greeks thought, not do as they did. And what he thought the Greeks thought was really what most Americans thought of—the manifest destiny of a new industrial empire.

Walter's nine million pound, cast-iron dome reflects this spirit. Besides, it was a great engineering feat. People often wonder how Walter got the 16-foot figure of Freedom way up there. It's quite simple. He merely built scaffolding straight up the middle of the rotunda, through the eye of the dome. From there he swung a derrick by means of which the ironwork could be hoisted up on the outside.

He left the interior of the original rotunda unchanged up to the top of the cornice. From there a new and higher inner dome was constructed.

The last constructive and truly handsome work on Capitol Hill was performed by Frederick Law Olmsted, America's greatest landscape architect, who, beginning with Central Park in New York, gave us fine city parks all over the country. Olmsted, in 1874, spruced up the Capitol grounds. He created the handsome plaza on the east of the building which has now been turned into a dismal parking lot. And he designed the marble terraces and grand stairs on the west which Stewart's extension scheme would also destroy, along with the architecture. They were, according to Olmsted, "to support, sustain and augment."

By the time all this was finished, Ulysses S. Grant was President, the flag had 38 stars and Congress again felt crowded.

Though long retired as Architect of the Capitol, Walter offered two remedies. His plans showed the Capitol enlarged like a blown-up balloon. Then the busy architectural firm of Smythmeyer & Pelz came along with a real lulu. Extending the Capitol east and west, they wanted to adorn it with towers and turrets in all directions. It was filed away.

In 1903, however, these ideas were again resurrected and a Joint Commission of Congress appointed architects Carrere & Hastings to study the possibility of extending the east front.

They recommended an extension of no more than 12½ feet to give Walter's dome better visual support. They called this Scheme A. In addition, they complied with the request of the Commission for more space but recommended against it. This plan, called Scheme B, was to extend the east front by 32½ feet. With some slight amendments, the Commission approved Scheme B, despite the architects' recommendation to the contrary. But the Congress as a whole voted it down in 1905 and built the first House and Senate Office Buildings instead.

Nothing was ever said about the west front.

Scheme B was brought up and voted down three times more—in 1935, 1937 and 1949. In 1955, a year after J. George Stewart was appointed Architect of the Capitol, legislation to extend the east front in substantial accordance with Scheme B was passed as a rider to the Legislative Appropriations Act. There were no public hearings or public debate. But the measure had the emphatic backing of Speaker Sam Rayburn. Many Congressmen apparently took any criticism of the scheme as a criticism of this popular leader. The deed was done.

A PROMISE BY RAYBURN

Again, nothing was ever said about the west front. On the contrary, Rayburn assured the Congress in 1958 that "we are not going to do anything with the west end."

Yet the present Commission for the Extension of the Capitol says that it derives its authority from the 1955 Scheme B legislation.

It proposes to bring out Thornton's portico by 44 feet and change its design by adding a pediment, widening it and adding more columns. Thornton's wings are to be brought out 88 feet. And Walter's corridors that connect the original building with his wings is to be extended by 65 feet. Olmsted's terrace and stairs are to be redesigned.

The yield: 4½ acres of space—a 25 per cent increase in the size of the present Capitol—to be used for two visitors' auditoriums, two cafeterias, four dining rooms, several conference rooms and 109 "hideaway" offices for Members of Congress.

The cost: an estimated $34 million and the certain loss of a building that for a century-and-a-half has in Thomas Jefferson's words "captivated the eyes and judgment of all."

[From the Washington Post, July 26, 1966]

SAVING THE CAPITOL

The Senate Appropriations Committee yesterday took action that may save the West front of the Capitol from destruction. It attached to the legislative appropriations bill a provision that will defer expenditures on the extension of the West front until estimates on the cost of restoring the structure have been obtained.

It is to be hoped that the Senate will approve this proposal and that the House will concur. If this happens, it may well mean the end of the West front extension. Once the Congress has the full facts and knows that the West wall can be rebuilt and repaired where it stands, the plans of the Capitol Architect will face new troubles. The Committee is to be congratulated on a proposal that is such good sense that it is hard to figure out why this information wasn't demanded in the first place.

It is a good beginning in the fight to save the last remnant of the exterior of America's most historic building. When the West wall has been surveyed, Congress ought to proceed to enact further guaranties against destruction of the Capitol building. The West front, shamefully neglected for years, ought to be repaired and rebuilt where necessary. In addition, the great work of America's foremost landscape architect, Mr. Olmstead, on the stairways, terraces and approaches to the building must be safeguarded. These elaborate and richly ornamented architectural gems are basically as sound as on the day of construction, but they are destined for destruction, along with the main wall of the and fussed a great deal about the National Capitol.

The original building—the last remaining portions of which lesser minds would now entomb in a new, vastly extended marble front—is as much their work as that of architects William Thornton, Benjamin Latrobe and Charles Bulfinch.

As Washington and Jefferson saw it, the Nation's first building was to be the symbol for generations of the dignity and permanence of the new republic.

Two generations later, President Millard Fillmore decided against tampering with the original building when Congress demanded more space. Instead, in 1851, he appointed architect Thomas U. Walter to add new wings to either side of the old building. They are connected with it by narrow corridors. To give harmony to this ensemble, Walter capped it with his magnificent dome.

To Abraham Lincoln, too, the Capitol was a symbol of the permanency of the Union. Despite the demands which the Civil War made on manpower and finance, he ordered the work rushed to completion. His judgment of the country's sentiment was soon proven correct:

"How is the Capitol? Is it finished?" were among the first questions the representative of the Confederacy asked the representative of the Union when South and North first met to negotiate the end of hostilities on Feb. 3, 1865, aboard a ship in Hampton Roads.

It was essentially finished. Two years earlier—not long after Gettysburg—the bronze statute of Freedom was, precisely at noon on Dec. 2, 1863, slowly hoisted atop the great cast iron dome. A flag was unfurled and a salute of 35 guns was fired from Capitol Hill.

All that remained to be done now was Frederick Law Olmstead's magnificent west terrace and landscaping and, obviously, continuing interior improvements of plumbing, lighting, heating and cooling. But for this the building and the symbol were complete, or should be considered so. Who would dream of extending St. Peter's in Rome, Monticello, Mount Vernon or even the Houses of Parliament in London?

BICKERING GOES ON

But the unending bickering—a curious mixture of political and architectural ambition, of genius and pettiness, parsimony and extravagance, respect for history and disrespectful vainglory—that had accompanied the work from the very beginning has persisted to this day. In a way this bickering helped create our Capitol. Now it threatens it.

President Fillmore had ended the long debate in Congress about enlarging and changing the original Capitol because he would not "mar the harmony and beauty of the present building which, as a specimen of architecture, is so universally admired." Yet only ten years later scheme after hideous extension scheme was proposed.

For nearly a hundred years, Congress, supported by the vast majority of the country's architects, has resisted all of them. Rather than change and disfigure its glorious home, Congress decided to accommodate the ever-growing need for additional space and facilities by constructing new buildings on Capitol Hill. The results are the Library of Congress, the Supreme Court Building, the old and new Senate Office Buildings, three huge House Office Buildings and now the proposed Madison Memorial Library which will serve as a third building for the Library of Congress.

The old, vainglorious and long rejected enlargement proposals of the 1870's and 1880's have, however, intrigued the present Architect of the Capitol, J. George Stewart, who is not an architect but a builder and former Republican Congressman from Delaware.

With the emphatic backing of the late House Speaker Sam Rayburn (D.-Tex.), he puffed out the east facade of the original, central portion of the building by 32½ feet with a new, slick marble replica. The work was completed in 1961.

ON THE WESTERN FRONT

Last month Stewart and his powerful Commission for the Extension of the Capitol suddenly announced that they had decided to similarly extend the west front, but this time by up to 88 feet, and not with a replica but a somewhat changed design. The members of this Commission, in addition to Stewart, are Vice President HUBERT H. HUMPHREY, House Speaker JOHN W. MCCORMACK, Democrat, of Massachusetts, Senate Minority Leader EVERETT M. DIRKSEN, Republican, of Illinois, and House Minority Leader GERALD R. FORD, Republican, of Michigan.

This second extension would, of course, spell the final obliteration of the splendid building that Fillmore saved and Washington and Jefferson worried so much about.

Of all the politicians who fussed with the work of the Capitol's architects, Washington and Jefferson were surely the most qualified. An informed appreciation of architecture was, in their day, considered an essential part of the education of a Virginia gentleman.

True, Washington thought it best to let the design of buildings "be governed by the rules which are laid down by the professors of the art." But his active part in the enlargement of his home at Mount Vernon belies this modesty.

And for Jefferson, of course, architecture was a passionate avocation. He had, he confessed, in uncharacteristic ecstasy, "stood for whole hours gazing at the Maison Carré like a lover at his mistress." It was not that this exceptionally well preserved Roman temple at Nimes, in southern France, seemed more perfect to him than other buildings he had seen.

It was because, in the words of one scholar, this temple's almost austere simplicity—in contrast to the still predominant Georgian style which accompanied British colonization—"was the speaking symbol of all that America could and should stand for, proclaiming the strength of republican virtue, the beauty of discipline, the wisdom of rule by laws rather than men, in a language he wanted all the United States to learn."

In quest of such architecture, Washington and Jefferson called a competition for the design of the Capitol. Its disappointing results may justify the slight hanky-panky which helped Thornton to win it. The fact that he had been introduced to President Washington by the famous painter John Trumbull may also have helped.

At any rate, Thornton was given permission to enter three months after the competition was officially closed and after the French architect Stephen Hallet had been given reason to believe that he had won. But surely Hallet's drawing of what looked like the fairy tale palace of a minor Renaissance prince was hardly the simple, classic building both Washington and Jefferson had in mind.

William Thornton was born in 1759 at Tortola in the Virgin Islands. He studied medicine in Edinburgh, traveled extensively in Europe and in Parisian society, settled for a while in Philadelphia where he knew Benjamin Franklin, gave up the practice of medicine and married a 15-year-old girl. He eventually became a Commissioner for the District of Columbia and later head of the United States Patent Office which he saved from destruction by the British in 1814 by stepping in front of their cannon and cussing them out.

At Philadelphia he had learned of a competition for the design of a public library. "When I traveled," he wrote, "I never thought of architecture, but I got some books and worked a few days, then gave a plan in the ancient Ionic order, which carried the day."

He carried the day again in the Capitol competition, his second architectural effort.

"Grandeur, simplicity and convenience appear so well combined in this plan of Dr. Thornton's," wrote George Washington on Jan. 31, 1793, to the District Commissioners who were officially in charge, that he was certain of their instant approval.

And Jefferson let it be known that Thornton's design "had captivated the eyes and judgment of all. It is simple, noble, beautiful, excellently arranged and moderate in size. . . . Among its admirers none is more decided than he whose decision is most important."

But Hallet's eyes and judgment, understandably perhaps, were captivated not at all. He, after all, was a professional architect and Thornton was not. And the District Commissioners, it turned out, made a bad mistake when, to appease the cantankerous Frenchman, they awarded him the same prize as Thornton ($500 and a building lot in Washington), invited him to examine Thornton's plans (which he promptly ripped to pieces in a lengthy report), and gave him the $400-a-year job of supervising the construction of the building (which he proceeded to change in accordance with his own ideas).

When it was discovered that Hallet had laid foundations for a square court, instead of the Rotunda Thornton had planned. President Washington, according to the long harassed Thornton, "expressed his disapproval in a style of such warmth as his dignity seldom permitted."

Hallet was fired. But since he refused to surrender the original plans, it is difficult to judge precisely how much influence he had on the design. Some historians have accepted Hallet's assertion that Thornton stole it from him in the first place. Glenn Brown, in his two heavy volumes on the history of the Capitol, defends Thornton's originality and competence with passionate eloquence.

The truth is probably as Latrobe has written, that Thornton's design was one of the most brilliant and modern of his time, but that the amateur lacked the practical skill to properly execute and articulate it. His, regardless of details, is no doubt the chaste, classic simplicity of the building that pleased Jefferson so well and that Walter's House and Senate wings lack. As any discerning art historian knows, it is impossible to recreate this spirit, the "Zeitgeist," as Germans call it, of a work of art. And although George Stewart's East Front now appears as an exact replica, future generations will, no doubt, instantly recognize it for what it is—a mid-20th century imitation.

Even Latrobe, aside from his jealous ambition, rebelled against Jefferson's and Thornton's pure classicism, though in the end he, like Bullfinch, faithfully executed Thornton's design. Besides he created the marvelous interiors of the original building.

Another difficulty was lack of skilled craftsmen. It proved hard to recruit carpenters and stone cutters who could build anything higher than thresholds.

Money, furthermore, was short. Washington's public buildings were to be financed from the sale of lots. But in the trackless wasteland where few streets were even marked, the real estate business was slow. The Government had to borrow money.

Under the circumstances, President Washington would not hear doing the building in marble as Thornton urged. There was none about at the time and it would have had to be imported at tremendous expense. Instead the original Capitol was built of sandstone from the nearby Acquia quarry and painted white.

CORRODED AND PAINT-CAKED

Sandstone is porous and has, as the incumbent Architect of the Capitol keeps pointing out with much alarm, corroded in

West front, if the plans of Architect Stewart are carried out.

THE PUBLIC TRANSIT COMPACT BETWEEN MISSOURI AND KANSAS

Mr. LONG of Missouri. Mr. President, Senate approval of S. 3051 yesterday indicates once again the concern of this body for the problems of metropolitan areas. This bill grants congressional consent of the bistate compact entered into by the State of Missouri and the State of Kansas to help solve the public transit problem of the Kansas City metropolitan area.

The compact creates the Kansas City Area Transportation District which includes parts of seven counties in the two States, and the Kansas City Area Transportation Authority, a public body to own and operate a transit system within the district.

The compact was approved by the legislatures and Governors of the two States last year at the request of leaders of various communities within the district. It was executed on December 28, 1965.

Public transit within the district at this time is completely uncoordinated and inadequate. A 10-month transit planning survey is now underway and the report is due this fall. The Missouri Legislature, recognizing the importance of getting the authority started, has appropriated $50,000 for organization and initial operating expenses. Similar funds are also expected from local communities. This compact is vital to the growth and development of Kansas City.

Section 1 of the bill sets out the compact as agreed to by the two States. Section 2(a) specifies that obligations issued by the authority including income therefrom shall be subject to Federal tax laws. Section 2(b) spells out that the compact does not affect, impair, or diminish any rights, power, or jurisdiction of the United States except it specifically exempts the authority from ICC regulations as to its local transit operation within the district. The Interstate Commerce Act exempts local transit operations in commercial zones from ICC regulation. In this case, however, the district extends beyond the Kansas City commercial zone; thus, it seems fair and wise to provide this exemption. The ICC in its report to the committee has no objection to the exemption.

Section 2(c) provides that the authority shall exercise no additional powers other than those now prescribed without authorization by both States and the consent of Congress.

Section 2(d) expressly reserves to Congress the right to alter, amend, or repeal its consent.

I appreciate the swift action taken by the Senate.

THE TROUBLED TIMES IN WHICH WE LIVE

Mr. HARTKE. Mr. President, yesterday the Dow-Jones industrial average of the New York Stock Exchange fell 16.32 points, or 1.88 percent, to a new 1966 low of 852.83. This was the worst market setback since November 22, 1963, the day President Kennedy was assassinated.

What caused this sharp loss of millions of dollars in the paper value of the shares traded on the exchange? Was it news of a national disaster? Did the foreign or domestic policies of the United States take a drastic change for the worse? No; it was none of these. It was simply the stock market and the people who deal in the stock market expressing their uncertainty of what the future holds for our country.

This uncertainty in the world's greatest marketplace is both domestic and international in scope.

Internationally, our close friends the British have embarked upon a program of austerity to save the value of the pound. The Labor government of Prime Minister Wilson has once again nationalized the British steel industry against strong opposition from the Conservatives.

In the field of international negotiations, the Kennedy round negotiations in Geneva remain at a standstill while the members of the EEC concentrate on mending the fences of the Common Market. Efforts to bring about international monetary reform have ground to a halt while the members of the Group of 10 bicker among themselves. In the meantime, the world's supply of monetary reserves continues to dwindle while we rapidly approach an international monetary crisis.

Here at home, we face uncertainty in every aspect of our economic, political, and social life.

What are we going to do about Vietnam? What are we going to do about inflation? Will we have higher taxes? These are all questions we ask ourselves every day.

Added to this are the riots in Chicago, New York, and Cleveland. The airline strike. The growing weak spots in our economy in the sectors dealing with home construction and automobile production. The tight money and high interest rate situation. And the slowdown in the growth rate of the economy.

All of these things add to our uncertainty, and nowhere are they more graphically portrayed than in the traditional barometer of national opinion, the stock market.

It is time we brought an end to all of this uncertainty. It is time we began to act positively instead of negatively in our foreign and domestic affairs.

This administration could easily do away with all of the uncertainty. Tell the American people the truth about Vietnam. Tell them how long it expects the war will last and how much it estimates it will cost.

Tell the American people the truth about the state of the economy. Tell them if it is believed that higher taxes are necessary to halt the spread of inflation.

Have the United States take the lead in the Kennedy round negotiations and in the negotiations on international monetary reform. Why should the richest industrial country in the world be dictated to by the Europeans in these meetings? We should be leaders, not followers.

We are living in troubled and uncertain times, and they will continue to become more troubled and uncertain if we continue to permit this shroud of secrecy to surround the facts.

I have strong faith in the American people. They have been through good times and bad. They love their country. To them, no sacrifice is too great for her.

They are willing to stand by her in her darkest hour, but they cannot be expected to do this until they are told the facts. Therefore, I ask that this shroud of secrecy be removed. I ask that the facts be presented. I ask that this uncertainty which plagues our country today be removed from the minds of her citizens, and be replaced with the facts.

THE LIGHT OF HOPE SHINES THROUGH

Mr. CHURCH. Mr. President, out of the dark hours of the past 2 weeks, while the fate of American war prisoners has hung in the balance, comes the first ray of hope from Hanoi.

The weight of world opinion calling for humanitarian treatment of all war prisoners—including the "plea for sanity" issued on July 15, in which I was joined by 18 of my Senate colleagues who have opposed the escalation of the Vietnemese war—has apparently registered in Hanoi. North Vietnamese President Ho Chi Minh now indicates there is no trial in view for American military prisoners.

Let us hope this decision, as the New York Times expresses it in this morning's lead editorial, may offer hope that commonsense and common humanity ultimately may prevail against the ever greater barbarism the war in Vietnam daily inflicts on both sides.

I ask unanimous consent, Mr. President, that this editorial, entitled "New Opportunity in Vietnam" may be printed at this point in the Record.

There being no objection, the editorial was ordered to be printed in the Record, as follows:

NEW OPPORTUNITY IN VIETNAM

President Ho Chi Minh's statement that there is "no trial in view" for American military prisoners in North Vietnam is a victory for the moral influence of world opinion. That victory transcends the fate of the captive airmen, for it offers hope that common sense and common humanity ultimately may prevail against the ever greater barbarism the war in Vietnam daily inflicts on both sides.

The United States has yielded to the pressure of world opinion in the past by offering peace proposals and twice suspending the bombing of North Vietnam. But this is the first time that Hanoi has shown regard for the opinion of mankind. Its decision to back away from talk of "war crimes trials" follows direct pleas from Secretary General Thant, Pope Paul VI, numerous governments and opinion leaders everywhere, including eighteen liberal American Senators. The hope now must be that reason can prevail on the broader issues of the war itself.

The conflict in Vietnam is a political struggle that, in the end, can only be resolved by political means. In politics, timing is of the essence. A number of opportunities to probe the prospects for peace have been neglected in the past. It is vital that the new atmosphere and the new opportunity opened by Hanoi's response on the prisoner issue not be missed as well.

The approach favored by American moderates and long urged by The Times has just been summed up admirably by Prof. Arthur M. Schlesinger Jr. One essential element is to stop the Americanization of the war by halting the American buildup in South Vietnam; a quarter of a million American troops is more than enough. The second vital element is a civilian Government in Saigon that can open contact with the insurgent forces. Third, is the need to build an atmosphere conducive to negotiations by tapering off the bombing of North Vietnam. Finally, efforts to reconvene the Geneva conference must be linked with broad diplomatic discussions with Moscow, Paris and other interested states to find a formula for the neutralization and economic development of Southeast Asia as a whole.

Most of all, what is needed is a clear indication that the American objective is not military victory but political settlement. The American ability to escalate the war needs no further demonstration. The need now is to halt the escalation and make a vigorous new effort to achieve peace.

THE 50TH ANNIVERSARY OF THE BOEING CO.

Mr. MAGNUSON. Mr. President, while in my home State recently, I had the privilege of participating in the celebration of the 50th anniversary of one of this Nation's great aviation pioneers—the Boeing Co., of Seattle.

The major address on that occasion was delivered by Mr. Juan Trippe, chairman of the board of Pan American World Airways. I consider his address an inspiring lesson in American aircraft history, and a clear portrayal of the opportunity and challenge of the future for this great company and the others which will shape the destiny of air transportation.

The Boeing path to success has not been without difficulty and crisis. Almost all of it is familiar to me, for I have lived with these problems.

Mr. Trippe traced the history of Boeing from the first piano wire seaplane, delivered to the Navy as a trainer 2 years before the end of World War I, to the fabulous 747, which can well revolutionize the business of air transportation. From the tiny piano wire trainer to an aircraft that will carry 490 passengers and 16½ tons of baggage, mail, and freight, is vast progress in just half a century, but the determined faith and keen vision of Boeing Co. leadership promises that the coming 50 years will be even more significant.

The American aircraft industry, as Mr. Trippe suggested, is one of the toughest areas of competition in the Nation, and to merely survive, there must be constant steps forward toward an uncertain future. The Boeing Co. has done more than survive, and its aircraft today carry more than half the air travel of the free world. I salute this tower of progress in our national industrial scene, and I ask unanimous consent that Mr. Trippe's historic message be included in the RECORD at this point.

There being no objection, the address was ordered to be printed in the RECORD, as follows:

Any lawyer can tell you that a corporation has powers but no personality and above all no soul. Imagination, daring, persistence, patience, vision, the great qualities of the human spirit, are beyond its reach. And yet we are met here today to pay the tribute of our respect and admiration to a corporation which has survived and prospered for fifty years precisely because it possesses and has exercised imagination and daring, vision and persistence—plus, of course, outstanding business acumen.

I have no wish, and certainly no competence, to rewrite the text books of corporation law, but I propose, nevertheless, to dwell on this paradox a moment. For the fact is that the history of the Boeing Company, when one looks back at it with the perspective of half a century, is more like some Norse saga or Greek epic which we learned about in high school than it is like a corporate record. Of course, there were board meetings and legal opinions and tax problems and all the rest of the familiar paraphernalia from one end of the story to the other. What I find myself thinking of, however, when I try to pull it all together in my mind is the fabulous journey of Ulysses, King of Ithaca, from one impossible adventure to another—and always with a high heart, a shrewed eye, a bold spirit and the never defeated determination to get back to Ithaca somehow—even if he, like the Greek god Hermes, had to fly.

The story begins, of course, rather more modestly than Homer's poem. There were no Topless Towers of Ilium to be conquered. Instead you have the Duwamish Flats here in Seattle and a young man out of Yale with extensive lumber holdings who knows about the Lafayette Esquadrille and who would rather build planes than cut timber. This young man is named Bill Boeing. Along with such men as Donald Douglas, Glenn Martin and Frederick Rentschler, he is to found a new and vital industry.

To build his planes, he has assembled a few carpenters, a supply of spruce, some linen fabric and a number of rolls of piano wire together with propeller blades and what passed at the time for motors. He has somehow or other combined these several parts—exclusive of the carpenters—into airplanes—which actually fly and which are sold eventually as Navy trainers.

From the start, the Boeing enterprise succeeded. From the start, too, there were troubles and dangers—dangers to which the Corporation was to become accustomed as time went by. Two years after the first piano wire seaplane was delivered on the Duwamish Flats, World War I ended—as World War II was to end with similar consequences—thirty years later. The Navy's need of trainers ended with it.

The result, of course, was a conference of Bill Boeing and his associates to consider a question which arose with some persistence in those days: Was there a future in the aircraft business? And the answer, obviously—and I can say obviously because I knew Bill Boeing and because I knew well the characteristics he bred into his company—was *yes*. Or, more precisely, *yes-if*. There was a future in the aircraft business if you built a few seasleds and a little household furniture on the side.

Incidentally, as the Chairman just pointed out, Mrs. Boeing is not with us tonight. Bill Boeing's son, I am glad to say, however, is with us. I would like to ask him to rise and be recognized.

While Bill Boeing's decision was a wise one at the time, it was not one that satisfied Bill Boeing. His heart was never in seasleds or mahogany bureaus. He wanted to build planes. But if you built planes, whom would you build them for? And the question remained: was there a future in the aircraft manufacturing business? Would operating aircraft ever be a business? Bill Boeing decided that the answer was "yes."

Bill Boeing's next decision was to go into the air mail business. Of this chapter in the story I can speak with personal knowledge. I had helped organize and was managing Colonial Air Transport when it started operations in October of 1925 as the first airline contractor to the Post Office Department. Colonial carried passengers and mail between Boston and New York where we made connections with the experimental government air mail line being run by the Post Office Department between New York, Chicago and San Francisco.

I well remember being present on July 1, 1924, when the experimental overnight service from New York to Chicago started. The airplane was a frail, temperamental wartime DH–4 in whose box-like nose an old Liberty engine clattered away. It could carry only a hatful of mail and a couple of hours' gas. The lone pilot had no blind-flying instruments, no safety aids except his parachute. Ahead of him were no marked airways, no chain of airports, no radio beam to guide him. His only ground aids were bonfires to be lit by friendly farmers on mountain tops along his way. His weather service was an eye cocked aloft—and a prayer.

Air transportation in those days was not a business. It was scarcely a hope of one. Postal revenue from the few pounds of mail the airplane could carry hardly paid for the gasoline. You couldn't find a passenger revenue dollar with a telescope. And capital was even harder to uncover.

Late in 1926, the Post Office Department wisely decided also to transfer its experimental transcontinental service to private enterprise. Bill Boeing decided to bid on the larger portion of this trunkline route, between Chicago and San Francisco. His bid was far below that of his nearest competitor for he would use a new airplane—the 40A—which he would build, equipped with a new and more efficient engine, the Pratt and Whitney Wasp Radial.

Although his bid was successful, for Bill Boeing the outlook was dim when, a month ahead of target, only one of his 40As was in service.

Nevertheless, by July 1, 1927, the contract starting date, twenty-five of the new planes were ready to fly. They had actually been delivered to their appointed places along the two thousand miles of the new route.

It was a prophetic operation—and in more ways than one. Boeing's business gamble paid off over the next two years. Thirteen hundred tons of mail were carried. Six thousand passengers, more or less smothered under the mail bags, had entrusted themselves successfully to the Boeing airline.

Once Bill Boeing had satisfied himself that you could build transport planes to carry mail and people at a profit, things began to hum at Boeing. The Boeing 247, the first twin-engine transport, followed the 40A in 1933—carrying 10 passengers, a crew of two and—oh, great and unsung date in American history, a stewardess as well. The whole thirteen of them roared across the continent in a mere twenty hours with only seven stops!

We, in Pan American, were engaged in those years in charting and testing the great overseas routes which soon made transpacific and transatlantic service possible. We remember with gratitude today the early Sikorskis, the S–38, and S–40 and S–42, the Martin China Clippers and the great Boeing Yankee Clippers which pioneered the trade routes across the Atlantic and Pacific.

It was Boeing that built the first pressurized transport, the four-engined 307. Later came the Douglas DC4 and the Lockheed Constellation. And we all remember the great Boeing 377s, the glamorous double-decked Stratocruisers that for many years led the way over the ocean trade routes.

Still later came the Douglas DC6 and DC7 series and the successive models of the Lockheed Constellation. One of the reasons why the aviation industry of the United States leads the world is the vigorous competition that has always characterized the industry. Boeing, in the best American business tradition, has always had to face outstanding competitors.

But there was one development of these critical years for which Boeing, and Boeing alone, must take the credit. I refer to the plane to which this Republic owes more, perhaps, than to any other in the history of aviation: the B–17. If there is one event in the rich and fabulous history of the Boeing Corporation which illustrates better than another the Company's imagination, its daring and its fundamental know-how, it was the building of the Flying Fortress.

The story begins, simply enough, with the Corporation designing and building, at its own cost and with its own resources, a prototype later identified as the B–17, a four-engined, heavily armed bomber with a range of three thousand miles and a top speed of two hundred and thirty-six miles an hour.

Now this, my friends, was the year 1934, with the Second World War five years off. A romantic historian with the historian's professional advantage of looking backward, might be excused for endowing the Boeing Company with second sight. Why? Because the B–17 played a larger part in winning the Second World War than any other weapon.

Unfortunately for romantic historians, however, no second sight was available in the government in 1934. The War Department then rejected the four-engined bomber as too advanced, not to say visionary, leaving the Boeing Company to hold the bag and also—fortunately for the nation—the B–17 as well. But Boeing itself that year was thinking of planes—as it has always thought of them—with a free-wheeling, uninhibited imagination and the intestinal fortitude to make its dream come true.

How true it came, a few statistics will suggest. When Hitler exterminated himself under the bunker in Berlin and the war in Europe ended, thirteen thousand B–17s had been built. The B–17s had dropped six hundred and forty thousand tons of bombs on Nazi installations and industries. Moreover, B–17s had shot down as many enemy aircraft over Europe as all other American planes combined. Yes, many of us here tonight can vividly recall the American bomber bases along the East Coast of Britain. We who saw them will never forget the spectacle of the departing armadas or the sight of the Flying Fortresses returning at dusk—those that did return.

The B–17, tried and tested in the war, also sired the great B–29 that became the basis for American strategy in the Pacific.

The parade of big Boeing bombers—weapons systems as we call them these days—continued on after the war with the six-engined Strato-jet, the B–47, and today the tremendous B–52, capable of carrying heavier and more effective weapons farther than any other airplane now in existence or in prospect.

As long as men remember the Second World War and the world which followed it—and men, I suspect, will remember them for a long time—Boeing's fame as armorer to the Republic will be secure.

If the military story is brilliant, the peacetime story has about it the elements of greatness, of true greatness. If the first has inventiveness, the second has vision. The peacetime story of Boeing is the story of its leadership in the development of the airplane as an instrument of human communication; as a reshaper of the planet; as a modifier of the relations of human beings to each other; as a destroyer of strangeness and the fears and the prejudices which have always fed on strangeness; as the one real hope of our common brotherhood, our common fate.

The post-war story begins, as great dramas often do, with disaster or the threat of disaster. It ends with triumph. And it discovers on the way, if I may say so in his very modest presence, as authentic a hero as American industry has ever produced.

The near disaster was the post-war deflation of the aircraft industry. The triumph was the technological and industrial revolution which replaced the piston plane with the jet. And the hero was a one-time teenage cherry hawker of Lolo, Montana, named William M. Allen. William M. Allen on September 1, 1945, because President of Boeing by the improbable route of the Harvard Law School. He succeeded Phil Johnson and Clair Egvedt, both able administrators, who had directed Boeing for many years. Clair Egvedt, I am glad to say, is also here with us tonight. I would ask that he stand up and be recognized.

Bill Allen could hardly have chosen a more inauspicious date to take over. The war had just ended. An important contract for B–29s had just been cancelled. A plant in Wichita had shut down. A sweeping cutback had followed here in Seattle itself.

Within sixty days, a billion and a half in contracts had been cancelled. Thirty-eight thousand workers had been laid off. Boeing's assets were down from a hundred million to thirty-three million.

Bill Allen told his wife the roof had fallen in. He was wrong. It hadn't—yet. On January 1, 1946, there was a strike of fourteen thousand workers. The work stoppage continued a hundred and fifty-four days. In addition, fifty-six Stratocruisers, on order by Pan Am and other airlines, were proving costly to produce. Instead of recovering momentum, Boeing lost fifteen million dollars on the transaction.

At this low point, Bill Allen and the Boeing Company showed their quality—which is to say, their courage. In 1949, after the three worst years in its history, Boeing suggested to the industry that the time had come for a major revolution in the manufacture of planes—a switch from piston-driven craft to jets which would eventually mean the rebuilding of the airfleets of the world. When the industry demurred—reluctant to get in deeper when the water was already cold—Boeing went ahead itself. In 1952, without an order in hand, it announced that it was investing sixteen millions of its own funds to build the prototype of "an entirely new, jet-powered transport." The prototype was to be derived from the tankers that Boeing was building for the U.S. Air Force.

The announcement was followed by action. On July 15, 1954, exactly twelve years ago, the prototype was flown. It was the forerunner of the world-famous 707.

If I were asked to name some of the events which have most dramatically changed the shape of things in our world during my lifetime, I should put that flight very near the top of the list. It promised a new dimension of speed, a new standard of reliability in the business of moving people and things from one point on the earth's surface to another. For millions of people, the 707 would shrink the globe by 40 per cent. Today, our world is a neighborhood. Today, government leaders, businessmen, teachers and scientists the world over meet face to face. They know each other.

But let us not forget that 70 per cent of Americans have yet to fly. Let us not forget that 98 per cent of the people of this world have yet to fly. Great as was the contribution of the 707, the contribution of the 747, the great Boeing superjet, will be even greater.

The 747 will carry 490 passengers plus 16½ tons of baggage, mail and freight. In all-cargo configuration it will carry more than twice the cargo of today's big transports. Its cargo will be carried in automated, nose-loaded highway-standard containers. Its great Pratt and Whitney engines will have twice the thrust of any in airline service today. Its gross weight will be more than twice today's big 707s. It will operate at 45,000 feet above lower airlanes used by all jet transports now in service. It will provide faster service on world trade routes. Lower operating costs will reduce air fares and cargo rates.

Construction of the 747s will provide employment for 55,000 people over a dozen forward years—20,000 here in Seattle; 10,000 at United Aircraft in Hartford; 25,000 more by subcontractors in 43 other states. By December, 1972, the sale abroad of 747s should contribute one billion seven hundred million dollars to the U. S. balance of payments. By December 1975, the contribution will, in my opinion, reach three billion, four hundred million dollars.

The 747 is a bold and gigantic venture in the best tradition of American industry. Competitive American private enterprise in our world has always produced the best products and the best services. Private credit and private risk-taking on a scale as yet unmatched in industry have made the 747 possible. For 20 years the 747 will mean fast, low-cost mass transportation on a scale never before available for the traveling and shipping public at home and abroad.

Far more important than its effect on fares and rates, however, will be its effect on human society and human history. The new era of mass travel between nations may well prove more significant to human destiny than the atom bomb. There can be no atom bomb potentially more powerful than the air tourist, charged with curiosity, enthusiasm and good will—who can roam the four corners of the world, meeting in friendship and understanding the people of other nations and races. The tourist plane, the bomber, and now the missile, have been racing each other to a fateful finish. In my opinion, the huge 747 can help win this race with catastrophe. The 747 will be a great new weapon for peace.

Tonight, however, we are saluting the Boeing of today as well as the Boeing of tomorrow. In honoring the company, we are paying tribute not only to its great leaders, but also to its able executives, scientists, engineers, mechanics, administrators and skilled men and women who, over the years, have created the Boeing of today.

The Boeing of today has produced the world-girdling jet fleet that carries half the air travel of the whole Free World. It is the largest government contractor in the nation. In the best tradition of American private enterprise, it has become the largest aerospace company in all the world. We salute the Boeing Company for its physical accomplishments and its contributions to the nation. But we also salute, on behalf of the entire aviation industry, an adventurous and imaginative Corporation—which has written its own saga—created its own legend—in a day in which these great assertions of the human spirit, are as rare as they are greatly needed.

VIETNAM—STATEMENT BY GENERAL KY

Mr. CLARK. Mr. President, the Senator from Oregon [Mr. MORSE] will shortly return to the Chamber and make some comments about a column which appeared in the Washington Post this morning by Walter Lippmann under the subject of "An Old Slogan."

The Senator from Oregon [Mr. MORSE] will at that time ask unanimous consent to have the column printed in the RECORD.

The Senator from Idaho [Mr. CHURCH] a few moments ago obtained unanimous consent to have printed in the RECORD the leading editorial in this morning's New York Times entitled "New Opportunity in Vietnam."

I find myself in complete accord with this column and this editorial.

This morning's papers carry an account of an article consisting of an interview with Premier Ky of South Vietnam which appears in this week's issue of U.S. News & World Report.

I wish to comment briefly on the interrelationship between the Lippmann column, the New York Times editorial, and the interview of General Ky.

It is well known that General Ky stated publicly for a well-known British newspaper not too long ago that Adolf Hitler was his hero.

This was well before the famous Honolulu conference at which General Ky was embraced as a noble ally of the United States. General Ky now favors the American people with the suggestion that an armed confrontation with Communist China would be desirable at the present time. He concludes that Communist China is the real enemy in southeast Asia and thinks it is better to face them right now than in 5 or 10 years. Some of us will remember that there were certain Americans who felt the same way about the Soviet Union shortly after World War II. It was thought, after they got the bomb, long after we did, that we should go in and in the phrase of the day, "Clobber them before they clobber us."

Fortunately, that counsel did not prevail. It occurs to me that General Ky is a daily source of embarrassment to the administration. He states that his government is not a dictatorship, but I doubt whether we could find a reputable newspaperman in Vietnam, in Saigon, or anywhere else there, who would agree with that statement. The fact is, we are supporting a tight little dictatorship—a junta—which in terms of its ideology is no more democratic than the Vietcong against whom it is contending.

It is true that we have been promised elections in South Vietnam in September, but it will, indeed, be interesting to see whether those elections are going to be like free American elections, whether they are going to be like the Hitler elections which used to be conducted in Nazi Germany or, indeed, whether they will be like the Russian elections with which we have become familiar, where one either votes "right," with the government, or he is in serious trouble and possibly in physical danger.

I am extremely skeptical about General Ky's devotion to the cause of democracy. I think he is a great liability to the efforts of the administration to persuade the peoples of the world that we are, indeed, fighting on the side of freedom and against dictatorship.

I thoroughly concur with the statements published in the New York Times editorial, to which I referred earlier, that President Ho Chi Minh's statement that there is no trial in view for American military prisoners of war in North Vietnam is a victory for the moral influence of world opinion. It does, I believe, offer hope that commonsense and common humanity may eventually prevail against the ever greater barbarism on both sides of the war in Vietnam.

I would hope that this interview by General Ky will not again dim the hopes for a fair negotiated peace. I would hope that reason can prevail on the broad issues of the war itself before it is too late.

There is no doubt about the fact that the war is not going to be settled by military means. It is a political struggle which can be resolved only by political means. We will receive little help in settling the struggle by political means from General Ky and the other members of his junta.

I would suggest, in accord with the views expressed by my friend, Arthur Schlesinger, Jr., that we take the following steps:

First, stop the Americanization of the war by halting the American military buildup in South Vietnam. A quarter of a million American fighting troops is plenty—if not too many.

Second, install a civilian government in Saigon. Get rid of the junta. At least, give some semblance of a free democratic regime in that war torn country.

Third, we need to build an atmosphere conducive to negotiations by tapering off the bombing of North Vietnam, which I categorically assert has been a catastrophic failure.

As widely predicted, all it has done has been to stiffen the will of the North Vietnamese people, without destroying any military installations essential to the continued conduct of the war.

It has embittered both sides.

This morning, I had the opportunity to talk to a young lieutenant in the Naval Reserve, a brilliant and outstanding young naval airman who has just returned from conducting missions in Vietnam. There is no doubt about the fact that the defenses of North Vietnam against our air attacks are increasing every day. American casualties are increasing as the number of strikes increase. The tragic deaths of these young Americans, in my opinion, cannot be justified on any ground whatsoever. What we should do is build an atmosphere conducive to negotiations, and not continue, with the help of General Ky, to build an atmosphere which feeds on escalation and insists on total military victory even at the cost of destroying the country we are presumably attempting to preserve.

Finally, the best hope is still to persuade the reluctant Russians to join with the British in reconvening the Geneva Conference so that we can, around the conference table, with all interested parties, including a representative of the National Liberation Front try to come up with a formula for the neutralization and economic development of southeast Asia as a whole.

In this connection, and I am sure that the Senator from Oregon [Mr. MORSE] will have more to say on this subject, the article written by Walter Lippmann which the Senator from Oregon will shortly offer for the RECORD, is as good an exposition of how tired and obsolete our policy in Vietnam has become as I have ever seen.

I do not know what the administration reads these days, but I hope they read Mr. Lippmann, Mr. Reston, and the editorials in the great newspapers of the country. I would also hope that we could get away from the tired reiteration of a philosophy which, as I said a minute ago, is obsolete and unworkable, and turn our minds toward peace rather than war, before it is too late.

U.S. POLICY IN VIETNAM

Mr. MORSE. Mr. President, there are two items on which I wish to comment briefly. I had not intended to comment on the first item until I listened to the brilliant and eloquent and unanswerable speech of the Senator from Pennsylvania [Mr. CLARK].

The Senator from Pennsylvania and I may have some degrees of difference, as the RECORD will show, in regard to the war in Vietnam. But we have a common objective—that is, to seek an honorable peace at the earliest possible date which will bring to an end this completely inexcusable and unjustifiable killing of American boys in South Vietnam.

The Senator from Pennsylvania has referred to the Walter Lippmann article which was published in this morning's Washington Post. I ask unanimous consent that it be inserted in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

AN OLD SLOGAN

(By Walter Lippmann)

Campaigning in the Middle West the President has used as one of his main theses the cry that the war in Vietnam is a war to end wars like the one in Vietnam. "If guerrilla warfare succeeds in Asia," he said, "it can also succeed in Africa and Latin America as well." This is precisely what we all said during the First World War. That was a "war to end war." To hear that old slogan brought out again is, to say the least, creepy. For not only did the First World War not end war, as a matter of fact it sowed the ground for the Second World War.

Presumably the President means what he is saying. But it is hard to think that anyone can believe that the outcome in Vietnam will determine whether there are guerrilla wars "in Africa and Latin America," or even in other parts of Asia. Are we really supposed to believe that the future of guerrilla warfare, that is to say of rebellion, will be determined by what happens in Vietnam?

What is the connection between the guerrilla wars waged in Ireland, Palestine, Armenia, Macedonia, Croatia, Crete, Algeria, the Congo? Were not these uprisings separate events? How can anyone deceive himself with the notion that uprisings all over the globe have some kind of underground common instigator and that they can be suppressed and discouraged by what happens in one small corner of the world?

Fifty years ago when the cry of "a war to end war" was first heard, it was used to inspire people who, themselves remote from the fighting, needed a motive to keep on

> with the battle. The slogan was invented by an Englishman to arouse the insular British and the isolationist Americans who, not being under fire, saw no clear vital interests which they were defending.
>
> Mr. Johnson has dusted off the old war slogan because it is not easy to prove to the American people that they are fighting for a vital interest of the United States. In the First World War the United States did have a vital interest, which was to prevent the conquest of Great Britain and France and to keep open the Atlantic connection with Europe. This was a difficult thing to explain in the excitement of a war, and in lieu of a true explanation of the issues of the war we fell back upon the slogan of a war to end war.
>
> In Asia the United States does indeed have a vital interest in preventing the conquest of the Asian mainland and of the islands and archipelagoes of the western Pacific. But there is no convincing reason for thinking that the war in Vietnam as it has now developed, is vital to the American interests in the world. The American position has always been that our interest in Asia must be defended and promoted without America becoming involved in such a land war as is now raging in Vietnam.
>
> President Johnson sustained his argument about a war to end guerrilla war with loud protestations about the firmness of our intentions to persevere and to defeat guerrilla warfare. Is he sure that what people see happening in Vietnam convinces them of this? Does the deeper and deeper involvement in Vietnam indicate that we would put equal effort into another antiguerrilla war on some other continent? Or does the Vietnamese affair indicate that we would not be able to fight two or three such wars at the same time?
>
> This is another reason for wanting to believe that this one disagreeable war, this one ever-expanding war, is the last and only war that will have to be fought. But to want to believe this does not make it believable.

Mr. MORSE. Mr. President, this article is, I think, another one of Mr. Lippmann's penetrating analyses of American foreign policy in Vietnam. As he has pointed out time and time again in his articles—in fact, he has written not so many but almost as many articles as I have spoken on the floor of the Senate on this subject—but in his penetrating article I think that he has pierced the administration's balloon by way of its continued fallacious rationalizations for carrying on the war.

He says, in the column:

> Campaigning in the Middle West the President has used as one of his main theses the cry that the war in Vietnam is a war to end wars like the one in Vietnam. "If guerrilla warfare succeeds in Asia," he said, "it can also succeed in Africa and Latin America as well." This is precisely what we all said during the First World War. That was "a war to end war." To hear that old slogan brought out again is, to say the least, creepy. For not only did the First World War not end war, as a matter of fact it sowed the ground for the Second World War.

Later in the column he says:

> In Asia the United States does indeed have a vital interest in preventing the conquest of the Asian mainland and of the islands and archipelagoes of the western Pacific. But there is no convincing reason for thinking that the war in Vietnam as it has now developed, is vital to the American interests in the world. The American position has always been that our interest in Asia must be defended and promoted without America becoming involved in such a land war as is now raging in Vietnam.

Not only is a land war raging in Vietnam at the present time, but my great fear—in fact, my belief—is that every sign points to an increasing escalation in Asia that will involve, not 300,000 troops, but start to involve 3 million and more American troops in a land war in Asia.

I want to say to my President again tonight, if you continue to lead this Nation down the road to a continually escalating war, you are going to have to assume the responsibility in history for sending American troops to Asia by the millions.

The moment that war involves a land war with China, we are not going to fight it with air power. I do not think the Senator from Pennsylvania [Mr. CLARK] could be more right in his conclusion that our bombing of Vietnam has been a failure. The indications are, from information we gather from North Vietnam and from representatives of neutral countries who have access to North Vietnam, it has intensified the determination of the North Vietnamese to fight to the last person.

So would we if we were put in the same position they are.

If we want to give the benefit of doubt to the President that the shocking course of escalation he is approving will force a surrender, it will not produce peace.

Another article which appeared in today's paper, but which I do not have at my fingertips, states that it would result in having for decades to come, a guerrilla war.

Mr. President, this war cannot be won with military might. As the Senator from Pennsylvania [Mr. CLARK] has said, the solutions over there are not military solutions, but political solutions. Therefore, we had better give some heed to what the Senator from Pennsylvania outlined tonight in the steps we should take in an attempt to bring the war to an end, for as Lippmann points out:

> Asia must be defended and promoted without America becoming involved in such a land war as is now raging in Vietnam.

We had better give much thought to the interview in U.S. News & World Report referred to by the Senator from Pennsylvania involving General Ky. I quite agree with the Senator from Pennsylvania's appraisal of General Ky. It is a very sad thing that we are supporting that little tyrant and that American boys are dying to keep him in power.

The superpatriots in this country are taking to flag waving and the following of slogans rather than the following of facts. We had better take a look in retrospect. It was not so long ago that I warned on the floor of the Senate against following the advice of the little tyrant as he advocated the bombing of North Vietnam.

Oh, there was much protest in this country from administration spokesmen against the bombing of North Vietnam. But that was the trial balloon; that was the beginning of the propaganda; that was the beginning of the agitation in this country to lead us into the bombing of North Vietnam. Not long thereafter, we began the bombing of North Vietnam, and we have been continuing to bomb and bomb. Now we are bombing within 3 miles of the heart of the city of Hanoi, and the administration continues to tell us we are not killing civilians. That is not the report we get from foreign sources. Of course, we ought to take judicial notice that it is not possible to bomb within 3 miles of the heart of Hanoi and not be killing civilians.

This is dangerous business. The story that the President told in his trip through Kentucky and Indiana over the last weekend was quite different from the promises he made to the American people in 1964. When he was seeking reelection, he was seeking it on the basis of no such war propaganda as he advocated in his speeches in Kentucky and Indiana during the last weekend. To the contrary, he was telling the American people that the war was an Asian war for Asian boys to fight, not for American boys to fight.

Millions of Americans of the Republican Party voted for him as they rejected their own party's candidate, because they were led to believe that Lyndon B. Johnson, the Democratic candidate for the Presidency, was promising them that he would not follow a foreign policy that would result in American boys fighting a war in Asia that Asian boys should fight.

I am never happy, and I shall never be happy, disagreeing with the policy of my Government in the field of foreign affairs; but I shall continue to disagree with it so long as the policy is the present policy, for that policy is unjustified and immoral. It is not possible to reconcile it on the basis of our international commitments and of our constitutional obligations.

So I quite agree with the Senator from Pennsylvania [Mr. CLARK] that the war should be stopped; and we can stop it. That is why I say that the President ought to recognize what his military advisers recognized, and what his military advisers on occasion have briefed us—and it is public knowledge: that China cannot be defeated by bombing, nuclear or conventional. If we continue to let the little tyrant Ky egg us on into more and more military operations in North Vietnam and the sending of an American army into North Vietnam, it will not be long before that army will be involved with Chinese soldiers on the other side, because it is not possible to get that close to the China border without the Chinese recognizing that they will have to respond.

In fact, the reports appearing in the papers in the last 3 days—again from correspondents over there representing foreign newspapers—tell us that there is increasing indication that Red China recognizes that it is only a matter of time before she will have to respond to America's outlawry in Asia.

If we get ourselves involved in a land war with China, the sacrifices that we shall have to make of these precious American men whom we are sending over into a war—not a one of whom should have been sent in the first place—will discredit, in history, any President who is responsible for it.

It is not too late for us to return to moral values. It is not too late for this great religious people to insist that their government practice our religious principles in the field of foreign policy, too. And we cannot square this war, in my judgment, with the tenets of our religions.

Well, Mr. President, what should the President do? I repeat, he should announce to the world that we are stopping our bombing. He should announce to the world that we intend to hold those positions that we can hold and completely defend, and prevent the advance of the enemy, and thereby also stop advancing our own boys into an escalated engagement or series of engagements. Because, as we send them out into these battlefields, as we sit in our livingrooms—as I did last night—and observe some of the television pictures of this war being fought, with its killing, on the television screen, we must ask ourselves, "By what right does our President send those boys to their death?"

I say he has no justifiable right. He ought to adopt the military strategy of the leader who led our forces in Korea, General Ridgway. He, in my judgment, is the man whose advice should be followed. He has made perfectly clear his opposition to the escalating of this war.

The President ought to follow the advice of General Gavin, who, when he was in uniform—and he has only lately retired—was one of the two or three top military strategists of our entire Military Establishment.

What do these leaders tell us, and the other military authorities who join them? "You ought to stop the escalating. You ought to mark out those lines of defense that we know we can hold and the enemy cannot penetrate."

That places upon the President the responsibility for taking the next step, and that is to notify the nations of the world who claim they want peace to come on in and assume their obligations under their international commitments, to enforce a peace. That group of nations includes Great Britain, whose Prime Minister is coming over here. He gives lipservice to America's policy, and tells the people of the United States he is all for our position in South Vietnam.

But no British boy is dying in South Vietnam. No British boy is being sent to battle in South Vietnam by the British Prime Minister. I wish to say, he makes no favorable impression on me, with his lipservice of supporting America's war in South Vietnam, while he himself is not willing to back up his words with military support. Why, Mr. President? Obviously because the British people recognize that they should not be involved in this war.

Mr. President, the British Prime Minister and the heads of the major countries of the world, including Russia, have a clear obligation, under the United Nations Charter, to enforce a peace in southeast Asia. Therefore, the President ought to adopt what is known as the enclave approach for the time being, and agree to support a cease-fire whenever these other nations are willing to declare it, backed up by their pledge that they will help enforce it.

Unless we do that, Mr. President, there will be no peace in Asia. There may be a surrender of a kind, but no peace. And this country will be bled white from the standpoint of the blood of the men who will be sacrificed, and bled white economically, as we spend the billions of dollars that it will take from the people of this country to maintain the police force that we will have to maintain in Asia after our great military power does all the devastating that can be done with nuclear and conventional bombing.

But that, as this administration's military spokesman knows, will not win a peace in Asia.

Yes, there is disunity in America, and the man more responsible for it than anyone else in the Nation is the President of the United States. Because it is the President's foreign policy that has created this disunity, and this disunity will not be made to vanish, Mr. President, by any such set of speeches as the President made in Kentucky and in Indiana over the weekend.

I would like to see unity. But, Mr. President, there are too many who recognize that a President has no justifiable right to send these boys to their slaughter without a declaration of war, under the Constitution of the United States. And why does he not call for it? He does not dare. He does not dare, not only because any proposal on his part for a declaration of war would not only deepen the disunity in the United States until a declaration is passed—if it is passed—but because it would alienate more and more of the countries in the world that we would like to have as our allies.

And so, Mr. President, I think the President has a great obligation, in the absence of a declaration of war, to proceed to announce to the world that we are going to stop the escalating.

We are not going to get out of Vietnam. I have never proposed that we get out of Vietnam. We are going to hold there in positions that we can defend in order to prevent the Vietcong and the North Vietnamese from creating a great blood bath.

Then we are going to say to the rest of the world, "You too, have a stake in peace in southeast Asia, and we are going to hold there until you have an opportunity to come in and carry out your international obligation."

I intend to continue to hold to that position until there is a declaration of war, if one comes.

On the basis of the present facts, I would vote against it, but if there is a declaration of war, it is for Congress to do and not the President. He can recommend it.

He ought to read again the war messages of great Presidents before him, and particularly the war message of Woodrow Wilson at the time of World War I, when he said to the joint session of Congress that he was without constitutional authority to make war without congressional declaration of war.

Mr. President, I think my President owes it to the American people to either deescalate this war or to lay the issues squarely before the people and Congress with a proposed declaration of war, and let the people be the judge.

Although I disagree with my President in the field of foreign policy, I agree with him on so many matters in other fields, and particularly in the field of domestic policy, that I think it is a shame that some way, somehow, this great man—for he is a great man—does not recognize the horrendous mistake that he is making by following the foreign policy that, in my judgment, a Secretary of State, a Secretary of Defense, and some other bad advisers have apparently sold to him.

I shall never give up hope that the facts will finally get through to him and he will change our course of action.

THE AIRLINE STRIKE

Mr. MORSE. Mr. President, I ask unanimous consent that there be printed in the RECORD an editorial entitled "Breaking the Air Blockade," printed in the New York Times of this morning.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

BREAKING THE AIR BLOCKADE

Congressional action has plainly become the only realistic hope for a quick end to the paralyzing airlines strike. The Senate Labor Committee will hear from members of President Johnson's Cabinet today precisely how seriously the strike's impact has been. We hope its hearing will be followed by swift passage of legislation to get the planes back into the air and thus restore normalcy to a key segment of the nation's transportation lifeline.

We have already expressed our belief that Congress should do what it did in the 1963 rail strike threat and impose compulsory arbitration. But it is plain that, with Congressional elections only a little over three months off, the mood on Capitol Hill is not strong for legislation that would thus affront organized labor. Under these circumstances the best stop gap measure would be the revised bill proposed by Senator MORSE for a new cooling-off period of 180 days. That would get everybody back on the job while a new Presidential board tried to end the wage dispute. If it got nowhere after 180 days, it would make recommendations to the President and he, in turn, would tell Congress what he thought it ought to do to assure a final settlement.

This is certainly the long way around in a controversy that has already been before a Presidential emergency board, headed by Senator MORSE—a board whose recommendations the President has endorsed without reservation. The unhappy history of past disputes makes it probable that much of the Government's focus in the new truce period will be on purchasing peace through appeasement of the union by management, even though the terms the union is now rejecting exceed the Administration's anti-inflation guideposts.

It is obvious that no adequate solution to problems of this sort will be found until the White House and Congress are willing to discard politics and grapple with the intricate problems involved in any long-range recasting of the national emergency provisions of the present Taft-Hartley and Railway Labor Acts. At least the 180-day truce will postpone a fresh showdown until after the elections. Perhaps then there will be enough resolution in Washington to consider answers, not expedients.

Mr. MORSE. Mr. President, the first sentence reads:

> Congressional action has plainly become the only realistic hope for a quick end to the paralyzing airline strike.

Mr. President, I was very much interested in an item that came over the ticker a little while ago. It reads:

> AFL–CIO President George Meany urged the Senate to drop plans to intervene.
>
> "Sen. MORSE's bill already has served as a deterrent to free collective bargaining," Meany said in a statement.
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> "Every minute Congress spends on this ill-advised proposal keeps the parties from honest negotiations, the only sound method for resolving this dispute," Meany said, adding:
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> "No danger to the Nation's health and welfare and no threat to the national defense has been demonstrated. The air traveling public has, of course, been inconvenienced, but inconvenience is a small price to pay for freedom."

And he claims to be a labor leader. Mr. President, I served with George Meany on the War Labor Board during World War II. Apparently he has suffered some lapses of memory.

George Meany apparently forgets the times that he sat on the War Labor Board and voted for seizure of American plants and industry in order to protect the public interest.

The bill that I first introduced last Friday was very similar to the policies that we followed in World War II. Wherever it was demonstrated on the facts that the paramount public interest in time of war was going to be sacrificed because of the adamancy either of a union or of an employer, the War Labor Board decided sometimes with labor, and sometimes with management to take over the plant.

The majority of the Board time and time again decided that in order to protect the paramount public interest, the American flag had to be run up over that plant, and that all of them would have to work for that flag. However, the workers would get fair wages and the employers would receive a guarantee that they would get the benefits that would come from the business under Government management. Not a managerial officer was moved from behind a manager's desk.

The so-called seizure was by token. The proposal I offered last Friday was of the same import. There would have been a receivership instead of a seizure under my resolution. Management would have stayed behind the desk. In the War Labor Board days, the so-called income from the plant would go into the Treasury of the United States, and the owners of the plant were guaranteed compensation for the operation of the plant.

Mr. President, the management made more money under that arrangement because of the benefits they received than they would have made under their own management.

I understand why there was concern about my bill of last Friday on the part of managerial forces in the country, in that they thought it might be a bad precedent for a receivership and various kinds of Government seizures.

After a weekend of consultations with the administration, I introduced a substitute for it yesterday, which is the pending proposal as far as my legislation is concerned. The Senator from Illinois [Mr. DIRKSEN] has offered a compulsory arbitration proposal. The Senator from Colorado [Mr. DOMINICK], the Senator from Ohio [Mr. LAUSCHE], the senior Senator from Florida [Mr. HOLLAND], and the junior Senator from Florida [Mr. SMATHERS] have all offered their own particular proposals for a settlement of this dispute. However, my proposal would amend the Railway Labor Act by extending the no-strike period another 180 days, if the dispute should last that long.

Let me say for the benefit of Mr. George Meany that this legislation could well bring a settlement in less than 30 days, and probably in 10.

He knows it, too, and I am satisfied that that is probably one of the reasons why he does not want legislation, because the settlement will not be the type of settlement that is going to be coerced out of the American public if this union is permitted in time of war to continue to use its economic might against the interest of the general public.

Mr. President, they are entitled to a good settlement. My resolution provides a guarantee that whenever the settlement is reached, it shall be retroactive to January 1, 1966, excluding of course the period of time for the duration of the strike.

Mr. President, legislation is necessary, because, contrary to what Mr. George Meany says in this press release, there has not been any good faith, free collective bargaining on the basis of this union.

I was chairman of the President's Emergency Board. It conducted the hearings under the Railway Labor Act following the refusal of this union to agree to the proffer of arbitration submitted to it by the National Mediation Board. It is the requirement the National Mediation Board that functions under the Railway Labor Act has to comply with, once it comes to the conclusion that there is an irreconcilable deadlock.

Before the Emergency Board, of which I am Chairman, was appointed, the National Mediation Board had come to the conclusion that collective bargaining had ended. Mr. Meany should read the history of the case. Then the National Mediation Board made the proposal for arbitration, and the union turned it down. I am satisfied that from the beginning of this dispute, the union has had no intention other than to get its demands by the use of economic force.

This is a regulated industry. This is an industry, as I have said, that works 24 hours a day, 365 days of the year. The very nature of this industry guarantees to its workers a type of job guarantee that is not available to most American workers.

The workers in this industry are blue ribbon workers. The workers in this industry receive an average income substantially above the average for all industrial workers of the country.

These are not underpaid workers. These are workers who are entitled to a pay increase, a fair and reasonable pay increase.

The President's Emergency Board unanimously agreed upon a set of recommendations that would have provided them with a fair wage increase, good fringe benefits, including an additional holiday, and improvement in their vacation allowances as well as improvement in the other so-called fringe factors.

The union wants more. This union recognizes that the economy of this country is in danger. It occupies a position of great economic strength at this hour, and it intends to take advantage of that economic strength and force by way of a strike-out of the economic interests of the American people, an advantage to which it is not entitled.

Of course, Mr. Meany and Mr. Siemiller, the head of the union, and some of the other spokesmen for labor do not want legislation. They use the introduction of legislation—it is the duty of Members of Congress to introduce legislation—as an excuse for walking out of negotiations. If they did not have that excuse, they would have found another. In fact, before any legislation was introduced, the union leader in charge of the so-called negotiations found one excuse after another for walking out.

Mr. President, they want their demands. They are willing to use every economic power to get their demands.

For the benefit of Mr. Meany, may I say that although we are not in a declared war, as we were in World War II when he sat on the War Labor Board, we are in a war. We are in a war that has already killed 4,200 American boys. We are in a war that has wounded over three times that number. We are in a war, as I said a few moments ago, when I was discussing the war, that in my judgment engenders an ever-increasing escalation and will endanger more than the 300,000 boys we already have sent there.

These airline employees and all other employees and all businessmen, all involved in any phase of the American economy, have a clear duty of the highest order to follow an economic course of action in this country that will keep sound the greatest security weapon we possess—our economy.

These airline workers, through their union leaders, know, as Mr. Meany knows, that the demands of this union will be met in large part if the strike is permitted to go on. If the strike is permitted to go on for a considerably longer period of time, everyone knows that eventually a capitulation would have to be made to the economic might of a union that has walked out on its clear responsibility to its country in an hour of war.

Mr. President, this union is entitled to protection as to its legitimate rights; and I propose to do what I can to continue to protect these workers. Of course, at the present time, to them, I am some kind of ogre. But I do not yield to any public official in this country, for my 32-year record of settling labor disputes will show that I have always fought for the legitimate rights of the workers as well as for the legitimate rights of management involved in a case.

But there are three parties to this case. This union seems to think there is only one; and apparently Mr. Meany thinks its workers ought to be allowed to go ahead without any checks being placed upon them, even though they are working in a regulated industry that is vested with public interest, and to use their economic might to force a settlement in this case that will blow the lid off any inflationary controls in this country—and the inflationary controls we ought to have are voluntary inflationary controls.

The alternative, I say to Mr. Meany, if this union is allowed to get by with blowing off the lid of inflationary controls, is drastic legislation to provide for price controls, wage controls, and overall economic controls. Such controls will not be needed if all parties involved in industrial relations will live up to their responsibility of industrial statesmanship.

Take a look at who are waiting to have their cases considered. If this union is allowed to get by with inflationary economic increases by way of wage benefits and other benefits, how can increasing millions of American workers be stopped from arguing that they are entitled to the same benefits? In one sense, there would be some reason for them to say it, although they would not be justified in saying it. But it is typical in an industrial situation that if one major group gets a benefit, other groups arguing for improvements in their lot will point it out. In labor mediation or in labor arbitration, that is called the principle of equal pay for workers in comparable industry.

If the machinists' union is allowed an inflationary increase, I say to my administration tonight: You will be in an impossible position if you think you can stop an increase for employees of American Airlines or the other airlines, who will soon be in the same position; or the employees of the telephone industry, who are just waiting; or the employees of General Electric or Westinghouse; or those under contracts involving the Teamsters Union; or those working under contracts with some of the major maritime companies. They will be there waiting for their adjustment.

So when Mr. Meany argues or says in this statement that there is no danger to the health and welfare of the Nation he could not be more wrong. The Nation's welfare is inseparably bound up with its economic health.

Mr. President, unchecked inflation is not in the interest of the national welfare, and if the only reason for legislation, in view of the record of this union in this case, would be to place a congressional check upon the attempt of this union to set the pace for a breakthrough in inflationary control on a voluntary basis, the legislation would be more than justified.

But there are more reasons for it than that, Mr. President. There are entire areas of this country which are virtually isolated as a result of the strike on the five airlines.

The Pacific Northwest, as far as continental travel is concerned, is dependent upon Northwest Airlines and United. Both of them are down. We have a few of what we call local lines going up and down parts of the West Coast but they do not supply the service that the American people need and the people of the Pacific Northwest need to other parts of the country.

Hawaii and Alaska are even worse off.

This situation amounts to a form of economic holdup on the part of this union in not being willing to settle for a fair noninflationary settlement and we know what is a fair noninflationary settlement.

We handed down recommendations that economists generally—and I have talked to many of them—recognize was a very good settlement but was still noninflationary.

The carriers have offered $76 million, and $78 million is being called for. I am not saying that there is anything magical about $76 million or $78 million, but we all know that they are right on the borderline.

We have an emergency in this country if the inflationary issue were the only issue, but we have these other issues. One of them I have just mentioned: The isolating of various regions of this country as a result of the strike.

I can cite great cities in this country—New York, Boston, Chicago, San Francisco—suffering great economic losses and their people are suffering great economic losses as a result of the strike.

So-called national emergency dispute legislation was passed on the basis of congressional intent. When that kind of situation develops Congress has the duty and the Government has the duty to move in to protect the public interest.

ADMINISTRATION POSITION

I shall await with great interest the testimony of the spokesman for this administration tomorrow afternoon before the Labor Committee. I am satisfied, from what I know about this case, that this administration knows that a national emergency exists.

I wish to say most respectfully to my administration tonight that Congress has the duty to pass legislation to protect the public interest, and the Johnson administration has the public duty to support it.

In essence, my proposal extends the 60-day no strike period of the Railway Labor Act. The President saw fit to invoke that provision. On what basis did he invoke it that does not prevail now?

The eyes of tens of million of American people will be on the Johnson administration tomorrow to determine whether or not the Johnson administration is willing to let this case drag on until there is an inflationary breakthrough. If there is, Congress will be passing the most stringent inflation control legislation. That should not be necessary. It will be our duty to do it if the workers involved in this union—and in other unions that are waiting to follow their course of action—and this administration make it necessary.

But, Mr. President, I find myself in agreement with most of the things that the President stands for. In my judgment, from the cases in which I have been involved in which he has brought to bear his great industrial and political statesmanship, no one in this country has been better informed on the direct relationship between the maintenance of a sound economy in this country and the adoption of a labor-management program during this war period that will be fair to both labor and management, and who will insist that the public interest come first.

Mr. George Meany, in the statement that he made to the press, obviously, as the leader of the AFL-CIO, is not putting the public interest first in America tonight.

ADJOURNMENT UNTIL 11 A.M. TOMORROW

Mr. MORSE. Mr. President, in accordance with the previous order, I move that the Senate stand in adjournment until 11 a.m. tomorrow.

The motion was agreed to; and (at 6 o'clock and 16 minutes p.m.) the Senate adjourned until tomorrow, Wednesday, July 27, 1966, at 11 o'clock a.m.

WITHDRAWALS

Executive nominations withdrawn from the Senate July 26 (legislative day of July 22), 1966:

POSTMASTERS

I withdraw the nomination sent to the Senate on May 12, 1966, of Ubaldo V. Pambianco to be postmaster at Peckville, in the State of Pennsylvania.

I withdraw the nomination sent to the Senate on June 15, 1966, of Fred E. Magee to be postmaster at New Milford, in the State of Pennsylvania.

HOUSE OF REPRESENTATIVES

TUESDAY, JULY 26, 1966

The House met at 12 o'clock noon.

The Chaplain, Rev. Edward G. Latch, D.D., offered the following prayer:

Let Thy mercy, O Lord, be upon us, according as we hope in Thee.—Psalm 33: 22.

Eternal Father of our spirits, we pause in Thy presence with heads bowed in prayer as we begin the demanding duties of this day. Make Thy spirit real to us, for we need Thee, every hour we need Thee. Temptations lose their power when Thou art nigh.

We come disturbed by the spirit of our day, weighed down by worry, concerned by our failure to do what really needs to be done, tempted at times to give up—yet here we are. Give us the faith we need for this hour, the courage to do what is best for our country and the confidence to leave the results with Thee. In the dear Redeemer's name we pray. Amen.

THE JOURNAL

The Journal of the proceedings of yesterday was read and approved.

MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States was communicated to the House by Mr. Geisler, one of his secretaries, who also informed the House that on the following dates the President approved and signed bills and joint resolutions of the House of the following titles:

On June 30, 1966:

H.R. 7402. An act to provide for the establishment of the Chamizal National Memorial in the city of El Paso, Tex., and for other purposes;

H.R. 13125. An act to amend the provisions of title III of the Federal Civil Defense Act of 1950, as amended;

H.R. 13431. An act to extend the Renegotiation Act of 1951;

H.R. 14024. An act to extend the Defense Production Act of 1950, and for other purposes; and

H.J. Res. 1180. Joint resolution making continuing appropriations for the fiscal year 1967, and for other purposes.

On July 1, 1966:

H.R. 7371. An act to amend the Bank Holding Company Act of 1956; and

H.R. 11227. An act to authorize the Honorable EUGENE J. KEOGH, of New York, a Member of the House of Representatives, to accept the award of the Order of Isabella the Catholic.

On July 4, 1966:

H.R. 1582. An act to remove a restriction on certain real property heretofore conveyed to the State of California;

H.R. 10721. An act to amend the Federal Employees' Compensation Act to improve its benefits, and for other purposes; and

H.R. 12270. An act to authorize the Secretary of Defense to lend certain Army, Navy, and Air Force equipment and to provide transportation and other services to the Boy Scouts of America in connection with the 12th Boy Scouts World Jamboree and 21st Boy Scouts World Conference to be held in the United States of America in 1967 and for other purposes.

On July 5, 1966:

H.R. 136. An act to amend sections 1, 17a, 64a(5), 67(b), and 70c of the Bankruptcy Act, and for other purposes;

H.R. 3438. An act to amend the Bankruptcy Act with respect to limiting the priority and nondischargeability of taxes in bankruptcy;

H.R. 11439. An act to provide for an increase in the annuities payable from the District of Columbia teachers' retirement and annuity fund, to revise the method of determining the cost-of-living increases in such annuities, and for other purposes; and

H.R. 13822. An act to provide for an additional Assistant Postmaster General to further the research and development and construction engineering programs of the Post Office Department, and for other purposes.

On July 8, 1966:

H.R. 1240. An act for the relief of Harry C. Engle;

H.R. 3788. An act to revive and reenact as amended the act entitled "An act creating the City of Clinton Bridge Commission and authorizing said commission and its successors to acquire by purchase or condemnation and to construct, maintain, and operate a bridge or bridges across the Mississippi River at or near Clinton, Iowa, and at or near Fulton, Ill.," approved December 21, 1944;

H.R. 3976. An act to amend the act of July 26, 1956, to authorize the Muscatine Bridge Commission to construct, maintain, and operate a bridge across the Mississippi River at or near the city of Muscatine, Iowa, and the town of Drury, Ill.;

H.R. 5204. An act for the relief of Joseph K. Bellek;

H.R. 6590. An act for the relief of Arthur Hill;

H.R. 8793. An act for the relief of Eugene J. Bennett;

H.R. 9302. An act for the relief of Lt. Charles W. Pittman, Jr., U.S. Navy;

H.R. 10994. An act for the relief of Charles T. Davis, Jr., Sallie M. Davis, and Nora D. White; and

H.R. 12232. An act to amend title 1 of the United States Code to provide for the admissibility in evidence of the slip laws and the Treaties and Other International Acts Series, and for other purposes.

On July 12, 1966:

H.R. 7423. An act to permit certain transfers of Post Office Department appropriations.

On July 13, 1966:

H.R. 12322. An act to enable cottongrowers to establish, finance, and carry out a coordinated program of research and promotion to improve the competitive position of, and to expand markets for, cotton.

On July 18, 1966:

H.R. 13650. An act to amend the Federal Tort Claims Act to authorize increased agency consideration of tort claims against the Government, and for other purposes;

H.R. 13652. An act to establish a statute of limitations for certain actions brought by the Government;

H.R. 14122. An act to adjust the rates of basic compensation of certain employees of the Federal Government, and for other purposes; and

H.R. 14182. An act to provide for judgments for costs against the United States.

On July 19, 1966:

H.R. 1535. An act to amend the Classification Act of 1949 to authorize the establishment of hazardous duty pay in certain cases;

H.R. 6125. An act to amend Public Law 722 of the 79th Congress and Public Law 85-935, relating to the National Air Museum of the Smithsonian Institution;

H.R. 13417. An act to amend the act of October 4, 1961, to facilitate the efficient preservation and protection of certain lands in Prince Georges and Charles Counties, Md., and for other purposes;

H.R. 13651. An act to avoid unnecessary litigation by providing for the collection of claims of the United States, and for other purposes;

H.R. 14050. An act to extend and amend the Library Services and Construction Act;

H.R. 14312. An act to increase the authorization for appropriation for continuing work in the Missouri River Basin by the Secretary of the Interior; and

H.J. Res. 1178. Joint resolution to authorize the Commissioners of the District of Columbia to promulgate special regulations for the period of the 93d annual session of the Imperial Council, Ancient Arabic Order of the Nobles of the Mystic Shrine for North America, to be held in Washington, D.C., in July 1967, to authorize the granting of certain permits to Imperial Shrine Convention, 1967, Inc., on the occasion of such sessions, and for other purposes.

On July 21, 1966:

H.R. 10607. An act to amend the Administrative Expenses Act of 1946, as amended, to provide for reimbursement of certain moving expenses of employees, and to authorize payment of expenses for storage of household goods and personal effects of employees assigned to isolated duty stations within the continental United States.

On July 23, 1966:

H.R. 9599. An act to authorize the Secretary of the Interior to accept a donation by the State of Indiana of the George Rogers Clark Memorial for establishment as the George Rogers Clark National Historical Park, and for other purposes.

On July 25, 1966:

H.R. 8337. An act to amend the District of Columbia Practical Nurses' Licensing Act, and for other purposes.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Arrington, one of its clerks, announced that the Senate had passed without amendment bills of the House of the following titles:

H.R. 1407. An act for the relief of Leonardo Russo;

H.R. 1414. An act for the relief of Jacobo Temel;

H.R. 4083. An act for the relief of Mr. Leonardo Tusa;

H.R. 4437. An act for the relief of Bryan George Simpson;

H.R. 4458. An act for the relief of Michel Fahim Daniel;

H.R. 4584. An act for the relief of Mrs. Anna Michalska Holoweckyj (formerly Mrs. Anna Zalewski);

H.R. 4602. An act for the relief of Maj. Donald W. Ottaway, U.S. Air Force;

H.R. 7508. An act for the relief of Guiseppe Bossio;

H.R. 8317. An act to amend section 116 of title 28, United States Code, relating to the U.S. District Court for the Eastern and Western Districts of Oklahoma;

H.R. 8865. An act for the relief of Ronald Poirier, a minor; and

H.R. 11718. An act for the relief of Jack L. Philippot.

The message also announced that the Senate had passed, with amendments in which the concurrence of the House is requested, bills of the House of the following titles:

H.R. 2681. An act for the relief of Shirley Shapiro; and

H.R. 10220. An act for the relief of Abdul Wohabe.

The message also announced that the Senate disagrees to the amendments of the House to the bill (S. 2858) entitled "An act to amend section 502 of the Merchant Marine Act, 1936, relating to construction differential subsidies," requests a conference with the House on the disagreeing votes of the two Houses thereon, and appoints Mr. MAGNUSON, Mr. LAUSCHE, Mr. BARTLETT, Mr. BREWSTER, Mr. PROUTY, and Mr. DOMINICK to be the conferees on the part of the Senate.

The message also announced that the Senate had passed bills of the following titles, in which the concurrence of the House is requested:

S. 849. An act for the relief of Arminda Padua Viseu;

S. 2010. An act for the relief of Fun Wat Hoy;

S. 2770. An act to control the use of the design of the great seal of the United States and of the seal of the President of the United States;

S. 3051. An act granting the consent of Congress to the compact between Missouri and Kansas creating the Kansas City Area Transportation Authority; and

S. 3272. An act for the relief of Dr. Jacobo Albo Maya.

AIRLINES STRIKE

Mr. REID of New York. Mr. Speaker, I ask unanimous consent to address the

House for 1 minute and to revise and extend my remarks.

The SPEAKER. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. REID of New York. Mr. Speaker, it is very clear that the American people are faced with a serious airlines strike which threatens essential transportation services and flouts the public interest.

In my judgment, it is essential for the Congress to take action in the public interest.

I am introducing today in the House a joint resolution which was offered yesterday in the other body by Senators MORSE and JAVITS. This resolution would, first, provide a 180-day cooling off period effective immediately during which airline service would be resumed and none of the parties would be permitted to strike; second, provide for the appointment by the President of a Special Airline Dispute Board "which shall engage in mediatory action directed to promoting agreement between the parties"; and third, provide that if an agreement has not been reached in 150 days the Board shall make recommendations to the President, who in turn will advise the Congress.

This is an initial and basic step which the Congress must take.

Further, I believe it is vital that the Congress deal with the long-range problem and enact national emergency strike legislation, as the President initially called for in his state of the Union message. The public interest must be protected. I believe the time has long since passed when the Congress should have acted.

SUBCOMMITTEE ON SPECIAL PROBLEMS OF SMALL BUSINESS OF THE SELECT COMMITTEE ON SMALL BUSINESS

Mr. SMITH of Iowa. Mr. Speaker, I ask unanimous consent that the Subcommittee on Special Problems of Small Business of the Select Committee on Small Business may be permitted to sit during general debate this afternoon and tomorrow afternoon while the House is in session.

The SPEAKER. Is there objection to the request of the gentleman from Iowa?

There was no objection.

COMMUNITY ACTION PROGRAMS

Mr. CABELL. Mr. Speaker, I ask unanimous consent to extend my remarks at this point in the RECORD.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. CABELL. Mr. Speaker, there has been much publicity and no little criticism recently on the poverty program, as you are aware.

Much of this criticism has been unfounded, but there has been enough smoke to make me wonder just what has been going on in my own district, Dallas County, with its 1,250,000 population.

Accordingly, I am now completing an investigation in depth of every project currently in operation. This investigation has been done by trained investigators, well versed in the law, accounting and commonsense.

Here are the results:

First, community action programs: Seventeen such programs are in progress and are producing most satisfactory results.

Expenses are in line with the requirements and the accounting of funds is above reproach.

A cross section of the community is represented on the county board, and its members are extremely careful in screening each project, its cost and personnel.

The primary objective has been to achieve tangible results, rather than to seek ways of spending the total authorization.

Second, small business development center: This project is extremely well-managed, and most active. Since its inception, loans have been processed and they appear to be in accord with appropriate guidelines. This program has great potential for constructive assistance.

The advisory and screening board is composed of the commercial and industrial leaders of the community who are giving unstintingly of their time.

Third, programs directly under OEO and/or Labor Department: While no discrepancies were found in this area, Washington control over these programs breeds and fosters potential confusion.

These projects reporting directly to Washington agencies do not have the supervision and monitoring required to insure proper recordkeeping and responsible handling of funds. This, in itself, could breed payroll padding, goldbricking and other evils which bring discredit to the overall program.

Conclusion: On the basis of these findings, I am more convinced than ever that more, not less, emphasis should be placed on community action programs. Conversely, fewer authorizations should be allocated to those programs administered from Washington.

In my opinion, screening and supervision by local authorities and citizens encourage better programs by far.

I hope that you can agree to this premise.

COMMODITY CREDIT CORPORATION'S REPORT FOR 1965—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES

The SPEAKER laid before the House a message from the President of the United States.

CALL OF THE HOUSE

Mr. GROSS. Mr. Speaker, I make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

Mr. ALBERT. Mr. Speaker, I move a call of the House.

A call of the House was ordered.

The Clerk called the roll, and the following Members failed to answer to their names:

[Roll No. 178]

Ashley
Baring
Blatnik
Bow
Clark
Curtis
de la Garza
Dickinson
Edwards, La.
Ellsworth
Fulton, Pa.
Gathings
Green, Oreg.
Hall
Hébert
Henderson
Jones, Mo.
Kee
Keogh
King, N.Y.
McEwen
Martin, Mass.
Miller
Mills
Morrison
Multer
Murray
Nedzi
Powell
Rivers, S.C.
Rooney, N.Y.
Scott
Skubitz
Toll
Trimble
Willis
Wilson, Bob

The SPEAKER. On this rollcall 395 Members have answered to their names, a quorum.

By unanimous consent, further proceedings under the call were dispensed with.

COMMODITY CREDIT CORPORATION'S REPORT FOR 1965—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES

The following message from the President of the United States was read and, together with the accompanying papers, referred to the Committee on Banking and Currency:

To the Congress of the United States:

The Commodity Credit Corporation is a useful instrument in America's effort to build a stronger economy, and a more secure foundation for world peace.

The CCC is the financial mechanism through which we share our food abundance with the hungry people of other nations.

It is a principal means through which we work to balance supply and demand, to maintain ever-normal granary reserves, to expand agricultural exports, and to provide a floor under the farmer's returns from commodity sales.

FOOD FOR FREEDOM

The food-for-freedom bill, now awaiting final congressional action is a firm expression of our national policy—and of the personal desire of most citizens to share our food abundance in the interest of world peace.

No longer is it our policy merely to share what is left over from cash markets. Rather, we shall plan our sharing in accord with the needs and best interests of the developing countries and their own resources.

But we know that we cannot provide for all the world's food needs, even if we were to bring every acre of American soil under cultivation. Thus our food aid programs must, and will, benefit those who demonstrate their willingness to help themselves by a deeper commitment to agricultural development.

SURPLUSES AND EXPORTS

Farm programs authorized by the Congress from 1961 through 1965 have helped farmers bring their production of surplus grains and other products into line with demand. They have enabled the CCC to reduce inventories that had grown too large. Storage and handling costs have been reduced $500,000 a day.

Surplus grain is no longer a threat to the livestock industry. Cash receipts from livestock products are up, and the outlook for the industry is bright.

Meanwhile, our exports of agricultural products are setting new records. They are expected to total 40 percent more this year than in 1960, due largely to tremendous increases in feed grains, wheat, and soybean exports. Farm commodity exports amount to one-fourth the value of all U.S. merchandise exported—and thus are vital in creating the foreign exchange necessary to carry on all of our business with foreign countries. The balance-of-payments problem is alleviated by our expanding agricultural exports that are aided in various ways through the Commodity Credit Corporation.

FARM INCOME

The domestic farm programs that have brought surpluses down have carried farm income up. In 1965, net farm income was fully a fifth higher than in 1960 and is expected to be up another billion dollars this year, reaching the highest level in history except for the postwar years of 1947 and 1948. Income per farm has risen 55 percent since 1960.

This is heartening progress, but we still have a long way to go toward our goal of full parity of income for the American farmer.

Though farm prices have increased 4 percent since 1960, they still are 14 percent below what they were in 1952. And this 4-percent increase in farm prices did not keep pace with the 8-percent increase in farm production costs during that same period.

And though the gap between farmer and nonfarmer income was narrowed by 18 percent in the past five and a half years, farmers still earn only two-thirds per capita of what nonfarmers earn.

We cannot rest until we have achieved full parity of income for the American farmer.

FUTURE PROSPECTS

With grain surpluses nearly gone and demands increasing, farmers now look forward eagerly to the opportunity to increase production. We have already increased the national rice acreage allotment by 10 percent and the national wheat allotment by 15 percent. We have twice increased the milk support price in recent months to encourage dairy farmers to remain on the land, to increase production, and thus to assure consumers a continued, adequate supply of dairy products. We are carefully watching farm commodity supply-demand situations, and we will use our program authorities to encourage increased production whenever this appears desirable.

The flexibility of the Food and Agriculture Act of 1965, and of the Commodity Credit Corporation, enables us to encourage increased or decreased production, as national needs and market conditions require.

The legislation now available, together with that nearing enactment, will help us continue our progress toward parity of income. That goal is no longer a long-range hope. It is within our reach—hopefully within this decade. It can be achieved not merely by the large and highly capitalized producers, but by all efficient family-type farmers regardless of race or geography.

Like all policy objectives of a truly great society, parity of income is a classless objective, for it will serve the best interests of every citizen.

We shall use such institutions as the Commodity Credit Corporation to work for parity of income. We shall strive to keep them dynamic and viable and ready, always, to meet our future needs.

It is a pleasure to transmit to you the Commodity Credit Corporation's report for 1965.

LYNDON B. JOHNSON.

THE WHITE HOUSE, *July 26, 1966.*

TRADE AGREEMENT WITH THE GOVERNMENT OF THE UNITED KINGDOM OF GREAT BRITAIN AND NORTHERN IRELAND—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 461)

The SPEAKER laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, referred to the Committee on Ways and Means and ordered to be printed:

To the Congress of the United States:

In accordance with section 226 of the Trade Expansion Act of 1962, I herewith transmit a copy of a trade agreement concluded on April 5, 1966, with the Government of the United Kingdom of Great Britain and Northern Ireland, together with a statement of the reasons for entering into the agreement.

The agreement reestablishes in terms of the revised Tariff Schedules of the United States (TSUS) that entered into force in 1963 the U.S. concessions negotiated by the two governments in previous years under the General Agreement on Tariffs and Trade. It also grants new U.S. concessions, under the authority of the Trade Expansion Act of 1962, in order to offset the net impairment, incidental to bringing the TSUS into force, in the value of those old concessions. The first reductions in tariffs resulting from the compensatory concessions in the present agreement took effect on May 1, 1966; the subsequent stages of these reductions will take place annually through May 1, 1970.

LYNDON B. JOHNSON.

THE WHITE HOUSE, *July 26, 1966.*

TED WILLIAMS

Mr. O'NEILL of Massachusetts. Mr. Speaker, I ask unanimous consent to address the House for 1 minute.

The SPEAKER. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

Mr. O'NEILL of Massachusetts. Mr. Speaker, yesterday, July 25, 1966, two fine Americans, Ted Williams and Casey Stengel, were installed in the Baseball Hall of Fame. By their unprecedented careers, they had long honored the sport which now honors them.

It is with special pleasure that I call to the attention of the House and to the American public the particular career of Ted Williams, immortalized yesterday at Cooperstown, N.Y.

One of the greatest and most dedicated hitters of all time, Ted's lifetime batting average was .344. He won 6 batting championships, hit 521 home runs, and was a member of 18 all-star teams. And, of course, any schoolboy knows that Ted was the last player ever to hit over .400 for a season.

But Ted Williams is a credit not only to baseball, but also to Boston, where his major league career began and ended, and to the Nation which he had twice served in the Marine Corps. His more than distinguished military record in World War II and the Korean conflict, and his participation in such charitable work as the Jimmy Fund in Boston, are to be honored as much as his place in baseball history.

Therefore, Mr. Speaker, for the baseball fans of Boston and New England, who knew him best, and for everyone who ever loved the game of baseball, I ask the House now to join in honoring one of the game's greatest representatives.

FREEDOM FOR VIETNAM

Mr. WOLFF. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The SPEAKER. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. WOLFF. Mr. Speaker, throughout the course of the struggle in Vietnam, the hopes and goals of the American people have been a lasting peace and freedom for the Vietnamese. They have been elusive goals: after much death, desolation, and destruction they still appear far off.

The recent intemperate and irresponsible statements of Premier Ky in an interview serve to increase the danger of a prolonged and enlarged conflict in Asia. Ky does not and should not be permitted to make American policy. His call for an immediate armed confrontation with Communist China is diametrically opposed to our policy. Ky does not seem to care how large this conflict grows. He lauds military victories and waxes more aggressive as American military might—and American dead—increase. Ky could be one of the biggest "coat holders" in history.

Ky admits in this week's U.S. News & World Report that he does not represent the people of South Vietnam. He does not represent America, either, and should not be permitted to talk for us. If he can make these statements with impunity, his position against negotiations and his reckless disregard of the dangers of an expanded Vietnam war will mislead the world to believe that we have unstated aggressive aims in Vietnam.

Our aims are to bring lasting peace to that war-ravaged land and to bring freedom to the people of South Vietnam so that they can decide their own destiny;

our means a prudent, measured firmness and nonaggression.

We do not need Ky to tell us who our enemies are or how we shall be committed; we shall decide that for ourselves.

Ky is a military man, leading a military regime in a country racked by military conflict. He has once again proven that he cannot rise above this; he cannot even fathom a peace conference and the political negotiations that will ultimately be necessary to bring a lasting peace to Vietnam. I ask that a statement be made immediately by the U.S. Government disavowing these imprudent remarks of Premier Ky. The world, but more important the American people, should not be mislead by default into believing that this is the policy of our Government.

CIVIL RIGHTS ACTS OF 1966

Mr. CELLER. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the State of the Union for the further consideration of the bill (H.R. 14765), to assure nondiscrimination in Federal and State jury selection and service, to facilitate the desegregation of public education and other public facilities, to provide judicial relief against discriminatory housing practices, to prescribe penalties for certain acts of violence or intimidation, and for other purposes.

The SPEAKER. The question is on the motion offered by the gentleman from New York.

The motion was agreed to.

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the further consideration of the bill H.R. 14765, with Mr. BOLLING in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. When the Committee rose on yesterday the gentleman from New York [Mr. CELLER] had 4 hours and 4 minutes remaining; the gentleman from Ohio [Mr. MCCULLOCH] had 5 hours remaining.

The gentleman from Ohio [Mr. MCCULLOCH].

Mr. McCULLOCH. Mr. Chairman, I yield myself 20 minutes.

Mr. Chairman, in recent weeks, and over the longer period of many, many months, the riots, the looting, and the tumult and the shouting in connection therewith, have been of increasing concern and alarm by law-abiding citizens of every race and color, everywhere.

It is regrettable, indeed, that we begin debate on the proposed Civil Rights Act of 1966 under such conditions.

Today is not the first time that I have spoken against such unlawful action.

On January 31, 1964, in speaking for H.R. 7152, then before the Committee of the Whole House on the State of the Union, later to become the omnibus Civil Rights Act of 1964, I made the following statement:

> There is considerable pressure for civil rights legislation from certain quarters on the ground that unless legislation is enacted there will be rioting in the streets, heightened racial unrest, and the further shedding of blood. This kind of activity, in my mind, is highly improper and could do much to retard the enactment of effective civil rights legislation.
>
> No people can gain lasting liberty and equality by riot and demonstration. Legislation under such threat is basically not legislation at all. It is the rule of the mob.

Mr. DOWDY. Mr. Chairman, will the gentleman yield?

Mr. McCULLOCH. I am glad to yield to my friend from Texas for one question.

Mr. DOWDY. All right. Does the gentleman know and realize that every bill we have passed on this question has increased the riots, the demonstrations, and looting, which concern me just as they do my esteemed friend?

Mr. McCULLOCH. I do know that riots and demonstrations have increased. There is no complete agreement as to the major causes thereof. I shall have some further comments to make about that subject later on.

In the long run, behavior of this type will lead to a total undermining of society where equality and civil rights will mean nothing.

Behavior of this type also creates the false sense of hope that once legislation is enacted, all burdens of life will dissolve.

No statutory law can completely end the discrimination which is under attack by this legislation. Intelligent work and vigilance by members of all races will be required for many years before discrimination completely disappears. To create hope of immediate and complete success can only promote conflict and result in brooding despair.

Not force or fear, then, but belief in the inherent equality of man induces me to support this legislation.

And, Mr. Chairman, I intentionally repeated that statement from more than 2 years ago because I feel just exactly that way now.

Mr. Chairman, in this connection, I am pleased, I am immeasurably pleased, if you please, that the President has recently spoken out against this lawless behavior which is taking place in some of our great cities and threatening to do so in many more.

Mr. Chairman, may I say that, perhaps, the effect of the great Midwest, the heartland of America, on the President on his recent trip there served a useful purpose.

Mr. Chairman, as we begin consideration of the proposed Civil Rights Act of 1966, it is clearly apparent that it represents an historic arrival in the American quest for equal justice for all.

Here are proposals which would prohibit discrimination in the selection of State and Federal juries, and I should like to say here that the Attorney General said that he found no evidence of discrimination, and that there had been no complaints of discrimination, in this field, in either State or Federal court, in my own great State of Ohio.

Here, Mr. Chairman, are provisions which would assure equal access to public facilities and educational institutions, punish the use of force and violence against others on account of their race, color, religion or national origin and provide equal access to the fruits of our competitive and great housing market.

Mr. Chairman, I repeat that this is an historic arrival, indeed, because the very fact of our consideration of this legislation indicates the great progress that we have made in this field since 1957.

And, you know, Mr. Chairman, in 7 out of the 9 years since, and including 1957, the time and talent of this Committee and of the House has been given to an attempt for a solution of the problems which have been with us for more than 100 years.

Mr. WAGGONNER. Mr. Chairman, will the gentleman yield for a question?

Mr. McCULLOCH. I yield to my friend, the gentleman from Louisiana, [Mr. WAGGONNER] for one question.

Mr. WAGGONNER. Mr. Chairman, I thank the gentleman from Ohio for yielding. He is indeed my friend.

Mr. Chairman, the gentleman from Ohio makes reference to the progress which has been made under the law in his home State, the great State of Ohio, and I agree with the gentleman that it is a great State.

But, Mr. Chairman, I wonder if the gentleman can justify or explain the cause for the recent riots and the necessity to call out the National Guard in Ohio. Is it because of a lack of understanding of these problems? Or is it because of discrimination in Ohio? Or is it because no progress has been made?

Mr. McCULLOCH. My answer to that question is, as I said at the very beginning, I am not sure of the cause of the riots and demonstrations and the attendant death and destruction. I suppose that it has its cause, among other things, in the 300 years of the planned second-rate citizenship of great bodies of our people—not planned by people of good will but those who would maintain the status quo forever.

Some of the provisions of the 1966 bill return us to areas of earlier concern, proposing necessary amendments to laws considered and enacted but a few years ago.

Mr. FEIGHAN. Mr. Chairman, will the gentleman yield?

Mr. McCULLOCH. I am happy to yield to my good friend and colleague, the gentleman from Ohio [Mr. FEIGHAN], who was minority leader of the Ohio House of Representatives when I was the speaker of that body.

Mr. FEIGHAN. Mr. Chairman, I thank my very able colleague. I recall his distinguished service as speaker of the Ohio House, which service he has carried forward in this body.

I am pleased to inform Members of the House that last week I spoke to our distinguished chairman of the full committee, the gentleman from New York [Mr. CELLER], requesting that the Committee on the Judiciary make a comprehensive inquiry into the causes and cures of the riots that have occurred in areas of some of our metropolitan centers, including Cleveland.

The gentleman from New York [Mr. CELLER] has strongly endorsed my proposal and has assured me that this inquiry will begin when we have completed consideration of the pending bill.

Mr. McCULLOCH. I thank the gentleman from Ohio for his proposal and I, too, shall be glad to work with him. It would be a definite step forward if we could find even some of the important reasons which impel these American citizens to engage in such unlawful conduct.

Mr. Chairman, I should like to briefly talk about each of the titles in this bill, and it will be brief, because the chairman and other able members of the committee will speak at length on each of the titles of this act.

I am going to start about midway in the bill in describing the titles.

Title V applies as effective criminal sanctions to all federally protected activities as the Voting Rights Act of 1965 afforded in protecting the right to vote. I cannot let this time pass without saying that the Civil Rights Act of 1965 resulted in bringing the elective franchise to great numbers of people who only a short while before had no hope whatsoever of voting in their lifetime.

Title VI of the bill would facilitate the desegregation for public schools and facilities and would provide more effective means for making available equal access to State-supported facilities.

In other titles the bill represents the recognition and the assumption of new responsibilities.

Title I revises and modernizes the Federal jury selection system.

Title II provides flexible selective remedies for discrimination in State juries.

If there be any evidence needed to convince us that there is legislation needed in the selection of jurors in the State system, the series of six or seven or eight cases which have been handed down by the Federal courts, some at the Supreme Court level, is proof even.

These titles in the bill will assure that our jury systems will remain true to Blackstone's dictum that the jury is the great bulwark of the liberties of individual citizens.

Title IV which I will presently discuss in more detail is a new step to open many areas of our great and bountiful housing market to minority groups.

This last year alone has indicated that we have been successful to a great degree in moving the struggle for equal rights and equal opportunities from the streets into the polling places and into the courts, notwithstanding the depressing and terrible conditions in the largest city in my own State and elsewhere.

Voluntary compliance with law is more widespread than the tumult, shouting, violence, and riots in the streets would indicate.

The introduction of title IV, the Federal fair housing title of the civil rights bill of 1966, has touched off a considerable controversy. I believe it would serve a useful purpose to briefly analyze the substance of the controversy before discussing the particular provisions of title IV, as it was amended by the full Committee on the Judiciary of the House of Representatives.

First, I believe that any fair-minded American would strongly uphold an equal right of every other American to purchase, lease or occupy a home for his family. It is the very strength of the greatness of this Nation. I believe all Members of the House would certainly subscribe to that right as product and privilege of the basic philosophy of the representative Republic which we here serve.

Secondly, I do not believe the root of this national concern lies in the fact that the Federal Government is undertaking to enact and enforce a fair housing law. Equality in housing has been a creature of Federal statute for nearly a hundred years. The act of April 9, 1866, which now appears as 42 U.S.C. 1982, entitled "Property Rights of Citizens" provided that:

> All citizens of the United States shall have the same right, in every State or territory, as is enjoyed by white citizens thereof to inherit, purchase, lease, sell, hold, and convey real and personal property.

In the National Housing Act of 1949, the Congress reiterated this commitment, under the heading, "Congressional Declaration of National Housing Policy," in the following terms:

> The Congress declares that the general welfare and security of the Nation * * * require * * * the realization as soon as feasible of the goal of a decent home and a suitable living environment for every American family.

And in 1962, President John F. Kennedy promulgated Executive Order No. 11063, which was aimed at the elimination of discrimination in federally assisted housing. Thus, the fact that the Federal Government was undertaking to act in this area should not, of itself, have caused the outcry that has greeted title IV.

What, then, has caused the storm over the fair housing title of the 1966 bill? In the first place, I believe the American people have not been fully informed in an unbiased manner, of the operation of fair housing laws in general, and the Federal role in housing in particular.

Additionally, I believe the aura of secrecy and uncertainty which surrounded title IV prior to its long-delayed approval by the administration and the subsequent unyielding position on the unrealistic proposal finally introduced, served only to crystallize and increase the deep concern of many people.

The CHAIRMAN. The time of the gentleman has expired.

Mr. McCULLOCH. Mr. Chairman, I yield myself 5 additional minutes.

Mr. CELLER. Mr. Chairman, will the gentleman yield at that point?

Mr. McCULLOCH. I yield to the chairman of the committee.

Mr. CELLER. Mr. Chairman, I am happy to hear the gentleman make the statement he just did. Is it not true that the gentleman's own State and my State and 18 other States have some form of open housing law?

Mr. McCULLOCH. The statement is true. Those States do have such laws.

The administration advocates have been persuasive in the later presentation of the compelling need for title IV. The Negro housing situation has been described as a national disgrace—and it is. It is in my own home State of Ohio, in Cleveland. The need for this legislation has been stated again and again, and the Congress has been urged to act.

I am sure many Members of this body were as disappointed as I was to read the testimony of the Secretary of Housing and Urban Development, Robert C. Weaver, who submitted to the subcommittee the facts and figures relative to the enforcement of the Executive order prohibiting racial discrimination in federally assisted housing. The present Executive order, in his words, covers less than 3 percent of our total housing supply. On the other hand, he admits that the President, on his own authority, could cover 60 percent of the housing market.

Other compelling arguments have been made that the President by Executive order could prevent discrimination in as much as 80 percent of the Nation's housing transactions. These arguments are premised on the fact that 98 percent of the nation's commercial banks are insured by the Federal Deposit Insurance Corporation. Of the Nation's Federal savings and loan associations, 70 percent are members of the Federal Home Loan Bank System and account for 98 percent of all savings and loan association funds. The President by Executive order could prohibit such financial institutions from using their funds to finance any housing projects or units which are not open to the public free from the discrimination by reason of race, color, religion, or national origin.

In view of such statistics, these critics of the administration, who feel the Chief Executive has not aggressively acted to end housing discrimination by reason of race, color, religion, or national origin, have a real basis for concern about the failure to issue the necessary Executive order.

Expansion of coverage of the Executive order would have followed the lead of many States, which have open housing laws. I respectfully urge the President, whatever the outcome of our action on title IV, to assume responsibility under his executive powers in the housing field to assist in the elimination of discrimination on account of race, color, religion or national origin.

Title IV of the administration bill, as originally introduced, would have prohibited discrimination in the rental or sale of all housing without the slightest exception.

But the old saying that a man's home is his castle is deeply rooted in our history and our national feeling.

In the words of the great William Pitt the Elder:

> The poorest man may in his cottage bid defiance to all the force of the crown. It may be frail; its roof may shake; the wind may blow through it; the storms may enter, the rain may enter—but the King of England may not enter; all his forces dare not cross the threshold of the ruined tenement.

"A man's home is his castle." We all love that sentence.

It represents the hopes and aspirations, and the belief of many millions of Americans.

In the light of the sweeping provisions of the administration proposal and the unyielding position early taken by its advocates, I believe the average American has reason to be greatly troubled when it appeared that part of the rights which have traditionally comprised individual homeownership were threatened by Federal action.

The great majority of the State laws—and even FHA and VA regulations—contain fair exemptions. I repeat that phrase: contain fair exemptions.

The bill which is presently before us represents a compromise of the original title IV. The compromise has been a subject of some criticism, due to certain ambiguities which were born of the haste and the pressures with which it was presented and acted upon in the Committee on the Judiciary.

At an appropriate time, under the 5-minute rule, an amendment will be offered to conform the language of the bill to the intentions of the supporters of the Mathias compromise in committee, of which I was one. The amendment, which I will support, will make it unmistakably clear that a real estate agent may act under the instructions of an exempted principal in promoting and completing an exempted sale.

Mr. Chairman, I believe that the bill, thus amended and perfected, will represent measured and moderate balancing of the rights of the individual homeowner, on the one hand, and the rights of a prospective purchaser to fair access to the housing market, on the other.

As modified by the Mathias amendment, which will be offered in due course, the bill would do the following:

First. It would exempt the individual homeowner in two sales or rentals of residential property within a 12-month period, whether or not the homeowner occupies the premises. I am correcting an earlier misstatement I made.

Second. It would exempt the rental or sale of units in an owner-occupied building containing up to four separate family accommodations—this would include Mrs. Murphy's single family dwelling which she operates as a boarding house.

Third. It would exempt housing maintained by religious and fraternal institutions and organizations in furtherance of the objectives of such groups.

Would you believe that the original bill would have prohibited a religious or educational or fraternal organization from discriminating in selecting the residents of that housing when in most, if not all, instances the housing was financed by the limited group to which the discrimination applied?

Mr. McCLORY. Mr. Chairman, will the gentleman yield to me?

Mr. McCULLOCH. In just one moment unless it is on this particular question.

Mr. McCLORY. Yes. I wanted to ask the gentleman about that provision. As I understand it, there would be no interference, then, with the religious group, for instance, that wants to include members of their own society or their organization in housing quarters which they have provided for themselves.

Mr. McCULLOCH. That is right. To the exclusion of all others. And I am very happy to say that we picked that paragraph of the bill as it is before you in full from the State of Ohio's law, which has worked so well ever since it was enacted.

Mr. McCLORY. I want to commend the gentleman for that contribution in the form of an amendment, together with his many other contributions with respect to this important legislation.

Mr. McCULLOCH. Thank you.

Fourth. It would permit real estate brokers to carry out the instructions of an exempted owner, notwithstanding any other provisions of title IV of the bill.

Mr. Chairman, there is no necessity to prohibit every disposition of owner-occupied premises, since effective legislation is possible which allows the reasonable exemptions I have described. The Attorney General testified in hearings before the subcommittee to the same effect:

> I believe it is accurate to say that the individual homeowners do not control the pattern of housing in communities of any size. The main components of the housing industry are builders, landlords, real estate brokers, and those who provide mortgage money. These are the groups which maintain housing patterns based on race.

It would be grudging and, in most instances, a meaningless concession, to allow the homeowner an exemption from the law, and in the next breath withhold the means of fully exercising it. As amended, title IV acknowledges the experience and wisdom of the States, of which the chairman has so recently spoken, such as my own State of Ohio, who have acted with courage in enacting fair housing laws.

Mr. Chairman, I shall insert into the Record following my remarks a comparison of the present Ohio law and title IV of the bill before us.

Mr. Chairman, I hasten to advise the Members of this Committee that the Ohio law is substantially stricter than the bill now pending before the committee of the Whole House on the State of the Union.

Mr. Chairman, in its operation title V will enlist confidence——

Mr. LATTA. Mr. Chairman, will the gentleman yield to me at that point?

Mr. McCULLOCH. Yes, Mr. Latta.

Mr. LATTA. Mr. Chairman, I wonder if I could request of the gentleman from Ohio [Mr. McCulloch], to also when he makes this insertion of the Ohio law in the Record, that he also set forth the penalties?

Mr. McCULLOCH. That will be done. The penalties in the Federal law are as effective as are those contained in most of the State laws.

And, Mr. Chairman, I should like to say to my good friend and colleague, the gentleman from Ohio [Mr. Latta] that all of the basic civil rights legislation provides, both civil and criminal penalties for their violation, which has been on the statute books for at least 75 years.

Mr. Chairman, in its operation title IV will enlist confidence and compliance, but it is moderate, and it is high in moral standards.

The CHAIRMAN. The time of the gentleman from Ohio has expired.

Mr. McCULLOCH. Mr. Chairman, I yield myself 2 additional minutes.

Mr. Chairman, the proposed Civil Rights Act of 1966 is wide in its scope, yet moderate in application, as practically every—if not every—civil rights law that we have passed here since 1957, and including 1957—has been.

Mr. Chairman, the legislation is necessary and will be helpful at least in meeting the difficult problems of these changing times.

I believe it will help serve the goal of equal justice through its balanced and fair consideration of the rights of everyone.

Mr. Chairman, if the Mathias amendment is agreed to in the Committee of the Whole House on the State of the Union, and if it is sustained by the House, I intend to support the legislation.

Now, Mr. Chairman, I yield to my colleague, the gentleman from North Carolina [Mr. Whitener].

Mr. WHITENER. Mr. Chairman, I thank my colleague, the gentleman from Ohio [Mr. McCulloch] for yielding, and wish also to express my appreciation to the gentleman for having reminded us that a man's home is his castle, and that Sir William Pitt addressed himself very eloquently to the subject as to the inviolability of private property.

Mr. Chairman, the gentleman from Ohio spoke about title IV. I am wondering if the gentleman would concur with the statement made in a concurring opinion in *Peterson* v. *Greenville,* 373 U.S. 244, in 1963, with these words:

> Freedom of the individual to choose his associates or his neighbors, to use and dispose of his property.

The CHAIRMAN. The time of the gentleman from Ohio has again expired.

Mr. McCULLOCH. Mr. Chairman, I yield myself 1 additional minute.

Mr. WHITENER. Mr. Chairman, will the gentleman yield?

Mr. McCULLOCH. I yield to the gentleman from North Carolina.

Mr. WHITENER. Mr. Chairman, as I was saying, Justice Harlan in the Peterson case said:

> Freedom of the individual to choose his associates or his neighbors, to use and dispose of his property as he sees fit, and to be irrational, arbitrary, capricious, even unjust in his personal relations are things all entitled to a large measure of protection from governmental interference.

This liberty would be overridden, in the name of equality, if the strictures of the amendment were applied to governmental and private action without distinction.

Mr. Chairman, will the gentleman from Ohio [Mr. McCulloch] agree that an individual has the right to be irrational, arbitrary, capricious, and even unjust in personal relations where his private property is involved?

Mr. McCULLOCH. I would judge that this would depend on how the irrational, arbitrary, and capricious conduct affected the general welfare of the people of the neighborhood and the country.

Mr. Chairman, I should like to say in reply to my good friend, by what I said in the report:

> New occasions teach new duties, time makes ancient good uncouth, they must upward still, and onward, who would keep abreast of truth.

The Supreme Court and most if not all of the inferior courts of this country have been wise enough to move with the needs of our changing times.

Mr. GROSS. Mr. Chairman, will the gentleman yield?

Mr. McCULLOCH. I yield to the gentleman from Iowa.

Mr. GROSS. Am I correctly informed that the State of Ohio has a stronger housing provision than is contained in this bill?

Mr. McCULLOCH. That is my opinion, and I am joined in this opinion by many other people.

My good friend, the gentleman from Ohio [Mr. LATTA] asked me about the criminal penalties of the Ohio law and as to its enforcement. There are no criminal penalties in the law as such, but there is injunctive relief which could lead to imprisonment.

Mr. CELLER. Mr. Chairman, will the gentleman yield?

Mr. McCULLOCH. I yield to the gentleman from New York.

Mr. CELLER. I wish to draw attention to the fact that the case the gentleman from North Carolina referred to, Peterson against City of Greenville, was a case involving a trespass conviction and had no relation whatsoever to the subject at hand; it related to public accommodations. The quotation that he read was purely obiter dictum and had no direct bearing on the decision in that case.

Mr. McCULLOCH. I thank the chairman of the committee for his analysis of that case.

Mr. CELLER. Mr. Chairman, I yield 15 minutes to the distinguished gentleman from Virginia [Mr. TUCK].

Mr. JOELSON. Mr. Chairman, will the gentleman yield?

Mr. TUCK. I yield to the gentleman from New Jersey.

Mr. JOELSON. Mr. Chairman, I am pleased to announce my support of the Civil Rights Act of 1966, just as I was happy to support the Civil Rights Act of 1964 and the Voting Rights Act of 1965. As great and historic as these prior pieces of legislation have been, there is still a long road to travel before all our people achieve social, legal, political, and economic justice.

I am especially pleased to support the provisions of the pending bill which will prohibit racial discrimination in the selection of juries in both Federal and State courts. We have only too often witnessed mockery of justice when defendants charged with crimes against Negroes in the southern part of our Nation are allowed to go unpunished despite overwhelming evidence against them. Civil rights will be meaningless if persons who attempt to exercise these rights are intimidated, assaulted, or even killed by hoodlums who are encouraged by lenient juries to repeat their crimes. I also wholeheartedly support title III which authorizes the Attorney General to obtain injunctions against those who conspire to deprive people of their constitutional or legal privileges.

The most controversial aspect of the bill is, of course, title IV, which deals with housing. The Legislature of the State of New Jersey has, without fanfare or bitter dispute, enacted fair housing legislation by a unanimous vote. This New Jersey law has not resulted in the dire and gloomy happenings which the opponents of the pending bill so freely predict. As a matter of fact, I am advised that enforcement of the law is proceeding smoothly, with many difficulties being ironed out by conciliation.

Mr. Chairman, there is considerable unrest and even violence on the streets of slums in the cities of America. Of course, I deplore and condemn disorder and lawlessness. However, I am aware of the fact that we have too long allowed a poisonous situation to fester, and it is our duty to improve the conditions upon which many of the grievances are based. I consider our outstanding challenge on the home front to be the obligation to face up to our responsibility to the underprivileged of our Nation.

I believe that when the history books of the 20th century are written, we will be judged on how me met the challenge and shouldered the responsibility. I for one do not intend to be found wanting, and I fervently hope that the Congress of the United States of America will not be found wanting and will do justice.

Mr. TUCK. Mr. Chairman, I rise in opposition to the so-called civil rights bill now pending in the Congress. It is a sad day for those of us who oppose it because we recognize the futility of anything we may say against it. This House has already demonstrated that it intends to pass this vicious legislation when it brought this matter to the floor by the unusual and almost unprecedented action of bypassing the Rules Committee.

It is certainly no violation of legislative courtesy for me to say that I have grave doubts as to the wisdom of that action.

H.R. 14765 constitutes a serious blow to our American liberty. These proposals are dangerous because much of the real meaning is couched in vague language. It is designed to create a false sense of equality and security.

I consider it my duty to denounce this proposal. It strikes at the very foundation of freedom and liberty. It does violence to individual rights, the bedrock upon which this Nation was built and which our forefathers struggled through many hardships and perils to establish and preserve. Those who spilled their blood and surrendered their lives on the seas and battlefields of the world to make this country what it is cry out from the great beyond in hostile anguish against this measure.

I have always understood that the Constitution and the laws of this Nation have as their purpose the protection of the right of its citizens to equal justice. I champion this assumption as typical of America and of her form of government. This bill is clearly unconstitutional and out of harmony with our American way of life. It would pretend to create new rights for special classes of people, but at the same time it takes away precious and fundamental rights from all citizens. This bill is a cruel hoax to the property owner, to the man who takes pride in saving his dollars and having his name listed in the records as a shareholder in this great country.

While admitting the absolute authority of the Congress over the Federal jury system, I submit that the widespread revamping of the system as proposed in title I warrants a more careful and detailed study. I cannot bring myself to the support of title I on the basis of the superficial consideration its provisions have received in the Judiciary Committee. There is precedent for more orderly procedure when such drastic changes are proposed. We should have followed customs and ascertained the views of the Judicial Conference and the American Bar Association in this instance before reporting this measure from the committee.

I oppose the unwarranted and vicious assault on our State courts and juries as proposed in title II. Its provisions assail the integrity of our State courts and jury systems in a shameless and brazen manner. In addition, the end result would be a hopeless and indescribable state of confusion and delay. Title II constitutes another of a long list of flagrant encroachments upon the rights of the States. This title is in violation of the Constitution. The right of the States to establish their own courts is thoroughly protected and the Federal Government cannot justify this infraction of such a fundamental and long recognized right.

Title III is wholly objectionable. Its provisions are poorly defined. There has been no attempt to explain the true meaning and intent of the title.

It would provide weapons by which the entire State and Federal relationship would be effectively destroyed. Age-old guarantees of personal rights would be stripped away. Government by law in which State powers are preserved and individual rights are protected would be replaced with government by injunction; that is government by the uncheckable whims of Federal judges. Countless alleged denials of equal protection of the laws, however fantastic, would be translated into binding injunctions obtained without regard to State remedies and State courts.

The effect of this section of the pending bill would be to place the powers of a tyrant in the hands of every Federal judge, some of whom have clearly acted in a bombastic and arrogant and injudicial manner. Under the catchall term of "equal protection of the laws" almost anyone may contend that he is being deprived of something. Upon the flimsiest allegations of an "about to" conspiracy—without even the consent of prospective plaintiffs and even against their will—the Attorney General may demand an ex parte injunction, without notice and without hearing.

The startling proposal contained in title IV is plainly understood by an overwhelming majority of people and violates for the first time the right of an American citizen to own and hold property. No one can consider himself the owner of property if the Government has the right to dictate to him the terms of its disposal. Even if the Government has the constitutional authority to place such restrictions upon the landowners of this country, who are among our most respected and responsible citizens, the proceedings under which it would be done are indeed vexing and alarming. The proceedings under title IV are heavily weighted against the real property owners while the most frivolous or vengeful complainant gets the full backing of the all-powerful Federal Government.

A would-be buyer can allege discrimination any time within 6 months after his offer to buy is claimed to have been turned down. His attorneys fees and court costs are paid for him. Such a person can secure a preliminary injunction simply on the basis of his petition and without even an ex parte proceeding.

Under such conditions and as long as the property remains in litigation, title insurance companies would be dissuaded from certifying a new title to any other buyer. Lawyers who examine titles would never know when they were safe in certifying a title as clear without first having advertised in the newspapers and gone through the community to make inquiry and determine whether or not a charge of discrimination is likely to occur, and even then, he would be uncertain. Such a situation hobbling the property owners and business people of this country is intolerable.

The property under litigation would of necessity remain on the market until a court decision has been reached which may consume 2 or 3 or more years depending on the crowded dockets of the Federal courts which are becoming more crowded every day by reason of these useless and senseless Federal usurpations of power.

In addition to all of the above, the U.S. Attorney General would have power to intervene in behalf of a complainant in some faraway locality. The bill moreover provides that a petitioner may be awarded almost automatically actual money damages and, beyond that, get an unlimited sum for humiliation, mental pain and anguish. This bill would make it virtually impossible for a real property owner to withdraw a house from the market once it has been offered without facing the possibility and the vexation of a malicious complaint and expensive law suit. The force of this provision could ruin many property owners, even if they ultimately were exonerated in court.

The facts are and the truth is that all the owner of real property gets under this bill is right to defend himself, if he can afford the money and the time to do so. He is deprived of the right to convert his own property into cash, even though he may need the cash to acquire other property, to support his family, to pay hospital bills, or even funeral expenses. The costs allowed to the complainant under title IV, in a frivolous suit, would be thrown upon all the taxpayers, including the defendant himself. Such legislation is horrendous and repugnant to every impulse of justice.

The committee proposal as embodied in the report, said to be based on the 14th amendment, is an outright violation of the due process clause as envisioned in the Bill of Rights. Section 406 under the heading "Enforcement by Private Persons" would result in the almost complete destruction of property rights. Finally the title provides for the establishment of yet another unnecessary Board of great expense to the taxpayers. We already have the so-called Civil Rights Commission which has performed no service except as a vehicle of harassment. This development, if approved, would add insult to injury in that the property owners would not only be victims of the unwarranted prosecutions instigated by the Attorney General, but also be subject to harassment by a Government agency having powers comparable to the already highly discredited National Labor Relations Board.

Under the provisions of title V every conceivable act of the individual citizen will be subject to control and interference by the Federal Government. Constitutional rights long believed to have been vouchsafed to the individual would be swept aside and all rights reserved to the States be flagrantly violated. At the same time special treatment would be accorded certain groups, thus making a mockery of equal protection and due process guarantees.

Finally title VI would go to the extreme limit in granting to the Attorney General power and authority over schools and public facilities. Previous so-called Civil Rights Acts have gone far beyond right and reason in enforcing desegregation, but this title would give the Attorney General absolute authority and enable him to institute civil suits to upset existing decisions of the Federal courts with which he disagrees. Furthermore, the agency of the Federal Government having to do with education would be given additional authority and license to exercise control over State schools. We have already experienced and witnessed far too much use of power by this agency to coerce the local school boards.

I appeal in all earnestness to the membership of the House to consider carefully the force and impact of the provisions of this fantastic, irrational, ill-conceived, and dangerous bill. It should be soundly defeated.

We need no legislation along these lines. This proposal is not made in the public interest, but in response to demands of lawless elements who parade over the country in the cloak of peace, but who agitate and foment strife and discord and arouse racial hatreds, thus causing bloodshed and death in the streets of America. Instead of this legislation, we should consider strong measures that would deal firmly and resolutely with these agitators and demonstrators and put them in the penitentiary where they ought to be.

Do we have to have a so-called civil rights law every year that Congress is in session? When the first one came up 9 years ago, I made the following statement:

> I predict that this whole subject will be marked by countless future years of irritation and acrimony and continued legislation. Instead of relieving the tension which already exists, these legislative contributions only add to further acerbity and bitterness in a seething cauldron of hate.

It has done just that, for this statement was made long before there were any sit-ins, lay-ins, demonstrations, or riots.

For us to respond to every demand of these incendiarists is repugnant to and violative of every concept of good government. Such legislation will flare back to haunt those who empower the Federal Government at the behest of an undesirable group to bullyrag and torment an already aggravated citizenry vexed with a plethora of senseless laws.

There are those who advocate these stringent measures with the view and the desire of punishing Alabama, Mississippi, and other Southern States. But as I did once before, let me remind those of you who so complacently and gleefully support this bill that you may bring retribution upon your own section, as now seems to be the case. You may find yourselves in the plight of Haman of old who constructed a scaffold upon which to hang Mordecai. But it was Haman himself, not Mordecai, who was hanged on that scaffold. And Mordecai was there to witness the hanging, luxuriating in the luscious arms of Haman's paramour. It was this tormenting sight which further plagued Haman as he fell to his death.

I should like to remind you of one other Biblical lesson. Those who covet the political vineyards of the Southern States should know that there was a man in the black ages, King Ahab, who coveted the vineyard of Naboth, and Elijah the Prophet came to him with a message from the Lord and said, "Retribution will overtake you." Ahab became alarmed, and rent his clothing into shreds and repented in sackcloth and ashes. Despite this fact, he was beheaded. His sons were killed in battle. His wife Jezebel was slain. She was the promoter and the worker of these evil designs. Her blood lay on the walls of Jericho, and her flesh was eaten and her blood licked by the dogs of that city, and the remnants of her bones were left upon the ground as waste.

I should like to remind you of something else:

You may exult this week on your victory over the forces of righteousness and constitutional government, but in the end I predict you will live to regret it.

And this situation may be further aptly illustrated by this little limerick:

> There was a young lady from Niger
>   Who smiled as she rode on the tiger,
> But at the end of the ride the lady was inside
>   And the smile was on the face of the tiger.

Mr. WHITENER. Mr. Chairman, will the gentleman yield?

Mr. TUCK. I am delighted to yield to my friend, the gentleman from North Carolina.

Mr. WHITENER. I compliment the distinguished gentleman from Virginia, who has had such an outstanding career in public service as a member of his State senate, as Lieutenant Governor and Governor, and now as the able Representative of the people of his district, for the splendid remarks he has just made.

A few moments ago, in interrogating the gentleman from Ohio [Mr. McCulloch], I asked something about the application of the 14th amendment to title IV of the bill. I think it is pretty generally agreed by all, including the Supreme Court, that the 14th amendment only applies to State action and not to individual action. I am told that the proponents of title IV now say that under the commerce clause of the Constitution it is permissible for us to legislate in the field. I wonder what the gentleman from Virginia's reaction is to that.

Mr. TUCK. I thank the gentleman for his favorable comments on my very feeble contributions to this debate. I want to say that as to the 14th amendment I am in wholehearted accord with the gentleman. I think even the present Supreme Court will agree that the 14th amendment applies only to the activities of a State. I regret that our beloved and distinguished friend, the gentleman from Ohio, did not see fit to respond to the questions asked along that line, but I doubt he could be of any help in this argument and I doubt that he would if he could.

Mr. WHITENER. I wonder, too, if the gentleman will agree that the language of Justice Harlan is a correct statement of the law in his concurring opinion in Peterson versus Greenville when he said this:

> An individual's right to restrict the use of his property, however unregenerate a particular exercise of that right may be thought lies beyond the reach of the 14th amendment. The dilution or virtual elimination of that right cannot well be justified either on the premise that it will hasten formal repeal of outworn laws or on the ground that it will facilitate prudent State action in a case of that kind.

Mr. TUCK. I subscribe completely to the splendid statement which the gentleman read from one of the concurring opinions of the Supreme Court judges, and I also subscribe to the reference to Mr. William Pitt.

The CHAIRMAN. The time of the gentleman has expired.

Mr. RODINO. Mr. Chairman, I yield the gentleman 2 additional minutes.

Mr. WHITENER. Mr. Chairman, will the gentleman yield further?

Mr. TUCK. I yield to the gentleman from North Carolina.

Mr. WHITENER. I notice on page 63 of the bill, section 403(a)(3) we find this language:

> (3) To make, print, or publish, or cause to be made, printed, or published any oral or written notice, statement, or advertisement, with respect to the sale, rental, or lease of a dwelling that indicates any preference, limitation, or discrimination based on race, color, religion, or national origin, or an intention to make any such preference, limitation, or discrimination.

Now, this language appears in the bill reported out by the Committee on the Judiciary. I was interested to note that in testifying before the Senate Committee on the Judiciary the representative of the American Civil Liberties Union stated flatly that this section of the House bill is unconstitutional in that it violates freedom of speech and possibly freedom of the press. Then when the Attorney General testified before the Senate Committee on the Judiciary, he, with some reluctance, agreed that there are free speech problems insofar as this section prohibits oral statements of preference on the basis of race and religion. Does not the gentleman agree with some of us that this is another clear-cut example of an unconstitutional approach to a problem by our committee in the form of this bill?

Mr. TUCK. I agree with my distinguished friend from North Carolina and unquestionably the language in the bill to which he has referred impinges both upon our guarantees of freedom of speech and freedom of the press, both of which are incorporated in Mason's Virginia Bill of Rights and found themselves further incorporated in the Constitution of the United States and in the constitution of practically every other State in the Union.

The CHAIRMAN. The time of the gentleman from Virginia has expired.

Mr. RODINO. Mr. Chairman, I yield 1 additional minute to the gentleman from Virginia.

Mr. DORN. Mr. Chairman, will the gentleman yield?

Mr. TUCK. I yield to the gentleman from South Carolina.

Mr. DORN. Mr. Chairman, I want to congratulate and commend my distinguished, able and illustrious colleague from Virginia for the magnificent manner in which he has defended and upheld the Constitution of our country here on the floor today. My great friend is for those principles and ideals which made this Nation great. He is for property rights and, above all, for individual liberty and human dignity. The gentleman's philosophy is for something—it is positive—it would preserve this Republic for all time to come. We must reject this un-American legislation.

Mr. TUCK. Mr. Chairman, I thank the gentleman from South Carolina.

Mr. Chairman, I yield back the balance of my time.

Mr. WAGGONNER. Mr. Chairman, I make the point of order that a quorum is not present.

The CHAIRMAN. The Chair will count. [After counting.] One hundred thirteen Members are present, a quorum.

Mr. RODINO. Mr. Chairman, I yield to the gentleman from Florida [Mr. Sikes] such time as he may consume.

Mr. SIKES. Mr. Chairman, the House will spend all week in annual civil rights confrontation. The pattern is a familiar one. First, there are marches and demonstrations in the South with incidents, inspired or otherwise, that produce racial tensions. There are picked up by the northern papers, which build up a crescendo of condemnation, and presto—a new civil rights bill miraculously appears from one of the administration offices. Sometimes over-eager congressional committees report the bills so quickly, the ink barely has had time to dry on the freshly printed bills. It is alleged that Members do not even bother to read the bills. Possibly this is to keep their hands clean.

This year there is a somewhat different story. Martin Luther King and others have moved into northern cities. They have about milked the southern circuits dry. Pickings are now better in the North. Some of them preach nonviolence, but violence erupts wherever they set foot and with it, arson, looting, and killing. People in the North are learning there are two sides to the civil rights story. They are beginning to wonder about the actions of their chosen Representatives in Congress. And an election is approaching.

The new bill deals with conditions in the North, too, and it comes to the House on the heels of riots and other racial disturbances in northern, rather than southern cities.

On its face, however, this civil rights bill is little different from the others. Most of its provisos are unconstitutional, dangerous or discriminatory. No one can determine the exact meaning, scope, and effectiveness of its various provisos. The courts, regrettably, would be left with the task of deciding what the bill's provisos actually mean. Even so, the militant civil rights leaders are not satisfied with the bill; nothing will ever satisfy them.

The bitterest and longest battle will be waged on the housing section. It is designed to ban discrimination in the purchase, sale, rental, leasing, financing, use, and occupancy of housing on account of race, color, religion or national origin. In other words, the Federal Government would be looking down your throat from the day you become or seek to become a homeowner.

The bill would prohibit discrimination in the selection of juries in Federal and State courts. This is undue interference with State judicial structures and procedures. The restrictions would inevitably be used by some defense lawyers to delay trials and obstruct justice. This section would be another boost for crime, of which we in the United States already have much more than our share.

The bill would empower the Attorney General to bring suits in Federal courts to protect civil rights of persons or groups and to desegregate public schools and other public facilities without waiting for individual complaints. In effect, this would permit further toughening of the already obnoxious and unconstitutional Office of Education desegregation guidelines, without regard to what is right or wrong. It would place the seal of approval of the Congress on such obnoxious practices as hauling small children back and forth across big cities or across counties in order to require a level of integration sufficient to keep the race mixers happy. These are people who know nothing about education; care nothing for educational standards; but through today's strange processes have found themselves in positions of authority in our educational programs.

Under this section they could operate much the same as the vigilantes of old; figuratively hanging officials or communities whenever it pleases their purpose.

The bill also claims to protect the Negroes and civil rights workers against force, threats of force, and other injury or intimidation while lawfully engaged in voting, school attendance, employment, use of public facilities, and other rights. All of this already is provided by present law. Apparently the current bill contains new hidden provisos—jokers—which would further extend Federal control over the private lives and businesses of the citizens of America.

This is the 1966 versions of the annual and useless conflict over civil rights. Whatever the outcome of this week's work, more harm than good will have been done to the Nation. There are no magic formulas which will cure civil rights problems. It takes work and cooperation and understanding; not bills in Congress or riots in the streets.

This bill is unconstitutional, unwarranted, and unwanted. I oppose it in its entirety.

Mr. POFF. Mr. Chairman, I yield 10 minutes to the gentleman from New Jersey [Mr. CAHILL].

Mr. CAHILL. Mr. Chairman, while I did not approve of the parliamentary procedure by which this legislation was brought to the floor of the House, and while I do not approve the committee approach to the problem that we are seeking to remedy here today, I nevertheless recognize the need for this legislation. And, subject, of course, to what may transpire later in the week, I unequivocally shall support this legislation.

Mr. Chairman, I say I did not approve the parliamentary approach because I believe the spirit of the 21-day rule was indeed violated.

It does seem to me that we have been speaking of a nation of law and order and we are urging our fellow citizens to follow law and order. Well, we in the House of Representatives should set the example.

The purpose of the 21-day rule, as I understand it, was to give the Committee on Rules an opportunity to act, and I believe that we have violated, if not the rule, certainly, the spirit of the rule.

Secondly, I do not entirely approve of the committee approach. It is the first time, I think, since I have been on the Committee on the Judiciary that I have found reason to be critical but I think even the members of the subcommittee will agree that what is indeed one of the great and commanding problems of the day, if not our century, was not given proper attention, was not sufficiently thought out. As I understand it, part of the bill was not even voted upon by the subcommittee. So we found ourselves in the unusual position of having some 35 lawyers trying to write one of the most difficult, sensitive, and important pieces of legislation that is to be presented to this House of Representatives during this Congress.

So I believe truly that if the subcommittee had spent more time and had given greater thought to this legislation it might have been easier for the full committee to have considered it and certainly would have been easier for this House to have intelligently voted on this legislation.

Mr. MACGREGOR. Mr. Chairman, will the gentleman yield?

Mr. CAHILL. I yield to the gentleman.

Mr. MACGREGOR. As a member of the subcommittee, I can state to the gentleman that his understanding is entirely correct. There was absolutely no discussion in the subcommittee on the merits of title IV, the section having to do with open occupancy in housing, the so-called fair housing section.

Mr. CAHILL. I thank the gentleman.

I am sorry that my distinguished chairman is not on the floor of the House today because yesterday I heard the man who I admire as much as any other Member of this House say that "any Member who votes against this rule is voting against civil rights—and let him answer to it."

Well I cannot, of course, put my record on civil rights against that of the distinguished chairman, but in the 8 years that I have been in the House of Representatives my record is as good as his on civil rights legislation, and I resent not only what he said about me individually but the inference that was made against the distinguished minority leader, against the ranking minority member, and against every Member of this House of Representatives whether he be Republican or Democrat, who had the courage to say: "The rules of the House of Representatives are being violated and I am going to vote against it."

Now I think there are many Members of this House who voted against the rule who are going to support the bill. This is the first time, I think, that my proverbial Irish has been aroused but I have noticed time and time again in the short time that I have been here that if you do not follow the pattern and if you do not follow the mob and if you do not do what is politically expedient even though what you do is right, it is a political blunder. According to this view, you should not do it and you are charged with being against the legislation.

I think the time has come in this House when no Member should be castigated or any vote that he casts and it should be presumed that all Members are casting their votes conscientiously and honestly and to the best of their individual ability.

Mr. WHITENER. Mr. Chairman, will the gentleman yield?

Mr. CAHILL. I yield to the gentleman.

Mr. WHITENER. I think in view of what happened yesterday that it may be well at this point for me to state my observations, and I wonder if the gentleman will agree that from the time this bill was reported out of the committee, and even before it was reported out, it seems to me that there was a very definite plan to do just what the gentleman has said and not have the Committee on Rules even get in, because the suggestion was made that we must get a report filed before going home on the Fourth of July recess in order that the 21-day rule could start running as quickly as possible. When it was said here by some yesterday that there was not a perversion of the intent and purpose of the 21-day rule taking place, this just was not consistent with my understanding of what was being done in our committee. I wonder if the gentleman will agree with that?

Mr. CAHILL. Yes, I do. Very frankly, I think this bill is geared for politics. While again I must reemphasize that I basically support the bill and the need for the bill, I conceive that sufficient time was not spent on it, and in my opinion there was no need to bypass the Rules Committee.

Mr. WHITENER. Mr. Chairman, will the gentleman yield further?

Mr. CAHILL. I have very little time remaining. If the gentleman will be brief, I will yield.

Mr. WHITENER. This is evidenced, I think, by title I of the bill. Title I is an area in which Congress certainly has a right to legislate. Letters have been received from Federal judges all over the country opposing it.

I know the gentleman must be familiar with Judge Madden, chief of the U.S. District Court for New Jersey.

Mr. CAHILL. I am not only familiar, but I have high regard for him.

Mr. WHITENER. Judge Madden in his reply transmitted a letter from Mr. Michael Keller, Jr., the clerk of the court, in which he said this about title I:

> Frankly, I do not believe the Office of the Department of Justice or the Administrative Office is sufficiently familiar with the mechanics involved in juror selection and the drawing of panels for trial.

They suggest further that if the bill is passed, there is going to have to be provision made for vast expenditures of money for additional clerks and other things, which the committee did not even suggest or discuss.

Mr. CAHILL. I agree with the gentleman. As always, he has a thoughtful appraisal of the problem. I think this points out the real difficulty with this bill. I do not think there are many people in this House of Representatives who do not recognize that there are indeed some deficiencies in the jury system in some parts of this country. I am sure my friend from North Carolina would agree with that.

Mr. WHITENER. Yes, I certainly do; but I know also that occasionally when a house is infested with termites, you do not burn the house down just to get rid of the termites.

Mr. CAHILL. I agree with that. But I think the gentleman in his usual honest manner will agree that in many areas, particularly in certain sections of the South, we do not have repesentative jurors and that the Negro is, in fact, prevented from serving on juries. You see, this is the problem. Because we have the abuse, we now must try to remedy it. I do agree that we have rushed into this without giving it, I think, the time and the thought that it deserves.

In the short time that is allotted to me——

The CHAIRMAN. The time of the gentleman from New Jersey has expired.

Mr. CAHILL. Will the gentleman from Virginia yield 10 additional minutes to me?

Mr. POFF. Mr. Chairman, I yield 10 additional minutes to the gentleman from New Jersey.

Mr. CAHILL. I thank the gentleman very much.

The CHAIRMAN. The gentleman from New Jersey is recognized for 10 minutes.

Mr. CAHILL. I would also like to comment upon what has been said upon the floor of the House about violence. I certainly abhor the violence that we have been seeing in America. I recognize, as I am sure everyone else in this House has, that it is largely the result of irresponsible leaders. But let us not forget, please, that no leader can lead, in this country at least, unless there is a cause, unless there is a reason. And if you look at the riots that have taken place—albeit they should not have occurred and albeit they were probably generated by irresponsible leadership—you will find basically that there was a real complaint and a real reason for them, whether it was the deprivation of voting rights, the deprivation of the right of assembly, or the deprivation of decent housing. It is very easy to understand. You who have visited the large municipal areas in this country on a hot July night, and have seen the homes that were built to house one family, housing three and four families, and have felt the heat generated by this mass of humanity, can readily understand why there is hostility, and can easily understand how anyone who is articulate can arouse the emotions of these people, many of whom are trying to escape reality and find surcease for their anger, hostility, and rebellious feelings by participating in the riotous conduct which in the exercise of reason they would ordinarily avoid.

So let us not forget that. While we condemn what is going on, let us understand that it is a real problem and it is our responsibility as far as humanly possible to correct the abuse and eliminate the cause and thereby help eliminate the rioting.

I do not want to presume on the time of this House. I am sure all of you are thoroughly familiar with the bill. I suppose that, aside from some technical objections, most of you are in accord with the basis for the bill and the objections sought. The big problem, as I see it, in this bill is in title IV, and the big objection to it from a great number of the Members apparently is title IV.

I do not know about all of the States in the Union, but there are 18 which have fair housing laws. New Jersey, the State that I have the honor of representing, has such a law. Under the New Jersey law, there are only two exemptions: A man who owns a duplex and who occupies one of the apartments, or a man who owns a private dwelling and rents rooms, may discriminate, but nobody else. Owners, realtors, banking institutions, builders, anyone connected with the housing industry is included. That law is on the statute books of the State of New Jersey.

I am sure, as I read in the appendix of the book I have in front of me, that in the other 18 States every one of those housing bills goes far beyond the scope of the bill before us today.

As a matter of fact, as I pointed out in my observations in the committee report, this in my judgment is nothing more than a legislative symbol. We still have in New Jersey, I suppose, prejudice as far as some housing is concerned. I am sure we have it in every State of the Union. This bill in and of itself is not going to eliminate prejudice—and let us not believe that it will—but what it does, which I believe is the real reason for its importance, is signify to the people of the United States of America that we, their Representatives in Congress, recognize the great need for improvement in housing for the needy. We recognize that we must somehow or other get the message across to our fellow citizens and our neighbors that they must not panic when a member of the Negro race moves into the community.

I realize this is not easy, and I realize that no legislation is going to correct what is a social need. But let me point out to you—and I am sure you are no different than I am—when we were young men and we were starting out in life and when we were first married, we probably all had a small apartment. Then, as we grew in knowledge and in our ability to make money and we had a family, the first thing I submit that all of us looked for was a new home, because this was our way, not only of signaling to the community that we were moving up the ladder of success, but of giving to our families and to ourselves, if you please, the fruits of our labor.

Why be a lawyer, or a doctor, or a dentist, a successful businessman, if you cannot use the money you make to live in the house in which you want to live? What good is it to drive a Cadillac, if you have to live in the slums? What good is it to work night and day to achieve success if you cannot provide your family with a decent home?

Whether we agree with it or not, the Negro today, and many others of minority groups today, regardless of their ability to pay, regardless of their education or ability to participate in the neighborhood, regardless of all things, are unable to buy homes in the neighborhood where they want to live.

What we are supposed to do today—and what we are not doing, incidentally—is to solve that problem. I really do not believe it can be solved legislatively.

I believe it will have to be solved by all of us—by all of the religious leaders, the political leaders, the community leaders of our country—in our various spheres of influence, speaking up and saying what we believe, and urging our fellow citizens to support this principle of American justice.

This title IV will not really accomplish a great deal, and certainly that will be true with the amendment which is going to be presented, and which I understand is acceptable to the chairman of the committee. It will be possible for the men who are in control of the rental and sale of homes and apartments to utilize the right of the owner to refuse the housing to people they do not want to live in their homes. So it is not going to accomplish a great deal.

But the need is still there.

It is interesting how history repeats itself. In 1965, when the voting rights bill was discussed on the floor of this House, I made the statement, as a result of the minority whip urging support of the voting rights act, to the effect that we would always be dealing with civil rights legislation, until we as a people came to realize what was really necessary. If we really believe in the Constitution and if we really believe in the religion of our choice—that the Negro and other minority groups are indeed and in fact our brothers, and we must treat them equally. If a Negro can fight in Vietnam why is it wrong for him to live in the suburbs?

We have indeed a social revolution going on in the United States and we as representatives of the people must help direct its ultimate solution.

I can recall reading of the child labor laws, and of people saying in those days, "It is a social problem."

I can recall men working a 12-hour day.

I can recall all of the many social problems which confronted our great country.

I am sure, if we would look at the RECORD, we would find many speeches, as we hear today, saying, "You cannot correct a social evil by legislation."

That may to a degree be true. But here we are today, Members of the House, representing all of America. Here we are at least recognizing that it is a problem and that something must be done about it.

In closing I want to say that I believe some of the fault lies with already existing Federal agencies. There are areas in one of the cities I represent where the FHA will not approve a mortgage on a house in the entire area.

Now, these are the areas where a great many of the needy and many of the minority groups would ordinarily buy a home, but they cannot get financing. You cannot get a bank to put up the money because you cannot get the FHA to guarantee the loan. We hear talk that we ought to build more housing. Well, why have we not and why have not our Federal agencies, which have been handing out millions and millions of dollars to builders, insisted that adequate housing be built in some of these urban areas of our country where the need is great?

I understand from the distinguished member of the Committee on Banking and Currency, the gentleman from New Jersey [Mr. Widnall], that in Cleveland one of the reasons for the rioting is that the money that they were going to use for housing they earmarked for industry and that what was supposed to be a housing project for the low-income groups was never constructed. So our already existing agencies have failed to a degree by not providing housing.

Now I want to tell you one story which occurred in Moorestown, N.J., of a builder now building $20,000 to $25,000 homes so that the Negro may live in them. He is selling them, too. The community has accepted them, and it is working out. Why do not more builders do it? Why do not more communities encourage it? There are many facets to this problem which, in my judgment, thoughtful and enduring committees should solve. However, we have taken the attitude here that this is a political issue, and we must get a housing bill through, no matter how inadequate, so all of the headlines in the country will read, "The Johnson administration has passed a fair housing bill." All of the Negroes in our country that read it will think this is great. But let them go out and try to rent a house and let them go out and try to buy a house, and they will find out that the legislation presently before the House is not going to help them. This bill will be back again.

The CHAIRMAN. The time of the gentleman has expired.

Mr. HUTCHINSON. I yield the gentleman 1 additional minute.

Mr. CAHILL. This bill will be back on the floor of this House again. It will be before the Committee on the Judiciary again, and I hope even before the Committee on Rules, for the purpose of clarifying and explaining it. That assumes of course, that it will pass the other body. But this bill will have no effect in my State of New Jersey. It will have no effect in the other 18 States of this country that have fair housing, and it will not solve the problem. We the leaders of this country, and all of the other leaders of this country must speak up and point out the need for it, and the justice that requires it. When that day comes, we will have really begun our journey on the long road to solve the problem of fair housing.

Mr. RODINO. Mr. Chairman, will the gentleman yield?

Mr. CAHILL. I yield to the gentleman from New Jersey.

Mr. RODINO. I merely wanted to point out to the gentleman from New Jersey that the recently enacted New Jersey fair housing law permits a similar exemption to that included in the present bill regarding religious organizations.

Mr. CAHILL. The gentleman is right.

Mr. ROGERS of Colorado. Mr. Chairman, I yield 15 minutes to the gentleman from New Jersey [Mr. Rodino].

Mr. PATTEN. Mr. Chairman, will the gentleman yield?

Mr. RODINO. I yield to the gentleman.

Mr. PATTEN. Mr. Chairman, I have had a lot of experience in placing FHA mortgages. My remarks are intended for my colleague from Camden, N.J. [Mr. Cahill]. I do not think a fair impression was left on the floor concerning the responsibility of the FHA. It would take a long time to explain, but I do not think that it was presented in the right way here. When the FHA goes into a block and they are asked to place a $20,000 mortgage, they are supposed to see that the value will be there in 20 years, as real estate appraisers, without regard to civil rights or anything else. They do not have the duty or the right under the law to sacrifice the bank's money and guarantee a mortgage unless they think that the mortgage is going to hold up for the life of it. In the cases that I have had with the FHA, which have been numerous, in every case it was pretty hard to find fault with the FHA appraisers.

Mr. CAHILL. Mr. Chairman, will the gentleman yield to me for the purpose of correcting the Record, and for the purpose of advising my good friend, the gentleman from New Jersey [Mr. Patten]?

Mr. RODINO. I yield to the gentleman from New Jersey.

Mr. CAHILL. I do not have reference to individual properties, or even a block, but I have reference to the fact that the FHA will refuse to insure any mortgage in an entire area—certain large areas of a city—regardless of the value of the property, and regardless of the income of the purchaser. In other words, if I may say to my friend, the gentleman from New Jersey [Mr. Patten], they take a line and they draw it across the city map, and they say "Nothing north of that line is insurable by the FHA."

Mr. Chairman, as a result of that you find that no one can buy in that area, and you find deterioration, and there are many people, if I may just conclude, who have the ability to pay, and where the house is worth the price, but they just cannot obtain an FHA-insured mortgage.

Mr. PATTEN. Mr. Chairman, if the gentleman will yield further, we have that situation in my hometown, Perth Amboy, N.J., and under the present law, FHA is right, and it has nothing to do with the question of civil rights. Many immigrants settled in my area in the 1900's, and constructed minimum housing which has become substandard. There is no planning, and the FHA should not approve the mortgage in an area which is depreciating, because within a period of 5 to 10 years the value will not be there, and the mortgage will not be paid.

Mr. WAGGONNER. Mr. Chairman, will the gentleman yield?

Mr. RODINO. I yield to the gentleman from Louisiana.

Mr. WAGGONNER. I thank the gentleman from New Jersey for yielding.

Mr. Chairman, I have sought recognition for the purpose of asking a question or two of the gentleman who preceded the gentleman from New Jersey [Mr. Rodino] in the well of the House with regard to New Jersey law, which has to do with nondiscrimination in the financing of housing, both for sale and for rent.

I realize that the gentleman has not had an opportunity to speak to the Members of the Committee of the Whole House on the State of the Union as he chooses about this legislation. I would only, therefore, at this time suggest that if time permits the gentleman tell the Committee what the differences are between New Jersey law and the proposal made in this legislation which would outlaw discrimination in the financing of housing.

Mr. RODINO. I might answer the gentleman from Louisiana [Mr. Waggonner] on that specific point to the effect that the New Jersey fair housing law recently enacted also covers discrimination in the area of financial transactions in section 18:25-12(i) of the New Jersey law, and it is rather similar in coverage.

Mr. FLYNT. Mr. Chairman, I make the point of order that a quorum is not present.

The CHAIRMAN. The Chair will count. [After counting.] Eighty-eight Members are present, not a quorum.

The Clerk will call the roll.

The Clerk called the roll, and the following Members failed to answer to their names:

[Roll No. 179]

Baring
Blatnik
Bow
Brown, Calif.
Celler
Clark
Curtis
de la Garza
Daddario
Duncan, Oreg.
Edwards, La.
Ellsworth
Fulton, Pa.
Gathings
Green, Oreg.
Hagan, Ga.
Hansen, Wash.
Hébert
Henderson
Jennings
Jones, Mo.
Kee
Keogh
King, N.Y.
McEwen
Martin, Mass.
Miller
Mills
Morrison
Multer
Murray
Nedzi
Nix
O'Brien
O'Hara, Mich.
Passman
Pepper
Powell
Scott
Sickles
Smith, Calif.
Toll
Trimble
Utt
Willis
Wilson, Bob

Accordingly, the Committee rose; and the Speaker having resumed the chair, Mr. Bolling, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee having had under consideration the bill H.R. 14765, and finding itself without a quorum, he had directed the roll to be called, when 388 Members responded to their names, a quorum, and he submitted herewith the names of the absentees to be spread upon the Journal.

The Committee resumed its sitting.

The CHAIRMAN. When the Committee rose, the gentleman from New Jersey [Mr. Rodino] had been recognized for 15 minutes, 4 minutes of which the gentleman had consumed.

The gentleman from New Jersey is recognized for 11 minutes.

Mr. PATTEN. Mr. Chairman, will the gentleman yield?

Mr. RODINO. I yield to the gentleman from New Jersey [Mr. PATTEN].

Mr. PATTEN. Mr. Chairman, our colleague from New Jersey in his additional views states that the committee did not take up the experience of the States.

Does the gentleman know what the experience of the State of New Jersey has been under our State law, which is more liberal than title IV of this proposed legislation?

Mr. RODINO. Well, our State law was only recently enacted, as the gentleman knows. The experience thereunder has not been extensive. However, it is my recollection and my information on the subject that the instances of discrimination against which there have been complaints have been few, and really no substantial trouble is anticipated; at least, this is the experience in New Jersey.

Mr. PATTEN. I thank the gentleman from New Jersey.

Mr. RODINO. Mr. Chairman, here we are again, for the third time in as many years, coming before this House urgently requesting the passage of a comprehensive civil rights bill. Why? Why do we need this legislation, why has the job not been completed; what is there about American life today that demands the enactment of this legislation? Why do we seem to be able to act only in a tense, crisis-ridden situation? Questions such as these, plus many other, plague us all; and they cannot be shaken or shrugged off.

I think, Mr. Chairman that most of us recognize that we are in the midst of a fundamental social revolution. A revolution in human values that cannot be put off, that cannot be willed out of existence or shoved to the bottom of the perennial pile of everyday business.

This Nation, first led in the 1950's by the Supreme Court and the executive branch of our Government, firmly embarked upon the just and courageous course of squaring American reality with the American dream—of uniting theory and practice—of overcoming the existence of two Americas—of making the Union again one and indivisible.

And now the Congress has been awakened, for we in this House have been meeting our responsibilities to all the people. We must not falter now. We must see this thing through to the end. To call a halt at this time would indicate a tragic retreat, an open admission of failure, and a justifiable feeling of desertion and despair on the part of millions of citizens, and especially Negro citizens.

Congress must, if anything, point the way to the only solution that can for all time set to rest the violence and upheaval on our streets and in our neighborhoods: And that is equal education, economic, political, and social opportunity for all.

With resolve and determination we will succeed in exorcising the devil of racial and ethnic bias from our national life.

Congress has come a long way already in dismantling the racial caste system, for we have practically eliminated restrictions in voting and public accommodations, while we have also made substantial, if incomplete, gains in the effort to wipe out discrimination in education and employment.

Several areas of our public life, however, remain largely untouched by recent advances. Our jury systems in some places continue to draw upon only a portion of the community. Very little has been done to insure to all of our citizens the basic right of being able to choose a decent place to live. And in some places those rights we have established by law are threatened by violent lawlessness—so that while on paper we have done much, a small minority on both sides threatens to impede the fulfillment of those rights by creating a climate of fear. It is intolerable that in a civilized society the will of Congress should be flouted by bands of reckless men.

Titles I and II of the bill will enact important reforms in the operation of this Nation's dual system of justice. Those titles prohibit discrimination in the selection of both Federal and State juries on account of race, color, religion, sex, national origin, and economic status. Enforcement of these titles will benefit persons who might otherwise be excluded from jury service on those grounds, whether intentionally or by operation of defective selection systems, as well as litigants who might otherwise go to trial before unfairly selected juries. But the object of our concern is not only the prospective juror who may be deprived of one of the few opportunities he may have to take an active role in public affairs; nor is our focus restricted to the rights of litigants.

All Americans, not only litigants or potential jurors, pay a price for the maladministration of justice caused by discrimination, or the appearance of unfairness in the selection of juries. The administration of justice is one of the pillars of a democratic system. Unfair or discriminatory jury selection breeds a general disrespect for the legal process and, indeed, for the law itself. If we are to ask that citizens uphold and respect the law, then we must insure by all possible means that the law is worthy of their loyalty. The reform of the jury system which titles I and II of the bill undertake, will insure that the administration of justice is worthy of its name.

Title III of the proposed Civil Rights Act of 1966, added to the bill by the Judiciary Committee, confers on the Attorney General broad authority to initiate civil proceedings for injunctive relief against those who, on account of race, color, religion, or national origin, are denying other persons rights granted or secured by the Federal Constitution, or who hinder the exercise of the right to demonstrate or protest against deprivations of such rights on account of race, color, religion, or national origin.

I turn now to the most difficult task we face—that of insuring every American the permission to compete for decent housing on equal terms with his fellow citizens. Discrimination in housing is unquestionably widespread throughout our Nation. The cities of today are rapidly becoming the ghettoes of tomorrow. At the crux of this housing problem lies racial discrimination—the unending cycle of inadequate and segregated housing begetting poor schooling, which in turn fosters unemployment resulting in irretrievably lost opportunities. This cycle must be broken, and it must be broken at each of its links. Title IV will offer an avenue of escape to persons who are barred from desirable housing, no matter how personable, agreeable, or financially sound they may be—not because housing is unavailable, but because it is unavailable to them. The problem of segregated housing is not merely one of improving the amount or quality of housing available to minority groups. It is also, and preeminently, a problem of ending what is in reality compulsory denial of opportunity.

Title IV is an answer to a good part of the housing discrimination problem. While it does not reach all housing, it will help end the practice of discrimination by those who in fact exercise control over the housing market.

Title V of the proposed Civil Rights Act contains clear, specific, and appropriately severe criminal sanctions against violence and intimidation of persons who seek to engage in specified activities. Title V prohibits violence and threats of violence in connection with voting, attending schools, enjoying the benefits of Federal or State programs and programs using Federal funds, employment, housing, jury service, common carrier transportation, and public accommodations. It protects civil rights workers and peaceful demonstrators. It will make plain the will of the Nation that acts of violence intended to deter persons from engaging in these lawful activities will not be tolerated.

Title VI of the bill, which was title III when the bill was introduced, will accelerate the end of segregated schools and other public facilities. Although progress in these areas has been more rapid this past year, it is embarrassing to remember that it is some 12 years since the Supreme Court handed down its landmark decision in Brown against Board of Education. Our current efforts to remedy this situation have been hindered by certain technicalities in the law, such as conditioning the power of the Federal Government to bring suit on receiving a complaint from an aggrieved individual. The fact that many Negroes are unaware that they must submit such a written complaint before the Federal Government can act, and incidents of violence and intimidation of Negroes seeking to send their children to a desegregated school or to make use of a public facility on a desegregated basis, make the enactment of this title an urgent matter.

I support the pending legislation. It is an effective response to the felt needs of our times. It represents a logical, orderly, and correct continuation of our historic efforts to root out and banish racial and ethnic discrimination. We cannot rest until the job is done.

Mr. CAHILL. Mr. Chairman, will the gentleman yield?

Mr. RODINO. I yield to the gentleman.

Mr. CAHILL. Mr. Chairman, I wonder if the gentleman could clear up a question for me and perhaps for the other Members as far as the jury system is concerned.

On the questionnaire that is presented for the prospective juror in which he answers the questions is that information going to be public? Will attorneys have an opportunity of seeing that for the purpose of challenging that juror if they wish once he is chosen?

Mr. RODINO. When the question of challenging the juror arises that is when that information may be produced.

Mr. CAHILL. From the standpoint of making some legislative history, is it your belief that the committee intended that the information that is secured with respect to prospective jurors would be public information and would be available?

Mr. RODINO. It is not public information to that extent. It only becomes necessary to disclose it in order that we may be able to determine the question of discrimination.

Mr. ROGERS of Colorado. Mr. Chairman, will the gentleman yield?

Mr. RODINO. I am happy to yield to the gentleman.

Mr. ROGERS of Colorado. I believe that the answer to the question of the gentleman from New Jersey [Mr. CAHILL] is that the court has the right to make such determinations. That is, the court can acknowledge that the jury commission is in receipt of completed questionnaires that have been sent out and that they are the property of the court. The court may make the determination as to whether or not to divulge the contents of such questionnaires. As I read title I, there is nothing in that title which says that the information thus far received becomes public property without an order from the court.

Mr. CAHILL. May I ask the gentleman representing the majority on the committee, do you feel that since the act is apparently silent that an amendment, if proposed, making that information available to the attorneys would be acceptable?

Mr. RODINO. I am not in a position to answer until I have had an opportunity to study the proposed amendment.

Mr. CAHILL. I thank the gentleman.

Mr. POFF. Mr. Chairman, this bill contains eight titles. As more fully explained and qualified in the additional views which the gentleman from Florida [Mr. CRAMER] and I filed, we oppose only three, titles III, IV, and VI. We reserve the right, however, because we think it our responsibility, to offer or support constructive amendments to all parts of the legislation.

Title IV, the open housing title, is bottomed on the commerce clause and the 14th amendment. It is said that because building materials and home furnishings move across State lines, because people move their homes from one State to another, because mortgage money is borrowed outside the State, and because disputes and disturbances interrupt the interstate movement of persons and things, the business of buying and selling private dwellings is therefore interstate commerce and subject to regulation by the Federal Government. If this is so, then interstate commerce means something more than the courts have interpreted it to mean. Heretofore, the courts have said that interstate commerce ends when goods come to rest in the State of destination. While it is true that the Supreme Court in the recent case of Atlanta Motel against U.S. diluted that rule when it upheld the public accommodations title of the 1964 Civil Rights Act, it did so only with reference to commercial establishments which were using interstate goods for profitmaking resale. Here, we are talking about private dwellings where interstate goods have left the channels of commerce and have changed their status from personalty to realty. Only by the most devious and artful rationale can the interstate commerce clause be urged as a proper constitutional nexus.

Neither can the 14th amendment operate as a constitutional basis unless we are to ignore or repudiate its explicit language. That language reads in part:

> No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any State deprive any person of life, liberty or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws.

In times past, the courts have uniformly held that the proscriptions of the 14th amendment apply to State actions only and not to actions by private citizens. Even the decision in Shelley against Kraemer, on which the proponents of this legislation rely most strongly, clearly states:

> That amendment—

Referring to the 14th amendment—

> erects no shield against merely private conduct, however discriminatory or wrongful.

In the face of such plain constitutional language and such unequivocal interpretations by the courts, the proponents have strained mightily to trace housing discrimination by a private citizen back to some action by the States. One sentence from their so-called constitutional memorandum illustrates their argument:

> Perhaps the principal impetus to housing discrimination * * * was legal recognition and judicial enforcement of the racially restrictive covenant.

Prior to the Supreme Court's decision in Shelley against Kraemer in 1948, State courts recognized the validity of such covenants in real estate deeds. This, the proponents argue, constituted State action. Such action promoted the pattern of residential segregation which became established prior to 1948. These patterns, the argument continues, encouraged private citizens to discriminate in private sales, and this private discrimination has continued down to the present. Therefore, they say, when a private citizen discriminates in the sale of his private home today, it is because of State action 20 years ago, and accordingly the 14th amendment should be invoked.

Another sentence from the memorandum is revealing:

> A further reason for congressional intervention is that housing discrimination * * * is maintained today, not by a series of independent individual decisions, but by pervasive customs, practices, and attitudes that have the practical force of law. In these circumstances, the coercive effect of the custom may be treated as constitutionally equivalent to official action.

To paraphrase that sentence would be to say that the customs, practices, and attitudes of private citizens are the same thing as State action, and therefore, whenever a private citizen discriminates in the sale of his home, the 14th amendment against State action justifies congressional action against the private citizen. Such a threadbare thesis, I submit, indicts the very proposition it intends to justify. It is its own best witness to the poverty of its logic. It exposes the frustrations of those who have searched the Constitution vainly for the authority they want to change the property laws which this Nation has honored since its founding.

Not only is there nothing to be found in the Constitution to justify this change, there is much to be found which reasons against it. As Mr. Justice Douglas, hardly a conservative extremist, has said:

> The Bill of Rights, as applied to the States through the due process clause of the 14th amendment, casts its weight on the side of the privacy of the home.

Indeed, it does. The third amendment protects private homes against the quartering of soldiers. The fourth amendment protects private homes against unlawful searches and seizures. The 9th and 10th amendments reserve to the people all unenumerated rights and all powers not delegated to the Federal Government.

Mr. HALL. Mr. Chairman, I make the point of order that a quorum is not present.

The CHAIRMAN. The Chair will count. [After counting.] Fifty-six Members are present, not a quorum. The Clerk will call the roll.

The Clerk called the roll, and the following Members failed to answer to their names:

[Roll No. 180]

Aspinall
Baring
Barrett
Boggs
Boland
Bow
Carey
Clark
Cleveland
Curtis
Dawson
de la Garza
Edwards, La.
Ellsworth
Everett
Evins, Tenn.
Fogarty
Fraser
Fulton, Pa.
Garmatz
Gathings
Gray
Green, Oreg.
Grover
Hanna
Hansen, Wash.
Hébert
Henderson
Ichord
Jones, Mo.
Kee
Keogh
King, N.Y.
Kirwan
Landrum
McEwen
Martin, Mass.
Martin, Nebr.
Miller
Mills
Morrison
Mosher
Multer
Murray
Nedzi
Nix
O'Brien
Passman
Pool
Powell
Rogers, Tex.
Saylor
Scott
Sisk
Slack
Smith, Calif.
Staggers
Toll
Trimble
Tupper
Williams
Willis
Wilson, Bob
Wilson, Charles H.

Accordingly the Committee rose; and the Speaker having resumed the chair, Mr. BOLLING, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill H.R. 14765, and finding itself without a quorum, he had directed the roll to be called, when 367 Members responded to their names, a quorum, and he submitted herewith the names of the absentees to be spread upon the Journal.

The Committee resumed its sitting.

The CHAIRMAN. When the Committee rose the gentleman from Virginia [Mr. POFF] had been recognized for 15 minutes, of which 6 minutes remain.

The gentleman from Virginia is recognized for 6 minutes.

Mr. POFF. Mr. Chairman, when the quorum call intervened I had just concluded a discussion of the two constitutional grounds on which title IV was sought to be predicated.

Having considered the legal foundations on which title IV is predicated, let us now consider the content, application, and consequences of the title. Who is covered? What is covered? What are the consequences of coverage?

From the express, explicit language of the bill, those who are covered include real estate brokers and their employees, lending institutions, and people engaged in the business of building, developing, selling, or leasing dwellings. A person is considered to be in that business if he has participated in the 12 months next preceding in two real estate transactions. While it seems clear that the proponents intended to define participation as participation by a vendor or lessor—as distinguished from a purchaser and a tenant—the language is susceptible to an ambivalent interpretation and I am advised a clarifying floor amendment will be offered.

It is also said that the proponents intended to extend the two-transaction exemption to the real etsate agent as well as to the homeowner himself. If so, the language fails to do so. The homeowner enjoys the two-transaction exemption when and only when he makes the sale himself without benefit of the assistance of a real estate agent. My authority for this proposition is none less than the Attorney General of the United States. Accordingly, I understand that an amendment will be offered to broaden the effect of the exemption.

The exemption as it now exists, or as it may later be broadened by this amendment, is illusory. It lulls the unwary into a sense of false security. The average homeowner is likely to assume that he is never likely to be covered because he does not ordinarily participate in more than two real estate transactions in a 12-month period. However, if he examines the realities of practical possibilities, he will find that he is not nearly so exempt as he might first think. A few examples will serve to illustrate this point:

First. The man who owns the home in which he lives can no longer use a real estate agent to help sell his home to whom he wishes because such a transaction would not be exempt.

Second. The man who owns but does not live in a duplex house which he rents to two families in January is not exempt if one of them vacates in November and he tries to rent the space again in December.

Third. The man who rents his lakeside cottage in June, and then sells the cottage in September, is not exempt if he rents or sells his home before May of next year.

Fourth. The man who owns and operates but does not live in a rooming house near a college is not exempt after the first two students sign leases until a full year has passed.

Fifth. The man who owns a five-family unit apartment house is not exempt even if he lives in one of the five, but is as much covered as the man who develops, builds and sells a subdivision of a thousand homes.

Now, let us consider what is covered by title IV. What is covered are those things specifically numerated in section 403 as "discriminatory housing practices." These include seven in number. To summarize, they cover any act that indicates any preference, limitation or discrimination in the advertisement, negotiation, sale or financing of a dwelling house. Among the people otherwise covered by the bill, the only person who is granted a complete exclusion and is therefore incapable of being charged with an unlawful housing practice is the person who owns and occupies a building containing no more than four family units. Parenthetically, it should be noted that the person who rents such a building, lives in it and sublets the other family units does not enjoy the exclusion. He does so only if he owns the building.

Now, what are the consequences of coverage? What may happen to the real estate agent who is covered under all circumstances, or to the homeowner who is covered after his second transaction, or to Mrs. Murphy when she rents that fourth apartment. Reading the title as a whole, any person charged with a discriminatory housing practice is subject to one or more of six different lawsuits or actions in the nature of a trial. Such a person:

First. May be subjected by a private citizen to a lawsuit in a State court under State and local laws, or under Federal law;

Second. May be subjected by a private citizen to a lawsuit in a Federal district court instituted by a complaining individual, and the Attorney General may intervene and throw the weight of the entire U.S. Government behind the complaining party's case;

Third. May be subjected to a lawsuit initiated by the Attorney General;

Fourth. May be subjected to an action initiated by the Secretary of Housing and Urban Development through a complaint filed with the Federal Fair Housing Board;

Fifth. May be subjected to an action before the Federal Fair Housing Board, initiated by an aggrieved individual who has filed a complaint with the Federal Fair Housing Board; or

Sixth. May also be subjected to criminal prosecution by a U.S. attorney for actions heretofore never deemed criminal but made so under title V.

Special attention should be called to No. 6. Not only may a person charged be subjected to civil actions involving potential money damages or the involuntary execution of a deed to an unwanted buyer; such a person is guilty of a Federal crime under title V, section 501(a)(5) if he used force or threatened to use force in refusing admittance to any person seeking to inspect his property. This is true even though the homeowner honestly thought that he was exempt under title IV. The fact is that whether he is exempt or not exempt is immaterial. The definition of the crime in title V makes no exemptions.

These are some of the consequences of title IV. Perhaps the most inequitable consequence of all, however, does not appear in the language of the bill. The homeowner, whether guilty as sin or innocent as a lamb, is the ultimate victim. When the charge of discrimination is filed, even before any evidence is taken, the court can enter a temporary restraining order forbidding the owner to make a deed to his property. That restraint would remain alive until the court had disposed of the question of discrimination. If the court, having taken evidence on the question, decides that the homeowner was innocent and the court assesses no penalty against him, yet, the homeowner is penalized. During the pendancy of the restraining order and the law suit, which may consume weeks or years, the homeowner has lost an opportunity for the sale of his home. The original buyer has bought somewhere else. Other potential buyers have heard that the owner is involved in a law suit and are afraid to buy. The lending institution and the title insurance company are afraid to move. In the meantime, the house has gotten older, taxes have gone up, the cost of fire insurance has increased, the community's biggest employer has moved his plant or gone out of business, and the wholly innocent homeowner now can find no one to buy his property. The bill gives him no remedy. No one will pay his lawyer. He can collect no damages.

One final consequence of the bill needs to be considered. The full committee, shortly before final approval of the bill, added a new amendment which now appears in section 408 and the following sections of title IV. That amendment, which was never exposed to public hearings or even a careful reading, establishes a Fair Housing Board. It was said that the function of the Board and the purpose of the amendment, was to establish a mediation and conciliation service to spare the parties in a housing dispute the expense, inconvenience, and embarrassment of court litigation.

In truth, the Fair Housing Board would be no more of a mediation and conciliation service than the National Labor Relations Board after which, in the very language of the amendment itself, the Fair Housing Board is patterned. Rather, the new Board will take on the qualities and characteristics of the investigator, the prosecutor, and the judge, and while the action will be administrative and preliminary to formal court action, the Board is empowered to reach decisions which materially affect the substance of the issues involved.

It was also said when the amendment was offered that the Board would be bipartisan. No more than three of the five members appointed by the President could be of the same political party. On its face and without more, this seems to insure full bipartisanship. But there is more. Section 408 provides that three members of the Board shall constitute a quorum for the transaction of business. Then, the section authorizes the Board to delegate to any group of three of its members any or all of its powers. This simply means that the three majority members of the Board could meet in the absence of the two minority members and pass a resolution delegating authority to themselves.

But there is yet more. Section 408 authorizes the Board or the three members of the Board to which the Board's power has been delegated, to delegate still further the authority to conduct hearings. From the language you will see that this authority may be delegated to one member of the Board itself or to "any agent or agency," including, apparently, individuals and organizations outside the Government.

Accordingly, following this process step by step, it would be possible ultimately to destroy all bipartisan flavor and finally to vest in one agency or one private individual or one private organization the power to conduct hearings and otherwise investigate alleged discriminatory housing practices.

To illustrate that the Board would be something more than a mediation and conciliation service, it is necessary to examine the powers granted to the Board. Those are said to be the same powers as those provided the National Labor Relations Board. Here are a few of those powers:

First. The power to issue a complaint against any person on the basis of a naked charge unsupported by any evidence whatever filed by a single individual;

Second. The power to order a person charged to appear at a hearing within 5 days, which hearing can be scheduled in Washington or anywhere else the Board might choose;

Third. The power to amend the complaint whenever the Board chooses to do so, even after the person charged has presented a complete defense to the original charge;

Fourth. The power to permit any other person or persons to intervene in the proceeding and to present testimony;

Fifth. The power to issue a cease-and-desist order and an order requiring the person charged to do whatever the Board may decide is necessary to be done to implement the policy of title IV;

Sixth. The power to alter or completely set aside any order it may have entered at any time before the record on appeal is filed with the Circuit Court of Appeals; this means that even after the petition for appeal has been filed, the Board would have the opportunity before the record was filed to amend its own order in such a way as to make the petition for appeal nongermane;

Seventh. The power to examine the books and records of the person charged and the right to copy such records;

Eighth. The power to subpena witnesses and their papers, anyplace in the United States, and require their attendance at any other place in the United States designated as the place of hearings;

Ninth. The power to issue subpenas in advance of the Board's hearings for the taking of depositions by one party against the other;

Tenth. The power, after issuing a complaint against a citizen, to ask any U.S. district court to enter a temporary injunction or restraining order pending the hearing by the Board; and

Eleventh. The power, with the consent of the President, to require all departments and agencies of the Government to furnish all pertinent records, papers, and information in the possession of those agencies, including presumably income tax returns, social security records, and FBI files.

While as indicated, the person aggrieved by the order entered by the Board would have the right to take an appeal to the Circuit Court of Appeals, such a process, the same as that established for the National Labor Relations Board proceedings, does not guarantee the citizen his right to a day in court. The Circuit Court of Appeals is required to treat the findings of fact made by the Board, if supported by substantial evidence, as conclusive. In other words, there can be no de novo hearings on the merits in a court of law.

So far as the facts are concerned, so far as the truth or falsity of testimony is concerned, and so far as the weight of the evidence is concerned, the decision made by the Board is final. That is a quasi-judicial function and any Board which has such power cannot properly be considered a mediation and conciliation service.

Mr. GERALD R. FORD. Mr. Chairman, will the gentleman yield?

Mr. POFF. I yield to the minority leader.

Mr. GERALD R. FORD. Mr. Chairman, I apologize to the gentleman from Virginia, but a matter has come up that I think ought to be exposed on the floor of the House. One of the most vital cornerstones of the American political system is the system of checks and balances where each branch of the Federal Government, the legislative, judicial, and the executive, has specific responsibilities. I do not believe that the Founding Fathers felt that we ought to put any greater responsibility in one over any one of the two others. There is a clear line of distinction. The Department of Justice in the executive branch should handle its responsibilities and stop pressuring the legislative branch, directly or indirectly.

With that preface, let me say that it has come to my attention in the last half hour that one or more high-ranking officials in the Department of Justice are calling Republican Members of the House of Representatives asking them how they are going to vote on this particular legislation and specifically title IV. May I respectfully say to the Attorney General and to his minions that they have no responsibility, they have no authority in their job, to conduct a whip check of the Republicans and the sooner he stops it the better.

The **CHAIRMAN.** The time of the gentleman from Virginia has expired.

Mr. McCULLOCH. Mr. Chairman, I yield 5 additional minutes to the gentleman from Virginia [Mr. POFF].

Mr. LAIRD. Mr. Chairman, will the gentleman yield to me at this point?

Mr. POFF. I yield to the gentleman from Wisconsin.

Mr. LAIRD. Is the gentleman from Virginia going to discuss the effects of the adoption of the preemptions of title IV of this bill?

Mr. POFF. I shall be glad to do so if my time permits. In fact, I had intended to do so.

Mr. LAIRD. Mr. Chairman, if the gentleman will yield further, I wonder if I could direct a question to the gentleman from Virginia on this proposition?

If the gentleman will turn to page 67 of the bill, under section 406 entitled "Enforcement by Private Persons," line 11 of page 67 states as follows:

> (d) In the case of a civil action brought under subsection (a) alleging a discriminatory housing practice which occurs in a State, or political subdivision of a State, which has a State or local law prohibiting such practice and establishing or authorizing a State or local authority to grant or seek relief from such practice, the court, upon issuance of a temporary injunction, restraining order, or other appropriate order preseving the complainant's right to obtain all relief, including the opportunity to buy or rent the specific dwelling with respect to which the alleged practice occurred, may stay proceedings in such civil action for a period not exceeding 30 days pending referral by the court or the complainant, as appropriate, to such State or local authority: *Provided*, That, at the expiration of such thirty-day period, the court may further stay proceedings for an additional period or pending the termination of then pending State or local enforcement proceedings, if it believes that such proceedings will proceed expeditiously and that such further stay will serve the interests of justice; in the event of such further stay, the court may continue or withdraw any orders it has previously entered in the case as the interests of justice may require. The issuance or withdrawal of any temporary injunction, restraining order, or other order entered by the court pursuant to this subsection may be conditioned upon the posting of reasonable bond or other security as may be just. If, after direction by the court, a complainant fails to make reasonable efforts to initiate appropriate proceedings under applicable State or local law, the court may, in its discretion, and in the absence of a showing of good cause for such failure, dismiss the action.

Mr. Chairman, it would seem to me that this is discretionary authority given to the Federal court, and that the question is whether the bill would in fact preempt the Wisconsin law in that it gives the Federal court the discretionary authority. Is that correct, or false, based upon the premise of this language?

Mr. POFF. The gentleman's statement is substantially correct.

However, I might go a step further and say that ordinarily without benefit of any statutory language the court enjoys the discretion to suspend its own action pending some other eventuality.

However, since the grant of authority is specifically stated in the bill, it does not have the effect of broadening the discretion of the court. Rather, the language which follows limits the discretion of the court, and to that extent, as the gentleman from Wisconsin suggests, gives the court the power to apply Federal law rather than State law.

Mr. LAIRD. Mr. Chairman, if the gentleman will yield further, the effect of this section is to preempt the State law. The court has that discretionary authority. Therefore in a State such as Wisconsin, where the law is stronger than title IV as reported by this committee, the discretionary authority, is given to the Federal court to supersede the Wisconsin law with the weaker provisions of this bill?

Mr. POFF. I believe that is a substantially correct statement.

Mr. MACGREGOR. Mr. Chairman, will the gentleman yield?

Mr. POFF. I yield to the gentleman from Minnesota.

Mr. MACGREGOR. By limiting authority, or to use the language of the bill, when the gentleman from Virginia responded to the inquiry of the gentleman from Wisconsin, did the gentleman from Virginia have reference to the fact that the Federal court takes jurisdiction only after it issues a temporary injunction or restraining order or other appropriate order preserving the complainant's rights? Can the Federal court in its discretion refer it to the State court?

Mr. POFF. I do, indeed. I thank the gentleman for that explanatory comment.

Mr. CELLER. Mr. Chairman, will the gentleman yield?

Mr. POFF. I am happy to yield to my chairman.

Mr. CELLER. With respect to the question propounded to the distinguished gentleman concerning page 67, line 11—the case that he spoke of there is a case that was brought in the Federal court and the Federal judge in the U.S. district court could grant a stay and refer the case to the State authorities for resolution. When considering the question of preemption we must also consider the language on page 73, commencing on line 12, "Effect on State Laws":

> SEC. 410. Nothing in this title shall be construed to invalidate or limit any law of a State or political subdivision of a State, or of any other jurisdiction in which this title shall be effective, that grants, guarantees, or protects the same rights as are granted by this title; but any law that purports to require or permit any action that would be a discriminatory housing practice under this title shall to that extent be invalid.

Mr. POFF. I cannot wholly disagree with the statement, but I must call the chairman's attention to the fact, as the gentleman from Wisconsin indicated, the language used on page 67 is permissive rather than mandatory. I think that the chairman must underscore the last clause of the section 410 which he has just read.

Mr. LAIRD. Mr. Chairman, will the gentleman yield?

Mr. POFF. I yield to the gentleman.

Mr. LAIRD. Is it not true that if it is not brought to the Federal court, the only other place that it can be brought would be the Federal fair housing authority, the new group that is set up here, and this immediately preempts the Wisconsin State law, in my case, and there would not even be the discretionary authority that exists under the section as to the Federal court. The result, of course, would be the weakening of the Wisconsin State law.

Mr. POFF. The gentleman is correct. As soon as a complaint is filed under the new section 408, it would be possible as it is today under the NLRA for the board to petition any U.S. district court promptly for a temporary restraining order or other appropriate relief.

Mr. CELLER. Mr. Chairman, will the gentleman yield?

Mr. POFF. Mr. Chairman, I am sorry but I must decline to yield to the gentleman at this point because I would like to complete my statement.

Mr. CELLER. I shall be glad to yield additional time to the gentleman if he needs it.

Mr. POFF. Mr. Chairman, I yield to my chairman.

Mr. CELLER. I thank the gentleman very much. He has always been kind and I try to reciprocate as the gentleman knows.

Further supplementing what the distinguished gentleman from Wisconsin said, we must also look at section 406 on page 66 which provides that an action may be brought not only in the U.S. district court but may be brought—and this appears on line 15—"in appropriate State or local courts of general jurisdiction."

Mr. POFF. Yes, I think if I may presume to answer for the gentleman from Wisconsin, he fully understood that, but I believe his point was that if the complainant proceeded to the new fair housing board or the Secretary of HUD, then it would have a somewhat different effect.

Mr. LAIRD. The gentleman from Virginia is correct.

That was the assumption I made.

The CHAIRMAN. The time of the gentleman has again expired.

Mr. CELLER. Mr. Chairman, I yield the gentleman 5 minutes.

Mr. Chairman, will the gentleman yield?

Mr. POFF. I yield to my chairman.

Mr. CELLER. The gentleman, Mr. Chairman, is making an excellent statement. I hesitate to intrude upon him.

I am anxious to know what is the basis for the gentleman stating that a person subject to the prohibitions of title IV might be subjected to an action before the Federal Fair Housing Board when it is initiated by an aggrieved party who has filed a complaint with the Board. I would like to know, what is the basis for that statement.

Mr. POFF. Mr. Chairman, the chairman will remember that I did not say he would be subjected to a lawsuit by the Board. I said he would be subjected to an action instituted by the Board. It would be possible under section 408, for the Board to request of the district court any sort of restraining order they might deem necessary.

Mr. CELLER. In that regard, only the Secretary of the HUD can initiate a complaint before the Fair Housing Board.

Mr. POFF. That is true. The aggrieved citizen lodges his complaint with the Secretary. The investigation, as the chairman knows, can be conducted by the Fair Housing Board or the Secretary. When I said the Fair Housing Board, I was dealing with the Board and the Secretary as he is identified as a part of the Board. Their functions are identical in many respects.

Mr. WHITENER. Mr. Chairman, will the gentleman yield?

Mr. POFF. I yield to the gentleman from North Carolina.

Mr. WHITENER. I believe the gentleman from Virginia has given some very good illustrations of the effects of the bill. I have some questions I should like to ask, to get the benefit of his views.

Suppose an owner of a residential property should rent his home, let us say, in Roanoke, Va., in order to come to Washington, D.C., for employment, and that then he rented a house in Washington, D.C. Then suppose later he returned, in the same year, to his hometown of Roanoke, and sold his house. Would this sale of the house be a third transaction, taking him beyond the exemption provided in title IV, or would he be "home free"?

Mr. POFF. I must say to the gentleman that under the language of the bill as it is presently written, that would constitute 3 transactions within a 12-month period, and on the third transaction he would be covered by the terms of the bill.

Mr. WHITENER. So when he went back to Roanoke to sell his home he would be covered?

Mr. POFF. Indeed. However, I must say, as I said in my opening statement, I believe it was intended that the transaction is counted only when the person participating is a vendor or lessor, and not a purchaser or tenant.

One final, vital point must be made. Past experience proves that today's exemptions and exclusions are always tomorrow's priority proposals. The homeowner exemption today will be covered in next year's civil rights bill. A man's home may still be his castle, but if this bill passes the drawbridge is down and the latchstring is out.

Mr. CELLER. Mr. Chairman, I yield 15 minutes to the gentleman from Colorado [Mr. ROGERS].

Mr. ROGERS of Colorado. Mr. Chairman, it will be my intention to discuss two titles of the bill.

Title II prohibits discrimination in the selection of grand or petit juries in any

State court on account of race, color, religion, sex, national origin or economic status.

It will be my intention to point out the terms and conditions of title II as I interpret them, in the hope that Members will concur in the reasoning as to why we believe this title should be adopted.

First, section 201 says that no one shall be excluded from State jury service on the grounds of race, color, religion, sex, national origin or economic status.

Section 202 provides that the Attorney General may, when he believes that anyone is engaging in an act or is about to engage in an act to deny or abridge the rights set forth in section 201, institute an action for preventive relief in the District Court of the United States.

Now, section 203 of title II sets forth the type relief that may be granted by the court. I direct your attention to page 53, which, for example, provides that the court may enter an order—

> (a) Prohibiting or suspending the use of any qualification for jury service or any basis for excuse, exemption, or exclusion from jury service which—
>
> (1) violates or has been applied in violation of section 201 of this title,

The court is given, in my opinion, full and complete authority to take jurisdiction and enter appropriate orders as provided in section 203. This includes the authority to appoint a master to perform the duties of a jury official to assure compliance with section 201.

Mrs. GRIFFITHS. Mr. Chairman, will the gentleman yield?

Mr. ROGERS of Colorado. I will be glad to yield to the gentlewoman.

Mrs. GRIFFITHS. Is it not true that there are 14 jurisdictions which excuse women from jury service solely because of their sex?

Mr. ROGERS of Colorado. I do not know the number, but there are a number of States that do say that women may be excused if they make the request.

Mrs. GRIFFITHS. Under the provision that is now in the bill, will not those States still be permitted to excuse women because of their sex?

Mr. ROGERS of Colorado. That would depend upon the lady making the application.

Mrs. GRIFFITHS. That is right.

Mr. ROGERS of Colorado. Now, remember that section 201 says no citizen shall be excluded from service on account of certain types of discrimination.

Mrs. GRIFFITHS. That is right.

Mr. ROGERS of Colorado. However, if a woman wants to be excluded, she may do so under the provisions of this law.

Mrs. GRIFFITHS. Is there any State which excludes men solely because they are men?

Mr. ROGERS of Colorado. None that I know of.

Mrs. GRIFFITHS. So that if there were such a State which excluded women because they were women and men because they were men, would we not be returning to trial by water and trial by fire?

Mr. ROGERS of Colorado. I do not agree with that.

Mrs. GRIFFITHS. Well, you would not have a jury. You would not have a jury.

Mr. ROGERS of Colorado. The question dealt with by title II is one of being excluded from jury service. This bill provides that States shall not discriminate because of race, color, religion, sex, national origin, or economic status in the selection of juries—if the laws you mentioned brought about such discrimination, then the court would be in a position to step in and take action.

Mrs. GRIFFITHS. With the exception of White against Crooks, may I ask the gentleman to cite any instance in which any court in this country or the Supreme Court has determined that a woman litigant or a woman defendant has the right to have a woman on a jury?

Mr. ROGERS of Colorado. I do not know of any.

Mrs. GRIFFITHS. There are not any such cases. Therefore, there is no reason why the Committee on the Judiciary can now believe that the Supreme Court of the United States is for the purposes of a jury trial about to determine that the 5th amendment or the 14th amendment considers women as human beings and, therefore, protects them under those amendments. Is that not true?

Mr. ROGERS of Colorado. May I point out that title II concerns State laws, and the only time that the Federal Government steps in is to assure that the State law is administered so that women will not be excluded because of their sex.

Mrs. GRIFFITHS. In 1961 did not Justice Harlan determine that in a case coming up from Florida a woman who had murdered her husband was certainly fairly tried by 12 husbands?

She was not entitled to a woman on the jury.

And, may I ask you, is this committee worried about the rights of the defendant, the rights of the litigant, or are you going to protect women in the nonexercise of their civic responsibilities?

Mr. ROGERS of Colorado. We are protecting the women more here than they have ever been protected before.

Mrs. GRIFFITHS. You are not protecting them at all. You are not protecting women as jurors. You are not protecting women defendants.

You are not saying that they are required to be summoned and to serve on the jury.

Mr. ROGERS of Colorado. There is nothing under any law about which I know that requires that a jury must be composed of all men or of all women, because a man happens to be a defendant. There are no provisions that say that we should have an all-woman jury because the defendant happens to be a woman.

The question which we are dealing with here is the question of the rights of individuals.

We are trying to extend to women a right that they have not had in the past.

Mrs. GRIFFITHS. But you are not doing it at all. You are not even doing as much as the President asked you to do.

Mr. ROGERS of Colorado. How much further would the gentlewoman have us go?

Mrs. GRIFFITHS. Oh, I shall be glad to tell you, and I am going to offer this amendment.

Mr. ROGERS of Colorado. How much further would the gentlewoman have us go?

Mrs. GRIFFITHS. I shall be glad to tell the gentleman, and I am going to offer this language as an amendment.

Mr. ROGERS of Colorado. How much further would you have us go?

Mrs. GRIFFITHS. I would like you to say that no citizen shall be excluded from service as grand or petit jurors in any State court on account of race, color, religion, sex, national origin, or economic status.

Mr. ROGERS of Colorado. That is exactly what title II of the bill provides.

Mrs. GRIFFITHS. It is not true. What you say is that she can still be excused.

Mr. ROGERS of Colorado. Yes, upon her request.

Mrs. GRIFFITHS. But I say she should not be given that right.

Mr. ROGERS of Colorado. Does the gentlewoman from Michigan want us to deny to her the right to stay at home and take care of her children if she wants to?

Mrs. GRIFFITHS. You can give her that right if she has duties at home. But you are permitting her to be excused because she says "I am a woman."

Are you going to permit old maids to be excused from jury duty or any woman who says "I am a woman"?

Mr. CELLER. Mr. Chairman, will the gentleman yield?

Mr. ROGERS of Colorado. I yield to the gentleman from New York, the distinguished chairman of the Committee on the Judiciary.

Mr. CELLER. There are several States that permit women to be excused from jury service, if they make such a request, would not the gentlewoman from Michigan say that that represents a discrimination against men?

Mrs. GRIFFITHS. You have 14 jurisdictions——

Mr. CELLER. Is that not a discrimination against men?

Mrs. GRIFFITHS. Sure.

Mr. CELLER. If the gentleman will yield further, the point here is that our major concern is whether the defendants in a criminal proceeding or the litigants in a civil proceeding have a fair trial. This is one of the major reasons for concern with the State jury system.

Mrs. GRIFFITHS. But if you are going to permit women to not serve on juries just because they are women, then you are going to eliminate these States. There are only three States, Alabama, Mississippi, and South Carolina, which totally exclude women from serving on juries. All they will have to do is come in and say, because you are a woman, you are going to be excused.

You have 14 jurisdictions where you exclude women from juries solely because of their sex. Only two States require women to serve on juries where they have the proper and necessary courthouse facilities. Two States permit women to serve on juries only involving certain crimes. Eight States exclude women, but not men, who have certain family responsibilities.

In my opinion you are not really putting women on juries at all. You have given to them a new method of avoiding jury service.

And, Mr. Chairman, at the proper time I shall offer an amendment to correct the situation, and I expect the entire Judiciary Committee to vote for it.

Mr. ROGERS of Colorado. Mr. Chairman, may I proceed, under section 204 of the bill a method for the discovery of evidence relating to jury selection is provided.

And after this information has been received, if the court determines that there is a probable cause to believe that any rights secured by section 201 have been denied or abridged, then the court may require the jury officials in charge of the records to come forward and show that they have not discriminated, as prohibited by section 201 of the bill. The records and papers in connection with jury selection are required to be preserved under section 205 for a period of 4 years. They are not to be mutilated or destroyed and any person who does so tamper with such records is subject to a fine or imprisonment, a fine of not more than $1,000 or imprisonment for not more than 1 year or both.

Thus, title II provides a method whereby the Federal court can, where it finds discrimination in the selection of State juries, remedy that situation. The objective and purpose of this law is not to set aside any State law, but on the contrary to preserve whatever rights or remedies may have existed heretofore. Finally, section 208 provides that title II shall not become effective until at least 180 days after its enactment. It shall not apply to any indictments that have been returned or where a petit jury has been impaneled prior to the effective date of this law.

I would like to pass on to title IV, which has been discussed quite thoroughly here.

The objective of this title is set forth in section 401; namely, to establish a policy to prevent discrimination on account of race, color, religion, or national origin in the purchase, rental, lease, financing, use and occupancy of housing throughout the Nation.

The bill contains definitions, which have led to much discussion, as to the title's coverage. There has been a great deal of discussion on section 402(d) which says:

> A person shall be deemed to be in the business of buildings, developing, selling, renting, or leasing dwellings if he has, within the preceding twelve months, participated as either principal or agent in three or more transactions * * *

I take this to mean that a person can sell property in at least that many transactions within the prior 12 months, and not be covered by the title.

The next section which is section 403, is one which I think should be clarified here. It deals with a person who is a real estate broker, agent, or a salesman. That section sets forth in seven different paragraphs instances of prohibited behavior. Also covered by section 403 is one who is engaged in the business of building, developing, selling, renting, or leasing dwellings.

The next section, section 403(b), has created a great deal of discussion here, it states:

> Nothing in this section shall apply to an owner with respect to the sale, lease, or rental by him of a portion of a building or structure which contains living quarters occupied or intended to be occupied by no more than four families * * *

It is my interpretation of this provision that as long as it is your home and you rent out: you must occupy it, and if you rent out various portions, then you are exempt from the operation of the title. So you have the privilege of renting or selling to no more than three other families living independently in that house.

The next section, section 404 prohibits discrimination in the financing of housing.

Section 405 prohibits intimidation or interference with the exercise and enjoyment of rights granted sections 403 and 404.

The next section deals with the enforcement by a private person of his right against housing discrimination. First, he can institute an action in the Federal court or he may institute such an action in the State or local court.

Under section 407, the Attorney General could initiate a suit if he had reasonable cause to believe there is a pattern or practice of resistance in violation of this title. The Attorney General also may intervene in the name of the United States if he certifies that the action is in the public interest.

Another provision which establishes the Fair Housing Board, is patterned after the National Labor Relations Act. In effect, this provision states that an aggrieved party makes his complaint to the Secretary of Housing and Urban Renewal, HUD, as it is called, and if the Secretary after investigation finds justification, he may refer the matter to the Board for further action. The Board is authorized to conduct hearings, arrive at conclusions, make appropriate orders and to go into Federal court and bring about their enforcement.

Section 410 provides that the State laws not inconsistent shall not be set aside and that such State laws shall remain in force and effect.

Then the bill also provides for penalties and procedure to govern criminal contempt of court.

Mr. MIZE. Mr. Chairman, will the gentleman yield?

Mr. ROGERS of Colorado. I yield to the gentleman from Kansas.

Mr. MIZE. Assuming that I and another business associate built a 12-unit apartment building in three 4-unit buildings, and assuming that I live here in Washington and my business associate lives in California and these apartments are located in Podunk, Mo.; and assuming further that this bill passes and we leave the operation of this complex to a real estate agent in Podunk and he acts as our agent to collect the rents, he rents the units, operates the thing, and so forth; and again assuming that the bill passes and we write a registered letter, return receipt requested, to him saying that we want him to comply with this bill 1,000 percent; and then assuming later that a member of a minority group contacts him and he disobeys the law, so to speak, whether in advertising or in some other respect, whom does that minority group member bring action against? We landowners or the agent?

Mr. ROGERS of Colorado. That depends. He has the privilege of starting whichever way he wants to.

Mr. MIZE. Does the gentleman mean the minority group member?

Mr. ROGERS of Colorado. Yes. If he believes there is a violation of this law, he has a right to institute an action in a State or Federal court. If the defendant is innocent of any wrongdoing the court will so decide.

Mr. MIZE. But we can be hauled into court?

Mr. ROGERS of Colorado. I could sue the gentleman tomorrow morning and summons him into court on anything.

Mr. MIZE. That is a shabby attitude.

Mr. CORMAN. Mr. Chairman, will the gentleman yield?

Mr. ROGERS of Colorado. I yield to the gentleman from California.

Mr. CORMAN. Mr. Chairman, I would like to suggest I think the same laws of agency apply as in other situations of law. If the kind of violation is such that he would be liable under law for the actions of his agent, that would apply here. I do not believe that this bill would change that part of the responsibility for his agent.

Mr. ROGERS of Colorado. Mr. Chairman, what was the statement of the gentleman when he turned away?

Mr. MIZE. I said it was a kind of shabby answer.

Mr. ROGERS of Colorado. What was shabby about it?

Mr. MIZE. That the gentleman could bring suit against me tomorrow for anything he wants to.

Mr. ROGERS of Colorado. Sure. That is what we have the courts for.

Mr. MIZE. Will the gentleman yield for just another moment? I want to clarify this point. That is all I am really trying to do, believe me. The absentee owner or promoter of a housing development, even though it is his intention to comply with the law 1,000 percent, can be hauled into a court of law with his agent?

Mr. ROGERS of Colorado. As the gentleman from California pointed out, if there is an agent, there are certain principles that apply to agency responsibilities.

Mr. McCLORY. Mr. Chairman, will the gentleman yield to me?

Mr. ROGERS of Colorado. I yield to the gentleman from Illinois.

Mr. McCLORY. Mr. Chairman, I believe what the gentleman from Kansas has in mind is that if he gives instructions to his agent to comply with the Civil Rights Act of 1966, could he nevertheless still be liable to the actions? It is my opinion that the law of agency would provide that where the agent violates the instructions of the principal, that the agent then becomes liable as a principal and he assumes responsibility, and the principal would not be individually liable.

Mr. ROGERS of Colorado. The issue would be whether the agent went beyond the scope of authority that the principal had granted.

Mr. CELLER. Mr. Chairman, will the gentleman yield?

Mr. ROGERS of Colorado. I yield to the chairman of the committee.

Mr. CELLER. Mr. Chairman, this question has nothing to do with the substantive provisions of this bill. It has to do with the action of the agent and the responsibility of the principle under the law of agency.

Mr. GILBERT. That would be the question of the scope of authority.

The CHAIRMAN. The time of the gentleman has expired.

Mr. CELLER. Mr. Chairman, I yield to the gentleman 2 additional minutes.

Mr. Chairman, will the gentleman yield to me?

Mr. ROGERS of Colorado. I yield to the gentleman.

Mr. CELLER. Mr. Chairman, in the case presented by the gentleman from Kansas, the builder is "engaged in the business" of housing as that term is used in title IV and he is embraced within this act, beyond peradventure of a doubt, as is his agent embraced within the terms of the act. If the agent did as was indicated and the owner had knowledge, he too would be responsible. The suit could be brought against both, without question, under this act.

Mr. WHITENER. Mr. Chairman, will the gentleman yield?

Mr. ROGERS of Colorado. I yield to the gentleman from North Carolina.

Mr. WHITENER. Mr. Chairman, the gentleman has discussed title IV of the bill very fluently. I was wondering if under this set of facts the act would be applicable. Suppose an owner of a duplex rents a unit on a month-to-month basis or on a week-to-week basis. Is each month or each week under those circumstances a separate transaction, so as to bring him under the act for any month or week after those first two?

Mr. ROGERS of Colorado. Does the gentleman mean one part of the duplex is occupied by the owner?

Mr. WHITENER. Whether he occupies it or not. Suppose he does not occupy it, what would the gentleman's answer be?

Mr. ROGERS of Colorado. The answer would be if he occupies a portion of the dwelling, and it has no more than four family units, then he could rent it for that period.

Mr. WHITENER. All right. The gentleman means that the act would apply after the second week or second month, as the case may be?

Mr. ROGERS of Colorado. Is the gentleman trying to say in this instance that because he rents it by the month, that that constitutes a separate transaction?

Mr. WHITENER. Yes.

Mr. ROGERS of Colorado. I do not believe the fact that it is rented by the month would make a difference.

The CHAIRMAN. The time of the gentleman from Colorado has again expired.

Mr. CELLER. Mr. Chairman, I yield the gentleman 2 additional minutes.

Mr. WHITENER. I might say to the gentleman, it is my information that the Attorney General takes the position that it would be a third transaction, after the first two.

Mr. ROGERS of Colorado. Each month would be?

Mr. WHITENER. Yes.

May I ask the gentleman another question? As I pointed out earlier, section 403(a)(3) would make it a crime if a real estate broker, salesman or owner, "indicates any preference, based on race."

Does the gentleman agree with the civil liberties union and the reluctant thinking of the Attorney General that this would be a direct and unequivocal violation of the first amendment to the Constitution?

Mr. ROGERS of Colorado. The gentleman refers to section 403(a)?

Mr. WHITENER. To section 403(a)(3).

Mr. ROGERS of Colorado. It says:

> To make, print, or publish, or cause to be made, printed or published

Mr. WHITENER. "Any oral statement" that "indicates preference—based on race."

Mr. ROGERS of Colorado. No. I feel that we have a right, under the 14th amendment, and section 5 thereof, to enact necessary legislation to prohibit discrimination. The court has just recently, in Katzenbach against Morgan, sustained such Congressional authority.

Mr. WHITENER. In other words, the gentleman is saying that the court has held that the 14th amendment has made the 1st amendment to the Constitution a nullity?

Mr. ROGERS of Colorado. The court said that by including paragraph 5 the draftsmen sought to grant to Congress by a specific provision applicable to the 14th amendment the same broad power expressed in the "necessary and proper" clause.

The CHAIRMAN. The time of the gentleman from Colorado has again expired.

Mr. CELLER. Mr. Chairman, I yield the gentleman 2 additional minutes.

Will the gentleman yield?

Mr. ROGERS of Colorado. I yield to the chairman of the committee.

Mr. CELLER. The first amendment has nothing to do with this whatsoever. A newspaper which prints something is not liable in any way, shape or form, under the terms of this bill. A newspaper is absolved from any responsibility. We have used similar language in title VII of the 1964 Civil Rights Act.

Mr. WHITENER. If the gentleman will yield, I have not said a word about newspapers. I was talking about oral statements by a broker, salesman or owner. That is the matter I am talking about.

Mr. ROGERS of Colorado. My answer to the gentleman from North Carolina is that if he will read the case of Katzenbach against Morgan he will find there outlined that Congress, under section 5 of the 14th amendment, has been given the right and the broad powers expressed in the "necessary and proper" clause of article 1, section 8, paragraph 18.

Under the 14th amendment, correctly viewed, section 5 is a positive grant of legislative power authorizing Congress to exercise its discretion in determining whether and what legislation is needed to secure the guarantees of the 14th amendment. That is the announcement of the Supreme Court, on June 13 of this year.

Mr. WHITENER. Mr. Chairman, will the gentleman yield further, to let me move into another area?

Mr. ROGERS of Colorado. I promised the gentleman from Michigan to yield.

Mr. WHITENER. I am sure the chairman will give the gentleman a great deal of time.

Mr. ROGERS of Colorado. I yield to the gentleman.

The CHAIRMAN. The time of the gentleman from Colorado has again expired.

Mr. CELLER. Mr. Chairman, I yield the gentleman 2 additional minutes.

Mr. WHITENER. Section 403(a)(4) purports to make it unlawful for real estate brokers to fail to use their "best efforts" to consummate sales and rentals.

Now, as I understand it, the Attorney General said in his testimony before the Committee on the Judiciary of the Senate that he knows of no other profession which is held to a standard of professional conduct and required to give their professional services. Does the gentleman take the position that there is some authority under the Constitution to make a lawyer, a doctor, or a real estate man or any other professional man give his "best efforts" or else be subject to imprisonment or be charged with violation of some statute?

Mr. ROGERS of Colorado. Now, the gentleman is a very learned lawyer.

Mr. WHITENER. Well, the gentleman is a very confused lawyer.

Mr. ROGERS of Colorado. And you know that the question of "best efforts"—or what are the words?

Mr. WHITENER. Yes, "best efforts."

Mr. ROGERS of Colorado. You know that they are words of art. They have a meaning and it becomes a question of proof as to whether he gave his best efforts. Each individual case must stand on its own. You know that.

Mr. WHITENER. The gentleman says the words "best efforts" are words of art, but can the gentleman cite any statute where these words were used or any court decision where there has been a definition by judicial authority?

Mr. ROGERS of Colorado. I am sure that the books are full of what is best and what is efforts, and you know and I know if that was the lawsuit and that was the question; namely, whether a lawyer gave his best efforts in connection with the lawsuit, or whether a real estate agent gave his best efforts, it is always a question of fact and, like anything else, it must be proved. Further I say this: If the complainant should show that best efforts were not exercised, then the defendant would be liable under this section. But if, on the other hand, the defendant shows that he has used his best efforts, then it is up to the judge to make the determination.

Mr. WHITENER. But the gentleman being a distinguished and experienced lawyer I am sure would agree with me and with any other lawyer in this room that you have never tried a lawsuit in your life where when it was over you did not feel as though there was something else you could have done and, if someone had asked you if you had given your best efforts, you would have to admit that you had not as you looked back on it.

Mr. ROGERS of Colorado. You may say that every day, that you probably did not do the best that you could have.

Mr. WHITENER. And we did not do the best we could on this bill.

Mr. ROGERS of Colorado. But that is not the standard which we set here.

Mr. CELLER. Mr. Chairman, will the gentleman yield?

Mr. ROGERS of Colorado. I yield to the gentleman.

Mr. CELLER. When we use the words "best efforts," it means that the efforts used by the agent must be the same efforts for all.

Mr. McCULLOCH. Mr. Chairman, I now yield 15 minutes to the gentleman from Illinois [Mr. McClory].

Mr. McCLORY. Mr. Chairman, I ask unanimous consent to revise and extend my remarks and, at the conclusion of my remarks, to include an amendment that I propose to offer later.

The CHAIRMAN. The gentleman's own amendment?

Mr. McCLORY. Yes.

The CHAIRMAN. Without objection, it is so ordered.

There was no objection.

Mr. McCLORY. Mr. Chairman, in addressing myself to the Civil Rights Act of 1966, let me express my commendation of the work of the members of this committee for their conscientious and deliberate efforts in behalf of promoting equal rights and opportunities for all citizens. I recognize the dedication to this cause in our distinguished chairman, the gentleman from New York [Mr. Celler], and I am aware too of the substantial contribution made by the distinguished ranking minority member of the committee, the gentleman from Ohio [Mr. McCulloch]. With specific reference to the work of the gentleman from Ohio, I have heard it said many times by persons in and out of the political arena that the Republican leadership evidenced by the gentleman from Ohio in the House of Representatives, combined with the corresponding leadership effort of the minority leader of the Senate, the Senator from Illinois [Mr. Dirksen], provided the measure by which meaningful civil rights legislation was enacted in the last session of the Congress. I extend a particular tribute to them for the landmark accomplishments made thus far to the cause of civil rights, or to put it another way—the fuller enjoyment of human freedom by all citizens of this land.

Many benefits have been flowed from this legislation—including the Voting Rights Act of 1965. Many hundreds of thousands of people are able to vote who did not enjoy that right prior to the enactment of the voting rights legislation.

In the area of civil rights, we find a fuller enjoyment of tax-supported public facilities such as parks, playgrounds, libraries, golf courses, swimming pools, and bathing beaches. While it may seem strange to some that equal access to these areas were restricted in the past, it can certainly be noted today that many of the barriers have been lifted and the public tax-supported facilities are made generally available to the public without discrimination.

Progress has been made in reducing discrimination in public schools in most areas where segregated schools were the pattern. Access to publicly owned and federally supported hospitals which are without discrimination has been on the increase.

But let me say this—I am not at all satisfied with the implementation of the legislation which this Congress has already passed. But the enjoyment of equal rights and opportunities has fallen far short of the promises made to—and the expectations of—those sought to be benefited. The failure to carry out the intent of Congress with respect to existing legislation is certainly one of the critical problems confronting us today. A special ad hoc subcommittee of the House Judiciary Committee was appointed some months ago to study the extent of enforcement of existing civil rights legislation. The committee made its study, I understand—but so far as I know, it has not published its report. I do not know the reason for that. I am suspicious that the report would indicate serious deficiencies not in the Congress and its enactment of civil rights legislation, but in the executive branch and its failure to fulfill the objectives and policies that the Congress has laid down.

I am familiar primarily with the situation in various of our hospitals. The discrimination exists not only with regard to the admission of Negro patients because of their color; it exists also with members of the medical profession because of their color. What a tragedy it is that in this day where there is so much need for advancement, particularly professional and educational advancement, on the part of the Negro, that barriers exist in institutions such as hospitals and professional schools.

In the June 22 edition of the Washington Post, it was revealed:

> **Federal officials approved as desegregated a** Georgia hospital that forced Negro employees to masquerade as patients.

Neither this hospital, nor any other hospital in the United States, has yet to be denied Federal funds under title VI of the Civil Rights Act of 1964. In a report issued in February of this year, the U.S. Civil Rights Commission stated that of the 39 hospitals receiving Federal aid surveyed in the South, only 11 showed "significant changes in their discriminatory patterns of patient assignment, staff assignment, and access to public facilities."

It is significant to note that while 11 of the 39 hospitals had desegregated, all but 2 had signed the so-called voluntary compliance agreements. These figures, I believe, speak for themselves.

In summary, the Civil Rights Commission states:

> The pace at which hospitals had desegregated was primarily determined by the Administrator or Board and was seldom the result of efforts by the Public Health Service Staff of HEW.
>
> Emphasis has been—

The Commission concludes—

> on the signing of papers, rather than the action and enforcement necessary to make this legislation meaningful.

The Commission revealed that the Department of Health, Education, and Welfare "has failed to take the steps necessary to achieve compliance" with title VI. In the February 23d edition of the New York Times, an unidentified official of HEW complains of "political interference" in the enforcement of title VI. He is quoted as saying:

> We don't feel like we had the support we needed from the White House or from the Secretary's office.

And while I am on this subject, and before making reference to specific provisions of the pending legislation, let me make a few observations about civil rights legislation, and for that matter about other programs purporting to benefit the disadvantaged citizens of our country. We are not unaware of the great unrest in our Nation particularly in the slum or poorer sections of many of our large cities. The poor and disadvantaged are there primarily because of a lack of opportunity for education and for jobs. Poor housing, low motivation, indifference, and apathy are concomitants of such slum conditions. We seek through legislative efforts at all levels of government and through many voluntary programs to remove discriminatory practices. To instill motivation and to provide opportunity. But the individual plays a key role in the rise from the slum to a better way of life. Still, it is a mistake to hold out false hopes, to give exaggerated and inflammatory promises of jobs and housing to those who are lacking in the qualifications for jobs or even in the ability to care for or support better housing. Even in the vast programs of public and private housing projects for the poor which have been carried out in the past, a section of the slum has been removed only to be relocated in the adjoining or nearby area. Indeed, with all of the housing programs which have been advanced in the past, the slum areas have increased and not decreased. As others have said before me, the problem is not housing, it is people.

As this relates to civil rights, to job opportunities, to fair housing, the people who require the better jobs, whom we seek to relocate in better homes, need the preparation, the education, the schools and the sheer individual ability to handle the improved job and housing opportunities which they seek. Is it any wonder that we find frustrations seeking an outlet in vandalism and destruction when we have a high public official taunting the underprivileged because they have no swimming pools like some of our wealthier citizens may have. Is it fair or right to promise subsidized, and good paying jobs without warning at the same time that good jobs require education, training, and schooling, and that good housing depends upon good income to support it—regardless of the neighborhood or community where it may be located.

The recent racial violence in Cleveland, Chicago, and New York, and the racial unrest evident in almost all urban centers in the United States, stemmed from the frustrated hopes of Negroes seeking to transform the "paper rights" into actual equality, confronted on all sides by lax and negligent enforcement and implementation.

Mr. Chairman, in addition to new and additional laws—including the objectives found in H.R. 14765, the Civil Rights Act of 1966 which I support—we need substantial fulfillment of the laws already passed. In addition, we need responsible action on the part of legislative and executive leaders to the end that they do not become leaders of a revolt—may I say, an irresponsible revolt fraught with frustrations and misguided hopes, prefaced only upon false promises.

Let me turn now to the provisions of the Civil Rights Act of 1966 and the important and timely subjects which are dealt with there. Except possibly with respect to title IV and some exaggerated expectations that might flow from its provisions, there seems to me to be nothing inflammatory or misleading about this measure.

Titles I and II, which provide the means by which juries are selected in State and Federal courts, appear to me to be consistent with the 14th amendment to the Constitution. Certainly, the right to a trial by a jury of our peers should mean that persons should be eligible for jury service without regard to race or color—or sex.

The method by which a jury wheel or list is to be selected through the application of titles I and II corresponds with the system that applies in the State courts of my own State of Illinois. Providing jury lists from the voters registration records would seem to be eminently fair and would meet the requirements that jurors were not excluded and would avoid excluding jurors on the basis of race, color, or sex.

With regard to that part of title II that would permit the intervention of the U.S. Attorney General, I am in full agreement. Indeed, it would seem extremely vital that before the State authorities would be superseded by a Federal order, a court should hear the case and make such a determination. I feel that this procedure should apply likewise to title IV, to which I shall make reference in a moment.

Title III merely provides equity jurisdiction to the Attorney General in initiating and enforcing rights and privileges granted or secured by the Constitution or Federal Statutes where the element of race or color is involved.

Title V embodies substantially a bill which I introduced earlier in this session, to the end that the Federal Government may be authorized to protect those who are in the exercise of civil rights granted under the Federal laws and who are encouraging those seeking to exercise such rights. It will protect individuals and civil rights workers in promoting school desegregation, and in promoting voting rights and voter registrations. It will protect those seeking to exercise rights with regard to housing, and the voluntary acts of others who are encouraging the exercise of rights to which they are entitled and for which they should have Federal protection.

Title VI is aimed at the desegregation of public schools and other public facilities and would remove the requirement that the Attorney General may act only when a written complaint has been filed by an aggrieved party.

Title VII provides for the requirement of voting records and voter registration in Federal elections, and would prevent the destruction of these records for a period of 22 months unless otherwise authorized by the United States Attorney General.

Undoubtedly, the main controversy in the pending legislation results from the provisions of title IV affecting the sale and rental of private housing. It is my opinion that the amendments recommended by my colleagues, the gentleman from New York [Mr. SMITH] and the gentleman from Missouri [Mr. HUNGATE] would allay most of the doubts and objections to this measure, and would make this title meaningful and effective. In addition, it would place the problem of nondiscriminatory housing in the areas where the problem must be solved, namely in the States and the communities of the Nation and not in the office of the Attorney General of the United States, in Washington, D.C.

It is unthinkable that the Federal Government would move in to States and individual municipalities in order to carry out a program of racial balance in the segregated neighborhoods and municipalities which now exist. Certainly, the primary intent of title IV should be to encourage these municipalities to take action themselves to end discrimination in housing. Much initiative has been demonstrated by the States as well as major cities throughout the country on this subject. As the Attorney General testified before the committee:

> There has been considerable State and private response to discrimination in housing. Seventeen States, the District of Columbia, Puerto Rico, the Virgin Islands, and a large number of municipalities have enacted fair housing laws.

There are actually 20 States with fair housing laws in addition to 26 of our larger urban centers.

The measure before us appears to look first to Federal initiative, and provides in title IV that after an action is filed—not before—a party may apply to the court for a stay of 60 days upon representation that a State or local community has effective legislation protecting against discrimination. This would seem to place the burden exclusively upon an individual party to establish what the State or local government has done—or has not done in every conceivable case. I am satisfied that Federal action—and Federal legislation—is needed, but it is not needed as a substitute for, or in addition to, local and State legislation where such local and State measures are effectively producing results.

It must be recognized, too, that ending discrimination in housing is one of the most difficult types of discrimination to overcome. There is some question as to how effective any legislation can be—in and of itself—to end or even to reduce discrimination. For centuries persons of common national, cultural, and even religious backgrounds have congregated together in neighborhoods. They selected not only the area where they preferred to live, they also endeavored to choose their neighbors. Thus, many of the Irish, Jewish, Polish, Italian, and other types of neighborhoods in our villages, cities, and suburbs developed from this variety of backgrounds, and many persons preferred to live in that type of environment.

Although both my parents and all my grandparents were Irish, I never had the experience of living in an Irish neighborhood as my parents and grandparents did. The neighborhoods where I have lived have always been composed of persons having a great variety of national, religious, and racial backgrounds. Even in my hometown of Lake Bluff, an adjoining property owner was a Negro family. Since coming to Washington, I have experienced nothing but integrated housing which included Negroes, Asiatics, and possibly those of other racial backgrounds in addition to members of the so-called white race. Our next-door neighbor on Constitution Avenue, just a few blocks from the Capitol, is a very fine Negro family.

Integration accomplished in areas of Southwest Washington, as well as in Northeast and Southeast Washington, would seem to be fairly good examples of what can be done through community action with common sense outlooks and official and private organizational support. The ownership of property in the neighborhood where I live appears to bear no relation to the color of the purchasers or tenants. The fact that most of those who have recently purchased or rented property in the area are white would seem to have resulted from their economic condition rather than from the color of their skin.

What my discussion is intended to indicate is that integrating a neighborhood or an apartment building or any other area must be accomplished at the community and neighborhood level. The effect of city ordinances and State statutes should be to prohibit agreements or conspiracies or other unlawful or unconstitutional acts that would bar a person from selling his property to whomever he chooses and to permit access to communities and neighborhoods at least to the extent granted in title IV of the bill. I would hope that State statutes and local ordinances would be far more persuasive in seeking to accomplish this end.

Title IV, indeed, is in many respects a weak statute in behalf of fair housing. It is my understanding that more than 70 percent of the housing of this Nation is privately owned. Title IV would exempt all 70 percent from its provisions. If the provisions of title IV are adopted by the rest of the States that do not already have fair housing laws, it would seem to accomplish little, and, indeed, would accomplish nothing with regard to the 70 percent of the houses about which I have made reference.

In any event, I would not like to see this statute take precedence over local ordinances or State statutes that are aiming to accomplish much more, and which are, in my opinion, the effective means of opening up white neighborhoods and white apartment buildings to Negro owners and tenants.

The amendment that I will offer in due course will in the first instance encourage States and municipalities to act effectively in this area. In addition, the amendment will place the responsibility upon the Attorney General to establish the ineffectiveness of the State laws or local ordinances before title IV would apply.

Gentlemen, we have many grave responsibilities and we should assume those willingly that it is necessary for us to assume. But it should not be our aim to relieve city councils and State legislatures of their responsibilities. Some would like us to do so. Many others would prefer that we confine our attentions to the broad tasks of the Nation, with which we alone can deal.

I suggest that the Civil Rights Act of 1966 provides the broad guidelines for jury selection, school desegregation, and other subjects including nondiscriminatory housing. Beyond that, let us see that the States and subsidiary units of government act effectively in carrying out the policies which we have enunciated.

The amendment I propose follows:

AMENDMENT TO H.R. 14765, AS REPORTED TO BE OFFERED BY MR. McCLORY

Page 61, strike out lines 20 through 24 and insert in lieu thereof the following:

"STATEMENT OF POLICY AND DECLARATION OF PURPOSE

"SEC. 401. It is the policy of the United States to prevent discrimination on account of race, color, religion, or national origin in the purchase, rental, lease, financing, use, and occupancy of housing throughout the Nation. The Congress declares that the purpose of this title is to implement this policy by encouraging and promoting appropriate fair housing programs at the State and local levels. It is not the purpose of this title to invalidate or supersede State and local laws designed to prevent such discrimination and thereby relieve State and local governments of their responsibility in this area. The standards of conduct required, the procedures established, and the remedies provided by this title will serve to prevent such discrimination where State or local law or the enforcement of such law remains inadequate and will serve to encourage and promote the enactment and enforcement of State and local laws providing effective remedies for such discrimination substantially equivalent to or greater than those provided by this title."

Page 74, immediately after line 6, insert the following new section:

"APPLICATION OF TITLE

"SEC. 413. (a) Except as otherwise provided by this section, none of the rights and remedies under this title shall apply with respect to any State or political subdivision which has in effect laws which make unlawful discrimination on the basis of race, color, religion, or national origin in the sale, rental, and financing of housing.

"(b) Whenever the Attorney General of the United States has reasonable cause to believe that there exists in any State or political subdivision a pattern or practice of resistance to the full enjoyment of any of the rights enumerated in sections 403, 404, and 405 of this title he may bring a civil action against the State or political subdivision in any appropriate United States district court by filing a complaint setting forth the facts pertaining to such pattern or policy, the State or local law concerned, the provisions of this title which are necessary to insure the full enjoyment of such rights and requesting that such provisions be made applicable with respect to the State or political subdivision. If the Attorney General shall establish to the satisfaction of the court that the State or local law does not effectively insure the full enjoyment of the rights enumerated in sections 403, 404, and 405, the court may enter an order setting forth the provisions of this title determined by it to be necessary to insure the full enjoyment of such rights. Any civil action under this subsection shall be heard by a three-judge district court in accordance with the provisions of section 2284 of title 28 of the United States Code and any appeal shall be to the Supreme Court.

"(c) Whenever a district court enters an order under subsection (b), the provisions of this title set forth in such order shall apply with respect to the State or political subdivision concerned from and after the date on which such order becomes effective until such order is modified, terminated, superseded, or set aside by any court of competent jurisdiction or by operation of law.

"(d) In the case of any State or political subdivision with respect to which the provisions of this title are applicable, the chief executive officer of such State or political subdivision may bring a civil action against the United States in any appropriate United States district court by filing a complaint alleging that existing State or local law effectively insures the full enjoyment of the rights enumerated in sections 403, 404, and 405 of this title, which complaint shall set forth the State or local law concerned, and request that the provisions of this title be made inapplicable with respect to the State or political subdivision. If it shall be established to the satisfaction of the court that the State or local law effectively insures the full enjoyment of the rights enumerated in sections 403, 404, and 405 the court may enter an order providing that the provisions of this title shall not apply with respect to such State or political subdivision. Whenever a district court enters an order under this subsection, the provisions of this title shall not apply with respect to such State or political subdivision from and after the date on which such order becomes effective until such order is modified, terminated, superseded, or set aside by any court of competent jurisdiction or by operation of law. Any civil action under this subsection shall be heard by a three-judge district court in the manner provided by subsection (a) of this section.

"(e) As used in this section, the term 'State or political subdivision' shall include any other jurisdiction with respect to which the provisions of this title may apply."

Mr. WAGGONNER. Mr. Chairman, will the gentleman yield?

Mr. McCLORY. I yield to the gentleman from Louisiana.

Mr. WAGGONNER. Mr. Chairman, I thank the gentleman for yielding but it seems to me that the gentleman from Illinois has had enough trouble in his own home State of Illinois, and enough trouble in the city of Chicago to occupy his time without talking about the discrimination that exists in the South, because the same Martin Luther King who created the strife which the gentleman found so much enthusiasm for in the South is now being accused of creating the strife that now exists in the city of Chicago.

The gentleman from Illinois has criticized the executive branch of the Government for not having done its very best enforcement of previous civil rights legislation. What would the gentleman recommend that they do? What constitutes best?

Mr. McCLORY. I believe my statement will suggest many things to be done, and many alternatives.

Mr. WAGGONNER. Mr. Chairman, if the gentleman will yield further, I do not believe the gentleman's statement has suggested anything up to this point. He says he opposes the Federal Government usurping the authority of local government but he supports it by voting for legislation such as this.

Mr. McCLORY. Mr. Chairman, if the gentleman from Louisiana will listen to the statement attentively, I am sure he will recognize that it contains a great many good points from which the gentleman can benefit.

Mr. WAGGONNER. Mr. Chairman, if the gentleman will yield further, I do not believe the city of Chicago could benefit from this legislation nor any other city for that matter.

Mr. McCLORY. And, perhaps, the country could.

The problem of discrimination on the basis of race or color is one with which the whole Nation is concerned and I am not suggesting that the entire or sole answer is through legislation.

Mr. Chairman, if the gentleman from Louisiana will be patient and listen to my entire statement he will find that the legislative function is only a part of the entire problem.

Mr. WAGGONNER. Mr. Chairman, if the gentleman will yield further, the gentleman is suggesting that the hands of other people are dirty, but not his. People who live in glass houses should not throw stones. Of course, legislation of this sort is not the answer.

Mr. McCLORY. No, sir; I am not suggesting that.

As the gentleman will find out, I am trying to point out the fact that responsibility for carrying out effective civil rights is primarily in a State, in a town, in a municipality, or in a locality where the problems exist, and we should not assume that responsibility and relieve the States and municipalities of theirs.

Mr. McCULLOCH. Mr. Chairman, will the gentleman yield?

Mr. McCLORY. I yield to the gentleman from Ohio.

Mr. McCULLOCH. Mr. Chairman, I certainly wish to join with my distinguished colleague from Illinois on the exercise of responsibility in this great country.

Mr. Chairman, one of the reasons that we are spending from a week to a month each year or two in the field of civil rights is because local political subdivisions and the officers thereof have not been assuming their responsibilities and discharging their duties.

Mr. McCLORY. I thank the gentleman.

It is not the purpose of my statement to point the finger of blame at any particular locality. I am trying to point the finger at the situations that exist and I do not question but that they do exist in various parts of the country not only in the South but in the North as well.

Mr. WAGGONNER. Mr. Chairman, I make a point of order that a quorum is not present.

Mr. CELLER. Mr. Chairman, I move that the Committee do now rise.

The motion was agreed to.

Accordingly, the Committee rose; and the Speaker having resumed the chair, Mr. BOLLING, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill H.R. 14765, to assure nondiscrimination in Federal and State jury selection and service, to facilitate the desegregation of public education and other public facilities, to provide judicial relief against discriminatory housing practices, to prescribe penalties for certain acts of violence or intimidation, and for other purposes, had come to no resolution thereon.

GLAZED WALL TILE FROM JAPAN

Mr. HERLONG. Mr. Speaker, I ask unanimous consent to extend my remarks at this point in the RECORD.

The SPEAKER. Is there objection to the request of the gentleman from Florida?

There was no objection.

Mr. HERLONG. Mr. Speaker, on Tuesday, July 19, the Secretary of the Treasury issued a formal order to all U.S. customs appraisers directing them to withhold appraisement on glazed wall tile from Japan. This notice has appeared in the Federal Register. It is in response to a dumping complaint filed by U.S. manufacturers against all major Japanese producers of wall tile plus the giant Japanese trading companies. It is important to note that some 70 percent of all Japanese exports of wall tile are shipped to the United States and that some of the other 30 percent is the subject of antidumping action in Australia and Canada.

The complaint charges exceedingly serious violations of our antidumping laws by the defendant Japanese industry, characterized by dumping prices in our market ranging from 35 to 45 percent below the prices charged to their Japanese customers. It also charges that the same defendants have resorted to a number of other unfair trade practices in their sales in the U.S. market. These include willful falsification of customs documents, secret kickbacks and rebates, use of identical trade names and color charts of U.S. firms, appropriation of American trade names to imply domestic origin of the goods, and concealment of country of origin of the tile.

All of these practices, when taken together, have inflicted great harm on a small American industry, and have caused loss of employment, business, and profits at a time when the rest of the U.S. economy has been enjoying great prosperity.

Some weeks ago I reported to the Congress that the Japanese producers of ceramic tile were scheming to evade the withholding of appraisement that might be forthcoming. At that time I forwarded my information to the Secretary of the Treasury who has since responded. Secretary Fowler tells me that he has alerted all collectors of customs at each American port to be especially alert to attempts by Japanese tile manufacturers and trading companies to evade U.S. law.

I have also learned that the Commissioner of Customs has alerted all appraisers to reject Japanese sample boards, store displays, and other promotional materials which hide the country of origin in violation of our law.

It is gratifying to be able to report these constructive developments which serve as a first step toward requiring Japanese producers and trading companies to compete fairly in our market. It may be hoped that it will serve to ameliorate the very serious situation which has developed for this small domestic industry because of the unfair and predatory methods of competition which have to date been practiced so freely.

NEW YORK COMMISSION ON HUMAN RIGHTS IN SUPPORT OF CIVIL RIGHTS BILL

Mr. RYAN. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The SPEAKER. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. RYAN. Mr. Speaker, today a large representative cross section of New York City community groups, religious organizations, trade unions, and other civic groups, are in Washington, D.C., participating in a delegation visit sponsored by the New York City Commission on Human Rights in support of the 1966 civil rights bill. They are here under the leadership of the chairman of the New York City Commission on Human Rights, William H. Booth.

I was privileged this morning to meet with this delegation, along with other colleagues from New York, and to hear the distinguished chairman of the Committee on the Judiciary, the gentleman from New York [Mr. CELLER], express his firm belief that during the course of the debate on the Civil Rights Act of 1966 the House will act affirmatively and meet its responsibility in the area of civil rights. Also present to greet this group were Senator JAVITS and our colleagues from New York, Congressmen ADDABBO, HALPERN, KUPFERMAN, and WOLFF. In addition, Nat H. Hentel, district attorney of Queens County, was present.

Mr. Booth estimated that at least 300 leaders and members of community organizations participated in the trip to Washington.

Some of the community and religious organizations which participated were the Catholic Interracial Council, the Protestant Council, the Anti-Defamation League of B'nai B'rith, the Urban League, the NAACP, the National Association for Puerto Rican Civil Rights, and the National Association for Puerto Rican Affairs.

Mobilization for Youth, Haryou, the Puerto Rican Community Development Project, Inc., Bedford Stuyvesant Youth in Action, as well as tenant's associations, parents' councils, community councils, antipoverty organizations, and many private civil rights groups were represented.

Some of the labor unions which participated were district 65 of the RWDSU; Brewery Delivery Local No. 46; Brewery workers Local No. 3; the International Union of Electrical Workers; the Hotel and Allied Services Union; the International Longshoremen's Association; the National Maritime Union; the Fur, Leather & Machine Workers Union; Local No. 1199 of the Hospital Workers Union; the State, County & Municipal Employees Union; the Hotel, Motel & Club Employees Union; the Amalgamated Clothing Workers; the Millinery Workers; the United Auto Workers; and the Bakers & Confectionery Workers.

The Jewish Labor Committee was also represented.

All participants in the visit were given one of the Commission's new "50–50" buttons to wear. The black and white lapel buttons bear the legend "A 50–50 Chance."

Mr. Booth has said:

> Passage of the 1966 civil rights bill will do a great deal to extend this 50–50 chance to all Americans throughout the 50 States.

Mr. Speaker, the following members of the New York City Commission on Human Rights worked diligently toward today's meeting: William H. Booth, chairman; Dr. Irving Goldaber, deputy executive director; Michael Vallen, hearing counsel; Thomas Allen, director of public information; Gilberto Gerena-Valentin, director of business and employment; Harriet Pickens, director of community action; Louis Zimmerman, director of housing; Jacob Wittner, director of enforcement; human rights specialists, Joel Barkan, Leonard Vaughn, Vernon West, Doris Brooks, Edward Mercado, Fernando Tapia, Frank Anderson; Edward Richardson, aide; and Shirley Reed, secretary.

Mr. Speaker, I commend the New York City Commission on Human Rights for organizing this impressive array of support for the pending civil rights bill which is essential if we are to achieve equality of opportunity for all Americans in every area of our national life.

COMMEMORATION OF LIBERIAN INDEPENDENCE

Mr. O'HARA of Illinois. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The **SPEAKER**. Is there objection to the request of the gentleman from Illinois?

There was no objection.

Mr. O'HARA of Illinois. Mr. Speaker, today the people of Liberia are celebrating their 119th year of independence. Liberia is the oldest republic in Africa and it is a land to which the United States has a long and warm attachment.

Liberia had its origin in the efforts of the American Colonization Society in the early 19th century. The U.S. Government offered funds and assistance in the negotiations for the cession of land by native chiefs. When the nation was constituted as the free and independent Republic of Liberia in 1847, the Liberian people modeled their constitution after ours. Their Government structure parallels that of our own country, divided into legislative, executive, and judicial branches.

Under the leadership of the elected President, William Tubman, Liberia has been a nation of progress. Efforts are proving successful in integrating a diverse nation of tribal customs and native dialects.

Liberia boasts of an expanding economy. Year after year production of iron ore and rubber increases. A great boast of the economy of Liberia has been the policy of keeping the foreign investment door open. An article in the New York Times of this year stated that increasing iron ore production sent Liberian exports to a new high of $148 million in 1965. An indication of the growing economy has been the increase in banking facilities.

It is to the credit of the administration of President Tubman that the Government has been successful in its policy of improving the living conditions of the Liberian people. In industry and agriculture, Liberia is taking its place among the modern nations of the world.

Liberia's motto, "The love of liberty," has become an integral part of her domestic way of life and foreign policy aims. Supporting the concept of the self-determination of all peoples, Liberia was one of the charter members of the United Nations. Liberia has been a stanch supporter of this organization, participating in many of its subsidiary organs. Liberia has also been a leader in promoting African cooperation. She has consistently supported the Organization of African Unity and has been represented at all of the important conferences of African leaders.

On this 119th year of independence Liberia is justified in holding its head high among the nations of the world. Africa's oldest republic is meeting the problems of the 20th century. On this day of national celebration in Liberia the American people pay tribute to a prosperous and proud nation. As chairman of the subcommittee on Africa of the committee on foreign affairs I extend congratulations and good wishes to President William Tubman, to Ambassador S. Edward Peal and to the people of Liberia.

GENERAL LEAVE TO EXTEND

Mr. O'HARA of Illinois. Mr. Speaker, I ask that all Members who desire to do so may have 5 legislative days in which to extend their remarks in giving congratulations and good wishes to Liberia, to its President, and to its people.

The **SPEAKER**. Is there objection to the request of the gentleman from Illinois?

There was no objection.

A CLEARER COURSE IN VIETNAM

Mr. RONCALIO. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The **SPEAKER**. Is there objection to the request of the gentleman from Wyoming?

There was no objection.

Mr. RONCALIO. Mr. Speaker, President Johnson has often been accused of placing a smokescreen around our involvement in Vietnam. But, on the contrary, the President's successful policies have charted a course which is becoming clearer by the day.

It has been evident for some time now that the war is not going to be lost on the battlefield. The Communist military position is now in its worst shape for a number of years. It has been a long time since the enemy won a major engagement. And they have not yet been able to mount the expected monsoon offensive.

The Government of South Vietnam is proceeding with much more certainty today than several months ago. The council of the Unified Buddhist Church, which claims about 2 million followers, has announced that it has temporarily called off its struggle to disrupt the government. Premier Ky responded by releasing 183 persons arrested during the Buddhist-led riots. This was followed by the creation of an 80-member army and People's Advisory Council, including 60 civilians and 20 military representatives.

Our economic aid has played a big part in stabilizing the situation. Nearly one-fourth of all Americans deployed on aid missions abroad are now in South Vietnam and nearly 20 percent of all our financial aid is committed to that country.

We have made our commitment clear and our future action is well spelled out. It will consist of trying to make clear to the North Vietnamese that they cannot win, that they must end the fighting and settle the political issues by peaceful means.

Meanwhile, here at home, we can hasten the end of the conflict by refusing to let down our fighting men on the battlefront. As President Johnson said:

> If everyone in this country was working as hard to support the principles of democracy as the men in Vietnam, I think we would have little to worry about.

This line of thinking is brilliantly represented by Bernie Horton's recent editorial in the Wyoming Eagle of Cheyenne, Wyo. Throughout this conflict, he has played an important role by his thoughtful, unbiased, and responsible comments upon the situation. I include his views in the RECORD at this point:

FOOD FOR THOUGHT

> The arch-critics of American policy in Viet Nam might do well to give serious thought to comments made by Secretary of State Dean Rusk in Canberra, Australia, Monday.
>
> Secretary Rusk told the ministerial council of the Southeast Asia Treaty Organization (SEATO) the Communists apparently were pinning their hopes on criticism of the Viet Nam war within the United States.
>
> "America has reason to think Hanoi has been banking heavily on criticism from within the United States and elsewhere in the free world as well as on political dissent within South Vietnam," he said.
>
> "Hanoi will find it's mistaken. Eventually it will have to realize that South Viet Nam and its free world allies . . . will prevent the Communists from seizing South Viet Nam by force."
>
> It has long been apparent the Communists have no intention of moving from the battlefield to the conference table so long as there is any hope they may win.
>
> Their hope apparently is based, at least in part, upon the belief that the United States, in the face of criticism at home and elsewhere, will grow tired of fighting and pull out of South Viet Nam.
>
> They also, apparently, are deriving some hope from the political dissension in South Viet Nam.
>
> The citizens of these United States could deal the North Vietnamese Communist hopes a severe blow by making it very clear they are united, solidly behind President Johnson's policy of "prudent firmness under careful control."
>
> We must make it clear to the Communists that the United States is united 100 per cent in its effort and determination in Southeast Asia.
>
> We must make it clear to the Communists that victory for them is beyond expectation—that the only sensible approach left for them is the conference table.

DEPARTMENT OF STATE FUNDS TO NATIONAL STUDENT ASSOCIATION SHOULD BE INVESTIGATED

Mr. UTT. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The **SPEAKER**. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. UTT. Mr. Speaker, the activities of the U.S. National Student Association—NSA—have disturbed many Members of Congress over the past several years. Despite NSA's tax exempt status, it has persistently participated in blatantly political activities. During the past several years, NSA has become increasingly critical of a strong American foreign policy, especially in southeast Asia.

NSA has passed resolutions which call for the abolition of the House Committee on Un-American Activities, which call for the United States to sponsor the admission of Red China to the United Nations, which call for a halt to United States bombing of North Vietnam, which call for the inclusion of the Vietcong—National Liberation Front—in any negotiations for a ceasefire, which call for an end to all U.S. "aggressive military action" in Vietnam, which oppose the McCarran Act—the Internal Security Act of 1950—which support the free speech movement at the University of California at Berkeley—a movement which California legislative investigating committees and the Federal Bureau of Investigation have deemed as infiltrated by radical left-wing elements, and which have called for a myriad of other extremist positions.

NSA has consistently refused to adhere to its constitution which specifically prohibits its participation in partisan political activity. It has refused to abide by the provisions of section 501(c)(3) of the Internal Revenue Code of 1954 under which NSA has obtained its tax exemption status. That section of the code allows tax exemptions for "corporations organized and operated exclusively for educational purposes, no substantial part of which is carrying on propaganda, or otherwise attempting to influence legislation, and which does not participate, or intervene in—including the publishing or distributing of statements—any political campaign."

Despite these two restrictions, NSA continues with its political activity, much of which is an effort to influence legislation before the Congress. Their recent participation in activities which will undermine a strong policy in Vietnam is even more disturbing.

Mr. Speaker, as I have indicated, NSA has adopted resolutions calling for a halt to U.S. bombing raids of Communist North Vietnam, calling for the inclusion of the Vietcong in any negotiations for a ceasefire, and calling for an end to all U.S. "aggressive military action" in Vietnam.

Three particular items have come to my attention recently, and I feel that these items may warrant a close examination by the appropriate committees of the Congress when the appropriations for the Department of State are considered for oncoming fiscal years.

We have seen that NSA has consistently opposed the position of a strong effort in Vietnam. They are trying to undercut any efforts, whether by the Congress or by the President, to strengthen the U.S. position in southeast Asia.

The first item which came to my attention was an article in the Washington Post, Saturday, May 21, 1966, which article stated, in part:

> NSA is subsidized with about $600,000 a year from the Ford, Field and Rockefeller Foundations, the AFL-CIO, the Department of State and other well-heeled organizations.

This article clearly states that part of NSA's funds are received from the Department of State, the very Department which is charged with the responsibility for conducting our foreign policy and carrying out the programs of the administration in southeast Asia, policies and programs which NSA has consistently opposed. Of course, if NSA is engaged in political activity, and it thereby loses its tax exemption, it will place those other tax exempt organizations, such as the Ford, Field, and Rockefeller Foundations, in danger of losing their tax-exempt statuses or seriously jeopardizing them.

The second item which came to my attention was the article by Henry Raymont in the New York Times, May 23, 1966, which stated, in part:

> The leadership of the largest American student organization has given . . . a bleak and discouraging account of political unrest and the prospects of the war in South Vietnam.
>
> A report circulated by the National Student Association predicted that there would be no internal peace in South Vietnam until the United Buddhist Church assumes an active role in a constitutional government. It scored the U.S. for continuing to support the military junta.
>
> It also urged that American policies, no matter how well intentioned, had hopelessly alienated most of the civilian population, had created suspicions about the United States "domination" and had generally failed to achieve meaningful goals in economic and social assistance.
>
> The 4,250 word document is a journal of a two-week visit to South Vietnam last month by Philip Sherburne, N.S.A. president, and two other officers, Malcolm Kovacs and Gregory Delin.
>
> Mr. Sherburne, a 23-year-old graduate of the University of Oregon, disclosed yesterday that the delegation had made the trip at the expense of the State Department.

Now, Mr. Speaker, we see that the Department of State, according to NSA's president, is financing the travel of the officers of NSA to South Vietnam who promptly return home and blast away at American foreign policy there. What kind of a ridiculous effort is the Department of State making with NSA and its officials?

As if these two items are not bad enough, I now learn that NSA has been actively supporting the Student Nonviolent Coordinating Committee—SNCC—the militant black nationalist student organization and the originator of the term "black power," for some time, and may even now be financing some of their activities, directly and indirectly. This raises grave problems indeed. If SNCC is being financed, to some extent, by NSA and NSA is being financed to some extent, by the Department of State, then serious problems arise concerning the funding of the organizations. Not only has SNCC taken an active role in highly disruptive protest demonstrations against the war in Vietnam, but it boycotted the recent White House Conference on Civil Rights because it is opposed to the war in Vietnam and views it as a "class weapon" to draft Negroes for the armed services.

NSA's association with SNCC is a matter of record. Delegates to the 14th National Student Congress of NSA adopted a resolution declaring NSA's approval of the objectives and programs of SNCC. SNCC's membership in the new left, its involvement in the Vietnam protest demonstrations, its demonstrations against the House Committee on Un-American Activities, and its preachings of "black power" inciting class hatred in America do not seem to have affected, in the least, NSA's relationship with SNCC. As recently as January 1966, SNCC issued a policy statement concerning U.S. involvement in Vietnam which was, according to SNCC chairman at that time, John Lewis, approved by the entire national staff of SNCC without dissent. The SNCC statement urged draft-age Americans to deliberately avoid military service in Vietnam. The policy statement said, in part:

> We maintain that our country's cry of "preserve freedom in the world" is a hypocritical mask behind which it squashes liberation movements which are not bound, and refuse to be bound, by the expediencies of the United States cold war policies.

Mr. Speaker, these three items which I have cited today raise serious problems for the Department of State. I surely hope that the Department is not supporting the activities of NSA when it must know that NSA has in the past, is now, and undoubtedly will continue to be an organization opposed to the policies of the United States in southeast Asia, so long as those policies are anything other than withdrawal, but it does appear that way.

Mr. Speaker, the Committee on Foreign Affairs should consider interrogating the Department on these important items. The Committee on Appropriations and its subcommittee on the Department of State appropriations should consider investigating these charges and should consider requiring the Department to cease its support of this radical student organization which is subverting American foreign policy.

ILLINOIS VETERINARY DOCTORS HONORED

Mr. PRICE. Mr. Speaker, I ask unanimous consent to extend my remarks at this point in the RECORD and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from Illinois?

There was no objection.

Mr. PRICE. Mr. Speaker, at its recent 103d annual meeting, the American Veterinary Medical Association honored 38 of its members for 50 years of continuous membership in the association.

I am extremely proud that three of those honored are from the State of

Illinois. Two of the three are from the 24th Congressional District, which I have the honor to represent.

To Drs. Anthony Bott, of Belleville, and W. G. Teckenbrock of East St. Louis, I extend my heartiest congratulations. Both gentlemen have distinguished themselves in their profession and the communities they serve. They richly deserve the honors they have received.

Dr. Bott, whom I am pleased to call a long time friend, has been an articulate spokesman for the veterinarian in the Armed Forces. I have had the distinct pleasure of working with him on matters concerning veterinary officers in the military. He has ably represented his profession on these occasions.

Dr. Teckenbrock has had a distinguished career and merits the recognition afforded him for his long and valued service to the veterinary medicine.

I commend both gentlemen for the tributes they have received.

Under leave to do so, I include with my remarks the following letter from the Washington representative of the American Veterinary Medical Association advising me of the honor paid to Dr. Bott and Dr. Teckenbrock:

AMERICAN VETERINARY MEDICAL ASSOCIATION,
Washington, D.C., July 22, 1966.

Hon. MELVIN PRICE,
Rayburn House Office Building,
Washington, D.C.

DEAR CONGRESSMAN PRICE: At the 103rd annual meeting of the American Veterinary Medical Association, held in Louisville, Kentucky, July 6th–July 14th, 1966, 38 members of the Association were honored with 50 years of continuous membership in the Association, as well as outstanding contributions to the profession. Gold membership cards and life memberships were awarded to each of these members.

Three of the members honored were from the State of Illinois. They included Doctors Anthony Bott of Belleville, David E. Sisk of Mansfield, and W. G. Teckenbrock of East St. Louis.

Congressman Price, I thought because of your very close friendship with Dr. Bott that you would be interested in this new recognition given to this outstanding veterinarian from the State of Illinois.

Sincerely,

FRANK A. TODD, D.V.M.,
Washington Representative.

RESOLUTION TO RESUME AIR SERVICE

Mr. REINECKE. Mr. Speaker, I ask unanimous consent that the gentleman from New York [Mr. REID] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. REID of New York. Mr. Speaker, earlier today I introduced a joint resolution which would provide for immediate resumption of airline service while the parties to the present airlines dispute attempt to resolve the issues through collective bargaining.

In my judgment, this resolution should be enacted by the Congress promptly. All available procedures under the law covering controversies in the airline industry—the Railway Labor Act—have been exhausted. The public interest requires that the Congress act.

The operative sections of the proposed resolution read as follows:

SEC. 2. The period of time provided for in Section 10 of the Railway Labor Act, paragraph 3, during which no change except by agreement, shall be made by the parties to the controversy, or affiliates of said parties, in the conditions out of which the dispute arose, is hereby reinstated and extended, for one hundred and eighty days, effective immediately. During said period of time none of the parties to the controversy, or affiliates of said parties shall engage in or continue any strike or lock out.

SEC. 3. The President shall, at the earliest possible date, appoint a Special Airline Dispute Board which shall engage in mediatory action directed to promoting agreement between the parties. Any such agreement shall provide that the wage settlement provisions be retroactive to January 1, 1966. Notwithstanding any other provision of law, each member of the board shall be compensated at a rate prescribed by the President for each day together with necessary travel and subsistence expenses.

SEC. 4. If the agreement has not been reached within one hundred and fifty days, the Board shall make recommendations to the President, and the President shall advise the Congress, regarding terms or procedures which will assure final settlement of this dispute in the public interest and without further interruption of the continuity of transportation services by these carriers.

This resolution, however, is an interim measure. What is basically needed is a long-term solution to deal with strikes affecting the health, safety, or welfare of a substantial segment of the population. We must reform existing laws.

My distinguished colleague—the senior Senator from New York—JACOB K. JAVITS and I cosponsored legislation in June 1965 and again in January of this year which would give the President new and necessary powers to protect the public interest in a wide variety of controversies, from transit strikes to steel crises to rail work-rules disputes.

In his state of the Union message on January 12, 1966, the President said—and I quote:

> I also intend to ask the Congress to consider measures which without improperly invading State and local authority will enable us effectively to deal with strikes which threaten irreparable damage to the national interest.

It is unfortunate that to date no message has been forthcoming. Indeed, the President said in his press conference of July 20:

> We have had administration people working on possible proposals to submit to the Congress that could be used in cases of emergencies that vitally affect the public interest.
>
> I must frankly say to you that up to this point we have been unsuccessful in getting legislation that the Secretary of Labor and the other members of my cabinet felt acceptable, and that we felt would have any chance of passage in the Congress.
>
> We are still searching for an answer. We would like to find a solution that could be embraced by the administration, management, labor and the Congress. But up to this point we have been quite unsuccessful.

It is my hope that the Congress will take the initiative in this regard and hold hearings on proposed legislation to protect the public interest in serious labor disputes. The record over the past few years—and indeed in the present controversy—is clear; existing machinery is inadequate.

Mr. Speaker, the legislation Senator JAVITS and I have introduced would amend the Taft-Hartley Act and the Railway Labor Act to—

First. Authorize the President to appoint a board of inquiry to make public recommendations for a settlement based on fact-finding.

Second. Authorize the President to order a 30-day freeze, during which the parties would be under a duty to bargain upon the recommendations, although neither party would be required to accept the recommendations.

Third. Authorize the President to seek appointment by a Federal court of a special receiver to operate the struck facilities to the extent which, in the opinion of the court, is necessary to protect the public health and safety.

Fourth. Extend coverage of the emergency labor disputes provisions of the Taft-Hartley Act, including these new provisions as well as the existing 80-day cooling-off provisions, to controversies which, though they may not affect an entire industry nor imperil the health or safety of the Nation as a whole, do affect interstate commerce and do imperil the health and safety of a substantial part of the population or territory of the Nation, and cover employees of a State or political subdivision if they are engaged in transportation, transmission, or communication.

This legislation would require a fact-finding board and subsequent bargaining within a period of 30 days. During this time public opinion would have a chance to assert itself. The proposal does not involve compulsory arbitration—the negotiations would be voluntary and carried out by the parties themselves.

SHOULD WE CHANGE OUR ELECTORAL COLLEGE?

Mr. REINECKE. Mr. Speaker, I ask unanimous consent that the gentleman from California [Mr. YOUNGER] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. YOUNGER. Mr. Speaker, Mrs. Lucile Hosmer, legislation chairman, National Federation of Republican Women, prepared a very interesting paper on the question "Should We Change Our Electoral College?" Her statement is well documented and is worthy of study by Members of Congress. Her statement follows:

SHOULD WE CHANGE OUR ELECTORAL COLLEGE?

(By Lucile Hosmer)

Felix Morely, in his book, "Freedom and Federalism," published in 1959, makes the statement: "If you consider the United States as a Federal Union of fifty largely self-governing Republics, then the protracted carnival of a Presidential year makes plenty of sense. The overall expenditure of time, money and energy on politics must be divided by the number of States to get a true proportion. It is not a President of the American people that is being chosen, but a President of the United States. And the Union of the self-governing commonwealths in a compound Republic is given nationwide recognition by the fuss and fun and frolic over the aspirants to the White House."

With the 1968 elections already being discussed, once again, vigorous criticisms of our Electoral College system is being heard. "Do away with it." "It is outmoded and outdated." Yet, ask these critics what our Electoral College is? what its purpose was? what our Founding Fathers had in mind when they created it? and you will receive a blank look and a shrug of the shoulders.

We need to understand the true purpose of our Electoral College. We need to realize that it is one of the few remaining structures of our Nation which maintains the United States as a Constitutional Republic and prevents us from degenerating into an unlimited Democracy which can be controlled by demogogues who can arouse the people and build such a patronage machine throughout the Nation that they can insure their reelections at the expense of the taxpayers.

No other provision at our Constitutional Convention was debated more vigorously. Its members foresaw the many dangers that could result if the wrong methods were used in selecting the Chief Executive. Their knowledge and understanding of history and tyranny (much greater, in most instances, than that understood, today) told them that an unrestricted "direct vote" or a democracy could, too easily develop into an oligarchy or a dictatorship. The people of *each* State chose their Electors according to the laws of their respective States. These men, in turn had the responsibility of meeting and selecting the man whom they considered to be the best qualified man as President.

Although most people, today, do not understand this, no American has ever voted directly for any Presidential candidate. The final decision is made by the Electors of the Electoral College.

The Electors are equal in number to the total Congressional representation (both the House and the Senate) of their State, and so no State can have less than three. There is no maximum in the number of the Electors, since the population change which determines the number of Congressmen from each State can increase or decrease, thus affecting the number of Electors. I.E. Pennsylvania had 32 Electors in 1960. In 1964, they had only 29, because the number of Congressmen had been decreased by 3 because of population loss.

In 1964, New York had the highest Electoral vote (43), followed by California with 40 Electoral votes.

A minimum of 269 votes is required for one candidate if he is to be elected President. However, if no candidate receives this majority, the election is thrown into the House of Representatives. This is authorized by Article II Section 1 of the Constitution of the U.S., as amended by the 12th Amendment (Article XII). The possibility of such an occurrence was expected to happen many times by the writers of the Constitution.

Their objective, however, was to have our President chosen by non-political community leaders, thoughtful men in a "detached situation." In Essay #68 of the Federalist Papers, a group of Essays, written to explain the Constitution and its purpose and intent to the original Thirteen States, by James Madison, Alexander Hamilton and John Jay, much time is devoted to explaining the Electoral College and the reasons for its structure. It was desirable that the sense of the people should operate in the choice of a person to whom so important a trust should be confided . . . It was equally desirable that the immediate election should be made by men capable of analyzing the qualities adapted to the station . . . it was, also, peculiarly desirable to afford as little opportunity as possible for "tumult and disorder". These, the Architects of the Constitution classed as the "dangers of democratic passion". There was general agreement on having the President chosen by "indirect election" through the medium of the Electoral College. So, we must keep in mind that, even today, though it sometimes appears otherwise, the Presidential election is *not* a *National election* . . . but a collective election of the 50 States for the President of the United States.

In most respects our Electoral System has stood the test of time through 44 elections for President; from George Washington to Lyndon Johnson. The only minor change which has been made in the whole process was that of the 12th Amendment. This is the only difference between the election of our first President and our present President.

Before the 12th Amendment, the members of the Electoral College voted for two men as President, with one being from another State than themselves. The man with the highest vote became President if he had a majority of the Electoral votes. If none had a majority or if two were tied, the House of Representatives, *voting by States* (*one vote each*) chose the President from among the five highest on the list (Const.). After the President was chosen, the next man with the most Electoral votes became Vice President, unless two or more were tied, in which case the Senate chose between them.

The two-party system made it necessary to require a majority of the Electoral College in the election of the President, as well as modifying the election procedure.

If the original concept of a wholly independent Electoral College had endured, there would have been no need for party organization. As stated in #68 of the Federalist Papers: "They have not made the appointment of the President to depend on any pre-existing bodies of men who might be tampered with beforehand to prostitute their votes. Thus, without corrupting the body of the people, the immediate agents in the election will, at least enter upon the task, free from sinister bias."

As can readily be seen, there was no sense in organizing the people to vote for a Presidential candidate when the popular vote was not even counted . . . consequently, the only way an Elector could be counted as a vote for a President was to present the Electors as Party nominees and then get the 'bloc' (weight) of each State's Electors pledged to the Party's Candidate. However, there is still no legal compulsion for an Elector to vote for the Candidate for whom he is pledged. At the present time, I believe there are 3 States which require that an Elector must vote for the Candidate to whom he is pledged by his own political Party.

It took a long time after the demise of the Congressional Caucus to build the system for national nominating conventions. The separate State Conventions from which our Presidential Primaries developed were the tools.

We must not forget that the electoral vote is not counted until the first Monday after the second Wednesday of December. This means that there is, generally, a lapse of nearly six weeks after the November election. Under this system a whole Presidential election could be upset after it appears to be decided.

Let us reemphasize the fact that our Presidential election, in reality, is the result of the elections of 50 separate and distinct States, which are, for the sake of convenience, held on the same day. If a third candidate should be introduced into the Electoral College when it met, the outcome might be that the election would be thrown into the House of Representatives for the final result. This could happen if certain Electors removed their bloc of votes from the two candidates selected by the two parties at their National Conventions, thereby preventing either candidate from receiving the required majority of votes (269) necessary for the election. If this should happen today, there would be great confusion throughout the country as most people believe that they are voting directly for the President.

Since Presidential elections have been counted, 13 have been won by a candidate who had received the minority of the popular vote. However, not too many of our American citizens have been disturbed by this, in the past, in spite of the fact that they have been led to believe that this Republic of ours was intended to be a Democracy.

The many and varied Constitutional Amendments proposed to remedy the manner in which we elect our President, all have one thing in common; they would bring about a division of the electoral weights or blocs of the States. One proposal is for the direct popular election of the President, without regard for State boundaries. Senator Margaret Chase Smith (Rep. Maine) with Senator George Aiken (Rep. Ver.) as cosponsor presented this Amendment (S.J. 4). It, also provides for the nomination of Presidential candidates by National Primaries and runoffs of the two top candidates in either primaries or elections for President where no candidate receives a majority. Another proposal is called 'Proportional Division of Electoral Votes' (S.J. 7), introduced by Sen. John Sparkman (Dem. Ala.) co-sponsored by Sen. Leverett Saltonstall (Rep. Mass.). This would retain the electoral votes but dividing each State's votes in accordance with the direct popular vote as well within the State.

Another proposal, the "District System," divides the States into equally populated districts, each with an electoral vote included. S.J. 12 introduced by Sen. Karl Mundt (Rep. S.D.), together with Sen. Strom Thurmond (Rep. S.C.), Sen. John McClellan (D. Ark.), Sen. R. Hruska (R. Neb.), and also introduced by Sen. John Tower (Rep. Tex.) as S.J. Res. 62. Another version of the 'Proportional Division of Electoral votes' has been introduced by Sen. Smathers (Dem. Flor.) as S.J. 28 includes with it a provision for direct national nominating Primaries.

The present Administration is pushing very hard for the following changes through S.J. Res. 58 and H.J. Res. 278.

These bills contain the following provisions;

1. The independent office of Elector is abolished, although the Electoral College system is not.

2. The States are required to certify the popular vote totals as well as the Electoral Vote. However the intent is that the entire electoral vote of a State must be given to the Presidential and Vice Presidential candidates who receive the *most* of the popular votes in the State. At the present time, a State gives to the candidate receiving a majority of the votes.

3. Also changed would be the method of selecting the President and the Vice-President, if no candidate receives a majority vote. There would be held a Joint session of the House and the Senate, with each Congressman having one vote and each Senator having one vote. They would, then, select a President and Vice-President from among those who have received the top electoral votes (the first three) on the list.

This system, of course would mean the complete destruction of *State* representation (one vote for each State by One Congressman and One Senator) in their respective Houses, for the election of the President.

When we begin to discuss plans to change the basic concept of our electoral system, we need to remember that we are repeating, NOW, all of the problems which were faced and debated by the members of our Constitutional Convention. We should, then, set down the difficult problems which they were able to solve successfully, before we plunge in, determined to change the structure according to the proposals which have, thus far, been made. It would appear to be foolish to undo that which was wise, which they did. And, also, it would be unwise for us to create Constitutional problems, where, now, none exist because of the failure on our part to understand WHY the Electoral College was considered to be necessary and WHY its membership was established as it was.

Our Constitutional Convention designed to establish, here, a government of checks and balances, a Republic, which incorporated principles which had never been tried before.

There was, of course, first of all, the Federal Principle of limited dual-sovereignty of the State and the National (sovereignty being understood as the power to declare the law). Next, was the great principle of separation of powers of the three great powers of government: with our checks and balances to prevent usurpation of power in any branch. And last but not least was the combination of the federal and national principles of representation in the central government (what we call the Federal government, today). The Constitutional Convention proposed that the central government would have delegated to it only part of the power to "to declare law". In turn, they delegated to their State governments the remaining power, *not* specifically outlined for the Central (federal) government, in the Constitution (Article X). In other words, it was intended that there be dual-sovereignty or as it is often called dual-citizenship between the State and National governments.

During the final debates in the Constitutional Convention regarding the Electoral College, a Committee of Eleven was appointed to report to the Convention-at-large. Gouveneur Morris, in giving the report for himself and the Committee stated that the plan of the Electoral College satisfied "the indispensable necessity for making the Executive independent of the Legislature . . . as the Electors would vote at the same time throughout the United States and at so great a distance from each other that the great evil of cabal (intrigue) was avoided." So it was that after 15 weeks of debate, action and changes, the Constitutional Convention settled on a plan for the election of the President by an Electoral College which, in effect endorsed the following principles of:

1. The doctrine of separation of powers.
2. Established the combination of the federal and the national elements in the election of the President.
3. Gave each State the same representation in electing the President that it had in the whole Congress (House and Senate).
4. Saw to it that each State had the right to choose the manner of appointing its Electors.
5. Gave to each State the determination of the qualifications of its voters.
6. Established the requirement of an electoral majority which is the foundation of the two-party system.

Had any one of these vital points not have been considered by the Convention, the Constitution might never have been adopted. Or, if it had been adopted, it would have contained within itself, the elements of imbalance, which in the course of time would have distorted our whole structure of checks and balances. For that reason, these must be reference points against which any amendment must be tested, if it be in harmony with the Constitution and maintain the proper balance throughout our whole system.

As the parties developed, the majority in each State assumed for itself the full electoral power of the States. This was done by electing the Electors on a Statewide ticket. Both parties supported this trend in the states where they were strong and fought it where they were weak. Eventually, however, the consolidation of each State's Electoral power produced a uniform manner of election members of the Electoral College. The rise of the Big City vote in the north, under this system has shifted the balance of political power, as between parties.

One of the biggest problems facing us today is the matter of controlling and establishing greater morality and character in the big cities in order to maintain our principles. Those in congested areas tend to have the desire to lean on others and to "go along" with the majority in what it is doing or thinking, without making the effort to understand the problem for themselves. More character is evident in the rural areas where each individual maintains the courage of his convictions and is more willing to stand for the principles in which he believes. We should not compromise a good system because of the errors of human character.

Every State with a powerful political machine which can control the vote of the whole State are the areas where the demagogues rule, regardless of the system. In most cases they survive because of the ignorance of what is being done, a lack of stamina or a lack of morality. If the individual citizens knew enough about our checks and balances inherent in our Constitutional principles, they would not be willing to sacrifice them, but there are not enough people willing to study and learn those principles and re-educate the people to the purpose of them, such as the purpose of our Electoral College and its relationship to our system of checks and balances. We should not forget that when Benjamin Franklin left the Convention Hall after the Constitution was adopted he was stopped by a woman who asked him, "Sir, What have you given us?" His reply was "Madam, we have given you a Republic, if you can keep it." In other words, "if you, the people can make it work."

So far, basically, the proposals to change the manner of electing the President incorporates,

1. Abolition of the Electoral College, and the direct election of the President by the popular vote of the people and considering the whole nation as one huge election district, eliminating all State boundaries.

Abolition of the Electoral College is the necessary requirement of any plan for the direct election of the President by popular vote (a return to the Greek Democracy concept) and also for any plan which keeps the electoral vote, but divides it proportionally among the candidates for President within a State. Under two of these plans the individual would vote directly for President and Vice-President. This would create interstate Candidates as opposed to intra-state candidates, which we now have. However party candidates are "extra-legal", outside the law. They achieve constitutional status only when the votes are cast for them in the Electoral College.

It is the office and character of the Elector and nothing else which can maintain the intra-state character of the Presidential elections. Should we reject the office and person of the Elector? We would at the same time establish inter-state candidates and this would result in turn to Federal control of elections, including the qualifications of voters. No one who believes that we are a Federation of States, the United States could conceivably support the abolition of the Electoral College. In the Federalist Papers #1, it was stated, "It seems to have been reserved to the people of this country to decide the important question, whether societies of men are really capable of establishing good government from reflection and choice, or whether they are forever destined to depend for their political constitutions on accident or force."

At this time it would be proper to turn to the wise counsel of Justice Joseph Story, whose "Commentaries on the Constitution of the United States", written in 1833, are considered a Constitutional Classic, second only to the Federalist papers and used in many of our Law Colleges as late as 1926, where he states "whatever, then has been found to work well in experience, should be rarely hazarded upon conjectural improvements. Time and long steady operation are indispensable to the perfection of all social institutions. To be of any value they must become cemented with the habits, the feelings and the pursuits of the people. Every change discomposes for awhile the whole arrangement of the system. What is safe is not always expedient; what is new is often pregnant with unforseen evils, and imaginary good . . . The structure (of the Constitution) has been erected by architects of consumate skill and fidelity; its foundations are solid, its compartments are beautiful; its arrangements are full of wisdom and order; and its defences are impregnable from without. It has been reared for immortality, if the work of man may justly aspire to such a title. It may nevertheless, perish in an hour by the folly of corruption, or negligence *of its only keepers the People.* Republics are created by the virtue, public spirit, and intelligence of its citizens. They (Republics) fall when the wise are banished from the public councils, because they dare to be honest and the profligate are rewarded because they flatter the people in order to betray them."

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POVERTY GRANTS FOR THE YET UNBORN

Mr. REINECKE. Mr. Speaker, I ask unanimous consent that the gentleman

from New York [Mr. Goodell] may extend his remarks at this point in the Record and include extraneous matter.

The **SPEAKER**. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. **GOODELL**. Mr. Speaker, recently, Washington poverty warriors announced a $43,511 grant to a four-county community action program in Missouri. With their usual businesslike efficiency and thoroughness, OEO described the area to be served as follows:

> Approximately 120,000 needy persons are found scattered in every town and along rural roads in an area 60 miles long and 40 miles wide.

Their poignant description raised a vision of a 60-mile swath of poverty cut through the beautiful Missouri terrain.

Then the area Congressman got interested. Adding up his own figures, he calculated that the four counties contained a maximum total population of only 105,000 persons. He was understandably perplexed as to where the 120,000 needy persons were to be found. The Congressman notified OEO that they were telling the world that everyone in the area was impoverished, plus several thousand yet unborn.

Hasty recalculations by OEO whittled the figure of needy persons down to 80,000 of the 105,000 population. In the face of continued disbelief by the Congressman and the citizens of the four counties, OEO finally agreed that there were probably only about 5,000 needy families in the area.

The $43,511 grant was to the Daniel Boone Human Development Corp. for administering and staffing of a community action program in St. Charles, Lincoln, Warren, and Montgomery Counties in Missouri.

Earlier this year, OEO admitted that its Washington profile of poverty for Danville, Ind., not only exceeded the population there but failed to fit any Danville in the Nation. It would appear that Mr. Shriver's computerized poverty machine in Washington continues to grind out distorted poverty statistics and a seemingly endless procession of fuddles. The fuddle factory, known in the alphabetic jargon of government as OEO, continues to live up to its name.

As if the community action grant was not enough, $163,000 was recently announced to set up legal services for the poor in nine counties of Missouri. As the Congressman put it:

> The local bar associations didn't even know this was going to be done. This isn't the way you get ahead.

It turned out the application was submitted by a law professor who is a consultant to the Washington office of OEO.

After criticizing the high salaries "for jobs that are not clearly defined" and heavy overtones of politics in the poverty program, the Democratic Congressman representing this area, the Honorable William L. Hungate, announced to the press that, although he favored the poverty war last year, he will vote against continuing the program this year.

PROPOSED TEMPORARY EXEMPTION FOR U.S. CARRIERS UNDER THE FEDERAL AVIATION ACT

Mr. **REINECKE**. Mr. Speaker, I ask unanimous consent that the gentleman from Kentucky [Mr. Carter] may extend his remarks at this point in the Record and include extraneous matter.

The **SPEAKER**. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. **CARTER**. Mr. Speaker, I am happy to join with my colleagues in support of the legislation introduced by the distinguished chairman of the Subcommittee on Transportation and Aeronautics. The proposed legislation amending the Federal Aviation Act to allow a temporary exemption for U.S. carriers placed at a disadvantage by foreign carriers is sorely needed and long overdue.

I was amazed to learn, Mr. Speaker, that our own U.S.-flag carriers must wait upwards to 5 years for the normal proceedings before the Civil Aeronautics Board before they can be certificated over air routes which, in the interim, are being flown on a daily basis by foreign air carriers. It seems unbelievable and, indeed, is intolerable that three foreign carriers are now authorized by our Government to fly across the continental United States, picking up and discharging passengers on their round-the-world routes, while not a single U.S.-flag carrier has similar privileges across its own country.

It is expedient, not only for the balance of payments involved but for national prestige, that this situation be corrected as soon as possible, and therefore, I urge the support of this legislation.

REEXAMINATION OF U.S. FOOD PRODUCTION POLICIES

Mr. **REINECKE**. Mr. Speaker, I ask unanimous consent that the gentleman from Minnesota [Mr. Langen] may extend his remarks at this point in the Record and include extraneous matter.

The **SPEAKER**. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. **LANGEN**. Mr. Speaker, the House Republican Task Force on Agriculture urges an immediate reexamination of U.S. food production policies.

So much attention has been focused on the world food crisis that the ominous threat of a grain shortage here in the United States has been all but overlooked.

There is a very real possibility that domestic reserves of wheat and feed grains will reach dangerously low levels in the year ahead unless U.S. production is increased or exports to the underdeveloped countries of the world are reduced. The time for planting winter wheat is fast approaching and if it is the Johnson administration's intent to choose the alternative of expanding production, acreage allotments for both wheat and feed grains should be further increased at once so farmers can make their plans accordingly.

For humanitarian reasons, if for no other, it is inconceivable that the United States would sharply cut back Food for Peace shipments of desperately needed grain to friendly nations. Serious famine in India has been averted through massive shipments of U.S. food this year, but the threat of starvation will remain unless this aid is continued on a large scale.

The 1966 U.S. wheat crop will fall 250 to 300 million bushels short of meeting domestic and export needs which are estimated at about 1.5 billion bushels for the crop year ahead. This will leave a critically low carryover of only 250 to 300 million bushels next July 1. Should 1967 bring a repetition of the drought conditions which reduced this year's production, the United States will have no choice but to cut back Food for Peace wheat exports or ration wheat in this country.

With the potential to increase grain production substantially and with millions of acres of cropland lying idle, the United States cannot, in good conscience, turn its back on the hungry people of the world.

Our huge commercial export markets would be substantially affected by a grain shortage here. A reduction in our agricultural exports for dollars would further adversely affect our worsening balance-of-payments situation.

Dollar earnings from export sales during the current fiscal year should exceed $1 billion for soybeans and soybean products, and approach $1½ billion for feed grains, if exports continue at their present rate. Some countries are almost totally dependent on our commercial exports for their supplies of such commodities as soybeans and feed grains.

If American farmers are asked to increase wheat and feed grain production in 1967, they should not also be asked to assume the entire risk of lower prices. We do not ask the manufacturers of guns, tanks, and planes for U.S. military aid abroad to produce these items at bargain basement prices. Neither should we expect farmers to produce $1.25 wheat and $1 corn for economic assistance programs abroad—certainly not in the face of rapidly mounting farm production costs. Farmers must have assurance of a fair price for the additional food they are asked to produce.

Against the backdrop of the current wheat situation is the grim fact that abnormally hot weather, coupled with moisture deficiency in many parts of the country, has cut sharply into corn and soybean crops which the U.S. Department of Agriculture's July 1 crop report placed at recordbreaking levels. If unfavorable weather conditions persist for even a few more days in the hardest hit areas, damage to crops and pastures could be near catastrophic.

The United States needs 4 billion bushels of corn and 800 to 900 million bushels of soybeans to meet its annual domestic and export requirements. Should 1966 production fall substantially below those figures, the impact upon the entire livestock industry would be enormous. There would follow some forced liquidation of hog and cattle numbers and next, a bit later, much higher meat prices. We went through all of this before, after the corn crop failure of 1947.

Today, Commodity Credit Corporation has only 80 million bushels of corn in its uncommitted inventory—enough to meet domestic and export needs for 1 week. The government's wheat inventory is down to about 230 million bushels.

These are mighty slim reserves and the Johnson-Humphrey-Freeman administration would be well advised to hold onto them instead of continuing to dump remaining supplies back into the marketplace. Since the beginning of the new crop year last October 1, Secretary of Agriculture Freeman has sold nearly half a billion bushels of CCC-owned corn at prices far below the current market level. This Government competition with farmer marketings served to depress prices through the fall and winter months and cost producers millions of dollars.

Mr. Freeman's action also cost taxpayers more than $100 million. He could have realized 20 to 25 cents more for each bushel of corn had he held it off the market until now.

A world food crisis is upon us. The threat of a domestic grain shortage is present. Time is running out for the administration to take bold action aimed at sharply increasing U.S. farm production.

VIETNAM PROFILE ON DR. BOB PIERCE

Mr. REINECKE. Mr. Speaker, I ask unanimous consent that the gentleman from New York [Mr. KUPFERMAN] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. KUPFERMAN. Mr. Speaker, the holocaust that is Vietnam grows daily more gruesome.

As my colleagues know, I opposed our involvement there on the ground that "you do not take a firm stand in quicksand." Events in that troubled country every day demonstrate the soundness of my position.

Nonetheless, I have voted for the appropriations to supply our Armed Forces in Vietnam, because I could not leave our American troops in the lurch. I believe that no amount of rightful dissent about our Vietnam policy can interfere with care for our friends in Vietnam and our soldiers there.

Because of my concern with what happens in that area, I have followed the activities of Dr. Bob Pierce, whose service for World Vision, Inc., and whose ministry to the sick and needy is well delineated in an excellent and timely film, entitled "Vietnam Profile," to be shown on WPIX-TV, channel 11, New York, on the night of Wednesday, August 3.

I understand that World Vision, Inc., does not limit itself to the Vietnam conflict, but supplies emergency aid to distressed people in all areas of the earth, and its guiding hand in the service of the Lord is Dr. Bob Pierce.

World Vision, Inc., has also been recognized by Senator FRANK CARLSON, of Kansas, in his statement in the CONGRESSIONAL RECORD of Tuesday, July 19, at page 16113, and I am happy to join him in paying tribute to Dr. Bob Pierce and his organization.

"MEREDITH MARCH"

Mr. REINECKE. Mr. Speaker, I ask unanimous consent that the gentleman from Mississippi [Mr. WALKER] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. WALKER of Mississippi. Mr. Speaker, Mississippi newspapers have condemned the recent, so-called "Meredith march" through the State as a threat to peace and order. Many editors called on good, sober, right-thinking Mississippians to use all the powers of restraint at their disposal to avoid any action that might encourage violence of any nature.

The action which took place in Mississippi caused far less disturbance than the instances of violent rebellion against civil authority which have taken place in other parts of the country, and incidentally have reoccurred within the past few days in Chicago, New York, Omaha, and Cleveland.

Mr. Speaker, under unanimous consent, I include in my remarks the following articles: "Guard Called in Chicago Rioting," Washington, D.C., Evening Star, July 15, 1966; "Quiet Tension in Bedford-Stuyvesant," by Jonathan Randal, New York Times, July 5, 1966; "Will the Summer Be Long and Hot?" New York Times, July 10, 1966; "Riots Flare in Three Cities, One Death in Cleveland," Washington, D.C., Evening Star, July 19, 1966.

I believe that the people of Mississippi can understand more clearly the kind of political action they witnessed in their own State, if they view it in the light of the insurrections that have taken place in Chicago, New York City, Omaha, and Cleveland. The primary target of violence in Chicago and Omaha was the police, and each of these two cities as well as in Cleveland, the National Guard was required to suppress violence. In New York, also, a police officer reported that policemen often are surrounded by mobs who resort to gang violence, including the use of gasoline bombs, which constitutes sheer defiance of civil authority. And, in Cleveland, as in Chicago, Negroes fired on police officers. Sniper fire has occurred in each of the above communities.

Now, I would like to pose this question: Where was Dr. King, Stokely Carmichael, and all of the other so-called civil rights leaders who were so ready to go to Mississippi and solve her problems? Could it be that they know their lives are safer in Mississippi than in the northern ghettoes?

Our democratic political system is supposed to be a means of bringing about recognition of rights and obligations through discussion and debate. In democratic debate, both sides of the problem are brought out, discussed and the merits of each weighed. When the people on one side decide instead to march together down the street to assert themselves, they give the other side no opportunity to reply. They reject the democratic process, and undertake a mode of political action which is but one step removed from violence.

It is doubtful whether such a march is merely a means of demonstrating for alleged rights, or whether there is not more involved. Charles Evers, a spokesman for the NAACP in Mississippi, raised this question himself. Speaking of the leaders of the "Meredith march," he said:

> If they are here to help us, I'm all for them, but Mississippi has been exploited enough by Negroes and whites who want to raise money and get publicity. I don't see how walking up and down a hot highway helps.

I personally had the experience of receiving one of Dr. King's form letters, playing up his participation in the Mississippi march, and requesting contributions to his cause. There was no doubt left in my mind, after receiving this solicitation letter, that Dr. King's main purpose in coming to Mississippi was to use this as a publicity and fundraising gimmick.

I do not believe that the leaders of the march through Mississippi were seeking so much the rights of their followers, and of Negroes in the State, as their own power and glory by arousing racial hatred and unrest. Nazi and Fascist leaders also rose to power on such a program.

Was such a march necessary to get Negroes registered? In Grenada, Miss., Negroes deliberately defied local authority and many were arrested for civil disobedience. But, Mrs. Aline Worsham, circuit clerk of Grenada County, said:

> The Negroes know all they had to do was come in here and tell me they want to register. The registration books are open six days a week, the year round. (U.S. News & World Report, June 27, 1966.)

In recent years, on four previous occasions, the Congress of the United States has passed legislation supposedly for the purpose of guaranteeing the civil rights of the Negro.

With the passage of each of these bills has come more unrest, more self-assertion and more civil violence.

The American Negro has had more attention in the last 10 years than any group of people since the War Between the States. Yet, what has it accomplished? We have had more trouble, unrest and sheer violence in the name of "civil rights" since the passage of these laws, than ever before in our history.

Mr. Speaker, many of my colleagues have declared certain sections of this bill unconstitutional. I can see no section that, in my judgment, is constitutional. I have repeatedly said before this body that I do not wish to take any man's rights away from him, but I pose this question: Where do the rights of one man end and another begin?

As long as the Congress of the United States continues to pass legislation that is clearly designed to appease a certain minority group, I would predict we will continue to see this racial violence spread from community to community—until they have achieved their goal—anarchy.

It has been said that "there's no stopping a blackmailer." He will continue to drain his victims until there is no more to drain. I say, these people, not the American Negro in general but those who have set themselves up as leaders in the so-called fight for civil rights, are using political blackmail to gain power—"black power," if I might borrow one of their phrases—for themselves. They will not stop their little game as long as they continue to gain concessions.

Mr. Speaker, I fear that Members of this body, along with those of the other body, have fallen into a trap—baited by the so-called civil rights leaders with the appealing minority bloc vote. I urge my colleagues not to be "taken in" by these political blackmailers any further—resist the temptation to buy this vote—at the cost of our Nation succumbing to the advocates of "black power."

The articles referred to follow:

[From the Washington (D.C.) Evening Star, July 15, 1966]

GUARD CALLED IN CHICAGO RIOTING—SIX POLICE FELLED BY SNIPERS; MAN AND GIRL KILLED

CHICAGO (AP).—The Illinois National Guard was called out today as three nights of disorders on Chicago's West Side swelled into full-scale rioting with sniping, looting and exchange of gunfire between police and lawbreakers.

In the third night of rioting two Negroes were shot by snipers and killed, six policemen, including a captain, were shot and more than 300 persons were arrested. Numerous civilians also were wounded.

For the first time, the violence spilled into the daylight hours today.

Police reported they were battling looters at two separate locations and police units at another location in the area sent out a call for more ammunition.

Gov. Otto Kerner ordered 3,000 Guardsmen from 15 Chicago units of the Illinois National Guard to the scene at the request of Mayor Richard J. Daley of Chicago.

They will back up some 900 policemen who have been assigned to the area.

Policemen began carrying machine guns, shotguns, rifles and tear gas last night in addition to pistols and night sticks to combat roving bands of vandals, looters and snipers.

The Chicago Transit Authority shut down bus and elevated train service in the area and police blocked off most main streets in an effort to stem the looting and gunfire.

ONE HUNDRED FIRE AT SNIPERS

In one of the most violent incidents last night, more than 100 policemen exchanged shots in an hour-long encounter with snipers in two high-rise apartment buildings. Police finally moved in and cleared out both buildings.

Police filed state charges of conspiracy to commit treason today against 13 of 20 persons arrested in the basement of one building raked by rioting.

NO COMMENT

An officer declined to comment on the action except to say the charges were being filed as a result of a conference of police officials, the city attorney, and ACT, a civil rights group.

Maj. Gen. Francis P. Kane, commander of the National Guard, ordered the Guardsmen to report immediately to their home armories in fatigue uniforms.

The disturbances started Tuesday when police arrested a man for reopening a fire hydrant at 1233 S. Throop St., after they had closed it.

VIOLENCE GREW NIGHTLY

The city was in the grip of a heat wave at the time and demonstrators claimed that fire hydrants opened in an adjoining Italian neighborhood had been left open by police.

But on each succeeding night the violence spread over a wider and wider area and involved more demonstrators and police.

Originally confined to the small neighborhood around Throop Street and Roosevelt Road, the disorders have spread through all of three police districts and parts of others.

Mayor Daley had said earlier he would not hesitate to ask for National Guard help if the disorders swelled beyond police control.

The Negroes slain were a young girl and a man.

The girl, Roseland Howard, 14, was hit by a stray bullet and killed as she stood on a front porch during a wave of trouble in the area about four miles from the western edge of downtown Chicago.

She was pronounced dead at Mount Sinai Hospital. A spokesman at the morgue said she was shot in the head.

The man, shot a short time later, was identified as Raymond Williams, 22, of Robinsonville, Miss., by Cook County Hospital authorities. He also was dead on arrival.

It was not known who fired the fatal shots, police said.

Chicago hospitals said they had treated or admitted about 50 persons. Police said more than 300 persons were arrested.

At least nine Negroes were shot and wounded, police said.

Two policemen, including a captain, were shot in the back.

Four other policemen were wounded by gunfire and two policemen were injured by thrown bricks or stones. Three firemen also were injured as bricks crashed into their trucks as they answered calls in the troubled area.

More than 900 policemen were sent into the area yesterday afternoon in an effort to quell the disturbances which were touched off Tuesday night when police turned off the hydrant in a neighborhood 3 miles east of last night's and this morning's unrest.

Police said Williams and another Negro man were seen looting a store in the area, were chased into an alley and there Williams was shot and killed and the other man wounded.

SHOT IN THE BACK

It was the same alley where a policeman, Donald Ingraham, about 31, was shot a few hours earlier as officers attempted to find a sniper in a building. He was admitted to St. Anthony's Hospital in good condition with a gunshot wound in his back.

Among the injured was Police Capt. Francis Nolan, watch commander of the Deering District, who also was shot in the back by a sniper. He was reported in good condition.

Police cars raced from disturbance to disturbance along a 4-mile strip with shotguns and rifles protruding from their windows.

Police used the butts of shotguns to disperse a crowd of some 100 Negro youths on the corner of 15th Street and Kedzie Avenue.

Up to 5,000 Negroes were on the streets. Some watched. Others wandered down the streets.

Looting was common. Police said that it consisted mostly of breaking shop windows and fleeing with small items.

An early evening coolness and some rain which brought relief after several days of hot weather had been expected to keep the disturbances at a minimum.

But as the night wore on the coolness disappeared and left only the humidity from the rain.

Unmarked squad cars containing four or five plainclothes Negro detectives roamed the wide area from Halsted Street to Pulaski Road, and from Roosevelt Road to Lake Street.

Bands of Negro youths ran from store to store on Roosevelt Road breaking windows and pulling down large metal folding gates to get at the merchandise.

At a shoe store a dozen squad cars converged on three Negroes as they attempted to flee with loot. In a flurry of gunfire, one of the Negroes was wounded in the side. The other two were arrested and handcuffed together in the rear of a squad car.

As the violence increased and shooting became more widespread, police vehicles were recalled to their stations and loaded with boxes of fresh ammunition. The heavily loaded cars raced back to hot spots.

On foot, policemen carrying carbines held chest high marched down side streets and main streets ordering: "Clear the area or you'll be arrested."

At the corner of Roosevelt and Sawyer Avenue, police crouched behind their vehicles as dozens of shots scattered newsmen and residents. Then on order they charged down Sawyer, shooting as they went, mostly in the air.

It was in this foray that Capt. Nolan was shot in the back.

As squad car radios crackled with calls for more police at disturbance points, the vehicles, containing as many as six officers, roared down streets through a barrage of bottles, bricks and rubbish.

Glass covered streets and sidewalks.

Negro snipers fired at police from rooftops as the officers knelt in the broken glass and debris, trying to shield themselves while they returned the fire.

In one incident, a group of policemen charged a three-story apartment building where three gun blasts were observed. A newsman estimated at least 100 shots were fired by police.

Although several persons were in the building, no one was hurt.

Shortly before midnight, Negro policemen carrying rifles ordered scattered bands of people off the streets.

When the residents were slow to move or spoke back sharply to the officers, they were arrested.

[From the New York Times, July 10, 1966]

QUIET TENSION IN BEDFORD-STUYVESANT

(By Jonathan Randal)

"Take those cops on the corner away," the well-dressed Negro said yesterday, "and it will blow up in 15 minutes."

"It" was the corner of Throop Avenue and Hart Street in the Bedford-Stuyvesant section of Brooklyn, the scene of a street fight the night before between Negro and Puerto Rican teenagers.

A special detail of 10 policemen patrolled Throop Avenue, between Hart Street, which is predominantly Puerto Rican, and Willoughby Street, which is mostly Negro.

They had relieved the 250-man special force that rushed to the scene late Friday night to help the policemen from the nearby 79th Precinct stop the violence.

According to the police, Negro and Puerto Rican teenagers started fighting after a disputed baseball game.

HYDRANT OPENED

But Lefty, an 18-year-old Puerto Rican leader of the Hart Street Dragons, said that "this has been going on for four or five days."

Standing in the street littered with beer cans, he said proudly. "This is our territory on Hart Street." And that territory, includes the two-year-old Pulaski playground next to Public School 304. "The Negro kids from Willoughby Street don't come to play," he said. "They just want to beat people up."

And all week long, Lefty added, "they come and we chase them away."

Friday night the Puerto Rican teen-agers opened the fire hydrant on the southeast corner of Hart Street and Throop Avenue. "The Willoughby kids wanted to use the water," he said, "but it's our territory."

Weapons in the ensuing fight included sticks, rocks, bricks and Molotov cocktails thrown from roofs.

An adult Puerto Rican standing in front of a grocery store on Hart Street, said both groups were "high on airplane glue."

A Negro man, sitting on a stoop, commented: "The cops can't stop it. It's just boiling and boiling and it's going to bust."

Another Negro, sitting on a bench in the playground, said: "What do you expect. These kids don't have anything. No money for gloves, balls or bats." Then, taking a swig out of a beer can in a brown paper bag, he said, referring to the gasoline bombs that had been thrown: "When you come down to it, water is cheaper than gas."

AFRAID OF GAS BOMBS

Assistant Chief Inspector John Wynne did not agree. "There's no reason for grave concern," he said. "We are watching and are trying to keep things under control."

On Willoughby Street, a Negro man looked at his new Buick, which had been badly dented by a brick in the fighting. "That is going to cost me $250 to repair," he said. "I've been living here for years but I'm going to move out."

It wasn't so much the dent in his car, he explained. "But last night and the night before with all those gas bombs going off, that was bad. You couldn't even see through the smoke."

The Negro janitor of a building next to an abandoned synagogue—an indication of the neighborhood's changing ethnic make-up—complained that the back window of his car had been broken in the fighting.

A policeman at the 79th Precinct sighed and said: "Sure this is unusual but we often have disorders involving 400 people."

"Everytime we stop kids from turning on the fire hydrants, there's a mob around us," he added. "On July Fourth we had 230 hydrants reported."

A car drove along Willoughby with its radio blaring "America the, Beautiful." A sign in the window of a shop said in block letters: "Raped! Bedford-Stuyvesant has no representative in Congress," an illusion to the fact that whites represent the area, where more than 300,000 Negroes live.

At a corner of Throop Avenue and Hart Street, a Negro man refused to give the police any information about the fight. "Nothing happened, nothing," he said.

[From the New York Times, July 5, 1966]

TROOPS ALERTED IN OMAHA LOOTING—POLICE ON EMERGENCY DUTY FOR 2ND DAY IN NEGRO AREA

OMAHA, July 4.—Two companies of National Guardsmen went on stand-by alert today to support efforts of the police to contain what Mayor A. V. Sorensen called major disturbances on Omaha's Near North Side.

Most of the city's Negro population, estimated at 30,000, live in this area, which for two successive nights has been the target of vandalism and disorder. The area was quiet today.

When the Mayor was asked if the situation was primarily a problem in racial relations, he said it was not. He said he had reports of teen-agers riding in cars breaking windows in other sections of Omaha. Neither he nor the police provided details.

The Rev. General R. Woods, president of the Citizens Coordinating Committee for Civil Liberties, told newsmen he could not say what had touched off the outbreaks that included bottle and rock-throwing in the heart of the Negro community in the early hours yesterday. Four stores were looted and many windows broken by a gang of young Negroes early today.

Mr. Woods said that the Negroes had been considerably frustrated. The recently formed Police Community Relations Council has heard complaints, he said, "but they just explain them away."

Mr. Woods, who is the minister of an African Methodist Episcopal church, said that once the current disturbances had quieted down his group would like to participate in conferences to help work out a permanent solution. He did not elaborate. His group, however, has pleaded frequently for more jobs for Negroes, an end of de facto segregation and a larger voice, in policy making on projects affecting them.

Announcement of Stand-by alert was made at a joint news conference of Mayor Sorensen and Lieut. Gov. Philip Sorensen, who is acting Governor in the absence of the Governor Frank B. Morrison, who is in Los Angeles for a Governor's conference.

The Mayor and Lieutenant Governor Sorensen, who are not related, said that two more companies of Guardsmen—about 350 men—would be available if needed.

The announcement came after the second night of disturbance in which the Mayor said the property damage had been substantial.

Early yesterday about 150 to 200 persons were involved in disturbances precipitated by what the chief of police, C. Harold Ostler, called young rowdies, who smashed bottles, threw rocks at police cars, exploded illegal fireworks and ransacked stores. Mr. Ostler said this outbreak had no racial significance.

Again early today there were disorders as a band of Negro youths moved along 24th street, the near North Side's main business artery, after a dance. They broke windows in several business establishments despite reinforced police details. More than 50 were arrested. Mayor Sorensen said most of them were youths.

Two stores some distance from this section were broken into and a 15-year-old boy was shot in the leg by an off-duty policeman near one of the stores. The boy was treated at a hospital and released.

Mayor Sorensen said that the police would continue to operate on an emergency basis.

[From the New York Times, July 5, 1966]

DISORDER AT FLORIDA BEACH

MIAMI, July 4 (AP)—An argument on a crowded Negro beach turned into a general disturbance today, leaving one person critically wounded and several others cut and bruised.

A secretary at the sheriff's office described the incident as a "small riot."

When sheriff's deputies arrived Negroes were reported to have turned against the officers. A reporter said he saw one group of officers struggling with several Negro youths, some of whom had knives.

The disturbance apparently started when two youths exchanged sharp words. One was reported to have drawn a gun and shot the other in the head.

Other persons on the beach apparently took sides and battled with sticks and knives until the officers gained control.

[From the New York Times, July 10, 1966]

WILL THE SUMMER BE LONG AND HOT?

The controversy over black power came at a time when violence was erupting in another Negro ghetto. This time it was in the Near North Side of Omaha, Neb., where the city's 30,000 Negroes—10 per cent of the population—live in what Gov. Frank B. Morrison called "an environment unfit for human habitation." And the trouble began, as most such outbursts have begun, with a minor incident.

A police car answering a complaint over the long hot July 4 weekend was bombarded with bottles and fireworks, and a riot was on. It lasted for three days, with crowds—sometimes numbering 4,000—on a rampage. Before it was over, six companies of National Guardsmen had been sent into the area and 122 people had been arrested.

But as peace returned to Omaha, there was serious concern throughout the nation—on all governmental levels—that other outbreaks would occur before the end of the summer. Federal officials are more deeply concerned about domestic peace than they will admit, though the Johnson Administration—out of a reluctance to disturb the traditional Federal-state balance—has made it clear that the chief burden for preventing new violence rests with those closest to the troubled areas.

Long hot summers seem to have become such a regular phenomenon of this decade and it is surprising, in a sense, that no central agency has been set up to deal with them. Administration officials are reluctant to talk frankly about their concern in the matter for fear that it will be interpreted that they are trying to suppress riots without concern for the causes.

The chief cure for urban unrest, Administration officials believe, lies in eradication of slums, in education and employment. These are long-range objectives.

Certain things can be done in the short range to mitigate the danger and these things are being attempted by a variety of agencies with some coordination from the White House. They include selective use of antipoverty projects, seminars and instruction for local police and an intelligence system that attempts to identify trouble spots.

These are stop-gap measures, designed to ease over the tensions of the summer and forestall violence. A spokesman for one Federal project which is expected to find work for a million teenagers this summer said, "The more who are working the less opportunity there is for discontent."

But stop-gaps may not be enough. Mayor A. V. Sorensen of Omaha originally thought that racial tensions had nothing to do with the rioting in his city last week. After meeting with Negro residents, he changed his mind, declaring that behind the trouble lay Negro resentment of "police brutality, lack of recreation facilities, lack of jobs." Mayor Sorensen and other Nebraska officials promised that steps would be taken to correct conditions.

But promises are no longer enough for many Negroes. In Chicago last week, Martin Luther King, announcing plans to step up pressures on that city's officials, declared, "I can't stop a riot unless I can give people jobs."

[From the Washington, (D.C.) Star, July 19, 1966]

RIOTS FLARE IN 3 CITIES, ONE DEAD IN CLEVELAND

Racial violence flared in Cleveland, Jacksonville, Fla., and New York City last night, leaving a young Negro woman dead and scores of persons injured.

The worst outbreak was in Cleveland where, police said, Mrs. Joyce Arnett, 26, a mother of three, was shot in the head, two men suffered minor bullet wounds, and firemen had to leave a blaze when they were fired upon.

Store windows were smashed, some stores were looted, and at least eight fires were set—some by fire bombs—before more than 300 police moved into the area on Cleveland's East Side, sealing off an eight-block area.

The disturbance, sparked by roving bands of teen-agers, was marked by sniper fire at police and firemen. Police shot out some street lights and ordered motorists to douse their headlights to keep them from making targets of the officers.

Policeman Bill Alexander said the trouble started when irate patrons wrecked a tavern after they learned they could no longer get free ice water.

Several policemen and firemen were injured, none seriously, when the crowd pelted them with bricks and rocks.

The violence in Jacksonville came after about 200 Negroes had staged an orderly march on City Hall to protest alleged racial discrimination in city hiring practices. Police said the trouble began when the group left City Hall and headed into the business district in violation of their permit to march.

GROCERY STORE SET AFIRE

Roving bands of Negroes then began throwing rocks through store windows and set fire to a small grocery store with a fire bomb, officials said.

The police said an elderly white woman was cut on the leg by a thrown rock and a white youth was pulled from a telephone booth and struck by Negroes.

Earlier, police arrested Warren H. Folks, 46, a white man who described himself as a segregationist, when he tried to serve a Ku Klux Klan "warrant" on Rutledge Pearson, state president of the National Association for the Advancement of Colored People, and organizer of the march.

The "warrant" ordered Pearson to surrender to "a Florida Klan citizen."

Folks was charged with disturbing an assembly and released on $50 bond. A $100 bond was set for another white man, Lothern Cooper, 45, who was charged with disorderly conduct—throwing a rock.

Some shots were fired in New York City, police said, as disorder was reported in East Harlem and the East New York section of Brooklyn. Members of a special riot-trained police unit quickly brought both situations under control.

The outbreak began in Harlem when police sought to disperse a noisy crowd of youths playing bongo drums. Some of the crowd began throwing bricks and debris at officers.

GUARD FORCE REDUCED

One woman was reported injured in Brooklyn and three persons were arrested before a fight among Negroes, Puerto Ricans and Italians was broken up by police.

In Chicago, the National Guard continued to patrol the Negro district which saw three days of rioting last week. However, the guard force was reduced yesterday when 1,236 of the 4,200 troops were sent home.

Maj. Gen. Francis P. Kane said disturbances had dwindled since the guardsmen began patrolling the west side area Friday.

At a news conference in Montreat, N.C., evangelist Billy Graham said the Chicago riots were organized by extremists teaching violence. He said President Johnson and the FBI know who they are and should name them.

At South Bend, Ind., police were trying to ascertain the cause of rioting Sunday night in a predominately Negro area. Seven persons were injured, none seriously, by stones, bricks and bottles and the teeth of police dogs.

The Cleveland rioting, in the predominantly-Negro Hough East Side area, lasted more than six hours.

Then, just before daybreak, firemen fought a blaze which roared through a supermarket at Hough Avenue and Crawford Road and spread to an adjacent apartment building. Police at first said there was a possibility that some people were trapped in an apartment, but said later that all occupants apparently got out safely. Firemen had reported hearing screams as flames enveloped the building.

It was the fourth sizable fire in a four-block area near that intersection.

Police and newsmen reported they were shot at by snipers in the Hough area last night as police sought to quiet the widely scattered disturbances.

Police shot out street lights in the vicinity of East 75th and Hough to keep from being targets and ordered all occupants out of an apartment building there in a vain effort to find a sniper.

Firemen trying to fight fires—some started by fire bombs—were shot at and had to dodge bottles, fire bombs and rocks, police reported.

A gang of men cut a fire hose near 86th Street, where half a block of two-story brick and frame store buildings burned.

Firemen were called off twice because of interference but returned to put out the flames. They were aided by a brief, early morning rain. The rain also helped police clear the streets.

A witness said Mrs. Arnett—who was killed by gunfire—had been ordered into a building as police sought to clear the 73rd street intersection; she was shot as she leaned out a second-floor window and screamed for her three children.

There had been sporadic gunfire in the area at the time, and no one was able to say where the bullet came from that killed the woman, police said.

Wallace Kelly, 32, and Alton Burks, 18, both residents of the area, were shot, but aides at Mount Sinai Hospital said the wounds were not serious. Circumstances of the shootings were not known.

A team of Associated Press and Cleveland Plain Dealer newsmen and photographers was fired on twice by a sniper after they passed a police roadblock to get to the Hough-75th intersection.

CHANGE OF PLANS TO TRIAL OF U.S. PILOTS BY NORTH VIETNAM

Mr. REINECKE. Mr. Speaker, I ask unanimous consent that the gentleman from Illinois [Mr. FINDLEY] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. FINDLEY. Mr. Speaker, by reports yesterday we learned that North Vietnam has informally notified this country that at the present time it has no plans to try captured U.S. pilots as war criminals. Undoubtedly this change of plans on the part of North Vietnam can be traced to tremendous world pressure and the demand of public opinion that North Vietnam abide by the Geneva Convention of 1949.

The convention agreement was signed by 61 governments including the United States and the Soviet Union, but not Communist China. However, on earlier occasions both South Vietnam and North Vietnam have indicated a willingness to abide by the convention, but Hanoi had previously indicated it would try the Americans as war criminals notwithstanding.

Following this report from Hanoi, however, the world was shocked by the news that North Vietnamese troops executed at least six wounded U.S. Marines whose company had been ambushed. The Washington Post reported this morning:

> Eyewitnesses said the Communists moved methodically through the ranks of the wounded, shooting in the head anyone who moved.

Mr. Speaker, this is an outrageous, barbaric, insensible, act committed against our troops. By this action North Vietnam further isolates itself from the civilized nations of the world.

We should not be misled by Hanoi's latest informal assurances. The senseless slaughter of wounded soldiers is an even more shocking violation of the Geneva Convention than would be a trial of the pilots The Agreement on Condition of Soldiers Wounded in Armies in the Field was signed at Geneva in 1864 and was revised in 1906 and 1929. This convention provides for protection and treatment of sick and wounded who fall into enemy hands.

The 1949 convention as well as these earlier conventions protected these soldiers. Article 12 of the 1949 agreement reads:

> Irrespective of the individual responsibilities that may exist, the Detaining Power is responsible for the treatment given them (prisoners of war).

Mr. Speaker, this language is clear and unequivocal. It means, notwithstanding the fact that North Vietnam is not a signatory, international law recognizes the Central Government in Hanoi as responsible for the field commander's orders that the U.S. marines who were wounded be executed. Article 13 requires that all prisoners of war must be humanely treated. The article reads:

> Any unlawful act or omission by the Detaining Power causing death or seriously endangering the health of a prisoner is prohibited.

These wounded marines were for all intents and purposes prisoners of war when executed.

Hanoi should remember that it is an accepted principle of international law that where one belligerent has committed illegal acts of warfare against another belligerent, this second party may for the purpose of enforcing future compliance with the recognized rules of civilized warfare, employ reprisals. These are not adopted merely for revenge, but only as an unavoidable last resort to induce the enemy to desist from illegitimate practices. The use of reprisals is an accepted part of U.S. policy and is outlined in the most basic Army field manuals.

Hanoi has invited swift and decisive reprisals against her for this type of action. and should know that this type of conduct on the part of the enemy only serves to unify our determination, not divide our resolve. This was a lesson that the Japanese Empire learned many times over following the bombing of Pearl Harbor.

Mr. Speaker, I have today introduced a House concurrent resolution relating to U.S. military personnel held captive in Vietnam and expresses the sense of Congress that North Vietnam seriously diminishes the opportunity for the achievement of a just and secure peace in Vietnam and southeast Asia by such actions. I believe its speedy passage would help to convince the Communists they must abide by established rules of international law or face reprisals.

CIVIL RIGHTS LEGISLATION

Mr. REINECKE. Mr. Speaker, I ask unanimous consent that the gentleman from Alabama [Mr. MARTIN] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. MARTIN of Alabama. Mr. Speaker, this is a tragic day in American history. The Congress of the United States is being coerced into debating and passing legislation under threat that if we fail to do so the mobs will take over in the streets of this Nation. This is not democracy, Mr. Speaker, this is anarchy.

Who is the authority for demanding that we pass this legislation with a pistol, in the form of the threat of mob action, held at our heads? I regret to remind you that it is the leadership of the majority party. Yesterday, the chairman of the Judiciary Committee said that if we do not pass this bill, or if we voted against the resolution to bypass the orderly procedures of Congress that we would be encouraging the mobs. Of course, he put its nicely by saying we would be encouraging the militant voices. Further on in yesterday's debate, the majority leader on the other side of the aisle said that we must pass this civil rights bill soon if it is to be passed at all in this session of Congress.

Why must we pass it now? Why could not we follow the orderely procedures and allow this bill to come to the floor from the Rules Committee, after proper hearings? Mr. Speaker, I am convinced that the leadership on the other side knows that the American people are fed up with mob rule and government by demonstration, directed by hoodlums. I think the leadership on the other side knows that if the people of this country find out what this bill will actually do, how much of their freedoms will be taken away, they will rise up in righteous anger to demand its defeat.

Mr. Speaker, as for me, I would rather trust the American people than the mobs in the streets. I speak for law-abiding citizens, the overwhelming majority of hard working, honest, dedicated Americans of all races whose aim is to preserve this land of the free, not to destroy it. The leadership on the other side of the aisle should have no fear of the decent people of this country. It is all right to tell them the truth. They should have encouraged hearings on this bill, rather than deny them. They should have welcomed free and open discussions of all the provisions, instead of trying to cover up the real content of this legislation.

Of course, this reluctance on the part of the majority party to trust the people is not new. The administration and all of its spokesmen have been withholding the truth from the American people constantly on the violence, the riots, the looting, and the murder that has gone on under the cover of civil rights. They have withheld FBI reports on civil rights leaders. They have withheld, according to no less an authority than the Reverend Billy Graham, information about the subversive activities connected with these riots. In the U.S. News & World Report dated August 1, the eminent and respected writer, David Lawrence, plainly points out that those in the administration and the leadership of the party who are responsible for withholding the truth must bear the major share of responsibility.

The details of the unconstitutionality and illegal aspects of this bill have been, and will be, discussed in detail by members of the Judiciary Committee, who are the legal experts on its language. I am opposed to the bill because it takes away rights of the States and the people, as guaranteed by the 3d amendment, the 4th amendment, the 5th amendment, 9th and 10th amendments, and even the 14th amendment of the Constitution. It takes away the rights of the individual as guaranteed by these amendments. It, in fact, destroys the Bill of Rights, and in destroying these guarantees of the rights of the people we are taking a long step on the last mile to end private ownership in America. I would not vote for such a bill under any circumstances. But even if I were in favor of this legislation, I would insist that Congress refrain from legislating under threat of mob action. We cannot exist as a nation if this body of duly elected representatives of the people cringes in fear and passes a bill because a gang of hoodlums threaten to tear the country apart if they do not. It may be to late to save America. Perhaps too many so-called national leaders have already capitulated to the mobs. I hope it is not too late. But if we pass this bill under this threat I can assure you that the democratic processes will be doomed from this day forward. Future legislation will be decided, not on its merits, but how big and how threatening a mob can exert its power.

Mr. Speaker, the cities of our Nation are already at the mercy of criminals, protected by these same leaders who fear them; at the mercy of rioters and demonstrators; encouraged by some of the highest officials in this land, including the Vice President and the Secretary of the new Department of Housing and Urban Development. If Congress must make the last stand in defense of the Republic, let us do it here and now by defeating this bill and telling the mobs in this country Congress will not be a party to anarchy.

It is time now that my party, the Republican Party, take the initiative and offer a real civil rights bill to protect all the rights of the people from the lawlessness of the mobs, from the threat of violence that stalks our streets.

Mr. Speaker, as a part of these remarks I would like to include the editorial "Who Is To Blame?" from the U.S. News & World Report of August 1; a column by Charles Bartlett, "Rioting Teen-Agers Poor Champions of Cause," from the Evening Star of July 25; and five news items from today's—July 26—Washington Post, detailing just part of one night's crime record in the District of Columbia.

Are we to encourage more of this crime and violence by surrendering now to the threat of mob action? I say, "No," Mr. Speaker.

[From U.S. News & World Report, Aug. 1, 1966]

WHO IS TO BLAME?

(By David Lawrence)

A wave of discontent is sweeping the country today.

People are asking why the Government at Washington is seemingly indifferent to the riots and crimes in the big cities of the North—the latest in Chicago, Cleveland and New York. The disturbances are due in part to racial friction, but are intensified by acts of violence resulting from an abuse of the concept of "demonstrations." This device has been openly espoused as a means of coercing Congress into the passage of stricter "civil rights" laws and the grant of more and more money to rebuild "slum" areas.

It is to be noted that, within the last few years, the Government has undertaken a massive program of education and assistance to the underprivileged. Anti-poverty legislation has been enacted. Appropriations have been made to improve conditions in many of our cities. Government departments and commissions have been active in endeavoring to enforce "equal rights" and to assure "equal opportunity" in employment.

Why, then, are the leaders of the civil-rights movement preaching "nonviolence" but, in effect, arousing passions and inciting people to violence?

Why are the police in the big cities interfered with by pressure groups and charged with "brutality" when they try to maintain law and order?

Why has it been found imperative for the National Guard to be called out in State after State to help the local police quell riots and preserve order?

Why was a "long, hot summer" of trouble predicted repeatedly last spring by some of the leaders of civil-rights groups as if to threaten Congress that it must immediately comply with their demands?

Are the outbreaks spontaneous or planned? Why the sudden appearance of fire-bombs and shotguns in the crowds? Why all the arson?

What is the record and background of some of the top advisers who sit beside certain gullible leaders in the civil-rights movement and plan "targets" for the mobilization of demonstrators?

Why has the information about subversive activities been withheld? Why is this minimized as incidental? The Reverend Billy Graham told a news conference the other day that the Government, including the FBI, knows the offenders and should identify them to the public. The testimony of police chiefs in Cleveland and other cities is that the recent assaults were apparently organized in advance.

Why, indeed, are street "demonstrations" of any kind deemed necessary in a democracy to secure passage of proposed legislation or enforcement of existing laws?

What has happened to the system of communication between the people and their Government? Is it really no longer effective?

These questions are being asked on every side because they touch the fundamentals of life in America today. Mob violence and vandalism are emerging on a wide scale in many a community. Day after day the newspapers carry reports of innocent citizens being killed or wounded, private property looted or destroyed, and residential neighborhoods terrorized.

The slogan "black power" is widely proclaimed, but it can only stir up more race consciousness and a cry for retaliation by "white power."

Many of the pastors openly preach "civil disobedience." A member of the President's Cabinet, himself a Negro, excuses it all as follows:

"If the average white American put himself in the shoes of the average black American, he would be just as angry, just as prone to violence as the Negro is today. The thing that surprises me is that it hasn't happened before."

Discontent is increasing largely because of a feeling that persons elected to public office have failed to take the steps necessary to maintain law and order. Congress seems hesitant to enact corrective laws for fear of offending Negro voters.

The Administration argues that Congress has virtually unlimited power to protect "civil rights" by invoking the clause of the Constitution which authorizes it to regulate "interstate commerce." If so, there is a parallel obligation to insure the safety of all citizens, irrespective of race or color, in their homes and on the streets.

The rising discontent in America may reflect itself in the autumn elections. It would not be surprising if the American people showed their dissatisfaction with the party in power by voting for the opposition candidates, even though no alternative policy on the issue of law and order is being offered by the Republicans.

Meanwhile, a passive Administration looks on, claiming to be without authority to intervene, but actually unable to perceive as yet that the electorate is steadily becoming embittered.

Who is to blame for this inaction? Plainly, those who hold office today are to blame, as they have the responsibility to see to it that whites as well as Negroes are given "the equal protection of the laws."

[From the Washington, (D.C.) Evening Star, July 25, 1966]

(Charles Bartlett)

RIOTING TEEN-AGERS POOR CHAMPIONS OF CAUSE

Thirteen Northern cities have tasted the sting of Negro riots since 1964 and conjecture is now current that, since every Negro has a cousin in Chicago, the tremors may fan out from there into a series of concurrent eruptions around the country.

The nation stands in the hot breath of the Negro violence which it has been taught to fear as the price of moving too slowly to right the racial wrongs. The creed of "nonviolence" has emphatically supposed the existence of an ugly alternative to peaceful petition and the apostles of nonviolence have proclaimed in recent days that their hold on the equality movement is slipping.

A tendency to condone this resort while condemning it has intensified the atmosphere. Vice President HUBERT HUMPHREY took both positions in one speech in New Orleans. He said there is no room for violence and disorder in this country but he also said that he would lead "a mighty good revolt" if he were enduring ghetto conditions.

The Chicago Defender ascribed the riots there to the "logical effects of easily discernible causes," to the "surface manifestations of deep resentment over social proscriptions, over economic denials that characterize ghetto living."

HUMPHREY and the Defender idealize the essential fact that in all the cities threatened with riots this summer, the explosive element consists of teen-agers who have developed arrogant, chip-on-the-shoulder attitudes toward the police and whose tendencies to be lawless are intensified by heat and idleness.

These youngsters are a phenomenon of the industrialized, welfare society and they are being taken seriously as a social problem. But they should not be exalted into the role of a Goliath terrorizing the nation in a just cause. They should not be permitted to become decisive arbiters of the pace at which the racial inequities are resolved.

Their potential is not as fearsome as it has been painted. The federal government now operates a command center out of the attorney general's office and top officials are quickly alerted to any indications of riot. Over 50,000 enforcement officers and soldiers have been trained by the FBI to be experts in riot dispersal and almost any major city can bring National Guard troops to its streets quickly.

The demonstrations in Alabama in 1963 attracted concern that was long overdue to the Negroes' problems but the riots of the past three years have stiffened white backs. The social goal of Negro equality is intertwined by the riots with the problem of these maladjusted youngsters. They are logical products of their environments but they are poor champions for a cause which requires broad support.

Negro leaders have yielded increasingly to the temptation to use these youngsters for leverage. Martin Luther King is accused by the Chicago Sun-Times of playing a "Mark Anthony" role in Chicago. CORE's Floyd McKissick outraged Detroit with predictions of violence there. A. Philip Randolph, dean of the equality movement, has said flatly that predictions of violence are "irresponsible and inflammatory."

The problem of the restless teen-agers must be met. Some form of summer activity, perhaps induction into military-type camps with regimens designed to reorient their bodies and minds to constructive pursuits, is likely to be necessary. The nation is coming to grips with the problem of Negro education and this group is the core of the problem.

But fear cannot be a durable ally in the struggle for equal rights. President Johnson and the responsible leaders have demonstrated an anxiety to give the Negro steady reassurance that his status will improve as quickly as the nation can mobilize its resources to help him.

To some, whites as well as blacks, the pace of this mobilization often seems slower than the circumstances deserve. But the pace will not be quickened by intimidation.

[From the Washington (D.C.) Post, July 26, 1966]

MASKED MEN ROB HOT SHOPPE MANAGER OF $7,100—RESTAURANT'S REAR DOOR REPORTED FORCED

Men wearing dark brown stockings over their faces robbed the manager of the Hot Shoppe at 4700 Capitol st. se. of more than $7000 yesterday, police reported.

William Lee Earnest, 35, the restaurant manager, told police that when he got to work at 4:40 a.m. he found the rear door forced open.

Shortly thereafter the masked men walked up behind him and one pressed an unidentified object against his neck and led him to a basement stairwell, he said.

The office safe had been moved to the stairwell, where he said he thought he saw three or four other men.

While one ordered Earnest to open the safe, from which $7064.26 was taken, another plucked Earnest's wallet from his trousers pocket and removed $65.

Earnest described the man with the weapon as a Negro, 18 to 22 years, about 5 feet 8, 180 pounds, wearing a short-sleeved, blue and red striped pullover shirt and dark blue trousers, and carrying a crumpled gay fedora.

[From the Washington (D.C.) Post, July 26, 1966]

HOLDUP NETS $1,500 AT SUPERMARKET

Two masked gunmen robbed $1,500 from a supermarket that had not yet opened for business yesterday, in Chillum, Md., Prince Georges County police reported.

The gunmen forced five employes at the Jumbo Food Store, 6300 New Hampshire ave., to lie face-down on the floor after they entered through doors that had been unlocked at 7 a.m. for clerks and stock boys.

While one of the men guarded the employees, the other grabbed store manager Robert Dauenhauer and forced him to open the safe in the store's office, police said.

The men escaped on foot and were seen running across New Hampshire Avenue to a small shopping center parking lot.

Police are looking for two Negroes, one described as 5 feet 9, 175 pounds, wearing a yellow golf cap with two black stripes around it, a green short sleeved shirt, tan slacks, and dark sunglasses. The other was described as 5-feet-10, 160 pounds, wearing a yellow short-sleeved shirt and green trousers. Both were carrying snub-nosed revolvers, police said.

[From the Washington (D.C.) Post, July 26, 1966]

YOUTHS ROB BUS DRIVER ON RETURN FROM CRUISE

A D.C. Transit driver was robbed of $55 yesterday by six teenage passengers who jumped him as he drove up 7th Street nw. near the intersection of D Street.

David Paull, 25, a junior at George Washington University, was one of the several bus drivers carrying full loads of youths into the city from the Wilson Line pier on Maine Avenue about 1 a.m.

The buses had motorcycle escorts, police said, because the teenagers had become disorderly after singer Otis Redding failed to appear during their Potomac cruise.

When the youths who attacked Paull ordered him to open the bus doors, he did and they scattered on foot. Police said the motorcycle policemen did not pursue them because they did not want to provoke the remaining passengers.

[From the Washington (D.C.) Post, July 26, 1966]

GUNMAN TAKES $5,000 AND STOCK BOYS' PANTS

Two drug store stock boys on their way to make a bank deposit were robbed of about $5,000 in weekend receipts yesterday by a gunman who forced them to remove their trousers in a Northeast Washington alley.

Douglas Washington, 18, and Guy Harris, 19, were taking the money to the bank from the Standard Drug Store at 1115 H st. ne. about 1:30 p.m. when a gun was stuck into Washington's back, police reported.

They were forced into an alley stairwell next to 911 H st. ne., and forced to hand over the money, in cash and checks. The thief took the money bags and their trousers and fled.

Washington and Harris later found their slacks around the corner but were unable to furnish a description of the man.

[From the Washington (D.C.) Post, July 26, 1966]

GUNMAN TAKES SHIRT TO WRAP $700 IN LOOT

A doorbell-ringing gunman added insult to injury yesterday when he stole an employee's shirt to wrap what he took from a store.

Joseph Gantt, night manager of the Burger Chef at 5200 Georgia ave. nw., told police he was in the back of the store about 1 a.m. when the bell rang. He opened the side door and a gunman forced him back into the store.

The thief made Gantt open a safe, which contained about $700. He then took a shirt off a hook in the back of the store, packaged the money, and escaped the way he came.

NUREMBERG NAZI TRIALS NO "GHASTLY MISTAKE"

The SPEAKER. Under a previous order of the House, the gentleman from Louisiana [Mr. WAGGONNER], is recognized for 10 minutes.

Mr. WAGGONNER. Mr. Speaker, I was dismayed to read in the Washington newspapers late last week that a prominent member of the other body, for whom I have a great deal of respect, made the statement at a press conference that the Nuremberg trials of certain Nazi war criminals "may have been a ghastly mistake."

I believe, instead, that his remark, if, indeed, he has been quoted correctly, is the ghastly mistake.

Though I yield to the gentleman in both age and seniority, I yield him no quarter in my revulsion over the horror visited upon the world by the Nazi war criminals he refers to. It defames the honor of the American fliers now in captivity in North Vietnam to draw a comparison between the free world's trial of the Nazis to the threatened trial and execution of these pilots. It is an odious suggestion and there is no parallel between the two cases. I pray for the safety of these men whose only "crime" has been to defend the South Vietnamese people from Communist aggression. If they are tried and executed by the Communists, it will be an extra measure of savagery and will have no relationship to the Nuremberg trials.

Each of the Nazi criminals who sat shoulder to shoulder in the prisoner's dock at Nuremberg was a living symbol of terrorism and violence, or arrogance and of a satanic abuse of power. I, for one, have not forgotten them and I never will. Nor do I regard their trial and punishment as a "ghastly mistake."

Their bestiality aroused all civilized men and we owe no one, either then, now or ever in future years, any apology for the measured and just retribution meted out to them. Had we and the other victorious nations yielded to the very human cries for vengeance which arose from the stench of Dachau and Belsen and Buchenwald, we might have cause now to regard with some measure of remorse what was done at Nuremberg. But such is not the case at all.

As victor nations, we summed up magnificent detachment regarding the Nazi criminals in the dock. We brought to the task of that trial an intellectual detachment that commends itself to all posterity. The trial could not have been avoided, for, in the ringing words of the chief prosecutor for the United States, Mr. Justice Jackson:

> The wrongs which we seek to condemn and punish have been so calculated, so malignant, and so devastating, that civilization cannot tolerate their being ignored, because it cannot survive their being repeated.

He continued, in these measured words:

> That four great nations, flushed with victory and stung with injury stay the hand of vengeance and voluntarily submit their captive enemies to the judgment of the law is one of the most significant tributes that Power has every paid to Reason.

No, I say to my friend of the other body. No "ghastly mistake" was made at Nuremberg. The trial of some of the remaining Nazi criminals, the evil architects of the holocaust which convulsed the world, crushing its cities, slaughtering its manhood, impoverishing its life, was mandatory. The catalog of their crimes omitted nothing; their ungodly treatment of innocent millions revolted the most calloused mind and it was incumbent upon us to punish them in the manner in which we did, in a tribunal of justice they would not have held for us had they been the victor.

The Nuremberg trial was conducted with impeccable attention to just and fair play, for no other procedure would have saved us from the censure of history. Again in the words of Justice Jackson:

> We must never forget that the record on which we judge these defendants today is the record on which history will judge us tomorrow. To pass these defendants a poisoned chalice is to put it to our own lips as well.

The esteemed gentleman of the other body unconsciously does this Nation ill with his casual remark that what we did may have been a "ghastly mistake." I hope he will recant his remark and return to the reasoned plane of judgment on which he is customarily found.

TAX LIABILITY OF THE APPALACHIAN ELECTRIC COOPERATIVE OF JEFFERSON CITY, TENN.

The SPEAKER. Under a previous order of the House, the gentleman from Illinois [Mr. MICHEL] is recognized for 30 minutes.

Mr. MICHEL. Mr. Speaker, after 3 years of prodding the Internal Revenue Service to move in the interest of the taxpaying public, I am happy to report we may be on the verge of a favorable decision.

On July 9, 1962, the interrogation of a witness before our Agriculture Appropriations Subcommittee indicated that the Appalachian Electric Cooperative of Jefferson City, Tenn., had accumulated excess profits which it had not distributed to its membership or used to repay the subsidized loans it had obtained from the Federal Government, and it had not paid Federal income taxes on this money.

I later obtained an audit report by a firm of certified public accountants to show that the Appalachian cooperative was using its accumulated profits and investing them in various bonds bearing interest from 3 to 3¾ percent as compared to the 2 percent which the co-op was paying for the money it borrowed from the Federal Government. In addition, the audit report disclosed that some of the investment was in Farmers Home Administration 3½-percent insured notes, which means the co-op was borrowing 2 percent money from one Federal agency and turning right around and investing it at 3½ percent in another Federal agency. The audit report also showed that the co-op was lending money—it loaned $10,000 to another cooperative—at 3 percent interest.

Mr. Speaker, on October 31, 1963, in a major speech on the floor of the House, I charged that there was evidence to indicate that some cooperatives, which are supposedly nonprofit organizations, were in reality making substantial profits which should be subject to Federal taxation. According to a study made by the Library of Congress in January 1962, the 1960 net margins of REA co-ops were $80,863,332. The combined net margins of the 36 largest were $16,172,662, almost double the 1955 figure which was $8,686,205. If these co-ops had been taxed as regular corporations, it would come to a considerable amount. I cited in my 1963 speech, a letter dated October 28, 1963, signed by Mr. D. W. Bacon, Assistant Commissioner of IRS, indicating the Appalachian case was "under study" and "such organizations are legally limited in that not more than 15 percent of total income is permitted from investment of such reserves without loss of exemption."

Mr. Speaker, I have pursued this matter relentlessly with IRS and my most recent reply, dated July 20, 1966, indicated my inquiry was still being given "prompt attention." Since then, I have had several phone calls concerning this case as follows:

Mr. Lawrence B. Jerome, Chief, Exempt Organizations Branch, stated that the material sent to the Nashville office would be "adverse." Mr. Harry Shaefer, audit division, also called to give supplemental information that the decision was "imminent" and that a 17-page memo had been sent to the field office in order to give instructions on how to levy the tax. He, in effect, said that the Washington office did not want to make the decision, but was bucking the case back to Nashville, so the local office could give the co-op the bad news.

Mr. Speaker, it took the Washington office of IRS 3 years to prepare this report, but I am happy the decision is now apparently "imminent."

Some questions, however, still remain unanswered. The obvious one, of course, is why it took IRS 3 years to move. I had previously inquired whether an IRS official in the Nashville office was related to Mr. Paul Tidwell, president of the National Rural Electric Cooperative Association. Mr. Shaefer advised me that this would have to be answered by the Nashville office and that the case "might be forwarded to Knoxville for collection."

Mr. Speaker, the information I have in my files shows that the case went to Knoxville from Nashville by jet propulsion and is now in the hands of the agents who originally handled the case. I am also advised that the tax that should be assessed was reduced to some extent, but the final figure will be close to $600,000.

Mr. Speaker, I am elated that something is being done and am inclined to believe the results will be as I have predicted. If the actual assessment is reduced by the statute of limitations, we may chalk up the loss to something more than foot dragging by those responsible in the Internal Revenue Service.

AN EFFORT TO HELP EASE THE FINANCIAL BURDENS OF COMMUTING

Mr. KREBS. Mr. Speaker, I ask unanimous consent that the gentleman from New York [Mr. WOLFF] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

Mr. WOLFF. Mr. Speaker, the time has long since passed when most of us could decide where we gain our livelihood.

That decision is made for a majority of Americans today because of the simple fact that most jobs are located in our great urban centers. Yet, because cities are centers of commerce and industry, there is a corresponding decrease in living space within cities and most of us must therefore make our homes in suburban communities.

Mr. Speaker, the financial burden of getting from home to work and back has become a major expense for the commuter, and I am introducing legislation providing for a deduction from Federal taxable income of the expenses of commuting by mass transportation to and from our urban centers.

I am proposing this legislation for the following reasons. The proposed legislation would:

First, help relieve the financial pressures on the already overburdened commuter. Commutation costs of $50 per month are not uncommon, and the burden obviously falls most heavily on those with lower incomes;

Second, increase the attractiveness of mass transportation, thus stimulating improvement in those facilities and service to the commuter;

Third, indirectly subsidize mass transit facilities by encouraging more people to go by train or bus and leave the car at home, thereby helping to relieve the problem of traffic congestion;

Fourth, enable commuters, particularly wage earners, to be able to travel further to find satisfactory employment; and

Fifth, will reduce Federal, State, and local subsidies to mass transit facilities by increasing volume of traffic, and will thereby reduce the administrative cost of such subsidies.

Mr. Speaker, we are today an urban nation. Let us therefore extend to our commuters, who provide the lifeblood of our urban centers, a helping hand commensurate with their contribution to the economic life of our great cities.

A PROGRAM OF INDUSTRIAL DEVELOPMENT FOR INDIANA'S NINTH DISTRICT

Mr. KREBS. Mr. Speaker, I ask unanimous consent that the gentleman from Indiana [Mr. HAMILTON] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

Mr. HAMILTON. Mr. Speaker, industrial and economic development is a major concern of the citizens in the Ninth Congressional District of Indiana. In a questionnaire which I sent out last January, they were asked, "What do you consider the three most pressing problems in our district?" An overwhelming number—5 out of every 8 respondents—indicated that the need for industrial growth was among the most pressing.

In scores of informal meetings and talks around the district, I have asked Ninth District residents, "What does your community need most?" And the response has been nearly unanimous: "More industry."

WHY ARE THEY CONCERNED?

The citizens of the Ninth District have good cause for concern. They know the advantages of southern Indiana—its natural resources, rich heritage, energetic people—and they recognize its great potential for growth. They look with pride upon the examples of progress in almost every community.

In the past 2 years, the Ninth District has made tremendous strides in maximizing its resource potential; $31 million has been authorized and $1,855,000 appropriated for reservoirs. Four watershed projects have been authorized. The Farmers Home Administration and the Economic Development Administration have made $5,350,000 in grants-in-aid and $9,500,000 in loans for the construction and improvement of water and sewer systems which will aid 7,902 families; $339,218 has been earmarked for airport construction, while $2,082,215 has been granted for the construction, expansion, and modernization of hospitals. The Post Office Department has awarded over $2 million for post office construction and modernization.

Fortunately, the residents of the Ninth District are realistic and objective enough to recognize that, despite progress in recent years, there is much which needs to be done.

Four Ninth District counties are designated as areas of substantial unemployment. While the national unemployment rate has dropped to 4 percent, two counties have persisted near 8 percent—1965 average—one has dropped to 6.6 percent and another increased to 11.4 percent.

Many constituents, especially from our smaller communities, complain to me that the young people are going elsewhere to find employment. One resident told me of a fine basketball team which had played in his community several years ago. Of the 10 boys on that team, only 1 had decided to raise a family in the community. The others had moved to areas of greater job opportunity.

In the period between 1950 and 1960, 3 of our counties reported reductions in their total population, 4 increased their total population by only 1,000 and 6 by only 2,000. And yet Lake and Marion Counties each increased by 150,000. While the growth rate in the Ninth District was only 13 percent—and concentrated in a few counties—the growth rate in all of Indiana and in the United States was 18½ percent.

In the Ninth District, according to the Farmers Home Administration, there are 38 rural communities without an adequate water supply and 48 without sewer systems. This means that the simple advantages of a water and sewer system, essential to daily living and to industrial development, are not shared by 42,000 Ninth District citizens.

WHAT SHOULD BE DONE?

If our communities are going to prosper, we must provide the proper environment for sustained and rapid economic growth. In our economy, this means that we are creating an environment conducive to free enterprise. Good roads, ample water, adequate sewage, recreational facilities, good schools, flood control, adequate airports and a trained work force are all aspects of a community which attracts industry and tourists. A community which can provide these basic support facilities will get new industry, more tourists, and will keep its young people. This will mean more and better services, higher incomes, and more employment. Economic development, in short, will enrich and invigorate our social and community life.

WHY INDUSTRY?

The benefits to a community of new industry are tremendous. A study by the Chamber of Commerce of the United States pointed out the impact of new industry on a developing county. An increase of 100 new factory workers increase annual retail sales $331,000.

Grocery stores	$72,000
Eating and drinking places	25,000
Automobile dealers	47,000
Department stores	22,000
Gasoline service stations	24,000
Clothing and shoe stores	21,000
Furniture, home furnishings	14,000
Lumber, building material dealers	18,000
Others	88,000
Total	$331,000

Those counties which witnessed industrial growth experienced an increase of median family income from 64 percent of U.S. median income in 1949 to 72 percent in 1959, while those counties not experiencing industrial growth witnessed a decline from 50 percent of U.S. median income to 49 percent.

WHY TOURISTS?

Outdoor recreation in the United States is big business—Americans now spend $20 billion a year for outdoor recreation. It will be $46.4 billion by 1980.

In Missouri's Ozark counties, recreation and tourism added nearly $70 million annually to the economy, including more than $2.5 million in wages to 5,000 people, and a $2.5 million market for locally produced goods.

Under proper conditions, a recreational enterprise can add from $500 to over $10,000 to a farmer's net income. The U.S. Chamber of Commerce estimates that two dozen tourists a day benefit a community as much as a factory with an annual payroll of $100,000 a year.

HOW DOES A COMMUNITY ORGANIZE?

The answer to economic development does not lie in Washington—or in Indianapolis. The fundamental and glaring fact about economic development programs today, all across the country, is that the initiative in the formulation and in the operation of such programs does not come from the government. It must, and does, come from local people.

The key to a successful program for economic development is cooperation among local people. Though cooperation does not insure success, the absence of it insures failure. Without cooperation, no amount of government aid can effectively produce overall economic growth. This means the community leaders must work together. Labor leaders and businessmen, farmers and teachers, Republicans and Democrats, must sit at the same conference table. All have a vested interest in attracting new industry and tourists.

The organization can take place on a city, county, multicounty, or district-wide basis. The people themselves must decide what is most appropriate to their needs. The group must establish development goals, must identify specific actions to reach these goals, and must organize local citizens to do the job on a continuous basis. The group must be coldly objective in analyzing their own community and in deciding what are their assets and what are their needs.

When organized, the group begins formulating a development program. If wanted, valuable assistance is available from private and governmental sources in this crucial, initial step:

First. The U.S. Chamber of Commerce community development consultants are available to assist local branches of the chamber—which should be an integral part of the overall economic development program—with organizational or technical problems encountered in creating a program for total community development. On a limited basis, the national chamber of commerce, at the invitation and expense of a local chamber of commerce, will send a team of qualified community development experts to study problems and recommend action for solutions.

The chamber of commerce makes available to local chapters materials which may prove valuable in overall economic development. It provides, at reasonable prices, a series of seven pamphlets which present the principles and procedures for total community development. Slide presentations with scripts are readily available on urban renewal and other subjects. These materials and others provide valuable information for communities in maximizing local initiative. Contact the Construction and Civic Development Department, Chamber of Commerce of the United States, 1615 H Street NW., Washington, D.C.

Second. The U.S. Department of Commerce: The Economic Development Administration, EDA, provides technical assistance grants and loans in making marketing, resource, tourism, and other studies required by area groups in order to get their overall development programs underway. It may include grants not to exceed 75 percent of costs. EDA coordinators and professional staffs are also available as general consultants. Contact the Economic Development Administration, U.S. Department of Commerce, Washington, D.C., or the Field Coordinator, 110 Century Building, 36 South Pennsylvania Street, Indianapolis.

Third. The U.S. Department of Housing and Urban Development: The Community Facilities Administration provides interest-free advances to help States, municipalities, and other public agencies plan individual local public works and/or areawide and long-range projects that help communities deal with their total needs.

The Department of Housing and Urban Development offers "701" planning grants—through State planning agencies—covering up to 75 percent of the cost for making area economic studies and for preparing land-use and highway plans based on such studies. Contact U.S. Department of Housing and Urban Development, Washington, D.C., or the Regional Administrator, Room 1500, 36 North Michigan Avenue, Chicago, Ill.

Fourth. The U.S. Department of Agriculture: The Soil Conservation Service provides technical information and planning assistance to soil conservation districts, farmers, local and regional planning boards, and others; also to local sponsors of watershed projects for flood control, water storage and disposal, and recreational use. Contact the Department of Natural Resources, State Office Building, Indianapolis.

The Cooperative Extension Service offers assistance in aiding citizens organize planning groups, in gathering, analyzing and interpreting data. Contact the Cooperative Extension Service, U.S. Department of Agriculture, Washington, D.C.

The Farmers Home Administration provides 100-percent grants for comprehensive planning surveys of county sewer and water needs. Four Ninth District counties have already received $49,440 under this program. Contact your FHA county supervisor or the Farmers Home Administration, U.S. Department of Agriculture, Washington, D.C.

The Rural Community Development Service provides technical assistance to poor rural communities in creating rural job opportunities through new factories, stores, trades, recreational enterprises, crafts, and services of all kinds; also in helping rural people obtain pure water, first-rate schools and hospitals, adequate streets and roads, other necessary services. Contact Rural Community Development Service, U.S. Department of Agriculture, Washington, D.C.

Fifth. The Office of Economic Opportunity: The Office of Economic Opportunity through its community action program provides grants, up to 100 percent, to help communities develop comprehensive plans to combat poverty. Contact your local community action program director or the regional director, 626 South Wabash, Chicago, Ill.

Sixth. The U.S. Department of Health, Education, and Welfare: The Public Health Service provides planning guidelines and consultative services for local studies to determine a community's long-range environment health needs and to develop local programs to meet them. It also offers grants to States to help plan, develop, and carry out comprehensive and coordinated area health facilities and services. Contact the Public Health Service, U.S. Department of Health, Education, and Welfare, Washington, D.C.

Seventh. The U.S. Department of Defense: The Army Corps of Engineers gives technical assistance in the construction of flood and shore erosion projects. Contact the District Engineer, U.S. Army of Corps of Engineers, 830 West Broadway, Louisville, Ky.

Eighth. The U.S. Department of Labor: The Bureau of Employment Security surveys the natural and labor resources of an area. Contact the Employment Security Board, 10 North Senate Avenue, Indianapolis, Ind.

Ninth. The U.S. Department of the Interior: The National Park Service and the Bureau of Outdoor Recreation offer planning grants for outdoor recreational planning. Contact the Northeast Regional Office, National Park Service, 143 South Third Street, Philadelphia, Pa.

The Federal Water Pollution Control Administration will provide grants up to 30 percent of costs for preliminary planning necessary for the construction of sewage treatment works. Contact the Federal Water Pollution Control Administration, U.S. Department of the Interior, Washington, D.C.

Tenth. Other: Colleges and universities, farm and labor organizations, public utility and railroad companies, Federal Reserve banks, and local banks provide numerous and varied services.

HOW IS THE PLAN IMPLEMENTED?

After the plans are formulated and the leaders of the community are enlisted in the effort, the organization must begin carefully implementing its program to eliminate any shortcomings in the community's basic services—sewers, water supplies, roads, airports, schools, flood control, and recreational facilities.

Every community, however, lacks sufficient financing to accomplish all that it might want to do to alleviate these inadequacies. There are several alternative sources of funds. The city and county governments can provide money through bond issues and new tax measures. Every economic development program should explore these local avenues for financing economic development projects. We should not forget that financing is primarily a local responsibility.

Some projects, however, are beyond the resource capabilities of local communities. If this is the case, financial aid is available from the State and Federal Governments.

THE STATE OF INDIANA

The State of Indiana has established a revolving fund program which will permit municipal governments to borrow up to $100,000 for site improvements and municipal services, and another which will permit borrowing up to $100,000 for water and sewer systems improvement. It includes a loan guarantee plan and a local industrial bonding authority for municipal economic development commissions. The State is also authorized to insure or reinsure mortgage loans to encourage private investment for industrial development.

The State Department of Natural Resources has funds and consultants available to communities upon request for recreational improvement, woodlands improvement, and flood control.

The Indiana Economic Development Authority, headed by the executive director of the Indiana Department of Commerce, helps corporations in the planning, design, construction, acquisition, altering, and financing of both commercial and industrial properties throughout the State.

THE FEDERAL GOVERNMENT

The Federal Government can provide financial aid, usually on a matching basis, to communities in constructing and improving the basic services required by new and expanding industry.

The Economic Development Administration: If a county has been designated by the Economic Development Administration as an area of substantial unemployment, the overall economic development plan must be reviewed by appropriate governmental bodies—the State and EDA. If approved, the organization can apply for grants and loans which may be used to acquire and develop land, improve public works and public services, develop facility usage, and acquire, construct, rehabilitate, alter, expand or improve such facilities, including related machinery and equipment. The community must demonstrate with substantial documentation that projects will have an immediate and beneficial impact on employment. Those projects most likely to be approved are water and sewer projects serving principally industrial and commercial users, water pollution control projects aimed at the treatment of industrial wastes, general site improvements for industrial parks, those essential components of public tourism complexes which cannot be self-supporting, harbor facilities, flood control projects, airports, roads which are not on the Federal aid highway system, and vocational schools. Eligible projects in designated areas may receive direct grants from EDA of up to 50 percent of total project costs. Supplementary grants up to 80 percent of cost are also available from EDA. The Secretary of Commerce may authorize long-term, low-interest loans up to 100 percent of costs, but only if funds are not otherwise available and if there is reasonable expectation of repayment. The term of the loan may not exceed 40 years and the initial interest rate will be 3¾ percent per annum. Businesses and local development companies may borrow money from EDA on a long-term basis—up to 25 years—at a relatively low interest rate.

Several communities in the Ninth District have already taken advantage of this program. The city of Bedford received a $1.1-million grant to expand and improve its water system to include proposed industrial expansion, newly annexed portions of the city, and to include rural water companies in Lawrence County. The cities of Mitchell, Scottsburg, and Salem have also received substantial aid—$892,000—through this program. Contact the Field Coordinator, 110 Century Building, 36 South Pennsylvania Avenue, Indianapolis.

There are numerous other ways of fulfilling the goals of the economic development plan.

Airports: If the community establishes a need for airports, grants are available from the Federal Aviation Agency on a 50–50 matching basis to help acquire the land, prepare the site, and construct airports. Grissom Field, Bedford, received a $235,260 grant under this program for construction of a new 4,500-foot paved runway. Contact the Federal Aviation Agency, 500 Independence Avenue SW., Washington, D.C.

Water and sewer systems: If there is a need for water and sewer systems, the Farmers Home Administration and the Department of Housing and Urban Development provide loans and grants to nonprofit corporations and rural communities—up to 5,500 population for FHA—to plan, construct, improve, or extend water and sewer systems. The Federal Water Pollution Control Administration will pay up to 30 percent of the cost of a municipal sewage treatment works or $600,000, whichever is smaller.

Some Ninth District communities have used these programs effectively. The North Lawrence Rural Water Corp. received a $1,887,000 loan to provide water service to 1,153 families and nearly a dozen small towns. The loan to the nonprofit North Lawrence group is the largest ever authorized by the FHA for rural water system construction. Contact the Farmers Home Administration; the Department of Housing and Urban Development; the Chief, Division of Water Supply and Pollution Control, Public Health Service, U.S. Department of the Interior, Washington, D.C.; and the Stream Pollution Control Board of Indiana, 1330 West Michigan Street, Indianapolis.

Roads: The Bureau of Public Roads provides financial assistance to State highway departments to help construct or improve interstate highways and secondary roads, including rural mail and public school bus routes, and farm-to-market roads.

Schools: If schools are in the plan for economic development, there are several programs available. The U.S. Office of Education provides grants to local school districts to finance the entire cost of innovative programs that lead to the development of supplementary education centers and services. Under the Elementary and Secondary Education Act, the Office of Education provides financial aid to strengthen school programs for educationally deprived children in low-income areas. The Administration on Aging funds governmental agencies and nonprofit organizations for educational services and programs for older people, while the Cooperative Extension Service provides informal educational programs to youth and adults on subjects related to agriculture, home economics, public policy, and resource development. The Office of Education provides grants to States for allocation to communities to help them build a new library, or expand, remodel, or alter an existing building. Contact the U.S. Office of Education, the Department of Health, Education, and Welfare; the Administration on Aging, the Department of Health, Education, and Welfare, Washington, D.C.; the U.S. Department of Agriculture.

Vocational training: New industry requires an available, well-trained and skilled work force. A community can help provide this work force by training its high school dropouts and high school graduates who do not intend to go on for a college education. Federal aid is available, on a matching basis, in establishing vocational training programs through the U.S. Office of Education, and the Indiana Technical Vocational College. The Southeastern Indiana Area Vocational School is funded by the Office of Education and the State of Indiana, and will provide valuable training for thousands of Ninth District citizens. But our present vocational training program falls far short of our needs. Contact the director, the Indiana Technical Vocational College, 133 North Pennsylvania, Indianapolis, and the U.S. Office of Education.

Health: The Public Health Service makes grants or loans available, on a matching basis, to aid in the construction or improvement of hospitals and comprehensive community health centers and community mental health centers under authority of the Hill-Burton Act and the Mental Retardation Facilities and Communiy Mental Health Centers Construction Act. The Clark County Memorial Hospital took full advantage of this program when it received $1,012,500 for a 95-bed expansion and an extensive remodeling project. Contact the Public Health Service.

Poverty: The organization may want to encourage the community to establish or improve a community action program to begin an attack on poverty. This opens up numerous opportunities under the Office of Economic Opportunity. Most counties in the Ninth District have already organized community action programs and are getting aid under the Economic Opportunity Act. The economic development organization should contact the CAP Director and keep him informed of the economic development plan. Contact your local CAP director or the OEO regional office.

Flood control: In order to prevent flooding, the Farmers Home Administration gives watershed loans to local sponsors of watershed protection and flood prevention projects to help finance their share of project costs—maximum term 60 years, 3.22 percent interest. The Soil Conservation Service provides planning, technical, and financial help to local sponsors of watershed projects for flood prevention. A national program for civil works projects, including construction of navigation, flood control, hurricane-flood protection, beach erosion control, and related projects, is conducted by the Corps of Engineers, U.S. Department of the Army. Contact the Farmers Home Administration, the Indiana Department of Natural Resources, and your district engineer in Louisville.

small group should be given the power to determine the broadcast fare of this country. This is a function which should be distributed among the greatest number of diverse interests.

The throttling of local self-expression implicit in the Commission's action runs counter to the efforts of the Commission from its very inception to foster maximum local self-expression.

Throughout the various regulatory pronouncements—from the reports of the old Radio Commission to the 1960 report—one theme recurs again and again. Broadcast stations in a community are obligated to provide a program fare which is of interest to all the people in that community, and that obligation will ordinarily require reliance on something more than programs, all, or nearly all, of which originate outside the community.

How many of today's local TV stations make more than a token effort to present local live public service programs? How many of them really do anything of this kind for any community other than the city in which they are located? I will venture to guess that, in most cases, the answer will be "None."

The television broadcaster, and particularly the network affiliate, has not discharged this important responsibility for local live public service programing, and for a very good reason. He can't! There are literally hundreds of communities, in fact, 4,669 communities with a population of more than 2,500 throughout the United States. There are only some 612 television stations to serve their local needs and interests. How can such a limited number of television stations serve the purely local interests of more than 4,600 communities without trespassing on the time of uninterested viewers? How can such a limited number of stations serve the churches, the civic, religious, educational and cultural interests, and provide time for the discussion of public issues, and the political campaigns of all of these communities? How can they serve as a show case for all of these communities? Television cannot do the job. Cablecasters can do the job in the 4,389 communities where there are operating systems, franchises granted, or applications pending. We can do it, but the broadcasters cannot.

Furthermore, television broadcasters are faced with a very difficult and perplexing problem in providing public service for the total areas they serve. Although a television station is assigned to a principal city, the Commission has held that it is responsible for providing public service to the entire area covered by its signal—an area in which it claims to be the "local station." Since the broadcaster's only saleable commodity is time on one channel, he is faced with a dilemma in allocating time for public service use, sufficient to serve his area, while retaining most of his broadcast time to serve his commercial interests.

In looking at a few typical markets in the country some interesting problems present themselves. For example, the broadcaster in Joplin, Missouri, KODE–TV, Channel 12, in addition to the city of Joplin, covers all or part of thirteen Missouri counties, all or part of six Kansas counties, all or part of five Oklahoma counties, and all or part of two Arkansas counties—a total of twenty-six counties or portions thereof in four different states. In addition to the city of assignment, Joplin, there are numerous other sizable communities within this twenty-six county area. The station faces an insurmountable problem in attempting to provide local public service for such an area. Similar situations exist throughout the United States.

We have observed that in such cases the typical pattern is for the broadcaster to give some attention to providing for the public service needs of his city of assignment, which, of course, he imposes on the rest of the communities in his vast service area. For the balance of his coverage area the broadcaster typically adopts an area concept and provides public service programming or spot announcements to serve those areas beyond his principal city—in a general way only, if at all.

Turning now to another field of endeavor, most stations make an effort to keep their audiences advised of the progress of election campaigns, and particularly on election night strive to keep their audience abreast of the trends established by the returns as they are tabulated at their election headquarters. Again, it is convenient for the station to cover its city of assignment, but quite inconvenient to cover in detail the outcome of elections in the surrounding areas. Insofar as returns from outlying areas affect major races of statewide or regional interests, an effort is made by statewide news services to provide this information, and in some cases station personnel are assigned to other areas to gather this information. However, for offices of local interest only, such as City Council, Assemblymen, Mayors and other elected local officials, information is not usually available until the next day, and quite often only in the newspaper.

Again, this is pointed out not to chastise the broadcaster, but to call attention to the fact that the area in which he is assigned a specific responsibility to serve the public interest is in many instances too vast for a single broadcast organization to cover.

In the case of the Joplin station and others which serve portions of four or more states, a considerable inconvenience to its audience is involved whenever a candidate for any office, short of the office of President or Vice President, is afforded time on the station. Residents of four states are involved in the coverage area of the Joplin station. In three of the four states the residents have no opportunity to vote for a candidate appearing on the station, and little interest in hearing what he has to say with respect to a campaign in another state. If time is made available for candidates from states other than the state in which the station is located, the station is imposing its commercial opportunity on residents of its city of assignment even though the political race involved has no interest to the people of that community.

The CATV industry, as it is being rebuilt into 12-channel systems, has the capacity, the channel availability, the integrated area coverage, and the desire to perform this great public service that the broadcaster cannot perform. Almost 150 systems presently originate programs of some type. We are not and will not be competing with the broadcaster for this programming. It would appear that he actually wants very little of it.

Nevertheless, your opponents do not want you to serve that very interest which they do not and cannot serve. They do not want you to cablecast the proceedings of the local City Council. They do not want you to cablecast the discussion of public issues. They do not want you to cablecast the local public service programs. Why? Because they do not want even a small portion of the public to be drawn away from their commercial programs. They call it fractionalization of audience. I call it freedom of the public to choose without let or hindrance from the government.

Our industry was born in public service. This industry will be reborn because of an even greater need for its public service programs. Origination of local, live, public service programming is our responsibility. It is a responsibility that we must discharge. How can service of this type to the public be denied?

I urge each of you, if it is at all technically and economically feasible, to immediately institute on one channel of your systems programs designed to serve the needs, desires and interests of the community of which you are a part. Some of your franchises, in fact, require you to originate programming. Why? Because the local communities, the grass roots of the United States, want to see and hear their local talent and other matters of purely local interest. This is a public service. This will be costly. This will not be immediately profitable, but it is essential in carrying out the public service responsibility of the community antenna television industry. When this has been done, you will gain a place in the good will of your subscribers that all of the adverse propaganda of the detractors of CATV cannot dislodge.

Let us unite to fight the encroachment of H.R. 13286 on the constitutional rights of the American people to see and hear a diversity of programs.

Let us continue our service to the public as master antennas for the improvement of the reception of television signals by the public. Let us also assume our public service responsibility to the communities in which we operate to the end that the hopes and dreams of the framers of our broadcast system, as an instrument for public service, will be realized through our cable systems in a way which has not and cannot be achieved by a television frequency system alone.

Thank you.

CERTAIN PRACTICES OF HEW RELATING TO THE MEDICARE PROGRAM

Mr. KREBS. Mr. Speaker, I ask unanimous consent that the gentleman from North Carolina [Mr. Fountain] may extend his remarks at this point in the Record and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

Mr. FOUNTAIN. Mr. Speaker, on June 16 I included in the Record—page 13458—a copy of a June 14 letter to the Secretary of Health, Education, and Welfare concerning certain administrative practices of that Department relating to the medicare program.

Under leave to extend my remarks, I am including in the Record further correspondence with the Secretary relating to this subject, together with a statement I issued concerning it on June 30:

The Secretary of Health,
Education, and Welfare,
Washington, June 18, 1966.

Hon. L. H. Fountain,
House of Representatives,
Washington, D.C.

Dear Mr. Fountain: This is in response to your letter of June 14, 1966 and in further reply to your letter of the same date to the President. Your concern that some hospitals not complying with Title VI will not be eligible for Medicare is understandable. But I sincerely believe that our administration of Title VI is in strict accord with the mandate of Congress and the Regulation approved by the President.

Figures available as of June 14 indicate that over 78% of all hospitals applying for Medicare participation have met Title VI requirements. In North Carolina, 103 of 172 applying hospital facilities have been approved thus far, and these facilities contain 75.6% of the State's hospital beds. These figures are improving daily and we fully expect that the number of hospitals in your State not eligible for Medicare participation because of Title VI non-compliance will be

An area may want to attain conservancy district status under State law. The organization then is in a position to levy taxes and condemn land, and subsequently can facilitate the implementation of Federal, State, and local programs.

Recreation: The Department of Agriculture has an extensive program for aiding in the development of recreational facilities.

Cropland conversion program: Adjusted payments to farmers who convert land from crop production to recreation.

Agricultural conservation program: Cost shares—usually 50–50—with farmers for qualified conservation practices that improve fish, wildlife, and recreational resources.

Crop and adjustment program: Adjustment payments and cost sharing on measures needed to shift land from surplus crops to conservation uses, including recreation.

Farmers Home Administration: Insures loans to rural groups to develop nonprofit community recreation enterprises; loans to lower income rural families or groups to help them start or improve recreation ventures, such as guide services, fishing or boat rental in a tourist area; loans to local sponsors of watershed projects to help finance recreation developments in or adjacent to reservoirs, lakes, and streams.

The Bureau of Outdoor Recreation in the Department of the Interior administers a grant-in-aid program for outdoor recreation, planning, acquisition, and development. Contact the Department of Agriculture and the Regional Office, Bureau of Outdoor Recreation, 15 Research Drive, Ann Arbor, Mich.

HOW DO YOU LET PEOPLE KNOW?

Once a community establishes that it desires new industry and increased tourism and has made an effort to structure an environment conducive to their entry, it should begin to advertise. In other words, it should let the business world and the tourists know what the community has to offer.

The community can print its own material and "scatter" it around the country or it may want to approach only certain select firms. It may want to buy advertising space in national trade magazines. Or it may want to work through local chapters of the chamber of commerce and through private trade associations.

WHAT CAN BE DONE?

The responsibility for economic growth rests principally with local people. It is their effort, patience and persistence which will shape successful programs at the local level. If the local people will show a willingness to act, and only then, can I offer assistance.

First. Two members of my staff work full time in expediting projects.

Second. My office can advise a community of available and effective Federal assistance.

Third. If the citizens of the district so desire, I can help in the formation of a districtwide conference—similar to the local officials conference we held in Washington last January—of State and local officials, businessmen, labor leaders, academicians, community leaders and others. Representatives of all the major Federal agencies should be present to acquaint the participants with the Federal programs that are available, how one can apply for assistance, and methods for organizing an overall economic development plan. The participants should be able to get together to discuss common problems and begin coordinating programs for the Ninth District.

Fourth. My office can act as a liaison between businesses seeking a community and a community seeking businesses.

Fifth. New contracts with Federal agencies can substantially expand the production of industry which is already in the district. If the businessmen of the district would like to expand in this area, my office can aid in the organization of a Ninth District Industrial Procurement Conference. This meeting will give the industry presently in our district an opportunity to meet with representatives of the Federal agencies, and hopefully to pick up some pointers on bidding for a Federal contract and in dealing with Federal officials.

Sixth. My travels around the district bring me in frequent contact with community leaders, whom I constantly encourage to plan for economic development.

A CONCLUSION

Mr. Speaker, I look forward to a great future for southeastern Indiana—a future when we will match our performance with our potential, our wealth with our resources, our power with our purpose.

The realization of this goal rests with our local communities. They must take the initiative in planning. As they act, there will be prosperity in the Ninth District. While expanding local responsibility and free enterprise, we will also expand job opportunities, keep our young people, attract tourists and new industry, and we will invigorate our community life.

SPEECH BY FREDERICK W. FORD AT ANNUAL CONVENTION OF THE NATIONAL COMMUNITY TELEVISION ASSOCIATION

Mr. KREBS. Mr. Speaker, I ask unanimous consent that the gentleman from Pennsylvania [Mr. Rooney] may extend his remarks at this point in the Record and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

Mr. ROONEY of Pennsylvania. Mr. Speaker, late last month the National Community Television Association held its annual convention in Miami, Fla. The delegates there, representing cable television systems in communities throughout the country, charted an admirable course of local public service for their dynamic industry.

Because we might all profit from a greater understanding of their operations and their goals, I would like to call to the attention of the Members of Congress the following excerpts from a speech presented to the association June 27 by its president, Frederick W. Ford, a former member and chairman of the Federal Comunications Commission, with an outstanding record of service to Government and industry:

The Public Service Responsibility of CATV Operators

Mr. Chairman, distinguished guests, members of the National Community Television Association, and ladies and gentlemen: The growth of the Association since July 1, 1965 to June 1, 1966 has been significant. In the eleven month period since July 1, 1965, our membership has increased from 642 systems in operation and under construction to 937 systems. During the same period our customers have increased from 962,862 to 1,203,991. An increase of 295 member systems and 341,129 subscribers for the eleven month period.

This growth has occurred in the face of the increased opposition by organized broadcasters to the expansion of CATV; the restrictive regulations which the Federal Communications Commission has sought to impose; the crippling legislation reported out of the House Interstate and Foreign Commerce Committee; and the adverse decision by Judge Herlands in the copyright case of *United Artists* v. *Fortnightly Corp.* in the United States District Court for the Southern District of New York.

The most unfair of all the Commission rules with respect to CATV is its failure to adequately "grandfather" existing systems. The most oppressive rule is its top 100 market rule. This rule, in effect, freezes the construction of new CATV systems in the Grade A contour of any station in the top 100 ARB markets until long and costly hearings are held.

The Commission, in these hearings, will impose a negative burden of proof on the CATV operator—an almost impossible burden of showing that receiving a distant signal would be "consistent with the public interest and specifically the establishment and healthy maintenance of television broadcast services in the area." It almost seems as if this rule were designed to force CATV to subsidize UHF, or to prove that any broadcaster could build a UHF station and enjoy a "healthy maintenance of television broadcast service" at any location within the Grade A contour of the top 100 markets where the allocations table happened to drop a UHF assignment.

But, the most astounding action of the Commission is its recommendation, seconded by the House Committee, that it be given the power to prevent you from originating programs. Let me read to you the language of H.R. 13286 which the Commission requested and the House Interstate and Foreign Commerce recommended that the Congress adopt:

"(b) No community antenna system shall transmit over its system any program or other material other than that which it has received directly or indirectly over the air from a broadcast station, except that the Commission may, upon an express finding that it would serve the public interest, authorize by general rule limited exceptions to permit such transmissions without any additional charge to subscribers."

In other words, the Commission in this bill has asked for the power to control by general regulation the free speech of CATV operators. It also would give the Commission power to prevent, if it so desires, the public from receiving any television programs, except as they are fed to them by broadcasters. This power of complete prior restraint on free speech is, we believe, an unconstitutional invasion of the rights of the public to see and hear an electronic voice, other than that of broadcasters. To me, this is a repudiation of the basic principles of the Communications Act.

The basic policy of that Act, frequently recognized by the Commission, is that no under due process of the law. Such conduct on the part of HEW officials is inconsistent not only with the basic purpose of the Medicare Act, but with specific provisions of the Act which prohibit Federal interference with hospital administrative practices and guarantee free choice of hospitals to Medicare patients. These two provisions, which appear at the very beginning of the section of the Social Security Act authorizing the Medicare program (Title XVIII), are as follows:

"PROHIBITION AGAINST ANY FEDERAL INTERFERENCE

"SEC. 1801. Nothing in this title shall be construed to authorize any Federal officer or employee to exercise any supervision or control over the practice of medicine or the manner in which medical services are provided, or over the selection, tenure, or compensation of any officer or employee of any institution, agency, or person providing health services; or to exercise any supervision or control over the administration or operation of any such institution, agency, or person.

"FREE CHOICE BY PATIENT GUARANTEED

"SEC. 1802. Any individual entitled to insurance benefits under this title may obtain health services from any institution, agency, or person qualified to participate under this title if such institution, agency, or person undertakes to provide him such services."

In your letter of June 18, you state that the HEW Regulation forbids approving applications for Federal assistance for new programs until you have secured assurances that there will be no discrimination against the intended beneficiaries. Hospitals making application under the Medicare program are not seeking Federal assistance; their objective is to provide hospital services at cost to persons entitled to Medicare benefits. However, so far as I am aware, every hospital in North Carolina which has made application to serve Medicare patients is willing to give assurances that such patients will not be subjected to racial discrimination.

Moreover, it is my understanding that practically every hospital in North Carolina seeking clearance to treat Medicare patients is currently approved to participate in other programs which unquestionably receive Federal financial assistance. It is my further understanding that, during the nearly two years since enactment of Title VI of the Civil Rights Act, not one of these hospitals has been found to be engaging in discriminatory practices under the procedures established by Title VI for determining whether discrimination exists.

During the past few weeks, HEW has been using the Medicare program as a means of attempting to force changes in hospital administrative practices which HEW had not only never previously challenged but had actually declared non-discriminatory. The logical inference is that HEW is trying to accomplish through coercion what it could not accomplish under due process of the law.

I am aware that some hospitals have changed policies which they regarded as desirable and non-discriminatory in order to avoid the threatened denial of Medicare benefits to citizens of their community. However, the fact that some hospitals have acceded under duress to arbitrary demands of HEW does not make those demands either legally or morally right.

The Department of Health, Education, and Welfare is charged with grave responsibilities under the Medicare program. I find it hard to understand the willingness of your Department to risk depriving many innocent persons, both white and Negro, of the benefits to which they are legally entitled because of its wish to force arbitrary changes in practices which the Department considered non-discriminatory only last year. If this means, as it would seem, that your Department is more interested in promoting increased bi-racial occupation of hospital rooms than it is in helping to provide adequate medical care for all, then the public interest is being ill-served.

I urge you to take immediate action to enable persons entitled to Medicare benefits to obtain them on at least an interim basis at any medically qualified hospitals which are not engaging in clearly and unquestionably discriminatory practices. This would make it possible to resolve, under appropriate procedures, questions concerning whether or not particular practices are discriminatory without denying benefits to Medicare patients.

Sincerely,

L. H. FOUNTAIN.

THE SECRETARY OF HEALTH,
EDUCATION, AND WELFARE,
Washington, June 30, 1966.

Hon. L. H. FOUNTAIN,
House of Representatives,
Washington, D.C.

DEAR MR. FOUNTAIN: We have given earnest consideration to the views you expressed in our conversation on June 24, which you have reiterated in your letter of the 28th, about the application of title VI of the Civil Rights Act of 1964 to the Medicare program. I deeply regret that we have not been able to reach agreement with you on the points in issue.

A hospital's policy of acquiescing in patient requests for room transfer on racial grounds, when no medical or other substantial reason is advanced, we believe constitutes discrimination by the hospital. This conclusion, because it represented a departure from views expressed at an early date by an Assistant Secretary, was reached only after I had discussed the matter at length with my principal advisers. Those most familiar with hospital operation—notably the Surgeon General—convinced me that free acquiescence in such patient requests would inevitably tend to perpetuate segregation within the institutions.

In view of this conclusion, I feel that we cannot certify for participation in the Medicare program a hospital which insists on adhering to such a policy. I greatly hope that the hospitals in your district will find it possible to adjust their policies accordingly. You may be sure that as soon as we determine that the compliance of any hospital cannot be secured by voluntary means, we will promptly afford it full opportunity for a fair hearing on the issues of fact and law involved.

Sincerely,

JOHN W. GARDNER,
Secretary.

STATEMENT OF REPRESENTATIVE L. H. FOUNTAIN, JUNE 30, 1966

On July 1st the Medicare program becomes effective. This program was enacted by Congress last year to help individuals 65 and over meet the costs of health care. The Department of Health, Education, and Welfare is charged with responsibility for carrying out the program.

Title VI of the Civil Rights Act of 1964 was enacted for the stated purpose of insuring that the benefits of programs or activities receiving Federal financial assistance are available to all without discrimination. Because Medicare is a health insurance program for individuals—rather than a program of Federal financial assistance to hospitals and doctors—there is good reason to believe it is not covered by Title VI. However, whether or not Title VI is legally applicable, North Carolina hospitals—insofar as I am aware—are willing to provide care to all Medicare patients without discrimination. This is all that Title VI would require if it were applicable.

Regrettably, it has become clear that the Department of Health, Education, and Welfare is willing to deprive elderly citizens, both white and Negro, of the Medicare benefits to which they are entitled in order to impose arbitrary, unreasonable and—in my judgment—illegal demands upon hospitals. Hospitals which have never been segregated and do not discriminate in any way between white and Negro patients have been denied clearance for Medicare patients solely because their policy of allowing patients a choice of room assignments, when space is available, has not resulted in a sufficient number of rooms being biracially occupied to satisfy HEW.

Hospitals have been ordered by HEW to cease honoring patients' requests for room assignments even though the practice has not been found to be discriminatory in any authoritative administrative or judicial proceeding. Moreover, HEW is demanding that the practice be changed in spite of the fact that the Department itself has stated that it does not violate the antidiscrimination provisions of Title VI. Hospitals which decline to accede immediately to demands which they honestly consider illegal are being told that they will not be approved for Medicare patients.

HEW is demonstrating a callous and unconscionable disregard for the Congressional mandate that implementation of Title VI "shall be consistent with achievement of the objectives of the statute authorizing" the Federal program involved. On the basis of its actions, HEW appears willing to deprive both Negro and white citizens of Medicare benefits in order to promote increased biracial occupancy of hospital rooms. Moreover, in making its arbitrary demands, HEW has completely ignored specific provisions of the Medicare Act which prohibit Federal interference with hospital administrative practices and guarantee Medicare patients a free choice of hospitals.

I am confident that hospitals which have wrongfully been denied clearance for Medicare patients can eventually secure approval through legal procedures. However, such procedures may take months to complete. In the meantime, our elder citizens of both races in the communities involved should not be denied the Medicare benefits to which they are entitled by law.

INCREASING INDIVIDUAL AND CORPORATE TAXES

Mr. KREBS. Mr. Speaker, I ask unanimous consent that the gentleman from Ohio [Mr. ASHLEY] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

Mr. ASHLEY. Mr. Speaker, today I have joined my able colleague, the gentleman from Pennsylvania [Mr. MOORHEAD], in the introduction of legislation which would authorize the President, during the period in which the Congress is adjourned sine die, to increase on a temporary basis individual and corporate income taxes by an amount not to exceed 5 percent of current levels of taxation.

All of us are of the hope, Mr. Speaker, that increased taxes will not be necessary. At the same time, we must face facts. Last week the President told his Advisory Committee on Labor-Management Policy:

> The upward pressure on prices and costs is continuing and threatens to overheat the economy in the last half of this year.

greatly reduced in the near future. Among these may be the hospital referred to in your letter. If you will give us the name of this facility, we shall promptly report to you on its current status.

You question the deferring of final action on applications for federal assistance for new programs until we have secured assurance that there will be no discrimination against intended beneficiaries of the program. The Regulation issued by HEW and approved by the President under Title VI forbids our approval until we receive such assurances. The first thing that we must do is to attempt to secure compliance by voluntary means, and we are authorized to defer the approval of applications under new programs while we are making that attempt. When it is entirely clear that these efforts have failed we will afford the applicant the opportunity for hearing guaranteed him under Section 602 of the Civil Rights Act and our Regulation.

Section 602 clearly authorizes our Department to effect compliance with our Regulation by refusal to grant federal assistance. Obviously our authority to refuse to approve an application would be a nullity if the law were construed as requiring us to approve the application and provide the federal assistance in advance of the hearing on the issue whether or not to do so. Our authority to withhold approval and not to provide assistance while administrative proceedings are pending is clearly set forth in Section 80.8(b) of our Regulation. This procedure follows the directives of the "Guidelines for the Enforcement of Title VI, Civil Rights Act of 1964" prepared by the Department of Justice and sent to all Federal Departments and Agencies on December 27, 1965.

You also question the applicability of Title VI to Medicare on the grounds that it is "not federal financial assistance" or if so, that it is in the nature of an insurance program specifically exempted by Section 602 of the Act. The payments to a participating hospital under Medicare are, we believe, clearly in the nature of federal financial assistance to the hospital's program of providing hospital care to its patients. The payments will, hopefully, enable the hospital to serve more patients, in some cases to serve them better, and in the case of Medicare beneficiaries to serve them almost without cost to the patients or their families. In most instances the assumption by the Government of full cost of the services to Medicare beneficiaries will redound to the advantage of the hospital and its clientele because of the present inability of many aged patients to pay the full cost of care and because of the frequent inadequacy of payments now made by public welfare agencies for the hospital costs of needy and aged persons.

During the consideration of the Medicare legislation in the Senate, it was made quite clear that the hospital insurance part would be subject to the provisions of Title VI of the Civil Rights Act.

You suggest that Medicare is excluded from Title VI by reason of its being an insurance program, but in fact the title merely excludes federal financial assistance "by way of . . . a contract of insurance." Plainly, the arrangement between the Government and a participating hospital is not a "contract of insurance."

You also contend that the guidelines issued by the Department for determining whether or not a hospital is in compliance with Title VI of the Act and the Department's Regulations are not valid under Section 602 of the Act because they have not been approved by the President. These guidelines are merely aids to officials of the Department, the hospitals, and the general public to illustrate the application of the Act and the Regulation. They state no new principles or rules of law and are in every respect consistent with the Department's basic Regulation pursuant to Title VI which was approved by the President on December 3, 1964. Certainly, the Act did not contemplate that illustrative and explanatory materials such as these be approved by the President.

The Medicare program brings to fruition the long-sought goal of providing our elderly citizens with adequate medical care at minimum cost. It is our desire and hope that no eligible person experience delay or denial of such care because a hospital in his area has refused to comply with the provisions of Title VI. The Federal Government cannot retreat from its clear responsibility of carrying into effect what Congress has written into the law.

I respect the sincerity of your views, and it would be a matter of deep regret to me if we should find ourselves in any fundamental disagreement. I hope that I have succeeded in clarifying the position of this Department.

Sincerely,

JOHN W. GARDNER,
Secretary.

JUNE 28, 1966.

Hon. JOHN W. GARDNER,
Secretary of Health, Education, and Welfare, Department of Health, Education, and Welfare, Washington, D.C.

DEAR MR. SECRETARY: I appreciate your courtesy in meeting with me last Friday to discuss matters relating to the Medicare program. This letter is intended to summarize for your further consideration some of the more important points we discussed at that time.

As was indicated in some detail during our discussion, it is my considered opinion that Title VI of the Civil Rights Act of 1964 is not applicable to the Medicare program. However, I do not believe this is the real issue insofar as North Carolina hospitals are concerned. North Carolina hospitals, so far as I am aware, are willing to provide hospital care to all Medicare patients without discrimination because of race, color, or national origin, which is all that Title VI would require if it were applicable.

The basic problem for North Carolina hospitals is that some officials of the Department of Health, Education, and Welfare are arbitrarily demanding changes in hospital policies, against the wishes and the best judgment of hospital administrators, even though there is no sound legal or moral basis for concluding that the policies involved are discriminatory. Moreover, these changes are being demanded as a prerequisite for allowing Medicare patients to be treated in the hospitals concerned. Since the Medicare program becomes effective on July 1, it is obvious that the hospitals will be unable to obtain an authoritative administrative or judicial ruling concerning the legality of HEW demands before the Medicare program begins. As a result, unless there is a change in the apparent attitude of officials of your Department, some North Carolina hospitals will be unable to provide care to citizens of their communities under the Medicare program unless they accede to demands which the hospitals honestly believe are neither legally justified nor in the best interests of their patients.

The unfairness of this situation is demonstrated by the treatment accorded one North Carolina hospital which has so far been denied clearance for Medicare patients. As I pointed out in my letter of June 14, this hospital has never been segregated, and its Board of Trustees has exercised great care to insure that there is no racial discrimination. All rooms, wards, floors, sections, and facilities in this hospital are utilized by members of both races without discrimination. Positions on the hospital staff are open to and occupied by members of both races. Some rooms at this hospital are usually bi-racially occupied. Moreover, leading Negro citizens of the community have reported that it is their belief that the hospital is operated on a completely nondiscriminatory basis and that Negro patients are extremely well pleased with the care, treatment, and courtesy which they have received at the hospital.

To the best of my knowledge, there have been no complaints from patients at the hospital about the treatment they have received. So far as I am aware, the sole basis for denying it approval for Medicare patients is that the hospital has a policy of honoring all patients' requests for room assignments when adequate space is available, and this policy has resulted in an insufficient number of rooms being jointly occupied by white and Negro patients to satisfy HEW officials.

I know of no legal authority for the contention of HEW officials that honoring all patients' requests for room assignments, when feasible, is discriminatory. Moreover, HEW itself stated last year that it was not a violation of Title VI of the Civil Rights Act for a hospital to accede to a patient's request for assignment to a room, even though the patient might be influenced by racial considerations. The statement was contained in a March 1, 1965, memorandum from Assistant Secretary James M. Quigley to officials of the Public Health Service concerning Title VI which stated that ". . . If a patient initiates a request for assignment or transfer to a room on the basis of the race of a roommate, it would not be considered a failure of compliance [with Title VI] if such a request were acted on by the hospital in accordance with its regular policy applicable to assignments or transfers requested by patients for any reason."

In your letter of June 18, you expressed the belief that HEW's administration of Title VI "is in strict accord with the mandate of Congress and the Regulation approved by the President." On the basis of the attitude so far demonstrated by HEW in connection with the Medicare program, I cannot agree.

The stated purpose of Title VI is to insure that the benefits of programs or activities receiving Federal financial assistance are available to all without discrimination because of race, color, or national origin. Yet some officials of your Department are apparently willing to deny the benefits of the Medicare program to persons of both races if their arbitrary demands for changes in hospital administrative practices are not met. Moreover, they would apparently do this even though the hospital practice complained of has not been found discriminatory in any authoritative administrative or judicial proceeding, has been previously held by your Department not to be a violation of Title VI, and even though available evidence indicates that the Negro citizens of the community involved are satisfied that the hospital provides the best possible medical care to all without racial discrimination.

In my judgment, the apparent willingness of HEW to deprive both Negro and white citizens of Medicare benefits without either proof or good reason to believe that racial discrimination exists is not in accord with the purpose expressed by Congress in enacting Title VI of the Civil Rights Act of 1964. It is completely contrary, moreover, to the Congressional mandate that rules, regulations, or orders issued to effectuate Title VI "shall be consistent with achievement of the objectives of the statute authorizing" the Federal program or activity involved.

The basic purpose of the Medicare program is to help individuals 65 and over meet the costs of health care. Yet HEW officials are apparently willing to deny such individuals the benefits of Medicare in some communities before there has been any finding that racial discrimination prohibited by Title VI of the Civil Rights Act exists, and under circumstances whch make it appear very unlikely that such a finding would ever be made

The purpose of the legislation introduced today is to make certain that prompt action can be taken in the area of fiscal as well as monetary policy during the period the Congress is adjourned, should necessity so dictate.

I am certain that the condition of our economy is a matter of very real concern to us all. Gross national product, the measure of Government purchases of goods and services, personal consumption, gross investment of businesses and net exports, is now running at a rate of $732 billion.

GNP had a gain of $11 billion during the second quarter of this year, slower than the $17 billion first quarter growth. Two-thirds of this $11 billion came from price rises, not from actual production, showing that physical capacity was strained. Every indication is that demand will remain strong for the balance of the year.

Thus far the burden of curbing inflation has been placed largely on traditional monetary means—using higher interest rates to cool excess demand for credit. The result has been a sharp escalation of interest rates throughout the money market, intensified competition for deposits among financial institutions and distortions in the economy caused by the uneven impact of tight money on different industries, particularly home building. While the President has urged both the Congress and the business community to defer nonessential expenditures in an effort to reduce inflationary pressures, he has been understandably reluctant to recommend the most immediate tool of fiscal policy, a temporary tax cut, to help cool off the economy.

Our national economy is a delicate mechanism, Mr. Speaker, and the factors which cause it to run smoothly or to splutter are difficult to predict in advance. For example, what individuals decide to do in a free society—and how they judge what other individuals are going to do—is one of the factors most important but also most difficult to measure in trying to anticipate future demand. Nevertheless, it does appear—particularly in light of our increased and continuing commitment in Vietnam—that increased defense spending will keep private demand also churning upward.

It is for these reasons, Mr. Speaker, and because I think we must face squarely the possible necessity of taking further action to keep our economy in balance, that I have introduced my bill to give the President the temporary and limited authority to act, in the absence of the Congress, by increasing income taxes up to 5 percent of existing rates.

HISTORIC AMERICAN BUILDINGS

Mr. KREBS. Mr. Speaker, I ask unanimous consent that the gentleman from Texas [Mr. PATMAN] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

Mr. PATMAN. Mr. Speaker, back in depression days the U.S. National Park Service as a sort of WPA project started the immense task of recording historic American buildings, now estimated to number about 102,000. Two hundred and eighty-two Texas buildings were covered during this early program in 52 counties, including Harrison, Marion, Panola, and Shelby.

It is estimated that this summer at least 10 additional Texas buildings will be recorded by a special survey team. The National Park Service has an actual inventory of about 12,000 such buildings with measurements, drawings, and photographs, but unfortunately an estimated 5,000 of them have already fallen victim to the rapid pace of the changing American scene, and no longer exist.

On the favorable side, however, more than 600 organizations and at least 10,000 individuals throughout the country are taking a militant interest in this program and are working hard at national, State, and local levels to preserve our historic American buildings. The National Park Service is also responsible for maintaining the Registry of National Historic Landmarks, which are buildings or sites authentically associated with American history. Six hundred and seventy-three landmarks have been designated, 16 of them in Texas, including the Alamo and the San Jacinto Battlefield.

Because of the widespread interest in historic American buildings, I would like to call attention to the following resolutions adopted by the Texas State Historical Survey Committee at Fort Worth, Tex., April 15, 1966, and at Austin, Tex., on May 31, 1966.

The resolutions follow:

RESOLUTION

Whereas, the National Park Service has provided a greatly needed program of recording Historic American Buildings; and

Whereas, it is recognized that all old buildings cannot be saved from destruction; but it is also recognized that those which illustrate the development of architectural taste and reflect the culture of all sections of the United States, should be recorded by measured drawings and photographs before they are destroyed; and

Whereas, this recording program has not been expanded to its fullest capacity because of budgetary limitations; and

Whereas, the appropriation requested by the National Park Service for 1967 would enable them to carry on this most worthwhile program at an accelerated rate; now, therefore be it

Resolved, That the Texas State Historical Survey Committee, at its quarterly meeting in Fort Worth, Texas, on April 15, 1966, A.D., recognizes the need for a more realistic appropriation to carry out the program of recording Historic American Buildings, and thus urges the members of the House Appropriations Committee to give favorable consideration to an additional appropriation as requested by the National Park Service.

Done at Fort Worth, Texas, this 15th day of April, 1966.

JOHN BEN SHEPPERD,
President.
TRUETT LATIMER,
Executive Director.

RESOLUTION

Whereas, President Johnson in his February 23, 1966, message to Congress dealing with the quality of our environment, said "Historic preservation is the goal of citizen groups in every part of the country. To help preserve buildings and sites of historic significance, I will recommend a program of matching grants to States and to the National Trust for Historic Preservation."; and

Whereas, the recommendations of the President are embodied in H.R. 13491 and S. 3035, Second Session of the 89th Congress; and

Whereas, the chief method of promoting historic preservation at the state, county, and municipal levels are the identification of the significant sites and their acquisition, rehabilitation, and maintenance; and

Whereas, the proposed legislation authorizes the Secretary of the Interior to maintain a national register of sites, buildings, and objects significant in American history and culture including both historic and archeological sites; and

Whereas, the bill would establish a program of matching grants-in-aid to States and the National Trust for Historic Preservation in the United States for projects having as their purpose the preservation for public benefit of properties that are significant in American history and culture; and

Whereas, the program of grants-in-aid would begin with a statewide historic sites survey financed by the Federal Government and conducted according to standards and procedures reflecting those of the National Survey of Historic Sites and Buildings; and

Whereas, the statewide surveys would include sites already determined to be of national significance by the Secretary of Interior but will be aimed primarily at identifying and evaluating other properties that are significant in American history and culture; and

Whereas, on the basis of such survey, each State will prepare a comprehensive statewide historic preservation plan which, when approved by the Secretary of the Interior after considering its relationship to the statewide outdoor recreation plan, will form the basis for matching grants-in-aid to States for the acquisition and development of historical properties in non-Federal, public or private ownership; and

Whereas, properties of national, regional, state, or local historical significance will be eligible for inclusion in the statewide plan, whether they are operated by a public agency or private organization or individual; and

Whereas, grants to the National Trust under the proposed bill will enable the Trust to proceed to encourage on an accelerated basis the local initiative and support that is needed for preservation of our historic heritage; and

Whereas, the estimated cost of the program authorized by the proposed legislation is $2,000,000 for the fiscal year 1967 and cost for succeeding fiscal years would depend upon the needs identified in the surveys; now, therefore be it

Resolved, That the Texas State Historical Survey Committee wholeheartedly endorse this legislation and urges members of the Texas Congressional delegation to vote for the bill; and be it further

Resolved, That a copy of this Resolution be forwarded to each member of the Texas Congressional delegation and each member of the House and Senate Appropriations Committees.

Done at Austin, Texas this 31st day of May, 1966, A.D.

JOHN BEN SHEPPERD,
President.
TRUETT LATIMER,
Executive Director.

TOO MANY UNKNOWNS IN OUR INTERNATIONAL FINANCE

Mr. KREBS. Mr. Speaker, I ask unanimous consent that the gentleman from Texas [Mr. PATMAN] may extend his remarks at this point in the RECORD and include extraneous matter.

The **SPEAKER**. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

Mr. **PATMAN**. Mr. Speaker, our unfavorable balance of payments is obviously still a problem to this country. We are not closing the gap, as was earlier expected. One problem is that our $5 billion favorable balance of trade is shrinking because we are importing more. Moreover, in addition to our military and aid commitments overseas, which are very substantial, American industries continue to invest heavily abroad. Under the circumstances, this Nation will have to continue the temporary program of control, which is now on a voluntary basis.

There is need to examine our traditional policy of permitting capital to flow freely in and out of the country. All of the other major nations of the world impose restraints on the flow of capital. Currently, it is a one-way street for us and what makes it worse is that the direction of the street is obscured by lack of knowledge. We should know a lot more, at the congressional level, about our international finance and investments, in order to make policy intelligently. We do not even know anything at the Federal level about foreign banking operations in this country. Even though there are 150 affiliates of foreign banks in this country, with combined deposits of many billions of dollars and obvious importance for our balance of payments, the Federal Government knows nothing about them. That is why I am now working on a bill to require Federal franchising and supervision of these foreign branches and affiliates. It is most urgently needed.

In view of this general lack of information on so vital an international matter, it was most gratifying to hear some of these issues aired competently by the Labor News Conference on the Mutual Broadcasting System of July 13. Mrs. Elizabeth Jager of the AFL–CIO Department of Research is to be commended for her able treatment of these issues. A transcript of the interview is submitted for the Record:

Labor News Conference

United States corporations have more than $50 billion of private, direct investment overseas, but the people have no information on the impact this investment has on jobs in this country or on the nation's balance of payments.

Mrs. Elizabeth Jager, of the AFL–CIO Department of Research, declared that the U.S. government has not made an overall census of this investment since 1957, that appropriations for such purposes have failed in Congress, but that Congress should make an immediate inquiry into "this vital area."

Interviewed on Labor News Conference, an AFL–CIO public service program, heard on the Mutual Broadcasting System, (Sunday, 4:35 P.M., EDT), Mrs. Jager said that the AFL–CIO does not oppose such investment.

"In some ways it is undoubtedly good that U.S. corporations have participated in the economic upsurge of foreign countries," she said. "After World War II, it was essential that Americal capital go into the war-devastated economies of Europe and help them rebuild themselves. We have felt that this kind of economic development enables the free world to grow stronger."

At the same time, she asserted, "American companies have used foreign investment as an excuse and propaganda weapon to keep American labor from what we think are necessary wage increases." One result has been, she said, that American workers have been put into the position of competing against foreign workers.

Mrs. Jager said that an investigation of the situation and a census of the amount, kind and location of U.S. overseas investments is necessary to make valid judgments about the good and bad effects of such investments. At the present, she added, such questions as the effect on the balance of payments cannot be answered.

Reporters who interviewed Mrs. Jager were Hobart Rowen, financial editor of the Washington Post, and John Herling, columnist for the National Newspaper Syndicate.

Labor News Conference

(Program 13, Series 6, Sunday, July 17, 1966)

Subject: How much Overseas Investment?

Guest: Mrs. Elizabeth Jager, AFL–CIO's Department of Research.

Panel: John Herling, editor of the Herling Labor Letter and columnist for the National Newspaper Syndicate; Hobart Rowen, financial editor of the Washington Post.

Moderator: Harry W. Flannery.

Mr. Flannery. Labor News Conference. Welcome to another edition of Labor News Conference, a public affairs program brought to you by the AFL–CIO. Labor News Conference brings together leading AFL–CIO representatives and ranking members of the press. Today's guest is Elizabeth Jager of the AFL–CIO's Department of Research.

Overseas investments by United States companies in production facilities, and the volume of business done by them, have been rising sharply over the last few years. As a result, foreign sales by many U.S. companies far exceeds their exports, from the United States, and that gap is growing ever wider. Such a situation poses serious questions—among them, the impact of foreign investments on jobs here in the United States and the nation's balance of payments. Mrs. Jager is the author of an article appearing in the June issue of the AFL–CIO American Federationist, in which she explores some of the many problems it is creating. Here to question her about her analysis are Hobart Rowen, financial editor of the Washington Post, whose "Economic Impact" column is distributed nationally by the Washington Post-Los Angeles Times Syndicate, and John Herling, editor of the Herling Labor Letter and columnist for the National Newspaper Syndicate. Your moderator, Harry W. Flannery.

And now, Mr. Rowen, I believe you have the first question?

Mr. Rowen. Yes. Mrs. Jager, how much is this total investment problem measured in some kind of dollars that we can understand. What does it amount to?

Mrs. Jager. The best estimates that we have available are more than $50 billion of private, direct investment overseas. Actually, no one really knows what the total amount is because the government has not made any overall census of this investment since 1957.

Mr. Rowen. By private, direct investment, Mrs. Jager, you mean investment in such things as factories and facilities rather than in stocks and bonds?

Mrs. Jager. Yes. Direct investment involves investment which gives the investor some control over the way management of a corporation is conducted. In other words, if you just buy a foreign bond, you have nothing to say about that corporation's activities, but usually in today's parlance, an investor seeks as much as 25 percent control. That is the usual basis of the . . .

Mr. Herling. May I interrupt. Mrs. Jager, isn't it rather strange that the government has not had any specific information, or provided any, or sought any, apparently, since 1957 in this rather vital area?

Mrs. Jager. The government has believed that its overall information is adequate to give some sense of the magnitude of the problem. There have been efforts to get approval for appropriations for an overall census, but no such appropriations have been made.

Mr. Rowen. Mrs. Jager, why are these investments made in the first place? What is the incentive, in a broad way, for an American company to go abroad and make an investment instead of investing that amount of money in this country?

Mrs. Jager. The major reason for foreign investment is to get a chance to be part of a growing market. In other words, to get into an area where that company can sell its products rapidly. Other markets in other parts of the world have shown sudden, sharp spurts in the '50's and the entire post-war period, particularly in western Europe. Our companies have wanted to go over there to be part of that growth.

Mr. Herling. Mrs. Jager, may I ask what your feeling is about the impact of these overseas investments—direct and indirect? Is it bad for the American economy?

Mrs. Jager. We don't know what the impact is. One of the reasons that we have raised the question is that we are anxious to find out much more about it. In some ways it is undoubtedly very good that U.S. corporations have participated in the economic upsurge of foreign countries. After World War II it was essential that American capital go into the war-devastated economies of Europe and help them rebuild themselves. We have always supported this kind of investment because we have felt that this kind of economic development would enable the free world to become stronger.

Mr. Herling. In some areas do you fear perhaps, however, an adverse effect on American labor as a result of corporate export of this kind?

Mrs. Jager. We feel that American labor has not been given facts about the effect of such investment and in some ways American corporations have used foreign investment as an excuse and foreign competition as a propaganda weapon to keep American labor from getting what we think are necessary wage increases.

Mr. Rowen. Can you point to any specific examples or specific industries where this has been most prevalent, Mrs. Jager?

Mrs. Jager. I think that it is true in every industry, but one of the examples is General Electric, which publishes in its information for workers something that it calls "foreign competition from the fearsome four"—competition from foreign countries. It does not point out, however, that General Electric has investments in many countries and has 99 subsidiaries around the world. Many of these corporations may in fact be competing with themselves.

Mr. Herling. May I just follow your question of a moment ago, Mr. Rowen, on General Electric. Several weeks ago there was a meeting in Washington of various unions in metal trades throughout the world with the metal trades unions of our country, all of whom have contracts or have members in General Electric plants throughout the world. How do you visualize the possible inter-relationship of unions and management when the management is so identifiable as is General Electric in this case? What do you think will be the impact on labor-management relations?

Mrs. Jager. Well, the impact on labor-management relations is one of the things that concerns us. For example, General Electric, during the strike in Rome, Georgia, last year told the workers that it would be necessary for them to move to their production facilities overseas unless the workers settled. Surely foreign workers don't want to hurt American unions and American unions, by the same token, don't want to be pitted in competition against foreign workers. One of the reasons that we're so interested in foreign investment is that we don't believe in competition on the basis of workers being pitted against one another.

Mr. Rowen. In other words, Mrs. Jager, you're suggesting that in addition to the old-time threat of moving from one city or one state to another, some corporations now have the ability to say we'll move out of the country altogether.

Mrs. Jager. They do say this quite often.

Mr. Rowen. Let me put this question to you. As I understand the general thrust of your excellent article is that these large investments overseas to some extent are a substitute for what would have been normal exports. In other words, instead of making the products here and shipping them overseas, we're shipping the factories over there and making the products there. And, you point particularly to transportation equipment where exports have been virtually the same between '57 and '64 but investment in facilities to make transportation equipment like cars and others items like that have about doubled. But do we necessarily know that there would have been the markets for these kinds of goods unless the manufacturers had located their plants overseas? It seems to me that this is a kind of a crucial question that we don't come to grips with, perhaps because there isn't enough information.

Mrs. Jager. You are correct, Mr. Rowen, that we can't come to grips with it because there isn't enough information. One of the reasons that we raised the question, however, is that there has been a claim throughout this period that foreign investment increases U.S. export. There is also knowledge that to some extent foreign investment substitutes for what would otherwise be exports from the United States. We are told that in the long run many people believe that more exports go out because of foreign investment than are substituted for. We suspect, however, that some of the evidence particularly in the transportation equipment field would show that we are losing out through substitution of foreign sales for our exports.

Mr. Rowen. Well, that comes directly to my question. Let's take the example down to specifics. Incorporated in these large figures, I suppose, are General Motors and Ford investments in Germany to make the Opel and the Taunas to compete with the Volkswagen. Now, my question is: would there have been any such business at all for General Motors and Ford if they hadn't located those plants there? Could they have produced a car here that would have competed as an export with the Volkswagen in Europe?

Mrs. Jager. I believe they could have.

Mr. Flannery. But if they had, might they not run against a tariff on the part of the Germans that would prevent their being in direct competition with Volkswagen?

Mr. Rowen. Or to supplement the question, if they could have, why did they do it this way?

Mrs. Jager. Well, no one knows and the interesting thing about it is that tariff barriers have been lowered consistently during the period when this kind of direct investment has gone up so sharply, so that the theory that tariff barriers are the reason for direct investment probably needs some more examination. However, I think that it's brought out in the article that it's probably much more complex a problem than to say that General Motors should or should not have invested in Germany. We don't say they should not have invested in Germany. What we're concerned about is what that overall effect might be.

Mr. Herling. But, Mrs. Jager, in effect what you're trying to achieve, I suppose, theoretically, is a balance between the good effects of such activity and the adverse—possible adverse—effect on the American economy and American workers. Is that a fair . . .

Mrs. Jager. And on all economies in the national interest.

Mr. Herling. Of our country as well as other countries?

Mrs. Jager. Yes, because many of the foreign countries are fearful of the huge size of some of the American-based corporations. They have reason to be fearful of the huge size of some of the foreign-based international corporations.

Mr. Flannery. For instance, to go back to Germany, the Germans themselves in the Volkswagen plant might well fear the competition that comes from Taunas—the Ford—and Opel—General Motors—within their own country because of the size of the investment.

Mr. Herling. Of course, Volkswagen is here too, is it not?

Mrs. Jager. Yes, it is. But you see another characteristic is that General Motors makes its own decision about what it will export from Germany to the United States or to Canada.

Mr. Herling. You feel, therefore, there is not sufficient governmental interest expressed in the activities of international corporations.

Mrs. Jager. Not enough interest or knowledge—public knowledge.

Mr. Herling. Just a moment, I just want to ask one other thing. In relation to this terribly complex subject, what about other types of corporations that have fled the United States? For example, in the maritime industry the escape to foreign flag ships of American interests. What effect does that have on American employment?

Mrs. Jager. This concerns us in the direct investment field. We know almost nothing about direct investment in shipping operations overseas. We do know that people make contracts to buy foreign ships and we know that American exporters may use foreign flag ships but we don't really have very much information about the direct investment question.

Mr. Rowen. Let's come back again to Germany and the Volkswagen. I'm a little concerned that, although you and we on this program have said several times that we don't want to interfere and we want to protect the free flow and so on, I don't quite see how you come to grips with the problem of reducing this kind of free investment or free decision-making unless you are willing to say that you want to put some kind of controls on the flow. Now, we do have, in a very limited way, through the balance of payments program, some kind of temporary downhold on investments, but it isn't really working. What is it that you would do? How would you try to prevent or reduce such a flow of investments that would double the investment in transportation equipment? How could you do it? What would be the mechanism?

Mrs. Jager. Well, this is why we have asked for a Congressional investigation of what the actual impact of some of these problems might be. It is possible to devise an overall mechanism for controls if such a mechanism is needed. It is true at this point in history that we have found it necessary as a nation to put in some kind of modest voluntary control program which, as you say, Mr. Rowen, did not accomplish all of its objectives. We have no way of knowing whether next year this might become a crucial problem.

Mr. Herling. We're always concerned, are we not Mrs. Jager, that we might have too much governmental restraint, on what Mr. Rowen calls the free flow of investment abroad, but how does that compare with the attitude of other governments toward their nationals and toward, in effect, our national corporations in their countries? Is there restraint?

Mrs. Jager. Yes, there is restraint.

Mr. Herling. A policy of restraint?

Mrs. Jager. There is a policy of direction, restraint, and in some cases absolute dictation of what some of our companies subsidiaries may produce in those countries, what they may export to those countries and how in fact they will operate under the labor and other social policies of those countries.

Mr. Rowen. It varies widely from country to country.

Mrs. Jager. It varies widely from country to country. Our government, however, has always followed the practice of supporting the free flow of capital. In a perfect world this is an ideal way to operate. In this world with the growing amount of economic nationalism, I think the time has come for a re-examination of some of this dedication to . . .

Mr. Rowen. I'm glad you used that phrase "economic nationalism," because it seems to me that inherent in some of your approach is a little bit of a nationalistic fervor itself. Because, again to come back, Congressional investigation is fine, but what do you direct the investigation to? Do you direct the investigation to shutting off, choking off, reducing American investment?

Mrs. Jager. You don't direct an investigation on any meat-axe approach in any international trade or investment field. But we do not have any evidence of some of the economic theories that we have always followed. For example, we don't know what the effect on the consumers in the various countries of the world is through international investment. It should be good. In some cases it undoubtedly is. But, we don't know where it is and where it isn't.

Mr. Herling. May I ask you a question in a slightly related field? That is, is there any possibility that many of the corporations going abroad, investing abroad, are doing this in a possible violation of the anti-trust laws in this country? Do they mingle their interests in a way that would be a violation of anti-trust laws with companies abroad where anti-trust laws don't obtain?

Mrs. Jager. We don't know precisely what happens in these areas. Our government has the power to exercise anti-trust authority if our companies are so operating.

Mr. Herling. Is there an investigation, is there a constant searching out of facts in this area, do you know?

Mrs. Jager. From time to time, there is. At the moment there is an investigation of anti-trust policy by a Senate subcommittee. But the pressures largely from American companies who do invest overseas are to relax our anti-trust laws because they say they interfere with their ability to compete. Most other countries either don't have anti-trust laws or have some kind of weaker legislation. Some of the more recent studies have pointed to the need for them to strengthen their anti-trust arrangements but at the same time the very size, the huge character of the international corporations (and they are not all American by any means), leads some of the foreign governments to believe that they should become larger in their countries and that they should try to encourage larger economic units in order to compete with the other giants.

Mr. Rowen. Mrs. Jager, it seems to me that the basic question comes down to the one that you raised yourself in the article and that is what happens to U.S. jobs and that simply is a translation for asking, what is happening to U.S. exports and are investments becoming a substitute for exports? There was an article in the New Republic recently which made the point that in 1950 foreign sales by U.S. firms totalled approximately $37 billion of which one-third was supplied by exports and this is in marked contrast to 1964 when foreign sales were $110 billion and only one-fifth—some 20-odd billion—was supplied by exports. Now that vast expansion in sales, could it be accounted for by any other factor than a huge increase in European and Canadian demand where most of our plants are? In other words, the question I am raising is, don't we have here not really a substitution for exports but an addition to a wider market all over the world that American manufacturers are supplying, most of which probably they wouldn't be supplying from home if they couldn't go abroad?

Mrs. Jager. We have both an addition and a substitution.

Mr. Rowen. The question is, which is the meatier end of it? Or are you suggesting that it is about an equal problem.

Mrs. Jager. There's probably, in the view of most economists, a greater addition. We think that there is some evidence that there may be a greater substitution, concerning U.S. jobs. The kinds of U.S. jobs are important.

Mr. Rowen. It's also pointed out that of our exports today about one-fifth or $5 or $6 billion goes directly to foreign affiliates of U.S. corporations. That's a segment right there that wouldn't exist at all if there were not expansion of investment abroad. Isn't that true?

Mrs. Jager. Not necessarily. We don't know that some other investment by another firm in another country would not have invested capital in that country and bought directly from the United States which would expand our exports.

Mr. Herling. May I ask one more thing? Aren't unions—American unions, unions generally—and I recur to my earlier question, in effect, find themselves compelled to follow corporations? In short, the old days when the flag followed the dollar is now in effect replaced by the union following the corporation—both at home and abroad.

Mrs. Jager. We have always tried to cooperate with unions in other countries.

Mr. Flannery. One other question, Mrs. Jager. A lot of the electrical material today, particularly transistor radios, is being made in Japan. Are you talking about that too in a way?

Mrs. Jager. In a way, yes. But, component parts of almost every kind of equipment are made in various countries. What concerns us is that we don't really know what's happening in terms of the inter-relation within the giant corporations. Part of the transistors may be made in Japan, part in Germany, part in Ireland. Nobody has very much information about what the giant companies are doing.

Mr. Flannery. And we're seeking this information.

Mrs. Jager. Yes.

Mr. Flannery. Thank you, Mrs. Jager and, thank you, gentlemen. Today's Labor News Conference guest was Elizabeth Jager, of the AFL–CIO's Department of Research. Representing the press were John Herling, editor of the Herling Labor Letter and columnist for the National Newspaper Syndicate, and Hobart Rowen, financial editor of the Washington Post, whose "Economic Impact" column is distributed nationally by the Washington Post-Los Angeles Times Syndicate. This is your moderator, Harry W. Flannery, inviting you to listen again next week when Labor News Conference again comes to you as a public service of the AFL–CIO, produced in cooperation with the Mutual Broadcasting System.

COLUMNIST JOHN CHAMBERLAIN'S REMARKS ON PARCEL POST LEGISLATION

Mr. KREBS. Mr. Speaker, I ask unanimous consent that the gentleman from Montana [Mr. Olsen] may extend his remarks at this point in the Record and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

Mr. OLSEN of Montana. Mr. Speaker, the Honorable Edward J. Derwinski inserted in the daily Congressional Record at page A3730, on July 14, an editorial concerning the parcel post legislation, written by Columnist John Chamberlain for King Features. This column also appeared in the Livingston Enterprise, which is published in my district.

I think it is only fair that the readers not be misled by the article. The purpose of my remarks will be directed to the points made by Mr. Chamberlain.

The article states that the parcel post legislation (H.R. 14904) will put the Post Office Department into competition with free enterprise.

The Honorable Frederick Belen, Deputy Postmaster General, at page 674–675 of the hearings on H.R. 14904, answers this objection:

> It has been claimed that this bill is inimical to private enterprise. A rebuttal by representatives of Government may not be entirely convincing, but representative voices from the private sector, businessmen and farmers, men whose entire point of view is that of complete advocacy of private enterprise should be a more convincing rebuttal. There is testimony supporting our position from organizations representing many thousands of private shippers. There is testimony supporting our position by the National Grange and the American Association of Nurserymen. The U.S. Chamber of Commerce, in the past a supporter of the REA position, this year has not given that support. These are the real voices of private enterprise, as distinguished from the voice of one particular enterprise.
>
> I think the subcommittee will be most interested in a survey of the small business community recently conducted by the National Small Business Association. This survey showed overwhelming approval of the proposed revision in parcel post regulations, and Mr. Chairman, I should like to place a National Small Business Association statement to this effect in the record at the end of my testimony.
>
> The detractors of this legislation have argued that enactment of section 3 would be unfair to private enterprise because it would pit a subsidized parcel post operation against commercial carriers who must ever be aware of their profit and loss statements.
>
> Contrary to those representations, we operate under restraints, commitments, and obligations that are far more costly than any assumed by private carriers.
>
> Unlike REA our payments to railroads are based, not on out-of-pocket costs, but on full costs. And unlike many carriers, we cannot brush away single small parcels with minimum rates of $4 and more, expecting to catch up by attracting volume shipments at bulk rates. We cannot cut off service to or from sparsely populated areas. We cannot select our customers because we prefer urban to rural traffic. Nor can we choose our post office locations with indifference to the convenience of patrons. We must pick our locations wherever we have patrons and we must provide receiving facilities and clerks for every patron whether he represents a household or a huge mail-order business.
>
> And finally, the threat of unfair competition from parcel post is without foundation because we are firmly committed to maintain rates at compensatory levels.

This measure provides reasonable increases in parcel post rates and establishes procedures requiring further adjustments in the rates whenever necessary to maintain the system on a near cost recovery basis. It does not favor mail-order houses. It is designed to further the general public interest. At page 672, Mr. Belen states:

> Under the present system as established by Public Law 199 and supported by REA Express, there is but one outcome, and I think the record has clearly shown what that outcome will be: a continuing, upward movement of parcel post rates. I want to repeat that point, unless the present law is reformed, rates will increase sharply, year after year after year.
>
> Parcel post was established in 1911 in order to provide the people with a more economical alternative to high-cost express service. This purpose will no longer guide our parcel post system unless Congress takes action now.
>
> So, to answer the first question I raised, what will be the end result of continuing the present system, not alone on the balance sheet of one company and its railroad stockholders, but on the balance sheet of millions of farmers, businessmen, and consumers? I think the answer is clear. The laws that now bind parcel post to an escalator of rising rates will soon leave the average individual with no reasonably priced parcel service.
>
> My second question had to do with which interest was more significant, the general interest or one particular private interest. While I do not think there is any doubt of your commitment or our commitment to the preeminence of the public interest, I would also say that we are certain that there is in fact no need for a choice in this instance. We came before this subcommittee convinced that H.R. 12367 offered no serious threat to REA Express or to any other company. If we thought otherwise, we would not have offered the bill in its present form.

At page 676, the Deputy Postmaster General states:

> Secondly, it was stated that this bill, and section 3 in particular, was devised to favor the mail-order houses. This reflects an egregious misunderstanding of the economics of transportation. It is the buyer or receiver of parcels who, ultimately, pays the transportation cost, not the shipper.
>
> I have attached to my statement a standard order form taken from the catalog of a prominent mail-order firm. I ask you to note the circled portion of this form. Postage is added to the f.o.b. price at point of shipment. As far as the mail-order house is concerned, it simply serves as the agent for advancing payment of postage and for collecting an identical amount from the consumer.
>
> If modification of Public Law 199 and the ensuing moderate rate increases promote any benefits, they go to the consumer and not to the mail-order company. If that company benefits at all, it is from the opportunity to increase its sales. But then our entire economy shares in that benefit.

The article further indicated that small merchants will be hurt by this legislation. This is just another of the inaccuracies in the article. Small business particularly has been hard hit by the present restrictions. Their overwhelming support for this legislation is clear evidence that H.R. 14904 will not adversely affect them—Hearings, pages 674, 675, 679.

Another point relates to the Postmaster General's promise to hire any employees of REA or a railroad displaced as a result of this bill. I direct my colleagues' attention to the amendment which this body passed to assure that the employees will be protected. The amendment gives such employees credit for all service rendered to the carrier before his separation from employment for purposes of annual and sick leave, civil service retirement, veterans' preference, group life and health insurance, severance pay, tenure, training, promotion, and civil service status.

The final point made by the article is that taxpayers would be responsible for all added Government employees. First of all, the figure of 40,000 jobs to be lost is grossly inaccurate. REA witnesses, themselves, admitted that they would lose about 4,700 employees—Hearings, page 393. Surely the railroad employees will not suffer from the legislation. It is likely railroads will need more employees to carry the additional parcels the Post Office Department will ship by rail transportation. In any event, the Post Office Department hires about 60,000 new employees every year—Hearings, pages 54–55. Thus the Department, which now has a labor shortage in most of the areas concerned, could easily handle any person displaced as a result of this measure without any additional costs to taxpayers.

ANNIVERSARY OF BEGINNING OF CASTRO'S ATTEMPTS TO DESTROY FREE INSTITUTIONS

Mr. KREBS. Mr. Speaker, I ask unanimous consent that the gentleman from Florida [Mr. Fascell] may extend his remarks at this point in the Record and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

Mr. FASCELL. Mr. Speaker, today is the ignominious anniversary of the beginning of Fidel Castro's attempts to destroy the free institutions of this hemisphere.

In May of this year I delivered a series of speeches in this Chamber detailing the failure of those attempts and the deterioration of Castro's Communist dictatorship under the constant pressure of U.S. foreign policy. I outlined the devastating results which our policy of firmness, without impulsiveness, is having on Castro's Cuba.

Every conceivable indicator shows that Castro's power is ebbing away under our policy of political isolation and relentless economic pressure. The one-crop Cuban economy is suffering from a 15-percent drop in agricultural production since Castro took power. Seven years of Communist control have reduced hard currency revenues to one-seventh of their former levels.

Castro's once bold plans to diversify Cuba's economy have been sacrificed to the inefficiency and negligence of his own incredibly incompetent administration. In short, Castro has led Cuba down the path of ruin to economic chaos and disaster.

But, Mr. Speaker, we must beware of wishful thinking and the attractive temptation to conclude from the depth and scope of Castro's troubles that the Communist threat to the hemisphere is ended. Far from it. Castro, like a wounded animal, is striking out in vain at democratic institutions and ideals throughout the hemisphere. Frustrated by his failures at home, he has stepped up his campaign of subversion in Latin America.

If communism is less of a real threat to the hemisphere, it is not because of the lack of Communist efforts but because of the tremendous progress made by free men all over Latin America under the impetus of the Alliance for Progress.

We are fortunate indeed that, in general, official and public awareness of the Communist threat has increased in all Latin American countries. This, however, does not mean that we can relax our vigilance one iota.

At the recent Tri-Continental Conference held in Havana, Castro and the Communists spelled out their goal of destroying this hemisphere's free way of life. They blatantly announced that Cuba would continue to be the springboard of subversion in the Western Hemisphere and the base for overt and covert military operations. Since the conference Castro has systematically implemented his renewed and expanded plan of subversion. The latest example of this plan, the takeover of the Fourth Latin American Student Conference, should serve as a warning to those among us who would engage in wishful thinking.

In the June 22, 1966, issue of the Times of the Americas, noted Latin American editor Clarence Moore detailed the Communist takeover of what was to be the fifth in a series of democratic student conferences designed to strengthen freedom in the Americas. The third Latin American Student Conference was held in Caracas, Venezuela, in 1959 and the real fourth conference met in Natale, Brazil, 2 years later. It was this strongly anti-Communist gathering with its bitter resolutions denouncing Castro's harassment and imprisonment of Cuban student leaders that aroused Castro's ire.

The Cuban delegation walked out of that conference and refused to recognize it.

Last year the Cubans organized a seminar in Montevideo under the auspices of a group of Hungarian students who issued a call for this new Latin American Student Conference, which was originally to be held in Chile. Then without consulting any of the other countries or delegates involved Cuba unilaterally invited the Conference's preparation committee to Havana and sent all delegates free air tickets. The committee then met in Havana and decided that that city should be the site for the Conference which would be termed the Fourth Latin American Student Conference since Cuba did not recognize the 1961 Natale meeting.

Mr. Speaker, when this Conference convenes on July 29 we can be certain that a new blast of propaganda purporting to represent the views of Latin American students will resound throughout the hemisphere.

I call on the USIA to do all in its power to insure that when this propaganda comes it will be met not by a chorus of sympathetic reaction but an alarm warning all of Latin America of Castro's continuing threat to freedom.

CUBA CONTINUES TO CONSTITUTE A DANGER TO WORLD PEACE

The SPEAKER. Under a previous order of the House, the gentleman from Illinois [Mr. Pucinski] is recognized for 30 minutes.

Mr. PUCINSKI. Mr. Speaker, once again Cuba occupies the headlines. This afternoon in Havana, the Communist dictator of Cuba, Fidel Castro, once more will deliver a speech to commemorate the 26th of July when he attacked the Moncada Barracks in 1953. No doubt, this will be full of anti-American vociferations, and cries of aggression—all this against a background of great internal problems, economic and political, that plague that country and which are a direct result of Cuba's communization.

Recent speculations about internecine struggles within the Cuban regime and a possibility that in the future Premier Castro might be forced to share power with other governmental leaders or be replaced by them altogether, should not obscure the fact that many who are trying to squeeze him out are as guilty as he of dictatorship. They are also as responsible as Castro for the fact that Cuba has become the center of subversion in Latin America and will continue to be as long as the Communists prevail in power.

I would like to dwell on these foreign activities of the Communist regime in Cuba because I believe this to be where the danger to peace in this continent, and in other areas, lies.

A month ago, on June 26, a staff study prepared for the Subcommittee To Investigate the Administration of the Internal Security Act and other Internal Security Laws of the Committee on the Judiciary of the U.S. Senate, was released here. It deals with the January Tri-Continental Conference of African, Asian, and Latin American Peoples, held in Havana.

As I had warned in this Chamber on January 20, 1966, the report has found that the Tri-Continental Conference represents a direct and grave threat to the stability of Latin America and even to other areas of the world. It concluded by stating:

> At the Havana Conference, all pretense of non-intervention in the affairs of other nations was dropped, and the delegates, under Moscow leadership, openly committed themselves to the overthrow by violence of all those governments which do not meet with their approval. The Conference established in Havana a Communist-dominated general headquarters to support, direct, intensify, and coordinate guerrilla operations in Africa, Asia, and Latin America.

In a July 6 broadcast to Venezuela from Havana this goal is emphasized specifically. I quote:

> U.S. imperialism considers Latin America a homogeneous whole to which a common strategy must be applied.
>
> A similar philosophy in the revolutionary camp will make the struggle of the freedom fighters one hundred times more effective.
>
> Armed struggle is an immediate and necessary obstacle to U.S. imperialism's long-term plans.
>
> It is armed struggle which forces the United States to revise its 50-year plan in the hemisphere. To date there has been no other force capable of causing any change in those plans.

> Since the enemy thinks in global terms, the revolutionaries must do likewise. In this connection, the Tri-Continental Conference in Havana is very instructive. That conference did not propound verbal solidarity among the various revolutionary movements, but active, militant solidarity, military collaboration, coordinated action, and aid by every means.
>
> While imperialism is encountering political setbacks in Europe and desperately trying to hide its failures in Viet-Nam, the anti-imperialist struggle must be stepped up in Latin America.
>
> Today—and still more so tomorrow—is the time for battle in Latin America.
>
> Destined to be evicted from Europe and Asia, Yankee imperialism will strive to consolidate itself in Latin America. Unless these plans for hegemony are immediately blocked, our people's fight for freedom will be all the harder in the future. Today Latin America has an opportunity to fight seldom before seen.

The Special Consultative Committee on Security of the Organization of American States, OAS, after its May 1966 regular meeting, issued a report which unequivocally stated that the Havana Conference confirms the Committee's prior judgment that so long as the regime prevailing in Cuba persists, the immediate Communist threat to America will continue.

The OAS Committee on Security terminated its report with the following concrete recommendations:

> a. That it is advisable to undertake immediately an intensive, coordinated and organized propaganda campaign in favor of democracy, its ideas, its work, and its plans, to counteract effectively the activities of international communism.
>
> b. That the American governments, independently of their individual actions, should decide to cooperate with each other and to coordinate their security and intelligence activities, and also to take the control measures necessary to put a stop to the dangers of Communist subversion while there is time.
>
> c. That a special high-level inter-American meeting be convoked throughout the competent agencies of the Organization of American States, directed exclusively toward considering problems of Communist subversion and establishing provisions and procedures necessary to decide upon the joint manner of achieving the objectives sought through these recommendations.

Commenting on this resolution, the Senate report said:

> The Havana Conference may prove an unexpected bonus to the cause of freedom if it now obliges the governments of the Americas to embark at this late hour on the long "overdue collective program of self-defense against Communist aggression and subversion.

What has caused concern to the OAS, and what should not pass unnoticed by us, is a series of subversive activities originating in Havana.

The 4-year-old guerrilla and terrorist activities of the so-called National Liberation Front of Venezuela, are supported chiefly by the Castro regime. The front's mission in Havana keeps large offices and staff paid for by Castro's ministry of defense. Despite the recent capture and suicide of the front's president and Castro's top man in Venezuela, Havana-trained Fabricio Ojeda, the front, in a statement issued on June 29 in the Cuban capital, pledged to continue its campaign of terror and disruption of that country's economic and social life.

Castro's active support for the Guatemalan guerrilla leader, Luis Augusto Turcios Lima, is not denied by either of these two men. The Cuban radio and press are viciously attacking the democratically elected president of Guatemala, Julio César Méndez Montenegro. At the same time, the Havana radio praises the rebels' campaign of kidnaping and murder and urges them to step it up. Guatemalan guerrillas, or rebel armed forces, as they like to call themselves, also maintain a permanent mission in Havana.

The Castro regime supports the so-called democratic exiles; Communists from the United States, Colombia, Argentina, Haiti, Santo Domingo, Chile, and others. They are grouped in individual associations called Friends of Cuba. The expenses are paid by the Cuban regime which frequently calls them to make public statements attacking their national governments.

The Castro regime is particularly interested in undermining Chile's democratic way of life. Since last April, propaganda broadcasts directed by Chilean Communists living in Cuba, are beamed at Chile several times a week by Radio Havana Cuba's powerful shortwave transmitters.

Castro's agents are equally active in promoting Communist and pro-Communist activities in Puerto Rico. On March 9, the so-called Pro-Independent Movement of Puerto Rico, opened its office in Havana. In a speech delivered at the opening of the movement's headquarters, summarized by Havana radio, the chief of the movement's permanent mission in Cuba said that the event constitutes an official recognition of the part the Cuban revolutionary government plays in the independence struggle of the Puerto Rican people.

The tentacles of the Castro regime are extending well beyond Latin America. Communist Cuba is stimulating Communist activities everywhere possible. A point in case is the Cuban support for the leftist regime of the Congo, Brazzaville. On June 29, Havana admitted, for the first time, that it had sent arms and military personnel to that African nation and that its military assistance was supplied as a result of secret negotiations between the regimes of the two countries.

The Havana June 29 broadcast said:

> The Revolutionary government of the Congo, Brazzaville, faced with internal and external counter-revolutionary conspiracies, has requested cooperation from the Cuban government, because of the experience our country has in these matters, to help and train militia and some sectors of the army. The Cuban government, playing its international role, has sent arms and instructors to help in military training of the people of the Congo, Brazzaville.

Only after this admission, the Cuban Government has announced that in January of this year it had granted 150 "scholarships to students" from the Congo, Brazzaville. These men, like their Latin American counterparts, are currently receiving sabotage, subversion, and guerrilla training in Cuba.

Happily, the African Continent has reacted sharply to the Cuban meddling in its affairs and has condemned the Castroite intervention in the Congo.

Two African newspapers published in Ghana and Kenya have called for an aroused continent to condemn the presence of Cuban mercenaries in the Congo, Brazzaville, and to return unwanted Castroite subversive agents to their homeland.

In Accra, the Ghanaian Times said in an editorial:

> Now comes the news of Cuban mercenaries fighting in Brazzaville against units of the Congo, Brazzaville, national army. It is a well-known fact that the Cuban Communists are always ready to send trained guerrillas to African countries to help either to subvert non-Communist governments or to sustain Communist governments threatened with revolt by the people.

The paper said the time has come for Africans to cease branding Western nations as imperialists and hailing Communist nations as friends.

> A nation should be judged as friend or enemy of Africa by her conduct in African states, and not because she calls herself socialist—

The editorial continued.

> It is clear from recent happenings that the threat to African freedom today comes from the Communist states which, while professing to be friends of Africa, are conspiring with African heads of states to hold down the African people under cruel dictatorships.
>
> We have been so busy shouting socialist slogans and calling the Western countries names that we have not noticed the new imperialism that the Communist countries are building up in Africa.

In Nairobi, Kenya, the East African Standard asked:

> What are Cuban troops doing in the Congo, Brazzaville? This question is bound to be asked by African nationalists and others who believe foreigners should not meddle in the internal affairs of sovereign African states, whether they are from East or West.
>
> The Cubans were recruited recently to be the personal bodyguard for President Massemba-Debat . . . Resentment against the Cuban presence brought to a head discontent among regular elements who were restive over several matters . . . The presence of Cuban mercenaries is an unnecessary provocation.

What best describes the aggressive, menacing and uncivilized character of the Cuban regime are the words of its leader, Fidel Castro. In a recent interview with a British newspaperman, reported by the New York Times on July 6, 1966, Castro ruled our reconciliation with the United States until there is a complete change of system in the United States. Castro went on to say:

> U.S. policy is the nearest thing I have seen to Hitler's nazism. Johnson is a mediocre bandit, whereas Kennedy was an intelligent bandit, but they both serve the same interests.

Castro's name calling is not new. On September 9, 1962, we all remember the speech in which he said:

> Kennedy is a cretin and a member of an oligarchic family that controls several important posts in the government . . . He is the most opportunistic American President of all times . . . Eisenhower was less demagogic than Kennedy, who is the Batista of our time.

Subversion emanating from Cuba grows, while at home the Cubans are suffering the most serious economic and political crisis since the revolution.

On June 29 Havana admitted grudgingly that the country's main economic activity, the sugarcane harvest, terminated with only 4,455,000 tons of sugar produced, 2 million tons less than planned. This was the smallest and costliest crop since 1930. The failure of the sugar production has admittedly curtailed Cuba's export and import capability and reportedly is viewed with concern by the Soviet union which thus is forced to subsidize heavily its bankrupt satellite. But, above all, Castro's agricultural failure has meant increased belt-tightening for the already suffering Cuban people. Not only are the Cubans eating less, but they are also being forced to work longer hours for less pay. Currently a 9-hour work day, 50-hour week, 6 hours more than before, is being ordered by the Communist-dominated Cuban labor unions.

Small wonder that restlessness increases in Cuba, not only among the masses of the population, but also among officials belonging to high-governmental circles, who are desperately looking for a way out from the present cul-de-sac.

On June 16 a spokesman for the State Department said, and I quote:

> The Cuban people, and, indeed the great majority of the members of the Cuban government and armed forces were deceived and misled by Castro and a small group of power seekers, now heading up the Cuban government and its party. It is becoming increasingly clear to the Cuban people that under the Castro regime there are no prospects for an improvement in living conditions or for greater personal freedom. The tragedy is that, were it not for Castro and those closest to him, Cuba's problems would, by no means, be insoluble.
>
> Men of good will in Cuba and, indeed the U.S., support the idea of democratic revolution and of effective reforms in the spirit of the Alliance for Progress, reforms which, unlike those imposed by Castro, would give the Cuban people a better way of life and the freedom denied to them under the corrupt and dictatorial governments of the past and the Communist police-state of the present.

Today, July 26, 1966, we have the evidence before us. Cuba is dominated by a Communist regime which has brought disaster to her economy and complete denial of freedom to her people. The tragic fact is that Cuba has become a supremely effective arm of the Soviet subversion thrust against the free world. She is utilized as a convenient—and willing—tool and should be viewed in exactly that context.

Cuba is not an isolated, insulated, nuisance under control; she represents an active and real threat to world peace and stability.

Each day it becomes more and more urgent for us to articulate clearly our Cuban policy via radio, the press, and in this Chamber. The Cuban people and, more important the Soviet Union, must not mistake, in any way, our continued determination and support of Cuba's right to be free to choose her own destiny, free from oppression, and free from foreign doctrines.

If anyone at this late date still wants to ask why we are defending freedom in Vietnam, let them look at Cuba. Seven years ago the Communists got a foothold in Cuba and to this day we have not been able to get them out. Cuba—as do the captive nations of Europe—demonstrates clearly how difficult it is to free a nation once the Communists get their hands on it.

ADMINISTRATIVE BUDGET RESULTS FOR FISCAL YEAR 1966

Mr. KREBS. Mr. Speaker, I ask unanimous consent that the gentleman from Texas [Mr. MAHON] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

Mr. MAHON. Mr. Speaker, supplementing my remarks made here on the floor last Tuesday, July 19, commenting on the President's announcement of overall Federal budget results for the fiscal year 1966, I am inserting the joint statement of July 21, 1966, from the Secretary of the Treasury and the Budget Director, elaborating considerable underlying detail.

JOINT STATEMENT OF HENRY H. FOWLER, SECRETARY OF THE TREASURY, AND CHARLES L. SCHULTZE, DIRECTOR OF THE BUREAU OF THE BUDGET, ON BUDGET RESULTS FOR FISCAL YEAR 1966

SUMMARY

Administrative budget results for the fiscal year 1966 show a marked improvement over the estimates of last January. According to the Treasury preliminary monthly statement of receipts and expenditures, actual administrative budget expenditures amounted to $106.9 billion while budget receipts totaled $104.6 billion. The resulting deficit of $2.3 billion amounts to only one-third of the $6.4 billion estimated last January. This is the fifth successive year in which the budget deficit has been lower than previous January estimates. This budgetary result has been bettered only four times in the past sixteen years.

The actual deficit in fiscal year 1964 was $8.2 billion. This was cut to $3.4 billion in fiscal 1965, and still further to $2.3 billion in fiscal 1966. Improved receipts and a continued tight control on expenditures both contributed toward the smaller deficit in fiscal year 1966.

Federal finances, fiscal year 1966

[In billions]

	Estimate, January 1966	Actual	Change from January 1966 estimate
Administrative budget:			
Receipts	$100.0	$104.6	$4.6
Expenditures	106.4	106.9	.5
Consolidated cash:			
Receipts	128.2	134.4	6.2
Payments	135.0	137.6	2.5
National income account:			
Receipts	128.8	132.0	3.2
Expenditures	131.0	131.0	----------
Excess of receipts (+) or payments (−):			
Administrative budget	−6.4	−2.3	+4.1
Consolidated cash	−6.9	−3.2	+3.7
National income account	−2.2	+1.0	+3.2

Revenues, estimated at $100.0 billion last January, were higher by $4.6 billion. With unemployment down and business plant utilization up, the economy is operating near capacity and the Federal revenue system is demonstrating its fiscal responsiveness. Except for a minor decline in excise taxes, revenues from all major tax sources exceeded the January estimates. Most of the greater-than-expected revenues were attributable to higher personal income tax collections. This outcome resulted from rising incomes increased tax yields, and a one-time increase of about $1 billion from the new requirement that larger employers deposit withheld employee taxes semi-monthly rather than monthly. The larger-than-expected revenues from most other tax sources also reflected the expanding pace of economic activity.

Administrative budget expenditures of $106.9 billion were $500 million greater than the January estimate. Defense expenditures were $1.1 billion higher than the budget estimates. Nondefense outlays fell $600 million below the January budget. Last January, expenditures were estimated to be $106.4 billion of which $54.2 billion was budgeted for defense purposes. Actual defense outlays amounted to $55.3 billion with special Vietnam costs totaling $5.8 billion instead of the estimated $4.7 billion. Nondefense expenditures were $51.6 billion, rather than the $52.2 billion estimated in January.

Budget expenditures in both 1965 and 1966 represented about 15 percent of GNP—the lowest percentage in the past 15 years.

On a consolidated cash basis, which includes the transactions of Federal trust funds, the deficit for 1966 was $3.2 billion, $3.7 billion below the January estimate. Payments to the public were $137.6 billion and receipts amounted to $134.4. Payments were $2.5 billion above the January estimate but receipts were almost $6.2 billion higher than anticipated, again reflecting the advance in individual and business incomes.

On a national income accounts basis, preliminary budget figures point to a surplus of about $1 billion. This is the measure which best indicates the economic impact of Government financial activities. It includes only those transactions affecting current production and incomes (measuring receipts and expenditures on an accrual basis). Preliminary estimates place expenditures at $131 billion and receipts at $132 billion, resulting in a surplus of $1 billion. This compares with a deficit of $2.2 billion estimated on this basis in the January budget document.

COMPARISON OF BUDGET RESULTS WITH JANUARY 1966 ESTIMATE

Revenue

Administrative budget revenues increased by $4.6 billion over the January estimate. $4.0 billion of this increase came from individual income taxes. Of this amount, about $2 billion resulted from increased withholdings—and about half of increased withholdings are attributable to the new requirement for large employers to deposit withheld taxes semi-monthly rather than monthly. Another $2 billion came from higher than expected final settlements of 1965 liabilities. In addition, corporate profits tax receipts were $400 million higher as corporate profits exceeded earlier expectations.

Expenditures

The $600 million decrease in nondefense expenditures below the January budget estimate is the net balance of a number of increases and decreases.

Sales of financial assets held mainly by the Veterans Administration, Export-Import Bank, Housing and Urban Development, and the Small Business Administration, fell somewhat below earlier expectations—$2,963 million compared to an expected $3,307 million. This shortfall added to total budget expenditures. Sales of participations were in line with the budget estimate, but sales of individual loans and mortgages were below the January forecast.

By far the largest decrease in budget expenditures was by the Commodity Credit Corporation of the Department of Agriculture. These expenditures were more than $887 million below the January estimate. Expenditures for purchase and storage of farm commodities were lower than anticipated, reflecting higher domestic consumption and larger exports of feed grains and wheat, together with lower-than-expected production of dairy and grain products.

Among the other sizable reductions below the January estimates were $206 million for the Office of Economic Opportunity, primarily because the present level of program activity was not reached as quickly as had been anticipated. Veterans Administration spending was $108 million below estimates because of a decrease in pensions and compensation, only partially offset by a shortfall in sales of direct loans. Expenditures by other independent agencies were down $129 million with the Small Business Administration having the largest decrease ($97 million) resulting from higher direct sales of loans.

These and other substantial savings and decreases in domestic programs were more than offset by the increased costs related to Vietnam over the January estimates. Budget expenditures for the military functions of the Defense Department and foreign military assistance were $1,108 million above the January estimate, reflecting requirements in support of our commitment in Southeast Asia.

Among the other increases over the January estimates were: Department of Housing and Urban Development, $336 million, due to larger-than-anticipated purchases of mortgages. National Aeronautics and Space Agency, $333 million, resulting from overcoming earlier lags in several large development programs. Export-Import Bank, reflecting lower-than-expected sales of loans.

All other changes, both upward and downward combined, amounted to a net decrease of about $100 million.

Consolidated cash statement—Both cash receipts and expenditures were higher than estimated in January, with a cash deficit of $3.2 billion, in contrast with the January estimate of $6.9 billion. This improvement is the result of a number of major changes, particularly the following: (1) administrative budget receipts were up by $4.6 billion over the estimate, and expenditures up by only $0.5 billion; (2) trust fund receipts rose by $1.3 billion with expenditures up by $1.0 billion over the estimate; (3) two major noncash transactions were significantly different. Seigniorage is counted as an administrative budget receipt but not a cash receipt—and the deduction for seigniorage is $0.3 billion lower than the estimate; cash expenditures have an addition of $0.8 billion for changes in checks outstanding, whereas the January budget estimated a deduction of $0.1 billion.

The $1.0 billion increase in trust fund expenditures was caused mainly by changes in net expenditures of Government-sponsored enterprises. These enterprises were expected to have net expenditures of $0.5 billion, whereas they actually expended $2.2 billion, mainly for loan activities in the housing market. Partly offsetting this increase was a $0.4 billion decline in deposit funds, $0.1 billion lower military assistance expenditures, and $0.2 billion smaller Department of Labor expenditures, mainly as a result of lower unemployment compensation outlays.

Trust fund receipts were also significantly greater than expected. Among these changes, the greatest were in the Department of Health, Education, and Welfare, where total old-age and survivors, disability, and health insurance receipts were $1.1 billion higher than expected. The unemployment insurance fund receipts were $0.2 billion over the estimate, while military assistance receipts were $0.1 billion lower.

Approximately $0.4 billion of the $1.3 billion increase in trust fund receipts is due to the earlier deposit of withheld taxes, while the remainder was caused by a higher than anticipated level of employment and earnings prevailing in the economy.

Administrative budget receipts and expenditures

[Fiscal years. In millions]

Description	1965 actual	1966 January budget	1966 Actual	1966 Change from budget
RECEIPTS BY SOURCE				
Individual income taxes	$48,792	$51,400	$55,407	+$4,007
Corporation income taxes	25,461	29,700	30,073	+373
Excise taxes	10,911	9,169	9,154	−15
Miscellaneous receipts	4,619	5,791	5,797	+6
All other receipts	4,158	4,587	4,829	+242
Interfund transactions	−870	−647	−629	+18
Net receipts	93,072	100,000	104,631	+4,631
EXPENDITURES BY MAJOR AGENCY				
Legislative branch and the judiciary	239	275	260	−15
Executive Office of the President	24	29	26	−3
Funds appropriated to the President:				
International financial institutions	320	10		−10
Office of Economic Opportunity	211	1,210	1,004	−206
Public works acceleration	322	125	88	−37
Military assistance	1,229	1,275	945	−330
Economic assistance	2,041	2,100	2,131	+31
Other	184	148	109	−39
Agriculture:				
Commodity Credit Corporation	4,398	4,142	3,255	−887
Other	2,900	2,747	2,732	−15
Commerce	758	808	745	−63
Defense:				
Military	46,173	52,925	54,363	+1,438
Civil	1,234	1,314	1,309	−5
Health, Education, and Welfare	$5,740	$7,662	$7,652	$−10
Housing and Urban Development	250	436	772	+336
Interior	1,206	1,242	1,325	+83
Justice	358	384	371	−13
Labor	480	522	500	−22
Post Office	805	878	874	−4
State	383	407	401	−6
Treasury:				
Interest on the public debt	11,346	12,000	12,034	+34
Other	1,384	1,429	1,444	+15
Atomic Energy Commission	2,625	2,390	2,404	+14
Export-Import Bank of Washington	−357	−532	−385	+147
Federal Aviation Agency	795	800	804	+4
General Services Administration	624	598	607	+9
National Aeronautics and Space Administration	5,093	5,600	5,933	+333
Veterans' Administration	5,488	5,177	5,069	−108
Other independent agencies	1,065	833	704	−129
District of Columbia	61	65	71	+6
Allowances, undistributed		75		−75
Interfund transactions	−870	−647	−629	+18
Total expenditures	96,507	106,428	106,917	+489
Administrative budget surplus (+) or deficit (−)	−3,435	−6,428	−2,286	+4,142

Federal receipts from and payments to the public

[Fiscal years. In millions]

Description	1965 actual	1966 January budget	1966 Actual	1966 Change from budget
Federal receipts from the public:				
Administrative budget receipts	$93,072	$100,000	$104,631	+$4,631
Trust fund receipts	31,047	33,539	34,852	+1,313
Deduct intragovernmental and other noncash transactions	4,420	5,385	5,100	+285
Total Federal receipts from the public	119,699	128,154	134,382	+6,228
Federal payments to the public:				
Administrative budget expenditures	96,507	106,428	106,917	+489
Trust fund expenditures	29,637	33,786	34,788	+1,002
Deduct intragovernmental and other noncash transactions	$3,749	$5,165	$4,114	$+1,051
Total Federal payments to the public	122,395	135,048	137,592	+2,544
Excess of cash receipts from or payments to (−) the public	−2,696	−6,894	−3,210	+3,684

NOTE.—Figures are rounded to nearest million and will not necessarily add to totals.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

Mr. WAGGONNER, for 10 minutes, today; and to revise and extend his remarks.

Mr. MICHEL (at the request of Mr. REINECKE), for 30 minutes, today; and to revise and extend his remarks and include extraneous matter.

Mr. PUCINSKI (at the request of Mr. KREBS), for 30 minutes, today; and to revise and extend his remarks and include extraneous matter.

EXTENSION OF REMARKS

By unanimous consent, permission to extend remarks in the CONGRESSIONAL RECORD, or to revise and extend remarks was granted to:

(The following Members (at the request of Mr. REINECKE) and to include extraneous matter:)

Mr. KUPFERMAN.

Mr. HORTON.

(The following Members (at the request of Mr. KREBS) and to include extraneous matter:)

Mr. FOGARTY in two instances.

Mr. ROYBAL.

Mr. MCVICKER.

Mr. RONCALIO.

Mr. HOLIFIELD.

SENATE BILLS REFERRED

Bills of the Senate of the following titles were taken from the Speaker's table and, under the rule, referred as follows:

S. 849. An act for the relief of Arminda Padua Viseu; to the Committee on the Judiciary.

S. 2010. An act for the relief of Fun Wat Hoy; to the Committee on the Judiciary.

S. 2770. An act to control the use of the design of the great seal of the United States and of the seal of the President of the United States; to the Committee on the Judiciary.

S. 3051. An act granting the consent of Congress to the compact between Missouri and Kansas creating the Kansas City Area Transportation District and the Kansas City Area Transportation Authority; to the Committee on the Judiciary.

S. 3272. An act for the relief of Dr. Jacobo Albo Maya; to the Committee on the Judiciary.

ENROLLED BILLS SIGNED

Mr. BURLESON, from the Committee on House Administration, reported that that committee had examined and found truly enrolled bills of the House of the following titles, which were thereupon signed by the Speaker:

H.R. 1407. An act for the relief of Leonardo Russo;

H.R. 1414. An act for the relief of Jacobo Temel;

H.R. 4083. An act for the relief of Mr. Leonardo Tusa;

H.R. 4437. An act for the relief of Bryan George Simpson;

H.R. 4458. An act for the relief of Michel Fahim Daniel;

H.R. 4584. An act for the relief of Mrs. Anna Michalska Holoweckyj (formerly Mrs. Anna Zalewski);

H.R. 4602. An act for the relief of Maj. Donald W. Ottaway, U.S. Air Force;

H.R. 7508. An act for the relief of Guiseppe Bossio;

H.R. 8317. An act to amend section 116 of title 28, United States Code, relating to the U.S. District Court for the Eastern and Western Districts of Oklahoma;

H.R. 8865. An act for the relief of Ronald Poirier, a minor; and

H.R. 11718. An act for the relief of Jack L. Philippot.

BILLS PRESENTED TO THE PRESIDENT

Mr. BURLESON, from the Committee on House Administration, reported that that committee did on this day present to the President, for his approval, bills of the House of the following titles:

H.R. 139. An act to provide for the striking of medals to commemorate the 1,000th anniversary of the founding of Poland; and

H.R. 14324. An act to authorize appropriations to the National Aeronautics and Space Administration for research and development, construction of facilities, and administrative operations, and for other purposes.

ADJOURNMENT

Mr. KREBS. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 5 o'clock and 9 minutes p.m.) the House adjourned until tomorrow, Wednesday, July 27, 1966, at 12 o'clock noon.

COMMITTEE EMPLOYEES

JULY 18, 1966.

COMMITTEE ON AGRICULTURE

To the CLERK OF THE HOUSE:

The above-mentioned committee or subcommittee, pursuant to section 134(b) of the Legislative Reorganization Act of 1946, Public Law 601, 79th Congress, approved August 2, 1946, as amended, submits the following report showing the name, profession, and total salary of each person employed by it during the 6-month period from January 1, 1966, to June 30, 1966, inclusive, together with total funds authorized or appropriated and expended by it:

Name of employee	Profession	Total gross salary during 6-month period
John J. Heimburger	General counsel	$12,690.96
Francis M. LeMay	Staff consultant	12,690.96
Christine S. Gallagher	Clerk	12,690.96
Hyde H. Murray	Assistant clerk	11,131.26
George F. Missibeck	Printing editor	6,507.20
Lydia Vacin	Staff assistant	5,835.36
Betty M. Prezioso	do	5,835.36
Peggy Jean Lamm	do	5,434.14
Martha S. Hannah	do	5,434.14
Jane C. Wojcik	do	5,242.14
INVESTIGATIVE STAFF		
Carolyn Windsor Berkeley.	do	3,128.04
Catherine L. Bernhardt.	do	3,058.77
Marjorie B. Johnson	do	4,370.45
Fowler C. West	do	4,413.71
Larry A. High	Staff assistant (from June 3).	381.47
Grig Kirk	Staff assistant (from June 13).	245.23

Funds authorized or appropriated for committee expenditures	$150,000.00
Amount of expenditures previously reported	38,860.79
Amount expended from Jan. 1 to June 30, 1966	18,817.84
Total amount expended from Jan. 1, 1965, to June 30, 1966	57,678.63
Balance unexpended as of June 30, 1966	92,321.37

HAROLD D. COOLEY,
Chairman.

JULY 15, 1966.

COMMITTEE ON APPROPRIATIONS

To the CLERK OF THE HOUSE:

The above-mentioned committee or subcommittee, pursuant to section 134(b) of the Legislative Reorganization Act of 1946, Public Law 601, 79th Congress, approved August 2, 1946, as amended, submits the following report showing the name, profession, and total salary of each person employed by it during the 6-month period from January 1, 1966, to June 30, 1966, inclusive, together with total funds authorized or appropriated and expended by it:

Name of employee	Profession	Total gross salary during 6-month period
Kenneth Sprankle	Clerk and staff director.	$11,885.64
Paul M. Wilson	Assistant clerk and staff director.	11,885.64
Robert M. Moyer	Staff assistant	11,554.26
Jay B. Howe	do	11,554.26
Ross P. Pope	do	11,554.26
Frank Sanders	do	11,554.26
G. Homer Skarin	do	11,554.26
Eugene B. Wilhelm	do	11,554.26
Robert L. Michaels	do	11,554.26
Aubrey A. Gunnels	do	10,665.66
George E. Evans	do	9,342.54
Francis G. Merrill	do	9,342.54
Samuel R. Preston	do	9,342.54
Earl C. Silsby	do	8,695.62
Lawrence C. Miller	Editor	8,058.48
Keith F. Mainland	Staff assistant	7,523.04
John M. Garrity	do	7,263.72
Gerald J. Bova	do	6,693.66
Paul V. Farmer	Assistant editor	2,584.71
George A. Urian	Staff assistant	5,546.60
Robert C. Nicholas, III.	do	5,192.10
Dempsey B. Mizelle	do	5,192.10
Milton B. Meredith	do	5,192.10
James E. Moore	Administrative assistant.	5,122.32
Austin G. Smith	Clerical assistant	4,773.42
Francis W. Sady	do	3,557.58
Howard E. Knox	do	3,160.72
Gerard J. Chouinard	do	1,290.93
Randolph Thomas	Messenger	3,266.08
Alan R. Henry	Clerk-stenographer	4,773.42
Helen C. Hampson	do	4,711.38
Patrick M. Hayes	do	4,773.42
Iva E. Heath	do	4,773.42
Rosalind E. McGovern.	do	4,773.42
William J. Neary	do	4,773.42
Dorothy Rawls	do	3,470.51
John A. Ringwald	do	4,115.64
Mary H. Smallwood	do	4,773.42
Robert C. Gresham	Clerk to minority	11,554.26
Stephen T. Adams	Clerk-stenographer	3,746.88
Alex Coffin	do	4,457.04
Peggy C. Cooke	do	2,057.82
Jessemine A. Falls	do	2,386.71
Charles H. Fritzel	do	4,773.42
Raymond L. Gooch	do	4,773.42
David Gramling	do	4,773.42
Patricia E. Hutchison	do	795.57
Larry M. Jose	do	3,869.82
Thomas M. McMurray.	do	4,773.42
Neta C. Messersmith	do	4,302.09
Ann L. Obrokta	do	4,649.40
Clara B. Posey	do	3,977.85
Frankie C. Ramage	do	4,773.42
Geraldine E. Rothwell.	do	2,151.03

Amount of expenditures previously reported	$333,142.95
Amount expended from Jan. 1 to June 30, 1966	335,211.18
Total amount expended from July 1, 1965, to June 30, 1966	668,354.13

GEORGE MAHON,
Chairman.

JULY 15, 1966.

COMMITTEE ON APPROPRIATIONS (INVESTIGATIONS STAFF)

To the CLERK OF THE HOUSE:

The above-mentioned committee or subcommittee, pursuant to section 134(b) of the Legislative Reorganization Act of 1946, Public Law 601, 79th Congress, approved August 2, 1946, as amended, submits the following report showing the name, profession, and total salary of each person employed by it during the 6-month period from January 1 to June 30, 1966, inclusive, together with total funds authorized or appropriated and expended by it:

Name of employee	Profession	Total gross salary during 6-month period
Leo E. Conroy	Director, surveys and investigations staff (to May 1, 1966).	$6,319.88
Charles Bolz	Director, surveys and investigations staff.	9,479.82
Edward J. Hayes	Assistant director, surveys and investigations staff.	9,352.42
Robert G. Kunkel	Assistant director, surveys and investigations staff.	3,244.58
Lillian M. Mackie	Stenographer	4,870.84
Mary A. Sauer	do	4,572.88

REIMBURSEMENTS TO GOVERNMENT AGENCIES

Name of employee	Profession	Total gross salary during 6-month period
Agriculture, Department of:		
Kelly, L. L	Investigator	$4,348.71
Army Strategic Communications Command:		
Stanat, Arthur	do	4,211.20
Atomic Energy Commission:		
Henry, J. F., Jr	do	4,401.00
Defense:		
Nadel, Sidney	do	5,561.68
Federal Bureau of Investigation:		
Bader, T. J	do	5,339.52
Bennett, C. L	do	9,752.32
Byrnes, R. C	do	9,752.32
Carson, W.D	do	9,752.32
Currall, W. G	do	9,496.96
Flatley, J. M	do	6,976.16
Franklin, R. M	do	8,986.24
Health benefits		1,103.88
Ivy, C. M	Investigator	9,219.76
Kunkel, R. G	do	7,620.48
Lanphear, R. L	do	7,174.40
Law, S. W	do	3,865.60
Law, W. C	do	4,020.16
Life insurance		687.52
McCloskey, J. J	Investigator	6,777.92
McGahey, H. B	do	9,496.96
Magee, E. H	do	9,752.32
Midkiff, G. L	do	7,068.56
Murphy, P. J	do	8,986.24
Retirement fund		13,311.56
Schafer, C. H	Investigator	7,769.12
Shanley, J. F	do	3,361.92
Shannon, A. J	do	9,752.32
Stewart, J. T	do	6,984.56
Sullivan, J. V	do	9,752.32
Tierney, J. R	do	9,752.32
Torrence, R. E	do	9,241.60
Van Wagoner, R. L	do	9,752.32
Welch, W. H	do	10,007.68
Wood, H. B	do	9,752.32
Federal Trade Commission:		
Heron, T. L	do	2,454.00
Federal Housing Administration:		
Snell, L. K	do	2,790.72
Federal Trade Commission:		
Skonberg, C. M	do	6,108.65
Health, Education, and Welfare:		
Weaver, C. L	do	6,614.44
Interior, Department of the:		
Jervis, Sidney	do	6,028.05
National Aeronautics and Space Administration:		
Carey, Bernard	Investigator	$2,486.64
Healy, J. F	do	5,147.18
Lowry, J	do	4,924.78
Tariff Commission:		
Taylor, J. A	do	4,106.25
Travel and miscellaneous expense.		65,644.59

Funds authorized or appropriated for committee expenditures	$700,000.00
Amount of expenditures previously reported	248,843.99
Amount expended from Jan. 1 to June 30, 1966	397,935.99
Total amount expended from July 1, 1965, to June 30, 1966	646,779.98
Balance unexpended as of June 30, 1966	53,220.02

GEORGE MAHON,
Chairman.

JULY 11, 1966.

COMMITTEE ON ARMED SERVICES

To the CLERK OF THE HOUSE:

The above-mentioned committee or subcommittee, pursuant to section 134(b) of the Legislative Reorganization Act of 1946, Public Law 601, 79th Congress, approved August 2, 1946, as amended, submits the following report showing the name, profession, and total salary of each person employed by it during the 6-month period from January 1, 1966, to July 1, 1966, inclusive, together with total funds authorized or appropriated and expended by it:

Name of employee	Profession	Total gross salary during 6-month period
John R. Blandford	Chief counsel	$12,690.96
Philip W. Kelleher	Counsel	12,401.10
Frank M. Slatinshek	do	12,401.10
Earl J. Morgan	Professional staff member.	11,071.80
William H. Cook	Counsel	11,071.80
Ralph Marshall	Professional staff member.	9,999.24
John J. Ford	Professional staff member (from Mar. 15).	5,888.44
George Norris	Counsel (from Mar. 23).	4,647.78
Oneta L. Stockstill	Executive secretary	7,341.78
Berniece Kalinowski	Secretary	6,438.24
L. Louise Ellis	do	6,438.24
Edna E. Johnson	do	6,438.24
Dorothy R. Britton	do	6,438.24
Doris L. Scott	do	5,317.26
Innis E. McDonald	do	4,599.78
Shelley J. Pyle	do	3,968.10
Patricia S. Scott	Secretary (from Apr. 18)	1,724.60
James A. Deakins	Clerical staff assistant.	4,897.98
Benjamin Frasier, Jr	Messenger	3,054.96

SUBCOMMITTEE FOR SPECIAL INVESTIGATIONS
(Pursuant to H. Res. 118, 119, and 526, 89th Cong.)

John T. M. Reddan	Counsel	$12,401.10
Walton Woods	Investigator	9,999.24
John J. Ford	Professional staff member (to Mar. 15).	4,110.80
Richard A. Ransom	Professional staff member (from Mar. 15).	4,546.76
Phyllis Seymour	Secretary	6,438.24
William B. Short, Jr	Clerical staff assistant.	5,317.26
Leslie M. Berman	Assistant investigator.	4,897.98
Adeline Tolerton	Clerk	3,943.56
R. D. Young	Consultant	2,400.00

Funds authorized or appropriated for committee expenditures (H. Res. 119 and 526)	$250,000.00
Amount of expenditures previously reported	88,812.54
Amount expended from Jan. 1 to July 1, 1966	55,029.50
Total amount expended from Jan. 1, 1965, to July 1, 1966	143,842.04
Balance unexpended as of July 1, 1966	106,157.96

L. MENDEL RIVERS,
Chairman.

JULY 11, 1966.

COMMITTEE ON BANKING AND CURRENCY

To the CLERK OF THE HOUSE:

The above-mentioned committee or subcommittee, pursuant to section 134(b) of the "Legislative Reorganization Act of 1946," Public Law 601, 79th Congress, approved August 2, 1946, as amended, submits the following report showing the name, profession, and total salary of each person employed by it during the 6-month period from January 1, 1966, to June 30, 1966, inclusive, together with total funds authorized or appropriated and expended by it:

Name of employee	Profession	Total gross salary during 6-month period
Standing committee staff:		
Paul Nelson	Clerk and staff director.	$12,690.96
Orman S. Fink	Minority professional staff member.	12,349.99
Norman Leonard Holmes.	Counsel	10,070.94
Charles B. Holstein	Professional staff member.	11,885.64
Alvin Lee Morse	Counsel	10,130.72
Curtis A. Prins	Chief investigator	10,094.10
Benet David Gellman.	Investigative counsel.	8,570.82
Jane M. Deem	Administrative assistant.	6,884.74
Mary W. Layton	Secretary to minority.	6,547.74
Donald G. Vaughn	Assistant clerk	5,867.98
Total		95,093.63
Investigating staff (pursuant to H. Res. 133, 134, 517, and 716, 89th Cong.):		
Walter Bassaneo III	Research assistant	400.49
Aubrey Webb Baird.	do	400.49
Timothy Allan Colcord.	Professional staff member.	10,801.86
Dorothy F. Councill.	Administrative secretary.	2,182.58
James Henry Davis	Research assistant	400.49
John Paul Delaney	Investigator	366.83
Dolores K. Dougherty.	Assistant clerk	4,730.36
Dana Marie Dowd	Secretary	300.70
James T. Entrekin	Assistant clerk	3,454.12
Helen C. Hitz	do	5,338.12
Janice L. Johnson	Secretary	4,471.58
Gerald Richard McMurray.	Research analyst	4,071.58
Bruce Edward Mason.	Assistant clerk	3,036.72
Mildred S. Mitchell	do	4,581.18
Virdell Everard Munsey, Jr.	Professional staff member.	6,389.12
Margaret L. Rayhawk.	Research secretary	2,729.28
Carolyn Virginia Thomas.	Secretary	3,507.18
Mark H. Willes	Research economist	3,194.56
Raymond C. Cole, Jr.	Investigator	5,334.80
James Wiegert	Professional staff member.	2,502.04
Total		68,194.08

Funds authorized or appropriated for committee expenditures (H. Res. 134 $225,000; H. Res. 517 $60,000; H. Res. 716 $150,000.00)	$435,000.00
Amount of expenditures previously reported	138,837.24

Amount expended from Jan. 1, 1966, to June 30, 1966	$80,566.69
Total amount expended from Jan. 3, 1965, to June 30, 1966	219,403.93
Balance unexpended as of June 30, 1966	215,596.07

Wright Patman,
Chairman.

July 11, 1966.

SUBCOMMITTEE ON HOUSING, HOUSE BANKING AND CURRENCY COMMITTEE

To the CLERK OF THE HOUSE:

The above-mentioned committee or subcommittee, pursuant to section 134(b) of the Legislative Reorganization Act of 1946, Public Law 601, 79th Congress, approved August 2, 1946, as amended, submits the following report showing the name, profession, and total salary of each person employed by it during the 6-month period from January 1, 1966, to June 30, 1966, inclusive, together with total funds authorized or appropriated and expended by it:

Name of employee	Profession	Total gross salary during 6-month period
Anita J. Allison	Secretary	$2,683.42
Kenneth W. Burrows	Deputy Staff director.	12,182.12
Richard K. Cook	Minority staff investigator.	9,976.33
David Glick	Counsel	7,346.70
Casey Ireland	Minority staff member.	11,338.45
Margaret J. Leary	Secretary	5,220.18
John J. McEwan, Jr.	Staff director	12,444.44
Wilhelmina C. Proctor.	Secretary	3,888.24
Alicia F. Shoemaker	do	6,409.54
Patricia A. Taylor	Assistant clerk	2,532.98
Doris M. Young	do	4,773.42
Total		78,795.82

Funds authorized or appropriated for committee expenditures (H. Res. 247, $150,000; H. Res. 516, $97,000; H. Res. 717, $130,000)	$377,000.00
Amount of expenditures previously reported	151,065.26
Amount expended from Jan. 1 to June 30, 1966	80,817.63
Total amount expended from Jan. 3, 1965, to June 30, 1966	231,882.89
Balance unexpended as of June 30, 1966	145,117.11

Wright Patman,
Chairman.

July 15, 1966.

COMMITTEE ON THE DISTRICT OF COLUMBIA

To the CLERK OF THE HOUSE:

The above-mentioned committee or subcommittee, pursuant to section 134(b) of the Legislative Reorganization Act of 1946, Public Law 601, 79th Congress, approved August 2, 1946, as amended, submits the following report showing the name, profession, and total salary of each person employed by it during the 6-month period from January 1, 1966, to June 30, 1966, inclusive, together with total funds authorized or appropriated and expended by it:

Name of employee	Profession	Total gross salary during 6-month period
Hayden S. Garbor	Counsel (P)	$10,665.66
Clayton D. Gasque	Staff director (P)	8,468.70
Donald J. Tubridy	Minority clerk (P)	7,720.92
Leonard O. Hilder	Investigation (P)	7,608.42
James T. Clark	Clerk (C)	$11,885.64
Ellen M. Coxeter	Assistant clerk (C)	5,198.34
Jean Quarles	do	4,599.78
Peggy L. Thornton	do	4,525.32
Leslie Ann Smith	Stenographer (C) beginning Apr. 1, 1966.	1,554.90
Olis Brooks	Clerk typist (C) beginning May 1, 1966.	840.00
H. E. Yarborough	Assistant clerk (C) resigned Feb. 28, 1966.	1,036.60
Lois Marion Rivers	Clerk typist (C) resigned May 1, 1966.	2,073.20

Funds authorized or appropriated for committee expenditures	$50,000.00
Amount of expenditures previously reported	11,929.36
Amount expended from Jan. 1 to June 30, 1966	8,021.55
Total amount expended from Jan. 2, 1965, to June 30, 1966	19,950.91
Balance unexpended as of June 30, 1966	30,049.09
Expended for investigation, extra stenographer, and consultation during 2d sess. of 89th Cong.	8,021.91

John L. McMillan,
Chairman.

July 15, 1966.

COMMITTEE ON EDUCATION AND LABOR

To the CLERK OF THE HOUSE:

The above-mentioned committee or subcommittee, pursuant to section 134(b) of the Legislative Reorganization Act of 1946, Public Law 601, 79th Congress, approved August 2, 1946, as amended, submits the following report showing the name, profession, and total salary of each person employed by it during the 6-month period from January 1, 1966, to June 30, 1966, inclusive, together with total funds authorized or appropriated and expended by it:

Name of employee	Profession	Total gross salary during 6-month period
Louise Maxienne Dargans.	Chief clerk	$12,690.96
Russell C. Derrickson	Staff director	12,690.96
Eunice S. Matthew	Chief of education	12,690.96
C. Sumner Stone	Special assistant to the chairman.	12,690.96
Leon Abramson	Chief counsel for labor management.	12,436.86
John R. Kramer	Assistant chief of education (Jan. 16 to Apr. 8, 1966, and from June 1, 1966).	4,155.75
Donald Anderson	Counsel (to Jan. 31, 1966).	949.93
Odell Clark	Chief investigator	8,970.60
Teresa Calabrese	Administrative assistant (from Apr. 9, 1966).	3,645.45
Corrine Annette Huff	Secretary (to May 31, 1966).	6,476.30
Minority:		
Michael J. Bernstein.	Minority clerk	12,690.96
Charles W. Radcliffe.	Minority counsel for education.	9,909.24

Amount of expenditures previously reported	$200,981.36
Amount expended from Jan. 1 to June 30, 1966	110,088.93
Total amount expended from Jan. 3, 1965, to June 30, 1966	311,070.29

INVESTIGATIVE STAFF

Name of employee	Profession	Total gross salary during 6-month period
Goldie A. Baldwin	Administrative assistant.	$3,796.04
Donald F. Berens	do	5,699.58
Thomas M. Burke	Counsel (from Mar. 1, 1966).	5,001.04
Adrienne Fields	Administrative assistant (from Apr. 17, 1966).	1,850.22
Dolores A. Gillespie	Secretary (from May 1, 1966).	1,335.00
Walter J. Graham, Jr.	Secretary (to Apr. 30, 1966).	2,967.28
John N. Harmon	Assistant counsel (from Apr. 2 to Apr. 18, 1966).	402.21
Walter B. Huber	Clerk typist	2,394.12
Janet R. Inscore	Secretary (to May 30, 1966).	2,591.50
Ridgely Jones	Administrative assistant (from Mar. 1 to Apr. 30, 1966).	1,407.14
John R. Kramer	Counsel (Jan. 1 to Jan. 15, 1966, and Apr. 9 to May 31, 1966).	2,499.53
Cleomine B. Lewis	Secretary	4,159.44
Betty Nixon (Ellison)	do	3,371.64
Francine Nord	Secretary (to Feb. 28, 1966).	1,136.06
Paula Odellas	Clerk typist (from June 16, 1966).	150.35
John D. Schuyler	Counsel (to Jan. 9, 1966).	426.84
Mary L. Shuler	Administrative assistant.	4,407.48
Jeanne E. Thomson	do	5,800.62
John Everett Warren	Assistant clerk	2,526.88
Pamela E. Williams	Assistant clerk (from June 6, 1966).	291.99
Louise M. Wright	Administrative assistant.	4,749.65
Theresa M. Zapert	Secretary	3,894.36
Dixie Anne Barger	Secretary (from Apr. 1, 1966).	1,500.09
Donald N. Barnes	Investigator (from Apr. 1 to Apr. 15, 1966).	383.31
John Raymond Buckley.	Chief of staff (from Apr. 1, 1966).	4,662.69
Louise W. Finke	Secretary (from Apr. 1, 1966).	1,627.77
Patricia A. Goldman	Investigator (from Apr. 1, 1966).	2,203.74
Crawford C. Heerlein	Minority clerk (from Apr. 1, 1966).	3,894.24
Will Henderson	Assistant minority clerk (from Apr. 1, 1966).	1,564.02
Sarah M. Jones	Clerical assistant (from Mar. 1, 1966)	1,167.86
Ruth Giles Macknet	Secretary (from Apr. 1, 1966).	1,733.10
Eric Silberstein	Assistant clerk (from June 1, 1966).	169.43

Funds authorized or appropriated for committee expenditures	$364,000.00
Amount of expenditures previously reported	159,257.05
Amount expended from Jan. 1 to June 30, 1966	92,844.07
Total amount expended from Jan. 3, 1965, to June 30, 1966	252,101.12
Balance unexpended as of June 30, 1966	111,898.88

GENERAL SUBCOMMITTEE ON EDUCATION NO. 1, REPRESENTATIVE CARL D. PERKINS, CHAIRMAN

Name of employee	Profession	Total gross salary during 6-month period
Elizabeth A. Cornett	Clerk	$4,250.34
Hartwell Duvall Reed	Counsel	11,513.72

Funds authorized or appropriated for committee expenditures	$71,000.00
Amount of expenditures previously reported	29,153.20

Amount expended from Jan. 1 to June 30, 1966	$16,255.97
Total amount expended from Jan. 3, 1965, to June 30, 1966	45,409.17
Balance unexpended as of June 30, 1966	25,590.83

GENERAL SUBCOMMITTEE ON LABOR NO. 2, REPRESENTATIVE JOHN H. DENT, CHAIRMAN

Name of employee	Profession	Total gross salary during 6-month period
Eleanor Carson Keown.	Clerk (to Apr. 30, 1966).	$2,596.24
Robert E. Vagley	Director	8,776.02
Ardyce E. Harrison	Clerk (to Jan. 9, 1966).	130.22
Mertis A. Southerland.	Assistant clerk (to Jan. 14, 1966).	154.99
Carol J. Ablon	Clerk (from May 1 to May 31, 1966).	500.03
Carole Lynn Myers	Assistant clerk (from May 1, 1966),	450.91
Carol L. Barbero	Assistant clerk (from June 13, 1966).	180.42
Richard J. Hunger, Jr.	do	180.42

Funds authorized or appropriated for committee expenditures	$71,000.00
Amount of expenditures previously reported	26,655.92
Amount expended from Jan. 1 to June 30, 1966	14,010.46
Total amount expended from Jan. 3, 1965, to June 30, 1966	40,666.38
Balance unexpended as of June 30, 1966	30,333.62

SPECIAL SUBCOMMITTEE ON EDUCATION NO. 3, REPRESENTATIVE EDITH GREEN, CHAIRMAN

Name of employee	Profession	Total gross salary during 6-month period
William F. Gaul	Counsel	$9,999.24
Helen W. Philipsborn	Clerk (from Jan 24, 1966).	2,887.95
Linda Sullivan	Clerk (to Feb. 28, 1966, and from June 1, 1966).	1,345.56
Eleanor M. Gamarsh	Clerk (from Mar. 1 to May 31, 1966).	2,057.82

Funds authorized or appropriated for committee expenditures	$71,000.00
Amount of expenditures previously reported	28,805.04
Amount expended from Jan. 1 to June 30, 1966	17,119.70
Total amount expended from Jan. 3, 1965, to June 30, 1966	45,924.74
Balance unexpended as of June 30, 1966	25,075.26

SPECIAL SUBCOMMITTEE ON EDUCATION—EDUCATION STUDY (AUTHORIZED BY H. RES. 614 APPROVED MAR. 30, 1966 REPRESENTATIVE EDITH GREEN, CHAIRMAN

Name of employee	Profession	Total gross salary during 6-month period
Maurice K. Heartfield, Jr.	Research assistant (from June 1, 1966).	$1,377.40
Patrick H. Maney	do	1,388.75
Janet Sue Anderson	Secretary (from June 1, 1966).	444.13
Jon C. Bederik	Assistant clerk (from June 13, 1966).	290.88
Charles Ireland Foltz	Minority research assistant (from June 19, 1966).	646.22

Funds authorized or appropriated for committee expenditures	$50,000.00
Amount expended from Jan. 1 to June 30, 1966	$4,295.23
Total amount expended from Jan. 3, 1965, to June 30, 1966	4,295.23
Balance unexpended as of June 30, 1966	45,704.77

SPECIAL SUBCOMMITTEE ON LABOR NO. 4, REPRESENTATIVE FRANK THOMPSON, JR., CHAIRMAN

Name of employee	Profession	Total gross salary during 6-month period
Robert E. McCord	Director	$9,751.08
Daniel Pollitt	Special counsel (to June 15, 1966).	3,909.19
Lelia W. Troup	Secretary	2,866.20
Mary Sue Leonard	Assistant clerk (to Jan. 31, 1966).	92.53
Joseph B. Young	Assistant clerk (from April 1, to May 31, 1966).	501.46
Christopher W. Katzenbach.	Assistant clerk (from June 1, 1966).	200.29
Hal R. Levshon	do	250.73

Funds authorized or appropriated for committee expenditures	$71,000.00
Amount of expenditures previously reported	32,339.37
Amount expended from Jan. 1 to June 30, 1966	18,428.75
Total amount expended from Jan. 3, 1965, to June 30, 1966	50,768.12
Balance unexpended as of June 30, 1966	20,231.88

SELECT SUBCOMMITTEE ON EDUCATION NO. 5, REPRESENTATIVE ROMAN C. PUCINSKI, CHAIRMAN

Name of employee	Profession	Total gross salary during 6-month period
Jay H. Foreman	Counsel	$8,019.06
Thelma L. Snell	Clerk (to Jan. 31, 1966).	600.92
Miriam K. Carliner	Staff assistant (to Jan. 5, 1966).	108.18
A. R. Kelley	Assistant clerk (to Jan. 22, 1966).	277.00
Neil J. McMullen	Assistant clerk (from Feb. 1, 1966).	1,044.35
Ardyce E. Harrison	Clerk (from Mar. 1, to Mar. 31, 1966, and from Apr. 1 to Apr. 8, 1966).	549.83
Margaret B. Sugg	Staff assistant (from Mar. 1, 1966).	2,847.48
Mattie L. Maynard	Clerk (from Apr. 18, 1966).	1,216.74
Lewis E. Guthman	Clerk (from June 1, 1966).	192.47

Funds authorized or appropriated for committee expenditures	$71,000.00
Amount of expenditures previously reported	28,943.75
Amount expended from Jan. 1 to June 30, 1966	15,319.57
Total amount expended from Jan. 3, 1965, to June 30, 1966	44,263.32
Balance unexpended as of June 30, 1966	26,736,68

SELECT SUBCOMMITTEE ON LABOR NO. 6, REPRESENTATIVE ELMER J. HOLLAND, CHAIRMAN

Name of employee	Profession	Total gross salary during 6-month period
James B. Harrison	Assistant director	$8,590.00
William A. Hoveland, Jr.	Clerk	632.10
Susan M. Parry	do	3,851.37
Walter James Graham, Jr.	Assistant clerk (from May 1, 1966).	828.09
Austin F. Rinella, Jr.	Assistant clerk (to May 31, 1966).	649.55

Funds authorized or appropriated for committee expenditures	$71,000.00
Amount of expenditures previously reported	27,395.17
Amount expended from Jan. 1 to June 30, 1966	$15,184.16
Total amount expended from Jan. 3, 1965, to June 30, 1966	42,579.33
Balance unexpended as of June 30, 1966	28,420.67

AD HOC SUBCOMMITTEE ON POVERTY NO. 7, REPRESENTATIVE ADAM C. POWELL, CHAIRMAN

Name of employee	Profession	Total gross salary during 6-month period
Carol T. Aldrich	Secretary (from Jan. 17, to Feb. 5, 1966).	$264.09
Donald L. Anderson	Counsel (from Feb. 1, to Apr. 30, 1966).	2,849.79
Loretta A. Barnett	Secretary (to Feb. 28, 1966).	1,224.38
Wellington C. Beal	Investigator	6,480.84
Merlin E. Beatty	Investigator (from Jan. 24, to May 15, 1966).	2,970.13
Richard P. Crane, Jr.	Legal analyst and investigator (to Feb. 15, 1966).	1,251.09
Lloyd J. Elliott	Staff economist (to Apr. 15, 1966).	4,375.91
Dorothy W. Himes	Administrative assistant.	5,066.92
Malcolm R. Laplace	Assistant director for public information (to Feb. 28, 1966).	2,182.58
James E. McCarthy	Investigator	7,771.56
Juliet G. McCoy	Secretary	3,673.14
Phyllis A. Mann	Secretary (to Feb. 28, 1966).	1,175.22
Helen B. Prillaman	Secretary	3,673.14
Michael Schwartz	Assistant counsel	5,800.62
Emma T. Swann	Receptionist	3,408.18
Gregory M. Sullivan	Investigator	3,750.78
Louise M. Wright	Administrative assistant (to Jan. 31, 1966).	949.93
Minority:		
Dixie Anne Barger	Secretary (to Mar. 31, 1966).	1,500.09
Donald N. Barnes	Investigator (to Mar. 31, 1966).	2,248.78
John Raymond Buckley.	Chief of staff (to Mar. 31, 1966).	4,662.69
Louise W. Finke	Secretary (to Mar. 31, 1966).	1,787.17
Patricia A. Goldman.	Investigator (to Mar. 31, 1966).	2,203.74
Crawford C. Heerlein.	Minority clerk (to Mar. 31, 1966).	3,894.24
Will Henderson	Assistant minority clerk (to Mar. 31, 1966).	1,564.02
Ruth Giles Macknet.	Secretary (to Mar. 31, 1966).	2,079.72
James J. Ryan	Counsel (to Mar. 31, 1966).	3,449.76
Eric Silberstein	Assistant minority clerk (to May 31, 1966).	717.25

Funds authorized or appropriated for committee expenditures	$250,000.00
Amount of expenditures previously reported	107,798.01
Amount expended from Jan. 1, to June 30, 1966	103,256.06
Total amount expended from Jan. 3, 1965, to June 30, 1966	211,054.07
Balance unexpended as of June 30, 1966	38,945.93

TASK FORCE ON INTERNATIONAL EDUCATION NO. 8, REPRESENTATIVE JOHN BRADEMAS, CHAIRMAN

Name of employee	Profession	Total gross salary during 6-month period
Margaret Anne Chambers.	Secretary (from Apr. 1, 1966).	$1,802.76
Peter N. Gillingham	Counsel (from Apr. 1, 1966).	3,001.35
Paul G. Roberts	Administrative assistant (from June 1, 1966).	325.76
Rebecca F. Sanford	do	325.76

Funds authorized or appropriated for committee expenditures	$15,000.00

Amount expended from Jan. 1, to June 30, 1966	$5,565.18
Total amount expended from Jan. 3, 1965, to June 30, 1966	5,565.18
Balance unexpended as of June 30, 1966	9,434.82

AD HOC SUBCOMMITTEE ON HANDICAPPED CHILDREN NO. 9, REPRESENTATIVE HUGH CAREY, CHAIRMAN

Name of employee	Profession	Total gross salary during 6-month period
Loretta B. Backus	Administrative assistant (from Apr. 25, 1966).	$1,834.93
Edwin W. Martin	Director (from June 1, 1966).	1,503.68
Wesley T. Hargrett, Jr.	Investigator (from June 1, 1966).	500.64
Benny N. A. Kendrick.	Clerk (from June 9, 1966).	220.51

Funds authorized or appropriated for committee expenditures	$45,000.00
Amount of expenditures previously reported	
Amount expended from Jan. 1 to June 30, 1966	4,080.26
Total amount expended from Jan. 3, 1965, to June 30, 1966	4,080.26
Balance unexpended as of June 30, 1966	40,919.74

ADAM C. POWELL,
Chairman.

JULY 11, 1966.

COMMITTEE ON FOREIGN AFFAIRS

To the CLERK OF THE HOUSE:

The above-mentioned committee or subcommittee, pursuant to section 134(b) of the Legislative Reorganization Act of 1946, Public Law 601, 79th Congress, approved August 2, 1946, as amended, submits the following report showing the name, profession, and total salary of each person employed by it during the 6-month period from January 1, 1966, to June 30, 1966, inclusive, together with total funds authorized or appropriated and expended by it:

Name of employee	Profession	Total gross salary during 6-month period
Boyd Crawford	Staff administrator	$12,690.96
Roy J. Bullock	Senior staff consultant.	12,690.96
Albert C. F. Westphal	Staff consultant	12,690.96
Franklin J. Schupp	do	12,150.54
Robert F. Brandt	do	12,027.66
Harry C. Cromer	do	11,915.22
Philip B. Billings	do	9,342.54
Marian A. Czarnecki	do	11,885.64
Melvin O. Benson	do	10,217.46
June Nigh	Senior staff assistant.	9,119.40
Helen C. Mattas	Staff assistant	7,687.20
Helen L. Hashagen	do	7,524.06
Mary Louise O'Brien	do	7,341.78
Mary M. Lalos	do	5,010.60
Doris B. McCracken	do	6,122.64
Jean E. Smith	do	4,060.96
Robert J. Bowen	Clerical assistant	4,866.66

Funds authorized or appropriated for committee expenditures	$118,250.00
Amount of expenditures previously reported	71,048.55
Amount expended from Jan. 1 to June 30, 1966	39,276.05
Total amount expended from Jan. 1, 1965, to June 30, 1966	110,324.60
Balance unexpended as of June 30, 1966	7,925.40

THOMAS E. MORGAN,
Chairman.

JULY 1, 1966.

COMMITTEE ON GOVERNMENT OPERATIONS

To the CLERK OF THE HOUSE:

The above-mentioned committee or subcommittee, pursuant to section 134(b) of the Legislative Reorganization Act of 1946, Public Law 601, 79th Congress, approved August 2, 1946, as amended, submits the following report showing the name, profession, and total salary of each person employed by it during the 6-month period from January 1, 1966, to June 30, 1966, inclusive, together with total funds authorized or appropriated and expended by it:

Expenses, Jan. 1 to June 30, 1966, as follows:

Full committee	$2,929.52
Executive and Legislative Reorganization Subcommittee	44,613.49
Military Operations Subcommittee	44,835.08
Government Activities Subcommittee	25,950.92
Intergovernmental Relations Subcommittee	44,953.91
Natural Resources and Power Subcommittee	40,531.41
Foreign Operations and Government Information Subcommittee	47,126.83
Legal and Monetary Affairs Subcommittee	31,498.49
Research and Technical Programs Subcommittee	32,845.78
Special Subcommittee on Donable Property	9,193.47
Special Government Operations Subcommittee	9.50
Total	324,488.40

SALARIES, FULL COMMITTEE, JAN. 1 TO JUNE 30, 1966

Name of employee	Profession	Total gross salary during 6-month period
Christine Ray Davis	Staff director	$12,690.96
James A. Lanigan	General counsel	12,690.96
Miles Q. Romney	Associate general counsel.	10,655.66
Earle J. Wade	Staff member	8,451.66
Dolores L. Fel'Dotto	do	5,541.78
Ann E. McLachlan	do	5,429.88
Patricia M. Maheux	do	5,429.88
Charlotte C. Bickett	do	4,941.78
J. Philip Carlson	Minority counsel	9,722.22
William H. Copenhaver.	Minority staff member (Feb. 1 to June 30, 1966).	7,043.05
Raymond T. Collins	Minority staff member (Jan. 1-31, 1966).	1,408.61

EXPENSES, FULL COMMITTEE, JAN. 1 TO JUNE 30, 1966

Travel, publications, telephone, stationery, supplies, etc	$2,929.52

EXECUTIVE AND LEGISLATIVE REORGANIZATION SUBCOMMITTEE (HON. WILLIAM L. DAWSON, CHAIRMAN)

Elmer W. Henderson	Counsel	$11,089.44
Louis I. Freed	Investigator	10,124.62
John J. Mitchell	Special counsel (May 8 to June 30, 1966).	2,888.13
Peter S. Barash	Legal assistant	5,868.64
Jerome D. Sollins	Legal assistant (Mar. 1 to June 30, 1966).	4,001.80
Veronica B. Johnson	Clerk	4,941.78
John L. Dodson	Clerical staff	3,238.45
David Glick	Chief counsel (Jan. 1-31, 1966).	1,616.52
Expenses		844.11
Total		44,613.49

MILITARY OPERATIONS SUBCOMMITTEE (HON. CHET HOLIFIELD, CHAIRMAN)

Name of employee	Profession	Total gross salary during 6-month period
Herbert Roback	Staff administrator	$12,690.96
John Paul Ridgely	Investigator	7,319.52
Douglas G. Dahlin	Staff attorney	$7,206.04
Daniel W. Fulmer	do	6,386.47
Catherine L. Koeberlein.	Research assistant	5,292.24
Mollie Jo Hughes	Clerk-stenographer	4,941.78
Robert J. McElroy	Investigator (Jan. 1-31, 1966).	936.25
Expenses		61.82
Total		44,835.08

GOVERNMENT ACTIVITIES SUBCOMMITTEE (HON. JACK BROOKS, CHAIRMAN)

Ernest Cornish Baynard.	Staff administrator	$10,665.66
William M. Jones	Counsel	5,185.86
Mrs. Irma Reel	Clerk	4,941.78
Mrs. Lynne Higginbotham.	Clerk-stenographer	4,500.54
Expenses		657.08
Total		25,950.92

INTERGOVERNMENTAL RELATIONS SUBCOMMITTEE (HON. L. H. FOUNTAIN, CHAIRMAN)

James R. Naughton	Counsel	$10,461.93
Delphis C. Goldberg	Professional staff member.	10,461.93
George O. Serini	Investigator	7,687.20
William Donald Gray	Research analyst	7,245.93
Mrs. Bebe B. Terry	Clerk-stenographer	4,649.40
Miss Lexine Rollins	do	3,968.10
Expenses		479.42
Total		44,953.91

NATURAL RESOURCES AND POWER SUBCOMMITTEE (HON. ROBERT E. JONES, CHAIRMAN)

Phineas Indritz	Counsel	$10,665.66
Harry V. Lerner	Assistant counsel	8,821.80
Jack Tait	Professional staff member (May 1 to June 30, 1966).	2,040.88
Mrs. Catherine L. Hartke.	Stenographer	4,941.78
Miss Josephine Scheiber.	Research analyst	4,941.78
Mrs. Francine Shacter	Clerk-stenographer	3,968.10
William Earl Rasco	Professional staff member (Jan. 1 to Apr. 30, 1966).	4,081.76
Expenses		1,069.65
Total		40,531.41

FOREIGN OPERATIONS AND GOVERNMENT INFORMATION SUBCOMMITTEE (HON. JOHN E. MOSS, CHAIRMAN)

Norman G. Cornish	Staff administrator (Apr. 1 to June 30, 1966).	$5,332.83
Vincent J. Augliere	Chief, foreign operations.	10,665.66
Jack Matteson	Chief investigator	9,563.04
Michael A. Taylor	Legal analyst	6,002.70
Johan T. Benson	Investigator	4,973.04
Betty W. Baldwin	Secretary	3,806.56
Elizabeth Jayne Bodecker.	do	3,601.46
Samuel J. Archibald	Chief, Government information (Jan. 1-31).	1,777.61
Expenses		1,403.93
Total		47,126.83

LEGAL AND MONETARY AFFAIRS SUBCOMMITTEE (HON. DANTE B. FASCELL, CHAIRMAN)

M. Joseph Matan	Staff administrator	$10,258.20
Charles Rothenberg	Counsel	9,456.72
Clara Katherine Armstrong.	Clerical staff	4,941.78
Millicent Y. Myers	Stenographer	4,525.32
Pearl H. Sigel	Stenographer (Apr. 1 to June 30, 1966)	1,855.02
Expenses		461.45
Total		31,498.49

RESEARCH AND TECHNICAL PROGRAMS SUBCOMMITTEE
(HON. HENRY S. REUSS, CHAIRMAN)

Name of employee	Profession	Total gross salary during 6-month period
Edna Gass	Staff administrator	$9,752.26
Jonas V. Morris	Chief consultant (Jan. 1 to June 3, 1966).	7,265.92
Allen I. Polsby	Assistant counsel (Apr. 15 to June 30, 1966).	2,239.80
Catherine S. Cash	Secretary	3,751.00
Carol Flanagan	do	3,242.26
John H. Betz	Counsel (Jan. 1 to May 31, 1966).	4,965.40
Harry L. Selden	Consultant (Jan. 1-31, 1966).	80.78
Expenses		1,548.35
Total		32,845.78

SPECIAL SUBCOMMITTEE ON DONABLE PROPERTY
(HON. JOHN S. MONAGAN, CHAIRMAN)

Name of employee	Profession	Total gross salary during 6-month period
Mable C. Baker	Stenographer	$4,407.48
Norman G. Cornish	Staff administrator (Jan. 1 to Mar. 31, 1966).	4,333.14
Expenses		452.85
Total		9,193.47

SPECIAL GOVERNMENT OPERATIONS SUBCOMMITTEE
(HON. CORNELIUS E. GALLAGHER, CHAIRMAN)

Expenses	$9.50
Funds authorized or appropriated for committee expenditures (H. Res. 109-633, 89th Cong.)	1,450,000.00
Amount of expenditures previously reported	644,670.84
Amount expended from Jan. 3 to Dec. 31, 1965	644,670.84
Total amount expended from Jan. 1 to June 30, 1966	324,488.40
Balance unexpended as of June 30, 1966	480,840.76

William L. Dawson,
Chairman.

July 1, 1966.

COMMITTEE ON HOUSE ADMINISTRATION

To the **Clerk of the House**:

The above-mentioned committee or subcommittee, pursuant to section 134(b) of the Legislative Reorganization Act of 1946, Public Law 601, 79th Congress, approved August 2, 1946, as amended, submits the following report showing the name, profession, and total salary of each person employed by it during the 6-month period from January 1 to June 30, 1966, inclusive, together with total funds authorized or appropriated and expended by it:

Name of employee	Profession	Total gross salary during 6-month period
Julian P. Langston	Chief clerk	$12,598.02
David S. Wolman	Personnel analyst	9,999.24
Louis Silverman	Assistant clerk	6,790.92
Vivian M. Robinson	do	4,401.30
Gurney S. Jaynes	do	3,286.38
Mary F. Stolle	do	2,607.30
Judith E. Rogers	Clerical	1,918.00
Rebecca E. Martin	Assistant clerk	136.63

Funds authorized or appropriated for committee expenditures	$5,000.00
Amount of expenditures previously reported	759.27
Amount expended from Jan. 1 to June 30, 1966	330.21
Total amount expended from Jan. 3, 1965, to June 30, 1966	1,089.48
Balance unexpended as of June 30, 1966	3,910.52

Omar Burleson,
Chairman.

July 14, 1966.

COMMITTEE ON INTERIOR AND INSULAR AFFAIRS

To the **Clerk of the House**:

The above-mentioned committee or subcommittee, pursuant to section 134(b) of the Legislative Reorganization Act of 1946, Public Law 601, 79th Congress, approved August 2, 1946, as amended, submits the following report showing the name, profession, and total salary of each person employed by it during the 6-month period from January 1, 1966, to June 30, 1966, inclusive, together with total funds authorized or appropriated and expended by it:

Name of employee	Profession	Total gross salary during 6-month period
Sidney L. McFarland	Professional staff director and engineering consultant.	$12,198.24
T. Richard Witmer	Counsel and consultant on national parks and recreation.	11,743.62
John L. Taylor	Consultant on territorial and Indian affairs.	11,743.62
William L. Shafer	Consultant on mining, minerals, and public lands.	10,916.40
Nancy J. Arnold	Chief clerk	10,432.80
Dixie S. Barton	Clerk	5,285.94
Patricia Ann Murray	do	5,285.94
Virginia E. Bedsole	do	5,041.92
Patricia B. Freeman	do	4,895.11
Susan A. Whitener	do	4,614.21
Salaries paid pursuant to H. Res. 137 and H. Res. 667, 89th Cong.:		
Charles Leppert, Jr.	Assistant counsel	6,963.84
Lee McElvain	do	5,242.14
Kathleen Vance	Clerk	3,992.73
Edward Gaddis	Messenger	2,866.20

Funds authorized or appropriated for committee expenditures	$150,000.00
Amount of expenditures previously reported	55,107.97
Amount expended from Jan. 1, 1966, to June 30, 1966	29,021.27
Total amount expended from Jan. 3, 1965 to June 30, 1966	84,129.24
Balance unexpended as of June 30, 1966	65,870.76

Wayne N. Aspinall,
Chairman.

July 5, 1966.

COMMITTEE ON INTERSTATE AND FOREIGN COMMERCE

To the **Clerk of the House**:

The above-mentioned committee or subcommittee, pursuant to section 134(b) of the Legislative Reorganization Act of 1946, Public Law 601, 79th Congress, approved August 2, 1946, as amended, submits the following report showing the name, profession, and total salary of each person employed by it during the 6-month period from January 1, 1966, to June 30, 1966, inclusive, together with total funds authorized or appropriated and expended by it:

Name of employee	Profession	Total gross salary during 6-month period
Clerical staff:		
W. E. Williamson	Clerk	$12,690.96
Kenneth J. Painter	1st assistant clerk	9,736.59
Marcella Fencl	Assistant clerk	5,805.70
Glenn L. Johnson	Printing editor	7,945.98
Joanne C. Neuland	Clerical assistant	4,813.20
Mary Ryan	do	4,813.20
Mildred H. Lang	do	4,813.20
Elsie M. Karpowich	do	4,813.20
Clerical Staff—Con.		
Edwin Earl Thomas	Staff assistant	$4,763.34
Marion M. Burson	Staff assistant (minority).	10,328.04
Professional staff:		
Andrew Stevenson	Professional staff coordinator.	12,690.96
Kurt Borchardt	Legal counsel	12,690.96
William J. Dixon	Professional staff member.	12,174.36
James M. Menger	do	12,174.36
Additional temporary employees under H. Res. 35 and H. Res. 697:		
Lewis E. Berry, Jr.	Minority counsel	12,174.36
Helen M. Dubino	Staff assistant (minority).	9,342.54
Barbara L. Bullard	Clerical assistant (minority).	3,746.88
Lola LeMieux	Clerical assistant (minority) (to Jan. 7, 1966).	130.20
Judy Ellen Rodgers	Clerical assistant (minority) (from Jan. 8 to Apr. 16, 1966).	1,859.76
Regina M. Acree	Clerical assistant (from June 27, 1966).	81.64
Julia Ann Atkinson	Clerical assistant (minority) (from June 1, 1966).	557.88
Judith L. Hirsch	Clerical assistant (minority) (Apr. 17 to May 31, 1966).	818.28
John I. Burton	Staff assistant (from Apr. 1, 1966).	2,355.69
Robert H. Dooley	Staff assistant (from June 1, 1966).	400.49
Douglas R. Nobles, Jr.	Messenger (from June 1, 1966).	219.60
John M. Kerwin	Special counsel (from Apr. 1, 1966).	4,262.70
Special Subcommittee on Investigations:		
Robert W. Lishman	Chief counsel (from Feb. 8, 1966).	9,941.14
Herman C. Beasley	Research attorney (retired civil service annuitant, to Apr. 30, 1966).	3,062.64
Jonathan W. Sloat	Special counsel	11,814.60
Daniel J. Manelli	Staff attorney	7,177.54
James R. Connor	Staff assistant	7,177.54
Sanford L. Mervis	Attorney	7,822.26
Norman E. Holly	Economic analyst (from Mar. 8, 1966).	4,953.90
Linda E. Spirt	Clerk-stenographer	3,733.58
Elizabeth G. Paola	Clerical assistant	4,711.38
Victoria Williams	do	4,339.26
Catherine C. McLees.	Clerical assistant (to June 12, 1966).	3,240.19

Funds authorized or appropriated for committee expenditures	$607,000.00
Amount of expenditures previously reported	191,866.75
Amount expended from Jan. 1 to June 30, 1966	112,692.35
Total amount expended from Jan. 3, 1965 to June 30, 1966	304,559.10
Balance unexpended as of June 30, 1966	302,440.90

Harley O. Staggers,
Chairman.

July 15, 1966.

COMMITTEE ON THE JUDICIARY

To the **Clerk of the House**:

The above-mentioned committee or subcommittee, pursuant to section 134(b) of the Legislative Reorganization Act of 1946, Public Law 601, 79th Congress, approved August 2, 1946, as amended, submits the following report showing the name, profession, and total salary of each person employed by it during the 6-month period from January 1, 1966, to June 30, 1966, inclusive, together with total funds authorized or appropriated and expended by it:

Name of employee	Profession	Total gross salary during 6-month period
Bess E. Dick	Staff director	$12, 690. 96
William R. Foley	General counsel	12, 690. 96
Benjamin L. Zelenko	Counsel	9, 514. 44
Garner J. Cline	do	8, 776. 02
Martin R. Hoffman	Associate counsel	6, 239. 72
Carrie Lou Allen	Clerical staff	5, 442. 42
Lorraine W. Beland	do	5, 192. 10
Gertrude C. Burak	do	5, 743. 80
Jane C. Caldwell	do	6, 122. 64
Frances F. Christy	do	6, 973. 44

SALARIES PAID PURSUANT TO H. RES. 19, H. RES. 88, AND H. RES. 638, 89TH CONG.

Name of employee	Profession	Total gross salary during 6-month period
Beatson, Robert J	Legislative assistant	$6, 221. 64
Benn, Donald G	Associate counsel	7, 462. 96
Breslow, Jerome W	Assistant counsel	6, 240. 78
Cors, Allan D	Deputy associate counsel (through Feb. 20, 1966).	1, 802. 49
Dean, John Wesley, III.	Deputy associate counsel (from Mar. 1, 1966).	2, 547. 08
Eisenberg, Roberta E	Clerical	4, 773. 42
Haardt, Alma B	do	4, 401. 30
Hansen, Walter D	Special counsel (from Mar. 3, 1966).	8, 319. 63
Harkins, Kenneth R	Chief counsel, Antitrust Subcommittee.	11, 885. 64
Hunter, Jane Ward	Clerical	3, 412. 24
James, Raymond J	do	5, 079. 42
Jett, R. Frederick	Counsel	9, 768. 36
Jones, Thomas O	Clerical (from June 6, 1966).	262. 13
Kelemonick, Michael	Clerical	4, 649. 40
Lee, Charles R	Messenger	3, 347. 28
McGrady, Florence T	Clerical	4, 115. 64
McGrath, James P	do	4, 115. 64
Martz, Uzal H., Jr	Legislative assistant	7, 252. 56
Meekins, Elizabeth G	Clerical	4, 773. 42
Resweber, Harold J., Jr.	do	2, 906. 40
Shattuck, Patricia H	Clerical (through Feb. 14, 1966).	1, 006. 04
Sourwine, Mary G	Clerical	3, 746. 88
Sutherland, David A	Counsel	10, 357. 14
Zeifman, Jerome M	do	8, 292. 78

Funds authorized or appropriated for committee expenditures	$550, 000. 00
Amount of expenditures previously reported	218, 446. 72
Amount expended from Jan. 1 to June 30, 1966	134, 354. 32
Total amount expended from Jan. 3, 1965, to June 30, 1966	352, 801. 04
Balance unexpended as of June 30, 1966	197, 198. 96

EMANUEL CELLER,
Chairman.

FUNDS FOR PREPARATION OF UNITED STATES CODE, DISTRICT OF COLUMBIA CODE, AND REVISION OF THE LAWS

A. Preparation of new edition of United States Code (no year):	
Unexpended balance, Dec. 31, 1965	$57, 970. 30
Expended Jan. 1 to June 30, 1966	21, 537. 90
Balance, June 30, 1966	36, 432. 40
B. Preparation of new edition of District of Columbia Code:	
Unexpended balance, Dec. 31, 1965	40, 961. 14
Expended Jan. 1 to June 30, 1966	23, 217. 12
Balance, June 30, 1966	17, 744. 02
C. Revision of the laws, 1966:	
Unexpended balance, Dec. 31, 1965	14, 479. 54
Expended Jan. 1 to June 30, 1966	12, 229. 08
Balance, June 30, 1966	2, 250. 46

JUNE 30, 1966.

COMMITTEE ON MERCHANT MARINE AND FISHERIES

To the CLERK OF THE HOUSE:

The above-mentioned committee or subcommittee, pursuant to section 134(b) of the Legislative Reorganization Act of 1946, Public Law 601, 79th Congress, approved August 2, 1946, as amended, submits the following report showing the name, profession, and total salary of each person employed by it during the 6-month period from January 1, 1966, to June 30, 1966, inclusive, together with total funds authorized or appropriated and expended by it:

Name of employee	Profession	Total gross salary during 6-month period
John M. Drewry	Chief counsel	$12, 690. 16
Bernard J. Zincke	Counsel	12, 027. 66
Ned P. Everett	do	10, 362. 96
Arthur Pankopf, Jr	Minority counsel	9, 096. 48
Robert J. McElroy	Chief clerk	9, 344. 10
Frances P. Still	Assistant clerk	6, 353. 12
Ruth E. Brookshire	do	5, 004. 36
Edith W. Gordon	Secretary	5, 004. 36
Vera A. Barker	do	5, 004. 36
Virginia L. Noah	do	3, 357. 10

Funds authorized or appropriated for committee expenditures	$135, 000. 00
Amount of expenditures previously reported	26, 040. 18
Amount expended from Jan. 1, 1966, to June 30, 1966	43, 506. 13
Total amount expended from Jan. 1, 1965, to June 30, 1966	69, 546. 31
Balance unexpended as of June 30, 1966	65, 453. 69

EDWARD A. GARMATZ,
Chairman.

JULY 15, 1966.

COMMITTEE ON POST OFFICE AND CIVIL SERVICE

To the CLERK OF THE HOUSE:

The above-mentioned committee or subcommittee, pursuant to section 134(b) of the Legislative Reorganization Act of 1946, Public Law 601, 79th Congress, approved August 2, 1946, as amended, submits the following report showing the name, profession, and total salary of each person employed by it during the 6-month period from January 1 to June 30, 1966, inclusive, together with total funds authorized or appropriated and expended by it:

Name of employee	Profession	Total gross salary during 6-month period
Standing committee staff:		
Charles E. Johnson	Staff director	$12, 690. 96
B. Benton Bray	Associate staff director.	12, 413. 04
John H. Martiny	Counsel	12, 413. 04
William A. Irvine	Assistant staff director.	12, 413. 04
Theodore James Kazy.	Senior staff assistant.	9, 999. 24
Elsie E. Thornton	Executive secretary	6, 304. 50
John B. Price	Assistant clerk (to Mar. 31, 1966).	2, 808. 75
Barbara M. Wells	Secretary	5, 617. 50
Blanche M. Simons	do	5, 442. 42
Justine P. Snipes	do	5, 066. 94
Joan H. Berner	Secretary (from May 1, 1966).	1, 591. 14
Investigative staff, pursuant to H. Res. 245, 246, 511, and 696, 89th Cong., 2d sess.:		
Barton, Richard	Staff assistant	6, 541. 55
Bates, Kathryn E	Secretary	4, 258. 68
Berner, Joan H	Stenographer (to Apr. 30, 1966).	3, 120. 26
Blewett, Arlene	Clerk-typist (to May 31, 1966).	665. 60
Bova, Joyce C	Clerk-stenographer	3, 543. 40
Investigative staff etc.—Con.		
Braun, Debbie Ann	Stenographer (from Apr. 27, 1966).	$402. 09
Breslow, Harriet K	Clerk-stenographer (from Feb. 1 to May 31, 1966).	2, 231. 52
Carlson, Geraldine N.	Clerk-typist (to Apr. 30, 1966).	2, 000. 12
Carroll, Patricia G	Staff assistant (to May 31, 1966).	5, 114. 86
Davis, Stewart A	Staff assistant (from Apr. 1, 1966).	3, 001. 35
Devlin, Ralph J	Staff member	8, 167. 54
Fleming, Lynn K	Clerk-typist (from May 1, 1966).	1, 000. 06
Green, Thelma R	Stenographer	4, 711. 40
Keating, Michael M.	Staff assistant	4, 365. 82
Kennedy, Thomas R.	do	5, 982. 70
MacKay, John W	do	6, 160. 30
Mann, Lawrence	do	5, 982. 70
Matchett, Francis T	Investigator	4, 349. 76
Mode, Douglas G	Associate counsel (to Jan. 31, 1966).	394. 09
Monahan, Jean	Clerk-stenographer	4, 290. 18
Pendleton, Maria R	Stenographer	4, 732. 07
Peters, Dorothy L	do	4, 427. 33
Potts, Marjorie E	Clerk-stenographer (from Mar. 21, 1966).	1, 948. 43
Powell, John W	Staff assistant	4, 686. 60
Price, John B	Assistant clerk (from Apr. 1, 1966).	4, 999. 62
Richards, James Walsh.	Staff assistant	3, 543. 40
Tansill, Helen C	Stenographer	2, 990. 38
Townsend, Richard H.	Staff assistant (from June 1, 1966).	1, 045. 44
Waltman, Cynthia M.	Typist (summer employee—from Apr. 28, 1966).	631. 47
Ward, Ella R	Staff assistant	6, 160. 30
Wilton, Patricia J	Clerk-stenographer (from June 1, 1966).	557. 88

Funds authorized or appropriated for committee expenditures (1965 balance, $29,906.57; H. Res. 696 $240,000)	$269, 906. 57
Amount of expenditures previously reported	0
Amount expended from Jan. 1 to June 30	133, 942. 72
Total expended from — to —	0
Balance unexpended as of June 30, 1966	135, 963. 85

TOM MURRAY,
Chairman.

JULY 14, 1966.

COMMITTEE ON PUBLIC WORKS

To the CLERK OF THE HOUSE:

The above-mentioned committee or subcommittee, pursuant to section 134(b) of the Legislative Reorganization Act of 1946, Public Law 601, 79th Congress, approved August 2, 1946, as amended, submits the following report showing the name, profession, and total salary of each person employed by it during the 6-month period from January 1 to June 30, 1966, inclusive, together with total funds authorized or appropriated and expended by it:

Name of employee	Profession	Total gross salary during 6-month period
Standing committee:		
Richard J. Sullivan	Chief counsel	$12, 144. 96
Joesph R. Brennan	Engineer-consultant.	12, 144. 96
Clifton W. Enfield	Minority counsel	11, 708. 10
Stephen V. Feeley	Subcommittee clerk	8, 058. 48
Audrey G. Warren	do	6, 122. 64
Dorothy A. Beam	Staff assistant	7, 194. 80
Meriam R. Buckley	do	4, 674. 18
Sterlyn B. Carroll	do	4, 587. 36
Anne C. Kennedy	Staff assistant (as of Feb. 1, 1966.)	3, 368. 25

Name of employee	Profession	Total gross salary during 6-month period
Investigating staff, salaries paid Jan. 1 through June 30, 1966 pursuant to H. Res. 142, H. Res. 514, H. Res. 711:		
Maurice B. Tobin	Subcommittee clerk	$7,968.48
John A. O'Connor, Jr.	do	6,122.64
Augusta B. Peters	do	6,122.64
Robert F. Spence	do	6,122.64
Erla S. Youmans	Minority staff assistant.	5,655.42
Randal C. Teague	do	4,668.00
Anne C. Kennedy	Staff assistant (through Jan. 31, 1966).	626.53
Jeannine A. Marcoux.	Staff assistant (as of Feb. 13, 1966).	3,098.79
Mary Ann Hodges	Minority staff assistant (through Apr. 30, 1966).	2,073.20
R. Frederica Booth	Minority staff assistant (as of May 1, 1966).	1,300.18
Gerard F. Schiappa	Minority staff assistant.	3,630.12
Harvey C. Simms, Jr.	Clerical assistant (as of June 6, 1966).	298.19

H. Res. 142	$150,000.00
H. Res. 514	115,000.00
H. Res. 711	90,000.00
Funds authorized or appropriated for committee expenditures	355,000.00
Amount of expenditures previously reported	110,044.60
Amount expended from Jan. 1 to June 30, 1966	53,353.97
Total amount expended from Jan. 1, 1965, to June 30, 1966	163,398.57
Balance unexpended as of June 30, 1966	191,601.43

George H. Fallon,
Chairman.

JULY 14, 1966.

SPECIAL SUBCOMMITTEE ON THE FEDERAL-AID HIGHWAY PROGRAM

To the CLERK OF THE HOUSE:

The above-mentioned committee or subcommittee, pursuant to section 134(b) of the Legislative Reorganization Act of 1946, Public Law 601, 79th Congress, approved August 2, 1946, as amended, submits the following report showing the name, profession, and total salary of each person employed by it during the 6-month period from January 1 to June 30, 1966, inclusive, together with total funds authorized or appropriated and expended by it:

Name of employee	Profession	Total gross salary during 6-month period
Walter R. May	Chief counsel	$11,885.64
John P. Constandy	Assistant chief counsel.	11,019.00
Robert L. May	Minority counsel	10,942.68
George H. Martin	Administrative assistant.	9,906.90
Salvatore J. D'Amico	Associate counsel	8,355.18
John P. O'Hara	do	8,355.18
Carl J. Lorenz, Jr	do	7,636.56
Robert G. Lawrence	do	7,219.86
George M. Kopecky	Chief investigator	10,409.52
Sherman S. Willse	Professional staff member.	8,355.18
Richard A. Cordasco	Professional staff member (through Feb. 15, 1966).	1,945.71
James P. Boyd, Jr	Professional staff member (through Apr. 30, 1966).	5,192.32
Paul R. S. Yates	Minority professional staff member.	8,207.70
Kathryn M. Keeney	Chief clerk	$5,541.78
Stuart M. Harrison	Staff assistant	6,221.64
Mildred E. Rupert	do	4,531.56
Agnes M. GaNun	do	4,376.46
Shirley R. Knighten	do	3,734.58
Sylvia Reppert	Minority staff assistant.	4,295.88

Funds authorized or appropriated for committee expenditures (H. Res. 142, $300,000; H. Res. 514, $15,000; H. Res. 711, $252,000)	$567,000.00
Amount of expenditures previously reported	306,282.64
Amount expended from Jan. 1, 1966 to June 30, 1966	145,524.69
Total amount expended from Jan. 1, 1965, to June 30, 1966	451,807.33
Balance unexpended as of Jan. 30, 1966	115,192.67

George H. Fallon,
Chairman.

JULY 14, 1966.

COMMITTEE ON RULES

To the CLERK OF THE HOUSE:

The above-mentioned committee or subcommittee, pursuant to section 134(b) of the Legislative Reorganization Act of 1946, Public Law 601, 79th Congress, approved August 2, 1946, as amended, submits the following report showing the name, profession, and total salary of each person employed by it during the 6-month period from January 1 to June 30, 1966, inclusive, together with total funds authorized or appropriated and expended by it:

Name of employee	Profession	Total gross salary during 6-month period
Laurie C. Battle	Counsel, standing committee (P).	$12,690.96
Mary Spencer Forrest	Assistant counsel (P).	6,790.92
Robert D. Hynes, Jr	Minority counsel (P).	6,790.92
Winifred L. Watts	Secretary (C) (Apr. 1 to June 30, 1966).	1,642.80
Sarah Jane Zimmerman.	Secretary (C) (May 17 to June 30, 1966).	915.90

Howard W. Smith,
Chairman.

JULY 13, 1966.

COMMITTEE ON SCIENCE AND ASTRONAUTICS

To the CLERK OF THE HOUSE:

The above-mentioned committee or subcommittee, pursuant to section 134(b) of the Legislative Reorganization Act of 1946, Public Law 601, 79th Congress, approved August 2, 1946, as amended, submits the following report showing the name, profession, and total salary of each person employed by it during the 6-month period from January 1 to June 30, 1966, inclusive, together with total funds authorized or appropriated and expended by it:

Name of employee	Profession	Total gross salary during 6-month period
Charles F. Ducander	Executive director and chief counsel.	$12,690.96
John A. Carstarphen, Jr.	Chief clerk and counsel.	11,885.64
Philip B. Yeager	Counsel	$11,885.64
W. H. Boone	Chief technical consultant.	11,885.64
Frank R. Hammill, Jr.	Counsel	11,459.58
Mary Ann Robert	Secretary	4,910.52
Emily Dodson	do	4,699.02
Carol F. Rodgers	do	4,581.18
June C. Stafford	do	4,581.18
Virginia Robinson	do	4,295.88
INVESTIGATIONS SUBCOMMITTEE		
Richard P. Hines	Staff consultant	$10,983.78
James E. Wilson	Technical consulant	10,983.78
Peter A. Gerardi	do	10,983.78
Harold A. Gould	do	10,525.80
Philip P. Dickinson	do	9,325.38
Katherine V. Flanigan.	Assistant clerk	5,743.80
Joseph M. Felton	Counsel	5,699.58
Frank J. Giroux	Printing clerk	5,693.28
Elizabeth S. Kernan	Scientific research assistant.	5,541.78
Denis C. Quigley	Publications clerk	3,888.24
Kieran U. Cashman	Secretary	3,507.18

Funds authorized or appropriated for committee expenditures	$500,000.00
Amount of expenditures previously reported	189,938.65
Amount expended from Jan. 1 to June 30	132,961.40
Total amount expended from Jan. 3, 1965, to June 30, 1966	322,900.05
Balance unexpended as of	177,099.95

George P. Miller,
Chairman.

JULY 18, 1966.

COMMITTEE ON UN-AMERICAN ACTIVITIES

To the CLERK OF THE HOUSE:

The above-mentioned committee or subcommittee, pursuant to section 134(b) of the Legislative Reorganization Act of 1946, Public Law 601, 79th Congress, approved August 2, 1946, as amended, submits the following report showing the name, profession, and total salary of each person employed by it during the 6-month period from January 1 to June 30, 1966, inclusive, together with total funds authorized or appropriated and expended by it:

Name of employee	Profession	Total gross salary during 6-month period
Standing committee:		
Appell, Donald T	Chief investigator	$9,866.46
Gittings, Helen M	Research analyst	6,059.52
Hitz, William	General counsel	12,690.96
Joray, Juliette P	Recording clerk	7,207.98
McNamara, Francis	Director	11,577.90
Nagel, Isabel B	Secretary to counsel	4,773.42
Turner, Anne D	Chief of files and reference section.	7,263.72
Valente, Mary M	Administrative secretary.	5,958.48
Veley, Lorraine N	Secretary to investigators.	4,525.32
Wheeler, William A	Investigator	9,228.12
Investigating committee:		
Baldwin, Beatrice	Clerk-typist	3,225.48
Berman, Ellen Sue	Clerk-typist (resigned Jan. 21, 1966).	314.41
Buglio, Theresa J	Clerk-typist	2,833.74
Butler, Daniel	do	3,140.22
Butler, Eve C	Clerk-stenographer	3,109.80
Chapman, Mary Jo	Clerk-stenographer (appointed Mar. 1, 1966).	1,576.36
Collins, William R	Editor	4,581.18
Cunningham, Anniel.	Information analyst	4,948.02
Curll, Jean W	Secretary to director.	4,159.44
Dechary, J. Lynn	Clerk-typist (appointed June 6, 1966).	360.06

Name of employee	Profession	Total gross salary during 6-month period
Investigating committee—Continued		
Doyle, Florence B	Clerk-stenographer	$2,496.18
DuRoss, David J	Clerk-typist (appointed June 13, 1966).	259.24
Edinger, Elizabeth L.	Editor	5,198.34
Ellsweig, Rochelle J	Clerk-typist	2,266.38
Francis, Emily R	Information analyst	3,292.50
Gaffney, Metje Q	Clerk-typist	2,496.18
Gallagher, James L	Research analyst	5,832.24
Haugh, Karl A	Clerk-typist (appointed June 14, 1966).	244.84
Holton, Katherine L.	Research clerk (resigned Apr. 30, 1966).	2,231.52
Huber, Walter B	Consultant	9,342.54
James, Mildred B	Clerk-typist	2,266.38
Joyner, June	Clerk-typist (resigned Feb. 28, 1966).	719.84
Kelly, M. Patricia	Research analyst	3,943.56
McConnon, B. R., Jr.	Investigator	6,221.64
McLaughlin, Carol E.	Clerk-typist	2,538.12
Manuel, Philip R	Investigator	6,815.16
Masumian, Alberta	Secretary	5,442.42
Montelaro, James J	Clerk-typist	2,866.20
Moreland, Artie	Secretary to general counsel (appointed Jan. 3, 1966).	3,711.36
Muffley, David E., Jr.	Clerk-typist	3,469.08
Nittle, Alfred M	Counsel	9,502.86
Pfaff, Alma T	Research analyst	3,630.12
Phillips, Katherine	Switchboard operator.	3,073.26
Poole, William T	Clerk-typist	2,634.66
Randolph, Josephine S.	Research clerk	3,845.22
Rappaport, Toby	Clerk-typist (resigned Mar. 12, 1966).	1,077.98
Rector, Lynne M	Clerk-stenographer (resigned Feb. 28, 1966).	777.22
Romerstein, Herbert.	Investigator	3,759.18
Rosas, Doris E	Clerk-stenographer (resigned Feb. 6, 1966).	831.89
Russell, Louis J	Investigator	7,431.00
Salathe, Doris R	Information analyst	2,994.12
Stiles, Lela Mae	do	3,673.14
Svendson, Marie T	Clerk-typist (appointed June 6, 1966).	360.06
Sweany, Donald I., Jr.	Research analyst	5,617.50
Sweeny, Barbara C	Clerk-stenographer	3,109.80
Thomas, Lawrence M.	Clerk-typist (appointed Apr. 1, 1966).	1,133.19
Vernor, Dorothy H	Clerk-stenographer (resigned Mar. 2, 1966).	1,163.45
Voultsides, Carol K	Clerk-typist (resigned Apr. 1, 1966).	1,362.45
Wetterman, Neil E	Investigator	6,228.06
Wheeler, Billie	Clerk-stenographer	2,364.54

Funds authorized or appropriated for committee expenditures	$845,000.00
Amount of expenditures previously reported	400,728.49
Amount expended from Jan. 1 to June 30, 1966	224,516.37
Total amount expended from Jan. 3, 1965, to June 30, 1966	625,244.86
Balance unexpended as of June 30, 1966	219,755.14

E. E. WILLIS,
Chairman.

JULY 15, 1966.

COMMITTEE ON VETERANS' AFFAIRS

To the CLERK OF THE HOUSE:

The above-mentioned committee or subcommittee, pursuant to section 134(b) of the Legislative Reorganization Act of 1946, Public Law 601, 79th Congress, approved August 2, 1946, as amended, submits the following report showing the name, profession, and total salary of each person employed by it during the 6-month period from January 1 to June 30, 1966, inclusive, together with total funds authorized or appropriated and expended by it:

Name of employee	Profession	Total gross salary during 6-month period
Full committee:		
Oliver E. Meadows	Staff director	$11,885.64
Edwin B. Patterson	Counsel	11,885.64
John R. Holden	Professional staff member.	9,762.60
Billy E. Kirby	Professional aid	8,355.18
George W. Fisher	Clerk	11,885.64
Helen A. Biondi	Assistant clerk	6,492.96
Alice V. Matthews	Clerk-stenographer	5,317.26
George Turner	Assistant clerk	5,317.26
Wilma Jean Johnson	Clerk-stenographer	4,941.78
Morvie Ann Colby	do	4,819.08
Investigative staff:		
Adin M. Downer	Staff member	8,678.64
Marc S. Carpenter	Clerk-messenger	432.07
William J. Driver, Jr.	do	230.44
Barbara Ehrman	Clerk-stenographer	3,894.36
Marjorie Kidd	do	3,894.36
Alfred J. Moyers, Jr.	Clerk-messenger	432.07
Audrey A. Powelson.	Clerk-stenographer	1,142.75
Dane Lee Tubergen	Clerk-messenger	360.06
Sharon L. Wright	Clerk-stenographer	532.89
Kenneth Braunstein	Clerk-messenger	226.30
Barbara Price Daniel.	Clerk-stenographer	2,856.89
James M. Teague	Investigator	4,169.00

Funds authorized or appropriated for committee expenditures	$160,000.00
Amount of expenditures previously reported	75,386.93
Amount expended from Jan. 1, to June 30, 1966	37,469.26
Total amount expended from Jan. 1, 1965, to June 30, 1966	112,856.19
Balance unexpended as of June 30, 1966	47,143.81

OLIN TEAGUE,
Chairman.

JUNE 30, 1966.

COMMITTEE ON WAYS AND MEANS

To the CLERK OF THE HOUSE:

The above-mentioned committee or subcommittee, pursuant to section 134(b) of the Legislative Reorganization Act of 1946, Public Law 601, 79th Congress, approved August 2, 1946, as amended, submits the following report showing the name, profession, and total salary of each person employed by it during the 6-month period from January 1 to June 30, 1966, inclusive, together with total funds authorized or appropriated and expended by it:

Name of employee	Profession	Total gross salary during 6-month period
Leo H. Irwin	Chief counsel (C)	$12,690.96
William H. Quealy	Minority counsel (P).	12,690.96
John M. Martin, Jr	Assistant chief counsel (P).	12,413.04
John P. Baker	Professional assistant (P).	9,373.94
Thomas P. Kerester	do	9,130.80
Florence Burkett	Staff assistant (C)	4,444.74
Virginia Butler	do	5,863.80
William Byrd	do	2,890.56
Grace Kagan	do	5,863.80
June Kendall	do	6,359.22
Max Mehlburger	Staff assistant (C) (to June 15, 1966).	3,772.67
Elizabeth Price	Staff assistant (C)	3,974.28
Dolores Rogers	do	4,305.44
Gloria Shaver	do	5,367.30
Eileen Sonnett	do	4,916.76
Susan Taylor	do	6,669.30
Irene Wade	do	5,417.40
Richard Wilbur	do	6,841.98
Hughlon Greene	do	4,072.62
Walter Little	do	4,072.62

Funds authorized or appropriated for committee expenditures	$35,000.00
Amount of expenditures previously reported	17,486.64
Amount expended from Jan. 1, to June 30, 1966	1,787.48
Total amount expended from Jan. 1, 1965, to June 30, 1966	19,274.12
Balance unexpended as of June 30, 1966	15,725.88

W. D. MILLS,
Chairman.

JUNE 15, 1966.

JOINT COMMITTEE ON DEFENSE PRODUCTION

To the CLERK OF THE HOUSE:

The above-mentioned committee or subcommittee, pursuant to section 134(b) of the Legislative Reorganization Act of 1946, Public Law 601, 79th Congress, approved August 2, 1946, as amended, submits the following report showing the name, profession, and total salary of each person employed by it during the 6-month period from January 1 to June 30, 1966, inclusive, together with total funds authorized or appropriated and expended by it:

Name of employee	Profession	Total gross salary during 6-month period
Harold J. Warren	Clerk and counsel	$10,665.66
Joseph C. Lewis	Professional staff	9,999.24
George T. Ault	do	7,431.00
C. Oral Lambert	do	6,253.50

Funds authorized or appropriated for committee expenditures	$82,160.00
Amount of expenditures previously reported	33,798.91
Amount expended from Jan. 1 to June 30, 1966	34,503.69
Total amount expended from July 1, 1965, to June 30, 1966	68,302.60
Balance unexpended as of June 30, 1966	13,857.40

A. WILLIS ROBERTSON,
Chairman.

JOINT COMMITTEE ON IMMIGRATION AND NATIONALITY POLICY

JULY 22, 1966.

To the CLERK OF THE HOUSE:

The above-mentioned committee or subcommittee, pursuant to section 134(b) of the Legislative Reorganization Act of 1946, Public Law 601, 79th Congress, approved August 2, 1946, as amended, submits the following report showing the name, profession, and total salary of each person employed by it during the 6-month period from January 1, 1966, to June 30, 1966, inclusive, together with total funds authorized or appropriated and expended by it:

Name of employee	Profession	Total gross salary during 6-month period
Edward M. O'Connor	Staff director	$9,651.94
Della Doss	Secretary	2,361.45

Funds authorized or appropriated for committee expenditures	$25,410.00
Amount of expenditures previously reported	12,763.84
Amount expended from Jan. 1 to June 30, 1966	12,160.29
Total amount expended from July 1, 1965, to June 30, 1966	24,924.13
Balance unexpended as of June 30, 1966	485.87

MICHAEL A. FEIGHAN,
Chairman.

JULY 12, 1966.

JOINT COMMITTEE ON INTERNAL REVENUE TAXATION

To the CLERK OF THE HOUSE:

The above-mentioned committee or subcommittee, pursuant to section 134(b) of the Legislative Reorganization Act of 1946, Public Law 601, 79th Congress, approved August 2, 1946, as amended, submits the following report showing the name, profession, and total salary of each person employed by it during the 6-month period from January 1 to July 1, 1966, inclusive, together with total funds authorized or appropriated and expended by it:

Name of employee	Profession	Total gross salary during 6-month period
L. N. Woodworth	Chief of staff	$12,999.96
Lincoln Arnold	Assistant chief of staff.	12,484.62
Nicholas Tomasulo	Legislation counsel	11,013.12
Robert Smyers	Refund counsel	10,801.86
James H. Symons	Statistical analyst	10,502.64
Grace T. Gunn	do	9,999.24
Alan P. Murray	Economist	10,502.64
Albert Buckberg	do	6,230.78
Earl V. Willetts	Attorney, legislative.	9,022.08
J. M. LaMarche	Administrative assistant.	8,264.40
Harrison B. McCawley.	Attorney, refund	7,990.98
Herbert L. Chabot	Attorney, legislative.	7,518.42
Carl A. Nordberg	do	7,518.42
Anastasia F. Connaughton.	Statistical clerk	7,047.06
Joseph E. Fink	do	7,047.06
Michael E. Fox	Attorney, legislative.	5,516.52
James McBride	Attorney, refund	4,866.66
Cleo H. Fonelli	Secretary, legislative.	4,587.36
Joanne B. McDermott.	do	4,424.76
Gerard L. Ouellette	Attorney, refund	4,500.54
Jacqueline S. Pfeiffer	Secretary, legislative.	4,302.06
Blanche F. Nagro	Secretary, refund	4,103.34
Gloria J. McCabe	Secretary, legislative.	2,350.44
Linda R. Savage	do	3,399.93
June M. Matthews	do	3,146.34
Mary C. Duley	do	1,052.26
Mildred Feldt	do	3,054.96
Cecilia J. Grimm	Secretary, refund	2,797.56
Janmarie Spangler	Secretary, legislative.	2,598.42
L. E. Forgy, Jr	Attorney, legislative.	1,706.58
Blanche Schwartz	Secretary, legislative.	2,506.12
Carolyn A. Easter	do	1,873.44
Linda Buckley	do	182.49
Jamie L. Daley	do	533.52
Total salaries		196,436.58
Contract employees:		
P. W. Meekins	Tax consultant	4,500.00
David Weaver	do	1,085.82
Total salaries and contract payments		202,022.40

Funds authorized or appropriated for committee expenditures	$400,530.00
Amount of expenditures previously reported (reported for period July 1, 1965, to Jan. 1, 1966)	173,037.51
Amount expended from Jan. 1 to July 1, 1966	202,022.40
Total amount expended from July 1, 1965, to July 1, 1966	375,059.91
Balance unexpended as of June 30, 1966	25,470.09

RUSSELL LONG,
Chairman.

JULY 15, 1966.

SELECT COMMITTEE ON SMALL BUSINESS

To the CLERK OF THE HOUSE:

The above-mentioned committee or subcommittee, pursuant to section 134(b) of the Legislative Reorganization Act of 1946, Public Law 601, 79th Congress, approved August 2, 1946, as amended, submits the following report showing the name, profession, and total salary of each person employed by it during the 6-month period from January 1, 1966, to June 30, 1966, inclusive, together with total funds authorized or appropriated and expended by it:

Name of employee	Profession	Total gross salary during 6-month period
Richard L. Mitchell	General counsel	$12,690.96
Myrtle Ruth Foutch	Clerk	5,442.42
Henry A. Robinson	Counsel	9,854.55
William M. Reddig	Research analyst	6,486.90
Astrid E. Gram	Secretary	3,439.62
Harry Olsher	Consultant	11,230.26
Bryan H. Jacques	Staff director	12,690.96
Gregg R. Potvin	Counsel	11,230.26
Sylvia U. Keel	Secretary	4,289.64
Justinus Gould	Counsel	10,665.66
Charles E. O'Connor	do	10,665.66
Beth S. Russell	Secretary	3,537.90
Gertrude M. Dean	do	3,537.90
William A. Keel, Jr	Research analyst	9,342.54
Neil R. Phillips	Secretary	1,255.95
Dorothy M. Partin	do	693.24
John J. Williams	Minority counsel	8,292.78
Robert D. Zitko	Assistant minority counsel.	3,367.92
Ronald G. Pearson	Minority staff assistant.	584.53
Maxine M. Porter	Secretary (minority).	2,532.06
Beverly B. Denbo	do	2,446.15
Ann Eichelkraut	do	350.39

Funds authorized or appropriated for committee expenditures	$635,000.00
Amount of expenditures previously reported	290,308.66
Amount expended from Jan. 1, to June 30, 1966	144,412.62
Total amount expended from Jan. 3, 1965, to June 30, 1966	434,721.28
Balance unexpended as of June 30, 1966	200,278.72

JOE L. EVINS,
Chairman.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

2591. A letter from the Director of Civil Defense, Department of the Army, transmitting a report on property acquisitions of emergency supplies and equipment, for the quarter ending June 30, 1966, pursuant to the provisions of subsection 201(h) of the Federal Civil Defense Act of 1950, as amended, and to the authority transferred to the Secretary of Defense by Executive Order 10952 of August 1, 1961; to the Committee on Armed Services.

2592. A letter from the Director, Congressional Liaison, Agency for International Development, Department of State, transmitting a copy of the Agency's reply to the report of the Comptroller General on improper payment of port charges on shipments to Colombia of food donated under title III of the Agricultural Trade Development and Assistance Act of 1954; to the Committee on Government Operations.

2593. A letter from the Assistant Secretary of the Interior, transmitting a draft of proposed legislation to amend the act of September 13, 1962, authorizing the establishment of the Point Reyes National Seashore in the State of California, and for other purposes; to the Committee on Interior and Insular Affairs.

2594. A letter from the Attorney General, transmitting a report on the performance of the responsibilities of the Attorney General, pursuant to the provisions of Public Law 89-175; to the Committee on the Judiciary.

2595. A letter from the Deputy Assistant Secretary for Administration, Department of the Interior, transmitting a report of grants made to nonprofit institutions and organizations for support of scientific research programs during calendar year 1965, pursuant to the provisions of Public Law 85-934; to the Committee on Science and Astronautics.

2596. A letter from the Administrator, Veterans' Administration, transmitting a draft of proposed legislation to prohibit the processing of sale claims for special dividends by the Veterans' Administration; to the Committee on Veterans' Affairs.

PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. ASHLEY:

H.R. 16528. A bill to authorize the President, during the period during which the 89th Congress is adjourned sine die, to increase certain income tax and withholding rates temporarily; to the Committee on Ways and Means.

By Mr. DYAL:

H.R. 16529. A bill to amend chapter 1 of the Internal Revenue Code of 1954 in regard to certain investments by dealers in real estate; to the Committee on Ways and Means.

By Mr. EDWARDS of Alabama:

H.R. 16530. A bill to amend title II of the Social Security Act to provide for cost-of-living increases in the benefits payable thereunder; to the Committee on Ways and Means.

By Mr. HOSMER:

H.R. 16531. A bill to amend title II of the Social Security Act to provide for cost-of-living increases in the benefits payable thereunder; to the Committee on Ways and Means.

By Mr. KREBS:

H.R. 16532. A bill to provide an equitable system for fixing and adjusting the rates of compensation of wage board employees; to the Committee on Post Office and Civil Service.

By Mr. MADDEN:

H.R. 16533. A bill to appropriate certain amounts for the authorized survey of the Little Calumet River, Ill. and Ind., and its tributaries; to the Committee on Appropriations.

By Mr. REINECKE:

H.R. 16534. A bill to increase the investment credit allowable with respect to facilities to control water and air pollution; to the Committee on Ways and Means.

By Mr. RONCALIO:

H.R. 16535. A bill to amend the Internal Revenue Code of 1954 to increase from $200 to $500 the monthly amount of the pay of a commissioned officer serving in or around Vietnam which is exempt from income tax; to the Committee on Ways and Means.

By Mr. ROYBAL:

H.R. 16536. A bill to extend the time within which certain requests may be filed under the Tariff Schedules Technical Amendments Act of 1965; to the Committee on Ways and Means.

By Mr. STAFFORD:

H.R. 16537. A bill to amend title II of the Social Security Act to provide for cost-of-living increases in the benefits payable thereunder; to the Committee on Ways and Means.

By Mr. SWEENEY:

H.R. 16538. A bill to amend the Internal Revenue Code of 1954 to provide that the costs of education or training shall be deductible as trade or business expenses when incurred in order to obtain a new or better job, as well as when incurred in order to maintain existing skills, status, salary, or employment; to the Committee on Ways and Means.

By Mr. THOMSON of Wisconsin:

H.R. 16539. A bill to amend title II of the Social Security Act to provide for cost-of-living increases in the benefits payable thereunder; to the Committee on Ways and Means.

By Mr. WILLIS:

H.R. 16540. A bill to authorize a study for an intracoastal canal to carry deep sea navigation; to the Committee on Public Works.

By Mr. WOLFF:

H.R. 16541. A bill to amend the Internal Revenue Code of 1954 to allow an individual an income tax deduction for the expenses of traveling to and from work by means of mass transportation facilities; to the Committee on Ways and Means.

By Mr. YOUNGER:

H.R. 16542. A bill to amend section 416 of the Federal Aviation Act of 1958; to the Committee on Interstate and Foreign Commerce.

By Mr. ANDERSON of Illinois:

H.R. 16543. A bill to amend title II of the Social Security Act to provide for cost-of-living increases in the benefits payable thereunder; to the Committee on Ways and Means.

By Mr. ARENDS:

H.R. 16544. A bill to amend title II of the Social Security Act to provide for cost-of-living increases in the benefits payable thereunder; to the Committee on Ways and Means.

By Mr. DENT:

H.R. 16545. A bill to extend the special milk program for children to dependents of military personnel on the overseas dependents schools of the Department of Defense; to the Committee on Agriculture.

H.R. 16546. A bill to amend the National School Lunch Act by authorizing participation of the overseas dependents schools of the Department of Defense; to the Committee on Education and Labor.

By Mr. FOGARTY:

H.R. 16547. A bill to implement the Agreement on the Importation of Educational, Scientific, and Cultural Materials, opened for signature at Lake Success on November 22, 1950, and for other purposes; to the Committee on Ways and Means.

By Mr. HORTON:

H.R. 16548. A bill to amend the National Foundation on the Arts and the Humanities Act of 1965; to the Committee on Education and Labor.

By Mr. McDADE:

H.R. 16549. A bill to amend title II of the Social Security Act to provide for cost-of-living increases in the benefits payable thereunder; to the Committee on Ways and Means.

By Mr. MACHEN (by request):

H.R. 16550. A bill to amend the Administrative Procedure Act and related statutes to revise the nomenclature with respect to examiners; to the Committee on the Judiciary.

By Mr. PELLY:

H.R. 16551. A bill to amend title II of the Social Security Act to provide for cost-of-living increases in the benefits payable thereunder; to the Committee on Ways and Means.

By Mr. POFF:

H.R. 16552. A bill to amend title II of the Social Security Act to provide for cost-of-living increases in the benefits payable thereunder; to the Committee on Ways and Means.

By Mr. RIVERS of South Carolina:

H.R. 16553. A bill to establish the positions of Sergeant Major of the Army, Master Chief Petty Officer of the Navy, Sergeant Major of the Marine Corps, and Chief Master Sergeant of the Air Force; to the Committee on Armed Services.

By Mr. ROYBAL:

H.R. 16554. A bill to amend title 10, United States Code, to equalize the retirement pay of members of the uniformed services of equal rank and years of service, and for other purposes; to the Committee on Armed Services.

By Mr. SCHNEEBELI:

H.R. 16555. A bill to amend title II of the Social Security Act to provide for cost-of-living increases in the benefits payable thereunder; to the Committee on Ways and Means.

By Mr. STANTON:

H.R. 16556. A bill to provide for a more conservative capitalization of the St. Lawrence Seaway Development Corporation, and for other purposes; to the Committee on Public Works.

By Mr. TEAGUE of Texas (by request):

H.R. 16557. A bill to provide for the refund of certain unearned premiums on policies of national service life insurance to former members of the organized military forces of the Government of the Commonwealth of the Philippines, and to amend title 38 of the United States Code to provide that certain payments under that title shall be made at the rate of two Philippine pesos for each dollar authorized; to the Committee on Veterans' Affairs.

By Mr. TUTEN:

H.R. 16558. A bill to amend section 317 of the Agricultural Adjustment Act of 1938, as amended, for the purpose of providing for the sale and transfer of farm marketing quotas for flue-cured tobacco on an acreage-poundage basis; to the Committee on Agriculture.

By Mr. ROGERS of Florida:

H.R. 16559. A bill to amend the Marine Resources and Engineering Development Act of 1966 to authorize the establishment and operation of sea grant colleges and programs by initiating and supporting programs of education and research in the various fields relating to the development of marine resources, and for other purposes; to the Committee on Merchant Marine and Fisheries.

By Mr. CARTER:

H.J. Res. 1229. Joint resolution proposing an amendment to the Constitution of the United States to permit voluntary participation in prayer in public schools; to the Committee on the Judiciary.

By Mr. DEVINE:

H.J. Res. 1230. Joint resolution to provide for the settlement of the labor dispute between certain carriers by air and certain of their employees; to the Committee on Interstate and Foreign Commerce.

By Mr. REID of New York:

H.J. Res. 1231. Joint resolution to provide the settlement of the labor dispute currently existing between certain air carriers and certain of their employees; to the Committee on Interstate and Foreign Commerce.

By Mr. SCHEUER:

H.J. Res. 1232. Joint resolution to provide for the formulation, adoption, administration, and periodic updating of a comprehensive development plan for the U.S. Capitol Grounds and contiguous related and influencing areas; to the Committee on Public Works.

By Mr. GILBERT:

H. Con. Res. 899. Concurrent resolution to provide for a permanent United Nations peacekeeping force; to the Committee on Foreign Affairs.

By Mr. NIX:

H. Con. Res. 900. Concurrent resolution to provide for a permanent United Nations peacekeeping force; to the Committee on Foreign Affairs.

By Mr. FINDLEY:

H. Con. Res. 901. Concurrent resolution relating to U.S. military personnel held captive in Vietnam; to the Committee on Foreign Affairs.

By Mr. FOUNTAIN:

H. Con. Res. 902. Concurrent resolution relating to U.S. military personnel held captive in Vietnam; to the Committee on Foreign Affairs.

By Mr. HALPERN:

H. Con. Res. 903. Concurrent resolution relating to U.S. military personnel held captive in Vietnam; to the Committee on Foreign Affairs.

By Mr. HERLONG:

H. Con. Res. 904. Concurrent resolution relating to U.S. military personnel held captive in Vietnam; to the Committee on Foreign Affairs.

By Mr. KORNEGAY:

H. Con. Res. 905. Concurrent resolution relating to U.S. military personnel held captive in Vietnam; to the Committee on Foreign Affairs.

By Mr. KLUCZYNSKI:

H. Con. Res. 906. Concurrent resolution relating to U.S. military personnel held captive in Vietnam; to the Committee on Foreign Affairs.

By Mr. RIVERS of Alaska:

H. Con. Res. 907. Concurrent resolution relating to U.S. military personnel held captive in Vietnam; to the Committee on Foreign Affairs.

By Mr. TALCOTT:

H. Con. Res. 908. Concurrent resolution relating to U.S. military personnel held captive in Vietnam; to the Committee on Foreign Affairs.

By Mr. WHALLEY:

H. Con. Res. 909. Concurrent resolution relating to U.S. military personnel held captive in Vietnam; to the Committee on Foreign Affairs.

By Mr. CORMAN:

H. Con. Res. 910. Concurrent resolution relating to U.S. military personnel held captive in Vietnam; to the Committee on Foreign Affairs.

By Mr. MATHIAS:

H. Con. Res. 911. Concurrent resolution relating to U.S. military personnel held captive in Vietnam; to the Committee on Foreign Affairs.

By Mr. PEPPER:

H. Con. Res. 912. Concurrent resolution urging the President to intervene in the airlines strike; to the Committee on Interstate and Foreign Commerce.

By Mr. CASEY:

H. Res. 930. Resolution to authorize the printing of additional copies of House Document No. 96 of the 86th Congress; to the Committee on House Administration.

By Mr. McMILLAN:

H. Res. 931. Resolution to grant the Congress of the United States the permission to review the report of the District of Columbia Crime Commission before any action is taken to reorganize the District of Columbia Police Department; to the Committee on the District of Columbia.

By Mr. JOELSON:

H. Res. 932. Resolution declaring the Eastern Orthodox Church to be a major faith in the United States; to the Committee on the Judiciary.

By Mr. PEPPER:

H. Res. 933. Resolution to authorize and direct the Committee on Interstate and Foreign Commerce to forthwith conduct an investigation and study with respect to the present labor dispute between certain air carriers and certain of their employees; to the Committee on Rules.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. KEOGH:

H.R. 16560. A bill for the relief of Lucia Ciaravino and Santo Ciaravino; to the Committee on the Judiciary.

By Mr. McCARTHY:

H.R. 16561. A bill for the relief of Anton Sobonja; to the Committee on the Judiciary.

By Mr. McCLORY:

H.R. 16562. A bill for the relief of Anna Maria Picchietti; to the Committee on the Judiciary.

By Mr. MULTER:

H.R. 16563. A bill for the relief of Angiolina Condello; to the Committee on the Judiciary.

By Mr. WATSON:

H.R. 16564. A bill for the relief of certain individuals; to the Committee on the Judiciary.

EXTENSIONS OF REMARKS

Two-Hundred-Billion-Electron-Volt Proton Accelerator

EXTENSION OF REMARKS

OF

HON. CHET HOLIFIELD

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 26, 1966

Mr. HOLIFIELD. Mr. Speaker, as chairman of the Joint Committee on Atomic Energy I have attempted to keep the Congress fully informed as to the information received by the committee on the proposed large accelerator—the 200-billion-electron-volt proton accelerator.

The last time I spoke on this subject was on May 9, 1966, in connection with the House consideration of the AEC's authorizing legislation for fiscal year 1967. As I pointed out on that occasion, the AEC had not requested nor had the committee authorized funds for engineering design or construction of the 200-Bev accelerator. The AEC was then as it is now considering six sites for the proposed large accelerator. These sites are located in the vicinity of Ann Arbor, Mich.; Brookhaven National Laboratory in Long Island, N.Y.; Denver, Colo.; Madison, Wis.; Sierra Foothills, Calif.; and Weston, Ill. A selection from among these six is expected during the remaining months of 1966. If the Commission holds to the schedule indicated to us at the time of our authorization hearings, which we set forth in the committee's report—House Report No. 1471, May 3, 1966, page 28—a selection should be expected by the end of September.

Today I wish to acquaint the Members of this House with a new estimate for the construction costs of the 200-Bev accelerator. You will recall that the President's fiscal year 1967 budget report had an estimate of $375 million. This included $40,500,000 for research equipment and $27 million for a major detection device. The basic engineering and construction for the large accelerator was $307.5 million in that estimate. An independent cost estimate subsequently made for the Commission by a combine of architect-engineers, known as DUSAF, now places the estimated costs of basic engineering and construction of this accelerator at $327,336,000. If the research equipment and large detection device are added to the new estimate to make it comparable to the President's budget estimate—it would show that the estimated cost for the 200-Bev accelerator is now $395,000,000.

The new AEC report on the 200-Bev accelerator also indicates that it would take 8 years from the go ahead on the project until the accelerator is ready for experimentation.

I will continue to keep the House informed of any new information relative to this accelerator that the Joint Committee receives.

Horton Bill To Establish a Commission on Architecture and Planning for the Capitol

EXTENSION OF REMARKS

OF

HON. FRANK HORTON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 26, 1966

Mr. HORTON. Mr. Speaker, the people of the United States, whom we in the House of Representatives are honored to represent, are disturbed; the proposal to extend the west front of the Capitol—their Capitol—has justifiably disturbed them. It is ironic that the proposal is partially based on the need for expanded tourist facilities, yet in providing these it is marring the greatest attraction of visitors to our Capital City. It is the private citizen of our country—for whom the Capitol is a symbol as well as a beautiful building—who is most greatly aroused by the recommended alteration of the west front.

It is evident that he would rather the much-needed tourist facilities be forgotten. Yet, the establishment of essential facilities, be they for storage of documents, restaurants, or tourist centers must not be forgotten, neither must the already established symbolism and beauty of the Capitol be forgotten.

Certainly, the protection of our great monumental buildings is as important as the protection of monumental documents. If such protection must be effected through legislation, then it is essential that such legislation be enacted.

I am today introducing a bill to amend the National Foundation on the Arts and Humanities Act of 1965, to establish a Commission on Architecture and Planning for the Capitol. It cannot be denied that certain construction projects are necessary for the improvements of the U.S. Capitol Grounds and adjacent areas. Yet, such projects must meet standards of good taste and judgment, retain esthetic and architectural values, and demonstrate the historic and symbolic importance of our Nation's Capitol.

The Commission which my bill provides will review such proposed projects as the extension of the west front and advise how they might be carried out so that necessary standards will not be violated. Qualified professionals will help compose the nine-member Commission, seven of whom will be appointed by the President, one of whom will be appointed by the Speaker of the House of Representatives, and one of whom will be appointed by the President pro tempore of the Senate. Nominations for the members will come from groups which will be rightfully represented on the Commission—the American Institute of Architects, the American Society of Landscape Architects, the National Trust for Historic Preservation, the Federal Council on Arts and Humanities, and the Commission of Fine Arts. The members appointed by the Speaker of the House and the President pro tempore of the Senate will represent the private citizens to whom the preservation of the Capitol is of such critical concern and importance.

I am pleased to note that my bill parallels that sponsored by Hon. FRANK THOMPSON, on which his subcommittee of the House Education and Labor Committee is holding hearings today. Hon. OGDEN REID, a member of Chairman THOMPSON's subcommittee, also is a sponsor of this proposed legislation.

Tax Concession for Commissioned Officers in Vietnam

EXTENSION OF REMARKS

OF

HON. TENO RONCALIO

OF WYOMING

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 26, 1966

Mr. RONCALIO. Mr. Speaker, I recommend passage of a bill I have introduced today which would increase from $200 to $500 the monthly amount of the pay of a commissioned officer in the Armed Forces of the United States serving in southeast Asia, which is exempt from income tax.

Under present law, tax exemptions can sometimes operate to the disadvantage of commissioned officers, as compared with enlisted men. For the enlisted man in the combat zone, there is no limit on the amount of his income which is exempt from the income tax. But there is a $200 limit to the exemption which a commissioned officer can claim. Thus, there can arise a situation where a top enlisted man would be earning more than $200 a month, all of which would be tax exempt, while a commissioned officer earning over $200 a month would be exempt only up to that amount, and would not be receiving the same tax benefit as the enlisted man. This bill would give the commissioned officer an exemption up to $500, almost obviating any case where an enlisted man would be receiving a better tax break than the commissioned officer.

I commend this bill to my colleagues, as a means of correcting the present inequitable situation.

The Older Americans Act

EXTENSION OF REMARKS
OF
HON. JOHN E. FOGARTY
OF RHODE ISLAND
IN THE HOUSE OF REPRESENTATIVES
Tuesday, July 26, 1966

Mr. FOGARTY. Mr. Speaker, under leave to extend my remarks in the RECORD, I include the following:

THE OLDER AMERICANS ACT

(By Hon. JOHN E. FOGARTY)

I very much appreciate the introduction by Commissioner Bechill and welcome this opportunity to be with you at this 4th Annual Conference of State Executives on Aging.

Addressing you at this stage of this program has some very obvious disadvantages. I am sure that Mr. Bechill's "Challenge to the States" and the panel discussions on"Goals for Older Americans" have covered much of what should be included in a presentation on "The Older Americans Act."

There are however some compensating advantages in preceding "Progress Report on the Administration on Aging" and the "Workshops on the Older Americans Act."

It can prove interesting, embarrassing and challenging to review some of the basic objections Congress had in mind at the time this legislation was enacted, the status of the "action time schedule" and some observations on future directions.

It is not possible to recall the goals of the Older Americans Act without paying a very personal tribute to the late Senator Pat McNamara, a great humanitarian, statesman and a close personal friend who cosponsored the Bill and with whom I worked so closely for the creation of an independent Commission on Aging. He dedicated his life to serving others and making the country he served a better place for his fellow men of all ages.

Older Americans of today and the future beneficiaries of the programs he sponsored and supported will long revere the memory of Senator Pat McNamara.

Without reviewing each of the ten objectives included under Title One of the Older Americans Act, I prefer to summarize the broad goals outlined in the Bill and review the intent expressed in the remarks and statements made on the floor of the House of Representatives.

Experience and public reaction to our floundering national program in aging documented the urgency and need to create an Administration on Aging to salvage the recommendations of the White House Conference on Aging and to establish an action-oriented program free to operate without the influence and domination of other programs or policies.

The CONGRESSIONAL RECORD clearly reveals the intent to remove aging from a welfare setting and to eliminate any doubt in the minds of older persons or the public that aging and welfare were synonymous or that most of the elderly were welfare clients or recipients. There was no implied criticism of the fine work of public assistance programs or agencies but a desire to represent a more accurate picture of the interests and needs of all older persons.

The lack of funds for research, training and demonstration projects had restricted action in aging to conference reports and recommendations. A grant program became essential as a vital force in the stimulation, support and implementation of practical projects.

Qualified staff to administer a dynamic program was an obvious must together with a nongovernmental advisory committee to recommend and endorse action programs on aging.

A strong partnership between federal, state and local programs was needed to coordinate, initiate and strengthen activities and to avoid overlapping, duplication and sometimes competing projects.

As you know, from the help and the action on the floor of the House there was an expressed intent for State executives on aging to be informed of pending applications for grants but not to the extent of overruling the approval of an application that was considered to have merit.

It should also have been obvious to those who were aware of the budget allocations, that with the creation of an Administration on Aging the need for the President's Council on Aging as originally constituted, no longer existed. The budget for the Council was eliminated believing that the Administration on Aging with its commissioner would preclude the need for a statutory body to carry out an interdepartmental program on aging.

It is my understanding that a Subcommittee of the Advisory Committee has been named to work out interagency relationships on aging. This approach is in keeping with the intent of the authors of the bill.

There were many other factors that influenced the language of the Older Americans Act. It was considered to be basic legislation with a specific budget allocation for the first two years. During this time the experience of the Administration and the recommendations of the Advisory Committee would determine a more realistic budget and long-range program projection.

So much for background. I would like to speak frankly about the progress in the implementation of the legislation as I see it.

My impressions are based on reports of the Administration appropriation hearings and information referred to me by my constituents and the general public.

The interest shown by the states and the number of their plans approved is encouraging. Most of the intents have designated nonwelfare agencies or departments to administer the funds. Some of these designations are regarded as temporary pending further consideration by the state legislatures when they reconvene. Several state welfare or public assistance agencies have established reputations for efficient broadly based programs for the aging. It can be expected to develop action that will support the principles of the Older Americans Act. At the fear of being misunderstood, it would still be my hope that the Administration on Aging would gradually evolve as an independent nonwelfare administered program at the federal, state and local levels. The next two years will give us the experience we need and the time to evaluate the capacity and the abilities of the authorities now being named by the states to lead their programs in aging.

The summaries of applications approved for grants under Title IV and V for Research and Development and Training Projects appear very modest and seem to lack that dynamic quality that will be needed to meet the urgent demands in those areas so long neglected or overdue.

I will also have to admit that I have not been made aware of any fresh or new approaches. Most of the approved grants have gone to support projects that seem to be restatements or updated versions of older programs and have been given to organizations that have developed skill in "grantsmanship." I would hope that the funds available might also find their way to support truly different and more imaginative projects.

Engaging qualified staff to administer a program with the broad implications of the Older Americans Act is a difficult task in a field where so little specialization or formal training has existed. Personnel must of necessity come from related areas where the experience and abilities can be translated or converted to meet the demands of the new assignment. I believe the Administration has been fortunate in obtaining the services of well-qualified personnel commensurate with program needs.

Effective utilization of the experience of the career employees or the staff can also be of great assistance in the orientation of new personnel in the continuity of the on going programs previously continued on by the former office and staff on aging.

There is little doubt that the public will be very conscious of "a new day for older Americans" through the theme and emphasis of "Senior Citizen Month." This reflects a great deal of effort and a job well done. I can add only that if we can develop such widespread acceptance and cooperation for one month we should be able to extend it to a twelve month program.

I am going to shift to another emphasis of what appears to be happening in the national focus for Action in Aging. While we have made great progress in creating a more independent, dignified and purposeful role for the aging more and more projects seem to be slipping into a poverty oriented setting.

The testimony endorsing the Administration on Aging and the Older Americans Act stresses the needs for a clearly defined focal point for aging at the federal level. A review of some of the grant programs would raise some doubts as to whether this has been achieved.

The recent reports of the Special Committee on Aging of the U.S. Senate in those sections on the Office of Economic Opportunity, says:

"The OEO should recognize before it begins its second year of work the neglect of the elderly now will lead only to costly, hastily improvised crash programs later on and that additional authority might be given to the OEO for greater service to the elderly."

Without passing judgment on the desirability of extending additional authority to OEO for programs for the aging, I think you, as State Executives on Aging, should react in your workshops to consider whether the need is to strengthen it and expand the Administration on Aging and its budget rather than diffuse the programs.

It might be noted that the Foster Grandparent program is being funded by OEO and is actually being continued under the auspices of AOA.

Healthy competition often serves a useful purpose but I question the wisdom of dividing authority or creating parallel and conflicting programs. A greater need exists for coordinating Federal programs in aging than ever before.

May I suggest some of the areas of possible overlap or conflict:

1. Medicare Alert program was declared to be a success and the information and techniques applicable to other programs addressed to the effort. I would ask what programs and by whom, remembering the project was funded by the Social Security Administration and the Office of Economic Opportunity with "excellent cooperation by the AOA."

2. Home Health Aides with $2½ million allocated by OEO will be carried out in cooperation with the Public Health Service.

3. The entire field of Consumer Education for the Elderly and the proposed National Conference on Quackery have great significance for the older Americans. Where do you at the State level and the AOA sit in to these consumer programs?

4. Under the Neighborhood Facilities Feature of the Housing and Urban Development Act of 1966, space and facilities for various social and recreational activities are included as action centers used by the elderly. At what point in the planning and programming do you and the AOA become invloved?

Each of you with your knowledge and responsibilities can do much to keep our sights clear and the channels of authority well-defined. We must not encourage or permit our programs at any level to lead to playing one against the other. We cannot afford to dilute or diffuse the funds or staff. Our job has just begun and we can only achieve our goals on a team approach.

Because I am so deeply concerned that we have delayed so long in implementing the recommendations of the White House Conference on Aging and we have an obligation to the 3000 knowledgeable individuals and delegates who contributed so much to the success of that meeting, I am planning a conference with the leaders of the forum in Providence, Rhode Island.

It would be my hope that we might be able to reappraise action in aging suggested at the White House meeting and develop the "Blueprint for Action" that was promised but never forthcoming after the White House Conference.

Details of my meeting will be available shortly and I hope that many of you will be able to share your time and experience, especially those who participated in the White House Conference.

Perhaps we can call it a Mid-Decade Progress Report on the implementation of the White House Conference on Aging recommendations. I believe we owe it to those who worked so hard and expected so much of that meeeting.

Not able to forget my role as supporter of the White House Conference on Aging Act or that as Chairman of the Sub-Committee on Appropriations, I believe there is still great mileage in the reports of the Conference and a greater realization of the funds that were expended for it.

I leave this as a further challenge to you in your workshops and assure you of my continued interest and support in practical action programs toward achieving a more rewarding role for the aging in the Great Society.

Dedication of Stephens Lake

EXTENSION OF REMARKS

OF

HON. ROBERT C. BYRD

OF WEST VIRGINIA

IN THE SENATE OF THE UNITED STATES

Tuesday, July 26, 1966

Mr. BYRD of West Virginia. Mr. President, on Sunday, July 17, I participated in the dedication of Lake Stephens in Raleigh County, W. Va. This $2.25 million recreational complex was made possible by a Federal grant of $1.2 million, allocated under the authority assigned to the former Community Facilities Administration. I was instrumental in securing approval of these Federal funds, and it was with deep gratification that I participated in the activities marking official recognition of the project's completion.

I ask unanimous consent that my dedicatory remarks be printed in the CONGRESSIONAL RECORD.

There being no objection, the speech was ordered to be printed in the RECORD, as follows:

DEDICATION OF STEPHENS LAKE

(Speech by U.S. Senator ROBERT C. BYRD, Democrat, of West Virginia, at Stephens Lake, Raleigh County, W. Va., July 17, 1966)

As I look around me today, in this beautiful setting, to these excellent facilities which will help people enjoy their free hours, I am reminded that the question was asked in Washington recently whether "our new age of leisure is a blessing or a curse?"

I believe that the answer can well be stated here today. We can count this as a blessing that Stephens Lake, the history of which goes back to the 1790's when Stephen English journeyed here, has been preserved and developed wisely for the wholesome recreation of our people.

There are many people who deserve commendation for this project, but at this time I will mention Mr. Harry Anderson, who was one of the first to dream of this development and whose personal endeavors helped to generate strong public support. I will also mention Fred Toothman whose tireless efforts led to the selection of the site, and Robert L. Davis who supervised the planning and construction activities.

Needless to say, Mr. Ping Johnson and his fellow members on the Stephens Lake Tourist Development Authority deserve the gratitude and continuing support of our people in the years to come in efforts to maintain and expand the recreational value of this facility.

I became convinced of the value of this project early in its history, and I was instrumental in winning approval of a $1.2 million grant for it from the former Community Facilities Administration. I believed it was a wise investment for government funds at that time, and your presence here today proves further that I was not incorrect in that belief. From my membership on the Senate Appropriations Committee and its Subcommittee which votes funds for the Commerce Department, I was pleased to support the funding programs which made possible such projects as this one. I believed then as I believe today that West Virginia will some day become one of the most popular and properly developed tourist centers in the country.

West Virginia appears to be fully aware of the growing realization in the world that man is not outside of nature, but a part of nature . . . that nature is not only a commodity we can exploit for gain, but it is also an estimate to which we belong.

This new dimension of conservation includes the past—as we see here at Stephens Lake—as well as the present; the beautiful as well as the useful; social as well as economic values; and urban neighborhoods as well as landscapes.

We in America are engaged in a massive protest against the destruction of historic landmarks, against the pollution of water and air, against the blight of unplanned development with its bleak, cheerless, monotonous march across the countryside.

There is a growing awareness that the United States will not be judged by its power alone, but also by the quality of its civilization.

I believe that Henry David Thoreau's decision to "live deliberately"—to absorb the natural world around him, not merely, through the physical senses, into his physical being but also into his deepest thoughts, to scorn artificiality and to find richness in simplicity—is the nutrient of our culture.

Of course, I realize that the growing needs of an expanding population place a financial burden on a community to take land out of the market for commercial developments. I realize that assets such as these carry a price that must be paid. And it may be legitimately asked, "How can these resources put meat on the table?"

To begin with, I want to say that beautiful scenery, clear water, and fish and wildlife wil put meat on the table. They will help the community.

It has been estimated that Stephens Lake may someday attract a quarter-million visitors annually. With the camping area and trailer park in operation, we can expect the tourists to stay for several days, maybe even several weeks. Would that add up to perhaps a million tourist days a year? I would think so.

Then think of the expenditures by these guests. In Washington, the Bureau of Outdoor Recreation believes the average tourist—that is each person in a group—may spend up to $7.00 a day. If so, that income could soar to several million dollars a year for West Virginia, and more particularly, the Raleigh county area.

Our own West Virginia Department of Commerce reports that revenue from out-of-state tourists, traveling West Virginians, and vacationers in this state resulted in $417 million in income to the state last year. And, I am told, these are figures taken from tax reports on the five segments of the tourist economy—restaurants, amusement and recreation centers, lodgings, service stations, and auto accessory establishments.

This income resulted from some 13 million tourists and travelers in the state. This year, it has been estimated that the number of travelers in the State should grow to 14 million and the anticipated income is conservatively placed at $425 million.

I am told that with the completion of the interstate highways West Virginia can expect its tourist income to skyrocket to about three-quarters of a billion dollars a year derived from about 25 million visitors.

Needless to say, it will then compete with other branches of our economy to eventually become the largest industry in the State.

When Congress established the Spruce Knob-Seneca Rocks National Recreation Area by legislation which I introduced, it took cognizance that at least 100,000 acres of this

State's natural setting was needed as a "hide-away" for visiting tourists and recreation seekers.

The Land and Water Conservation Act, which I was happy to co-sponsor, has already accounted for the acquisition of land and the development of tourist centers at a cost of $251 million in just three years.

Administered by the Bureau of Outdoor Recreation, the fund provides for state as well as Federal projects. It will also finance a nation-wide outdoor recreation plan which, I am confident, will include Stephens Lake as a major feature in Raleigh County.

As I close, let me say that only a few years ago, the people of the United States were secure in a seemingly endless earth and confident of boundless bounty.

Today there is still plenty of everything to go around. But more and more people are beginning to watch more and more anxiously as science and technology attempt to stretch a predictably finite wealth of natural resources to cover ever growing demands.

The handwriting on our natural resources wall could read: "A rationed tomorrow."

Twentieth century man in the United States must choose—and the fact that we have a choice is strictly a matter of geography. In most parts of the world, a quality society is unattainable in the foreseeable future.

Currently we are in the seventh decade of a 100-year-span that began in 1900 with a world population of fewer than 1.5 billion persons. That same population is now hurtling toward 3.5 billion.

With developments such as Stephens Lake, our people will have elbow room and an opportunity for occasional solitude. Thank you.

Fair Break for Rehabilitated Veterans

EXTENSION OF REMARKS

OF

HON. ROY H. McVICKER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 26, 1966

Mr. McVICKER. Mr. Speaker, this morning I testified before the Subcommittee on Military Discharges and Dismissals of the House Committee on Armed Services on a matter of great importance to a half million veterans.

I have introduced H.R. 15310, which would allow ex-servicemen, with less than honorable discharges, to mitigate the consequences of a misstep upon proof of rehabilitation. This does not interfere with military procedures. It does not alter their official records.

The prime purpose of the bill is to allow qualified persons an opportunity to earn a better employment opportunity and lead a more useful life for themselves and their families. Most of these veterans suffer employment difficulties far beyond what would be occasioned by the identical offense in civilian life. These men would be selected with great care; the Board would give careful thought to such an award and rightly so.

I feel strongly about this bill and I include my testimony in the RECORD:

I am happy to be here to testify on behalf of what I believe is most worthy legislation. I have introduced a bill, identical to one brought forward by the distinguished chairman of this subcommittee, Hon. CHARLES BENNETT, which would authorize award of exemplary rehabilitation certificates to servicemen who have not received honorable discharges.

A questionable detachment from our armed services represents a black cloud which hangs over a man for the rest of his life. He carries a stigma wherever he goes. People in his community turn their backs upon him as soon as they find out about that discharge. Employers will not trust him. Our Federal Government will not help him, while it gladly and gratefully aids other veterans. Even his wife and children know there is shame in his past. Some men may successfully hide their pasts from others, yet they know within themselves that their record is not something to take pride in.

This is the plight of a half million men and women in our country. How tragic that a man cannot rid himself of this blot, regardless of how admirable a life he leads. I am not saying dishonorable discharges are handed out unjustly or indiscriminately. But many times offenders are young and immature men, who are sorry soon after. Other youths in civilian life or at college are forgiven deeds which are less rapidly forgiven in a soldier. No, injustice is not the point, though we all know unjust decisions occur in military courts as well as in civilian.

My point is that a rehabilitated person deserves an opportunity to clear his record of old stains. A man who has owned up to his past mistakes and overcome his weaknesses, deserves a chance to erase this last enduring obstacle to advancement. An exemplary rehabilitation certificate holds out this hope.

Our bill would have the Secretary of Labor appoint review boards which would pass judgment on applications for these certificates. They would not be given out lightly. Three years would have to elapse before any application would be in order. Evidence of rehabilitation would have to be strong. Acceptable evidence would include notarized statements from the chief law enforcement officer or the applicant's community, from his employer, and from people who have known him well. The reviewing board would use these statements and its own independent investigations to determine an applicant's reliability, good character, and general reputation.

If the decision of the board is favorable, an applicant's military personnel record would thereafter include a copy of his certificate. He would not become eligible for Federal benefits which would be his under an honorable discharge. However, he would be given job counseling and help in finding a job. He would be a prouder man through the effort he had made to reform himself.

The days are rapidly disappearing when men can be branded for one mistake, and victims of circumstance shoved aside without compassion. Congress has an important task to help people help themselves in achieving a full measure of dignity. I urge Congress to endorse these certificates for they reflect concern for this task.

The bill reads as follows:

H.R. 15310

A bill to amend title 10, United States Code, to authorize the award of Exemplary Rehabilitation Certificates to certain individuals after considering their character and conduct in civilian life after discharge or dismissal from the Armed Forces; and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That part II of subtitle A of title 10, United States Code, is amended by inserting immediately after chapter 79 thereof the following new chapter:

"Chapter 80. Exemplary Rehabilitation Certificates

"Sec.
"1571. Establishment of boards.
"1572. Consideration and issuance of certificate.
"1573. Matters considered.
"1574. Other benefits.
"1575. Job counseling and employment placement.
"1576. Reports.

"§ 1571. Establishment of boards.

"The Secretary of Labor shall establish boards to receive and act on any application for an Exemplary Rehabilitation Certificate received under this chapter from any person who was discharged or dismissed under conditions other than honorable at least three years before the date of receipt of such application.

"§ 1572. Consideration and issuance of certificate.

"In the case of any person discharged or dismissed from an armed force under conditions other than honorable before or after the enactment of this chapter, a board may, with the approval of the Secretary of Labor, consider an application for, and issue to that person, an 'Exemplary Rehabilitation Certificate' dated as of the date of issuance, if it is established to the satisfaction of the board that such person has rehabilitated himself, that his character is good, and that his conduct, activities, and habits since he was so discharged or dismissed have been exemplary for a reasonable period of time, but not less than three years. The Secretary of Labor shall supply a copy of each such Exemplary Rehabilitation Certificate which is issued, to the Secretary of Defense, who shall place such copy in the military personnel record of the individual to whom the certificate is issued.

§ 1573. Matters considered.

"(a) For the purposes of section 1572, oral and written evidence, or both, may be used, including—

"(1) a notarized statement from the chief law enforcement officer of the town, city, or county in which the applicant resides, attesting to his general reputation so far as police and court records are concerned;

"(2) a notarized statement from his employer, if employed, attesting to his general reputation and employment record;

"(3) notarized statements from not less than five persons, attesting that they have personally known him for at least three years as a person of good reputation and exemplary conduct, and the extent of personal contact they have had with him; and

"(4) such independent investigation as the board may make.

"(b) Any person making application under this chapter may appear before a board considering such application in person or by counsel.

"§ 1574. Other benefits.

"No benefits under any laws of the United States (including, but not limited to, those relating to pensions, compensation, hospitalization, military pay and allowances, education, loan guarantees, retired pay, or other benefits based on military service) shall accrue to any person to whom an Exemplary Rehabilitation Certificate is issued under section 1572 unless he would be entitled to those benefits under his original discharge or dismissal.

"§ 1575. Job counseling and employment placement.

"The Secretary of Labor shall accord to any individual who has been discharged or dismissed under conditions other than honorable, but who has been issued an Exemplary

Rehabilitation Certificate under this chapter, the same privileges and benefits accorded to veterans under chapter 41 of title 38.

"§ 1576. Reports.

"The Secretary of Labor shall report to Congress not later than January 15 of each year the number of cases reviewed by each board under this chapter, and the number of Exemplary Rehabilitation Certificates issued."

SEC. 2. The analysis of part II of subtitle A of title 10, United States Code, is amended by inserting immediately below

"79. Correction of Military Records___ 1551"

the following:

"80. Exemplary Rehabilitation Certificates ________________________ 1571".

SEC. 3. (a) Section 2001 of title 38, United States Code, clauses (3) and (5) of section 2002 of such title, and sections 2003 and 2004 of such title are amended by striking out "veterans of any war or of service after January 31, 1955" each place it appears therein.

(b) The first sentence of section 2002 of such title 38 is amended by striking out "veteran of any war or of service after January 31, 1955".

(c) Clauses (1) and (4) of section 2002 of such title 38 are amended by striking out "veterans of any war or of service after January 31, 1955," each place it appears in such clauses.

Address of Congressman Ed Reinecke Upon Receipt of an Award by the Captive Nations

EXTENSION OF REMARKS

OF

HON. THEODORE R. KUPFERMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 26, 1966

Mr. KUPFERMAN. Mr. Speaker, I had the privilege of attending the dinner at the National Press Club in Washington, D.C., on Wednesday, July 20, held by the Captive Nations in observance of Captive Nations Week.

During the course of the proceedings, our colleague, the Honorable ED REINECKE, of the 27th District of California, received an award for his service in the cause of freedom. His address on that occasion is one that I commend to my colleagues:

REMARKS OF HON. ED REINECKE, REPUBLICAN, OF CALIFORNIA, AT THE CAPTIVE NATIONS WEEK DINNER, THE NATIONAL PRESS CLUB, WASHINGTON, D.C., JULY 20, 1966

Thank you very much for this opportunity to join with you tonight for the eighth annual observance of Captive Nations Week at this dinner honoring members of the United States Congress. Perhaps, however, the honor and tribute of this particular occasion should be reversed. We Congressmen owe you a debt of gratitude for your sincere concern in the affairs of this nation, and the world, and for your willingness to give of your time and resources to serve the cause of freedom. Your dedication sets a valuable and excellent example.

As we gather here in this notable place we cannot help but wonder what effect these annual observances have on the communist governments of Eastern Europe. Apparently we bother them a little. And I'm glad about that, aren't you?

After last year's Captive Nations observances a few reports of reaction filtered through the iron curtain. One editor of a newspaper in the Ukraine said, "They are beating the drums again across the sea, filling the columns in newspapers and delivering hypocritical speeches. For the umteenth time the ruling circles of the United States are holding the so-called 'Captive Nations Week.' And the propaganda machine is deafening the citizens with atrocious inventions about the fate of nations which are suffering under the yoke of the Kremlin regime."

Another Russian writer said, "Especially disgusting is the villainous demagoguery of the imperialistic chieftains of the United States. Each year they organize a so-called captive nations week, hypocritically pretending to be defenders of nations that have escaped from their yoke . . ."

It seems that these observances have been effective in developing a psychological and political weapon against the tyranny of Eastern Europe. These reactions sound like another way of saying "we'd better be careful."

We must also ask ourselves the question: "Why should we be concerned, as Americans, for the plight of people in such far away places? We have many problems of our own to solve. We are engaged in a major military action in Southeast Asia. And besides, what can we do about the people of Eastern Europe, short of a major war with the Communist world?"

I think that the answers to these questions come from the deepest roots of our own country's history. For the work that was begun just one hundred and ninety years ago is still going on today. It is spreading around the world.

I am reminded of the words of Emerson in his "Concord Hymn" when he said:

"By the rude bridge that arched the flood,
Their flag to April's breeze unfurled,
Here once the embattled farmers stood,
And fired the shot heard 'round the world."

The sound of that shot still rings throughout the world. For in the goals of our revolution we crystalized the deep aspirations of every man in every nation and in every age. Our revolution is still going on. And so is theirs. And that is why we cannot turn our backs on them. They are following in our battle paths. And we dare not let them down. Our revolution, and their struggles to throw off the yoke of tyranny are part of the same universal battle of mankind for freedom, for spiritual fulfillment, for peace, for prosperity and for progress.

And if we be true to our own principles of democracy and of individual responsibility and individual liberty, and to our own system of free enterprise, we must believe that every people should have the opportunity to choose for themselves a system of government. They must be allowed to adapt to their own cultures the universal concepts of free self-government.

We have often said in this country that if even one man lives in fear or in tyranny or does not enjoy the full opportunities afforded by our Constitution then we all live in fear and tyranny. In our free society if one man is robbed of his unalienable rights or of his dignity, then all men become victims of the same crime.

And this principle ought to be applied to the world as a whole. For if the freedom of one nation is destroyed then the freedom of all nations is in jeopardy. And if any people anywhere suffer from the burdens of captivity, then all people everywhere are in some measure held equally captive.

Therefore, we see that the plight of the captive peoples of Eastern Europe, and even of southeast Asia, becomes the plight of free men everywhere. Their struggle becomes our struggle. Our stewardship of democracy becomes their hope for freedom. That is why we cannot neglect the over 100 million people held captive by Communist colonialism. That is why we are here this evening.

Well, then, what are we going to do about it? What hope do we hold out to these people? What is our responsibility?

The United States, whether we like it or not, has been thrust into history at this time as the leader of the free world. The cause of freedom and the development of its ideals has become the great work of our generation. How have we done so far?

We have not done all that we could. In current times we have seen the steady decline of the great alliance of NATO. Time and time again the initiative to take positive action in foreign affairs has been stolen from us by our enemies. Our foreign policy has become simply a series of stop-gap emergency reactions.

Because of the inaction and lack of forethought of those who carry the responsibility our diplomats have been made to appear like a water brigade running back and forth around the world putting out brush fires.

It is time that the United States reassert its leadership in the free world rather than to follow the whims of those who do not care, or who are playing power politics with the fate of their nations.

Leadership means ideas. New ideas; and we had better start thinking. I propose that we mount an effective "freedom offensive." A campaign using psychological, political and economic weapons against the regimes of captive nations everywhere. We have already seen what this simple observance here will do to unnerve and irritate those on the other side of the iron curtain. And we ought to do more of it.

In our freedom offensive we ought to draw more broadly on the resources of leadership of the responsible private sector of this country.

I propose that we gather together, under private sponsorship, or under the authority of the Congress or the President, the great technicians of mass communication, advertising, and public relations for a brief time to design a creative program of propaganda to be used against the regimes of iron and bamboo curtain countries. The technology of propaganda, and I use that word in the best sense, has been developed by private industry to an amazing degree. But not enough of this new knowledge has been put to work by our government's foreign public relations directors.

We need fewer foreign policy philosophers, and more communications experts in the United States Information Agency. The Voice of America should be strengthened and its programming drastically improved.

We need to draw more upon the experience and resourcefulness of our motion picture industry, our radio and television industry, and our universities with their vast new communications research centers. We ought to bring to government the fresh ideas that these people have. Then we could mount a psychological campaign that would beam the weapons of ideology and the hope of freedom to the captive peoples of the world. It has never really been done before. Why not try it?

We are all well aware of the work of the Peace Corps. I would like to propose a "freedom corps." The hope of future freedom in the captive nations lies in the youth of those countries. Through the contacts of the Assembly of Captive European Nations, and through the opportunities offered by many other groups, the young people of the United States could begin to correspond with the youth behind the iron curtain. In this way they could share the ideas of freedom and keep alive the hopes and aspirations of youth. Perhaps even personal meetings could be arranged; and travel by American youth in the Eastern European countries could provide the opportunity to encourage the hope of freedom in the hearts of young people. In this way we would be building a sound foundation for the future liberation of captive peoples.

In the matter of the economic and political offensives, we must seek to drive a wedge into every tiny crack that appears in the iron curtain. We must avoid every pitfall that might lend comfort or support to the Communist regimes of these countries. We must not provide the means for propping up their failing economies and thereby perpetuate their dictatorial governments. If we must trade, then let's be sure that we receive a reciprocal political advantage for our trade.

I would propose that we bring before the United Nations General Assembly the whole question of the captive nations, and request that the Soviet Union be made to answer to the charges of history.

Or, as an alternative, that we embark on a diplomatic freedom offensive, similar to the recent peace offensive for Vietnam, to seek the cooperation and ideas of every free nation in a united effort to liberate the captive peoples.

Real progress demands revision of thought, policy, and action. We need to do a lot more thinking about extending the frontiers of freedom. We have grown too accustomed to living in a world half-free and half-slave.

There can be no peace in the world; no peace among nations; no peace in the hearts of captive peoples until all the world—every nation—and each person is free. "Freedom isn't free," in the words of the popular song.

> "Freedom isn't free.
> You've got to pay the price,
> You've got to sacrifice,
> For your liberty."

The easiest thing for a rich nation to do is to give of its wealth. But the noblest thing for any nation to do is to give of its heart.

Let the price we pay for our freedom be to lift even higher the torch of liberty—and by its light to expose the still darkened corners of captive nations—in Asia, as well as in Eastern Europe. Let the price we pay be to extend our heart and hand in encouragement and moral support to those whose struggle for freedom is not yet accomplished. And let our word of courage be to them that "there is a universal, eternal law which is man's will to be free. And though the struggle may be long and hard, you have allies in every nation on earth, and in every age of history." The thrilling inspiration of freedom will one day thrive again in the hearts of the peoples of eastern Europe.

The Alliance for Progress: Fifth Anniversary of a Great Cooperative Effort

EXTENSION OF REMARKS

OF

HON. EDWARD R. ROYBAL

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 26, 1966

Mr. ROYBAL. Mr. Speaker, we should remind ourselves that the Alliance for Progress is a wide-ranging, diversified effort to which the United States is but one contributor.

At Punta del Este, in August 1961, 20 of the American Republics pledged their support to a vast cooperative effort. The Charter of Punta del Este made it plain that no one nation would, or could, assume the major responsibility of carrying out the objectives of the Alliance. Indeed, that historic document made it clear that the Alliance was a common and united effort of the American nations and that only by acting as partners in this great endeavor could we succeed.

From the very beginning, however, a major obstacle facing us was the notion in the minds of many people—both in North America and Latin America—that the Alliance for Progress was just another U.S. foreign aid program.

The widespread idea was that the United States—the giant industrial power—would supply sufficient capital to Latin American governments to ease temporary economic and social tensions.

The people who held this simple notion ignored the very clear evidence that economic and social discontent in the Western Hemisphere was not a temporary phenomenon but a profound and mounting demand for social and economic justice. They ignored the truth of the words in the Charter of Punta del Este:

> The men and women of our Hemisphere are reaching for the better life which today's skills have placed within their grasp. They are determined for themselves and their children to have decent and ever more abundant lives, to gain access to knowledge and equal opportunity for all, to end those conditions which benefit the few at the expense of the needs and dignity of the many. It is our inescapable task to fulfill these just desires—to demonstrate to the poor and forsaken of our countries, and of all lands, that the creative powers of free men hold the key to their progress and to the progress of future generations.

Today, as you know, the notion of the Alliance as a one-way street has been largely disabused. While the U.S. Government is still the largest contributor of external capital and technical assistance, there are a host of other external sources of development assistance to Latin America.

These include the various agencies of the Organization of American States, the Inter-American Development Bank, the World Bank and its affiliates, private foundations and institutions, and private industy and business.

In additions, there are an increasing number of commitments to the Alliance from both the public and private sectors of the other industrial nations of the free world.

U.S. economic assistance under the Alliance has averaged more than $1 billion each calendar year since 1961.

Direct private investment and other private capital flows into Latin America from the Organization for Economic Cooperation and Development—OECD—countries, including the United States averaged $863 million in 1961, 1962, and 1963, while assistance to Latin America from the major international lending organizations has averaged $487 million yearly since 1961.

Far more important, however, is the very clear understanding today that the greatest responsibility for the success of this vast cooperative effort rests with the nations and people of Latin America itself.

For example gross investment in Latin America has increased from $10.3 billion in 1961 to $12.1 billion in 1965, while at the same time the Latin American share of this investment has grown from $9.1 billion to $11.5 billion.

These "savings" as a percentage of gross national product, have increased from 15.3 percent in 1961 to 16.3 percent in 1965, evidence that Latin America is meeting its commitment to make an increasing share of its domestic resources available for development.

Long-term self-generating economic and social progress requires each nation to reform and modernize many traditional institutions so that they can more effectively marshal a nation's own resources to meet the challenge of modern development. As President Johnson has stressed many times, self-help is a key element in the Alliance for Progress. Only through self-help can a nation or a people expect to continue on the road to progress and to survive and compete in the modern world.

And the other key element in the Alliance—Partnership—means not only a working together of the United States and the Latin American Republics, it also means that the developing nations of Latin America must themselves work together to help themselves.

It is this kind of cooperation—such as we already see in the Central American Common Market and in the Latin American Free Trade Association—that will, in the end, make for the most rapid and solid progress.

As President Johnson said during his recent visit to Mexico:

> We believe that the drawing together of the economies of Latin America is critical to this hemisphere's future. Only in this way can the hemisphere develop truly efficient industries, expanded foreign exchange earnings, and a sound foundation for a full Latin American partnership in building a peaceful world community.

Our role in the Alliance then is not only to continue contributing a diversity of resources and technical assistance, but also to encourage and support all the many multinational efforts which are essential for progress in today's world.

Dentistry and the New Revolution

EXTENSION OF REMARKS

OF

HON. JOHN E. FOGARTY

OF RHODE ISLAND

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 26, 1966

Mr. FOGARTY. Mr. Speaker, under leave to extend my remarks in the RECORD, I include the following:

DENTISTRY AND THE NEW REVOLUTION

(By Representative JOHN E. FOGARTY, Connecticut State Dental Association, Bridgeport, Conn., May 19, 1966)

Let me say, first of all, how pleased I am to be here with you at this annual Fones

Award luncheon. Pleased for three reasons. The first is that the heritage and history of Connecticut and my state are so similar, so interwoven that being here is almost as nice as being home. Secondly, it gives me the first opportunity I have had personally to commend you for the far-sighted action taken last year when your General Assembly adopted fluoridation for all towns and cities of more than 20,000 people. Rhode Island, as you know, has long taken great pride in the leadership it has exercised in the field of public health generally and fluoridation in particular; some 85 per cent of my state's population is now drinking fluoridated water. In Connecticut, I understand, the history of fluoridation dates back more than 20 years and today about 30 per cent of your population is benefitting from this exceptional public health measure. That percentage will rise sharply as this new law comes into effect and you can all take great pride in looking forward to the many benefits that will flow from its enactment.

The third reasons I am glad to be here, naturally, is because of the high honor you are paying me with the bestowal of the Fones Award. This is, I believe, the 25th anniversary of the founding of the Award. And when I note that among my predecessors in receiving it are such men as Gerry Timmons and Harold Hillenbrand, I am doubly honored. No matter how long a career in public life a man is privileged to have, recognition of what he has been trying to say and do is always welcome. This Award has meaning, however, even beyond that because of the deep feeling I have for dentistry and the respect I have for the farsighted, public spirited attitude the leaders of your profession have consistently displayed in Washington. I am most proud of the part I have played in helping dentistry to gain and secure its proper place in the health field and this Award intensifies that pride. I thank you for it.

Over the past few weeks, while carrying out my normal duties, I have been giving considerable thought to planning the substance of what I wanted to say to you today. It would have been simple enough to put together a mere laundry list of the actions taken by the 89th Congress last year and during this current Session. It has been a remarkable Congress. Everyone will agree with that, even though there always are some who may not agree on whether the word "remarkable" should be said with a smile or a frown. I'm with the smilers myself. It has been a Congress of historic importance in my opinion and one that has taken giant strides in moving this nation forward. Its accomplishments are so many that I could, as I say, fill my time here today by merely listing them. But we need to do more than that. We need, I think to try and sift through this long list and put it in some kind of perspective. Take note not only of its dimensions but of the direction in which it is leading us. We need to measure what has been done in the past 18 months not only against what used to be but also against what ought to be.

Let me start with telling you of an action that took place less than a month ago. In early May, the House of Representatives passed a bill allocating the funds to be given the Department of Health, Education and Welfare for fiscal 1967. As Chairman of that Appropriations Subcommittee that has specific responsibility in the health field, I had a good deal to do with the action taken by the House. To state the action in brief, it was to increase the amount of money to be made available to the Department of Health, Education and Welfare by about $500 million above the level that the President had requested.

Some of the stories that I have seen reporting this action make much of the increase and, implicitly or explicitly, are critical of the fact that we raised the budget.

Now the first answer I have in response to such criticism is in the form of a question: What price tag do we put on good health for the nation? The budget figures, of course, are large, either before or after the House increase, because this is a big nation, a nation of 200 million people. Nonetheless, the money appropriated for HEW is less than 10 per cent of the total Federal budget; indeed, it is less than 2 per cent of the currently estimated Gross National Product. Viewed from this perspective, the figures seem to me to be reasonable. They seem to me to be especially reasonable when put beside the conviction I share with many other observers, that we are today in the midst of a revolutionary situation that calls for extraordinary efforts. And dentistry, as I have suggested in my title, is involved in a special manner in this revolution.

The word, "revolution" has a harsh ring to it. This is mostly, I suppose, because we associate it with violence and death, with bullets, bombs and battles. But revolution isn't necessarily violent. The term "peaceful revolution" is not self-contradictory. In fact, you can explain much of the genius of America, much of the reason for our remarkable strides as a nation to our ability to bring forth great changes in our society without having War act as mid-wife. Our political system is geared to honorable accommodation, to threshing out our differences in a townhall rather than on a battlefield. Our system broke down, our efforts failed, only once in our history and the result was the Civil War. For all its horrors or perhaps because of them, we learned even more clearly than we had before that our salvation as a united nation lay in anticipating coming challenges to our basic system and finding ways of adapting our social institutions to meet those challenges. We have the gift, in other words, for keeping our revolutions peaceful. It is my contention here today that the country is now in the midst of another one of those great challenges, that the core of it is in the health field and that, from dentistry's point of view, it has three aspects.

It began some five years ago when, as a nation—and I emphasize that phrase, "as a nation"—we first became acutely aware of the extent to which poverty, hunger, and disease dwell among us and of what they cost not only in terms of productive capacity but, more important, in terms of human anguish and misery. We began to see for the first time the reality behind the statistics that told us that 20 per cent of our country's families were poverty-stricken and that poverty tended to be self-perpetuating; that, in other words, a man who was poor tended to raise children who, because they lacked real access to education, health services and so forth, became poor themselves when they were grown.

The national awakening is the first phase of the revolution to which I refer.

The second phase is the realization that poor people are frequently sick people and, what is more, sick people who are not seeking or receiving the care that could restore them to health and to economic productivity. We learned that in many ways the poverty problem was a health problem. We learned, especially, that if we are to break that vicious self-perpetuation tendency of poverty to which I referred, that particular attention needed to be paid to the children of the poor. This realization of the health implications of poverty is the second phase of the revolution.

The third phase is the one of particular relevance here today. It has to do with dentistry and with the increasingly widespread understanding of the importance of oral health. The significance of dentistry's present situation can be shown most clearly, I think, by citing two of American dentistry's most salient characteristics: First, it is the world's best in terms of the education afforded the dentist, the research buttressing his work and the chairside care that he gives. Second, it is traditionally geared to take care of less than half the population. When you look at these two facts in conjunction with one another, it becomes clear that dentistry is going to feel much of the force of this health-centered revolution I am talking about.

Now, let me make one point quite clear before going any further. When I note that dentistry is geared to care for less than half the population, I am not being critical of your profession or undervaluing the immense efforts you have made through the years to make dental care as accessible as possible to everyone. Your efforts in the direction of extending accessibility of care are well known to me and I can say honestly that, in my opinion, you have over the years done nearly as much as could be humanly done. But you have had a number of factors working against you. For many years, there was little public understanding of the importance of dental health. People tended to view dental disease as something to be lived with, something to be endured unless and until severe pain drove them to the dentist. In addition, government on all levels—local, state and federal—did almost nothing to assist your efforts to raise the dental health standards of the country and make care more accessible. Dental public health activities, for example, were shamefully neglected for years. If there is blame to distribute then, very little of it goes to the dental profession itself.

Nevertheless, the fact I have cited remains today a fact. I say "today" because it takes no special gift of prophecy to see that it will not be true much longer. Three factors explain the change that is coming that indeed has already begun. First of all, the consistent activity of the American Dental Association and its friends is paying dividends. Secondly, the public awareness of health and of dental health is daily becoming keener. And finally, as a result of these two factors, those of us in Congress who have so long fought for a deeper national commitment to health matters are being joined by more and more colleagues.

In a sense, though, we are involved in a race; a race between the rising demand for dental care and our efforts to increase the accessibility of such care. Let me spend a minute or two, at this point, discussing some of the things Congress is doing to help the right side to win the race.

There is, first of all, the attention being paid to the two major dental agencies of the Government: The Division of Dental Health and the National Institute of Dental Research. Their appropriations over the past six years have been rising steadily, equipping them more and more adequately to attack the immense backlog of problems in dental research and dental public health that were so neglected for so many years. For fiscal 1967, the House approved a combined appropriation in excess of $33 million, an increase of 450 percent over the Presidential recommendation of fiscal 1960. The bulk of this increase has gone toward strengthening the basic fiber of these two agencies. The dental schools of the nation have benefited greatly from this because of the greater amount of money available for the schools' research activities and for such programs as training dental students to work effectively with dental auxiliaries. Grant money is available now, that wasn't in fiscal 1960, for distribution to State public health agencies for dental activities. Epidemiological research in cleft palate and in periodontal disease is now possible. Investigations of the best methods to provide continuing education for you gentlemen in private practice is now possible. Programs for training young scientists in fields of dental interest have been greatly expanded. New departures of all kinds are possible today that couldn't even be considered in fiscal 1960 because of the scarcity of funds.

In the fiscal 1967 budget approved by the House, for example, an important further step is being taken for the first time: funds are being made available to implement a plan that I am deeply interested in, the establishment of a limited number of university-based dental research institutes in various parts of the country. Until now, as you know, the National Institute of Dental Research has been unique in the United States.

For some time it has seemed important to me to create privately-based counterparts to NIDR in three or four carefully selected locations. The American Dental Association, too, has had a deep interest in the matter and has testified to it before my Subcommittee on more than one occasion. Plans have been in the offing for some time but now, finally, we will be able to move ahead toward the actual establishment of such centers.

During this same span of years, new legislation has been also passed directed toward helping the nation to close the gap between what it is doing in the health field and what it should be doing. Paramount among these, I would suppose, must be listed the Health Professions Educational Assistance Act which was originally approved in 1963 and substantially expanded in 1965. Again, I think it should be noted, the American Dental Association long advocated such action and was a prime mover in its eventual accomplishment. Your own state's new dental school, now being planned, is a beneficiary of this act as is the school at the University of California at Los Angeles. Other new schools are being planned in Florida, South Carolina and Colorado. Many existing schools will be able—some have already begun—to expand and rehabilitate their facilities.

I know there are some who view this expansion of dental manpower with something less than enthusiasm, not out of selfish motives but because they are unconvinced of its necessity. But such men have not really analyzed the force or extent of the revolution in which we are engaged. They fail to understand that we are not talking merely about improving the care we give to those who traditionally seek dental services on a regular basis. What we are doing is readying ourselves for a new era in the history of dentistry in the United States, a time in which every man, woman, and child in our nation will seek dental care on a regular basis and find it accessible. This is an immense undertaking and the terms of the Health Professions Educational Assistance Act are modest enough in relation to it.

In addition to its provisions for construction and rehabilitation of schools, this Act has two sections of direct consequence for the day-to-day operation of a dental school. One provides loans and scholarships to dental students, thus making dentistry possible for many talented young people who in the past would have had to settle for their second career choice. Such assistance has long been available to students working toward graduate degrees in science fields not related to health, a factor that weighed heavily against the health schools in the competition for the best students. It was an unsatisfactory and unfair situation and we have moved none too soon in redressing it.

Another section of the Act provides direct grants to health schools, such as those in dentistry, to make improvements in the scope and quality of the curriculum they offer. The growth rate of new knowledge in the health field, as you well know, is almost literally beyond comprehension. Yet, if the bulk of this new knowledge is not swiftly conveyed to dental students, and practitioners already in the field, its accumulation will have been in vain. This new section of the Health Professions Educational Assistance Act—this section was passed last year and is not yet really in operation—will enable the schools to address themselves to this problem with an intensity not possible before because of lack of funds.

Another program bearing directly on this revolution is that of the Office of Economic Opportunity. Among their activities, the one of particular interest in the health field is Operation Head Start. The essential effort, as you know, is to bring to children of pre-school age that whole range of educational and health services that they have either not been receiving or have been receiving only in a minimal, haphazard fashion.

Before the program began in the summer of 1965, American Dental Association representatives told Head Start officials that they would discover that dental disease would be one of the major problems they would encounter. That prediction was accurate, as you would expect it to be since it was based on the Association's long-standing effort, in which I have joined, to persuade the government to pay greater attention to the dental needs of poor children.

Let me note at this point, incidentally, that I am well aware of the fact that the Head Start program, viewed from the state and local level, was quite confusing. Much of the explanation of this is because it was a new program and one gotten underway hastily. I have had occasion to bring this to Mr. Shriver's attention when he has testified before me and I think you will find in the future that the organization and coherence of the program will improve. One example of this improvement is that the Dental Division of the Public Health Service is now intimately involved with planning the dental aspects of Head Start.

The final program I want to bring to your attention today is one that passed Congress last summer and is just now going into operation. It will prove, in my opinion, to be as fundamentally far-reaching as anything that has been done in the health field in this century. There has been in existence for some time a program of Federal-state cooperation bringing health services to various categories of the needy. These programs were brought together and expanded in the action taken last summer to form a new section, Title 19, of the Social Security Act.

Under this new program, the states must offer at least five basic health services in order to qualify for the Federal matching money, which can range from 55 to 83 per cent of the total. At the present time, dental care is not one of the five requisite services, though an effort I favored was made by the American Dental Association to have it so listed. The effort was launched during Senate hearings on the measure last year and succeeded there but failed to survive a House-Senate Conference. Nonetheless, of the seven states now having approved programs under this new Title 19, four of them are offering dental services of some type. This trend will unquestionably continue as more states realign their health and welfare efforts in order to qualify under Title 19. As you undoubtedly know, Connecticut expects to so qualify before the end of 1966.

Two straws in the wind buttressing this prediction as to the inclusion of dental services are the fact that your national organization, in its 1965 annual meeting, called for a national dental program for needy children and the fact that this spring President Johnson took up the subject and directed HEW Secretary Gardner to begin development of such a program. Officials of HEW and the American Dental Association are already conferring on such a program and Congress may well be looking at it as early as next year.

Now, let me raise a warning flag about Title 19. Revolutions, you know, are not in the habit of moving smoothly. Those who want to help manage them and direct them have to be quick on their feet. On the national level, I can assure you, dentistry is being well and actively represented. But Title 19's impact is going to be focused on the states and communities of the nation. A parallel effort, then, must be launched there. I have no doubt that you are already in close consultation with the state officials planning Connecticut's participation under this program but I do want to urge you to persevere in that consultation. I consider it essential that such state officials have the benefit of your expert advice in designing the dental aspects of the new program and, I would judge, you consider it just as essential.

This survey of the components of our present day revolution in the health field could go on much further than it has already. I have not even referred, for example, to the expanding field of pre-payment and the progressive role being played by the dental service corporations. Nor have I discussed today—though I have often before and am deeply interested in it—the remarkable leadership the dentists have shown in the utilization of auxiliary personnel. As a high official of HEW recently remarked, the physicians of the nation could take lessons from the dentists on this matter of auxiliaries. Dr. Fones, who had so much to do with founding the career field of dental hygiene, would be proud of his successors on this and many other matters.

Indeed, everything we know of Dr. Fones' interest in preventive dentistry and in the dental health of children makes me believe that he would be glad to be alive today. This may not be an easy time in which to live, but it is an exciting time. No generaiton of health leaders in the past had opportunities equal to those available today. This is particularly true in dentistry.

I know you will take full advantage of these opportunities to extend the quality and availability of your services to a point far beyond what they have ever been before in our history. You will, I know, be open-minded, progressive and constructive in your attitude toward the health revolution in which you are engaged. I want you to know that I will continue to be associated with your efforts and anxious to assist you in every way possible.

It has been a great pleasure for me to be here with you today and to accept this Award that you have so generously given me. I look forward to being with you again in the future. Thank you.

HOUSE OF REPRESENTATIVES

WEDNESDAY, JULY 27, 1966

The House met at 12 o'clock noon.

The Chaplain, Rev. Edward G. Latch, D.D., offered the following prayer:

They that wait upon the Lord shall renew their strength.—Isaiah 40: 31.

Our Father God, who art from everlasting to everlasting, to Thee we come and unto Thee do we lift our hearts in prayer. Always art Thou with us, always dost Thou seek to arise anew within our minds. Help us to be aware of Thy presence and by clear thinking, clean living, and a creative faith we may find Thy spirit coming to new life deep within our own being.

We pray for greater strength—strength to resist evil, strength to overcome our temptations, strength to do what we ought to do and to live as we ought to live. O God, come into our hearts and help us do for ourselves what we cannot do by ourselves—win the battle over our own weaknesses. Thus, may we be given strength to do our full part in making the heart of our Nation good and sound and wise. In the name of Christ we pray. Amen.

THE JOURNAL

The Journal of the proceedings of yesterday was read and approved.

MESSAGE FROM THE SENATE

A message from the Senate, by Mr. Arrington, one of its clerks, announced that the Senate had passed, with amendment in which the concurrence of the House is requested, bills of the House of the following titles:

H.R. 10104. An act to enact title 5, United States Code, "Government Organization and Employees," codifying the general and permanent laws relating to the organization of the Government of the United States and to its civilian officers and employees; and

H.R. 15750. An act to amend further the Foreign Assistance Act of 1961, as amended, and for other purposes.

The message also announced that the Senate insists upon its amendment to the bill (H.R. 15750) entitled "An act to amend further the Foreign Assistance Act of 1961, as amended, and for other purposes," requests a conference with the House on the disagreeing votes of the two Houses thereon, and appoints Mr. Fulbright, Mr. Sparkman, Mr. Mansfield, Mr. Morse, Mr. Gore, Mr. Hickenlooper, Mr. Aiken, and Mr. Carlson to be the conferees on the part of the Senate.

COMMITTEE ON BANKING AND CURRENCY

Mr. PATMAN. Mr. Speaker, I ask unanimous consent that the Committee on Banking and Currency may have until midnight, July 28, to file an addition to part II of House Report No. 1699, the comparative print setting forth the changes in law proposed in the bill H.R. 15890.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

NONSTOP FLIGHTS FROM NATIONAL AIRPORT

Mr. BERRY. Mr. Speaker, I ask unanimous consent to address the House for 1 minute, to revise and extend my remarks, and to include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from South Dakota?

There was no objection.

Mr. BERRY. Mr. Speaker, the Air Transport Association has made a very necessary suggestion regarding the need to eliminate the nonstop perimeter which the Federal Aviation Agency has established for flights in and out of National Airport.

The FAA, through their action restricting nonstop flights to those which only are within a 500-mile radius from Washington, has blatantly discriminated against those who do not travel within the 500-mile area.

National Airport is exactly what its name implies. It is an airport serving the Nation's Capital. It is an all-American airport, not just a community airport. Washington itself is a national city, in a sense, everyone's "hometown."

It is therefore all the more discriminatory and unfair for the FAA to come along and say that only a few select, nearby cities can be served by nonstop flights originating from National Airport.

If the FAA is worried about safety and needs to cut down the number of flights per hour or per day at National Airport, it should heed the Air Transport Association's advice. Instead of establishing some arbitrary nonstop perimeter, the FAA should set a ceiling of flights per hour which could land and take off from National and then distribute this allowed number fairly among all points in the country.

The present illogical system is not only a most inequitable obstacle to travelers going to the West or to the South, but it promises to make travel into Washington more difficult, and thereby threatens the businesses of Washington that depend upon tourist, convention, and business trade.

I sincerely hope the FAA will give careful, sympathetic, and favorable consideration to the sound proposals of the Air Transport Association, and establish a fair, well-distributed formula for flights into and out of National Airport.

CALL OF THE HOUSE

Mr. GROSS. Mr. Speaker, I make the point of order that a quorum is not present.

The SPEAKER. Evidently, a quorum is not present.

Mr. ALBERT. Mr. Speaker, I move a call of the House.

A call of the House was ordered.

The Clerk called the roll, and the following Members failed to answer to their names:

[Roll No. 181]

Baring
Conyers
Dorn
Duncan, Oreg.
Edwards, La.
Ellsworth
Flood
Fulton, Pa.
Gathings
Green, Oreg.
Henderson
Jones, Mo.
Kee
King, N.Y.
Landrum
McEwen
Martin, Mass.
Michel
Miller
Mills
Morrison
Multer
Murray
Nedzi
Powell
St Germain
Scott
Taylor
Teague, Tex.
Toll
Trimble
Tuten
Walker, Miss.
Willis

The SPEAKER. On this rollcall, 398 Members have answered to their names, a quorum.

By unanimous consent, further proceedings under the call were dispensed with.

CIVIL RIGHTS ACT OF 1966

Mr. CELLER. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the State of the Union for the further consideration of the bill (H.R. 14765) to assure nondiscrimination in Federal and State jury selection and service, to facilitate the desegregation of public education and other facilities, to provide judicial relief against discriminatory housing practices, to prescribe penalties for certain acts of violence or intimidation, and for other purposes.

The motion was agreed to.

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the further consideration of the bill, H.R. 14765, with Mr. Bolling in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. When the Committee rose on yesterday, the gentleman from New York [Mr. Celler] had 2 hours and 45 minutes remaining; and the gentleman from Ohio [Mr. McCulloch] had 3 hours and 6 minutes.

The Chair recognizes the gentleman from Ohio [Mr. McCulloch].

Mr. McCULLOCH. Mr. Chairman, I yield 20 minutes to the gentleman from Maryland [Mr. Mathias].

Mr. MATHIAS. Mr. Chairman, the historic civil rights enactments of 1964 and 1965 offered so much hope for racial peace in America that some who have preceded me in this debate have questioned the need for a Civil Rights Act of 1966. Others, who have grown cynical or discouraged, have doubted the effectiveness of any further legislative steps.

But it is the experience of mankind that the piercing of each horizon before us reveals new horizons. Lord Lister's discoveries in antiseptics did not put an end to experiments, but were actually a beginning, leading to the discovery and use of antibiotics in our own time. The progress made by Edison and Marconi did not put an end to progress, but accelerated it toward our present advanced stage of technology. Dr. Goddard broke the barrier to rocket travel, and thereby opened—not closed—a new chapter which has now been continued by Gemini 10.

If this is so in the physical sciences, it is equally so in the social and political sciences. In these fields the subject of inquiry may be more elusive, and the methods less precise, but still progress achieved makes progress possible.

So this bill, following our previous civil rights initiatives, is another long step in our national journey toward equal justice and equal opportunity. It is also another significant advance in the ability of Congress, the legislative branch of Government, which has been rather rudely called the sapless branch by some in the other body, to respond to the Nation's demonstrated needs for reform, revision, and renewal of our legal safeguards against discrimination, racial violence, and arbitrary denials of individual rights.

Like our previous historic civil rights acts, this measure builds on the foundations of existing law, and at the same time extends protections into new areas. It includes both provisions which many of us have advocated for several years, and provisions which we would have deemed unacceptable to Congress even a few months ago. It dictates changes in our institutions and adjustments in our attitudes—and by its very existence, it has already begun to encourage those changes and reforms.

If the public reaction to this bill follows the pattern set by our previous experience, we can anticipate, after the act is passed, some outcry, some resistance, but above all a wide and general compliance—and, beyond passive compliance, active cooperation from most citizens and most public officials. In short, we can anticipate the emergence of still another horizon in our national life.

Mr. Chairman, it has been said here repeatedly that we are legislating under the cloud of riots and under the shadow of mass violence. This is, of course, chronologically true, and psychologically inevitable. It is inevitable, too, that some will view the result of our debates—whether that result is creative or destructive—as our first, immediate answer to civil disturbances. After all, the riots in Los Angeles pointed up the fact that buses were needed and buses were provided, and in Chicago, the swimming pools were not being divided on an equitable basis, and now they have been promised. I hope that the Congress, representing the entire Nation, will be recognizing demands and providing just, equitable and lawful solutions when they are seasonable and timely.

Yet it must be emphasized that, in considering this bill, we are not yielding to threats. Rather, we are responding to conditions—conditions which have been forced to our attention convulsively and dramatically, perhaps because we failed to apprehend dangers expressed in more placid ways.

It must be emphasized that we are not responding, essentially, to protests, but to the causes of those protests—and we are seeking to weed out the roots of injustices too long condoned. It must be emphasized, finally, that to the extent that we are responding to acts of violence, we are answering not only the confused, clamoring cries of the oppressed, but also the deeds of the oppressors—the assaults, the arbitrary expressions of prejudice, the failures and frustrations of our laws and of our national resolve.

Mr. Chairman, throughout our history the Anglo-American jury system has been the keystone of American justice. It has stood both as an expression of our basic confidence in government by the people, and as a major source of that confidence. Titles I and II of H.R. 14765 seek to strengthen this system, and to implement more fully the sixth amendment guarantee of trial "by an impartial jury."

Let me note that in recent years the jury system in virtually all Federal courts, and in most State courts, has operated quite adequately and equitably. This is a tremendous accomplishment, more so because it has been achieved despite the lack of uniformity in jury selection procedures among Federal courts, and the greater diversity of procedures in State courts. Yet the dangers of a continued absence of standards are apparent. They have already been expressed in well-documented abuses of subjective or overly flexible guidelines, and in occasional miscarriages of justice. It is time for us to provide more effective guarantees than those offered by case-by-case review after the fact in higher courts.

As the Washington Post declared yesterday:

> The provisions of titles I and II are an integral part of a fair and equitable jury system. They are a belated device for bringing practice within the American courts into line with the principles they have long professed. Experience has shown that the courts alone cannot set right all that is wrong with the existing jury system. The help of Congress is urgently needed.

Title I thus sets forth, for the first time, a national policy and uniform procedures for the selection of juries in Federal courts. Section 101 of H.R. 14765 thus amends chapter 121 of title 28, United States Code, to establish a new section 1861, which declares:

> It is the policy of the United States that all litigants in Federal courts entitled to trial by jury shall have the right to a jury selected from a cross section of the community in the district or division wherein the court convenes. It is further the policy of the United States that all qualified persons shall have the opportunity to serve on grand and petit juries in the district courts of the United States and shall have an obligation to serve as jurors when summoned for that purpose.

Section 1862, as amended, states:

> No citizen shall be excluded from service as grand or petit juror in the district courts of the United States on account of race, color, religion, sex, national origin, or economic status.

These sections thus set into law, for the first time, our traditional concepts and the standard long followed by the Supreme Court, which said in 1946:

> The American tradition of trial by jury . . . necessarily contemplates an impartial jury drawn from a cross section of the community . . . Jury competence is an individual rather than a group or class matter. (Thiel v. Union Pacific Railroad, 328 U.S. 217, 220.)

Mr. DOWDY. Mr. Chairman, will the gentleman yield just a moment on what he has just read?

Mr. MATHIAS. I am delighted to yield to my distinguished colleague from Texas.

Mr. DOWDY. Mr. Chairman, on the provisions of the bill which the gentleman has just read, is it not a fact that they are the law of the land? Why is it necessary then to burden the statute books with a multiplicity of laws?

Mr. MATHIAS. As the gentleman points out, this has long been the law of the land and has long been considered the law of the land, but I would remind the gentleman that we have had occasions in recent years when this law has been ignored.

Mr. DOWDY. Can the Supreme Court not take care of that?

Mr. MATHIAS. I did not know that the gentleman would ascribe such omnipotence to the Supreme Court, but I believe the Court needs some help in this respect.

Mr. ROGERS of Colorado. Mr. Chairman, will the gentleman yield?

Mr. MATHIAS. I am glad to yield to my colleague from Colorado.

Mr. ROGERS of Colorado. It is my understanding that under title I there would be a drastic change in the manner and method in which the selection of Federal jurors would be brought about.

Mr. DOWDY. If the gentleman will yield, I had made no reference to that.

Mr. ROGERS of Colorado. Just a minute.

Part of the objective of title I is to see that those who are in position to serve as jurors, after their names have been selected in a definite and certain manner, will be given the privilege of serving. If this procedure is followed, then we say if anyone is going to challenge it he must challenge it before the trial of the case is begun. This is the exclusive means by which it shall be challenged, and we will get away from that system whereby they challenge from time to time and upset the verdicts.

Mr. CELLER. Mr. Chairman, will the gentleman yield?

Mr. MATHIAS. I yield.

Mr. CELLER. Regardless of a Supreme Court decision, which did strike down discriminatory practices in jury selection, is it not the purpose of title I to create uniformity throughout the Federal districts for example, to reduce the discretion which may exist with some of the jury commissioners? For example, we strike down the use of the key-man system.

Mr. MATHIAS. I certainly concur with the observations both of the distinguished chairman of the Judiciary Committee and of the gentleman from Colorado. I believe they are precisely correct. I agree completely.

The sections of title I apply the principles these gentleman have just discussed by establishing strict means of random selection of jurors from the widest possible segment of the adult population of the judicial district or division, and by setting, in the new section 1866, one set of basic juror qualifications to be in force nationwide. The changes in court procedures dictated by these sections may require adjustments by many individual courts, but they will, in my judgment, enhance public understanding of the jury system and encourage an even higher degree of public confidence in its operations.

Title I in essence tells Federal courts what they must do in choosing juries. Title II, consistent with the promise of the Union to guarantee equal justice in all our courts, advises what the States should not do. It seeks to extend our confidence to embrace all the courts of this land. It imposes no strict procedures on the States, nor does it end State freedom to set objective qualifications for jury service. It does insure that, in selecting juries, no State court may discriminate among its citizens on the basis of race, national origin, religion, economic status or sex.

This title does more. It recognizes that legal challenges should not be left exclusively to civil actions by individual defendants and private citizens. As the Fifth Circuit Court of Appeals has noted:

> The very prejudice which causes the dominant race to exclude members of what it may assume to be an inferior race from jury service operates with multiplied intensity against one who resists such exclusion. Conscientious southern lawyers often reason that the prejudicial effects on their client of raising the issue far outweigh any practical protection in the particular case. (*U.S. ex rel. Goldsby* v. *Harpole*, 263 F. 2nd 71, 82 (C.A. 5, 1959).

The bill thus provides, in section 202(a), for the Attorney General to insitute a civil action or other proceeding for preventive relief whenever there are reasonable grounds to believe that discrimination in jury selection is being practiced. Through this grant of authority, through the discovery provisions of section 204, and through the provisions for appropriate relief in section 203, title II thus provides the means through which to guarantee that there will be no further exceptions to the sixth amendment pledge.

Title III is a significant Judiciary Committee contribution to this bill. It also exemplifies the cumulative nature of our efforts for civil rights. The original title III, of course, was proposed by President Eisenhower, advocated by Attorney General Brownell, and passed by this House in 1957, only to be rejected in the Senate. Similar titles have been advanced repeatedly in the intervening decade, and were actively considered by our committee in 1963 and 1965, and by the House last year in the form of the Lindsay amendment to the Voting Rights Act of 1965. In the words of a great Member of the other body, title III is "an idea whose time has come."

Section 301 would authorize the Attorney General, or any person in his own right to seek civil preventive relief against prospective infringements, on account of race, color, religion or national origin, of any right, privilege or immunity guaranteed or protected by the Constitution or Federal law. Section 302, equally important, would authorize a similar course of action to provide relief against prospective infringement of the first amendment right to advocate the pursuit of civil rights. Thus, the title establishes avenues through which to seek shields against violence, harassment or intimidation.

Mr. Chairman, it has been argued many times in this Chamber that the Attorney General could not implement the powers granted him under title III without a massive Federal police force. I disagree with that contention. First, I cannot accept—and the history does not support—the implied suggestion that violent assaults on civil rights are so frequent, so widespread and so pervasive, or that local law enforcement is generally so inadequate or unresponsive, that Federal police patrol of every county of this land would be required. Second, it is obvious that not all attacks on individual rights could ever be anticipated, and that complete protection cannot ever be secured. But it is also obvious that, where situations are inflammable and local police powers cannot or do not suffice, many tensions could be tempered by prudent, perceptive use of the injunctive power.

Titles III and V of this bill are complementary. Both provide sound protections for individual rights; one is prospective, one is retrospective. One is preventive, one is punitive. Title V is a badly needed and overdue reform of outdated Federal criminal sanctions against acts of racial violence.

Mr. CELLER. Mr. Chairman, will the gentleman yield?

Mr. MATHIAS. Certainly I yield to the chairman.

Mr. CELLER. I will grant the gentleman additional time, because I think the gentleman is making a very splendid statement in elucidation of this bill.

With reference to title III, as the gentleman from Maryland has said, there have been arguments made that the Attorney General could not handle all of these cases that would possibly come before him. That is rather an inane argument, because any of these cases that you try and successfully try will act as a deterrent to prevent a repetition of similar cases throughout the length and breadth of the land. Second, it would be an indication to the State authorities that if they do not act, the Federal authorities will act. So the State authorities would be bound to act. In addition thereto we have the situation in almost all phases of the law. Take the antitrust laws. The Attorney General does not start an action in every single case. He picks out certain key cases. So it is in the Food and Drug Act and in all criminal statutes. The Attorney General cannot and never does start every kind of a conceivable action. He uses his discretion. And the actions of both will always act as a deterrent for repetition of similar crimes throughout the country.

Mr. MATHIAS. Mr. Chairman, I thank the distinguished gentleman from New York.

The CHAIRMAN. The time of the gentleman from Maryland has expired.

Mr. McCULLOCH. Mr. Chairman, I yield 5 additional minutes to the gentleman from Maryland [Mr. MATHIAS].

Mr. DOWDY. Mr. Chairman, will the gentleman yield?

Mr. MATHIAS. Certainly, I yield to my distinguished colleague from Texas.

Mr. DOWDY. Mr. Chairman, under title III, would the Attorney General be granted the authority to involve himself in these instances that are going on around all over the country which, technically, are violating the civil rights people as a result of these riots, planned riots, and demonstrations that lead to looting and to the damaging of property?

Mr. Chairman, would the Attorney General under this title have authority to intervene in those cases?

Mr. MATHIAS. Mr. Chairman, I believe the Attorneys General would have broad authority to investigate and to take suitable action under title III, and I believe this would be a helpful thing for the country.

Mr. DOWDY. Mr. Chairman, will the gentleman yield further?

Mr. MATHIAS. Yes, I yield further to the gentleman from Texas.

Mr. DOWDY. And of course this is what has been known as the "mind reading" title in past years. In other words, one might have to do some mind reading, or one might have to read the mind of the Attorney General.

Does the gentleman suppose that the Attorney General would take action in that sort of case, or does the gentleman think he would aline himself with the looters and the rioters?

Mr. MATHIAS. I believe that the gentleman from Texas agrees with me that the Attorneys General of the United States, as a body, have been a distinguished group of lawyers, and that they will follow, as in the past, their professional judgment and their conscience in the discharge of their duties imposed upon them in this title.

Mr. Chairman, I have no fear in reposing this authority in them. However, the gentleman indicates confidence in title III, and I come to the provisions of title V which do provide criminal actions against acts of racial violence. It provides for graduated penalties, dependent upon the degree of violation.

Mr. DOWDY. Mr. Chairman, would the gentleman yield on title V? I did not want to interrupt the gentleman's statement about title V.

Mr. MATHIAS. Certainly.

Mr. DOWDY. Of course, Mr. Chairman, there has been a great deal of talk about title IV and the possibility of its being removed from the bill.

Mr. MATHIAS. I shall have a few words to say about title IV in a minute.

Mr. DOWDY. If the gentleman will yield further, I am just referring to it in order to call attention to title V.

Under title V, section 501(a)(5), Mr. Chairman, it gives this authority wherein it states that in connection with "selling, purchasing, renting, leasing, occupying, or contracting or negotiating for the sale, rental, lease or occupation of any dwelling."

In the event title IV were knocked out of the bill, then it would actually do the same thing as title IV would do, would it not, through its direct provisions?

Mr. MATHIAS. I cannot agree with the gentleman's interpretation of the title:

> Mr. DOWDY. That whoever injures, intimidates, or interferes with, or attempts to injure, intimidate, or interfere with any person because of his race, color, religion, or national origin while he is lawfully engaging in or seeking to engage in (5) selling, purchasing, renting, leasing, occupation, or contracting or negotiating for the sale, rental, lease or occupation of any dwelling—

Is the gentleman from Texas advocating such a construction?

Mr. DOWDY. Mr. Chairman, if the gentleman will yield further, I am asking the gentleman from Maryland if that is not what it says?

Mr. MATHIAS. Mr. Chairman, I believe we need both titles.

Mr. CELLER. Mr. Chairman, will the gentleman yield?

Mr. MATHIAS. I yield to the Chairman of the Committee on the Judiciary, the gentleman from New York [Mr. CELLER.]

Mr. CELLER. Is there not a big difference between titles IV and V? Title IV is open housing. It represents a civil proposition.

Title V represents a criminal proposition, and provides for punishment.

And, we provide in connection with the selling, purchasing, renting, leasing, occupying, or contracting or negotiating for the sale, rental, lease or occupation of any dwelling, whoever injures, intimidates or interferes with, by force or violence or threat of force or violence certain penalties.

In other words, in title IV we have no such thing as threats or force or violence. It is in title V the emphasis on force or violence is placed when those things constitute an interference with housing then it gets it within the toils of the statute.

Mr. MATHIAS. I agree completely with the chairman and I am surprised that our colleague from Texas would suggest a similar construction between titles IV and V.

Titles VI and VII break no new substantive ground. They embody adjustments to earlier acts of Congress which experience has shown to be necessary for the enforcement of congressional intent. They are a product of the necessity to keep the laws responsive to changing times.

Mr. Chairman, the history of a decade of civil rights legislation shows that the Congress, in expanding protection of individual rights, has moved into successive fields—voting, administration of justice, public accommodations, employment—prudently, moderately, and along the careful path which leads between the progressive demands of justice and the progressing understanding of the American people. Title IV of this bill, as reported and intended by this committee, keeps full faith with this tradition.

The dialog between property rights and individual rights in this Nation is not new. It began with the first colonists, when full participation in community affairs was restricted to men of relative wealth. It has continued, in countless forms, for over 300 years. Throughout our history, we have seen the gradual extension of democracy, through the elimination of economic barriers to the suffrage which finally ended last year with the demise of the poll tax. We have seen the gradual acceptance and support of many types of restrictions, based on the public interest, on the uses of individual property. Of these, public health laws are only one example. We have seen, finally, the great convulsion of civil war, from which emerged a nation irrevocably committed to the concept that human rights are supreme over the privilege to hold any man in bondage. Our great progress during the past hundred years has been toward realizing that commitment, in a changing and subtle world, in fact.

Nor is a national fair housing act an innovation. In April 1866, even before the 14th amendment received congressional approval, the Congress decreed:

> Such citizens of every race and color shall have the same right to purchase, lease, sell, hold, and convey real and personal property as is enjoyed by white citizens. (14 Stat. 27.)

This law was upheld by Mr. Justice Bradley in an opinion written on circuit and affirmed by the Supreme Court.

Mr. Chairman, our Nation has been built by free men in an atmosphere of opportunity. Our greatest domestic challenge today is to maintain that opportunity, for all our citizens—and the greatest threat to our national health and prosperity is the frustration of individual effort and initiative. Too many Americans are already imprisoned in the webs of poverty and prejudice, and in the physical shackles of the urban ghetto. Much of the work of this Congress in the past year and a half has been dedicated toward breaking those chains through education, through job training and retraining, through physical renewal and through human renewal. Title IV is an instrument toward this end. It seeks to open doors, increase men's physical mobility, and expand their hope.

The intent of title IV, as reported is to insure that all men may seek, enter and complete transactions in the vast housing market on equal terms, restricted only by their own dollar resources. It has been said that this title invades individual property rights, and would destroy freedom of contract. Such unwarranted intrusions were not intended by the Judiciary Committee, and would not be the consequence of this act. By providing, in section 402(d), a clear measure of participation in the "business of housing" in interstate commerce, the bill would exclude the occasional sale by an owner of an individual home. Under section 403(b), it would also exclude the rental of an extra apartment in an owner-occupied dwelling with up to four family units.

It was the committee's intent, further, that in completing such exempted transactions, an individual owner would not be denied professional assistance as the price of any assertion of preferences.

Now, there have been some contentions on this point. I would be willing to debate them, but I do not wish to write a legal brief. I do want to help enact useful legislation. Therefore I will offer a clarifying amendment on this point. It will be an amendment which would not weaken the bill or strengthen the bill. It would simply repeat the clear meaning and purpose of the committee.

While this title has been assaulted on the one hand as being too bold, it has been assailed on the other hand as far too limited. To those who feel this way, I remind you that Rome was not built in a day. The New Jerusalem has been a long time coming, and Sweet Beulahland will not be reached in one session of Congress. I think what is important is that this title does make significant advances. The Attorney General, testifying before the Judiciary Committee, said:

> By and large, desirable new housing in our cities and suburbs is foreclosed to (the Negro), and, ironically, because of its scarcity, what housing is left available to him frequently cost him more, judged by any fair standard, than comparable housing open to whites.

This title as reported would prohibit discrimination, with few exceptions, throughout the business of housing. It would open the new housing developments now closed, and the apartment buildings with more than four family units. It would further open to all who can pay the other housing, whatever its size or age, managed and marketed by nonresident owners who are in the housing business.

This range of choice is certainly not inconsequential. The Department of Housing and Urban Development estimated this month, as reported by Congressional Quarterly on July 15, that about 23 million existing housing units, almost 40 percent of the total of around 60 million units, would be covered by the provisions of the present title IV. For new housing, of course, the percentage covered would be far higher, as the vast majority of new housing units—of a total of about 1.5 million housing starts per year—are built by developers and builders for subsequent rental or sale. Thus in future years, more and more housing, and more of the most modern housing, will be open under this title to all applicants, without discrimination on the basis of race, national origin, or religion.

Mr. GROSS. Mr. Chairman, will the gentleman yield?

Mr. MATHIAS. I certainly yield to the gentleman from Iowa.

Mr. GROSS. Does not the gentleman think that title IV as it is presently in the bill would have an adverse effect upon the construction of homes in this country?

Mr. MATHIAS. I submit to the gentleman that there is some opinion to support the view that has been suggested by the gentleman; but I have here a letter from Mr. W. Burton Guy, a realtor and mortgage banker of Baltimore, Md., in which he says that he supports title IV. He says:

> I am the owner of a number of apartment projects and feel that a law is necessary to enable me and the other owners to do what is right and just and which is extremely difficult to do voluntarily unless everyone else

does the same. Thus the necessity for a law.

There is, I might say, a considerable body of opinion in the industry of housing and development which supports that point of view.

Mr. **GROSS**. Mr. Chairman, will the gentleman yield further?

Mr. **MATHIAS**. I yield to the gentleman from Iowa.

Mr. **GROSS**. Would the gentleman say that a resident of the great State of Maryland cannot do what is right and just in the absence of a law of the kind proposed?

Mr. **MATHIAS**. I would say to you, sir, that the testimony before the committee by those who are engaged in this industry, which I am not, indicates that they would find it would be more advantageous to the industry to have a national standard of this sort. Further, it would not affect real estate values.

Mr. **McCULLOCH**. Mr. Chairman, will the gentleman yield?

Mr. **MATHIAS**. I yield to the gentleman from Ohio.

Mr. **McCULLOCH**. Mr. Chairman, as a matter of fact did not the very successful builder, William Levitt—known by everyone who is interested in housing—testify without equivocation in support of title IV in its original form?

Mr. **MATHIAS**. He certainly did. At this point I will quote from the testimony of Mr. James W. Rouse, who is a Maryland builder. He said on May 24:

> Many, many homebuilders and apartment developers would welcome the opportunity to offer their houses and apartments to the full housing market without discrimination, but are unwilling to do so for fear their particular projects will be subjected to the abnormal pressure of a distorted market.
>
> The public accommodations law may have been more important for the protection it gave those who wanted to open up their facilities to all the market than for the pressures it imposed upon unwilling operators. Such is the case in housing. It is my honest belief that the preponderance of real estate developers and homebuilders would prefer to operate in a fully open market, but they fear the results of going it alone.

Mr. **RODINO**. Mr. Chairman, will the gentleman yield?

Mr. **MATHIAS**. I yield to the gentleman from New Jersey.

Mr. **RODINO**. Mr. Chairman, it might be interesting for the House to know that Mr. William Levitt, during the course of the hearings, said—and Mr. Levitt is undoubtedly classified as one of the largest builders in the United States—in answer to this question from the chairman:

> I would like to ask, Mr. Levitt, in your opinion what effect would a national fair housing law have upon developers in general?
>
> Mr. LEVITT. Well, I think, Mr. Chairman, that I pretty much have answered that question. Again, judging from our own experience, I can see only that the relieving of tensions, the lack of violence, the lack of any kind of upsetting of economic conditions; I know that in Levittown, N.J., where our business was rather slow, once we started to integrate our business gradually got better and better and better. And today it is one of our more profitable communities.
>
> So I can only see that a fair housing law would once and for all remove that from the list of competitive items, builder against builder, or builder against—I am going to use a harsh word—chiseler, which we have in this business, as we have in every other business.

Mr. **MATHIAS**. I thank the gentleman from New Jersey. The point he makes is exactly correct, that it is a grave mistake for us to emphasize the sanctions of this measure as the most significant aspect. Rather, I believe, with him, that we should emphasize its great value as a shield for builders or landlords or lenders or brokers in their own efforts to further equalize their own rights.

Mr. **MacGREGOR**. Mr. Chairman, will the gentleman yield?

Mr. **MATHIAS**. I yield to the gentleman from Minnesota.

Mr. **MacGREGOR**. Mr. Chairman, I think the record should also show in connection with the assertion made—that fair housing legislation tends to be an impediment to the growth of the construction industry—that in many of our most populous and most prosperous sections, where construction has boomed in the last few years, we have seen fair housing laws in effect and on the books in those States, including most of our most populous in the northeast and north-central parts of this country.

Mr. **MATHIAS**. I thank the gentleman.

Mr. **DOWDY**. Mr. Chairman, will the gentleman yield?

Mr. **MATHIAS**. I yield to the gentleman from Texas.

Mr. **DOWDY**. Mr. Chairman, is the gentleman stating here that this is a builders' and apartment owners' bill?

Mr. **MATHIAS**. The gentleman from Texas has used those words; not I.

Mr. **DOWDY**. I was just following the conversation.

Mr. **MATHIAS**. I believe we are saying that the builders and apartment owners say they will not suffer any economic consequences from this bill. Yes, we are saying that.

Mr. **ASHMORE**. Mr. Chairman, will the gentleman yield?

Mr. **MATHIAS**. I yield to the gentleman from South Carolina.

Mr. **ASHMORE**. Mr. Chairman, I am not a member of the subcommittee before which these hearings were held, but I am convinced beyond any doubt that the record does reveal the fact—and I want the Members to know this—that a large majority of the realtors and people in the home building associations in this country and the realty associations in this country are opposed to this legislation. So let us not have the idea spread around that, because two or three of these mammoth builders say this—some of whom will agree to almost anything, evidently—they are expressing the will of the majority of people who deal in real estate and who own or sell homes or other real property in this country.

In addition, I believe it should be made clear in the RECORD that in the State of California, where this question was put to a vote of the people, it was voted down by more than two to one, and that on practically every occasion when the vote of the people has been called for on this question it has been defeated.

Members of this House, as well, have told me that they have never received more mail in opposition to a piece of legislation than they have received on the housing title of this bill. One Member, not from the South but from the State of Pennsylvania, told me he had received hundreds of letters and every one of them was in opposition to this type of legislation, except four.

I believe we must all realize what the people want, and not just what a few big builders want.

Mr. **MATHIAS**. I thank the gentleman for his contribution. I wish to say I recognize the point of view the gentleman represents, and I am sure it will be ably expounded on this floor. I want to be sure that both sides are heard.

Of course, in trying to represent all sides of the question we have great problems. The gentleman, who is a member of the Judiciary Committee, knows the difficulties of balancing these interests are very great. The difficulty of achieving a compromise which recognizes these interests is very great.

I am sure the gentleman shares with me some sense of sympathy for Henry Clay, the Great Compromiser. I, for one, I believe, can now understand better than ever before why Henry Clay never got to be President.

Mr. **CELLER**. Mr. Chairman, will the gentleman yield?

Mr. **MATHIAS**. I yield.

Mr. **CELLER**. Would the gentleman not say that the avalanche of mail he got was in part, at least, due to the so-called real estate lobby?

Mr. **MATHIAS**. I would say that many of the letters I have received appear to be mimeographed.

Mr. **CELLER**. Does not the gentleman believe in what Edmund Burke said to his constituents in Bristol, in 1774, in this famous utterance:

> Your representative—

And here it is the Congress—

> Your representative owes you, not his industry only, but his judgment; and he betrays instead of serving you if he sacrifices it to your opinion.

Is that not a good answer to certain of these letters which have been received?

Mr. **MATHIAS**. It is certainly sound philosophy in any representative and deliberative body.

The **CHAIRMAN**. The time of the gentleman from Maryland has expired.

Mr. **CELLER**. Mr. Chairman, I yield the gentleman 5 minutes.

Mr. **MATHIAS**. Mr. Chairman, to those who say this bill does not do enough in the way of opening up the housing market, I just want to make a few concluding statements with regard to the great opportunities offered by the bill.

The magnitude of its impact is clear when we consider estimates that we will need an area the size of the entire State of Indiana for the cities we will be building in the next 40 years. It has been predicted, too, that we will use more space for metropolitan growth in the next four decades than we have used in the entire time since the first settlement at Jamestown in 1607. And just as we can envision the scope of our future, we can also see the massive dimensions of our future difficulties if we fail to insure that all Americans, regardless of their race or nationality, will have equal chance to share in that growth, and to enjoy its fruits.

Experience has shown, and many witnesses before our committee reminded us again, that the greatest value of previous civil rights legislation, far beyond the impact of specific provisions of law, has been as a spur to communication, public education, and mutual tolerance. We have seen tremendous progress where communication among men of all races has been maintained—even in the most difficult conditions, as faced last weekend by Mayor Lindsay, of New York. We have also seen, in many troubled cities, the disastrous consequences of complete breakdowns in contact and peaceful efforts toward understanding. The work of this Congress in the whole vast field of human rights has been based on the proposition, central to our democracy, that there are alternatives to violence as avenues of social progress and individual advancement. We cannot afford to undermine that concept now.

In the past decade, in many parts of our Nation, increased understanding and maturity have worked great and constructive changes in the minds and hearts of men. These changes can be attributed in large part to the moral leadership exerted by the Congress. In enacting H.R. 14765, we will again be setting forth clear moral standards, and reasserting the supremacy of human rights in our society. This year's action will not end our task—but it will make future progress not only possible, but far more probable.

Mr. WHITENER. Mr. Chairman, will the gentleman yield?

Mr. MATHIAS. I am glad to yield to my colleague.

Mr. WHITENER. In view of the comment of the chairman to the gentleman from Maryland earlier in giving freely of his judgment, I would like to appeal to him now to give me the benefit of his judgment as to the revised provisions of section 406(c). The gentleman will remember originally it provided that:

> (c) The court may grant such relief as it deems appropriate, including a permanent or temporary injunction, restraining order, or other order, and may award damages to the plaintiff, including damages for humiliation and mental pain and suffering, and up to $500 punitive damages.

The committee changed that to provide:

> (c) The court may grant such relief as it deems appropriate, including a permanent or temporary injunction, restraining order, or other order, and may award actual damages to the plaintiff, or, in the alternative, if the defendant has received or agreed to receive compensation for services during the course of which the discriminatory housing practice occurred, the court may award as liquidated damages an amount not exceeding the amount of such compensation.

My question to the gentleman is as to his judgment as to what the net effect of this change is.

Mr. MATHIAS. I think the net effect is helpful to the legislation and helpful to the purpose we seek to serve.

Mr. WHITENER. That is a matter of philosophy. What about the matter of law?

Mr. MATHIAS. The law, fortunately, is very often based on sound philosophy.

Mr. WHITENER. And very often not.

The CHAIRMAN. The time of the gentleman has expired.

Mr. CELLER. Mr. Chairman, I yield the gentleman 1 additional minute.

Mr. MATHIAS. I think this section is extremely clear. We have eliminated the speculative and subjective damages which were contemplated in the original bill, and now provide that if, as a result of this discriminatory act, there is an actual damage, for example if you are unable to accept a job because in our mobile world you cannot find a place to live in the place where you have been hired, then that is the measure of your damages. It seems to me that is a realistic measure.

Mr. WHITENER. If the gentleman will yield further, I must respectfully submit that is exactly what this new provision does not do. The new provision says he may still bring a lawsuit for actual damage, but then it goes further and, as far as I know, for the first time we undertake to write a liquidated damages contract into a statute and say that the private person has a right either to seek actual damages and, if he cannot show them, then he can come in and use compensation of the broker as the basis for fixing liquidated damages.

Mr. MATHIAS. Only if he can sustain the burdens of the proofs that are involved.

The CHAIRMAN. The time of the gentleman has expired.

Mr. WHITENER. I am sorry the gentleman does not have more time.

Mr. CELLER. Mr. Chairman, I yield 15 minutes to the gentleman from South Carolina [Mr. ASHMORE].

Mr. ASHMORE. Mr. Chairman, I ask unanimous consent to revise and extend my remarks and to insert at the conclusion of my remarks a revised prepared statement.

The CHAIRMAN. Is there objection to the request of the gentleman from South Carolina?

There was no objection.

Mr. ASHMORE. Mr. Chairman and ladies and gentlemen, I have a written statement prepared which gives, I hope, a rather thorough and clear analysis of this entire legislation, but after listening to long speeches for 2 days—and we are now on another day, the third one—I decided I would not use that statement in speaking here on the floor, and request that it be put in the RECORD immediately following my remarks here from my notes.

Mr. Chairman, I am going to speak briefly and primarily about title IV of this legislation.

I believe it is the most controversial section of the bill and possibly the one about which the Members of the House would like to have a few more facts, and would like to have a little enlightenment.

If I am capable I shall attempt to give such enlightenment.

Mr. Chairman, yesterday and the day before I was particularly impressed with some of the Members who spoke, the proponents of this legislation, and who seemed to base their case primarily upon the allegation that discrimination in any case, for any reason, is immoral and wrong, although the Supreme Court has said in many cases that discrimination is legal, and you can use your property that you own in your own right any way you choose.

But, Mr. Chairman, these Members supporting the bill have been almost compelled, I suppose, to base their case largely upon the fact that it is immoral, that it is a moral wrong to discriminate in the field of housing; although a person has full title to the property, both the God-given right and the constitutional right in this land to use it in any manner he sees fit and to dispose of it as he wishes.

Mr. Chairman, proponents of the legislation say that the owners of this real property have no right, morally or legally, to use this protection, even though the Constitution and the Supreme Court in many instances says he does have the right to use it as he desires.

Mr. Chairman, they say on this floor and they say in the bill as now amended:

> (1) that the owner cannot select his tenant;
>
> (2) that he cannot sell or refuse to sell, to whom he wishes;
>
> (3) that he cannot and should not be permitted to control the use and disposition of even his own home, whether it be a shanty or a $1 million mansion.

Yes, Mr. Chairman, the proponents, of course, admit as William Pitt says, "A man's home is his castle."

They have to admit that because it is imbedded too deeply into the hearts and souls of the people of this country, for anyone to deny.

And, Mr. Chairman, I presume that they would also agree that for centuries the laws in this land and in England, too, have protected any person and every person who might find it reasonably necessary to take even the life of his fellow man in order to defend and protect his own home.

No, it surely cannot be denied that it is both morally and legally right for the head of the house to remove not only a trespasser, but also any unwanted guest from his home, and to even slay him, if it becomes reasonably necessary to do so, although he may be a guest, if such person is causing a disturbance and the owner or the head of the house thinks that it would be best for him to depart, and he requests his departure.

Let me emphasize, you can say to your guests, "No, get out. I do not want you in my house any more." You can say to a visitor whether he be invited there or not, "Get out. I do not want you here any more." And you can say so for reasons that are good and sufficient to the head of the house. But you cannot say no for the same reasons to a prospective tenant or to a prospective purchaser.

Now how unreasonable can you get? That is true under this legislation, or it was true as the bill was originally drawn by the Attorney General. The bill then said that discrimination by the homeowner, or anyone else, was both morally and legally wrong—the Supreme Court and the U.S. Constitution notwithstanding.

But, my friends, after the people of this country learned what was in this bill and after hearings were begun by my good chairman of the Committee on the Judiciary, the public reacted so strongly and made so many demands upon their Representatives in both Houses of the Congress that even the President of this country, and the Attorney General who drew the bill, and the democratic administration in general, and the leadership of my party and my friends' party who sit on my left, decided that something must be done. We cannot go ahead with this bill as it is written in its original draft; we must water it down, they said. And I say they said that because their acts show that they said that.

Why did they decide that they would have to water it down? Well, of course, they decided so for political reasons. The leadership of both parties knew that some changes had to be made or this thing would never become law as the Attorney General had written it. They knew it would never pass and they wanted it to pass—to get votes.

So now this same leadership, the leadership in my committee and the leadership in the entire Congress, if I understand correctly, say now that although it still is immoral and wrong for a real estate owner to select his own personal associates, or his own tenants, or his own purchaser, nevertheless, say the proponents of this legislation, we are going to amend this bill and give our stamp of approval to the immoral and discriminatory acts which they have condemned, the immoral and discriminatory acts of the homeowners.

Yes, in the bill as now amended they say the homeowner can be immoral and he can discriminate provided he does not commit this atrocious crime more than twice a year.

This is exactly what it says, and I challenge any of my friends and any of my colleagues who propose that you accept this thing, to deny and prove that statement incorrect—if it is incorrect.

The bill now also provides further that they will let you sin a little bit more. You can be immoral again. You can sin and do wrong with reference to another piece of real estate. They say that the owner of an apartment house may be immoral not just twice but three times a year in the rental of an apartment house, under certain specified conditions.

Is not that, my friends, a great accomplishment? Is that not a nice piece of legislation to come here and ask you to accept as reasonable, clear thinking men and women?

Frankly, I never heard before of degrees of immorality such as is set forth in this legislation. But that is what we will establish and that is what you will be voting for when you approve this bill as it now stands.

It would be about as logical to do this as it would be to contend that a woman could be a little bit pregnant. I do not think any of us believe that possible. Or that an unwed woman might get pregnant in her own home or apartment and do moral wrong.

As we say down South, this is a nice kettle of fish they have cooked up for you in this legislation. It is truly a barrel of fishhooks, and you are liable to get caught in them if you stir around in the barrel. Are you going to swallow this mess of pottage in the vain hope that it will appease or pacify or probably satisfy a few minority groups in this country in their constant, endless—and I repeat, endless—demands upon you? As for me, I refuse to prescribe any such medicine as this, however sick the patient might be.

Let us stay within the bounds of constitutional law, within the bounds of reason and, yes, within the bounds of morality. If it is good to say that a man can be immoral and discriminate twice, why would it not be three times, four times, five times, or six times? If you are going to cut out discrimination, let us make it across the board and let us make it apply to everybody or to nobody.

This monstrosity of a bill does not satisfy the proponents. You know it does not. Some of them would not admit it, but I tell you that it does not, because too many have so told me. They want more. Yes, they want much, much, more than what is in the bill now. Well, surely it does not satisfy the property owners. God knows, it does not satisfy the realtors, nor does it satisfy the mortgage bankers. So who is satisfied? These three groups I have mentioned—the homeowner, the realtor, the banker—they are made the real scapegoats, and you may hear from them when you get back home, and you, my colleagues who vote for this obnoxious—and I repeat, unconstitutional—bill will be making a scapegoat of yourself along with these people who are taking the brunt of the burden.

The House, as you well remember, was used as a scapegoat some few months ago when section 14(b) of the Taft-Hartley Act was considered. Senator DIRKSEN told you then what would happen when the bill got to the Senate. You could go ahead, stick your necks out and vote for it if you wanted to, you did, and what happened? You were the scapegoats who voted for it.

He has told you again, as well as other Members of the other body, that this bill, if it goes over to the Senate, will receive the same treatment. It seems, the people at the other end of the hall have a little more regard for constitutional law than some of us have here.

Let us not ask for that kind of punishment twice in the same session of Congress. If you do so you are really punishing yourself more than anyone else.

You have had one good dose of it. Do you want another? I think not.

Therefore, kill the bill here and save your political hide back home.

Mr. GROSS. Mr. Chairman, will the distinguished gentleman from South Carolina yield?

Mr. ASHMORE. I am glad to yield to the gentleman from Iowa.

Mr. GROSS. Referring to title IV, the so-called open-housing provision of this bill, and especially pages 63 and 64, which set forth the "seven commandments" promulgated by "the Moseses" of the Judiciary Committee, I find that there is repeated reference to—let me read one of the "commandments"—

> To refuse to sell, rent, or lease, to refuse to negotiate for the sale, rental, or lease of, or otherwise make unavailable or deny, a dwelling to any person because of race, color, religion, or national origin.

My question to the gentleman is: Why was the word "sex" dropped out of the "seven commandments" when it is used repeatedly elsewhere in the bill and existing law?

Mr. ASHMORE. I shall defer to my friend and colleague, the gentleman from Colorado [Mr. BYRON ROGERS], and let him answer that.

Mr. Chairman, it is my considered opinion that the several members of the Judiciary Committee who issued the minority reports have made a valiant attempt to disclose the deficiencies of H.R. 14765. Therefore a thorough reading of these reports is suggested.

Next I would like to expand the scope of some of the material covered in the reports, the hearings, and other materials which were prepared on this subject.

Title I is concerned with a drastic change of the manner in which juries are selected for duty with the Federal court system. As was pointed out in the minority reports, there was no official recommendation made by the judicial conference of the United States, or the American Bar Association, or any of the other expert legal and judicial organizations which normally spend months, sometimes years, of necessary study on such a change. What has evolved from a hasty job of drafting is a requirement that will create endless burdens on the Federal courts. The Evening Star newspaper of July 19, 1966, carried a story on page A–8 titled "Rights Bill Jury Proviso Called Unworkable Here." This article indicated that a survey of Federal judges had been conducted throughout the country by the subcommittee on constitutional rights of the Senate Committee on the Judiciary. The article states that the "replies from Federal district judges added up to a 'striking indictment' of the jury selection provisions." "The survey of Federal judges had not produced a single letter in support of this part of the bill." Chief Judge Matthew F. McGuire and Judge Alexander Holtzoff of the District Court for the District of Columbia have asked for an amendment that would exempt the District of Columbia from the provisions of title I. If there is so much disagreement among members of the judiciary, it appears that this title needs much further examination and study.

The distinguished chairman of the House Committee on the Judiciary, Representative CELLER, has stated in additional views to the report that there is a need to insure that "Federal juries are truly representative of a broad cross section of the community." I would suggest to you that the way to insure that this "broad cross section" is available is to have several methods of jury selection rather than one restrictive required method. I do not doubt that selection from the voter registration rolls in some cases and in some areas is a valid method. But Mr. CELLER in his views, the Attorney General in testimony, and the President in his message to Congress have indicated that there is a need to insure a good cross representation. If this is the case, then there should be made available several methods of jury selection.

It is false to presume that voter registration books comprise the only fair and nondiscriminatory lists from which to choose. In many areas, the telephone directory is used as a source for random selection of jurors. The people whose names are chosen are sent questionnaires prior to being placed on a qualified list to guarantee that they meet Federal standards. This has proved to be an excellent method of selecting a "cross section" of jurors.

Chairman CELLER has stated in his additional views that the Justice Department has run "informal samplings" in six southern States showing a disparity between the percentage of Negroes of jury service age and the percentage of Negroes on jury panels. This is obviously not the result of discrimination alone if at all. What has most likely occurred is that these people have failed to meet the minimum requirement of ability to read and write, have lost their right to participate because of a criminal record, or some other minimum standard which must be met. It is interesting to note that New York, Massachusetts, Illinois, or other States in the North and West, were not chosen as the subjects of these "informal samplings." Could it be that the statistics from such States would put a different light upon the situation? I have for some time been concerned to see one section of the country—the South—chosen as a scapegoat to take the blame for the rest of the country. Watts, Chicago, Baltimore, Cleveland, Philadelphia, and New York are not southern cities: yet these are the places where national attention has been focused lately as having deprived the minority of equality in the area of civil rights.

Within title I, I also question the practicality of making up a "jury wheel" and having large numbers of people personally appear at a later date to determine whether they qualify for jury duty. At present, in many districts, the prospective jurors are notified immediately upon selection and must file information at the time of initial selection so as to ascertain qualifications. The selection process in title I is so loosely organized that one could not ascertain qualifications until a jury panel was actually needed. This is entirely too much of a burden upon the courts when they could normally have lists of qualified jurors far ahead of the time it would take under this proposed system.

Considered in its entirety then, title I of the bill is apparently all too restrictive. There is a need not for more restrictions, but for a wider basis of choice of the selection of jury panels. The system we have used up to the present is workable and has given the courts the advantage of a flexible enough method of selection so as to choose impartial juries from a "cross section" of the judicial districts. I do not believe the radical changes proposed in title I should be enacted, and we should strike it from the bill.

Title II is insulting to State officials as well as to the public at large. In discussing title II, the proponents have argued that State jury selection systems are discriminatory to the point of requiring Federal policing of State records and shifting the burden of disproving accusations of discrimination to State officials. In the minority report, part 2, my colleagues and I have already indicated the outstanding flaws in such a proposal. The Attorney General may use any grounds he deems "reasonable" to bring civil action under this title. The term "reasonable grounds" is not defined, and it may be assumed that as much time as the Attorney General has spent—not to mention taxpayer dollars—in "running down" the Southern States, that he would double his efforts to do so with this added power. In addition, it is perfectly logical to assume that any defendant with only a modicum of intelligence will attempt to prolong a trial or delay the outcome by crying "prejudice." If this is to be the "reasonable ground" upon which the Attorney General brings his action, State courts might as well close shop and hand the key to the Attorney General.

Again as stated in the minority report, the entire title III is ludicrous. It is an unintelligible conglomeration of words which may be used in an attempt to defeat justice by any individual claiming some imagined right and pursuing an unfounded claim to the detriment of the public, the courts, and especially the taxpayers.

Without qualification, the most objectionable provision of this bill is title IV. I know of no law which would so drastically change the basic tenets of a democratic society than would this title if it were passed. Not only are constitutional issues involved here, but the whole fabric of our social environment, our economic structure, and our basic theory of private ownership and enjoyment of property are threatened.

Perhaps it would be appropriate at this point to refresh our memories as to the applicable constitutional provisions. Contained in article V of the amendments to the Constitution are the words:

> No person shall . . . be deprived of life, liberty, or property, without due process of law. . . .

Certainly the deprivation of the right to sell or lease property to a person of one's own choosing cannot be considered due process of law. It makes no difference whether the sale or lease is consummated privately or through an agent. The deprivation of the right to sell or lease the property to the owner's satisfaction is a deprivation of his right to the enjoyment of the property. If he were forced to sell or lease at three times the value, the fact remains the same—he is denied the right to do with the property what he wishes.

In the case of *Griswold* v. *Connecticut* (381 U.S. 479), decided by the Supreme Court June 7, 1965, Justice Douglas commented upon the rights included within the bill of rights which are not specifically stated but assumed to be included because of their nature. He recalls another case in which it was decided that the freedom to associate is a peripheral first amendment right. He concludes "that specific guarantees in the bill of rights also include several unenumerated rights which help to give life and substance to the overall principle involved. Moreover, in a series of decisions dating back into the 19th century and culminating with the famous Cream of Wheat case, the Supreme Court explicitly said that no one has the right to determine the conditions under which a man can sell or dispose of his own property."

The ninth amendment provides:

> The enumeration in the Constitution, of certain rights, shall not be construed to deny or disparage others retained by the people.

It is clear that the right of the property owner to do with his property as he likes can also be included within the unenumerated rights of which Justice Douglas has so eloquently spoken.

As to the economic effects of the title, I would like to borrow from the minority views of Representatives POFF and CRAMER, who have detailed the possibilities faced by the seller of property:

> What has been forgotten in all these efforts to protect the minority groups from discriminatory housing practices is any effective effort to protect the homeowner, broker, and financial lending institutions from being unjustly harassed by such minority groups by the innumerable procedures that the law would make available.
>
> Under this proposed law, a homeowner, realtor, or lending institution may be subject to the most overwhelming array of Federal proscriptions. The number of remedies available to an alleged purchaser who claims discrimination are staggering. A homeowner, realtor, or lending institution—
>
> (a) May be subjected by a private citizen to a lawsuit in a State court under State and local laws, or under Federal law;
>
> (b) May be subjected by a private citizen to a lawsuit in a Federal district court instituted by a complaining individual, and the Attorney General may intervene and throw the weight of the entire U.S. Government behind the complaining party's case;
>
> (c) May be subjected to a lawsuit initiated by the Attorney General;
>
> (d) May be subjected to an action initiated by the Secretary of Housing and Urban Development through a complaint filed with the Federal Fair Housing Board;
>
> (e) May be subjected to an action before the Federal Fair Housing Board, initiated by an aggrieved individual who has filed a complaint with the Federal Fair Housing Board; or
>
> (f) May also be subjected to criminal prosecution by a U.S. attorney for actions heretofore never deemed criminal, but made so under title V.

The result of this overbearing Federal pressure upon the owner is to the economic detriment of the entire real estate market and to the poor owner who may find at the end of litigation that he cannot even sell his home due to the length of time taken by court proceedings and the fear that another suit might be filed.

There are other flaws in title IV which deserve mention. Through the substitution of an entirely new title in committee, section 403(b) excludes persons who occupy and own a dwelling "which contains living quarters occupied or intended to be occupied by no more than four families living independently of each other." This provision appears to allow only those who own apartment houses containing up to four dwellings and appears to include, by omission of specific reference, the individual homeowner living in a single family dwelling. Additionally, a person who might have participated in one sale, one lease, and one rental also appears to come within the provisions of section 402(d) if these occurred within a 12-month period of time. such an intent is not specifically expressed, but is open to question. In fact, the questions surrounding these provisions, and others, subject this title to sufficient speculation so as to conclude that it is vague. There could be no more vexatious litigation than the type which would be required to clarify the meaning of these portions of the bill. The only conclusion to be drawn from these facts is that the entire title should be stricken from the bill. This title was hastily conceived and hastily acted upon by the majority. It should be defeated.

I would prefer to defer discussion of title V until such later time as amendments are offered since I intend to submit one at that time and discuss the title as the amendment is offered.

As mentioned in the minority report of Representatives TUCK, DOWDY, and myself, the provisions of title VI are superfluous. The economic sanctions already brought to bear upon public education facilities in particular and upon public facilities in general make this title unnecessary. The withholding of Federal funds, upon which the majority of our States have learned to depend, has effectively accomplished the desires of the executive branch of the Government. I see absolutely no need to give the Attorney General the authority and power to bring an endless barrage of civil actions when the desegregation of public facilities is progressing at as rapid a rate as the current attitude of the public will allow. Only hostility can result from greater pressures in this field.

I have attempted to indicate the cogent reasons for rejection of this measure. It contains entirely too many questionable areas to be considered good law, and I ask that you consider the grave responsibility you assume by placing on the books a measure so filled with objectionable provisions. It should be defeated.

Mr. McCULLOCH. Mr. Chairman, I yield 15 minutes to the gentleman from Georgia [Mr. CALLAWAY].

Mr. CALLAWAY. Mr. Chairman, a great deal has been said about title IV during this debate, but the discussion has not touched on one concern of mine. It is this: Could there ever be any set of circumstances under which title IV of this bill could be used by some bureaucrat to successfully force a racial balance in a given residential or housing area? Proponents, I am sure, would assure me that this is not the thrust of the bill, the intent of the Congress, or the letter of the proposed law. True. But to these gentlemen, I would like to point out a close and frightening analogy. During debate of the 1964 civil rights bill in the Senate, Vice President HUBERT HUMPHREY, then Senator HUMPHREY, was acting as floor leader of the bill.

Senator BYRD of West Virginia and others were concerned about title VI of that bill. Senator BYRD was afraid that some bureaucrat might attempt to require a racial balance by the withholding of funds. He asked Senator HUMPHREY to give him assurance that no bureaucrat in the Office of Education would cut off Federal assistance to any school district that did not act to correct racial imbalance.

Senator HUMPHREY gave him full assurance that this would not happen. The full debate appears in the CONGRESSIONAL RECORD, volume 110, part 10, pages 12716–12718. I quote in part from some of Senator HUMPHREY's statements:

> I want to set the troubled mind of the distinguished Senator at rest.
>
> There is no case in which the thrust of the statute under which the money would be given would be directed toward restoring or bringing about a racial balance in the school.
>
> The Constitution . . . does not require integration.
>
> The bill does not attempt to integrate the schools but it does attempt to eliminate segregation in the schools.
>
> The fact that there is a racial imbalance per se is not something which is unconstitutional.

It would be hard to get firmer assurances than those given by Senator HUMPHREY. But look what has happened.

In spite of the assurances of the sponsors, the Office of Education and the Department of Health, Education, and Welfare have done the very thing that Senator HUMPHREY assured Senator BYRD would not be done. They have drawn Federal guidelines that establish percentages of racial balance, and they have cut off funds from schools that refuse to go along with the arbitrary ratios. For a long time, I have attempted to get the Department of Health, Education, and Welfare to agree to examine each school system on its merits, and to deny no funds to those systems that have in fact practiced no discrimination. I asked if it were the policy of the Department of Health, Education, and Welfare to deny funds from any system that did not achieve the prescribed degree of integration even if that system should practice no discrimination whatsoever. Finally I have received the answer. Secretary Gardner of the Health, Education, and Welfare Department, in a letter dated July 1, 1966, answered my question. I include the letter in the RECORD at this point:

THE SECRETARY OF
HEALTH, EDUCATION, AND WELFARE,
Washington.

Hon. HOWARD H. CALLAWAY,
House of Representatives,
Washington, D.C.

DEAR MR. CALLAWAY: I am extremely sorry that I have not responded sooner to your letter of April 13. I put it in the wrong pile of papers on my desk at home and didn't come across it again until last week.

Let me address myself to the question of whether a free choice plan offered in good faith and operating freely would be accepted even if it resulted in no desegregation. The answer has to be *no* because our courts have said that the mere formal ending of compulsory separation is not enough.

This interpretation may be difficult for some people to accept because the view still is held in certain areas that the Supreme Court decision of 1954 does not require the actual desegregation of a school system, but merely the granting of permission for Negro students to attend white schools if they choose to do so. On the basis of this interpretation of the law, many school districts failed to assume responsibility locally for bringing about the desegregation of their schools. This is one of the reasons it was necessary in the Revised Statement of Policies for 1966 to make clearer that the law requires local school districts to assume this responsibility.

Desegregation is the goal. A district may seek to achieve that goal through a free choice plan, but if the plan doesn't achieve the goal, then other means must be tried.

But I believe that this will rarely be required. In our experience a free choice plan "offered in good faith and operating freely" *will* bring about increasing amounts of desegregation.

As for the percentages, I think my letter of April 9 states our position quite accurately.

I hope that I have answered your question. Again, let me apologize for the long delay in responding to your letter.

Sincerely,

J. W. GARDNER,
Secretary.

Let me quote a brief portion of the letter from Secretary Gardner:

> Let me address myself to the question of whether a free choice plan offered in good faith operating freely would be accepted even if it resulted in no desegregation. The answer would have to be no.
>
> Desegregation is the goal. A District may seek to achieve that goal through a free choice plan, but if the plan doesn't achieve the goal, then other means must be tried.

In other words, if local people, acting in good faith do not accomplish the result which HEW thinks they should, if people free to make a choice do not choose what HEW thinks they should, then these so-called free people will be forced to follow the dictates of HEW. What a mockery this makes of our great Democracy. Our people are free—free to make their own choice, but if this free choice does not suit the Secretary of HEW they must change this choice to suit his whim—to force the degree of racial balance thought to be necessary by the Secretary.

Mr. COLMER. Mr. Chairman, will the gentleman yield?

Mr. CALLAWAY. I am happy to yield to the gentleman from Mississippi.

Mr. COLMER. In line with what the gentleman is saying, and the subject to which he is devoting his statement, I should like to point out two instances of this bureaucratic administration in the so-called guidelines.

First, a Negro woman, a teacher in the public schools in Hattiesburg, Miss., applied for a Headstart job. She was told that she could not have the job because she had not been active in the integration movement.

I do not wish to take too much of the gentleman's time.

Second, only yesterday I was called by a gentleman conversant with the situation in Hancock County, Miss. The hospital was denied affiliation for medicare benefits on the ground that the local paper had carried the birth listings in the hospital and had said that one of the babies born was a Negro.

Mr. CALLAWAY. I thank the gentleman. I believe this points out that laws passed by Congress are not always administered in the way Members of Congress might hope.

The result is that today in Georgia, 46 and possibly as many as 61 school districts have been denied their Federal funds—not because of discrimination or coercion or intimidation—this has not even been alleged—but because HEW is not satisfied with the racial balance achieved through absolute free choice. In addition to this the Department of Health, Education, and Welfare has not, as the 1964 civil rights law requires, complied with the hearings, notifications, and procedures required by law before withholding funds.

Only yesterday, I talked with officials at the Office of Education about this. They said that the reason they don't have to comply with the law is because they are not "denying" funds, but merely "indefinitely or perhaps permanently deferring" the funds. Surely there can be no legal basis for permanently deferring funds which cannot by law be denied.

Georgia is not alone in this problem. Recently the Department of Health, Education, and Welfare attempted to "defer" funds in Chicago. Mayor Daley immediately called President Johnson and the funds were restored. In Georgia, the Honorable Jack P. Nix, superintendent of schools, attempted to get in touch with the Secretary of the Department of HEW. The Secretary's office informed Mr. Nix clearly that if Mr. Nix wanted to discuss guidelines, the Secretary would not talk to him. Why can Mayor Daley talk to President Johnson and rescind an order from the Department of HEW overnight when a school superintendent of Georgia representing all of the school systems in the State cannot even be heard?

Mr. Chairman, let us look at the facts.

Today we are debating a bill which has the intent of stopping "discrimination" in the sale of housing. Two years ago this Congress passed a bill which had the purpose of withholding Federal funds where there was "discrimination." We have seen that the Civil Rights Act of 1964 has been changed so that it no longer has to do with discrimination but now has to do with racial balance. What would be the consequences in this bill if the word "discrimination" in the law were changed to "racial balance" in actual practice. Would not an apartment owner, even though he practices no discrimination, be subject to penalties if his program of free sale and rentals did not achieve the prescribed percentage of integration.

Mr. WHITENER. Mr. Chairman, will the gentleman yield?

Mr. CALLAWAY. Yes. I yield to the gentleman.

Mr. WHITENER. The gentleman mentioned the 1964 act and title VI of that act under which strange things have been happening. I would call to his attention that in section 604 of that act an amendment, which was adopted here on the floor, was written into the bill and said:

> Nothing contained in this title shall be construed as authorizing action under this title by any department or agency with respect to any employment practice of any employer, employment agency, or labor organization except where a primary objective of Federal financial assistance is to provide employment.

My question to the gentleman is, in his experience with the Department of Health, Education, and Welfare, Have you not observed that they are in complete and direct violation constantly of this prohibition which we wrote into the law?

Mr. CALLAWAY. My experience with the Department of Health, Education, and Welfare and the Office of Education in my own district is that these people send in a great many young lawyers and student lawyers and harass the people who are interested only in good quality education and threaten and coerce and go far, far beyond the intent of the law. I think we have seen that time and time again in many, many districts.

Mr. WHITENER. Will the gentleman yield further?

Mr. CALLAWAY. I yield to the gentleman.

Mr. WHITENER. In the 1964 act, I believe it was title IV, although I am not sure about that, it was provided that the agencies dispensing Federal funds would have to prepare regulations which must be approved by the President before they would become effective. Yet we know that in our dealings with that agency they would not tell the school people and the hospital people what their regulations were. There is no evidence I have seen that the President ever approved such regulations. Nor has there been a compliance with the clear provisions of that act that when the agency deprives a school or local organization or community of Federal funds they are enjoined under this act to make a report to the appropriate committees of the Congress as to why they did it. As far as I know, there has been no such report filed.

Mr. CALLAWAY. The gentleman is quite correct. I have talked to them now and asked them why they do not comply, and they say again we are not denying funds but are merely deferring the funds, therefore we do not need to comply with the law.

Let us take note and take warning from past experience and not make the mistake again of handing any person the opportunity to defy the will of the people, the intent of Congress, and the letter of the law.

Mr. CORMAN. Mr. Chairman, will the gentleman yield?

Mr. CALLAWAY. Yes. I will be happy to yield.

Mr. CORMAN. I would suggest at this point in the RECORD we should make some reference to the Civil Rights Commission's findings issued in February 1966 concerning discrimination in schools in Georgia and Mississippi. I would urge every Member of this House to read those findings. I think it will shed additional light on this problem.

Mr. CALLAWAY. I thank the gentleman, but I still feel in all fairness if the Department of Health, Education, and Welfare cuts off the funds from a specific school district, then they should give that district a chance for a hearing as provided by law and bring specific charges. In the cases I am speaking of in 61 school districts not a charge has been made nor an allegation, but the funds have been cut off.

Mr. CRAMER. Mr. Chairman, will the gentleman yield?

Mr. CALLAWAY. Yes. I will be happy to yield to the gentleman.

Mr. CRAMER. I think the gentleman's discussion brings to light one of the most serious and interesting aspects relating to the 1964 Civil Rights Act and the possible effects such administrative action might have on the 1966 bill before us, as he suggests, relating to housing. I asked the Attorney General this same question in the hearings, and the discussion that followed appears in the hearings on page 1196. I asked the Attorney General this question relating to the busing of students and school integration:

> It is your opinion, is it not, that racial imbalance or the busing of students, de facto segregation, has not been outlawed by the court?
>
> Attorney General KATZENBACH. That is correct.

No equivocation; no question in his mind about it. I pursued the matter further, discussing the HEW guidelines. His reply to my question as to what that meant was explicit. I quote on page 1197:

> They were only intended to insure that the free choice system were operating freely.

Then I asked him if he would object to our including in the school integration title in this bill a restatement of what we wrote in on the floor of the House in my amendment in the 1964 bill. It now occurs in the bill on page 79, relating only to public education facilities. The language is as follows:

> "Desegregation" shall not mean the assignment of students to public schools in order to overcome racial imbalance.

Now, Mr. Chairman, the Attorney General has stated unequivocally that there is no court ruling permitting anyone in the Federal Government to use the power of the Federal Government to force a racial balance.

The CHAIRMAN. The time of the gentleman from Georgia has expired.

Mr. CRAMER. Mr. Chairman, I yield 2 additional minutes to the gentleman from Georgia.

The CHAIRMAN. The gentleman from Georgia is recognized for 2 additional minutes.

Mr. CRAMER. Now, Mr. Chairman, I do not believe there is any question that the courts have never upheld the power to enforce a racial balance under the Constitution. The Vice President of the United States in debate on the floor of the other body some time ago denied that intent was behind the 1964 bill.

Mr. Chairman, we come to the point at this time, and to the question raised by the gentleman from Georgia, which is a very valid one, as to what the executive branch might do in the matter of the executive interpretation concerning housing, in view of the misuse of the authority to withhold funds.

Mr. Chairman, the problem now pending before us is that title VI, which is the withholding of funds, as the gentleman from Georgia has clearly shown, has been used to require racial balance. Funds have been withheld where guidelines have not been accepted, despite the admonition written into title III by this Congress.

Mr. Chairman, I believe it is quite clear that the Secretary of the Department of Health, Education, and Welfare has exceeded his authority as enunciated by this House of Representatives, and approved by the other body, and I thank the gentleman from Georgia for making this statement.

Mr. **CALLAWAY**. Mr. Chairman, let me commend the gentleman from Florida, and to say that all we want is a free choice plan.

Mr. Chairman, I wrote to the Secretary and he responded, and said:

> Let me address myself to the question of whether a free choice plan offered in good faith and operating freely would be accepted even if it resulted in no desegregation. The answer has to be no.

Mr. **ROGERS** of Colorado. Mr. Chairman, will the gentleman yield?

Mr. **CALLAWAY**. Yes, I shall be glad to yield to the gentleman from Colorado.

Mr. **ROGERS** of Colorado. Is there anything in title IV which concerns housing that says anything about racial imbalance?

Mr. **CALLAWAY**. In answer to the gentleman's question I do not believe that title IV mentions racial imbalance.

Mr. **ROGERS** of Colorado. But, if the gentleman will yield further, what the gentleman is talking about has nothing to do with the housing section.

Mr. **CALLAWAY**. The gentleman has hit upon the point. There is no reference to racial imbalance in title VI of the 1964 Civil Rights Act, yet bureaucrats are denying funds from districts that do not comply with their ideas of racial balance. Just because this bill does not refer to racial balance, doesn't mean that in practice the bill will not operate under a bureaucratic formula of racial balance.

Mr. **CRAMER**. Mr. Chairman, will the gentleman yield?

Mr. **CALLAWAY**. I yield to the gentleman from Florida.

Mr. **CRAMER**. It said nothing in the 1964 bill about this. It said nothing about racial balance, but they ruled it in. That is what we are objecting to as to title VI of the 1964 act, and what we will probably be objecting to as to title IV of this act, if it does in fact become law.

Mr. **McCULLOCH**. Mr. Chairman, I yield 5 minutes to the gentleman from Alabama [Mr. MARTIN].

Mr. **MARTIN** of Alabama. Mr. Chairman, there is nothing in this bill that I can support, and I intend to vote against it in its entirety. As bad as the bill is as a whole, there are certain specific titles which, if enacted, may well wreck this Nation. Many of the proponents of this bill, including the so-called civil rights leaders who are in Washington this moment threatening Congress with more riots unless we do their will, are determined that we meet their full demands. I said before in this debate, and I say again, that the Representatives of the people of the United States dare not legislate with a pistol pointed at our heads. This is exactly what we are doing when we pass a bill because certain self-anointed leaders tell us "you better pass it or we will tear your country apart." Of course, they do not all put it in that language. Roy Wilkins, who is certainly the most moderate leader of the minority groups, says that if we do not pass this bill with a tough title 4, "our Nation is in for some heartbreaking developments that could be ugly as well." That is a threat, Mr. Chairman, a threat to Congress of more riots unless we do the will of those people demanding passage of this bill in exactly the wording they have put into the bill.

Stokely Carmichael is not quite as diplomatic as Wilkins, according to the Washington Post of July 27. When Carmichael was asked about the riots in the northern cities he said he did not oppose violence and that he did not consider these as riots, but rather as rebellions. Are we, the elected Representatives of the people, going to be browbeaten by these agitators into destroying our country through ill-considered and vicious legislation which will rob all the people of their rights?

Believe me, Mr. Chairman, there are many proponents of this bill whose final objective is the destruction of law and order. I received a letter, as I am sure all the other Members did, from a Mr. Arnold Aronson, secretary of the Leadership Conference on Civil Rights, in which he enclosed an editorial from the New York Times on July 24. Let me quote to you from the Times editorial to which Aronson subscribes:

> The second critical test on the bill concerns the Judiciary Committee's insertion of the seemingly innocent and honorable word "lawfully" into title V. This section of the bill is designed to punish acts of violence against civil rights workers and Negroes which occur when these persons are exercising their constitutional rights. The insertion of the word "lawfully" in this context tears a great, gaping hole in the bill.

I hope that every Member of Congress will read that paragraph from the Times very carefully. These people want to make it impossible for law enforcement agencies to deal with any actions, legal or illegal, as long as they are staged under the guise of civil rights. If this is not encouraging hoodlums to openly defy the law and to stage the riots, the burnings, the lootings which have been going on, I do not know what is. The Times editorial piously asks "because a man is jaywalking, should he be tear gassed?" Of course, he should not. None of us want people tear gassed. But I think when thousands of people are engaging in so-called jaywalking, and in the process are throwing Molotov cocktails, burning down buildings looting places of business, and shooting police officers in the back, then I believe the police should use any means necessary to break up the mobs. Many of the proponents of this bill, including, evidently, the publisher of the New York Times, would take away what little power remains with the police to put an end to the violence which has been going on in Chicago, Cleveland, New York, South Bend, Jacksonville, and other major cities. I would like to include the editorial from the New York Times at this point in my remarks, along with the letter from Arnold Aronson:

LEADERSHIP CONFERENCE ON CIVIL RIGHTS,
Washington, D.C., July 26, 1966.

DEAR MR. CONGRESSMAN: This editorial from the Sunday New York Times for July 24 is such an apt presentation of the case for a meaningful civil rights bill that we wish to call it to your attention.

We, of course, agree with U.S. Attorney General Nicholas DeB. Katzenbach on the scope of the Mathias amendment to Title IV. It does not permit brokers to accept discriminatory listings and it should not. We hope you will oppose any attempt to exempt brokers.

We also believe the addition of the seemingly innocent word "lawfully" to Title V of the bill, seriously limits the protections of that section and makes open game of civil rights workers and Negroes who may be charged with trespass or loitering in the course of asserting their constitutional rights.

There are other changes in the bill that we would like to see, but surely the Times is correct in saying that "the protection of the housing section against further enfeeblement and the restoration of the antiviolence section to its full effectiveness are the challenging decisions now before the House."

We respectfully urge you to vote against amendments that may weaken the bill further and to support any effort to strengthen it.

Sincerely yours,
ARNOLD ARONSON,
Secretary.

[From the New York Times, July 24, 1966]

THE CIVIL RIGHTS BILL

When the House of Representatives takes up the civil rights bill on Monday, it will have to make two difficult but crucial decisions.

The first is on Title IV, which is intended to stop racial discrimination in the sale and rental of property. This section as drafted by the Justice Department was excellent and needed no revision. Unfortunately, a bipartisan majority of the House Judiciary Committee yielded to the selfish clamor of the National Association of Real Estate Boards and approved an amendment offered by Representative MATHIAS of Maryland.

The purpose of the Mathias amendment was to exempt the sale of one-family houses and the rental of small apartment houses (four apartments or less) in which the owner occupies one of the units. This amendment would leave nearly two-thirds of the existing housing in the nation outside the scope of the bill and maintain the lily-white suburbs intact. Moreover, Representative MATHIAS told reporters that his amendment would permit a real estate broker to discriminate against Negroes when requested to do so by the seller of an exempt property.

Attorney General Katzenbach last week advised a Senate committee, however, that the amendment would exempt owners only if they themselves tried to sell or rent their properties. A broker would not be legally immune if he discriminated, even though he were acting under instructions from the owner. Since most property is sold through real estate agents, Mr. Katzenbach's interpretation renders the Mathias amendment relatively innocuous. The test for the House will come if Mr. MATHIAS attempts to strengthen his amendment to make it possible for brokers to discriminate.

The second critical test on the bill concerns the Judiciary Committee's insertion of the seemingly innocent and honorable word "lawfully" into Title V. This section of the bill is designed to punish acts of violence against civil rights workers and Negroes which occur when these persons are exercising their constitutional rights. The insertion of the word "lawfully" in this context tears a great, gaping hole in the bill.

Over and over again, civil rights demonstrators in Southern towns have been arrested for loitering, jaywalking, trespassing, or parading without a permit. Because a man is jaywalking, should he be teargassed? Because a man is "trespassing" on public property, should he be beaten with nightsticks or set upon by police dogs? It was precisely to prevent such violence, much of it committed under the thin color of legality, that Title V was drafted.

The bill has several excellent provisions, notably the improved procedure for nondiscriminatory selection of jurors. It could be further strengthened by providing financial indemnification in cases of death or injury resulting from civil rights activity. But the protection of the housing section against further enfeeblement and the restoration of the antiviolence section to its full effectiveness are the challenging decisions now before the House.

Mr. Chairman, the other section with which the Times is concerned, and which the other proponents of this bill want strengthened, is of course, the open housing provision. I cannot understand how anyone who believes in the private ownership of property could favor this section. The proposals in this section strike a death blow to the institution of private property. Ownership of private property is a fundamental individual right and now under the name of social justice this is to be regulated by the Federal Government. This unprecedented legislation means that no American, regardless of his race or his religion, can refuse to sell or rent his home to those of his own choosing; that if a person should not wish to sell his home to a Black Muslim, an Arab chief with a dozen wives, or a Zulu medicine man, he must be prepared to answer to the Federal courts. This provision represents a new extreme in Federal power and a new low in individual freedom. It will not help the poor to better housing if they do not express some individual initiative to better themselves. It will penalize the industrious and the hardworking citizen by dragging him down to the poverty level. The proponents of this bill are determined to experiment in the field of housing, regardless of the fact that it may seriously affect the national economy by disrupting the building industry and the practices of mortgage lending. I would warn those who are pushing for this housing provision, and who want to make it even stronger, that they will regret the day it is passed, because they will have wrecked the stability of this Republic, and the poor whom they so piously claim they want to help will be the chief victims when the walls come tumbling down.

If for no other reasons, and there are many more, Congress must not pass this bill because of the threat to the private ownership of property, as embodied in the housing provision, and the sanction of violence and riots as advocated by the New York Times and those who support this kind of thinking.

Mr. RODINO. Mr. Chairman, I yield 10 minutes to the gentleman from New York [Mr. GILBERT].

Mr. GILBERT. Mr. Chairman, I take the floor at this time to briefly summarize title I of the Voting Rights Act of 1966. Other titles of the bill will be discussed in detail by other Members, and I shall also participate in the debate on them; however, at the request of my chairman, I want to now call attention, in particular, to the first title of the bill—"Procedures for Federal Jury Selection."

Title I of the proposed act will reform the present Federal jury system to assure that all qualified persons have an opportunity to serve on Federal juries without discrimination on account of race, color, religion, sex, national origin, or economic status. It declares it to be the policy of the United States that all litigants in Federal courts entitled to trial by jury shall have the right to a jury composed of a broad cross section of the community in the district or division where the court convenes.

Title I establishes a uniform procedure for the selection of jurors in Federal court. It provides for the use of voter registration rolls as the source of names of prospective Federal jurors. Present law does not provide uniform procedures for the selection of jurors in the Federal courts and, as a result, the procedures now used vary from district to district and, in many instances, operate unfairly or create an appearance of unfairness.

Under the "key man" system, for instance—used as the exclusive jury selection method in over 40 Federal judicial districts—jury officials ask other persons—"key men" in the district—to supply the names of suitable persons for jury duty. These key men tend to be persons known by the jury officials as community leaders and prominent citizens. The key men, in turn, tend to name persons known to them personally, and often they are limited to members of the same social or economic class as the key men themselves.

Other methods used to select potential jurors also fail to produce a fair cross section of the community. A number of Federal judicial districts rely to a substantial extent on telephone and city directories and tax rolls. Reliance on such sources can discriminate against members of lower economic classes, which usually include disproportionately large numbers of Negroes and, in many areas, rural residents. The 1960 census, for instance, reveals that 34 percent of all rural housing units lacked telephone service, as compared to 17 percent of urban units. In Mississippi, which has a high concentration of Negroes and low-income families, 45 percent of the housing units had no telephones, as compared to only 9 percent of the housing units in Connecticut, where average income is much higher and the percentage of Negro residents much lower.

Disparities between the percentage of Negroes serving on juries and the percentage of age-eligible Negroes residing in the district appear to exist in a number of Federal judicial districts in the South. In none of the districts surveyed in Alabama, Florida, Georgia, Louisiana, Mississippi, or Texas did the percentage of Negroes on Federal jury panels equal the percentage of age-eligible Negroes in the population of the district. Such disparities clearly demonstrate the need to replace the present selection system with one which will assure more representative juries.

The problem is by no means regional, nor is exclusion from jury duty necessarily motivated by prejudice. One study of the composition of juries in a Federal district court in an industrialized Northern State with a Negro population of 10 percent, revealed that the relatively small number of Negroes on the venire lists resulted from the fact that few Negroes belonged to the organizations from which the names of prospective jurors were drawn—Broeder, "The Negro in Court," 1965, Duke Law Journal 1, 25.

Nor is the problem confined to the underrepresentation of Negroes on Federal juries. Economic distortions often exist in the composition of the source lists for jurors. A "Statistical Study of Occupations of Jurors in the U.S. District Court"—Mills, 22 Maryland Law Review 1962—revealed that members of various occupational groups representing different income levels were not fairly included on the jury list for a particular Federal district court.

Names of prospective jurors were solicited from a very wide variety of individuals and organizations, including elected officials, corporations, civic and social organizations, churches, religious bodies, and labor unions; nevertheless, laborers, domestic workers and semiskilled did not compose a proportionate or representative percentage of the jury lists, as compared to persons of higher economic status.

Title I seeks to remedy such disparities by establishing a uniform procedure for the selection of jurors in Federal court, by providing that names of prospective jurors be taken at random from voter registration rolls—the best generally available source of names substantially reflecting a full and fair cross-section of the community. All qualified persons shall have an opportunity, and if called, an obligation to serve as juror, with no citizen being excluded from Federal jury service because of race, color, religion, sex, national origin or economic status. Where the judicial council of the circuit determines that the use of voter rolls as an exclusive source of names might exclude a significant portion of any class of persons, the council may prescribe use of other additional sources of names.

The qualifications for jury service prescribed by existing law are retained, and it is provided that all persons found to possess such qualifications are to be deemed qualified as jurors. Title I would make it clear that the statutory qualifications for service are the only ones which may be imposed and that additional requirements cannot be established.

Title I also provides a means for challenging jury selection in criminal and civil cases on grounds that the procedures established have not been followed. Such challenge procedure should be a major guarantee of the equal rights which are the objective of this legislation.

To summarize briefly the procedure for selection of Federal jurors: Title I establishes a two-member jury commission for each Federal judicial district. The commission will maintain a "master jury wheel" of names selected at random from voter registration lists. The jury commission is to publicly draw names of as many persons as required for jury service. The commission will maintain a qualified juror wheel composed of names of persons determined to be qualified to serve as jurors. All records and papers compiled and maintained by the jury commission in the performance of its duties must be preserved, and made available for public inspection, for a period of 4 years.

Mr. ADDABBO. Mr. Chairman, will the gentleman yield?

Mr. GILBERT. I yield to the gentleman from New York.

Mr. ADDABBO. Mr. Chairman, I compliment the gentleman on his very fine statement. I support his remarks.

Mr. Chairman, as each Civil Rights Act has passed, we have hoped that we have secured the rights of all, regardless of race, color, religion, sex, national origin, or economic status. However, we have found that this has not been the case. It seems that enforcement of rights in one area brings about stronger bias and infringement of rights in another.

As a firm believer in our Constitution and the rights of all Americans to the privileges guaranteed thereunder, I support the legislation before us as necessary.

Yesterday we witnessed a dignified 1-day lobby in Washington in support of this legislation. I would say that most of those who journeyed to Washington and to Capitol Hill to participate in this lobby will be little affected by the bill before us. I say this because most of those who called upon us yesterday are not victims of the bias and prejudice we are dealing with in this bill. These people were here in behalf of their fellow Americans who, because of prejudice, have been denied many of the privileges and rights guaranteed by our Constitution. The legislation before us will benefit all minority groups and in so doing benefit all Americans. When bias and prejudice on account of race, color, religion, sex, national origin, or economic status, are eliminated from the American scene, then we will truly have and enjoy a nation as envisioned by our forefathers who founded the United States.

Mr. Chairman, in the State of New York we have statutes which govern most of the areas of discrimination with which we are dealing in this bill and with which we have dealt in the past. In fact, our New York State laws in this area are stronger than the Federal laws we have passed in prior years and stronger than the one now before us. So, in effect, residents of New York State are little affected by what we do here today. However, in these United States we should not, and must not, have a situation where a person is denied his rights and privileges because he happens to live in an area where prejudice is rampant. The only way we can insure equal rights for all is uniform laws for all and this can be only at the Federal level.

Mr. Chairman, in equity and justice, this legislation must be enacted.

Mr. DOWDY. Mr. Chairman, will the gentleman yield?

Mr. GILBERT. I yield to the gentleman from Texas.

Mr. DOWDY. Mr. Chairman, I notice in section 1866, that the jury commission is given the authority to judicially determine the jury qualifications; that is, whether a person is qualified or exempt from jury service. Does the gentleman agree that it would be right and proper to delegate such judicial determination from the court to a jury commissioner or commissioners who are not necessarily even lawyers?

Mr. GILBERT. I believe that the proper designation can be made. If he is charged with the responsibility of selection of jurors, certainly he should have that responsibility.

Mr. RODINO. Mr. Chairman, I yield 20 minutes to the gentleman from North Carolina [Mr. WHITENER].

Mr. WHITENER. Mr. Chairman, I have not reduced to writing the statement I shall make at this time because this bill is so fraught with subjects upon which one could comment that it would be difficult to limit oneself to reducing a statement to writing.

I realize that the limitations upon oral debate may be even greater, but at least I can use whatever time is available to say what I can state in such limited time.

At the outset, I should like to suggest to Members that in the original Judiciary Committee report I expressed some views about this legislation. At the proper time when the Committee rises, I shall ask permission that they be printed as a part of my remarks at this point in the RECORD.

The report is as follows:

MINORITY VIEWS OF THE HONORABLE BASIL L. WHITENER ON H.R. 14765

H.R. 14765 is a bill proposed for the asserted purpose of protecting the rights of all Americans. In reality, it is destructive of the rights of all Americans. This will be the true result of the bill. It is true that new rights would be created for special classes of people, but at the same time other precious rights of all of us would be lost.

The Constitution and laws of the United States protect the right of all Americans to equal and impartial justice and to the right to contract freely. I do not condone discriminatory practices, private or public, which would deprive any American of any basic right. Neither do I support creating special privileges and rights for some. This is why I must register my strong opposition to H.R. 14765.

In detailing this opposition I will proceed with a brief title by title analysis of the bill.

TITLE I

Unlike other titles of this bill, there has been no controversy over the Administration's proposal for altering the Federal jury system. There is no doubt of its legality. The authority of Congress over the Federal judiciary is plenary. At first glance there is nothing in it to offend either the Constitution or our system of jurisprudence. However, this is exactly the defect of title I—a first glance is all the committee has taken at it.

It may well be that this is a meritorious proposal, carefully drafted to meet its worthy objective of a uniform method of Federal jury selection. But how are we to know? Ordinarily such measures are submitted to the Judicial Conference for approval, and the views of the American Bar Association and individual expert witnesses are solicited. Congress acts only after the most painstaking consideration—consideration which may take months or years. In this instance, we are asked to rubber-stamp a proposal which will have a significant impact on the judicial machinery of every Federal district court in the country. I do not use the term "rubber-stamp" casually. It is uniquely appropriate in describing the Committee's so-called consideration of title I.

Little notice was paid to this stepchild of H.R. 14765 during the few weeks of hearings and executive sessions in which this bill has been jammed through subcommittee and then committee. This may be understandable in view of the revolutionary nature of the remainder of the bill. However, there can be no excuse for abandoning our normal and orderly processes and recommending change of the jury selection system without first considering the ramifications of change.

Under the circumstances, I do not support title I.

TITLE II

If title I has been ill considered, it is even more apparent that title II is ill conceived. It is violative of the Constitution and destructive of the principle of federalism. If enacted and upheld, it would place an intolerable burden on the State courts of the Nation.

Perhaps some Members of Congress have become bored with warnings that Federal legislation is encroaching upon constitutional and traditional areas of State responsibility. I hope not. The constitutional and traditional areas of the States to administer justice, and the complex and delicate balance between State and Federal jurisdiction, are among the most important elements of American Government.

It was pleasant to welcome to the cause of States rights the prestige of the Chief Justice of the United States, who is not generally considered a conservative in this area. His recent warnings against Federal encroachment upon rights of States in the selection of State court juries gave me great hope that the Committee on the Judiciary would look closely and critically at the propriety of such legislation.

I would have thought that the Chief Justice's remarks would have caused the committee to examine carefully the constitutionality of title II. Unfortunately, this was not the case in our committee.

All State courts and all State judicial officers are inferentially condemned by this legislation. Not only are their motives questioned, but their judicial integrity is impugned. They are not even considered sufficiently responsible to give a fair hearing on a challenge to the jury. I value highly the place of the jury system in our jurisprudence. I do not see why State courts should not be trusted to continue to administer State laws.

The Federal rules that would be imposed upon the State legal systems by title II are said to be authorized by the 14th amendment. The fallacy of this assertion, however, is elementary constitutional law. The amendment is prohibitory in nature. It does not require the States affirmatively to revise their criminal procedures. It does not permit the Congress to establish Federal rules of State criminal procedure. Never before has anyone asserted that "equal protection of the laws" permits Federal absorption of the State judicial system. Such a claim was too novel even for the Chief Justice. But the committee has accepted it unconditionally.

Outside the question of constitutionality this section imposes a number of awkward and burdensome discovery obligations which are automatically invoked upon a claim of discrimination in a criminal trial.

The mere assertion of discrimination requires the prosecution to present a full statement of the procedures used in juror selection. In addition, the State jury officials are automatically subject to cross-examination. If there is "evidence" that the assertion of discrimination is valid, "any relevant records and papers used by jury officials in the performance of their duties" must be presented.

Finally, if all this fails to rebut a showing of "probable cause" of discrimination, the burden shifts to the State to disprove the allegation. This legislation does more than impugn the integrity of local officials—it opens every criminal prosecution in every State to obstruction, delay, and frustration. The discrimination that may be asserted is not restricted to race—a defendant would also allege discrimination on the basis of religion, sex, national origin, or economic status, or on any combination of these.

It would not take the most imaginative criminal lawyer in the land to completely hamstring a prosecution by attacking the jury system on each of these grounds, and then sitting back to watch the State try to disprove discrimination on each specific. A successful defense in one courtroom would not deter these dilatory tactics in other tribunals.

The 14th amendment is prohibitory in nature, and Federal rules prohibiting racial discrimination in the selection of jurors are already established. The Attorney General has not shown that there has been an attempt to enforce these laws or why more laws are needed. He has given no adequate justification for the unconstitutional imposition of Federal rules of procedure on State courts as proposed in title II.

The committee has not attempted to make title II conform to the Constitution. It should be defeated.

TITLE III

The same objections which apply to title I apply doubly to title III. This new view of the committee was added without even the pretense of hearings or prior consideration, and the language it embodies resembles the prose of the State Department more than that of a Federal statute.

Even a cursory reading shows that it is hastily and badly drafted and that it is so vague and complex as to be incapable of comprehension. According to its terms, an individual would be subjected to "temporary or permanent preventative or mandatory relief" in a civil action "or other proper proceeding." And why? Because there "are reasonable grounds to believe that any person is about to continue to engage in any practice which would deprive another of any privilege or immunity secured by the Constitution on account of such other's race, color, religion, or national origin." In quoting section 301, I have eliminated nothing but the verbosity of the 120-word sentence. Section 302 would impose penalties on those who would "hinder" others.

It would be comforting if there were nothing to fear from the title except its bad grammar, imprecise language, and poor structure and style. However, the title is so constructed that any court would be forced to find that it either is unconstitutionally vague or that it is broad enough to encompass every human activity. Apparently the committee hopes the latter is the case, and that the courts will open a Pandora's box of privileges and immunities to all comers. The authoritative "Constitution of the United State Annotated" contains a brief chapter beginning at page 1075 on privileges and immunities. The first sentence under that title states:

"Unique among constitutional provisions, the privileges and immunities clause of the Fourteenth Amendment enjoys the distinction of having been rendered a 'practical nullity' by a single decision of the Supreme Court rendered within five years after its ratification."

This is not the time to breathe new, undefined life into the privileges and immunities of the 14th amendment. Nor is this the time to resurrect the defeated and discredited part III of the 1957 Civil Rights Act with a new part III, which is worse.

TITLE IV

Title IV or the so-called fair housing section, is the most controversial title of H.R. 14765. And deservingly so because along with title II, it constitutes a serious abrogation of the limitations on Federal power and control. Although proposed in the name of liberty and freedom, it in fact vitiates both.

The Attorney General has stated that it is necessary to free minorities from "compulsory residential segregation." But there is no such thing in existence. Racial residential patterns in the United States are the result of the free and voluntary decisions of homeowners. The Supreme Court of the United States, having rendered racially restrictive covenants unenforcible in *Shelley* v. *Kraemer* (334 U.S. 1 (1948)), has made it impossible to prevent by State action or private contract, a real property owner from selling or renting to whomever he wishes regardless of race, color, religion, or national origin. The Attorney General strangely twists the meaning of words to contend that there now exists "compulsory residential segregation."

Actually, title IV destroys the freedom of all men and replaces it with Federal control. This is the type of governmental control which is the hallmark of totalitarian nations—the enemy of a free country.

Furthermore, the American people are protected from this intrusion of the Federal Government into their private liberty by the Constitution of the United States. The proponents of this title rely on the 14th amendment and the "commerce clause" as the constitutional basis for these provisions.

There can be no serious argument that the 14th amendment grants to Congress power for this proposal. For a century there has been neither obscurity nor diverse judgment in interpreting that amendment. The Supreme Court has written a clear and eloquent chapter in the law as to its meaning and its limitation to the actions of the State in abridging the privileges and immunities of the U.S. Citizens, or in depriving life, liberty, or property without due process, or in denying equal protection of the laws.

Mr. Justice Douglas, concurring in *Lombard* v. *Louisiana* (373 U.S. 267 (1963)) said:

"If this were an intrusion of a man's home or yard or farm or garden, the property owner could seek and obtain the aid of the State against the intruder. For the Bill of Rights, as applied to the States through the due process clause of the 14th amendment, casts its weight on the side of the privacy of homes. The third amendment with its ban on quartering of soldiers in private homes radiates that philosophy. The fourth amendment, while concerned with official invasions of privacy through searches and seizures, is eloquent testimony of the sanctity of private premises. For even when the police enter a private precinct they must, with rare exceptions, come armed with a warrant issued by a magistrate. A private person has no standing to obtain even limited access. The principle that a man's home is his castle is basic to our system of jurisprudence."

Yet title IV, if passed, would authorize the arm of the law to reach into a private home and instruct the owner as to how he may dispose of it. The number of houses he may own, or how often he may dispose of them is irrelevant to the legal problem.

Justice Harlan, in his concurring opinion in *Peterson* v. *Greenville* (373, U.S. 244 (1963)), underscored the suppression of individual freedom which would inevitably ensue were the Congress to enact title IV. He said:

"Freedom of the individual to choose his associates or his neighbors, to use and dispose of his property as he sees fit, to be irrational, arbitrary, capricious, even unjust in his personal relations are things all entitled to a large measure of protection from governmental interference. This liberty would be overriden, in the name of equality, if the strictures of the amendment were applied to governmental and private action without distinction. Also inherent in the concept of State action are values of federalism, a recognition that there are areas of private rights upon which Federal power should not lay a heavy hand and which should properly be left to the more precise instruments of local authority."

The proponents of the title IV rely on *Shelly* v. *Kraemer, supra,* but the majority opinion in that case contains the following language:

"The principle has become firmly embedded in our constitutional law that the action inhibited by the first section of the 14th amendment is only such action as may fairly be said to be that of the State. That amendment erects no shield against merely private conduct, however, discriminatory or wrongful."

It is clear, therefore, that under the plain meaning of words and the uniform holding of the Supreme Court, title IV is not authorized by the 14th amendment.

Additionally, proponents of this title have argued that Congress has power to enact it pursuant to article I, section 8 of the Constitution to regulate interstate commerce. It is beyond doubt that real property does not follow in interstate commerce because the distinctive attribute of real property is in its immovability. It has been suggested that because the materials which are used to build dwellings have moved in interstate commerce the Congress can regulate the sale or rental of the dwellings. It is true we can regulate the materials as they move in the channels of interstate commerce; but here they have stopped and by legal definitions have assumed the character of realty.

The precedents cited by the Attorney General to support Congress power under the commerce clause are slender reeds to support his conclusions. Perhaps the case which comes nearest to support this title is *Katzenbach* v. *McClung* (379 U.S. 294 (1964)). In that case, arising out of the public accommodation title of the Civil Rights Act of 1964, the court relied on the fact that the food served in Ollie's Barbecue Stand moved in interstate commerce. The situation here is readily distinguishable because in *McClung* the food did not in fact come to rest but was sold in a matter of hours; whereas, building materials not only come to rest but lose their separate identity as they become part of dwellings.

Furthermore, title IV is in direct contravention of other provisions of the Constitution. Even if we were to accept the Attorney General's contention that Congress has affirmative power in the field, the title is unconstitutional because of the right to freedom of association guaranteed by the first amendment (see: *NAACP* v. *Alabama*, 357 U.S. 449 (1958)). It is illegal under the penumbra of the Bill of Rights which recognizes a special right in the sanctity of the home (see: *Griswold* v. *Connecticut*, 381 U.S. 479 (1965); and *Lombard* v. *Louisiana*, *supra*).

Two separate provisions of the fifth amendment prohibit what the committee would do to the property owner. First, it would deny him both liberty and property without due process of law. Second, it would violate that provision of the amendment which states "nor shall private property be taken for public use, without just compensation." A basic rule of construction is that the enumeration of one thing implies the exclusion of another. It is clear, therefore, that the framers never intended that the Federal Government be allowed to take private property for private use with or without just compensation.

Even if enacted and sustained, however, title IV would not be effective to accomplish that which its proponents wish to accomplish. It is proposed to provide adequate and integrated housing for minority groups. Most of the areas where slums and racial "ghettos" exist are covered by State or local fair housing laws. The passage of such laws, however, has had no impact on such conditions. Additionally, the National Committee Against Discrimination in Housing has called title IV "totally inadequate to meet today's critical national problems of the explosive racial ghetto * * * even if it could be strengthened * * * such a proposal at this strategic moment may raise false hope among the Negro masses which cannot possibly be fulfilled by this proposal."

It is nonsensical to pass a bill which would do little or nothing to help minority groups, which would raise their false hopes, and which would seriously abridge the constitutional rights and freedoms of all Americans.

The committee has recognized the gross inequities of the enforcement provisions of title IV as introduced and has eliminated some of them. It has, however, provided for the establishment of a fair housing board with much the same functions and powers as the National Labor Relations Board.

What this committee has done is establish a dual forum with dual prosecutors and dual remedies. For those who do not trust the Federal courts a new board is created with the Department of Housing and Urban Development as prosecutor. For those who wish no truck with conciliation available from the board, a Federal district court with the assistance of the Attorney General, is open.

The fact of the matter is the committee has created another administrative agency charged with carrying out policy rather than objectively finding facts. The justification for any agency is that it has special expertise in the field. The special expertise necessary in this field is the determination of intent to discriminate. Determination of intent, however, is the special competence of the judiciary.

The entire title is a dangerous and futile attempt to enforce the Christian ethic by coercion and the abolition of freedom. It is indeed sad that the committee would use the tools and language of freedom to destroy it.

TITLE V

Title V represents a novel interpretation of the 14th amendment. It is the illegitimate product of the injudicious advisory opinion of several concurring justices in the recent case of *U.S.* v. *Guest*, 383 U.S. 745 (1966).

The legislative history, and almost 100 years of judicial interpretation—including the holding of the Court in *U.S.* v. *Guest*—reveal that those rights guaranteed by the 14th amendment to the Constitution may be protected by the Federal Government against infringement through persons acting under color of law. Admittedly, the threshold of State action has been stretched far beyond the original understanding. But it has not been diluted to include purely private action. Yet, it is proposed here that the activities of private individuals should become the business of the Federal Government. Title V makes criminal such undefined action as "intimidation," "interference," and "attempts to interfere." These provisions contain the vice of vagueness in violation of due process and may, as now worded, violate the freedom of speech guaranteed in the first amendment.

Under title V, special classes of people are selected for the preferential protection of the Federal Government. If crimes are committed because of their race while they are engaged in specified activities, the Federal Government may punish those crimes. But if crimes are committed against persons engaging in any of the enumerated "Federal rights" in title V for other reasons, the State law controls; and if a crime of race hatred is committed while the victim is not engaged in the protected activity, State law controls. The unrealistic nature of these provisions proves that State law should always control.

There are laws in every State to punish the crimes which title V enumerates, and they are worded without regard to race or color. But if we are to take this giant step at all, it should be done uniformly and made applicable to all American citizens, and it should be accomplished by an amendment to the Constitution. Equal protection and due process cannot be and should not be solely identified with race. Race is mentioned nowhere in the 14th amendment, and that amendment should remain for the protection of all Americans.

TITLE VI

During the last several years, the Attorney General has come to this committee to complain that he is unable to erase alleged discrimination with the legal tools afforded him by the Constitution and Congress. Each year he proposes legislation "to complete the desegregation" of schools or public facilities, and we have capitulated on each occasion. But now, after a brief and law-abiding experience with the 1964 Civil Rights Act, Congress is being asked to repeal part of that act and replace it with an unbridled grant of authority to the Attorney General.

The Attorney General testified that his authority under titles III and IV of the Civil Rights Act of 1964 has proved deficient. But nowhere in his one-page treatment of title VI of H.R. 14765 does he mention the unbelievable control and Federal Government exercises over public education through title VI of the 1964 act. It is obvious to all that title VI of that act is being vigorously enforced—often in a manner which is inconsistent with the language and legislative history of that title.

In considering legislation on public facilities, what we should do is limit the arbitrary and coercive power which the Department of Health, Education, and Welfare has assumed in its drive to force racial balance in the southern schools. Instead, the Attorney General asks us for the authority to institute civil actions in counties where there have been no complaints—where everyone is pleased with the way their own officials are running their schools. Where genuine discrimination exists, the Attorney General has all the authority necessary under titles III and IV of the 1964 act.

In a direct line of cases from *Briggs* v. *Elliott*, 132 F. Supp. 776 (1955), to this date, it has been held by the Federal courts that free choice of schools is permissible—indeed, is all that is required—under the Constitution and the decision of the Supreme Court in *Brown* v. *Board of Education*, 347 U.S. 483 (1954). As Judge Parker said in the *Briggs* case:

"It has not decided that the States must mix persons of different races in the schools or must require them to attend schools or must deprive them of the right of choosing the schools they attend * * * but if schools which it (the State) maintains are open to children of all races, no violation of the Constitution is involved even though children of different races voluntarily attend different schools, as they attend different churches. Nothing in the Constitution or in the decision of the Supreme Court takes away from the people freedom to choose the schools they attend. The Constitution, in other words, does not require integration. It merely forbids discrimination. It does not forbid such segregation as occurs as a result of voluntary action. It merely forbids the use of governmental power to enforce segregation. The 14th amendment is a limitation upon the exercise of power by the State or State agencies, not a limitation upon the freedom of individuals."

Apparently, the committee is not satisfied with the decisions of the Federal courts. It is willing to overrule existing opinions by abolishing free choices. Furthermore, the committee finds it necessary to include vague and ambiguous "wrongs" which can give rise to a civil suit brought by the Attorney General. Sanctions may be imposed against such activities as a "threat to threaten" or a "threat to intimidate."

Finally, I submit that before granting the Attorney General authority to institute civil actions in those situations contemplated in title VI, Congress should more closely observe both the success and mischief achieved under existing law and focus its attention on the potential of the 1964 act.

CONCLUSION

It is the sworn obligation of every Member of Congress to consider the constitutionality of every bill on which he votes. This obligation consists of more than predicting what the courts will hold concerning a particular measure. The Supreme Court has consistently recognized this, as it gives a presumption of constitutionality to all our acts. Each Member of each House must decide according to his own conscience and according to his own understanding of the language and intent of the Constitution.

It is my opinion that, if enacted, the courts might well rule much of H.R. 14765 unconstitutional, even with the presumption of validity. Without this presumption, I believe that the entire bill, with the exception of title I, is unconstitutional.

H.R. 14765 should, therefore, be defeated.

This bill has been said by one outstanding lawyer who has had many years of a close relationship with the Judiciary Committee to be the most poorly drafted piece of legislation that our committee has ever produced.

It has been referred to by other persons who have established a record of supporting civil rights legislation as a mere shambles.

So it is difficult to use the close bore as we fire our legislative shots at this rather horrible piece of legislation.

My good friend the gentleman from New York [Mr. GILBERT] has just talked about title I of the bill. Title I to me is in some ways the least offensive title in the bill. It is clearly the obligation and the duty of the Congress to legislate in the field of jury selection in the Federal courts. So we start out with a general consent that no one can question the constitutionality of the consideration of this title of the bill by the Congress.

But I believe we can use this title as uncontradictable proof of the poor job which the committee has done on all of the titles. This is especially true when we take into account what judicial officers of the Nation say about title I.

Title I is limited to the selection of jurors in the Federal system. My distinguished colleague and constituent, Senator Ervin of North Carolina, recently wrote to the chief judges of the U.S. districts in the Nation. I will not undertake to read all the content of the various letters, but I should like to give some excerpts from these letters. These refer to title I and what the judges think about it.

I mentioned yesterday, when the gentleman from New Jersey [Mr. Cahill] had the floor, what was said by Chief Judge Madden of the U.S. district court in New Jersey. Judge Madden referred in his letter to a letter which had been prepared at his request by Michael Keller, Jr., clerk of that court. In that letter Mr. Keller said this:

> Frankly, I do not believe either the Department of Justice or the Administrative Office is sufficiently familiar with the mechanics involved in juror selection and the drawing of panels for trial.

Mr. Keller pointed out his objections to this legislation. As I said, I cannot go into all of them, but let me give this one evidence which he gives as to why it would be unworkable. He says that—

> Section 1864(b) requires that the master wheel contain at least 1% of voters listed on registration lists; or, if other additional sources are also used pursuant to section 1864(a), at least 1% of the total number of persons of voting age.
>
> As of November, 1965, there were 3,151,599 registered voters in this district. We would be required to have at least 31,516 names in our combined three wheels. Section 1865(a) requires that, unless the prospective juror claims a statutory exemption pursuant to Section 1872, he must appear personally at the clerk's office to fill out the questionnaire. Since it can be expected that many of those who appear will not be qualified, it will be necessary to have in excess of 31,516 interviews before we obtain that number of qualified jurors. Section 1864(f)(2) is a requirement which I believe is impossible to fulfill. Between November 15 and December 31 of each even-numbered year the master wheel must be emptied and refilled. This requires thirty-odd thousand interviews in a six week period in our court.

That is what the chief judge of the U.S. district court of New Jersey through the clerk of his court has said as to the effect of this title I.

Mr. McCULLOCH. Mr. Chairman, will the gentleman yield?

Mr. WHITENER. Briefly, yes.

Mr. McCULLOCH. I would be glad if you would reread that letter you have just read, if that be not objectionable.

Mr. WHITENER. I will be glad for the gentleman to come down here and read it. I am going to move on to some other interesting points.

Next is a letter from the Honorable Thurmond Clarke, chief judge of the U.S. District Court for the Southern District of California, situated in Los Angeles. Among other things, he says this:

> I would like to make the following comment concerning the desirability of the proposed jury legislation: I do not believe the contemplated legislation is desirable and agree wholeheartedly with your opening statement to the Senate Judiciary Committee. Under our present system of selecting jurors, there has never been a challenge which has shown any evidence of discrimination.

Mr. CAHILL. Mr. Chairman, I wonder if the gentleman would yield to me at that point.

Mr. WHITENER. Briefly, yes.

Mr. CAHILL. In our colloquy yesterday I believe the gentleman agreed with me that there was some basis for remedial legislation as far as the jury selection system of our country is concerned. In view of the gentleman's admission that that was a fact and in view of his objection to the present legislation, I am wondering if the gentleman is going to offer some substitute which the House can consider which will correct the inequity and still not do violence to the system.

Mr. WHITENER. If the gentleman will let me proceed here, I think he will find in some of the judicial responses to Senator Ervin a suggestion about how this matter should be approached and improved.

The chief judge of the U.S. District Court for the Southern District of Ohio, the Honorable Carl A. Weinman, said this in his letter:

> Any change in our present system would open the door to many more cases being filed in our Federal courts to construe any change you make in our jury system.

The chief judge of the U.S. District Court of Kansas, the Honorable Arthur J. Stanley, Jr., said in part:

> I submit these general observations:
>
> 1. It is likely that citizens who now regard jury service as a duty akin to service in the armed forces in time of war would resent the compulsory features of Sec. 1865(a).
>
> 2. Defendants in criminal cases, already inclined to employ dilatory tactics, are apt to abuse the rights granted by Sec. 1867 by filing groundless motions. Parties in civil cases, seeking delay, will in some cases act similarly.
>
> 3. The clerk's office, already overburdened in our district, will either require additional deputies, or will be compelled to neglect other important duties.
>
> 4. The withdrawal of the right to exclude classes or groups, and the requirement that unusually severe hardship be shown for excuse will deprive the public of the services of physicians, nurses, pharmacists and teachers already in short supply.

Mr. ROGERS of Colorado. Mr. Chairman, will the gentleman yield at that point?

Mr. WHITENER. Briefly.

Mr. ROGERS of Colorado. Mr. Chairman, the gentleman from North Carolina overlooks the fact that, after the names are drawn from the master jury wheel, that in any district or division the chief judge of the district, with the concurrence of the judicial council of the circuit, can authorize the filling out of these juror questionnaire forms without having to come into court. Have we not provided that in this bill?

Mr. WHITENER. I will say to the gentleman from Colorado that these letters to which I refer come from the judicial officers who will be construing this bill as it is now written. So, rather than have the gentleman from Colorado to give us the benefit of his great knowledge on the subject, or for me to give to the Committee of the Whole House on the State of the Union my meager knowledge, I believe we should have the benefit of the thinking of these judges who are going to be faced with the task of construing the legislation, and who have looked at it as an effort to try to be of assistance to the Congress.

Mr. ROGERS of Colorado. Mr. Chairman, if the gentleman will yield further——

Mr. WHITENER. I yield to the gentleman from Colorado.

Mr. ROGERS of Colorado. The point I am trying to make is that we did amend the bill in the committee in order to allow for mailing in such instances.

Mr. WHITENER. I believe the gentleman from Colorado would have to agree with me, in his usual fairness, that really there was not a great deal of attention given to this title I in the full committee. It was just sort of glossed over and, frankly, had I had an opportunity to then know what the judges were thinking and then an opportunity to look at the legislation in the light of that situation, I would have realized how far-reaching and troublesome the legislation is in its present form.

Mr. ROGERS of Colorado. Mr. Chairman, will the gentleman yield further?

Mr. WHITENER. I yield further to the gentleman from Colorado.

Mr. ROGERS of Colorado. Mr. Chairman, if I remember correctly, the gentleman from Florida [Mr. Cramer] did a very thorough job in cross-examining——

Mr. WHITENER. The gentleman from Florida always does a thorough job of cross-examining.

Mr. ROGERS of Colorado [continuing]. The Attorney General in connection with title I.

Mr. WHITENER. Well, of course, I was not a member of the subcommittee, and the gentleman is now putting a new little twist to this situation, entirely different from what I said.

Mr. Chairman, I said in the full——

Mr. ROGERS of Colorado. If the gentleman will yield further, I would like to make this statement——

Mr. WHITENER. Let me say this to the gentleman from Colorado.

We appreciate the work of the subcommittee. But what I have already said has been an indication of my concern as to the job its members have done on this bill.

Mr. Chairman, I am saying that the entire bill is bad.

Mr. ROGERS of Colorado. Mr. Chairman, will the gentleman yield further?

Mr. WHITENER. I yield further to the gentleman from Colorado.

Mr. ROGERS of Colorado. The point is that you have suggested that we did not give attention to title I.

Mr. WHITENER. Yes. And may I proceed here? I am sure the gentleman is going to give me at least 30 additional minutes.

Mr. Chairman, the chief judge of the northern district of Oklahoma, Judge Allen E. Barrow, wrote as follows:

> I personally think that the jury system that we have today is more than adequate, is fair, and insures able citizens serving on the jury to arrive at true decisions in cases they hear. I think the proposed law has many dangers and complications of administration that create unfair possibilities. The citizens in my district are very proud of our Federal juries, and I can state to you, as a judge of this court, I too am proud of the caliber of the citizens. I would personally prefer leaving the system as it is than to gamble with unknown changes and their resulting effects.

Mr. CAHILL. Mr. Chairman, will the gentleman yield?

Mr. WHITENER. I yield to the gentleman.

Mr. CAHILL. I am wondering if the information which the gentleman is referring to was presented and was considered by the subcommittee?

Mr. WHITENER. No; it could not have been because, for example, the next letter that I have is dated July 20, 1966, and was addressed to Senator ERVIN.

Mr. CAHILL. If the gentleman will yield further, may I inquire how many of the Federal judges were polled and how many of them indicated opposition to this particular provision?

Mr. WHITENER. Many of the judges did not take a flatfooted position on the legislation, but as I understand it from talking with the staff of Senator ERVIN that there was only one judge who even suggested that this could be accepted out of all those who responded.

Let me say this to the gentleman, and again I do not wish to appear critical of the fine subcommittee which originally worked on this, but it seems rather strange to me that on a bill that would revolutionize the Federal judicial system as far as jury duty is concerned that our subcommittee did not do what Senator ERVIN's subcommittee has done. Why did the subcommittee ask these judges what they thought of these proposals? They know more about the day-to-day operation of the courts than some young man down in the Department of Justice who just received his law degree last year at Harvard.

Mr. CAHILL. I wonder whether or not you could present to the committee any statistics indicating the number of courts that were polled and the responses from the various judges. If you could do so, it would be very helpful.

Mr. WHITENER. I will be happy to get them from Senator ERVIN's office and, frankly, I have some of the files but I left some of them in the office because I did not think it would be necessary to have them all here.

Mr. CAHILL. I thank the gentleman very much.

Mr. WHITENER. Mr. Chairman, I have another letter from the chief judge of the U.S. District Court for the Northern District of Florida, G. Harold Carswell:

> It is my personal view that the jury system would not be improved—indeed, it would be impaired by any automatic inclusion of every regstered voter or every adult resident as a prospective juror. Perhaps there are isolated instances where the selection process has operated to exclude segments of the qualified population, and this, of course, should not be the case. There has been a most conscientious and successful effort, I think, in eliminating any appearance or vestige of discrimination of persons due to race, nationality, creed or religion.
>
> Also in our federal courts there has been a significant increase in the percentage of women jurors. This poses a very difficult task for the Jury Commissioners for they find—and the Court ultimately finds—that a relatively small percentage of women called for duty serve. Most of them ask to be excused and, in my experience, most of their reasons are well-founded. There is, accordingly, an enormous inefficiency in calling dozens of women to court only to excuse them and start all over again. The Jury Commissioners here have tried to ascertain from the individual women the reasonable likelihood of their ability to serve if called before placing their names in the box. By appeal to their sense of duty many respond and we have found these highly competent and reliable.

The chief judge of the district court in Mississippi, the Honorable Claude F. Clayton, had this to say, among other things:

> I do not believe any new law is needed for a proper operation of the jury system in federal court.

And he sets out certain specific objections to the bill and suggested amendments.

Then, Mr. Chairman, we go to Brooklyn, N.Y., where Chief Judge Zavatt said this:

> If such a bill is enacted into law, the first thing that the Congress must do is to appropriate sufficient funds to increase the personnel in the office of clerk of each U.S. district court.

Then Judge Zavatt goes on to point out the situation in Brooklyn, he says:

> The bill suggests that there would have to be a juror's card for every qualified voter in the district; that, from that total, 1% of the cards be drawn and placed in the master jury wheel. This would require our Clerk to prepare approximately two and one-half million such cards. Not only would our Clerk's office need much more help but it might also need an IBM machine.
>
> This feature of the bill is further complicated by the fact that, of the two and one-half million juror cards, we would not know how many are qualified to serve as jurors.

And Judge Zavatt goes on to point out that this is a completely unworkable bill in the Brooklyn district. He says this:

> I realize what the problems are that are sought to be met by S. 3296. These are not problems that prevail in this part of the country, and, certainly, not in this district. But before legislation of nationwide application is enacted into law, the Congress had better provide the funds with which to implement whatever bill becomes law.

Mr. RODINO. Mr. Chairman, will the gentleman yield?

Mr. WHITENER. I yield to the gentleman from New Jersey.

Mr. RODINO. May I point out to the gentleman that although he calls to the attention of the House various letters from some judges who supposedly have been informed as to the full import of the bill, nonetheless, I would like to call the gentleman's attention to the committee hearings, on page 1184, when the gentleman from Ohio [Mr. McCULLOCH] addressed himself to the Attorney General on this very subject. Mr. McCULLOCH asked the following question:

> Now, in view of the known discrimination that has existed in some Federal district courts, has the Judicial Conference made any recommendations other than in 1960 and in one other instance, as I recall, which would seek in substantial part to end the discrimination of which we complain here?
>
> Attorney General KATZENBACH. No, sir; the Judicial Conference has not. And as I say, I think until the Voting Rights Act and the successful implementation of the Voting Rights Act it would have been difficult for them to have done so. We have discussed our proposals here, and our bill with a great number of judges, including those that sit on that committee. And while they have not spoken as a conference on it, I have not run into objections from judges to this sort of thing.

When the gentleman from North Carolina alluded to the letter addressed to Senator ERVIN by Chief Judge Madden—and I respect Chief Judge Madden, and I respect his ability as a judge—nevertheless, I wonder whether or not the chief judge, in making reference to the fact that, with 3,156,000 people on the voter rolls, it would require approximately 31,000 names to be listed, and that this would also entail or require 31,000 interviews. But the section to which he refers to in nowise requires interviews for all of those persons listed. All that is necessary is that the master wheel be emptied and refilled between November 15 and December 31 every 2 years.

Mr. WHITENER. I certainly thank the gentleman for his comment. I note that with reference to the fact that the Attorney General gave that testimony. I wonder if he would not have been a little better advised to have had the Attorney General's mother testify, because Judge Madden in his letter states this.

And you may notice that at that time one of the jury commissioners was Marie H. Katzenbach, the mother of the present Attorney General.

> There is attached a letter by the former jury commissioners to the prospective jurors.

So perhaps you should have had Mrs. Katzenbach at that time as a witness before the committee, because she has had some experience as a jury commissioner.

Chief Judge Ewing T. Kerr, of the U.S. District Court for the District of Wyoming, among other things, said this:

> The proposed legislation would be expensive and, in my opinion, would not improve the jury panels in Wyoming. The Wyoming docket is up to date, and litigants can have their cases tried in as short a time as 30 to 60 days after filing. Our present jury system has worked well through the 76 years of statehood, and I trust it will not be disrupted.

In Macon, Ga., Chief Judge William A. Bootle responded and, among other things, he said:

> I agree also that legislation of this far-reaching importance should be submitted to the close scrutiny of the Judicial Conferences of the various circuits, the Judicial Conference of the United States, the American Law Institute, and the American Bar Association.

None of that apparently was done in this case.

Mr. RODINO. Mr. Chairman, I yield the gentleman 5 minutes.

Mr. WHITENER. Mr. Chairman, the chief judge of the eastern and western districts of Arkansas, Judge J. Smith Henley, said this among other things:

> As to title I, I am particularly opposed to the "at random" selection of jurors which, in effect, will make the minimum qualifications to be found in the proposed revision of 28 U.S.C.A., Sec. 1866, the maximum qualifications of jurors. I am also opposed to some of the technical or mechanical provisions which I consider to be unnecessary and unduly burdensome. For example, I think that the requirement that there be not less than 2,000 names in the master jury boxes is not realistic when applied to small divisions, such as the Northern Division of this District. We have maintained jury boxes containing not less than 300 names and have had no difficulty in obtaining sufficient numbers of qualified jurors.
>
> With respect to title II, I am opposed to it to the extent that my objection to title I are applicable to the later title. Additionally, I seriously question the desirability of the Federal Government undertaking to dictate to the States how their juries are to be selected, and to the extent that title II imposes requirements above and beyond the antidiscrimination requirements of the 14th Amendment, I think that we all recognize that grave Constitutional problems exist.

The chief judge of the U.S. District Court for the Eastern District of Missouri, the Honorable James H. Meredith, said:

> In my personal opinion if S. 3296 became law, it would not result insofar as this District is concerned, in a more qualified jury or a different type jury than we presently have, but only greater numbers.

Chief Judge William E. Miller, of the middle district of Tennessee, responded in some detail. I will not go into each of his reasons, but he set forth many reasons for objecting to this bill. Then he said:

> I feel that the best interests of justice will be subserved by allowing the states to devise their own practices and procedures for the administration of criminal justice, including the process of jury selection, so long as such practices and procedures are not essentially unfair, arbitrary or discriminatory.

The chief judge for North Dakota, George S. Register, says:

> However, in my judgment it would be much more realistic to provide that a prospective juror could be excused by the Court upon a showing of good cause, and leave that determination within the discretion of the trial court.

Then he points out three or four reasons why this is bad legislation.

Chief Judge Edmund Stanley, of Greensboro, N.C., says, in substance, after pointing out various reasons why the bill should not be passed:

> As earlier stated, it is my feeling that the present legislation in this field is adequate, particularly when the provisions of 18 U.S.C. Sec. 243 are considered.

The same types of responses were had from the chief judges of the eastern and western districts of Kentucky and the U.S. district court at Knoxville, Tenn.

We get down now to the District of Columbia, where the judges of this jurisdiction responded. Judge Holtzoff wrote for the court:

> An examination of title I of the pending bill indicates that many of its provisions are entirely unsuitable for the District of Columbia.

He says further:

> The provisions of Section 1864(f) . . . is impossible of fulfillment in this district.

He says further:

> The provisions of Section 1867 of the bill which would authorize parties in criminal or civil cases to challenge the method of jury selection and to demand the testimony of the jury commission, are likely to cause burdensome and unnecessary delays in view of the large number of jury cases in this Court. To permit any party in any case to subpoena members of the Jury Commission to testify orally and to produce their records for inspection, is likely to be used for purposes of obstruction and in a district with the volume of business as large as ours, it may greatly delay the progress of the docket.

We have striking out at the present law the exemptions which apply in the District of Columbia, and we are trying to engraft this new system. This is title I.

The CHAIRMAN. The time of the gentleman has expired.

Mr. WHITENER. May I have additional time, Mr. Chairman?

The CHAIRMAN. The time of the gentleman from North Carolina has again expired.

Mr. McCULLOCH. Mr. Chairman, I yield 5 minutes to the gentleman from North Carolina.

Mr. WHITENER. Mr. Chairman, much has been said about how terrible title IV of the bill is.

Mr. CORMAN. Mr. Chairman, will the gentleman yield for a question on title I, before he passes to a new subject?

Mr. WHITENER. I yield to the gentleman.

Mr. CORMAN. Obviously the gentleman has done extensive research on title I. Could the gentleman tell us how many Negroes have ever served on juries in Federal courts in Mississippi?

Mr. WHITENER. I do not live in Mississippi, but I can tell the gentleman that in North Carolina there has been no discrimination. I gather that if the Federal system were permitting it in Mississippi we would have heard something about it. I have never heard anyone say that the Federal courts of Mississippi did not have duly constituted juries.

Mr. CORMAN. I believe a number of the Supreme Court decisions have reached that conclusion.

Mr. WHITENER. I believe the gentleman will find that those are State court cases, and do not involve the Federal courts.

With the great power the Department of Justice seems to hold over these Federal judges, I believe they could correct the situation if it did exist.

It has been said that title IV is bad. In my humble opinion, title II is a much worse provision than title IV. I am not saying that title IV is not a terrible piece of legislation. As one or two of these Federal judges have suggested, there is serious doubt as to the constitutionality of the Attorney General being given the life and death control over local and State court juries.

Even if such legislative authority does exist, it is not a practice which should be approved by those who believe in a Federal system such as we have had, with 50 sovereign States making up the Federal Union.

Title IV, as has been said, leaves more questions unanswered than it answers.

A provision was added in the committee about a fair housing board. At the time that seemed rather innocuous. As we look at it a little further it becomes objectionable. For example, it provides that we will use the NLRB procedures.

We know that under the NLRB if a man is fired from a job and he was engaged in union activity, proof of these two facts establishes a prima facie case, and thereby shifts to the employer the burden of showing that the employer was not engaged in an unfair labor practice.

I assume, if that is the procedure followed, under this new fair housing board, as it is called, if a house were up for sale and a member of a minority group sought to purchase that house and that effort to buy the house was fruitless, then a prima facie case would be established, and the burden would shift to the owner to show that he had not discriminated.

In the testimony before the Senate committee the Attorney General of the United States agreed that that would be the situation under the statement of facts that I have just mentioned.

Also, title IV, in its broad concept, would literally destroy the law of agency as we know it. It would write into every contract on the part of a principal and an agent in real estate transactions provisions which they perhaps were totally unwilling to agree to. Yet this bill would change that.

It also would have, I believe, a very substantial effect upon the application of the statute of frauds which applies in many of the States.

As you know, under the law in States such as mine and many others, in order for a certain contract, particularly those relating to real estate, to be enforceable it must be in writing if the performance is not to be consummated within a certain time.

The CHAIRMAN. The time of the gentleman has expired.

Mr. CAHILL. Mr. Chairman, I yield the gentleman 2 additional minutes.

Mr. WHITENER. Then when you go into court under the law of my State the parol evidence rule is not generally available to you if you have a written contract. So in effect this section will modify the law of agency and interfere with the statute of frauds in its application and do many other things.

Mr. CAHILL. Mr. Chairman, will the gentleman yield for the purpose of clearing up the allusion made to the chief judge of the U.S. District Court of the State of New Jersey, Judge Madden?

Mr. WHITENER. I yield to the gentleman.

Mr. CAHILL. I have just spoken with the judge telephonically to determine if what the gentleman from North Carolina said reflects his present views on this legislation. He tells me that the inquiry was directed to him by a Senator and that he in turn referred it to the clerk of the district court who, incidentally, is an attorney himself and therefore had a practical knowledge of the application of this legislation in the operation of the entire district courts in the State of New Jersey. The opinion was expressed, I might say to the gentleman, before the Committee on the Judiciary amended this legislation and reported it out of committee. Therefore, one of the objections that apparently the courts of New Jersey had in reference to calling all of the prospective jurors to the courthouse has been eliminated. However, the judge wanted me, of course, to indicate to the gentleman in the well and to the entire House that the expression of opinion was only as a courtesy to the Senator and was not in any way to suggest to the legislative body that this was the will of the Judiciary.

The CHAIRMAN. The time of the gentleman has expired.

Mr. McCULLOCH. Mr. Chairman, I yield to the gentleman from New Jersey [Mr. CAHILL] 1 minute.

Mr. WHITENER. May I ask the gentleman——

Mr. CAHILL. Let me just say this: It was pointed out to me that even this would in our State provide some hardship in that there would be some 35,000 people who would be prospective jurors. So I hope—and I say this to the chairman—at the appropriate time to submit an amendment to this provision which I hope will bring about a more equitable solution to this problem.

Mr. WHITENER. May I ask the gentleman if the judge expressed any view as to whether it would be more proper that we have the Judicial Conference make a study of the problem?

Mr. CAHILL. No. I did not ask the judge's opinion. I merely asked him for his comment as to what was referred to by the gentleman in the well.

Mr. WHITENER. Mr. Chairman, the material which I have referred to is as follows:

Statement Before the Constitutional Rights Subcommittee on S. 3296, the Proposed Civil Rights Act of 1966, by Charles B. Watkins, Clerk of the U.S. District Court, Northern District of Ohio

For nearly thirty years, since January 1, 1937, I have been clerk for the Northern District of Ohio and have been in the clerk's office since April, 1924. I am also an attorney admitted to practice in Ohio.

With the policy and purposes of S. 3296 I agree. Jurors in the Northern District of Ohio have always been selected by lot, without regard to race, color, religion, sex, national origin or economic status.

The present statutes do not provide for the source of prospective jurors. The proposed Act cures this void in the law. Jurors are to be selected from the voter registration lists of the entire District, unless, in the judgment of the Judicial Council, there is discrimination, and it prescribes other sources. This may eliminate from jury service citizens otherwise qualified who do not vote. More specific provision should be made for the inclusion of qualified citizens who do not vote. Jury duty is the obligation of every qualified citizen.

Beginning in 1960, in accordance with Title 28, § 1865(a), U.S.C., the court in my District ordered that jurors be selected from the county where court is held and from the adjacent counties, so as to eliminate unnecessary expense and not unduly burden the citizens. The selection of jurors from the entire District would increase the expense of mileage and subsistence for jurors.

The maintenance of a master jury wheel is a new approach to the selection of federal jurors. The Ohio statutes provide for a selection from the voter registration lists. Cuyahoga County (Cleveland) has two full-time jury commissioners with a staff of five clerical employees. In my judgment, several additional deputy clerks would be necessary to operate the proposed system for the larger territory of the Northern District of Ohio.

At present, the qualification is ascertained by a questionnaire mailed to the prospective juror. If the proposed personal appearance is required, the prospective juror should be compensated for his time and travel.

Religion should be eliminated from the qualifying questionnaire.

The authority of the court in granting excuses from jury service is too closely proscribed by § 1869.

The jury provisions of the Act as proposed are workable; however, I recommend that

(1) § 1864 be amended to permit not to exceed 25% of the names in the master jury wheel to be from sources other than voter registration lists, as the District Court may direct;

(2) § 1865 be amended to allow the qualification of jurors by a questionnaire similar to that now used and that these may be mailed to prospective jurors, and that the inquiry with reference to religion be eliminated;

(3) § 1869 be amended to permit the court to excuse jurors for good cause; and

(4) consideration be given to the additional expense these changes will incur.

July 1966.

Biographical Sketch

Richard C. Peck has served as Clerk of the United States District Court for the District of Nebraska since April 1, 1959. From July 1, 1956 until his appointment as Clerk he was Chief Assistant United States Attorney for the District of Nebraska. He received his LL.B. degree in 1942 from the University of Nebraksa Law College, following which he was law clerk to the Hon. J. W. Woodrough, Circuit Judge of the United States Court of Appeals for the Eighth Circuit. After discharge from military service in 1945 he practiced law at Plattsmouth, Nebraska, serving there as County Judge from 1948 to 1949 and as County Attorney from 1950 to 1956. He is the author of several legal articles the latest being "Taxation of Costs in United States District Courts" and appearing at 37 F.R.D. 481.

Statement of Richard C. Peck, Clerk, U.S. District Court, District of Nebraska, in Connection With Scheduled Appearance Before the Subcommittee on July 27, 1966, at Hearings on S. 3296

To: The Honorable Chairman and Members,
Subcommittee on Constitutional Rights
of the Committee on the Judiciary, U.S.
Senate.

The District of Nebraska encompasses an area of approximately 77,227 square miles with a population of approximately 1,430,000 people. 592,673 of them voted in the last general election. Of a total of 93 counties in the district only 12 are required to have voter registration. There are 2169 voting precincts in the state. From Omaha, the headquarters of the District and situated in the easternmost part of the state, the distance to Scottsbluff, a city near the western boundary, is 446 miles.

With these statistics in mind I am overwhelmed at the thought of the enormous increase in expenditure of funds, the staggering volume of clerical work, and the aggravating inconvenience to jurors which would of necessity be generated if the provisions of Title I of the bill, S. 3296, are implemented.

Using the total vote case at the last general election as a reference figure, at least 5926 names would have to be gleaned biannually from the registration rolls of the 12 counties in Nebraska requiring voter registration and from the separate poll books of approximately 1600 voting precincts existent in the remaining 81 counties which do not have registration and require only the signature of the voter on a poll book on the day of voting. Contrast this with our present annual need for jurors names, which is something less than 1000, and it becomes quite obvious that the cost of increasing my staff by the number of personnel necessary for such an undertaking, and the mileage and subsistence payments required for their travel to all of the points where these records would be available for copying would alone be something to behold.

Moreover, to complete the task in the short period of November 15 to December 31 would indeed require the application of magical administrative effort; and in Nebraska an added complication is the fact that by state law all poll books are sealed for 6 months immediately after the canvass of the votes is completed and they cannot be opened except upon order of a court having jurisdiction thereof.

I note that the bill contains provisions directing that a master wheel contain names from all counties in the District and that when drawn from that wheel jurors must appear before the clerk for execution of a qualification questionnaire. For a juror to travel to Omaha from Scottsbluff and return would require a minimum of 2 days time with attendance fees of $20.00 per day, plus subsistence at $16.00 per day, plus mileage at 10¢ per mile on a roundtrip of 446 miles, making the grand total of expenses incurred for the execution of that questionnaire a minimum of $161.20! But if consideration of cost is not enough to discourage such a procedure, the discomfiture inflicted upon the prospective juror should. What conscientious individual who is busily occupied in the daily affairs of making a living would appreciate the inconvenience and loss of time imposed upon him in the making of such a lengthy trip for the sole purpose of completing such a form?

This bill also eliminates the provisions of present Section 1863 of Title 18 which permit the Court by order to exclude from service such groups of persons as doctors, nurses, pharmacists, clergymen, morticians, etc. It ought not be difficult for anyone to imagine the inconvenience and complications which would arise if the courts attempt to compel such groups of people to serve as jurors. The public interest simply compels their exclusion.

A casual reading of the bill is sufficient to reveal the tremendous volume of record keeping which this legislation would impose upon administrative machinery which in some districts is already burdened to the point of frustration. Consider the man-hours and the record flow required to collect and list the thousands of names required for the master wheel, to list again the names drawn therefrom, to summon them in for execution of the questionnaire, to assist in the filling in of the information to be requested on the form, to voucher the payment of fees, to note the failures to appear, to note the grounds of disqualification, to make a listing of names inserted in the qualification wheel, to make a drawing from the qualification wheel, to list again the names so drawn, to summons them for duty, to keep the records for the detailed challenging procedure provided for, to keep track of those persons excused for up to 6 months time, to note the reasons for excuse or exclusion from service,—there seems no end to the morass of records which this legislation would either compel or encourage to be accumulated and preserved.

It is apparent that Title I of S. 3296 seeks to assure nondiscrimination in selection of individuals for service on federal juries. But, certainly no one can deny that the law of the land already unmistakably forbids purposeful discrimination in the selection of persons for duty upon federal juries. We are not aware of any present lack of machinery to enforce that law or accomplish its purpose. It is even suggested that existing civil rights legislation probably subjects the clerk and the jury commissioner to liability in damages if they practice discrimination in the performance of their duties. Therefore it would seem that the present machinery ought not to be tampered with unless some more cogent reason can be established which demonstrates a need for change.

One thought is important, I think, in considering the ultimate effect of this proposed legislation. The right to trial by jury does not mean the right to have ignorance, stupidity, mediocrity, or indecision predominate in the make-up of the jury. This bill, in its obsession to provide minute rules to prevent discrimination on account of race, color, etc., takes no account of the need of our judicial system to have serving upon its juries citizens, selected to be sure without discrimination, but who are also known to be honest, fair-minded, of good reputation, and of sufficient capability to enable them to make decisions and thus render creditable jury service. I submit that a lesser standard can not foster the integrity of the courts nor command reliance upon the operation of the adversary system of jurisprudence as we presently know it.

Additionally, the courts in this 20th century have the same need for simplification of procedure, streamlining of administrative machinery, and utilization of modern technics as is required of any other activity. The ever increasing load of work must be discharged, and I know of no other circumstance that can contribute more directly to paralysis in judicial administration than the temptation to become involved in excessive and useless record keeping.

When I was prevailed upon to leave the active practice of law and accept appointment to my present position we embarked upon a program of modernization which has enabled us to reduce the size of the staff by 20% and yet handle a 50% larger volume of litigation. Our experience convinces us that there is a need constantly to pursue a course of positive and imaginative action in the administration of the courts' record keeping processes. Time and personnel limitations and the necessity for efficiency compels the elimination of all record making which fails to accomplish a purpose commensurate with the effort expended in its creation. This proposed legislation defeats that goal and I find it difficult to be restrained in my opposition to it.

Finally, for your consideration, but with no advocacy to impose our system on any other district, I attach hereto as a separate document a description of the jury selection machinery now in use in the District of Nebraska.

Respectfully submitted.

RICHARD C. PECK,
Clerk, U.S. District Court, District of Nebraska.

STATEMENT BY MICHAEL KELLER, JR., CLERK, U.S. DISTRICT COURT FOR THE DISTRICT OF NEW JERSEY, TO THE SENATE SUBCOMMITTEE ON THE JUDICIARY WITH RESPECT TO THE PROVISIONS OF TITLE I OF SENATE BILL 3296, JULY 27, 1966

Senator ERVIN forwarded the Bill to Chief Judge Madden and requested his comments. He referred it to me for comment on those portions which would affect the office of the clerk. Among my comments, which were transmitted by Judge Madden to Senator ERVIN, was a suggestion that it might be helpful to the Committee to obtain the viewpoints of a number of clerks. As a result, I was invited to appear before the Committee.

Although some of my remarks may apply to other clerks, I can only speak for my own office. From conversations with many clerks at annual conferences of the Federal Court Clerks Association, I know there are many different systems in use. I think we shall all welcome a proposal which will provide a degree of uniformity. However, I believe some of the provisions of the Bill may substantially increase the duties of many clerks who are already over-extended with available personnel and we hope it may be possible to suggest changes which will lessen the workload without any substantive change in the purposes of the Bill.

It may be helpful to describe the system presently in use in New Jersey, where we have used voting registration lists as our primary source for many years. New Jersey is one District without divisions and with three places of holding court: Camden, Newark and Trenton. Judges are permanently stationed in each city. Separate jury boxes are maintained at each place and we have two Jury Commissioners. Each of the three places uses the seven most contiguous counties of the twenty-one in the state. Initially, it was determined that we should draw from each county in the same proportion as that county bore to the total number of registered voters in the seven counties. With the consent of the Court and the Jury Commissioners, the clerk performs all the preliminary ministerial duties. Each tenth name is taken from various lists—there are usually dozens for each county. A standard questionnaire furnished by the Administrative Office of the United States Courts is mailed to each person so selected. Upon the return of the completed questionnaire, it is examined by personnel of the clerk's office to determine whether the prospective juror is *legally* qualified. If he is found to be, a 2''x4'' card is prepared with his name, address, occupation; and, in the case of a married woman, the occupation of her husband. These cards are filed by county, not alphabetical, in special small file cabinets and become what we call our Jury Pool of legally qualified jurors. In the three offices, there is usually a total of at least 6,000 names in the pool. When the Court directs that a grand jury be drawn or the clerk determines petit jurors are needed, the clerk and Jury Commissioner remove from our jury pool, by county on a percentage basis, as many cards as will be required and place them in a drum or wheel from which jurors are drawn as provided by statute. A smaller number are drawn for a grand jury as only 23 will be selected. For petit jury service, we usually draw 300–500 at Camden and Trenton, and 2,000–3,000 at Newark. The names are placed on mimeographed lists *in the order drawn* and the other information from the 2''x4'' cards added. Jurors are summoned from the list as needed. The lists usually last at least a year. Those portions of the list which contain the jurors of a particular trial panel are furnished to counsel *at the time of trial* for use on the voir dire.

Section 1864 (b) requires that there be a master jury wheel which shall contain at least 1% of the total number of persons on voter registration lists for the district or division. Although I shall later point out that I believe a "master wheel" is not necessary at this point in the jury selection procedures, I shall discuss its effect. As of November, 1965, there were 3,151,599 registered voters in our district. We would be required to place a total of 31,516 names in our three wheels. Since "names" must be "placed" to be later drawn publicly, (Section 1865(a)), for purposes of personal appearance to complete a questionnaire, it follows that individual cards, capsules, etc., must be prepared for each name. This imposes a new and heavy burden on a clerk's office. Assuming this procedure remains in the Bill, it is believed the purposes of it could be served with a reduced number. There were less than 2200 jurors used in New Jersey in fiscal year 1966. On the basis of a two-year life of a master wheel, (Section 1864(f)), we would require about 4400 jurors from it. It is suggested that it would be ample if the master wheel be required to contain double the number of jurors who were *summoned* for service during the previous two fiscal years, with the proviso that the wheel could be supplemented from the same source of registration lists if required. In addition, I would eliminate any minimum requirement such as 2,000, (Section 1864(b)). There are some places of holding court with their own jury boxes where a very small number of jurors are used. I would also eliminate the requirement that the master wheel contain 1% of the total number of persons *of voting age* if sources in addition to registration lists are used, as permitted in Par. (a) of this section. This would be applicable if a Jury Commissioner furnished one name. In lieu thereof, there could be a requirement that the master wheel must at all times have deposited therein at least 90% of its total from registration lists.

As indicated above, though the framers of the Bill may have had some purpose which is not clear to me, I do not see the necessity of having a master wheel into which the jury commission must place the 1% of names and from which the jury commission shall draw names for possible later qualification. I assume "jury commission" includes the Jury Commissioner. In most instances, they are civic leaders and others with some standing in the community. It seems to me that it is reducing the stature of a Jury Commissioner to a pretty low level to ask him to sit down to check off over 30,000 names, or even 15,000 if the clerk selects half, only for the purpose of preparing a list from which some qualified jurors will be found. Under present 28 USC 1864, the only "drawing" by a Jury Commissioner is from qualified jurors for the purpose of obtaining panels of grand or petit jurors for actual service. It is suggested that the similar proposal in Section 1866(c) of the Bill be the only drawing in which he is required to participate.

In lieu of the "master jury wheel", I believe it would be sufficient for the clerk to work from the registration lists—striking names in whatever random method is authorized. In lieu of any percentage figures, such as 1%, in using the lists, I suggest that he use the lists as and when required and that a percentage figure be applied to the jury pool or wheel which will contain those found to be qualified. It could be required that 90% of those shall have been obtained from the voting registration lists.

In my original comments to Chief Judge Madden, which were transmitted to Senator Ervin, I misinterpreted Section 1865(a) in connection with the appearance of each prospective juror before the clerk to complete a questionnaire. I had erroneously thought that each person in the master wheel must so appear. At the thought of 31,516 interviews, I had started checking the retirement statutes to determine my eligibility. Actually, only those drawn from the wheel must appear. However, considering the fact that we use about 2,200 jurors a year and a certain number interviewed will be found not qualified, this provision still presents a formidable task. I know that some districts have used this procedure for years; notably, the Southern District of New York. I assume that such districts have obtained the personnel to do this. I believe most of the districts which have not followed such a procedure would require additional deputy clerks. I can see some advantages of a personal interview; particularly, where the jury commission may base its acceptance of a juror on more than legal qualifications. However, if a questionnaire is to be used to determine only *legal* qualifications, as is done in New Jersey and many other districts, in most cases this can be determined from the questionnaire received by mail. It is true that the response to mail requests is less than to a summons to appear with sanctions for failure to appear. But, with over 3,000,000 registered voters, we do not expect to exhaust the supply. If the Declaration of Policy, (Section 1961), is to give all persons "the opportunity to serve", such opportunity is given when we mail a questionnaire. It is a question of balance between the possible advantages of personal interview and the time and added personnel which it requires. I would prefer that it be made optional.

Although it has no bearing on the effect of the Bill on the operation of a clerk's office, I wish to add a comment on the requirement that a prospective juror appear at the clerk's office. There is now no statutory provision for any payment to such persons where the system is in use. I see none in the proposed Bill. It is suggested that a person so summoned should be compensated with the same per diem and mileage as one summoned for jury service.

The present Title 28 USC 167 requires the clerk to prepare the summons when a juror is directed to appear for jury duty and deliver it to the U.S. Marshal for service—personally or by certified mail. I do not recall when any such service was made "personally", though it may be required in an emergency. Unless I have over-looked it in the Bill, I see no reference to the summoning of jurors for service. From personal experience, we receive reports of non-delivery, etc., from the Marshal at a time so late that it is difficult for us to anticipate what the total appearances of jurors may be, so that we may determine whether more should be summoned. It is suggested that any provision for the issuance of summons should provide that they be mailed by the clerk by certified mail; and, when required, personal service be made by the Marshal.

Another reference to the Bill which does not concern the operation of the clerk's office is the fee to be paid to a Jury Commissioner. Neither of our two Jury Commissioners reside in any of the three cities where they have performed their duties. The present $5.00 per diem has often not even covered train fare. Although the Bill has raised the per diem to $16.00, I suggest that they be placed on the same level as jurors and be allowed 10¢ per mile for travel when their duties are performed in cities in which they neither reside nor have their place of business.

Another such reference relates to the frequency of service. The present 28 USC 1869 provides that a petit juror may be *challenged* if he served within one year prior to the challenge. The proposed Section 1869(b) limits service within the two-year life of the "master jury wheel". In New Jersey, unless by accident, we do not call a juror for service if he has already served in our court. Both the Court and attorneys have expressed the opinion that repeated service by a juror often removes him from his fact-finding function and he becomes a lawyer. There would be less likelihood of having repeaters if the two year period of selection was extended—whatever method of selection is finally adopted.

In Section 104 of Title I, the Bill provides that Sections 101 and 103 become effective 120 days after enactment. In the past, it has taken a few weeks just to obtain the registration lists from our 21 counties—and many clerks will have far more counties. State clerks request time to assemble the lists; and because of the usual weight and bulk, require that they be picked up. All clerks will be required to "start from scratch". The amount of time required will vary, depending on the size of the district and whether this will be an entirely new or partially new system. It is suggested that a six month period be allowed. Depending on when the Bill is enacted, it may be possible to fix a six month period after the next General Election, thus giving clerks an opportunity to obtain the latest registration lists.

Chief Judge Madden has requested that I include the following matter in this statement to supplement comments he previously furnished to Senator Ervin.

Section 1869 relates to exclusion from jury service. In (a) (1) and (2), the only exclusion permitted is for one peremptorily challenged by law and one found to be unable to render impartial jury service or that his jury service would disrupt the proceedings. The present 28 USC 1863(b) is as follows:

> "(b) Any class or group of persons may, for the public interest, be excluded from the jury panel or excused from service as jurors by order of the district judge based on a finding that such jury service would entail undue hardship, extreme inconvenience or serious obstruction or delay in the fair and impartial administration of justice."

Over the years, we found that many jurors far removed by distance from the place of holding court did not have personal or expeditious common carrier facilities to attend. It did entail undue hardship and extreme inconvenience to such jurors. Invariably, such jurors sought and received an excuse from service. After making certain that it would not interfere with the requirement that jurors represent every economic and social group without regard to sex, race, color or religion, the Court adopted a Standing Order limiting the distance from which jurors should be summoned. Chief Judge Madden has suggested that a similar provision be incorporated in the Bill to permit a Court to take care of situations which may exist in a district or division.

Respectfully submitted.

Michael Keller, Jr.

Prepared Statement of Robert M. Stearns, Clerk, U.S. District Court for the District of Columbia, in Connection With the Hearing on July 27, 1966, on Title I, of S–3296.

The provisions of Title I of S–3296 seem to me to be basically sound.

As a practical matter I would suggest that the Act be made more flexible as to the mechanics utilized by the Jury Commission in the drawing of names by substituting "wheel" in Title I, by the definition of "wheel" as in Title II. In some Districts, the use of a "wheel", rather than a box, or list, etc., may be inefficient and impractical.

It is noted that S–3296 does not provide *when* and by *what* authority the Jury Commission is to draw names for service as jurors, nor *how* such persons so drawn shall be summoned for service. (See T. 28 USC 1867.)

In view of Section 1866(b)(1) which disqualifies a person "not a citizen of the United States", I would suggest that the word "persons" in Section 1861, line 4 be changed to "citizens".

Submitted at the request of Honorable Sam J. Ervin, Jr., Chairman of the Committee on the Judiciary, Subcommittee on Constitutional Rights.

Statement of Charles W. Cahill, Clerk, U.S. District Court for the District of Kansas

Mr. Chairman and members of the subcommittee: I am Charles W. Cahill, Clerk of the United States District Court for the District of Kansas. I have been associated with the Federal Court in Kansas since my appointment as a deputy clerk in June 1947. I was appointed Clerk of the Court in July 1959.

The reason for my appearance here today is by virtue of an invitation from your Chairman to join with Mr. Michael Keller, Clerk of the United States District Court for the District of New Jersey in presenting comments on the technical aspects of S. 3296 relating to jury selection.

My formal statement today must necessarily be brief because of the limited time afforded to me in its preparation but I will be very glad to answer any of your questions and provide whatever other information you feel will be helpful to the committee.

Kansas constitutes one judicial district. It encompasses over 82,000 square miles and is divided into 105 counties ranging in population from 2,196 to 321,269. The total population of the state, as compiled by the State Board of Agriculture from the reports of county clerks and assessors as of June 1, 1964, was 2,180,533.

The time for holding regular sessions of court at the places designated by Title 28, United States Code, Section 96; Kansas City, Leavenworth, Salina, Topeka, Hutchinson, Wichita, Dodge City and Fort Scott; has been fixed by rule of court. Court is in almost continuous session at Wichita, Kansas City and Topeka, which are the only cities in which we maintain a record office and full time staff. Sessions are held at the other five court cities only when there is sufficient business to warrant the expense. Court time at the five outlying cities averages less than a total of five weeks in any one year, and we would utilize the services of less than 200 jurors during that period.

The mechanics of jury selection in this district is a time consuming process requiring the very careful and detailed attention of the persons charged with the responsibility of filling and maintaining our jury boxes with names of qualified persons. In my years of association with this court our constant aim has been to obtain the names of prospective jurors from a variety of sources, without regard to race, color, religion, sex, national origin or economic status who are a truly representative cross section of their community. The Clerk and the Jury Commissioners operate under the direction and close supervision of the Court. There is absolutely no discrimination among jurors for any reason.

At the present time, and for the past several years, our prime source for names has been the registered voter lists maintained by the various county and city officials. We supplement this method with the so-called "key man" system, with which I am sure you are all familiar, and by the use of city directories and telephone directories.

From time to time as necessary a questionnaire together with a mimeographed sheet listing qualifications, exemptions and exclusions or excuse from jury service is transmitted to each of the persons selected from the sources indicated above. The questionnaire is supplied to us by the Administrative Office of the United States Courts. It does not request information about race, color, religion or national origin.

As each questionnaire is returned it is carefully examined to determine if it is completely filled out and signed. At that time, or soon thereafter, the Clerk, or the Jury Commissioner and the Clerk, determine solely on the basis of the information provided on the form whether the person is qualified for or exempt from jury service. If qualified, a name slip is prepared to be placed in the jury box at the appropriate time. If not qualified the questionnaire is retained in a file for future reference if necessary.

The names of qualified jurors are placed in the jury box alternately by the Clerk and the Jury Commissioner and, under the practice and procedure in this court, are also publicly drawn from the box alternately by the Clerk and the Commissioner.

In this district we maintain three jury boxes containing the names of persons to be selected for service at Wichita, Kansas City and Topeka, our principal court cities where approximately ninety-five per cent of our jury work is conducted. A separate box is maintained for the Fort Scott "division" where court is held twice yearly. Jurors serving at Salina and Dodge City, where sessions are held once yearly, are drawn from the Topeka and Wichita box respectively. The total number of names in all four boxes would probably not exceed three thousand at any one time and the total number of persons called for jury service in any year would not exceed one thousand. The boxes are refilled from time to time as necessary.

As I view the provisions of Title I of the Act it seems to me that the most serious shortcoming is its inflexibility. It just does not seem feasible or even desirable to draft detailed regulations to cover the preparation of jury lists or the manner of selecting prospective jurors throughout the United States. A system that is easily workable in the larger metropolitan districts would not be adaptable for use in the districts with widespread rural areas without working an extreme hardship and inconvenience on many of the citizens within the district. Requiring a prospective juror in this district, who at the time he is summoned is known to us only as a name on a slip of paper, to travel hundreds of miles to fill out a questionnaire as to his qualifications for jury service will only result in considerable and unnecessary inconvenience to the person summoned and a great expense to the government. If he appears and is obviously not qualified or fails to claim beforehand an exemption to which he was entitled it would mean a complete waste of time and money.

Although the personal interview system may be more desirable in some districts it is our feeling that whenever jurors names are chosen over a large rural area the only practical, economical and fair means of making use of the questionnaire is by mail. Personal interviews in a district such as ours would require additional personnel as well as suitable facilities for the prospective juror's use when filling out his questionnaire.

Since our state does not require countywide registration, it being limited at the present time to the four largest counties and certain first and second class cities, we would necessarily be required to rely on the hundreds of "such other official lists" as may be maintained by the local election officials as the principal source of names for our master jury wheels. The mechanical processes and local problems involved in the listing and preparation of these names for deposit in the various master jury wheels, as many as 16,000 minimum could be required under the provisions of the Act, would be insurmountable with our present staff.

In conclusion I would like to express my appreciation to the Committee for permitting me to give one Clerk's view on the technical aspects of Title I which could adversely affect the operation of the jury system in the federal courts.

Statement by Dale E. Ihlenfeldt, Clerk, United States District Court, Eastern District of Wisconsin, Regarding Title I, the Federal Jury Provisions, S. 3296, the Proposed Civil Rights Act of 1966

I speak only on the first portion of the Bill dealing with Federal juries and only from my experience in the Eastern District of Wisconsin. The proposed system is surprisingly similar to our present procedures. It is entirely feasible in our district and I favor its adoption. In the short time available, of the judges of our court, I have been able to discuss it only with the Chief Judge of our district, the Honorable Robert E. Tehan, and he authorized me to state that he too supports the provisions of Title I of the Bill.

I believe the most helpful assistance I can give is by indicating my interpretation of some of the provisions upon a comparatively short period of study, and commenting upon some of the mechanics of the system in the light of the experience in my district.

1. Section 1864(a) does not state in detail how the names shall be placed in the master wheel. The jury commissioner has no staff and I assume the actual work will be done by the Clerk's staff as it is now, under the direction and supervision of the jury commission. I further assume that the commissioner would not need to be present during the typing of the names but would need to be there only when the names are actually put into the master wheel.

2. We have no statutory divisions in our district and jurors are presently drawn from Milwaukee County and the three adjacent counties. Section 1864(b), together with Section 1870(c) would permit us to continue to do this. The needs of the districts will vary but generally in order to avoid unnecessary expense and unnecessary hardship to jurors they should not be summoned from a greater distance than is necessary to obtain a representative jury.

The following are some population figures with respect to our district:

1960 census figures

County	Total population	Over 21	Registered voters
Milwaukee	1,036,041	645,747	[1] 466,712
Racine	141,781	83,282	[2] 60,000
Waukesha	158,249	88,898	[3] 88,033
Ozaukee	38,441	21,684	[2] 15,000
Total	1,374,512	839,611	629,745

[1] In 1962.

[2] Estimate.

[3] June 1, 1966.

NOTE.—Total population of the eastern district of Wisconsin, 2,467,394; population over 21 in the eastern district of Wisconsin, 1,480,678.

1% of the registered voters in the four counties from which we presently draw jurors is about 6300. This is more than double the number of names we would actually need. At the present time, in order to maintain 600 or 700 qualified jurors in the jury wheel at all times, we send out about 1100 questionnaires each year, sometimes skipping a year if more names are not needed. We actually only have around 125 to 150 persons serving on our grand and petit juries each year.

I estimate typing 6300 names and addresses, while selecting them in a prescribed manner, from hundreds of precinct polling lists would take a good typist between two and three weeks solid work. I presume it is desired to have a very large number of names in the master wheel, and the work of the Clerk's staff is of course, secondary. Nevertheless, from my personal standpoint it would be very helpful if the number or percentage could be lowered to any extent.

3. With respect to Section 1864(d) we have had no difficulty in getting lists of voters from the various political units in Milwaukee County and the surrounding counties. The State courts in Milwaukee County also use the voter registration lists to obtain their jurors.

4. As to Section 1864(f) registration lists in Milwaukee are printed and available about October 1st of even numbered years. I assume the November 15th date would not prevent the Clerk's staff from preparing the names for the master wheel as soon as the lists are available. Still I wonder whether the November 15th date could not be advanced to allow greater leeway for the Clerk's staff and the jury commission to fill the master wheel.

It is our custom to impanel juries at the beginning of the calendar year, a convenient and logical time. To do this, all of the work to and including the mailing of summonses should be done two weeks before the end of the year, and it would be helpful to have the work involving the master wheel out of the way as soon as possible.

5. Section 1864(f)(1) provides that additional names shall be placed in the master wheel "as necessary". Does this mean when the wheel contains less than 1% of the voters or less than 2,000 names or when the wheel is empty or nearly empty? If it refers to the 1% limitation then perhaps Section 1864(b) should state how many names the wheel should contain instead of how many the commission "shall place" in it.

6. As to Section 1865(a), is it essential that the people appear in person to fill out the questionnaire? I am thinking of problems in the Clerk's office with respect to space available, traffic and the time of the Clerk's staff. It is no small consideration. We have had prospective jurors return completed questionnaires in self-addressed franked envelopes for many years and have had no difficulty. Couldn't the summons to fill out the questionnaire be used only when the questionnaire is not returned by mail? Another question is whether a juror's fee should be paid to persons reporting to fill out a questionnaire. You will receive a complete division of opinion if you poll the Federal Clerks around the country on this question.

7. The jury commissioner and I presently determine whether a person is qualified solely from the questionnaire as proposed in Section 1866(a).

8. Section 1866(c) specifies no minimum number of names to be contained in the qualified juror wheel. The statute now says 300. It seems to me some figure should be stated possibly in terms of a multiple of the names to be drawn rather than a specific figure. The number of names drawn to impanel a jury will vary greatly from district to district.

The statute doesn't say how often this wheel should be checked to see if the persons still qualify. It is intended that this wheel be set up anew from the master wheel at the close of each even numbered year, it would be very difficult and perhaps impossible for my staff to handle it within the prescribed November 15 to December 31 period. We presently send new questionnaires every four years to the persons whose names are in the jury wheel with the explanation that we are updating our records. Thus we clean out the names of those persons who have moved away, died, had a change in health status, etc.

9. Section 1866(c) states the jury commission shall "publicly draw" names of persons from the qualified juror wheel. Present Section 1864 provides that "names . . . shall be publicly drawn. . . ." What does this mean? Should a legal notice be published? Should notice be given to persons being held in custody or under bond pursuant to commissioners' proceedings? Should the persons having civil actions ripe for jury trial be given some notice?

The present statute does not specify that the jury commission shall draw the names. In many districts the clerk and jury commissioner draw the names together. In others, including my own district, the clerk draws the names without the commissioner being present. I make it public by doing it in the outer Clerk's office and announcing to any attorneys or other persons present what I am doing, but they are not really interested and don't pay much attention. Our two local daily newspapers have full time reporters in the building, and I seek them out and try to have them there for at least a part of the time while I am drawing the names.

10. Section 1867(d) seems to require that juror questionnaires are not to be disclosed in any way, except when a challenge is made to the array. Could provision be made that questionnaires of those jurors presently serving on a trial jury be made available to attorneys in the case? We require that these attorneys examine the questionnaires in advance in order to expedite voir dire proceedings in the courtroom. Jurors are not permitted to be questioned as to any information which appears on the questionnaires, for example, occupation, education, marital status, etc. This saves considerable time in the courtroom in the selection of the jury.

11. Present Section 1863 is apparently eliminated. In the past, upon the request of the person summoned, we have routinely excused attorneys, doctors, dentists, mothers with pre-school age children, and persons taking care of elderly relatives who are bedridden or unable to care for themselves. Requiring doctors and dentists to serve imposes hardship on their patients as well as themselves. No attorney would ever permit another attorney to sit on a jury in a case he was trying.

Excusing these people for six months does not solve the problem. The Bill seems quite strict in not permitting such persons to be excused from jury service. The exemptions do not include provision for them. There is no doubt that they can be compelled to serve, but it would be an exercise in futility. In most cases, they would be emotionally upset and far from the calm and attentive jurors desired. They further would probably say so in the courtroom, with a resulting request from the attorneys that they be excused for cause.

If it would not frustrate the intent of the Bill in some way of which I am not aware, I would include a provision similar to present Section 1863(a), "A district judge for good cause may excuse or exclude from jury service any person called as a juror."

12. The increase in jurors' fees is long overdue. I strongly support it. The present fee operates to exclude the working man who cannot support his family on that amount. In Milwaukee, we are fortunate in that many of the large companies have labor contracts by which the employer makes up the difference between jury pay and what the employee regularly receives. But this puts an unfair burden on these employers. In effect, they are subsidizing the Government in this respect.

13. The jury commissioner's pay should properly be increased as provided by the Bill, but this has not been a subject for complaint so far as we are concerned. Our commissioner considers it a privilege and honor as well as his civic duty to serve, and is proud of the trust placed upon him.

[United States District Court, District of Massachusetts]

COMMENTS ON TITLE I, S. 3296, BY RUSSELL H. PECK, CLERK

The proposed Bill appears to carry forward what I take to be the philosophy and intent of the present statute as it is followed in the District of Massachusetts. I realize of course that the Bill must try to cover problems in all the District Courts, and that inconvenience to some may be acceptable if it helps the administration of justice in the country as a whole. It seems to me, however, that S. 3296 includes several features which may be unnecessary and which would make administration of the jury system unduly troublesome.

The Bill sets forth a three-step procedure to be carried out before a citizen arrives in Court to serve as a juror. First, the name is selected at random from the voter list; second, the name may be drawn from the master jury wheel; third, the name (placed in a qualified juror wheel) may be drawn for summons to serve. The determination whether the person is qualified, by questionnaire to be filed out before the Clerk, would take place when the name is drawn from the master jury wheel.

To me it would appear more efficient, with no loss of fairness, to combine steps 1 and 2. Let the persons whose names have been randomly selected receive the questionaire and, if qualified, be added to the qualified juror wheel. The purpose of a wheel, I take it, is to insure an element of fate and fairness in selection of jurors; it is questionable if a series of two wheels is necessary to achieve this. After all, the names get into the wheels as a result of the "random selection" from the lists, carried out by two human beings in step 1. Ultimately, the aptness of the whole procedure depends on how step 1 is carried out, and an extra wheel does not seem to add anything useful.

The Bill would have jurors' names randomly selected from the list of voters. A broader base, which is used in our District, is the annual listing of residents 20 years of age and older, prepared by each city or town. Presumably, the Bill would let us continue this practice if the Judicial Council so prescribed. Perhaps the Bill might suggest the use of such listings in states where they are available.

I am troubled by the requirement that a figure representing one per centum of the registered voters in the District must be placed in the Master wheel (§ 1864(b)). In our District I estimate this would be on the order of 20,000 names. Should we broaden the base to the larger census group we now use, about 5,000 additional names would be required. My estimates are based on the 1965 State Census of Massachusetts. This would be a big project; simply to type the names and addresses of 20,000 persons will require more time and more hands than we have available at present.

Since the Master wheel is to be emptied and refilled every two years, the gathering of names would have to be a continuous process. This suggests a routine of paper work for the Jury Commission which is quite terrifying. Furthermore, 1864(f) prescribes that additional names be placed in the wheel from time to time. Must it always be kept at the one per centum figure when names are to be drawn? As noted, this would be 20,000 names in this District. Last year approximately 850 people were summoned to appear in Court for jury service here, and about 200 actually served. To set up, every other year, and maintain a pool of 20,000 persons to achieve this end seems to be of questionable merit.

The requirement that persons whose names are drawn from the Master wheel must come to the Clerk's office to fill out the form could work a hardship on the clerk, but a greater one on the summoned citizens. I like people as much as the next man, but I see many as it is; some of our jurors must travel 50 miles or more to reach this office; will they receive pay or travel costs for the trip to fill out the questionnaires? Why not let this be done by mail? There seems to be little reason for the Clerk to see them, since under 1866(b) he is limited to the information written on the form in his assessment of their eligibility to serve. It should be remembered that during much of the year the Clerk or a deputy must spend time coping with the members of the juries—answering questions about when to report, pay, attendance slips for employers, etc. To deal also, face to face, with a steady stream of prospective jurors could impose a heavy extra burden.

Respectfully submitted.

RUSSELL H. PECK,
Clerk.

July 22, 1966.

STATEMENT OF HAROLD W. ANDERSON, CLERK, UNITED STATES DISTRICT COURT WESTERN DISTRICT OF WASHINGTON, TO THE COMMITTEE ON CONSTITUTIONAL RIGHTS OF THE COMMITTEE ON THE JUDICIARY, UNITED STATES SENATE

Mr. Chairman, I am Harold W. Anderson and serve as Clerk of the U. S. District Court for the Western District of Washington, which position I have held since April 1959. I also serve as a U.S. Commissioner and am Vice-President of the Federal Court Clerks' Association. I am an attorney and have been a member of the Washington State Bar since 1928.

As requested in your invitation to me to testify before this Subcommittee, my comments are directed to the technical aspects of Title I of S. 3296, relating to jury selection and other purposes.

§1863—I believe the proposed change in compensation for the jury commissioner from $5.00 to $16.00 per day is a step in the right direction. In my District the two jury commissioners who serve in the two Divisions of our court, are and their predecessors have been prominent business or professional men. The $16.00 proposed, of course, would not be compensatory. Such compensation is not adequate unless the work of a jury commissioner is considered to be a public service. I recommend a jury commissioner be paid $25.00 per day together with mileage at 10c per mile and subsistence of $16.00 per day, when transacting official business away from his official station.

§ 1864(b)—The proposal that the jury commission place in the master wheel the names of at least 1 per centum of the total number of persons listed on the voter registration lists for the district or division, would be extremely burdensome, time consuming, expensive and unnecessary. The registered voters in the Northern Division of our court, which comprises six counties, totalled 756,272 persons in 1964. In the Southern Division of our court, which comprises 10 counties, there were 343,705 registered voters in 1964. This would mean that the jury commission would have to obtain the names and addresses of 7,562 persons in the Northern Division and 3,437 in the Southern Division. Considering the fact that in a two-year period we would only use up 900 names in the Northern Division and 650 names in the Southern Division for jury service, it is readily apparent that we would needlessly be obtaining thousands of names.

If in addition to the selection of names from the voter registration lists, it should be required that we obtain the names of 1 per centum of the total number of persons of voting age residing in the district or division according to the most recent decennial census, this would mean we would have to obtain the names and addresses of 7,638 persons in the Northern Division (based on the 1960 census of voting age persons of 763,820); in the Southern Division of our court we would have to obtain the names and addresses of 4,009 persons (based on the 1960 census of voting age persons of 400,928). In our District we obtain most of the names from the voter registration lists, however, we always obtain some names from other sources such as key men and public officials in outlying communities, together with a few names selected at random from telephone books and city directories.

I do not agree that the jury commission should place in the master wheel the names of at least 2,000 persons. This figure would certainly vary by districts throughout the country. In the Northern Division of our District, our experience has proven that 1,800 names will last on an average of three years; in the Southern Division of our District, a list of 1,300 names will also last on an average of three years. I would recommend that no minimum number be required and the following portion of the present § 1864 be retained:

"The names of grand and petit jurors shall be publicly drawn from a box containing the names of not less than three hundred qualified persons at the time of each drawing.

The jury box shall from time to time be refilled by the clerk of court, or his deputy, and a jury commissioner, appointed by the court."

This would leave it up to the discretion and the requirements of each district court.

§ 1864(f)—I fail to see the necessity of requiring the master wheel to be emptied and refilled every two years, and to do this between November 15 and December 31 of each even-numbered year. I would recommend that the portion of the existing statute, as above quoted, be retained and leave the time of refilling the box within the discretion and requirements of each district court.

§ 1865(a)—After the master jury wheel has been filled with the number of names directed by the court, I see no necessity of having the jury commissioner participate in the ministerial act of drawing the names of persons to whom jury qualification forms or questionnaires are to be sent. Nor, do I see why it is necessary to have the prospective jurors appear before the clerk and fill out the juror qualification forms. This is presently done in our court by mail. Why bother a citizen to come into the clerk's office perhaps a distance of 200 miles to fill out this form where it could just as well be done in his home and be returned by mail. I do not believe the form should elicit the race or religion of the person, both of which are certainly immaterial to his serving as a juror.

§ 1866(c)—I agree that the jury commission should place the names of persons determined to be qualified as jurors in the qualified juror wheel, however, I would recommend that the clerk maintain and have custody of the wheel. Also, to meet the requirement that the drawing of names be done publicly, I would recommend that the drawing be made in a court room in the presence of a judge and a court reporter, so that a record would be made of the number and names and addresses of the persons drawn for jury duty. The preparation of lists of the names of persons assigned to each grand and petit jury panel should be prepared by the clerk, and I would recommend that the words, "jury commission or the," be stricken from the last sentence of this subsection.

§ 1867(a)—In my opinion this subsection invites an additional defense tactic that has nothing to do in defense of the crime for which the defendant is on trial, and would be used in many cases merely for purposes of delay. Even though the jury commission had properly complied with sections 1864, 1865, and 1866, the commission would be put on trial by the defense.

§ 1867(b)—In my opinion this subsection would penalize the litigants for the possible misfeasance or malfeasance of the jury commission. I would recommend that in lieu of subsections (a) and (b) the clerk and/or the jury commissioner be held penally liable for failure to comply with sections 1864, 1865, or 1866 of this title, and upon conviction thereof, may be fined not more than $500.00 for misfeasance in office; or upon conviction of malfeasance in office, may be fined not more than $2,000.00 or imprisoned not more than six months, or both.

§ 1867(c)—Consistent with my comments as to subsections (a) and (b) of this section, I would recommend that the first sentence of subsection (c) be stricken.

§ 1867(d)—Consistent with my comments as to subsections (a) and (b) of this section, I would recommend that this subsection be changed to permit examination of records or papers only in connection with possible investigation and prosecution of the clerk and/or jury commissioner for misfeasance or malfeasance in office.

§ 1869—If a peremptory challenge is exercised against any juror in a particular case, I fail to see the necessity of requiring that challenge being noted on the juror's qualification form. In a jury term, a juror might possibly be peremptorily challenged several times. Is it contemplated that each one of these challenges be noted, and for what reason? All members of this Subcommittee who are attorneys know that no reason has to be given for a peremptory challenge. Also, any record keeping in connection with this subsection in my opinion, should be done by the clerk and not by the jury commission. The jury commissioner does not usually office in the same building as the clerk, and in many instances maintains his office a considerable distance away, and it would prove extremely burdensome upon the jury commissioner to have to come to the clerk's office on almost a daily basis.

Respectfully submitted.

HAROLD W. ANDERSON.

Statement of Gilbert C. Earl, Clerk of the U.S. District Court for the District of Connecticut, Prepared for Presentation on July 27, 1966, Before the Subcommittee on Constitutional Rights

I am pleased to be honored by your kind invitation to comment on the technical aspects of Title I of the proposed Civil Rights Act of 1966, S. 3296.

As a result of my many years of experience with the jury selection process in the United States District Court for the District of Connecticut, I am greatly encouraged to know that the Congress of the United States is considering proposed legislation to strengthen the federal laws pertaining to this vital part of our American system of justice. Many of the federal court clerks have been hopeful that the recommendations of the Judicial Conference of the United States for enactment of new laws to make the jury system more effective would meet with success in Congress.

Before directing my observations to the proposed legislation, which is the subject of this hearing, I consider it germane to the problems here involved to make a brief statement as to the difficulties encountered by federal jury commissions under present law. Faced with the lack of statutory guidelines as to an acceptable system of jury selection, and cognizant of the many directives arising out of decisions of the courts affecting jury selection generally, the federal jury commissioners are faced with an extremely difficult task in order to perform their duties and fulfill the responsibilities of their office. For example, the commisioners must operate without the aid of direct subpoena authority or investigative assistance. Furthermore, they must look to the overworked staff of the clerks' offices for assistance since they do not have any clerical assistants of their own. Any jury selection system which is adopted is highly vulnerable to challenge through legal procedures available to competent counsel; hence, it is necesary for the commissioners to perform their time-consuming function with extreme caution.

A careful examination of Title I of the proposed Civil Rights Act of 1966 leads me to the conclusion that this legislation, as drafted, has many virtues. However, I consider there are serious problems in the present draft of the proposed legislation. Should S. 3296 be enacted into law in its present form, it will require the services of a full-time jury commission, adequately staffed, in almost every district in order to make the provisions of the Act operative. In my opinion, criminal cases would move to disposition much more slowly than at present. And it would impede progress substantially in disposing of the large volume of civil litigation confronting the courts. Much of the time of the judges would be required to hear the endless motions brought on to challenge the jury selection procedures in effect, litigation instituted to compel compliance with subsection (d) of Section 1864, special proceedings brought by counsel in behalf of jurors under summons in an attempt to prove by evidentiary hearing that their service would result in an "unusually severe hardship" [Section 1869], and proceedings instituted pursuant to the provisions of the other Titles of the Act.

In the absence of certain safeguards, this proposed legislation offers momentous problems for the clerks' offices. Unless salaried jury commissioners are provided who are able to devote full time to the duties of their office, armed with the necessary clerical assistance, or unless provisions are made for a sizeable increase in the staff of the clerks' offices, the other services rendered by the latter offices will be impaired severely. It will mean that *every* non-statutory function will have to be dispensed with until sufficient relief is obtained.

For the sake of making my testimony more specific, I wish to call your attention to certain sections of Title I.

Section 1864, subsection (b), provides that "The jury commission shall place in the master wheel the names of at least 1 per centum of the total number of persons listed on the voter registration lists for the district or division . . . ." In Connecticut, we have upwards of 1,500,000 registered voters [1,347,206 on the registration lists on August 31, 1965]. This would mean that this number of people would have to be considered by the jury commission in making its random selection of names in accordance with the guidelines established by the chief judge of the district as provided in subsection (c). As a result, approximately 15,000 names, selected at random, would then be required to be placed in the master jury wheel. Before commencing the arduous task of handling this phase of the selection process, however, the jury commission would be compelled to negotiate with 169 officials of the various municipalities in order to obtain access to the voter registration lists. Incidentally, these completed lists would not be available until after election day on the even-numbered years; hence, it would be impracticable to attempt to obtain copies of such lists [or make copies thereof, if required] and thereafter complete the process of emptying and refilling the master jury wheel between November 15 and December 31 of the same year.

If this section is to remain in the proposed Act, I would strongly urge that subsection (d) be amended to provide that all State, local, and Federal officials having custody, possession, or control of voter registration lists or other appropriate records be required to certify and transmit a copy of such completed lists to the district court in that jurisdiction on or before December 15th of each even-numbered year or at such other appropriate time as may be determined. [It might be well to consider further whether or not a nominal fee should be paid to the appropriate agency or official for services rendered in performing this statutory service.] Subsection (f) could then be amended to provide for emptying and refilling the master jury wheel during the first three months of the succeeding calendar year. This should provide adequate time within which to complete the mechanical operation involved.

I propose an amendment to one part of subsection (b) of this section which reads as follows:

"(b) The jury commission shall place in the master wheel the names of at least 1 per centum of the total number of persons listed on the voter registration lists for the district or division . . . ."

My suggestion would be to reduce the minimum percentage of the total number of persons listed on the voter registration lists whose names go into the master jury wheel from 1 per centum to one-half of 1 per centum. The final number of persons available for jury duty under this arrangement should serve the needs of the courts and at that same time lessen the burden placed on the jury commission. The smaller number of names in the master jury wheel would be representative of the qualified citizenry residing in the geographical areas comprising the district or division.

Referring next to Section 1865 (Drawing of names from the master wheel), I propose that consideration be given to amending a portion of the second sentence of subsection (a) to read as follows:

"Each person whose name is drawn, . . . shall appear before the Clerk and fill out a juror qualification form to be prescribed by the Director of the Administrative Office of the United States Courts with the approval of the Judicial Conference of the United States".

You will observe that this suggestion contemplates substitution of the "Judicial Conference of the United States" for the "Attorney General". This recommendation is made on the theory that the sole authority for prescribing the juror qualification form should rest with the Judicial Branch of the Government.

In passing, I should like to make this limited comment on Section 1866 (Qualifications for jury service), as proposed. Inasmuch as the voter registration lists are to be the principal source for obtaining the names of prospective jurors, it occurs to me that consideration should be given to amending this section to require that only those persons who have become voters are qualified for jury service. Otherwise, the very system of jury selection proposed in this Act would be discriminatory against nonvoters. As you know, the Courts have held generally that any system of jury selection in effect which systematically excludes any group or class of citizens is invalid.

Turning next to Section 1867 (Challenging compliance with selection procedures), I would respectfully suggest that it be amended to require a movant to make a showing of *probable cause* by affidavit or otherwise before being entitled to present, in support of his motion to dismiss an indictment or stay his proceedings, the testimony of the jury commission. Since it is contemplated that such motions may be filed in any case, prior to the introduction of evidence at trial, there will be a large volume of matters of this nature brought on for hearing. Unless the jury commissioners are insulated to some extent against the routine motions, they will spend a substantial portion of their time on the witness stand in Court while counsel conducts a "fishing expedition" into their methods and practices of jury selection. [Needless to say, these types of motions will require a large amount of the time of the Courts to hear and decide them.] I can assure you that unless some safeguards are provided in this area the Court will never find a competent jury commissioner who will accept appointment for the allowable compensation of $16.00 per day.

Lastly, I wish to call attention to a practical problem which will result if Section 1869 (Exclusion from jury service) is enacted in its present form. Since old Section 1863 (Exclusion or excuse from service) is to be repealed, the Court is left with very little discretion to excuse a juror for good cause shown. The judges will be engaged for hours on many Court days adjudicating claims of jurors demanding that they be excused on the ground of "unusually severe hardship". It seems to me that in many instances the Court will be required to take evidence and make findings before deciding whether the prospective juror has met the statutory test. Questions such as these will be presented:

(1) Should a doctor be excused from jury duty unless it is demonstrated affirmatively that his absence will work an unusually severe hardship on his patients?

(2) Should a school teacher be excused from jury duty unless a showing is made that her absence from the schoolroom will work an unusually severe hardship on her pupils?

(3) Should a lawyer be excused from jury duty unless a showing is made that his inability to meet his Court assignments will result in an unusually severe hardship on his clients and the Courts involved?

(4) Should a mother of small children be excused from jury duty unless it is demonstrated affirmatively that her absence from home would result in an unusually severe hardship upon the children?

(5) Should a clergyman be excused from jury duty unless it is demonstrated affirmatively that his absence would result in an unusually severe hardship on the members of his parish?

(6) Should a mortician with a one-man establishment be excused from jury duty upon the showing that he does not have anyone to substitute for him in his absence and that it would work an unusually severe hardship on the families of the deceased?

(7) Should an owner of a one-man business be excused from jury duty on the ground of unusually severe hardship unless he demonstrates affirmatively that the closing of his business establishment will result in his financial ruin?

In view of these practical problems, I would recommend that Section 1869 be amended to give the Court discretion to excuse a juror for good cause rather than upon a showing of unusually severe hardship.

Respectfully submitted.

GILBERT EARL.

U.S. DISTRICT COURT,
DISTRICT OF KANSAS,
Kansas City, Kans., July 21, 1966.

Hon. SAM J. ERVIN, JR.,
Chairman, Subcommittee on Constitutional Rights, Committee on the Judiciary, U.S. Senate, Washington, D.C.

DEAR SENATOR ERVIN: Your letter of July 1 came to my chambers while I was attending the Judicial Conference of the Tenth Circuit followed by a sentencing institute held at Denver. Hence the delayed response.

In the District of Kansas we follow generally the methods of jury selection recommended by the Committee on the Operation of the Jury System approved by the Judicial Conference of the United States in September, 1960. The names of approximately one-half of the veniremen are submitted by key men, carefully selected so as to represent a cross section of our citizenry. Some are labor union officials, some are businessmen, and all are persons of standing in their communities. At least half of the veniremen are chosen by use of templates applied to voter registrtaion lists in use in the counties or cities of the district.

Our clerk mails to each person so selected a questionnaire in the form enclosed, and the clerk and commissioner then eliminate those who cannot be found by the Post Office Department. The returned questionnaires are examined by the clerk or by the commissioner and clerk, who reject those whose answers disclose statutory disqualification. The remaining names are placed in the jury boxes in accordance with the provisions of 28 U.S.C.A. § 1864. When a panel is required for a jury session, the clerk and commissioner alternately draw the required number of names from the box. There is absolutely no discrimination among jurors for any reason.

Lacking personal knowledge of the conditions which have prompted the introduction of S. 2396, I cannot criticize the motives of its authors. It may be that legislation of some sort is necessary to correct improper practices in some parts of the federal judicial system, but I feel that it should be possible to achieve the desired result without the drastic changes proposed. While practices required by Title I of the bill might work well in a densely populated area, the enactment of Title I in its present form would create many problems in this and similar districts.

The District of Kansas is territorially large, with no established divisions. Most of the jury work is in the three principal cities—Wichita, Kansas City and Topeka. Court sessions are held twice yearly in Fort Scott; once yearly in Dodge City and in Salina, in both of which we use state court facilities; and occasionally in Leavenworth. Leavenworth is near Kansas City and would lie within the same "division" as Kansas City.

Dodge City and Salina are widely separated from each other and from other court cities. In no instance that I can recall have we summoned more than 50 jurors to serve at either of these cities. Section 1864(b) would require the placing in each "division" jury wheel the names of at least 2,000 persons, of whom only 100 are likely to be called within the 2-year period before the wheel is emptied and refilled.

I submit these general observations:

1. It is likely that citizens who now regard jury service as a duty akin to service in the armed forces in time of war would resent the compulsory features of § 1865(a).

2. Defendants in criminal cases, already inclined to employ dilatory tactics, are apt to abuse the rights granted by § 1867 by filing groundless motions. Parties in civil cases, seeking delay, will in some cases act similarly.

3. The clerk's office, already overburdened in our district, will either require additional deputies, or will be compelled to neglect other important duties.

4. The withdrawal of the right to exclude classes or groups, and the requirement that unusually severe hardship be shown for excuse will deprive the public of the services of physicians, nurses, pharmacists and teachers already in short supply.

5. If jury service is a right, as well as a duty, it appears that the purpose of Title I

could be achieved by enforcement of 18 U.S.C.A. §§ 241, 242 and 243.

I have had insufficient time to study the bill thoroughly, and my observations are therefore of less value and less clearly stated than I would wish. It is regrettable that the bill cannot be referred to the Judicial Conference of the United States so that its provisions could receive the deliberate consideration they deserve.

You have my permission to make all or any portion of this letter a part of the record of the hearing on the bill.

Sincerely yours

ARTHUR J. STANLEY, Jr.

[A O Form 178 (8-60)]

QUESTIONNAIRE AS TO QUALIFICATION FOR JURY SERVICE

1. Name (Please print) ________________
2. Home address (Street, city, zone, State)
3. Telephone:
   Business ________________
   Residence ________________
4. How long have you resided there?
   Years ________________
   In this State?________________
5. Married or single?
   Age ________________
   Sex ________________
6. Place of birth ________________
7. Are you a citizen of the United States
8. Can you read, write, speak, and understand the English language? ________
9. If naturalized, state when and where
10. What education have you had? ______
11. Are you employed at present? ________
    Occupation ________________
12. Nature of business? ________________
13. Employer's name ________________
14. Business address ________________
15. (a) If you are married, give occupation of wife or husband ________________
    (b) If you are a married woman, give occupation before marriage ________________
    (c) If you are retired, or not working, give last occupation ________________
16. Have you ever been convicted of a crime? ________________
    If so, state date, court and crime ________
17. Have you ever served as a juror? ______
    If so, in what Court and when ________
18. Have you any disability impairing your capacity to serve as a juror, including impaired eyesight or hearing? ________________
    If so, state its nature and extent.
19. Do you know any reason why you cannot serve as a juror? ________________
    If so state reason fully under remarks.
    Remarks: ________________

I certify that the foregoing statements are true to the best of my knowledge and belief.

Date: __________ ________________

Signature

MEMORANDUM FROM U.S. DISTRICT COURT FOR THE DISTRICT OF KANSAS

From: Charles W. Cahill, Clerk.

To: Prospective Jurors.

Subject: Jury Questionnaire.

This is not a summons directing you to report for jury service.

In connection with the processing of your name prior to its being placed in our jury box, we must elicit from you additional information which you will give by completing the questionnaire on the back of this memorandum.

This does not mean that you are now being called for jury service but only that your name, together with hundreds of other names, is being placed in the jury box from which names are drawn, by lot, when juries are required by the judges of this court.

Such jury service, if eventually required, will be in the United States Courthouse at Kansas City, Kansas. You will receive advance notice as to when to report and will be entitled to a jury fee of $10.00 for each day of attendance and a mileage fee as provided by law. If you are required to remain away from your home city overnight you will receive an additional $10.00 per day subsistence allowance.

Our jury sessions are generally of short duration, thus not imposing undue burden by reason of your having to be away from home for an extended period of time. Most persons who serve find the experience a pleasant and interesting one.

This matter must be given your immediate attention in order that the information needed in connection with the selection of jurors will be available to the Court. If you have any reason or excuse why you cannot serve, you should so state on the questionnaire.

An envelope which requires no postage is enclosed for your convenience in returning the questionnaire.

Please accept our thanks in advance for your prompt cooperation.

If you have a recurring annual problem which makes it inconvenient for you to serve in any one month, you may so indicate by circling that month. Consideration will not be given if more than two (2) months are circled.

Sept. Oct. Nov. Dec. Jan. Feb. Mar.
Apr. May June

U.S. DISTRICT COURT, OFFICE OF THE CLERK, DISTRICT OF KANSAS

Letter to Key Men:

The right to a trial by jury is one of our most cherished democratic traditions. However, this right can be a meaningful one only if jurors are capable and impartial and are selected without regard to race, color, creed, politics or station in life. The Judges of the United States District Court for the District of Kansas have charged us with the duty of getting jurors of this kind. Because such jurors should represent all walks of life and points of view, we need the help of conscientious and well-informed citizens in properly discharging this obligation. That is why we are calling on you to suggest the names of men and women in your community who, in your judgment, would make qualified jurors.

The enclosed mimeographed sheet which outlines the statutory qualifications and also the exemptions and exclusions from jury service in the Federal Court should be considered by you in making your suggestions.

In addition to the statutory qualifications, a prospective juror should be esteemed in his community as a person of good character, approved integrity, sound judgment and fair education. In determining "esteem", please keep in mind that this does not require wide public recognition or high place. Integrity, intelligence, sound judgment, a sense of responsibility—in short, all those qualities of a first-class citizen which cause a man to be esteemed by his fellows—are to be found among the unheralded just as often as among the prominent.

It is because we feel that you are in a position to know citizens who measure up to all of these standards that we are calling on you. For your convenience, we are enclosing a sheet on which to list your candidates. In making up this list, we ask that you make a conscious effort to include both men and women from a variety of backgrounds and occupations so as to give us, as nearly as possible, a representative cross-section of your community. Please list up to ten names on this sheet, sign it, and return it in the enclosed envelope which requires no postage. Naturally, your suggestions will be kept in strictest confidence by us. Although we do not want to act hastily in the important task of making up your list, we ask that you return it promptly.

Believe us, your help is urgently needed. Your only reward will be the knowledge that you have made an important contribution to the better functioning of a vital democratic institution. We are sure that for you this will be reward enough.

Sincerely yours,

______ ______,
Jury Commissioner.
CHARLES W. CAHILL,
Clerk, U.S. District Court.

U.S. DISTRICT COURT FOR THE DISTRICT OF KANSAS

QUALIFICATIONS

Any citizen of the United States who has attained the age of 21 years, and who has resided for a period of 1 year within the judicial district, is competent to serve as a grand or petit juror unless:

1. He has been convicted in a state or federal court of record of a crime punishable by imprisonment for more than one year and his civil rights have not been restored by pardon or amnesty.
2. He is unable to read, write, speak and understand the English language.
3. He is incapable, by reason of mental or physical infirmities, to render efficient jury service.

EXEMPTIONS

The following persons shall be exempt from jury service:

1a. Members in active service in the Armed Forces of the United States.

2a. Members of the Fire and Police Departments of any State, District, Territory, Possession or subdivision thereof.

3a. Public officers in the executive, legislative or judicial branches of the government of the United States, or any State, District, Territory, Possession or subdivision thereof, who are actively engaged in the performance of official duties.

EXCLUSION OR EXCUSE FROM SERVICE

1b. A district judge, for good cause, may excuse or exclude from jury service any person called as a juror.

2b. Any class or group of persons may, for the public interest, be excluded from the jury panel or excused from service as jurors by order of the district judge, based on a finding that such jury service would entail undue hardship, extreme inconvenience, or serious obstruction or delay in the fair and impartial administration of justice.

Attorneys at law, Physicians, Surgeons, Registered Pharmacists, Ministers of the Gospel, Licensed Embalmers and Funeral Directors, when actively engaged in the practice of their profession.

3b. No citizen shall be excluded from service as a grand or petit juror in any court of the United States on account of race or color.

U.S. DISTRICT COURT, NORTHERN DISTRICT OF OKLAHOMA,
Tulsa, Okla., July 18, 1966.

The Honorable SAM J. ERVIN, JR.,
Chairman, Subcommittee, Committee on the Judiciary, Senate Office Building, Washington, D.C.

DEAR SENATOR ERVIN: Thank you for your letter of July 1, 1966, wherein you offer me the opportunity of commenting on the jury system in Federal courts today, and comments as to the proposed S. 3296. I enjoyed your remarks made on June 6, 1966, and your suggestions show thoughtful reflection over the possible changes.

Briefly, the following is a description of the process we use for the selection of jurors in the Northern District of Oklahoma.

In preparing the jury box for this district (we us only one box), we first ascertain the population of each county, and solicit names on a pro rata basis from the churches, civic organizations, postmasters, lodges, union organizations, womens clubs, bar associations, etc. We ask each to furnish the names of a given number of persons whom they think qualified to serve as jurors, without making any distinction as to race, creed or color. We usually solicit about 5000 names each three or four years when the box is refilled.

After the lists have been furnished by the various organizations, a statement of qualifications is mailed to each person with a questionnaire to be returned within a given time. When the questionnaires have been returned the Jury Commission, consisting of the Clerk and the Jury Commissioner (who are of opposite political parties), check them for valid excuses and determine the names to be placed in the jury box. A master list is then made and the names, which have been placed on 2 x 3 cards showing name, address and occupation, are placed in the box alternately by the Clerk and the Commissioner.

When the box has been completed and the Court orders a jury, the Clerk draws the names from the box. The names are listed and individual summons prepared and delivered to the United States Marshal, who serves them by certified mail.

We enclose a copy of the statement of qualifications and the questionnaire.

I personally think that the jury system that we have today is more than adequate, is fair, and insures able citizens serving on the jury to arrive at true decisions in cases they hear. I think the proposed law has many dangers and complications of administration that create unfair possibilities. The citizens in my district are very proud of our Federal juries, and I can state to you, as a Judge of this Court, I too am proud of the caliber of the citizens. I would personally prefer leaving the system as it is than to gamble with unknown changes and their resulting effects.

Sincerely,

ALLEN E. BARROW,
U.S. District Judge.

U.S. DISTRICT COURT, NORTHERN DISTRICT OF OKLAHOMA, CLERK'S OFFICE,
Tulsa, Okla.

Please answer fully the questions on the attached questionnaire so the Jury Commissioner may determine whether you are qualified to serve as a juror in the United States District Court for the Northern District of Oklahoma. Sign your name and return it within five days in the enclosed envelope which requires no postage. The qualifications and exemptions are as follows:

QUALIFICATIONS

Any citizen who has attained the age of 21 years and resides within the judicial district is competent to serve as a grand or petit juror unless:

(1) He or she has been convicted in a state or federal court of record of a crime punishable by imprisonment for more than one year and his or her civil rights have not been restored by pardon or amnesty.

(2) He or she is unable to read, write, speak and understand the English language.

(3) He or she is incapable, by reason of mental or physical infirmities to render efficient jury service.

EXEMPTIONS

The following persons shall be exempt from jury service:

(1) Members in active service in the armed forces of the United States.

(2) Members of the Fire or Police departments of any State, district, territory, possession or subdivision thereof.

(3) Public officers in the executive, legislative or judicial branches of the government of the United States, or any State, District, Territory, or Possession or subdivision thereof who are actively engaged in the performance of official duties.

By order of the court.

NOBLE C. HOOD, *Clerk.*
L. W. GRANT, Jr.,
Jury Commissioner.

U.S. DISTRICT COURT,
SOUTHERN DISTRICT OF CALIFORNIA,
Los Angeles, Calif., July 19, 1966.

Senator SAM J. ERVIN, Jr.,
Chairman, Committee on the Judiciary, Subcommittee on Constitutional Rights, U.S. Senate, Washington, D.C.

DEAR SENATOR ERVIN: Judge William M. Byrne has turned your letter of July 1, 1966, over to me as I became Chief Judge of the U.S. District Court, Southern Division of California, on July 1, 1966.

Replying to your request for a short statement describing the jury selection machinery as it actually operates in my district: there are three jury commissioners for the Southern District of California who work part-time. Jurors' names are obtained from the jury commissioner, telephone books, other jurors, and jurors having previous service. Questionnaires are then sent to those individuals before their names are placed in the wheel. An interview is not given to test the qualifications of a juror but he is qualified from the questionnaire. (See enclosed). Each questionnaire is considered and judged solely upon its individual merits.

After a juror has been qualified, his name is put into the wheel by the jury commissioner and the clerk of the court or one of his deputies (28 USC § 1864). By Order of the Chief Judge, names are publicly drawn from the wheel and summonses issued to appear for service (28 USC § 1864, § 1867). After the juror is impaneled he serves intermittently for a six month session of the court and then is excused.

Records are kept as to the number of names in the jury wheel, names drawn from the jury wheel, names of those who appear for impanelment, names of those who are excused from duty and names of those who actually serve. We do not compile statistical information on the jury selection process.

I would like to make the following comment concerning the desirability of the proposed jury legislation: I do not believe the contemplated legislation is desirable and agree wholeheartedly with your opening statement to the Senate Judiciary Committee. Under our present system of selecting jurors, there has never been a challenge which has shown any evidence of discrimination.

Sincerely yours,

THURMOND CLARKE,
Chief, U.S. District Judge.

U.S. DISTRICT COURT, SOUTHERN DISTRICT OF CALIFORNIA—QUESTIONNAIRE OF PROSPECTIVE JUROR

Name ------------------------------

Residence Address ------------------------------

Citizen of U.S.A.? ------------------------------

Date of Birth ------------------------------

Business or occupation ------------------------------

(If housewife, or retired, so state. If retired, state former business.)

If housewife, state business experience you have had.

If you are engaged in a business of a character that great hardship might result if you are summoned for jury duty, please state reasons fully:

If you have ever served as a juror, give approximate date of your last service, and in what court it was.

How long have you resided in Southern California? ------------------------------

Do you read, write, speak and understand English? ------------------------------

Do you have good hearing? ------------------------------

Do you have good eyesight? (Either natural or corrected) ------------------------------

Can you climb stairs? (Between courtroom and jury room) ------------------------------

Do you have any physical impairment or health problem which would interfere with jury service or cause you to ask to be excused? If so, state it now. Attach Doctor's letter if illness is claimed.

If ever convicted of a crime, state what ------------------------------

If you intend to claim exemption or to ask to be excused from jury service, state fully on what ground.

I hereby certify that the answers to the foregoing questions are true and correct.

(Signature)

Dated ----------

It is important that you answer all questions and return this questionnaire promptly. The enclosed return envelope needs no postage. If your answers indicate that you should be excused because of illness or personal hardship, your name may be dropped from the list of prospective jurors.

QUALIFICATION OF FEDERAL JURORS OF U.S. DISTRICT COURT, SOUTHERN DISTRICT OF CALIFORNIA

28 U.S. Code, Section 1861: "Any citizen of the United States who has attained the age of twenty-one years and who has resided for a period of one year within the judicial district, is competent to serve as a grand or petit juror unless:

"(1) He has been convicted in a State or Federal court of record of a crime punishable by imprisonment for more than one year and his civil rights have not been restored by pardon or amnesty.

"(2) He is unable to read, write, speak, and understand the English language.

"(3) He is incapable by reason of mental or physical infirmities to render efficient jury service."

EXEMPTIONS

28 U.S. Code, Section 1862: "The following persons shall be exempt from jury service:

"(1) Members in active service in the armed forces of the United States.

"(2) Members of the Fire or Police Departments of any State, District, Territory, Possession or subdivision thereof.

"(3) Public Officers in the executive, legislative or judicial branches of the government of the United States, or any State, District, Territory, or Possession or subdivision thereof who are actively engaged in the performance of Official duties."

EXCLUDED GROUPS

By order of Court, under 28 United States Code, Section 1863, the following classes or groups are excluded from the jury panel, except that an individual member of any of said classes or groups who does not object to service may be placed on the jury panel if otherwise qualified.

(1) Attorneys at Law;

(2) Ministers of the gospel, priests of any denomination following their profession, and members, lay or clerical, of religious orders;

(3) Teachers or students in a university, college, academy, or school;

(4) Practicing physicians, practicing surgeons, practicing licensed dentists, practicing chiropodists, practicing registered optometrists, and druggists actually engaged in the business of dispensing medicines;

(5) Officials or employees of a public body such as Irrigation District, Public Utility District, and publicly operated businesses

such as the Department of Water and Power of a city operating its own water or power system;

(6) Women taking care of young children;

(7) Persons residing more than 40 miles from the place of holding court.

U.S. District Court,
Northern District of Iowa,
Cedar Rapids, Iowa, July 20, 1966.

The Honorable Sam J. Ervin, Jr.,
Chairman, Committee on the Judiciary, U.S. Senate, Washington, D.C.

Dear Senator Ervin: This will acknowledge receipt of your letter dated July 1, 1966, regarding jury selection procedure in our district. Pursuant thereto, I enclose the following, prepared by our Clerk of Court:

1. Analysis of S. 2396, Title I, and its effect on the jury selection system in the Northern District of Iowa, if passed.

2. The Jury System of the United States District Court, Northern District of Iowa, with Exhibits A, B and C attached thereto.

At the present time, the Clerk advises me that he does not prepare annual reports containing statistical information on the jury selection process.

I trust this information may be of some assistance, and you have my permission to include the same as a part of the record of the hearings on this legislation.

With kind personal regards, I am,

Sincerely,

Edward J. McManus.

Analysis of S. 3296, Title I, and Its Effect on the Jury Selection System in the Northern District of Iowa if Passed

The present method of selecting petit and grand juries in the Northern District of Iowa is very satisfactory. Both the Chief Judge, Edward J. McManus and Judge William C. Hanson have expressed approval of the method and of the quality of jurors. By observation the juries for the Federal Court in the Northern District of Iowa appear to be of a high caliber and no change should be necessary at this time.

Should S. 3296, Title I, become law we would have no objections to Sections 1861, 1862, 1863, 1866, 1867, 1868, 1869, 1870 or Section 102(a) and (b) or Section 103(a) or Section 104. However, Sections 1864 and 1865 would change considerably our present method of jury selection and would present some problem for the Northern District of Iowa.

Section 1864 would require that the names for possible jury service be selected at random from voter registration lists, supplemented if necessary by other methods prescribed by the judicial council. In addition, Section 1864 would provide that in no event should the master wheel contain fewer than 2000 names of persons for possible jury service. It is our feeling that voter registration lists would not provide the quality of juries that the key men system presently used in this district is now furnishing for our trials. Placing of a minimum of 2000 names in a master wheel would create some difficulty in the Northern District of Iowa because at the present time we draw our juries in compliance with proposed Section 1864, which calls for a minimum of not less than 300 qualified names of persons to be placed in the jury wheel for each jury panel to be drawn. We think 2000 names for each court point is excessive. (We have petit jurors to draw for six court points plus at least two grand juries and at 2000 names per panel, this would amount to at least 16,000 names.)

In proposed Section 1865, names would be drawn from the master wheel and the persons drawn would be summoned to appear at the Clerk's office to fill out a questionnaire and from those persons qualified, juries would be selected. We feel that by receiving the names from key men in the Northern District and mailing questionnaires the same result can be maintained with a minimum amount of office work and expense to both the prospective juror and the Administrative Office of the United States Courts.

In conclusion it would be our recommendation that the present method of selecting juries be continued or that each district be allowed to establish its own method following guide lines similar to those set out in the present Rules of Federal Procedure.

Chambers, U.S. District Judge,
Northern District of Florida,
Tallahassee, Fla., July 20, 1966.

Hon. Sam J. Ervin, Jr.,
Chairman, Subcommittee on Constitutional Rights, Committee on the Judiciary, Senate Office Building, Washington, D.C.

Dear Senator Ervin: This is in response to your letter of July 1 requesting a short statement describing the jury selection machinery as it actually operates in this district. Since this district has four places of holding court Jury Commissioners are appointed for each of the four divisions. Each division has a geographical area of about 50 miles in diameter, and encompasses several counties around the places of holding court, i.e., Pensacola, Marianna, Tallahassee and Gainesville.

I have sought the services of the best qualified people to undertake this serious responsibility. Since the position can scarcely be dubbed remunerative this can only be done by appeal to civic responsibility. The response, in my judgment, has been wholly commendable, for the Jury Commissioners have each tried to render their service conscientiously and in accordance with the spirit and letter of the law. I know that many of them have spent many, many hours of dedicated service in investigation and consideration of prospectvie jurors, in an attempt to have a body of jurors who are truly representative of the entire community and who would make conscientious triers of fact.

The Jury Commissioner is given absolute authority to determine the names of the jurors placed in the box. In each instance this is done after considerable consultation with a number of individuals and groups representing all segments of the community, all areas, all religious denominations, races, and all national and economic backgrounds. Names are likewise removed from the box by the same standard. For example, if a man is convicted of embezzlement in state court the Jury Commissioner removes his name from the box.

If information comes to the Jury Commissioner that a juror has lost his hearing or is otherwise so physically impaired or infirm that jury service is impossible or improbable, his name is removed from the box. The Jury Commissioner, together with the Clerk of the Court, or one of the Deputy Clerks, actually draw the names upon written order of the Court of as many jurors for grand jury service or petit jury service as the Court orders. The first names drawn are issued summons.

Unfortunately, a great many people immediately write the Clerk of the Court asking to be excused for a multitude of reasons. Frequently we have to issue summons for nearly twice as many as ultimately report for duty. All the activities of the Jury Commissioner and the Clerk are subject to public inspection. As far as I know, there has never been a suggestion of impropriety in the selection of jurors in this district, nor have I heard any expressions of lack of confidence in the jury selection as it now operates here. (This, of course, excludes the lawyer who loses the case, and invariably I note even he recovers to try his fortune another day with another jury with complete aplomb.)

Certainly, there are things which might be done to improve our jury selection system. Notably, it is quite difficult to obtain information about one's previous criminal record. There is no central information bureau on the point, state or federal, short of the Federal Bureau of Investigation's fingerprint sheets which are ordinarily not accessible. In this connection I note that State Supervisors of Registration frequently call on the federal Court for names of persons who have lost their civil rights through conviction of felonious crime and this also poses a very difficult task.

Even though the District Court records clearly show conviction, it must also be ascertained if appeal is pending, or if the individual were pardoned, before anyone could with assurance remove his name from the voting list—or the jury list for this reason. As a result there are undoubtedly many persons on state voting lists who have lost their federal civil rights and should not therefore be automatically placed in the federal jury box.

It is my personal view that the jury system would not be improved—indeed, it would be impaired by any automatic inclusion of every registered voter or every adult resident as a prospective juror. Perhaps there are isolated instances where the selection process has operated to exclude segments of the qualified population, and this, of course, should not be the case. There has been a most conscientious and successful effort, I think, in eliminating any appearance or vestige of discrimination of persons due to race, nationality, creed or religion.

Also in our federal courts there has been a significant increase in the percentage of women jurors. This poses a very difficult task for the Jury Commissioners for they find—and the Court ultimately finds—that a relatively small percentage of women called for duty serve. Most of them ask to be excused and, in my experience, most of their reasons are well-founded. There is, accordingly, an enormous inefficiency in calling dozens of women to court only to excuse them and start all over again. The Jury Commissioners here have tried to ascertain from the individual women the reasonable likelihood of their ability to serve if called before placing their names in the box. By appeal to their sense of duty many respond and we have found these highly competent and reliable.

This kind of exercise of judgment by our Commissioners is, I believe, not only proper but commendable, and I would not think a blanket draft from the census or voting lists would improve the administration of justice in any way. Perhaps we do need a cleaner, more specific guideline for Commissioners but I would not think there is any real substitute for conscientious exercise of judgment in designating jurors.

The only forms we use here which might be considered responsive to your request are enclosed.

I would be quite content to leave to your judgment whether my comments here be made a part of the record.

Respectfully,

G. Harrold Carswell,
Chief Judge.

U.S. District Court,
Northern District of Florida.

Important Notice to Jurors

The following qualify you for jury service:

1. Citizen of the United States.
2. Twenty-one years of age.
3. Resident of the Northern District of Florida for one year last past.

The following disqualify you for jury service:

1. Conviction of a criminal offense punishable by imprisonment for more than one year and not restored to civil rights.
2. Inability to read, write, speak, or understand the English language.

3. Incapability by reason of mental or physical infirmities to render efficient jury service.

The following exempt you from jury service:

1. Member in active service in the Armed Forces of the United States.

2. Member of any police or fire department.

3. Public officer in the executive, legislative or judicial branches of the Government of the United States, or State of Florida, who is actively engaged in the performance of official duties.

The following may be considered grounds for excuse:

1. Illness, or the illness of a member of your family which requires your presence.

2. Operation of a business which must be closed, or which would be seriously impaired by your service.

If you are disqualified, or wish to claim exemption, or have any excuse whatever to offer why you should not comply with your jury summons, you should communicate immediately by letter or telephone with Hon. G. Harrold Carswell, U.S. district judge, Tallahassee, Florida, or you will forfeit your right to compensation.

TUPELO, MISS., *July 20, 1966.*

Hon. SAM J. ERVIN, JR.,
Chairman, Subcommittee on Constitutional Rights, U.S. Senate, Washington, D.C.

DEAR SENATOR ERVIN: I have delayed responding to your invitation of July 1, 1966, to express my views with respect to S. 3296 until I could give reasonably mature consideration to its proposals and the impact such changes would have. I shall at this time deal only with Title I of this proposed law which deals with the jury system for federal courts.

The jury system in my District Court for the Northern District of Mississippi operates, as I believe, on a fair and non-discriminatory basis. Not one time has any challenge been made to any panel or array or to the composition of any grand jury in my more than eight years on this bench. The only challenges of any kind have been those which are usual in the selection of a trial jury—for cause (or favor) and pre-emptorily within authorized limits.

We regularly have on our grand and petit juries a fair representation of sexes, races, religions and economic strata. It is not unusual to have on a particular jury, for example, male and female Negroes and whites ranging in employment from common laborers to industrial managerial or executive personnel. Although I do not consider it generally relevant, we usually also have representation for most (probably all) religious denominations.

When I came to this bench, I soon revised the system for selecting prospective jurors. (The system which had been in use is immaterial here.) I will briefly outline our system.

My Clerk of Courts is a Democrat, and, of course, under present law is in effect the chief jury commissioner. There are four statutory divisions in this district. I appoint a Republican jury commissioner for each of those divisions and I have a jury wheel or box for each division, into which only names from each of the counties in a division are placed. I have a fifth jury wheel or box for the entire district, into which names from all the counties of the entire district (all four divisions) are placed. The division wheels are for petit jury purposes for each division. Trial jurors for a trial calendar in a division are drawn only from the jury wheel for that division. Names for grand jury service are drawn only from the fifth (grand jury) wheel without regard to where a grand jury may be organized or where it may be expected to be in session during its life (which is one year).

Each division jury commissioner and the Clerk alternately place names into the division jury wheel. And, all four division commissioners each place names alternately with the Clerk into the fifth (grand jury) wheel.

For a division trial calendar (term) and for organization of a grand jury, the Clerk publicly draws from the appropriate wheel the number of names ordered to be drawn and certifies the list as so drawn for the particular purpose.

At the organization of petit (trial) juries, names are drawn (from those certified) by lot in open court by the Marshal from a courtroom wheel. The same procedure is followed at the organization of a grand jury.

The names to go into each of the wheels are selected by the Clerk and the commissioners in various ways. Each of them has developed sources which they consider reliable. Each of them make personal visits throughout the territory. Typical of sources are voting lists, directories, ministers, schoolteachers, postmasters (especially in small towns and sparsely settled areas), political friends, merchants (especially rural merchants), traveling salesmen, insurance salesmen, and, rarely, public officials. The Clerk and commissioners do their best to leave off the old, the sick, the mentally incompetent, and those who have been convicted of disqualifying crimes. They also try to avoid those who can claim exemption. (Section 1862, Title 28, U.S.C.). And, no one is called for service the second time in any one year. (Section 1869, Title 28, U.S.C.) In fact, to my knowledge, no one has yet been called to serve twice in my court.

Jury boxes are periodically emptied (about once every two years) and new names placed therein.

I do not believe any new law is needed for a proper operation of the jury system in federal court. My only complaint with respect to present jury laws is that compensation for jury commissioners is woefully inadequate. (Section 1864, Title 28, U.S.C.) And, specific statutory authorization for mileage and subsistence is lacking. In spite of this, my jury commissioners have rendered competent, effective service as a matter of public service.

S. 3296—TITLE I

Generally I do not favor this proposed legislation at this time for two principal reasons. First: I see no need for it. Present law with the minor changes which I have suggested (adequate compensation and expenses for jury commissioners) is adequate. Second: The judiciary should be given an opportunity to study these proposals and make appropriate recommendations through Circuit conferences and the Judicial Conference of the United States. They should be the best informed people in this area since they must work with the problems of jury selection regularly. Thus, they should, as I feel, be consulted.

Some specific objections to the bill in its present form follow. References are to section numbers as they appear in the bill.

1861. No court anywhere in the country will ever be able to give every person in its geographical territory an "opportunity" to serve. (Even using the 1% of voters prescribed by 1864(b) to be placed in the master wheel would require at least 100 years to get all such names, from an unchanging list, into the box. No one can envision that all whose names go into the box will ever be drawn or used.)

Thus this statement of policy fixes a goal which is patently unattainable. This section would, I feel, invite needless litigation by malcontents.

1862. A simple amendment to present section 1863(c) would accomplish what is intended here.

1863. I have no criticism of this, except that it makes no change to present law other than to increase the per diem for a jury commissioner. The increase should be to $25 a day and there should be specific statutory authorization to pay travel and subsistence expense. (There are 37 counties in my district, more in other districts. To be effective the jury commissioner must personally go to each part of his territory. Under this proposal only *one* commissioner is required for a district.)

1864. This would make the only source of jurors be voter lists. Many people never register (especially women) and some of them could make good jurors. Random selection would bring in the old and decrepit, the lame, the halt, the sick, the mentally incompetent, the disqualified convict, the anarchist, the deaf, the blind, and many who should be exempt, e.g., a state governor, a judge, a senator, a policeman, a fireman, a physician (the only one in a given area) and many others who should not be considered for jury service.

Moreover, the apparent search for uniform procedures would be frustrated by giving the Circuit Council authority to authorize a source of names other than voter lists.

If voter lists are to be the only source of names and if a fixed percentage of those on the voter lists are to be picked at random, then a jury commissioner is not needed. The Clerk could do it all by mechanical or court prescribed method.

1865. Public drawing of names is now by the Clerk. This section would have it done by the jury commission. There is no real objection except the added inconvenience and expense of attendance and participation of at least one jury commissioner.

(As I now get names for and draw for grand jury purposes, four jury commissioners would be required.)

This section would also require those drawn to be summoned by the commission. This should continue to be a function of the Clerk and Marshal.

Moreover, no provision for sickness or inability of a jury commissioner to attend is made. Would this prevent drawing names?

In this district a questionnaire goes to a prospective juror with his summons and he is required to fill it out and return it at once. If he appears disqualified or entitled to be excused, the Clerk notifies him not to come. Thus, no expense is incurred.

This section would require attendance and travel expense and pay to determine qualification before being summoned for jury service. This is, I feel, wholly unnecessary.

If the system now used here is followed and summons issued far enough in advance, the screening will be done with a minimum of expense and inconvenience.

The illiterate would come on to court where the Clerk could then assist him in filling out the questionnaire. (Some do that here.)

One of the worst aspects of the proposals here made is that the Attorney General is to participate in devising the juror qualification form. He has more cases in federal court than any other lawyer and should have no more to do with the juror qualification form than any other lawyer. It must also be noted that he heads an executive department and jury matters should be wholly under the judiciary.

The relevance of some of the information to be required for this form is highly questionable.

1866. There is no objection to these procedures, except as I have pointed out, there is no real need for pre-determination of qualification before placing the name in the "qualified" jury wheel. And, again there is no need for the "commission" to draw the names. (See comment re 1865.)

1867. This would make complete, technical compliance with the preceding sections mandatory and brings proceedings to a grinding halt if the court finds any failure to comply fully with any requirement.

It has been and is my impression that courts generally have held that jury selection statutory procedures are directory and that substantial compliance is usually adequate. Under such holdings, the burden is on the one complaining to show that he will be harmed, or denied a substantive constitutional right in order to succeed in quashing a panel of jurors or a grand jury. This proposal would radically change the law and would, I feel, provide a field day for technically minded lawyers.

I invite attention to the provisions of Rule 6(b)(1), Federal Rules of Criminal Procedure, which gives the attorney for the government or for a defendant held to answer the right to challenge the array of jurors summoned for a grand jury on the grounds that they were not selected, drawn or summoned in accordance with law.

Such challenges are to be tried by the court.

(I always invite such challenges. None have ever been made in my court.)

Absent specific repeal by Congress of this rule there would be conflict between it and the provisions of this proposed section.

If no challenge was made by a criminal defendant under this rule, would he thereby waive his right to challenge under section 1867?

If the procedures proposed for criminal cases by section 1867 are to be adopted, then I strongly urge that, with respect to grand juries, they be brought into line with Rule 6(b)(1) as to when such challenges must be made.

Moreover, I point out that there already exist adequate procedural devices by which any and all challenges to jury personnel and methods of selection may be presented and tried. No more are needed.

Personally, I feel that these proposals for mandatory technical compliance and for the extraordinary statutory challenges reflect a lack of confidence on the part of their author in district judges and personnel of the judiciary generally. Remarkably there have been very few challenges to systems of jury selection in federal courts. Only one is current in this circuit to my knowledge. It involves a criminal case which is now pending on appeal in the Court of Appeals. In my judgment, it will be reversed because of an inadequate jury selection system in that district court.

I apologize for the length of this letter and offer to assist in any way to help attain a fair and just resolution of the problems with which you are confronted with respect to the operation of the jury system in Federal District Courts.

With best wishes, I am,
Sincerely,
Claude F. Clayton,
U.S. District Judge.

U.S. District Courts, Eastern and Western Districts of Arkansas,
Little Rock, Ark., July 6, 1966.
Hon. Sam J. Ervin, Jr.,
U.S. Senator, Senate Office Building,
Washington, D.C.

Dear Senator Ervin: This will acknowledge receipt of your letter of July 1 with enclosures as therein stated. I assume that you addressed a similar letter to Judge John E. Miller or to Judge Oren Harris, or to both of them, dealing with the matter of jury selection in the Western District of Arkansas. Hence, in replying to your letter I will confine myself to the Eastern District; however, there is no substantial difference in the methods which prevail in the two districts as far as the selection of grand and petit jurors is concerned.

The Eastern District of Arkansas consists of five Divisions, namely: the Jonesboro Division, the Northern or Batesville Division; the Eastern or Helena Division; the Western or Little Rock Division; and the Pine Bluff Division. With regard to the Pine Bluff Division, there are at present no facilities for holding federal court in Pine Bluff. Pine Bluff cases are heard at Little Rock, and for jury purposes the Western and the Pine Bluff Divisions may be considered as one.

Jury boxes, each containing the requisite number of names, are maintained for the Jonesboro, Northern, Eastern, and Little Rock-Pine Bluff Divisions, and there are four jury commissioners, one for each Division, who, along with the Clerk, select names of qualified jurors to be placed in the respective boxes. In each of the Divisions names of prospective jurors are suggested to the Clerk and the Commissioner by so-called "sponsors" or "key men", who are individuals of good judgment and of wide acquaintanceship in their respective areas. Prior to trial sessions the Court issues an order that a certain number of names be drawn from the box for jury services; the drawing is in public and the names are drawn at random.

When the name of an individual is suggested to the Clerk or to the Commissioner, the person in question is mailed a questionnaire touching upon his qualifications to serve as a juror and inquiring whether he has any excuse to offer why he should not serve if called. Two specimens of the questionnaire are enclosed. If it is determined that the prospective juror possesses the requisite qualifications and has no valid excuse, his name is placed in the box and he is thereafter subject to call if drawn.

The individuals whose names are placed in the box must possess the minimum qualifications prescribed by 28 U.S.C.A., § 1861, as amended by section 152 of the Civil Rights Act of 1957, P.L. 85-315, 71 Stat. 638. In addition, the Clerk, Commissioners, and "key men" seek to have placed in the box the names of persons possessing that degree of intelligence, judgment, experience, and responsibility which historically has been deemed absolutely necessary if the jury system is to work.

It is recognized in this District that qualified jurors can be found in all walks and stations of life, and that no single race of people has a monopoly on juror qualifications. In selecting our jurors we try to obtain persons who represent a broad cross section of the population of the area and to avoid any racial discrimination. We do not, of course, undertake to give every race and segment of the population "proportional representation." As far as Negroes are concerned, it has not been my observation that they have been discriminated against in the selection of jurors; nor have I observed that Negro litigants, whether civil or criminal, have failed to receive fair treatment at the hands of our juries.

With regard to my views on Titles I and II of S. 3296 which is the Senate version of the Administration's bill for an Act to be known as "The Civil Rights Act of 1966," I will say first that I heartily endorse the proposed increase of compensation of jurors. The present rate of compensation is too low to compensate many wage earners and hourly workers for their loss of time from their regular employment, and many of them simply cannot afford jury service. Aside from that, I am generally opposed to both Titles of the proposed Act.

As to Title I, I am particularly opposed to the "at random" selection of jurors which, in effect, will make the minimum qualifications to be found in the proposed revision of 28 U.S.C.A., § 1866, the maximum qualifications of jurors. I am also opposed to some of the technical or mechanical provisions which I consider to be unnecessary and unduly burdensome. For example, I think that the requirement that there be not less than 2,000 names in the master jury boxes is not realistic when applied to small divisions, such as the Northern Division of this District. We have maintained jury boxes containing not less than 300 names and have had no difficulty in obtaining sufficient numbers of qualified jurors.

With respect to Title II, I am opposed to it to the extent that my objections to Title I are applicable to the later Title. Additionally, I seriously question the desirability of the Federal Government undertaking to dictate to the States how their juries are to be selected, and to the extent that Title II imposes requirements above and beyond the anti-discrimination requirements of the 14th Amendment, I think that we all recognize that grave Constitutional problems exist.

I have not undertaken in this letter to state my views about S. 3296 in any detail because I have not had a chance to study the measure at length. I have simply undertaken to give you the specific information which you requested and to state my position about the bill in a nutshell.

I noted with interest what you had to say in your statement at the commencement of the Hearings about H.R. 5460 and its relation to S. 3296. It would be much appreciated if you would supply me with a copy of H.R. 5460.

With high personal regards, I am,
Sincerely,
J. Smith Henley,
United States District Judge.

U.S. District Court,
Eastern District of Missouri,
St. Louis, Mo., July 6, 1966.
Senator Sam J. Ervin, Jr.,
Chairman, Committee on Constitutional Rights, Senate Office Building, Washington, D.C.

Dear Senator Ervin: Your letter of July 1st to Chief Judge Roy W. Harper was received on July 5th. Judge Harper left on that date for a Sentencing Institute in Denver, Colorado, and asked me to respond to your letter. Judge Harper will return to the city on July 25th and may desire to make some additional comments.

I enclose a short statement of the manner in which our jurors are now selected in this district, along with a questionnaire which is sent to each juror prior to his selection. We do not require the Clerk or the Commissioners to make an annual report and have no statistical information available concerning our jurors.

The following sections of R.S.Mo. 1959 are the pertinent sections of the Missouri law dealing with registration of voters: 113.010, 113.500, 116.010, 117.010 and 118.010. These sections generally provide for mandatory registration of voters in order to vote in the City of St Louis, St. Louis County, and Jackson County (which is in the Western District of Missouri), and in cities containing a population of ten thousand or more. In all other counties within our district, registration of voters is optional and may be had by fifteen percent of the voters petitioning the county court to place it on a ballot to be voted on by the people. Registration has not been adopted in many of the counties in the Eastern District of Missouri.

S. 3296, if it became law, would require us to have a greater number of persons that we now have on the list of qualified jurors in all divisions, since the minimum number would be two thousand for each division or one percent of the persons of voting age, whichever is the larger, if supplemental lists are used.

S. 3296 also provides that at least one percent of the total number of persons on the registered voters list shall be placed in the master wheel. The City of St. Louis has approximately 306,000 registered voters, the County of St. Louis has approximately 381,000 registered voters. Accordingly, from these two counties alone it would be necessary that we maintain in the master list of the Eastern Division of this District 6,870 persons plus an appropriate additional list of persons from the other counties in this Division. Our present master list in the Eastern Division contains approximately 850 names and each of the other two divisions have approximately 500 names. To process the greater number of persons required by the Act would probably require additional personnel in the Office of the Clerk.

In my personal opinion if S. 3296 became law, it would not result insofar as this District is concerned, in a more qualified jury or a different type jury than we presently have, but only greater numbers.

With all best wishes.

Sincerely,

JAMES H. MEREDITH.

U.S. DISTRICT COURT,
MIDDLE DISTRICT OF TENNESSEE,
Nashville, Tenn., July 14, 1966.

Hon. SAM J. ERVIN, JR.,
Chairman, Subcommittee on Constitutional Rights, U.S. Senate, Washington, D.C.

DEAR SENATOR ERVIN: In reply to your letter of July 1, 1966, I have prepared the enclosed memorandum outlining in detail the procedures and mechanics used in the selection of jurors in the Middle District of Tennessee.

Also, I have reviewed Title I of S. 3296 which is being considered by the Senate Judiciary Subcommittee on Constitutional Rights, and the following comments are submitted regarding the changes it would require in our present procedures.

As outlined in the enclosed memorandum, the three principal steps in our present system are (1) the securing of names of persons qualified for federal jury service from individuals, or "suggesters," for inclusion in the jury box; (2) the drawing of names from the jury box; and (3) the appearance and qualification, in open court, of the jurors. As a result of the fidelity with which the court clerks and jury commissioners, under supervision of the Court, have applied themselves in this District to their duties in the administration of the jury system, our present procedures have operated successfully for many years, and were specifically upheld in the recent Hoffa and companion cases (*United States* v. *Hoffa*, 349 F. 2d 20 (C.A. 6, 1965), cert. granted (review limited to questions not involving the jury) 382 U.S. 1024). Prior to those cases, the system had not been challenged by any litigant.

Under Sections 1864, 1865 and 1866 of S. 3296, elaborate procedures entirely new in our District would be established, the four basic procedural steps being as follows:

1. The establishment and maintenance by the jury commission of a master jury wheel containing not less than 2,000 names selected at random from voter registration lists and from such other source or sources as the judicial council of the circuit, with such advice as the chief judge of the district may offer, shall prescribe. (Section 1864).

2. The drawing of names from the master wheel and the appearance before the clerk of each person whose name is drawn for the purpose of executing a juror qualification form. (Section 1865(a)).

3. The determination by the jury commission, on the basis of information provided in the jury qualification form, whether such person is qualified for or exempt from jury service. (Section 1866(a)).

4. The maintenance of a qualified juror wheel containing the names of persons determined to be qualified as jurors; the drawing, from time to time, from the qualified juror wheel, of such number of names of persons as may be required for assignment to grand and petit jury panels; and the preparation by the jury commission or by the clerk of a separate list of names of persons assigned to each grand and petit jury panel. (Section 1866(c)).

It is also noted that Section 1865(a) would prohibit, except for specified purposes, the disclosure of the names drawn from the master wheel. This would discontinue the Court's established policy and practice of making available to the public all lists of names of persons drawn for grand and petit jury service.

Other provisions of Title I, including the declaration of policy, the prohibition of discrimination, and the requirements that complete records be maintained by the clerk and jury commissioners, are consistent with the long-established policies and practices of our Court and would effect no changes in our present procedures.

I am in agreement with what I believe are the general objectives of Title I, but I feel strongly that it should be thoroughly considered by the Judicial Conference of the United States and by the American Law Institute before it is adopted. So far as our particular district is concerned, it would make the process of jury selection much more detailed and complex, but it is recognized that this is not a valid objection if the procedure will improve the quality of jury service and make our juries more nearly representative of the community. One feature of Title I which I question is the requirement that no person shall be required to serve as a petit juror for more than thirty calendar days in any two-year period. In my view, this period of service is entirely too short and will cause the jury process to lose the benefit of experience in handling different types of cases. Such experience is a valuable asset to the jury system and contributes materially to jury efficiency and dispatch, particularly in cases of some complexity.

Another questionable feature of Title I, in my mind, is the provision allowing the defendant to challenge noncompliance at any time "prior to the introduction of evidence at trial." I feel that this cut-off time should be fixed at some reasonable period prior to the date the case is set for trial. Otherwise, unnecessary delays and disruptions could result.

I am somewhat reluctant to express any opinion in regard to the jury aspects of Title II, since they concern the process of jury selection in the state courts and not in the federal courts. Obviously it is a drastic measure. I should hope that this portion of the Act, concerning, as it does, the administration of criminal justice by the states would be given the broadest and most intensive investigation. My personal experience has been that no additional procedures are needed in our district to protect the essential rights of state criminal defendants insofar as jury selection is concerned. This experience is derived from hundreds of habeas corpus reviews of state criminal convictions extending over eleven years. What we are after here, I would hope and suppose, is not uniformity of method throughout the United States, but essential fairness under the requirements of the due process and equal protection clauses of the Fourteenth Amendment. Aside from any question of congressional power, I feel that the best interests of justice will be subserved by allowing the states to devise their own practices and procedures for the administration of criminal justice, including the process of jury selection, so long as such practices and procedures are not essentially unfair, arbitrary or discriminatory.

With kindest regards, I am,

Most sincerely,

WM. E. MILLER.

U.S. DISTRICT COURT,
DISTRICT OF NORTH DAKOTA,
July 5, 1966.

The Honorable SAM J. ERVIN, JR.,
The U.S. Senate,
Washington, D.C.

DEAR SENATOR ERVIN: Receipt is acknowledged of your letter of July 1, 1966, in which copies of S. 3296 were enclosed.

Briefly, a short statement describing the jury selection machinery as it actually operates in this district is as follows: The clerk of this district at Fargo maintains a jury box containing approximately two thousand names of prospective qualified jurors. Whenever the Court considers that, due to depletion of the number of names, it is advisable to draw more names, the clerk and jury commissioner send out requests to various prominent citizens of this state to submit to them names of representative qualified citizens for jury service. The number of names requested of course varies with the number of names to be added to the list in the box pursuant to the Court order. The inquiries from the clerk are usually directed to county officials—superintendents of schools, county judges, and state district court judges, etc., and to prominent businessmen, including bank officials. When the summons is sent to the prospective juror, he is requested to fill in the questions on the reverse side of the form and bring it with him to the clerk's office at the time of registration for jury service. When he appears, that form is completed and signed before the clerk. The only substantial minority group in this state consists of members of the Indian population. We have very frequently had Indians on our jury panels and petit juries, and to the best of my knowledge there has been little, if any criticism of jurors being representative citizens.

Enclosed kindly find two copies of the summons to serve as petit juror (being Form AO 112) and two copies of the form used for summoning grand jurors (being Form AO 111). When the clerk is ordered to call special jurors, she has added one question, which has been typed on one of the forms enclosed, namely: "Have you resided in the State of North Dakota longer than one year?" In order that the answers to the questions establish qualifications for jury service, this question was included.

You have invited comments about S. 3296. I am concerned about certain provisions:

1. Reference is made to Sec. 1864 (d) and (f). It is my understanding from these provisions that the members of the jury commission would be required to personally go to the county seat of each county in this state at least one time every two years for the purpose of inspecting, reproducing or copying voter registration lists or other appropriate records. In this state there are 53 counties covering a vast area. It would seem that this would involve not only a substantial amount of time, but a great deal of traveling and expense.

2. Reference is made to Sec. 1865. Apparently this provision would require "each person whose name is drawn * * * shall appear before the clerk and fill out a juror qualification form * * *." There are two locations in North Dakota in which the clerk has a permanent office—Fargo and Bismarck. If this provision means that when a prospective juror receives his summons by certified mail he must appear before the clerk for the purpose of filling out this form, it would involve a substantial amount of expense. In each of the four divisions of this state, jurors serve who reside more than 200 miles from the place where court is held. It would seem to me that bringing this form with them at the time of registering for jury service, as is now the custom, should be adequate.

3. Reference is made to Sec. 1867. Under these provisions, the action which may be taken by the defendant in a criminal trial or by any party in a civil case may be taken at any time "prior to the introduction of evidence at trial." Of course I realize that questions may arise on voir dire which go to the qualifications for jury service, as provided in Sec. 1866. I wonder, however, if action challenging compliance with Sections 1864 or 1865 should await this stage in the proceedings. I have this in mind: The action required by the jury commission in this state would be taken in Fargo. The clerk would be one of the members. If a term of court was in progress in Bismarck at which the resident deputy clerk was clerking the court, and the clerk was acting in her official capacity at a term in Grand Forks, and such a challenge was made in Bismarck, it would certainly disrupt and delay proceedings in both Grand Forks and Bismarck if such a challenge could be made as herein provided. I can see where this provision could delay and interfere with the efficient functioning of the Court.

4. Reference is made to Sec. 1869. Under this provision, apparently the only basis for being excused by the Court is a showing of "unusually severe hardship." I realize that this is a general term. However, in my judgment it would be much more realistic to provide that a prospective juror could be excused by the Court upon a showing of good cause, and leave that determination within the discretion of the trial court. It is not at all uncommon for elderly persons in this district, particularly farmers and ranchers, to arrange to take winter vacations to visit children and relatives in more moderate climates during the winter months when they can be away from their farming or ranching business. This is the very time that the courts are almost continually in session, trying jury cases. Whether interference with business or personal convenience and wishes could be construed as "unusually severe hardship" might be questionable.

I will be interested in learning of any proposed changes in, and the progress of, this proposed legislation.

Yours sincerely,
GEORGE S. REGISTER, *Chief Judge.*

U.S. DISTRICT COURT,
MIDDLE DISTRICT OF NORTH CAROLINA,
Greensboro, N.C., July 7, 1966.

Hon. SAM J. ERVIN, JR.,
U.S. Senator,
Senate Office Building,
Washington, D.C.

DEAR SENATOR ERVIN: Thank you for your letter of July 1, 1966, and enclosures, soliciting my suggestions with respect to the changes proposed in jury selection methods for Federal courts.

There can be no question that every court has the clear duty to zealously guard the integrity and impartiality of the jury system. We are doing everything possible to achieve this result in our district. No suggestion has ever been made that our jury boxes do not contain a true cross-section of the law-abiding, intelligent citizens of our district. Our objective has always been to include representative citizens of all races and creeds, and not to exclude anyone by reason of race, religion, sex, or economic statue. We have approached the problem in this manner because we believe it is required by the present statutes, is fair and just, and an indispensable aid in the quest for truth.

We reconstitute our jury boxes, by divisions, at least once every five years. One time a name is drawn, it is not returned to the jury box until the entire box is reconstituted, thereby insuring that no citizen will be called upon for jury service more often than once every five years. We, of course, follow the statute with respect to the Jury Commission. The Commission uses the sponsor method in obtaining the names of prospective jurors. Every effort is made to insure that sponsors, both white and Negro, are highly respected citizens of their communities. Typical sponsors are business executives, laborers, mayors, housewives, officials of chambers of commerce and junior chambers of commerce, Y.M.C.A. executives, farm leaders, postmasters, school officials, and the like. When a sponsor has been selected, he is written a letter (Exhibit 1) to solicit his cooperation. When jurors have been nominated, they are sent a letter (Exhibit 2) and a questionnaire (Exhibit 3). When names have been drawn for jury service, jurors are written a letter (Exhibit 4) giving them a brief outline with respect to their duties and period of service.

If district courts faithfully adhere to the provisions of the present statutes, I see no reason whatever for Title I of S. 3296. On the other hand, if a district court is not complying with the present statutes, it appears that ample machinery is already provided to enforce compliance. If, however, new legislation is to be enacted in this field, I would like to point out what is considered to be some of the more glaring deficiencies in the pending bill:

1. I seriously doubt if the 45-day-period provided in § 1854(f) is sufficient time to "empty and refill the master wheel." We have six divisions in the Middle District, and I anticipate it will take the Commission the entire 45 days, working full time, to empty and refill the master wheels in each of the divisions. Additionally, because of the heavy schedules of most courts during the late fall, I believe some other season of the year would be a more convenient time to reconstitute the jury boxes.

2. The provisions of § 1865(a), which prohibits a disclosure of the jury list, is somewhat disturbing. We have followed the practice of making jury lists available to interested counsel at least 15 days in advance of the trial, and the occasion has never arisen when I felt that any injustice or impropriety resulted from the disclosure.

3. As I understand § 1869(a), the court would no longer be empowered to exclude from jury service individuals engaged in certain professions or callings. We now systematically exclude from jury service all doctors, lawyers, nurses, and public school teachers. As I interpret the proposed legislation, these individuals could only be excused by the court on a peremptory challenge or a finding that they were unable to render impartial jury service. It is difficult to conceive of a situation where an attorney would require, or even want, active practitioners of law or medicine to serve on the jury, and it seems inherently unfair to require them to use one of their peremptory challenges in order to excuse a person engaged in one of these professions.

4. The proposed bill seems to delete the provision of the present statute which permits the United States Marshal to summon talesmen from bystanders. This could greatly increase the cost of administering the jury system. We normally call about 17 jurors to try a civil case, and about 20 to try a criminal case. Experience has taught that these numbers are usually sufficient. However, if we were placed in the position of having to delay a trial until additional jurors could be drawn from the jury box and summoned by the marshal, we would feel compelled to have a greater number present when the case is called.

If new legislation is to be enacted, it is my hope that many objectionable features, some of which are mentioned about, will be eliminated. As earlier stated, it is my feeling that the present legislation in this field is adequate, particularly when the provisions of 18 U.S.C. § 243 are considered.

You are at liberty to use this letter in any manner as you see fit.

With sincere best wishes and kindest personal regards.

Cordially yours,
EDWIN M. STANLEY,
United States District Judge.

JUNE 7, 1966.

Hon. MATTHEW F. MCGUIRE,
Chief Judge, U.S. District Court for the District of Columbia, U.S. Courthouse, Washington, D.C.

DEAR JUDGE MCGUIRE: Yesterday the Senate Constitutional Rights Subcommittee began hearings on S. 3296 and a number of other bills relating to civil rights. Titles I and II of S. 3296, and various portions of some of the other bills would make significant changes in the jury selection methods of Federal and local courts. Because of the important place the jury system occupies in the administration of justice, any proposed legislation should be carefully and cautiously analyzed.

It is my belief that the proposed legislation dealing with jury selection has an importance far transcending civil rights objectives. It is my expressed hope that this legislation will be considered independently of the emotions or controversy attending other portions of the bills. Very helpful to such consideration would be an understanding of the actual operation of the jury selection process in the District of Columbia, and the possible effects that the suggested legislation would have on it.

For that reason may I request that you ask the Secretary of the District Jury Commission, Mr. Edward Bliss, to prepare a statement describing the jury selection machinery as it actually operates in the District, the advantages and disadvantages of the approach embodied in the bill, and the changes that might be made in that legislation to effectuate its objectives. Mr. Bliss has expressed his willingness to prepare such a statement if requested to do so by you.

Some of the matters of interest to the Subcommittee include a description of the methods by which the Commission insures that no racial, ethnic, religious or economic group is disproportionately absent from jury duty; the problems that exist from the economic impact that attends ordinary or extended jury duty; the measures that might be required to insure that no economic or other hardship attends jury duty; the extent to which the District's procedures have been or might be used as a model for other jurisdictions; and the lessons the District's experience has for the rest of the country. Of course, any other comments that the Commission might wish to make would also be appreciated.

For your information, I am enclosing copies of S. 3296, as proposed by the Administration, the statement of the Attorney General presented yesterday morning, and my comments on the jury legislation given at the opening of the hearings. With your permission, we should like to include the Commission's statement as a part of the record of the hearings on this legislation.

With all kind wishes, I am,

Sincerely yours,
SAM J. ERVIN, Jr., *Chairman.*

JUNE 8, 1966.

Hon. SAM J. ERVIN, JR.,
Chairman, Subcommittee on Constitutional Rights, U.S. Senate Committee on the Judiciary, U.S. Senate, Washington, D.C.

MY DEAR SENATOR ERVIN: This will acknowledge receipt of your communication of June 7, 1966 in re S. 3296 which refers to the actual operation of the jury selection methods in the District of Columbia and the possible effects that the suggested legislation would have on it.

I am taking the liberty of referring your communication and the enclosures to the Honorable Alexander Holtzoff, whom you know, and who has acted for years as liaison for the Court with the Jury Commission. I am quite certain Judge Holtzoff will be only too glad to make the arrangements necessary to comply with your request, and he undoubtedly will have views of his own which will prove helpful.

With every good wish,

Sincerely yours,

Matthew F. McGuire,
Chief Judge.

June 21, 1966.

Hon. Sam J. Ervin, Jr.,
Chairman, Subcommittee on Constitutional Rights, Committee on the Judiciary, U.S. Senate, Washington, D.C.

My Dear Senator Ervin: As Chief Judge McGuire of this Court has informed you, your letter to him concerning the bill S. 3296, "To assure nondiscrimination in Federal and State jury selection and service . . ." has been referred to me in view of the fact that I have had close contact with the operation of the jury system in our Court.

Title I of the bill relating to the selection of jurors for service in the Federal courts, would drastically modify the existing organization and practices. It would make no exception for any district. For the reasons about to be stated, we respectfully request that the bill be amended so as to exclude the District of Columbia, and we would appreciate favorable consideration of this matter.

Because of the unique position of this Court, due to its location in the Nation's capitol, the Jury Commission of this Court is created and its activities are governed by local statutes found in the District of Columbia Code, Title 11, Sections 2303–2312. The provisions of the United States Code relating to jury commissions and the selection of jurors, while applicable in every other district, have never been extended to the District of Columbia and have not superseded the local statute on the subject. It has been the usual practice in framing legislation from time to time, modifying or amending the provisions of the United States Code relating to this matter, to exclude the District of Columbia, either expressly or by necessary implication.

The United States District Court for the District of Columbia has an exceedingly wide range of matters coming before it. In addition to its Federal jurisdiction, such as is possessed by all Federal courts, this Court also tries all local felonies and all civil cases involving more than $10,000 because of the fact that the District of Columbia has no local court of general jurisdiction corresponding to a State court, since the entire district is a Federal area. The local inferior court, known as the Court of General Sessions, has local jurisdiction as to misdemeanors and as to civil actions involving less than $10,000. The result is that the volume of business conducted in this Court is much larger than in any other Federal court. Several jury courts are continuously in session. For example, this month there are ten jury courts in daily operation. Obviously we require a much larger number of jurors than is the fact elsewhere.

The average number of jurors called for service for each month is about 3,000. Such a large number has to be summoned in view of the fact that many present excuses, and some are not found. The average number of jurors on our list at any one time amounts to about 33,000. The list is continuously in a state of flux, since names of persons who have died, or moved have to be stricken and new names added. Approximately 3,000 questionnaires are sent out each month to prospective jurors.

The Jury Commission instead of consisting of one Commissioner and the Clerk of the Court, is composed of three Commissioners appointed by the Court. They have no connection with the Clerk or his office, but maintain their own clerical staff. Names of prospective jurors are taken at random from the City Directory, which is the nearest to a complete list of residents of the District of Columbia. The practice is to go through the Directory and pick names out in accordance with a fixed arbitrary formula. After this process is completed, it is repeated with the use of a different formula. On this basis there can be no discrimination as to groups on any economic, racial or other basis. A questionnaire is sent out to every person whose name is so selected. If it appears from the questionnaire that a person is qualified for service, his name is put on the jury list. If it appears that he is not qualified, his name is rejected. If there is any doubt from the answers on the questionnaire, the juror is requested to come in for a personal interview. Such interviews are held every week.

An examination of Title I of the pending bill indicates that many of its provisions are entirely unsuitable for the District of Columbia. Section 1864(a) provides for the use of Voter Registration Lists for procuring names of prospective jurors. Since in the District of Columbia there is voting only at Presidential elections, such a list would soon become out of date especially in view of the mobility of the local population. Moreover, many persons who are inhabitants of the District of Columbia and eligible for jury service, do not vote in the District of Columbia since they maintain a technical voting residence elsewhere.

The provisions of Section 1864(f) requiring the master wheel to be emptied and refilled between November 15 and December 31, every other year, is impossible of fulfillment in this district. As stated above the jury list contains on the average of about 30,000 names at any one time. To discard such a list and prepare a new one in a period of about six weeks every other year, is impossible.

Section 1866(a) would require the Jury Commission to make its determination as to a juror's qualifications on the basis of the questionnaire and would seem to bar interviews, which have been very helpful in this district. It may be noted that a report of the Judicial Conference Committee on the Jury System in the Federal Courts, approved by the Judicial Conference in September 1960, recommends personal interviews in addition to the use of questionnaires.

The provisions of Section 1867 of the bill which would authorize parties in criminal or civil cases to challenge the method of jury selection and to demand the testimony of the jury commission, are likely to cause burdensome and unnecessary delays in view of the large number of jury cases in this Court. To permit any party in any case to subpoena members of the Jury Commission to testify orally and to produce their records for inspection, is likely to be used for purposes of obstruction and in a district with the volume of business as large as ours, it may greatly delay the progress of the docket.

It is understood to be the objective of the legislation to eliminate discrimination against persons of the colored race in connection with jury service. In this district, however, no such discrimination exists. At least fifty to sixty percent of our jurors are members of the colored race. We cannot furnish mathematical statistics since we do not keep a record of the race of each juror and do not believe that it is appropriate to do so. All that is necessary to do, however, is to walk into any courtroom where a jury trial is going on and observe the jury.

I venture to suggest that the result requested in this letter could be accomplished by striking from the bill Section 103 (b), (c), (d) and (e), and inserting a provision in an appropriate place that this Title shall not be applicable to the District of Columbia.

You have requested Colonel Bliss, the Secretary of the Jury Commission, to furnish detailed information concerning its activities, and he is preparing and will shortly submit such a statement. If any further information is desired by you or your Committee, I should be glad to endeavor to supply it.

It is hoped that this request may receive favorable consideration.

With best regards,

Sincerely yours,

Alexander Holtzoff,
United States District Judge.

U.S. District Court,
District of Kansas,
Kansas City, July 21, 1966.

Hon. Sam J. Ervin, Jr.,
Chairman, Subcommittee on Constitutional Rights, Committee on the Judiciary, U.S. Senate, Washington, D.C.

Dear Senator Ervin: Your letter of July 1 came to my chambers while I was attending the Judicial Conference of the Tenth Circuit followed by a sentencing institute held at Denver. Hence the delayed response.

In the District of Kansas we follow generally the methods of jury selection recommended by the Committee on the Operation of the Jury System approved by the Judicial Conference of the United States in September, 1960. The names of approximately one-half of the veniremen are submitted by key men, carefully selected so as to represent a cross section of our citizenry. Some are labor union officials, some are businessmen, and all are persons of standing in their communities. At least half of the veniremen are chosen by use of templates applied to voter registration lists in use in the counties or cities of the district.

Our clerk mails to each person so selected a questionnaire in the form enclosed, and the clerk and commissioner then eliminate those who cannot be found by the Post Office Department. The returned questionnaires are examined by the clerk or by the commissioner and clerk, who reject those whose answers disclose statutory disqualification. The remaining names are placed in the jury boxes in accordance with the provisions of 28 U.S.C.A. § 1864. When a panel is required for a jury session, the clerk and commissioner alternately draw the required number of names from the box. There is absolutely no discrimination among jurors for any reason.

Lacking personal knowledge of the conditions which have prompted the introduction of S. 2396, I cannot criticize the motives of its authors. It may be that legislation of some sort is necesary to correct improper practices in some parts of the federal judicial system, but I feel that it should be possible to achieve the desired result without the drastic changes proposed. While practices required by Title I of the bill might work well in a densely populated area, the enactment of Title I in its present form would create many problems in this and similar districts.

The District of Kansas is territorially large, with no established divisions. Most of the jury work is in the three principal cities—Wichita, Kansas City and Topeka. Court sessions are held twice yearly in Fort Scott; once yearly in Dodge City and in Salina, in both of which we use state court facilities; and occasionally in Leavenworth. Leavenworth is near Kansas City and would lie within the same "division" as Kansas City.

Dodge City and Salina are widely separated from each other and from other court cities. In no instance that I can recall have we summoned more than 50 jurors to serve at either of these cities. Section 1864(b) would require the placing in each "division" jury wheel the names of at least 2,000 persons, of whom only 100 are likely to be called within the 2-year period before the wheel is emptied and refilled.

I submit these general observations:

1. It is likely that citizens who now regard jury service as a duty akin to service in the

armed forces in time of war would resent the compulsory features of § 1865(a).

2. Defendants in criminal cases, already inclined to employ dilatory tactics, are apt to abuse the rights granted by § 1867 by filing groundless motions. Parties in civil cases, seeking delay, will in some cases act similarly.

3. The clerk's office, already overburdened in our district, will either require additional deputies, or will be compelled to neglect other important duties.

4. The withdrawal of the right to exclude classes or groups, and the requirement that unusually severe hardship be shown for excuse will deprive the public of the services of physicians, nurses, pharmacists and teachers already in short supply.

5. If jury service is a right, as well as a duty, it appears that the purpose of Title I could be achieved by enforcement of 18 U.S.C.A. §§ 241, 242 and 243.

I have had insufficient time to study the bill throughly, and my observations are therefore of less value and less clearly stated than I would wish. It is regrettable that the bill cannot be referred to the Judicial Conference of the United States so that its provisions could receive the deliberate consideration they deserve.

You have my permission to make all or any portion of this letter a part of the record of the hearings on the bill.

Sincerely yours,

ARTHUR J. STANLEY, Jr.

U.S. DISTRICT COURT,
SOUTHERN DISTRICT OF OHIO,
Dayton, July 12, 1966.

Hon. SAM J. ERVIN, JR.,
U.S. Senator,
Senate Building, Washington, D.C.

DEAR SENATOR ERVIN: I was extremely interested in your recent letter concerning information from my Court of the Southern District of Ohio concerning the contents of Senate Bill 3296, the Administration's Civil Rights Bill.

I know Chief Judge McGuire and have a great respect for his statements. I am enclosing herein the information that you desire, which is:

1. Method of Jury selection.
2. Jury commission report.
3. Questionnaire for qualification of jury selection.

In my opinion, the present laws adequately take care of the jury selection machinery. The questionnaires do save time for the attorneys but in all of the localities with one Federal Judge it was always my duty, as an attorney, to do my own investigating of jurors before the selection of a jury. *Any change in our present system would open the door to many more cases being filed in our Federal Courts to construe any change you make in our jury system.*

It was a pleasure to have the opportunity to respond to your communication.

Sincerely,

CARL A. WEINMAN.

U.S. DISTRICT COURT,
SOUTHERN DISTRICT OF CALIFORNIA,
Los Angeles, Calif., July 19, 1966.

Senator SAM J. ERVIN, JR.,
Chairman, Committee on the Judiciary, Subcommittee on Constitutional Rights, U.S. Senate, Washington, D.C.

DEAR SENATOR ERVIN: Judge William M. Byrne has turned your letter of July 1, 1966, over to me as I became Chief Judge of the U.S. District Court, Southern Division of California, on July 1, 1966.

Replying to your request for a short statement describing the jury selection machinery as it actually operates in my district: there are three jury commissioners for the Southern District of California who work part-time. Jurors' names are obtained from the jury commissioner, telephone books, other jurors, and jurors having previous service. Questionnaires are then sent to those individuals before their names are placed in the wheel. An interview is not given to test the qualifications of a juror but he is qualified from the questionnaire. (See enclosed). Each questionnaire is considered and judged solely upon its individual merits.

After a juror has been qualified, his name is put into the wheel by the jury commissioner and the clerk of the court or one of his deputies (28 USC § 1864). By Order of the Chief Judge, names are publicly drawn from the wheel and summonses issued to appear for service. (28 USC § 1864, § 1867). After the juror is impaneled he serves intermittently for a six month session of the court and then is excused.

Records are kept as to the number of names in the jury wheel, names drawn from the jury wheel, names of those who appear for impanelment, names of those who are excused from duty and names of those who actually serve. We do not compile statistical information on the jury selection process.

I would like to make the following comment concerning the desirability of the proposed jury legislation: I do not believe the contemplated legislation is desirable and agree whole heartedly with your opening statement to the Senate Judiciary Committee. Under our present system of selecting jurors, there has never been a challenge which has shown any evidence of discrimination.

Sincerely yours,

THURMOND CLARKE,
Chief U.S. District Judge.

U.S. DISTRICT COURT,
DISTRICT OF NEW JERSEY,
Camden, N.J., July 11, 1966.

Hon. SAM J. ERVIN, JR.,
Chairman, Subcommittee on Constitutional Rights, Senate Office Building, Washington, D.C.

MY DEAR SENATOR: When I received your letter of July 1st I was quite busy with Court and trials, and, in addition to being busy with those things, I felt that there was someone better qualified than myself to answer the questions contained in your letter. I, therefore, took the liberty of forwarding your letter and the bill to Michael Keller, Jr., the Clerk of our Court, who is thoroughly familiar and has been for years with our selection of jurors in this District.

I would like you to understand that we consider Mr. Keller an outstanding Clerk and I think you will find that this opinion is borne out by the opinion of the Administrative Office. He is a graduate of Lafayette College (1928) and Harvard Law School (1931). He was admitted to the Bar here in New Jersey in 1933. He entered the service of the Clerk's Office in 1941, left in 1942 to enter the Army and upon his discharge after World War II in 1946, at our request, he returned to the Clerk's Office where he has remained ever since, becoming the Chief Clerk in 1956.

He has now written to me, under date of July 7th, 1966, and I think his remarks regarding the bill are extremely cogent and I enclose herewith his letter to me, retaining a copy for my files. I also enclose herewith a copy of Mr. Keller's letter to the two United States Jury Commissioners in this District under date of April 1st, 1965. I, likewise, enclose Mr. Keller's report to the District Judges regarding this question under date of September 7th, 1962, to which he has attached two different charts regarding the solicitation of various clubs and organizations for furnishing names for jury service in addition to the polling lists; likewise, there is attached a letter by the former Jury Commissioners to the prospective jurors, and you may notice that at that time one of the Jury Commissioners was Marie H. Katzenbach, the mother of the present Attorney General; and, likewise, he has attached a form of questionnaire as to qualification for jury service which we use.

There is only one additional thing that I would like to add and that is in reference to the report that Mr. Keller made to the Judges under date of September 7th, 1962. You will notice that Mr. Keller compiled a list of approximately 1300 clubs and associations out of the yellow pages of the twenty-seven telephone books covering the District of New Jersey. Mr. Keller, in conjunction with myself, checked the list striking therefrom such organizations as health clubs, nudist camps, etc.; but, at the same time, trying to keep in all proper and legitimate clubs such as the Red Cross, Labor Unions, various Service Clubs, etc.

I am still engaged in trials and I feel that Mr. Keller has made an excellent survey and furnished you with sufficient material to give you an idea of how we are attempting to operate in this District; on the other hand, I recognize that the duty is mine as the Chief Judge and if you have any additional questions you wish to ask or any additional information you need, please do not hesitate to write.

Trusting this finds you well, I am,

Sincerely yours,

THOMAS M. MADDEN.

U.S. DISTRICT COURT,
DISTRICT OF NEW JERSEY,
Trenton, N.J., July 7, 1966.

Hon. THOMAS M. MADDEN,
Chief Judge, U.S. District Court,
Federal Building,
Camden, N.J.

DEAR JUDGE MADDEN: Reference is made to the material you sent me and Senator ERVIN's letter on the jury portion of the Civil Rights Bill.

As to our present method, I think it can best be covered by the enclosed copy of letter I wrote to our commissioners on April 1, 1965, and copy of the report I submitted to the Court on September 7, 1962 after we supplemented our jury pool from registration lists with members of clubs, associations, etc. I also enclose a copy of the questionnaire we use. It is a standard form distributed by the Administrative Office.

As for the provisions of the Bill relating to jurors, I have the following comments:

Section 1863(a)—in addition to $16 per day, a jury commissioner should be allowed traveling expenses of 10¢ per mile if he resides outside the city where he is performing his duties.

Section 1864(a) provides that names should be kept in a "master jury wheel." In each of our three places of holding court—Camden, Newark and Trenton—seven of the state's 21 counties are used as the source of prospective jurors. When qualified, their names, addresses and occupations are placed on small cards which are filed in cabinets *by counties.* This is what each office calls its jury pool. When we need jurors for trials, 500, 1,000, 2,000 or 3,000 cards are taken from the jury pool and placed in a wheel from which the required number for service are drawn. When taken from the jury pool, an attempt is made to take the same percentage from each county as that county bears to the total number of registered voters in the seven counties. We believe this is added insurance in obtaining a cross-section. In addition, from comments I shall make below, some districts might require a "master jury wheel" the size of a mounted cement mixer which spins on the way to the job site.

Section 1864(b) requires that the master wheel shall contain at least 1% of voters listed on registration lists; or, if other additional sources are also used pursuant to Section 1864(a), at least 1% of the total number of persons *of voting age.* As of November, 1965, there were 3,151,599 registered voters in this district. We would be required to have at least 31,516 names in our combined three wheels. Section 1865(a) requires that, unless the prospective juror claims a statutory exemption pursuant to Section 1872, he must appear personally at the clerk's office to fill out the questionnaire. Since it can be expected that many of those who appear will not be qualified, it will be necessary to have in excess of 31,516 interviews before we obtain that number of qualified jurors. Section 1864(f)(2) is a requirement which I believe is impossible to fulfill. Between November 15 and December 31 of each even-numbered year the master wheel must be emptied and refilled. This requires thirty-odd thousand interviews in a six week period in our court.

My suggestion would be that a master jury wheel or jury pool should contain a minimum of 1,000 names and that at least 75% of such names be those obtained from voter registration lists. The clerk should be required to continue to add names to the wheel or pool as needed and maintain the minimum number and percentage of those from the registration list.

As to the requirement that a prospective juror appear at the clerk's office to answer the questionnaire, I know of no present or proposed statutory provision that he be compensated for that day. I suggest that whatever is the established fee for service and mileage of a juror should also be paid to one required to appear at the clerk's office as a prospective juror.

I do not understand the portion of Section 1866(a) which provides that if one is found to be exempt or not qualified such determination shall be entered on the alphabetical list of names drawn from the master jury wheel. If a prospective juror is found to be exempt or not qualified, I would assume his name would not go in the wheel nor appear on the list drawn therefrom.

I respectfully suggest that Senator ERVIN's Committee call before it some of the clerks of District Courts. Frankly, I do not believe either the Department of Justice or the Administrative Office is sufficiently familiar with the mechanics involved in juror selection and the drawing of panels for trial. I am sure that it is the desire of the Committee that the Bill finally approved is workable within the structure of clerks' offices—many of which are already under-staffed.

Sincerely,

MICHAEL KELLER, Jr., *Clerk.*

TUPELO, MISS.,
July 20, 1966.

Hon. SAM J. ERVIN, JR.,
Chairman, Subcommitteee on Constitutional Rights, U.S. Senate, Washington, D.C.

DEAR SENATOR ERVIN: I have delayed responding to your invitation of July 1, 1966, to express my views with respect to S. 3296 until I could give reasonably mature consideration to its proposals and the impact such changes would have. I shall at this time deal only with Title I of this proposed law which deals with the jury system for federal courts.

The jury system in my District Court for the Northern District of Mississippi operates as I believe, on a fair and non-discriminatory basis. Not one time has any challenge been made to any panel or array or to the composition of any grand jury in my more than eight years on this bench. The only challenges of any kind have been those which are usual in the selection of a trial jury—for cause (or favor) and pre-emptorily within authorized limits.

We regularly have on our grand and petit juries a fair representation of sexes, races, religions and economic strata. It is not unusual to have on a particular jury, for example, male and female Negroes and whites ranging in employment from common laborers to industrial managerial or executive personnel. Although I do not consider it generally relevant, we usually also have representation for most (probably all) religious denominations.

When I came to this bench, I soon revised the system for selecting prospective jurors. (The system which had been in use is immaterial here.) I will briefly outline our system.

My Clerk of Courts is a Democrat, and, of course, under present law is in effect the chief jury commissioner. There are four statutory divisions in this district. I appoint a Republican jury commissioner for each of those divisions and I have a jury wheel or box for each division, into which only names from each of the counties in a division are placed. I have a fifth jury wheel or box for the entire district, into which names from all the counties of the entire district (all four divisions) are placed. The division wheels are for petit jury purposes for each division. Trial jurors for a trial calendar in a division are drawn only fom the jury wheel for that division. Names for grand jury service are drawn only from the fifth (grand jury) wheel without regard to where a grand jury may be organized or where it may be expected to be in session during its life (which is one year).

Each division jury commissioner and the Clerk alternately place names into the division jury wheel. And, all four division commissioners each place names alternately with the Clerk into the fifth (grand jury) wheel.

For a division trial calendar (term) and for organization of a grand jury, the Clerk publicly draws from the appropriate wheel the number of names ordered to be drawn and certifies the list as so drawn for the particular purpose.

At the organization of petit (trial) juries, names are drawn (from those certified) by lot in open court by the Marshal from a courtroom wheel. The same procedure is followed at the organization of a grand jury.

The names to go into each of the wheels are selected by the Clerk and the commissioners in various ways. Each of them has developed sources which they consider reliable. Each of them make personal visits throughout the territory. Typical of sources are voting lists, directories, ministers, schoolteachers, postmasters (especially in small towns and sparsely settled areas), political friends, merchants (especially rural merchants), traveling salesmen, insurance salesmen, and, rarely, public officials. The Clerk and commissioners do their best to leave off the old, the sick, the mentally incompetent, and those who have been convicted of disqualifying crimes. They also try to avoid those who can claim exemption. (Section 1862, Title 28, U.S.C.). And, no one is called for service the second time in any one year. (Section 1869, Title 28, U.S.C.) In fact, to my knowledge, no one has yet been called to serve twice in my court.

Jury boxes are periodically emptied (about once every two years) and new names placed therein.

I do not believe any new law is needed for a proper operation of the jury system in federal court. My only complaint with respect to present jury laws is that compensation for jury commissioners is woefully inadequate. (Section 1864, Title 28, U.S.C.) And, specific statutory authorization for mileage and subsistence is lacking. In spite of this, my jury commissioners have rendered competent, effective service as a matter of public service.

S. 3296—TITLE I

Generally I do not favor this proposed legislation at this time for two principal reasons. First: I see no need for it. Present law with the minor changes which I have suggested (adequate compensation and expenses for jury commissioners) is adequate. Second: The judiciary should be given an opportunity to study these proposals and make appropriate recommendations through Circuit conferences and the Judicial Conference of the United States. They should be the best informed people in this area since they must work with the problems of jury selection regularly. Thus, they should, as I feel, be consulted.

Some specific objections to the bill in its present form follow. References are to section numbers as they appear in the bill.

1861. No court anywhere in the country will ever be able to give every person in its geographical territory an "opportunity" to serve. (Even using the 1% of voters prescribed by 1864 (b) to be placed in the master wheel would require at least 100 years to get all such names, from an unchanging list, into the box. No one can envision that all whose names go into the box will ever be drawn or used.)

Thus this statement of policy fixes a goal which is patently unattainable. This section would, I feel, invite needless litigation by malcontents.

1862. A simple amendment to present section 1863 (c) would accomplish what is intended here.

1863. I have no criticism of this, except that it makes no change to present law other than to increase the per diem for a jury commissioner. *The increase should be to $25 a day and there should be specific statutory* authorization to pay travel and subsistence expense. (There are 37 counties in my district, more in other districts. To be effective the jury commissioner must personally go to each part of his territory. Under this proposal only *one* commissioner is required for a district.)

1864. This would make the only source of jurors the voter lists. Many people never register (especially women) and some of them could make good jurors. Random selection would bring in the old and decrepit, the lame, the halt, the sick, the mentally incompetent, the disqualified convict, the anarchist, the deaf, the blind, and many who should be exempt, e.g., a state governor, a judge, a senator, a policeman, a fireman, a physician (the only one in a given area) and many others who should not be considered for jury service.

Moreover, the apparent search for uniform procedures would be frustrated by giving the Circuit Council authority to authorize a source of names other than voters lists.

If voter lists are to be the only source of names and if a fixed percentage of those on the voter lists are to be picked *at random*, then a jury commissioner is not needed. The Clerk could do it all by mechanical or court prescribed method.

1865. Public drawing of names is now by the Clerk. This section would have it done by the jury commission. There is no real objection except the added inconvenience and expense of attendance and participation of at least one jury commissioner.

(As I now get names for and draw for grand jury purposes, four jury commissioners would be required.)

This section would also require those drawn to be summoned by the commission. This should continue to be a function of the Clerk and Marshal.

Moreover, no provision for sickness or inability of a jury commissioner to attend is made. Would this prevent drawing names?

In this district a questionnaire goes to a prospective juror with his summons and he is required to fill it out and return it at once. If he appears disqualified or entitled to be excused, the Clerk notifies him not to come. Thus, no expense is incurred.

This section would require attendance and travel expense and pay to determine qualification before being summoned for jury service. This is, I feel, wholly unnecessary.

If the system now used here is followed and summons issued far enough in advance, the screening will be done with a minimum of expense and inconvenience.

The illiterate would come on to court where the Clerk could then assist him in filling out the questionnaire. (Some do that here.)

One of the worst aspects of the proposals here made is that the Attorney General is to participate in devising the juror qualification form. He has more cases in federal court than any other lawyer and should have no more to do with the juror qualification form than any other lawyer. It must also be noted that he heads an executive department and jury matters should be wholly under the judiciary.

The relevance of some of the information to be required for this form is highly questionable.

1866. There is no objection to these procedures, except as I have pointed out, there is no real need for pre-determination of qualification before placing the name in the "qualified" jury wheel. And, again there is no need for the "commission" to draw the names. (See comment re 1865).

1867. This would make complete, technical compliance with the preceding sections mandatory and brings proceedings to a grinding halt if the court finds any failure to comply fully with any requirement.

It has been and is my impression that courts generally have held that jury selection statutory procedures are directory and that substantial compliance is usually adequate. Under such holdings, the burden is on the one complaining to show that he will be harmed, or denied a substantive constitutional right in order to succeed in quashing a panel of jurors or a grand jury. This proposal would radically change the law and would, I feel, provide a field day for technically minded lawyers.

I invite attention to the provisions of Rule 6(b)(1), Federal Rules of Criminal Procedure, which give the attorney for the government or for a defendant held to answer the right to challenge the array of jurors summoned for a grand jury on the grounds that they were not *selected, drawn* or *summoned* in accordance with law.

Such challenges are to be tried by the court.

(I always invite such challenges. None have ever been made in my court.)

Absent specific repeal by Congress of this rule there would be conflict between it and the provisions of this proposed section.

If no challenge was made by a criminal defendant under this rule, would he thereby waive his right to challenge under section 1867?

If the procedures proposed for criminal cases by section 1867 are to be adopted, then I strongly urge that, with respect to grand juries, they be brought into line with Rule 6(b)(1) as to when such challenges must be made.

Moreover, I point out that there already exist adequate procedural devices by which any and all challenges to jury personnel and methods of selection may be presented and tried. No more are needed.

Personally, I feel that these proposals for mandatory technical compliance and for the extraordinary statutory challenges reflect a lack of confidence on the part of their author in district judges and personnel of the judiciary generally. Remarkably there have been very few challenges to systems of jury selection in federal courts. Only one is current in this circuit to my knowledge. It involves a criminal case which is now pending on appeal in the Court of Appeals. In my judgment, it will be reversed because of an inadequate jury selection system in that district court.

I apologize for the length of this letter and offer to assist in any way to help attain a fair and just resolution of the problems with which you are confronted with respect to the operation of the jury system in Federal District Courts.

With best wishes, I am,

Sincerely,

CLAUDE F. CLAYTON.

CHAMBERS U.S. DISTRICT JUDGE,
NORTHERN DISTRICT OF FLORIDA,
Tallahassee, Fla., July 20, 1966.

Hon. SAM J. ERVIN, JR.,
Chairman, Subcommittee on Constitutional Rights, Committee on the Judiciary, Senate Office Building, Washington, D.C.

DEAR SENATOR ERVIN: This is in response to your letter of July 1 requesting a short statement describing the jury selection machinery as it actually operates in this district. Since this district has four places of holding court Jury Commissioners are appointed for each of the four divisions. Each division has a geographical area of about 50 miles in diameter, and encompasses several counties around the places of holding court, i.e., Pensacola, Marianna, Tallahassee and Gainesville. I have sought the services of the best qualified people to undertake this serious responsibility. Since the position can scarcely be dubbed remunerative this can only be done by appeal to civic responisbility. The response, in my judgment, has been wholly commendable, for the Jury Commissioners have each tried to render their service conscientiously and in accordance with the spirit and letter of the law. I know that many of them have spent many, many hours of dedicated service in investigation and consideration of prospective jurors, in an attempt to have a body of jurors who are truly representative of the entire community and who would make conscientious triers of fact. The Jury Commissioner is given absolute authority to determine the names of the jurors placed in the box. In each instance this is done after considerable consultation with a number of individuals and groups representing all segments of the community, all areas, all religious denominations, races, and all national and economic backgrounds. Names are likewise removed from the box by the same standard. For example, if a man is convicted of embezzlement in state court the Jury Commissioner removes his name from the box. If information comes to the Jury Commissioner that a juror has lost his hearing or is otherwise so physically impaired or infirm that jury service is impossible or improbable, his name is removed from the box. The Jury Commissioner, together with the Clerk of the Court or one of the Deputy Clerks, actually draw the names upon written order of the Court of as many jurors for grand jury service or petit jury service as the Court orders. The first names drawn are issued summons. Unfortunately, a great many people immediately write the Clerk or the Court asking to be excused for a multitude of reasons. Frequently we have to issue summons for nearly twice as many as ultimately report for duty. All the activities of the Jury Commissioner and the Clerk are subject to public inspection. As far as I know, there has never been a suggestion of impropriety in the selection of jurors in this district, nor have I heard any expressions of lack of confidence in the jury selection as it now operates here. (This, of course, excludes the lawyer who loses the case, and invariably I note even he recovers to try his fortune another day with another jury with complete aplomb.)

Certainly, there are things which might be done to improve our jury selection system. Notably, it is quite difficult to obtain information about one's previous criminal record. There is no central information bureau on the point, state or federal, short of the Federal Bureau of Investigation's fingerprint sheets which are ordinarily not accessible. In this connection I note that State Supervisors of Registration frequently call on the federal Court for names of persons who have lost their civil rights through conviction of felonious crime and this also poses a very difficult task. Even though the District Court records clearly show conviction, it must also be ascertained if appeal is pending, or if the individual were pardoned, before anyone could with assurance remove his name from the voting list—or the jury list for this reason. As a result there are undoubtedly many persons on state voting lists who have lost their federal civil rights and should not therefore be automatically placed in the federal jury box.

It is my personal view that the jury system would not be improved—indeed, it would be impaired by any automatic inclusion of every registered voter or every adult resident as a prospective juror. Perhaps there are isolated instances where the selection process has operated to exclude segments of the qualified population, and this, of course, should not be the case. There has been a most conscientious and successful effort, I think, in eliminating any appearance or vestige of discrimination of persons due to race, nationality, creed or religion.

Also in our federal courts there has been a significant increase in the percentage of women jurors. This poses a very difficult task for the Jury Commissioners for they find—and the Court ultimately finds—that a relatively small percentage of women called for duty serve. Most of them ask to be excused and, in my experience, most of their reasons are well-founded. There is, accordingly, an enormous inefficiency in calling dozens of women to court only to excuse them and start all over again. The Jury Commissioners here have tried to ascertain from the individual women the reasonable likelihood of their ability to serve if called before placing their names in the box. By appeal to their sense of duty many respond and we have found these highly competent and reliable.

This kind of exercise of judgment by our Commissioners is, I believe, not only proper but commendable, and I would not think a blanket draft from the census or voting lists would improve the administration of justice in any way. Perhaps we do need a clearer, more specific guide-line for Commissioners but I would not think there is any real substitute for conscientious exercise of judgment in designating jurors.

The only forms we use here which might be considered responsive to your request are enclosed.

I would be quite content to leave to your judgment whether my comments here be made part of the record.

Respectfully,

G. HARROLD CARSWELL,
Chief Judge.

U.S. DISTRICT COURT,
NORTHERN DISTRICT OF FLORIDA.

IMPORTANT NOTICE TO JURORS

The following qualify you for jury service:

1. Citizen of the United States.
2. Twenty-one years of age.
3. Resident of the Northern District of Florida for one year last past.

The following disqualify you for jury service:

1. Conviction of a criminal offense punishable by imprisonment for more than one year and not restored to civil rights.
2. Inability to read, write, speak, or understand the English language.
3. Incapability by reason of mental or physical infirmities to render efficient jury service.

The following exempt you from jury service:

1. Member in active service in the Armed Forces of the United States.
2. Member of any police or fire department.
3. Public officer in the executive, legislative or judicial branches of the Government of the United States, or State of Florida, who is actively engaged in the performance of official duties.

The following may be considered grounds for excuse:

1. Illness, or the illness of a member of your family which requires your presence.
2. Operation of a business which must be closed, or which would be seriously impaired by your service.

If you are disqualified, or wish to claim exemption, or have any excuse whatever to offer why you should not comply with your jury summons, you should communicate immediately by letter or telephone with Hon. G. Harrold Carswell, U.S. District Judge, Tallahassee, Florida, or you will forfeit your right to compensation.

U.S. District Court,
Eastern District of New York,
Brooklyn, N.Y., July 12, 1966.

Hon. Sam J. Ervin, Jr.,
Chairman, Subcommittee on Constitutional Rights, Committee on the Judiciary, U.S. Senate, Washington, D.C.

Dear Senator Ervin: This is my reply to your letter of July 1st in which you ask for my comments as to Title I of S. 3296, which has been introduced in the Senate and referred to the Committee on the Judiciary.

If such a bill is enacted into law, the first thing that the Congress must do is to appropriate sufficient funds to increase the personnel in the office of Clerk of each United States district court.

The matter of maintaining a representative list of qualified jurors in this district court has concerned me for several years. I made a study of our jury system and filed a copy of my report with the Administrative Office of the United States Courts, in 1961. I have no extra copies available. I would hope that the Administrative Office would either loan you its copy or have a copy run off for you, if you care to read it.

In large metropolitan areas (in which citizens serve as jurors in municipal, county and state courts, in addition to the federal district court) many qualified jurors are subjected to unnecessary hardship. The same people are called again and again and again to serve as jurors. For example, I estimate that we have approximately two and one-half million qualified voters within this district whose population is somewhere between seven and one-half and eight million. Our jury list consists of approximately five thousand persons. Our report to the Administrative Office pointed up this fact and requested additional personnel in order to build up our jury list to the point where the same people would not be called upon as often as they are. To date, no such additional personnel have been provided.

As to the composition of the jury commission: the definition of "Clerk" and "Clerk of the Court" should make it crystal clear that it is not the political affiliation of the jury commissioner and the Clerk that is important but, rather, that the jury commissioner and whatever deputy clerk serves with him from time to time should not be of the same political party. Every United States district court has a jury commissioner. He and a deputy clerk now draw names to be placed in the "qualified jury wheel." Section 1863(a) seems clear enough. I would suggest that Section 1870(a) be amended by adding "serving with the jury commissioner when names are placed in the master wheel, pursuant to Section 1864; are drawn from the master wheel, pursuant to Section 1865, and are placed in a "qualified jury wheel," pursuant to Section 1866.

As to the proposed "master jury wheel": such a master jury wheel would be quite cumbersome for it must contain names of at least 1% of the total number of persons listed on the voter registration list for a particular district; it would require approximately twenty-five thousand names to be placed in such a wheel in this district. That would be quite a wheel.

The bill suggests that there would have to be a juror's card for every qualified voter in the district; that, from that total, 1% of the cards be drawn and placed in the master jury wheel. This would require our Clerk to prepare approximately two and one-half million such cards. Not only would our Clerk's office need much more help but it might also need an IBM machine.

This feature of the bill is further complicated by the fact that, of the two and one-half million juror cards, we would not know how many are qualified to serve as jurors.

After you select "at random from the voter registration lists" the names of persons residing in the district, it is conceivable that the 1% of the total number of registered voters so selected might come from one particular area of the district. In a district as large as ours with residential areas ranging from poor to very rich, the 1% might represent the rich area or the poor area. We arrange our jury cards by county and election district categories in an attempt to obtain for our "qualified jury wheel" a list of jurors as representative as possible of the entire district.

I do not think that it is wise or practical to require the maintenance of a "master wheel" containing at least 1% of the total number of registered voters, selected at random. This requirement of Section 1864(a) and (b) can nullify Section 1864(e) which seems to suggest that the names that go in the master jury wheel should be representative of the persons residing in all of the political subdivisions of the district.

As to the drawing of names from the master jury wheel: this comes at a time when jurors are needed. Names are to be drawn from the master jury wheel and placed in the "qualified jury wheel." This seems to me to be a pretty late hour at which to begin to look into the qualifications of those whose names are in the master jury wheel. When the names are drawn from the master jury wheel, the Clerk will have to mail a qualification form. Then the addressee will have to appear in person before the Clerk or a deputy clerk to fill out the form. And after the form is filled out the jury commission will have to examine the forms and determine which of the potential jurors are qualified to serve. This is something that should be done months and months before the time comes to place the names of jurors in the qualified jury wheel.

Although the bill provides that the master wheel be emptied every two years, there is no provision as to how often the qualified jury wheel should be emptied and refilled.

I like the requirement of punishment for failure to respond to a notice from the Clerk. The bill should be amended so as to impose the same punishment when a qualified juror fails to appear to serve as a juror. We have this very problem here in the Eastern District of New York and would welcome such a provision.

I realize what the problems are that are sought to be met by S. 3296. These are not problems that prevail in this part of the country and, certainly, not in this district. But before legislation of nation-wide application is enacted into law, the Congress had better provide the funds with which to implement whatever bill becomes law.

Sincerely,

Joseph C. Zavatt,
Chief Judge.

U.S. District Court,
Northern District of Oklahoma,
Tulsa, Okla., July 18, 1966.

Hon. Sam J. Ervin, Jr.,
Chairman, Subcommittee, Committee on the Judiciary,
Senate Office Building,
Washington, D.C.

Dear Senator Ervin: Thank you for your letter of July 1, 1966, wherein you offer me the opportunity of commenting on the jury system in Federal Courts today, and comments as to the proposed S. 3296. I enjoyed your remarks made on June 6, 1966, and your suggestions show thoughtful reflection over the possible changes.

Briefly, the following is a description of the process we use for the selection of jurors in the Northern District of Oklahoma.

In preparing the jury box for this district (we use only one box), we first ascertain the population of each county, and solicit names on a pro rata basis from the churches, civic organizations, postmasters, lodges, union organizations, womens clubs, bar association, etc. We ask each to furnish the names of a given number or persons whom they think qualified to serve as jurors, without making any distinction as to race, creed or color. We usually solicit about 5,000 names each three or four years when the box is refilled.

After the lists have been furnished by the various organizations, a statement of qualifications is mailed to each person with a questionnaire to be returned within a given time. When the questionnaires have been returned the Jury Commission, consisting of the Clerk and the Jury Commissioner (who are of opposite political parties), check them for valid excuses and determine the names to be placed in the jury box. A master list is then made and the names, which have been placed on 2 x 3 cards showing name, address and occupation, are placed in the box alternately by the Clerk and the Commissioner.

When the box has been completed and the Court orders a jury, the Clerk draws the names from the box. The names are listed and individual summons prepared and delivered to the United States Marshal, who serves them by certified mail.

We enclose a copy of the statement of qualifications and the questionnaire.

I personally think that the jury system that we have today is more than adequate, is fair, and insures able citizens serving on the jury to arrive at true decisions in cases they hear. I think the proposed law has many dangers and complications of administration that create unfair possibilities. The citizens in my district are very proud of our Federal juries, and I can state to you, as a Judge of this Court, I too am proud of the caliber of the citizens. I would personally prefer leaving the system as it is than to gamble with unknown changes and their resulting effects.

Sincerely,

Allen S. Barrow,
U.S. District Judge.

U.S. District Court, Northern District of Oklahoma, Clerk's Office, 339–342 U.S. Courthouse Building, Post Office Box 1866,
Tulsa, Okla.

Please answer fully the questions on the attached questionnaire so the Jury Commissioner may determine whether you are qualified to serve as a juror in the United States District Court for the Northern District of Oklahoma. Sign your name and return it within five days in the enclosed envelope which requires no postage. The qualifications and exemptions are as follows:

QUALIFICATIONS

Any citizen who has attained the age of 21 years and resides within the judicial district is competent to serve as a grand or petit juror unless:

(1) He or she has been convicted in a state or federal court of record of a crime punishable by imprisonment for more than one year and his or her civil rights have not been restored by pardon or amnesty.

(2) He or she is unable to read, write, speak and understand the English language.

(3) He or she is incapable, by reason of mental or physical infirmities to render efficient jury service.

EXEMPTIONS

The following persons shall be exempt from jury service:

(1) Members in active service in the armed forces of the United States.

(2) Members of the Fire or Police departments of any State, district, territory, possession or subdivision thereof.

(3) Public officers in the executive, legislative or judicial branches of the government of the United States, or any State, District, Territory, or Possession or subdivision thereof who are actively engaged in the performance of official duties.

By order of the court.

Noble C. Hood,
Clerk.
L. W. Grant, Jr.,
Jury Commissioner.

U.S. District Court,
Middle District of Georgia,
Macon, Ga., July 12, 1966.

Hon. Sam J. Ervin, Jr.,
Chairman, Senate Constitutional Rights Subcommittee, U.S. Senate, Washington, D.C.

Dear Senator Ervin: Receipt is acknowledged of your letter of July 1 inviting any comments I might wish to make concerning the desirability of Title I of S. 3296, and the changes it would require in our present operation.

First, let me say that our jury commissioners rely chiefly upon their personal knowledge of prospective jurors and upon information they obtain from all sources including key men or suggesters. They use to a limited extent state court jury lists and telephone directories, the latter being used only as a reminder of people known but forgotten.

I cannot help but wonder whether the emphasis of Title I may not be misplaced. Is it upon the right to serve on federal juries rather than the qualifications so to serve?

Those of us who take pride in the quality of justice administered in the federal courts would seriously regret any lowering of the qualifications of federal jurors, or any lowering of the collective intelligence of the jury panel. It seems to me that we are concerned here with much more than just a lesson in civics or a mere exercise in the principles of democracy. The administration of justice is serious business. It represents the actual functioning of democracy at one of its highest levels. It needs to be as efficient as possible. The importance of the jury in our jurisprudence would be hard to exaggerate.

The jury has almost unlimited authority over property, liberty, and even life itself. It can deny property; it can deny liberty, and it can deny life. Nor is its importance diminishing. Technical and complicated issues formerly looked upon as equitable and triable without a jury now require jury verdicts. See, for instance, *Dairy Queen, Inc.* v. *Wood*, 369 U.S. 469 (1962); *Beacon Theaters, Inc.* v. *Westover*, 359 U.S. 500 (1959).

As you know, the Judicial Conference of the United States in 1960 approved the report of its committee on the operation of the jury system. This committee study and report was exhaustive and is reported in 26 F.R.D. 409. I lift from this report two paragraphs which as I understand it, reflect the thinking of the Judicial Conference of the United States upon this all important matter of the selection and composition of federal juries.

"The jury holds in its collective hands the life, the liberty and the welfare of individual defendants in criminal cases and the interests of litigants in civil cases. The importance of improving the calibre of these judges of the facts is therefore self evident. At the same time, jurors must be representative of the community in which they live. Therefore, the Committee recommends that the sources from which they are selected should include all social and economic groups in the community and the jury list should represent as high a degree of morality, integrity, intelligence and common sense as the jury commission can find in each social and economic group by the use of impartial methods of selection.

"In order that grand and petit jurors who serve in United States district courts may be truly representative of the community, the sources from which they are selected should include all economic and social groups of the community. The jury list should represent as high a degree of intelligence, morality, integrity, and common sense as possible."

This thinking, it seems to me, embraces two basic concepts; first, the sources from which jurors are selected should constitute a broad base including all economic and social groups of the community and; second, from the list of legally qualified voters compiled from this broad base, then the jury commissioners should make their selections by the use of impartial methods so as to put on the jury rolls only those who "represent as high a degree of morality, integrity, intelligence and common sense as the jury commission can find in each social and economic group." I fear that Title I of S. 3296 recognizes and provides for only concept 1 and not concept 2.

Moreover, as a part of the Judicial Conference action of 1960 it approved proposed legislation then known as H.R. 4343, Eighty-sixth Congress, First Session, which provided in part specifically as follows:

"It shall be the duty of the commission . . . to select . . . the names of qualified persons who may be called to serve as jurors in the district court and who in their opinion are intelligent, honest, fair-minded, of good reputation and capable of rendering satisfactory service. . . ."

Incidentally, that bill, as well as S. 3296, provided for questionnaires and for a subpoena or summons to prospective jurors to appear before the commission so that the commission could determine their qualifications. I believe that provisions should be made for the payment of jurors' expenses in so appearing. This would not be of much importance in a metropolitan area, but in some of our districts a juror might well have to travel 60 or 75 miles.

The present law I trust authorizes the jury commission to see to it that "the jury list should represent as high a degree of morality, integrity, intelligence and common sense as the jury commission can find in each social and economic group by use of impartial methods of selection." I fear that Title I of S. 3296 would allow the jury commission no sound legal impartial discretion in this matter, but would require them to place in the jury wheel names of all persons determined by them to possess the minimal qualifications prescribed by 28 U.S.C. § 1861, and repeated in proposed § 1866. Proposed § 1866 plainly says that:

"The jury commission shall deem any person qualified to serve on grand and petit juries in the district court unless he—

"(1) is not a citizen of the United States twenty-one years old who has resided for a period of one year within the judicial district;

"(2) is unable to read, write, speak, and understand the English language;

"(3) is incapable, by reason of mental or physical infirmity to render efficient jury service; or

"(4) has been convicted in a State or Federal court of record of a crime punishable by imprisonment for more than one year and his civil rights have not been restored by pardon or amnesty."

I am in thorough agreement with your observation that the jury provisions of this proposed legislation have an importance independent of its civil rights objectives. I agree also that legislation of this far-reaching importance should be submitted to the close scrutiny of the Judicial Conferences of the various Circuits, the Judicial Conference of the United States, the American Law Institute, and the American Bar Association.

As requested, am enclosing a copy of questionnaire used by our jury commissioners, which, incidentally, I think is not quite as the one approved by the Judicial Conference and found at 26 F.R.D. 507.

Respectfully,

W. A. Bootle,
U.S. District Judge.

cc: Hon. Richard B. Russell, Hon. Herman E. Talmadge, Hon. John J. Flynt, Hon. J. Robert Elliott.

U.S. District Court,
Office of the Clerk,
Middle District of Georgia.

John P. Cowart, Clerk.
Wm. J. Simmons, Jury Commissioner.

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---------------------------,
------------, ------------ County, Ga.

Dear Sir or Madam: By order of this Court, the Jury Boxes for the Middle District of Georgia are to be revised.

In determining the names of persons qualified for jury service, Mr. W. J. Simmons, Jury Commissioner, and I are directed to submit to you the following Questionnaire, and request that the same be filled out and returned within 5 days in the enclosed self-addressed envelope which requires no postage.

1. Age ------; Date of Birth ----------; Sex ------; Race ---------.
2. Occupation: ---------------------.
3. Are you employed by the U.S., State, County or City Governments --------; if so, which -----------; and as what ----------.
4. Are you a citizen of the United States? ------------------------.
5. How long have you resided in this District? ----------------------.
6. Have you ever been convicted of a felony? ------; if so, what -----------------.
7. Do you have any mental or physical infirmities that would keep you from rendering efficient jury service? ------------------.
8. Can you read, write, speak and understand the English language? ------------.
9. Sign your FULL name -------------.
10. What is your address? (House no. and Street) ---------------------------------; (RFD) ------; (City) ----------; (County) ------------------------.

Very respectfully,

John P. Cowart,
Clerk.

U.S. District Court,
District of Wyoming,
Cheyenne, Wyo., July 12, 1966.

Hon. Sam J. Ervin, Jr.,
U.S. Senate,
Washington, D.C.

Dear Senator: I am in receipt of your letter of July 1, 1966, enclosing copies of S. 3296 and you ask that I make comments concerning the desirability of the proposed legislation and the changes it will require in our present operation.

First, let me state that Wyoming is a single judge, single district court, comprising twenty-three counties and 97,000 square miles, with a total population of 330,000.

Section 1864(e) provides that the master jury wheel shall contain the names of persons residing in all counties within the judicial district. According to Section 1865(a) the jurors shall appear before the Clerk to fill out the juror qualification form, which will mean that the jurors residing in Teton, Park, Crook, Campbell, Big Horn and Sheridan counties will have to travel a distance of 500 miles to the seat of the court, or a round trip of 1,000 miles. Are these prospective jurors who have to travel this distance to fill out the form to be paid mileage and per diem, or must they do so at their own expenses? For your information I am enclosing a copy of Form AO 112 (Rev.), Summons for Petit Juror, which is sent to the jurors when their names are drawn and they are required to complete the form on the back and bring it with them when they report for jury service.

We use approximately 120 petit and grand jurors every two years. Section 1864(b) provides that the jury commission shall in no event place the names of fewer than 2,000 persons in the master wheel. This will mean that in Wyoming every two years we will have drawn the names of approximately 120 persons and emptied the wheel of the balance.

At the present time we have on our jury panel members of all nationalities and races, including colored, Japanese and Spanish Americans, which, in my opinion, is a complete cross-section of all the citizens of this state. We draw the jurors who attend the sessions held at Cheyenne, the seat of the court, from four counties and within 100 miles of the seat of the court. We also hold court once a year at Casper, in the central part of the state, and in Sheridan, in the northern part of the state, and draw jurors from within 100 miles of the place where the court is being held. The proposed legislation would be expensive and, in my opinion, would not improve the jury panels in Wyoming.

The Wyoming docket is up to date and litigants can have their cases tried in as short a time as thirty or sixty days after filing. Our present jury system has worked well for the 76 years of statehood and I trust it will not be disrupted.

Sincerely yours,

E. T. KERR,
U.S. District Judge.

U.S. DISTRICT COURT FOR THE
EASTERN AND WESTERN DISTRICTS
OF KENTUCKY,
Lexington, Ky., July 13, 1966.

Hon. SAM J. ERVIN, JR.,
U.S. Senate,
Washington, D.C.

DEAR SENATOR: I have your letter of July 1 with reference to S. 3296, the Administration's Civil Rights Bill.

In answer to your inquiry with reference to the matter of selecting jurors, I feel that there is not any need for a change in the selection of jurors insofar as my experience in this district goes. We have good jurors and, with few exceptions, they are men and women who acknowledge their responsibility and are willing to assume it even at considerable sacrifice. This applies to both men and women and to all races of people. There are many Negroes who serve on juries here, both men and women.

We do not use any form of "juror qualification" except the questions contained on the back of the summons for petit juror which is identified as Form AO 112, a copy of which I enclose for your information.

With reference to the system of selecting jurors under the statutory requirements, I give you the following information which was prepared for me by our clerk:

"JURY SELECTION MACHINERY, EASTERN DISTRICT OF KENTUCKY

"Jurors serving in the Eastern District of Kentucky are chosen as follows:

"1. The Clerk and Jury Commissioner for the district alternately deposit in the jury box an equal number of names of persons gathered by them from the several counties in each jury division.

"2. The names are furnished to the Clerk and Jury Commissioner by responsible and trustworthy persons, either personally known to them or recommended to them to be citizens capable of suggesting names of persons possessing the statutory qualifications and representing a cross section of the county of their residence.

"3. The number of jurors from each county is determined by the proportionate population of the county in the respective jury division.

"4. When a jury is ordered drawn by the Court the names are drawn from the jury box for the particular jury division for which the jurors are needed. If a jury of the whole district is required names from each division are drawn."

From my experience of many years in this district, I do not believe that any change is needed in the present system.

Sincerely,

MAC SWINFORD,
Judge.

JUDGE'S CHAMBERS,
U.S. DISTRICT COURT,
Knoxville, Tenn., July 6, 1966.

Hon. SAM J. ERVIN, JR.,
Chairman, Subcommittee on Constitutional Rights, U.S. Senate, Senate Office Building, Washington, D.C.

DEAR SENATOR ERVIN: This will acknowledge receipt of your letter of July 1st, stating that hearings had begun by your Committee on Senate Bill S. 3296—the proposed Civil Rights Bill, which would make significant changes in the methods of selection of Federal and State jurors.

You suggest a short statement from me, describing the methods in the selection of jurors in our district.

We have four divisions in the United States District Court for the Eastern District of Tennessee and a jury commission for each division. The jury commission in the Knoxville court is composed of The Honorable William Wicker, Dean Emeritus of the College of Law of the University of Tennessee, and our deputy clerk. Each member of the jury commission selects from the counties in each division a number of citizens from a variety of backgrounds in their respective counties and are persons of good character, integrity, sound judgment and fair education. These citizens are sometimes referred to as "suggestors" or "key men". Their function is to furnish to the Clerk or Jury Commission the names of residents in their communities who, in their opinion, are qualified for jury service. Oftentimes the "suggestors" or "key men" are persons who have served on the Federal jury and are aware of the responsibilities and qualifications of a juror. The commission also selects names at random from city and telephone directories for prospective jurors. The names of those who are used as "suggestors" are kept in a file designated for that purpose. Periodically, a letter is sent to each "suggestor", a copy of which is attached. When a list of names and addresses is returned by a "suggestor", questionnaire furnished by the Administrative Office is sent to each prospective juror, together with a letter and self-addressed envelope, requesting that he complete the form and return it. A copy of this questionnaire is also attached.

Upon return of the completed questionnaire, it is placed in a file applicable to the county in which the prospective juror lives. The use of a county folder is a means of getting a proportionate number of each county in each division for service on the jury. The questionnaire of each prospective juror is examined to determine whether or not he or she is qualified. The qualification or non-qualification of a prospective juror is determined by standards fixed in the applicable Federal Statute. If the prospective juror is qualified, a card with his or her name and address (with the county) is prepared and attached to the questionnaire pending placing the name in the jury box. This is usually done at the time of the drawing of a Grand or Petit Jury, the date stamped on the back of the card. The questionnaires of jurors whose names have been placed in the box are retained and placed in a special file, which constitutes an inventory of the jury box. Separate files are maintained for the questionnaires of those who are accepted for jury service and those who are rejected. There is a minimum of three hundred names of persons who are qualified jurors in the jury box at all times, from which, periodically, the names of Grand and Petit Jurors are publicly drawn in accordance with Title 28, Section 1864 U.S.C.A. The jury box is purged every two years. In Knoxville there have been Negroes on every panel for the last fifteen or twenty years. We have never considered race, color or religion in the selection of jurors and have not made inquiry about such matters.

Section 1864 of S. 3296 requires the jury commission to maintain a master jury wheel and place in the wheel names selected at random from the voter registration lists of persons residing in the division of the court. Section "b" requires the commission to place in the master wheel at least 1 per centum of the total number of persons listed on the voter registration lists for the district and in no event shall the commission place in the master wheel fewer than 2,000 persons.

From time to time the commission is required to publicly draw the names of as many persons as may be required for jury service from the master wheel and each person chosen is required to appear before the Clerk to complete a jury qualification form to be prepared by the Administrative Office.

After the form is completed, the jury commission is required to determine whether the person is qualified for or exempt from jury service. This form includes the designation of the jurors' race. The form our jury commission uses does not include such a question. After the Clerk sees the prospective juror, the prospect could be more objectionable legally than if he had not appeared. The interviewing duties required of the Clerk would probably require an additional full time Deputy Clerk in the Greeneville, Knoxville and Chattanooga divisions of our court to handle jury selection. It would seem that the requirement of personal appearance before the Clerk could be more discriminating against minority races than the use of the jury qualification questionnaire that is presently in use.

The new form and proposed method of jury selection may defeat its objective—elimination of alleged race discrimination—in that it allows the Clerk to examine the prospective jurors before the names are placed on the wheel.

After the commission determines that a person is qualified, his name is placed on the master wheel and from time to time a panel is publicly drawn from this wheel.

This entire proposed procedure would be time consuming and expensive and would provide a litigant with more opportunity to prolong litigation and perhaps delay or defeat meritorious claims by raising questions as to the qualifications of jurors, based upon mere technicalities.

Section 1867(a) provides in criminal cases that the defendant may move to dismiss or stay proceedings against him on the ground of failure to comply with Sections 1864, 1865 and 1866, Title 1, and Sub-section (b) of the same Section provides that in civil cases, prior to the introduction of evidence, any party may move to stay a proceeding on the ground of failure to comply with the foregoing sections. I am very much disturbed by Section 1867. The great majority of lawyers in the bar, which practices in my court, are honorable persons, who would not misuse such a section. However, it has been my experience that there is a small percentage of the lawyers who practice before my court who are captious and will take advantage of every possible ground for dismissal, stay or delay of proceedings.

This court, as do many others in the country, works long hours to expedite the dockets and to give criminal defendants and civil litigants a fair and speedy trial. In my opinion, Section 1867 could be used by the captious few to delay both criminal and civil cases to the extent that there would be a continual miscarriage of justice. To say the least, Section 1867 and its two sub-sections will undoubtedly add substantially to the burdens of the court in trying to meet trial schedules and, to foresee the worst, in some districts it could produce a complete demoralization in both criminal and civil trials.

I fully agree with the observation made by you in your opening statement that "These provisions deserve the most careful scrutiny before we tamper with two of the basic tenets of American government".

Sincerely yours,

ROBERT L. TAYLOR.

Mr. LENNON. Mr. Chairman, I make the point of order that a quorum is not present.

The CHAIRMAN. The Chair will count. [After counting.] Eighty Members are present, not a quorum.

The Clerk will call the roll.

The Clerk called the roll, and the following Members failed to answer to their names:

[Roll No. 182]

Baring
Conyers
Dorn
Edwards, La.
Ellsworth
Flood
Foley
Friedel
Fulton, Pa.
Green, Oreg.
Hansen, Wash.
Henderson
Herlong
Jones, Mo.
Kee
King, N.Y.
Kluczynski
Landrum
McEwen
Martin, Mass.
Michel
Miller
Mills
Moore
Morrison
Multer
Murray
Nedzi
O'Brien
Passman
Powell
St Germain
Scott
Sikes
Sweeney
Taylor
Teague, Tex.
Toll
Trimble
Tuten
Udall
Willis
Wilson, Charles H.
Wright

Accordingly, the Committee rose; and the Speaker having resumed the chair, Mr. BOLLING, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill, H.R. 14765, and finding itself without a quorum, he had directed the roll to be called, when 388 Members responded to their names, a quorum, and he submitted herewith the names of the absentees to be spread upon the Journal.

The Committee resumed its sitting.

The CHAIRMAN. When the Committee rose, the gentleman from Ohio [Mr. MCCULLOCH] had been recognized, and is now recognized for the 45 seconds remaining.

Mr. McCULLOCH. Mr. Chairman, I yield the 45 seconds to my colleague, the gentleman from North Carolina [Mr. WHITENER].

Mr. WHITENER. Mr. Chairman, I appreciate the generosity of my friend, the gentleman from Ohio [Mr. MCCULLOCH].

Mr. Chairman, in my comments earlier, in reading from the letter of the Honorable Michael Keller, Jr., clerk of the U.S. District Court for New Jersey, I read it correctly.

However, since the quorum call commenced, it has been brought to my attention that today Mr. Keller made a statement before the Senate Judiciary Committee in which he stated the following:

> In my original comments to Chief Judge Madden, which were transmitted to Senator ERVIN, I misinterpreted section 1865(a) in connection with the appearance of each prospective juror before the Clerk to complete a questionnaire.

The CHAIRMAN. The time of the gentleman from North Carolina has expired.

Mr. McCULLOCH. Mr. Chairman, I yield the gentleman 3 additional minutes.

Mr. WHITENER. Mr. Chairman, he continues as follows:

> I have erroneously thought that each person in the master wheel must appear. At the thought of 31,516 interviews I had started checking the retirement statutes to determine my eligibility.
>
> Actually, only those drawn from the wheel must appear. However, considering the fact that we use about 2,200 jurors a year, and a certain number interviewed will be found not qualified, this provision still presents a formidable task.
>
> I know that some districts have used this procedure for years; notably, the Southern District of New York. I assume that such districts have obtained the personnel to do this. I believe most of the districts which have not followed such a procedure would require additional deputy clerks.

I wanted to make this clear, Mr. Chairman. When we go back into the House, I will ask permission to make a part of the RECORD all of the statements given today by the U.S. district court clerks before the Senate Committee on the Judiciary.

I am advised by counsel on the Senate committee that without exception, the U.S. district court clerks appearing before Senator ERVIN's subcommittee opposed the enactment of title I as now written.

I would like to further make clear that in my opinion the gentleman from Colorado was in error just before the quorum call when he stated that this present bill did not require the bringing in of vast numbers of names into the wheel because in section 1864(b) it is required:

> (b) The jury commission shall place in the master wheel the names of at least 1 per centum of the total number of persons listed on the voter registration lists for the district or division (or, if sources in addition to voter registration lists have been prescribed pursuant to subsection (a), at least 1 per centum of the total number of persons of voting age residing in the district or division according to the most recent decennial census):—

Also the only limitation is the proviso which says:

> *Provided*, That in no event shall the jury commission place in the master wheel the names of fewer than two thousand persons.

So I submit to the gentleman from Colorado—and I am sure it was not intended—but was an error in his interpretation of this section.

Mr. ROGERS of Colorado. Mr. Chairman, will the gentleman yield?

Mr. WHITENER. I will be happy to yield.

Mr. ROGERS of Colorado. I think you misconstrued what I had reference to. I had reference to section 1865 on page 40.

After the names have gone into the wheel, then by virtue of the fact that the names go into the wheel, it does not mean that they will be called for jury service.

Mr. WHITENER. Of course not.

Mr. ROGERS of Colorado. Nor would questionnaires even be sent to them.

Mr. WHITENER. But as Judge Zavatt of the U.S. District Court in Brooklyn stated that in order to put 3 million of the names in that wheel, or whatever number there would have to be in Brooklyn, he would have to have an IBM machine and some additional people to operate it.

The CHAIRMAN. The time of the gentleman from North Carolina [Mr. WHITENER] has expired.

Mr. McCULLOCH. Mr. Chairman, I yield 2 minutes to the gentleman from New Jersey [Mr. CAHILL].

Mr. CAHILL. Mr. Chairman, I merely wanted to clear up, if I might, the position of the U.S. district court in the State of New Jersey and of the clerk.

It is my understanding, if I may say to the gentleman from North Carolina, that the testimony was directed against the present Senate bill and not against the bill that is presently before the House. I think there has been a great number of changes that have been made in the House bill, and I do not believe Mr. Keller was referring to this particular bill that is under discussion today.

Secondly, I would like to direct this question to the chairman for the purpose of clearing up what I think is an erroneous impression that a great many of us have about this procedure.

Is my understanding correct now that 1 percent of the registered voters are selected and their names are put in a wheel but that it is neither necessary or called for in the bill that a questionnaire be sent to those individuals or that they be called, but that out of this number that are in the wheel the number of jurors that the clerk feels will be necessary to properly operate the court for the coming sessions of the court, whether it be 1,000, 2,000 or 5,000, is drawn from a wheel and when that number is drawn, then questionnaires may be sent to those 5,000 or 2,000 or 1,000—and that is the workable jury list that is utilized in the courtroom.

Is that correct, Mr. Chairman?

Mr. CELLER. That is exactly the intention of the members of the committee.

Mr. ROGERS of Colorado. Mr. Chairman, will the gentleman yield at that point?

Mr. CAHILL. I yield to the gentleman.

Mr. ROGERS of Colorado. I wish to point out, as I attempted to do to the gentleman from North Carolina, on page 40 section 1865 provides:

> (a) From time to time as necessary the jury commission shall publicly draw from the master jury wheel the names of as many persons as may be required for jury service, prepare an alphabetical list of the names drawn.

As you have pointed out, when it is necessary to have 500 jurors or 1,000 jurors, they go to the master wheel, where the names are listed; 500 or 1,000 may be drawn. Then the procedure of sending out the questionnaire is put in motion. I think that should set the question at rest.

Mr. CAHILL. There is is still a question in my mind, however, as to the real necessity for having this voluminous number and placing this burden upon the clerk. I think there ought to be some discretion, at least in the chief judge, to limit the number, and it seems to me that in those districts such as New York, where we have such a tremendous registration roll, it would place indeed a great burden on the clerk of the court.

Mr. WHITENER. Mr. Chairman, will the gentleman yield?

Mr. CAHILL. I am glad to yield to the gentleman from North Carolina.

Mr. WHITENER. I might suggest that section 1866(a) would indicate the error of the statement of the gentleman from Colorado [Mr. ROGERS] with reference to the questionnaire, because that section specifically states:

> The jury commission shall determine solely on the basis of information provided on the juror qualification form or the returned summons whether a person is qualified for or exempt from jury service.

Once a man or a woman is brought in for jury service, the judge would make a determination as to his or her qualification in a particular case. Under this section the jury commission would be given the responsibility of initially determining whether the jurors to be included in the wheel are qualified.

Mr. CAHILL. I direct this question to the gentleman from North Carolina: Does the gentleman not agree that only the clerk has the responsibility of interviewing or sending out the questionnaire to the number of jurors that he anticipates will be required and not to every juror whose name is placed in the jury box?

Mr. WHITENER. That is correct and, according to the statement made by the clerk of your district court, in the Camden and Trenton courts they will use 300 to 500 a year. In the Newark court it is from 2,000 to 3,000. That would be a lot of interviews.

Mr. CAHILL. But the interviews could be eliminated if the chief judge decides that a questionnaire will serve the purpose.

Mr. WHITENER. Under section 1866 (a) it appears to me the jury commission would be required to perform that task.

Mr. CELLER. Mr. Chairman, I yield 10 minutes to the gentleman from California [Mr. CORMAN].

Mr. CORMAN. Mr. Chairman, there are thousands of young Negroes who are militant and who are on the march. They are armed and they are aggressive. They have our attention and they are worthy of our concern. They are the thousands of young Negro Americans who serve in the U.S. Army, Navy, Air Force, and Marine Corps in South Vietnam. They are at this moment locked in mortal combat with an aggressor who would destroy freedom. They eat in the same messhalls, sleep in the same foxholes, they stalk the same enemy and they die with the same valor as their white comrades-in-arms.

Just as their white comrades contrast so sharply with some of the young draft dodgers we all find so objectionable, so these young Negroes fighting for their country contrast sharply with the young hoodlums who riot in the streets and who have been so graphically brought to our attention these last few days.

I would hope that as we deliberate on the 1966 Civil Rights Act, we would refrain from giving disproportionate attention to the irrational, irresponsible Negro who does so much harm to his own cause and to the cause of racial understanding by wreaking violence on his community. I would hope that we would remember that each of those young Negroes who fights today for us has left behind him in this country a mother, a father, a wife, a child for whom he asks one thing—an opportunity for full partnership in that freedom for which he fights and for which he may very well die. You and I know that few Negroes enjoy that full partnership in American society today.

Since the adoption of the 13th, 14th, and 15th amendments, it has been the stated goal of the Government of the United States to erase from our society all vestiges of slavery. Progress toward that goal has been slow but it has been consistent. History may well record that the greatest accomplishment of our form of government has been its ability to correct and overcome the evils visited upon this Nation by its acceptance for so many years of human bondage. During the past decade, our Judiciary Committee, this House, and this Congress has played an important and constructive role in moving our Nation peacefully toward a higher sense of equity and justice for all Americans.

I would not wish to oversimplify the problem nor overstate our success, yet we would be unfair to ourselves and irrational in our present deliberations if we failed to properly assess the usefulness of the legislation which we have carved out in this Chamber. Today, hundreds of thousands of American schoolchildren attend schools without racial barriers, dissipating and destroying the suspicion, the fear, and the hatred that are inherent in a dual society.

Hundreds of thousands of American citizens will vote for the first time this fall, confident that the color of their skin will not bar them from the voter's booth. Millions of Americans may today walk into a restaurant when they are hungry and buy a meal. Only a short time ago their color would have sent them to the kitchen door. Much of this has been accomplished without violence, without hatred, without suspicion and it has been accomplished by laws which were born in this Chamber. We can, I suggest, say with sufficient modesty and humility that our past efforts have been useful and constructive to the Nation and to the people we represent.

But recent history demonstrates, and the evidence before your Judiciary Committee has made it crystal clear, that there is need for further action on our part. It is for this reason, that we bring to the House and urge adoption of the 1966 Civil Rights Act. Let us turn our attention briefly to the specific objectives of this legislation. They are essentially threefold.

First, we set up mechanisms to eliminate racial discrimination in our jury system in both State and Federal courts. Evidence of such discrimination in some parts of our country is overwhelming and unrebutted. The evils of such discrimination are manifold. Uppermost is the resulting maladministration of justice, and I suggest to you that the administration of justice is the cornerstone of a free society.

A system which consistently produces all-white juries means simply that the Negro defendant is convicted often too quickly and the white defendant not at all. We cannot ignore a fact we all know, that in some parts of this Nation American citizens must live in a society which will leave unpunished their murder if they are black and the murderer is white. Think for a moment how it would feel to live in a place where for all practical purposes it was not against the law for someone to kill you. This is the problem to which we address ourselves in titles I and II of this bill.

Second, title IV of the bill is an effort to tear down barriers in the marketplace in relation to the purchase or rental of housing. It is as logical, as necessary, and as constitutional as the public accommodations section of the 1964 act—a section which I suggest to you has been of tremendous benefit to the white merchant and the Negro customer. In candor, I must say to you at the outset that any who feel obligated to either SNCC or the National Association of Real Estate Boards, will probably find it difficult to support this title, for both of those organizations oppose this section of the bill. So far as I know, those two organizations stand alone as the only ones which oppose the present title IV.

During our deliberations in the Judiciary Committee, this title of the bill consumed the most of our attention and presented the most difficulty in arriving at our final proposal to you. We have, I respectfully submit, brought to you a proposal which is both moderate and efficacious. At the outset, we were faced with the problem as to whether or not we should place restrictions on the use and disposition of a man's home.

Such laws exist in many States, including my own, and such a Federal law was suggested by the President of the United States. The evidence was conclusive that there are significant barriers in the marketplace in relation to the sale and rental of housing. On the other side of the coin was the age-old concept that a man's home is his castle.

It was the conclusion of your committee, and is now our recommendation that much of the evil which perpetuates segregated housing will be eliminated if we prohibit the discriminatory practices of those in the real estate business—practices which have denied customers to the white seller and have denied purchases to the Negro buyer. We concluded that removal of these practices might very well eliminate the evil itself and so we very carefully eliminated from coverage in this title any restriction on a man's use or disposition of his home. We have said that any person or institution that is in the business of marketing housing shall be prohibited from racial discriminatory practices.

We have said to the banker, to the tract developer, the apartment house operator, to the realtor, you may no longer be the source of racial discrimination. You may no longer impose upon the American people practices which impede the free exchange of property. I think it noteworthy that there has been no objection to this title from the bankers, from the property developers, nor from the apartment house operators.

I am both shocked and distressed at the conduct of the National Association of Real Estate Boards concerning this matter. They are, I suggest, in ill grace when they spend hundreds of thousands of dollars to perpetuate their right to foster and induce racial discrimination. They are dishonest when they tell your constituent and mine that he as a homeowner has his property rights threatened by this legislation. That just is not true. I invite the National Association of Real Estate Boards to tell this Congress and to tell the American people what specific racial discrimination they want the authority to perpetuate.

The third and most important purpose of this legislation is to offer protection from force and violence to those who seek to enjoy rights which this Congress has enunciated during the past decade, but rights which continue to be denied to Negro Americans through force and threat of force which goes unpunished by sovereign States in some parts of this Nation. I would suppose that nothing concerns a man more, not even his own safety, than does the safety of his child. I would urge each of you to read the report of the U.S. Commission on Civil Rights issued in February of this year constituting a survey of school desegregation in the Southern and border States. The following are excerpts and I quote:

> A substantial factor in the reluctance of Negro parents and children to select "white" schools is fear. For example, in Webster County, Mississippi where Negroes constitute 28 percent of the student population, school desegregation began in 1965 under a plan providing free choice for all students in grades 1, 7, 10, and 12 only. The plan was published on July 22, 1965. A local newspaper editor told a staff attorney that on or about July 1, 1965, a cross was burned in the front yard of the sheriff of Webster County and that a few weeks later near midnight crosses were fired at the county courthouse and on highways near three county towns. Negroes told staff attorneys in October 1965 that Ku Klux Klan literature had appeared in their mailboxes or on the front steps of their houses for several months. A former Negro school teacher reported that on August 12, near midnight, about 60 shots had been fired into his home. Staff attorneys personally viewed the bullet holes. About a mile from this house staff attorneys say a sign announcing a Klan rally on August 27, the day school registration had been scheduled.
>
> Sumter County, Georgia, this year has been operating four all-Negro schools that serve 1,943 pupils, 66 percent of the county enrollment. Four all-white schools complete the system. Under the Sumter County desegregation plan approved by the Office of Education, all 12 grades were to be desegregated. All of the Negro children who had designated white schools on their freedom of choice forms changed their choice. Some of the Negro parents who had chosen white schools said to staff attorneys that they had received threats of physical violence to themselves or their children. The father of one Negro student stated that within 49 hours of submitting the choice form designating a white school he was told by his employer, who also was his landlord, that he would lose his job and home if his child attended the white school. The mother of a Negro student who selected a white school was fired from her job as a maid within 24 hours after submission of the choice form.
>
> The family of one seventh grade Negro girl, who had selected a white school in Calhoun County, Mississippi, was threatened by the Klan after registration but before school began and was afraid to enroll. . . . she had not attended any school for six weeks since the school board insisted she attend the school of her choice or no school. The superintendent also received a note from the Klan. No arrests have been made.

Are we satisfied with these conditions? Can we in good conscience say to the Negro marine who risks his life for us today that this is the society in which he must raise his child?

To those who are discouraged at the rate of our progress, to those who are distressed by violence in the street, I say there is room for optimism and reason for action on our part. Look what we have done for the cause of racial justice and true brotherhood in our lifetime. When my classmate Jackie Robinson graduated from UCLA, any thought on his part that he might play big league baseball would have been sheer fantasy. For in those days a black man was not considered qualified to engage in the sport at that level.

The movie industry is in many ways a reflection of our society. Stay up late some night and watch a prewar production. You will find that "Step-'n-Fetch-It" is the typical Negro American, not because he was, but because that was the way we saw him. Today the portrait of "Step-'n-Fetch-It" offends our sensibility.

When I was a combat marine, which does not seem like so long ago to me, Negroes were not accepted as worthy of fighting for their country. Those who volunteered to serve or those who were selected were relegated to positions of manual labor or servitude in the Armed Forces.

A short decade ago, I would at least have noticed it if I had walked into a bank in my district and been served by a Negro teller. Today, the teller's color would at least to me go unnoticed because our habits have changed. They have changed for the better. I will not support this bill out of fear of Negro riots nor will I oppose it out of fear of the National Association of Real Estate Boards. I support it because I believe it will be useful in moving us in a peaceful and orderly way toward greater realization of the objective of our forefathers—that we establish in this Nation equal justice under law.

Mr. CELLER. Mr. Chairman, I yield 5 minutes to the gentleman from Maryland [Mr. FRIEDEL].

Mr. FRIEDEL. Mr. Chairman, I ask unanimous consent to speak out of order.

The **CHAIRMAN.** Is there objection to the request of the gentleman from Maryland?

There was no objection.

HELICOPTER DEMONSTRATION FLIGHT

Mr. FRIEDEL. Mr. Chairman, Members have been reading in the press about the overcrowded conditions at Washington National Airport with planes being stacked up in the air above that airport for a long time. To help relieve this problem, there has been a change of scheduling in flights from National to Friendship and Dulles. We intend to show the feasibility of moving people between these airports by helicopter. Therefore, we are going to have a 1-day demonstration on Monday from 10 a.m. to 3 p.m. Mr. Chairman, I want to invite all of the Members who can attend to take this flight which will leave from the vacant lot east of the Cannon House Office Building. We will have a twin-motor helicopter that will fly from Capitol Hill to Friendship and then to Dulles and back to the Capitol. All those that wish to attend should call extension 2927 at the Capitol, and we will try to accommodate as many Members as would like to go.

Mr. PICKLE. Mr. Chairman, will the gentleman yield?

Mr. FRIEDEL. I yield to the gentleman from Texas [Mr. PICKLE].

Mr. PICKLE. Mr. Chairman, it has long been recognized that with aircraft having vertical flight capability, common carrier air service to the very centers of congested communities is feasible, and in fact, is a reality.

On several occasions, I have spoken in favor of the establishment of some type of helicopter service between congested urban centers to outlying airports as a practical method of relieving crowded ground traffic conditions and as a convenience to air passengers.

More than 50,000 passengers have proved the practical value of this service since December 21, 1965, when the Pan Am Building Heliport was opened in mid-Manhattan.

In an effort to demonstrate more fully to you, our colleagues, the great potential of such vertical flight service, I have joined Congressman SAM FRIEDEL, chairman of the Aeronautics and Transportation Subcommittee in requesting permission to land helicopters on the vacant lot east of the Cannon House Office Building.

Now that final approval of the proposed flight, has been given by the FAA, the House Building Commission, members of the Aeronautics and Transportation Subcommittee of the House Committee on Interstate and Foreign Commerce will sponsor a demonstration project flight on August 1—or in the event of foul weather on August 2—for Members of Congress, other pertinent parties and officials of the CAB and FAA.

Using large, jet-transport helicopters, capable of carrying some 25 passengers at speeds of over 125 miles per hour, we hope to provide an opportunity for you to participate in a dramatic demonstration of the practicality, feasibility, and versatility of helicopter service between the major airports in the Washington, D.C. and Baltimore areas.

I think that it is agreed that because of the minimum space required for landing and takeoff, and because of its ability to fly over areas where surface travel is time-consuming and difficult, the helicopter can be used to carry out a combination of useful missions that no other vehicle yet produced can perform as effectively.

We urge you to attend the demonstration flights and to see for yourself on a first-hand basis and in a graphic manner the amount of time saved, the safety and the convenience of traveling from a central urban point to outlying areas using vertical lift air transportation to avoid congested ground traffic conditions.

For the purposes of this demonstration a temporary heliport has been established on the rectangular site located adjacent to the Cannon House Office Building, between Independence Avenue SE., Carroll Street SE., First Street SE. and Second Street SE.

Some 10 flights from the temporary heliport to Dulles and Friendship and National Airports have been scheduled between 10 a.m. and 3:15 p.m., and should the demand warrant it, additional flights will be arranged for the demonstration.

I might add that we are now drafting legislation that proposes to provide helicopter service in connection with regular scheduled air carrier transportation.

The time is upon us that we give consideration to this growing facet of air transportation, not only for its future development, but for the establishment of heliports and helistops.

Mr. **FRIEDEL**. This has been cleared by the FAA.

Mr. **PICKLE**. Final approval has been given by the FAA and the House Building Committee.

Mr. **WAGGONNER**. Mr. Chairman, will the gentleman yield?

Mr. **FRIEDEL**. I yield to the gentleman.

Mr. **WAGGONNER**. I think the purposes of the program you have outlined are good. I might suggest that the participation would be a little better if you did not make reference to a demonstration, circumstances being what they are today.

Seriously, I want to thank my good friend and colleague, SAM FRIEDEL for making these arrangements. No Member of Congress has displayed a greater concern for his colleagues and their problems in meeting their responsibilities to their constituents. I am sure that his continuing efforts to obtain better air service will benefit all of us who must travel to our districts frequently and who often find it necessary to catch a plane on short notice. I certainly agree with him that ground transportation to the Washington area airports must be improved for the benefit of all the people of the Washington-Maryland area, as well as for the thousands of people who visit their Nation's Capital each year.

Mr. **POFF**. Mr. Chairman, I yield 5 minutes to the gentleman from Virginia [Mr. BROYHILL].

Mr. **BROYHILL** of Virginia. Mr. Chairman, I shall confine my remarks to title IV of the bill, which concerns the sale of houses. I do so because I feel I have had extensive experience in the housing industry. I believe I have had as much experience as any Member of this body, and know something about the problems and difficulties of that industry.

Mr. Chairman, I have been a reasonably attentive listener of some of the House discussions on the legislation pending before us.

I understand the nuisances of expediency that have been expressed. We are all guilty of that at some time or another, whether we admit it or not.

Mr. Chairman, I am aware of the politics involved, as is every other Member. But, Mr. Chairman, I reject the arguments that have been made or which will be made to cripple this industry by trying to make it a contest between pro- and anti-Negro sentiments.

Mr. Chairman, I stated that I would confine my discussion to title IV.

The housing industry is a major industry in the congressional district which it is my honor to have to represent. It employs thousands of men and women, and feeds many thousands more.

As stated before I have had extensive experience in the housing industry. One of the more difficult problems in that industry is the assembly or purchase of land, the property, on which to construct houses.

I believe that a similar situation or problem exists in every business or industry.

The skill in the purchasing of a product or raw material as well as the assembly and the distribution and sale of that product, is most important.

Because of this and because I am no longer active in the construction of homes, and can therefore speak without the accusation of conflict of interest, I may be able to clarify the issues somewhat, the issue which we now have pending before us.

What we are talking about, basically, is the raw material of a massive industry in the Nation—the purchase, assembly, and development of land. Until this is done, there are no housing developments, no issues of rights or wrongs, no purpose in legislating, no reason for arguments or emotions.

What is present in the issue we face today is probably the most fundamental emotion our people react to, the possession of property and the desire to do with it what they will.

And again, Mr. Chairman, I speak of the raw material of property—the land on which the houses are built.

From ancient days to the beginning of our own expansion as a nation the homestead, the family hearth, a man's home has been the center of his interest and the object of his most fierce reaction over efforts to relieve him of it. He often carved his plot of ground out of forests and defended it against all comers.

The homeowners of this Nation, Mr. Chairman, were born and raised in the free enterprise atmosphere that his home was his own and if he wanted to house his cattle in it or build a lookout on the roof that was his business.

He labored over it, he willed it to his heirs or he destroyed it if he desired to do so.

And the land on which he exercised these quirks of human nature, these fancies and follies were his own to do with as he wished—subject to the rights of eminent domain.

So what we are dealing with today, Mr. Chairman, goes deeper than race, color, or creed. It goes to the heart of human nature—just as human nature is—and not as we wish it or attempt to legislate it to be.

It is the human nature that we are made of, Mr. Chairman, the human nature that moves a man to invite into his home those he wishes—the human nature to sell his land when he wants to do so, or refuse for—whatever his reason. No law, Mr. Speaker, is going to deny him this right, however it is worded.

I spoke earlier, Mr. Chairman, of having helped assemble building areas for homes. I have had intimate and lengthy dealing with the people who owned land—land that was desirable and even necessary for use in housing an expanding population.

They were good people in the main, but almost without exception, their likes and dislikes—their human nature—governed when they sold, if they sold and for how much they sold.

A buyer's price often made little difference. Landowners, in my experience, have sold cheaper because they did not like the sound of another buyer's name, the reputation of his company, or the way he parted his hair.

They were not crazy, odd, or screwballs. They were just people, going about their business full of the sounds or furies of their lives as they had lived them.

So what we are dealing with here, Mr. Chairman, in my opinion, are not restrictions, covenants or strictures on the sale of homes, but legislation to curb, redirect, distort or redo the very fundamentals of human nature—and in my humble opinion, it cannot be done.

What will be done, however, unless we proceed with reason and caution, will be the creation of more class legislation—a law that will strike as a multi-edged sword clean through the fabric of human nature.

It will raise false hopes, help create phony and dishonest merchants and buyers of land, and will in the end be as widely ignored and as unenforcible as the Volstead Act.

It cannot be otherwise, Mr. Chairman, for the ultimate impact will not be on the homes that stand today, for buying or selling, but the land on which new ones will be built as we grow and prosper.

And unless we create a police state—as we might well do with this bill before us—man cannot be deprived of his rights to dispose of his land as he wishes, whatever the reason—and the human mind can think up millions of reasons that have nothing to do with the issue before us—unless we force our people into an iron yoke of compulsion.

There is not a one of us on this floor—North, South, East, or West, liberal or conservative—who does not cherish the right to do with his property as he sees fit, or would if he stopped to think about it at this moment.

We all want the right to keep it, to give it away, to build on it, to let it lie fallow, to lose it at the toss of a card—because we are human beings and have the free instincts of freemen, instincts and rights nurtured from the beginning of time.

Yes, Mr. Chairman, it is only one right, but it is the cornerstone of all of our rights.

In fact what we are talking about here, Mr. Chairman, is the raw nerve of all rights—the right to own in its entirety a piece of land, to do with it what we will when the desire strikes us.

We had better be cautious about how we touch this raw nerve, Mr. Chairman.

I doubt if we should touch it at all. And certainly, as my statesman-friend and colleague, the gentleman from Virginia, Howard Smith, pointed out, surely not in this sea of emotion and strife, in which we find ourselves today.

Mr. BUCHANAN. Mr. Chairman, will the gentleman yield?

Mr. BROYHILL of Virginia. I yield to the gentleman from Alabama.

Mr. BUCHANAN. Mr. Chairman, I want to thank my distinguished colleague for his excellent statement. He has dealt with fundamentals and with the fundamental rights of the people and has done a service to all Americans. I would like to associate myself with his remarks, Mr. Chairman, and will have more to say on this same subject tomorrow.

The CHAIRMAN. The time of the gentleman has expired.

Mr. GROSS. Mr. Chairman, in the Washington Evening Star of July 18, 1966, I noted that a Republican congressional candidate in Maryland, Nick Nonnenmacher, who many of us knew as administrative assistant to our colleagues Don Bruce and Glenn Andrews, pointed out that title V of the proposed Civil Rights Act of 1966 would eliminate the exemption in the public accommodations section of the 1964 Civil Rights Act for the small lodging house proprietor.

I am sure you all remember the fuss and furore about "Mrs. Murphy's Boarding House" in the debate on public accommodations on the floor in 1964. Finally, our righteous liberal friends prevailed, and passed that law, after they compromised on this point.

It is highly interesting to check into the 1966 language. Nonnenmacher may well be right inasmuch as title V of this 1966 bill, H.R. 14765, both as originally proposed, and as reported by the House Judiciary Committee, makes no reference to the exemption for "Mrs. Murphy" type lodging houses.

Section 201(b) of title II of Public Law 88-352, the 1964 act, states:

> Each of the following establishments which serves the public is a place of public accomodation within the meaning of this title if its operations affect commerce, or if discrimination or segregation by it is supported by State action:
>
> (1) any inn, hotel, motel, or other establishment which provides lodging to transient guests, other than an establishment located within a building which contains not more than five rooms for rent or hire and which is actually occupied by the proprietor of such establishment as his residence;

In section 501(a)(9) of title V of H.R. 14765 I find language that would make it unlawful to prevent anyone on grounds of race, color, religion, or national origin from enjoying—and I quote, "The goods, services, facilities, privileges, advantages or accomodations of any inn, hotel, motel, or other establishment which provides lodging to transient guests."

Mr. Speaker, in the words that follow that portion I quoted I see nothing that would guarantee the continuation—if this bill becomes law as written—of the exemption from designation as public accomodations of any establishment containing five rooms or less for rent or hire. I think the courts would rule that the 1964 exemption provision had been superseded.

Mr. WATSON. Mr. Chairman, I make the point of order that a quorum is not present.

The CHAIRMAN. The Chair will count.

Eighty-eight Members are present, not a quorum. The Clerk will call the roll.

The Clerk called the roll, and the following Members failed to answer to their names:

[Roll No. 183]

Addabbo
Anderson, Tenn.
Ashley
Aspinall
Baring
Boggs
Carey
Casey
Clark
Conte
Dent
Dingell
Dorn
Downing
Edwards, La.
Ellsworth
Everett
Evins, Tenn.
Fallon
Farnsley
Flood
Fogarty
Fountain
Fulton, Pa.
Garmatz
Giaimo
Green, Oreg.
Henderson
Herlong
Holland
Jones, Mo.
Kee
Keith
King, N.Y.
Landrum
Latta
McEwen
McMillan
Martin, Mass.
Martin, Nebr.
Michel
Miller
Mills
Morrison
Multer
Murphy, N.Y.
Murray
Nedzi
Ottinger
Passman
Patman
Pool
Powell
Reuss
St Germain
Saylor
Schmidhauser
Scott
Sisk
Taylor
Teague, Tex.
Toll
Trimble
Tuten
Willis
Wilson, Bob

Accordingly, the Committee rose; and the Speaker having resumed the chair, Mr. Bolling, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill, H.R. 14765, and finding itself without a quorum, he had directed the roll to be called when 365 Members responded to their names, a quorum, and he submitted herewith the names of the absentees to be spread upon the Journal.

The Committee resumed its sitting.

The CHAIRMAN. The Chair recognizes the gentleman from Ohio [Mr. McCulloch].

Mr. McCULLOCH. Mr. Chairman, will the gentleman from New York, the chairman of the committee, yield time on his side? We would appreciate it very much if the majority had a speaker at this time.

Mr. CELLER. Mr. Chairman, I yield 10 minutes to the gentleman from Texas [Mr. Dowdy].

Mr. DOWDY. Mr. Chairman, I would have preferred to speak on this bill as the titles were read. However, from past experience I know that time is too limited, debate is cut off without discussion of amendments. Many amendments are merely read without discussion and voted upon by the House. So I would like now to briefly review the various provisions of the bill as time permits.

Members of the House who have been here any length of time know that every one of these bills that have been put forward—in 1959, 1960, 1961, 1964, 1965—without exception, carried the plea that the bill then being advanced, if enacted, would solve all problems concerning race, religion, color, national origin, and so forth. This time is no exception.

Again, as with prior bills, the Attorney General appeared before our committee to state that this bill will give him all the powers he needs. Yet he always comes back for more power without having used or tried the powers already granted him.

Likewise we have here renewed the allegation, as in the past, that the enactment of this bill will stop the demonstrations, the rioting, the looting, the rape, and near anarchy that has been laying waste sections of the great cities of our Nation.

Looking to recent history, instead of bringing relief, the passage of each bill has only stepped up such outrageous conduct, and in this instance the so-called civil rights organizations have served notice—at least it is so indicated in newspapers—that this bill will not bring law and order. To the contrary, their leaders are already saying again, according to the papers, that this bill is not to their satisfaction and is meaningless, and that the Members of Congress and the other body who might vote for it are demagogs merely seeking their votes, and their unruliness, violence, and disregard for law and order will increase.

Under these circumstances it seems you should agree with me that we are being rather ridiculous even to consider making harder, and perhaps even a violation of the law, for local peace officers to try to protect their communities and law-abiding citizens from the looting, rioting and contempt for the law. This seems to be the intent of titles III and V, in view of the apparent modern tendency to consider rioting, looting, arson and assaults on the person to be rights when they are committed in the name of civil rights by so-called civil rights groups and their members.

Mr. MARTIN of Alabama. Mr. Chairman, will the gentleman yield at that point?

Mr. DOWDY. I am pleased to yield to my esteemed friend from Alabama.

Mr. MARTIN of Alabama. The gentleman spoke of articles in the newspapers. One appeared this morning in the Washington Post under the column headed "Washington Merry-Go-Round" that may be of interest to the gentleman and our colleagues in the House. If the gentleman will permit me, I will read a brief portion of the article:

> The FBI has positive evidence that professional Communist agitators have helped to stir up recent Negro riots.

The article goes on to say that there have been secret messages by code transmitted from radio stations, one in Chicago. The article states:

> What worries Government officials is that similar riots are planned for other cities, including New York City, Baltimore and Washington.

Does the gentleman agree with me that if there is any evidence that the FBI has that professional Communist agitators they know of participate in these riots, it should be made known to the Members of Congress and the people of this country?

Mr. DOWDY. I think it is rather common knowledge for the past 6 or 8 years, at least, that the Communists are involved in these things. They always go to the places where they can cause trouble, and they are helping to promote the idea among these groups at the present time. If this bill is enacted, they promote the idea that it would mean a luxurious house for every one of them, a Ph. D. degree, salaries without working and the various impossible things that these groups are expecting from this bill, and when they are disappointed, it will help increase the rioting.

Mr. MARTIN of Alabama. I thank the gentleman for yielding.

This Nation was founded on a concern for the individual, his freedom, his welfare, and his pursuit of happiness. It is rather ironic that we are here today finding that our concern with the techniques for achieving many of these goals has somehow pushed the individual to the background.

It has always been my belief that our Nation was founded on the tenet that every citizen is equal before the law and that is what equality means in our Government. Every race should consider itself at least equal. I know of the story that was told about a person talking to a citizen of Japan about whether he believed in equality or not. He said, "Sure I do." This American citizen talking to the Japanese said, "Well, do you think really that the Japanese are equal to the Americans?" The fellow said, "I do not want to embarrass you or to make you feel bad, but I feel that the Japanese are superior to the Americans."

I believe that probably is a feeling in every race. If there is a race that feels different from that, then it is not an equal race.

Equality is an individual matter. Some people are equal and some are not. For instance, I know that I am not physically the equal of many Members of this House and a great many people who are not Members of this House. I know that I am not educationally equal to many of the Members of this House and also of many who are outside the House. However, I try to make up for that with the talents I do have, by working harder, and studying longer.

Mention is made of some of our Negro people who are serving in our Armed Forces. There are others that this will equally apply to. But those Negro people who are capable of taking care of themselves do not need to carry a sign around on them saying, "I am equal," because everybody knows it. Those who have to be cared for because they are not intelligent enough to take care of themselves or who are unwilling to take care of themselves are not equal. There is not any amount of demonstration nor any amount of legislation that will make them responsible.

I realize that my effort in pointing out some of the highly objectionable aspects of this bill are apt to be in vain, because it is tied to the political slogan of "civil rights," and that is all it is—a political slogan—and it has been given an emotional tint that blinds many people to the fact. Their eyes are closed and their minds are sealed. They are symbols of that adage that "No one is so blind as he who will not see."

This political slogan of "civil rights" is the most powerful and emotional, albeit meaningless, that this Nation has ever known.

I believe that any kind of legislation, regardless of its viciousness, could be enacted here in this Congress if the proposal were to bear the "civil rights" label, supported by the allegation that its enactment would advance the civil rights cause. Regardless of the probable futility of my words, I would feel derelict in my duty were I to fail to point out at least briefly a small portion of the deficiencies, dangers, and pitfalls that are inherent in this proposal. My remarks might be made generally to the bill as a whole, but, for convenience, they will be directed to it title by title.

About title I, a mere reading of the title, just reading it, indicates a slackness of thought in its formulation and the slight consideration, even lack of consideration given to the whole bill by the committee. An illustration or so should make this clear.

The first section of the bill declares that all litigants shall be entitled to trial by a jury selected from a cross section of the community. A cross section of the community would, of course, by its plain words, compel the inclusion of the insane, the criminal, the illiterate, the common drunkard, the alien, and even the non-English speaking.

The same section then further declares that all qualified persons shall have the opportunity to serve on grand and petit juries, yet the next two sections of the title provide for a jury commission which effectively restricts the possibility of such jury service to approximately 1 percent of these persons in any given 2-year period, such 1 percent to be selected in the discretion of a politically appointed jury commission. Only a small percentage of such 1 percent would actually be given the opportunity to so serve, and that opportunity would be governed by the laws of chance.

The first section further declares that persons summoned for the purpose shall have an obligation to serve as jurors, yet sections 1866, 1869, and 1872 provide for exclusions and exemptions from such obligation.

It is thus demonstrated that the "declaration of policy" set forth in this title is a childish conglomeration of words, which later sections of the title retract. The kindest description that can be given or applied to this is "poor draftsmanship." It should not be incorporated in the statute books of this great Nation.

There is no objection to section 1862, providing that no citizen shall be excluded from jury service on account of race and so on, except that it is already the law of the land and is an unnecessary cluttering of the statute books.

The sections providing for a jury commission, a jury wheel, and the drawing of names seem to be within the province of Congress by way of revision of the present law, except along the line so splendidly outlined by my esteemed friend, the gentleman from North Carolina [Mr. WHITENER]. The Congress can do it if it wants to, but it seems to me it is a waste of time and a waste of money.

However, the provisions of section 1865 concerning the "juror qualification form" seems to be an unnecessary and uncalled for invasion of privacy, which is magnified by the provision for fines and imprisonment for failure to comply with it. It places an additional burden on a person who is called to jury service, and jury service, of course, is a part of his duty as a citizen.

I see no need for it, that this additional burden placed upon him, is uncalled for and unduly onerous.

Most of the questions prescribed might be proper on a voir dire examination, but seem unwarranted in the manner presented.

Section 1866 provides that the jury commission shall determine juror qualifications. This is a matter that should be determined by the court or by the judge of the court. Neither of the jury commissioners is required to be versed in the law, and neither of them is required to have any qualification to pass upon this legal question.

Section 1867 is turgescent with words. It would unnecessarily clutter the code.

Sections 1864, 1865, and 1866 are mandatory. It would seem all that is necessary in section 1867 is a simple sentence that "in criminal cases, any motion by the defendant to dismiss the indictment, and in any case, any motion by any party to stay the proceedings on the ground of failure to comply with sections 1864, 1865, and 1866 of this title must be made prior to the introduction of evidence at the trial."

As a matter of right, a party may present evidence in support of his motion, and if the court finds the motion to be supported by a preponderance of the evidence it will so hold, without the necessity of a statute requiring the court so to do.

Surely the Department of Justice does not have so little faith in the Federal judiciary as to believe its routine decisions must be directed by statute.

Title II, in my opinion, is the most vicious title in the bill. Of course, title IV is the one that has been discussed the most, but it has been my belief, and I believe it will be borne out, that title IV was put in the bill to get people to talk about it, to the exclusion of the other titles, then and thus the rest of the bill when title IV is removed, it is expected the remainder of the bill will go through without any realization of the danger.

TITLE II

There seems to be no objection to section 201, except that it is already the law of the land, and therefore no reason to encumber the Federal code with reiteration.

I hasten to note there is one exception to the foregoing. There may be a few States which have not provided for women to serve on their juries. I am of the opinion a constitutional amendment would be needed to require those States to make such provision and I have a resolution pending to adopt such an amendment. However, if it is thought this could be accomplished by statute, all that would be here required would be the simple provision that "No State shall exclude any citizen from jury service on account of sex."

Perhaps the most precious of the rights of an American citizen is the right of trial by a jury of his peers. This right is guaranteed by the Bill of Rights, and by the constitutions of the several States. This right originated in the Magna Carta, and was conceived to protect the citizen from oppressive action on the part of his government. The concept was nurtured and developed through hundreds of years of the common law, and brought to the United States, where it has matured to its present state. The manner of selecting jury panels likewise developed and matured, to the end that fair, impartial, and unbiased jurors may make the findings bearing upon the lives, liberties, and properties of litigants.

The CHAIRMAN. The time of the gentleman from Texas has expired.

Mr. HALL. Mr. Chairman, I make the point of order that a quorum is not present.

The CHAIRMAN. The Chair will count.

Mr. HALL. Mr. Chairman, I ask unanimous consent to withdraw my point of order.

The CHAIRMAN. Is there objection to the request of the gentleman from Missouri?

There was no objection.

Mr. McCULLOCH. Mr. Chairman, I will be glad to yield 5 minutes additional to the gentleman from Texas, a member of our committee.

The CHAIRMAN. The gentleman from Texas [Mr. DOWDY] is recognized for 5 additional minutes.

Mr. DOWDY. Mr. Chairman, the long and laborious development of the jury system has resulted in a safeguard placed between the citizen and a possible oppressive government. In effect, the people themselves select the jury panels that try cases and return indictments. It has not been thought wise to place this authority in the hands of the prosecutors, or any other executive agency. By this bill and this title, the Federal Attorney General seeks authority, himself, through a suit in the Federal court, to appoint the jury commissioner in the State courts who would draw their jury panels, or, to say the least, oversee same. This is destructive of the zealously and jealously guarded right of trial by jury.

This title indicates the same lack of faith in the State judges, as is indicated for Federal judges in title I. The State courts guard the right of trial by jury, and a party litigant is always free to timely raise the question of discrimination in jury selection. If his motion is overruled by the State courts, the U.S. Supreme Court is quick to accept and to make the case for review. This is a right that is amply protected under present law.

The law has always frowned upon intermeddlers, yet this title would authorize the Attorney General, by statute, to become an intermeddler of the most officious type. Great, unreasonable, and unconscionable burdens would be placed on local officials to provide the required voluminous reports, and vast new armies of employees in the Justice Department would be created to oversee and examine these reports. During the inadequate consideration of this bill by the Committee on the Judiciary, some of us tried to get an estimate of the probable cost involved in this bill, if enacted.

There was no one who had the slightest idea of its estimated cost, or who would even hazard a guess as to what its ultimate cost might be.

Mr. WHITENER. Mr. Chairman, will the gentleman yield at that point?

Mr. DOWDY. Yes, I yield to the gentleman from North Carolina.

Mr. WHITENER. Mr. Chairman, I commend the gentleman from Texas for a very fine statement, and, Mr. Chairman, before the gentleman proceeds to his discussion of title III I feel the gentleman's remarks with reference to title II are very timely.

Therefore, Mr. Chairman, I wonder if the gentleman would not agree that on the two propositions with reference to title II, the first, that the enactment of title II would represent a direct reflection upon the integrity of every judge and jury commissioner in a State or local court in America——

Mr. DOWDY. There is no doubt about it.

Mr. WHITENER. And, secondly, that even the Chief Justice of the U.S. Supreme Court has spoken out and warned my good friend, the gentleman from New York [Mr. CELLER], the chairman of the Committee on the Judiciary, and others, who usually see eye to eye with the Chief Justice—that they are getting into a rather dangerous field of interpretation of the Constitution of the United States.

Mr. DOWDY. That is true.

Mr. CELLER. Mr. Chairman, will the gentleman yield to me at this point?

Mr. DOWDY. Yes, I am happy to yield to the chairman of my committee.

Mr. CELLER. Mr. Chairman, I would say that title II only provides that we breathe hot breath down the necks of those jury commissioners who have discriminated or intend to discriminate in jury selection on the grounds of race or color.

That is all we do in this title.

Mr. DOWDY. But, Mr. Chairman, title II still gives the Attorney General the right to go into court and appoint the jury commissioners, wherever he chooses to do so.

Mr. WHITENER. Mr. Chairman, will the gentleman yield?

Mr. DOWDY. I yield to the gentleman from North Carolina.

Mr. WHITENER. Mr. Chairman, the chairman of the Committee on the Judiciary, the gentleman from New York, [Mr. CELLER], has mentioned the "hot breath." The gentleman did not refer to Justice Douglas. I was speaking of the Chief Justice.

Mr. DOWDY. Mr. Chairman, title III is the old "mindreading" title III, which has been proposed in prior Congresses, and always voted down. It permits the Attorney General to guess what somebody has in mind that he is "about to do," and carry that person to court, enjoin him for what the Attorney General says he is "thinking," require him to post bond, and even perhaps bring contempt charges against him, without benefit of a jury, in addition to the cost of attorneys and witnesses to defend him against baseless accusations, other than the guess about what he is thinking. The title should be decisively defeated.

Mr. Chairman, by title III, the Attorney General seeks congressional approval and statutory standing to become an officious intermeddler in private law suits. This would authorize him to institute suits in causes wherein he was neither desired nor wanted by anybody, against private citizens, even though their imagined and alleged sins had not even the color of law in support thereof. Under present law, the alleged offender must be acting under local law, or the color thereof, to give a constitutional basis for Federal intervention. Section 302 would have the effect of denying the right of free speech, assembly, and petition to any person or persons who might disagree with the Attorney General, whoever he might be at a given time.

TITLE IV

This title, as contained in the bill, came before the committee as a substitute for the original provisions, only about 15 minutes before the bill was reported from committee. It covers 14 pages of the bill, but was not read in the committee before its adoption. Discussion was meager, and consideration given to its terms and provisions was slight.

Our long-cherished rights in the personal ownership of property would suffer serious encroachment if this title is enacted. The traditional concept of English-speaking peoples that "a man's home is his castle" will be relegated to history, to only be read about by our children. Freedom of contract will be no more.

Our long cherished rights in the personal ownership of property would suffer serious encroachment if this title is enacted.

The statement was made that two sales would be exempted in any one given year. Let me show you that even one sale would not be exempted. For example, if a man and wife were living in a house and the man died, leaving his widow and she had no money to live on, and she moved out of the house and rented an apartment, that is one transaction. While she is trying to sell the house, she rents it to somebody else. This is another transaction. All right, she cannot sell the house without being bound by the provisions of this bill. So she did not even have the one sale.

So the traditional concept of the English-speaking people that a man's home is his castle would be relegated to history, only to be read about by our children, wondering how their forefathers were persuaded to give up such a right.

Freedom to contract will no longer exist. By statute, a citizen will be forced to contract against his will, with a person not of his choice. It has been basic law that a contract entered into through coercion or fraud is unenforcible; no longer would it be so. It is probably true that some people do refuse to sell a house solely on racial grounds. Perhaps they are hardheaded; perhaps they are wrong. But, on the other hand, there are plenty of homeowners who quite evidently do not take that consideration into account. Whatever may be the facts in the case, the enactment of title IV would mean persons, in many instances, could be taught up in costly, lengthy litigation based on fabricated testimony, in which such persons could be required to prove that they did not refuse to sell or rent on the basis of race. This title tears to shreds the traditional right of an American citizen to sell, or not sell, his property for his own private reasons, or simply on impulse, if he so desires. Freedom to contract implies the freedom to choose. Freedom to contract and the right to own property account for the incentive and inspiration of free men, which have resulted in the greatness of our Nation. These freedoms are basic human rights which would be abrogated by this title. From these basic rights has arisen our system of laws which guarantee individual rights, liberty, and freedom.

Involved here is not only the right to contract, but also the right of ownership. Any limitation upon the right of private property ownership amounts to a "taking," which would be in violation of the fifth amendment guarantee that "no person shall be deprived of life, liberty, or property, without due process of law, nor shall private property be taken for public use without just compensation." Under the noble aim of insuring integration and social equality, this title would deprive every property owner of a right of private property ownership, a basic human right that belongs to all persons. The proponents of the title rely upon the "equal protection" clause of the 14th amendment, along with the commerce clause, but the 14th amendment applies only to discriminatory State action, and not the conduct of private individuals—*Shelley* v. *Kraemer*, 334 U.S. 1—holding:

> That amendment (14th) erects no shield against merely private conduct, however discriminatory or wrongful.

The U.S. Supreme Court has further held—*Lombard* v. *Louisiana*, 373 U.S. 267, opinion by Justice Douglas—that:

> The Bill of Rights, as applied to the States, through the due process clause of the Fourteenth Amendment, casts its weight on the side of the privacy of homes. A private person has no standing to obtain even limited access. The principle that a man's home is his castle is basic to our system of jurisprudence.

Yet this title seems to be weighted against the homeowner, contrary to the Supreme Court's ruling. To base title IV upon the commerce clause is to stretch that clause beyond the breaking point, and, if successful, there would be no remaining human endeavor which could possibly escape its application.

Examine with me the provisions of section 403:

> It shall be unlawful (criminal) for any person . . . to refuse to sell, rent, or lease, refuse to negotiate or otherwise make unavailable or deny a dwelling to any person because of race, color, religion or national origin.

This destroys the traditional legal proposition that a man has a right to contract with whomever he chooses. Voluntary intent is a vital element of any contract, yet this is wiped out. Suppose that the applicant to buy or rent is of a race, religion, color, and national origin, all acceptable in every way to the homeowner—but there are certain mannerisms or other deficiences about the applicant which are wholly repugnant to the homeowner. The applicant, apart from his race, religion, national origin, or color could be a dope addict, he could be an alcoholic, he could be a degenerate or an otherwise vile person. Who is to say whether he was refused on account of race, religion, color, or national origin—and perhaps more important, who will say that the refusal was not on account of the deficiencies in the character of the applicant? Is the Department of Justice to employ mindreaders to make these decisions?

Is this same mindreader going to be capable of reading the mind of an owner who states that his dwelling is no longer available for inspection, sale, rental, or lease? A person might well decide to sell his home one day, and, in fact, change his mind the next. Who is to deny him this right? Or is that to be a violation of this title?

This is frightening when we realize that by this legislation a precedent would be set for the Federal Government to reach its long arm into regulation of the personal thoughts of an American citizen, and make him subject to criminal prosecution, not for his actions, but for his personal opinions and private thoughts.

Furthermore, this section 403(a)(5) seems to give an applicant not only the possibility of inspecting your home, but a right to come into your house. Even in criminal jurisprudence, a search warrant is ordinarily mandatory for such right of entrance to the property of another.

Section 411 of the bill, by its provisions, makes a homeowner subject to a $300 fine and 45 days imprisonment for criminal contempt without the right of trial by jury.

Section 404 is particularly vicious in its application to banks, savings and loan associations, and other lenders. A lender would not dare turn down a colored applicant for a loan, regardless of how bad a credit risk he might be, because such lender would immediately be subject to suit and the penalties of the law; he would be put to the expense of defending the suit, and whether he prevailed would depend upon the tender mercies of the particular court trying his case. The complainant would be out no expense, and would be provided the Federal Attorney General as his counsel, at the expense of the taxpayer.

In the extreme haste of our committee to report this bill, section 408 was added without any consideration at all, on the oral statement of its contents, with the assertion that it merely created a board to act as a conciliation agency in housing matters. When it came out in print, you can see the result; it is a board with the powers of the National Labor Relations Board, with almost unlimited powers.

The information given out by the proponents of the present provisions of title IV, perhaps unintentional, was nonetheless misleading. An example of the nature and effect of this misinformation comes from Realtor's Headlines, a weekly publication of the National Association of Real Estate Boards. Its July 4, 1966, issue, immediately following the reporting of this bill, carries an article under the headline, "Amendment Softens Title IV of House Panel's Rights Bill," stating as fact the misinformation; but its July 18, 1966, issue reveals the rude awakening, after someone had read the new title IV for them. The article in this issue is entitled "Call to Action," in which the true facts are called to the attention of the realtors.

Except for the tragedy, it was amusing today, to listen to the proponents of this title, trying to persuade the Members of this House that title IV was written for, by, and on behalf of the big homebuilders, apartment house owners, and realtors of this Nation.

These observations have merely touched upon the viciousness of this title, but it is hoped they will be sufficient to bring enough information to cause you to make your own investigation and study of it. Furthermore, they are probably unnecessary, as I am of the opinion this title has for its main purpose the distraction of attention from the remainder of the bill, and will be struck from the bill, with the hopes the other titles will be passed before their like viciousness is discovered by the people.

Title V wholly sets aside and casts into the junk heap the consistent interpretation by the U.S. Supreme Court that the 14th amendment does not apply to the conduct of private individuals; further, it is class legislation, which is repugnant to our jurisprudence. Equal protection of the law and due process relates to all alike—not just to one race or color. This truth is wholly ignored by the draftsman of title V.

The provisions of this title demonstrate anew the dangers inherent in titles I and II of this bill, which would put too much in the hands of the Federal Attorney General the power to determine who shall be selected on jury panels. This title would give him the power to prosecute most anyone for most anything, which will demonstrate the urgent need for free and uncontrolled jurors to stand between the citizen and his Government.

Now, I mentioned earlier in this discussion that title IV is to come out of this bill without much contest; I understand this to be so; I hope my information is correct. However, earlier in this debate, I questioned one of the proponents about whether title V in conjunction with title III, would not have the same effect on the homeowner, perhaps more forcibly, than does title IV.

Briefly, I want to show you the accuracy of this assertion. Title III gives the right to any person in his own right, or the Attorney General for or in the name of the United States, to institute a civil suit or other proper proceeding against any person who is about to engage or continue to engage in any act or practice which would deprive another of any right, privilege, or immunity granted, secured, or protected by the Constitution or laws of the United States on account of such person's race, color, religion, or national origin.

This authorizes a suit on anything that is presently or in the future may be decided to be a "civil right" by the courts or by Congress. Title V, section 501(a)(5) describes as such a right, "engaging or seeking to engage in selling, purchasing, renting, leasing, occupying, or contracting or negotiating for the sale, rental, lease or occupation of any dwelling."

This does not even exempt the persons alleged to be exempted by title IV; all are covered; even the widow who owns no real estate save her home. It is evident—the words are plain—even without title IV, this bill would nonetheless affect homeowners, builders, realtors, lenders, and others related to real estate.

Title VI tightens the Federal control of school districts to the point it will be almost unlimited. Whether this should be done depends upon your individual belief as to whether our schools should remain under local control. I happen to believe local control is better for our people, our Nation, and our children. Consequently, I am opposed to this title.

Title VII seems to be harmless. Title VIII should place some limitation upon the amount of money that can be expended under this proposed act. Possibly the cost is so great that it is omitted for fear it would endanger passage of the bill.

To conclude, nearly all of the discussions relating to this proposed bill, by the people, in the press, and in the debate here, have been limited to the housing provisions in title IV, the other titles being more or less ignored, though they are equally, if not more dangerous, to the individual liberty of all Americans. Law enforcement in local hands is one of the major achievements of English-speaking peoples, dating back to the Magna Carta, a charter of liberties to which King John was forced to give his assent in June, A.D. 1215. This document constitutes a fundamental guarantee of rights and privileges, leading finally to the U.S. Constitution reaffirming those rights and privileges. The right of trial by local juries, not beholden to the Central Government, is another of the old, and perhaps the most precious rights, which date back to the Magna Carta. There are provisions in this bill which would bypass the provision for a jury trial for certain accused, seriously interfere with local law enforcement, and allow the Federal Attorney General to meddle with, and possibly even control, the selection of jury panels in the State courts. Our jury system is the last barrier between the citizen and oppressive action on the part of his Government.

For these, and many other reasons, even though title IV be stricken from the bill, this measure should be soundly defeated.

Mr. KARTH. Mr. Chairman, will the gentleman yield?

Mr. DOWDY. I yield to the gentleman from Minnesota.

Mr. KARTH. Mr. Chairman, I rise in support of H.R. 14765, the pending civil rights bill of 1966.

Any legislation that further and more aggressively implements the constitutional guarantee of citizenship rights, is good legislation.

Sure there will be arguments about the crossing of "t's," the dotting of "i's" and legal as well as constitutional interpretation. But no one can legitimately argue that the Constitution of our Nation does anything but grant equal rights and privileges to all citizens regardless of race, color, religion, or national origin.

The big vacuum of course is in implementation. That is to say; how does one seek and get remedy without necessary paraphernalia having been properly established by law? This civil rights bill establishes that paraphernalia. It establishes in clear and concise terms what is outside the law. It spells out clearly and concisely every avenue of redress. It spells out the meaning and definition of the word citizenship as the Constitution cannot.

Contrary to views shared by those who oppose this and similar legislation, the Constitution can and should occasionally be clarified by statutory legislation. It is only by statute that some of the doubts and therefore arguments can be removed. It is by statute that the law of this land can be made abundantly clear and its people indivisible. It is by statute that penalties can be prescribed for those who abuse and violate the law.

While I am at it, Mr. Chairman, I want to make my position unmistakably clear on one other point—that of the so-called black power. I am not sure it has been properly defined by anyone. But the connotation is there. If per chance it means black against white with the use of force and violence, I vigorously oppose it. While I know economic injustice is the major reason for the rash of riots and lawlessness of recent date, one cannot harbor or condone thievery, the destruction of private property and the taking of human life. The only way to accomplish equality of opportunity is by legal means. That is what we are again doing today. We have made great progress in just a few years. I know the American people will that we continue with it.

Mr. EDWARDS of Alabama. Mr. Chairman, I ask unanimous consent to extend my remarks at this point in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Alabama?

There was no objection.

Mr. EDWARDS of Alabama. Mr. Chairman, on Monday of this week in the other body the senior Senator from Missouri [Mr. SYMINGTON], made a noteworthy comment. He said:

> I believe the time has ended when people in American public life can be sure of improving their position by recommending increasing government expenditures in every field.

I agree with that remark, and I would go a step further in saying that I had hoped that by now the time had ended when elected officials can be sure of improving their position by recommending increased government authority in every field.

I emphasize that I had hoped this would be the case. But in witnessing events in this chamber this week it appears that there still are some who do feel that their position can be improved by not just recommending but insisting on increased Federal Government authority with little regard for the Constitution and even less regard for common sense or historical perspective.

The clear implication running through the arguments of the proponents of this legislation is that this additional government authoritarianism is needed if the cities of our country are to avoid further violence. We are being told, in essence, that civil rights riots will increase in intensity if we do not pass this bill.

This is the same as the implications which accompanied the passage of earlier civil rights legislation during the past several years.

I want to suggest that we look at the history of this situation. The history is that violence in the streets has increased in the same proportion as civil rights legislation has increased. The more laws passed in Washington the greater has been the wanton violence in cities across the Nation.

The great but unwanted truth of 1966 is that politicians have sought votes by means of selling dreams to various segments of American citizens. These dreams have been bought, the politicians have been elected.

But lo and behold. The dreams are not fulfilled. We have brought the people up the mountain only to let them peer over the precipice with no other place to go and no other dreams to dream.

We have sold the notion that Federal legislation can bring about a kind of utopia. And when there was no utopia after the civil rights bills of 1960, 1964, and 1965, this fact was hard to understand. Instead of utopia we had bitterness, frustration, confusion, and then violence. This situation is being called the expectations gap. Whatever we may wish to call it, it is a cold, brutal fact. And it is a fact which many do not wish to face.

There was talk in this Chamber on Monday of this week about the French Revolution, and about the English Reformation. There was talk about Dr. Salk, about plagues, and about civil libertarians.

The real issue before us now is whether greater central government authority actually provides satisfactory progress in the solution of the problems it is meant to solve, or whether as individuals we sacrifice more in our freedom of individual decisionmaking than is either necessary or wise.

The question I want to pose is this: Were the problems of the French Revolution and the English Reformation problems of too little central government authority, or too much?

Was Dr. Salk's breakthrough in the development of vaccine a product of government? Or was it the result of nongovernment vigor, imagination, and enterprise?

And I believe civil libertarians must ask if the rush to more and more Federal Government power is really wise or proper action. Civil libertarians will join with many of us in our genuine concern over granting to the Federal Government the kind of power which is involved in this legislation.

They will do so having closely in mind the history of previous civil rights legislation of the past few years, and will ask whether these other bills have produced the hoped-for results commensurate with the increased Government power granted in these earlier bills.

All Americans might do a better job of distinguishing between social objectives and legislative means of reaching those objectives. None of us in this body, or in the Nation, claim to hold a monopoly on morality or wisdom. We are all fallible. Mistakes have been made, and will continue to be made.

Perhaps what we all need today is a greater acknowledgement of our fallibility, a greater readiness to look beyond ourselves in order to gain a wide perspective of events. And as we acknowledge real problems we must come to seek real solutions, not merely the appearance of solutions. Above all we must learn again to understand the meaning of freedom from excessive government.

With that said in a general way, let me turn to the specifics of the bill, H.R. 14765. In my view this bill cannot and will not stand up under the scrutiny of close and objective examination.

Neither we in this body nor the country as a whole have any opportunity to know the significance of title I with regard to the Federal jury system. The failure of the Judiciary Committee in this instance to know and record the views of the Judicial Conference of the United States and the American Bar Association is remarkable.

Surely the changes as called for in title I bear close attention. It provides for changes in the method of selecting jurors in all Federal districts throughout the United States, and this ought to be considered basic to our system of justice. The proposal cries out for careful attention, not hasty action. At least, in this title the Congress is in a field where it may properly be, although the end result may not be proper.

Title II, dealing with State juries, raises questions of real significance. It would give the Attorney General the power to interrupt a State judicial proceeding.

The Chief Justice of the United States, a gentleman not generally known for his hesitancy in approving added Government authority, has in this case expressed concern over Federal encroachment upon the rights of States in the selection of State court juries.

This title appears to provide for Federal absorption of the State judicial system, although this will obviously be denied. It does not only limit the Attorney General's power to interfere with State jury selection on a basis of race, it provides for Federal intervention on any basis whatever—religion, sex, national origin, economic status, or any combination of these.

A thoughtful person must ask if a central government with this kind of power was not a big portion of the cause of the French Revolution and the English Reformation. Both of these events, of course, were mentioned in this Chamber on Monday in support of the bill.

Title III which is headed "Civil Rights Injunctive Relief" is another adventure into the unknown. Are the civil libertarians prepared to grant the Attorney General the power to institute a civil action against a person who is alleged "on reasonable grounds" to be about to deprive another person of rights or privileges protected by the Constitution?

Who is to determine what constitutes "reasonable grounds"? In my opinion all of those concerned with civil liberties in this Nation ought to be seriously in opposition to this grant of power.

Title IV, of course, is the most controversial section of all in this bill, and I leave it to others to debate the constitutional and moral implications. I oppose the title as recommended by the President and as amended by the Committee.

In either of the two versions it would authorize the government to control the owners of private property, and it would absolutely control the right of that owner to dispose of his property. Legal opinions in support of the unconstitutional nature of this kind of legislation are recorded and available, and have been mentioned in this debate.

Title IV is an attempt to expand individual freedom by curtailing it. It is an effort to use the power of the Attorney General's office as a tool of sociology. Whatever the merits or the demerits of the sociological goal may be, the Attorney General's office is not the remedial agency which wisdom tells us will achieve the objective. And if it were true that the Attorney General's office were the wise and proper source of a remedy, then debasement of the Constitution is surely not the course of action which wisdom tells us is required. Rather, the course of action would then be a constitutional amendment, or a set of amendments, which would be required as a means of making room for the constitutional divergencies called for in the title.

Title V and title VI involve questions of equal importance with regard to the Constitution and to legal opinion.

Mr. Chairman, the real question before us in this legislation today is not whether we in this country have achieved a perfect society. All of us know there are improvements in human relations which all of us, North, South, East, and West, want and need.

The real question is whether this legislative proposal gives a promise of making progress towards solutions. In my judgment the bill does not make progress, but rather does the opposite.

First, parts of this bill are unconstitutional, and can be justified as constitutional only on a basis of unreasoned or political motivation having little to do with constitutional law or with the search for true basic civil liberties.

Second, aside from the legal aspects of this bill, there is the general impact of it—an impact which the sponsors of this legislation obviously have closely in mind.

Do we in this body really intend to give the country the impression that this kind of legislation will produce the results which are either implied or expressed? Because it surely will not produce the intended results. The recent riots and violence have not occurred in the South, but right in those States—in most cases—that have so-called fair housing laws. Open housing laws have not cured the ills of the people of this country. A Federal law on this subject will do no better. Unfortunately, by the time the Negro people realize it, the time will be ripe for even greater riots.

Or is this another in the escalation of dreams? Is this another in the widening of the expectations gap? Have we learned no lesson? Does this body feel no responsibility in the selling of false hopes over these past years—false hopes which have brought people up the mountain only to leave them there without fulfillment?

Are we to go ahead blissfully unbothered by the cold history of earlier civil rights promises? Are we destined to an indefinite period of American history in which political people seek to improve their position by offering greater government control as a solution to civil liberty problems regardless of reason, commonsense, and the Constitution?

Let thoughtfulness and responsibility enter the hearts of all of us, Mr. Chairman, in the consideration of this legislation.

Mr. CELLER. Mr. Chairman, I yield 5 minutes to the gentleman from Alabama [Mr. SELDEN].

Mr. SELDEN. Mr. Chairman, I rise in opposition to H.R. 14765. This legislation is simply the latest in a line of Federal force bills, the end result of which has not yet been fully realized by the people of this country. But this much we know: The effect of these bills, separately and severally, is to undermine and radically alter the basic constitutional system under which our country has existed and flourished since its founding.

First, we witnessed the undermining of the freedom of businessmen to exercise their best judgment and discretion as to their own customer relations; then State and local responsibility for voting and voter registration. All along, it was the chipping away at State and local responsibility over our schools, with the prospects of shifting helpless children from school to school to achieve some sort of balance satisfactory to some theoretician in the Office of Education.

In previous years we have been told that the passage of the civil rights legislation would take the civil rights movement out of the streets and put it into the courts. But time has proven that the passage of each force bill has simply increased the appetite of the irresponsible elements of our society. As mob violence has brought a favorable response to the demands of the irresponsible elements, their demands have increased rather than diminished. And each time another bill has come down to appease these same elements.

During recent weeks, the tragic experiences of Chicago, Cleveland, and Brooklyn have shown that appeasement of these irresponsible elements in our society simply leads to greater and more widespread disorder and disrespect for law.

So long as the civil agitation and violence of these lawless elements was confined to the Southern States, warnings made during previous debates on civil rights force bills went unheeded by a majority of the House.

Now, however, the seeds of this calculated, planned violence and disorder have spread their roots to northern cities. And what those of us who opposed appeasing the lawless element predicted would occur has in fact occurred.

If the Congress should once again show weakness in the face of lawlessness—if we should once again appear to give ground to the agitators and lawbreakers—then the seeds of yet bloodier harvests will be planted.

For, once the irresponsible element is convinced it can get its way by riot and violence, then no neighborhood, no city, no area of the country will be safe from violence and destruction.

Those who think that by passing another civil rights force bill they can curb the growing violence of our cities would therefore do well to reflect on the national experience of the past 2 years. The civil rights bill of 1964 and the Voting Rights Act of 1965 were only preludes to violence. The civil rights bill of 1966, if enacted, will only lead to greater excesses on the part of the irresponsible and lawless element which seeks to take over the streets of American cities.

In the time allotted to me, I cannot discuss all the objectionable points of the pending bill. Generally speaking, my strongest objections are to titles IV and V, but there are serious questions to be raised about the other titles as well.

All reasonable persons, I think, would agree with efforts to improve the quality of Federal juries and to provide for a sound, workable means to select such jurors. But it does seem to me that in the area of "blue ribbon" juries that are selected to try difficult fact questions—such as in antitrust cases—the effort to remove all discretion from the selectors is unwise. Certainly, we have not reached such a level of egalitarian philosophy in our Federal Government so as to be blinded to the fact that some people are specially qualified and better able to absorb, digest, and draw conclusions from complicated or highly technical evidence. It seems to me that the drafters of this title have let untested theory override every sound, realistic exception or qualification that should be made under such circumstances.

Similarly, under the proposed title II, we must ask ourselves whether to give the Attorney General of the United States blanket authority to proceed into Federal court to take over, in effect, the jury selection procedure of any State court. Under section 203 the potential exists for a complete eradication of State or local control.

Title III of H.R. 14765, a resurrection of a portion of the 1957 civil rights legislation that was rejected by Congress, was not a part of the bill as originally introduced and, consequently, was not commented on by those witnesses who appeared in opposition to the bill. While the 1957 version of this title referred to persons acting under color of law, title III of the pending measure would apply to any person. Proponents of this provision should eventually learn that Federal action cannot possibly be taken to correct every injustice or wrong.

Before speaking of title IV, let me address myself to titles V and VI. Title V proposes a wholesale development of Federal policing power even under circumstances in which adequate State and local police services are provided. It would effectively federalize a major portion of criminal law.

There is a question regarding the constitutional authority for the Federal Government to do much of what it seeks to do in this title. It is supported by a kind of bootstrap illogic which would ultimately give the Attorney General boundless legislative authority.

Nor do I see a need or justification for title VI. As one can see from the plethora of suits, there is no absence or timidity of private litigants in civil rights matters. What is revealed here is that the master planners of the so-called civil rights movement, want a centralized litigation source so that a comprehensive restructuring of our society can take place. They are not content to allow the problem to be worked out at the local level, where all interests can be accounted for. They are frightened of diversity and prefer a centralized, monolithic movement.

In turning to title IV, it strikes me as mere fantasy and sheer subterfuge to attempt to reach the great amount of private housing—no matter how long it has been standing—under any concept of the Federal commerce clause.

But the fact that the Federal Government does have the power to reach at least some of the housing it attempts to cover causes me to forbear any such argument. Rather I would prefer to argue the power of the Federal Government, of any government, to interfere with the rights of citizens to exercise their rights over their property as this bill seeks to do. And although we are going to be bombarded as never before with propaganda about the conflict between property rights and human rights, in truth, there is no such conflict. The ownership of property in our society carries with it rights and responsibilities which are indisputably human rights. Chief among these is the individual owner's right to manage and sell and rent and use his property.

I realize, of course, that this right of the property owner, like every other right, is not absolute. Society necessarily imposes some limitations upon it, in the instance of zoning, in the area of nuisance, health restrictions and the like. But all these are instances in which society has determined that a particular use would so harm a man's neighbors or his community that a reasonable limitation may be placed upon that use.

The question then is not whether the state has a right to limit the use of property, but when that limitation becomes so pervasive and far reaching as to constitute deprivation and to conflict with the fifth amendment's guarantee that one may not be deprived of life, liberty, or property without due process of law. It seems to me too late in the day to argue that by "due process" is meant only procedural fairness; rather, as Mr. Justice Harlan recently wrote, due process encompasses "a rational continuum which, broadly speaking, includes a freedom from all substantial arbitrary impositions."

What this title would do constitutes a dictatorial imposition on the homeowner by the Federal Government. It constitutes the use of Federal force to divest an owner of fundamental rights and prerogatives which have always gone with ownership under our system. It gives preference to one party to a proposed transaction by denying to the other his freedom of choice.

I can think of very few things that constitute a more substantial arbitrary imposition on someone—and one more violative of our fundamental legal system—than legislation which denies the freedom to exercise personal choice in private transactions regarding reference to private property. For those who clamor so loudly for Federal action to correct what they regard as a wrong should reflect that this same Federal action may some day be used against them.

In conclusion, let me reassert my belief that under our system no citizen, or group of citizens, should be provided special privilege under the law. The so-called Civil Rights Act of 1966—like its predecessor bills of recent years—is not truly an "equal rights" bill. It is a special privilege bill—legislation which would give one group of our citizens special privilege at the expense of the freedom of choice of other groups.

I am opposed to the special privilege bill of 1966. It is constitutionally questionable and will not serve the true interests of our society or our free institutions.

Mr. CELLER. Mr. Chairman, I yield 5 minutes to the gentleman from Florida [Mr. BENNETT].

Mr. BENNETT. Mr. Chairman, frankly, I would like to feel that the bill before us could be amended to be a bill that I can conscientiously vote for. In fact, since no bill is perfect, I still hope that what remains improper in this legislation, after amendment, can be so inconsequential that an affirmative vote would be proper. There are ideas in the bill which I strongly favor. For instance, I enthusiastically favor workable procedures to guard against discrimination in the selection of juries; and strengthening laws against depriving citizens of their rights to assert by legal and peaceful means their constitutional rights of citizenship. These reforms, indeed, are overdue.

There are other procedural changes in the law that I do not find objectionable. But I do find title IV objectionable as a deprivation of a person's right to contract with whomever he wishes; and of doubtful practical effect in any event. The provision applies only to real estate contracts but if it can be justified for that, what could be the limits to interference in all and any individual rights of a citizen? Furthermore, the States which have State laws on the subject have not had outstanding records of accomplishing what title IV seeks. So, since this section is of doubtful constitutionality and does infringe upon the rights of citizens to contract, and seems to have little chance of accomplishing anything constructive, I sincerely hope this section will be stricken from the bill. That section offers false hope and will be thus just another splash of gasoline on the embers of unrest—and for no predictable good.

Mr. CELLER. Mr. Chairman, I move that the Committee do now rise.

The motion was agreed to.

Accordingly, the Committee rose; and the Speaker having resumed the chair, Mr. BOLLING, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 14765) to assure nondiscrimination in Federal and State jury selection and service, to facilitate the desegregation of public education and other public facilities, to provide judicial relief against discriminatory housing practices, to prescribe penalties for certain acts of violence or intimidation, and for other purposes, had come to no resolution thereon.

DEPARTMENT OF TRANSPORTATION

Mr. O'NEILL of Massachusetts (at the request of Mr. BOLLING) from the Committee on Rules, filed the following privileged resolution (H. Res. 935, Rept. No. 1774), which was referred to the House Calendar and ordered to be printed:

HOUSE RESOLUTION 935

Resolved, That upon the adoption of this resolution it shall be in order to move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 15963) to establish a Department of Transportation, and for other purposes, and all points of order against said bill are hereby waived. After general debate, which shall be confined to the bill and shall continue not to exceed four hours, to be equally divided and controlled by the chairman and ranking minority member of the Committee on Government Operations, the bill shall be read for amendment under the five-minute rule. At the conclusion of the consideration of the bill for amendment, the Committee shall rise and report the bill to the House with such amendments as may have been adopted, and the previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit.

AUTHORIZATION FOR APPROPRIATIONS FOR HIGHWAY CONSTRUCTION

Mr. YOUNG (at the request of Mr. BOLLING), from the Committee on Rules, filed the following privileged resolution (H. Res. 936, Rept. No. 1775), which was referred to the House Calendar and ordered to be printed:

H. RES. 936

Resolved, That upon the adoption of this resolution it shall be in order to move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 14359) to authorize appropriations for the fiscal years 1968 and 1969 for the construction of certain highways in accordance with title 23 of the United States Code, and for other purposes. After general debate, which shall be confined to the bill and shall continue not to exceed two hours, to be equally divided and controlled by the chairman and ranking minority member of the Committee on Public Works, the bill shall be read for amendment under the five-minute rule. It shall be in order to consider the substitute amendment recommended by the Committee on Public Works now in the bill, and such substitute for the purpose of amendment shall be considered under the five-minute rule as an original bill. At the conclusion of such consideration the Committee shall rise and report the bill to the House with such amendments as may have been adopted, and any Member may demand a separate vote in the House on any of the amendments adopted in the Committee of the Whole to the bill or committee substitute. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

VIOLENCE IN THE STREETS

Mr. DAVIS of Georgia. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The SPEAKER. Is there objection to the request of the gentleman from Georgia?

There was no objection.

Mr. DAVIS of Georgia. Mr. Speaker, I rise to invite the other Members of this House to join me in urging the President to use the powers of his office upon the rioting elements in our northern cities.

On some occasions in recent years, the very possibility of violence has been enough to call the Executive powers down upon our States. But now, when the fact of violence explodes in the streets of our cities, those same Executive powers lie strangely dormant.

If curses and threats and an atmosphere of tension generate the need for Executive force, then what should we say of beatings and burnings and rapes and murders?

Those who speak for these lawless elements say they riot because they are angry and frustated or because their lot in life is less than what they wish. This seems to have engendered sympathy in some quarters, and seems to be regarded by some individuals as containing reason and logic.

I do not wish to make light of the misery and wretchedness that weigh upon those in grinding poverty. My heart goes out to those who must live in such circumstances hour by hour and year by year. But my heart goes out also to harmless, law-abiding citizens who are killed and maimed and violated daily. And my sympathy for the victims of poverty is outweighed by my concern for the victims of the mob.

My sympathy might be greater were it not for the record of the 89th Congress. This Congress has done more than any other in history to relieve those conditions which the mob cites as grounds for its rebellion. I know of no supporting condition for poverty that this Congress has not attacked with all its might. And I might add that some of our number risked political careers to do it.

However, the majority of law-abiding citizens in this Nation stood firmly behind the efforts of their elected representatives. They approved a tremendous outlay of their tax dollars in time of war to lift up those less fortunate than themselves. The people are the ultimate source of the power of our President. He cannot enjoy the support of a majority of Congress unless Congress enjoys the support of a majority of the people. Many of the areas which gave the President his strongest support are the areas suffering most from the riots. I daresay some of these who have died in the streets helped elect a Congressman who supported the President's fight against poverty. It is ironic that the dead should be the victims of the very people that owe them the most.

It was their pleasure to support the President's wishes with the power of their vote. Surely it is the President's duty to protect their lives with the power of his office.

ARMY NOW CONDUCTING CONTINUOUS REVIEW OF ALL PHASES OF RECRUIT TRAINING

Mr. LONG of Maryland. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The SPEAKER. Is there objection to the request of the gentleman from Maryland?

There was no objection.

Mr. LONG of Maryland. Mr. Speaker, on January 31, 1966, Pvt. David B. Ziegler was killed in action, after serving 2 weeks in the infantry in Vietnam. His mother, in her anguish, complained to me that Private Ziegler had been trained for military police duty and, except for basic training, was given only 2 days of instruction for combat prior to being ordered into battle. Two days of training, however intensive, could hardly prepare a young recruit to fight against the Vietcong, perhaps the most experienced guerrilla fighters in the world.

The Army, when asked for an explanation of Private Ziegler's training and assignment, responded with scarcely more than confirmation that, because of a shortage of infantrymen, Private Ziegler had indeed been thrown into combat with little training. Its statement that "every effort is made to avoid assigning soldiers who have completed advanced training in one branch to duty in a different branch" was less than fully reassuring, and I requested a thorough reconsideration of the training program for recruits going to Vietnam.

The report which I have just received is more encouraging. The Army now assures me that it is conducting a continuous review of all phases of its recruit training program. One product of this reevaluation is a special, Vietnam-oriented, 9-week advanced program for infantry replacements, designed to train individuals under conditions found in Vietnam and including a 5-day field problem conducted in a simulated Vietnamese village.

Mr. Speaker, as the father of a young man now in Vietnam with the 101st Airborne, I am concerned, as are all parents, that when our boys go into combat they are provided with every skill and equipment needed in order to prevail against a ruthless and wily enemy. The Army's realization of this fact will be heartening to all Americans.

MID-DECADE CENSUS

Mr. POOL. Mr. Speaker, I ask unanimous consent to address the House for 1 minute, to revise and extend my remarks, and to include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. POOL. Mr. Speaker, I have today introduced a bill which would require the taking of a national census every 5 years. This census would cover the subject matter of the decennial census; that is, it would be a census of housing, unemployment, and population.

My congressional district is made up of the State of Texas. Texas is growing with a population increase of almost 2 percent a year, in short our population has grown 9 percent since 1960. A lot of that growth is centered in Dallas, Tex., where I make my home.

The growth of Dallas, Tex., creates problems for local officials who must provide the schools and the services for new families coming to Dallas. The metropolitan area of Dallas has grown by 227,000 people since 1960, which is a growth greater than the entire population of Richmond, Va.

It does not profit a city to have magnificent office buildings and badly planned schools. Dallas will not stand for a poor school system and has never had one. But the point is that the adjustments in city planning necessary with this kind of growth cost the taxpayer a great deal if money is not spent at the right place and at the right time. A national census provides the statistics necessary for proper city planning, and 10 years between a national census is 5 years too long because of the growth of this Nation as a whole. Large corporations no longer use national census figures after they are 5 years old. They have to rely on uncertain estimates.

There is a town in eastern Long Island, N.Y., that has contracted with the Bureau of Census for two special censuses at a cost to the community of $20,000 per census. But, they have gained $4 in State aid for every dollar spent on the census contract. They are planning to contract for their third special census since 1960.

All over the United States, local governments are spending too little too late or too much too soon—all of which add up to a lot of waste when you realize that local governments spend $50 billion a year, a figure equal to the spending of the Federal Government in the private sector. A national census every 5 years will cure much of the planning gap because a national census gets down to the block level in tabulating population, housing conditions, and employment. A census every 10 years served us very well when we were a nation of 4 million people in 1790; but today we are a nation of over 196 million and by the year 2000 the Arthur D. Little Co., in a survey for the Defense Department, predicts a population of 358 million.

The growth of Dallas is such that with a mid-decade census the State Legislature of Texas could possibly place another congressional district in Dallas County. I cannot believe that we will stay put and let the country grow up around us without noticing, except once every 10 years. It is my understanding that cattle are counted every 5 years as a result of the agricultural census. I think that people are important enough to be counted at least as often as farm animals.

I can say for the people of Dallas, and Texas, that guesswork in Texas or in the United States is not good enough. When it comes to our families in Texas, we want to make sure that we know as much about them as is possible; and when elected officials make a judgment, they are as sure as they can be that they make the right decisions.

I suggest to the Congress that the condition of the American people is the most important fact we have to know, and we have to know more often. I ask all of you to support mid-decade census legislation.

RECURRING TENDENCY OF THE JOHNSON ADMINISTRATION TO BLAME FARMERS FOR INFLATION

Mr. ANDREWS of North Dakota. Mr. Speaker, I ask unanimous consent to address the House for 1 minute, to revise and extend my remarks, and to include an editorial.

The SPEAKER. Is there objection to the request of the gentleman from North Dakota?

There was no objection.

Mr. ANDREWS of North Dakota. Mr. Speaker, probably the biggest concern in agricultural areas of this country is the recurring tendency of the Johnson administration to blame farmers for inflation. Perhaps it is because farmers represent an ever-decreasing percent of our population and they are a handy scapegoat, or perhaps it is completely accidental; but nevertheless, the damage to agriculture's public image is tremendous and completely unwarranted.

Earlier in this Congress, when we were seeking an equitable wheat bill, it was labeled a "bread tax," and we were forced to have the wheat certificates paid for out of the General Treasury, largely because of misleading publicity.

Those of us from agricultural areas, from both sides of the political aisle, have been protesting these unfair tactics and our protests are beginning to be heard.

I was extremely gratified to see this morning's editorial in the Washington Post which points out that the bakery industry is now raising the price of bread and is attempting to put the burden of blame on the farmer. The Post, certainly not known as an agricultural paper, indicates very clearly that the farmers are not responsible for this raise in bread prices. I certainly hope we will begin to see more of this type of fair treatment for our farmers by the eastern press.

Under unanimous consent I include a copy of the editorial with my remarks:

BREAD PRICES

The bakery industry, just a year ago, organized a powerful lobbying effort that helped defeat a farm bill that would have financed part of the costs of a wheat program by a tax that would have added seven-tenths of a cent to the price of bread. This scheme to shift part of the burden for the farm program from the Government to the processors was denounced by the baking industry as a "tax on bread." Congress quailed before this assault and dropped the plan.

Now the industry is raising bread prices, in many cities, up to two cents a loaf because wheat prices in the last year have advanced. The farmer of course gets only three cents out of the retail price of 20 cents for a loaf of bread, but he is being blamed for the increase.

After the industry's outcry against bread price increases a year ago, this newspaper said: "It is simply not conceivable that the bakery industry which vigorously and successfully fought the 'bread tax' intended to benefit the Federal Treasury would countenance increased bread prices amounting to a tax benefiting private industry. One must credit the industry with sincerity and consistency and look forward hopefully to stable, if not lower bread prices. That, at least, is a gratifying prospect." That turns out to have been a vain hope and expectation.

It needs to be noted that flour prices have gone up .2 percent since June 1965, while cereal and bakery product prices have gone up 3.3 percent. That should at least help make it clear to consumers who is responsible for the rise in bread prices.

HYPERTECHNICAL APPLICATION OF ARMY RULES AND REGULATIONS

Mr. **PERKINS**. Mr. Speaker, I ask unanimous consent to extend my remarks at this point in the RECORD and include a statement from Judge Henry Stephens, Prestonsburg, Ky.

The **SPEAKER**. Is there objection to the request of the gentleman from Kentucky?

There was no objection.

Mr. **PERKINS**. Mr. Speaker, I am submitting for the RECORD, the statement of the Honorable Henry Stephens, former judge, Floyd Circuit Court, Prestonsburg, Ky., outlining the hardships confronting his son, James D. Stephens and James' family, as a result of hypertechnical application of Army rules and regulations in separating him from the military service. Judge Stephens' statement speaks for itself. In my judgment, the statement is altogether factual. I have known Henry Stephens for more than 30 years, and have known his son for an equal period of time.

I have introduced H.R. 15490 authorizing relief for James D. Stephens from the circumstances outlined.

I am greatly concerned about the lack of any appropriate administrative remedy for the circumstances of this case which leads me to the belief that the Congress should thoroughly study this matter with a possible view of enacting general legislation which will appropriately afford relief for other James Stephenses who may be similarly aggrieved by hypertechnical application of rules and regulations in such disability matters. I consequently urge each Member to give attention to the case presented by Judge Stephens on behalf of his son:

WHAT THE ARMY HAS DONE TO LT. COL. JAMES D. STEPHENS AFTER MORE THAN 20 YEARS OF SERVICE

(A partial statement of facts to be used in connection with H.R. 15490, now pending before the Committee on the Judiciary)

James Darwin Stephens was born in Prestonsburg, Kentucky on May 2, 1916. At eleven years of age he began his military experiences by attending the oldest private military school of America in the hope that he would eventually be graduated from West Point thus making the Army his career.

After his graduation from military school his appointment to the United States Military Academy did not materialize. He was, however, commissioned in the Organized Reserve Corps on September 8, 1937, by President Franklin D. Roosevelt. He was active in the reserves until 1941 when he was ordered to active duty effective April 21st.

Within six months after being ordered to duty he was sent overseas to Panama where he was on duty with the 5th United States Infantry at the time World War II began on December 7, 1941. On completion of this overseas tour, he was returned to the United States where he received additional training in the fall and winter, 1943–44, and subsequent thereto, he was sent overseas again, this time to serve in England, France and Germany.

He was one of three young combat arms officers selected from several hundred to become administrative officer of a civil affairs group in American-British combined operations of northwest Europe before and following invasion. He was the administrative officer for the American Contingent, First Civil Affairs Group, under command of Colonel J. M. Hamilton, DSO, British Army, and carried on liaison activities with the SHAEF headquarters in London.

On fulfillment of this combined mission, in October 1944, he was assigned to the 95th Infantry Division headquarters as assistant division military government officer. This was the combat phase of military government, and in this period he performed his duty in combat and under enemy fire with the 379th Infantry Regiment, and in its three battalion zones of combat in both France and Germany. While his division was in combat its operations were under the jurisdiction of the Third Army Commander, General George S. Patton, Jr. Until the Battle of the Bulge, this division saw some of the bitterest fighting in the European theater. Certain participants in such combat, particularly those in the Moselle River, Metz, Saar River line and Saarlautern objectives, were highly commended by the Third Army Commander, General Patton. Colonel Stephens was one of those persons.

For his performance of duty under such combat conditions, in 1947, he was awarded the Bronze Star Medal. In February, 1945, he was assigned to the 12th Armored Division, which was in the Seventh Army Area under command of General Alexander M. Patch. While yet in the combat phase of military government operations, with this division he served with headquarters Combat Command "A", performing his duties with this headquarters, the 66th Armored Infantry Battalion and the 493d Armored Artillery Battalion, in the Colmar Pocket, Crailsheim, Ellwangen, Dinkelsbuhl, Goppingen, Aalen, Dillingen, Lauingen, Landsberg, Murnau and other areas.

Notwithstanding the above performance and combat participation of record, the Army has certified to the Veterans Administration that Colonel Stephens had *no combat*. His service data shows otherwise; his Bronze Star citation shows otherwise; and General Patton's commendation shows otherwise.

When it had been determined by the Department of the Army in 1953 that Colonel Stephens would not continue on active duty beyond May 31, 1954, in April 1954, Colonel Stephens submitted his unqualified resignation from commissioned status. His Army commander recommended approval, and at that time, Colonel Stephens under the law had no further reserve service obligation. He had served more than the required two years, during the criteria of both World War II and the Korean Conflict; he had almost thirteen years extended active duty; seventeen years or more total commissioned service; and more than 71 months overseas service in three separate theaters of war and national emergency.

Before his separation in 1954 from active duty he requested a physical evaluation board for disability determination purposes; however, he was not properly referred, and therefore not ordered before one. The Army's representative in making out Colonel Stephens' separation certificate, effective May 31, 1954, determined that he was not to be assigned or transferred to any reserve component, branch or class, cognizant district or area command in any reserve capacity following separation. This certificate Colonel Stephens also signed indicating that he had no further desire to be connected with the reserves. Notwithstanding, without his request or any indication that he wanted to be assigned to any reserve status, forty-two days following his separation, the Army assigned Colonel Stephens to the reserves anyway. He was separated as a Lieutenant Colonel on his orders, but when he was assigned to the reserves without request, he was assigned as a Major.

At the time of his separation in 1954, his physical examination had no clinical evaluation which was required; however, the Army elected to change this record in order to show that one was done when, in fact, it was not done. This physical examination shows that Colonel Stephens was in perfect health three days before his statement of medical history was due in compliance with his orders.

In 1956, Colonel Stephens was ordered to duty at Fort Knox, Kentucky. He performed this tour of duty but the Army denied him credit which, were it granted, it would authorize an additional retirement year, making his total service credit more than 20 years. He had proof in his own records, as well as did the Army, that this period of service was performed. During this period of duty in 1956 a physical examination was made on him at Fort Knox, Kentucky, and on completion of it, the Chief of Medical Service postdated his review and approval by one year and three days, approving Colonel Stephens for active duty, effective June 29, 1957, nine days following his orders for active duty dated June 20, 1957.

On August 2, 1957, Colonel Stephens suffered an acute myocardial infarction while on duty at Fort George G. Meade, Maryland. This condition was found to be in line of duty, not due to any misconduct, while present for duty, and while not under the influence of any drugs or intoxicants. This finding was approved by the Secretary of the Army on September 17, 1957.

On September 9, 1957, Fort Meade Army hospital published Special Orders 112, sending Colonel Stephens on attachment to the Walter Reed Army hospital for further observation and treatment only, and on completion thereof, he was to be returned to his organization and stationed at Fort Meade, Maryland by U.S. Government transportation. This order Colonel Stephens did not receive for a period of more than five years. A medical board was not authorized in this order by any commander of Colonel Stephens, nor was one appointed by his commander as required in Army regulations. Therefore, any board action taken by the Walter Reed Army hospital not in compliance with orders from Colonel Stephens' commander is illegal and of no effect.

Notwithstanding, a medical board did meet at the Walter Reed Army hospital on October 1, 1957, but it was contrary to his orders not yet known to or received by him. Not one member of this board represented Colonel Stephens' rank and branch of service, nor was any member an officer of the combat arms. The president of the medical board, on October 1, 1957, misrepresented himself to Colonel Stephens and the other members of the board, by making two different medical determinations on the same day on the same individual. The board found that Colonel Stephens' heart condition existed prior to service and gave no approximate date of origin as required by Army regulations. It found that his heart disease was total and permanent. The president of the medical board, as a member, found that the heart disease existed prior to service, while simultaneously determining that it did not. Now both records exist in official files of the Department of the Army. Any doctor with any reputation that would make a statement that a heart condition existed 20 years before it happened should have his head examined. Any man with common horse sense would know better and he wouldn't have to be a doctor.

When the findings of the medical board were approved by the hospital commander on October 3, 1957, finding that Colonel Stephens' heart disease existed prior to service, Stephens did not elect relief from active duty in writing to his commander as set out in Army regulations. When he did not do so, it became mandatory that his case be referred to the jurisdiction of a physical evaluation board.

The Army now asserts that Colonel Stephens has had a fair hearing when, in fact, one has not been held. But if a hearing has been held, it has been done in secrecy without notice to him, and without his knowledge as to where, when, who was present in his behalf, who was counsel of his choice, if any, and its findings.

In 1959, he was informed by an Army headquarters that a physical evaluation board had set forth a disability determination. Colonel Stephens has never been notified what this degree of disability determination was, nor has he ever been given any knowledge with regard to its nature, recommendation or effect.

On April 28, 1960, the Second Army headquarters mailed to Colonel Stephens, without prior notice that such an action was to be taken, a discharge certificate which stated that his commission as a reserve had terminated due to physical disqualification. This discharge certificate is erroneous, ill-founded and of no effect whatever, because, first of all, he has not been given credit for all his service which amounts to more than 20 years. Therefore, the discharge certificate, ab initio is prohibited.

The Adjutant General issued Colonel Stephens official identification which recognized him in an actively identified status and capacity and in full force and effect existing fourteen months beyond the date of the erroneous discharge certificate. Also, the same Second Army headquarters that issued the discharge certificate on April 28, 1960, as late as July following, continued to address Colonel Stephens, referring to and identifying him as an active member in the United States Army Ready Reserve.

Regardless of the discharge certificate, Colonel Stephens has continued in an active status; and according to Army regulations, and the last orders he received, he has never elected relief from active duty, nor has he in respect thereto, ever been relieved from an active duty status. During the interim, he has passed through the zone of promotional consideration without consideration, and has, as late as November 1963, refused to accept civilian employment with the United States Air Force at $9,475.00 per annum due to his disability determination, both total and permanent set out by the medical board on October 1, 1957, and due to the other circumstances herein explained.

At the present time, after more than 20 years service, with total and permanent disability rating made almost nine years past, he is not in receipt of Army retirement benefits, any compensation award from the Veterans Administration, nor do his children have any war orphans benefits in event of his death due to heart disease which the Army has found to have existed prior to his service.

Since 1942, Colonel Stephens has never been given a single adverse efficiency report by any commander to his knowledge. He has never been reprimanded or court martialed, or other wise had any discrepancy, with respect to his performance of duty, brought to his attention at any time. If his record indicates otherwise, it is wholly untrue; if any commander has certified to such effect, and that any discrepancies were brought to his attention for correction or improvement, it is also untrue.

Any man in the Armed Forces of the United States, who has staked his life in mortal conflict against an enemy in defense of his native land, and for the principles under which it is also governed, not knowing whether he will return to see his family or friends, is certainly entitled to a just, honest and fair hearing before his fellow man.

My son would have been retired in 1954 due to physical disability had the proper actions been taken at that time. However, they were not, so, he should have been retired in 1957 at the time of his myocardial infarction, for which he has been taking medical treatment and medication ever since at his own expense. Under such circumstances, as herein explained, and especially when he has spent the best part of his adult life in the defense of his country, no stone should be left unturned in order to see that justice prevails, thereby allowing the chips to fall where they may.

It is hoped and expected that this Honorable Committee will request and permit him a personal appearance in order that all the details may be explained to the full and complete satisfaction of this Committee, and when that is done, the ends of justice will have been met. Then, the Committee will have no hesitancy in arriving at a just conclusion. If there has ever been a miscarriage of justice, as is clearly applicable in this case, it has been perpetrated in the background, and has been of such nature or degree, that he has been denied any knowledge or information thereof. That is why it is cogently necessary for him to be allowed a personal appearance in order that he be allowed to present to the Committee some of the records now in his possession and which the Army has made. Otherwise, the Committee will never be in position to have before it other vital information which should, in the interest of justice, be considered. The statements herein set out contain the truth and nothing but the truth.

May I have a favorable response from you and your views in this connection? All of which is respectfully submitted for your kind and just consideration.

Respectfully yours,

Henry Stephens.

Prestonsburg, Ky.

PREPARE FOR DECEPTION

Mr. BURLESON. Mr. Speaker, I ask unanimous consent to extend my remarks at this point in the Record and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. BURLESON. Mr. Speaker, Columnist Roscoe Drummond cautions us that Hanoi may come up soon with tricky peace overtures, but he also points out that President Johnson has made it clear we will not be budged by false hope.

As the fighting goes badly for the Vietcong, Mr. Drummond says, Hanoi may figure that the circumstances of a congressional election campaign in this country provide the right time for deceptive peace proposals.

It will not work.

As Mr. Drummond notes, President Johnson has warned against it with this statement:

> We will not withdraw under the cloak of a meaningless agreement.

With the assent of my colleagues, I will place Mr. Drummond's column as it appeared in the Washington Post in the Record:

[From the Washington (D.C.) Post, July 17, 1966]

Prepare for Deception: Fighting in Vietnam Is Going Against Vietcong So We Can Expect Tricky "Peace Proposals"

(By Roscoe Drummond)

With fighting going badly for the Vietcong, there is reason to brace ourselves for tricky and deceptive "peace proposals" from Hanoi.

Obviously, we ought to be responsive to any initiative to end the war in a way that protects the independence of South Vietnam. But we ought to be on our guard against a trap.

Those who know the ways of the Communists believe the time is getting near when North Vietnam may engineer a diplomatic maneuver designed to sell Washington and Saigon a "peace package" with a false bottom.

Here is why the United States must be alert:

1—The logical time to put such a move in motion would be on the eve of the congressional elections.

2—The Communists would expect that the American public would leap at anything that looked like peace in Vietnam, even if the small type warned the buyer to beware.

3—They would figure that President Johnson, eager for the Democrats to do well in the congressional voting, would not dare turn down "peace proposals" which might be made, for a time at least, to look like the real article. They would figure that the temptations of election politics would coerce the Administration into accepting something which at any other time it would reject.

4—The time for such a maneuver is running out. It has to be undertaken soon—in the next two or three months—or it will be too late.

What would be the basic strategy of the Communists in a move of this kind Their main purpose would be to tempt the United States into taking immedate steps that would disadvantage the United States and advantage Hanoi's willingness to negotiate at all.

What would the Communists like to accomplish without making any final commitment to end the aggression? Obviously, they want to try to immobilize the United States without any guarantee the Vietcong would remain immobile.

The Communists could propose that the United States begin to withdraw its forces as a "gesture" that would help bring about negotiations a little later.

The Communists could propose that the United States de-escalate the fighting while they try to catch their breath and get ready for another push.

The Communists could propose that, as a preliminary to a future settlement, the VC be allowed a place in the Saigon regime before the new government is elected.

It is possible, of course, that there is so much controversy at the top in Hanoi on whether to keep up the war or accept negotiations that nobody will dare make a move.

If it comes, it will probably be soon. President Johnson has warned against it with his public affirmation that "we will not withdraw under the cloak of a meaningless agreement."

TRI-CONTINENTAL CONFERENCE AND ADMINISTRATION INDIFFERENCE BLAMED FOR INCREASING UNREST IN LATIN AMERICA—A CRITICAL MOMENT IN INTER-AMERICAN AFFAIRS APPROACHES

Mr. CRAMER. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The SPEAKER. Is there objection to the request of the gentleman from Florida?

There was no objection.

Mr. CRAMER. Mr. Speaker, on the 13th anniversary of the Castro revolution I call attention to administration's failure to meet the growing Communist threat in this hemisphere.

Yesterday was the anniversary of Castro's July 26, 1953, attack on the Moncada Barracks in Cuba, recognized as the bearded dictator's first revolutionary act and the administration is still without a policy to deal with the Communist menace only 90 miles from our shores.

The administration of not following the congressional mandate aimed at halting free-world shipping to Cuba pointing out that in 1965, Canada and the United Kingdom alone exported over $90 million of goods to Cuba.

As chairman of the Subcommittee on Subversion of the House Republican Task Force on Latin America, I say the administration is guilty of gross ineptness in meeting the crucial events in Latin America. The administration has ignored last January's Tri-Continental Conference in Havana at which Communist representatives from three continents met and pronounced their goal to step up their aggression and subversion in this hemisphere. The Tri-Continental Conference is second in importance only to the Cuban missile crisis of 1962.

Specific targets in the Communist blueprint are Colombia, Venezuela, Peru, Panama, Guatemala, Ecuador and Puerto Rico. Additional resolutions were passed by the Conference on topics involving the Organization of American States, the Dominican Republic, Haiti, Paraguay, and British and French Guiana.

Representatives from Russia and Red China were present for the Conference and that all resolutions dealing with the subversion of this hemisphere were passed unanimously.

There has been a failure to come up with an effective anti-Communist program and to retain people in the administrative positions dealing with Latin America long enough to implement such a program should one be put in force.

During the past 5 years six different persons have acted as Assistant Secretary of State for Latin American Affairs, Messrs. Coerr, Woodward, Martin, Mann, Vaughn, and Gordon. During the same period, the administration of the Alliance for Progress has equally passed from hand to hand, headed at different times by Messrs. Bell, Moscoso, Mann, Rostow, Vaughn, and Gordon. It is high time to stop this game of musical chairs.

I propose the following 11-point program to deal with this latest Communist threat to the Western Hemisphere: First, reaffirm the applicability of the Monroe Doctrine to Communist intervention in the Western Hemisphere; second, declare that the governments of the Western Hemisphere will not accept as permanent the present fate of the Cuban people who are suffering under the yoke of Communist rule; third, obtain an effective free-world political and economic boycott of Cuba; fourth, assume leadership in revitalizing the Organization of American States to deal with political aggression and subversion; fifth, broaden the guarantees covering U.S. overseas investments to include Communist sabotage and destruction; sixth, protect Puerto Rico from its becoming a center of Communist agitation; seventh, increase the training courses of the AID police academy, and increase its readiness to respond to requests from Latin American governments for assistance; eighth, the recognition of a free, anti-Communist Cuban government in exile; ninth, reexamine the amount of United Nations aid to Communist Cuba, and the U.S. share in this aid; tenth, prosecute any illegality arising from traveling to Cuba by U.S. citizens; eleventh, initiate intensive cooperation among the other hemisphere countries with the goal of plowing under the seedbed of Communist aggression that is located in Cuba.

Following is a statement and report I have prepared dealing with the Communist's stepped-up efforts at subverting this hemisphere and which I read for all to see. My report embraces an 11-point program which I seriously recommend to the administration and to the Congress:

THIS CRITICAL MOMENT IN INTER-AMERICAN AFFAIRS

(Statement by the chairman of the Subcommittee on Subversion, of the House Republican Task Force on Latin America, Representative WILLIAM C. CRAMER, of Florida)

While the attention of the American public and of the Johnson Administration appears to fluctuate between the tragedies of the Viet Nam war, and the erosion of the North Atlantic Treaty Organization, I am sorry to say that the neglect and inattention of crucial events in our own Hemisphere is now increasingly noticeable. It is not only noticeable, it is deplorable.

Former Brazilian President Kubitschek put matters in focus recently, when he stated to the Washington press that he was amazed how far the United States will go to defend the aggression of Communism in Asia, but watches indifferently the political and economic deterioration in its own Hemisphere.

A monument to this neglect and inattention may be seen in the advent and activities of the Tri Continental Conference which was held in Havana during January of this year. This Conference resolved, among other things, to create a central headquarters for subversion and infiltration, and for the training of communist agitators and guerrilla fighters. The headquarters, logically enough, will be in Cuba.

Although it described itself as a meeting of representatives of the peoples of Africa, Asia, and Latin America, the Tri-Continental Conference was actually a gathering of 82 National Communist Party Delegations. During the conference, sizeable delegations from Red China (34 delegates) and the Soviet Union (40 delegates) led the discussions and apparently dictated the resolutions that were adopted.

Although there is evidence that there were doctrinal differences in some of the Marxist dogma expressed by the Chinese and Russian delegations, the resolutions of the conference were approved unanimously. This unity makes it abundantly clear that the Sino-Soviet rift does not extend to the subject of Communist subversion in this Hemisphere. Accordingly, it appears that the subversive efforts of the Communist parties are more monolithic than are the foreign policies of their governments. In addition, those who think that the Soviet Union has adopted a soft line in regards to subverting the United States and the Western Hemisphere are in for a real awakening. We have only to read the words of Sharaf Rashidov, the Chief Russian Delegate to the Havana Conference. He declared in part:

"STATEMENT OF U.S.S.R. DELEGATE M. RASHIDOV, AT TRI-CONTINENTAL CONFERENCE—PUBLISHED IN POLITICA, FEBRUARY 1, 1966

* * * * *

"The Soviet Union is supplying the fraternal people of Viet Nam the most modern arms in order to fight against North American aggression. We are doing everything possible so that the products of Soviet technology—aircraft, rockets, artillery, munitions and other items—as rapidly as possible—will reach the hands of the Vietnamese fighters for liberty.

"The imperialists of the United States have openly intervened in the affairs of the Dominican Republic, sending its troops there, so that by force of arms they can prevent the Dominican people from determining their own destiny. However, the Dominican people are continuing their brave fight which will carry their just cause to victory. We declare that the Soviet people stand firmly at the side of the Dominican patriots. The Soviet Union, together with all the peoples of Latin America, Asia and Africa, demand the immediate withdrawal of the troops of the U.S. and of the other invaders of the Dominican Republic * * *.

"We express our fraternal solidarity with the armed fight for liberty by the patriotic Venezuelans, Peruvians, Colombians and Guatemalans against the lackeys imperialism.

"Through the entire course of its history, the Soviet State, following the advice of Lenin, has rigorously fulfilled its international obligation to give generous help to the peoples who fight for national and social liberation against colonialism and imperialism. The peoples that carry on this heroic struggle against imperialism, in whatever corner of the globe that it takes place, can be certain that the soviet people will always be at their side.

"In every forum, including the United Nations Organization, the Soviet Union will act in the closest concert and complete understanding with the representatives of the peoples of Asia, Africa and Latin America who fight against imperialism.

"Our principal enemy is world imperialism, headed by the imperialism of the United States.

"The Soviet delegation urgently calls all organizations and national movements represented at this conference to unite in the struggle for the great goal: that our conference will mark a new advance along this path, that it will multiply and strengthen the unity of our ranks, giving it new energy in the world-wide struggle for liberation."

In my opinion, and this is a view which is shared by others, including prominent statesmen of Latin America, this new Communist action poses a dire threat to the countries of the Western Hemisphere. This threat is comparable to the crisis caused by the Russian missiles that were based in Cuba in 1962. In this regard, I cannot overstress the fact that what is of immedate and prime significance is the clear and publicly announced intention of the Conference to advance the Communist conspiracy with renewed speed and energy; with the basic goal being, the creation of more Vietnams on a tri-continental scale. This threat is comparable to the crisis caused by the Russian missiles that were based in Cuba in 1962.

TARGETS OF INFILTRATION

The specific targets of infiltration in the Communist blueprint are; Colombia, Venezuela, Peru, Panama, Guatemala, Ecuador, and Puerto Rico. With respect to the first three countries, the Conference resolved, "To advance the militant solidarity of the fighters of those countries among each other, and with the countries of the three continents in the great battle for national liberation."

In regard to Peru, for example, the Conference resolved "to actively help by every means the armed struggle now going on in Peru."

Additional resolutions on Latin American topics involved the Organization of American States, Cuba, the Dominican Republic, Guatemala, Colombia, Haiti, Paraguay, British and French Guiana. A resolution was also made calling for the creation of a continuing Latin American Solidarity Organization to "combat North American imperialism."

There has been more than a selection of target countries by the Conference; direct action has been taken. The current situation in Guatemala is a case in point.

As we all know, the Guatemalan government is being plagued by guerrilla warfare originating in the hills of eastern Guatemala. The government has made attempts to dislodge the guerrillas, but their valiant efforts have met with little success to date.

Originally, the guerrilla activity was centered in one group. This main group, however, has split into two factions. One tends to adhere to Chinese ideology and calls itself the M–13 movement. The other faction tends to be pro Russian and calls itself the F.A.R. (Rebel Armed Forces). The F.A.R. is the dominant and the more militant group, and it is also attracting the greater number of recruits to its banner.

The leader of the F.A.R. is a young man named Luis Turcios. This is the same Luis Turcios who headed the Guatemalan delegation to the Tri Continental Conference. The relationship between the F.A.R. and the Tri Continental Conference goes deeper than that, however. The group keeps in close contact with Cuba and Moscow, and is responsive to their directives. In this fashion the Conference has served as an inspiration to the Guatemalan rebels, and has directly influenced the course of guerrilla activities in that country.

Evidences of the influence of the Tri Continental Conference are also visible in Chile and Panama. In Chile, President Frey has stated that the illegal mine strikes that occurred in March, and the violence surrounding them, were inspired by Conference directives. President Frey considers this sort of activity as constituting a real rebellion by an illegitimate authority against the duly constituted government.

In Panama, President Robles recently stated that the student riots and demonstrations which took place in June were aggravated by known Communist agitators, and that these professional trouble-makers were operating under Conference instructions.

These are only a few examples of the evil impact that the Havana Organization has had on Latin American affairs. These and other incidents have occurred during a period when the so-called "Liberation Committee" has yet to be established in fact. Right now they are merely tooling up their operations! On this basis, you can imagine what will happen when the "Committee" gets rolling in high gear.

I would like to turn now to a consideration of the Conference's posture regarding the United States involvement in the Dominican Republic affair.

Special attention was concentrated on the Dominican Republic. Special resolutions were made "to recognize the savage military occupation of the Dominican Republic, in violation of all the principles of self-determination and non-intervention, the signs of fascism and of war, as a form of domination of the imperialist system in its decadent stage." The full text of the resolution on Santo Domingo follows, illustrating the virulence of the attack on the United States and other OAS members:

"RESOLUTION OF THE TRI-CONTINENTAL SOLIDARITY CONFERENCE CONCERNING THE DOMINICAN REPUBLIC—HAVANA—JANUARY 3–12, 1966

"Considering, that the North American military intervention in the Dominican Republic of April 28, 1965, occurred precisely at the moment that the Dominican Populace was developing a victorious insurrection against military forces aligned with imperialism, (directed from the North American Embassy by Tapley Bennett and the military Attaches) that resisted the popular will of restoring the Constitution of 1963, and the President, Mr. Juan Bosch, who had been elected by a majority. This clearly demonstrated the reactionary aggressiveness of imperialism the enemy of the forms of government called "representative democracies."

"Considering, that the military intervention in the Dominican Republic initiates a new cycle of counter-revolutionary interventions in Latin America, and menaces the only Latin American country liberated from imperialist domination and exploitation: Cuba.

"Considering: that the North American Military intervention has encompassed, in complicity, the governing oligarchy's of the countries of Brazil, Paraguay, Nicaragua, Costa Rica, which have sent troops to suppress the heroic Dominican people that struggle for their liberty and independence.

"Considering, that each day that the invading imperialist troops remain on Dominican soil adds to the number of fallen patriots—that now surpasses 3,000—and increases the misery and suffering of the Dominican people.

"Considering: that, military occupation of the Dominican Republic carries with it the immediate and direct control of the Dominican State machine by imperialism, which seriously compromise the political status of the Dominican Republic, that is left degraded from a dependent, semicolonial country, to a country administered in a fiduciary manner, violating all the principles and practices established by the basic charters of all international bodies.

"Considering: that to perpetuate this violation of the national sovereignty of the Dominican State, imperialists have created a counter-revolutionary regional army for Latin America, cynically styled the Inter-American Peace Force.

"Considering: that in this crime against the Dominican people, and their desires for liberty and independence, the Organization of American States has functioned in an identical manner as with the evil condemnation of the revolutionary people of Cuba, i.e., serving as assistant to the hangman of the peoples of the world: North American Imperialism.

"Considering: that the United Nations was witness: of the crimes committed by Yankee troops against the civilian populace, not only in initiating the landing but also during the days of June 15–16, 1965, the acts of genocide committed by the puppet government of Antonio Imbert Barrerras; of the trusteeship established by the imperialists behind the Organization of American States, events all contrary to the declaration of principles in the basic charter of the United Nations, and that the UN limited itself to the simple and sad role of reporting events and of mediation, not condemning this brutal act of aggression, nor even the one mainly responsible, i.e.: The Imperialist Government of the United States.

"Considering: that at present the murderous military chiefs are the principal support which imperialism depends upon for its plans of indefinite occupation, and perpetuation of its neo-colonial domination of the Dominican Republic.

"Considering: that the Dominican people have heroically resisted aggression by armed fighting against the invading soldiers which has not lessened the struggle despite the unevenness of the fight, but on the contrary, each day the fighting intensifies, taking advantage of every measure and possibility to bring to a happy ending their national war for the freeing of their country and for the complete restoration of their sovereignty and national independence.

"Considering: that in the struggle of the Dominican people against the imperialist invading troops, men of different nationalities—Jack Vieu (Haitian), Andres Rivier (French), Illio Capossi (Italian), fell fighting shoulder to shoulder with the Dominican patriots.

"Considering: that International solidarity contributes to the struggle of the Dominican People against imperialist domination.

"*Resolves:* To recognize, in the savage military occupation of the Dominican Republic, in violation of all the principles of self-determination and nonintervention, the signs of fascism and of war, as a form of domination of the imperialist system in its decadent stage.

"To Condemn the imperialist government of the United States of America as aggressor and violator of the sovereignty of the Dominican people.

"To Alert the Latin American peoples, and especially Cuba, about possible imperialist aggressions to impede their independent development.

"To Condemn the oligarchic governments of Brazil, Paraguay, Nicaragua, Honduras and Costa Rica as accomplices of the brutal aggression that bathes the Dominican soil in patriotic blood.

"To Condemn the Organization of American States as a prime political instrument of North American Imperialism, for the neocolonial domination of Latin America.

"To Condemn the United Nations for its ineffectiveness and vacillations in defending the rights of self-determination and sovereignty of peoples, especially in Africa, Asia, and Latin America, and particularly in Santo Domingo, against the military aggression of the United States against that country.

"To Condemn the forming of the Inter-American Peace Force, for being a threat to the sovereignty of the peoples of Latin America and the embodiment of international counter-revolution.

"To Demand the immediate evacuation from Dominican soil of all foreign troops; North American, Brazilian, Paraguayan, Nicaraguan, Honduran and Costa Rican.

"To Condemn the Dominican Military men who, allied to those that tread upon Dominican soil, contribute to the continuation of foreign domination and to the threat to all Latin American peoples.

"To Appeal to Militant solidarity with the Dominican people, recognizing that, besides solidarity and material aid, the greatest contribution to the Dominican cause, and all the peoples that struggle against colonialism and neocolonialism is to widen and deepen the struggle in each country against imperialism.

"To proclaim the week of the 24th to the 30th of April of the present year as Solidarity Week with the Dominican people."

The Havana Conference also resolved "to condemn the oligarchic governments of Brazil, Paraguay, Nicaragua, Honduras and Costa Rica as accomplices of the brutal aggression that bathes the Dominican soil in patriotic blood"; and to complete the processes, condemned both the Organization of American States for its efforts to pacify Santo Domingo and at the same time condemned the United Nations for ineffectiveness and vacillation. Finally the delegates condemned the Inter-American Peace Force, "for being a threat to the sovereignty of the peoples of Latin America and the embodiment of international counter-revolution," and demanded "the immediate evacuation from Dominican soil of all foreign troops: North American, Brazilian, Paraguayan, Nicaraguan, Honduran and Costa Rican."

The Council of the Organization of American States (OAS) met on February 2nd of this year in response to a call by the representatives of Peru, Colombia and Venezuela. These three countries stated that: "the final resolutions (of the Havana Conference) proclaimed a pledge by the participants to give financial, political, and military aid to communist subversive movements in this hemisphere, the same as in other parts of the world."

The OAS declared that "this policy of intervention and aggression endangers the peace and security of the Western Hemisphere" and resolved "to condemn emphatically the policy of intervention and aggression of the communist states and other participating countries and groups."

The OAS meeting called for urgent study and investigations of the Havana Conference. The OAS Council justifiably informed Mr. U. Thant of the United Nations of its actions, which referred in detail to a United Nations General Assembly Resolution against intervention which was unanimously adopted on December 21, 1965. (Resolution 2131, adopted by a vote of 109 to 0.) The UN Resolution consisted of an 8 point declaration against "armed intervention as well as all other forms of interference or attempted threats against the personality of the State or against its political, economic and cultural elements."

Yet, approximately three weeks after the UN resolution, the communist government's official non-intervention votes were totally and unequivocably invalidated by the agreements for military aggression and subversion reached at the Havana Conference.

In effect, the action taken at the Tri-Continental Conference exposed the double talk and double dealing so characteristic of the Communist movement.

In regard to the OAS meeting itself, it is notable that although the Mexican representative did not vote for the resolution of February 2, 1966, on the grounds that the Council was exceeding its authority, on February 11th, the Mexican delegate to the United Nations informed U. Thant of his government's protest "against the seditious propaganda and threats of intervention that have emerged from that (Havana) Conference."

EARLIER HEMISPHERE RESOLUTIONS ON COMMUNISM

The governments of the Western Hemisphere have repeatedly adopted resolutions regarding the danger of outside intervention in hemispheric matters by the agents of international communism.

This was done at the Inter-American Conference held in Bogota in 1948, at the Caracas Conference in 1954, in the Declaration of Santiago in 1959, at San Jose, Coasta Rica in 1961, at the Punta del Este (Uruguay) Eighth Meeting of Consultation of the Ministers of Foreign Affairs in January 1962, and at the 1964 conference held in Washington which resolved to isolate Communist Cuba from the rest of the hemisphere.

We, in the United States, are a quarter of a million men strong in our conflict against communism in Viet Nam. But, in our own neighborhood, despite the clear-cut challenge of world-wide communism, and the setting up of a central headquarters in Havana, we have adopted a "do-nothing" policy.

I strongly believe that the advent of this new communist threat, coupled with its unobstructed existence, raises some very serious questions regarding the Administration's policy or lack of policy in the area of Latin America.

What has happened since September, 1962, when the then Vice President Lyndon Johnson declared, "Our policy is to get rid of the Castro regime and Soviet Communist influence in Cuba."?

Why has the Administration stopped the supply of technical equipment for security purposes for Latin Americans governments, by an order of the A.I.D. agency on February 11, 1966, just one month after the Tri-Continental Conference?

What has been done by President Johnson to even begin to fulfill his statement made earlier this spring at Mexico City; namely, "We do not wish to see Communism spread in this Hemisphere."?

In view of these weeks and months of inaction and inattention on the part of the Administration, I hereby submit the following eleven recommendations for United States action. I express the sincere hope that inattention to these recommendations will not result in a "too little and too late" policy.

RECOMMENDATIONS FOR U.S. POLICY

Recommendation No. 1: Reaffirm the applicability of the Monroe Doctrine to Communist intervention in the Western Hemisphere.

The Communist blue print adopted at Havana for infiltration and guerrilla war in the Western Hemisphere is an arrogant and hostile attack upon the Monroe Doctrine. The Administration should acknowledge this attack and publicly reaffirm the applicability of the Monroe Doctrine to the proposals of the Tri-Continental Conference. In 1823 the Monroe Doctrine declared "that we should consider any attempt on their part (non-American powers) to extend their system to any portion of this hemisphere as dangerous to our peace and safety. Until the time Cuba fell into Communist hands, this declaration has been affirmed repeatedly since its inception.

In regard to the Tri-Continental Conference, the Brazilian Ambassador Penna Marinho, (Chairman of the Council of the OAS) declared that "except for the placing of nuclear weapons in Cuba in October 1962, no event threatens more dangerously the territorial and political integrity of our continent".

This danger cannot be made to go away by wishing that it did not exist, and it cannot be overcome by ignoring it. The time for action is *now*, not "mañana."

In 1962, President Kennedy said "If Cuba should ever attempt to export its aggressive purposes by force or threat of force . . . . then this country will do whatever must be done to protect its own security and that of its allies." Congress re-affirmed that position in a Joint Resolution of October 3, 1962. These are clear-cut statements. They define this nation's position in no uncertain terms. A challenge to this position has been issued by the Tri-Continental Communist Conference. The challenge is clear and unmistakable. The threat of force has now been made publicly and aggressively. This challenge must be answered!

Recommendation No. 2: Declare that the governments of the Western Hemisphere will not accept as permanent, the present fate of the Cuban people who are suffering under the yoke of Communist rule.

I strongly urge an additional declaration that the United States will not accept the present fate of Cuba as being permanent. In this regard, the statement of President Johnson on May 2, 1965, that, "The American nations cannot, must not, and will not permit the establishment of another Communist government in the Western Hemisphere," is totally inadequate. This statement is not only unsatisfactory from the point of view of our own national security, it is also a retreat from the declaration at the Punta del Este Conference of January, 1962; namely, "that the principles of Communism are incompatible with the principles of the Inter-American system." It is not enough to be opposed to "another" Communist regime. There is no room in the Western Hemisphere for any Communist governments.

Recommendation No. 3: Obtain an effective free-world political and economic boycott of Cuba.

Cuba is now the action headquarters for the Tri-Continental Conference's General Secretariat and for the so called "Liberation Committee" ("Permanent Committee of Assistance Movements at War with Imperialism, Colonialism, and Neo-Colonialism"). This committee, which includes representatives from China and Russia, is designed to furnish all necessary political and military aid in support of guerrilla activities and other subversive warfare. In addition, an Organization for Latin American Solidarity was founded at Havana by representatives of the "Movements of National Liberation" of eight Latin American countries.

The presence of these two organizations identifies Cuba as a major seed bed of Marxist infection. I would like to point out that this infection is not isolated to just our own hemisphere; it is worldwide in its effects. For example, within the last month, Zambia and Somalia have reported influxes of Cuban guerrilla troops. This is all the more reason why this menace must be quickly removed.

The island of Cuba is an extremely important base of Communist activity due to its proximity to the mainland of the United States. From this location, the Communists can more effectively launch their subversive operations. However, the present conditions in Cuba are less than satisfactory from the Communist point of view. For example, by the latest count, Cuban refugees in the United States have applied for the evacuation of no less than one million relatives. This constitutes one-seventh of Cuba's total population. Recent Cuban refugees arriving in Miami have reported that the people remaining behind on the island are bitter. There is an acute shortage of food, medical supplies, and replacement parts for all types of mechanical equipment.

Fidel Castro has ruled Cuba for a period of seven and one-half years. His rule has been tyrannical and irresponsible. It has placed Cuba in a chaotic condition. However, an important factor preventing Cuba from experiencing complete social and economic bankruptcy is that there is no effective political-economic boycott of the island by the nations of the free world.

In August of 1962, I proposed an amendment to the Foreign Assistance Act of 1962, which was defeated by one vote. My amendment would have effectively halted the shipping of goods to Cuba by free world nations. Under the watered down version which did pass, however, the President was charged with the implementation, administration, and enforcement of the trade embargo. At the time, I observed that the failure of the House to pass an airtight ban on countries trading with Cuba would create a situation which would haunt the Congress. The facts bear witness to the truth of that statement. In 1965, Canada and the United Kingdom, two of our staunchest allies, exported over 90 million dollars of goods to Cuba. In that same year, France, Italy, West Germany, and the Netherlands, carried on a thriving trade with Cuba; with France alone exporting goods which had a total value in excess of 13 million dollars. Other free-world countries, also blatantly carry on trade with Cuba.

The responsibility for this continued flow of goods into Cuba from the nations of the free world is shared by Congress and the President. I therefore call upon Congress to assert the leadership in this vital area, the leadership which the President has failed to provide.

Recommendation No. 4: Assume leadership in revitalizing the Organization of American States (OAS) to deal with political aggression and subversion.

The United States should take immediate steps to revitalize the OAS agencies that already exist (the Council of the OAS, the Special Consultative Committee on Security, and the Inter-American Defense Board) in order to work out common policies to defeat this new Communist peril. In this area there exists an unusual opportunity for immediate action. By this, I mean that the United States can set forth clear and strong proposals for the consideration of the governments attending the Inter-American Conference to be held in Buenos Aires, Argentina, in August; conditions in that country permitting.

Before discussing these proposals, I would like to point out that it is the Communist practice, as manifested in the United Nations Anti-Intervention Resolution of 1965, to maintain a facade of friendly relations. In the meantime, however, the Communists, operating through party organizations and semi-official or non-official channels, continue their efforts at subversion and infiltration.

The existing Inter-American system is not adequately attuned to this type of activity. It is for this reason that the Administration should include proposals in the Buenos Aires agenda which would make internal threats to stability and subversive actions of internationally connected parties, the basis for consultation and action by the OAS. These proposals should be submitted with a view toward obtaining agreements among the member nations to strengthen the authority of the OAS Secretary General, to expand the responsibility of the Council of the OAS, and to create a permanent Inter-American Peace Force. The proposals should also provide for meeting the actual danger involved in, "the use of every form of struggle necessary, including armed battle," which was called for in one of the Havana resolutions. In this fashion, the activities of the Havana based Tri-Continental General Secretariat and the Latin American Solidarity Organization can be met.

Now is the time for the Administration to move forward, calmly and boldly, while the violent and militant nature of the Communist resolutions made at the Conference are fresh in the minds of all the governments in Latin America.

Recommendation No. 5: Broaden the guarantees covering U.S. overseas investments to include Communist sabotage and destruction.

Since the Communists have declared United States overseas investments as a particular target of their sabotage activities, the United States should add provisions to the investment guarantee program which would insure overseas facilities against sabotage directly attributable to Communist subversive activities. We must not be bullied out of Latin America. At the same time, the United States government should make official presentation in the Buenos Aires meeting in August of the Organization of American States regarding the specific threat to United States interests so that the governments will be alert to these dangers and will take appropriate preventative measures.

Recommendation No. 6: Protect Puerto Rico from its becoming a center of Communist agitation.

The loyal and patriotic citizens of the United States who live in Puerto Rico should be given adequate assurances that Puerto Rico will not be permitted to become a center of Communist agitation. The main political resolution adopted at the Havana Tri-Continental Conference asserted that "Puerto Rico remains occupied by U.S. imperialism, which not only denies her the right to independence, but has converted it into an enormous military base that includes atomic weapons. From it the U.S. Government organizes interventionist actions in Latin American countries. We express solidarity with the struggle of the Puerto Rican people and call for the abolition of neocolonialism there."

It is well known that in the free and open elections that have been held in Puerto Rico, that the independista movement has made only a microscopic showing. However, the world-wide communist movement has seized upon Puerto Rico as a possible gateway either to the United States or to the other countries of this hemisphere.

For these reasons I call on the Johnson Administration to investigate the existence and activities of subversive Communist movements in Puerto Rico so that the citizens of that Commonwealth will be freed of the dread that their island might become a base for further communist infiltration.

Recommendation No. 7: Increase the training courses of the AID Police Academy, and increase its readiness to respond to requests from Latin American governments for assistance.

The Administration should increase its training and orientation courses available to Latin American police and security officials through the Police Academy of the Agency for International Development. The Administration's assistance in supplying technical equipment for police and security purposes was stopped on February 11, 1966, the month following the Havana Conference. This action was taken in spite of the fact that Cuba itself maintained some *40-odd* training camps for orientation and drill in the techniques of subversion, sabotage and guerrilla warfare. It was not a coincidence that many of the delegations to the Havana Tri-Continental Conference were composed of guerrilla fighters from different Latin American countries, rather than the better known communist party bureaucrats. The Johnson Administration, in view of the fresh communist threat, instead of halting its programs, should augment them and increase their readiness to respond to requests from Latin American governments for assistance in this area.

Recommendation No. 8: Call upon the Administration to recognize a Cuban Government-in-exile.

Once again, I call upon the the Administration to recognize a free non-Communist refugee government-in-exile. The lack of political cohesion among the Cuban refugees becomes more acute as more and more refugees leave Cuba and seek sanctuary in other countries.

To date, we have yet to see the Administration initiate any real effort to unite and support the Cuban refugees living in the United States and elsewhere. It is obvious that any attempt by the Cuban refugees to re-enter their homeland, would fail so long as they remain disunited and unsupported. Accordingly, unless the various Cuban refugee factions are united under a common banner, they will remain ineffectual.

The obvious way to remedy this situation is for the Administration to recognize a Cuban government-in-exile. In this manner, the exiled government, with the help of the United States, could become the proper instrumentality in directing the counter-revolutionary forces that will someday enable Cuban refugees the world over to return to their homeland.

Recommendation No. 9: Re-examine the amount of United Nations aid to Communist Cuba, and the United States' share in this aid.

The Administration should examine the amount of United Nations aid to Communist Cuba, and the United States share in this aid. This should be done because, so long as Cuba remains the headquarters for Communist subversion throughout the Western Hemisphere, as well as Asia and Africa, the United States should not in any way contribute to her enrichment. Yet, indirectly, we are contributing to the enrichment of Communist Cuba. Our paying 40% of a 2.1 million dollar U.N. grant to the School of Technology at the University of Havana to train communist students in the use of missiles and electronics is only one example of what I am referring to.

To continue such contributions would be contrary to our pledge to the Hemisphere at the 1964 conference which resolved to isolate Cuba from Hemispheric trade and commerce. Furthermore, to aid a country which is acting to subvert the principles of the United Nations is contrary to our obligations as a member nation to that body.

Recommendation No. 10: Prosecute any illegality arising from the traveling to Cuba by United States Citizens.

Existing United States restrictions concerning travel to Cuba should be enforced. In this regard, the Administration should investigate, and if appropriate, take proper legal action against those U.S. citizens who have traveled to Cuba, as well as those U.S. citizens who attended the Tri-Continental Conference.

Recommendation No. 11: Initiate intensive co-operation among the other Hemisphere countries with the goal of plowing under the seed bed of Communist aggression that is located in Cuba.

It should be recognized that repressive measures are not adequate in and of themselves to eliminate the danger of Communist gains in Latin America. This danger exists because of social and economic conditions that must be corrected. And, as we know full well, the social unrest throughout Latin America is fertile ground for violence and subversion.

All of this is recognized by the Inter-American Development Bank which came into existence in 1959, as the product of successful negotiations with the American States conducted by the Eisenhower Administration and approved by Congress. Just this year, in a fresh-off-the-press report, the Bank stated in respect to housing, public health, and sanitation that "the general picture is rather bleak. These deficits are critical . . . social unrest is bred by these conditions."

I strongly urge the Administration to end its neglect of Latin America by aiding in the elimination of the breeding grounds of Communism. We all realize that the primary responsibility rests with the Latin American people. However, we also are aware that the United States must provide necessary assistance and proper administration of the inter-American programs. Unfortunately, this vital guidance and aid has been sadly deficient. During the past five years six different persons have acted as Assistant Secretary of State for Latin American affairs. (Messrs. Coerr, Woodward, Martin, Mann, Vaughn, and Gordon). During the same time, the administration of the Alliance for Progress has had an equal turnover. (Messrs. Bell, Moscoso, Mann, Rostow, Vaughn and Gordon.) It is high time to stop this game of musical chairs which is being conducted at the expense of the American taxpayer and to the detriment of the peoples of Latin America.

The Alliance for Progress itself has lagged in its attempt to efficiently and speedily bring about cooperation among the governments involved in its developmental programs. Such cooperation is a prime requisite to programs of social renewal aimed at modernizing agriculture, diversifying production, attacking illiteracy, improving sanitation, and upgrading the standard of living of all the peoples of Latin America. These areas must be drastically improved before we can plow under the fertile grounds of social unrest which is the seed bed on which Communism thrives and flourishes.

The Administration of this country is charged with the responsibility of meeting the threat of Communist subversion emanating from the Tri-Continental Conference headquarters in Havana. This responsibility has not been met. It is now time; indeed, it is past time—when the Administration should state what steps it is going to take in response to the open and blatant statement of the Communists' plans against our friends and allies in this Hemisphere. To date we have heard of no plan, no action, no effort to counteract and prevent these aggressive aims.

The Republican Coordinating Committee in its statement of April 24, 1966, characterized the Tri-Continental Conference as "the most significant development in Latin America."

In the program for Latin America recommended by that Committee, the observation was made that the deterioration of our relations with Latin America is due in part to the Democratic Administration's ineffectiveness "in eliminating Communist subversion emanating from Cuba, or in curtailing trade between Castro and our Allies." The Coordinating Committee pointed out further, that there was little evidence to indicate that the 1966 Tri-Continental Conference held in Havana in January has sufficiently alerted the Administration to the growing danger of Communist "Wars of liberation" in the Western Hemisphere.

This lack of action by our own government is all the more regrettable, inasmuch as the Organization of American States, (at the initiative of governments specifically listed as targets by the Communists) condemned the Tri-Continental Conference's plans for guerrilla war and subversion as a flagrant violation of the United Nations Charter and the principle of non-intervention.

Now is the time to unmistakably demonstrate to the planners of the International Communist conspiracy and to their functionaries the world over, that he who sows the wind will reap the whirlwind.

Now is the time for action.

PROTEST OF TREATMENT OF AMERICAN PRISONERS BY COMMUNIST NORTH VIETNAMESE

Mr. **BROYHILL** of Virginia. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The **SPEAKER**. Is there objection to the request of the gentleman from Virginia?

There was no objection.

Mr. **BROYHILL** of Virginia. Mr. Speaker, the time has come for the Congress of the United States, and particularly the House of Representatives, which is closest to our people, to take an official stand in protest over the treatment of American prisoners in the hands of the Communist North Vietnamese.

The latest figures, Mr. Speaker, reveal that there are at least 63 Americans now in the hands of the Vietnam Communists who are being starved, threatened, and, verbally if not physically, beaten into brainwashed submission as victims of so-called war crimes accusations.

Unless I wrongly read the signs of anger and distress on the part of the American people, these 63 Americans may well be the most important soldiers we have ever sent to foreign wars.

I say so, Mr. Speaker, because our people are tired, sick and tired of Communist arrogance, Communist deceit, Communist torture and killing.

They are tired of self-serving allies whose halfhearted support leads them to trading with the enemy and the prolongation of conflict and American casualties.

They are tired of un-American activities on the part of a noisy segment of our people.

They are tired of repeated breaches of treaties and agreements and the ineffectualness and lack of action on the part of the United Nations.

And, Mr. Speaker, they are sick and tired of our own State Department's groveling submission to threats and outright violations of international law, lest we anger and frustrate the very international bandits who are already perpetrating the atrocities.

I say, Mr. Speaker, that this is not the time to remain silent, but to speak out to our people and the world.

I say it is time to pledge retribution, no less lenient and no less swift, to Communist war criminals in Vietnam who mistreat our captured fighting men. Justice no less lenient and no less swift, Mr. Speaker, than that meted out at the close of World War II against those who committed atrocities then.

We ran them aground in their lairs. We can do so again.

And we will do so again, in the very jungles where our soldiers are fighting, if need be.

We can pledge no less, Mr. Speaker, to those who today are already the victims of Communist atrocities and may soon be victims of their firing squads.

We can pledge no less to their parents.

We can pledge no less to the thousands of other American soldiers fighting in Vietnam, any one of whom at this moment may be facing a similar fate.

If there are no standards of decency among Communists, it is time to teach them some.

If there are no qualities of mercy among them, it is now time to cease dealing with them as equals among humankind.

We can begin here and now, Mr. Speaker, to do so.

The Congress can do so by officially serving notice now that we have had enough.

It can do so by refusing further foreign aid to any nation trading with the enemy; by halting all loans and grants to any nation aiding the economy or abetting the foreign policies of Communist nations; by blockading Haiphong Harbor, as we did in China.

It can do so by slamming shut the gates of international travel to those nations; by demanding rigid compliance with every facet of the United Nations Charter; by demanding pledges of support for our policies from those we have aided down the years; and by public demands of condemnation from them against Communist aggression, subversion and atrocities.

This may not be enough, Mr. Speaker, for the hour is late. But it will be a start.

It will be a welcome start, for our people and our soldiers, who know in their hearts that we are dealing with something outside the ordinary ken of human behavior.

I say, Mr. Speaker, the time for business as usual is past.

It is time to use every ounce of our intelligence, every segment of our economic power and every pledge of retribution to stop these marauders of civilized behavior.

We need send no more envoys abroad, Mr. Speaker, we need send no more visitors to the battlefront. We need no more resolutions for calm, no more editorials for caution.

We need action, Mr. Speaker, by this Congress and this House.

We need to serve notice today that our retribution will be unrelenting.

I have some personal knowledge, Mr. Speaker, of the plight of a prisoner of war.

Not many years ago, while serving as a company commander in the 106th Infantry Division in the Battle of the Bulge, my entire division was wiped out and those of my company who survived and I were taken prisoner. The memory of the disease, the dirt, the starvation, and the fear lives with me yet.

We were marched away from the front lines, herded into boxcars like cattle, and twice bombed by Allied planes. During one bombing in Nuremberg half the group were either killed or wounded, but we were proud of those bombers, and of the men who were still fighting for us and our country.

I escaped from a POW marching column, by the grace of God and because of the courage of my cellmates, whose will to live and to fight again stemmed from an inner conviction that our country was worth fighting for.

I still know our country is worth fighting for, Mr. Speaker, but I wonder if those men on forced parade, jabbed by Communist bayonets, jeered and ridiculed by Communist puppets, believe in their hearts at this moment that it is.

For what is there to sustain their hopes, Mr. Speaker?

The United Nations? The Geneva Convention? The firmness and pressure for decency from most of our allies? The unity of purpose and united pursuit of peace at home?

I doubt it, Mr. Speaker. For these are weakened reeds of justice.

Our airmen, in the sweat and hunger of their cells, must remember the barges and ships of our friends in Communist harbors; our soldiers, the guns and bombs that cut and maimed them—guns and bombs made and shipped from nations we are told we must live with in peace and friendship.

War becomes a personal thing, when you are fighting it, Mr. Speaker.

It becomes more personal if you are a prisoner of it.

There is a loneliness about it that surpasses reason; the hours of it erase time and the misery of it dissolves hope.

Unless there is a certainty that you are not forgotten; that you are not to become a victim of some higher policy or some grand strategy that leads to half victories and uncontrollable stalemates, it is not endurable.

I would be ashamed as an American if this is the only hope, the only heritage we leave with those in the darkness of their cells in Vietnam today.

I do not believe it is.

If Communist Vietnam can find a "legal basis" for war crimes trials of our captive fighting men, surely we can find a "legal basis" for winning the war and securing their freedom.

Today in Hanoi the North Vietnamese have backed away from the trials, because they have discovered the American people, even those who cry for "peace at any price" cannot tolerate them. But we are warned by unnamed administration spokesmen that this backing away may be temporary and that they can change their minds at any moment and reinstitute the trials.

Our men are accused and may be judged for conducting crimes against humanity, while serving as soldiers performing the military duties we as a nation and a people sent them to perform.

And while the trials were expected momentarily what help did we get from our friends?

In Geneva the International Red Cross "talked" of what could be done; in New York the United Nations was collectively mute or antagonistic; in England and France, nations for which we have done so much, there was massive resistance to our efforts to save freedom and the lives of captured Americans.

To ask where we can turn, as a nation, Mr. Speaker, is an admission of weakness.

We can turn to ourselves—to the elected leaders of this Nation—to this Congress and this Government, and we can act now or admit our lack of ability or will to do so.

In the days ahead, Mr. Speaker, the air will be filled with cries of alarm, with organized protests against America doing anything. And, if previous patterns of action prevail, with street protests against any decision we may make in justice and reason.

But for the sake of our men in Hanoi prisons, for the safety of those still free to fight for us on the battlefield, I, for one, will endure the label of "hawk" and the slander of being called a "warmonger."

I, for one, will ignore the cries of alarm; the marching protests, and the banners of surrender.

I will do so, Mr. Speaker, because I believe it is my duty not only as a Congressman but as an American to do so—and, in addition, to do something about it.

If we have to choose freedom for those we sent to fight, against the risk of a greater conflict, I shall choose freedom.

If we have to choose between nations of courage as against those who pay only lipservice to freedom, I shall stand with the courageous, whatever the risk.

If we must choose, as Americans, between might as against sniveling threats, abject fear and weaseling foreign policies, I will stand with what is right and the might that makes it so.

So, I believe, will this Congress. So will our people.

In fact, Mr. Speaker, if I am any judge of people, I am sure they have had enough of these halfway excursions into battle; these semiwars, and semipeace, and semivictories. I know I have.

VIETNAM: THE NEED FOR A POLITICAL INITIATIVE

Mr. COHELAN. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The SPEAKER. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. COHELAN. Mr. Speaker, in its lead editorial yesterday the New York Times outlined a four-point plan to promote a political settlement of the war in Vietnam which I warmly endorse.

The plan calls for a stop to the Americanization of the war by halting the buildup of U.S. troops. As the Times comments:

> A quarter of a million American troops is more than enough.

Second. The plan calls for a civilian government in Saigon "that can open contact with the insurgent forces." The fastest and most effective action that can be taken here is the holding of free countrywide elections. This objective should be encouraged with every resource at our command.

Third. The Times suggests a "tapering off" of the bombing of North Vietnam in order "to build an atmosphere conducive to negotiations."

Fourth. It recommends coupling efforts to reconvene the Geneva Conference with "broad diplomatic discussions" that can find a "formula for the neutralization and economic development of southeast Asia as a whole."

What is now required, as the Times makes perfectly clear "is a clear indication that the American objective is not a military victory but political settlement. The American ability to escalate the war needs no further demonstration. The need now is to halt the escalation and make a vigorous new effort to achieve peace."

It may well be, as I have suggested before, that no political or diplomatic initiatives will persuade the other side to come to the conference table. Their plan may call only for military conquest, either overtly or by attrition. This plainly must be resisted.

But the costs of this war, and the dangers that a much larger war so gravely threatens, require us to pursue every reasonable course that can lead to an early and just settlement.

The proposal outlined by the New York Times yesterday is sound and reasoned. It deserves the attention and action of our policymakers.

Mr. Speaker, I include the full text of this timely editorial for the consideration of all who are concerned with this problem:

New Opportunity in Vietnam

President Ho Chi Minh's statement that there is "no trial in view" for American military prisoners in North Vietnam is a victory for the moral influence of world opinion. That victory transcends the fate of the captive airmen, for it offers hope that common sense and common humanity ultimately may prevail against the ever greater barbarism the war in Vietnam daily inflicts on both sides.

The United States has yielded to the pressure of world opinion in the past by offering peace proposals and twice suspending the bombing of North Vietnam. But this is the first time that Hanoi has shown regard for the opinion of mankind. Its decision to back away from talk of "war crimes trials" follows direct pleas from Secretary General Thant, Pope Paul VI, numerous governments and opinion leaders everywhere, including eighteen liberal American Senators. The hope now must be that reason can prevail on the broader issues of the war itself.

The conflict in Vietnam is a political struggle that, in the end, can only be resolved by political means. In politics, timing is of the essence. A number of opportunities to probe the prospects for peace have been neglected in the past. It is vital that the new atmosphere and the new opportunity opened by Hanoi's response on the prisoner issue not be missed as well.

The approach favored by American moderates and long urged by The Times has just been summed up admirably by Prof. Arthur M. Schlesinger Jr. One essential element is to stop the Americanization of the war by halting the American buildup in South Vietnam; a quarter of a million American troops is more than enough. The second vital element is a civilian Government in Saigon that can open contact with the insurgent forces. Third, is the need to build an atmosphere conducive to negotiations by tapering off the bombing of North Vietnam. Finally, efforts to reconvene the Geneva conference must be linked with broad diplomatic discussions with Moscow, Paris, and other interested states to find a formula for the neutralization and economic development of Southeast Asia as a whole.

Most of all, what is needed is a clear indication that the American objective is not military victory but political settlement. The American ability to escalate the war needs no further demonstration. The need now is to halt the escalation and make a vigorous new effort to achieve peace.

CONGRESSMAN HORTON OFFERS LEGISLATIVE SOLUTION TO TIGHT MONEY MARKET AND TO INCREASE HOUSING STARTS

Mr. HORTON. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to include extraneous material.

The SPEAKER. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. HORTON. Mr. Speaker, it is my privilege today to introduce a bill that will increase by $1.5 billion the home mortgage funds available through the Federal National Mortgage Association. This proposal will authorize the U.S. Treasury to purchase an additional $150 million in FNMA preferred stock. Since FNMA is empowered to borrow up to 10 times the amount of its capital and surplus, its borrowing power would increase by $1.5 billion after this additional Treasury investment.

I am offering this measure to pump needed funds into the housing industry, which is experiencing a sharp decline. This bill is designed to quickly ease the credit squeeze in which the builders of this country find themselves.

I have seen statistics provided by Mr. Joseph F. McCue, executive vice president of the Rochester, N.Y., Home Builders' Association, which show that new single-family housing permits in that area will be off by 24 percent this year because of the tight mortgage market. Housing starts throughout the country are expected to be down by about 200,000 this year, at a time when other industries are prospering. Two months ago, housing starts fell to their lowest point in 3½ years.

The **FNMA** assists the homebuilding and mortgage industries during periods of tight money, while its sales of mortgages during periods of relative monetary ease provide a ready source of investment for long-term institutional investors. At present, however, FNMA is extended to the limit of its lending power since the authorization for Treasury purchases of its stock is fully subscribed. If we are to assist this industry during this crucial period, we should not do it at the expense of sound financial practices. Increasing the percentage lending power of FNMA on present Treasury-held stock would free more mortgage funds at the expense of watering down the equity structure of FNMA operations. By authorizing increases in Treasury purchases, however, we can expand the lending power of the Association without impairing the soundness of its operations.

This bill is fashioned to fit the immediate needs of the hard-hit homebuilding industry, and it can succeed without unduly heating up current high-speed economic conditions. This is direct, straightforward action which carries no risk of impairing FNMA's credit.

I hope my colleagues will view with seriousness the plight of this industry, and that the House will see fit to take immediate action to alleviate the credit squeeze that has brought about this situation.

ARTHUR SCHLESINGER, JR., ON VIETNAM

Mr. RYAN. Mr. Speaker, I ask unanimous consent to extend my remarks at this point in the RECORD and include extraneous matter.

The **SPEAKER.** Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. RYAN. Mr. Speaker, I want to bring to the attention of my colleagues the views on the war in Vietnam which Arthur Schlesinger, Jr., set forth in the August 9 issue of Look magazine.

In discussing alternatives to current policy he says.

> We must adapt the means we employ to the end we seek.

Professor Schlesinger suggests:

> A program of limiting our forces, actions and objectives still holds out the possibility of an honorable resolution of a tragic situation. A program of indefinite escalation offers nothing but disaster; for our adversaries can, in their own way, match our every step up to nuclear war . . .

He also observes that, as we increase our bombing of North Vietnam—

> we will only solidify the people of North Vietnam behind their government, making negotiation impossible and eventually assure the entry of China into the war.

Mr. Speaker, I commend this thoughtful article to the attention of my colleagues.

[From Look magazine of August 9, 1966]

VIETNAM?

(By Arthur Schlesinger, Jr.)

The moderate critics of the administration's Vietnam policy do not question its proclaimed purposes: resistance to Communist aggression, self-determination for South Vietnam, a negotiated settlement in Southeast Asia. They do question, with the greatest urgency, the theory that the way to achieve these objectives is to intensify the war. The more we destroy Vietnam, North and South, in their judgment, the less chance there will ever be of attaining our objectives. The course of widening the war, moreover, will mire our nation in a hopeless and endless conflict on the mainland of Asia, beyond the effective use of our national power and the range of our primary interests—and may well end in nuclear war with China.

And the alternatives? Instead of supposing that a guerrilla movement can be crushed by strategic bombing, instead of using military methods to solve a political problem, we must adapt the means we employ to the end we seek.

1. Stop the Americanization of the war. The bitter fact is that the war in Vietnam can *never* be won as a war of white men against Asians. It cannot be won "unless the people [of South Vietnam] support the effort . . . We can help them, we can give them equipment, we can send our men out there as advisers, but they have to win it, the people of Vietnam" (President Kennedy, 1963). The more we Americanize the war—by increasing our military presence, by summoning Saigon leaders, like vassals, to conferences in an American state, by transforming a local war in Vietnam into a global test between America and China—the more we make the war unwinnable.

2. A civilian government in Saigon. We have never had a government in Saigon that could enlist the active loyalty of the countryside, and we certainly do not have one in Marshal Ky's military junta. Instead of identifying American interests with Marshal Ky, and rebuffing the broader political impulses of the South, we should long since have encouraged a movement toward a civilian regime that represents the significant political forces of the country and is capable both of rallying the army and carrying out programs of social reform. If such a government should favor the neutralization of South Vietnam, if it should want to negotiate with Vietcong, *even if it should wish to release us from our commitment to stay in Vietnam,* we cannot and we should not object.

3. Reconvene the Geneva Conference. We should persevere in the quest for negotiation. Since the Vietcong are a principal party to the conflict, it would appear obvious that peace talks at Geneva are meaningless without their participation. And since they will never talk if the only topic is their unconditional surrender, we must, unless we plan to exterminate them, hold out to them a prospect of a say in the future political life of South Vietnam—conditioned on their laying down their arms, opening up their territories and abiding by the ground rules of democratc elections, preferably under international supervision.

4. Hold the line in South Vietnam. Obviously, Hanoi and the Vietcong will not negotiate so long as they think they can win. Since stalemate is thus a precondition to negotiation, we must have enough American ground forces in South Vietnam to demonstrate that our adversaries cannot hope for military victory. I believe that we have more than enough troops and installations there now to make this point.

It is an illusion to suppose that by increasing the size of the American Army we can ever gain a reliable margin of superiority; for, by the Pentagon's preferred 10:1 ratio in fighting guerrillas, every time we add 100,000 men, the enemy has only to add 10,000, and we are all even again.

Nor does "digging in" mean a static strategy with initiative relinquished to the enemy. The South Vietnamese Army of half a million men is better suited in many ways than are Americans to search operations in the villages.

We should also limit our bombing in the South. Have we really no better way to deal with guerrilla warfare than the aerial obliteration of the country in which it is taking place? If this is our best idea of "protecting" a country against communism, what other country, seeing the devastation we have wrought in Vietnam, will ever wish for American protection?

5. Taper off the bombing of North Vietnam. Secretary McNamara has candidly said, "We never believed that bombing would destroy North Vietnam's will," and thus far, bombing the North has neither brought Hanoi to the conference table, demoralized the people nor stopped infiltration. As a result, pressure arises for ever-wider strikes—first oil depots, then harbors, factories, cities, the Chinese border. But these won't work either. As we move down this road, we will only solidify the people of North Vietnam behind their government, make negotiation impossible and eventually assure the entry of China into the war. And even if we bombed North Vietnam back to the Stone Age and earned thereby the hatred of the civilized world, this still would not settle the present war—which, after all, is taking place not in North but in South Vietnam.

6. A long-run program for Southeast Asia. We should discuss with Russia, France, China and other interested countries a neutralization program, under international guarantee, for Cambodia, Laos, North and South Vietnam. If these states could work out forms of economic collaboration, as in the development of the Mekong Valley, the guarantors should make economic and technical assistance available to them.

A program of limiting our forces, actions and objectives still holds out the possibility of an honorable resolution of a tragic situation. A program of indefinite escalation offers nothing but disaster; for our adversaries can, in their own way, match our every step up to nuclear war—and nuclear war would be just as much a moral and political catastrophe for us as it would be a physical catastrophe for the Far East and the whole world.

REPUBLICAN POLICY COMMITTEE STATEMENT ON THE HOMEBUILDING INDUSTRY

Mr. REINECKE. Mr. Speaker, I ask unanimous consent that the gentleman

from Arizona [Mr. Rhodes] may extend his remarks at this point in the Record and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. RHODES of Arizona. Mr. Speaker, at the July 26, 1966, meeting of the House Republican Policy Committee a policy statement regarding the homebuilding industry was adopted. As chairman of the policy committee, I would like to include at this point in the Record the complete text of this statement.

Republican Policy Committee Statement on the Homebuilding Industry

Homebuilding and homebuying, one of the nation's largest industries, is faced with a major crisis. Due to the inflationary fiscal policies of the Johnson-Humphrey Administration, this major industry could slump by as much as one-third during the second half of 1966. It is tragically significant that the June building permit rate, an indicator of future activity, plummeted to the lowest point since the Census Bureau began keeping records. Private housing starts in June were down 18 percent from June 1965 and applications for FHA-insured mortgages on existing homes were down 34 percent from a year ago.

The homebuilding and homebuying crisis affects millions of Americans—the young couple who is getting married and wants to buy a home of their own, but cannot saddle themselves for 20 to 30 years with swollen payments; the family that wants to sell the house it now has or buy another but is prevented from doing so by the absence of home mortgage money; the builders and workers in the home construction industry, and all of the related industries and services that supply materials and equipment.

Under the Johnson-Humphrey Administration, interest rates are the highest in more than 40 years. As a result, high interest costs have added tremendously to the cost of financing the ever-mounting Federal debt. The rising demand for credit by the Federal government and business has drawn funds away from credit-sensitive industries such as homebuilding. And, notwithstanding the fact that personal consumption has levelled off, plant and inventory expansion continue at a record pace as a hedge by industry against the continuing inflationary cost spiral.

The only remedy offered by the Johnson-Humphrey Administration has been support for an ill-conceived effort to place a statutory interest ceiling rate over time deposits in banks and savings and loans. We are opposed to H.R. 14026. This finger-in-the-dike approach will not create new savings nor direct additional funds to the homebuilding industry. On the contrary, it could drive personal and corporate savings from banks and savings and loans to government bonds, Federal agency issues, or the stock market—thereby further compounding the homebuilding crisis.

We Republicans do more than "sympathize" with the plight of the homebuilders and the homebuyers. We demand that the following "crash" program be undertaken before Congress adjourns:

1. Slash nondefense, nonessential domestic spending. Not just in regard to appropriations as the President has urged, but also with respect to new program authorizations which trigger the appropriations process.

2. Reduce point discounts on FHA and VA home financing through administrative adjustments of rates to more realistic levels. Five and six point discounts ($1,500 on $25,000 home mortgage) are stifling home financing and wiping out personal savings.

3. Suspend any further issues of FNMA participation sales other than for VA and FHA pooled housing mortgages. When the participation sales bill was being debated, we warned that this multi-billion dollar budgetary gimmick would place severe strains on the private credit market and push up interest rates to record levels. Experience with the program has fully confirmed our fears.

4. Enact the Republican-initiated proposal to grant FNMA additional borrowing authority in a prudent and legal manner.

5. Remove FNMA's $15,000 administrative limitation on purchase of mortgages under its secondary market operations.

6. Appoint an emergency Presidential fact-finding committee on the homebuilding crisis to report its findings in sufficient time for Congressional consideration prior to adjournment of the 89th Congress.

Granted these are stern measures. However, the ever-deepening homebuilding crisis demands that immediate and effective steps be taken. The "do not open until after election" tag must be removed from this problem.

THE WHITNEY MUSEUM IN THE HEART OF MANHATTAN

Mr. REINECKE. Mr. Speaker, I ask unanimous consent that the gentleman from New York [Mr. Kupferman] may extend his remarks at this point in the Record and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. KUPFERMAN. Mr. Speaker, a new edifice has risen in the heart of my district.

It is the new Whitney Museum of American Art at the corner of Madison Avenue and 75th Street.

It is designed by Marcel Breuer, who has just been chosen to design the new Franklin D. Roosevelt Memorial in Washington, D.C., by the F.D.R. Memorial Commission of which I am a member.

The old Whitney Museum was located at 22 West 54th Street and has been sold to the Museum of Modern Art.

On September 28, the new Whitney Museum of American Art will open to join the ranks of the other world-renowned institutions of culture.

The New York Times of Saturday, July 23, forecast the advent in an interesting article by Sanka Knox, which follows:

Madison Avenue Now Has a Castle—The Whitney Museum's New Home Stirs Imaginations

(By Sanka Knox)

A seven-story inverted step pyramid on Madison Avenue, a fortress of brooding granite that the Whitney Museum of American Art has built as its new home, is in the last stages of being readied for its opening on Sept. 28.

Inside the corner building at 75th Street, the reaches of wall and floor are still vacant. Paintings and sculpture are still in storage. Workmen are polishing stone and completing intricate electrical installations; curators are plotting the staging of the opening show.

The barely finished new home of American art has already created a stir on and off the avenue.

The dark, strangely attractive structure designed by Marcel Breuer has been winning an unusual amount of neck-craning from passers-by.

To the suggestible, Mr. Breuer's dark contribution to the area's conventional, fashionable environs is irresistibly romantic.

The massively jutting overhangs remind some of the famous Egyptian tomb at Saqqara—but upside down. To others, the building seems a moated castle, with a bridge and, high above on the uppermost overhang, a "mystery" window.

MOAT IS NOT FOR WATER

The "moat" is a sunken sculpture court. Mr. Breuer's oddly and somewhat playfully contrived windows—the large one in front and a sprinkling on the 75th Street side—will probably vie with the exhibits as sculptural attractions.

The Whitney now has three times the exhibition space it had in its previous quarters at 22 West 54th Street, which it sold to the Museum of Modern Art for $2 million.

The opening show of 385 works will occupy the entire museum in a comprehensive survey of American art.

"We've had cooperation of an unusual kind," Lloyd Goodrich, the director, said. "Institutions and private owners who don't usually lend are letting us have some marvelous examples—Winslow Homer, Church, Ryder, Eakins and others."

RETURN TO PRE-1900 ART

Museums include the Metropolitan, Brooklyn, the New York Historical Society. Something over half the show will be 20th-century art, the majority of it pieces owned by the Whitney.

The rest will be works from before 1900, a period of native art that the Whitney abandoned in 1949. Now, the museum wants to retrieve its lost ground.

"We will again build up our historical collection," Mr. Goodrich said. "But this will have to be by gift and bequest, for the most part."

Like the flame-treated granite blocks of the exterior, the materials used inside the museum give an impression of strength and endurance. The floors are of split slate, the walls of rough texture. Stairs are of stone or terrazzo, banisters of teakwood.

Some of the walls are of hand-finished cement and stone conglomerate that defies marks. The stretches of stone in the lobby are lighted by 370 ceiling lamps set in fixtures like inverted mushroom caps.

All kinds of new activities are being planned. The museum now has an auditorium and, adjacent to it, a large gallery with a parquet floor set into the slate surround. "For dancing," said Mr. Goodrich, smiling.

Off the sculpture garden will be a restaurant and cafeteria. Among other innovations in the Whitney's facilities is a restoration laboratory.

SETTLING THE AIRLINE STRIKE: TIME FOR CONGRESSIONAL ACTION

Mr. REINECKE. Mr. Speaker, I ask unanimous consent that the gentleman from Florida [Mr. Cramer] may extend his remarks at this point in the Record and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. CRAMER. Mr. Speaker, I am today introducing a resolution that is designed to provide an effective procedure for settling the present airline strike that is crippling the Nation. My resolution would call for an immediate cessation of this strike, and would provide for the immediate resumption of the airline services that are so desperately needed by all sections of the United States. It would further provide for a special arbitration board which would settle this dispute in such a manner so as to preserve the rights, dignities, and equities of all the parties to the controversy.

Mr. Speaker, I am a firm believer in the inherent value of the traditional form of free collective bargaining. However, as in the railroad strikes in 1963, the public interest has been ignored. I am offering a resolution which will demand compulsory arbitration in this strike, having carefully weighed the equities of the situation, and given the problem considerable thought and believing a national emergency exists.

The airline strike has become an intolerable burden on the American economy and on the American people. More than 150,000 travelers and 4,100 flights each day have been affected by the walkout. In addition, 231 cities in the United States have had their air service limited in some degree; and, 70 cities are completely without commercial air service. The strike has seriously hampered the delivering of air mail, vital medical supplies, and consumer goods.

Many States have felt the impact of the strike on their tourist industries. It has wrecked untold havoc in such supportive industries as the hotel and motel, restaurant, taxicab, and retail industries. Within these industries marginal businessmen are faced with imminent bankruptcy as a result of the strike.

In my State of Florida alone, 534 daily flights that carry an estimated 20,000 passengers in and out of our 3 largest cities have been totally canceled.

The airlines strike has been in progress for almost 3 weeks. Yet, the prospects for an imminent settlement of the dispute are dim. Each bargaining session has ended with the sides more firmly entrenched in their positions than before.

We are faced with an emergency situation of the first order. Action must be taken to correct this situation, and it must be taken promptly. It is for this reason that I submit the resolution and strongly urge its immediate acceptance.

WHY THE DELAY ON FISH PROTEIN CONCENTRATE?

Mr. REINECKE. Mr. Speaker, I ask unanimous consent that the gentleman from Massachusetts [Mr. KEITH] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. KEITH. Mr. Speaker, Monday afternoon at a high-level meeting, Food and Drug Administration officials told the Interior Department that its petition for approval of fish protein concentrate could not be granted until the FDA had further information. I am told that FDA scientists believe that the fluoride content of the powdered fish extract may be too high. As I understand it, the question is not one of toxicity, but rather of possible "cosmetic" effects. It is thought that if large amounts of F.P.C. were consumed by someone over a period of years, his teeth might become mottled as a result.

The possibility of mottling is not conceivable in this country, I am told, in view of the fact that F.P.C. would only be a very modest percentage of anyone's diet. Since F.P.C. is a food additive, appropriate levels could be prescribed for adding to cornmeal or other foods so that there would be no problem even in other countries where fewer foods are available.

As I am speaking, children all over the world are dying from malnutrition. Each moment of delay denies some of them the chance to live.

I have been advised by a number of experts that this question of fluoride content is not a valid complaint. Frankly, I cannot believe that the approval of F.P.C. is being held up for this reason. The Bureau of Commercial Fisheries scientists do not feel the fluoride content is significant. I have personally talked with a number of other eminent scientists, including Dr. Frederick Stare, world-renowned nutritionist, and head of Harvard Medical School's Department of Nutrition. These men assure me that they have worked with F.P.C. and consider it to be perfectly safe. It has had remarkable beneficial effects in Latin America where I saw firsthand how infants who had suffered from severe malnutrition were transformed into happy, healthy children by an F.P.C. additive introduced into their diets. The doctors seemed to be completely satisfied with the results.

Last October, the National Academy of Sciences gave its stamp of approval to F.P.C., and since then, the Food and Drug Administration has had ample opportunity to study the data presented to them by the Interior Department. What further proof is needed? What are the real reasons for this delay? If they are valid ones, they should be made public. If they are not, then the situation is intolerable.

CIVIL RIGHTS ACT OF 1966

Mr. REINECKE. Mr. Speaker, I ask unanimous consent that the gentlewoman from New Jersey [Mrs. DWYER] may extend her remarks at this point in the RECORD and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from California?

There was no objection.

Mrs. DWYER. Mr. Speaker, it is my understanding that at the appropriate point in the reading of the bill the distinguished gentlewoman from Michigan [Mrs. GRIFFITHS] will offer an amendment to strengthen the bill with regard to discrimination based on sex in the selection of juries.

I shall associate myself with the gentlewoman in urging the House to support the amendment for, without it, the bill will fail in a major respect to conform to the principles of equity we all subscribe to and it will fail to guarantee the kind of representative juries on which the impartial administration of justice depends.

Mr. Speaker, section 201 of the bill is designed to prohibit discrimination in the selection of jurors in State courts on account of race, color, religion, sex, national origin, or economic status. Its purpose is really undebatable. Everyone agrees that discrimination in the selection of a jury undermines the very foundation of democracy and the administration of justice. It denies the most fundamental condition of a fair trial to persons involved in both civil and criminal litigation. It erodes the basic rule of law which depends on impartial juries selected from a cross section of the community. It takes away from members of any group which is discriminated against their constitutional rights to participate in the administration of justice and to fulfill their civic responsibility.

As presently worded, however, section 201 fails to achieve the objective of nondiscriminatory jury service insofar as it involves discrimination based on sex.

Section 201, as amended by the committee, says that no citizen shall be "excluded from service" as a juror in a State court because of race, color, religion, sex, national origin, or economic status. Although this language appears adequate so far as racial discrimination is concerned—and perhaps for most of the other types of discrimination specified—it leaves room for a large area of discrimination based on sex.

The chairman of the House Judiciary Committee admitted this on Monday in his opening statement on this bill. He acknowledged that section 201 would affect the laws of only six States which now discriminate against women in jury service. These six States are Alabama, Mississippi, and South Carolina, which totally exclude women from jury service, and Florida, New Hampshire, and Louisiana, which exclude women from jury service unless they register in advance or take other steps, not required of men, to sign up for jury service.

The chairman specifically admitted that the bill would not prevent discrimination on the basis of sex where it involves exemptions or excuses from jury service. However, these distinctions based solely on sex distort the equality of the jury selection process. They are widespread and pervasive.

Only 22 States treat men and women equally with regard to jury service. The other 28 States and the District of Columbia make various distinctions solely on the basis of sex, which result in unrepresentative juries, juries chosen from only a limited sector, rather than a cross-section of the population.

In addition to the 6 States which "exclude" women from jury service, 14 jurisdictions excuse women from jury service solely because of their sex. These are Arkansas, the District of Columbia, Georgia, Kansas, four counties in Maryland, Minnesota, Missouri, Nevada, New York, North Dakota, Rhode

Island, Tennessee, Virginia, and Washington. Two States permit women to serve on juries only where courthouse facilities permit. These are Rhode Island and Nebraska. Two States exempt women from jury service in cases involving certain crimes; namely, Massachusetts and Nebraska. Eight States discriminate between men and women by exempting women, but not men, who have certain family responsibilities. These are Connecticut, Massachusetts, Nebraska, North Carolina, Oklahoma, Texas, Utah, and Wyoming.

Mr. Speaker, men and women should be dealt with equally in the selection of juries, and no one should be excused from jury service solely on the basis of sex. Such equality of treatment will not drag the mother away from her homemaking and child-care duties. Those duties are a proper basis for the court to excuse a woman, or a man, from jury duty. That is different from excusing a woman from jury service solely because she is a woman.

Women's groups have in recent years urged the elimination of these sex discriminations in jury service.

The President's Commission on the Status of Women, in its 1963 report entitled "American Women," specifically recommended that there should be "equal jury service without distinction as to sex." So have various groups such as the National Federation of Business and Professional Women's Clubs, the District of Columbia Women's Bar Association, and others.

The promise of "unavoidable requirements for nondiscriminatory jury selection in Federal and State courts," which the President enunciated in his state of the Union message of January 12, 1966, has a hollow ring when the bill makes two different rules by allowing sex discrimination in State courts while forbidding it in Federal courts. There is no justifiable reason for such diversity. The temple of justice must be as pure in the State court system as in the Federal court system.

It is, of course, true that section 201, which deals with State court juries, uses language that is virtually identical to section 1862 in section 101 of the bill which deals with Federal juries. However, their effects are quite dissimilar because of other provisions which wholly eliminate sex discrimination in the Federal court juries. I point out to you that section 101 contains a declaration that litigants in Federal jury cases "shall have the right to a jury selected from a cross section of the community." No such language is present in section 201 with respect to State juries. The Supreme Court has repeatedly said that the heart of the jury system is a jury selected from a cross section of the community. Yet when women are not included in that cross section, whether because of discriminatory exclusion, or discriminatory excuses, or discriminatory exemptions, the effect is to deny the litigant "the right to a jury selected from a cross section of the community."

I also point out that section 101 further declares that all qualified persons "shall have an obligation to serve as jurors when summoned for that purpose." Moreover, section 1866(b), section 1869, and section 1872(a), which set forth the classes of persons who shall be exempt or may be excused from jury service in Federal courts, do not provide any exemption or excuse based solely on sex. Thus, the whole pattern of the bill relating to the Federal courts is contrary to sex discrimination in the selection of the Federal juror.

But this will not be true, under section 201 of the bill, in at least 22 States and the District of Columbia. In each of these jurisdictions their laws will continue to tolerate sex discrimination in jury selection procedures and to sanction the resultant distortions from a truly representative jury system.

These discriminatory State laws, although they appear to rest on a woman's voluntary request to be exempted or excused from jury service, nevertheless form the basis for a widespread system of discouraging women from serving on State juries. All sorts of pressures are brought to bear on them, such as suggestions about the alleged inconvenience of jury service, the time it would cost them, the sordid nature of the testimony in some cases, the unpleasant surroundings, and a whole host of informal techniques that result in cutting down jury service by women to a mere token in many places. The whole system is rotten at its core because it rests on a premise that is untenable in the very beginning, namely, that discrimination based on sex is justifiable in the administration of justice.

The time has come to eliminate this defect in State jury selection procedures.

I shall, therefore, support the following amendment:

> Strike section 201 on page 52 of the bill as reported by the House Judiciary Committee, and substitute the following language:
>
> "SEC. 201. It shall be unlawful to make any distinction on account of race, color, religion, sex, national origin or economic status in the qualifications for service, and in the selection, of any person to serve on grand or petit juries in any State court."

AIRLINE STRIKE

Mr. REINECKE. Mr. Speaker, I ask unanimous consent that the gentleman from Florida [Mr. GURNEY] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. GURNEY. Mr. Speaker, I am introducing today a joint resolution to cope with the disastrous airline strike.

It is a resolution identical to the one the Congress passed in 1963 and introduced in the other body this week by the distinguished Republican leader, Senator EVERETT DIRKSEN, of Illinois.

The resolution creates a seven-man board, two to be appointed by the carrier, two to be appointed by the union, and they in turn to select the other three.

They would be given authority, then, to arbitrate this difficulty and to compel both sides to agree and to go into Federal Court for the purpose of enforcing the findings of the arbitration board.

It will be recalled that this solution in the impending rail strike in 1963 was approved by this House by voice vote and as I recall unanimously, and by the other body by a 90-to-2 vote.

Compulsory arbitration has never been viewed with great enthusiasm by either business or labor.

However, unusual problems often require solution by unusual means. The Nation here faces an economic disaster caused by this deadlock between the strikers and management. People as individuals and the Nation as a whole are helpless.

The President has shown complete lack of leadership in this grave crisis. There is every indication that he will continue to show lack of leadership.

He ignored the inexcusable New York City transit strike earlier in the year.

He promised in his State of the Union mesage to request legislation to deal with these kinds of strikes that affect the public interest, that are nationwide in scope.

But he has done nothing and there is no indication that he will do anything.

The President has been flooded with pleas from Members of Congress, from people nationwide to show leadership in settling this airline strike. He has been urged by genuinely worried leaders all over our Nation to use the vast prestige of his office in persuading a settlement. He has refused to do so.

He has not hesitated to use his power and prestige to roll back prices as in the case of industry.

But he does not have the courage to speak decisively in this dispute.

Apparently, he is afraid of the upcoming elections this fall, and loss of some of the support of the leaders of organized labor which put him and his party in office in such large numbers in 1964.

The airline strike is now entering its fourth week. It is a national disaster, creating economic havoc to virtually every segment of our society. The loss to the airlines in revenues is $7 million a day. The direct losses in wages to airline employees are $1.6 million a day. However, as significant as these figures are, they are small in comparison to the economic impact of this strike on other segments of our society.

The economic loss to the Nation as a whole is far larger than the direct losses to the unfortunate participants in this strike. It has been estimated that the United States as a Nation is being hurt economically every day to the tune of tens of millions of dollars. My own State of Florida in the height of its summer tourist season is suffering a crippling body blow to the tune of one-quarter million dollars a day.

Clear across the Nation and across the Pacific our westernmost State, Hawaii, is losing $4.5 million weekly. Although some of these economic losses can be estimated, there can be no accurate assessment of the economic loss to business and industry overall because of the denial of vital transportation facilities to traveling business executives, salesmen, scientists, and engineers in the program like the space program, in our vital defense industries, and a myriad of other activities in the enormous industrial and business stream of American life.

The magnitude of the economic crisis caused by the strike can be dramatically documented. Sixty-one percent of the air service of the Nation has been shut down. Some key air routes, such as the New York-Miami service, has been reduced by as much as two-thirds; 66,200 employees have been idle with loss of wages. But far greater economic loss is reflected in the 4,100 flights that are grounded each day which would normally carry a total of 154,000 passengers. Air mail is down 70 percent. And it has been estimated that there is a tax loss to the Nation of $1.7 million a day from just corporate and individual income taxes of the airlines and their employees. The indirect tax losses which cannot be accurately documented at this time are far greater.

This Nation has reached a point where it ought to be mature and sophisticated enough to avoid strikes within public service industries, such as the airline transportation industry.

Mr. Speaker, it is not as if this paralyzing strike were the first of its kind. Earlier this year the Nation was shocked and the economy disrupted by the blatant disregard of State laws displayed by the striking New York transit workers. In the past few years, we have seen railroad yards jammed with motionless cars and the great transatlantic passenger and cargo vessels riding idle at the docks due to strikes.

A highly industrial nation such as America is too dependent on public service industries to longer tolerate horse-and-buggy approaches to business-labor disputes. I think it can be fairly said that all reasonable, thinking people would agree with this statement.

In his state of the Union message the President promised us that he would send to this Congress legislation dealing with such crippling strikes that flaunt the national interest. Six months later we have seen nothing of this promised legislation.

Early in March, I introduced a bill to create a joint congressional committee to study and report on problems relating to collective bargaining, strikes, and lockouts in the transportation industry. It was my feeling at the time, and I still feel, that the problem of transportation strikes involves so many people, so many businesses, so big a part of the economy, and so many questions of State and Federal law, that an extraordinary amount of study and attention must be given them.

But the President has been satisfied with making empty promises and trying to ignore the problem each time it has arisen. This is not enough. This current strike should be proof if any more is needed, that someone must do something. And in this situation it is the President who has the prestige and the power to act.

Last week I personally sent the following telegram to the President:

> Respectfully urge that you use the full prestige of the office of the President of the United States to halt this crippling inexcusable airline strike which is causing such serious consequences to individuals and economy of the nation. Cannot believe it is unavoidable.
>
> The great travel and vacation industry in Florida is prostrate from the strike. Wage earners and businessmen are suffering irreparable economic harm.
>
> If those responsible for walkout, and others like New York transit strike, cannot accept responsibility for public interest which has been entrusted to them, then it is time for others to step in.
>
> The transportation industry performs such an essential public service that it and the nation should not be at the mercy of a handful of irresponsible strike leaders.
>
> It's high time that the Johnson Administration stop its hands-off attitude toward irresponsible labor leaders and showed real leadership in handling these inexcusable strikes in essential public service industries.

In addition, I joined the Florida congressional delegation in another similar telegram urging immediate action. I regret to say that, just as the administration did not see fit to support my previous resolution designed to prevent such strikes, these two telegrams and resolutions have been similarly ignored.

I have joined in a concurrent resolution introduced in the House with my colleagues from Florida urging the President to take direct and positive action.

It is inexcusable that the President of the United States should shirk so blatantly his responsibilities in the face of what is fast growing to be a full-scale national emergency.

I think that the American people have the right to expect more than promises of leadership from their President. It is for this reason that I joined with my Florida colleagues in the resolution expressing the sense of this Congress that the President should personally intervene in an attempt to bring the parties together in fair and just settlement that will permit the resumption of normal operations to the five airlines.

However, I doubt if the President will take action. Therefore, I think it is clear that the Congress must step into this vacuum of leadership created by the President and the administration. Hence, I have further introduced this joint resolution appointing the arbitration board to deal with this grave airline strike. It is aimed at coping with this particular crisis only.

However, it is plain that labor disputes and disastrous strikes will continue to occur.

It is, therefore, my fervent hope also that the Congress will further act on a permanent solution similar to my resolution in March calling for a joint committee to study this problem and come up with a permanent solution.

MONETARY TINKERING NOT THE ANSWER

Mr. REINECKE. Mr. Speaker, I ask unanimous consent that the gentleman from California [Mr. TALCOTT] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. TALCOTT. Mr. Speaker, I regret to report that the House Banking and Currency Committee has again supinely capitulated to yet another attempt at political manipulation of our economy by the administration.

Hastily and without the benefit of new evidence, the committee has reported a bill, a substitute for H.R. 14026, which would set a ceiling of 5½ percent on interest rates paid by banks on time deposits of $100,000, or more, and 4½ percent on time deposits of less than $100,000—with a requirement for Presidential approval of any rates above these levels.

The legislation would increase bank reserve requirements substantially. It also would authorize the Federal Home Loan Bank Board to regulate interest paid by savings and loan associations.

Mr. Speaker, this measure will not accomplish its avowed purposes of stemming inflation, easing credit, lowering interest rates, and reviving the sagging homebuilding industry.

Rather, inflation is likely to increase because the administration refuses to tackle the principal cause of inflationary pressures—Federal spending in excess of revenue receipts.

This condition cannot be permitted to continue forever. We cannot hope to manipulate our monetary system to control the many fiscal and economic problems which are produced by excessive Federal spending.

These temporary stopgap measures are only political window dressing. They may actually cause conditions to worsen. We may even experience continued inflation and economic recession in certain basic industries at the same time.

The free market remains the most effective device for achieving stability in prices, living costs, wages, interest, and profits.

Federal controls, Mr. Speaker, will not produce a nickel of new money for home-financing purposes; in fact, they conceivably could reduce even further the supply of funds available to the housing industry.

THE THREATENED "SHOW TRIALS" IN NORTH VIETNAM VIOLATE THE GENEVA CONVENTION

Mr. REINECKE. Mr. Speaker, I ask unanimous consent that the gentleman from Missouri [Mr. CURTIS] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. CURTIS. Mr. Speaker, I am happy to join with many of my colleagues on both sides of the aisle in introducing a concurrent resolution expressing the sense of Congress with regard to possible trial of U.S. airmen now held captive by the Communist regime in North Vietnam.

It is clearly evident that such trials would violate the express provisions of the Geneva Conventions of 1949, Conventions which were signed and ratified by the Hanoi regime, as well as by the United States. Article 2 of the conventions states that the provisions contained in the conventions shall apply "to all cases of declared war or of any other armed conflict which may arise between two or more of the high contracting parties, even if the state of war is not recognized by one of them."

This article is binding upon the North Vietnamese regime, since the Hanoi government has adhered to the Geneva conventions. Thus, the Communist government of North Vietnam has an obligation under international law to treat captured U.S. servicemen as prisoners of war and has no right to unilaterally abrogate the Geneva Conventions by accusing these prisoners of committing "war crimes."

Mr. Speaker, I am hopeful that the Congress will unanimously make it clear to the Communists in Hanoi that the staging of "show trials" will mean an intensification and escalation of the war and will be a serious setback to the achievement of a just and lasting peace in southeast Asia. The firmness of our convictions, as expressed in the resolutions which my colleagues and I have introduced, may deter the Hanoi regime from committing themselves to an irreversible, inhuman step toward widening the war.

HOW PRIVATE ENTERPRISE CONTRIBUTES TO A BETTER FUNCTIONING LABOR MARKET

Mr. REINECKE. Mr. Speaker, I ask unanimous consent that the gentleman from Missouri [Mr. Curtis] may extend his remarks at this point in the Record and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. CURTIS. Mr. Speaker, early in May the Subcommittee on Economic Statistics of the Joint Economic Committee held hearings on the development of job vacancy statistics. In June the subcommittee issued a report which emphasized the importance of this data for a well-functioning labor market and urged the continued development of this series.

Since these hearings, the need for such data has been reaffirmed in my own mind by the fact that private enterprise has moved in and begun to identify and disseminate information on job vacancies. While I would not ordinarily call attention to the activities of a private form in this fashion, I wish to do so in this case because it is a striking example of how private effort and initiative responds to a national need.

I refer to the publication Who's Hiring Who, the journal of jobs. I do not suggest that the development of this publication makes any less necessary a government job vacancy series. Each, I think, supplements the other. It may well be that the Bureau of Labor Statistics can learn something from the experience of Who's Hiring Who as it works to develop its own series.

What the publication seeks to do is organize what appears to the job seeker to be a chaotic labor market. It is designed to permit dissemination of full details on the current structure of opportunities in the national job market at all levels, including students, applicants, their advisers and organizations which need such information for adequate career and program planning.

Under unanimous consent, I include in the Record a press release from Who's Hiring Who, which points out where job opportunities exist in the current tight labor market.

The press release follows:

Job Journal Weighs Employer Demand for Applicants in 1,000 Occupational Categories

New York, N.Y., March 15.—Accountants, mechanical engineers, computer programmers, and secretaries, in that order, are the applicants (except teachers) most wanted by employers according to the Seventh Edition of Who's Hiring Who.

Published today the new edition of Who's Hiring Who reports results of its latest national job survey and provides an unusually reliable index to the weight of employer demand for applicants in 1000 position categories.

The job-market study reveals that clerks, typists, bookkeepers, key-punch operators, and machinists fall well within the top 75 categories of most wanted applicants but also indicates that demand for the top three classes—accountants, mechanical engineers, and computer programmers—is so broad as to indicate highly critical shortages of adequately trained applicants in these fields. However, Richard Lathrop, editor of Who's Hiring Who, states, "that well qualified applicants in the top seventy-five categories should find that they have an extremely wide selection of opportunities available to them."

Engineering graduates will continue to be big men on campus in the eyes of recruiters between now and next June, according to the survey's measure of demand for current college graduates. This perpetuates a trend in evidence since Who's Hiring Who's first publication in 1959. Next highest in demand among this year's graduates are chemists followed by mathematics, physics, business, statistics, and finance majors in that order.

According to Lathrop, "heavier campus-recruiter emphasis on professional rather than business graduates reflects the intensity of needs based on production requirements even though more employers are interested in recruiting competent business and computational specialists." In all, the new edition covers requirements for college graduates in 55 major fields of study.

Although the job survey was not designed to measure the demand for teachers, it reports that at least 235,000 new teachers will be needed during 1966 if all requirements are to be met. The book provides guides for students and applicants on how to proceed if they wish to help fill these needs.

Lathrop said, "Because there are six million employable handicapped people in the U.S., the survey asked employers whether they favor hiring the handicapped when consistent with performance and safety standards. Sixty-five percent said "yes." A measure was also taken of the attitudes of recruiters toward the 50,000 members of the Armed Forces who retire each year and normally seek civilian employment. Sixty-nine percent said they would favorably consider such retirees if otherwise fully qualified for their openings. Both of these indexes to employer attitudes indicate that the barriers to handicapped applicants and those over forty are falling under the weight of increasing applicant shortages."

For the first time in the history of who's hiring who, a number of employers indicated that they are looking for mechanics with college degrees. Although a high school diploma or less is a normal requirement for mechanics, some recruiters are seeking applicants with Bachelor's, Master's, and even Doctor's degrees for jobs as aircraft, airframe, assembly and test, electrical, instrument, jet engine, radio, television, and turbine mechanics. Lathrop attributes this development to sharply rising technology and related changes in the concepts of technical and professional positions.

Symptoms of a changing and troubled world also crop up in who's hiring who on "work" for professional soldiers, plus details on how to apply for such openings. As an antidote, Peace Corps opportunities and requirements are also spelled out in detail.

Eight thousand employers and employment agencies across the nation were contacted regarding their 1966 recruiting plans during the job-market sampling. In all, more than 68,000 job openings were reported by the recruiters as scheduled for recruitment action. The reported openings are identified in a tabulated style which permits an unusually reliable "at-sight" indication of the weight of employer interest in each type of applicant in the thousand position categories. Openings listed cover the whole range of occupations from jail guards to senior scientists. Who's Hiring Who names the recruiters who hope to fill the openings in the coming months and specifies minimum qualifications requirements, general pay levels, overseas openings, summer jobs, temporary openings, employers who favorably consider older and handicapped applicants, and other data regarding the openings where supplied by the recruiters concerned.

During the course of their job-market study, the editors uncovered basic data about 122,000 summer jobs ranging from smokejumpers to science assistants which must be filled before next June. This data includes plans for about 35,000 "disadvantaged" applicants scheduled to be hired through state employment offices. Details on where and how to obtain these summer positions plus descriptions of employers offering more than 100,000 part-time and temporary positions are provided.

According to Lathrop, "Who's Hiring Who was developed to serve as a center of communication in the national job market where none had previously existed. It was designed to permit better coordination of the aims and actions of students and applicants with those of employers, schools and colleges, employment agencies, career and guidance counselors, textbook publishers, and others who focus their attention on manpower and career-development problems. The requirement for improved communication, is further served through inclusion of explicit guides to applicants on resume preparation, interviewing procedures, etc." In his view, inadequate communication of applicants' qualifications to employers is a basic factor in the improper utilization of manpower in the economy and it is his hope that these guides will help to correct this limitation.

PROPOSED MEDAL FOR CIVILIAN SERVICE UNDER PERILOUS CONDITIONS

Mr. REINECKE. Mr. Speaker, I ask unanimous consent that the gentleman from Michigan [Mr. Harvey] may extend his remarks at this point in the Record and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. HARVEY of Michigan. Mr. Speaker, I am today introducing a House concurrent resolution in behalf of hundreds of Americans who, at great personal sacrifice, have volunteered their knowledge and skill to serve their country and fellow men under perilous conditions. My resolution reads as follows:

> *Resolved by the House of Representatives (the Senate concurring)*, That it is the sense of Congress that the President should award an appropriately designed medal and certificate to those citizens of the United States who, although not members of the Armed Forces or officers or employees of the Federal Government, voluntarily serve in areas where the Armed Forces are engaged in combat with hostile forces in an effort to lessen the suffering and improve the conditions of the civilian populations in such areas.

In particular, I would like to point out the difficult work being conducted by Americans in South Vietnam, which has prompted this legislation. U.S. doctors have volunteered to work without pay for at least 2 months in South Vietnam.

Their patients, as pointed out in an article in the May 20 issue of Time magazine, are the 15.5 million civilians for whom there is, in effect, only 1 Vietnamese doctor available for every 50,000—well over 50 times worse than the physician-patient ratio in the United States.

I have learned that the first group of U.S. volunteer doctors arrived last September and have worked with similar teams from Korea, Switzerland, the Philippines, Iran, Taiwan, New Zealand, and Australia.

It is with particular pride that I mention that two doctors from my hometown of Saginaw, Mich., have already participated in this program. They are Dr. Hugh T. Caumartin, a radiologist, and Dr. Hugh L. Sulfridge, Jr., and orthopedist.

A recent brief article in the Saginaw News best describes the contribution of these doctors. Permit me to quote the article:

> Hospital Corpsman James B. Beyersdorf of the Navy's 1st Shore Party Battalion, stationed in Viet Nam, has some nice words for two Saginaw doctors serving in that country as volunteers.
>
> In a letter to the Saginaw County Medical Society, Beyersdorf—who comes home this month after more than a year in Viet Nam—writes: "First of all I am proud of what these doctors (Dr. Hugh T. Caumartin and Dr. Hugh L. Sulfridge) of my home town have done. To volunteer their time and their great knowledge of medicine to the people of Viet Nam, as well as to our servicemen. To give up a well organized practice in the City of Saginaw. They care for the deprived man and the man without. Because that is what most of the Vietnamese are. I have seen a lot of sicknesses I thought I would never see—Also, we know the reason we are here, and I believe the majority of the nation, and especially our home town, knows why we are here. I am proud to be from Saginaw."

With the cooperation of the Department of State, the Agency for International Development, the Department of Defense, and the President's Office, no great difficulty should arise in singling out the men and women, in a variety of endeavors, who are deserving of this special recognition.

Further, I believe it is of great importance to focus attention on the little known of work of such humanitarian effort. This, I believe, is equal to our military commitment and successes. This is a deserving tribute to dedicated men and women who have and are making a personal sacrifice to heed a call of humanity. It is, in the truest sense, the real spirit of America at work for freedom-loving people.

PRESSURE BY BEER FIRM IN TRUST SUIT

Mr. REINECKE. Mr. Speaker, I ask unanimous consent that the gentleman from New York [Mr. Goodell] may extend his remarks at this point in the Record and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. GOODELL. Mr. Speaker, for the information of the Members, I place in the Record at this point the following article by the distinguished, Pulitzer Prize-Winning Columnist Clark Mollenhoff in the July 22, 1966, edition of the Des Moines, Iowa, Register:

Pressure by Beer Firm in Trust Suit

(By Clark Mollenhoff)

Washington, D.C.—Justice Department records indicate that the Anheuser-Busch Co. used "political pressure" to try to bring a settlement on the highly controversial antitrust suit involving acquisition of a Wisconsin malting company.

The settlement of the suit by the Johnson administration has been subject to Republican criticism since it was settled during the same period that owners and representatives of Anheuser-Busch were making political contributions of $10,000 to the President's Club.

PLANE TRIP

Also involved in the controversy is the fact that Donald F. Turner, head of the Antitrust Division, went to the All-Star baseball game in St. Louis in a plane owned by Anheuser-Busch. The plane ride took place only three weeks after the antitrust action was dismissed on recommendation of Turner.

Alfred Fleishman, the public relations man who arranged for the $10,000 in contributions to the President's Club, has said there was no political pressure in connection with the settlement of the Anheuser-Busch case and no discussions of the antitrust case with the Democratic Party people who accepted the $10,000.

The files of the Justice Department show that the trial lawyers assigned to the Anheuser-Busch case were opposed to dismissal of the action.

Trial lawyers John F. Hughes and David R. Melincoff in a memorandum of May 9, 1966, set out the historic background of the case from the time it was filed in January, 1962, on the recommendations of Lee Loevinger, then the head of the antitrust division.

Anheuser-Busch lawyers tried to obtain a settlement in 1962 and 1963, and relative to one of these efforts in December, 1963, Hughes and Melincoff made the following comment:

"At that time, as Mr. (Baddic J.) Rashid (chief, trial section) is aware, Anheuser was not the least bit hesitant to bring political pressure to bear from among others, Senators (Stuart) Symington and (Edward) Long of Missouri."

The trial attorneys contended that the lawyers for Anheuser-Busch tried to avoid a trial and had halted the "discovery" process by indicating a willingness to settle with a consent decree at several stages.

However, the trial attorneys said this appeared to them to be "dragging heels" for purposes of delay during which time the firm was operating the Rahr Malting Co. at Manitowoc, Wis.

DENY VIOLATION

Edward Barton, a lawyer for Anheuser-Busch, contended that the acquisition would not be a violation of the antitrust laws, and asked "whose interest the department (of justice) seeks to protect since all brewers, former customers of Rahr, have alternate supplies."

Hughes and Melincoff replied: "Our answer is that the public interest will be protected by retaining a vigoruos competition in the malt and beer industries as possible in light of oligopolistic tendencies in both industries."

They stated that "in one swoop the nation's largest brewer (Anheuser-Busch) acquired 9 per cent of all production of malt."

In his recommendation to dismiss the case, Turner in a June 8, 1966, memorandum stated: "With great reluctance, since I believe there should be a strong presumption against taking such action, I recommend that we consent to the dismissal without prejudice of the above civil complaint. I have had the case carefully analyzed by several staff people, and am convinced the facts simply do not support any of the possible theories which I would consider appropriate."

In the memorandum, Turner said there might be some impact of the dismissal of the Anheuser-Busch case on other pending cases, but commented that the Justice Department is "not wholly unprepared to distinguish between" the Anheuser-Busch dismissal and other cases they do not intend to dismiss.

TIMING OF GIFT

Representative Charles Goodell (Rep., N. Y.) has put together a chronology of the events showing that the contributions of $10,000 to the President's Club took place in mid-May, during the same period that the Justice Department was making a decision to dismiss the suit.

Representative Goodell and others have raised the question as to whether the whole idea of large contributions to the President's Club does not leave an inference of a link with "influence peddling."

Goodell claimed in a statement in Thursday's Congressional Record that official files fail to show any "significant contributions" to presidential campaigns prior to this year by officials of Anheuser-Busch.

Republican House Leader Gerald Ford of Michigan and Goodell have asked for a full investigation of the handling of the Anheuser-Busch case. Goodell has also asked for a full accounting of how the $10,000 was brought to Washington, whether it was delivered in cash or in checks, to whom it was delivered and where.

Fleishman told The Register that "the money was not delivered to the Democratic National Committee in cash."

MINNESOTA REBIRTH—THE TACONITE AMENDMENT

Mr. REINECKE. Mr. Speaker, I ask unanimous consent that the gentleman from Minnesota [Mr. Nelsen] may extend his remarks at this point in the Record and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. NELSEN. Mr. Speaker, J. S. Abdnor tells the story of the rebirth of the Minnesota taconite industry in the June issue of Mining Congress Journal. One of his conclusions:

> The Minnesota story of economic rebirth is essentially and basically a story of government—governmental attitudes and governmental policies—all as approved by the people. The vast investments, the thousands of jobs, the millions of dollars spent annually on materials and supplies stand as brilliant

testimony to the fact that government action to create jobs and business does not rest alone in grants, aids, or make-work programs. As necessary as such programs may be in some cases, they should never be permitted to obliterate the more substantial and permanent economic improvement resulting from private investment in private enterprise, made with the assurance that fairness and equality will prevail in the taxation of that investment. This is indeed a story that should be heeded by all Americans.

And so it should be. As one of those who worked to obtain the passage of taconite amendment, I take pleasure in introducing this article for the RECORD:

MINNESOTA REBIRTH—THE TACONITE AMENDMENT

(By J. S. Abdnor, Assistant to the President, Pickands Mather & Co.)

TACONITE INVESTMENTS REPRESENT A BILLION DOLLARS WORTH OF PRIVATE ENTERPRISE

It is difficult for most of us to think or speak in terms of a billion dollars. Yet to speak of the taconite mining industry in the State of Minnesota today is to speak of a billion dollars which have been spent or committed to be spent for the development of taconite facilities.

In one sense discussion of this subject affords a remarkable and rare opportunity. It affords the opportunity to speak of the expenditure of a billion dollars without speaking of public funds—that is, not one dollar from the federal or state treasury. Every one of these billion dollars represents a dollar earned, saved, and invested by an individual or a private corporation in equity ownership or loans for private business enterprise.

Every one of these billion dollars invested in Minnesota contributes to the creation of new job opportunities for men who need work, operating facilities which will require expenditure of millions of dollars annually for equipment and supplies with businessmen who need business, and tax dollars for municipalities and schools which can always make use of more revenue. Thousands of men employed in taconite pay taxes on their earnings and the businessmen who sell to taconite companies and employees of these companies pay taxes on their property and upon their earnings. From this sort of thing is a sound economy created and maintained, as distinguished from public-sponsored programs to create employment which can be suddenly terminated by lack of a congressional or legislative appropriation of money.

This is not to say that government had no part in this story of the economic rebirth of northeastern Minnesota. On the contrary, the State of Minnesota, with overwhelming approval of its people, was instrumental in accomplishing a transition from economic decline and near social despair to a vital recovery of jobs and business. Even more important is a recovery of public enthusiasm and pride in the results achieved by business, labor, and people in all walks of life, moving together in a united effort to accomplish a common end.

SPECIAL TAX IMPOSED ON IRON ORE IN 1921

This story of Minnesota had its beginning in 1921. In that year the state legislature enacted a constitutional amendment which provided that the iron mining industry could be taxed on a higher, and more onerous, basis than any other industry in the state. At the next general election, the voters approved the amendment, presumably upon the theory that an extractive industry could be taxed higher than all others. In any event, it seems now to have been generally believed that here was one industry that could not leave the State of Minnesota regardless of its tax burden. The higher tax was immediately imposed by a so-called occupation tax at the rate of six percent of the market value of iron ore produced in Minnesota, less only certain direct costs specified in the law. A corollary tax was imposed upon royalties paid to the owners of the mineral lands.

It was not until 1933 that any similar tax was imposed upon other industries in the state. In that year a corporate income tax law was enacted but the burden on other industry was only a fraction of that placed upon iron mining.

By 1937, the Minnesota state legislature found it necessary to make sweeping tax increases for state revenue, but the old pattern prevailed and the iron mining industry retained the same dubious distinction of being taxed on a much higher basis than all others.

RATE WAS ENORMOUS RELATIVE TO OTHER TAXPAYERS

From 1937 until 1955, the rate of the occupation and royalty taxes paid by the mining industry continued to rise while the state legislature found it politically expedient not to increase the tax rates upon other types of business except for a soldiers' bonus tax imposed generally upon all taxpayers. While corporate income tax has increased since 1955, the cold, hard fact is that today and for years past, the iron mining industry pays to the State of Minnesota a tax up to three or four times as much upon production from its red ore mines as it would pay if taxed like other corporate taxpayers in Minnesota.

During the course of these events relating to the natural ore mines, or the "red ores" as we now know them, the taconite industry came into being.

As early as 1930 The University of Minnesota and some of the mining companies could foresee the day that the red ores would not be sufficient to satisfy the demands of the steel industry. Experimentation and research turned to the hard, low-grade rock known as taconite. New methods had to be found for drilling this rock since existing drills were incapable of doing the job effectively or economically. Methods had to be found for grinding this ore to minus 300 mesh, and this challenge alone seemed almost insurmountable. Magnetic separators had to be devised to separate the particles of high-grade iron ore from the mass of material that came from the grinding mills. Finally the magnetic particles had to be agglomerated into pellets or nodules for shipment to the mills and use in the furnaces. Throughout all of this was the constant realization that taconite had to compete on an economic basis with other iron ores from all other sources.

TACONITE DEVELOPMENT ENCOURAGED BY 1941 LAW

As experimentation and research progressed and began to show promise, the Minnesota legislature showed commendable foresight. In 1941 special laws were passed for taconite which relieved this industry from the excessive and onerous taxation of the red ore mines. Credits were provided against the occupation tax in recognition of the high cost of labor that would inevitably result. Still other special laws were designed to protect against excessive local taxation.

With this recognition and encouragement from the state, research was accelerated. Pickands Mather & Co., which had been conducting an intense research program in taconite since 1930, constructed a pilot plant, and later a preliminary plant using commercial-sized machines to promote this work. U.S. Steel built its operation known as Pilotac, which was capable of producing up to a million tons of concentrate per year.

Early in the 1950's Reserve Mining Co., owned by Republic and Armco, was prepared to embark upon the construction of a commercial operation that ultimately was capable of producing over five million tons of pellets annually. Shortly thereafter, Erie Mining Co., under the management and operation of Pickands Mather & Co., commenced construction of a plant designed to produce 7½ million tons of pellets annually for its owners—Bethlehem Steel Corp., Youngstown Sheet and Tube Co., Interlake Steel Corp., and Steel Company of Canada.

The construction and operation of the Reserve and Erie plants proved the feasibility of production of a high grade iron ore product from low grade mineral bearing rock, whether that rock be called taconite in Minnesota, jasper in Michigan, or any other name anywhere in the world. The steel industry turned more and more to the concentrate produced from these low-grade ores, and the people of Minnesota saw new investments and new plans going into other states and nations, but except for an expansion of Reserve, no additional facilities were committed to Minnesota.

Although Erie and Reserve had put over half a billion dollars into Minnesota taconite, thinking people in all walks of life in Minnesota were asking why additional hundreds of millions of dollars were being invested and thousands of jobs being created elsewhere. This when Minnesota had abundant reserves of taconite, established communities, a skilled labor force, plentiful water, and excellent shipping facilities. At least one answer to this question was self-evident. In spite of much more favorable tax laws for taconite as compared to the red ores, the constitutional amendment of 1922 still stood, with firm declaration, that the iron mining industry could be taxed on a higher and more onerous basis than any other industry in the state. Taconite operations are a part of this iron mining industry in Minnesota.

PROPOSED AMENDMENT DEFEATED IN 1961

With awareness and understanding came action. Community leaders from the Iron range set aside any old animosities that existed and late in 1960 came to the iron mining industry with a request to join in an effort to achieve a constitutional amendment. The object would be to assure the investors of hundreds of millions of dollars that the state would not thereafter increase the occupation and royalty taxes of taconite companies above amounts they would be required to pay if they were taxed like other corporations. Under such a proposed amendment, the taconite industry could not alone be called upon to carry the burden of increasing state revenue through taxes which exceeded those imposed upon others. In the legislative session of 1961, the proposed amendment unfortunately became enmeshed in a political controversy which resulted in its defeat.

During the ensuing months, supporters of the amendment were constantly engaged in an educational program designed to achieve unity and bipartisan support. Early in the 1963 session, the United Steelworkers of America, after long discussions with the industry, threw its full weight behind a constitutional amendment that would be effective for a period of 25 years. The result of this united effort was a submission by the legislature of a constitutional amendment to a vote of the electorate with only four dissenting votes in the House of Representatives and nine in the Senate.

MAYO COMMITTEE SPEARHEADED EFFORT FOR 1964 ELECTION

Probably no state has ever seen a more united special effort than that given in Minnesota before the election in November 1964. Both political parties, almost all business and commercial organizations, labor unions, professional groups, women's organizations, farm groups, and literally hundreds of others worked under the leadership of the Mayo Committee, headed by Dr. Charles Mayo, to achieve passage of the amendment. The details of this is a story in itself but let it suffice to say that 80 percent of all voters at the polls voted "yes" on the amendment, only 13 percent voted "no" and seven percent voted neither way.

Following this overwhelming approval of the tax limitation for the taconite industry, the response from the iron ore and steel industry was almost electrifying in its impact. U.S. Steel immediately fulfilled a pledge it had given to the legislature in 1963 to build a plant if the amendment were adopted. Oglebay-Norton, with Ford Motor Co., had indeed already committed a plant by election time with full confidence in the passage of the amendment. Hanna Mining Co., followed with its commitment for two new taconite facilities, and Erie Mining Co. advanced its plant expansion from an annual capacity of 7½ million tons to 10.3 million tons.

OTHERS SHOULD HEED MINNESOTA'S EXPERIENCE

The Minnesota story of economic rebirth is essentially and basically a story of government—governmental attitudes and governmental policies—all as approved by the people. The vast investments, the thousands of jobs, the millions of dollars spent annually on materials and supplies stand as brilliant testimony to the fact that government action to create jobs and business does not rest alone in grants, aids, or make-work programs. As necessary as such programs may be in some cases, they should never be permitted to obliterate the more substantial and permanent economic improvement resulting from private investment in private enterprise, made with the assurance that fairness and equality will prevail in the taxation of that investment. This is indeed a story that should be heeded by all Americans.

The people of Minnesota may very well ask themselves if the Minnesota story has ended with over a billion dollars in private funds now invested or committed for investment in taconite, or has the Minnesota story only begun. An analysis of events in the past few years makes it obvious that the answer rests in the continued awareness of the people to the problems of taxation and a continued vigilance against any form of oppression by taxation.

Every new taconite plant now being built has been designed with the possibility of expansion. Other companies not yet committed to taconite operations in Minnesota are obviously studying possibilities there, as witnessed by Jones & Laughlin Steel Corp. with respect to its future plans in the Gilbert-Biwabik area of the Mesabi range. Most of us in the iron mining business agree that research and planning in the direct reduction of ores is progressing at an ever increasing pace. The place of Minnesota ores in the direct reduction programs will not depend alone upon the adaptability of the Minnesota ores to the direct reduction processes. The attitudes of people, as reflected in the attitudes of government, will continue to play a vital role.

There is good reason to believe that this contemporary story of Minnesota has only begun. Many dedicated men and women from every walk of life, have given of themselves, their time, and even their money for the accomplishment of the success that will result in a vital new economic growth to Minnesota. It is unlikely that these people will ever again permit the economy of Minnesota to fall behind other states and other nations because of governmental attitudes toward the taconite industry.

(About the author: J. S. Abdnor has been assistant to the president of Pickands Mather & Co. since 1963 and has been employed by Pickands Mather since joining its legal department at Duluth in 1955. Prior to that time he spent 11 years in the employ of the State of Minnesota where his last capacity was an assistant attorney general and chief counsel assigned to the department of taxation.)

VESTED INTERESTS IN POVERTY

Mr. REINECKE. Mr. Speaker, I ask unanimous consent that the gentleman from Ohio [Mr. Ashbrook] may extend his remarks at this point in the Record and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. ASHBROOK. Mr. Speaker, there are those in our society who, through no fault of their own, cannot provide for themselves the basic needs of life. It has long been the sentiment in this Nation that cooperative efforts must be made to supply these needs temporarily on the condition that when the necessity no longer exists the assistance will be withdrawn. A second condition is implicit in this arrangement: An honest effort must be made to provide for one's individual responsibilities as far as possible. Under these terms, there is scarcely a fairminded person who would begrudge the use of tax moneys for worthwhile welfare assistance.

In this context I believe the following editorial from the July 25, 1966, Chicago Tribune is most enlightening, and for this reason I insert it in the Record at this point:

Vested Interests in Poverty

It was predictable that chronic welfare statism and the Johnson administration's "war on poverty" would persuade apostles of discord that the claims of reliefers on society far overshadowed any need on the part of these people to try to contribute to it. This philosophy is now out in the open.

The relief commissioner of New York City, Mitchell I. Ginsberg, has disclosed that a committee representing a city-wide organization of 5,000 relief recipients has demanded that the city's relief rolls be opened so everyone on welfare can be organized into a "union." There are 550,000 reliefers in New York.

The law requires that the names of those receiving public assistance be kept secret, but that has not deterred a campaign to organize a national union of public aid recipients.

According to Mr. Ginsberg, the strategy is to demand everything the welfare laws allow and to urge all those whose financial situation makes them eligible for welfare to apply for it. The organizers, operating from what is called the Poverty Rights Action center in Washington, contend that for every person now receiving relief in New York, another one is eligible but doesn't apply.

At present one person out of every 16 in New York is on relief. The campaign is to extend relief to one New Yorker in every eight. Mr. Ginsberg says that many of those who are not on relief are able to handle their problems in other ways and don't want to be on the relief rolls.

The purpose of unionization is not only to build up a huge lobby as a pressure group but to undermine the existing relief system. Doubling the relief rolls in major cities and unionizing those on the dole are deliberately designed to create such a financial crisis for the cities that the federal government would have to step in with a whole new system of income distribution.

Those pushing the campaign seek to substitute a guaranteed annual income in place of relief checks. Such a plan would impose enormous burdens on cities, states, and the federal government. It would institutionalize "poverty" as a permanent and immutable condition and discourage any effort by free riders to better themselves and get off the backs of the taxpayers. We could expect one family generation after another to collect incomes from the productive members of society, with constantly accumulating demands for "more."

On the recent death of Raymond Hilliard, Cook county director of public aid, we recalled that Mr. Hilliard had nothing but scorn for those who are trying to organize and inflame the poor. He wrote:

"Too many are being misled by some of today's bogus leadership into believing that the war on poverty and the fight for racial justice can be a 'fun game,' a happy round of parades and protests, meetings, denunciations, and general conviviality. These fakers most generally sneer at education and preach resistance for its own sake, even to such things as the taking of decent jobs."

There spoke a prophet in his own time.

OLD REALITIES AND NEW MYTHS

Mr. REINECKE. Mr. Speaker, I ask unanimous consent that the gentleman from Ohio [Mr. Ashbrook] may extend his remarks at this point in the Record and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. ASHBROOK. Mr. Speaker, a very cogent analysis of the current dilemma we find in the American liberal community is well portrayed in a very timely article by Henry Fairlie in the June 16 issue of Reporter magazine. The article is a very fine one, particularly since it comes from a fairly liberal English columnist and is published in the liberal Reporter.

It calls to our attention many interesting facets of the raging debate on our foreign policy and I commend it to the Members of this body for their edification and comment:

Old Realities and New Myths

(By Henry Fairlie)

You Lazarushian-leather Gunga Din!
Though I've belted you an' flayed you,
By the livin' Gawd that made you,
You're a better man than I am, Gunga Din!

It was rather a surprise, as I read the text of Senator Fulbright's third lecture at the Johns Hopkins University, to find that he had taken time out to attack me as "a British Gunga Din." What he means, I suppose, is that—since I generally support the manner in which America has exercised, and now exercises, its huge power—I am to be regarded as a water carrier for the American empire.

I had asked for the full texts of Senator Fulbright's Johns Hopkins lectures before I knew of this unexpected personal note. I could not understand how an intelligent man had been led into some of the statements he was reported to have made. I was interested also to find if his views had changed since he published *Old Myths and New Realities* in 1964.

This, in the event, proved to be a most curious exercise. It was a little mystifying, for example, to turn from this passage in the lecture:

"The question, phrased somewhat differently, is how and why it happens that the groups into which men organize themselves come to be regarded as ends in themselves, as living organisms with needs and preferences of their own which are separate from and superior to those of the individual, warranting, when necessary, the sacrifice of the hopes, the pleasures and the lives of individual men" . . .

to this passage in *Old Myths and New Realities:*

"The question, phrased somewhat differently, is how and why it happens that the groups into which men organize themselves come to be regarded as ends in themselves, as living organisms with needs and preferences of their own which are separate from and superior to those of individuals, warranting, when necessary, the sacrifice of the hopes and pleasures of individual men."

In fact, the two passages continue for considerably longer, almost word for word, the same; and they are by no means the only example of the words of 1964 being delivered, as if new-born, to the captive audience of 1966.

Again, in 1966 as in 1964, Senator FULBRIGHT has lit his argument with occasional quotations, and it is disconcerting to find that so many of those which crop up in 1966 were trotted out in 1964: a little joke by Samuel Butler (*Old Myths*, p. 7; Johns Hopkins I); a speech by Alexander H. Stephens (*Old Myths*, p. 67; Johns Hopkins III); a brooding thought from Aldous Huxley (*Old Myths*, p. 70; Johns Hopkins III); an esoteric quotation from the seventeenth-century French historian Jean de La Bruyère (*Old Myths*, p. 141; Johns Hopkins III); and an animad-version by Gordon W. Allport (*Old Myths*, p. 144; Johns Hopkins III).

Nevertheless, despite this self-plagiarism, there is a marked difference between the 1964 and 1966 versions of Senator FULBRIGHT's views to which I think it is worth paying attention. He did not, in 1964, concern himself with the morality of American power but with its physical limitations and the inflexibility of its purposes. Anxious to condemn "moralism" in American policy, he avoided any "moralism" of his own.

It is this which has changed in the Johns Hopkins lectures. Senator FULBRIGHT attacks the problem of power with almost religious fervor:

". . . a great nation is peculiarly susceptible to the idea that its power is a sign of God's favor, conferring upon it a special responsibility for other nations—to make them richer and happier and wiser, to remake them, that is, in its own shining image. Power confuses itself with virtue and it also tends to take itself for omnipotence. . . .

"It was approximately under this kind of infatuation—an exaggerated sense of power and an imaginary sense of mission—that the Athenians attacked Syracuse and Napoleon and then Hitler invaded Russia. . . .

"Gradually but unmistakably we are succumbing to the arrogance of power."

This is rather splendid pulpit rhetoric. But it is worth noticing in passing, how the rhetoric *by itself* advances and exaggerates the argument. The qualifications and hesitations of "susceptible to" and "tends to" are transformed, by the end, into the sweeping and doom-laden certainties of "succumbing" and "unmistakably." Proof is not required: the words are enough. It is exactly how my grandfather used to preach.

Here, as elsewhere in the lectures, Senator FULBRIGHT makes considerable use of debatable historical analogies; and they are I believe, a vital clue to his present position. They may take us as far back as Athens, but we must go back with him, because in them he reveals his preoccupations and, in my view, his fallacies. For if Senator FULBRIGHT does not believe in God's favor, he certainly believes in His vengeance.

SOME UNHISTORICAL ANALOGIES

I was at first baffled that Senator FULBRIGHT should have chosen only Athens and Napoleon's France and Hitler's Germany. Why not the Roman Empire, the Spanish Empire, the British Empire? But the reason is simple. He was seeking examples of the decline of great nations and great empires as the result of "an exaggerated sense of power and an imaginary sense of mission," and neither Rome nor Spain nor Britain suited.

Again and again, in fact, Rome tried to limit the boundaries of its empire to draw a final line against the barbarians, to say "thus far and no farther." Rome remains to this day, the outstanding example of the very opposite of what Senator FULBRIGHT is trying to demonstrate: it was an empire which tried to stop and, when it found that impossible, tried to contract, and failed.

Moreover, the point is underlined by the very first of the examples that he takes. There are not in history many more wretched ends to a wretched story than the failure of Athenian imperialism and the ruin of the Greece of the city-states. Countless volumes have been written on the theme since Thucydides, but few are as certain in their judgment as Senator FULBRIGHT.

Athenians—not just Alcibiades, not just Cleon, but Pericles himself—were gripped by the idea that Athens, in order to survive, in order to live at all, must expand. This was the *Leitmotiv*, not just of Thucydides's terrible narrative but of the Athenian state, and the Athenian imperialism that he described. " 'It is not possible for us,' said Alcibiades, 'to calculate, like housekeepers, exactly how much empire we want to have. The fact is that we have reached a stage where we are forced to plan new conquests and forced to hold on to what we have got, because there is a danger that we ourselves may fall under the power of others unless others are in our power. . . . No city can exist in inertia. . . .' "

It is this last sentence that reflects the belief which drove Athens on: a belief deep in the Athenians' philosophy, in their science, and in their attitude to the whole of life. Even Pericles justified Athenian imperialism by admitting its injustice, and claiming that Athens could not afford to be just: it must rule other people as a tyrant—or disappear.

Athens, in fact, was responding to a philosophical—not just a political—principle of the age, and Senator FULBRIGHT distorts history to suit his argument, by presenting a complex issue in simplified, careless, and vulgar terms. There is no historical, no philosophical, no political principle at work in America today even remotely similar to that which impelled Athens to its ruin.

The comparison with Napoleon's France and Hitler's Germany is even more vulgar. It was not "an exaggerated sense of power" that drove them on, but an insane pursuit of power, of world power, for its own sake; not "an imaginary sense of mission" that dictated their course, but the personal lust to conquer the world. To equate them with an anxious and inhibited democracy is a trifle ill-educated. When the Senator later publicly regretted his comparisons but insisted on the validity of his concepts, he did not manage to extricate himself from his muddle.

These sweeping historical analogies illustrate what has happened to his argument since 1964. In *Old Myths and New Realities*, he concerned himself with the dangers of overcommitting, overextending, the resources of the United States, a legitimate and practical concern. But he did not impute or question motive. He did not attribute "arrogance" to the United States, only *possible* blindness and *possible* folly.

Today, in his concern to limit America's commitments, he feels it necessary to go much further: to question not only whether it is *possible* for America to accept "a special responsibility for other nations," but whether it is *proper* for it to do so. In order to do this, he then finds it necessary to employ a theory of revolutions which in effect denies that America need ever act on its own initiative. On the contrary, America need only wait until a revolution reaches its "Thermidor." We are here presented with another of Senator FULBRIGHT's historical analogies—picked up from Crane Brinton—that runs through the whole of his second lecture:

"In Crane Brinton's analysis, there is a tendency for great revolutions to be preceded by the demoralization of a traditional ruling class and to be characterized, thereafter, first by the rule of the moderates, then by the rule of the extremists, whose extremism degenerates into terror, and who then are displaced by more practical men who bring the society back to normalcy and routine, to the stage known in the French Revolution as 'Thermidor'. . . .

"In its eighth year the Cuban revolution may be emerging from extremism into its period of Thermidor. The process . . . is one that other great revolutions have gone through: the French Revolution was finally institutionalized by the Third Republic, the Russian Revolution by Stalin and perhaps more even by Khrushchev. . . .

"The Chinese revolution is still at flood tide . . . still unready for that coming down to earth which we call 'Thermidor.' "

I am no more a professional historian than Senator FULBRIGHT, but this is as weird a description of the course of "great revolutions" as I have ever read.

Thermidor did not bring France back to "normalcy"—however "normalcy" can be described in such a situation—and it was certainly not the "end" of the French Revolution. Napoleon was the child of the revolution, seizing its opportunities and using them for his schemes of world conquest.

As for saying that "the French Revolution was finally institutionalized by the Third Republic," one wonders what he can mean by "finally." The Third Republic—state *and* society—collapsed ignominiously in 1940; the Fourth Republic fared no better; and it is extremely doubtful whether the Fifth Republic, in spite of the exaltation of the moment, will survive the disappearance of President de Gaulle.

This attempt to show that revolutions teach a "final" condition, "which we call 'Thermidor,' " then leads Senator FULBRIGHT into his astonishing description of the course of the Russian Revolution. If the Russian Revolution was "institutionalized" by Stalin, then it was institutionalized in the Terror and not in Thermidor at all; and it was institutionalized also in aggrandizement abroad. He speaks, indeed, of "much of what we find shocking and barbarous in . . . Russia in the twenties and thirties . . ." as if it had all passed, as if the recent trials had not taken place in Russia.

None of this is just history to Senator FULBRIGHT. He uses his historical analogies to find the broadest possible justifications for the withdrawal of American power and for American *non*intervention in those parts of the world which he does not regard as essential to its interests. The fact that these justifications are based on historical analogies which are, to say the least, questionable is a warning that we should not too easily accept his heady mixture of history and morality.

In *Old Myths and New Realities*, he was still inclined to believe that the defense (or, at least, the support) of the free world was not a moral duty but an actual American interest:

"I begin with the premise that the continued existence of the Castro régime in Cuba is inimical to the interests of the United States, and that these interests would be far better served by a Cuban government oriented toward liberal democracy. . . .

". . . we can reinvigorate our efforts to strengthen the free nations of Asia, Africa, and Latin America, by providing a more discriminating and intelligent program of economic assistance and by encouraging cooperative free-world aid programs. . . ."

He was even fairly certain about the American interest in South Vietnam:

". . . to establish viable. independent states in Indochina and elsewhere in Southeast Asia, which will be free of and secure from the domination of Communist China and Communist North Vietnam."

His emphasis throughout was on the American *interest* in maintaining where possible—or at least encouraging where possible—"free nations . . . viable, independent states . . . oriented toward liberal democracy."

THE THEORY OF INEVITABILITY

If Senator Fulbright still feels this concern, it is not evident in the Johns Hopkins lectures. The purpose of the whole of his second lecture is to argue that America must come to terms with violent and undemocratic revolutions—"These prospects are probable rather than inevitable"—even before they have reached their "Thermidor." Thus, in 1964, he argued that it "would be unwise" to recognize Communist China or acquiesce in its admission to the United Nations "because there is nothing to be gained by it so long as the Peking régime maintains its attitude of implacable hostility toward the United States." But in 1966, while admitting that Communist China is "still messianic in its aims, if not in its actions, still filled with passionate hostility to its foreign enemies, real and imaginary . . .," he calls for gestures of friendship to be made to it by the United States, involving "something more—perhaps a great deal more—than reciprocity."

The justification of such gestures is that they "may weaken the Chinese image of a hostile America and hasten the day of China's Thermidor." The "may" here is hardly the firm foundation on which policy can be built, any more than is the prospect of China's obeying his historical analogy, its revolution "abating into Thermidor." Senator Fulbright argues that America is so strong that it can afford the risks. But he may here be making precisely the same overestimate of America's strength that he is intent on resisting.

The melancholy that runs through his lectures takes the treacherous form of assuming the inevitable. Thus, America must not undertake the full responsibilities of its power, otherwise it will court ruin as surely as Athens and Napoleon and Hitler; and America must not search for ways of encouraging peaceful and democratic changes of government, because revolution, and especially contemporary revolution, will probably be violent and undemocratic.

In the third of the Johns Hopkins lectures, this melancholy submission to "inevitability" takes an extreme form in his discussion of the causes of war:

"We must recognize, first of all, that the ultimate source of war and peace lies in human nature. . . ."

But this is a flat contradiction of what Senator Fulbright said on the same subject in *Old Myths and New Realities*. There he quoted approvingly from a group of eight psychologists and social scientists:

"To the best of our knowledge, there is no evidence that wars are necessary and inevitable consequences of 'human nature'. . . ."

Between 1964 and 1966, then, he seems to have moved to a position from which he regards it as all but inevitable that the consequences of exercising world power must be ruinous; all but inevitable that revolutions must be violent and undemocratic; and all but inevitable that war follows from human nature. Such a formidable construction of "inevitability" is, of course, a traditional argument for withdrawal from action.

There is not one of us who is not, from time to time, plunged into gloom at the catalogues of men's sins and follies, at the story of the rise and fall of nations and civilizations. But this is not a helpful frame of mind in which to try to form policy; and if I have only touched on current U.S. policy in rebutting Senator Fulbright's arguments, it is because he shows little direct concern with it in his lectures. Cassandra is an easy role to play, and a lazy one; and it is also not the role which one would like to see being played by as rare and valuable a political creature as Senator Fulbright.

PATRIOTS: THOSE WHO DIFFER WITH HIS WAR POLICY NO LESS LOYAL THAN PRESIDENT

Mr. REINECKE. Mr. Speaker, I ask unanimous consent that the gentleman from West Virginia [Mr. Moore] may extend his remarks at this point in the Record and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. MOORE. Mr. Speaker, as a further contribution to the national dialog, I include in my remarks the thoughtful editorial by the distinguished editor of the Wheeling Intelligencer, Wheeling, W. Va., Mr. Thomas O'Brien Flynn:

Patriots: Those Who Differ With His War Policy No Less Loyal Than President

By inference, at least, President Johnson questions the patriotism of those American critics of his war policy who advocate the cessation of our bombing attacks on North Viet Nam. He is annoyed by the absence of public criticism of Viet Cong sneak attacks on us.

During the course of his midwestern political tour last week, the President departed several times from his prepared text to make this point.

"When they bombed one of our barracks in the dead of night and killed our men at two in the morning," he said at one stop, "the only speeches I heard the next day were against our Government.

"They bombed and injured some of our American boys in South Viet Nam today, and I doubt that you will hear many speeches in this Country . . . I doubt that you will see many columns written . . . I doubt that your commentators will lecture them for the number of bombs they dropped on that hospital. I just wonder why they're so anxious to get us to stop bombing to protect our men and they never say a word about stopping them (the Communists) from infiltrating and killing our men."

Mr. Johnson knows better, of course. He knows that there is no sentiment in this Country, certainly none of any significance, that supports the enemy. It goes without saying that all Americans hope—perhaps without too much confidence—for the success of American arms, and deplore as much as Mr. Johnson does the loss of American lives and terroristic practices by the enemy. But there is no point at all in "lecturing" the Communists on war tactics, to employ the President's phrase, although there might be—this at least is the hope—in urging a course of action by this Country that just might, in the judgment of the critics, lead to a resolution of the conflict.

The very fact that the sort of comment the President apparently would like to hear is missing and the sort he dislikes is present in such abundance would suggest something to a mind less egotistical than his.

Overwhelmingly, this newspaper is convinced, the American people believe we never should have participated in this war. Where opinion differs is over what should be done now that our involvement is a fact. There are those, generally described as the "hawks," who would have us throw everything we have into the effort in an attempt to achieve a military victory as quickly as possible. There are others, generally described as the "doves," who would have us withdraw as rapidly as good strategy will permit. These are the critics of our bombing policy and of any steps which they interpret as escalation of the war.

The President and his advisers are pursuing what seems to be a middle course between these two extremes. They stop short of the unleashing of the full might of our destructive capacity, while accelerating the precsure gradually, in the hope that the enemy will weary of the pace and the price, conclude that the cause is helpless and so come to our terms.

Meanwhile, American boys keep dying in a far off land in a cause which only through a line of reasoning most of us find it impossible to accept can be said to encompass an American obligation or threaten an American right.

It is conceivable that the President is right and his critics—whether they favor withdrawal or intensification of our war effort—are wrong. But none of them on the record is less a patriot than Mr. Johnson.

POINT REYES NATIONAL SEASHORE

The SPEAKER. Under previous order of the House, the gentleman from California [Mr. Don H. Clausen] is recognized for 15 minutes.

Mr. DON H. CLAUSEN. Mr. Speaker, this morning the Senate Subcommittee on Parks and Recreation held the initial hearing on the legislation introduced by Senator Kuchel and myself to increase the authorization of the Point Reyes National Seashore in order to complete the land acquisition of this very important conservation project located in the county of Marin and contiguous to the heavily populated San Francisco Bay area.

In view of the importance of this matter, I believe the Members of the House should be made aware of some of the factors revealed during the presentation of the witnesses appearing this morning. Therefore, I am inserting in the Record the testimony of Mr. George Hartzog, Director of the National Park Service, and Dr. Edward Crafts, Director, Bureau of Outdoor Recreation, in addition to my own brief remarks.

The Park Service has spent a great deal of time studying the matter in preparation for the filing of the report to the House and Senate committees on the Kuchel-Clausen bills.

The Park Service indicates very pointedly the problems—financial problems—they are encountering in a number of the park proposals throughout the country.

The escalating costs associated with land acquisition for park purposes are posing some serious problems that demand the attention of every Member of Congress. In reading this testimony, you will note a number of recommendations on the part of both agencies to cope with these financial problems, including the Park Service's new three-dimension land management proposal for the Point Reyes National Seashore. This proposal recommends the adoption of a land use plan that will establish specific areas for public development, areas for preservation, and areas for private development.

This proposal has some interesting aspects and I shall be seeking the comments and reaction of the people in my congressional district who are concerned and affected; namely, the landowners, conservation groups, and political subdivisions such as the Marin County Board of Supervisors, school districts, and other special assessment districts concerned about the impact on their tax base caused by any park proposal.

During the hearings this morning, the Senator from Nevada, Mr. Bible, suggested that we must be careful and cautious in evaluating this Point Reyes proposal. While I agree with the Senator, I also want to remind my colleagues of the problems associated with procrastination and/or delay. The cost to the Federal Government has quadrupled since this national seashore was authorized. A number of the landowners who did not wish to sell their lands at the time of the authorization have since changed their minds and now desire to sell—yet the Park Service does not have the money to proceed with negotiations. One landowner's wife passed away creating an estate tax problem that was referred to by Senator Kuchel in the hearings today. Recently, a decision on the condemnation proceedings on one of the landholdings resulted in a purchase price of $1,350,000. While this was accepted by the court, it also requires the payment of interest at the rate of 6 percent if the judgment was not paid by July 1, 1966—which means the Federal Government must pay the landowner interest amounting to $221 for each day the balance remains unpaid. This in itself points to the urgency of the situation because no doubt other similar problems will arise.

Of course, we in the Congress could not proceed until such time as the Interior Department report was completed and filed with the appropriate committees, but now that the report and the Park Service recommendation is before us we must give this matter our immediate attention.

Quite frankly, I have chastised the Park Service for taking so long in filing their report because it arrives at a time when the Interior Committees are completing their work for the year. I was told, "Congressman Clausen, you have good reason to criticize us—we deserve it but the problems with Point Reyes are immense and complicated: Also, the demands on our time for existing and new park proposals have been enormous."

This, of course, I can understand, but it does not help those of us who are trying to move the legislation intended to resolve their money problems.

Should the chairman of the Senate and House committees find it impossible to hold or complete adequate hearings during this session, I cannot overemphasize the urgent need to place this request in a position of high priority for the 90th Congress. Certainly, when the problems associated with the gross underestimates of the Point Reyes project are resolved, we could well provide the answers to authorize, not-yet-funded conservation and park programs in other parts of the country.

I hope the Members can find time in your busy schedules to read the following testimony. It will bring you up to date on this complicated conservation project at Point Reyes and at the same time may provide some of you with a few answers to questions being asked about all conservation and park proposals:

POINT REYES NATIONAL SEASHORE

(Statement by Congressman Don H. Clausen, Senate Interior Committee, July 27, 1966)

Mr. Chairman, it is indeed a pleasure to come before this esteemed Senate Committee for the second time in as many months regarding major national park and seashore facilities in my district. I appreciate this very much because both of these projects—the proposed National Redwood Park and the Point Reyes National Seashore—are projects of clear urgency in the eyes of the people as well as in the interest of the federal government.

I said in my earlier appearance that it is most important that the Congress arrive at an accurate estimate of the costs of these projects. And, I pledged to do everything within my power to minimize any inaccurate estimates.

Today, Mr. Chairman, we are faced with a prime example of this. Whatever the cause, the fact of the matter is that when the Point Reyes National Seashore was authorized by the Congress in 1962, the estimate accepted by the Congress at that time was a $14 million figure based on an average cost of about $450 per acre. Other figures were offered, to be sure, but we can only assume that the best judgment of the Congress at that time, based on expert testimony, was that this project would cost $14 million.

I further said to this committee at the Redwood National Park hearing in Crescent City, June 17, that it is my belief that we, in the Congress, have the responsibility of completing the job on existing park proposals such as Point Reyes. Many people are affected by this project and are entitled to expect an early completion. As I said at that time, I have established this as my district's first priority conservation project.

Perhaps this committee will want to probe, to some degree, the great change in estimates for acquisition of the Point Reyes National Seashore. Starting out with a $14 million estimate in 1962, we find the estimate raised to $44.5 million as contained in Senator Kuchel's and my bills and, now, with the Department of the Interior suggesting a change in the basic authorization bill, we find ourselves with an estimate of $57.5 million. This is a startling increase to about four times the original request. Nevertheless, it represents the best thinking at this time, tied in with the major change proposed by the National Park Service, and I urge that full consideration be given to this proposal, as well as to Senator Kuchel's and my bills to increase the authorization to $44.5 million.

The difference is fairly elementary. The 1962 Act creating the National Seashore, the year before I was elected to the Congress, provided for a seashore area of some 53,850 acres, including some 26,000 acres which would remain in private ownership as ranching and dairying properties left in a pastoral state. The bill provided that the National Park Service would not acquire these properties unless the owners made a determination to change their properties from this pastoral state. You may be interested to know that a few of these dairy and ranch owners made this decision immediately, which may account for some of the price increase for acquisition of the seashore.

The National Park Service has now come to the conclusion that this ability on the part of the landowners to arrange sale to the government at their own will, puts the government in a position of facing possible purchase of these lands at the timing of the landowners based upon the increased values of the property caused by the National Park Service's own development at the seashore.

As I understand the Park Service's new proposal, presented to the Committee just today, they would be given the authority, first of all, the negotiate with the landowners for scenic easements guaranteeing preservation of the property in its open, pastoral state. If the landowners refuse to do this, the Park Service will be permitted to condemn and acquire the land immediately at an estimated cost of $26 million of the overall $57.5 million figure.

The Park Service plan, as explained to me yesterday by Mr. Hartzog, calls for multiple-use development of the park with pastoral areas either to (a) remain in private ownership by way of a scenic easement agreement with the government or; (b) be acquired by the government and sold back to the highest private bidder on a contract specifying government scenic reservations or; (c) be leased back to private individuals with these same restrictions. Mr. Hartzog informed me that this proposed change would permit multiple-use development, including riding stables and trails, a golf course, a small shopping center, and permission for housing developments in selected areas, as well as the present pastoral use.

I certainly hope this committee will give careful consideration to the Park Service's proposal. I can assure you that I am making every effort to get this proposal to the Marin County Board of Supervisors, in whose jurisdiction this National Seashore lies, and to the landowners and conservation groups interested. I certainly hope we get a clear statement of position from these involved groups before final action is taken.

Mr. Chairman, much has been said about the Point Reyes National Seashore project in the past five years. It is somewhat like the Vietnam war—much has happened in the past, but it is the situation as we face it now that deserves and requires our attention.

In conclusion, we have had our share of problems relating to the escalating land acquisition costs associated with National Parks. A cursory review will clearly indicate the overwhelming need to increase the authorization and expedite the acquisition of these lands at Point Reyes. You have two proposals before you, the original Kuchel-Clausen bills based upon the Park Service estimate of $44.5 million at that time and the newly recommended proposal of the Park Service for $57.5 million that includes the new land management concept.

At this time, I can only give full support to our original bill, which summarily stated, asks for the increased authorization by the Congress so as to qualify for further appropriations. This, at the least, must be done.

As to the new Park Service recommendation, it would be presumptuous of me to comment without seeking and coordinating the opinions of the local people concerned and affected.

Therefore, I would ask this committee to hold additional hearings, possibly in the field, permitting these people to testify. Also, I would ask unanimous consent from the committee to leave the record open, thereby permitting people desiring to offer comments to have their remarks included in the record. I will be writing asking for their opinions.

Again, Mr. Chairman, I am most pleased to appear again before this fine committee.

STATEMENT OF PARK SERVICE DIRECTOR HARTZOG FOR DEPARTMENT OF THE INTERIOR BEFORE THE SUBCOMMITTEE ON PARKS AND RECREATION, SENATE COMMITTEE ON INTERIOR AND INSULAR AFFAIRS, IN SUPPORT OF LEGISLATION "TO AMEND THE ACT OF SEPTEMBER 13, 1962, AUTHORIZING THE ESTABLISHMENT OF A POINT REYES NATIONAL SEASHORE IN THE STATE OF CALIFORNIA, AND FOR OTHER PURPOSES," JULY 1966

Mr. Chairman we strongly recommend enactment of the legislation which was submitted to the Congress by the Department's letter dated July 22, 1966.

The effect of the bill is to increase the amount that may be appropriated for land acquisition at Point Reyes National Seashore from $14 million to $57,500,000—an increase of $43,500,000. It will also provide us with new legal tools, in the form of selling and leasing authority, with which to recoup some of the acquisition cost. This Committee only recently approved legislation of Piscataway Park in Maryland wherein similar authority is needed. That legislation has since been enacted by the Congress as Public Law 89–513.

Since the Point Reyes National Seashore was authorized in 1962, we have been able to acquire only about 16,000 of the total 53,850 acres of land within the boundary. The entire $14 million that was authorized has been appropriated. In order to complete the land acquisition program, we will need an additional $43,500,000 to acquire the remaining lands at today's prices.

There are two principal reasons why we have been unable to acquire all the land within the original $14 million authorization: First, land prices at Point Reyes have skyrocketed; and second, funds sufficient to acquire the 26,000 acres of ranching and dairying lands were not included in the original authorization.

The increase in land prices has been due in large part to the impending development of the lands within the boundary as a Federal park. Subdivision activity and land speculation has also contributed to the rise in land values by creating an artificial price base.

The Congressional purpose expressed in the 1962 act is "to save and preserve, for purposes of public recreation, benefit, and inspiration, a portion of the diminishing seashore of the United States that remains undeveloped . . ." To carry out that purpose, Congress authorized the acquisition of property within the boundary of the seashore. This acquisition authority was limited, however, with respect to an area of 26,000 acres which was a ranching and dairying zone. Within this zone the Secretary of the Interior is prohibited from acquiring any parcel of more than 500 acres without the owner's consent.

At the time of the initial authorization it was contemplated that there would be no need to acquire property within this ranching and dairying zone. The report of the Senate Committee on Interior and Insular Affairs stated:

"By its principal amendment to section 4, the committee has provided for a pastoral zone of 26,000 acres which shall not be acquired by the Secretary without the consent of its owners as long as the land remains in its natural state or is used exclusively for ranching and dairying purposes. Such a provision permits a reduction of land acquisition costs as well as the fostering of long-established ranching and dairying activities which, in the committee's judgment, will not interfere with the public enjoyment and use of those areas on the Point Reyes Peninsula most suitable for recreational pursuits . . . By its amendment to section 8, the committee has limited expenditures for land acquisition purposes to $14 million. Original estimates for the acquisition of 53,000 acres or certain rights therein approximated $20 million. A reduction in that estimate has been effected by the provision permitting the retention in present ownership of some 26,000 acres to be designated in the pastoral zone." (Senate Rept. No. 807, 87th Congress, 1st Session, page 10.)

The Department is fully in accord with the purpose of section 4 of the act, as expressed in the quoted portion of the committee report. We believe that ranching and dairying are compatible uses and should be allowed to continue. However, to assure that the Department will not at some future time be faced with an adverse development and no authority to request funds to acquire the property, we believe the legislation should permit acquisition of all property in the seashore. Those areas where compatible private uses could continue would be either acquired in fee and sold or leased with appropriate restrictions, or we could acquire easements in such lands (if offered at reasonable prices) which restricted their development.

In working out a land management program which takes into account the purposes of section 4, we have developed three zones of land use for Point Reyes: Public development, preservation, and private development. In the first two zones we expect to acquire the fee simple title. In the private development zone, appropriate private uses would be permitted to continue, as discussed above.

We believe that the increased monetary authorization in this legislation, together with the authority to sell and lease lands in the private development zone will permit us to acquire the land needed for the seashore, permit compatible private uses to continue, and enable the Government to recoup as much as $82,200 per year from leases, and as much as $8,356,200 in total from sales subject to restrictions. This money will be returned to the Land and Water Conservation Fund, which is the source of land acquisition appropriations.

In our view, enactment of this legislation will permit the Department to carry out the will of Congress both as it relates to preservation of the seashore and as it relates to compatible private uses.

Thank you very much.

Statement by Edward C. Crafts, Director, Bureau of Outdoor Recreation, Department of the Interior, Before the Parks and Recreation Subcommittee of the Senate Interior and Insular Affairs Committee on the Land and Water Conservation Fund, July 27, 1966

Mr. Chairman, the bill before you has to do specifically with a proposed increase in authorization for the Point Reyes National Seashore.

I know from numerous conversations over the past year or two with the Chairman and other Members of this Committee, with Representatives of the House, with members of the Administration and both the House and Senate Appropriations Committees, and others, of the growing concern as to the adequacy of the Land and Water Conservation Fund to meet the financial obligations expected to be imposed upon it. Similarly, there is concern over the rising trend in prices for Federal and State acquisitions of recreation lands and open spaces.

The House Appropriations Committee has requested "the Department of the Interior to give this matter their immediate attention with the view to proposing remedial legislation at the earliest possible moment that will more effectively protect the interests of the Government in this connection." My statement this morning deals briefly with these questions.

The President in his Message to the Congress on our National Heritage last winter requested the Secretary of the Interior, the Justice Department, and the Bureau of the Budget to investigate the rising trend in land prices.

Within the Department of the Interior, this is being done cooperatively by the Bureau of Outdoor Recreation, National Park Service, and the Solicitor's Office. The matter has been brought to the attention of the President's recently created Council on Recreation and Natural Beauty.

The General Accounting Office may also be looking into escalation in land prices and it has been the subject of press comment in recent weeks.

We are now analyzing the situation in the expectation that there may be proposals offered to the Congress next winter. We have in the course of the past year responded to inquiries from Members of the House Interior and Insular Affairs Committee. In recent testimony before this Committee in connection with the proposed Connecticut River National Recreation Area, Chairman Bible made it very clear that this is a vexatious problem that concerns both this Committee and the Appropriations Committees.

To report to you now in a sense is premature, but I shall try to give you a brief summary of the picture as we see it at the present time.

We believe that some of the most substantial increases in land prices have occurred following public knowledge of Federal interest in certain areas for outdoor recreation purposes. We don't know at the moment whether this tends to happen when the Executive Branch expresses an interest, when bills are first introduced, when legislation is enacted, when the first purchases begin, or at just what stage. This is one of the things we are trying to determine.

It is important also to bear in mind that there has been a general up-swing in the price of rural land estimated by the Department of Agriculture to be about 300 percent between 1945–1965.

Another indicator is that the Forest Service through its purchases under authority of the Weeks Law was paying in 1965 on the average about five times more than it paid in 1950.

The Park Service reports an average increase of 6 percent per year on lands in established areas in the East, and 10 percent on such lands in the West. If these increases are compounded, it means that the cost of land will double in about 10 years.

Now as to the Land and Water Conservation Fund, I would like to make a series of points:

(1) The Fund has a 25-year life and our best estimate at the moment is that the total revenue to the Fund over this period will be about $3.4 billion. On a ratio of 60% to the States and 40% to Federal agencies, this means that the Federal agencies will get $1.4 billion and the States, $2 billion. For present planning purposes, our breakdown of the $1.4 billion is as follows:

	Million
National Park Service	$700
Forest Service	500
Bureau of Sport Fisheries and Wildlife and Federal water projects	200

(2) Our immediate problem is the next five or six years. This is because of the large new recent authorizations, such as Delaware Water Gap, Whiskeytown-Shasta-Trinity, Assateague, and so on. We propose, if the Budget Bureau and the Congress agree, to utilize most of the advance appropriation authorized under the Fund Act in the four years beginning with Fiscal Year 1968 at the rate of $100 million annually. In the fifth year, advance appropriations would necessarily drop substantially because the advance appropriation authorization is limited presently to a total of $480 million. Coupling advance appropriations with expected annual revenues of $125 million, this means that the Fund will have about $1 billion to spend over the next five years for all purposes.

A substantial impact on some key areas will be made in Fiscal Year 1967. For example, the 10 units where the most money is going to be spent are:

Delaware Water Gap NRA, Pa. and N.J	$6, 339, 500
Assateaque Island NS, Md	3, 860, 000
Fire Island NS, N.Y	3, 000, 000
Whiskeytown NRA, Calif	1, 425, 000
Grand Teton NP, Wyo	1, 328, 800
Cape Cod NS, Mass	1, 000, 000
Great Falls, Va	1, 000, 000
Olympic NP, Wash	994, 200
Virgin Island NP, V.I	738, 700
Herbert Hoover NHS, Iowa	630, 000

(3) Attached is a tabulation that shows our very preliminary planning for the Land and Water Conservation Fund through 1972. It shows that the National Park Service through 1972 would receive about $370 million to $375 million. (Table 1.)

(4) The critical needs of the National Park Service in the next five years are estimated at roughly $380 million to $385 million as shown in Table 2. We should be able to make a very substantial impact on the major acquisition needs of the National Park Service, including new needs and increased authorizations where present limitations are insufficient.

(5) There are 48 areas in the Park Service system which have statutory acquisition ceilings and these ceilings total $169 million. (Table 3.) We know that for some 18 of these areas present ceilings will be inadequate and if those are indicative, the ceilings where there are limitations will need to be somewhat more than doubled. Allowances for this, however, are made in the $380 million estimated need for the next few years.

On the other hand, it doesn't cover any increases in ceilings for some 22 areas (table 3) where we don't know yet whether the ceilings are high enough. Also, although estimated needs are included for some 20 new proposals (Table 2), there may be others that aren't foreseen at the present time. Furthermore, the estimates are based on 1966 land values and make no allowance for further inflation.

(6) Therefore, my general conclusion is that if the estimated program needs shown in Table 1 can be met, the National Park Service can make a very substantial impact on its acquisitions during the next five years.

But I would also estimate that the $700 million calculated presently as the total amount to be made available to the Park Service out of the Land and Water Conservation Fund over the 25-year period probably will be insufficient.

(7) There is another possible impact on the Land and Water Conservation Fund which has not even been mentioned. This also tends to question the adequacy of present inputs to the Fund.

There are pending court condemnation cases in 13 units of the National Park Service system. If the court awards must be paid from the Land and Water Conservation Fund, these awards could throw our estimates considerably out of kilter. The units are: Big Hole National Battlefield, Cape Hatteras National Seashore, Colonial National Historic Park, Fire Island National Seashore, Fort Raleigh, George Washington Memorial Parkway, Gettysburg National Military Park, Home of F.D.R., Manassas National Battlefield Park, Minute Man National Historical Park, Padre Island National Seashore, Point Reyes National Seashore, Yosemite National Park.

As to what to do about the problem of financing recreation and open space acquisitions and to minimize the impact of escalation in real estate prices, there are a number of possibilities which we are exploring at the present time. These alternatives include the following, or some combinations thereof:

(a) Increased Federal funding through fully utilizing advance appropriations thus placing more money promptly into the Land and Water Conservation Fund or by use of currently unearmarked Interior Department receipts;

(b) A form of deficit financing by paying part of the cost immediately and giving the purchaser the balance in Government bonds;

(c) Paying for a portion of the cost immediately with an option to pay the balance over time with interest;

(d) Issuance of Federally backed bonds by River Basin or other groups having bonding authority for immediate purchase with repayment over time from the Land and Water Conservation Fund;

(e) Establishment of a revolving fund by private foundations to purchase lands and hold them until Federal funds are available;

(f) Provide for a special capital gains tax rate for properties in Federal recreation areas which would be applicable from date of authorizing act or other appropriate date;

(g) Encourage non-Federal zoning;

(h) Acquire fee simple title and provide for sellback of unneeded interests or leaseback with the income to go into the Fund;

(i) Authorize Federal zoning for areas approved for acquisition pending purchase;

(j) Acquire less than fee interest through easements or other devices.

I hope that this brief summary will be helpful to the Committee.

Certainly, I can assure you that we are very cognizant of the problem, that we are trying to make reasonable estimates as to what may be expected from the Land and Water Conservation Fund, that during the next five years (if we can utilize the advance appropriations authorized), the Fund can make a very substantial impact toward getting on top of the problem, and lastly, that there are other devices to discourage unwarranted increases in land prices that should be carefully and seriously considered.

Attached are pertinent excerpts from the President, from the House Committee on Appropriations, from the Senate Committee on Appropriations and from the testimony before the Appropriations Committee of the Chairman of the House Committee on Interior and Insular Affairs.

PERTINENT EXCERPTS

The rapidly rising cost of land is a matter of increasing concern both to the executive and legislative branches of the Government. The President stated in his February 23 Message on Preserving Our Natural Heritage that "landowners whose property is acquired by the Federal Government are, of course, entitled to just compensation as provided by the Constitution. At the same time, land for the use of the general public should not be burdened with the increased price resulting from speculative activities."

At the same time the President requested the heads of certain agencies principally concerned, including the Secretary of the Interior, to investigate procedures for protecting the Government against "artificial price spirals." Such an investigation is now in progress.

The House of Representatives Committee on Appropriations, in its report of March 31, 1966, on the bill making appropriations for the Department of the Interior and related agencies for fiscal year 1967, expressed its concern as follows:

"The Committee is seriously concerned with developments in the land acquisition program under the Land and Water Conservation Fund. Fundamentally, the Committee endorses the idea of the acquisition of various land areas within the Nation for the preservation of natural scenic beauty, the provision of recreation areas for our increasing population, and the preservation of wildlife habitat. In the opinion of the Committee, the enactment of the Land and Water Conservation Act to accomplish this purpose provided a very logical and practical arrangement.

"However, the Committee is increasingly perturbed at the escalation of land prices in areas designated for acquisition under the Land and Water Conservation Fund Act as the result of extensive operation of land speculators. The objectives of this program as mentioned heretofore are not the enrichment of those individuals who seek to capitalize on the Government's intention to achieve this objective.

"The Committee has given serious thought to this problem and has discussed it with the director of the Bureau of Outdoor Recreation in the hearings this year. Apparently there is no ready solution to the aggravating problem. Perhaps it will require a complete revision in our method of providing funds for the acquisition of these lands.

"As the situation now exists, from the moment authorization is enacted to declare an area a National Park, wilderness, or other conservation unit, a period of from two to three years elapses before funds are available for the acquisition of this land and the agency has completed the long drawn out and involved negotiations for the purchase of the land. In the meantime, the land speculators have entered the picture, and by the time the Government is in a position to purchase the land, the land prices have increased in many cases from two to three hundred percent over what they were prior to the designation of the area for Federal acquisition.

"The Government does have recourse to condemnation proceedings in these cases. However, testimony before the Committee has been to the effect that when acquisition of land progresses to condemnation action the Government finds itself in a position of paying inordinately more for the land than it was worth a few years previous, and in many cases, more than it could have been acquired for through informal negotiation with the owner.

"The Committee was pleased to note that the President, in his conservation message to Congress, warned that 'land for the use of the general public should not be burdened with the increased price resulting from speculative activities.' He called on several agencies to look for ways to protect the Government from 'artificial price spirals.' It is the feeling of the Committee however, that effective action to correct this undesirable situation must be taken at the earliest moment. Without exception these federal land acquisitions will be beneficial to local surrounding areas. The Committee feels that local jurisdictions should cooperate in preventing the unwarranted increases in land prices by exercising their local zoning authorities to a greater extent.

"The Committee requests that the Department of the Interior give this matter their immediate attention with a view to proposing remedial legislation at the earliest possible moment that will more effectively protect the interests of the Government in this connection.

"This Committee will be glad to cooperate in any way possible to achieve this objective. It would be most regrettable if in the near future the Committee found it necessary to refuse the recommendation of any additional funding for this program because of the unwarranted escalation in land prices which attended the Government's interest in various areas of the country." (H.R. Rept. No. 1405, 89th Cong., 2d Sess. 4–5 (1966)).

Similarly, the Senate Committee on Appropriations, in reporting on Department of the Interior and related agencies appropriations bill for fiscal year 1967 on May 10, 1966, expressed its concern as follows:

"Because of the numerous purchases which have recently been authorized for Federal recreational facilities it appears desirable to the committee that the maximum amount possible be made available to accomplish these purchases. This is especially necessary, it is felt by the committee, in view of rapidly rising land prices." (S. Rept. No. 1154, 89th Cong., 2d Sess. 10 (1966).)

Chairman Wayne N. Aspinall in early 1966 testified before the House Appropriations Subcommittee on the Department of the Interior Budget for fiscal year 1967, as follows:

"Another factor in the rising costs of land acquisition which are being experienced between the time of authorization and the ultimate appropriation by the Congress is the natural increment of speculation. A greater effort must now be made to prevent speculative profits which have as a basis primarily the promise of investment by the Federal Government. The answer is not a simple one—but it is time for us to make an effort to determine if there is any way by which we can protect the interest of the taxpayer against unconscionable profits as we continue to go forward with these acquisition programs.

"One step in the right direction, Mr. Chairman, in resolving these problems, appears to be to follow up authorization of projects with the necessary acquisition funds as rapidly as possible. This should have the effect of protecting the taxpayer and, at the same time, permit existing landowners to dispose of, and recover the value of, their property which they cannot use or develop as they wish because it is within the taking area."

TABLE 1.—*Present and proposed future land and water conservation fund program, 1965–72*

[In millions]

	1965–66	1967	1968	1969	1970	1971	1972
State assistance	$94.8	$65.7	$100	$100	$100	$135	$95
Federal programs:							
NPS	26.7	23.4	93	83	73	43	29
Forest Service	18.0	18.1	26	34	44	44	24
B.S.F. & W		.2	3	5	5	5	4
Subtotal	44.7	41.7	122	122	122	92	57
Administrative expenses	1.5	2.6	3	3	3	3	3
Total	141.0	110.0	225	225	225	230	155
Estimated revenue	141.0	110.0	125	125	125	130	135
Proposed advance appropriations			100	100	100	100	20
Total	141.0	110.0	225	225	225	230	155

NOTE.—Proposed 5-year program under the Land and Water Conservation Fund Act prepared and recommended by Bureau of Outdoor Recreation. The 5-year program begins with fiscal year 1968.

TABLE 2.—*Estimate of land acquisition for units of the national park system as of July 1, 1966* [1]

Established areas	$114,000,000
Authorized areas not yet established [2]	[3] 124,000,000
New units [4]	144,000,000
Total	382,000,000

[1] Estimates are based on present price levels.

[2] Thirty areas, such as Assateague Island, Cape Cod, Delaware Water Gap, Fire Island, Minute Man, Ozark Riverways, and Point Reyes.

[3] Estimate includes increases in limitation where present statutory limits need raising to allow for complete land acquisition within the authorized boundary.

[4] Twenty major proposals included for which basic studies are essentially complete. These include those pending before the Congress, such as Bighorn Canyon NRA, Guadalupe Mountains National Park, Indiana Dunes National Lakeshore, Oregon Dunes National Seashore, St. Croix National Scenic Riverway, San Juan Island National Historic Park, and Sleeping Bear Dunes National Lakeshore. The estimated land acquisition cost for the proposed Redwood National Park is included in this figure.

TABLE 3.—*Areas in the national park system for which there are statutory fiscal limitations for land acquisition*

Number	Area	Ceiling authorized	Date of authorization	Ceiling reached with fiscal year 1966 or earlier year appropriations	Estimated ceiling needed	Estimated needed increase in ceiling [1]
1	Delaware Water Gap NRA, Pa., N.J.	$37,412,000	Sept. 1, 1965	No		
2	Whiskeytown-Shasta-Trinity NRA, Calif.	[2] 21,600,000	Nov. 8, 1965	No		
3	Assateague Island NS, Md., Va.	16,250,000	Sept. 21, 1965	No		
4	*Cape Cod NS, Mass.	*16,000,000	Aug. 7, 1961	No	*$28,000,000	*$12,000,000
5	*Fire Island NS, N.Y.	*16,000,000	Sept. 11, 1964	No	*21,000,000	*5,000,000
6	*Point Reyes NS, Calif.	*14,000,000	Sept. 13, 1962	Yes	*57,500,000	*43,500,000
7	*Independence NHP, Pa.	[3] *7,950,000	Aug. 21, 1964	Yes	*14,200,000	*6,250,000
8	Ozark National Scenic Riverways, Mo.	7,000,000	Aug. 27, 1964	No		
9	*Padre Island NS, Texas	5,000,000	Sept. 28, 1962	Yes		
10	*Minute Man NHP, Mass.	*5,000,000	Sept. 21, 1959	No	[4] *8,000,000	[4] *3,000,000
11	Vicksburg NMP, Miss.	[5] 2,050,000	June 4, 1963	No		
12	*Everglades NP, Fla.	*2,000,000	July 2, 1958	No	*7,000,000	*5,000,000
13	*Colonial NHP, Va.	*2,000,000	Mar 3, 1931	Yes	*4,198,800	*2,198,800
14	Herbert Hoover NHS, Iowa	[6] 1,650,000	Aug. 12, 1965	No		
15	*Virgin Islands NP, V.I.	*1,250,000	Oct. 5, 1962	No	*8,000,000	*6,750,000
16	*Lake Mead NRA, Ariz., Nev.	*1,200,000	Oct. 8, 1964	No	*3,892,000	*2,692,000
17	Golden Spike NHS, Utah	1,168,000	July 30, 1965	No		
18	Great Falls, Va.	1,000,000	Oct. 10, 1965	No		
19	Hubbell Trading Post NHS, Ariz.	[6] 952,000	Aug. 28, 1965	No		
20	Piscataway Park (Mockley Point), Md.	4,100,000	Oct. 4, 1961	No	4,100,000	
21	Roger Williams NM, R.I.	700,000	Oct. 22, 1965	No		
22	Nez Perce NHP, Idaho	630,000	May 15, 1965	No		
23	Fort Larned NHS, Kansas	454,000	Aug. 31, 1964	Yes	454,000	None
24	Allegheny Portage NHS, Pa. Johnstown Flood NHS, Pa.	445,000	Aug. 31, 1964	Yes	445,000	None
25	*Fort Smith NHS, Ark.	*319,000	Sept. 13, 1961	Yes	*864,000	*545,000
26	Agate Fossil Beds NM, Nebr.	301,150	June 5, 1965	No		
27	Harpers Ferry NHP, W. VA., Md.	300,000	July 14, 1960	Yes	300,000	None
28	Morristown NHP, N.J. (boundary change)	281,000	Sept. 18, 1964	Yes	281,000	None
29	*Cape Hatteras NS, N.C.	*250,000	Aug. 6, 1956	Yes	(*[4])	(*[4])
30	*Fort Donelson NMP, Tenn.	*226,000	Sept. 8, 1960	Yes	(*[7])	(*[7])
31	John Muir NHS, Calif.	169,000	Aug. 31, 1964	Yes	169,000	None
32	Kennesaw Mtn. NBP, Ga.	155,000	June 26, 1935	Yes	155,000	None
33	Mesa Verde NP, Colo.	125,000	Dec. 23, 1963	No		
34	Fort Davis NHS, Tex.	115,000	Sept. 8, 1961	Yes	115,000	None
35	*Fort Necessity NB, Pa.	*115,000	Aug. 10, 1961	Yes	*423,500	*308,500
36	Appomattox Court House, Va.	100,000	Aug. 13, 1935	No		
37	Petersburg NB, Va.	90,000	Aug. 24, 1962	No		
38	*Lincoln Boyhood NM, Ind.	*75,000	Feb. 19, 1962	Yes	*255,000	*180,000
39	*Shiloh NMP, Tenn.	[8] *57,100	July 3, 1926	Yes	*113,200	*56,100
40	Cumberland Gap, Ky., Tenn., Va.	30,000	July 26, 1961	No		
41	Arkansas Post, Ark.	25,000	July 6, 1960	No		
42	*Big Hole NB, Mont.	*20,000	May 17, 1963	Yes	(*[4])	(*[4])
43	Fort Frederica NM, Ga.	20,000	May 16, 1958	No		
44	Wilson's Creek BNP, Mo.	20,000	Apr. 22, 1960	No		
45	Scott's Bluff NM, Nebr.	15,000	June 30, 1961	No		
46	Alibates Flint, Tex.	5,000	Aug. 31, 1965	No		
47	Capulin Mtn. NM, N. Mex.	2,500	Sept. 5, 1962	Yes	2,500	None
48	*Effigy Mounds NM, Iowa	*2,000	May 27, 1961	Yes	(*[7])	(*[7])
	*Subtotal for 18 areas for which additional fiscal ceiling is now believed needed	71,464,100			[9] 153,446,500	[9] 87,480,300
	Subtotal for 8 areas for which no additional ceiling needed	1,921,500			1,921,500	None
	Subtotal for 22 areas for which it is not now known if additional ceiling needed	95,243,150				
	Grand total	168,628,750				

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[1] These are tentative, preliminary estimates which are subject to change.

[2] Total ceiling, including ceiling on land acquisitions by the Forest Service in the Whiskeytown-Shasta-Trinity National Recreation Area.

[3] The act of June 28, 1948, providing for the establishment of the Independence National Historical Park, authorized $4,435,000 for land acquisition. Subsequent authorizations have brought the total to $7,950,000. The last authorization was contained in Public Law 88–477 of Aug. 21, 1964, was for $200,000, which was appropriated in fiscal year 1965.

[4] In condemnation. Increase needed will depend on court award.

[5] Land acquisition and construction and relocation of roads.

[6] Land acquisition and development.

[7] Firm estimate has not been made.

[8] When the Shiloh National Military Park was authorized by act of June 4, 1897, a fiscal limitation of $50,000 for land acquisition was imposed. The act of July 3, 1926, raised this an additional $7,100. Appropriation of the $7,100 was not completed until fiscal year 1962.

[9] Not including estimates for 5 areas for which increases will depend on court award or are not yet available.

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Area	*No.*
Agate Fossil Beds NM, Nebr	26
Alibates Flint, Tex	46
Allegheny Portage NHS, Pa	24
Appomattox Court House, Va	36
Arkansas Post, Ark	41
Assateague Island NS, Md.-Va	3
Big Hole NB, Mont	42
Cape Cod NS, Mass	4
Cape Hatteras NS, N.C	29
Capulin Mtn. NM, N. Mex	47
Colonial HNP, Va	13
Cumberland Gap, Ky.-Tenn.-Va	40
Delaware Water Gap NRA, Pa.-N.J	1
Effigy Mounds NM, Iowa	48
Everglades NP, Fla	12
Fire Island NS, N.Y	5
Fort Davis NHS, Tex	34
Fort Donelson NMP, Tenn	30
Fort Frederica NM, Ga	43
Fort Larned NHS, Kans	23
Fort Necessity NB, Pa	35
Fort Smith NHS, Ark	25
Golden Spike NHS, Utah	17
Great Falls, Va	18
Harpers Ferry NHP, W. Va.-Md	27
Herbert Hoover NHS, Iowa	14
Hubbell Trading Post NHS, Ariz	19
Independence NHP, Pa	7
John Muir NHS, Calif	31
Johnstown Flood NHS, Pa	24
Kennesaw Mtn. NBP, Ga	32
Lake Mead NRA, Ariz.-Nev	16
Lincoln Boyhood NM, Ind	38
Mesa Verde NP, Colo	33
Minute Man NHP, Mass	10
Morristown NHP, N.J. (boundary change)	28
Nez Perce NHP, Idaho	22
Ozark National Scenic Riverways, Mo	8
Padre Island NS, Tex	9
Petersburg NB, Va	37
Piscataway Park (Mockley Point), Md	20
Point Reyes NS, Calif	6
Shiloh NMP, Tenn	39
Scott's Bluff NM, Nebr	45
Vicksburg NMP, Miss	11
Virgin Islands NP, V.I	15
Whiskeytown-Shasta-Trinity NRA, Calif	2
Wilson's Creek BNP, Mo	44

TWO MONTHS IN VIETNAM

Mr. WALDIE. Mr. Speaker, I ask unanimous consent that the gentleman from California [Mr. CORMAN] may extend his remarks at this point in the RECORD and include extraneous matter.

The **SPEAKER.** Is there objection to the request of the gentleman from California?

There was no objection.

Mr. CORMAN. Mr. Speaker, Wally McNamee, staff photographer for the Washington Post, has recently returned from 2 months of covering the war in Vietnam.

His comments, found in the June 1966 publication of the White House News Photographers Association, will be of particular interest at the present time. Under general leave to extend my remarks, I insert into the RECORD the White House News Photographer interview with Mr. McNamee:

McNAMEE CALLS UNITED STATES VIETNAMESE COVERAGE TOPS

Question. Wally, there has been criticism, even from within our own business, on the lack of responsibility used in the war coverage. The AP and UPI recently have even been attacked on the floor of Congress for handling "phony pictures." How do you feel about these charges?

Answer. There have been examples of poor coverage of the war, but I feel they are isolated. When you think of the hundreds, even thousands of pictures produced by the wire services and other people in Viet Nam, you realize what a fantastic job is being done over there. It's easy to cover the war itself. That's like going to a baseball game and waiting for something to happen. Reporting the war in words is the same way. Covering the political part of the struggle is almost impossible because nobody can really understand what's going on. Things change rapidly and the Vietnamese are sometimes reluctant to talk to the Americans. For instance, I tried to get to (militant Buddhist leader) Tri Quang for two weeks but was never permitted to see him.

Question. What do you think of the political coverage? Is it factual? As little as a year ago, some of the correspondents were battling their offices over what the true picture was.

Answer. I think the people I met there are good and honorable men doing a testing job. I think that personal opinions have to become involved because the men are personally involved themselves. They are bound to have personal opinions. With the political situation the way it is, Buddhists protesting, elections being scheduled, and questions being asked as to whether or not the Americans will stay, it had to be interpreted as well as written as a news story. What happens in Viet Nam is going to be up to the people of the country themselves. The American press, therefore, has to look the situation over very carefully.

Question. Then you feel the war is being covered fairly.

Answer. Yes, but remember there is a difference between the political story and the actual war. They are both covered fairly and well. For the war coverage, the reporters and photographers go where the war is. They see for themselves what is happening.

Question. Then the stories about the correspondents covering the war from Saigon are not true?

Answer. Well, no, it is true in some cases. In fact, you can sit at the bar on the 6th floor of the Majestic Hotel near the Saigon Riverfront some nights and watch the war being fought across the water. Maybe only 10 or 20 miles away. You see the mortar pattern and the flare ships.

Question. Were you in combat in Korea?

Answer. Yes. I was a photographer there too. But it's a different kind of war in Viet Nam. So much of the fighting in Korea, when I was there in 1953 and '54, was done at night. No one took many pictures. You couldn't use flash, and people get tired of looking at tracer patterns and search lights. This is one of the reasons so many great pictures are coming out of Viet Nam. So much of the fighting is in the daylight. Then too, the cameras have improved so much. People can carry small cameras, lots of film and extra lenses.

Question. What kind of equipment did you take to Viet Nam?

Answer. I had three Nikon F's with five lenses. A 28mm, 35mm, a 50mm, a 150mm and a 200 mm. All performed well. I didn't take a motor. I carried 200 rolls of Tri-X, 36 exposure film, 60 rolls of Ektachrome X and 40 rolls of highspeed Ektachrome. All the color film was outdoor type. This proved to be plenty of film. In fact, I had to ship some home when I left Saigon.

Question. How did you work in the field?

Answer. I wore a pack. It's a lot easier than trying to handle a camera bag. The first time I went out I carried three cameras with a lens on each. But this proved awkward. One camera was always slipping or hooking onto a vine. After that I carried only two cameras—one with a 35mm and one with a 105mm. A 200 was always in my pack. This combination is what most of the photogs carried in the field and proved very adequate. Some of the people carried Tele-extenders, too.

Question. How about food and clothes when you're out in the field? Does the military give you that?

Answer. No, they won't give you or allow you to buy army uniforms. You have to buy them on the black market or from a surplus store. I didn't have any of this stuff when I got there so I had to scrounge. Fatigues, pack, cartridge belt, and canteens.

Question. What is your estimate of the war itself? How does it look compared to Korea?

Answer. Well, in Vietnam, when a unit gets into a fight, they don't send everybody charging in. They call on firepower and artillery and air strikes and really blast 'em. When I was in Korea it was all trench warfare. We would send out probes and recon patrols. There was a stalemate and we were trying to hold onto what we had without getting the other guys too mad at us. In Vietnam the war is entirely different. There is no front line. You go through a village one day and it's like a Sunday afternoon walk. But a day or week or month later you can be in the fiercest fight in the world in the same place. The Viet Cong choose the fighting time and the fighting place. They want to fight you on their own terms and in spots where they figure they have a good chance.

Question. In this operation, then, you live as a civilian?

Answer. Right. The military will take care of you as best they can while you're in the field.

Question. When it's time to take pictures of the war, what do you do?

Answer. The first day, the MACV (Military Assistance Command-Viet Nam) people advise you of the various ways of getting around the country. The army runs passenger flights starting from Saigon each day to major concentration areas. So, if you decide you want to go to An Khe, where the 1st Cavalry is based, you call the Special Projects Officer the night before and he books you on this flight. If you don't make prior arrangements, you just go out to the airport and walk up the flight line asking the pilots where they're headed. Most times they're very accommodating. The Marines try to keep an escort with you all the time, but then, each outfit does it differently. With the 1st Cav., it's all up to you. They advise you that something is happening here, or there, and you go with them if you choose. You ride with Medevacs, or re-supply helicopters or walk in with the troops.

Question. Aside from being a newspaper man, simply as a citizen who has got some indication, are you personally satisfied with the way the war is being fought? Not just the individual unit or fighting man, but are you convinced that the U.S. is in Viet Nam for a good reason?

Answer. I sure am. I'm satisfied that we should be there and fighting the way we are. We should continue to do it this way as long as we're welcome. As long as the government of South Viet Nam wants us.

Question. If a government should take over in Saigon and ask us to leave, do you think we should?

Answer. Yes, definitely. We're there under a legal commitment. We were asked there by the government of South Viet Nam, and if that government says they don't want us any more, I don't see how we can stick around. If we didn't leave, any military victory would be negated by the trouble we'd be in around the world. Personally I don't think the U.S. can keep going into countries any time they feel they have to. That way we're just as bad as the other guy. We may say "you're doing the wrong thing if you chase us out of here, pal," but we'd have to go. After all, it's their country.

Question. Were you satisfied with the trip and its results?

Answer. Yes, but I was just getting to know my way around when I had to leave.

COMMISSIONING OF UNITED STATES SHIP "FLASHER"

Mr. WALDIE. Mr. Speaker, I ask unanimous consent that the gentleman from Louisiana [Mr. BOGGS] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. BOGGS. Mr. Speaker, one of the most noble and inspiring speeches I have ever read was made last Friday at the U.S. Naval Submarine Base, Groton, Conn., by our colleague, Congressman GEORGE GRIDER, of Memphis, Tenn. The occasion of this wonderful address was the commissioning of the U.S. ship *Flasher*, a new and powerful nuclear submarine, equipped with Polaris missiles.

This occasion—the commissioning of a new submarine *Flasher*—was particularly poignant for GEORGE GRIDER, for it was he who commanded the old U.S.S. *Flasher* in World War II. As commander of that submarine in the war, Captain GRIDER directed the sinking of more enemy tanker tonnage than has ever been sunk on any single patrol by any other submarine in history. GEORGE GRIDER was truly one of our Nation's naval heroes in World War II, and I am proud to salute him once again for his courage and his distinguished service for our country, both in war and now in peace.

What GEORGE GRIDER did for our country in World War II in the highest traditions of devoted public service, he is now doing for the people of Memphis in the House of Representatives. Never more powerfully expressed in my experience was GEORGE GRIDER's remembrance, of his realization as skipper of the U.S.S. *Pollack*, of the injustice of prejudice between men because of the differences in the color of their skins, their religions, their national origins, and so on.

But let GEORGE GRIDER's powerful words speak for themselves:

If you will forgive a personal reference, I came into the Navy as a product of the Southern way of life as it existed in 1932. In my childhood I even knew an ancient gentleman named Uncle Charlie who had once been a slave on my grandfather's plantation. I was the product of that environment, and brought aboard my first submarine all of the prejudices and misconceptions that such a background produces. My service on submarines was one of the most democratizing experiences of my life. And never more intense than when I had the privilege and duty of command.

One night, nearly a quarter century ago, the U.S.S. *Pollack* was at test depth, trying to elude a long, persistent and accurate depth charge attack. The heat inside the hull was overpowering. We were all exhausted, discouraged and afraid.

In that time of great trial, I looked around the control room and saw—for the first time, really saw—human beings from four races and from so many national origins that I could not count them. Literally and figuratively, as this one great nation is today, we were all in the same boat together. I realized then with stunning force, the arrogance, the futility and the comedy of any human being's thinking that he was entitled to preferential treatment either from his Maker or from his society because of such inconsequential and accidental considerations as color or place of birth. For a long moment I no longer heard the depth charges outside.

This remembrance, coupled with GEORGE GRIDER's actions today, reveal the strength of character in our fellow colleague, and I am pleased to share his friendship and enjoy his advice and counsel. I commend to my fellow colleagues this splendid address which Congressman GRIDER delivered last Friday at Groton, Conn., on the occasion of the commissioning of the new U.S.S. *Flasher* as a member of our nuclear submarine fleet. His message is courageous, inspiring, and noble. The speech follows:

COMMISSIONING OF UNITED STATES SHIP "FLASHER" (SSN-613) FRIDAY, JULY 22, 1966, U.S. NAVAL SUBMARINE BASE, GROTON, CONNECTICUT

(Address by GEORGE W. GRIDER, Member of Congress, of Tennessee)

This festive occasion brings to mind another commissioning ceremony of sorts held in Washington, D.C., in January of 1965. A somewhat decrepit retread of a submarine sailor was being launched in the United States Congress on those troubled waters filled with cross currents, storms and wind—above all wind. As he opened up his office he put forth a gleaming and untouched guest register. He opened the door for business, and hopefully sat back. I think it significant that his first caller was Commander Kenneth M. Carr, prospective commanding officer of this ship. It is an honor to return the call, Captain, and I hope you are as glad to see me as I was to see you.

It was just up river from here that I stood on the deck of a noble ship in March 1946 and mournfully ordered the striking of the commission pennant. On that day a shadow settled on the spirits of the small group of sailors who stood there. The crew had been scattered during the decommission period. The last voyage of a once great ship of war had been made under ignominious tow from the Navy yard in Philadelphia, her batteries removed, her engines silenced, her torpedo tubes sealed forever. We shook hands all around and walked slowly ashore with our shoulders slightly stooped because a name made so gallant in Pacific combat had been removed from the lists.

Today that shadow lifts, our shoulders straighten, and we look with joy on this new inheritor of the renowned name of *Flasher*.

These eyes, in the span of years, have never lost their love of caressing the lines of a ship of war, and this new *Flasher* brings a catch to my throat. Deadly, menacing, sinister, exciting and beautiful she is. Within her steel hull nestles the most awesome weapons, the most modern equipment, the most efficient and inexhaustible machinery that clever and dedicated men have ever built. Within her reactor reposes a substance that challenges not only the enemy but even the mind of man himself. As a machine of war she has no equal. She is capable of cruising all the seas of the earth without replenishment, seeking out the enemy to his destruction, enforcing the peace, or showing the flag.

As a machine, she is just as modern, just as deadly and just as capable as was her namesake when she was commissioned under the command of Lieutenant Commander Reuben Whitaker on September 25, 1943.

And yet no person here thinks of this ship as a machine. But however staunch she may be, she is incomplete except in the hands of courageous men. This ship, this mystic mechanism, this vibrant weapon can be and will be no stronger, no better than her men.

No electronic device will ever supplant the cool judgement of this ship's officers and men. No nuclear pile will ever be a substitute for the stamina of those who man her. No weapon launched through sea or air can ever have the explosive force of the will of these men.

And all of this machinery, from the iridescent heart of the uranium, out to the last bitter end of the last ten-thousandth mile of wiring, cannot give her character. Her men will do that.

When Reuben Whitaker took the *USS Flasher* into firing position against the Japanese cruiser *Oi* and when her torpedoes sent that enemy vessel under, the name *Flasher* took on a lustre that had nothing to do with the data computer, the sonar or the main battery.

Captain Howard Gilmore who ordered *Growler* to dive at the cost of his own life when he hung wounded in the bridge, gave to American submarining, and to this ship, a tradition, an example, and an inspiration that cannot be implanted electronically or mechanically.

The fierce, gay and indomitable courage of Captain Dudley W. Morton of *Wahoo* put something into the hull of this ship that even the genius of Electric Boat Company cannot duplicate.

Nautilus' voyage under the ice to the North Pole in 1958 with Captain William Anderson commanding, is in this ship, and though it can't be detected on sonar, its presence is strong and a part of it. And is also, I might add, in the strong character of your captain who was aboard.

Thanks to the wisdom of Admiral Hyman Rickover, Polaris submarines patrol the vast depths as we stand here. These first sentinels of the peace give this ship a dimension it could not have otherwise had.

And those 52 American submarines, forever cradling on the ocean's floor 3,505 Americans who made the final sacrifice aboard them in World War II, add a quality and a purpose to this ship that all the untold wealth of this great land could not purchase, fabricate or hire.

And, *Flasher*, there are other men already part of you. Not so famous. Not so honored. Chiefs of the boat, electricians, torpedomen, stewards, motor machinists' mates, ship's cooks, quartermasters, seamen, auxiliarymen, signalmen. Perhaps these designations grow archaic today, but theirs too was the glory and they, like me, were—above any other designation or title—submariners. Wherever you sail, *Flasher*, we sail with you. You are our ship. We are your men. Always.

And you, the present officers and men of the *USS Flasher;* you bring more than a simple duty aboard this vessel. Your lives, your past experience, your hopes, ideals, and even disappointments all go aboard with you and will mold, shape and make this ship.

And so also, as you will mold this ship and shape its destiny, so will you be molded by it. I know, for it was so with me.

If you will forgive a personal reference, I came into the Navy as a product of the Southern way of life as it existed in 1932. In my childhood I even knew an ancient gentleman named Uncle Charlie who had once been a slave on my grandfather's plantation. I was the product of that environment, and brought aboard my first submarine all of the prejudices and misconceptions that such a background produces. My service on submarines was one of the great democratizing experiences of my life. And never more intense than when I had the privilege and duty of command.

John Paul Jones had said that life aboard a ship must be a complete autocracy ". . . the crew should be as one man impressed that the Captain, like the Sovereign, 'can do no wrong' ". I still agree with him—though it is hard on the Captain. But sometimes moments come when one crew and one captain become simply one people.

One night, nearly a quarter century ago, the U.S.S. *Pollack* was at test depth, trying to elude a long, persistent and accurate depth charge attack. The heat inside the hull was overpowering. We were all exhausted, discouraged . . . and afraid.

In that time of great trial, I looked around the control room and saw—for the first time, really saw—human beings from four races and from so many national origins that I could not count them. Literally and figuratively, as this one great nation is today, we were all in the same boat together. I realized then with stunning force, the arrogance, the futility and the comedy of any human being's thinking that he was entitled to preferential treatment either from his Maker or from his society because of such inconsequential and accidental considerations as color or place of birth. For a long moment I no longer heard the depth charges outside.

Many of my shipmates have undergone the same experience. It is indeed such a fundamental American experience that it is incorporated into the great seal of our nation, "From many . . . one". It is our American dream—always true, yet always in the process of coming true. We are learning this very day in South Vietnam that the removal and erasing of these ancient prejudices has worked for the benefit of all. There are no second-class soldiers, or sailors, in the American forces. They are all first-class fighting men in the finest sense of the word.

Beyond that, their fight, and it is worth repeating, is to help protect the freedom of Asian peoples. And beside our men are brave yellow and brown men from Korea, the Philippines, South Vietnam and other Asian lands. The everlasting threads of freedom are being rewoven in new ways in the rain forests, hills and seas of Vietnam. They bind peoples, colors, and creeds together in a new fabric that will endure long after peace comes to Vietnam.

For we are also one crew, one people, sailing aboard this planet, Earth.

And while our fighting men in Asia share in this continuing process, this Southern Congressman by his actions and his votes strives to erase prejudice and bigotry wherever they exist. Not just for himself and his conscience—not even to complete a commission first sensed in a hunted submarine under the South China Sea—but, simply and plainly, for his country.

And this can't be a coincidence because there is another submariner from Tennessee in Congress [Congressman BILL ANDERSON]—and he does the same thing. Submarines leave their mark on men.

In a sense, this occasion today is like a wedding. Polyandrous perhaps, but each of you today takes a solemn vow to wed yourself to this new gleaming maiden of the sea. Like other marriages it may not last forever; it will be stormy at times and certainly she will leave her stamp on you forever.

At all weddings, there should be something old, something new, something borrowed and something blue. The blue is represented in the colors. I am sure that the next ship scheduled to be commissioned has furnished something borrowed—although her prospective commanding officer may not yet have discovered it. Everything is new, so it is my privilege to provide the something old.

Like all World War II submariners, *Flasher* had a battle flag. The quartermasters kept it up to date when they could, and how they could. Whenever an enemy warship was sent to the bottom, an imperial Japanese ensign was placed in the border of the battle flag. A simple red disk sufficed for merchant ships. Sometimes we ran out of time or stitching material and had to use paint. Toward the end we almost ran out of space.

When the war at long last ended, we discovered that *Flasher* had actually sunk 21 ships for a total of 100,281 tons—the greatest enemy tonnage sunk by any American submarine in history.

This old rag of a battle flag which had really attracted little attention during the heat of battle suddenly became a thing of great value. I shamelessly admit that I stole it from its rightful owner, Admiral Whitaker. I can only plead in mitigation that I have cared for it lovingly.

Today I make restitution to its proud namesake, certain that in this action I have the complete approval of its rightful owner.

Captain Carr, as I give you this sentimental and ancient emblem, I speak for every *Flasher* sailor, present or absent, living or dead. Just as our Naval heroes and their gallantry have already permeated the hull of this ship, so we hope that this reminder of the old days of glory will add zest and pride to the *USS Flasher*.

Certain in the knowledge that you go forth to add honor to her name, envious of the opportunity and the challenge that lie ahead, devout in my wish that God will bless this ship and her crew, and proud in the fact that I have had this part in it, I wish you and *Flasher* a long life, calm seas in the days of cruising, patience on the long patrols, valor in the times of testing, a snug harbor at the voyage end, and above all . . . victory.

EXPLORING THE OCEAN

Mr. WALDIE. Mr. Speaker, I ask unanimous consent that the gentleman from Pennsylvania [Mr. BYRNE] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. BYRNE of Pennsylvania. Mr. Speaker, President Johnson's bid to Russia to join us and other maritime nations in exploring the ocean depths is supported by the Philadelphia Inquirer.

The newspaper calls it a friendly gesture in keeping with a commendable policy of trying to ease international tensions.

Vast resources lie within the oceans. And despite the possibility that Russia, Red China and perhaps others will not accept our approach, the Inquirer says the President voiced a universal hope in speaking out against any race to grab and hold the lands under the seas.

As the President said, the deep seas and ocean bottoms are the "legacy of all humanity."

I have here the complete editorial for inclusion in the RECORD:

[From the Philadelphia (Pa.) Inquirer, July 17, 1966]

"LEGACY OF ALL HUMANITY"

President Johnson's invitation calling upon Russia to join with the United States and other maritime nations in exploring and developing the resources of the ocean depths is a friendly gesture in keeping with a commendable policy of trying to reduce international tensions.

The sincerity of his invitation is demonstrated beyond reasonable quibble by the fact that scientists from the Soviet Union have been invited to participate in the first six-months global voyage of the new U.S. ship—the *Oceanographer*—built and designed specifically for oceanographic research. But, in passing, we must make note of the fact that the Soviet Union has not one but a number of such vessels and is not displaying much eagerness to have U.S. scientists aboard any of them.

Vast resources are concealed in the ocean depths. By far the largest portion of the earth's surface is covered by water and has not been explored for mineral and fuel resources. The vast, incredibly fertile fields of the saltwater oceans are capable of producing far more abundant food crops than all the dry lands now under cultivation.

President Johnson voices a universal hope, we believe, that recognition of this truth may not precipitate a twentieth-century "colonial competition among maritime nations" culminating in "a race to grab and hold the lands under the high seas." His pledge to regard the "deep seas and ocean bottoms" as the "legacy of all humanity" is in keeping with the best ideals of this Nation.

The Nation must be prepared, however, for any eventuality, and, in this case, for the likelihood that when the chips are down the Soviet Union, Red China and perhaps others will not accept the American approach, particularly if they are first on the undersea scene, with their claims staked out, and plans to defend them ready.

BETTER GROUND TRANSPORTATION TO FRIENDSHIP AIRPORT

Mr. WALDIE. Mr. Speaker, I ask unanimous consent that the gentleman from Maryland [Mr. FRIEDEL] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. FRIEDEL. Mr. Speaker, I am today introducing a bill to authorize the Federal Aviation Agency to make a comprehensive study of the need for high-speed ground transportation between Friendship, Dulles, and Washington National Airports.

The purpose of study would be to determine a practical method for linking the three Washington area airports with the downtown areas of Baltimore and Washington by a rapid transportation system.

I have repeatedly emphasized that the more than 4 million people who live closer to Friendship Airport have not been receiving adequate air service but must travel to National or Dulles Airports to get flights to certain cities when such flights should be available from Friendship Airport.

I have said, time and time again, that Washington National Airport is not equipped to handle jet traffic and since the airport was opened to jets on April 24, it is obvious that it cannot handle the crowds traveling on these large aircraft. The continued operation of jets at National poses increasing risks to the safety of passengers, particularly when these fast-moving jets are involved.

Even past administrators of the Federal Aviation Agency admitted, as long ago as 1958, that Washington National Airport is "saturated"—you do not have to be an expert to know that it is now dangerously overcrowded. However, because Washington National and Dulles airports are both owned, operated, and regulated by the Federal Aviation Agency, Friendship has had to fight an uphill battle for service during this jet age.

In view of the fact that ground transportation seems to be one of the biggest factors in favor of the use of National, I am convinced that passengers would use Friendship and Dulles more often if there were easy, economical, and rapid access to these airports.

I have long advocated that the airports be tied into the new subway system for the District. My bill would require the administrator to consult with the National Capital Transportation Agency. I have long urged that helicopter service be initiated as a method of reducing congestion. The FAA would be authorized, under my study bill, to consult the Civil Aeronautics Board with respect to the possibilities and potentials of such service.

As chairman of the Subcommittee on Transportation and Aeronautics of the House Interstate and Foreign Commerce Committee, I hope my subcommittee can hold prompt hearings on this much-needed legislation. The Senate has already passed a similar bill. I would hope that the full House can act on this measure before we adjourn. The convenience of the traveling public and the safety of the residents surrounding Washington National Airport demand prompt action.

REPORT TO THE PEOPLE OF THE SEVENTH CONGRESSIONAL DISTRICT

Mr. WALDIE. Mr. Speaker, I ask unanimous consent that the gentleman from Maryland [Mr. FRIEDEL] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. FRIEDEL. Mr. Speaker, under leave to extend my remarks, I would like to report to the people of the Seventh Congressional District of Maryland on some of the accomplishments of their National Legislature, and include a summary of my votes on major bills.

During the last few years we have taken giant steps forward in our efforts to improve the lives of all Americans. I have given my support to forward-looking legislation because I believe that our society is dynamic and that progress is made by moving ahead. I take satisfaction in the contribution I have made to our country's record of progress.

Congress operates on the seniority system. Because I have served continuously in the House of Representatives for many years, I am now the second ranking member of the House Interstate and Foreign Commerce Committee and chairman of its Subcommittee on Transportation and Aeronautics. I am also the second ranking member of the House Administration Committee and chairman of its Subcommittee on Accounts.

The very important Interstate and Foreign Commerce Committee has jurisdiction over communications, aviation, transportation facilities including railroads, motor carriers, water carriers, securities, rural electrification, natural gas, public health and quarantine, food and drugs, newsprint, power, railroad retirement and unemployment, brand names, war claims, U.S. Travel Service, hospital construction, mental health and research, air pollution, and traffic safety.

Perhaps the single most important problem facing our country today is our role in the struggle against the Communists in Vietnam, so it is pertinent to ask: "Why are we there?" We are there because three American Presidents have given our commitment to aid the South Vietnamese in their struggle against Communist aggression. Many nations on this constantly shrinking globe, whose future may hinge on the support of the United States, are carefully watching our actions in Vietnam to gage the value of our solemn commitments. Their future conduct, as well as that of hostile nations, will be determined by the conclusions which are drawn from our performance in South Vietnam.

We must remember the costly lessons learned in the 1930's—that aggression must either be halted before it has gathered momentum or it will have to be checked later on at a far greater cost in lives and materiel. Today, we fight in Vietnam so that we might not have to fight here tomorrow, as well as to keep our commitments to free nations to prevent the spread of Communist aggression. Our friends know this—and our enemies know it too.

Although Congress had no voice in the decision to send American forces to Vietnam, I have repeatedly written to the President, the Secretary of State, and our Ambassador to the United Nations, urging that no stone be left unturned in our efforts to bring about an early and peaceful settlement of the war in Vietnam. In addition, I have introduced legislation to establish a permanent United Nations peacekeeping force so that the world will know of our desire to support those organizations which can help achieve world peace.

I have supported all requests for appropriations to provide our fighting men with the finest equipment necessary to carry on our fight against Communist aggression. I do not think we have any alternative as long as American servicemen are engaged in this battle for freedom.

During the past few years Congress has enacted a number of laws to improve our educational system and increase the opportunities for our children to get as much education as possible. These measures include a program to provide funds for a 5-year building program for colleges and universities as well as funds for low-interest loans to students to enable them to continue their education. We also passed the Health Professions Education Assistance Act to provide grants for the construction of facilities for the teaching of medicine and dentistry, and established a program of loans for needy students in the related health fields.

The antipoverty program is also essentially an education and training program designed to end the terrible cycle of poverty and ignorance to which many of our fellow Americans are subjected. Among its provisions is an attack on illiteracy which victimizes 11.5 million adult Americans. The Job Corps, the work-study program, and the work-training program also focus on education. I am convinced that we cannot retain our greatness as a people without excellent education for all. I voted for these bills because I regard it as vital that every American acquire the education that permits him to attain his fullest potential. In this connection it is important for us to remember that our citizens are our greatest national asset and that the young people of today will be our leaders tomorrow.

My deep concern for the welfare of our senior citizens is well known. We are all aware of the continuous rise in the cost of living which is an acute problem for the aged who are living on a fixed income. To assist in the solution of this problem, I have introduced and supported legislation to liberalize social security benefits. Several laws have been enacted to help these aged citizens, including the much needed medical care program to provide quality medical care to our elder citizens on the basis of their need, rather than their financial position.

I have long advocated, and sponsored, legislation to grant tax relief to all our citizens. In 1964, legislation to reduce personal income taxes was enacted into law and I was glad to support this measure. In addition, some of our wartime excise taxes have been repealed and others substantially reduced.

One of the problems of immediate concern for the people of the Seventh Congressional District and the State of Maryland was a ruling by the Internal Revenue Service to prevent us from deducting ground rent payments for income tax purposes. This ruling was a direct contradiction of a ruling made by Internal Revenue some 30 years ago and which the people of Maryland had come to rely on. After negotiating in vain to have this ruling changed, I introduced a bill to overrule it by law. As a result, we can still claim our ground-rent payments as a deduction for tax purposes. It is gratifying to me to know that more than a quarter of a million Marylanders are benefiting from my bill, which President Kennedy signed into law on April 9, 1963.

Because of my interest in our veterans, who served our country so well in times of emergency, I am happy to report that many laws have been enacted to increase the benefits available to them. A comprehensive nursing home care bill was passed, liberalized pension allowances were provided, and we achieved a breakthrough in permitting a limited reopening of the life insurance program provided in the original GI bill.

It has been my pleasure to take an active part in the passage of legislation to establish community health centers and facilities for research and treatment of those who suffer from mental illness and mental retardation, and to train the necessary teachers to deal with this special problem. These measures were handled by my committee and they have been amended and improved since they were originally enacted into law. My committee also handled legislation to train more nurses to help care for the ill and the aged.

Legislation has been enacted to expand assistance to privately owned small business investment companies which, in turn, help small businessmen who are unable to secure needed loans from regular sources at reasonable interest rates, and a law was passed to liberalize depreciation schedules.

During this period, legislation was enacted to extend and liberalize benefits to railroad employees through unemployment insurance benefits and the retirement age was reduced from 65 to 62. In addition, I have sponsored legislation to provide an increase in pension comparable to that given social security beneficiaries last year.

Our country's transportation problems have increased to the point where we can no longer cope with them under present practices. Therefore, I was glad to support legislation to develop a rapid ground-transportation system to meet the needs of our great metropolitan areas, as well as laws to assist the States in constructing better highways and airports.

In my capacity as ranking member, and now chairman, of the Transportation and Aeronautics Subcommittee, I am pleased to report some success in having a number of airlines make greater use of the excellent facilities of Friendship International Airport to provide better service for the people of Maryland-Washington area. My committee also handles legislation to provide Federal aid to airports and during the past few years Maryland has received a total of $2,616,360 for this purpose, $2,144,993 of which was used to improve the facilities at Friendship.

Our great port is the lifeblood of our city and one of the greatest assets of our State. I have supported authorizing legislation and the necessary appropriations to deepen and widen the Baltimore Channel and make other improvements in our port facilities to enable us to handle an ever-increasing amount of world trade. During the past few years, $18,710,000 in Federal funds were provided for this purpose.

I have always believed that every citizen of our country is entitled to equal rights as guaranteed by the Constitution, regardless of race, creed, or color. During the past few years, Congress enacted legislation for the first time to outlaw second-class citizenship and I supported these measures. The Civil Rights Acts of 1964 and 1965 are designed to protect the rights of all our citizens, which are the substance of the American tradition. These laws strike at discrimination in public accommodations, voting, employment, and distribution of Federal funds. I do not claim that these laws alone will cure a problem which has endured for a hundred years, but we have taken a wise and necessary step toward solving them. All our citizens must exercise patience and understanding, and approach these problems in a lawful and orderly manner. They cannot be solved by riots. A continuous respect for law and order must be obtained if this Nation is to remain strong.

I have long advocated that everything possible be done to reduce the slaughter on our Nation's streets and highways. As far back as 1956, I introduced legislation in the House to establish a Special Traffic Safety Committee, and I was a member of this committee, charged with the responsibility of recommending ways to prevent traffic accidents. During the past few years, we have enacted several measures into law for this purpose, including the requirement that seat belts be made standard equipment on all new cars.

My Committee on Interstate and Foreign Commerce has now approved even more comprehensive legislation and I am sure we will enact a law to help save the lives of some 50,000 people now being killed in traffic accidents every year.

Our sessions have been long and trying and it is not possible for me to include all the legislation enacted during recent years, but I include the following brief list of legislation I have supported and which has been enacted into law for the benefit of all Americans:

Extend Unemployment Compensation Act.
Extend Practical Nurse Training Act.
Area Redevelopment Act.
Increase minimum wage and cover additional workers.
Aid to dependent children of unemployed parents.
Federal Highway Act.
Special milk program for children.
Housing act.
Extend veteran home loan program.
Water Pollution Control Act.
Civil service retirement increase.
Increase Government employees travel allowance.
Small Business Administration loan authority increase.
Combat juvenile delinquency.
Community Health Services and Facilities Act.
Food-for-peace program.
Establish U.S. Travel Service.
Mutual Educational and Cultural Exchange Act.
Establish Peace Corps.
U.S. Arms Control and Disarmament Act—sponsored.
Alliance for Progress.
United Nations bond purchase program.
Establish manpower development and training program.
Establish communications satellite program.
Nuclear Test Ban Treaty.
Equal pay for women.
Construction of medical and dental schools.
Construction of mental health facilities and train teachers.
Higher Education Facilities Act.
Clean Air Act.
Vocational Education Act.
Military pay raise.
Library Services Act.
Reduce personal and corporate income taxes.
Develop mass transportation system.
Hospital and medical facilities—including nursing homes.
Government employees salary increase.
Economic Opportunity Act.
Food Stamp Act.
Nurse Training Act.
Foreign aid program.
Increase non-service-connected pensions for veterans.
Student loan and scholarship program.
Grants for elementary-secondary education.
Immigration Act amendments.
Appalachian regional development.
Establish regional medical centers.
Create Foundation on Arts and Humanities—sponsored.
Community health services—extend program.
Drug Control Act.
Older Americans Act.
Vocational rehabilitation program.
Urban Development Act.
Child Nutrition Act.
Defense Procurement Act.
Self-employed retirement program.
Traffic safety program.
Establish Assateague Island as a national seashore park.

It is with deep humility that I acknowledge my contribution to this record of progress and with heartfelt thanks to my constituents, whose confidence in me has made my participation in this record possible.

INFLATION AND RECESSION ARE BLOOD BROTHERS

Mr. WALDIE. Mr. Speaker, I ask unanimous consent that the gentleman from Oregon [Mr. ULLMAN] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. ULLMAN. Mr. Speaker, although it may appear contradictory, inflation and recession are really blood brothers. We stand today under the threat of both. Pressures for expansion are rampant in some segments of our economy, while others are already on the verge of recession. Hard decisions must be made soon to avoid the kind of bitter pill now being swallowed by our friends in England—where stringent wage and price controls and tax increases have been instituted to salvage the economic predicament.

Even the casual observer can trace the plight of the real estate market, the home construction industry, and the lumber producers to the unwarranted December boost in the discount rate charged to member banks of the Federal Reserve System and the Federal Reserve's hike in the permissible interest rate of certificates of deposit issues by commercial banks. Like the runner on second base, the big financial interests stole the signal for the first curve ball, and have knocked the pitch right out of the park.

Interest rate rises have ricocheted throughout the financial community. The Reserve Board's second play touched off an interest rate war among financial institutions competing for the small depositor's dollar, to the detriment of the thrift associations which loan the bulk of the money used in home construction and home financing. The results of this double play have been to plunge the homebuilding and lumber industries into a recession and to deny the opportunity of homeownership to millions of Americans. All borrowers are feeling the pinch, ranging from the U.S. Government, States, cities, and corporations, to the local homebuilder, small businessman, and average family seeking a home mortgage or buying a refrigerator on the installment plan.

Two weeks ago, I called upon the President to convene a high-level conference to combat the imbalance in the money market and the spiraling interest rates which are creating this segmented recession in the economy. The conference would bring together administration officials, congressional leaders, members of the Federal Reserve Board, and experts from the housing and financial communities. An emergency conference is essential today because it is obvious that unilateral action by one agency of Government or another cannot restore the proper balance to our sagging economy. Only the President can pull together the agencies of the executive branch including the so-called independent Federal Reserve Board, to formulate a program for a sound monetary policy. Only the President can move the Congress toward a fiscal policy which will meet the problem. Only the President can command the respect and attention of the warring factions in the financial community to meet this crisis. Only the President can coordinate these agencies of government and finance for balanced economic growth.

At the heart of a coordinated program is the Federal Reserve Board's lowering of the discount rate. It is obvious by now that the administration's reliance on monetary policy alone to control inflation has been based on a myth. Instead of checking inflation, the Federal Reserve's hike in the discount rate has led to inflated interest costs throughout the financial community, which have merely fanned the flames of inflation. The speedy response by the banking interests to the December action suggests that a downward signal by the Federal Reserve would notify the financial community of the necessity of bringing interest rates back into line.

Testimony by high Federal Reserve officials before the House Banking and Currency Committee and the Joint Economic Committee of the Congress has established the Board's reasons for their December actions. Supposedly, a few large money market banks feared they would lose $3.5 billion of corporate deposits in December unless permitted by the Fed to jack up the interest rates on these deposits. There is reason to believe that these same banks had overextended themselves by financing inflationary plant and equipment expansion for their larger corporate clients.

Contrast the difficulty of the banks mentioned above with the home cost increases being borne today by home contractors and purchasers as a result of the tight money escalation. As the result of a one-half of 1 percent mortgage rate rise and a 6-point gain in FHA and VA financing, a $15,000 home costs $1,725 more than it did in December 1965. Homebuilders and home buyers are being forced to pay 7 to 10 points off the top to get home financing. Buyers are not buying houses, and builders are not building houses under these conditions. New housing starts are down to a 5-year low and industry officials forecast a 35-percent loss by the end of the year. Last month, housing permits fell 25 percent from their June 1965 level. If this recession is not abated, 800,000 jobs will be lost and lumber sales will suffer a drop of 5 billion board feet.

William McChesney Martin, the Governor of the Federal Reserve Board primarily responsible for the December actions, has violated his high responsibility to serve in the best interests of all Americans through his shortsighted concern for the commercial banks. If the Federal Reserve Board is established for the exclusive benefit of the commercial banking interests, it has long since outlived its usefulness. Many of us had hoped that Governor Martin was more than a monetary custodian for the big banking interests. If Martin does not have the statesmanship to view the whole financial problem in America, then it is high time to see that some other authority is empowered to restore a fair balance in the money markets.

Do not be mistaken—under a sound coordinated program along the lines I have suggested, the Federal Reserve Board can contribute to the sound monetary policies needed to combat the recession in the lumber and home building industries. The first and most obvious relief they could provide would be the immediate lowering of the discount rate to free the money market. An increase in the reserve requirements against certificates of deposit and other issues by member banks would help to stem the drain on funds from thrift institutions. The Fed's Open Market Committee should institute U.S. bond purchases to the extent necessary to take the pressure off the private market. The Board should also exercise its authority to enact consumer credit controls.

Mr. Speaker, later this week I intend to introduce a broad package of legislation to treat the mixed problem of an economy overheating in some sectors, and cooling off in others. Among other proposals, I will consider in greater detail these activities open to the Federal Reserve Board. But we must not forget that, above all, it is the President who has the responsibility to combat the segmented recession we are experiencing. If Governor Martin is not fulfilling his responsibility, then it is the duty of the President to call it to the attention of the nation. Only the President can coordinate the use of the various tools which will restore balance growth to the economy.

Our great hope for the "new economics" is rapidly being dissipated. It involves the wise utilization of all the resources of government to maintain a stability which permits continued growth in the economy. Now is the time for this Administration to restore this balance.

COOPERATION IMPORTANT TO NEVADA'S DEVELOPMENT

Mr. WALDIE. Mr. Speaker, I ask unanimous consent that the gentleman from Nevada [Mr. BARING] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. BARING. Mr. Speaker, nature was never bountiful in her gifts of land and water to Nevada, so the people of my State have had to overcome many handicaps. They have learned, through experience, that cooperation is a key part of successful living in the West: cooperation between man and nature to improve the land; cooperation among neighbors, as in soil conservation districts; cooperation between citizens and their Federal Government; and, especially in Nevada, cooperation between the owners of public and private lands.

These joint endeavors have resulted in better lives and a more promising future for many of our people. For example, Nevada now has 23 small watershed projects in some stage between application and completion. The Department of Agriculture's Soil Conservation Service provides technical assistance on all small watershed projects, while local groups cooperate to initiate, plan, and carry them through to completion.

These small watershed projects provide for flash-flood control, municipal water systems, and water management, in a State where the average rainfall is less than nine inches a year.

The Peavine Mountain small watershed project was the first to be fully completed—in 1963—and certainly proved its value in flood prevention during the 1965 high-water season. The latest small watershed project to be approved, this Spring, was the Elko small watershed project, cosponsored by the city of Elko and the Humboldt River Soil Conservation District.

Very often—in fact, in most cases—sponsors include the local soil conservation districts.

Another important aspect of land and water management is the use of soil survey maps, particularly in the expanding areas of Clark and Washoe Counties, to select the proper soils for agricultural use, new highways, public buildings and so on. The 310,000-acre Las Vegas-El Dorado Valley Soil Survey, in Clark County, has been completed and is now at the printers. Here, too, is an excellent example of cooperation between the Soil Conservation Service, the Bureau of Reclamation of the Department of the Interior, and the local soil conservation districts.

I have been a longtime supporter of soil conservation districts. I feel that district leaders provide some of the finest local leadership, in local affairs, that I have been privileged to observe. My hat is off, and my door is open, to these dedicated men.

ADDRESS BY HON. HENRY P. EVE

Mr. WALDIE. Mr. Speaker, I ask unanimous consent that the gentleman from Georgia [Mr. STEPHENS] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. STEPHENS. Mr. Speaker, in June the State bar of Georgia met in its annual convention in Augusta, Ga. The president, the Honorable Henry P. Eve, of Augusta, a former member of the Georgia Senate and an active partner in the firm of Cumming, Nixon, Eve, Waller & Capers, gave an address that I want to bring to the attention of a wide audience. His review of the steps taken by Georgia in recent years to strengthen the legal profession and his clear enunciation of the vital role of competent lawyers in the progress of human affairs can serve as a guide to other States and their bar associations.

The address of Mr. Eve follows:

My talk concerns itself with the accomplishments and with some of the aims and objectives of our unified Georgia bar.

It has been our purpose during the past year to continue and to expand the services of the organized and unified bar to the public, the lawyers of Georgia and the judiciary, and to promote the effectiveness of the unified bar to its members and to the public. Although it is in its virtual infancy, the state bar has become a vital organization with 5,269 members. We have felt an awakening of interest and an awareness of the posture of our profession and of its obligations and duties, all of which have resulted in a better public image for the bar and the individual lawyer. There is a feeling of camaraderie among the lawyers that I do not believe existed previously. It is more than the professional, ethical and social bonds that always were present, there is a cohesion and sensation of being one organization that has a strong identity and that, with the continued cooperation of its members, can and will exert a powerful influence for improving the lot of lawyers, litigants, and the judiciary.

I believe the horizons of the State bar in service are unlimited.

Exemplary of the function of the State bar is its disciplinary board whose members supervised or actually conducted investigations of all complaints filed and reported during the year. In six instances the complaints were referred to grievance tribunals under the rules and in 41 instances the complaints, after investigation and consideration, were dismissed as (1) attributable to breakdown in communication between lawyer and client since corrected, or (2) relating to matters not within the jurisdiction of the board, or (3) manifesting a complete lack of foundation for justifiable complaint or (4) adjusted and complaint withdrawn.

* * * * *

The State disciplinary board has continued its firm but fair policy and has won the admiration and respect of the complainants, the lawyers complained of and those lawyers who have been cognizant of its dealings and decisions.

The general counsel of the State bar in Macon has been increasingly more active in processing, supervising and advising as to disciplinary matters, their investigation, and the decisions reached concerning them by the board. It is expected that the general counsel will continue and increase his efforts in this direction with the aid of his assistant counsel in Atlanta.

We keep no record on minor matters which are promptly and satisfactorily adjusted.

One of the most important objectives of the State bar was accomplished with the formation of the Institute of Continuing Legal Education in Georgia which is comprised of the State bar of Georgia and the 3 law schools of Emory, Georgia, and Mercer Universities. The board of trustees is comprised of 19 members—the director, the State bar general counsel, 2 representatives from each of the 3 law schools and 11 representatives for the State bar.

The year now being concluded represents the first year of operation of this institute and the 1-year record reflects a measure of success which appears to justify the confidence placed in the program. During a 3-year period from 1962–65, before this institute took over, some 43 programs in the field of continuing legal education were offered in Georgia attracting some 2,150 attorneys. During the past year, 35 programs were offered covering a period of 62 days and attracting an attendance of 1,654 attorneys.

You are familiar with the variety of programs offered both at regional and State levels. Financially, with the administrative costs which are borne by the University of Georgia Law School, the expanded program operated during the past year was at less net cost than during previous years to the State bar and we confidently anticipate that the program will rapidly develop into a self-sustaining operation.

Most important in this field is the fact that we continue to subscribe to the principle enunciated at the Arden House conferences "that the organized bar has the primary responsibility to make continuing legal education available to the profession . . ." And we recognize and accept this responsibility.

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You are familiar with our publications which are an essential method of communication with our members and a vital means of keeping them informed of the activities of the bar and their fellow members. Publications also play an important role in keeping our members abreast of new trends and developments in the law and in the practice of law, and our publications, which number 16 each year, we believe to be equal or better than those of any comparable bar organization.

Indicative of the increased interest in our organization and its work is the fact that we now have ten sections with a total of 1661 members who are devoting their efforts to studies in specialized fields of the law. The work of the sections is excellent and is constantly improving and adds greatly to the knowledge and proficiency of their members.

Our Committee on Unauthorized Practice of Law has continued quite active during the year and has kept a careful watch over the situation, particularly as it might be affected by the operations of collection agencies and by accountants. This committee continues to perform a highly important service to the lawyers of Georgia and to their clients.

We have revised our fee manual of suggested charges in two particulars where it was incomplete and have received compliments on this publication from lawyers within and without the State of Georgia.

A word about the legal services now offered by the Office of Economic Opportunity. I agree with the distinguished president of the American Bar Association who is here with us today that this is the number one problem facing the legal profession as a whole today.

I subscribe to his immediate predecessor's statement that "the legal profession must not succumb to economic pressures but must remain rigidly independent." Legal services to the poor will be furnished through the office of economic opportunity whether we like it or not. In effect we have "legalcare." We must act to keep the services within the present concept of legal aid and not let them get into the hands of untrained or nonprofessional people. I feel that the local bars should take action to direct this program and possibly that the State bar should take action when indicated but I have not believed the time to be ripe for the State bar to enter this field. I do believe that we should enter this field to prevent its usurpation by another agency or agencies. This problem will be the subject of a seminar presented this afternoon by our extremely able younger lawyers section. It will receive continued study by your officers and each of you should familiarize yourselves with the services contemplated under this program and express your view to your local bars and to our organization through your representatives on the Board of Governors.

And now comes my opportunity to boast about the achievements of the past before we look to the future.

The American Bar Association's special award of merit was presented to the State bar of Georgia for its outstanding Law Day program in 1965. This is a new award given this year for the first time and our program for Law Day in 1965 was considered superior to that of any comparable bar in the United States. The State bar also received honorable mention in the award of progress category, another new award established this year. This recognition by the American Bar Association was based on progress for the past three years. The American Bar Association only made a total of 23 awards in 9 separate categories to accord national recognition to State and local bar associations for outstanding public service and professional activities. We are proud that the State bar of Georgia was the only organization to receive more than one such award.

The younger lawyers section has broken all records of the American Bar Association by winning the award of achievement this year for the second consecutive year. This is the first time any younger lawyers section of any bar association in the United States has won this award two years in a row.

As a tribute to the strength of the organized bar, it is noteworthy that the American Bar Association during the past year has obtained passage of six bills by both Houses of our National Congress. The most outstanding success in the 1965 Federal Agency Practice Act which eliminates examinations and other admissions procedures for attorneys practicing before every Federal agency except the Patent Office. The American Bar Association is now marshaling support for legislation that would allow self-employed people who contribute to their own retirement plans to deduct the full amount of their contributions, and has just delivered testimony in favor of the removal of arbitrary Federal limitations on attorneys' fees.

Among our greatest accomplishments this year was the passage of the Georgia Civil Practice Act and the Admissions Standards Act. The Georgia Civil Practice Act established much-needed revised rules of trial procedure effective March 1, 1967, and will result in a simplified method of pleading designed to get to the issues and to insure a prompt trial on their merits without undue delay, expense and involvement. The Admissions Standard Act, long sought by the State Bar of Georgia and its predecessor, the Georgia Bar Association, increased the educational requirements for admission to the bar to two years of college education or the equivalent thereof and three years study of law. This was the most needed single piece of legislation that we could have sponsored and it removes Georgia from the lowest rung of the ladder in this respect. Prior to its passage, we had the lowest educational requirements for admission to the practice of law of any of the fifty States.

The most significant, and I hope the most far-reaching, development during the past year was the citizens' conference on Georgia's judicial system held in Atlanta on April 21-23, 1966 to consider necessary reforms to Georgia's judicial system and methods of implementation.

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The theory behind the conference which has proved successful in a number of other States is that a dedicated group of nonlawyer citizens representing every major interest in Georgia and scattered geographically throughout the State can accomplish court reform through legislation, including constitutional amendments, where the organized bar, the lawyers and the judiciary alone would not be able to do so.

The conference adopted a consensus statement indicating certain desired reforms in the trial court system and in the selection and tenure of judges and their discipline, retirement and removal. * * * I foresee that this vigorous and interested group of powerful and influential lay citizens who have concerned themselves with the affairs and operations of our courts will on their own motion, and only with the advice of our organization and its members when requested, press for reforms in our system. * * * I confidently predict that we shall see results which will revise certain portions of our judicial system for the improvement of the administration of justice.

The needs of the unified bar are never met and its work is never ended—there is always room for improvement. * * * We must continue our efforts every day.

In addition to court reform, I hope to see the organization and development of a bar-related title insuring organization in Georgia, and I would like to see us adopt standard charges for use by our trial judges similar to the pattern instructions adopted and used in Illinois.

While the accomplishments of the organized bar have been many and great, and while there are still other advances to be made along the same lines, the members of our profession must always have in mind that its primary obligation is the administration of justice under the rules of law and the basic principle of this is that we live under a government of laws and not of men. In Proverbs 29: 18 we find "where there is no vision, the people perish, but he that keepeth the law, happy is he." This pronouncement is all the more applicable today. We are a part of the process of the law by our commitment, from Mount Sinai to the Magna Carta to the Constitution of the United States. Let us, therefore, always remember that we should ever resist relinquishment to lay bodies or administrative agencies of any of the functions of the law. Whenever this takes place, and even whenever a judge has the power to exercise his discretion in matters which could otherwise be spelled out by rules of law, we are impairing our heritage of a government of laws and not of men.

We all have been dismayed by the experience of being defeated by a decision which was based solely on the whim of an individual or group of individuals, such as a governing board in whom some statute has reposed what it considered discretion. In many of these cases there is no right of appeal and only occasionally can such arbitrary action be corrected when the discretion has been so abused that it will shock the conscience of an appellate court.

It is our duty to see that the administration of justice is under law and not of men, is prompt and adequate to meet the demands of society. Should we fail in this duty, society will become impatient and express its indignation through corrective legislation which will extend the encroachment on our right of determining conflicts in human affairs through the rule of law and by orderly judicial procedures. Eternal vigilance against further encroachment must therefore be practiced by each member of the bar, else injustice will prevail in the relations of men. Let each advocate when in litigation be faithful to the principle set forth as the purpose of the federal rules to "secure the just, speedy and inexpensive determination of every action", and let each advocate abstain from any manipulation of the procedural machinery to effect delay or to defeat the ends of justice or in anywise to prevent earliest confrontation of the parties to litigation in a trial court where the issues can be settled by judge and jury in the manner contemplated in our system of jurisprudence. Let us be constantly aware of the dangers which beset our traditional procedures if we are not always mindful of these duties, and let us ever strive to diminish these dangers by perfecting the administration of justice through the courts and under the law, correcting old abuses and eliminating obsolete methods to meet modern conditions wherever possible, but being careful to avoid disturbing the abiding verities and the basic principle of justice through law which has ever controlled and must always control our legal processes. These are our prerogatives and our duties. They must be forcefully advocated and jealously and zealously defended from attack from any quarter.

THE LATE HONORABLE JAMES BUTLER HARE

Mr. WALDIE. Mr. Speaker, I ask unanimous consent that the gentleman from South Carolina [Mr. GETTYS] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. GETTYS. Mr. Speaker, I rise to express sorrow at the passing on July 16 of the Honorable James Butler Hare, a former Member of this House.

A South Carolinian, James Hare served the State he loved with honor and distinction. The son of Hon. Butler B. Hare, himself a distinguished House Member from 1925 to 1933 and from 1939 to 1947, James B. Hare was born in Saluda, S.C., in 1918, and was graduated from Newberry College in 1939, attended Erskine College and was graduated from the Law School of the University of South Carolina in 1937. As a practicing lawyer in Saluda, he served on the board of trustees of the University of South Carolina.

A loyal American, Mr. Hare's service to his country was characterized by faithful dedication. In 1940 he enlisted in the U.S. Navy and, in the battles of Midway, Guadalcanal, Munda, Bougainville, Philippines, and Okinawa, he defended the ideals and traditions which are the essence of our way of life. After 5½ years of active duty in World War II, including 32 months in the Pacific theater, he was released to inactive duty in 1946 as a lieutenant commander, U.S. Naval Reserve. Recalled to active duty January 1, 1950, he was a law specialist until released with the rank of commander in May 1952.

During his service in the 81st Congress, it was his belief in and allegiance to the principles of democracy that guided and governed his thoughts and actions as a representative of his fellow South Carolinians.

Little wonder that James Butler Hare distinguished himself as a servant of his people. One has but to glance through the pages of history to note the names and deeds of his illustrious ancestors. William Butler was a member of the South Carolina State convention which adopted the Federal Constitution, a Member of the U.S. House of Representatives from 1801 to 1813, and a major general during the War of 1812. Andrew Pickens Butler was a great South Carolina lawyer and judge, a member of the South Carolina house of representatives, member of the South Carolina senate, and U.S. Senator from 1846 to 1857. Still another, Matthew Calbraith Butler, was a lawyer and a member of the South Carolina General Assembly, a Confederate major general, and from 1876 to 1895 he was a U.S. Senator.

I could go on, Mr. Speaker, but I think that this sufficiently samples the illustrious ancestral background which undoubtedly inspired in James Butler Hare a sense of patriotism and devotion to duty that commanded the respect and admiration of his fellow South Carolinians and of his colleagues in this body. I shall remember him as a dear friend, a loyal South Carolinian, and a dedicated American.

James B. Hare is survived by his mother and father, his wife Margaret, and his only brother, Rear Adm. Robert H. Hare, who is presently serving in the Pentagon and who for many years has so admirably distinguished himself in service to Members of Congress as a Navy liaison officer. I join with my colleagues in the House and with the people of South Carolina in extending to Jim Hare's loved ones my deepest sympathy.

THE AIRLINE STRIKE

Mr. WALDIE. Mr. Speaker, I ask unanimous consent that the gentleman from California [Mr. TUNNEY] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. TUNNEY. Mr. Speaker, the airline strike has reached the stage where a disgusted public watches helplessly on the sidelines while the principals to the negotiations mechanically act out their parts at the bargaining table. It is clear that at this time they have no genuine desire to achieve a compromise settlement.

Every fairminded person is proud of the way unions have led the labor movement in this country to the point where American workers are the best paid, most secure, and fairly treated laborers in the world. The labor unions through just demands, reasonably arrived at, have made a far better America not only for their members but for all of us. The people who realize this are therefore greatly saddened to see a national strike where selfishness and stubbornness are the guidelines and the public good is only a phrase to be ignored. The people are entitled to a voice in a matter of this gravity, but it is a voice that has fallen on deaf ears. It is time for their elected representatives to speak, with a voice that will penetrate the wall of obstinacy and be listened to and followed by all who hear it.

This is no ordinary strike and nothing demonstrates this as clearly as statistics. First let us put the strike in its proper economic perspective.

The gross national product registered the smallest increase in the second quarter of this year since the fall of 1964. Second quarter retail sales are off 1.95 percent from the preceding quarter. Personal income gained less than in any quarter since the fall of 1964. This strike by 35,000 employees has caused the layoff of 30,000 nonstriking airline employees, and is costing the airlines and their employees $8 million every day, $56 million each week, $144 million to date. The Federal Government is losing badly needed tax revenue from businesses that depend on the airlines for their productivity. Industries allied with tourism in Hawaii are losing over $4.5 million a week, the greater Miami area is losing over $400,000 a day, and New York is losing nearly $1 million per day.

There are layoffs and plant shutdowns occurring throughout America as the result of this strike. While we are experiencing a chronic balance-of-payments deficit, this strike is aggravating it by causing international travelers to take foreign airlines. The farmers in California and throughout the country depend on the airlines to ship their produce and their spoilage loss as a result of this strike could be immense. The statistics could continue, but I have briefly illustrated the problem. The question that now remains to be answered is whether the continuation of the strike is reasonable and warranted.

The Federal Government's National Mediation Board, on March 18, suggested calling in arbitrators to make a binding decision on a settlement. The International Association of Machinists rejected this proposal. In April, President Johnson appointed an Emergency Board as provided for in the Railway Labor Act. This Board attempted to resolve 48 issues and after lengthy hearings it reported its findings to President Johnson on June 5. The President said they "form the framework for a just and prompt settlement." The International Association of Machinists refused to accept the Board's report as a basis for settlement. The airlines subsequently raised their offer above the Emergency Board's recommendations, but the union did not accept these offers either.

It is important to point out that the wages in this union have been far above the national average for American workers for the last 10 years, and the recommendations of the President's Emergency Board would have kept them in the forefront; and even these recommendations have subsequently been improved in the union's favor. Where is the collective bargaining that has been shown in the past by other managements and other unions? I am in sympathy with the problems the workers are facing and the fact that their union leaders are trying to get as much for them as they possibly can. I am also aware that the union is feeling the restraint of the guidelines, but those guidelines have already been exceeded and the settlement offered to date is not meager. The airlines and the International Association of Machinists are now separated only by the issue of money. There is no dispute over any of the classical principles of labor-management relations. The public is being inconvenienced and the economy severely damaged over an issue that does not warrant the continuation of the strike.

The American public, the third party at the bargaining table, has more than usual interest in this strike. The Federal Government has subsidized the airline industry with huge sums of the taxpayers money, and hundreds of millions of dollars have been contributed by the taxpayers to help build the great airports of America. Is the public not entitled to consideration? To ask this question is to answer it. It is only because the Federal Government, in the past 15 years, has invested more than $3 billion in airports, maintenance, operation, research, and subsidies that the International Association of Machinists is able to have as many jobs as it now has. It would be a poorly struck bargain that lost the good will of the public and led to legislation that limited the rights of labor and management.

But since all indications are that there is not going to be any bargain, good or bad, in the immediate future, and because of the facts I have briefly alluded to, it is clear that legislation is necessary to resolve the problem, if only temporarily. I think that the best legislation at this time would be Senate Joint Resolution 181, the joint resolution introduced in the Senate on Monday. This would result in the airlines resuming operations immediately, without seizure or compulsory arbitration. The International Association of Machinists would return to work while collective bargaining continued in order to resolve the existing differences. The bill authorizes the President to appoint a Special Airline Dispute Board which would have 150 days to seek a settlement. If a settlement is not reached by then, the Board would make recommendations to the President who would then advise the Congress about the terms or procedures which would assure final settlement of the dispute.

During the 180-day extension of the standstill provisions of the Railway Labor Act provided for by this bill, Congress would have time to act reasonably and thoughtfully in passing permanent legislation that would apply in the future to strikes like this that so critically affect the Nation.

GIVEAWAY PROGRAM OF LUSH AIR ROUTES TO FOREIGN COMPETITORS

Mr. WALDIE. Mr. Speaker, I ask unanimous consent that the gentleman from New York [Mr. MURPHY] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. MURPHY of New York. Mr. Speaker, proudly and with pleasure I wish to associate myself with the remarks of my good friend, the gentleman from Maryland [Mr. FRIEDEL], made on Monday, July 25. For too long we have stood idly by while our country engaged in a giveaway program of lush air routes to foreign competitors of our own airlines.

One foreign carrier, for instance, is listed on the big board of the New York Stock Exchange at more than $150 per share, far in excess of quotations currently applicable to any American airline.

This would have been impossible, of course, without the generosity of our own Government in handing out air routes to our neighbors overseas under bilateral air agreements. Now, I am informed, this same $150 per share airline is haunting the Halls of Congress, seeking influential assistance in getting still further concessions from the U.S. Government.

At the same time, our own carriers must go through endless proceedings before the Civil Aeronautics Board, consuming years of time and hundreds of thousands of dollars in litigations that they lose more often than they win.

I am pleased to learn that in this instance, in the case of the bill introduced by the gentleman from Maryland, the CAB is strongly and steadfastly in his corner. The CAB recognizes that some of our carriers are flying at a competitive disadvantage and in lieu of speeded-up hearings and quicker decisions within its own organization, sees in Mr. FRIEDEL'S legislation an opportunity to right a wrong that has already survived far too long.

ADMINISTRATOR McKEE REVISES JET FLIGHT REGULATION FOR WASHINGTON NATIONAL AIRPORT

Mr. WALDIE. Mr. Speaker, I ask unanimous consent that the gentleman from Tennessee [Mr. EVINS] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. EVINS of Tennessee. Mr. Speaker, there has been much congressional concern concerning the announcement by Administrator William F. McKee, of the

Federal Aviation Agency, setting a 500-mile perimeter for nonstop jet flights from Washington National Airport.

Administrator McKee has revised his earlier regulation and has now established an hourly limitation of 40 jet flights from Washington National Airport.

Because of the congressional and public interest in this matter, I ask unanimous consent that there be reprinted in the body of the RECORD a letter from Administrator McKee, a press release, and related material.

The material follows:

FEDERAL AVIATION AGENCY,
Washington, D.C., July 27, 1966.

DEAR MR. CHAIRMAN: In my letter to you of July 8, I outlined the problem of congestion that existed at Washington National Airport and the necessity for taking steps to correct the situation. I also explained a proposed policy to impose a 500-mile perimeter upon nonstop flights from Washington National Airport and a frequency limitation of sixty operations per hour.

The perimeter solution had been proposed by ten of the thirteen airlines serving Washington National Airport as an effective way of solving the congestion problem. However, a storm of public protest has been raised that this is an unfair and discriminatory ruling against a number of areas. In response to a request from a large number of Congressmen, I agreed to review the perimeter solution and to investigate if any possible alternatives were available for relieving congestion at Washington National Airport.

In our best judgment, after thorough review of the problem and possible alternatives, an hourly limitation of forty air carrier operations appears to be the best alternative method of handling the congestion problem and provide for continuing the historic pattern of service. We are issuing a Notice of Proposed Rule Making which directs the thirteen airlines to either cancel or move to another airport those operations in excess of forty per hour. Airlines will be given the choice of scheduling operations within the forty per hour limit by cooperative action or being assigned individual quotas by the Bureau of National Capital Airports. September 1, 1966, is the effective date of the limitation.

Under the proposed rule, airlines may continue to serve a radius of approximately 650 miles. In addition, the airlines will be allowed to continue to provide service which was available in 1965 to cities as far away as 1,000 miles.

We will continue to closely monitor the situation and make changes and modifications as necessary to solve the congestion problem. I am enclosing a copy of the Notice of Proposed Rule Making and a press release on this which is being issued today. I will be glad to discuss this matter with you at your convenience.

Sincerely,

WILLIAM F. MCKEE, *Administrator.*

Hon. JOE L. EVINS,
Chairman, Subcommittee on Independent Offices, Committee on Appropriations, House of Representatives, Washington, D.C.

[FAA news release]

RULE PROPOSED TO LIMIT NUMBER OF HOURLY FLIGHTS AT WASHINGTON NATIONAL AIRPORT

The Bureau of National Capital Airports announced today a proposed regulation that would limit scheduled airline operations to a maximum of 40 an hour at Washington National Airport.

The limitation was issued in the form of a Notice of Proposed Rulemaking which directs the 13 airlines serving Washington National to cancel or move to another airport those operations in excess of 40 an hour. Airlines will be given their choice of scheduling operations within the 40 per hour limit by cooperative action or being assigned individual quotas by the Bureau of National Capital Airports. September 1 is the effective date of the limitation.

The limitation replaces a previously-adopted operating policy for the airport which restricted Washington National to a non-stop service perimeter of 500 miles. Ten of the 13 airlines serving the airport had proposed this perimeter as an effective method of reducing the congestion problem. Its acceptance resulted in a storm of protest from a large number of travelers who frequently are required to fly to points beyond the perimeter.

Under the proposed rule, the airlines may continue to serve a radius of 650 miles. In addition, the airlines will be allowed to continue to provide service which was available in 1965 to a few points as far away as 1,000 miles.

Cities included in these categories are Memphis, St. Louis, Tampa, Miami, Minneapolis-St. Paul, Orlando, Fla., Milwaukee, West Palm Beach, Fla., Nashville, Chicago, Atlanta, Jacksonville, Fla., and Huntsville, Ala.

Prior to the aviation mechanics' strike, the airlines were exceeding 40 operations an hour at Washington National nine hours each day. These periods came in the hours of 9 a.m., 11 a.m., 1 p.m., 4 p.m., 5 p.m., 6 p.m., 7 p.m., 8 p.m., 9 p.m. This volume of operation was far in excess of the capacity of the airport's parking lots, terminal building and aircraft ground facilities.

The new hourly limitation will restrict total daily operations at the airport to a more manageable level. It also will halt the rise of operations at the airport. With no limitations, daily operations at the airport would have risen to approximately 760 by this fall.

In announcing the new limitation, the Bureau rejected a new proposal from the Air Transport Association to cancel the 500-mile perimeter and place a limitation of 44 operations an hour on the airlines.

"A limit of 44 operations an hour would not relieve the ground congestion problem at Washington National when the passenger carrying capacity of aircraft presently using the airport is taken into consideration," Arven Saunders, Director of the Bureau of National Capital Airports said. "In our judgment, a reasonable use of Washington National will be achieved with 40 scheduled air carrier operations per hour with allowances made for extra sections. Congestion must be relieved at the airport but 44 operations an hour will not do it. The Air Transport Association's proposal would permit total operations to exceed the airport's capacity."

The Bureau carefully studied another proposal to roll back the schedules to a pattern existing at an earlier date but found that this proposal failed also to take into account the larger passenger capacity of the jet, Mr. Saunders explained.

Airport operations on the proposed basis will also require limitations by other users both private and corporate to keep all operations within a total of 60 an hour when instrument flight conditions prevail.

The proposed rule will further require the airlines to obtain written permission from the Bureau before changing type and model of aircraft flying in and out of Washington National Airport.

The limitations provided by the proposed rule will be reviewed every 60 days by the Bureau to make certain that they provide sensible utilization of the airport.

FEDERAL AVIATION AGENCY

[14 CFR Part 159]

[Docket No. 7526; Notice 66-29]

LIMITATIONS GOVERNING NUMBER OF AIR CARRIER OPERATIONS EACH HOUR AT WASHINGTON NATIONAL AIRPORT

Notice of proposed rulemaking

Under its general policy to provide the maximum service to the flying public, consistent with safety, the Federal Aviation Agency is considering methods of effecting limitations on the number of air carrier operations during each hour at Washington National Airport.

To provide for the optimum utilization of the airport for both air carrier travelers and others, to emphasize its role as a short-haul commuter and local service airport, to reduce undue congestion of passengers, parking, and ground facilities, to maintain efficient runway operations, and to improve service to the traveling public, the Agency considers that it is necessary to develop an overall method of dividing the operational capability of the airport on a manageable basis of a total number of operations each hour spaced evenly through the hour. The Bureau of National Capital Airports has determined that the instrument flight capacity of the airport is approximately 60 operations per hour. The historical use has been 73 percent air carrier and 27 percent general aviation. The application of these percentages would divide the available capacity between the competing users of the airport by allocating 40 operations per hour to air carriers (other than air taxi operators) and allowance for extra sections.

Air carrier flights serving passengers at Washington National Airport will continue to be limited to those whose last stop before landing at the airport and whose first stop after taking off at the airport are within 650 statute miles from the airport (in place of the 500-mile limitation in the policy statement of July 1, 1966 (31 F.R. 9148)), except for non-stop flights of less than 1,000 miles operating to or from the following:

(1) Miami, Florida.
(2) Memphis, Tennessee.
(3) Minneapolis, Minnesota.
(4) Orlando, Florida.
(5) St. Louis, Missouri.
(6) Tampa, Florida.
(7) West Palm Beach, Fla.

The types of airplanes used to perform such operations would be subject to the approval of the Director, Bureau of National Capital Airports. The Director will be guided in granting approvals by considerations such as whether the airplane is a type that would increase congestion, whether it is appropriate to the airport's physical limitations, and whether it contributes to the use of the airport on a manageable basis, with due regard to the public need for service.

The Agency hopes that the limitation of 40 air carrier operations an hour can be accomplished by agreement among the various air carriers. Due to the urgency of the matter and the limited period of time available, agreement by the carriers to schedule operations within the 40 operations an hour limitation will be accepted, provided such schedules would be effective by the date the regulation becomes effective.

Should the above alternative not prove feasible, operational limitations would be imposed by applying a formula that would result in a proportional roll back, on an hourly basis, of current air carrier schedules during those hours of the day when there are more than 40 air carrier operations. Under this latter alternative, any changes to schedules that would result in moving any operation from a crowded to a non-crowded hour would be subject to the approval of the Director, Bureau of National Capital Airports.

Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Communications should identify the docket number and be submitted in duplicate to the Federal Aviation Agency, Office of the General Counsel, Attention: Rules Docket, 800 Independence Avenue, S. W., Washington, D. C. 20553. All communications received on or before August 3, 1966, will be considered by the Administrator before taking action on the proposed rule. The proposal contained in this notice may be changed in the light of comments received. All comments will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons.

The proposed amendments would become effective September 1, 1966, or at the end of the present strike against the airlines, whichever is later.

The Administrative Procedure Act does not require notice or public rule-making procedures to be used in any matter relating to public property. However, in view of the importance of the proposals contained herein, comments from interested persons concerning the proposed action would be beneficial.

This amendment is proposed under the authority of section 1602, Title 2, District of Columbia Code; section 2, Act of June 29, 1940, as amended (54 Stat. 686); section 4 of the Act of September 7, 1950 as amended (64 Stat. 770).

DIRECTOR, BUREAU OF NATIONAL CAPITAL AIRPORTS.

Issued in Washington, D.C.

CORRECTING AN INEQUITY SUFFERED BY RETIRED MILITARY PERSONNEL

Mr. WALDIE. Mr. Speaker, I ask unanimous consent that the gentleman from Tennessee [Mr. FULTON] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. FULTON of Tennessee. Mr. Speaker, today it is my pleasure to introduce legislation designed to correct an inequity suffered by retired military personnel.

Prior to 1958, with an exception dating back to 1949 regarding disabled retirees, retirement pay was based on current active duty pay.

In 1958 the Congress granted active duty pay increases but said that for the purpose of that act persons on the retired rolls would not receive an increase in benefits.

In 1963 the Congress granted another military pay raise for personnel on active duty but at this time amended the law with a specific provision to put retired personnel on a cost-of-living benefit increase and take them off the former system whereby their retired benefits were computed on the basis of active duty pay.

Since that time active duty military personnel have received increases averaging between 10 and 13 percent. However, retired personnel have only a 4.4 percent cost of living increase and a small percentage given in lieu of the raise they would have received in 1963 if computation had continued to remain on the active duty pay scale basis.

Mr. Speaker, this is a great disservice to these retirees. They knew when they elected the military as a career that their active duty pay would be relatively low compared to civilian pay, but they also knew that they would receive a generally more liberal retirement. The changes in the 1963 law have denied them this retirement and we have, in effect, broken faith with these persons who had been promised that their retirement would compensate for their relatively low active duty pay.

This bill will restore the retired pay system to its former status of equity and I urge early and favorable consideration by the Congress.

SENDING FOREST HILLS JOURNAL TO MEN IN ARMED SERVICES

Mr. WALDIE. Mr. Speaker, I ask unanimous consent that the gentleman from Ohio [Mr. GILLIGAN] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. GILLIGAN. Mr. Speaker, I insert in the RECORD the following letter received in my office on June 15, 1966, from Mr. E. B. Wright, Jr., editor of the Forest Hills Journal, a weekly newspaper in Cincinnati, Ohio, serving Anderson Township, Mount Washington, Newtown, and West Claremont areas:

> DEAR CONGRESSMAN GILLIGAN: For some time I have been meaning to bring to your attention something which you may wish to include in the CONGRESSIONAL RECORD at your convenience.
>
> The Mt. Washington Junior Women's Club has decided to send each week a copy of the Forest Hills Journal to men in the service who live in the Mt. Washington-Anderson Township-Newtown vicinity. For several months this has been going on and it has proved very popular with the servicemen. Enclosed are some tearsheets which provide the details.
>
> I thought you should know of this effort of the Women's Club because of your constant efforts to help the servicemen. In a previous letter or two you have asked that I bring anything to your attention which I feel you should know about. Well, this I feel you should.
>
> If there is any other information you need, please feel free to contact me or Mrs. Mary Jo Wheatley, Chairman of the Club's Community Improvement Committee, who sponsored the idea.

This project began in December of last year. By February, 86 servicemen were receiving free subscriptions to the Journal, and by this date I am sure that many more names have been added. The women's club has received many letters from servicemen and their families thanking the club for this fine gesture. I would like to quote a letter written by a lieutenant on the U.S.S. *Kitty Hawk* and which was addressed to Mrs. Wheatley:

> We have never met, but as a way of introduction I will say that I am one of the 86 servicemen receiving the Forest Hills Journal. When I saw the article in the February 9 issue of the Journal, I felt it would be appropriate to express my thanks.
>
> Until now I wasn't exactly certain why or how I was receiving the subscription. Now that my questions are answered I can only say that it is much appreciated. When I was in the States I never read a Journal but now I eagerly read each page to see what has been happening. Though it takes approximately two months for a copy to arrive, it is still welcome news of home.
>
> After six months away from the States and almost eight months away from Cincinnati, I am already eagerly anticipating my return home in June. Having flown almost 100 combat missions myself, I know all too well how hard men in the service are working over here; not only in the air but on the land and the sea. And this aids me all the more in appreciating, how much encouragement and enthusiasm from, the 'folks back home' seems to shorten our stay and make our job, though not very often a pleasant one, all the more worthwhile.
>
> I hope that you will convey my thanks to all the members of the Mt. Washington Junior Women Club.

Another serviceman—an airman in Rome writes:

> DEAR MRS. WHEATLEY: For the several months that I have been receiving the Forest Hills Journal, I've been racking my brain, and those of my parents in Mt. Washington, to discover who was responsible for the generosity and thoughtfulness. It wasn't until yesterday that I received the February 9th issue, and discovered the article about your program for collecting names of local servicemen and forwarding the Journal to them.
>
> I have it soft here in Rome, Italy. I work on a civilian airport, wear civilian clothes to work, and live on the economy rather than on a base. But, regardless of location or type of circumstances, the Journal is very welcome, and makes available all the local news that I miss.
>
> In view of what the Journal means to me here, it isn't hard to guess what it means to the guys in Vietnam, Thailand, Korea, Berlin and Okinawa. Seeing photos of and reading about old friends means a great deal to all of us. I can assure you, and keeping up on new civic building projects, i.e., new buildings, roads, etc. helps avoid that lost feeling when our military tour is over and we return home.
>
> I'm sure that there are many young men who would like to write and express their gratefulness to you and to the staff of the Forest Hills Journal for your thoughtfulness and effort in their behalf, but due to duties, don't have the free time. Please accept my thanks, speaking for all of us who are receiving and enjoying news from home.

I want to publicly commend the Mt. Washington Junior Women's Club and the editor of the Forest Hills Journal for this fine public service to the members of our Armed Forces and to their families.

TRIALS IN VIETNAM OF AMERICAN SERVICEMEN

Mr. WALDIE. Mr. Speaker, I ask unanimous consent that the gentleman from North Carolina [Mr. FOUNTAIN] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. FOUNTAIN. Mr. Speaker, if Hanoi entertained any doubt as to how we would react to war crimes trial of any of our pilots, it should have none after President Johnson's news conference statements on the matter.

An editorial in the Scripps-Howard Washington Daily News relays this warning.

The newspaper lists the warnings that have come previously from various officials at home and the appeals of Pope Paul VI and Secretary General U Thant of the United Nations.

Now the President has declared the American people would find such trials revolting and repulsive, and would react accordingly.

The editorial makes no claim to understand just why Hanoi has made the ugly threat. It expresses hope, however, that the President's warning sinks in and the threat is abandoned.

Confident that this is a hope we all share, I propose to place the entire editorial in the Record.

NATIONAL ECONOMY SUFFERS DAILY

Mr. WALDIE. Mr. Speaker, I ask unanimous consent that the gentleman from Georgia [Mr. Flynt] may extend his remarks at this point in the Record and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. FLYNT. Mr. Speaker, it was with surprise bordering on shock when I read a few minutes ago that the Secretary of Labor testified before the Senate Labor Committee that the present airline strike does not amount to an emergency which requires legislative action by Congress.

My good friend Secretary Wirtz knows better than this. He knows that the airline industry is partially paralyzed and that many other segments of the national economy are suffering daily because of the very serious effects of the present strike which has halted operations of five major airlines.

The cessation of operations of these five airlines is causing a loss of more than $7 million per day, and the daily rate of loss is increasing each day. There are 66,200 airline employees out of work; 4,100 regular scheduled flights have been canceled. More than 150,000 passengers per day are unable to obtain air transportation which they desire. These facts meet my definition of an emergency.

Some of the airlines which are operating are receiving calls which originate at the White House demanding that a named person be placed on a confirmed reservation status—or else. Many of these people have no urgent or emergency business. The only basis for priority handling of such requests for confirmed reservations is that such requests originated at the White House.

When told that the flight on which such a reservation is requested is already fully sold out, the response is, "Provide a reservation anyway." When the airline representative then asks, "Even if it means canceling a previously confirmed reservation?" the answer comes back, "Yes, even if it means canceling a previously confirmed reservation."

Members of Congress, executive department officials, and independent agency officials are also involved in asking for special handling of requests for airline reservations. We in Congress cannot smugly wash our hands and say we know nothing about it—because we do.

Mr. Speaker, in order that the effect of the airline strike might be made perfectly clear to the Secretary of Labor and to other Government officials, I suggest the immediate consideration of a resolution which I shall introduce Thursday which would provide an embargo on commercial air transportation requested by members of the White House staff, by officials and employees of the U.S. Government, including Representatives and Senators in Congress. If this is done, Mr. Speaker, I think that the people who presently deny the existence of an emergency will recognize the true situation.

Mr. Speaker, an emergency does exist in the air transportation industry, and it is time that something was done about it. I respectfully request that my resolution be appropriately referred, and that it be considered by the House.

RIGHT POLICIES IN VIETNAM

The SPEAKER. Under previous order of the House, the gentleman from Delaware [Mr. McDowell], is recognized for 30 minutes.

Mr. McDOWELL. Mr. Speaker, the Christian Science Monitor commends President Johnson for re-emphasizing what it sets forth as the two indispensable pillars of successful policy in southeast Asia.

These are a determination that aggression will not be allowed to succeed and a readiness to keep the hand of reconciliation, peace and negotiation extended to North Vietnam and Communist China.

In his recent speech on policy in Asia, the newspaper remarks, the President extended the hand of reconciliation still further to Red China.

This is another of many laudatory press observations on the President's statement of Asian policy, and I ask that it be inserted in the Record, together with President Johnson's speech of July 12 to the American Alumni Council.

[From the Christian Science Monitor, July 15, 1966]

Right Policies in Vietnam

The two firm indispensable pillars of a successful American policy in Southeast Asia today are an unswerving determination that aggression must not be allowed to succeed and a readiness to keep the hand of reconciliation, peace, and negotiation extended to North Vietnam and Communist China. President Johnson's White Sulphur Springs speech wisely reemphasized these two foundation stones of American policy.

Indeed, his speech did more. In addition to keeping the hand of reconciliation in view, in the case of China he extended that hand still further. Not only did he review the recent steps taken by Washington to reopen lines of communication with mainland China (to none of which Peking has yet responded) but he also made it plain that he was ready to do more if China showed any receptivity.

White House aides termed the speech the President's first major statement on China. It was in the right direction and established a policy which we hope will be adhered to. Someday, somehow America and China must again learn to live together in peace and cooperation. There must never be any doubt about America's willingness to speed that day.

Simultaneously, the President could not have done less than reiterate with utter firmness and determination the United States' undeviating intention of proving that aggression, political and territorial imperialism, and terrorism will not be allowed to succeed. It is imperative that the Communist leadership be convinced that aggression will not pay off and that a military victory is beyond their grasp.

At the same time, however, the President wisely repeated earlier assurances that Washington has no intention of overthrowing the North Vietnamese government, attacking North Vietnamese independence, seizing an inch of South Vietnamese territory or setting up permanent bases there. If Hanoi does not believe these assurances, Washington must be ready to take any steps—consistent with its obligations to Saigon—to prove its clean-handedness in these matters.

Meanwhile, Britain, India, and the United States all appear to be pressuring the Soviet Union to agree to seek to reconvene the Geneva Conference on Vietnam. It is believed that, in its heart, Russia too would like to see such a step, but that it fears Hanoi's refusal and Peking's charges of betrayal. But eventually some international conference must be held either under the sponsorship or within the United Nations or under the aegis of a reconvened Geneva Conference. Thus we are grateful to Britain and India for pressing such a meeting.

Remarks of the President on Nationwide Radio-TV to American Alumni Council From the White House Theater, July 12, 1966

Ladies and Gentlemen: I wanted very much to be in West Virginia tonight to speak to the American Alumni Council, but the weather has prevented it. However, the miracle of electronics has made it possible.

I am happy to be speaking to you tonight from here in the White House. In a very special way, this is really your house.

I have great respect for the work that you do. My own career owes a large debt to men and women like you, who have made it possible for the young people of our country to learn.

I know what alumni mean to the support of higher education. Last year alumni contributed almost $300 million to the colleges and universities of this Nation. As the father of two daughters, and as the President of a country in which more than half of our citizens are now under 25 years of age, I think I know how important that assistance is to the youth of this Nation.

Throughout my entire life, I have taken seriously the warning that the world is engaged in a race between education and chaos. For the last 2½ years I have lived here with the daily awareness that the fate of mankind really depends on the outcome of that race.

So I came here tonight because you are committed in the name of education to help us decide that contest. That is the most important victory we can ever win.

We have set out in this country to improve the quality of all American life. We are concerned with each man's opportunity to develop his talents. We are concerned with his environment—the cities and farms where he lives, the air he breathes, the water he drinks. We seek to enrich the schools that educate him and, of course, to improve the governments that serve him.

We are at war against the poverty that deprives him, the unemployment that degrades him, and the prejudice that defies him.

As we look at other parts of the world, we see similar battles being fought in Asia, in Africa, and in Latin America. On every hand we see the thirst for independence, the struggle for progress, and the almost frantic race that is taking place between education, on the one hand, and disaster on the other.

In all these regions we, too, have a very big stake.

Nowhere are the stakes higher than in Asia. So I want to talk to you tonight about Asia and about peace in Asia.

Asia is now the crucial arena of man's striving for independence and order, and for life itself.

This is true because three out of every five people in all this world live in Asia tonight. This is true because hundreds of millions of them exist on less than 25 cents a day.

This is true because Communists in Asia tonight still believe in force in order to achieve their Communist goals.

So if enduring peace can ever come to Asia, all mankind will benefit. But if peace fails there, nowhere else will our achievements really be secure.

By peace in Asia I do not mean simply the absence of armed hostilities. For wherever men hunger and hate there can really be no peace.

I do not mean the peace of conquest. For humiliation can be the seedbed of war.

I do not mean simply the peace of the conference table. For peace is not really written merely in the words of treaties, but peace is the day-by-day work of builders.

The peace we seek in Asia is a peace of conciliation between Communist states and their non-Communist neighbors: between rich nations and poor; between small nations and large; between men whose skins are brown and black, and yellow and white; between Hindus and Moslems, and Buddhists and Christians.

It is a peace that can only be sustained through the durable bonds of peace: through international trade; through the free flow of people and ideas; through full participation by all nations in an international community under law; and through a common dedication to the great task of human progress and economic development.

Is such a peace possible?

With all my heart I believe it is. We are not there yet. We have a long way to journey. But the foundations for such a peace in Asia are being laid tonight as never before. They must be built on these essentials:

First is the determination of the United States to meet our obligations in Asia as a Pacific power.

You have heard arguments the other way. They are built on the old belief that "East is East and West is West and never the twain shall meet."

—that we have no business but business interests in Asia;

—that Europe, not the Far East, is really our proper sphere of interest;

—that our commitments in Asia are not worth the resources they require;

—that the ocean is vast, the cultures alien, the languages strange, and the races different;

—that these really are not our kind of people.

But all of these arguments have been thoroughly tested. All of them, I think, really have been found wanting.

They do not stand the test of geography: Because we are bounded not by one, but by two oceans. Whether by aircraft or ship, by satellite or missile, the Pacific is as crossable as the Atlantic.

They do not stand the test of common sense. The economic network of this shrinking globe is too intertwined—the basic hopes of men are too interrelated—the possibility of common disaster is too real for us to ever ignore threats to peace in Asia.

They do not stand the test of human concern, either. The people of Asia do matter. We share with them many things in common. We are all persons. We are all human beings.

And they do not stand the test of reality, either. Asia is no longer sitting outside the door of the 20th Century. She is here, in the same world with all of us, to be either our partner or our problem.

Americans entered this century believing that our own security had no foundation outside our own continent. Twice we mistook our sheltered position for safety. Twice we were dead wrong.

If we are wise now, we will not repeat our mistakes of the past. We will not retreat from the obligations of freedom and security in Asia.

The second essential for peace in Asia is this: to prove to aggressive nations that the use of force to conquer others is a losing game.

There is no more difficult task, really, in a world of revolutionary change—where the rewards of conquest tempt ambitious appetites.

As long as the leaders of North Vietnam really believe that they can take over the people of South Vietnam by force, we must not let them succeed.

We must stand across their path and say: "You will not prevail; but turn from the use of force and peace will follow."

Every American must know exactly what it is that we are trying to do in Vietnam. Our greatest resource, really, in this conflict—our greatest support for the men who are fighting out there—is your understanding. It is your willingness to carry—perhaps for a long time—the heavy burden of a confusing and costly war.

We are not trying to wipe out North Vietnam.

We are not trying to change their government.

We are not trying to establish permanent bases in South Vietnam.

And we are not trying to gain one inch of new territory for America.

Then, you say, "Why are we there?" Why?

We are there because we are trying to make the Communists of North Vietnam stop shooting at their neighbors.

Because we are trying to make this Communist aggression unprofitable.

Because we are trying to demonstrate that guerrilla warfare, inspired by one nation against another nation, can never succeed. Once that lesson is learned, a shadow that hangs over all of Asia tonight will begin, I think, to recede.

"Well," you say, "when will that day come?" I am sorry. I cannot tell you; only the men in Hanoi can give you that answer.

We are fighting a war of determination. It may last a long time. But we must keep on until the Communists in North Vietnam realize the price of aggression is too high—and either agree to a peaceful settlement or to stop their fighting.

However long it takes, I want the Communists in Hanoi to know where we stand.

First, victory for your armies is impossible. You cannot drive us from South Vietnam by your force. Do not mistake our firm stand for false optimism. As long as you persist in aggression, we are going to resist.

Second, the minute you realize that a military victory is out of the question and turn from the use of force, you will find us ready and willing to reciprocate. We want to end the fighting. We want to bring our men back home. We want an honorable peace in Vietnam. In your hands is the key to that peace. You have only to turn it.

The third essential is the building of political and economic strength among the nations of free Asia.

For years they have been working at that task. And the untold story of 1966 is the story of what free Asians have done for themselves, and with the help of others, while South Vietnam and her allies have been busy holding aggression at bay.

Many of you can recall our faith in the future of Europe at the end of World War II when we began the Marshall Plan. We backed that faith with all the aid and compassion we could muster.

Our faith in Asia at this time is just as great. And that faith is backed by judgment and reason. For if we stand firm in Vietnam against military conquest, we truly believe the emerging order of hope and progress in Asia will continue to grow, and to grow.

Our very able Secretary of State, Dean Rusk, has just returned from a trip through the Far East. He told me yesterday afternoon of many of the heartening signs he saw as the people of Asia continue to work toward common goals.

And these are just some of them. In the last year:

—Japan and Korea have settled their long-standing disputes and established normal relations with promise for closer cooperation;

—One country after another has achieved rates of economic growth that are far beyond the most optimistic hopes we had a few years ago;

—Indonesia and its more than 100 million people have already pulled back from the brink of communism and economic collapse;

—Our friends in India and Pakistan—600 million strong—have ended a tragic conflict and have returned to the immense work of peace;

—Japan has become a dramatic example of economic progress through political and social freedom and has begun to help others;

—Communist China's policy of aggression by proxy is failing;

—Nine Pacific nations—allies and neutrals, white and colored—came together on their own initiative to form an Asian and Pacific Council;

—New and constructive groupings for economic cooperation are under discussion in Southeast Asia;

—The billion dollar Asian Development Bank which I first mentioned in Baltimore in my televised speech a few months ago is already moving forward in Manila with the participation of more than 31 nations;

—and the development of the Lower Mekong River Basin is going forward despite the war.

Throughout free Asia you can hear the echo of progress. As one Malaysian leader said: "Whatever our ethical, cultural, or religious background, the nations and peoples of Southeast Asia must pull together in the same broad sweep of history. We must create with our own hands and minds a new perspective and a new framework. And we must do it ourselves."

For this is the new Asia, and this is the new spirit we see taking shape behind our defense of South Vietnam. Because we have been firm—because we have committed ourselves to the defense of one small country—others have taken new heart.

And I want to assure them tonight that we never intend to let you down. America's word will always be good.

There is a fourth essential for peace in Asia which may seem the most difficult of all: reconciliation between nations that now call themselves enemies.

A peaceful mainland China is central to a peaceful Asia.

A hostile China must be discouraged from aggression. A misguided China must be encouraged toward understanding of the outside world and toward policies of peaceful cooperation.

For lasting peace can never come to Asia as long as the 700 million people of mainland China are isolated by their rulers from the outside world.

We have learned in our relations with other such states that the weakness of neighbors is a temptation, and only firmness, backed by power, can really deter power that is backed by ambition. But we have also learned that the greatest force for opening closed minds and closed societies is the free flow of ideas and people and goods.

For many years, now, the United States has attempted in vain to persuade the Chinese Communists to agree to an exchange of newsmen as one of the first steps to increased understanding between our people.

More recently, we have taken steps to permit American scholars, experts in medicine and public health, and other specialists to travel to Communist China. Only today we have here in the Government cleared a passport for a leading American businessman to exchange knowledge with Chinese mainland leaders in Red China.

All of these initiatives have been rejected, except the action today, by Communist China.

We persist because we know that hunger and disease, ignorance and poverty, recognize no boundaries of either creed or class or country.

We persist because we believe that even the most rigid societies will one day awaken to the rich possibilities of a diverse world.

And we continue because we believe that cooperation, not hostility, is really the way of the future in the 20th Century.

That day is not yet here. It may be long in coming, but I tell you it is clearly on its way, because come it must.

Earlier this year the Foreign Minister of Singapore said that if the nations of the world could learn to build a truly world civilization in the Pacific through cooperation and peaceful competition, then—as our great President Theodore Roosevelt once remarked—this may be the greatest of all human eras—the Pacific era.

As a Pacific power, we must help achieve that outcome.

Because it is a goal worthy of our American dreams and it is a goal that is worthy of the deeds of our brave men who are dying for us tonight.

So I say to you and I pledge to all those who are counting on us: You can depend upon us, because all Americans will do their part.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

Mr. KUPFERMAN (at the request of Mr. REINECKE), for 30 minutes, July 28; to revise and extend his remarks and to include extraneous matter.

Mr. DON H. CLAUSEN (at the request of Mr. REINECKE), for 15 minutes, today; to revise and extend his remarks and to include extraneous matter.

Mr. MCDOWELL (at the request of Mr. WALDIE), for 30 minutes, today; and to revise and extend his remarks and to include extraneous matter.

EXTENSION OF REMARKS

By unanimous consent, permission to extend remarks in the CONGRESSIONAL RECORD, or to revise and extend remarks was granted to:

Mr. CALLAWAY and to include a letter during general debate in the Committee of the Whole today.

Mr. MARTIN of Alabama and to include a letter and an editorial during general debate in the Committee of the Whole today.

Mr. WHITENER to incorporate in his remarks the minority views contained in the report on the Civil Rights Act of 1966 and certain statements and letters by clerks of U.S. district courts and U.S. district judges.

(The following Member (at the request of Mr. REINECKE) and to include extraneous matter:)

Mr. BUCHANAN.

(The following Members, at the request of Mr. WALDIE) and to include extraneous matter:)

Mr. FOGARTY in two instances.

Mr. MACHEN.

Mr. REUSS.

BILLS PRESENTED TO THE PRESIDENT

Mr. BURLESON, from the Committee on House Administration, reported that that committee did on this day present to the President, for his approval, bills of the House of the following titles:

H.R. 1407. An act for the relief of Leonardo Russo;

H.R. 1414. An act for the relief of Jacobo Temel;

H.R. 4083. An act for the relief of Mr. Leonardo Tusa;

H.R. 4437. An act for the relief of Bryan George Simpson;

H.R. 4458. An act for the relief of Michel Fahim Daniel;

H.R. 4584. An act for the relief of Mrs. Anna Michalska Holoweckyj (formerly Mrs. Anna Zalewski);

H.R. 4602. An act for the relief of Maj. Donald W. Ottaway, U.S. Air Force;

H.R. 7508. An act for the relief of Guiseppe Bossio;

HR. 8317. An act to amend section 116 of title 28, United States Code, relating to the U.S. District Court for the Eastern and Western Districts of Oklahoma;

H.R. 8865. An act for the relief of Ronald Poirier, a minor; and

H.R. 11718. An act for the relief of Jack L. Philippot.

ADJOURNMENT

Mr. WALDIE. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 5 o'clock and 22 minutes p.m.) the House adjourned until tomorrow, Thursday, July 28, 1966, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

2597. Under clause 2 of rule XXIV, a communication from the President of the United States, transmitting an amendment to the request for appropriations transmitted in the budget for the fiscal year 1967 for the judiciary (H. Doc. No. 462), was taken from the Speaker's table, referred to the Committee on Appropriations, and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. FEIGHAN: Committee on the Judiciary. H.R. 12596. A bill to amend the Immigration and Nationality Act, as amended; with an amendment (Rept. No. 1771). Referred to the House Calendar. .

Mr. GARMATZ: Committee on Merchant Marine and Fisheries. H.R. 14517. A bill to amend Private Law 86–203 to permit the use of the vessel *John F. Drews* in the coastwise trade while it is owned by a citizen of the United States (Rept. No. 1772). Referred to the Committee of the Whole House.

Mr. GARMATZ: Committee on Merchant Marine and Fisheries. H.R. 8000. A bill to amend the Ship Mortgage Act, 1920, relating to fees for certification of certain documents, and for other purposes (Rept. No. 1773). Referred to the Committee of the Whole House on the State of the Union.

Mr. O'NEILL of Massachusetts: Committee of Rules. House Resolution 935. Resolution providing for the consideration of H.R. 15963, a bill to establish a Department of Transportation, and for other purposes (Rept. No. 1774). Referred to the House Calendar.

Mr. YOUNG: Committee on Rules. House Resolution 936. Resolution providing for the consideration of H.R. 14359, a bill to authorize appropriations for the fiscal years 1968 and 1969 for the construction of certain highways in accordance with title 23 of the United States Code, and for other purposes (Rept. No. 1775). Referred to the House Calendar.

PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. BERRY:

H.R. 16565. A bill to amend title II of the Social Security Act to provide for cost-of-living increases in the benefits payable thereunder; to the Committee on Ways and Means.

By Mr. CLEVENGER:

H.R. 16566. A bill to regulate interstate and foreign commerce by preventing the use of unfair or deceptive methods of packaging or labeling of certain consumer commodities distributed in such commerce, and for other purposes; to the Committee on Interstate and Foreign Commerce.

H.R. 16567. A bill to amend the Marine Resources and Engineering Development Act of 1966 to authorize the establishment and operation of sea grant colleges and programs by initiating and supporting programs of education and research in the various fields relating to the development of marine resources, and for other purposes; to the Committee on Merchant Marine and Fisheries.

By Mr. LIPSCOMB:

H.R. 16568. A bill to amend title 39, United States Code, to provide city delivery mail service on a door delivery service basis for postal patrons receiving curbside delivery service who qualify for door delivery service; to the Committee on Post Office and Civil Service.

By Mr. PERKINS:

H.R. 16569. A bill to amend chapter 57 of title 39, United States Code, so as to authorize the free use of the mails in making reports required by law of certain payments to others; to the Committee on Post Office and Civil Service.

By Mr. POOL:

H.R. 16570. A bill to amend title 13, United States Code, to provide for a mid-decade census of population, unemployment, and housing in 1975 and every 10 years thereafter; to the Committee on Post Office and Civil Service.

By Mr. REIFEL:

H.R. 16571. A bill to amend title II of the Social Security Act to provide for cost-of-living increases in the benefits payable thereunder; to the Committee on Ways and Means.

By Mr. ROYBAL:

H.R. 16572. A bill to provide for continued progress in the Nation's war on poverty; to the Committee on Education and Labor.

By Mr. SHRIVER:

H.R. 16573. A bill to prohibit desecration of the flag; to the Committee on the Judiciary.

By Mr. MORGAN:

H.R. 16574. A bill to amend the Peace Corps Act (75 Stat. 612), as amended, and for other purposes; to the Committee on Foreign Affairs.

By Mr. CELLER:

H.R. 16575. A bill to provide for the appointment of U.S. marshals by the Attorney General; to the Committee on the Judiciary.

By Mr. CLEVENGER:

H.R. 16576. A bill to authorize the Secretary of the Interior to enter into contracts for scientific and technological research, and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. CORBETT:

H.R. 16577. A bill to provide an equitable system for fixing and adjusting the rates of compensation of wage board employees; to the Committee on Post Office and Civil Service.

By Mr. FARBSTEIN:

H.R. 16578. A bill to amend the Bankruptcy Act; to the Committee on the Judiciary.

By Mr. FRIEDEL:

H.R. 16579. A bill to authorize the Administrator of the Federal Aviation Agency to undertake a comprehensive study of high-speed ground transportation to Friendship International Airport, Dulles International Airport, and Washington National Airport; to the Committee on Interstate and Foreign Commerce.

By Mr. FULTON of Tennessee:

H.R. 16580. A bill to amend the Public Health Service Act to provide for the establishment of a National Eye Institute in the National Institutes of Health; to the Committee on Interstate and Foreign Commerce.

By Mr. MURPHY of New York:

H.R. 16581. A bill to amend the Marine Resources and Engineering Development Act of 1966 to authorize the establishment and operation of sea grant colleges and programs by initiating and supporting programs of education and research in the various fields relating to the development of marine resources, and for other purposes; to the Committee on Merchant Marine and Fisheries.

By Mr. SWEENEY:

H.R. 16582. A bill to provide compensation to survivors and dependents of local law enforcement officers killed or disabled while apprehending persons for committing Federal crimes; to the Committee on the Judiciary.

By Mr. WALDIE:

H.R. 16583. A bill to amend title 39, United States Code, to provide for door delivery service, and for other purposes; to the Committee on Post Office and Civil Service.

By Mr. WILLIS:

H.R. 16584. A bill to amend the Internal Security Act of 1950, and for other purposes; to the Committee on Un-American Activities.

By Mr. EVERETT:

H.R. 16585. A bill to amend title 38 of the United States Code so as to increase the rate of compensation payable to certain veterans who have had service-connected tuberculosis; to the Committee on Veterans' Affairs.

By Mr. GONZALEZ:

H.R. 16586. A bill to amend titles 10, 32, and 37, United States Code, to remove restrictions on the careers of female officers in the Army, Navy, Air Force, and Marine Corps, and for other purposes; to the Committee on Armed Services.

By Mr. HORTON:

H.R. 16587. A bill to enlarge the home mortgage purchase authority which the Federal National Mortgage Association may exercise in its secondary market operations by increasing the amount of preferred stock which such Association may issue for delivery to the Secretary of the Treasury; to the Committee on Banking and Currency.

By Mr. QUIE:

H.R. 16588. A bill to amend title II of the Social Security Act to provide for cost-of-living increases in the benefits payable thereunder; to the Committee on Ways and Means.

By Mr. SCHMIDHAUSER:

H.R. 16589. A bill to amend the Public Health Service Act by adding a new title X thereto which will establish a program to provide doctors in rural areas of need; to the Committee on Interstate and Foreign Commerce.

By Mr. SMITH of Virginia (by request):

H.R. 16590. A bill to provide for the tax treatment of certain gifts to charities; to the Committee on Ways and Means.

By Mr. TEAGUE of Texas (by request):

H.R. 16591. A bill to prohibit the processing of stale claims for special dividends by the Veterans' Administration; to the Committee on Veterans' Affairs.

By Mr. FULTON of Tennessee:

H.R. 16592. A bill to amend title 10, United States Code, to equalize the retirement pay of members of the uniformed services of equal rank and years of service, and for other purposes; to the Committee on Armed Services.

By Mr. POFF:

H.R. 16593. A bill to amend the Railroad Retirement Act of 1937 to provide for cost-of-living increases in the benefits payable thereunder; to the Committee on Interstate and Foreign Commerce.

By Mr. KLUCZYNSKI:

H.R. 16594. A bill to provide for a more conservative capitalization of the St. Lawrence Seaway Development Corporation, and for other purposes; to the Committee on Public Works.

By Mr. McCARTHY:

H.R. 16595. A bill to provide for a more conservative capitalization of the St. Lawrence Seaway Development Corporation, and for other purposes; to the Committee on Public Works.

By Mr. MURPHY of Illinois:

H.R. 16596. A bill to provide for a more conservative capitalization of the St. Lawrence Seaway Development Corporation, and for other purposes; to the Committee on Public Works.

By Mr. SECREST:

H.R. 16597. A bill to provide for a more conservative capitalization of the St. Lawrence Seaway Development Corporation, and for other purposes; to the Committee on Public Works.

By Mr. YATES:

H.R. 16598. A bill to provide for a more conservative capitalization of the St. Lawrence Seaway Development Corporation, and for other purposes; to the Committee on Public Works.

By Mrs. BOLTON:

H.R. 16599. A bill to amend title II of the Social Security Act to provide for cost-of-living increases in the benefits payable thereunder; to the Committee on Ways and Means.

By Mr. CURTIN:

H.R. 16600. A bill to amend title II of the Social Security Act to provide for cost-of-living increases in the benefits payable thereunder; to the Committee on Ways and Means.

By Mrs. DWYER:

H.R. 16601. A bill to amend title II of the Social Security Act to provide for cost-of-living increases in the benefits payable thereunder; to the Committee on Ways and Means.

By Mr. HARVEY of Indiana:

H.R. 16602. A bill to amend title II of the Social Security Act to provide for cost-of-living increases in the benefits payable thereunder; to the Committee on Ways and Means.

By Mr. HUTCHINSON:

H.R. 16603. A bill to amend title II of the Social Security Act to provide for cost-of-living increases in the benefits payable thereunder; to the Committee on Ways and Means.

By Mr. WIDNALL:

H.R. 16604. A bill to amend title II of the Social Security Act to provide for cost-of-living increases in the benefits payable thereunder; to the Committee on Ways and Means.

By Mr. ASHBROOK:

H.R. 16605. A bill to amend the Internal Security Act of 1950, and for other purposes; to the Committee on Un-American Activities.

By Mr. WILLIS:

H.R. 16606. A bill to amend the Internal Security Act of 1950, and for other purposes; to the Committee on Un-American Activities.

By Mr. GLENN ANDREWS:

H.J. Res. 1233. Joint resolution to provide for the settlement of the labor dispute between certain carriers by air and certain of their employees; to the Committee on Interstate and Foreign Commerce.

By Mr. BATES:

H.J. Res. 1234. Joint resolution proposing an amendment to the Constitution of the United States to permit voluntary participation in prayer in public schools; to the Committee on the Judiciary.

By Mr. FARNSLEY:

H.J. Res. 1235. Joint resolution to establish an Atlantic Union delegation; to the Committee on Foreign Affairs.

By Mr. JARMAN:

H.J. Res. 1236. Joint resolution to provide the settlement of the labor dispute currently existing between certain air carriers and certain of their employees; to the Committee on Interstate and Foreign Commerce.

By Mr. WHITTEN:

H.J. Res. 1237. Joint resolution to establish a commission to investigate the increase in law violation, to determine the causes and fix responsibility for the breakdown in law enforcement, with the resulting destruction of life and property, to recommend corrective legislation, and for other purposes; to the Committee on the Judiciary.

By Mr. CRAMER:

H.J. Res. 1238. Joint resolution to provide for the settlement of the labor dispute between certain airlines and certain of their employees; to the Committee on Interstate and Foreign Commerce.

By Mr. GURNEY:

H.J. Res. 1239. Joint resolution to provide for the settlement of the labor dispute between certain carriers by air and certain of their employees; to the Committee on Interstate and Foreign Commerce.

By Mr. MARTIN of Nebraska:

H.J. Res. 1240. Joint resolution to create a joint congressional committee to study and report on problems relating to industrywide collective bargaining and industrywide strikes and lockouts; to the Committee on Rules.

By Mr. REINECKE:

H.J. Res. 1241. Joint resolution to authorize the President to proclaim the month of November of each year as "Water Conservation Month"; to the Committee on the Judiciary.

By Mr. PICKLE:

H. Con. Res. 913. Concurrent resolution expressing the sense of the Congress with respect to a study of the current need for helicopter air transportation service between certain airports in or near the District of Columbia; to the Committee on Interstate and Foreign Commerce.

By Mr. DANIELS:

H. Con. Res. 914. Concurrent resolution expressing the sense of the Congress regarding the treatment of prisoners of war held captive by the Communist regime of North Vietnam; to the Committee on Foreign Affairs.

By Mr. GURNEY:

H. Con. Res. 915. Concurrent resolution to express the sense of the House of Representatives that the President of the United States should use the powers of his office to effect a settlement in the labor dispute involving certain carriers by air; to the Committee on Interstate and Foreign Commerce.

By Mr. ANDREWS of North Dakota:

H. Con. Res. 916. Concurrent resolution relating to U.S. military personnel held captive in Vietnam; to the Committee on Foreign Affairs.

By Mr. BROYHILL of Virginia:

H. Con. Res. 917. Concurrent resolution relating to U.S. military personnel held captive in Vietnam; to the Committee on Foreign Affairs.

By Mr. CURTIS:

H. Con. Res. 918. Concurrent resolution relating to U.S. military personnel held captive in Vietnam; to the Committee on Foreign Affairs.

By Mr. DUNCAN of Tennessee:

H. Con. Res. 919. Concurrent resolution relating to U.S. military personnel held captive in Vietnam; to the Committee on Foreign Affairs.

By Mrs. DWYER:

H. Con. Res. 920. Concurrent resolution relating to U.S. military personnel held captive in Vietnam; to the Committee on Foreign Affairs.

By Mr. MURPHY of Illinois:

H. Con. Res. 921. Concurrent resolution relating to U.S. military personnel held captive in Vietnam; to the Committee on Foreign Affairs.

By Mr. ST. ONGE:

H.Con. Res. 922. Concurrent resolution relating to U.S. military personnel held captive in Vietnam; to the Committee on Foreign Affairs.

By Mr. STEPHENS:

H. Con. Res. 923. Concurrent resolution relating to U.S. military personnel held captive in Vietnam; to the Committee on Foreign Affairs.

By Mr. BURTON of Utah:

H. Con. Res. 924. Concurrent resolution expressing the sense of the Congress with respect to certain proposed regulations of the Food and Drug Administration relating to the labeling and content of diet foods and diet supplements; to the Committee on Interstate and Foreign Commerce.

By Mr. GALLAGHER:

H. Res. 934. Resolution expressing concern for prisoners of war in Vietnam; to the Committee on Foreign Affairs.

By Mr. MINISH:

H. Res. 937. Resolution relating to military personnel held captive in Vietnam; to the Committee on Foreign Affairs.

By Mr. HOWARD:

H. Res. 938. Resolution expressing concern for military personnel held captive in Vietnam; to the Committee on Foreign Affairs.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. McEWEN:

H.R. 16607. A bill for the relief of M. Shawky A. A. Hammam; to the Committee on the Judiciary.

By Mr. McMILLAN:

H.R. 16608. A bill to amend the charter of Southeastern University of the District of Columbia; to the Committee on the District of Columbia.

By Mr. MEEDS:

H.R. 16609. A bill for the relief of Capt. Robert C. Crisp, U.S. Air Force; to the Committee on the Judiciary.

By Mr. MINSHALL:

H.R. 16610. A bill for the relief of Dr. Antonio Rondon Delgado; to the Committee on the Judiciary.

By Mr. NIX:

H.R. 16611. A bill for the relief of Man-Pan Hui; to the Committee on the Judiciary.

By Mr. POWELL:

H.R. 16612. A bill for the relief of Antonino Ferrante; to the Committee on the Judiciary.

By Mr. FARBSTEIN:

H.R. 16613. A bill to authorize the transfer of a vessel to the Lower Manhattan Antipoverty Board, Inc., for educational purposes; to the Committee on Merchant Marine and Fisheries.

SENATE

WEDNESDAY, JULY 27, 1966

The Senate met at 11 o'clock a.m., and was called to order by Hon. HARRY F. BYRD, JR., a Senator from the State of Virginia.

Rev. Edward B. Lewis, minister, Capitol Hill Methodist Church, Washington, D.C., offered the following prayer:

O Thou in whose presence our souls find rest and peace, we thank Thee for a new day. In the study of history, a new day with new concepts, opinions, and understanding changed the course of history. Today, we need that kind of change.

We are told in Holy Writ, "This is the day that the Lord hath made; we will be glad and rejoice in it." Give these, Thy servants—and all servants of the people—new vigor, hope, and anticipation for development of the opportunities of this day.

Be with the men on the battlefields of Vietnam. Give, here in these Halls of Government as well as elsewhere, wisdom to end this war. Touch those who suffer. Help us to find peace for all men. We pray in the Master's name. Amen.

DESIGNATION OF ACTING PRESIDENT PRO TEMPORE

The legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, D.C., July 27, 1966.

To the Senate:

Being temporarily absent from the Senate, I appoint Hon. HARRY F. BYRD, JR., a Senator from the State of Virginia, to perform the duties of the Chair during my absence.

CARL HAYDEN,
President pro tempore.

Mr. BYRD of Virginia thereupon took the chair as Acting President pro tempore.

THE JOURNAL

On request of Mr. MANSFIELD, and by unanimous consent, the reading of the Journal of the proceedings of Tuesday, July 26, 1966, was dispensed with.

ENROLLED BILLS SIGNED

The ACTING PRESIDENT pro tempore announced that on July 26, 1966, the Vice President signed the following enrolled bills, which had previously been signed by the Speaker of the House of Representatives:

S. 2822. An act to amend various provisions of the laws administered by the Farm Credit Administration to improve operations thereunder, and for other purposes;

H.R. 139. An act to provide for the striking of medals to commemorate the 1,000th anniversary of the founding of Poland; and

H.R. 14324. An act to authorize appropriations to the National Aeronautics and Space Administration for research and development, construction of facilities, and administrative operations, and for other purposes.

The ACTING PRESIDENT pro tempore announced that on today, July 27, 1966, the Vice President signed the following enrolled bills, which had previously been signed by the Speaker of the House of Representatives:

H.R. 1407. An act for the relief of Leonardo Russo;

H.R. 1414. An act for the relief of Jacobo Temel;

H.R. 4083. An act for the relief of Mr. Leonardo Tusa;

H.R. 4437. An act for the relief of Bryan George Simpson;

H.R. 4458. An act for the relief of Michel Fahim Daniel;

H.R. 4584. An act for the relief of Mrs. Anna Michalska Holoweckyj (formerly Mrs. Anna Zalewski);

H.R. 4602. An act for the relief of Maj. Donald W. Ottaway, U.S. Air Force;

H.R. 7508. An act for the relief of Guiseppe Bossio;

H.R. 8317. An act to amend section 116 of title 28, United States Code, relating to the U.S. district court for the eastern and western districts of Oklahoma;

H.R. 8865. An act for the relief of Ronald Poirier, a minor; and

H.R. 11718. An act for the relief of Jack L. Philippot.

EXECUTIVE COMMUNICATIONS, ETC.

The ACTING PRESIDENT pro tempore laid before the Senate the following letters, which were referred as indicated:

PLANS FOR WORKS OF IMPROVEMENT IN VARIOUS STATES

A letter from the Acting Director, Bureau of the Budget, Executive Office of the President, transmitting, pursuant to law, plans for works of improvement on Crow Creek, Ala., and Tenn., Caney Bayou, Ark., North Fork of Ozan Creek, Ark., White River backwater, Arkansas, Norwalk River, Conn., Fort Pierce Farms Drainage District, Florida,

Palatlakaha River, Fla., Kona watershed, Hawaii, Seven Mile Creek, Ill., Prides Creek, Ind., Dane Ridge watershed, Iowa, Deer Creek, Iowa, Gant Creek, Iowa, Irish Creek, Kans., Mission Creek, Kans., and Nebr., North Black Vermillion watershed, Kansas, Fox Creek, Ky., Cocodrie-Grand Louis watershed, Louisiana, Duralde Des Cannes watershed, Louisiana, Dry Creek, Miss., Holliday Creek, Miss., Home Cypress Bayou, Miss., Durgens Creek, Mo., Willow Creek, Mo., Spring Creek, Nebr., Dead River, N.H., Batavia Kill watershed, New York, Chicod Creek, N.C., Dutchman Creek, N.C., Little Contentnea Creek, N.C., Little Yadkin River, N.C., Otter Creek, Okla., Lower Amazon and Flat Creek, Oreg., Lewis-Hunsacker Creek, Tenn., East Side Green River, Wash., West Side Green River, Wash., and Upper Buffalo Creek, W. Va. (with accompanying papers); to the Committee on Agriculture and Forestry.

Report on Approval of Loan to the Associated Electric Cooperative, Springfield, Mo.

A letter from the Administrator, Rural Electrification Administration, Department of Agriculture, reporting, pursuant to law, on the approval of a loan to the Associated Electric Cooperative, of Springfield, Mo. in the amount of $37,490,000 (with accompanying papers); to the Committee on Appropriations.

Report on Federal Water Resources Program

A letter from the Chairman, Federal Council for Science and Technology, Executive Office Building, Washington, D.C., transmitting, pursuant to law, a report on the Federal water resources research program, for the fiscal year 1967 (with an accompanying report); to the Committee on Interior and Insular Affairs.

REPORTS OF A COMMITTEE

The following reports of a committee were submitted:

By Mr. JORDAN, from the Committee on Rules and Administration, without amendment:

S. Res. 276. Resolution authorizing the appointment of a Senate delegation to attend a meeting of the Commonwealth Parliamentary Association (Rept. No. 1411);

S. Res. 281. Resolution to print as a Senate document a study on operation and effectiveness of Government boards of contract appeals (Rept. No. 1412);

S. Res. 285. Resolution to authorize the printing of report on automotive air pollution (Rept. No. 1413); and

S. Res. 286. Resolution to provide additional funds for the Committee on Finance.

MARGUERITE A. RICUCCI—REPORT OF A COMMITTEE

Mr. JORDAN of North Carolina, from the Committee on Rules and Administration, reported the following original resolution (S. Res. 289), which was placed on the calendar:

Resolved, That the Secretary of the Senate hereby is authorized and directed to pay, from the contingent fund of the Senate, to Marguerite A. Ricucci, widow of G. Joseph Ricucci, an employee of the Senate at the time of his death, a sum equal to ten months' compensation at the rate he was receiving by law at the time of his death, said sum to be considered inclusive of funeral expenses and all other allowances.

BILLS INTRODUCED

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. MAGNUSON (for himself, Mrs. NEUBERGER, and Mr. KENNEDY of New York):

S. 3654. A bill to strengthen the Federal Cigarette Labeling and Advertising Act; to the Committee on Commerce.

(See the remarks of Mr. MAGNUSON when he introduced the above bill, which appear under a separate heading.)

By Mr. NELSON:

S. 3655. A bill to establish the Channel Islands National Park, in the State of California, and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. SCOTT:

S. 3656. A bill for the relief of Rigoberto Salazar; to the Committee on the Judiciary.

By Mr. YARBOROUGH:

S. 3657. A bill to amend section 201 of the Agricultural Adjustment Act of 1938, as amended, in order to require the Secretary of Agriculture in certain cases to make complaint to the Interstate Commerce Commission with respect to rates, charges, tariffs, and practices relating to the transportation of farm products; to the Committee on Agriculture and Forestry.

(See the remarks of Mr. YARBOROUGH when he introduced the above bill, which appear under a separate heading.)

By Mr. JACKSON:

S. 3658. A bill for the relief of a certain civilian employee of the U.S. Naval Torpedo Station, Keyport, Wash.; to the Committee on the Judiciary.

By Mr. LONG of Louisiana:

S. 3659. A bill to authorize a study of a seaway across coastal Louisiana; to the Committee on Public Works.

By Mr. MORSE:

S. 3660. A bill for the relief of Fred Devine, doing business as Fred Devine Diving Co.; to the Committee on the Judiciary.

RESOLUTIONS

TELEVISION COVERAGE OF SENATE DEBATE ON MAJOR ISSUES

Mr. GRIFFIN submitted a resolution (S. Res. 288) to permit television coverage of Senate debate on major issues, which was referred to the Committee on Rules and Administration.

(See the above resolution printed in full when submitted by Mr. GRIFFIN, which appears under a separate heading.)

MARGUERITE A. RICUCCI

Mr. JORDAN of North Carolina, from the Committee on Rules and Administration, reported an original resolution (S. Res. 289) to pay a gratuity to Marguerite A. Ricucci, which was placed on the calendar.

(See the above resolution printed in full when reported by Mr. JORDAN of North Carolina, which appears under the heading "Reports of Committees".)

TO PRINT ADDITIONAL COPIES OF FINAL REPORT OF THE JOINT COMMITTEE ON THE ORGANIZATION OF THE CONGRESS

Mr. MONRONEY submitted a resolution (S. Res. 290) authorizing the printing of additional copies of the final report of the Joint Committee on the Organization of the Congress, which was considered and agreed to.

(See the above resolution printed in full when submitted by Mr. MONRONEY, which appears under a separate heading.)

LIMITATION ON STATEMENTS DURING TRANSACTION OF MORNING BUSINESS

On request of Mr. MANSFIELD, and by unanimous consent, statements during the transaction of routine morning business were ordered limited to 3 minutes.

STRENGTHENING THE CIGARETTE LABELING ACT

Mr. MAGNUSON. Mr. President, I introduce on behalf of myself, Mrs. NEUBERGER, and Mr. KENNEDY of New York, for appropriate reference, a bill to require that all cigarette packages and advertisements disclose tar and nicotine yields measured by a standard test. In addition, as chairman of the Senate Commerce Committee, I have today requested that the Federal Trade Commission report quarterly to the Senate, through the Senate Commerce Committee, the tar and nicotine ratings of all major cigarette brands.

On June 1, of this year, 14 of the Nation's leading scientific investigators met at the National Library of Medicine, at the invitation of the Surgeon General of the Public Health Service, to review the state of medical knowledge on the significance of the tar and nicotine contents of cigarettes. The group included two members of the Surgeon General's Advisory Committee on Smoking and Health, Drs. Seevers and Schuman, and representatives of major research institutions and agencies, including the Federal Trade Commission and the Department of Agriculture.

At the close of the meeting, the following statements were adopted unanimously by the group, and addressed to the Surgeon General:

1. The preponderance of scientific evidence strongly suggests that the lower the "tar" and nicotine content of cigarette smoke, the less harmful are the effects.

2. We recommend to the Surgeon General that actions be encouraged which will result in the progressive reduction of the "tar" and nicotine content of cigarette smoke.

In my opinion, the judgment of these scientists is of profound significance to America's public health forces.

Today marks a full year since the signing of the Federal Cigarette Labeling and Advertising Act. Since January 1, of this year, by the terms of that act, all cigarettes manufactured to be sold in the United States have borne the warning: "Caution: Cigarette smoking may be hazardous to your health."

Upon the heels of that enactment, public health agencies, at all levels of government, and the voluntary health agencies have mounted an unprecedented campaign to discourage Americans, particularly our young people, from taking up the smoking habit. The American Cancer Society, alone, has distributed tens of thousands of posters displaying the statutory warning and the sober legend: "Congress has acted. The next step is yours." As a direct result of these efforts, many smokers have quit and many teenagers have undoubtedly been motivated to resist the strong social temptation to take up smoking.

But there is little doubt that the overwhelming majority of those who were smokers prior to the act continue to be smokers. And, tragically, there are vast numbers of youngsters who have not been deterred from taking up the habit.

The Surgeon General of the Public Health Service has told us that our efforts have brought home to most Americans the knowledge that smoking is a significant health hazard. The Public Health Service is embarked on a major campaign to find ways in which this knowledge can be translated into a significant decrease in the numbers of people smoking, as well as in the numbers of cigarettes which the remaining smokers consume.

The Senate Commerce Committee will want to scrutinize with great care the reports required under the act next year from the Federal Trade Commission and from the Secretary of HEW, to determine whether it is necessary to go beyond the labeling of cigarettes.

But even such measures will not affect the fact of tens of millions of confirmed smokers who recognize the harmful effects of smoking but remain unwilling—or unable—to quit.

For those who, in the face of the evidence, show no inclination either to cut down or to find a safer cigarette, we can do little but pray. But the great majority of smokers plainly seek ways of reducing their risk, short of giving up cigarettes altogether. Thus, while the total cigarette sales have remained relatively stable since the publication of the first studies incriminating smoking in lung cancer and other disease, there has been a radical change in the cigarettes people smoke—the change from the so-called regular to the filter cigarette. From a novelty item a little more than a decade ago, the filter cigarette has attracted an increasing share of the market until, today, near 75 percent of all cigarettes sold in the United States are filter cigarettes.

Why? Consciously or unconsciously, the average smoker has turned to the filter cigarette in the hope that filtration will provide some measure of protection against the hazards of smoking.

If that hope is justified—if in fact filtered cigarettes provide even limited protection—the "change to filters" would surely warrant the wholehearted encouragement of the Nation's public health forces. But if filters in fact furnish the semblance but not the substance of protection, then the rise of filter cigarettes represents a hoax and fraud on the American people.

Last year, in hearings before the Senate Commerce Committee, the Surgeon General testified that the medical advantages of lowering the tar and nicotine content of cigarettes through filtration had not yet been clearly established. For this reason, the Senate Commerce Committee rejected the provision, which I proposed be included in the labeling bill, to require that all cigarettes list the average tar and nicotine yields per cigarette.

What has been the result? With one or two minor exceptions, the cigarettes now on the market do not list their tar and nicotine contents. In the absence of this information, the average smoker assumes that one filter cigarette furnishes as much protection as any other. Since he has no basis for comparing filter cigarettes on the basis of their relative tar and nicotine yields, he chooses his cigarettes—as he always has done—on the basis of taste and flavor.

But the cigarette that tastes best is invariably the cigarette that filters least. Tar and nicotine are virtually synonymous with flavor. The more tar and nicotine that slip by the filter, the more satisfying the taste of the cigarette. Thus, so long as all filters serve equally as symbols of safety to the consumer, the only commercial reward for high filtration is low flavor—and consequently low sales.

This explains why several new filter cigarettes reportedly yield tar and nicotine levels higher than, or at least as high as, their nonfilter counterparts.

At the time Congress passed the cigarette labeling law, it was our profound hope and expectation that the cigarette industry would strenuously compete in the development and promotion of less hazardous cigarettes. It now appears that these hopes were unfounded.

I have therefore concluded that Congress must act to require the disclosure of tar and nicotine contents on all cigarette packages and in all advertisements.

I am also asking the Federal Trade Commission, which is now in the process of establishing a cigarette testing laboratory, to furnish a quarterly report to the Senate Commerce Committee, through me, containing comparative tar and nicotine ratings of all major cigarettes.

Only by requiring that the cigarette manufacturers lay their cards on the table—that they disclose the tar and nicotine contents of all their brands—not just selected ones—will we insure open and effective competition in, progressively lower tar and nicotine bearing cigarettes.

As I said last year, when introducing the Cigarette Labeling Act:

> I believe that an adult has the right to choose his own poison. But I also believe that he has the right to know just what kind of a risk he is taking.

To those who fear that the appearance of such listings would tend to lull smokers into the belief that relatively low tar and nicotine cigarettes are absolutely safe, the answer is that the statement of tar and nicotine content would be carried on a package of cigarettes which must also bear a warning of the health hazards of smoking.

To those who object that no one has yet established "safe" levels of tar and nicotine, and that numbers of milligrams of tar and nicotine are not meaningful to anyone but a research chemist, at least the average consumer will be able to select a cigarette with a relatively lower tar and nicotine yield, if he so desires. And truthful advertising should aid him to make an informed choice. Of course, the Federal Trade Commission will be expected to continue to insure that all advertisements are strictly correct and truthful in their claims, and do not negate the mandatory hazard warning.

Tar and nicotine are relatively crude measurements of the ingredients of cigarette smoke. We can certainly look forward to a time when the scientists will be able to identify with greater particularity the specific agents in the smoke which contribute to the hazards of smoking. At such time as the Secretary of HEW is able to single out such "incriminated agents," the bill would authorize him to designate such agents, in lieu of tar and nicotine, to be listed on the package and in advertisements.

In all probability, we will have to wait until next year to pursue this legislation through to final decision. I would hope, however, that the introduction of the legislation today will serve as inducement to the industry to consider the voluntary listing of tar and nicotine contents, without waiting for a congressional mandate.

I believe the Senate should recognize and commend the strong efforts of Chairman Paul Rand Dixon, of the Federal Trade Commission, to stimulate within the limits of the Commission's authority, responsible and constructive cigarette advertising and, in particular, to encourage tar and nicotine disclosure in cigarette advertising. I ask unanimous consent that the text of the bill be printed at the close of my remarks, together with the correspondence relating to tar and nicotine which I have had with Chairman Dixon and Secretary of Health, Education, and Welfare Gardiner.

The ACTING PRESIDENT pro tempore. The bill will be received and appropriately referred; and, without objection, the bill and correspondence will be printed in the RECORD.

The bill (S. 3654) to strengthen the Federal Cigarette Labeling and Advertising Act, introduced by Mr. MAGNUSON (for himself, Mrs. NEUBERGER, and Mr. KENNEDY of New York), was received, read twice by its title, referred to the Committee on Commerce, and ordered to be printed in the RECORD, as follows:

S. 3654

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) section 3 of the Federal Cigarette Labeling and Advertising Act (15 U.S.C. 1331 et seq.) is amended by adding at the end thereof the following new items:

"(7) The term 'mainstream smoke' means the smoke which would enter the smoker's mouth while smoking a cigarette.

"(8) The term 'incriminated agent' means any substance found in cigarette smoke which, as determined by the Federal Trade Commission, tends to contribute to the hazard of smoking to human health."

(b) The first sentence of section 4 of such Act is amended by striking out all after the word "following" through the end of such sentence and by inserting in lieu thereof a colon and the following:

"(1) the statement: 'Caution: Cigarette Smoking May Be Hazardous to Your Health'; and

"(2) a clear statement of—

"(A) the tar content and nicotine content of the mainstream smoke per cigarette of the brand or kind of cigarettes contained in such package, as determined in accordance with regulations prescribed by the Federal Trade Commission under section 6; and

"(B) the identity and quantity of the content of each incriminated agent contained in the smoke of each cigarette of the brand or kind of cigarettes contained in such package, as determined in accordance with regulations prescribed by the Federal Trade Commission under section 6."

(c) The Federal Cigarette Labeling and Advertising Act is further amended by (1) redesignating sections 5, 6, 7, 8, 9, and 11 thereof as sections 9, 10, 11, 12, 13, and 14, respectively, and (2) inserting therein, immediately after section 4 thereof, the following new sections:

"ADVERTISEMENTS

"Sec. 5. It shall be unlawful for any person engaged in the manufacturing or importing of cigarettes for sale or distribution in commerce within the United States or for any person (other than a common carrier for hire, a contract carrier for hire, or a freight forwarder for hire) engaged in the distibution of cigarettes in commerce within the United States, to disseminate or cause to be disseminated in commerce any advertisement for the sale of cigarettes unless such advertisement contains a clear statement of—

"(1) the tar content and the nicotine content of the mainstream smoke per cigarette of the brand or kind of cigarettes named or described in such advertisement, as determined in accordance with regulations prescribed by the Federal Trade Commission under section 6; and

"(2) the identity and quantity of the content of each incriminated agent contained in the smoke of each cigarette of the brand or kind of cigarettes named or described in such advertisement, as determined in accordance with regulations prescribed by the Federal Trade Commission under section 6.

"REGULATIONS AUTHORIZED

"Sec. 6. (a) The Federal Trade Commission shall prescribe and publish in the Federal Register regulations which shall specify a uniform test for the measurement of the tar content and the nicotine content of the mainstream smoke per cigarette and the form of the statement required by paragraph (2)(A) of section 4, and paragraph (2) of section 5.

"(b) The Federal Trade Commission, after consultation with the Surgeon General of the Public Health Service, shall prescribe and publish in the Federal Register regulations which shall (1) identify each incriminated agent, found commonly in the smoke of cigarettes, (2) prescribe a uniform test for the quantitative measurement of such agents, (3) prescribe of the quantity of each such agent in terms meaningful to the average consumer, and (4) prescribe the form of the statement required by paragraph (2)(B) of section 4 and paragraph (2) of section 5.

"(c) The regulations prescribed pursuant to this section, and any amendments to such regulations, shall become effective no sooner than six months from the date on which such regulations or amendments are published.

"PROCEDURE FOR PRESCRIBING REGULATIONS

"Sec. 7. Regulations prescribed by the Commission under section 6 of this Act shall be prescribed, and shall be subject to judicial review, by proceedings taken in conformity with the provisions of subsections (e), (f), and (g) of section 701 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 371 (e), (f), and (g)) in the same manner, and with the same effect, as if such proceedings were taken by the Secretary pursuant to such sections. Hearings authorized or required for the promulgation of any such regulations by the Commission shall be conducted by the Commission or by such officer or employee of the Commission as the Commission may designate for that purpose.

"ENFORCEMENT OF ADVERTISING REQUIREMENTS

"Sec. 8. Any violation of any provisions of section 5 of this Act or the regulations relating to advertising prescribed pursuant to section 6 of this Act, with respect to the advertisement of cigarettes shall constitute an unlawful advertisement of drugs for the purpose of sections 12, 13, 14 and 15 of the Federal Trade Commission Act (15 U.S.C. 52, 53, 54 and 55), and such provisions and regulations shall be subject to enforcement under such sections."

(d) Section 9 of such Act, as redesignated in subsection (c) of this section, is amended by (1) striking out "statement" the last time it appears in subsection (a) and inserting in lieu thereof "statements"; (2) inserting immediately after "required" in subsection (b) thereof the following: "by any State or political subdivision thereof"; (3) inserting immediately after "cigarettes" in subsection (b) thereof the following: "which are advertised and"; and (4) striking out "subsections (a) and (b)" in subsection (c) and inserting in lieu thereof "subsection (a)".

(e) Section 10 of such Act, as redesignated in subsection (c) of this section, is amended by inserting "section 4 of" immediately before "this Act".

(f) Section 11 of such Act, as redesignated in subsection (c) of this section, is amended by inserting "section 4 of" immediately before "this Act".

(g) Section 10 of such Act is hereby repealed.

Sec. 2. The amendments made by this Act shall take effect on January 1, 1967.

The correspondence, presented by Mr. Magnuson, is as follows:

[News Release, Federal Trade Commission, Mar. 25, 1966]

The Federal Trade Commission today announced that it has sent identical letters to each of the nation's major cigarette manufacturers and to Mr. Robert B. Meyner, Administrator of The Cigarette Advertising Code, Inc., in regard to factual statements of tar and nicotine content on labels and in advertising of cigarettes.

The text of the letter is as follows:

"Gentlemen: The Cigarette Advertising Guides promulgated by the Commission in September 1955 provided that no representation should be made that 'any brand of cigarette or the smoke therefrom is low in nicotine or tars * * * when it has not been established by competent scientific proof applicable at the time of dissemination that the claim is true, and if true, that such difference or differences are significant.' On the basis of the facts now available to it, the Commission has determined that a factual statement of the tar and nicotine content (expressed in milligrams) of the mainstream smoke from a cigarette would not be in violation of such Guides, or of any of the provisions of law administered by the Commission, so long as (1) no collateral representations (other than factual statements of tar and nicotine contents of cigarettes offered for sale to the public) are made, expressly or by implication, as to reduction or elimination of health hazards, and (2) the statement of tar and nicotine content is supported by adequate records of tests conducted in accordance with the Cambridge Filter Method, as described in an article entitled "Determination of Particulate Matter and Alkaloids (as Nicotine) in Cigarette Smoke," by C. L. Ogg, which appeared in the Journal of the Association of Official Agricultural Chemists, Vol. 47, No. 2, 1964. It is the Commission's position that it is in the public interest to promote the dissemination of truthful information concerning cigarettes which may be material and desired by the consuming public.

"By direction of the Commission.

"Joseph W. Shea,
"*Secretary.*"

April 7, 1966.

Hon. Paul Rand Dixon,
Chairman, Federal Trade Commission,
Washington, D.C.

Dear Mr. Chairman: This is to confirm my oral request to you for a report on the background and consideration of your letter of March 24 to Robert P. Meyner, revising your cigarette advertising guides with respect to tar and nicotine representations.

Kindest regards.

Sincerely yours,

Warren G. Magnuson,
Chairman.

Federal Trade Commission,
Washington, D.C., April 11, 1966.

Hon. Warren G. Magnuson,
Chairman, Committee on Commerce,
U.S. Senate,
Washington, D.C.

Dear Mr. Chairman: This is in response to your request that you be informed as to the background and basis for the Commission's announcement of March 25 respecting disclosure of the tar and nicotine content of cigarettes.

The question of permitting, or even requiring, a disclosure of the tar and nicotine content of cigarettes has been a matter of deep and continuing concern to the Commission for the past several years. When it promulgated guides for the use of its staff in evaluating cigarette advertising in 1955, the Commission indicated that no claim should be made that:

"2. Represents that any brand of cigarette or the smoke therefrom is low in nicotine or tars, or other substances, by virtue of its ingredients, method of manufacture, length, added filter, or for any other reason or without any assigned reason, than any other brand or brands of cigarettes when it has not been established scientific proof applicable at the time of dissemination that the claim is true, and if true, that such difference or differences are significant.

"Note: Words, including those relating to filtration, which imply lesser substances in the smoke, through filter comparisons or otherwise, are considered subject to this guide."

In 1960, in the light of evidence then available and the then state of both cigarette advertising and consumer understanding, the Commission informally requested the advertisers of cigarettes to avoid making references to tar and nicotine and the several companies uniformly agreed to do so.

These actions constituted, in effect, informal advice and guidance to industry with respect to the regulatory posture which the Commission had reason to believe would be established as a basis for issuance of complaints, and subsequent proceedings under Section 5(b) of the Federal Trade Commission Act. They were based upon reports from the staff detailing the testimony which might be expected from the leading experts knowledgeable on the subject, as had been developed during the course of conversations and correspondence with those experts.

In 1964, however, the proceedings leading up to promulgation of the Trade Regulation Rule for the Prevention of Unfair or Deceptive Advertising and Labeling of Cigarettes in Relation to the Health Hazards of Smoking established a formal record, included evidence available to support the proposal and an expression of views by all interested parties desiring to do so, summarized in a statement of the basis and purpose of the rule. There the Commission developed an evidentiary foundation to support a Rule requiring a positive statement in labeling and advertising, as opposed to advice that the Commission believed that evidence could be developed to support a complaint.

In 1960, then, the Commission was informing the industry that in its opinion the evidence then available would support a complaint against any marketer who made any reference to tar or nicotine content, charging that such a reference was false and misleading. The Commission has maintained a continuous review of evidence pertinent to this question and of its attitude thus expressed publicly.

The Report of the Advisory Committee to the Surgeon General of the Public Health Service included the statement that "In general, the greater the number of cigarettes smoked daily, the higher the death rate. For men who smoke fewer than 10 cigarettes a day, according to the seven prospective studies, the death rate from all causes is about 40 percent higher than for non-smokers. For those who smoke from 10 to 19 cigarettes a day, it is about 70 percent higher than for non-smokers; for those who smoke 20 to 39 a day, 90 percent higher; and for those who smoke 40 or more, it is 120 percent higher." The report, however, made no direct findings with respect to the desirability of disclosing tar and nicotine.

In order to re-examine the evidence then apparently available to determine whether it would support the previously expressed opinion that tar and nicotine statements were deceptive and therefore in violation of the Federal Trade Commission Act, when the Commission announced the initiation of a Trade Regulation Rule Proceeding governing the advertising and labeling of cigarettes, on January 18, 1964, one of the proposals was as follows:

"Rule 3. No cigarette advertisement shall contain any statement as to the quantity of any cigarette-smoke ingredient (e.g., tars and nicotine) which has not been verified in accordance with a uniform and reliable testing procedure approved by the Federal Trade Commission.

"Comments on Rule 3: This Rule concerns a specific aspect of the problem dealt with in Rule 2. A quantitative disclosure of cigarette-smoke ingredients is a claim concerning the health consequences of smoking the advertised brand. It is essential, therefore, that such disclosure be meaningful to the consuming public, and not a source of confusion. Confusion can be obviated, and the ability of consumers to make an intelligent choice among competing brands protected, only if the measurement of cigarette-smoke ingredients accords with a uniform, fully reliable and approved testing procedure. (The Commission is considering approval under this Rule of the so-called 'Cambridge Filter Method', presented at the 77th Annual Meeting of the Association of Official Agricultural Chemists, October 16, 1963, at Washington, D.C.)"

The record of that proceeding contains the views then expressed of numerous authorities. While there was substantial support for the proposition that an accurate statement of tar and nicotine content would be in the public interest, the Commission concluded that a Trade Regulation Rule on the subject would be inappropriate at that time. The affected industry offered no substantive comment, as an interested party, to any of the proposed rules in response to the opportunity thus provided. It is believed that the views expressed during the proceeding represented those of interested parties concerned with the question, with the exception of the cigarette industry itself which, as indicated, appears to have elected to withhold substantive comment.

At the conclusion of the Trade Regulation Rule proceeding it was the opinion of the Commission that the evidence thus developed was not adequate to provide a basis for a Rule on the subject of tar and nicotine disclosures.

Since enactment of the Federal Cigarette Labeling and Advertising Act, and especially since January 1, 1966, when it became effective, the Commission has continued to study advertising and labeling of cigarettes and available evidence pertinent thereto. Such intensified attention is deemed warranted by the conclusion of the Advisory Committee that "Cigarette smoking is a health hazard of sufficient importance in the United States to warrant appropriate remedial action," by the apparent intent of the Congress that, as stated by Chairman Harris, "we did not intend in any way to restrict the Federal Trade Commission in carrying out its duties and responsibilities under the Federal Trade Commission Act" (except as to a requirement for a health statement), and by direction of the Statute that the Commission "transmit a report to the Congress not later than eighteen months after the effective date of this Act, and annually thereafter, concerning (A) the effectiveness of cigarette labeling, (B) current practices and methods of cigarette advertising and promotion, and (C) such recommendations for legislation as it may deem appropriate."

In this connection the Commission is particularly mindful of the injunction that it be especially watchful for violations of the FTC Act growing out of "any advertising which tends to negate the warning which must be placed on the package in accordance with" the Labeling Act. (Sen. Rep. p. 6; see also H.R. Rep. p. 5)

The Commission is now, with the required statement appearing on the package at this time, of the opinion that the evidence presently available would not support a charge that a truthful statement of the tar and nicotine content of cigarettes would *per se* tend to negate that warning or be otherwise violative of the Federal Trade Commission Act. This opinion is based upon recent conversations with experts whose testimony would be necessary to support such a charge.

On March 17, 1966, three Commissioners including myself, attended a meeting with members of the National Interagency Council on Smoking and Health. If the Commission were to issue a complaint today charging that a reference to tar and nicotine is false and misleading, such a charge would require the support in the form of expert testimony from precisely such agencies and organizations as are represented on that Council, and I cite the following:

American Association for Health, Physical Education & Recreation.
American Association of School Administrators.
American Cancer Society, Inc.
American College Health Association.
American Dental Association.
American Heart Association.
American Pharmaceutical Association.
American Public Health Association.
American School Health Association.
Association of State and Territorial Health Officers.
Department of Classroom Teachers of the NEA.
National Congress of Parents and Teachers.
National Tuberculosis Association.
U.S. Children's Bureau.
U.S. Office of Education.
U.S. Public Health Service.

In this instance, as in some others, we, as Commissioners impressed with the importance of the question presented, did not rely solely upon staff reports but had personal discussions with persons we deem authoritative. The Commission attaches great weight to the information secured at the meeting, largely in response to questioning by the Commissioners. Some of the agencies and organizations represented have since confirmed their views in writing. Excerpts from such letters are recited hereinafter so that your Committee may have a direct and specific understanding of the nature of the current evidence referred to throughout this report.

From the National Interagency Council on Smoking and Health:

"The following is a verbatim excerpt from the minutes of the Board of Directors of the National Interagency Council on Smoking and Health, held in Washington on January 13, 1966:

"'Objectives for 1966–67: Dr. Diehl suggested several additional program objectives for 1966–67. The objectives were discussed and adopted by the Board as follows:

* * * * *

"'3. Add tar and nicotine content to the label on cigarette packages.'

"The National Interagency Council on Smoking and Health hopes that you will take the steps necessary to make it permissible for cigarette manufacturers to list tar and nicotine content on the labels of cigarette packages."

On March 21, 1966, the American Cancer Society, Inc., by its Senior Vice President for Research and Medical Affairs and Deputy Executive Vice President, expressed its views as follows:

"I am writing to express the conviction of the American Cancer Society that the Federal Trade Commission can render a major service to the health of the public by rescinding its restriction relative to the mention of the tar and nicotine content of cigarette smoke in cigarette advertising and on the packages of the various brands of cigarettes.

"All studies of cigarette smoking show that its harmful effects are related to the number of cigarettes smoked, to the length of time that one has smoked and to the degree of inhalation; in other words, to dosage. There is clear evidence also that the tars in cigarette smoke contain chemicals which produce cancer when applied to the skin of animals and to the bronchial mucosa of dogs, and it has long been recognized that nicotine is one of the most powerful poisons known.

"We are convinced, therefore, that it would be in the public interest to let people know how much tar and nicotine they are taking into their bodies when they smoke cigarettes. The customer is given this information concerning the drugs which he takes, the food which he eats, the beverages which he drinks. Why not concerning the cigarette smoke he inhales? Certainly, there is no reason to think that it would be against the public interest to provide this information.

"President Kennedy in a special message to the House of Representatives in 1962 concerning Strengthening Programs for Protection of Consumer Interests, emphasized that among the basic rights of the consumer are:

"1. The right to safety—to be protected against the marketing of goods which are hazardous to health and life;

"2. The right to be informed—to be protected against fraudulent, deceitful or grossly misleading advertising, labeling or other practices and to be given the facts he needs to make an informed decision.

"The American Cancer Society believes that the public has the right to the same protection against the health hazards of cigarette smoking as against the potential hazards in our foods and drugs. And, obviously, the consumer must have information as to the tar and nicotine content of cigarettes in order to make an intelligent decision as to which brands to smoke.

"The American Cancer Society, therefore, respectfully requests the Federal Trade Commission to remove its restrictions relative to providing information concerning the tar and nicotine content of cigarette smoke on cigarette packages and in cigarette advertising; or better still to require that this information be provided."

From W. T. Robbins, M.D., as representative for the American College Health Association on the National Interagency Council on Smoking and Health we received a letter on March 23, 1966, in which he stated that he would ". . . urge that your office take all possible steps toward negation of the . . . agreement to withhold printing of tar and nicotine content on cigarette packages."

From George E. Moore, M.D., Ph. D., Director of Roswell Park Memorial Institute (New York State cancer research hospital), in a letter of March 24, 1966:

"The basic issue considered here is: Should the public be provided with continuing, updated information on the tar and nicotine content of cigarettes?

"There are commanding reasons why the public is entitled to—and should be given—this information. These are:

"(1) There is incontestable evidence (both from laboratory experiments and from human experience) that the tars which are condensed from cigarette smoke constitute one of the principal public health hazards of our era.

"(2) Government policies should therefore aim at reducing exposure of the population to cigarette tars. All effective measures to achieve this end should be vigorously implemented.

"(3) It would be desirable to eliminate further exposure entirely by having smokers withdraw from the habit and by protecting youngsters from acquiring the habit. Progress along these lines is bound to be slow. Consequently it is important to develop effective interim measures to reduce exposure to cigarette tar.

"(4) Whatever means, legislative or otherwise, are employed to promote a reduction in tar levels, the process will necessarily be a rather gradual, evolutionary one. To drive such a process, two things are necessary. The manufacturers need a strong incentive to produce cigarettes with low levels of tar and nicotine. Second, the public needs to be informed concerning tar and nicotine levels and encouraged to use products with reduced levels.

"Three principal objections have been raised to any publicity concerning tar and nicotine content of cigarettes. The first is the possibility that the manufacturers will publish misleading figures in order to secure competitive advantage. This has happened, for instance, with a brand of cigarettes which was introduced at about the time of the Surgeon General's report. The tar contents reported on the label substantially underestimated the tar content as measured using more conventional assay methods. There may also be times when minor fractional differences might be exploited as 'major improvements'. To meet these objections we would recommend that the products be tested by a central laboratory which would be responsible for the chemical, biological, and statistical accuracy of the reports.

"Second objection that has been often raised is that the advertising of reduction in tar content would create the false impression that the health hazard had been eliminated when the tar content was merely reduced. This objection has less force now that there is a warning of hazard on the package. The warning would continue to appear even though there had been some reduction in tar content. This would help to avoid any erroneous impression that the hazard had been eliminated.

"The third objection is somewhat more technical. It is conceivable that a reduction in tar content would be primarily a reduction in a fraction of the tar that was relatively unimportant as a health hazard. This objection can not be entirely eliminated at this time. However, all cigarette tars thus far which have been adequately tested and reported are carcinogenic in the laboratory. It is therefore a reasonable and prudent procedure to use the amount of crude tar as an index of hazard. If subsequent scientific finding makes it possible to improve this index, then a change can be made at that time.

"It is neither good policy nor good science to delay any reporting program until an ideal index comes along.

"When possible disadvantages of informing the public of the current amounts of tar and nicotine are weighed against the advantages of such a policy, it is clearly in the public interest to provide this information. *For this reason we strongly urge* that the FTC exert every effort to favor such a policy."

The Commission determined that if any marketer of cigarettes were to make factual statement of the tar and nicotine content (expressed in milligrams) of the mainstream smoke from a cigarette, . . . "so long as (1) no collateral representations (other than factual statements of tar and nicotine contents of cigarettes offered for sale to the public) are made, expressly or by implication, as to reduction or elimination of health hazards, and (2) the statement of tar and nicotine content is supported by adequate records of tests conducted in accordance with the Cambridge Filter Method. . . ." the Commission could not "have reason to believe that any such (marketer) has been or is using any unfair method of competition or unfair or deceptive act or practice in commerce, and . . . that a proceeding by it in respect thereof would be in the interest of the public . . ." (FTC Act Sec. 5(b)) so as to justify issuance of a complaint.

In other words, the Commission is of the opinion that testimony and other pertinent evidence available today, with the caution presently appearing on the packages would not support the contention that a truthful disclosure of tars and nicotine present in the mainstream smoke of cigarettes, is *per se* false and misleading.

Having reached this conclusion, it appeared that in fairness to the marketers of cigarettes they should be informed of the change in the state of the evidence available and the effect thereof on its regulatory position in enforcement of the Federal Trade Commission Act.

The question of disclosing tar and nicotine content was discussed on March 9, 1966 by four of the Commissioners with Robert B. Meyner, Administrator, Cigarette Advertising Code, Inc., and members of his staff.

It is hoped that the foregoing will make clear that in determining whether the Commission should recede from its regulatory posture the interested parties are in fact those whose testimony must be relied upon to support that position in an adversary proceeding against a cigarette company.

I trust the foregoing will indicate the basis for the recent announcement by the Commission. I trust, too, that you will understand that the Commission is continuing to exercise its best efforts to obey the mandates of the Congress in affording protection from unfair and deceptive practices to the consumer, and promoting fair and free competition, within its statutory authority.

In the event you have additional questions I, of course, stand ready to discuss these matters further and shall be pleased to appear at any time which suits your convenience.

By direction of the Commission.

PAUL RAND DIXON,
Chairman.

MAY 25, 1966.

Hon. JOHN W. GARDNER,
Secretary of Health, Education, and Welfare, Department of Health, Education, and Welfare, Washington, D.C.
Washington, D.C.

DEAR MR. SECRETARY: I believe that the time has come for a comprehensive review of the medical evidence relating to tar and nicotine contents of cigarette smoke.

As you may recall, I proposed in the Cigarette Labeling Bill, which I introduced last year (S. 559), that all cigarette packages list the average tar and nicotine yields per cigarette, by the Cambridge filter method. However, the Commerce Committee, relying primarily upon testimony from the Surgeon General and from the Chairman of the Federal Trade Commission, determined that not enough was then known about the effects of variations in tar and nicotine content upon human health to warrant compulsory disclosure.

Subsequently, the Federal Trade Commission, after consultation with leading medical groups, including the U.S. Public Health Service, substantially altered its position on tar and nicotine labeling and published its determination that the nondeceptive disclosure of tar and nicotine content by the Cambridge method was not *per se* false and misleading.

I have also become increasingly disturbed by recent reports that several of the new filter cigarettes actually deliver tar and nicotine yields higher than, or at least as high as, their nonfilter counterparts. If this were true, it would mean that those smokers who turn to filter cigarettes in the hope of finding some measure of protection are being deceived.

Therefore, I request that your Department bring together and evaluate present research and medical opinion relating to tar and nicotine and that you test, perhaps in conjunction with the Federal Trade Commission, the major cigarette brands presently on the market for tar and nicotine content. Finally, I would like you to report to the Committee your judgment as to the desirability at this time of legislation requiring tar and nicotine statements on all cigarette packages.

I am enclosing a copy of the report made to me by Chairman Dixon in response to my request for the background and basis for the Commission's change of position on tar and nicotine advertising.

I am also enclosing a copy of a brief letter from Dr. Ernest L. Wynder, a distinguished cancer research physician of the Sloan-Kettering Institute, in which he indicates that tests conducted by him show that recently introduced filter cigarettes do not reduce tar and nicotine levels below the level of their nonfilter counterparts.

Sincerely yours,
WARREN G. MAGNUSON,
Chairman.

SLOAN-KETTERING INSTITUTE FOR CANCER RESEARCH,
New York, N.Y., April 27, 1966.

Senator WARREN G. MAGNUSON,
Chairman, Committee on Commerce,
U.S. Senate,
Washington, D.C.

DEAR SENATOR MAGNUSON: In reply to your recent letter on questions relating to "tar" and nicotine content of American cigarettes, we do not routinely test cigarettes for "tar" and nicotine content. We cannot, therefore, make a definitive statement regarding an increase of these values in American cigarettes in recent years. Our tests have shown, however, that the smoke of certain new filter brands introduced during the past year has almost identical "tar" and nicotine contents as their non-filter namesakes.

Appreciating your efforts in this general area of public interest, I am,

Sincerely yours,

ERNEST L. WYNDER, M.D.,
Associate Member.

SLOAN-KETTERING INSTITUTE FOR
CANCER RESEARCH,
New York, N.Y., June 6, 1966.

Senator WARREN G. MAGNUSON,
Chairman, Committee on Commerce,
U.S. Senate,
Washington, D.C.

DEAR SENATOR MAGNUSON: I have read your statement in the May 30 issue of Advertising Age in respect to filter cigarettes. I did state in my recent letter to you that certain new filter brands seem to have as high "tar"/nicotine content as their namesakes. This does not mean, however, that high "tar"/nicotine levels apply to all filter cigarettes.

In several filter brands the smoke content is significantly lower than in non-filter cigarettes. In the past, the consumer has had no choice between brands of cigarettes in respect to their "tar" and nicotine levels. As significant differences do exist, I feel that the public is entitled to be informed.

Sincerely yours,

ERNEST L. WYNDER, M.D.

FEDERAL TRADE COMMISSION,
June 8, 1966.

Re file No. 662 3108.

Hon. WARREN G. MAGNUSON,
Chairman, Committee on Commerce, U.S. Senate, Washington, D.C.

DEAR MR. CHAIRMAN: Receipt is acknowledged of a copy of your letter of May 25, 1966, addressed to the Secretary, Department of Health, Education, and Welfare, expressing the need for a comprehensive review of the medical evidence relating to tar and nicotine contents of cigarette smoke.

As the result of conversations with Mr. Mike Pertschuk, of your staff, a report is being prepared to inform you of action being taken in preparing for the reports to Congress required by the "Federal Cigarette Labeling and Advertising Act."

I can report at this time that the Commission has directed that a laboratory be established for the purpose of making regular and continuing tests of the tar and nicotine level in the mainstream smoke of cigarettes. It is anticipated that the laboratory will be established and commence testing in approximately 60 days. It will be located in the 1101 Building, sometimes referred to as the old Star Building, 11th and Pennsylvania Avenue, N.W.

The Commission's staff is working closely with that of the Department of Health, Education, and Welfare, exchanging information such as the results expected from the testing referred to above, in preparing for the reports to Congress directed by the "Federal Cigarette Labeling and Advertising Act."

With best personal regards, I am,

Sincerely yours,

PAUL RAND DIXON,
Chairman.

THE SECRETARY OF HEALTH,
EDUCATION, AND WELFARE,
Washington, July 8, 1966.

Hon. WARREN G. MAGNUSON,
U.S. Senate,
Washington, D.C.

DEAR SENATOR MAGNUSON: Thank you for your letter of May 25 concerning the tar and nicotine content of cigarette smoke and the newly established policy of the Federal Trade Commission regarding the disclosure of the tar and nicotine content of cigarettes.

The Public Health Service has already begun a review of the medical evidence on this subject similar to the review suggested in your letter. At the invitation of the Surgeon General, a panel of highly informed people met on June 1, with the results summarized in the attached memorandum from Daniel Horn, Ph. D., to Dr. Stewart. (It should be emphasized that this meeting was an informal one, with participants speaking in their individual capacities as scientists.)

This group of eminent investigators and other scientists concluded that the evidence more than justifies the action of the Federal Trade Commission in finding that the disclosure of tar and nicotine content is not per se false and misleading.

The Public Health Service expects to complete its review in 30–60 days, and I shall be pleased to make it available to you. If the conclusions point to the need for new legislation, we shall take steps leading to the submission to the Congress of a legislative proposal at the earliest possible date.

You also requested that our Department test cigarette brands for their tar and nicotine yields. As you know, the Federal Trade Commission is establishing a laboratory for this purpose, and it will be operating in approximately 60 days. The PHS is cooperating with the FTC in the entire smoking field and will not need to duplicate this function.

Please let us know if we can help you further.

Sincerely,

JOHN W. GARDNER,
Secretary.

[U.S. Government, Public Health Service-BSS, Memorandum]

JUNE 3, 1966.

To: The Surgeon General Through: Acting Deputy Chief, BSS Acting Chief, DCD.

From: Director, National Clearinghouse for Smoking and Health Division of Chronic Diseases.

Subject: Meeting of June 1, 1966 on Tar-Nicotine Content of Cigarettes.

Fourteen persons met at your invitation at the National Library of Medicine on June 1, 1966 to review information on the tar-nicotine content of cigarettes and its significance. The group included two members of the Surgeon General's Advisory Committee on Smoking and Health, Dr. Seevers and Dr. Schuman, plus representatives of various other research institutions and agencies, including the Federal Trade Commission and the Department of Agriculture.

The agenda of the meeting and the list of participants is attached. Guests at the meeting not named in the agenda were Dr. Guthrie and Dr. Marion Parker, the latter the Deputy Administrator of the Agricultural Research Service.

The following statements were unanimously adopted by this group and are addressed to you:

1. The preponderance of scientific evidence strongly suggests that the lower the "tar" and nicotine content of cigarette smoke, the less harmful are the effects.

2. We recommend to the Surgeon General that actions be encouraged which will result in the progressive reduction of the "tar" and nicotine content of cigarette smoke.

The group also recommended that a Public Health Service study group be established to consider a wide range of subjects connected with smoking and health, including the subjects of tobacco carcinogenesis and improved bio-assay techniques.

The day-long discussion carried on by this group marked agreements and new understandings among scientists and administrators from different fields, some of whom had never before met. Of particular interest was an explanation of the Department of Agriculture research programs, given by Dr. Parker, and his offer of controlled materials for the use of the American Cancer Society, the Sloan-Kettering Institute and Roswell Park Memorial Institute.

In the lengthy discussion of the formal statements given above, it was apparent that among the action which the group believed should be encouraged was the printing of tar and nicotine content on cigarette packages, in advertising and promotion, and support for the Federal Trade Commission's recent action.

A more detailed report of the meeting and its discussions is being prepared.

DANIEL HORN, Ph. D.

JULY 26, 1966.

Hon. PAUL RAND DIXON,
Chairman, Federal Trade Commission,
Washington, D.C.

DEAR MR. CHAIRMAN: I want to commend you for your decision to establish a cigarette testing laboratory. As you know, I share your belief that the tar and nicotine content of cigarettes is of sufficient significance to the public to justify the establishment and operation of such a laboratory.

In order that the general public may have the benefit of your testing, may I request that you report to Congress quarterly, through the Senate Commerce Committee, on the comparative tar and nicotine ratings of the major cigarette brands.

Kindest regards.

Sincerely yours,

WARREN G. MAGNUSON,
Chairman.

Mr. KENNEDY of New York. Mr. President, I am glad to cosponsor the bill which the Senator from Washington has introduced. The scientific evidence shows that the "tar" and nicotine content on cigarette smoke is related to the harmful effects of smoking. Hopefully, a requirement that the tar and nicotine content be disclosed to the public in all advertising for cigarettes will cause a competitive reduction by manufacturers in the use of those agents in cigarettes.

This is but one of the efforts that we must make in our continuing effort to advise the public—and particularly the 4,500 to 5,000 young people who begin smoking every day—that 250,000 premature deaths occur every year among cigarette smokers, that lung cancer is 10 times greater among smokers than nonsmokers, that emphysema is 13 times more prevalent among cigarette smokers than nonsmokers, and that there is a substantial association between cigarette smoking and heart disease.

Mr. President, the Surgeon General of the United States, Dr. William Stewart, recently made a speech in Buffalo, N.Y., under the auspices of the Roswell Park Memorial Institute, which has been one of the outstanding research institutes in the world on the question of smoking and health. In that address, Dr. Stewart summarized once again the medical evidence on smoking and health, and pointed out that hundreds of studies completed since the release of the celebrated Surgeon General's report just 2 years ago have added to the indictment. I believe this speech deserves the attention of the Senate, and I therefore ask unanimous consent that it be printed in the RECORD at the close of my remarks.

There being no objection, the address was ordered to be printed in the RECORD, as follows:

ADDRESS BY WILLIAM H. STEWART, M.D., SURGEON GENERAL, PUBLIC HEALTH SERVICE, U.S. DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE [1]

Earlier this year there was a story in an upstate newspaper that had, I thought, a rather striking lead. It said, "There are some angry middle-aged men at the Roswell Park Memorial Institute, and the source of their chagrin is that 250,000 premature deaths occur each year among cigarette smokers."

It is a privilege tonight to be here with all of you—middle-aged or otherwise—who feel deeply about the problem of cigarette smoking and health.

I can appreciate the intensity of your feeling on this issue. I am speaking here tonight about smoking and health, in salute to one of the world's outstanding research institutions—an institution which, under the dynamic leadership of its Director, Dr. George E. Moore, may have contributed more to our understanding of this problem than any other.

The eminence of Roswell Park Memorial can be gauged by the research programs undertaken over the past years in cooperation with the Public Health Service, the American Cancer Society, and other groups. The research grants announced here today are among the many which over the years have come to Buffalo and to Roswell Park, in recognition of the ability of its researchers and the integrity of its leadership.

I want to talk to you tonight about the implications this problem has for the future. But first, let us look back—look back in anger if you will.

Two and one half years ago this week the Surgeon General's Advisory Committee on Smoking and Health issued its Report indicting cigarettes as a health hazard. You know the history of that Report and how the panel of 10 impartial scientists arrived at its judgment. You need no briefing on the evidence.

Not so generally known, however, is that before the Report appeared the Public Health Service developed a long-range plan for action, not to prejudge the Committee's findings but to be prepared in the event that the evidence on the harmful effects of smoking would be compelling enough to warrant initiating control measures in the immediate future. The plan provides an instructive background against which to measure progress.

Our goal, as we saw it then, was to reduce mortality associated with cigarette smoking in three ways: (1) by reduction of cigarette consumption, (2) by changes in the characteristics of the cigarette itself and (3) by changes in the techniques or form of smoking, or by a combination of these approaches.

We recognized, of course, that outright prohibition would not be feasible. Progress would have to be achieved through education and persuasion. Our plan was to work with two basic groups—the general public, and professional health personnel—especially physicians because of their personal influence with their patients.

This was, as you can see, a formidable New Year's resolution in January, 1964. Specifically, here is what we felt needed to be done:

First, get a clearer understanding of smoking of habits, attitudes, and beliefs of the public on smoking and study factors that cause people to change.

Second, help people who want to give up their smoking habits.

Third, reduce smoking among teenagers.

Fourth, stimulate communication between national and local forces working on control activities.

Fifth, help physicians to be of greater influence in helping people to change their smoking behavior.

Sixth, call together representatives from non-medical areas to discuss the implications of smoking control in their fields.

These were our broad guidelines for action, Now, 2½ years later, we can point to progress along each of these six avenues of approach—progress accomplished not by the Public Health Service alone but by a partnership of voluntary health agencies, professional and educational organizations, and other groups and institutions vitally concerned with the smoking health problem. Conspicuous among these, of course, is Roswell Park.

As we read the plan and the action taken, here is what we find:

We know a great deal more about smoking habits. A national survey, begun in November 1964, has given us much valuable information on smoking behavior. More such information is to come from a new survey begun only a few weeks ago.

Action on helping smokers was undertaken two weeks after the Report was issued, when the Public Health Service and the American Cancer Society cooperated to conduct a course for 166 men and women in Washington. A few months later a similar program was offered for Public Health Service employees. The Service has since sponsored and is sponsoring withdrawal clinics in other states. It is doubtful, however, that any state or agency can match Roswell Park's experience with 24 withdrawal clinics since your Cigarette Cancer Committee launched the first one in August, 1963, with volunteers from the Institute staff.

On teenage smoking, several important studies have been made on smoking habits and educational approaches. A number of youth conferences and seminars have been held in various parts of the country. A great deal of educational material is being directed to young people, their teachers and parents, with more in the pipeline, under many sponsorships.

As for stimulating communication between national and local anti-smoking forces, representatives of 35 state and 50 local interagency councils on smoking and health met at the University of Maryland last month to exchange views and discuss more effective action at the community level. This is the start of a grassroots movement that may hold great promise for the future.

On the long range proposal to influence physicians to influence patients, events have shown that the doctor's best influence is his own example. In the early 1950's, more than 60 percent of the nation's physicans smoked cigarettes; today less than 30 percent are smokers.

Finally, we are exploring the implications of the smoking problem in non-medical areas. Last Fall the Service brought together experts in advertising, agriculture, business and taxation to discuss what the impact would be in their fields if cigarette smoking were to be substantially reduced. The answer—if I may scoop the full report which will appear in an APHA Journal supplement—is that it would create some economic problems, but nothing catastrophic. Certainly, in my view, nothing as devastating as the death and disability caused by the present pattern.

There is, of course, more to the picture than this rundown of action in response to the specific proposals. Congress has approved a law requiring health warnings on cigarette packages. Two national agencies solely dedicated to the problem of reducing the health hazards of smoking have been established—the Public Health Service's National Clearinghouse for Smoking and Health, and the Interagency Council on Smoking and Health, a voluntary association of national organizations. We have also seen the rise of State and local interagency councils on smoking and health and the steady growth of school programs. Basic research has been stepped up on tobacco itself and on its effect on the human body.

Surveys indicate there is greater public awareness of the health hazards of smoking now than ever before, and that a majority of Americans want something done about it. But we cannot assume that the momentum of action now underway will carry us to an early solution.

There is a wide gap between public awareness of the health hazards of smoking and the individual decision to do something about it. Dr. Moore knows this as well as anyone. The frustrating part of getting people to quit, according to those who have studied the dynamics of the change process, is that most smokers are competent to quit by themselves, without any help at all. But they must have the will to do it.

The fact is cigarette smoking is a habit too deeply ingrained to be broken easily. And the task is made no easier by the continuing pressure of cigarette advertising and by skeptics who seek to discredit the medical evidence or confuse the relationship between cigarettes and disease and disability.

The medical evidence against cigarettes has become even more overwhelming. Hundreds of studies—completed since the release of the Advisory Committee Report—keep adding to the indictment. At the risk of carrying coals to Newcastle, let me review briefly for this knowledgeable audience the evidence related to two of the diseases clearly associated with smoking—lung cancer, and emphysema.

Fifty years ago, lung cancer was a rare disease. Today, among American men, it is the most common cause of death from cancer, and it is increasing at epidemic proportions. In 1930, deaths from lung cancer in the United States totalled 2500. This year an estimated 50,000 men and women will die of the disease.

Cigarette smokers run a risk of death from lung cancer ten times greater than the nonsmoker. The Advisory Committee Report stated flatly that cigarette smoking is causally related to lung cancer in men and that the risk of developing the disease increases with the duration of smoking and the number of cigarettes smoked per day.

The problem is compounded by the inability of present medical techniques to cope with the disease effectively. The science of diagnosing pre-malignant lung conditions is inexact and ineffective. Diagnosis by biopsy involves the surgical removal of tissue and is not without some risk.

Lung cancer has a tendency to spread rapidly, often while it is still a relatively small tumor. Even when it is discovered early, using the diagnostic tools we have, it is often found that the cancer has already metastasized. The percentage of lung cancers discovered while localized is a discouragingly low 20 percent, and has not changed over time.

The prognosis for lung cancer patients is poor. Even though important advances in therapy have taken place, the one-year survival rate is still only 25 percent, the five-year survival rate is five percent and 10-year survival rate, three percent.

Assuming that the adult population in the U.S. could have a cancer detection examination on a periodic basis, how much could be achieved in terms of preventive cancer deaths? In the case of cancer of the cervix, which can be almost 100 percent preventable, some 10,000 lives a year could be saved. In breast cancer, which could be 50 percent curable, over 12,000 lives a year could be saved. But lung cancer is only ten percent curable. This means that fewer than 4,000 lives could be saved by early diagnosis.

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[1] Presented at a meeting sponsored by the Roswell Park Memorial Institute, Statler-Hilton Hotel, Buffalo, New York, June 14, 1966 at 8:15 p.m.

Clearly our efforts must be centered on primary prevention, preventing the disease from occurring. It seems so simple. If people stop smoking or if we develop a safer cigarette for them to smoke, or if we find safer ways of smoking—or if we do all three things at once—we shall have lung cancer under control. We can, in a fairly short time, reduce deaths from this disease, free our surgeons, nurses and health workers for other tasks, and free our research workers for other studies.

I cannot believe that cigarette smoking, a habit which is not much more than 60 years old, can continue the damage it is now causing. I cannot think we will not be able to bring it under control.

Are there additional control methods that we can apply while we continue these fundamental efforts? What can we do through secondary prevention to prevent premature death and disability?

In terms of lung cancer, the cold fact is that education and persuasion are at present our only thoroughly valid weapons. We must, and we shall, redouble these efforts.

In addition, so as to leave no stone unturned, we should explore other avenues in the hope that they may bring benefit to some.

We need better epidemiological information. We know that the greatest incidence of lung cancer is in the male population—among men 40 or 45 years old or older, who are heavy smokers. It would be very valuable if we could narrow this population group even more. Not all middle-aged men who are heavy smokers contract lung cancer. Are there other characteristics which we should look for?

We must find better ways also to find premalignant and early cancerous conditions. Perhaps further development of better techniques in the microscopic examination of sputum for the presence of abnormal cells may prove valuable in saving some individuals. Refining existing diagnostic tools and developing new ones are important targets for research.

Given effective tools and more precise epidemiological knowledge, we can then look toward productive results from screening operations for the high risk population. Clearly, any improvement in present survival rates is worth striving for. We need to try every approach that offers some hope of success.

But in doing so we must never lose sight of the fact that—both now and in the foreseeable future—education is the only method that promises a major victory against lung cancer. By education I mean making people so keenly aware of the hazards that those who smoke cigarettes will stop, and those who do not smoke will never start.

Let me turn now to emphysema which, like lung cancer, is relatively new as a major medical phenomenon. In 1955, emphysema caused 2,000 deaths. Eight years later the number of deaths rose to more than 15,000.

But emphysema's greatest damage is done as a crippler of men. It disables approximately one out of every 14 wage earners over 45 years old. It is second only to heart disease in the cost for disability allowances. Yearly social security pensions paid to emphysema sufferers total more than $80,000,000.

Adequate statistics on the prevalence of emphysema are lacking, but estimates of the number of sufferers range from one to ten million. Many are afflicted to a slight degree, but large numbers are seriously disabled. Each year some 14,000 emphysema patients become totally disabled, according to the Social Security Administration.

Although the exact cause of the disease is still unknown, cigarette smoking, according to the Advisory Committee Report, increases the risk of dying from it. Studies have shown emphysema to be 13 times more prevalent among cigarette smokers than among non-smokers.

And it is an insidious disease, creeping up on its victims. Many patients are unaware anything is seriously wrong until much of their lung function is impaired. As the disease advances, coughing becomes more frequent and breathing becomes a major effort. At this point it is often too late to do more than slow down the harmful effects.

In the case of emphysema, early diagnosis is among the best therapies. If, through X-rays and pulmonary function tests, we can detect the presence of this disability early enough, we can often convince the patient that he should do something to help arrest the progress of the disease. This "something", of course, is to stop smoking. If he does, he will in all likelihood feel better and live longer.

This is certainly a strange kind of medicine. It would be much easier to control emphysema by giving up smoking before the condition develops, or by developing safer cigarettes or safer smoking habits. But if these simple steps are not totally successful, then we must take the more difficult one.

How strong is our motivation to redouble the educational attack?

Let us try to estimate the enormity of the medical problem ten years from now if death and disability rates were permitted to mount as alarmingly as they are doing now.

Of the 50,000 estimated lung cancer deaths this year, about 40,000 will die primarily because of cigarette smoking. In 1976, the number would be doubled.

The number of deaths from emphysema and bronchitis doubles every five years. In 1963 they were the cause of death for over 20,000 men and women. Ten years from now—if this geometric progression should continue—the number could reach over 80,000.

The Advisory Committee Report indicates there is a substantial association between cigarette smoking and mortality and morbidity from coronary heart disease. Heart attacks now prematurely kill about 100,000 cigarette smoking men and women each year. Ten years from now the death toll would be over 122,000 for both sexes.

And in addition to these deaths, we must also take into account disability which would affect literally millions of our people.

These figures suggest how dearly we are paying now for the cigarette habit, and how dearly a few years hence if no effort were mounted—not only in terms of lives prematurely lost but also in terms of human suffering, medical bills, and the nation's economy. Perhaps when the figures for days lost from work are available we will be able to estimate the annual cost to the nation in lost services and earnings of men and women killed and disabled prematurely by cigarettes. It will undoubtedly run into huge sums of money.

Last year at hearings on the labeling legislation in Washington, Dr. Morton Levin, Chief of Roswell Park's Department of Epidemiology, said, "The most important practical aspect of the health hazards of cigarette smoking is in its preventive possibilities."

I heartily concur. The Public Health Service intends to intensify its effort in preventive aspects of smoking, and in research and public education and information as well.

I am pleased to announce that the Public Health Service, in cooperation with the National Tuberculosis Association, is sponsoring a task force of the nation's leading experts on bronchitis and emphysema to study these diseases as a national problem and to recommend action to deal with it. They will meet at Princeton in October.

We must also make more effective use of research in the behavioral sciences in order to learn how to deal with the complex psychological factors associated with smoking.

Earlier we looked back in anger. In another respect we look back in sorrow. On January 12, 1964, the day after the Advisory Committee Report appeared, there was a New York Times story headlined. "These Networks Will Review Policy on Use of Advertising." It is not clear that present advertising policy is concerned with cigarette commercials being aired on TV programs whose entertainment portion is appealing to children. The ads still come through loud and clear for millions of children. And the fact remains that half of the nation's teenagers are regular smokers by the age of 18.

We must expand our efforts in health education generally. Unless health is important to the individual he can hardly be expected to exert much energy in overcoming the smoking habit or denying himself the pleasure he gets from it. What can we do that we are not doing to help make health important to the individual? If this is basic to our educational programs in smoking and health, we must reconsider our educational approaches to the problem. And this we are doing.

Thus education remains the strongest weapon of all, a weapon we must wield with greater vigor and effectiveness.

We must see to it that each individual has access to the facts, in a context that communicates understanding of what these facts imply. Our challenge is to help people to act intelligently to protect themselves against one of the great health hazards of the 20th century. Working together, I am confident we will prevail. After looking back in anger, let us look ahead in hope and determination.

AGRICULTURAL ADJUSTMENT ACT OF 1938 AMENDMENTS

Mr. YARBOROUGH. Mr. President, section 201(a) of the Agricultural Adjustment Act of 1938 (7 U.S.C. 1291(a)) gives the Secretary of Agriculture authority to make complaints to the Interstate Commerce Commission with respect to rates, charges, tariffs, and practices relating to the transportation of farm products, and to prosecute such complaints before the Commission.

One of the most valuable potential merits of this authority is the protection of small farmers and other small agricultural producers who are being damaged as a result of discriminatory freight rates. It costs a lot of money to prosecute a case before the ICC and small agricultural producers who are being hurt by discriminatory freight rates frequently cannot afford the expense. They are caught on the horns of a dilemma: if nothing is done to ease the discriminatory burden, they will be forced out of business; yet they cannot afford the great expense involved in a case before the ICC, the appeals in the courts, etc.

Therefore, Congress gave the Secretary of Agriculture the authority to help out these little people who do not themselves have the resources to carry on a legal battle against the great railroads and other carriers with their vast economic resources.

But what has happened in the 28 years since the passage of this act? The answer, amazingly enough, is that the authority has only once been used. It has been used, only once, and that was a case back in the 1950's.

In the meantime there have been cases in which it should have been used. The very nature of the system makes it inevitable that there will be cases of discrimination. We have a vast country, which is broken up historically, geographically, and economically into regions which frequently compete with one another economically. This is fine and good; competition is at the heart of the American ideal. But it should be fair competition, which should proceed according to rules of fairplay.

The second element of the system is the existence of millions of small farmers and a few giant railroads. The disparity between the power of a little farmer or even a group of little farmers and a giant railroad is such that a railroad can afford to disregard the demands of the small farmer, because one group of small farmers is not very important to the railroad. Moreover, if the farmer were to go himself before the ICC and request relief he could not match the economic resources of the railroad. Most farmers could not afford to file suit in the first place.

One thing which can happen is that, for one reason or another, freight rates in one region of the country are lowered. This gives producers in that region an economic advantage over its competitors. If producers in the other regions cannot compel their railroads to grant competitive rate reductions, they must labor under a great handicap.

It seems that it would be in the economic interest of the railroads to match the rates of their competitors. But this is not necessarily so. Rate structures are so complicated that there are a whole host of reasons why a railroad might not voluntarily meet another's rate reduction. But such a situation is inimical to the health of the region, and in the context of our national economy, to the health of the country. It is in the interest of the whole country that a region should not die.

From the point of view of the railroad, which serves more than one small region, and which has many other interests to protect, the importance of saving a region from dying may not be a high priority item, at least not high enough to cause it to lower its rates.

Thus public action is necessary. Wise public policy demands that the Government intervene. Thus the Secretary of Agriculture was given this authority, to be used for the public good, to assist people who were economically too weak to go by themselves up against the giant railroads. But in 28 years the authority has been used only once.

It is obvious that Congress needs to spell out the Secretary's responsibility to act because the Department of Agriculture during the past 28 years has apparently felt no responsibility. Its power has lain dormant.

Therefore, I am today introducing legislation which will more explicitly define the intent of Congress that this congressionally granted power shall be used and not merely be an ornament to gather dust in the back pages of the Agriculture Department Library.

My bill reads as follows:

> Upon the written request of twenty or more persons who certify that they are being damaged by discriminatory rates, charges, tariffs, or practices relating to the transportation of farm products, the Secretary shall, as soon as practicable, make complaint to the Interstate Commerce Commission with respect thereto and shall prosecute the same before the Commission, unless he finds that the request of such persons is unreasonable or frivolous.

I hope that the Senate Agriculture Committee will give early consideration to this proposal.

The ACTING PRESIDENT pro tempore. The bill will be received and appropriately referred.

The bill (S. 3657) to amend section 201 of the Agricultural Adjustment Act of 1938, as amended, in order to require the Secretary of Agriculture in certain cases to make complaint to the Interstate Commerce Commission with respect to rates, charges, tariffs, and practices relating to the transportation of farm products, introduced by Mr. YARBOROUGH, was received, read twice by its title, and referred to the Committee on Agriculture and Forestry.

TELEVISION COVERAGE OF SENATE DEBATE ON MAJOR ISSUES

Mr. GRIFFIN. Mr. President, I submit, for appropriate reference, a resolution calling for television coverage of major debates on the Senate floor.

Only a handful of people in this great Nation today are given the opportunity to watch Senate debates on the most important national issues which vitally affect the everyday lives of our citizens.

Television has covered the major United Nations debates, and our people have profited by their firsthand contact with U.N. proceedings. In the past few years, TV cameras have been trained on legislative proceedings in many States, among them Arizona, Kansas, Idaho, Oklahoma, and Massachusetts. And senatorial committees open their hearings to television coverage.

Last week, the Joint Committee on the Organization of the Congress, of which I am a member, recommended that House committee hearings be opened to radio and TV. But I do not think this goes far enough.

My resolution would permit the Senate Rules Committee to determine if a particular debate was of sufficient national interest to warrant TV coverage. I think we should try it on a limited scale at first, then expand it if it proves successful which, I am convinced, it will be.

Thinking people are trying, in many ways, to stimulate the interest of our people in government. I believe that television has proved itself a valuable tool in this respect. It would be even more valuable if it brought to the American people the give-and-take of Senate debate on major issues.

The ACTING PRESIDENT pro tempore. The resolution will be received, printed, and appropriately referred; and, under the rule, the resolution will be printed in the RECORD.

The resolution (S. Res. 288) was referred to the Committee on Rules and Administration, as follows:

S. RES. 288

> *Resolved,* That (a) the second paragraph of rule XXXIV of the Standing Rules of the Senate is amended by inserting therein, immediately after the first sentence thereof, the following new sentence: "Such regulations shall make appropriate provision for the reporting of proceedings of the Senate by radio or television at such times and under such conditions as may be specified in such regulations or by resolution of the committee from time to time."
>
> (b) The second sentence of the second paragraph of rule XXXIV of the Standing Rules of the Senate is amended by inserting therein, immediately after the words "radio, wire, wireless," the term "television,".

PROPOSED SETTLEMENT OF LABOR DISPUTE BETWEEN CERTAIN AIR CARRIERS AND THEIR EMPLOYEES—AMENDMENT

AMENDMENT NO. 712

Mr. MORSE submitted an amendment, intended to be proposed by him, to the joint resolution (S.J. Res. 181) to provide for the settlement of the labor dispute currently existing between certain air carriers and certain of their employees, which was referred to the Committee on Labor and Public Welfare and ordered to be printed.

(See reference to the above amendment when submitted by Mr. MORSE, which appears under a separate heading.)

AMENDMENT NO. 713

Mr. JAVITS (for himself and Mr. MORSE) submitted amendments, intended to be proposed by them, jointly, to Senate Joint Resolution 181, supra, which were referred to the Committee on Labor and Public Welfare and ordered to be printed.

(See reference to the above amendment when submitted by Mr. JAVITS, which appears under a separate heading.)

ADDITIONAL COSPONSORS OF BILLS

Mr. WILLIAMS of New Jersey. Mr. President, I ask unanimous consent that, at its next printing, the name of the Senator from Alaska [Mr. GRUENING] be added as a cosponsor of the bill (S. 2951) to amend title V of the Social Security Act to provide a grant-in-aid program to assist the States in furnishing aid and services with respect to children under foster care.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. MUSKIE. Mr. President, I ask unanimous consent that the name of the Senator from Pennsylvania [Mr. CLARK] be added as a cosponsor of S. 3521, a bill to foster high standards of architectural excellence in the design and decoration of Federal public buildings outside the District of Columbia, and to provide a program for the acquisition and preservation of works of art for such buildings, and for other purposes, at the next printing of this bill.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

NOTICE OF HEARING ON S. 2672, INTERSTATE LAND SALES FULL DISCLOSURE ACT

Mr. WILLIAMS of New Jersey. Mr. President, I would like to announce that the Subcommittee on Securities of the Banking and Currency Committee will hold a 1-day hearing on Thursday, August 4 on S. 2672, the Interstate Land Sales Full Disclosure Act. The hearing will commence at 10 a.m. in room 5302. Persons desiring to testify or to submit written statements should contact Mr. Matthew Hale, Chief of Staff of the Banking and Currency Committee, Room 3200, New Senate Office Building.

NOTICE OF HEARINGS

Mr. MUSKIE. Mr. President, I announce for the information of the Senate and other interested persons that the Senate Subcommittee on Intergovernmental Relations has scheduled hearings on S. 3408, a bill to strengthen intergovernmental cooperation and the administration of grant-in-aid programs, to extend State merit systems to additional programs financed by Federal funds, to provide grants for improvement of State and local personnel administration, to authorize Federal assistance in training State and local employees, to provide grants to State and local governments for training of their employees, to authorize interstate compacts for personnel and training activities, and for other purposes.

The hearings will be held on August 16 and 17 in room 3302, New Senate Office Building, starting at 10 a.m.

Any Senator or other person wishing to testify should notify the subcommittee, room 357, Senate Office Building, extension 4718, in order that he might be scheduled as a witness.

ORDER OF BUSINESS

Mr. MANSFIELD. Mr. President, I ask unanimous consent that when I complete the call of the calendar and make a few unanimous-consent requests, the senior Senator from Oregon may be recognized for 20 minutes.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

COMMITTEE MEETINGS DURING SENATE SESSION

On request of Mr. MANSFIELD, and by unanimous consent, the following subcommittee and committees were authorized to meet during the session of the Senate today:

The Subcommittee on Government Research of the Committee on Government Operations.

The Committee on Commerce.

The Committee on Rules and Administration.

The Committee on Interior and Insular Affairs.

The Committee on Post Office and Civil Service.

THE CALENDAR

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of measures on the calendar, beginning with Calendar No. 1363 and the succeeding measures, in sequence.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

AMENDMENT OF SECTION 15D OF THE TENNESSEE VALLEY AUTHORITY ACT OF 1933

The bill (H.R. 15225) to amend section 15d of the Tennessee Valley Authority Act of 1933 to increase the amount of bonds which may be issued by the Tennessee Valley Authority was announced as next in order.

The ACTING PRESIDENT pro tempore. Is there objection to the present consideration of the bill?

There being no objection, the Senate proceeded to consider the bill.

Mr. RANDOLPH. Mr. President, the Tennessee Valley Bond Financing Amendments Act of 1959, Public Law 137 of the 86th Congress, imposed a limitation of $750 million on the amount of bonds that could be issued by the Tennessee Valley Authority to finance its power program.

The legislation now reported by the Committee on Public Works, H.R. 15225, raises this ceiling to $1,750 million, or an increase of $1 billion dollars.

The bonding authority granted by the Congress in 1959 is virtually exhausted. TVA has issued, and has outstanding, bonds totaling $345 million. An additional $155 million will be issued in the near future to cover existing construction contracts. The balance of available authorization, totaling $250 million, will be obligated prior to the end of fiscal year 1967 to cover the cost of power facilities presently planned by TVA for completion by 1970.

It is understood that the additional bonding authority provided is this legislation will be sufficient to cover the issuance of bonds by the Tennessee Valley Authority for power construction purposes for at least another 7-year period, through 1973.

The committee was unanimous in reporting the need for increasing the bond financing authority for TVA at this time.

The committee also gave consideration to other matters directly related to the conduct of the Tennessee Valley Authority program.

One of those matters was a request of the Jackson Purchase Rural Electric Cooperative, with headquarters at Paducah, Ky., that the bill be amended to allow TVA to serve that area. The committee, while sympathetic to the request of Jackson Purchase, considered it unwise to expand the territorial limits of TVA imposed by the 1959 act.

As the Members of this body know, the Congress, after long and careful deliberation, established a territorial limitation in the act of 1959 on the service area of the Tennessee Valley Authority. The area thus established was defined as that for which TVA was the primary source of power on July 1, 1959, plus certain exceptions as set forth in the act.

The expansion of TVA beyond its present service area is of great concern to the investor-owned utilities. Since the establishment of the territorial boundary in 1959, these companies have been free to develop their existing facilities and service area needs without fear of losing their customers through further expansion of TVA beyond those 1959 boundary delineations.

If Congress were to permit the expansion of TVA at this time to provide service to Jackson Purchase, it would open a Pandora's box. We would be besieged by requests from others on the periphery of the service area for similar treatment. This would only serve to disrupt and destroy the amiable relations between the Government-owned Tennessee Valley Authority and the private power companies that have existed since establishment of the territorial limitation in 1959.

Another matter of concern to the committee is the use of nuclear powerplants in lieu of coal-fired plants for the generation of electrical energy by the Tennessee Valley Authority.

Speaking as an individual, and as a Senator from a major coal-producing State, I am concerned with any proposal which would affect the economy of the region.

In addition, I feel that it is unwise to use our uranium reserves, which are in short supply, to develop electrical energy in areas where an abundance of fossil fuel is available.

We hope that the Tennessee Valley Authority will take these matters into consideration in future planning for the development of additional power installations in the area served by the Corporation.

Mr. President, the committee urges that the Senate pass H.R. 15225 as reported by the Committee on Public Works.

Mr. COOPER. Mr. President, I support the bill H.R. 15225 which is before us today. This bill amends section 15(d) of the Tennessee Valley Authority Act of 1933, authorizing TVA to issue an additional $1 billion of its obligations for its future needs for plant and equipment.

I supported in 1959 the original grant of authority to the TVA by the Congress. In 1954, when it became apparent that Congress would not continue to appropriate money for additional generating facilities of the TVA, I spoke on the floor of the Senate and made the proposal that TVA be authorized to issue revenue bonds to finance additional generating capacity. I did so because I thought it was apparent that Congress would not provide sufficient appropriations for additional generating capacity and also because I thought it better for TVA, and a saving to the Federal Treasury that Congress should not authorize these appropriations. I had the honor to make this recommendation to President Eisenhower, and later President Eisenhower recommended to the Congress a bill authorizing TVA to issue its own bonds to provide generating and transmission facilities to meet the growing needs of the people who lived in that area.

I introduced a bill to authorize TVA to finance its needs, and served on the Senate Public Works Committee in 1957, 1958, and 1959 when the Senate version of the vill was developed, and I voted for the bill. President Eisenhower, who had made the recommendation, signed the bill when it was passed by the Congress in 1959.

When the Public Works Subcommittee met in executive session this year on H.R. 15225, I offered an amendment to the bill to add to the TVA service area a specific area of western Kentucky now served by the Jackson Purchase Cooperative. Because of the importance of this amendment to residents of western Kentucky, I would like to take this opportunity to outline to the Senate the historical background and my reasons for offering such an amendment.

As I have noted, I was a member of the Public Works Committee in 1959 when the 86th Congress enacted H.R. 3460 authorizing the TVA for the first time to finance needed additions to its power system by the issuance of its own revenue bonds in a maximum amount of $750 million. In granting TVA this new authority, Congress at the same time wrote into the bill provisions establishing geographical limitations on any further extension of the TVA service area as it existed on July 1, 1957—unless authorized by the Congress. The geographical limitations established by H.R. 3460 are contained in the first two paragraphs of section 15(d) (a) of the present act and read as follows:

> Unless otherwise specifically authorized by Act of Congress the Corporation shall make no contracts for the sale or delivery of power which would have the effect of making the Corporation or its distributors, directly or indirectly a source of power supply outside the area for which the Corporation or its distributors were the primary source of power supply on July 1, 1957, and such additional area extending not more than five miles around the periphery of such area as may be necessary to care for the growth of the Corporation and its distributors within said area: *Provided, however,* That such additional area shall not in any event increase by more than 2½ per centum (or two thousand square miles, whichever is the lesser) the area for which the Corporation and its distributors were the primary source of power supply on July 1, 1957; *And provided further,* That no part of such additional area may be in a State not now served by the Corporation or its distributors or in a municipality receiving electric service from another source on or after July 1, 1957, and no more than five hundred square miles of such additional area may be in any one State now served by the Corporation or its distributors.
>
> Nothing in this subsection shall prevent the Corporation or its distributors from supplying electric power to any customer within any area in which the Corporation or its distributors had generally established electric service on July 1, 1957, and to which electric service was not being supplied from any other source on the effective date of this Act.

To ease the hardship on particular communities bordering on the TVA service area, which had already entered into negotiations for TVA power, and to provide for some flexibility in local adjustments to the new geographical boundaries, both the House and Senate authorized in H.R. 3460 certain specified exceptions which are set forth in paragraph 3 of section 15(d) (a) and excepted the six Kentucky communities of Paducah, Princeton, Glasgow, Fulton, Monticello, and Hickman; the two Georgia communities of Chickamauga and Ringgold; and the four Tennessee communities of Oak Ridge, South Fulton, Dyersburg, and Covington. Certain other exceptions, to provide for defense and military needs, were also included. The complete text of the third paragraph of section 15(d) (a) reads as follows:

> Nothing in this subsection shall prevent the Corporation, when economically feasible, from making exchange power arrangements with other power-generating organizations with which the Corporation had such arrangements on July 1, 1957, nor prevent the Corporation from continuing to supply power to Dyersburg, Tennessee, and Covington, Tennessee, or from entering into contracts to supply or from supplying power to the cities of Paducah, Kentucky; Princeton, Kentucky; Glasgow, Kentucky; Fulton Kentucky; Monticello, Kentucky; Hickman, Kentucky; Chickamauga, Georgia; Ringgold, Georgia; Oak Ridge, Tennessee; and South Fulton, Tennessee; or agencies thereof; or from entering into contracts to supply or from supplying power for the Naval Auxiliary Air Station in Lauderdale and Kemper Counties, Mississippi, through the facilities of the East Mississippi Electric Power Association: *Provided further,* That nothing herein contained shall prevent the transmission of TVA power to the Atomic Energy Commission or the Department of Defense or any agency thereof, on certification by the President of the United States that an emergency defense need for such power exists. Nothing in this Act shall affect the present rights of the parties in any existing lawsuits involving efforts of towns in the same general area where TVA power is supplied to obtain TVA power.

The actions taken by the House and the Senate with respect to these exceptions should be noted. The House Public Works Committee and the House excepted the Kentucky communities of Paducah, Princeton, and Glasgow; the Senate Public Works Committee accepted my amendments adding Fulton and Monticello; Hickman was added on the Senate floor by an amendment I offered. The House committee excepted the two Georgia towns of Chickamauga and Ringgold and no additional Georgia towns were added by the Senate. The House committee excepted the three Tennessee towns of South Fulton, Dyersburg, and Covington, and the Senate committee added Oak Ridge. I might point out that, as of this date, all of the above Kentucky towns are now receiving TVA power except Princeton; and Princeton will begin receiving TVA power in a few months.

It may be helpful to review briefly the basis upon which the House and Senate committees granted the exceptions and thus provided TVA power for these communities.

The House committee held hearings on March 10 and 11, 1959. Representatives of several Tennessee, Georgia, and Kentucky communities, including the Kentucky communities of Paducah, Princeton, and Glasgow, filed statements requesting exemption from the proposed territorial limitations of the Vinson amendment. In exempting several of these communities, the House committee, in its report of April 14, 1959, pointed out:

> The committee added language making clear that it is not intended to prevent TVA from continuing service to two communities which it began serving after July 1, 1957. The committee also provided expressly that the provision should not prevent TVA from supplying power to six communities which advised the committee directly, or through their representatives, that they had already taken steps to qualify themselves to receive power from TVA. A further amendatory provision permits TVA to transmit power to the Department of Defense or any agency thereof on certification by the President that an emergency need for such power exists.

The Senate Public Works Subcommittee on which I served held hearings on H.R. 3460 on June 9 and 10. During the course of these hearings, representatives of the Kentucky communities of Paducah, Princeton and Glasgow appeared and testified before the committee urging that the Senate committee retain their exemptions as authorized by the House. In addition, representatives from Monticello and Fulton, Ky., appeared before the committee and offered evidence to support their contention that the Senate should grant exemptions to these communities, which exemptions the House failed to provide. This committee, later in executive session, adopted an amendment I offered and added these two towns to the list of exceptions.

In filing its report of July 2, 1959, this committee stressed the basis upon which the exemptions were granted:

> The committee recognizes the problems inherent in an attempt to establish a rigid boundary for limitation of power service. The House evidently encountered these problems also and included several exemptions in H.R. 3460. Specific problems of individual communities were brought to the attention of the committee and several additional exemptions were included. Passage of the bill would not require these communities to complete their efforts to receive power from TVA. The exemptions save to those communities the right and opportunity they have under existing law and which they were believed to be in the process of exercising.

At this point I would like to note that on the closing day of the Senate hearing, I received a telegram from the president of the Jackson Purchase Cooperative requesting to be included among those areas authorized to receive TVA power. However, no request was made either to me or to the chairman by the cooperative to have representatives testify before this committee. It was the view of the committee that because of a lack of information, it was unable to give consideration to this request.

After the hearings had been completed and after the bill had been enacted, the attorney and representatives of the co-op visited me and Senator Morton, and Representative Stubblefield and talked about this matter.

I consulted at that time with Senator Kerr. Both Senator Kerr and I advised them that the appropriate course would be to make their request at such time as TVA returned to the Congress for additional self-financing authority.

Jackson Purchase had not been able to successfully urge its application to be included in the TVA service area during World War II because of the inability to secure facilities and the materials needed should TVA enter into a power supply contract.

After the war, the cooperative renewed its negotiations. The reason stated by representatives of the cooperative for not testifying before this committee in 1959 was that as a result of conversations with some TVA officials they had been advised to await the outcome of the action of the Congress on the TVA self-financing bill. Early in 1959, just prior to passage of H.R. 3460 by the House, Jackson Purchase was actively seeking a wholesale power contract with TVA. Negotiations were suspended at the suggestion of TVA during the congressional debate on the bill. Jackson Purchase has felt that the inequity of their situation would have been recognized by the committee at that time in 1959 had they appeared and presented their testimony.

When the chairman, the distinguished Senator from West Virginia, scheduled hearings before the Public Works Committee on H.R. 15225, I made arrangements for officers of Jackson Purchase, the Paducah Chamber of Commerce, and other community leaders to appear and testify before the committee concerning their efforts to secure TVA power and the unique circumstances of their situation. Those individuals who testified were the following: Mr. Howard V. Reid, chairman, board of directors, Jackson Purchase Rural Electric Cooperative; Mr. Hobart Adams, general manager, accompanied by Mr. Julian Carroll, general counsel; Congressman Frank A. Stubblefield; Mr. Fred Paxton, president, Paducah Chamber of Commerce; Mr. W. C. Young, secretary, Western Kentucky AFL-CIO Area Council. In addition, members of the board of directors of Jackson Purchase were also in attendance: Mr. C. H. Arnett, Mr. R. L. Bailey, Mr. Louis Bradley, Mr. Willard Carneal, Mr. Stanley Jones, Mr. O. W. Stagner, Mr. Harvey Sanders, Mr. J. E. Wilkins.

Jackson Purchase is an REA distribution cooperative with some 10,000 members serving a rural area in western Kentucky which includes the following counties: Marshall, Ballard, Carlisle, and parts of McCracken, Livingston, and Graves Counties. Jackson Purchase is the only power distributor not receiving TVA power in an area for which TVA is the primary source of electricity, including the principal urban center of Paducah, served by TVA. It is the only power distributor with a service area in which all the large industrial loads are receiving TVA power and the area's rural consumers are not. Finally, the Jackson Purchase Cooperative is the only power distributor not receiving TVA power in this area which has TVA dams, hydroelectric plants, a giant steamplant, substations, transmission lines, and other facilities permeating the immediate and adjacent areas to that served by the cooperative.

In the course of discussion among the committee members I pointed out that my amendment would not modify or extend the geographical limitations contained in paragraphs 1 and 2 of section 15(d)(a) of the present act so as to authorize a general expansion of the TVA service area beyond its present boundaries. I have opposed and would oppose any such general extension. On the contrary, my amendment was limited to correcting an inequity and hardship situation that should have been resolved in 1959—an inequity that involves unique circumstances based on the local conditions of a particular area.

I also brought to the attention of the committee members that my amendment was more restrictive as to area than the House bill—H.R. 14833—which received favorable comment from the TVA and the Secretary of the Department of Agriculture—which loans money to the cooperative through the REA.

I regret that when a vote was taken on my amendment it failed to carry by a vote of 7 to 6. I appreciate the very thoughtful consideration and recognition given by the committee to the equities presented so well by the representatives of the Jackson Purchase Cooperative—which I supported.

Mr. President, I ask unanimous consent that the pertinent excerpts of the Public Works hearing record of June 28 relating to this subject be included in the Record at this point.

There being no objection, the excerpts were ordered to be printed in the Record, as follows:

Senator Cooper. I wish to make a statement which might be of some help to the committee in its consideration of the testimony of the next witness. I am familiar with the subject. As you know, I was a member of this committee in 1959 when the TVA Self-Financing Act was enacted. I would like to submit for the record my prepared statement.

* * * * *

Senator Cooper. The committee knows that section 15d(a) of the Self-Financing Act placed a limitation upon the area which TVA could serve.

* * * * *

Senator Cooper. Notwithstanding this general limitation the House of Representatives exempted from this section three communities in Kentucky—Paducah, Princeton, and Glasgow. Paducah is a large city. Princeton and Glasgow are, I would think, cities of 5,000 to 12,000. When the bill came to the Senate, upon my amendments, three additional communities were included: Fulton, Ky., which is on the border between Kentucky and Tennessee; Hickman, the county seat for that county; and Monticello. Monticello owned its own generating plant and, as I remember, had a contract with Kentucky Utilities, terminable at will. It had engaged in negotiations with TVA for some time for TVA Service.

At that time representatives of these cities, with the exception of Hickman, came before the committee and gave testimony to support their position that they should be included in TVA's service area.

The Jackson Purchase Cooperative, which is here today and is seeking to be included in the TVA service area, sent to me and to Senator Morton the day before the hearings were to be concluded a telegram, asking that we take steps to include the Jackson Purchase area in the bill. However, no testimony was presented at the time nor was any request made to me or to the committee chairman by their officers for an opportunity to appear and to testify.

It was the view of the committee that they would not give consideration to this request as the hearings were over.

After the hearings had been completed and after the bill had been enacted, the attorney and representatives of this co-op visited me, and Senator Morton, and Representative Stubblefield in the House and talked about this matter.

We consulted at that time with Senator Kerr. Both Senator Kerr and I advised them the the course they should follow would be to present their position when the TVA returned to the Congress for additional self-financing authority. Their statement at the time was that they had been negotiating with TVA and, in fact, had been negotiating with TVA for a number of years so as to be included in the TVA service area. Jackson Purchase had not been able to be included at the time during the war because of their inability to secure facilities and the materials in war time.

After the war, they renewed their negotiations with TVA. I was told that the reason the cooperative did not appear before this committee in 1959 was that as a result of conservations with some TVA officials thought they had been advised to await the action of the Congress on the TVA self-financing bill.

Jackson Purchase, in its talks with me and in its proposals, has felt that the inequity of their situation would have been recognized by the committee at that time in 1959 had they presented their testimony.

The inequity of their present situation is shown by these factors: First, under the original TVA Act a portion of the area served by the Jackson Purchase Cooperative is in the watershed of the Tennessee River.

Second, the areas which surround the Jackson Purchase area are served by TVA and the cooperative finds itself in an enclave bounded by areas on the south and east which are served by TVA, and on the west by the Ohio and Mississippi Rivers. In this area are located many of the important facilities of TVA, including the AEC plant and the TVA generating plant. For these reasons and others they have wanted to submit and will submit to the committee the basis for their request to be included in the TVA service area.

I make this preliminary statement, because, having been familiar with this subject for several years, I thought it might be helpful to the committee in its deliberations.

STATEMENT OF HOWARD V. REID, CHAIRMAN, BOARD OF DIRECTORS, JACKSON PURCHASE RURAL ELECTRIC COOPERATIVE CORP.; ACCOMPANIED BY HOBART ADAMS, GENERAL MANAGER

Mr. Reid. Mr. Chairman and members of the committee, my name is Howard Reid, and I am president of the Jackson Purchase Rural Electric Cooperative with headquarters at Paducah, Ky. We are most appreciative of the opportunity to appear before you today.

I am accompanied by all of my fellow board members, C. H. Arnett, R. L. Bailey, Louis Bradley, Willard Carneal, Stanley Jones, O. W. Stagner, Harvey Sanders, J. E. Wilkins, our general counsel, Julian Carroll, and Joe Swidler, who has been acquainted with our problem for about as many years as we have been working on it, and by Hobart Adams, the cooperative's general manager. I should like to introduce Mr. Adams at this time to present our testimony to the committee. Mr. Adams.

Senator Cooper. Mr. Adams, I would like very much if the members of the board of this cooperative, and counsel, will stand, so that their presence can be more clearly noted.

The Chairman. I think that is appropriate, Senator Cooper, that you identify those who are here today as well as the witnesses who will give the presentation.

If you will, proceed.

STATEMENT OF HOBART ADAMS, GENERAL MANAGER, JACKSON PURCHASE RURAL ELECTRIC COOPERATIVE CORP.

Mr. Adams. Mr. Chairman and members of the committee, the Jackson Purchase Rural Electric Cooperative deeply appreciates this opportunity to appear before you. We have been waiting a long time for this privilege. This appearance is the culmination of years of efforts to obtain TVA power for some 40,000 people in our area. The purpose of our testimony is to explain why we believe an amendment should be added to H.R. 15225 to clarify the right of TVA to serve Jackson Purchase and thus eliminate a gross injustice to these 40,000 rural people that we serve.

Jackson Purchase is a distribution cooperative bringing electricity to member-families in six counties in western Kentucky. The Tennessee River flows through the heart of the Jackson Purchase service area and TVA powerplants and TVA power customers are located throughout our service area. The power supply needs of our cooperative members are relatively small, amounting to less than one-tenth of 1 percent of TVA's generation. In fact, TVA generates and sells over 100 times as much electricity to industries right in our service area as would be needed to supply our rural consumers with TVA power.

I believe each member of the committee has before you a brochure which describes the Jackson Purchase RECC and summarizes our efforts to obtain TVA power. I call your attention to the map opposite page 8 of the brochure which shows the Jackson Purchase service area. Inspection of this map reveals that Jackson Purchase serves an area that is already TVA territory. Making TVA power available to Jackson Purchase would not constitute an expansion of TVA's service area but would merely make TVA power available to the rural cooperative members, the only group in the area now being deprived of its benefits.

As this committee is well aware, when Congress authorized TVA to finance its future investment in power facilities with revenue bonds in 1959, it placed a service area limitation on TVA. With certain exceptions, TVA power was limited to the area where TVA and its distributors "were the primary source of power supply on July 1, 1957."

Mr. Chairman, in 1957 TVA was without question the primary source of power supply in the geographical area served by Jackson Purchase. TVA was supplying over a million kilowatts of power to the Atomic Energy Commission at its gaseous diffusion plant near Paducah from TVA's Shawnee steam plant, both of which were located right in the middle of our service area. TVA was also supplying power to the Calvert City industrial complex which is one of this country's largest electrochemical and electrometallurgical centers.

Any one of these industries consumes more electricity than would all the 11,000 rural members of Jackson Purchase. At the eastern end of our service area near the mouth of the Tennessee River was located Kentucky Dam and hydroelectric plant, TVA's largest hydro project and the key to its navigation and flood control program on the Tennessee River. TVA transmission lines connecting these TVA facilities crisscrossed the Jackson Purchase area in 1957.

Since the enactment of the territorial limitation in 1959, TVA power has been made available to the city of Paducah which is in the center of our service area. Paducah's distribution facilities interweave and dovetail with those of Jackson Purchase so that a TVA transmission line and a TVA customer may be located on one side of the street and Jackson Purchase customers are located across the street and in many instances even next door to each other. Other industrial customers have since located in our service area and are receiving their power supply directly from TVA, even though we supplied the power at the site during the construction of the plant.

The fact of the matter, Mr. Chairman, is that TVA power is available to just about everyone in our service area except the customers of Jackson Purchase made up predominantly of some 11,000 rural families who are supposed to be the primary beneficiaries of the TVA power program. We feel very strongly that Congress did not intend that TVA should make its low-cost power supply available to the large industries in our service area while denying its benefits to the rural inhabitants of the area. Congress made this point very clear by stating in section 11 of the original TVA Act that: "The projects herein provided for shall be considered primarily as for the benefit of the people of the section as a whole and particularly the domestic and rural consumers to whom the power can economically be made available, and accordingly that sale to and use by industry shall be a secondary purpose, to be utilized principally to secure a sufficiently high load factor and revenue returns which will permit domestic and rural use at the lowest possible rates and in such manner as to encourage increased domestic and rural use of electricity."

Our inability to obtain TVA power is almost impossible to explain to our members, many of whom can see TVA customers right next door, TVA transmission lines across the street and a TVA steam plant and TVA hydroelectric plant on the horizon. These circumstances are pictured in the brochure before you. A goodly number of our members have moved into the Jackson Purchase area as a result of TVA acquiring their land and homesites in order to build Kentucky Dam and the Shawnee steamplant. Many more of our members work at TVA installations which generate millions of kilowatts of electricity and yet somehow we have been unable to persuade TVA that the law permits them to bring TVA electricity to these people's homes.

This injustice is costing the consumers we serve upward of $200,000 a year in their electric power bills. If TVA rates were available, a Jackson Purchase rural consumer who now pays a monthly bill of $14.15 for 800 kilowatt-hours of electricity could buy double that amount, 1,600 kilowatt-hours for almost the same price, $14.60. Under existing rates if a Jackson Purchase consumer used 1,600 kilowatt-hours a month it would cost him $25.55. Needless to say, few of them purchase that amount because they simply cannot afford it. The consumers served by Jackson Purchase are therefore buying only about one-half as much electricity as those served by TVA distributors. I need not tell this committee of the benefits which an abundant supply of low-cost electricity can bring to a farmer.

The absence of TVA power is causing people who are working in our service area to buy homes outside the Jackson Purchase area where they can obtain TVA power. This is causing uneconomic and distorted development of the area. Our service area is thus becoming an underdeveloped island. Instead of serving as a unifying development force in the five-county area where TVA and Jackson Purchase facilities exist side by side, TVA and its power program is a distorting factor which is the cause of hardship and discrimination.

TVA is the dominant economic force in the Jackson Purchase area, all of which is within a few miles of major TVA installations or existing points of service. In this respect Jackson Purchase is unique among cooperatives which have been cut off from TVA power by the terms of the 1959 bond amendment as interpreted by TVA. We cannot believe that Congress intended that the rural consumers of Jackson Purchase should constitute an island of high-cost electricity while TVA power customers and TVA powerplants virtually stare them in the face.

Mr. Chairman, we are not Johnny-come-latelies in our efforts to obtain TVA power. TVA power was not available anywhere in our area in 1938 when we undertook the task of bringing electricity to the rural inhabitants of our area. TVA first expanded into our area of western Kentucky during World War II to supply power for a defense plant. As soon as the wartime restrictions on materials were lifted in 1946, we initiated talks with TVA seeking to obtain TVA power. I shall not recite all of the details of the history of our efforts, but for one reason or another we were still trying to obtain TVA power in 1959, just prior to the time the TVA self-financing bill was passed. Negotiations were suspended until Congress completed action on the then pending revenue financing bill. The delay has proved a costly one to Jackson Purchase because 7 years have gone by and we are still without TVA power.

Mr. Chairman, I would like to offer at this time two exhibits reciting some of the history of our efforts of our cooperative to obtain TVA power.

The first document is the 1961 annual report of the board of directors to the members. I invite your attention to the summary report of the president beginning on page 3.

The second document contains two excerpts from our board minutes. We would like to offer these two exhibits for the committee's consideration.

Senator Cooper (presiding). What was the second document?

Mr. Adams. It contains two excerpts from our board minutes.

Senator Cooper. The minutes of the board?

Mr. Adams. Yes, sir.

Senator Cooper. Without objection, the summary report and the excerpts from the minutes will be received and incorporated in the record.

(The exhibits referred to follow:)

"HISTORICAL INFORMATION JACKSON PURCHASE RURAL ELECTRIC COOPERATIVE CORPORATION

"Your Board of Directors feels that a report should be made to you concerning the question of TVA power for the Cooperative, to review what has transpired over the years, and what the present situation is.

"First, let us say that we can readily understand the desire of every member to get electricity as cheaply as possible, and each of us shares that desire with you for your board is made up of your fellow members.

"This Cooperative was organized in 1937 and the first wires were energized on April 16, 1938. At that time, TVA power was not available in this area and Kentucky Utilities was the only available source.

"It was not until late in World War II that TVA extended its service into our area. It was done then to supply the shell loading plant at Viola in Graves County in 1943. In order to do this, TVA purchased the facilities of the Kentucky Tennessee Light and Power Company, and TVA, of course, had a wartime priority for materials and supplies necessary to permit it to supply Viola.

"Meanwhile, late in 1941, our Cooperative was, for all practical purposes, deprived of any material for further expansion, and this continued until 1946, when wartime restrictions were lifted and we were again able to buy wire, transformers, etc.

"In 1946 and 1947, we initiated talks with TVA relative to obtaining TVA power. This culminated in TVA offering power at two principal sources, one in Livingston County and another near Massac to serve everything west of the Tennessee River. This proposal by TVA was not accepted for two reasons. One was that the REA in Washington did not think the plan was feasible for the Cooperative and would not lend us the money with which to build the transmission lines that would be required. The other reason, a very important one, was the fact that TVA could not give us the service until 1950, some three years later.

"Because we could not get material during World War II, we came out of that war with an accumulated backlog of some 7000 applications for service. We are sure that those of you who were here then can well remember this situation, and how great was the desire of the people to get electricity. At that time no one would have advised that these applicants be denied power while we waited on TVA. To supply it the alternative was further integration with the Kentucky Utilities system of transmission lines. The directors pursued that course and we now have nine substations receiving power from Kentucky Utilities. The use of numerous substations can appreciably reduce the cost of electricity, for shorter distribution lines can be built more cheaply and they reduce line loss. Our line loss (that is electricity which we buy from Kentucky Utilities and lose in getting it to your meter) averages about 12%, whereas the average line loss for cooperatives is about 18%.

"By 1950, we had nearly caught up with the backlog of applications for service, and this meant that we had averaged the cutting over of three new customers per day, seven days per week and 52 weeks per year in 1946, 1947, 1948 and 1949.

"In 1950 the Korean War brought severe curtailment of materials again which lasted until 1953. If we could have changed to TVA it would have been necessary to largely revamp our distribution system, both because of the increased consumption that would be expected and because of any changes that might be required by changing from Kentucky Utilities delivery points to TVA delivery points. This would have been most difficult if not impossible under wartime restrictions.

"TVA has been confronted with a power shortage practically since AEC plants and industrial installations such as the plants at Calvert City have contributed its inception to this shortage. After President Eisenhower was inaugurated in 1952, TVA was granted no further appropriations for adding to its generating capacity. In 1952 and 1953 appropriations were made for completing work already in progress, but that was all. In 1954 TVA requested appropriations for more than 800,000 KVA of generating capacity which it said would be necessary by 1957. Not one dollar of these appropriations has even been granted. As a result it was about 1955 that TVA lost the city of Memphis, which it had previously served. This was because it did not have sufficient generating capacity to serve Memphis any longer.

"A cordial relationship has always existed between JPRECC and TVA. During the fifties it had been understood that TVA would advise JPRECC when they would be in a position to serve us.

"In 1959, we requested a meeting with TVA because we had information that we could probably get a contract. Correspondence concerning this meeting is attached hereto as Exhibits 3, 4 and 5. Prior to April 2, 1959, TVA requested that the meeting be postponed until after Congress acted on TVA's request to sell revenue bonds. There was nothing that we could do except to agree to the postponement. When Congress did act it permitted the sale of the bonds, but at the same time said, in effect, that TVA cannot serve us.

"Except for the action by Congress in prohibiting TVA from serving us, which was not anticipated by us, the Cooperative was in excellent condition to make the change from Kentucky Utilities as its power source to TVA, and when the meeting was arranged in 1959, we had no thought but that the meeting would accomplish this end.

"Except for four (4) cooperatives that are supplied by TVA, we have had the lowest rates of any cooperative in Kentucky since 1947. We have made a larger reduction in the debt owed to REA than has been made by any other Kentucky cooperative. This will be a wonderful help if we do get TVA and thereby incur the additional expense it will involve, for we would start out with our status of indebtedness to REA in excellent condition. We intend to give you a more detailed report of our progress over the years, but because of the length of this report, we will make it under a separate letter.

"We are advised and believe that we cannot obtain TVA power unless we can get the Congress which meets in January to enact a bill permitting it. This effort will be made, but we know that it will not be an easy task. When the time comes, we will need the help of every one of our members. We will keep you posted on how you can help.

"We apologize for the length of this letter, but we hope that it will prove informative to you.

"Sincerely yours,

"Horace Harting,
"President, Board of Directors, Jackson Purchase Rural Electric Cooperative Corporation."

"EXCERPTS FROM MINUTES, BOARD OF DIRECTORS MEETING, JACKSON PURCHASE RECC, PADUCAH, KENTUCKY

"March 7, 1959

"The regular monthly meeting of the board of directors of Jackson Purchase Rural Electric Cooperative Corporation was held March 7, 1959 at the office of the Cooperative, 124 North Fourth Street, Paducah, Kentucky.

"'* * * Mr. Harting then reported to the board that on *February 9th, 1959 he wrote a letter to Mr. Arthur P. Brazelton, Tennessee Valley Authority,* Jackson Tennessee, for the purpose of discussing the possibility of supplying power to the Cooperative and then on *February 16, 1959, he had a reply from Mr. Brazelton* stating that as soon as he had an opportunity to discuss this with other TVA personnel, he would give us a more definite date. On March 4th Mr. Brazelton called Mr. Harting by long distance and asked that he advise the board that he had discussed the matter with TVA personnel and they were ready for a meeting at our earliest convenience at their office in Jackson or Chattanooga, Tennessee. After a general discussion the motion was made by Mr. Wood and seconded by Mr. Foster that Mr. Odea Evans, Field Engineer for Rural Electrification Administration of this district, Mr. Andrew Connors, CPA Auditor, for the cooperative, T. W. Threlkeld, Attorney, C. D. Harris, Project Manager and as many directors attend this meeting as possible. The directors proposed the meeting held the week of March 29th at any day most convenient to everyone.'

"April 4, 1959

"The regular monthly meeting of the board of directors of Jackson Purchase Rural Electric Cooperative Corporation was held April 4, 1959 at the office of the Cooperative, 124 North Fourth Street, Paducah, Kentucky.

"'* * * Mr. Harting then read a letter to the board *dated March 17, 1959 from Tennessee Valley Authority,* Jackson, Tennessee, advising that they would be pleased to meet with the officers and directors of the Cooperative on Thursday, April 2, 1959 at 1:00 p.m. in Mr. A. P. Brazelton's Office in Jackson, Tennessee. However, prior to that date TVA phoned us suggesting the meeting be postponed until more was known about the action Congress would take affecting TVA.'"

Mr. Adams. Mr. Chairman, while we believe that Jackson Purchase comes within the TVA service area under the existing law, we are aware that a question may exist as to our status. We do not blame anyone but ourselves for being omitted from the list of those TVA was specifically authorized to serve in the 1959 bond financing legislation, but we have been trying ever since to overcome our failure and clear up any doubt as to our right to TVA power.

I have been manager of the Jackson Purchase Cooperative since 1961, and I can assure this committee that obtaining TVA power has been my No. 1 task during that entire period. TVA agrees with us that Jackson Purchase is equitably entitled to receive TVA power. They say that it is only the question of interpretation of the 1959 law that stands in the way. TVA service would require no appreciable expenditure of funds since TVA power and transmission lines already interlace the area. Jackson Purchase is the only distributor in TVA territory which was actively seeking TVA power at the time the 1959 amendment was passed and which is being denied it by TVA. It is also the only applicant, so far as we know, whose territory is totally dominated by TVA power service to other distributors and to industries.

We think the law should now be clarified. We are, therefore, proposing an amendment to clarify what we are sure Congress intended—namely, that the rural consumers served by Jackson Purchase be treated the same as the industries and citizens of Paducah in the same area. All that is needed is to add Jackson Purchase to the list of those which TVA is specifically authorized to serve in the third paragraph of subsection (a) of section 15d of the TVA Act. This amendment would leave intact the limitations on the TVA service area now in the law but would make clear that Jackson Purchase is within that area and is entitled to TVA power.

Mr. Chairman, we have come before this committee because it is the appropriate body to give us relief. We believe our requested amendment is germane to the bill before you because the area limitation, which we believe needs clarification, was imposed by Congress as an integral part of the original TVA financing measure. Any necessary clarification of the area which TVA is entitled to serve, therefore, seems to us to be appropriately a part of this measure to increase the TVA financing authority. We know of no other practical way to bring this matter to the attention of Congress.

The amendment we propose to eliminate the discrimination against the rural consumers of Jackson Purchase would not create any new area of friction. Most of the Jackson Purchase service area boundaries are fixed by nature. On the north and west it is bounded by the Mississippi and Ohio Rivers which are also State line boundaries. On the south no problems would be created because it is bounded by the Hickman-Fulton RECC, West Kentucky RECC, and Pennyrile RECC, all of which are existing TVA power distributors. On the east about half of its boundary is the broad Cumberland River and for a few miles in the northeast corner its service area is contiguous with the territory of Henderson-Union RECC, a cooperative that obtains its power from a G. & T. cooperative. The operating zones in this northeast corner are well established.

Jackson Purchase at no place in its service area has a land boundary with the service area of any private power company. We are surrounded by water and the service areas of cooperatives that are supplied by TVA or other cooperatives. Jackson Purchase presently obtains its wholesale power supply from Kentucky Utilities Co. Kentucky Utilities sales to us represent only about 1 percent of their revenues, which are growing at six or seven times that amount each year. Service by TVA to Jackson Purchase would therefore have no disruptive effect.

In conclusion, I want to emphasize that our amendment will leave intact the territorial limitations which Congress imposed on TVA in 1959. We are merely seeking clarification of the law which will eliminate any doubts as to TVA's right to eliminate a pocket of discrimination in the TVA area. Jackson Purchase is so located as to be uniquely entitled to become a TVA power distributor and is willing to take on all the responsibilities that go with the TVA program of bringing electricity to the consumers of the area at the lowest possible price.

We respectfully urge the committee to adopt the amendment to H.R. 15225 which we propose. It would merely add Jackson Purchase to the list of power distributors which TVA is specifically authorized to serve in the third paragraph of subsection (a) of section 15d of the TVA Act.

Mr. Chairman, thank you for this opportunity.

Senator Cooper. Mr. Adams, when was the Jackson Purchase Cooperative formed?

Mr. Adams. In 1938, sir.

Senator Cooper. Since that time has it been securing its power from the Kentucky Utilities Co.?

Mr. Adams. Yes, sir.

Senator Cooper. Do you have a contract at present to secure power from the Kentucky Utilities Co.?

Mr. Adams. We have a contract that has run out. We are operating on a 6-month agreement at present.

Senator Cooper. I note from your map that the Jackson Purchase Cooperative area embraces several counties and parts of several counties. Is Livingston County served by Jackson Purchase Cooperative?

Mr. Adams. Yes, sir.

Senator Cooper. Is any part of that county served by TVA?

Mr. Adams. Yes, sir. Between the lakes, Lake City and Grand River—no, we serve that.

Senator Cooper. Is part of McCracken County served by Jackson Purchase?

Mr. Adams. Yes, sir.

Senator Cooper. Is any part of McCracken County served by the TVA?

Mr. Adams. They serve the city of Paducah and they in turn serve in the county, itself.

Senator Cooper. Is Ballard County served by Jackson Purchase?

Mr. Adams. Yes, sir.

Senator Cooper. Is any portion of Ballard served by TVA?

Mr. Adams. They have no service area in Ballard County, sir.

Senator Cooper. Is Carlisle County, served by Jackson Purchase?

Mr. Adams. We serve in Carlisle County.

Senator Cooper. Is any part of that county served by TVA?

Mr. Adams. TVA distributor, Hickman-Fulton RECC, and West Kentucky.

Senator Cooper. Is any part of Graves County served by Jackson Purchase?

Mr. Adams. Yes, sir.

Senator Cooper. Is any part of Graves County served by TVA?

Mr. Adams. Yes, sir, West Kentucky RECC.

Senator Cooper. Is part of Marshall County served by Jackson Purchase?

Mr. Adams. Yes, sir.

Senator Cooper. Is any part of Marshall County served by TVA?

Mr. Adams. Yes, sir, West Kentucky RECC and direct by TVA to the chemical complex.

Senator Cooper. When you say that parts are served by other cooperatives, are you also saying that those cooperatives receive their power from TVA?

Mr. Adams. Yes, sir.

Senator Cooper. Calvert City is located in Marshall County, is it not?

Mr. Adams. Yes, sir.

Senator Cooper. Is the entire Calvert County served by TVA?

Mr. Adams. Calvert City was purchased by Jackson Purchase, at a cost of over a hundred thousand dollars. We serve about two-thirds of it. The TVA cooperative has now moved in and picked up about a third of it because of the rate differential.

Senator Cooper. There are a number of large industries to which you have referred as being located in the Calvert City area. Can you identify these industries?

Mr. Adams. They are electrochemical and electrometallurgical plants, Goodrich, Pittsburgh Metallurgical, Pennsalt, and General Analine.

Senator Cooper. Are they served by TVA?

Mr. Adams. Yes, sir; direct.

Senator Cooper. Has any of these industries been added to the TVA service area since the enactment of the 1959 act?

Mr. Adams. Yes, sir. The New York Mining & Manufacturing Co., was added in about 1961.

Senator Cooper. Now where is the AEC plant located?

Mr. Adams. It is located west of Paducah on the Ohio River, in McCracken County.

Senator Cooper. Do you know who furnishes the power for this AEC plant?

Mr. Adams. TVA furnishes it from the Shawnee steamplant.

Senator Cooper. Is there a TVA steamplant located in—McCracken County?

Mr. Adams. It is in McCracken County on the Ohio River west of Paducah.

Senator Cooper. Downstream from Paducah?

Mr. Adams. Yes, sir.

Senator Cooper. How is its power furnished or from what source?

Mr. Adams. It is coal operated.

Senator Cooper. Is there any other TVA facility which you have not mentioned which is located in what I would say this general area near the area served by Jackson Purchase?

Mr. Adams. We have large transmission lines criss-crossing our service area. We also have a large Kentucky Dam, hydroelectric TVA plant. We serve on both sides of this. We serve the little town right under the dam, Gilbertsville. We serve Lake City on the other side of the river just above the dam and also Grand River on up the lake above the dam.

Senator Cooper. How many customers does your cooperative serve?

Mr. Adams. Approximately 11,000 at the present time.

Senator Cooper. Are you able to tell the committee the volume of electrical energy that was consumed the last year by your patrons?

Mr. Adams. 77 million kilowatt-hours was consumed by the members last year. However, our average consumer rate is about 420 each month. You heard Mr. Wagner testify that the average is over 11,000 a year, which is double our rate.

Senator Cooper. You were not manager of the Jackson Cooperative prior to or at the time the TVA Self-Financing Act was enacted by the Congress?

Mr. Adams. I was not the manager.

Senator Cooper. Do you have control of the records of the cooperative?

Mr. Adams. Yes, sir.

Senator Cooper. Have you examined the records made prior to the enactment of the act for the purpose of ascertaining whether or not the Jackson Purchase Cooperative had been discussing with the TVA the proposition of TVA supplying Jackson Cooperative?

Mr. Adams. Very thoroughly, sir.

Senator Cooper. I believe you have introduced in the record copies of minutes of the cooperative and also a statement of the cooperative indicating the various steps that Jackson Purchase had taken to pursue this matter with TVA.

Mr. Adams. Yes, sir. We have all the records that there are of this. Also, if time would permit it, we could bring in a thousand members here who would testify that they had expected TVA power for the last 20 years.

Senator Cooper. I might say that Congressman Stubblefield who has been here all morning may have to leave. I assume he has to go over to the House. I think it will be proper to hear him now. Then we can resume and hear the other witnesses. So I will ask Congressman Stubblefield to come forward.

Did you plan to testify?

STATEMENT OF HON. FRANK A. STUBBLEFIELD, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF KENTUCKY

Representative Stubblefield. I did not plan to testify, Mr. Chairman. However, I would like to say that the purpose of these gentlemen appearing here before you today on behalf of Jackson Purchase Cooperative is to correct an inequity and an intolerable situation that exists within these six counties whereby you have, as the TVA Chairman mentioned a few moments ago, Calvert City where part of the city is in the TVA area, part of it is out. This dictates where the development takes place, where a house will be built, where any business will be established, in order to come within the TVA rate structure.

This differential in rates has affected the whole economy of these six counties. In other words, the situation in one community is something like this: on one corner a fellow has a grocery store, and across the street is a blacksmith shop. They exist on two different rates.

The intolerable situation, which is the subject of our discussion, I think, was anticipated by the Senator from West Virginia in 1959 when he stated it was not the intention of Congress to leave these little islands deprived of TVA power as a result of that 1959 act.

Certainly, Jackson Purchase Cooperative is a victim of being precluded from obtaining TVA power inasmuch as they are within the Tennessee Valley, in fact the town of Gilbertsville just mentioned here is within sight of the largest dam in the TVA chain and yet they are deprived from receiving the benefits of TVA power.

Thank you, Mr. Chairman.

Senator Cooper. Thank you, Congressman.

* * * * *

Senator Cooper. Mr. Adams, do you know whether any part of the area served by Jackson Cooperative lies within the watershed of the Tennessee River or its tributaries?

STATEMENT OF HOBART ADAMS—RESUMED

Mr. Adams. Yes, sir; a great deal of the area lies in the Tennessee River watershed. We have members who live on both sides of the Tennessee River from the Kentucky Dam to Paducah. We have them up the hollows and streams and branches that go out. In fact, this is our concentration of our membership, as you might well know, that they are building near the lake and around the lake and between the lakes where we serve.

We serve around the large Cumberland River Dam now right to the canal that connects both these lakes. We serve around the area of the Shawnee steamplant. We serve around this where our members had to withdraw and give up their homes and go out into the area and still cannot receive TVA power.

Senator Cooper. Mr. Royce is here, who is counsel for the committee. I think we can say he represents Senator Randolph, although he also represents all of us.

Do you have any questions you would like to ask?

Mr. Royce. Yes, Senator Cooper.

Mr. Adams, you referred to 11,000 customers of Jackson purchase Co-op.

Mr. Adams. Yes.

Mr. Royce. Last year a total annual consumption of approximately 77 million kilowatt-hours?

Mr. Adams. That is correct.

Mr. Royce. That would come out to approximately an average of 7,000 kilowatt-hours per customer.

Mr. Adams. This is counting all of the small industrials that we use also. I was merely stating the rural members average.

Mr. Royce. What is the average domestic consumption of your rural customers?

Mr. Adams. 420.

Mr. Royce. 420?

Mr. Adams. Yes, sir.

Senator Cooper. Do you have any other statement, Mr. Adams, that you have not covered in your prepared statement?

Mr. Adams. I would like to further say that by act of Congress, Jackson Purchase Rural Electric Cooperative is a preferred customer for TVA power. I don't feel we have any obligation to Kentucky Utilities. We see no reason why we should not have freedom to select the best possible wholesale power supply. We see no reason why we cannot leave Kentucky Utilities as the other 19 cooperatives have done that were once served by Kentucky Utilities.

Lastly, we see no reason why our people in the heart of the Tennessee River country and for generations to come should be forced to receive the high cost of KU power with low-cost TVA power all over us.

Thank you again.

Senator Cooper. Thank you, Mr. Adams.

The next witness is Mr. Fred Paxton, president of Paducah Chamber of Commerce.

Mr. Paxton, will you proceed.

STATEMENT OF FRED PAXTON, PRESIDENT, PADUCAH CHAMBER OF COMMERCE

Mr. Paxton. Mr. Chairman and members of the committee, my name is Fred Paxton. I am here representing the Greater Paducah Chamber of Commerce of which I am the president. We appear today in support of the efforts of Jackson Purchase Rural Electric Cooperative Corp. to secure clear authority to purchase power from TVA.

While we have supported these efforts of Jackson Purchase for some years as individuals, at a recent meeting of our board I was authorized and instructed to appear here today before this honorable body and express the strong support of our chamber for the amendment which Jackson Purchase is seeking to H.R. 15225.

I am the vice president of Paducah Newspaper, Inc., which owns and operates the Paducah Sun-Democrat and WPSD–TV at Paducah. As the associate editor of the Paducah Sun-Democrat and in recent years as managing director of WPSD–TV, I have closely observed the plight of the people in our area and their efforts to rectify the situation which has denied them TVA power. I have been in position to observe the great damage to the growth and development of our area due to the inability of Jackson Purchase to obtain TVA power.

Our chamber not only represents the business community in the city of Paducah, we also represent the businesses in the Greater Paducah area. As a matter of fact, many of our members outside Paducah are being served by TVA, and some are served by Jackson Purchase. Our chamber is deeply interested in working toward an orderly development of the entire area.

I am sure Mr. Adams has adequately covered the many severe problems we have encountered due to having TVA power all around us and now in Paducah and yet being unable to obtain it in our basic rural area.

Mr. Chairman, our problem is that many of the people in the Greater Paducah area have TVA power, yet many do not and are thus at a great disadvantage because their community is not experiencing the same growth. The sad fact is that those who are not receiving TVA power are perhaps the people who could benefit the most from its availability. I refer to the rural inhabitants of our community served by Jackson Purchase.

Since Paducah is the hub of our economy in western Kentucky, we are obviously concerned with an orderly development from this hub into our outlying community. Presently we are faced with a crazy quilt pattern of development keyed primarily to who supplies the particular area—a TVA distributor or Jackson Purchase. Instead of TVA and its power program serving as a unifying developmental factor in the five-county area in which TVA and Jackson Purchase facilities are intertwined, it is a divisive factor.

We believe that Congress never intended that the Jackson Purchase Cooperative should be excluded from purchasing power from TVA. We respectfully urge this committee to add clarifying language to the measure before it that will rectify this injustice that is creating serious economic problems not only for the Paducah area but for the outlying areas as well.

Mr. Chairman, I thank you.

Senator Cooper. Mr. Paxton, what is the population of Paducah?

Mr. Paxton. It is approximately 35,000 people.

Senator Cooper. It is the largest community——

Mr. Paxton. That is correct, there are 56,000 to 58,000 people in the county.

Senator Cooper. How many in the county?

Mr. Paxton. 56,000 to 58,000 people.

Senator Cooper. It is the largest community in the First Congressional District?

Mr. Paxton. Yes, sir.

Senator Cooper. Paducah now receives its power from TVA?

Mr. Paxton. Yes, sir.

Senator Cooper. Prior to that it received its power from Kentucky Utilities?

Senator Cooper. Were you connected with the TV station prior to the enactment of the Self-Financing Act?

Mr. Paxton. No, sir.

Senator Cooper. In your capacity as the vice president of the Paducah Sun-Democrat prior to the time of the enactment of the act did you in that capacity have any information about negotiations?

Mr. Paxton. Yes, the information available at that time that Jackson Purchase was attempting to secure TVA power.

Senator Cooper. Was it a matter of public knowledge?

Mr. Paxton. Yes, sir; it was general knowledge.

Senator Cooper. Do you know of any articles in your paper during that period which discussed these negotiations?

Mr. Paxton. That would be testing my memory rather severely.

Senator Cooper. Thank you very much, Mr. Paxton.

Now, the next witness is Mr. W. C. Young, secretary of Western Kentucky AFL–CIO Area Council.

STATEMENT OF W. C. YOUNG, SECRETARY, WESTERN KENTUCKY AFL–CIO AREA COUNCIL

Mr. Young. Mr. Chairman and members of the committee, my name is W. C. Young. I am here today as the representative of the Western Kentucky AFL–CIO Area Council with offices at Paducah, Ky. My position with the council is executive secretary. I am also a member of the State board of the AFL–CIO. Our council represents all of western Kentucky and has some 10,000 actual dues-paying members.

Our council has long supported the efforts of Jackson Purchase to secure TVA power. My appearance here today is to emphasize that this is a matter of concern to the workers in the area.

We understand that Congress has imposed limits on the territory TVA can serve but we cannot believe that Congress meant to leave Jackson Purchase out of the TVA area. TVA is all around us. TVA powerplants, dams and transmission lines are all over our area and TVA power customers are the biggest industries in our area. It just does not make sense to deprive the household consumer of TVA power when just about everyone else has it available.

Our working people simply cannot understand why after moving from their homes to make way for TVA powerplants and dams, seeing TVA transmission lines built on their land, and seeing TVA power generated in their community that they cannot obtain TVA power in their homes. This is even harder to explain when their neighbors next door or across the street are TVA customers.

Many of our members work at TVA's Kentucky Dam and Shawnee steam plant located right in the Jackson Purchase service area where they help TVA generate electricity and it's awfully hard for them to understand why they cannot buy TVA power in their homes within walking distance of these plants.

We know that the inability of the Jackson Purchase Cooperative to receive TVA power is costing the working people of western Kentucky hundreds of thousands of dollars a year and this is depriving them of the convenience and advantages which are available to power consumers all around us.

We plead with the members of this committee to correct this injustice and accept the amendment suggested by Jackson Purchase to the measure presently pending before you.

Thank you, Mr. Chairman.

Senator Cooper. Mr. Young, in your capacity as secretary of the Western Kentucky AFL–CIO Area Council can you state whether or not the workers in that area or some workers in that area are employed at various TVA installations in the area?

Mr. Young. Yes, sir.

Senator Cooper. And some of these live in the Jackson Purchase area?

Mr. Young. Yes, sir. In fact, some of them had to move from their community to other communities within this particular area in order to make way for TVA installations. These same people are being denied the use of TVA power now. We have members in the same local unions, some working in TVA installations, living in the same community, looking across the street and seeing their neighbors being supplied power by TVA.

Senator Cooper. Thank you very much, Mr. Young.

Mr. Royce. Mr. Adams, your period of contract with Kentucky Utilities is for how long, that is the basis on which you are served by Kentucky Utilities?

Mr. Adams. We are operating on a 6-month agreement now.

Mr. Royce. On a 6-month agreement?

Mr. Adams. Yes. It was a 2-year contract when we originally signed. When we sign a new substation we will have a new contract for that. All our substations but one have run out.

Mr. Royce. That 6-month period is at your election, that is you could have a longer term contract.

Mr. Adams. Yes.

Mr. Royce. But you have chosen not to?

Mr. Adams. Yes, we have chosen not to take a long-term contract because we have been expecting to get TVA over the years. We did not want to be hooked with a long-term contract.

Mr. Royce. Are the rates the same for long-term as for short-term; that is, for 6 months.

Mr. Adams. The rates would be lower. We are still operating under the original contract.

Mr. Royce. I have no other questions.

Mr. Adams. But it would be a 5-year contract.

Senator Cooper. May I ask Mr. Wagner a question?

Mr. Wagner, you were not the Chairman of the Board of Directors of the Tennessee Valley Authority in 1959 or prior to that time?

Mr. Wagner. That is right.

Senator Cooper. When did you become Chairman?

Mr. Wagner. In 1962, Senator.

Senator Cooper. You were with the TVA though prior to 1959?

Mr. Wagner. Yes, I was.

Senator Cooper. What was your position in the Tennessee Valley Authority during the period to which we have been referring?

Mr. Wagner. From 1954 until 1961 I was TVA's General Manager. For 3 years prior to that I was Assistant General Manager.

Senator Cooper. You heard Mr. Adams testify that certain TVA facilities are located in this general area. Is that correct?

Mr. Wagner. That is correct.

Senator Cooper. Has he named all of them?

Mr. Wagner. I believe he has, yes, sir.

Senator Cooper. He testified, and I am not saying this to question Mr. Adams, but simply to complete the record, that co-ops which surround or partly surround the area served by Jackson Cooperative receive their power from TVA. It that correct?

Mr. Wagner. That is correct, yes, sir.

Senator Cooper. Do you know how long those co-ops have been securing power from TVA?

Mr. Wagner. I don't know the exact time but it has been for some time.

Senator Cooper. Was it prior to 1959?

Mr. Wagner. Yes, sir.

Senator Cooper. Is it correct that at some time during World War II TVA began to supply a shell-loading plant in the general Jackson Purchase area?

Mr. Wagner. I am not familiar with the exact loads, Senator.

Senator Cooper. Were you there during the war?

Mr. Wagner. Yes, sir.

Senator Cooper. Was TVA limited——

Mr. Wagner. Senator, I understand we did serve a shell-loading plant in the Viola area during the war.

Senator Cooper. During the war period did the shortage of materials prohibit TVA from attempting to supply areas additional to that which it had?

Mr. Wagner. Yes, that is true; both the shortage of materials and equipment and the urgent need to devote our generating capacity to the supply of defense loads limited our capacity to take on additional loads.

Senator Cooper. After the war did a power shortage or an anticipated power shortage develop in the area served by TVA which made it impossible or at least impracticable to attempt to serve additional areas?

Mr. Wagner. After the war there were years when we were pressed for power production, yes; particularly when the atomic energy loads developed and there was a time when power was short.

Senator Cooper. In fact, that was the reason which directed Congress to consider the TVA Self-Financing Act to provide for TVA power needs in the service area. There was a shortage in the area you were serving.

Mr. Wagner. The areas we were serving had expanding loads. Our revenues were not sufficient to take care of all the additional generating capacity needed and appropriations were not forthcoming. The revenue bond financing legislation was enacted consequently.

Senator Cooper. Did the factors that I have mentioned have any weight in any consideration you gave to the possibility of furnishing power to Jackson Purchase?

Mr. Wagner. Yes; I think that is correct, sir. I did not take part in those negotiations.

Senator Cooper. Do you know from your knowledge of the operations of TVA over a period of time prior to 1959 whether the representatives of the TVA and representatives of Jackson Purchase discussed the possibility of TVA supplying power to Jackson Purchase?

Mr. Wagner. Yes, sir; there were intermittent discussions over a period of several years.

Senator Cooper. Thank you very much.

Mr. Royce. Mr. Wagner, has the position of the TVA in not servicing Jackson Cooperative been based on the interpretation that the Congress has limited the service area by statute and that it is not a matter of administrative discretion for TVA?

Mr. Wagner. We interpret the territorial limitation of the 1959 amendment to the TVA Act as prohibiting our serving Jackson Purchase; yes, sir.

Senator Cooper. To make the record complete I think it is only fair to say that for some time the parties have been in litigation. I am not familiar in detail with this litigation. I have heard about it and I have read the petition. There has been litigation initiated by Jackson Purchase against the TVA and in which the Kentucky Utilities intervened. I am not familiar with the nature of the suit but I understand it is to secure an interpretation of the meaning of the limitation as to whether or not TVA was the principal supplier of power. I thought this litigation should be noted for the record.

Does the Jackson Purchase Cooperative have any other evidence it would like to present?

Mr. Adams. You raised the question about being in court. We believe that the Congress is the proper forum to clarify the act of Congress. TVA claims that the courts must accept the findings of the TVA Board and that we are not entitled to a full hearing in court.

Senator Cooper. I understand. I raised this question so that the record from my viewpoint at least would be complete. I think also it is quite evident that no matter what litigation is pending in the courts, Congress could act if it so desired.

Is there any other evidence that Jackson Purchase would like to offer?

Mr. Adams. That is it.

Senator Cooper. We thank you for your presentation.

Mr. Reid. Thank you, Senator Cooper.

(Subsequently, Mr. Reid transmitted the following communication:)

Jackson Purchase Rural
Electric Cooperative Corp.,
Paducah, Ky., June 29, 1966.

Hon. Jennings W. Randolph,
U.S. Senate,
Washington, D.C.

Dear Senator Randolph: Several matters concerning Jackson Purchase Rural Electric Cooperative Corporation were raised at the June 28 Senate Public Works Committee hearing on H.R. 15225 and companion bills on which we believe the record should be clarified.

Mr. Duncan of Kentucky Utilities Company in his testimony placed great emphasis on the fact that Jackson Purchase could have saved $335,065 in its power bill from Kentucky Utilities if Jackson Purchase had signed a long-term contract. Mr. Duncan stated that this lower rate and long-term contract was offered to Jackson Purchase in 1957 but was refused by the Co-op. Mr. Duncan was thus documenting the fact that Jackson Purchase had paid $335,000 in excess profits to Kentucky Utilities from 1957 to 1965 in order to be free to take TVA power if its efforts were successful. Mr. Duncan's testimony is the clearest proof of the fact that Jackson Purchase was seeking to obtain TVA power in 1957 before the territorial limitations were imposed in 1959 and has been paying large sums of money to KU each year just in order to be free to become a TVA distributor. It is also ample proof that Kentucky Utilities has already been generously rewarded for whatever investment it has made in service to Jackson Purchase.

Mr. Duncan suggested to the Committee that Jackson Purchase was no different than many other power systems not presently receiving TVA power located on the periphery of the TVA service area. The fact of the matter, however, is that Jackson Purchase is unique.

1. Jackson Purchase is the only power distributor actively negotiating with TVA for power supply prior to 1959 which is being denied power by TVA.

2. Jackson Purchase is the only power distributor not receiving TVA power which has a service area in which TVA is the primary source of electricity.

3. Jackson Purchase is the only power distributor cut off from TVA power which has its principal urban center (Paducah) already served by TVA.

4. Jackson Purchase is the only power distributor with a service area in which all the large industrial loads are receiving TVA power, and only the rural consumers are excluded.

5. Jackson purchase is the only cooperative in Kentucky which does not either receive TVA power or generate power for its own needs.

6. Jackson Purchase is the only power distributor cut off from TVA power which has TVA dams, hydroelectric plants, a giant steam

plant, substations, transmission lines and other facilities permeating its entire area.

We believe that the facts in the record show that Jackson Purchase is truly unique. It is also significant that no other power distributor is suggesting to the Committee that it is in any way comparable to Jackson Purchase. Indeed, no other candidate for an exemption has appeared. The claim that for the Congress to eliminate an injustice to Jackson Purchase would start a stampede is without support. We cannot believe that the Congress will permit this argument to foreclose it from appraising the merits of Jackson Purchase's position.

The fact that every cooperative in Kentucky not served by TVA has abandoned service from Kentucky Utilities Company in favor of self-generation suggests that if Congress should deny Jackson Purchase's plea the result would not necessarily be to preserve Jackson Purchase as a KU customer. The result might equally be to force Jackson Purchase to self-generation, which would be preferable to buying from KU, but would be wasteful and uneconomic as compared with TVA service, and which would continue the present discrimination.

We are informed that in its report on the Stubblefield bill, H.R. 14833, which would permit service to Jackson Purchase, TVA stated that Jackson Purchase has a meritorious case.

During the course of the hearing it was suggested that it was not sufficient to simply add Jackson Purchase to the list of communities expressly entitled to TVA power in the third paragraph of Section 15d(a), but rather that certain language of the first paragraph of Section 15d(a) must also be amended. This suggestion is not well founded because the third paragraph would make clear Jackson Purchase's right to be served by TVA notwithstanding any language which may appear elsewhere in the Act.

Sincerely,

Howard V. Reid,
Chairman, Board of Directors,
Jackson Purchase RECC.

Senator Cooper. Now, the next witness is Mr. W. A. Duncan, President of the Kentucky Utilities Co.

Mr. Duncan, would you identify those who accompany you.

STATEMENT OF W. A. DUNCAN, PRESIDENT, KENTUCKY UTILITIES CO.; ACCOMPANIED BY HARRY M. BLANTON, VICE PRESIDENT, AND JAMES WELCH, COUNSEL

Mr. Duncan. Yes, sir, I will be glad to, Senator.

I have with me Mr. Harry Blanton, vice president of Kentucky Utilities Co., and our counsel, Mr. James Welch of the firm of Ogden, Robertson & Marshall, Louisville, Ky.

Senator Cooper. You may proceed as you please and take as much time as you desire.

May I say that although there are other members who could not be held, they will certainly see all the evidence which has been introduced.

You are president of Kentucky Utilities Co.?

Mr. Duncan. That is correct.

Senator Cooper. You may proceed.

Mr. Duncan. First, if the Senator would indulge me I would like to comment that there are a number of representatives from other power companies present in the room. May I identify them?

Senator Cooper. Yes.

Mr. Duncan. Mr. Ralph Foreman, American Electric Power Service Corp.; Mr. Jack Riley, Carolina Power & Light Co.; Mr. L. D. Gray, Louisville Gas & Electric Co.; Mr. Richard Rhein, Cincinnati Gas & Electric Co.; Mr. Charles O. Shaw, Central Illinois Public Service Co.; Mr. Charles Beverage, Virginia Electric Power Co.

First I want to thank the Senator for his personal indulgence in continuing this hearing and giving us an opportunity to be heard today.

I prepared a statement that with your permission I would like to incorporate in the record, and in the interest of time I will attempt to hurry through it.

Senator Cooper. May I say that we have spent a good deal of time on this but you can take all the time you desire, reading the full statement and making such comment as you desire.

Mr. Duncan. Thank you, sir.

I am William A. Duncan, president of Kentucky Utilities Co., an investor-owned electric utility that supplies electric energy to 230,000 consumers in 75 of the 120 counties in Kentucky. My company has 24,400 stockholders, one-third of whom are Kentucky people.

Senator Cooper. Where is the home office?

Mr. Duncan. Our headquarters is in Lexington, Ky. I appreciate the opportunity of appearing before you in connection with H.R. 15225, which would increase the borrowing authority of the Tennessee Valley Authority from $750 million to $1,750 million.

At the outset, I hope you will understand that I am not appearing for the purpose of opposing the legislation as passed by the House of Representatives on June 13. My sole reason for being here is to oppose any amendment to this bill which would authorize the expansion of the TVA service area, as defined in the 1959 TVA Act, to include an area now being served at retail by Jackson Purchase Rural Electric Cooperative Corp., which corporation is a wholesale customer of our company. Such an amendment (H.R. 14833) has been introduced in the House of Representatives and, we are advised, will be proposed to this committee, and I believe the amendment to which Mr. Adams has referred is essentially accidental. We are unalterably opposed to this amendment or to any amendment which would expand the service area of TVA and its distributors.

Jackson Purchase RECC was organized in 1937 and energized its first line in April 1938. Ever since that date it has purchased its entire power requirements from Kentucky Utilities Co. It currently operates over an area of approximately 1,000 square miles in the six Kentucky counties of Ballard, Carlisle, Graves, Livingston, McCracken, and Marshall, and on December 31, 1964, served 10,572 customers.

Throughout much of this same area Kentucky Utilities Co. presently serves about 2,500 customers, including the incorporated communities of Wickliffe, Barlow, LaCenter, Kevil, and Salem.

During this period the company has adequately and dependably supplied the entire power requirements of this cooperative and we stand ready to continue this service as required. During 1965 Jackson Purchase RECC purchased from Kentucky Utilities Co. more than 77,500,000 kilowatt-hours, for which service Kentucky Utilities Co. received about $626,000.

In authorizing TVA under the 1959 act to raise capital by the issuance of bonds to the public, Congress recognized the expanding needs of TVA for capital and was willing to surrender some of the control it previously exercised over TVA operations through the annual appropriations process. At the same time Congress recognized that it was not in the national interest to permit the unlimited expansion of the geographic area in which TVA electric service could be supplied and thereby inflict ruinous competition on investor-owned utilities operating in the areas adjacent to the existing TVA area.

The language of the 1959 TVA Act was arrived at after extensive hearings and debate in both Houses of Congress, which extended over a period of several years. In the course of those hearings, Jackson Purchase expressly requested, in a telegram to Senator Cooper appearing in the record of this committee's hearing, that the TVA service area not be limited in such a manner as to exclude this co-op from the area which could be served by TVA. Congress did not see fit to make any exception in the case of Jackson Purchase RECC.

No condition exists today which should cause Congress to modify the act and now authorize expansion of the TVA service area so as to include in the TVA area more than 1,000 square miles now being adequately supplied by Kentucky Utilities Co.

Jackson Purchase was in 1959, and is today, in the same position as any other distributor of electricity on the periphery of the TVA area. If, at this late date, an exception were to be made in the case of Jackson Purchase, it would certainly result in a host of similar requests from existing distributors and even municipalities not now engaged in supplying electric service, not only around the TVA periphery but elsewhere.

The problem of geographic expansion of TVA and the resulting competition with investor-owned power companies was resolved in 1959. In doing so, Congress recognized TVA as a utility in position to provide for the needs of its consumers at rates which do not include Federal and State income taxes and other cost components which investor-owned utilities necessarily must provide for in establishing their rates. The resulting rate differential between TVA and the organizations operating around the periphery of TVA's service area was, and always will be, most substantial. This rate differential cannot be eliminated so long as investor-owned utilities are obliged to pay Federal and State income taxes and are not afforded the other concessions available to TVA in its operation. Therefore, there will always be pressure on the part of municipalities, cooperatives, and large power users located adjacent to the TVA service area for expansion of this area to permit their securing TVA's subsidized electric service.

It is evident that the proposal of Jackson Purchase stems largely from its desire to obtain a reduction in its power cost through the expansion of the TVA service area to including its service area. It is obvious that many existing organizations similarly situated, and others not now in existence, but which could be readily organized for the purpose, can and will make the same claims for special consideration should there be any change in the presently prescribed TVA service area.

Jackson Purchase seeks to differentiate its position from that of other distributors on the TVA periphery on the basis that this co-op's service area is intertwined with that of TVA to such an extent that next door neighbors are on different systems, and pay different rates. Similar situations exist all around the periphery of TVA and, in fact, at the interface between any two utilities regardless of locations. Expanding the TVA service area would merely create more problems in a new and larger area.

It has been claimed that continued exclusion of Jackson Purchase from the TVA area "strikes at its ability to survive." This cooperative's rate of growth certainly belies this contention. During the period 1958 through 1965, this co-op has increased its annual purchase of energy from my company from some 45 million to 77,500,000 kilowatt-hours—an increase of 70 percent in 7 years.

In addition, an analysis for 1964 of the financial status of all distribution cooperatives in the State of Kentucky discloses that Jackson Purchase has greater financial strength, by a wide margin, than any other, including the four presently within the service area of TVA and purchasing power from TVA. For example, the ratio of long-term debt to net utility plant for Jackson Purchase at December 31, 1964, was 35.5 percent and the 1964 operations from a financial standpoint shows that net income (operating plus nonoperating margin) was sufficient to cover interest on debt for the year by 9.3 times. No other cooperative in Kentucky even approached these ratios. These ratios for TVA-supplied, Kentucky co-ops are listed below:

Distribution cooperative	Served by—	Percent long term debt to net utility plant	Percent interest coverage
Pennyrile	TVA	87.0	2.8
Warren	TVA	90.3	2.3
Hickman-Fulton	TVA	99.6	1.1
West Kentucky	TVA	62.7	3.7
Jackson Purchase	Kentucky Utilities.	35.5	9.3

As you see, the range from 62.7 to 99.6 in terms of percentage of long-term debt to net utility plant as compared to Jackson Purchase's 35.5. The TVA-supplied co-ops range from a minimum of 1.1 times up to 3.7 times its annual interest coverage as compared to Jackson Purchase's 9.3 percent. Certainly this comparison definitely indicates that the exclusion of Jackson Purchase from the TVA does not strike at its ability to survive, since its economic position today is stronger than any Kentucky co-op now within the TVA area.

One further comment should be made with respect to the rates at which Jackson Purchase Rural Electric Cooperative Corp purchases power from our company as compared to the rates at which it could purchase power from TVA. While it is true, as noted above, that neither our company nor any other investor-owned electric utility could reasonably expect to sell power at rates equivalent to those of TVA it should be noted that Jackson Purchase could, if it so desired, purchase power from our company at a lower rate than it presently does. Since it was organized, this cooperative has purchased its power requirements from our company on rate NPR, which rate first became effective in 1937 and has subsequently been reduced from time to time. In 1950 our company offered a lower rate to co-ops in Kentucky, including Jackson Purchase. This offer was accepted by the other two cooperative customers of our company but, although the offer remains open to this day, it has not been accepted by Jackson Purchase. This lower rate is identified as rate 61 and is based on a 5-year initial contract, cancelable on a year-to-year basis thereafter. If Jackson Purchase had accepted this offer, during the 8 years through 1965, it could have saved the sum of $335,065, or some 8.2 percent of the amount it actually paid us for service. During the year 1964 these savings amounted to more than $51,000, or $4.85 per customer, based on the average of 10,524 customers served by the co-op during that year.

It is also claimed that natural boundaries (rivers) of Jackson Purchase's service area should preclude any demands for expansion of TVA sales to even wider areas. The fact that rivers do not constitute natural boundaries between utility service areas is, perhaps, most clearly evidenced by the fact that the service of Jackson Purchase itself extends across two major rivers; namely, the Cumberland and Tennessee Rivers. Any such claim also completely disregards the fact that, throughout a large part of the six county area of this co-op's operation, on both sides of the rivers mentioned, Kentucky Utilities Co. presently supplies some 2,500 consumers, other than Jackson Purchase, both at retail and wholesale.

Both Senator Cooper and Senator Gore have commented on the necessity for any utility to borrow money to finance its expansion and its operations. Many holders of our securities and others with responsibility for advising the investing public applauded the 1959 act limiting the service area of TVA. They continue to evidence interest in the permanency of this limitation. A firm stand by this committee on this issue will reassure them on this point. In the final analysis, increased cost of service to our customers must necessarily result from an expansion of TVA's service area to include the area in question here, or in any other area, since any such expansion will most adversely affect our ability, and the ability of other companies similarly situated, to raise necessary capital at reasonable cost.

Mr. Chairman, I respectfully request this committee to adopt H.R. 15225 without amendment.

I certainly appreciate the opportunity of presenting my views to the committee.

Senator Cooper. Mr. Duncan, when did you become president of Kentucky Utilities?

Mr. Duncan. 1964.

Senator Cooper. You succeeded Mr. Watt?

Mr. Duncan. Yes, sir; Mr. R. M. Watt.

Senator Cooper. You have been associated with Kentucky Utilities prior to that time?

Mr. Duncan. Yes, sir; since 1935.

Senator Cooper. During the time that you have been associated with Kentucky Utilities were you aware from any discussions that you had with the managers of Jackson Purchase or with TVA that there had been discussions between TVA and Jackson Purchase relative to the supply of power to Jackson Purchase by TVA?

Mr. Duncan. I first became aware of any such discussions with TVA about the time the 1959 TVA Act was being hammered out. Contrary to what has been indicated here before, I did have reports from our representatives in the area extending over quite a number of years prior to 1959 that the then present manager of Jackson Purchase was very well satisfied with the service and rate he was receiving from our company. I believe he subsequently was replaced perhaps some time after the enactment of this act. My impression is, and this is an impression, that his attitude on that particular point may have had some bearing on the termination of his services as manager and Mr. Adams' election to this position.

The point I am trying to make here is that it is my information that this attempt on the part of Jackson Purchase to secure TVA power certainly did not extend very many years, if at all, prior to the enactment—well, prior to 1959.

Senator Cooper. Mr. Adams placed in the record minutes of the director meeting which would indicate that for a period of years they had discussions and negotiations had been taking place. I think Mr. Adams also generally testified to that point. On pages 4 and 5 of your prepared statement you call attention to the very favorable ratios of debt to utility plant which Jackson Purchase enjoys. Do you know whether or not that is true because of the rapid repayment to the Federal Government of loans which had been made to Jackson Purchase?

Mr. Duncan. I don't know the facts but I would assume there are a combination of factors. That might well be one. Another might be the generally favorable economic situation in which Jackson Purchase has found itself down through the years.

Senator Cooper. Is it correct, as has been testified to by representatives of Jackson Purchase that in certain areas which they serve and you serve that there is an unusual intertwining of the areas?

Mr. Duncan. Between my company and Jackson Purchase?

Senator Cooper. No, between TVA and Jackson Purchase.

Mr. Duncan. I don't have the facts on that. It is logical to assume that there is a boundary between Jackson Purchase consumers and TVA-supplied consumers at any point where the two systems come together, yes, sir.

Senator Cooper. Does Kentucky Utilities purchase power from TVA on an exchange basis?

Mr. Duncan. We have an interchange arrangement with TVA under which a number of services are ordinarily provided. The continuing year-to-year portion of that arrangement is what we class as an interchange transaction under which we supply certain TVA load centers located within and immediately adjacent to our transmission lines and in return the TVA supplies some load centers located near their lines. Every year since the inception of that arrangement there have been these interchange transactions in which each party supplies to the other certain load centers located nearest its facilities and returns the energy so supplied to the supplying party at other points of interconnection. In addition, this contract we have with TVA provides for other types of service. During the year 1965 the only purchases of energy by Kentucky Utilities from TVA were classed as emergency deliveries. The only transactions of this sort were emergency transactions between us in which Kentucky Utilities supplied TVA substantially more energy than TVA supplied us on that basis.

Senator Cooper. Does Kentucky Utilities buy power to serve directly its own customers or is this simply a purchase of power to use when there are shortages of power?

Mr. Duncan. Here again you are talking about our arrangements with TVA?

Senator Cooper. Yes.

Mr. Duncan. Ordinarily when there is an emergency on the system of either party, if Kentucky Utilities had an emergency loss of a generator on our system, TVA among others stands ready to supply energy to make up for the emergency loss of that generator until we can make other arrangements. Similarly if an emergency exists on TVA's system, Kentucky Utilities stands ready to similarly supply that service to TVA. As I indicated, during the past year the net energy flow was some million three hundred thousand kilowatt hours to TVA under that arrangement.

Senator Cooper. When you purchase power from TVA do you purchase it at rates which they ordinarily supply power to their chief customers and when you return power to TVA do you supply it at the rates at which you ordinarily supply it to your own customers?

Mr. Duncan. No, sir. This type of transaction that I have described ordinarily is on a split-the-savings arrangement if any money at all changes hands. In most instances there is no money actually changing hands between the parties at all.

In the situation where Kentucky Utilities supplies TVA emergency energy it is classed as energy TVA owes us and is returned under similar circumstances at another time. So, so far as these emergency transactions between us, very seldom if ever is a cash sum involved.

Now, so far as purchase of capacity and energy to supply the needs of our consumers, our arrangements with TVA do not include any such purchase at the present time.

Senator Cooper. Can you state whether or not there is a relative balance maintained in this exchange of power or is TVA required to call on Kentucky Utilities more than Kentucky Utilities is required to call on TVA?

Mr. DUNCAN. There is no substantial difference. In the long run I would assume the emergency transactions would pretty well balance out. The reason for that is that if at the present time, or at any time, the net balance in the emergency account indicates that Kentucky Utilities owes TVA some energy, TVA will be inclined to call on Kentucky Utilities rather than on some other adjacent company to assist in meeting a particular emergency with the result that over a period of time this emergency arrangement will pretty well balance out.

Senator COOPER. I believe Mr. Wagner testified that the power demands of TVA, doubled every 8 years.

Mr. WAGNER. We expect them to double every 10 years, it is about 7 or 8 percent a year.

Senator COOPER. Is that about the rate that the demand for Kentucky Utilities power increases? Is that the normal situation for any utility, whatever type it is.

Mr. DUNCAN. That is pretty close to the national average. If you look at a particular time variations will be noted, particularly in our case where we have undergone some trying times at the hands of public power in recent years and our growth has not been as great as it otherwise would have been. Generally speaking the national average increase of utility loads is somewhere in the vicinity of 8 percent per year; yes, sir.

Senator COOPER. Mr. Royce, do you have any questions?

Mr. ROYCE. Yes, Mr. Chairman, I do. Thank you.

Mr. Duncan, what is the rate you offer to Jackson Purchase as referred to on page 5 as rate "NPT"?

Mr. DUNCAN. That was a rate which was made available to all cooperatives in 1937 pursuant to an order of the Kentucky Public Service Commission in which, it is my understanding, the Kentucky Commission recognized that rural cooperatives were entitled to rates that produce something less than normal profit for the supplier. What I am saying is that this was a somewhat lower level of rates than was available to other consumers, wholesale consumers of KU at the time.

Mr. ROYCE. You state on page 5 and on page 6 of your prepared statement following that: "This offer was accepted"—an offer to reduce rates—"by the other two cooperative customers of our company." When was this offer accepted by the other two co-ops mentioned on page 6?

Mr. DUNCAN. I don't have the precise dates. I will be glad to supply them. Generally my recollection was that it was accepted immediately upon being offered in 1950.

Mr. ROYCE. If you would supply that for the record, please.

Mr. DUNCAN. Yes.

(Subsequently the following information was supplied:)

"Both Henderson Union RECC and Green River RECC accepted this rate 61 under contracts dated February 3, 1950."

Mr. ROYCE. What are the names of those other cooperatives mentioned?

Mr. DUNCAN. There are two cooperatives, Henderson Union Rural Electric Cooperative Corp. and Green River Rural Electric Cooperative Corp., both of whom have since terminated their service from our company.

Mr. ROYCE. Are their service areas contiguous to the TVA area?

Mr. DUNCAN. In part, yes, sir. TVA generally supplies service to cooperatives extending along the southern boundaries of these two co-ops that I have mentioned.

Mr. ROYCE. These two co-ops are now served by TVA?

Mr. DUNCAN. No, sir. They are now supplied by their own generating and transmission cooperative, Big Rivers Rural Electric Cooperative Corp. It began its initial operation the latter part of 1965.

Mr. ROYCE. Could you supply for the record the percentage of their long-term debt in relation to their net utility plant as you have supplied for the other cooperatives and also the relation of their net income to the interest on their debt, that is, comparable figures for those two cooperatives, as have been supplied for the other five cooperatives.

Mr. DUNCAN. Yes, sir, I may have that before me. Henderson Union, percent long-term debt to net plant in 1964 was 95.7 percent. Its interest coverage was 2.7 times.

Mr. ROYCE. Then they are in roughly a comparable position to the Warren and the Hickman-Fulton Co-ops with respect to the relation between income and long-term debt.

Mr. DUNCAN. Green River RECC in 1964 the long-term debt to net plant was 85 percent and interest coverage was 3.1 times.

Mr. ROYCE. Thank you, Mr. Duncan.

Now, do you know who operates in the area bounded on the west by the Jackson Purchase, on the east by the Tradewater River, and on the south by the TVA service area in this brochure presented by the Jackson Purchase people?

Mr. DUNCAN. Will you describe it again?

Mr. ROYCE. That little triangular area east of the Jackson Purchase on page 7.

Mr. DUNCAN. Kentucky Utilities Co. operates throughout that area, as does Henderson Union RECC.

Mr. ROYCE. There is another rural co-op operating in that area?

Mr. DUNCAN. Yes, sir.

Mr. ROYCE. And they are served by Kentucky Utilities?

Mr. DUNCAN. They were until the end of 1965. They began receiving service from the G. & T. Co-op around the first of the year.

Mr. ROYCE. Then, relevant to the proposed amendment, that area would be on pretty much the same grounds as the Jackson Purchase area, would it not?

Mr. DUNCAN. Yes, sir.

Mr. ROYCE. To your knowledge, is this interweaving of TVA and Jackson Purchase transmission lines a unique situation, or is this pattern in existence elsewhere and possibly in the area to which we have just referred?

Mr. DUNCAN. Frankly, I don't know the extent to which interweaving exists in the area to which Jackson Purchase has referred. But I am confident that with some 98 percent of the farms in Kentucky already supplied by some supplier, that irrespective of any new limits established for TVA service, there are bound to be numerous instances in which the facilities of a TVA supplier intersect or approach very close to the facilities of a non-TVA-supplied distributor.

Mr. ROYCE. Now, referring back to your previous interchange with Senator COOPER regarding the relations of Kentucky Utilities with TVA, these are just on an emergency power exchange basis; that is you do not purchase for resale from TVA except in relation to an emergency situation?

Mr. DUNCAN. That is rather generally the case. As I understand it, there is a real good reason for that. Ordinarily, any utility desiring to purchase a block of capacity of energy from another source does so on the basis that provided it has an opportunity to take advantage of that sort of arrangement over an extended period of years. At the present time it is my understanding that TVA is not in a position to supply a wholesale service to another utility on a basis that does not give TVA authority to regulate rates of that utility. So, from a practical standpoint there are few if any opportunities, for us at least, to purchase power from TVA over an extended period of time—the type of power that we could generate in our own plants or purchase from other investor-owned utilities.

Now, as I have indicated the interchange arrangement that we have with TVA does have a continuing component in which we each supply the other load centers and that takes place every day of the year and it has for a number of years. For energy we supply to TVA at a particular load center, TVA supplies us a corresponding energy at another location. Basically we do not have the type of purchase power arrangements with TVA that we have entered into with others.

Mr. ROYCE. One more question, Mr. Duncan, would you describe the role of Kentucky Utilities as intervenor in the pending litigation to which Senator COOPER made earlier reference between Jackson Purchase and TVA?

Mr. DUNCAN. I would like for Mr. Welch to respond to that. He is counsel in that case.

Mr. WELCH. This action was filed in July of 1962 I believe by Jackson Purchase in the State court, the McCracken circuit court in Paducah, Ky. Jackson Purchase filed a suit against TVA requesting a declaratory judgment that TVA could serve it power as I recall. Shortly after that Kentucky Utilities asked permission of the court to intervene as an additional defendant in the action. Since Jackson Purchase was Kentucky Utilities' customer, an adverse decision perhaps would have resulted in our losing that customer. We felt we had standing to intervene and we did intervene. I believe somewhat prior to the time we intervened, but it may have been afterward, the case was removed to the Federal court, the U.S. District Court for the Western District of Kentucky where it is now pending.

Mr. ROYCE. It is now pending in the Federal court?

Mr. WELCH. Yes.

Mr. ROYCE. Thank you, Mr. Chairman.

No further questions.

Senator COOPER. Do you have any other evidence you would like to present, Mr. Duncan, other than what you have presented?

Mr. DUNCAN. No; I would like to again express my thanks to the committee and to you personally for the opportunity to appear here today.

(Subsequently Mr. Duncan transmitted the following communication:)

KENTUCKY UTILITIES CO.,
Lexington, Ky., June 30, 1966.

Hon. JENNINGS RANDOLPH,
Chairman, Senate Public Works Committee,
New Senate Office Building,
Washington, D.C.

DEAR SENATOR RANDOLPH: During the June 28 hearing of the Senate Public Works Committee on H.R. 15225, I was requested to supply the dates on which Henderson-Union Rural Electric Cooperative Corporation and Green River Rural Electric Cooperative Corporation first accepted Kentucky Utilities Company's Rate 61.

I am particularly happy to supply this information since it gives me an opportunity to correct an error appearing on pages 5 and 6 of my prepared statement presented to your Committee on June 28. Our rate 61 first became effective with its filing with the Kentucky Public Service Commission on January 20, 1950 instead of late in 1957. Both Henderson Union RECC and Green River RECC accepted this Rate 61 under contracts dated February 3, 1950.

Since this rate was initially offered to the Cooperatives in 1950 instead of 1957, the savings which could have accrued to Jackson Purchase RECC by its early acceptance thereof would have substantially exceeded the $335,065 to which I testified before your Committee on June 28.

Since the hearing on June 28, I have had an opportunity to examine certain documents filed with the testimony of Mr. Hobart Adams, Manager of Jackson Purchase Rural Electric Cooperative Corporation, and respectfully request your Committee's consideration of the following comments relative to these documents.

On pages 23 and 24 of the booklet introduced by Mr. Adams, Jackson Purchase attempts to state, on page 23, and depict graphically, on page 24, "Direct Kilowatt Hour Sales of TVA in the Service Area of Jackson Purchase Rural Electric Cooperatives Corporation." Jackson Purchase has incorrectly included in this data sales by TVA to industries, including most substantial sales to the Atomic Energy Commission, which I respectfully insist do not constitute sales "in the service area" of Jackson Purchase. Jackson Purchase has also included substantial sales by TVA to its distributors in Carlisle, Graves, Marshall and Lyon Counties. Similarly, these sales by TVA distributors are not properly classified as "sales of TVA in the service area of Jackson Purchase."

Even on the patently incorrect theory that TVA sales to certain industries might constitute sales in the service area of Jackson Purchase, we further suggest that this tabulation and graph are misleading.

Jackson Purchase RECC expressly includes sales of TVA to the Atomic Energy Commission but do not include 6.5 billion annual kilowatt hour sales by Electric Energy, Inc. to the Atomic Energy Commission project at Paducah, which is jointly supplied by TVA and Electric Energy Inc. Kentucky Utilities Company is one of four Sponsors of, and owns a 20% interest in, Electric Energy, Inc.

Mr. Adams presented certain exhibits in connection with his testimony at the June 28 hearing. Among these is the document he referred to as "the 1961 Annual Report of the Board of Directors to the Members." Examination of this report, as well as the excerpts from certain minutes of the Jackson Purchase Board of Directors meeting clearly indicates that the first serious negotiation for TVA to supply Jackson Purchase took place early in 1959. The only negotiation prior to 1959 took place in 1946 and 1947 and was not consummated at that time; first, because "REA in Washington did not think the plan was feasible—and would not lend us (Jackson Purchase) the money to build the transmission lines that would be required." The report further notes that TVA could not supply Jackson Purchase with service until 1950. This being the case, it is evident that, as I indicated at the hearing in response to Sen. COOPER's questions, Jackson Purchase was, prior to 1959, quite satisfied with its arrangement with Kentucky Utilities Company and did not, in fact, press any negotiation for service from TVA during a period of approximately twelve years prior to 1959.

On page 2 of his prepared statement, Mr. Adams says that making power available to Jackson Purchase would merely make TVA power available to the Rural Cooperative Members, the *only group* in the area now being deprived of that service. In addition, on page 3 of his statement, Mr. Adams states as a fact that TVA power is available to just about everyone in his service area except the customers of Jackson Purchase. Since Kentucky Utilities Company now serves approximately 2,500 consumers in this same area, Mr. Adams' statements are incorrect.

On Page 9 of his prepared statement, Mr. Adams claims that at no place in his service area does Jackson Purchase have a land boundary with the service area of any private power company. The presence of 2,500 consumers of Kentucky Utilities Company located throughout the area served by Jackson Purchase certainly constitutes a land boundary between his service area and that of Kentucky Utilities Company.

On page 9 of his statement, Mr. Adams indicates that he is "merely seeking a *clarification* of" the 1959 Amendment to the TVA Act. It is evident that the amendment he has proposed cannot be properly classified as a "clarification" of the law but instead constitutes a fundamental change in the TVA service area boundaries, which were so carefully worked out in the 1959 legislation, and would authorize TVA's expansion into an additional one thousand square mile area.

I respectfully request the Senate Public Works Committee's consideration on my additional comments set out in the foregoing.

Very truly yours,

W. A. DUNCAN,
President.

Senator COOPER. May I make an announcement?

Chairman RANDOLPH stated that the record would be opened through July 1. Anyone who wants to file any statement on this subject of course is authorized to do so. Also, if you wish to file a statement which goes to the testimony that has been given on either side, in answer or rebuttal or explanation, you are at liberty to do so. I do recommend that if you intend to file any material that you do it promptly so that the record will be available when the committee considers this matter.

I want to thank all of you for bearing with us. I thought it would be better to continue and complete the hearings rather than come back later this afternoon.

We will recess until Chairman RANDOLPH orders us to convene again.

(Subsequently the following statements were ordered printed:)

NATIONAL RURAL ELECTRIC
COOPERATIVE ASSOCIATION,
Washington, D.C., June 24, 1966.

Hon. JENNINGS RANDOLPH,
Chairman, Senate Public Works Committee,
U.S. Senate,
Washington, D.C.

DEAR CHAIRMAN RANDOLPH: At the 1966 annual meeting of the National Rural Electric Cooperative Association, delegates representing our 980 member rural electric systems in 46 states unanimously passed a resolution in support of legislation to grant to the Tennessee Valley Authority additional revenue bond-financing authority; to remove the existing prohibition against interconnections with and exchange of power between TVA and other power systems; and to permit wholesale power service by TVA to those additional rural electric cooperatives within economic transmission distance who desire such service. Similar resolutions have been passed by the NRECA membership in previous years.

Your committee is currently considering bills which would assure the continued effective operation of the TVA power system by increasing the total amount of bonds which may be issued by TVA to finance necessary expansion of its facilities. We wholeheartedly support this proposal, but we strongly urge that it be amended to permit the Jackson Purchase Rural Electric Cooperative Corporation of Paducah, Kentucky, to purchase TVA power.

Such an amendment would rectify the present glaring inequity which exists in this area. The Jackson Purchase Cooperative has repeatedly requested wholesale power service from TVA, only to be refused because of an alleged prohibition in the TVA Act. The plight of this rural electric cooperative, whose service area is crisscrossed with TVA transmission lines and dotted with TVA facilities, represents to us a complete frustration of the intent of the TVA Act and the entire Federal power program. Many of Jackson Purchase's consumer-members have had to relocate to make way for TVA facilities; others have TVA lines running past their homes and businesses.

There is no logical reason for the exclusion of Jackson Purchase from TVA service. Jackson Purchase is certainly within the TVA region, and the outer limit of the system is marked by the Ohio River—a convenient geographical boundary.

Further, in view of the interchange of power agreements entered into by TVA with investor-owned utility systems in surrounding states, which will move TVA power as far south as the Gulf Coast, it would appear to be reasonable to request that this rural electric cooperative system located within the TVA service area be permitted to obtain TVA power.

We respectfully urge you to end the present serious inequity which prevents Jackson Purchase from being served by TVA by appropriately amending the TVA financing bill which is now being considered by your Committee.

Sincerely yours,

CLYDE T. ELLIS,
General Manager.

"STATEMENT OF KENTUCKY RURAL ELECTRIC COOPERATIVE CORPORATION TO THE SENATE PUBLIC WORKS COMMITTEE IN SUPPORT OF AMENDING THE TVA SELF-FINANCING ACT TO INCLUDE JACKSON PURCHASE RURAL ELECTRIC COOPERATIVE CORPORATION AS A CONSUMER OF WHOLESALE POWER PROVIDED BY TVA

"Mr. Chairman and members of the committee, the Kentucky Rural Electric Cooperative Corporation is the State Association of Rural Electrics, representing the rural electric cooperatives in Kentucky which serve approximately 265,000 users. In this statement, we are particularly interested in the welfare of Jackson Purchase Rural Electric Cooperative Corporation and its 11,000 member-owners.

"We are grateful for this opportunity to provide a statement in support of the position taken by Jackson Purchase Rural Electric Cooperative Corporation (Jackson Purchase RECC) that the rural electric system should be included among those which receive their wholesale power supply from the Tennessee Valley Authority. We wish to go on record as urging this Committee to amend the TVA Self-Financing Act to include Jackson Purchase RECC as a consumer of TVA wholesale power.

"Jackson Purchase RECC is a rural electric cooperative in the Tennessee Valley with offices at Paducah, Kentucky. The Cooperative serves some 11,000 member-families, which include approximately 40,000 persons, residing in six Western Kentucky counties.

"Jackson Purchase RECC includes an area located entirely within the geographical service area of TVA. It is surrounded by the TVA service area and at several points, TVA transmission lines cross the Jackson Purchase RECC service area. A TVA dam, a TVA steam plant, a large city that receives TVA power, and many TVA consumers are located within the Cooperative area.

"It is difficult for the Jackson Purchase RECC members to understand why after so many years of effort they are still denied TVA power when they can stand at their homes and see so many TVA installations nearby. They fish and swim in TVA lakes * * * TVA dams and steam plants are within easy view of their homes * * * TVA transmission lines traverse the Jackson Purchase RECC area in every direction * * * TVA lines reach into the Jackson Purchase RECC area to serve consumers * * * their friends in Paducah, a city located entirely within the Jackson Purchase RECC service area, enjoy TVA service * * * and yet in spite of years of continuous effort, they have ben unable to obtain their wholesale power supply from TVA.

"There are many instances in which the Jackson Purchase RECC member is denied TVA power and his neighbor who lives just across the street enjoys lower power rates because he is served by TVA. TVA transmission lines may cross his property and in some cases he has had to move away from his home to make room for a TVA installation, yet he cannot enjoy the benefits of TVA power.

"This is a difficult situation to explain to the general membership of Jackson Purchase RECC. It is inconceivable to them that with TVA power surrounding them and with TVA lines crossing through their service area, and often through property they own, why they should not enjoy equal benefits as others who live near them.

"We believe that the request being made by Jackson Purchase RECC and its members is a reasonable one. The Cooperative and its members are victims of circumstances which have imposed unfair and unreasonable conditions upon them. We believe these conditions can only be cleared up by Congressional action.

"To the members of Jackson Purchase RECC and to us, it is only reasonable that with the Jackson Purchase RECC service area located entirely within the TVA area—a small island, completely surrounded—the Cooperative should have the TVA power.

"With the exception of Jackson Purchase RECC, all rural electric cooperatives in Kentucky have met and solved their problem of an adequate wholesale power supply. Eighteen of the rural electrics receive their wholesale power from East Kentucky RECC, a generation and transmission cooperative with headquarters in Winchester, Kentucky; three receive wholesale power from Big Rivers RECC, a generation and transmission cooperative with headquarters in Henderson, Kentucky, and four receive wholesale power from TVA. A Tennessee rural electric, Tri-County REC, that serves more than 10,000 members in Kentucky, also receives TVA wholesale power. This leaves only Jackson Purchase RECC with the problem of unsatisfactory wholesale power supply.

"All this has worked an undue and unjust hardship on Jackson Purchase RECC and its member-owners.

"We believe that the amending of the TVA Self-Financing Act to permit Jackson Purchase RECC to purchase TVA power would eliminate an unreasonable situation that threatens the future growth and development of the Cooperative and the economic well being of its members. We strongly urge the members of this Committee to include this amendment in the TVA Self-Financing Act.

"In support of this position, we are attaching a resolution which was passed at a regular meeting of the Board of Directors of Kentucky Rural Electric Cooperative Corporation which represents the viewpoints of the Rural Electric Cooperatives of Kentucky in regard to securing wholesale power for Jackson Purchase RECC from TVA.

"We shall appreciate your consideration of this important problem.

"J. K. SMITH,
"General Manager, Kentucky Rural Electric Cooperative Corp."

"Excerpts from minutes of the Board of Directors meeting of Kentucky Rural Electric Cooperative Corporation (State Association of Rural Electric Cooperatives). In official meeting held Tuesday, June 16, 1964, the following resolution was adopted:

"'Whereas the Tennessee Valley Authority has refused to provide power to Jackson Purchase Rural Electric Cooperative and their approximately 10,000 members because of their interpretation of the TVA Act, as relates to service areas, as amended by Congress in 1959, thus developing a disagreement between the Cooperative and TVA, and

"'Whereas Jackson Purchase Rural Electric Cooperative and its members desires clarification of the Act by Congress and that this can be accomplished through the adoption of an appropriate resolution by the U.S. Senate.

"'Be it therefore resolved that we, the Rural Electric Cooperative of Kentucky, acting through our State Association of Rural Electric Cooperatives, do hereby pledge our support to the Jackson Purchase Rural Electric Cooperative in this effort and request the support of our Senators, Senator JOHN SHERMAN COOPER and Senator THRUSTON B. MORTON in aiding the Jackson Purchase RECC to secure passage of the needed resolution.'

"W. E. GEVEDON,
"President.

"THOMAS BARKER, Jr.,
"Secretary."

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 1399), explaining the purposes of the bill.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

PURPOSE OF THE BILL

The purpose of H.R. 15225 is to raise the limitation on the amount of revenue bonds that may be issued and sold by the Tennessee Valley Authority, from $750 million to $1,750 million, an increase of $1 billion.

PUBLIC HEARING

The Subcommittee on Flood Control-Rivers and Harbors held a hearing on June 28, 1966, on H.R. 15225, S. 3419 and S. 2827, bills to increase the bond financing authority of the Tennessee Valley Authority. Testimony was received from interested Members of Congress, and officials of the Tennessee Valley Authority. In addition, the committee heard testimony from representatives of the Jackson Purchase Rural Electric Cooperative Corp., and the Kentucky Utilities Co., regarding expansion of the TVA service area to include an area in western Kentucky.

GENERAL STATEMENT

Congress, in the Revenue Bond Financing Act of 1959 (Public Law 86–137), authorized the Tennessee Valley Authority to issue and sell revenue bonds in an aggregate amount not to exceed $750 million outstanding at any one time, to assist in financing needed additions to its power system. Proceeds of the bonds are used for construction, acquisition, enlargement, improvement, or replacement of any plant or other facility used for the generation or transmission of electric power or in connection with lease-purchase transactions for supplying power within a specified area. The bonds are not guaranteed by the Government nor are they tax exempt.

NEED FOR LEGISLATION

The committee is aware of the need for raising the limitation on the total amount of bonds that may be issued and sold by the Tennessee Valley Authority. It is understood that the present ceiling of $750 million imposed by Public Law 86–137 has, for all practical purposes, been reached. At the present time, $345 million of borrowings are outstanding. An additional $155 million will be issued shortly to cover cost of construction contracts now in force. The remaining $250 million will be obligated in the near future to cover cost of power facilities now planned for completion by 1970.

It is understood that it takes as long as 4 years to plan and construct a power-generating facility and therefore financing must be available in ample time to complete construction on schedule.

As in the rest of the United States, power needs in the area are constantly increasing. In order to keep pace with the power demand in the Tennessee Valley region over the next several years, TVA must add new generating facilities each year along with related new transmission lines. Therefore, an increase in the revenue bond ceiling is required at this time.

COMMITTEE RECOMMENDATIONS

It is apparent that the ceiling on TVA bond financing imposed by the 1959 amendments to the Tennessee Valley Authority Act will be reached in the near future. In order for TVA to provide sufficient electrical energy to meet the growing needs of the area, it must have access to adequate capital to finance the facilities which will be needed over the next several years. Therefore, an increase in the bonding authority of the Tennessee Valley Authority should be made by the Congress at this time. The committee accordingly recommends early enactment of this legislation.

The ACTING PRESIDENT pro tempore. The question is on the third reading of the bill.

The bill was ordered to a third reading, was read the third time, and passed.

THE SALE OF SHORT-TERM NOTES BY THE TVA TO THE TREASURY DEPARTMENT IS CONTRARY TO THE INTENT OF CONGRESS

Mr. COOPER subsequently said: Mr. President, in the course of the hearings on H.R. 15225 I had an opportunity to question the Chairman of the TVA, Mr. Aubrey J. Wagner, concerning the present policy of the TVA to finance additional facilities by the sale of short-term notes to the Treasury Department rather than financing these facilities through the issuance of bonds to the public, which was the intent of the Congress in enacting the 1959 Self-Financing Act.

Section 15d(c) of the present act authorizes the Treasury Department to purchase the TVA's short-term obligations in two situations:

First. In the event that the Secretary of the Treasury does not within a specified time approve of a particular issue of bonds, then the Treasury Department is required to purchase a like amount of TVA's short-term obligations. The pertinent sentence of section (c) reads as follows: "that if the Secretary of the Treasury does not approve a proposed issue of bonds hereunder within 7 working days following the date on which he advised of the proposed sale, the corporation may issue to the Secretary interim obligations in the amount of the proposed issue which the Secretary is directed to purchase."

Second. In the event that the TVA determines that its bonds cannot be sold to the public "on reasonable terms," then the TVA may issue short-term obligations which the Treasury may, but is not required to, purchase. This pertinent provision of section (c) reads:

> In case the corporation determines that a proposed issue of bonds hereunder can not be sold on reasonable terms, it may issue to the Secretary interim obligations which the Secretary is authorized to purchase.

The maturity of the notes issued in both events by the TVA to the Treasury would be limited to 1 year or less and to an aggregate amount not to exceed $150 million.

Since the passage of the TVA Self-Financing Act of 1959, at no time has the Secretary of the Treasury failed to approve of TVA's sale of bonds to the public, and hence there has been no need for the TVA to sell interim obligations to the Treasury. Since 1959 the TVA has sold three issues of its bonds—in principal amounts of $50 million—$50 million and $45 million—to the public carrying maturities of 25 years each and carrying interest rates of 4.44, 4.69, and 4.52, aggregating $145 million.

In those situations in which the TVA has determined that its bonds cannot be sold to the public "on reasonable terms" the TVA since 1959 has sold short-term obligations having a maturity of 1 year to the Treasury under this provision of section 15d(c). These sales commenced on October 15, 1962, and the most recent sale of $35 million of notes took place on May 26, 1966. As of June 28, 1966 the total of these obligations sold to the Treasury outstanding amounted to $100 million.

One of the purposes of the 1959 Self-Financing Act was to place TVA on a competitive footing with private utilities with respect to the cost of borrowing money in the capital markets. As I stated in the hearing:

> I think one of the purposes of the Self-Financing Act was to enable the TVA to secure revenues to finance needed facilities for generating capacity. I believe one of the purposes was to put the TVA in the same position as private utilities are—in that TVA should go into the markets and secure funds at comparable rates that investors are willing to pay. Don't you believe that if the TVA should continue to finance a part of its operations year after year by selling its notes to the Treasury, then the TVA is not following the provisions of the act? You borrow from the Treasury at lower rates of interest than you would be required to pay if you sold the bonds to the public; you could do this year after year, could you not, and finance in part from the Treasury?

The General Counsel of the TVA, Mr. Charles J. McCarthy, replied as follows:

> The act provides that in case the corporation determined that a proposed issue of bonds hereunder cannot be sold on reasonable terms, it may issue interim obligations to the Treasury. Now that "reasonable terms" is not limited to interest rate. You must bear in mind that the word "bonds" in this act is broad enough to cover any kind of an obligation. The notes which have been issued to the Treasury take the place not of long-term or short-term notes that would normally be sold to the general public, but rather they take the place of bank financing. When we investigated bank financing, we found that we would be required not only to pay a fairly high rate but also to leave 20 percent of the amount of the loan on deposit.

I would like to point out that these particular provisions of section 15d(c) were proposed in 1959 as an amendment by the Eisenhower administration. In hearings before the Senate Public Works Committee, Mr. Elmer B. Staats, Deputy Director of the Bureau of the Budget, explained the purpose of this amendment as follows:

> This amendment is an additional safeguard against the possibility that the most efficient programing of an authorized expansion of TVA power facilities might conflict, as to timing, with the requirements of the Treasury with respect to its own fiscal operations. This new subsection would provide a procedure under which the Treasury could facilitate such power program financing by providing an interim source of funds for TVA. It would also give TVA protection against the contingency that its needs for funds might occur at a time when, as a result of Federal fiscal policy or otherwise, the money market was temporarily unfavorable to a TVA bond issue.
>
> The ceiling of $150 million on the amount of such obligations that the Treasury could hold at any one time and the maximum maturity date of 1 year for the obligations are designed to prevent permanent financing of the TVA power program by the Treasury under the authority of this subsection.

I wish to emphasize Mr. Staats' statement that the limitations on the total amount of these obligations and on the 1-year maturity are "designed to prevent permanent financing of the TVA power program by the Treasury under the authority of this subsection."

It was my understanding during the deliberations of the Senate Public Works Committee in 1959—on which I served—that the standby authority of the TVA to sell short-term obligations to the Treasury was to be used in unusual or temporary unfavorable conditions under which TVA's bonds could not be sold to the public "on reasonable terms." I did not understand that these short-term obligations would be a substitute for bank financing or that the TVA would engage in the standard practice of rolling over its short-term notes quarterly to the Treasury. I raise these points, Mr. President, and question whether the intent of Congress is being followed by the TVA in the conduct of its financing operations under the 1959 act.

Mr. President, I ask unanimous consent that the pertinent excerpts of the Public Works hearing record of June 28 relating to this subject be included in the RECORD at this point.

There being no objection, the excerpts were ordered to be printed in the RECORD, as follows:

Senator COOPER. The TVA Act, as amended by the self-financing act of 1959, provides in section 15d(f) as follows:

"The Corporation shall charge rates for power which will produce gross revenues sufficient to provide funds for operation, maintenance, and administration of its power system; payments to States and counties in lieu of taxes; debt service on outstanding bonds, including provision for maintenance of reserve funds and other funds established in connection therewith; payments to the Treasury as a return on the appropriation investment pursuant to subsection (e) hereof."

Then the section gives more detail about reserves and other factors.

May I ask if all of these obligations required by section 15d(f) of the act have been met?

Mr. WAGNER. Yes, sir; they have.

Senator COOPER. Has it been necessary for the TVA to increase its power charges in order to meet the obligations provided by this subsection?

Mr. WAGNER. No, sir; it has not.

Senator COOPER. The TVA Self-Financing Act provided that repayment should be made by TVA on the Federal investment, as you have noted, $10 million for the first 5 years, $15 million for the second 5 years, and $20 million thereafter. As I remember, it was anticipated that in a period of 50 to 53 years the investment up to $1 billion would be repaid. Is that correct?

Mr. WAGNER. That is correct; yes, sir.

Senator COOPER. Those obligations have been met?

Mr. WAGNER. Yes, sir; they have.

Senator COOPER. It also provided for the first time, as concerns TVA, that TVA should pay to the Federal Treasury interest on the Federal investment in power facilities at a rate equal to the average rates paid by the Federal Government on its own obligations. Is that correct?

Mr. WAGNER. A return which covers interest costs, that is correct; yes, sir.

Senator COOPER. Will you repeat again how much TVA has paid on the principal of the investment, and how much interest on the investment?

Mr. WAGNER. As of June 30, this year, Senator, we will have paid $65 million in reduction of the investment and $244 million as a return on the investment, a total of $309 million since 1959.

Senator COOPER. As I remember, a section in the act prior to its amendment by the Self-Financing Act provided for repayment of the power investment.

Mr. WAGNER. That is correct; yes, sir.

Senator COOPER. Is it fair to say, then, that because of the Self-Financing Act, $244 million has been repaid to the Treasury that was not required before the enactment of the Self-Financing Act, as interest on the investment?

Mr. WAGNER. I think that is essentially correct. The return on the appropriation investment covers the Government's interest costs; yes, sir.

Senator COOPER. Then TVA has issued $345 million of its obligations to finance additional generating facilities?

Mr. WAGNER. That is correct.

Senator COOPER. Would it be fair to say that but for the TVA Self-Financing Act this would have been a charge upon the general appropriations of the Congress, if they had appropriated such sums?

Mr. WAGNER. Yes, sir; that is correct.

Senator COOPER. So $345 million represented by the issuance of your obligations, and $244 million represented by interest payments represent a saving to the Federal Government?

Mr. WAGNER. I think that is essentially correct, Senator. There may be some arithmetic involved here that escapes me.

Senator COOPER. I noted in your statement that the TVA has issued bonds in a total of $145 million and sold short-term notes in the sum of $200 million. Is that correct?

Mr. WAGNER. That is correct.

Senator COOPER. You have said that the three issues of bonds carry maturities of 25 years each, and an interest rate of 4.44, 4.69, and 4.52, respectively?

Mr. WAGNER. Those are the interest costs to TVA, Senator.

Senator Cooper. You have noted that $200 million of short-term notes have been issued as payable to the Treasury. What interest rates do the short-term notes carry?

Mr. Wagner. Those rates have varied over a period of time. Mr. Wessenauer, who serves as our power financing officer, is here. I might ask him to comment on that.

Senator Cooper. Are they substantially lower interest rates than the interest rate on bonds that have been issued?

Mr. Wessenauer. No, sir. At the present time they are not, because the bonds were issued back in 1960, 1961, and 1962. We are currently paying the Treasury 4¾ percent on the notes that are issued to the Treasury and those we have sold to the public range somewhat in the order in which the Government bill market ranges, although somewhat higher.

On our last issue, we had to pay around 5.7 percent.

Senator Cooper. Will you file with the committee a statement showing the total issues of short-term obligations, and the interest rate payable on each of the issues?

Mr. Wessenauer. Yes, sir. It will be possible to supply a tabulation which will show that.

(Subsequently the following tabulations were submitted:)

"Up to June 28, 1966, short-term obligations of TVA sold to the public on a discount basis are as follows:

"No.	Issue date	Term	Amount	Interest cost to TVA	Total outstanding
		Days		Percent	
1	July 25, 1963	127	$25,000,000	3.589	$25,000,000
2	Nov. 29, 1963	118	35,000,000	4.025	35,000,000
3	Mar. 26, 1964	126	35,000,000	4.109	35,000,000
4	July 30, 1964	120	35,000,000	3.960	35,000,000
5	Nov. 27, 1964	118	45,000,000	4.352	45,000,000
6	Mar. 25, 1965	126	45,000,000	4.349	45,000,000
7	May 27, 1965	126	35,000,000	4.364	80,000,000
8	July 29, 1965	120	45,000,000	4.314	80,000,000
9	Sept. 30, 1965	119	50,000,000	4.568	95,000,000
10	Nov. 26, 1965	125	45,000,000	4.691	95,000,000
11	Jan. 27, 1966	119	50,000,000	5.064	95,000,000
12	Mar. 31, 1966	119	50,000,000	5.391	100,000,000
13	May 26, 1966	126	50,000,000	5.770	100,000,000"

"Up to June 28, 1966, short-term obligations issued to the Treasury under provisions of Section 15d(c) of the TVA Act are as follows:

"Issue date	Term	Amount	Total outstanding	Interest cost to TVA[1]	
				Date	Percent
	Years				
Oct. 15, 1962	1	$25,000,000	$25,000,000	October 1962	3.125
				November 1962	3.125
				December 1962	3.125
				January 1963	3.125
Feb. 15, 1963	1	25,000,000	50,000,000	February 1963	3.125
				March 1963	3.125
				April 1963	3.125
				May 1963	3.125
				June 1963	3.125
				July 1963	3.125
				August 1963	3.250
Sept. 24, 1963	1	25,000,000	50,000,000	September 1963	3.250
				October 1963	3.250
				November 1963	3.375
				December 1963	3.500
Jan. 28, 1964	1	25,000,000	50,000,000	January 1964	3.500
				February 1964	3.625
				March 1964	3.625
				April 1964	3.625
May 27, 1964	1	35,000,000	85,000,000	May 1964	3.750
				June 1964	3.750
				July 1964	3.750
				August 1964	3.750
Sept. 15, 1964	1	35,000,000	95,000,000	September 1964	3.750
				October 1964	3.750
				November 1964	3.750
				December 1964	3.750
Jan. 27, 1965	1	25,000,000	95,000,000	January 1965	3.875
				February 1965	3.875
				March 1965	4.000
				April 1965	4.000
May 26, 1965	1	35,000,000	95,000,000	May 1965	4.000
				June 1965	4.125
				July 1965	4.125
				August 1965	4.000
Sept. 15, 1965	1	40,000,000	100,000,000	September 1965	4.000
				October 1965	4.125
				November 1965	4.125
				December 1965	4.125
Jan. 27, 1966	1	25,000,000	100,000,000	January 1966	4.250
				February 1966	4.375
				March 1966	4.500
				April 1966	4.625
May 26, 1966	1	35,000,000	100,000,000	May 1966	4.750
				June 1966	4.750

[1] This rate of interest cost applies to the net amount withdrawn of the total outstanding."

Senator Cooper. Now the act of 1959 authorized the TVA to issue short-term notes to the Treasury, but upon certain conditions. It also directed the Secretary of the Treasury to buy such short-term notes. The conditions established in the act are predicated upon an emergency, in that the TVA was not able to sell its bonds at reasonable rates. Has that provision been followed? Did you sell these short-term notes to the Treasury because you could not sell bonds at a reasonable rate?

Mr. Wagner. The provision has been followed, Senator, and the short-term notes to the Treasury were sold by agreement that the rates available in the market at the time would not be reasonable.

Senator Cooper. Were the sales of short-term obligations used to secure lower interest rates than you would have been required to pay had you issued bonds?

Mr. Wessenauer. Initially that was correct, Senator. We found with the amount of work we had under construction and the rate which short-term notes carried at the time we initiated the program that the short-term rates were more favorable to TVA than the rates on long-term bonds.

Senator Cooper. I know perfectly well now that if you sell your short-term obligations at present interest rates you are probably not going to obtain any advantage, because of the increased going rate. I don't know what you paid on the old issue of short-term obligations, but it would appear to me that if they were sold to the Treasury you would obtain the advantage of lower interest rates. It was not the contemplation of the Congress when we passed this bill that you should do that.

The standard we enacted was whether the rates of your bonds were reasonable; in other words, whether they were reasonable rates in the bond market at that time.

Mr. Wessenauer. One section of the act provides that the Treasury shall pass upon the timing and the rate of our long-term bond issues and if they are not acceptable, the Treasury was authorized to buy the issue. That provision has not been used, because in each of the long-term issues the timing and the rate were acceptable as far as the Treasury was concerned.

Other provisions of the act contemplate that if there are other circumstances under which we could not get reasonable terms the Treasury could buy some of our short-term notes. It was under that provision that we have used this arrangement which has been useful both to us and to the Treasury.

Senator Cooper. If you could go to market and sell your bonds at an interest rate comparable to the issuance of other bonds, would you then believe that you had the authority to sell your short-term notes to the Treasury at a lower rate of interest?

Mr. Wessenauer. I think, Senator, you have to recognize that the term of the issue has a great deal to do with the interest rate. Our bonds were sold on a 25-year basis. The short-term notes are for less than 1 year. Of course, the cost of money on borrowings of 1-year duration are quite different from those of a long-term duration.

Senator Cooper. Do you interpret the directive of the act relative to the sale of short-term obligations to the Treasury to mean that you could sell your short-term obligations to the Treasury to secure a lower rate of interest than the rate you could secure by issuing bonds?

Mr. Wagner. May I ask our general counsel, Mr. McCarthy, to respond?

Senator Cooper. If you could continue to sell short-term obligations to the Treasury at any time at lower rates of interest, it would be as though you were obtaining appropriations from the Congress.

Mr. Wagner. May I ask Mr. McCarthy, our general counsel, to respond to that question? It is a matter of legal interpretation. I would like to have him do it.

Senator Cooper. I might say it was not the intent of the Congress that you continue to finance yourselves out of the Treasury, just as you were doing before.

Mr. Wagner. I think we are not doing that, Senator. May Mr. McCarthy respond?

Mr. McCarthy. The act provides that in case the corporation determines that a proposed issue of bonds hereunder cannot be sold on reasonable terms, it may issue interim obligations to the Treasury. Now that "reasonable terms" is not limited to interest rate. You must bear in mind that the word "bonds" in this act is broad enough to cover any kind of an obligation. The notes which have been issued to the Treasury take the place not of long-term or short-term notes that would normally be sold to the general public, but rather they take the place of bank financing. When we investigated bank financing, we found that we would be required not only to pay a fairly high rate but also to leave 20 percent of the amount of the loan on deposit.

Since the Treasury acts as TVA's banker, that arrangement would have been unsatisfactory, both to TVA and to the Treasury which preferred this arrangement.

I might also add that the amount which we can finance through the Treasury is limited to $150 million.

Senator Cooper. I understand that. And they must not have maturity longer than 1 year.

Mr. McCarthy. That is correct.

Senator Cooper. What was the Treasury's objection to the TVA's securing these funds by the issuance of bonds rather than by selling your notes to the Treasury?

Mr. McCarthy. The Treasury did not object to our obtaining the money through the issuance of bonds. But the Treasury preferred that we not borrow from commercial banks and leave deposits with the banks. The Treasury acts as our banker. So that this method of financing fitted in with the manner in which we operate.

Senator Cooper. I think one of the purposes of the Self-financing Act was to enable the TVA to secure revenues to finance needed facilities for generating capacity. I believe one of the purposes was to put the TVA in the same position as private utilities are in that TVA should go into the markets and secure funds at comparable rates that investors are willing to pay.

Don't you believe that if the TVA should continue to finance a part of its operations year after year by selling its notes to the Treasury, then the TVA is not following the provisions of the act?

You borrow from the Treasury at lower rates of interest than you would be required to pay if you sold the bonds to the public; you could do this year after year, could you not, and finance in part from the Treasury?

Mr. Wagner. Let me say as a member of the Board that I understood this section of the act, which as you indicate is limited both to the length of time that borrowings can be made and the amount of borrowings—I have understood it as providing a degree of flexibility to permit operation on a financially sound basis, both for TVA and for the Government as a whole. And we are a Government agency, of course.

It does not permit the financing of all capacity additions to the power system, of course. It is used as a temporary device from time to time. It apparently has worked well, both from our standpoint and from the Treasury's, which means from the Government's standpoint.

To repeat, I have understood this as providing a measure of flexibility to permit us to carry out a sound financial operation from the Government standpoint. I believe it has worked that way, sir.

Senator Cooper. I hope the committee will pardon me if I spent some time in raising these questions which I do because of the presence of officials of the TVA; I might not have another opportunity at least this year.

TVA COAL PURCHASING PRACTICES AND POLICY TOWARD STRIP MINING

Mr. COOPER. Mr. President, in the course of the hearing conducted by the Public Works Committee on H.R. 15225, I had an opportunity to direct several questions to the Chairman of the Board of TVA, Mr. Aubrey J. Wagner, regarding TVA conservation policies.

I raised the question regarding TVA policy when making contracts with coal producers, to establish requirements for the conservation, protection and development of any lands used for strip mining. TVA is an agency of the Federal Government, and a government agency which purchases the largest volume of coal of any industry or of any utility in the United States, if not the world.

In section 22 of the original Tennessee Valley Authority Act, the agency is required to promote the conservation of land. Therefore, it would seem to me incumbent on the TVA, in carrying out the intent of the Congress, to require the coal companies with which it has entered into long-term contracts to reclaim and reforest land which is stripped to supply coal to the TVA steamplants.

Section 22 reads as follows:

Sec. 22. To aid further the proper use, conservation, and development of the natural resources of the Tennessee River drainage basin and of such adjoining territory as may be related to or materially affected by the development consequent to this Act, and to provide for the general welfare of the citizens of said areas, the President is hereby authorized, by such means or methods as he may deem proper within the limits of appropriations made therefor by Congress, to make such surveys of and general plans for said Tennessee basin and adjoining territory as may be useful to the Congress and to the several States in guiding and controlling the extent, sequence, and nature of development that may be equitably and economically advanced through the expenditure of public funds, or through the guidance or control of public authority, all for the general purpose of fostering an orderly and proper physical, economic, and social development of said areas; and the President is further authorized in making said surveys and plans to cooperate with the States affected thereby, or subdivisions or agencies of such States, or with cooperatives or other organizations, and to make such studies, experiments, or demonstrations as may be necessary and suitable to that end. (48 Stat. 69.)

I am encouraged to note that the TVA, beginning in September 1965, required these terms and conditions of coal producers in its long-term contract. I requested that the TVA furnish such a list of contracts it has entered into that contain these provisions. However, I think it is unfortunate that these steps were not taken earlier for it was quite apparent for some time that voluntary reclamation by the coal companies was unworkable. I know of no effective means now to require coal producers who have strip mined in the past to reforest those areas which lie barren and desolate. This is particularly true in various counties of my State. I, as well as other Members of the Congress, commend the TVA for its present policy. We will follow with interest the progress that the TVA makes in this area.

Mr. President, I ask unanimous consent that the following excerpt from the hearing record on this subject be included at this place in the Record.

There being no objection, the excerpt was ordered to be printed in the Record, as follows:

Senator Cooper. Could you file with the committee a statement showing the coal holdings of the TVA, giving the acreage and locations, and whether they are of ownership in fee simple or leases? Do you have leases of coal property?

Mr. Wagner. We will be glad to do that; yes, sir.

(Subsequently the following information was supplied:)

"COAL RESERVE ACQUISITION PROGRAM

"TVA owns about 129,000 acres of coal reserves. No other mineral rights have been purchased and surface rights are limited to those necessary for recovery of the coal. TVA has acquired the coal mining rights to the following tracts:

"1. *Red Bird Timber Corp.*—Located: Bell, Harlan, Leslie, and Clay Counties, Ky., 40,220 acres.

"2. *Koppers.*—Located: Campbell and Scott Counties, Tenn., 52,914 acres.

"3. *Franklin County Mining Co.*—Located: Franklin County, Ill., near Benton, Ill., 5,000 acres.

"4. *Camp Breckinridge.*—Location: Union County, Ky., 30,590 acres.

"TVA's basic objective in acquiring these reserves is to make certain that it can continue to supply all power requirements of the area it serves. TVA's total coal reserves are small when considered in the light of its coal requirements. Acquisition of coal reserves under these circumstances appears to be an essential step in meeting TVA responsibilities and protecting the investment of the Government and the bondholders in the power system. Many private utilities have similarly acquired coal reserves in recent years. TVA's purchase of coal reserves does not influence the size of the coal market or the number of miners employed."

Senator Cooper. Will you file also a full statement relating to your coal purchasing procedures?

Mr. Wagner. Yes, sir; we will be glad to do that.

(Subsequently the following information was supplied:)

"TVA COAL PURCHASING PROCEDURES

"TVA's coal purchasing objective is to provide an adequate and economical fuel supply for its plants. TVA's practice, in accordance with the TVA Act, is to invite competitive bids from all suppliers and to make coal contracts with the lowest responsible bidders whose bids meet TVA's specifications.

"TVA encourages all mines within economical reach of its steam plants to compete for coal purchase contracts. As a result, the mines which furnish coal to TVA range from small 'Family' operations to some of the country's largest. Some sell most or all of their output to TVA.

"TVA buys coal on the basis of its heat content. TVA compares the bids received in terms of cost of heat delivered to the steam plants. Each bidder quotes a price per ton for his coal delivered to TVA or f.o.b. mine or river loading point. He also guarantees the analysis of his coal, including a guarantee as to its heat content. TVA then adds to the producer's quoted price any remaining cost of transportation to each steam plant within economic reach, computes the cost of heat delivered to each plant, and makes an adjustment for ash and sulfur content in excess of specified standards.

"Term contracts are the backbone of TVA's coal supply, furnishing above 90 percent of the total tonnage. The terms of such contracts range from six months to seventeen years. Bids are normally invited two or three times a year; thus, the suppliers have full and frequent opportunity to bid in accordance with their judgment of probable future market conditions and to offer such part of their production and at such prices as they wish.

"Spot purchases comprise a minor but important part of TVA's coal supply. These contracts run for a term up to four weeks selected by the bidder and may be for varying quantities from a single load to very large tonnage. Bids are received weekly. Spot coal purchases have offered new suppliers and TVA convenient ground for gaining experience with each other and for TVA to learn about the abilities of prospective term coal suppliers. Some of the suppliers now holding term contracts first sold TVA spot coal. Spot purchases have also been useful for adjusting TVA's coal intake to short-term fluctuations in need for coal. Similarly, they provide the suppliers with a market for temporary excesses of production."

Senator COOPER. May I ask if the TVA has any intention of operating coal mines and producing coal?

Mr. WAGNER. We have no present intentions to do that; no, sir.

Senator COOPER. Do you have any future intention?

Mr. WAGNER. I am not sure how you have a future intention.

Senator COOPER. You must have discussed it at some time.

Mr. WAGNER. Yes; we have discussed this. We have concluded that if we should ever find it necessary to secure the coal from reserves which we have purchased, we would contract for the mining operation. We have no intention of getting into the coal-mining business.

Senator COOPER. I wish to call attention to another situation which I note in my own State, and particularly in Muhlenberg County, Ky., where a generating plant is located and where great purchases of coal are made from several companies, including the Peabody Coal Co. You probably purchase also for use at that plant coal produced in other counties in the area. I know I have had inquiries from people who live in Ohio County, which is near this plant. The Kentucky Legislature recently passed a comprehensive act requiring the restoration of coal land which has been stripped. The Kentucky Legislature passed this act, I think, almost unanimously. I note also that in section 22 of the TVA Act, that the TVA is required to further the property use and conservation and development of the national resources of the Tennessee River Range Basin and such adjoining territory as may be related to or materially affected by the development conditions to this act.

Section 22 continues and develops this theme in more detail. If one flies over Muhlenberg County he will see it bears a resemblance to shots taken of the moon and you would see great craters, and great pools of water. I am informed that strip-mine operations have affected the water level and have made a great deal of water in that area unpalatable. At this point very little has been done toward reclaiming that land.

Does the TVA feel that it has a responsibility in making contracts with the coal producers, to require in its contracts provisions which would carry out section 22 of the act, and conserve and protect the land?

Mr. WAGNER. Senator COOPER, we do place such provisions in our contracts. We do require reclamation of lands that are strip-mined to produce coal for our contracts.

Let me say that we believe very firmly that strip-mining areas should be reclaimed. As early as the 1940's, before TVA was even a purchaser of coal, we undertook to work with mine operators in southwest Virginia, which was in the Tennessee Valley, on a program of voluntary reclamation. We have pushed this for a long time. Subsequently, realizing that voluntary reclamation was not adequate, we began working with the States to try to secure legislation which would regulate strip mining. This has been provided in Kentucky. The original law was passed quite early, 1954 I believe, and it has been amended five times since then.

As you say, it is a good law, a strong law, and will provide reclamation. Virginia recently passed a law. Tennessee does not have one. Illinois has had one for several years. Alabama has none.

The CHAIRMAN. What about West Virginia, since you are talking about States?

Mr. WAGNER. Yes, sir, I did not mention it because unfortunately we do not buy any coal in West Virginia. It is outside of our purchase area.

The CHAIRMAN. I will get around to that.

Mr. WAGNER. I believe the coal we buy in east Kentucky makes markets available for West Virginia coal that would otherwise not be available.

We believe State action is essential to regulate strip mining, and that TVA contract provisions alone will be ineffective, because while we purchase large amounts of coal, we buy only 15 percent of the strip-mined coal in the five States in which we buy. So even if land mined to produce coal for TVA were reclaimed beautifully, 85 percent of the land stripped would still remain unreclaimed. Because the State of Tennessee particularly was slow to adopt legislation—incidentally we hope it will be adopted in the next legislature—we did put into our contracts, starting last September a requirement for the reclamation of land which supplies coal for TVA.

We also, Senator, have developed and provided a number of demonstrations of the reclamation of strip mines in our area, some of them to reclaim lands which were mined long ago; others to carry on the reclamation in conjunction with the mining. We believe these demonstrations are being helpful in the current move to secure adequate reclamation of these areas.

Senator COOPER. I know that many States, as you noted, have enacted legislation on conservation measures in this field. I call attention to the fact also that the Federal Government is very much concerned, as is the Congress. We have enacted legislation to consolidate all conservation measures. The Appalachian Act has a provision for conservation. Has the TVA as an agency of the Federal Government and an agency which purchases the largest volume of coal of any industry or any utility in the United States, if not the world—and which under the original act is required to conserve the land—has the TVA written into its contracts any requirements that coal companies should reclaim and reforest, or reclaim in whatever the proper way, the land which is torn up to supply coal for TVA?

Mr. WAGNER. Yes, sir; we do put that requirement in our contracts.

Senator COOPER. Have you any possibilities of putting that requirement in the long-term contracts, which have already been made and which I think will apply specifically to Muhlenberg County in my State, and other counties in that area?

Mr. WAGNER. Senator Cooper, in Kentucky the State, as you have indicated, has an excellent law. And the coal that is mined for TVA must comply with that law, whether it is under a new contract or a contract entered into in the past.

Senator COOPER. I have studied it in detail, and I doubt very much if it could require coal companies, which have completed their operations prior to the enactment of the act, to do anything about reclamation.

The CHAIRMAN. May I interrupt at this point to say that in many of these States, as Chairman Wagner knows, the coal company stripping the land has found it better, to use that word, to pay the penalty or fine than to restore the land. This is happening in many States. They pay the fine and move on to another location, doing nothing about reclaiming the land.

Senator COOPER. I feel very strongly that the TVA as the chief purchaser of coal in the United States should write into its contracts provisions which would insure that these coal companies reclaim the land. It may be a large charge. You might have to pay more for your coal, but I think it would be proper to do this. I wish you would furnish to the committee all information and any details relating to specific companies, and all of the steps that you have taken with respect to contracts to assist in the reclamation of this land.

Can you do that?

Mr. WAGNER. Yes, sir; we will be glad to do that.

(Subsequently, the following memorandum was submitted:)

"RECLAMATION REQUIREMENTS

"TVA has included the following provisions in term coal contracts for strip or surface auger production awarded after August 24, 1965:

"* * * As part of the consideration for the award of this contract the Contractor agrees to perform in accordance with the following standards and to the satisfaction of TVA reclamation and conservation work upon all the lands which are affected by the strip mining (including surface auger) of any coal supplied under this contract.

"a. Contractor shall, as closely as practicable following the mining operation, cover coal faces and bury all toxic materials including coal wastes and strongly acid shales.

"b. Contractor shall seal off any breakthrough to former underground mines.

"c. Contractor shall conduct the mining in such a manner as to keep the drainage free of spoil.

"d. Contractor shall control water from the mines and haul roads by:

"(1) Channeling runoff into drainages either naturally non-eroding or made that way through construction of checks, or

"(2) By impoundments, or

"(3) A combination of (1) and (2).

"e. Contractor shall cover all holes at the face that have been made by augers.

"f. Contractor shall grade the spoil banks as necessary to provide for the reestablishment of vegetation.

"g. Contractor shall revegetate the disturbed area with trees (but with TVA's approval grasses, legumes, and shrubs may be substituted) so as to ensure that the disturbed area will be covered by vegetation well distributed throughout the entire area.

"h. To the maximum extent practicable, the foregoing work shall be performed at the same time the mining operation is taking place, and all the above work shall be completed no later than 24 months after the delivery of all the coal supplied under this contract unless TVA agrees to a longer period of time.

"TVA shall have the right to inspect the Contractor's mining operation and the lands involved from time to time to determine the Contractor's compliance with the foregoing standards. TVA shall at all times be the sole judge as to whether Contractor is complying with the standards above set out. TVA, in its discretion, may accept as fulfillment of the requirements of this contract compliance by the Contractor with applicable reclamation laws having standards comparable to the foregoing.

"The following coal producers have been awarded contracts containing reclamation provisions:

"Contractor	County	Mine
	TENNESSEE	
Abe Cofer Coal Co	Campbell	Abe Cofer.
Lueking Coal Co	Morgan	Lueking.
W. R. Coal Co	Morgan and Anderson	W. R.
Tedder Coal Co	Morgan	Tedder.
Crass Coal Co	Anderson	Crass.
Radar Coal Co	do	Radar.
Wolf Ridge Coal Co	do	W. & S.
L. P. Phipps & Sons	Grundy	Commando.
Allen Bros. Coal Co	Van Buren, Sequatchie	No. 7.
Walden Ridge Coal Co	Van Buren	No. 1.
C. R. & B. Coal Co	do	No. 11.
Waters Coal & Construction Corp	Van Buren, Sequatchie	R-8.
	KENTUCKY	
Kirkpatrick Coal Co	Muhlenberg	Caney Creek.
Adventure Coal Co	Bell	No. 1 a/o No. 2.
Carbon Coal Co	Ohio	Carbon.
Burge Coal Co	do	Burge.
Hazel Creek Coal Mining Co	Muhlenberg	Hazel Creek.
Royal Fuel Corp	Hopkins	Arel.
Pittsburg & Midway Coal Mining Co	do	Colonial.
Kirkpatrick Coal Co	Muhlenberg	Wright.
	ALABAMA	
Farco Co., Inc	Jackson	Fies No. 1."

Mr. WAGNER. Senator COOPER, I feel that TVA has done more to try to get the problems of strip mining cured than any other agency I know. We made a comprehensive study of strip mining in our region in 1962, and published in 1963 what I believe was the first factual appraisal of the coal strip mining problem published by any Federal agency.

The CHAIRMAN. We would like to receive it as a committe exhibit. Some portions of it could be helpful in our discussion.

Senator COOPER. I won't pursue it further at this time.

(The exhibit presented by Mr. Wagner is as follows:)

"AN APPRAISAL OF COAL STRIP MINING

"(Tennessee Valley Authority, Knoxville, Tenn., February 1963)

"The issues and the facts

"As a resource development agency, TVA has had a continuing interest in the reclamation of strip mined areas. At the same time rapid economic growth of the region calls for huge coal consumption in electric power production, and about half of this coal comes from strip mines.

"Because strip mining leaves scars, some of them on scenic landscapes, the question of what to do about it frequently arouses more emotional reaction than sober appraisal. This tends to obscure the real issues: how useful strip mining is to the economy, whether the problems it causes can be satisfactorily alleviated, and whether there are effective and practical ways to assure that mined land is restored for future productive purposes.

"In 1962 TVA set up a four-man team to look at strip mining in the two fields from which it buys coal, the Appalachian and the Midwestern. This team included a forester, a hydrologist, an aquatic biologist, and a mining engineer. Their job was to inspect mined areas, appraise the effects of strip mining, and evaluate reclamation efforts.

"Survey findings alone cannot answer all the questions raised by strip mining in the eastern United States, particularly about reclamation techniques. Research and demonstrations now in progress will provide more of these answers. Meanwhile, survey findings presented in this report offer pertinent background information which the reader may use in forming his own judgments.

"Some of these facts in brief:

"Strip mining for coal in the Tennessee Valley Region began about the time of World War I. Through 1961, strip mining in the eastern United States had involved about 500,000 acres.

"About 14,700 acres have been stripped in the Tennessee Valley (roughly one two-thousandth of total area). Current stripping in the Valley is at the rate of about 1,000 acres a year. Coal production in the past decade totaled over 1½ billion tons in the five states where TVA buys coal. TVA purchases accounted for about 10 percent of this total production.

"Strip mining recovers 90 to 95 percent of the coal deposit, deep mining gets 35 to 85 percent. Strip mining in and near the Tennessee Valley includes contour stripping around mountainsides in the Appalachian field (Alabama-Tennessee-Virginia) and area stripping of the flatter Midwestern field (western Kentucky-Illinois).

"Contour stripping in mountainous areas, such as east Tennessee, may yield from 2,400 to 8,000 tons of coal per acre. Area stripping, as in western Kentucky, may yield over 20,000 tons per acre. In a typical Appalachian mining county, where most land is in forest, annual forest growth is worth about $8.50 an acre as logs and pulpwood delivered to market. Gross value of coal mined there averages about $9,000 per acre of land affected by stripping.

"In a typical west Kentucky mining county, the average annual gross value of agricultural products is $18 per acre of farmland, and only half of the land is in farms. Gross value of coal averages $18,000 an acre. Coal mining causes local acid pollution in some streams (this is not limited to strip mining), but natural alkalinity quickly neutralizes acidity in most larger Tennessee Valley streams. Only the Emory River is consistently acid.

"A contour strip mine survey in Tennessee showed one mine in four draining water and sediment directly to live streams. This sedimentation can be avoided by better control of water on mines and haul roads. Stripped land now represents about one-fourth of one percent of the area in the Eastern mining states, and would cover about one percent if all known recoverable reserves are ultimately mined.

"Land values in the local tax base are reduced by strip mining unless assessment practices are designed to avoid this. Reclamation of spoil banks left by stripping poses problems, but about half the 500,000 acres stripped for coal in the eastern U.S. has been reclaimed as required by state laws (mostly by reforestation).

"Seven Eastern states have reclamation laws, generally requiring permits and performance bonds from mining firms, periodic operating reports, varying degrees of grading and revegetation of affected areas after mining. Only one Tennessee Valley state, Kentucky, has such a law. TVA has taken part since 1945 in various reclamation demonstration and research, now is planning much larger demonstrations.

"Typical revegetation costs average about $50 an acre, depending on the use to which the land is to be put when restored. Any reclamation requirements must take into account the fact that revegetation must be delayed on many spoil banks until major settling has ended, and on a few until they lose excessive acidity.

"Where appropriate and practical, strip mine areas can be reclaimed for various recreation and wildlife use.

"Coal strip mining

"Originally all commercial coal mining in this country was underground. Vertical or horizontal shafts were driven into the coal seam; the surface of the ground was not disturbed. But as early as 1866 a new kind of mining called surface or strip mining began in Illinois. Both terms apply because it is a surface operation which strips off the overburden of soil and rock to expose the coal seam. At first, stripping was practical only where the coal was close to the surface, but improvements in machinery and methods now make it economical to remove a hundred feet or more of overburden.

"The first stripping in Tennessee came about the time of World War I. It began in western Kentucky in the early twenties and in eastern Kentucky about 1939. The U.S. Bureau of Mines first reported coal production by this method in 1914. That year, coal from strip mines totaled 1.3 million tons and accounted for three-tenths of one percent of total U.S. production. Rapid expansion came during World War II, and by 1961 strip mining accounted for more than 30 percent of total coal production.

"Extent of Stripping

"The Bureau of Mines reported 1,477 operating bituminous strip mines in the country in 1961. They produced 122 million tons of coal and provided about 5 million man-days of employment. Heavy equipment at these mines included 2,400 power shovels, almost 800 draglines, 2,300 bulldozers, 150 scrapers, 1,000 power drills, and 4,400 trucks. Equipment continues to grow in size and efficiency. A new 115-cubic-yard shovel put into service this year will strip as much as 140 feet of overburden on the level at the rate of 3 million cubic yards per month. The largest walking dragline, now under construction, has an 85-yard bucket and a 275-foot boom.

"In 1961 some of the top coal producers in the country were also big strippers. The largest operator produced 29.5 million tons, of which 25 million tons was strip coal. Another producer in the top ten had 5.5 million tons of strip coal in its total of 7.1 million tons.

"In the Appalachian and Midwestern coal fields, strip mining has involved something over 500,000 acres. Estimates on future stripping vary; but if the higher ones are accepted, 2 million or more acres will eventually be stripped. Not much of the 500,000 acres stripped to date is in the Tennessee Valley.

"Coal has been produced by stripping in 27 of the 125 Valley counties (table 1). The area involved through 1961 was close to 35,000 acres, 7 percent of the eastern United States total. Stripping in these counties is progressing at the rate of about 3,000 acres a year. For the Tennessee Valley proper—20 of the 27 counties are only partially in the Valley—the stripped area is about 14,700 acres. The increase inside the Valley is about 1,000 acres a year.

"The percentage of coal produced by strip mining will continue to increase so long as it is more economical than underground mining. This will be determined primarily by stripable reserves and production costs in underground mines. Strip mining recovers 90 to 95 percent of the coal while deep mining gets 35 to 85 percent. Production per man-day averages 25 tons by stripping, a little over 11 tons by deep mining. Average value of coal in 1961 was $3.67 per ton f.o.b. strip mines and $5.02 at deep mines. Fatal accidents in strip mines average one per 2.5 million tons mined, just one-twelfth the rate in deep mines.

"Major Coal Buyers

"In the five states where TVA buys coal—Kentucky, Tennessee, Illinois, Virginia, and Alabama—utilities purchased half the coal produced in 1961. While TVA bought 18.5 million tons, some fifty other utilities bought 56 million tons from a total production of 157 million tons. TVA that year bought about 62 percent of Tennessee's production, 17 percent of Kentucky's, 7 percent of Illinois', 4 percent of Virginia's, and 0.2 percent of Alabama's. Over the past ten years TVA purchases in the five states have accounted for less than 10 percent of total production.

"During this same period slightly more than one-fourth of the coal produced in these states came from strip mines (table 2). From 1952 to 1961, inclusive, less than 408 million of the 1,561 million tons produced was strip coal. The proportion has climbed rather steadily from 21 percent in 1952 to 31 percent in 1961.

"TVA's coal purchases do not follow this over-all ratio, and this is probably true of other utilities as well. Whereas strip-mine production in 1961 accounted for 31 percent of total in the five states, TVA's purchases ran about 50 percent strip-mine coal. According to the best estimates available, some 25,000 acres have been stripped to supply TVA steam plants, 5 percent of the total area stripped in the Appalachian and Midwestern coal regions.

"Stripping Methods

"Striping varies with topography. In mountainous areas where the coal seams lie high up on mountain slopes, strip mining takes the form of contour benches and is appropriately called contour stripping. Where the topography is flatter, stripping is continuous over large areas and is called area stripping.

"In the mountains of the Appalachian coal field, contour stripping predominates. Bulldozers excavate a footing for power shovels which remove the overburden and deposit it at the outer edge of the cut. Much of this spoil, as it is called, slides down the slope, some of it immediately, more as it is loosened by rain and the freezing and thawing of winter.

"Width of cut varies from 30 to 100 feet, depending on the steepness of slope and the amount of rock in the overburden. The worked out pit consists of a relatively level floor bounded on the uphill side by a vertical cliff (the high wall) and on the downhill side by a ridge of spoil which tails off down the slope. In some areas there may be several of these contour strips on the same mountainside, one above the other, like so many highway cuts. In such cases the spoil from one strip may extend to the next strip below.

"Contour stripping is sometimes followed by auger or punch mining. Augers up to 7 feet in diameter drill holes into the exposed face of the coal seam to a depth of some 200 feet, removing more of the coal. Punch mining involves narrow-seam cutting machines—some remotely controlled—that can penetrate a thousand feet or more into the coal seam.

"In Indiana, Illinois, and western Kentucky where topography is smoother and the depth of overburden is not affected much by slope, area stripping is the general rule. The overburden, which may be more than a hundred feet thick, is loosened with explosives and then removed by power shovels, draglines, or other types of excavators. The first cut is a long trench stretching across the area to be mined. After the coal has been removed an adjacent cut is made, the spoil from it being dumped in the previous cut. The resulting landscape is a series of more or less parallel ridges of spoil 30 to 100 feet high, depending on depth of overburden. The last cut in the area is usually left open and often fills with water.

"An acre of coal one foot thick contains about 1,800 tons. Contour stripping in east Tennessee, where coal seams range from 18 to 60 inches, therefore yields 2,400 to 8,100 tons per acre (with 90 percent recovery). In western Kentucky where the several seams may add up to a total thickness of 15 feet, stripping may yield in excess of 20,000 tons per acre.

"Type of Land Stripped

"Practically all of the land already stripped for coal, as well as that which may be stripped, is in private ownership. Operating coal companies may own the surface and the minerals or they may own mineral rights only. Then again they may own neither and pay a royalty for coal. These royalties commonly range from 25 cents to 35 cents a ton, so a landowner receives about $550 for each acre-foot of coal removed.

"The geology and topography of the coal regions are such that very little stripping is done on high-grade agricultural land; in most cases it is confined to relatively low-value land. Some good farm land is involved in Illinois and Indiana, but only rarely is average or better farm land stripped in the Appalachian region. In Tennessee and eastern Kentucky well over 90 percent of the land stripped is forest land of about average timber-producing quality.

"In Wise County, Virginia, the Valley county with the highest proportion of stripped land, practically all of the stripping is in forest land. Average forest growing stock here is 2,800 board feet of sawtimber and 6 cords of pulpwood per acre. Growth is 120 board feet and 0.26 cord per acre per year. At present prices this annual growth—the harvestable yield uhder management—has a value of about $8.50 per acre in terms of logs and pulpwood delivered to market. Average coal production by strip mining is about 2,600 tons per acre of disturbed area (in contour stripping two to three acres are affected for each acre of coal mined). Gross value of coal per acre is therefore about $9,000.

"In Muhlenberg County, which is fairly typical of coal-producing counties in western Kentucky, only half of the land is on farms and less than 30 percent of this is cropped (1959 census). Average gross value of agricultural products sold is $18 per acre of farm land. Average gross value of an acre of coal in Muhlenberg County is $18,000.

"Effects of Stripping

"Such mining leaves an unsightly landscape, and much criticism stems from this fact. Given time, however, Nature heals her wounds, and with help the revegetation process can be speeded up. Some coal operators have proved this, and in seven of the states where coal is stripped, regulatory legislation has been enacted requiring reclamation.

"Stream pollution

"Whether stripping results in serious acid steam pollution depends on the geology of the region and mining methods. Acid pollution is a serious problem in Pennsylvania and West Virginia, for example, but not in the Tennessee Valley. In the Valley region the acid sandstones, shales, and coal associated with the Pennsylvanian period of geologic time are only a few hundred feet thick. Farther north they may be several thousand feet thick. The Pennsylvanian formation is underlain by the Mississippian and older formations which are largely limestones and dolomites, and therefore alkaline. In the Tennessee Valley most of the larger streams are in these alkaline formations and whatever acid may be in the water is quickly neutralized. Emory River is the only sizable Tennessee tributary that drains extensive sandstone areas and it is the only one that is consistently acid. Even the Clinch and Powell Rivers, which drain extensive mining areas in southwest Virginia, are strongly alkaline before they cross the Virginia-Tennessee state line.

"Acid pollution, where it exists, is further complicated by the fact that it is not limited to strip mining. Coal mining, by whatever method, produces sulphuric acid. And in some parts of Pennsylvania, West Virginia, and eastern Kentucky an estimated 75 percent of stream acidity comes from deep mines and the refuse associated with them. States that have strip-mine legislation have not solved this deep-mine pollution problem. The West Virginia law exempts deep mining and auger mining. Pennsylvania classifies about half the streams in the state as previously polluted—usually by deep mining—and exempts them. Acid pollution is a coal-mining problem, not a strip-mining problem.

"Sulphuric acid is toxic to aquatic plants and animals. For example, an acid-water lake in West Virginia has less than three ounces of fish per acre. Beaver Creek in eastern Kentucky, with a strip mine in its drainage, yielded no fish in a mile of sampling, while comparable sampling on an unpolluted branch nearby yielded 736.

"Acid water inhibits bacterial growth to such an extent that domestic sewage is not readily decomposed. The acid also works on soil and rock, dissolving iron, aluminum, and manganese in quantities that may be toxic to fish. The same Beaver Creek mentioned above has 15 times more dissolved solids than the comparison stream. Acid water is corrosive to metals and must be treated before it can be used in industrial processing.

"Even in limestone areas like the Tennessee Valley, acid water from mines exacts a certain penalty. Neutralization of the acid increases the permanent hardness of the water by increasing its sulphate content. Calcium sulphate is a source of 'boiler cake' in teakettles and industrial boilers.

"Another source of stream pollution is the turbidity and sedimentation resulting from spoil bank erosion. This can be a problem where strip mines drain into live streams.

"Erosion

"Some erosion is inevitable on all fresh spoil banks, as it is on all bare soil. The extent depends on the character of the spoil, steepness and length of slope, the extent of freezing and thawing, and of course the amount of precipitation and volume of water acting on the spoil.

"Erosion is not a serious problem in area stripping. Here most of the soil movement is internal—between spoil banks—and little soil and rock actually leave the stripped area. Such erosion is detrimental only when it is severe enough to prevent revegetation. It is beneficial to the extent that it contributes to leveling.

"Erosion can be much more serious in contour stripping, primarily because of topography. Contour strips usually lie on steep mountainsides where water volume and velocity may combine to create an erosive force of considerable magnitude. In 1959 TVA and the Tennessee Department of Conservation and Commerce sampled strip mines in eastern Tennessee to determine as objectively as possible the facts of the case. Investigators studied 18 mines, statistically selected as representative of the 250-odd in Tennessee.

"Erosion was evident in practically every mine examined, but it was less serious than generally supposed. Most of the mines were high up on mountain slopes and there was little water involved other than that which fell as rain directly on the distributed soil. Evidence of drainage from higher elevations was slight. Sheet erosion was universal, of course, as it is in every case where sloping soil is exposed to rainstorms. Gully erosion was found at 60 percent of the mines, but in most cases it resulted from restricted water flow and a build of volume—and conditions which can be corrected in the mining process.

"Soil and rock washed out of strip mines were found on the forest floor below some pits, but not all. And again in only some cases did these outwash deposits extend to live or intermittent streams in the valleys below. Water from only one-fourth of the contour strip mines flowed directly into live streams, and only in these was there evidence of sediment.

"Access roads appeared to be responsible for just as much erosion as the mines themselves. Whereas the strip-mine floor is relatively flat, coal-haul roads usually involve long grades which accumulate water. Here again, a little better engineering could have dispersed the water and stopped erosion. As few as ten water turnouts per mile would have achieved adequate water dispersal in most cases.

"Land value

"One criticism of strip mining is that it takes land out of productive use. But generally speaking, the stripped land plus that which may be stripped is an insignificant part of the total land-use picture. In West Virginia, which has the highest proportion of land area stripped, the percentage is only 0.7. It is 0.5 percent in Ohio, 0.3 in Indiana and Illinois, 0.2 in Kentucky, and 0.1 in Pennsylvania and Tennessee. For all of these states, stripped area represents only slightly more than one-fourth of 1 percent of total land area. If stripping ultimately affects four times the present area, it will still involve only about 1 percent of the area of these coal-producing states, generally land of low productivity.

"Stripping may reduce land values and ad valorem taxes. An Ohio study (1918–1937) showed tax decreases ranging from 13 to 53 percent following strip mining. Illinois coal strippers say that the tax losses average about 68 cents per acre in that state. In one extreme case in eastern Kentucky the assessment on land being stripped rose from $15 to $150 per acre and then dropped to 75 cents after mining. Tax assessing methods vary county by county. One east Tennessee county, for example, assesses mountain land at the same rate before and after mining. Another bases assessment on the estimated value of recoverable coal and then reduces the rate to bare land value following mining. A southwest Virginia county bases reduced assessments on the tonnage of coal mined. A large coal company owning extensive land areas in western Kentucky has adopted the policy of retaining land after mining and paying taxes at the same rate as before mining.

"Reclamation experience

"Attempts at reclaiming strip-mine spoil banks preceded compulsory legislation by many years. The first attempts were probably in Indiana, where in 1918 a coal company planted fruit trees on spoil banks. Black locust trees were planted fairly extensively in Ohio as early as 1925. Members of the Indiana Coal Producers Association, an organization of strip-mine operators, agreed in 1926 to reforest five acres per year for each shovel in operation, and incomplete records show almost 5,000 acres reforested prior to 1940. Systematic investigation of strip-mine reclamation began with studies by the Central States Forest Experiment Station (U.S. Forest Service) in 1937. Pennsylvania and other states stepped up their research activities in the midforties. To date, an estimated 50 percent of the half-million acres stripped in the eastern United States has been reclaimed as required by state laws.

"TVA's first action in the reclamation of strip mines dates back to 1945, when its foresters joined with the Virginia Division of Forestry and officials of several southwest Virginia coal companies to demonstrate reclamation through tree planting. These early demonstrations were followed by others and today some 2,500 acres have been reforested.

"The 1959 cooperative survey in Tennessee, referred to previously, provided basic information on strip mining in mountain areas. This was the first systematic look at strip mining in this state even though it had been going on since World War I and had been quite extensive after 1953.

"TVA has maintained a constant surveillance of water quality in the Tennessee Valley, and in late 1961 published a report on the potential acid mine drainage problem. Much of the information presented earlier in the Stream Pollution section came from that report.

"Also in 1961 TVA joined the Kentucky Department of Conservation and Peabody Coal Company in an extensive reforestation test near TVA's new Paradise steam plant in western Kentucky. Here the objective is to test five pine species on sandstone and limestone spoils that were graded, ungraded, one year old, and two years old. The last of the test plantings on some 80 acres was made in the spring of 1962. Comparison of species and sites will be possible in three to five years.

"In search of faster and cheaper methods of revegetating spoil banks, TVA foresters have also established extensive direct seeding tests—that is, planting tree seed instead of seedlings—in Tennessee, Georgia, and Virginia. Loblolly pine was the principal tree species. Straw, sawdust, wood chips, fescue, and short-lived grasses were used as ground cover. Loblolly seedings were also planted in some cases for comparative survival and growth.

"Under discussion now are plans for large-scale demonstration of strip-mine methods and reclamation in eastern and western Kentucky. The one in eastern Kentucky will involve contour stripping, the other one area stripping. Both will illustrate the best known practices. They will be located where they will be readily available for inspection.

"Problems

"Spoil-bank reclamation is fraught with difficulties. The major problem is high acidity, and if it is too high, revegetation is impossible. In such cases there is nothing to do but wait until some of the acid leaches out through natural weathering processes. But less than 5 percent of the spoils exhibit this acid toxicity; the great bulk of them will grow something. This being the case, the real need is to develop methods that will achieve reclamation quickly and economically.

"Spoil banks are like nothing found in nature. As the shovels chew away at the high wall they thoroughly mix the various layers of soil and rock above the coal seam. The resulting mass is not soil as we normally think of it, but a porous agglomeration bearing no resemblance to its previous layered structure.

"This of course makes for extreme variability. No two strip mines are the same and rarely are two parts of the same mine identical. The proportions of stone and soil vary greatly, and for any particular spot the proportions change with weathering and erosion. Acidity varies sharply within short distances. Soils with a pH of 2.5 and a total acidity of 3,000 parts per million may lie adjacent to limestone mixes with a pH of 8.5.[1] Soil texture varies from sand, to clay, to loam, and this in turn varies the amount of moisture available for plant growth. On the other hand, plant nutrients are usually adequate to support vegetation. Nitrogen may be in short supply, but the available quantity of this element improves with time.

"To further complicate matters, spoil banks are not stable. They may be expected to settle as much as 3 feet the first year and settling continues for ten years and more. In contour stripping this slippage or settling may take on the proportions of a small landslide. Erosion, too, constantly changes the contour of spoil banks. Vegetation is washed out on slopes and covered with silt in low places. Revegetation must often be delayed until the worst of this rapid shifting is over.

"Because spoil banks are exposed, high soil temperatures develop under the summer sun. This coupled with unrestricted wind flow dries out the surface soil to such an extent that seed germination and seedling survival are drastically retarded.

"In addition to problems generated by the physical character of spoil banks, landowners in general show little interest in doing anything to reclaim stripmined areas. Early in 1962 a TVA forester talked with 46 owners of stripped land in Virginia, Tennessee, and Alabama. Together they own about three-quarters of a million acres, of which 10,000 acres has been stripped. Sixteen have taken some steps to reclaim the land; the others have done nothing and have no plans to do anything. Most are opposed to reclamation requirements that would increase coal costs.

"Grading

"Some grading is required by all of the state laws regulating area stripping, but this is still the most controversial aspect of reclamation. The Ohio law requires that spoil banks be graded to a gently rolling topography. In Kentucky, grading means simply striking off the ridge tops with a bulldozer. Reported costs range from 1¼ to 43 cents per ton of coal mined.

"Some experiments indicate that trees grow better on ungraded spoil while other tests seem to prove the reverse. Detailed measurements have shown that graded spoils absorb less than one inch of water per hour while ungraded spoils absorb four to five inches. The chief argument against grading is that it compacts the soil, but there are simple ways to prevent or correct this.

"Since there is no clear evidence that grading is essential to successful reclamation, it would seem reasonable to let future land use decide the issue. Where the land is suitable for cultivated crops then there should be enough grading to permit the use of farm machinery. If pasture is the best post-use, less grading is required. If the land is to be reforested, grading contributes little or nothing and might well be eliminated. About the only thing that seems to make economic sense in the case of reforestation is to strike off a ridge top every quarter-mile or so to make the area more accessible.

"Reforestation

"In most cases tree planting is the most practicable way to reclaim strip-mine spoil banks. Best estimates indicate about 200,000 acres reforested to date of the 500,000 acres stripped in the eastern United States. Ohio has planted 18 million trees and reports 95 percent survival; West Virginian has

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"[1] pH refers to a hydrogen ion concentration scale ranging from 1 to 14. In this scale 7 is neutral; below 7 is acid, above alkaline. The optimum range for plants is 4.5 to 7.5.

planted 40 million with about 75 percent success. Seventy-seven percent of the stripped area in Indiana has been reclaimed by reforestation, another 10 percent through pasture development.

"Some 40 tree species have been used. Black locust, the favorite species in the early plantings, provides ground cover in three to five years, but its susceptibility to insect attack makes it a poor risk. It is no longer used alone but is still planted in mixture with other species.

"The newest promising species is European black alder. It grows well on acid soils, offers other species less competition than locust, and seems relatively immune to insect and disease attack. Reports from Indiana show it growing well on spoil banks that have a pH of 4.5 to 6.0. It survives but grows only half as fast when the pH is down to 3.5. The species mixture now favored in some quarters for acid spoil is alder, river birch, sweetgum, red oak, and sycamore. If the spoil is not acid, yellow poplar and white oak are included. Other hardwoods used extensively are cottonwood, walnut, and ash.

"In general, conifers do not do as well on spoil banks as hardwoods, but in the North, white pine, Scotch pine, and Japanese larch have been planted successfully on high-quality spoils. In the South, loblolly pine outperforms other native conifers.

"Today, Pennsylvania has the most extensive strip-mine reforestation program. The state forestry agency produces specially conditioned planting stock and state crews do the planting. In West Virginia most of the planting is done by soil conservation districts. Coal operators are responsible for doing the planting in Kentucky, Illinois, Indiana, and Ohio.

"Only in Alabama has direct seeding met with much success.

"Recreation and Wildlife

"Strip-mine areas can also be used for recreation or wildlife or both. And here again, prevailing conditions usually determine which it shall be. In northern Illinois where land is at a premium and population pressures are high, some 5,000 acres of lakes and 8,000 acres of recreation sites have been developed on strip mines. Here where conditions warrant it, operators can substitute lakes and roads for the normal reforestation requirements called for by law.

"The long narrow contour strips of eastern Kentucky and Tennessee offer a different kind of recreation possibility. Some of them make ideal sites for planting game food. Some traverse beautiful mountain terrain and offer scenic vistas that compare favorably with those along the Blue Ridge Parkway. These can be planted to trees and game-food plants and the roads maintained for jeep or horseback travel.

"Where topography is favorable, and where acid-forming material is not extensive enough to make the water toxic, strip-mine impoundments are just as productive of fish as natural lakes.

"Agriculture

"Restoring spoil banks for production of cultivated crops is not common. Most such reclamation is in flat or gently rolling topography, where the soil is rich and relatively rock-free. On the other hand, some 50,000 acres of strip-mine spoil has been reclaimed for pasture and hay production. If hay is to be harvested, enough grading is required to permit the use of machinery, but if harvesting is to be left to animals, little or no grading is necessary.

"Records from Illinois show cattle on spoil-bank pasture gaining an average of 1.5 pounds per day, which is comparable to gains on unmined areas nearby. Alfalfa on such land has yielded 2.5 tons of hay and 50 pounds of seed per acre. Where pH is above 6.0 alfalfa grows better on spoil banks than on undisturbed land, probably because of deeper root development. Birdsfoot trefoil has also been used extensively and crown vetch is growing in popularity because of its tolerance to acid conditions. Standard seeding practice on acid spoils in Kentucky is a mixture of Kentucky 31 fescue, Korean lespedeza, and annual ryegrass.

"Reclamation costs

"Tree planting costs range from $15 to $35 per acre, and the minimum grading required by state law may add as much as $45. Total cost estimates vary from a low of $45 in Virginia to a high of $70 in Illinois. The per-acre cost most commonly quoted is $50.

"This same $50-per-acre is also reasonable for land to be used for recreation, provided the work includes nothing more than tree planting and roads. If lakes and intensive site development are included, costs are much higher.

"If more than minimum grading is required for the development of pasture, costs are estimated at $150 to $250 per acre. Complete leveling in Indiana has cost as much as $1,000 per acre.

"The above costs apply generally to area stripping. If we assume here that coal seams average 3 feet in thickness, then production would be about 5,000 tons per acre. Assuming further that reclamation cost is $50 per acre, the cost per ton of coal is one cent.

"The State-TVA survey of strip mines in eastern Tennessee, mentioned earlier, showed the average contour mine to be 4 miles long, with a disturbed area of about 95 acres. Reclamation cost on the 4-mile-long strip was estimated as follows:

"Tree planting (95,000 seedlings)	$1,250
"Additional water outlets (21 at $10)	210
"Check dams (25 at $5)	125
"Access road erosion control (1 mile at $40)	40
Total	1,625

"This means a little over $400 per mile or about $17 per acre. Coal production for this average 4-mile mine would be between 55,000 and 65,000 tons. Reclamation cost per ton, therefore, would be less than 3 cents.

"Legislation

"Since West Virginia enacted legislation requiring reclamation of strip-mined areas in 1939, six other states have followed suit: Illinois, Indiana, Kentucky, Maryland, Ohio, and Pennsylvania. Although they differ in detail, all of these laws follow the same basic pattern. They require the operator to (1) obtain a permit or license prior to mining, (2) post a bond for the faithful performance of the requirements of the statute, (3) make reports on the progress or extent of operations, and (4) grade and revegetate the affected areas.

"Application for a permit or license to strip mine must be accompanied by full information on the area and scope of the planned operation and on ownership of the property. A map of the area is also required in most cases. In some states the permit fee is a flat sum, but generally it varies with the number of acres involved. For example, Pennsylvania charges a flat fee of $100, whereas in Kentucky the fee is $50 plus $15 per acre. In most cases, the permit is good for one year only and the fee must be paid with each renewal.

"One of the most important features of all reclamation statutes is the requirement of a bond, which is conditioned upon the operator's performance of all reclamation work required under the statute and applicable regulations. The amount varies from $100 per acre in Kentucky to $500 per acre in West Virginia. Most of the states require a corporate surety on the bond, but the operator may pledge an equivalent amount of cash or acceptable securities in lieu of the surety bond.

"All of the state laws require reports of one kind or another. In general, the operator must file an annual progress report plus a completion report on each permit.

"While all laws require some grading of spoil banks, they differ in detailed specifications. The Illinois law, for example, requires that ridges be struck off to a minimum width of 10 feet and that isolated peaks be graded to a minimum width of 15 feet. In Ohio the operator must grade the area to a gently rolling topography. All of the states requires that the coal seam in the final cut be covered with earth, spoil material, or water. The creation of ponds or lakes in the final cut is permitted (required in Illinois and Ohio) if they will not interfere with other mining operations or damage adjoining property.

"Except for the Maryland law, each requires revegetation of the strip-mined area, unless planned future use makes revegetation inappropriate. Most laws or regulations issued under the law, require a planting plan before the work is started and approval by the state administrative agency upon its completion. In some cases (Illinois for example) the reclamation plan is included as part of the operator's annual report. Where planting is deferred for a considerable time after grading is completed, provision is made for a partial release of the bond.

"The statutes provide that planting stock may be obtained from the State conservation agency, or from commercial sources if the stock is approved by the state. In some cases, the operator may be relieved of the planting work by special arrangements with the state agency. In Pennsylvania, for example, the operator may forfeit $50 per acre under his bond and the state will do the work. In West Virginia, the operator is relieved of planting if he pays the local soil conservation district the estimated cost of the work. Most of the states also permit the operator to substitute acreage—that is, he need not reclaim land he is legally obligated to reclaim if he reclaims an equal stripped area for which he has no such obligation.

"The time limit on reclamation work is one year in West Virginia. Kentucky sets no time limit but the Conservation Department administratively aims at completion within a year. Illinois, which has one of the more recent statutes, requires that reclamation be completed within three years, except where soil conditions are not satisfactory for planting, in which case the work may be deferred up to ten years.

"All of the statutes prescribe penalties for violation with fines varying from $50 to $5,000. In most cases, responsibility for administration of the law is vested in the state conservation department or its counterpart, but in Maryland and Pennsylvania, state mine departments have jurisdiction. In either case, however, coordination is called for between conservation and mine departments. Provision is made for necessary administrative regulations and for appeals from administrative actions. Moneys collected from fees, forfeited bonds, and fines are generally put in a special fund for administering the law, and in some cases for reclaiming areas that were mined before the law was enacted.

"Conclusions

"This review of strip mining in the Applachian and Midwestern coal fields leads to the inescapable conclusion that this is a matter for state action. Each state involved should develop a policy on strip mining and reclamation tailored to its own unique combination of geologic, topographic, economic, and social conditions, and give that policy substance through legislation. TVA therefore recommends that states having no strip-mine legislation consider its enactment, and too, that existing legislation be objectively evaluated and revised to meet current needs.

"Many interests share in the benefits of coal strip mining and should therefore share the responsibility for seeking solutions to the problems it raises. Land and mineral owners are intimately involved; so are mine operators and employees. Operators of railroads, truck lines, and other common carriers also have a stake in coal production policy, as do the manufacturers of mining equipment. The coal buyer is interested because mining methods affect cost, and if reclamation is required, its cost is included in the price of coal. Everyone who consumes electric power is affected because coal purchases account for a large part of the total power operating expense.

"Other groups are involved because of effects of strip mining on the landscape and on water quality.

"All of these interests should be considered in the formulation of state policy and implementing legislation. The range of involvement is wide, of course, and many of the interests are in conflict. But this is part of the problem and the conflict of interests must be reconciled in the public interest.

"State legislation in force is summarized in an earlier section of this report. All of these laws have some things in common yet differ in detail. Generally speaking, strip-mine legislation should define and ensure certain fundamental objectives. Its provisions should be dictated by prevailing topographic, geologic, and economic conditions, and it should be flexible enough to fit the widely varying character of strip-mine spoil banks.

"Listed below are some desirable provisions of strip-mine legislation:

"1. It should provide a system of permits or licenses for conducting strip-mining operations and require the posting of a surety bond conditioned upon compliance with reclamation requirements.

"2. It should require a fairly detailed plan for each operation, including character of overburden, post-use of mined area, location and specifications of haul roads, and a description of mining methods to be used.

"3. It should cover not only coal mining but all kinds of surface mining that create conditions similar to coal stripping.

"4. It should recognize the interrelationships between all methods of coal mining, especially insofar as stream pollution is concerned.

"5. It should encourage modification of mining methods to fit conditions.

"6. It should not set a hard and fast time limit on reclamation. Where successful revegetation is impossible because of acid toxicity, reclamation deadlines should be left to administrative determination, with provision for proportional bond release as work progresses.

"7. It should take into account land previously stripped and set up arrangements for its reclamation.

"8. It should provide for continuing evaluation of the law's adequacy.

"TABLE 1.—*Area stripped for coal in Tennessee Valley counties through 1961*

State and county	Total acres	Acres in valley
Alabama	5,189	165
Blount	3,572	----------
Cullman	405	----------
De Kalb	188	150
Etowah	18	----------
Jackson	15	15
Marion	429	----------
Winston	562	----------
Georgia	165	165
Dade	25	25
Walker	140	140
Tennessee	15,554	6,931
Anderson	2,510	677
Bledsoe	61	----------
Campbell	3,674	563
Claiborne	1,766	----------
Cumberland	262	131
Fentress	214	----------
Grundy	2,316	1,486
Hamilton	350	350
Marion	515	515
Morgan	3,059	2,731
Sequatchie	478	478
Van Buren	349	----------
Virginia	14,021	7,413
Dickenson	3,630	----------
Lee	186	186
Russell	1,474	1,474
Scott	2	2
Tazewell	358	226
Wise	8,371	5,525
27 counties	34,929	14,674

"TABLE 2.—*Coal production in selected States and TVA deliveries from those States, 1952 to 1961, inclusive*

State	Production			TVA deliveries	
	Total	Strip	Percent strip	Thousand tons	Percent of total production
	(1,000 tons)	*(1,000 tons)*			
Kentucky	665,382	158,197	23.8	69,870	10.5
Tennessee	65,505	15,784	24.1	42,197	64.4
Illinois	455,399	196,080	43.1	25,655	5.6
Virginia	252,927	15,564	6.2	8,764	3.5
Alabama	122,263	22,191	18.2	550	.4
Total	1,561,476	407,816	26.1	147,036	9.4"

Mr. WAGNER. Senator, I would like you to visit the areas I referred to and see some of the work we have done.

Senator COOPER. I know they are terribly concerned about it.

Mr. WAGNER. We are concerned about it, and we are doing something about it.

POST OFFICE DEPARTMENT 30-YEAR LEASE AUTHORITY

The Senate proceeded to consider the bill (H.R. 14548) to extend the authority of the Postmaster General to enter into leases of real property for periods not exceeding 30 years, and for other purposes which had been reported from the Committee on Public Works, with an amendment to strike out all after the enacting clause and insert:

That (a) the portion of section 2103(a), title 39, United States Code, which precedes paragraph (2) thereof is amended to read as follows:

"(a) Whenever the Postmaster General determines, after consultation with the Administrator of General Services, that the needs of the Post Office Department cannot be met by the leasing of a multitenant building by the Administrator, the Postmaster General, in addition to the authority conferred upon him by section 2102 of this title, may—

"(1) negotiate and enter into lease agreements which do not bind the Government for periods exceeding thirty years, on such terms as the Postmaster General deems to be in the best interest of the United States, for the erection by the lessor of special purpose post office buildings on lands sold, leased, or otherwise disposed of by the Postmaster General to or otherwise acquired by, the lessor;".

(b) Section 2103, title 39, United States Code, is amended by adding at the end thereof the following new subsections:

"(d) As used in this section and section 2102 of title 39, United States Code, the term 'special purpose post office building' means a building which has the following characteristics:

"(1) It is situated in a particular geographical location to make it convenient for processing mail;

"(2) It is designed in a particular configuration to make it convenient for processing mail;

"(3) At least 90 per centum of the net interior floor space of the building is devoted to mail processing activities and related vehicle service (but excluding building services) and the remainder of such floor space is devoted to directly related supporting activities such as administrative and accounting offices, maintenance areas, and employees' welfare facilities; and

"(4) It is not readily usable or convertible to use as a general-purpose office building.

"(e) The Postmaster General may not, in any fiscal year, enter into lease agreements under this section (1) for the acquisition of special purpose post office buildings having an aggregate net interior floor space exceeding 6,000,000 square feet, or (2) requiring annual payments by the United States in an aggregate amount exceeding $15,000,000.

"(f) No lease agreement may be entered into under this section or section 2102 of title 39, United States Code, for a special purpose post office building having gross floor space exceeding 10,000 square feet—

"(1) until sixty days after the date of transmittal by the Postmaster General to the Committees on Public Works of the Senate and the House of Representatives of a report which shall include a full and complete statement concerning the need for such agreement and the terms and conditions thereof; or

"(2) after the expiration of five consecutive years following the date of enactment of this subsection."

(c) The text of section 2109, title 39, United States Code, is amended to read as follows:

"Agreements may not be entered into under sections 2104 and 2105 of this title after July 22, 1964."

The amendment was agreed to.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

Mr. MANSFIELD subsequently said: Mr. President, earlier today, the leadership called up Calendar No. 1364, H.R. 14548. This bill should have gone over at that time.

I ask unanimous consent that the action of the Senate in passing the bill be rescinded and that the bill be reinstated on the calendar.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 1400), explaining the purposes of the bill.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

PURPOSE

The purpose of this legislation is to continue beyond the current expiration date of December 31, 1966, the authority under 39 U.S.C. 2103 for the Postmaster General to enter into lease agreements for postal buildings for periods up to 30 years and the authority under such section for condemnation and other land acquisition and related land disposition.

THE NEED

The Post Office Department Property Act of 1954 (68 Stat. 521) authorized the Postmaster General to enter into long-term lease agreements for periods not to exceed 30 years. In addition, it authorized the Department to acquire land through purchase, condemnation, lease, donation, or otherwise; and to dispose of real property acquired or used for postal purposes by sale, lease, or otherwise as deemed appropriate to the best interests of the United States. This authority is included in section 2103 of title 39 of the United States Code. The 1954 act provided that no agreements could be entered into by the Postmaster General under the authority for such act later than 10 years after date of enactment. It was extended for 2½ years and this period will expire on December 31, 1966. This legislation is necessary to continue the leasing authority of the Postmaster General.

GENERAL STATEMENT

The 30-year lease construction program enables the Post Office Department to obtain control of a suitable site either by assignable option, by purchase, or by condemnation. Competitive bid procedures are followed. The Department conveys the site to the successful lease bidder, who builds the postal facility according to contract plans and specifications and then leases back the land and the building at a fixed rental for a specified term of years not in excess of 30.

The continued existence of the Department's land acquisition and disposal authority and the related 30-year leasing authority is vital to the Department's space acquisition program. Section 2103 now meets this vital need and should be continued. The major reasons for this conclusion may be summarized as follows:

1. It is the most economical method of procuring space under any leasing program where long-term occupancy is projected.

2. The 30-year term enables the Department to more evenly match space cost and revenue while at the same time minimizing Government financing.

3. Even if a Federal construction program were to be developed after fiscal year 1967, 30-year leasing authority would continue to be essential to the development of facilities where Federal ownership is inappropriate.

The necessity for continuing the land acquisition and disposal authority may be summarized as follows:

1. It is basic to a competitive lease construction program irrespective of the length of the lease terms.

2. The condemnation authority protects the Department against excessive land costs and by its very existence enables the Department to obtain options at fair prices which would not otherwise be obtainable.

COMMITTEE VIEWS

The committee, in reporting H.R. 14548, recognizes the need for continuing this authority to enable the Post Office Department to adequately handle those unique situations which indicate it would be to the Government's advantage to lease rather than construct. It further believes that the other authority granted by the act will insure the continued availability to the Postmaster General of the important aspects of his land acquisition and disposal authority, as well as the vital condemnation authority.

However, the committee feels that to be consistent with its policy it must limit the life of the authority to 5 years from the date of enactment so a further review and evaluation of the program can be made at that time.

It is recognized that in the current authority no provision was made for congressional review of proposed projects and, therefore, the committee has imposed a requirement that a prospectus be submitted to Senate and House Public Works Committees where it will lie for 60 days for review by the committees. The intent of the prospectus is to insure that adequate planning and consideration has gone into a proposed project.

The committee feels the bill, as it is amended, provides a better basis for operation and will insure the Government the best possible results.

In using the lease authority, it is expected that the Postmaster General will weigh carefully the alternatives and demonstrate in the prospectus the validity of using the lease authority.

BILL PASSED OVER

The bill (H.R. 8188) relating to deduction for income tax purposes of contributions to certain organizations for judicial reform was announced as next in order.

Mr. MANSFIELD. Over.

The ACTING PRESIDENT pro tempore. The bill will be passed over.

INCREASE IN THE AMOUNT AUTHORIZED TO BE APPROPRIATED FOR THE DEVELOPMENT OF THE ARKANSAS POST NATIONAL MEMORIAL

The bill (H.R. 12389) to increase the amount authorized to be appropriated for the development of the Arkansas Post National Memorial was considered, ordered to a third reading, read the third time, and passed.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 1402), explaining the purposes of the bill.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

PURPOSE

The purpose of H.R. 12389 is to increase the amount authorized to be appropriated for establishment of the Arkansas Post National Memorial in the State of Arkansas from $125,000 to $550,000.

NEED

Authority to establish the Arkansas Post National Memorial was given the Secretary of the Interior by the act of July 6, 1960 (74 Stat. 333). The lands necessary for this purpose—about 220 acres—have been donated to the Government and funds to the extent of $117,400 have been appropriated for development of the area. These appropriations have nearly exhausted the $125,000 to which the 1960 act limited authorized appropriations.

H.R. 12389, if enacted, will increase this limitation to $550,000. This will bring the authorized amount into line with current estimates of what will be required to complete the project. It will also restore the authorized amount to a figure approximating that which the Department of the Interior estimated in 1959 would be required for the job, due allowance being made for construction cost increases in the meantime and for certain work which was not then foreseen.

At the hearings in 1959 on H.R. 6108, 86th Congress—the bill which eventually became the act of July 6, 1960, cited above—the figure furnished the committee was $344,000 for development work. Cost increases in the interim would bring this to about $430,000. The difference between this amount and the $550,000 called for by H.R. 12389 is accounted for by proposed additional installations.

The plans of the National Park Service for development of the Arkansas Post National Memorial which enactment of H.R. 12389 will enable to be carried out include the completion of certain roads and trails, development of visitor parking, completion of a permanent visitor center, construction of two additional employee residences and of maintenance and utility facilities, completion of archeological and historical research, the marking and stabilization of important ruins, and the installation of interpretive aids.

Considering the importance of the Arkansas Post National Memorial as it was outlined to the House when the 1960 act was under consideration, the committee believes that the undertakings which enactment of H.R. 12389 will permit should proceed in an expeditious manner. It therefore recommends enactment of this bill.

COST

Enactment of H.R. 12389 will entail the expenditure of $425,000 for which provision is not now made by law.

BILL PASSED OVER

The bill (S. 2097) to provide for judicial review of the constitutionality of grants for loans under certain acts, was announced as next in order.

Mr. MANSFIELD. Over.

The ACTING PRESIDENT pro tempore. The bill will be passed over.

DESIGN PROTECTION ACT OF 1966

The Senate proceeded to consider the bill (S. 1237) to encourage the creation of original ornamental designs of useful articles by protecting authors of such designs for a limited time against unauthorized copying which had been reported from the Committee on the Judiciary with amendments on page 3, after line 4 to insert:

(e) composed of three-dimensional features of shape and surface with respect to men's, women's, and children's apparel, including undergarments and outerwear.

On page 14, line 8, after the word "record." to strike out "Remedy against such a final determination may be had by means of a civil action against the Administrator pursuant to the provisions of section 1361 of title 28, United States Code, if commenced within such time after such decision, not less than 60 days, as the administrator appoints."; after line 13 to insert:

(d) Remedy against a final adverse determination under subparagraphs (b) and (c) above may be had by means of a civil action against the Administrator pursuant to the provision of section 1361 of title 28, United States Code, if commenced within such time after such decision, not less than 60 days, as the Administrator appoints.

At the beginning of line 20, to strike out "(d)" and insert "(e)"; on page 18, after line 12, to strike out:

Sec. 20. The proprietor of a design shall have remedy for infringement by civil action instituted after (1) the issuance of a certificate of registration of the design, or (2) the final refusal of registration of the design by the Administrator notwithstanding the due filing and prosecution of an application therefor in proper form: *Provided, however,* That such action is commenced within one year after such final refusal and that the Administrator is given notice by the plaintiff of the commencement of the action.

And, in lieu there, to insert:

Sec. 20. (a) The proprietor of a design shall have remedy for infringement by civil action instituted after issuance of a certificate of registration of the design.

(b) The proprietor of a design may have judicial review of a final refusal of the Administrator to register the design, by a civil action brought as for infringement if commenced within the time specified in section 12(d), and shall have remedy for infringement by the same action if the court adjudges the design subject to protection under this Act: *Provided,* That (1) he has previously duly filed and duly prosecuted to such final refusal an application in proper form for registration of the design, and (2) he causes a copy of the complaint in action to be delivered to the Administrator within ten days after the commencement of the action, and (3) the defendant has committed acts in respect to the design which would constitute infringement with respect to a design protected under this Act.

On page 20, line 10, after the word "party.", to insert "The court may also award other expenses of suit to a defendant prevailing in an action brought under section 20(b)."; on page 24, line 12, after "of" to strike out "1965" and insert "1966."; in line 18, after "of" to strike out "1965" and insert "1966."; on page 25, line 3, after "of" to strike out "1965" and insert "1966,"; on page 26, in line 21, after the word "design," to strike out "January 1, 1965" and insert "July 1, 1967."; and on page 27, line 19, after the word "of" to strike out "1965" and insert "1966."; so as to make the bill read:

S. 1237

DESIGNS PROTECTED

Section 1. (a) The author or other proprietor of an original ornamental design of a useful article may secure the protection provided by this Act upon complying with and subject to the provisions hereof.

(b) For the purposes of this Act—

(1) A "useful article" is an article which in normal use has an intrinsic utilitarian function that is not merely to portray the appearance of the article or to convey information. An article which normally is a part of a useful article shall be deemed to be a useful article.

(2) The "design of a useful article", hereinafter referred to as a "design", consists of those aspects or elements of the article, including its two-dimensional or three-dimensional features of shape and surface, which make up the appearance of the article.

(3) A design is "ornamental" if it is intended to make the article attractive or distinctive in appearance.

(4) A design is "original" if it is the independent creation of an author who did not copy it from another source.

DESIGNS NOT SUBJECT TO PROTECTION

Sec. 2. Protection under this Act shall not be available for a design that is—

(a) not original;

(b) staple or commonplace, such as a standard geometric figure, familiar symbol, emblem, or motif, or other shape, pattern, or configuration which has become common, prevalent, or ordinary;

(c) different from a design excluded by subparagraph (b) above only in insignificant details or in elements which are variants commonly used in the relevant trades; or

(d) dictated solely by a utilitarian function of the articles that embodies it.

(e) composed of three-dimensional features of shape and surface with respect to men's, women's, and children's apparel, including undergarments and outerwear.

REVISIONS, ADAPTATIONS, AND REARRANGEMENTS

Sec. 3. Protection for a design under this Act shall be available notwithstanding the employment in the design of subject matter excluded from protection under section 2, if the design is a substantial revision, adaptation, or rearrangement of said subject matter: *Provided,* That such protection shall be available to a design employing subject matter protected under title 17 or 35 of the United States Code or under this Act, only if such protected subject matter is employed with the consent of the proprietor thereof. Such protection shall be independent of any subsisting protection in subject matter employed in the design, and shall not be construed as securing any right to subject matter excluded from protection or as extending any subsisting protection.

COMMENCEMENT OF PROTECTION

Sec. 4. (a) The protection provided for a design under this Act shall commence upon the date when the design is first made public.

(b) A design is made public when, by the proprietor of the design or with his constent, an existing useful article embodying the design anywhere publicly exhibited, publicly distributed, or offered for sale or sold to the public.

TERM OF PROTECTION

Sec. 5. (a) Subject to the provisions of this Act, the protection herein provided for a design shall continue for a term of five years from the date of the commencement of protection as provided in section 4(a), but if a proper application for renewal is received by the Administrator during the year prior to the expiration of the five-year term, the protection herein provided shall be extended for an additional period of five years from the date of expiration of the first five years.

(b) If the design notice actually applied shows a date earlier than the date of the commencement of protection as provided in section 4(a), protection shall terminate as though the term had commenced at the earlier date.

(c) Where the distinguishing elements of a design are in substantially the same form in a number of different useful articles, the design shall be protected as to all such articles when protected as to one of them, but no more than one registration shall be required. Upon expiration or termination of protection in a particular design as provided in this Act all rights under this Act in said design shall terminate, regardless of the number of different articles in which the design may have been utilized during the term of its protection.

THE DESIGN NOTICE

Sec. 6. (a) Whenever any design for which protection is sought under this Act is made public as provided in section 4(b), the proprietor shall, subject to the provisions of section 7, mark it or have it marked legibly with a design notice consisting of the following three elements:

(1) the words "Protected Design", the abbreviation "Prot'd Des." or the letter "D" within a circle, thus (D);

(2) the year of the date on which the design was first made public; and

(3) the name of the proprietor, an abbreviation by which the name can be recognized, or a generally accepted alternative designation of the proprietor; any distinctive identification of the proprietor may be used if it has been approved and recorded by the Administrator before the design marked with such identification is made public.

After registration the registration number may be used instead of the elements specified in (2) and (3) hereof.

(b) The notice shall be so located and applied as to give reasonable notice of design protection while the useful article embodying the design is passing through its normal channels of commerce. This requirement may be fulfilled, in the case of sheetlike or strip materials bearing repetitive or continuous designs, by application of the notice to each repetition, or to the margin, selvage, or reverse side of the material at reasonably frequent intervals, or to tags, or labels affixed to the material at such intervals.

(c) When the proprietor of a design has complied with the provisions of this section, protection under this Act shall not be affected by the removal, destruction, or obliteration by others of the design notice on an article.

EFFECT OF OMISSION OF NOTICE

Sec. 7. The omission of the notice prescribed in section 6 shall not cause loss of the protection or prevent recovery for infringement against any person who, after written notice of the design protection, begins an undertaking leading to infringement: *Provided,* That such omission shall prevent any recovery under section 22 against a person who began an undertaking leading to infringement before receiving written notice of the design protection, and no injunction shall be had unless the proprietor of the design shall reimburse said person for any reasonable expenditure or contractual obligation in connection with such undertaking incurred before written notice of design protection, as the court in its discretion shall direct. The burden of proving written notice shall be on the proprietor.

INFRINGEMENT

Sec. 8. (a) It shall be infringement of a design protected under this Act for any person, without the consent of the proprietor of the design, within the United States or its territories or possessions and during the term of such protection, to—

(1) make, have made, or import, for sale or for use in trade, any infringing article as defined in subsection (d) hereof; or

(2) sell or distribute for sale or for use in trade any such infringing article: *Provided, however,* That a seller or distributor of any such article who did not make or import the same shall be deemed to be an infringer only if—

(i) he induced or acted in collusion with a manufacturer to make, or an importer to import such article (merely purchasing or giving an order to purchase in the ordinary course of business shall not of itself constitute such inducement or collusion); or

(ii) he refuses or fails upon the request of the proprietor of the design to make a prompt and full disclosure of his source of such article, and he orders or reorders such article after having received notice by registered or certified mail of the protection subsisting in the design.

(b) It shall be not infringement to make, have made, import, sell, or distribute, any article embodying a design created without knowledge of, and copying from, a protected design.

(c) A person who incorporates into his own product of manufacture an infringing article acquired from others in the ordinary course of business, or who, without knowledge of the protected design, makes or processes an infringing article for the account of another person in the ordinary course of business, shall not be deemed an infringer except under the conditions of clauses (i) and (ii) of paragraph (a)(2) of this section. Accepting an order or reorder from the source of the infringing article shall be deemed ordering or reordering within the meaning of clause (ii) of paragraph (a)(2) of this section.

(d) An "infringing article" as used herein is any article, the design of which has been copied from the protected design, without the consent of the proprietor: *Provided, however,* That an illustration or picture of a protected design in an advertisement, book, periodical, newspaper, photograph, broadcast, motion picture, or similar medium shall not be deemed to be an infringing article. An article is not an infringing article if it embodies, in common with the protected design, only elements described in subsections (a) through (d) of section 2.

(e) The party alleging rights in a design in any action or proceeding shall have the burden of affirmatively establishing its originality whenever the opposing party introduces an earlier work which is identical to such design, or so similar as to make a prima facie showing that such design was copied from such work.

APPLICATION FOR REGISTRATION

SEC. 9. (a) Protection under this Act shall be lost if application for registration of the design is not made within six months after the date on which the design was first made public as provided in section 4(b).

(b) Application for registration or renewal may be made by the proprietor of the design.

(c) The application for registration shall be made to the Administrator and shall state (1) the name and address of the author or authors of the design; (2) the name and address of the proprietor if different from the author; (3) the specific name of the article, indicating its utility; (4) the date when the design was first made public as provided in section 4(b); and (5) such other information as may be required by the Administrator. The application for registration may include a description setting forth the salient features of the design, but the absence of such a description shall not prevent registration under this Act.

(d) The application for registration shall be accompanied by a statement under oath by the applicant or his duly authorized agent or representative, setting forth that, to the best of his knowledge and belief (1) the design is original and was created by the author or authors named in the application; (2) the design has not previously been registered on behalf of the applicant or his predecessor in title; (3) the design has been made public as provided in section 4(b); and (4) the applicant is the person entitled to protection and to registration under this Act. If the design has been made public with the design notice prescribed in section 6, the statement shall also describe the exact form and position of the design notice.

(e) Error in any statement or assertion as to the utility of the article named in the application, the design of which is sought to be registered, shall not affect the protection secured under this Act.

(f) Errors in omitting a joint author or in naming an alleged joint author shall not affect the validity of the registration, or the actual ownership or the protection of the design: *Provided,* That the name of one individual who was in fact an author is stated in the application. Where the design was made within the regular scope of the author's employment and individual authorship of the design is difficult or impossible to ascribe and the application so states, the name and address of the employer for whom the design was made may be stated instead of that of the individual author.

(g) The application for registration shall be accompanied by two copies of a drawing or other pictorial representation of the useful article having one or more views adequate to show the design, in a form and style suitable for reproduction, which shall be deemed a part of the application.

(h) Related useful articles having common design features may be included in the same application under such conditions as may be prescribed by the Administrator.

BENEFIT OF EARLIER FILING DATE IN FOREIGN COUNTRY

SEC. 10. An application for registration of a design filed in this country by any person who has, or whose legal representative or predecessor or successor in title has previously regularly filed an application for registration of the same design in a foreign country which affords similar privileges in the case of applications filed in the United States or to citizens of the United States shall have the same effect as if filed in this country on the date on which the application was first filed in any such foreign country, if the application in this country is filed within six months from the earliest date on which any such foreign application was filed.

OATHS AND ACKNOWLEDGMENTS

SEC. 11. Oaths and acknowledgments required by this Act may be made before any person in the United States authorized by law to administer oaths, or, when made in a foreign country, before any diplomatic or consular officer of the United States authorized to administer oaths, or before any official authorized to administer oaths in the foreign country concerned, whose authority shall be proved by a certificate of a diplomatic or consular officer of the United States, and shall be valid if they comply with the laws of the state or country where made.

EXAMINATION OF APPLICATION AND ISSUE OR REFUSAL OF REGISTRATION

SEC. 12. (a) Upon the filing of an application for registration in proper form as provided in section 9, and upon payment of the fee provided in section 15, the Administrator shall determine whether or not the application relates to a design which on its face appears to be subject to protection under this Act, and if so, he shall register the design. Registration under this subsection shall be announced by publication.

(b) If, in his judgment, the application for registration relates to a design which on its face is not subject to protection under this Act, the Administrator shall send the applicant a notice of his refusal to register and the grounds therefor. Within three months from the date the notice of refusal is sent, the applicant may request, in writing, reconsideration of his application. After consideration of such a request, the Administrator shall either register the design or send the applicant a notice of his final refusal to register.

(c) Any person who believes he is or will be damaged by a registration under this Act may, upon payment of the prescribed fee, apply to the Administrator at any time to cancel the registration on the ground that the design is not subject to protection under the provisions of this Act, stating the reasons therefor. Upon receipt of an application for cancellation, the Administrator shall send the proprietor of the design, as shown in the records of the Office of the Administrator, a notice of said application, and the proprietor shall have a period of three months from the date such notice was mailed in which to present arguments in support of the validity of the registration. It shall also be within the authority of the Administrator to establish, by regulation, conditions under which the opposing parties may appear and be heard in support of their arguments. If, after the periods provided for the presentation of arguments have expired, the Administrator determines that the applicant for cancellation has established that the design is not subject to protection under the provisions of this Act, he shall order the registration stricken from the record. Cancellation under this subsection shall be announced by publication, and notice of the Administrator's final determination with respect to any application for cancellation shall be sent to the applicant and to the proprietor of record.

"(d) Remedy against a final adverse determination under subparagraphs (b) and (c) above may be had by means of a civil action against the Administrator pursuant to the provision of section 1361 of title 28, United States Code, if commenced within such time after such decision, not less than 60 days, as the Administrator appoints."

(e) When a design has been registered under this section, the lack of utility of any article in which it has been embodied shall be no defense to an infringement action under section 20, and no ground for cancellation under subsection (c) of this section or under section 23.

CERTIFICATE OF REGISTRATION

SEC. 13. Certificates of registration shall be issued in the name of the United States under the seal of the Office of the Administrator and shall be recorded in the official records of that Office. The certificate shall state the name of the useful article, the date of filing of the application, the date on which the design was first made public as provided in section 4(b) or any earlier date as set forth in section 5(b), and shall contain a reproduction of the drawing or other pictorial representation showing the design. Where a description of the salient features of the design appears in the application, this description shall also appear in the certificate. A renewal certificate shall contain the date of renewal registration in addition to the foregoing. A certificate of initial or renewal registration shall be admitted in any court as prima facie evidence of the facts stated therein.

PUBLICATION OF ANNOUNCEMENTS AND INDEXES

SEC. 14. (a) The Administrator shall publish lists and indexes of registered designs and cancellations thereof and may also publish the drawing or other pictorial representatives of registered designs for sale or other distribution.

(b) The Administrator shall establish and maintain a file of the drawings or other pictorial representations of registered designs, which file shall be available for use by the public under such conditions as the Administrator may prescribe.

FEES

SEC. 15. (a) There shall be paid to the Administrator the following fees:

(1) On filing each application for registration or for renewal of registration of a design, $15.

(2) For each additional related article included in one application, $10.

(3) For recording assignments, $3 for the first six pages, and for each additional two pages or less, $1.

(4) For a certificate of correction of an error not the fault of the Office, $10.

(5) For certification of copies of records, $1.

(6) On filing each application for cancellation of a registration, $15.

(b) The Administrator may establish charges for materials or services furnished by the Office, not specified above, reasonably related to the cost thereof.

REGULATIONS

SEC. 16. The Administrator may establish regulations not inconsistent with law for the administration of this Act.

COPIES OF RECORDS

Sec. 17. Upon payment of the prescribed fee, any person may obtain a certified copy of any official record of the Office of the Administrator, which copy shall be admissible in evidence with the same effect as the original.

CORRECTION OF ERRORS IN CERTIFICATES

Sec. 18. The Administrator may correct any error in a registration incurred through the fault of the Office, or, upon payment of the required fee, any error of a clerical or typographical nature not the fault of the Office occurring in good faith, by a certificate of correction under seal. Such registration, together with the certificate, shall thereafter have the same effect as if the same had been originally issued in such corrected form.

OWNERSHIP AND TRANSFER

Sec. 19. (a) The property right in a design subject to protection under this Act shall vest in the author, the legal representatives of a deceased author or of one under legal incapacity, the employer for whom the author created the design in the case of a design made within the regular scope of the author's employment, or a person to whom the rights of the author or of such employer have been transferred. The person or persons in whom the property right is vested shall be considered the proprietor of the design.

(b) The property right in a registered design, or a design for which an application for registration has been or may be filed, may be assigned, granted, conveyed, or mortgaged by an instrument in writing, signed by the proprietor, or may be bequeathed by will.

(c) An acknowledgement as provided in section 11 shall be prima facie evidence of the execution of an assignment, grant, conveyance, or mortgage.

(d) An assignment, grant, conveyance, or mortgage shall be void as against any subsequent purchaser or mortgagee for a valuable consideration, without notice, unless it is recorded in the Office of the Administrator within three months from its date of execution or prior to the date of such subsequent purchase or mortgage.

REMEDY FOR INFRINGEMENT

Sec. 20. (a) The proprietor of a design shall have remedy for infringement by civil action instituted after issuance of a certificate of registration of the design.

(b) The proprietor of a design may have judicial review of a final refusal of the Administrator to register the design, by a civil action brought as for infringement if commenced within the time specified in section 12(d), and shall have remedy for infringement by the same action if the court adjudges the design subject to protection under this Act: *Provided*, That (1) he has previously duly filed and duly prosecuted to such final refusal an application in proper form for registration of the design, and (2) he causes a copy of the complaint in action to be delivered to the Administrator within ten days after the commencement of the action, and (3) the defendant has committed acts in respect to the design which would constitute infringement with respect to a design protected under this Act.

INJUNCTION

Sec. 21. The several courts having jurisdiction of actions under this Act may grant injunctions in accordance with the principles of equity to prevent infringement, including in their discretion, prompt relief by temporary restraining orders and preliminary injunction.

RECOVERY FOR INFRINGEMENT, AND SO FORTH

Sec. 22. (a) Upon finding for the claimant the court shall award him damages adequate to compensate for the infringement, but in no event less than the reasonable value the court shall assess them. In either event the court may increase the damages to such amount, not exceeding $5,000 or $1 per copy, whichever is greater, as to the court shall appear to be just. The damages awarded in any of the above circumstances shall constitute compensation and not a penalty. The court may receive expert testimony as an aid to the determination of damages.

(b) No recovery under paragraph (a) shall be had for any infringement committed more than three years prior to the filing of the complaint.

(c) The court may award resasonable attorney's fees to the prevailing party. The court may also award other expenses of suit to a defendant prevailing in an action brought under section 20(b).

(d) The court may order that all infringing articles, and any plates, molds, patterns, models, or other means specifically adapted for making the same be delivered up for destruction or other disposition as the court may direct.

POWER OF COURT OVER REGISTRATION

Sec. 23. In any action involving a design for which protection is sought under this Act, the court when appropriate may order registration of a design or the cancellation of a registration. Any such order shall be certified by the court to the Administrator, who shall make appropriate entry upon the records of his Office.

LIABILITY FOR ACTION ON REGISTRATION FRAUDULENTLY OBTAINED

Sec. 24. Any person who shall bring an action for infringement knowing that registration of the design was obtained by a false or fraudulent representation materially affecting the rights under this Act, shall be liable in the sum of $1,000, or such part thereof as the court may determine, as compensation to the defendant, to be charged against the plaintiff and paid to the defendant, in addition to such costs and attorney's fees of the defendant as may be assessed by the court.

PENALTY FOR FALSE MARKING

Sec. 25. (a) Whoever, for the purpose of deceiving the public, marks upon, or applies to, or uses in advertising in connection with any article made, used, distributed, or sold by him, the design of which is not protected under this Act, a design notice as specified in section 6 or any other words or symbols importing that the design is protected under this Act, knowing that the design is not so protected, shall be fined not more than $500 for every such offense.

(b) Any person may sue for the penalty, in which event, one-half shall go to the person suing and the other to the use of the United States.

PENALTY FOR FALSE REPRESENTATION

Sec. 26. Whoever knowingly makes a false representation materially affecting the rights obtainable under this Act for the purpose of obtaining registration of a design under this Act shall be fined not less than $500 and not more than $1,000, and any rights or privileges he may have in the design under this Act shall be forfeited.

RELATION TO COPYRIGHT LAW

Sec. 27. (a) Nothing in this Act shall affect any right or remedy now or hereafter held by any person under title 17 of the United States Code.

(b) When a pictorial, graphic, or sculptural work in which copyright subsists under title 17 of the United States Code is utilized in an original ornamental design of a useful article, by the copyright proprietor or under an express license from him, the design shall be eligible for protection under the provisions of this Act.

RELATION TO PATENT LAW

Sec. 28. (a) Nothing in this Act shall affect any right or remedy available to or held by any person under title 35 of the United States Code.

(b) The issuance of a design patent for an ornamental design for an article of manufacture under said title 35 shall terminate any protection of the design under this Act.

COMMON LAW AND OTHER RIGHTS UNAFFECTED

Sec. 29. Nothing in this Act shall annul or limit (1) common law or other rights or remedies, if any, available to or held by any person with respect to a design which has not been made public as provided in section 4(b), or (2) any trademark right or right to be protected against unfair competition.

ADMINISTRATOR

Sec. 30. The Administrator and Office of the Administrator referred to in this Act shall be such officer and office as the President may designate.

SEVERABILITY CLAUSE

Sec. 31. If any provision of this Act or the application of such provision to any person or circumstance is held invalid, the remainder of the Act or the application to other persons or circumstances shall not be affected thereby.

AMENDMENT OF COPYRIGHT LAW

Sec. 32. Chapter I of title 17, United States Code, is amended by adding the following:

"§ 33. Ornamental design of useful article not subject to deposit; effect of utilization of copyrighted work in design of useful article

"(a) For purposes of deposit under sections 12 and 13 of this title, the Copyright Office shall in no case be required to accept for deposit a useful article even if it embodies a pictorial, graphic, or sculptured work, but nothing in this subsection shall preclude deposit and registration of pictorial, graphic, or sculptural works that portray useful articles or that are intended for utilization in the designs of useful articles.

"(b) When a pictorial, graphic, or sculptural work in which copyright subsists under this title is utilized in an original ornamental design of a useful article, by the copyright proprietor or under an express license from him, the design shall be eligible for protection under the provisions of the Design Protection Act of 1966.

"(c) Protection under this title of a work in which copyright subsists shall terminate with respect to its utilization in useful articles whenever the copyright proprietor has obtained registration of an ornamental design of a useful article embodying said work under the provisions of the Design Protection Act of 1966. Unless and until the copyright proprietor has obtained such registration, the copyrighted pictorial, graphic, or sculptural work shall continue in all respects to be covered by and subject to the protection afforded by the copyright subsisting under this title. Nothing in this section shall be deemed to create any additional rights or protection under this title.

"(d) Nothing in this section shall affect any right or remedy held by any person under this title in a work in which copyright was subsisting on the effective date of the Design Protection Act of 1966, or with respect to any utilization of a copyrighted work other than in the design of a useful article.

"(e) A 'useful article' as used in this section is an article which in normal use has an intrinsic utilitarian function that is not merely to portray the appearance of the article or to convey information. An article which is normally a part of a useful article shall be deemed to be a useful article."

AMENDMENT OF OTHER STATUTES

SEC. 33. (a) Subdivision a(2) of section 70 of the Bankruptcy Act of July 1, 1898, as amended (11 U.S.C. 110(a)), is amended by inserting "designs," after "patent rights," and "design registration," after "application for patent,".

(b) Title 28 of the United States Code is amended—

(1) by inserting "designs," after "patents," in first sentence of section 1338(a);

(2) by inserting ", design," after "patent" in the second sentence of section 1338(a);

(3) by inserting "design," after "copyright," in section 1338(b);

(4) by inserting "and registered designs" after "copyrights" in section 1400; and

(5) by revising section 1498(a) to read as follows:

"(a) Whenever a registered design or invention is used or manufactured by or for the United States without license of the owner thereof or lawful right to use or manufacture the same, the owner's remedy shall be by action against the United States in the Court of Claims for the recovery of his reasonable and entire compensation for such use and manufacture.

"For the purposes of this section, the use or manufacture of a registered design or an invention described in and covered by a patent of the United States by a contractor, a subcontractor, or any person, firm, or corporation for the Government and with the authorization or consent of the Government, shall be construed as use or manufacture for the United States.

"The court shall not award compensation under this section if the claim is based on the use or manufacture by or for the United States of any article owned, leased, used by, or in the possession of the United States, prior to, in the case of an invention, July 1 1918, and in the case of a registered design July 1, 1967.

"A Government employee shall have the right to bring suit against the Government under this section except where he was in a position to order, influence, or induce use of the registered design or invention by the Government. This section shall not confer a right of action on any registrant or patentee or any assignee of such registrant or patentee with respect to any design created by or invention discovered or invented by a person while in the employment or service of the United States, where the design or invention was related to the official functions of the employee, in cases in which such functions included research and development, or in the making of which Government time, materials, or facilities were used."

TIME OF TAKING EFFECT

SEC. 34. This Act shall take effect one year after its enactment.

NO RETROACTIVE EFFECT

SEC. 35. Protection under this Act shall not be available for any design that has been made public as provided in section 4(b) prior to the effective date of this Act.

SHORT TITLE

SEC. 36. This Act may be cited as "The Design Protection Act of 1966."

The amendments were agreed to.

The bill was ordered to be engrossed for a third reading, was read the third time, and passed.

Mr. **MANSFIELD**. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 1404), explaining the purposes of the bill.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

PURPOSE OF AMENDMENTS

The amendments are primarily intended to clarify provisions of the bill. The first amendment would exclude from protection, designs that are composed of three-dimensional features of shape and surface with respect to men's, women's, and children's apparel, including undergarments and outerwear.

The second amendment specifically provides for a remedy from a final adverse determination of the Administrator under both subsections (b) and (c) of section 12 relating to the refusal of registration of a design. As introduced, the bill specifically provided a remedy only under subsection (c) of section 12.

The third amendment reletters a subsection.

The fourth amendment deletes the original language of section 20 relating to the remedy for infringement and substitutes new language, including a more reasonable time limit on the joining of a suit to review a final adverse determination of the Administrator with an action for infringement of a design.

The fifth amendment, which relates to section 22 concerning recovery for infringement, provides for an additional discretionary award to be made to a defendant prevailing in an action under section 20(b). The purpose of the amendment is to discourage the bringing of frivolous suits when a registered design has not been obtained.

The remaining amendments are technical in nature.

PURPOSE

The purpose of the proposed legislation, as amended, is to encourage the creation of original ornamental designs of useful articles by protecting the authors of such designs for a limited time against unauthorized copying. The bill is intended to offer the creators of ornamental designs of useful articles a new form of protection directed toward the special problems arising in the design field, and is intended to avoid the defects of the existing copyright and design patent statutes by providing simple, easily secured, and effective design protection for the period of 5 years, or, if renewed, a period of 10 years, under appropriate safeguards and conditions.

Such designs are presently protected by design patents issued under title 35, United States Code, if they meet the requirements of title 35. A design patent may not be issued until a search has been made to determine that such design possesses novelty. The design patent law, while affording protection to some designs, has proved inadequate to protect those whose designs have only a short life expectancy.

The present copyright statute is equally inappropriate for the protection of such designs. The term of copyright protection is too long for the majority of designs. The scope of copyright protection is too broad, while the notice and registration requirements do not fit the needs of design protection. Also, the copyright law protects only those designs which can be separately identified as "works of art."

Because of the limitations of both the design patent and copyright laws, this legislation proposes to establish a new form of protection for "original ornamental designs of useful articles." The subject matter of the bill is limited to designs of useful articles, the term "design" referring to those features of the useful article intended to give it an ornamental appearance. The protection provided by this legislation would begin when a useful article, bearing the design, is made public, and would last for 5 or, if renewed, 10 years.

Nothing in this legislation would affect any rights or remedies presently available under titles 17 and 35 of the United States Code.

STATEMENT

The instant bill is substantially similar to S. 1884 passed by the Senate in the 87th Congress, and S. 776 approved by the Senate in the 88th Congress. No final action was taken in the other body on either measure.

S. 1884 was the outgrowth of S. 2075 and S. 2852 introduced during the 2d session of the 86th Congress. It reflected the successful effort of the sponsors of the predecessor bills and other interested groups to eliminate the differences between the bills introduced during the 86th Congress.

The Subcommittee on Patents, Trademarks, and Copyrights of this Committee held public hearings on the subject of design protection legislation in 1960 and 1961 and the record of those hearings was incorporated by reference as part of the subcommittee proceedings on S. 1237. Subsequent to the passage of design legislation by the Senate in the 88th Congress, various retailers expressed concern as to possible liability under the provisions of this legislation. It was primarily to explore that issue that the Subcommittee on Patents, Trademarks, and Copyrights conducted a public hearing July 28, 1965, in connection with its consideration of S. 1237.

VIEWS OF GOVERNMENT AGENCIES

The Library of Congress testified on July 28, 1965, in support of S. 1237.

The Department of Commerce, in its report dated May 31, 1966, endorsed the objectives of the legislation and suggested certain amendments.

The Department of Justice, in its report dated June 3, 1966, opposed the proposed legislation because of the Department's opposition to exceptions from the provisions of the antitrust laws and also because of reservations concerning the constitutionality of the proposed legislation.

The Small Business Administration, in its report dated June 1, 1966, endorsed the legislation.

MISS MATSUE SATO

The bill (S. 3238) for the relief of Miss Matsue Sato was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, in the administration of the Immigration and Nationality Act, Miss Matsue Sato, the fiancée of Mr. Mark R. Edelberg, a citizen of the United States, shall be eligible for a visa as a nonimmigrant temporary visitor for a period of three months: *Provided,* That the administrative authorities find that the said Miss Matsue Sato is coming to the United States with a bona fide intention of being married to the said Mr. Mark H. Edelberg and that she is found otherwise admissible under the immigration laws. In the event the marriage between the above-named persons does not occur within three months after the entry of the said Miss Matsue Sato, she shall be required to depart from the United States and upon failure to do so shall be deported in accordance with the provisions of sections 242 and 243 of the Immigration and Nationality Act. In the event that the marriage between the above-named persons shall occur within three months after the entry of the said Miss Matsue Sato, the

Attorney General is authorized and directed to record the lawful admission for permanent residence of the said Miss Matsue Sato as of the date of the payment by her of the required visa fee.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 1405), explaining the purposes of the bill.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

PURPOSE OF THE BILL

The purpose of the bill is to enable the fiance of a U.S. citizen to enter the United States. If the marriage occurs within 3 months after her entry to the United States, her status may be adjusted to that of a lawful resident alien.

UNIFORM CIVIL APPELLATE RULES

The bill (S. 3254) to amend sections 2072 and 2112 of title 28, United States Code, with respect to the scope of the Federal Rules of Civil Procedure and to repeal inconsistent legislation was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the catchline and first paragraph of section 2072 of title 28 of the United States Code are amended so as to read as follows:

"§ 2072. Rules of civil procedure

"The Supreme Court shall have the power to prescribe by general rules, the forms of process, writs, pleadings, and motions, and the practice and procedure of the district courts and courts of appeals of the United States in civil actions, including admiralty and maritime cases, and appeals therein, and the practice and procedure in proceedings for the review by the courts of appeals of decisions of the Tax Court of the United States and for the judicial review or enforcement of orders of administrative agencies, boards, commissions, and officers."

SEC. 2. Section 2073 and 2074 of title 28 of the United States Code are repealed, but their repeal shall not operate to invalidate or repeal rules adopted under the authority of one of those sections prior to the enactment of this Act, which rules shall remain in effect until superseded by rules prescribed under the authority of section 2072 of title 28 of the United States Code as amended by this Act.

SEC. 3. Item 2072 in the analysis of chapter 131 of title 28 of the United States Code, appearing immediately preceding section 2071 thereof, is amended so as to read as follows:

"Sec. 2072. Rules of civil procedure.",

and items 2073 and 2074 are stricken from such analysis.

SEC. 4. Section 11 of the Act of December 29, 1950 (ch. 1189, 64 Stat. 1132; 5 U.S.C. 1041), is repealed, but its repeal shall not operate to invalidate or repeal rules adopted under the authority of that section prior to the enactment of this Act, which rules shall remain in effect until superseded by rules prescribed under the authority of section 2072 of title 28 of the United States Code as amended by this Act.

SEC. 5. (a) The first sentence of subsection (a) of section 2112 of title 28 of the United States Code is amended to read as follows: "The rules prescribed under the authority of section 2072 of this title may provide for the time and manner of filing and the contents of the record in all proceedings instituted in the courts of appeals to enjoin, set aside, suspend, modify, or otherwise review or enforce orders of administrative agencies, boards, commissions, and officers."

(b) The first sentence of subsection (b) of section 2112 of title 28 of the United States Code is amended by striking out the phrase "the said rules of the court of appeals" and striking out the phrase "the rules of such court" and inserting in lieu of each of such phrases the phrase "the rules prescribed under the authority of section 2072 of this title".

(c) The amendments of section 2112 of title 28 of the United States Code made by this Act shall not operate to invalidate or repeal rules adopted under the authority of that section prior to the enactment of this Act, which rules shall remain in effect until superseded by rules prescribed under the authority of section 2072 of title 28 of the United States Code as amended by this Act.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 1406), explaining the purposes of the bill.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

PURPOSE

The purpose of the proposed legislation is to authorize the Supreme Court to extend the scope of the Federal Rules of Civil Procedure to encompass practice and procedure in civil actions conducted before the U.S. courts of appeals. The bill also codifies in one section the rule-making power with respect to civil rules, admiralty rules and appeals from the Tax Court of the United States. Rules for appeals of agency decisions will also be promulgated under the amended 28 U.S.C. section 2072.

STATEMENT

Current statutory law provides that the Supreme Court has the power to prescribe rules for the trial and appeal of criminal cases, 18 U.S.C., sections 3771–3772, the trial and appeal of admiralty and maritime cases, 28 U.S.C., section 2073, and the review of decisions of the Tax Court of the United States, 28 U.S.C., section 2074. However, the statute which provides for the promulgations of civil rules of procedure, 28 U.S.C., section 2072, extends only to the practice and procedure of the district courts of the United States, making no provision for governing the practice and procedure in the courts of appeals.

Due to this omission in the existing statutory pattern, the Rules of Civil Procedure cover only the preliminary procedure on appeal from the filing of the notice of appeal in the district court to the docketing of the appeal and the filing of the record in the court of appeals. Appellate procedure beyond that point is controlled by the individual rules of the courts of appeals to which the particular appeal is taken. There are 11 courts of appeals and consequently 11 different sets of rules governing appellate proceedings in the Federal system.

The Judicial Conference of the United States has considered the problem of the diversity in appellate procedure, and its Advisory Committee on Appellate Rules has been drafting a set of uniform rules. In March 1964 the Conference reported:

"The Conference considered the question as to the manner in which a set of appellate rules, when finally perfected, can be promulgated. Upon recommendation of the [Advisory] Committee, the Conference approved a draft bill, submitted by the Committee, which would amend 28 U.S.C., section 2072, to enlarge the present civil rulemaking authority of the Supreme Court of the United States to include appellate rules. The bill, as drawn, would extend the civil rulemaking power of the Supreme Court to include bankruptcy proceedings and proceedings for the review and enforcement of orders of administrative agencies. The bill would also consolidate the present admiralty rulemaking power with that for all other civil actions." (Annual Report of the Director of the Administrative Office of the U.S. Courts, 1964, at p. 22.)

Judicial Conference of the United States has informed the committee that it "urgently" recommends the passage of S. 3254.

The bill also has the effect of placing in one statutory section substantially all of the rulemaking authority with respect to civil proceedings. The bill will not alter the provisions of the third paragraph of section 2072 of title 28, United States Code, and all amendments to existing Federal Rules of Civil Procedure and any new rules proposed under the authority of S. 3254 would not take effect until they had been reported to Congress at or after the beginning of a regular session but not later than May 1 and only after the expiration of 90 days after they had been so reported.

Under these provisions it would be necessary for Congress to enact a law within the 90-day period to prevent a proposed rule from taking effect. Even though section 2072 of title 28 provides that rules must not affect substantive rights, as a practical matter little opportunity is available for Congress to act upon a proposed rule that might infringe upon this requirement.

This bill follows a procedure for the adoption of appellate rules that parallels the procedures under existing law for the promulgation of the Federal Rules of Civil and Criminal Procedure. In following this procedure, however, it is not necessarily the intention of the committee to indicate renewed approval of this manner of promulgating rules of court procedure. Members of the Supreme Court and of this committee have expressed reservations about the way in which rules of court procedures are adopted, and about the lack of opportunity for congressional review, and have suggested that the matter deserves careful reexamination.

Federal practice and procedure now has the benefit of uniform appellate rules for the prosecution of every type of appeal except a civil appeal. This bill, if enacted, will extend this benefit to civil appeals as well.

In view of these considerations, the committee recommends that the bill S. 3254, be considered favorably.

REAPPOINTMENT OF THE LEGISLATURE OF THE VIRGIN ISLANDS REVISION

The Senate proceeded to consider the bill (H.R. 13277) to amend the Revised Organic Act of the Virgin Island to provide for the reapportionment of the Legislature of the Virgin Islands which had been reported from the Committee on Interior and Insular Affairs with amendments on page 1, at the beginning of line 3, to strike out "That, effective January 1, 1967," and insert "That"; and on page 2, after line 9, to insert the following new section:

SEC. 2. This Act shall be effective with respect to the legislature to be elected at the regular general election in November 1966, and thereafter.

The amendments were agreed to.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 1407), explaining the purposes of the bill.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

PURPOSE

The purpose of H.R. 13277 is to amend the Revised Organic Act of the Virgin Islands to provide for the enlargement and reapportionment of the Legislature of the Virgin Islands.

NEED

The Revised Organic Act of the Virgin Islands (act of July 22, 1954, 68 Stat. 497, as amended; 48 U.S.C. ch. 12) vests the territory's legislative power in a unicameral body composed of 11 members, known as senators. The power of the legislature extends to "all rightful subjects of legislation" not inconsistent with the laws of the United States which are applicable to the Virgin Islands.

The islands are divided into three legislative districts, St. Thomas, St. Croix, and St. John. Section 5(b) of the Revised Organic Act apportions two senators to the district of St. Thomas, two to the district of St. Croix, and one to the district of St. John. The other six are elected at large. Under the present statute each elector is entitled to vote for two and only two of the at-large candidates.

If enacted, H.R. 13277 will enlarge the membership of the legislature to 15, permit its reapportionment in keeping with the recent U.S. Supreme Court decisions enunciating the "one man, one vote" principle, and abolish the "two out of six" rule. Pending action by the legislature it will also fix the total number of members to be elected at large at four and allocate five each to St. Thomas and St. Croix and one to St. John.

The responsibility of the Congress for continuing the development of meaningful self-government for the Virgin Islands and, although the decisions of the Supreme Court in the recent reapportionment cases do not apply per se to the Virgin Islands, keeping it as consistent as possible with the principles of those cases and the equal protection clause of the 14th amendment require the enactment of this legislation.

The addition of four seats will, furthermore, enable the legislature to discharge its duties better than it now can. This will be particularly helpful in view of the rapid economic development that has taken place in the Virgin Islands in recent years and that requires the legislature to consider increasingly sophisticated and complex problems.

The provision in H.R. 13277 for reapportionment from time to time as the legislature sees fit, subject to the qualification that no person in the Virgin Islands be denied the equal protection of the laws by such reapportionment and that every voter be permitted to vote for the whole number of persons to be elected in any district or at-large election, will permit the wishes of the people of the Virgin Islands, as they may be expressed, to prevail. While H.R. 13277 does not follow a recommendation of a recent constitutional convention in the Virgin Islands that whatever reapportionment is agreed upon shall be frozen by Federal statute, it is believed that this should be adjustable as population shifts occur and that the local legislature is the proper body to make whatever reapportionment may be necessary, it in no way contravenes the basic principles which that convention recommended.

The omission of the existing provision of law limiting each voter to two at-large candidates will, it is believed, strengthen democracy in the Virgin Islands. The present provision, some believe, lends itself to arrangements by and between strong and disciplined political factions and leaders which lead to the election of candidates who are not necessarily the popular choice of the majority.

AMENDMENTS

The bill was amended in two respects. The first amendment deletes the date January 1, 1967, as the effective date of the act. The second amendment adds a new section 2 providing that H.R. 13277 shall become effective with respect to the legislature to be elected at the regular general election in November 1966, and thereafter.

THE AIRLINE STRIKE

Mr. MORSE. Mr. President, I send to the desk an amendment to my resolution, Senate Joint Resolution 181, to provide for the settlement of the labor dispute currently existing between the air carriers and certain of their employees. I ask unanimous consent that the amendment be printed, including a printing in the RECORD of today, and that it be referred to the appropriate committee.

The PRESIDING OFFICER. The amendment will be received, printed, and appropriately referred; and, without objection, the amendment will be printed in the RECORD.

The amendment (No. 712) was referred to the Committee on Labor and Public Welfare, as follows:

> Strike out all of lines 9 and 10 on page 1 and lines 1 and 2 on page 2 and insert in lieu thereof the following:
>
> "Aerospace Workers, a labor organization, threatens substantially to interrupt interstate commerce to a degree such as to deprive any section of the country of essential transportation services; that such essential transportation services must be maintained;".

Mr. MORSE. Mr. President, Senate Joint Resolution 181 contains a finding and declaration that emergency measures are essential to the settlement of this dispute between the five carriers and the International Association of Machinists. It provides for an extension of time under the Railway Labor Act for 180 days during which none of the parties to the controversy shall engage in or continue any strike or lockout.

If this resolution is adopted by Congress, the parties will be enjoined to reach a settlement on this dispute in less than 60 days.

The amendment would modify the findings recited in Senate Joint Resolution 181 to make such criteria conform with the Railway Labor Act.

In explaining the modifications I wish to point out that the Taft-Hartley Act and the Railway Labor Act differ in two essential respects in their provisions for triggering their respective emergency dispute procedures.

First. Under the Railway Labor Act, the initial judgment for triggering of the procedures is made by the National Mediation Board, which then notifies the President, who may thereupon, in his discretion, appoint an investigation board. Under the Taft-Hartley Act, the President makes the initial finding.

Second. Under the Taft-Hartley Act, the finding required is that "a threatened or actual strike or lockout affecting an entire industry or a substantial part thereof will, if permitted to occur or to continue, imperil the national health or safety." Under the Railway Labor Act, the finding need only be that the dispute would "threaten substantially to interrupt interstate commerce to a degree such as to deprive any section of the country of essential transportation service."

Thus, the Railway Labor Act procedures do not depend upon a national emergency, or upon an entire industry being affected, in order to become operative. All that is necessary is that the dispute interrupt interstate commerce to the extent that any section of the country is deprived of an essential transportation service.

The nature of the disputes which are subject to emergency procedures of the Railway Labor Act is reflected by the fact that they have been invoked on numerous occasions in which the dispute was not industrywide, but involved only a single carrier. Examples of this are found in the following Executive orders, which were issued by the President for the purpose of establishing emergency boards under section 10 of the act and which involved only a single carrier:

Executive Order No. 11050, September 14, 1962—REA Express.

Executive Order No. 11041, August 6, 1962—Belt Railway Co. of Chicago.

Executive Order No. 11033, June 20, 1962—American Air Lines, Inc.

Executive Order No. 11006, February 22, 1962—Eastern Airlines.

Executive Order No. 10923, February 24, 1961—Northwest Airlines, Inc.

Executive Order No. 10874, April 18, 1960—Long Island Railroad.

Executive Order No. 10142, July 12, 1950—Braniff Airways, Inc.

Executive Order No. 10139, July 3, 1950—Lakefront Dock Co.

Executive Order No. 10078, September 9, 1949—Monongahela Connecting Railroad Co.

The President, when he created the Emergency Board to which I was appointed Chairman, made a similar finding under the Railway Labor Act that Congress in Senate Joint Resolution 181 is asked to find by my resolution.

Mr. President, the amendment I offer, at the appropriate place in the bill, would substitute for language stricken this language:

> Aerospace Workers, a labor organization, threatens substantially to interrupt interstate commerce to a degree such as to deprive any section of the country of essential transportation services; that such essential transportation services must be maintained.

I say to Senators that I am sorry that I do not have copies to be placed on their desks, nor do I have copies for the press; but copies will be available for the Senate and the press in a few minutes, together with a short speech which the majority leader has consented that I be allowed to deliver at this time under the subject "Inflation Control Essential to Economic Welfare of Labor."

I wish to say most respectfully that apparently there are some top leaders of labor, including Mr. Meany, who have lost sight of the very important interest that every worker in this country, as well as every other American has, in inflation control. That does not mean denial to any worker in this country of a fair and equitable wage. But we are in a day of national crisis. There is no union and no employer group, no group in our Nation that has the right to seek to lead this country into an inflationary spiral cheapening the American dollar. Such a spiral would cost the very workers who think they would benefit from inflationary wage increases, many times that by way of further losses caused by inflation.

Mr. President, I wish to call the attention of the Senate to some of the facts of the last 3 years in this field because what Congress is facing up to now is whether or not it is going to carry out the trust which it owes to constituents in each and every State in this country to impose necessary restrictions that will protect the greatest defense weapon we have, the value of the American dollar.

That is the issue, and all of the labor propaganda emanating from the office of Mr. George Meany, the head of the AFL–CIO, is not going to divert the senior Senator from Oregon from carrying out the trust that he owes the American people, including the American workers.

MAJOR WAGE DEVELOPMENTS IN THE LAST 3 YEARS

During the last 3 years, major labor contracts have been signed with industries employing millions of workers. In the overwhelming majority of these settlements, increases in compensation amounted to less than 4 percent a year, and the bulk of them were indeed close to the guidepost figure of 3.2 percent.

Beginning with the 1963 settlements in the electrical goods industry, which raised hourly compensation on the average by about 3 percent a year, contracts with annual increases of 4 percent or less were signed in meatpacking, telephones, Atlantic longshoring, glass containers, tin cans, rubber tires, newspapers, northern cotton textiles, aluminum, basic steel, oil, western paper, and many other industries. Some of these industries—such as bituminous coal and telephones—had, in fact, more than one contract during the last 3 years whose terms came close to the guidepost figure. In addition, the 1965 Federal civilian pay bill, and the 1966 Federal military and civilian pay bills involved guidepost increases.

Let me say that we impose it on the soldiery of America. Because of its bearing on the value of the American dollar, no labor union has the right in this hour of crisis to ask for a higher percentage figure.

As a result of moderate increases in compensation, and good productivity increase, unit labor costs in manufacturing have remained essentially stable during the last 3 years. In June 1966, the index of these costs was actually lower than in June 1964, or in January 1963.

The moderation of compensation increases during the last 3 years is also reflected in the record of average hourly earnings in manufacturing. Between June 1963 and June 1966, gross hourly earnings in manufacturing have risen almost exactly 3.2 percent a year.

Mr. President, I have examples of moderate major settlements in the last 3 years. In the interest of saving time, I shall not read them. I ask unanimous consent that this table showing the wage settlements involved in those negotiations be printed in the RECORD at this point.

There being no objection, the table was ordered to be printed in the RECORD, as follows:

Examples of moderate major settlements in the last 3 years

	Percent
September 1963, electrical machinery	3.0
April 1964, coal	3.2
August 1964, meat packing (plus cost of living)	2.5
November 1964, telephones	3.2
December 1964, Atlantic and gulf coast longshoring	2.5
March 1965, glass containers	4.0
March 1965, can industry	3.5
April 1965, rubber	3.2
April 1965, California metal trades	3.2
April 1965, New York newspapers	3–3.5
April 1965, northern textiles	3.8
June 1965, aluminum	3.9
July 1965, Aerojet (plus cost of living)	3.2
September 1965, telephone	3.8
September 1965, basic steel	3.2
October 1965, oil	3.6
October 1965, Federal civil service	3.6
March 1966, northern cotton textiles	4.0
March 1966, west coast paper	4.0
April 1966, bituminous coal	3.2
July 1966, Federal civilian and military pay	3.2

Mr. MORSE. Mr. President, I wish to talk about the consequences of any outrageous inflationary airline settlement in the pending dispute.

THE CONSEQUENCES OF AN OUTRAGEOUS AIRLINE SETTLEMENT

If the unreasonable demands of the airline machinists are met, there will be widespread adverse effects on the American economy.

First. The most obvious and most direct consequence would be the end of the gratifying downward trend of prices for airline services.

Do not forget that the traveling public, as well as the union, has an interest and a right to an equitable share in the earnings of regulated industry, be it the airlines or any other regulated industry.

The airlines may be able to absorb the huge jump in hourly labor costs without actually raising prices, but they would not take this settlement and still continue to lower prices. If this Nation is to enjoy price stability, rapidly growing, progressive industries like air transport must be able to lower their prices and pass along some of the benefits directly to consumers.

Second. By exceeding any national labor settlement of recent years, an airline contract that followed labor's demands would have a broad impact on wages and prices elsewhere in the economy. It would be bound to whet the appetites of other groups of workers who will be negotiating their labor contracts in the months ahead.

They are standing in the wings now waiting to come out for those negotiations: American Airlines, Westinghouse, General Electric, all ground transportation agreements involving trucks, and many of the heavy industry agreements. This is the beginning of the parade, and that is why it is so important that the Congress, in the judgment of the senior Senator from Oregon, take whatever legislative action is necessary to prevent an inflationary breakthrough in this regulated industry and at the same time assure the workers in this industry a fair and equitable wage settlement.

Of course, when Mr. Meany, in his attack on the senior Senator from Oregon, in a speech last night before the Newspaper Guild banquet said that I was seeking to put men back to work under legislation at the same wages they now get, he did not speak the facts.

My resolution makes perfectly clear that when the final settlement of this case goes into operation, these workers will get the increase in wages allowed back to January 1, 1966.

The senior Senator from Oregon has been a proven friend of legitimate rights of labor throughout his public life. I yield, as I said on the floor of the Senate last night, to no one in the Congress nor the administration in my defense of the legitimate rights of labor.

I have handed down many decisions against labor when it sought something not in its legitimate rights. That happens to be the duty of one sitting in the position of public trust; to hand down what amounts to a judicial opinion on the merits.

My unanimous Emergency Board in this case handed down a fair proposal, subject to modification and revision as called for and provided by the Railway Labor Act.

But the workers are not being asked to accept their present wages and working conditions. In fact, not only in my report but also in my resolution, it is provided that their rights are bound to be protected.

I wish to say to the Senate that there will be days ahead when you will be faced with a lot of propaganda about this case on the part of special pleaders who want to break through the inflationary control ceiling, but the Congress has to park politics outside the Senate floor and the House floor.

The Congress has the trust of moving only on the basis of what does the public interest require. When it supports the public interest it also, ipso facto, protects the interest of the public and the workers involved in this historic case.

As I said, if we permit this case to be settled on the basis of an inflationary wage settlement, others are going to seek to follow suit. A 7- or 8-percent contract for airline workers will raise the targets of telephone and electrical workers in their key negotiations this fall.

Do not forget, as you analyze the original demands of the union—and they still say they would like to have them—the original demands involve an increase between 7 and 8 percent.

A 7- or 8-percent increase followed as a pattern through this country, in my judgment, would throw the economy not into an inflationary spiral, but into an inflationary tornado.

Mr. President, do not forget that other unions are not going to be willing to settle for the amount that this union gets—if it is allowed to get by with this inflationary step—because the unions will always want to try to show their members that they got a little bit more. That is the nature of the competition—and it is quite understandable in this whole matter of labor negotiations.

The bitter experience of airline management would weaken the resistance of employers to exorbitant wage demands in these and other industries. Management might conclude that the only sensible strategy was to give labor what it demanded and pass the bill along to the consumer.

Third. An unreasonable settlement in airlines would impair the strength of the dollar, and the very prestige of the Nation. Our unequalled record of combining prosperity with price and cost stability has excited the admiration of the entire free world. More recently, that admiration has been mixed with some skepticism as to whether we can continue our good record in a full employment economy. In recent months, our return to a sustainable rate of expansion has improved our prospects for extending and preserving the American economic miracle. The airlines dispute has attracted worldwide attention; a stability-shattering settlement would be a front-page story around the globe, heralding the end of our era of cost stability. Some would say we had started down the road that England has gone—the road that led to last week's crisis in the United Kingdom.

Fourth. Such a dramatic blow to cost-stability would touch off a wave of inflationary expectations destabilizing the economy. A 7- to 8-percent airline settlement would change all bets on probable wage settlements for the rest of 1966 and for 1967. It would make clear to all that we were caught up in a wage-price spiral. Once people expect prices to shoot up, they will buy to protect themselves against inflation and thereby intensify inflationary pressures.

Fifth. The inflationary escalator clause would come back into fashion in wage contracts. It would be sought in every union negotiation from here on out.

Of course, the economists are practically unanimous in agreeing that an escalator clause is in itself inflationary in its causative result. Some existing settlements might even be reopened to include it. The escalator is supposed to make the worker immune to a rising cost of living. Instead, it makes the Nation incapable of regaining price stability—except by taking a recession—once there is any temporary disturbance causing upward pressures on consumer prices. A temporary rise in the price of meat gets translated into a permanent rise in the prices of industrial products.

Sixth. The flagrant irresponsibility, in respect to the economic welfare of all industry, of the airline union would seriously undermine the foundation for responsible behavior by other labor groups or by business. Voluntary cooperation has been a key element in maintaining our price-cost stability, and effectively so when everyone accepts his responsibility. But if a small group pulls a holdup on the entire Nation, the rules of the game are destroyed. Steelworkers, Federal employees, molybdenum producers—who accepted wage and price standards consistent with the national interest—could only feel that they had been cheated.

Seventh. The contagious display of irresponsible wage behavior could force us to adopt policies that would stunt our economic growth in order to curb inflation.

It would lead to necessary tax legislation, price control legislation, wage control legislation, rent controls, and all the other necessary economic controls, in order to prevent inflation in time of war—and we are at war.

As I pointed out last night, I have not supported our being in this war, but we are in it. As long as we are in it, I am going to carry on my trust to the people of my State and the Nation on the floor of the Senate and do what is necessary to protect the boys whom we are sending into that war which, in my judgment, they should not be sent into, as well as to protect the economy at home.

That is why I said last night that despite all the attacks on me by George Meany, his memory is of short duration. He forgets the times he sat on the War Labor Board with me and voted to seize plants and industries in this country, sometimes because of a violation by the union and sometimes because of a violation by the employer.

We should not forget that we are dealing with an industry that is closely related to the public interest. In fact air travel is sufficiently affected with the public interest to the degree that airlines are not allowed to discontinue service anywhere without approval of the Civil Aeronautics Board.

The ACTING PRESIDENT pro tempore. The 20 minutes of the Senator from Oregon have expired.

Mr. MORSE. Mr. President, I ask unanimous consent that I may proceed for 10 additional minutes.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. MORSE. Mr. President, these plants and industries were seized because American boys were dying in Europe. I recalled to Mr. Meany's attention last night that our boys are dying in Asia today in an undeclared war. I happen to think that all of us at home, far removed from the jungles of southeast Asia, safe in our security, our prosperity, and our luxury, have a duty to see that we protect the economy of those men at home. That is the basic issue involved in this dispute.

If slack labor markets and excess capacity are the only way to keep wage increases in bounds, we could be forced to sacrifice full employment. This would mean that the greed of one group could curtail the job opportunities of other workers, hold down improvements in the standard of living, and retard progress toward the Great Society. It would mean greater civilian sacrifices in a defense economy. It would dim our excellent opportunity for a smooth transition to a peacetime prosperity once defense requirements abate.

Eighth. Irresponsible behavior of the airline machinists could threaten the rights and privileges of all organized labor in collective bargaining. The American public would not tolerate being held up at a strike gunpoint. Our citizens would ask what legal and institutional reforms were necessary to avoid a repeat performance. A storm of public protest could lead to legislation that would be exceedingly costly to labor's interest in free collective bargaining.

THE EXCESSIVE DEMANDS OF THE MACHINISTS

From the very beginning the machinists have made extreme demands upon the airlines. And they have not receded one iota from those demands over the whole period of negotiation, mediation, and strike. They have made some tentative counteroffers but have made the claim, nevertheless, that they stand on their original demands. The settlement demanded by the union would result in an increase in compensation averaging more than 5 percent a year, before taking any account of the cost-of-living escalator demanded by the union. If the Consumer Price Index should continue to rise at the 2.5-percent rate of the past 12 months, a settlement on the union's terms would mean increase in compensation of about 7 percent a year over a 3-year period. If the rise in the cost of living should accelerate, it could easily go to 8 percent a year. No such increase has been negotiated in a major manufacturing or public utility contract since the inflationary period of the mid-1950's.

In fact, the escalator clause has come to be recognized as not a desirable gimmick for a collective bargaining agreement and is one containing positive inflation characteristics rather than preventive.

The generous settlement recommended by the Emergency Board would have cost the employers about $76 million over 42 months. This is equivalent to about $65 million over a period of 3 years—the length of the contract the union is demanding. I shall have something to say about that in my closing remarks.

Over the same 3-year period a settlement made on the union's terms would cost the airlines $106 million on the assumption that the increase in the Consumer Price Index continues at 2.5 percent a year. This is $41 million, or about 63 percent, more than the cost of the Emergency Board's recommendations. The cost would be still greater if the annual increase in the Consumer Price Index should exceed 2.5 percent.

After the Emergency Board issued its recommendations, I made it clear that the Railway Labor Act provides for a 30-day period following the recommendations for further negotiation and mediation between the parties.

The Board rejected the proposal of the union that we should act as mediators of any controversy that might arise between the parties over the negotiations. The union made that request before we even wrote the report. The union made clear that it would not accept our recommendations. When they asked that the Board continue as mediators over any dispute that might arise later, it was my judgment that the Board should not; in fact, I thought it would not be ethical that the Board should mediate over a report which it had written.

When the union went to the Secretary of Labor and the Assistant Secretary of Labor and suggested that the President appoint me as a single special mediator, I made my own decision, as it was the Board's decision, that I could not accept such a proposal. I made clear that the Emergency Board should not be expected to engage in mediation, but that our report was the report of a quasi-judicial tribunal bound to make its recommendations on the evidence placed within the four corners of the official transcript of the record made.

But that does not mean that mediation cannot be had. There is a basis, in my judgment, for these parties to make a conscionable compromise. They are in a position to make a conscionable compromise.

The judgment of the Board was that there should be a 42-month contract. However, that is negotiable. The fact is that, in my judgment, a 3-year contract would be a compromise. The Board recommended that any wage settlement should be retroactive to January 1, 1966. In view of the recommendation for retroactivity to January 1, 1966, the Board decided on the record made by the parties in connection with the length of the contract, it was only fair that the contract should be for a 42-month period, rather than a 36-month period.

The union did not make its case in support of its request with respect to the health, welfare, and pension fund. We could not make their case for them. The trend is more and more that the cost of health, welfare, and pensions shall be considered part of a wage bill. I say today, as I have said before, that within 10 years, at most, the employer will pay the cost of health, welfare, and pension funds; and that is particularly applicable to pensions. The workers are beginning to learn that private pension funds do not result in any benefits to an exceedingly large number of workers, according to the latest research, considering what the workers pay into the pension fund.

I am chairman of the pension fund of the electrical industry, whose members are composed of 12 persons from the electrical union, the Brotherhood of Electrical Workers, and 12 from the electric contractors. I am the 25th man on that board. In the report on its research into this question, it was stated that there is no vestment of pension rights in employees as they go from employer to employer. Over 50 percent of the workers who thought they would get something from that fund in fact get nothing. In most instances they are entitled to get back only the dollars that they contributed. But they contributed those dollars into a fund that they thought was for old age security.

It is not my fault that the union, in my judgment and that of the Board failed to sustain the burden of proof on the pension, welfare, and health issue which was involved in this case. I was a judge. I had no right to try the case as an advocate for the union.

On the local issues—and there are some 40 of them—there is room for compromise. In regard to the local issues, my advice is that the unions simply agree to arbitrate them, because there is nothing complex about them. There is need for a third person, agreeable to both sides, to recommend a fair and equitable settlement of the dispute.

I close by saying that this great union, in view of its glorious record, and it is a great union, although in this instance it has suffered from a shocking lack of judgment, has a clear duty to agree to go back to work before it becomes necessary to pass legislation. It has the duty to mediate in good faith and work out a noninflationary settlement of the dispute. If it does not, I think it is the duty and the responsibility of Congress to pass legislation which will protect the value of the American dollar and the interests of the American people, which will be equitable to the workers and the carriers, and which should be signed by the President to bring the strike to an end.

AIRLINES STRIKE—AMENDMENT TO SENATE JOINT RESOLUTION 181

Mr. JAVITS. Mr. President, I submit an amendment and ask that it be printed in the RECORD and referred to the Committee on Labor and Public Welfare which seeks to require the Secretary of Labor to give us a permanent plan for handling disputes like the airlines dispute.

Mr. MORSE. Mr. President, I should like to be a cosponsor of that amendment with the Senator from New York.

Mr. JAVITS. I am happy to have the Senator join me. Mr. President, I ask unanimous consent that the name of the Senator from Oregon [Mr. MORSE] be added as a cosponsor to my amendment.

The ACTING PRESIDENT pro tempore. The amendment will be received, printed, and appropriately referred; without objection, the name of the Senator from Oregon [Mr. MORSE] will be added as a cosponsor, and the amendment will be printed in the RECORD.

The amendment (No. 713) was referred to the Committee on Labor and Public Welfare, as follows:

On page 3, line 12, insert "(a)" after "4.".

On page 3, between lines 18 and 19, insert the following:

"(b) The Secretary of Labor is hereby directed to commence immediately a complete study of the operations and adequacy of the emergency labor disputes provisions of the Railway Labor Act and the Labor-Management Relations Act. The Secretary is further instructed to report to the Congress by January 15, 1967 the findings of such study together with appropriate recommendations for such amendments to the Railway Labor Act and the Labor-Management Relations Act as will provide permanent procedures to make unnecessary in the future such special legislation as is embodied in this Joint Resolution."

Mr. MORSE. Mr. President, let me say to the Senator from New York that I believe this is a long-overdue amendment. I serve notice on the administration that, in my judgment, the time has passed when any further delay on the part of the administration can be tolerated taking a position on permanent legislation for the handling of the emergency disputes.

FHA APPROVAL OF MULTIFAMILY PROJECTS IN FLORIDA

Mr. WILLIAMS of Delaware. Mr. President, today I call attention to the irresponsible manner in which the FHA has been approving multifamily projects in Florida—projects that obviously were not economically feasible at the time of construction. The result is a multimillion-dollar loss to the FHA, and in addition, in the face of existing high vacancy rates this overexpansion is resulting in bankrupting the private investment phase of the building industry in that area.

Furthermore, the manner in which those fly-by-night promoters are skipping out without paying suppliers and subcontractors is bankrupting or severely handicapping a lot of small businessmen.

A survey of this State shows that there are at least 42 multifamily projects in financial trouble. This represents $107,170,266.44 in Government-insured mortgages. Of this group, 28, representing $64,946,466.44, have been foreclosed or taken over by the FHA. The others are in default and operating on modification agreements or deferred payment schedules. At this point I ask unanimous consent to have a list of these projects printed in the RECORD.

There being no objection, the list of projects was ordered to be printed in the RECORD, as follows:

TAMPA, FLA., OFFICE

Twin Towers Apartments, Inc., Project No. 067-00023, Cocoa Beach, Florida:

Mortgage amount at final endorsement date, May 20, 1964, was $2,903,400.

Property acquired by F.H.A., deed-in-lieu of foreclosure on June 4, 1965 at cost of $2,856,887.97.

Shore View Apartments, Project No. 067-00026, Eau Gaillie, Florida:

Mortgage amount at final endorsement date, September 17, 1964, was $2,034,100.

Mortgage insurance is in force. Mortgage has been modified to defer amortization.

Embassy Apartments, Project No. 067-00029, Merritt Island, Florida:

Mortgage amount at final endorsement date, February 26, 1965, was $2,426,200.

Mortgage assigned to F.H.A. on February 10, 1966, with total mortgage insurance settlement of $2,401,938. Foreclosure proceedings have been initiated.

South Patrick Apartments, Project No. 067-00021, Eau Gallie, Florida:

Mortgage amount at final endorsement date, February 28, 1963, was $1,178,400.

Mortgage insurance is in force. Mortgage modified to defer amortization.

Whitecliff Garden Apartments, Project No. 067-00032, Cape Canaveral, Florida.

Mortgage amount at final endorsement date, December 17, 1964, was $1,845,800.

Loan in default for failure to make April payment. Mortgage insurance is in force.

Imperial Towers Apartments, Project No. 067–00037, Titusville, Florida.

Mortgage amount at final endorsement date, February 28, 1966, was $2,469,900.

Mortgage insurance is in force. Mortgage under modification.

Country Club Village, Project No. 067–00039, Merritt Island, Florida:

Mortgage amount at final endorsement date, February 24, 1966, was $2,493,000.

Mortgage insurance is in force. Mortgage under modification.

Horizon House, Inc., Project No. 067–30078–INV, Clearwater, Florida:

Mortgage amount at final endorsement date, July 30, 1966, was $2,828,500.

Mortgage assigned to F.H.A. on November 23, 1963. The total mortgage insurance settlement was $2,781,917.89. The mortgage was sold by F.H.A. on July 22, 1965, for $2,826,711.41. The net profit to F.H.A. on the transaction was $10,995.49.

Clearview Towers, Project No. 067–30080–INV, Clearwater, Florida:

Mortgage amount at final endorsement date, April 17, 1963, was $1,545,571.43.

Property acquired by F.H.A. on December 2, 1963, at cost of $1,535,576.84, by deed-in-lieu of foreclosure.

Meadowlark Enterprises, Inc. (Paradise Island), Project No. 067–30081, Treasure Island, Florida:

Mortgage amount at final endorsement date, September 24, 1964, was $3,090,700.

Property acquired by FHA on March 11, 1965, by deed-in-lieu of foreclosure at cost of $3,065,558.98.

The Pendleton Apartments, Project No. 067–30083–INV, Daytona Beach, Florida:

Mortgage amount at final endorsement date, October 17, 1963, was $2,700,000.

Property acquired by FHA on June 4, 1965, by deed-in-lieu of foreclosure.

Sandpiper Towers, Project No. 067–30085–INV–RH, Cocoa Beach, Florida:

Mortgage amount at final endorsement date, March 2, 1965, was $1,400,000.

Mortgage insurance is in force. Amortization deferred until October 1, 1966.

Palm House Apartments, Project No. 067–35001–PM, Titusville, Florida:

Mortgage amount at final endorsement date, December 18, 1963, was $1,288,500.

Mortgage now in default. Mortgage insurance is in force.

The Plaza Fifth Avenue, Project No. 067–38002–PM, St. Petersburg, Florida:

Mortgage amount at final endorsement date, September 25, 1963, was $2,704,600.

Mortgage insurance is in force. Mortgage modified to defer amortization.

Mease Manor, Project No. 067–38007–NP, Dunedin, Florida:

Mortgage amount at final endorsement date, June 22, 1965, was $5,489,900.

Mortgage assigned to FHA on November 24, 1965, with total mortgage insurance settlement of $5,435,001. Under workout agreement.

Lucerne Towers, Inc., Project No. 067–30076–INV, Orlando, Florida:

Mortgage amount at final endorsement date, January 24, 1963, was $3,449,400.

Property acquired by FHA on February 15, 1965, at cost of $3,566,567.60.

Mortgages assigned to FHA (held) title II, section 207, RP

Park Lane Garden Apartments, Project No. 067–00010, Sarasota, Florida:

Mortgage amount: $470,000. Number of units: 49.

Lake Killarney Apartments, Project No. 067–00008, Winter Park, Florida:

Mortgage amount: $1,464,700. Number of units: 124.

Projects acquired by FHA (held)

Mandalay Shores Apartments, Project No. 067–00016, Clearwater Beach, Florida:

Mortgage amount: $7,170,900. Number of units: 384.

Mortgages assigned to FHA (held) title II, section 213, MTC

Lindru Garden Apartment #1, Project Number 067–30075 INV, Clearwater, Florida:

Mortgage amount: $697,400. Number of units: 48.

Projects acquired by FHA (held)

Indian Pass Apartments, Project No. 067–30070, Indian Rock Beach, Florida:

Mortgage amount: $1,806,700. Number of units: 136.

Pasadena Apartments, Project No. 067–30071 INV, St. Petersburg, Florida:

Mortgage amount: $3,377,700. Number of units: 198.

Southgate Towers, Project No. 067–30074 INV, St. Petersburg, Florida:

Mortgage amount: $2,086,200. Number of units: 128.

Coral Crest Apartments, Project No. 067–30073 INV, Tampa, Florida:

Mortgage amount: $1,382,000. Number of units: 119.

CORAL GABLES (FLA.) OFFICE, MIAMI AREA

McKay Tower Apartments, Project No. 066–00042, Miami, Florida:

Mortgage amount at final endorsement date, September 23, 1964, was $2,215,500.

Mortgage assigned to FHA on June 24, 1965, with total insurance settlement of $2,487,158.65. Foreclosure instituted and property in hands of receiver since October 20, 1965.

Brickell Town House, Inc., Project No. 066–00044, Miami, Florida.

Mortgage amount at final endorsement date, July 2, 1963, was $8,010,000.

Mortgage insurance is in force. Mortgage has been modified.

Twenty Island Avenue, Inc., Project No. 066–00045, Miami Beach, Florida:

Mortgage amount at final endorsement date, June 30, 1964, was $4,562,900.

Mortgage insurance is in force. Mortgage is under modification.

Palo Alto Apartments, Project No. 066–30434–INV, North Miami Beach, Florida:

Mortgage amount at final endorsement date, April 3, 1963, was $1,315,900.

Mortgage assigned to FHA on September 6, 1963. The property was acquired by FHA on June 14, 1965, at a cost of $1,302,502.97.

Point View North Apartments, Project No. 066–30435–INV, Miami, Florida:

Mortgage amount at final endorsement date, November 10, 1964, was $4,460,300.

Mortgage insurance is in force. Mortgage has been modified.

Bay Park Towers, Inc., Project No. 066–30474–INV–RH, Miami, Florida:

Mortgage amount at final endorsement date, June 3, 1963, was $4,519,100.

Mortgage insurance is in force. Mortgage has been modified.

Biscayne 21, Project No. 066–30484–INV, Miami, Florida:

Mortgage amount at final endorsement date, March 26, 1964, was $4,210,700.

Mortgage assigned to FHA on August 13, 1964, with total mortgage insurance settlement of $4,162,687.98. Foreclosure has been instituted.

Bay Terrace, Project No. 066–38002, Miami, Florida:

Mortgage amount at final endorsement date, September 3, 1964, was $2,792,300.

Mortgage assigned to FHA on August 19, 1965, with total mortgage settlement of $2,747,441.71. Foreclosure has been instituted and property has been in hands of receiver since November 8, 1965.

North Miami Nursing Home, Inc., Project No. 066–43002, Miami, Florida:

Mortgage amount at final endorsement date, November 13, 1963, was $655,700.

Mortgage is in default and mortgagee has elected to assign mortgage to FHA.

Palmcrest Nursing Home, Project No. 066–43004, West Palm Beach, Florida:

Mortgage amount at final endorsement date, November 24, 1964, was $357,600.

Mortgage assigned to FHA on December 20, 1965, with total mortgage insurance settlement of $347,226.85. A workout agreement is being considered.

Boulevard Manor Nursing Home, Project No. 066–43007, Boynton Beach, Florida:

Mortgage amount at final endorsement date, July 24, 1964, was $635,900.

Mortgage insurance is in force. Amortization has been deferred to August 1, 1966.

Projects acquired by FHA (held) title II, section 213, MTC

Caribbean Towers Cooperative, Project No. 066–30225 INV, North Bay Village, Florida:

Mortgage amount: $2,069,100. Number of units: 102.

JACKSONVILLE (FLA.) OFFICE

The Bayshore, Project No. 063–30024–INV, Pensacola, Florida:

Mortgage amount at final endorsement date, July 27, 1965, was $2,634,100.

Mortgage insurance is in force. Mortgage is in default and workout agreement being considered.

Wesley Manor, Project No. 063–3801–NP, Jacksonville, Florida:

Mortgage amount at final endorsement date, January 23, 1964, was $5,194,500.

Mortgage Insurance is in force. Amortization has been deferred until September 1, 1966.

Lakeshore Towers, Project No. 063–38003–PM, Gainesville, Florida:

Mortgage amount at final endorsement date, July 27, 1965, was $1,746,600.

Mortgage insurance is in force. Amortization has been deferred until June 1, 1966.

North Hill Nursing and Convalescent Home, Project No. 063–43002, Pensacola, Florida:

The initial endorsement date was November 25, 1963. The mortgage has not been finally endorsed. The authorized mortgage amount is $814,500.

Mortgage insurance is in force. Amortization deferred to October 1, 1966.

Mortgages assigned to FHA (held) title II, section 207, RP

Commander Apartments, Project No. 065–00023, Jacksonville, Florida:

Mortgage amount: $1,926,500. Number of units: 90.

Mortgages assigned to FHA (disposed of without reinsurance) title II, section 207, RP

Atlantic Gardens, Project No. 063–00021, Jacksonville Beach, Florida:

Mortgage amount: $680,700. Number of units: 99.

Mr. WILLIAMS of Delaware. Mr. President, what makes this situation even worse is that in the face of over $100 million in foreclosures and prospective foreclosures the FHA is still approving new construction at the same rapid rate.

For example, as of December 31, 1965, the FHA had applications pending for mortgage insurance on 34 new multifamily projects upon which $43,581,100 in mortgages was requested.

Of this number 14 projects with insured mortgages of $18,171,600 had been given firm commitments and the remaining 20 projects representing requests for mortgage insurance of $25,409,500 were in process of being approved.

Thus here in this one State we have over $100 million in multifamily mortgages in default while at the same time another $42 million are being considered or authorized. These figures do not include the thousands of single-family homes that are in default in the same areas.

Of course, the promoters of these new projects have nothing to lose. Builders' fees, organization expenses, and inflated land appraisals ofttimes represent a good profit even though the project fails before opening its doors. Many of these projects are going bankrupt before construction is completed with little or no payment ever having been made on principal or interest, and the same promoter merely moves to another area, forms another corporation, and applies for another loan or mortgage guarantee.

For example, the McCloskey interests in Philadelphia constructed three multifamily projects in the Orlando area upon which the FHA insured mortgages in the amount of $9,052,800. With only $6,572.31 paid on principal all three projects went into bankruptcy—CONGRESSIONAL RECORD, volume 111, part 4, pages 5158–5160.

Another example, in Miami the Project Biscayne 21, project No. 066–30484–INV, was constructed with FHA mortgage insurance of $4,210,700 endorsed on March 26, 1964.

Five months later, on August 13, 1964, this project failed and was taken over by FHA with an unpaid balance of $4,162,687.98.

Two years later, on June 11, 1966, this project was sold at auction, the highest bid being $2,995,500, representing a loss of $1,167,187 plus foreclosure costs and carrying charges for the past 2 years.

At this point I ask unanimous consent to have printed in the RECORD an article by Mr. Matt Taylor appearing in the Miami Herald of June 11, 1966, entitled "U.S. Loses Again."

There being no objection, the article was ordered to be printed in the RECORD, as follows:

U.S. LOSES—AGAIN: BISCAYNE 21 SOLD AMID CONFUSION—DOOR LEFT OPEN FOR NEW BID

(By Matt Taylor)

Bankrupt Biscayne 21 went on the auction block Friday for the second time and the federal government again voiced the highest bid.

But alas, a federal judge said for the second time that another bidder, who had offered in writing to pay more, should get the controversial apartment building.

Unless, added Judge Emmet Choate, someone comes along with a higher bid next week.

It was that kind of an auction.

There was confusion all over town throughout the day as first one bidder and then another seemed to have the high-rise apartment deal sewed up.

A receiver is operating the 190-unit bankrupt apartment for the federal government. The government was left holding a $4.6 million mortgage on the property and so far hasn't received an offer even close to that.

Only two bids were voiced at the auction—the second held in two months to sell the building.

Alexander Muss interests bid $2 million.

Then a bid was entered for the U.S. secretary of housing and urban affairs. This seemed to be the highest bid, $2,975,000.

It's the same amount the U.S. bid at the last auction, though Judge Choate said it wasn't high enough at the time.

Chief Deputy Marshal Jim French already had read to the crowd that City National Bank of Miami Beach, acting as a trustee, had posted a $50,000 guarantee that they'd bid $2,995,500.

Reliable sources in the apartment business said that Al Sokolsky, owner of the David William Apartments in Coral Gables, is the man City National is representing.

French went through his "going once, going twice" routine. He looked around. "Is City National Bank of Miami Beach represented?" he asked.

An attorney nodded. "Yes," he said. He didn't say anything else.

"I'm going to sell this building to the Federal Housing Administration for $2,975,000," French said. (The FHA was acting for the secretary of housing and urban development.)

French did his countdown again and announced the property was sold for the FHA bid. Most everyone left.

Twenty minutes later French was back. "I've been to see the judge," he said. "He says that I'm to accept the bid of City National Bank."

He scratched his head. "Nobody told the Marshal's Office we were to accept this bid," he said, puzzled.

But Judge Choate ruled that the top bid had been accepted in his court in April. The $50,000 guarantee bond had been posted then.

City National had made that offer after it missed the first auction because it got mixed up on the dates.

Realtor Robert Quinn had made an offer of $3,005,000 at the same court session. He left the Post Office thinking the FHA had won the bidding.

Told of acceptance of the bank's bid, Quinn said, "Our attitude would have been entirely different if we'd known that. We wanted the FHA to get the apartment back.

"I'd think that under professional management the profit picture might have been different. Under good management for a year you can get a clearer picture of the property. The profit picture might be different."

Quinn said he might have wanted to buy the building after a year of FHA management. Barring that, he said, he might have wanted to enter the public bidding himself.

Judge Choate said he would welcome Quinn Monday if his bid was going to be as sizable as he indicated.

"The court would be glad to jump at any such bid," the judge said.

He said he would welcome anyone with a higher bid, so long as they brought $100,000 earnest money with them.

Mr. WILLIAMS of Delaware. Mr. President, Mandalay Shores, Clearwater, Fla., project No. 067–00016, is another fiasco. This project was given final approval for mortgage insurance on April 3, 1963, in the amount of $7,170,900.

Only one payment of $8,964 was made, and in April 1964 the FHA instituted foreclosure proceedings.

Sponsors of this project were Dworman Associates, 65 West 55th Street, New York, N.Y., officers: Alvin Dworman, president; Lester Dworman, vice president; Daryl Dworman, secretary-treasurer.

The project was built under the corporate name of Mandalay Shores, Inc., and the mortgage was signed Mandalay Shores, Inc., by Lester Dworman.

Mandalay Shores, Inc., represented by Lester Dworman, then signed a contract for the construction of this apartment house with the Dworman Building Corp., which listed as its top official the same Lester Dworman.

This definitely was not an arms-length transaction since Dworman Associates owned or controlled all the companies.

Dworman Building Corp. was allowed a builder's fee of $343,614. Other allowances were architect fees, $170,000; accounting, $7,500; legal and organization expenses $100,658.20; discounts on mortgage, $114,087.75; processing fees, $71,709; plus a generous allowance for land "as is," $950,618.

It is interesting to note that FHA records show a notation—crossed out but still legible—opposite the land item which reads "Sponsor's profit and risk allowance."

FHA records do not show the actual cost of land, but the St. Petersburg Times of April 17, 1965, listed the original land cost at $525,000 for the full 6-acre tract. If correct this represents a windfall profit on the land of $425,000 which when added to the $343,614 builder's fees means that the group started out with a built-in profit of around $750,000 before starting.

On May 12, 1965, this property was sold in bankruptcy, and the FHA bid it in at $6,264,000. By this time the FHA had an investment including mortgage foreclosure costs, and so fourth, of nearly $8 million. This represented a $2 million loss plus whatever loss the FHA may later have sustained in maintaining and getting rid of the project.

To further complicate this Mandalay Shores project the last report was that subcontractors and suppliers were still trying to collect payment for the work and materials they furnished on this project.

One of these projects which failed immediately after completion was the Horizon House, Clearwater, Fla.—project No. 067–30078–INV—insured for a mortgage of $2,828,500.

One of the principal sponsors of this project was Mr. Robert Chuckrow, 60 East 42d Street, New York City.

Final endorsement of this mortgage was July 30, 1963, and 4 months later, November 23, 1963, the project was in default and the mortgage assigned to the Federal Housing Administration.

The same Mr. Robert Chuckrow through the Robert Chuckrow Construction Co., Inc., was also the prime contractor for the $5.6 million Christopher City project in Tucson, Ariz., which was built the following year and which likewise went broke with less than $25,000 having been paid on the mortgage—see the CONGRESSIONAL RECORD, June 21, 1966.

This is a typical example of how a sponsor can build a project in one area, collect his builder's fees, land markups, and so forth, and then go into another State and get another multifamily FHA mortgage insured under a different corporate name.

There can be no excuse for the irresponsible manner in which this agency has been pouring out the taxpayers' dollars in underwriting these projects which obviously were not economically feasible at the time of construction; this is another example of the resources of the agency being used to promote the interests of fast-buck promoters rather than protect the home buyer.

The **FHA:**

First. Should require the sponsors of these projects to present receipts showing payments to subcontractors and suppliers before disbursing proceeds of mortgage.

Second. Require the sponsors and promoters of the projects to endorse the mortgages, thereby pledging their personal assets toward payment of this Government loan.

Third. Insure no mortgage for an amount in excess of 90 percent of actual cash expenditure by the sponsors. Let them collect their profits from land, et cetera, after the project has demonstrated its ability to pay off its obligation to the Government.

ADEQUATE SCHOOL MILK FUNDS MORE IMPORTANT THAN EVER WITH RISE IN MILK PRICES

Mr. PROXMIRE. Mr. President, last Friday Senator McGovern made an excellent statement on this floor in connection with recent increases in the retail price of milk. Unfortunately the dairy farmer is being blamed for these price boosts while all the available evidence indicates that increases in the amount the farmer receives for his milk amount to only a fraction of the additional cost of milk to the consumer.

Senator McGovern indicated his intention to press for adoption by the Senate Agriculture Committee of a resolution calling on the Department of Agriculture to survey recent increases in the retail price of milk to determine their relationship to the increase in farm returns. I hope that early endorsement of this resolution by the committee will make it possible to acquit the dairy farmer of the blame for these price increases.

Nonetheless we are faced with the fact that, for whatever reasons, the retail price of milk has increased by as much as 2 cents a quart in many sections of the country. This means that the effectiveness of the school milk program in providing midmorning and midafternoon lunch breaks for the Nation's schoolchildren may well be seriously curtailed. Why? Simply because, although the cost of milk is rising, the Federal Government's contribution to this cost under the school milk program remains constant and in fact decreased last year. The percentage of cost picked up by the Federal Government is actually declining and the amount the local school district or the child has to pay is increasing.

Let me give an example. Assume that the cost of a half pint of milk has increased from 7 to 8 cents. The Federal Government will continue to pay 3 cents for each half pint under the school milk program while the school district or the child will have to absorb the additional cent increase. The result will be a curtailment of participation in the program as local costs rise.

This is why it is more important than ever to make sure that the Department of Agriculture is given enough money to at least restore the reimbursement rate under the program to the level it attained prior to last year's 10-percent cut. I am not at all sure that the $105 million provided by the Senate a few weeks ago does this. If the facts show that this sum is inadequate for full reimbursement, I intend to fight hard for additional funds in a supplemental appropriation bill.

ISOLATED RED CHINA

Mr. MOSS. Mr. President, the Washington Post is among those who have commented favorably on our relaxation of curbs on travel to Communist China.

It is curious, the Post says, that China simultaneously has increased its entry restrictions. China's move may well offset the practical effect of our action, but nonetheless the newspaper believes our policy to be correct.

If we do our part to lower the barriers to more reasonable regulation of cultural and economic changes, the Post suggests the current rigidity of the Communist Chinese will one day change. It adds that as far as possible, we should try to diminish what it calls the dangerous isolation of Red China from the main currents of world affairs.

Mr. President, I ask unanimous consent that an editorial dealing with this subject published in the Washington Post of July 14, 1966, may be printed in the Record.

There being no objection, the editorial was ordered to be printed in the Record, as follows:

[From the Washington Post, July 14, 1966]

ISOLATED RED CHINA

The United States has relaxed its restrictions on the travel of many Americans to Communist countries. And, curiously enough, China, at the same time, has increased its restrictions on the visas of visitors to that country.

The coincidence helps to emphasize the difficulties of unilaterally altering the isolation of China and it reinforces the argument of those who have pointed out that much of the isolation of Communist China is self-imposed. If the rulers of Red China insist on isolation, there is very little that others can do about it. We have long since left behind the days when Western gunboats could shoot their way into the ports of self-quarantined countries. We will have to wait for China to change its mind.

The Chinese action may diminish the practical meaning of the relaxation of American travel-bans. But the United States policy is nonetheless the right one. We must seize such opportunities as this to demonstrate that the exclusion of China from normal international relations is not altogether in conformity with our wishes. If we do our part to bring down our barriers to more rational regulations of cultural and economic exchanges between this country and China, the current rigidity of the Communist Chinese will one day be altered. So far as it is within our power we must try to diminish the dangerous isolation of Red China from the main currents of world affairs.

TIME MAGAZINE REPORTS ON MOTORCYCLE MAYHEM

Mr. HARTKE. Mr. President, twice before I have commented on the floor of the Senate on the appalling rise in deaths and injuries due to the rapid growth and unregulated operation of motorcycles in this country. Now the current issue of Time magazine has taken note of the problem.

As noted there, the fatality rate for motorcyclists is five times that for occupants of automobiles. The medical profession is aroused, as I noted in my last statement on the question, in which I presented the findings of three Portland, Maine, doctors. As the Time article notes:

> Motorcycle injuries have become so numerous that emergency-room doctors, and trauma surgeons now rate them as epidemic.

I note that the article makes special mention of California, which leads the Nation in number of registered motorcycles. California alone had 263 fatalities in motorcycle accidents in 1965. The chief cause of serious injury and death is injury to the head, which could be partially remedied by the universal use of protective helmets.

Mr. President, Time magazine, with its great circulation, has performed a service in spreading awareness and warning of the increasing problem of motorcycle safety. Therefore, I ask unanimous consent that the article published in Time magazine for July 29 be printed in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

[From Time magazine, July 29, 1966]

MAYHEM ON MOTORCYCLES

"There was a large laceration of his scalp and injury to his brain," reported Surgeon James C. Drye of Louisville. "His right lung was torn and there was a fair amount of blood in his chest. His spleen was ruptured and bleeding. There were about three quarts of blood in his abdomen. His left leg was almost amputated. His pelvis was fractured. He was not hit by an artillery shell in Viet Nam, as one might think from the extent of his injuries. He was wounded while riding a motorbike on the streets of our community."

The same sort of report, published by the American College of Surgeons, could have come from any city in the country. The number of motorcycles and motor scooters on U.S. roads has doubled in three years to a current total of more than 1,250,000. Sales are still accelerating, and the number of accidents is mounting faster than the number of vehicles. Deaths increased from 882 in 1963 to 1,118 in 1964 to 1,580 last year, and are expected to reach 1,900 this year. The fatality rate for cycle riders and their "buddy seat" pals is five times that of automobile occupants.

LEATHER IS BEST

The major reason for the recent increase, says Robert O'Donnell of the Greater New York Safety Council, is the inexperience of new motorcycle owners. "The pro in cycling wears durable clothing, such as leathers, and a proper helmet, and never has bare arms or legs. He knows how to handle his machine—in contrast with the put-put crowd in the go-go set. The most serious accidents happen to these people, who are not sufficiently skilled and drive around without proper equipment."

Motorcycle injuries have become so numerous that emergency-room doctors and trauma surgeons now rate them as epidemic, and they are, on the average, far more devastating than those that result from car crashes. "If you have your seat belt fastened and drive into a stone wall at 15 m.p.h.," says O'Donnell, "the car will be a mess but there won't be much damage to you. If you do that on a motorcycle, you get thrown against the brick wall, which is ruinous to flesh and bone." Since the rider is usually projected headfirst, like a missile, says Manhattan's Dr. Robert H. Kennedy, the most severe and common injuries, those that cause 70% of the deaths, are to the head. A properly designed helmet is essential for cycle safety, but many riders wear inadequate helmets or none at all. Nonfatal head injuries have caused countless cases of disfigurement, paralysis and blindness. Crippling from loss or mutilation of arm and legs is common.

California, which leads the nation with 250,000 registered cycles, compiled a grisly record in 1965 with 263 fatal accidents (some involving more than one death) for motorcycles and 13 for scooters. Ironically, the accident rate is lower on California's roaring freeways than at the low speeds of snaking mountain roads or intersections of Los Angeles' labyrinthine streets. In New York City, the very density of traffic slows cycles to a crawl and lowers the accident rate still further. Wet pavements are even worse on two wheels than on four: San Francisco makes its motorcycle cops dismount and climb into cars when it rains.

DEATH IS INEVITABLE

While it insists that the cycles and scooters are not inherently dangerous, the National Safety Council emphasizes that they are dangerous indeed when driven by inexperienced riders. It now advocates special testing and licensing—which presupposes special training.

Doctors are the first to agree. "As things are now," says a University of Michigan research group, "the motorcycle safety situation is just about hopeless." Says Louisville Surgeon Drye: "The motorbike is fun to ride, convenient and cheap, but is it worth the inevitable mayhem, death and economic loss? If you think so, get your son a motorbike for his 'last birthday.' If this sounds bitter, it is because I was operating on that boy when he died."

EARTHQUAKE IN RUSSIA

Mr. BARTLETT. Mr. President, last Saturday, July 23, the Washington Post published an article entitled "What Did Happen at Tashkent?" written by Victor Zorza of the Manchester Guardian. Tashkent has been the scene of violent, destructive earthquakes which began last spring and apparently have continued in an unending series ever since, leaving an unkown number dead and homeless.

What Mr. Zorza emphasizes is the strong secrecy which Soviet authorities have imposed. I ask unanimous consent that the article be printed at this point in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

BAD NEWS TRAVELS SLOWLY—WHAT DID HAPPEN AT TASHKENT?

(By Victor Zorza)

LONDON, July 22.—"What's going on in Tashkent?" people are asking everywhere in the Soviet Union. "I have heard that there isn't a single house left standing."

This is the kind of remark that an Izvestia reporter in Moscow overheard on a bus—18 remarks, "which invariably led to a discussion," in the course of a single bus trip. "They say that there have been 500 quakes so far . . . the menacing rumble of underground thunder arouses fearful echoes throughout the country . . . sometimes they are rumors and legends, but people are always perturbed, anxious."

So the Izvestia reporter went to Tashkent to describe how the people made homeless by the earthquakes—their number has been put in various Soviet reports at 40,000–60,000—were making the best of a bad job.

MOST ARE IN TENTS

Most of them have been accommodated in tents, but "it is difficult to preserve cleanliness," and "this creates a sanitation problem, which is quite serious in Central Asian conditions." But new building is going on at a very rapid pace, and the tent-dwellers are being resettled as quickly as possible.

Yet the Izvestia article, which was written expressly to allay public misgivings, did not say how many homeless there had been, how many there were now, and did not give the number of deaths. According to the local Tashkent paper, five people lost their lives on the day of the earthquake, and another eight died of heart failure after the lesser earthquakes between April and June. But the earthquakes continue. So do the rumors. Why?

PAPERS NOT BELIEVED

Because the Soviet people just do not believe what they read in their papers, which rarely report natural calamities or such disasters as air and train crashes. When they did carry some of the details of the Tashkent earthquake, the reading public assumed that the reports were inaccurate, because it knew that previous disasters had been grossly underplayed by the press.

The correspondent of the Evening Moscow, who had himself just returned from Tashkent, deplored the unhealthy curiosity displayed by the public.

"Tell us what it's really like in Tashkent," he had been asked, "not for publication, of course—but it's awful there, isn't it?" The question had been put to him by a number of people "who assumed, for some reason, that I could not report about the real horrors and victims in the press." For "some" reason—such as distrust of the press?

IS IT OTHER WAY?

Or is it the press that distrusts the people? The news editor of the main Tashkent paper, Yuri Kruzhilin, has described in the journal Soviet Press some of the professional problems he encountered after the earthquake.

He had observed some of the destruction and commotion on his way to the office, but when he got there, he could learn nothing. He finally telephoned the city's oldest journalist, who had indeed found out the great strength of the earthquake, and was able to give him some details about the destruction and the loss of life. "But this," Kruzhilin observes bitterly, "was only for the purposes of a personal conversation. And when we listened to Moscow Radio later, we heard something quite different: Everything is perfectly in order in Tashkent, but in one or two places the plaster has fallen down . . ."

Tashkent has a population of 1 million—or had, before the earthquake. Rumor has it that a great many have fled the city.

The local paper, Pravda of the East, clearly had to produce a more accurate account. So Kruzhilin and a team of reporters paid calls to the various city offices, only to be told, "Why get people worked up . . . ?"

The reporters returned to only to be told: "Why get the office tired, without the necessary information. We had to put something into next day's paper. But things were not at all clear."

The correspondent of an important Moscow paper came into the office. "I am not going to put anything out," he said. "And I advise you not to, either. There's no need to make an unhealthy sensation out of the earthquake." Another correspondent let slip the reason why—or at least one of them: "You're what—going to write about it? Tomorrow everyone abroad will reprint it."

NOT ALL LIKE THAT

Not all were like that. Kruzhilin expressed particular appreciation of the efforts of the correspondent of the Moscow Rural Life, who spurred the local journalists into action "when the authorities were advising us to get on with other things."

The "very important lesson" which Kruzhilin derived from it all is relevant to political as well as to ordinary news coverage in the Soviet Press. "We have seen," he wrote—and the press magazine published it—"how strong this peculiar kind of 'news inertia' still is, and how difficult it is to overcome it, sometimes even in oneself. It would seem that some people still think that an earthquake can happen anywhere except in the Soviet Union. Others maintain that one should write "not about destruction, but about construction. And others again do not want people to get worked up. And they all have obviously the same reason—distrust of the reader."

This is something that many Soviet journalists have felt for a long time, but no one has ever expressed it quite as openly as this. Sooner or later a political earthquake will cause Soviet journalists to press as openly for the right to discuss freely the political issues, just as the Tashkent earthquake has brought to the surface the question of news reporting.

Mr. BARTLETT. All of this, Mr. President, dramatizes one of the essential differences between the operations of the Soviet regime and those of a free society. For example, when Alaska was so hard hit on Good Friday 1964, by earthquake and seismic waves there was no attempt on the part of anyone to conceal what had happened. No restrictions were placed upon journalists. Indeed, foreign journalists were in Anchorage in less than 48 hours after the disaster and reported freely upon what they saw and heard. In our society there would be no reason whatsoever for seeking to hide the truth. And it will always remain a mystery to those who live in the free climate which our type of institution offers why any useful purpose might possibly be served by the Russians hiding from the world a full account of what has gone on at Tashkent. It is another of the mysteries of the contrasting ways of life. As Mr. Zorza points out, people become suspicious when censorship is applied, and they are inclined to distrust everything they read. In Moscow all of this may make sense; to us and, I doubt not, to millions of Russians the logic of concealing the truth is hard to discover.

THE U.S. DEFENSE BURDEN IN WESTERN EUROPE

Mr. TALMADGE. Mr. President, since the conclusion of World War II, the United States, at great expense to the American taxpayer and sacrifice by our young men, has carried a disproportionate share of the defense burden in Western Europe, in both men and money.

The United States contributed heavily to speed the recovery of these nations and, largely because of our assistance, they are now back on their feet and are prospering as never before. Production and employment have reached alltime highs, and it is no exaggeration to state that Western Europe at the present time is in the midst of an economic boom.

At the same time, the United States year after year suffers severe deficits in our balance of payments—because of massive foreign spending and commitments overseas—and the drain upon our gold reserves is a continuing threat to the strength and stability of the American dollar. Conversely, for example, the six nations of the Common Market have a combined gold reserve larger than our own which is the lowest in a quarter of a century.

U.S. military commitments in Western Europe account for some $750 million annually in our balance-of-payments deficit and potential further drain upon our gold.

The time is long overdue for this situation to be reassessed. While these nations prosper, it is high time for them to start carrying more of the load of their own defense. And while they are doing little or nothing to aid the United States in our struggle against communism in southeast Asia, they are in fact aiding and abetting the enemy by trading with the Hanoi regime.

The Atlanta Journal of July 25 published an excellent editorial which succinctly stated the situation thus:

> If these new rich Europeans won't help us east of Suez, the least they can do is support their own armies for their own defense, thus giving us more latitude in the disposition of our own troops and supplies.

I ask unanimous consent that the entire editorial be printed in the RECORD.

There being no objection, the editorial was ordered ot be printed in the RECORD, as follows:

[From the Atlanta Journal, July 25, 1966]

WEANING TIME?

Secretary of Defense Robert S. McNamara is in Paris to meet with the defense ministers of the NATO nations.

The meeting is to discuss NATO plans and defense spending for the next five years and a new nuclear policy for a NATO without France.

Mr. McNamara's arrival coincides with the British economic crisis and reports that Great Britain wants to be relieved of the burden of maintaining troops along the Rhine.

It is expected that the U.S. and remaining partners of NATO will be sympathetic to the idea of relieving Great Britain of this burden, particularly since she is being quite noble and extravagant in helping keep the peace in the East by maintaining troops on the other side of Suez.

All this brings up the question of the defense of Western Europe and what new shape should NATO take since Premier DeGaulle has taken France out of the Alliance.

From our point of view Western Europe has recovered from World War II and the danger of a Red takeover is remote. This economic recovery should enable the nations there to maintain their own armies, thus freeing this country for more pressing urgencies.

We have not noticed much enthusiasm on the part of our NATO allies (Great Britain excepted) in helping us bear the Westerner's burden in the east.

If these new rich Europeans won't help us east of Suez, the least they can do is support their own armies for their own defense, thus giving us more latitude in the disposition of our own troops and supplies.

Economic aid has rebuilt a Western Europe which for awhile had to be shielded by our troops.

It now looks as if Western Europe has no real need for either our troops or economic help. It now looks as if Western Europe's great need is to be weaned and learn to shift for itself again.

TRIBUTE TO SENATOR WILLIAMS OF DELAWARE

Mr. SIMPSON. Mr. President, there are few Senators whose dedication to the ideals of honesty and integrity in government is greater than that of Senator WILLIAMS of Delaware.

The Senator was recently the subject of an editorial in the Wilmington, Del., Evening Journal. And, as readers of the Washington Star are aware, Senator WILLIAMS has been called upon inadvertently to enhance the political fortunes of the gentleman who is soon to be the former Governor of California.

I ask, Mr. President, that the editorial from the July 25 Evening Journal and the article pertaining to Senator WILLIAMS' Sunshine State campaigning be printed at this point in the CONGRESSIONAL RECORD.

There being no objection, the editorial and article were ordered to be printed in the RECORD, as follows:

[From the Wilmington (Del.) Evening Journal, July 25, 1966]

DATELINE D.C.: HARD FRIEND TO HELP

(By Sam A. Hanna)

WASHINGTON.—Senator JOHN J. WILLIAMS, Republican, of Delaware, is suffering his worst defeats this year when he tries to bail out legislative proposals of his old acquaintance, President Lyndon B. Johnson.

Repeatedly, WILLIAMS has arisen in the Senate and—with just a trace of slyness underlying his bland expression—has tried to pass legislation sent up from the White House.

No one is less surprised than he when the Senate's Democrats—except for a few mavericks like Senator FRANK J. LAUSCHE, Democrat, of Ohio, gang up to defeat the Williams-Johnson amendments. The Delawarean calmly goes on to the next round of twitting the Administration.

WILLIAMS lost when he tried to secure enactment of an Administration proposal to permit tax deductions for under-$100 contributions to political parties and candidates. The idea was part of a much-heralded but long-delayed "clean elections" package the Administration prepared but so far has done nothing to push.

The trouble with the amendment as it got to the voting stage was that it would not have permitted deductions for contributions to the AFL–CIO's Committee on Political Education, labor's prime source of money to help friendly candidates.

WILLIAMS also quoted from the President's agriculture message in opposing a plan that would pay planters for not growing cotton and would also permit them to collect subsidies on crops they do grow. Mr. Johnson had called, WILLIAMS dryly observed, for a reduction in farm subsidies for major producers. The farm bloc methodically voted the double subsidy, anyway.

Mr. Johnson had let it be known that he wanted no Civil Service pay hike before Jan. 1, 1967. Williams took him up on it but was defeated by a heavy vote of senators who made the raise retroactive to last July 1. WILLIAMS again quoted the President in seeking to increase the withholding deduction for civil servants' contributions to their retirement system. The plan lost.

To be sure, WILLIAMS has not done much to help Mr. Johnson put through many of his great society measures for expansion of social programs. But now they are finding themselves allied in calls on Congress to cut spending authorizations and the President keeps dropping threats of a tax increase next year if his economy calls are unheeded. WILLIAMS thinks taxes should never have been cut so drastically last year.

The President, who reportedly made WILLIAMS a number one target for defeat in the 1964 senatorial races, has not publicly thanked the Delawarean for his assistance on the doomed measures and WILLIAMS is not holding his breath waiting. He did receive an enlarged color photograph of himself, the President and the first lady at a giant White House reception. "I didn't even know they'd taken it," WILLIAMS says.

THE GOP VARIETY: WRONG NUMBER BRINGS HELP FOR PAT BROWN

(By Paul Hope)

Gov. Edmund G. (Pat) Brown, seeking all the help he can get in his race against Republican Ronald Reagan in California this fall, got his Washington wires crossed the other day.

Someone in the office of Fred Dutton, the governor's campaign manager, telephoned the office of Senator JOHN J. WILLIAMS of Delaware last Friday to ask the senator if he would campaign for Brown.

The California caller suggested that maybe WILLIAMS might want to bring a subcommittee to California which would provide an even better "sounding board." That way, WILLIAMS could even save the travel expense by charging it to the government.

WILLIAMS' secretary relayed the request to WILLIAMS and the senator told the secretary to tell Brown's headquarters he would be happy to make as many speeches as the governor wanted.

He said he would talk on "good government" or any other subject. He said he would even throw in a few "non-political speeches like the President makes."

In addition, WILLIAMS said he would pay his own expenses.

The senator's secretary relayed the information to Dutton's office yesterday. There was dead silence on the California end of the line.

Someone in Dutton's office apparently had realized the mistake. WILLIAMS is the Republican from Delaware whose sleuthing has uncovered a good many scandals, including the Bobby Baker affair.

Apparently Dutton's office got WILLIAMS of Delaware mixed up with Senator HARRISON WILLIAMS, Democrat of New Jersey who is chairman of the Migratory Labor Subcommittee.

The irony is that Dutton, hired by Brown to bolster his campaign against the favored Reagan, is an old hand in Washington. He used to be a special assistant to President Kennedy.

"I prefer to think they didn't get me mixed up with Senator WILLIAMS of New Jersey," said WILLIAMS of Delaware. "They knew I stand for good government. It's just that they discovered I don't have a subcommittee."

DICKEY-LINCOLN SCHOOL HYDROELECTRIC PROJECT IN NORTHERN MAINE

Mr. MUSKIE. Mr. President, a most comprehensive and factual account of the benefits which the Dickey-Lincoln School hydroelectric project in northern

Maine will give to REA cooperatives was presented recently by Charles A. Robinson, Jr., to the New England Conference of Public Utilities Commissioners. Mr. Robinson is staff engineer and staff counsel to the National Rural Electric Cooperative Association. I commend him for his clear and well-documented statement, which is further testimony to the overall economic worth of the Dickey-Lincoln School project to northern New England. I ask unanimous consent that the full text of Mr. Robinson's speech be printed at this point in the RECORD.

There being no objection, the speech was ordered to be printed in the RECORD, as follows:

PANEL ON LOW COST POWER FOR NEW ENGLAND

(Remarks of Charles A. Robinson, Jr., staff engineer and staff counsel, National Rural Electric Cooperative Association, 1966 New England Conference of Public Utilities Commissioners, Stowe, Vt., June 27, 1966)

It is indeed a privilege to be afforded this opportunity to exchange ideas and opinions with a group as thoroughly knowledgeable and experienced in electric power system planning, financing and operation as are the persons in attendance at this Conference. I deeply appreciate your invitation to participate in this panel.

The Conference itself is, I believe, rendering a very substantial public service by furnishing a forum in which persons possessed of similar objectives, but perhaps with differing views on how these objectives should be achieved, can meet with the common purpose of discussing ways and means by which an indispensable commodity such as electricity can be made available to the general public at the lowest possible cost. Certainly, nothing but progress ought to result from a meeting such as this.

It is my intention, in accordance with Commissioner Gibson's request, to discuss the facts as I know them concerning the topic assigned to me—the Dickey-Lincoln School project in Maine. This is a project, I recognize, which has stirred as much bitterness between various segments of the electric power industry in New England and has given rise to as much political controversy as has any similar proposal in recent years. It is my hope that this controversy and the strained relationships which have stemmed from it, will ultimately be reconciled, and that all of the plans and proposals for reducing the cost of power throughout the northeast can proceed together in harmony.

RURAL ELECTRIFICATION IN PERSPECTIVE

The REA-financed portion of the electric utility industry, with which I have been associated for some 16 years, is small by any standard when compared with the magnitude of the investor-owned companies which serve 80 percent of the nation's population.

The total investment in REA-financed systems throughout the United States is less than $5 billion compared to the more than $70 billion of assets owned by the investor-owned companies. Electric cooperatives operate only one percent of the nation's installed generating capacity and themselves generate only some twenty percent of the total energy input to their own systems. They serve some eight percent of the nation's electric consumers with five percent of the total electric energy sales for which they receive about six percent of total U.S. electric revenue.

Even if legislation now pending in Congress, which would provide supplemental capital for REA-financed systems, were enacted immediately, total investment in such systems might reach some $15 billion by 1980 compared with an estimated industry total by that date of $170–200 billion. And, if all regular and supplemental financing, programmed for REA-financed generation and transmission facilities through 1980, were expended by that date, such facilities would then constitute about 3.5 percent of the total industry. (Statistics for electric cooperatives in New England are shown in Table II.)

TABLE II.—*Selected statistics for electric cooperatives in New England (fiscal year 1965)*

	Consumers served [1]	Miles of line [1]	Annual revenue [1]	Consumers per mile	Revenue per mile	Kilowatt-hour sales × 1,000 [1]	Revenue per kilowatt-hour (cents)	Kilowatt-hour sales per consumer	Revenue per consumer
Maine	6,843	1,077	999,644	6.3	$925	38,093	2.6	5,560	$146
New Hampshire	22,598	2,917	2,655,012	7.8	912	72,176	3.7	3,200	118
Vermont	7,277	1,993	1,247,057	3.6	625	42,477	2.9	5,820	172
United States	5,440,189	1,556,956	815,432,624	3.5	522	41,382,098	2.0	7,600	150

[1] Figures furnished by REA directly, per unit figures derived via slide rule. Source: Report of the Administrator, REA, 1965.

I emphasize these statistics not because they are per se related to the Dickey-Lincoln School project, but because the advocacy of such projects by the electric cooperatives is frequently misconstrued as an attempt to harm the investor-owned segment of the industry. In fact, the co-ops are so small a part of the industry as to be incapable of accomplishing many of the nefarious purposes with which they are sometimes charged.

COST OF WHOLESALE ENERGY

Most of the energy distributed by the electric cooperatives in New England is purchased at wholesale from other power suppliers. A very small amount is generated in REA-financed plants. All of it is extremely high in cost. During the past twenty years, the cost of wholesale power purchased by rural electric cooperatives from investor-owned electric companies throughout the United States has fallen continuously and steadily from an average of 10.1 mills per kilowatt in 1945 to 7.5 mills per kilowatt hour in 1965.

By contrast, as shown on the attached Chart I (not printed in the RECORD) the price of wholesale energy purchased by REA-financed systems in New England has fluctuated between very wide limits during the same period of time, except for the state of Vermont which exhibits a steady decline between 1950 and 1960 with slight increases thereafter. The downward trend in Vermont between 1958 and 1960 is accentuated by the availability of 8.5 mill power from the St. Lawrence-Niagara system. In Maine the recent steep decline in the average wholesale cost of power to REA-financed systems is directly traceable to the importation from Canada of increasingly large blocks of power supplied by the New Brunswick Electric Power Commission. By contrast, however, as indicated in Table I, the average 1965 cost of power from some wholesale suppliers has actually increased over the cost of the same power from the same supplier in 1950. In other cases there is little or no difference between the average rate of such purchases in 1950 and in 1965.

TABLE I.—*Average wholesale cost for wholesale energy purchased by electric cooperatives in New England by source* [1]

[In mills per kilowatt-hour]

Source	1950	1965
Bangor Hydro Electric Co	13.3	16.1
Maine Public Service Co	19.1	19.3
Meddybemps Lake powerplant		12.0
New Brunswick Electric Power Commission		9.5
Connecticut Valley Electric Co		15.3
New Hampshire Electric Co		12.6
Public Service Co. of New Hampshire	12.9	12.9
White Mountain Power Co		17.4
New Hampshire Electric Coop		15.2
Central Vermont Public Service Corp	14.8	12.4
Citizens Utilities Co		10.0
Green Mountain Power Corp	12.7	20.4
Public Service Board of Vermont		8.3
U.S. total average	8.6	6.5

[1] Source: REA Bulletin 111-2, fiscal year 1965.

DICKEY-LINCOLN SCHOOL

From this type of wholesale power supply situation there has arisen, as might be expected, tremendous pressure on rural electric system management in New England to seek out and explore every possible avenue which might hold promise of lower wholesale rates. It should come as no surprise, therefore, that these systems have strongly supported construction of the Federal Dickey-Lincoln School hydro-electric development. Our support of the Dickey-Lincoln School project stems, not from the fact it is to be constructed by the Government, but rather from the fact that wholesale power from it can be delivered to our cooperative load centers at rates reflecting major savings over presently available alternative sources.

The Dickey-Lincoln School project, as presently contemplated, would have an installed capacity of 760,000 kilowatts at Dickey Reservoir on the St. John River in Maine, with an additional 34,000 kilowatts at the Lincoln School re-regulating impoundment downstream. The natural flow at the Dickey site, controlled by eight million acre feet of reservoir storage, would assure annual generation of just over one billion kilowatt hours from the combined project. As planned, the power and energy from the project could be marketed by a twin circuit 345 k.v. transmission line system with terminals at Bangor and Portland, Maine and Boston, Massachusetts. Both load factor energy and peaking capacity could be produced.

Total Federal investment in the Dickey-Lincoln School project is estimated at $227-million. The above-mentioned associated transmission system would cost an additional $73-million—bringing the total investment in Federal facilities to $300-million, including interest during construction.

Based on February 16, 1965 Federal Power Commission figures, annual benefits attributable to the combined project total $21.5-million of which 98 per cent represents the hydro-electric potential. Benefits assigned to the hydro-electric features of Dickey-Lincoln School were at that time corrected downward to reflect a comparison by FPC with the cost of equivalent power and energy to be produced at a new 500,000 kilowatt steam station and a new 125,000 kilowatt steam station scheduled for installation in Massachusetts and Maine respectively. Annual charges for the combined project including transmission, using a 100 year economic life, a 50 year payout period and interest at 3¼ per cent, total $11.9-million per year. The benefit-to-cost ratio thus calculated is 1.8. These figures reflected Federal Power Commission estimates of $22.50 per kilowatt year plus 2.3 mills per kilowatt hour for electricity delivered in the Boston area, and $24.50 per kilowatt year plus 2.9 mills per kilowatt hour for electricity delivered in Maine. A composite power value of $23.50 per kilowatt year and 2.6 mills per kilowatt hour was used by the Commission in developing the hydro-electric power benefit attributable to the Dickey-Lincoln School project of $21.5-million per year compared to $25.1-million per year as originally estimated by FPC in 1963.

During the August 1965 hearings on the Dickey-Lincoln School project before the Flood Control Subcommittee of the House Committee on Public Works, an alternative to the Dickey-Lincoln School project, consisting of privately-financed pumped storage and nuclear baseload, was suggested by the investor-owned companies of New England. Immediately thereafter, Senator Muskie of Maine asked the Director of the Bureau of the Budget to again evaluate the benefits and costs of the proposed Federal development in the light of the alternative presented by the companies in their testimony before the House Subcommittee. The Bureau of the Budget again called upon the Federal Power Commission for technical assistance. On September 30, 1965, over the signature of F. Stewart Brown, Director of its Bureau of Power, the Federal Power Commission, in a memorandum to Budget, calculated the benefit-to-cost ratio of the proposed Federal project at 1.58.

This benefit-to-cost ratio transmitted by the FPC staff on September 30, 1965, was based upon a privately-financed alternative consisting of a hypothetical pumped storage site located within 75 miles of New England load centers, which could be constructed at an investment cost of $100 per kilowatt, plus a 600,000 kilowatt nuclear plant north of Boston with transmission for 100,000 kilowatts of 50 per cent load factor power from said plant to Maine. The Commission staff calculated that such an alternative, including transmission, would provide peaking capacity at $21.03 per kilowatt year including energy, and load factor power at $36.38 per kilowatt year including energy. These figures yielded a total cost attributable to the proposed alternative for the Dickey-Lincoln School project of $18.3-million per year compared to the $11.5-million annual cost of the Federal project. The resulting benefit-to-cost ratio for the Federal project is, therefore, 1.58.

One plan provides for operation of the Federal project to develop 100,000 kw of 4500 hour per kilowatt year power and 694,000 kw of peaking capacity. Its output would be sold, including transmission, for $15 per kilowatt year plus 3 mills per kwh for energy. Thus 4500 hour electricity would wholesale at about 6.3 mills with peaking capacity available at about $17.40 per kw year including energy. The resulting revenue would be $13.4-million per year assuming ten per cent losses.

SOME DIVERGENT VIEWS

Various economists and engineers and, sometimes lawyers, evaluate hydro-electric projects as well as conventional and nuclear-fired thermal plants by different methods and using a great variety of assumptions. As a long-time advocate for a particular segment of the electric industry, I, of course, recognize that various approaches to a single problem frequently yield different results. This is especially true in cases where engineering and management decisions have factored into them elements of politics or philosophy. Thus, in an address of April 13, 1966, to the Power Chapter of the Boston Section of the Institute of Electrical and Electronic Engineers, the very distinguished Vice-President of the Boston Edison Company, Mr. Francis Staszesky, after careful study of the relative merits of the Dickey-Lincoln School project and certain alternative projects proposed by the investor-owned companies, arrived at a conclusion exactly opposite to mine.

In his statement, Mr. Staszesky pointed out that under the "Big Eleven" proposal the companies would add to the power supply of New England some 6.25 million kilowatts by 1972, plus some seven hundred miles of 345 kv transmission line. This very large increment of new capacity, he added, would generate more than 60 per cent of the 1972 total requirements of the area at an average cost of 4.76 mills per kilowatt hour. This, when combined with the 1965 average cost of generation for all of New England of 9.7 mills per kilowatt hour, would result in an over-all reduction of 26.4 per cent to an average of 7.14 mills per kilowatt hour in 1972. Based upon these circumstances, Mr. Staszesky concluded that (1) the Dickey project should not be substituted for one of the Big Eleven projects, and (2) that there is no place for Dickey-Lincoln School in New England's power picture.

THE PROBLEM OF THE COOPERATIVES

The differing viewpoints of the Dickey-Lincoln School project developed by Mr. Staszesky and myself are probably not unexpected, and, in my opinion at least, probably arise from the different operating conditions of the particular segments of the industry which each represents.

Rural electric systems in New England badly need a source of wholesale energy at a substantially lower cost than that which is available to them at the present time. Although the average revenue per kilowatt hour realized by the companies in New England from residential sales has steadily declined from an average of seven cents per kilowatt hour in 1930 to an average of three cents per kilowatt hour in 1964, the average rate for wholesale service available to the cooperatives has not shown a similar trend. In addition, as I understand it, the 26.4 per cent savings attributable to the "Big Eleven" combine will apply to generation only. Presumably, the generation component constitutes only 28 per cent of total cost and 25 per cent of revenue. Thus, the savings to the rural electric systems would probably not be more than seven per cent below present costs under the "Big Eleven" proposal.

By contrast, Federal power from the Dickey-Lincoln School development would be available to rural electric systems at from seven to eight mills per kilowatt hour delivered at load centers. This compares to the 7.4 mills per kilowatt hour estimate for the average cost of generation in New England as of 1972.

Rural electric cooperatives in Maine purchase approximately 46 million kilowatt hours per year at an average cost of 11.8 mills per kilowatt hour.

Federal power from the proposed St. John River development could be delivered to them at seven mills per kilowatt hour. They would save some $189,000 per year or 37 per cent on present cost. In New Hampshire the cooperatives purchase some 82 million kilowatt hours per year at an average cost of 13.3 mills. Even at a delivered cost of eight mills, Federal power would save them nearly $435,000 per year or 40 per cent on present cost. Thus, the problem, from the standpoint of the rural electric cooperatives, relates to the availability of low-cost power at load centers. From our standpoint, the Dickey-Lincoln School project offers the best alternative for solving our problem.

From the standpoint of the investor-owned companies, I can only point out that the some 700,000 kilowatts of peaking power, a major portion of which would be available to them, constitutes approximately five per cent of the estimated 1972 New England peak load and would be sold to them at substantially below the $21.03 per kilowatt year calculated by the Federal Power Commission as the cost of developing peaking capacity from a pumped storage unit assuming $100 per kilowatt of installed capacity and pumping energy at three mills per kilowatt hour.

It is my sincere belief that the rural electric systems of New England have no choice but to actively advocate immediate construction of the Dickey-Lincoln School project as their best alternative for obtaining lower cost wholesale energy. It seems to me also, in view of the fact that the total installed capacity of the project available for peaking purposes is some five per cent of New England's anticipated 1972 peak load and something on the order of only ten per cent of what the investor-owned companies themselves contemplate installing by 1972, that its peaking capability can be advantageously used on the New England grid system.

HO'S MOBILIZATION

Mr. McINTYRE. Mr. President, an editorial in the Washington Daily News refers to Ho Chi Minh's announcement that he has ordered partial mobilization of North Vietnam's reserves.

He left unclear just what "partial" means, but the editorial in this Scripps Howard newspaper expresses the feeling that it is worse news for the people of North Vietnam than for us.

There is no joy in reading Ho's bitter denunciation of our role in Vietnam, adds the writer, but in the face of his stubborness we can only keep up the pressure until he agrees to negotiate or gives up trying to conquer South Vietnam.

I ask unanimous consent that this editorial be included in the Record.

There being no objection, the editorial was ordered to be printed in the Record, as follows:

Ho's Mobilization

North Viet Nam's President Ho Chi Minh has ordered the "partial mobilization" of his army reserves, as a response to American air strikes against petroleum depots near Hanoi and Haiphong. Ho left unclear just what "partial" mobilization means, but we have the feeling it is worse news for the people of North Viet Nam than it is for us.

In Ho's and other week-end statements from Hanoi, there is the standard condemnation of American "imperialists." But significantly there also is the admission the "Vietnamese people in the whole country are facing an extremely serious situation," and a new appeal to fellow-communist nations to help "more resolutely and effectively."

In short, Ho seems to be warning his people that for all the destruction the American air raids have caused so far, there's going to be more of the same in the future.

For us, there is no joy in reading Ho's bitter denunciation of our role in Viet Nam, and his emphatic rejection of the idea of open negotiations. But it's at least some comfort that Ho, in a big speech, refrained from ordering the mobilization of his 350.000 man army for a thrust across the seventeenth parallel, stopped short of asking other communist governments for "volunteers," and said nothing about the rumored trial of downed U.S. pilots. Apparently our warnings not to tamper with the lives of our captured pilots has sunk in.

In the face of North Viet Nam's stubbornness, there is nothing for us to do but to continue to battle in the South, keep up pressure thru air raids on the North, until the Hanoi regime agrees to negotiations, or decides it has had enough and quietly gives up trying to conquer the South by force of arms.

CAPT. JAMES R. MITCHELL—ANOTHER UTAH HERO

Mr. BENNETT. Mr. President, the war in Vietnam has produced many heroes and for a brief moment, I would like to pay tribute to James R. "Dick" Mitchell of Ogden, Utah, who has joined that group of men who are proving once again that courage and daring are still very much American characteristics.

Captain Mitchell was recently rescued from the North Vietnamese panhandle by a brave helicopter crew—another of those units to which American pilots owe a deep debt of gratitude—after his F–105 had been shot down by North Vietnamese ground fire. As fate would have it, Captain Mitchell was flying his 100th and last combat mission. We in Utah are proud of this native son who is a graduate of Ogden High School and the University of Utah.

Captain Mitchell is not new, however, to individual competition. The son of Mrs. Louise Mitchell and the late Ralph Mitchell was a member of the 1956 Olympic ski team which competed in Italy. His flying skill and his courage reflect the physical stamina and independent thought which made him a top competitor in the Olympic Winter Games.

In behalf of the people of my State, I want Captain Mitchell and his family to know that we appreciate the sacrifice which he has made in defense of the free world. I am pleased that his rescue will make it possible for this Nation to benefit again from his fine skills and his great courage. That he is alive and well makes us very grateful and proud that we can claim him as a native son of our State.

POLISH MILLENNIUM HONORED BY THE ISSUANCE OF A COMMEMORATIVE STAMP

Mr. DOUGLAS. Mr. President, 1,000 years ago King Mieszko was baptized and the whole Polish kingdom he had united was converted to Christianity. Although the Catholic Church grew steadily in Poland throughout the centuries, there were often great times of trouble. In 1079 a great spiritual leader, Stanislav, was martyred while Bishop of Cracow. He is now the revered patron saint of Poland.

The 20th century has been one of the most difficult for Christians in Poland. But the hardships they have endured and continue to endure have not diminished their abiding faith.

We in the United States have tried in some small way to show the Polish people in our country and in their native land that we acknowledge the great significance of their millennium. On July 30 a commemorative stamp will be issued celebrating the 1,000th anniversary of Christianity in Poland in hopes that everyone in the country will join with their Polish brothers in observing this truly great day of the millennium.

I am proud of the part I was able to play in the issuance of the commemorative stamp. I ask unanimous consent that my letter concerning the millennium stamp and Postmaster General O'Brien's response to it be included in the RECORD.

There being no objection, the letters were ordered to be printed in the RECORD, as follows:

FEBRUARY 18, 1966.

Hon. LAWRENCE F. O'BRIEN,
Post Office Department,
Washington, D.C.

DEAR LARRY: I appreciate your assurance that the suggested Polish millennium stamp is under consideration as the last commemoratives for 1966 are being selected.

In writing now, I want to reaffirm my interest in this stamp and suggest how very meaningful it would be to the American people.

Poland has long been a beleaguered land. But her creative, strong-willed people have endured partition, tyranny, war, and now the oppression of communism, maintaining their love of beauty, their spiritual strength, and intense pride in their Polish heritage.

Our society has been nourished by the Polish people who have come to the United States and taught us to appreciate more than we might otherwise have learned of the remarkable culture now trapped behind the Iron Curtain. A stamp to commemorate the Polish millennium will awaken even more interest in the glory of Poland's ancient heritage. I very much hope that it will be approved.

With thanks for your consideration, and best wishes.

Faithfully yours,
PAUL H. DOUGLAS.

THE POSTMASTER GENERAL,
Washington, D.C., February 23, 1966.

Hon. PAUL H. DOUGLAS,
U.S. Senate,
Washington, D.C.

DEAR SENATOR: It gives me great pleasure to advise you that I have approved a commemorative stamp to mark 1,000 years of Polish culture.

Because of your personal interest in this subject, I thought you would like to know about the stamp in advance of the public announcement. The date and place of first-day sale have not been determined at this time.

Your endorsement contributed significantly to my decision to issue a stamp for this important anniversary.

Sincerely yours,
LAWRENCE F. O'BRIEN.

SEDUCTION BY STATISTICS

Mr. KUCHEL. Mr. President, in the July issue of Nation's Business there is a most interesting and provocative article, entitled "Seduction by Statistics," written by the distinguished Republican leader in the Senate, EVERETT MCKINLEY DIRKSEN. As Nation's Business describes it, the minority leader indicts those Washington wizards who employ hallucinatory estimates for masquerade and mirage in an extravaganza of political chicanery on the American public which is no less than seduction by statistics.

I ask unanimous consent that the article be included in the body of the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

SEDUCTION BY STATISTICS

(By EVERETT M. DIRKSEN)

The city of Washington is the world center for the manufacture of statistics. Several thousand of the 2,542,590 employees on the United States government's $17 billion annual payroll spend their days feeding magnetic tape into computers and drawing off columns of figures. What kind of guidance do their statistics provide? Who is really benefiting from them?

Studies such as those dealing with the perspiration problem of Australian aborigines, or with the rate per hundredweight for trucking yak fat from Omaha to Chicago, are not at issue here.

My concern is with statistics essential to the formulation of sound national policy. And I charge that some of them reflect not facts but a mirage. Some are pure sleight of hand. Still others are hallucinatory. Indeed, figure management now reinforces news management in Administration tactics. The combination, as I intend to show, can be doubly dangerous.

The foremost example of sleight of hand statistics is, of course, the national budget. The President has raised it from just under $100 billion—a figure known to have been inaccurate when presented—to $112.7 billion. To you and me that looks like, and is, an increase of nearly $13 billion. But the image-makers in the Administration noticed that the President, as all Presidents must do, had trimmed some of the more pendulous fat off the amounts of money requested by various agencies and departments. So out came an inspired news release, headlined "President Lops $10 Billion from Budget."

Can a $13 billion budget increase really be a $10 billion cut? It cannot. It is an example of what George Orwell identified in his prophetic book, "1984," as "newspeak." It is like describing the world's biggest spender as "frugal," or Russia as a "democracy." Nobody really should be fooled by the federal budget.

Much of the same sort of numerical flummery, as many citizens are discovering, goes for last year's loudly trumpeted tax cut. What was benevolently extended by one hand of government as an income and excise tax cut, was withdrawn by the other as a hike in social security taxes, a little later. The harsh fact is that today the tax collector at all levels of government, local, state and national, takes 35 per cent of the national income.

WHERE THE HOCUS-POCUS STARTS

Largest and most potent of government's hallucinatory statistics is the gross national product. The GNP—most widely accepted indicator of the pace of America's economic growth—is used by the government also for divination and to produce euphoria in the face of inflationary spending. It is a gross national illusion. One man toiling away in the Department of Commerce, "guesstimates" the GNP by counting the dollars spent for certain goods and services, every time they go by.

He may not wear a conical hat and a black robe decorated with cabalistic diagrams, but mystic and intuitive elements do seethe and bubble in his pot.

The synthetic figure produced is stupendous—$720 billion this year. With inflation now going at the rate of more than two per cent a year, the GNP rises automatically by $4 billion every quarter. To make it leap upward still faster, a skeptic suggests that every man be ordered to pay his wife $40 a week as cook and housekeeper. That would not produce any more wealth though it might set off some fireworks. But it would, as if by magic, push the GNP statistics on toward the $1 trillion figure.

At that level, incidentally, the GNP would about equal the real national debt, $947 billion, which is three times as high as official statistics report it. (The official debt figures omit about $600 billion owed for services already rendered, such as the $40 billion the government owes the civil service retirement fund.) The GNP is not wealth, nor earnings nor anything else you can touch, borrow or spend. It is only a statistic, but every day someone says we can afford still another vast expenditure because it would "require less than one per cent of the GNP." And all too often we do make the down payment on still another tremendous program, with tremendous and unknown costs to follow.

Ironically, last summer the U.S. Commerce Department itself renounced as erroneous the GNP figures it had produced since 1929. It recalculated the lot, and then came up with a higher figure for the annual increase in labor productivity.

The increase was small, from 3.6 to 3.7 per cent, but it was sufficient to provide labor union economists a basis for demanding that another famous figure—the Administration's guidelines for wage increases—be adjusted upward.

THE STATISTICAL SNOW JOB

A bureaucratic technique now being skillfully employed in Washington can be properly termed the statistic avalanche.

A distinguished practitioner of the avalanche is Sargent Shriver, a handsome and voluble man with energy enough to run (until recently) two high government jobs while dreaming of a third. The avalanche device is triggered, for example, when Mr. Shriver is questioned at press conferences about instances of what he defends as high-spirited mayhem or arson in his scandal-ridden, politically manipulated Job Corps, which is part of the federal poverty program.

On one occasion last fall, he called down a tumbling mass of statistics which rolled end over end, at express train speed, to engulf the reporters. It included data ranging from the annual cost of keeping an inmate in the Illinois penitentiary at Menard to the median consumption of fish, classified as to weight and species, by seals in the Seattle zoo.

When at last the rush subsided, the shaken questioner was sorry he had asked the little question that started it all, namely: "How much more does it cost to keep a boy in the Job Corps than in Harvard University?"

The question had been buried in the statistical snow-job. There it will remain forever unless a shift in the political glacier opens a crevasse and exposes it to view.

Plain deception meets the needs of some. Arthur Sylvester, assistant secretary of defense for public affairs, has made it clear that the Administration would not hesitate to deceive about defense affairs when it deemed deception necessary. Some of the news out of Viet Nam persuades many of us that he was, in that statement at any rate, telling the truth.

Those who class the war on poverty with Viet Nam in importance surely are engaging in deception. So are the postal snoopers and the Internal Revenue wiretappers, whose work seems more suited to a collectivist than to a great society.

A phantom statistic which even compels its compilers to smile is that showing "the rising productivity of government employees." There are, of course, many conscientious, hard-working government employees among the myriads, but they are all supported by the work of someone else. What could they produce, but statistics?

HAULING OUT THE BOGEYMAN

An old favorite is what might be called the Cheshire statistic. It is pulled out of the air like a magician producing a bowl of goldfish. Such a statistic was the basis for the charge during the 1960 Presidential campaign that "17 million Americans go to bed hungry every night." Not four million or 18.1 million, but 17 million exactly. Unless many of them were reducing, that seemed to indicate a deplorable breakdown in a public relief system which was even then the most gigantic ever conceived. But then President Johnson raised the figure two years ago to 35 million. It hung on the campaign air a while like its predecessor and then faded gently from view.

So did the terrifying missile gap discovered by Democratic creators for use in the same campaign. Both were meaningless as fact, but useful as bogies for whipping up emotion.

The dictionary defines that as demagoguery.

Cheshire or phantom statistics are common in foreign affairs, too. Successive Presidents have extolled military aid as assuring the United States of staunch allies, ready to spring to our side in the fight for freedom with "250 strategic bases, five million ground forces, 10,000 aircraft and 2,500 vessels." Well, thousands of American men are fighting for freedom today in the dark jungles of Viet Nam, but where are those eager allies?

We know where some of them are. More than 200 different ships of a dozen free world nations which have received $29 billion in American aid are busily hauling munitions to our communist foe, the Viet Cong. Others which received even greater sums are running supplies through our toothless "quarantine" to Communist Cuba, in defiance of all our pleas and entreaties.

If we cannot expect gratitude for the $130 billion we have poured out in postwar foreign aid, might we not demand decency? The scale of our generosity, by the way, is shown by the fact that interest on the public debt, ballooned by this aid, now runs more than $1 billion a month, or about twice the current cost of our struggle in Viet Nam.

THOSE STRETCHABLE YARDSTICKS

Rubber statistical yardsticks to fit varied occasions also are common in government. For gauging unemployment, the long yardstick is used. Housewives, youngsters, people resting unconcernedly between jobs, are all counted as jobless to bring the unemployment total up to a level intended to cause public worry. Although unemployment is given as 2.9 million, a former director of the census recently estimated the number of male family heads out of work at only 600,000. Nobody really knows. The official guess is extrapolated from a survey of only 35,000 families.

An effort to provide a count of job openings available was defeated last year in Congress by labor union pressure, as tending to minimize the pathetic plight of the honestly apathetic.

The myth of suffering millions searching in vain for work apparently must be preserved, even though employers from one end of the country to the other complain of their inability to hire help.

There's a saying now which goes: "If you don't like the heat, change the thermometer."

For many years, the Administration's economists, along with pundits and commentators, had bemoaned the existence of a "dollar gap" abroad. But more recently, as everyone knows by now, the recipients of American bounty abroad have drawn down our gold reserves by billions. They have been able to buy gold because our gifts, loans, investments and purchases abroad have been running about $3 billion a year greater than their transactions with us. So, suddenly with the mysterious unanimity of a cloud of gnats, they all changed direction. The dollar gap had become a dollar glut.

A cut in business investment and tourist purchases ordered by the Administration did not help enough. (Nobody knows what tourist purchases amount to.) The glut continues to grow. The Administration itself keeps on spending and donating dollars abroad through a dozen spigots. The money goes out as foreign aid, as bounties to foreign governments for sugar and coffee, as research grants to foreign scientists, as expenditures to keep U.S. troops in Europe to defend prosperous allies from whom we now are borrowing money, and in other ways. Further damage to our dwindling gold stocks seemed certain. What to do?

NOW YOU SEE IT—

The problem, as our leaders saw it, was how to make things look better without actually turning off or curtailing their spigots. Last August somebody came up with an idea. The government began computing the balance of payments in a new way. Dollars held by private institutions abroad were dropped from the liability column on the government's statistical tables, although they had been included in the earlier system of accounting because they can become official claims against our gold the moment they are turned into a central bank.

So, where the old fiscal thermometer showed a deficit of more than $3 billion for 1964, the new one cut it in half. The fever has not been changed, just the thermometer. We have a new statistical mirage, and the band plays on.

One of the most serious of all the government's statistical fantasies, however, reflects our balance of trade, which is a vital part of the total balance of international payments problem. For 20 years, Commerce Department officials have been pleased to inform the President, the Congress and the people that the United States regularly sells more goods to foreign lands than they sell to us. Our foreign trade was seen in wonderful health.

With the assurance of great and rising prosperity in foreign trade, Congress has gone along with successive Administrations, Republican as well as Democratic, in acts of generosity to our outdistanced trading partners abroad. We cut tariffs, increased foreign aid and borrowed $130 billion to lend or give away overseas.

At the same time we shipped—and are still shipping now—mountains of food and fiber as outright gifts or in exchange for nonspendable forints, dinars, zlotys, kips and rupees, all of which are reported by the Department of Commerce as commercial exports. This, of course, swells the export balance, but we receive no dollars. Americans who questioned our financial capacity to do whatever we liked, without limit, or who doubted the wisdom of supporting dictators who were busy sharpening the swords of our enemies, were laughed to scorn.

Not until the dollar stood shaken and defoliated, not until our gold stock had plummeted, did people begin to wonder if our balance of trade had really been as great as reported over the years. We began to ask if we had exposed ourselves to the gold drain by a statistical mirage in foreign trade earnings.

The answer, if you dig deep enough, is this. The United Kingdom and most other nations value imported goods on the "c.i.f." (cost, insurance, freight) basis. That means they take the purchase price abroad, add shipping and insurance costs, and end end up with the total cost of the merchandise landed in their own country. The difference between the seller's figures and the buyer's is just freight and insurance. It is proper that those costs be added to the valuation of imports.

But here's the catch: The United States does not add freight and insurance costs in computing the volume of imports. We do not keep the same kind of books as our trading partners. We value our imports on the "f.o.b." basis, foreign port of shipment. Our valuations are simply the cost of the goods abroad, with freight and insurance disregarded.

From that difference in accounting arises the mirage. Our statistics are not comparable with those of other nations. We understate the value of our purchases from Great Britain, for example, by an average of 22 per cent. And that, in computing trade balances, produces a violent distortion of fact.

The distortion is even greater in trade with more distant countries, since freight and insurance cost more. Our "officially" certified favorable trade balance with Japan for the three years 1962–64 was $413 million. Change our imports from Japan to the realistic c.i.f. basis and that favorable balance becomes a $677 million deficit.

The cheerful statistics showing U.S. manufacturers fully competitive in foreign markets become the more badly battered the deeper you look. The supposed favorable balance in our world trade is actually a deficit.

THE MANUFACTURED STATISTIC

The foreign aid bill, hailed by the Administration as a bare-bones measure, in truth provides for an expenditure of about $6 billion in new funds which is nearly twice the figure used in appropriations' requests. The bare-bones mirage is achieved by fragmenting the total cost and by financing big chunks of our foreign assistance—so-called food for peace, for example—under different labels, in fine print.

Now I am not a statistician, and I hold no brief for any particular accounting method. I favor expanded foreign trade. I have voted for AID. I admire our other trading partners. But I do most strenuously object that figure management, like news management, keeps us from reaching sound policy decisions on the basis of fact, not propaganda.

The statistical discrepancy between U.S. and foreign import trade accounting, for example, should have been volunteered to Congress and the public by our officials, and explained fully and frankly. This should have been done at the very beginning of the postwar period, when policy was being formed. It was essential knowledge then, and it is essential knowledge now.

Throughout the postwar period, Uncle Sam has acted in the belief he could adopt and carry out any program he considered desirable, whether at home or abroad, whether at the center of the earth or on the surface of the moon.

The balance of payments crisis and the costs of the grave struggle in Viet Nam remind us once more that nations, like families, must make choices. No nation can do everything it might like. When Washington implies that it can, it is a form of seduction of the public.

Moreover, we have learned from Mussolini, Hitler, Stalin, Peron and the other arrogant socialist dictators of our era that governments which manipulate facts are manipulating their people. A democracy can keep its freedom only as long as it is allowed to base its decisions on facts.

BIG BROTHER

Mr. LONG of Missouri. Mr. President, Mr. Erwin Knoll, of the Washington bureau of the Newhouse National News Service, has written a most interesting series of articles which appeared last week in many Newhouse newspapers throughout the country.

Mr. Knoll's series, entitled "Our Fishbowl Society," highlights a number of problems which the Senate Subcommittee on Administrative Practice and Procedure have uncovered during the course of our investigations of invasions of privacy. Newhouse News and Mr. Knoll are to be congratulated for this excellent series.

I ask unanimous consent to insert this series at this point in the RECORD.

There being no objection, the articles were ordered to be printed in the RECORD, as follows:

AN ARMY INVADES PRIVACY—LITTLE BROTHER WATCHES, TOO

(By Erwin Knoll)

("You had to live—did live, from habit that became instinct—in the assumption that every sound you made was overheard."—George Orwell, "1984.")

WASHINGTON.—Half way to 1984, some alarmed observers see signs of the realization of George Orwell's gloomy prophecy—the creation of a society in which no shred of personal privacy remains.

In fact, the dark portrait of the ultimate totalitarian state that Orwell painted 18 years ago is already outdated in several respects.

Writing in 1948, Orwell did not foresee the swift and ingenious developments of modern technology—the tiny cameras and listening devices, the self-starting recorders that can be used to spy on anyone anywhere; the huge computers that can sort and classify the most detailed personal data and spew them forth at the press of a button.

Preoccupied with the dangers of absolute dictatorship, Orwell did not note that even in a democracy, mounting bureaucratic pressures for "useful information" can subject citizens to demands for the most intimate facts about their private lives.

Nor did he expect that industry as well as government would adopt with enthusiasm the surveillance techniques that once were confined to the cloak-and-dagger world of Balkan intrigue, or that private citizens would join the snooping game on a grand scale to spy on relatives, friends and neighbors.

Those who nervously watch the erosion of privacy in our lives think Orwell's chilling fantasy missed the mark in one significant respect; it isn't just Big Brother who is watching, but a growing army of little brothers—professionals and amateurs, officials and private citizens, men motivated by patriotism and high virtue as well as others prompted by greed or morbid curiosity.

The reasons for invading privacy are infinitely varied and complex. Creditors have an understandable curiosity about the financial responsibility of borrowers. Government and private employers want to be sure their workers are loyal and honest. Storekeepers are eager to guard their merchandise against shoplifting and pilferage. Social workers and counselors, teachers and psychologists all feel that to do their jobs effectively they must know more and more about the individuals they deal with.

On a less lofty plane husbands and wives resort to the new technology of snooping to check on their spouses' fidelity. Businessmen get the drop on their competitors by "tuning in" on new products or promotion campaigns. Blackmailers and thrill-seekers are about to widen their activities with the techniques of privacy invasion now available.

Sen. EDWARD V. LONG, D-Mo., whose Senate subcommittee on administrative practice and procedure has been looking into government surveillance, industrial espionage and private snooping, recently gave an audience of Houston businessmen a run-down on a potential "typical day for you, now."

"When you wake up in the morning, and are still in bed, every word you say may be overheard and recorded. (There was a recent case in New Hampshire involving a landlord who placed a microphone which would overhear the bedroom activities of a young couple renting a house from him.

"When you make your first phone call of the day (or your last), there are a hundred ways in which your line may be tapped or bugged. Even if you have the phone company check and they find a bug, usually they won't tell you. And if your line is clear today, it can easily be bugged tomorrow.

"When you get into your car to drive into the office, there may be a transmitter hidden in it. Or it may have a 'bumper beeper' which is attached and which permits a snoop to easily follow you anywhere in the city.

"When you get to your office, you can be bugged a hundred ways. There may be a microphone planted in your wall, or in your desk or in your phone. There may be a miniature transmitter hidden in a thousand places. Hidden by whom, you ask? By your competitor, your employer, a salesman, an employe. To paraphrase an old canard, miniature transmitters are within the reach of everyone today—$39.50 at your friendly corner electronics store—no questions asked.

"When you go to lunch, the jukebox outlet at your table may well contain a listening device as well as a speaker.

"And so the day goes," LONG continued. "How about your wife, does she fare any better?

"When she goes shopping at the supermarket, chances are that she is being constantly watched by hidden closed-circuit T.V.

"When she goes to the department store to try on a new dress, chances are that the mirror in which she admires herself is a two-way mirror installed to discourage shoplifting.

"When she looks at the desk calendar to see what date to put on her check to pay her telephone bill, chances are that behind the front of the calendar is a hidden microphone.

"When she goes to a neighbor's house to play bridge, the built-in intercom system will permit people to eavesdrop throughout the house."

LONG's recital was, he said, both frightening and realistic. But it was far from all-inclusive as a catalog of the assaults on privacy to which his listeners might be subjected.

On that same "typical day" for example, a member of his audience could have the names and addresses on his first-class mail transcribed at the local post office. Financial data that he submitted on his tax return, or on a mortgage application, or on a credit form, might be divulged.

In school, his child might be asked on a standardized test how he feels about God, or about his parents, or about sex. The parent might be given the same type of test in applying for a job, or in seeking a promotion. Somewhere between home and the local dump, someone might be sifting his trash.

LONG and other members of the House and Senate who have addressed themselves to the problem believe it would be all but impossible to compile a definitive list of the ways in which privacy is being attacked.

But they are convinced that a profound and dangerous transformation of American society is taking place before our eyes—and that most of us are unaware of it.

"The direction of drift is perfectly clear," says Rep. CORNELIUS E. GALLAGHER, Democrat, of New Jersey, who heads a special House subcommittee on invasion of privacy.

"You don't have to be very intelligent to see that if this drift toward more and more intrusive action by private groups and organizations of all kinds, and by government, isn't checked, in 20 or 30 years no one will bother asking questions about privacy, and we will take it for granted that we live in a fishbowl and that we are not free men, but fish."

[From the Evening News (Harrisburg, Pa.) July 18, 1966]

Data Generally Well-Kept Secret Unless You're Cave-Dwelling Hermit, Someone, Somewhere Has Your File

(By Erwin Knoll)

("Conceivably, any kind of information about anybody or anything could be programed into a system."—Edgar S. Dunn Jr., consultant on statistics to the Federal Bureau of the Budget.)

Washington.—Unless you're a lifelong hermit dwelling in a well-hidden cave, somebody, somewhere has a file on you.

It may be just a collection of vital statistics—your name and address, date of birth, place of employment.

Or it may be a fat dossier containing a full life history complete with accounts of your financial status, political and religious beliefs, friendships, sexual habits, personal eccentricities and other intimate details.

Chances are that you will never get to see your file to verify the contents or ascertain how they are being used.

If you have ever been arrested, served in the armed forces, taken a draft deferment test or applied for a job requiring security clearance, yours is probably one of the 175 million sets of fingerprints indexed by the Federal Bureau of Investigation. It may be accompanied by a "raw file" containing unevaluated reports on your past activities and associations.

If you are a prospective home buyer, the Federal Housing Administration (FHA) may have a report in its files on the stability of your marriage. More than one million such reports were obtained last year from private investigators because, the FHA explains, "one of the leading causes of (mortgage) foreclosure is divorce."

Scores of government agencies aided by an army of private sleuths, are in the business of collecting personal information.

The Social Security Administration has accounts—and earnings data—on 166 million Americans. The Defense Department maintains 14 million life histories on individuals who have been subjected to security investigations.

The Federal Civil Service Commission has files on some eight million Americans who have been investigated for government employment. In the files are allegations of criminal, immoral or "infamous" conduct that could ruin the lives and careers of any citizens.

The Passport Office requires detailed personal histories from applicants who have been married more than twice. Officials recently confirmed that they maintain a system of surveillance on potentially troublesome travelers—critics of the Viet Nam War, for example.

The government's need—real or imagined—for more and more information on the private lives of citizens proliferates on an almost daily basis.

The Census Bureau now is pondering suggestions by some church groups that it include a question on religious affiliation in its 1970 decennial census. The U.S. Office of Education plans to assess effectiveness of various education programs by making a detailed study of 300,000 school children whose personal histories, family backgrounds and educational achievements are to be surveyed.

"Any time you start delving into a child's family background you get into the area of invasion of privacy," concedes Alexander M. Mood, assistant commissioner of education. "But we just can't deal with these problems without information. It boils down to the integrity of the federal agency in seeing that the information given by individuals is protected."

The record on protection of individual data varies widely among agencies. Highest marks for integrity generally go to the Social Security Administration and the Census Bureau, whose employees are prohibited by law from disclosing information in the files.

Census Director Ross Eckler, who has been with the bureau since 1939, says he has never encountered an instance of improper divulgence, though he has had to fight off requests for individual data from the FBI and other law enforcement agencies.

"If the President himself asked me, I'd have to say no," Eckler says. "I might not stay here long, but I'd have to say no."

But no matter how closely personal information may be—and the record of many agencies is not nearly so reassuring as that of Census—growing numbers of Americans resent the persistent intrusions of official and unofficial snoopers and surveyors.

And those who have paid close attention to the problem of privacy invasion believe the worst is still to come. An idea that has caught the fancy of government statisticians—and that gravely troubles some members of Congress—is the creation of a "federal data bank" to combine various government records in one huge, computerized information retrieval system.

The advantage of such a system are obvious: records now scattered, duplicated and largely inaccessible could be combined, cross-filed, coordinated and made almost instantly available.

Edgar S. Dunn Jr., a budget Bureau consultant who has explored the possibilities of the data bank, believes the usefulness of federal records could be "considerably increased without unduly jeopardizing personal privacy."

Others are not so sure. In a penetrating article on "Privacy and Behavioral Research" that appeared last fall in the Columbia Law review, Oscar M. Ruebhausen and Orville G. Brim Jr. noted:

"Computerized central storage of information would remove what surely has been one of the strongest allies of the claim to privacy—the inefficiency of man and the fallibility of his memory."

Modern stories in recordkeeping have already affected the right of privacy. The ex-convict who once was able to pay his debt to society, move to another community and make a fresh start, now finds that his record is likely to follow him and keep him from obtaining employment.

A Government worker in Washington was recently discharged because the Civil Service Commission discovered that she had failed to disclose on her job application a shoplifting arrest that occurred many years ago. Such incidents could multiply under the all-encompassing efficiency of a federal data bank.

"We're about to make a fundamental change in our society," warns Rep. Cornelius E. Gallagher (D-N.J.). We've always had a philosophy of letting a man start anew if he makes a mistake. But computers don't forget and don't forgive.

"We're concerned about school dropouts now. What about the computer rejects of tomorrow?"

Gallagher, whose special House subcommittee on invasion of privacy has scheduled hearings on "The Broad Implications" of the data bank idea believes it is crucial to determine in advance "who will have the power to push what computer buttons under what conditions."

"We cannot safely presume that all of this information will always be used by benevolent people for benevolent purposes," Gallagher has cautioned.

"It is quite conceivable that a potential Big Brother (BB) could make excellent use of a Big Button on a dossier bank for his own purposes which strike at the very fundametals of our governmental structure and society."

[From the Evening News, Harrisburg, Pa., July 19, 1966]

Uses to Which Data Are Subjected Range Far Afield—Contrary to Widespread Impression, Your Tax Return Is Not Top-Secret

(By Erwin Knoll)

("The below past-due bill has been entered on your credit report and will stay there until paid. Every bank, catalog store, dentist, department store, doctor, finance company, hospital, conventional and federally insured home loan agency, rental agent and every employer who inquires about you will be told of this."—Notice from a credit bureau.)

Washington.—In the traditional concept of the right of privacy, a man's financial status is nobody's business but his own.

The ragged miser who keeps a jug of gold coins in the basement or a collection of bankbooks under the mattress is part of American folklore. So is the apparently affluent citizen who skimps on groceries to keep up appearances.

Confronted with a direct question about his income or net worth, the man who values his privacy is likely to ask, "What's it to you?"

That is the tradition—but in our credit card and charge account society, the reality is something else again. As taxpayer and consumer, as tenant or homeowner, as investor or borrower, as employer or employe, the average citizen is called on many times each year to provide financial data that he once might have shared only with his wife—and not necessarily with her. More often than not, the data become available to many agencies or individuals beyond those who originally established their "need to know."

"Anybody who can't find out how much his neighbor's worth just isn't trying very hard," says a man who has made a close study of the credit and collection field.

By far the greatest repository of income information is the Internal Revenue Service, whose files bulge with the tax returns submitted by about 67 million individuals this year, as well as with more than 50 million corporate and employe tax returns.

Contrary to a widespread public impression, tax returns are not treated as top-secret information by IRS.

"Your federal tax return is supposed to be confidential, but you're wrong if you think you and your friendly Internal Revenue agent are the only ones who ever look at it," says Rep. Cornelius E. Gallagher, D-N.J., one of several members of Congress who are seriously concerned about the erosion of privacy.

"Every Federal agency and every state as well as several committees of Congress can ask to examine your return," Gallagher notes. "Sometimes they do."

The uses to which tax return data are subjected range far afield from the government's revenue-raising function. The Veterans Administration has gone into IRS files to check the validity of pension claims. The Agriculture Department has used tax returns to help determine rice acreage allotments. The Department of Health, Education and Welfare relies on tax information in social security investigations. The Tennessee Valley Administration has used tax returns in property condemnation proceedings. Most federal agencies screen tax returns in investigating employes or applicants for employment.

In its extensive investigation of invasions of privacy by government agencies, the Senate subcommittee on administrative practice and procedure found that in one recent two-year period, state and local officials in 17 states obtained access to federal tax returns. The stated purposes for examining the returns ranged from investigations of gambling, narcotics and liquor violations to state disbarment proceedings or kickback inquiries.

Whether the income data submitted by a taxpayer in accordance with the law ought to be used against him in unrelated investigations is a matter on which reasonable men—including lawyers—disagree. There can be no disagreement, however, about some of the other uses, "and abuses to which the availability of tax returns has given rise."

In several states, for example, politicians running for office have managed to obtain tax returns for use in attempts to discredit their opponents. Enterprising businessmen have been known to gain access to tax data on competitors.

Yet LRS information is closely guarded, compared to the casual availability of financial information obtained by other government and private agencies.

The comprehensive and officially "confidential" reports compiled by the Federal Housing Administration on applicants for housing loans can be obtained by any mortgage lender for $1.50. The financial status of welfare recipients is, by law, a matter of public record in a number of states and localities.

Many banks will, as a matter of course, report a depositor's balance to anyone who takes the trouble to place a telephone call. And increasing use of automatic data storage and retrieval for bank records makes it possible to produce, on a moment's notice, a copy of a check or deposit slip that may have been written years ago.

The private credit and collection bureaus that now flourish in virtually every American community constitute a huge reservoir of personal financial data on about 100 million Americans—a reservoir that is tapped far more often than most citizens suspect. The housewife who casually opens a department store charge account is, in effect, disclosing her credit status to thousands of enterprises around the country. She also makes the information available to official investigators who may have good reason—or no reason—for being curious about her.

The Retail Credit Co., the largest of the private investigative firms, has 7,000 investigators and maintains files on 42 million Americans. Its clients include many who have no connection with retail credit. Though this company, like others in the field, insists that its files are carefully protected against unauthorized scrutiny, the claim runs head-on into the basic fact that credit agencies exist for the prime purpose of furnishing information.

Notices similar to the one previously quoted are mailed out by the hundreds each day by credit bureaus. The citizen threatened with identification as a deadbeat to "every bank, catalog store, dentist," etc. in his community may have failed to pay a $3 bill, or he may be the victim of an error by a human or computerized bookkeeper.

In some instances, he may never find out that he has been blackisted as a poor credit risk. And if he does find out, he has little recourse.

Credit rating firms pay out many millions of dollars as compensation for unfair or inaccurate reports. Most often, however, the beneficiaries of such payments are commercial enterprises whose standing has been injured.

The courts have generally held that a businessman whose firm is hurt by a loss of credit can recover damages from a credit bureau. The law is less clear on the rights of private individuals. Their recourse is limited, some decisions have argued, because their property has not been imperiled. Only their privacy.

[From the Evening News, Harrisburg, Pa., July 20, 1966]

EXAMINATIONS OFTEN ACCOMPANIED BY "IN-DEPTH INTERVIEWS"—SOPHISTICATED SCREENING TECHNIQUES BARE SECRET FEARS AND ASPIRATIONS

(By Erwin Knoll)

("I know of no way to explore mental health and emotional maturity without asking personal questions that in other contexts would be invasions of privacy."—Dr. Abraham Carp, director of selection of the Peace Corps.)

WASHINGTON.—In the fishbowl society, not only your words and deeds but your innermost thoughts are apt to be under scrutiny.

If you work for a government agency or private firm that has adopted the most sophisticated techniques of personnel screening, your secret fears and aspirations, your attitudes toward God and man—and woman—have been recorded, evaluated and filed away for future reference.

If your son or daughter attends a school that offers the best in modern guidance counseling, similar information has been compiled—perhaps by use of personality tests identical to those administered to adults.

Elaborate testing instruments, encompassing hundreds of questions and adapted to "objective" scoring by machines, have been developed to meet the needs of those who say—in fact, insist—that they must, for one reason or another, get to know all about you.

In some instances, the examinations are accompanied by "in-depth interviews," and by polygraph tests or other lie-detection techniques.

Development of "personality inventories" for mass use in government, industry, education and other fields is a relatively recent science—and some experts contend it is not a science at all.

"I take a dim view of personality tests, and I think the general public is being much too frequently taken in by the mumbo-jumbo that goes with them," says Dr. Henry S. Dyer, vice president of the Educational Testing Service of Princeton, N.J.

"The inventories, the projective tests—all of them—are scarcely beyond the tea-leaf-reading stage."

Dr. John Dollard, professor of psychology at Yale University, has charged that "generally speaking, projective tests, trait scales, interest inventories or depth interviews have not proved to be useful in selecting executives, or salesmen, or potential delinquents, or superior college students."

Some critics—notably William H. Whyte Jr., author of the 1957 best-seller, "The Organization Man," and Martin L. Gross, who wrote a scathing critique called "The Brain Watchers" a few years ago—have come up with manuals for "cheating" on the personality tests by giving deliberately misleading (but acceptable) answers.

Despite such criticism, however, and despite the anguished protests of those who feel the tests constitute prying intolerable to free men, use of the psychological instruments is growing steadily.

Experts have estimated that about half of the large corporations in the country use psychological testing in one way or another. Increasingly, colleges rely on the tests to tell them about candidates for admission. The federal government has used the tests in screening its employes, and has fostered school use through such national research programs as "Project Talent."

"During the more than three years that I investigated personality testing in this nation," Gross told a House subcommittee probing invasions of privacy, "I was constantly amazed at the callous indiscretion of testers in seeking out the most sacred details of a person—including his sexual life, religion, political beliefs—as if it were necessary to eliminate human dignity in order to be employable in our country.

"Commonly administered tests ask such impertinent questions as:

" 'Do you often feel just miserable?'

" 'Is your sex life satisfactory?'

" 'About how many people have you disliked (or hated) very much? (A) none; (B) 1 to 3; (C) 4 to 10; (D) 11 to 50; (E) over 50.' "

Among the most widely used of the personality tests is the Minnesota Multiphasic Inventory, known in the trade as the MMPI. Its publisher, the Psychological Corp. of New York, sells almost a million copies a year to schools and colleges, government and industry, hospitals and physicians.

The MMPI, developed more than 20 years ago at the University of Minnesota, consists of 566 brief statements requiring answers of "true," "false" or "cannot say." The inventory, according to the test manual is "designed ultimately to provide, in a single test, scores on all important phases of personality."

About three dozen of the MMPI test items deal directly with sexual matters or religious attitudes. Some typical items are these:

"My father was a good man."

"I am worried about sex matters."

"During one period when I was a youngster I engaged in petty thievery."

"I believe in the second coming of Christ."

"I dream frequently about things that are best kept to myself."

"I pray several times a week."

"I am against giving money to beggars."

"There is something wrong with my sex organs."

Extensive use of such tests by federal agencies has prompted Senator SAM J. ERVIN Jr., D-N.C., the chairman of the Senate subcommittee on constitutional rights, to voice grave concern about "the massive surrender of individual privacy to which the government is subjecting its civil servants by the use of various questionnaires and scientific instruments."

Representative CORNELIUS E. GALLAGHER, D-N.J., who has led a crusade against use of the tests by government agencies, has warned of "the jeopardy in which one is placed when this type of test remains part of a federal employe's file . . . one can have no real assurance that his written answers to such intimate questions won't come back to haunt him in the future. There is no guarantee that these files will not fall into the wrong hands five, 10 or 20 years from now."

Under pressure from Congress and government workers' unions, some federal agencies have curtailed their use of the tests within the past year. But reliance on the personality probes dies hard. The Peace Corps, sharply criticized for using the MMPI to screen applicants, insists that the test saved it from costly and embarrassing selection errors.

Only recently, the American Civil Liberties Union complained that a "16 personality factor test" administered by the Federal Aviation Agency to 20,000 air traffic controllers contains questions on political, racial and religious opinions. The fact that an employe is asked such questions by his government, the ACLU argued, "may quite understandably cause him to refrain from joining organizations or voicing his views on political and other controversial issues."

Those who devise and administer personality tests and other mind-probing techniques tend to dismiss such protests as old-fashioned and unscientific. The individual's traditional right of privacy, they contend, must be "balanced" against the public purpose served by the information. Furthermore, they argue, no one is compelled to submit to personality screening.

But troublesome questions are raised by the issue of voluntary consent. The permission of parents is generally sought, for example, before school children are subjected to personality testing. But even if a parent knows to what he is consenting—an assumption that cannot be taken for granted—a problem remains.

"Should not a child, even before the age of full legal responsibility, be accorded the dignity of a private personality? Considerations of healthy personal growth, buttressed with reasons of ethics, seem to command that this be done," Oscar M. Ruebhausen and Orville G. Brim Jr. wrote last November in the Columbia Law Review.

How much freedom has an adult to refuse to submit to a "voluntary" examination, when doing so may jeopardize his application for employment, promotion or security clearance? A job applicant who was subjected to an exhaustive battery of personality tests by a private employer commented afterward, "the worst part was that I wanted the job badly enough to put up with the humiliation."

Even the surface semblance of consent is far from universal. In their article on "Privacy and Behavioral Research," Ruebhausen and Brim commented:

"Examples of 'forced' submission to privacy probes can be found in our hospitals, our schools, our colleges, our social welfare programs, our research institutes, and our institutions for the disturbed, handicapped or retarded. Such a disregard for the dignity of personality—occasional though it may be—must be guarded against and eliminated by the social scientists themselves.

"If they fail or refuse to exercise self-control, then the community will inevitably feel compelled to act for itself and legislate for the protection of personal privacy."

[From the Evening News, Harrisburg, Pa., July 21, 1966]

AMERICAN PUBLIC INDIFFERENT TO WHOLE THING—SNOOPING INDUSTRIES GROWING FAST; THEY'LL BE EVEN BIGGER IN FUTURE

By Erwin Knoll)

("A beautiful decorator lamp with a built-in miniaturized electronic transmitter . . . Defies detection and transmits all sounds and voices clearly (whether lamp is on or off) to a mobile receiver. Extremely effective in home or office, or from one private home to another. Requires no batteries, tubes or visible antenna and has no wires other than the regular lamp cord . . . $150."—Item in a mail order catalog.)

WASHINGTON.—Official and private snooping, practiced by high-priced experts or do-it-yourself amateurs, ranks with the fastest growing industries in the United States.

Bernard Spindel, a New York private investigator who specializes in guarding business clients against the incursions of eavesdroppers and wiretappers, believes that industrial espionage alone "has been growing at the rate of three times more each year than the previous year."

John W. Leon, a Washington private detective who sells a $400 bugging-and-hidden-camera kit that he calls "The 10-Day Blitz," says business is booming—especially among husbands who want to spy on their wives. He thinks the birth control pill may account for many sales.

Ben Jamil, whose Continental Telephone Supply Co. (CTSC) started out as a New York retail shop for decorator phones, has multiplied his volume many times since branching out four years ago into "sophisticated surveillance, monitoring, security and anti-bugging devices." They include "sugar cube microphones" and electronic bugs concealed "in a seemingly innocent picture frame."

"While the majority of what we sell in the security and surveillance field is purchased by private investigators, law enforcement agencies, business and industry," Jamil says, "there is a definite market for it among private citizens."

Nobody knows exactly how many millions of dollars are spent on snooping each year, or how many citizens' privacy is being violated. But the experts agree—with equanimity or alarm, depending on their point of view—that prying is at an all-time peak and still increasing.

"The average urban citizen can't go a single day without being spied on, listened to or peeped at," says Bernard Fensterwald, Jr., chief counsel to the Senate Subcommittee on Administrative Practice and Procedure. The subcommittee has conducted extensive hearings on government and private snooping under the chairmanship of Sen. EDWARD V. LONG (D–Mo.).

You need not be a tycoon or a foreign agent, an underworld kingpin or an errant wife, in order to come under someone's covert scrutiny.

You may be a prospective auto purchaser whom an enterprising salesman has invited to sit down in a floor model and "talk it over with your wife." Your conversation may be picked up by a microphone concealed in the car's cigarette lighter and transmitted to the salesman, who learns that you'll buy it if he "throws in the whitewall tires."

You may be a department store shopper whose comments at the counter are relayed by a hidden transmitter to a store executive eager to gauge customer reaction to the merchandise.

You may be the innocent user of a public pay telephone that has been tapped by law enforcement agents because it is frequently used by a suspected gambler. A survey showed that of 3,588 wiretaps placed by the New York police in one year, 1,617 were on public phones.

Your home telephone conversations may be overheard by an operator who is assigned by the telephone company to monitor the quality of service. A special Massachusetts legislative committee on wiretapping recently found that about 2,400 calls a month were being monitored in the Greater Boston area without the knowledge of telephone subscribers.

No telephone lines were exempt from such "service observing," said State Sen. Mario Umana. Though the operators were merely supposed to check the connections and voice levels, "there was nothing to prevent them from listening to entire calls."

If you are important enough to merit the most sophisticated surveillance—if you are, for example, an executive in a highly competitive industry such as drugs, cosmetics or alcoholic beverages—your every word may be recorded by ultra-modern snooping devices miniaturized and concealed so as to defy detection. Spindel says detection equipment needed to find such gadgets costs more than $100,000.

The law on wiretapping and bugging is vague and only rarely enforced—"both a legal desert and a legal jungle," says LONG.

Wiretapping is illegal under Section 605 of the Federal Communications Act of 1934, but the Justice Department ruled long ago that the law is broken only when the contents of an intercepted conversation are divulged. This interpretation, says "debugging" expert Spindel, is "like saying it's no crime to rob a bank, so long as you don't spend the money."

The Justice Department admits to placing wiretaps in national security cases—an estimated 50 to 100 a year. It has been embarrassed by recent disclosures that FBI agents made free-wheeling use of eavesdropping devices in investigations of Las Vegas gamblers and of Washington Representative Fred Black, who figured in the Bobby Baker case.

Nor is the FBI the only government agency that resorts to the use of covert listening devices. LONG's investigation found, for example, that the Internal Revenue Service (IRS) ran a wiretapping school for its agents, and used eavesdropping gear to overhear conversations between citizens and their lawyers.

Local law enforcement agencies are even less inhibited than federal investigators, for state courts—unlike the federal judiciary—have freely admitted wiretap information as evidence. Informed of the extent of wiretapping in New York City, LONG wondered aloud whether residents of the city "wouldn't be apprehensive about even having a telephone."

Last February, the Federal Communications Commission (FCC) issued an order barring the use of radio transmitters for eavesdropping by private citizens. The new rule, the commission said, reflected "growing public indignation with increased intrusion into the traditional right of privacy through the use of microphones."

But Sen. CLIFFORD P. CASE (R-N.J.) has pointed out that the new FCC order "is still inadequate. By specifically exempting all law enforcement agencies, the order leaves a gapping loophole for invasions of an individual's privacy. And, because the order is almost inpossible to enforce, it has more surface than substance."

CASE's appraisal is supported by the men whose business it is to sell and install snooping gadgets. Though they claim that they advise customers of the new FCC regulation, they also note that sales have not been hurt. And they concede that they don't ask too many questions about the uses to which their merchandise is applied.

Jamil, whose Continental Telephone inventory includes an electronic stethoscope that can be used to amplify an unborn baby's heartbeat—or a neighbor's private conversation—says with a grin that "most of the people who come in to see us say they are doctors."

"Naturally, the fact that a few people misuse some of the devices we market concerns me," Jamil told LONG's subcommittee. "But it concerns me the same way the manufacturer of razor blades, kitchen knives or high-powered automobiles would be concerned if his product were used for illegal acts for which they were not intended."

From his own profit statements, Jamil has concluded that the American people have become "fascinated with electronic spy gimmicks. The adult comic book world of James Bond and Napoleon Solo (has) captured the imagination of the man-in-the-street."

One of his catalogs is headed, "To Satisfy The Spy In You."

The fascination extends beyond subtle gadgets designed to overhear and record the spoken word. Miniaturized cameras and TV transmitters are being manufactured, sold and secretly installed.

Equipment is available that permits unobtrusive observation of a darkened room. Retailers of telescopes and field glasses report handsome sales to urban and suburban apartment dwellers whose evening pasttime is watching their neighbors.

At the request of IRS and other government agencies, the Post Office maintains "mail covers" on some citizens, recording the names and addresses of their correspondents. But the snooping industry goes this practice one better. Investigator Spindel says he can "take the contents of an envelope—read the letter, photograph it—without even breaking the seal."

Perhaps the most troubling aspect of the Fishbowl Society is that most of those who live in it seem to view it with equanimity. There has been no great public outcry in response to disclosures of mounting invasions of privacy.

"People have to learn that they can say no to these things," says Rep. Cornelius E. Gallagher (D-N.J.). But Long warns that "by the time the people finally become indignant enough to demand that something be done, it will be too late."

In one of the definitive legal statements on the right of privacy, Samuel D. Warren and Louis D. Brandeis wrote in the Harvard Law Review that "modern enterprise and invention have, through invasions upon his privacy, subjected (the individual) to mental pain and distress far greater than could be inflicted by mere bodily injury."

Their article appeared in 1890. Modern enterprise and invention have come a long way since.

ECONOMY HITTING NEW PEAK

Mr. McINTYRE. Mr. President, the rate is not as fast, but the key indicators show that our economy is still climbing to new highs.

Sam Dawson, the Associated Press business writer, points this out in the face of considerable talk about the economy's turning down.

It simply is not so.

With few exceptions, Mr. Dawson reminds us, key segments of the economy have not turned down or even leveled off. And there are special circumstances governing the exceptions, such as auto sales, housing starts, and new orders for durable goods.

What is really happening, as Mr. Dawson says, is that unlike the booming expansion of the first quarter of the year, the economy is now advancing at a more normal pace and responding in more healthy fashion to seasonal factors.

With the approval of my colleagues, I will enter this column in the Record as it appeared in the Washington Evening Star.

There being no objection, the article was ordered to be printed in the Record, as follows:

Most Key Figures Indicate Economy Hitting New Peak

(By Sam Dawson)

New York.—Much of the talk these days is about the economy turning down. But most of the key statistics show the economy is still climing to new highs.

What is happening is that while the economy was booming ahead at a rapid rate in the first three months of this year, it is now advancing at a more normal pace and responding in a more healthy fashion to seasonal factors. With few exceptions, the key segments in the economy haven't turned down or even leveled off.

And the exceptions, such as auto sales, housing starts and new orders for durable goods, have exceptional circumstances of their own.

Car sales are lower at the moment than a year ago when they were at a record high. But no one can be sure whether that means that consumers are tightening up on spending or are influenced by all the talk about auto safety.

CONSUMER SPENDING

Although Americans were buying fewer cars in April, May and June, total consumer spending for that period grew by $3.3 billion to a seasonally adjusted annual rate of $458.9 billion. You can view this with alarm because the gain was less than the $10.4 billion advance in the first quarter of the year, or you can hail the more normal rate of advance and the new high it set.

Housing starts have had periodic sinking spells for two years now. At the moment a new uncertainty—tight money in the mortgage fund field—is complicating the picture. And tight money stems from the inflationary boom of the first three months of 1966—both because of official efforts to tighten credit and of still booming demand for loans in many fields.

New factory orders for durable goods—watched as a guide to future output—in June came to a seasonally adjusted $24.1 billion. This was $100 million below the May and April totals. But the June orders were $2.8 billion higher than a year ago. And a "large increase in bookings for defense products" is reported by the Commerce Department. These seem more likely to continue to gain than to drop.

The backlog of durable goods orders actually rose by $1.2 billion to a total of $70.7 billion at the end of June, or $13.2 billion more than a year ago. Factories apparently still have lots of orders to keep them busy.

GNP ALSO RISING

Worriers about the economy like to point to a slowdown in the advance of the Gross National Product. Actually, this measure of the total output of goods and services is still rising. In the second quarter it hit a new high, a seasonally adjusted annual rate of $732 billion. The annual rate gain was $10.8 billion above the previous record of $721.2 billion set in the first three months of 1966.

But it was the abnormal and unexpected $16.8 billion advance in the first quarter that sparked all the worry about the onset of inflation and the overheating of the economy, and sparked a campaign in some quarters for a rise in federal income tax rates.

The economic pace may moderate a bit more this summer. But even professional worriers aren't suggesting that the Gross National Product actually will turn down this summer or this fall.

For all they really know, the pace might pick up again and revive the old fears of overheating.

VIETCONG ATROCITIES

Mr. HARTKE. Mr. President, a few days ago, some of us in this body joined in an open letter to the leaders of North Vietnam to caution them against a reported plan to place on trial our airmen now in their captivity. We pointed out that we were among those whose strongest efforts remain dedicated to an early peace. We pointed out also that public humiliation of these pilots, followed by a kangaroo trial and, perhaps, by the death sentence would be reprehensible.

In fact, such sordid, barbaric drama would be so repugnant to the good sense of the world that American public opinion might well demand further escalation of the war as to compensation. Indeed, the patience of Americans of all opinions is not inexhaustible.

While the leaders of North Vietnam have shown restraint and prudence thus far in not continuing the humiliation of the captured fliers, their men in the field have not shown such concern for humanity and decency.

In the last few days we have learned that the Communist forces in Vietnam have shelled our hospitals with mortars and have systematically killed wounded marines unable to defend themselves. Both these acts are clear violations of the Geneva Agreements. Both are acts of barbarism seldom seen in civilized countries in many years.

It is to these events that I wish now to address myself.

We who urged a continuing ban on the bombing of North Vietnam some months ago and who have remained in the forefront of seeking peace have done so as loyal Americans. It remains our conviction that violence breeds violence and escalation breeds escalation.

We felt that bombing the north—even military targets—perhaps retarded peace, in that it might stiffen opposition. We urged new efforts at an honorable peace in the military struggle so that the war-wracked Vietnamese might turn their energies better to the political and social struggle of elevating themselves.

We were concerned with humanity, wanting to spare human life and eliminate suffering. We wish to avoid the ultimate escalation that could breed atomic warfare.

The North Vietnamese, by inhuman acts of recent days, flout the efforts of all Americans to govern themselves by restraint. They invite retaliation.

Let it never be said that we who urge caution to one side fail to do so with equal vigor when the other side violates international convention.

So long as our men are committed to battle in Vietnam, I, for one, intend to vote to give them everything they need. As one who himself served his country in wartime, I could not do less.

Until such time as the differences can be settled at the conference table, we shall continue to press for peace and to speak out for humanity, temperance and justice—regardless of source. We seek deescalation and decency. Let not our efforts, our motives, our patriotism be questioned—either by our fellow Americans or by Hanoi and Peiping.

U.S. POLICY IN VIETNAM—VIEWS OF FIVE EXPERTS

Mr. MUSKIE. Mr. President, the August 9, 1966, issue of Look magazine contains an article entitled: "Vietnam—What Should We Do Now?"

It is composed of answers to this question by five foreign policy and military affairs experts: Hans Morgenthau, Henry Kissinger, Hanson W. Baldwin, Herman Kahn, and Arthur Schlesinger, Jr.

Each of the five experts has a particular view on our policies in southeast Asia. Each disagrees with the others.

We must assume that if each of these experts were President of the United States, each would pursue a different policy and each would have harsh criticism of the others.

I think the article underscores the fact, Mr. President, that we are not confronted with a simple choice in Vietnam. We have a series of alternative policies, each of which can be defended or attacked by articulate experts.

I commend the article and the differences of opinion to Senators and ask unanimous consent that the article be printed at this point in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

SUPPOSE THE PRESIDENT ASKED YOU "WHAT SHOULD WE DO NOW?"—FIVE EXPERTS GIVE THEIR ANSWER

(NOTE.—We are at war in Vietnam. Whether we should have gotten into it or not is a separate issue. We *are* in Vietnam.

(Americans have always backed their armies with the moral certainty that in our victory *right* would triumph. But to many today, our cause seems stained by doubt. Never, during a foreign war, have Americans debated our national policy with such passion: "Get out . . . Escalate . . . Negotiate . . . 'Hole in' at coastal enclaves . . . Blockade Haiphong . . . Push 'hot pursuit' into Laos." The bitterness of the partisans consolidates the confusion.

(Look invited five experts, who hold varying views about Vietnam, to answer this question: "Suppose the President today asked you, '*What should we do now?*' " We urged each to reply in the intentionally brief space of 1,000 words—for we sought not a pablum of agreement but sharp, specific proposals.

(Here are their answers. Each man presents a program that millions would no doubt support.)

(Hans Morgenthau: Distinguished Service Professor of Political Science and Modern History, University of Chicago; director, Center for the Study of American Foreign and Military Policy; has served as consultant to the Department of State and the Department of Defense; author of "In Defense of the National Interest, The Purpose of American Politics," etc.)

President Johnson is wont to ask the critics of his Vietnam policy, "*What would you do if you were in my place?*" This is a legitimate question, and it deserves an answer. Having been a consistent critic of our Vietnam policies for more than four years, I have tried to answer that question before and am glad to do so again.

Mr. President, I would say, you must choose between two alternative policies. You can start with the assumption that in Vietnam the credibility of the United States and its prestige as a great power are irrevocably engaged; that the war in Vietnam is a test case for all "wars of national liberation"; and that in consequence, the fate of Asia, and perhaps even the non-Communist world at large, might well be decided in Vietnam. If you believe this, then you must see the war through to victory. That is to say, you must escalate the war both in the South and in the North by committing what will amount (according to authoritative estimates) to a million American combat troops and by bombing, without restrictions, the industrial and population centers of North Vietnam. By doing this, you will destroy Vietnam, North and South, and risk a military confrontation with China or the Soviet Union or both. Yet these risks are justified by the magnitude of the issues at stake.

This is the policy that the Joint Chiefs of Staff have been advocating and that you have pursued since February, 1965, even though you have been anxious to differentiate your policy from that of the Joint Chiefs. In truth, the difference between the two has not been one of kind but rather of degree. You have been escalating the war at a slower pace than the Joint Chiefs recommended. But escalate you did, and you will continue escalating because the assumptions from which you have started leave you no choice.

There is another policy, Mr. President, which you could and, in my view, should have pursued. This policy assumes that the war is primarily a civil war; that its global significance is remote; that, far from containing China and communism, it opens the gates to both—by destroying the social fabric of Vietnamese nationalism, which is implacably hostile to China; and that, in consequence, the risks we are taking in the pursuit of victory are out of all proportion to the interests at stake.

We should never have gotten involved in this war, but we are deeply involved in it. The aim of our policy must be to avoid getting more deeply involved in it and to extricate ourselves from it while minimizing our losses. Recent events in Vietnam offer us the opportunity of initiating such a new policy of disengagement.

These events have clearly demonstrated two facts: The Saigon government is hardly worthy of the name; and the great mass of the people of South Vietnam prefer an end to the war rather than a fight to the finish with the Vietcong. The two main arguments with which our involvement has been justified have thus been demolished: that we have a commitment to the government of Saigon to assist it in the fight against the Vietcong; and that the people of South Vietnam want to be saved by us from the Vietcong—even at the risk of their own destruction. The prospect of elections to be held in South Vietnam provides us with the chance to use these new facts for the initiation of a new policy of disengagement. Such a policy would proceed on two fronts, the political and the military.

Politically, we ought to work for the achievement of four goals.

1. We must promote the establishment of a broadly-based government in which the elements seeking an end to the war would have decisive influence. This government would have the task of organizing elections for a constituent assembly and a legislature at an early date. It must be recognized that such elections will neither be representative nor "free." The group that organizes them is likely to win them. Hence, the crucial importance of the composition of the government presiding over the elections.

2. We must see to it that the government that emerges from these elections will negotiate with the Vietcong for a *modus vivendi*. Such a settlement would no doubt increase the risk of a complete takeover by the Vietcong. However, it is quite possible to visualize a coalition government under which different sections of the country, after the model of the Laotian settlement, would be governed by different factions. One can even visualize a South Vietnamese government that would be anxious to maintain its independence *vis-à-vis* the North.

3. We should put United States military forces stationed in South Vietnam at the disposal of the government that emerges from the elections, to be used as bargaining counters in negotiations with the Vietcong. In other words, we would honor our commitments and would leave it to the South Vietnamese Government to interpret them—in order to bring the war to an end.

4. Our ultimate goal would be the withdrawal of our armed forces from South Vietnam. Such a withdrawal would be coordinated with the progress of negotiations between the government of South Vietnam and the Vietcong. Our military forces would be gradually withdrawn, and our military presence would always be commensurate with the political purposes it is intended to serve.

Pending such withdrawal, our military policy would come in three parts:

1. We would stop both the bombing of North Vietnam and the search-and-destroy operations in South Vietnam that seek to kill the Vietcong and occupy territory controlled by them. For the continuation of such operations in the North and South is compatible only with a policy aiming at victory, not with one seeking a negotiated settlement among the Vietnamese factions.

2. We would hold the cities and coastal enclaves that we and the South Vietnamese military now control. That is to say, we would be satisfied with a de facto division of South Vietnam.

3. We would expect the Vietcong to reciprocate by ceasing attacks upon the perimeter of our positions and by stopping sabotage within them. It can be assumed that we and the Vietcong have a reciprocal interest in maintaining the military status quo pending negotiations.

The policy here advocated, Mr. President, is anathema to the men who advise you. Yet it has always been supported by officials fairly high in your administration. It now has the support of a number of senators who in the past have been "hawks" rather than "doves."

You, Mr. President, will have to decide whether the present policy—morally dubious, militarily hopeless and risky, politically aimless and counterproductive—shall be continued or whether a better policy shall take its place. You aspire to be a great President. Whether you remain the prisoner of past mistakes or have the courage to correct them will be the test of your greatness.

(Henry Kissinger: Professor of government, Harvard, and member of The Center for International Affairs; consultant to the National Security Council under President Kennedy; author of "The Troubled Partnership, Nuclear Weapons and Foreign Policy," etc. "We are no longer fighting in Vietnam only for the Vietnamese. We are also fighting for ourselves and for international stability.")

The war in Vietnam is dominated by two factors: Withdrawal would be disastrous, and negotiations are inevitable. American policy must take both of these realities into account.

1. The impossibility of withdrawal. An American withdrawal under conditions that could plausibly be represented as a Communist victory would be disastrous for these reasons:

Within the Communist world, Chinese attacks on Soviet "revisionism" have focused on the Russian doctrine of peaceful coexistence. A victory by a third-class Communist peasant state over the United States must strengthen the most bellicose factions in the internecine Communist struggles around the world.

In Southeast Asia, it would demoralize those countries—especially Laos, Malaysia, the Philippines and Tailand—that have supported our effort.

The long-term orientation of such countries as India and Japan will reflect to a considerable extent their assessment of America's willingness and ability to honor its commitments. For example, whether or not India decides to become a nuclear power depends crucially on its confidence in American support against Chinese nuclear blackmail.

A demonstration of American impotence in Asia cannot fail to lessen the credibility of American pledges in other fields. The stability of areas geographically far removed from Vietnam will be basically affected by the outcome there.

In short, we are no longer fighting in Vietnam only for the Vietnamese. We are also fighting for ourselves and for international stability.

2. The inevitability of negotiation. Historically, the goal of a war, for the United States has been the destruction of enemy forces. Negotiations could start only after the enemy had been crushed. But the primary issue in Vietnam is political and psychological, not military.

What makes the war so complicated is the existence of a Communist "shadow government," permeating every aspect of Vietnamese life. A favorable outcome depends on the ability to create a political structure that can command the loyalties of the Vietnamese people.

A purely military solution is impossible also because Vietnam directly engages the interests and the prestige of so many major powers. Finally, the Administration has stressed its unconditional readiness to respond to any overture by Hanoi for negotiations.

In these circumstances, the political program—both within Vietnam and for negotiations—is crucial. Military victories will prove empty if they are not coupled with an effort to build political structures. Negotiations will be sterile or dangerous unless we enter them with significant areas of the country substantially free of terror.

WHERE DO WE GO FROM HERE?

1. Negotiations are likely when Hanoi realizes that its political apparatus in the countryside is being systematically reduced, and that this process will accelerate the longer the war lasts. It follows that the primary goal of military operations should be the creation of secure areas. It is better to have 100-percent control in 40 percent of the country than 40-percent control in 100 percent of the country. This is not to say that we should adopt a static "enclave" theory, which would leave us with three Hong Kongs and two Berlins in the midst of hostile populations. Nor does it mean that we must write off all the territory that we cannot securely control. We will always retain a capacity for preventing the consolidation of Communist control even in areas that we do not control ourselves. It does mean that the highest priority must be given to creating "secure" zones that contain a maximum of population—zones that can be expanded if the war continues and that will give us reliable negotiating counters at a conference.

2. We must understand that political instability in Vietnam reflects the transformation of an essentially feudal structure into a modern state—a process that took centuries in the West. Such a process involves a profound shift of loyalties—a task that would be searing in the best of circumstances, but is compounded by the pressures of civil war. This imposes two requirements on us: (a) We must have compassion for the travail of a society that has been wracked by war for two dacades and not use its agony as an alibi for failing in our duty; and (b) we must give special emphasis to building political structures from the ground up.

3. The notion drawn from our experience in Europe, that economic assistance automatically produces political stability, does not apply in Vietnam. On the contrary, there is a danger that our enthusiasm and our concern with technical refinements will overwhelm slender administrative resources and compound political demoralization. The test should be whether a program can enlist local support and thus give the rural population an incentive to defend it. Efforts should be concentrated in areas of maximum military security and spread out from there.

4. It may prove impossible to settle the war at a large conference that deals with all issues simultaneously. If the negotiations are conducted in a forum consisting of many nations that are already rivals (e.g., the U.S.S.R. and Communist China, or the U.S. and France), energies may be dissipated in political jockeying that is peripheral to the central problems in Vietnam. It may be wiser to separate the issues into their component elements, each to be settled by the parties primarily involved. A larger conference could then work out guarantees for settlements already achieved in other forums.

5. The war in Vietnam is a crucial test of American maturity. In the lives of nations, as of individuals, there comes a point when future options are limited by past actions. The choices of 1966 are not those of 1961. We must recognize that to be on the defensive often forces us to be engaged in places chosen by opponents for their difficulty and ambiguity.

We do not have the privilege of deciding to meet only those challenges that most flatter our moral preconceptions. If we cannot deal with political, economic and military problems as an integrated whole, we will not be able to deal with them individually.

(Hanson W. Baldwin: Military editor of the New York Times, Pulitzer Prize winner for journalism, graduate of Annapolis, war correspondent in the South Pacific, North Africa, Normandy, Korea, Vietnam)

It's the eleventh hour in Vietnam. The United States must decide to win or get out. It is not too late to win, but it soon may be.

Victory means, first of all, a Governmental and national determination to win.

Congress should declare a state of national emergency and authorize a limited mobilization. Our trained and ready military power is spread thin all over the world. Limited mobilization would provide—more quickly than any other means—a pool of at least partially trained manpower and organized logistical, training and combat units to sustain a rapid buildup in Vietnam and, ultimately, to strengthen our weakened positions in other parts of the world.

The President should be authorized to mobilize up to 500,000 reserves for two-year service. Draft calls should be increased as necessary. All enlistments should be extended for a minimum of six months.

South Vietnam, North Vietnam, Laos, Cambodia and Thailand must be regarded as a strategic whole. The war in South Vietnam is clearly nourished from outside. Soldiers, medicines, supplies, and especially arms and ammunition, today reach South Vietnam by sea, from Cambodia, through Laos, and from North Vietnam by any and all methods. Most of the small arms now used by the Vietcong "main-force" units are standardized on the Soviet 7.62-mm caliber basis and are Chinese-manufactured. All of the heavy arms—mortars, antiaircraft guns, SAM missiles, MiG's, IL–28 bombers, and the world's largest helicopter, the Mi-6—are either Chinese- or Russian-manufactured.

We must shut off, to the best of our ability, the stream of Communist supplies *into* North Vietnam. We should turn off the faucet, not merly put a stopper in the drain. This means blocking the seaborne arms traffic to North Vietnam—by mining, bombing, naval gunfire; the sinking of a dredge in the narrow, silted ship channel to Haiphong; by so-called "pacific blockade" or "quarantine" or other means.

The land supply routes, even more important to the Communist war effort, must also be interrupted. Past limitations upon the bombing of railroads and roads, and of the choke points and communications bottlenecks in North Vietnam's extensive road network, must be removed. We must reduce the flow of supplies from North Vietnam through Laos and Cambodia. Many of these supplies move partway by truck; we have been bombing the trucks but, until recently, not the fuel-oil supplies that power them. We should bomb all the fuel-oil depots in North Vietnam. Electric power plants, which provide power for a variety of war purposes, should also be bombed.

Interdiction of the many branches of the Ho Chi Minh Trail (which leads over various passes from North Vietnam through Laos or Cambodia into South Vietnam) must be improved—by eliminating some of the restrictions that now hamper bombing and particularly by assigning more trained Forward Air Controllers, both on the ground and in the air.

Air Cavalry raids by helicopter against Laotian bottlenecks on the supply route should be undertaken whenever possible. The doctrine of "hot pursuit" must be applied to any guerrilla forces that use Cambodia as a sanctuary.

At sea, the Navy's coastal surveillance and river patrols must be extended and tightened—to stop Vietcong gunrunning by junks and sampans. This will require more air and small-craft bases in South Vietnam and Thailand.

U.S. troop strength in South Vietnam should be doubled to a figure of 500,000 to 700,000 men, to enable U.S. and South Vietnamese forces to patrol areas that have been Communist sanctuaries for years. We must find and fix the main force of the enemy, and force him to expend his supplies in action, if possible. An enemy "body count" is not the proper yardstick by which to judge success in this kind of war. Even if the enemy refuses action and fades away into the jungles, or into the shadows of the U Minh Forest, the capture and destruction of his base camps, of his rice and food supplies, of his medicines and weapons and ammunition will reduce his combat capabilities. The war must ultimately be won on the ground by destroying or breaking up the mainforce units of the Vietcong, and especially by destroying the enemy's bases of operations.

The final part of the strategy for victory—the part that will shape the peace—is the pacification program. The American and South Vietnamese military can launch search-and-destroy and search-and-clear operations; but only specially trained South Vietnamese administrative and paramilitary forces can *hold* the areas that are cleared. The pacification program—in the past mishandled and underemphasized—has this year started slowly but well; it must be pushed to the maximum. For one can confirm victory in a guerrilla war only if one wins the people over and protects them against the enemy.

This is a slow, a comprehensive, a tedious process. The administrative, police, educational and health authority of the central government must be built up from what Ambassador Henry Cabot Lodge calls "the precinct level."

The enemy cannot win in a military sense; he is stymied on the field of battle. But political instability in Saigon, and U.S. impatience at home, may cause us to lose the struggle—politically and psychologically.

We have no easy choices—only grim alternatives. Victory, which means making it possible for a South Vietnamese government to govern without interference from outside, is possible; but it may not be possible soon.

The victory road will be long and hard and bloody. But defeat or stalemate in Vietnam will gravely impair the U.S. position in Asia and in the world; and if we lose, our children and grandchildren will face tomorrow a far worse problem than we face today.

(Herman **Kahn**: Director of the Hudson Institute (a nonprofit organization conducting research in the area of national security and international order); former member of the Rand Corporation; author of "Thinking About the Unthinkable, On Thermonuclear War, On Escalation: Metaphors and Scenarios")

I have been asked by Look to describe my personal position, rather than give an analysis of the pros and cons. The first and overwhelming point is that whether or not one agrees with the steps that led to it, our present commitment to oppose force and terror by the National Liberation Front in South Vietnam is as solemn an engagement as any modern nation has made. I do not believe that commitments must be blindly kept, regardless of costs; but just as we should be careful about making commitments, we should be very careful about honoring them.

Maintaining the credibility of our commitments is not just a matter of "saving face." Our ability to support world peace and security, particularly without using excessive force, depends in great measure upon the faith that other nations repose in American commitments. (Germany, Japan, India and Israel, for example, restrain their activities in obtaining nuclear weapons partly because of American commitments.)

To renege on commitments as serious as those we have made in Southeast Asia could be a major step in a disastrous erosion of faith in the United States. If faith in our commitments became so weak that we would have to give excessive commitments in order to make them believable—for example, giving minor states control over our policy (as the British had to do with Poland in 1939)—then the likelihood of major escalation, such as a war with China, would be dangerously increased.

The United States also has a crucial interest in dispelling two illusions that have grown up since World War II: that radical terrorists almost always win; and that radical regimes can subvert, or intervene in, a neighboring area with little risk. History is replete with examples of how a victory by terrorists in one area powerfully influenced the likelihood and the tactics of subversion in other areas. The invalidity of oversimplified "domino theories" should not lead us to underestimate the worldwide costs of letting the Vietcong succeed with their resort to violence. In addition, I am seriously concerned about the political and moral repercussions within the United States were we to "pull out" of Vietnam.

Our cause in South Vietnam is not immoral. Many think we are creating more destruction, more death, more human suffering than our cause justifies. But what would happen were we to let South Vietnam fall into the hands of the National Liberation Front? It is not likely that a victorious NLF would treat with restraint: the Cao Dai, the Hoo Hao, the Catholics (each a community of about 1,000,000 human beings); the 500,000 South Vietnamese soldiers; the many other groups that have demonstrated they are anti-Communist; the tens of thousands who would probably be labeled enemies of a Communist state. Those who dismiss this likelihood need only look at how the Chinese Communists and the Indonesian Army treated their opponents, and might ask themselves if the victorious NLF is likely to be more restrained. Nor should the West view with equanimity 15,000,000 people passing behind a Communist Iron Curtain.

What, then, should we do in Vietnam now?

1. An important aspect of the battle for "the hearts and minds of men" is this: Which side will succeed in symbolizing national identity? Many Vietnamese prefer good government to bad government, but even more prefer self-government to foreign control. We should encourage self-government, and should minimize our nonmilitary role.

2. Thus, we should accept and encourage more independence by the South Vietnamese in handling their political and economic problems. Even if a Buddhist nationalist comes to power, he is likely to be more opposed to the NLF than to the Americans; and if his government does not want our protection, or makes it impossible, we can *then* leave with honor—having fully honored our solemn commitment. (I assume we would not have connived at his election or policy.)

3. To the extent that it can be encouraged to, the Saigon government should compete with the Vietcong in promises of social reform, should launch selective but significant social-reform programs now, and should cary out pacification programs in a legal and humane way.

4. We should replace the present system of four levels of American advisers in the Vietnamese Army (which tends to result in four levels of double veto) with a singular, more unified system.

5. We should urge the South Vietnamese Army to make promotions and assignments on the basis of merit. The efficiency of the fighting forces would be greatly increased if the army adopted the simple expedient of promotions on the battlefield, raising enlisted men to officer rank, regardless of education—rewarding proven ability, aggressiveness and dedication.

6. The amnesty program offered to the Vietcong should be broadened and liberalized. The counterinsurgency wars that have been won since World War II often involved generous, well-publicized amnesty programs. (The Philippine Government, for instance, promised and gave farms to many Huk guerrillas who surrendered.) Although the South Vietnamese think it wrong to treat rebels better than loyal peasants, it is clearly worth a good deal to South Vietnam to make surrender safe and attractive, and to guarantee a decent, useful life to the man who surrenders.

7. We probably do not need to escalate military activities against North Vietnam. The military tactics we have introduced—aggressive patrolling to carry out search-and-destroy and clear-and-hold operations—contain many significant benefits that have not yet been fully realized, but should soon show important results.

8. I believe we can pacify Vietnam. A stable, reasonable government there is possible. Although the political situation looks bad today, many current political problems are likely to be solved following, and as the result of, military victories. The political difficulties in South Vietnam are likely to be diminished when and after elections are held—especially if the elections follow military victories.

Our present policy is the only realistic alternative the United States really has. It is a hopeful policy. If we are patient, resolute, realistic, that policy can probably realize our goals. I have yet to hear of an alternative that is not likely to involve costs far greater, far more deplorable, far more inhumane in both the short and long run.

(Arthur Schlesinger, Jr.: Albert Schweitzer Professor of the Humanities, City University of New York; professor of history, Harvard, 1954–61; twice winner, Pulitzer Prize; winner, National Book Award; assistant to Presidents Kennedy and Johnson; author of "A Thousand Days," etc.)

The moderate critics of the administration's Vietnam policy do not question its proclaimed purposes: resistance to Communist aggression, self-determination for South Vietnam, a negotiated settlement in Southeast Asia. They do question, with the greatest urgency, the theory that the way to achieve these objectives is to intensify the war. The more we destroy Vietnam, North and South, in their judgment, the less chance there will ever be of attaining our objectives. The course of widening the war, moreover, will mire our nation in a hopeless and endless conflict on the mainland of Asia, beyond the effective use of our national power and the range of our primary interests—and may well end in nuclear war with China.

And the alternatives? Instead of supposing that a guerrilla movement can be crushed by strategic bombing, instead of using military methods to solve a political problem, we must adapt the means we employ to the end we seek.

1. Stop the Americanization of the war. The bitter fact is that the war in Vietnam can *never* be won as a war of white men against Asians. It cannot be won "unless the people [of South Vietnam] support the effort . . . . We can help them, we can give them equipment, we can send our men out there as advisers, but they have to win it, the people of Vietnam" (President Kennedy, 1963). The more we Americanize the war—by increasing our military presence, by summoning Saigon leaders, like vassals, to conferences in an American state, by transforming a local war in Vietnam into a global test between America and China—the more we make the war unwinnable.

2. A civilian government in Saigon. We have never had a government in Saigon that could enlist the active loyalty of the countryside, and we certainly do not have one in Marshal Ky's military junta. Instead of identifying American interests with Marshal Ky, and rebuffing the broader political impulses of the South, we should long since have encouraged a movement toward a civilian regime that represents the significant political forces of the country and is capable both of rallying the army and carrying out programs of social reform. If such a government should favor the neutralization of South Vietnam, if it should want to negotiate with Vietcong, *even if it should wish to release us from our commitment to stay in Vietnam,* we cannot and should not object.

3. Reconvene the Geneva Conference. We should persevere in the quest for negotiation. Since the Vietcong are a principal party to the conflict, it would appear obvious that peace talks at Geneva are meaningless without their participation. And since they will never talk if the only topic is their unconditional surrender, we must, unless we plan to exterminate them, hold out to them a prospect of a say in the future political life of South Vietnam—conditioned on their laying down their arms, opening up their territories and abiding by the ground rules of democratic elections, preferably under international supervision.

4. Hold the line in South Vietnam. Obviously, Hanoi and the Vietcong will not negotiate so long as they think they can win. Since stalemate is thus a precondition to negotiation, we must have enough American ground forces in South Vietnam to demonstrate that our adversaries cannot hope for military victory. I believe that we have more than enough troops and installations there now to make this point.

It is an illusion to suppose that by increasing the size of the American Army we can ever gain a reliable margin of superiority; for, by the Pentagon's preferred 10:1 ratio in fighting guerrillas, every time we add 100,000 men, the enemy has only to add 10,000, and we are all even again.

Nor does "digging in" mean a static strategy with initiative relinquished to the enemy. The South Vietnamese Army of half a million men is better suited in many ways than are Americans to search operations in the villages.

We should also limit our bombing in the South. Have we really no better way to deal with guerrilla warfare than the aerial obliteration of the country in which it is taking place? If this is our best idea of "protecting" a country against communism, what other country, seeing the devastation we have wrought in Vietnam, will ever wish for American protection?

5. Taper off the bombing of North Vietnam. Secretary McNamara has candidly said, "We never believed that bombing would destroy North Vietnam's will," and thus far, bombing the North has neither brought Hanoi to the conference table, demoralized the people nor stopped infiltration. As a result, pressure arises for ever-wider strikes—first oil depots, then harbors, factories, cities, the Chinese border. But these won't work either. As we move down this road, we will only solidify the people of North Vietnam behind their government, make negotiations impossible and eventually assure the entry of China into the war. And even if we bombed North Vietnam back to the Stone Age and earned thereby the hatred of the civilized world, this still would not settle the present war—which, after all, is taking place not in North but in South Vietnam.

6. A long-run program for Southeast Asia. We should discuss with Russia, France, China and other interested countries a neutralization program, under international guarantee, for Cambodia, Laos, North and South Vietnam. If these states could work out forms of economic collaboration, as in the development of the Mekong Valley, the guarantors should make economic and technical assistance available to them.

A program of limiting our forces, actions and objectives still holds out the possibility of an honorable resolution of a tragic situation. A program of indefinite escalation offers nothing but disaster; for our adversaries can, in their own way, match our every step up to nuclear war—and nuclear war would be just as much a moral and political catastrophe for us as it would be a physical catastrophe for the Far East and the whole world.

TANGIBLE SUCCESSES OF THE FOREIGN AID PROGRAM

Mr. WILLIAMS of New Jersey. Mr. President, David Bell, the distinguished former Administrator of the Agency for International Development, recently spoke to the National Press Club on the goals and the results of our foreign aid program. In the midst of the harsh criticism which has been directed at the alleged failures of our foreign aid program, I think Mr. Bell's speech illustrates very well some of the tangible successes of this program. Taiwan and Japan in Asia, Israel and Greece are cases where our aid has been terminated after producing spectacular economic gains. In Brazil, Chile, and Korea we see examples of economic growth combined with relative political stability.

In the past I have consistently supported sound foreign aid programs. I think it particularly important that we have authorizations extending over a period of years so that we can develop effective long-range planning. In addition, we should avoid defeating the purpose of our foreign aid program by imposing ruinous interest charges on our long-term development loans. At present an excessive amount of annual development assistance provided by free world countries is being returned to the lending nations in the form of interest payments and debt service. What has been aptly called the debt explosion by World Bank President George Woods can severely hamper and retard the sound development of nations already poor in investment capital and foreign exchange reserves.

In his speech Mr. Bell touches on Indonesia and the sharp reversal of Sukarno's policy of creating a Peking-Djakarta axis. This sudden and unexpected shift underlines the importance of keeping our foreign aid policy as flexible as possible. This year, as in the past, there have been attempts to tie the President's hand by statutory mandate; amendments were offered restricting aid to various countries in certain circumstances.

In my view, the rigidity of the law can vitiate a sound policy of foreign aid, which should be able to meet the challenges and the opportunities of a constantly changing world. We should lay down sound goals and guidelines but should not attempt to administer the day-to-day decisions of AID by statute.

Mr. President, I ask unanimous consent that Mr. Bell's fine speech be printed in the RECORD at this point.

There being no objection, the speech was ordered to be printed in the RECORD, as follows:

ADDRESS BY THE HONORABLE DAVID E. BELL, ADMINISTRATOR, AGENCY FOR INTERNATIONAL DEVELOPMENT, DEPARTMENT OF STATE, BEFORE THE NATIONAL PRESS CLUB, WASHINGTON, D.C., JULY 14, 1966

I come before you, from a newsman's point of view, as that most useless of creatures—a lame duck. It is too late for me to speak with authority, and too early for me to speak without responsibility. I do have a few parting comments, however, mostly having to do with the future possibilities of the U.S. foreign aid program. In the question period to follow, I will of course be glad to answer questions on any subject within my competence.

I

My first suggestion is that the prospects for economic growth in the developing countries are better than many people think. One often hears the view that the needs of the developing countries are so great—their poverty is so extreme—that the United States and the other advanced countries will have to provide aid in large amounts for decades to come. Another view sometimes heard—in a sense the reverse of the first—holds that the developing countries are so hopelessly poor, so weakly and irresponsibly governed, that sending them aid is a waste of good resources and should be stopped altogether.

As you could guess from the way I have set up these straw men, I think both are quite wrong, and are based on an excessively pessimistic reading of our experience. The record shows some startling success stories. Looking back, we forget how startling they were. Remember the case of Japan. In 1949, so responsible a source as Fortune Magazine described the United States' "$2 billion failure in Japan", and went on to say that "the Japanese face a future uniquely bleak . . . five, ten or more years of . . . grueling work. The American taxpayer must prepare himself for an indefinite period of vast appropriations."

That of course is not what happened. Japanese economic growth has been a modern wonder. Instead of going on for an indefinite period, sizeable economic aid from the United States to Japan ended within five years of that Fortune article. More recently, Japan has agreed to repay $490 million of our economic assistance, and in 1965, its own foreign aid program totaled more than $240 million.

Even more significant, in my opinion, is the success of Taiwan—a story some of you in this room may have heard me tell before. The key lesson of Taiwan is that a country can achieve the conditions of self-sustaining economic growth at a surprisingly low level of per capita income. American aid has not made the Taiwanese wealthy—their per capita income is less than $200 per year, compared to more than $2500 per year in the United States. But our aid—and their own efforts—have given Taiwan the power to achieve further economic growth without further economic aid.

These cases, and others like Greece, Israel, Mexico, do not prove that every underdeveloped country will succeed. But they come close to showing that every underdeveloped country can succeed.

These success stores lead, I think, to three very important inferences.

One is the enormous power of modern science and technology when effectively applied to the production conditions in developing countries. It seems to be possible for the developing countries, by making use of the scientific advances of the West, to achieve comparatively very high growth rates over sustained periods of time. The Japanese record is well-known. Taiwan's is less well-known, but nearly as spectacular.

For the past decade, Taiwan's economy has been growing at an average annual rate of 7.6 per cent. For the last five years, this rate has averaged 8.8 per cent per year. In 1965, the year in which the U.S. discontinued concessional economic aid, Taiwan's gross national product increased by 10 per cent. All these rates are approximately twice the comparable rates for the United States.

The second inference is the crucial importance of leadership in the developing countries. Modern science and technology do not apply themselves—they must be applied, as the result of strong development policies. Priorities must be set sensibly. Local resources must be raised. Incentives must be assured. Skills must be trained. All these and many other matters can be arranged only by public and private leaders in the developing countries.

It is not too much to say that the most useful effect of foreign aid is not the projects that may be built, but the support and stimulation that may be given to stronger and wiser development policies. Clearly each project should be well-run and effective, but the important question is what effect can aid have in encouraging and helping the local leadership to devise and apply firm development policies.

The third inference relates to the future need for aid from the U.S. and other donors. Just as many observers may have underestimated the prospects for economic growth, so many may also have exaggerated its cost. The purpose of foreign aid, after all, is not to help every country achieve the income standards of the advanced countries, but only to help aid recipients reach the point where they can move ahead on their own.

The real question is: what amount of concessional aid, coupled with sound self-help policies and actions, will put the country in question in position to move ahead on its own, to obtain its capital requirements on normal commercial terms, thus ending the need for concessional aid. Taiwan has only started on the road of economic development. Many years of growth will be required before Taiwan will approach present U.S. income levels. Taiwan will need to import much capital over that period. But now it can do so on normal commercial terms, without further concessional aid. Taiwan has only started on the development process, but it has already finished the aid process.

II

If these conclusions are warranted, as I believe they are, one could suggest that the future U.S. aid policy should simply be to work on with those developing countries following strong self-help policies until, in country after country, economic strength and progress have been established and each has the capacity to continue its forward momentum without our aid.

So far as it goes, this conclusion seems to me correct. There is a group of countries—such as Israel, Mexico, Venezuela—in which the need for concessional aid—grants and soft-term loans—is clearly near its end.

There is a second group of countries making strong and solid progress though it will be some years before aid can be ended. These are countries which, like India, Pakistan, Korea, Turkey, Brazil, Chile, are following sound self-help policies. United States development assistance is heavily concentrated in these countries.

These countries are clearly on the road to economic self-support. They are likely to reach their goal at different times, since each starts with a different endowment of natural resources, skilled managers, and so forth. Some of these countries could be economically self-sustaining within five years, and even the poorest, probably within 15 or 20 years.

Our economic aid policies toward the type of countries I have been describing can be relatively simple—although their execution is frequently a very complex and difficult matter. The logic of the situation would seem to be to continue to do our full share in aiding these countries. Along with other donors, we should be prepared to provide even more aid in the future to these countries, if it will enable them to make faster headway toward economic self-support and the end of the need for outside aid.

The question of policies becomes more uncertain when we look at countries that do not have strong, full-scale development programs. Some of these are countries, such as a number in Africa, which are not in a position to make rapid progress toward economic development because they are seriously short of competent leaders, or because they have not yet found a way, in their particular political circumstances, to achieve a firm commitment to sound economic policies.

There have been suggestions that until such countries put their own houses in order there is little we can do to help them, and consequently we should no nothing. I believe such a policy would be utopian and wrong. There are certainly cases in which we should indeed provide no aid at all. Indonesia, a year ago, was such a case.

But many of these developing countries can be helped, by technical assistance and training efforts, to understand their own problems better and gradually to improve their development policies and programs. And sometimes a wise and timely use of incentives can help bring about important policy changes or reforms. This is delicate business, normally needing to be carried out privately, and preferably through the good offices of an international agency such as the World Bank or the IMF. But it can sometimes be done.

Our policy, therefore, in countries which are not fully committed to strong full-scale development programs, in my opinion, should be one of seeking to catch hold where we can, and to bring positive influence to bear where the opportunity is open to us, with the objective of helping more and more countries to embark on full-scale economic development efforts which can lead them toward economic self-support.

I have not mentioned so far one last group of countries to which we provide aid. These are the countries such as Vietnam and Laos, the Congo, and the Dominican Republic, where the first problem has been the restoration of peace and security, and economic aid is directed to assist that objective, as a prerequisite to longer-term considerations of economic and social progress.

If, therefore, you look across the developing world you can see a rough spectrum ranging at one extreme from countries torn by insurgency, through those which are at peace but are struggling to develop effective leadership and policies for development, through countries well on the road to solid development, to those at the other extreme where our assistance is terminating. It seems to me our economic aid policies can be fitted to the particular circumstances of these various types of countries, in order to help each of them achieve the next step forward from the restoration of security, through the development of effective leadership, through strong development programs, to economic independence. And it seems to me that looked at in this light, it is legitimate to say that if we stick with the job we can hope to see very substantial gains over, say, the next decade, along this path toward economic development.

III

In saying this, however, I would not wish to be understood as asserting that our present U.S. aid programs are nearly as good as they should be. A great deal of change has been underway and further changes are in prospect. I would cite three illustrations.

First, we are in process of adapting to the fact that foreign aid has become an international business—with other advanced countries in Europe plus Canada and Japan providing last year over $2.5 billion in aid to the developing countries. The most promising arrangements for coordinating aid are the consortiums and consultative groups, of which the World Bank has established perhaps ten or a dozen, with two or three more on the horizon. Through these consultative groups, the Bank takes the lead in working out the right prescription both for the self-help actions and for the amounts and types of aid that are required for a particular aid-receiving country.

It is feasible for the United States or another bilateral aid donor to take a leading role in working out the arrangements for strong self-help in a given country. We have done so successfully in several cases. It is clearly preferable, however, for this role to be played by the World Bank or another international agency, backed up by the bilateral aid donors. The consultative group, therefore, represents in our judgment a major improvement in our methods of providing economic assistance.

A second improvement which is well underway is to place much greater emphasis among both aid recipients and aid donors on the urgency of enlarging agricultural productivity in the developing countries and, meanwhile, of improving the arrangements under which food assistance is provided to them. In this same connection there is rapidly growing a more rational approach to the problems of population growth. The United States, I am glad to say, has played a leading role in both these areas.

One illustration of this is our invitation for the annual high level meeting of the Development Assistance Committee of the OECD to meet in Washington next week, with problems of food and agriculture in a prominent place on its agenda.

A third improvement which is underway in our aid programs is a greater emphasis on the encouragement of local and private initiative in the developing countries. We continue to support strongly American private investment in Asia and Africa and Latin America. And we are also finding more ways to support the growth of private and local organizations in the developing countries themselves—businesses, cooperatives, trade unions, farm organizations, and so forth. We are finding excellent support among private American organizations of all kinds for this approach, and a number of new organizations have been established by private groups to contribute to this end—as the AFL-CIO has established the African-American Labor Center and a group of businessmen led by David Rockefeller and Sol Linowitz has established the International Executive Service Corps.

In these and other ways the United States foreign aid program—and the aid programs of other countries—are in a state of rapid change and, I believe, increasing efficiency. It is a lively business, attracting highly able people to work on the challenging problems of economic and social change in the developing countries.

IV

I should like to close with an observation or two going beyond the area of economic development as such.

It is important not to expect too much. Our aid programs, when they are successful, assist developing countries to establish themselves as independent, self-supporting nations. That is a great accomplishment, and of great value to the United States. A world of independent, self-supporting nations, cooperating together to solve common problems, is the kind of world the United States seeks—in which we believe we can live most safely and most constructively. But such a world is not utopia.

The case of France illustrates the point neatly. France has been the largest single recipient of U.S. aid—over $9 billion in economic and military assistance. That aid accomplished what it was intended to accomplish, namely, the restoration of the French economy from the devastation of World War II, and the rebuilding of the French military forces as part of the NATO alliance. It is not an exaggeration to say that France is strong and free today as a result of United States aid, and that is a result which would have been worth a good deal more to the United States than $9 billion. But it does not require Bastille Day to remind us that an independent France may sometimes act independently. And the moral of that story is that foreign aid can solve some problems but not all.

A final observation. The question is often asked whether United States aid helps the growth of democratic attitudes and institutions in less-developed countries. In the present state of our knowledge, we cannot be sure of the answer. My own personal view is that aid is substantially helpful to this end, for several reasons.

The first is exposure. There is no doubt that most of the thousands of persons who come to this country under our aid programs, and most of those who come in contact with our technical assistance people abroad, are impressed by the freedom and mobility of our society and the benefits of government by consent.

Furthermore, under the aid program we deliberately foster many democratic institutions—savings and loan associations, for example, democratic trade unions, cooperatives of various kinds; government agencies with an attitude of service toward people; and many others. Through such institutions, people in developed counties learn at first hand how a pluralistic society functions, and experience the necessity for responsible choice.

Finally, the economic and social policies which we foster are designed to broaden the base of economic participation and spread the powers of economic decision. Land reform, for example, is often a powerful means for making a society more democratic, as well as for stimulating the growth of investment and output in agriculture. The extension of education to more children at elementary, secondary, and higher levels broadens the basis for responsible participation in a nation's affairs.

In all these ways and for all these reasons, I believe the net effect of our aid programs is strongly positive in encouraging democratic evolution, and those critics who charge the aid program with perpetuating rigid social patterns and oligarchical control have simply not been looking at what we are actually doing around the world.

Nevertheless, I would certainly not argue that economic assistance is a sure recipe for democracy. There are many other influences at work, and it will plainly be a long, difficult struggle in many countries to find a satisfactory basis for political institutions that could properly be called democratic.

And so I am ending my association with AID with the good feeling of having been in the thick of a very good fight—of having been involved in an endeavor of very great significance to the United States and to the future of the world. The problems are extremely difficult, and we have much to learn about how to deal with them effectively. But I am convinced that the United States in its aid programs is on a sound footing. I trust we will have the wisdom and the fortitude to stay the course.

CAPTURED FLIERS

Mr. McINTYRE. Mr. President, President Johnson's measured comments on Hanoi's threats to try captured American airmen as war criminals have drawn favorable attention in the press.

In response to questions at his televised news conference this week, the President said the very thought that these men have committed war crimes is deplorable and revolting. Should North Vietnam put them on trial, he said, the people of the world would react accordingly.

Both the Baltimore Sun and Wall Street Journal similarly deplore Hanoi's action while contending we must keep uppermost in mind that our purpose is to bring the fighting in Vietnam to an honorable end.

Prior to the President's comments, the Chicago Daily News, like the Wall Street Journal, branded as nonsense North Vietnam's claim that the Geneva Convention on war prisoners does not apply in this case. If North Vietnam persists in violating international agreements, the Daily News said, it should be treated as a renegade nation.

I have editorials from each of the newspapers and would like to insert them in the RECORD.

There being no objection, the editorials were ordered to be printed in the RECORD, as follows:

[From the Baltimore (Md.) Sun, July 21, 1966]

THE CAPTIVE FLIERS

While stating strongly this country's concern over the threatened North Vietnamese maltreatment of captured American fliers, President Johnson took repeated occasion at his press conference yesterday to insist that our policy in Vietnam has not changed, and is still a policy of trying through military pressure and diplomatic exploration to bring the war there to a peaceful, honorable solution. The exploration continues even now, the President reported, and of course the military pressure will be maintained. Mr. Johnson emphasized his intention of confining the pressure as applied from the air to military targets. He was doing no more than facing the harsh facts when he said that any treatment of the prisoners as other than military assignments would be "deplorable and repulsive" and would draw reaction accordingly.

The moment is a grim one, and could grow grimmer, if the North Vietnamese persist in their miscalculations—or if we for our part, in the face of what indeed is ugly provocation, abandon the painful process of trying daily to find a reasonable way through the Vietnamese dilemma. We have first to protect the fliers, and other prisoners, and then, if possible, to continue the policy of discipline and restraint, believing as we must that in the end this policy will prevail.

[From the Wall Street Journal, July 21, 1966]

THE CAPTURED AIRMEN

The North Vietnamese threat to try, and possibly execute, captured American fliers is one more depressing development in a depressing war. And because it is so emotion-packed, it is all the more necessary to try to view it calmly.

Even as it is, the plight of the men is sad enough—paraded before taunting mobs and, judging from the photos, perhaps suffering other mistreatment as well. The idea that they might be tried and put to death as "war criminals" is evoking heated reaction here at home; one Senator warns that the U.S. would, in that event, make a desert of North Vietnam.

Understandable though the reaction is, it is not calculated to contribute to the most intelligent prosecution of the war. Hard as it is to say it, the national interest requires that the war be waged in accordance with the best military judgment, without regard to the fate of the airmen or to public outcry or to rancor within the Administration.

Actually, the Hanoi regime presumably seeks to influence America's conduct of the war. It is violating the Geneva Convention, to which it is a signatory, on the ostensible ground that the U.S. is waging an undeclared aggressive war; the contention is nonsense because the Convention applies to wars declared or undeclared. The real point is that it is in the nature of Communists to abide or not abide by the niceties of international law as it suits their purpose.

In this case it seems likely, as C. L. Sulzberger suggests in the New York Times, that the Communists are attempting to use the fliers to ward off further broadening of the war against North Vietnam; sealing off Haiphong harbor, for one example. In other words, they might try but not execute the prisoners unless the U.S. did undertake significant expansions on the attacks on the North.

We obviously cannot pretend to know whether expansion is dictated by military need. All we are saying is that it should not be done in reprisal; nor should new targets be rejected, in hope of saving the fliers, if such raids are deemed necessary for the war effort. The American purpose is to bring the war to an acceptable conclusion, and that must be the guiding consideration.

It will be a bitter thing if Hanoi carries out its threats. But when a nation is pitted against Communists, it has no reason to expect anything but Communist cruelty.

QUAKERS URGE PRESIDENT TO REVERSE LATEST ESCALATION

Mr. HARTKE. Mr. President, the General Conference of the Religious Society of Friends, often known as Quakers, held its biennial meeting at Cape May, N.J., from June 24 to July 1. More than 3,000 members were present for the meeting, coming from more than 30 States, including my own State of Indiana.

The historic concern of the Friends for the cause of peace is a tradition to which they have held for many years. In wartime they have furnished from their ranks ambulance drivers, medics, and other workers whose mission has always been that of healing rather than joining in the hurt of actual combat. In peacetime they have been a powerful force, far beyond their numbers, for the development of relief to the needy places of the world.

It might be expected, therefore, but it is nonetheless significant, that this general conference should express its deep concern for the conduct of our policies in Vietnam. By official action, the group united in sending to President Johnson a telegram signed by 600 delegates, expressing on the same day as the escalation of bombing of Hanoi and Haiphong, the strongest kind of protest:

> This is another step—

Said the telegram—

> in our descent toward barbarism and world anarchy.

Subsequently there was addressed to the President also a "minute" containing the statement of the Friend's group on the means which should be adopted for moving toward ending the war.

Mr. President, I ask unanimous consent that the statement of the Friends' General Conference, which includes the texts of the two statements addressed to President Johnson, be printed in the RECORD.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

THE WAR IN VIETNAM, A DEEP CONCERN OF MEMBERS OF THE RELIGIOUS SOCIETY OF FRIENDS (QUAKERS)

Members of the Religious Society of Friends, meeting during their biennial conference at Cape May, New Jersey, June 24–July 1, 1966, were deeply disturbed by the announcements of the escalation of the war effort in Vietnam. In response to this escalation, Friends united in sending the following messages to the President of the United States:

1. A telegram sent on June 29, 1966 to President Johnson, signed by 600 delegates:

"Our hearts go out to the many Vietnamese men, women, and children who have been killed and injured by our bombs as well as to the Americans who have died today. We are moved to protest in strongest possible terms your decision to bomb Hanoi and Haiphong areas. This is another step in our descent toward barbarism and world anarchy. The decision flies directly in the face of the Secretary-General U Thant's June 20 recommendation that the United States cease bombing of North Vietnam.

"We are filled with anguish as we think of our own responsibility and participation as American citizens in this action. We plead with you to pray for God's guidance that you will be given the wisdom and vision to adopt those policies which will end this terrible war by peaceful means and build a world in which all God's children can live in peace."

2. A minute addressed to President Johnson and other national and international leaders, approved by the Friends General Conference Central Committee on July 1, 1966:

"The General Conference of Friends, representing Yearly, Quarterly, and Monthly Meetings of the Religious Society of Friends from California to New England, meeting at Cape May, New Jersey, June 24–July 1, strongly urges President Lyndon B. Johnson, Senators, and Representatives of the United States Congress to reverse the latest escalation of the war in Vietnam involving the bombing of targets in the immediate area of heavily populated Hanoi and Haiphong. We, as Friends, have historically deplored the use of military force, but this latest action in Vietnam deeply concerns all men and women who believe that there are other ways to win the hearts of men and women than death and destruction by bombing. Bullets, napalm, and bombs have never won friends; but land reform, tax reform, and the elimination of corruption would go far toward the removal of the causes which have been a large factor in the civil war in South Vietnam.

"Among possible steps to end this war now, we urge the United States Government to:

"1. Work through the United Nations and the Geneva Conference for a peaceful solution:

"2. Accede to the proposals of the United Nations Secretary-General, U Thant, including:

"a. Cessation of bombing of North Vietnam;

"b. Scaling down of all military activities in South Vietnam, 'which alone could lead to an effective cease-fire';

"c. Willingness of all sides to enter into discussions with those who are 'actually fighting';

"3. Work for a quick return to civilian government in South Vietnam;

"4. Organize a peace-keeping force of Asians in this wartorn area under the auspices of the United Nations;

"5. Commit ourselves now to a phased withdrawal of U.S. armed forces as quickly as possible;

"6. Support plans for reconstruction of South Vietnam and North Vietnam indicated by the President in his proposals last spring at the Johns Hopkins University."

We are deeply aware of the tremendous burden of decision resting upon the shoulders of the President of the United States. We pray that he will have the courage to work through that Eternal Spiritual force which can guide us all toward a Peace on Earth for all the children of God.

CLEAN WATER

Mr. METCALF. Mr. President, two prominent Eastern newspapers cheer the Senate for passing without dissent legislation designed to clean our rivers and streams.

Each asks the House to follow suit.

Much still remains to be done to rid the Nation's waters of pollution, but the New York Times and Washington Post endorse the bill to generate Federal, State, and local spending of some $200 billion over the next 6 years.

Both newspapers declare the pollution of our water resources has reached alarming proportions. But as the junior Senator from Maine—the bill's chief sponsor—has contended, the people have given Congress a mandate to act.

In recognition of this mandate, I offer these newspaper editorials for the RECORD.

There being no objection, the editorials were ordered to be printed in the RECORD, as follows:

[From the Washington (D.C.) Post, July 15, 1966]

MANDATE FOR CLEAN WATER

The 90-to-0 vote by which the Senate passed the clean-rivers bill is indicative of a tidal wave of reaction against filth in our streams. A few years ago it was difficult to arouse any interest in pollution or its abatement on a national scale. Now there is mounting alarm, and, according to Senator MUSKIE, the chief sponsor of the Senate bill, the people have given a mandate to Congress to end the shocking abuse of our water resources.

In any event, the Senate has responded with a commendable sense of urgency. It voted to authorize the spending of $6 billion for pollution control over the next six years. The program is designed to stimulate a total outlay of $20 billion, with the states and municipalities contributing the larger share. It remains to be seen whether the local governments will take full advantage of this opportunity to reclaim their corrupted rivers. But the Federal incentive will certainly be much stronger than ever before.

To date the states have been shockingly negligent in this field. With many of their rivers stinking from sewage and many harbors befouled by oil and other wastes, 42 states have done nothing at all, leaving the whole burden on their municipalities. As a result numerous towns and cities are pouring raw sewage into the same stream. Even where municipalities have made some effort to cope with the problem, they tend to be overwhelmed by their own corruption. The wholesale fouling of our once-clear rivers is truly a national disgrace.

The central idea behind the present bill is to clean up entire river systems. At the request of a state, or several states in the case of interstate streams, the Secretary of the Interior may designate a planning agency for an entire river basin. The plan devised by that agency would have to meet the standards fixed by the bill and the state would have to put up 30 percent of the cost of the essential treatment facilities. In these circumstances, the Federal grant could amount to 50 percent of the entire cost, leaving only 20 percent for the municipalities.

Apart from the basin-wide projects, the bill would eliminate existing dollar ceilings on grants to state and local agencies for the construction of treatment works. It would set up a special program for depressed areas which cannot finance sewage treatment facilities. It would provide a 10-percent Federal bonus to encourage joint action by large metropolitan areas in meeting their pollution-control problems. Funds would also become available for the training of personnel in pollution control, for additional research in the disposal of radioactive wastes, the pollution of estuaries and so forth. It is an immense undertaking.

Let no one suppose, however, that the pollution problem is about to be solved or that no further efforts are necessary. Senator MUSKIE candidly told his colleagues that two major problems are left untouched by his bill; the disposal of industrial waste and the separation of storm and sanitary sewers. Under the best of circumstances, moreover, the billions voted by the Senate would provide only primary and secondary sewage treatment for 80 percent of the population. Someone has estimated that it will cost $100 billion to wipe out the country's befoulment of its water resources, and then it is doubtful whether the job would be complete.

The Senate bill will also need scrutiny as to the clean-water standards it provides. Yet, with all its deficiencies, it is a remarkable step forward. The House should be at least equally forthright and positive in its response to the mounting mandate for clean water.

[From the New York Times, July 15, 1966]

THE SENATE ACTS ON POLLUTION

The Senate has given a powerful thrust to the fight for cleaner air and water in America. Without a dissenting vote, it has passed and sent to the House a $6.2-billion, six-year program to eliminate water pollution and a bill authorizing $196 million over three years to combat air pollution.

For cleaner air, the bill would provide up to 50 per cent of the costs of antipollution programs for individual communities and up to 60 per cent for campaigns undertaken jointly by cities or states.

For cleaner water, the Senate program would go well beyond Administration requests. In fact, in his testimony on a similar bill before the corresponding House Committee, Interior Secretary Udall had urged a ceiling of $3.45 billion over five years.

Senators did not just pluck the $6-billion figure out of thick air, however. This sum would provide Federal contributions averaging about a third of the cost of urgently needed water purification programs across the country. Sponsors believe that if the states and localities cooperated properly, this expanded program could eliminate the present $20-billion backlog of required waste-treatment facilities over the six-year period.

Mr. Udall is under budgetary pressure because of the expanding war effort in Vietnam. Even his proposed ceiling would go well beyond current programs and President Johnson's request for the clean-rivers campaign this year. But the need is clear and a major, effective antipollution effort is many years overdue. House action is now imperative.

COMMUNISTS LOSE GROUND

Mr. MOSS. Mr. President, if we think we have world problems, consider the view from the Communist angle.

The Aurora, Ill., Beacon-News, one of the Copley newspapers, makes this suggestion in an editorial describing the domestic and international failures that mar the outlook for Red China and Russia.

Their problems do not solve ours, the newspaper acknowledges, but they do indicate that our policies furthering multilateral alliances and economic stability among friends are right.

When the Communist world falters, the editorial advises, we should play from a hand of strength to assure victory for freedom and the dignity of man.

I ask unanimous consent to have printed in the RECORD this description of cracks in the Communist front.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

[From the Aurora (Ill.) Beacon News, July 11, 1966]

CRACKS DEVELOP ON ALL FRONTS—COMMUNISTS LOSE GROUND

If at times, the world problems of the United States of America seem grim and depressing, consider how the globe must look to the Communist today.

Red China, one of the two major atheistic Communist powers, is fighting a bitter internal ideological war and has a serious difference of opinion with Russia.

Its aggression in Indonesia was a total flop; it has alienated India and even Pakistan has shown a noticeable cooling to the wiles of Mao Tse-tung. A Red Chinese ideological invasion of Africa was a dismal failure. Peking's agricultural and industrial economy is archaic and stagnating.

The problems of Russia, the other large Marxist power, are no less serious. Its agriculture is so weak it is still spending hoarded gold to buy Free World wheat. Its industries are years behind major free world nations despite abortive attempts at a pseudo free-enterprise system. The people are restive, demanding more consumer goods and more luxuries.

In the political realm the problems of Russia make those of the United States seem small. After 11 years of existence, the Warsaw Pact, a counterpart to the North Atlantic Treaty Organization, is faltering. Without total Russian domination, there probably would not be a pact.

Romania, Yugoslavia and even the militant Czechoslovakia are rebelling at the iron hand of the Kremlin. Additionally, communism and Catholicism are in a major confrontation in Poland. And on the other side of the continent, China is casting covetous eyes on its former territories in Siberia.

In Southeast Asia the war is going badly for both the Red Chinese who spur it ideologically, and the Russians who are supplying much of the equipment and technical knowledge.

In the American hemisphere, the Russians have an albatross in the form of Fidel Castro, who may be near the verge of collapse in Cuba. The problem is further aggravated for Russia by failure of the Cuban sugar crop and inordinately low world prices for the commodity.

Because of quick and proper United States assistance, the Communists failed to gain a toehold in the Dominican Republic. Throughout Latin America the resolve to suppress communism is rising.

The problems of the atheistic Communist world do not, of course, solve our own in the Free World. They are, however, an indication that our policies furthering multilateral alliances and economic stability among friends are right.

In short, when the Communist world falters, the United States must play from a hand of strength to assure the victory so dear to all mankind—freedom and the dignity of man.

FEDERAL-AID HIGHWAY PROGRAM AND RELOCATION

Mr. MUSKIE. Mr. President, the problems of families and businesses displaced by various Federal-aid and federally aided programs are rapidly growing more serious as these programs grow in size, and especially as they expand in urban areas where increased displacement is inevitable. As a step toward insuring fairness and to improving the assistance to those displaced, I have introduced S. 1681, which the Senate has passed unanimously. As chairman of the Subcommittee on Intergovernmental Relations, I have held extensive hearings on these problems. While a truly complete program of assistance to the displaced will require legislation by the Congress, there is much that can be done by Federal agencies now, under existing authorizations, if they have a sincere concern for the problems of the displaced. This is illustrated by a number of actions by Federal Highway Administrator Rex M. Whitton to improve the treatment of persons whose homes and businesses are taken by Federal-aid highway projects.

Recently, during hearings on the Federal-Aid Highway Act of 1966, I questioned Mr. Whitton about the procedures for property acquisition and relocation assistance in the Federal-aid highway program, and I was pleased to learn how far he had gone beyond meeting the minimum requirements established by the Congress. He told me that in addition to insuring that the State highway departments are providing relocation advisory assistance to families displaced by Federal-aid highway projects, as required by law, and encouraging the States to take advantage of available Federal aid to help pay the moving costs of those displaced, he has taken action to insure the fair treatment and prompt payment of those whose property is taken for highway projects. These actions are a part of a broad effort by the Bureau of Public Roads to insure that the Federal-aid highway program is responsive to all its social responsibilities and considerate of all human values.

Mr. President, I ask unanimous consent that a list of some of the actions that illustrate the scope and depth of the Bureau's efforts taken under that program be printed at this point in the Record.

There being no objection, the list was ordered to be printed in the Record, as follows:

October 23, 1962, Federal-Aid Highway Act of 1962: The Federal-Aid Highway Act of 1962 is intended to insure that highway programs in urban areas be compatible with and contribute to the overall goals of the community by requiring that they be based on a "continuing, comprehensive transportation planning process carried on cooperatively by States and local communities in conformance with the objectives" of the Act, which are "to encourage and promote the development of transportation systems, embracing various modes of transportation in a manner that will serve the States efficiently and effectively," and that highway plans and programs be "properly coordinated with plans for improvements in other affected forms of transportation and . . . with due consideration to their probable effect on the future development of urban areas."

The Act also provides that State highway departments must provide relocation advisory assistance to persons displaced by Federal-aid highway construction, and it permits Federal participation in the payment of moving costs to persons or businesses displaced.

March 1, 1963, Esthetics in Highway Location and Design: In a memorandum to Bureau of Public Roads field offices, Federal Highway Administrator Rex M. Whitton emphasized the need for consideration of esthetics in highway location and design decisions, and establish a program for the collection and dissemination of information leading to more beautiful highways.

June 12, 1963, Protection of Fish and Wildlife Resources: Federal Highway Administrator Rex M. Whitton issued an Instructional Memorandum requiring that State highway departments adopt a procedure to be followed in locating, planning and designing of Federal-aid projects that would protect fish and wildlife resources. He said: "This procedure shall contain provision for suitable coordination between the activities of the State highway department and the activities of the appropriate State agency charged with the responsibility for the conservation of fish and wildlife. To accomplish the desired coordination, this procedure, as a minimum, should provide that the State highway department shall (a) submit programs of proposed Federal-aid highway projects to the State fish and game agencies at an early stage with a request that the fish and game agencies indicate those projects of interest; (b) furnish notice of public hearings, where required by Section 128 of Title 23, United States Code, to the fish and game agencies; and (c) adopt such other methods as will afford the State fish and game agency full opportunity to study and make recommendations to the State highway department concerning the proposed project prior to its submission by the State to the Secretary."

May 25, 1964, Protection of Parks and Other Recreational and Historical Resources: Federal Highway Administrator Rex M. Whitton issued instructions which, in effect, require that on all Federal-aid highway projects the same consideration be given to the protection or improvement of parks and other outdoor recreational and historical resources that was required to be given to fish and wildlife resources by his June 12, 1963 instructions.

September 15, 1964, Considerations in Highway Location Decisions: In a memorandum to clarify highway location practices and requirements, the Bureau specified formally that in the comparison of highway location alternatives consideration be given to the following "social and human values" in addition to defense, economic, and safety factors: Recreation, esthetics, residential character and location, religious institutions and practices, rights and freedoms of individuals, conduct and financing of government, conservation, replacement housing, education and disruption of school district operations, specific numbers of families and businesses displaced.

January 25, 1965, Highway Beautification: In response from a directive from President Johnson to Secretary of Commerce John T. Connor, and before the enactment of the Highway Beautification Act of 1965, Federal Highway Administrator Rex M. Whitton issued instructions requiring landscaping on all new Federal-aid highway projects; that authorized landscaping on completed Federal-aid highways, with priority to be given to screening unsightly areas; that authorized the doubling of the number of safety rest areas on the Interstate Highway System, the construction of an equal number of smaller less elaborate rest areas on the Interstate System, and the construction of rest areas on the Primary highway system on the basis of the same criteria applied to the Interstate; that authorized Federal-aid for sanitary and other facilities for the convenience of the public in rest areas.

September 13, 1965, Payment for Property Acquisition: Federal Highway Administrator Rex M. Whitten issued instructions that Federal aid funds would not participate in the cost of right-of-way acquisition unless the owners of property were assured a payment of 75% or more of the fair market value before being required to surrender physical possession of such property.

November 30, 1965, Fair Payment for Property Acquisition: Federal Highway Administrator Rex M. Whitton issued instructions that for property acquired under the Federal-aid program, property owners had to be offered, in writing, the fair market value of their property and before the beginning of condemnation proceedings. He said, "It should be unnecessary for anyone to have to bargain with a State in order to receive an offer that represents fair market value or be forced to institute legal action to be fairly compensated."

Federal Highway Administrator Rex M. Whitton, in a speech before the American Roadbuilders' Association announced the program to have actual highway construction operations carried out in a way that would minimize any disruptions of the public and would be fully considerate of the interests of highway users, adjacent property and natural resources. In a speech on April 4, 1966, he presented the following checklist of desirable construction practices:

"CONSTRUCTION PRACTICES—MEANS BY WHICH CONTRACTING AGENCIES AND CONTRACTORS CAN PROTECT THE INTERESTS OF THE TRAVELING PUBLIC AND OTHER AFFECTED PERSONS AND ADJACENT PROPERTY DURING HIGHWAY CONSTRUCTION OPERATIONS

"1. Clearing and Grubbing:

"A. Selective tree removal—those trees that do not need to be removed should be preserved to enhance the beauty of rights-of-way.

"B. Care should be taken that property lines are respected and that property owners are advised of clearing operations, the extent of work involved and the effect it might have on the property owner.

"C. Be careful during burning. Abide by the local ordinances and, if indicated, inform nearby residents.

"2. Drainage:

"A. Provide drainage structures sufficient to accommodate flow and prevent ponding on adjacent property.

"B. Obtain sufficient easement for new drainage courses.

"C. Correlate increased use of easement caused by increased flow or rapid runoff with affected property owners.

"D. Prevent unnecessary ponding during construction.

"E. Maintain drainage courses free of construction debris.

"3. Grading and Paving Operations:

"A. Protect people at point where equipment crosses public ways; provide uniformed policemen if necessary.

"B. Keep crossings clean.

"C. In hauling material, avoid residential areas; if this is impossible, use prudent speed and vary the route.

"D. Don't overload vehicles.

"E. Use dust preventatives on haul roads and subgrades.

"F. Provide adequate covers for concrete batch trucks.

"G. Insure that necessary devices to prevent dust and air pollution are provided at material plants.

"H. Mobile operations such as asphalt plants, crusher and concrete paving plants should not be visually offensive and upon completion of work the areas should be returned as much as possible to their original state.

"I. Borrow pits should be screened and when exhausted should be converted to some useful purpose, recreation or otherwise.

"4. Excavation—Blasting:

"A. Inform residents of pending blast operations.

"B. Don't overshoot. Use light loads and more holes in congested areas; this also applies in rural areas in that it provides neater work and requires less maintenance.

"C. Thoroughly check blasting procedures to determine the possible effect on the water table and subsequent loss of vegetation and water supply.

"D. Sample wells before and after blasting operations for possible contamination.

"5. Structures:

"A. Provide safe and efficient detours.

"B. If overhead work is involved while traffic is being maintained take measures to protect traffic from falling objects, paint, etc.

"6. Maintenance of Grade:

"A. If, prior to paving, the grade is used to carry traffic, dust should be controlled.

"B. Potholes and unnecessary roughness should be avoided, and if a temporary seal coat is specified in the contract be sure it is applied as soon as possible.

"7. Maintenance of Detour:

"A. Install proper signs and assure continuity of signing throughout length of the detour.

"B. Provide adequate traffic capacity on detour.

"C. Provide proper lighting and protection from construction hazards.

"D. Advance notice of changes in detour locations etc. to the traveling public via radio, television or newspaper provides for good public relationship.

"E. Advance notice of any temporary construction activity which might influence motorists to change routing and avoid inconvenience.

"8. Utility Adjustments:

"A. Notify people living in a construction area in advance of a temporary halt in utility services such as when a water main must be relocated and service must be interrupted.

"B. Make provision for temporary maintenance of service if service is to be suspended for any length of time.

"C. Necessary adjustments on private property should be left in the same or better condition than originally.

"D. Coordinate utility and construction work to avoid having to cut open new pavement to install underground utilities."

Mr. MUSKIE. Mr. President, more recently, however, the Bureau of Public Roads developed a concept that goes well beyond a concern for merely minimizing any adverse effect caused by highway construction—that would contribute positively to all of the community values of an area through which an urban freeway might be built—and, specifically, that would provide replacement housing for those displaced by the freeway construction. The Bureau's concept of a program for the joint development of urban housing and urban freeways is being studied in detail to determine what technical, financial and legal problems might have to be resolved before it can be formally implemented. I believe this concept merits consideration, and should be studied in light of the additional legislation that may be needed at the Federal and State levels. I ask unanimous consent to have printed in the RECORD at the close of my remarks a talk by Thomas F. McGarry, special assistant to the Federal Highway Administrator, outlining the Bureau's concept.

There being no objection, the remarks were ordered to be printed in the RECORD, as follows:

JOINT DEVELOPMENT OF URBAN HOUSING AND URBAN FREEWAYS

(Remarks by Thomas F. McGarry, Special Assistant to the Federal Highway Administrator, before the Western Regional Meeting, American Public Works Association, Portland, Oreg., June 13, 1966)

I bring you greetings and best wishes from Federal Highway Administrator Rex M. Whitton. I also bring his expression of sincere disappointment over not being able to accept your invitation to appear here today. He looked forward to your meeting as an appropriate forum to discuss publicly some emerging concepts about the complex role of highways in the urban scene. He has asked me to present this subject in his stead, in the hope that it will help stimulate a creative exchange of ideas.

To everyone concerned with public works, the rapid urbanization of the United States presents the dominant challenge of the latter half of the 20th century. In the space of a few generations, as history goes, we have built a home in this country for 200 million people. But now it falls to us to rebuild and double the size of the great cities, where most of us and our children will live by the end of this century.

To say that America's urban areas are entering a period of revolutionary growth might be an exaggeration. But it is almost an understatement to say that they, at least, are in an era of escalating evolution.

How we respond to this dynamic growth and change, in the decisions we make today and tomorrow, will determine the quality of life for future generations.

If there is a note of urgency in that statement, it is intentional. The problems of urbanization are upon us today, and they are not likely to diminish in the future.

The need for action and decisions is similarly, upon us. Even as we meet, the pressures of population, the competition for space, and the demands on other natural and economic resources are increasing. We cannot ignore them and defer until tomorrow decisions on actions required today. As Rex Whitton has repeatedly said in discussing the problems of our cities, a decision deferred is a decision made. To unduly defer decisions is to surrender our cities to the chance resolution of forces that are neither benign, benevolent or beneficent.

We must, of course, work toward the ultimate or ideal solutions, but certainly we cannot afford to wait for them. We need to apply now the best skills and imagination available to us today. We must use both experimentation and the knowledge we already have.

This is obviously necessary wtih respect to the urgent problems facing highway transportation in urban areas. We need to encourage creative approaches to solving the problems of urban congestion, of the impact of highways on various aspects of urban life, of the relative roles of highways and other forms of transportation. To fully explore any of these aspects would take volumes.

Today, however, I would like specifically to discuss a new and creative approach to finding solutions to some of the most pressing needs of highly developed urban areas, through the joint development of urban housing and freeways.

Basic to this approach is the concept that the fundamental problem is the city itself, or, actually, the success of the city.

Cities are, in reality, instruments of communication. By their very purpose and nature they bring people together. It is true that their design is determined to a large extent by the kind of transportation available to their inhabitants. But transportation is not an end in itself. It is an instrument of service for the city and its people. It cannot be considered apart from the city itself.

Today, with urbanization increasing at a rapid pace, the success of the cities—to which highway transportation has made a big contribution—breeds its own problems.

Any effort to come to grips with urban transportation problems must be viewed within this context, and it must be pursued within the realities of life in the cities we are trying to serve.

While transportation is a vital element, the basic organism is the city. And within the city there are many public interests in addition to transportation, and these are sometimes competing or conflicting. When these conflicts are not resolved, needed improvements are delayed and the whole community may suffer.

Thus, if we are to proceed with orderly speed in meeting the urgent transportation needs of our urban areas, we have a responsibility to respect the interests that overlap our programs. In the highway field this requires respect for the public in humane land acquisition policies and in the displacement of people and businesses; in aesthetics, both in the design of highway improvements and in the treatment of roadsides; in traffic safety; and in the historical, cultural and recreational values of the community.

We have seen a growing awareness of these social responsibilities of highways in recent years. Much of the leadership in focusing attention on them, and in coordinating policies to cope with them, has been provided by Rex Whitton and the Bureau of Public Roads. Through the Federal-aid highway program, a series of steps has been taken to assure effective recognition of these legitimate, overlapping interests.

The Bureau, meanwhile, is continuing to study the obstacles to the realization of adequate urban transportation systems, and is seeking cooperative solutions that will produce the greatest benefit for urban areas.

One of the most apparent and serious of these obstacles arises from the shortage of space in built-up urban areas, and the resultant competition for space between various necessary public and private usages.

Under the pressure of population growth and dynamic expansion, cities are faced with the need to improve the quality and quantity of housing facilities, of transportation, of educational and recreational facilities and of other public services—or face the certain prospect of stagnation.

All of these needs require urban space; each has been viewed as a potential threat to the others. The problems are particularly difficult in cities where virtually all usable land has been developed. Where no land is available for relocation within the city, the taking of land for public purposes—as for highways or schools—results in the loss of a taxable usage, either through outright elimination or through its removal to another jurisdiction. Frequently, the relocation of families displaced by public projects can present problems for which satisfactory solutions are not readily available. (It is not difficult to theorize an ideal solution to such family displacement problems, but all too often such solutions prove unattainable.)

Now, these urban needs could be viewed separately. In almost all of our cities, there is a present and obvious need to improve housing. Blighted and substandard facilities need to be replaced, and more low- and middle-income housing should be provided. This need would exist regardless of the need for better transportation.

At the same time, there is a present and obvious need for finding solutions to mounting transportation problems—problems that will continue to grow with urban growth. In the large urban areas, freeways can make a vital contribution in reducing traffic congestion and in improving accessibility between the central city and its suburbs and between different sections of the city and region. This need exists now, regardless of the housing need.

However, to the extent they displace people, highways aggravate the housing problem, just as higher population densities aggravate the transportation problem.

Along with these needs, if cities are to avoid decay and improve the quality of life, they must provide better schools, parks, playgrounds, and more open space.

In view of the urban space shortage, all these needs involve a common objective: The more efficient use of urban land.

Furthermore, in certain instances where freeway improvements are being planned, these needs exist side by side. It would appear, then, that an opportunity exists to serve all these needs more economically and efficiently through a comprehensive approach. This is the key to the Bureau of Public Roads' concept of the joint development of urban housing and freeways.

As I have indicated, the Bureau and the State highway departments have been increasingly concerned with the impact of freeways on the urban environment. The Bureau has endeavored to keep the width of urban rights-of-way to the minimum needed to provide adequate highway service. It has called on architects and planners to make use of the airspace over highways. And it has urged that freeways be located to cause a minimum of displacement, of infringement on parks, and disruptions to neighborhoods, school districts or church parishes.

Obviously, it is impossible to reduce to zero the impact of all facilities as they existed prior to highway construction. However, it is possible to plan improvements in conjunction with highway construction so that the end result is a net improvement for the community. This approach is particularly suitable for areas where existing housing and community facilities are substandard and replacement is indicated. By giving attention to neighborhood needs, the overall projects can contribute to the renewal of the urban area.

Of major significance to the feasibility of the joint approach is the question of land acquisition. In keeping freeway land acquisition to a minimum width, highway departments often are required to pay considerable amounts in severance damages to affected property owners. These damages may result from the partial taking of a piece of property or from the consequences of highway construction which would depreciate the value of the remaining property, such as obstruction of light, air, or view, or removal of yard space, or the restriction of access.

Studies by the Bureau have indicated that in some urban situations, the cost of acquiring entire blocks or squares of property for the right-of-way would be comparable to, or only slightly higher, than the cost of minimum or restricted right-of-way itself, plus severance damages to the remaining properties in the blocks.

In such situations, it would be advantageous to acquire the entire blocks, provide the necessary space for the freeway, and utilize the remaining space for replacement housing, parks, playground, shops or schools, and parking. Further, since the difference between the cost of acquiring additional space for these complementary neighborhood projects and that of acquiring freeway space alone would be relatively negligible, these complementary projects could be provided at reduced cost, compared to the expense of providing them separately.

The joint approach needed to carry out a comprehensive development program taking advantage of these possibilities can be outlined in general terms, recognizing that procedures must be tailored to each individual situation.

First, it should be clear that the objective is more efficient use of urban land, and that this can be effected where a proposed new highway traverses land devoted to inefficient use through substandard, depreciated, or blighted development.

To get efficient use, space alongside, under and over the highway must be redeveloped in conjunction with the highway. As indicated, acquisition of the needed space is not significantly more expensive than the cost of a minimum or restricted highway right-of-way.

Acquisition can be accomplished through a public corporation, authority, or agency, invested with sufficient power of eminent domain to condemn any land required. Such land could be all the land, or that which cannot be acquired as highway right-of-way. In some localities, similar types of agencies already have been established to implement urban renewal programs.

One procedure would be for this agency to acquire full blocks of areas to be renewed along the line of the right-of-way. The highway department, then, would buy a permanent three dimensional easement from the agency for the space needed—in effect, an "air tunnel" for the freeway, which might be elevated, depressed, or at ground level.

The remaining space in each block, both beside and over or under the proposed freeway, would be available for development. Priority could be given to providing replacement housing for those to be displaced. Studies by the Bureau of Public Roads indicate that the typical "row house" or tenement housing of blighted urban areas can be replaced with an equal number of housing units on one-third the land area with modern high-rise, air-conditioned buildings. This would mean that the equivalent of one block in every three could be devoted to replacement housing, probably taking advantage of air space over the freeway, and two blocks would remain open for other development—parks, playgrounds, swimming pools, parking, schools or public buildings, additional housing, or stores, which could be located under an elevated roadway. A random mixture in each block probably would be most desirable and effective, and could avoid ventilation difficulties for the highway.

In planning the complementary development, officials could make use of a variety of existing programs, such as public housing, Federal programs for privately owned low- and middle-income housing, open-space and recreational assistance programs. By combining these programs with the funds secured for highway right-of-way, the land acquisition costs should be reasonably liquidated. In addition, tax-paying usages would occupy a portion of the new development, and the improvements would have the added impact of encouraging rehabilitation and resultant higher values in adjoining property.

By careful planning, demolition and improvements could be scheduled to minimize if not avoid inconvenience to those displaced.

What I have described is not a fanciful, utopian, maybe, someday, someplace, somehow scheme. It is a concept developed by the Bureau of Public Roads that can meet a need that exists now, and that can be utilized in a great number of urban areas. It is not being tossed on the table and left for someone to show an interest in it. It is being pressed as a priority program for further refinement and actual implementation.

A consultant's study is now underway on the application of this concept on an active freeway project in the District of Columbia. The study should provide answers to many of the technical, financial and legal problems that will have to be resolved before the Bureau can issue detailed policies and procedures for the program. As soon as the consultant's study is available, it will be distributed to the Bureau of Public Roads' regional and division engineers with copies for the State highway departments and other involved agencies.

Meanwhile, the Bureau has directed its field offices to explore with the State highway departments, the possible application of this concept, so that when the program is ready for formal undertaking the States will be in a position to take early advantage of it.

The possibilities of the joint development of urban housing and urban freeways should commend itself to you because of your concern for efficiency, for economy, and for the general public good beyond whatever your responsibility might be for a narrower area of public works or transportation. I would also emphasize, however, that it should have a compelling interest to even the person with the most provincial view of highway transportation. Where we go from here in the highway field largely depends on how well we can accommodate our program to the full range of human values, or how well we can recognize and respond to all the social responsibilities that are thrust upon us.

Certainly, one of our major social responsibilities is for the fair, decent and humane treatment for the people and businesses displaced by highway construction. The day is long since passed, if indeed, it ever existed, when someone could say, "I'm in the highway, not the housing business."

We can respond to our responsibilities out of our own initiative and our sincere concern for the public interest, or we can be dragged kicking and screaming to them by legislation. If the handwriting on the wall is not clear enough, the printing in the Congressional Record is certainly legible—and it shows the increasing possibility of legislation that could well prove to be onerous to the highway and other public works programs.

The pattern is simple enough. When any industry or group does not, on its own, respond to what the public expects of it, the public reacts through legislation. That happened in the billboard control legislation, and it is happening in the truth-in-packaging and auto safety legislation.

Much progress has been made in the highway program's concern for displaced people and businesses, but more remains to be made. All States now provide relocation advisory assistance for persons displaced by Federally-aided highway projects, and steps have been taken to insure uniformity and fairness in the appraisal, negotiation, and payment for property acquired for Federally-aided highway construction. As an indication of what remains to be done as a minimum, only thirty-three States and the District of Columbia are paying moving costs to displaced persons and businesses, even though such payments are eligible for Federal reimbursement in the same proportion as highway construction costs.

However, what the Bureau of Public Roads envisions in its joint urban housing and urban freeway proposal is not the mere meeting of a minimal demand for a more humane or considerate highway program, or the minimizing of the possibly adverse effects of highway construction. It sees the opportunity for the creative cooperation with other public and private efforts.

It sees the opportunity to serve not just transportation needs but "people needs." It sees the opportunity to put into practice what Rex Whitton means when he says, "Highways are for people, not vehicles."

PROPOSED HYDROELECTRIC POWER DAMS IN GRAND CANYON

Mr. CASE. Mr. President, millions of people the world over have visited the Grand Canyon of the Colorado.

Most have seen it from a rim above the canyon. But some more fortunate visitors have descended into the canyon to examine at closer range the magnificent colors, the water falls, the caves, and the wildlife habitats.

If they combined this trip into the canyon with a boat trip on the Colorado River, they have had an unforgettable experience.

Now, however, all this may be changed by a plan to build two hydroelectric power dams in the canyon. If this unfortunate plan succeeds, much of the canyon will be destroyed and what remains will be radically changed.

Recently, Kenneth Gatlin, son of Mr. and Mrs. Kenneth G. Gatlin of Morristown, N.J., made a trip on the Colorado River through the canyon and wrote of his experience in a letter to his parents. Kenneth's description is a moving one and Mr. and Mrs. Gatlin thoughtfully have given me permission to share it with others.

I ask unanimous consent that Kenneth's letter be placed in the Record after my remarks.

Mr. President, at the same time, a most interesting editorial from the June 22 editions of the Rocky Mountain News, Denver, Colo., has come to my attention. This editorial provides a number of sound reasons for opposing the proposed Grand Canyon dams and I ask unanimous consent that it, too, be placed in the Record.

There being no objection, the letter and editorial were ordered to be printed in the Record, as follows:

Dear Mom and Dad: The trip was a great success—without question the most unique and special way to spend 10 days I can think of. Every American should take this run down the Grand Canyon; All of you would especially like it and I can't recommend it too highly. Any fears of the extended camping (which I had), or exposure (which you probably have), or the dangers you might encounter (which we all have) melt away as you enter the incredible splendor and adventure on this trip. We had several on the trip, and never a complaint from anyone. The rapids are beyond description for excitement and thrills, and impossible to navigate except in an inflatable raft. All other rivers are like lakes in comparison. We progressed down the canyon from the present back some 2 billion years in geological time; through all colors from reds and blues and greens to polished coal black canyons. We saw waterfalls, caves, an abandoned copper mine with beautiful blue-green deposits in arsenic walls, hot springs, the Little Colorado River which is turquoise on a white bottom, picked up lots of Indian pottery remains, saw wild burros, Rocky Mountain goats, bighorn sheep, innumerable lizards and no people. Three hundred miles of river, no portaging, camping on sand bar beaches at night, no tents, no bugs, no rain, no humidity. You don't see the Grand Canyon until you see it from the river. Peeking over the edge at the South Rim may be impressive, but what you see is totally unlike what is below.

[From the Denver (Colo.) Rocky Mountain News, June 22, 1966]

GRAND CANYON GIVEAWAY

The West needs water and should have federal help in getting it. But not at the expense of the Grand Canyon.

Congress is getting ready to act on a clumsy, costly and unimaginative plan to finance a diversion of Colorado River waters to dry areas of Arizona.

The U.S. Reclamation Bureau wants to slap up two dams, a $511 million job just below Grand Canyon National Park and a $360 million structure just above it. The impoundments would flood 13 miles of the inner canyon within the national park.

This abuse of a natural wonder might be justified as a last-resort measure if this plan alone would provide the needed water. But that's not even the purpose of the plan.

Instead, the dams are intended merely as a financing device. They would produce hydro-electric power, the sale of which would pay for a $500 million aqueduct.

This is absurd. If the Government wants to finance the aqueduct by power sales it could do so much more cheaply and efficiently by building steam or nuclear generating plants.

Further, construction of the dams would waste the very water that is in such short supply—through seepage in the dams' porous sides and evaporation over the vast reservoir surfaces.

The architects of this clumsy scheme obviously don't dare risk a proposal to go into the power business in a businesslike way—locating efficient steam or nuclear plants near potential markets.

Most of the ultimate consumers are in California. This would draw down on them the ire of a well-organized private power lobby.

Instead, under the guise of a "reclamation" project, they prefer to take something away from all the people, who don't have well-heeled lobbyists to protest.

The interests of true national economy probably would be better served by just paying for the aqueduct out of the general fund. The whole nation, after all, will profit from development of arid regions of the West.

Meanwhile, this cynical and unimaginative scheme—known as the Colorado River Basin Project—should be pigeonholed.

REPAIR OF FLOOD DAMAGED ROADS BY THE BUREAU OF LAND MANAGEMENT AND BUREAU OF PUBLIC ROADS

Mr. MORSE. Mr. President, last fall I had occasion to call attention to the rate at which the Bureau of Land Management and Bureau of Public Roads were restoring roads damaged by the December 1964 floods.

I am pleased to insert in the Record a current report on this subject, supplied by Acting Director Crow of Bureau of Land Management.

These tables show the progress that has been made.

Out of a $25,588,759 availability for the regular Bureau of Land Management program and storm damage, $20,033,744 was obligated by May 31. However, of the $5,555,015 unobligated balance, $3,095,982 was allotted to on-gong work even though it is not technically obligated. The working balances actually available for obligation consist of $971,804, for use by the Bureau of Land Management and $1,487,229 available to the Forest Service.

This is a substantial improvement which reflects the progress made in repairing flood damage.

I ask unanimous consent that the letter and tables be inserted at this point in my remarks.

There being no objection, the material was ordered to be printed in the Record, as follows:

U.S. Department of the Interior,
Bureau of Land Management,
Washington, D.C., June 16, 1966.

Hon. Wayne Morse,
U.S. Senate,
Washington, D.C.

Dear Senator Morse: As requested in your letter of November 15, 1965, we have enclosed the third of three progress reports concerning the entire O&C Grant Land Fund.

The figures shown on enclosures 1 and 2 are current to May 31, except that on enclosure 2, the column Forest Service shows status as of April 30. May 31 figures for this agency are not available at this time, but could be furnished at a later date if you desire.

The total available balance of $971,804 exclusive of Forest Service, as shown on enclosure 2, represents nearly total utilization of both the storm damage funds as well as the regular appropriation. With the month of June being one of heavy road construction and maintenance, the remaining available balance will be fully committed.

Sincerely yours,

JOHN O. CROW,
Acting Director.

Fiscal year 1966 status of O. & C. road program, May 31, 1966

	Roads						
	Regular appropriation			Supplemented storm damage			Grand total
	Bureau of Land Management	Bureau of Public Roads	Subtotal	Bureau of Land Management	Bureau of Public Roads	Subtotal	
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)
Unobligated balance, June 30, 1965	$575,724	$2,615,060	$3,190,784	$1,184,073	$4,034,443	$5,218,516	$8,409,300
Additional availability	618,988	5,045,167	5,664,155		6,320,000	6,320,000	11,984,155
Total available to May 31, 1966	1,194,712	7,660,227	8,854,939	1,184,073	10,354,443	11,538,516	20,393,455
Obligations through May 31, 1966	827,897	6,262,427	7,090,324	1,047,023	8,462,948	9,509,971	16,600,295
Unobligated balance, May 31, 1966	366,815	1,397,800	1,764,615	137,050	1,891,495	2,028,545	3,793,160
Allotted but not obligated [1]		1,340,789	1,340,789		1,755,193	1,755,193	3,095,982
Available balance, May 31, 1966	366,815	57,011	423,826	137,050	136,302	273,352	697,178

[1] These are funds that have been authorized for specific projects but not obligated.

Fiscal year 1966 status of O. & C. grant lands funds as of May 31, 1966

	Regular Bureau of Land Management appropriation							Supplemental storm damage			Forest Service—Share of O. & C. funds [1]	Grand total
	Roads			Other			Total, regular					
	Bureau of Land Management	Bureau of Public Roads	Subtotal	Forest development and protection, Bureau of Land Management	Operation and maintenance, Bureau of Land Management and Bureau of Public Roads	Subtotal		Bureau of Land Management	Bureau of Public Roads	Total, storm damage		
Unobligated balance, June 30, 1965	$575,724	$2,615,060	$3,190,784	$185,254	$164,208	$349,462	$3,540,246	$1,184,073	$4,034,443	$5,218,516	$915,945	$9,674,707
Additional availability	618,988	5,045,167	5,664,155	1,600,000	750,000	2,350,000	8,014,155		6,320,000	6,320,000	1,579,897	15,914,052
Total available to May 31, 1966	1,194,712	7,660,227	8,854,939	1,785,254	914,208	2,699,462	11,554,401	1,184,073	10,354,443	11,538,516	2,495,842	25,588,759
Obligations through May 31, 1966	827,897	6,262,427	7,090,324	1,692,709	732,127	2,424,836	9,515,160	1,047,023	8,462,948	9,509,971	1,008,613	20,033,744
Unobligated balance, May 31, 1966	366,815	1,397,800	1,764,615	92,545	182,081	274,626	2,039,241	137,050	1,891,495	2,028,545	1,487,229	5,555,015
Allotted but not obligated		1,340,789	1,340,789				1,340,789		1,755,193	1,755,193		3,095,982
Available balance	366,815	57,011	423,826	92,545	182,081	274,626	698,452	137,050	136,302	273,352	1,487,229	2,459,033
Forest Service												−1,487,229
Total remaining available												971,804

[1] Status as of Apr. 30, 1966.

MASSIVE PUBLIC SUPPORT REVEALED FOR TRUTH-IN-LENDING

Mr. DOUGLAS. Mr. President, there is massive support among the people of the United States for truth-in-lending legislation.

I feel able to make this statement on the basis of several polls which Congressmen have made of their districts this year and which have recently come to my attention.

NINETY-ONE PERCENT IN ILLINOIS DISTRICT POLL

In his April 1966, newsletter to constituents in his 13th Congressional District of Illinois, Representative DONALD RUMSFELD reported the results of his annual "National Issues Poll." In this poll, Congressman RUMSFELD sent the questionnaire to the 160,000 residences and box holders within the boundaries of the 13th District. He received over 25,000 completed questionnaires. For those who may not know the 13th District of Illinois, I would point out that it is composed of the northern suburban areas of Cook County. It consistently votes Republican, is probably accurately described as moderately conservative, and is generally of comparatively high income families. Congressman RUMSFELD listed in his questionnaire 27 questions relating to domestic and foreign policy, asking whether the respondent favored the proposal.

Mr. President, I was impressed to see that 91 percent of those answering the poll said they favored truth-in-lending legislation. The question and the answers reported were as follows:

Do you favor legislation to require sellers to give accurate estimates of total interest charges to purchasers (Truth-in-Lending)?

	Percent
Yes	91.0
No	7.2
No answer	1.8

This 91-percent endorsement of truth in lending was the most emphatic response given to any of the 27 questions, and the 1.8 percent "No Answer" was the smallest percentage of undecided votes of the entire poll. Interestingly enough, the next three highest endorsements given in this poll were for: "Legislation to deal with strikes which threaten irreparable damage to the national interest?"—88.3 percent in favor; "a greater Federal effort on problems of air and water pollution?"—88 percent; and "Legislation regulating packaging and labeling of consumer goods—Truth in packaging?"—87.5 percent.

NINETY-TWO AND ONE-HALF PERCENT IN NEW JERSEY

Mr. President, this emphatic endorsement of truth-in-lending legislation is also disclosed by a similar poll conducted by Representative FLORENCE P. DWYER in her Union County, N.J., district. Mrs. DWYER is a Republican and her district is a suburban one, similar to Congressman RUMSFELD'S. She asked 16 questions, some with multiple answers.

Ninety-two and one-half percent of those responding to Mrs. DWYER'S poll stated their support for truth-in-lending type legislation. The report of Mrs. DWYER'S question on this subject and the responses on the subject read as follows:

Should those who lend money or extend credit be required by law to state true interest rates and other costs fully and clearly?

	Percent
Yes	92.5
No	5.3
Don't know	1.6

Again, the endorsement of truth-in-lending type legislation was the strongest endorsement given to any issue raised in the poll, and the "don't know" vote of 1.6 percent, was the smallest. The next highest responses were to the questions: "Should Federal, State and local governments be doing more to prevent drought and assure lasting supplies of clean water in northeast USA?"—91.9 percent; and "Do you favor Federal standards for packaging and labeling of consumer products?"—86.5 percent.

EIGHTY-SIX PERCENT IN MINNESOTA DISTRICT

An additional report on a congressional poll was placed in the CONGRESSIONAL RECORD on July 11—pages 15187–15188—by Representative DONALD M. FRASER of Minnesota. He received a response of 5,300 from the 150,000 questionnaires he mailed out. He asked 15 questions.

Eighty-six percent of those responding said they favored truth-in-lending and truth-in-packaging laws in response to a question combining both these proposals. The question and the responses were reported as follows:

Do you favor "truth-in-packaging" and "truth-in-lending" laws?

	Percent
Yes	86
No	7
Undecided	7

In this poll, only one question received greater support, namely, "Do you favor Federal action against water and air pollution?"—88 percent.

NINETY-FIVE PERCENT IN NEW YORK DISTRICT POLL

On July 20—pages 16371–16372—Congressman RICHARD L. OTTINGER inserted in the RECORD the results of his poll of the 25th District of New York. He circulated a questionnaire to some 160,000 families and received returns from more than 18,000. He asked about 33 questions.

Ninety-five percent said they favored truth-in-lending type legislation. The question and the responses were reported as follows:

Consumer protection. Do you favor—. . . requiring loan instruments to state true total cost and interest?

	Percent
Yes	95
No	3
Undecided	2

In this poll, two proposals scored with a high of 96 percent, namely, "giving GI education benefits to Vietnam war veterans" and "expanding antipollution programs so entire river basins can be cleaned up"; 95 percent also supported "requiring all packages to state contents clearly and accurately."

EIGHTY-NINE AND ONE-HALF PERCENT IN CALIFORNIA DISTRICT

On July 25, Congressman JEFFERY COHELAN published in the RECORD the results of his poll of the Seventh Congressional District of California. He received nearly 15,000 responses to his questionnaire which asked 28 questions including the multiple-choice responses.

Eighty-nine and one-half percent favored "a truth-in-lending bill." The question and responses were reported as follows:

8. Consumer protection: For several years bills have been before the Congress to insure truth in lending (require money lenders to provide borrowers with full disclosure of finance charges) and truth in packaging (prohibit misleading or deceptive packaging and labeling). Do you feel there is a need for: (a) A truth-in-lending bill?

	Percent
Yes	89.5
No	4.7
Undecided	5.8

Again, more people favored the truth-in-lending bill than any other proposal mentioned in the poll, and those who were undecided represent the smallest percent for any question in the poll. The next two highest scores were for "a truth-in-packaging bill"—87.5 percent and for "legislation giving the Secretary of Commerce authority to determine the adequacy of safety features in new cars"—74.6 percent.

Mr. President, there may be other congressional district polls which show differing results, but I have not been able to find them. I had my staff go through the CONGRESSIONAL RECORD for this year and examine the reports made of district polls, but only Congressmen FRASER'S, COHELAN'S and OTTINGER'S were discovered. The other two polls, to my knowledge, were not reprinted in the CONGRESSIONAL RECORD, but they were sent to me by constituents of the Representatives.

I hope that those who, like the Journal of the American Bankers Association in their newsletter for mid-July, are engaged in wishful thinking that truth in lending is dead, will take careful note of these poll results. I hope they will note that particularly in the first two polls cited, these emphatic endorsements do not come from overwhelmingly Democratic districts nor from economically deprived districts where you would expect support. Quite the reverse. These polls show what should by now be clear to most Members of the Congress—that thinking people are able to see through the fictitious and self-serving arguments of the opponents of this protection for consumers. People understand that this is not a bill to regulate interest rates, but one which simply will give the consumers the basic information about the costs of credit which they have a right to know. The truth-in-lending bill will give to consumers a standard, or a "per unit" price, on credit offerings so that they can shop for the best buy just as they can do when, for example, they are told the price per quart of milk or per gallon of gasoline.

The disclosure of this unit price which permits comparisons by the shopper is provided by the requirement that sellers and lenders state the annual rate. There is nothing difficult about this. Sellers and lenders already use tables computed on the basis of a predetermined annual rate in quoting their credit terms. Truth in lending is a very modest proposal and it is now clear that it enjoys the overwhelming support of the people. It is indeed unfortunate that it remains bottled up in the Committee on Banking and Currency. But figures such as those I have cited make it very clear that the day is not far off when public opinion will spring the bill loose and, once the decisions are made under public scrutiny, will cause it to pass the Congress with few dissenting votes.

CONCLUSION OF MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Is there further morning business? If not, morning business is closed.

THE MILITARY ASSISTANCE AND SALES ACT OF 1966

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the unfinished business be laid before the Senate.

The ACTING PRESIDENT pro tempore. The bill will be stated by title.

The ASSISTANT LEGISLATIVE CLERK. A bill (S. 3583) to promote the foreign policy, security, and the general welfare of the United States by assisting peoples of the world in their efforts toward internal and external security.

The ACTING PRESIDENT pro tempore. Is there objection to the present consideration of the bill?

There being no objection, the Senate proceeded to consider the bill.

Mr. MANSFIELD. Mr. President, is an amendment pending?

The ACTING PRESIDENT pro tempore. An amendment is pending.

Mr. MANSFIELD. Mr. President, will the Senator from Idaho yield to me for about 5 minutes, without losing his right to the floor?

Mr. CHURCH. I yield.

Mr. MANSFIELD. But first I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The **ACTING PRESIDENT** pro tempore. Without objection, it is so ordered.

REDUCTION OF U.S. FORCES IN WESTERN EUROPE

Mr. MANSFIELD. Mr. President, I am delighted to note that Secretary of Defense, Robert S. McNamara, has recently stated that our NATO allies should assume a greater share of the overall responsibility for the defense of Western Europe. He apparently was disturbed by the fact that the military forces of other members of NATO have not been meeting the high standards of maintenance and logistics which are adhered to by the U.S. 7th Army, as well as, of course, the longstanding disinclination of the European nations to meet earlier pledges to NATO. In these circumstances Secretary McNamara was wise to note that the overall force levels which, while they may be needed in the official view of the United States, are nevertheless neither mandatory nor sacrosanct as they involve this Nation any more than other NATO nations.

At the same time, Mr. Dennis Healey, Minister of Defense for the United Kingdom, told the NATO meeting of Defense Secretaries that the British Army of the Rhine, which is now at a strength of about 50,000 men, will be reduced to the extent that West Germany fails to offset the foreign exchange costs of these British troops in Germany. According to newspaper reports, however, Kai-Uwe von Hassel, the German Defense Minister, stated that Germany cannot meet these costs in full. The indications are, therefore, that there is likely to be a withdrawal of between 15,000 to 20,000 British troops from the European mainland.

As the Senate knows, the matter of American strength in NATO has been the subject of a number of discussions by various committees of the Senate, in both public and executive session. The majority policy committee, for example, has met four times in executive session, exclusively on this subject, during the past few weeks.

The results of those discussions have been brought to the attention of the President and the appropriate Secretaries of his Cabinet. I do not think that there is any doubt that a very strong feeling exists in this body that there should be a substantial U.S. troop reduction in Europe. To be sure, there is no desire to have the United States avoid its legitimate share of responsibility for Western defense. But there is a definite desire to end what is a continuing excess of U.S. defense effort as compared with that of Western Europe and an inertia that has kept the American military commitment on the ground in Europe virtually unchanged despite the great changes in Europe during the past 19 years.

I should like to call to the attention of the Senate that there are, today, still just under a million U.S. troops and dependents in Germany and Western Europe. In the view of many Members of this body, that number is totally unnecessary and wholly unwarranted, especially in the light of our commitments elsewhere and of the international financial strain which this elaborate military establishment which we maintain in Europe represents to the United States.

It is about time for this Nation to face up to these realities and to initiate a substantial reduction in the number of units stationed in Western Europe as well as the number of dependents now living there. As a good first step, it would seem to me to be most desirable to return to the United States the approximately 75,000 members of the armed services and their dependents who have been stationed in France for many years. That course, I should think is to be preferred to an expansion of U.S. installations and garrisons elsewhere in Western Europe to make a berth for them.

A good second step would be, in my judgment, the initiation of an overall 10-percent reduction of U.S. troop strength in Germany and elsewhere on the Western European continent. The overall reduction should be mandatory, but it should be left to the best military judgment to determine where and how this cut can be made.

The time to begin to end the inertia is now. And the basis for it is, I repeat, an honest recognition that: First, times have changed since U.S. units were incorporated into the NATO defense organization many years ago, and nowhere have times changed more than in Europe, east and west; second, there is an immediate and urgent need for U.S. forces elsewhere; moreover, we have bases in this country, which can be used to garrison U.S. NATO contingents and from which, with modern military transport techniques, they can be made combat available on the ground in Europe in an emergency almost as promptly as though they were stationed there; third, the great financial pressures of the Vietnamese war and from other sources on the international exchange resources of this country urge upon us every reasonable and practical form of retrenchment.

A hue and cry may be raised in some quarters, notably in Europe, in reaction to these observations. But with all due respect, it seems to me on occasion that some allied nations in Europe operate on what has appropriately been termed a "double standard" of reaction. On the one hand they tend to view military aggression from Eastern Europe at this time as wholly unlikely, and on that basis they reduce their contributions to NATO or put off the fulfilling of past commitments. On the other hand, if this Nation shows signs of accepting their appraisal of East-West European realities and begins, therefore, to consider reductions in European military commitments, the United States is criticized for being unwilling to maintain its NATO obligations.

It is about time, it seems to me, that we face up to our own obligations and responsibilities in this situation and make our own judgments. The decision in this situation resides, of course, in the President. But there is no doubt that the sentiment is very strong in the Senate for a substantial reduction in U.S. forces stationed in Europe. In my own view—and it is not by any means a recent view—one or two American divisions actually on the ground in Europe in present circumstances would be just as indicative of our desire and intentions to meet our NATO obligations as the present six divisions stationed in Europe.

I thank the distinguished Senator from Idaho for yielding.

THE MILITARY ASSISTANCE AND SALES ACT OF 1966

The Senate resumed the consideration of the bill (S. 3583) to promote the foreign policy, security, and general welfare of the United States by assisting peoples of the world in their efforts toward internal and external security.

Mr. CHURCH. Mr. President, I have offered an amendment which is now pending before the Senate. It reads as follows:

> On page 33, lines 17 and 18: Strike out "$892,000,000" and insert $792,000,000".

Mr. MANSFIELD. Mr. President, will the Senator from Idaho yield again, without losing his right to the floor?

Mr. CHURCH. I am happy to yield to the majority leader.

Mr. MANSFIELD. I think more Senators should be present to listen. Therefore, Mr. President, I suggest the absence of a quorum.

The **ACTING PRESIDENT** pro tempore. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The **ACTING PRESIDENT** pro tempore. Without objection, it is so ordered.

EXECUTIVE SESSION

On request of Mr. **MANSFIELD**, and by unanimous consent, the Senate proceeded to consider executive business.

The **ACTING PRESIDENT** pro tempore. If there be no reports of committees, the clerk will state the nominations on the Executive Calendar.

U.S. COAST GUARD

The assistant legislative clerk read the nomination of Rear Adm. Paul E. Trimble, U.S. Coast Guard, to be Assistant Commandant of the U.S. Coast Guard with the rank of vice admiral.

The **ACTING PRESIDENT** pro tempore. Without objection, the nomination is confirmed.

ENVIRONMENTAL SCIENCE SERVICES ADMINISTRATION

The assistant legislative clerk proceeded to read sundry nominations in the Environmental Science Services Administration.

Mr. **MANSFIELD**. Mr. President, I ask unanimous consent that the nominations be considered en bloc.

The **ACTING PRESIDENT** pro tempore. Without objection, the nominations will be considered en bloc; and, without objection, they are confirmed.

Mr. **MANSFIELD**. Mr. President, I ask unanimous consent that the President be immediately notified of the confirmation of these nominations.

The **ACTING PRESIDENT** pro tempore. Without objection, it is so ordered.

LEGISLATIVE SESSION

On request of Mr. MANSFIELD, and by unanimous consent, the Senate resumed the consideration of legislative business.

Mr. **MANSFIELD**. Mr. President, I suggest the absence of a quorum.

The **ACTING PRESIDENT** pro tempore. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. **MANSFIELD**. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The **ACTING PRESIDENT** pro tempore. Without objection, it is so ordered.

THE MILITARY ASSISTANCE AND SALES ACT OF 1966

The Senate resumed the consideration of the bill (S. 3583) to promote the foreign policy, security, and general welfare of the United States by assisting peoples of the world in their efforts toward internal and external security.

The **ACTING PRESIDENT** pro tempore. The Senator from Idaho is recognized.

THE CASE FOR CUTTING MILITARY ASSISTANCE

Mr. **CHURCH**. Mr. President, the pending amendment would strike, on page 33, lines 17 and 18, the figure "$892 million" and insert in lieu thereof "$792 million."

This would reduce the authorization for military assistance for fiscal 1967 by $100 million, leaving with the administrators of the program all decisions as to where the reductions should be made.

In passing judgment on the proposed amendment, the Senate should be completely clear as to what is, and what is not, involved in this authorization bill.

VIETNAM NOT INVOLVED

Vietnam is not involved in any way. If Senators will look at section 83 of the bill, beginning on line 11 of page 33, they will see that the bill is "in addition to such amounts as may be otherwise authorized to support Vietnamese forces and other free world forces in Vietnam." The bill relates to foreign countries excluding the support of Vietnamese forces and other free world forces in Vietnam. That support is provided from appropriations for the Department of Defense, and it amounts to more, in a single month, than we are here talking about for a whole year.

So I hope we will not hear any arguments in opposition to this amendment based on the necessity of supporting our fighting men or their allies in the jungles of Vietnam. That support is being provided in other legislation.

Because of the transfer of Vietnam funds from the military assistance program to Defense Department appropriations, this authorization bill, as approved by the committee, represents an increase in our outlay for military assistance over fiscal year 1966. In that year, the administration requested, and Congress appropriated, $1,170 million for military assistance, including Vietnam. If one excludes Vietnam, the 1966 figure was $878 million. The administration request for fiscal 1967 is $917 million, of which the Foreign Relations Committee has approved $892 million—or $14 million more than was available for the same purposes in 1966.

THE PROLIFERATION OF MILITARY ASSISTANCE

We have been trying for many years to taper off the proliferating military assistance program; yet it continues to grow like crabgrass. In 1950, at the height of the cold war, 14 foreign countries received military aid from the United States. By 1965, that number had mushroomed to 67. Little wonder that former Ambassador Kenneth Galbraith, recently our envoy to India, should testify before the Committee on Foreign Relations:

> The policy of arming the indigent . . . has long since acquired a momentum of its own. It owes its existence partly to habit, partly to vested bureaucratic interest, partly to the natural desire to avoid thought, and partly because to stop doing what is wrong is to confess past error.

I propose a modest deceleration. My amendment would make a cut of not quite 10 percent from the 1966 level.

The Foreign Relations Committee took a step in the direction of sensible restraint by limiting to 40 the number of countries that can receive military assistance under the bill, except for those receiving training in the United States. If we had not become so accustomed to arming practically the whole non-Communist world, the news in this action by the committee would be that we were approving the gift of arms to as many as 40 foreign countries and not to as few as 40. I wonder what the reaction of the Senate would have been when it considered the first military assistance bill in 1949 if it had been told that, 17 years later, it would almost take for granted an annual arms supply program for nearly half the countries of the world, many of which did not even exist in 1949.

The mushroom growth of military aid, and its indiscriminate extension throughout the underdeveloped world, has very little to do with opposing communism. I repeat, for emphasis, that even after the reduction I am proposing, $792 million will be left in the bill. This is ample—it is more than ample—for the purposes of contributing to the legitimate defense needs of countries on the periphery of the Communist world, or to the few real—as distinguished from a good many imaginary—problems of internal security in countries situated elsewhere. But it will not, I hope, be sufficient to shore up regressive regimes, to burden poor countries with military establishments they cannot afford, or to contribute to regional arms races or local wars.

The reduction I propose need have no effect upon friendly countries bordering the Communist world—those few which receive the bulk of our military assistance. But it will, I hope, curtail the pointless scattering of American arms across Latin America, Africa, and the more removed parts of Asia.

LATIN AMERICAN ARMS AID REVIEWED

It is a revealing exercise to review the arguments which the Department of Defense has made over the years to justify military assistance to Latin America. At first, it was said that, in case of another world war, Latin American armed forces were to help defend the hemisphere and its sea lanes and thereby release U.S. forces for service elsewhere. The Pentagon so hypnotized itself with this argument that it once sent the Foreign Relations Committee a document justifying military assistance to Uruguay because of Uruguay's role in the defense of the Panama Canal. We have not heard any more of this argument since we sent back a map.

The rationalization now used is a tripleheader—internal security, civic action, and U.S. influence.

For the advocates of military assistance to Latin America, Castro has been a godsend—so useful that if he did not exist, he might have to be invented. I do not want to be misunderstood. Castro is encouraging subversive movements in Latin America. But both the extent of his intervention and the size of these movements are easily susceptible to gross exaggeration. Since Castro came to power, not one state in Latin America has been subverted by communism. Eight of them, some more than once during the same period, have seen legitimate governments overthrown by their own military forces. Many a Latin American country is held captive by its own army and restlessly awaits the day of reckoning. In these imprisoned lands, our identification with the garrison forces—far from augmenting our prestige—tends only to poison mass opinion against us.

The civic action argument for military assistance to Latin America holds that our military aid should be used to "civilize," so to speak, the Latin American armies—that is, that these armies should develop engineering battalions which build roads, bridges, and other useful public works; that Latin American air forces and navies should provide useful civilian transportation services over difficult terrain and remote rivers to places where the people would otherwise be isolated. The trouble with this argument is not that it does not appeal to Congress, but that it does not satisfy the appetites of the generals in Latin America. Although a bulldozer could conceivably be as effective as a tank in battering down the gates of a presidential palace during a coup d'etat, it is not glamorous enough to parade down the street on independence day. Although a C-47 is very useful in delivering the mail, and can get in and out of smaller, cheaper airports more easily than a jet fighter, it is just not as elevating to the professional pride of the air force generals.

The weakest argument, and regrettably one of the most overworked, is that if the United States does not supply arms to Latin America, somebody else will. By "somebody else" is meant Western Europe. No one has suggested that any Latin American state, other than Cuba, is contemplating an arms deal with the Soviet Union or other Communist country.

To be blunt about it, the argument that we ought to supply arms because somebody else will if we do not is amoral. The report of the Committee on Foreign Relations disposes of it. Says the committee report:

> One might as well argue for legalizing slot machines in the District of Columbia on the grounds that otherwise people will go to southern Maryland to gamble.

I have attempted to show, Mr. President, that the arguments advanced in favor of military assistance to Latin America are very dubious. But the point is not only that military assistance fails to produce the benefits claimed for it, but also that it frequently has effects which are positively harmful.

It can increase the size, complexity, and cost of maintaining military establishments in countries which cannot afford them. It tends to identify the United States with the existing social order in countries which are seething for social change, where the military is often the hated symbol of oppression. It encourages regional arms races.

Our distinguished colleague from New York [Mr. KENNEDY] spoke in this Chamber recently about the negative effects of indiscriminate U.S. arms aid to Latin America. He reminded us that the military, through its numerous interventions to usurp the political processes in Latin America, has served as a prime obstacle to the orderly growth and development of democracy.

Among other things, he emphasized that:

> The military absorbs resources that would be better used elsewhere. Some of these resources are materials. While arms expenditures are low, compared to the more developed countries, some countries devote substantial sums to military items for which there is not a real need. . . . A further waste is in the young men who go into the army—men whose energies and talent would be far better used in the economic and political life of their countries.

Just as the Committee on Foreign Relations has repeatedly recommended in the past, to no avail, Senator KENNEDY urged the administration to reevaluate the scope and character of our military assistance to Latin America, saying:

> It is one thing to aid a Venezuelan army which must combat Castroite terrorism, it is quite another thing to make jet planes available to an air force which has never seen action except against its own government or other service branches.

This allusion to Argentina is particularly relevant. In April, the United States agreed to sell on credit terms—financed by military assistance appropriations—50 subsonic Vulcan A-4B airplanes to Argentina, of all countries. Now, in July, the chief of the Chilean Air Force is visiting the United States. I am sure that we can all guess why. Chile and Argentina have a rivalry of long standing and, although everyone agrees the two countries are not going to war, each vies with the other in prestigious military hardware. Why do we encourage this silly competition in the regalia of war? True, we cannot prevent the two countries from shopping in Europe; but if they do that, then it is a problem for European consciences, not ours.

Mr. FULBRIGHT. Mr. President, will the Senator yield, or does he prefer to wait until the end of his speech?

Mr. CHURCH. I yield.

Mr. FULBRIGHT. Do I correctly understand that the sale of 50 planes was under the authority for credit sales?

Mr. CHURCH. That is my understanding.

Mr. FULBRIGHT. Does the Senator believe that there is any similarity between the way this program operates and the way Public Law 480 operates with regard to the disposal of surplus agricultural commodities?

Mr. CHURCH. Yes. I am afraid there is a very strong pressure to dispose of surplus arms, as there has been a pressure in the past to dispose of surplus food. Of course, the moral question involved is a very different one.

Mr. FULBRIGHT. It is more than a moral question. There is also the political danger of putting into the hands of a great many countries excessive amounts of arms which they cannot afford.

What I meant earlier was that it seems to me that the Defense Department uses the authority in the military assistance program as a way to unload obsolete arms, in the same manner that the Public Law 480 program was originally designed to get rid of excess wheat.

That aspect strikes me as possibly one of the reasons why 50 planes were sold to Argentina. Argentina does not need them any more than I need a hole in my head. But, nevertheless this is the way the program operates.

It is dangerous to start an arms race, and I regret very much that my country is responsible for starting an arms race between Argentina and Chile, as the Senator has described.

Mr. CHURCH. I have been greatly concerned about this program for a long time. There is no question but that internal pressures give this program its momentum.

I remember, as I am sure the chairman also will recall, that I sponsored an amendment, several years ago, to bring an end to military assistance in Europe, where we were continuing to make large military grants to countries that had long since fully recovered from the effects of the war.

Eight years after we had terminated all economic assistance, owing to the extent of the European recovery, we were still pouring $400 million worth of arms into Europe, into countries enjoying a higher level of prosperity than they had ever before known in their history.

Each time that amendment was brought to the floor of the Senate the State Department and Pentagon combined to kill it. The amendment was finally adopted and written into the law. In the third year it was offered, as I recall, after President Kennedy was advised of the amendment. He said that he agreed with it and that there was no reason why we should continue to subsidize the military establishments of the rich countries of Europe.

Only after that amendment was adopted and the law was changed, did we see an end to our military assistance to rich countries. I think that indicates how strong the internal pressures are for perpetuating this program, even in situations that cannot possibly be justified, and it underlines the force of the chairman's observation.

What the United States ought to be doing, instead, is encouraging regional arms control and disarmament agreements throughout the whole of Latin America.

MILITARY ASSISTANCE IN AFRICA

The harmful effects of military assistance are even greater in Africa. Here, Communist penetration has met with stubborn nationalist resistance. Such threat as may exist is political in character and, so far as the record indicates, Africans have shown an admirable capacity to handle the problem if left to themselves. That, at least, is what has happened in Ghana and Algeria.

There is even less reason in Africa to establish a U.S. "presence" through the grant of arms. I hope we may be forgiven for having catered to the desires of puffed-up tribal chieftains for misplaced symbols of status. The United States, of all countries, ought to be trying by example, through the kind of aid we give, to make the point that true status comes from civilian accomplishment, not from an accumulation of modern weapons of war.

Mr. President, it was my intention, following the debate on the amendment, to ask for the yeas and nays. There seems to be a sufficient number of Senators in the Chamber at this time to grant the request. I ask for the yeas and nays on the amendment.

The yeas and nays were ordered.

Mr. CHURCH. Mr. President, no continent has less need for an incipient arms race than Africa. To nourish it along by the gift of arms is wrongful. And justification cannot be found in the excuse that we do it to prevent the Russians from doing it in our place. The notion that Russian interests would somehow be advanced thereby is simply not supported by recent history. The evidence, in fact, is preponderantly to the contrary. In hearings on the bill before the committee, no one made the point better than former Ambassador Galbraith, who testified:

> Let me take note in passing of the recurring argument that if we do not provide arms to a country it will get them from the Soviets or possibly China. This is another

> example of that curious obtuseness which excessive preoccupation with cold war strategy produces in otherwise excellent minds. It was Soviet tanks that surrounded Ben Bella's palace in Algiers when that Soviet-supported leader was thrown out. It was a Soviet and Chinese equipped army which deposed the Indonesian Communists, destroyed the Communist Party in that ruthlessness on which one hesitates to dwell and which left Sukarno's vision of an Asian socialism in shambles. It was a Soviet-trained praetorian guard which was expected to supply the ultimate protection to the government of President Nkrumah and which did not. One can only conclude that those who worry about Soviet arms wish to keep the Russians out of trouble. This could be carrying friendship too far.

If the adoption of this amendment were to have no other effect than to put the damper on the spread of American arms in Africa, it would serve to benefit donor and donees alike.

THE INDIA-PAKISTAN DEBACLE

The classic case of misplaced and, to use a favorite Pentagon word, counterproductive military assistance, is that of India and Pakistan. Once again, John Kenneth Galbraith, our former Ambassador to India, gave a devastating indictment in his testimony before the Foreign Relations Committee:

> The full consequences of the policy of indiscriminate arms aid have revealed themselves with a kind of heroic clarity in south Asia. Rarely, I think, does history work itself out with such majestic, and also ironic, completeness. When I went to that part of the world in 1961, I pled with some fervor and even a certain acerbity for a reconsideration of the policy of shipping arms into the region. There is something intrinsically obscene in the combination of ill-fed people and well-fed armies deploying the most modern equipment. In the spring of 1961, we gave a dozen supersonic planes to Pakistan and a half billion dollars in economic aid to India. The first got more attention from the Indian press than the second. And, most important, while it was our intention that the arms be used against Communists (where they would have counted for little) it was evident that the local citizenry saw them all but exclusively as ways of advancing their own more ancient and more compelling animosities.
>
> The arms we supplied under this policy caused, and I underline that word, the war last autumn between India and Pakistan. I do not pass on the merits of the Kashmir dispute or the rights of Pakistan in this regard. I have a great deal of sympathy with the position of Pakistan in this dispute. But if we had not supplied arms, Pakistan would not have sought one thing we wanted above all to avoid; namely a military solution. That beyond the slightest possibility of doubt was the price of the Dulles policy. And of the policy of his disciples in continuing it. As the crowning irony, the Soviets, at whom these arms were meant to be pointed, stepped in and obtained a settlement of the conflict.

We have at least stopped this madness, although I share Ambassador Galbraith's suspicions that, as he later put it, "somewhere in the nether recesses of the bureaucracy, someone has a well-argued paper on resuming arms aid to Pakistan and India." Adoption of this amendment will make the approval of that paper more difficult.

(At this point Mr. BURDICK assumed the chair.)

Mr. McGOVERN. Mr. President, will the Senator yield at that point?

Mr. CHURCH. I am happy to yield to the Senator from South Dakota.

Mr. McGOVERN. Mr. President, I wish to commend the Senator from Idaho [Mr. CHURCH] for his efforts this afternoon to reduce the so-called military aid bill in a very modest way. I share the conviction of the Senator that a good portion of the economic and technical assistance we have made available overseas has been most helpful, not only in lifting the standards of life for people we are trying to assist, but in terms of our own well-being. Certainly the United States could not survive and prosper in a world of poverty and misery.

But when it comes to the military aid program, as it is called, it seems to me that this program, far from aiding our friends in other parts of the world, far from encouraging a constructive development process, has done just the opposite. It has contributed to the dangers of conflict in the world by injecting arms into highly unstable areas thereby adding to the imminence of international strife or internal takeover of the government by military forces we have equipped.

As the Senator from Idaho has said, these military aid efforts also cause an unfortunate diversion of resources to the military that the impoverished countries could better use for their economic development.

In the spring of 1957, as a Member of the House of Representatives, I was privileged to visit the Middle East on a study mission. I went there with some apprehension about the flow of American arms into the Middle East. The rationale for the shipment of our military equipment into those Middle East countries was that it was needed to help them defend themselves against a possible Soviet attack. It seemed to me that a far more likely development was that the military equipment would be used in a war within the Middle East between the Israelis and the Arabs, and that the Soviets, who were also sending aid into that area, were playing the same dangerous game.

I was told, after visiting a number of countries in the Middle East, that the real pride and joy of our effort to utilize arms aid to bolster an anti-Communist nation was Iraq; that when I got there, any doubts I had about the wisdom of our military shipments to the Middle East would be instantly erased; that it was a strong, democratic government under the leadership of Premier Nuri Al Said; and that in this government we could see the fruits of our military investment in the Middle East.

I had scarcely left Iraq when its army—which we had equipped, supposedly to defend freedom—turned on the government, cut off the head of its young king, and dragged his body through the streets of Baghdad. They also assassinated the Premier, Nuri al Said, who had been advertised as the friend of democracy, and brought down the whole government, using American arms to carry out the task.

That is just one example of how we financed the destruction of the very government we had sought to bolster with military aid.

Of course, as the Senator from Idaho has just stated, an even more painful fact is that we armed and financed the war in south Asia last year between India and Pakistan, where we were treated to the spectacle of American arms going to both sides and making possible a war which might not otherwise have taken place.

I think the statement by Ambassador Galbraith quoted by Senator CHURCH is the greatest indictment I have yet seen on this point, for the highly able former Ambassador flatly charges that American military aid caused the war between India and Pakistan.

Ambassador Galbraith adds the ironical note that the Soviet Union, supposed to be on the target of our military aid, was the power which came in to settle the dispute between the Indians and Pakistanis whom we had armed.

Thus, I support the efforts of the Senator from Idaho to reduce the amount of money in the pending bill. I think it is in the interests of other countries as well as of our own security.

The Senator has not emphasized this, but it would even save some of the taxpayer's money—$100 million. President Johnson has been calling on Congress to cut out needless expenditures. Here is an opportunity to save $100 million, which should appeal to even the most tough minded among us.

I commend the Senator for his efforts along this line.

Mr. HARTKE. Mr. President, will the Senator from Idaho yield?

Mr. CHURCH. Let me say, first of all—then I shall be happy to yield to the senior Senator from Indiana—how much I appreciate the fine argument which the Senator from South Dakota has just made in support of my amendment.

I would only stress that the effect of the amendment is quite moderate. At most, it would put a damper upon the spread of the program all through Africa and Latin America, in those areas where it is dubious at best, where the arguments supporting it are transparently flimsy, and where the political effect has often been adverse.

The amendment, if adopted, would not seriously, impinge in any way on the military assistance we give to countries near Communist borders, where a case can be made that the defense requirements call for an American subsidy. These are countries located on the periphery of the Communist world. They would not be affected by the adoption of the amendment, in my judgment, because the allocations for these countries presently contemplated, make it clear that there would be plenty of money left in the bill to take care of them. But the amendment would tend to put a damper upon the rapid proliferation of the program, which has taken place at such an astonishing pace in recent years.

I am certain that if Congress does not take this action, the program will continue to proliferate in the future, as it has in the past, until a point is reached where every country in the underdeveloped regions of the world will look to the

United States for arms supplies. I think that we must stop this from happening. We are already the chief arms provider and munitions maker for the world.

Whatever may be said for or against the sale of arms, at least Congress should begin now to cut back on this runaway giveaway.

Again, I thank the Senator from South Dakota very much for his comments.

Mr. McGOVERN. I appreciate the Senator's remarks. Is it not true that since adoption of the Senator's amendment would not affect military aid to Vietnam, we would still have roughly the same level of military aid of last year's bill?

Mr. CHURCH. Let me say two things with respect to the point the Senator raises. First, the pending bill does not apply to Vietnam at all.

Mr. McGOVERN. I understand that.

Mr. CHURCH. Military assistance to Vietnam is now immensely more than it was last year, and it is being supplied through Defense Department appropriations. Thus, the bill does not affect Vietnam, and any argument concerning the war there has no relevancy whatever to this amendment.

Second, for foreign countries, apart from Vietnam, the administration has proprosed still another increase in the military assistance program this year. That increased level of authorization has already been approved by the other body. Therefore, if the Senate were to adopt this amendment effecting the $100 million cut, when the two versions of the bill are reconciled in conference, it can be anticipated that the difference will be split down the middle, and we will come out with a program substantially in line with the present level of military assistance throughout the world.

Therefore, I think that it can be strongly argued that the effect of the amendment, although it appears on its face to be a $100 million reduction, if adopted by the Senate, will merely hold the line and avoid a further expansion of the military assistance program outside Vietnam.

Mr. McGOVERN. Do I correctly understand, then, that the following three observations would summarize the Senator's objectives: First, his amendment has no bearing whatsoever on the amount of aid going to Vietnam?

Mr. CHURCH. The Senator is correct.

Mr. McGOVERN. Second, it need not affect in any way military aid going into those areas along the borders of the Communist world. Third, what the Senator seeks to accomplish is to reduce military aid in the more poverty-stricken areas of the world, primarily Latin America and Africa and parts of Asia, where the relationship with the Communist world is, indeed remote, and where the No. 1 priorities are for economic and technical development?

Mr. CHURCH. Yes. I think that would be the effect of the amendment. I do not undertake to direct the executive branch as to where the cuts should be made. That is left to the discretion of the administrators. But I think the case speaks for itself. As to the effect of a modest reduction in the overall size of the program, one would think that this should be the year, at least to hold the line. We are involved in a war in Asia that is now costing us $2 billion a month. In such a situation, the notion that we should not only continue military assistance as usual everywhere else in the world, but also increase it, is one that I find exceedingly hard to reconcile with the concept of fiscal responsibility, which is so often talked about on this floor.

I repeat: the effect of this amendment, once it goes to conference, will be little more than to hold the line.

Mr. McGOVERN. I thank the Senator.

Mr. HARTKE. Mr. President, will the Senator yield?

Mr. CHURCH. I yield to the Senator from Indiana.

Mr. HARTKE. Once again the Senator from Idaho has demonstrated his capacity for a great understanding of international problems. His warning of a year ago has come to be realized with regard to the struggle between India and Pakistan, and for the reasons he gave. As he prophesied at that time, the furnishings of our military assistance would only be used for the purpose of war between India and Pakistan. Unfortunately, the prediction which the Senator made came true. I do not know whether he takes great pride in having made that prophecy. The point is that if we did not listen to the Senator a year ago, we should listen to him today. He was right in his prediction of last year; therefore we should listen to what he is saying this year. My only comment is that the cut the Senator suggests is too small. We should cut the amount still more.

We must realize that we have a costly war in Vietnam. Representative GEORGE MAHON, chairman of the House Committee on Appropriations, recently stated that $100 billion would be available to the Defense Department to spend. It makes no difference whether we have supplemental appropriation bills. The truth is that in order to have the money to spend, it must come from the taxpayers. Either it must be borrowed or the people must be taxed. The money does not grow on trees.

The President is right when he says we must cut back. Here is an opportunity to cut back. I hope he will recognize the change in the situation since he sent his message to Congress. We should ask him, "Why don't you cut back military assistance? In fact, why don't you cut it out altogether while the war in Vietnam is going on?"

It does not seem to me that the people at home have been told that there is great urgency in this matter. It is "business as usual" at home. The general public is not being asked to share in the sacrifices that the boys are making in Vietnam. But somewhere along the line somebody will have to pay. We have a tremendous responsibility on our hands in that war, and someone will have to pay the bill.

Let me comment for a moment on Pakistan. It was my pleasure to travel with Senators MORSE, LAUSCHE, BURDICK, DOMINICK, PROUTY, and JORDAN on a trip to that part of the world. When we were in India we went to the Pakistan-India border, where the war had occurred about 2 months before. Senator BURDICK and I were the only ones who made the actual trip into the war zone. With our Indian guides we went into Pakistan territory, because the Indians had occupied that part of Pakistan. While we were there the military guides kept insisting that we talk to the people and ask them, "What do you think about Patton?" They made fun of that. They made uncomplimentary remarks about it, because Patton was the one American name in everyone's mind. We went to a Patton tank graveyard. Patton tanks were a part of the military equipment that was used in the conflict between Pakistan and India. The American Patton tanks, the cream of tanks, had been knocked out by American-built Sherman tanks and British Centurion tanks. It was ridiculous that the Patton tanks had been knocked out by old Sherman tanks. I have pictures of Senator BURDICK as he crawled down to look at the tanks in which the Pakistan military personnel had been burned, because when the tanks were hit the interiors went into flames and the entire interiors were burned. I understand that that happens in almost every tank engagement.

We were there and watched them as they told, with a sense of pride, how they had knocked out the Patton tanks, which were a part of the military supply and equipment we had sent to Pakistan to be used against the Russians if the need arose.

This was flat ground. If an engagement is to be had against the Russians, mountains will have to be crossed. How those tanks would ever be used for going up mountains is beyond me. But we poured $2 billion worth of military equipment into Pakistan. It is, of course, alleged that this aid brought great friendship to our country. That is not so. I do not care how people try to picture it. The Vice President said that the equipment was going to a great ally. And then, when Ayub Khan went to Peking, he was greeted by 3 million people and was received with open arms. Chinese supplies and equipment have been flown into Pakistan. The Pakistani demonstrated their great admiration for the Chinese.

We saw the Pakistan Army. We saw the American equipment. We saw the guns and the communications equipment.

Here was a conflict between two nations which could not have occurred with the intensity with which it did occur, both sides losing about 5,000 men if both had not been supplied equipment by the United States.

The result was a loss to the American taxpayers, a loss of life, and certainly no benefit to us in southeast Asia.

We are repeatedly told that we should be interested in helping those countries. While we were in India we were given an opportunity to visit with Prime Minister Shastri. He had a birthday while we were there. We did not go to the birthday party, but the newspapers carried a picture of the birthday cake, and on this cake was not a replica of a symbol of peace, but a symbol of anti-Americanism, an American Patton tank which was conquered by another tank. I do not care how much food our Government sends there. The newspapers do not carry stories about the wheat we send there. They tell about the American tanks that they knocked out. They talk about the struggle with Pakistan. Here are people with a frontier bordering Pakistan and China. They are not worried about the war in Vietnam. They are worried about getting more equipment to use on their own borders.

I commend the Senator from Idaho for his amendment. The only comment I make is that the cut is too small. I would like to see it bigger.

Mr. CHURCH. I thank the Senator from Indiana very much. There are many lessons that could be learned from the debacle of the American military assistance extended to Pakistan and India, which finally culminated in the war between them.

The Senator has touched upon President Ayub's recent visit to Peking. I am not certain whether the Senator was a Member of this body at the time that President Ayub made a state visit to Washington and delivered an address to a joint meeting of the Senate and the House of Representatives on the other side of the Capitol. I remember the address very vividly because, as the Senator knows, President Ayub is a very impressive figure. He speaks with a splendid British accent. He had no difficulty in communicating with Congress. He is every inch a Sandhurst man.

He told us in a very reassuring address—which, as I recall, was delivered extemporaneously from the rostrum of the House of Representatives—that whatever our difficulties might be in Asia, however fickle other Asian countries might prove, there was one country in Asia that the United States could always depend upon, however serious the crisis; and that, of course, was Pakistan. We gave him a standing ovation.

It was not more than a few years later when Chinese pressure was exerted against India, and an invasion of India took place, and we thought for awhile that we might be faced with a general war in Asia. In that situation, the first man to carry the olive branch to Peking was President Ayub of Pakistan.

Now, if we are capable of learning from these experiences, this should serve to remind us that governments pursue their own interests as they see them unfold, and that the notion that we can establish strong and lasting friendships with foreign governments by lavishly supplying them with arms is an absurdity. All of the evidence is stacked up against it.

The Senator from South Dakota mentioned a few moments ago that the Russians are having the same difficulties. Of course they are. It serves to demonstrate the validity of the point.

Senator McGOVERN mentioned Iraq, and how the army we built up with donated American equipment turned against the very government we sought to sustain in power. That was the end result of military assistance in Iraq.

The Senator from Indiana has already discussed the effects that he saw firsthand in India and Pakistan. Let me point to Indonesia, where the Russians provided on generous credit terms, several hundred million dollars worth of arms to build up a Russian-equipped army; and it was that army that turned upon the Russians' own pet, Sukarno, and upon the Communists in Indonesia, in a blood bath without equal in recent years.

Algeria is another example, where, as I mentioned a few minutes ago, the Soviet Union supplied the tanks that drove Ben Bella from power.

The notion that we gain strong friendships through the supplying of American arms to foreign governments is simply not borne out by the facts; and we ought by now to realize it, and begin to phase out this program.

Mr. HARTKE. Mr. President, will the Senator yield?

Mr. CHURCH. I yield.

Mr. HARTKE. When we started back from Israel on the trip I mentioned, we reached the Red Sea. The Red Sea, as the Senator knows, on which lies the dividing line between Israel and Jordan. The Senator from Oregon, who is on the floor, was with us at that time.

We remarked, "These are the ports of Jordan."

The Senator said, "Yes. If you will look closely, you will be able to see American tanks being unloaded from vessels for use in Jordan."

We inquired, "For what use would we be providing the Jordanians with tanks, when they have declared their intention to invade Israel?"

I suppose perhaps we could balance that off, because we also supplied the airplanes for Israel, with which they could knock out the tanks.

But while we were there, Mrs. Meir, a distinguished stateswoman, who since has retired, talked with us about this situation. After we had left, she criticized our Government roundly for providing those tanks for Jordan.

I suppose it could be argued that if they had not obtained the tanks from us, they would have obtained them from the Russians. I say, Let them get them from the Russians. First, they have never paid for anything; second, as the Senator from Idaho has pointed out, there is no evidence that with our military assistance we ever buy anything except trouble for ourselves, trouble for those to whom we give it, and trouble for their neighbors.

Consider the case of Turkey and Greece. Here again, the arms we supplied to Turkey and the arms we supplied to Greece were used against each other in Cyprus. It does appear that somewhere along the line, we might learn a lesson or two.

Mr. CHURCH. I thank the Senator from Indiana. I agree wholeheartedly with the sentiment he has expressed.

I yield now to the distinguished Senator from Alaska.

Mr. GRUENING. I, too, was present on that historic occasion in the House of Representatives when the Premier of Pakistan addressed a joint meeting of the Senate and the House of Representatives. I remember very well the fervent statements, to which the Senator from Idaho has alluded, that we—the United States—could count on Pakistan, whatever other country might fail us in Asia.

Then the Premier followed up that pledge of undying loyalty to the United States by adding that we had better give, and we had better give generously, or else. That was the first time I had ever heard a foreign statesman use almost a threatening tone in his request for aid. It was clearly implicit that unless we gave, and gave generously, to Pakistan whatever they wanted, trouble would ensue. And we gave.

Mr. CHURCH. We gave, we gave generously, and trouble ensued.

Mr. GRUENING. That is right.

Mr. CHURCH. Bigger trouble than would have ensued if we had never given military assistance to either Pakistan or India.

Mr. GRUENING. I might add a further note to the Senator's comment on Indonesia, where, for years, over the protests of a few of us in the Senate, we continued to pour lavish economic aid to Sukarno, who we felt was either a Communist or so pro-Communist that he was not entitled to any U.S. aid.

But we continued to give it to Sukarno over the unceasing protests of some Members of the Senate, of whom I was one, and finally Sukarno himself threw us out. He said, "We do not want your aid." He told us to get out. We abrogated our diplomatic relations with Indonesia.

We broke off relations, and our aid stopped. Then, and only then, occurred that great anti-Communist revolt in Indonesia. The Communists were exterminated and Sukarno reduced to being a mere figurehead. I do not know whether the two events were connected, whether there was a logical sequitur, but it seems that the moment we stopped our aid, which had amounted to over a billion dollars, the Communists were thrown out. Maybe there is a good lesson in this experience, if only we will profit by it. When we poured in our dollars communism flourished. When we stopped it so did communism.

I think we might explore the matter. Perhaps great progress could be made in getting Communists thrown out elsewhere in the world by stopping our aid to other countries where communism threatens. Certainly the giving of our aid has never produced that desirable effect.

Mr. CHURCH. I thank the Senator. Although it might not be possible to draw the correlation he suggests, a very strong case can be made for the adverse reaction that often follows excessive intervention on our part in the internal affairs of many of these newly emerging countries. I could cite many examples, if time permitted, of mistakes we have made in Africa by mixing too deeply in the internal affairs of young African countries; and there are other examples involving the Russians, where excessive Russian intervention has led to similar repercussions.

We can take heart from the fact that the Africans, when left to themselves, have demonstrated that a nationalist feeling, which is an indigenous feeling, is the greatest bulwark against Communist penetration. That is equally true in Asia.

The example of Indonesia is particularly pertinent in this regard.

Mr. SYMINGTON. Mr. President, will the able Senator yield?

Mr. CHURCH. I yield.

Mr. SYMINGTON. Mr. President, I have read and listened to the speech of the able Senator from Idaho with great interest. It is both thought provoking and constructive.

Mr. GRUENING. Mr. President, will the Senator raise his voice. I think that many Senators would like to hear his words of wisdom. If he speaks in a low tone, his precious words will be lost.

Mr. SYMINGTON. I thank the Senator for his kind observation.

I would ask three questions.

The Senator says Vietnam is not involved, in any way. Does that include the ancillary support to Vietnam, and to such countries as Thailand and Laos, where we know we do have some activities?

Mr. CHURCH. The military assistance we furnish to Laos and to Thailand, as well as military assistance that we furnish to Formosa and Korea, are included in this bill, but that to Vietnam, both with respect to the Vietnamese and to our other allies, is not included.

Mr. SYMINGTON. Inasmuch as it is now common knowledge that we conduct much of our operations against North Vietnam from Thailand, if we vote for the amendment, would that affect our operations out of Thailand?

Mr. CHURCH. I would not think that it would affect the operations to which the Senator has made reference. As I understand it, these are operations of our own Air Force and are covered in the appropriations to the Defense Department.

Mr. SYMINGTON. This is a constructive presentation of the position of the Senator. If we follow his reasoning, would the conclusion not justify a larger reduction than $100 million?

Mr. CHURCH. I felt that a larger figure would not win approval because of the reluctance of the Senate, demonstrated so often in the past, to effect any reduction in military bills.

That is why I settled on the $100 million figure, thinking that it was as much as the Senate might approve.

Mr. SYMINGTON. I noticed yesterday the able Senator from Idaho voted for the economic aid bill. I voted against it because of my increasing apprehensions about the fiscal and monetary problems all these programs are developing for the United States; and presented, on the floor yesterday, one aspect of those problems.

If the Senator feels so strongly about military support for such countries as India and Pakistan—may I say I think there is great merit in his reasoning in this regard—would he be willing to deny economic aid to such countries as have been mentioned, and others like the United Arab Republic, unless the countries in question agree not to purchase war materials from behind the Iron Curtain, or from nations of the free world?

Would the Senator agree it would be wise to refuse economic aid unless they agreed not to take advantage of this aid to improve their military position by purchasing arms from other countries, both behind the curtain and in the free world?

Mr. CHURCH. Let me answer the Senator's excellent question in two parts.

I share the concern of the Senator about the continuing outflow of gold and its effect upon the stability of the dollar in the international marketplace.

The Senator is an expert on this question. He has given it more attention, in my judgment, than any other Senator.

It is because I share the concern of the Senator that I voted for amendments in committee, where I offered all of the amendments which reduced the economic aid bill by a total of $117 million. I then supported both amendments offered on the floor which effected further reductions, so that the final bill was approximately $400 million less than the administration's original request.

One of the reasons why I offered this amendment to the military assistance program is that I think now is the time, in view of the spiraling costs of our involvement in Vietnam, when we should cut back all other expenditures wherever we can.

I share the concern of the Senator about our balance of payments, and I have tried to do what I can to support him in his position.

In connection with the Middle East, I am gravely disturbed about the present policy which funnels in arms to countries now engaged in a serious arms race that could break out in a tragic war.

The suggestion that the Senator makes is one that ought to be carefully explored. Another possible route might be through diplomatic channels to secure some kind of agreement with the Soviet Union and countries of Western Europe to place some kind of arms embargo upon shipments to the Middle East.

It seems to me that a war in the Middle East would be as dangerous for the Soviet Union as it would be for the United States.

I do think we ought to concern ourselves now with this developing arms race in the Middle East, and that, instead of continuing to engage in an arms supply program, we ought to be undertaking to secure an international agreement that would limit the flow of arms into the Middle East.

Mr. SYMINGTON. With that I agree. My surprise was considerable when I found, after some $8 billion of aid we have given to India, that they have the largest air force in the Middle East, their planes coming primarily from Great Britain and the Soviet Union.

Also, after the hundreds of millions of dollars of aid we have given the United Arab Republic, they now have the finest air defense force, in quality in the Middle East, their new planes coming primarily from the Soviet Union.

If we accept the premise the Senator so ably presented on the floor of the Senate today, wanting to reduce friction between nations by reducing the arms race between nations, is it not a logical extrapolation of his position to say we should stipulate we will not give economic aid to countries which in turn utilize the advantages such aid gives to their econonmy so as to buy military equipment?

Mr. CHURCH. As I have said to the Senator, this suggestion is one that I believe deserves the closest examination. I have not had an opportunity to weigh it with respect to any particular country.

Mr. SYMINGTON. Then, I shall not pursue it.

Mr. CHURCH. But I am in full accord with the end objective that the Senator seeks.

Mr. SYMINGTON. I thank the Senator, and congratulate him on a fine presentation.

Mr. CHURCH. I thank the Senator from Missouri.

Mr. ELLENDER. Mr. President, will the Senator yield?

Mr. CHURCH. I yield.

Mr. ELLENDER. Mr. President, I notice that the distinguished Senator from Idaho has criticized our credit assistance program.

I wish to call the attention of the Senator to the fact that the senior Senator from Louisiana, on August 11, 1964, during the second session of the 88th Congress, had stricken from the bill the very language that caused us to get into the credit assistance business with other countries. However, my amendment was deleted in conference—that is, the amendment was not agreed to. If the amendment that I suggested in 1964 had been adopted by the Congress we would not be providing in this bill in excess of $50 million to guarantee sales made by our munitions manufacturers who might suffer losses by selling to developing nations abroad.

Mr. CHURCH. I can think of many propositions concerning the whole foreign aid program, advanced in past years by the distinguished senior Senator from Louisiana, which, if adopted, would have proved highly beneficial.

Mr. ELLENDER. I appreciate the comment of the Senator.

Mr. CHURCH. And the Senator from Louisiana has referred to one of them.

Mr. ELLENDER. I appreciate that very much.

The next question I desire to ask the Senator is this: Does the Senator specifically state the areas from which his proposed reduction of $100 million should be taken?

Mr. CHURCH. No. I have left this to the discretion of the administrators, believing that they should have the flexibility to make that decision, since they know most about the details of the program.

Mr. ELLENDER. I wish to say to the Senator from Idaho that I have an amendment similar to that offered by him, except that instead of $100 million, I propose a cut of $75 million. Nevertheless I hope that the amendment offered by the Senator from Idaho is enacted and I wish to state that I will support his amendment.

In my presentation which I will make later, I shall suggest where cuts may be made.

For instance, the Senator from Idaho previously discussed the war between Pakistan and India. In this connection, I am sorry to see that in this bill there is a proposal to provide further military assistance to those two countries. I believe that it is shameful for the Senate to countenance such a proposal.

I notice, also, that notwithstanding, the fact that we may have to withdraw permanently from France, money is provided in the bill for NATO Infrastructure in Western Europe. It is my belief that before any more money should be appropriated for Western Europe by this Congress, a complete study of NATO should be made.

I want to point out that the pending bill contains a proposal to spend $90 million for NATO Infrastructure in fiscal year 1967. This sum is $20 million more than was appropriated last year for NATO Infrastructure and almost twice as much as was used in fiscal year 1965. I submit, Mr. President this $90 million for NATO Infrastructure cannot be justified as I shall show later when I speak to my amendment.

Mr. CHURCH. I say to the Senator that I shall listen with great interest to his argument on behalf of his own amendment.

Mr. ELLENDER. The arguments I shall make shall be equally applicable to the amendment offered by the Senator from Idaho. The Senator from Idaho would leave the matter of applying the cut to the Defense Department. I shall simply make suggestions as to where the funds might be cut.

Mr. CHURCH. I believe it is perfectly proper for Congress to indicate where cuts should be made. Thus far, Congress has proved unwilling to do so. In the hope of making a modest reduction in the program and obtaining some results, I believe it best to frame the amendment as a simple reduction in overall authorization.

Mr. ELLENDER. My amendment would do the same as does the amendment of the Senator from Idaho. I am not specific in the amendment, but in my presentation I will make suggestions as to where I believe the cuts could be made, just as I have done in the case of NATO Infrastructure.

Mr. CHURCH. I thank the Senator from Louisiana.

FORCES BEHIND OUR ARMS TRAFFIC

As the Senator from Louisiana has mentioned, we have stopped military assistance—temporarily, at least—to India and Pakistan, although we continue to pour arms, by gift and sale, into the highly inflammable situation in the Middle East. And so does the Soviet Union.

The Russians must find this situation about as unsatisfactory as we do. Why, then, do we not seek an agreement for mutual abstinence along the lines that I mentioned moments ago, in discussion with the distinguished Senator from Missouri? Why do we not strive on the diplomatic front to find some kind of mutual limitation in the general input of arms into the Middle East?

Is it compeletly out of the question that NATO could arrive at a common policy regarding arms sales to underdeveloped countries?

How hard have we tried to bring this about?

How much are our diplomats—some of whom I know would like to bring it about—inhibited by subtle, countervailing pressure from the military-industrial complex that President Eisenhower warned us against so prophetically in his farewell address?

From the standpoint of our stated foreign policy goals, the sowing of arms to the four winds makes so little sense that one must discard the proffered justifications and look for a more reasonable explanation—namely, as was earlier suggested by the distinguished chairman of the committee that these programs are a means of surplus disposal, a grim Public Law 480 spreading death-dealing weapons instead of life-giving food.

Modern armed forces throughout the world—preeminently those of the United States, the Soviet Union, and Western Europe—have a severe problem of obsolescence because of the rapid pace of technogolical advance. As new models are developed, it becomes very tempting to dispose of the still-serviceable old ones at bargain prices. Does anyone suppose that the Soviet Government is under similar pressures from the Soviet armed forces? What is the power of the military-industrial complex in Western Europe? Why do we not try to find out by making some modest proposals for limitations on arms shipments?

The extent of the involvement of our Government in the feverish competition to sell arms abroad is betrayed by a Defense Department pamphlet entitled "Information and Guidance on Military Assistance." This directive contains the following sentences:

> Foreign customer preference for U.S. material is being generated by developing an appreciation of its technical superiority, price, availability, and the offer of follow-on support through U.S. logistics systems. In many cases, credit arrangements may be made to facilitate military sales, on short or long term basis as needed.

Delete "military," substitute "Ford" for "U.S.," and the pamphlet could just as well be promoting the sale of a well-known line of cars and trucks.

In a revealing article in the July 9 issue of the Saturday Review, our distinguished colleague, the Senator from Minnesota [Mr. McCARTHY], estimates that U.S. industry has realized a profit of nearly $1 billion on export sales of some $9 billion worth of American-manufactured armaments since mid-1961. That is a very satisfactory ratio of profits to sales, but the transactions are of a magnitude which should give us pause.

What is even more unsettling is that these arms sales should so frequently be touted by Defense Department spokesmen for the contribution they make to our balance of payments. But, Mr. President, the balance of payments, as the committee report points out, "is not in such a perilous condition that it has to be salvaged by taking blood money from poorer countries."

I repeat, this is amoral. I hope that next year the Senate Foreign Relations Committee will see fit to undertake a searching study of the military assistance and sales program. For the time being, we may be unwilling to tamper with the prodigious sale of arms abroad by American manufacturers—which has made the United States the leading munitions supplier for the world—but certainly we should do no less than to start applying the brakes on our giveaway program for arming the indigent.

The modest cut proposed by my amendment is the only effective way to cause a reappraisal to begin. It is long overdue.

Mr. CLARK. Mr. President, I rise to support the position of the Senator from Idaho [Mr. CHURCH] on the pending amendment to cut $100 million from military assistance in the so-called foreign aid bill.

Rarely in the 10 years that I have served in the Senate have I read as cogently presented and as closely reasoned an argument in support of a cut in authorization as that made a few minutes ago by the Senator from Idaho.

To me, the whole concept of administration policy in the area of military assistance is as wrong as it can be. It would never have been supported if John Fitzgerald Kennedy were in the White House. He knew the need for arms control. He knew the need for disarmament. He knew the requirement that we should be working for peace in the world and not for war. He made his views eloquently apparent in three great speeches in the days shortly before his assassination, speeches to which I have often referred.

Instead of giving arms to Latin America, we should be in the forefront of negotiations to sanitize the continent by disarmament. We should be doing the same thing in Africa. We should be doing the same thing in the Near East. Instead of which, the military-industrial complex is in the saddle and the Pentagon is boasting of the millions of dollars in profits the military industrial complex is making by selling arms to countries which, no doubt, will soon be using them to breach the peace.

I would hope that in a brief moment of sanity, the Senate would turn its back on military aid and support the amendment of the Senator from Idaho.

Mr. President, I yield the floor.

(At this point, Mr. GRIFFIN assumed the chair.)

Mr. MORSE. Mr. President, will the Senator yield?

Mr. CHURCH. I yield.

Mr. MORSE. Mr. President, I wish to say to the Senator from Idaho [Mr. CHURCH] that there is not a word in his great speech this morning to which I do not say "amen." I associate myself completely with him here, as we were associated together in the Committee on Foreign Relations when both of us voted against this bill. Ours were the two dissenting votes in opposition to even sending the bill to the floor of the Senate.

Mr. President, because of the pressure of time—I have to be in the Labor Committee hearings for the hearing on the airlines strike at 1:30—I wish to make a very brief statement, setting forth my reasons why I oppose the huge sum contained in this bill.

The only difference I have with the Senator from Idaho is that I feel his amendment does not go far enough. If we cannot do better, I shall support his amendment.

However, I send to the desk an amendment on behalf of myself, the Senator from North Dakota [Mr. BURDICK], the Senator from Indiana [Mr. HARTKE], and the Senator from Alaska [Mr. GRUENING], in which we propose to amend the Church amendment No. 711 on page 1, line 2, in lieu of "$792 million", to insert "$692 million", which means that we propose a $200 million cut from the committee bill instead of a $100 million cut.

The PRESIDING OFFICER (Mr. TYDINGS in the chair). Is the Senator offering his amendment?

Mr. MORSE. Mr. President, I am offering my amendment. I want it to be pending.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk read as follows:

> Amendment offered by Senator MORSE in behalf of himself, Senator BURDICK, Senator HARTKE, and Senator GRUENING, to the Church amendment No. 711:
>
> "On page 1, line 2, in lieu of '$792 million', insert '$692 million'."

Mr. MORSE. Mr. President, the separation of military from economic assistance will be the second step in funding all foreign military aid out of the Defense Department budget unless Congress puts the two bills back together. The first step was taken when the financing of all foreign military forces in South Vietnam was put under the Defense Department budget in the supplemental military authorization of February 1966. Congress, the public, and the world have now lost sight completely of how much it is costing the United States to finance these foreign armies and the manner of its administration.

That undoubtedly was a major purpose of this technique.

I believe it also was intended to push Congress in the direction of reviewing and authorizing military aid through its Armed Services Committees and not through the Foreign Affairs and Foreign Relations Committees. Yet military aid was, and is, basically a foreign policy matter. Once it becomes a part of the Defense Department budget, it will be considered only in military terms.

A second result of the supplemental military authorization was to remove military aid to South Vietnam and others in South Vietnam from the pending military aid bill. Yet the request for $917 million scarcely reflects the omission from this year's bill of military assistance to South Vietnam and others fighting there.

As with economic assistance, it is becoming the practice to maintain the level of the regular assistance measure, while getting additional funds through separate legislation. The separate spigot for military aid will cost in the magnitude of $630 million in fiscal 1967.

EFFORT TO RESTRICT GAO AND CONGRESSIONAL REVIEW

Another example of the desire of the Defense Establishment to free itself from congressional supervision was the provision in the bill it drafted that would have omitted the present requirement that it furnish information, upon request, to the General Accounting Office and the committees of Congress.

Over the years, the GAO, an arm of Congress, has been the public's watchdog over foreign aid expenditures. Its reports on mismanagement and misuse of military assistance are numerous. In the last 2 years, they have dealt with such episodes as:

Deficiencies in the military assistance program for the Spanish Army.

Lack of effective action by the military services to obtain NATO cost sharing of military construction projects in Europe.

Ineffective and overly costly aspects of military and economic assistance provided to Thailand.

Need for improvement in supply support for aircraft under the military assistance program for the Republic of China.

Inadequate administration of military budget support funds provided to Pakistan under the foreign assistance program.

Ineffective and inefficient administration of the training of foreign personnel under the military assistance program for Greece.

Inadequate planning, programing, and contracting for a fixed communications system for the Government of Indonesia under the military assistance program.

On my insistence, the Foreign Relations Committee reinstated this provision. The committee bill retains the requirement that information be furnished Congress and the GAO. But the fact that the Defense Department omitted such a provision from the bill it sent to Congress is indicative of the military autonomy from congressional control that the administration seeks.

It argues for vigilance on the part of Congress. It argues for insistence that military and economic aid be considered together, and by the Foreign Affairs and Foreign Relations Committee.

TRUE COST OF MILITARY AID

The request of the administration for $917 million has been reduced slightly by the committee. But the $25 million cut is far from commensurate with the military air to Vietnam in last year's bill that is now coming out of the Defense budget and does not show up in this bill at all. The true expenditure by the taxpayers for military assistance in fiscal 1967 will be around $1.5 billion unless this bill is severely cut. This means that many countries unaffected by Vietnam are getting their military aid increased under this bill.

A reduction here is one way that the burden of the Vietnam war could be shared by the 55 nations on the list to receive military assistance.

Only South Vietnam and Korea of these have troops fighting. Proportionate reduction in programs for the other 53 would be little enough for them to contribute to the war in Vietnam, a war advertised as necessary to protect them all. If this is in the fact their war, and if they do not care to contribute manpower to it, at least they can contribute a cut in their military hardware from the United States.

No more than with economic assistance, can we have "business bigger than usual" in military gifts. A reduction of at least $100 million from the committee bill is not only justified but would still maintain them all at roughly last year's level.

The device of increasing military aid to 53 noncombatant countries by funding Vietnam separately is one more long step down the road to militarization of American foreign policy. It must be resisted by Congress.

CONFLICTS INSTIGATED BY MILITARY AID

The case against raising military aid funds is further supported by the poor results from our policy of indiscriminate arms aid. Ambassador Galbraith laid direct blame upon U.S. military aid for the war between India and Pakistan. He told the committee:

> The full consequences of the policy of indiscriminate arms aid have revealed themselves with a kind of heroic clarity in south Asia. Rarely, I think, does history work itself out with such majestic, and also ironic, completeness. When I went to that part of the world in 1961, I pled with some fervor and even a certain acerbity for a reconsideration of the policy of shipping arms into the region. There is something intrinsically obscene in the combination of ill-fed people and well-fed armies deploying the most modern equipment. In the spring of 1961 we gave a dozen supersonic planes to Pakistan and a half billion dollars in economic aid to India. The first got more attention from the Indian press than the second. And, most important, while it was our intention that the arms be used against Communists (where they would have counted for little) it was evident that the local citizenry saw them all but exclusively as ways of advancing their own more ancient and more compelling animosities.
>
> I was rebuffed, at the time, not so much in contempt as in pity. It was impossible that anyone should be so retarded that he could not see that this was the policy. Perhaps in my case there was an explanation. Not only was I an amateur ambassador but also a professor, of whom little could be expected. Other members of the new administration, including, I may say, the Assistant Secretary, who was brought in to breathe new life into our policy, were far more sensible. They made haste to embrace the old line and were very helpful in explaining why it was necessary, even if unwise. As late as last spring a spokesman for the old policy advised the Congress that our arms aid to Pakistan was designed to arrest the historic movements of the Soviets down through the Khyber Pass. The Soviets seem not to have reacted either to this slander on the competence of the Red Army vis-a-vis the local opposition or this reconstruction of history. Given a little time, they may have thought we would get them a Kipling.
>
> The arms we supplied under this policy caused, and I underline that word, the war last autumn between India and Pakistan. I do not pass on the merits of the Kashmir dispute or the rights of Pakistan in this regard. I have a great deal of sympathy with the position of Pakistan in this dispute. But if we had not supplied arms, Pakistan would not have sought one thing we wanted above all to avoid; namely a military solution.

> That beyond the slightest possibility of doubt was the price of the Dulles policy. And of the policy of his disciples in continuing it. As the crowning irony, the Soviets, at whom these arms were meant to be pointed, stepped in and obtained a settlement of the conflict. Meanwhile, at long last, we stopped the shipment of arms into the area.
>
> I believe it is well that we have this history down in black and white. For I have little doubt that, at this moment, somewhere in the nether recesses of the bureaucracy, someone has a well-argued paper on resuming arms aid to Pakistan and India. We can only be unalterably opposed to both.

We must anticipate further conflict in Cyprus, since we have increased our military aid to Greece on the slightly ridiculous argument that she is threatened by Bulgaria.

What is happening, and the Congress and the American people should realize it, is that the U.S. Government has become the No. 1 promoter of the sale and gift of military equipment abroad. If we can't give military assistance to a developing country and thus get our military foot in the door, we try to sell military hardware and thus not only get a foot in the door, but help our balance of payments as well. And if for some reason we can neither give nor sell military equipment, then our economic aid programs often provide sufficient budgetary assistance to developing countries so that they can—at the expense of their own development—buy their own military equipment.

WE SHOULD STOP ARMING THE INDIGENT

There is only one solution to this miserable business. That is to terminate all military assistance to countries likely to use that equipment against each other and, just as important, decline to send military assistance to the poorest of the underdeveloped countries.

In my opinion, no military aid should be sent to any nation having a per capita gross national product of less than $300 a year. If the American people were fully aware of the implications of military assistance, and the relationship of economic assistance to the production of military equipment, they would be revolted by the ill will which shortsighted policymakers are storing up for this Nation with their "arming the indigent" policy.

As for those who will argue that if we do not supply military assistance the Soviets will, I would answer: "Let the Soviet Union reap the consequences of the torrent that will be unleashed." As former Ambassador Galbraith observed during the hearings of the committee, the recurring argument that if the United States does not provide arms the Soviets will, is "another example of that curious obtuseness which excessive preoccupation with cold war strategy produces in otherwise excellent minds. It was Soviet tanks that surrounded Ben Bella's palace in Algiers when that Soviet-supported leader was thrown out. It was a Soviet and Chinese equipped army which deposed the Indonesian Communists. It was a Soviet-trained praetorian guard which was expected to supply the ultimate protection to the government of President Nkrumah and did not."

MILITARY AID TO LATIN AMERICA

The benign American attitude toward Latin American military establishments has just helped deprive Argentina of a constitutional government. The pattern whereby the United States extended both economic and military aid to juntas in the Dominican Republic, Guatemala, Honduras, Ecuador, and El Salvador helped bring about the Castelo Branco coup in Brazil. And when we rushed to approve and to stake the Castelo Branco junta with vast new sums of aid, we encouraged the Argentine military establishment to take over its Government.

Argentine generals are quoted as believing that U.S. support of the Brazilian military junta meant that formal U.S. opposition to a coup in Argentina was "just window dressing." They are right. It is just window dressing. We have been proving by our actions for 3 years that we have little interest in constitutionalism. Whatever our military missions in Latin America are teaching the Latins, it is encouraging and not discouraging their coups against constitutionalism.

The whole rationale that our military aid tends to teach civilians control of the military, and to interest them in civic action, has been totally refuted by events. It was bad enough when these coups occurred in the small nations of central America. Now they have engulfed Brazil and Argentina. They are fed by our military aid, and they are destroying the objectives of the Alliance for Progress in country after country.

Mr. President, as I have said, the request of the administration for $917 million has been reduced slightly by the committee. But the $25 million cut is far from commensurate with the military aid to Vietnam in last year's bill that is now coming out of the Defense budget and does not show up in this bill at all.

It should be understood that the $917 million that the administration asked for in this bill is separate from the billions that we are pouring into South Vietnam to conduct this undeclared war. When we take into account what the administration will receive separately for Vietnam and so-called free world forces there, the administration is not asking for less military aid this year, but more.

Yet the propaganda that has been issued by the administration has created the impression on the part of many Americans that this is a barebones military aid bill and is lesser in amount than last year's military aid bill. That is not the case. This bill really provides more military aid when there is taken into account the countries outside of Vietnam.

The true expenditure by the taxpayers for military assistance in fiscal 1967 will be around $1.5 billion unless this bill is severely cut. This means that many countries unaffected by Vietnam are getting their military aid increased under this bill.

A reduction here is one way that the burden of the Vietnam war could be shared by the 55 nations on the list to receive military assistance.

I am at a complete loss to understand why the administration would propose this additional military aid to other countries that are not helping us one whit in Vietnam. At the same time the administration, through Bureau of the Budget recommendations, cuts domestic program after domestic program that it promised the American as a part of the Great Society program.

The Senator from Idaho [Mr. CHURCH] has on past occasions pointed out the very point which I now make. What the administration is really asking for—and I speak for myself on this point—is that the schoolchildren of America pay the untold cost of the Vietnam war; that the funds for the poverty-stricken people in this country in the antipoverty program be cut back and that the poverty stricken pay for the cost of the war; that the underprivileged, who are living in the ghettoes of this country, whose skins are black, pay for the cost of this war, by the reduction of this administration in funds for the Great Society program.

I support the Great Society program, but I wish to say that the cost of the Vietnam war should not be paid by those who sorely need the Great Society program. It should be paid by those who are making the blood money out of the war. It should be paid for by a tax increase program. It should be paid for by protecting the economy of this country which is going ahead into an inflation unless the administration changes its economic policy.

Only South Vietnam and Korea of military aid recipients have troops fighting in Vietnam. Proportionate reduction in programs for the other 53 would be little enough for them to contribute to the war in Vietnam, a war advertised as necesary to protect them all. If this is in the fact their war, and if they do not care to contribute manpower to it, at least they can contribute a cut in their military hardware from the United States.

No more than with economic assistance, can we have "business bigger than usual" in military gifts. A reduction of at least $100 million from the committee bill is not only justified but would still maintain them all at roughly last year's level.

I am not in favor even of leaving them at last year's level. The military aid to non-Vietnam countries should be reduced, not continued as before.

The device of increasing military aid to 53 noncombatant countries by funding Vietnam separately is one more long step down the road to militarization of American foreign policy. It must be resisted by Congress.

Mr. President, I want to say to my majority leader that when the time comes this afternoon for a vote on my amendment I shall ask for a yea and nay vote. There do not appear to be enough Senators in the Chamber at the present time, although if staff members could get them in, it would be appreciated. Then I can ask for a yea and nay vote before I leave for the airlines hearing.

Mr. President, if there are now enough Senators in the Chamber, I ask for the yeas and nays on my amendment.

The yeas and nays were ordered.

Mr. ELLENDER. Mr. President, I rise in support of the amendment that is now pending.

As my distinguished friend from Idaho [Mr. CHURCH] stated, on many occasions I did my level best to prevent the wholesale grants of military equipment to various countries throughout the world. It is my belief that our losses which have resulted from the military assistance program are immeasurable now.

A classic example is what is going on now in South Vietnam. It will be recalled that on several of the journeys I made to South Vietnam I sought to give good advice to my colleagues in the Senate, as well as to the Eisenhower, Kennedy, and also the Johnson administrations.

I happened to be in South Vietnam soon after Mr. Diem was sworn in as President. I pointed out to him the difficulties he might be confronted with in the future unless efforts were made to satisfy the belligerent South Vietnamese located in two pockets in South Vietnam, one located northeast of Saigon, and the other in the delta south of Saigon.

It was my belief then, and I made it known to Mr. Diem, that if we were to assist South Vietnam, our aid should be limited to technical assistance. In other words, it was my idea to teach these people to do a little better what they already could do.

Instead of pursuing that policy, President Eisenhower saw fit to send military advisers to South Vietnam, who were engaged in the training of soldiers in South Vietnam.

As I recall, when President Eisenhower's term expired, we had between 8,000 and 9,000 such advisors in South Vietnam. I did all I could to have the Secretary of State, as well as the President, refrain from undertaking the task of training soldiers in South Vietnam. Needless to say, my arguments were to no avail.

Subsequently, the late President Kennedy came on the scene and extended this program to the point where, at his death, as I recall, there were in excess of 18,000 advisors in South Vietnam.

Of course, as the buildup in South Vietnam mounted, as I predicted, we could expect North Vietnam to build up her arms.

When the late President Kennedy died, Mr. Johnson came into the picture, and we finally got into a hot war.

I was not at all surprised, because many years before I predicted that if we continued to build up in that area, it would lead to a hot war.

The senior Senator from Louisiana has never opened his mouth in opposition to what Mr. Johnson has been doing in the past 12 months, for the simple reason that since my visits to South Vietnam, in 1955 and 1956, our government made certain promises and commitments to the peoples of that area. We became deeply involved there through SEATO, and we reached the point from which there was no turning back.

It is my feeling that, since we are there, since we have committed ourselves to form an independent government in South Vietnam, we have no other recourse now than to try to attain our objective and get out of there honorably.

For the first time in 15 years, earlier this year I voted for a foreign aid bill to provide assistance South Vietnam. My reason for doing this is simple. I wanted to give our boys, who are fighting and dying there, the maximum amount of assistance.

Whether or not the people of America know it, our marines in South Vietnam in many instances are serving more or less as wet nurses to the people of South Vietnam. As they take over its provinces, they find many of the inhabitants poorly clad, hungry, and diseased. Under these circumstances, it is impossible to give too much aid. Our boys need all the help we can muster.

It is my feeling that if we provide funds to assist these people in getting back on their feet, we not only assist our fighting men, but we might also get the South Vietnamese on our side and thereby have them form a stable government.

It is my belief that, unless we are able to establish a stable government in South Vietnam, we will have a most difficult time in ending the war in a reasonable length of time.

It is my sincere belief that, if, as, and when a stable government can be established in South Vietnam, this shooting war could possibly end within the next 9 to 12 months.

Mr. GRUENING. Mr. President, will the Senator yield?

Mr. ELLENDER. I yield.

Mr. GRUENING. I am wholly sympathetic and in accord with the views of the distinguished Senator from Louisiana that it is desirable to establish a stable government in South Vietnam, but does he think it is possible to establish a stable government in Vietnam under the 10-general junta that now rules it? Does he realize that out of the 10 members of that government, 9 of them fought against the Vietnamese people and for the French? Are they the ones to inspire confidence in their people? Is the Senator from Louisiana aware that Marshal Ky, when interviewed by a London newspaper—and this statement was also reported elsewhere—when asked if he had a hero, said, "I have only one, Adolf Hitler"? Does the Senator think that is the kind of government that we should support enthusiastically as our administration has?

Mr. ELLENDER. Mr. President, I do not wish to go into details concerning the personages in South Vietnam. I only say that unless we are able to assist in stabilizing the government in South Vietnam, our task will become impossible. We may have to get out of there, for all I know, because we cannot afford to have the enemy shooting us from the back and pursuing us from the front. That just will not work.

As I have said, that is why I voted, for the first time in 15 years, for $400 million of economic aid to South Vietnam. I want to see a stable government come into being as soon as possible. Unless a stable government can be formed there, who will provide the soldiers in South Vietnam to fight alongside our fighting men? The Filipinos, who may come later, the South Koreans, who are there, the New Zealanders and the Australians? Unless there is stability, I cannot see how the young men of South Vietnam can be conscripted to help organize an army there, to fight the Vietcong and the North Vietnamese.

Mr. GRUENING. Will the Senator yield further?

Mr. ELLENDER. I do not wish to get into an argument with my good friend from Alaska as to whether Ky is the man or Mr. Sambo is the man. The point I am trying to make is that every effort should be made to stabilize the government there. Unless we can obtain a stable government, we are in for a lot of trouble, as I am sure the Senator will agree.

Mr. GRUENING. I fully agree, but I believe it must be a government that has some popular appeal and therefore some popular support which this gang obviously has not. They are held in power by the armed forces and funds of the United States.

Considering that last year, for instance, there were 96,000 desertions from the South Vietnamese Army—and that perhaps is understandable; they do not wish to fight for a government whose self-imposed characters are merely self-seeking, interested only in themselves and their perquisites, and have shown little concern for the welfare of their people. I think, in order to stabilize the government, we would have to have a more popularly based government.

Mr. ELLENDER. I have had occasion to travel, as I recall, on at least five occasions throughout South Vietnam. As the Senator knows, the country is divided into 16 or 17 provinces. At the time I visited, the people in the provinces did not know a thing about Saigon being the seat of government. They looked to their own little local government, their provincial government; and very few of them were aware that Saigon was the seat of the central government.

Of course everything, all the aid that we made available to South Vietnam, was sent to Saigon. Concerning the matter about which I spoke a moment ago, these two pockets of resistance, it would seem to me that in order for Diem to make any kind of success, he should try to unify the country; but I found so many dissidents in those two pockets northwest of Saigon and in the delta that I feared they would grow in intensity and in number, and in time give us trouble; and that is exactly what happened, Mr. President. I merely wanted to point that out.

But as I stated a moment ago, we are there. We have made certain commitments, and it is my belief that it would be tragic for us now to remove ourselves from there, without at least making an effort to obtain an honorable peace.

During the 88th Congress, the 2d session, while the foreign aid bill was under discussion, I authored an amendment which has become section 512 of the foreign assistance bill. This section limits the amount of aid to Africa to $25 million. That was for all of the countries of Africa. It was my feeling that $25 million was a little bit too high; but in order to obtain agreement, so that the

Senate would adopt my amendment, I consented to make the amount $25 million.

But in order to limit the amount to even that figure, I was compelled to agree to language in my amendment that would leave a loophole to enable the President to increase the amount in case he thought it was to our benefit and for our national security.

Mr. President, in addition to that amendment—which was agreed to by the Senate, and which was retained in conference—I submitted another amendment, which was agreed to by the Senate. That amendment cut out all of the new language that was then put in the foreign aid bill for the first time, wherein we agreed to guarantee our munitions manufacturers of this country against losses they might incur on the sales of military equipment to developing nations. This is commonly referred to as the credit assistance program. It was discussed by me earlier and in detail by the Senator from Idaho when he presented arguments in support of his amendment.

Mr. President, it would have been an easy matter for us to retain that provision in the bill. I argued for it. Other Senators did the same. But when the bill was in conference, somehow the administration got busy, and the House refused to accept the amendment which I had proposed and which the Senate had agreed to.

In this bill, we have an item of $50 million to provide for such credit assistance and guarantees.

Mr. President, I wish I could state to Senators and to the people of this country the vast sums that are being spent in countries of Asia, South and Central America and in the Middle East in order to build up their military machines. The argument was advanced by Secretary McNamara some time ago that it was beneficial to America for us to be selling these munitions to countries abroad, because it assisted us in our balance-of-payments problem. I disagreed quite vociferously with Mr. McNamara when he appeared before the Committee on Appropriations; but he insisted that it was good business.

Mr. President, as was pointed out by the Senator from Idaho, we spent in excess of $50 million in order to assist Iraq. And what did we get out of it? The military hardware that we furnished to that country was later used to kill off some of our friends in that area.

Take the case in South Vietnam. We have in excess of 300,000 soldiers there. There are about 1,500 Australians in Vietnam, I think, and they promise to augment that sum to 4,500. The last figures I saw showed that we had about 150 New Zealanders there.

There is, in addition to the Australians and New Zealanders, a division of South Koreans.

But who pays for their upkeep? Who pays for the military hardware used by these South Koreans? Good old Uncle Sam. We even pay for their transportation and part of their salaries there.

I think it is outrageous for our great country to be involved in such a conflict with so little assistance from those whom we have helped until it hurts.

The countries of Western Europe and Japan may have good reason to keep out of there. They may not be in sympathy with what we are doing there. However, we are now in trouble, and when we knock at the doors of our rich friends and ask them to assist us, there is no response. They all say: "It is your baby, and you nurse it." The very countries which tell us that are the countries that we have revitalized since World War II. They are being protected now by good old Uncle Sam and by the taxpayers of this Nation.

We have today in excess of 600,000 Americans in Western Europe in order to hold the umbrella of military protection over our original allies.

Many may have seen in the newspaper, yesterday or the day before, a statement by Mr. McNamara that we have no intention of withdrawing any of our troops from there. This would indicate that we will remain there notwithstanding the fact that France has withdrawn from NATO.

I presume we will continue to build facilities there, and in this connection as I previously indicated there is $90 million in this bill for NATO infrastructure.

It would seem to me that we are being taken for a ride, and it is time that we, in the Senate halt all of this. It is time for the Congress to act and to prevent a further diminution of our resources and spread of war throughout the world.

Mr. TALMADGE. Mr. President, will the Senator yield for a question?

Mr. ELLENDER. I yield.

Mr. TALMADGE. Is it not true that at the present time about six divisions of troops are in Western Europe for the purpose of protecting the Europeans?

Mr. ELLENDER. The Senator is correct. I believe it is five and one-half divisions, to be exact.

Mr. TALMADGE. Is it not true that this adds over $2 billion annually to our deficit.

Mr. ELLENDER. It contributes $2.3 billion annually to our deficit.

Mr. TALMADGE. To the dollar deficit.

Mr. ELLENDER. The Senator is correct.

Mr. TALMADGE. Is not a good part of that amount converted into gold, thus further contributing to our gold loss which is now critical?

Mr. ELLENDER. The Senator is correct.

Mr. TALMADGE. Is it not true that those same countries are now trading with our enemy in North Vietnam, which is killing American soldiers?

Mr. ELLENDER. The Senator is correct. I understand, from many articles in the newspaper and many discussions I have had with people who ought to know, that some trading is being conducted by some of those countries with our enemy.

As the Senator knows, we had a little debate here yesterday on the Byrd amendment, which was agreed to by the Senate fortunately, wherein we did not exactly criticize the Germans, the Italians, and the French, but we simply told them that we did not like them to help Red China by building a steel mill there.

There is no doubt that in the last 10 or 15 years there has grown up with the countries of Western Europe and Eastern Europe, including Russia, quite a large trade which amounts, I believe, to more than $2.5 billion per year.

While we are protecting them with this military umbrella, they are building their trade and their own economies. We, of course, will suffer a good deal in the future on account of this situation.

Mr. TALMADGE. Does the able Senator not think that we can perhaps use some of those troops in South Vietnam at the present time to bring the war to a conclusion much more speedily.

Mr. ELLENDER. I suppose that could be done, but as to whether we should have 300,000 or 400,000 boys there, I would not like to pass judgment.

In that area, the terrain is such that we cannot fight the kind of war that was fought during World War I or World War II. It is guerrilla warfare, and whether to send many more troops there remains problematical to me.

Mr. TALMADGE. Certainly, the Senator would agree that it is ironic that we are stepping up the draft materially in our own country to send troops to South Vietnam, while we also have troops in Western Europe at the present time.

Mr. ELLENDER. Yes. But that draft is being put into effect to help not only South Vietnam, but also South Korea and Western Europe.

As the Senator knows, a person cannot be drafted for longer than 2 years. About 9 months is required to train him. Then, by the time he gets across—let us say to South Vietnam—he has perhaps 8 or 9 months remaining as a draftee.

Mr. TALMADGE. The Senator agrees, then, does he not, that this time the countries of Western Europe should be notified that they ought to do more to defend themselves, instead of relying on the Government of the United States to do it for them?

Mr. ELLENDER. I have done that often, as a Senator. I have done it before the Committee on Appropriations. As a matter of fact, I have done it ever since Mr. McElroy was Secretary of Defense. I asked him, and everyone who has succeeded him, "What are you doing in order to get Western Europe to give us more assistance?"

The answer was, "We are doing all we can."

"Well, what is it that you are doing?"

They could not answer that question, except that they were making a try.

Of course, if we continue to permit those people to lean on our shoulders and we remain as soft as we have been with them, they will lean on us as long as we permit them to do so.

Mr. TALMADGE. I am well aware of the efforts of the Senator in that regard, and I compliment and commend him.

Mr. ELLENDER. I thank the Senator.

Mr. FULBRIGHT. Mr. President, will the Senator yield?

Mr. ELLENDER. I yield.

Mr. FULBRIGHT. Since arguments have been made to cut down on this effort to try to defend everybody, the logical method to do so would be to cut the authorization for the military aid program; would it not?

Mr. ELLENDER. The Senator is correct.

Mr. FULBRIGHT. That is what the Senator favors?

Mr. ELLENDER. That is what I am in favor of.

Mr. FULBRIGHT. So am I. I congratulate the Senator.

Mr. ELLENDER. I thank the Senator. I am sorry that I was misunderstood by the distinguished Senator from Arkansas.

Mr. FULBRIGHT. The Senator from Louisiana did not make it clear. The Senator said that he had spoken to our officials and tried to persuade them on the merits of his position. The way to accomplish his objective is to withhold the authority they request.

Mr. ELLENDER. The distinguished Senator from Georgia spoke of that, and the fact that we have all these soldiers in Western Europe, and the cost of maintaining them there. That is what we were talking about.

Mr. FULBRIGHT. A great deal more than Western Europe is involved in this matter.

Mr. ELLENDER. I agree with the Senator. But Mr. de Gaulle has thrown a challenge in our direction. I believe he said about 2 or 3 years ago that he thought that France could take care of the economic aspects of the affairs of Western Europe, and that as far as the military aspects were concerned, it would take a little more time.

If I had been President, I would have simply told Mr. de Gaulle, "You take care of all of it, and we will withdraw."

They are horrified when anybody makes that kind of suggestion.

It is terrible that we have to have five and one-half divisions in Western Europe to maintain military support for the rich countries there. We are doing this at our own expense, at our own cost, and our balance-of-payments problem is getting worse while we persist on this course.

Mr. FULBRIGHT. Would it not be in accord with the recent appeal by the President for economy, if we cut this bill a couple of hundred million dollars? Did not the President appeal to members of the Committees on Appropriations to keep the appropriation bills down to help hold the line on the budget?

The amount in the Department of Defense Appropriation bill was increased by the House by approximately the amount in this bill. So it seems to me that if we wish to support the efforts of the President to keep our Federal budget in some kind of reasonable shape, we ought to cut the amount in this bill.

Mr. ELLENDER. I am with the Senator 100 percent.

Of course, my amendment is niggardly compared with that of the Senator from Oregon and that of the Senator from Idaho. But if the matter were left entirely to me, I would cut a good deal more than $200 million.

Mr. McGOVERN. Mr. President, I wish to commend the Senator from Louisiana for what I believe is a very profound explanation of how we became involved in the first place in what seems like an almost hopeless and futile effort in southeast Asia. The Senator from Louisiana is to be commended not only for what he has said today, but also because he said it 10 or 12 years ago.

I well remember reading the reports of the Senator, when he returned from some of his study trips abroad, in which he warned against the kind of commitments that would involve us in exactly the type of conflict we are in today.

In my opinion, the words of the Senator should be heeded. He has been right many times in the warnings that he has made about these commitments of American military aid, that they would draw us into hot wars sooner or later.

We read in the press this morning that General Ky has now laid down an ultimatum that either we invade North Vietnam or we should get ready for a 10- or 15-year war. All of this after some 10 or 12 years of fighting.

We became involved in that situation, as the Senator has said, supposedly to give a little military advice and to send over a little military hardware to help one side of the conflict; and here we are, with a major commitment of American forces, and now being invited to invade North Vietnam.

What concerns me is that we now see the same kind of buildup taking place in Thailand and other places in southeast Asia. I hope that the predictions of the Senator will not prove to be right, or we will be fighting the same kind of war in Thailand a few years hence.

I commend the efforts of the Senator from Louisiana, and I shall stand with him.

Mr. ELLENDER. I thank the Senator from South Dakota.

I may say that I gave warnings over 10 years ago about the difficulties that might occur in the Middle East between the Arabs and the Israelis. Considering the buildup that is occurring there now, in my opinion, it is just a question of time until we will again be involved in a hot war in that area.

As I said before, when we get in, everybody leaves, and we take up the job of doing everything. The same thing happened in South Korea, as the Senator knows.

That was supposed to be a United Nations action. It is still supposed to be that. And in order to give it the semblance of a United Nations action, the record shows that we have there now in excess of two divisions, about 55,000 soldiers. I believe the British have 2 or 3 soldiers there. New Zealand has 2 or 3. I believe Turkey has a brigade, and I believe Ethiopia has a few there.

However, to add insult to injury, we are paying for the logistics of all those soldiers, except the few British, the few Australians, and the few New Zealanders, if they have not left since I last questioned the Secretary of Defense.

Mr. President, before I was interrupted I was leading up to indicating what we are doing as a nation to try to uphold the whole world in contrast to our rich allies in Western Europe.

I have in my hand a table which shows what the countries of Western Europe have contributed to the defense of the free world compared with what we have done. I ask unanimous consent that the table be inserted in the RECORD at this point. It is entitled "'Mutual' security defense expenditures and capacity to pay—United States and Europe."

There being no objection, the table was ordered to be printed in the RECORD, as follows:

"Mutual" security defense expenditures and capacity to pay—United States and Europe

Calendar year	Gross national product (billions of 1962 dollars)		Defense expenditures (current prices)				Indexes of industrial production (1950=100)	
			OECD [1]		United States			
	OECD [1]	United States	Total (in billions of dollars)	Percent of GNP	Total (in billions of dollars)	Percent of GNP	OECD [1]	United States
1938	180.1	204.0					72	34
1948	182.6	342.2					69	75
1949	198.6	342.6	5.7	4.8	13.5	5.2	79	71
1950	217.4	375.6	6.2	4.8	14.3	5.0	86	82
1951	230.4	405.3	8.6	5.7	33.1	10.0	94	89
1952	237.4	417.7	11.8	6.9	47.6	13.7	95	92
1953	249.9	436.4	12.2	6.7	49.4	13.5	100	100
1954	257.7	430.3	11.6	6.0	42.8	11.8	109	94
1955	278.7	463.1	11.6	5.4	40.4	10.2	119	106
1956	291.8	471.6	12.6	5.3	41.5	9.9	125	109
1957	303.7	478.4	13.4	5.2	44.2	10.0	131	110
1958	310.8	472.9	13.2	4.8	45.1	10.1	133	103
1959	325.9	503.1	14.7	5.0	45.8	9.5	141	116
1960	347.5	515.7	15.6	4.8	45.4	9.0	155	119
1961	365.3	525.7	16.6	4.7	47.8	9.2	162	120
1962	381.6	560.3	18.9	5.0	52.4	9.3	171	129
1963	399.3	581.5	20.4	4.9	52.3	8.9	178	136
1964	422.1	610.6	21.6	4.7	51.2	8.1	191	145
1965	437.7	643.8	22.9	4.7	52.5	7.8	197	155

[1] OECD countries: Austria, Belgium, Denmark, France, Germany, Greece, Iceland, Ireland, Italy, Luxembourg, Netherlands, Norway, Portugal, Spain, Sweden, Switzerland, Turkey, United Kingdom. Excludes Japan.

Mr. ELLENDER. Citing from these data for the past few years, I note that all of the countries of Western Europe in 1962 lent 5 percent of their gross national product in contrast to our 9.3 percent.

In 1963 our rich allies put up 4.9 percent in contrast to our 8.9 percent of gross national product. In 1964 our rich allies, combined, put up 4.7 percent of their gross national product and we put up 8.1 percent of ours. In 1965, according to the last figures available, our rich allies put up 4.7 percent of their gross national product compared to the United States 7.8 percent.

Mr. President, it is my sincere belief that we simply cannot afford to continue carrying the entire world and maintain our way of life. It is impossible to do that.

Mr. President, I ask unanimous consent to have printed in the Record the arguments which were advanced by me on the floor of the Senate on August 11, 1964, for an amendment that would have stricken from the military bill the credit assistance program.

The PRESIDING OFFICER (Mr. Russell of South Carolina in the chair). Without objection, it is so ordered.

The excerpt from the Record is as follows:

Mr. Ellender. Mr. President, I send an amendment to the desk and ask that it be stated.

The Presiding Officer. The clerk will state the amendment.

The Chief Clerk stated the amendment as follows:

"On page 6, beginning with line 12, strike out through line 3 on page 7, as follows:

" '(a) Amend section 503, which relates to general authority, as follows:

" '(1) In subsection (c) strike out "and" at the end thereof and in subsection (d) strike out the period at the end thereof and substitute "; and ".

" '(2) Add the following new subsection (e):

" ' "(e) guarantying, insuring, coinsuring, and reinsuring any individual, corporation, partnership, or other association doing business in the United States against political and credit risks of nonpayment arising in connection with credit sales financed by such individual, corporation, partnership or other association for defense articles and defense services procured in the United States by such friendly country or international organization." ' "

"On page 7, line 4, strike out '(b)' and insert '(a)'.

"On page 7, line 15, strike out '(c)' and insert '(b)'.

"On page 8, beginning with line 3, strike out through line 2 on page 9, as follows:

" '(d) Amend section 509, which relates to exchanges, as follows:

" '(1) The section heading is amended to read as follows: "Exchanges and Guaranties".

" '(2) After the section heading insert "(a)".

" '(3) Add the following new subsection (b):

" ' "(b) in issuing guaranties, insurance, coinsurance, and reinsurance, the President may enter into contracts with exporters, insurance companies, financial institutions or others, or groups thereof, and where appropriate may employ any of the same to act as agent in the issuance and servicing of such guaranties, insurance, coinsurance, and reinsurance, and the adjustment of claims arising thereunder. Fees and premiums shall be charged in connection with contracts of guaranty, insurance, coinsurance, and reinsurance. Obligations shall be recorded against the funds available for credit sales under this part in an amount not less than 25 per centum of the contractual liability related to any guaranty, insurance, coinsurance, and reinsurance issued pursuant to this part and the funds so obligated together with fees and premiums shall constitute a single reserve for the payment of claims under such contracts. Any guaranties, insurance, coinsurance, and reinsurance issued pursuant to this part shall be considered contingent obligations backed by the full faith and credit of the United States of America." ' "

"On page 9, line 3, strike out '(e)' and insert '(c)'.

"On page 9, line 6, strike out '(f)' and insert '(d)'."

Mr. Kuchel. Mr. President, may we have order.

The Presiding Officer. The Senate will be in order.

Mr. Ellender. Mr. President, I ask for the yeas and nays on the amendment.

The yeas and nays were ordered.

Mr. Ellender. Mr. President, I wish to state that a conference will be held, beginning at 2 o'clock, on the independent offices appropriation bill and I am one of the conferees. So if Senators will remain in the Chamber for just a short while, I believe we can easily dispose of my amendment within 15 or 20 minutes.

My amendment will simply delete from the bill the new language that has been included therein to provide for guarantees of credit sales of military equipment. Specifically it deletes the language that has been added under section 503 and section 509 of the act. Section 503, which is concerned with the general authority, includes language under subsection e which authorizes the President to issue guarantees against both political and credit risks of nonpayment in connection with sales of military equipment to eligible foreign and international organizations.

Section 509 of the Foreign Assistance Act of 1961 has been further amended by the addition of a new subsection which authorizes the President to enter into contracts with exporters, insurance companies, financial institutions, and so forth, whereby such groups can be employed to act as agents in the servicing of the aforementioned guaranty contracts. The additional language in this subsection provides that fees and premiums are to be charged for the guaranties; that a reserve of 25 percent is to be established for the contingent liability, and that the guaranty is backed by the full faith and credit of the United States.

Mr. President, there are countless reasons for deleting the military sales guarantee program from the bill.

Among those reasons, it would appear to be a direct contravention of existing American policy toward the granting of military aid to the countries of Africa and Latin America.

As will be recalled, last year's act put a $25 million ceiling on military grant aid to African countries, and a $55 million ceiling on the granting of military aid to Latin American countries. Under the language now in the bill foreign countries in dire economic circumstances could purchase military hardware from our American military industrial complex and have these purchases guaranteed by the full faith and credit of our Government. Naturally this would tend to encourage military arms buildup in Latin American and African countries, while at the same time encouraging American production of these armaments.

Furthermore, on page 20 of the Senate Foreign Relations Committee report in reference to the guarantee provisions, it is stated:

"A number of countries are now capable of purchasing the military equipment that heretofore they have received under the military aid program, but commercial sources of credit are unwilling to extend credit to many of them owing to underlying political instability and uncertainty."

I submit, Mr. President, that we have no business encouraging a further buildup of arms in countries to which this definition applies.

The language in the bill is so broad it would appear that false fronts could be established by foreign governments, perhaps aided and abetted by our own manufacturing concerns, to buy military goods and hardware. Once these were established they could then buy the companies' output with the sales being guaranteed by our Government. This is no doubt open to abuse. In other words, why should Fairchild, Douglas, General Motors or the other large suppliers to our arsenal be allowed to encourage the sales of hardware to foreign nations on their own terms, and with a full guarantee of the U.S. Government?

Needless to say, Mr. President, it is discriminatory against business in general to extend subsidies to our armament manufacturers, which is what would be the case if this guarantee by the Federal Government of privately financed sale of military equipment is permitted to remain in this bill.

In justifying the inclusion of the guarantee provision in the bill, the Senate Foreign Relations Committee pointed out that it is also consistent with efforts to reduce the deficit in the U.S. balance of payments. It is submitted that while the objective of reducing the deficit in our balance of payments is most desirable, it certainly is not necessary for our country to use such a means as is proposed here to obtain this laudable goal. The reduction of the deficit in our balance of payments through the sale of armaments of war, which necessarily amounts to nothing but waste and a depletion of the economic resources of our country, is no way to obtain a better balance-of-payments position.

While there is much concern expressed over obtaining a worldwide disarmament and while in this very connection the Congress has appropriated in the past few years almost $25 million to finance the disarmament agency, it is indeed contradictory to set up in this bill an agency that would further the military industrial complex in our country. There is no question but that if the military industrial complex is permitted to expand thusly, world disarmament will be taken that much further from our grasp.

I believe that we should think a long time before doing such a thing. In the past we have limited the amount of military equipment and hardware that is to be given to the countries of Latin America and Africa. But here we are opening the door wide to permit the military industrial complex to sell military hardware to anyone the President may select.

I believe this is a step in the wrong direction. In the past we have gotten into a great deal of trouble because we gave certain countries military assistance. We are suffering from that in many areas of the world. If the military sales guaranty provisions remain in this bill, I can foresee a great deal of military equipment being sold to Israel and to certain Arab countries, which will no doubt create a situation, whereby we may be called in to try to stop a war.

Mr. Aiken. Mr. President, will the Senator yield?

Mr. Ellender. I yield.

Mr. Aiken. I merely wish to say that I did not raise any objection when the bill was reported to the Senate, although, like other members of the committee, I reserved the right to vote for any amendments which might be offered to it.

I am very apprehensive about this new section in the bill, which authorizes the President to guarantee payment for sales made by munitions makers to foreign countries. I believe if we guarantee gun-running, or whatever it may be called, or sales of munitions, or the means of making war by other countries, we will likely find some people encouraging conflicts between countries, possibly between friendly countries, in order to make large sales of munitions and; with this guarantee by the U.S. Government, we can possibly see them working countries like Turkey and Greece to the limit to increase their sales.

Mr. ELLENDER. The Senator is exactly correct.

Mr. AIKEN. This provision of the bill would guarantee them against loss.

Mr. ELLENDER. That is exactly correct. That was a point I failed to emphasize, but I wish all Senators would take note of it.

Mr. AIKEN. I shall support the Senator's amendment.

Mr. ELLENDER. I hope not only that the Senator from Vermont will support it, but that every Senator will support it.

Mr. AIKEN. We cannot go into the business of guaranteeing people who stir up wars against any loss if some of their equipment becomes lost or destroyed on the way to delivery, or if their customer winds up on the short end of the conflict.

Mr. ELLENDER. The language is so broad that the hardware could be sold to almost any country in Latin America, for example, and then resold to other countries within that area of the world. It could also be done in Africa and in other areas of the world. I say, as the Senator from Vermont has just said, that we should not permit our Government to be an agent of the munitions companies in the movement and sale of their military equipment and hardware. I urge the adoption of my amendment.

Mr. SPARKMAN. Mr. President, I shall speak briefly on the amendment. I am sorry that the Senator from Vermont [Mr. AIKEN] has left the Chamber. I do not believe he has given the proper interpretation to the proposal that is contained in the bill. It is not to assist private gunrunners; it is a part of our regular military assistance program. In other words, these contracts would be let just as they would be let whether there was a guarantee or not, but only to the countries to which we are extending military assistance. Then, when the contract was let, let us say, to an airplane manufacturer to sell airplanes of a certain type to a certain country, under this plan, the Government would guarantee the payment of the contract. Without this plan being written into the law, the Government would pay the company cash. This arrangement would permit more flexibility in the handling of the funds. In my opinion, it is good business.

I am disturbed by the statement of the Senator as to the broadness of the language. The chairman of the committee is away from the Chamber now, but if the Senator from Louisiana will withdraw his request for the yeas and nays, I shall be glad to accept the amendment and take it to conference. I remind him that the language which he proposes to strike out is contained in the House bill and will be in conference regardless. But, at least, it will give us an opportunity to explore the situation more and perhaps agree upon different language.

In that event, we should be glad to have suggestions from the Senator from Louisiana, to help us work out a good business arrangement, for that is what the intent of the language really is. This arrangement is to be used in only certain countries. We have been given a list of the countries in which it is proposed to be used, together with the amount of money that will be allocated to each country. There are only seven: Argentina, Peru, India, Iran, Iraq, Israel, and Saudi Arabia.

Mr. ELLENDER. Some of those are countries that I had named when I spoke on my amendment. The Senator from Alabama knows very well what could happen.

Mr. SPARKMAN. I heard the Senator's remarks. I realize the truth of what he says. But I believe it would be well for us to have in the RECORD a statement of the intent.

It is not a case of saying to gunrunners, "If you sell to this country, that country, or some other country, the United States will guarantee your sales." It is not a gunrunning program. It is a program, first of all, that would have to be authorized under the military assistance progam. Second, export licenses would have to be issued by the government. It could not be a gunrunning program, by any means.

I am willing to let the language be stricken and to go to conference with the situation as it would then be.

Mr. ELLENDER. My purpose in presenting the amendment to the Senate is to have that langauge stricken.

Mr. SPARKMAN. We cannot strike it finally; the Senator understands that, does he not?

Mr. ELLENDER. I understand that; but I wish, at least, to strike the language from the Senate bill. That is my purpose.

Mr. SPARKMAN. I am willing to do that.

Mr. ELLENDER. Mr. President, under those conditions, I ask unanimous consent that the order for the yeas and nays on this amendment may be rescinded and that the Senate may be permitted to vote. In that event, I shall ask for the approval of the amendment.

The PRESIDING OFFICER. Without objection, the order for the yeas and nays is rescinded. The question is on agreeing to the amendment of the Senator from Louisiana.

The amendment was agreed to.

Mr. ELLENDER. Mr. President, I move that the Senate reconsider the vote by which the amendment was agreed to.

Mr. MORSE. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. ELLENDER. Mr. President, as I have said, my amendment cuts a little less from the bill than the amendments offered by the Senator from Oregon [Mr. MORSE] and the Senator from Idaho [Mr. CHURCH]. I would have introduced an amendment proposing a $200 million cut if I thought that it would be adopted. I hope and pray that the amendment of the Senator from Oregon is adopted because if we continue these buildups that are taking place in the countries of South and Central America, in Africa, and the Middle East, it is only a question of time before we will be again called upon to go to the rescue of some of our friends.

Mr. President, it should be remembered what occurred in the Dominican Republic only a few years ago. Again, I wish to say to my good friend, the Senator from South Dakota [Mr. MCGOVERN], that I gave good advice as to what should have been done in that area of the world. I made speeches in the Senate suggesting that although Trujillo was a dictator, it was better to have him there than another dictator whom we did not know anything about, and who possibly was a Communist.

Mr. President, Mr. Trujillo, to my personal knowledge, made great progress in the development of the economy of the Dominican Republic. I was greatly impressed with the huge sugar mill that he built in La Jenia.

Trujillo hired many technicians to teach the people of his country how to grow better crops and to enhance the economy of the country.

Many people still think that we assisted in trying to have Trujillo assassinated. I do not believe that but we caused him a good deal of trouble which, no doubt, led to his assassination.

What has happened since that time, Mr. President? Trujillo may have killed off a handful of people who desired to supersede him, but since his assassination hundreds of people have been killed in that area of the world, and our Government, for the last fiscal year, aside from the funds we are spending there to maintain our troops, has spent over $73 million. Mr. President, we are even called upon to pay the salaries of city officials in little villages and cities scattered throughout the Dominican Republic, and may I add we pay dearly.

It would seem to me that if we had acted firmly in that area of the world we would be better off today. Instead of trying to put Trujillo out we should have tried to let him stay there because he was anti-Communist to the bone. In the Dominican Republic up to the time of the election, there was a very shaky government. I hope that Mr. Balaguer will be able to restore order in that unfortunate nation.

I understand that Balaguer has appointed women governors for all the provinces in the Republic, and that may bring about good government. I hope so. I do hope that we limit our endeavors there militarily and try to let those people work out their own destinies, because they have a wonderful country, richly endowed with good soil.

The people of the Dominican Republic grow many commodities. They grow sugar, coffee, and cocoa beans in abundance. We furnish an excellent market for her crops. We could establish a very viable economy in that area of the world, but my fear is that we will send some of our specialists there under the AID program and assist the people to the point where they will want to be sitting under the trees and resting instead of getting out and scratching.

Mr. President, that has happened in many parts of the world. There is no doubt in my mind that with our AID program we have spoiled many good people by offering them assistance to the point where many of them did not have anything to do in order to make a living.

I speak now authoritatively because I have been there. Much of our money has been used in paying off politicians instead of attempting projects which will be beneficial to our country.

Mr. President, I hope the pending amendment will be adopted. I am satisfied that the $200 million cut could be augmented, but it appears to me that we should at least cut that amount.

As I have said, credit assistance has been raised from last year. With regard to NATO infrastructure, as I pointed out, the amount has been raised. There would not be any loss suffered by us if we cut out the entire amount programed for NATO infrastructure until we are able to settle matters in Western Europe and see what happens to NATO.

Mr. President, I regret that I am unable to go into detail to show what we are doing in certain areas of the world because it is all secret. I would like to be able to cite countries where military assistance is being increased. I would like to cite what is programed for countries in the Middle East, outside of

Greece and Turkey, but this would be a breach of security regulations and I will not do this. Senators should look up the information for themselves.

Then they will be better able to vote intelligently on the amendment that is pending. I repeat, I am hopeful that the amendment submitted by the Senator from Oregon, which is an amendment to the amendment of the Senator from Idaho [Mr. CHURCH], will be adopted.

Mr. President, I suggest the absence of a quorum.

The **PRESIDING OFFICER**. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. **FULBRIGHT**. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The **PRESIDING OFFICER**. Without objection, it is so ordered.

THE NONPOLICY OF AMERICAN ECONOMICS

Mr. **HARTKE**. Mr. President, interest rates are news today. And that itself is news. One year ago, when I rose in this Chamber to deplore the upward pressure of interest rates and the tightening of credit by the Federal Reserve Board, I warned of the financial and economic dislocation which this policy would bring. Today, we are living with the first stage of this dislocation; the recession in the homebuilding industry; the reckless and destructive competition for funds among savings institutions; the now chronic weakness of the national security markets; the rising diversion of Government revenues to pay for the mounting interest cost of the public debt. These are merely some of the domestic symptoms of the growing sickness in the American economy.

There are international symptoms, as well. The interest rate war which we suffer from today is international in scope. Rising interest rates in New York bear much of the responsibility for the latest sterling crisis: the emergency aid we have given Britain to save the pound with one hand has been grabbed back with the other hand in the form of a run on the London money market. The delicate and complex structure of international finance is being upset by competitive interest rate increases in nation after nation. To the extent that high interest rates in this country have attracted short-term funds from the rest of the world, we are becoming dependent upon notoriously unreliable supplies of "Hot Money" to maintain the strength of the dollar.

A new act in what is becoming the tragi-comedy of American economic policy has begun. The authorities responsible for the management of our monetary economy—the Federal Reserve Board and the Treasury Department—have asked Congress to take the initiative in dealing with the results of their stewardship. The time is now appropriate, therefore, for a thoroughgoing review and report on the economic and financial consequences of American policy—in both their international and domestic aspects.

Mr. President, I intend today to offer a report upon the domestic impact of American economic policies. I will follow this with a report upon the international impact of American economic management. And in a third speech I will discuss the implications of the course which we—consciously or unconsciously—are following and offer some commonsense conclusions.

The fact is, Mr. President, that during the past 8 to 12 months, the course of American economic policy has been hard to discover. Rather than being led and guided by a consistent, coordinated body of programs, the American economy has been subject to a partly contradictory and thoroughly uncoordinated set of nonpolicies. The nonpolicies lie in two related fields. There is, first and foremost, the nonpolicy for financing the war in Vietnam. And second, there is the nonpolicy for maintaining sound economic expansion without inflation. Without exception, programs in these two areas do not exist, or are in conflict with other official programs, or are self-defeating.

I

Every American, whatever his view of the rightness or effectiveness of American policy in Vietnam, agrees that Vietnam is the No. 1 problem which we face. During the past year or more, it has become apparent that the administration has worked out and is implementing a long-term military program for waging war. This program has already involved the deployment in the field of some 300,000 servicemen—some say 400,000. That is the figure the President used last week.

It has involved the commitment to combat of thousands of warplanes and helicopters—and the loss of hundreds of each. It has involved the depletion of defense inventories and the retooling of defense plants. It has involved money. We Members of the Senate do not know how much money it has involved, is involving, or is programed to involve. We know that we, as Members of the Senate, have already approved more than $14 billion in supplemental defense appropriations since the long-term military program of escalation began. And we know that this has been the bare minimum cost before the new contracts which have been let to replace our depleted inventories and expended munitions come up for delivery and payment. But we do not know when the next supplemental appropriation will be requested—or how much it will amount to.

But if we know so little of how much money is involved in the administration's military program, how much less do we know of where that money is to come from. During this session, Congress has reinstated some excise taxes, accelerated the collection rate of income taxes, and authorized the sale to private investors of Government-owned debt, thus providing some $6 billion in new revenues. But these were admittedly limited and in the case of the collection speed-up and the sale of Government "participations"—one-shot expedients. The fact is, as I have repeatedly stated, there is no thought-out, long-term program for paying for the war. Or if there is, the Congress has not been informed of it.

What has been the impact of the nonpolicy for financing the war in Vietnam? Before all else, the result has been uncertainty. Uncertainty over the likelihood of a tax increase. Uncertainty over the imposition of wartime price and wage controls. Uncertainty over the volume and cost of war-induced Government borrowings. The barometer of this uncertainty has been the depressed and depressing behavior of the stock market which, if this were a "normal" boom with inflationary overtones, should be booming, too.

Bad as uncertainty alone is for sound and stable economic progress, there have been other serious consequences of the nonpolicy for financing Vietnam. The sale of Government debt "participations" to the public further tightened credit and drove up interest rates to private investors, as well as loading the Treasury with an added drain on its revenues in the form of an interest subsidy to private purchasers of these participations. Even more, the deliberate refusal of the administration to provide a financing plan to pay for its war plan has meant that when the bill finally comes in, the amount involved threatens to stagger the economy as well as the imagination.

We have a $730 billion economy. We have the highest standard of living the world has ever seen. And for 5 years of wise and prudent management, we enjoyed an unprecedented period of sound, noninflationary, economic progress. We can afford to pay for this war. What we cannot afford is the breakdown in the policymaking process and the loss of confidence and credibility associated with it, which has characterized the financial side of our escalating Vietnam involvement.

II

Mr. President, the prime source of the high interest rates and the tight money which are bedeviling to distraction American investors and consumers lies, I believe, in a fundamental misapplication of a basic economic weapon. The weapon in question is monetray policy, specifically, the Federal Reserve Board's power to restrain or reverse economic expansion by squeezing the banking system and credit structure. Now, monetary restraint is a shotgun. It drives up interest rates and rations credit throughout the economy. And, of all economic weapons, it has been the one whose wielders have most often engaged in economic "overkill."

The current tight money policy of the Federal Reserve began more than a year ago—in fact, in the last week of March 1965—when the Federal Open Market Committee decided to throw the banking system into a negative reserve position. Under this pressure, interest rates rose slowly throughout 1965 until, in the first week of December, the Board took more dramatic action. This was the simultaneous increase in the discount rate to 4½ percent and in the permitted limit for interest rates on time deposits to 5½ percent. This was the move which the President formally deplored as an "action that raises the cost of credit, particularly for homes, schools, hospitals, and factories."

Those were the words of the President when this action was taken.

It is no small part of the growing tragi-comedy of American economic policy that this action, deplored by the President, has set the tone and been the mainstay of our Government's economic policy for the last 8 months.

I joined in the President's regret at the Board's unilateral and uncoordinated action. I agreed, as well, with Secretary Fowler's statement of November 29, 1965, just prior to the Board's action, that:

> It is premature and unwise to call for further restrictive monetary action now, in order to curtail the expansion of money and raise interest rates more than the market has already raised them.

Those were the good words at that time of the Secretary of the Treasury.

During the course of the last 8 months, the result of this unleashing of tight money has been to push interest rates toward historically unprecedented levels.

Mr. GORE. Mr. President, will the Senator yield?

Mr. HARTKE. I am glad to yield to the Senator from Tennessee, who has spoken out so loudly and wisely on the whole question of interest rates.

Mr. GORE. I thank the Senator.

Since these words were spoken by President Johnson, there has been an opportunity to appoint a new member to the Federal Reserve Board. I should like to inquire of the Senator if he has heard anything out of that new member to reverse the disastrous policy, or if that policy is still in effect, or worse.

Mr. HARTKE. I know that the Senator from Tennessee himself knows the answer to that question. The answer to that question is this: This man has not spoken out. The disastrous policy is still in effect. There was an opportunity to appoint a man to that Board who could have reversed the policy of the Board because the vote was 4 to 3. If they really wanted to follow out the statements of the President and the Secretary of the Treasury, they should have put on the Federal Reserve Board a member who believes in the policies that the Secretary and the President said they themselves believed in.

Mr. GORE. Then one can but conclude, it seems to me, that these are policies of President Johnson. I deplore the policies. I would that this disastrous trend had been checked before now. I wish that something would be done immediately to reverse the policy that promotes concentration of wealth and brings hardships to many.

I wonder if the Senator thinks that the bills that have been suggested, not only to Congress, but to the homebuilding industry that is now in convention in Washington, would provide any real answer to the problem, or are they merely peripheral and palliative treatments which cannot bring about any lasting solution?

Mr. HARTKE. They are minor. They are peripheral. They cannot bring a lasting solution. They do not go to the heart of the problem.

The bills which the homebuilders here are asking Congress to endorse are not really treating the disease. It is rather like putting cold cream on a cancer; it might make it feel good for 2 or 3 hours, but the relief not only is misleading, but will have no permanent effect.

I point out that the homebuilding industry is in a recession right now, today. They are in a recession; it is not that they are moving toward a recession. They are in trouble. I do not criticize them for recommending the approval of these bills. What they want is money to build homes for American families, for the children, so that people can live in decency—as the Senator said the other day, so that the pregnant wife can move away from mom and dad and have a home of her own, and so that her baby can grow up in a normal home, as most of them do.

Mr. GORE. Does the Senator believe that the homebuilders are aware that these are but palliatives, or do they think that these picayune bills would provide some reversal of policy?

Mr. HARTKE. I think they would like to see some relief. The only hope of relief they see is these bills in front of them; and they are rather like a drowning man, they grab for anything before they go out of business.

Mr. GORE. Even a straw.

Mr. HARTKE. Even a straw. If it carried them down to destruction, they would be able to say, "At least we grabbed for something." No one else is offering them anything.

There is the new member, Mr. Andrew Brimmer, but his vote has been consistently with that of the man who gave us the recession of 1958, Mr. William McChesney Martin, who is following the same policy he did when he gave us the recession of 1958.

Mr. GORE. Perhaps the best way to provide some remedy for the situation is to brand these interest rates for what they are—Johnson interest rates.

Mr. HARTKE. They are.

Mr. GORE. President Roosevelt led this country through a tragic war with a reasonable interest rate structure. President Truman, who succeeded him, brought the country to victory in World War II and led the country through the Korean war with a reasonable interest rate structure. What is the matter with President Johnson?

Mr. HARTKE. We are following the pattern set in World War I. That was a high interest rate period. Does the Senator recall what the aftermath of that was? Trouble. Not alone trouble, but a black market operation. Not alone that, but we had the liberty bond scandals, and the situation arising therefrom.

This war is being fought on a World War I basis, and will have the same aftermath of financial crisis for this country.

Mr. GORE. In other words, the Hoover-Mellon monetary policies that led to a great economic crash are now in effect?

Mr. HARTKE. Unfortunately, the Senator is correct in his assessment.

Mr. WILLIAMS of Delaware. Mr. President, will the Senator yield?

Mr. HARTKE. I am happy to yield to the ranking minority member of the Committee on Finance.

Mr. WILLIAMS of Delaware. One of the proposals before Congress is that we put a limit of 4.5 percent on certificates of deposit in amounts of less than $100,000, and leave amounts over $100,000 either with no ceiling, or with a ceiling of 5.5 percent. Would not the adoption of that proposal have the effect of placing the penalty for high interest rates on the small depositors?

Mr. HARTKE. Absolutely.

Mr. WILLIAMS of Delaware. Would it not be more fair to allow the fellow who has only a few thousand dollars in the bank at least to reap the benefits of these interest rates, if we are going to have the high interest rates?

Mr. HARTKE. What the Senator says is correct, and it points up the truth of what the Senator from Tennessee has said, that is, that this is no cure, no answer to the problem.

What the homebuilder wants is money to build homes with. He wants the money in the savings and loan associations. This action will not put money in the savings and loan associations. It is no help at all. If the proposal were adopted, the money would then probably flow into the bond market.

Mr. WILLIAMS of Delaware. That is correct. Today it is expected that the Federal Treasury will refinance $8 to $9 billion of maturing obligations; and according to all estimates, they will be paying around 5 percent, or greater, interest rates. At the same time that the Federal Government will be paying around 5⅛ percent interest, they will be asking the small depositors and the workers to buy E-bonds with 4.15 percent interest, which is not right. The administration is asking the small investors of America to finance their part of the war at 4.15 percent interest, whereas they are willing to pay others from 5 to 5½ percent. I think it is the complete reverse of the practice that should be followed.

Mr. HARTKE. I thank the Senator for his comments, and I say he is completely correct.

Mr. President, Government bonds cannot be floated today because medium- and long-range interest rates in the market are far above the 4½-percent interest ceiling set on Government bonds by Congress; so Government financing to roll over the public debt and finance the continuing deficit has had to be through short-term instruments, leading to a potentially dangerous shortening of the national debt structure. Mortgage rates have risen even higher, transforming the already depressed state of the homebuilding industry into a near disaster area. Perhaps most dangerous of all, the raising of the ceiling on time deposits has set off a full-scale interest rate war between the commercial banks, savings banks, and savings and loan associations, with a destabilizing impact on the entire, underlying financial structure of our Nation.

The fact is, Mr. President, American policy has fallen between two stools. On the one hand, there has been a stubborn refusal to propose a full-fledged program for dealing with the domestic, economic impact of our rapidly rising expenditures on Vietnam. On the other hand, the authorities have proved unable to leave well enough alone. Rather, instead of a carefully calculated plan for breaking war-induced bottlenecks and for spotting and eliminating war-induced excesses, near total reliance has been placed on the shotgun overkill of high interest rates.

The administration, which officially deplored the Federal Reserve Board's unleashing of the interest rate war, has stepped aside, as the Senator from Tennessee pointed out, and has offered no alternative. As a matter of fact, I think now they have endorsed the Board's policy. War-induced excesses have been attacked with a weapon which historically, as today, is the least discriminatory in its destructive, deflationary impact. Better no attempt to control limited excesses of new war spending than the reckless interest rate escalation.

The misapplication of the monetary hatchet is clear. Instead of dealing with limited and specific war-induced excesses, the authorities have once again, as so often during the recession ridden years of the 1950's, set out to fight inflation. And once again, the result has been inflation of the cost of money and threatened deflation for the economy and those who work in it.

The misapplication of monetary policy, it must be noted, has taken a peculiar course. As the Federal Reserve Board has been the first to point out, the supply of money has been expanding almost as quickly as interest rates have been rising. The Board's explanation is that rates have been rising because the demand for credit has been excessive, despite the fact that the Board has deliberately allowed the supply of money to rise. The Board argues that because the demand for money and credit has been so great, its policy of restraint has been appropriate. For, by the Board's reasoning, the unquestionably high demand for money has reflected and indicated that old bugaboo—general inflation.

But the truth is, Mr. President, that any upward movement of interest rates sets off a wave of demand for money as everyone seeks to get his hands on cash before the cost of doing so rises further. This is normal; this is typical. There should be no surprise about it at all. And, furthermore, when interest rates start to rise at the time of the biggest private investment program in our Nation's history, continued high demand for money is normal, typical, and unsurprising, to say the least. Massive investment projects in the pipeline must be financed, or otherwise they must be written off. But while the initial impact, to which the authorities are still reacting, may be to augment the demand for credit, sooner or later high interest rates must and will choke off investment in everything from houses—which is already in effect—to steel mills. This is what is in the cards for America today, unless swift and sure action is taken to ease the money squeeze and end the interest-rate war.

Already the homebuilding depression is being paralleled in other key industries. Automobile manufacturers are both cutting planned production runs on new models and reducing new investment programs. And the latest report of the Commerce Department on the critical durable goods industry makes sobering reading for all who want to read it:

> Durable goods manufacturers' shipments and new orders for June amounting to $22.8 and $24.1 billion respectively after seasonal adjustment have remained at about the same levels for the third consecutive month, the U.S. Department of Commerce announced today. Excluding transportation equipment, June shipments showed little change from last month, while new orders were 2 percent lower.

New orders for durable goods in June reflected a large increase in bookings for defense products.

In the last few days, the President, the Secretary of the Treasury, and the Federal Reserve Board have joined together to demand that Congress relieve the American economy of the high interest rate burden which the responsible authorities, not Congress, have allowed and even fostered. In effect, Congress has been asked to set price controls right now on the price of money. But we all know what the effect of price controls is if the underlying relationship between supply and demand remains distorted: the result is, inevitably, a black market and further distress. When supply is insufficient to meet the demand for any commodity—including money—the price will rise and legislation against such rises will prove either ineffective or, if effective at all, certainly unfair. This was clearly recognized by Sherman J. Maisel, Governor of the Federal Reserve, in his speech of July 11, when he justified the Board's refusal to reduce the permissible interest rate ceiling on negotiable certificates of deposit when he said:

> It was clear that the ceiling on large CD's could not be rolled back without drastically curtailing the credit lifeline of millions of borrowers. Between $15 and $20 billion are out-standing in time deposits paying over 5 per cent. Almost all this money could easily flee to other instruments. No one can say with assurance what the results of such a rollback would have been, but clearly the market for mortgages, construction loans, state and local bonds, and similar items held by banks would have suffered tremendous shocks.

Mr. President, the answer here is not to play King Canute and attempt to roll back the tide of higher interest rates by legislation, any more than by Federal Reserve fiat. The answer—to restore sound equilibrium to the financial underpinnings of our prosperity—is to restore balance to the supply-and-demand relationship in the marketplace. And this the Federal Reserve Board can accomplish alone and with speed. This is the function of the Federal Reserve. And then, if the exigencies of the undeclared and uncosted war emergency in Vietnam require moderation of excess demand, let Congress consider a candid and consistent program of emergency measures.

Mr. President, I have said that we do not know the price we are being asked to pay for the war in Vietnam. Expensive as that price may be in terms of dollars alone, shocking as the real dollar cost of escalation may be, let us have it out in the open. If we do not, if expediency is allowed to continue to rule, we are threatened with a far more terrible cost in terms of financial distress and economic decline. This need not be so. It is no more destined to be than that the gathering international money storm must break upon the free world. Failure to prevent trouble of today from becoming the disaster of tomorrow will be a human failure. It will be our failure. That is why I have made this report. That is why I will speak next on the gathering clouds in the free world economy. For I believe that reasoned and coordinated action—within America and throughout the free world—can still restore to us the magnificent promise of those years of economic and social progress which we have so recently enjoyed.

Mr. President, if we are in session on Friday, it is my intention at that time to present to the Senate a report on the international impact of our American international policy.

Mr. WILLIAMS of Delaware. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk called the roll, and the following Senators answered to their names:

[No. 160 Leg.]

Aiken
Bible
Boggs
Byrd, Va.
Byrd, W. Va.
Carlson
Church
Dirksen
Ellender
Ervin
Gore
Hartke
Holland
Jordan, Idaho
Kuchel
Magnuson
Mansfield
Montoya
Russell, S.C.
Russell, Ga.
Saltonstall
Simpson
Sparkman
Talmadge
Williams, Del.

Mr. LONG of Louisiana. I announce that the Senator from Tennessee [Mr. BASS], the Senator from Arizona [Mr. HAYDEN], and the Senator from Arkansas [Mr. MCCLELLAN] are absent on official business.

I also announce that the Senator from Texas [Mr. YARBOROUGH], is necessarily absent.

Mr. KUCHEL. I announce that the Senator from Colorado [Mr. ALLOTT] and the Senator from Kansas [Mr. PEARSON] are necessarily absent.

The PRESIDING OFFICER (Mr. RUSSELL of South Carolina in the chair). A quorum is not present.

Mr. MANSFIELD. Mr. President, I move that the Sergeant at Arms be directed to request the attendance of absent Senators.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Montana.

The motion was agreed to.

The PRESIDING OFFICER. The Sergeant at Arms will execute the order of the Senate.

After a little delay, the following Senators entered the Chamber and answered to their names:

Anderson
Bartlett
Bayh
Bennett
Brewster
Burdick
Cannon
Case
Clark
Cooper
Cotton
Curtis
Dodd
Dominick
Douglas
Eastland
Fannin
Fong
Fulbright
Griffin
Gruening
Harris
Hart
Hickenlooper
Hill
Hruska
Inouye
Jackson
Javits
Jordan, N.C.
Kennedy, Mass.
Kennedy, N.Y.
Lausche
Long, Mo.
Long, La.
McCarthy
McGee
McGovern
McIntyre
Metcalf
Miller
Mondale
Monroney
Morse
Morton
Moss
Mundt
Murphy
Muskie
Nelson
Neuberger
Pastore
Pell
Prouty
Proxmire
Randolph
Ribicoff
Robertson
Scott
Smathers
Smith
Stennis
Symington
Thurmond
Tower
Tydings
Williams, N.J.
Young, N. Dak.
Young, Ohio

The **PRESIDING OFFICER**. A quorum is present.

THE MILITARY ASSISTANCE AND SALES ACT OF 1966

The Senate resumed the consideration of the bill (S. 3583) to promote the foreign policy, security, and general welfare of the United States by assisting peoples of the world in their efforts toward internal and external security.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the pending amendment and the substitute therefor be laid aside temporarily and that the amendment of the Senator from South Dakota [Mr. McGovern] be open for consideration.

The **PRESIDING OFFICER**. Is there objection? The Chair hears none, and it is so ordered.

AMENDMENT NO. 701

Mr. McGOVERN. Mr. President, I call up my amendment No. 701.

The **PRESIDING OFFICER**. The amendment will be stated.

The assistant legislative clerk read as follows:

On page 33, lines 17 and 18, strike out "$892,000,000" and insert in lieu thereof "$642,000,000".

Mr. McGOVERN. Mr. President, I do not see any point in laboring the argument for the amendment. The reasons for this amendment have been thoroughly discussed on the floor of the Senate and I think that if Members will remain in the Chamber we can vote on the amendment shortly.

Mr. President, I ask for the yeas and nays on the amendment.

The yeas and nays were ordered.

Mr. McGOVERN. Mr. President, this amendment simply reduces the authorization for foreign military aid from $892 million, as recommended by the committee, to a figure of $642 million, which would be a reduction of $250 million in the amount recommended by the Senate Committee on Foreign Relations.

In other words, I propose to reduce our foreign military aid by the same amount that the Senate reduced the Development Loan Fund a few days ago. I think the arguments for my amendment have been made very well by the Senator from Idaho [Mr. Church], the Senator from Louisiana [Mr. Ellender], and the Senator from Oregon [Mr. Morse].

Let me summarize quickly my reasons for offering the amendment.

First, I have been convinced for some time that far from adding to the security of the United States and to the cause of peace in the world, shipping military hardware to unstable countries with unstable governments, with an uncertain future, into areas where there is already tension and conflict, only adds to the danger of international strife.

The classic example of that, of course, is the war between India and Pakistan which was caused in large part by American military hardware that went to both sides before that tragic war.

As the Senator from Indiana [Mr. Hartke], pointed out a while ago, we were treated to the spectacle of American Sherman tanks being used by the Indians against American Patton tanks used by the Pakistanis. Thus, it turned out to be a contest between the relative merits of two different types of American military aid.

To our chagrin, the country that the military equipment was aimed at, the Soviet Union, ended up being the peacemaker which intervened and settled the war—a war well on the way to becoming a major conflict. That left us red-faced and embarrassed as the broker, financier, and supplier of a war which was settled by our chief competitor and rival in the world; namely, the Soviet Union.

Mr. FULBRIGHT. Mr. President, will the Senator from South Dakota yield on that point?

Mr. McGOVERN. I yield.

Mr. FULBRIGHT. Why does the Senator say "red-faced and embarrassed"? I have not noticed any red faces or any embarrassment.

Mr. McGOVERN. I am red-faced and embarrassed.

Mr. FULBRIGHT. Oh, the Senator is.

Mr. McGOVERN. I cannot speak for anyone else, but I would hope that we would learn a lesson in humility and judgment from that sad experience.

Mr. FULBRIGHT. Does the Senator think it is only coincidence that earlier this year we sold 50 planes to Argentina, and that later they had another military coup?

Mr. McGOVERN. That only points up the need for the amendment I am offering. It is my understanding that there have been some eight different military takeovers in Latin America that were caused in considerable part by American military equipment. In other words, some of the constitutional governments that we have a stake in perpetuating and strengthening have been overthrown by military juntas that used our equipment to do it.

Mr. FULBRIGHT. We provide military aid to practically every country in Latin America, either by sale or grant, do we not?

Mr. McGOVERN. My amendment, I would hope, would result in some——

Mr. FULBRIGHT. All except Cuba and Haiti, in other words, receive assistance under the program.

Mr. McGOVERN. I want to make it clear to the Senator that my amendment does not seek to determine which countries shall receive military aid.

Mr. FULBRIGHT. I understand that.

Mr. McGOVERN. I would leave to the judgment of the administrators of the program the flexibility to decide where the cuts could most efficiently be made. Personally, I would hope that we could eliminate much of the military aid going to Latin America.

Mr. FULBRIGHT. Is it not a fact that we give away much military hardware and that we are the largest manufacturer and seller of military weapons in the world today?

Mr. McGOVERN. That is true.

Mr. FULBRIGHT. Or that the world has ever seen; is that not correct?

Mr. McGOVERN. The Senator from Minnesota [Mr. McCarthy] authored an interesting article in a leading national publication a few weeks ago which spelled out the whole story. I think that it weakens the position of the United States in the world, as a power interested in peace and international security, when we become the principal supplier of armaments around the globe, the principal supplier of armaments in poverty-stricken areas which should be devoting their efforts, manpower, and resources, to raising their standards of living and not to getting into wars with each other.

Mr. FULBRIGHT. I think the Senator is quite right.

Mr. PASTORE. Mr. President, will the Senator from South Dakota yield for a question?

Mr. McGOVERN. I am happy to yield to the Senator from Rhode Island.

Mr. PASTORE. The thing that concerns me is, if the Senator's rationale is correct, why do we not cut it out altogether, if we are faced with the question of military equipment being given to one people to fight another people. However, this thinking does not subscribe to the presentation made by the Joint Chiefs of Staff. The Chiefs maintain that providing military equipment is absolutely necessary. If the Senator's argument is correct, why do we not cut it all out?

Mr. McGOVERN. It might not be a bad idea to do so.

Mr. PASTORE. Then we should be honest and cut it all out and so prove how ridiculous we can get.

Mr. McGOVERN. If we approve my amendment, we are still going to have $642 million left in the bill for aid to countries which can be determined by the administrator of the program. I think that if there are any real emergencies where the Senator's argument is valid, there will be enough funds left in the bill to take care of that.

I am sure that the Senator from Rhode Island would agree that it was not in our interest, no matter what the Joint Chiefs of Staff said, to finance the war between India and Pakistan a year ago.

Mr. PASTORE. All Senators know that the purpose of sending military equipment to India and Pakistan is to protect them from Red China. The Senator knows that as well as I do. It is unfortunate that this age-old conflict over Kashmir, which is older than our own Republic, is revived and puts these two countries in conflict with one another. But after all let us not always point out the things that can impair a program. Let us consider that which is good for the security of this country by testimony of the Joint Chiefs of Staff. I mean, let us point out the good in some of these programs. Let us look at the condition of the world today. Let us recount some of the favorable facts, the fact that we have supremacy in the world today, the fact that we are the most affluent society in the world today and the fact that we are respected throughout the world—regardless of what some Members of the Senate have to say about it. I mean, let us look at the good side of the coin, too.

Mr. FULBRIGHT. Mr. President, will the Senator yield right there?

Mr. PASTORE. I yield.

Mr. FULBRIGHT. Does the Senator argue that our affluence is based upon the sale of arms? Is that the meaning of the Senator's statement?

Mr. PASTORE. I did not say that.

Mr. FULBRIGHT. Is the sale of arms to anyone——

Mr. PASTORE. I did not say that, and the Senator knows that I did not say that.

Mr. FULBRIGHT. The Senator said the fact that we are so affluent and that we are——

Mr. PASTORE. We should state that we have done some things which are good.

Mr. FULBRIGHT. We sell more arms than anyone.

Mr. McGOVERN. I do not want the Senator to leave me in the position of implying that the United States does no good in the world. As I said in my remarks earlier, I have supported the economic and technical assistance program of the United States because it has accomplished much that is worthwhile, but I think we have accomplished more harm than good by shipping military hardware into unstable areas of the world. If there is need for military aid, even if my amendment is adopted, there will still be $642 million in the bill. If my recollection on that is correct, that is more than was left in the Economic Development Loan Fund which is a much more valuable program.

Mr. PASTORE. Mr. President, will the Senator from South Dakota yield at that point?

Mr. McGOVERN. I am happy to yield to the Senator from Rhode Island.

Mr. PASTORE. The major objection I have is to the meat-ax cuts we are making. In my humble opinion, such action, proves nothing at all. The fact remains that when General Wheeler, Chairman of the Joint Chief of Staff, came before my committee, I made it my business to interrogate him exhaustively on this question of military assistance. He said in unequivocal terms that this money was absolutely necessary to guarantee the security of America in the world today. The general maintains that it does maintain peace, and it does serve a good purpose. I am saying that if the program is wrong, then let us cut it all out. But the idea that we try $250 million and if that does not work, then perhaps $200 million, and if that does not work, then try $100 million, I do not agree that that is the right way to legislate. If there is anything wrong with this program, let us find it out and let us cut it out. But this idea that if we chop off $250 million maybe they will spend the money more wisely is a sad commentary on what makes America click.

Mr. DIRKSEN. Mr. President, will the Senator from South Dakota yield?

Mr. McGOVERN. I am happy to yield to the Senator from Illinois.

Mr. DIRKSEN. I want to comment, if the Senator will permit me to talk long enough, on what was said here about the sale or grant of weapons to other countries.

We on this floor have seen the time when the Foreign Assistance Act contained training planes for Tito. The then leader of this side refused to defend it. The chairman of the policy committee refused to defend it. It became my duty to defend it. I got a beautiful criticism in one of the big Midwestern newspapers, which, in a lead editorial, called me "Tito's No. 1 Senator." I said to the managing editor, "Why did you not get the whole story?"

The point was that the military had planes to be manufactured in Canada. When they were ready, we looked at them, and found they were obsolete. So we tried to peddle them. Canada said, "We want our money." So we shipped them to England. We put up another $75 million to build some more. When the delegation went up to Canada to look at them, they were still obsolete, and we tried to sell them. We got Portugal to look at the planes. Portugal did not want them. We asked Spain to take them for nothing. Spain looked at them and said it did not want the planes. We asked Italy to take them. Italy said it did not want them.

So when one talks about a sale and a giveaway of equipment, he had better be sure we are not the gainers because we test to obtain better, speedier, and more efficient equipment.

There was another example with respect to training planes for Yugoslavia. I remember the great wrath that came down on me for defending it. But I went to its defense. I defended it.

So we must be sure that by the sale of equipment this country is not the gainer in doing it.

When we talk about sending planes or equipment to Argentina, how can we be so sure it is not in the best interests of that country and this country?

I am opposed to the cut proposed by the Senator from South Dakota [Mr. McGovern], the Morse proposed cut of $200 million, and the Church proposed cut of $100 million.

This bill came to us after it was cut from the original requested level of $917 million. I think the majority leader will be able to refer to a letter from Secretary McNamara with respect to a $62 million item affecting three countries. The committee cut it by $25 million. Now it is proposed to cut it more. Yet the Defense Department had its request reduced by $62 million.

I have kept my hands off military assistance. I was ready to cut economic assistance, but I am not ready to jeopardize any single soldier abroad in any country which needs the military assistance that the Chiefs of Staff and the Secretary say is necessary.

Mr. MANSFIELD. Mr. President, will the Senator yield?

Mr. DIRKSEN. I yield.

Mr. MANSFIELD. I would like to aline myself with the distinguished minority leader and state that, despite the fact that this comes at a time when, under the circumstances, we are considering today the Morse, Church, and McGovern amendments, because of the extraordinary situation which confronts this country, since the original request in the bill of $917 million was cut, the Department of Defense has informed me that there is a need for an additional $62 million, as has been stated, in southeast Asia countries which are important at this particular time.

I hope it will be possible to come to a vote on this and other amendments shortly.

Mr. McGOVERN. Mr. President, in reply to the Senator from Illinois, I wish to say, very briefly, that the Senator from Illinois thinks military aid is sacred and is something that should not be cut. He offered a cut of $250 million for the Development Loan Fund, as he had a right, although some people think that is a sacred fund. I think we should take every opportunity to eliminate unneeded expenditures. I do not regard military assistance in many instances sacred, essential, or even wise. Consequently, I feel it is my duty to propose a cut here.

The Senator from Illinois recently said that "this global dole must be stopped." The Senator from Illinois attempted to do something about it by offering a $250 million cut a couple of days ago in the Development Loan Fund. Now it is my turn to offer a $250 million cut, not only of a dole but of a program which has caused trouble in many parts of the world.

It should be clear that this cut does not affect our effort in Vietnam. It is not a cut that will be to the disadvantage of our boys in Vietnam. It relates to financing of military juntas in Latin America and military juntas in other countries, the financing of wars like the one between Pakistan and India last summer, and the unstable warring governments in the Middle East. That is my intention. The Senator from Illinois is entitled to what he considers as priorities.

Mr. McGEE. Mr. President, will the Senator yield?

Mr. McGOVERN. I yield.

Mr. McGEE. I do not think we should make a case for this cut by paralleling it with another wrong cut. I think a fine case could be made for helping economic development of underdeveloped nations. That is why I opposed the cut proposed by the minority leader, which cut was sustained.

Mr. McGOVERN. I also opposed it.

Mr. McGEE. But let me point out that we are still in a lawless world. No one as yet has found a substitute for anarchy. Men are still living by the rule of force. We cannot eliminate force with an economic appropriation or with a cut. We must live by the facts of life. A part of the facts of life is that we are living in a world where the only way to restrain some people is by the use of force. That is a part of the program.

The Senator from South Dakota has suggested that his cut does not affect Vietnam. Every bit of it affects Vietnam.

Korea is approaching having 40,000 troops in Vietnam, at a cost in excess of $12 million. In Thailand, where we have troops, we must develop our bases. That is estimated to cost $15 million. In Laos, for the first time in a long time, the Laotians are trying to protect themselves by realizing that they cannot survive if the Ho Chi Minh trail remains as an invitation to invade them.

So aid in those areas cannot be divorced from what is going on in Vietnam.

The Senator loses sight of one point, and it is important. It is that we do not have a monopoly of arms. If we had, we would have been able to shut arms off and let them fight with bows and arrows or rocks.

We are able to control, in large measure, what happens in the militarization of a developing country, by not supplying submarines or aircraft, for example, but only something that can be used in mere policing. By so supplying, it may have a restraining application, if we are to have any part in maintaining peace in the world. We must also consider the mileage we have received from the military assistance program. It is based on the harsh fact that the cost of equipping a foreign soldier anywhere is in our interest because it is so much less than the cost of equipping an American soldier anywhere in the world. That is also true in southeast Asia.

And so, for those several reasons, I hope that the suggestion of the Senator from South Dakota will not prevail. I think it is desperately important that we live with the realities of today, and not be caught up in our dreams that we hope will come true sometime in the future.

The **PRESIDING OFFICER**. The Senate will be in order.

Mr. McGOVERN. I say to the Senator, first of all, that I agree entirely with the position he took on economic development. My approach there is the same as that of the Senator from Wyoming.

But as to his arguments on the importance of the military aid program, the first thing I wish to say is that I am not proposing to eliminate the program. I am proposing to cut it by one-fourth. That reduction need not in any way affect our commitments to Korea, to Thailand, to Laos, or to the other areas, but it will serve as some expression from the Senate that we do not want the military aid funds used loosely to finance the kind of internal conflicts that have been taking place in Latin America, which have led to the subversion, by armies, of a good many constitutional governments; that we do not want those funds used for war between two of our supposed allies, as in Pakistan and India; that we do not want the peace of the Middle East disturbed by a war between the Israeli and the Arabs. None of that serves the cause of ending the lawlessness in the world to which the Senator has referred.

So again I stress that what I am trying to do by this amendment is not to decrease the security of the United States, but to decrease some of these commitments that involve us in futile military operations in various parts of the world. The Senator has spoken of our involvement in Vietnam. Earlier this afternoon, the distinguished senior Senator from Louisiana [Mr. ELLENDER] at great length and with great care developed a convincing case that we got into Vietnam in the first place because of what looked like an innocent commitment of military advisers from the United States plus limited aid that we sent to Premier Diem. Before anyone realized what was happening, we had an investment out there that today has mushroomed into 300,000 American men.

So what I am suggesting here is that, far from adding to the security of the United States by shipping military hardware all over the world, we may very well be adding to the insecurity and the danger to the American people.

Mr. McGEE. I say to the Senator from South Dakota, I think we have worked rather conscientiously at holding back and attempting to cut down the military assistance program, overall. All of us have been conscious of that effort. But we also are obligated to be responsible in the way we do it. We are obligated to see that we try to make as much opportunity as possible for headway in a world that knows no law while looking forward to a world in which we hope some day we will have a system, under law, by which men can live in peace. But we are not there yet, and we cannot forsake our responsibility.

I can recall when, early in my days as a member of the Appropriations Committee, the size of our appropriations for military assistance was much greater. It has been steadily trimmed back. This year the amount was at a new low, with the exception that the crisis in Vietnam caused us to lift those commitments outside of the program. But the program was pared. The program was trimmed. We have no other pressures upon us at the present time; and we brought the bill to the Senate with a substantial cut to that amount which the best minds assigned to the task could recommend.

Now it is proposed to cut it still further. I do not see how we can justify this kind of approach at a time like this in our history.

Finally I say to the Senator from South Dakota that I do not happen to belong to that group who think we just made a small commitment in Vietnam, and imperceptibly it grew bigger the next year, and bigger the next year, and suddenly we found ourselves in a war. It seems to me our interest was clearcut there from the very beginning. We should have been there at the start. Our hope was that the situation might not become serious, and that therefore, our very minimal original commitment would be all that would be necessary for that troubled part of the world to get on its own feet.

It did not happen to work out that way, not because of something we did or did not do, but because others decided they ought to have it all for themselves; and we have to rise to the consequences of the aggressions of other individuals or other governments.

This will happen all over the world. In many parts of the world, we have lucked out. In some African countries we have lucked out, where our commitment was small, and nothing of any consequence transpired. We will probably make steady headway in some of those areas.

Vietnam happens to be the place where the other side chose to call the shots and make it a test case. It could have happened in Thailand, it could have happened in Cambodia, it could have happened in Burma. It did happen in Vietnam.

I hope we are not guilty, continually, in this body, of putting the cart before the horse. The fact is that this is a strategically significant area of the world. We were there because we had to be there. It was a heritage from the history of the last war that, as the only surviving great power in the East, we had some obligation to try to create a climate of orderliness, in order to try to put the pieces back together again.

The assistance provided in this bill is a part of that task. Let us not reverse the order of things in southeast Asia.

Mr. McGOVERN. Does the Senator from Wyoming, as a defender of our Vietnam war, agree with the terms laid down by our ally out there, Premier Ky, who told us yesterday that we now have two choices; either we can fight a 10-year war—which he says might continue up to 20 years—or we can invade North Vietnam? Does the Senator believe that is a fair description of the two prospects before us?

Mr. McGEE. I think the prospects before us are far from clear. I do not happen to think that Mr. Ky is making policy in southeast Asia. This, again, points up a very simple truth as to our position in that part of the world. We have become so obsessed with Vietnam——

Mr. McGOVERN. I agree that we have become obsessed with Vietnam.

Mr. McGEE. So obsessed with what happens in South Vietnam, that we lose sight of southeast Asia.

The issue is that part of the world. Vietnam is the test case. I think we have to keep it down to size. For that reason, I do not attach as much significance as does the Senator from South Dakota to something Mr. Ky says. Mr. Ky is not the first head of a government who has sometimes said things better left unsaid. The Ky position—with no pun intended—is not the key position, fortunately. He happens to be the head of the government that is the center of the conflict, but what has happened there could have happened to the head of a government almost anywhere else in that part of the world.

I think we had better listen to the words of the Prime Minister of Singapore, Mr. Lu Ky, who said just recently that the position of the United States—and we are not among his favorites, incidentally; he has been a constant critic of ours—that the position of the United States in southeast Asia has in fact carried with it the hopes of all southeast Asia, and that if we were to withdraw, they would all go down the drain.

I think it is imperative that we keep the perspective of these things in proper order, that we keep the priorities arranged in the right sequence, rather than get them turned topsy-turvy, as we are prone to do from time to time in our dialogs on this floor.

Mr. McGOVERN. I am glad to be reassured by the Senator that General Ky is not in charge of our policy out there.

Mr. McGEE. The Senator knows he is not in charge of our policy. He does not need any reassurance.

Mr. McGOVERN. I am reassured, because I would hate to think we are investing $2 billion a month and the lives of our men trying to save a leader who says his only hero is Adolph Hitler. So it is reassuring to know that he has only very limited influence on our policy.

Mr. McGEE. The Senator from South Dakota is a historian in his own right, and a very distinguished historian. He knows the history of this area, and he realizes better than most of us that we are talking about an entire part of the world over there, that we are not talking about minutiae of the regime of one man, or a single government.

We have to take these things as they occur. We cannot prevent them. We cannot pre-set them. We cannot predate them. That is a part of the price we pay for world leadership. Unless we are willing to be an aggressor, unless we are willing to try to make the world over in our image, we have to take our chances as a sort of policeman and arbiter of the world—particularly a world in which some still find some reward for the use of force.

Mr. SALTONSTALL. Mr. President, will the Senator yield?

Mr. McGEE. I yield first to the Senator from Idaho, and then I shall be happy to yield to the Senator from Massachusetts.

Mr. CHURCH. Mr. President, I have listened with great interest to the discussion that has been taking place. I wish to say that, as my good friend, the Senator from Wyoming, is well aware, I sometimes find it difficult to follow his arguments on Vietnam.

I find it puzzling, for example, to know what he means when he says that "the Ky position is not the key position in southeast Asia."

I prefer to direct my remarks, however, not to the continuing debate on the wisdom of our involvement in that tragic war, but rather to the thrust of the Senator's amendment.

I simply must take exception to some of the factual assertions that the distinguished Senator from Wyoming has just made. He has said, for example, that he thinks this program should be tapered down. I think so, too. The Committee on Foreign Relations has thought so for years. We have undertaken in various ways to try to trim back the program.

We have attempted to set standards without effect. We have attempted to set ceilings. Yet, the program continues to grow like crabgrass.

Once we supplied 17 foreign countries. The number now exceeds 50 foreign countries. Our arms aid is proliferating all over the world.

I say again that the Senator from Wyoming is incorrect on his facts when he suggests that this program is being cut back owing to the tremendous cost of our involvement in Vietnam. It is not.

As recommended by the administration, the program this year, outside of Vietnam, is larger than last year, and even with the modest cut adopted by the Committee on Foreign Relations, the program remains larger than it was last year for all other foreign countries, apart from Vietnam.

I have listened to the discussion concerning the military assistance program in Latin America. Let me say that I think there are places in Latin America where military assistance might be indicated, and wherever reasonably indicated, I would be for it.

I think, for example, of Venezuela where there is a Castroite problem, and where there is a fine government. I think it is perfectly appropriate for us to help that government, even to the point of supplying arms and equipment to help deal with the threat. However, our institutionalized military assistance program is being applied indiscriminately in Latin America. The arguments that have been offered over the years to sustain the program, the rationale that has been presented to the committee, has changed completely during the time that I have served as a member.

We were first told that the program was necessary because of overall hemispheric defense plans, that if another world war should occur, various Latin American countries had assigned roles to play in freeing the sea lanes so that U.S. forces could be committed elsewhere.

This line of argument reached a ludicrous point, when the Pentagon once sent to the committee, as justification for our military assistance to Uruguay, the explanation that Uruguay was to help defend the Panama Canal. We sent back a map, and we have not heard that argument since.

But we have heard new arguments, and these new arguments, once scrutinized, do not hold up well, either.

I tried to mark out these arguments in the speech I made earlier today on behalf of my own amendment to cut the bill by $100 million. Copies of that speech are available to Senators who may be interested.

But the fact is that we are, through the proliferation of this program, encouraging regional arms contests that make no sense. The fact is that, by credit made available through this program, we have only recently financed the procurement by Argentina, of all countries, of 50 jet fighter planes. We now have the head of the Chilean Air Force here in Washington, without doubt bargaining for jet fighter planes for Chile.

I say to the Senate that Argentina and Chile are not going to go to war. This is a senseless competition in the regalia of war, and it is being financed and encouraged by the Government of the United States. This makes no sense. It cannot be reconciled with the foreign policy objectives of the United States in Latin America.

We are now—in the middle of 1966—paying for a $2-billion-a-month war in Asia, with precious little help from other countries. Yet, we are being asked to carry on business as usual everywhere else, including a bigger military assistance program in other parts of the world.

I am going to support the amendment of the distinguished Senator from South Dakota. It makes sense. If it is rejected, I would hope that the Senate would consider favorably the amendment that I have offered which is more modest in its size and, when taken in consideration with the levels of authorization approved by the House of Representatives, would, in effect, do no more than hold the line on military assistance for the coming year.

I commend the Senator from South Dakota for going further, for saying: "That is not enough. I am not content with it."

The case for justifying this program, as it is offered to us from year to year by administration witnesses, falls short, particularly where military assistance is directed into little countries in Africa, Latin America, and places remote from the Communist world.

I think that until Congress takes the kind of action that the Senator from South Dakota advocates, we will see this program continue to grow everywhere, carried on by the very momentum of the bureaucracy that administers it.

I think the time has come, in view of the cost of our involvement in the Vietnamese war to begin to trim back military aid elsewhere.

I hope the Senate will agree to the forthright amendment offered by the Senator from South Dakota.

Mr. McGOVERN. Mr. President, I thank the Senator from Idaho for his remarks.

I again commend him on the cogent statement he made on the floor earlier today.

I cannot understand how anyone could carefully read the Senator's seven-page statement which he delivered on the floor earlier today and still see the logic in maintaining this military aid program at its present size.

I have been puzzled for a long time why it is, in the face of the obvious fiascos of the kind we saw in India and Pakistan last year, that so many people continue to support almost unlimited funds for the shipment of military hardware all over the world.

I think one explanation is the one that the Senator from Wyoming gave a few moments ago, that many people are afraid that if we do not send the arms, either the Soviets or the Chinese will. The best answer that I know to that argument was delivered by former Ambassador Galbraith, our Ambassador to India, testifying before the Committee on Foreign Relations, when he pointed out that in one instance after another when the Soviets and Chinese have sent in arms, they have had the same dismal experience that we have, in which the governments which they tried to assist have turned against their interests.

He cited numerous examples, Indonesia, and countries in Africa, in which that has happened and they had the same experience that we had.

For those of us who are concerned about the Soviets picking up the check on the military shipments, it would be to our interest to let them do it.

Mr. President, I yield to the senior Senator from Massachusetts.

Mr. LAUSCHE. Mr. President, I rise to a point of order.

The PRESIDING OFFICER. The Senator will state it.

Mr. LAUSCHE. There are other Senators waiting for the floor. I object to yielding to other Senators except for a question.

The situation now prevails that where the Senator who now holds the floor continues to hold it, while others who are waiting to speak——

Mr. McGOVERN. I shall be happy to yield the floor.

The PRESIDING OFFICER. If the regular order is called for, the Senator can yield only for a question.

Mr. SALTONSTALL. I believe the Senator has yielded to me.

Mr. McGOVERN. I yield to the Senator from Massachusetts for a question.

Mr. SALTONSTALL. I thank the Senator. I shall be very brief, if the Senator yields to me for a question.

Mr. McGOVERN. I wish I could yield.

Mr. LAUSCHE. I withdraw my objection, as far as the Senator from Massachusetts is concerned.

Mr. SALTONSTALL. Mr. President, I say to the Senator from South Dakota that I came to the Senate this morning, when we started our debate on this subject, with the thought that I would vote for the amendment of the Senator from Idaho. I have since changed my mind, and I shall support the committee. I shall support the committee because I have spoken with the Defense Department—specifically, with the Secretary of Defense—and I quote one paragraph from the letter of the Secretary of Defense:

> Since the bill was submitted requesting the $917 million of new obligatory authority, it has become apparent that the amounts required for three countries will be increased by a total of approximately $62 million.

Those countries are in the Far East. If we vote for the amendment of the Senator from Idaho, we simply will have to put the matter on the supplementary budget, if the other figures for the other countries are carried out.

As the Senator knows, these figures are classified and cannot be used, but the totals can be used. I call to the attention of the Senator that the substantial amounts of military aid are in the Far East. The biggest countries are Korea, Formosa, Turkey, Greece, and one other which skips my mind for the moment. We support those countries in the Far East by our military aid.

This bill does not include the Vietnam war and what goes on there. Forty-thousand Koreans are now fighting in Vietnam. Those men are supported by our military establishment from the time they move out of Korea until they get to Vietnam. But in doing that, they leave vacancies, they leave responsibilities in Korea which have to be filled by this bill and from this military aid. Consequently, the military aid for Korea is increased as the troops move out and are taken over by the military establishment. I call this to the attention of the Senator.

I know that the Senator has been very keen over the years in discussing these military establishments. He has studied it very hard.

This is an authorization bill. The Committee on Appropriations will have another opportunity to deal with this matter in the consideration of individual amounts to the individual countries. A very small amount, comparatively speaking, would go to Europe and to Africa, and not a very large amount would go to South America. The great body of this authorization would go to the Near East, South Asia, and the Far East. That is where the problems are today.

I agree with the Senator that we do not have to furnish money to countries to shoot at each other. We desire to carry out, to the best advantage we can, our obligations in Vietnam and those we have assumed in the Far East.

I shall support the committee report, because I believe that although $62 million has already been added, a substantial amount more will be added by the time we are through with this bill and appropriations are being received. I shall vote for the committee report and against the amendments that have been offered.

I appreciate the opportunity given to me by the Senator from South Dakota to speak.

Mr. MANSFIELD. Mr. President, will the Senator yield?

Mr. McGOVERN. I yield.

Mr. MANSFIELD. I can well understand the feelings of the distinguished Senator from South Dakota, who is well versed in the field of military affairs, based on personal experience.

There are questions which could be raised about the military appropriation, and I am sure the Senator knows that I share them, as does he.

I believe that in view of the difficulties which confront the Nation at this time, discretion might well be the better part of valor. I hope that when this matter comes before the Committee on Appropriations, they will see to it that there are no new allocations to new countries; because we have a habit of trying to get our fingers into every corner of the globe. I think we do that too often, sometimes too heavily, and perhaps a little restraint in the other direction might be beneficial in the years ahead.

While I do not favor this amendment or the other amendments, I hope that the Committee on Appropriations—of which I am a member, also—will see that something is done in the way of pruning where pruning can be achieved.

Mr. McGOVERN. Mr. President, I wish to make one brief point on the comment made by the distinguished Senator from Massachusetts. The Senator, of course, is an authority on these matters of military affairs, and all Senators respect his judgment. I wish to remind the Senator that nothing in my amendment affects the aid that we are sending to Vietnam. It has nothing to do with that. That is a separate matter that we will be dealing with in the Senate as the months go by. Nor is there anything in this amendment to prevent the transfer of funds within the military assistance program.

In other words, in some of the countries we have been assisting, which I have indicated here today, and about which the Senator from Idaho has spoken, it would be a highly questionable if not an unwise investment. In those cases, funds could be transferred to take care of some of the commitments the Senator referred to in southeast Asia and Korea.

Even if this amendment were adopted, three-quarters of the amount recommended by the committee would still be authorized by our action.

I appreciate the points the Senator has made, and I believe they are covered by the terms of the amendment.

Mr. SALTONSTALL. Mr. President, will the Senator yield?

Mr. McGOVERN. I yield.

Mr. SALTONSTALL. I should be very happy to go over this matter with the Senator from South Dakota when it comes before the Committee on Appropriations. I have been a member of that committee for quite some time. I should be happy to go over with the Senator the various items to the various countries, which are classified and cannot be used on the floor in debate, to see if the Senator has any pertinent suggestions with relation to any one.

Mr. McGOVERN. I do not have to tell the Senator that one matter that is not classified is that a number of countries are getting military aid from both Russia and the United States. I am curious how contributing to the arming of such countries provides protection to the free world. It might be that some of those countries should be given careful consideration before funds go to them.

It is that kind of situation that I believe opens the way for us to make a 25-percent cut in this military authorization.

I thank the Senator from Massachusetts.

Mr. SALTONSTALL. I thank the Senator.

Mr. McCARTHY. Mr. President, will the Senator yield?

Mr. McGOVERN. I yield.

Mr. LAUSCHE. Is the Senator going to make a speech?

Mr. McCARTHY. I thought that since the Senator from Ohio made an exception for two Senators, he would make an exception for me.

Mr. LAUSCHE. The Senator from Minnesota is too affable for me.

Mr. McCARTHY. Mr. President, I supported some of the limitations which were imposed on this section of the bill in committee. I do not intend to support this reduction. It is my general position that the Senate really ought to act to give direction with reference to policy, rather than to adopt what has been suggested here—the device of cutting appropriations in order to influence policy.

However, I believe that the arguments made by the Senator from South Dakota and by the Senator from Idaho deserve the full consideration of the Senate, since what has been happening in the area of arms distribution and arms sales, and some of the consequences of that distribution, do have very serious bearing upon the foreign policy of the United States and upon world peace.

I should like to make one or two observations.

First, newly independent countries are frequently anxious to acquire arms for prestige purposes. The Massachusetts Institute of Technology, in a study prepared for the Arms Control and Disarmament Agency, had this to say about the practice of newly independent countries securing new and additional arms.

They say that these countries regard the first function of their armed forces to be a symbol of sovereignty, and that—

> Their security requirements tend to be shaped by this type of irrational consideration in seeking aid from external sources: supersonic jet planes for flyovers, tanks for parades, and the like. They are by the same token unlikely to use as justification for the major portion of their security forces counter-insurgency needs (which place high priority on relatively unsophisticated equipment).

It has been suggested that nations can be listed first-, second-, third-, fourth-, or fifth-class nations on the basis of the kind of weapons they have. In order to be first class, a nation must have nuclear weapons and a delivery system. A second-class nation must have nuclear weapons but not a delivery system. A third-class nation must have jet airplanes—at least—of the kind that reflects the mistakes made in the Pentagon. None of the three branches of our armed services insofar as I know has approved the TFX. We have already begun to sell a version of the TFX to foreign countries. The TFX may become a kind of Edsel for international air defense, something which will satisfy the needs of all the nations around the world but is not satisfactory to any one of the branches of our own Defense Department. A fourth-class nation must have a boat or boats—preferably a submarine. A fifth-class nation must have tanks, at least.

Second, supplying arms opens the way to influence on the military and also on the political policies of the recipient countries.

I am not going to make an argument of my own but I quote Secretary of Defense McNamara who said:

> Our training program provides unique opportunities to expose potential leaders of the developing nations to our institutions, goals and ideals and thereby to develop valuable understanding and friendship.

I believe it is important that the military leaders of foreign countries and the potential military leaders of foreign countries become exposed to our ideas, to the principles which govern our military, but I suggest that this should not be the only force or the principal influence of America in developing countries. More and more it has developed that our Military Establishment is the principal agency through which American ideals and objectives are presented in these developing countries.

The evidence is quite clear in country after country that the way to political power is through control of military strength.

The Committee on Foreign Relations has a primary responsibility for the foreign policy of the United States and must be concerned about the way in which distribution of, not only military equipment, but military advisers and military influence has a bearing on the course of world events.

I hope that institutions in the U.S. Government other than the Military Establishment will be given or will take more responsibility for developing understanding with the future leaders of the developing world and acquainting them with our goals and ideals. But as the Director of Military Assistance for the Defense Department has stated:

> Military assistance provides first of all a lever to get our ideas across.

Third, arms sales have been promoted and defended in terms of financial and budgetary consequences. That should be the last consideration in arms distribution and should be presented as an argument of last resort.

The Secretary of Defense has frequently suggested the bearing of sales on the balance of payments almost as a justification for increasing arms sales. On the contrary, the Committee on Foreign Relations in its report on this bill states:

> The U.S. balance of payments is not in such a perilous condition that it has to be salvaged by taking blood money from poorer countries.

There is a curiously circular quality about this balance-of-payments argument.

As stated by the Defense Department's Deputy Assistant Secretary for International Logistics Negotiations, the Pentagon's chief arms salesman:

> Receipts from military sales account for about one-half of the deployment costs of our forces, measured in balance-of-payment terms. The ability of this country to follow a forward strategy is heavily influenced by the balance-of-payments costs attributable to such a strategy.

I suggest that everyone in the Senate reread and reconsider that statement:

> The ability of this country to follow a forward strategy is heavily influenced by the balance-of-payments costs attributable to such a strategy. Thus foreign military sales are of major interest to the Nation because they facilitate arrangements for our security throughout the world.

I am quoting the Deputy Assistant Secretary.

Unmentioned in this argument is any reflection on the way in which the further proliferation of conventional arms throughout the world makes the deployment of troops and our forward strategy necessary.

I will not talk about the situation in Latin America at length. It has been discussed by others.

In Latin America, the major purpose of our assistance is supposed to be to build up internal security capacity. In this respect, there appears to be little harm in the substantial cutback in the Latin American program the committee has proposed. In the absence of a massive inflow of sophisticated weapons to insurgency groups in Latin America—of which the United States would be aware—it would appear likely that the Latin American countries have at their disposal at present sufficiently sophisticated weaponry to assure internal security. A study prepared for the Arms Control and Disarmament Agency stated:

> U.S. military security interests would on balance certainly not be hampered by a program of regulation and limitation of arms and armed forces in Latin America; U.S. political interests would benefit by the continued existence at low levels of both.

Of growing concern in the past several months has been the spiraling arms build-up in the Middle East, where tensions among the Arab states and between the Arab states and Israel have long threatened to explode. Between 1950 and 1965, we supplied relatively small amounts of grant military assistance to the area. Now, however, Saudi Arabia is buying $400 million worth of British supersonic fighters and U.S. Hawk missiles. Jordan has received U.S. tanks and is buying a limited number of supersonic fighter bombers, reportedly Lockheed F-104's. The Army equipment for Jordan is being supplied under a credit arrangement, and the aircraft under a cash arrangement, paid in dollars. It is difficult to understand how Jordan, which has an annual per capita gross national product of $233 and which is almost entirely dependent on outside financial assistance—from the United States and the United Kingdom—will pay for these planes, which cost some $2 million each. The $4 million annually provided by the United Kingdom for budget support to Jordan would cover only two of them. Of further concern is the fact that in the recent arms sale to Israel, the United States for the first time introduced offensive weapons into the area. Yet the State Department still persists in maintaining that our policy is to refrain from becoming a major supplier of arms to the Middle East.

Even countries where our military assistance program has been very large, such as Iran, press us for more arms and threaten to go elsewhere if we will not supply them.

The case of India and Pakistan has frequently been cited as the outstanding example of the damage the military assistance program can do. It "caused the war" between those two countries, Ambassador J. K. Galbraith told the Foreign Relations Committee. Mr. Galbraith, our former Ambassador to India, is one of those most familiar with that situation. Pakistan, which has recently been receiving military assistance and arms from Communist China, is formally allied to us through SEATO, for whatever that is worth, and is reported to have received from $1.5 to $2 billion in U.S. military assistance over the last decade. India refused U.S. military aid until her borders were attacked, but had been receiving arms from the United Kingdom. U.S. arms deliveries to India and Pakistan, which were suspended at the time of the fighting have been resumed on a limited basis on the strength of the adherence of the two countries to the Tashkent agreement.

Perhaps the most disquieting aspect of the arms sales program has been its tendency to expand. Encouragement of sales as opposed to grants is now our official policy. The administration request is larger this year than last, because the Vietnam assistance program has been put in Defense Department appropriations. In explaining the transfer, Secretary McNamara stated:

> We have relieved the military assistance program of some of the pressures which in recent years have threatened to distort seriously the remainder of the country programs.

Can one then expect that as our effort in Thailand, for example, expands, as it is now expanding, it too will be moved over to another budget if it begins to distort the total picture. It does not matter what budget column you put the figures in, if you are doing the same thing and we should not deceive ourselves.

Some figures recently reported should, in my judgment, make us stop and consider where this program is leading us.

Germany has bought over $3 billion worth of arms from us over the last 4 years. The Germans agreed to these arms purchases to offset the cost to the United States of maintaining our troops in Germany but apparently, when they recently attempted to purchase nondefense articles to fulfill these commitments, the Defense Department insisted they buy the arms even though the Germans felt they did not need them.

The United Kingdom is expected to spend over $2 billion for arms in the United States in future years, a particularly large sum given the economic difficulties Britain is presently experiencing.

Other NATO countries have purchased almost a billion; even Australia has arranged to purchase $800 million worth of arms.

Estimated military sales receipts entering the balance of payments in fiscal year 1966 were $813 million. But the gross sales estimate for 1966, including military assistance sales and commercial sales, is $2.7 billion. The Defense Department estimates that cash receipts for fiscal year 1967 will approximate $1.6 billion, that is, nearly double 1966 receipts. They will not release their estimate on gross sales for fiscal year 1967. One may wonder whether it too will have doubled. Will the United States have sold over $5 billion worth of arms in just 1 year?

Mr. President, I suggest that it is time seriously to consider putting further limitations on this program. At the very least, the limitations suggested by the committee should be sustained. I intend to suggest further limitations, as do other Senators.

Finally, I would repeat the suggestion I have made previously that the administration give serious emphasis to President Johnson's proposal to the Disarmament Conference meeting in Geneva that "countries, on a regional basis, explore ways to limit competition among themselves for costly weapons often sought for reasons of illusory prestige." This, and not further encouragement of the arms sales program, should be our goal.

Mr. McGOVERN. I thank the Senator, not only for his very fine statement which he has made today, but for the article which he wrote for the Saturady Review of Literature a few weeks ago. It was very helpful in guilding my thinking.

(At this point, Mr. KENNEDY of New York assumed the chair.)

Mr. LAUSCHE. Mr. President, I desire to preface my remarks with the proclamation issued by the Tricontinental Conference which met in Havana, Cuba, between the 3d and 14th of January 1966.

At that conference were assembled Communist representatives from 83 countries. The term "Tricontinental Conference" was adopted because it was supposed to advocate primarily the cause of communism in South America, Africa, and Asia.

I read the declaration:

> Imperialism will never voluntarily renounce its policy of exploitation, plunder, aggression and intervention.
>
> The people of Asia, Africa, and Latin America know by their own experience that Yankee imperialism, the implacable enemy of all the peoples of the world, is the main redoubt of colonial oppression and international reaction. Yankee imperialism covers the map with its capital, extracting millions of dollars yearly for its monopolies. Yankee imperialism commits all sorts of abominable crimes against the people and actively prepares attacks against socialist countries and against the world peace.

The proclamation continues:

> The Conference hereby proclaims that the primary task of the peoples of Asia, Africa, and Latin America is to intensify the struggle against imperialism, colonialism, neocolonialism and to win and consolidate national independence especially against the exploitation practiced by the Yankees. The merging of efforts will turn active solidarity on our continent into a new historical force of colossal dimensions.

Mr. President, I repeat that this declaration was issued in Havana, Cuba, at the Tri-Continental Conference with 83 countries represented by delegates from the Communist peoples of the world.

I cannot bring myself to the conclusion that the people of the United States, or Congress, should adopt the attitude that the challenge to the security of our country has come to an end.

It has not. It still faces us. It will face us with continued intensity unless we remain alert to the challenge that stares at us in stark reality.

Mr. President, the fact is that in the past 5 years our military assistance program has been cut from approximately $600 or $700 million since John F. Kennedy became President. The amount was approximately $1.7 billion. It has been reduced to $917 million. It has been stripped to the bone.

Mr. President, in this connection, I ask unanimous consent to have printed in the RECORD a short statement concerning this amount.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

REBUTTAL OF $150 MILLION CUT IN $917 MILLION NOA

1. Same basic reasons apply as in rebuttal of $100 million cut to $917 million NOA.

2. Reduction of this magnitude (about one-sixth of NOA) would undoubtedly require wiping out smaller programs as well as drastic cuts in larger programs (China, Greece, Turkey, Iran, Korea).

3. Impact of a cut of this magnitude would be particularly significant at this time when the U.S. is under fire in SE Asia. It would signify that the U.S. system is incapable of supporting other Free World friends or that the U.S. has lost interest in other Free World problems.

4. Increased SE Asia requirements in FY 1964 and 1965 required that modernization programs in the key countries of China, Korea, Greece and Turkey be deferred. Equipment is wearing out and modernization is required. The armed forces of these countries are essential elements of the total Free World deterrent. It is in our national interest to see that they do not lack the means to match their will to resist aggression.

Mr. LAUSCHE. Mr. President, there are among us those who would gladly see the Latin American, African, and southeast Asian countries completely stripped of their military forces.

Mr. McGOVERN. Mr. President, will the Senator from Ohio yield at that point for a question?

Mr. LAUSCHE. I yield.

Mr. McGOVERN. The Senator has made reference to the fact that the program has been cut back. As the Senator knows, the Committee on Foreign Relations excluded the Vietnam portion of the military assistance program.

Mr. LAUSCHE. Yes.

Mr. McGOVERN. It was excluded from the overall amount and the figure actually recommended by the committee was $14 million more than was available for the same purpose last year.

Mr. LAUSCHE. Not that much. The fact is, the Vietnam allocation has been cut from this bill——

Mr. McGOVERN. The Senator is correct.

Mr. LAUSCHE. But still, the program has been cut.

Mr. President, I want to put this problem in reverse order.

What will be the reaction of the Communists in Russia and China if we, at this critical period, begin cutting the military assistance program which we have rendered in the past to the nations of Latin America, Africa, and southeast Asia?

They will applaud it.

The more we strip these countries of the meager military forces they possess, the greater will be the joy of the Communists.

Mr. ERVIN. Mr. President, will the Senator from Ohio yield at that point for a question?

Mr. LAUSCHE. I yield.

Mr. ERVIN. Is it not true that most of the military assistance program which America gives to African countries is given in the nature of rentals for military bases which the United States enjoys the privilege of occupying there?

Mr. LAUSCHE. That is the absolute fact. Our principal military assistance goes to the nations on the periphery of China and Russia. It goes to Turkey, to Greece, and, of course, to Pakistan and to India—also to Korea and to Nationalist China.

Now then, if we cut the program at this critical period, what will be its effect on the Communist world if the cut is instituted?

It will mean more encouragement to Ho Chi Minh and to Mao Tse-tung to contend that we are abandoning our position in southeast Asia.

We have already done enough by inducing Ho Chi Minh to claim that our fliers are criminals. He did not have to say it. The charge has been made here that our country has been a criminal aggressor. I can understand how Ho Chi Minh has now said, "I will execute the American fliers because they have criminally trespassed the lines in southeast Asia." I am amazed that he did not say it at an earlier date. The words coming out of Washington are entirely too frequent, that we are the aggressor, that we are the ones who are killing innocent American fightingmen and civilians, that we are the ones trying to colonize southeast Asia and steal their resources and steal the richness of their manhood and their womanhood.

The charge has been made that we are making prostitutes out of South Vietnamese women and that we are the creators of brothels.

I reject that charge, and I reject it vigorously.

The story has not been told as to how our aid is distributed throughout the world.

I read from page 170 of the transcript of hearings:

> Secretary McNAMARA. I think I can summarize the whole $917 program very concisely for you.
>
> Senator SPARKMAN. I would be very glad to hear that.
>
> Secretary McNAMARA. There are 10 countries on the periphery of the Sino-Soviet bloc receiving 75 percent of the total.

If anyone thinks the Sino-Soviet bloc is friendly to our country and that we ought to free their periphery for whatever they want to do, I say reduce the cut.

To continue from the transcript of hearings, Secretary McNamara said:

> There are four countries in which we have base rights—

And I read what the Senator from North Carolina [Mr. ERVIN] has just said—

> receiving about $23 million. There is $56 million for credit assistance to help finance sales of U.S. military equipment. There are four countries in which we are completing our past commitments. There are 12 countries to which we assign trainers and provide training assistance only, and there are about 27 countries, 10 of which are in Latin America, for which we have very small programs, averaging something on the order of $2 million or less per country per year.

The arguments that have been made would imply and probably express the proposition that we are sending huge caches of military equipment to little nations around the world. That is not the fact.

I continue to read from the transcript of hearings:

> Senator SPARKMAN. I notice in your statement that about 10 percent goes to Latin America and to Africa.
>
> Secretary McNAMARA. Yes; that is correct, about $75 million to Latin America, and about $31 million to Africa; and of the African amount, about $19 million is in the nature of rent for our military bases in two countries.
>
> Senator SPARKMAN. Two of the base countries are included?
>
> Secretary McNAMARA. Are in Africa—that is correct, Senator.
>
> The total of African programs, if you exclude the two countries in which we have bases, is on the order of $12 to $13 million.

The cry is about sending military equipment into Africa to induce those nations to engage in combat with each other. I do not recall how many nations are in Africa, but I would say there are 40, and the total amount we are sending is $12 to $13 million, excluding the $19 million which goes primarily as rent for the bases we have there.

I continue to read from the transcript of hearings:

> Mr. SPARKMAN. Do I understand the amount requested this year is less than that in previous years?
>
> Secretary McNAMARA. The amount at the time I came into office was $1,700 million in new obligational authority for fiscal 1961. We are requesting $917 million for fiscal 1967, a reduction of about $800 or $900 million.

The fact is that part of the reduction is reflected because we have taken South Vietnam money out of it.

I continue to read from the transcript of the hearings:

> Senator SPARKMAN. Of course, we have to keep in mind Vietnam is excluded.
>
> Secretary McNAMARA. In both years. I also excluded it from the base period, fiscal 1962.

That is the situation with respect to Africa. That is the continent about which the main argument is made. I want to repeat it for the RECORD—$31 million is to be given to Africa. Practically $19 million of the $31 million is for rent for our bases, and $12 million to $13 million as military aid to all the nations in that land.

We now come to South America: $55 million is the amount for 19 nations in South America. I think 4 or 5 countries of South America are the principal recipients, and they are the nations with the largest population, Brazil having probably 60 or 70 million.

In my opinion, we have cut the military assistance program to the bone. It is now argued that it should be cut more.

I wish to finally conclude my words.

Mr. ERVIN. Mr. President, will the Senator yield?

Mr. LAUSCHE. I yield.

Mr. ERVIN. The Senator from Ohio read to the Senate a few moments ago the declaration made by the representatives of 80-odd Communist countries at a meeting in Havana, Cuba, in January.

Mr. LAUSCHE. That is correct.

Mr. ERVIN. When we consider the declaration, which is phrased in the semantics of communism, it amounts to an assertion that one of the purposes of the Communists is to take over the countries of Latin America. Is that correct?

Mr. LAUSCHE. I believe so, but there are many, even in this Chamber, who believe that the Communists have no evil purpose or intention with respect to the nations of the free world, or no evil intentions with respect to the United States.

Mr. ERVIN. I should like to ask the Senator from Ohio if the Communist nations did not furnish arms to Castro, and as a result of their furnishing military aid to Castro we now have a Communist nation only 90 miles from our own coast?

Mr. LAUSCHE. I think the Senator's question answers itself. Communist China aids are in Cuba and Russian aids are in Cuba. Our situation with respect to Cuba is now far worse than it was in 1962.

Mr. ERVIN. I should like to ask the Senator if, as a member of the Foreign Relations Committee, he does not have information that Russia is spending vast sums of money to keep Castro in power in Cuba?

Mr. LAUSCHE. It is spending money.

Mr. ERVIN. Has it not been one of the announced purposes of the Castro government to export what they call revolutionists to the countries of Central and South America?

Mr. LAUSCHE. When Bosch was removed, the information was complete that four things were happening:

First, he was allowing Communists to be used in the Dominican Republic to propagandize for the Communists.

Second, he was allowing school buildings to be used by the Communists to indoctrinate the people.

Third, he was allowing Communists to get into the Dominican Republic.

Fourth, he was allowing Dominican Republic youths to go to Havana to be indoctrinated in the techniques of Communist subversion and pushbutton riots.

Mr. ERVIN. Does not the Senator from Ohio feel, under the existing circumstances, our furnishing of military assistance to Latin American countries is inextricably interwoven with our own national security?

Mr. LAUSCHE. I must say to the Senator from North Carolina that, in my judgment, not only the economic assistance program, but also the military assistance program, are deeply and intimately related with the defense and the national security of our Nation. At least, that has been the primary basis on which I have supported that program.

First. The proposed program is designed to meet only minimum military needs of allied and friendly countries in fiscal year 1967.

Second. The number of recipient countries has already been reduced to those which have need for continued support and which are making maximum use of their own resources.

Third. Only a modest amount has been set aside for credit sales to assist in shifting wherever possible from grant to sales programs.

Fourth. Developments in southeast Asia may impose additional requirements for our support, particularly for Laos and Thailand, beyond those now included in the fiscal year 1967 programs.

Fifth. A reduction of this magnitude would necessitate heavy cuts in assistance to the countries which have been our stanchest allies, and which coincidentally are still most in need of our support, that is, Greece, Turkey, China, Iran, and most importantly, Korea. These countries by themselves account for over 55 percent of this whole military assistance program. Cuts would be highly detrimental to the free world deterrent posture and also psychologically unsound at this time.

Sixth. Reductions in programs for the newly independent and developing nations would have the effect of, in some cases, eliminating these programs completely, and therefore negating our efforts to strengthen internal security and to emphasize civic action.

Mr. President, I have observed rather frequently what is supposed to be a hostility for the man in uniform in foreign countries. That has almost broadened itself, in some instances, to a hostility for the man in uniform in the United States.

In South America, stability in government has been maintained by the military forces. Remove the military from the South American states, and you will produce instability. Challenges to the government will occur. We have witnessed, in the United States, what can happen in riots when National Guardsmen and policemen cannot quell them.

What will happen in these other countries, if we practically strip them of their military strength, which is used primarily for internal security? We will create a fertile field for unrest, protests, riots, demonstrations, and other activities that will incapacitate the Government. Vacuums will occur, and Communists will step in.

Someone today said that this military assistance program produces results far in excess of the costs. I think it has produced better results for us than the economic aid program. For that reason, I shall vote against all of the amendments that are pending to cut the $917 million provided below the amount recommended by the committee. The committee has cut it. The administration has also cut it, and it should not be cut any more.

Mr. President, I yield the floor.

Mr. MANSFIELD. Mr. President, have the yeas and nays been ordered?

The **PRESIDING OFFICER.** The yeas and nays have been ordered.

Mr. MANSFIELD. I ask for the vote.

The **PRESIDING OFFICER.** The question in on agreeing to the amendment offered by the Senator from South Dakota [Mr. McGovern]. On this question, the yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. LONG of Louisiana. I announce that the Senator from Tennessee [Mr. Bass], and the Senator from Arizona [Mr. Hayden], and the Senator from Arkansas [Mr. McClellan] are absent on official business.

I also announce that the Senator from Texas [Mr. Yarborough] is necessarily absent.

Mr. KUCHEL. I announce that the Senator from Colorado [Mr. Allott] and the Senator from Kansas [Mr. Pearson] are necessarily absent.

If present and voting, the Senator from Colorado [Mr. Allott] and the Senator from Kansas [Mr. Pearson] would each vote "nay."

The result was announced—yeas 23, nays 71, as follows:

[No. 161 Leg.]

YEAS—23

Bartlett
Bayh
Burdick
Church
Clark
Ellender
Fulbright
Gore
Gruening
Hartke
Kennedy, Mass.
Kennedy, N.Y.
McGovern
McIntyre
Metcalf
Morse
Moss
Nelson
Neuberger
Proxmire
Symington
Tydings
Young, Ohio

NAYS—71

Aiken
Anderson
Bennett
Bible
Boggs
Brewster
Byrd, Va.
Byrd, W. Va.
Cannon
Carlson
Case
Cooper
Cotton
Curtis
Dirksen
Dodd
Dominick
Douglas
Eastland
Ervin
Fannin
Fong
Griffin
Harris
Hart
Hickenlooper
Hill
Holland
Hruska
Inouye
Jackson
Javits
Jordan, N.C.
Jordan, Idaho
Kuchel
Lausche
Long, Mo.
Long, La.
Magnuson
Mansfield
McCarthy
McGee
Miller
Mondale
Monroney
Montoya
Morton
Mundt
Murphy
Muskie
Pastore
Pell
Prouty
Randolph
Ribicoff
Robertson
Russell, S.C.
Russell, Ga.
Saltonstall
Scott
Simpson
Smathers
Smith
Sparkman
Stennis
Talmadge
Thurmond
Tower
Williams, N.J.
Williams, Del.
Young, N. Dak.

NOT VOTING—6

Allott
Bass
Hayden
McClellan
Pearson
Yarborough

So Mr. McGovern's amendment was rejected.

Mr. MORSE. Mr. President, I ask that my amendment to the Church amendment be called up.

The **PRESIDING OFFICER.** The amendment will be stated.

The Assistant Legislative Clerk. On page 1, line 2, in lieu of "$792,000,000" insert "$692,000,000".

Mr. MORSE. Mr. President, I ask unanimous consent that the yeas and nays previously ordered on my amendment be withdrawn.

The **PRESIDING OFFICER.** Is there objection? The Chair hears none, and it is so ordered.

Mr. MORSE. Mr. President, I wish to advise Senators what I propose to do. I intend to make a statement in support of my amendment, and then I shall ask unanimous consent to withdraw the amendment, because I wish to join with the Senator from Idaho in support of his amendment, in preference to mine.

Before I ask for the withdrawal of my amendment, I wish to repeat to Senators that the supplemental military procurement and construction authorization bill, S. 2791, provided that "funds authorized for appropriations for the use of the Armed Forces of the United States under this or any other act are authorized to be made available for their stated purposes in connection with support of Vietnamese and other free world forces in Vietnam, and related costs, during the fiscal years 1966 and 1967, on such terms and conditions as the Secretary of Defense may determine."

It should be made clear that neither my amendment nor that of the Senator from Idaho relates in any way to fighting in Vietnam, whether South Vietnamese, Korean, or anyone else. It deals with cuts in military aid elsewhere in the world. There should be no doubt left to Senators on that score.

The report of the Armed Services Committee says of this provision:

> Additional funds required during fiscal year 1967 for the support of the forces of South Vietnam and other free world forces in that country would be authorized for, and appropriated to, the accounts of the military departments. The military assistance program would continue to be legislated separately for activities not associated with Vietnam.

The figure requested for fiscal 1967 as compared with previous years: Fiscal 1967: $917 million; for 1966: $1,170 million; for 1965: $1,055 million; for 1964: $1,000 million.

Yet since the time $1,170 million was provided last year, we have removed South Vietnam from the program and suspended military aid to Pakistan and India, Pakistan having been beneficiary of one of the largest of all military aid programs.

Where is the saving that should be reflected in this year's military aid? Military aid is on the rise again, exclusive of the war in Asia.

The sum that went to South Vietnam under the fiscal 1966 program, plus the suspended aid to India and Pakistan that was not sent in fiscal 1966, should be deducted from the $1,170 million. That would be a good deal more than the $253 million by which this bill is below last year's figure, and it still would not deduct from military aid elsewhere the amount it is costing us to support "other free world forces" in Vietnam.

Secretary McNamara testified on page 672 of the hearing:

> Military assistance to South Vietnam will amount to about $795 million in the current fiscal year.

The Defense Department figure for Vietnam-associated military aid in fiscal year 1967 is $650 million. However, another supplemental could well come in early next year.

Mr. President, in my minority views I pointed out that a result of the supplemental authorization was to remove military aid to South Vietnam and others in South Vietnam from the pending military aid bill. Yet, the request for $917 million scarcely reflects the omission from this year's bill of military assistance to South Vietnam and others fighting there.

As with economic assistance, it is becoming the practice to maintain the level of the regular assistance measure, while getting additional funds through separate legislation. The separate spigot for military aid will cost in the magnitude of $630 million in fiscal 1967.

TRUE COST OF MILITARY AID

The request of the administration for $917 million has been reduced slightly by the committee. But the $25 million cut is far from commensurate with the military aid to Vietnam in last year's bill that is now coming out of the Defense budget and does not show up in this bill at all. The true expenditure by the taxpayers for military assistance in fiscal 1967 will be around $1.5 billion unless this bill is severely cut. This means that many countries unaffected by Vietnam are getting their military aid increased under this bill.

A reduction here is one way that the burden of the Vietnam war could be shared by the 55 nations on the list to receive military assistance.

Only South Vietnam and Korea of these have troops fighting. Proportionate reduction in programs for the other 53 would be little enough for them to contribute to the war in Vietnam, a war advertised as necessary to protect them all. If this is in the fact their war, and if they do not care to contribute manpower to it, at least they can contribute a cut in their military hardware from the United States.

No more than with economic assistance, can we have "business bigger than usual" in military gifts. A reduction of at least $100 million from the committee bill is not only justified but would still maintain them all at roughly last year's level.

The device of increasing military aid to 53 noncombatant countries by funding Vietnam separately is one more long step down the road to militarization of American foreign policy. It must be resisted by Congress.

I also call to the attention of Senators the views filed by five Republican members of the House Foreign Affairs Committee.

They said about military assistance:

MILITARY ASSISTANCE

Since World War II, the United States has been paymaster and armorer for half the countries of the world. Cost to Americans has come to $37 billion. Now, we are being asked to authorize an additional $917 million for military assistance excluding at least a billion more for paying and supplying the South Vietnamese Army.

In past years, while we called attention to deficiences and individual cases of waste on the military side of the aid program, we believed that for the most part, military assistance was basically a wise investment. It was a small price to pay for keeping the peace and keeping American boys off foreign battlefields. Events this past year—De Gaulle's highhanded actions in NATO, a near war on the subcontinent of Asia with both adversaries using American weapons—but most of all the almost complete lack of support by our allies in our struggle in Vietnam, compel us to recommend a reevaluation and major revamping of the military assistance program.

France has been far and away the largest recipient of miliary assistance. Through 1965, France received over $4 billion in grant aid including $4.9 million delivered in fiscal year 1965. Now France has turned its back on us in Vietnam, supports Peking's entry into the United Nations and demands the evacuation of Americans and closing of all our bases on French soil.

The United Kingdom which has received over a billion dollars in American aid continues to run her ships into Cuba. British-flag ships are hauling supplies into North Vietnam ports. Britain has 50,000 jungle-trained troops in Malaysia, relatively idle, which could be used in Vietnam. Reportedly, they will never be used because opposition to the Vietnamese war is so intense in Britain that the Labor Government would have a revolt from its own Members if British troops were used in Vietnam.

Over the years, Nationalist China has received over $2 billion in military aid. Her soldiers are ready and willing to assist us but have not been called upon.

In Latin America, the half a billion dollars we spent on material and equipment, is used in many instances to maintain military dictatorships or help in the overthrow of constitutional governments. Not a soldier has been volunteered for the Vietnamese forces.

Some of the countries which have received American military aid are actively courting the Communists. Cambodia, which is now providing a haven for North Vietnamese forces, and whose army was once equipped and 50 percent subsidized by the United States, is drawing even closer to Peiping.

In Africa, where U.S. military assistance is relatively new and small to date ($138 million), military coups overthrew seven governments since June 1965: Algeria, Central African Republic, Congo (Léopoldville), Dahomey, Ghana, Nigeria, and Upper Volta. In Europe, two of the largest current recipients of military aid—Greece and Turkey—are at each other's throats over Cyprus with an uneasy truce being maintained by U.N. peacekeeping forces, also largely financed with U.S. funds.

The administration argues that to maintain a foreign soldier in the forward defense countries, it only cost the United States one-eighth the cost of paying, feeding and clothing an American soldier. The point is this: Of what value are these foreign armies, largely equipped with material paid for by the American taxpayer, when American boys almost alone are fighting and dying in Vietnam. Of the 55 nations designated for military aid this year, only one—Korea—has sent troops to Vietnam. The Philippines is presently taking steps to furnish a battalion. Australia and New Zealand, where the United States has no aid programs, have also sent troops.

Mr. President, these countries are not helping us in any way in Vietnam, and it seems to me, as I said earlier today, and as I discussed in my minority views, they at least ought to expect to forego some of the military assistance that otherwise would go to them while we are spending these great sums of money in connection with Vietnam. I do not believe they should expect us to continue to give them this high rate of military assistance when we have to spend—the figures seem to vary—huge sums of money every day in Vietnam, when at the same time our administration asks for a serious cutback on a whole series of domestic programs essential to the President's Great Society program, such as education, poverty, public works, and the others in which the President has recommended drastic cuts.

I think the administration has a duty to also cut drastically military assistance to those countries not involved in the Vietnam war.

It seems clear from the last rollcall that the $200 million cut that I have proposed—which I believe we ought to adopt—will not be adopted; I do not wish to in any way weaken the base made by the Senator from Idaho. I supported him in committee. I supported him last year. We have worked together on this for some time.

Mr. LAUSCHE. Mr. President, will the Senator yield for a question?

Mr. MORSE. I yield.

Mr. LAUSCHE. Much has been said about the aid we are granting to the nations of South Africa. I wish to ask the Senator from Oregon, based upon testimony appearing on page 170 of the record, whether it is not the fact that the aid we are granting to all the countries in Africa is $31 million, and of that amount, $19 million goes to two countries in which we have bases—meaning that $12 million goes to 30 countries?

Mr. MORSE. The Senator is correct. But my further reply to the Senator is that we would be better off if we were not spending that money in Africa, and if we looked to others to be of assistance to them, and paid more attention to our needs at home.

Mr. ELLENDER. Mr. President, will the Senator yield?

Mr. MORSE. I yield.

Mr. ELLENDER. Mr. President, the Senator from Oregon answerd that it was true that in Africa the amount programed is a little over $31 million. That results from the fact that the Senate passed an amendment that I put in the bill, limiting aid to the countries of Africa.

Mr. LAUSCHE. But that does not contradict the fact that to all of the nations of Africa—I would say there are 40 of them—we are giving $12 million, and $19 million is going to two nations as rent for bases.

Mr. ELLENDER. The point is——

Mr. LAUSCHE. I am reading from the testimony.

Mr. ELLENDER. The point is that the Senate voted a limitation of $25 million on military aid to all African countries.

Mr. LAUSCHE. The Committee on Foreign Relations is cognizant of the fact that we should keep military aid at a minimum. But it is also cognizant of the fact that we cannot strip them completely of military equipment.

My second question is with regard to 19 nations of South America. Is it not a fact that the military assistance bill puts a limitation of $55 million, and of that $55 million the great majority goes to five countries which have populations probably in the aggregate of about 125 million people?

Mr. MORSE. That is true, but I do not know that it is significant. Even the $55 million should be greatly cut.

Mr. President, I withdraw my amendment.

The PRESIDING OFFICER. The amendment is withdrawn.

Mr. CHURCH. Mr. President, I do not intend to detain the Senate more than a few minutes, but inasmuch as I presented the amendment earlier this morning, and much of the debate took place several hours ago, I would like to sum up now the issue that is presented to the Senate by the pending amendment.

The distinguished Senator from South Dakota [Mr. McGOVERN] offered an amendment to cut the military assistance program by $250 million. The Senate has rejected that amendment. Had the amendment been adopted, an appreciable cut of about 25 percent would have been approved.

The issue presented in the pending amendment is quite different. This amendment would cut $100 million from the bill, or approximately 10 percent.

But because the other body has authorized a larger program than the committee reported to the Senate, and because the two versions of the bill must be reconciled in conference, and because customarily such differences are cut down the middle, the effect of the passage of my amendment, when it comes before the Congress in the final form of a conference report, will most likely be to hold the line.

I believe that if there ever was a time to hold the line it is this year. We are caught in a grave and costly war in Asia which is costing us $2 billion a month. We are paying not only all of our costs, but the costs of the South Vietnamese, and the costs of the other forces which have come from Australia and Korea to participate.

These costs, in their totality, are not affected in any way by the pending amendment. These costs related to Vietnam are not part of the bill, so Senators should be perfectly certain in their minds that, if they vote to hold the line in military assistance elsewhere in the world by supporting the amendment I have offered, they will not, in any way, affect the money allocated to support our forces or allied forces in Vietnam.

I hope the Senate will see fit to approve the amendment.

AUTHORIZATION FOR SECRETARY OF THE INTERIOR TO ENGAGE IN FEASIBILITY INVESTIGATIONS OF CERTAIN WATER RESOURCE DEVELOPMENT PROPOSALS

Mr. JACKSON. Mr. President, I ask that the Chair lay before the Senate a message from the House on Senate bill 3034.

The PRESIDING OFFICER laid before the Senate the amendment of the House of Representatives to the bill (S. 3034) to authorize the Secretary of the Interior to engage in feasibility investigations of certain water resource development proposals, which was to strike out all after the enacting clause and insert:

That the Secretary of the Interior is hereby authorized—

(a) to perform such additional analysis and studies as may be required on the following proposals which are pending before the Congress:

REGION 1

Chief Joseph Dam project, Chelan division, Manson unit, along Lake Chelan in north-central Washington;

Rogue River Basin project, Merlin division, on Jumpoff Joe Creek, a tributary of the Rogue River, in southwestern Oregon;

Tualatin project, first phase, on the Tualatin River, near the city of Portland, Oregon;

Walla Walla project, Touchet division, on the Touchet River in southeastern Washington;

Yakima project, Kennewick division extension, near the mouth of the Yakima River in south-central Washington.

REGION 3

Lower Colorado River Basin project, in the Lower Colorado River Basin in Arizona, California, New Mexico, Nevada and Utah.

REGION 5

Canton project on the Canadian River below the existing Canton Reservoir in northwestern Oklahoma;

Columbus Bend project on the Lower Colorado River Basin in Texas;

Palmetto Bend project on the Lavaca and Navidad Rivers in Texas.

REGION 7

Missouri River Basin project, Midstate division, on the north side of the Platte River in central Nebraska;

Missouri River Basin project, North Loup division, on the North Loup and Loup Rivers in east-central Nebraska; and

(b) to complete his analysis and studies and to prepare and process reports on the following proposals, which he anticipates will be completed or substantially completed on or before June 30, 1966:

REGION 1

Challis project, Challis Creek division, on Challis Creek in southern Idaho;

Rathdrum Prairie project, Prairie division, East Greenacres unit in Idaho, along the Idaho-Washington State line east of Spokane, Washington;

Rogue River Basin project, Illinois Valley division, on the Illinois River, a tributary of the Rogue River, in southwestern Oregon;

Southwest Idaho water development project, Mountain Home division, in the Snake River Basin near the cities of Boise and Mountain Home, Idaho;

Umpqua River project, Olalla division, on Olalla and Lookingglass Creeks in the south Umpqua Basin in southwestern Oregon;

Upper Snake River project; upper Star Valley division, on Salt River and Cow Creek, near the town of Afton, Wyoming;

Willamette River project, Monmouth-Dallas Division, on the west side of the Willamette River in the vicinity of Monmouth and Dallas, Oregon;

Willamette River project, Red Prairie division, along the South Yamhill River near the town of Sheridan, Oregon;

Yakima project, Bumping Lake enlargement, on Bumping River in the Yakima River Basin in Washington.

REGION 2

Central Valley project, Consumnes River division, initial phase, in and adjacent to the Consumnes River Basin east of Sacramento, California;

Central Valley project, Delta division, peripheral canal, in the Sacramento-San Joaquin Delta in California;

Central Valley project, Delta division, Kellogg unit, south of th city of Antioch, California;

Central Valley project, east side division, initial phase, on the east side of the San Joaquin Valley from the American River on the north to the foothills of the Tehachapi Mountains south of the Kern River;

Central Valley project, Sacramento River Division, West Sacramento canal unit, on the west side of the Sacramento River Valley and in the Putah Creek Basin in California;

Central Valley project, San Felipe division, in the Santa Clara and Pajaro River Basins in the central coastal area of California;

Sespe Creek project, on the Santa Clara River and tributaries in southern California;

Walker River project on the Walker River in west-central California and east-central Nevada.

REGION 4

Bear River project, first phase, on the Bear River and its tributaries in north-central Utah and southeastern Idaho.

REGION 5

Chikaskia project on the Chikaskia River in south-central Kansas and north-central Oklahoma;

Cuero project on the Guadalupe River in south-central Texas;

Liberty Bottoms project on the Red River below Denison Dam in south-central Oklahoma;

San Luis Valley project, Closed Basin division, in the Rio Grande Basin in south-central Colorado.

REGION 6

Missouri River Basin project, James division, Oahe unit (exclusive of Mitchell area), involving the diversion of water from the existing Oahe Reservoir into the James River Valley;

Missouri River Basin project, South Dakota pumping division, Tower, Greenwood, and Yankton units, on the Missouri River in southeastern South Dakota;

Missouri River Basin project, South Dakota pumping division, Wagner unit on the Missouri River in the vicinity of Fort Randall Dam in southeastern South Dakota;

Missouri River Basin project, Three-Forks division, Jefferson and Whitehall units on the Big Hole and Jefferson Rivers above Canyon Ferry Dam in southwestern Montana;

Missouri River Basin project, Three-Forks division, West Bench unit, on the Big Hole River in southwestern Montana near the town of Dillon;

Missouri River Basin project, White division, Pine Ridge unit, on the White River in southwestern South Dakota.

REGION 7

Mirage Flats project on the Upper Niobrara River near Hay Springs, Nebraska;

Missouri River Basin project, Cedar Rapids division, on the Cedar and Loup Rivers near Spalding, Nebraska;

Missouri River Basin project, lower Niobrara division, O'Neill unit, on the lower Niobrara River in north-central Nebraska;

Missouri River Basin project, Smoky Hill division, Ellis unit, on Big Creek in west-central Kansas;

Missouri River Basin project, South Platte division, Narrows unit, on the South Platte River near Fort Morgan, Colorado.

Alaska

Devil Canyon project, on the Susitna River about midway between the cities of Anchorage and Fairbanks, Alaska.

SEC. 2. The Secretary is authorized to continue feasibility studies on the following proposals, which are presently under study and which will require further study before completion of such studies:

REGION 1

Burnt River project, Dark Canyon division, on the Burnt River in west-central Oregon;

Chief Joseph Dam project, Okanogan-Similkameen division, Okanogan unit, on the Okanogan River in north-central Washington;

Deschutes project, central division, in the Deschutes and Crooked River Basins in central Oregon;

Flathead River project, encompassing the Flathead River Basin in northwestern Montana;

Grand Ronde project on the Grande Ronde River in northeastern Oregon;

Rogue River Basin project, Applegate Valley division, on Applegate Creek, a tributary of the Rogue River, near the city of Grants Pass, Oregon;

Rogue River Basin project, Medford division, on the Rogue River in the vicinity of the town of Medford, Oregon;

Southwest Idaho water development project, Garden Valley division, along the Payette River and in the general vicinity of Boise, Idaho;

Southwest Idaho water development project, Weiser River division, in the Weiser River Basin in Idaho;

Umatilla Basin project, encompassing the Umatilla River Basin, centering near the town of Pendleton, Oregon;

Upper Snake River project, American Falls Dam replacement on the Snake River near the city of American Falls, Idaho;

Upper Snake River project, Lynn Crandall division, on the Snake River below Palisades Dam in southern Idaho;

Upper Snake River project, Salmon Falls division, south of the Snake River, near the city of Twin Falls, Idaho;

Upper Snake River project, Snake Plains recharge division, encompassing the Snake River Plains area north of the Snake River in southern Idaho;

Walla Walla project, Marcus Whitman and Milton-Freewater divisions, in the Walla Walla River Basin in northeastern Oregon and southeastern Washington;

Willamette River project, Carlton division, on the Yamhill River in northwestern Oregon;

Willamette River project, Molalla division, on the Molalla and Pudding Rivers in northwestern Oregon;

Yakima project, Ahtanum unit, on Ahtanum Creek in the Yakima River Basin in Washington.

REGION 2

Central Valley project, American River division, Placerville Ridge unit, between the South Fork, American River and the North Fork Cosumnes River east of Sacramento, California;

Central Valley project, American River division, Pleasant Oaks unit, between the South Fork American River and the North Fork Cosumnes River east of Sacramento, California;

Central Valley project, Cosumnes River division, Fair Play unit, on the Middle Fork Cosumnes River east of Sacramento, California;

Central Valley project, East Side division, ultimate phase, on the east side of the San Joaquin Valley from the American River on the north to the foothills of the Tehachapi Mountains south of the Kern River;

Central Valley project, Pit River division, Allen Camp unit, on the Pit River northeast of Redding, California;

Central Valley project, Stanislaus River division, Sonora-Keystone unit, on the Stanislaus River in the general vicinity of Sonora, California;

Lompoc project on the lower Santa Ynez River in southern California;

North Coast project, Eel River division, English Ridge unit, on the upper Eel River and in the Putah Creek and adjacent areas north of San Francisco Bay, California;

North Coast project, Eel River division, Knights Valley unit in the Russian River Basin and adjacent areas north of San Francisco Bay, California;

North Coast project, Eel River division, ultimate phase, in the Eel River Basin in northwestern California with facilities for the diversion of excess water into the Central Valley Basin;

North Coast project, Lower Klamath River division, in the Lower Klamath River Basin in northwestern California with facilities for the diversion of excess water into the Central Valley Basin;

North Coast project, Lower Trinity River division (exclusive of Paskenta-Newville Reservoir), encompassing that portion of the Trinity River Basin below the existing Lewiston Dam of the Central Valley project, the the upper portion of the Mad and Van Duzen Rivers and the west side tributaries of the Sacramento River in California;

North Coast project, lower Trinity River division, Paskenta-Newville Dam and Reservoir on Stony and Thomes Creeks in the Sacramento River Basin in California;

Ventura River project extension in the Ventura River Basin near Ventura, California;

Washoe project, Hope Valley division, on the Carson River in California and Nevada;

Washoe project, Newlands extension division, on the lower Carson River near the city of Fallon, Nevada.

REGION 3

Black River-Springerville-Saint Johns project on the Black River and Little Colorado River near Springerville and Saint Johns, Arizona;

Boulder Canyon project, All-American Canal system water salvage, Coachella division, on the Coachella Canal in southern California;

Boulder Canyon project, All-American Canal system water salvage, Imperial division, on the All-American Canal and the Imperial Valley distribution system in southern California;

Flagstaff-Williams project, near the cities of Flagstaff and Williams, Arizona;

Kingman project, on the Colorado River and near the city of Kingman, Arizona;

Moapa Valley pumping project in the Muddy River Basin in southern Nevada;

San Pedro-Santa Cruz project in the San Pedro and Santa Cruz River Basins in southeastern Arizona;

Upper Gila River project on the Gila River and its tributaries in western New Mexico and eastern Arizona.

REGION 4

Bear River project, second phase, on the Bear River and its tributaries in north-central Utah and southeastern Idaho;

Central Utah project, ultimate phase, Uintah unit, on the Whiterock and Uinta Rivers in northeastern Utah.

REGION 5

Brantley project on the Pecos River upstream from Carlsbad, New Mexico;

Cibolo project on Cibolo Creek in the San Antonio River Basin in Texas;

Eastern New Mexico water supply project in northeastern New Mexico;

Nueces River project on Frio River in the Nueces River Basin in the vicinity of Corpus Christi, Texas;

Portales project near the town of Portales in eastern New Mexico;

Rio Grande water salvage project, New Mexico division, on the Rio Grande River between the Colorado-New Mexico State line, and the existing Caballo Reservoir;

Texas Basins project, encompassing the gulf coastal streams of Texas extending from the Sabine River on the north to the Rio Grande on the south.

REGION 6

Missouri River Basin project, Big Horn Basin division, Shoshone extension unit, Polecat Bench area, in northwestern Wyoming near the city of Powell;

Missouri River Basin project, Cannonball division, Mott unit, on the Cannonball River in southwestern North Dakota;

Missouri River Basin project, Helena-Great Falls division, Fort Benton unit, on the Missouri River in north-central Montana near the town of Fort Benton;

Missouri River Basin project, Musselshell division, Lower Musselshell unit, on the lower reaches of the Musselshell River near the town of Mosby, Montana;

Missouri River Basin project, Powder division, Kaycee unit, on the Middle Fork and main stem of the Powder River in northeastern Wyoming;

Missouri River Basin project, Marias division, Marias-Milk unit, in the Marias and Milk River Basins in north-central Montana;

Missouri River Basin project, South Dakota pumping division, Pollock-Herreid unit, on the Missouri River in north-central South Dakota;

Missouri River Basin project, Sun-Teton division, Sun-Teton unit, on the Sun and Teton Rivers in the vicinity of Great Falls, Montana;

Missouri River Basin project, Yellowstone division, Billings pump unit, at the city of Billings, Montana;

Missouri River Basin project, Yellowstone division, Cracker Box and Stipek units, along the Yellowstone River near the town of Glendive, Montana.

REGION 7

Missouri River Basin project, Blue division, Little Blue unit, along the Little Blue River in south-central Nebraska;

Missouri River Basin project, Blue division, Sunbeam unit, on the West Fork of the Big Blue River in southeastern Nebraska;

Missouri River Basin project, Laramie division, Wheatland unit, on the Laramie River in southeastern Wyoming;

Missouri River Basin project, Mount Evans division, Upper South Platte unit, on the South Platte River near the city of Denver, Colorado;

Missouri River Basin project, Oregon Trail division, La Prele unit, on La Prele Creek, near the town of Douglas, Wyoming.

ALASKA

Lake Grace project on Grace Creek on Revillagigedo Island, Alaska;

Takatz Creek project on Takatz Creek on Baranof Island near Sitka, Alaska.

SEC. 3. The Secretary is authorized to engage in feasibility studies on—

(a) the following proposals, presently scheduled for invitation on or before June 30, 1967:

REGION 1

Umpqua River project, Azalea division, on Cow Creek, a tributary of the Umpqua River in southwestern Oregon;

Chief Joseph Dam project, Okanogan-Similkameen division, Oroville-Tonasket unit, Washington.

REGION 2

North Coast project, Eureka division, encompassing the lower reaches of the Mad, Van Duzen, and Eel Rivers in northwestern California.

REGION 3

Boulder Canyon project, All-American Canal system water salvage, East Mesa unit, on the East Mesa of the Imperial Valley in southern California;

Mojave River project in the Mojave River Basin in southern California;

Santa Margarita project on the Santa Margarita River in southern California.

REGION 4

Ute Indian unit, developing waters tributary to the Colorado River in northeastern and north-central Utah.

REGION 6

Missouri River Basin project, James division, Oahe unit, Mitchell section, near the city of Mitchell, South Dakota.

REGION 7

Missouri River Basin project, Bostwick division, Scandia unit, near the town of Belleville in north-central Kansas;

Missouri River Basin project, Oregon Trail division, Glendo inundated water rights irrigation unit, near Glendo Reservoir in eastern Wyoming;

Missouri River Basin project, Smoky Hill division, Kanopolis unit on the Smoky Hill River below the existing Kanopolis Dam in central Kansas; and

(b) the following proposals, presently scheduled for initiation after June 30, 1967:

REGION 1

Chehalis River Basin, Adna division, in the Upper Chehalis River Basin near the cities of Centralia and Chehalis, Washington;

Upper Owyhee project, Jordan Valley division, on Jordan Creek in the Upper Owyhee River Basin in southeastern Oregon and southwestern Idaho;

Upper Snake River project, Big Wood division, in southern Idaho in the Big Wood River Basin near the towns of Ketchum and Sun Valley;

Upper Snake River project, Oakley Fan division, south of the Snake River near Burley, Idaho;

Tualatin project, second phase, in the Tualatin River Basin twenty miles west of Portland, Oregon.

REGION 2

Lake Tahoe project in the Lake Tahoe Basin in eastern California and western Nevada and the American River Basin in California.

REGION 3

Morongo-Yucca-Upper Coachella Valley project in Riverside County, California.

Little Rock Dam and Reservoir, Little Rock, California.

REGION 4

Colorado River Basin, power peaking capacity, in the Colorado River Basin in Arizona, Colorado, and Utah, and in the eastern part of Bonneville Basin along the Wasatch Mountains in Utah;

Grand County development, in the Colorado River Basin in southeastern Utah;

Gray Canyon project, on the Green River in eastern Utah;

Price River development, in the Price River Basin in eastern Utah;

San Juan County development, in the Colorado River basin in southeastern Utah;

Ute Indian unit of the Central Utah project, ultimate phase.

REGION 5

Mimbres project in the Mimbres River Basin in southwestern New Mexico.

REGION 6

Missouri River Basin project, North Dakota pumping division, Horsehead Flats and Winona units on the east side of the Missouri River in the general vicinity of Linton, North Dakota;

Missouri River Basin project, South Dakota pumping division, Grass Rope and Fort Thompson units on the Missouri River in the vicinity of the towns of Lower Brule and Fort Thompson, South Dakota.

REGION 7

Missouri River Basin project, Elkhorn division, Highland unit, on the Upper Elkhorn River in northeastern Nebraska;

Missouri River Basin project, Solomon division, Glen Elder irrigation unit, on the Solomon River in the vicinity of the towns of Downs and Delphos, Kansas;

Missouri River Basin project, Marais des Cygnes River Basin project.

SEC. 4. The Secretary, pursuant to the authority contained in sections 2 and 3 of this Act, shall submit to the Committees on Interior and Insular Affairs of the Senate and House of Representatives within one year after completion of the final feasibility plan those studies of proposals determined to be feasible, with alternate studies for the construction, operation, and maintenance of each water resource project or proposal in all instances where practical alternatives are known to the Secretary. The Secretary shall provide in the initial and/or alternate studies all the data and information on short-term benefits and costs necessary for the comprehensive and integrated development of each water resource project or proposal, including any and all factors directly, indirectly, ancillary and/or incidental to the comprehensive development of each water resource project or proposal.

SEC. 5. The Secretary is authorized to engage in feasibility studies on additional proposals when and to the extent that the costs of such studies shall have been advanced by non-Federal sources.

Mr. JACKSON. Mr. President, I move that the Senate disagree to the House amendments and ask for a conference with the House, and that the Chair appoint the conferees on the part of the Senate.

The motion was agreed to; and the Presiding Officer appointed Mr. CHURCH, Mr. ANDERSON, Mr. JACKSON, Mr. KUCHEL, and Mr. ALLOTT conferees on the part of the Senate.

THE MILITARY ASSISTANCE AND SALES ACT OF 1966

The Senate resumed the consideration of the bill (S. 3583) to promote the foreign policy, security, and general welfare of the United States by assisting peoples of the world in their efforts toward internal and external security.

Mr. ELLENDER. Mr. President, I wish to take about 2 minutes to reiterate what I have stated before. If the amendment now pending is adopted it will in no manner affect the military assistance program for South Vietnam. It will not disturb the amount that was made available last year for Korea, Taiwan, and for NATO infrastructure. The same amounts made available last year for these programs will be continued available if the Church amendment is adopted.

However, if the amendment is adopted the administration should eliminate the aid that is programed in the pending measure for India and Pakistan. It will not be possible to increase the amount for NATO infrastructure to $90 million which is $20 million more than was made available in fiscal year 1966 and almost twice the sum made available for this purpose in fiscal year 1965.

As the Senator from Idaho has stated, if his amendment is adopted it will permit us to hold the line in the military assistance program. It will in no way affect aid that is to be given to those countries on the periphery of the Sino-Soviet bloc.

I hope the amendment is adopted.

The PRESIDING OFFICER. The question is on the amendment of the Senator from Idaho [Mr. CHURCH]. The yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. SIMPSON (when his name was called). On this vote, I have a pair with the minority leader, the Senator from Illinois [Mr. DIRKSEN]. If he were present and voting, he would vote "nay"; if I were at liberty to vote, I would vote "yea." I withhold my vote.

The rollcall was concluded.

Mr. LONG of Louisiana. I announce that the Senator from Tennessee [Mr. BASS], the Senator from Arizona [Mr. HAYDEN], and the Senator from Arkansas [Mr. McCLELLAN], are absent on official business.

I also announce that the Senator from Texas [Mr. YARBOROUGH], is necessarily absent.

Mr. KUCHEL. I announce that the Senator from Colorado [Mr. ALLOTT] and the Senator from Kansas [Mr. PEARSON] are necessarily absent.

The Senator from Illinois [Mr. DIRKSEN] is detained on official business, and his pair has been previously announced.

On this vote, the Senator from Colorado [Mr. ALLOTT] is paired with the Senator from Kansas [Mr. PEARSON]. If present and voting, the Senator from Colorado would vote "yea" and the Senator from Kansas would vote "nay."

The result was announced—yeas 55, nays 37, as follows:

[No. 162 Leg.]

YEAS—55

Bartlett
Bayh
Bible
Boggs
Brewster
Burdick
Byrd, Va.
Byrd, W. Va.
Church
Clark
Cotton
Curtis
Dominick
Ellender
Fannin
Fulbright
Gore
Griffin
Gruening
Hart
Hartke
Hill
Holland
Hruska
Inouye
Jordan, Idaho
Kennedy, Mass.
Kennedy, N.Y.
Magnuson
McCarthy
McGovern
McIntyre
Metcalf
Mondale
Monroney
Morse
Moss
Mundt
Muskie
Nelson
Neuberger
Pell
Prouty
Proxmire
Randolph
Robertson
Russell, S.C.
Russell, Ga.
Symington
Talmadge
Tydings
Williams, N.J.
Williams, Del.
Young, N. Dak.
Young, Ohio

NAYS—37

Aiken
Anderson
Bennett
Cannon
Carlson
Case
Cooper
Dodd
Douglas
Eastland
Ervin
Fong
Harris
Hickenlooper
Jackson
Javits
Jordan, N.C.
Kuchel
Lausche
Long, Mo.
Long, La.
Mansfield
McGee
Miller
Montoya
Morton
Murphy
Pastore
Ribicoff
Saltonstall
Scott
Smathers
Smith
Sparkman
Stennis
Thurmond
Tower

NOT VOTING—8

Allott
Bass
Dirksen
Hayden
McClellan
Pearson
Simpson
Yarborough

So Mr. CHURCH's amendment (No. 711) was agreed to.

Mr. CHURCH. Mr. President, I move that the vote by which the amendment was agreed to be reconsidered.

Mr. FULBRIGHT and Mr. ELLENDER moved that the motion to reconsider be laid on the table.

The motion to lay on the table was agreed to.

LEGISLATIVE PROGRAM

Mr. KUCHEL. Will the Senator from Alaska yield briefly so that I might inquire of the majority leader as to his plans for the remainder of the day?

Mr. GRUENING. I am happy to yield for that purpose.

Mr. **MANSFIELD**. Mr. President, in response to the question raised by the acting minority leader, the Senator from California [Mr. KUCHEL], it is the hope that the Senate will continue the pace which it has now set and will be in a position to consider as many amendments tonight as possible, and perhaps finish the bill; but we will have to let the situation take its course.

Mr. **KUCHEL**. Otherwise, at what time does the majority leader contemplate having the Senate convene tomorrow?

Mr. **MANSFIELD**. Because of the progress made today, I would say at 12 o'clock.

Mr. **KUCHEL**. I thank my friend.

AMENDMENT NO. 705

Mr. **GRUENING**. Mr. President, I call up my amendment No. 705, and ask that it be stated.

The **PRESIDING OFFICER**. The amendment of the Senator from Alaska will be stated.

The assistant legislative clerk read the amendment (No. 705), as follows:

> On page 6, line 22, strike out the semicolon and substitute a colon and the following: "*Providing*, That with respect to the North Atlantic Treaty Organization maximum effort should be made to obtain multilateral rather than unilateral financing of such facilities: *Provided further*, That in connection with the forthcoming removal of North Atlantic Treaty Organization military bases and facilities from France, the President shall report to the Congress on October 1, 1966, and each sixty days thereafter until June 30, 1967, what arrangements have been made with each of the remaining North Atlantic Treaty Organization allies for each of them to bear their fair share of the costs of moving North Atlantic Treaty Organization bases and facilities from France and of establishing equivalent bases and facilities in other North Atlantic Treaty Organization countries."

Mr. **GRUENING**. Mr. President, the NATO infrastructure program which was started in 1951, provides fixed defense installations and facilities required for the training of NATO forces in peacetime and for their operational use in wartime. Funds required to construct facilities approved for construction in the NATO infrastructure program are provided through international cost sharing, and each member nation's share is determined on the basis of periodically negotiated cost-sharing agreements. U.S. contributions have varied from about 43 to 31 percent in more recent years. The United States has incurred financial commitments in excess of a billion dollars as its share of the cost of the NATO infrastructure program.

Concomitantly with this program the U.S. military forces in Europe have been spending large amounts of appropriated funds for the construction of facilities for U.S. forces which are utilized as part of the NATO organization.

A limited review by the General Accounting Office uncovered about $200 million in construction costs which were borne entirely by the United States because the Department of Defense had not sought to obtain NATO funding for these projects. The projects included air weapons control systems, missile facilities, airfield facilities, petroleum storage facilities, ammunition storage facilities, and war headquarters construction. The GAO report notes that the unilateral construction of military facilities in Europe by the U.S. military services without requesting NATO funding has been a common practice. All of these facilities were constructed to support NATO committed forces and were being used for this purpose.

This matter is of particular importance at this time. President de Gaulle has requested the United States to remove its bases and all of its forces from France by April 1967, and the U.S. officials are at present hunting for other sites for NATO bases in the Netherlands and in Belgium and elsewhere. I ask unanimous consent to include at the conclusion of my remarks a newspaper article from the Christian Science Monitor on the search that is now underway for new sites to relocate NATO bases.

The **PRESIDING OFFICER**. Without objection, it is so ordered.

(See exhibit 1.)

Mr. **GRUENING**. Mr. President, Congress can take action now to prevent the waste of funds that occurred earlier when the U.S. military services bore the entire cost of the construction of bases for NATO uses without seeking NATO funding and the proration of costs in accordance with existing NATO agreements.

Early last week in connection with the work of the Subcommittee on Foreign Aid Expenditures of the Senate Committee on Government Operations, I returned from Europe where I received extensive briefings on the impending moves of bases out of France. From what I could determine no effort has as yet been made to explore with the remaining NATO countries the possibility of cost sharing either in the expenses of moving the existing bases or of establishing new bases.

Congressional action is needed immediately. It is necessary that there be a periodic review of cost sharing.

EXHIBIT NO. 1

NATO UNITS HUNT NEW QUARTERS

(By Robert R. Brunn)

WASHINGTON.—Special American teams are criss-crossing the Low Countries, West Germany, Italy, and the United Kingdom these days. They are examining facilities, railroad networks, population densities, leasing and sale arrangements, costs, and national legal restrictions.

It's all part of American and NATO efforts to plan for a shift in personnel, headquarters, supply depots, oil lines, and air bases out of France in the wake of President de Gaulle's decision to withdraw his nation from an active role in NATO.

Pentagon planners admit the De Gaulle decision leaves them with monumental problems.

Intricate discussions with the French, already begun on an exploratory basis, will try to pin down details of a proposed NATO-French strategic link-up. But Pentagon officials believe little can be achieved until after President de Gaulle's June visit to Moscow.

WEAKNESS IMPENDING?

One general says unless President de Gaulle "gives us a certain promise of specific action and we believe in the credibility of the French assurances" a military weakness will exist fairly soon. He indicated that a military stand at the Rhine River would hardly be feasible without the backing of French territory, manpower, and industrial resources.

Any new strategy could be bolstered in the 1970's by the planned advent of new C–54A jet transports. Each could carry 1,000 troops, or 110 tons of cargo, across the Atlantic.

The Pentagon assesses current Soviet policy in Europe as relatively moderate, but does not take it for granted this moderation necessarily will continue.

A few years ago Pentagon intelligence listed the Soviet Union's armed force as 5,750,000; this estimate now has been scaled down to 3,150,000.

Soviet ground combat troops are estimated at 2,000,000; East European nations have another 1,000,000. NATO nations have 2,200,000 troops in uniform, including the French. Citing these statistics Assistant Secretary of Defense Alain C. Enthoven said recently, "It certainly cannot be said that we are hopelessly outmanned or outgunned."

COMPARISON DRAWN

This comparison is offered in the Pentagon as evidence that the Soviet Union, despite the French semidefection, will not be able to take military advantage of Western Europe.

This past week the Pentagon revealed plans to reassign 15,000 highly skilled American soldiers from the seventh Army in Western Europe to undermanned units in the United States. Some offer this as evidence of American confidence in the moderation of the Soviets' European stance.

At this stage of relations with France, Pentagon officials insist the "forward strategy" will remain—the strategy of defending West Germany close to the Iron Curtain.

The French indicate they will keep their 75,000 troops in West Germany. Yet Pentagon planners realize that the joint Chiefs of Staff and the West German military, not to mention the Erhard government, must be reassured.

COOPERATION UNCERTAIN

Will the French actually participate in the "forward strategy," promising to move their troops up from the Rhine Valley toward the East German border should a crisis arise? Would the French, in event of a conflict, coordinate their strategy with NATO?

The American military is trying to work out a compromise with the French. The Americans, for example, know that the French have no early radar warning system. The Americans wonder if the French would continue to allow American planes to fly over France—a question that soon will come up for review—if the United States were to provide France with an early warning system.

Faced with a plethora of questions like this, Pentagon officers and officials often argue they literally do not know what the French plan to do, that strategic and organizational decisions must wait, and that every effort should be made not to isolate the French.

High-level Pentagon figures agree that even if the French cooperate to some degree with NATO after pulling out of it officially, NATO will have less viability, less resiliency, and less cohesion.

FRENCH IMPORTANCE STRESSED

NATO reviews its strategic plans every year. And every year Pentagon officials feel NATO's military structure could easily be weakened if the French are not with them on a day-to-day working level.

Officers who are dealing with the NATO crisis insist that they will not, and cannot, second-guess the French. What they can do is decide whether or not the NATO Council will remain in Paris, and what happens to the NATO military standing group which met in Washington and was made up of the British, the Americans, and the French.

The French will remain in the council and informed guessing is the council will remain in Paris.

But the standing group has no meaning with the French "outside." One solution might be to make the group a NATO committee of the whole, and shift its operations to Western Europe.

As for shifting other NATO operations headquarters out of France, the Pentagon is talking about placing the Supreme Headquarters Allied Powers in Europe (SHAPE) in London. Domestic politics eventually will be the critical factor.

Central group headquarters, now at Fontainebleau, may be placed in Luxembourg. Some lower-level command groups may end up in West Germany.

Warehouse facilities are being sought in Belgium, the Netherlands, and even in Italy.

Already many of NATO's supplies funnel through Antwerp, Rotterdam, and Bremen, not through France. A slow, steady movement of NATO and American personnel and functions out of France has been going on for several years.

U.S. FORCE REDUCED

About 26,000 American military men, and 30,000 wives and children, remain in France. In 1961 close to 40,000 military men alone were there.

Chateauroux, an air field 70 miles south of Paris, will be missed. Close to 500 Americans direct military air transport operations into Europe, Africa, and Asia west of Calcutta. Transport planes have also worked out of Evreux.

Five of 10 air bases designed for use by bombers and fighters have already been turned back to the French. The French long ago banned all foreign nuclear weapons from their soil. Reconnaissance planes remain, but also must be removed.

A five-year-old complex of hospitals near Croix Chapeau has never been used. It includes vast warehouses full of medical supplies. The United States Army planned to build its main European repair shops at Fontenet, but built only a costly steam boiler and left it idle.

Six huge American ammunition dumps are located in France.

If the French force the removal of a complex communications line across France into West Germany the replacement cost will be high.

Oil is stored in tanks in St. Nazaire. From there it is pumped at about five miles an hour across France to West Germany. Six or seven tankers call monthly at St. Nazaire. The Pentagon is arranging alternative routes and fuel routes in case the French make it clear the oil pipeline must "go."

How much of the maze of NATO and American bases in France, totaling about 40, will be completely phased out? Will some be placed on a stand-by basis with skeleton crews ready for a Soviet threat? Will the French allow NATO to keep some facilities operating such as the oil pipeline? American officials wish they knew.

Mr. **FULBRIGHT**. Mr. President, I agree with the Senator that our allies should pay their fair share of the expenses for NATO facilities. I have no objection to the amendment.

The **PRESIDING OFFICER**. The question is on agreeing to the amendment of the Senator from Alaska.

The amendment (No. 705) was agreed to.

Mr. **GRUENING**. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. **FULBRIGHT**. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The **PRESIDING OFFICER**. The bill is open to further amendment.

AMENDMENT NO. 707

Mr. **GRUENING**. Mr. President, I call up my amendment No. 707, and ask that it be stated.

The **PRESIDING OFFICER**. The amendment of the Senator from Alaska will be stated.

The assistant legislative clerk read the amendment (No. 707), as follows:

> On page 26, at the end of line 12, add the following: "The terms of payment shall include a provision for the payment of interest at a rate not less than the average interest rate paid by the United States on its long-term indebtedness."

Mr. **GRUENING**. Mr. President, S. 3583 provides no limits on the terms of credit sales to foreign governments for military supplies and equipment insofar as interest rates are concerned. I believe the Congress should make it clear that these credit sales are not meant to be an additional subsidy for governments purchasing defense supplies from the United States.

I, therefore, am proposing an amendment to S. 3583 which would require that interest be paid on credit sales at a rate not less than the average interest rate paid by the United States on its long-term indebtedness.

Mr. **FULBRIGHT**. Mr. President, as the Senator has explained, the amendment would require that the average interest rate paid on the Federal Government's long-term indebtedness be charged on these sales. I think that it is a good amendment and I am willing to accept it.

Mr. **GRUENING**. Mr. President, I move that the amendment be adopted.

The **PRESIDING OFFICER**. The question is on agreeing to the amendment.

The amendment (No. 707) was agreed to.

Mr. **GRUENING**. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. **FULBRIGHT**. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The **PRESIDING OFFICER**. The bill is open to further amendment.

AMENDMENT NO. 709

Mr. **GRUENING**. Mr. President, I call up my amendment No. 709, and ask that it be stated.

The **PRESIDING OFFICER**. The amendment of the Senator from Alaska will be stated.

The assistant legislative clerk read the amendment (No. 709), as follows:

> On page 36, line 16, insert the following: "subject to any future action of the Congress". After the word "shall" the following: "be subject to any future action of the Congress and shall".

Mr. **GRUENING**. Mr. President, section 91(b) of S. 3583 provides that the duration of a contract which entails commitments for the expenditure of funds under the military assistance program shall be for not more than 5 years at any time. This is the same provision contained in existing legislation under section 635(h) of the Foreign Assistance Act of 1961, as amended, with one notable exception. Section 635(h) gives the President the authority to enter into contract of up to 5 years' duration subject to any future action of the Congress.

I am proposing this amendment to section 91(b), which would provide the same limitation as contained in existing legislation.

Mr. **FULBRIGHT**. Mr. President, there is some question about the wording of the Senator's amendment. I have no objection to the objective of the amendment but I have reservations about the wording.

Mr. **GRUENING**. I suggest that the technical language be worked out by the committee staff, if the Senator accepts the amendment.

Mr. **FULBRIGHT**. I think I understand the Senator's objective, and I approve of it.

Mr. **GRUENING**. Would the Senator have any objection to having the committee staff work out the language?

Mr. **FULBRIGHT**. I will take it to conference, and the language can be worked out then.

Mr. **GRUENING**. Mr. President, I move that the amendment, with that provision, be accepted.

The **PRESIDING OFFICER**. The question is on agreeing to the amendment.

The amendment (No. 709) was agreed to.

Mr. **GRUENING**. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. **FULBRIGHT**. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 702

Mr. **McGOVERN**. Mr. President, I call up my amendment No. 702, and ask that it be stated.

The **PRESIDING OFFICER**. The amendment will be stated.

The assistant legislative clerk read as follows:

> On page 33, section 83, strike the caption on line 11 and substitute "Utilization of Funds".
>
> On page 33, lines 14 and 15, strike the words "there is hereby authorized to be appropriated to the President" and substitute "the President is authorized to utilize,".
>
> On page 33, line 17, insert a comma before the word "not".
>
> On page 33, lines 18 and 19, strike the words "for use beginning in the fiscal year 1967, which shall remain available until expended." and substitute "out of any funds appropriated in the Department of Defense Appropriation Act, 1967,".

Mr. **McGOVERN**. Mr. President, I ask unanimous consent, in view of the action just taken by the Senate which changed the figure authorized in the bill to $792 million, that that correction be made in the amendment, so that the figure will read "$792 million" instead of "$892 million."

The **PRESIDING OFFICER**. Without objection, it is so ordered.

Mr. McGOVERN. Mr. President, last week President Johnson urged the Congress to do everything possible to hold the line on spending. The President is obviously very much concerned about the inflationary pressures of the war in Vietnam, our balance-of-payments situation, and the strains upon our resources and our economy resulting from increased expenditures.

Therefore, at a meeting last week with congressional leaders, the President called upon Congress to hold down legislative expenditures.

> I asked the chairmen of the committees to meet with the chairmen of their subcommittees and their ranking minority members and scrutinize every proposed add-on to the budget—

President Johnson said at a news conference on July 19. The President added significantly—

> I hope Members of Congress will do what they can to be helpful.

During the same week, the distinguished minority leaders of the Senate and the House, Mr. Dirksen and Mr. Ford, issued a statement urging even greater economy efforts by the administration and the Congress.

In an effort to translate the requests of President Johnson and the minority leadership into meaningful action, my amendment proposes to authorize the financing of the military assistance bill now before us from funds appropriated in the 1967 Department of Defense Appropriation Act. My amendment is a simple one. It strikes the provision in section 83 of the bill before us for a separate authorization of funds for the Military Assistance and Sales Act, and provides instead that the President is authorized to utilize funds appropriated to the Defense Department in excess of need to carry out the provisions and purposes of the Military Assistance and Sales Act.

As Members of the Senate doubtless know, the House of Representatives has recently appropriated $58.6 billion in new funds for the Department of Defense activities for fiscal 1967. This was nearly a billion dollars above the amount requested by the administration.

Beyond that, the Defense Department currently has $42 billion in carryover funds from previous authorizations. Therefore, with the additional $58.6 billion, they would have approximately $100 billion to spend in the fiscal year 1967. Although much of this huge total is already obligated, the Department of Defense estimates that by June 30, 1967, $8.4 billion of funds will still not be obligated.

The action by the House would give the Department nearly a billion dollars more than the administration wanted. The House added funds for several questionable items not requested by the President or his able Secretary of Defense, Mr. McNamara. Perhaps the most striking of these additions was that of $163,300,000 for the development and preproduction activities in connection with the Nike-X anti-ballistic-missile system. I earnestly hope, and everything seems to indicate that, the Defense Department will not be spending these funds during the current fiscal year. Other substantial amounts were added by the House above administration requests, for a nuclear-powered frigate, F–12 interceptor aircraft, and advanced manned strategic aircraft, as well as other items.

Recognizing that the House has now given the administration a full billion dollars more than requested, I do not believe it would be sound, from an economic viewpoint, to authorize separately another $892 million to carry out the military assistance program. It seems to me that it is only the better part of prudence for us to provide that the military assistance in the bill now before us should be financed during fiscal year 1967 out of excessive Defense Department funds. This course of action seems all the wiser in light of the fact that there are probably many other excess funds in a program as large as that of the Defense Department. It is inconceivable that there is not at least a billion dollars surplus fat in the $100 billion now available to the Department of Defense. Why not earmark enough of that fat to finance the military assistance bill now before us instead of authorizing new funds that increase the Federal budget, add to the load on our taxpayers, strain the national debt and weaken the dollar. We owe it to our men fighting in Vietnam to be as valiant in defending the economic strength of the Nation at home as they are in defending our interests abroad. It would be shocking for us to waste Federal funds on a needlessly swollen budget when our fighting men are investing their lives trying to save the interests of the Nation.

Secretary McNamara has repeatedly said that the military assistance bill is more important to the defense and security of the United States than a comparable amount of funds in the Defense Department budget for other items. Thus, I feel sure that the Department of Defense would welcome the opportunity to utilize some of the surplus funds appropriated to them to underwrite the military assistance program during the current fiscal year.

Let me add at this point that my amendment is in no way intended to question the fact that military aid is essentially a foreign policy matter. It has always been considered by the Foreign Relations Committee, and rightly so. The administration of the program would be untouched by this amendment. The amendment simply authorizes a transfer of funds from an overloaded Pentagon budget so that we can save the $792 million new burden on our taxpayers proposed in the bill before us.

Permit me in closing to reemphasize that this is an "economy" amendment, designed to prevent a separate, unneeded authorization. I urge its approval by the Senate. I ask unanimous consent that these explanatory items and articles be printed in the Record.

There being no objection, the material was ordered to be printed in the Record, as follows:

Upon Adoption of the McGovern Amendment No. 702 to S. 3583, the New Section 83 would read as follows:

"Sec. 83. Utilization of Funds.—In addition to such amounts as may be otherwise authorized to support Vietnamese forces and other free world forces in Vietnam, the President is authorized to utilize, to carry out the provisions and purposes of this Act (excluding the support of Vietnamese forces and other free world forces in Vietnam), not to exceed $792,000,000 out of any funds appropriated in the Department of Defense Appropriation Act, 1967."

[From the Washington Post, July 21, 1966]

House Votes $58.6 Billion for Defense

(By Richard L. Lyons)

The House passed a $58.6 billion appropriation bill yesterday to finance the Nation's defense for the next year—almost $1 billion more than the Administration had requested.

The only concern expressed was whether it was big enough.

The largest money bill since World War II was approved, 393 to 1, and sent to the Senate. The "no" vote was cast by Rep. George E. Brown, Jr. (D-Calif.), who was registering his opposition to the war in Vietnam.

The new funds plus unspent money carried over from previous years would make about $100 billion available for defense. And the House was told that if the Vietnam fighting continues another appropriation, perhaps as much as $10 billion, will be needed before the fiscal year ends next June.

The House voted funds the Administration had not requested to speed development of the Nike-X anti-ballistic-missile system and to build one nuclear-powered frigate and start a second.

The only lively debate during the two-day discussion came on an amendment by Rep. Jeffery Cohelan (D-Calif.) to knock out $153.5 million added by the Appropriations Committee for Nike-X. The Administration had requested nearly half a billion dollars for more research on anti-missile defense, but the Committee wanted to move faster toward actual production.

SCIENTISTS QUOTED

Cohelan said the extra funds would press the Administration to make a decision on a $30 billion program that it has not yet thoroughly researched. It would, he said, add fuel to the arms race and further strain the international "balance of terror." He quoted scientists as being dubious of the effectiveness of Nike–X in shooting down missiles.

Rep. Robert L. Sikes (D-Fla.) replied that there are indications the Soviet Union is "two or three years or more ahead of us" in developing an anti-missile system. The United States can't wait any longer, he said.

"If we operate on the premise that we can't provide for the defense of the country because it might make the Russians mad, we might as well defeat this bill," said Sikes.

Rep. George H. Mahon (D-Tex.), chairman of the Appropriations Committee, supported the extra funds on grounds that the Soviet Union "may be" building such a system. But he added that, "Frankly, I don't have much faith in any of these systems."

LIFE BECOMES UNSTABLE

Rep. Weston E. Vivian (D-Mich.) said adding an anti-missile system to stockpiles of nuclear weapons would be like two men facing each other with shotguns and believing themselves protected by bullet-proof vests. In such a situation, he said, "life becomes very unstable."

A standing vote of 74 to 20 defeated an amendment by Rep. CHARLES E. CHAMBERLAIN (R-Mich.) to add $12 million for more airborne telecasting stations in Vietnam. CHAMBERLAIN said the present system, which provides limited programs for morale and propaganda purposes, has been successful and should be enlarged.

The President would not be required to spend the extra funds voted by the House.

[From the Washington Star, July 22, 1966]

JOHNSON BLASTED BY GOP ON SPENDING

Senate and House Republican leaders today assailed President Johnson for blaming Congress for excessive spending which could lead to another tax increase.

At a joint news conference, Sen. EVERETT M. DIRKSEN of Illinois and Rep. GERALD R. FORD of Michigan said the inflation the President now fears stems from excessive federal spending which from the first days of his administration "has been planned, proposed and pushed."

FORD said the spending could be curtailed overnight with a word from the President to the Democratic-controlled Congress. Both promised to support reductions in spending and cited foreign aid as one area where cutbacks could be achieved.

Speaking of the aid program, DIRKSEN said: "This global dole must be curtailed. The time to start is now."

This week DIRKSEN pushed through a $250 million slash in foreign aid funds in the economic assistance authorization bill now before the Senate. He said, however, he planned to ask no further cuts.

Both leaders questioned the U.S. benefits from foreign aid assistance and the theme of their press conference was posed in their question of the week: "Mr. President, why are we losing our money and our friends?"

In other comments:

1. Both FORD and DIRKSEN said they opposed the compromise housing provision in the civil rights bill approved by a House committee with the backing of Rep. WILLIAM M. MCCULLOCH, R-Ohio. FORD said this provision banning discrimination in the sale and rental of housing was not much better, if any, than what the administration had proposed.

2. FORD charged that statements by Vice President HUBERT H. HUMPHREY may have been a factor in Negro riots and unrest in several cities. HUMPHREY has denied that a statement he made in New Orleans, La., last week indicated any sympathy for mob lawlessness.

FORD also said one riot factor may have been that the administration had promised too much in the way of the poverty program and other undertakings.

3. FORD accused Secretary of Defense Robert S. McNamara of "phony" claims of saving $4.5 billion in defense spending. He added that hearings now being conducted by a House Armed Services Subcommittee revealed that the secretary had "ballooned" savings beyond any reasonable criteria.

(The ACTING PRESIDENT pro tempore (Mr. BYRD of Virginia) assumed the chair at this point.)

The ACTING PRESIDENT pro tempore. The question is on agreeing to the amendment of the Senator from South Dakota.

Mr. FULBRIGHT. Mr. President, this amendment, if I understand it correctly, gives the President authority to transfer funds from Department of Defense appropriations in order to finance the military assistance program.

Mr. McGOVERN. It is authority to use funds from Defense appropriations.

Mr. FULBRIGHT. I personally do not have any objections to the amendment. But I do not know whether other Senators may object. The Senator from Georgia has expressed some views about it; perhaps he should comment on it.

Mr. RUSSELL of Georgia. Mr. President, I am very much opposed to this amendment. It permits the President—and I say this with due deference to the present President; I would feel the same way about any other President—to go into the appropriations made by Congress for the Department of Defense, veto individual items, and take the funds provided for those items and transfer them to the military assistance program.

For example, he could close any base he saw fit, anywhere, and transfer the funds provided for the operation of that base to the military assistance program. He could change any specific Defense appropriation that Congress might make, and transfer the funds provided to this purpose.

We permit very sweeping powers of transfer within appropriations, but this is the first time, to my knowledge, that a proposal has been made to authorize the President to transfer funds provided in a bill for the Military Establishment of the United States to the foreign assistance program.

Of course, it is well known that the executive department has not expended all of the funds that have been appropriated by Congress for the Department of Defense for the past several years. I doubt very much that the amendment, if agreed to, would have any material impact on the operations of the Department of Defense. But it certainly would vitally affect the authority of Congress, in undertaking to establish and to provide specific programs for the Department of Defense. I do not think the Defense Department should become involved in the military assistance program.

Mr. SALTONSTALL. Mr. President, will the Senator yield?

Mr. RUSSELL of Georgia. I am happy to yield to the Senator from Massachusetts.

Mr. SALTONSTALL. Mr. President, I have been a member of the Department of Defense Subcommittee of the Committee on Appropriations for a number of years. We have always been very careful, if there is to be a transfer of funds from one appropriation to another, that there is a limit placed on the amount to be transferred. We have provided that not more than 10 percent of the appropriation should be transferred, as well as other restrictions.

In the Department of Defense, there is always reprograming, and if the Department wishes to change the use of money from one purpose to another, for procurement of some kind, they must come to our committee and obtain authority, stating where the money is coming from and what they intend to use it for.

As I listen to this discussion, it seems to me that the amendment would simply turn over $892 million, or whatever the proper figure is now, to the Department of Defense, which would mix up their accounts as to what goes into military assistance and what kind of weapons are to be provided; and particularly it would take away the authority of Congress over appropriations, in at least that amount.

Mr. RUSSELL of Georgia. As the Senator has stated, transfer provisions have heretofore been adopted by Congress, not only with respect to military appropriations, but in Department of Agriculture and other appropriations; and there is flexibility in practically all of the bills; but the transfer provisions provide that by the transfer, the Executive cannot completely wipe out any activity by transferring 100 percent of the money.

Under the provisions of this amendment, the President would have complete leeway to transfer up to $892 million as he saw fit.

Mr. McGOVERN. Seven hundred and ninety-two million dollars.

Mr. RUSSELL of Georgia. Seven hundred and ninety-two million dollars. He could wipe out completely any one item; whereas, under the present appropriations practice, whenever there is a transferability clause, he cannot completely eliminate any one project.

I think the amendment, if agreed to, would represent the most monumental surrender of whatever little power of the purse is left in this parliamentary body that it would be possible to make; and I hope the Senate will reject the amendment.

Mr. FULBRIGHT. Mr. President, will the Senator yield?

Mr. RUSSELL of Georgia. I yield to the Senator from Arkansas.

Mr. FULBRIGHT. I wish to clarify a point I did not understand a while ago. I was thinking of another amendment.

The effect of the Senator's amendment would be to eliminate the authorization carried in the bill, so that any funds spent for the military assistance program would be taken from appropriations for the Department of Defense; is that correct?

Mr. McGOVERN. That is correct.

Mr. FULBRIGHT. That is what I did not understand at first. There is a mandatory aspect to it, in that there would be no additional authorization for separate appropriations for the military assistance program?

Mr. McGOVERN. The Senator is correct.

Mr. FULBRIGHT. The House recently voted to appropriate approximately a billion dollars more than the administration requested for the Department of Defense. The net effect of adopting this amendment would be to utilize for this purpose the excess billion dollars that the House approved, so that our action would be in accord with the President's recent request to hold the budget in line.

Mr. McGOVERN. The Senator is correct.

Mr. RUSSELL of Georgia. How would that save a nickel? The money that he does not spend stays in the Treasury.

Mr. FULBRIGHT. But since $792 million would not be authorized to be appropriated, there would be that much less authorization.

When the Senator said the amendment was entirely permissive, I thought he meant that the President might or might not proceed to obtain a separate appropriation for military assistance. What he is doing in this amendment is eliminating any separate authorization for an appropriation of $792 million for the program.

Mr. SALTONSTALL. Mr. President, as I understand it, the foreign aid now is administered by the foreign aid group headed by Mr. Bell and others.

Mr. FULBRIGHT. It is administered by the Defense Department.

Mr. SALTONSTALL. The money would go to the Defense Department.

Mr. FULBRIGHT. And it is administered by the Department of Defense.

Mr. SALTONSTALL. If it is administered by them, it is kept in a separate category on the books. If this is eliminated, it would simply mean that $792 million would go to the various agencies of the Department of Defense with no particular control over them, as I see it, except by the President.

Mr. RUSSELL of Georgia. Reading the measure, as I see it, if the President wanted any of this money, he would be compelled to take it out of the military appropriation bill, and we have no military assistance program unless the President is willing to take it out of the Defense appropriation for the United States.

Mr. FULBRIGHT. It looks like the President will have a billion dollars more than he asked for.

Mr. RUSSELL of Georgia. How does the Senator know that?

Mr. FULBRIGHT. I thought that was reported.

Mr. RUSSELL of Georgia. We have not reported the bill or even concluded hearings on the bill.

Mr. FULBRIGHT. The House passed the bill.

Mr. RUSSELL of Georgia. I am not certain about that. I think it was some $600 or $700 million over and above the budget request that the House appropriated.

Mr. FULBRIGHT. That would be about enough to pay for this program.

Mr. RUSSELL of Georgia. It would still mean that the President would have to take additional funds from somewhere, out of the military defense of the United States. I am aware of the fact that there is a very strong feeling on the part of some Senators against the Military Establishment of the United States, and that they are willing to take funds away from the military appropriation for any purpose on earth.

Mr. FULBRIGHT. That is not so.

Mr. RUSSELL of Georgia. This is certainly an oblique and flank attack on the military appropriations to sustain the military forces of the United States.

Mr. FULBRIGHT. That is not so. The administration itself asked for a certain amount and it appears that Congress is now going to say: "No, you have got to take more than that—$600 or $700 million more." I do not see where it can be said that it is an oblique attack on the military.

Mr. RUSSELL of Georgia. It is not oblique; it is a direct attack.

Mr. FULBRIGHT. It is not an attack at all.

Mr. RUSSELL of Georgia. The Senator does not know, and neither do I know, what will be appropriated for the Department of Defense for the year 1967. The committee has not concluded its hearings.

There is no way on earth to tell what it will do. But this will force the President to the necessity of taking it out of the Department of Defense appropriations whether he wants to or not. The Senator from Arkansas says that there is more there than he wants.

Mr. FULBRIGHT. That is what was reported in the newspaper.

Mr. RUSSELL of Georgia. The House bill did carry more money than the Department requested, but not that much more. That is my recollection.

Mr. McGOVERN. Mr. President, will the Senator yield?

Mr. RUSSELL of Georgia. I yield.

Mr. McGOVERN. Mr. President, the information contained in the Washington Post article written by Mr. Richard L. Lyons—who was covering the House action—on June 21 states:

> The House passed a $58.6 billion appropriation bill yesterday to finance the necessary defense for the next year, almost $1 billion more than the administration had requested.

He then goes on to say that there was an additional $42 billion carried over in unused funds from previous appropriations, so that the Defense Department now has something over $100 billion available for fiscal year 1967.

In the light of the President's appeal to Congress to take whatever action it can to cut down the spending, it seems to me, at a time when there is a billion dollars more than the administration requested in this Defense Department bill, that this is a good way to utilize that money.

At the Senator knows, Secretary McNamara has testified repeatedly that he would rather have this military assistance money than anything else in the Defense Department budget.

This is an opportunity to utilize what seem to be excess funds in the military appropriations to pay the cost of this military assistance program which Secretary McNamara says is so important.

Mr. RUSSELL of Georgia. That is the conclusion of the Senator. Of course, the Senator has tried to cut the defense appropriation bill every time it has been here, and, having failed in a frontal attack, he now comes in with a flank attack to compel the President to take the total amount of this bill out of the Defense appropriations. Whether he does do it or not, this can seriously impair the defense of the United States at this time.

I understand that the Department of Defense not only does not have a $40 billion surplus, as the Senator says, but is running additional deficiencies under old law in order to carry on the war in Vietnam. Now it is proposed at this late hour of the day, when most Senators thought debate on the bill was concluded, to take the entire amount of this bill out of defense appropriations, without any study.

I do not know whether the committee went into this, or how deeply it probed to ascertain what the effect would be. It seems to me that there was nothing in the paper about any hearings at all. I heard nothing of it. This is a most remarkable procedure, to proceed to cut by $800 million a bill that has not even been before the Senate.

If the Senator from South Dakota and the Senator from Arkansas are so anxious to cut the defense appropriation bill, let them offer amendments to that bill when it is presented to the Senate, and not undertake to cut it even before the bill is brought before the Senate. That would be the effect of this amendment.

No one knows where the cuts will be made. No one knows whether it will have an effect on personnel, or what effect it will have.

This is a most unusual proposition, to attempt to cut a bill before it comes before the Senate, by this kind of indirect action.

Such a proposal, so far as I know, has never been made in the Senate before. It has not been the subject of hearings, and yet we blithely say we will cut the defense appropriation bill almost $1 billion before the Committee on Appropriations has even had chance to examine it themselves.

Mr. McGOVERN. Mr. President, I am sure the Senator knows that this is certainly not any new precedent. Yesterday we agreed to an amendment by the Senator from Virginia [Mr. BYRD] that the chairman of the committee tells me the committee had never heard of before and on which no hearings were held.

Mr. RUSSELL of Georgia. If the Senator cannot see the difference between a little amendment expressing the sense of Congress and an amendment that cuts almost $1 billion out of a bill not yet considered by the Senate, any argument between us would be utterly useless.

I believe there is material difference between an amendment that would express the sense of the Senate and an amendment that would seek to cut almost $1 billion from a bill that has not been considered by the Senate, a bill that in essence would provide sustenance to the 400,000 Americans fighting in Vietnam. I think there is a very material difference involved.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from South Dakota.

The amendment was rejected.

Mr. JAVITS. Mr. President, I send to the desk an amendment and ask that it be stated.

The PRESIDING OFFICER. The amendment will be stated.

The legislative clerk proceeded to state the amendment.

Mr. JAVITS. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER (Mr. CANNON in the chair). Without objection, it is so ordered.

The amendment is as follows:

On page 19, between lines 23 and 24, insert a new paragraph as follows:

"(4) Notwithstanding the provisions of paragraph (2) of this subsection or any other provision of this Act, no assistance shall be furnished under this Act to any member state of the Organization of American States the government of which came into power by the unconstitutional overthrow of a freely elected, constitutional, democratic government which had been acting in accordance with its constitutional mandate, if, in consultation with the members of the Organization of American States, in accordance with applicable resolutions and agreements of the Organization of American States, the President finds that such government does not intend to take appropriate steps, within a reasonable time, for the restoration of constitutional government, the holding of free elections, and the application of human and civil rights and liberties, until (A) the President is satisfied that such government intends to take such appropriate steps or (b) the President has determined that the furnishing of such assistance is essential to the national interest of the United States, and reports such determination and his reasons therefor to the Senate Committee on Foreign Relations and to the Speaker of the House within thirty days accordingly."

Mr. JAVITS. Mr. President, after considerable debate, an amendment to the economic aid bill, dealing with military juntas in Latin America, was agreed to. There was a rollcall vote on the effort of Senator MORSE to make the amendment stronger, in his judgment, than it was. Finally, we arrived at the language which is before the Senate at present.

Mr. FULBRIGHT. Mr. President, will the Senator yield?

Mr. JAVITS. I yield.

Mr. FULBRIGHT. Is this amendment identical to the one that the Senator from New York offered to the economic aid bill?

Mr. JAVITS. And it was adopted word for word, and it is essential in order to make the two consistent.

Mr. FULBRIGHT. There has been no change?

Mr. JAVITS. No change whatsoever.

Mr. FULBRIGHT. I shall accept it.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from New York [Mr. JAVITS].

The amendment was agreed to.

Mr. ANDERSON. Mr. President, in order that there be no mistake, I would like to call attention to the fact that under section 2(b), definitions as used in this bill—S. 3583—certain specific materials, facilities, and articles which come under the Atomic Energy Act of 1954, as amended, have been excluded from the definition "Defense article" and thus are not included as articles that can be transferred under this particular bill.

Specifically, I would like to call attention to section 2(b), wherein the definition of "Defense article," which you will note on page 3, lines 10 through 14, states, "shall not include merchant vessels or, as defined by the Atomic Energy Act of 1954, as amended (42 U.S.C. 2011 et seq.), source material, byproduct material, special nuclear material, production facilities, utilization facilities, or atomic weapons or articles involving Restricted Data."

The terms "source material, byproduct material, special nuclear material, production facilities, utilization facilities, or atomic weapons or articles involving Restricted Data," are all covered under the Atomic Energy Act of 1954, as amended, and are subject to specific requirements set forth in sections 91, 144, and 123 of the Atomic Energy Act. They cannot be transferred to other nations, nor can classified information relating to them be communicated to another nation unless an agreement for cooperation is submitted to the Congress and referred to the Joint Committee on Atomic Energy.

In addition, certain other requirements must be met before the agreement for cooperation can be entered into. These agreements for cooperation, under the Atomic Energy Act, in the military uses of atomic energy, must lie before the Congress and the Joint Committee for 60 days while the Congress is in session, and are subject to resolutions of disapproval by the Congress.

In this connection I think it should be clearly understood that nuclear submarines are not defense articles within the definition of S. 3583. They are excluded by the language set forth in lines 10 through 14, page 3. I specifically want to emphasize this point because, for many years, I and other members of the Joint Committee have strongly resisted the transfer of nuclear submarine technology and nuclear naval propulsion information to other nations, and I do not want anyone to think they can circumvent the Atomic Energy Act of 1954 through this particular bill.

It is my understanding that the bill, as reported out from the Committee on Foreign Relations, in lines 10 through 14 on page 3, was drafted in consultation with the staff of the Joint Committee on Atomic Energy and the Atomic Energy Commission, to assure that atomic weapons and other atomic facilities which come under the purview of the Atomic Energy Act would in no way be affected by the Military Assistance and Sales Act of 1966.

Mr. FULBRIGHT. Mr. President, when economic assistance fails, the result is a breakdown or delay in some aspect of development; when military assistance goes wrong, the consequences are much more spectacular.

Former Ambassador Galbraith believes that American military aid to Pakistan actually caused the war last year between India and Pakistan, simply because, quite apart from the merits of the Kashmir dispute, if we had not provided the arms, Pakistan would not have been able to seek a military solution.

These arms, of course, were meant to be used for defense against China and the Soviet Union, not against India. The trouble was that Pakistan did not and does not share the American view of Kashmir as a secondary issue, and therefore regards India, not China or Russia, as her principal enemy. American military assistance had been provided on the condition and in the expectation that it would be used only against Communist aggression; but, as might have been expected, these pledges were cast aside in the summer of 1965.

Should this have come as a great surprise? I do not think so. President Ayub Khan said with perfect candor in 1961 that the United States should be "mindful of the fact that if our territory was violated, we would spend our time dealing with the enemy rather than putting the American weapons in cotton wool."—Quoted in the New York Times, September 3, 1965, page 2, column 7.

The mistake the United States made was the common one of assuming that its preoccupations were the preoccupations of everybody else. It seemed to us perfectly obvious that the only real threats in south Asia were the Soviet and Communist China, and that it was absurd for India and Pakistan to be in conflict with each other over a secondary issue like Kashmir. It seemed to us that anyone with sense would share our view that there is only one truly crucial issue in world affairs, the threat of communism, be it in India or Vietnam, in Cuba or the Dominican Republic. The crowning irony of the affair was that this war, which could not have been fought without American military aid, was finally settled through the mediation of the Soviet Union, one of the two countries against which our arms were meant to be directed.

Administration witnesses tell the Foreign Relations Committee every year that military assistance to the countries bordering on the Soviet Union and China is vital to our forward strategy, sustaining some 3½ million men under arms at far lower cost than would be required to sustain comparable American forces. This, of course, is an example of the ancient and sound practice of great military powers, developed by the Romans and the Byzantines, of maintaining foreign mercenaries to do their peripheral fighting while keeping their own main forces as strategic reserves.

The variation introduced by the Americans is that our mercenaries usually remain neutral, while we fight brushfire wars with our own soldiers. Among the countries bordering on Russia and China which receive American military assistance are Greece, Turkey, Iran, Thailand, Laos, Taiwan, and Korea. Of these, only the Koreans have men fighting in Vietnam, and they are receiving a handsome subsidy for their effort.

The Greeks and the Turks are too busy menacing Russia with their military power, to say nothing of each other, while we do not dare to use Chiang Kai-shek's large and well-financed force lest bring the Chinese Communist Army swarming into Vietnam.

The result is that we are sustaining over 3 million nonfighting men along the borders of Russia and China, who do guard duty, while American soldiers fight in Vietnam. One wonders whether some of the countries which maintain these forces would not be more stable and secure today if much of the money spent on armaments over the years had been used instead for development and social reform.

America's modest military aid in Latin America is decidedly more effective than its mercenary forces in Europe and Asia, not, however, in holding back Communists, but in holding up military oligarchies.

Mr. John Duncan Powell, a political scientist who has studied the impact of American military assistance in Latin America, points out that the smallness of the sums involved is deceptive; that, measured in terms of their effect on the ability of military forces to apply violence against civilian groups, American arms are very significant, indeed—John Duncan Powell, "Military Assistance and Militarism in Latin America," Western Political Quarterly, June, 1965, pages 382–392.

In countries where per capita income is low, where political institutions are fragile, where great numbers of people are uneducated, unorganized, and often demoralized, even a small amount of military equipment and training, say $10 worth, can give a soldier an overwhelming advantage over a civilian in a conflict situation. Taking AID figures on cumulative U.S. military assistance per soldier as of 1962 and matching these against per capita income, Mr. Powell points out that as of 1962 each member of Nicaragua's Armed Forces represented $930 worth of United States arms and training available for use in possible street fighting against students and workers with a total amount per capita income of only $205, while each member of Guatemala's Armed Forces represented $538 worth of U.S. arms and training as against students and workers with a per capita income of only $185.

Viewed in the physical and economic context of a poor country in Central America, U.S. military assistance no longer appears small and innocent. Under the bill reported by the Committee on Foreign Relations, military grants and sales to Latin America, except for training, would be limited to $55 million in fiscal 1967. It is not a large sum; but, as Mercutio said of his fatal wound:

> No, 'tis not so deep as a well, nor so wide as a church door; but 'tis enough, 'twill serve.[1]

Mr. Powell concludes that, small as it is, the American military assistance program is "a contributory cause of militarism in Latin America," and that—

> The shift in emphasis from hemispheric security to internal security capabilities will make the Latin American military better trained and equipped than ever to intervene in the political systems of their nations. This—

Says Powell—

> may be the hidden price tag on the anti-communist security which the United States seeks in the western hemisphere through the military assistance program.

Events in Brazil and Argentina have certainly borne him out.

Some weeks ago, an American journalist's interview with rebels in the Guatemalan jungle was shown on television. A young rebel leader said he was a Marxist because Marxism, as he understood it, called for giving the land to the peasants; he thought of the United States as an enemy, because, he thought, American arms and power were always placed at the disposal of the oppressors of his people. This view of America is not unknown in other parts of the world; it is one of the rewards of the "forward strategy" of American military assistance.

I ask unanimous consent to have printed in the RECORD an article entitled "Next: A 'Marshall Plan' for Asia?" published in U.S. News & World Report, July 25, 1966.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

NEXT: A "MARSHALL PLAN" FOR ASIA?

Communists are on notice that U.S. is in Asia to stay. Reds are told if they want more war, they'll get it; if they behave, they can profit with all.

The Johnson Administration is looking beyond the war in Vietnam to the time of a U.S.-financed "Marshall Plan" for all of free Asia.

The cost of such a program, fully developed, can mount into billions once peace is restored.

Over the years, it could far outstrip the cost of the Vietnam war, which is now running a billion dollars a month, at a minimum.

THERE TO STAY

President Johnson, on July 12, publicly declared the U.S. to be a "Pacific power" meaning that this country is notifying the world—and particularly Communist governments—that it is in Asia to stay militarily and economically, in war and in peace.

What officials are thinking of for Asia is a program of area development, rather than concentrating on single nations. They point out that the Marshall Plan that revived Western Europe after World War II actually was area development, although individual countries benefited directly.

These same officials say three factors have encouraged the free nations of Asia to get together on group development: First, the withdrawal of colonial powers after World War II left the new nations individually weak. Second, the new nations want to unite economically as a way to offset the overpowering size of Red China. Third, they fear that the Vietnam war will spread and engulf them singly.

A BEGINNING

A start on some area projects already has been made.

Surveys of the Mekong River in Southeast Asia are under way to develop it as a source of hydroelectric power, irrigation and international river transport. The U.S. is helping finance the surveys, and has offered to put up a billion dollars into joint development projects.

An Asian Development Bank has been set up in Manila, financed by 31 nations and the U.S., to make low-cost loans to provide money for capital improvements throughout the area.

Once peace comes, such projects are likely to be expanded rapidly. Regional shipping systems are under discussion. There are rough blueprints for a regional common market in Asia so food, raw materials and finished goods can move freely from country to country.

ARMS PLAYED DOWN

The Asian "Marshall Plan" now being discussed would consist almost entirely of economic aid. The present thinking does not include expanded military aid on a large scale for individual nations.

The idea is that U.S. military power can serve as an "American shield" to keep the peace. Behind this shield various development programs will move forward. U.S. forces will be ready to strike at any sign of danger.

What this means, according to interpretations being made in Washington, is that the U.S. role in Asia may have to last until the Far East becomes as stable as the continent of Europe—and, even then, American power will be in the background, as it is in Europe, to guard against new aggressions.

At the same time, the U.S. is now making a cautious attempt at a more flexible approach to the Chinese Reds.

On July 12, the President said:

"A hostile China must be discouraged from aggression. A misguided China must be encouraged toward understanding of the outside world and toward policies of peaceful co-operation."

One high Administration official gives this analysis: "The President is saying, in effect: 'Look, we intend to stay in Asia, or at least our power will protect Asia—the free nations of Asia—for years to come.

" 'So come live with us in this small world, renounce your aggression, share in the prosperity of a new Asia.' "

It is being explained that the President's remarks were not an invitation to Red China to join the United Nations, or an offer of trade to mainland China, at least for the present. One official does feel, however, the U.S. would be willing to sell American wheat to the Chinese Reds in the future, if they show more willingness to co-operate. His words:

"Should there be a step here and a step there in the right direction by Red China, then I feel we are willing to meet them halfway—in trade and in other things."

There has been no such step by the Chinese so far. There are no signs that they are willing in any way to dampen down the Vietnam war. They have rebuffed—and denounced—every approach made to them, directly or indirectly.

But they are now on notice that the U.S. does not intend to be outfought in Vietnam and that the Communists there cannot win a military victory. China and North Vietnam have also been assured the U.S. does not intend to defeat or overthrow any Communist government.

Once the Communists realize these things, the U.S., as a self-proclaimed "Pacific power," is getting ready to move in with vast development programs for underdeveloped Asia—programs as ambitious in their way as the Marshall Plan that put Western Europe on the road to its present era of prosperity.

The **PRESIDING OFFICER.** The bill is open to further amendment.

If there be no further amendment to be proposed, the question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and to be read the third time.

The bill was read the third time.

The **PRESIDING OFFICER.** The bill having been read the third time, the question is, Shall it pass?

On this question the yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. **LONG** of Louisiana. I announce that the Senator from Tennessee [Mr. BASS], the Senator from Arizona [Mr. HAYDEN], the Senator from Arkansas [Mr. MCCLELLAN], and the Senator from Oregon [Mrs. NEUBERGER] are absent on official business.

I also announce that the Senator from Virginia [Mr. ROBERTSON], the Senator from Georgia [Mr. Talmadge], and the Senator from Texas [Mr. Yarborough] are necessarily absent.

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[1] *Romeo and Juliet*, Act III, Scene 1, Line 100.

Mr. KUCHEL. I announce that the Senator from Colorado [Mr. Allott], and the Senator from Kansas [Mr. Pearson] are necessarily absent.

The Senator from Vermont [Mr. Aiken], and the Senator from Illinois [Mr. Dirksen] are detained on official business.

If present and voting, the Senator from Vermont [Mr. Aiken], the Senator from Colorado [Mr. Allott], the Senator from Illinois [Mr. Dirksen], and the Senator from Kansas [Mr. Pearson] would each vote "yea."

The result was announced—yeas 82, nays 7, as follows:

[No. 163 Leg.]

YEAS—82

Anderson
Bartlett
Bayh
Bennett
Bible
Boggs
Brewster
Byrd, Va.
Byrd, W. Va.
Cannon
Carlson
Case
Church
Clark
Cooper
Cotton
Curtis
Dodd
Dominick
Douglas
Eastland
Ervin
Fannin
Fong
Gore
Griffin
Harris
Hart
Hickenlooper
Hill
Holland
Hruska
Inouye
Jackson
Javits
Jordan, N.C.
Jordan, Idaho
Kennedy, Mass.
Kennedy, N.Y.
Kuchel
Lausche
Long, Mo.
Long, La.
Magnuson
Mansfield
McCarthy
McGee
McIntyre
Metcalf
Miller
Mondale
Monroney
Montoya
Morton
Moss
Mundt
Murphy
Muskie
Nelson
Pastore
Pell
Prouty
Proxmire
Randolph
Ribicoff
Russell, S.C.
Russell, Ga.
Saltonstall
Scott
Simpson
Smathers
Smith
Sparkman
Stennis
Symington
Thurmond
Tower
Tydings
Williams, N.J.
Williams, Del.
Young, N. Dak.
Young, Ohio

NAYS—7

Burdick
Ellender
Fulbright
Gruening
Hartke
McGovern
Morse

NOT VOTING—11

Aiken
Allott
Bass
Dirksen
Hayden
McClellan
Neuberger
Pearson
Robertson
Talmadge
Yarborough

So the bill (S. 3583) was passed, as follows:

S. 3583

An Act to promote the foreign policy, security, and general welfare of the United States by assisting peoples of the world in their efforts toward internal and external security

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as "The Military Assistance and Sales Act of 1966".

CHAPTER 1—COORDINATION AND DEFINITIONS

Section 1. Coordination With Foreign Policy.—(a) Nothing contained in this Act shall be construed to infringe upon the powers or functions of the Secretary of State.

(b) The President shall prescribe appropriate procedures to assure coordination among representatives of the United States Government in each country, under the leadership of the chief of the United States diplomatic mission. The chief of the diplomatic mission shall make sure that recommendations of such representatives pertaining to military assistance (including civic action) or sales programs are coordinated with political and economic considerations, and his comments shall accompany such recommendations.

(c) Under the direction of the President, the Secretary of State shall be responsible for the continuous supervision and general direction of economic assistance and military assistance and sales programs, including but not limited to determining whether there shall be a military assistance (including civic action) or sales program for a country and the value thereof, to the end that such programs are effectively integrated both at home and abroad and the foreign policy of the United States is best served thereby.

Sec. 2. Definitions.—As used in this Act—

(a) "Armed Forces of the United States" means the Army, Navy, Air Force, Marine Corps, and Coast Guard.

(b) "Defense article" includes any—

(1) weapon, weapons system, munition, aircraft, vessel, boat, or other implement of war;

(2) property, installation, commodity, material, equipment, supply, or goods used for the purposes of this Act;

(3) machinery, facility, tool, material, supply, or other item necessary for the manufacture, production, processing, repair, servicing, storage, construction, transportation, operation, or use of any article listed in this subsection; and

(4) component or part of any article listed in this subsection;

but shall not include merchant vessels or, as defined by the Atomic Energy Act of 1954, as amended (42 U.S.C. 2011 et seq.), source material, byproduct material, special nuclear material, production facilities, utilization facilities, or atomic weapons or articles involving Restricted Data.

(c) "Defense information" includes any document, writing, sketch, photograph, plan, model, specification, design, prototype, drawing, technical manual, publication, or other recorded or oral information relating to any defense article or defense service, but shall not include restricted data as defined by the Atomic Energy Act of 1954, as amended, and data removed from the restricted data category under section 142(d) of that Act.

(d) "Defense service" includes packing, crating, handling, transportation, and any test, inspection, repair, rehabilitation, technical assistance, training, defense information, or other service used for the purposes of this Act.

(e) "Excess defense articles" means the quantity of defense articles owned by the United States Government and not procured in anticipation of military assistance or sales requirements, or pursuant to a military assistance or sales order, which is in excess of the mobilization reserve at the time such articles are dropped from inventory by the supplying agency for delivery to countries or international organizations under this Act.

(f) "Mobilization reserve" means the quantity of defense articles determined to be required, under regulations prescribed by the Secretary of Defense, to support mobilization of the Armed Forces of the United States Government in the event of war or national emergency.

(g) "Officer or employee" means civilian personnel and members of the Armed Forces of the United States Government.

(h) "Training" includes—

(1) formal or informal instruction of foreign students in the United States or overseas by officers or employees of the United States, contract technicians, contractors (including instruction at civilian institutions), or by correspondence courses;

(2) technical, educational, or informational publications and media of all kinds;

(3) training aid;

(4) orientation;

(5) training exercise; and

(6) military advice to foreign military units and forces.

(i) "Value" means—

(1) with respect to excess defense articles, the gross cost incurred by the United States in repairing, rehabilitation, or modifying such articles;

(2) with respect to nonexcess defense articles delivered from inventory to countries or international organizations under this Act, the standard price in effect at the time such articles are dropped from inventory by the supplying agency. Such standard price shall be the same price (including authorized reduced prices) used for transfers or sales of such articles in or between the Armed Forces of the United States Government, or, where such articles are not transferred or sold in or between the Armed Forces of the United States, the gross cost to the United States Government adjusted as appropriate for condition and market value; and

(3) with respect to nonexcess defense articles delivered from new procurement to countries or international organizations under this Act, the contract or production costs of such articles.

(j) "United States Government agency" includes any agency, department, board, wholly or partly owned corporation, instrumentality, commission, or establishment of the United States Government.

CHAPTER 2—MILITARY ASSISTANCE

Title I—Scope of assistance authorized

Sec. 11. General Authority.—The President is authorized to furnish military assistance on such terms and conditions as he may determine, to any friendly country or international organization, the assisting of which the President finds will strengthen the security of the United States and promote world peace and which is otherwise eligible to receive such assistance, by—

(a) acquiring from any source and providing (by grant, loan, or any other means) any defense article or defense service;

(b) by making financial contributions to multilateral programs for the acquisition or construction of facilities for collective defense: *Provided,* That with respect to the North Atlantic Treaty Organization maximum effort should be made to obtain multilateral rather than unilateral financing of such facilities: *Provided further,* That, in connection with the forthcoming removal of North Atlantic Treaty Organization military bases and facilities from France, the President shall report to the Congress on October 1, 1966, and each sixty days thereafter until June 30, 1967, what arrangements have been made with each of the remaining North Atlantic Treaty Organization allies for each of them to bear their fair share of the costs of moving North Atlantic Treaty Organization bases and facilities from France and of establishing equivalent bases and facilities in other North Atlantic Treaty Organization countries;

(c) providing financial assistance for expenses incident to participation by the United States Government in regional or collective defense organizations; and

(d) assigning or detailing members of the Armed Forces of the United States and other personnel of the Department of Defense to perform duties of a non combatant nature, including those related to training or advice.

Sec. 12. Purposes.—Assistance to any country shall be furnished solely for internal security, for legitimate self-defense, to permit the recipient country to participate in regional or collective arrangements or measures consistent with the Charter of the United Nations, or otherwise to permit the recipient country to participate in collective measures requested by the United Nations for the purpose of maintaining or restoring international peace and security, or for the purpose of assisting foreign military forces in less developed friendly countries (or the voluntary efforts of personnel of the Armed Forces of the United States in such countries) to construct public works and to engage in other activities helpful to the economic and social development of such friendly countries. It is the sense of the Congress that such foreign military forces should not be maintained or established solely for civic activities and that such civic action activities should not significantly detract from the capability of the military forces to perform their military missions and should be coordinated with and form part of the total economic and social development effort.

SEC. 13. GENERAL CONDITIONS OF ELIGIBILITY.—(a) In addition to such other provisions as the President may require, no defense articles shall be furnished on a grant basis to any country unless it shall have agreed that:

(1) it will not, without the consent of the President—

(A) permit any use of such articles by anyone not an officer, employee, or agent of that country,

(B) transfer, or permit any officer, employee, or agent of that country to transfer such articles by gift, sale, or otherwise, or

(C) use or permit the use of such articles for purposes other than those for which furnished;

(2) it will maintain the security of such articles, and will provide substantially the same degree of security protection afforded such articles by the United States Government;

(3) it will, as the President may require, permit continuous observation and review by, and furnish necessary information to, representatives of the United States Government with regard to the use of such articles; and

(4) unless the President consents to other disposition, it will return to the United States Government for such use or disposition as the President considers in the best interest of the United States, such articles which are no longer needed for the purpose for which furnished.

(b) No defense articles shall be furnished on a grant basis to any country at a cost in excess of $3,000,000 in any fiscal year unless the President determines—

(1) that such country conforms to the purposes and principles of the Charter of the United Nations;

(2) that such defense articles will be utilized by such country for the maintenance of its own defensive strength, and the defensive strength of the free world; and

(3) that such country is taking all reasonable measures, consistent with its political and economic stability, which may be needed to develop its defense capacities.

Title II—Restrictions on assistance

SEC. 21. SPECIAL CONDITIONS OF ELIGIBILITY.—(a) (1) No assistance shall be furnished under this chapter to any economically developed nation capable of sustaining its own defense burden and economic growth, except (A) to fulfill firm commitments made prior to July 1, 1963, or (B) additional training expenses under this chapter during each fiscal year in an amount not to exceed $500,000.

(2) The President shall regularly reduce and, with such deliberate speed as orderly procedure and other relevant considerations, including prior commitments, will permit, shall terminate all further grants of defense articles to any country having sufficient resources to enable it, in the judgment of the President, to maintain and equip its own military forces at adequate strength, without undue burden to its economy.

(3) In furnishing assistance to any economically underdeveloped nation under this Act, the President shall take into account the percentage of the recipient country's budget which is devoted to military purposes, and its capacity to meet any additional budgetary costs which might be occasioned by the assistance in question to the end that military costs do not unduly burden its economy.

(b) Any country which hereafter uses defense articles or defense services furnished such country under this Act or any predecessor foreign assistance Act, in substantial violation of the provisions of this chapter or any agreement entered into pursuant to any of such Acts shall be immediately ineligible for further assistance.

(c) No assistance shall be furnished under this chapter to any country which furnishes assistance to the present Government of Cuba unless the President determines that such assistance is in the national interest of the United States.

(d) No funds authorized to be made available under this Act shall be used to furnish assistance under this chapter to any country which has failed to take appropriate steps, not later than sixty days after the date of enactment of the Foreign Assistance Act of 1963—

(A) to prevent ships or aircraft under its registry from transporting to Cuba (other than to United States installations in Cuba)—

(i) any items of economic assistance,

(ii) any items which are, for the purposes of title I of the Mutual Defense Assistance Control Act of 1951, as amended, arms, ammunition and implements of war, atomic energy materials, petroleum, transportation materials of strategic value, or items of primary strategic significance used in the production of arms, ammunition, and implements of war, or

(iii) any other equipment, materials, or commodities, so long as Cuba is governed by the Castro regime; and

(B) to prevent ships or aircraft under its registry from transporting any equipment, materials, or commodities from Cuba (other than from United States installations in Cuba) so long as Cuba is governed by the Castro regime.

(e) No assistance shall be provided under this chapter to the government of any country which is indebted to any United States citizen or person for goods or services furnished to or ordered where (i) such citizen or person has exhausted available legal remedies, which shall include arbitration, or (ii) the debt is not denied or contested by such government, or (iii) such indebtedness arises under an unconditional guaranty of payment given by such government, or any predecessor government, directly or indirectly, through any controlled entity: *Provided*, That the President does not find such action contrary to the national security.

(f) The President shall suspend assistance under this chapter to the government of any country when the government of such country or any government agency or subdivision within such country on or after January 1, 1962—

(A) has nationalized or expropriated or seized ownership or control of property owned by any United States citizen or by any corporation, partnership, or association not less than 50 per centum beneficially owned by United States citizens, or

(B) has taken steps to repudiate or nullify existing contracts or agreements with any United States citizen or any corporation, partnership, or association not less than 50 per centum beneficially owned by United States citizens, or

(C) has imposed or enforced discriminatory taxes or other exactions, or restrictive maintenance or operational conditions, or has taken other actions, which have the effect of nationalizing, expropriating, or otherwise seizing ownership or control of property so owned,

and such country, government agency, or government subdivision fails within a reasonable time (not more than six months after such action, or, in the event of a referral to the Foreign Claims Settlement Commission of the United States within such period as provided herein, not more than twenty days after the report of the Commission is received) to take appropriate steps, which may include arbitration, to discharge its obligations under international law toward such citizen or entity, including speedy compensation for such property in convertible foreign exchange, equivalent to the full value thereof, as required by international law, or fails to take steps designed to provide relief from such taxes, exactions, or conditions, as the case may be; and such suspension shall continue until the President is satisfied that appropriate steps are being taken, and no other provision of this Act shall be construed to authorize the President to waive the provisions of this subsection.

Upon request of the President (within seventy days after such action referred to in subparagraph (A), (B), or (C) of this subsection), the Foreign Claims Settlement Commission of the United States (established pursuant to Reorganization Plan Numbered 1 of 1954 (68 Stat. 1279)) is hereby authorized to evaluate expropriated property, determining the full value of any property nationalized, expropriated, or seized, or subject to discriminatory or other actions as aforesaid, for purposes of this subsection and to render an advisory report to the President within ninety days after such request. Unless authorized by the President, the Commission shall not publish its advisory report except to the citizen or entity owning such property. There is hereby authorized to be appropriated such amount, to remain available until expended, as may be necessary from time to time to enable the Commission to carry out expeditiously its functions under this subsection.

(g) No assistance shall be provided under this chapter to any country which the President determines is engaging in or preparing for aggressive military efforts directed against—

(1) the United States,

(2) any country receiving assistance under this or any other Act, or

(3) any country to which sales are made under the Agricultural Trade Development and Assistance Act of 1954,

until the President determines that such military efforts or preparations have ceased and he reports to the Congress that he has received assurances satisfactory to him that such military efforts or preparations will not be renewed. This restriction may not be waived pursuant to any authority contained in this Act.

(h) No assistance shall be furnished under this chapter after December 31, 1966, to the government of any less developed country which has failed to enter into an agreement with the President to institute the investment guaranty program under section 221(b) (1) of the Foreign Assistance Act of 1961, as amended, providing protection against the specific risks of inconvertibility under subparagraph (A), and expropriation or confiscation under subparagraph (B), of such section 221(b) (1).

(i) No funds authorized to be made available under this Act shall be used to furnish assistance under this chapter to any country which has failed to take appropriate steps, not later than sixty days after the date of enactment of this Act—

(A) to prevent ships or aircraft under its registry from transporting to North Vietnam—

(i) any items of economic assistance,

(ii) any items which are, for the purposes of title I of the Mutual Defense Assistance Control Act of 1951, as amended, arms, ammunition and implements of war, atomic energy materials, petroleum, transportation materials of strategic value, or items of primary strategic significance used in the production of arms, ammunition, and implements of war, or

(iii) any other equipment, materials, or commodities; and

(B) to prevent ships or aircraft under its registry from transporting any equipment, materials, or commodities from North Vietnam.

(j) In determining whether or not to furnish assistance under this chapter, consideration shall be given to excluding from such assistance any country which hereafter seizes, or imposes any penalty or sanction against, any United States fishing vessel on account of its fishing activities in international waters. The provisions of this subsection shall not be applicable in any case governed by international agreement to which the United States is a party.

(k) The total number of countries receiving assistance under authority of this chapter in any fiscal year (excluding countries receiving only training in the United States) shall not exceed forty.

SEC. 22. COUNTRIES SPECIFICALLY INELIGIBLE FOR ASSISTANCE.—(a) Except as many be deemed necessary by the President in the interest of the United States, no assistance shall be furnished under this chapter to any government of Cuba, until the President determines that such government has taken appropriate steps according to international law standards to return to United States citizens, and to entities not less than 50 per centum beneficially owned by United States citizens, or to provide equitable compensation to such citizens and entities for property taken from such citizens and entities on or after January 1, 1959, by the Government of Cuba.

(b) No assistance shall be furnished under this chapter to any Communist country. This restriction may not be waived pursuant to any authority contained in this Act unless the President finds and promptly reports to Congress that: (1) such assistance is vital to the security of the United States; (2) the recipient country is not controlled by the international Communist conspiracy; and (3) such assistance will further promote the independence of the recipient country from international communism. For the purposes of this subsection, the phrase "Communist country" shall include specifically, but not be limited to, the following countries:

Peoples Republic of Albania,
Peoples Republic of Bulgaria,
Peoples Republic of China,
Czechoslovak Socialist Republic,
German Democratic Republic (East Germany),
Estonia,
Hungarian Peoples Republic,
Latvia,
Lithuania,
North Korean Peoples Republic,
North Vietnam,
Outer Mongolia-Mongolian Peoples Republic,
Polish Peoples Republic,
Rumanian Peoples Republic,
Tibet,
Federal Peoples Republic of Yugoslavia,
Cuba, and
Union of Soviet Socialist Republics (including its captive constituent republics).

(c) No assistance under this chapter shall be furnished to Indonesia unless the President determines that the furnishing of such assistance is essential to the national interest of the United States. The President shall keep the Foreign Relations Committee and the Appropriations Committee of the Senate and the Speaker of the House of Representatives fully and currently informed of any assistance furnished to Indonesia under this chapter.

SEC. 23. REGIONAL RESTRICTIONS.—(a) (1) The total value of military assistance and sales (other than training) under this Act or in accordance with section 7307 of title 10, United States Code, for American Republics in each fiscal year shall not exceed $55,000,000, of which $25,000,000 may be used for assistance on a cost-sharing basis to an inter-American military force under the control of the Organization of American States: *Provided,* That the cost of defense articles supplied for use by elements of the Inter-American Peace Force in the Dominican Republic shall not be charged against the $55,000,000 limitation provided by this subsection.

(2) Except (i) to the extent necessary to fulfill commitments made prior to December 16, 1963, or (ii) for civic action assistance, or (iii) to the extent that the President determines, with respect to any Latin American country, that the furnishing of assistance under this Act is necessary to safeguard the security of the United States or to safeguard the security of a country associated with the United States in the Alliance for Progress against overthrow of a duly constituted government, no assistance under this Act shall be furnished to any Latin American country.

(3) To the maximum extent feasible, assistance shall be furnished under this chapter to American Republics in accordance with joint plans (including joint plans relating to internal security problems) approved by the Organization of American States.

(4) Notwithstanding the provisions of paragraph (2) of this subsection or any other provision of this Act, no assistance shall be furnished under this Act to any member state of the Organization of American States the government of which came into power by the unconstitutional overthrow of a freely elected, constitutional, democratic government which had been acting in accordance with its constitutional mandate, if, in consultation with the members of the Organization of American States, in accordance with applicable resolutions and agreements of the Organization of American States, the President finds that such government does not intend to take appropriate steps, within a reasonable time, for the restoration of constitutional government, the holding of free elections, and the application of human and civil rights and liberties, until (A) the President is satisfied that such government intends to take such appropriate steps or (B) the President has determined that the furnishing of such assistance is essential to the national interest of the United States, and reports such determination and his reasons therefor to the Senate Committee on Foreign Relations and to the Speaker of the House within thirty days accordingly.

(b) The value of grant programs of defense articles for African countries in each fiscal year shall not exceed $25,000,000. No assistance shall be furnished under this chapter to any country in Africa except for internal security requirements or for civic action assistance unless the President determines otherwise.

(c) Determinations under this section shall be promptly reported to the Committee on Foreign Relations of the Senate and the Speaker of the House of Representatives. Reports on the implementation of subsection (a)(3) shall be submitted to such committee and the Speaker of the House of Representatives semiannually.

SEC. 24. CERTIFICATION OF RECIPIENT'S CAPABILITY.—(a) Except as provided in subsection (b) of this section, no defense article having a value in excess of $100,000 shall hereafter be delivered to any country or international organization under the authority of this chapter unless the chief of the diplomatic mission, upon the advice of the chief of the appropriate military assistance advisory group representing the United States with respect to defense articles used by such country or international organization, or the head of any other group representing the United States, with respect to defense articles used by such country or international organization, has certified in writing within six months prior to delivery that the country or international organization has the capability to utilize effectively such article in carrying out the purposes of this chapter.

(b) Defense articles included in approved military assistance programs may be delivered to any country or international organization for which the certification required by subsection (a) of this section cannot be made when determined necessary and specifically approved in advance by the Secretary of State (or, upon appropriate delegation of authority by an Under Secretary or Assistant Secretary of State) and the Secretary of Defense (or, upon appropriate delegation of authority by the Deputy Secretary or an Assistant Secretary of Defense). The Secretary of State, or his delegate, shall make a complete report to the Congress of each determination and approval and the reasons therefor.

SEC. 25. COMMINGLING OF ASSISTANCE.—The President shall adopt regulations and establish procedures to insure that assistance under this chapter is not used in a manner which, contrary to the best interests of the United States, promotes or assists the foreign aid projects or activities of the Communist-bloc countries.

CHAPTER 3—SALES, BARTER TRANSACTIONS, AND LEASES

SEC. 31. OBJECTIVES.—(a) The aim of this chapter is to facilitate the acquisition on a reimbursable basis of defense articles and defense services by friendly countries having sufficient wealth to maintain, utilize effectively, and equip their own military forces wholly or in part without grant assistance. The Congress urges that, consistent with treaties and other international obligations, emphasis be given to transactions authorized by this chapter in order to promote the defensive strength of the free world. The Congress further declares that, in the administration of this chapter, participation by private enterprise should be encouraged to the maximum extent practical.

(b) This chapter shall be administered so as to encourage regional arms control and disarmament agreements and so as to discourage arms races, especially among less developed countries. In the administration of this chapter with respect to less developed countries, special account shall be taken of the capacity of the country to pay and of the record of the armed forces of such country with respect to civilian constitutional government.

Title I—Cash sales

SEC. 32. SALES FROM STOCK.—(a) The President may sell for United States dollars defense articles from the stocks of the Department of Defense and defense services to any friendly country or international organization eligible under section 11, without reimbursement from funds available for use under this Act, on terms of payment of not less than the value thereof in advance or within one hundred and twenty days after the delivery of the defense articles or the provision of the defense services. Notwithstanding the provisions of section 2(i)(2), nonexcess defense articles may be sold under this subsection at the standard price in effect at the time such articles are offered for sale to the purchasing country or international organization. For the purpose of this subsection, the value of excess defense articles shall not be less than—

(1) the value specified in section 2(i)(1) plus the scrap value, or

(2) the market value, if ascertainable, whichever is greater.

(b) Payments received under subsection (a) of this section shall be credited to the appropriation, fund, or account funding the cost of the defense articles or defense services sold, or to any appropriation, fund, or account currently available for the same general purpose.

SEC. 33. PROCUREMENT FOR SALE.—(a) The President may, without requirement for any charge to any appropriation or contract authorization otherwise provided, enter into contracts for the procurement of defense articles and defense services for sale for United States dollars to any friendly country or international organization eligible under section 11 if such country or international organization—

(1) provides the United States Government with a dependable undertaking which will assure the United States Government against any loss on the contracts, and

(2) agrees to make funds available in such amounts and at such times as may be required to meet the payments required by the contracts, and any damages and costs that may accrue from the cancellation of such contracts, in advance of the time such payments, damages, or costs are due: *Provided*, That the President may, when he determines it to be in the national interest, accept a dependable undertaking to make full payment within one hundred and twenty days after delivery of the defense articles, or the provision of the defense services, and appropriations available to the Department of Defense may be used to meet the payments required by the contracts and shall be reimbursed by the amounts subsequently received from the country or international organization: *Provided further*, That the President may, when he determines it to be in the national interest, enter into sales agreements with purchasing countries or international organizations which fix prices to be paid by the purchasing countries or international organizations for the defense articles or defense services ordered. Funds available under this Act for financing credit sales shall be used to reimburse the applicable appropriations in the amounts required by the contracts which exceed the price so fixed, except that such reimbursement shall not be required upon determination by the President that the continued production of the defense article being sold is advantageous to the Armed Forces of the United States. Payments by purchasing countries or international organizations which exceed the amounts required by such contracts shall be credited to the account established under section 43. To the maximum extent possible, prices fixed under any such sales agreement shall be sufficient to reimburse the United States for the cost of the defense articles or defense services ordered. The President shall submit to the Congress promptly a detailed report concerning any fixed-price sales agreement under which the aggregate cost to the United States exceeds the aggregate amount to be paid by the purchasing country or international organization.

(b) No sales of unclassified defense articles shall be made to the government of any economically developed country under the provisions of this section unless such articles are not generally available for purchase by such countries from commercial sources in the United States. The Secretary of Defense may waive the provisions of this subsection when he determines that the waiver of such provisions is in the national interest.

Title II—Credit sales and guaranties

SEC. 41. GENERAL AUTHORITY FOR CREDIT SALES.—(a) The President may use funds available under this Act to finance sales of defense articles and defense services to friendly foreign countries and international organizations eligible under section 11 on such terms as he may determine, including the prices to be paid by the purchasing countries or international organizations. Reimbursement to supplying agencies shall be governed by section 82. The terms of payment shall include a provision for the payment of interest at a rate not less than the average interest rate paid by the United States on its long-term indebtedness.

(b) In addition, when the President determines it to be in the national interest, sales under section 32 may be made on terms of payment of not more than three years after the delivery of the defense article or the provision of the defense service.

SEC. 42. GUARANTIES.—(a) The President may guarantee, insure, coinsure, and reinsure any individual, corporation, partnership, or other association doing business in the United States against political and credit risks of nonpayment arising in connection with sales financed by such individual, corporation, partnership, or other association of defense articles and defense services procured in the United States by friendly countries and international organizations eligible under section 11.

(b) In issuing guaranties, insurance, coinsurance, and reinsurance, the President may enter into contracts with exporters, insurance companies, financial institutions, or others, or groups thereof, and where appropriate may employ any of the same to act as agent in the issuance and servicing of such guaranties, insurance, coinsurance, and reinsurance, and the adjustment of claims arising thereunder.

(c) Fees and premiums shall be charged in connection with such contracts of guaranty insurance, coinsurance, and reinsurance (excluding contracts with United States Government agencies), and such fees and premiums may be utilized to meet liabilities resulting from such contracts.

(d) Obligations shall be recorded against the funds available for credit sales in an amount not less than 25 per centum of the contractual liability related to any guaranty, insurance, coinsurance, and reinsurance issued pursuant to this section, and the funds so obligated shall constitute a single reserve for the payment of claims under such contracts. Any guaranties, insurance, coinsurance, and reinsurance issued pursuant to this section shall be considered contingent obligations backed by the full faith and credit of the United States of America.

SEC. 43. REIMBURSEMENTS.—(a) Whenever funds available under this Act are used to finance sales, repayments in United States dollars (including dollar proceeds derived from the sale of foreign currency repayments), receipts received from the disposition of evidences of indebtedness, and charges (including fees and premiums) or interest collected shall be credited to a separate fund account, and shall be available until expended solely for the purpose of financing further sales and guaranties, including the overhead costs thereof.

(b) All assets and obligations of the separate fund account established by section 508 of the Foreign Assistance Act of 1961, as amended, including proceeds receivable by that fund account from previous sales transactions and unliquidated balances of funds available under the Foreign Assistance Act of 1961, as amended, heretofore obligated to finance sales, and such amounts of the appropriations made available under this Act as may be determined by the President, shall be transferred to, and merged with, the separate fund account established by section 43(a).

SEC. 44. FOREIGN CURRENCIES.—Sales financed under this title may provide for payment in foreign currencies to the extent that the Secretary of the Treasury determines at the time of each such sale that the existing or anticipated requirements for such foreign currencies for payment of United States obligations abroad are such that an excess of United States Government holdings of any particular foreign currency is not likely to result.

SEC. 45. COLLECTIONS.—In carrying out this title, the President—

(1) may acquire and dispose of, upon such terms and conditions as he may determine, any instrument evidencing indebtedness, and guarantee payment against any such instrument; and

(2) may collect or compromise any indebtedness owed to the Department of Defense by foreign countries or international organizations.

Title III—Barter transactions

SEC. 51. GENERAL AUTHORITY.—(a) The President may, without reimbursement from funds available for use under this Act, barter defense articles which are in the stocks of the Department of Defense or which the Department of Defense is authorized to procure under other provisions of law, and defense services with any friendly country or international organization eligible under section 11 in exchange for other defense articles and defense services of approximately equal or equivalent value for the use of the Armed Forces of the United States.

(b) The President may, subject to the provisions of section 82, also use funds available to carry out this Act to acquire defense articles and defense services from any source and barter such defense articles and defense services with any friendly country or international organization eligible under section 11 in exchange for other defense articles and defense services.

SEC. 52. DISPOSITION OF DEFENSE ARTICLES AND DEFENSE SERVICES RECEIVED IN EXCHANGE UNDER SECTION 51(b).—Defense articles and defense services received by the United States Government from a country or international organization in exchange for defense articles and defense services bartered by the United States Government under section 51(b) may be used to carry out this Act, may be sold (on cash or credit terms, including payment in foreign currencies) to any friendly country or international organization, or may be transferred to any United States Government agency for stockpiling or other purposes. If such disposal or transfer is made subject to reimbursement, the funds so received shall be credited to the appropriation, fund, or account which funded the cost of the defense articles or defense services bartered to the country or international organization, or to any appropriation, fund, or account currently available for the same general purposes.

Title IV—Leases

SEC. 61. LEASES.—(a) The President may, subject to section 82, use funds available to carry out this Act to acquire defense articles from any source and lease such defense articles, on such terms and conditions of payment as he may determine, to any friendly country or international organization eligible under section 11.

(b) Payments received under this section shall be credited to the appropriation, fund, or account funding the cost of the defense articles leased, or to any appropriation, fund, or account currently available for the same general purpose.

Title V—General provisions

SEC. 71. PURPOSES.—Defense articles and defense services may be sold, bartered, or leased under this chapter to eligible countries solely for the purposes specified in section 12.

CHAPTER 4—FISCAL PROVISIONS

SEC. 81. ALLOCATIONS.—The President may allocate or transfer to any United States Government agency any part of any funds available for carrying out the purposes of this Act, including any advance to the United States Government by any country or international organization, for the procurement of defense articles and defense services.

Such funds shall be available for obligation and expenditure for the purposes for which authorized, in accordance with authority granted in this Act or under authority governing the activities of the United States Government agencies to which such funds are allocated or transferred.

Sec. 82. Reimbursements.—(a) Except as otherwise provided in this Act, reimbursement shall be made to any activity of the Department of Defense and to any other United States Government agency, from funds available for use under this Act for defense articles and defense services furnished to foreign countries and international organizations by, or through, such activity or agency under this Act. Such reimbursement shall be in an amount equal to the value (as defined in section 2) of the defense articles and defense services furnished, plus expenses arising from or incident to operations under this Act (other than pay and allowances of members of the Armed Forces). The amount of such reimbursement shall be credited to the current applicable appropriations, funds, or accounts of such activity.

(b) Orders to a supply agency under this Act shall be based upon the best estimates of stock status and prevailing prices; reimbursements to the supplying agency shall be made on the basis of the stock status and prices determined pursuant to section 2(i). Notwithstanding the foregoing provisions of this subsection, the Secretary of Defense may prescribe regulations authorizing reimbursements to the supply agency based on negotiated prices for aircraft, vessels, plant equipment, and such other major items as he may specify: *Provided*, That such articles are not excess at the time such prices are negotiated: *Provided further*, That such prices are negotiated at the time firm orders are placed with the supplying agency.

Sec. 83. Authorization for Appropriations.—In addition to such amounts as may be otherwise authorized to support Vietnamese forces and other free world forces in Vietnam, there is hereby authorized to be appropriated to the President to carry out the provisions and purposes of this Act (excluding the support of Vietnamese forces and other free world forces in Vietnam) not to exceed $792,000,000 for use beginning in the fiscal year 1967, which shall remain available until expended.

Sec. 84. Special Authority.—(a) During the fiscal year 1967, the President may, if he determines it to be vital to the security of the United States, order defense articles from the stocks of the Department of Defense and defense services for the purpose of this Act, subject to subsequent reimbursement therefor from subsequent appropriations available for military assistance. The value of such orders shall not exceed $300,000,000 during such fiscal year. Prompt notice of action taken under this subsection shall be given to the Committees on Foreign Relations, Appropriations, and Armed Services of the Senate and the Speaker of the House of Representatives.

(b) The Department of Defense is authorized to incur, in applicable appropriations, obligations in anticipation of reimbursements in amounts equivalent to such orders under subsection (a) of this section. Appropriations to the President of such sums as may be necessary to reimburse the applicable appropriation, fund, or account for such orders are hereby authorized.

Sec. 85. Letters of Commitment.—In carrying out this Act accounts may be established on the books of the Department of Defense (1) against which letters of commitment may be issued which shall constitute recordable obligations of the United States Government and moneys due or to become due under such letters of commitment shall be assignable under the Assignment of Claims Act of 1940, as amended (second and third paragraphs of 31 U.S.C. 203 and 41 U.S.C. 15), and (2) from which disbursements may be made to recipient countries or agencies, organizations, or persons upon presentation of contracts, invoices, or other appropriate documentation. Expenditures of funds which have been made available through accounts so established shall be accounted for on standard documentation required for expenditure of funds of the United States Government: *Provided*, That such expenditures for defense articles and defense services procured outside the United States shall be accounted for exclusively on such certification as may be prescribed in regulations approved by the Comptroller General of the United States.

Sec. 86. Transfer Between Accounts.—(a) Whenever the President determines it to be necessary for the purposes of this Act or the Foreign Assistance Act for 1961, as amended, not to exceed 10 per centum of the funds made available for any provision of this Act or the Foreign Assistance Act of 1961, as amended, may be transferred to, and consolidated with, the funds made available for any other provision of this Act or the Foreign Assistance Act of 1961, as amended, and may be used for any of the purposes for which such funds may be used, except that the total in the provision for the benefit of which the transfer is made shall not be increased by more than 20 per centum of the amount of funds made available for such provision.

(b) The authority contained in this section and in sections 84 and 92 shall not be used to augment appropriations made available for administrative expenses under this Act or section 637 of the Foreign Assistance Act of 1961, as amended, or used otherwise to finance activities under either Act which normally would be financed from appropriations for administrative expenses.

CHAPTER 5—GENERAL, ADMINISTRATIVE, AND MISCELLANEOUS PROVISIONS

Title I— General provisions

Sec. 91. General Authorities.—(a) The President may make and perform agreements and contracts with, or enter into other transactions with, any individual, corporation, or other body of persons, friendly government or government agency, whether within or without the United States, and international organizations in furtherance of the purposes, and within the limitations, of this Act.

(b) The duration of a contract which entails commitments for the expenditure of funds under chapter 2 of this Act shall be subject to any future action of the Congress and shall be for not more than five years at any time.

(c) The President may accept and use in furtherance of the purposes of this Act, money, funds, property, and services of any kind made available by gift, devise, bequest, grant, or otherwise for such purposes.

(d) Any officer of the United States Government carrying out functions under this Act may utilize the services and facilities of or procure defense articles and defense services from, any United States Government agency with the consent of the head of such agency, or as the President shall direct, and funds allocated pursuant to this subsection to any such agency may be established in separate transfer appropriation accounts on the books of the Treasury.

Sec. 92. Waiver Authorities.—(a) The President may authorize in each fiscal year the use of funds made available for use under this Act and the furnishing of assistance under section 84 in a total amount not to exceed $125,000,000, without regard to the provisions of this Act, any law relating to receipts and credits accruing to the United States, any Act appropriating funds for use under this Act, or the Mutual Defense Assistance Control Act of 1951, as amended, in furtherance of any of the purposes of such Acts, when he determines that such authorization is important to the security of the United States. Not more than $50,000,000 of the funds available under this subsection may be allocated to any one country in any fiscal year: *Provided*, That this limitation shall not apply to any country which is a victim of active Communist or Communist-supported aggression. Each determination shall be reported promptly to the Committees on Foreign Relations and Appropriations of the Senate and the Speaker of the House of Representatives.

(b) Whenever the President determines it to be in furtherance of the purposes of this Act, the functions authorized under this Act may be performed without regard to such provisions of law (other than the Renegotiation Act of 1951, as amended (50 U.S.C. App. 1211 et seq.)) regulating the making, performance, amendment, or modification of contracts and the expenditure of funds of the United States Government as the President may specify.

(c) The President is authorized to use amounts not to exceed $25,000,000 of the funds available under this Act pursuant to his certification that it is inadvisable to specify the nature of the use of such funds, which certification shall be deemed to be a sufficient voucher for such amounts. The President shall promptly and fully inform the Speaker of the House and the chairman and ranking minority member of the Committee on Foreign Relations of the Senate of each use of funds under this subsection.

(d) The functions authorized under this Act may be performed without regard to such provisions as the President may specify of the joint resolution of November 4, 1939 (54 Stat. 4), as amended.

(e) The provisions of section 955 of title 18 of the United States Code shall not apply to prevent any person, including any individual, partnership, corporation, or association, from acting for, or participating in, any operation or transaction arising under this part or from acquiring new obligations issued in connection with any operation or transaction arising under this Act.

Sec. 93. Retention and Use of Defense Articles.—(a) Any defense articles procured to carry out this Act may be retained by, or transferred to, and for the use of, such United States Government agency as the President may determine in lieu of being disposed of to a foreign country or international organization, whenever in the judgment of the President the best interests of the United States will be served thereby. Any defense articles so retained may be disposed of without regard to provisions of law relating to the disposal of property owned by the United States Government, when necessary to prevent spoilage or wastage of such defense articles or to conserve the usefulness thereof. Funds realized from any transfer or disposal shall revert to the respective appropriation, fund, or account used to procure such defense articles or to the appropriation, fund, or account currently available for the same general purpose.

(b) Funds realized by the United States Government from the sale, transfer, or disposal of defense articles returned to the United States Government by a recipient country or international organization as no longer needed for the purpose for which furnished shall be credited to the respective appropriation, fund, or account used to procure such defense articles or to the appropriation, fund, or account currently available for the same general purpose.

Sec. 94. Orderly Termination of Assistance.—Funds made available under this Act shall remain available for a period of not to exceed twelve months from the date of termination of assistance or related activities to or with a foreign country or international organization for the necessary expenses of winding up programs related thereto.

SEC. 95. PATENTS AND TECHNICAL INFORMATION.—(a) Whenever, in connection with the performance of functions under this Act—

(1) an invention or discovery covered by a patent issued by the United States Government is practiced within the United States without the authorization of the owner, or

(2) information, which is (A) protected by law, and (B) held by the United States Government subject to restrictions imposed by the owner, is disclosed by the United States Government or any of its officers, employees, or agents in violation of such restrictions,

the exclusive remedy of the owner, except as provided in subsection (b) of this section, is to sue the United States Government for reasonable and entire compensation for such practice or disclosure in the district court of the United States for the district in which such owner is a resident, or in the Court of Claims, within six years after the cause of action arises. Any period during which the United States Government is in possession of a written claim under subsection (b) of this section before mailing a notice of denial of that claim does not count in computing the six years. In any such suit, the United States Government may plead any defense that may be pleaded by a private person in such an action. A Government employee shall have the right to bring suit against the Government under this section except where he was in a position to order, influence, or induce use of the invention by the Government. This section shall not confer a right of action on any patentee or any assignee of such patentee with respect to any invention discovered or invented by a person while in the employment or service of the United States, where the invention was related to the official functions of the employee, in cases in which such functions included research and development, or in the making of which Goverment time, materials, or facilities were used.

(b) Before suit against the United States Government has been instituted, the head of the agency of the United States Government concerned may settle and pay any claim arising under the circumstances described in subsection (a) of this section. No claim may be paid under this subsection unless the amount tendered is accepted by the claimant in full satisfaction.

SEC. 96. SHIPPING ON UNITED STATES VESSELS.—The ocean transportation between foreign countries of defense articles purchased with foreign currencies made available or derived from funds available under this Act or the Agricultural Trade Development and Assistance Act of 1954, as amended (7 U.S.C. 1961 et seq.), shall not be governed by the provisions of section 901(b) of the Merchant Marine Act of 1936, as amended (46 U.S.C. 1241), or any other law relating to the ocean transportation of defense articles on United States vessels.

SEC. 97. PROCUREMENT OUTSIDE THE UNITED STATES.—Funds available under this Act may be used for procurement of defense articles outside the United States only if the President determines that such procurement will not result in adverse effects upon the economy of the United States or the industrial mobilization base, with special reference to any areas of labor surplus or to the net position of the United States in its balance of payments with the rest of the world, which outweigh the economic or other advantages to the United States of less costly procurement outside the United States.

SEC. 98. SMALL BUSINESS.—The Secretary of Defense shall assure that there is made available to suppliers in the United States, and particularly to small independent enterprises, information with respect to purchases made by the Department of Defense pursuant to this Act, such information to be furnished as far in advance as possible.

Title II—Administrative provisions

SEC. 101. DELEGATION OF AUTHORITY.—The President may exercise any functions conferred upon him by this Act through such agency or officer of the United States Government as he shall direct. The head of any such agency or such officer may from time to time promulgate such rules and regulations as may be necessary to carry out such functions, and may delegate authority to perform any such functions, including if he shall so specify, the authority successively to redelegate any of such functions to any of his subordinates.

SEC. 102. THE SECRETARY OF DEFENSE.—(a) With respect to programs authorized by this Act, the Secretary of Defense shall have primary responsibility for—

(1) the determination of military end-item requirements;

(2) the procurement of military equipment in a manner which permits its integration with service programs;

(3) the supervision of end-item use by the recipient countries;

(4) the supervision of the training of foreign military personnel;

(5) the movement and delivery of military end items; and

(6) within the Department of Defense, the performance of any other functions with respect to programs authorized by this Act.

(b) The establishment of priorities in the procurement, delivery, and allocation of military equipment shall be determined by the Secretary of Defense.

SEC. 103. MISSIONS AND STAFFS ABROAD.—(a) The President may maintain special missions or staffs outside the United States in such countries and for such periods of time as may be necessary to carry out the purposes of this Act.

(b) Wherever practicable, especially in the case of smaller programs, assistance under this Act shall be administered under the direction of the chief of the United States diplomatic mission by the senior military officer of the mission.

SEC. 104. EMPLOYMENT OF PERSONNEL.—(a) For the purposes of performing functions under this Act outside the United States the President may employ or assign persons compensated at any of the rates provided for the Foreign Service Reserve and Staff by the Foreign Service Act of 1946, as amended (22 U.S.C. 801 et seq.), together with allowances and benefits thereunder. Persons so employed or assigned shall be entitled, except to the extent that the President may specify otherwise in cases in which the period of employment or assignment exceeds thirty months, to the same benefits as are provided by section 528 of that Act for persons appointed to the Foreign Service Reserve, and the provisions of section 1005 of that Act shall apply in the case of such persons, except that policymaking officials shall not be subject to that part of section 1005 of that Act which prohibits political tests.

(b) Notwithstanding the provisions of sections 3544(b) and 8544(b) of title 10 of the United States Code, personnel of the Department of Defense may be assigned or detailed to any civil office to carry out this Act.

SEC. 105. DETAIL OF PERSONNEL TO FOREIGN GOVERNMENTS AND INTERNATIONAL ORGANIZATIONS.—Whenever the President determines it to be consistent with and in furtherance of the purposes of this Act, any officer or employee of any United States Government Agency may be detailed or assigned by the head of the Agency—

(1) to any office or position with any foreign government or governmental agency, where acceptance of such office or position does not involve the taking of an oath of allegiance to another government or the acceptance of compensation or other benefits from such foreign country by such officer or employee; or

(2) to any international organization to serve with, or as a member of, the international staff of such international organization, or to render any technical, scientific, or professional advice or services to, or in cooperation with, such organization.

SEC. 106. STATUS OF PERSONNEL ASSIGNED OR DETAILED.—(a) Any officer or employee, while assigned or detailed under section 105 of this Act, shall be considered, for the purpose inter alia of preserving his allowances, privileges, rights, seniority, and other benefits as such, an officer or employee of the United States Government and of the United States Government agency from which detailed or assigned, and he shall continue to receive compensation, allowances, and benefits from funds appropriated to that agency or made available to that agency under this Act.

(b) Any officer or employee assigned, detailed, or appointed under sections 105 or 103 of this Act may receive under such regulations as the President may prescribe, representation allowances similar to those allowed under section 901 of the Foreign Service Act of 1946, as amended (22 U.S.C. 1131). The authorization of such allowances and other benefits and the payment thereof out of any appropriations available therefor shall be considered as meeting all of the requirements of section 1765 of the Revised Statutes (5 U.S.C. 70).

SEC. 107. TERMS OF DETAIL OR ASSIGNMENT.—Details or assignment may be made under section 105 of this Act—

(1) without reimbursement to the United States Government by the foreign government or international organization;

(2) upon agreement by the foreign government or international organization, to reimburse the United States Government for compensation, travel expenses, allowances, and benefits, or any part thereof, payable to the officer or employee concerned during the period of assignment or detail; and such reimbursements (including foreign currencies) shall be credited to the appropriation, fund, or account utilized for paying such compensation, travel expenses, allowances, or benefits, or to the appropriation, fund, or account currently available for such purposes;

(3) upon an advance of funds, property, or services by the foreign government or international organization to the United States Government accepted with the approval of the President for specified uses in furtherance of the purposes of this Act; and funds so advanced may be established as a separate fund in the Treasury of the United States Government, to be available for the specified uses, and to be used for reimbursement of appropriations or direct expenditure subject to the provisions of this Act, any unexpended balance of such account to be returned to the foreign government or international organization; or

(4) subject to the receipt by the United States Government of a credit to be applied against the payment by the United States Government of its share of the expenses of the international organization to which the officer or employee is detailed or assigned, such credit to be based upon the compensation, travel expenses, allowances, and benefits, or any part thereof, payable to such officer or employee during the period of detail or assignment in accordance with section 105 of this Act.

SEC. 108. EXPENSES.—(a) Funds made available for the purpose of this Act shall be available for—

(1) administrative and operating expenses;

(2) extraordinary expenses of not to exceed $300,000 in any fiscal year;

(3) constructing or otherwise acquiring outside the United States essential living

quarters, office space, and necessary supporting facilities for use of personnel carrying out activities authorized by this Act; and

(4) maintenance, repair, alteration, and furnishing of United States-owned facilities in the District of Columbia or elsewhere for the training of foreign military personnel, without regard to the provisions of section 3733 of the Revised Statutes (41 U.S.C. 12) or other provision of law requiring a separate authorization or specific appropriation for such public contracts.

(b) Actual expenses incurred by military officers detailed or assigned as tour directors in connection with orientation visits of foreign military personnel may be reimbursed in accordance with the provisions of section 3 of the Travel Expense Act of 1949, as amended (5 U.S.C. 836), applicable to civilian officers and employees.

SEC. 109. REPORTS AND INFORMATION.—(a) The President shall, while funds made available for the purpose of this Act remain available for obligation, transmit to the Congress after the close of each fiscal year a report concerning operations in that fiscal year under this Act.

(b) The President shall, in the reports required by subsection (a) of this section, and in response to requests from Members of the Congress or inquiries from the public, make public all information concerning operations under this Act not deemed by him to be incompatible with the security of the United States.

(c) None of the funds made available pursuant to the provisions of this Act shall be used to carry out any provision of this Act in any country or with respect to any project or activity, after the expiration of the thirty-five-day period which begins on the date the General Accounting Office or any committee of the Congress charged with considering legislation, appropriations, or expenditures under this Act, has delivered to the office of the head of any agency carrying out such provision, a written request that it be furnished any document, paper, communication, audit, review, finding, recommendation, report, or other material in its custody or control relating to the administration of such provision in such country or with respect to such project or activity, unless and until there has been furnished to the General Accounting Office, or to such committee, as the case may be, (1) the document, paper, communication, audit, review, finding, recommendation, report, or other material so requested, or (2) a certification by the President that he has forbidden the furnishing thereof pursuant to request and his reason for so doing.

(d) At the end of each fiscal year, the President shall notify the Committee on Foreign Relations and the Committee on Appropriations of the Senate and the Speaker of the House of Representatives of all actions taken during the fiscal year under this Act which resulted in furnishing assistance of a kind, for a purpose, or to an area, substantially different from that included in the presentation to the Congress during its consideration of this Act or any Act appropriating funds pursuant to authorizations contained in this Act, or which resulted in obligations or reservations greater by 50 per centum or more than the proposed obligations or reservations included in such presentation for the program concerned, and in his notification the President shall state the justification for such changes. There shall also be included in the presentation material submitted to the Congress during its consideration of amendments to this Act, or of any Act appropriating funds pursuant to authorizations contained in this Act, a comparison of the current fiscal year programs and activities with those presented to the Congress in the previous year and an explanation of any substantial changes.

(e) The President shall transmit to the Committee on Foreign Relations of the Senate and the Speaker of the House of Representatives quarterly reports showing, by country, (1) the number of United States military personnel and the number of civilian employees assigned to duty in foreign countries for the purpose of carrying out programs of assistance under this Act, (2) the number of United States military personnel assigned to duty in foreign countries for other purposes, and (3) estimated changes expected to occur in such numbers during the calendar quarter following the quarter covered by the report.

SEC. 110. Of the personnel employed in the United States to carry out this Act, not to exceed eight may be compensated at rates higher than those provided for grade 15 of the general schedule established by the Classification Act of 1949, as amended, but not in excess of the highest rate of grade 18 of such general schedule. Such positions shall be in addition to those authorized by law to be filled by Presidential appointment, and in addition to the number authorized by section 505 of the Classification Act of 1949, as amended.

Title III—Miscellaneous provisions

SEC. 121. PROVISIONS OF LAW REPEALED AND AMENDED.—(a) The Foreign Assistance Act of 1961, as amended, is further amended as follows:

(1) Section 303 is amended by striking out "(other than part II)".

(2) Part II is repealed.

(3) Section 602 is amended as follows:

(A) In subsection (a) strike out ", defense articles," and "(including defense services)".

(B) In subsections (a)(2) and (a)(3) strike out ", articles,".

(C) Strike out subsection (c).

(4) Section 603 is amended by striking out "and defense articles".

(5) Section 605 is amended as follows:

(A) In subsection (a) strike out "and defense articles" in the first sentence and "or defense articles" each time it appears in the second and third sentences.

(B) Strike out subsection (d).

(6) Section 609(a)(3) is amended by inserting "or the Military Assistance and Sales Act of 1966" between "this Act" and "would".

(7) Section 610 is amended as follows:

(A) Subsection (a) is amended by inserting after the words "this Act," each time they appear the words "or the Military Assistance and Sales Act of 1966".

(B) Subsection (b) is amended as follows:

(i) Strike out ", 510,".

(ii) Strike out "pursuant to sections 636(g)(1) and 637" and substitute "for administrative expenses under section 637 of this Act or the Military Assistance and Sales Act of 1966".

(iii) Insert "under either Act" between "activities" and "which".

(8) Section 614 is amended as follows:

(A) In subsection (a) strike out "and the furnishing of assistance under section 510".

(B) In subsection (a) strike out "$250,000,000" and substitute "$125,000,000".

(C) In subsection (c) insert "on or after July 1, 1966" after "authorized to use", and strike out "$50,000,000" and substitute "$25,000,000".

(9) Section 620(m) is amended by striking out "(1)" and all after "July 1, 1963" and inserting a period after "July 1, 1963".

(10) Section 623 is repealed.

(11) Section 624 is amended as follows:

(A) In subsection (d)(2)(b) strike out "part II of this Act" in each place that it appears and substitute "the Military Assistance and Sales Act of 1966".

(B) In subsection (d)(4) strike out "under this Act".

(C) In subsections (d)(5) and (7) strike out "or II" and after the words "of this Act," insert "the Military Assistance and Sales Act of 1966,".

(D) In subsection (d)(6) strike out "part II of this Act" and substitute "the Military Assistance and Sales Act of 1966".

(12) Section 625 is amended as follows:

(A) In subsection (b) strike out "part II" and substitute "the Military Assistance and Sales Act of 1966".

(B) Strike out subsection (c).

(C) In subsection (f) in the parenthetical phrase substitute "agency" for "agencies" and strike out "or part II".

(13) Section 631(d) is amended by striking out all after "economic officer of the mission".

(14) Section 632 is amended as follows:

(A) In subsection (a) strike out ", defense articles," and "(including defense services)".

(B) In subsection (b) strike out "(including defense services)" and the words "and defense articles".

(C) Strike out subsection (d).

(D) In subsection (e) strike out "defense articles", and "(including defense services)".

(15) Section 633 is amended by striking out subsection (b).

(16) Section 635(h) is amended by striking out "and under part II".

(17) Section 636 is amended as follows:

(A) In subsection (a) strike out "(except for part II)".

(B) Strike out subsection (g).

(18) Section 640 is repealed.

(19) Section 644 of the Foreign Assistance Act of 1961, as amended, which relates to definitions, is amended by striking out subsections (d), (e), (f), (g), (i), (m), and the final full paragraph.

(b) References to the statutory provisions of part II of the Foreign Assistance Act of 1961, as amended, contained in other Acts shall hereafter be considered to be references to the appropriate provisions of this Act.

SEC. 122. SAVING PROVISIONS.—(a) Except as may be expressly provided to the contrary in this Act all determinations, authorizations, regulations, orders, contracts, agreements, and other actions issued, undertaken, or entered into under authority of any provision of law repealed by this Act or Acts superseded by those provisions, shall continue in full force and effect until modified by appropriate authority.

(b) Wherever provisions of this Act establish conditions which may be complied with before use may be made of authority contained in, or funds authorized by this Act, compliance with, or satisfaction of, substantially similar conditions under provisions of law repealed by this Act, or Acts superseded by those provisions shall be deemed to constitute compliance with the conditions established by this Act.

(c) Funds made available pursuant to provisions of law repealed by this Act shall, unless otherwise authorized or provided by law, remain available for their original purposes in accordance with the provision of law currently applicable to those purposes.

SEC. 123. UNEXPENDED BALANCES.—Unexpended balances of funds made available pursuant to this Act, or to carry out part II of the Foreign Assistance Act of 1961, as amended, are hereby authorized to be continued available for the general purposes for which appropriated.

SEC. 124. CONSTRUCTION.—If any provisions of this Act or the application of any provision to any circumstances or persons shall be held invalid, the validity of the remainder of this Act, and of the applicability of such provision to other circumstances or persons, shall not be affected thereby.

Mr. MANSFIELD. Mr. President, for the past week and a half the Senate has been considering the annual aid authorizations. The consideration of economic and military aid to foreign nations always generates wide and profound discussion. This year's debate was no exception. And perhaps it was even more provocative than in years past.

One thing is certain. A discussion of this nature is always healthy and, in my opinion, finds the Senate at its best.

Much of the credit for bringing together the strong and enlightening views of so many Senators goes to the distinguished chairman of the Committee on Foreign Relations, the able junior Senator from Arkansas [Mr. FULBRIGHT]. His thoughtful position on matters involving our foreign assistance programs was most welcome and, characteristically, was presented articulately and with typical forthrightness. But Senator FULBRIGHT has a flair for provoking serious and deep thought on the vital issues of the day. For this, the Senate and indeed the Nation owe him a debt of gratitude. Consistently has he contributed his broad knowledge to the dialog which assesses the role of the United States in the ever changing world. And always he has offered his strong and sincere views with clarity, with devotion, and importantly, with skill and courage. For these virtues we all are deeply grateful.

The completion of the aid measures with reasonable dispatch was a fine tribute to the entire Senate. I hope that the momentum achieved today presages expeditious and orderly action for the remainder of the session.

LEGISLATIVE BRANCH APPROPRIATION BILL, 1967

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of H.R. 15456, the legislative branch appropriation bill, 1967. I do this so that the bill will become the pending business.

The PRESIDING OFFICER. The bill will be stated by title.

The LEGISLATIVE CLERK. A bill (H.R. 15456) making appropriations for the legislative branch for the fiscal year ending June 30, 1967, and for other purposes.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

There being no objection, the Senate proceeded to consider the bill.

PRINTING OF 8,000 COPIES OF FINAL REPORT TO CONGRESS ON ORGANIZATION OF CONGRESS

Mr. MONRONEY. Mr. President, I send to the desk a resolution and ask for its immediate consideration.

The PRESIDING OFFICER. The resolution will be stated for the information of the Senate.

The legislative clerk read the resolution (S. Res. 290), as follows:

> *Resolved*, That there be printed for the use of the Joint Committee on the Organization of the Congress eight thousand additional copies of its Final Report to the Congress pursuant to Senate Concurrent Resolution 2, Eighty-ninth Congress, First Session.

The PRESIDING OFFICER. Is there objection to the consideration of the resolution?

There being no objection, the Senate proceeded to consider the resolution.

Mr. MONRONEY. Mr. President, I have cleared this matter with the chairman of the Joint Committee on Printing, and with the distinguished Senator from North Carolina [Mr. JORDAN], and I have also discussed it with the majority and minority leaders.

We can have these documents printed at this time at a much cheaper rate. The number of copies to be printed have already been requested by both Houses. This is the Joint Committee on the Organization of the Congress submitting its final report to Congress.

The resolution was considered and agreed to.

ADJOURNMENT

Mr. MANSFIELD. Mr. President, I move that the Senate stand in adjournment until 12 o'clock tomorrow noon.

The motion was agreed to; and (at 6 o'clock and 28 minutes p.m.) the Senate adjourned until tomorrow, Thursday, July 28, 1966, at 12 o'clock meridian.

CONFIRMATIONS

Executive nominations confirmed by the Senate July 27, 1966:

U.S. COAST GUARD

Rear Adm. Paul E. Trimble, U.S. Coast Guard, to be Assistant Commandant of the U.S. Coast Guard with the rank of vice admiral.

ENVIRONMENTAL SCIENCE SERVICES ADMINISTRATION

Subject to qualifications provided by law, the following for permanent appointment to the grades indicated in the Environmental Science Services Administration:

To be captains

Harry D. Reed, Jr.
Emerson E. Jones
William E. Randall
Allen L. Powell

To be lieutenant commander

Walter L. Bradley

To be ensigns

Jeremy R. Hutt
Willis J. Kircik
Phillip B. Clark
Peter F. MacDoran
Donald R. Askew
Charles Y. Molyneaux

EXTENSIONS OF REMARKS

Remarks of Hon. John E. Fogarty Before the Rhode Island Heart Association

EXTENSION OF REMARKS
OF
HON. JOHN E. FOGARTY
OF RHODE ISLAND
IN THE HOUSE OF REPRESENTATIVES
Wednesday, July 27, 1966

Mr. FOGARTY. Mr. Speaker, under leave to extend my remarks in the RECORD, I include the following:

CONGRESSMAN JOHN E. FOGARTY, RHODE ISLAND HEART ASSOCIATION, PROVIDENCE, R.I., FEBRUARY 28, 1966

It is always a much appreciated privilege and abiding pleasure to meet with my friends and colleagues of the Rhode Island Heart Association.

Every event in which I have been associated with you, and they are many, has been a memorable one. But his evening's occasion surely outranks every one so far, because we are celebrating the twenty-fifth anniversary of our heart association.

This quarter of a century has meant much for us. When the Rhode Island Heart Association was beginning, I was myself new in Congress; and we have grown and developed together.

Let me recall a talk I made here in 1958 at a special educational meeting involving the heart surgery club. I was able then to recount dramatic advances in heart surgery, new drugs for high blood pressure, rheumatic fever prevention programs, cardiac rehabilitation and work evaluation services, and other areas.

The heart association had transformed apathy into interest, given new hope to people, and begun to provide urgently needed services.

As a needed service, the heart association—in partnership with physicians, local and state official agencies, and the National Heart Institute—was giving people vital public information about heart disease: what it was, what could be done, and how and where they could get help.

In the light of these achievements, which continue today just as vitally and needfully, a recent attack on the heart association stands revealed as utterly off-track and about as intelligent as the actions of the villains in the current TV program called "Batman."

This was published in the Washington, D.C. *Post*, February 8, reporting a talk by Mr. Cleveland Amory before a women's group. The charge, as reported, was that the American Heart Association was spending more money on raising funds than on anything else and that over half of the funds raised last year went for "administration and public information."

Everyone who takes the trouble to become informed, knows that the charge is wrong and vicious.

The heart association accounts to the people for its stewardship of voluntary contributions. This is just as important for a voluntary agency as it is for the National Heart Institute, for example, to account for its tax funds.

The heart fund dollars go in appropriate proportions for research, education, and community services. The proportions for administration and fund raising are in reasonable percentages. They are kept at minimal levels.

When it comes to expenditures for public information, it seems to me that what really counts is the cardinal fact that the endeavors of the association and official agencies have made the American public the best informed in history on heart disease, and what to do about it.

Take, for example, the recent National Health Test conducted on TV. Large percentages of people, surprisingly large percentages, I understand, were reported as answering the heart questions correctly. This showed that millions knew a good deal about heart disease and what they could and should do.

Vital heart information, and all good health information for that matter, is a necessity, not a luxury.

Vital public information goes out through the media of communication and through visits, phone calls, letters, and all the work that heart associations and their allies do. It helps save lives and relieve suffering.

From heart information, a person allays his fears by reading the true facts about high blood pressure or heart murmurs. He understands what modern methods of diagnosis are. He learns about risk factors and how he can increase his chances of avoiding heart disease.

From it, a worried father is helped when he wants to know how funds can be found and where an operation can be done to save his little girl's life.

From it, a man recovering from a heart attack is helped to find out what kind of work he will be able to do.

From it, people learn what is going on in research and what progress is being made in new discoveries and treatments.

These are only a few illustrations, but they are true and make the point.

Actually, though much has been accomplished, much more public education and information are needed. The heart story is never done. It should never stop being told, by you, by the official agencies, by physicians and all health workers, and by each of us who learns and knows it.

As we reach the end of American Heart Month in 1966, we can be proud of helping enlighten people and of our progress.

It has been estimated that over two million lives have been saved in recent years because of research and the application of new knowledge against our major diseases.

If we keep on—strengthening and sharpening the focus of research, training, and community services and facilities—it might be possible to double this number of two million. It would not seem impossible or even improbable that four million lives be saved in the next four years, by 1970—instead of proceeding at the same rate as in the past and reclaiming two million in ten to fifteen years.

Why is this possible?

It can be so because the increasing acceleration of research and manpower training and the widening availability of facilities and services can tremendously increase the Nation's ability to postpone premature disability and claim more lives from untimely death.

Now, I am not the only one of those who look toward this—and my optimism is based on that of authorities more skilled than I in predicting. There are some, of course, who would rather groan about darkness than raise a shade to let the sun in. But I believe that a positive approach is better than a negative one.

Present gains lend credence and strength to such a view. There have been real death rate reductions in such areas as rheumatic fever and rheumatic heart disease, strokes, and high blood pressure. There are burgeoning programs, which I have been privileged to lead and assist in Congress, such as the acts for community facilities, health research facilities, community health services extension, community mental health centers, health professions education, and heart disease, cancer and stroke regional medical programs. These promise much for the future, given appropriate funds, careful administration, and state and local execution in accordance with sound, established patterns of medical care, training, and services.

What are some realizable goals for our present and future attack? The possibilities in coronary heart disease and high blood pressure are examples of great potential progress.

More than 500,000 die each year from coronary heart disease; and it is our toughest and greatest heart enemy. But we might well set a goal of from ten to twenty percent annual reduction in these deaths for the next few years—saving 50,000 to 100,000 a year. Prospects for such an advance appear encouraging through a number of approaches.

Drugs and hormones may reduce the incidence or prevent recurrences of coronary heart disease and its heart attacks. We have succeeded in getting launched a cooperative study of some of these promising agents to really test them out.

Mechanical devices to temporarily assist the heart acutely damaged by a heart attack should be here within the next few years. Within the foreseeable future a totally implantable artificial heart may be feasible. This program for the research and development of an artificial heart is now launched and should result in the saving of many thousands of lives annually.

Coronary care units and improvements in bio-engineering and instrumentation will lead to the saving of many other thousands through providing instant, comprehensive, and continuous care through critical periods.

A number of surgical procedures show great promise for improving blood flow to the heart muscle, adding to the number who can be helped.

Drug research will probably develop drugs to retard clot formation or to dissolve clots; and we are hopeful for cooperative clinical trials of such promising agents as urokinase. Such a therapeutic agent could add many more thousands of reclaimed lives.

Diagnostic techniques that will spot trouble faster and more accurately are sure to come, ranging from improved motion picture X-rays of coronary arteries, blood flow measurement in them, and sensitive chemical tests to the use of computers and portable, continuous electrocardiographic recorders. Prompter and better detection will also lead to substantial reductions in coronary deaths.

High blood pressure is another enemy against whom we can set new goals.

Over 69,000 died from hypertension in 1964; and many millions suffer from it. Although the death rate from high blood pressure has been reduced over fifty percent in recent years, it is, therefore, still a vast problem.

In the next few years, an increasing variety of curable or remediable kinds of hypertension can be defined by intensive studies. Also, as new diagnostic measures are developed, better and more specific treatments will result. There should be inexpensive, effective, easily administered drugs, without side effects of significance. Thus, it is not too much to set goals of further, substantial death rate reductions.

There are other exciting possibilities in rheumatic fever, rheumatic heart disease, congenital heart disease, and other heart and blood vessel conditions. But these examples concerning the two major categories show that we can seek realizable goals for greater gains than ever before.

Now, how can we attain such goals?

There are several essentials. There is the matter of teamwork. It is a most important factor; and the attack on heart disease has been characterized by this American approach.

We in Congress will do everything possible to further the cooperative spirit and approach—and we are, in a sense, members of the health team. Federal, state, and local public agencies are likewise partners. But, without the doctors, other health professional people, and the heart associations in the places where people live, the bold goals that I have mentioned would be unattainable.

The Rhode Island Heart Association, other state affiliates, and the American Heart Association are in the vanguard of agencies that have learned how to work in teamwork.

This means that you should play a key role in seeing to it that things get done and done well, as a cooperative endeavor mobilizing all potential resources.

Sometimes, the question is asked, "In view of the increasing Federal programs, is there a role for the voluntary health agency?"

I think that you know the answer is a vigorous, "Yes!"

The heart association has proved itself; it has been indispensable to progress to date, and will continue to be so. The official agencies are also essential, just as are the medical and health professions. The strong combination of these resources is abolutely necessary to maximum advances.

But the need for the voluntary effort and the heart fund is an imperative one. Needs cannot and should not ever be met entirely by tax funds.

People want to support the fight against heart disease—and all disease. They want an all-out attack by their government, medical and health professions, *and their* voluntary agencies.

Such causes as the heart fund are, therefore, both necessary and important. The voluntary program provides opportunity for the individual to give freely to the area of his choice. It avoids hazards that lie in complete dependency upon programs supported solely by public monies. It encourages and guides the endeavors of others. It is an effective partner for all the groups that comprise our health resources.

Also, and very importantly, the heart association provides opportunity for personal participation, for services in a direct and individual way. Those who work on behalf of the heart association and those who contribute to the heart fund do so of their own free will—and maintain the unique American tradition that is a prime source of our Nation's strength.

The heart association has other essential values. It adapts rapidly to changing needs and circumstances and is quickly responsive to new demands in research, in education, and community programs.

The whole history of the heart association has been one of meeting such demands and challenges. I am confident that this will continue and that people will continue to give increasing support.

In the long run, all the heart association and government efforts are based on the cooperation of the scientific and medical community, the Congress, and the public. In this context, each heart agency, public and private, views the other as essential not only to its own continued growth and development, but also to the achievement of the mutual aim of the conquest of heart disease.

The resources of all are needed to do the job; and the size of the task and the challenging goals warrant our maximum effort. This is a war for health which we should escalate as much as possible as soon as possible.

If we do, long before the Rhode Island Heart Association's golden anniversary we shall have attained heights of success undreamed of now. Just as, twenty-five years ago, none of us could have dreamed that we would be where we stand today, so it is not possible now to imagine all that will be accomplished in the coming years.

But we can be sure that many new gains will be made and we can be certain that the Rhode Island Heart Association will do its share to achieve them, alert to opportunities and responsive to the needs of the Community, of families, and of individuals.

Financial Statement of Hon. Hervey G. Machen, of Maryland

EXTENSION OF REMARKS

OF

HON. HERVEY G. MACHEN

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 27, 1966

Mr. MACHEN. Mr. Speaker, today I am inserting in the CONGRESSIONAL RECORD a full statement of my financial status. I submit this statement voluntarily and with the reiteration of my firm belief that a strong conflict-of-interest law should be enacted in my home State of Maryland and at a Federal level. I also believe that such a statute should set forth specific guidelines for persons seeking public office.

Prior to my election in 1964, I stated that I had no objection to issuing public financial statements provided that it was the consensus that this should be done. I am pleased that this consensus has arrived and I urge all congressional candidates in Maryland to make public disclosures.

The statement follows:

Hervey G. Machen and Marian D. Machen, his wife—Statement of financial condition, June 30, 1966

Assets:	
Cash (see schedule A)	$10, 295. 99
Investments (see schedule B)	236, 040. 00
Notes receivable	1, 118. 12
Real estate (see schedule C)	155, 000. 00
Automobiles:	
1966 Lincoln	5, 500. 00
1964 Chevrolet	1, 500. 00
Total	7, 000. 00
Household furnishings	4, 000. 00
Law books and office furniture	4, 896. 62
Total assets	418, 350. 73
Liabilities:	
Accounts payable	359. 75
Notes payable (unsecured)	13, 200. 00
Notes payable (secured)	114, 000. 00
Mortgages (see schedule D)	36, 189. 04
Total liabilities	163, 748. 79
Net worth	254, 601. 94

Hervey G. Machen and Marian D. Machen, his wife—Statement of financial condition, June 30, 1966—Continued

Schedule A—Cash

Citizens Bank of Maryland—Savings account	$4, 086. 76
Citizens Bank of Maryland—Checking account	1, 340. 76
Suburban Trust Co.—Checking account	2, 193. 88
Sergeant at Arms checking account	2, 674. 59
Total	10, 295. 99

Schedule B—Investments

	Shares	Market value
Maryland Home Title Co., acquired in August 1954	1	$50
Suburban Trust Co., initial purchase in August 1946, purchases since then have been limited to stock options and stock dividends when capital was increased by the bank	520	36, 400
Citizens Bank of Maryland, initial shares acquired in 1955, for the last ? years additional purchases have been limited to stock options and stock dividends when capital was increased by the bank	2, 470	190, 190
Metromedia, acquired January 1960	200	9, 400
Total		236, 040

Schedule C—Real estate

Farm, 120 acres at Horsehead, Prince Georges County, Md., acquired August 1957	$60, 000
Personal Residence, 4107 Hamilton Street, Hyattsville, Md., acquired December 1951	36, 000
Summer Home, Broomes Island, Calvert County, Md., 2 acres and house, inherited from father in 1933	22, 000
Unimproved land, 28 acres, one-third interest with sister and brother, inherited from father in 1933, one-third of the value	2, 000
Office building and lot, 4328 Farragut Street, Hyattsville, Md., joint ownership with brother, part law offices and part engineering offices, acquired December 1954, one-half of the value	35, 000
Total	155, 000

Schedule D—Mortgages

Horsehead farm	$15, 500. 00
Personal residence	9, 673. 23
Office building and lot, 4328 Farragut Street, Hyattsville, Md., one-half of balance	11, 015. 81
Total	36, 189. 04

NOTES

Stocks are listed at their market values.

Real estate holdings are listed at their estimated current market values.

I have several group life insurance policies that have no surrender value in the Maryland Bar Association and a $10,000 G.I. Life Insurance Policy that has never been converted.

At the present time, I am and have been a Director of the Citizens Bank of Maryland, having been elected to the Board in January 1960.

I am also a Director of the Maryland Home Title Company.

I am a senior member in the law firm of Machen, Brooks, and Stanbury located at 4328 Farragut Street, Hyattsville, Maryland. Until October 1964, I practiced law as an individual. Having received the Democratic nomination for Congress, I formed a partnership with Thomas R. Brooks and Jerome Stanbury, both of whom have been associated with me either on my payroll or on referral work for some period of time. This was with the understanding that when and if elected to Congress, I would be a full-time Congressman and would not actively participate in the activities of the law firm.

Congressman John E. Fogarty, National Dental Health Assembly, Emphasis: Fluoridation, Marriott Twin Bridges Motor Hotel, Arlington, Va., February 6, 1966

EXTENSION OF REMARKS

OF

HON. JOHN E. FOGARTY

OF RHODE ISLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 27, 1966

Mr. FOGARTY. Mr. Speaker, under leave to extend my remarks in the RECORD, I include the following:

CONGRESSMAN JOHN E. FOGARTY, NATIONAL DENTAL HEALTH ASSEMBLY, EMPHASIS: FLUORIDATION, MARRIOTT TWIN BRIDGES MOTOR HOTEL, ARLINGTON, VA., FEBRUARY 6, 1966

Let me begin the brief remarks I have prepared for tonight by saying what a real pleasure it is to be here with you, to be here with so many good friends. I am particularly pleased to share this platform with the distinguished Undersecretary of Health, Education, and Welfare, Dr. Cohen, the Surgeon General, Dr. Stewart, the President of the American Dental Association, Dr. Hine, and our Chairman, Dr. Diefenbach.

I notice with great satisfaction that the participants of this Conference include representatives from virtually all segments of society. With the dental profession in the forefront, we also have gathered here distinguished leaders from government, from medicine, from education, from the scientific community in its broadest spectrum, from the law, from the theater, from news media and perhaps most importantly from the lay public.

This representative cross-section of America typifies a working democracy at its finest. It demonstrates the dynamic kind of partnership that can exist between a government and its people to reach an objective for the benefit of mankind. And mankind truly will be benefited if we are successful here in refocusing national attention on and gaining increased public acceptance of one of the most significant public health measures of all time—the controlled fluoridation of public water supplies which was launched on an organized basis just twenty years ago.

To many of us in this room who have seen the vast accumulation of unassailable evidence establishing the safety and efficacy of fluoridation, a lot of these years have been disheartening—frustrating. We have witnessed more times than we should the rejection of solid scientific findings by the use of propaganda, distortion and rumor. After surviving the critical and deep-searching judgment of their professional peers, the honest and dedicated scientists who discovered and proved fluoridation, too often have found themselves embroiled in and defeated in the arena of public opinion and politics. But while this is a disquieting and discouraging fact of life, these pioneers of whom I speak should take some solace from the fact that they are not alone among those in the course of history who have suffered similarly. The Pasteurs, the Listers and many others could be included in this company. And in this context and for what comfort it might be, I would give you a statement known as Russell's law which can be applied to fluoridation and goes something like this: "The amount of resistance to a new discovery is equal to the square of its importance."

Perhaps in the case at hand, we should modify Russell's law by saying that the "amount of *noise* in resistance to fluoridation is equal to the square root of its importance" since I personally am convinced that were it not for the noise and the big-scare, the vast majority of our people would wholeheartedly accept fluoridation for the beneficial health measure that it is.

Now, this three day meeting is billed as an assembly but it would be just as accurate—maybe more so—to think of it as a conversation, a conversation among a group of friends who share a long-standing commitment toward improving the health of our fellow citizens and who recognize that we must achieve this commitment primarily through a process of education and persuasion.

This certainly is not the easiest or quickest way of getting things done. It is frequently frustrating. It always requires great patience and the ability to take the long view. It would be much simpler, in the short run, to rely more on force than persuasion, more on sanctions against opposing points of view than on education leading to understanding and acceptance. These are especially tempting alternates when we know we are right, when every objective, scientific test that can be devised demonstrates how right we are and how wrong they are.

That we have come together for this three day conversation, however, is proof that we continue to take the long view, the wise view in my opinion; that we continue to put our faith in education and persuasion. It isn't, after all, as if we can't see any progress over the past twenty years. As of today, nearly 70 million people are benefiting from fluoridation. Just a week or so ago, Dallas refused to go along with the frightened people who urged that city to stop fluoridation: the victories of Detroit and New York are still fresh in our minds and eligible perhaps to be counted as indications of a trend. Though we are not doing as well as we might want to do in this education campaign, we aren't doing so badly either.

But, the prime purpose for our gathering here, I take it, is not to measure our progress so much in terms of raw statistics about victories and defeats as to analyze it in terms of accomplishing what is the most basic thing of all that a democracy does: capturing and concentrating the attention of community leaders and ultimately the community itself on one issue, to such a pitch that action flows inevitably, irresistibly, from this concentrated attention. This is not a difficult process to describe but it is a very difficult thing to do and there is never a time when you can say you are doing as well as you might wish.

Let me try to illustrate my point in this way. You know, everyone, when first elected to Congress, is like that character in Gilbert and Sullivan's the Mikado: He has a little list. He came to Congress with a list of bills he wants to propose, of laws he wants to pass. Sometimes—and you can take it from an expert—that list becomes a bit dog-eared and yellow with age before he can mark everything on it as having been accomplished.

At the beginning, there is a certain blindness about the items on the list. It is practically impossible for this new congressman to understand how anyone could seriously oppose any one of his proposals. While I don't go so far as to say that he expects suspension of the rules, and unanimous passage of everything he wants, if in fact it did happen that way, it wouldn't surprise him. But that is a dream world not a real one. In a real world, it is more like that story Mark Twain used to tell. When he was 15, he said, it seemed to him that his father was the most stupid man who had ever lived. When he was 20, he went on, he was amazed at how much the old man had learned in just five years.

I suppose this lesson Twain learned is what the sociologist would call interaction and that's what happens when we set out to accomplish things in the real world: we interact on each other, we learn to discard unsound concepts to see things in fresh perspective, to accept the precept that lasting progress can be made, things can be fully accomplished not only by whipping up sudden excitement but also by patient and persistent effort, by careful education.

Once in a while in the history of a nation it does happen that a number of long-supported projects come to fruition almost simultaneously, in a kind of chain reaction. When this rare event occurs, there is a sudden almost revolutionary leap forward that transforms the nation and enriches immeasurably our definition of what America is and what kind of opportunity it should hold out for its citizens.

Looking back, we can see now that this is what took place during the famous 100 days of Franklin Roosevelt's first administration. It is my personal conviction that future generations will look back at today and discern much the same thing. I think congressional historians especially will see that Congress during 1964 and 1965 was engaged in what can be honestly termed peaceful revolutionary activity with regard to health and welfare matters. During that time, we enacted and implemented the Health Professions Educational Assistance Act, we enacted and implemented the Nurses Training Act, we moved ahead on health care for the aged, we vastly improved and expanded the health care available for the mentally ill, the handicapped, the disabled and others. We moved forward on a broad front in health research and initiated new programs in the fields of heart disease, cancer and stroke. We launched the War on Poverty with special attention given to health needs, particularly in Project Headstart the health needs of poor children. This is not, of course, a complete list at all but it is an indication of what I am talking about when I say this sustained congressional effort has been revolutionary in its effect on our country.

Now—you are much too sophisticated an audience for me to pretend, even if I wanted to, that all of these measures were thought up on a Monday, given hearings on a Tuesday and passed on a Wednesday.

When I first came to Congress more than two decades ago, I had in pocket one of those little lists I referred to earlier and prototypes of many of our new programs were on it. I have gone through a period when some of my colleagues thought I was plain crazy to urge such proposals. I have gone through another period when some of my colleagues thought I was a first class pain in the neck to persist in urging them. Lately, I have been in a kind of mixed blessing period where some of my colleagues suspect I am some kind of prophet. Now, I never thought I was crazy and I am almost as certain that I am not a prophet. What I am mostly, I suppose is a determined Irishman.

I came to Congress with a set of convictions about what I thought this country could—and should—be doing for the health and welfare of its citizens. After what I hope was not too long a period of time, I learned how Congress works toward getting things done, to what degree the normal process can be speeded and how to tell when you are at the point where haste becomes to make waste.

I'd like to spend a moment on this point—how Congress works—because I think it has some relevance to the purpose that has brought us here tonight. In the past few years, as you know, Congress has been on the receiving end of a good deal of advice; not all of it wanted, much of it unneeded. Running strongly through much of this advice, is a kind of theme, a tendency to talk about Congress—indeed about the entire federal government—as "they" in contrast to the people who are always "we." To draw such a dichotomy is at best unnecessary; at worst harmful.

Each two years, every member of the House of Representatives and a third of the Senate must go before their constituents to be rehired or fired. Every four years the President must go before the whole people to have his mandate extended or ended. These are facts not theory, and they symbolize the truth of the matter, which is that Congress is at least as much a part of the people as, say, the steel industry and has at least as intimate a feel for the people's aspirations as, say, has the television business.

I would suspect that this audience is not one that needs to be persuaded about these facts. I doubt that many of you are victims of that dread disease called the Birch syndrome, the main symptom of which is frothing at the mouth when the word Washington is mentioned. Making that assumption, let me go on to one further comment about Congress. If there does indeed exist an intimate connection between Congress and the people, then why does it sometimes take so long to accomplish the thing that we know, really know, and not just guess, ought to be done? Let me give you a two-part answer to that question. The first part is one sentence: We are a democracy. The second part of the answer is to be found in the Bible: "All things have their season and in their time all things pass under Heaven. A time to be born and a time to die . . . a time to destroy and a time to build . . . He hath made all things good in their own time . . ." Earlier, I mentioned something about learning at what point too much haste becomes waste. That, too, is part of the answer. I am not talking here about the mere taking of a vote. Taking a vote is only part of the process, not always the most important part. If one has succeeded in education and persuasion, then a vote is a confirmation of success rather than the achievement of it. In fluoridation, as in other public health measures, we have traditionally talked less about votes than about achieving understanding on the part of community leaders.

What I wish to say is that accepting, recognizing Congress as part of the people, and as knowledgeable about the people's wants does not mean that Congress always moves forward in great leaps. Most of the time, it moves cautiously, sounds out carefully a demand for action in order to discover whether it represents a strong consensus—and consensus remains a favorable word even if it has been somewhat overused lately—or whether it represents a demand from a small segment of the population with a tremendous lung capacity.

Consensus among whom? Does it mean that the entire public must always be involved from the beginning? I believe it is important to draw some sharp distinctions here. When I talk about seeking a consensus, I am certainly not saying that Congress is a follower. Clearly, Congress must lead. But Congress must lead first of all in preparing the ground through that process of education and persuasion to which I have already referred. It must, through its deliberations, reach and involve at least those leaders who enjoy the community's confidence and commit it to affirmative action. Ultimately, the entire community must be involved.

Granted that this is often a tortuous procedure. Granted that it rarely proceeds with the kind of dispatch that proponents of a measure would wish. Granted even that in proceeding somewhat cautiously we run the danger of being too late, a danger about which I have been particularly concerned throughout my legislative career. Granted all of these things, I remain convinced that the general method by which Congress proceeds is a wise method. Whatever its inherent merits, a law effecting substantial change in our mode of living that is not clearly understood as to its intent and purpose is not a wise law. It is not a wise law to make because it will not generate the ultimate support of a sufficient majority of our people. This is especially true in the health field, where we so often deal with matters that are particularly and peculiarly individual in import, when the ultimate success of a measure depends so heavily on the personal decision to accept the measure and actually help implement it.

Now, why all this talk about Congress? Not just because it is interesting, though I hope it has struck you as being so, I have brought all this up because this assembly is—in relation to the people—a kind of Congress. Any group united in a national purpose which they are urging on the people is a kind of Congress because over and beyond its duty of making laws, Congress has the function of focusing attention on an issue, airing alternate methods of reaching an agreed upon goal and, through education and persuasion, leading toward the best method of achieving that goal.

The American Dental Association, for example, is a kind of Congress in its relation to the people. And let me say here, as I have said often before, that few major health groups have consistently demonstrated so profound a grasp of the process of education and persuasion as does this national dental group. The Association has understood the necessity of persistence and patience, of working away on a project, and of returning to it time and time again until the end result was realized.

The amount of effort required to attain public support and acceptance should never be underestimated. We still do not have in this nation a full understanding of the value of public health measures. This was demonstrated once again last month when, on two successive Tuesdays, the CBS Television Network administered a national health test and learned that the average American could not register a passing grade on such a test. This national health test also demonstrates how important it remains to continue enlisting the community leadership to help us explain our campaign for fluoridation.

The effort that we are committed to on behalf of fluoridation, then, is part of a total effort to enrich and deepen understanding of all public health measures. In some ways, as all of you know, the campaign for fluoridation has been a microcosm of all public health efforts. In the 20 years that we have been urging fluoridation, we have been opposed by some who, through ignorance, were genuinely frightened of fluoridation. We have been opposed by others who for personal selfish reasons thought it expedient to be anti-fluoridationists. But for the most part, I believe, our forward progress has been limited not by people who were frightened or selfish but by well-meaning people who didn't understand what we are saying, who didn't grasp the nature and urgency of what we wanted to do. The reasons for this, the various forms it has taken, the ways in which success has been experienced or failure suffered will be analyzed during the next two days. I don't want to anticipate any of this.

Neither do I want to leave the impression that I am indicting the pro-fluoridation forces. I have already made it clear that this is not my purpose. No doubt, we haven't been perfect either in our strategy or our tactics; mostly, I suppose, because we are not perfect human beings. But what is important is that we have not become so disheartened as to be paralyzed. We have instead continued to chip away, to try new methods of reaching the community leaders and the community as a whole, to give of our time and energy to this goal.

I think that all of us, in the back of our minds, have two thoughts that we bring to this assembly. First that fluoridation is well worth the effort we have invested in it. And second, the conviction that we will ultimately make our point with sufficient clarity and force that every public water supply in the nation will become part of the fluoridation system.

I want you to know that these two thoughts are uppermost in my mind. I want you to know how pleased I am to be with so many friends tonight to talk about this vital topic. And, finally, I want you to know that I and many of my colleagues are anxious to support your effort for fluoridation whenever possible. Thank you for asking me to speak to you tonight and I hope you will have every success during these next two days and throughout the months ahead.

National Drum Corps Week

EXTENSION OF REMARKS

OF

HON. HENRY S. REUSS

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 27, 1966

Mr. REUSS. Mr. Speaker, the week of August 20 through 27 will be celebrated from Maine to California by the 1 million Americans who take part in drum and bugle corps activities as National Drum Corps Week.

I know the value of their program because of the well-known "St. Patrick's Imperials" of Milwaukee. Each year, also, Milwaukee sponsors the Schlitz July Fourth Parade, with some 50 drum and bugle units.

The drum and bugle corps motto, "Pageantry and patriotism on the march," sums up the value of their contributions, both to our youth and to our communities.

For boys and girls at their most impressionable stage of growth, drum and bugle corps give a satisfying focus for their leisure time activities. The corps teach the need for discipline, the value of obedience, and the ability to command. Their members must work hard both as marchers and as musicians. But in return, they earn a sense of comradeship, an appreciation for teamwork, and the thrill of contributing through marching and music to patriotic spectacles.

For our communities, drum and bugle corps add that color and marching music which help to make festive occasions special. They become part of the symbolism which make individuals and families feel themselves a closely knit part of their community.

A New Weapon in the War Against Hunger

EXTENSION OF REMARKS

OF

HON. JOHN BUCHANAN

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 27, 1966

Mr. BUCHANAN. Mr. Speaker, I am proud to be able to report on the growth of the new soybean crop in Alabama. The Department of Agriculture's latest acreage intentions report indicates a new record for Alabama in soybeans—206,000 acres. At last year's per acre production, this means 4,738,000 bushels.

The soybean is a new weapon in the war against hunger. Soybean products include the valued protein for livestock, dairy and poultry feeding, and the oil for margarine, shortening and a variety of other foods. Soybeans have become this country's most valuable single export.

Like cottonseed, the soybean produces a nutritious oil for human food purposes. Margarine is one of the major products of this oil. American margarine last year utilized well over a billion pounds of refined soybean oil, and thus provided its second largest outlet. Cottonseed, and corn oils also went into margarine.

With tighter supply situations coming up in some agricultural commodity fields, these oilseeds can fill the gap. For example, the Department of Agriculture is no longer able to supply butter because CCC holdings are exhausted. With the recent raise in the dairy support price, it is a question when CCC will have more butter for the various donation programs the Department administers.

Like many consumers, in this situation the Department has decided to fill the temporary requirement for table spread with margarine. It has been buying margarine for welfare and institutional aid programs, off and on, as needed, since December 1964. In so doing, incidentally, it has saved over $30 million and has had to call principally on soybean oil as a major component of the margarine.

It may be necessary for the Department to adopt a similar bridgeover buying of margarine for the school lunch program. If so, soybean oil margarines again will be called upon as "reinforcements" so long as the dairy situation remains as it is.

It makes sense to use an alternate product when it is available to fill a real need that cannot otherwise be met without large additional costs and disruption of commercial markets.

SENATE

THURSDAY, JULY 28, 1966

The Senate met at 12 o'clock meridian, and was called to order by the Acting President pro tempore (Mr. METCALF).

Rev. Max L. Stitts, pastor, First Baptist Church, Danville, Ky., offered the following prayer:

O, God and Father of all men, we who speak so often to Thee, and allow ourselves so seldom to hear from Thee, do pray we might have an increased desire to be tuned to hear Thy still small voice. Then, may we echo Thy truth for all the world to see as well as hear. We know Thou hast said: *When a man's ways please the Lord, he maketh even his enemies to be at peace with him.* Therefore, we pray that we shall not make peace our highest aim, but that we as individuals and as a nation may live pleasingly before Thee. As the world cries out from all corners to us for help, may we discern the true need from the false and remember Thy word: *He who is kind to the poor lends to the Lord and He will repay him for his deed.* And, Father, help us to walk every step in the print of integrity for You have proclaimed: *He who walks in integrity walks securely.*

O, Lord, let us not hold to half-truths for fear we may hold to the wrong half.

In the name of Jesus Christ, we pray. Amen.

THE JOURNAL

On request of Mr. MUSKIE, and by unanimous consent, the reading of the Journal of the proceedings of Wednesday, July 27, 1966, was dispensed with.

MESSAGE FROM THE PRESIDENT—APPROVAL OF BILL

A message in writing from the President of the United States was communicated to the Senate by Mr. Geisler, one of his secretaries, and he announced that on July 26, 1966, the President had approved and signed the act (S. 3150) to make further provision for the retirement of the Comptroller General.

EXECUTIVE MESSAGE REFERRED

As in executive session,

The ACTING PRESIDENT pro tempore laid before the Senate a message from the President of the United States submitting a nomination, which was referred to the Committee on Foreign Relations.

(For nomination this day received, see the end of Senate proceedings.)

INTER-AMERICAN CONVENTION ON FACILITATION OF INTERNATIONAL WATERBORNE TRANSPORTATION—REMOVAL OF INJUNCTION OF SECRECY

Mr. PROXMIRE. Mr. President, as in executive session, I ask unanimous consent that the Senate remove the injunction of secrecy from Executive Q, 89th Congress, 2d session, the Inter-American Convention on Facilitation of International Waterborne Transportation—Convention of Mar del Plata—and that the convention, together with the President's message, be referred to the Committee on Foreign Relations, and that the President's message be printed in the RECORD.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

The message from the President is as follows:

To the Senate of the United States:

With a view to receiving the advice and consent of the Senate to ratification of the Inter-American Convention on Facilitation of International Waterborne Transportation—Convention of Mar del Plata—signed for the United States on June 7, 1963, I transmit herewith a certified copy of that convention. I transmit also, for the information of the Senate, a copy of the annex of standards and recommended practices adopted by the First Special Inter-American Port and Harbor Conference at Washington on April 19, 1966. These standards and practices need be observed by the United States only to the extent that they are consistent with our laws and regulations. If we wish to conform to any standard which is inconsistent with existing U.S. law, an amendment to the particular statutory provision will be sought.

The convention is intended to facilitate and expedite the movement of waterborne commerce between ports in the Americas by bringing about simplification and uniformity, as far as practicable, of regulations, standards, and procedures in relation to ships, crews, passengers, cargoes, ports, and auxiliary services. If ratified by the required number of countries, it could mean speedup of port operations, reduced documentary requirements for passengers and shipping lines, and faster turnaround of vessels. The savings to shipping lines and governments alike could be substantial.

In line with our continuing interest in facilitating inter-American transportation and commerce, I recommend that the Senate give early and favorable consideration to the Convention of Mar del Plata and advise and consent to its ratification.

LYNDON B. JOHNSON.

THE WHITE HOUSE, *July 28, 1966.*

Enclosures:

1. Report of the Acting Secretary of State.
2. Certified copy of Inter-American Convention on Facilitation of International Waterborne Transportation—Convention of Mar del Plata.
3. Copy of annex.

REPORTS OF A COMMITTEE

The following reports of a committee were submitted:

By Mr. JACKSON, from the Committee on Armed Services, without amendment:

S. 3148. A bill to provide for the conveyance of all right, title, and interest of the United States reserved or retained in certain lands heretofore conveyed to the city of El Paso, Tex. (Rept. No. 1417).

By Mr. SALTONSTALL, from the Committee on Armed Services, without amendment:

H.R. 3013. An act to amend title 10, United States Code, to provide gold star lapel buttons for the next of kin of members of the Armed Forces who lost their lives in war or as a result of cold war incidents (Rept. No. 1418).

By Mr. BYRD of Virginia, from the Committee on Armed Services, without amendment:

H.R. 11980. An act to authorize the Secretary of the Army to donate two obsolete German weapons to the Federal Republic of Germany (Rept. No. 1415).

By Mrs. SMITH, from the Committee on Armed Services, without amendment:

H.R. 12031. An act to authorize the appointment of Col. William W. Watkin, Jr., professor, of the U.S. Military Academy, in the grade of lieutenant colonel, Regular Army, and for other purposes (Rept. No. 1419).

By Mr. CANNON, from the Committee on Armed Services, without amendment:

H.R. 13374. An act to amend title 10, United States Code, to authorize the award of trophies for the recognition of special accomplishments related to the Armed Forces, and for other purposes (Rept. No. 1416).

FINAL REPORT OF THE JOINT COMMITTEE ON THE ORGANIZATION OF THE CONGRESS—REPORT OF A COMMITTEE—SUPPLEMENTAL AND ADDITIONAL VIEWS (S. REPT. NO. 1414)

Mr. MONRONEY. Mr. President, from the Joint Committee on the Organization of the Congress, pursuant to Senate Concurrent Resolution 2, 89th Congress, 1st session, I submit a report entitled "Organization of Congress" and ask unanimous consent that it be printed, together with the supplemental views of

Senator MUNDT, Representative HECHLER, Senator CASE, Representatives THOMAS B. CURTIS, DURWARD G. HALL, and JAMES C. CLEVELAND, and the additional views of Representative DURWARD G. HALL.

The **ACTING PRESIDENT** pro tempore. Without objection, the report will be received and printed, as requested by the Senator from Oklahoma.

EXECUTIVE REPORTS OF A COMMITTEE

Mrs. SMITH. Mr. President, from the Committee on Armed Services, I report the nominations of Brig. Gen. Duane L. Corning, South Dakota Air National Guard, for appointment to the grade of major general in the Reserve of the U.S. Air Force; the nomination of Lt. Gen. Maurice A. Preston, USAF, for promotion to general in connection with his assignment as commander in chief, U.S. Air Forces, Europe; the nomination of Lt. Gen. Leonard Dudley Heaton to be placed on the retired list of the Army in the grade of lieutenant general; and the nomination of Vice Adm. Paul H. Ramsey, U.S. Navy, to be retired as vice admiral. I asked that these names be placed on the Executive Calendar.

The **ACTING PRESIDENT** pro tempore. Without objection, it is so ordered.

The nominations, placed on the Executive Calendar, are as follows:

Brig. Gen. Duane L. Corning, South Dakota Air National Guard, for appointment to the grade of major general in the Reserve of the U.S. Air Force;

Lt. Gen. Maurice A. Preston (major general, Regular Air Force), U.S. Air Force, to be assigned to positions of importance and responsibility designated by the President, in the grade of general;

Lt. Gen. Leonard Dudley Heaton, Army of the United States (major general, Medical Corps, U.S. Army), to be placed on the retired list in the grade of lieutenant general; and

Vice Adm. Paul H. Ramsey, U.S. Navy, when retired, for appointment to the grade of vice admiral.

Mrs. SMITH. Mr. President, in addition, I report favorably the nomination of 213 officers for promotion in the Navy in the grade of commander and below; 488 officers for appointment in the Regular Army in the grade of colonel and below; and 1,742 officers for promotion, and appointment in the Regular Air Force in the grade of lieutenant colonel and below. Since these names have already been printed in the CONGRESSIONAL RECORD, in order to save the expense of printing on the Executive Calendar, I ask unanimous consent that they be ordered to lie on the Secretary's desk for the information of any Senator.

The **ACTING PRESIDENT** pro tempore. Without objection, it is so ordered.

The nominations, ordered to lie on the desk, are as follows:

Raymond F. Esparza, and sundry other officers, for promotion in the U.S. Navy;

Gerald P. Corcoran, and sundry other Naval Reserve officers, for assignment in the U.S. Navy;

Arnold E. Catron, midshipman (Naval Academy), to be a permanent ensign in the line of the Navy;

Adrian T. Doryland (Navy enlisted scientific education program), to be a permanent ensign in the line of the Navy;

Anderson R. Williams (civilian college graduate), to be a permanent lieutenant (junior grade) and a temporary lieutenant in the Medical Corps of the Navy;

Gerald J. Archer, and sundry other Naval Reserve officers, to be permanent lieutenants (junior grade) and temporary lieutenants in the Dental Corps of the Navy;

Collis O. Marshall, U.S. Navy, retired officer, to be a permanent commander in the line of the Navy;

William D. Sydnor, Jr., for reappointment to the active list of the Regular Army of the United States, from the temporary disability retired list;

Kenneth L. Hoffman, and sundry other persons, for appointment in the Regular Army of the United States;

William H. Abbott, and sundry other officers, for promotion in the Regular Air Force;

John F. Anderson, and sundry other distinguished graduates of the Air Force precommission schools, for appointment in the Regular Air Force; and

George T. Adams, and sundry other persons, for appointment in the Regular Air Force.

BILLS INTRODUCED

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. KENNEDY of New York (for himself, Mr. KENNEDY of Massachusetts, Mr. PROUTY, Mr. HART, Mr. METCALF, Mr. YARBOROUGH, Mr. MORSE, Mrs. NEUBERGER, Mr. MONTOYA, and Mr. MCGOVERN):

S. 3661. A bill to amend title II of the Social Security Act to increase the amount of monthly benefits payable thereunder, to raise the wage base, to provide for cost-of-living increases in such benefits, to increase the amount of the benefits payable to widows, to provide for contributions to the social security trust funds from the general revenues, to otherwise extend and improve the insurance system established by such title, and for other purposes; to the Committee on Finance.

(See the remarks of Mr. KENNEDY of New York when he introduced the above bill, which appear under a separate heading.)

By Mr. McGOVERN (for himself, Mr. CARLSON, Mr. EASTLAND, Mr. JACKSON, Mr. MONDALE, Mr. MORSE, Mr. MUNDT, Mr. NELSON, Mr. PROXMIRE, Mr. YOUNG of North Dakota, and Mr. HART):

S. 3662. A bill to establish a price support level for milk; to the Committee on Agriculture and Forestry.

(See the remarks of Mr. MCGOVERN when he introduced the above bill, which appear under a separate heading.)

By Mr. BAYH:

S. 3663. A bill providing for the construction by the Chief of Engineers, U.S. Army, of a vehicular tunnel under Indiana Harbor Canal, in the vicinity of Canal Street, city of East Chicago, Ind.; to the Committee on Public Works.

By Mr. HART:

S. 3664. A bill for the relief of Sabri Patros Shamun; to the Committee on the Judiciary.

By Mr. RIBICOFF:

S. 3665. A bill to amend the Internal Revenue Code of 1954 to exempt from income tax interest on obligations issued by colleges and universities; to the Committee on Finance.

(See the remarks of Mr. RIBICOFF when he introduced the above bill, which appear under a separate heading.)

By Mr. CARLSON:

S. 3666. A bill to permit the city of Kansas City, Kans., to count expenditures made for recently constructed board of education's library building and board of public utilities building as local noncash grants-in-aid toward the Kansas City, Kans., urban renewal projects; and

S. 3667. A bill to permit the city of Wichita, Kans., to count expenditures made for its current civil cultural center as local noncash grants-in-aid toward the Wichita urban renewal project; to the Committee on Banking and Currency.

By Mr. SCOTT:

S. 3668. A bill to amend section 301(a)(7) of the Immigration and Nationality Act to grant U.S. citizenship at birth to any child born abroad whose father or mother is a citizen of the United States who has served abroad for certain periods of time with a church or missionary organization, and for other purposes; to the Committee on the Judiciary.

(See the remarks of Mr. SCOTT when he introduced the above bill, which appear under a separate heading.)

By Mr. MURPHY:

S. 3669. A bill to amend section 175 of the Internal Revenue Code of 1954 to include expenditures for the installation of tile drains as soil and water conservation expenditures which may be deducted under such section; to the Committee on Finance.

(See the remarks of Mr. MURPHY when he introduced the above bill, which appear under a separate heading.)

By Mr. BURDICK (by request):

S. 3670. A bill to amend the Immigration and Nationality Act, as amended, to permit the free entry of citizens of the Trust Territory of the Pacific Islands into the United States; to the Committee on the Judiciary.

(See the remarks of Mr. BURDICK when he introduced the above bill, which appear under a separate heading.)

By Mr. TOWER:

S. 3671. A bill to provide for an investigation and study for the feasibility of diverting water from the Missouri and Columbia Rivers to the western part of the State of Texas; to the Committee on Interior and Insular Affairs.

(See the remarks of Mr. TOWER when he introduced the above bill, which appear under a separate heading.)

By Mr. MUNDT (for himself and Mr. MCGOVERN):

S. 3672. A bill to give certain Indian tribes the right to cut hay on lands, adjacent to certain reservoirs, on which such tribes are permitted to graze stock; to the Committee on Interior and Insular Affairs.

RESOLUTIONS

PROPOSED APPROPRIATE ACTION TO BE TAKEN AGAINST ZDENEK PISK, A FOREIGN ESPIONAGE AGENT

Mr. EASTLAND submitted a resolution (S. Res. 291) expressing the sense of the Senate that the President should take or direct appropriate action against Zdenek Pisk, a foreign espionage agent, which was referred to the Committee on Foreign Relations.

(See the above resolution printed in full when submitted by Mr. Eastland, which appears under a separate heading.)

PROPOSED INTERNATIONAL MOTOR VEHICLE SAFETY CONVENTION

Mr. MAGNUSON (for himself and Mr. Ribicoff) submitted a resolution (S. Res. 292) relative to International Motor Vehicle Safety Convention, which was referred to the Committee on Foreign Relations.

(See the above resolution printed in full when submitted by Mr. Magnuson, which appears under a separate heading.)

COMMITTEE MEETINGS DURING SENATE SESSION

On request of Mr. Muskie, and by unanimous consent, the following subcommittee and committee were authorized to meet during the session of the Senate today:

The Subcommittee on Constitutional Rights of the Committee on the Judiciary.

The Committee on Labor and Public Welfare.

LIMITATION ON STATEMENTS DURING TRANSACTION OF ROUTINE MORNING BUSINESS

On request of Mr. Muskie, and by unanimous consent, statements during the transaction of routine morning business were ordered limited to 3 minutes.

SOCIAL SECURITY AMENDMENTS OF 1966

Mr. KENNEDY of New York. Mr. President, I introduce, for appropriate reference, on behalf of myself, Senator Kennedy of Massachusetts, Senator Prouty, Senator Hart, Senator Metcalf, Senator Yarborough, Senator Morse, Senator Neuberger, Senator McGovern, Senator Williams of New Jersey, Senator Clark, and Senator Montoya, a bill to increase the social security benefits for retired Americans, widows and dependents, and to establish a partial new source of financing for the social security system.

Of the many problems we face in our efforts to assure a decent, dignified retirement to our Nation's elderly, perhaps the most fundamental is what would seem the simplest—the need to provide millions of Americans with the assurance that they will receive an adequate income in retirement.

Social security was designed 30 years ago to help meet this need. Since 1935, we have relied on this system of contributory insurance to provide a measure of economic protection against the loss of wages that retirement brings. It is the primary source of support for millions of older Americans.

But it is no longer adequate. Social security benefits have not kept pace with the times, and the result is that more and more of our elderly simply cannot make ends meet on their pension checks. We have amended the original 1935 act to broaden coverage and to create new kinds of benefits. But we have failed up to now to undertake the basic overhaul of our benefits structure that is needed to lift millions of older Americans out of poverty and into a retirement of dignity and self-respect.

Each change has been of critical importance—survivorship provisions in 1939, payments to the permanently and totally disabled in 1956, and medicare in 1965. And since 1950, there has been a series of extensions to new groups of workers and accompanying liberalizations in eligibility requirements. About 95 million people are now insured under social security. Some 21 million, or 1 out of every 9 Americans, are recipients of monthly benefits, including 14 million retired workers and their dependents. Nevertheless, one crucial fact stands out—some 5 to 7 million retired Americans still live in poverty.

Indeed, the paradox of abject poverty amidst our Nation's staggering affluence is nowhere more clearly observable than among our elderly. The aged constitute between one-fifth and one-fourth of all the poor in the United States. The Bureau of Labor statistics estimates that it costs about $3,000 annually for a retired couple to live at a modest but adequate level in a big city and $2,500 in a smaller community. But in 1964, two out of five aged couples in this country had incomes of less than $3,000. One out of four had incomes of less than $2,000.

For these elderly people, social security has still not lived up to its original promise to avert economic insecurity in retirement. We must now keep that promise. We must now provide adequate benefits, and we can do so with fiscal soundness, to all who are insured. We must explore the full potential of the social security system to serve as a guarantor of the retired years of our people.

The present level of social security benefits has much to do with the widespread poverty among retired Americans. Social security is virtually the sole source of income for its beneficiaries and the major source for just about all. The adequacy of benefits, therefore, is critical in determining how well people will be able to get along in retirement. But in 1966, the benefits paid to retired single individuals average $81 a month—just $972 a year. Benefits for aged couples average $142 monthly—$1,704 annually. Those millions who depend on social security for their entire support live in poverty.

In fact, the increases in benefits provided by past amendments have barely kept up with increases in the cost of living. For example, the 7-percent increase in cash benefits enacted last year actually fell short of restoring the 1954 purchasing power of benefits. Thus, in terms of real purchasing power, the 1965 recipient was less well off than his counterpart 11 years earlier. And the level of benefits was inadequate even in 1954.

In my judgment, these figures compel a thorough reevaluation by Congress of the benefit structure of the social security system. The bill which I introduce today is based on an extensive look at the present structure. It would raise benefits by an average of about 50 percent in 1968, and it would finance these increases by a slight acceleration in the rate of increase of the payroll tax, and by a limited use of general revenue financing. Increases of this magnitude will make a critical difference to millions of older citizens who must now scrape to make ends meet, or who have had to turn to public assistance for help.

This bill is a beginning—a good beginning—a fiscally sound proposal which can serve as the focal point for congressional discussion of the entire problem. It provides what are in my judgment the minimum improvements in social security benefits that are necessary now to respond to the needs of our elderly.

The bill would accomplish the following fundamental changes in the structure of social security benefits, all effective January 1, 1968:

First, it would more than double the minimum benefit payable. Every American who worked enough in his lifetime to qualify for coverage—and whose average monthly earnings were $95 a month or less—could now count on a retirement floor income of $90 a month, $1,080 a year, instead of the present $44 level. If his wife qualifies for marital benefits, they will receive $135 a month, $1,620 a year, as a couple. Thus the floor for individual benefits will exceed the present average—$90 a month as against $80—and the floor for couples will be almost equal to the present average—$135 as against $142. Average benefits will rise to $127 per month for individuals, and $214 for couples—increases of 57 percent and 51 percent, respectively. These are notable advances toward assuring the poorest of retired Americans a significant measure of income that they will receive as a matter of right, based at least partly on their own contributions. It is, correspondingly, a significant step away from reliance on local and State welfare and public assistance which are already heavily burdened.

Second, for those whose lifetime earnings averaged between $1,200 and $3,000 a year, the bill provides a 50-percent increase in benefits. What this will do for the person who earned $3,000 annually—the generally accepted "poverty" level—is a particularly good example of the improvements which the bill would make in the structure of benefits. The $3,000 a year earner now receives $1,220 annually in benefits, $1,830 if his wife is over 65. Under this bill, he would receive $1,840.80, more than 60 percent of what he received in wages during his productive years.

If his wife qualifies for marital benefits, they will receive $2,761, or more than 90 percent of his average earnings as a worker. As with the increase in the minimum benefit, these increases for the family which skirted poverty throughout the husband's working years will provide a substantial pension to which the retiree has contributed over the years, and an assurance that local welfare and public assistance will have to be resorted to to less often during the years after retirement.

Third, the bill provides slightly smaller benefit increases for those who earned more during their working years—45 percent for the man who earned $4,000 annually, 40 percent for the man who earned $5,000, 39 percent for the man who earned $6,000. In absolute terms, the $4,000 earner would receive $2,090 instead of $1,440; the $5,000 earner, $2,384 instead of $1,692; the $6,000 earner, $2,617 instead of $1,884. If the wife of each qualifies for marital benefits, the new benefits for the couple would be $3,100, almost $3,600, and $3,925 annually respectively.

Fourth, the bill provides for automatic adjustment of benefits geared to the cost of living. As I have indicated, social security benefits have actually fallen in real value because increases have not even kept up with increases in the cost of living. Under the bill, benefits will rise 1 percent each time the consumer price index goes up 1 percent. This will help make social security inflation proof for the first time, and will insure that future benefit increases granted by Congress will do more than just make up for lost ground. Civil service and military retirement systems already contain cost-of-living adjustment features. It is time that the social security system did likewise.

The bill does not exhaust the possibilities for automatic changes in benefits based on economic change. It does not, for example, provide means for giving social security beneficiaries the benefit of increases in real income that others in the economy receive when productivity rises. This concept of automatic adjustments to enable the elderly to participate in the increase in the community's standard of living—is a long-accepted feature of other social insurance programs. I trust, therefore, that the Senate, and particularly members of the Finance Committee, will carefully consider the merits of such a provision when undertaking the general review of benefits that I believe should accompany consideration of my bill.

Fifth, the bill remedies a longstanding defect in the benefit structure by entitling the widow of a beneficiary to receive the same pension as her husband received. Present law cuts the survivorship pension to 82½ percent of the husband's retirement benefit, and thereby leaves thousands of widows in straitened circumstances every year.

Sixth, the bill provides an alternative method of calculating benefits which reflects more accurately a beneficiary's earning power during his lifetime. It allows benefits to be based upon the average earnings during the 10-consecutive-year period when earnings were highest. Present law requires that the average be based on the entire working life, leaving out only the 5 lowest years. This alternative method will insure that benefits will bear the closest possible relation to productivity during the working years. It will have a significant effect on the amount of benefits payable, especially for the steady worker who realized constantly increased earnings during his working years.

Seventh, the bill remedies another creeping deterioration in protection that has accelerated with the years, a deterioration that has been unfair to above-average wage earners. The $3,000 contribution and benefit base that was in effect in 1938 covered all of the earnings of 97 percent of those in the program. Thus, almost every worker's pension was based on everything he had earned while working. The increases in the contribution and benefit base that have been enacted recently have not kept pace with rising wages, with the result that many workers receive benefits based on only part of their earnings. The bill increases the base to $10,000, effective January 1, 1968, and to $15,000, effective January 1, 1971. For the first time in many years, nearly every worker will have social insurance protection that is calculated by reference to his entire earnings.

These are the major features of the bill which I introduce today. It will not solve all the problems of the aging in our Nation. There are other grave needs which will require our serious attention and commitment. Special effort is still required to bring better housing to the elderly and to involve them in the process of providing community services, and even in gainful employment.

And in the area of income maintenance, there will still be a role, though somewhat diminished, for welfare and public assistance programs. The bill will not provide all of our elderly with all of the income they need to avoid hardship in retirement, and some will, therefore, still be forced to turn to old-age assistance for help. But this reliance will be less needed under my bill.

But the bill does achieve the necessary first step. It will insure a generally adequate level of benefits to all those who subsist on social security. We should have done at least this much long ago.

Nor should the role of private pension plans be minimized. There is general agreement that the best overall retirement system is dual in character, involving both social security and supplemental private pension arrangements. Unfortunately, the scope of private pensions has been too limited in our Nation so far. In general, only the higher-income and better organized participate at present. Private pension plans could make a much more significant contribution to the economic security of our Nation's retirees. The policy underlying a fully developed combination of a liberalized social security system and effective private pension programs is clear: the former would provide a floor of basic economic protection for the elderly; the latter would operate to meet the demands of those who want additional economic security. We must do what we can to encourage private pension plans to develop so as to complement the basic protection which social security affords.

What will be the costs of this legislation? The 50-percent average increase in benefits provided by the bill would cause a considerable increase in the payments out of the trust fund during 1968, the year in which the bill would go into effect. It is important to understand however, that the bill does not contemplate, nor does actuarial soundness require, that this increase in benefits would be entirely paid for immediately. The trust fund would be replenished over a period of time. This creates no difficulty. The Social Security Administration has told me that "The proposed program as a whole is in close actuarial balance." The "temporary declines in the trust funds," the Social Security Administration adds, "are not significant in terms of the financial soundness of the program over the long run." Thus the costs of the program will be spread over a period of years. This is both actuarially sound and fiscally wise.

It is possible that unforeseen fiscal demands may dictate some changes in the scope of this proposal as it is considered by the Senate. I certainly do not intend the introduction of this bill to commit its sponsors to support a system of financing for the bill which, though fiscally sound on present projections, turns out to be infeasible due to unexpected events. On the other hand all of us hope that some resources now being applied elsewhere will soon be available for domestic use.

The important thing is that we do what we can now toward making social security benefits truly adequate. To do that, in my judgment, we must be prepared to rely partially on general revenues. The general revenue contribution is the major new aspect of this bill. But that does not mean that we could not add general revenues to social security financing on a more gradual basis than the 9-year schedule which the bill provides. And, if it becomes necessary, the proposed benefit increases could be adopted in steps rather than all at once, although I believe that would be less desirable.

In the light of present projections about the economy and about competing demands for resources, I believe my proposal is fiscally sound. Most of the benefit increase would be financed initially by a moderate rise in the payroll tax. The remainder would be accomplished by a gradual limited use of general revenue financing, which will end up paying for about 35 percent of the retirement system by fiscal 1977. In 1968, the Government contribution would be about $750 million, and in 1969, it would rise to about $3 billion. This intended reliance upon general revenues is fiscally sound as well as actuarially sound. At our present annual economic growth rate of 3.5 percent, additional revenues are being generated at a conservatively estimated rate of nearly $8 billion annually. Indeed, it was announced only the other day that revenues had risen so rapidly this year that the expected deficit of over $5 billion will turn out to be about $2 billion.

Thus, by calendar 1969, when the first significant Government contribution would be expected, the Treasury will be receiving almost $25 billion more annually in revenues than it does now. By the time the general revenue contribution reaches its intended level of slightly over 35 percent of the social security system in 1977, general revenues, at today's tax rates, will be close to $100 billion more than they are today. I believe we can afford to assign enough of this to financing social security to support the level of benefits that I propose today.

And in considering the costs of this proposal, we must bear in mind the savings in welfare costs that it will bring. This is not just a matter of money, although the money alone will help substantially in meeting the costs of an adequate social security system. It is a matter of the dignity of the elderly person who has had to ask his community for its assistance when he could not make ends meet. It is a matter of the self-respect of the individual who will now as a matter of right, based partly on his own contributions, receive a floor of income protection against the burdens of old age. It is a matter of the quality of life in the ghetto where welfare programs have contributed to the disintegration of the family and the deterioration of purpose and meaning.

It is a matter of the administration of State and local government, which have been heavily burdened by welfare costs, and will be aided substantially by any relief from that burden. And it is a matter of the burden on individual taxpayers, who have had to contribute through regressive local real estate and sales taxes to finance the non-Federal part of the cost of public assistance.

The turn to general revenue financing is well supported by considerations of history and policy.

First, as a practical matter, it is difficult to see how the payroll tax can be raised too much further. The payroll tax is highly regressive, and for low-wage employees particularly, a required contribution beyond what is contemplated in this bill would be very burdensome.

And the justification for total payroll tax financing over the years has been that the payroll tax is a contribution that each employee makes to finance his own benefits. In general, the original purpose was that the wage earner would be paid, during his years of retirement, what he had put in during his working years. But this original purpose has been modified somewhat in practice. Considerations of social justice have caused us to create some benefits which are not totally contributory, and these have been financed out of the contributions of others. We have provided benefits, for example, to poor and more irregularly employed workers; to widows and orphans; and to those disabled by injury or illness.

Second, it is essential to recall that Congress provided in the original Social Security Act for full-rate benefits even for those persons who were too old to be in the work force long enough to contribute fully for their benefits. The cost of these benefits is still being financed by the contributions of those who have followed. As Social Security Commissioner Ball has pointed out:

> Since society as a whole benefits from a national social security system, it can be argued that the cost of the benefits for people already too old when the social security program went into effect should be borne by the general revenues rather than by the social security tax.

Third, the general revenue approach has been considered and discussed since the inception of social security. The first Presidentially appointed Council of Economic Security, whose report preceded the enactment of the Social Security Act, said that Government contributions to the system would eventually be needed, adding prophetically that, "It will not be necessary to have actual Government contribution until after the system has been in operation for 30 years."

The 1938 Advisory Council made the same recommendation, giving as its reason that "the Nation as a whole, independent of the beneficiaries of the system, will derive a benefit from the old-age security program." The Council also said, pertinently, that "with the broadening of the scope of the protection afforded, governmental participation in meeting the costs of the program is all the more justified." The 1938 Council stated the principle to be one of "distributing the eventual cost of the old-age insurance system by means of approximately equal contributions by employers, employees, and the Government." This, of course, is what my bill will do by the year after its provisions go into effect.

The Social Security Board itself in 1939 called it "sound public policy to pay part of the eventual cost of the benefits proposed out of taxes other than payroll taxes, preferably taxes such as income inheritance taxes levied according to ability to pay." The Board added that "the wider the coverage, the more extensive this contribution from other tax sources might properly be."

In 1946, the House Ways and Means Committee's technical staff recommended a continuing Federal subsidy up to "a third of the year's total of benefit and expense payments." The 1948 Advisory Council called a Government contribution "a recognition of the interest of the Nation as a whole in the welfare of the aged and of widows and children—of survivors."

Even now, partial financing for medicare for those over 65 comes from general revenues, as it does for the transitional coverage under social security enacted earlier this year for persons over 72 who are not presently covered.

In summary, then, this bill is neither a radical proposal when viewed in light of the clear needs of the Nation's elderly, nor a revolutionary departure from past social security theory. It is a fiscally responsible change in the present inadequate structure. And the partial general revenue financing which it contemplates means that the noncontributory aspects of social security will now be financed out of the progressive Federal income tax rather than the regressive payroll tax. Thus, while substantial new benefits are made available by the bill, the relative tax burden on the middle and lower income wage earner will be eased, as will the burden on the local property taxpayer.

Mr. President, this legislation is long overdue. I urge the Senate to give the entire matter its earliest attention. So that Senators may examine the bill and the changes in benefits which it proposes in detail, I ask unanimous consent that the text of the bill, including the tables of proposed benefits, be printed in the RECORD at the close of my remarks. I ask unanimous consent as well that an outline summary of the bill which I prepared be included in the RECORD, and that the Social Security Administration's study of the costs and actuarial soundness of the bill be included as well.

Finally, I ask unanimous consent that the bill lie at the table for 10 days for additional cosponsorship.

The ACTING PRESIDENT pro tempore. The bill will be received and appropriately referred; and, without objection, the bill, tables, summary, and study will be printed in the RECORD, and the bill will lie on the desk, as requested by the Senator from New York.

The bill (S. 3661) to amend title II of the Social Security Act to increase the amount of monthly benefits payable thereunder, to raise the wage base, to provide for cost-of-living increases in such benefits, to increase the amount of the benefits payable to widows, to provide for contributions to the social security trust funds from the general revenues, to otherwise extend and improve the insurance system established by such title, and for other purposes, introduced by Mr. KENNEDY of New York (for himself and other Senators), was received, read twice by its title, referred to the Committee on Finance, and ordered to be printed in the RECORD, as follows:

S. 3661

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Social Security Amendments of 1966".

COST-OF-LIVING INCREASES IN BENEFITS

SEC. 2. (a) Section 215 of such Act is amended by adding at the end thereof the following new subsection:

"Cost-of-living increases in benefits

"(i) (1) For purposes of this subsection—

"(A) The term 'base quarter' shall mean the first quarter of a calendar year, and

"(i) in the case of the first base quarter, such term shall mean the first quarter of the first calendar year after 1968 in which the monthly average of the Consumer Price Index of the Bureau of Labor Statistics exceeds, by not less than one per centum, the monthly average of such Index for the first calendar quarter of 1968, and

"(ii) in the case of any subsequent base quarter, such term shall mean the first such quarter of the first subsequent calendar year in which the monthly average of such Consumer Price Index exceeds, by not less than one per centum, the monthly average of such Index for the last prior base quarter.

"(B) Except as provided in subparagraph (C) of this paragraph, an individual's primary insurance amount for the month of March of a base quarter as determined under this section (without the application of section 203(j) (1) and section 223(b)) shall be increased, effective with the month of July of the calendar year in which such base quarter occurs, by the same per centum (rounded to the nearest one-tenth of one per centum) as the monthly average of the Consumer Price Index for such base quarter exceeds the monthly average of such Index for the later of the first calendar quarter of 1968 or the most recent prior base quarter.

"(C) In the case of a primary insurance amount that is determined under the provision of subsection (f) after March of a year in which a base quarter occurs but is effective for such March, such primary insurance amount shall be increased effective beginning with July of the year in which such base quarter occurs, by the same per centum (rounded to the nearest one-tenth of one per centum) as the monthly average of the Consumer Price Index for such base quarter exceeds the monthly average of such Index for the later of the first calendar quarter of 1968 or the most recent prior base quarter and, if such primary insurance amount is larger than the primary insurance amount previously effective for July of such year, such larger primary insurance amount shall be effective beginning with such July."

(b) Section 203(a) of the Social Security Act is amended by striking out the period at the end of paragraph (3) and inserting in lieu of such period a semicolon followed by "or", and by adding at the end thereof the following new paragraph—

"(4) When two or more persons are entitled (without the application of section 202(j) (1) and section 223(b) except as provided in section 215(i) (1) (C)) to monthly benefits under section 202 or 223 for March of a year in which a base quarter (as defined in section 215(i) (1)) occurs, that are based on a primary insurance amount to which the provisions of section 215(i) are applicable, such total of benefits for months beginning with the effective month of an adjustment of such primary insurance amount under such section shall not be reduced to less than the product of (A) the maximum amount determined under this section for the month before such effective month on the basis of the wages and self-employment income of the individual for whom such primary insurance amount was determined, and (B) the same per centum increase by which such individual's primary insurance amount is increased beginning with such effective month. The maximum amount so determined shall be effective until a larger maximum amount is determined under this title, but in any case to which section 202(k) (2) (A) was applicable, such maximum shall cease to apply for any month for and after the month in which such section ceases to apply, and in any such case the maximum amount shall be redetermined under the provisions of this section for each such month as though the provisions of section 202(k) (2) (A) had not been applicable for any such month."

INCREASE IN AMOUNT OF WIDOW'S BENEFITS

SEC. 3. (a) Section 202(e) (1) and (2) of the Social Security Act is amended by striking out "82½ percent" wherever it appears therein and inserting in lieu thereof "100 percent".

(b) The amendments made by this section shall apply with respect to monthly benefits under section 202 of the Social Security Act for months beginning after December 31, 1967.

COMPUTATION OF PRIMARY INSURANCE AMOUNT—ALTERNATIVE METHOD

SEC. 4 (a) Section 215(b) (1) of the Social Security Act is amended to read as follows:

"(1) For the purposes of column III of the table appearing in subsection (a) of this section, an individual's 'average monthly wage' shall be the quotient obtained—

"(A) by dividing (i) the total of his wages paid in and self-employment income credited to his 'benefit computation years' (determined under paragraph (2)), by (ii) the number of months in such years, or

"(B) if a higher 'average monthly wage' would result therefrom, by dividing (i) the total of his wages paid in and self-employment income credited to him during the 10 consecutive calendar year period for which his wages and self-employment income are the highest, by (ii) 120."

(b) Section 215(a) of such Act is amended by striking out the period at the end thereof and inserting in lieu thereof the following: "; except that any primary insurance amount so determined which is based on average monthly earnings computed in accordance with the provisions in subparagraph (B) of section 215(b), shall be adjusted as follows:

"(5) If the individual's primary insurance amount, as determined under the preceding sentence, is based on average monthly earnings computed under section 215(b) (1) (B), such primary insurance amounts shall be adjusted to an amount equal to the product of such primary insurance amount times the ratio of—

"(A) the number of the worker's benefit computation years (as defined in section 215 (b)) plus the number of years for which the worker is credited with $400 or more in earnings (but not more than such number of such benefit computation years), to

"(B) twice the number of the worker's benefit computation years."

(c) The amendments made by subsection (a) shall be applicable only in the case of monthly benefits under title II of the Social Security Act for months after December 1967.

FEDERAL CONTRIBUTIONS TO TRUST FUNDS

SEC. 5. (a) (1) The third sentence of section 201(a) of the Social Security Act is amended—

(A) by striking out (in the matter preceding clause (1) thereof) "amounts equivalent to 100 per centum of ———", and inserting in lieu thereof "amounts equivalent to ———";

(B) by striking out (in clauses (1), (2), (3), and (4) thereof) the term "the taxes" the first place it appears in each of such clauses, and by inserting in lieu thereof "100 per centum of the taxes";

(C) by striking out the period at the end of clause (4) thereof and inserting in lieu of such period a semicolon followed by the word "and"; and

(D) by adding after clause (4) thereof the following new clause:

"(5) for the fiscal years ending June 30, 1969, an amount equal to 6⅔ per centum of the aggregate of the amounts appropriated pursuant to paragraphs (3) and (4) for such year; for the fiscal year ending June 30, 1970, an amount equal to 13⅓ per centum of the aggregate so appropriated for such year; for the fiscal year ending June 30, 1971, an amount equal to 20 per centum of the aggregate so appropriated for such year; for the fiscal year ending June 30, 1972, an amount equal to 26⅔ per centum of the aggregate so appropriated for such year; for the fiscal year ending June 30, 1973, an amount equal to 33⅓ per centum of the aggregate so appropriated for such year; for the fiscal year ending June 30, 1974, an amount equal to 40 per centum of the aggregate so appropriated for such year; for the fiscal year ending June 30, 1975, an amount equal to 46⅔ per centum of the aggregate so appropriated for such year; for the fiscal year ending June 30, 1976, an amount equal to 53⅓ per centum of the aggregate so appropriated for such year; for the fiscal year ending June 30, 1977, and for each fiscal year thereafter an amount equal to 60 per centum of the aggregate so appropriated for such year; except that the amount appropriated pursuant to this clause for any fiscal year shall be reduced by an amount equal to the amount specified with respect to such year in clause (3) of subsection (b) of this section."

(2) The fourth sentence of section 201(a) of such Act is amended by striking out "clauses (3) and (4)" the first place it appears therein, and by inserting in lieu thereof "clauses (3), (4), and (5)".

(b) (1) The third sentence of section 201 (b) of such Act is amended—

(A) by striking out (in the matter preceding clause (1) thereof) "amounts equivalent to 100 per centum of———" and inserting in lieu thereof "amounts equivalent to———";

(B) by striking out the period at the end of clause (2) thereof and inserting in lieu of such period a semicolon followed by the word "and"; and

(C) by adding after clause (2) thereof the following new clause:

"(3) for the fiscal year ending June 30, 1969, an amount equal to 6⅔ per centum of the aggregate of the amounts appropriated pursuant to clauses (1) and (2) for such year; for the fiscal year ending June 30, 1970, an amount equal to 13⅓ per centum of the aggregate so appropriated for such year; for the fiscal year ending June 30, 1971, an amount equal to 20 per centum of the aggregate so appropriated for such year; for the fiscal year ending June 30, 1972, an amount equal to 26⅔ per centum of the aggregate so appropriated for such year; for the fiscal year ending June 30, 1973, an amount equal to 33⅓ per centum of the aggregate so appropriated for such year; for the fiscal year ending June 30, 1974, an amount equal to 40 per centum of the aggregate so appropriated for such fiscal year; for the fiscal year ending June 30, 1975, an amount equal to 46⅔ per centum of the aggregate so appropriated for such fiscal year; for the fiscal year ending June 30, 1976, an amount equal to 53⅓ per centum of the aggregate so appropriated for such year; and for the fiscal year ending June 30, 1977, and for each fiscal year thereafter, an amount equal to 60 per centum of the aggregate so appropriated for such year."

(2) The fourth sentence of section 201(a) of such Act (as amended by subsection (a) (2) of this section) is further amended by striking out "clauses (1) and (2)" and inserting in lieu thereof "clauses (1), (2), and (3)".

INCREASE OF EARNINGS COUNTED FOR BENEFIT AND TAX PURPOSES

Sec. 6. (a)(1)(A) Section 209(a)(4) of the Social Security Act is amended by inserting "and prior to 1968" after "1965".

(B) Section 209(a) of such Act is further amended by adding at the end thereof the following new paragraphs:

"(5) That part of remuneration which, after remuneration (other than remuneration referred to in the succeeding subsections of this section) equal to $10,000 with respect to employment has been paid to an individual during any calendar year after 1967 and prior to 1971, is paid to such individual during such calendar year;

"(6) That part of remuneration which, after remuneration (other than remuneration referred to in the succeeding subsections of this section) equal to $15,000 with respect to employment has been paid to an individual during any calendar year after 1970, is paid to such individual during such calendar year;".

(2)(A) Section 211(b)(1)(D) of such Act is amended by inserting "and prior to 1968" after "1965", and by striking out "; or" and inserting in lieu thereof "; and".

(B) Section 211(b)(1) of such Act is further amended by adding at the end thereof the following new subparagraphs:

"(E) For any taxable year ending after 1967 and prior to 1971, (i) $10,000, minus (ii) the amount of the wages paid to such individual during the taxable year; and

"(F) For any taxable year ending after 1970, (i) $15,000, minus (ii) the amount of the wages paid to such individual during the taxable year; or".

(3)(A) Section 213(a)(2)(ii) of such Act is amended by striking out "after 1965" and inserting in lieu thereof "after 1965 and before 1968, or $10,000 in the case of a calendar year after 1967 and before 1971, or $15,000 in the case of a calendar year after 1970".

(B) Section 213(a)(2)(iii) of such Act is amended by striking out "after 1965" and inserting in lieu thereof "after 1965 and before 1968, or $10,000 in the case of a taxable year ending after 1967 and before 1971, or $15,000 in the case of a taxable year ending after 1970".

(4) Section 215(e)(1) of such Act is amended by striking out "and the excess over $6,000 in the case of any calendar year after 1965" and inserting in lieu thereof "the excess over $6,000 in the case of any calendar year after 1965 and before 1968, the excess over $10,000 in the case of any calendar year after 1967 and before 1971, and the excess over $15,000 in the case of any calendar year after 1970".

(b)(1)(A) Section 1402(b)(1)(D) of the Internal Revenue Code of 1954 (relating to the definition of self-employment income) is amended by inserting "and before 1968" after "1965", and by striking out "; or" and inserting in lieu thereof "; and".

(B) Section 1402(b)(1) of such Code is further amended by adding at the end thereof the following new subparagraphs:

"(E) for any taxable year ending after 1967 and before 1971, (i) $10,000, minus (ii) the amount of the wages paid to such individual during such taxable year; and

"(F) for any taxable year ending after 1970, (i) $15,000, minus (ii) the amount of the wages paid to such individual during the taxable year; or".

(2) Section 3121(a)(1) of such Code (relating to definition of wages) is amended by striking out "$6,600" each place it appears and inserting in lieu thereof "$10,000, in the case of any calendar year before 1971, or $15,000, in the case of any calendar year after 1970,".

(3) The second sentence of section 3122 of such Code (relating to the Federal service) is amended by striking out "$6,600" and inserting in lieu thereof "the dollar".

(4) Section 3125 of such Code (relating to returns in the case of governmental employees in Guam and American Samoa) is amended by striking out "$6,600" and inserting in lieu thereof "the dollar".

(5) Section 6413(c)(1) of such Code (relating to special refunds of employment taxes) is amended—

(A) by inserting "and prior to the calendar year 1968" after "the calendar year 1965";

(B) by inserting after "exceed $6,600," the following: "or (D) during any calendar year after the calendar year 1967 and prior to the calendar year 1971, the wages received by him during such year exceed $10,000, or (E) during any calendar year after the calendar year 1970, the wages received by him during such year exceed $15,000,"; and

(C) by inserting before the period at the end thereof the following: "and before 1968, or which exceed the tax with respect to the first $10,000 of such wages received in such calendar year after 1966 and before 1971, or which exceeds the tax with respect to the first $15,000 of such wages received in such calendar year 1970".

(6) Section 6413(c)(2)(A) of such Code (relating to refunds of employment taxes in the case of Federal employees) is amended by striking out "or $6,600 for any calendar year after 1965" and inserting in lieu thereof "$6,600 for the calendar year 1966 or 1967, $10,000 for the calendar year 1968, 1969, or 1970, or $15,000 for any calendar year after 1970".

(c) The amendments made by subsections (a)(1) and (a)(3)(A), and the amendments made by subsection (b) (except paragraph (1) thereof), shall apply only with respect to remuneration paid after December 1967. The amendments made by subsections (a) (2), (a)(3)(B), and (b)(1) shall apply only with respect to taxable years ending after 1967. The amendment made by subsection (a)(4) shall apply only with respect to calendar years after 1967.

CHANGES IN TAX SCHEDULES

Sec. 7. (a) Section 1401(b) of the Internal Revenue Code of 1954 (relating to rate of tax under the Self-Employment Contributions Act) is amended to read as follows:

"(b) Hospital Insurance.—In addition to the tax imposed by the preceding subsection, there shall be imposed for each taxable year, on the self-employment income of every individual, a tax as follows:

"(1) in the case of any taxable year beginning after December 31, 1965, and before January 1, 1967, the tax shall be equal to 0.35 percent of the amendment of the self-employment income for such taxable year; and

"(2) in the case of any taxable year beginning after December 31, 1966, the tax shall be equal to 0.50 percent of the amount of the self-employment income for such taxable year.

For purposes of the tax imposed by this subsection, the exclusion of employee representatives by section 1402(c)(3) shall not apply."

(b) Section 3101 of the Internal Revenue Code of 1954 (relating to rate of tax on employees under the Federal Insurance Contributions Act) is amended to read as follows:

"Sec. 3101. Rate of Tax.

"(a) Old-Age, Survivors, and Disability Insurance.—In addition to other taxes, there is hereby imposed on the income of every individual a tax equal to the following percentages of the wages (as defined in section 3121(a)) received by him with respect to employment (as defined in section 3121 (b))—

"(1) with respect to wages received during the calendar year 1967, the rate shall be 4.2 percent; and

"(2) with respect to wages received during the calendar year 1968 and 1969, the rate shall be 4.5 percent; and

"(3) with respect to wages received after December 31, 1969, the rate shall be 5.0 percent.

"(b) Hospital Insurance.—In addition to the tax imposed by the preceding subsection, there is hereby imposed on the income of every individual a tax equal to the following percentages of the wages (as defined in section 3121(a)) received by him with respect to employment (as defined in section 3121 (b), but without regard to the provisions of paragraph (9) thereof insofar as it relates to employees)—

"(1) with respect to wages received during the calendar year 1966, the rate shall be 0.35 percent; and

"(2) with respect to wages received after December 31, 1966, the rate shall be 0.50 percent."

(c) Section 3111 of the Internal Revenue Code of 1954 (relating to rate of tax on employers under the Federal Insurance Contributions Act) is amended to read as follows:

"Sec. 3111. Rate of Tax.

"(a) Old-Age, Survivors, and Disability Insurance.—In addition to other taxes, there is hereby imposed on every employer an excise tax, with respect to having individuals in his employ, equal to the following percentages of the wages (as defined in section 3121(a)) paid by him with respect to employment (as defined in section 3121(b))—

"(1) with respect to wages paid during the calendar year 1967, the rate shall be 4.2 percent; and

"(2) with respect to wages received during the calendar years 1968 and 1969, the rate shall be 4.5 percent; and

"(3) with respect to wages paid after December 31, 1969, the rate shall be 5.0 percent.

"(b) Hospital Insurance.—In addition to the tax imposed by the preceding subsection, there is hereby imposed on every employer an excise tax, with respect to having individuals in his employ, equal to the following percentages of the wages (as defined in section 312(a)) paid by him with respect to employment (as defined in section 3121 (b), but without regard to the provisions of paragraph (9) thereof insofar as it relates to employees)—

"(1) with respect to wages paid during the calendar year 1966, the rate shall be 0.35 percent; and

"(2) with respect to wages paid after December 31, 1966, the rate shall be 0.50 percent."

(d) The amendments made by subsection (a) shall apply only with respect to taxable years beginning after December 31, 1966. The amendments made by subsections (b) and (c) shall apply only with respect to remuneration paid after December 31, 1966.

INCREASE IN BENEFIT PAYMENTS

Sec. 8. (a) Effective with respect to monthly benefits under title II of the Social Security Act for months after 1967 and with respect to lump-sum death payments under such title in case of deaths occurring after such year, section 215(a) of the Social Security Act is amended by striking out the table and inserting in lieu thereof the following.

"TABLE FOR DETERMINING PRIMARY INSURANCE AMOUNT AND MAXIMUM FAMILY BENEFITS

"I (Primary insurance benefit under 1939 Act, as modified) If an individual's primary insurance benefit (as determined under subsec. (d)) is—		II (Primary insurance amount under 1965 Act, as modified) Or his primary insurance amount (as determined under subsec. (c)) is—	III (Average monthly wage) Or his average monthly wage (as determined under subsec. (b)) is—		IV (Primary insurance amount) The amount referred to in the preceding paragraphs of this subsection shall be—	V (Maximum family benefits) And the maximum amount of benefits payable (as provided in sec. 203(a)) on the basis of his wages and self-employment income shall be—
At least—	But not more than—		At least—	But not more than—		
------	$22.68	[1] $59.00	---	$94	$90.00	$135.00
$22.69	23.08	60.00	$95	96	90.60	135.90
23.09	23.44	61.00	97	97	91.50	137.30
23.45	23.76	62.10	98	99	93.40	140.10
23.77	24.20	63.20	100	101	95.30	143.00
24.21	24.60	64.20	102	102	96.20	144.30
24.61	25.00	65.30	103	104	98.10	147.20
25.01	25.48	66.40	105	106	100.00	150.00
25.49	25.92	67.50	107	107	100.40	150.60
25.93	26.40	68.50	108	109	101.10	151.70
26.41	26.94	69.60	110	113	102.60	153.90
26.95	27.46	70.70	114	118	104.40	156.60
27.47	28.00	71.70	119	122	105.80	158.70
28.01	28.68	72.80	123	127	107.70	161.60
28.69	29.25	73.90	128	132	109.50	164.30
29.26	29.68	74.90	133	136	111.00	166.50
29.69	30.36	76.00	137	141	112.80	169.20
30.37	30.92	77.10	142	146	114.60	171.90
30.93	31.36	78.20	147	150	116.10	174.20
31.37	32.00	79.20	151	155	117.90	176.90
32.01	32.60	80.30	156	160	119.70	179.60
32.61	33.20	81.40	161	164	121.20	181.80
33.21	33.88	82.40	165	169	123.00	184.50
33.89	34.50	83.50	170	174	124.80	187.20
34.51	35.00	84.60	175	178	126.30	189.50
35.01	35.80	85.60	179	183	128.10	192.20
35.81	36.40	86.70	184	188	129.90	194.90
36.41	37.08	87.80	189	193	131.80	197.70
37.09	37.60	88.90	194	197	133.20	199.80
37.61	38.20	89.90	198	202	135.00	202.50
38.21	39.12	91.00	203	207	136.90	205.40
39.13	39.68	92.10	208	211	138.30	207.50
39.69	40.33	93.10	212	216	140.20	210.30
40.34	41.12	94.20	217	221	142.00	213.00
41.13	41.76	95.30	222	225	143.40	215.10
41.77	42.44	96.30	226	230	145.30	218.00
42.45	43.20	97.40	231	235	147.10	220.70
43.21	43.76	98.50	236	239	148.60	222.90
43.77	44.44	99.60	240	244	150.40	225.60
44.45	44.88	100.60	245	249	152.20	228.30
44.89	45.60	101.70	250	253	153.40	230.10
		102.80	254	258	154.70	232.10
		103.80	259	263	156.00	234.00
		104.90	264	267	157.00	235.50
		106.00	268	272	158.30	237.50
		107.00	273	277	159.60	239.40
		108.10	278	281	160.70	240.10
		109.20	282	286	162.00	243.00
		110.30	287	291	163.30	245.00
		111.30	292	295	164.30	246.50
		112.40	296	300	165.60	248.40
		113.50	301	305	166.90	250.40
		114.50	306	309	168.00	252.00
		115.60	310	314	169.30	254.00
		116.70	315	319	170.60	255.90
		117.70	320	323	171.60	258.40
		118.80	324	328	172.90	262.40
		119.90	329	333	174.20	266.40
		121.00	334	337	175.30	269.60
		122.00	338	342	176.60	273.60
		123.10	343	347	177.90	277.60
		124.20	348	351	178.90	280.80
		125.20	352	356	180.20	284.80
		126.30	357	361	181.50	288.80
		127.40	362	365	182.60	292.00
		128.40	366	370	183.90	296.00
		129.50	371	375	185.20	300.00
		130.60	376	379	186.20	303.20
		131.70	380	384	187.50	307.20
		132.70	385	389	188.80	311.20
		133.80	390	393	189.90	314.40
		134.90	394	398	191.20	318.40
		135.90	399	403	192.50	322.40
		137.00	404	407	193.50	325.60
		138.00	408	412	194.80	329.60
		139.00	413	417	196.20	333.60
		140.00	418	421	197.20	336.80
		141.00	422	426	198.50	340.80
		142.00	427	431	199.80	344.80
		143.00	432	436	201.10	348.80
		144.00	437	440	202.20	352.00
		145.00	441	445	203.50	356.00
		146.00	446	450	204.80	360.00
		$147.00	$251	$454	$205.80	$363.20
		148.00	455	459	207.10	367.20
		149.00	460	464	208.40	371.20
		150.00	465	468	209.50	374.40
		151.00	469	473	210.80	378.40
		152.00	474	478	212.10	382.40
		153.00	479	482	213.10	385.60
		154.00	483	487	214.40	389.60
		155.00	488	492	215.70	393.60
		156.00	493	496	216.80	396.80
		157.00	497	501	218.10	400.80
		158.00	502	506	219.40	404.80
		159.00	507	510	220.40	408.00
		160.00	511	515	221.70	412.00
		161.00	516	520	223.00	416.00
		162.00	521	524	224.10	419.20
		163.00	525	529	225.40	423.20
		164.00	530	534	226.70	427.20
		165.00	535	538	227.70	430.40
		166.00	539	543	229.00	434.40
		167.00	544	548	230.30	438.40
		168.00	549	552	231.30	441.60
			553	557	233.00	445.60
			558	562	234.00	447.60
			563	566	235.00	449.20
			567	571	236.00	451.20
			572	576	237.00	453.20
			577	580	238.00	454.80
			581	585	239.00	456.80
			586	590	240.00	458.80
			591	594	241.00	460.40
			595	599	242.00	462.40
			600	604	243.00	464.40
			605	608	244.00	466.00
			609	613	245.00	468.00
			614	618	246.00	470.00
			619	622	247.00	471.60
			623	627	248.00	473.60
			628	632	249.00	475.60
			633	636	250.00	477.20
			637	641	251.00	479.20
			642	646	252.00	481.20
			647	650	253.00	482.80
			651	655	254.00	484.80
			656	660	255.00	486.80
			661	664	256.00	488.40
			665	669	257.00	490.40
			670	674	258.00	492.40
			675	678	259.00	494.00
			679	683	260.00	496.00
			684	688	261.00	498.00
			689	693	262.00	500.00
			694	697	263.00	501.60
			698	702	264.00	503.60
			703	707	265.00	505.60
			708	711	266.00	507.20
			712	716	267.00	509.20
			717	721	268.00	511.20
			722	725	269.00	512.80
			726	730	270.00	514.80
			731	735	271.00	516.80
			736	739	272.00	518.40
			740	744	273.00	520.40
			745	749	274.00	522.40
			750	753	275.00	524.00
			754	758	276.00	526.00
			759	763	277.00	528.00
			764	767	278.00	529.60
			768	772	279.00	531.60
			773	777	280.00	533.60
			778	781	281.00	535.20
			782	786	282.00	537.20
			787	791	283.00	539.20
			792	795	284.00	540.80
			796	800	285.00	542.80
			801	805	286.00	544.80
			806	809	287.00	546.40
			810	814	288.00	548.40
			815	819	289.00	550.40
			820	823	290.00	552.00
			824	828	291.00	544.00
			829	833	292.00	556.00"

---

[1] Or less.

(b) Effective with respect to monthly benefits under title II of the Social Security Act for months after 1970 and with respect to lump-sum death payments under such title in the case of deaths occurring after such year, the table in section 215(a) of such Act (as amended by subsection (a) of this section) is amended by striking out all figures in columns III, IV, and V beginning with the line which reads:

	"558	562	234.00	447.60"

and down through the line which reads:

---------	"829	833	292.00	556.00"

and inserting in lieu thereof the following:

	"558	562	234.00	449.60
	563	566	235.00	452.80
	567	571	236.00	456.80
	572	576	237.00	460.80
	570	580	238.00	464.00
	581	585	239.00	468.00
	586	590	240.00	472.00
	591	594	241.00	475.20
	594	599	242.00	479.20
	600	604	243.00	483.20
	605	608	244.00	486.40
	609	613	245.00	490.40
	614	618	246.00	494.40
	619	622	247.00	497.60
	623	627	248.00	501.60
	628	632	249.00	505.60
	633	636	250.00	508.80
	637	641	251.00	512.80
	642	646	252.00	516.80
	647	650	253.00	520.00
	651	655	254.00	524.00
	656	660	255.00	528.00
	661	664	256.00	531.20
	665	669	257.00	535.20
	670	674	258.00	539.20
	675	678	259.00	542.40
	679	683	260.00	546.40
	684	688	261.00	550.40
	689	693	262.00	554.40
	694	697	263.00	557.60
	698	702	264.00	561.60
	703	707	265.00	565.60
	708	711	266.00	568.80
	712	716	267.00	572.80
	717	721	268.00	576.80
	722	725	269.00	580.00
	726	730	270.00	584.00
	731	735	271.00	588.00
	736	739	272.00	591.20
	740	744	273.00	595.20
	745	749	274.00	599.20
	750	753	275.00	602.40
	754	758	276.00	606.40
	759	763	277.00	610.40
	764	767	278.00	613.60
	768	772	279.00	617.60
	773	777	280.00	621.60
	778	781	281.00	624.80
	782	786	282.00	628.80
	787	791	283.00	632.80
	792	795	284.00	636.00
	796	800	285.00	640.00
	801	805	286.00	644.00
	806	809	287.00	647.20
	810	814	288.00	651.20
	815	819	289.00	655.20
	820	823	290.00	658.40
	824	828	291.00	662.40
	829	833	292.00	666.40
	834	837	293.00	668.00
	838	842	294.00	670.00
	843	847	295.00	672.00
	848	851	296.00	673.60
	852	856	297.00	675.60
	857	861	298.00	677.60
	862	865	299.00	697.20
	866	870	300.00	681.20
	871	875	301.00	683.20
	876	879	302.00	684.80
	880	884	303.00	686.80
	885	889	304.00	688.08
	890	893	305.00	690.40
	894	898	306.00	692.40
	899	903	307.00	694.40
	904	907	308.00	696.00
	908	912	309.00	698.00
	913	917	310.00	700.00
	918	921	311.00	701.60
	922	926	312.00	703.60
	927	931	313.00	705.60
	932	936	314.00	707.60
	937	940	315.00	709.20
	941	945	316.00	711.20
	946	950	317.00	713.20
	951	954	318.00	714.80
	955	959	319.00	716.80
	960	964	320.00	718.80
	965	968	321.00	720.40
	969	973	322.00	722.40
	974	978	323.00	724.40
	979	982	324.00	726.00
	983	987	325.00	728.00
	988	992	326.00	730.00
	993	996	327.00	731.60
	997	1,001	328.00	733.60
	1,002	1,006	329.00	735.60
	1,007	1,010	330.00	737.20
	1,011	1,015	331.00	739.20
	1,016	1,020	332.00	741.20
	1,021	1,024	333.00	742.80
	1,025	1,029	334.00	744.80
	1,030	1,034	335.00	746.80
	1,035	1,038	336.00	748.40
	1,039	1,043	337.00	750.40
	1,044	1,048	338.00	752.40
	1,049	1,052	339.00	754.00
	1,053	1,057	340.00	756.00
	1,058	1,062	341.00	758.00
	1,063	1,066	342.00	759.60
	1,067	1,071	343.00	761.60
	1,072	1,076	344.00	763.60
	1,077	1,080	345.00	765.20
	1,081	1,085	346.00	767.20
	1,086	1,090	347.00	769.20
	1,091	1,094	348.00	770.80
	1,095	1,099	349.00	772.80
	1,100	1,104	350.00	774.80
	1,105	1,108	351.00	776.40
	1,109	1,113	352.00	778.40
	1,114	1,118	353.00	780.40
	1,119	1,122	354.00	782.00
	1,123	1,127	355.00	784.00
	1,128	1,132	356.00	786.00
	1,133	1,136	357.00	787.60
	1,137	1,141	358.00	789.60
	1,142	1,146	359.00	791.60
	1,147	1,150	360.00	793.20
	1,151	1,155	361.00	795.20
	1,156	1,160	362.00	797.20
	1,161	1,164	363.00	798.80
	1,165	1,169	364.00	800.80
	1,170	1,174	365.00	802.80
	1,175	1,178	366.00	804.40
	1,179	1,183	367.00	806.40
	1,184	1,188	268.00	808.40
	1,189	1,193	369.00	810.40
	1,194	1,197	370.00	812.00
	1,198	1,202	371.00	814.00
	1,203	1,207	372.00	816.00
	1,208	1,211	373.00	817.60
	1,212	1,216	374.00	819.60
	1,217	1,221	375.00	821.60
	1,222	1,225	376.00	823.20
	1,226	1,230	377.00	825.20
	1,231	1,235	378.00	827.20
	1,236	1,239	379.00	828.80
	1,240	1,244	380.00	830.80
	1,245	1,249	381.00	832.80
	1,250	1,250	382.00	833.20"

The tables, summary, and study, presented by Mr. KENNEDY of New York, are as follows:

SUMMARY OF PROVISIONS OF ROBERT F. KENNEDY SOCIAL SECURITY BILL

The proposal of Senator KENNEDY of New York to revise Social Security benefits and to adopt a system of partial general revenue financing of Social Security contains the following basic provisions:

I. BENEFITS

A. Effective January 1, 1968, the bill increases retirement benefits by an average of about 50 percent.

B. The minimum monthly benefit payable is raised from the present $44 to $90, effective January 1, 1968. This means that all those whose lifetime wages have averaged $95 a month or less will receive $90 in benefits, or $135 a month if there is a wife who is 65 and therefore qualifies for marital benefits. Thus, for many, benefits will be more than doubled.

C. Persons whose lifetime earnings averaged from $95 a month to $250 a month ($3,000 a year) will receive a 50 percent increase in benefits. Thus, a person who earned $200 a month in his working life, formerly the recipient of $90 a month, will now receive $135 a month in benefits (about ⅔ of his average wages) and $202.50 (slightly more than his average wages) if his wife qualifies for marital benefits. The man who earned $3,000 a year ($250 a month), who formerly received $1220 a year, will receive $1840.80 which is over 60 percent of his previous average wage. If his wife qualifies for marital benefits, their total benefit will be $2671 a year, or 92 percent of his average lifetime wages.

D. The increase in benefits will be slightly less for people whose earnings were higher during their lifetimes.

1. The man who earned $4,000 a year during his life will receive a 45 percent increase in benefits. His annual benefits will be increased from $1440 to $2090, or over 50 percent of what he earned during his life. If his wife qualifies for marital benefits, they will receive over $3100 as a family, or about 75 percent of his earnings as a worker.

2. The man who earned $5000 a year ($425 a month) during his lifetime will receive a 40 percent increase in benefits, from $141 a month to $198.50 a month, or $2,384 a year. If his wife qualifies for marital benefits, they will receive almost $3600.

3. The man who earned $6000 a year ($500 a month) during his lifetime will receive an increase of just under 40 percent, from $157 a month to $218.10 a month, or $2617 a year.

If his wife qualifies for marital benefits, they will receive $3925 annually.

E. The bill will raise a widow's benefits from the present level of 82½ percent of the deceased husband's benefits to 100 percent.

F. The bill provides for a cost of living increase in benefits. Each time a consumer price index rises by 1 percent, benefits will go up 1 percent automatically.

G. The bill provides an alternative method of computing benefits which will increase the monthly pension check of millions of beneficiaries. Benefits are now computed on the basis of a man's average monthly wage throughout his working lifetime, less a few of his worst years. The alternative method which the bill provides would base benefits on a man's average monthly earnings during his ten highest consecutive years of working, so that benefits will more realistically be tied to a man's productivity during his prime working life.

II. FINANCING

A. The payroll tax will be increased from its present level of 3.85 percent (exclusive of Medicare) to 5 percent each on the employer and the employee in a series of step increases during the coming years.

B. The earnings and benefits base will be raised to $10,000 in 1968, and $15,000 in 1971.

C. In addition, benefits will for the first time be financed partly out of general tax revenues. The bill provides a formula whereby an amount equal to ⅔ of 1 percent of the payroll tax base (about $2 billion at present—the payroll tax base is about $300 billion now) will be contributed out of general revenues beginning in fiscal 1969. A like percentage will be added cumulatively each year, so that at the end of nine years, an amount equal to 6 percent of the payroll tax base will be contributed out of general revenues. Thus, by 1977 the Social Security system will be financed about 35 percent out of general revenues.

D. The Social Security Administration has examined the program and states that it is actuarially sound.

SOCIAL SECURITY ADMINISTRATION STATEMENT AND TABLES ON SENATOR ROBERT F. KENNEDY'S LEGISLATIVE PROPOSAL ON SOCIAL SECURITY

A table comparing the level cost of the present social security program and that of the proposed program is enclosed. As the table shows, the proposed old-age, survivors, and disability insurance program has an actuarial imbalance of —0.02 percent of covered payroll (as compared with —0.07 percent under present law). An imbalance of as much as 0.10 percent of payroll is recognized as being within allowable limits of actuarial soundness under present law; a larger imbalance would of course be possible under the proposed expansion of the program. The increase in the earnings base under the proposed program will offset the reduction in the tax rates for hospital insurance. The proposed program as a whole is in close actuarial balance.

There would be, under the proposal, a decline in the funds of about $3½ billion in 1968 and a smaller decline in 1969. These excesses of outgo over income occur, of course, because the full effects of the provisions for increased income to the program are not felt immediately, while the substantial increases in benefits are immediately effective. Such temporary declines in the old-age, survivors, and disability insurance trust funds are not, then, significant in terms of the financial soundness of the program over the long run. It is estimated that beginning in 1970 the income to the program will exceed the costs under the bill. (A similar situation occurred in relation to the 1965 social security amendments, where, because the benefit increase was retroactive to January 1965 and the increased taxes did not go into effect until 1966, expenditures in 1965 exceeded income by about $2 billion.)

Of the income to the old-age, survivors, and disability insurance trust funds in calendar year 1968, about $13¾ billion would come from employers, a like amount from employees, and only $¾ billion from the Government contribution.

With regard to the effect of the benefit increase under the proposed program, it is estimated that as of December 31, 1967, the average benefit for a retired worker with no dependents getting benefits would be $127 (as compared with an estimated $82 under present law). For a retired worker and aged wife both getting benefits, the average benefit would be $214 (as compared with an estimated $144 under present law).

Cost and income of present and proposed OASDI program and HI program as a percentage of covered payroll

OASDI	
Level cost of present program	9.49
Level cost of proposed program	15.21
Income of present program	9.42
Income of proposed program	15.19
Balance of present program	—.07
Balance of proposed program	—.02
HI	
Level cost of present program	1.26
Level cost of proposed program	.95
Income of present program	1.23
Income of proposed program	1.00
Balance of present program	—.03
Balance of proposed program	+.05

Mr. PROUTY. Mr. President, it gives me great pleasure to become a cosponsor of the important and significant proposal, relating to social security, just introduced by the distinguished junior Senator from New York. For many years now I have come to the well to protest the inadequacy of the current level of social security benefits. Literally millions of older Americans are now asked to survive on social security checks which will not buy the bare essentials of life.

Where, in this great Nation, can an elderly person find food, clothing, and lodging for $44 a month? Where can he find the necessities of life for his wife for $22 a month?

It is one of the greatest tragedies of this century that billions of dollars have been spent to put a man on the moon, while a needy old person has been denied additional pennies a day for sustenance in his twilight years.

Mr. President, we are now engaged in fighting a war on poverty. The sergeants and the generals of this war have sent the troops to many battlefields while in the living rooms of older people across this land the enemy has taken its toll in misery, disease, and destitution.

As my colleagues are well aware, I came to the floor earlier this year to ask for $1.45 per day for all those age 70 and above who were not eligible for social security. On that day, older Americans won a victory in the Senate. Later, at the insistence of the administration, this paltry amount was reduced for some and entirely taken away from others. I vowed then to return to the floor until equity and justice was done to the millions of older Americans who had been denied social security. I now reaffirm that pledge and support the principles embodied in the Kennedy bill as a meaningful and necessary step to provide dignity and decency for many older Americans.

However, I must be candid with my friend the distinguished junior Senator from New York. While I view his bill as an admirable statement of resolution to fight poverty among the elderly poor, I feel that portions of the bill serve to dilute those very objectives.

Last year I proposed an amendment to the Social Security Act Amendments of 1965 which would have established a social security benefit floor of $70. That amendment provided for financing of the new benefit level out of general revenues. Senator KENNEDY proposes to finance his new level of benefits by a 2.3-percent increase in social security contributions, 1.15 percent to be borne by the employee, 1.15 percent to be borne by the employer.

It was my feeling in 1965, and it is my feeling today, that future increases in social security must be financed out of the general revenues of the Treasury. We have reached the point of maximum saturation in contribution levels.

The Social Security Act Amendments of 1965 provided for increases in the contribution rate which by 1973 will equal 0.55 percent for medicare and 1 percent for OASDI benefits. Senator KENNEDY proposes to add an additional 1.5-percent increase for a total tax rate increase on the employee of 2.70 percent. In other words, Mr. President, a wage earner with income in the lower brackets will see his social security contribution rate go from 3.85 percent of payroll to 6.55 percent of payroll, a 41-percent increase in a few short years.

What does this mean to the impoverished family man with $2,000 per year in wages? In 1965, $77 was deducted from his pay for social security. By 1973 this amount will have jumped to $131.

I, for one, Mr. President, can find little justification in financing social security benefit increases with a 41-percent tax increase on those already poverty stricken. Financing the program out of general revenues would mean that no additional tax burden would be imposed on those unable to afford contributions toward the new benefits.

If general revenue financing is not acceptable, then I would recommend that Congress turn its attention to establishing a progressive social security tax contribution rate, a kind of miniature income tax. Until it is demonstrated that general revenue financing would not work, I shall continue to found all of my proposals for increased benefit levels in a program of general revenue funding.

Mr. President, in conclusion, I congratulate the distinguished junior Senator from New York on his boldness and I assure him that while I have reservations as to his financing proposal, I will support every effort to obtain enactment of a meaningful program of social security benefit increases.

EXTENDED MILK PRICE SUPPORT

Mr. McGOVERN. Mr. President, I introduce, for appropriate reference, a bill to extend the current $4-per-hundredweight support price for milk for

3 years. Joining me in sponsoring the legislation are Senators CARLSON, EASTLAND, JACKSON, MONDALE, MORSE, MUNDT, NELSON, PROXMIRE, YOUNG of North Dakota, and HART.

Mr. President, I ask unanimous consent that the text of the bill be printed at this point in my remarks.

The ACTING PRESIDENT pro tempore. The bill will be received and appropriately referred; and, without objection, the bill will be printed in the RECORD.

The bill (S. 3662) to establish a price support level for milk, introduced by Mr. MCGOVERN (for himself and other Senators), was received, read twice by its title, referred to the Committee on Agriculture and Forestry, and ordered to be printed in the RECORD, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That subsection (c) of section 201 of the Agricultural Act of 1949 (7 U.S.C. 1446), as amended, is further amended by striking out the second sentence thereof and inserting the following: "Notwithstanding the foregoing provisions for the period beginning April 1, 1967, and ending March 31, 1970, the price of milk for manufacturing purposes shall be supported at not less than $4.00 per hundredweight."

Mr. McGOVERN. Mr. President, on July 5, in response to the continuing decline in milk production, with large numbers of dairy farmers going out of business, Secretary of Agriculture Freeman, increased the support price for dairy products from $3.50 per hundredweight to $4 for the balance of the marketing year ending March 30, 1967.

I commended the Secretary of Agriculture on taking this much-needed action to encourage our dairy farmers to continue to produce nature's most perfect food.

However, Mr. President, milk production continues below last year's levels. Milk production fell below the same month of the previous year in April 1965, and declining milk production rates have now persisted for 16 straight months. In June 1966, it was 3 percent below last year, although our population now stands at some 3 million more than last year. The Commodity Credit Corporation has no inventory of butter or cheese and little nonfat dry milk with which to meet various distribution needs here and abroad.

If the decline in milk production is to be halted, dairy farmers must have assurance that price supports would not decline in a few months. The bill I have just introduced gives dairy farmers this assurance. They can invest in additional milk cows, or rebuild liquidated herds, with the knowledge that for 3 marketing years the current $4 price support will be maintained.

The bill does not involve any increase in price to consumers; indeed, it may avoid excessive rises due to shortages.

The 3-year extension will provide farmers the basis for sound management plans.

Mr. President, I ask unanimous consent that the bill lie on the table for 1 week in order that other Senators who wish may join in sponsoring the legislation.

Mr. PROXMIRE. Mr. President, will the Senator yield?

Mr. McGOVERN. I yield.

Mr. PROXMIRE. I wish to inform the Senator from South Dakota that I am proud and happy to be a cosponsor of what I believe is excellent legislation.

Mr. President, the idea of providing for a price support only for 1 year may have been adequate in the past, but it is clear that it is not adequate and cannot be adequate for dairy products under present circumstances.

The expressed purpose of price supports for dairy products is to insure an adequate supply. A 1-year price support cannot do this. As the Senator from South Dakota has said, there has been an alarming, a sharp, and a dramatic cutback in the production of milk over the past 6 or 8 years. The situation is shocking in my State, which is known throughout the country as the No. 1 dairy State. Production has dropped, very sharply. This has been true all over the country, in virtually every State.

As the Senator from South Dakota has pointed out, this drop has been dramatic over the past year. We now have a situation where we are producing less milk than we did 26 years ago, when the population of the country was about two-thirds the size it is now.

Clearly, we will not have enough milk to meet the needs of our children and adults unless the kind of legislation which the Senator from South Dakota is proposing is enacted. The proposed legislation gives the farmer an opportunity to have full assurance of the kind of income he can expect in 1968, 1969, and 1970. Unless he can have that assurance, he will get out of dairy and into beef, or he will get out of dairy entirely, off the farm, and into a factory, where he can make more money.

In our dairy State, according to the Department of Agriculture statistics, in the areas that are most prosperous, the average farmer is netting an income of 88 cents an hour, and in the less prosperous parts of our State he is earning 30 cents an hour.

These are shocking figures, at a time when the minimum wage is $1.25, and it is expected to be $1.60 in the next year or two or three.

This shows why families are getting off the dairy farm. Unless we can have the kind of legislation that the Senator from South Dakota has introduced, we will not have the quantity of milk that we must have.

Mr. McGOVERN. As the Senator knows, the Committee on Agriculture is preparing legislation, which will be sent to the floor, providing for a sizable expansion in our food-for-peace programs. As the Senator knows, an important part of the food-for-peace package is dairy products.

So that there will be an urgent need not only to meet our commitments at home, but also the expanded needs abroad for dairy products. That is one of the reasons why I believe we need to safeguard our herds and stop the alarming liquidation of dairy herds in the Senator's State and in other dairy States all over the country.

I especially appreciate the continued leadership of the Senator and his support of this important program.

Mr. PROXMIRE. I thank the Senator from South Dakota.

AMENDMENT OF SECTION 175 OF INTERNAL REVENUE CODE OF 1954

Mr. MURPHY. Mr. President, I introduce for appropriate reference, a bill to amend section 175 of the Internal Revenue Code of 1954, so as to permit farmers to elect whether they wish to charge tile drainage installations to annual expenses or to depreciate such work.

Mr. President, more and more farms in my State are being plagued with rising saline water tables. When such occurs, degradation of the land as well as the lowering of crop production results. To meet this problem, farmers have experimented with various methods. A most important method has been the installation of tile drains. These drains by underwater diversion remove surface and subsurface salts created by the rising saline water tables. Use of these tile drains is a most important conservation measure.

Approximately 300 miles of tile drains have been installed in Fresno, Kings, and Merced Counties in my State, and the use of tile drains is expected to increase fivefold in the next 10 years.

Mr. President, tile drains help to restore the productivity of the land and, in my judgment, they represent a soil conservation technique that should be encouraged. My amendment, by giving the farmer the choice of electing whether to expense or capitalize, would greatly encourage farmers to install tile drains to restore the productivity of their farmlands.

I hope the Senate Finance Committee will give expeditious consideration to this bill, which means a great deal to the farmers of my State and elsewhere.

The ACTING PRESIDENT pro tempore. The bill will be received and appropriately referred.

The bill (S. 3669) to amend section 175 of the Internal Revenue Code of 1954 to include expenditures for the installation of tile drains as soil and water conservation expenditures which may be deducted under such section, introduced by Mr. MURPHY, was received, read twice by its title, and referred to the Committee on Finance.

EXEMPTION FROM INCOME TAX INTEREST ON OBLIGATIONS ISSUED BY COLLEGES AND UNIVERSITIES

Mr. RIBICOFF. Mr. President, I introduce, for appropriate reference, a bill to amend the Internal Revenue Code of 1954 to exempt from income tax interest on obligations issued by colleges and universities which will be used for capital improvement or expansion.

More Americans are seeking a college education today than ever before in our Nation's history. This reflects not only our growing population, but the fact that in our society which is growing ever more complex, advance training becomes more and more essential.

The demand for student space in our colleges and universities has resulted in a great expansion of facilities, but demand has already far exceeded supply. Neither the tax-assisted State institutions nor the private colleges have sufficient resources to build and improve quickly enough.

In 1955, there were 2,260,000 college students working toward degrees. Today, there are 5,526,000 college students working toward college degrees. In 1970, there will be over 7,225,000. By 1974, college enrollments will top 8½ million.

These increased enrollment figures mean that all our colleges and universities, public and private alike, must continue to expand their facilities.

But what exactly does this tidal wave of students mean in construction costs? The Office of Education has estimated the amount needed for the coming years in terms of constant—1963–64—dollars. Expenditures for capital outlay averaged $1.3 billion a year from 1954–55 through 1959–60. For the years from 1959–60 through 1964–65, $2.2 billion a year was spent. This total of $17.8 billion spent from 1954–55 through 1964–65 provided college space for 2.2 million additional students.

But what of the next 10 years when space is needed for another 3 million expected students? Another $26 billion is needed for new facilities by 1974–75.

The Higher Education Facilities Act of 1963 reflects the recognition of Congress of the need to help colleges and universities. It was enacted to provide present and future generations of American youth with the opportunity to develop to the fullest their intellectual capabilities.

This act provided a combination of grants and loans for both undergraduate and graduate facilities. In the Higher Education Amendments of 1966, the President has recommended an extension of the act, to include $453 million in grants for undergraduate facilities construction in fiscal year 1967.

I propose, however, that we can do something more to meet this problem than simply grants and loans. In addition to these programs, we could encourage the colleges to help themselves. We could encourage them to obtain money from private sources by making the interest on bonds, sold to expand their facilities, tax free.

I believe this would be a most useful weapon in the arsenal that will be needed to overcome this great problem. The need is too great for simply a program of direct grants. In the loan program, we subsidize the education institution with a lower-than-market interest rate. With tax-free bonds private sources would provide the construction money and we would lose only the tax on the interest. To meet the problem of modernizing, expanding, and updating our educational facilities to meet the needs not only of today but of tomorrow as well, we must use all the means at our disposal. Education is our stake in the future. It is our investment in growth and progress. The colleges and universities of our great Nation are the seedbed of our future. We must do all we can to make them adequate to the job of turning our hopes and dreams into reality.

Mr. President, I ask unanimous consent that the bill be printed at this point in the RECORD.

The ACTING PRESIDENT pro tempore. The bill will be received and appropriately referred; and, without objection, the bill will be printed in the RECORD.

The bill (S. 3665) to amend the Internal Revenue Code of 1954 to exempt from income tax interest on obligations issued by colleges and universities, introduced by Mr. RIBICOFF, was received, read twice by its title, referred to the Committee on Finance, and ordered to be printed in the RECORD, as follows:

S. 3665

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) part III of subchapter B of chapter 1 of the Internal Revenue Code of 1954 (relating to items specifically excluded from gross income) is amended by inserting after section 103 (relating to interest on certain governmental obligations) the following new section:

"SEC. 103A. INTEREST ON OBLIGATIONS OF COLLEGES AND UNIVERSITIES.

"(a) EXCLUSION FROM GROSS INCOME.—Gross income does not include interest on the obligations of an institution of higher education the proceeds of which are used for the purposes of building, expanding, equipping, or modernizing educational facilities.

"(b) INSTITUTION OF HIGHER EDUCATION DEFINED.—For purposes of this section, the term 'institution of higher education' means only an educational institution—

"(1) which normally maintains a regular faculty and curriculum and normally has a regularly organized body of students in attendance at the place where its educational activities are carried on;

"(2) which regularly offers education at a level above the twelfth grade; and

"(3) contributions to or for the use of which are deductible under section 170."

(b) The table of sections for such part III is amended by inserting at the appropriate place the following new item:

"SEC. 103A. Interest on obligations of colleges and universities."

SEC. 2. The amendments made by the first section of this Act shall apply with respect to taxable years ending after the date of the enactment of this Act, but only in the case of obligations issued after such date.

GRANTING OF U.S. CITIZENSHIP TO CERTAIN PERSONS

Mr. SCOTT. Mr. President, I introduce, for appropriate reference, a bill to grant U.S. citizenship at birth to any child born abroad whose father or mother is a citizen of the United States who has served abroad with a church or missionary organization. I am offering this bill at the request of the Evangelical Foreign Missions Association, an agency here in Washington which represents some 7,000 missionaries, many of whose families have mixed citizenship.

Under section 301(a)(7) of the Immigration and Nationality Act—8 U.S.C. 1401(a)(7))—a child born abroad to a U.S. citizen father and an alien mother, or vice versa, does not acquire U.S. citizenship at birth unless the citizen parent, prior to the child's birth, was physically present in the United States or its outlying possessions for a period or periods totaling not less than 10 years, at least 5 of which were after attaining the age of 14 years. At present, only members of the Armed Forces may count the periods of honorable service abroad in order to meet the aforementioned physical-presence requirements of section 301(a)(7). My bill would place missionary parents serving abroad in the same category with military personnel.

It is quite common for one parent member of a missionary family to be Canadian, while the other is an American, or for there to be a British-American family. Since missionary families serve abroad for periods of 4 or 5 years at a time, it is not uncommon for their children to be born abroad. Usually, in these instances, the parents wish to raise and educate their children as American citizens, but it is very difficult for them to fulfill the physical-presence requirements of section 301(a)(7).

For this reason, the Evangelical Foreign Missions Association feels that section 301(a)(7) should be amended to enable these children born while their missionary parents are serving abroad, to become U.S. citizens and to give them access to educational facilities in the United States that would not ordinarily be made available to them because of their years spent abroad, and I am happy to introduce this bill in their behalf.

The ACTING PRESIDENT pro tempore. The bill will be received and appropriately referred.

The bill (S. 3668) to amend section 301(a)(7) of the Immigration and Nationality Act to grant U.S. citizenship at birth to any child born abroad whose father or mother is a citizen of the United States who has served abroad for certain periods of time with a church or missionary organization, and for other purposes, introduced by Mr. SCOTT, was received, read twice by its title, and referred to the Committee on the Judiciary.

TO AMEND THE IMMIGRATION AND NATIONALITY ACT, AS AMENDED

Mr. BURDICK. Mr. President, by request, I introduce, for appropriate reference, a bill "To amend the Immigration and Nationality Act, as amended, to permit the free entry of citizens of the Trust Territory of the Pacific Islands into the United States."

As a member of the Subcommittee on Territories, I am very much interested in the Trust Territory of the Pacific Islands, and in order that Members of the Senate may be acquainted with the justification and desirability of this measure, I ask unanimous consent that the text of the bill and a letter from the Secretary of the Interior to the Vice President be printed in the RECORD following my remarks.

The ACTING PRESIDENT pro tempore. The bill will be received and appropriately referred; and, without objection, the bill and letter will be printed in the RECORD.

The bill (S. 3670) to amend the Immigration and Nationality Act, as amended, to permit the free entry of citizens of the Trust Territory of the Pacific Islands into the United States, introduced by Mr. Burdick, by request, was received, read twice by its title, referred to the Committee on the Judiciary, and ordered to be printed in the Record, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Act of June 27, 1952 (66 Stat. 163), as amended, is further amended by adding at the end of title II thereof the following new section 293:

"Sec. 293. (a) Nothing contained in this title, except for sections 212(a) (27) (28) and (29), 215, and 241(a) (1) (6) and (7) shall be construed so as to limit, restrict, deny, or affect the coming into or departure from the United States of a citizen of the Trust Territory of the Pacific Islands who presents a valid identity certificate issued by the High Commissioner of such Territory: *Provided,* That nothing contained in this section shall be construed to give or to confer upon any such citizen any other privileges, rights, benefits, exemptions, or immunities under this Act, which are not otherwise specifically granted by this Act.

"(b) The High Commissioner of the Trust Territory shall issue an identity permit, upon request, pursuant to such regulations as he may precribe, to any citizen of such Territory who resided in the Territory on July 18, 1947, including a citizen temporarily absent from the islands on that date, and to any citizen of such Territory who was subsequently born or naturalized there, if after that date or after his birth or naturalization he continued to reside in the Trust Territory or in the United States, its territories or possessions, and has taken no affirmative steps to acquire foreign nationality.

"(c) Any person who comes to the United States pursuant to the provisions of this section shall, upon completion of the residence and physical presence requirements of section 316(a) of this Act, be deemed to have been lawfully admitted to the United States for permanent residence as of the date of such coming, for the purpose of petitioning for naturalization."

The letter, presented by Mr. Burdick, is as follows:

U.S. Department of the Interior,
Office of the Secretary,
Washington, D.C.

Hon. Hubert H. Humphrey,
President of the Senate,
Washington, D.C.

Dear Mr. President: Enclosed is a draft of a proposed bill "To amend the Immigration and Nationality Act, as amended, to permit the free entry of citizens of the Trust Territory of the Pacific Islands into the United States."

We recommend that the bill be referred to the appropriate committee for consideration, and we recommend that it be enacted.

This proposed legislation, which addresses itself to a matter of genuine urgency in connection with the administration of the Trust Territory of the Pacific Islands, and the discharge of the Federal responsibility in that area, if enacted, would permit citizens of the Trust Territory to enter the United States freely, without regard to the quota and visa provisions of the Immigration and Nationality Act, which are now applicable to them, and subject only to those sections of that Act which are enumerated in the proposed bill. The enumerated sections provide for the exclusion and removal of subversives. The bill would not extend to the citizens of the Trust Territory the privilege of counting residency in the Trust Territory toward the residency requirements for naturalization, as is the case with noncitizen nationals coming to the United States from "outlying possessions" as that term is defined in the Immigration and Nationality Act. The bill does provide, however, that any person permitted to enter the United States pursuant to its provisions, and subsequently residing in the United States, would be considered to have been lawfully admitted for permanent residence for the purpose of petitioning for naturalization. The proposal specifically provides that nothing contained in the new section shall be construed to give or to confer citizens of the Trust Territory any other privileges, rights, benefits, exemptions, or immunities under the Immigration and Nationality Act which are not otherwise specifically granted by the provisions of the Act. In view of the circumstances which will be detailed below, and for the reasons which will be set forth, we believe that this proposal is an important and very necessary proposition which should, in the best interests of the peoples of the Trust Territory and of the United States, be enacted into law.

The Trust Territory of the Pacific Islands is that group of islands situated in the western Pacific Ocean which prior to World War II were occupied and administered by Japan, principally the Caroline, Mariana and Marshall Islands. While the Trust Territory, with its population of approximately 88,000 persons, consists of some 2,100 islands scattered throughout 3 million square miles of ocean, there is only a total of 700 square miles of land, and only 96 of the island groups are regularly inhabited. The area is divided into six districts for the purpose of administration, but each district also reflects a somewhat distinct culture and state of development. Indicative of the nature of the diversity between areas in the Trust Territory is the fact that a total of nine major languages, with regional dialect variations, are spoken.

The United States administers the Trust Territory pursuant to the provisions of the Trusteeship Agreement for the Former Japanese Mandated Islands, entered into between the United States and the United Nations, which was approved by the Security Council of the United Nations on April 2, 1947, and by the United States on July 18, 1947, by virtue of Presidential approval of a Joint Resolution of Congress. Under the terms of the Agreement, the United States, while not possessing sovereignty over the area, has complete jurisdiction—executive, legislative and judicial. Also pursuant to the terms of the Agreement the United States has assumed the substantial obligation to discharge the responsibilities and seek the objectives imposed and defined by the Agreement. By Presidential direction, the responsibility for administering the Trust Territory was first vested in the Secretary of the Navy, then in the Secretaries of the Navy and Interior, and is presently vested solely in the Secretary of the Interior, except with regard to specific areas closed for strategic reasons.

In the discharge of the Federal responsibility, a central civilian government was established upon the transfer of principal responsibility to the Secretary of the Interior, effective July 1, 1951. That government was composed of an executive branch, a judicial branch, and an advisory legislative branch. The most recent restatement of the nature and scope of the Trust Territory Government is found in Secretarial Order No. 2876, dated January 30, 1964 (29 F.R. 1855). For nearly fourteen years efforts in the Trust Territory have been directed internally and have been prompted and directed by the obvious necessity for equipping the people of the Trust Territory to understand and ultimately join the world beyond the boundaries of the Trust Territory. Given the state of development which existed in the Trust Territory following World War II, it was necessary to regulate both the entry of persons into the Trust Territory and the departure from the area of its citizens, since clearly the people were not then equipped to compete outside of the Trust Territory, nor were they ready to cope with the 20th century if it were to intrude upon them too quickly. Up until mid-1963, even the entry of United States citizens into the Territory was restricted.

These restrictions no longer exist. They no longer exist because demonstrable progress in the development of the Trust Territory has been made. While that progress by many standards was not as great as might have been wished for, it was time to open the door to the Trust Territory and by so doing, admit a new stimulus to its development in the form of capital, investments, tourism, and trade. This was specifically enunciated Executive policy based, in part, on the determination that the state of development of the peoples of the Trust Territory was such that they would be benefited and not harmed by the policy, and by the determination that the development of the Trust Territory had been too slow for too long and that if we were to discharge our responsibilities in that area, an accelerated program utilizing all forms of assistance had to be begun. The late President Kennedy enunciated this policy in a press release which accompanied Executive Order No. 11045, dated August 21, 1962. He said in part:

"Further, I have directed that regulations relating to the Trust Territory of the Pacific Islands be revised to facilitate free entry of United States Citizens, United States investment and United States flag vessels into that area. * * *

"I intend that these actions I have taken will foster responsible political development, stimulate new economic activity, and enable the people of the Islands to participate fully in the world of today."

In addition to the need for readying the people of the Trust Territory to meet the outside world on a fair, if not equal basis, one other significant internal problem existed. We have noted the diversity among the various areas in the Trust Territory. This diversity was reflected in the political development and organization of the people. Great emphasis was put upon the significance of the district or the community and upon local problems. It has taken almost fourteen years of effort to develop and have accepted, the concept of one territory or political entity and the concept of the overriding significance of "territorial affairs." These efforts culminated on September 28, 1964, in the promulgation of Secretarial Order No. 2882 which created the Congress of Micronesia, a territory-wide legislative body, whose popularly elected members possess true legislative power. The Congress of Micronesia convened its first session on July 12, 1965, after a two-week indoctrination course for its members. We believe that the Congress of Micronesia will be the vehicle which will finally weld the differing areas of the Trust Territory into a single cohesive political entity.

In view of the foregoing, and in view of an accelerated educational program together with a new and vigorous emphasis upon economic development, it is seemly, we believe, to turn to external factors which will have a meaningful relationship to our role and our responsibilities in the Trust Territory. As in the past, the solution to the problems which exist and the achievement of the goals which we have set can be obtained only with the continuing assistance of the Congress. We therefore ask for consideration of this measure in the hope that, as in the past, consideration will be as prompt and as responsive as the consideration accorded certain other proposals intended to assist the development of the Trust Territory.

The obligations imposed upon and accepted by the United States under the Trusteeship Agreement are numerous but are generally directed toward two goals. The first is the social, economic and political development of the residents of the Trust Territory. The second, through the achievement of the first, is to equip the people of the Trust Territory to exercise an educated choice as to their future and that of the Trust Territory, and to let them make that choice. It is incumbent upon us to do all that we can to provide the basis for a judicious use of this freedom to choose. In this Connection, the significance of this proposal is of tremendous magnitude, both on practical grounds and on grounds of principle. This significance is not exaggerated, nor are the Micronesians oblivious to it. In the course of testimony before the Judiciary Committee of the House of Representatives in connection with a similar proposal in the 88th Congress, Amata Kabua, a Micronesian then not connected with the Trust Territory Government, but since then elected to the Congress of Micronesia, said in part:

"If enacted, this bill, which provides for the people of the Trust Territory freedom of moving in and out of the United States, will favorably create a condition whereby the inhabitants will be better assisted in their striving for their progress and place in this complex world. The effect of this section will be especially vital in providing the people with better opportunities for the pursuit of new and broader knowledge and values needed in shaping their own destiny along with the free world."

The last sentence quoted is important. Today, the natives of the Trust Territory, because of their geographical location, are able to visit with relative ease a number of countries in the Far East. While some of these countries have forms of government compatible with the concepts of the free world, many of them do not. We believe that the United States should therefore encourage the citizens of the Trust Territory to visit, study, live, and work in the United States. They cannot learn enough about America and our way of life from the stateside staff and technicians who are sent into the Trust Territory to assist them.

We intend to attract American investment to provide the commerce and the facilities which the citizens of the Trust Territory cannot provide for themselves because of a lack of capital, but which is essential if the standard of living is to be raised. The people of the Trust Territory will participate fully in this development by furnishing their skills and labor in lieu of capital. Extensive training in various skills will be a prerequisite to any such participation. This training will in many instances need to be acquired in the United States, or an area over which the United States exercises jurisdiction, either as an industrial trainee program sponsored by an American company engaged in an enterprise in the Trust Territory, or as general training not related to specific operations in the Trust Territory. This would be difficult to accomplish as long as the provisions of the Immigration and Nationality Act are applicable to Micronesians.

The accelerated development program in the Trust Territory places great emphasis on education. Primary and secondary educational needs can be met in the Trust Territory by the institution of a proper program, but for some time, the need for higher education will have to be met by making educational facilities outside the Trust Territory readily available and easily accessible. The proposed bill would facilitate this. It would remove the requirement for obtaining a student visa and the attendant restrictions presently applicable to Trust Territory students, thus permitting any Trust Territory student to attend the school of his choice, if he is otherwise qualified, with a minimum of difficulty. It would also permit students lacking adequate funds greater freedom in seeking gainful employment for the purpose of financing their education. Thus we believe that it is evident that this proposal must be enacted promptly if we are to succeed in acquainting the people of the Trust Territory with the world of the Twentieth Century to the degree that we must if it is to be meaningful, and if we are to meet their needs as justice and good administration require.

In this connection, there exists a further reason for the enactment of this proposal. We are dealing with a geographic area composed wholly of islands and therefore, an area with a precisely limited land base. Even though the total population of the Trust Territory is not great in terms of numbers, being hardly more in the aggregate than the population of a small mainland city, many areas in the Trust Territory are already experiencing severe over-crowding.

The people of the Trust Territory are becoming increasingly aware of the benefits of modern conveniences, educational and medical facilities and gainful employment. Many are no longer content, and we do not believe that they should be, to live in remote areas where only primitive conditions exist. At the same time, however, the district centers and those other areas which today offer the chance to achieve a higher and more modern standard of living can only support a given number of persons before circumstances begin to work against the standard of living in the area and cause it to decline in many respects. The government of the Trust Territory recognizes its responsibility to provide or to assist in providing the physical things essential to an appropriate standard of living, but is limited in its ability to provide these things in as short a time as would be required to alleviate the problem of population pressure in the areas referred to.

At the same time the population of the Trust Territory is expanding at an increased rate just as the population of the world is expanding at an ever increasing rate. Through improved medical treatment, health education, and modern facilities the government of the Trust Territory has achieved an increase in longevity and a substantial decrease in pre- and post-natal mortality. In a sense, our success in the field of health has contributed to the problem of population, but we would not have it otherwise.

In view of the two-fold problem of population and its distribution, we submit that it is necessary that an outlet be provided which may be utilized by those who wish to seek the better opportunities for education and employment and the higher standard of living which exist in Guam, Hawaii and the mainland, and which, even if not utilized to a great extent, will exist as an assurance of our willingness and intention to meet this serious problem. In time, through economic development and other programs, the Trust Territory will be much more able to provide for its own, but that day is yet a number of years away. The enactment of this proposal is, in our estimation, the best, if not the only wholly acceptable solution to the problem.

For all of these reasons the enactment of this proposal is important. Further, since we, as the administering Nation, have opened the Trust Territory to Americans, in the interest of comity we should likewise open the United States to the citizens of the Trust Territory. We do not believe that this will create problems of real magnitude. The population of the Trust Territory is approximately 88,000 persons.

As a practical matter, by reason of education, financial status, and social customs, it is not likely that any great number of these persons would come to the United States except as short-term visitors or students. However, it is most desirable that the young people, the intellectual and social leaders, and those who will play a major role in making the final determination as to the status of the Trust Territory should be able to enter the United States freely if they so desire. In this vein, it should be noted that reference to present statistics concerning the travel of Micronesians can be most misleading to the possible detriment of this proposal. Saipan, the provisional capital of the Trust Territory, is situated only 45 minutes flying time from Guam and the people of the Marianas and of Guam have both intertwined social and business relations. The educational system of Guam, including the College of Guam, also attracts the young people of the Trust Territory. This is relevant because entry into Guam is an entry into the United States for the purpose of the Immigration and Nationality Act and a tabulation of Micronesian entries can be misleading unless it is remembered that the to and fro travel of students or individual business men can contribute an amazingly large number of entries to the total in the course of a year. Similarly, Hawaii attracts persons for business, pleasure, educational and medical reasons, and again a substantial number of entries is added to the total of those Micronesians entering the United States.

In conclusion, we are not unmindful of the discussion in the past which centered around the class of persons to be treated by this proposal. We suggest that the privilege accorded by the proposal be extended to the "citizens" of the Trust Territory. This term would comprehend native-born citizens as well as those persons who have been naturalized in accordance with the laws of the Trust Territory. We believe that a privilege such as this one should be extended to all of the citizen residents of the Trust Territory because we see no valid ground upon which to distinguish between the native-born and the naturalized citizens. We believe, further, that the term "second-class citizen" has achieved such prominence that even in the extension of a privilege, as distinguished from a right, it is imprudent to suggest that such a class of citizens indirectly be legislated into being.

It should be emphasized that this proposal does not confer American nationality upon the citizens of the Trust Territory and and in no wise serves to annex the Trust Territory, or does it obligate the Congress in any way to treat the Trust Territory differently in the future than at present.

Because of the nature of the arrangements under which we administer the Trust Territory, because it is designated as a strategic trust, and because of the involvement of other agencies and of the United Nations, there are aspects of this matter which are classified for security reasons, and which, for that reason, cannot be discussed in this format. However, at such time and place as are appropriate, we will be pleased to furnish such additional information concerning this proposal as may be requested.

The Bureau of the Budget has advised that there is no objection to the presentation of this proposed legislation from the standpoint of the Administration's program.

Sincerely yours,

HARRY R. ANDERSON,
Assistant Secretary of the Interior.

DIVERSION OF WATER FROM MISSOURI AND COLUMBIA RIVERS TO WESTERN PART OF TEXAS

Mr. TOWER. Mr. President, it is my pleasure to introduce today for appropriate reference a measure to provide for an investigation and study of the feasibility of diverting excess water from the

Missouri and Columbia Rivers to the western part of the State of Texas.

Water is something all of us need to think about. If we do not, there will be shortages all through the Nation, particularly in the great western part. There was a time when a shortage of water was regarded as a local problem that could be solved by the action of an individual metropolitan area, by an irrigation district, a river basin authority, or a single State. This simply is no longer the case.

The concept of planning by river basins is now seen as the way to provide an adequate water supply for our future needs. We not too long ago passed the Water Resources Planning Act, which I was happy to cosponsor, as a mechanism to implement the basin planning concept. Congressional action is necessary in dealing with this problem, because traditionally the Federal Government has an important role to play in natural resources conservation and development. Rivers cross State lines, forest fires do not stop at State boundaries, sand storms deposit the soil of one State upon the farms of another. And, water shortage problems are the present-day concern of all regions of the country.

We presently have a depressing picture of water supplies across the Nation. In the East these are serious water shortages, as well as those chronic situations in the West. In the Great Lakes area, the water level has fallen to a dangerous level.

And, in my own State of Texas, careful planning of available resources has been undertaken, but even this will not be sufficient to meet all the needs of the future.

Therefore, Mr. President, I am proposing this measure as part of a continuing search for a workable water program for my State and our Nation. The study herein envisioned would give a basis for planning to meet the future needs of one of the fastest growing areas of the country; an area that will become home to millions of people.

Texas is taking its own steps to plan for water's future. In parts of our State we will need the assistance and cooperation of our neighbors as we seek to provide adequate water for all Americans and the greatest future good for the greatest number. The study I propose today will be a significant step forward in cooperative progress for the Nation.

The **ACTING PRESIDENT** pro tempore. The bill will be received and appropriately referred.

The bill (S. 3671) to provide for an investigation and study of the feasibility of diverting water from the Missouri and Columbia Rivers to the western part of the State of Texas, introduced by Mr. TOWER, was received, read twice by its title, and referred to the Committee on Public Works.

PROPOSED APPROPRIATE ACTION TO BE TAKEN AGAINST ZDENEK PISK, A FOREIGN ESPIONAGE AGENT

Mr. EASTLAND. I submit a resolution and ask that it be appropriately referred.

The **ACTING PRESIDENT** pro tempore. The resolution will be received and appropriately referred; and, under the rule, the resolution will be printed in the RECORD.

The resolution (S. Res. 291) was referred to the Committee on Foreign Relations, as follows:

S. RES. 291

Resolved, Whereas one Zdenek Pisk, an alien and a Communist espionage agent, is known to have taken part in activities inimical to the welfare and security of the United States, including an effort to plan an electronic listening device in the office of an important official of our Department of State; and

Whereas the aforesaid Zdenek Pisk presently is a member of the Czechoslovakian Mission to the United Nations and as such claims and enjoys various privileges and immunities; and

Whereas the Joint Resolution of the Congress approved in 1947, which authorized the bringing into effect of a so-called "Headquarters Agreement" with the United Nations, expressly reserved the right of the United States to take appropriate action for the protection of its own security; and,

Whereas the International Organizations Immunities Act also recognizes the right of the United States to take appropriate security action in the case of any alien who has engaged in activities of a subversive nature against the interest of the United States; and

Whereas neither actual diplomatic status, nor any status acquired by virtue of a connection with a foreign mission to an international organization, should be permitted to operate as a license to engage in espionage or any other subversive activities against the United States; and

Whereas it appears no action has been taken against the aforesaid Zdenek Pisk except to report his espionage activities against the United States to the Secretary-General of the United Nations; and,

Whereas the aforesaid Zdenek Pisk's continued presence in the United States is not only contrary to the security of the United States, but is also a challenge to the sovereignty of the United States: Now, therefore, be it

Resolved, That it is the sense of the Senate that the President of the United States should take or direct appropriate action, as speedily as possible, to strip the aforesaid Zdenek Pisk of all privileges and immunities of a diplomatic or semidiplomatic nature held or claimed by him under the International Organizations Immunities Act or under the United Nations Headquarters Agreement and under any other statute, treaty, or compact; and to cause him either (1) to be expelled from the United States, as soon as may be possible, as an undesirable person, or (2) to be placed under arrest and proceeded against under the applicable criminal statutes dealing with espionage, and conspiracy to commit espionage, against the United States.

Mr. EASTLAND. Mr. President, earlier this month the country was shocked by the story of how two espionage agents from Czechoslovakia, who came here as diplomats, had tried to plant an electronic eavesdropping device in an important office in the State Department building.

The two Czechs are Jiri Opatrny, an attaché of the Czechoslovak Embassy, and Zdenek Pisk, formerly second secretary of the Czechoslovak Embassy and present first secretary of the Czech mission to the United Nations, with headquarters in New York.

Through the cooperation of the Federal Bureau of Investigation and the Passport Office, of the Department of State, and in particular the heroic and patriotic services of Mr. Frank Mrkva, Administrative Officer of the Passport Office, the subversive efforts of these two Iron Curtain espionage agents were frustrated.

Details of the espionage attempt have been given wide publicity, and need not be repeated here.

The State Department immediately declared Opatrny, the Czech Embassy attaché, to be persona non grata, and asked that he leave the country.

But no such action was taken against Pisk. The State Department, according to published reports, merely sent a report on Pisk's espionage activities to the Secretary General of the United Nations.

The Secretary General of the United Nations has taken no action in the matter. Pisk is still in this country; and presumably still engaged in whatever espionage work is assigned to him by his superiors.

Furthermore, it appears that he is going to stay here. Mr. Dan Kurzman, reporter for the Washington Post has written that U.S. delegates to the United Nations indicated Pisk would not be expelled from the United States. Mr. Kurzman quoted his sources as saying:

> Mr. Pisk has done nothing to violate the U.N. Headquarters agreement. Therefore, no action is contemplated on him here at this time.

Mr. President, the failure to expel from the country this Czech espionage agent, Zdenek Pisk, is inexcusable.

Perhaps Pisk's present position as a member of the Czech mission to the United Nations protects him from criminal prosecution, just as the diplomatic status of his partner in espionage, Jiri Opatrny, protected him from prosecution. But Pisk can be expelled from the United States just as readily as Opatrny was expelled.

There is nothing in Pisk's status as a member of the Czech delegation to the United Nations which gives him the right to remain in this country after having engaged in espionage operations against the United States.

When the Congress in 1947 approved a joint resolution authorizing the President to bring into effect an agreement between the United States and the United Nations with respect to the privileges and immunities of aliens entering this country in transit to or from United Nations Headquarters, this agreement was made subject to a specific reservation that "nothing in the agreement shall be construed as in any way diminishing, abridging or weakening the right of the United States to safeguard its own security."

The joint resolution similarly preserved the right of the United States "completely to control the entrance of aliens into any territory of the United States other than the headquarter's district and its immediate vicinity."

It will not serve as an excuse for not ousting the Czech agent, Pisk, to say that the United Nations never accepted the reservation stipulated in the joint resolution of Congress in 1947.

It is quite literally true that this reservation was not acted upon formally by the United Nations General Assembly. But ever since 1947 the United Nations has been claiming and asserting rights under the headquarters agreement; and since the only agreement the Congress authorized is subject to the reservations stipulated in the joint resolution of 1947, either the agreement must be conceded to exist subject to these reservations, or there is no agreement at all.

My personal opinion is that the latter is the case. There was no meeting of the minds on this subject between the Congress of the United States and the General Assembly of the United Nations. They acted respectively upon two different documents, and so there is no headquarters agreement.

But for nearly 20 years the United States has been granting and recognizing privileges and immunities provided under the headquarters agreement which the Congress authorized in 1947. It is a fact that the Congress did authorize the granting of such privileges and immunities under an agreement with the United Nations, and though the agreement never was formally authorized by United Nations assent to the reservations stipulated in the joint resolution, and Congress has never taken any action since to withdraw its authorization, perhaps United Nations ratification may be presumed from its long time acceptance of privileges and immunities purportedly under the agreement. But as I said before, if the United Nations wants these privileges and immunities for the aliens who come here as members of missions to the United Nations, then the United Nations must recognize the reservations stipulated by the Congress of the United States. The United Nations cannot have it both ways.

So long as the United States of America is a sovereign nation, it must have the right to expel aliens who engage in espionage or other activities against the security of the United States. The United States is a sovereign nation, and it does have this right.

Failure to expel the Czech espionage agent, Zdenek Pisk, and weak deferment to the United Nations in handling this case, approaches the status of a national disgrace.

If the Department of State persists in refusing to take appropriate action with respect to this espionage case, in the interest of national security, the Department's decision and the circumstances surrounding it should be made the subject of a thorough investigation, including complete documentation of the fact that there is, in legal contemplation, no valid United Nations Headquarters agreement.

PROPOSED INTERNATIONAL MOTOR VEHICLE SAFETY CONVENTION

Mr. MAGNUSON. Mr. President, I submit for appropriate reference a Senate resolution calling upon the President to convene an International Motor Vehicle Safety Convention.

While Congress has been deeply absorbed these last few months in hammering out strong and effective motor vehicle safety standards legislation for the necessary protection of our own citizens on our own highways, we have been made increasingly aware that safety on the highways is far from a uniquely American concern.

Throughout the world, the proliferation of highway deaths and injuries has been the universal byproduct of advancing technology and prosperity. We are not alone in seeking new and more dramatic paths toward greater highway safety.

Recently, the Commission of the Common Market gave notice that automobiles will be barred at the border of Common Market countries unless they conform to standards, now under development, for brakes, turn signals, windshield wipers, mufflers, radio static suppressors, safety glass, headlights, and license plates. Great Britain is contemplating a universal requirement for seat belts on all new cars sold on British soil.

In the course of the hearings on auto safety held by the Senate Commerce Committee, we heard evidence of imaginative new departures in safety engineering now being pioneered in Europe and Japan, as well as in the United States.

This internationalization of automobile safety presents both an opportunity and a threat—an opportunity for each nation to shed the isolation of its national safety efforts and to benefit from the free exchange of highway safety information and technology—and a threat to orderly international trade in a major commodity.

Just as 50 conflicting sets of State safety standards would raise havoc with the efficiencies of mass production in the automotive industry, so conflicting and discordant sets of individual national standards would sharply inhibit the order and efficiency of international trade. In 1965, the United States imported $810 million worth of automotive products, while exporting an impressive $1,861 million in motor vehicles and motor vehicle equipment. Clearly, the United States would be the loser were incompatible safety standards to serve as trade barriers.

But the international development of uniform minimum safety standards under American leadership would surely represent a milestone in enlightened international cooperation. Internationalization of standards should not be limited to minimum performance standards for motor vehicles and motor vehicle equipment, but should encompass the establishment of minimum requirements for highway markings, uniform traffic laws and the reciprocal recognition and acceptance of operating licenses and permits. Of course, the development of minimum international standards should in no way be permitted to impair the right of any individual nation to establish more stringent standards for the protection of its nationals, as it deems fit.

Fortunately, there are many precedents for the development of international safety standards, including the Safety of Life at Sea Convention, and the Convention on International Civil Aviation. The aviation agreement was developed by representatives of 52 nations assembled at Chicago in 1944 and is now subscribed to by 108 nations. It established the International Civil Aviation Organization which for the last 22 years has developed technical standards for air navigation, pilot certification, and construction of aircraft. While standards developed by ICAO are not binding upon the various signatory states until adopted internally, most of ICAO standards have been adopted throughout the world. Without such a mechanism, modern aviation transportation could never have reached its present state of international development and sale of aircraft between nations with varying requirements would have been impossible.

For these reasons, the Senator from Connecticut [Mr. RIBICOFF] and I join in urging the Senate to affirm the following resolution (S. Res. 292):

> *Resolved*, That it is the sense of the Senate that the President should take appropriate action to extend to the governments of other countries engaged in the manufacture of motor vehicles and motor vehicle equipment an invitation to designate representatives to participate in an International Motor Vehicle Safety Convention called to plan the creation of an International Motor Vehicle Safety Organization which would gather, develop and disseminate technical and statistical data pertaining to motor vehicle safety, and develop uniform international standards for motor vehicle safety, such standards to include the establishment of minimum requirements for the performance of motor vehicles and motor vehicle equipment, highway markings, traffic laws, and the reciprocal recognition and acceptance of licenses or permits issued by the participating governments to their nationals for the operation of motor vehicles.

The ACTING PRESIDENT pro tempore. The resolution will be received and appropriately referred.

The resolution (S. Res. 292) was referred to the Committee on Foreign Relations.

Mr. RIBICOFF. Mr. President, I am pleased to join with the distinguished chairman of the Commerce Committee, Senator MAGNUSON, in sponsoring Senate Resolution 292. This resolution calls on President Johnson to convene an International Motor Vehicle Safety Convention to establish an International Motor Vehicle Safety Organization. This body would promote international cooperation in motor vehicle safety, uniformity of road signs, and reciprocity in driver license laws.

Motor vehicles have brought great benefits to every nation. They are a major means of personal transportation, trade, and communication. But automobiles have not been an unmixed blessing. Automobile accidents cause thousands of deaths, millions of injuries, and billions of dollars in economic loss each year.

The problems created by motor vehicles are common to every nation. Today, however, there is no mechanism by which one country can learn how the others are resolving these problems.

Traffic safety would be advanced if an organization were established to facilitate exchange of safety information and ideas among nations.

The United States as the largest producer of automobiles in the world has a great opportunity to take the lead in traffic safety. The Congress is about to approve the first comprehensive safety legislation enacted by any country. We should follow this up by calling an international conference to enlist the other nations in the battle against traffic accidents and establish an international institution to provide for continuing international cooperation in the safety field.

Mr. President, I urge President Johnson to call an International Motor Vehicle Safety Convention.

AMENDMENT TO MINIMUM WAGE BILL BARRING AGE DISCRIMINATION IN HIRING—AMENDMENT

AMENDMENT NO. 714

Mr. JAVITS. Mr. President, on behalf of myself and the Senator from California [Mr. MURPHY], the Senator from Arizona [Mr. FANNIN], the Senator from Vermont [Mr. PROUTY], and the Senator from Michigan [Mr. GRIFFIN], all members of the Senate Labor and Public Welfare Committee, which is presently considering the minimum wage bill, I submit for appropriate reference, an amendment to that bill barring arbitrary age discrimination in employment. The amendment would add a new title to the Fair Labor Standards Act, placing enforcement of the age discrimination ban within the Wage and Hour Division of the Department of Labor, which presently enforces age provisions affecting child labor, subject to judicial review.

A major and scarcely touched area of difficulty is the problem of the unemployed older worker, who faces grave difficulties in finding a new job, in spite of considerable skill and maturity. Here, I believe there is an urgent need, and have repeatedly urged in the Congress speedy and forceful action to remove the two major barriers which the unemployed worker in his middle and older years must overcome:

First. Arbitrary and unjust age limits on hiring, imposed by employers through prejudice and misunderstanding; and

Second. Insufficient skills or education to qualify for entry into the increasingly technological industry of today.

Momentum for positive action on discrimination because of age has been steadily growing. Executive Order 11141 issued on February 12, 1964, has made it public policy to ban discrimination because of age in employment under Federal contract, except upon the basis of a bona fide employment qualification, retirement plan, or statutory requirement. Twenty States and Puerto Rico have adopted laws prohibiting this kind of discrimination. Over half of these laws have been passed since 1960; all but three since 1955. Under these measures, the States have had broad success in reducing age discrimination and expanding job opportunities for older workers. The major hindrance to further progress has been limitation on staff and funds. My own State of New York, has had such a law since 1958, and substantial progress has already been made.

Despite the existence of State laws and last year's Executive order, much more needs to be done. The steps already taken must be extended to cover the entire Nation, so that age discrimination can be fought universally and effectively. In June 1965 the Congress received a report on age discrimination in employment from the Secretary of Labor as required by section 715 of the Civil Rights Act of 1964, a provision which I sought in the Senate.

The Secretary's report concluded as follows:

> There is persistent and widespread use of age limits in hiring that in a great many cases can be attributed only to arbitrary discrimination against older workers on the basis of age and regardless of ability. The use of these age limits continues despite years of effort to reduce this type of discrimination through studies, information and general education undertaken by the Federal Government and many States, as well as by nonprofit and employer and labor organizations.
>
> The possibility of new *non-statutory* means of dealing with such arbitrary discrimination has been explored. That area is barren. [Emphasis in original.]
>
> State experience with statutes prohibiting discrimination in employment on the basis of age indicates that such practice can be reduced by a well-administered and well-enforced statute, coupled with an educational program. It is clear from this experience that an educational program to promote hiring on the basis of individual merit is far more effective when provided for by statute.

The most effective way to accomplish this is to make it an unlawful employment practice under the Fair Labor Standards Act to discriminate unjustly on account of age. Our amendment would give the Administrator of the Wage and Hour Division of the Labor Department authority to enforce prohibitions against arbitrary age discrimination in employment. It would integrate into the Fair Labor Standards machinery enforcement against age discrimination. The Administrator would be made responsible for investigating complaints of age discrimination in employment, and for negotiating or compelling redress where complaints are well founded. This procedure would fully effectuate Secretary Wirtz' recommendation that—

> The elimination of arbitrary age limits on employment will proceed much more rapidly if the Federal Government declares, clearly and unequivocally, and implements so far as is practicable, a national policy with respect to hiring on the basis of ability rather than age.

The Secretary's report set forth the scope and complexity of the problem, concluded that it can be solved, and cited the success of State laws against age discrimination in employment. With regard to skills and education, the report called for increased efforts, under the Manpower Development and Training Act and other existing training programs, to upgrade, retrain, and counsel older workers to enable them to adjust successfully to the organization and skills requirements of modern industry.

Expanded training and counseling, however, will avail little unless the other more grievous barrier to employment for older workers—unjust age discrimination on the part of employers—is stricken down. The imposition of arbitrary age limits on hiring, by which many companies refuse to hire any worker above a certain age—regardless of his often considerable abilities or qualifications—is the most serious, the most wasteful, and the least justifiable aspect of the problem, and is a practice regrettably widespread in this country. In the words of Secretary Wirtz' report:

> An unmeasured but significant proportion of the age limitations presently in effect are arbitrary in the sense that they have been established without any determination of their actual relevance to job requirements, and are defended on grounds apparently different from their actual explanation.

Although lack of physical capacity is the most frequently cited reason for rigid age limits, many considerations tend to invalidate the idea that any useful purpose is served by such rigid restrictions. They include: the wide variation of age limits for comparable jobs, the general lack of statistical studies in justification of such limits, and the fact that many responsible employers hire workers for jobs from which they would have been barred by other employers solely because of age.

In a Nation which is more and more oriented toward meeting the needs of the young, we must not neglect the ever-expanding population of older workers who have the capacity to be productive, valuable members of the national economy, but who cannot find a job. They must be given adequate scope for their skills and their experience.

The ACTING PRESIDENT pro tempore. The amendment will be received, printed, and appropriately referred.

The amendment (No. 714) was referred to the Committee on Labor and Public Welfare.

INCOME TAX TREATMENT OF EXPLORATION EXPENDITURES IN THE CASE OF MINING—AMENDMENTS

AMENDMENT NO. 715

Mr. MORTON. Mr. President, I submit on behalf of myself, the senior Senator from Indiana [Mr. HARTKE], and the Senator from West Virginia [Mr. RANDOLPH], an amendment to H.R. 4665, Calendar No. 1342, relating to the income tax treatment of exploration expenditures in the case of mining, and I ask that it be printed.

It is a brief but significant amendment, Mr. President, because it will give the coal mining industry the same option being extended to all other taxpayers in the mining industry. I include a brief statement discussing the intent and need of the amendment at this point in the RECORD.

PURPOSE OF AMENDMENT

Under previous law, taxpayers in the mining industry can deduct mineral exploration expenditures, up to $100,000 per year with a limit of $400,000 over a taxpayer lifetime, without "recapture" of the benefits of the deduction.

In H.R. 4665, as passed by the House of Representatives, taxpayers in the mining industry, other than coal, would be permitted and required to treat all future expenditures in a new manner. They could be deducted without limitation, but the benefit of the deduction would be "recaptured" when mineral production began. This new treatment would have applied even if the taxpayer had not yet used up his $400,000 deduction under old law. Consequently, it would have helped some taxpayers—those who had already used up the $400,000—and hurt others—those who had used only part of the $400,000.

During executive consideration of H.R. 4665, the Senate Finance Committee approved the Smathers amendment in order to avoid hurting some taxpayers. As approved by the committee, the taxpayers are given an option: they can choose the old law if they wish, or they can choose the new law which permits them to deduct without limitation, but with recapture of benefits. However, H.R. 4665, as reported, accords the option to all taxpayers in the mining industry, with the exception of coal. The amendment which I offer with my colleague from Indiana [Mr. HARTKE] would correct this situation.

I would also like to point out that the national leadership organizations of the coal industry, the National Coal Association, and the American Mining Congress, have indicated that their membership, by a numerical majority, preferred coal's exclusion from H.R. 4665, as passed by the House, because it would have hurt some taxpayers and helped others. However, the coal industry has stated that, with adoption of the Smathers amendment, it would prefer to be given the same privileges as those extended to other mining taxpayers.

Adoption of our amendment would correct this inequity and remove what amounts to discrimination against the coal industry. The bill, I might point out, does not affect oil and gas, whose exploration costs are treated in a different manner.

The ACTING PRESIDENT pro tempore. The amendment will be received, printed, and will lie on the table.

PROVISION FOR AN ADEQUATE SUPPLY OF LEAD AND ZINC—AMENDMENT

AMENDMENT NO. 716

Mr. **ANDERSON**. Mr. President, I submit an amendment, in the nature of a substitute, intended to be proposed by me to S. 564 which I sponsored earlier in this Congress to provide for equitable treatment of the important lead and zinc industries in the United States. The bill, S. 564, was introduced by me and several of my colleagues and is pending before the Senate Finance Committee. Its purpose was to liberalize the inflexible quota system which was in effect at the time of introduction. This formula embodied in S. 564, as originally introduced, was fair to the consumers, producers, and importers of lead and zinc metals. However, the quota has been canceled by executive action and therefore a new plan for legislation has now been proposed by the leaders in the industry. It will provide effective import quotas based on current industry conditions.

It is quite obvious that in recent years the economic outlook for the lead-zinc industry in the United States has improved considerably, along with the general economy. Increased consumption has trimmed the excessive metal stocks on hand and thus encouraged our domestic industry to reopen mines, develop and produce new ore resources and expand smelting facilities.

This process, however, is going on all around the world. The present favorable conditions, as history reveals, could change in a short period of time. Very easily the market situation could result in a surplus of supplies, thus driving the price down to a point where our domestic mining industry would be forced to close its mines. That is why I have, along with Representative ASPINALL and others, constantly urged that a sensible plan be devised to provide for an evenness in the market. This kind of stability could encourage economic growth and dependability on the part of the users of these metals, as well as to the producers and those foreign importers who supply a large part of our market.

Several important changes in approach have been made which I believe are fair and reasonable and should go a long way toward meeting the objections previously raised to this type of legislation. I ask unanimous consent to include at this point in the RECORD a summary of the provisions of the new amendment.

There being no objection, the summary was ordered to be printed in the RECORD, as follows:

SUMMARY OF PROVISIONS

1. A five year term is proposed to permit re-evaluation of the program at proper intervals and to serve until a minerals policy for the lead-zinc industry has been enacted.

2. During the life of the legislation, a quota regulating imports of lead and/or zinc ores and metals could become effective for a term of three years, if the lead and/or zinc stocks of United States primary lead-zinc producers reach levels considered excessive to normal requirements as compared to smelter shipments (an indicator of consumption) of either metal.

3. If during the term of a lead or zinc import quota, enacted as indicated above, there should occur a shortage of the metal in the United States, again determined by the relative level of producers' metal stocks, the import quota would be canceled.

4. Specific import quotas would be assigned to countries with an import record in excess of 10% of imports during a current base period determined at the time a quota plan became effective. Countries with a lower level of imports would participate in an "all other country" quota.

5. Individual lead or zinc manufactured products may be placed under an import quota, if the item is entering United States markets at rates judged to be excessive, during the period that a quota is in effect on ores and metals.

6. A minimum quota is provided to assure the importer a share of participation in United States markets.

The plan is simple, fair to producer, consumer and importer alike and would only be in effect when necessary to stabilize the supply-consumption ratio at proper levels.

Mr. **ANDERSON**. Mr. President, I want to extend my compliments to the leaders of the industry, particularly the chairman of the Lead-Zinc Committee, Mr. Clark L. Wilson. He has devoted a great deal of time and effort to the enormous task of harmonizing the many and varied views and interests of the various segments of this industry. He has, patiently, continued to do an outstanding, and sometimes little-rewarding job of working out a formula which is fair to all concerned. He has contributed, in my judgment, a great deal to the public interest by his efforts.

The ACTING PRESIDENT pro tempore. The amendment will be received, printed, and appropriately referred.

The amendment (No. 716) was referred to the Committee on Finance.

ADDITIONAL COSPONSORS OF BILLS AND JOINT RESOLUTION

Mr. **TALMADGE**. Mr. President, I ask unanimous consent that, at its next printing, the name of the Senator from Utah [Mr. MOSS] be added as a cosponsor of the bill (S. 3641) to amend the Internal Revenue Code of 1954 to allow teachers to deduct expenses incurred in pursuing courses for academic credit and degrees at institutions of higher education.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. **STENNIS**. Mr. President, early in the week I introduced S. 3632. At this time, I ask unanimous consent to have added as joint authors and cosponsors of that bill the Senator from Missouri [Mr. SYMINGTON], the Senator from Washington [Mr. JACKSON], the Senator from West Virginia [Mr. BYRD], the Senator from Nevada [Mr. CANNON], the Senator from South Carolina [Mr. THURMOND], the Senator from Texas [Mr. TOWER], the Senator from Iowa [Mr. MILLER], and the Senator from North Carolina [Mr. ERVIN].

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. **BURDICK**. Mr. President, I ask unanimous consent that, at its next printing the name of the Senator from Wyoming [Mr. MCGEE] be added as a cosponsor of the bill (S. 3550) to provide for the issuance by the Secretary of Agriculture of a 25-cent-per-bushel export marketing certificate on wheat for the 1967, 1968, and 1969 crops of wheat.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. **PROXMIRE**. Mr. President, I ask unanimous consent that at its next printing, the name of the senior Senator from New York [Mr. JAVITS] be added as a cosponsor to Senate Joint Resolution No. 175, designating a National Dairy Farmers Cooperative Week.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

NOTICE CONCERNING NOMINATION BEFORE COMMITTEE ON THE JUDICIARY

Mr. EASTLAND. Mr. President, the following nomination has been referred to and is now pending before the Committee on the Judiciary:

Alfred W. Moellering, of Indiana, to be U.S. attorney, northern district of Indiana, term of 4 years—reappointment.

On behalf of the Committee on the Judiciary, notice is hereby given to all persons interested in this nomination to file with the committee, in writing, on or before Thursday, August 4, 1966, any representations or objections they may wish to present concerning the above nomination, with a further statement whether it is their intention to appear at any hearing which may be scheduled.

NOTICE OF RECEIPT OF NOMINATION

Mr. FULBRIGHT. Mr. President, as chairman of the Committee on Foreign Relations, I desire to announce that today the Senate received the nomination of U. Alexis Johnson, of California, a Foreign Service officer of the class of career ambassador, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to Japan.

In accordance with the committee rules, this pending nomination may not be considered prior to the expiration of 6 days of its receipt in the Senate.

THE CALENDAR

Mr. MUSKIE. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of measures on the calendar, beginning with Calendar No. 1375, and the succeeding measures in sequence.

The PRESIDING OFFICER (Mr. MONTOYA in the chair). Without objection, it is so ordered.

SENATE DELEGATION TO ATTEND COMMONWEALTH PARLIAMENTARY ASSOCIATION

The resolution (S. Res. 276) authorizing the appointment of a Senate delegation to attend a meeting of the Commonwealth Parliamentary Association was considered, and agreed to, as follows:

S. RES. 276

Resolved, That the President of the Senate is authorized to appoint four Members of the Senate (at least one of whom shall be from the Committee on Foreign Relations) as a delegation to attend the next general meeting of the Commonwealth Parliamentary Association, to be held in Ottawa, Ontario, Canada, at the invitation of the Canadian branch of the Association, and to designate the chairman of said delegation.

SEC. 2. (a) The expenses of the delegation, including staff members designated by the chairman to assist said delegation, shall not exceed $10,000 and shall be paid from the contingent fund of the Senate upon vouchers approved by the chairman.

(b) The expenses of the delegation shall include such special expenses as the chairman may deem appropriate to carry out this resolution, including reimbursements to agencies for compensation of employees detailed to the delegation and expenses incurred in connection with providing appropriate hospitality to foreign delegates.

(c) Each member or employee of the delegation shall receive subsistence expenses in an amount not to exceed the maximum per diem rate set forth in section 502(b) of the Mutual Security Act of 1954, as amended by Public Law 88–633, approved October 7, 1964.

PRINT AS SENATE DOCUMENT STUDY ON OPERATION AND EFFECTIVENESS OF GOVERNMENT BOARDS OF CONTRACT APPEALS

The resolution (S. Res. 281) to print as a Senate document a study on operation and effectiveness of Government boards of contract appeals was considered, and agreed to, as follows:

S. RES. 281

Resolved, That there be printed as a Senate document a study on the operation and effectiveness of Government boards of contract appeals, prepared for the Senate Select Committee on Small Business by Professor Harold C. Petrowitz; and that three thousand additional copies be printed for the use of the committee.

AUTHORITY TO PRINT REPORT ON AUTOMOTIVE AIR POLLUTION

The resolution (S. Res. 285) to authorize printing of the report on automotive air pollution was considered, and agreed to, as follows:

S. RES. 285

Resolved, That there be printed as a Senate document the fourth semiannual report of the Secretary of Health, Education, and Welfare, on the problem of air pollution caused by motor vehicles and measures taken toward its alleviation, dated June 23, 1966, in compliance with Public Law 88–206, the Clean Air Act, as amended by Public Law 89–272.

SEC. 2. There shall be printed two thousand five hundred additional copies of such document for the use of the Committee on Public Works.

ADDITIONAL FUNDS FOR COMMITTEE ON FINANCE

The resolution (S. Res. 286) to provide additional funds for the Committee on Finance was considered, and agreed to, as follows:

S. RES. 286

Resolved, That the Committee on Finance is hereby authorized to expend from the contingent fund of the Senate, during the Eighty-ninth Congress, $10,000 in addition to the amount, and for the same purpose, specified in section 134(a) of the Legislative Reorganization Act approved August 2, 1946.

MARGUERITE A. RICUCCI

The resolution (S. Res. 289) to pay a gratuity to Marguerite A. Ricucci was considered, and agreed to, as follows:

S. RES. 289

Resolved, That the Secretary of the Senate hereby is authorized and directed to pay, from the contingent fund of the Senate, to Marguerite A. Ricucci, widow of G. Joseph Ricucci, an employee of the Senate at the time of his death, a sum equal to ten months' compensation at the rate he was receiving by law at the time of his death, said sum to be considered inclusive of funeral expenses and all other allowances.

TRIBUTE TO LT. GEN. DUDLEY HEATON, SURGEON GENERAL OF THE ARMY

Mr. STENNIS. Mr. President, it is fitting at this time for the Senate to recognize the service of a distinguished soldier of the U.S. Army. President Johnson has announced that Lt. Gen. Leonard Dudley Heaton will continue as Surgeon General of the Army until December 1, 1968. As a legal matter, General Heaton will reach the mandatory retirement age of 64 this coming November. General Heaton's name is now before the Senate in order that he may be retired upon reaching age 64, and thereafter be recalled to active service in order for him to continue to serve as Surgeon General. The Nation is indeed fortunate that General Heaton has agreed to continue his active service beyond the mandatory retirement age. His new appointment is a milestone which deserves special recognition.

Mr. President, General Heaton began his active service in the Army 40 years ago, when he became a lieutenant in the Army Medical Corps. In reviewing his contribution to the Nation, his service has always combined the rare qualities of a distinguished active surgeon and an able leader. Because of the national respect for his surgical judgment and technical skill, he has been entrusted with performing major and extremely delicate operations on many distinguished individuals, including President Dwight D. Eisenhower and John Foster Dulles and Gen. Douglas MacArthur. His professional skill has received international recognition.

As a military leader, General Heaton has the responsibility for administering the farflung activities of the Army Medical Service. About 72,000 people are under his immediate direction.

The Surgeon General is responsible for maintaining the health of the U.S. Army, now numbering over 1 million men, along with the thousands of military dependents located throughout the world.

From among the many accomplishments of General Heaton, I would like to mention a few. During the attack on Pearl Harbor his able handling of mass casualties during the Japanese attack earned him the Legion of Merit. During his tenure as Surgeon General he has carried out a vast rehabilitation program of U.S. Army hospitals, including the famous Letterman General Hospital in San Francisco. At General Heaton's instigation the Walter Reed Army Institute of Nursing was established several years ago, under which students after 4 years' training become second lieutenants in the Army Nurse Corps. I pay special tribute to this unique effort.

General Heaton is in a large way responsible for the research and development resulting in the new mobile field hospital. This is literally a complete field hospital, which can be lifted in sections by helicopter. This revolutionary advance in medicine, which takes the surgeon to the battlefield, is resulting in a remarkable saving of lives in Vietnam.

Mr. President, in a sense, the recognition of General Heaton is a recognition of the Army Medical Service itself. From its inception over 190 years ago as a part of the Continental Army, the Army Medical Service has enjoyed a long history of medical leadership and prestige in performing its job of maintaining and restoring the health of American soldiers. The most striking measure of meeting this task is the fact that of the American soldiers hospitalized in Vietnam, more than 99 percent are saved. This remarkable progress may be compared to World War II, when only 95.5 percent of those hospitalized could be saved.

Mr. President, I pay tribute to the record and accomplishments of General Heaton. He can be assured of the confidence of the Nation as he continues his task.

Mr. President, a long story could be told here of the amazing achievements of the American Medical Corps in the surgical services and all other medical services that have been rendered to our fighting men. It is an amazing record, not only with respect to the saving of the lives, but also with respect to the saving of the future use of arms and legs and the treatment of related injuries.

To emphasize this achievement is not to discredit the Navy medical service or the Air Force medical service, by any means. But the Army has borne the brunt of these recent developments in this fighting, and this wonderful man and his staff and his Nursing Corps are entitled to the greatest credit.

Mr. DIRKSEN. Mr. President, nothing gives me more delight than to utter my approval of the action taken in continuing the service of General Heaton. I believe he is one of the great hospital administrators of all time. It is fitting that he is presiding over the destinies of Walter Reed Hospital, in the Nation's Capital. He is really in the great tradition of Walter Reed, who, together with Surgeon General William Crawford Gorgas, in my judgment, made possible the construction of the Panama Canal.

It is one of the interesting stories in American history. At the time when William Howard Taft was President, Walter Reed and William Crawford Gorgas insisted that unless they cleaned up the mosquito situation in Panama and got rid of malaria, they would never get the canal built; that malaria was caused by the mosquito. De Lesseps, the superintendent of construction of the canal came to Washington and saw President Taft, and wanted Walter Reed and General Gorgas fired. Thank goodness, President Taft did not follow the advice of the canal superintendent. Through the work of these two great doctors, the canal became not only a possibility, but also an actuality.

So Gen. Leonard Heaton walks in that same tradition, and he is doing an amazing job at Walter Reed Hospital and also as administrator of the Army medical service.

Mr. STENNIS. I thank the Senator.

Mr. LAUSCHE. Beautifully done.

Mr. DIRKSEN. I thank the Senator from Ohio.

Mr. STENNIS. Mr. President, I yield the floor.

REDUCTION OF U.S. FORCES IN EUROPE

Mr. SYMINGTON. Mr. President, speaking in the Senate yesterday on the subject "Reduction of U.S. Forces in Western Europe," the distinguished majority leader said:

> The time to end the inertia is now.

The majority leader then continued:

> In my own view—and it is not by any means a recent view—one or two American divisions actually on the ground in Europe in present circumstances would be just as indicative of our desire and intentions to meet our NATO obligations as the present six divisions stationed in Europe.

The military necessity for keeping these hundreds upon hundreds of thousands of U.S. citizens in Europe is now most questionable; the possible diplomatic advantages could cut both ways, and the economic disadvantages incident to our continuing unfavorable balance of payments are heavy.

Therefore, I could not agree more with the majority leader.

The necessity for reductions in our forces in Europe is becoming so clear and obvious that I hope that it will be taken into consideration the next time a bill having to do with the national security comes to the floor of the Senate.

Mr. LONG of Louisiana. Mr. President, will the Senator yield?

Mr. SYMINGTON. I am glad to yield to the able assistant majority leader.

Mr. LONG of Louisiana. I wish to say to the distinguished Senator from Missouri [Mr. SYMINGTON] that this matter has been discussed among many leading Democrats in private sessions, Democrats who would like to support the President in his policies.

The Senator knows that, almost without exception, the feeling has been that we cannot understand why there is not some reduction in the number of troops in Europe. We have heard the arguments for no reduction. As the Senator has already said, those arguments make a very weak case.

No one else has done everything he indicated he would do in that regard. The Senator is correct in saying that the majority leader is right. One or two divisions would be just as indicative of our firm desire and intention to back up our commitments as the stationing of hundreds of thousands of men and women in Germany and other places in Western Europe.

Mr. SYMINGTON. I thank the assistant majority leader. I agree with what he has said.

THE PLANNED CURRENCY TO REPLACE THE DOLLAR

Mr. SYMINGTON. Mr. President, in a colloquy incident to a thought-provoking statement in the RECORD of July 26 by the able senior Senator from Wisconsin [Mr. PROXMIRE] entitled "U.S. Balance of Payments Likely To Continue To Deteriorate," the able senior Senator from Pennsylvania [Mr. CLARK] mentioned that he and other Senators "have been conferring regularly with the Secretary of the Treasury to keep informed on this problem."

The Senator from Pennsylvania then made the following observations:

> To my way of thinking, gold is an utterly obsolete medium of foreign exchange. The sooner we get away from the gold standard—back to the Roosevelt days—the better it will be.
>
> There is not enough gold being produced to enable us over a foreseeable period of time to create the reserves necessary to finance the constantly growing international trade. One of the principal factors are efforts being made by the Department of the Treasury—and I wonder if the Senator from Wisconsin does not agree—particularly Secretary Fowler and his deputy Mr. Deming, in an effort to persuade 10 central nations to create a new medium of foreign exchange in the form of CRUS which will, as quickly as possible, get us off the gold standard and onto a basis of international finance in which the gold available will balance, in a sense, in relation to the needs of international trade.

If a new currency, to be called the CRU, is, in effect, to replace the dollar, at least in international transactions, I think the more the Senate and the people of the United States know about this development, and the sooner they know it, the better.

An article published this morning in the Wall Street Journal states the Secretary of the Treasury, Mr. Fowler, stopped over in London after a 2-day meeting at The Hague with the group of 10; and that only France dissented on a plan to confer with the directors of the International Monetary Fund as to a contingency plan for increasing world liquidity.

Then there is a most curious sentence, which reads as follows:

> Many continental nations contend the present problem is an excess of liquidity, rather than lack of it.

In any case, and especially in that France dissents, and also in that the important fiscal and monetary nation of Switzerland is not a member of the group of 10, let us hope that as soon as possible we obtain full details about this planned new currency substitute for the dollar.

THE AIRLINES STRIKE

Mr. LAUSCHE. Mr. President, on my desk this morning when I came to the office was a telegram reading as follows:

> JULY 27, 1966.
>
> Senator FRANK J. LAUSCHE,
> *Senate Office Building,*
> *Washington, D.C.:*
>
> On behalf of the 150,000 members of the Transport Workers Union of America, AFL–CIO, employed in the Nation's city passenger transportation, airlines, railroads and gas utilities industry, we urge your strenuous opposition against legislative proposals aimed at breaking the legitimate strike of the International Association of Machinists against 5 airlines.
>
> Such legislation flimsily camouflaged as necessary to the country's health and safety

> is an insidious attack on free collective bargaining in the United States. Every effort by the union to reach an acceptable agreement without strike was exhausted. Every legal procedure was adhered to before the airlines were grounded by their own managements' provocation and unreasonableness.
>
> Scarcely more than 3 percent of the travelling public is affected by the strike, a fact which should dispel the fraudulent claim of danger to national health and welfare. A far greater consideration is the grave and irreparable damage that such congressional strike-breaking will do all American workers and their unions.

My answer to this telegram is that it does not state the facts as they really exist.

A Presidential Board was appointed to make a settlement of the claim that $130 million in increased wages should be granted. The Board recommended the grant of $76 million and turned down the $54 million.

The Senator from Oregon [Mr. MORSE] has stated on the floor of the Senate a half dozen times that the grant and the recommendation were liberal, and that to have granted more would merely feed the fires of inflation.

The Transport Workers Union undoubtedly was connected with the strike of the metropolitan transport system in New York. New York was paralyzed. The court issued an injunction against the union, prohibiting the continuance of the strike. The union refused to obey it. In fact, statements were issued flagrantly defying the order of the court. The union persisted in carrying on its strike, although it paralyzed the economy of New York and although it paralyzed the liberty and freedom of movement of millions of people.

The same situation exists now. There is brazen defiance of the rights and interests of the people of the Nation. This union has no concern except the exercise of the omnipotent power of preventing the operation of the airlines.

Now I am asked to interfere with the Committee on Labor and Public Welfare. I want to make one statement on that subject, and for that purpose, Mr. President, I ask unanimous consent that I may proceed for 3 additional minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LAUSCHE. Congress is dillydallying. It is refusing to take action. Bills have been pending since July 11, because it was on that day that I introduced the first bill on this subject and nothing has been done since.

The airline industry in the main is still tied up. I think the time is at hand when courage must be exercised by public officials. We cannot continue to tolerate sovereign power being exercised by labor unions in defiance of the rights of 190 million Americans.

More than the isolated airline strike is involved. Involved is the message that goes out to the people of the Nation as to whether government is supreme or whether labor leaders are supreme.

This has, in a measure, a relation to the bloody and murderous riots which are erupting in many cities throughout the country. Law and order has broken down. The mobsters and the rioters are in command. The innocent citizen is afraid to leave his home. Guns are being purchased by honest, law-abiding citizens feeling that they will be the victims of riots and must protect themselves.

My answer to the union is, "Abide by the recommendations made by the President's Board. Have some consideration for the people of your country. Stop exercising the omnipotent power which you feel will bring the Government, the airlines, and the people of the country to their knees."

Mr. President, I will not stand idly by. My voice will be heard on this subject. To the Senator from Alabama [Mr. HILL] I make the plea, "Get action of some kind taken in your committee."

Mr. President, I yield the floor.

HIGH INTEREST RATES

Mr. GORE. Mr. President, this is a sad day for the American people who buy or build on credit, or who owe money.

Interest rates have reached a new peak.

Johnson interest rates are now higher than Hoover interest rates. The effect on the people is hurtful and harmful.

Johnson interest rates now compare with Harding interest rates. In fact, Johnson interest rates are the highest since their peak in the administration of President Warren G. Harding.

Strange as it may seem, the money, monetary, and interest rate policies of Presidents Harding, Hoover, and Johnson are almost identical.

It should come as no surprise, then, that the effects are similar.

President Franklin D. Roosevelt drove the money changers from the temple. He led the country through World War II with reasonable interest rates.

President Truman led the country to final victory in World War II and through the Korean war with reasonable interest rates by keeping the money changers out of the temple.

The money changers, Mr. President, are back in the temple. The Johnson interest rates are the highest they have been in 45 years.

To illustrate the point I have obtained statistics on the lowest annual average yield on Government bonds during several administrations.

The lowest annual average yield on Government bonds under President Harding was in 1922, at 4.30 percent.

Under President Coolidge, in 1928—3.33 percent.

Under President Hoover, in 1930—3.29 percent.

Under President Roosevelt, in 1941—2.05 percent.

Under President Truman, in 1946—2.19 percent.

Under President Eisenhower, in 1954—2.55 percent.

Under President Kennedy, in 1961—3.90 percent.

Under President Johnson, the lowest annual average yield was in 1964, at 4.15 percent.

The Senate might be interested to know that in 1965 the average yield on Government bonds advanced to 4.21 percent. Today, the average yield on Government bonds is up to 4.80 percent. One issue is selling at a yield of 5.26 percent.

Mr. President, this is a disastrous policy. I call these facts to the attention of the Senate in the hope that President Johnson will be awakened to the consequences of this policy, so that Presidential leadership may be provided for the people.

Mr. LONG of Louisiana. Mr. President, I wish to express my disappointment that interest rates have increased again on Government issues. In my judgment, the way to fight the pressures which the Government faces in the war in Vietnam—and I admit that it does create some pressures on our fiscal and monetary system—is a program that shares the burden in such fashion that all segments of the economy bear their share of it.

Up until now, the answer to it has been a program which rewards bankers with greater and greater income and money lenders with much greater income, but virtually crucifies the housing industry in this country. At the same time, it makes adequate credit available to big business to build large plants which, on balance, and under other circumstances, I would approve; but not when we are asking Americans to make such disproportionate sacrifices. Big business and big money have been asked to make very little sacrifice in this effort to carry their share of the burden of the war in Vietnam.

In my judgment, we should be following the precedents of President Truman during the Korean war—and that was a limited war—when the Federal Reserve Board was given powers, and asked to exercise them, to limit the availability of credit in such ways that the burden of the war would be more generally distributed.

A regulation of the Federal Reserve Board required a down payment limit on various items people were buying and restricted the time for repayment, and this made it possible to carry forward the burden of that war at a much lower interest rate than would have been available otherwise.

To try to meet all the fiscal and monetary problems that go with fighting a war by a program of tight money and high interest rates is merely a way to finance the war on a program which fattens the rich and skins the poor.

That is not the way we should be fighting a war. We should be asking big money and big business to contribute its share of the sacrifice and carry its share of the burden, rather than to reward them with the highest income they have ever received in 30 years.

Mr. GORE. Forty-five years.

Mr. LONG of Louisiana. The Senator from Tennessee corrects me. He says it is 45 years. I do not dispute those figures.

These high interest rates apply not just to the national debt. The increase of interest on our national debt alone, since President Truman left office, is enough to account for $6 billion a year of the increase in the cost of Government.

One item, interest on the national debt, has about doubled, and that is a tremendous part of the cost of government.

Furthermore our total public and private debt amounted to $1.4 trillion the last time I looked at the figures. If interest rates are about 2 points more than they need to be, it amounts to $28 billion a year in increased interest charges.

I have heard the point made that business pays for interest rates. It is true that big business pays interest, but, in the final analysis, they conduct their business in such a way as to carry interest as an expense of doing business and they pass it on to the public as a part of the price of the product that the public pays, just as they pass on the cost of the social security tax as a part of the price of the product the public buys, and as they pass along sales taxes.

So in most instances, businesses pass these interest costs on to the public, because, in the final analysis, business must make a profit in order to stay in business.

So what happens when we have interest rates that are two points higher than they need be? It adds a cost of about $28 billion to the backs of the working people of the country for the benefit of the money lenders.

The **PRESIDING OFFICER**. The time of the Senator from Louisiana has expired.

Mr. **LONG** of Louisiana. Mr. President, I ask unanimous consent to proceed for 3 additional minutes.

The **PRESIDING OFFICER**. Without objection, it is so ordered.

Mr. **LONG** of Louisiana. President Roosevelt took action to keep interest rates at a lower level during his administrations. That was perhaps one of the chief reasons for the success of his administration and party. The President used his power, and Congress cooperated, to keep interest rates at a very low level, so the burden of the war would not be unnecessarily made greater for those least able to pay.

I hope the President of the United States will give us the benefit of his leadership in this field. It is true, from a technical point of view, that the members of the Federal Reserve Board are responsive to Congress. The Board reports to Congress; they do not report to the President. However, as a practical matter, Congress is not able to ride herd on the Federal Reserve Board without the leadership of the President. He appoints the members of the Board. The Secretary of the Treasury is in constant touch with the Board.

Even though I am chairman of the Senate Finance Committee, I have enough knowledge of public life and politics to know that neither the Senator from Louisiana nor any other Member of Congress can reverse the trend, such as having standby controls instead of a program which is proving to be so punitive to so many working people, the rank and file who are compelled, in the last analysis, to bear the burden of high interest rates.

I hope one of these days the President of the United States will see fit to give us the benefit of his leadership and reverse the trend that has taken place since he became President of the United States. It seems to me that the President of the United States must accept responsibility, because he appoints the members of the Board. He knows as well as anybody that individual Senators or Representatives cannot reverse the policy if the administration does not want it to happen.

Representative WRIGHT PATMAN, chairman of the House Banking and Currency Committee, is a sincere man, almost to the point of being a zealot for the little people of the country. He is a Congressman from Texas and a great admirer of the President of the United States. His efforts have met with lack of success.

If the Democratic Party does not measure up and live up to the image it has created in the past, of looking after the interests of the rank and file people, of the little people, of the working people, that image is not going to last.

The **PRESIDING OFFICER**. The time of the Senator from Louisiana has expired.

Mr. **LONG** of Louisiana. Mr. President, I ask unanimous consent to have 1 additional minute.

The **PRESIDING OFFICER**. Without objection, it is so ordered.

Mr. **LONG** of Louisiana. The war on poverty is but a small drop in the bucket compared to the effect on the people that the high interest rates are having.

Mr. **GORE**. Mr. President, will the Senator yield?

Mr. **LONG** of Louisiana. I yield.

Mr. **GORE**. Since I gave the low yields on Government bonds on an annual basis during each of several administrations, I think it would be fair to cite the highest interest rates paid on direct Government obligations issued during each of the administrations.

The highest rate paid on a direct obligation during the administration of President Harding was on a certificate issued on March 15, 1921. The interest rate on the certificate was 5.75 percent. On August 16, 1921, a note was issued which also had an interest rate of 5.75 percent.

The highest rate under the Coolidge administration occurred on October 15, 1928, when a certificate was issued at 4.75 percent.

The highest under the Hoover administration was on a certificate, issued on June 15, 1929, at 5.125 percent.

The highest under the Roosevelt administration, was a certificate issued on March 15, 1933, soon after he came into office, bearing a rate of 4.25 percent.

The **PRESIDING OFFICER**. The time of the Senator has expired.

Mr. **LONG** of Louisiana. Mr. President, I ask unanimous consent for 3 additional minutes.

The **PRESIDING OFFICER**. Without objection, it is so ordered.

Mr. **GORE**. The highest under the Truman administration was on June 1, 1945, when a bond was issued at 2.50 percent.

The highest under President Eisenhower was on a note, issued on October 15, 1959, at 5 percent. On January 1, 1960, the Eisenhower administration issued some Treasury bills at an average interest rate of 5.099 percent.

The highest under President Kennedy's administration occurred on August 15, 1962, when a bond was issued bearing 4.25 percent.

Today, under the Johnson administration, the interest rate on an issue of certificates and an issue of notes is 5.25 percent, one full point higher than the highest rate paid during the Kennedy administration.

This trend, may I say to the Senator from Louisiana, is such a shocking trend that not only should the President give us his leadership to reverse it; we first need his leadership to stop it. We cannot do it without the President's leadership. That is why I have called today's interest rates, unhappily, Johnson high interest rates.

Mr. **LONG** of Louisiana. When President Hoover adopted various policies, including high interest rates, they led to a great depression. People called it the Hoover depression.

They did not excuse Hoover for a great number of omissions. They called it the Hoover depression. The high interest rate policy is causing people to pay 7, 8, or 9 percent for housing loans, if they can get the money when you take the discounts into consideration.

Mr. **GORE**. I hope my presentation of these interest rates does not present an unfair picture. I have undertaken to show what the interest rates were under several administrations. I have given the facts. I have done so, not with pleasure, but to show my concern for the American people and to call attention to the fact that we are headed for trouble unless the trend is reversed.

Mr. **LONG** of Louisiana. The kind of interest rates the people are being charged will lead to a depression—not a recession, but a depression.

The **PRESIDING OFFICER**. The time of the Senator from Louisiana has expired.

Mr. **LONG** of Louisiana. Mr. President, I ask unanimous consent to have 1 additional minute.

The **PRESIDING OFFICER**. Without objection, it is so ordered.

Mr. **GORE**. The overall effect is also leading toward a concentration of the Nation's wealth. Under the leadership of President Roosevelt, there was a trend toward deconcentration, toward a redistribution of the Nation's wealth. Through monetary policies, through economic policies, through political programs, this redistribution was accomplished to an admirable degree.

But under present policies, this trend toward redistribution through fair and equitable programs has been reversed, and we are experiencing a reconcentration of the Nation's wealth into the hands of a comparatively few.

Mr. **LONG** of Louisiana. Mr. President, I hope that those of us who speak on this subject may begin to bring about something of a change in these policies. I very much desire to work with the President, to cooperate with him, and to help him with his program. But, Mr. President, there is not a Member of the Senate who represents the President of the United States. We represent the people of our sovereign States; and we have a duty to speak out when we believe that programs of our U.S. Government are not in the public interest; and I must say, this is one which I believe fits that category.

Mr. TALMADGE. Mr. President, will the Senator yield?

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. TALMADGE. I ask unanimous consent that the distinguished Senator from Louisiana may have 2 additional minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LONG of Louisiana. I yield to the Senator from Georgia.

Mr. TALMADGE. I compliment our distinguished majority whip and the distinguished senior Senator from Tennessee for raising this question of interest rates. The rates are getting very much out of line, and have created an almost impossible burden upon many segments of the American economy. The building industry, particularly, is becoming almost completely stagnated; and that industry is one of America's largest employers.

It seems to me that the situation requires a number of remedial actions. First, I do not believe we can carry on a war in Vietnam that is costing about $2 billion a month, and continually expand welfare programs of all types in this country. Some of those programs, under ordinary conditions, may be highly desirable; but we cannot have our cake and eat it, too. We must put first things first.

Then, as has been repeatedly pointed out by some Senators, we have almost six divisions in Western Europe at the present time, and that, as one of the distinguished members of the Appropriations Committee says, is costing our country $2.3 billion a year—much of it being converted into a dollar deficit and a gold drain—while at the same time we are continuing to draft more of our American sons to send them to South Vietnam.

It seems to me that we should reduce our troop commitments in Europe very drastically, and call on those countries which have greater gold reserves than we to assume a greater responsibility and a greater share of the burden in defending themselves.

Those are two things which can be done immediately. Those things can be done, in my judgment, by executive decision; and then whatever is necessary in addition to that to bring some semblance of order into the high interest rates that are slowing down the economy of our country, and in my judgment will place hundreds of thousands of people out of jobs in the not too distant future, certainly should be done.

I compliment and commend my distinguished fellow Senators for raising their voices in this matter.

Mr. WILLIAMS of Delaware. Mr. President, interest rates are of concern, or at least should be of concern, to every American. But we should not overlook the fact that interest represents the cost of money, and when a commodity is in short supply, prices rise. It so happens that there is a greater demand for money than the existing supply.

One great contribution this Federal Government could make to reduce that excessive demand and thereby reduce interest rates, is in line with what the Senator from Georgia has just said; and that is, to stop trying to carry on all of the expansive Great Society spending programs and financing them with deficit spending.

The Kennedy-Johnson administration, in the last 5 years, has spent $30 billion more than it has taken in, and $1.5 billion of our interest burden today goes to pay the interest costs on the deficits created by the Kennedy-Johnson administration.

There is one difference between the high interest rates today and the records of high interest rates in previous administrations. In other administrations they at least let the small investors join in reaping the benefits of the higher interest. This administration is placing a ceiling of 4.15 percent on E-bonds. It now proposes a ceiling on certificates of deposit for the small depositors while leaving the lid off for the larger ones.

I do not know why an administration that is always talking about wishing to help the smaller people is trying to penalize them on this point. It is sheer hypocrisy. The best thing this administration could do in the way of finding a solution to relieve the cost of interest and this excessive demand for money, would be to stop advocating the expansion of every Great Society idea. Many of these programs may be meritorious if we had the money to pay for them, but they are certainly not meritorious when we are borrowing money at 5¼ percent interest rates to defray their costs.

The Government should set the example of fiscal responsibility.

RACE RIOTS IN CLEVELAND

Mr. LAUSCHE. Mr. President, I have here a letter dated July 24, from an Edward A. Spelic, 2848 Lorain Avenue, Cleveland, Ohio. The letter is a simple expression of what seems to be a humble citizen's view of problems confronting our metropolitan areas. I wish to read the letter:

> Hon. Senator FRANK LAUSCHE: I would like to know if you could recommend medals for bravery for all the police and firemen of the city of Cleveland, Ohio, because the police and firemen this last week have been through hell because of these Communist-led race riots. Also, if you are going to take up a collection for the President's daughter's wedding, how about a collection for the police and firemen who are trying to help save an American city called Cleveland, Ohio, from being destroyed?

This letter has great significance to me in the thought that it expresses. Throughout the country, all too frequently, at the end of every riot, the charge is made of police brutality.

It has been sought to lead public opinion into the belief that the culprits of the riots are innocent, and that the firemen and especially the police are the guilty ones.

On Tuesday, July 19, at a meeting in what is known as the J.F.K. Club, in the Hough Avenue area of Cleveland, a group was assembled. In that group was present an individual who was a friend of the Government.

The subject of discussion of the group was the development of ways and means to snipe at firemen trying to put out blazes, and at policemen maintaining law and order.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. LAUSCHE. I ask unanimous consent that I may have 3 additional minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LAUSCHE. While the meeting was in progress, policemen entered. With the policemen's entry, the gathering was dispersed. Hence it is not known what ultimately happened in the development of a design and plan for sniping at police and firemen. All we know is that while the firemen were facing the fire in the buildings, they were also facing the fire sent forth from the gun barrels of the rioters.

The time has come, Mr. President, when we had better stop denouncing police and firemen. At this point, I wish to take exception to what my colleague from Ohio stated about the Ohio National Guard. He stated that some of the members of the Ohio National Guard were trigger happy.

It is a tragedy that we had to bring them in. They were there in the face of danger. They performed valiant and proper service for the maintenance of law and order.

I thank Mr. Spelic for his letter. I cannot start a collection for the police or the firemen. I cannot secure awards for them for their courage and their adherence to duty.

I bow and express my gratitude as a citizen of Cleveland to the police, the firemen, and the National Guard, who brought order to Cleveland, after 96 buildings had been destroyed, some wholly and others partially, after violence had run rampant, and government had been defied.

I regret to say this, but, in my opinion, Cleveland, Rochester, and Brooklyn are clearly training grounds for the worst that is yet to come. There are drills, trials, and maneuvers. Unless we back our Government and demand that the full force of law be used, including the police, the firemen, the National Guard, and the morale of the people, there is no foretelling what the end will be.

Mr. President, I yield the floor.

Mr. YOUNG of Ohio. Mr. President, some years ago I was chief criminal prosecuting attorney of Cuyahoga County, Ohio.

I believed then and I believe now that punishment, like a shadow, should follow the commission of any offense against law and order in our country.

I am, of course, opposed to mob violence, whether it be in Mississippi, Alabama, Ohio, or any other place in our Nation. On Tuesday of this week, I spoke out at some length on the disorders in

Cleveland and on the frustrations, the helplessness, and hopelessness of those who live in what we term the Hough Avenue area of Cleveland. I mentioned their pent up frustrations which finally erupted in violence.

We in Cleveland have always been proud of our great city. It is a melting pot of all ethnic groups which have come here from the old country, seeking liberty and seeking to free themselves from oppression and to escape the hopeless situation they faced in the old country.

I stand by every statement I made on Tuesday in a rather lengthy speech which was referred to by the distinguished senior Senator from Ohio. I shall be happy to have any of my colleagues read that speech in its entirety, and not just take one sentence out of context:

In my opinion, the police of the city of Cleveland in some instances were guilty of acts of violence and of unnecessary brutality toward those who were violating the laws, burning buildings, rioting in our streets and also toward some innocent bystanders.

The junior Senator from Ohio, throughout his rather long life, has never liked people who push other people around. There were, in some instances, individual policemen who acted irresponsibly.

For instance, in Newsweek of August 1 is pictured a Negro woman seated in an automobile, riddled by police bullets. Caption of the lady with blood streaming from her face is "Hough: Police Bullets Riddled a Car and Wounded a Young Mother" Surely that is evidence of irresponsible action by police.

Mr. President, I stand by my statement of last Tuesday. We have a fine police department in Cleveland. We have a fine fire department. In my statement of last Tuesday I was careful to state it was a minority of policemen who did not conduct themselves as responsibly as they should under the circumstances. The great majority of the Cleveland police force is to be commended on its restraint during that difficult time.

Years ago I was a private in the Ohio National Guard. Those guardsmen called from their civilian vocations performed an unpleasant duty in a highly creditable manner. It is a fact as stated by me, and I reaffirm every statement I made last Tuesday, some of these guardsmen, most of them very young men, are unaccustomed to handling weapons in combat. A few appeared "trigger happy," as the saying is; and in a couple of instances their guns were fired accidentally. Fortunately, they injured no one.

For instance, the Cleveland Press reported an incident in which a National Guardsman fired several rounds from a machinegun at East 55th and Harlem Court when he thought he heard prowlers. Firing several rounds from a machinegun in a heavily populated neighborhood appears to me to have been the act of a trigger-happy guardsman.

I do assert that there was no nationwide conspiracy or Communist conspiracy, so-called, involved. While there may have been organized bands of hoodlums who took advantage of the riots to pillage and loot; while there may have been extremist groups who grasped the opportunity to exploit the violence for their own selfish ends; I am convinced that the riots themselves did not begin as a result of any conspiracy or organized plan. To state the riots were Communist, or otherwise, inspired appears to me to be a lame excuse to salve the consciences of those who do not want to, or refuse to, face the conditions that precipitated this disaster and similar ones in other great cities of our Nation—rat-infested slums, unemployment, poverty, hopelessness, frustration, and despair.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. YOUNG of Ohio. Mr. President, I ask unanimous consent that I may be permitted to speak for an additional 3 minutes on another matter.

The PRESIDING OFFICER. Without objection, it is so ordered.

PRIME MINISTER KY

Mr. YOUNG of Ohio. Mr. President, Prime Minister Ky, of the Saigon regime, has been in power since June 1965, when 10 generals conspired and overthrew the civilian government of South Vietnam.

I realize that at the Honolulu Conference, earlier this year, our President embraced him and made a sort of sweet-smelling geranium of him. Evidently power has gone to the head of this flamboyant so-called air marshal.

Shortly after the 10 generals made him Prime Minister, in an interview by an American reporter he was asked:

> Who are your heroes, Marshal Ky?

His answer was:

> I have only one—Hitler. I admire Hitler because he pulled his country together when it was in a terrible state in the early thirties. The situation here in South Vietnam is so desperate that one man would not be enough. We need four or five Hitlers in Vietnam.

When his fellow countrymen were fighting for liberation against the French colonial oppressors from 1946 to September 1954, where was Ky? Not only was Ky one of the tories in the war for liberation in Vietnam at that time, as he was being trained in the French Air Force, but the startling fact is that 9 of the 10 generals who overthrew the civilian regime at Saigon served with the French, fighting against the forces of the National Liberation Front, or Vietminh.

We Americans have regarded ourselves as the most revolutionary people in the world. We revere those patriots who won the Revolutionary War against England. We have always held low opinions of the American tories of that time who opposed those Americans who fought for the liberation of our country from colonial oppressors. However, we seem to be adhering at the present time to the tories in Vietnam.

Unfortunately at present time our Nation in the estimation of heads of state of most Asiatic countries has become the neocolonial oppressor. We are carrying on with our military might where the French left off. The United States has long been regarded as the most revolutionary nation in the world. We Americans revere the memory of those patriots who won the war for independence and then demanded that the first Congress write into our Constitution the first 10 amendments which we affectionately term our Bill of Rights. In our Revolutionary War the tories fought against the patriots.

We have alined ourselves directly with the tories of Vietnam in the civil war that is raging there. It is my hope that our President would disassociate himself from his involvement with Prime Minister Ky. Ever since the Honolulu conference earlier this year where the Commander in Chief of our Armed Forces embraced this egotistical Prime Minister he has been too big for his britches.

Last October I interviewed him personally and I have followed his operations as best I can. Now this man, who himself was born in Hanoi and presently holds a position of power in Saigon which was usurped by the general's coup, apparently wants to go home. He has even had the effrontery to state that war between the United States and Red China is inevitable within 5 or 10 years. Why wait, he says. Talking as a native of what is termed North Vietnam he said ultimately the people of the North would overthrow the Communist regime there. Then he posed the question:

> Does the free world have the patience to aid and build South Vietnam for the necessary period of waiting? If not, we must destroy the Communists in their lair—

He said. Then he said that he did not believe that the Chinese Communists would intervene directly in the Vietnamese war at this time. He said, however, it was certain they would intervene directly in Vietnam or elsewhere in Asia in 5 or 10 years unless they were stopped.

Very definitely Ky should be removed as Prime Minister of South Vietnam. We Americans should repudiate his statement that the U.S. Government should join in an allied invasion of North Vietnam and an armed conflict now with Communist China. Administration officials and Secretary of State Rusk should immediately dissociate our Government from the irresponsible statements made by our South Vietnam puppet Ky. If he wants so badly to return to Hanoi, let him do it on his own two feet and not by reason of the untimely death of thousands of killed and wounded young American fighting men presently involved in a miserable civil war in Vietnam, a far-off country which is of no strategic importance whatever to the defense of the United States.

FORTUNE MAGAZINE WARNS THAT ECONOMY IS SLOWING DOWN

Mr. PROXMIRE. Mr. President, our economy is slowing down. Despite a lingering tendency for prices to creep upward, the overall pace of economic activity is slowing dramatically.

Instead of being worried about whether to impose a restraint in the form of a tax increase, as so many were this spring, we ought to be making sure we do not sit on our hands as we head into a recession.

In recent statements, I have cataloged in detail the movement of several economic indicators showing clearly that the steam is going out of the boom. Consumer demand has fallen. The Index of Industrial Production and the gross national product have been increasing at far slower rates. Housing starts have plunged sharply.

An excellent, thorough review of the current economic situation has just been published in the August issue of Fortune magazine. It begins:

> The change in the pace of economic expansion is now unmistakable. Most people welcome it as a relief from inflationary pressure. Many of the readjustments looming up, however, look to be more painful than has been generally recognized. Each month's new business statistics are revealing further deterioration in the prospects for underlying demand in the domestic economy. The figures begin to suggest a change in direction, not just a change in pace.

Mr. President, we cannot afford "a change of direction" in the economy. A small change in pace, yes. But not a change of direction. We must continue to examine this situation closely and make certain that we do not slip into a recession in a misguided effort to restrain prices by drastically slowing down the economy.

Economist Sanford S. Parker, who prepared the Fortune roundup, discusses succinctly the influences he believes point to an increasing economic slowdown. He goes on to warn, however, that the slowdown may not bring prices down.

Food prices and some others seem certain to fall, he notes, but adds:

> The main uncertainties in the price outlook are not so much economic as they are political, in the sense that they hinge on the broad politics of labor negotiations. The big question is whether or not unions will demand and win large wage increases to make up for inroads that rising living costs have already made in family budgets.

In short, Parker is suggesting that prices may continue to move upward regardless of the general level of economic activity. I agree that this is a very strong possibility.

The point I wish to make is this: Even if prices do continue to rise, it must not become a reason for adding further restraints on an economy growing at a progressively slower pace.

It is time—past time really—that we begin serious consideration of easing the monetary restraints that have been a large factor in causing the dramatic drop in real growth of the economy. The restraints, however necessary they may have been, have resulted in severe strains in our money markets and have been directly responsible for the near-recession conditions that now prevail in the housing industry.

Mr. President, I ask unanimous consent to have printed in the RECORD the Fortune roundup so that its examination of economic trends will be available to each Member of Congress. It is serious reading that should be carefully weighed.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

A CHANGE IN DIRECTION—SIGNS OF DETERIORATION—THE MONEY PINCH BEGINS TO HURT—A BIG "IF" IN THE PRICE OUTLOOK—THE COMING LETDOWN IN INVENTORY BUYING

(By Chief Economist Sanford S. Parker, Associate Economist Morris Cohen, Staff Economists Radivoj Ristic, Vivian Howard)

The change in the pace of economic expansion is now unmistakable. Most people welcome it as a relief from inflationary pressure. Many of the readjustments looming up, however, look to be more painful than has been generally recognized. Each month's new business statistics are revealing further deterioration in the prospects for underlying demand in the domestic economy. The figures begin to suggest a change in direction, not just a change in pace.

Read G.N.P. grew by only 0.6 percent last quarter, a third as fast as the quarterly advance in the previous year.

Inventory accumulation reached a rate of $13 billion in the spring, significantly higher than had been estimated last month, which means that the adjustment of inventory buying will have to be that much more drastic.

Consumer purchases of cars have continued to run below year-ago levels, and excess stocks will overhang autumn sales and assemblies of 1967 models.

Residential and commercial construction contracts and permits fell abruptly in May, as did new lending commitments for future projects. This marked the first effect of the credit squeeze on construction activity.

The money markets were turbulent last month, preoccupied not only with the rise of interest rates but also with their alignment. The larger question for the economy today, however, is what effect the rise of interest rates to date will have on activity in the future. Costs of raising new money for business have risen in eight months by almost 1 percent at long term, on mortgages and new bonds, and by even more at short term, on new bank loans, commercial paper, etc. And perhaps a fourth of this rise occurred between mid-May and mid-July.

In reckoning the effects of the rise of interest rates up to June, Roundup last month forecast a gradual $2-billion decline in home building by next spring. This estimate, consistent with econometric models made by the Brookings Institution, implies a 10-percent decline in housing starts from the rate of nearly 1,500,000 that prevailed in 1965 and early this year. But in May, as it turns out, housing permits plunged, in effect, down to the level projected for *next* May, and housing starts, on which statistics are erratic, fell well below that.

Last month funds were still flowing out of the savings-and-loan associations, the main mortgage lenders, and clearly housing will run below the former projections the rest of this year. It might yet conform to them in 1967 *if* the current shortage of mortgage money is relieved (e.g., by a realignment of interest rates and savings). Yet the decline in housing might become larger if in fact it stems from a resistance by home builders and home buyers to the rising interest rates on mortgages, which are now at their highest since the 1920's.

A TOUCH OF PESSIMISM

Money costs ordinarily influence capital investment more belatedly than housing. In its forecast, Roundup figured that because of dearer money, capital spending would run some $3 billion lower by the end of 1967 than it otherwise might. Yet already in May the rate of new contracts for commercial construction projects dropped by $2 billion, and this area involves only a tenth, albeit a sensitive one, of the whole volume of capital investment.

There are no bargains in money today. The costs of all kinds of borrowed funds are at the highest levels in forty years. To meet the demand for loans, banks have still been borrowing reserves from the Federal Reserve at a discount of 4.5 percent, but paying an unusual percent more than that for the "federal funds" they borrow from other banks. Rates on commercial paper and other short-term business borrowings have kept pace. At long term, corporate borrowers are paying a percent more than a year ago, as are home buyers, when they can get the money; high commercial-bank interest rates on savings are drawing funds away from savings-and-loan institutions. Meanwhile the Treasury's (and municipalities') borrowing costs have also kept climbing, though by somewhat less, of course.

The news about construction, inventories, and money should call for some downward revision of the business forecasts that were made in late spring. Like most forecasters, executives reporting to Fortune's quarterly inventory survey had already pared their earlier projections a little. On average, they looked for an increase of only 3 to 4 percent over the next year in the FRB Index of Industrial Production. This was also the average prediction of the more than fifty economists regularly surveyed by J. A. Livingston of the Philadelphia *Bulletin*. But fully a third of these economists expected the FRB index to wind up 1967 a little below its peak of last spring, and in light of the month's news, a recanvass might now show that the proportion of "pessimists" has grown. Some of these pessimists thought output would go up before it came down; others thought it would go up after it first came down; and some foresaw—as Roundup last month forecast—a small dip in coming months, followed by a plateau.

The FRB index stood near 156 in June, up by 1.5 percent during the spring quarter, which was still a rapid rate of advance, though not half as fast as during the previous six months. Month by month into the autumn, the index will go up or down fractionally, depending on how fast inventory buying comes down in response to the leveling of sales and the softening of industrial markets.

During the spring Fortune's index of industrial pressure declined a bit for the first time since late 1963, as supplies available from new industrial capacity and inventories went up faster than demand (as represented by factory sales or output). This easing of the pressure index, already reflected in reports of purchasing agents, will gradually become more pronounced in coming months, and by year-end the pressure index will be down 3 to 4 percent, to the lowest levels since 1964. Pressure will ease whether or not inventory buying falls in the meanwhile, and the easing of pressure itself dictates that such buying will inexorably decline, later if not sooner. When stockpiling does drop, the FRB index will be down a bit from its spring highs.

The multibillion variables of inventories and the credit squeeze will dominate the near-term outlook. By comparison, the continual reshaping of defense plans counts as a minor variable. The Pentagon recently increased summer draft calls and thus may still be building up the strength of the armed forces, which have already reached the levels earlier authorized for the end of fiscal 1967. Yet this will add only slightly to the projected growth of arms spending.

Last month Secretary McNamara announced a cutback of $1 billion in the planned rate for future procurement of air munitions. One reason, he said, is that output of bombs, rockets, etc., has built up faster than expected. This is true, too, of total arms procurement, which is running ahead of budget levels. Indeed, the rise of arms output slowed in the spring from the hectic pace it held through the winter. Output will continue to advance, of course, and so will the rate of total arms spending, which in real terms has gone up about $5 billion in the past year and should increase almost as much in the next. The rise can hardly depart much from this range as long as the U.S. sticks to the policy of a steady and sustained buildup of strength in Vietnam. Only a major change in policy could alter the setting in which new forces are beginning to assert themselves in the domestic economy.

PRICES: A WAGE QUESTION

The balance of economic forces at work could limit the upward movement of prices, which is now clearly inflationary. Price indexes have risen more in the past year than for nearly a decade; in the first half of 1966 consumer, industrial, and G.N.P. prices went up at an annual rate of between 3 and 4 percent. Recently, however, food prices have begun to turn down and industrial pressures have begun to diminish. Given some good luck with productivity gains, it is possible that the price bubble could break within the next year. The main uncertainties in the price outlook are not so much economic as they are political, in the sense that they hinge on the broad politics of labor negotiations. The big question is whether or not unions will demand and win large wage increases to make up for inroads that rising living costs have already made in family budgets.

Retail food prices advanced for five quarters (seasonally adjusted) through last spring, 7 percent in all, but the big rise in fact ended last March, and wholesale food prices have been declining for several months. Meat prices, which rose by a dramatic one-fourth at wholesale, have come down appreciably, and the supply prospects are favorable. The spring pig crop, just coming to market, was up 10 percent from 1965, and the fall crop should be up even more; so hog prices should come down faster later this year. Poultry prices should also be falling sharply then. Beef did not run up as much as pork and so it is coming down more moderately. To be sure, wheat prices are climbing, dairy prices are surprisingly strong, and food distribution, of course, continues to cost ever more. But all in all, retail food prices should ease a percent or so between now and autumn.

Prices of services, which have risen the most next to foods, are still going up around 4 per cent a year. One reason has been that the rise in medical-care costs has doubled to a 6 percent rate, partly in anticipation of the introduction of medicare, whose actual operation may push costs up even further. A tight-labor market continues to be an underlying factor in service industries, which will be particularly affected if Congress passes the minimum-wage bill.

Prices of clothing and foot wear have also been rising at a 4 percent rate, in part owing to heavy military demands, and other softgoods prices have accelerated by nearly as rapid a rate. Consumer durables, however, have held close to the levels of last year-end. From here on, these products should rise at a slower rate, so that taking everything into consideration the rise in living costs could taper off from a rate of 4 percent in the first six months of 1966 to around half as much from now on.

In industrial prices, capacity utilization is the hopeful factor. Utilization rose some 3 percent a year for three years, then jumped in the first half of this year. Meanwhile since industry was putting higher cost plants to work, industrial prices rose a little—less than a percent a year on average. Utilization should now decline at least as fast as it rose, because manufacturing capacity is growing 7 percent a year while output—at full employment—can do no better than 4 percent. If, as Roundup expects, industrial output levels out or dips, prices should tend to fall a couple of percent—other things being equal, i.e., assuming no change in unit labor costs. These costs actually eased a little from 1962 to 1965, but in the first half of 1966 they advanced as much as the 2 percent by which industrial prices rose in that time. Almost half of this rise in labor costs stemmed from a nonrecurring factor: the increase in employers' payroll taxes for social security, effective last January 1.

RIDING THE ESCALATOR

Productivity has been and may continue to be the key to labor costs. In manufacturing it rose by well over 4 percent in 1963 and 1964, more than offsetting wage increases, but the gain slowed to 3.3 percent in 1965—the same as the last ten years' average—and so far in 1966 the gain is running at about that rate. Over the next year and more, industry should be able to improve productivity performance by gradually concentrating on the use of efficient plant and workers. But in the short term, productivity could continue to lag; many companies say they incur heavy added expenses on new plants until they are operating normally.

Thus labor costs may continue to increase for some months, even though nothing spectacular is happening yet to wages. Average hourly earnings in manufacturing have risen 3.4 percent in the past year, in part because there has been an increase in overtime payments. Overtime, however, is already diminishing, and in the coming year earnings could shrink a percent or so on this account. Wage increases scheduled under previous years' contracts averaged only 3 percent for 1966. Far fewer workers than formerly are covered by cost-of-living escalator clauses, but among those who are covered are the auto workers, whose wages are up 5 percent over a year ago. In that time the consumer price index used in their contracts has risen 2.7 percent, about twice the average of recent years.

Collective-bargaining agreements negotiated in the first three months of 1966 provided average wage increases of 3.7 percent a year over the life of the contract, up from the 3.3 percent averaged in negotiations last year. The only important contracts coming up for settlement the rest of this year are at G.E. and Westinghouse. But in 1967 more than twice as many workers as this year will be affected by new agreements. High profits and diminishing overtime may stiffen labor's stance in coming months. And both the attitude of the unions and actual wage costs will be influenced by the pending minimum-wage legislation. This would raise the standard minimum wage from the present $1.25 to $1.40 next February and $1.60 two years later, and would extend coverage to millions of new workers, at $1 next February and $1.60 in 1971.

Incredibly, there are no official estimates of how many workers will get how much of a pay increase from all this. But it could be that as many as five million will start a rapid climb up the wage ladder. That might directly add up to half a percent a year to the rise of business' total wage bill, and indirectly it could add even more, as workers above the minimums press their unions to get them pay raises of a similar kind. Thus it could happen that inflation would get a new push from the cost side in 1967, just as the pressures from the demand side were subsiding.

INVENTORIES AT THE TURNING POINT

The inventory phase of the long business upsurge has come to a turning point. It has reached a stage of excess, in the size of present stocks as well as in the rate that they are growing. One kind of business after another will be coping with the consequences in coming months, reducing inventory-buying rates before or inevitably after stocks become surplus. The drop in inventory demand will prove an independent and powerful factor in the economy.

A slowdown in the rise of sales has caught many optimistic executives by surprise, as Roundup warned three months ago that it might, leaving them with unexpected excesses of stocks. Business had been accumulating inventory at a rapid annual rate of $8 billion or more in order to keep stock in pace with rapidly rising sales, which advanced 3 percent in the first quarter of 1966 alone. Anticipating further sales gains, business had increased its orders again for the spring, but then sales eased. The Commerce Department is now estimating that inventory accumulation reached a $12-billion rate in the second quarter. In fact, the data on sales and output suggest that the rate reached fully $13 billion.

This $13 billion amounts, on an annual rate basis, to a 10 percent increase in business' total stocks, the highest—except for the abnormal first quarter of 1960—since the even wilder gyration in the early quarters of the Korean war. The increased buildup was by no means confined to the usually volatile auto and steel industries. In all other sectors, stocks have been growing at a rate of 9 percent a year for the past nine months. This couldn't last even in an economy growing at a "normal" 4 percent.

The spring stockpiling raised the ratio of inventories to final sales by more than 2.5 percent, leaving the ratio at the highest level in several years. In view of the long-term tendency for inventory turnover to improve by a half percent or so per annum with the use of computerized techniques, stocks now may be quite a bit too large.

Executives reporting to Fortune's quarterly inventory surveys have for the past year or two been saying that they expected to reduce their stock-sales ratios by 1 percent a year (though they were in fact never able to do so). Now they say they hope to pare off 2 percent by next spring, and their plans for further accumulation are more modest than in the recent past. But if business reduces its ratio 2 percent and if final sales grow only 2 percent in the next year, there would theoretically be no need for any inventory accumulation at all. In fact, $5 billion seems a likely average for the rate of buying in the second half of the year. Inventory plans of specific industries are beginning to portend a major and widespread letdown, but not an immediate collapse in accumulation.

TURNS IN CARS AND STEEL

Detroit is scheduling a record 700,000 assemblies for next month, in part because new models are being introduced earlier than usual. That could leave dealers, who say they have excess stocks now, with a bit *more* inventory, seasonally adjusted, than they had at midyear when they started cleaning up 1966 models. At that time they had 1,727,000 old models on hand, 350,000 more than a year earlier. Detroit has slashed its July–August assemblies, but with sales continuing lower than a year ago, dealers may be left with as many old models on hand at summer's end as they had a year ago, *plus* a good many more new ones—unless there is a sudden surge of demand for 1967 models. Stocks could be coming down in the autumn, say, at an adjusted rate of $1 billion or more, a dramatic reversal of last spring's $1.7-billion rate of accumulation.

Steel stocks came down last autumn after the labor settlement and ran off at a slower rate through the winter. As ingot production rose to a rate of some 140 million tons again this spring, total supply (including some 10 million of net imports) seemingly got back into reasonably close relation with expanding steel use. Steel mills built up their own stocks to cover rising shipments but that should stop soon. The inventory situation of steel users, as it is portrayed by various Census statistics, is murky, but users reporting to Fortune say they held supplies steady through the spring. They now expect to reduce their present sixty-day supply on hand to a fifty-seven-day supply by the end of the year, and then stay at that level, which would be only a little higher than the 1962–63 lows. This suggests a turn again toward a little liquidation, particularly if the easing in Detroit's use of steel should more than offset the rise in defense use.

HIGHFLYING AIRCRAFT

In durable industries, total inventories of all kinds have been growing at nearly a $5-billion or 12 percent rate. The auto makers and building-materials firms will soon stop stockpiling in order to adjust to the recent slowdown in their production and sales. This year's really huge buildups have been going on in aircraft, at a $1.25-billion or 25 percent annual rate, and in electric machinery at a $1-billion or 15 percent rate. Both reflect booming arms and capital-goods demands, which will gradually slow down.

In consumer durables lines, stocks in some cases must be getting overbuilt, for merchants and manufacturers of home goods, for example, have been adding to inventory at a rate of 15 percent or so this year, while their sales have recently leveled out. Clothing sales have also stopped rising, but inventories seem to have been growing at a 5 percent rate or less as have the stocks of other soft-goods merchants.

Inventories of nondurables manufacturers have been rising substantially for a good many months, but at a rate that varies for each product. Chemical producers have been accumulating this year at a $700-million or 14 percent rate, which raised their stock-sales ratio 3 percent higher than a year ago. Makers of paper and paper products have begun to accumulate inventory again, but before long they as well as the users of their products will have brought their stocks up to needs. Textiles and petroleum, after building up stocks last autumn and winter, were running them down in the spring—which leaves executives in those industries just where they want to be.

In short, as inventory buildup has been widely spread throughout business, so are the signs of a coming slowdown.

HOUSE AGRICULTURE COMMITTEE ORDERS CHILD NUTRITION BILL REPORTED

Mr. PROXMIRE. Mr. President, I am very happy to state that the House Agriculture Committee has ordered an amended version of H.R. 13361, the Child Nutrition Act, reported to the House floor. As I understand the situation, one section of this amended bill would extend the special milk program for schoolchildren on virtually the same basis as Senator ELLENDER's recently passed nutrition legislation while at the same time retaining the autonomy of the program.

I am very hopeful that the House will be able to act quickly on this legislation so that the uncertainty which overhangs the school milk program can be resolved. We all recognize the value of the program. Now is the time for action.

UNIVERSITY OF WISCONSIN HOSTS SEMINAR ON COMPUTERIZATION OF TRANSPORTATION RATES AND TARIFFS

Mr. PROXMIRE. Mr. President, one of the most complex areas of specialized knowledge in the country today can be found in the transportation industry. Every year a fantastic multitude of decisions are made as to the tariff structure of common carriers. The tariffs charged by trucklines, railroads, airlines, and water carriers for transporting goods and people between designated points must be scrupulously worked out with a due regard for competitive conditions as well as the needs of the public. These tariff schedules must then be filed with the various regulatory agencies here in Washington, who have the ultimate power of approval or disapproval.

Furthermore, thousands of shippers, large and small, must decide which of these multitude of tariff schedules best meet their needs. This means deciding between competing carriers and routes in the same mode of transportation as well as choosing among competing modes of transportation.

Next week a seminar will be held at the University of Wisconsin which should be of great interest to both the carriers and the shippers who have to make these decisions—decisions which, quite literally, could be the difference between success and failure of businesses small and large.

This is the "Second Executive Seminar on Computerization of Freight Rates, Tariffs and Transportation Pricing for Carriers, Shippers, and Agencies." The seminar chairman, Herbert O. Whitten, of Whitten & Associates here in Washington, feels that computerization may well be one important step in solving the many pricing problems of the carrier, the shipper, and the Federal agencies which must decide whether a given tariff schedule is within permissible guidelines.

The Management Institute of the University of Wisconsin is to be commended for presenting this seminar. I wish the many participants the best in attempting to coordinate their efforts to utilize to the fullest the computer revolution in the transportation industry.

NATIONAL GOVERNORS' CONFERENCE URGES INTERGOVERNMENTAL COORDINATION

Mr. JAVITS. Mr. President, I ask unanimous consent to have printed in the RECORD several resolutions agreed to at the recent Governors' conference held in Los Angeles.

I wish to note particularly the resolution which urges the Federal Government to require coordination and review at the State level of Federal programs in order that their impact be assessed and fully understood in relation to the total development of a State.

Although the Senate passed S. 561, which I cosponsored, a bill designed to improve cooperation and coordination among the various levels of government, the House of Representatives unfortunately has thus far failed to enact this legislation. I intend to examine our Federal programs to make sure that State coordination is given a high priority.

The final resolution of the Governors' conference calls attention to the fact that the farmers' share of the food dollar has diminished from 60 cents to under 40 cents in the last 25 years. I believe we must make certain that our rural citizens are encouraged to continue their work of producing food for our ever-increasing population, and for the entire world. Certainly one method of discouraging farmers is to allow their share in the national income to decrease.

There being no objection, the resolutions were ordered to be printed in the RECORD, as follows:

COORDINATION OF FEDERAL AID PROGRAMS

Whereas some states have centrally coordinated all federal programs within the office of the Governor or within a unit directly responsible to the Governor; and

Whereas such coordination places state government in an essential position in relation both to federal and local governments; and

Whereas it is necessary that the impact of federal programs be assessed and fully understood as related to the total development of a state, its regions and local governments;

Now, therefore, be it resolved by the National Governors' Conference:

1. That the federal government, in planning and through its enabling legislation with respect to state, regional and local government assistance programs, require coordination and review at the state level; and

2. That federal programs requiring the existence of regional, metropolitan or area-wide bodies, or planning processes, as a prerequisite for financial or other assistance also require coordination and review at the state level.

INTERGOVERNMENTAL COOPERATION ACT

Whereas the United States Senate has passed S. 561, a bill designed to improve cooperation and coordination of activities among the several levels of government; to improve the administration in the states of federal grants-in-aid; to provide for periodic Congressional review of grants-in-aid; to permit provision of reimbursable technical services to state and local governments; to establish coordinated intergovernmental policy and administration of grants and loans for urban development; and to provide for the acquisition, use and disposition of land within urban areas by federal agencies in conformity with local government programs; and

Whereas S. 561 enjoys the support of numerous regional and national organizations of state and local government officials;

Now, therefore, be it resolved that the National Governors' Conference declares its support of S. 561 and urges the United States House of Representatives to take early favorable action thereon.

AGRICULTURE

Whereas rural life in America is undergoing a major social and economic change which is bringing about a declining farm and small town population, thereby reducing their legislative representation; and

Whereas the farm economy is a vital part of the prosperity and progress of our Nation; and

Whereas agriculture is not sharing the full measure of prosperity enjoyed by other segments of the economy and is caught in a cost price squeeze, wherein the farmers' share of the food dollar has diminished from $0.60 to under $0.40 in the last 25 years; and

Whereas expanded research facilities are needed to maintain the necessary efficiency and productivity of agriculture;

Now, therefore, be it resolved by the National Governors' Conference that Congress and the administration, be urged to enact and implement such measures as may be required to make certain that agricultural income be adjusted to a level that American farmers are receiving their rightful share of the national income.

THE AIRLINES STRIKE

Mr. **MORSE**. Mr. President, there is a very serious crisis facing this Republic in the form of the airlines strike.

Yesterday the Secretary of Labor appeared before our committee and tried to sustain a fallacious position that a national emergency does not exist. In my judgment, the very evidence that the Secretary of Labor put into his statement rebuts his thesis. I think that there is no question that there is a national emergency facing this country; but, Mr. President, the administration now is moving into a very strange position in the argument of the Secretary of Labor that national health and safety are not involved.

Mr. President, yesterday morning I amended my resolution, although I think national health, safety, and defense are involved. I amended my resolution yesterday to apply the language of the Railway Labor Act which vests in the Congress the authority to proceed, as the Supreme Court has held on various occasions, to take necessary steps to regulate interstate commerce and protect the American people in such legislation.

In the case of Wilson against New, a 1917 case, which I pointed out this morning to the committee, the Supreme Court sustained the power of the Congress to arbitrate a case, because in its bill the Congress determined the hours and the wages that the railroad workers were to receive for 90 days. The case sustained the Congress in sending them back to work for the 90 days because of the vested public interest.

The **PRESIDING OFFICER**. The time of the Senator has expired.

Mr. **MORSE**. Mr. President, I ask unanimous consent that I may proceed for an additional 5 minutes.

The **PRESIDING OFFICER**. Without objection, it is so ordered.

Mr. **MORSE**. Congress not only has the power but—let me say, because of the point I am about to make—has the duty to protect the public interest. The major parties to this dispute are no longer the carriers and the union. The major party is the American public and the American public is entitled, without any delay, to have Congress take necessary steps in this regulated industry to see to it that the men go back to work, and are guaranteed, as my resolution guarantees them, a fair settlement of the dispute.

My resolution authorizes the President to appoint a special mediation board to serve, if necessary, for an additional 180 days. All that my resolution does in this matter is to extend the present 60-day period, that is authorized in the present act, to an additional 180 days and until the parties have the time, under the guidance of such a board, to reach a settlement. If after 150 days they have not reached a settlement, the Congress could take such further action.

In my judgment, the mere passage of the resolution will do much to end this strike and result in a fair settlement in not more than 30 days—possibly 10 days.

But, what has become of the issue?

The issue now is whether the union is going to be allowed, by the use of naked economic power, to force a settlement with the airlines which will not be in the public interest. It is the public interest more than the airlines interest that is important. The record is perfectly clear, even on the basis of the testimony yesterday of witnesses before the committee, that there is practically no hope of a settlement unless that settlement is one which goes far beyond reasonable inflationary control.

Therefore, as I have already said to the majority leader, it is of the utmost importance that the Senate be in session tomorrow.

I believe the leadership of the Senate has a clear duty to have the Senate in session tomorrow. If it becomes evident that the Committee on Labor and Public Welfare is using parliamentary procedures aimed at delaying consideration of my resolution, I propose to bring it to the floor of the Senate. So long as the committee proceeds to consider modifications of my amendment, offered in good faith and on its merits, I will completely cooperate with the committee, as I told it this morning, in consideration of those amendments. But we all know as Senators, because we have all been in the same position, the difference between having a matter considered on its merits and having it considered under a parliamentary tactic seeking to prevent its coming to the floor on its merits.

I say to my colleagues in the Senate, whether they agree or disagree with me on the procedure for the settlement of this case, we owe it to the American people to be available, and to stand up and vote, and vote before this weekend is over, on whether we want to adopt the proposal which I have suggested.

Mr. President, this situation is so serious that I hope the leadership will not create a bad image in the country tomorrow of not having the Senate in session in order to take legislative action on this matter.

Let me tell the Senate what is involved in regard to the great losses being suffered by our fellow Americans. They amount to millions of dollars. There are cities in this country which have no airline service at all. There are regions and sections of the country—and do not forget that the Railway Labor Act refers to sections of the country that are being denied essential transportation facilities—that is what the Supreme Court has referred to in its decisions—there are those sections of the country which are being denied adequate service. Congress cannot walk out on its responsibilities to those sections of the country because of a powerful union which obviously wants to get an inflationary wage settlement, with a long list of unions just waiting to proceed along a similar line.

There is American Airlines that had to have an Emergency Board appointed yesterday. There is also the telephone company, General Electric, Westinghouse, ground transportation, and so forth. They are waiting to see whether the union succeeds in cheapening the value of the American dollar by a breakthrough on the inflationary control ceiling.

In my judgment, we cannot permit this situation to continue when we can guarantee full protection to the workers of their legitimate rights which my resolution would provide, including retroactivity in regard to the money factors to January 1, 1966.

But, it is obvious from the testimony of the president of the International Machinists Union yesterday that so long as——

Mr. **LAUSCHE**. Mr. President, will the Senator from Oregon yield right there?

Mr. **MORSE**. Not just yet.

If the Government takes the position that the settlement must be within inflationary control, the president of the IAM sees little hope for a settlement. He told us that yesterday. That, in my judgment, is a clear warning to Congress and to the people of this country of what the union is going to insist upon.

Let me say to the Senator from Ohio, if he were a lawyer for the carriers, and they cannot get some relief from the loss of millions of dollars, which they are now suffering, would the Senator advise them not to fight an inflationary wage increase, and then go to the CAB——

Mr. **LAUSCHE**. Surely—surely.

Mr. **MORSE**. And ask for some increase in rates?

I yield to no one in this body in insisting on a fair wage settlement for the union, but that is not what they are asking for. They are asking for an inflationary settlement.

Therefore, Mr. President, I want the RECORD to show that I have already asked my majority leader to take note of the fact that the eyes of the country will be on the Senate as to whether we are in session tomorrow to act on behalf of the protection of the people of this country in what is obviously a national crisis.

THE WASHINGTON NATIONAL NOISE DROME

Mr. **LONG** of Louisiana. Mr. President, as a Member of Congress, I want to raise my voice in protest against the decision—which is against the national interest and particularly against the interests of the Capital of this Nation—made by the Federal Aviation Agency, to permit jets of the largest size to use the Washington National Airport.

This airport should be renamed the "Washington National Noise Drome." There is no airport in America, the airlines proudly brag, so near the heart of the city as the one in Washington.

Because the airport is so near to the heart of Washington, D.C., the airplanes that use it fly over at least 5 miles of heavily developed residential areas coming in and a greater distance going out. Anyone living near the line of flight hears a 15-second buildup of noise to a crescendo as the plane approaches and an equal period of diminishing noise after the plane passes. The noise is deafening, and the present plan is to permit the planes to take off 40 times per hour or every 90 seconds.

As one Senator who lives near the course so many of the planes take—I live in one of the best insulated buildings against sound in the Washington area—it is horribly irritating to hear these tremendous jets flying overhead. Horrifying noise can make slums out of property, just as much as slums can be made by obnoxious odors in an area, or unsightly objects.

It has been suggested on this question of noise that only the smaller jets be permitted to land. For a longe time jets were denied landing facilities at all, but now the airlines, with their financial power behind them, and their ability to make the Federal Aviation Agency bend to their will, with the support of a few commuting Congressmen, have succeeded in lifting the order so that now there are going to be 40 planes an hour—presumably the largest jets—making noise 8 to 10 times as much as a propeller driven airplane, zooming up and down the Potomac River area which was once a quiet and pastoral scene, with a beautiful view, and with the finest real estate values to be found in the whole area.

No one could get permission of the FAA to locate an airport in that area if one was not already there. As any area grows, its airport should be moved out. A better use of the property would be a plan to park automobiles, prohibiting automobile parking on the main streets. Philadelphia is doing something of that sort—so that we would not congest the downtown traffic arteries with so many parked cars. Taxicabs and public transportation facilities could be used to move people around the heart of town.

Now that action has been taken by the Federal Aviation Agency and we are asked to submit the heart of the Capital to the monstrous noise which will be made by additional airplanes, it is suggested that Bolling Air Force Base, across the river, be reopened for similar outrage to accommodate the largest jets that can be constructed. I would be curious to know if Midway Airport in Chicago is now to be put to similar use near the heart of Chicago.

Mr. President, it will be only a matter of time until some of these airplanes crash in the District. These enormous behemoths when they crash, will tear down rows of office buildings or rows of residential houses, as the case may be.

A number of them have crashed in the vicinity of Kennedy International Airport on Long Island.

We have a very fine airport in Dulles with the longest runways on the eastern seaboard. We have a very fine airport north of Washington, in Friendship. About the only thing that is really needed to make these airports close, in point of time, is simply to open the Interstate Highway System into the heart of town or build rapid transit conveyances between the city and the airports.

The FAA, I understand, will permit 40 flights per hour from National. It considers 44 flights the saturation point. It is going to yield to the public interest to the extent of lightening that load by decreasing the number of flights by four. I suppose the citizens living in the path of earth shattering noise every 90 seconds are supposed to say, "Thanks a lot, it could have been 10 percent worse." When the supersonic transport plane becomes available for use, which creates more noise than is made by a large gun being fired, is the FAA going to use the same procedures in allowing such planes to come into the heart of cities?

Mr. President, this is part of a bigger problem we are going to face. Noise can destroy real estate values.

An SST, crashing through the sound barrier across the Nation, will create noise as loud as a naval barrage. The SST should fly over the oceans, wherever possible, so that the noise wave will spare as many people as possible. Where land areas are overflown we should pay for the depressed values of properties of citizens as a result of the noise that such planes will make.

The alternative answer would be simply to condemn the whole United States to suffer from this kind of noise, and say that since everybody's property had suffered as a result of the noise produced by the SST, nobody would be reimbursed for the devaluation of their property.

Dulles Airport can stand many more flights, three times as many.

People who ride on planes are interested in the safety factor. Dulles Airport is empty most of the time. It has the longest runways on the Atlantic seaboard.

National Airport is one of the most dangerous airports on which the big jets land, but that does not stop people who want to grab an advantage in getting the cream of long-distance air flights by having planes come right into the heart of the city, in spite of the safety factors involved.

Mr. President, I ask unanimous consent that the editorial to which I have referred, entitled "Traffic at National," be printed in the RECORD at this point.

There being no objection, the editoral was ordered to be printed in the RECORD, as follows:

TRAFFIC AT NATIONAL

> The Federal Aviation Agency, batted back and forth like a shuttle-cock between the airlines and Midwest members of the congessional Tuesday to Thursday club, has issued a new order limiting flights at Washington National Airport.
>
> It provides no permanent solution either for National or for the air traffic pattern of this area. The new order will impose a limit of 40 operations an hour. This is four less than the volume desired by the airlines. And, of course, it abandons the 500 mile limit and permits several schedules in excess of 650 miles.
>
> The daily operations will be limited to 600. Without the limitations, according to FAA, the number would have risen to 760. Within the instrument limit of 60 an hour there can be 40 airlines operations, 16 general aviation operations and four air-taxi flights.
>
> If the airlines can agree on the allocation of the available operations—and they have not done so yet—the volume will exceed the amount of traffic that ought to be allowed in and out of National. This amount of business still will over-burden the facilities at the airport, oppress the residents of the community with an intolerable amount of noise and inconvenience, those who travel by air and those who do not, throughout the metropolitan area. The time will arrive when no city will tolerate the risks and hazards of increasing traffic over built-up urban areas. This city would not do so if it had self-government. Any elected government would promptly close National or limit its use to general aviation and move the airlines to Dulles International Airport.
>
> The new rule, no doubt, will move back to National a number of schedules that would go to Dulles under a 500 mile limitation. The finest airport in the world will continue to be only partially utilized. The convenience of Congressmen and airline operators has won out over the comfort, safety and convenience of citizens. Residents of the District are not totally without means of showing their own preference. They cannot vote, but they can "vote with their feet" by using the services available at Dulles International Airport and Friendship Airport. The last word has not yet been said on Washington National Airport. Sooner or later, the great volume of Washington traffic will be moved to an airport that is convenient, comfortable, commodious, and safe.

RECENT RIOTS IN CLEVELAND—NEGRO EDITOR BLAMES SOME MINISTERS

Mr. LAUSCHE. Mr. President, in the Cleveland Press of Tuesday, June 26, are two letters dealing with the Cleveland riot. They constitute a refreshing breeze coming out of that city which, about a week ago, was brought to ashes and ruins in many sections of the Hough area.

The two articles in the Cleveland Press quote statements made by leading Negroes. One is by William O. Walker, editor of Cleveland's Call & Post, a newspaper with a large circulation. Mr. Walker is director of industrial relations in the Rhodes cabinet in Columbus, Ohio.

Mr. Walker stated that the blame must be "placed upon individual white pastors and their association, the Emergency Clergy Committee for Civil Rights."

Mr. Walker stated:

> They misinterpret and misunderstand many aspects of the Negro life. I don't think they are the best missionaries in the Negro's fight to win civil rights.
>
> The white ministers did not intentionally incite the riots.
>
> But in trying to right the wrongs of 100 years overnight they set up the Negro population for that other element all over America that today is ready to take advantage of a bad situation.

The article states further:

> Walker said the common pattern of rioting in big cities suggests a central source, but he said the existence of such a source remains to be proved.

In Chicago yesterday I talked on this subject and, in substance, I said that the tactics adopted in Cleveland are in complete compliance with the tactics in other metropolitan riots throughout our country.

I want now to discuss for a moment the statement made by Leo Jackson, a councilman of the city of Cleveland. He is a Negro. He urged the declaration of martial law. He had great courage. The Negroes were rioting. He asked that martial law be declared and imposed, with all the severity incident to it.

I read from the headline of that article: "Leo Jackson Warns Council of Organized Negro Thugs."

He said that this riot "was organized by thugs to intimidate the people."

That is the statement of that Negro councilman.

The **PRESIDING OFFICER**. The time of the Senator has expired.

Mr. **LAUSCHE**. I ask unanimous consent to have 3 additional minutes.

The **PRESIDING OFFICER**. Without objection, it is so ordered.

Mr. **LAUSCHE**. He also said it was organized by—

> An element which looks with contempt on the man who holds two jobs to support his family; disrupts schools and takes over playgrounds; snatches purses of women rather than seeking employment; burglarizes homes and stands around street corners treating our women with utter disrespect.

Then he goes on to say the riots were not an attempt to get "Whitey." He stated:

> You don's get Whitey in a neighborhood where 99% of the people are Negro.

I remind Senators that 97 buildings occupied by Negroes—who are seeking quarters—were burned down.

Now, this is the highlight of his statement:

> Jackson said the thugs provoking and participating in the riot terrorized their neighbors.

He quotes what was said to him by one of the people living in the neighborhood.

He said:

> It is the same element that told me they'd burn me out of my home where I live peacefully with my wife and children.

Furthermore—and mark what I say now—this is a peaceful, law-abiding citizen in his home, who states:

> It is a painful experience to maintain a vigil for four nights with a shotgun across my knee.

Visualize a peaceful American family man, living within his home, a Negro, maintaining a vigil for 4 nights with a shotgun across his knee, feeling he would become a victim of the riot.

But what will happen? Condemnation will be made of the part played by the National Guard, the city government, and the police. I repeat that my colleague from Ohio, in the face of all this, said that the National Guard was trigger happy.

The National Guard did not fire a shot. They did not take a life. But they were there in the midst of fire, in danger; and yet there is now condemnation of the National Guard—an obvious encouragement to the thugs.

I commend William Walker, the editor, and Leo Jackson, the councilman, who are trying to follow a course that will serve the interests of the Negro people, maintain law and order, and preserve our democracy.

Mr. President, I ask unanimous consent that the articles from which I have quoted be printed in the RECORD at this point.

There being no objection, the articles were ordered to be printed in the RECORD, as follows:

[From the Cleveland Press, July 26, 1966]

NEGRO EDITOR BLAMES SOME MINISTERS

William O. Walker, editor of Cleveland's Call & Post, today placed upon individual white pastors and their association, the Emergency Clergy Committee for Civil Rights, some blame for the Hough riots.

He said "they misinterpret and misunderstand many aspects of Negro life. I don't think they are the best missionaries in the Negro's fight to win civil rights.

"The white ministers did not intentionally incite the riots," he said.

"But in trying to right the wrongs of 100 years overnight they set up the Negro population for that other element all over America that today is ready to take advantage of a bad situation.

"I am talking about the Rev. Charles Rawlings, executive director of the Metropolitan Affairs Committee of the Council of Churches; the Rev. David Zuverink, former pastor of the Glenville Presbyterian Church, and the Rev. Paul Younger, director of the Protestant Ministry to Poverty."

The other element to which Walker alluded, he said, is the "social theorists" both white and Negro. He identified them as social workers.

"They are social workers, particularly in the field of relief, who want to enhance their own positions and get raises for themselves.

"The recent march on Columbus, for instance, was promoted more by professional social workers than by relief clients."

Walker said the common pattern of rioting in big cities suggests a central source, but he said the existence of such a source remains to be proved.

Walker also predicted a short future for the term "Black Power." Already, he said, it has been given so many different interpretations that it is becoming a "babble" and it soon will cease to exist.

"Power, like God, knows no color," Walker said. "It is the instrument intelligent people use to make progress."

Walker is in New Orleans, where, as director of Ohio's industrial relations, he is attending the convention of the International Association of Government Labor Officials. He made his statements in an interview.

None of the ministers named by Walker was available immediately for comment.

[From the Cleveland Press, July 26, 1966]

LEO JACKSON WARNS COUNCIL OF ORGANIZED NEGRO THUGS

(By Norman Mlachak)

Thugs and hoodlums are engaged in an organized and systematic adventure to overthrow traditional leadership in Greater Cleveland's Negro neighborhoods.

Their attempts to intimidate residents and undermine leaders led to five nights of rioting which rocked the Hough area last week, according to Leo A. Jackson, Negro councilman in the Glenville area.

"This was not a peaceful civil rights action," Jackson said in an impassioned address in Council last night.

"This was organized by thugs to intimidate the people."

Lashing away at the organizers and perpetrators of the riot, Jackson described them as "an element which looks with contempt on the man who holds two jobs to support his family; disrupts schools and takes over playgrounds; snatches purses of women rather than seeking employment; burglarizes homes and stands around street corners treating our women with utter disrespect."

The riots, Jackson said, were not an attempt to get "Whitey."

"You don't get Whitey in a neighborhood where 99% of the people are Negro."

Jackson said the thugs provoking and participating in the riot terrorized his neighbors.

"It is the same element that told me they'd burn me out of my home where I live peacefully with my wife and children.

"It is a painful experience to maintain a vigil for four nights with a shotgun across my knee."

"You can build all the recreation areas you want and you won't get this element in them. It doesn't want respect and order."

Jackson called on Council and the community to repudiate the rioters. He appealed to police to enforce the law strictly and rigidly.

"We're going to maintain law and order in the Glenville Area.

"Give us the protection so I won't have to sit night after night with a shotgun on my knees."

Ward 20 Councilman M. Morris Jackson told Council that he could not justify the loss in lives, property and security caused by the riots.

"But it did not come without warning," he said attributing its causes to broken promises on urban renewal; inadequate housing and recreation facilities; insufficient city services and lack of an integrated police force.

"These were the seeds of discontent that exploded last Monday night. Where do we go from here?"

Mayor Locher called the riot the work of "thugs, hoodlums, arsonists and snipers" and said he would not yield to them because to do so would be to make a concession to lawlessness.

"It is a responsibility of all of us to provide remedies and solutions to problems that affect urban areas," he said.

"But there must be a recognition that this must begin with the individual and the individual family.

"All the government largess and its millions of dollars won't cure this if it doesn't begin with the individual."

Four employment projects were underway, he said, when the rioting began. "The city itself said to those between the ages of 21 and 25 years old: If you want a job come and get it."

DRUG PRICES IN ARGENTINA

Mr. SCOTT. Mr. President, on June 22 of last year I introduced in the CONGRESSIONAL RECORD an article from the New York Journal of Commerce indicating that Decree No. 3042 of the Argentine Ministry of Health might cause the bankruptcy and collapse of that nation's pharmaceutical industry. The various companies in Argentina were asked to take certain steps to comply with the decree. This they have done. The Ministry of Health, with very few exceptions has not fulfilled its agreement and permitted a readjustment of prices by the companies which are being injured by this decree. I am hopeful that the new government in Buenos Aires will show its good faith by correcting the situation described in the article which I will insert in the RECORD following these remarks.

I ask unanimous consent to insert in the RECORD an article which appeared on March 17, 1966, in Confirmado, a publication in Buenos Aires.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From Confirmado, Buenos Aires, Mar. 17, 1966]

MEDICINES AND THE WHIMS OF THE PUBLIC HEALTH MINISTER

The estimated dangerous consequences for the Argentine drug industry from Decree 3042/65 are beginning to be felt: last week two laboratories had to merge, and a third one was sold to a U.S. company in order to survive. For the rest of the pharmaceutical industry the outlook is no brighter; merger is not always possible and selling to a foreign group is feasible only when a buyer is available. The alternative for a high percentage of Argentine Laboratories seems to be—if circumstances do not change—bankruptcy.

Both CAEME (Argentine Chamber of Medicinal Specialties) and CILFA (Industrial Center of Argentine Pharmaceutical Laboratories), representing the entire industry are in agreement on the attitude of the Minister of Public Health, Arturo Õnativia, i.e. that he does not appear to be attempting to solve the problem. "The Õnativia whim" as his intransigent position has become known does not correspond to the statements he has made. On November 2, 1965, Õnativia had a meeting—it was to be the last one—with the representatives of CAEME. At that time it was concluded: a) the period of price control established by Decree 3042 has lapsed; b) from that date, the Ministry would take into consideration any increase in manufacturing costs and would allow it to be reflected in the selling prices; c) submission of the complicated accounting forms prescribed by the Decree would no longer be required.

Ten days later, Õnativia met with the representatives of CILFA, and re-iterated the same conclusions arrived at with CAEME. However, four months later, none of these promises had been fulfilled, and laboratories continue to sell at the same prices, frozen since October 31, 1963. In reference to the submission of forms, there are no substantial changes; on the contrary, if in a few cases some slight price increases were allowed, many laboratories have been forced to introduce reductions even below the frozen prices.

Paradoxically, the public of Buenos Aires is at present paying 20% more than before the Decree for many medicines; this being the result of the elimination of the discounts which the pharmacies previously were granting on their own initiative.

Hector M. Blanco, vice president of CAEME, recognizes that Õnativia is justified to a certain extent in trying to derive political benefits from the pricing of pharmaceuticals. But he firmly believes that the Minister "could obtain better results in that direction if he were honest and frank in the matter." Õnativia's present policy, if pursued further, will cause the disappearance of the national drug industry, and will leave him facing the foreign *pool* on which he will not be able to impose indefinitely price ceilings.

Because of this politically-inspired price control, the industry has eliminated its allocations for research work. The launching of new products has also been curtailed, thus denying the public the benefits of new medicines.

There are some cracks, however, in Õnativia's rigidity. Not long ago, the Minister ordered a foreign-financed laboratory to introduce three drugs received from the U.S.A. and recognized as effective on certain types of tumors. This constituted a clear violation of Decree 3042, since the laboratory did not have to submit the manufacturing cost forms. Even though a sector of the public benefited from the imported drug, the preferential treatment was detrimental to other laboratories capable of launching new products for the good of public health.

ACCOMPLISHMENTS OF YANKEE ATOMIC ELECTRIC GROUP

Mr. PASTORE. Mr. President, I would like to call attention to the phenomenal progress in civilian nuclear power being made by one of our New England electric utility groups. I refer to the pioneering achievements of the Yankee Atomic Electric Co. in constructing and operating the Yankee atomic electric plant at Rowe, Mass. This plant on June 30 completed 5 years of commercial power operation.

From time to time I and other members of the Joint Committee on Atomic Energy have informed this body of the progress being made in the application of nuclear energy to the generation of electric power. Current estimates predict over 100 million kilowatts of installed nuclear capacity in this country by the year 1980. We are in the midst of a revolutionary change in the field of central station power. A few statistics illustrate this clearly. Two years ago less than one-half percent of the central station power in this country was nuclear. The big move to nuclear power started in 1965 when 6,500,000 kilowatts of nuclear capacity—or 25 percent of all power plants ordered were nuclear. Thus far in 1966 plans for buying over 12 million kilowatts of nuclear power generating capacity have been announced—or over 50 percent of all central station capacity ordered.

I trust that in the future when most of our electric power in this country will be generated through the use of atomic energy that we will all look back with pride to the pioneering efforts to which I am calling attention today.

The Atomic Energy Commission through its reactor development program built and operated the Shippingport pressurized-water reactor from which basic data were derived for the detailed design of the Yankee plant. The Yankee plant is the first pressurized-water reactor constructed and operated by industry. Since its initial operation a considerable number of commercial pressurized-water reactor plants have been committed and are expected to contribute heavily to the nuclear portion of our Nation's electric power capacity during the next several decades.

There is a very important aspect of the accomplishment at Yankee which I have not yet mentioned. Financing of this plant was based upon estimates made in July of 1958. It has been found however through actual operating experience that the plant was capable of almost one-third higher power rating than had been estimated and that the expenses were about one-fourth to one-fifth less than initially estimated. These figures are presented in detail in a memorandum dated July 11, 1966, and issued by Mr. William Webster, president of Yankee Atomic Electric Co. Without objection I would like to submit a copy of that memorandum for the RECORD.

There being no objection, the memorandum was ordered to be printed in the RECORD, as follows:

YANKEE ATOMIC ELECTRIC CO.,
Boston, Mass.

To Yankee Directors:

On June 30 Yankee completed five years of commercial power operation. Over this period we have been very fortunate to avoid major hard luck, to exceed our output estimates, and to be on the low side of cost figures. Our average power cost for these first five years was 9.8 mills/KWH*—this is less than two-thirds the July 1958 estimate of 15.3 mills/KWH.

This result is due partly to the original low construction capital cost, partly to the attaining of a higher capability and more hours output than projected, and partly to a net saving in many assorted items of operating expense. These favorable developments stem mainly from the capable and dedicated efforts of a very fine group of individuals. This letter is written to call to your attention and to record the accomplishments of our splendid "Yankee Team".

Here is a comparison of actual figures with the July 10, 1958 estimates that were used as a basis for Yankee financing. These figures cover the first five years of commercial operation (July 1961 through June 1966).

	1958 estimates	Actual performance	Change (percent)
Net kilowatt	134,000	175,000	+31
Gross kilowatt	142,000	185,000	+30
Hours critical	31,000	35,835	+15
Net kilowatt-hour (millions)	3,970	4,953	+25
Expenses (including fuel and taxes)	$37,200,000	$29,300,000	−21
Depreciation	13,500,000	9,900,000	−27
Interest and return	12,600,000	9,500,000	−25
Total	63,300,000	48,700,000	−23
Power cost, mills per kilowatt-hour	15.3	[1] 9.8	−36

[1] Note that the power costs shown above are based on 20-year straight-line depreciation and normalized Federal income taxes. With 30-year depreciation and flow-through, as used by most of our companies, the 5-year average power cost would have been 8.4 mills instead of 9.8.

WILLIAM WEBSTER,
President.

JULY 11, 1966.

Mr. PASTORE. Mr. President, because of my special interest in atomic energy and because I feel that atomic energy can make an important contribution to the peaceful activities of this Nation and of the world, it gives me special pleasure to learn of the fine record that has been established at Yankee and to see in this record of performance clear indication that economic nuclear power is close at hand if not already with us.

Again I congratulate Mr. Webster and each and every member utility of the Yankee Co. for this fine record. Their confidence expressed a number of years ago in the ability of the atom to contribute significantly to this peacetime application has been shown to be well-founded.

"SUPER" 6TH ARMORED DIVISION REUNION

Mr. BOGGS. Mr. President, members of the 6th Armored Division Association today begin their 19th annual reunion. Members of the association and their families will be here in Washington for 3 days with the Sheraton-Park Hotel as reunion headquarters.

Being a member of the 6th Armored Division Association is a source of great personal pride to me. I served with this division during World War II under a great division commander, Maj. Gen. Robert W. Grow, now retired. For most of the time in action, we were part of the 3d U.S. Army under General Patton.

It is natural to be proud of one's military unit. I know that many of my colleagues here have similar attachments.

But I hope I will be pardoned in saying that members of the 6th Armored Division Association have special justification for their pride.

The division participated in five major campaigns in France and Germany, including action in the Battle of the Bulge. In these battles more than 1,200 members of the division lost their lives and more than 4,000 others were wounded.

The division landed on the Normandy Peninsula on July 18, 1944, and for the next 221 consecutive days the division was constantly in contact with the enemy. Between July 18 and May 8, when the war in Europe ended, the division fought through campaigns in Normandy, northern France, the Rhineland, Ardennes, and central Europe. The division raced across Germany in a final burst of bold power and skill which helped end the war quickly.

From the time it landed in Normandy until the end of the war, a total of nearly 10 months, the division was in combat continually except for a period of less than 2 weeks.

As General Grow later commented:

> From the hedges of Brittany through the forest gorges of the Ardennes and the flooded bottoms of Lorraine, to the beautiful rolling hills of Saxony, the division mastered every variety of terrain.

The 6th Armored Division ceased to exist as a separate unit 3 years, 7 months, and 3 days after it was activated at Fort Knox, Ky.

The memories of those days remain clear today. Yet when members now get together at the reunions, the talk is more of the pleasant memories of past associations and not the grim and bitter struggle we all went through.

Talk at our reunions is also of the future, and the association is contributing to that future through a scholarship program begun in 1962. Each year two students having some relation to association members are awarded scholarships on a competitive basis.

Our reunions are family affairs. The District of Columbia Task Force, which has arranged the reunion program, has made sure to provide plenty of time for families to see our beautiful Capital City. As one member of the association, I welcome them to Washington.

URBAN RENEWAL IN THE DISTRICT OF COLUMBIA

Mr. BREWSTER. Mr. President, as long as the Congress continues to deny home rule to the District of Columbia, it has the obligation to consider legislation concerning the needs of the District. One of the most urgent of these needs is urban renewal.

But the House Armed Services Committee has adopted a rider to the military construction bill which would prevent the District of Columbia from carrying out an urban renewal project on the old Bolling-Anacostia airfields.

Official findings have indicated that continued use of these fields for airplanes would pose a safety hazard, in view of the proximity of National Airport. The President has asked that this urban renewal project be completed next summer. The amendment which would "preserve" these airfields for future military use—unforeseen by the Defense Department—is irresponsible and directly opposed to the best interests of Washington and its residents.

Today's Evening Star contains a cogent editorial on this point. The Star calls the rationale of the amendment a phony argument, and I agree. Mr. President, I ask unanimous consent that this editorial be reprinted in the Record.

There being no objection, the editorial was ordered to be printed in the Record, as follows:

Wrong Thinking

> The latest effort of the House Armed Services Committee to block an urgently needed District urban renewal project on a part of the old Bolling-Anacostia flying fields makes no more sense today than a similar effort made a year ago.
>
> In defense of this ridiculous action, L. Mendel Rivers, the committee chairman, is sticking largely to the same phony argument as was used before: That the entire vast Bolling-Anacostia complex should be "preserved" for a future military use.
>
> What future use? The Pentagon, which is in the best position to know, is unaware of one. The truth is that Washington's federal and local planning agencies have been working hand-in-glove with the Defense Department in laying out the renewal area. The immediate and future military needs, including space for a "Little Pentagon" office building, have been fully agreed upon as a starting point. Accordingly, the land left for urban renewal has been trimmed to less than half the total of 940 acres. And military officials are fully in accord with the arrangements.
>
> Perhaps recognizing the flimsiness of his position on this score, Mr. Rivers has dreamed up another argument to bolster his committee's latest proposal for a five-year "freeze" on the area. Instead of being used for urban renewal, Mr. Rivers now says, parts of the large tract might be converted to use as a "general airport" for private flying to relieve the load on National Airport. And what is surprising about the scheme is that it has drawn support from the Federal Aviation Agency.
>
> The FAA switch is surprising first because it conflicts head-on with President Johnson's own clearly worded directive of only a year ago to the effect that work should proceed immediately on a Bolling-Anacostia urban renewal plan, to be completed no later than July 1, 1967. It is surprising, secondly, because the FAA, no less than a year ago, vehemently opposed any type of air operations at Bolling-Anacostia as a hazard to National's flight patterns.
>
> To be sure, the influx of jets at National has modified that airport's flight patterns to some extent. And FAA officials claim they endorse the Rivers scheme only as a "temporary measure," which is not intended to block the urban renewal program for all time.
>
> As the FAA is well aware, however, the type of "temporary" program advanced by Mr. Rivers, once begun, would surely not be cut off by the time the urban renewal program is slated to begin a year from now. The consternation and outrage expressed at the House committee action—and at the FAA position—by the Planning Commission, the United Planning Organization and the District Democratic Central Committee is wholly justified.
>
> Two steps are in order. The White House should reiterate the fact that the mischievous "freeze" order, attached by the House committee to a military construction bill in the form of a rider, is directly contrary to administration policy regarding the urban renewal projects. And the House, when it has the opportunity, should strike the rider from the bill.

DON'T BLAME FARMERS AND RANCHERS FOR INFLATION

Mr. TOWER. Mr. President, I am disturbed very much to note that the cost of living has gone up again. Figures for the month of June indicate that the consumer price index rose three-tenths of 1 percent. This latest increase carried the index up to a level equal to 112 percent of the 1957–59 average, an increase of 2.5 percent over a year ago.

All of these figures mean different things to different economists, Mr. President, but to the working American they mean only one thing. His dollar buys him a little less than it did a month ago, noticeably less than it did a year ago, and much less than it did 8 years ago. He is not fooled by the small monthly creeping increases in the price of living because he knows all too well that these small increases add up month after month until the increase is not small at all. In fact, he finds that he now pays $11.29 for the same market basket of goods which cost him only $10 in 1959.

I am disturbed also, to note that the administration seems determined to place the blame for this unjustified rise in prices everywhere but where it belongs—on the fiscally unresponsible spending policies of the administration itself.

A number of calls have gone out for housewives to restrain their spending, for farmers and ranchers to cut back, for businessmen and industry to curtail expenses.

None of these actions has done much to curb an inflation which is out of the so-called creeping stage and moving at a brisk trot if not faster. Of course they haven't done any good, Mr. President, because the real culprit is the Federal Government which has insisted on spending money it does not have—sort of "going now and maybe paying later." The Federal Government may or may not pay later, but the average American, be he worker, farmer or businessman, is paying right now.

The housewife is paying when she goes to the market and finds food prices up three-tenths of 1 percent in a month.

But in spite of what some Government officials would have us believe, she is not paying the price increase to the farmer or rancher.

I think it is particularly unfortunate that farmers and ranchers have been singled out by many of those casting about for culprits responsible for the increased cost of living. In many cases, if the farmer is not charged directly he certainly is convicted by implication.

No less a spokesman than Agriculture Secretary Orville Freeman has implied that recent consumer price increases are tied to farm produce prices. Secretary Freeman has said that he was "pleased" to report that farm prices have moderated from what he called highs responsible for most consumer food cost increases.

Nothing could be further from the truth. As a matter of fact, prices paid to the farmer have gone in the reverse direction. Even though farm prices have increased 4 percent since 1960, they are still 14 percent below what they were in 1952. This 4-percent increase in farm prices did not keep pace with the 8-percent increase in farm production costs during that same period. Even with a 14-percent drop in farm prices from their 1952 levels, the housewife is not getting food for less; she is getting it for about 18 percent more.

The rise in prices being paid by the housewife is the result of an increase of 41 percent in costs after the food leaves the farm. And it is a result of federally induced inflation.

There are a number of instances in which Federal policies have worked against the farmer or rancher, increasing his costs and decreasing his prices, catching him in a squeeze between lower income and inflation:

Commodity Credit Corporation stocks of grain have been used by the Department of Agriculture to lower farm prices.

Increased imports are threatening dairy and other farmers.

Export of cattle hides was restricted to lower the price of leather, but the cost of shoes went up anyway.

Butter and pork were taken off the mess tables of our servicemen.

Also, if Congress had not acted promptly, the school milk program would have been wiped out.

When not faced by adverse Agriculture Department policies, our farmers and ranchers have had to contend with similarly unenlightened decisions by the Labor Department. One of the major reasons why fruits and vegetables cost more today than a year ago is the higher production cost forced on farmers by impractical policies.

For instance, California recently had nearly $6 million worth of asparagus waiting to be harvested and in danger of rotting in the field—yet Federal labor policies prevented growers from obtaining help to harvest the crop. Farmers tried to obtain domestic workers to avert the crisis but were unsuccessful. Had the Labor Department not issued such stringent prohibitions against the use of bracero labor, this cost-increasing harvest crisis could have been avoided.

I find absolutely no farmers who can understand why many top Federal officials are pressing so hard for a reduction in farm prices when farm prices are now at only 80 percent of parity and are continually declining.

The farmer and rancher cannot be blamed for today's higher consumer prices. The return he gets is less, not more, than in previous years.

The housewife cannot be blamed for today's higher food prices. She selects her purchases today ever more carefully, not more haphazardly.

It is about time the Federal Government quit pointing its accusing finger at somebody else and resolved to get its own spending house in order. The road to lower living costs and to improved farm prices lies in the resumption of Federal sanity.

It is time the Federal Government attacked inflation, not its citizens.

TRIBUTE TO AMBASSADOR REISCHAUER

Mr. CANNON. Mr. President, the distinguished career of our Ambassador to Japan, Edwin O. Reischauer, is coming to a close and in my view this distinguished diplomat is deserving of the Nation's highest praise.

During a period when good United States-Japanese relations were essential to the peace of Asia, Ambassador Reischauer served as an excellent conduit of good will between our two countries. The Nation will rely on his judgment in future years in its deliberations on Asian affairs.

In my official visits to Japan I found him always cordial and helpful and most responsive to the interests and needs of American citizens. He was particularly helpful recently in assisting the Nevada mining industry in its dealings with Japanese industry.

The editorial in praise of the Ambassador which appeared in the July 27, 1966, edition of the Washington Daily News comments on this subject. I ask unanimous consent that the editorial appear at this point in the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

THE AMBASSADOR RETIRES

Our Ambassador to Japan, Edwin O. Reischauer, is giving up his post to return to Harvard, where he was teaching when President Kennedy appointed him more than five years ago. His credentials were patently tops: born in Tokyo, fluent in Japanese, well versed in Japanese and Asian affairs, married to a Japanese lady. But even better has been his outstanding performance.

During these five years of dramatic change in Asia, Ambassador Reischauer has done an intelligent and constructive job of reporting on Japan to us, and representing us to the Japanese. He has steadily helped forge closer links between the United States, with our deep interests in Asia, and Japan, one of Asia's prime powers. In an important bit of peace-making on the side, he was instrumental behind the scenes in the restoration of normal relations between Japan and South Korea, its former colony.

So, three cheers. One for Prof. Reischauer. We will be listening for his voice on Asian affairs. One for professors and other eggheads of this cut, who can serve the country as well, or maybe better, than campaign contributors, fashionable hostesses, and the like. And one for Presidential appointees, over career diplomats, when the President has a good one.

NATIONAL CONSPIRACY SEEN IN RIOTS

Mr. CURTIS. Mr. President, I ask unanimous consent that an article by David Lawrence and published in today's Washington Evening Star be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

NATIONAL CONSPIRACY SEEN IN RIOTS

(By David Lawrence)

Senator **FRANK J. LAUSCHE**, Democrat, of Ohio, is one of the most independent-minded men in the Senate and has the confidence of the people of his state, where he served five terms as governor and previously as mayor of Cleveland. He has just spoken out about the riot in Cleveland as well as the disturbances in other parts of the country, and his conclusion is that the disorders and the looting are part of a national conspiracy "methodical and manifestly directed by experts."

LAUSCHE addressed yesterday a convention in Chicago of the Independent Grocers' Alliance, and he minced no words as he warned civil rights leaders that the street demonstrations are not helping their cause. He said in part:

"What is the difference between stimulating the masses to a fever pitch of violence under the guise of nonviolence and stirring up the emotion of people with lawlessness as your objective? Wrought-up emotions stir up normal reactions regardless of the intent of their perpetrator. Government must remain supreme. No sector of our society or our economy should be permitted to exercise powers greater than those exercised by the government."

The Senator referred to the riots in cities across the country, and then added:

"The mode of operation, especially in the Cleveland riot, indicated design and organization. The technique adopted clearly showed that there were certain centrally managed tactics keeping the riot in progress while many innocent people became involved in it."

"The riots have not been a help to the cause of the Negro. The advocates of 'black power,' 'get whitey' and 'take the gun and the holster away from the white man and put it on the black man,' are clearly adopting a course of extremism. They are advocating action which coincides completely with the action about which they so justly complain in certain parts of the country."

The Ohio Senator said that increased defiance of law and order is due in large part to those "civic leaders, including clergymen," who publicly argue that "civil disobedience is justifiable if one believes the law to be morally wrong."

While LAUSCHE was making his speech, news dispatches from Cleveland reported that a 17-year-old Negro youth had told a grand jury investigating the riots there that the looting, fire-bombing and sniping had been planned by a gang known as the Black Panthers.

The Negro boy said there were about 200 "hell raisers" in the organization and that he himself took part in the rioting and threw several firebombs.

City and state officials in Cleveland are determined to get at the facts. Louis B. Seltzer, retired editor of the Cleveland Press who is foreman of the grand jury, is quoted by the United Press International as saying:

"The grand jury saw enough to realize that the violence was organized and planned because of specific targets singled out for looting and burning."

There was a time when most of the racial disturbances were in Southern states, and the National Guard in Mississippi, for example, was superseded by federal troops on the theory that a court order was involved and that the guardsmen might not be too enthusiastic about intervening. Since those days, however, riots have occurred in Rochester, Brooklyn, New York, Chicago, Los Angeles and a dozen other smaller communities in states outside the South.

During the last few days criticism has been voiced by a few Negro leaders about the phrase "black power" as used by Chairman ADAM CLAYTON POWELL of the House Education and Labor Committee. He denies any intention to stimulate racial feeling, but the net effect of the cries for "black power" has been to stir up animosities between the races and arouse fears that the uneducated and irresponsible elements—both Negro and white—in the big cities will become involved in more and more disorders.

Here in Washington, Congress is well aware that resentment is building up in different parts of the country because of the stimulus given by men in public life to "demonstrations." Politicians are beginning to talk about possible reaction at the polls in November that may come as a result of the overemphasis on civil rights and the lack of emphasis on individual responsibility and the maintenance of order.

PFC. DENTON W. CROCKER, JR., OF SARATOGA SPRINGS, N.Y.

Mr. **KENNEDY** of New York. Mr. President, Pfc. Denton W. Crocker, Jr., of Saratoga Springs, N.Y., died last month of wounds suffered in Vietnam, just 1 day after his 19th birthday. Private, first class, Crocker's desire for service to his fellow man, both in the 101st Airborne Division and as a civilian, was well described in an article in the Saratogian, on June 6, 1966.

I ask unanimous consent that the article may be printed at this point in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

"HE HAD SO MUCH TO GIVE"—DENTON W. CROCKER, JR., 19, KILLED IN VIETNAM

"He had so much to give. We couldn't believe he wouldn't come back, so he could give it here."

Mrs. Denton Crocker was speaking of her son, Pfc. Denton W. Crocker, Jr., who died of wounds in Viet Nam June 4, one day after his 19th birthday.

Young Crocker, a member of the Class of 1965 at Saratoga Springs High School, was the first Saratoga Springs boy to be killed by enemy action in Viet Nam and the third in Saratoga County.

WANTED TO HELP PEOPLE

Determined from the time the American involvement in Viet Nam started to grow to "help the Vietnamese people," Denton finished high school early so that he could enlist in the Army.

He joined the 101st Airborne Division, volunteered for duty in Viet Nam and managed to get a transfer from supply services to a line infantry company. There he saw weeks and weeks of combat action with the "Gypsies," an elite force of "shock troops," sent on one mission after another against the Viet Cong.

And on June 4, his family was notified by telegram he "died of wounds received from hostile arms fire while on a combat operation."

RECALL HIS DETERMINATION

In their home at 118 White St., Mrs. Crocker and his father, Dr. Denton W. Crocker, who is chairman of the biology department at Skidmore, recalled their son's determination to get involved in the war.

From the time he was a little boy, his mother said, he had been a prolific reader and had developed "a real commitment to the ideals of freedom and of devotion to duty, things I suppose we all believe in, but don't do very much about."

In the early part of his senior year in high school he began to press for permission to enlist. Finally, it was agreed that he should graduate from high school, and then could enter service.

And so, he was graduated in March, 1965. On the way, he had scored the highest of any Saratoga High senior and fourth in the county on the Regents scholarship exam. But use of that scholarship, he figured, could wait more important affairs.

"I asked him whether he would be happy in service," his mother said, "and he said that it was not the point to be happy. Last fall, he was happy. He was working with the Vietnamese and some of them expressed gratitude for the American presence."

The young soldier was concerned with more than combat. He found the country beautiful, but saw the children starving. That was while he was on a 101st Division operation near Tuyhoa.

He wrote and asked that his family recruit some assistance for the Vietnamese civilians through the Marine Civic Action Program, affiliated with CARE. The Marines, stabilized as a garrison force, had more opportunity to do that sort of thing, he explained. They could provide, with Care, the tools, food, clothing and other things the villagers needed.

WAS THERE 8½ MONTHS

Private Crocker had arrived in Viet Nam 8½ months ago, after basic training at Fort Dix and paratroop training at Fort Benning, Ga.

Originally he was in the supply services, although even there he earned the Combat Infantryman's Badge. But, said a high school classmate who had stopped to share a letter with his family, Denton had written, "You couldn't sit and see friends risking their lives."

"I guess this (The Infantry Badge) wasn't enough for him," said his father. He managed to get transferred to a line company.

He had written once that he had been on 13 combat patrols. A last letter to his classmate had said that he had been on combat missions for five weeks, mostly near the Cambodian border.

LEFT HOSPITAL

When he wrote, he was hospitalized in Saigon, for what cause his family does not know. He had seen his best friend killed by his side and was willing to come off the combat line.

But, he evidently returned to combat from the hospital and received his fatal wounds.

He was born June 3, 1947 in Ithaca, and came to Saratoga Springs when his father joined the Skidmore faculty. He is survived, in addition to his parents, by two sisters, Carol, 16, and Candace, 7½; and a brother, Ralph, 9.

NEW PUBLIC ASSISTANCE PROCEDURES ESTABLISHED BY HEW

Mr. MORSE. Mr. President, the Department of Health, Education, and Welfare issued on March 18, 1966, some new public assistance procedures which, in my judgment, go straight to the heart of one of the most troubling welfare problems in the District of Columbia. This most troubling problem is not, as some would have us believe, that welfare rolls in the District of Columbia are in danger of being greatly padded by alleged "chiselers" who violate the "man-in-the-house" rule. The serious and troubling problem of welfare in the Nation's Capital is that welfare practices are too often an assault against the human dignity, which welfare recipients possess in the same measure as do other Americans.

It is to this issue of human dignity that I am delighted to see these new procedures of the Department of Health, Education, and Welfare address themselves. Handbook Transmittal No. 77 deals with the subject: "Methods for the Determination of Eligibility." These new procedures take a fresh look at the practices of special investigators, trained in police methods, about whom there has been much discussion in the District of Columbia. The new procedures require changes in these methods, changes which I, for one, plead will be implemented in the fullest measure by the District's Department of Public Welfare. As a matter of fact, it would seem to me that the changes are so sound and long overdue that the Department should put them into practice immediately, rather than by July 1, 1967, when each State plan will be required to implement them.

I want to detail what I think are the key elements of these new procedures:

First, Handbook Provision 2220, section 1, requires that procedures and policies in a State plan for public assistance must "respect the rights of individuals under the U.S. Constitution" and should "not result in practices that violate the individual's privacy, or personal dignity, or harass him or violate his constitutional rights."

This is a most timely and needed reminder to welfare departments throughout the country. Officially, it has always been incumbent on welfare departments to respect the rights of individuals under the Constitution. But I am gratified to see that the new procedures begin to spell out some of the practices which violate the rights of welfare applicants and recipients. Handbook Provision 2230 illustrates the practices which are contrary to a sound welfare program: "States must especially guard against violations in such areas as entering a home by force, or without permission, or under false pretenses, making home visits outside of working hours, and particularly making such visits during sleeping hours; and searching in the home, for example, in rooms, closets, drawers, or papers, to seek clues to possible deception."

These are not idle illustrations. They have a familiar ring in the District of Columbia. There have been charges by clients that each of these now prohibited and cruel methods has been used by special welfare investigators. On the other hand, we have had denials about their use by the special investigators in recent months. Nevertheless there seems to be the strongest temptation among these investigators to justify their continued presence on some public welfare payrolls and there were unquestionably, in the period of large-scale investigations, many instances of midnight visits, entering homes by force, and searches without the consent of the relief client.

I think the changed procedures place a particular responsibility on the Department of Public Welfare to assure that the prohibited practices will not be tolerated. But there is also a further great responsibility placed on the Department of Health, Education, and Welfare: The Department must monitor the enforcement of this procedure with utmost viligance.

A second procedure incorporated in the Department of Health, Education, and Welfare revision again speaks to the issue of the welfare client or applicant as a person possessed of dignity. Provision 2220, section 5a, says that "Applicants and recipients will be relied upon as the primary source of information about their eligibility." Section 2230 elaborates on this provision, noting that "Reliance on the applicant—and public records—as the primary source of information will ordinarily make it unnecessary to consult other sources of information." This is sound, in my opinion, for it applies the same principle to a welfare application as is applied to an income tax return or a social security application. The Government, in the latter two instances, accepts the taxpayer or the social security applicant as the primary source of information and will ordinarily not consult with other sources of information. This has not been so in regard to public welfare. Verification has too often meant long, drawn-out application periods during which hungry adults and hungry children need to wait for a decision on their applications. The extended efforts to verify every possible source of information are not only time consuming and often wasteful; their basic assumption is that the welfare applicant has made out an application form with an intent to deceive. This, I submit, is contrary to our treatment of others who have financial dealings with government and, very importantly, damages the main purpose of welfare, which is to meet human need.

Related to this is the procedure which advises the local department of public welfare that it cannot rely on a "blanket" consent by the applicant for all the investigations it may decide to undertake when determining a client's eligibility—provision 2230, section 5c. It is unfortunate that the applicant's signature on the welfare form has been used to justify all manner of undercover investigations, including contacts with any source, whether discussed with and authorized by the applicant or not. The questionable visitations and searches of clients' homes, the ferreting out of information from a client's neighbors, all of these have been defended in some quarters by this "blanket" consent which the client's signature is supposed to give to public welfare authorities.

In the new procedures, a limitation is being placed on one aspect of the consent issue—contacts with collateral sources will need the specific consent of the client. I look toward an exploration by the Department of Health, Education, and Welfare of how authorization by the client should be applied to special investigations.

The new set of procedures formulated by the Department of Health, Education, and Welfare therefore raises many questions about the philosophy which has guided the District's Department of Public Welfare. It is perfectly clear that special investigators are a problem in and of themselves, possibly even a threat to the intent of the Congress, in enacting social welfare legislation, to help feed, provide shelter, and clothe those who are unable to care for themselves. It is evident that the methods of the investigators are seriously questioned, yet the District of Columbia carries more such investigative personnel on its payroll than any other city in the United States. With these investigators, and no doubt because there are so many of them, the administrative costs per aid-to-families-with-dependent-children case in the District of Columbia far exceed that of any State in the Union. These are not the costs of the grant to the needy client; I refer only to the costs of administering this grant.

Whether examined on economic, legal or moral grounds, there is substantial evidence that special investigators in the District's welfare program have not added very much soundness to its operation.

I welcome the new procedural changes established by the Department of Health, Education, and Welfare and look to their fullest implementation in the Nation's Capital at the earliest possible time.

I ask unanimous consent that Handbook Transmittal 77 be printed at this point in my remarks.

There being no objection, the document was ordered to be printed in the Record, as follows:

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE, WELFARE ADMINISTRATION,
Washington, D.C., March 18, 1966.

HANDBOOK TRANSMITTAL NO. 77

To: State Agencies Administering Approved Public Assistance Plans.

From: Fred H. Steininger, Director.

Subject: Methods for Determination of Eligibility—Handbook IV–2200.

Material transmitted: IV–2200–2230 (Effective 7/1/67).

Material superseded: IV–2200–2241, dated 7/31/63 (Effective 7/1/67).

BACKGROUND AND EXPLANATION

The enclosed statement has been developed in response to a long recognized need for a comprehensive statement about methods for determination of eligibility in public assistance programs under the Social Security Act. This is a crucial area of administration, both for achieving the objectives of the programs and for maximum efficiency in administration.

This material is limited to conformity—to requirements for State plans and the interpretation of those requirements. It differs from current Handbook material primarily as follows:

1. It imposes a requirement that the State plan contain policies and procedures for determination of eligibility that are consistent with the objectives of the program and the constitutional and statutory rights of applicants and recipients and that do not violate those rights or the individual's privacy or personal dignity, or harass the individual.

2. It deletes material now in IV–2232 on Federal financial participation. This subject is treated in IV–5514.

3. *IV–2220, item 4a* clearly establishes a time limit of 30 days for promptness in acting on information about changes that may affect a recipient's eligibility.

4. *IV–2220, item 5a and 5c* make mandatory a practice now recommended in IV–2241—relying on the individual as the primary source of information; and limiting the verification of conditions of eligibility to those "reasonably necessary to assure that expenditures under the program will be legal."

5. *IV–2230, item 5c* contains new specific content about obtaining the individual's consent for outside contacts and the way the agency makes such contacts.

SUBMITTAL OF PLAN MATERIAL

All State agencies are required to submit plan material to comply with the enclosed material.

Plan amendments implementing these requirements for each program should be submitted to the appropriate regional office as early as possible, but not later than April 1, 1967, as plan approval will be necessary prior to release of the grants for the quarter beginning July 1, 1967, the effective date of the requirements. Preferably, plan material covering the six plan requirements should be submitted as a unit, as an integral part of the State plan. However, if the State agency, upon review of its current approved plan provisions on determination of eligibility, believes that any of them fully meet one or more of the six plan requirements in the enclosed material, such plan material may be cited in respect to the identified specific plan requirement(s) in IV–2200. This is important so that there is mutual understanding of the identity and content of the plan provisions governing practice under the approved plan with respect to "Methods for Determination of Eligibility."

EFFECT ON OTHER POLICIES

To the extent that other current policies in the Handbook may be inconsistent with the enclosed Handbook statement, when it becomes effective the latter will govern.

INSTRUCTIONS FOR HANDBOOK MAINTENANCE

1. In Part IV, at the top of pages 2200 through 2241–p. 4, dated 7/31/63, put the notation "Remove this page on 7/1/67" with pen-and-ink.

2. In Part IV, insert the enclosed pages immediately following page 2241–p. 4, dated 7/31/63.

3. Make appropriate notation on the Form Record of Receipt of Handbook Transmittals.

HANDBOOK OF PUBLIC ASSISTANCE ADMINISTRATION

Part IV. Eligibility, Assistance, and Services

2000–2999. Methods for Determination of Eligibility, 3/18/66

2200. *Methods for Determination of Eligibility*

2210. *Provisions of the Act*

Sections 2(a), 402(a), 1002(a), 1402(a), and 1602(a) specify that:

"A State plan . . . must . . . (5) provide such methods of administration . . . as are found by the Secretary to be necessary for the proper and efficient operation of the plan;"

Sections 2(a)(10)(B), 2(a)(11)(D), and 1602(a)(13) specify that a State plan under Title I or XVI must:

"Include reasonable standards, consistent with the objectives of this title, for determining eligibility for and the extent of" aid or assistance under the plan.

2220. *Requirements for State Plans*

Effective July 1, 1967, a State plan under titles I, IV, X, XIV, and XVI must:

1. Include policies and procedures for determination of eligibility for assistance or other services that are consistent with the objectives of the program, and that respect the rights of individuals under the United States Constitution, the Social Security Act, title VI of the Civil Rights Act of 1964 (see Supplement C), and all other relevant provisions of Federal and State laws, and that will not result in practices that violate the individual's privacy or personal dignity, or harass him, or violate his constitutional rights.

2. Provide that (a) each person who wishes to do so will be given an opportunity to apply without delay for public assistance and other services, (b) prompt action will be taken on each application, and (c) assistance will be given promptly and will continue regularly to all eligible persons until they are found to be ineligible, so long as assistance is being provided under the specific category.

3. Provide that each decision that an applicant for or recipient of assistance or other services is eligible or ineligible will be supported by information in the case record that shows either that all eligibility requirements of the State plan are met or that one or more such requirements is not met.

4. Provide that eligibility will be determined in each case where an individual has been determined to be eligible:

a. Through prompt action within a specified time period—no longer than 30 days—after the agency has information which indicates that changes in a recipient's circumstances may affect the amount of assistance to which he is entitled or may make him ineligible.

b. Through regular periodic redetermination at specified intervals, of eligibility factors subject to change—intervals no longer than 3 months in AFDC–UP, 6 months in other AFDC cases, and 12 months in the other categories.

5. Provide that in the process of determination of initial and continuing eligibility:

a. Applicants and recipients will be relied upon as the primary source of information about their eligibility, after an adequate interpretation of the agency's requirements, and the agency will help them provide needed information, or, if they are unable to do so, because of physical or mental or other difficulties, the agency will obtain the necessary information for them.

b. Each determination of eligibility will include at least one interview with the applicant or recipient, or, if direct contact with him is impractical or would delay case action, with someone acting responsibly for him. Where a declaration form or similar procedure is used, the interview may take place within a reasonable time after determination of eligibility.

c. Verification of conditions of eligibility will be limited to what is reasonably necessary to assure that expenditures under the program will be legal.

d. Applicants and recipients will be notified in writing that assistance has been authorized in a stated amount or that it has been denied or terminated for a specified reason.

6. Include a description of the methods by which the State agency will be kept currently informed about local agencies' adherence to the State's plan provisions concerning the above requirements and to the State agency's procedural requirements for methods for determination of eligibility. (See II–4200 re State-wide operation.)

2230. *Interpretation of requirements*

The above requirements for State plans are considered essential for proper and efficient operation of public assistance programs under the Social Security Act. They reflect the basic principles about the rights and responsibilities of individuals and of governmental agencies in our democracy. They are necessary in order that these rights shall be protected in the determination of eligibility. They are also necessary to achieve the broad objectives of the programs for individuals and families and for society. Public assistance programs based on these requirements will inspire public confidence so that those who are eligible will make appropriate use of the programs and those who do not need them will respect both the agency and those who avail themselves of the agency's assistance and other services.

The following explains the import of the corresponding items in IV–2220.

1. The requirement that a State plan contain policies and procedures for determination of eligibility that are consistent with program objectives and that respect legal rights of individuals and do not violate the individual's privacy or personal dignity, or harass him or violate his constitutional rights, necessitates the testing of each pertinent policy and procedure against those positive and negative criteria. If the program is locally administered with State supervision, the State agency must see that supplementary locally developed procedures are consistent with this requirement.

The prohibition against a State plan containing policies and procedures for determination of eligibility that will result in violation of privacy or personal dignity, that constitute harassment, or that violate constitutional rights, requires careful and continuing attention to practices and procedures that may result in violations of these rights and principles. By way of illustration, States must especially guard against violations in such areas as entering a home by force, or without permission, or under false pretenses, making home visits outside of working hours, and particularly making such visits during sleeping hours; and searching in the home, for example, in rooms, closets, drawers, or papers, to seek clues to possible deception.

2. The general requirement about the application process requires the State agency to take those actions that are necessary to facilitate the exercise of the right to apply for assistance and other services, for the application process is the first step in determination of eligibility. Such actions include: making arrangements to accept applications without delay, informing applicants about the eligibility requirements and their rights and obligations under the program, and acting promptly on applications. This is a general requirement. Detailed requirements covering the application process are contained in IV–2300.

3. The requirement that the plan provide that decisions on eligibility or ineligibility will be adequately supported and recorded requires that each decision be based on facts—statements about eligibility requirements that have been substantiated by observation, or written records, or other appropriate means.

This requirement should result in the maintenance of case records that will provide a valid basis for accounting for expenditures of public funds, and that will assure the availability of needed information if the applicant or recipient appeals to the State agency for a fair hearing.

4. The requirement that a State plan provide that redetermination of eligibility will be made promptly—at least within 30 days after the agency has available information which suggests the need for redetermination—and at regular intervals no longer than the specified maximum periods, is designed to contribute to efficient administration. This applies when the agency obtains the information during a regular redetermination of eligibility or when providing social services, or when the recipient or another person or agency reports changes in the recipient's situation.

In requiring that a State plan provide that redeterminations of eligibility will be made periodically—at periods no longer than every 3 months in AFDC–UP, every 6 months in other AFDC cases, and every 12 months in the other programs—it is recognized that the situations of families with children are apt to change more frequently than those of recipients of the other categories. The time periods specified are the maximum periods that a State plan may provide for between periodic redetermination of eligibility. This requirement in no way affects the right of the recipient to receive assistance regularly so long as he remains eligible. Hence, failure of the agency to make a periodic redetermination cannot be used as a basis for withholding assistance.

5. The detailed procedural requirements for State plan provisions on methods for determination of eligibility are based on recognition of the rights and obligations of applicants and recipients to be responsible participants in the process and the fact that the objectives of the program can only be achieved through an agency-client relationship based on mutual respect.

a. The requirement that a plan provide that applicants and recipients will be relied upon as the primary source of information regarding their initial and continued claim for assistance does not relieve the agency of the responsibility to recognize the differing capacities of applicants and recipients to discharge their responsibilities to the agency. Some can provide or obtain needed information after the agency explains what information is needed; others will need specific directions to sources of information; others may want, or have to rely on, the agency to obtain the information for them.

If the individual is unable to participate in the determination of eligibility, because of such circumstances as physical or mental disability, inability to speak English, or other difficulties, the agency is obliged to take measures to provide him the assistance and services for which he is eligible.

Reliance on applicants and recipients as the primary source of information will enable the agency to determine initial or continuing eligibility in a large percentage of cases on the basis of information provided by the individual, supplemented if necessary by information from public records. Such reliance on the individual includes placing responsibility on recipients for notifying the agency, on the basis of instructions understood by them, about changes in their situations that may affect the amount of assistance to which they are entitled or may terminate their eligibility.

When available information is inconclusive, reliance on the applicant or recipient as the primary source of information requires the agency to explain to the individual, in writing if necessary, (1) what questions remain and how he can resolve or help to resolve them and/or what actions the agency can take to resolve them, and (2) the necessity for resolving the questions if eligibility is to be established or continued. If the individual is reluctant or unwilling to help resolve the question or permit the agency to do so, the agency is responsible for considering carefully with him his reasons—both to prevent him from deciding unnecessarily or unwisely to withdraw from the program when he is eligible, and to discharge the agency's responsibility for evaluating whether facts had previously been presented correctly. (See IV–2600 re Fraud.)

If the individual is unwilling to have the agency seek verifying information, the agency may not be able to determine eligibility and thus have no recourse but to deny or terminate assistance. In such instance, the individual should be told that he has the right to re-apply at any time.

b. The plan requirement of an interview with applicants and recipients in each determination of eligibility requires a personal interview, preferably in the individual's home, unless this is impractical or would delay case action. If difficulties of transportation or other causes preclude a personal interview, contact by telephone or correspondence may be substituted. If the physical or mental condition of the applicant or recipient makes any type of direct contact with him impractical, the requirement may be met by a personal interview or other contact with someone who can act responsibly for him. In the case of initial determinations of eligibility, however, a personal interview with the applicant is required as soon as possible.

In States where eligibility is determined either initially or on redetermination on the basis of declaration forms or similar procedure, the interview should take place as soon as possible, and in any event within 90 days.

c. Reliance on the applicant (and public records) as the primary source of information will ordinarily make it unnecessary to consult other sources of information. The agency should take no steps in the exploration of eligibility to which the applicant does not agree, including contact with collateral sources. When information is sought from collateral sources, there should be clear interpretation of what information is desired, why it is needed, and how it will be used. Agencies should not rely on a "blanket" consent for outside contacts, but should obtain specific consent for each contact, whether with social agencies, doctors, hospitals, and similar resoures, or with relatives or other individuals.

The consent should cover the purpose of the contact as well as the individual or agency to be consulted.

If the agency has to assume responsibility for the entire process of determination of eligibility or for parts of it, because of the individual's inability to participate in establishing his eligibility, the same care must be taken in selecting sources to be contacted as would be taken if he were participating.

Agency actions contrary to the foregoing practices will be inconsistent with requirement IV–2220, item 5c, unless limited to specific situations where there is special need to use other procedures. If other procedures are followed in a specific situation, the case record must specify the reasons why they were needed, and the specific procedures followed, which must be consistent with IV–2220, item 1, and IV–2230, item 1.

d. The requirement that applicants and recipients be notified in writing that assistance has been authorized in a stated amount requires such notification both at the initial determination of eligibility and each redetermination that results in a change in the amount of assistance to which the individual is entitled. When assistance is denied to an applicant and when a recipient's assistance is terminated, the written notice to him must contain the reason why he has been determined to be ineligible. The written notice will provide a basis for the individual to express dissatisfaction with the agency action. (See IV–6000 re Hearings.)

6. The State plan must provide reporting and other administrative and supervisory methods for obtaining information about whether local agencies carry out the State plan provisions and meet Federal requirements in determination of eligibility, thus enabling the State agency to identify problem areas and take corrective action. (See II–4200, item 3, re State-wide operation.)

THE AIRLINES STRIKE—POLITICS VERSUS PUBLIC INTEREST

Mr. SCOTT. Mr. President, I invite the Senate's attention to an excellent editorial about the airlines strike, which was published in today's New York Times. Clearly, it is high time that the White House actively intervene in efforts to bring this intolerable strike against the public interest to a prompt conclusion. I ask unanimous consent that the editorial be printed in the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

[From the New York (N.Y.) Times, July 28, 1966]

POLITICS VERSUS PUBLIC INTEREST

The only conclusion possible from Secretary of Labor Wirtz' testimony on the airlines strike is that politics is the chief yardstick the White House applies in determining when the cut-off of an essential service creates a national emergency.

The Secretary's recommendation that Congress scrap plans for an immediate back-to-work law and give "free collective bargaining" another chance was a clear capitulation to the dictates of organized labor. Twenty-four hours earlier, while the Senate Labor Committee held off its hearing at the Administration's request, George Meany had given the White House its cue.

"No danger to the nation's health and welfare and no threat to national defense have been demonstrated," the A.F.L.–C.I.O. president declared. "The air traveling public has, of course, been inconvenienced, but inconvenience is a small price to pay for freedom."

Mr. Wirtz put it differently, but came up with the same answer: Do nothing right away. This a week after President Johnson had declared that the strike was trying "the patience of the American people" and that the time had come for a settlement. Mr. Wirtz acknowledged that the tie-up already has had "a serious, substantial, adverse impact on the national interest" and that its prolongation would bring the country to a "crisis" stage at some point.

Why the nation must wait until the hardship becomes intolerable before Congress acts, the Secretary failed to make clear. Even more obscure was his idea of how "free collective bargaining" can be secured in a dispute that has already been reviewed by a Presidential emergency board. That board, headed by Senator WAYNE MORSE, recommended wage increases that went beyond the Administration's anti-inflation guideposts. The President urged both labor and management to follow these proposals; the airlines not only accepted them, they bettered them. The striking machinists still say no.

Presumably what Mr. Wirtz means by his prescription that Congress send both sides "back to the woodshed" with a settlement deadline is that pressure will now be exerted on management to save the union's face by giving it more money. Such appeasement of labor under White House aegis has been the historic road to instability in industrial relations and to wage-price inflation. The airlines, as a regulated industry enjoying record prosperity, are in poor position to hold out against what the Administration wants.

The course Secretary Wirtz has charted points more surely to the destruction of "free collective bargaining" than to its preservation.

VIETNAM

Mr. McGOVERN. Mr. President, the August 8, 1966, issue of Look magazine carries the views of five distinguished Americans on our present involvement in Vietnam. I ask unanimous consent that these stimulating views be printed at this point in the RECORD.

There being no objection, the interviews were ordered to be printed in the RECORD, as follows:

VIETNAM: SUPPOSE THE PRESIDENT ASKED YOU "WHAT SHOULD WE DO NOW?"—FIVE EXPERTS GIVE THEIR ANSWER

(Produced by Leo Rosten)

(NOTE.—We are at war in Vietnam. Whether we should have gotten into it or not is a separate issue. We are in Vietnam.

(Americans have always backed their armies with the moral certainty that in our victory *right* would triumph. But to many today, our cause seems stained by doubt. Never, during a foreign war, have Americans debated our national policy with such passion: "Get out. . . . Escalate. . . . Negotiate. . . . 'Hole in' at coastal enclaves. . . . Blockade Haiphong. . . . Push 'hot pursuit' into Laos" The bitterness of the partisans consolidates the confusion.

(Look invited in five experts, who hold varying views about Vietnam, to answer this question: "Suppose the President today asked you, '*What should we do now?*' " We urged each to reply in the intentionally brief space of 1,000 words—for we sought not a pablum of agreement but sharp, specific proposals.

(Here are their answers. Each man presents a program that millions would no doubt support.)

(By Hans Morgenthau, distinguished service professor of political science and modern history, University of Chicago; director, Center for the Study of American Foreign and Military Policy; has served as consultant to the Department of State and the Department of Defense; author of "In Defense of the National Interest," "The Purpose of American Politics," etc.)

President Johnson is wont to ask the critics of his Vietnam policy, *"What would you do if you were in my place?"* This is a legitimate question, and it deserves an answer. Having been a consistent critic of our Vietnam policies for more than four years, I have tried to answer that question before and am glad to do so again.

Mr. President, I would say, you must choose between two alternative policies. You can start with the assumption that in Vietnam the credibility of the United States and its prestige as a great power are irrevocably engaged; that the war in Vietnam is a test case for all "wars of national liberation"; and that in consequence, the fate of Asia, and perhaps even of the non-Communist world at large, might well be decided in Vietnam. If you believe this, then you must see the war through to victory. That is to say, you must escalate the war both in the South and in the North by committing what will amount (according to authoritative estimates) to a million American combat troops and by bombing, without restrictions, the industrial and population centers of North Vietnam. By doing this, you will destroy Vietnam, North and South, and risk a military confrontation with China or the Soviet Union or both. Yet these risks are justified by the magnitude of the issues at stake.

This is the policy that the Joint Chiefs of Staff have been advocating and that you have pursued since February, 1965, even though you have been anxious to differentiate your policy from that of the Joint Chiefs. In truth, the difference between the two has not been one of kind but rather of degree. You have been escalating the war at a slower pace than the Joint Chiefs recommended. But escalate you did, and you will continue escalating because the assumptions from which you have started leave you no choice.

There is another policy, Mr. President, which you could and, in my view, should have pursued. This policy assumes that the war is primarily a civil war; that its global significance is remote; that, far from containing China and communism, it opens the gates to both—by destroying the social fabric of Vietnamese nationalism, which is implacably hostile to China; and that, in consequence, the risks we are taking in the pursuit of victory are out of all proportion to the interests at stake.

We should never have gotten involved in this war, but we are deeply involved in it. The aim of our policy must be to avoid getting more deeply involved in it and to extricate ourselves from it while minimizing our losses. Recent events in Vietnam offer us the opportunity of initiating such a new policy of disengagement.

These events have clearly demonstrated two facts: The Saigon government is hardly worthy of the name; and the great mass of the people of South Vietnam prefer an end to the war rather than a fight to the finish with the Vietcong. The two main arguments with which our involvement has been justified have thus been demolished: that we have a commitment to the government of Saigon to assist it in the fight against the Vietcong; and that the people of South Vietnam want to be saved by us from the Vietcong—even at the risk of their own destruction. The prospect of elections to be held in South Vietnam provides us with the chance to use these new facts for the initiation of a new policy of disengagement. Such a policy would proceed on two fronts, the political and the military.

Politically, we ought to work for the achievement of four goals.

1. We must promote the establishment of a broadly-based government in which the elements seeking an end to the war would have decisive influence. This government would have the task of organizing elections for a constituent assembly and a legislature at an early date. It must be recognized that such elections will neither be representative nor "free." The group that organizes them is likely to win them. Hence, the crucial importance of the composition of the government presiding over the elections.

2. We must see to it that the government that emerges from these elections will negotiate with the Vietcong for a *modus vivendi*. Such a settlement would no doubt increase the risk of a complete takeover by the Vietcong. However, it is quite possible to visualize a coalition government under which different sections of the country, after the model of the Laotian setlement, would be governed by different factions. One can even visualize a South Vietnamese government that would be anxious to maintain its independence *vis-à-vis* the North.

3. We should put United States military forces stationed in South Vietnam at the disposal of the government that emerges from the elections, to be used as bargaining counters in negotiations with the Vietcong. In other words, we would honor our commitments and would leave it to the South Vietnamese Government to interpret them—in order to bring the war to an end.

4. Our ultimate goal would be the withdrawal of our armed forces from South Vietnam. Such a withdrawal would be coordinated with the progress of negotiations between the government of South Vietnam and the Vietcong. Our military forces would be gradually withdrawn, and our military presence would always be commensurate with the political purposes it is intended to serve.

Pending such a withdrawal, our military policy would come in three parts:

1. We would stop both the bombing of North Vietnam and the search-and-destroy operations in South Vietnam that seek to kill the Vietcong and occupy territory controlled by them. For the continuation of such operations in the North and South is compatible only with a policy aiming at victory, not with one seeking a negotiated settlement among the Vietnamese factions.

2. We would hold the cities and coastal enclaves that we and the South Vietnamese military now control. That is to say, we would be satisfied with a de facto division of South Vietnam.

3. We would expect the Vietcong to reciprocate by ceasing attacks upon the perimeter of our positions and by stopping sabotage within them. It can be assumed that we and the Vietcong have a reciprocal interest in maintaining the military status quo pending negotiations.

The policy here advocated, Mr. President, is anathema to the men who advise you. Yet it has always been supported by officials fairly high in your administration. It now has the support of a number of senators who in the past have been "hawks" rather than "doves."

You, Mr. President, will have to decide whether the present policy—morally dubious, militarily hopeless and risky, politically aimless and counterproductive—shall be continued or whether a better policy shall take its place. You aspire to be a great President. Whether you remain the prisoner of past mistakes or have the courage to correct them will be the test of your greatness.

(By Henry Kissinger, professor of government, Harvard, and member of the Center for International Affairs; consultant to the National Security Council under President Kennedy; author of "The Troubled Partnership," "Nuclear Weapons and Foreign Policy," etc.)

The war in Vietnam is dominated by two factors: Withdrawal would be disastrous, and negotiations are inevitable. American policy must take both of these realities into account.

1. The impossibility of withdrawal. An American withdrawal under conditions that could plausibly be represented as a Communist victory would be disastrous for these reasons:

Within the Communist world, Chinese attacks on Soviet "revisionism" have focused on the Russian doctrine of peaceful coexistence. A victory by a third-class Communist peasant state over the United States must strengthen the most bellicose factions in the internecine Communist struggles around the world.

In Southeast Asia, it would demoralize those countries—especially Laos, Malaysia, the Philippines and Thailand—that have supported our effort.

The long-term orientation of such countries as India and Japan will reflect to a considerable extent their assessment of America's willingness and ability to honor its commitments. For example, whether or not India decides to become a nuclear power depends crucially on its confidence in American support against Chinese nuclear blackmail.

A demonstration of American impotence in Asia cannot fail to lessen the credibility of American pledges in other fields. The stability of areas geographically far removed from Vietnam will be basically affected by the outcome there.

In short, we are no longer fighting in Vietnam only for the Vietnamese. We are also fighting for ourselves and for international stability.

2. The inevitability of negotiation. Historically, the goal of a war, for the United States, has been the destruction of enemy forces. Negotiations could start only after the enemy had been crushed. But the primary issue in Vietnam is political and psychological, not military.

What makes the war so complicated is the existence of a Communist "shadow government," permeating every aspect of Vietnamese life. A favorable outcome depends on the ability to create a political structure that can command the loyalties of the Vietnamese people.

A purely military solution is impossible also because Vietnam directly engages the interests and the prestige of so many major powers. Finally, the Administration has stressed its unconditional readiness to respond to any overture by Hanoi for negotiations.

In these circumstances, the political program—both within Vietnam and for negotiations—is crucial. Military victories will prove empty if they are not coupled with an effort to build political structures. Negotiations will be sterile or dangerous unless we enter them with significant areas of the country substantially free of terror.

WHERE DO WE GO FROM HERE?

1. Negotiations are likely when Hanoi realizes that its political apparatus in the countryside is being systematically reduced, and that this process will accelerate the longer the war lasts. It follows that the primary goal of military operations should be the creation of secure areas. It is better to have 100-percent control in 40 percent of the country than 40-percent control in 100 percent of the country. This is not to say that we should adopt a static "enclave" theory, which would leave us with three Hong Kongs and two Berlins in the midst of hostile populations. Nor does it mean that we must write off all the territory that we cannot securely control. We will always retain a capacity for preventing the consolidation of Communist control even in areas that we do not control ourselves. It does mean that the highest priority must be given to creating "secure" zones that contain a maximum of population—zones that can be expanded if the war continues and that will give us reliable negotiating counters at a conference.

2. We must understand that political instability in Vietnam reflects the transformation of an essentially feudal structure into a modern state—a process that took centuries in the West. Such a process involves a profound shift of loyalties—a task that would be searing in the best of circumstances, but is compounded by the pressures of civil war. This imposes two requirements on us: (a) We must have compassion for the travail of a society that has been wracked by war for two decades and not use its agony as an alibi for failing in our duty; and (b) we must give special emphasis to building political structures from the ground up.

3. The notion drawn from our experience in Europe, that economic assistance automatically produces political stability, does not apply in Vietnam. On the contrary, there is a danger that our enthusiasm and our concern with technical refinements will overwhelm slender administrative resources and compound political demoralization. The test should be whether a program can enlist local support and thus give the rural population an incentive to defend it. Efforts should be concentrated in areas of maximum military security and spread out from there.

4. It may prove impossible to settle the war at a large conference that deals with all issues simultaneously. If the negotiations are conducted in a forum consisting of many nations that are already rivals (e.g., the U.S.S.R. and Communist China, or the U.S. and France), energies may be dissipated in political jockeying that is peripheral to the central problems in Vietnam. It may be wiser to separate the issues into their component elements, each to be settled by the parties primarily involved. A larger conference could then work out guarantees for settlements already achieved in other forums.

5. The war in Vietnam is a crucial test of American maturity. In the lives of nations, as of individuals, there comes a point when future options are limited by past actions. The choices of 1966 are not those of 1961. We must recognize that to be on the defensive often forces us to be engaged in places chosen by opponents for their difficulty and ambiguity.

We do not have the privilege of deciding to meet only those challenges that most flatter our moral preconceptions. If we cannot deal with political, economic and military problems as an integrated whole, we will not be able to deal with them individually.

(By Hanson W. Baldwin, military editor of the New York Times, Pulitzer Prize winner for journalism, graduate of Annapolis, war correspondent in the South Pacific, North Africa, Normandy, Korea, Vietnam)

It's the eleventh hour in Vietnam. The United States must decide to win or get out. It is not too late to win, but it soon may be.

Victory means, first of all, a Governmental and national determination to win.

Congress should declare a state of national emergency and authorize a limited mobilization. Our trained and ready military power is spread thin all over the world. Limited mobilization would provide—more quickly than any other means—a pool of at least partially trained manpower and organized logistical training and combat units to sustain a rapid buildup in Vietnam and, utimately, to strengthen our weakened positions in other parts of the world.

The President should be authorized to mobilize up to 500.000 reserves for two-year service. Draft calls should be increased as necessary. All enlistments should be extended for a minimum of six months.

South Vietnam, North Vietnam, Laos, Cambodia and Thailand must be regarded as a strategic whole. The war in South Vietnam is clearly nourished from outside. Soldiers, medicines, supplies, and especially arms and ammunition, today reach South Vietnam by sea, from Cambodia, through Laos, and from North Vietnam by any and all methods. Most of the small arms now used by the Vietcong "main-force" units are standardized on the Soviet 7.62-mm caliber basis and are Chinese-manufactured. All of the heavy arms—mortars, antiaircraft guns, SAM missiles, MIG's, IL–28 bombers, and the world's largest helicopter, the Mi–6—are either Chinese- or Russian-manufactured.

We must shut off, to the best of our ability, the stream of Communist supplies *into* North Vietnam. We should turn off the faucet, not merely put a stopper in the drain. This means blocking the seaborne arms traffic to North Vietnam—by mining, bombing, naval gunfire; the sinking of a dredge in the narrow, silted ship channel to Haiphong; by so-called "pacific blockade" or "quarantine" or other means.

The land supply routes, even more important to the Communist war effort, must also be interrupted. Past limitations upon the bombing of railroads and roads, and of the choke points and communications bottlenecks in North Vietnam's extensive road network, must be removed. We must reduce the flow of supplies from North Vietnam through Laos and Cambodia. Many of these supplies move partway by truck; we have been bombing the trucks but, until recently, not the fuel-oil supplies that power them. We should bomb all the fuel-oil depots in North Vietnam. Electric power plants, which provide power for a variety of war purposes, should also be bombed.

Interdiction of the many branches of the Ho Chi Minh Trail (which leads over various passes from North Vietnam through Laos or Cambodia into South Vietnam) must be improved—by eliminating some of the restrictions that now hamper bombing and particularly by assigning more trained Forward Air Controllers, both on the ground and in the air.

Air cavalry raids by helicopter against Laotian bottlenecks on the supply route should be undertaken whenever possible. The doctrine of "hot pursuit" must be applied to any guerrilla forces that use Cambodia as a sanctuary.

At sea, the Navy's coastal surveillance and river patrols must be extended and tightened—to stop Vietcong gunrunning by junks and sampans. This will require more air and small-craft bases in South Vietnam and Thailand.

U.S. troop strength in South Vietnam should be doubled to a figure of 500,000 to 700,000 men, to enable U.S. and South Vietnamese forces to patrol areas that have been Communist sanctuaries for years. We must find and fix the main force of the enemy, and force him to expend his supplies in action, if possible. An enemy "body count" is not the proper yardstick by which to judge success in this kind of war. Even if the enemy refuses action and fades away into the jungles, or into the shadows of the U Minh Forest, the capture and destruction of his base camps, or his rice and food supplies, of his medicines and weapons and ammunition will reduce his combat capabilities. The war must ultimately be won on the ground by destroying or breaking up the main-force units of the Vietcong, and especially by destroying the enemy's bases of operations.

The final part of the strategy for victory—the part that will shape the peace—is the pacification program. The American and South Vietnamese military can launch search-and-destroy and search-and-clear operations; but only specially trained South Vietnamese administrative and paramilitary forces can *hold* the areas that are cleared. The pacification program—in the past mishandled and underemphasized—has this year started slowly but well; it must be pushed to the maximum. For one can confirm victory in a guerrilla war only if one wins the people over and protects them against the enemy.

This is a slow, a comprehensive, a tedious process. The administrative, police, educational and health authority of the central government must be built up from what Ambassador Henry Cabot Lodge calls "the precinct level."

The enemy cannot win in a military sense; he is stymied on the field of battle. But political instability in Saigon, and U.S. impatience at home, may cause us to lose the struggle—politically and psychologically.

We have no easy choices—only grim alternatives. Victory, which means making it possible for a South Vietnamese government to govern without interference from outside, is possible; but it may not be possible soon.

The victory road will be long and hard and bloody. But defeat or stalemate in Vietnam will gravely impair the U.S. position in Asia and in the world; and if we lose, our children and grandchildren will face tomorrow a far worse problem than we face today.

(By Herman Kahn, director of the Hudson Institute (a nonprofit organization conducting research in the area of national security and international order); former member of the Rand Corporation; author of "Thinking About the Unthinkable, On Thermonuclear War, On Escalation: Metaphors and Scenarios")

I have been asked by Look to describe my personal position, rather than give an analysis of the pros and cons. The first and overwhelming point is that whether or not one agrees with the steps that led to it, our present commitment to oppose force and terror by the National Liberation Front in South Vietnam is as solemn an engagement as any modern nation has made. I do not believe that commitments must be blindly kept, regardless of costs; but just as we should be careful about making commitments, we should be very careful about honoring them.

Maintaining the credibility of our commitments is not just a matter of "saving face." Our ability to support world peace and security, particularly without using excessive force, depends in great measure upon the faith that other nations repose in American commitments. (Germany, Japan, India and Israel, for example, restrain their activities in obtaining nuclear weapons partly because of American commitments.)

To renege on commitments as serious as those we have made in Southeast Asia could be a major step in a disastrous erosion of faith in the United States. If faith in our commitments became so weak that we would have to give excessive commitments in order to make them believable—for example, giving minor states control over our policy (as the British had to do with Poland in 1939)—then the likelihood of major escalation, such as a war with China, would be dangerously increased.

The United States also has a crucial interest in dispelling two illusions that have grown up since World War II: that radical terrorists almost always win; and that radical regimes can subvert, or intervene in, a neighboring area with little risk. History is replete with examples of how a victory by terrorists in one area powerfully influenced the likelihood and the tactics of subversion in other areas. The invalidity of oversimplified "domino theories" should not lead us to underestimate the worldwide costs of letting the Vietcong succeed with their resort to violence. In addition, I am seriously concerned about the political and moral repercussions within the United States were we to "pull out" of Vietnam.

Our cause in South Vietnam is not immoral. Many think we are creating more destruction, more death, more human suffering than our cause justifies. But what would happen were we to let South Vietnam fall into the hands of the National Liberation Front? It is not likely that a victorious NLF would treat with restraint: the Cao Dai, the Hoa Hao, the Catholics (each a community of about 1,000,000 human beings); the 500,000 South Vietnamese soldiers; the many other groups that have demonstrated they are anti-Communist; the tens of thousands who would probably be labeled enemies of a Communist state. Those who dismiss this likelihood need only look at how the Chinese Communists and the Indonesian Army treated their opponents, and might ask themselves if the victorious NLF is likely to be more restrained. Nor should the West view with equanimity 15,000,000 people passing behind a Communist Iron Curtain.

What, then, should we do in Vietnam now?

1. An important aspect of the battle for "the hearts and minds of men" is this: Which side will succeed in symbolizing national identity? Many Vietnamese prefer good government to bad government, but even more prefer self-government to foreign control. We should encourage self-government, and should minimize our nonmilitary role.

2. Thus, we should accept and encourage more independence by the South Vietnamese in handling their political and economic problems. Even if a Buddhist nationalist comes to power, he is likely to be more opposed to the NLF than to the Americans: and if his government does not want our protection, or makes it impossible, we can *then* leave with honor—having fully honored our solemn commitment. (I assume we would not have connived at his election or policy.)

3. To the extent that it can be encouraged to, the Saigon government should compete with the Vietcong in promises of social reform, should launch selective but significant social-reform programs now, and should carry out pacification programs in a legal and humane way.

4. We should replace the present system of four levels of American advisers in the Vietnamese Army (which tends to result in four levels of double veto) with a simpler, more unified system.

5. We should urge the South Vietnamese Army to make promotions and assignments on the basis of merit. The efficiency of the fighting forces would be greatly increased if

the army adopted the simple expedient of promotions on the battlefield, raising enlisted men to officer rank, regardless of education—rewarding proven ability, aggressiveness and dedication.

6. The amnesty programs offered to the Vietcong should be broadened and liberalized. The counterinsurgency wars that have been won since World War II often involved generous, well-publicized amnesty programs. (The Philippine Government, for instance, promised and gave farms to many Huk guerrillas who surrendered.) Although the South Vietnamese think it wrong to treat rebels better than loyal peasants, it is clearly worth a good deal to South Vietnam to make surrender safe and attractive, and to guarantee a decent, useful life to the man who surrenders.

7. We probably do not need to escalate military activities against North Vietnam. The military tactics we have introduced—aggressive patrolling to carry out search-and-destroy and clear-and-hold operations—contain many significant benefits that have not yet been fully realized, but should soon show important results.

8. I believe we can pacify Vietnam. A stable, reasonable government there is possible. Although the political situation looks bad today, many current political problems are likely to be solved following, and as the result of, military victories. The political difficulties in South Vietnam are likely to be diminished when and after elections are held—especially if the elections follow military victories.

Our present policy is the only realistic alternative the United States really has. It is a hopeful policy. If we are patient, resolute, realistic, that policy can probably realize our goals. I have yet to hear of an alternative that is not likely to involve costs far greater, far more deplorable, far more inhumane in both the short and long run.

(By Arthur Schlesinger, Jr., Albert Schweitzer profesesor of the humanities, City University of New York; professor of history, Harvard, 1954–61; twice winner, Pulitzer Prize; winner, National Book Award; assistant to Presidents Kennedy and Johnson; author of "A Thousand Days," etc.)

The moderate critics of the administration's Vietnam policy do not question its proclaimed purposes; resistance to Communist aggression, self-determination for South Vietnam, a negotiated settlement in Southeast Asia. They do question, with the greatest urgency, the theory that the way to achieve these objectives is to intensify the war. The more we destroy Vietnam, North and South, in their judgment, the less chance there will ever be of attaining our objectives. The course of widening the war, moreover, will mire our nation in a hopeless and endless conflict on the mainland of Asia, beyond the effective use of our national power and the range of our primary interests—and may well end in nuclear war with China.

And the alternatives? Instead of supposing that a guerrilla movement can be crushed by strategic bombing, instead of using military methods to solve a political problem, we must adapt the means we employ to the end we seek.

1. Stop the Americanization of the war. The bitter fact is that the war in Vietnam can *never* be won as a war of white men against Asians. It cannot be won "unless the people [of South Vietnam] support the effort. . . . We can help them, we can give them equipment, we can send our men out there as advisers, but they have to win it, the people of Vietnam" (President Kennedy, 1963). The more we Americanize the war—by increasing our military presence, by summoning Saigon leaders, like vassals, to conferences in an American state, by transforming a local war in Vietnam into a global test between America and China—the more we make the war unwinnable.

2. A civilian government in Saigon. We have never had a government in Saigon that could enlist the active loyalty of the countryside, and we certainly do not have one in Marshal Ky's military junta. Instead of identifying American interests with Marshal Ky, and rebuffing the broader political impulses of the South, *we should long since have encouraged a movement toward a civilian regime that represents the significant political forces of the country and is capable both of rallying the army and carrying out programs of social reform.* If such a government should favor the neutralization of South Vietnam, if it should want to negotiate with Vietcong, *even if it should wish to release us from our commitment to stay in Vietnam,* we cannot and should not object.

3. Reconvene the Geneva Conference. We should persevere in the quest for negotiation. Since the Vietcong are a principal party to the conflict, it would appear obvious that peace talks at Geneva are meaningless without their participation. And since they will never talk if the only topic is their unconditional surrender, we must, unless we plan to exterminate them, hold out to them a prospect of a say in the future political life of South Vietnam—conditioned on their laying down their arms, opening up their territories and abiding by the ground rules of democratic elections, preferably under international supervision.

4. Hold the line in South Vietnam. Obviously, Hanoi and the Vietcong will not negotiate so long as they think they can win. Since stalemate is thus a precondition to negotiation, we must have enough American ground forces in South Vietnam to demonstrate that our adversaries cannot hope for military victory. I believe that we have more than enough troops and installations there now to make this point.

It is an illusion to suppose that by increasing the size of the American Army we can ever gain a reliable margin of superiority; for, by the Pentagon's preferred 10:1 ratio in fighting guerrillas, every time we add 100,000 men, the enemy has only to add 10,000, and we are all even again.

Nor does "digging in" mean a static strategy with initiative relinquished to the enemy. The South Vietnamese Army of half a million men is better suited in many ways than are Americans to search operations in the villages.

We should also limit our bombing in the South. Have we really no better way to deal with guerrilla warfare than the aerial obliteration of the country in which it is taking place? If this is our best idea of "protecting" a country against communism, what other country, seeing the devastation we have wrought in Vietnam, will ever wish for American protection?

5. Taper off the bombing of North Vietnam. Secretary McNamara has candidly said, "We never believed that bombing would destroy North Vietnam's will," and thus far, bombing the North has neither brought Hanoi to the conference table, demoralized the people nor stopped infiltration. As a result, pressure arise for ever-wider strikes—first oil depots, then harbors, factories, cities the Chinese border. But these won't work either. As we move down this road, we will only solidify the people of North Vietnam behind their government, make negotiation impossible and eventually assure the entry of China into the war. And even if we bombed North Vietnam back to the Stone Age and earned thereby the hatred of the civilized world, this still would not settle the present war—which, after all, is taking place not in North but in South Vietnam.

6. A long-run program for Southeast Asia. We should discuss with Russia, France, China and other interested countries a neutralization program, under international guarantee, for Cambodia, Laos, North and South Vietnam. If these states could work out forms of economic collaboration, as in the development of the Mekong Valley, the guarantors should make economic and technical assistance available to them.

A program of limiting our forces, actions and objectives still holds out the possibility of an honorable resolution of a tragic situation. A program of indefinite escalation offers nothing but disaster; for our adversaries can, in their own way, match our every step up to nuclear war—and nuclear war would be just as much a moral and political catastrophe for us as it would be a physical catastrophe for the Far East and the whole world.

THE MIRANDA CASE

Mr. ERVIN. Mr. President, in a recent issue of his column, "Capitol Punishment," Art Buchwald has made some observations in jesting guise which seem quite appropriate to the recent decision of the Supreme Court in the Miranda case. Properly construed, the majority opinion in the Miranda case attempts to lay down some artificial rules which an arresting officer must repeat by rote like a parrot in order to make admissible in a criminal case the voluntary confession of the defendant that he is the party who committed the crime with which he is charged. I ask unanimous consent that Art Buchwald's observations may be printed at this point in the body of the RECORD.

There being no objection, Mr. Buchwald's observations were ordered to be printed, as follows:

CAPITOL PUNISHMENT: BABY FACE—A REMAKE

(By Art Buchwald)

Ever since the Supreme Court ruling concerning the protection of a defendant's constitutional rights at the time of his arrest, the motion picture people have been in a dither. Almost every gangster movie of the last 40 years is now outdated, and will have to be remade with the rights of the defendant kept in mind.

This is probably what the remarks of Baby Face Nelson will look like. Baby Face has been betrayed by his jealous girl friend and the cops have his farm hideout surrounded. The Chief of Police says over his loudspeaker, "Now hear this, Baby Face. The farmhouse is surrounded and you don't have a chance. Come out with your hands up."

"Drop dead, copper," Baby Face shouts from the window, firing a shot at the same time.

"I must warn you, Baby Face," the Chief says, "that anything you say will be held against you."

Baby Face lets go with a burst of a machine gun. "I don't intend to be taken alive, you dirty finks."

The Chief ducks behind his car. Kneeling, he says, "Baby Face, I have to advise you that you may either have a choice of your own lawyer or we will provide you with a public defender, and you do not have to say anything to us when you come out of the farmhouse with your hands up if you do not want to."

"I got lots to say," Baby Face shouts from the window. "Ha, ha, ha."

He lets go with another burst from the machine gun.

"If you're going to talk to us, Baby Face, you'll have to sign a waiver that no one made you say anything against your will."

"I'm signing nothing, copper. I know my rights. Like the case of Gonzalez vs. the State of Oklahoma, no one can lay a finger on me until I'm brought before a magistrate and given a hot meal and a bubble bath."

"Now listen carefully, Baby Face," the Police Chief says. "We know you've killed 12 bank tellers and robbed six post offices, but constitutionally you have nothing to fear. Even if we can prove our case, you can always appeal on the grounds that, because of this gun fight, you received adverse publicity in the newspapers, and could not get a fair trial."

Baby Face fires another burst from his machine gun. "That's what you say now. I haven't forgotten what happened in the Glutz vs. the People of Peoria, Illinois, case when the coppers tricked Glutz into a confession by giving him two tickets to the Green Bay Packers-Baltimore Colts football game."

"The Third Circuit Court threw out the Glutz conviction, Baby Face," the Chief shouts over the loudspeaker. "Didn't you read about the Third Circuit Court of Appeals ruling in Nashville vs. Virginia Woolf?"

"I haven't seen the newspapers lately," Baby Face shouts. "I've been holed up here, and if you want me you're going to have to come and get me." Rat-a-tat-tat.

"Okay, Baby Face, have it your way, but don't say we're violating your constitutional rights."

The Chief gives the signal to charge and a hailstorm of lead fills the air. When the smoke clears, Baby Face is lying mortally wounded.

His mother rushes up to him and puts his head in her lap.

"They got me, ma. Tell Melvin Belli the cops cheated him out of a fee," Baby Face gasps.

"Don't talk, son. If the police doctor does not patch you up, we can sue him for malpractice."

"But how, ma?"

"Don't you remember, son, Dillinger vs. the People of Malibu Beach, California?"

VISIT ALABAMA

Mr. SPARKMAN. Mr. President, this is in the nature of a special report on a single tourist attraction in my native Alabama. As many Senators know, I have been urging visits to Alabama to see what my State really is like. I repeat that invitation today, and I want to invite attention to one of the newest national monuments, Russell Cave.

I say "newest," but this is only because this remarkable place has been a national monument for only a few years and because it is planned to open the monument formally this fall. In this cave, experts from the Smithsonian Institution and the National Geographic Society have found a record of the lives of people who lived there for about 8,000 years. We know from these records that people were living in Russell Cave 4,000 years before the building of the Great Pyramid of Egypt.

In the excavations which have been made thus far archeologists have found spearheads, arrowheads, pottery, tools, and other artifacts to recreate the lives of these people as they progressed in the degree of their civilization. The National Park Service has erected a fine visitor building and museum, and the monument area has been in part landscaped, although most of it has been left in its natural state, just as it may have been when the Indians lived in Russell Cave. Rangers at the monument demonstrate the use of the throwing stick which enabled the Indians to send their light spears several hundred feet.

In addition to its historic interest, Russell Cave is a beautiful spot in a cove amidst the mountains of Jackson County. Russell Cave is near Bridgeport and Stevenson, Ala., a few miles from U.S. 72, and is easily reached from Chattanooga, Birmingham, or Gadsden. I commend it to us all as a reminder that people were here for thousands of years before Plymouth Rock or Jamestown or St. Augustine.

Incidentally, Russell Cave is in an area where there are numerous spectacular caves, some of which have unique features. For a very pleasant tour, I suggest a few days or weeks in this mountain area on both sides of the Tennessee River in Alabama.

Come on down to the Deep South and see Alabama, where we have been making progress for at least 8,500 years, and still are moving forward. You will enjoy an Alabama vacation.

HUNGARIAN MINORITIES IN RUMANIA

Mr. RIBICOFF. Mr. President, today some 1,750,000 Hungarians are living in Rumania. This is one of the largest ethnic minorities in Eastern Europe. These people are concentrated in the area of Transylvania, which has been their home for many centuries. Yet, for years now, they have seen their rights gradually slip away at the will of the Rumanian Government.

Mr. President, as men who believe in justice for all, we must oppose the abridgement of human freedom wherever it exists. This is why I am a cosponsor of Senate Resolution 143, which protests the persecution of Hungarian minorities in Rumania.

JETPLANE SERVICE AT NATIONAL AIRPORT

Mr. BREWSTER. Mr. President, the Federal Aviation Agency has announced yet another policy on flights from Washington National Airport. Despite the testimony of nearby residents that the noise from jet airplanes is deafening, despite the incredible congestion which followed the inauguration of jet service at National, the FAA has decided to allow long-range flights to continue.

The FAA has yielded to special interest pressure again. This continues its "weather vane" policy—whichever way the wind blows, the Agency will go.

The Administrator had said that he would stand firm by his earlier decision to restrict jet flights to a 500-mile radius. Instead, the winds changed course, and so did he.

These long-range flights will, of course, be mostly jet flights. The jets will continue to deafen area residents—but I do not suppose the FAA really cares very much about that. This latest episode proves very clearly that the FAA is really more concerned with special interests than with the public interest.

To try and obtain an objective evaluation of the public interest, I have written to the National Capital Planning Commission, asking them to begin hearings immediately on the Washington air transportation problem. I am hopeful that they can produce a firm, stable policy on metropolitan air transportation facilities.

The Washington Post, which formerly supported the introduction of jets at National, has recently editorialized against jets at National, in light of the incredible traffic congestion and noise created by this decision. Today's Post contains a very pertinent editorial on the latest FAA shift.

Mr. President, I ask unanimous consent that this editorial be reprinted in the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

[From the Washington Post, July 28, 1966]

TRAFFIC AT NATIONAL

The Federal Aviation Agency, batted back and forth like a shuttle-cock between the airlines and Midwest members of the congressional Tuesday to Thursday club, has issued a new order limiting flights at Washington National Airport.

It provides no permanent solution either for National or for the air traffic pattern of this area. The new order will impose a limit of 40 operations an hour. This is four less than the volume desired by the airlines. And, of course, it abandons the 500 mile limit and permits several schedules in excess of 650 miles.

The daily operations will be limited to 600. Without the limitations, according to FAA, the number would have risen to 760. Within the instrument limit of 60 an hour there can be 40 airlines operations, 16 general aviation operations and four air-taxi flights.

If the airlines can agree on the allocation of the available operations—and they have not done so yet—the volume will exceed the amount of traffic that ought to be allowed in and out of National. This amount of business still will overburden the facilities at the airport, oppress the residents of the community with an intolerable amount of noise and inconvenience, those who travel by air and those who do not, throughout the metropolitan area. The time will arrive when no city will tolerate the risks and hazards of increasing traffic over built-up urban areas. This city would not do so if it had self-government. Any elected government would promptly close National or limit its use to general aviation and move the airlines to Dulles International Airport.

The new rule, no doubt, will move back to National a number of schedules that would go to Dulles under a 500 mile limitation. The finest airport in the world will continue to be only partially utilized. The convenience of Congressmen and airline operators has won out over the comfort, safety and convenience of citizens. Residents of the District are not totally without means of showing their own preference. They cannot vote, but they can "vote with their feet" by using the services available at Dulles International Airport and Friendship Airport. The last word has not yet been said on Washington National Airport. Sooner or later, the great volume of Washington traffic will be moved to an airport that is convenient, comfortable, commodious and safe.

METTLE OF AMERICANS

Mr. INOUYE. Mr. President, the aviation editor of the Chicago Tribune provides us with a stirring portrayal of young Americans who are battling for the cause of freedom in Vietnam.

I will not attempt to sum up his answers to a series of questions concerning the quality of men he saw in combat, except to say that he reports these brave air and ground soldiers understand clearly why they are there—and why they are risking their lives.

Before offering the article containing his observations for the RECORD, I also would like to quote Mr. Thomis' tribute to the younger generation:

> When you see men like this in action, putting out the one thing that is priceless to them—their own lives—and doing it so generously and selflessly and yet with a full knowledge of the risks, I'd say that this generation is as good as there ever was in the United States.

I ask unanimous consent to have the article printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Chicago Tribune, July 20, 1966]

THE METTLE OF AMERICANS

(NOTE.—*Wayne Thomis, Tribune aviation editor, appraises the quality of the present generation of young Americans as he observed them in combat in Viet Nam. This is the conclusion of a series of editorial interviews.*)

Q. We have had some discussion of helicopter operations. How many helicopters are out there?

A. We have 1,700 in southeast Asia. Six hundred are attached to the 1st air cavalry division alone. The whole division can be moved by helicopter. These operations have added a whole new dimension to war. We have an unprecedented mobility. We can get to any given point in a hurry. We can reinforce our columns in the field which have come in contact with the enemy, and, of course, terrain is no obstacle.

Q. What about the helicopter pilots?

A. These are the youngest men in combat I have encountered—most of them under 22 or 23, some of them no more than 18. They are trained for a year at Fort Rucker and come out as warrant officers. This warrant class is a sort of special elite group. I never saw people better motivated, more dedicated, or so intelligently facing constant risks. The helicopter is highly vulnerable to ground fire. It has to go in close, and it has to come in low. When it hovers, dropping off men or supplies, it is a sitting duck, and its pilots take even longer chances on rescue operations.

Q. What's the story of these rescues?

A. The helicopter pilots go right into the teeth of enemy 50 caliber machine gun fire to get out our wounded. They have to take whatever clearing is available. If the machine is shot up and that's one down, there's another right behind and he goes right in there, too. I've known of as many as three or four helicopters in a row that have been shot up in rescue work, and the fifth one still comes right in.

Q. These have to be brave men?

A. These boys aren't any more ready for death than anyone else, and they understand perfectly the risks they are taking. Their whole attitude is that this is a job that has to be done. When I talk with them, they say, "They needed us badly and we are as expendable as anyone else." Some of them, a year or two out of college, told us they started with the idea that we shouldn't really be in this war. They had listened to the usual antiwar chatter you get around a lot of campuses.

Q. What changed their minds?

A. It's a question, they say, of understanding what Viet Nam is all about, and why they have to be there. They feel there has to be a confrontation with communism-on-the-move somewhere. If it isn't here, it will be somewhere else. They have come to feel this is a responsibility which they can't escape.

Q. How about their families?

A. Those who are married said their wives also had come to accept the stakes of this war and the responsibilities that go with them. When it came time to leave, no hysterical scenes were thrown.

Q. So there is an acceptance of the hazards?

A. These boys are out there for a year and, the way things go, there is every likelihood they will be shot down two or three times in that period. Not every one, of course, but the risks are constant, and they run them daily. They don't wear parachutes. There's no way of getting out of the copter. If, they're shot down at altitude, they are going to crash and they are going to be killed, and that happens all the time.

Q. Yet they put their necks out almost by routine?

A. Yes, and the paramedics—the recue teams that are lowered while the helicopter is hovering low—are just as unbelievable. They have enormous spirit. They are not going in there out of a conscious patriotism, or because of ideas of cutting down communism. Their morale is based on this outlook: "We are not going to let our people down. There's an American down there, and we're going to get him. We're going to bring him out." That is what drives these paramedics down into the jungle at night, and it's the same thing that drives these helicopters down into the clearing against heavy machine gun fire.

Q. You were touched by these boys?

A. I think they are a special breed. They may get in there and pull three or four or five wounded out and get away, and the next man may get it. They put themselves right on the spot, deliberately, intentionally, even tho they are scared to death.

Q. The hazards are greater than those accepted by the strike pilots?

A. I think it takes a kind of courage that's entirely different from the strike pilots, who are also doing a tremendous job and get into very tight situations. The strike pilot is in an environment where he's taking hardly any more risk—and they say so themselves—than when he is operating on the range at home. But the helicopter boys, they're out on a long limb.

Q. You have spoken very highly of the bravery and dedication of our young men. This seems to run counter to the impression that many adults have of the current generation. Will you give us your thoughts on that?

A. I have never been more impressed at any time in my life with the courage and judgment and understanding and dedication and integrity of young men than I have been in this war. There are so many in it who look to me as if they are children—teen-agers and young men in their 20s. They are so self-sacrificing, so brave, that it's heartbreaking to see, inspiring to see, and it's so universal that they aren't even aware that they're brave.

Q. And this prevails thru all arms of all services?

A. It extends from the man who is there on the ground in conditions you wouldn't believe—pestilence, heat, insects, lack of water, and danger from every possible quarter, especially an enemy who is cunning and avid to kill—and it goes right up thru all the pilot leadership which has inspired a tremendous loyalty in all the units I saw. I say that this spirit starts at the top and goes right down to the last cook, the weapons carrier, and the man who is slogging thru all that underbrush with a load of ammunition on his back.

Q. What explains it?

A. The initial motivation is that these men simply will not let their comrades down. They know that their friends are being wounded and killed. Unit loyalty begins in this way.

Q. Are they fighting for the Vietnamese?

A. They tell me, "After we take a look at the country and the people and see how poor and miserable and benighted they are, and then after we find out that the enemy is cruel and murderous and is bent on imposing his own totalitarian system on these people, we understand just what it is that we are doing."

Q. They know what war has done?

A. They've seen the work of the Viet Cong. They've walked thru the villages that have been overrun and have seen women and children who have been shot or injured by grenades or chopped up with machetes. They have heard how village chiefs and teachers have been murdered. They see that the Vietnamese are good people and have put up with a long-term war with tremendous patience and courage and even cheerfulness. They are people who tug at the heartstrings of our own men over there.

Q. So they come to understand what the war is all about?

A. Yes, they know what they are doing, and why. They believe that it's right that they should be there to help these people. And, with the dedication they have to their own outfit, they have become, I think, quite sublime in facing the strange, extraordinary situation they find themselves in.

Q. Then this is an effective fighting force, one of high morale?

A. I say this advisedly: these men have become fine, professional soldiers. There is nothing like combat to turn an army of amateurs into an army of pros.

Q. What reaction do they have to the teach-ins and anti-war demonstrations back home?

A. I have asked a lot of people this question. Some are vehement about it. They say they can't understand it at all, and that it's a form of treachery. The younger men almost invariably said, "We have heard of this. We can't understand how it can go on. The only thing we can guess is that people who do these things have simply not understood what this war is all about, and what the fighting over here means to the people who are the victims of the Viet Cong."

Q. So you give the current generation very high marks?

A. I give them as high a mark as can be given. When you see men like this in action, putting out the one thing that is priceless to them—their own lives—and doing it so generously and selflessly, and yet with a full knowledge of the risks, I'd say that this generation is as good as there ever was in the United States. They are as good as the Americans of Revolutionary days or any men in all the wars we ever fought. Their parents and friends should be extremely proud of them. I certainly am so proud of them I just can hardly express it.

PERSONAL PRIVACY?

Mr. LONG of Missouri. Mr. President, the editors of Saturday Review are to be complimented for their recent July 23, 1966, issue which is devoted to the potential of the automation revolution and its implications for our society. The Saturday Review entitled this special issue "The New Computerized Age."

One article in the issue is devoted to the question of how much individual privacy remains as we develop more and more complex computers with more and more complex programing. One question suggested by the article is whether individuals today are themselves being treated as machines. The Senate Subcommittee on Administrative Practice and Procedure will soon send a questionnaire to all Government agencies and departments to determine the nature and amount of information which the Government currently maintains on all individuals. It is our hope that these questionnaires will result in a meaningful analysis so that the subcommittee and the Congress will finally be able to determine answers to such questions as was recently put by one author: "must the miracle of the person succumb to the order of the computer?"

I urge my colleagues to read the recent issue of Saturday Review, and ask unanimous consent to insert, at this point in the Record, an article entitled "Whither Personal Privacy?" by John Lear.

There being no objection, the article was ordered to be printed in the Record, as follows:

WHITHER PERSONAL PRIVACY?

(By John Lear)

Between my resignation as an editor of the slowly dying *Collier's* and the inauguration of SR's Science and Humanity Supplement, I was for a short while a minor adviser to Thomas J. Watson, Jr., son of the founder of the International Business Machines Corporation. My experience there contradicted two popular beliefs about IBM.

The first belief was that all IBM employes were required, as a condition of employment, to wear white shirts on the job, stay sober at home, and maintain upright on their desktops identical copies of a small sign bearing the personal command of Thomas J. Watson, Sr.: Think. I wore light blue shirts, drank cocktails at lunch, and put the Think sign on the windowsill of my office whenever my secretary put it back on my desk; yet I had a standing invitation to young Tom's sanctum.

The second of my working conditions that ran against supposed IBM tradition had to do with that then-new phenomenon, the so-called "giant brain," or high-speed electronic computer. IBM has sold an enormous number of electronic computers. According to legend, a loyal IBM salesman would leave his wife if necessary to clinch another sale. The truth about IBM computer sales, as I experienced it, was that an immense share of IBM's sales investment went into persuading eager customers *to delay the purchase of computers.*

Delaying was sound business practice because a computer can do only what it is told to do; it must follow instructions literally; until the instructor himself is sure where literal pursuit of a long series of tiny steps will lead, turning the task over to a computer can be dangerous. The machine may complete its assignment before its owners realize that the outcome isn't really the one they seek.

The period of my IBM experience dates back roughly a dozen years. At that time, computers could do only one thing at a time, in sequence. Computer programers—the people who break everyday English into binary arithmetic messages (consisting entirely of numerical zeros and ones) comprehensible to the machines—were such valuable individuals that IBM allowed them to sit at the computer control consoles as long as necessary to figure out flaws in the translation process. Since then, the speed of the machines has risen, the size of components has shrunk, and computer sophistication has grown to such a state that a machine can do a number of different things at a time, not necessarily in sequence.

As a result, the computer's time is worth upwards of $300 an hour—too valuable to be wasted by a programer's head-scratching; and each programer now must figure out unexpected problems in a separate place while the computer goes on with other people's problems. In other words, it is now possible for wrongly instructed computers to make more disastrous and far-reaching mistakes in a shorter time than ever.

Paul Baran, of the Rand Corporation in Santa Monica, has studied this dilemma more searchingly than most observers of the phenomenon.

"As we pass through life," he reminds us, "we leave a trail of records, widely dispersed and generally inaccessible—except with a great deal of effort and diligence. Beginning with a birth certificate, we accumulate hospital and medical records. We become deductions on our parents' income tax. In school, we generate records of our grades, attendance, IQ tests, personality profiles, etc. (Automated teaching will add to this record keeping. The volume of data recorded per child may be expected to increase even more markedly.) After school we start accumulating employment, socal security, and selective service records. We may get a driver's license. Most of us will apply for marriage licenses, and some of us will collect divorce decrees which will end in voluminous court records. If we are lucky, we will be able to avoid having arrest and jail records.

"We move from job to job in a mobile economy creating moving-company inventory records of our goods. Even as we move from place to place we leave behind short records of our airplane reservations and, for some reason, every hotel makes a ritual of acquiring and preserving the alleged names and addresses of its guests for posterity. This is only a partial list. Think of all the records you leave as you go through life.

"Behind all this creating of records is the implicit assumption that they will some day be of use. In order to be of use, there must be some means of interrogating the files to resurrect the information sought.

"An Internal Revenue Department investigator might wish to have immediate access to the tax returns of each of the associates of a man who is being audited, in order to check on consistency of financial relationships.

"A company may wish to have rapid access to its personnel files to know whether to give a good reference to a former employee.

"A doctor may wish to trace the entire medical history of a patient to provide better input into a diagnostic computer.

"The Veterans' Administration may wish to examine a man's complete military record and possibly other previous medical records to see whether the ailment claimed as being service-connected really is service-connected.

"A lawyer for the defense of a man will wish to search for jail and arrest records, and possibly credit records of all witnesses for the plaintiff.

"Professional licensing boards may want to delve into any records to determine if an applicant has an unblemished character.

"The military in filling extremely sensitive positions may even wish a record of all books borrowed by a prospective applicant to insure that his interests are wholesome and he possesses the proper political bias desired.

"Today it is difficult to gather such information about a prospective examinee. If one went through direct channels and asked most sources for their records about a person, he would most likely be rejected, if for no other reason than that the information is not available—cheaply. Even if the records were publicly available, the investigator would have to spend a great deal of time and effort delving through to discover pertinent data. Today, as a practical matter, if one wishes to obtain certain information about a person, he hires a private detective who charges a great deal of money and expends a great amount of time obtaining a little information available from a portion of these potential records. The price for a fishing expedition for information is high and most of the fish are inaccessible."

Having thus summed up "the pleasant past," Rand analyst Baran looks into the future through a three-step review of established processes of computer storage of information. Step one: Manual records are kept by human clerks. Step two: Some of the clerks are eliminated by putting all the records into a central computer file with readout of the records controlled from a single point. Step three: Information is read into and out of the file from a large number of different points.

Baran envisages connection of one remote-access computer with other similar computers, and through this, "danger of loss of the individual's right to privacy as we know privacy today." "The composite information data base may be so large and so easily accessible that it would permit unscrupulous individuals to use this information for unlawful means," he warns. "Modern organized crime should be expected to have the financial resources and skills necessary to acquire and misuse the information."

He expresses concern not only over the possible creation of "automated blackmail machines" but over the potential addition of "inferential relational retrieval techniques" now being developed which, "when fully refined, could determine relationships of any person, organization, event, etc., to any other person, organization, or event." Noting that "humans, by their day-to-day necessity of making decisions on totally inadequate evidence, are innately prone to jump to conclusions when presented with very thin chains of inferred relationships," he predicts an increase in the already growing practice of unearthing defaming information about candidates for political office.

The Baran forecast of computer hazards is fortified by the studies of another Rand researcher, M. R. Maron.

"Consider," suggests Maron, "what could happen as machines are used to make decisions about people. For example, consider a situation where a computer is programed to decide who should get a security clearance from the government, or who should get an education loan, or whether someone's driver's license should be suspended, or who should get a passport, or who should be accepted for the Peace Corps or the Job Corps, etc.

"As larger files [of machine-language data, stored in computer memories, linked cross-country by telephone] become accessible there will be a natural tendency to use machines for the automatic selection (or rejection) of people according to some preprogramed set of criteria. Supposedly these criteria will have been carefully thought out before programing the machine. Even so, the implications are dangerous.

"In such a mechanized situation, how does an individual get an opportunity to 'tell the system' that its selective criteria don't apply to his own special case? Each individual is different, each has certain extenuating circumstances, each has information which he believes to be relevant to the selection decision and which the system does not consider relevant. And so on. If an individual does not have the opportunity to be judged on the circumstances of his own special (individual) situation, *then he is being treated as a machine!*

"Will there be a tendency in the future to create an environment where we treat each other as machines; *i.e.*, where there is no opportunity to 'change the system's mind'? How can we create a society where we treat our citizens as people and not as machines?

How can we create a society where each individual has the opportunity to explore and unfold his own special potentials—to realize what he is?

"These questions lead to further questions—to questions about who we are and what it means to be a *person*. And this brings us to the problem of *values*. What kind of a life do we want? What kind would we value—ought we to have? How can we create a society that fosters those actions and goals that we value? How define and explicate values? How measure and compare and rate values? How select among competing values? How can we estimate the impact of computers on our values?

"And if our projections into the future suggest that we are heading toward a future society which is not conducive to a 'good' life, what can be done to isolate the trouble spots and to influence those changes that will prevent the possible 'evils'? Such analysis of future prospects implies prediction, evaluation, and then some attempts at control. Can the process of control be made democratic so that a small professional elite does not dominate in influencing the shape of the future?

"Finally, there is the problem of time—the time that it takes to initiate and complete corrective action. Given an analysis of the impact of computers on society and given some corrective action that must be taken in order to avoid some future situation, how long a time lag will occur between corrective action and modification of the situation?

The positive cultural potential of computers was emphasized last January in a report to President Lyndon B. Johnson by The National Commission of Technology, Automation, and Economic Progress. Although this report dissented from the "almost . . . commonplace [opinion] that the world is experiencing a scientific and technological revolution" of sufficient power "to make our economic institutions and the notion of gainful employment obsolete," it proposed serious consideration of development of a computerized "system of social accounts" capable of analyzing accurately in advance the benefits and costs of any sociopolitical experiment. Such a system theoretically could grapple competently with complex problems such as water and air pollution, urban blight, the transportation tangle, integration of the Negro into American society, and the continuing spread of crime.

The Presidential Commission report defined the phrase, "system of social accounts," to include mixtures of systems analysis, simulation, and operations research in proportions required for particular cases. Systems analysis and operations research are now in wide employment in military planning and extraterrestrial space exploration. Simulation techniques are part of current plans for global weather observation and forecasting.

How close are we to a workable "system of social accounts"?

One of the best informed men on earth on the subject of computer developments is Dr. Cuthbert Hurd, chairman of the board of Computer Usage Company, Inc. In addressing the National Automation Conference of the American Bankers Association in Chicago last month, Dr. Hurd observed that no computer manufacturer today markets an "operating system" flexible enough to apply all the diverse talents of computing machines to any complex problem.

"I suppose," Dr. Hurd told the bankers, "that as much as 200 man years of effort might be required to produce a modern operating system, costing say $5,000,000."

If such a system were to be perfected, Dr. Hurd said, "it is still unclear whether proprietorship [of the system] could be maintained under the existing patent or copyright laws."

There are two ways, then, to state the challenge of computerized society. One was succinctly put in a recent issue of *The American Scholar* by Lynn White, Jr., professor of history at the University of California in Los Angeles: "Must the miracle of the person succumb to the order of the computer?" The other statement comes from Paul Baran: "What a wonderful opportunity awaits us to become involved in such problems as to exercise a new social responsibility."

REQUEST THAT FEDERAL OFFICE OF ECONOMIC OPPORTUNITY REINSTATE FUNDS DELETED FROM NASSAU COUNTY, N.Y., PROGRAMS—RESOLUTION

Mr. JAVITS. Mr. President, I ask unanimous consent to have printed in the RECORD the text of a resolution adopted by the town of Hempstead, Nassau County, N.Y., requesting the Federal Office of Economic Opportunity to reinstate funds deleted from Nassau County programs.

There being no objection, the resolution was ordered to be printed in the RECORD, as follows:

[Case No. 12261, adopted July 26, 1966]

RESOLUTION No. 1720-1966

Resolution requesting Federal Office of Economic Opportunity to reinstate funds deleted from Nassau County programs

Whereas, the sum of $2,297,132.00 has been requested of the Federal Office of Economic Opportunity for use in the County of Nassau for the 1966-67 program year, including sums aggregating $689,537.00 for the use of the Town of Hempstead and various communities within the Town, as an absolute minimum necessary for the purposes of such programs; and

Whereas, the Federal Office of Economic Opportunity has advised that only $1,695,000.00 will be allocated for the purposes of Nassau County and its constituent communities, and there will necessarily be proportionate reduction in the funds to be made available to the Town of Hempstead and the communities within this Town; and

Whereas, such reduction will make it impossible for the Town of Hempstead and the communities therein needing such assistance, to carry out the minimum programs required: Now, therefore, be it

Resolved, That this Town Board views such reduction in funds, as aforesaid, to be completely unrealistic insofar as the needs of the Town of Hempstead and its constituent communities are concerned, to be unjustified on the grounds asserted by the Federal Office of Economic Opportunity, and, to be a cruel breach of faith with the people in the Town of Hempstead needing the assistance of the programs sponsored by the Federal Office of Economic Opportunity; and, be it further

Resolved, That this Town Board respectfully urges upon the Federal Office of Economic Opportunity that it reconsider its decision to reduce such funds and reinstate the amount so reduced in the funds to be made available in the County of Nassau; and, be it further

Resolved, That the Presiding Supervisor be and he hereby is authorized to advise the Federal Office of Economic Opportunity of the sentiments of this Board with respect to such reduction by forwarding to said office a certified copy of this resolution.

The foregoing resolution was seconded by Mr. Easa and adopted upon roll call as follows: Ayes six (6); noes none (0).

STATE OF NEW YORK,
County of Hempstead, ss.:

I do hereby certify that I have compared the annexed copy of Resolution No. 1720-1966 (1 page) adopted by the Town Board on July 26, 1966, with the original, on file in the office of the Town Clerk of the Town of Hempstead, and that the same is a true and correct copy of said original and of the whole thereof:

In testimony whereof, I have hereunto set my hand and affixed the official seal of the Town of Hempstead on this day of July 26, 1966.

NATHAN L. H. BENNETT,
Town Clerk.
GEORGE C. AHRENS,
Deputy Town Clerk.

SENATOR MONDALE'S REMARKS AT GROUND-BREAKING CEREMONIES AT LEECH LAKE INDIAN RESERVATION

Mr. HARRIS. Mr. President, on July 17th, Senator WALTER F. MONDALE broke ground at Leech Lake Indian Reservation in Minnesota for the first of 50 units of low rent public housing for some 200 Chippewa Indians. The project will be followed by others which will add hundreds of additional units of decent housing for Minnesota Indians.

This occasion was truly a breakthrough. It marked the first public housing to be built on any of Minnesota's reservations. And for that, Senator MONDALE ought well to be proud. For there has been no harder worker for the Indian than the junior Senator from Minnesota. His persistent efforts have made public housing for Indians possible in Minnesota. He prevailed upon the Public Housing Administration to modify its requirements to adapt them to the needs of the Minnesota reservations. The Minneapolis Star quoted one Bureau of Indian Affairs official as saying that Senator MONDALE had "camped on the doorstep" of the Public Housing Administration, and "they found he meant business."

The result is a heartening one for Minnesota's ill-housed Indians. Approved projects vigorously sought by Senator MONDALE now total nearly $4 million and include low cost rental housing, self-help housing, and housing to be built as part of a building training program which serves the additional important purpose of giving badly needed vocational training to Indians.

Senator MONDALE's remarks on the occasion at Leech Lake are of major importance in calling for a concerted effort to place the reservations, and the Indians on them, in the mainstream of our economy. This Nation cannot afford to leave the reservations as pockets of poverty and misery, for, as Senator MONDALE states:

> No Indian can grow to have and enjoy a full life, on or off the reservation, when he is forced to live any part of his life in hopelessly substandard conditions.

I ask unanimous consent that Senator MONDALE's remarks at Leech Lake Indian Reservation be placed in the RECORD.

There being no objection, the address was ordered to be printed in the RECORD, as follows:

LEECH LAKE INDIAN RESERVATION HOUSING, JULY 17, 1966

This is truly a great day for Minnesota, and for its Indian citizens. I want to thank all of you who made it possible. Last April I spoke on the floor of the U.S. Senate, tracing the history of many months of effort we all had put in to get a modest start of adequate housing for the Minnesota reservations, and I stated, in temporary despair: "I wonder when the day will come when construction of this needed housing for our Minnesota Indians will begin."

I am happy, as I know all of you are, that the day is here. We have not promises, but houses. We officially begin the first of some 50 units to house 200 persons on this Leech Lake Reservation. This 700,000-dollar project is the first low rent public housing approved for any Minnesota reservation, and will be followed by other Indian housing to make a total of nearly 4 million dollars for all Minnesota reservations. This includes the recent approval of loans totaling $390,000 for mutual self-help housing here on the Leech Lake Reservation. It is a long overdue breakthrough. And we expect approval of nearly 300 additional units soon.

This substantial Federal housing indicates a decision at last that there are Indians on the reservations now who are in grave need, and that many of them will choose to remain on the reservation. It is a decision to improve reservation life. There have been times recently when I'm afraid that our national policy seemed to be based on a wish that the reservations would simply go away overnight. I think we are finished with that, and we recognize that no Indian can grow to have and enjoy a full life, on or off the reservation, when he is forced to live any part of his life in hopelessly substandard conditions.

Housing is an important beginning. Since the Housing Act of 1937, we have recognized it as basic to our citizens. When a person is forced to live in poor housing, he can hardly be motivated to the kind of activity which makes his life productive for him and the nation. More than that, he can't stay healthy. I've seen health records kept by the Public Health Service on our Minnesota reservations, and they show a sad and shocking record of disease. There is simply no question that it is cheaper to house people decently than it is to care for the illnesses they get in bad housing. This is true for the Indians of Minnesota just as it is for anyone else.

Housing is a good beginning, but it is only a beginning. The reservations in Minnesota are in economic trouble, just like some other areas of the nation. They deserve a concerted, combined attack on their problems of poverty and economic under development—the kind of attack that is being mounted in other distressed areas.

This isn't an Indian problem—it is a problem of distressed areas anywhere. I'm reminded of the words of my good colleague and tireless worker for Indian welfare, Senator Fred Harris, of Oklahoma, whose wife is a Comanche. He said in Senate debate that the only "Indian problem" he knows of is the one he married. As he says, it is an American problem—a problem of people and their needs—human needs, economic needs, social needs.

We must have a massive program of economic development for the Indian Reservations, combind with a program of education to fit the modern economy. Industrial and craft training is particularly important. I'm happy to have helped bring about the home building training program here on Leech Lake Reservation. But more vocational training is needed, with parallel industrial growth. And a full range of social services are needed to make life on the reservation economically productive and socially satisfying. These programs must be tempered with recognition of the existing cultural values to be preserved.

When I first announced that a grant had been received for public housing here at Leech Lake, one commentator raised the question whether such an effort did not mistakenly create an enclave of Indians on the reservation. He asked whether we weren't making reservation life too attractive, and whether we might not better build the houses in cities to which Indians were migrating. I think that these questions miss the point.

Some of Minnesota's Indians want to leave the reservation now, and some will want to leave in the future. Our Government ought to be able to help house and train them for life off of the reservation. But many others want to stay on the reservation, and I don't think that Indians or any other citizen of this country ought to be told that they have to leave their home environment and move a few hundred miles to enjoy the basics of good housing and good education and a job. We shouldn't treat any citizen that way.

There is even more to it. Legally, the Indian has been free to leave the reservation for years. But this is a terribly hollow right when the life he leaves has failed—by lack of housing, education, health and social services—to prepare him for life in the modern economy of our cities. The sad unemployment figures of Minnesota's Indians both on and off the reservation testify to that fact. So far, the Indian has been "free" to remain in poverty on the reservation, or to go to live unemployed in a city slum. This choice is the indefensible product of a bankrupt policy.

So I think that there is only one reasonable direction open to us. It is to build on the reservations the kind of economy which will support jobs for Indians, the kind of housing which will permit a healthy life, and, above all, the kind of education which will motivate and provide skills for a productive job.

Our effort must place the reservation itself, and the Indians on it, in the mainstream of our economy. Then there will be real freedom. Freedom to leave the reservation, or to stay on it. And all America will be the better for it.

Such a program of economic and educational development will have to come, but it is not here yet. It can't be worked out from a distance, but must be done with initiative and cooperation of the Indian community here. It can't be the Washington plan; it has to be your plan. And let's not fool ourselves—it isn't going to happen overnight. It will take long, hard work by all of us, Indian and non-Indian. I want to help, and hope that you will ask me to. It is a hard job, but it can be done. And it will be worth it to make the reservation a good place to live and work. We'd better get to it. As President Kennedy said in 1963: "The American Indians hold a romantic grip on our imaginations, but I hope that they also hold a practical grip upon our efforts."

REMEDIAL READING RECOMMENDED FOR JOHN BIRCH SOCIETY

Mr. McINTYRE. Mr. President, on June 6, I informed the Senate that I saw no need to go to extremes to discredit the John Birch Society because I thought that that organization was perfectly capable of discrediting itself.

The occasion for that remark was the receipt of a letter from a John Birch Society official who accused me of going to extremes in an attempt to discredit the society. The extreme to which I had allegedly gone was the insertion in the Record of an editorial published in a newspaper in my State, the Rochester Courier, of Rochester, N.H., commenting on the aims of the John Birch Society.

It was my opinion at that time that the John Birch Society could be relied upon to discredit itself, and my opinion turned out to be justified. I had the letter which I had received printed in the Record for June 6, and commented upon one phrase which seemed to me to illustrate the society's philosophy. That phrase was:

> A benevolent dictatorship clearly implies complete justice and complete freedom.

Mr. President, the letterwriters of the John Birch Society seem to want to amuse themselves in their idle time, and this morning my mail contained yet another letter from the same society official who had written me before.

It is addressed to:

> DEAR SENATOR MCINTYRE'S GHOST READER—

And it goes, in relevant part, as follows:

> On May 24, 1966, Senator McIntyre inserted a scurrilous newspaper editorial in the Record. It was from the Rochester (New Hampshire) Record, and in essence accused the John Birch Society of proposing "dictatorship" as the ideal form of government for the United States of America.
>
> I replied to the newspaper with a correction, and sent a copy to the Senator, which he inserted in the Record on June sixth, together with his own strange remarks. Since the Senator obviously cannot read, and I do not know your name, please excuse the anonymous salutation.

The letter then goes on to some more material which is not particularly informative, and concludes as follows:

> Enclosed is $1, which I hope will initiate a fund to send Senator McIntyre to a remedial reading class.

Now, I happen to think this is a most intriguing contribution. I am particularly interested in the fact that the John Birch Society recommends remedial reading, in view of the very clear fact that the John Birch Society official who wrote to me is apparently unable to read the text of the Congressional Record.

As can be noted from the first paragraph of his letter to me, he refers to a newspaper editorial from the Rochester, N.H., Record. I am certain that, with only the most rudimentary reading ability, this gentleman would have been able to glean from the Congressional Record of either May 24 or June 6 that the editorial in question came from the Rochester, N.H., Courier.

As this letter indicates, it is the John Birch Society official who has trouble reading.

I stated a few weeks ago, as I restated today, that the John Birch Society was perfectly capable of discrediting itself. Once again, the society has proved its own point, by sending me a letter about remedial reading which conclusively shows the society's own problems with reading. I feel that this is the most generous interpretation which can be placed on this matter, although at least one member of my staff has suggested that this error merely shows the John Birch Society's careless attitude toward facts.

In any event, I emerge from this correspondence $1 the richer, and, considering the source of the contribution, I feel that this is truly an embarrassment of riches. I have decided to donate this contribution to the Anti-Defamation League, where the funds gleaned from the dues of John Birch Society members, I am certain, may be used to help stem oncoming waves of extremism.

A TIME FOR CANDOR

Mr. ERVIN. Mr. President, the Wall Street Journal for July 27, 1966, carried an editorial in which the writer made some timely observations in respect to the rioting and looting which has been going on in some of our major cities and the attempts of some persons to justify it. I ask unanimous consent that such article be printed at this point in the RECORD.

There being no objection, the editorial was ordered to be printed as follows:

A TIME FOR CANDOR

This summer's harvest of horror—murder, arson, looting in city after city, week after week—is prompting ever more insistent questioning. Why? Who is to blame? Strangely enough, the response of a good many people is that it is not the fault of the rioters but of the general society and, if you please, the Federal Government.

One editorialist was moved to express the sentiment in the following extremist fashion: "The (Federal) housing program is too small. The poverty program is too small. It is not the riots in the slums, but these lame and inadequate programs that are the real disgrace of the richest nation on earth."

We submit that attitudes of that sort are an unmerited rebuke to America and the millions whose hard work and hard thinking have made it the most abundant and just nation on earth. We are glad that President Johnson, at least, is not thus beguiled; while commiserating with the plight of slum-dwellers, he is forthright in his condemnation of riots that tear at the very fabric of of the community. "Our country can abide civil protest . . . it cannot abide civil violence."

Let us look a little more closely at the catalog of charges against the "inadequacy" of Federal efforts.

Large-scale Federal housing aid for low-income families has been going on for many years at a cost of many billions in tax dollars. It has failed indeed, but its inadequacy is not in terms of cost but in terms of concept. The same applies to the bulk of the activities launched by the more recent antipoverty program.

The fundamental conceptual flaw is a sentimental view, reminiscent of Rousseau, of the nature of man. According to this interpretation, man is inherently good and perfectible and is held down only by the external forces of society. Put him in pleasant surroundings, or give him enough money, and all will be well.

The inescapable corollary is that the society rather than the individual is responsible for his behavior, however ambitionless, venal or criminal. The doctrine has been preached with so much vigor, and not only in connection with civil rights, in contemporary America that it is hardly surprising to find some of the listeners taking it literally.

Experience, to put it mildly, lends little credence to the romantic view of man's nature; left entirely to our own devices, relatively few of us would qualify for sainthood. In that context, the political triumph of the American design of 200 years ago is that it engineered a maximum of personal liberty with a minimum of governmental compulsion. But the order is there, and it has to be, else the design falls.

Confronted with such self-evident facts, the civil rights leaders tend to retort with the argument that if they did not promote civil disobedience, nothing would be done to improve the squalid surroundings in which many Negroes live. Anyone contemplating civil disobedience, however, in a society whose existence depends on respect for law is obligated to ask himself what alternatives exist before he turns to that last resort.

Here again, the President put it well: "The ballot box, the neighborhood communities, the political and civil rights organizations—are the means by which Americans express their resentment against intolerable conditions. They are designed to reform society, not to rip it apart."

And the truth is that many individual Negroes, even before the past decade's civil rights legislation, have come up from poverty and gotten out of the "ghetto." (The term, incidentally, is a loaded one; by connotation if not denotation it suggests the falsehood that some governmental authority is compelling Negroes to stay in segregated, walled-in areas.)

Many more can be expected to make a decent living for themselves without the leaders having to rip up society. What cannot be stressed too often, and what the romanticists fail to understand, is that for the most part they will have to do it on their own; the leaders would be better occupied helping them help themselves than in creating the climate for riots. Even then, there will be some members of any society, regardless of color, who for one reason or another will not be able to make a go of life.

It's time, we think, for a little bit of common sense and candor. Neither the society at large nor the Federal Government is responsible for the violence. Those responsible are the rioters and the teachers of casual disregard for law and order.

U.S. OBLIGATIONS IN ASIA

Mr. JACKSON. Mr. President, the Nation's press is being heard on President Johnson's significant speech on our obligations in Asia, and the early reaction is strongly favorable.

I have here editorials from three newspapers—the Baltimore Sun, Philadelphia Inquirer, and Washington Evening Star—praising various aspects of the President's speech to the American Alumni Council.

Each comments with approval on his call to Communist China for an atmosphere of conciliation.

There is firm agreement with his declaration that the United States is a Pacific power with responsibilities that cannot be shirked in Asia.

And there is hope that Hanoi and Peking will get the point.

This was a message reflecting our determination and our fervent desire for peace.

I ask that these editorials discussing the President's speech be inserted in the RECORD.

There being no objections, the editorials were ordered to be printed in the RECORD, as follows:

[From the Baltimore (Md.) Sun, July 14, 1966]

THE UNITED STATES IN ASIA

That the United States is a Pacific power, as President Johnson called in his speech on Asia, must be obvious to everybody, including the Chinese. We did not at some moment make a decision to become a Pacific power; we were forced into becoming one by the interests of our own national security, and by the vacuum left in that part of the globe after World War II. If a date is to be set, we can say that on December 7, 1941, the Japanese made inevitable the emergence of the United States as a major factor in all developments in the Pacific, among the islands of its seas and on the mainlands that border it.

It was on the fact of American power that the President built his examination of Asia and his view of its future. It is true, as he said, that Asia is now the crucial arena of "man's striving for independence and order," and true that if peace cannot be established there it cannot be secure anywhere. Mr. Johnson's listing of heartening signs in Asia, from Indonesia through Japan, and of examples of Asian cooperation, from Manila to the valley of the Mekong, was an impressive list. And his call to China to accept an atmosphere of conciliation was fervent and eloquent.

If the Chinese cannot be expected to see the sense of this, and to respond soon in the same spirit, still most of our allies will follow the President this far, in thorough agreement. What they might argue about is his statement that the Asia he sees so well "is the new Asia that is taking shape behind our defense of South Vietnam."

In the eyes of some of our allies, the defense of South Vietnam, while it may be necessary, is but one element of many in the Asian condition today. And then there is a question of how power is to be applied. Some of our allies believe that the very fact of the existence of vast American power, by sea and air, and if worst should come to worst, in nuclear terms, might suffice as a deterrent to the Chinese, without an American ground presence.

But would it serve further to persuade the Chinese toward conciliation? And where lies the point beyond which American efforts at conciliation would be taken by the Chinese as a sign of weakness, and by now-friendlier Asians as a signal of betrayal? This is the kind of tortured question the makers of policy have constantly to ask themselves. To pretend that the answers are easy is to assume an omniscience no one can possess.

[From the Philadelphia (Pa.) Inquirer, July 14, 1966]

THE PRESIDENT'S OFFER OF PEACE

President Johnson's call for reconciliation with Communist China and for peace with North Vietnam marks an important turn in U.S. policy in Asia. The President, in his televised address, made it clear that, if the proffer of peace is rejected by Hanoi and Peking, the war in Vietnam may last a long time.

Mr. Johnson, it is evident, is stepping beyond the previously stressed policy of "containment without isolation" of Red China and is looking beyond the present conflict in Vietnam to the situation in Asia after the war ends.

"A peaceful mainland China is essential to a peaceful Asia," he said. "A hostile China must be discouraged from aggression. A misguided China must be encouraged toward understanding of the outside world and toward policies of peaceful cooperation."

"The peace we seek in Asia," he said further, "is a peace of conciliation." He added that he did not mean a peace of conquest, or the simple absence of armed hostilities, but a settlement based on a broader concept of international relations.

He talked of the peace that could be sustained through international trade; through the free flow of people and ideas; through "the full participation by all nations in an international community under law."

Meanwhile, there is the war in Vietnam. The President defined the American position in blunt terms directed at Hanoi: "Victory for your armies is impossible. You cannot drive us from South Vietnam by force. The minute that you realize that a military victory is out of the question, and turn from the use of force, you will find us ready to reciprocate. We want to end the fighting. We want to bring our men home."

President Johnson's message to the Communists was one of peace, backed by determination to press on in Vietnam, if our peace offers get nowhere.

Will Hanoi and Peking get the message? Past history furnishes little ground for optimism. We still must make the effort.

[From the Washington (D.C.) Evening Star, July 14, 1966]

AMERICA IN ASIA

President Johnson has held out the hand of conciliation to Red China, but the chances are that the response will continue to be hostile as long as the Mao Tze-tung hardliners remain in power. Not until a younger, less doctrinaire group takes over will a change for the better in Sino-American relations be likely.

Meanwhile, however, as the President has indicated to the American Alumni Council, measures can be taken by the United States, in concert with the free Asians, to prove that aggression is a losing game and to bring nearer the day when the Chinese Communists will be persuaded to come out of their self-imposed isolation, abandon force and cooperate with neighboring lands—and with America—to promote peace and economic progress throughout Asia. Among other things, our government might well go along with proposals offering Peking a seat in the United Nations, provided of course that this would not affect the membership or security of the other China, Taiwan.

In any event, with more emphasis than any of his predecessors, Mr. Johnson has proclaimed to the Chinese and the rest of the world that the United States is a Pacific power determined to meet its obligations in Asia. He has pretty well demolished the arguments of those domestic critics who hold that Europe, not the Far East, is America's main "sphere of interest" and that the Asians can be safely forgotten. In the President's words, "We are bounded not by one but by two oceans—and whether by aircraft or ship, satellite or missile, the Pacific is as crossable as the Atlantic . . . The economic network of this shrinking globe is too intertwined—the basic hopes of men are too related—and the possibility of common disaster is too real—for us to ignore threats to peace in Asia . . . Asia is no longer sitting outside the door of the Twentieth Century. She is here, in the same world with us, to be either our partner or our problem."

The President, in effect, has given Asia a status at least equal to Europe's in terms of its bearing on our country's well-being. Other Americans have made the same point in the past, but not so effectively. We think Mr. Johnson is altogether right.

POLITICS AND THE FBI

Mr. CANNON. Mr. President, a great deal has been said in recent months about the attempted eavesdropping by agents of the Federal Government in my State of Nevada and many other places. These incidents have been carefully and systematically brought to the surface largely through the efforts of the distinguished junior Senator from Missouri and the staff of the subcommittee he heads which has been holding hearings on the subject.

Of late, a distinction has been made between the term "wiretapping" which was the term used in the 1934 law and the term "bugging" which represents an application of a more sophisticated technology in the electronic age. It is clear to all that by any name or method we are talking about the same obnoxious and undesirable violation of the basic right of privacy which the Government should be guarding for all citizens. I will refrain from speculating on the negative effect in our war on crime which such lawbreaking by Federal officials engenders.

I can think of no more effective or proper move to end this practice than a law which would ban all eavesdropping or surreptitious listening whether by mechanical or other means except in cases of national security upon the issuance of a proper court order. The subject is one which demands proper clarification and I believe that the executive department should come forward with their recommendation for a law which would deal fairly and constitutionally with the rights of the public and the obligation of policing agencies to protect society.

I ask unanimous consent that an article on the subject which appeared in the Washington Daily News on July 27, 1966, appear at this point in the CONGRESSIONAL RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Washington (D.C.) Daily News, July 27, 1966]

POLITICS AND THE FBI

(By William F. Buckley, Jr.)

The FBI is in trouble because an agent in Las Vegas bugged a suspected criminal back in 1963 and Sen. BOBBY KENNEDY, asked on a network television program whether he knew, as Attorney General at the time, that the gentleman in Las Vegas was being wiretapped, replied that he did not. That reply raised the question whether the FBI had acted illegally. If so, the situation is scandalous indeed, it being the job of the FBI to enforce the law, not to break it.

The relevant background: There is, under the law, a distinction between "wiretapping" and "bugging." There is no reason why this should be so, except that wiretapping was the earlier of the two inventions, and Congress acted on it, but has not got around to acting on the other.

In 1934, Congress passed a law regulating the use of the wiretap by Federal crime-prevention agencies. The law was defined by supplementary executive decrees in 1940, and again in 1965. The governing regulations are that the FBI may use a wiretap only in cases involving the national security (e.g., spies), threatening bodily harm (e.g., Murder, Inc.), or life and limb (e.g., kidnaping). But in each case the Attorney General must personally authorize the wiretap, and any prosecutions that develop as the result of overheard evidence may not introduce that evidence in any court of law.

Not knowing that technology would come around with sophisticated devices that would permit eavesdropping through the olive in a suspect's martini, Congress dealt exclusively with the wiretap. The FBI, however, has proceeded all along on the assumption that the rules governing the wiretap ought to regulate the use of the bug; i.e., the FBI has not taken advantage of the opening left by Congress. But this does not mean that Sen. KENNEDY failed to take advantage of that difference. Indeed, there are those who believe that that is exactly what the Senator did when asked whether he had authorized the Las Vegas "wiretap." No, he said—a technically correct answer inasmuch as there never had been a wiretap. It was a bug.

In the absence of an elucidation from the former Attorney General, one is left to speculate. It is reasonable to suppose that J. Edgar Hoover would not jeopardize his reputation or that of the FBI in pursuit of a felon in Las Vegas, and it is unreasonable to suppose that if asked permission to use the bug, Attorney General KENNEDY would have denied it, since he has never denied using the tap during his tenure.

Perhaps the Senator's memory is defective. Perhaps he sought refuge in the technicality. In due course the matter should be cleared up. One supposes that the FBI, which is a highly efficient organization, could, if absolutely necessary, prove that Attorney General KENNEDY had knowledge of the Las Vegas incident. One doubts it will come to that.

There is left a general issue of considerable importance. Reasonable folk agree that the FBI should utilize all technological inventions available to it in order to safeguard the national security and to frustrate the assassin or the kidnaper. The trouble is that once it sets up a bug, the FBI becomes a sort of omnium-gatherum, because the bug does not distinguish between conversation about how to steal a state secret, and conversation about how to make contact with a lady of easy virtue.

Inevitably, other branches of the Federal Government hunger to know whether the bug has picked up information of particular interest to it. For instance, Internal Revenue.

At the moment a petitioner, Fred Black Jr., has asked the U.S. Supreme Court to overturn his conviction as a tax dodger on grounds that the prosecution had available to it information gleaned by an FBI bug. The Government has maintained that nothing got up by the bug was used in the Government's case. All very well. But the fact remains that the Attorney General authorized the transmission of FBI-bugged information to Internal Revenue, and that flouts the intent of the 1934 law.

One can hardly blame Mr. Hoover for the communication of the bugged information. He did only what his superior—once again, Attorney General KENNEDY—ordered. But surely a law should be passed, and one assumes the FBI would welcome it, to the effect that no information should be given to collateral divisions of the Government which is picked up by wire tap, unless it is necessary to prevent acts of violence.

NEIGHBORHOOD YOUTH CORPS

Mr. KENNEDY of New York. Mr. President, employment figures for the month of June show a heartening rise in the number of jobs held by teenagers. The more than 2 million youths who found jobs last month will be learning skills and accumulating earnings to help themselves and their families and in many cases, to enable the youths to return to school in the fall.

Part of this success can be traced to the Federal Government's efforts to encourage private industry, community organizations and public agencies to hire youths. The most outstanding of these efforts has been the Neighborhood Youth Corps program which put 575,000 youngsters to work in the past year.

Neighborhood Youth Corps is making it possible for young people who cannot afford to stay in school to continue on with their education by offering them part-time jobs. It helps those who have had to drop out of school to get a job and develop a useful and needed skill.

One small but highly significant project to develop such skills is being carried out by the Smithsonian Institution here in Washington. Under a Neighborhood Youth Corps grant and in cooperation with Washington's United Planning Organization, the Smithsonian is training 40 youths in skills needed in museums and laboratories.

The Washington Post recently published an article about the program. This kind of project demonstrates that training of this kind is needed, can be used, and will offer many of our youngsters an exciting and rich future. I ask unanimous consent that the Post article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Washington (D.C.) Post, May 31, 1966]

SMITHSONIAN OPERATES ANTIPOVERTY UNIT, TOO

(By Stuart Auerbach)

A 19-year-old Washington girl whose horizons once stretched no farther than a clerical job bent over a microscope in a laboratory at the Smithsonian Institution and tossed out $50 words that only a botanist could understand.

On another floor in the same building, several youths were making silk screen prints for some of the Smithsonian's new exhibits and two sisters were carving up a penguin with scalpels to prepare it for scientific study.

They are among 40 youths being trained in skills that are in great demand by museums and laboratories in a small but remarkably successful anti-poverty program.

STARTED LAST JULY

The program was started last July by S. Dillon Ripley, secretary of the Institution, under a Neighborhood Youth Corps grant and in cooperation with the United Planning Organization.

The Labor Department supplied funds for 26 youths to work at the Smithsonian. Trainees work 32 hours a week and earn $1.25 an hour.

Many officials were dubious that the youths could fit into the Smithsonian's atmosphere.

Now, however, officials at both the Smithsonian and UPO are loud in praise of the program.

"Rather than bring these kids in and have them cut grass and pull weeds, we decided we would give them meaningful jobs," said Jack Whitelaw, who heads the program for the Smithsonian.

FEW DROP OUT

Most of the 26 who started at the Institution last July have graduated to other jobs as a result of their experience. Very few have dropped from the program.

"There is some kind of adhesive here that seems to hold people," said Don Regusters, coordinator of out-of-school programs for UPO who was counselor for the Smithsonian project.

The training given at the Smithsonian prepares the youths for jobs in other museums, store display departments and in scientific laboratories, Regusters said.

"It not only helps them find jobs," said Whitelaw, "it gives them a sense of working on something important. When they are ready to go out and get a job, they can offer references from some of the Nation's leading scientists. It's a bit different than giving the name of a couple of high school teachers."

RAISES ASPIRATION

Regusters called the Smithsonian program "the best in Washington" and said he knows of no equivalent in the United States.

"It raises the general aspiration level," he said. "Most kids never even knew these jobs existed."

Diana Newman, 19, who started with the program last July, hoped to work for the telephone company after graduation from high school.

Instead, she joined the Smithsonian program and was an instant success. Her first job was in the botany library—where she found a confused jumble of scientific books, magazines and pamphlets. Within two weeks, she and Lola Bundy "brought order out of chaos," Whitelaw said.

Diana then was hired as a research assistant by Dr. Floyd A. McClure, one of the world's authorities on bamboo who is working at the Smithsonian. Diana dissects plants and prepares slides for the scientist, freeing him from routine.

BLACKBOARD LECTURES

Diana is a favorite around the botany lab. Dr. Thomas R. Soderstrom, curator of grasses at the Smithsonian and custodian of the largest grass collection in the world, and Dr. Cleofe E. Calderon of Buenos Aires, teach Diana new techniques and give blackboard lectures that very few college students are lucky enough to get.

"It's very good for us," said Dr. Soderstrom. "We are able to find some really top-notch people. Instead of searching in the open market, we have trained assistants here that we can hire."

Regusters said the youths working in the Smithsonian's exhibits section are learning skills that can be transferred to private industry. Some are making models, others learn silk screening.

CAPTURED U.S. PILOTS IN NORTH VIETNAM

Mr. JACKSON. Mr. President, another indication of public outrage over Hanoi's mistreatment of captured U.S. pilots appears in the Philadelphia Inquirer.

The North Vietnamese have paraded these valiant airmen through the streets of Hanoi and threatened to execute them as war criminals. Should they think such a monstrous act would discourage the American military effort, the Inquirer asserts in an editorial, they would be making one of history's monumental errors.

Secretary of State Rusk has warned that we would consider the abuse of prisoners held in North Vietnam as a very grave development. The newspaper suggests it would unite the country behind a hugely stepped-up policy of force in Vietnam.

I request that this editorial be included in the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

IF THEY KILL CAPTURED FLIERS

The North Vietnamese should have it spelled out for them in unmistakable terms just what the consequences will be if they carry out their threats to try and to execute captured American fliers as war criminals.

If they think for one moment that such a monstrous act of reprisal would put a stop to American bombings and otherwise discourage American military effort, they are making one of history's monumental errors.

The American public has already been shocked by the mistreatment given captured fliers by the North Vietnamese Communists. It has been angered by pictures showing the shackled prisoners paraded through menacing crowds on the streets of Hanoi.

But this reaction will be nothing compared to the horror that will sweep this country if the helpless captives are thrown to the firing squads after drumhead trials.

Secretary of State Rusk has warned that the U.S. would view as a "grave development indeed" the abuse of prisoners held in North Vietnam, and will insist on humane treatment under the Geneva accords.

If Ho Chi Minh does not want this country united behind a hugely stepped-up policy of force in Vietnam, he had better call off his would-be killers of prisoners before it is too late.

FOREIGN AID

Mr. ERVIN. Mr. President, pursuant to a request made of me by it, I wrote a letter to the Forensic Quarterly on April 26, 1966, in which I set forth my views in respect to foreign aid. A copy of this letter was printed in the Forensic Quarterly for May 1966.

By way of explanation of my vote against the foreign aid authorization bill, I ask unanimous consent that a copy of this letter be printed at this point in the body of the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

THE OPINION OF SENATOR SAM J. ERVIN, JR.

American opinion is now forcing a close reappraisal of our foreign aid policies. The time has come when the American people must adopt a harsh test of self-interest in dealing with foreign aid. Earlier, American aid sought nothing greater than to provide the war-torn countries of the world with greater economic stability in order to help these nations resist Communist pressures. At that time this policy served our self-interest and the interest of humanity. However, now that the program of rehabilitation of Western Europe and Japan has been completed, there is no reason, twenty years after the Second World War, for the United States to be giving away over three billion dollars annually for foreign aid.

Under our Constitution the power to tax and to appropriate monies raised by taxation can be exercised by the Congress only for a public purpose. Congress does not have the power to spend beyond the ambit of this constitutional authorization. Therefore, in order to justify the Congressional appropriations for foreign aid programs on the grounds that they are for a valid public purpose, these programs must strengthen either the economic, or military, or international position of the United States. Our present foreign aid program does not have a valid public purpose because it cannot be justified on either of these grounds, and for this reason I cannot support the Administration's present foreign aid policies. I maintain that our foreign aid programs do not aid the United States or the free world. On the contrary, the economy of the United States on which the defense of the free world depends, is actually weakened by these expenditures.

Foreign aid amounts to a substantial part of our federal budget. Therefore, because of our seemingly permanent policy of deficit financing, our government has actually borrowed a substantial amount of the money which the administrators of post-war foreign aid programs have scattered among the nations of this earth. By increasing our budget deficits, foreign aid dollars have contributed to monetary inflation in this country. The buying power of our dollar constantly is being eroded. If this continues, our economy will be irreparably damaged.

Our dollars have found their way into many foreign treasuries and now these foreign governments are clamoring at our doors demanding gold in repayment for these dollars. These foreign aid dollars are claims on the goods and services produced by the industries of the United States and no one can say that the resources of this country are not being drained when we give away dollars abroad and they return as demands on our nation's wealth.

For example, since World War II we have given France approximately nine billion dollars in foreign aid. This does not include the other billions which ground their way into the French economy through the maintenance of our military forces in France. Now the French government is demanding payment of gold for this money which has been drained from our economy and added to our national debt. Our balance of payments dilemma which has largely resulted from our foreign aid policies, weakens the value of the dollar and the public welfare of the country is, of course, damaged. This is in direct violation of the requirement that money Congress appropriates for any purpose, including foreign aid, must be spent in a way to aid the public welfare.

No matter what the currently fashionable Keynesian economists say, there is a limit to government spending and if we are to continue budget deficits, certainly we have an obligation to our own poor superior to any obligation we assume year after year to care for the poor of other nations. We should satisfy this superior obligation before we look for other countries to assist.

Foreign aid does not strengthen the military position of the United States. Actually, it impairs the build-up of our own forces on which the survival of the United States and the free world may depend. Many times military leaders have come before the Congress and requested authorizations for national defense purposes in excess of those asked by the civilian authorities. They felt the appropriations were necessary to maintain our ground forces at proper levels and to equip them with modern weapons. Civilian authorities have always said on these occasions that the Congress ought not take any such action because it was essential to keep the United States fiscally sound and the actions urged by the military men were beyond the financial capacity of the United States. For example, we have been told that the United States was not financially able to develop both the B70 bomber and intercontinental ballistic missiles. The B70 project was dropped and while no one doubts the necessity for the developing intercontinental ballistic missiles, it is also a military fact that the B70 bomber had a very necessary place in our arsenal because of its flexibility. Another example is our parsimonious development of an anti-missile missile which would be so vital to our defense against a hostile intercontinental ballistic missile attack.

Every time members of the Senate Committee on Armed Services have insisted on these projects, the response of the Department of Defense has been that the United States does not have even the financial resources available to provide our ground forces with modernized weapons. In reality, the money that has not been available for maintaining adequate ground forces and obtaining essential weapons has been devoted to foreign aid.

The inevitable conclusions one must draw from these facts is that foreign aid has actually prevented the United States from building up the armed forces and acquiring weapons which are absolutely essential for the survival of the United States and the free world.

Also, running directly against our military strength is the military and economic aid we have given our non-allies. Millions of dollars have been given to aid countries such as Yugoslavia and Egypt. This aid could certainly come back to haunt us much as the scrap metal we gave Japan before the Second World War.

Foreign aid programs do not strengthen the international position of the United States. On the contrary, they present the United States to the world as a bewildered nation which labors under the delusion that it can buy friends and purchase peace with dollars. They present the United States to the world as an intermeddler constantly disrupting the internal affairs of other nations.

Additionally, foreign aid has operated as an inadequate substitute for wise diplomacy and sound foreign policy. Instead of engaging in creative diplomacy, the State Department has too often accepted the foreign aid program as a panacea for all of our diplomatic ills. Instead of engaging in constructive foreign policy decisions, we have merely given money away. Our philosopher Ralph Waldo Emerson recognized the universally mistrusted position of a giver when he said, "we do not quite forgive a giver."

Even the very purpose of building up the free world is undermined by our insistence to aid neutral and communist countries in the world. Any aid which has to be administered to the communist governments of the world does not strengthen the Free World. It does not hold a promise of freedom to the people who are subjected to the rule of these communist governments. I am sure many shrewd governments have rightly summarized our position as being one of a bewildered nation, suffering from the delusion that it can buy friends and purchase peace with dollars and these governments have not hesitated to take advantage of our bewilderment.

Have we strengthened our position internationally with foreign aid when we have collaborated in administering foreign aid with dictatorial governments and with governments which were extremely unpopular with their own people? The people of these countries have identified our nation as being an abettor and aider of their dictatorial or unpopular governments, and, as a result, we have earned the hatred of many of the peoples of the earth. We have been pictured as being against progress and on the side of the oppressor. All too often, our foreign aid has been given for the purpose of perpetuating governments such as the Batista regime in Cuba.

In many instances, United States aid is subsidizing unprofitable industrial progress, many unpopular governments, and in reality pouring dollars down the drain. Many undeveloped nations, because of America's foreign aid, have failed to initiate programs and policies of land and tax reform in their countries. The self-help ingredient which is vital to the success of our foreign aid program is lacking. Many governments have declined to increase their agricultural production but, instead, have used our foreign aid to build up vast industrial complexes which their economy was not developed enough to support. For example, the Indian government has shown very little interest in increasing its fertilizer industry but a great deal of interest in buying advanced weapons from the Soviet Union and in building an unrealistic heavy industrial empire. Even our free food program does not have the desired effect on governments of undeveloped nations. It enables countries, such as India, to continue to attempt to make their countries into industrial giants by concentrating on heavy industry while their nation's birth rate continuously outpaces their country's food production.

In reality, therefore, Congress is not serving the best interests of the American people when it appropriates money for foreign aid. Also, from a practical standpoint our aid policy is not having its intended effect on foreign countries. If we are to continue these programs, the number of foreign aid recipients should be reduced to those five or six countries whose stability is most directly related to America's own interest. At least, we would not be subsidizing those countries which give no support to our struggle to defend the Free World.

HOME MORTGAGE CREDIT CRISIS

Mr. COOPER. Mr. President, during the past several weeks, I have received much correspondence and personal visits from constituents who are affected by the lack of adequate funds for home mortgages and they include homebuilders, householders, and other businesses that are directly affected by the housing market.

New housing starts in Louisville and Jefferson County, in Lexington and in Paducah, and other communities, are currently, in some cases, as much as 50 percent below the number of new construction starts of last year. I note with interest that the Senate Housing Subcommittee yesterday approved a bill that would allow the Federal National Mortgage Association to inject $2 billion or more into the current housing market which is so sorely short of cash. This bill would authorize Fannie Mae to increase its own borrowing ratio from 10 to 1 to 15 to 1; secondly, it would authorize Fannie Mae a new $1 billion fund for direct purchases of Government-insured mortgages of less than $15,000 each.

I am a cosponsor of S. 3482, introduced by Senators Tower and Bennett on June 8, which would authorize the Secretary of the Treasury to subscribe to an additional $110 million of preferred stock of the Fannie Mae and, thus, with a 10-to-1 borrowing ratio, provide $1.1 billion of additional borrowing authority to the agency.

I believe this bill is more fiscally responsible that the approach taken by the subcommitte yesterday in increasing the borrowing ratio from 10 to 1 to 15 to 1. I am concerned that such an approach might weaken Fannie Mae's basic credit by reducing proportionately the equity supporting its debt position. At the present time, there is a 10-percent equity supporting its debt. Under this bill, on a 15-to-1 borrowing ratio, the equity ratio would be reduced to $6\frac{2}{3}$ percent. It is understandable that the administration favors the subcommittee bill since an increase in the borrowing ratio would not have an adverse effect on the administrative budget.

As I stated, I would prefer the approach contained in S. 3482. However, I think it extremely important that a bill be reported from the committee and come before the Senate and I shall support the bill as reported by the subcommittee should the full committee take action on it.

TRIBUTE TO CHARLES S. MURPHY

Mr. MONRONEY. Mr. President, Saturday marks the anniversary of 30 years of dedicated service to the Federal Government by a man who has served in positions of distinction and responsibility under three different Presidents and who served the Members of this body for many years in the Office of Legislative Counsel.

It is with pride and admiration that I salute today the Honorable Charles S. Murphy, now Chairman of the Civil Aeronautics Board. I ask my colleagues to join me in paying tribute to this remarkable public servant.

I ask unanimous consent that there be printed in the Record at this point a biographical sketch listing the many achievements and distinctions attained by Mr. Murphy over the years.

There being no objection, the biographical sketch was ordered to be printed in the Record, as follows:

Biographical Sketch

The Civil Aeronautics Board Chairman, Charles S. Murphy, completes 30 years' service in the Federal Government this July 31. His career includes statutory appointments by two Presidents and service as Administrative Assistant and Special Counsel to a third President.

President Lyndon B. Johnson appointed Mr. Murphy to the CAB on June 1, 1965. Prior to this he had served as Under Secretary of Agriculture for more than four years, this appointment having been made by the late President John F. Kennedy shortly after his inauguration.

In 1947, after many years service in the Office of the Legislative Counsel of the United States Senate, Mr. Murphy became Administrative Assistant to President Harry S. Truman, and in 1950 was advanced to the position of Special Counsel to the President.

Following graduation from Duke University's School of Law in 1934, he received an appointment as law assistant in the office of the Senate Legislative Counsel. He served in this post two years when he was selected as Assistant Legislative Counsel to the Senate, a position held 11 years. As a legislative draftsman he worked with members of both the Senate and House of Representatives in writing numerous pieces of legislation, including the Civil Aeronautics Act of 1938. Many of its provisions have been carried forward into the Federal Aviation Act which today governs aviation in the United States and which Mr. Murphy, as CAB Chairman, now helps administer.

It was while on the Senate staff, that Mr. Murphy was selected by President Truman to serve as Administrative Assistant and later Special Counsel in the White House.

From 1953 to 1961, Mr. Murphy practiced law as a member of the Washington, D.C., firm of Morison, Murphy, Clapp & Abrams. From 1957–60, he was counsel to the Democratic National Advisory Council.

President Kennedy, immediately after his inauguration January 20, 1961, selected Mr. Murphy as Under Secretary of Agriculture.

As Under Secretary of Agriculture from 1961–1965, a period when the Department made its greatest strides in efficiency and effectiveness, Mr. Murphy had general supervisory responsibility for all USDA agencies and for the administration of its many widespread programs. He coordinated and reviewed the Department's staff work on many pieces of major legislation. The measures enacted stamp this half decade in the Agriculture Department as one of the most progressive in American history. As President of the Commodity Credit Corporation, he had special responsibility for supervising the commodity programs that broke the back of the mountainous feed grain and wheat surpluses. He successfully represented the United States in international discussions on foreign agricultural trade. These discussions played an important part in raising U.S. farm exports to record highs.

Mr. Murphy was sworn in by President Johnson as a CAB Member and Board Chairman June 1, 1965. The term ends December 31, 1968.

From 1956 to 1958 Mr. Murphy was President of the National Capital Democratic Club. He belongs to the Order of the Coif, Delta Sigma Phi, Pi Gamma Mu, and Omicron Delta Kappa. He was admitted to the North Carolina Bar in 1934, the Supreme Court Bar in 1944 and the District of Columbia Bar in 1947.

Mr. Murphy is a member of the American Bar Association, the North Carolina Bar Association, the Federal Bar Association and the District of Columbia Bar Association. Married to the former Kate Chestney Graham of Durham, they have three children. A daughter, Courtenay, is married to Whitney Slater. A son, Westbrook, a 1965 graduate of Yale University School of Law, is a career government employee in the Justice Department. Another daughter, Betty, lives with her parents in Washington, D.C., and will graduate from high school this June.

Mr. MONRONEY. Mr. President, many Members of this body will recall Mr. Murphy when he was in the Office of the Legislative Counsel of the U.S. Senate. Those who did not know him then may perhaps remember him when he served as administrative assistant and finally special counsel to President Truman. Others will recall Mr. Murphy for his distinguished service as Under Secretary of Agriculture for President Kennedy.

My associations with Mr. Murphy go back through virtually his total period of service to the United States. His record in all his different positions in the past is one of which he can justly be proud. As chairman of the Senate Aviation Subcommittee, I can personally state that his performance as Chairman of the Civil Aeronautics Board has met with praise from the airlines which are regulated by the Board and from communities and traveling citizens who must look to the Board to assure them safe and adequate air transportation.

The U.S. Government is the better for having had a man like Charlie Murphy serve it these many years. He deserves our tribute, our thanks, and our admiration. I only hope that he will continue to serve for many more years to come.

Mr. MAGNUSON. Mr. President, Saturday, July 30, marks the occasion of the 30th anniversary of Charles S. Murphy's distinguished, effective, and dedicated career in the Federal service.

Charlie Murphy believes strongly that no career is available today that allows a man to contribute more that is socially significant to the orderly growth of our Nation and the betterment of our people than a career in the Federal service.

Charlie Murphy has made tremendous contributions to the betterment of this country in the 30 years he has been in the Federal service.

All of us in Congress recognize Charlie's contributions to both the legislative and executive branches of our Government.

It is difficult to highlight the high point in Charlie Murphy's career. As a legislative draftsman, he assisted both the Senate and House of Representatives in writing numerous pieces of legislation, including the Civil Aeronautics Act of 1938. Many of its provisions have been carried forward in the Federal Aviation Act of 1958, which today governs aviation in the United States and which Charlie Murphy, as Civil Aeronautics Board Chairman, now helps administer.

Charlie Murphy has been a distinguished counselor to President Truman. He has been Under Secretary of Agriculture during the period when that Department made its greatest strides in efficiency and effectiveness.

At present, as Chairman of the Civil Aeronautics Board, he is guiding the fastest-growing segment of our national economy, the airline industry.

During his 30 years in the Federal service, Charlie Murphy has contributed much to the orderly growth of our Nation and the betterment of its people. He certainly deserves recognition as an outstanding career government employee.

Mr. JORDAN of North Carolina. Mr. President, on Saturday, July 30, Charles S. Murphy, Chairman of the Civil Aeronautics Board, will complete 30 years of outstanding service with the Federal Government.

Charlie Murphy is recognized throughout the Government as one of our most dedicated and able public servants.

In this connection there appeared in the June 1966 issue of the Duke University Alumni Register an article on Charlie Murphy and his career in the service of his Nation. I ask unanimous consent that the article, entitled "He Keeps Watch Over Our Civil Aviation," appear at this point in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

Charles S. Murphy '31, LLB '34, believes that no career is more fulfilling than one in the federal government. Since June 1, 1965, Mr. Murphy has been chairman of the United States Civil Aeronautics Board, an organization responsible for the promotion and regulation of commercial aviation. However, his government career spans almost thirty years and includes statutory appointments by two Presidents as well as service in the White House as administrative assistant and later special counsel to a third President.

"It's true that rewards are not always monetary," Chairman Murphy says, "and no career is available today that allows a man to contribute more that is socially significant to the orderly growth of our nation and the betterment of our people than the federal service."

Mr. Murphy worked as a postal clerk while attending Duke. His first government position after graduation from the School of Law was legislative counsel. Within two years he became assistant legislative counsel to the Senate. As a legislative draftsman Mr. Murphy worked with members of both the Senate and House of Representatives in writing numerous pieces of important legislation, including the Civil Aeronautics Act of 1938. Many of its provisions have been carried forward into the Federal Aviation Act of 1958 which today governs aviation in the United States and which Mr. Murphy, as CAB chairman, now helps administer.

While on the Senate staff President Harry S. Truman selected Mr. Murphy as his administrative assistant, and three years later the nation's chief executive selected his aid to be special counsel in the White House.

In a recent address to Duke's School of Law, Mr. Murphy remarked: "Work at the White House level is exciting, demanding, and consuming—perhaps a little like living in the eye of a hurricane." But in a few brief moments with him you quickly realize that he considers this period in his life as his career highlight.

When President Truman left the White House, Mr. Murphy started to practice law. At the age of forty-three he joined the law firm of Morison, Murphy, Clapp and Abrams, but there was litle question that he would exchange his shingle for a federal government position at some later date. That date arrived eight years later when President John F. Kennedy appointed him under secretary of agriculture.

"The Department of Agriculture," Mr. Murphy says, "is one of the finest—and one of the least understood—institutions in the world. The volume of business annually done by this department is greater than the gross volume of the entire air transportation industry."

As under secretary of agriculture from 1961 to 1965, a period when the department made its greatest strides in efficiency and effectiveness, Mr. Murphy had general supervisory responsibility for all USDA agencies and for the administration of its many programs. He coordinated and reviewed the department's staff work on many pieces of major legislation. The measures enacted stamp this half decade in the Agriculture Department as one of the most progressive in American history. As president of the Commodity Credit Corporation, he had special responsibility for supervising the commodity programs that broke the back of the mountainous feed grain and wheat surpluses. He successfully represented the United States in international discussions on foreign agricultural trade. These discussions played an important part in raising U.S. farm exports to record highs.

Just about a year ago President Lyndon B. Johnson summoned Mr. Murphy to the White House and announced in a nationwide news conference that he was selecting the North Carolinian to be chairman of the CAB. In the specialized field of aeronautics Chairman Murphy now is an important cog in the machinery that is shaping the fastest growing form of transportation.

His activities as board chairman directly affect the lives of all Americans, for civil aviation today is a vital part of our national and international trade and travel, and is equally vital as a logistics backup for our military services in times of emergency or war.

University and college graduates have many more job opportunities than Mr. Murphy had in 1934 when he completed law school; Mr. Murphy makes it clear, however, that he would choose a government career again today. Enthusiastically he'll tell you: "Government service offers a lot more living in one lifetime—it's harder work, better work, and more interesting work—there's less money, but enough to live on—there's more frustration and more satisfaction—there's more criticism but greater accomplishments."

Mr. Murphy is a member of the American Bar Association, the North Carolina Bar Association, the Federal Bar Association, and the District of Columbia Bar Association. He and his wife, the former Kate Chestney Graham of Durham, have three children. A daughter Courtenay is married to Whitney Slater. A son Westbrook, a 1965 graduate of Yale University School of Law, is following his father's footsteps and advice by becoming a career government employee in the Justice Department. Another daughter, Betty, lives with her parents in Washington, D.C., and graduated from high school this June.

Mr. ELLENDER. Mr. President, I am very happy to associate myself with the tributes being paid today to my very good friend, Charles S. Murphy. I recall that Charles Murphy worked with us here for several years ably and quietly drafting and interpreting legislative proposals in very many key areas of public policy.

I recall when, in 1961, Charlie Murphy was appointed Under Secretary of Agriculture. He came to the Department at a time when American agriculture was under the cloud of many burdensome surpluses, and when some fresh viewpoints and approaches were needed.

Charlie Murphy's earlier experience in drafting agricultural legislation stood him and stood us all in good stead during his 4 years in the Department. Secretary Orville Freeman has repeatedly expressed his appreciation for the wise and loyal counsel of his Under Secretary, Charles Murphy. Also, it is no secret to any of my distinguished colleagues on the Committee on Agriculture and Forestry that Charlie Murphy's discerning and reconciling mind and hand were to be found in the constructive legislation enacted by the Congress during that time.

Within the Department, his interest in all its many programs was unlimited. Charlie Murphy brought a wholesome and forthright candor to the reexamination of agricultural policy alternatives. Concerned with and responsible though he was for the oversight of Commodity Credit Corporation activities, he did not permit the immensity of this task to get in the way of attending to the needs of agricultural research and extension, of putting the facts gathered by the economists and statisticians to better use, and of doing all he could to strengthen the Department's programs in forestry, conservation, marketing, and rural improvement.

As the nature of his office implied, Charlie Murphy became the general program manager of the Department. I did not always agree with him, but I and my distinguished colleagues on the committee could always rely on him to present to us the relevant facts in a constructive way. I have always felt that Charlie Murphy was—and is—a public servant's public servant—in its best and most practical sense. Agriculture's loss was aviation's gain. I send him an affectionate salute today.

RESPECT FOR LAW AND ORDER

Mr. MUNDT. Mr. President, I wish to take a few minutes to discuss what I consider a pressing and important domestic issue. This issue was highlighted today by the release of the 1965 Uniform Crime Reports by the Federal Bureau of Investigation.

It is an issue, and therefore a problem that leaves me deeply troubled, as I am convinced it troubles many Americans. I think it deserves the serious and concentrated consideration of this body.

To do so we must temporarily turn our eyes and our thoughts away from Vietnam. A nation engaged in conflict with foreign enemies is understandably concerned with dangers from outside our system. However, I am afraid that in our preoccupation with the international scene we are guilty of overlooking a potentially equal danger to our system of government, residing within our own shores.

I speak of the ominous increase of crime in the United States and the concurrent decrease in respect for law and order.

Certainly no one has denied that crime is a problem; but I believe that what we have failed to do is to comprehend the size of the problem, the responsibility for the problem, and possible solutions to the problem. The time to do this is now. Lawlessness acts as a cancer in a system which was founded upon the constitutional principles of the sanctity of the law and freedom under the law. The growth of this disease, therefore, must be stopped before it multiplies throughout our social structure, ultimately bringing down the system itself.

How serious this is and how fast the rate of crime is growing can be illustrated by the following figures:

More than 2,780,000 serious crimes were reported during 1965; a 6-percent increase over 1964. There were 14 victims of serious crime per 1,000 inhabitants in 1965; an increase of 5 percent over 1964 and 35 percent over 1960. There were more than 5,600 murders; 34,700 aggravated assaults with a gun; and over 68,400 armed robberies in 1965. There were 118,900 robberies; 1,173,000 burglaries; 2,500,000 larcenies; and 486,600 auto thefts which resulted in total property stolen in excess of $1 billion.

I should like to point out to Senators that the problem is not limited to any particular geographical region, nor to the large urban areas, although they remain the largest contributor to the crime rate. When viewed geographically, all regions experienced crime increases in 1965 with a rise of 10 percent in the Western States, 8 percent in the Northeastern States, and 4 percent in the North Central and Southern States. All city population groups had increases in 1965, led by a 7-percent rise in the group of cities having less than 50,000 inhabitants. The group with 500,000 or more population showed a 4-percent upward trend. City groups in the intermediate population range from 50,000 to 500,000 had increases from 4 to 6 percent. Suburban areas having an 8-percent rise again had a sharper percentage increase in the volume of crime than cities over 250,000 population, which were up 4 percent as a group and rural areas which were up 3 percent.

But the statistics themselves fail to tell the brutality or the horror of the crimes involved. Eight nurses killed in a Chicago dormitory. A U.S. Congressman working late in his congressional office is stabbed and robbed. An Army Reservist from Washington murdered while driving through a Southern State. A Los Angeles delivery man killed while making his rounds. A Washington woman kneeling in prayer raped in her church.

These are not pretty stories nor encouraging statistics. They reflect, nevertheless, the challenge of our times and we must be equal to it. As the elected leaders of the Nation we are commissioned by the people to protect their rights—one of the most sacred of which has always been the security of the individual and his property. We should all remind ourselves that one of the very purposes of organizing our system of Government and writing our great Constitution was set out by our constitutional fathers as being "to insure domestic tranquillity." When we have a situation in which law-abiding citizens are unsafe in their homes and businesses and are denied the privilege of using public streets and parks for fear of their personal safety, we are neglecting these rights.

In searching for the answer it may be necessary to question some accepted procedures and step on the toes of heretofore "sacred cows." But our overriding obligation is to all men, and not some men; it is to the preservation of an orderly society, not a favored one. This objective can be obtained only by applying the law equally to all individuals and all groups.

In the course of my remarks I intend to comment upon what I consider the laxness of an institution of our society, the shortsighted tactics of a group of Americans, and the dubious policies of a branch of our Government. I do so not because I consider myself an oracle of wisdom on these subjects but because I believe many thinking Americans question the direction in which our country is moving. Therefore, I think it is incumbent upon us to speak out in their behalf for surely history will as harshly judge those who remain silent in the face of this trend as those who acted, even if incorrectly.

I do not say that these are the only reasons for the increase in crime. I do say, however, that they substantially contribute to it and that we must make corrections in these areas if we are to reverse this trend.

Mr. President, before I turn to what I consider some of the inbred weaknesses in our war against crime let me dwell briefly on the principles of government and society that serve as a foundation for this inquiry into our system of law.

The basic conflict lies between balancing the safety of society against the rights of the individual. In other words, the mission of a government under a democracy is to protect the life and property of the citizenry while preserving the peace of the community and at the same time insure the basic rights of all individuals who are separate members of that community.

The cornerstone of such an orderly arrangement must be the law, for without the law there can be no order. Such law, or laws, must be clear to everyone and justly drawn for everyone if we expect everyone to live underneath them. In addition, all laws must be enforced for and against everyone.

This function, enforcing the law, can be fulfilled in two ways: It can be done through gaining public support for compliance with the law by promoting a public willingness to cooperate and conform by choice. Or, when this fails, it can be fulfilled by direct police action.

Against this background, then, we must view our present-day situation and determine why a system of maintaining law and order which has worked for almost 200 years in this country—and many decades before that in our Western civilization—is rapidly falling apart.

Let us look first to something most of us would rather dismiss and yet we cannot overlook. That most basic and most important of all institutions—the family. As I will point out later, it is more the victim than the cause of our problem; and, yet, in the final analysis, it is the solution of the predicament in which we find ourselves.

It is here that the first corrective steps must be taken for it is here that the seeds of lawlessness are often born.

The result is obvious to all who read the newspapers. Gangs, many of which are no longer juvenile in any sense but their behavior, engage in a gunfight in a Washington suburb; students whose principal cause is the freedom to use a four-letter word demonstrate and disrupt one of our leading universities; teachers live in fear of their high-school students; and youngsters of 10 and under loot and participate in a riot.

Are these isolated instances? I think not. Not unless these statistics could be called isolated: One out of every nine juveniles will find himself in court before he reaches the age of 18; in suburbia, the fastest growing segment of our population, 54 percent of all those arrested for serious crimes are under 18; and, as an indication of our lack of progress in this field, arrests of persons under 18 for serious crimes increased 47 percent in 1965 over 1960. The increase in this age group, populationwise for the same period, was only 17 percent.

Unfortunately, there will be no reversal in this trend until we realize that rules that are broken as a child become laws that are broken as an adult. Until that time we will find that small offenses uncorrected in the home lead to much larger offenses and, ultimately, to the commission of a serious crime.

As soon as the American people can tear themselves away from the pursuit of the almighty dollar, the press of business and community affairs, the social whirl and their self-centered entertainment and return to the basic fundamentals of family life, the devotion of time to raising their children in an atmosphere of love and understanding while instilling in them the responsibility and respect for the rights of others, they will reverse this trend—but not until then.

All children need a framework of rules backed by discipline under which to live. Without these they will meander in their own way, pampered and indulged, not knowing how far they can or should go, not prepared for life in an orderly society, expecting the privileges of that society but unwilling and unprepared to shoulder the responsibilities expected of them.

Mr. President, I realize that this is a condemnation of the Nation itself, but somewhere along the line, as a nation, we have failed in the raising of our future generation. We are paying for it in the sense that we stand on the threshold of having produced a generation which includes an element composed of rebellious, lawless, hostile youths who have no respect for themselves nor for us. This disrespect has carried through in a chain reaction to disrespect for policemen and for the law generally.

They have adopted the policy that they are above the law and that no one can touch them. As I have indicated, certainly some of this can be explained on sociological grounds. I would not deny that deprivation, poverty, lack of education, and lack of understanding contribute significantly to our troubled teenage society. But I also believe that these same reasons are as often as not used as excuses and that the statement "I am misunderstood and disadvantaged" is simply becoming the juvenile equivalent of the fifth amendment plea.

And yet, in a larger sense, it is possible to understand why they could adopt such a philosophy toward the law. They are, as I indicated earlier, as much the result of lawlessness as they are the cause. I say this because in their eyes we have failed to uphold the law when their elders are involved and, in fact, we have weakened the ability of the law enforcement agencies to perform their duty.

I am afraid that by failing to crack down on violators in the past, society has given the impression to its citizens and in particular its young citizens that there is a "right" to break the law. Of course, no such right exists. There can be no law to which obedience is optional.

To illustrate our failure of responsibility in this field I need only point to what has happened in the past few weeks. This Nation has been racked by riots in several of our larger cities. Night after night, people were murdered, stores were looted, and buildings were burned in a situation that bordered on anarchy.

It has been a black mark on our Nation's history. Several of us in Congress have criticized these happenings, as well we should, for certainly everyone agrees that there can be no justification for violent disobedience under our constitutional system. Those responsible for the killings, for the burnings, and for the lootings are criminals and should be prosecuted accordingly. Heat, deprivation, frustration, and all the other excuses and rationalizations cannot and should not be used to justify their behavior. When we have clearcut violations of the law, we must prosecute those responsible if for no other reason than to make it abundantly clear that we are a Nation of laws and not of men. Only when we make a forthright stand behind our laws will we prove to others who may follow that they cannot take the law into their own hands and let them know that we will not tolerate lawlessness and insurrection under the guise of demonstrations.

I believe, however, that in seeking out the catalyst for these riots we should go back even further—back to the immediate predecessor of violent disobedience, the philosophy of nonviolent disobedience or more commonly called civil disobedience.

Mr. President, I have no intention of slandering the civil rights movement. It has performed a needed service to this country. Nor can anyone say that I am an opponent of the civil rights cause or a bigot. I stand before this body as one who supported both the 1964 Civil Rights Act and the 1965 Voting Rights Act. Nevertheless, I feel it is necessary to speak out against one of their chief weapons because civil rights leaders in pursuit of worthy aims have perhaps unwittingly bred disrespect for the law and must assume the responsibility for it.

In this respect, I add that I am not speaking alone to those leaders closely associated with the so-called black power movement. For to these latter individuals I think it should be made crystal clear to them that I despise and reject their philosophy. In the context that it has been used, the cause that they proclaim does not fly the flag of equality but rather the banner of racism and their activities threaten to set back the civil rights movement rather than advance it. This Nation is devoted to freedom under the law, not to anarchy. Whether the tactics be advocated by demagogs in the civil rights movement or white supremists in the South, the ends of neither group justify the means that they employ.

I do speak, however, to those rational leaders of the civil rights cause who have led it for many years but who now find themselves, like the leaders of the French Revolution, in danger of being devoured by the very movement that they created.

If we are to return to an orderly, civilized society, we must go back to the law—imperfect though it may be. The law must be returned to its position where it is respected and obeyed.

The theory of obeying only the laws a person likes is a dangerous doctrine in a civilized society. At best, it is an imperfect and secondary method for obtaining changes in the law under a system which more than any other in the world provides for orderly change. At its worst, it encourages other groups with less noble purposes to adopt this policy for their own ends and leads the uninformed to believe that this is not only an acceptable way to secure changes in our laws but also the most desirable. As Thomas Paine said in "The Rights of Man":

> It is better to obey a bad law, making use at the same time of every argument to show its errors and procure its repeal, than forcibly to violate it; because the precedent of breaking a bad law might weaken the force, and lead to discretionary violation, of those which are good.

Let me make it clear that I am not advocating the elimination of the right to dissent. This freedom, by implication, is deeply imbedded in the Constitution and the Bill of Rights and it is a valued part of democracy. Peaceful picketing and even peaceful demonstrations are a proper way for free citizens to express their attitudes.

Civil disobedience and the willful violation of the law is another matter. This tactic, as utilized by many of our present-day civil rights leaders, has done more harm to the cause of democracy than it has good. By instilling in the populace the idea that there is an absolute "right" to break the law unless demands are met immediately is dangerous. Aside from the fact that the cry for immediacy is often the cry for impossibility, by insisting on this so-called right they have left the impression, not only among their followers, but with many leaderless groups in other areas of the United States that there is an inherent right to express dissatisfaction by physical means.

It is little wonder, then, that the right to demonstrate and break the law has now been interpreted as the right to riot.

In a sense, we are reaping the bitter harvest from the seeds we have sown these past few years. We stand now on the bridge of mobocracy that separates democracy from anarchy. Mr. President, it is not too late for the civil rights leaders to take their cause back to the arena in which they gained their greatest triumph—the courtroom. This should be done not only because more lasting results will flow from settling their grievances in the court and not in the street, but because, if we are to reverse this trend, we must reestablish the sanctity of two cardinal principles of constitutional government—the respect for law and order and the recourse to orderly process of law to seek redress of any wrongs.

Finally, I would like to comment upon the activities of the judicial branch and some of their decisions in another area that affects our rising crime rate. In recent years we have witnessed many historic opinions which have strengthened significantly the rights of the accused persons. They have also rendered the task of law enforcement more difficult.

I speak in particular of the decisions by the Supreme Court in Escobedo against Illinois and Miranda against Arizona. These rulings have drastically limited police investigative powers and have forbidden the use of voluntary confessions by the accused in many instances. These rulings were received with dismay by many citizens across the land. One segment of society—the criminals—received them with joy.

Basically, the Miranda decision set forth the following points: Henceforth, once the police have taken a suspect into custody, they cannot lawfully ask him any questions unless four warnings have been given.

First. The suspect must be plainly advised that he need not make any statement.

Second. He must be informed that anything he says may be used against him in a trial.

Third. He must be told that he has a right to have an attorney present throughout the questioning.

Fourth. If the suspect is an indigent, he must be assured that he will be furnished a lawyer free of charge. Unless all of these conditions are met, no confession or other evidence obtained during an interrogation can be used against the suspect.

Many legal minds challenge the correctness of this opinion. In fact, four members of the Court itself dissented from the majority. Some say that the majority will be proven correct and that these decisions, in the perspective of history, will be viewed as significant milestones in our legal heritage.

Viewed in the climate of today's rising crime rate, however, I think it is clear that in attempting to protect the rights of the individual we have sacrificed the rights of society and have placed additional shackles on the ability of the police to perform their duty.

I am particularly disturbed because under the guidelines now controlling the interrogation process—that part of police procedure responsible for 80 percent of the crimes now solved—it will be almost impossible for our law enforcement officials to obtain convictions in the most vicious types of crimes—crimes such as murder and murder accompanied by rape and yokings on a lonely street. With no witnesses and without a confession the obstacles facing the police are staggering.

As Justice White pointed out in his dissent in Miranda:

> There is, in my view, every reason to believe that a good many criminal defendants, who otherwise would have been convicted on what this Court has previously thought to be the most satisfactory kind of evidence, will now, under this new version of the Fifth Amendment, either not be tried at all or acquitted if the State's evidence, minus the confession, is put to the test of litigation.
>
> I have no desire whatsoever to share the responsibility for any such impact on the present criminal process.

I share his view.

Mr. President, one could go on for some length on the questionable aspects of the Court's decisions in recent years and their effect on society. Suffice it to say, however, that I believe there is a direct correlation between them and the rise of crime in this country.

I was happy to see, therefore, that recently the Subcommittee on Constitutional Amendments of the Committee on the Judiciary has begun hearings on the impact of the Miranda. Something must be done to restore a sense of balance in this area. The pendulum has swung too far and the rights of law-bidding citizens, the potential victims in the crime wave, have been subordinated in our efforts to strengthen the rights of the accused.

It could be that Congress will be forced to consider legislation amending the Constitution in this area. I say "forced" because I think we should approach with caution attempts to amend the Bill of Rights, and I therefore hope that this matter is pursued only after the most careful consideration. But when unrealistic decisions by the Court leave us no other alternative to protect the people, we must examine this method.

In the meantime, there are steps Congress can take in a positive effort to aid our law enforcement officials. The Law Enforcement Assistance Act of 1965 should be only the beginning.

We must upgrade both the caliber of men on our police forces and the weapons that they have available. This will entail increasing the average salaries so that we can attract more and better men. It will entail more money to supply them with updated weapons such as helicopters and computers. But when we consider that the annual cost of crime in America has been estimated by J. Edgar Hoover as over $20 billion a year, can we do less?

In the long run, however, even these steps will not insure victory, although they may enable the forces of justice to stay even in the race with organized and unorganized crime. If we are to win, we must have the help of the parents, the civil rights leaders, the churches, and the courts. Without their assistance, delinquency, disobedience, mobocracy, and judicial experimentation will become the modern four horsemen of crime, sweeping across the Nation and destroying everything in their path.

In closing, Mr. President, I would like to quote Abraham Lincoln on the subject of law. With the eloquence and the wisdom so closely associated with him, he put his finger on the problem with these words:

> Let every American, ever lover of liberty, every well-wisher to his prosperity, swear by the blood of the Revolution, never to violate in the least particular, the laws of the country. . . . Let every man remember that to violate the law is to trample on the blood of his father and to tear the character of his own and his children's liberty. Let reverence for the laws be breathed by every American mother, to the lisping babe that prattles on her lap. Let it be taught in schools, in seminaries, and in colleges; let it be written in primers, spelling books, and in Almanacs; let it be preached from the pulpit, proclaimed in legislative halls, and enforced in courts of justice. And, in short, let it become the *political religion* of the nation; and let the old and young, rich and poor, the grave and gay, of all sexes, tongues, and colors and conditions, sacrifice unceasingly upon its altars.

EFFECT OF FOREIGN AID ON FEDERAL PROJECTS IN ARKANSAS

Mr. FULBRIGHT. Mr. President, during the debate on the foreign aid bills, I mentioned the effects which the war in Vietnam and foreign aid are having upon the domestic programs. I called attention to the fact that the budget for fiscal year 1967 requested only enough funds to operate the Greers Ferry National Fish Hatchery at 14 percent of capacity. This hatchery was dedicated last month and only $141,000 would be required for full operation. The budget requested less than $40,000 and this new facility, so important to the economy of Arkansas, will remain 86-percent idle unless supplemental funds are appropriated, or unless administrative action is taken to reallocate funds presently available.

I have obtained additional information about loans and grants for projects in Arkansas which are under consideration in various agencies of the Federal Government. I do not suggest that the foreign aid bills would adversely affect these pending projects. I am fearful, however, that continued expansion of foreign aid and the war in Vietnam will inevitably reduce the dimension and effectiveness of many domestic programs.

Mr. President, I ask unanimous consent to have printed in the RECORD communications I have received from the Departments of Health, Education, and Welfare; the Army; Housing and Urban Development; Commerce; and the Interior; the Veterans' Administration, the Federal Aviation Agency, the Small Business Administration and the Office of Economic Opportunity.

There being no objection, the communication were ordered to be printed in the RECORD, as follows:

DEPARTMENT OF HEALTH,
EDUCATION, AND WELFARE,
Washington, D.C., July 21, 1966.

Hon. J. W. FULBRIGHT,
U.S. Senate,
Washington, D.C.

DEAR SENATOR FULBRIGHT: The Secretary has asked me to respond to your recent telegram requesting information on applications pending from Arkansas institutions as of June 30, 1966, primarily because of lack of funding. I am enclosing a list of these institutions. I should like to point out, however, that in many cases the requests have merely been deferred until new funds become available in 1967. At that time the applications meetings program requirements will be considered with others of the same type and appropriate action taken.

If you wish any additional information, please let me know.

Sincerely yours,
JAMES F. KELLY, *Comptroller.*

Enclosure.

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

OFFICE OF EDUCATION

Applications not approved as of June 30, 1966, primarily due to inability to fund during fiscal year 1966 [1]—State of Arkansas

Institution	Requested	Obligated
Vocational Education Act of 1963:		
Research:		
University of Arkansas, Fayetteville	$84,714	$41,457
Arkansas Agricultural and Mechanical College, College Heights (project is currently under review)	31,080	------------
Higher Education Act of 1965:		
Title III: Strengthening developing institutions ($263,375 disapproved for lack of funds)	456,665	193,290
Title VI: Improvement of undergraduate instruction ($55,652 disapproved for lack of funds)	196,248	139,596
Higher Education Facilities Act of 1963:		
Title III: Loans ($795,000 deferred until fiscal year 1967 because lack of funds)	4,144,000	3,349,000
Total	4,912,707	3,723,343
Difference	------------	1,189,364

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[1] Inability to fund in 1 year does not necessarily mean disapproval of the project. In most instances, the project is reconsidered in the next fiscal year when new funds become available.

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE, PUBLIC HEALTH SERVICE

Applications not approved as of June 30, 1966, primarily due to inability to fund during fiscal year 1966 [1]

STATE OF ARKANSAS

Institution	*Amount*
Research grants:	
University of Arkansas (both Fayetteville and Little Rock)	$87,562
University of Arkansas School of Medicine and Medical Center, Little Rock	208,602
Total, training grants	78,728
Little Rock University, Little Rock	14,767
Total, research grants	310,931
Training grants:	
University of Arkansas Medical Center, Little Rock	47,272
University of Arkansas School of Medicine, Little Rock (requested $105,500 reduction to $74,044)	31,456
Project grants: Arkansas Rehabilitation and Research Training Center, Hot Springs	8,975
Total	398,634

[1] Inability to fund in one year does not necessarily mean disapproval of the project. In most instances, the project is reconsidered in the next fiscal year when new funds become available.

DEPARTMENT OF THE ARMY,
Washington, D.C., July 19, 1966.

Senator J. W. FULBRIGHT,
U.S. Senate.

DEAR SENATOR FULBRIGHT: Your telegram of 15 July requested a listing of Corps of Engineers projects in Arkansas which could be accelerated in Fiscal Year 1967 if sufficient funds were to be appropriated.

The inclosed table furnishes data on Corps of Engineers Civil Works projects in Arkansas which could be started or on which construction could be accelerated in Fiscal Year 1967 if sufficient funds were appropriated. For each project, these data include name, purpose, location by county, funds needed to complete, funds included in the Fiscal Year 1967 budget and the total capability for Fiscal Year 1967.

The capability indicated for each project is from the strictly engineering standpoint, considering each project by itself without reference to our overall program, our overall capability or fiscal considerations.

I trust this information will serve your present needs.

Sincerely yours,
ALFRED B. FITT,
Special Assistant (Civil Functions).

1 incl. (in dupe).

Civil works projects in Arkansas

Project	Location (counties)	Amount needed to complete	Total capability, fiscal year 1967 [1]	Amount in fiscal year 1967 budget
PLANNING PROJECTS				
Flood control:				
Little Rock levees	Pulaski	$363,000	$31,000	0
Pine Mountain Reservoir	Crawford	10,000,000	200,000	$75,000
Village Creek, Jackson and Lawrence Counties	Jackson and Lawrence	1,968,000	205,000	0
Subtotal, planning		12,331,000	436,000	75,000
CONSTRUCTION				
Navigation: Ouachita and Black Rivers, Ark. and La.	Ashley, Bradley, Union, Calhoun, and Ouachita	77,846,000	7,600,000	6,500,000
Flood control:				
Dierks Reservoir	Sevier and Howard	10,098,000	1,000,000	0
Gillham Reservoir	Howard and Polk	10,791,000	2,200,000	1,400,000
Red River levees and bank stabilization, Arkansas, Louisiana, and Texas.	Hempstead, Lafayette, and Miller	5,084,000	2,000,000	200,000
Village Creek, White River, and Mayberry Levee Districts	Jackson and Woodruff	920,000	620,000	0
Multiple purpose including power: DeGray Reservoir	Hot Spring and Clark	35,195,000	8,700,000	8,000,000
Subtotal, construction		139,934,000	22,120,000	16,100,000
FLOOD CONTROL, MISSISSIPPI RIVER AND TRIBUTARIES				
Planning projects:				
Cache River	Clay, Craighead, Greene, Jackson, Lawrence, Monroe, Poinsett, Prairie, and Woodruff.	25,500,000	175,000	0
Lower White River, Big Creek, and tributaries	Lee, Monroe, Phillips, and St. Francis	7,810,000	50,000	0
Lower White River, Clarendon levee	Monroe	190,000	20,000	0
Subtotal, planning		33,500,000	245,000	0
Construction projects:				
Channel improvement, Arkansas, Illinois, Kentucky, Louisiana, Mississippi, Missouri, and Texas.	Chicot, Crittenden, Desha, Lee, Mississippi, and Phillips.	378,838,000	39,000,000	26,700,000
Lower Arkansas River	Arkansas, Desha, Jefferson, and Lincoln	3.332,000	300,000	200,000
Mississippi River levees, Arkansas, Illinois, Kentucky, Louisiana, Mississippi, Missouri, and Texas.	Chicot, Crittenden, Desha, Lee, Mississippi, and Phillips.	50,226,000	5,180,000	3,000,000
St. Francis Basin, Ark. and Mo.	Clay, Craighead, Crittenden, Cross, Greene, Lee, Mississippi, Phillips, Poinsett, and St. Francis.	66,852,000	4,800,000	3,800,000
Tensas Basin, Ark. and La.	Ashley, Chicot, and Desha	53,869,000	2,100,000	1,700,000
Subtotal, construction		553,117,000	51,380,000	35,400,000
Grand total		738,882,000	74,181,000	51,575,000

[1] From the strictly engineering standpoint, considering each project by itself without reference to our overall project, our overall capability, or fiscal considerations, the amount shown could be utilized for the applicable project in fiscal year 1967.

DEPARTMENT OF HOUSING AND
URBAN DEVELOPMENT,
Washington, D.C., July 20, 1966.

Hon. J. W. FULBRIGHT,
U.S. Senate,
Washington, D.C.

DEAR SENATOR FULBRIGHT: Further with regard to your telegram requesting a list of grants and loans pending in the Department of Housing and Urban Development. We have now compiled this list and it is enclosed.

It is a pleasure to be of assistance to you. Please let us know whenever we can be of further service.

Sincerely,

SIDNEY SPECTOR,
Acting Congressional Liaison Officer.

Enclosure.

Department of Housing and Urban Development, urban renewal title I grant program—Projects in pipeline as of June 30, 1966, Arkansas

[Dollars in thousands]

Locality	Project No.	Type of project	Status of application	Federal funds requested
Osceola	R-56	Survey and planning.	In central office	$214
Pine Bluff	R-69	General neighborhood renewal program.	In regional office	3,726
Total (2 projects).				3,940

Department of Housing and Urban Development, open space land and urban beautification grant program—Projects in pipeline as of June 30, 1966, Arkansas

[Dollars in thousands]

Project No.	Locality and applicant	Application received	Federal funds requested	Total cost
B-1	Cotter School District No. 60, town of Cotter	June 1966	$10	$20
	Total (1 project)		10	20

Purpose: Landscaping.

Department of Housing and Urban Development, urban planning assistance grant program—Projects in pipeline as of June 30, 1966, Arkansas

[Dollars in thousands]

Localities	Project No.	Status	Federal funds requested
Small areas: Fayetteville	P-61	In central office June 1966	$32
Redevelopment areas:			
De Queen	P-59	In regional office June 1966	16
Morrilton and Russellville.	P-60	In central office May 1966	20
Total (3 projects)			68

Department of Housing and Urban Development, Federal Housing Administration—Multifamily project mortgages, projects in pipeline as of June 30, 1966, Arkansas

[Dollars in thousands]

Program and locality	Name of project	Number of units	Mortgage amount
Applications in process—Sec. 207, rental housing:			
Little Rock	Summit Avenue Apartments	14	$150
North Little Rock	Shorter College Gardens	150	1,618
Total (2 projects)			1,768

Commitments outstanding: None.

Department of Housing and Urban Development—Water and sewer facilities grant program projects in pipeline as of July 7, 1966—Arkansas

[Dollars in thousands]

Location	Name of applicant	Type of project	Date of			Federal funds requested
			Inquiry	Application	Fund reservation	
Total, 24 projects						$12, 076
North Little Rock	City of North Little Rock	Storm sewer	February 1966	April 1966	May 1966	916
Do	Rixey Water District	Water storage and transmission	do			18
El Dorado	City of El Dorado	do	January 1966	April 1966		150
Little Rock	Brodie Creek District	Sanitary sewer	February 1966			150
Benton	Benton	Water distribution	do	June 1966		224
Hot Springs	Hot Springs Waterworks Commission	Water treatment, transmission and distribution.	do	do		1, 254
North Little Rock	North Little Rock Sewer Department	Sanitary sewer	do			1, 300
Stuttgart	Board of commissioners	Water treatment	do	June 1966		112
Barling	Town of Barling	Sanitary sewer	March 1966			251
White Hall	City of White Hall	Water treatment and sanitary sewer	do			169
Harrison	City of Harrison	Sanitary sewer	February 1966			186
Batesville	City of Batesville	Storm sewer	do			1, 250
Lavaca	City of Lavaca	Waste treatment	March 1966			80
Hackett	Hackett-Bonanza Water District	Water storage and distribution	do			159
West Fork	City of West Fork	Waste treatment	do			145
Forrest City	Board of public utilities	do	do			1, 130
Batesville	Batesville Sewer Improvement District	do	February 1966			420
Clarksville	Clarksville	Water distribution and storage	do			124
Russellville	Russellville	Sanitary sewer	April 1966			94
Van Buren	Dora Rural Water District	Water storage and transmission	March 1966			60
Wynne	Wynne	Water and sewer	May 1966			102
Little Rock	Pulaski County	Storm sewers	June 1966			1, 500
Do	do	do	do			959
Do	do	do	do			1, 323

HAA-assisted public housing program in the State of Arkansas—Number of units in applications and reservations not under approved preliminary loan or annual contributions contract as of June 30, 1966

Locality	Total	Applications in process	Reservations approved		Total units designed for elderly
			PLC not required	PLC required	
Total	1, 361	1, 205		156	237
Alma	60	60			
Arkadelphia	16			16	16
Blytheville	100	100			
Caraway	30			30	20
Decatur	150	150			
Helena	150	150			
Hickory Ridge	16			16	12
Luxora	100	100			
Magnolia	70			70	70
Malvern	125	125			75
Marianna	124	100		24	20
Marked Tree	50	50			
Marvell	100	100			
Russellville	60	60			
Trumann	110	110			24
Tyronza	50	50			
Wynne	50	50			

Source: Department of Housing and Urban Development, Housing Assistance Administration, Program Planning Division, Statistics Branch, July 18, 1966.

Department of Housing and Urban Development—Pending projects in the State of Arkansas as of July 8, 1966

COLLEGE HOUSING LOAN PROGRAM

City	County	Institution	Project No.	Type	Amount of Federal loan	Estimated total project cost	Scope	
							Men	Women
Arkadelphia	Clark	Henderson State Teachers College	82	Student union	$500, 000	$500, 000		
Do	do	do	83	Dormitory	1, 500, 000	1, 500, 000	400	
Do	do	Ouachita Baptist University	79	Dormitory, addition to cafeteria	100, 000	100, 000	169	170
Conway	Faulkner	Arkansas State Teachers College	85	Dormitory	2, 400, 000	2, 400, 000	252	252
Fayetteville	Washington	University of Arkansas	80	Dormitory/dining	4, 000, 000	4, 000, 000	413	409
Little Rock	Pulaski	Philander Smith College	75	Dormitory	572, 000	572, 000		122
Jonesboro	Craighead	Arkansas State College	77	Dining hall	1, 576, 000	1, 576, 000		
Total, 7 projects					10, 648, 000	10, 648, 000	1, 234	953

PUBLIC FACILITY LOAN PROGRAM

City	County	Applicant	Project No.	Type	Amount of Federal loan	Estimated total project cost
Alma	Crawford	City of Alma	181–220GL	Sewer and water	$574, 000	$2, 140, 000
Amity	Clark	City of Amity	188	Sewer	148, 000	165, 000
Arkansas City	Desha	City of Arkansas City	171–208GL	Sewer and water	168, 000	336, 000
Biggers	Randolph	Town of Biggers	162–199GL	Water	53, 000	105, 000
Delaplaine	Greene	Town of Delaplaine	160–19GL	do	41, 000	82, 000
Elaine	Phillips	City of Elaine	140–155GL	do	29, 000	57, 000
Eureka Springs	Carroll	City of Eureka Springs	179–219GL	Park, playground, and pool	977, 000	1, 953, 000
Do	do	do	180	do	1, 479, 000	1, 479, 000
Hartman	Johnson	Town of Hartman	151–168GL	Water	33, 000	65, 000
Jasper	Newton	City of Jasper	158–145GL	Sewer	50, 000	143, 000
Marianna	Lee	City of Marianna Water Commission	189–229GL	Water	398, 000	926, 000
Montrose	Ashley	Town of Montrose	156–179GL	do	65, 000	138, 000

Department of Housing and Urban Development—Pending projects in the State of Arkansas as of July 8, 1966—Continued

PUBLIC FACILITY LOAN PROGRAM—Continued

City	County	Applicant	Project No.	Type	Amount of Federal loan	Estimated total project cost
Norfold	Baxter	Town of Norfold	168-205GL	Water	$77,000	$156,000
Ogden	Little River	City of Ogden	124-115GL	do	22,000	90,000
O'Kean	Randolph	Town of O'Kean	161-197GL	do	36,000	72,000
Parkdale	Ashley	Town of Parkdale	187	Sewer and water	117,000	134,000
Reyno	Randolph	Town of Reyno	157-163GL	Water	62,000	123,000
Russell	White	Town of Russell	163-200GL	do	47,000	95,000
Sedgwick	Lawrence	Town of Sedgwick	170-82GL	do	44,000	86,000
Shirley	Van Buren	Town of Shirley	164-181GL	do	41,000	80,000
Thornton	Calhoun	City of Thornton	172-209GL	Sewer and water	96,000	188,000
West Fork	Washington	City of West Fork	190	Water	182,000	182,000
Winthrop	Little River	City of Winthrop	123-118GL	do	25,000	100,000
Total, 23 projects					4,764,000	8,895,000

PUBLIC WORKS PLANNING ADVANCES PROGRAM

City	County	Project No.	Type	Amount of Federal advance	Estimated total project cost
Bates	Independence	3132	Roads	$27,500	$3,000,000
Fayetteville	Washington	3155	Educational facility	15,250	27,018,000
Little Rock	Pulaski	3156	Sewer	60,000	1,964,000
Marshall	Searcy	3079	Convalescent home	4,500	310,000
Mulberry	Crawford	3144	Streets	14,500	300,000
Quitman	Cleburne	3093	Sewer	3,000	160,000
Stephens	Ouachita	3141	Water	9,410	195,000
Total, 7 projects				134,160	32,947,000

ALL PROGRAMS

	Number of projects	Amount of			Estimated total project cost
		Advance	Loan	Grant	
Total	37	$134,160	$15,412,000		$52,490,000

Senior citizens housing loan program (none).

THE ASSISTANT SECRETARY
OF COMMERCE,
Washington, D.C., July 18, 1966.

Hon. J. W. FULBRIGHT,
U.S. Senate,
Washington, D.C.

DEAR SENATOR FULBRIGHT: This is in response to your telegram request of July 15, 1966, for information on Department of Commerce grant and/or loan applications in the State of Arkansas.

The information requested is shown on the attached schedules for the Office of State Technical Services and the Economic Development Administration.

I hope the data will be of assistance to you. If I can be of further help, please let me know.

Sincerely yours,

LAWRENCE E. IMHOFF,
Acting Assistant Secretary for Administration.

Attachments.

U.S. Department of Commerce, Economic Development Administration pending projects—State of Arkansas, fiscal year 1966—applicant and description

[Amounts in thousands]

ASHLEY COUNTY

	Investment
Ashley County: Public works direct grant for sewer system	$482
City of Crossett: Public works direct grant for street improvement	147
City of Crossett: Public works supplemental grant for sewerage improvements	85

BAXTER COUNTY

Bull Shoals State Park: Public works direct grant for tourism complex	305

U.S. Department of Commerce, Economic Development Administration pending projects—State of Arkansas, fiscal year 1966—applicant and description—Continued

[Amounts in thousands]

CHICOT COUNTY

	Investment
Lake Chicot State Park: Public works direct grant for tourism complex	$281

CLARK COUNTY

City of Arkadelphia: Public works direct grant for water and sewer expansion	135
Arkansas Children's Colony: Public works direct grant for retarded children facility	1,092
Forty for the Future: Technical assistance to study tourism/recreation	133

COLUMBIA COUNTY

City of Magnolia: Public works direct grant for water system improvement	1,004
Strategic Chemical Ext.: Technical assistance to study bromine	50

CONWAY COUNTY

Conway County: Public works supplemental grant for 76 bed hospital	368

CRAWFORD COUNTY

Mountainburg State Park: Public works direct/supplemental grant for tourism complex	182
Crawford County Industrial Development Corporation: Public works direct/supplemental grant and loan for facilities to industrial park	526

U.S. Department of Commerce, Economic Development Administration pending projects—State of Arkansas, fiscal year 1966—applicant and description—Continued

[Amounts in thousands]

	Investment
City of Alma: Public works supplemental grant and loan for water and sewage facilities	$1,297
Farmers Co-op of Arkansas/Oklahoma: Business loan to establish feed mill and storage plant	350

DESHA COUNTY

City of McGehee: Public works direct grant for streets	316
City of Dumas: Public works direct grant for streets/drains to industrial park	17
City of Arkansas City: Public works supplemental grant and loan for water and sewerage facilities	327

FAULKNER COUNTY

Arkansas Children's Colony: Public works direct grant for retarded children facility	1,408

FULTON COUNTY

Mammoth Springs State Park: Public works direct grant for tourism complex	412
Fulton County Development Corp.: Technical assistance to study Fulton County Industrial Park	23

GREENE COUNTY

Crowleys Ridge State Park: Public works direct grant for tourism complex	406

U.S. Department of Commerce, Economic Development Administration pending projects—State of Arkansas, fiscal year 1966—applicant and description—Continued

[Amounts in thousands]

	Investment
HEMPSTEAD COUNTY	
Southwest Arkansas Water District: Public works direct grant and loan for five-county water line	$9,500
Hempstead County Judge: Technical assistance study of tomato processing	12
HOT SPRINGS COUNTY	
Lake Catherine State Park: Public works direct grant for tourism complex	256
City of Malvern: Public works supplemental grant for water and sewer systems	546
City of Perla: Business loan to establish brick manufacturing plant	650
INDEPENDENCE COUNTY	
Batesville Sewer Commission: Public works supplemental grant for sewage treatment expansion	157
LEE COUNTY	
City of Marianna: Public works direct/supplemental grant and loan for water and sewer systems	1,517
St. Francis State Park: Public works direct grant for tourism complex	1,328
LONOKE COUNTY	
City of Lonoke: Public works supplemental grant for water and sewer improvement	213
Lonoke County: Technical assistance study of plastic moulding plant	2
MADISON COUNTY	
Withrow Spring State Park: Public works direct grant for tourism complex	282
MARION COUNTY	
Bull Shoals Ferry Corp.: Business loan to establish ferry service	35
MISSISSIPPI COUNTY	
Osceola Riverport Authority: Public works direct grant and loan for riverfront to industrial park	4,500
County of Mississippi: Public works direct grant for water supply and sewage disposal	43
City of Osceola: Public works direct grant for water system improvement	329
City of Blythesville: Public works supplemental grant for developing industrial park	68
City of Osceola: Public works supplemental grant for waste treatment improvement	159
Osceola Riverport Authority: Public works supplemental grant and loan for sewage treatment plant	42
PERRY COUNTY	
Perry County Judge: Technical assistance to study industry oriented services	12
PIKE COUNTY	
Daisy State Park: Public works direct grant for tourism complex	208
Queen Wilhelmina State Park: Public works direct grant for tourism complex	390
SEARCY COUNTY	
City of Marshall: Public works direct grant and loan water and sewer extension	632
SHARP COUNTY	
Sharp County Medical Center: Public works direct grant for clinic building	$17
WOODRUFF COUNTY	
City of McCrory: Public works direct and supplemental grant for water/sewer/streets/drainage	77
YELL COUNTY	
Dardanelle Industries: Technical assistance to study city planning	60
NEVADA COUNTY	
Robbins Products Incorporated: Business loan to establish vinyl floor covering plant	195
BERRYVILLE AREA	
Eureka Springs: Public works directs grant for tourism complex	1,479
BENTON COUNTY (NONDESIGNATED) AREA	
Benton and Washington Counties: Technical assistance to study airport	55
STATEWIDE	
Chamber of Commerce: Technical assistance study of forest related industrial potentials	49
Arkansas Geological Commission: Technical assistance feasibility of aeromag map for mineral expansion	$130
Total	32,239

U.S. DEPARTMENT OF THE INTERIOR,
OFFICE OF THE SECRETARY,
Washington, D.C., July 15, 1966.

Hon. J. WILLIAM FULBRIGHT,
U.S. Senate,
Washington, D.C.

DEAR SENATOR FULBRIGHT: I have been requested to respond to your telegram of July 15, 1966, regarding grants or loans to Arkansas applicants.

Please find attached a listing of the grants to the State of Arkansas for three years of 1965, 1966 and 1967. With the exception of the Federal Water Pollution Control Administration, these amounts represent grants to the State.

There is a summary tabulation for Federal Water Pollution Control Administration showing the breakdown insofar as we can comply with the request in your telegram.

If there is any further information needed, please do not hesitate to call.

Sincerely yours,
SIDNEY D. LARSON,
Director of Budget.

Enclosures.

DEPARTMENT OF THE INTERIOR

Federal grants-in-aid and loans to States and State agencies, fiscal years 1965–67—Grant program for Arkansas

BUREAU OF SPORT FISHERIES AND WILDLIFE

Appropriation and activity	Fiscal year 1965 actual	Fiscal year 1966 estimate	Fiscal year 1967 estimate
Federal aid in fish restoration and management, total	$146,833	$120,421	$103,397
Federal aid in wildlife restoration, total	392,329	326,475	263,500
National wildlife refuge fund: Payments to counties, total	78,186	61,782	80,000
Total, Bureau of Sport Fisheries and Wildlife	617,348	508,678	446,897

BUREAU OF OUTDOOR RECREATION

Grants-in-aid to States for outdoor recreation projects	----------	$192,386	$1,754,882

OFFICE OF WATER RESOURCES RESEARCH

Annual allotments to State water resources research institutes	$75,000	$87,500	$87,500
Matching grants to State water resources research institutes	----------	----------	28,054
Total	75,000	87,500	115,554

FEDERAL WATER POLLUTION CONTROL ADMINISTRATION

Water supply and water pollution control:			
Research grants	$18,000	$21,173	$22,661
Fellowship grants			
Training grants	22,738	28,423	33,084
Demonstration grants			
Grants for State and interstate water pollution control programs	60,900	61,000	61,400
Grants for waste treatment works construction and sewer overflow control:			
Waste treatment works construction	1,779,500	2,045,560	2,259,300
Total	1,881,138	2,156,156	2,376,445

VETERANS' ADMINISTRATION,
Washington, D.C., July 18, 1966.

Hon. J. W. FULBRIGHT,
U.S. Senate,
Washington, D.C.

DEAR SENATOR FULBRIGHT: As requested in your telegram of July 15, this is to report that as of June 30, 1966, there were 117 applications for direct home and farmhouse loans under consideration for approval by our Regional Office in Little Rock. These applications aggregated $1,378,100, in terms of the loan amounts requested. Funds for making the loans had been earmarked or reserved in each of the 117 cases.

In addition to the funds so reserved, the Regional Office in Little Rock had an unreserved fund balance of approximately $1.5 million with which to entertain additional loan applications.

As of June 30, 1966, there was one application pending for a housing grant to a paralyzed veteran. The grant applied for amounted to $10,000.

In accordance with telephone advice from Mr. Cash, information concerning names and addresses of direct loan applicants is not being supplied.

Sincerely,

W. J. DRIVER,
Administrator.

FEDERAL AVIATION AGENCY,
Washington, D.C., July 18, 1966.

Hon. J. W. FULBRIGHT,
U.S. Senate,
Washington, D.C.

DEAR SENATOR FULBRIGHT: Administrator McKee has asked me to reply to your telegram requesting a report regarding applications from the State of Arkansas for grants or loans pending with the Federal Aviation Agency as of June 30, 1966.

As of June 30, 1966, there were pending before FAA applications from nine municipalities within the State of Arkansas for grants of funds for airport development under the Federal-aid Airport Program. Grants of Federal funds made pursuant to this Program in the State of Arkansas are matched on a fifty-fifty basis by the local communities.

Set forth below are the municipalities which have applications pending and the amount of Federal funds requested:

Location and Federal funds requested	
Alma	$105,000
North Little Rock	94,500
Marked Tree	36,750
Hot Springs	509,250
Little Rock	1,400,000
Jonesboro	499,000
Warren	25,400
DeQueen	65,000
Waldron	65,655
Total	2,650,555

We trust the foregoing will furnish you the information you have requested.

Sincerely yours,

COLE MORROW,
Director, Airports Service.

SMALL BUSINESS ADMINISTRATION,
Washington, D.C., July 15, 1966.

Hon. J. WILLIAM FULBRIGHT,
U.S. Senate,
Washington, D.C.

DEAR SENATOR FULBRIGHT: Administrator Bernard L. Boutin has asked that I reply to your telegram of July 15, 1966, asking for a list of pending Small Business Administration loan and grant applications for the State of Arkansas.

The attached list is current as of July 15, 1966.

If we can be of further assistance, please let me know.

With very best regards,

Sincerely yours,

ROBERT T. COCHRAN, Jr.,
Assistant Administrator for Public Affairs.

Enclosure.

Name and address of applicant	Amount of loan request	Purpose of loan
Arkansas School of Business & Training, Inc., Little Rock, Ark	[1] $27,000	Equipment and debt payment.
Buddy's Amoco Station, Rison, Ark	[1] 4,000	Working capital.
Coleman Mobil Station, North Little Rock, Ark	[1] 3,000	Equipment.
Harris Auto & Repairs, Forrest City, Ark	[1] 1,000	Working capital.
C & L Rice Mill, Inc., DeWitt, Ark	[2] 255,000	Construction and working capital.
Chetuck Corp., Jonesboro, Ark	[2] 135,000	Debt payment.
Piggly Wiggly Stores, El Dorado, Ark	[2] 80,000	Working capital.
White Oil Co., Amity, Ark	[2] 40,000	Construction.
Harton Super Market, North Little Rock, Ark	[3] 26,000	Do.
Hurlon Barker Produce, North Little Rock, Ark	[3] 7,500	Equipment.
Willis Barber & Beauty Supply, Little Rock, Ark	[3] 3,000	Do.
Calico Rock Development Corp., Calico Rock, Ark	[4] 112,000	Construction.
Sparkman Development Corp., Sparkman, Ark	[4] 24,000	Do.
Total	717,500	

[1] Direct loan request.
[2] Loan request under loan guarantee program.
[3] Loan request under displaced business loan authority.
[4] Local development company loan request.

NOTE.—All of the above applications are for loans. There are no grants involved.

Office of Economic Opportunity—Arkansas applications pending as of July 8, 1966

Applicant	Project description	Federal funds requested
Monroe County Community Action Committee, Inc., Clarendon, Ark	Program development	$8,905
Drew County Economic Opportunity Corp., Monticello, Ark	do	14,765
Lonoke County Action Committee, Cabot, Ark	do	11,315
Grant County Economic Opportunity Council, Sheridan, Ark	do	6,844
Arkansas County Economic Development Council, Inc., Dewitt, Ark	do	17,142
Columbia County Economic Development Council, Inc., Magnolia, Ark	do	15,490
Van Se Boo M, Harrison, Ark	do	29,939
Mississippi County Economic Opportunity Commission, Inc., Blytheville, Ark	Conduct and administration	53,726
Desha County Community Action Committee, Inc., Arkansas City, Ark	Program development	22,848
Pike County Economic Development Council, Inc., Murfreesboro, Ark	do	9,991
Leslie Public School, Leslie, Ark	Follow through HS	5,696
Howard County Economic Opportunity Corp., Nashville, Ark	Program development	10,720
Woodruff County Economic Opportunity Corp., Augusta, Ark	do	18,232
Bradley County Community Action Corp., Warren, Ark	do	18,330
Ashley County Economic Opportunity Corp., Hamburg, Ark	do	19,668
Craighead County Community Action Agency, Inc., Jonesboro, Ark	do	20,401
Cleveland County Community Action Agency, Inc., Rison, Ark	do	14,964
Nevada County Community Action Program, Prescott, Ark	do	15,933
Sevier County Economic Opportunity Corp., DeQueen, Ark	do	14,986
Prairie County Community Action Corp., Des Arc, Ark	do	15,014
Polk County Community Action Agency, Inc., Mena, Ark	do	14,517
Dallas County Community Action Agency, Inc., Fordyce, Ark	do	18,278
Montgomery County Community Action Agency, Inc., Mount Ida, Ark	do	9,453
Leslie Public Schools, Leslie, Ark	Headstart	20,064
Calhoun County Community Action Program, Hampton, Ark	Program development	12,496
Poinsett County Community Action Agency, Inc., Harrisburg, Ark	do	14,501
NC Arkansas Economic Opportunity Action Corp., Batesville, Ark	Conduct and administration	41,327
Ouachita Area Development Corp., Camden, Ark	Legal aid	37,344
Council of Economic Opportunity of Hot Springs and Garland County, Hot Springs, Ark	Conduct and administration	31,677
Crawford County CA Development Council, Inc., Van Buren, Ark	do	29,645
Economic Opportunity Council of the Ozarks, Inc., Cotter, Ark	do	32,913
Clark County Community Action Agency, Inc., Arkadelphia, Ark	Program development	23,394
Carroll-Madison Corp., Huntsville, Ark	Conduct and administration	24,146
Council of Economic Opportunity of Hot Springs and Garland County, Hot Springs, Ark	Headstart day care centers	161,537
Arkansas Farmers Union	Community activity for seniors	149,100
Pulaski County	Operation Second Chance	27,778
Philander Smith College	Neighborhood leadership	64,000
Central Arkansas Development Council	Neighborhood Youth Corps	284,480
Total (38 projects)		1,341,589

Mr. FULBRIGHT. Mr. President, I have attempted unsuccessfully since July 15 to obtain similar information from the Department of Agriculture. When these data are received, I will bring them to the attention of the Senate.

Mr. President, the cost of the war in Vietnam—estimated at $2 billion per month—is also causing a crisis in the homebuilding industry. I ask unanimous consent to have printed in the RECORD several statements recently issued by the National Association of Home Builders.

There being no objection, the statements were ordered to be printed in the RECORD, as follows:

BACKGROUND

The home building industry expected to build approximately 1.6 million housing units in 1966.

But a great competition for money began last Fall when the Government relied on monetary policy measures alone to check inflationary pressures. This has resulted in a disastrous interest rate war and a violent shift of funds away from Savings and Loans and other institutions that finance home mortgages.

The home building industry has been seriously crippled as a consequence.

The effects are now being felt in other sectors of the economy that are related to the home building industry, and more importantly, by the general public.

The blow to the industry is one from which a long recovery time will be needed. Action is needed now to begin that recovery.

WHAT IS HAPPENING

Annual rate of starts and permits lowest in 6 years—only during the last two recessions in the fifties has rate been this low.

4 million families who buy new or used homes each year are already affected.

Building permits—indicators of future activity—down 25 percent from June 1965.

Actual June housing starts—20 per cent behind June 1965.

FHA starts in June down 25 per cent from June 1965.

VA starts in June down 22 per cent from June 1965.

Mortgage commitments of mutual savings banks in June 1966 down approximately 63 per cent as compared to June of last year.

Mortgage commitments for savings and loan associations in May 1966 down 51 per cent as compared to May 1965.

WHAT THIS MEANS

Based on current trend projections, the next 12 months could see a loss of 400,000 units—the economic impact of such a loss would be:

800,000 man years of employment.

$7 billion in construction expenditures.

An additional $14 billion in related expenditures.

Nearly 5 billion board feet of lumber.

2 billion bricks.

8 million gallons of paint.

Nearly a million tons of steel.

2 billion square feet of gypsum board.

Nearly 5 million doors.

More than 600,000 bath tubs.

And many others—such as miles of electric wiring, switches, appliances, cabinets, tile, cement, etc.

Also, this drop will mean lower local government real estate tax collections, and a reduction in sales taxes, transfer taxes, etc.

WHAT TO EXPECT

If the present situation is not corrected, the expressed housing goals of the Administration and Congress will be empty phrases.

If we are to meet the needs of new families, replace housing lost from the market each year, and at the same time rebuild our cities and eliminate sub-standard housing, the production rate of housing will have to be far in excess of this year's hoped for rate of 1.6 million units.

In this mortgage credit crisis, production capacity is being reduced to far below requirements for the future.

New housing programs, which raise the hopes of millions for getting out of substandard housing, cannot get off the ground.

Low and middle income families are the most severely affected.

The ability of people to sell their homes or buy new homes is being severely restricted. This means loss of the ability of the people to realize a return from their investment in housing, and reduction of their ability to move.

The capacity of the industry to produce the needed housing is being crippled now. That capacity, once reduced, cannot be quickly or easily restored.

WHAT WE SUPPORT

These bills which would help put money back into home building:

H.R. 15639 (the Hanna bill) authorizing FNMA to increase its borrowing power from ten to fifteen times or about 2.2 billion dollars. We also endorse H.R. 15288 (the Widnall bill) which would have the same result but to a lesser degree.

S. 3529 (the Sparkman bill) and H.R. 16352 (the Barrett bill) which would put a billion dollars of special assistance funds into FNMA.

H.R. 14026 which would help put money back into home building by:

Empowering the Federal Reserve Board to buy FNMA and FHLBB debentures and other obligations.

And these other provisions of H.R. 14026 which would help end the interest rate war!

Place a ceiling of 4½% on consumer type CD's,

Authorize the Federal Reserve to establish different rates on different types of deposits, and

Authorize standby rate controls for the Federal Home Loan Bank Board.

We also support those provisions of H.R. 14026 which would provide for a board to coordinate Federal fiscal and monetary policy and would increase reserve requirements on time deposits.

We call upon the Congress and the Administration to adopt these measures now and to establish a national housing policy designed to maintain a healthy and viable home building industry. This is essential to our national economy and to provide a proper living environment for all our citizens.

CONCLUSION OF MORNING BUSINESS

The **PRESIDING OFFICER.** Is there further morning business? If not, morning business is concluded.

FEDERAL-AID HIGHWAY ACT OF 1966

Mr. RANDOLPH. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar No. 1374, S. 3155, the Federal-Aid Highway Act of 1966.

The **PRESIDING OFFICER.** The bill will be stated by title.

The ASSISTANT LEGISLATIVE CLERK. A bill (S. 3155) to authorize appropriations for the fiscal years 1968 and 1969 for the construction of certain highways in accordance with title 25 of the United States Code, and for other purposes.

The **PRESIDING OFFICER.** Is there objection to the present consideration of the bill?

There being no objection, the Senate proceeded to consider the bill, which had been reported from the Committee on Public Works with an amendment to strike out all after the enacting clause and insert:

SHORT TITLE

SECTION 1. This Act may be cited as the "Federal-Aid Highway Act of 1966."

REVISION OF AUTHORIZATION OF APPROPRIATIONS FOR INTERSTATE SYSTEM

SEC. 2. Subsection (b) of section 108 of the Federal-Aid Highway Act of 1956, as amended, is amended to read as follows:

"(b) AUTHORIZATION OF APPROPRIATIONS.—For the purpose of expediting the construction, reconstruction, or improvement, inclusive of necessary bridges and tunnels, of the Interstate System, including extensions thereof through urban areas, designated in accordance with the provisions of subsection (d) of section 103 of title 23, United States Code, there is hereby authorized to be appropriated the additional sum of $1,000,000,000 for the fiscal year ending June 30, 1957, which sum shall be in addition to the authorization heretofore made for that year, the additional sum of $1,700,000,000 for the fiscal year ending June 30, 1958, the additional sum of $2,200,000,000 for the fiscal year ending June 30, 1959, the additional sum of $2,500,000,000 for the fiscal year ending June 30, 1960, the additional sum of $1,800,000,000 for the fiscal year ending June 30, 1961, the additional sum of $2,200,000,000 for the fiscal year ending June 30, 1962, the additional sum of $2,400,000,000 for the fiscal year ending June 30, 1963, the additional sum of $2,600,000,000 for the fiscal year ending June 30, 1964, the additional sum of $2,700,000,000 for the fiscal year ending June 30, 1965, the additional sum of $2,800,000,000 for the fiscal year ending June 30, 1966, the additional sum of $3,000,000,000 for the fiscal year ending June 30, 1967, the additional sum of $3,300,000,000 for the fiscal year ending June 30, 1968, and the additional sum of $3,600,000,000 for the fiscal year ending June 30, 1969."

AUTHORIZATION OF USE OF COST ESTIMATE FOR APPORTIONMENT OF INTERSTATE FUNDS

SEC. 3. The Secretary of Commerce is authorized to make the apportionment for the fiscal years ending June 30, 1968 and 1969, of the sums authorized to be appropriated for such years for expenditures on the National System of Interstate and Defense Highways, using the apportionment factors contained in table 5 of House Document Numbered 42, Eighty-ninth Congress.

REVISION OF AUTHORIZATION OF APPROPRIATIONS FOR INTERSTATE SYSTEM

SEC. 4. (a) Section 109(b) of title 23 of the United States Code is amended by inserting after the second sentence the following: "Such standards shall in all cases provide for at least four lanes of traffic."

(b) The Secretary of Commerce is authorized to modify project agreements entered into prior to the date of enactment of this Act pursuant to section 106 of title 23 of the United States Code for the purpose of effectuating the amendment made by this section with respect to as much of the National System of Interstate and Defense Highways as may be possible.

AUTHORIZATIONS

SEC. 5. For the purpose of carrying out the provisions of title 23 of the United States Code, the following sums are hereby authorized to be appropriated:

(1) For the Federal-aid primary system and the Federal-aid secondary system and for their extension within urban areas, out of the highway trust fund, $1,000,000,000 for

the fiscal year ending June 30, 1968, and $1,000,000,000 for the fiscal year ending June 30, 1969. The sums authorized in this paragraph for each fiscal year shall be available for expenditure as follows:

(A) 45 per centum for projects on the Federal-aid primary highway system;

(B) 30 per centum for projects on Federal-aid secondary highway system; and

(C) 25 per centum for projects on extensions of the Federal-aid primary and Federal-aid secondary highway systems in urban areas.

(2) For forest highways on the Federal-aid highway systems, $33,000,000 for the fiscal year ending June 30, 1968, and $33,000,000 for the fiscal year ending June 30, 1969.

(3) For public lands highways on the Federal-aid highway systems, $20,000,000 for the fiscal year ending June 30, 1968, and $25,000,000 for the fiscal year ending June 30, 1969.

(4) For forest development roads and trails, $170,000,000 for the fiscal year ending June 30, 1968, and $170,000,000 for the fiscal year ending June 30, 1969.

(5) For public lands development roads and trails, $4,000,000 for the fiscal year ending June 30, 1968, and $6,000,000 for the fiscal year ending June 30, 1969.

(6) For park roads and trails, $25,000,000 for the fiscal year ending June 30, 1968, and $30,000,000 for the fiscal year ending June 30, 1969.

(7) For parkways, $9,000,000 for the fiscal year ending June 30, 1968, and $11,000,000 for the fiscal year ending June 30, 1969.

(8) For Indian reservation roads and bridges, $20,000,000 for the fiscal year ending June 30, 1968, and $23,000,000 for the fiscal year ending June 30, 1969.

ALASKAN ASSISTANCE

SEC. 6. (a) Notwithstanding the provisions of section 116, funds made available to the State of Alaska under title 23, United States Code, may be expended by the State for maintenance of Federal aid highways.

(b) Notwithstanding the provisions of section 103, funds made available to the State of Alaska under title 23, United States Code, may be expended for construction of access and development roads that will serve resource development, recreational, residential, commercial, industrial, or other like purposes.

(c) For construction and maintenance of highways in the State of Alaska, out of the highway trust fund, and in addition to funds otherwise made available to the State of Alaska under title 23, United States Code, $10,000,000 for each of the fiscal years ending June 30, 1968, June 30, 1969, June 30, 1970, June 30, 1971, and June 30, 1972.

EMERGENCY RELIEF

SEC. 7. (a) The last proviso of subsection (f) of section 120 of title 23 of the United States Code is amended by inserting after "park roads and trails," the following: "parkways, public lands highways, public lands development roads and trails,".

(b) Subsection (c) of section of section 125 of title 23 of the United States Code is amended by inserting after "park roads and trails," the following: "parkways, public lands highways, public lands development roads and trails,".

(c) The second sentence of subsection (a) of section 125 of title 23 of the United States Code is hereby deleted and the following is substituted therefor: "Subject to the following limitations, there is hereby authorized to be appropriated such sums as may be necessary to establish the fund authorized by this section and to replenish it on an annual basis: (1) not more than $50,000,000 is authorized to be expended in any one fiscal year to carry out this section except that if in any fiscal year the total of all expenditures under this section is less than than $50,000,000 the unexpended balance of such amounts shall remain available for expenditure during the next two succeeding fiscal years in addition to amounts otherwise available to carry out this section in such years, and (2) 60 per centum of the expenditures under this section for any fiscal year are authorized to be appropriated from the Highway Trust Fund and the remaining 40 per centum of such expenditures are authorized to be appropriated only from any moneys in the Treasury not otherwise appropriated."

(d) Subsections (b) and (c) of section 125 of title 23, United States Code, are amended by striking the words "from the emergency fund" where they appear.

STUDY OF ADVANCE ACQUISITION OF RIGHTS-OF-WAY

SEC. 8. The Secretary of Commerce is authorized and directed to make a full and complete investigation and study of the advance acquisition of rights-of-way for future construction of highways on the Federal-aid highway systems, with particular reference to the provision of adequate time for the removal and disposal of improvements located on rights-of-way and the relocation of affected individuals, businesses, institutions, and organizations, the tax status of such property after acquisition and before its use for highway purposes, and the methods for financing advance right-of-way acquisition by both the State governments and the Federal Government, including the possible creation of revolving funds for such purpose. The Secretary shall submit a report of the results of such study to Congress not later than January 10, 1968, together with his recommendations.

STATE HIGHWAY DEPARTMENTS

SEC. 9. Subsection (a) of section 302 of title 23 of the United States Code is amended by adding at the end thereof the following: "In meeting the provisions of this subsection, a State may engage, to the extent it deems necessary or desirable, the services of private engineering firms."

RELOCATION ASSISTANCE STUDY

SEC. 10. (a) The Secretary of Commerce is authorized and directed to make, in cooperation with the Secretary of the Department of Housing and Urban Development, the State highway departments, and other affected Federal and State agencies, a full and complete study and investigation for the purpose of determining what action can and should be taken to provide additional assistance for the relocation and reestablishment of persons, business concerns, and nonprofit organizations to be displaced by construction of projects on any of the Federal-aid highway systems, and to submit a report of the findings of such study and investigation, together with recommendations, to the Congress not later than July 1, 1967. The study and investigation shall include, but shall not be limited to—

(1) the need for additional payments or other financial assistance to such displaced persons, business concerns and nonprofit organizations, and the extent to which the making of such payments and the providing of other financial assistance should be mandatory;

(2) the feasibility of constructing, within the right-of-way of a highway or upon real property adjacent thereto acquired for such purposes, publicly or privately owned, buildings, improvements, or other facilities to aid in the relocation of such displaced persons, business concerns, and nonprofit organizations;

(3) the extent to which the costs of acquiring such real property and constructing such buildings, improvements, and other facilities should be paid from the highway trust fund; and

(4) sources of funds to pay the portion of the costs of acquiring such real property and constructing such buildings, improvements, and other facilities, which is not properly chargeable to the highway trust fund.

HIGHWAY STUDY—GUAM, AMERICAN SAMOA, AND THE VIRGIN ISLANDS

SEC. 11.(a) The Secretary of Commerce, in cooperation with the government of Guam, the government of American Samoa, and the government of the Virgin Islands is hereby authorized to make studies of the need for, and estimates and planning surveys relative to, highway construction programs for Guam, American Samoa, and the Virgin Islands.

(b) On or before January 10, 1968, the Secretary of Commerce shall submit a report to the Congress which shall include—

(1) an analysis of the adequacy of present highway programs to provide satisfactory highways in both the rural and urban areas in Guam, American Samoa, and the Virgin Islands;

(2) specific recommendations as to a program for the construction of highways throughout Guam, American Samoa, and the Virgin Islands; and

(3) a feasible program for implementing such specific recommendations, including cost estimates, recommendations as to the sharing of cost responsibilities, and other pertinent matters.

(c) There is hereby authorized to be appropriated, out of any money in the Treasury not otherwise appropriated, to be available until expended, the sum of $200,000 for the purpose of making the studies, surveys, and report authorized by subsections (a) and (b) of this section.

SOIL EROSION CONTROL

SEC. 12. Section 109 of title 23, United States Code, is amended by adding a new subsection as follows:

"(g) The Secretary shall not approve plans and specifications for proposed projects on any Federal-aid system unless he determines, after consultation with the Administrator of the Soil Conservation Service, that the plans include adequate measures to minimize soil erosion which might be caused by the proposed excavations and construction."

PRESERVATION OF PARKLANDS

SEC. 13. (a) Chapter 1 of title 23 of the United States Code is amended by inserting at the end thereof a new section as follows:

"*§ 137. Preservation of parklands*

"It is hereby declared to be the national policy that in carrying out the provisions of this title, the Secretary shall use maximum effort to preserve Federal, State, and local government parklands and historic sites and the beauty and historic value of such lands and sites. The Secretary shall cooperate with the States in developing highway plans and program which carry out such policy. After July 1, 1968, the Secretary shall not approve under section 105 of this title any program for a project which requires the use for such project of any land from a Federal, State, or local government park or historic site unless (1) there is no feasible alternative to the use of such land, (2) such program includes all possible planning to minimize any harm to such park or site resulting from such use."

Mr. RANDOLPH. **Mr. President, this proposed legislation provides the biennial authorizations for the Interstate and Defense Highway System and the Federal-aid ABC highway systems, for the 2 fiscal years, 1968 and 1969.**

The measure—which was reported unanimously from the Committee on Public Works—authorizes a total of

$9,529,200,000 from the highway trust fund and the general fund of the Treasury.

The bill authorizes $3.3 and $3.6 billion from the trust fund for the Interstate System for fiscal years 1968 and 1969, respectively, and $1 billion for the ABC systems—which are our primary and secondary road systems and their urban extensions—for each of those years.

In addition to these authorizations from the trust fund, this S. 3155 provides funds for roads constructed on public domain lands in the amount of $579,200,000 for the fiscal years 1968 and 1969.

The major recommendation from the Committee on Public Works in the category of public domain roads authorizations has been to increase the funds for forest development roads and trails from $85 and $110 million for fiscal years 1968 and 1969, respectively, as proposed by the administration, to $170 million for each of those years.

The reasons for the committee action in this regard are summarized by the following statement from the committee report:

> Therefore, it is the committee's view that, in order to maximize efficient maintenance and development of national forest resources, to serve the widest range of benefits for the public, and to strengthen cooperative relations between the Forest Service and the timber products industry, the Congress should strive toward the goal of constructing as much of the national forest road system as possible from appropriated funds, with a minimum of purchaser constructed roads required.
>
> The committee conducted extensive hearings on this section of the bill, receiving testimony from Senators and officials of the administration, as well as from State and county officials and a broad spectrum of conservation interests and forest products industry representatives. The committee is, therefore, of the firm conviction that the recommended authorization levels of $170 million for each of the fiscal years of 1968 and 1969 represent a prudent and necessary investment in our national resources and in the future well-being of the national economy.

The committee bill also substantially increases the funds available for the construction of public lands highways, from $7 million for each of the fiscal years of 1968 and 1969, to $20 million for fiscal 1968 and $25 million in fiscal 1969. And even with this substantial increase, the authorizations amount to only one-third of the total applications from the States for assistance in these categories.

Finally, Mr. President, S. 3155 authorizes modest but significant increases in the funds available for the construction of public lands development roads and trails and Indian reservation roads and bridges. I ask unanimous consent to include at this point those sections of the report which discuss the committee action on these categories of roads:

PUBLIC LANDS DEVELOPMENT ROADS AND TRAILS, SECTION 5

> The road system financed under subsection (5) of section 5 serves the "unreserved, unappropriated public domain lands" comprising some 176 million acres, largely in the 11 Western States, and 288 million acres of public-domain lands in Alaska.
>
> Though the public domain lands have been the neglected stepchild of the entire Federal lands resource, it is now generally recognized that the bulk of these lands is not going to pass from Federal ownership, and it is long past the time to develop an affirmative program for their management.
>
> In 1964 the Congress passed the Classification and Multiple Use Act, which gave official recognition to the recreational and resource values of public-domain lands and to the need for an improved management program. Major programs requiring new and improved access are (1) fire and disease protection, (2) soil and watershed projects, (3) range management, (4) forest management, and (5) recreation.
>
> The present transportation system available to manage these resources consists of some 50,000 miles of road, of which at least 90 percent is inadequate and in need of reconstruction.
>
> The committee authorizations of $4 million for fiscal 1968 and $6 million for fiscal 1969 are based on an analysis of need and capability of developing an orderly road construction program. The Bureau of Land Management of the Department of the Interior, which has administrative responsibility for most of the land in this category, has already developed a comprehensive transportation plan. This plan consists of an inventory of existing roads and an estimate of planned transportation facilities necessary for the development, protection, administration and utilization of lands and resources in the public domain.

INDIAN RESERVATION ROADS AND BRIDGES, SECTION 5

> The committee has increased the recommended authorization for Indian reservation roads and bridges from $18 million in fiscal 1968 to $20 million for that year, in order to provide construction funds for a Navajo Reservation road from Crystal, N. Mex., to Sheep Springs, which is a distance of approximately 20 miles. The cost of improving the road to State highway standards would be approximately $2 million.
>
> The proposed facility would serve one of the newest and largest lumber mills in the world, would improve transportation for the marketing of forest products in the Shiprock and Farmington areas and also in the cities of Colorado, and would furnish needed access to outstanding recreational sites along the crest of the Chuska Mountains.
>
> The Department of the Interior acknowledges the economic justification of the proposed road, but because of other project commitments, the Department has not been able to program construction of this project earlier than 1971. The committee amendment would allow for programing of immediate construction to serve a long-neglected area and its people.

With reference to the total authorizations for public domain roads, Mr. President, I would summarize the committee's actions by saying that this is the most progressive step that the Public Works Committee has taken in the field of public lands resource development in the 8 years that I have served on this committee. And I commend all the members of the committee for their constructive and nonpartisan approach to this important aspect of natural resources development.

I wish to say that limiting the interstate authorization in this bill—as the Senator from Kentucky [Mr. COOPER] will bring out, I am sure—to only the 2 years, 1968 and 1969, does not indicate that there is any lessening of our commitment to the completion of the Interstate System. On the contrary, the Committee on Public Works has withheld authorizations for the years following fiscal 1969, because we know that the authorizations, based on the 1965 cost estimates, are inadequate. Your Public Works Committee knows, from the testimony that was given, that additional costs will be involved. We have, therefore, directed the Secretary to include in the 1968 estimate all known and anticipated increased cost factors, so that in that year, Congress can authorize appropriations for completing this vital Interstate System on the basis of more accurate and definitive knowledge than we now have.

Therefore, Mr. President, the States can continue their planning beyond 1968 with the confidence that Congress will maintain its commitment to our vital Federal-aid highway program.

The committee conducted extensive hearings and considered at great length the problem of the cost of completing the Interstate System and the insufficient revenues under existing legislation. In this regard, the committee report declares that—

> On three successive occasions since 1961 the administration has recommended revenue measures to augment the trust fund. And in each instance the Congress has withheld action. Others may speculate regarding the reasons for this impasse, but as a practical matter affecting the major civil works construction program in the Nation, this committee urges the administration to reappraise its assumptions regarding interstate financing and recommend to the next Congress a realistic revenue measure which will solicit congressional approval.
>
> Finally, with respect to the 1968 cost estimate of completion, the committee directs the Secretary to consider in his estimate all known and anticipated cost increases heretofore discussed by the committee under the heading of "Additional Cost Factors." The 1968 estimate should include, but not be limited to, extrapolation of the average increase in unit prices of construction and materials; appreciation of land values, particularly in urban areas; increases due to new design features; possible increases in relocation costs for displaced persons and businesses; increases generated by the need to serve additional social, cultural, esthetic, historic, and recreational values, particularly in urban areas; and increases required by implementation of the Highway Beautification Act of 1965 and pending highway safety legislation, as well as the programs authorized or anticipated by studies which are authorized in S. 3155.

Mr. President, I commend to the attention of Senators the entire committee report, which presents a detailed and factual discussion of our Federal-aid highway program. For the particular attention of individual Senators, I would note that pages 20 and 21 present the approximate apportionments to be made to each of the States for fiscal 1968 and 1969 under the provisions of the pending bill.

Finally, I wish to commend all the members of the Committee on Public Works and the members of the Subcommittee on Roads for their application and their sincere, thorough, and searching discussion of the problems involved in the continuation of our Federal highway system and the improvement of the administration of this vital program.

Mr. COOPER. Mr. President, I rise to support the pending bill, which has been reported unanimously by the Committees on Public Works. I commend the chairman of our committee, the distinguished Senator from West Virginia, Senator RANDOLPH, for conducting, as he always does, very thorough and extensive hearings on this important legislation covering 7 days from May 11 to 26.

There are more dramatic pieces of legislation which come before the Senate, but this is an important bill. It assures the continuation of one of the oldest programs of our Federal Government—a program to provide assistance to our States in the construction of highways—the ABC system which includes primary, secondary and urban highways—and during the last 10 years, the Interstate System. In the case of the Interstate System the Federal Government provides 90 percent of the cost, and in the case of the primary, secondary, and urban roads—50 percent of the cost.

The bill carries a large authorization—one of the largest which comes before Congress—of about $9.5 billion for fiscal years 1968 and 1969. As we know, Congress has already provided funds for the years 1966 and 1967.

I wish to comment briefly on the main provisions of the bill and at the same time to set forth my reservations concerning several aspects of this legislation.

INTERSTATE SYSTEM

Section 2 of the committee bill authorizes $3.3 billion for the Interstate System for fiscal 1968, representing an increase of $300 million above the present authorization, and $3.6 billion for fiscal 1969, representing an increase of $600 million over existing legislation due to the necessity of meeting the increased cost of construction. Both increases were requested by the administration.

These increases are based on the 1965 Interstate Cost Estimate contained in House Document 42 of the 89th Congress which indicated that the Federal share of the cost of completing the Interstate System would be $42 billion, an increase of $5 billion over the 1961 estimate. However, the 1965 cost estimate was based on 1963 prices and does not include costs for future increases in price levels and increases due to design changes.

The committee has received estimates that the increased cost of these two factors—bid prices and design changes—may require an additional $4 billion to complete the Interstate System on schedule. In view of the present inflation the committee has authorized appropriations only for fiscal 1968 and 1969 and has instructed the Secretary to include in the 1968 cost estimate, which he is required to make under existing legislation, all of the projections for these foreseeable increases through to the scheduled completion date of the Interstate System. I supported the committee amendment to limit the authorization to 2 years.

THE A–B–C SYSTEM

The committee has authorized $1 billion for the Federal share of the A–B–C system for fiscal 1968 and $1 billion for fiscal 1969, representing no change in the amounts authorized for fiscal 1966 and fiscal 1967. A breakdown of these amounts is as follows:

[In millions]

	1968	*1969*
Primary roads	$450	Same
Secondary roads	300	Same
Urban	250	Same
Total	1,000	Same

OTHER FEDERAL AID HIGHWAY PROGRAMS

In addition to the Interstate and ABC systems the committee made the following authorizations:

For forest highways: $33 million for each of fiscal 1968 and 1969; for public lands highways, $20 million for 1968 and $25 million for 1969, an increase over the administration request of $7 million for 1968 and $7 million for 1969; for forest development roads and trails, $170 million for 1968 and $170 million for 1969, representing a substantial increase over the administration recommendation of $85 million for 1968 and $110 million for 1969; for public lands highways, the committee went beyond the administration's request and authorized $20 million for 1968 and $25 million for 1969; for public lands development roads and trails, $4 million for 1968 and $6 million for 1969, doubling the administration's request; for park roads and trails, $25 million for 1968 and $30 million for 1969, which amounts were requested by the administration and represent a slight increase over the authorizations for 1966 and 1967; for parkways, $9 million for 1968 and $11 million for 1969, as compared with $11 million for each of 1966 and 1967; for Indian reservation roads and bridges, $20 million for 1968 and $23 million for 1969, as compared with $18 million for each of the fiscal years 1966 and 1967.

I raised questions in committee concerning the committee's amendment to increase authorizations for forest development roads and trails beyond the amounts requested by the administration. These increases beyond the administration's request amount to $85 million for 1968 and $60 million for 1969. I did so not because development roads are not needed, but in view of the Vietnam situation and the inflationary condition that we find the country in today, I opposed the amendment. I feel that expenditures of this nature should be kept to a minimum. I urge the Appropriations Committee in considering the appropriation of funds for these programs to take these factors into account.

HIGHWAY BEAUTIFICATION

In the original version of S. 3155 the administration proposed to amend the Highway Beautification Act of 1965 by removing the prohibition against the use of the highway trust funds during fiscal year 1967 to finance the highway beautification program and provided that beginning with fiscal year 1967 this program be financed through the Trust Fund. It has been my position that the cost of the highway beautification programs relating to the control of outdoor advertising, screening of junk yards, and landscaping should be financed out of the highway trust fund, at least during this time of heavy war expenditures. However, since the Highway Beautification Act of 1965 requires the Secretary to report to the Congress in January 1967, and to submit an estimate of the costs of the present and projected highway beautification programs and since minimum funds will be expended in this fiscal year, it was the view of the committee, and a view which I supported, that authorization for the Highway Beautification Act be taken up as a separate matter next year after the committee has had an opportunity to study the cost estimate of the program by the Secretary.

HIGHWAY TRUST FUND

It is important to remember that the Federal cost of the Interstate System, and the regular Federal-aid system is not a charge on general appropriations and that it is financed from the highway trust fund on a pay-as-you-go basis—a principle which I strongly support. It is quite apparent that there will not be sufficient revenues in the highway trust fund to complete the Interstate System on schedule in 1971. As pointed out in the committee report at page 17:

> The authorization for the fiscal year 1968 and succeeding years through 1972 as proposed by the Administration in the original version of S. 3155 are known to be insufficient to complete the program on schedule.

This insufficiency is further complicated by the known fact of cost increases above the 1965 estimate resulting from inflation and design changes may amount to $4 billion. The testimony of representatives of the American Association of State Highway Officials estimated that without a tax increase producing additional revenues for the highway trust fund and without charging the costs of the beautification program to the trust fund that it would take until 1975–76 to complete the Interstate System. The administration estimate would require an 18-month to 2-year stretchout. Although I do not favor the principle of charging additional programs to the highway trust fund, I have urged that the administration consider stretching out the completion date of the Interstate System in this special case because of the increase in the national budget resulting from the Vietnam war and the serious inflation that threatens us today. Also I wish to avoid the levying of additional taxes on highway users. Another cost estimate of the Interstate System will be provided in 1968, and the Congress must make its decision at that time.

USE OF CONSULTANTS BY STATE HIGHWAY DEPARTMENTS

Section 9 of the bill was added by the committee and authorizes States to engage to the extent necessary the services of private engineering firms. Under existing legislation, it is not absolutely clear that State highway departments may retain the services of consulting engineers. The committee amendment would clarify section 302 of title 23 of the United States Code to this extent. I have received communications from the Kentucky State Highway Department and other officials pointing out the advantage to the State highway departments of being able to retain the services of highly professional people on a consultant basis in specialized work when the State highway department would not have sufficient funds to employ such specialized personnel on a full-time basis. I am very happy to support this amendment.

RELOCATION ASSISTANCE STUDY

I wish to note that section 10 of the bill authorizes and directs the Secretary of Commerce to make, in cooperation with the Secretary of Housing and Urban Development, the State highway department and other affected Federal and State agencies, a full and complete study and investigation for the purpose of determining what action can and should be taken to provide additional assistance for the relocation and reestablishment of persons, business concerns, churches, and other nonprofit organizations, to be displaced by construction of projects on any of the Federal-aid highway systems.

In many situations that have come to my attention, I did not feel that the individuals, business concerns, and nonprofit organizations required to relocate because of highway construction, received adequate compensation or assistance in finding suitable new quarters. I supported this amendment in the committee, and I am looking forward to the report of the study and investigation by the Secretary, which is due to be submitted to the Congress by January 10, 1967.

THE FEDERAL AID HIGHWAY PROGRAMS AND KENTUCKY

I am pleased to note that Kentucky will receive a total of $84,217,000 for 1968—a $9,472,000 increase over its 1967 apportionment and a total of $90,393,000 for fiscal 1969. The breakdown is as follows:

For 1968: $67,395,000 for the interstate program; $7,479,000 for primary roads; $6,307,000 for secondary roads; and $2,496,000 for urban streets.

For 1969: $74,111,000 for the interstate program; $7,479,000 for primary roads; $6,307,000 for secondary roads; and $2,469,000 for urban roads and streets.

The Federal-aid highway program is of nationwide interest, affecting and improving, as it does, every State and segment of our economy—industry and agriculture.

I am glad to serve on the Senate Committee on Public Works, which has submitted this bill to the Senate, and to have had a part in its development.

The **PRESIDING OFFICER**. The question is on agreeing to the committee amendment in the nature of a substitute.

The committee amendment was agreed to.

The **PRESIDING OFFICER**. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed for a third reading, and was read the third time.

Mr. **METCALF**. Mr. President, I want to congratulate the Senator from West Virginia [Mr. RANDOLPH], chairman of the Committee on Public Works, and his committee colleagues on the excellence of this bill to authorize highway programs for fiscal years 1968 and 1969.

I am particularly pleased that the committee has shown full recognition of the need to develop the vast federally managed forests, parks, public lands, and Indian lands in our States.

For the first time in memory the authorization for national forest roads and trails, is at an adequate level.

In Montana, vast areas in the national forests have not been opened up by access roads. This has had a serious impact on the growth of our timber industries. There is also a threat to the stability of existing timber industries if access roads are not provided. Many of these industries are small in size and are unable to finance road construction, which is very costly and of high risk in the rugged mountain areas where most of our national forest timber is located.

The timber industry in Montana is an important part of its economy. It is largely dependent on national forest timber. Last year, national forest timber cut exceeded $6 million in value. Timber purchasers built roads valued at $5 million. If these roads had been built in advance by the Government, the returns to the Treasury would have been increased by the cost of purchase road construction. They would also be increased by higher bids due to lesser risk and more competition.

Some years ago, many of us in Congress with an interest in developing fully our national forests, prevailed on the Eisenhower administration to present a program for action. The late Senator James E. Murray of Montana was one of the leaders in this effort. Later, this program was revised and a short-range, 10-year program was presented to the Congress by President Kennedy. This program contained provisions for access road construction as well as for other needed forestry operations—timber sale preparation, recreational development, and range improvement were also included. The rest of this program has proceeded substantially on schedule but access roads have lagged.

The committee's action closes the gap by providing $340 million over the 1968–69 fiscal period.

The funds will act on the West like Henry Ford described his joy with woodcutting. He used to say the wood you cut warms you twice, once when you cut it, once when you burn it.

These funds will have a double—even a triple effect. They will open the forests to wise multiple use. The roads will help business. These roads will strengthen hard-pressed local governments already burdened by the costs of servicing local roads and schools.

Likewise the increase in public land development roads and trails to $10 million for the next 2 years and the increase in public land highways to $45 million for 1968 and 1969 will serve the same good causes.

These authorizations plus those for park roads and Indian roads will advance the opportunity for early completion of roads into the new Bighorn National Recreation Area near Billings where majestic Yellowtail Dam is creating a magnificent lake, and assist in other needed road development throughout the West.

These natural resource roads serve rural and urban America alike. These are national roads. They bring the products of farm, ranch, forest and mine to the consumer, while opening the spectacular beauty of our forest and rangeland to the recreation-seeking city dweller.

I am particularly pleased to note that the committee rejected the proposal to finance forest highways and public land highways out of the trust fund These roads serve the forests and public lands. They are not like the conventional Federal-aid roads. Back in 1958 this proposal was made and rejected. In 1960 and in 1962 and again in 1964 it was made and rejected. Four times now the Congress has rejected this notion.

It seems to me that the idea should finally get across in the Bureau of the Budget that this recommendation is without merit.

The committee is to be congratulated also on its action to minimize soil erosion and to preserve park land beauty in road construction. Roads can be constructed to save soil and beauty. Much has been done by the roadbuilders and State highway departments. These amendments will improve the rate of progress.

Again my sincere congratulations to the chairman [Mr. RANDOLPH] and to all the members of the committee for bringing before us one of the most progressive highway bills we have ever had.

Mr. **RANDOLPH**. Mr. President, will the Senator yield?

Mr. **METCALF**. I yield.

Mr. **RANDOLPH**. Mr. President, I wish the RECORD to reflect that, although the Senator from Montana is not now a member of the Committee on Public Works, he has been of genuine value to the committee members in the consideration of this program for highways and road construction.

We appreciate his counsel and are always helped by it.

All members of the committee are grateful for the remarks the Senator made today during the consideration of this legislation.

Mr. **METCALF**. Mr. President, I thank the chairman for his remarks and I thank him for his courtesy in permitting me to work with the committee.

Mr. **COOPER**. Mr. President, S. 3155, which we are considering today, makes no changes or additions to the Interstate Highway System. This bill is confined to providing the necessary authorization for funds for the existing system.

Many Senators have been interested in proposals to add mileage to the Interstate System so that it would serve greater portions of our population. The junior Senator from Nebraska [Mr. CURTIS] has been especially interested in such a proposal for an addition to the interstate to serve Dakota County, Nebr., and adjacent territory.

I wish to state that the committee is aware of the great interest shown by Mr.

CURTIS and others and that while proposals for additions to the interstate are outside the scope of today's bill, that we feel that just as soon as the Interstate System is to be enlarged and extended that these proposals advanced by individual Senators should be given consideration.

S. 3155—PROGRESS IN THE ROAD PROGRAM

Mr. MORSE. Mr. President, the Public Works Committee, and especially its illustrious and diligent chairman, the Senator from West Virginia [Mr. RANDOLPH], deserve special commendation for the excellence of the bill they have reported. It is a progressive bill. It is a comprehensive bill.

Highway safety, economic growth, and national well-being have a close relationship to the adequacy and excellence of our highways. The Roman Empire rose to its position of eminence in its time, because, among other things, it had developed a comprehensive transportation system.

So I want to salute the Senator from West Virginia [Mr. RANDOLPH] for his leadership in meeting national transportation needs. West Virginia and the Nation are well represented by his enlightened chairmanship of the Public Works Committee.

With over 651,000 people in 1960, the greater Portland area ranked 27th in the Nation as an urban center—5th for the west coast. Eugene, Oreg., with over 95,000 people, ranked 161st in the list of the 200 areas with over 50,000 people.

Oregon has made remarkable progress in completing its allocated interstate highways, and it is actively participating in the program initiated in 1965 to beautify roads, control signs, and eliminate junkyards. Oregon has 630 miles open to traffic out of its 730 miles designated under the interstate program, and this is one of the best records for any State in the Nation.

FOREST RESEARCH—AERIAL LOGGING

Because of the interest I have expressed in aerial logging, with the fine support of leading Oregonians such as Glenn Jackson and Faye Stewart, I am particularly pleased over the following comments which appear at page 28 of Report No. 1410 on S. 3155:

> Balloon logging has been shown to be technically feasible, but to make the system economically feasible requires studies of various balloon configurations, wind tunnel tests, development of cheaper gas supply systems, means of deicing, and ground handling and transport facilities. The committee is informed that accelerated research could result in making the balloon logging concept of aerial logging operational in about 2 years. The committee therefore urges the Secretary of Agriculture to make funds available for conducting the necessary research and development program.

NATIONAL FORESTS

The 15 million acres of national forest in Oregon, while not the largest acreage in any State, do represent the most important unit in terms of both timber productivity and timber production.

They contain over one-half the saw timber in Oregon—some 300 billion board feet—and they produce in excess of 3 billion board feet per year.

This bill, which authorizes $170 million a year for forest development roads and trails, for the first time brings the authorization level to the point where it ought to be.

Since I first came to the Senate, I have worked for this program. For example, in 1955, when the authorizations were about $20 million, I urged a 10-year $50 million per annum program. At that time some in my State objected, but now there is a complete understanding in industry, conservation circles, and county government on the vital need for forest access roads. This year the committee received compelling testimony from these groups.

It gives me a great deal of satisfaction to observe the fruition of the results of our long campaign of education concerning the wisdom of developing access roads into our Federal timber resources. Of course, my colleague from West Virginia, who works so well on the Committee on Labor and Public Welfare, did not have to be educated to understand the great need for roads in the forests. He comes from a natural resource State and he is a conservation-minded Senator. He has long been aware of the importance of timber access roads.

Mr. Kenneth Tollenaar, consultant to the Association of Oregon Counties, made an impressive statement before the committee on this topic. I ask unanimous consent that Mr. Tollenaar's statement be included in the RECORD at the close of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

PUBLIC LAND DEVELOPMENT—ROADS AND TRAILS

Mr. MORSE. Mr. President, to my good friend from West Virginia [Mr. RANDOLPH], to Mr. Richard Royce of the Public Works Committee staff and to the other fine members of the committee's staff, I express appreciation for adopting the recommendation of the Senators from Montana and Oregon on public land development roads and trails. The authorization of $4 million in 1968 and $6 million in 1969 is modest, but it is realistic. The public lands are mainly grasslands, but they also include substantial areas of forest. Such areas as the Deschutes River Canyon in Oregon offer some of the Nation's finest recreation and fishing. This authorization will serve to develop the public lands so that grazing, mining, lumbering and recreation can be advanced on a multiple use basis. On this subject, I ask unanimous consent that there be placed in the RECORD, at the close of my remarks, a speech by Malheur County Judge Ellis White before the National Association of Counties, entitled "The Public Land Development Road and Trail Program."

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 2.)

NATIONAL FOREST ACCESS POLICIES

Mr. MORSE. Mr. President, this is an opportune occasion to include a progress report on access to the national forests, prepared at my request by the Forest Service. I ask unanimous consent that a Forest Service letter dated July 15, containing this information, also be included in the RECORD at the close of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 3.)

Mr. MORSE. Mr. President, prior to February 1962, the Forest Service had two means of solving access problems in the Western National Forests that were created originally from the public domain. It could, if the intermingled landowners agreed, enter what is called a cost-sharing cooperative agreement or it could condemn a roadway across the private land.

Up to that time, the Forest Service had erroneously proceeded on the basis that when a timber firm wanted access across a national forest, it had to grant that access even if the timber firm would not give the Forest Service access or enter into a road-use and share-cost agreement.

This was an unsatisfactory situation. Despite the fact that a segment of the timber industry seemed to like the situation, I concluded it needed correcting. Therefore, I discussed the matter both with the late President Kennedy and his Attorney General, ROBERT KENNEDY, who is now the distinguished Senator from New York.

The result was a complete review by Attorney General Kennedy and his assistants, Mr. Byron White, now a Justice of the Supreme Court of the United States, and Mr. Nicholas deB. Katzenbach, now Attorney General of the United States. A decision, based on the review, was issued February 1, 1962, by the Attorney General.

They concluded that the Secretary of Agriculture and the Forest Service had the right to condition roadbuilding across the national forests by timber companies to, among other things, secure the access needed to the public forests.

That decision brought heated attacks upon the Senator from Oregon and Attorney General KENNEDY, but the passage of time proved that we were right. Four years have elapsed and this policy has been tested in practice. A report on its effectiveness is in order.

Some of the rather emphatic allegations of the time were:

First. "The Forest Service could take over a timber grower's costly road system with no assurance that the timber grower will receive fair value." This has not occurred.

Second. "The Forest Service takes over all control of roads while paying a fractional share of costs." This has not occurred.

Third. "The Forest Service can delay access to the timber grower indefinitely unless he agrees to sacrifice his investment." This has not occurred.

Fourth. "Multiple-use traffic rides without an assigned cost share." This has not occurred.

Fifth. It was contended that "access to 40 million acres of potential recreation land" was in jeopardy. This has not occurred.

I was criticized by some in the industry for citing the fact that 55 billion board feet of national forest timber was without access. I note that in this period access has been secured to about this amount of national forest timber.

It has been an effective policy. It has been applied in a reasonable manner. It has not produced chaos. In fact, almost 78 billion board feet of timber, an amount equal to 6 years production from the national forests was covered in 208 agreements entered into as of June 30, 1965. Last year 40 more agreements were negotiated.

In 1964, when S. 1147 was on its way to becoming Public Law 88–657, some in the industry endeavored to overturn this wise policy. With the understanding and help of my two colleagues, Senators RANDOLPH and METCALF, who served on the Roads Subcommittee, this did not occur.

It is significant that the Forest Service elected not to apply all of the authority the Attorney General said it had. The Forest Service decided not to condition the grant of a right-of-way upon a reciprocal grant, even though it could do so, but rather elected to use what it calls a system of incentives.

My view has always been that this decision on how much of the authority to apply is a question of executive policy. I did not propose then to urge its use, but I did want it made clear that it is a proper and legal policy that could be used if the facts should warrant.

The Forest Service has pursued a course of giving easements and cost sharing to cooperators but only permits and no-cost sharing to noncooperators.

I am aware that in the course of the hearings on S. 3155 witnesses from the Weyerhaeuser and other companies endeavored to make a case for compensation for roads built previously under permits which did not give the Government the right to full use of the road.

While I think this matter does deserve some further study, it was this very problem these firms created, under which they built roads the Government could not use, that led to the need to review the policy in 1962.

On this point, if some in the industry think they have a meritorious case and will present the facts to me, I can assure them they will receive my careful attention.

The progress that has grown out of the policies we were instrumental in having developed in 1962, certainly was not forecast by its opponents. Now, I give them full credit, these critics of the past recognize that their prophecies of chaos were wrong. And I can assure them that if those policies had proven unsound in practice, the senior Senator from Oregon would not have hesitated to have them corrected.

I think that in addition to the Senator from West Virginia [Mr. RANDOLPH], the Senator from Montana [Mr. METCALF], my colleagues from Washington [Mr. MAGNUSON and Mr. JACKSON], who worked on this question of access, a great deal of credit is also due the Senator from New York [Mr. KENNEDY], who as Attorney General acted as the catalyst in the executive branch to assure better public access to the public forests.

So today, in addition to a proper authorization for national forest roads we have other legislative and policy changes in operation which, taken together, have produced conservation progress on the 180 million acres of national forest. This bill, with its authorization for national forest development roads and trails brings the funds to the level required for conservation purposes for the first time in the history of the national forests. The Senator from West Virginia, his colleagues and the chairman and members of the House Public Works Committee deserve the warmest appreciation from conservationists, lumbermen and county government officials.

EXHIBIT 1

STATEMENT OF KENNETH C. TOLLENAAR, FORMER EXECUTIVE SECRETARY, ASSOCIATION OF OREGON COUNTIES

Mr. TOLLENAAR. Mr. Chairman, my name is Ken Tollenaar, and I am serving as a consultant to the Association of Oregon Counties on certain Federal-aid road programs. I was formerly employed as executive secretary of that association.

My permanent position at the present time is research associate, Bureau of Municipal Research and Service, University of Oregon, Eugene, Oreg.

National forest development roads and trails are financed from three main sources: authorizations under the biennial Federal-Aid Highway Act; allocation of 10 percent of national forest receipts under the act of March 4, 1913; and deductions from national forest receipts due to agreements between the Forest Service and timber purchasers which call for the purchasers to build the timber access roads. These deductions reduce the price purchasers pay for the timber so as to reimburse them for their costs.

There are some significant relationships between these sources. In particular, when authorizations and appropriations under the Highway Act and the 10-percent fund fall short of the urgent needs, there is a tendency to rely more heavily on purchaser construction to fill the gap.

For example, during the period from 1951 to 1963 appropriations available for the system were hopelessly inadequate to meet the demand, so purchaser construction increased during this time by 294.8 percent while appropriations increased only 185.7 percent.

Although the situation was somewhat improved by the substantial increases voted in 1962, purchaser construction from 1963 to 1966 has been $95 million more than planned levels, while authorizations for the appropriated fund portion of the program have been almost $190 million less than the long-range program called for.

Reliance on purchaser construction to meet national forest goals has many adverse effects for the Forest Service, the timber operators, the local counties and school districts, and the general public.

To the extent that the Forest Service must rely on purchasers funds, its road program becomes unbalanced because the roads must be built in areas where timber is to be sold, and consequently other areas are left without access for recreation, watershed, fire control, salvage, and silvicultural purposes.

Vast recreation resources that could be opened up to meet rapidly rising public demands are locked up for lack of access. Potential losses from fire, insects, and disease in these areas without access stagger the imagination.

Another disadvantage for the Forest Service in the purchaser method of financing is the difficulty of getting permanent, maximum-economy roads built under this method. The basic difficulty is that purchaser roads must be built under the "prudent operator" concept, which means that the purchaser can be required to finance only that standard of road that a prudent operator would build to remove the timber from the particular sale area.

Usually, this means rough, single-lane roads and temporary bridges. Furthermore, timber purchasers are interested in cutting timber, not in building roads, and this makes it difficult to enlist their cooperation in adhering to Forest Service standards and requirements.

The Forest Service now has authority to require purchasers to use supplementary appropriated funds for the purpose of building higher standard roads, but this program is complex and generally unpopular with timber purchasers.

Purchaser road construction requirements have proven especially burdensome for small operators. Despite recent changes in the Forest Service timber sale contract, which permit a rapid writeoff of road costs against stumpage payments, purchasers must still put up extra capital before they begin removing timber to finance road construction costs. There are other operating difficulties in meeting the road requirements, and in general the small operators would much prefer that the Forest Service build all necessary main-line access roads from appropriated funds.

The purchaser would still pay the portion of the road cost chargeable to his sale, but he would pay it in the form of increased stumpage payments, and would therefore pay as the timber is removed and sold.

These difficulties for the small purchaser tend to restrict competition for certain national forest timber sales, especially those in the more remote areas which are now being marketed as old growth timber is removed from the more accessible areas.

Larger sales must be put up to justify the greater road costs. A recent study of Government timber sales by Economist Walter Mead has confirmed that roadbuilding requirements do tend to restrict competition and may be a factor in producing de facto collusion in Government timber sales.

Without vigorous competition for its timber sales, the Government (including the counties) receives less money for its timber, and the economy suffers through increasing concentration of firms in the timber and wood products industries.

In addition to disadvantages for the Forest Service and timber purchasers, we believe that extensive reliance on purchaser construction jeopardizes the public interest because there is inadequate control of costs and practices in the construction of what is essentially a public road system. Almost all purchaser roads are built by the purchasers themselves, with their own forces and equipment, there being no requirement for competitive bidding on the road project itself.

The professional and technical competence of professional road contractors is thus lost to the Government through this method. Purchasers are building over $70.5 million of national forest roads in the current fiscal year, and a sizable proportion of this amount will go for permanent, main-line roads of the kind which in other Government programs would be subject to laws requiring formal bids and contracts.

Finally, local counties and school districts suffer from purchaser construction because the total national forest receipts against which their 25 percent payments are calculated are reduced by the amount necessary to finance purchaser construction. In 1966, these local governments are losing some $17.6 million due to this program.

The Forest Service recently completed a study which estimates the amount of property taxes which would be paid if the national forests were privately owned, and compares this amount with (1) the actual 25 percent payments and, (2) the value of Forest Service "contributions in kind," that is, Government services and facilities which would be provided on such lands by State and local governments if the land were privately owned.

One basic finding was that payments plus contributions in kind increased only 80 percent from 1952 to 1962, as compared to a 126-percent increase in the estimated taxes which the same land would pay, if it were privately owned. Stumpage deductions allowed to finance purchaser road costs accounts for a substantial part of the difference between these two figures.

Mr. Chairman, the National Association of Counties urges that even if it is found necessary to postpone badly needed improvements in the national forest road system, due to overall economic considerations at this time, authorizations for national forest development roads and trails should be increased substantially over the levels proposed in S. 3155, and that these increases be used to accomplish a major shift in the method of financing these roads from purchaser construction to construction by the Federal Government through the use of appropriated funds.

This would not increase the total road program, and would therefore not be inflationary. Moreover, we believe it can be done with no net cost to the Government and with an excellent prospect of actually increasing the net return to the Treasury. Federal stumpage receipts would increase in direct proportion to the increase in the appropriated road program.

It is true that part of this increase would be shared with local governments but we believe that the long-range benefits to national forest management and the increased competition for Forest Service timber which such a shift would produce would more than make up this difference.

Turning to another section of the bill, the National Association of Counties supports an increase this year in the public lands development roads and trails authorization under section 5, paragraph (5). The road system financed under this section of the bill is entirely within what is often referred to as the "unreserved, unappropriated public domain." These Federal lands comprise some 168 million acres, most of it in the 11 Western States.

The public domain lands have, we believe, been the neglected step-child of the entire Federal land resource. Uncertainty as to the final disposition of these lands, and the lack of an affirmative program for their management, have been mainly responsible for this situation.

Today, however, it is becoming widely recognized that the bulk of these lands is not going to pass from Federal ownership. At the same time, with the advent of new, mass recreation activities and other economic changes affecting these lands, there is also a greater recognition of their value as natural resources.

In 1964 the Congress passed significant legislation, including the Classification and Multiple Use Act, which gives official recognition to these values and to the need for an improved management program for the public domain.

As is the case with the national forests, the key to an effective management program for the public domain is an adequate road system. The Bureau of Land Management estimates that eventually some 80,000 miles of roads will be needed to provide access to these resources.

The Bureau now has in its road inventory some 45,000 miles of roads and trails of all types, including fire trails and roadways that are so primitive that they are usable for only a few months each year. Substantially more than half of this present mileage must be reconstructed to meet existing and projected needs.

Actually, more access is now being provided to these lands than is indicated by these figures—but it is being provided mainly by the county governments of the Western States, and it is being financed primarily by local property taxes and local highway user taxes.

Counties receive virtually no money from shared revenues or payments in lieu of taxes on behalf of the public domain. Federal grazing receipts which are shared with the States are earmarked for range improvements, not roads, and only minor amounts are received from public land sales.

At the present level of authorization—$2 million—the Bureau of Land Management cannot even begin to scratch the surface of its roadbuilding needs, and it must leave most of the maintenance of its existing roads up to the counties.

In Oregon, for example, the BLM claims an inventory of about 2,500 miles of roads of all kinds on its 13.5 million acres of public domain. Of this total, it maintains only about 300 miles. There are roads in my State which are used more extensively by the BLM's own administrative vehicles than by any other class of user, but which are maintained by the local county government.

Mr. Chairman, the National Association of Counties urges that the Congress make a beginning toward an adequate road network for the public domain by authorizing $7 million for each of the fiscal years covered by S. 3155, in lieu of the levels proposed in the bill of $2 million for 1968 and $3 million for 1969.

This action would permit the BLM to make a start on implementing its long-range plans for these lands, and would ultimately, we hope, relieve county governments of part of the burden they are now bearing in constructing and maintaining the road system for these federally owned lands.

Thank you very much for this opportunity to express our views.

I would like to comment on two points, one of which was brought up yesterday during the hearings, when Senator Moss inquired about the effect of eliminating class 3 forest highways from participation in the forest highways system, and at that time, Chief Cliff of the Forest Service, who was testifying, indicated that there are three alternatives for financing those roads, which comprise some 3,000 miles.

One alternative would be for the counties simply to take over and finance those roads as part of their own systems, which means that the financing would have to come from property taxes, locally levied, and from local highway user taxes.

The second alternative would be to include the same roads, with the consent of the States involved, as part of the Federal-aid secondary system.

The effect on financing in that case would be to reduce, in effect, the Federal participation in the financing from 100 percent under the forest highway system down to approximately 60 percent or more in some States, because of the unreserved public-domain provision.

The third alternative would, of course, be to simply dump the same roads over into the national forest development road system, which is provided for by this bill. Again this would mean 100 percent Federal financing, but it would water down an appropriation and a program which is already much too thin.

I just wanted to comment on that, and indicate that the National Association of Counties is objecting to elimination of those county roads from the forest highway system.

I might add that in the State of Oregon, where I happen to live, this would not prove to be any problem, because we only have some 35 miles of class 3 roads in the State, but there are several States where this mileage is substantial. There are four States where the mileage is more than 200 miles.

The States are California, Colorado, Montana, and Utah.

The other point which is covered in my remarks has to do with another section of the Federal-Aid Highway Act which I believe has received very little attention, and that has to do with the public lands development roads and trails, under section 5, paragraph 5 in the bill.

This program was, I believe, initiated some 6 years ago, and has been given annual authorization figures of between $2 and $4 million, but this amount has been completely inadequate in relationship to the need to provide an access road system on the public domain.

There are 168 million acres of public-domain land, primarily in the 11 Western States. There are additional hundreds of millions of acres of public-domain land in Alaska. There are management possibilities for this land, which are largely unrealized, because of the absence of an adequate access roads system.

Congress has recognized and given impetus to management plans for these lands by passing the Classification and Multiple-Use Act in 1964, and this act is now being implemented, but the end result will come to very little, unless an adequate access road system is provided for the public-domain lands.

There are recreation pressures today on those lands, with substantial recreation utilization, over and above the ability of the road system to handle it. We have people running around on the public domain in jeeps and other power vehicles, and probably making it all right, but for the ordinary passenger car to try to traverse the majority of the so-called public land development roads is almost an impossibility, year round, and is definitely an impossibility during many months of the year.

There are rockhounds and campers and plain sightseers, and hunters and fishermen, and various other categories of recreationists attempting to use the public domain.

The Bureau of Land Management has some long-range plans for development of an adequate road system for these lands, but it has had little or no money to implement these plans.

In my State, and I do not have similar figures for other States, but in my State, the BLM claims a road inventory of about 2,500 miles.

However, they are only maintaining about 300 miles, so their total inventory, and some of our county officials question whether they are even maintaining 300 miles.

The problem is not lack of good intention, it is a lack of money. What is happening is that the county governments are actually filling this gap to some extent by providing, from their own funds, money to construct and maintain access roads in these areas which are 100 percent federally owned.

They, I might add, are receiving little or no money in lieu of taxes on behalf of the public-domain lands. There is only one real revenue-sharing formula. That one provides for 5 percent of the proceeds of sales of public land and their products to be directed to counties, but it results in a very minute sum of money which does not begin to cover the counties' actual road costs on those lands.

For these reasons, Mr. Chairman, the National Association of Counties is suggesting that the figure in S. 3155 of $2 million for 1968 and $3 million for 1969 be increased to $7 million per year, for both years, in order that the Bureau of Land Management can begin to undertake a program of developing access roads for these lands.

That concludes my testimony, Mr. Chairman.

Exhibit 2

The Public Land Development Road and Trail Program

(A speech by Judge Ellis White, Malheur County, Oreg., before the national meeting of the National Association of Counties, New Orleans, La., July 17–20, 1966)

The program has for its purpose the planning, building, and maintaining of an adequate system of roads on 168 million acres of public lands in the 11 western states. These lands, commonly referred to as "Public Domain," are that part of the original public lands in the United States still in Federal Government ownership which has not been set aside, reserved, nor appropriated for use as National Forest, Wildlife Refuge, National Park, or any other specific use—lands under exclusive management of the Bureau of Land Management, an agency of the Department of the Interior.

There is agreement by the B.L.M., State, County Government Officials, resource users, and the recreation minded public that: "An adequate system of roads is the essential key to development and beneficial use of public land under the concept of Multiple Use."

It is likewise agreed that there is not an adequate system of roads to properly manage and use our public lands; and further agreement that authorizations of funds by Congress to date have not been sufficient to meet present accumulated needs not to initiate a realistic "Public Land Development Road and Trail Program."

Historically, part of the public lands came into federal ownership through the Louisiana Purchase in 1803, the Texas and Gadsden Purchases in 1850 and 1853, the Cession Settlements in 1848, the Alaska Purchase in 1867, all at an average cost of four cents per acre. The lands in Oregon, Washington, Idaho, and Western Montana were acquired without cost or purchase through the Oregon Compromise of 1846.

At various times in the history of the United States, the Federal Government has held title to about four-fifths of the nation's gross area. Today governmental agencies administer about one-third of our nation's land's. The B.L.M. has exclusive responsibility for 464 million acres—more than one-half being in Alaska and the remaining public lands in 26 states, of which 168 million acres are in the 11 western states and small acreages are in the midwest and south.

Until the Taylor Grazing Act of 1934, there was no management of public lands. In fact, these lands were regarded as having little value or potential. Population increase, growth, World War II, and the demand of full development of our resources ushered in a revaluation of public lands and their resources of oil, minerals, timber, grazing, and recreation.

In 1946 the Bureau of Land Management was created as an agency of the Department of Interior to manage and develop this new recognized multi-million dollar natural resource.

Income from public lands in the 10 year period of 1955 to 1965 was $2,261,501,981. Expenditures in the same period, or re-investments, were $363,480,278. Income amounted to six times the expenditures. It is interesting to note that about 90% of the income came from the 11 western states. In the years ahead this income will increase with good management.

Technically, these lands may be homesteaded under the Desert Entry, however, the Classification and Multiple Use Act of 1964 makes clear that most of this land will be retained in federal ownership and developed for beneficial use of the nation.

Public lands and their resources have received very little federal investment, including roads. Presently there is not a realistic road inventory on the public lands. Mileage claimed includes mostly sub-standard roads and mere fire trails or 4-wheel drive and Jeep roads.

Prior to 1964 the B.L.M. made request to the budget bureau for two million dollars to be used for new construction or reconstruction of existing roads for the fiscal year of 1964 and four million dollars in 1965 to begin the initial phase of the Public Land Development Road and Trail Program. Projected needs were for eight million dollars in 1966 and fourteen million dollars in 1967. B.L.M. indicated that a level of thirty million dollars would be needed per year thereafter to re-construct substantially more than half of the existing roads, new construction, and maintenance of an adequate road system. In reality, Congress has not authorized the requested funds. The 1966 authorization was two million dollars for approved projects of construction of 136 miles of roads in 11 states—a capital road investment of one and two-tenths cents per acre.

You may be interested as to how individual counties have fared from the present level of appropriations. My County of Malheur, Oregon has a land area larger than the combined states of Connecticut, Delaware, and Rhode Island—78% of which are public lands, including 4,610,279 acres of B.L.M. land. The B.L.M. has to date, completed or under construction, less than 50 miles of graded and drained roads. In comparison, Malheur County has built and maintains about 1,100 miles of roads in the same public lands area. These roads have been financed by user and property taxes, not by federal agencies. The only federal funds available to help finance county roads in the public domain in 1965 were forest reserve rentals and sale of public lands, amounting to $6,280.95—or about $5.75 per mile of county built and maintained roads—roads which are actually used more by B.L.M. administrative vehicle travel than any other user. In a recent discussion with the manager of our B.L.M. district, I received information that no money has been approved for public land roads in the counties of Eastern Oregon having more than 13 million acres of public land for the 1967 year.

A study of counties in the 11 western states having substantial percentage of public land areas leads to the conclusion that the situation of Malheur County is not unique, and that there are many counties in which similar situations are present. The Public Land Development Road and Trail Program is the neglected step-child of federal road building.

The neglect of Congress to authorize sufficient funds for the implementation of a program for an adequate system of roads on public land has, in effect, shifted the responsibility for roads from the Federal Government to local county government. Moreover, the local county government does not receive taxes or monies in lieu of taxes on these lands.

It must be pointed out that those of us in county government in the areas of substantial public lands have likewise failed. Too long we have sat in our courthouses with knowledge of the need for roads and, through apathy and acquiescence, tolerated and compounded the situation; whereas, as individuals and collectively, we should have been working through County, State, and National Associations, State B.L.M. Directors, and District Managers in preparing and presenting a factual case to the appropriate congressional and budgetary committees and bureaus so that authorization and budgeting of funds could be carried out to meet the increasing road needs on public lands.

In this endeavor the county officials of the 11 western states will need the approval and support of county officials of the midwest, eastern, and southern states.

The vast storehouse of natural resources on public lands is the heritage of all Americans, for these lands range from the desert country to the multi-colored canyons, towering buttes, and mountains. The gamut of cover runs from cacti to sage, juniper, and pinion pine to the majestic redwoods and douglas fir of the northwest. Together they offer some of the most sweeping vistas in America. These lands offer recreation unlimited for the camper, hunter, fisherman, sight-seer, and scientist. Truly, they are a warehouse of potential natural resource.

An adequate system of roads is the essential key to access, management, and use as proposed through "The Public Land Development Road and Trail Program", a program worthy of the support of every American to the end that these natural resources of our public lands be maintained and developed for multiple use in our time and preserved as a priceless heritage for future generations.

Exhibit 3

U.S. Department of Agriculture,
Forest Service,
Washington, D.C., July 15, 1966.

Hon. Wayne Morse,
U.S. Senate.

Dear Senator Morse: You wrote to us on June 13 asking for information on our implementation of the Secretary's policy of reciprocal access on the National Forests. Mr. Greeley acknowledged your letter on June 20 stating that we would prepare a complete reply.

We think that this letter contains the information you asked for. If not please do not hesitate to let us know.

You first asked for a chronological review of the highlights of events leading up to enactment of Public Law 88–657 on October 13, 1964. The enclosed chronological review summarizes important actions taken prior to and since enactment of P.L. 88–657.

You also requested a progress report on the reciprocal access program under the regulations. Progress in the cooperative road construction program has been good. The following tabulation summarizes accomplishments through June 30, 1965:

Number of agreements (including supplements)	208
Miles of road constructed	2, 977
Construction cost	$45, 159, 181
Timber made accessible (million board feet):	
National forest	55, 692
Other	22, 016
Total	77, 708

About 40 additional agreements have been negotiated in F.Y. 1966 which ended June 30, 1966. The number of new agreements entered into each year will begin to level off and then decrease as more and more of the areas of intermingled National Forest and large industrial forest ownerships are covered by agreements. However, cooperative road mileage will continue to be added to the system in each cooperative area as the Cooperator and the Forest Service agree to construct more roads in each agreement area. A supplement to the agreement is written to cover the details of construction, cost sharing and the exchange of easements. In the future most construction of cooperative roads will be under supplements to existing agreements.

It has been our experience that agreement supplements providing for extension of cooperative road systems within a cooperative agreement area are relatively easy to negotiate. Final agreement with the National Forest Products Association's (NFPA) Access Roads Subcommittee on a standard form of agreement (see chronological review) should expedite the formation of future agreements covering new areas.

Once a cooperative agreement is entered into and some roads constructed under it, the roads must be maintained. The regulations of the Secretary of Agriculture (36 C.F.R. 212.11(*f*)) provide that a cooperator will be required to bear only those maintenance costs occasioned by his use. The Forest Service is responsible for assuring that the maintenance attributable to all other use of the cooperative road is performed or paid for. The easements for a cooperative road include the substance of this commitment. It is therefore necessary that arrangements be made between the Cooperator and the Forest Service for getting the maintenance job done and for sharing in the costs. The Forest Service and the NFPA Committee are presently working on this problem. It is expected that a form of agreement and annual plan will be developed for administering the joint maintenance responsibilities for a cooperative road system.

Finally, you asked for a summary of past and present views on National Forest access policy and a judgment of the current public and private position on this access policy.

At one time the Forest Service and the large industrial forest landowners held quite opposing views on the solution to access problems in areas of intermingled private and National Forest lands. The controversy reached its peak following issuance of the Attorney General's Opinion of February 1, 1962, and continued after the Secretary's access regulations were published June 10, 1963. The position of those opposing the policies adopted by the Secretary was set forth in detail during the hearings before the Senate Public Roads Subcommittee on June 11 and July 30, 1963. Support for these policies was voiced by spokesmen for conservation organizations.

Since 1963 and especially since enactment of Public Law 88–657, October 13, 1964, many controversial issues with respect to the access policy have been resolved. A better appreciation of the problem by both the Forest Service and the private landowners has gone far to limit the areas of disagreement. Almost three years experience under the access regulations has allayed much of the concern felt by private landowners. More specifically, several actions have occured that have especially contributed to the improved situation. These are:

1. Instead of utilizing to the fullest extent the authority to condition the grant of a right-of-way upon a reciprocal grant of rights from the applicant, the access regulations provide incentives for the applicant to cooperate in a joint road that will serve his lands and the National Forest lands.

Section 212.10(a) of the access regulations provides that an applicant who wishes to construct a road across National Forest land but declines to grant access rights across his lands, may nevertheless be granted permission to construct the road. However, he would be granted a permit rather than an easement. The permit would retain in the United States the right to use the road he constructs on the permit. Furthermore, the Government would not help build the road.

You may recall Mr. Hendee's letter dated December 6, 1963, which was in response to your letter of October 10, 1963, to Mr. Cliff. This aspect of the access policy is discussed in considerable detail in that letter. He said: "We believe that the policy expressed in this section, when administered as we intend, will result in getting access across intermingled and adjacent private lands to National Forest lands as needed with equity for the private owner and the Government. We also believe the section provides a powerful incentive to the private owner to cooperate with the Forest Service in developing a single road system to serve the intermingled and adjacent private and Federal lands."

We believe our expectations as to the effectiveness of this policy have been confirmed.

2. Enactment of Public Law 88–657 removed a significant barrier to voluntary agreement on development of cooperative roads to serve intermingled Federal and private ownerships. The easements which can be granted by the Government under authority of this law are far more acceptable to the private owners than the rights granted under authority of the Act of March 3, 1899 (30 Stat. 1233, 16 U.S.C. 525), for National Forest lands withdrawn from the public domain, and permits for acquired lands or interests in land. Since the easements are executed by the Regional Forester, who also negotiates the agreements for cooperative road construction, the entire process is simplified and speeded up.

3. Immediately after passage of the easement bill in October 1964, a National Lumber Manufacturers Association (NLMA now NFPA) committee was formed to meet with Forest Service representatives and undertake the task of perfecting the machinery to meet mutual access needs. The committee represented most industrial forest landowners who own lands within or adjacent to National Forests.

The Forest Service prepared a draft of revised regulations which was discussed and further revised at a meeting with the industry committee in January 1965. The resulting draft was discussed with interested individuals and groups including the conservation organizations. You will recall that several of your suggestions for language were adopted at that time. The revised regulations were published April 12, 1965. The industry committee very frankly and clearly explained their position on particular problems and then joined wholeheartedly in the search for acceptable compromise and appropriate language. A great deal of credit is due the industry committee for the prompt issuance of the revised regulations.

4. Development of standard easement forms and a standard form of cooperative road agreement were the next important jobs completed in participation with the industry committee. Agreement on forms of easements to be exchanged in cooperative road undertakings was reached in May 1965. Development of a standard form of cooperative agreement has been completed. We understand that it is acceptable to the committee and that it will be approved shortly.

Standard forms for the easements and agreement which are acceptable to both sides will shorten the time needed to negotiate easement exchanges and cooperative agreements.

5. Forest Service manual instructions for developing cooperative agreements and granting rights-of-way were issued in January 1966 (See Chronology).

6. Assignment of responsibility for bearing the share of construction and maintenance costs attributable to use of the road by persons using the private lands for recreation had been a troublesome issue in negotiating cooperative agreements. The Forest Service has agreed that all non-commercial recreation traffic using a cooperative road is assigned to the Government for cost sharing purposes, regardless of ownership of the land generating the traffic. Traffic resulting from recreational use of the Cooperator's land which is charged for by the owner remains his responsibility. This policy is incorporated in the easement language and stated in Forest Service manual instructions.

A summary of current positions on access policy would not be accurate or complete without mention of aspects of the access problem that are still of concern to some landowners. They were discussed in testimony before the Roads Subcommittees of the Committees of Public Works of the House and Senate in April and May 1966, in connection with the Federal Aid Highway Act of 1966 (H.R. 14359). On April 28, 1966, we wrote to Mr. Kluczynski, Chairman of the House Subcommittee, responding to a series of questions about Forest Service policy on issues raised before his committee at hearings in San Francisco in November 1964. This letter, a copy of which is enclosed, and the Hearings Record for the 1966 Highway Act constitutes the most up-to-date detailed statement of the positions of the Forest Service and the private owners concerned with access to intermingled lands.

It is our judgment that the access policy and procedural questions related to the intermingled landownership pattern in the National Forests have been largely resolved. Reasonable solutions and compromises have been found to eliminate the majority of the issues that divided the Forest Service and private owners. The Attorney General's Opinion, the access regulations, Public Law 88–657, and development of standard easement and cooperative road agreement forms in cooperation with the industry committee have all contributed to the current favorable situation.

We very much appreciate the great contribution you have made toward development of access policy and your continuing interest in a matter which is so important to industry and the public using National Forest resources and to owners of private lands within the National Forests.

Sincerely yours,

CLARE HENDEE,
Deputy Chief.

CHRONOLOGY OF EVENTS REGARDING NATIONAL FOREST ACCESS

EARLY BACKGROUND, 1905–50

It has always been Forest Service policy to obtain cooperation in extending a road and trail system into the National Forests. Settlers, prospectors, miners, lumbermen and stockmen as well as counties were encouraged to assist in this task.

Until the 1940's the demand for timber on the National Forests was not widespread. However, private timber owners were actively building roads and harvesting their timber on lands intermingled with and adjacent to National Forest lands. By 1950 there were many miles of logging roads serving the private lands and constructed in part on National Forest lands. Throughout this period the Department of Agriculture interpreted the Act of June 4, 1897, as assuring all owners of land within National Forest boundaries access across National Forest lands to their property. It could not exact from the landowner any conditions as the price of access except for protection and preservation of Government property. In 1950 this interpretation of the 1897 Act was confirmed in an informal opinion by the Office of the General Counsel (then Solicitor).

1950 The first cooperative road construction and use agreement was entered into between the Forest Service and a private landowner. Subsequently, many such agreements were made. The private owner's rights in segments of the cooperative road on National Forest land were recognized by a special-use permit or Stipulations Governing the Exercise of Ingress and Egress Rights issued by the Forest Service.

1952 The Forest Service adopted a policy which limited timber sales to areas where access was not restricted.

1955 Some members of Congress criticized the variation in methods used to solve access problems by the Forest Service and the Bureau of Land Management administering the O and C lands in Oregon. Joint hearings on access in the West were held by special subcommittees of the Senate and House. The resulting staff report questioned that corporations were entitled to have access across National Forest lands as a matter of right.

1955–1957 Forest Service representatives explored legislative needs with landowners who were sharing in construction of roads.

1957 First easement-granting and related access legislative proposal sent to Congress by Secretary of Agriculture.

1959 The situation in the Lewis River drainage in the State of Washington where access to seven billion feet of National Forest timber required use of a private road, stimulated action by the Congress. Senator Jackson, with the help of Senator Magnuson and other Northwest Senators, obtained a special appropriation to purchase interests in private roads. The appropriation continued through fiscal year 1963 and has been used to solve many critical and complex access problems through purchase of interests in privately-owned roads that also serve National Forest lands.

1959 Secretary of Agriculture proposed that easement-granting legislation include authority to condition the grant of an easement on reciprocal access grants by the applicant.

1959 The Forest Service met twice with National Lumber Manufacturers Association (NLMA) representatives to consider proposals for access legislation. Industry representatives opposed reciprocity and other features of the legislation.

1960 In May, NLMA opposed the administration bill S. 1797 before the Senate subcommittee on Conservation and Forestry. The bill again failed to pass. Increased interest in National Forest access problems, stimulated by a speech by Senator Morse, led to a detailed study of situations where lack of access prevented development and use of substantial bodies of National Forest lands and resources. The analysis of major access cases was completed in March 1961.

1961 On April 27, Senator Morse wrote Secretary Freeman suggesting that questions on interpretation of the June 4, 1897 Act as it affected access across National Forest land be submitted to the Attorney General. On August 2, Secretary Freeman wrote to the Attorney General requesting his opinion on the key questions concerning the 1897 Act.

February 2, 1962 Attorney General Kennedy issued his opinion on ingress-egress. The opinion held that the Act of June 4, 1897, did provide "actual settlers" with a statutory right of access across National Forest lands to reach their property, but this right did not apply to others than "actual settlers". The Attorney General also held that except as to "actual settlers" the Secretary had discretionary authority to condition the grant of a right to use existing roads or to construct new roads on National Forest lands on the grant of a reciprocal right to the United States by the applicant.

March 1962 The Forest Service instructed its field organization to comply, insofar as possible, with the intent of the Attorney General's opinion pending development of regulations and instructions.

May 1962 Arrangements were made with the Department of Interior to utilize the authority of that Department contained in the Act of March 8, 1899, for issuance of permanent easements across National Forest lands reserved from the public domain. These easements were to be granted to applicants who agreed to share in the cost of a road to serve their lands and Government lands and who granted easements to the Government for segments of the road on private lands. The Department of Interior easements substituted for permits or *Stipulations Governing Exercise of Ingress and Egress Rights* which had been issued to the private landowner who cooperated in a joint road prior to the Attorney General's opinion.

August 1962 A first draft of proposed access regulations was widely circulated for review.

October 23, 1962 Interim regulations were adopted and issued to permit continued cooperation in building and using joint roads until comprehensive regulations could be issued. These regulations authorized approval of applications for 1899 Act easements in accordance with the arrangements with the Department of Interior.

November 9, 1962 The Forest Service met with NLMA representatives to discuss the proposed comprehensive regulations and the interim cooperative program regulations of October 23, 1962.

January 10, 1963: The Department submitted a new draft of easement-granting legislation to the Congress. The new bill (S. 1147) differed materially from previous proposals. It did not include as part of the easement-granting provision the authority to condition the grant on a reciprocal grant of access by the applicant. The Attorney General had said the Department already had this discretionary authority.

Neither did the draft bill include authority to recover a share of the cost of a Forest Service road from commercial users who had not already shared proportionately in the cost of the road. The Comptroller General had ruled in a series of three Decisions dated December 19, 1960, July 3, 1961, and March 2, 1962, that recovery of a share of road costs is not to be regarded as an exaction of a toll barred under the provisions of 23 U.S.C. 301. Therefore, there was no need for legislation giving this authority to the Department.

March 18, 1963: A redraft of the proposed regulations was circulated together with a notice of a hearing. The redrafted regulations and notice of hearing went to over 100 Members of Congress as well as the industry people, conservation organization and individuals who had received the earlier draft.

April 1963: Assistant Secretary John A. Baker conducted a public hearing on the proposed regulations in Washington, D.C. and another was held in Portland, Oregon. Industry representatives criticized the proposed regulations. Conservation organizations spoke in favor of the regulations.

June 10, 1963: After further discussions with Members of Congress, industry people and conservation organizations following the April hearings, Secretary Freeman approved the National Forest access regulations and they were published in the Federal Register (36 C.F.R. 212.7–11).

June–July 1963 The Senate Subcommittee on Roads of the Public Works Committee held hearings on S. 1147 on June 11 and July 31. Industry representatives testified in favor of the easement-granting provision of the bill but offered several amendments which would substantially modify the effect of the Attorney General's opinion and require changes in the access policies enunciated in the June 10, 1963, regulations. The Department opposed the industry amendments as did the conservation organizations.

1964 On July 8, 1964, the Senate Public Works Committee favorably reported S. 1147 with an amendment clarifying the financing of maximum economy roads. The industry amendments to the easement-granting section of the bill were not adopted. The House Committee on Public Works reported out the Senate-passed S. 1147 on September 30, 1964. The bill was passed without further amendment and become a Public Law 88–657 on October 13, 1964 (78 Stat. 1029, 16 U.S.C. 533–539). Basically, the Act authorized the Secretary of Agriculture to issue easements for roads and to provide for construction, operation and maintenance of a system of maximum economy roads serving the National Forests and adjacent and intermingled lands.

November 30, 1964 The House Subcommittee on Public Roads of the Committee on Public Works held hearings in San Francisco on November 30 and December 2, 1964, on issues raised by industry in the hearings on the easement bill. The Subcommittee viewed some road systems in Northern California.

April 12, 1965 The Secretary issued revised access regulations (36 C.F. 212.1–212.12). The revised regulations were developed in consultation with a National Forest Products Association (NFPA, formerly National Lumber Manufacturers Association) Committee representing most industrial forest landowners who own lands within or adjacent to the National Forests. The proposed revisions were reviewed and discussed with other interested individuals and groups including the conservation organizations.

Revision of the regulations was primarily to incorporate the new easement-granting authority into the procedures for meeting the access needs of Government and owners of intermingled and adjacent private lands. The revised regulations also provide for replacement of prior right-of-way grants (permits and Department of Interior easements) with Department of Agriculture easements, and for granting easements to public road agencies for roads not part of the Federal-Aid System.

May 1965 Agreement was reached with the industry committee, with whom the Forest Service had worked on revising the regulations, on the form of easement to be granted a cooperating party across National Forest lands, and the form of easement a Cooperator would grant the United States across his lands. Granting of easements in the agreed form results in each party's having a uniform interest in the entire road or road system which is cooperatively built.

January 1966 Forest Service Manual instructions for developing cooperative road construction and use agreements and for granting rights-of-way for roads were issued. The Forest Service Manual references for these instructions are FSM 5467 and 2730.

May 1966 Substantial agreement was reached with the industry committee on a standard form of agreement to serve as a pattern for cooperative road construction undertakings by the Forest Service and private parties. When put into use, the standard form of agreement should make it easier to reach agreement on new proposals for cooperative development.

April 28, 1966.

Hon. John C. Kluczynski,
Chairman, Subcommittee on Public Roads,
Committee on Public Works,
House of Representatives.

Dear Mr. Kluczynski: This is in response to your request of April 15, 1966, for comments on issues raised before the committee at the San Francisco hearings November 30 and December 2, 1964. You also asked for an explanation of Forest Service policies and their evolution since January 1962 and the considerations supporting present policies on certain matters which are then listed in your letter.

To provide background for our comments and to establish the chronology of important events bearing on the present situation with respect to access to intermingled National Forest and private lands, a brief digest of these events and dates will be helpful.

February 1, 1962. In response to a request from the Secretary of Agriculture, the Attorney General issued an opinion which held that the Act of June 4, 1897 (National Forest Organic Act) did provide "actual settlers" with a statutory right of access across National Forest lands to reach their property, but this right did not apply to others than "actual settlers." The Attorney General also held that except as to "actual settlers" the Secretary had discretionary authority to condition the grant of a right to use existing roads or to construct new roads on National Forests on the grant of a reciprocal right to the United States by the applicant.

March 1962. The Forest Service instructed its field organizations to, insofar as possible, comply with the intent of the Attorney General's Opinion pending development of regulations and instructions.

October 23, 1962. The Secretary issued a regulation to permit continuance of cooperation in developing and using road systems during the interim before comprehensive regulations could be issued.

June 10, 1963. The Secretary of Agriculture issued comprehensive regulations for administration of the forest development transportation system (36 CFR 212.1–212.11). Issuance followed extensive consultations with members of the Congress, industry representatives, representatives of National Forest user groups, and conservation organizations. Assistant Secretary John A. Baker conducted a public hearing on the proposed regulations in Washington, D.C. and another was held in Portland, Oregon during April 1963.

October 13, 1964. S. 1147, the so-called easement bill was enacted (78 Stat. 1089, 16 USC 533–539). The act authorized the Secretary of Agriculture to issue easements for roads and to provide for a system of maximum economy roads serving National Forest and adjacent lands.

April 12, 1965. The Secretary issued revised road regulations (36 CFR 212.1–212.12). The revised regulations were developed in consultation with a committee representing most industrial forest landowners who own lands within or adjacent to the National Forests. The proposed revisions were reviewed and discussed with other interested individuals and groups including the conservation organizations.

May 1965. Agreement was reached with the industry committee with whom we had worked on revising the regulations, on the form of easement the Department of Agriculture would grant to a cooperating party across National Forest lands, and the form of easement a cooperator would grant the United States across his lands. Granting of easements in the agreed form by the United States and the cooperator results in each party's having a uniform ownership interest in the entire road or road system which is cooperatively built.

January 1966. Forest Service Manual instructions for developing cooperative road construction and use agreements and for granting rights-of-way for roads were issued. The Forest Service Manual references for these instructions are FSM 5467 and FSM 2730.

April 1966. Substantial agreement was reached with the industry committee on a standard form of cooperative agreement to serve as a pattern for cooperative road construction undertakings by the Forest Service and private parties. When accepted and put into use, the standard form of agreement should make it easier to reach agreement on new proposals for cooperative development.

The listed items in your letter accurately identify the principal issues raised before the committee at the San Francisco hearings. Our comments and answers on each item follow:

"1. The availability to a private landowner of opportunity to cross national forest for access to his own lands promptly after request therefor."

Forest Service policy is to act promptly on applications to construct and use roads across National Forest lands. Every effort is made to meet the construction or resource development and utilization schedules of applicants consistent with the need to thoroughly study the impact of the applicant's request on National Forest programs and its relation to the public interest. This policy is elaborated on in the answers to your questions under this item.

"A. What conditions, if any, have been or are imposed on the granting of prompt access across national forest lands?"

The only condition for granting access is that the proposed road be on a location and constructed to such specifications as to protect National Forest values and not cause damage to adjacent National Forest lands or resources.

The type of right-of-way grant—whether an easement or permit—will depend on whether the applicant wishes to build and use the road in cooperation with the Government or prefers to forego cooperation. To be granted an easement, the applicant must meet the twin requirements set forth in the regulations (36 CFR 212.10(d)(1)). He must provide appropriate easements to the United States over his lands and have borne or arranged to bear his proportionate share of the cost of the road or road system involved.

Time is required to negotiate the exchange of easements and cost-sharing arrangements for joint roads. However, exchange of information on road development plans between landowners and local Forest Service officials should provide sufficient lead time to work out the details of cooperation soon enough to avoid delay in constructing the road. When there is not sufficient time to complete negotiations on cost sharing and to exchange easements, but there is general agreement on cooperative development, the Forest Service will issue a permit which provides that if the road construction on the permit is later included in a cooperative agreement for joint construction, the applicant's construction costs will be treated as incurred under the agreement. When final agreement is reached, the permit will be replaced by an easement.

In some cases, an applicant may prefer to forego cooperation, or is unwilling to meet the requirements for obtaining an easement. He will be issued a permit provided the proposed road meets the basic requirement of location and specifications mentioned above, but this permit will retain the right of the United States to use the road so constructed.

"B. What procedure is used to assure that specifications of a road or of standards of construction where the Forest Service thinks these should be prescribed are not long delayed."

Whether the road is to be a cooperative road or not, the location and specifications for the road must be decided on and incorporated in the right-of-way grant. To redeem its responsibilities for administering the National Forests, the Forest Service must approve the location and specifications of the road before it is constructed. Likewise, the applicant needs to know that the location and specifications of the road he proposes to build are approved before he makes his investment.

A road which is to be cooperatively built and used must be located and built to a standard which will serve the needs to both parties. Agreement on these points is negotiated as one of the first steps in developing a cooperative agreement.

An applicant who prefers to build a road independently, or is unwilling to meet the requirements for grant of an easement will be issued a permit. The only requirements are those of location and specifications given in the first paragraph under A above, since the road is constructed to serve only his needs. To assure prompt action, Forest Service field representatives have been instructed on ways to avoid delays in acting on permit applications. Excerpts from the Forest Service Manual will indicate the direction given.

"FSM 2733.2 . . . For major projects, the details of the proposal should normally be provided in more than one stage. It would be unreasonable to require the applicant to survey and design an expensive road before a tentative decision on the permit is made. Verbal discussions which will develop the principal facts and indicate the steps needed to perfect the application will usually be desirable. As early as possible, the applicant needs to be told whether a permit will be granted. He needs to know the form of permit he will receive and the limitations on the specifications and location of the road before he incurs substantial expense in location, survey, and design work . . . ."

"FSM 2733.3. Plans and specifications for the road to be constructed will be included in every permit either as an attachment or by reference to plans and specifications on file with the Forest Service. The plans and specifications must provide for prevention of soil erosion and stream damage during and after construction.

"Higher standard roads require more detailed plans and specifications than low standard roads. For very low standard roads, short logging spurs and skid trails, form specifications prepared for use Region-wide or Forest-wide may be used. In these cases, a simple plat or sketch can be used to show the location.

"The applicant should do the work needed for preparation of plans and specifications. In the simplest cases, this may be only a "tag line" location on the ground and the supplying of a simple map which shows this location. For major projects, he may be required to make a complete survey and design including design of structures such as bridges, which will then be incorporated in the permit. Often, it is desirable for a forest officer to participate in the location work, especially when location is a critical factor and the applicant is not experienced in this work."

"C. Is there any reason why prompt access across national Forest lands should not be available as a matter of general policy?"

As a matter of Forest Service practice and policy, prompt access across National Forest lands is provided to those who need it to reach their own lands.

"D. If prompt access were required to be given as a matter of law, would the United States be in any way substantially inhibited from obtaining access it needs in view of its power of eminent domain?"

The regulations of the Secretary and the policy and practice of the Forest Service under these regulations provide for granting prompt access. The grant of an easement is conditioned on the applicant agreeing to provide reciprocal access to the United States and bearing a proportionate share of the cost of the road. Where the negotiations leading to grant of an easement will take more time than is available, provision is made for the applicant to have immediate access pending development of final agreement.

Access is provided by permit when the requirements for obtaining an easement are not met.

We believe these provisions for granting access are working quite well. They are designed to encourage cooperative development of roads in an intermingled landownership pattern while at the same time providing prompt access.

The effect of providing a statutory right of access across National Forest lands would depend on wording of the law. We think existing legislation, the present access regulations and the policies and procedures the Forest Service has developed in consultation with representatives of private landowners now provide a fair and workable means for meeting the access needs of all parties. They should be given a fair trial.

"2. The circumstances, if any, in which an owner of private land requiring access across national forest land can recover any share of his investment in the road built by him if use by the government is planned or is subsequently made."

The arrangements under which the Government will share in the cost of a road a private landowner builds across National Forest land have been discussed. The answers to the questions under this item elaborate further on these arrangements.

"A. Are there any reasons why the government should not agree to share in the costs of a road built on national forest lands if the government or its permittees subsequently make use of the road?"

The Government does agree to share costs of a road to be built on National Forest land when the road is on a location and will be built to a standard that will serve the Government's needs and the needs of the private owner, and the private owner makes available to the Government access across his lands or over his roads needed to make the road useful to the Government. The Government shares in the cost of the entire road.

"B. Are any arrangements being made currently to assure that the private landowner who has built a road at private expense on national forest lands at some time in the past can recover any share of the cost of such road when it is utilized by recreational or public traffic or for removal of government timber?"

Unless the permit or other instrument under which the private landowner built the road provides for recovery of a share of the cost from Government users, there is no authority to later provide for recovery of a share of the costs.

Presently, as in the past, the Forest Service seeks cooperation with private landowners in building a road to serve his lands and the National Forest land. Under these arrangements, the Government bears a proportionate share of the cost of the whole road, both on the private land and National Forest land. It is true that in some cases the private owner has chosen not to cooperate in a joint road. He has been issued a permit which retains for the Government a right to use the road constructed on the permit. If the Government later acquires an interest in the intervening road segments on the private land, it pays for such interest. No compensation is paid for segments on National Forest land. The Government cannot pay for something it already owns.

"C. Can a private landowner with a continuing need to cross national forest lands on a road built at private expense and under a special use permit now obtain a permanent easement in place of his permit, without the grant of any more or additional consideration than his construction of the original improvement? If not, what policy considerations justify Forest Service refusal to issue an easement in such circumstances?"

If the road were constructed under cooperative arrangements whereby the Government received the access it needed, and the cost of the whole road were shared proportionately, the permit will be replaced with an easement.

Likewise, if the segment of road under permit is later included in a cooperative arrangement whereby the Government receives the interest it needs in the segments of road on private land, and the cost of the road is shared proportionately, the permit will be replaced by an easement.

In both situations described above, no additional consideration is required for the easement. The Government has paid, or will pay, for the interest it acquires in the private segments.

There are some cases where the Government does not need any access from the private landowner in order to use the road built under the permit. The regulations provide (36 CFR 212.10(d)(2)) that an easement may be granted to replace his permit. Generally, an easement will be granted to an applicant to replace the permit in these cases if the road is a permanent part of his transportation system, represents a substantial investment, and his use is a continuing use and is a substantial proportion of the total use of the road. Many holders of permits will probably consider that the permit meets their needs for the future as it has in the past.

"3. Limitations, if any, upon the extent of value required from a private landowner as a condition to the grant to him of requested rights-of-way across national forest lands?"

One of the two conditions for grant of an easement is that the applicant provide the Government with appropriate easements over his lands or roads for the road or road system concerned. The value of the interests he conveys is balanced against the value of the interests he receives from the Government. Any excess in value conveyed to the Government is paid from appropriated funds as part of the consideration for the easement conveyed to the Government, or by a collection right against haulers of National Forest products, or by offsetting construction by the Government of additional roads needed by both parties.

Seldom will the value of the access needed by the Government be balanced exactly by the value of access it grants. The only limitation on the value of the reciprocal grant required of the applicant is that the reciprocal grant be associated with the road or road system of which the right-of-way applied for is a part. Regardless of the value of the reciprocal grant required of the applicant, he is compensated for any amount in excess of the value of the rights he receives.

There are no reciprocal access grants required as a condition for the grant of a permit to cross National Forest land.

"4. The degree of control retained over the use by others of roads on national forest lands which are made the subject of easement grants to private landowners."

The Government retains full control over use by all parties other than the grantee on roads covered by easement grants to private land owners. However, the easement grant provides that use by others will be controlled so as not to interfere unreasonably with the grantee's use or increase his maintenance costs.

Since the purpose of National Forest roads is to accommodate mixed traffic or all anticipated kinds of traffic at various times, it is essential that the Government be in a position to regulate the traffic it plans to accommodate. This does not mean the private owner of an interest in the road cannot control and be assured of the use of rights he has been granted in the road.

"5. The degree of control over roads on private lands acquired by easement exchanges and the reasons therefor."

The degree of control by the Government of segments of roads on private lands it acquires is similar to that it retains on National Forest lands. It is essential that traffic rules and control of use be applied uniformly over the entire road or road system as a unit. It would not be feasible for 1 mile of road to be operated under one set of rules and the next mile under another set of rules. The forms of easement each party will grant in cooperative undertakings (which forms have been developed in consultation with landowners) achieve the desired result.

"6. The extent to which oversized trucks are permitted to continue to operate on roads originally built as private roads for such trucks after the Forest Service acquires the use of such roads either by negotiation or by eminent domain."

This is the subject of negotiation when the acquisition is made. If the road is, or can be made, adequate to safely handle the additional Government traffic and the kind of off-highway equipment the road owner is using, usually, it is possible to leave with him a reserved right to continue use of this equipment. Many privately owned roads have been acquired leaving this right with the private owner.

If it is necessary to restrict the private owner's use of the road to standard highway equipment when he has been using off-highway equipment, he is compensated for the damage suffered, if any, as part of the purchase price. In a condemnation, the award of just compensation includes such damage.

"A. Does the Forest Service have any policy against permitting construction of roads across national forest lands for use by oversized trucks when the roads will be used to get private timber to a mill at lower cost?"

The Forest Service has no fixed policy. Requests for such construction would be acted on consistent with the facts in the particular case.

"B. Does the Forest Service have any policy against permitting construction of roads across national forest lands for use by oversized trucks when the roads may be used to get national forest timber to a mill at lower cost."

The answer to this is the same as to A above.

"7. The means, if any, being used by the Forest Service to assure that the costs of constructing multiple-use roads are not borne entirely by the single use of timber harvesting, particularly with the respect to roads constructed in connection with timber sales."

The Secretary's Regulations (36 CFR 212.12) provide that the purchaser of National Forest timber shall not be required to bear that part of the cost of a road in excess of the cost of the road needed to harvest the timber he has purchased. Forest Service timber sale appraisals contain an allowance for the purchaser to construct the road that is prudent for that sale. Where roads are to be constructed to a higher standard than that needed in harvesting or removing products covered by that particular sale, the purchaser of the National Forest timber is not required to bear that part of the cost necessary to meet such higher standard. Road construction necessary to attain the road standard needed by multiple use and not essential for the timber sale is either constructed by the Forest Service, or the difference between the prudent operator road and the multiple-use road is financed from appropriated funds.

"8. How will the Forest Service react to a suggestion it build all these forest access roads."

We feel that the Federal Government should build by direct methods the bulk of the permanent roads in the system. This would include the main line multiple-purpose roads (land access roads) and the heavier construction jobs on the branch roads (land-utilization roads) and all of the recreational roads within the National Forests. Many of the timber purchasers have the capabilities and machinery to construct roads, and we think the job ahead is so big that we should take advantage of their capacity to help get this system extended.

Sincerely yours,

M. M. NELSON,
Deputy Chief.

Mr. MANSFIELD. Mr. President, I ask for the yeas and nays on passage of the bill.

The yeas and nays were ordered.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that there be a quorum call, not to exceed 3 minutes, and that at the end of the 3 minutes, the voting on the pending measure begin.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

The PRESIDING OFFICER. Under the unanimous-consent agreement, the order for the quorum call is rescinded.

The bill having been read the third time, the question is, Shall it pass?

On this question the yeas and nays have been ordered, and the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. LONG of Louisiana. I announce that the Senator from Tennessee [Mr. BASS], the Senator from Georgia [Mr. RUSSELL], and the Senator from Georgia [Mr. TALMADGE] are absent on official business.

I also announced that the Senator from Indiana [Mr. BAYH], the Senator from Illinois [Mr. DOUGLAS], the Senator from Arizona [Mr. HAYDEN], the Senator from Arkansas [Mr. MCCLELLAN], the Senator from Wyoming [Mr. MCGEE], the Senator from Flordia [Mr. SMATHERS], and the Senator from Texas [Mr. YARBOROUGH] are necessarily absent.

I further announce that, if present and voting, the Senator from Indiana [Mr. BAYH], the Senator from Illinois [Mr. DOUGLAS], the Senator from Wyoming [Mr. MCGEE], the Senator from Florida [Mr. SMATHERS], and the Senator from Texas [Mr. YARBOROUGH] would each vote "yea."

Mr. KUCHEL. I announced that the Senator from Colorado [Mr. ALLOTT] and the Senator from Kansas [Mr. PEARSON] are necessarily absent.

The Senator from New Jersey [Mr. CASE], the Senator from Idaho [Mr. JORDAN], and the Senator from Iowa [Mr. MILLER] are detained on official business.

If present and voting, the Senator from Colorado [Mr. ALLOTT], the Senator from New Jersey [Mr. CASE], the Senator from Idaho [Mr. JORDAN], the Senator from Iowa [Mr. MILLER], and the Senator from Kansas [Mr. PEARSON] would each vote "yea."

The result was announced—yeas 85, nays 0, as follows:

[No. 164 Leg.]

YEAS—85

Aiken
Anderson
Bartlett
Bennett
Bible
Boggs
Brewster
Burdick
Byrd, Va.
Byrd, W. Va.
Cannon
Carlson
Church
Clark
Cooper
Cotton
Curtis
Dirksen
Dodd
Dominick
Eastland
Ellender
Ervin
Fannin
Fong
Fulbright
Gore
Griffin
Gruening
Harris
Hart
Hartke
Hickenlooper
Hill
Holland
Hruska
Inouye
Jackson
Javits
Jordan, N.C.
Kennedy, Mass.
Kennedy, N.Y.
Kuchel
Lausche
Long, Mo.
Long, La.
Magnuson
Mansfield
McCarthy
McGovern
McIntyre
Metcalf
Mondale
Monroney
Montoya
Morse
Morton
Moss
Mundt
Murphy
Muskie
Nelson
Neuberger
Pastore
Pell
Prouty
Proxmire
Randolph
Ribicoff
Robertson
Russell, S.C.
Saltonstall
Scott
Simpson
Smith
Sparkman
Stennis
Symington
Thurmond
Tower
Tydings
Williams, N.J.
Williams, Del.
Young, N. Dak.
Young, Ohio

NAYS—0

NOT VOTING—15

Allott
Bass
Bayh
Case
Douglas
Hayden
Jordan, Idaho
McClellan
McGee
Miller
Pearson
Russell, Ga.
Smathers
Talmadge
Yarborough

So the bill (S. 3155) was passed.

Mr. RANDOLPH. Mr. President, I move to reconsider the vote by which the bill was passed.

Mr. COOPER. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

LEGISLATIVE BRANCH APPROPRIATION BILL, 1967

The PRESIDING OFFICER. The Chair lays before the Senate the unfinished business, which will be stated by title.

The LEGISLATIVE CLERK. A bill (H.R. 15456) making appropriations for the legislative branch for the fiscal year ending June 30, 1967, and for other purposes.

The Senate resumed the consideration of the bill.

Mr. MONRONEY. Mr. President, the legislative branch appropriation bill for fiscal year 1967, H.R. 15456, recommends appropriations in the amount of $214,418,213. This is an increase of $42,271,880 over the House-approved bill, but $331,550 under the estimates presented to the Congress.

The bulk of the increase over the House-passed bill represents the appropriations recommended for the operations of the Senate, $39,655,180, and for the maintenance and operation of the Senate Office Buildings and the Senate garage in the total amount of $2,587,900. These items were not considered by the House and were not included in the totals approved in the House version of the bill. Exclusive of these Senate items, the committee bill is only $28,000 above the House bill.

Referring first to the Library of Congress appropriations, the committee recommends a total of $29,974,100. This is $154,000 over the House allowance but $1,171,900 below the budget request. The committee report, commencing on page 12, explains the changes made in the bill respecting the Library of Congress and also details the recommendations item by item in the comparative table at the conclusion of the report.

Specifically, under salaries and expenses, the committee has restored the funds denied by the House for the monthly index of Russian accessions in the sum of $478,000—to be derived by transfer from funds available to the Office of Education in the Department of Health, Education, and Welfare. Library officials and scholars from many States testified most forcefully in behalf of continuation of this index and the committee was persuaded that it is of sufficient value to warrant its continuation. In addition, the committee was in receipt of a communication from the Commissioner of Education, which stated:

> We believe abandonment of this well established bibliographic activity under the Library of Congress would constitute a major setback for researchers and for the development of specialists in Soviet affairs.

The committee has concurred in the House allowance of $585,000 to finance the next steps in the Library's automation program and $880,000 for the rental of additional space to accommodate the growing collections of the Library.

For the Legislative Reference Service, the committee recommends $2,938,000, which is an increase of $86,000 over the House allowance. This additional sum will provide 12 more employees over the 23 new positions allowed by the House. The workload of the Reference Service continues to increase, as evidenced by a 22-percent increase in calendar 1965 over the previous year, and if the Service is to furnish prompt and efficient service, the additional employees are unquestionably necessary.

Under "Distribution of Catalog Cards," the committee has approved $28,000 above the House allowance. These funds represent the printing costs associated with the production of the Monthly Index of Russian Accessions, referred to earlier. In addition, the funds allowed for this item, $4,564,000, will finance 39 additional employees which are needed to handle the mounting workload.

For the foreign currency program of the Library, collection and distribution of Library materials, the committee recommends $2,088,000 for payments in Treasury-owned foreign currencies and $180,000 in U.S. dollars. This is an increase of $40,000 in foreign currencies only, over the House bill. The Library had requested funds to expand this program to five more countries—Poland, Yugoslavia, Tunisia, Guinea, and Ceylon. The House included Poland and Yugoslavia in its version of the bill, a program which the Senate had advanced for the past 2 years. The committee is pleased to concur with the House in these two extensions and has, also, in the report recommended the institution of a partial program in Ceylon. Library officials stated this could be administered from the existing post in India at a cost of only $40,000 in excess foreign currencies.

The committee also inserted a provision in the bill which will authorize the storage and transportation of household goods for Library personnel stationed abroad and per diem for families enroute, in addition to the currently authorized health services program and for the purchase or hire of passenger vehicles for overseas offices inserted by the House.

The overall appropriations recommended for the Government Printing

Office total $42,655,900—$21,500,000 for printing and binding operations, $6,155,900 for the Office of the Superintendent of Documents, and $15 million for the Government Printing Office revolving fund. These represent an increase of $16,326,900 over the 1966 appropriations and a decrease of $5 million below the budget estimates.

It is understandable that there is difficulty in estimating with complete accuracy the printing and binding requirements of the Congress for the new fiscal year and that under the accounting procedures in effect it is necessary to provide additional funds to meet deficits for prior year charges. In this bill, the recommendation of $21,500,000 includes the workload estimate for fiscal year 1967 in the amount of $18,500,000, and $3 million to cover the deficit for fiscal year 1965 expenditures billed through January 31, 1966.

The primary activity of the Office of the Superintendent of Documents is the sale of Government publications, which for fiscal year 1965 amounted to $14,389,428, an increase of 15 percent over fiscal 1964. As indicated in the tabulation on page 3 of the report, income realized from these sales in fiscal 1965—returnable to the U.S. Treasury—amounted to $7,404,294, and it is estimated for fiscal year 1967 the return to the Treasury will increase still further to approximately $7,600,000. The committee concurs in the appropriation of the House for this item in the amount of $6,155,900.

The committee also is in agreement with the House allowance of $15 million to provide additional working capital for the Government Printing Office. The last increase in the revolving fund was authorized in December of 1963, and the balances of accounts receivable, finished work in process, and so forth, have increased 26 percent since that time.

The committee has included language in the report expressing dissatisfaction with the response of the Government Printing Office to its directive in last year's report to furnish complete figures as to printing costs by congressional committees and other ordering sources. I call attention to the language on page 15 of the present report, and reiterate most strongly the committee's expectation that the instructions cited therein be complied with.

With respect to the proposed new Government Printing Office plant, the budget had initially requested $46,663,000 for construction purposes. But in view of the controversy over a site during the past several months, officials of the Printing Office withdrew their request for funds in the current bill pending a decision on site location. The House committee, faced with a similar request, acceded and, additionally, inserted language rescinding balances of appropriations already enacted. Consequently, there are no funds in this bill for the construction, or planning therefor, of a new printing plant.

The committee recommends appropriations for the Architect of the Capitol in the amount of $14,772,900. The largest single increase over the House bill is $2,530,000 for the operation of the Senate Office Buildings. The committee has complied with a request from the Superintendent of the Senate Office Buildings and has included in the bill $10,000 over and above the regular annual amount for the replacement of rugs, cushions, and floor coverings in suites in the New Senate Office Building. The rugs and floor coverings presently in the building have been in use for 7 years and the point has been reached where a gradual replacement program is necessary.

An additional $9,000 has been included in the bill by the committee to provide two end table lamps for each Senator's suite.

Under the appropriation head Capitol Grounds, the committee has provided an additional $5,400 to finance one additional gardener position over the two additional gardeners allowed by the House bill. The committee expects that efforts will be intensified to beautify the grounds and to maintain them in line with the improvement program which has been underway for several years.

For Library building and grounds, structural, and mechanical care, the committee has reduced the House bill by $125,000. This sum was requested for the purpose of installing a new elevator on the east side of the Annex to the Library of Congress. While it may be desirable to add this elevator to the building, the committee felt that it was an item which is not urgent and which can be deferred at the present time.

With reference to the extension of the west central front of the Capitol, I direct the attention of Senators to pages 10, 11, and 12 of the committee report, where a detailed explanation has been made of the committee action. You will also find, on page 24 of the bill, the proviso which has been recommended by the committee and which reads as follows:

> *Provided*, That no part of any appropriation contained in this Act shall be used for administrative or any other expenses in connection with the plans referred to as schemes 1, 2, and 3 for the extension of the west central front of the Capitol.

The prohibition included in the bill by the committee would preclude the payment of salaries or other expenses for any of the employees working on schemes 1, 2, and 3 for the extension of the west central front. Schemes 1 and 2 would extend the center portion of the Capitol 44 feet, the old Senate and House wings would be extended 88 feet, and the connecting corridors would be extended 56 feet. Under scheme 3, the center portion would be extended 32 feet, the old Senate and House wings 76 feet, and the connecting corridors would be extended 56 feet. The committee is strongly opposed to any of these schemes. It is of the opinion that the Architect of the Capitol should obtain an independent estimate of the cost of restoring the present structure. In the report, the committee recommends that specific interested professional organizations be given an opportunity to study and make recommendations on this matter. These organizations could include, without limiting it to them alone, the American Institute of Architects, the American Institute of Planners, the American Society of Landscape Architects, the National Trust for Historic Preservation, and the Associated General Contractors. The committee understands that with the cooperation of the Architect of the Capitol in providing already gathered statistics and information, representatives from these groups would need less than a week to complete such a study.

Mr. SALTONSTALL. Mr. President, will the Senator from Oklahoma yield at that point?

Mr. MONRONEY. I am happy to yield to the Senator from Massachusetts.

Mr. SALTONSTALL. I have a little statement that I wish to make, but I wish to commend the Senator for his work on the committee report. At this time, I would simply say this, that the committee felt unanimously, with the information and statistics already available that the distinguished American Institute of Architects, the American Institute of Planners, and so forth, could make a judgment on the subject of the extension of the west front of the Capitol. In other words, we did not believe that there was any money necessary for further statistical reference planning, that statistical reference planning was available to make a judgment on what we now have in our possession.

Mr. MONRONEY. It is our understanding that the money appropriated by the last Congress to investigate the need to reinforce the foundations of the two buildings and secure the west wall, had been done by an engineering firm. The foundations were carefully studied and the data is available in the Architect's office. Interpretations and reports on the findings resulting from the engineering study are, I think, the matter at issue. They should be carefully considered by the representatives of these distinguished groups which have been mentioned in the committee report, who are concerned with the final recommendations that Congress would undoubtedly receive on going forward with the work, either on the present outline of the west front or on a new one, if it is found necessary so to do.

The committee recognizes that a serious problem does exist in connection with the west wall of the Capitol, but the Architect of the Capitol has already assured the committee that the temporary wood shoring which has been put in place will be of benefit for at least 5 years. The committee believes that there is time for additional study and design planning which will allow for the preservation of the historic architectural design of the central section of the Capitol without adding 4½ acres of floor space.

The Commission for the Extension of the Capitol has been told by the Architect of the Capitol that the proposed scheme would cost $34 million. The committee is concerned that this estimate is far too low. Experience has taught the Members of Congress that constructions supervised by the Architect of the Capitol have usually ended up costing considerably more than the early esimates. This is not the year for Congress to launch a building project of this magnitude, in the opinion of the committee, and a safe, beautiful new west front of the Capitol can be provided, it was assured, without adding a grandiose bulge to the middle of this historic structure.

Mr. MOSS. Mr. President, will the Senator from Oklahoma yield at that point?

Mr. MONRONEY. I am happy to yield to the Senator from Utah.

Mr. MOSS. Mr. President, I have listened for the past 2 weeks to the mounting hysteria that is among us concerning the proposed rebuilding and extension of the west front of the Capitol Building. It seems that everyone wants to get in the act now and each new spokesman tries to outdo the ones who went before in bewailing the dire consequences of changing one least detail of the Capitol Building. The local press has rushed into print with editorials and articles and the press out across the land seems largely to have followed this lead. Those who oppose the change have adopted every possible argument that could be seized upon. Some base their opposition on the fact that the man who holds the title of Architect of the Capitol is not indeed a professional architect. Others claim they are opposed because the extension was ordered by a small cabal composed of the Vice President of the United States, the Speaker of the House of Representatives, and the minority leader of each of the political parties in both the Senate and the House. And so it has gone.

I want to raise my voice as one who does not see the crumbling of our Republic in the "sinister proposal" that the Capitol Building be enlarged. I remember well the hue and cry that went up when the east front of the Capitol was extended. There were the same wails of anguish then, and even today, some of the wails have not subsided. Some still mourn the fact that the identical painted walls of the old Capitol are not now visible from the outside of the building. Of course, the paint that these persons so revered and found so steeped in history had been placed on the walls perhaps 2 or 3 years ago and covered up the point that antedated this coat by another 2 or 3 years, and so ad infinitum. But, nevertheless, it seems to them a great loss.

For my part, I find the appearance of the Capitol Building on the east front most pleasing. I find that the same lines and architectural appearance exist as did before the last construction. The walls are now a beautiful marble, the columns on the east portico are of marble, and the whole appearance of the building is enhanced and improved. Moreover, I defy anyone who is not an expert on the Capitol Building, or a resident who has exerted unusual inquisitive powers of examination to distinguish that the building has been changed. To the vast body of Americans who have come to know the Capitol Building only through photographs and post cards, I would venture to guess that not one in a million would know that there had been a change after the extension of the east front. But those of us who see it every day know that there has been a change and that for the better. The appearance is superior and the additional space provided internally is useful in the building. Of course, there are many who decry the expenditure of moneys to accomplish the extension of the building, and I believe we ought to check to the maximum degree we can the expenditure of funds on a public building. However, the Capitol Building is not only the most noted symbol of our Republic, but it is also a working building in which a part of this great Government carries on its functions. As such, I think it should be of prime materials, be handsome in appearance, and be suited to the uses of the Congress whose duties are performed within its walls. And on that basis, I do not think the funds expended for the improvement and enlargement of the east front were extravagantly spent or wasted in any sense.

The situation regarding the west front of the building, is that the old sandstone walls are crumbling and must be even now be shored up with girders from the outside. Because of the great age of the building stone and the ravages of time, something must be done to make secure the western wall. Since this event must come shortly, we are then confronted with the alternative of whether to try simply to shore up the old walls, or whether there should be some rebuilding of the west front with an extension in space to make available needed rooms for the utilization of the Congress and for the ever-increasing flood of visitors who come to the Nation's Capital to see its great buildings and to see the Nation's Government in action. Within the extension of the west front, it is proposed that there be additional dining rooms which are certainly needed now, and that there be conference rooms or an auditorium and some additional offices. Of course, it is possible to argue on the exact amount of space that is needed, but here again, we are dealing with a great building that houses the Congress and which must serve the Congress not only in 1966 or 1976, but should be a functioning building for the peoples' representatives in the year 2076 and beyond. Since it is a time when change is dictated by the deterioration of the wall, the better part of wisdom would be to look ahead and build for the years to come rather than to take the least course and be required to come again with an expensive operation in another 5 years or 10 years on the west front wall.

I confess that I have no detailed information on the proposed extension. But if it is carried out in the same manner that the extension was made on the east front, I have no fears because I know that the Capitol Building after the extension has been made will have the general appearance that it has now, and that still our people will see in their post card pictures and, indeed, when they come to view with their own eyes, the Capitol Building that they have come to recognize from pictures and visits in years past. I have confidence that the construction would not alter the appearance of the building except for those who are practiced and have a basis for comparison other than a layman's observation of the building in years past. And I have confidence that the internal improvements will be for the benefit of the Congress which must continue to use the Capitol. It has been well pointed out that the Capitol Building is not a museum or a monument to be preserved as such, but that it is a working building to be used for the purposes for which it was constructed. Our Founding Fathers understood this, and those who have served in the Government of the United States through the years have known this. And on this knowledge, the building has undergone many changes. After all, the great Capitol dome that is so memorable for us all, is not an original part of the building, and neither the Senate or House wings, including the chambers therein, part of the original building. And, of course, the east front is changed and is not original. And so we might go from place to place—the building has had to grow with the Republic, and it should still grow. In fact, there might be something symbolic in that observation because if our Republic has become static and encrusted in rigid forms, then indeed have we departed from the hopes of our founders and those who have nourished this great changing Nation through the years. I believe that we are still changing. Certainly we are growing in size and in economic power in this country. I think change is our heritage and I think change must be accepted and guided for the best interests of all of the people.

I plead therefore, for a sensible and restrained discussion concerning the west front and an abandonment of this great hue and cry against the proposal that has been made concerning the building.

Mr. MONRONEY. Mr. President, I appreciate what the Senator from Utah has said. The position of the committee is that before we spend a great deal of money, let us find out whether strengthened foundations and walls can be installed to retain the present lines of the Capitol, rather than be told, as a fait accompli, that the design is ready, and that we must extend the Capitol 84 feet westward, at a considerable expenditure of money.

The Senate has not allowed a sufficient investigation to be made by experienced and qualified architects as to what the situation really is and what is involved. We know that something must be done, but we feel, in view of modern engineering techniques, that the foundations and walls can be replaced with modern structures very close to the proximity of the present outer wall.

Mr. MOSS. Mr. President, will the Senator yield?

Mr. MONRONEY. I yield.

Mr. MOSS. I submit to the distinguished Senator that what are described as schemes 1, 2, and 3, have been in existence for some time, have been examined, and are subject to examination. Certainly, there has been long discussion of the fact that it is necessary to shore up the west wall with beams. There has been discussion on it. What is now proposed in the appropriation bill is a step backward by cutting off moneys when actually we could begin with the reconstruction of the west wall. I think, since it must be reconstructed in some manner, and everyone recognizes it, the desirable thing is to proceed with consideration of the proposal of extension, which does not alter the general outline of the Capitol.

Models of the proposed extension have been prepared. As a matter of fact, one appeared in this morning's press, and one has to look very closely to see that it is not the same as the Capitol now appears.

Mr. **SALTONSTALL.** Mr. President, will the Senator yield?

Mr. **MONRONEY.** I am happy to yield to the ranking minority member of the committee.

Mr. **SALTONSTALL.** It is my understanding that there is no money provided in the bill before the Senate, or in the bill as it came from the House. If we gave the "go-ahead" to one of these schemes, and provided for the $34 million, later the request would be made in a deficiency bill, with very little opportunity for consideration of the matter.

It is my understanding that now, under the leadership of the Senator from Oklahoma, we have said we will take this time and get a better understanding of the problem by distinguished architects, and then the proposal could be considered next year, so there could be an adequate opportunity for hearings and a real discussion of it.

Mr. **MOSS.** Mr. President, if the Senator will yield for one additional comment, the language of the bill as proposed prohibits the use of any appropriation for administrative or any other expenses in connection with the plans designated as schemes 1, 2, or 3, for extension of the west front of the Capitol.

Mr. **MONRONEY.** If the plans were approved, the west front might be extended for 50 feet or more. We do not want that to happen beyond the limits necessary for a solid structure and until we have enough information with respect to what our illustrious Architect has proposed.

Mr. **GRUENING.** Mr. President, will the Senator yield?

Mr. **MONRONEY.** I yield now to the Senator from Alaska.

Mr. **GRUENING.** I am thoroughly and completely in accord with the remarks of the Senator from Utah [Mr. MOSS]. I think it is a sane prescription for what is needed. There seems to be a contagious hysteria in viewing any change as undesirable. We all recognize that repairs must be made. While we are at it, I think it is well to consider enlargement of the Capitol. But this seems to be a "touch me not" subject, as though it were horrible to consider any change.

As the Senator from Utah has said, change is the essence of life in this country. This is a working building, not a monument. I am sure when all aspects of the problem are considered, the position the Senator from Utah has taken will be found to be a proper one.

THE CIA

Mr. **McCARTHY.** Mr. President, the St. Louis Globe-Democrat, on Monday, July 18, carried an editorial entitled "Brickbats for FULBRIGHT." The text of the editorial runs as follows:

> Senator J. W. FULBRIGHT has been given his come-uppance by the Senate.
>
> The Senate resoundingly defeated the Fulbright move to put the Central Intelligence Agency partly under his Foreign Relations Committee. The crafty Arkansan had sought to take away some of the jurisdiction of the Senate Armed Services and Appropriations Committees, whose ranking members have exclusive supervision of CIA.
>
> After a heated debate in an extraordinary closed session, the Senate voted 61 to 28 to send the Fulbright resolution to the Senate Armed Services Committee, chairmaned by Senator RICHARD B. RUSSELL, who sharply attacked FULBRIGHT's attempt to "muscle into" responsibilities of the Armed Services Committee. This was tantamount to killing the resolution.
>
> FULBRIGHT's proposal should have been doomed from the start. It could mean the end of the CIA if the agency were subjected to claws of the militant doves on FULBRIGHT's committee. The resolution should never have been offered.
>
> The CIA has long been one of our most valuable agencies in foreign affairs. Its accomplishments are legion. The Senate properly rebuked Senator FULBRIGHT and gave the CIA a sound vote of confidence.

I shall not take issue, particularly, with the editorial itself. I suppose it is within the limits of irresponsibility which must be allowed on editorial pages. Whether or not the Senator from Arkansas was "crafty" in this respect or in others, I suppose, could be left to the judgment of the editor. The question of whether or not we had any business bringing up this question and the matter of whether or not we are "muscling in" or seeking to take away anything from the Armed Services Committee was discussed fully, I think, and need not be taken up again at this time.

What moves me to take the floor, Mr. President, is a letter printed in the July 27, 1966, issue of the Globe-Democrat, sent to the editor by Richard Helms, the Director of the Central Intelligence Agency. The letter reads as follows:

> *To the Editors:*
>
> I want to let you know of my pleasure in reading the editorial "Brickbats for FULBRIGHT" in The Globe-Democrat of July 18.
>
> It reflects so well your paper's policy of "printing the news impartially, supporting what it believes to be right and opposing what it believes to be wrong without regard to party politics."
>
> RICHARD HELMS,
> *Director,*
> *Central Intelligence Agency.*
>
> WASHINGTON, D.C.

It may well be that Mr. Helms had someone on his staff check all the papers and write an approving letter to anyone who had written an editorial which he thought was favorable to the Central Intelligence Agency. But I suggest that it was entirely out of place for him to have done that, in any case, and particularly to sign his name to a letter regarding an editorial which charges the Senator from Arkansas with being "crafty," and which attempts to tell us what we should take up or should not take up in the Senate, and to explain the meaning of the debate.

In the course of the recent debate on this Agency, we were told that the CIA does not involve itself in domestic politics. I suggest that this is a new departure. If we permit the Director of that Agency to take this action unchallenged by the Senate, it may well be that in every campaign hereafter, people will turn up with letters from the Central Intelligence Agency saying, "We think Senator So and So is crafty," or "He proposes to try to destroy the CIA, to destroy this great Agency."

The Director would not have to write directly to the candidate. He could do it just by endorsing editorials, so that those who campaign would be faced with their opponents going around with an editorial and saying, "Here is a letter from the Central Intelligence Agency endorsing that editorial."

I suggest that such action by the head of this Agency, which depends upon funds from some appropriation—how the money is appropriated is immaterial—is entirely out of order; and we ought to request assurance from the writer of this letter that this policy will be discontinued.

Furthermore, I believe he owes an apology, not just to the chairman of the Foreign Relations Committee, the Senator from Arkansas, but to every Member of the Senate.

Mr. **MANSFIELD.** Mr. President, I was surprised to hear for the first time on the floor this afternoon that the Director of the CIA had seen fit to write a letter to a newspaper commenting on an editorial which had to do with the business of the Senate.

The issue, I think, was pretty clear as far as the Senators were concerned, and certainly no one here has ever accused the distinguished chairman of the Foreign Relations Committee as being "crafty." I think he conducted himself in an exceedingly able manner, as did the distinguished chairman of the Armed Services Committee. I am more than a little surprised that the "silent service" has seen fit to write to the newspaper in question on an editorial which expressed a very personal, and I might add highly inaccurate, opinion about the Senator from Arkansas.

I think this is a matter which must be brought to the attention of Mr. Helms, so that this will not become a habit with him. I would hope that he would take cognizance of what is occurring on the floor this afternoon.

Incidentally, I was under the impression that Mr. Helms was considered to have the potential to develop into one of the best administrators of the CIA in its history. It is my understanding that he has been with the Agency from its early years; that he was considered an excellent professional; and on the basis of that reputation I for one was delighted when he was appointed. As I recall, he received the unanimous support of the Senate, and not one word of criticism was raised insofar as his appointment was concerned.

The distinguished Senator from Minnesota is to be commended for calling this matter to the attention of the Senate, and I hope that all Senators, regardless of party or of their stand on the issue which was debated last week, will bear this in mind.

Incidentally, I wish to point out that today there appears in the CONGRESSIONAL RECORD a sanitized version of the proceedings held in the closed-door session of the Senate at the time this matter was discussed. Certainly there were no allegations of the kind contained in the editorial even whispered during the course of that debate, which was conducted on a very high level and with a mutual understanding of what the Senators were trying to achieve.

May I say further, the question of the CIA being involved in foreign policy is a pertinent one. No one has ever made the allegation, that I am aware of, that the CIA makes foreign policy. It has been alleged, and I think correctly, that the CIA is involved in foreign policy; and by the very nature of its operation, it cannot help but be involved in that particular field of the affairs of the Government of the United States.

But the debate was worthwhile. It helped to clear the air. I had hoped that the matter had been settled as a result of the closed session held by the Senate; but unfortunately, letters like this by the Director are bound to keep the matter simmering, and will create even more problems in the years ahead.

Mr. SALTONSTALL. Mr. President, will the Senator yield?

Mr. McCARTHY. May I just make one comment? I think it is especially significant that during the course of the debate, no administration position was taken opposed to the Senate considering the matter; and no one said, "The President wants this resolution debated." As far as we knew, it was the business of the Senate itself.

But here we find, after the act, the Director of the Central Intelligence Agency—who supposedly is an agent of the President; that is what we were told here for close to 3 hours—writing a letter saying, "We approve; we are with you all the way."

Mr. MANSFIELD. May I say that the administration, to the best of my knowledge, did not take a position on this matter.

Mr. McCARTHY. The Senator is correct.

Mr. MANSFIELD. It left it to the Senate to decide. And it was basically a procedural question, involving a desire on the part of the committee charged with the responsibility for foreign relations and foreign affairs to be represented in an area in which they thought—and I agreed with them—that they should be represented.

This is a most serious matter, and I hope, as I have said before, that all Senators, regardless of their personal feelings or party affiliations, would take cognizance of what has taken place.

Incidentally, the purpose was never to downgrade the CIA, but the purpose was, in effect, to safeguard it, and to maintain its security inasmuch as possible; and that thesis was carried out fully and completely during the course of the debate itself.

Mr. McCARTHY. I yield to the Senator from Massachusetts.

Mr. SALTONSTALL. I thank the Senator from Minnesota.

May I just say, as a Senator on the other side of the aisle who took an active interest in this CIA discussion, I have just for the first time read the editorial about which the Senator from Minnesota has spoken.

Let me say that so far as I know, this matter was kept entirely free from personalities. The Senator from Arkansas and I came into this body at the same time. We were friends 22 years ago, and we are friends today. As far as I know, I have never made a personal remark against him, nor he against me.

As far as the Senator from Minnesota is concerned, my first recollection of a friendship with him was in Paris, when we were both members of a commission over there, and he was a Member of the House and I a Member of the Senate. We became friends at the time, and we have remained friends ever since.

The chairman of our committee is not present, I am sorry to say, so perhaps I cannot speak for him, but I am confident that he would agree with me that the whole question is a question of procedure, where we felt, as members of the Armed Services Committee, the chairman and the senior minority member, that this was a matter which should be referred to the Committee on Armed Services; and, by a majority vote of the Senate, it is now so referred.

I do not think there is a single word in the debate, which has now been published, concerning personalities.

It is very proper, certainly when the Senate debates a procedure, for the Senate to debate the matter because the rules of the Senate must be lived up to if the Senate is to proceed in an orderly manner.

I agree with what the Senator from Montana, the majority leader, has said concerning the CIA. I have reiterated many times that the CIA, as a fact-finding body, does provide the facts on which foreign policy is based. That procedure has been maintained, and certainly no personalities are involved in the debate at all.

I certainly hope that any future discussion will be kept entirely free from personalities.

I have not seen the letter of Helms. I have seen it referred to. I do not know how many times he thought carefully about this before he wrote the letter.

I think this is a very questionable thing. If the letter did say something about the personality of the Senator from Arkansas, I disagree entirely with it, because there are no more upright Members of the Senate than the two gentlemen who took the lead in bringing the matter to a head.

Mr. MOSS. Mr. President, will the Senator yield?

Mr. McCARTHY. I yield.

Mr. MOSS. Mr. President, I associate myself with the remarks made by the Senator from Minnesota [Mr. McCARTHY], and the distinguished majority leader.

I am not only disturbed, but I am also somewhat shocked to learn that the Director of the CIA would write a letter endorsing the offensive and inaccurate statement made in a newspaper editorial.

I think it comes with ill grace. It certainly is an offense in itself to have the letter endorse the words of the editorial.

Still more shocking is the fact that the Director of the CIA—which supposedly is a clandestine organization and works quietly with no publicity and no public appearance—would publish a letter which, in effect, tries to capitalize on an editorial, an editorial that is so offensive and derogatory.

It appears that the CIA indeed was concerning itself with what was being done in this Chamber relating to the oversight of the activities of that organization.

I think the Director has committed a very grave offense, and I think the matter certainly must be straightened out. He may have limited, because of his action, his usefulness in the position he holds.

I believe, as does the majority leader, that the situation is most grave and must be handled effectively and at once.

Mr. YOUNG of North Dakota. Mr. President, will the Senator yield?

Mr. McCARTHY. I yield.

Mr. YOUNG of North Dakota. Mr. President, as a member of the Special Committee on the CIA, I have come to know Mr. Helms rather well. He is a very able man, and I think he will be a good Director of the CIA.

I am disappointed and shocked to learn that he would write this kind of letter. The CIA is not supposed to be in the business of publicity, and particularly publicity of this kind.

I happen to be one who believes in much of the foreign policy of the distinguished chairman of the Committee on Foreign Relations, the Senator from Arkansas, and denounce this criticism leveled at him. I still believe that Mr. Helms will develop into one of the best Directors of the CIA that we have had. I am sure he will admit to a serious error.

As far as foreign policy is concerned, I think the National Security Agency and the intelligence that it develops has far more to do with foreign policy than does the intelligence developed by the CIA.

Mr. McCARTHY. Mr. President, I thank the Senator from North Dakota. I think we might accept as a partial explanation the fact that this is one of the problems we encounter when we promote career men. It is like the ancient policy of arming the slaves; it always took a little while for them to adjust to their new life.

I hope the experience will be good for the Director of the Agency. This matter of being moved up from a career rank and being given a new weapon may have been too much for him in these early days of his new position. I hope he will become adjusted, and I think he should be given another chance.

Mr. FULBRIGHT. Mr. President, will the Senator yield?

Mr. McCARTHY. I yield.

Mr. FULBRIGHT. Mr. President, I am very pleased that the Senator from Minnesota has brought this matter to the attention of the Senate.

I am also pleased that two members of the subcommittee which has jurisdiction and supervision of the CIA are present and have expressed their disapproval of this action on the part of the new Director. I think it is very healthy that they have said what they did.

Mr. STENNIS. Mr. President, will the Senator yield?

Mr. FULBRIGHT. I yield.

Mr. STENNIS. Mr. President, the existence of this very unfortunate letter from Mr. Helms has just been brought to my attention.

I was very much impressed with Mr. Helms' appointment. I believe that he will be an outstanding Director of this highly important Agency. He is well trained. He is a man with a good mind and has been possessed of devoted purposes over a period of many years.

It is unusual for me to write a man a letter as soon as he is nominated for his position. However, I certainly did that on this occasion. I make these remarks to show what I think of his ability and character.

I believe that Mr. Helms received bad advice indeed and that his letter is based upon that advice rather than upon his own independent judgment. If he is responsible for this letter, I think he should, and that he will, offer Senator FULBRIGHT his deepest apology.

I exceedingly regret the writing of the letter.

Mr. FULBRIGHT. Mr. President, I appreciate the statement of the Senator from Mississippi. Three members of the subcommittee have now expressed disapproval.

I assure the Senate that my own feelings are not particularly injured by the editorial. This particular newspaper has been printing similar editorials for a number of years. There is nothing new or different or unique about the editorials. However, concerning the letter from the Director of the CIA, it is the first letter of this kind that I have ever heard of being written by any Director of the CIA. It surprises me that a career man would have so little discretion. A newly appointed man might, for a trial period, engage in this kind of activity.

I wonder if the Director has not construed the so-called vote of confidence as a removal of all restraints and the granting of the power to do as he pleases within the area of domestic activities.

Mr. SALTONSTALL. Mr. President, will the Senator yield?

Mr. FULBRIGHT. I yield.

Mr. SALTONSTALL. Mr. President, I have listened to Mr. Helms a great many times. I agree with what the other Senators have said. I do not know why he wrote the letter, but I am confident, from the point of view of the investigatory abilities of the CIA, and its ability to answer difficult questions in different parts of the world, that Helms is a good man.

I hope that this situation will not arise again, and particularly that personalities will not be engaged in.

Mr. FULBRIGHT. In that connection, I hope that the Senator from Massachusetts and his colleagues will ask Mr. Helms if this is the only letter of this character that he has written, or whether he writes to all those who condemn the Senator from Arkansas. It will be very interesting to know whether he has written any other letters of a similar character. This is the only one that has come to our notice.

I must say, in all frankness, that I have heard rumors. One of the things I would have liked to look into, if my committee had been given the opportunity to ask Mr. Helms questions—which we do not have, except under very grave restrictions—was whether or not his Agency takes part in domestic affairs—for example, in the elections in our labor unions. I have heard these rumors, and I would like to prove or disprove them. Other rumors have come to my attention which I would like to have clarified.

I have never been willing to mention this in public before, until this demonstration of the Director's very active interest in controversial political matters that arise on the floor of the Senate. This was a controversy of a political nature.

I believe that the Senator from Minnesota [Mr. MCCARTHY] was quite correct in his original purpose in seeking to bring the CIA a little more under surveillance by Congress. This is the only agency that I know of that is so immune from general supervision and public restraint. It seems to me that this letter is a most unusual action.

There is one other matter that I had not wished to make an issue of, until this matter arose. I believe that 2 weeks ago last Sunday, the former Director of the CIA, Admiral Raborn, in a "Meet the Press" program, apparently had a failure of memory. He was asked about how he had responded to a question that I had asked him. It is in the record. The record is available. It is available to members of the CIA Committee, if they wish, and I invite them to look at it. Admiral Raborn was asked about whether or not the CIA was using the exchange program—I never have mentioned this before, but this has since been publicized. I did not wish to mention it, nor did I wish to mention it on the floor, because I did not wish to raise even a suspicion that the exchange program was used as a cover, and I refrained from doing so.

But now that it has been mentioned on "Meet the Press," there is no reason for me to shy away from it anymore.

I did ask him about it. This was the beginning of my interest in this whole matter, as a matter of fact. This is why I became interested, together with the Senator from Minnesota, in what the CIA is doing. I asked Admiral Raborn that question.

He said that under the regulations—I am paraphrasing it—he was not permitted to answer such a question, and therefore there was no comment. He did not say, "No."

On "Meet the Press," in response to that question, he said, "I answered 'No.' "

I invite all of the members of the CIA Subcommittee to take a look at the formal written record, taken in executive session, and see who was telling the truth. I was astonished when it was brought to my attention that he had answered in this way.

Mr. McCARTHY. Mr. President, will the Senator yield?

Mr. FULBRIGHT. I yield.

Mr. McCARTHY. The record will show not only what the Senator has said, but also will show that following his statement that he could not answer—he did not think he had authority to answer—he was asked whether he could have answered if he were asked this question by the oversight committee, and he said he could.

So he did not answer the question. He said he could not answer it to us, but that he could have answered if it had been asked under other circumstances.

Mr. FULBRIGHT. I think the program was "Meet the Press."

Mr. McCARTHY. It is not a great issue.

Mr. FULBRIGHT. I would not have brought this subject up. I had dismissed the whole CIA from my mind, until this matter of Mr. Helms' letter.

I must say that I was shocked that a Director should go out of his way to write a letter to an editor of, I would say, a rather radical newspaper. It certainly takes a radical position on foreign policy, and is most unrestrained in its criticism of anyone who disagrees with its position, as it was in this editorial.

This is not new, but I think it requires some very severe action by the only subcommittee in the Senate that has any right or any opportunity to say anything to him.

I am delighted that four members of that subcommittee have here today expressed their views about the matter. I am encouraged that perhaps they may teach the new Director some proper conduct.

Mr. SALTONSTALL. Mr. President, will the Senator yield?

Mr. McCARTHY. I yield.

Mr. SALTONSTALL. I am glad to see the Senator from Arkansas with a smile. We certainly shall try to find out the information that he seeks in this matter.

Mr. McCARTHY. I believe we should keep our judgment open on Mr. Helms. It may be that a subordinate took it upon himself to write to everyone who had written an editorial favorable to the CIA, and it is possible that someone outside the Agency altogether might have written the letter.

Short of that, I believe the Members of this body who are charged with the responsibility should pursue the matter to see what the practice was in this case and whether there is a policy. If they discover that there is a policy, they might do something to bring it to an end.

Mr. YOUNG of North Dakota. Mr. President, will the Senator yield?

Mr. McCARTHY. I yield.

Mr. YOUNG of North Dakota. I do not believe it is an appropriate policy for the Director of the CIA to comment favorably or unfavorably on any matter such as this.

Mr. McCARTHY. I agree. I am trying to make a kind of excuse for him on the ground that he may not have wished to endorse this rather extreme editorial, which is worse than if he had endorsed a moderate one.

Mr. MANSFIELD. Mr. President, will the Senator yield?

Mr. McCARTHY. I yield.

Mr. MANSFIELD. It is most unfortunate, because, to the best of my knowledge, no one came in with higher or better recommendations than did Mr. Helms. I do hope that he will not be harmed by this, and that he will learn something which will be of benefit to him and to the country.

I agree that he is a man who has good training and great ability, and who can make a contribution; but this is something which, of course, is most unfortunate.

Mr. ERVIN. Mr. President, will the Senator yield?

Mr. McCARTHY. I yield.

Mr. ERVIN. I regret very much the letter of the Director of the CIA and the editorial about my friend, the Senator from Arkansas.

I have not always agreed with the Senator from Arkansas, just as I have not always agreed with any other Member of the Senate; because, unfortunately, I find that he, on rare occasions, and other Members of the Senate, on many occasions, have not shared the same sound views that I have entertained on all questions.

However, having served with the Senator from Arkansas in the Senate for 12 years, I have learned to admire him for the qualities of his head and to love him for the qualities of his heart. I have never known him to take a position that he did not take sincerely, and I have always been impressed by the fact that he has an unusual amount of political courage; that if his convictions on a subject happened not to coincide with the popular notions of the moment, he has the courage to stand for his convictions.

I hope that out of this matter will come an appreciation by the Director of the CIA of the great truth that men rarely regret saying too little.

Mr. MONRONEY. I join with my colleagues in expressing the great respect and confidence we all have in the distinguished chairman of the Committee on Foreign Relations. We are aware of his interest in preserving the proper civilian balance in this vast field of foreign policy. I concur heartily with all that has been said about his fine record and his distinguished service in our foreign relations activities.

Mr. SALTONSTALL subsequently said: I wish to assure the Senator from Arkansas [Mr. FULBRIGHT], in answer to his question of a few moments ago regarding Mr. Helms' writing letters to newspapers, that I talked to Mr. Helms on the telephone.

Mr. Helms assures me that is the only letter he has written, that it was a mistake, and he feels sorry about it. He has given me the authority to say that on the floor of the Senate.

Mr. FULBRIGHT. He did write it. A Senator mentioned a moment ago that he did not believe he could have written it. But he did write it.

Mr. SALTONSTALL. He did sign the letter. I think there were a great many letters he had signed at the same time, but he makes no excuse. He is sorry for the mistake. And there are no other letters written by him.

Mr. FULBRIGHT. I thank the Senator for completing the record.

There was one curious thing about this letter. It endorses the newspaper for its position in stating "what it believes to be right and opposing what it believes to be wrong without regard to party politics."

I hope that Mr. Helms is not under the impression that it is a Democratic newspaper, because the word "Democrat" appears in its title. It is anything but a Democratic newspaper, and it never has been.

Mr. SALTONSTALL. I take the Boston and Washington newspapers, but I do not take the St. Louis newspapers.

Mr. SYMINGTON subsequently said: Mr. President, it is with very deep regret that I learn of a letter from the Director of the Central Intelligence Agency to a newspaper, in which he is critical of the distinguished chairman of the Committee on Foreign Relations, the Senator from Arkansas [Mr. FULBRIGHT].

I have not always agreed with the Senator from Arkansas, but know him as a man of high character, an able and patriotic American, and I am proud to have his friendship, as he has mine.

This is a most unfortunate occurrence and one for which I hope there is some explanation.

LEGISLATIVE BRANCH APPROPRIATION BILL, 1967

The Senate resumed the consideration of the bill (H.R. 15456) making appropriations for the legislative branch for the fiscal year ending June 30, 1967, and for other purposes.

Mr. MONRONEY. The remaining important matters in this bill relate to the Senate and its housekeeping operations.

Senators will recall that last year the Congress provided funds for 25 additional Metropolitan police officers to be detailed to assist the Capitol Police. In view of the crime situation in the District of Columbia and the recruiting difficulties encountered by the Metropolitan Police Department, it was not possible to secure all of these officers on reimbursable loan from the Metropolitan Police Department. Approximately 10 Metropolitan police officers were secured to assist the Capitol Police, but these men were working on their days off from the regular force. In view of this situation, the committee has included in the bill funds to provide for 25 additional privates, 1 additional sergeant, and 1 additional lieutenant for the Senate detail of the Capitol Police. These positions are to be filled by the Sergeant at Arms with men certified to him by the chief of police as having at least 1 year's police experience or its equivalent. A provision has been included in the bill that appointees to these positions shall have at least 1 year's police experience. These professional police officers should provide the Senate with a hard core of trained career officers for the Senate detail. The privates will be paid a salary of $6,109.89 per annum, the sergeant a salary of $8,083 per annum, and the lieutenant a salary of $9,883 per annum. To finance the salaries of these additional officers, the amount of $170,713 has been included in the bill by the committee.

The committee has inserted language in the bill providing salary adjustments for the sergeants, lieutenants and captain members of the Capitol Police force. This totals 22 positions equally divided between the Senate and House details. The adjustments recommended by the committee will bring salaries paid members of the Capitol Police closer in line with salaries paid officers of the Metropolitan Police Department. The individuals occupying these positions have served with the Capitol Police from 8 to 20 years. The salary range for a sergeant of the Metropolitan Police Department is from $8,185 to $10,105 per annum, depending upon length of service. The present salary for a sergeant of the Capitol Police force is in the range of $7,051 to $8,901 per annum. Under the committee's language, the new range in salary for a sergeant of the Capitol Police will be from $8,083 to $10,033 per annum. For lieutenants of the Metropolitan Police Department the salary range is from $10,000 to $12,000 per annum, whereas the range at the present time for a lieutenant of the Capitol Police force is from $7,788 to $9,733 per annum. Under the language proposed by the committee, the Capitol Police lieutenant's salary would range from $9,883 to $11,790 per annum. The present salary of a captain of the Metropolitan Police Department is in the range of $12,000 to $14,500 per annum, whereas the salary range for a captain of the Capitol Police force is from $9,050 to $11,032 per annum. Under the committee's proposal, the salary range for a captain on the Capitol Police force will be from $11,790 to $13,799 per annum. It is estimated that the total cost of these increases for the Capitol Police will approximate $33,900.

Language has been inserted in the bill by the committee increasing the long-distance telephone allowance for Senators from 2,400 calls per year, or 12,000 minutes, to 3,000 calls per year, or 15,000 minutes. The Senators will recall that last year the long-distance telephone allowance for Senators from the 6 States with a population of 10 million inhabitants or more was increased by 50 percent above the allowances for Senators from the other States. The committee language has accorded the same percentage increase to these larger States as the other States will receive.

For stationery allowances, the committee has continued the figure of $2,400 for each Senator with the exception of the Senators from the six larger States, and the sum for the Senators from these States has been increased to $3,000 per annum. These 6 States with a population of 10 million or more are: Illinois, Ohio, Texas, Pennsylvania, New York, and California. The committee had before it a proposal to prohibit commutation payments from the stationery account. The full committee has rejected this proposal. It was brought to the attention of the committee by many Senators that the cash commutation payment is used for official expenses of varied kinds which cannot be financed through the stationery room. The subcommittee, and later the full committee, made a detailed study of the stationery allowance problem. A cash commutation procedure has been in existence since February 12, 1868. However, the subcommittee and the full committee realize that the individual Senators have strong personal opinions regarding the procedure. In fact, a recommendation of the subcommittee to incorporate language that would prohibit in the future these commutation payments was rejected by the full committee. The subcommittee had proposed that language be included in the bill providing that any surplus remaining in the stationery account shall be available for reimbursement of official expenses as determined by the Committee on Rules and Administration incurred by a Senator upon presentation, not later than 30 days after the close of each fiscal year, of itemized vouchers therefor. This would have permitted the Committee on Rules and Administration to determine whether such items as home-state newspaper subscription costs, radio tapes and others, not now identified as official expenses, could be covered from the stationery fund.

It was the belief of the full committee that if it were desirable to rewrite the law with respect to the stationery account it should be done in a regular bill which would be studied by the Senate and the House of Representatives so that a uniform procedure would be applied to all Members of Congress.

The committee has included in the bill $953,480 to finance additional administrative and clerical assistance to Senators. Under the committee language, the clerk hire allowance for the Senators from States having a population of 10 million or more inhabitants will be increased by $6,000 basic per annum to provide a total basic per annum of $91,980 for the States of California and New York, a basic of $79,980 for the State of Pennsylvania, and a basic of $76,980 for the States of Illinois, Texas, and Ohio. There are 17 States in the population range of more than 3 million but less than 10 million, and these 17 States would each receive a basic increase of $4,020 per annum. The remaining 27 States have a population of 3 million or less and would be accorded an increase of $2,040 basic per annum each.

Mr. President, I have a table which gives the new basic allowance for each of the States and I ask unanimous consent that it be printed in the RECORD.

There being no objection, the table was ordered to be printed in the RECORD, as follows:

Administrative and clerical assistants to Senators

Population (in millions)	Basic in effect July 1, 1966	Increase recommended	Revised basic, fiscal year 1967	Senators	States
Less than 3	$52,980	$2,040	$55,020	54	27
3 but less than 4	55,980	4,020	60,000	14	[1] 7
4 but less than 5	58,980	4,020	63,000	12	[2] 6
5 but less than 7	61,980	4,020	66,000	6	[3] 3
7 but less than 9	64,980	4,020	69,000	2	[4] 1
9 but less than 10	67,980	4,020	72,000	0	0
10 but less than 11	70,980	6,000	76,980	6	[5] 3
11 but less than 12	73,980	6,000	79,980	2	[6] 1
12 but less than 13	76,980	6,000	82,980	0	0
13 but less than 15	79,980	6,000	85,980	0	0
15 but less than 17	82,980	6,000	88,980	0	0
17 or more	85,980	6,000	91,980	4	[7] 2
Total				100	50

[1] Alabama, Kentucky, Louisiana, Maryland, Minnesota, Tennessee, and Washington.
[2] Georgia, Indiana, Missouri, North Carolina, Virginia, and Wisconsin.
[3] Florida, Massachusetts, and New Jersey.
[4] Michigan.
[5] Illinois, Ohio, and Texas.
[6] Pennsylvania.
[7] California and New York.

Mr. MONRONEY. Mr. President, another important change recommended by the committee relates exclusively to the staff of the Committee on Appropriations. Under existing law, each committee of the Senate is limited to two positions at a salary of not to exceed $8,460 basic per annum, or $23,244 gross per annum. This limitation on the number of positions which may be paid at not to exceed this rate of $8,460 basic or $23,244 gross per annum, insofar as it applies to the Committee on Appropriations has been increased to 17 positions, or a net increase of 15 positions. It was the feeling of the committee that the responsibilities of the positions of subcommittee clerks were such that this increase was justified. An additional appropriation of $14,800 has been included in the bill by the committee to finance this authorization.

Mr. President, I have referred to the important changes made by the committee. The report describes many of the other changes. I ask unanimous consent that the committee amendments be agreed to en bloc and that the bill, as thus amended, be regarded as original text for the purpose of amendment; provided, that no point of order shall be considered to have been waived by reason thereof.

The PRESIDING OFFICER. Without objection, it is so ordered; and the amendments are agreed to en bloc.

The amendments agreed to en bloc, are as follows:

At the top of page 2, to insert: "SENATE".

On page 2, after line 1, to insert:

"COMPENSATION OF THE VICE PRESIDENT AND SENATORS, MILEAGE OF THE PRESIDENT OF THE SENATE AND SENATORS, AND EXPENSE ALLOWANCES OF THE VICE PRESIDENT AND LEADERS OF THE SENATE

"*Compensation of the Vice President and Senators*

"For compensation of the Vice President and Senators of the United States, $3,296,735."

On page 2, after line 8, to insert:

"*Mileage of President of the Senate and of Senators*

"For mileage of the President of the Senate and of Senators, $58,370."

On page 2, after line 12, to insert:

"*Expense Allowances of the Vice President, and Majority and Minority Leaders*

"For expense allowance of the Vice President, $10,000; Majority Leader of the Senate, $3,000; and Minority Leader of the Senate, $3,000; in all, $16,000."

On page 2, after line 17, to insert:

"SALARIES, OFFICERS, AND EMPLOYEES

"For compensation of officers, employees, clerks to Senators, and others as authorized by law, including agency contributions and longevity compensation as authorized, which shall be paid from this appropriation without regard to the below limitations, as follows:

On page 3, after line 3, to insert:

"OFFICE OF THE VICE PRESIDENT

"For clerical assistance to the Vice President, at rates of compensation to be fixed by him in basic multiples of $5 per month, $203,515."

On page 3, after line 7, to insert:

"CHAPLAIN

"Chaplain of the Senate, $15,540."

On page 3, after line 9, to insert:

"OFFICE OF THE SECRETARY

"For Office of the Secretary, $1,369,630, including $150,220 required for the purposes specified and authorized by section 74b of title 2, United States Code: *Provided,* That the reporters of debates in the office of the Secretary are hereby designated the official reporters of debates of the Senate."

On page 3, after line 16, to insert:

"COMMITTEE EMPLOYEES

"For professional and clerical assistance to standing committees and the Select Committee on Small Business, $3,367,430."

At the top of page 4, to insert:

"CONFERENCE COMMITTEES

"For clerical assistance to the Conference of the Majority, at rates of compensation to be fixed by the chairman of said committee, $99,435.

"For clerical assistance to the Conference of the Minority, at rates of compensation to be fixed by the chairman of said committee, $99,435."

On page 4, after line 7, to insert:

"ADMINISTRATIVE AND CLERICAL ASSISTANTS TO SENATORS

"For administrative and clerical assistants and messenger service for Senators, $17,171,215."

On page 4, after line 11, to insert:

"OFFICE OF SERGEANT AT ARMS AND DOORKEEPER

"For office of Sergeant at Arms and Doorkeeper, $3,364,025; *Provided,* That effective on the first day of the first month following date of enactment, the basic per annum compensation of one offset press operator, service department shall be $2,700 in lieu of $2,340, that the Sergeant at Arms may employ a telecommunications adviser at $5,520 basic per annum, an additional Sergeant, Capitol Police force at $2,940 basic per annum, an additional lieutenant, Capitol Police force at $3,600 basic per annum, and twenty-five additional privates, Capitol Police force at $2,160 basic per annum each: *Provided further*, That appointees to the Capitol Police force positions authorized herein shall have the equivalent of at least one year's police experience."

On page 5, after line 2, to insert:

"OFFICES OF THE SECRETARIES FOR THE MAJORITY AND THE MINORITY

"For the offices of the secretary for the majority and the secretary for the minority, $166,675."

On page 5, after line 6, to insert:

"OFFICES OF THE MAJORITY AND MINORITY WHIPS

"For four clerical assistants, two for the majority whip and two for the minority whip, at rates of compensation to be fixed in basic multiples of $60 per annum by the respective whips, $18,460 each; in all, $36,920."

On page 5, after line 11, to insert:

"OFFICE OF THE LEGISLATIVE COUNSEL OF THE SENATE

"For salaries and expenses of the Office of the Legislative Counsel of the Senate, $317,895."

On page 5, after line 15, to insert:

"CONTINGENT EXPENSES OF THE SENATE

"Senate policy committees

"For salaries and expenses of the Majority Policy Committee and the Minority Policy Committee, $204,150 for each such committee; in all, $408,300."

On page 5, after line 20, to insert:

"Automobiles and maintenance

"For purchase, exchange, driving, maintenance, and operation of four automobiles, one for the Vice President, one for the President Pro Tempore, one for the Majority Leader, and one for the Minority Leader, $43,660."

On page 6, after line 2, to insert:

"Furniture

"For service and materials in cleaning and repairing furniture, and for the purchase of furniture, $31,190: *Provided*, That the furniture purchased is not available from other agencies of the Government."

On page 6, after line 7, to insert:

"Inquiries and investigations

"For expenses of inquiries and investigations ordered by the Senate, or conducted pursuant to section 134(a) of Public Law 601, Seventy-ninth Congress, including $396,615 for the Committee on Appropriations, to be available also for the purposes mentioned in Senate Resolution Numbered 193, agreed to October 14, 1943, $5,420,000."

On page 6, after line 14, to insert:

"Folding documents

"For the employment of personnel for folding speeches and pamphlets at a gross rate of not exceeding $2.32 per hour per person, $40,715."

On page 6, after line 18, to insert:

"Mail transportation

"For maintaining, exchanging, and equipping motor vehicles for carrying the mails and for official use of the offices of the Secretary and Sergeant at Arms, $16,560."

On page 6, after line 22, to insert:

"Miscellaneous items

"For miscellaneous items, exclusive of labor, $3,743,160, including $275,000 for payment to the Architect of the Capitol in accordance with section 4 of Public Law 87-82, approved July 6, 1961."

On page 7, after line 2, to insert:

"Postage stamps

"For postage stamps for the offices of the Secretaries for the Majority and Minority, $140; and for air-mail and special delivery stamps for office of the Secretary, $160; office of the Sergeant at Arms, $125; Senators and the President of the Senate, as authorized by law, $90,400; in all, $90,825."

On page 7, after line 8, to insert:

"Stationery (revolving fund)

"For stationery for Senators and the President of the Senate, $249,600: *Provided*, That effective with the fiscal year 1967 and thereafter the allowance for stationery for each Senator from States having a population of ten million or more inhabitants shall be at the rate of $3,000 per annum; and for stationery for committees and officers of the Senate, $13,200; in all, $262,800, to remain available until expended."

On page 7, after line 17, to insert:

"Communications

"For an amount for communications which may be expended interchangeably for payment, in accordance with such limitations and restrictions as may be prescribed by the Committee on Rules and Administration, of charges on official telegrams and long-distance telephone calls made by or on behalf of Senators or the President of the Senate, such telephone calls to be in addition to those authorized by the provisions of the Legislative Branch Appropriation Act, 1947 (60 Stat. 392; 2 U.S.C. 46c, 46d, 46e), as amended, and the First Deficiency Appropriation Act, 1949 (63 Stat. 77; U.S.C. 46d-1), $15,150."

On page 8, after line 5, to insert:

"Administrative provisions

"Effective July 1, 1966, the paragraph relating to official long-distance telephone calls to and from Washington, District of Columbia, under the heading "Contingent Expenses of the Senate" in Public Law 479, Seventy-ninth Congress, as amended (2 U.S.C. 46c), is amended to read as follows:

" 'There shall be paid from the contingent fund of the Senate, in accordance with rules and regulations prescribed by the Committee on Rules and Administration of the Senate, toll charges on not to exceed three thousand strictly official long-distance telephone calls to and from Washington, District of Columbia, aggregating not more than fifteen thousand minutes each fiscal year for each Senator and the Vice President of the United States: *Provided*, That not more than fifteen hundred calls aggregating not more than seventy-five hundred minutes made in the first six months of each fiscal year shall be paid for under this sentence. The toll charges on an additional fifteen hundred such calls aggregating not more than seventy-five hundred minutes each fiscal year for each Senator from any State having a population of ten million or more inhabitants shall also be paid from the contingent fund of the Senate: *Provided*, That not more than seven hundred and fifty calls aggregating not more than three thousand seven hundred and fifty minutes made in the first six months of each fiscal year shall be paid for under this sentence.'

"Effective the first day of the first month following date of enactment that table contained in section 4(f) of the Federal Employees' Salary Increase Act of 1955 (Public Law 94, Eighty-fourth Congress, approved June 28, 1955), as amended, is amended to read as follows:

" 'States having a population of—

	Amount of increase
Less than 3,000,000	$12,780
3,000,000 but less than 4,000,000	17,760
4,000,000 but less than 5,000,000	20,760
5,000,000 but less than 7,000,000	23,760
7,000,000 but less than 9,000,000	26,760
9,000,000 but less than 10,000,000	29,760
9,000,000 but less than 10,000,000	25,740
10,000,000 but less than 11,000,000	34,740
11,000,000 but less than 12,000,000	37,740
12,000,000 but less than 13,000,000	40,740
13,000,000 but less than 15,000,000	43,740
15,000,000 but less than 17,000,000	46,740
17,000,000 or more	49,740'

"Effective the first day of the first month following date of enactment the paragraph relating to rates of compensation of employees of committees of the Senate, contained in the Legislative Branch Appropriation Act, 1956, as amended (2 U.S.C. 72a-1a), is amended by striking out so much of the second sentence thereof as follows the words 'First Supplemental Appropriations Act, 1947' and inserting in lieu thereof the following: "the basic compensation of any employee of a standing or select committee of the Senate (including the majority and minority policy committees and the majority conference of the Senate and minority conference of the Senate but excluding the Committee on Appropriations), or a joint committee of the two Houses the expenses of which are paid from the contingent fund of the Senate, whose basic compensation may be fixed under such provisions at a rate of $8,000 per annum, may be fixed at a rate not in excess of $8,040 per annum, except that the basic compensation of one such employee may be fixed at a rate not in excess of $8,880 per annum, and the basic compensation of two such employees may be fixed at a rate not in excess of $8,460 per annum. The basic compensation of any employee of the Committee on Appropriations whose basic compensation may be fixed at a rate of $8,000 per annum under such provisions may be fixed at a rate not in excess of $8,040 per annum, except that the basic compensation of one such employee may be fixed at a rate not in excess of $8,880 per annum, and the basic compensation of seventeen such employees may be fixed at a rate not in excess of $8,460 per annum."

On page 20, line 2, after the word "Board", to strike out "$50,000" and insert "$62,500".

On page 22, line 3, after the word "the", to strike out "detective" and insert "three detectives"; in line 5, after the word "detective", where it appears the first time, to strike out "sergeant" and insert "sergeants"; and, at the beginning of line 6, to strike out "sergeant" and insert "sergeants".

On page 24, at the beginning of line 1, to strike out "$647,700" and insert "$635,000", and, in the same line, after the amendment just above stated, to insert a colon and "*Provided*, That no part of any appropriation contained in this Act shall be used for administrative or any other expenses in connection with the plans referred to as Schemes 1, 2, and 3 for the Extension of the West Central Front of the Capitol."

On page 25, line 17, after the word "amended", to strike out "$690,000" and insert "$695,400".

On page 25, after line 17, to insert:

"SENATE OFFICE BUILDINGS

"For maintenance, miscellaneous items and supplies, including furniture, furnishings, and equipment, and for labor and material incident thereto, and repairs thereof; for purchase of waterproof wearing apparel, and for personal and other services; including eight attendants at $1,800 each; for the care and operation of the Senate Office Buildings; including the subway and subway transportation systems connecting the Senate Office Buildings with the Capitol; uniforms or allowances therefor as authorized by the Act of September 1, 1954, as amended (5 U.S.C. 2131); to be expended under the control and supervision of the Architect of the Capitol; in all, $2,530,000."

On page 26, after line 6, to insert:

"SENATE GARAGE

"For maintenance, repairs, alterations, personal and other services, and all other necessary expenses, $57,900."

On page 27, at the beginning of line 17, to strike out "$1,517,000" and insert "$1,392,000".

On page 28, line 22, after the word "Library", to strike out "$510,000" and insert "$504,600".

On page 29, line 13, after the word "Congress", to insert a comma and "together with $478,000 to be derived by transfer from the appropriations made for the Office of Education, Department of Health, Education, and Welfare."

On page 30, line 5, after "(2 U.S.C. 166)", to strike out "2,852,000" and insert "$2,938,000".

On page 30, at the beginning of line 17, to strike out "$4,536,000" and insert "$4,564,000".

On page 32, line 11, after the word "expended", to strike out "$2,228,000" and insert "$2,268,000"; in line 12, after the word "which", to strike out "$2,048,000" and insert "$2,088,000"; and, in line 15, after the words "United States", to strike out the colon and "*Provided,* That this appropriation shall be available to reimburse the Department of State for medical services rendered to employees of the Library of Congress stationed abroad; and for purchase or hire of passenger motor vehicles".

On page 33, after line 13, to insert:

"Funds available to the Library of Congress may be expended to reimburse the Department of State for medical services rendered to employees of the Library of Congress stationed abroad; and for purchase or hire of passenger motor vehicles. Further, payments shall be authorized of allowances and other benefits to employees stationed abroad to the same extent as authorized from time to time for members of the Foreign Service of the United States of comparable grade, subject to such rules and regulations as may be issued by the Librarian of Congress."

At the top of page 37, to insert a new section, as follows:

"SEC. 105. Effective on the first day of the first month following date of enactment, the basic per annum compensation of the Captain, Capitol Police force shall be $4,320; the basic per annum compensation of Lieutenants and Special Officers, Capitol Police force shall be $3,600 each; and the basic per annum compensation of Sergeants, Capitol Police force shall be $2,940 each."

Mr. MONRONEY. Mr. President, on page 9 of the bill there is a printing error. Between lines 11 and 12 there is a table giving the population categories for clerk hire allowances and the group from 9 million inhabitants but less than 10 million inhabitants has been repeated in the bill through a printing error.

I ask unanimous consent that the excess line be stricken from the bill.

The **PRESIDING OFFICER.** Without objection, it is so ordered.

Mr. SALTONSTALL. Mr. President, as we proceed with the consideration of H.R. 15456, the legislative branch appropriation measure for fiscal year 1967, I wish to take this opportunity to compliment the chairman of the subcommittee [Mr. MONRONEY], who so ably handled this legislation. He was most painstaking and carefully considered the views presented to the committee. I am hopeful that the Senate will accept his recommendations. Although there were some differences between the subcommittee's report and the full committee report, the bill should adequately provide for the agencies included in the bill.

Every Member of this body realizes that this is a difficult piece of legislation because there are so many varied interests involved. In my opinion the most serious problems have been resolved and the needs of the Congress, as well as the Government Printing Office and the Library of Congress, will be adequately provided for in this measure. In summary, the amount of the bill as passed by the House totaled $172,146,333. This amount was increased by the Senate $42,271,880 which, as you know, includes items totaling $42,243,080 not considered by the House. Thus, the amount of the bill as reported to the Senate is $214,418,213.

It should be noted that language has been included in the bill forbidding the use of funds provided in this bill for administrative, or any other expenses, in connection with the three proposals advanced by the Architect of the Capitol for the extension of the west central front of the Capitol. The committee felt that before any funds were appropriated for extending the west front of the Capitol, the Architect should obtain an independent estimate of the cost of restoring the present structure. In order to accomplish this, the committee recommended that various interested professional organizations be given an opportunity to study this matter. When the study is completed it will be made available to the Congress. The committee felt that this kind of information would provide the necessary background in order that it could act on a proposal for renovating or altering the west front of the Capitol. I heartily subscribe to this recommendation as I believe that we should not be hasty in changing the architectural features of the Capitol if it is not absolutely necessary.

There was nothing in this bill to provide for proceeding on the west front of the Capitol. If a recommendation does come in it would have to be considered in a supplemental bill, which is not the correct way to consider a capital improvement to our Government, particularly on the Capitol.

Mr. President, I urge the approval of this measure and I support the chairman of the committee.

Mr. TYDINGS. Mr. President, I offer an amendment to H.R. 15456 and ask that it be stated.

The **PRESIDING OFFICER.** The amendment will be stated for the information of the Senate.

The assistant legislative clerk read the amendment as follows:

On page 4, line 11, strike "17,171,215" and insert "18,966,215."

On page 9, in the table between lines 11 and 12, increase by $6,000 each figure under the heading "Amount of Increase."

Mr. TYDINGS. Mr. President, the purpose of my amendment is to provide an additional allowance of $6,000 basic compensation for every U.S. Senator's staff, for the purpose of providing him with a legislative assistant.

The Constitution of the United States charges Congress with the obligation of exercising all legislative powers granted by that basic charter of the Republic.

In recent years, however, the rapid growth of the executive branch of the Government has not only overshadowed Congress, but also threatens to overwhelm it. The vast and increasing power of the executive branch is, in large part, directly attributable to the vast numbers and great quality of the personnel at its disposal.

I can well recall the first time I sat in a committee hearing during the consideration of an important multibillion-dollar authorization. I remember that rank upon rank of highly talented and well paid executive personnel from the administrative agencies were there, all ready to testify on this administration proposal.

We had a very small committee staff, whose combined salaries could not have equaled half that of the first row of executive branch talent in the committee room. But that staff had to advise the committee on whether to adopt the administration's proposal.

It was a completely frustrating experience for me, as a freshman U.S. Senator on that committee. But I quickly discovered that on almost every measure and appropriation the Congress considers, platoons of assistant secretaries and assistant under secretaries, many of whom have far more legislative assistants than a U.S. Senator, appear to testify. These representatives of the executive branch usually are charged with responsibility for only one particular aspect of one particular program of one particular executive department. But a U.S. Senator is supposed to legislate for all the people of the United States on every bill in all areas of legislation which come before Congress.

Mr. President, I think it is high time that Congress face the fact that it has simply not kept pace with the executive branch in providing itself with the necessary manpower to analyze and criticize administration recommendations for legislation.

I know that the Presiding Officer, the distinguished junior Senator from Oklahoma [Mr. HARRIS], realizes that his staff, like every Senator's, is greatly overburdened in just trying to meet the daily requirements of keeping track of legislative and constituent matters. Too little time is left for the members of his or any Senator's staff for really critical analysis of administrative programs. Practically no time is left to either a Senator or his staff to research, organize, and propose constructive legislative programs. Yet this body, the Congress, is supposed to be the branch of the Federal Government which proposes legislation.

Congress itself has recognized this grave shortcoming. It is my understanding that the Joint Committee for the Reorganization of Congress, in a report about to be published urging congressional reforms, specifically recommendations:

> Office staff and allowances should be improved by—1. Creating the position of legislative assistant for each Member.

The House of Representatives has already acted on this recommendation and has provided funds in this pending bill for a legislative assistant at a substantially higher salary than the amendment would specify for the Senate.

Mr. President, my amendment would apply to every U.S. Senator, regardless of the size of his State. A Senator's responsibility to the American people is the same in all legislative matters. He is just as responsible for each legislative item which passes the Senate as any other Senator. He should have an equal opportunity to propose, analyze, and constructively criticize legislation. My amendment would provide every Senator with funds to obtain sufficient additional staff to meet his legislative obligations more effectively.

My amendment would not affect the additions in the clerk-hire allowances already contained in the pending bill to provide every State, according to its size, with some additional staff support. The purpose of my amendment is not to provide additional secretarial or stenographic support to meet constituent requests, but to provide legislative support for each U.S. Senator himself.

Quite aside from the problems of sufficient staff support for proposing and analyzing legislation is the basic problem of keeping track of bills in the various Senate committees and subcommittees of which each of us are members.

Mr. President, we cannot possibly sit in meetings of all the subcommittees of which each of us are members when they meet simultaneously. Unless I am mistaken, the Senator from Oklahoma is himself a member of over nine subcommittees in the Senate, and it is not rare for more than one of these subcommittees to meet at the same time. Until it becomes possible for a U.S. Senator to be in more than one place at one time, we need more legislative staff to keep up with these committee responsibilities and developments.

The sole purpose of my amendment is to provide such legislative assistance. The job of a U.S. Senator is to legislate. Certainly it is important that we serve our constituents. But as it is now, particularly in the case of those of us who represent large States or States close to Washington, D.C., the great majority of each Senator's clerk-hire allowance is taken up merely in handling constituent matters.

I have two staff members who spend full time just answering the telephone in my office. I am sure that other Senators from the heavily populated States have a far greater job than I do in that respect.

My amendment would provide funds for each Senator to use for additional legislative help in the manner that he thought best.

Mr. President, I have discussed my amendment with the Senator from Oklahoma [Mr. MONRONEY], who is the chairman of the Subcommittee on Appropriations which is reporting H.R. 15456 to the Senate and is floor-managing this bill.

I would like the RECORD to reflect the nature of our discussions and our understanding.

Do I correctly understand that the Senator from Oklahoma [Mr. MONRONEY] agrees with me on the basic need for additional legislative assistants for each U.S. Senator and that in fact, he has been one of the moving forces in the reorganizational program of Congress, which has recommended creating the position of legislative assistant for each Senator? Second, do I correctly understand that the Senator from Oklahoma feels, if my amendment is adopted at this time, it would upset the appropriations balance and the figure which he and his subcommittee have worked on so arduously, but that by early next year he anticipates the legislative reorganization program will be adopted, thus providing each Senator with the help I have proposed? Do I also correctly understand that, in the event such additional staff as that plan proposes should not be approved by Congress by early next year, he would agree to work with me and support an appropriation for a legislative assistant for each U.S. Senator next year, when the supplemental budget comes through in February, if for some reason the congressional reorganization bill has not been adopted by that time?

Mr. MONRONEY. I agree with the distinguished Senator from Maryland on the need—the imperative need—of having a legislative assistant on the staff of each Senator. The Senator has quite accurately spoken of the numerous problems that a Senator faces in having his committees meet simultaneously, or in hearing testimony or recommendations of administration witnesses on particular testimony. A Senator is unable to attend all committees of which he is a member because of conflicts in timing.

We feel that the legislative job is being absorbed, to a degree, because of demands on a Senator's time.

For that reason, one of the recommendations by the Joint Legislative Reorganization Committee is for an assistant with talent and ability to be used in interpreting legislation, in helping to draft bills, in reading legislative reports, and assisting Senators in presentation of data necessary to carry forward a point of view. In other words, the legislative assistant would do on the legislative side what the administrative assistant does on the constituent's side.

For that reason, we feel it is going to take a high-level employee to do it, who is paid a sufficient amount to be attracted to handling that kind of job.

The reason I would dislike the proposal being adopted at this time is that this should be a statutory position. The fund provided may be $22,500, or some such fund, but the appropriation should limit it to that type of assistant, and not permit it to be divided among others, who might be lower paid employees, who might do stenographic work, to fulfill the needs of legislative activities which the Reorganization Committee feels should be filled.

For those reasons, I hope the Senator from Maryland will withdraw his amendment. Otherwise, I shall feel compelled to oppose it until Congress is able to act in providing this legislative position in a statutory manner. The reorganization recommendations have been filed. Whether time will permit Congress to enact passage of the recommendations this year, I do not know. I doubt the wisdom of pledging myself to a February agreement, because if we miss, during the last days of the session, getting the Reorganization Act through the two Houses, I would still like to have it passed after the first of the year.

Mr. STENNIS. Mr. President, will the Senator yield for a brief statement?

Mr. MONRONEY. I yield.

Mr. STENNIS. I walked into the Chamber just a few minutes ago, but I am familiar with the subject matter, and I heard the statement of the Senator of Oklahoma. I want to express my interest in the subject matter and say to the Senator from Oklahoma and members of the subcommittee that I think they have done an outstanding job in recognizing so clearly this need and making a recommendation in connection with it. I shall strongly support it when it comes before us as a matter of legislation. I am entirely in sympathy with the purpose of it. It is a "must."

We operate at a disadvantage. We come into session every January, when we have a budget of over $100 billion, when we have many laws already in operation, and more laws proposed that go into every facet of the economic, political, and every other phase of the lives of the people of the entire Nation. We must have someone who is interested in legislation as a career, who is willing to stay with it year after year. This proposal is a step forward in trying to reach that problem. I support it.

However, I think the Senator from Maryland would be wise not to press his amendment. I see in the report some reference to the fact that there may be a delay in the recommendation; for instance, committees of the Senate and House might be divided.

I wonder what the situation would be like in January if that legislation does not move. What would be done as to this item? Perhaps the Senator would support it in a supplemental bill.

Mr. MONRONEY. I would be glad to support it in a supplemental bill, but I would dislike to be tied to a February date. We may miss getting the reorganization proposal adopted this year, although it has been reported by both houses.

Therefore, I would like to see the proposal now before us set aside. I am dedicated to the need for such a staff member, and at the earliest practicable date, but it should not interfere with the overall considerations of the entire Reorganization Act. If it were not included in reorganization, I would support it as an individual appropriation in a supplemental bill.

Mr. STENNIS. If we are going to have to wait for another year to get this relief, that is a mighty strong case for proceeding now.

Mr. MONRONEY. I do not think it will be a year, but it might not happen in January.

Mr. STENNIS. Suppose it became a stalemate.

Mr. MONRONEY. If it did, then we would try to bring it up in another bill.

Mr. TYDINGS. The Senator would not use this position of a legislative assistant as a carrot to try to get the Reorganization Act through, and then refuse to go along with it?

Mr. MONRONEY. No, but I feel it is a part, and a very important part, of the whole reorganization effort, and I would like to see it enacted at the earliest possible time, along with many other reforms that Congress is willing to adopt. This is one that I feel sure will be considered and adopted. If it is not, I will support a supplemental bill which will include it.

Mr. SALTONSTALL. Mr. President, will the Senator yield?

Mr. MONRONEY. I yield.

Mr. SALTONSTALL. I am very happy to hear the statement the Senator from Oklahoma made in the colloquy just had. The Senator from Maryland has taken an active interest in the work of the Senate, and has been very helpful.

I hope what the committee has done in approving an assistant so that there will be available a base pay of $4,000 to each Senator, which amounts to about $12,000 or $14,000 a year, will be of some help. Because of the persuasive argument made by the Senator from Oklahoma as to the need for a legislative assistant, I hope the Senator from Maryland will not press his amendment at this time.

Mr. TYDINGS. I thank the Senator from Massachusetts. It is my intention to withdraw the amendment. I did not offer the amendment lightly. I talked with the distinguished Senator from Georgia [Mr. RUSSELL]. I have his authority to say he would have supported this amendment. I have talked with the distinguished minority leader [Mr. DIRKSEN], the distinguished minority whip [Mr. KUCHEL], and with several other Senators, who felt the proposal had merit.

Mr. President, I now withdraw the amendment, in light of the understandings reflected in the colloquy which the Senator from Oklahoma and I have engaged in.

The **PRESIDING OFFICER.** The amendment is withdrawn.

Mr. CANNON. Mr. President, I send to the desk an amendment, and ask that it be stated.

The **PRESIDING OFFICER.** The amendment will be stated.

The assistant legislative clerk read as follows:

On page 11, between lines 3 and 4, insert the following:

"The third paragraph under the heading 'Administrative Provisions' in the appropriation for the Senate in the Legislative Branch Appropriation Act, 1959, as amended (2 U.S.C. 43b), is amended by inserting after the words 'six round trips' the following: '(or the equivalent thereof in one-way trips)'."

Mr. CANNON. Mr. President, this amendment is simply a change in the language relating to the transportation allowance provided for each Senator. The law now provides for six round trips, and the paymaster, by his interpretation, considers that he has no authority to pay the equivalent thereof, or, in other words, 12 trips just one way.

I have discussed this matter with the distinguished chairman of the subcommittee and with the minority members, and I do not believe that there is objection to the amendment. It would not result in any additional cost to the Government, but would give more flexibility in the allowance of transportation expenses to a Senator's home State and return.

Mr. MONRONEY. Mr. President, I have talked to a number of the members of our subcommittee regarding this amendment. Many Senators find themselves unable to return by the same means of transportation as they went out on, and the round trip requirement is difficult. As I understand the Senator's amendment, it would involve the same amount of Government cost, except that a Senator might have two trips to his home district, and perhaps return by other transportation, and he would be entitled to the equivalent of one round trip.

Mr. CANNON. That is correct.

Mr. STENNIS. Mr. President, will the Senator yield for one observation?

Mr. CANNON. I yield.

Mr. STENNIS. It was the year that I happened to have the honor of being chairman of this subcommittee on this bill that the travel provision was first put in. We made the language very tight. I think the Senator has found a very practical flaw in it. His amendment has great worth, and would not entail any additional cost. So I hope the Senate will agree to it.

Mr. CANNON. I thank the Senator.

Mr. MONRONEY. We will be happy to accept the amendment of the distinguished Senator from Nevada.

The **PRESIDING OFFICER.** The question is on agreeing to the amendment of the Senator from Nevada.

The amendment was agreed to.

Mr. WILLIAMS of Delaware. Mr. President, I wish to raise a point here. I notice that the bill, on page 7, under stationery allowance, provides, in addition to the regular allowance, an increase for Senators from those States with a population of 10 million or more, to raise their allowance to $3,000.

Mr. President, I wish to say I support that provision, which increases the allowance for the larger States. I make that statement before I proceed with my other comments because I recognize that Senators from the larger States do have a greater problem than we who come from smaller States. I think the stationery allowance should be adequate to take care of defraying the necessary stationery expenses of Senators' offices here in Washington and in their own States. I wish to make that very clear at the beginning. I shall now proceed to another point.

Mr. President, on the other hand, I believe that if the stationery allowance is not needed by a Senator for this purpose it should revert to the Federal Government, and that is the point to which I now address my remarks.

As I have stated before, this Government very properly should defray the legitimate expenses of operating the offices of Senators. Stationery and other items under that category should be paid for out of the general fund, but to the extent that any money is left from any allowance it should revert to the Treasury, and not to the Senator. This should be true without affirmative action to get rid of it.

In my own instance, this past year I had a $1,500 balance. In attempting to refund it I found that if you do not write a letter and say, "I do not want it," it automatically comes to you.

I think that is wrong. We certainly should not be in the position of cashing in on a stationery allowance. In making that statement I also wish to make it clear that I do not suggest that Senators are doing that. I am not suggesting that at all. I know that there are Senators who are spending more money than they receive in their stationery allowances, and to take care of those situations is why I support the increase here today.

What I am suggesting is that to the extent one dime or $1 is left over, that should automatically revert to the Federal Treasury, and it should not be dependent upon whether or not I get a letter off by the 5th or the 10th day of the month to tell them I do not want it. If I overlook writing a letter by a certain date, then under the present law it automatically accrues to me.

Why should it be possible for any public official to make money on an expense account?

Mr. SALTONSTALL. Mr. President, will the Senator yield for a question?

Mr. WILLIAMS of Delaware. I yield.

Mr. SALTONSTALL. Is the amendment that the Senator proposes the amendment that the subcommittee of the Appropriations Committee had in the bill, which was later rejected by the full committee?

Mr. WILLIAMS of Delaware. There is some change in it. I had the legislative counsel draft the amendment. I have a copy of it here. It has one major difference, and other than that it carries out the same objective, because I had the same member of the legislative counsel prepare it.

One difference is that the amendment as I shall offer it here will apply both to the House and to the Senate. The amendment I offered in the committee applied to the Senate only. There was a question raised as to whether we had jurisdiction to make it applicable on both sides of the Capitol. I understood that was one of the objections raised to the amendment as I had introduced it—that we should treat both the House and the Senate on a par.

I agree with that. I think it is a very valid point, and there is a precedent for action in this connection. Two or three years ago we agreed here in the Senate to an amendment which was dealing with junk mail, and it was made applicable to both the House and the Senate. That amendment was included in the bill as passed by the Senate and was accepted by the House in a modified form.

Today's amendments would insert new language immediately following line 17 on page 7, and on page 16 line 4, would insert identically the same language under the House authorization for their stationery allowance. Therefore, the adoption of this amendment would automatically place the same restrictions upon both Houses.

I send my amendment to the desk, and ask that it be stated.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk proceeded to read the amendment.

Mr. WILLIAMS of Delaware. I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment of Mr. WILLIAMS of Delaware is as follows:

On page 7, strike out the period at the end of line 17 and insert in lieu thereof a colon and the following:

"*Provided*, That the paragraph under the heading 'Stationery (revolving fund)' in the appropriations for the Senate in Title IV of the Foreign Aid and Related Agencies Appropriation Act, 1964 (77 Stat. 864; 2 U.S.C. 46a), is amended by adding at the end thereof the following: 'The allowance for stationery shall hereafter be available only for (1) purchases made through the Senate stationery room of stationery and other office supplies for use for official business, and (2) reimbursement upon presentation of receipted invoices for purchases elsewhere of stationery and other office supplies (excluding items not ordinarily available in the Senate stationery room) for use for official business in an office maintained by a Senator in his home State. Any part of the allowance for stationery which remains unobligated at the end of the fiscal year 1967 or any subsequent fiscal year shall be withdrawn from the revolving fund established by the Third Supplemental Appropriation Act, 1957 (71 Stat. 188; 2 U.S.C. 46a–1) and covered into the general fund of the Treasury.'"

On page 16, strike out the period at the end of line 4 and insert in lieu thereof a colon and the following:

"*Provided*, That the stationery allowance, as authorized by law, for such session or any subsequent session, shall hereafter be available only for (1) purchases made through the House stationery room of stationery and other office supplies for use for official business, and (2) reimbursement upon presentation of receipted invoices for purchases elsewhere of stationery and other office supplies (excluding items not ordinarily available in the House stationery room) for use for official business in an office maintained by a Member in his home State. Any part of the stationery allowance which remains unobligated at the end of the session for which it is available, beginning with the first session of the Ninetieth Congress, shall be withdrawn from the revolving fund established by the Legislative Branch Appropriation Act, 1948 (61 Stat. 366; 2 U.S.C. 46b–1) and covered into the general fund of the Treasury."

Mr. WILLIAMS of Delaware. This amendment does not change the definition at all of the type of stationery allowances to which we are now entitled. At the end of the year if Senator X has $1,000 or $1,500 left over and he has spent up to that amount of money back in his State all he does is submit a voucher to the Disbursing Office showing expenditures for official business and collect. On telephone calls if we have calls back in the State, we itemize them as official calls and are reimbursed under the existing law.

This amendment would use exactly the same formula. Now the only difference is that if a Senator does not use his telephone allowance, it automatically reverts to the Treasury. That is all that I am suggesting here for the stationery allowance.

The difference between this amendment and the existing law is that a Senator would be reimbursed only for actual expenditures. This is on the premise that it does not belong to the Senator if he has not spent it for office supplies. It should automatically go back to the Treasury as in the case of every other allowance that is made available for a senatorial office.

I hope that the manager of the bill is willing to accept this amendment. I hope that the Senate will support the amendment.

I had this question up for consideration last year, and the suggestion was made that we carry it over to see if the committee could work the matter out. Apparently we have not been able to work it out, and I think it is time that we settle this question.

Mr. MONRONEY. Mr. President, as the distinguished Senator from Delaware knows, the amendment leaving the current language in the bill was approved by the full committee by a rather heavy vote. The language put in the bill by the subcommittee was stricken out.

As I gather from hearing the reading of the Senator's amendment, the language he added does not include the certification and definition of necessary official expenditures as provided in the subcommittee amendment, to be provided by the Committee on Rules and Administration.

Mr. WILLIAMS of Delaware. This amendment does not change the definition at all from what is contained in the existing law. I did not think that I, as a single Senator, should tamper with that provision. If the existing law does not cover all the items some think it should, we should amend that law. But this would come under the jurisdiction of the Committee on Rules and Administration.

I am merely using the identical formula for stationery and office supplies as is now in effect under existing law. I did not change it, and I do not propose to change it. The Senator is correct.

Mr. MONRONEY. Mr. President, does the Senator propose this as one amendment or as two amendments?

Mr. WILLIAMS of Delaware. Mr. President, I was going to offer the measure as a joint amendment and ask that the two be considered together. I understand that they could be voted on separately or together. However, I think we should vote on them together.

Mr. MONRONEY. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. MONRONEY. Mr. President, may we be advised whether, if this language amends the Senate provisions on stationery allowance, and then, on page 16, amends the House language on stationery allowance, it would be considered as joint amendment?

The PRESIDING OFFICER. The amendments are two separate amendments, but the Senator can ask that they be considered together.

Mr. WILLIAMS of Delaware. Mr. President, I ask unanimous consent that they be considered together.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Delaware?

There being no objection, it is so ordered.

Mr. MONRONEY. Mr. President, I have conferred with a number of Senators who were interested in the amendment. I would like to know if they have anything to add at this time to the discussion.

Mr. STENNIS. Mr. President, will the Senator yield?

Mr. WILLIAMS of Delaware. I yield.

Mr. STENNIS. Mr. President, as I understand the situation, the Senator is offering what is, in effect, a dual amendment, but he wants the amendments to be voted on together.

Mr. WILLIAMS of Delaware. The Senator is correct. My understanding is that while the subcommittee did originally approve the language which would have dealt with the Senate only, that proposal was rejected by the full committee.

I have talked with some of the members of the committee. It is my understanding that one of the major objections to agreeing to the amendment at that time was that it dealt only with the Senate. It was felt that we should not write different rules for the House and for the Senate. I agree with that interpretation.

Mr. STENNIS. The Senator is offering the two amendments together and is requesting that they be voted on at one time. The total substance of the two amendments is that the change in the law would apply both to the Senate and the House.

Mr. WILLIAMS of Delaware. The Senator is correct. My original thought was that it would be easier to get it through the Senate first. I was advised differently, and I think that advice is quite proper. That is what I wanted to do first, and I was glad to accept the suggestion.

Mr. STENNIS. The division in the committee was not so much of what would become of the funds. The major and practical part of the division in the committee concerned the belief that if the change was going to be made, it ought to be made simultaneously in the two Houses. The Senator now proposes to do that exact thing, as I understand it.

Mr. WILLIAMS of Delaware. The Senator is correct.

Mr. STENNIS. The only reason the Senator offers his proposal as two amendments, as the Senator from Mississippi understands it, is to meet a parliamentary situation, and he is asking for a vote on both amendments at the same time.

Mr. WILLIAMS of Delaware. The Senator is correct. Under the parliamentary rules they would have to be offered as separate amendments and voted on separately. I asked for and obtained unanimous consent that the amendments be considered en bloc, so they will now be voted on together.

Mr. STENNIS. I think the sentiment of many members of the committee was that both Houses should move together, and that there would be an effort later to have some adjustment made to cover both Houses at the same time.

So in view of the Senator's position with reference to the amendments, the substance of them being one amendment, I shall support the amendment.

Mr. WILLIAMS of Delaware. I thank the Senator from Mississippi.

I emphasize again that I do not propose a change—either restricting or liberalizing—in existing rules. Nor does the amendment reduce or change the amount that is available to any individual Senator. Quite to the contrary, the Senate bill increases the allowances for the larger States. I support that position.

The Senator from Oklahoma will remember that when I was testifying before the committee I made the point that if Senators from the larger States felt that they needed a larger allowance—and I think some do need it—I would not oppose it. I am aware that we who represent the small States have the same status as Senators who represent the large States. I represent a small State, of which I am justly proud. Likewise we are all Senators of the United States. We do not represent only our individual States, but we are elected by the constituencies of our States.

The constituents of the Senators from California, New York, Rhode Island, and other States go to their respective Senators. Senators representing States having populations of several million receive a larger volume of mail and need much more money to run their offices.

I have always supported adequate allowances for senatorial offices, whether for stationery or other items essential in the official operation of the office, because I do not believe a Senator should have to dip into his pocket to defray the legitimate costs of operating his office. If there is one thing we do not want it is that the Senate develop into a rich man's club and that the people should have to consult Dun & Bradstreet to ascertain the financial rating of a candidate before they could determine whether they would support him.

I have never opposed paying the legitimate costs of operating a senatorial office, and I shall not in the future. I merely ask that any amount that is unexpended revert to the Federal Treasury.

Mr. PASTORE. Mr. President, will the Senator yield?

Mr. WILLIAMS of Delaware. I yield.

Mr. PASTORE. I know that the Senator was merely exercising some deference toward the Senator from Rhode Island by placing Rhode Island alongside New York and California. But the Record should show that Rhode Island would not benefit by any increase in funds. Rhode Island is one of the smaller States.

Mr. WILLIAMS of Delaware. I realize that, but I am sure that the Senator from Rhode Island will agree with my statement that Senators from the large States do need extra money.

Mr. PASTORE. Yes, I agree.

Mr. WILLIAMS of Delaware. I fully support such a proposal.

Mr. PASTORE. There is no question about that.

Mr. WILLIAMS of Delaware. Yes. I support such increases for such States on their requirements. At the same time I would defend, and be the first to defend, the rights and prestige of the small States. I am not belittling or downgrading the small States.

Mr. COTTON. Mr. President, will the Senator yield?

Mr. WILLIAMS of Delaware. I yield.

Mr. COTTON. I am in sympathy with the Senator's purpose of having unused allowances returned to the Treasury. The Senator might well consider adding to his amendment—or at least the Senate should consider such a proposal—a provision to reimburse those who use more than their allowance, and who must use their own money to make up the difference.

Twenty years ago, when I was serving my first term in the House of Representatives, I began preparing and sending home reports to my constituents in the form of newsletters. At that time, it was not a general practice. I doubt whether there were more than 15 or 20 Members of the House of Representatives who sent them. Over the years, however, it has become a general if not a universal practice; and I believe that a majority of the Members of both branches of Congress send home a newsletter, a report or information in some form to the people in their States as to what is taking place in Congress—and, incidentally, the viewpoint of their Senators or Representatives on issues of vital interest.

Having pioneered in this field and developed it, I admit that perhaps the Senator from New Hampshire does it on a more widespread basis than many other Members of Congress.

But through the years, this Senator has prepared and maintained an up-to-date mailing list. It is not a political mailing list. It contains, as far as possible, the names of every teacher, every clergyman, every farmer, every banker, and other categories in his State, regardless of their party affiliations. He has maintained this list to the point that now, every 2 weeks, while the Senate is in session, he sends approximately 95,000 to 100,000 copies of the reports, addressed to families or individuals in New Hampshire.

It is the contention of this Senator that such a practice is beneficial to the people, particularly the young people in the schools. Incidentally, each of my colleagues from my own State—my distinguished colleague, Senator McIntyre, and both our Representatives—follow the same practice. I do not know in what numbers their reports are mailed.

But let this be known: The maintaining and keeping up to date of an accurate mailing list—bearing in mind that we cannot broadcast our material as the House does, addressed to "Boxholder"—involves expense for which I am sure I would not, and I am sure no one would, expect to be reimbursed. The fact remains that just the buying of the plates for the Addressograph, alone, places an extremely heavy drain on our stationery allowance.

Prior to World War II, every Senator was allowed as much paper for offset printing and envelopes as he needed. During World War II, when it was necessary not only to conserve paper but also to lessen the burden on the mails, that amount was reduced, so that a Senator had the privilege of using 10,000 sheets of paper and 10,000 envelopes a month.

Five years ago, this Senator began to complain to the committee and to his floor leader and to the Policy Committee, asking that the allowance be liberalized.

I well remember the day that my distinguished colleague, the minority leader, came to me and said that he had secured all my desires. He had arranged for the 10,000 sheets a month to be increased to 15,000 sheets a month. My requirement of 95,000 to 100,000 twice a month means a total of 190,000 to 200,00 each month. I checked in my office before I came here, and I discovered, I might add, that this is done not just in election years, but also in every year of the six-year term, as far as I am concerned that in fiscal 1966, this Senator had to pay into his stationery account just one check of $1,250 from his own pocket as well as other amounts throughout the years, for the excess of necessary paper and envelopes that he needed to purchase.

The amendment of the distinguished Senator from Delaware is not of much concern to this Senator, because since the first year I served in Congress, 20 years ago, I have never failed to exceed my stationery allowance, for the reasons just stated.

I suspect that the Senator whom I see on his feet now will have something to say about this matter.

It seems to me that if it is to be provided—and properly so—that unused stationery allowances revert, I believe that at the same time, in justice to the Senate and in justice to the people who benefit by all the information that comes from the Capitol—from the men and women who represent them in the Congress—Senators and Representatives should be permitted a larger allowance, as long as they take it in stationery items, in paper or envelopes, and use it.

Mr. WILLIAMS of Delaware. I thank the Senator for his remarks. I am not in disagreement with what he has said. The adoption of this amendment certainly would not affect him.

As to the allowances, I said earlier, and I repeat again, that I am not opposing the increase in the stationery allowance for some of the larger States. I do not know whether this increased allowance affects the Senator's State or not.

I believe that the Federal Government should underwrite the official costs of our offices. All I am saying is that if there is some left over it should not go into the pocket of a Senator or Congressman.

I agree with what the Senator has said. This would not change the use of this money for stationery and office supplies at all. It would not change that point one iota.

Since I have been in the Senate, if I recall correctly, the first allowance was either $300 or $500; this was about 20 years ago. I am now allowed $2,400. When this allowance was raised from $1,800 to $2,400, I supported it. I said that I did not need it for my office, but those States that did need it could use it. I said that as to those offices that did not need it it would not cost any more money; it would merely increase the amount refunded to the Treasury. I believe that should be the principle on which we should operate.

To the extent that any part of this allowance is not used for the purpose for which it was intended—namely, the purchase of office supplies and stationery for official use—we have no right to claim it.

The adoption of this amendment would require us to produce vouchers showing purchases of such official supplies before we could be reimbursed.

So long as the money is spent to conduct the official business of our offices I have no objection to this money being used, and the adoption of this amendment would not change one dime, either way, the position of the Senator from New Hampshire, as he has outlined it.

Mr. COTTON. I would like to add one point with regard to the folding room.

I wish to say, for the record, that I commend the people who work in and who operate the folding room, who print and stuff and mail the material sent out by the Members of the Senate. I wish to commend them because they work long hours, they are most accommodating when one is eager to get something out, and they are dedicated to doing a good job.

In all the years I have been in the Senate, I have never seen the slightest tendency to discriminate in the folding room. I believe that a minority Republican receives exactly the same consideration and the same attention as a majority Democrat—even the same as the leadership—and I am grateful for that.

However, I have observed that some delays are being experienced at present in handling the huge volume of material passing through the folding room. It is my conviction that they now are understaffed, and I feel strongly that adequate provision should be made for sufficient personnel to maintain the high standard of efficiency of this excellent facility.

It is fine to save a few hundred dollars and turn it back into the Treasury, and I commend any Senator who wishes to see that that is done. However, it is a matter of legitimate interest to the people of this country to know, directly from us, and not from some columnist or some television commentator, what is actually going on in the Senate. The people of our States have a right to know what is going on and what our position is on various matters. The young people of our States have a right—it is beneficial to them—to be in direct communication with and have information from their Senators and Representatives.

I have spoken about this for years. I hope that with all this furor about the stationery allowance, we show our constituents a little more consideration. If we adopt this amendment—to which I could not possibly object, because it would not affect me—I believe that at the same time Senators should not be scrimped with respect to the number of sheets of paper they can have to communicate with their constituents.

Mr. WILLIAMS of Delaware. Mr. President, I ask for the yeas and nays on my amendment.

The yeas and nays were ordered.

Mr. HOLLAND and Mr. BARTLETT addressed the Chair.

Mr. WILLIAMS of Delaware. Mr. President, I yield to the Senator from Alaska [Mr. BARTLETT], and then I shall yield to the Senator from Florida [Mr. HOLLAND].

Mr. BARTLETT. Mr. President, the Senator, by asking for the yeas and nays, anticipated what I was about to say, because I was about to make that inquiry of him.

In discussing this amendment briefly, I wish to say that the Senator from New Hampshire [Mr. COTTON] could have added to his remarks the reference to his newsletter that it is sent out on a nonbipartisan basis.

I have been a happy recipient since the days of long ago when I had not a single gray hair. American journalism or literature, or both, would have been the loser or losers. It is one of the wittiest columns, as well as one of the most observant columns I have ever read.

I wish to say to the Senator from Delaware [Mr. WILLIAMS], whose State, together with mine, goes to make up the two largest States in the Union, that my interest in the stationery allowance is academic because each year I succeed in overdrawing my account and, therefore, I am required to pay into the fund instead of otherwise.

I wish to explain to the Senator why I am going to vote against the amendment. I shall vote against the amendment for the simple reason, the main reason, and the only reason that I have a very profound belief that it is our business to take care of our business here in the Senate and we should allow the House of Representatives to take care of its own business. I cannot, by my vote, seek to regulate the affairs and business of the House of Representatives. Were this amendment to apply only to the Senate, I would clearly vote with the Senator from Delaware [Mr. WILLIAMS].

Mr. WILLIAMS of Delaware. Mr. President, I yield to the Senator from Florida.

Mr. HOLLAND. Mr. President, I have always felt that the allowance for stationery was being properly interpreted by Senate officials in that they be permitted out of that allowance reimbursement to be made for such things as radio clips made in communicating with our people back home, television films for the same purpose, newspaper subscriptions for local newspapers, or newspapers from our States, so that communication could be preserved between our offices and the people of our States.

I have found repeatedly that in newspapers, for instance, in the editorials, news columns, and in the contributors' columns, that there are items that lead to correspondence and contacts between my office and my people back home.

I found through the years also that it is very useful to use television and radio. As a rule, the radio stations are glad to give the time as a contribution in the interest of public service. The making of television films and radio clips is an expensive business, as well as the expense that is involved of sending them back and forth.

I wonder if the Senator, by his amendment, means to preclude any of these activities being paid out of the stationery fund which, as I said in the beginning, has been interpreted as being designed to permit our communications, free and ample, between the offices of Senators in Washington and their constituents in the States they represent.

Mr. WILLIAMS of Delaware. I could not answer the question of the Senator except to say that the amendment is drawn so as not to change in one iota the present definition of approved allowances. It may or may not be permissible, but if it is, it is; and if it is not, it is not. I was advised that if I tried to change the definition of existing law to expand or restrict it would be legislation subject to a point of order.

I tried to follow the definition of stationery and office supplies as it is and always has been interpreted so that it would not change in one iota the present law. If present law does not cover some item that should be covered, then the rules could be changed. I speak with reference to the Senator's remarks with regard to radio clips; I would make a guess that they would not be covered because I doubt if radio clips were heard of at the time that these rules were made. Radio clips have been developed in recent years.

The Committee on Rules and Administration outlines the definitions. I made no effort to change in any way the existing definitions. I had no intention of doing so and am specifically trying to stay away from that argument.

Mr. HOLLAND. I appreciate the Senator explaining that the amendment makes no provision for such activities as I mentioned and such activities as mentioned by the Senator from New Hampshire [Mr. COTTON], who has followed a custom which is followed by most Senators. I have a biweekly letter, as does he.

I cannot support the amendment of the Senator.

Mr. WILLIAMS of Delaware. Stationery and office supplies for official use are covered. The point of the Senator from New Hampshire [Mr. COTTON] was that he was spending more than his allowance. This does not increase or reduce his allowance. Certainly the paper on which his letters are printed is stationery. That is clear.

Mr. HOLLAND. The Senator spoke of the Address-O-Graph and other expenses in connection with his letter.

Mr. WILLIAMS of Delaware. I could not answer that point. I do not know how far that is covered. The rejection of the amendment will not cover them if they are not covered. The stationery allowance as now provided is not changed.

If there is something that should be covered that is not covered, the Committee on Rules and Administration should be approached and the rules changed. I did not intend to change the rule to expand or restrict them under my amendment.

Mr. HOLLAND. I am sorry that the Senator from Delaware [Mr. Williams] insists upon such strict wording in his amendment and in his interpretation because it seems to me that the expenses in connection with sending newsletters, such as the addressograph and plates, are fully covered and should be covered; they are not stationery and cannot be bought at the stationery store.

As to the other items, even though radio clips and television films were not known of at the time the original wording was set up, they have been allowed under the practice of the Senate. It is apparent that the Senator does not think they should be provided for.

Mr. WILLIAMS of Delaware. The Senator from Florida misunderstood me.

Mr. HOLLAND. I think that the wording is too strict and I think that the intention of the Senator is too strict. He goes a good deal further in restricting the requirement than it has been interpreted, which is to allow for communications generally between the Senator and his constituents.

Mr. WILLIAMS of Delaware. The Senator has misunderstood. I did not place a strict or liberal interpretation on the present law. I am not trying to interpret existing law. I am leaving that matter as it is.

The only purpose of the amendment is to provide that if there is any part of the stationery allowance on June 30 which a Member of the Senate has that was not used for the purposes outlined under the present law it automatically goes back to the Federal Treasury.

Why should it not? Otherwise, it would go into our pockets. This is not the way to supplement our salaries. The adoption of the amendment would not eliminate the payment of a single item permissible today under existing law when such is needed in the official discharge of the duties of our offices.

Mr. YOUNG of North Dakota. Mr. President, will the Senator from Delaware yield?

Mr. WILLIAMS of Delaware. I yield to the Senator from North Dakota.

Mr. YOUNG of North Dakota. Mr. President, the Senator from Florida [Mr. Holland] has brought up an important item of the expense of running a Senate office, that of newspaper subscriptions. I consider getting the newspapers from my home State to be an important part of my business. It is important to me to know what is going on in North Dakota and what people back home are thinking.

Since I have served in the Senate, I have subscribed to all the daily newspapers, and most of the weekly newspapers published in North Dakota. Each year, out of my own pocket, I spend approximately $750 for newspapers. This would amount to more than $15,000 during the years I have been a Member of the Senate. This is a legitimate office expense, but it is one which we have to pay out of our own pockets.

It makes little difference to me whether this motion is passed or defeated.

I usually spend little more than the amount of my stationery account and occasionally I withdraw a small amount at the end of the year.

Mr. HOLLAND. Mr. President, will the Senator from Delaware yield further?

Mr. WILLIAMS of Delaware. I yield.

Mr. HOLLAND. The Senator from North Dakota is calling attention to exactly the same experience that I have had. The payments that he has had at the end of the year, which have always been small, have not begun to reimburse him for the contributions he has made by way of expenditures on newspaper subscriptions, radio clips, and television films. They are a necessary part of communicating with the people of our States to find out what the people are thinking and to be able to respond to them in kind. This has as much to do with representing the people of our States as the buying of ordinary white paper, with nothing on it, from the stationery store.

Mr. WILLIAMS of Delaware. Mr. President, I shall be brief. I am ready to vote. If newspapers are not in today they are not in tomorrow. This does not put any item in or out. It does not change existing law one iota. It makes an allowance for the payment of purchases of stationery and office supplies such as are allowed today. The amendment would also provide for reimbursement upon presentation of the receipted invoices of purchases made elsewhere of these same items.

If these purchases are made in the Senator's home State they are covered. I repeat, we are not trying to restrict them, but leave them as outlined under existing law.

All that my amendment would provide is that that part which is not used to pay for the purchase of supplies and stationery for the office as defined in the law, will go back into the Federal Treasury. It would not go into my pocket or any other Senator's pocket as extra compensation.

The answer is simple.

Mr. President, I ask unanimous consent to have printed in the Record my statement, which is similar to that received by other Senators at the end of each year showing their balances.

All that this statement needed was my signature, and the $1,521.69 would have been mine. Why?

Congress has asked the American businessman to render a full accounting of his expense accounts. Why should Members of Congress not do likewise?

There being no objection, the statement was ordered to be printed in the Record, as follows:

The Senate of the United States

To: Hon. John J. Williams, U.S. Senator.

For commutation of allowance for stationery for the fiscal year ending June 30, 1966:

By amount of allowance from July 1 to June 30, 1966	$2,400.00
To stationery furnished in kind	878.31
Balance	1,521.69

Certified correct:

Harry F. Sonnenberg,
Keeper of Stationery.

Acknowledged correct:

——— ———,
United States Senator.

Approved:

——— ———,
Chairman, Committee on Rules and Administration.

The **PRESIDING OFFICER.** The question is on agreeing to the amendments of the Senator from Delaware [Mr. Williams].

On this question, the yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. LONG of Louisiana. I announce that the Senator from Indiana [Mr. Bayh], the Senator from Illinois [Mr. Douglas], the Senator from Alaska [Mr. Gruening], the Senator from Arizona [Mr. Hayden], the Senator from Ohio [Mr. Lausche], the Senator from Arkansas [Mr. McClellan], the Senator from South Carolina [Mr. Russell], the Senator from Georgia [Mr. Russell], the Senator from Florida [Mr. Smathers], and the Senator from Texas [Mr. Yarborough] are necessarily absent.

I also announce that the Senator from Tennessee [Mr. Bass], the Senator from Tennessee [Mr. Gore], and the Senator from Indiana [Mr. Hartke] are absent on official business.

I further announce that if present and voting, the Senator from Illinois [Mr. Douglas] would vote "yea."

Mr. KUCHEL. I announce that the Senator from Colorado [Mr. Allott], the Senator from New Jersey [Mr. Case], the Senator from Idaho [Mr. Jordan], the Senator from Iowa [Mr. Miller], and the Senator from Kansas [Mr. Pearson] are necessarily absent.

The Senator from Illinois [Mr. Dirksen] is detained on official business.

If present and voting, the Senator from Colorado [Mr. Allott], the Senator from Idaho [Mr. Jordan], the Senator from Iowa [Mr. Miller], and the Senator from Kansas [Mr. Pearson] would each vote "yea."

The result was announced—yeas 56, nays 25, as follows:

[No. 165 Leg.]

YEAS—56

Aiken
Bennett
Boggs
Brewster
Burdick
Byrd, Va.
Byrd, W. Va.
Carlson
Church
Clark
Cooper
Cotton
Curtis
Dominick
Eastland
Ellender
Fannin
Fong
Fulbright
Griffin
Harris
Hickenlooper
Hill
Hruska
Jackson
Javits
Kuchel

Magnuson
Mansfield
McIntyre
Mondale
Monroney
Montoya
Morse
Morton
Mundt
Murphy
Nelson
Neuberger
Pastore
Pell
Prouty
Proxmire
Randolph
Ribicoff
Robertson
Saltonstall
Simpson
Sparkman
Stennis
Symington
Thurmond
Tower
Tydings
Williams, N.J.
Williams, Del.

NAYS—25

Anderson
Bartlett
Bible
Cannon
Dodd
Ervin
Hart
Holland
Inouye
Jordan, N.C.
Kennedy, Mass.
Kennedy, N.Y.
Long, Mo.
Long, La.
McCarthy
McGee
McGovern
Metcalf
Moss
Muskie
Scott
Smith
Talmadge
Young, N. Dak.
Young, Ohio

NOT VOTING—19

Allott
Bass
Bayh
Case
Dirksen
Douglas
Gore
Gruening
Hartke
Hayden
Jordan, Idaho
Lausche
McClellan
Miller
Pearson
Russell, S.C.
Russell, Ga.
Smathers
Yarborough

So the amendments of Mr. Williams of Delaware were agreed to en bloc.

Mr. MONRONEY. Mr. President, I ask for the third reading of the bill.

The PRESIDING OFFICER. If there be no further amendments to be proposed, the question is on the engrossment of the amendments and the third reading of the bill.

The amendments were ordered to be engrossed, and the bill to be read a third time.

The bill was read the third time.

The PRESIDING OFFICER. The bill having been read the third time, the question is, Shall it pass?

The bill (H.R. 15456) was passed.

Mr. MONRONEY. Mr. President, I move to reconsider the vote by which the bill was passed.

Mr. SALTONSTALL. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. MONRONEY. Mr. President, I move that the Senate insist on its amendments, and request a conference with the House of Representatives on the points of disagreement, and that the Chair appoint conferees on the part of the Senate.

The motion was agreed to, and the Presiding Officer (Mr. McGovern in the chair) appointed Messrs. Monroney, Bartlett, Proxmire, Yarborough, Hayden, Saltonstall, Young of North Dakota, and Kuchel conferees on the part of the Senate.

Mr. MANSFIELD. Mr. President, with typical calm efficiency, the distinguished senior Senator from Oklahoma [Mr. Monroney] steered the legislative appropriations measure to swift and overwhelming Senate approval. We are grateful always for the competence and skill he applies to all legislative proposals. The prompt success of this measure was just another in a long line of achievements obtained by Senator Monroney's extremely capable talents.

I emphasize, moreover, the highly cooperative efforts of the distinguished senior Senator from Massachusetts [Mr. Saltonstall] who, as the ranking subcommittee member, joined to assure the Senate's overwhelming support. Senator Saltonstall consistently serves this body, and indeed the Nation, with deep devotion and unstinting dedication. His selfless and gracious cooperative work on this appropriation measure was certainly characteristic. We are grateful.

And to the distinguished Senators from Mississippi [Mr. Stennis] and Nevada [Mr. Cannon] as well as to the distinguished Senators from Maryland [Mr. Tydings] and Delaware [Mr. Williams] goes high commendation for assisting the efficient passage of this measure and for offering their clear and articulate views on some of its important features.

Finally, to the Senate as a whole, I am once again grateful for swift yet orderly and thoughtful action on this proposal today. We all may be proud of another fine achievement.

ORDER FOR ADJOURNMENT

Mr. MANSFIELD. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in adjournment until 12 o'clock tomorrow.

The PRESIDING OFFICER. Without objection, it is so ordered.

LEGISLATIVE PROGRAM

Mr. MANSFIELD. Mr. President, for the information of Senators, tomorrow we will take up Calendar No. 1342, H.R. 4665, relating to the income tax treatment of exploration expenditures in the case of mining, in which Senators Long, of Louisiana, Gore, Hartke, Randolph, Morton, Metcalf, and Dominick are interested; and Calendar No. 1367, S. 2097, providing for judicial review of the constitutionality of grants or loans under certain acts, in which Senators Ervin, Javits, and Hart, are interested.

This will put Senators on notice that these measures will be brought up.

TRIBUTE TO SENATOR FULBRIGHT AND MEMBERS OF STAFF OF FOREIGN RELATIONS COMMITTEE

Mr. MORSE. Mr. President, each year when we have under consideration a foreign aid appropriation, or authorization, we hear it said that serving as floor manager of aid legislation is a thankless job. This year that seems to be more true than usual. Although we have spent 8 full, wearing days on this legislation, there have been none of the customary encomiums and lavish tributes distributed among managers, opponents, and staff members which usually accompany passage of a difficult piece of legislation.

What has been said has appeared in the press columns and it has been abuse directed at the Senator from Arkansas because he could not salvage everything in the most unpopular legislation the Senate considers.

Of course, these editorial writers and columnists who are longtime sycophants of foreign aid write with pens dipped in their great reservoirs of ignorance. They live in oblivion to the rising distrust of the aid program as a means of furthering sound foreign policy. They have conveniently ignored the changes in the world in the last 2 or 3 years and the changes in the American position in the world. They conveniently ignore the fact that around the neck of foreign aid legislation hang the albatrosses of every foreign policy mistake the United States has made from one end of the world to the other.

But the people and the Senate have not ignored them. These gratuitous press comments conveniently ignore the President's press conference which coincided with the opening of the debate on the economic aid bill, where the President of the United States blamed Congress for excessive spending. That press conference was widely interpreted on this floor as an invitation to cut the aid program, and yet the Senator from Arkansas is blamed by the press for not sustaining support for economic aid.

I think it also appropriate to mention that of all Senators who serve as floor managers of legislation, the Senator from Arkansas [Mr. Fulbright] alone serves without the benefit of unanimous consent agreements. That is because for several years I have objected to unanimous consent agreements in the consideration of foreign aid. I shall continue to so object. Perhaps it is a burden to its expedition in the Senate; but we need more, not less, debate and consideration of foreign policy matters and this legislation is the only meaningful vehicle we have for such debate. Foreign aid above all other measures should be considered free from the guillotine of unanimous consent agreements.

The floor manager of this bill, Senator Fulbright, has labored here diligently day after day. He has not turned over his onerous task to someone else, though if he did, there would be no more critical press comments about his work. His patience in the face of interruptions, delays, and unexpected debates and snags has been monumental, as it always is.

But his biggest burden is the bill he has to conduct through the Senate. It is a bad program; it is ill-conceived and poorly managed and the Senate knows it. The American people have been supporting it for nearly 20 years and now the results are coming in at a critical time in our history and the public does not like what it sees. It does not like coming to realize that we have spent over $116 billion of its money in a so-called foreign aid program; and the people are now recognizing that a great deal of it was wasted. They recognize that the Comptroller General, in report after report, has made clear to Congress the inefficiencies and waste of foreign aid. Yet Congress continues to waste the taxpayers' money by the passage of bills on foreign aid, without cutting them down to the size they ought to be cut down to. What we are not quite sure of is what to do about it. The Senator from Arkansas did much in committee to try to improve this measure so that when it came to the floor it would not be damaged any more than it was.

My votes against these two foreign aid bills in no way diminishes my respect for the way in which the chairman of our committee has sought to salvage as much as could be salvaged from a bad program. In light of the lack of interest from the administration, he has saved more of the program than I think deserved to have been saved, and certainly more than the program itself deserved.

Mr. President, I not only want to express my appreciation to the Senator from Arkansas for his leadership in connection with this bill, but I wish to pay high tribute, Mr. President, to Senator FULBRIGHT's outstanding statesmanship in Congress in connection with his work as chairman of the Senate Foreign Relations Committee. I also want to express my thanks to the staff of the Foreign Relations Committee who have helped me greatly in connection with the aid legislation, especially the staff director, Carl Marcy, and committee counsel, Norvill Jones.

But to the entire staff of the Foreign Relations Committee, I say that the RECORD should show they have performed outstanding work in carrying out the responsibilities of their appointments. Particularly, Mr. President, the Senator from Arkansas [Mr. FULBRIGHT] deserves, in my opinion, not only the words of praise that I have spoken about him this afternoon, but he also deserves the gratitude of the U.S. Senate for his leadership as chairman of the Committee on Foreign Relations.

ADJOURNMENT

Mr. MONRONEY. Mr. President, if there be no further business to come before the Senate, I move that the Senate adjourn until 12 o'clock noon tomorrow.

The motion was agreed to; and (at 4 o'clock and 47 minutes p.m.) the Senate adjourned, in accordance with the previous order, until 12 o'clock meridan tomorrow, Friday, July 29, 1966.

NOMINATION

Executive nomination received by the Senate July 28, 1966:

DIPLOMATIC AND FOREIGN SERVICE

W. Alexis Johnson, of California, a Foreign Service officer of the class of career ambassador, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to Japan.

* * *

HOUSE OF REPRESENTATIVES

Thursday, July 28, 1966

The House met at 12 o'clock noon.

Rabbi Nathan Goodman, Monticello Orthodox Synagogue, Congregation Tifereth Israel, Monticello, N.Y., offered the following prayer:

אבינו שבשמים

Our Father who art in heaven: We invoke Thy blessing upon our country, the President of these United States, and all those who exercise just and rightful authority.

Help us today, and every day, to be worthy of our rich heritage—this land of the free, and home of the brave. Let Thy light penetrate our midst, so that these dedicated men of the House of Representatives may recognize their duties through the fog of our times. Grant them courage, so that they may be persevering in fulfilling our responsibilities to all countries threatened with the loss of democracy, despite the cost and sacrifice.

Grant that these blessed United States of America may ever serve as a beacon light for liberty-loving people the world over. May freedom and equality, brotherhood and peace fill our land, as the waters cover the sea. אמן

THE JOURNAL

The Journal of the proceedings of yesterday was read and approved.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Arrington, one of its clerks, announced that the Senate had passed without amendment bills of the House of the following titles:

H.R. 12389. An act to increase the amount authorized to be appropriated for the development of the Arkansas Post National Memorial; and

H.R. 15225. An act to amend section 15d of the Tennessee Valley Authority Act of 1933 to increase the amount of bonds which may be issued by the Tennessee Valley Authority.

The message also announced that the Senate had passed, with amendments in which the concurrence of the House is requested, bills of the House of the following titles:

H.R. 13277. An act to amend the Revised Organic Act of the Virgin Islands to provide for the reapportionment of the Legislature of the Virgin Islands.

The message also announced that the Senate had passed bills of the following titles, in which the concurrence of the House is requested:

S. 1237. An act to encourage the creation of original ornamental designs of useful articles by protecting the authors of such designs for a limited time against unauthorized copying;

S. 3238. An act for the relief of Miss Matsue Sato;

S. 3254. An act to amend sections 2072 and 2112 of title 28, United States Code, with respect to the scope of the Federal Rules of Civil Procedure and to repeal inconsistent legislation; and

S. 3583. An act to promote the foreign policy, security, and general welfare of the United States by assisting peoples of the world in their efforts toward internal and external security.

The message also announced that the Senate disagrees to the amendments of the House to the bill (S. 3034) entitled "An act to authorize the Secretary of the Interior to engage in feasibility investigations of certain water resource development proposals, requests a conference with the House on the disagreeing votes of the two Houses thereon, and appoints Mr. JACKSON, Mr. ANDERSON, Mr. CHURCH, Mr. KUCHEL, and Mr. ALLOTT to be conferees on the part of the Senate.

THE WISCONSIN MAJOR LEAGUE BASEBALL DECISION

Mr. STALBAUM. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The SPEAKER. Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

Mr. STALBAUM. Mr. Speaker, the Wisconsin Supreme Court, in a 4-to-3 decision yesterday, dismissed Wisconsin's case against major league baseball and the Atlanta Braves.

Several items in their decision are worthy of brief comment: First, baseball is a monopoly; second, because it operated throughout the Nation, Wisconsin was powerless to enforce its own antitrust law; third, the silence of Congress indicated that Congress was content to let baseball police itself.

As one reviews yesterday's decision, one cannot but note the existing vacuum in law which protects the baseball monopoly. As the court indicated, Wisconsin is powerless to act; the 1922 U.S. Supreme Court decisions, which still apply, deny the Federal Government the right to act; and Congress, by its silence since then, has indicated that baseball should police itself, free from government action at either the Federal or State level.

On January 25, 1965, I introduced H.R. 3412, which would have included organized baseball under the antitrust laws. In view of the Wisconsin decision, I believe the Congress should now proceed to hold hearings and pass this bill. To say that baseball is a monopoly which operates from coast to coast but that it should not be regulated by antitrust laws is totally inconsistent.

Municipalities throughout the country have built large stadiums on the premise that major league baseball teams as tenants would provide a substantial part of the stadium's revenue. Baseball, by its action in Milwaukee, has indicated that it feels no obligation to a community.

To those Congressmen who have baseball teams playing in publicly financed stadiums, watch out. Your turn may be next.

COMMITTEE ON AGRICULTURE

Mr. ALBERT. Mr. Speaker, I ask unanimous consent that the Committee on Agriculture may have until midnight Saturday, July 30, to file a report on H.R. 13361.

The SPEAKER. Is there objection to the request of the gentleman from Oklahoma?

There was no objection.

DO SO-CALLED CIVIL RIGHTS GROUPS MARCH IN SUPPORT OF THEIR COUNTRY?

Mr. HAYS. Mr. Speaker, I ask unanimous consent to address the House for 1 minute, to revise and extend my remarks, and to include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from Ohio?

There was no objection.

Mr. HAYS. Mr. Speaker, I have here a sheet from the New York Times of Tuesday of this week, and today's Washington Daily News, both of which tell about an American airman who escaped from a Communist prison camp with a companion, only to see his companion caught and beheaded by the North Vietnamese.

Mr. Speaker, in the same issue of both papers there is told the story about the North Vietnamese troops shooting all of the wounded they could find who moved—all of the wounded American marines they could find that were moving, or who showed any signs of life whatsoever.

Mr. Speaker, they methodically went around and shot them.

Mr. Speaker, I have not seen a single item in the press or on television or in any other information or news media with reference to any of these "beatniks," "peaceniks," "beardniks," or whatever kind of "niks" they are, protesting about these atrocities.

Mr. Speaker, they will march at the slightest provocation over a phony photograph from North Vietnam against the United States; they will march against their own country. But when these kinds of atrocities occur as seen here, would one of these outfits, or one of these members from the famous—or infamous—groups such as Stokely Carmichael represents, see fit to march to protest this kind of brutality.

I ask this body and I ask them—are they Americans? Are they traitors? What kind of people are they? Does this war have two sides or is it only one-sided and we are always wrong in the minds of these characters who find refuge and freedom in this country?

SHELVE THE "HIGH INTEREST ACT OF 1966"

Mr. **WIDNALL**. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The **SPEAKER**. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

Mr. **WIDNALL**. Mr. Speaker, the "High Interest Act of 1966," otherwise known as the Participation Sales Act, should be laid aside during this period of acute crisis in home mortgage financing. The first offering, on June 9, of participations under that act led the upward parade of interest costs on Federal agencies to a new 45-year high when the participations with maturities of 2 to 5 years were offered on a 5.75-percent yield basis.

I have today introduced H.R. 16615 which for a period of 1 year would prohibit the sale of participations by Fannie Mae other than those issued with respect to housing mortgages held by the Veterans' Administration or the Federal National Mortgage Association. This bill will implement one of the recommendations of the Republican members of the Banking and Currency Committee contained in their joint statement of July 25 calling for "immediate suspension" of any further issues of Fannie Mae participation sales other than for VA and FHA pooled housing mortgages.

Mr. Speaker, the crisis in home mortgage financing is so acute that every dollar that Fannie Mae can raise in the capital markets should go to alleviating this acute shortage of credit in home financing. We simply cannot allow Fannie Mae to serve as a "Federal hockshop" in financing the needs of other Government agencies to achieve budgetary gimmickry.

The other Republican members of the Banking and Currency Committee, together with the House Republican policy committee, join with me in calling for immediate action on this bill. It is one step the Congress can take to help alleviate the critical money mortgage crisis existing today. Fannie Mae is a home mortgage market facility. We should preserve its basic purpose.

THE BREAD TAX

Mr. **FINDLEY**. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The **SPEAKER**. Is there objection to the request of the gentleman from Illinois?

There was no objection.

Mr. **FINDLEY**. Mr. Speaker, contrary to widespread misconception, the bread tax was not repealed last year by Congress. Although an increase in the bread tax was rejected, the Congress retained the same tax enacted the year before.

The bread tax was the first revenue measure requested under the administration of President Johnson. It was enacted in 1964 and is still on the books.

Bread and other wheat-food products are being taxed at the annual rate of over $375 million.

The tax takes the form of a processing charge made against wheat milled for human consumption. Curiously, wheat for babies—and other people—is taxed but not wheat for hogs or chickens.

The tax is 75 cents for each bushel of wheat and of course becomes a part of the cost of ingredients for bread and other flour products. It amounts to 1.4 cents per 1-pound loaf of bread.

Due to rising costs in manufacturing, including wheat, flour prices have increased about 15 percent in the past year. Bread is up nearly 2 cents a loaf—this increase being almost precisely the value of the bread tax.

During consideration of last year's farm bill I offered an amendment to strike the bread tax completely—not just the proposed increase which would have boosted the processing fee from 75 cents to about $1.30 per bushel.

I argued that the bread tax hits low-income people hardest because bread and other wheat products become more important diet items as family income goes down. Department of Agriculture statistics show dramatically that the volume of wheat products in a person's diet responds in inverse ratio to income.

Those penalized the most by this unconscionable tax are poor people and elderly people on fixed incomes who are least able to fight back against inflation.

It is in effect a tax on poor people and, as such, an antipoverty program in reverse. Of all the multitude of costly farm programs, the wheat program is the only one financed by a processing tax. I have never been able to comprehend why daily bread should be singled out for this harsh treatment. The cost of the wheat program, like that of all other farm programs, should be spread among all taxpayers and not loaded unfairly on those least able to pay.

Therefore, I have today introduced a bill to repeal the entire bread tax effective immediately. Wheat millers would not be required to pay the tax and the cost of the program would be financed from general revenue. The price of wheat to farmers would not be affected. With bread prices up, and other living costs still climbing, the tax is even more indefensible than it was when enacted 2 years ago.

THE AIRLINE STRIKE

Mr. **KORNEGAY**. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The **SPEAKER**. Is there objection to the request of the gentleman from North Carolina?

There was no objection.

Mr. **KORNEGAY**. Mr. Speaker, I am introducing today a joint resolution which could guarantee immediate resumption of air service by the five major airlines struck by the International Association of Machinists on July 8.

My resolution, Mr. Speaker, will provide for immediate resumption of airline services so vital to our Nation's health, safety, and defense, while the parties to the dispute attempt to resolve the issues through collective bargaining.

In my judgment, this resolution should be enacted promptly so that our economy can begin to move forward again and so that the many thousands of people who depend on air services may once again enjoy the benefits of air travel.

This resolution would allow air service operations to be resumed immediately and without resorting to seizure of the airlines and without the onus of compulsory arbitration.

The President has publicly stated that all available legal means to end this strike have failed to bring about a settlement. The Congress must and should act quickly in this time of crisis. I ask prompt and unanimous adoption of this resolution.

CALL OF THE HOUSE

Mr. **GERALD R. FORD**. Mr. Speaker, I make the point of order that a quorum is not present.

The **SPEAKER**. Evidently, a quorum is not present.

Mr. **ALBERT**. Mr. Speaker, I move a call of the House.

A call of the House was ordered.

The Clerk called the roll, and the following Members failed to answer to their names:

[Roll No. 184]

Andrews, Glenn
Baring
Callaway
Clevenger
Dawson
Duncan, Oreg.
Edwards, La.
Ellsworth
Evins, Tenn.
Fulton, Pa.
Green, Oreg.
Greigg
Henderson
Jones, Mo.
Keo
King, N.Y.
Landrum
McEwen
McMillan
Martin, Ala.
Martin, Mass.
Michel
Miller
Mills
Moeller
Morrison
Multer
Murray
Nedzi
Pool
Powell
Rivers, Alaska
Scott
Teague, Tex.
Toll
Trimble
Tuten
Watkins
Weltner
Willis
Young

The **SPEAKER**. On this rollcall, 391 Members have answered to their names, a quorum.

By unanimous consent, further proceedings under the call were dispensed with.

CIVIL RIGHTS ACT OF 1966

Mr. **CELLER**. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the State of the Union for the further consideration of the bill (H.R. 14765) to assure nondiscrimination in Federal and State jury selection and service, to facilitate the desegregation of public education and other public facilities, to provide judicial relief against discriminatory housing practices, to prescribe penalties for certain acts of violence or intimidation, and for other purposes.

The motion was agreed to.

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the further consideration of the bill, H.R. 14765, with Mr. BOLLING in the chair.

The Clerk read the title of the bill.

The **CHAIRMAN**. When the Committee rose on yesterday, the gentleman from New York [Mr. CELLER] had 1 hour and 12 minutes remaining, and the gentleman from Ohio [Mr. McCULLOCH] had 1 hour and 23 minutes remaining.

The Chair recognizes the gentleman from Ohio [Mr. McCULLOCH].

Mr. **McCULLOCH**. Mr. Chairman, I yield myself 2 minutes.

Mr. **WHITENER**. Mr. Chairman, will the gentleman yield?

Mr. **McCULLOCH**. I yield to the gentleman from North Carolina.

Mr. **WHITENER**. I thank the gentleman.

Yesterday the gentleman from New Jersey [Mr. CAHILL] asked me about the depth of the inquiry made by the Senate Committee on the Judiciary among the judges as to title I of the administration bill. I now have that information from a staff of that committee. I think it is of interest to all of us.

Every chief judge in every district and division of the Federal courts in the United States, a total of 90 judges, including the Virgin Islands, Puerto Rico, Guam, and the Canal Zone, were asked to comment upon title I; 39 judges have acknowledged the inquiry; 1 was ill and could not report; 13 postponed comments on the title or failed to evaluate it; 25 judges commented on the title.

Not one of them approved the title or recommended that it be passed. The comments of each stated or implied that they did not approve of the title or wished it changed or not passed.

A number of judges recommended that it be referred to the Judicial Conference or other similar groups for study.

Some liked certain provisions but objected to the rigid rules, the uniformity, and the unrealism of other parts.

No judge observed any need for changing the existing rules as to Federal juries. A number said no change was warranted and that it could not be beneficial.

A majority said that there was no discrimination or exclusion of any group under the present operations.

No judge pointed out that there had been any successful challenges made to the present method in the selection of juries and said that even when challenges were rarely made that to their knowledge none had been successful.

I might say further, if the gentleman will yield further, that I also have here a letter from the chief judge of the western district of Michigan, in which he says in part:

> I sincerely hope that this brief statement in support of the present system, and in opposition to the proposed system, will be of assistance to you.

In a letter from the chief judge of the southern district of Texas, he says among other things:

> Before such wholesale revision of our present system, I think inquiry should be made as to any instances wherein our system has not worked well. I am unaware of any cases where there have been miscarriages of justice attributable to the method of selecting juries and that is the purpose which the jury is designed to serve.

Mr. Chairman, the letters I have referred to in part earlier in my remarks from the U.S. District Court of the Southern District of Texas and of the Western District of Michigan are as follows:

U.S. DISTRICT COURT,
SOUTHERN DISTRICT OF TEXAS,
Houston, Tex., July 25, 1966.

Hon. SAM J. ERVIN, Jr.,
Subcommittee on Constitutional Rights, Committee on the Judiciary, U.S. Senate, Washington, D.C.

DEAR SENATOR ERVIN: I acknowledge receipt of your letter of July 1st, together with copy of S. 3296, and note that you request my observations and comments with respect to the desirability of this legislation.

From seventeen years experience on this bench, I have found the present method of selecting juries in this Court to be simple, efficient and practical. Certainly it is true in this District, and I believe equally so in the United States Courts throughout Texas and throughout the Nation, there has been no effort at any time to exclude qualified jurors by reason of race, religion or on any such basis. The procedures followed are designed to give a fair cross-section of the citizenship of this District, and in my judgment it has uniformly accomplished that purpose. For that reason, I am very dubious about any overall revision of the present method. Unless there be clear examples of some deficiency in the present system, I should be inclined to go with the present method which has proved its worth over a long period of time.

Addressing myself more specifically to the provisions of S. 3296, I will say that the use of voter registration lists is an entirely proper source from which to select jurors' names. In this District we use this as a primary source, although we do from time to time have resort to membership rolls in labor unions, Chambers of Commerce, Rotary Club and other civic or fraternal organizations. I would doubt the wisdom of restricting the choice to that single source.

The provision of paragraph (b), page 4, line 4, providing that at least one per cent of the total number of registered voters shall be placed in the jury wheel will cause a great and unnecessary burden upon the commissioner and the clerk. I would estimate that in the Houston Division of this District there are perhaps 700,000 registered voters. I see no benefit to be derived by having some 7,000 to 8,000 names in the jury wheel, which is to be emptied and refilled every second year. If a jury panel of some 60 to 70 jurors is to be drawn, which is about average, if there are perhaps 500 names in the wheel there is ample opportunity for the element of chance to play its part in the drawing of the names.

The sentence beginning on line 18 of page 5 provides that each person whose name is drawn "shall appear before the clerk and fill out a juror qualification form". I see little advantage, and great trouble and expense in requiring this be done in the presence of the clerk. A great many of our jurors must drive 75 or 100 miles to attend court. It is enough of an imposition upon them without requiring a preliminary trip to fill out a simple form in the presence of the clerk. I see no reason why this might not be done by the juror at home and mailed in to the clerk.

The sentence beginning on the last line of page 5, and continuing on page 6, provides that the form shall elicit the "name, address, age, sex, education, race, religion, occupation and citizenship . . ." of the juror. I think it very unwise that the question of the race or the religion, and perhaps the education of a juror should be injected into the manner of his selection. It simply invites questions as to whether a particular minority may or may not have been adequately represented in the selection of a jury. In the years I have been on this bench, there has seldom, if ever, been a panel without a very significant number of Negroes. Usually there are several on the panel of twelve ultimately chosen to try a case. There is no distinction between the way they are processed and every other juror is processed. The same is true as between Catholics and Protestants, Jews and Gentiles, and all other religions. Where that practice is followed, I think it unwise to inquire into matters of that nature which serve no part in qualification of jurors. Nor do I think it particularly appropriate for the lawyers who are selecting a jury to have before them the fact that certain named jurors belong to a particular religious faith. The result would be that the attorneys would make every effort to secure as many members of the jury of the same religion as the defendant; and would lead to efforts on their part to inject questions of religious bias or prejudice in the case. These things have no part in the administration of justice.

Section 1867 (page 8, line 20) provides that the defendant may question or challenge the selection procedures "prior to the introduction of evidence at the trial" and a similar provision is made with respect to civil cases in paragraph (b), beginning at page 9, line 11. In my judgment any challenge to the method in which the jury is selected should be made much earlier than "prior to the introduction of evidence at the trial." You may understand that in many criminal cases (and, to a lesser extent, in some civil cases) the defendant will utilize every possible delaying tactic to prevent the trial from going forward in an orderly fashion. If objection is made to the way that a jury panel has been selected, a defendant should not be permitted to wait until the government is ready to go forward with its evidence to raise the point. This will cause delay and confusion, require the taking of evidence outside of the jury's presence, and is a matter which could and should be resolved long prior to trial.

Section 1869, page 11, line 11, in my judgment is too restrictive in its provisions with regard to excusing jurors. A judge should be allowed wide discretion in this area. Mothers with small children frequently are excused; law enforcement officers, who obviously will not be chosen to serve on a criminal jury, frequently are excused, and other such situations frequently present themselves. I see no advantage in restricting the judge's discretion in this fashion.

I approve the increase in the fees provided in Section 102 (page 13, line 11).

Before such wholesale revision of our present system, I think inquiry should be made as to any instances wherein our system has not worked well. I am unaware of any cases where there have been miscarriages of justice attributable to the method of selecting juries and that is the purpose which the jury is designed to serve.

Sincerely,

BEN C. CONNALLY,
Chief Judge.

U.S. DISTRICT COURT,
WESTERN DISTRICT OF MICHIGAN,
July 25, 1966.

Re S. 3296, civil rights bill.
Hon. SAM J. ERVIN, Jr.,
Senate Office Building,
Washington, D.C.

DEAR SENATOR ERVIN: This letter is in reply to your letter of July 1, 1966, relative to the jury system used in the Western District of Michigan, and any view which I may have as to the merits of S. 3296, with particular attention to the provisions of that bill as they relate to the jury selection methods of Federal and State Courts.

In brief let me say that I see no merit in the jury selection methods proposed in the legislation in question. I agree with Chief Judge McGuire that there are serious problems in the use of the standards proposed in the bill. In this District we have used the key name system.

I enclose to you copies of the letters utilized by the Clerk and the Jury Commissioner in soliciting the names of persons who may be used as jurors in this court. Periodically, the jury wheel is completely emptied and a new group of names is inserted. In addition the Clerk and the Jury Commissioner will insert new names at frequent intervals to insure that there will be an up-to-date group of jurors.

After a name has been submitted to the Clerk and the Jury Commissioner a letter is addressed to the prospective juror, and I enclose copies of the letter which is utilized under those circumstances. With this letter is included a questionnaire relative to the qualifications of the proposed juror.

Upon the drawing of names for a panel of jurors there is submitted the usual summons which includes a questionnaire on the back, and an additional questionnaire, copies of which are enclosed. You will note that each letter and each questionnaire is self-explanatory.

I call attention to the fact that the original letter to the so-called "key man" makes reference to the fact that jurors must be capable and impartial, and must be selected without regard to race, color, creed, politics, or station in life. Over the years we have been very proud of the quality of persons serving as jurors in this court. We have had laboring people, professional people, elderly people, young people, middle age people, colored people, white people, persons with numerous college degrees, and persons who were not privileged to finish the elementary grades in school. Each of the persons who has been utilized as a juror in this District has demonstrated to his fellow citizens that he is capable, that he is impartial, and that he is a fit person to serve as a juror and to judge the merits of controversies between his fellow citizens, and controversies between the Government and his fellow citizens.

During the 12 years that I have served on this Court I have never had a bad jury. There have been very rare instances when I have questioned the temperamental qualifications of certain of the jurors. These occasions have been so rare that I could not now recall the name of any such juror.

If jurors are drawn from the voting lists there will be numerous problems. In the first place, this is geographically a very extended district, it would be extremely difficult to obtain copies of the voter list from each municipality in which voters are registered and to keep such lists up-to-date. There would be no assurance that the person would be capable of understanding many of the matters which are determined in the United States District Courts.

I sincerely hope that this brief statement in support of the present system, and in opposition to the proposed system, will be of assistance to you and to the members of your committee and the Senate as a whole.

With best wishes, I am,

Sincerely yours,

W. WALLACE KENT.

Mr. ROGERS of Colorado. Mr. Chairman, will the gentleman yield?

Mr. McCULLOCH. I yield 30 seconds to the gentleman from Colorado.

Mr. ROGERS of Colorado. Mr. Chairman, it has not been made clear in the colloquy that has taken place what bill the Senator sent to the respective judges. Was it the bill that was reported from this committee with amendments, or was it the bill as it was originally introduced? Did the judges have an opportunity to comment on the amended bill that is now being considered by the House?

Furthermore, the gentleman from North Carolina said that there have been no cases in which a conviction has been set aside because of the jury system used in a Federal court. I wish to direct his attention to the fact that on July 20 the fifth circuit set aside a conviction in a Federal court in the State of Georgia due to discrimination in the Federal jury selection system in that State.

Mr. WHITENER. Mr. Chairman, will the gentleman yield to me for the purpose of replying to the gentleman from Colorado?

Mr. McCULLOCH. I yield to our colleague on the committee, the gentleman from North Carolina.

Mr. WHITENER. I express regret that the gentleman from Colorado has not listened to what I have said. My comment was a comment by the judges who responded to the inquiry of Senator ERVIN.

I have here the transcript of the testimony of the clerks of the U.S. district courts before the Senate committee yesterday afternoon, which I shall later go into and show that they have considered the new proposed legislation.

Mr. WILLIAMS. Mr. Chairman, I make the point of order that a quorum is not present.

The CHAIRMAN. The Chair will count. [After counting.] Eighty Members are present, not a quorum.

The Clerk will call the roll.

The Clerk called the roll, and the following Members failed to answer to their names:

[Roll No. 185]

Abbitt
Andrews, Glenn
Ashley
Baring
Blatnik
Brown, Calif.
Callaway
Clark
Clevenger
Daddario
Dawson
Duncan, Oreg.
Edwards, La.
Ellsworth
Evins, Tenn.
Farnsley
Fisher
Fogarty
Fountain
Fulton, Pa.
Fuqua
Green, Oreg.
Hanna
Hansen, Wash.
Henderson
Jones, Mo.
Karth
Kee
King, N.Y.
Kirwan
Kluczynski
Landrum
Long, La.
McEwen
McMillan
Martin, Ala.
Martin, Mass.
Michel
Miller
Mills
Moeller
Morrison
Murphy, N.Y.
Murray
Nedzi
O'Neill, Mass.
Pool
Powell
Rogers, Tex.
Scott
Sikes
Smith, Calif.
Teague, Calif.
Teague, Tex.
Toll
Trimble
Tuten
Watkins
Weltner
Willis
Wilson, Bob
Wilson, Charles H.

Accordingly, the Committee rose; and the Speaker having resumed the chair, Mr. BOLLING, Chairman of the Committee of the Whole House on the State of Union, reported that that Committee having had under consideration the bill, H.R. 14765, and finding itself without a quorum, he had directed the roll to be called, when 370 Members responded to their names, a quorum, and he submitted herewith the names of the absentees to be spread upon the Journal.

The Committee resumed its sitting.

The CHAIRMAN. The gentleman from Ohio [Mr. McCULLOCH] is recognized.

Mr. McCULLOCH. Mr. Chairman, I yield to the distinguished minority leader [Mr. GERALD R. FORD] such time as he may desire.

The CHAIRMAN. The gentleman from Michigan is recognized.

Mr. GERALD R. FORD. Mr. Chairman, I appreciate the gentleman from Ohio yielding me this time. I take this time for the purpose of asking the distinguished majority leader if he has any information for the benefit of the Committee on what the schedule is for consideration of this bill this week and next.

Mr. ALBERT. Mr. Chairman, will the gentleman yield?

Mr. GERALD R. FORD. I yield to the gentleman.

Mr. ALBERT. Mr. Chairman, in response to the inquiry of the distinguished minority leader, we will continue the consideration of this bill through today and tomorrow. Prior to adjournment tomorrow, we will ask to go over until Monday. But in no event will the House consider this bill on Saturday. We will continue the consideration of the bill on Monday next.

Mr. GERALD R. FORD. I thank the distinguished majority leader.

Mr. McCULLOCH. Mr. Chairman, I yield 10 minutes to the gentleman from Florida [Mr. CRAMER].

Mr. CRAMER. Mr. Chairman, we are here to consider a bill—and I hope that my remarks will be considered constructive and objective—some phases of which are not desired by the strongest proponents of civil rights. Oddly enough, particularly title IV in its present form, will be less desired if watered down by the proponents. The bill in any form is certainly not desired by those who feel that title IV injects the Federal Government into the ownership, sale and lease of private property contrary to established constitutional concepts in America. Among those concepts is not only the principle that a man's home is his castle, but there is as well a basic constitutional right in America for a person who owns property to sell and lease that property to whomsoever he wishes.

We have established the right to own property by statute. It is presently the right of any person to own property. But today we are indicted for suggesting that any person should not have that right to sell or lease the property he owns to anyone he wishes. Is the corollary right of sale or lease that is inherent in the right to own? Where is the corollary right to sell or lease? We are going to destroy it if we enact title IV in its present form.

Mr. Chairman, this is a bill that in large part was hastily contrived in committee. This is a bill which the committee changed substantially, at the last minute in the committee. Many changes were made without adequate discussion and debate: for instance as it relates to a hearing board of title IV, as it relates to the other aspects of title IV, such as the complete substitute relating to exemptions that was offered, as it relates to title III, which was summarily adopted in subcommittee without adequate consideration and without hearings. This is a bill that comes before us in the heat of riots, in the heat of killings, in the heat of the hot civil rights summer, when feelings are high, and when it is almost impossible to get reasonable consideration of legislation. This is a bill in which we are injecting the Federal authority again into areas traditionally recognized as proper only for State action.

As I have said, this is a bill which will not do the job. Even the proponents admit it, as title IV is presently watered down. This is not a bill that will bring about the millennium.

I was very interested in the chairman's initial remarks during discussion of the rule. Of course, I was not able to get time to speak on the rule. His initial remarks on the rule, suggesting that those who would vote against the rule were, in fact, in some way not cognizant of the fact that there are demonstrations and violence going on—and they are serious in nature—were remarks that I, for one, do not accept. I, for one, disagree with that implication of the chairman. I, for one, urge that no one be misled into believing that passage of the bill as it has come out of the committee, even without changing a period or crossing a "t" will stop the rioting in America.

Let us not misunderstand and let no one be misled into believing that this bill will satisfy the basic needs of minorities or of those who are in the ghettos. Their real needs are for jobs, training for jobs, if they are not properly trained. Their real needs are proper education, ability to purchase adequate housing, and solutions to other basic problems of income. Measures like this bill certainly are not going to encourage the basic individual initiative of all American citizens, including those who live in the ghettos, to get out and earn a living for themselves and to make a way for themselves in America which has been the touchstone of greatness of our Nation.

The fundamentals of our Nation's ghetto problem are not really dealt with in this legislation, and let us not kid anyone that all civil rights problems are certainly going to come to an end when this bill is passed, any more than they did when Congress enacted bills on civil rights in 1957, and 1960, 1964, and 1965.

Let me say to you that I am here as one who supported the 1965 bill. I think I have pretty good credentials. And I want to say to you that this bill will not in its present form accomplish its advertised objectives.

This bill is not going to accomplish that objective. This is not going to bring about the millennium of the solution of the plethora of problems relating to the ghettoes today. This is not going to settle the riots.

Now, we are told that this is one bill that must be passed—and passed now—now—and it must be passed in its present form substantially.

I just wonder what happened to the administration that is calling upon us to pass it hurriedly and pass it now, as the distinguished chairman exhorted us in his argument on the rule. What happened to the administration between January, when the state of the Union message came up, and May 2, when the actual proposed legislation came up? Where then was the rush? Where was the emergency? Certainly, if this bill were the answer to the problem, who is most responsible that the problem is still with us today? Is it not the administration that waited from January, February, March, and April, to even bring a bill to the Congress of the United States with its recommendations? So I say the emergency nature is not and has by past inaction not been recognized by the administration.

There is some good in a considerable part of this bill as I have indicated. As far as I am concerned, I have joined the gentleman from Virginia [Mr. POFF] in our minority views which I hope most of you have had an opportunity to read. These are the minority views, now accompanying the bill but which we were not able to file with the bill on June 30, but which had to be filed July 14.

With some of the objectives of the bill I am in accord. No one can argue with the basic objectives of title I, guaranteeing the right of the litigant to have a panel made up of persons without regard to race, color, or creed. But let me point this out. Let us not again mislead the American people into believing the passage of title I and title II is going to end up with the conclusion or result that there are going to be representatives of minorities on every jury. That is not the case. This does not guarantee a minority member on every jury. All it does is provide that there shall not be discrimination in the makeup of the panel from which the jury is selected.

Someone using peremptory challenges can still remove minority group members from the panel without explaining why. So the jury can end up with just as much discrimination through the peremptory challenge route, which obviously this Congress cannot touch and should not touch, as it can through the present route.

So nobody is going to be guaranteed a right to have a minority member on the jury. If he is a Negro defendant, for instance, there is no guarantee he will have a Negro on the jury. I hope that is understood. Only does he have a right to make sure that Negroes are not excluded from the panel as such, both in title I and title II.

Relating to title I, as I say, the objective is good. There has been a statute in existence for some time which does give a person the right in courts, in his case, to contest, if he feels there has been discrimination in selection of the jury or the panel. Title 42, United States Code, section 1983 has been on the books for some time. The remedy for the individual is there now. It has been. That is with regard not only to Federal cases in Federal courts, but State as well.

So let us not kid the American people that we are giving them a right to a minority member on a jury. Yes, we are giving a different remedy. But let us not kid them into believing we are giving them a new right. They have a right to sue or contest the discriminatory makeup of a panel for the jury today in both the Federal and State court. So that is not a new right which is created. There admittedly are created different means of carrying it out. I think that should be understood.

The CHAIRMAN. The time of the gentleman has expired.

Mr. McCULLOCH. I yield the gentleman from Florida an additional 5 minutes.

Mr. CRAMER. Let us examine the bill further. The only way I know to get proposed legislation properly considered is to look at the bill itself. So let us look at it for a minute. What does title II do with relation to State juries?

The objective is to try to make certain that the panel, from which this jury is selected, at least, is made up in a nondiscriminatory manner.

Let us look at title II, page 52. Let us see what it will do. Let us look at the language on line 23. The Attorney General can bring an action "if he has reasonable grounds to believe any person has engaged in or is about to engage in any act or practice of discrimination."

It is not a "pattern or practice," and that is the point I want to make. It is not a "pattern or practice." Any single act on the part of any single State official or his appointee, who has the duty of making up a panel, is all that is involved. That single act shall bring in the power of the Federal Government, and bring the Attorney General down upon the heads of the local authorities.

It is not a "pattern or practice" or a series of such acts.

I offered an amendment in the subcommittee to substitute the words "pattern or practice," which is the language, as a matter of fact, presently in the law relating to a number of the rights contained in the bill we passed in 1964. But, no, the proponents wanted to cover any single act.

What else did they insist upon? They insisted upon not even giving the State authority notice that what he was doing was wrong and should be corrected, as we did in 1964 in the public accommodations section and the public education section.

What we did in 1964 was to recognize the vertical division of powers in the constitutional Federal-State concept. When we have Federal and State and local authorities involved, each should have some respect for the duties they are all elected to perform under our Constitution.

In this instance they refused to adopt an amendment even to require a notice to the State before Federal court action.

It was said by law in 1964, as a matter of policy, "Yes, what you State officials have done is discriminatory, we believe, but before we bring a suit we will tell you what is wrong and give you an opportunity to correct it." In 1964 we did that in the legislation. The committee refused to do so in this bill.

Those are only two examples.

Let me give a further example of what was done. I refer to page 54.

The State of Florida and many other States have the requirement that a person must be of "good moral character" to serve on a jury. A person must be of good moral character. Can anybody argue with that? I do not believe anybody in America could argue with that, but as this bill is drafted, if it is found that the public or appointed official in any way discriminates in the makeup or the selection of the jury panel, then they would have a right to go into court. A case could be brought before the court. Even though there was no relationship between that official's act and the good moral character requirement and his application of it, that good moral character requirement could be stricken down automatically. What this is, in effect, is an automatic triggering device. In effect, if there is reasonable evidence of any single act of any single official or his appointee in any single area of any single State—and I ask Members to listen to what I say—then the entire statute on jury selection of that State by court order can be repealed and court "objective" criteria substituted.

Now, I challenge anyone to deny that.

Mr. ROGERS of Colorado. Mr. Chairman, will the gentleman yield?

Mr. CRAMER. Is the gentleman going to deny it?

Mr. ROGERS of Colorado. I am going to point out some inaccuracies.

Mr. CRAMER. I am sorry, but I cannot yield to the gentleman unless he wishes to deny it.

The CHAIRMAN. The gentleman declines to yield.

Mr. CRAMER. That will be the obvious result. That one act is an automatic triggering device to strike down the entire statute, even phases of it not proven to have been discriminatorily administered.

Now let me tell the Members where the first case is probably going to be brought, if they have any doubt about how this title is to be implemented.

Mr. ROGERS of Colorado. Mr. Chairman, will the gentleman yield at this point?

Mr. CRAMER. No, not at this time.

Let me tell the Members where the first case is going to be brought. It is in the record. There is not any doubt about it. There also happens to be on the books, in a Federal court, a case decided on that issue in that county. I refer to Lowndes County, Ala., and the State of Alabama. In Alabama there is a struck jury system. Some 58 people make up the panel.

Let us assume the panel is not discriminatorily made up.

The CHAIRMAN. The time of the gentleman from Florida has expired.

Mr. McCULLOCH. Mr. Chairman, I am pleased to yield to the gentleman from Florida 5 additional minutes.

Mr. CRAMER. The defense and the prosecution have a right to strike the prospective jurors from the panel down to 12, from 58 down to 12. They can discriminate all they want by the use of peremptory challenges until 12 remain under Alabama law.

The leadership has consistently said, "We are not going to get involved in peremptory challenges. We are going to preserve them."

Well, they are not going to preserve them in Alabama. The first case which will be filed under title II, according to the Attorney General, is going to be Lowndes County, Ala., even though there already has been a case decided, that the statute as administered in Lowndes County has been administered on a constitutional basis, so far as the Swain case is concerned. The same issue was under consideration.

Admittedly, Negroes have not served for some time, because they are automatically excluded by peremptory challenges.

What did the Attorney General say, when I asked him a question about this? That is shown on page 1259 of the hearings. I read the question:

> Mr. CRAMER. As you drafted the legislation and presented it to Congress, the administration legislation, would it be your intention under section 202—

Which is the title we are talking about—

> to bring suits by the Attorney General, to bring an action in Alabama to invalidate the strike jury system?

A further question:

> You are asking Congress to enact section 202. Would you bring a suit to do that under this authority?
>
> Attorney General KATZENBACH. Yes, sir. Yes, sir.

Then, Mr. Chairman, he went on to say:

> I have no doubt at all that you could do it, if you could establish that time after time after time the prosecutor with an unlimited right struck every jury or every woman, or every Catholic—

Relating to race, color, and so forth. Mr. Chairman, that is to be the first case to be filed to strike down a State peremptory challenge jury selection system.

Mr. Chairman, to revert to a previous point, let everyone understand that a single action, by a single official, can result in the striking down of the statutory standards relating to all subjective standards such as good moral standards. There is not any question about that.

Mr. ROGERS of Colorado. Mr. Chairman, will the gentleman yield?

Mr. CRAMER. No, sir.

Mr. Chairman, what we tried to do was to limit the court's authority triggered by a single act to strike down that portion of the State law or procedure that was actually used discriminatorily, not the entire law throughout the State.

Otherwise, Mr. Chairman, you have in effect an automatic triggering device. There are other matters which I would like to discuss in title II, but time does not permit.

Now, Mr. Chairman, let us go to title III.

Mr. Chairman, title III involves injunctive relief on this initiative of the Attorney General. It is the same title III, or similar to that title, which we have had unsuccessfully pending before us for years. It started in 1957 when the Senate struck it. We were at it again in 1960, and again in 1965. We had it last year. It was defeated on the floor of the House then.

The RECORD shows that it was presented in the floor and defeated in the Committee of the Whole House on the State of the Union in 1965—only a year ago.

And, Mr. Chairman, what does the RECORD show, relating to title III?

Mr. Chairman, I am talking about the right of the Attorney General to bring an action, without a complaint and without a pattern of practice merely "any act" as the bill reads:

> Any act or practice—

I am reading from page 60, line 11, title III of the bill—

> any act or practice—

Mr. Chairman, not a pattern—

> which would deprive another of any right, privilege, or immunity granted, secured, or protected by the Constitution or laws of the United States—

"Another" means under color of law or not.

Mr. Chairman, this is broader than any civil rights statute that is now on the statute books.

Mr. Chairman, what was the colloquy 1 year ago, and why has the colloquy changed today? The language of that title III was almost the same as this year's version.

Mr. Chairman, this is the colloquy; this is in 1965. This is the gentleman from New York [Mr. CELLER] on section 302 of title III:

> I rise in opposition to the amendment. Mr. Chairman, this indicates clearly—

Still quoting our distinguished chairman—

> how difficult it is to write a bill as comprehensive as this on the floor of the House. Here we get from left field—or right field or from center field—an amendment very comprehensive and very difficult to comprehend which would in a certain sense, in common parlance, "gum up the works".

And I guess what was "gum" in 1965 is "sweet candy" in 1966.

It was discussed in 1965, and I guess it has got to be discussed currently in 1966, and will be again some other year.

Mr. Chairman, this very question as to whether there should be this title III amendment—now, listen to this—when it was offered by the gentleman from New York, was asked of Mr. Katzenbach, the Attorney General, when this matter was pending before the Judiciary Committee—the gentleman from New York, Mr. Lindsay, said—and the gentleman from New York [Mr. Celler] is still reading into the Record——

The **CHAIRMAN**. The time of the gentleman from Florida has again expired.

Mr. **McCULLOCH**. Mr. Chairman, I yield 5 additional minutes to the gentleman from Florida.

Mr. **CRAMER**. Mr. Chairman, the gentleman from New York, Mr. Lindsay, said:

> We have been up and down the mountain on it many times. The House passed it once, in very broad form.
>
> What would be your opinion of an addition to this bill of that limited form of part III?

And Mr. Lindsay asked the Attorney General—and we are talking about part 3, title III—and here is what Mr. Katzenbach replied as put in the 1965 Record by the gentleman from New York [Mr. Celler]. Listen to this. Here is what Mr. Katzenbach said in testifying on this same title:

> My opinion on it, Congressman, would be the same opinion that was stated by my predecessor. When you give us that power—

Listen to this, and listen well —

> when you give us that power, then you also give us the power for an appropriation to hire the police force that it is going to take to do it. Don't give us the responsibility without the capacity of fulfilling it. Don't put me in the box where you say the law tells you to do this and I have nobody to do it. Give me the national police force that it may take.

Mr. Chairman, that is the Attorney General of the United States. He says that you are in effect opening the door to the establishment of a national police force—a quote from the Attorney General himself.

That is what he says in the record relating to title III, similar to the language we have before us. I repeat—if you believe in a national police force—and that is what it may take—this is it.

Now we do not want a national police force as far as I am concerned. The Attorney General does not desire a national police force. Our chairman suggested he does not desire a national police force, and I can assure you the people of America do not want a national police force. I say this title III has no place in the bill.

Time does not permit me to treat with that any further here. There are other matters involved.

I will discuss the housing section very briefly.

I want to discuss for a minute the basic question which in many instances seems to have been overlooked relating to this title and which is too easily conceded by many people. It is disturbing to me that so many would simply say—How can you question the constitutionality of this title? I can question it. I was trained in a law school where they taught me that the law is what the precedent says it is—the precedent not the President—it is what the precedent says it is and what the previous cases say it is and the other decisions on the facts similar say that it is.

My, how far we have departed from that. We now are legislating in an aura of what the Supreme Court might say in the future, not what the Supreme Court has said, not what the cases have held.

As far as I am concerned, the basic property right, as mentioned, has been in existence, has always been in existence and always should be and always will be unless we destroy it in Congress as we are proposing under title IV.

As to basic property rights, it was decided in the case of United States versus Fox as far back as 1876—and the fact that it has never been overruled or changed, in my book means that it must have been sound then and it is equally sound today having stood the test of time.

What does it say? Is this not the basic principle and the soundness of America? Here is what it says:

> It is an established principle of law, everywhere recognized, arising from the necessity of the case, that the disposition of immovable property, whether by deed, descent, or any other mode, is exclusively subject to the government within whose jurisdiction the property is situated.

That is No. 1. That has to do with State and local rights.

No. 2, as to the basic constitutional right to dispose of property—what did the Court say as far back as 1876? Listen to this:

> The title and modes of disposition of real property within the State, whether inter vivos or testamentary, are not matters placed under the control of Federal authority. Such control would be foreign to the purpose for which the Federal government was created.

Can anyone in this Chamber argue with that or suggest it has been overridden? Of course not. Yet, we are doing so if we pass title IV in its present form.

There is the case of Shelley versus Kraemer which has never been overruled. In fact, the proponents rely on it. There, the Court said, relating to constitutional rights and the power of the Federal Government relating to the 14th amendment rights:

> The principle has become firmly embedded in our constitutional law that the action inhibited by the first section of the Fourteenth Amendment is only such action as may fairly be said to be that of the States.

In other words, it says, "State action."

I do not think anyone would suggest that this restriction on property can be done legislatively solely under the 14th amendment.

So what do they propose? They throw in the commerce clause. But no court case I know of has said that an individual who lives in a home that he owns—a house that has been there 20 years—and wants to sell or rent it, that he is in interstate commerce—I do not know where anyone can get the court case justification to say that as to rest the title on that proposition—morally, legally, constitutionally, or in doing what is right.

Let us talk about the social security widow. I have been talking about her for 2 months. I have 124,000 people in my district who are receiving social security. I happen to know a lot of those people and some of them are widows. Some of them have homes and they have a couple of extra rooms that they rent out to make a little bit of money that they need, for the obvious reason that social security does not provide—even the $3,000 standard that the administration says is the poverty level. So they need some more income. So what do they do? They rent three or four rooms in the house. And they rent them to whom they want to because they have to live with them.

Now, is not that a right they should have in America? Well, I will tell you and I will permit anyone to deny it who wishes, that under this bill I do not think they can. This bill does not protect her if she rents to more than two people a year. Do you wish to know why? I have been trying to protect her for 6 weeks but I did not get a chance to amend the amendment. It was nine pages long as submitted to us in committee at the last minute and there was no time to determine whether she was in or out. I was assured by the proponents she was out, excluded.

Then I got the chance to read it to find out what was in this last-minute substitute. I found out first, and the Attorney General agrees, that the substitute does not exclude as it does the exempted persons the real estate agent and his actions. The proponents now admit that.

I said in the report it did not exclude the social security widow. I repeat it here on the floor and I am ready to prove it. Here is the exclusion on page 64:

> Nothing in this section shall apply to an owner with respect to the sale, lease, or rental by him of a portion of a building or structure which contains living quarters occupied or intended to be occupied by no more than four families—

Listen to this. This is the catcher I would like to point out. This is the hooker. It is in there for a reason—living independently.

Do you get that? That is what they meant. That is what they said. That is what it does. It states "four families living independently of each other."

Now, there is no one who suggests that if a social security widow rents two or three rooms and they use the same dining room, or do not live independently, which they obviously do not, that she is excluded. She is not. There is no question about it. And so I cite that as an example of how hurriedly this bill was drafted and how hurriedly it was acted on and how little consideration was given to the substitute before it was brought before this House.

In addition to that, relating to the substitute in title IV, I wonder what is meant on page 67, where it is stated that if someone brings a complaint they are entitled to an award if they win. What is the award? Well, the award is stated to be "if the defendant has received or agreed to receive compensation for services during the course of which the discriminatory housing practice occurred, the court may award as liquidated damages an amount not exceeding the amount of such compensation."

How would that apply to the homeowner? What compensation are they talking about? The rent? The homeowner becomes a realtor under this title. The definition of a realtor is anyone who sells or has more than two rentals or two transactions in a year. That makes everyone in America who has more than two transactions a realtor. The proponents have to do that in order to get them into interstate commerce, you see. Having gotten them all into interstate commerce, what compensation will be paid over to the plaintiff? The rent that she was going to collect or had collected? What is the test?

The CHAIRMAN. The time of the gentleman from Florida has expired.

Mr. McCULLOCH. Mr. Chairman, I yield 5 additional minutes to the gentleman from Florida.

Mr. CRAMER. On page 68 of the bill we see that the Attorney General can bring an action if—referring to line 19—if he believes that any person or group of persons is engaged in a "pattern or practice of resistance."

I think it is very interesting that here they use the term "pattern or practice," but did not use "pattern or practice" when the bill dealt with the States back in title II, relating to juries or to all actions against officials or individuals under title III.

When it comes to civil rights the proponents apparently do not have to be consistent. You do not have to be consistent between titles, between the powers of the Attorney General and how he can bring action under different titles. You do not have to be consistent at all.

What happens, however, under this title—this is not the exclusive remedy by the Attorney General or by the individual or by the hearing board. We did provide an exclusive remedy under title VI, which has to do with nondiscrimination in public education or other public facilities. But having not done so here, you can also bring the action under title III.

Now, title III deals with "any action." I wonder which is going to control? Title III states that an action can be brought by the Attorney General when a discrimination is taking place on the part of any individual or official—any act of discrimination—not a pattern or a practice—and yet here we say "a pattern or practice."

Then I ask the following question: Cannot the Attorney General broaden the scope of what it says in title IV by using title III as the implementing instrument? Of course he can. So actually this title does not require a pattern or practice at all.

It is a single act, a single act of discrimination on behalf of any single individual in a single instance, and a suit can be brought on the initiation of the Attorney General under title III.

So this "pattern or practice" limitation in title IV on housing is not worth the paper it is written on.

Also with regard to title IV, how about the question of trial by jury? How is that dealt with? We heard a great deal about trial by jury in 1957, 1960, 1964, and 1965—the right of trial by jury for someone who is going to have to go to jail in a contempt proceeding.

Well, they took a curious way out. The proponents incorporated the antiquated 1957 act into this year's bill. A title IV defendant thus would be entitled to trial by jury only if the fine were over $300 or it was punishable by more than 45 days in jail. That is not in conformance with the latest enactment of Congress on the subject; why did not they refer to the 1964 act? That act, as it relates to contempt, says that anybody is entitled to a trial by jury in criminal contempt proceedings not committed in the presence of the court.

If they do not like congressional opinion, why not follow the latest court opinions? The latest case is Paul Theodore Cheff against Elmer J. Schnackenberg and others, decided in 1966.

The court there said:

> At the same time, we recognize that by limiting our opinion to those cases where a sentence not exceeding six months is imposed we leave the federal courts at sea in instances involving greater sentences. Effective administration compels us to express a view on that point. Therefore, in the exercise of the Court's supervisory power and under the peculiar power of the federal courts to revise sentences in contempt cases, we rule further that sentences exceeding six months for criminal contempt may not be imposed by federal courts unless a jury trial has been received or waived.

That is the law today, if you believe what the court says.

In my judgment, any thinking draftsman would have taken the 1964 act, or the Schnackenberg case. The most jury trial protection approach should be used. Just for a minute, because time does not permit further discussion of that title, let us mention title V, which is concerned with interference of rights, violence, intimidation, and so forth. I wish I had time to discuss how this came about and how it is defined, and the fact that the only intent that is necessary for conviction relate to race, color, or religion, and not to the actual crime itself.

The CHAIRMAN. The time of the gentleman has expired.

Mr. McCULLOCH. I yield the gentleman 6 additional minutes.

Mr. CRAMER. Time does not permit that discussion.

Title V has been substantially improved by the insertion of the word "lawfully" by the full committee. But I would want to make this point, that this description of crimes specifically set out in title V includes use of force to prevent selling, purchasing, renting, for instance, but it does not have any "Mrs. Murphy" exclusion in it, as the public accommodations provision which we considered last year or the year before. It does not have the present exclusion of under 100 employees in the fair employment practices law, that is the FEPC, so I hope I can drive the point home that if Mrs. Murphy slams the door in the face of somebody she does not want to rent to, even though she does not have the legal obligation to rent to them under the provisions of the present law or this bill, she is still liable under title V. There are no exceptions to title V. It includes everybody. Everybody is covered, everywhere, and no exceptions whatsoever.

Now taking just a minute on title VI public education and other public facilities, I hope we realize that the title sought to repeal what we did in 1964, by way of limitations on busing and de facto segregation. The full committee restored part of the language, but the Attorney General still will have far more power than he needs in bringing school desegregation suits.

Some of those who say, "Let us write these exceptions into title IV this year," take heed. It is not going to be too long before that becomes the legislative necessity for 1967, to take out the exceptions. That is what has been happening so far in civil rights legislation, and the record on that is clear.

Mr. McCULLOCH. Mr. Chairman, will the gentleman yield?

Mr. CRAMER. I yield to the gentleman.

Mr. McCULLOCH. Mr. Chairman, I am pleased that this point has been made, that there has been a growing tendency in this Congress of the United States to write into law, or into legislation as it is on its way to becoming law, exceptions that at the time are particularly important to the lawmakers. Then, in some instances, within a year, or two at most, the exceptions so sincerely written into the law as the legislation first passed through the Congress are the subject of new, pressing legislation. Members of the Congress in some instances, without the benefit of the climate in which the exceptions were sustained, are pressured to make new exceptions which are almost meaningless. I am glad the gentleman particularly mentioned the Civil Rights Act of 1964, and exceptions thereto that have been proposed, in some instances, less than a year after enactment of that legislation.

Mr. CRAMER. May I just cite another example?

The gentleman has confirmed the point that has a compelling application to title VI of this bill. Just 2 years ago, less than 2 years ago, we drafted legislation on public education and public facilities, did we not? Now the Attorney General says, "I am unhappy about it, because a parent of a student has to complain before a suit can be brought." He wants to go in and bring an action on his own, even if he does not have any complaints. So they now propose in title VI to sweep away a number of mandates that the Congress proposed and insisted upon in title VI. Title VI previously was title III of the 1966 bill, involving public school integration.

The Attorney General did not even ask that these restrictions be repealed in his written statement. He did not suggest in writing that the restrictions were what was being repealed. It just silently was stricken, this congressional requirement that the Attorney General can only bring an action "after giving notice of such complaint to the appropriate school board or college authority and after certifying that he is satisfied that such board or authority has had a reasonable time to adjust the conditions alleged in such complaint, to institute for or in the name of the United States."

That is to be repealed. It is to be repealed by this title before us.

I ask, why should not the States be put on notice of failure to integrate schools and be given an opportunity to correct what the Attorney General or the complaining party says is wrong?

That is to be repealed.

We preserved that State's right in 1964, but now this is one of those things we are going to repeal and change, even though it has barely had an opportunity to be brought into effect since October of 1964.

I say to the Members, this is another example of where the legislation is hastily drafted; and I believe in many instances it is improperly drafted.

I say this legislation is not going to do tne job it is advertised to do. The passage of this legislation is not going to stop the riots and the killings. I doubt if they will even slacken because of it. Only better understanding among the people, and solutions of their key problems—financial, educational, and employment problems, and such—are going to do that.

This bill injects the Federal Government into existing State authority, State authority which we preserved after a long floor fight even as late as 1964.

This bill will not do the job. It may well hinder accomplishment of the job that needs to be done. It should be defeated.

The CHAIRMAN. The time of the gentleman from Florida has expired.

Mr. CRAMER. If the gentleman from New York will yield me some time, I shall be glad to yield for questions.

Mr. JONES of Alabama. Mr. Chairman, I ask unanimous consent to revise and extend my remarks at this point in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Alabama?

There was no objection.

Mr. JONES of Alabama. Mr. Chairman, I would be remiss in my duties if I did not vigorouly protest the adoption of H.R. 14765, the Civil Rights Act of 1966.

Practically every section of the proposal, in my opinion, is flagrantly unconstitutional. The section which may be constitutional, the one to alter the Federal jury system, has been rammed through the committee, according to the report, without review and comment from the Judicial Conference, the American Bar Association, and other experts who normally confer on such far-reaching changes in the Federal judicial system.

Equally as serious is the discord which will be provoked in communities throughout the land if this proposal is adopted. Riots and street demonstrations have flared with tragic results for participants, victims, and the general public. The problems of the ghettos and the slums are not going to be solved by such actions regardless of the color of the participants.

That this additional legislation will fail to solve these problems should be obvious from the record. Some of the areas which have had such laws in effect for several years have been the scenes of riots.

In my opinion, the proposal before us will not solve any of these problems. The delusion that will follow in its wake will prove to be the seed for additional discord.

It is humanly impossible to draft a practical, workable statute to achieve the avowed desire of proponents of this legislation. Even those who would disregard the serious threat this proposal represents to the basic freedom of private property, must concede that any attempt at administration of the law will be as fraught with danger as a can of snakes.

It is ironic that many who cry for liberty and freedom for special groups would trample on the rights and freedoms of others in an attempt to reach what they think is that goal. In so doing they diminish and destroy the rights of all men.

It should be obvious to all by now that the problems the people of this Nation face in race relations are vast. The solutions are not going to be easy and they are certainly not to result magically by the adoption of more legislation.

At a time when our gallant young men in Vietnam are risking their very lives in defense of liberty and freedom, it behooves us to keep the faith with them by striving for unity of purpose and by building toward an even greater America for each individual. In this proposal, we would do them a great disservice by chipping away at the basic rights of all citizens to advance the cause of special-interest groups.

Such proposals as H.R. 14765 will, in my opinion, provoke the opposite results from that intended. It will foster more delusions, more divisions, and more discord at a time when we need more unity and sincerely earnest efforts to advance the conditions of all men. I strongly urge defeat of H.R. 14765.

Mr. HALL. Mr. Chairman, I make the point of order that a quorum is not present.

The CHAIRMAN. The Chair will count. [After counting.] Seventy-seven Members are present, not a quorum. The Clerk will call the roll.

The Clerk called the roll, and the following Members failed to answer to their names:

[Roll No. 186]

Andrews, Glenn
Baring
Blatnik
Brock
Callaway
Clevenger
Conyers
Dawson
Dickinson
Downing
Duncan, Oreg.
Edwards, La.
Ellsworth
Evins, Tenn.
Farnsley
Feighan
Fulton, Pa.
Gathings
Goodell
Green, Oreg.
Hansen, Wash.
Henderson
Jacobs
Jones, Ala.
Jones, Mo.
Kee
King, N.Y.
Landrum
Long, La.
McEwen
McMillan
Martin, Ala.
Martin, Mass.
Michel
Miller
Mills
Moeller
Moorhead
Morrison
Murray
Nedzi
Powell
Satterfield
Scott
Sikes
Sisk
Teague, Tex.
Toll
Trimble
Tuten
Watkins
White, Idaho
Willis
Wilson, Charles H.

Accordingly, the Committee rose; and the Speaker having resumed the chair, Mr. BOLLING, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee having had under consideration the bill, H.R. 14765, and finding itself without a quorum, he had directed the roll to be called, when 379 Members responded to their names, and he submitted herewith the names of the absentees to be spread upon the Journal.

The Committee resumed its sitting.

The CHAIRMAN. The gentleman from New York [Mr. CELLER] is recognized.

Mr. CELLER. Mr. Chairman, I yield myself 5 minutes.

I yield the gentleman from Texas [Mr. FISHER] such time as he may consume.

Mr. FISHER. Mr. Chairman, I ask unanimous consent to revise and extend my remarks at this point in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. FISHER. Mr. Chairman, in a timely editorial on July 18, the Wall Street Journal had this to say about danger inherent in more civil rights legislation:

> It is strange, although to an extent understandable, that the more civil rights legislation is piled onto the statute books, the more Federal money poured into attempts at Negro betterment, the more help freely proffered by businesses and individuals—the more the anger rises.

In last Sunday's Washington Evening Star there was a headline which read: "Third Summer of Racial Violence in the Big Cities." I seem to recall, as I am sure you do, that the Congress was warned by professional civil rights leaders, some politicians, and even some misguided members of the clergy, that if we did not act quickly on the 1964 proposal, riots and violence would surely break out. And so the Congress buckled under.

Then, in short order another cry was raised by the rabble-rousers, calling for an amendment which would give Federal control over employment practices of 11½ million American businessmen who employ as many as 8 people. Under that provision a small operator on Main Street who is found by a bureau in Washington to have refused to hire or promote a worker because of race, may be thrown in jail and fined and made to pay back wages from the time of his refusal. This, of course, smacks of police state tactics, but the Congress felt constrained to buckle under.

That is not all. Acting on a wave of emotional hysteria, the Congress last year allowed Martin Luther King to virtually dictate the terms of a monstrous voter registration bill which was promptly enacted by an obedient Congress.

Now, Mr. Chairman, what has happened? What has been accomplished as a result of all this? There is on every hand evidence of an increasing bitterness toward the white man among numerous elements of the Negro community. Indeed the ink was hardly dry on the President's much-ballyhooed signature on that first measure—as well as subsequent ones—when unprecedented violence erupted. Riots, vandalism, arson, civil disobedience, crime, and murder became rampant—in the main at the hands of the very people who had forced the legislation.

Every legislative enactment seemed to incite more mob activity, more riots, demonstrations, and bloodshed. Triggered by the enactment of new laws, accompanied by rabble-rousers who coddled the gullible, scores of riots swept the Nation. Many politicians, with their eyes on the Negro bloc vote, grabbed the torch and got in front of the parade. It formed a sad and dismal display of utter disregard for the Nation's welfare.

In the wake of all this the Negroes, without rhyme or reason, produced the $100 million Watts riot, preceded and followed by scores of other riots, murders, vandalism, and utter contempt for law and order.

And so it goes. Amid cries of "Black power," "Get Whitey," "We shall not be moved," and "We shall overcome," the marauding has continued unabated, aided, and abetted even by politicians in high places.

Is it any wonder, Mr. Chairman, that the American people are getting sick and tired of this performance?

On top of all this, we are being asked again to add more fuel on the fire by approving another bill in response to the demands of the militant Negro bloc. Under this measure the administration wants the Congress to deprive a homeowner of the right to sell or rent his property to a person of his own choice. And it strikes other blows at the rights and freedoms of the American people.

Surely, Mr. Chairman, the Members of this great legislative body will not again buckle under to the demands of the rabble-rousers in the phony struggle for equality. The responsible and enlightened Negroes know that their hopes for improvement must be based upon hard work, compliance with law and order, and private initiative.

Mr. CELLER. Mr. Chairman, I take this time to reply to some of the remarks of the gentleman from Florida. At the outset, I wish to state that his speech was one of considerable sophistry and nonsequiturs and, probably unwittingly, replete with statements contrary to fact and contrary to the record. In the first instance, I wish to state that the so-called Mrs. Murphy's boardinghouse is absolutely excluded by this bill. We do not cover Mrs. Murphy's boardinghouse. Any statement to the contrary would be misleading.

Second, the charge is made that this bill was hastily drafted. That is old hat. I do not recall any civil rights bill—and we have passed many of them—as to which the charge of hasty draftsmanship and hasty consideration was not leveled against the bill. I believe the gentleman from Florida likewise has made that charge against previous civil rights bills.

This bill has been before the Judiciary Committee for months—it almost feels like decades to me. We had long and lengthy hearings on the bill. We met in executive session for days. There was plenty of time to consider every single phase of this bill. Any constructive amendment on the floor would even now be acceptable.

Third, the gentleman from Florida seems to be enamored with a slogan he calls "pattern or practice." He seems to be stuck with this phrase. It is like a bone in his throat—"pattern or practice."

We have used the words "pattern or practice" in previous civil rights bills, but we have followed consistently one course. When we used "pattern or practice" we only used it in cases against an individual and not as against a State or a State official. When action is to be brought against an individual, we never fail to use the words "pattern or practice."

In this case, with reference to title II, what is called to our attention is the suit against the jury official, the commissioner of jurors, and therefore the situation does not require "pattern or practice."

Therefore, I say that we have not departed from our usual procedure with reference to this phrase.

Mr. ROGERS of Colorado. Mr. Chairman, will the gentleman yield?

Mr. CELLER. I yield to the gentleman from Colorado.

Mr. ROGERS of Colorado. In line with the suggestion of our distinguished chairman, concerning removing some of the so-called misstatements by the gentleman from Florida, one is that there never was any intention in this legislation to see that certain persons might be entitled to a jury trial with jurors of a specific race, color, or creed. Any attempt to mislead in that direction should be corrected.

The first section of title II provides that no citizen shall be excluded from jury service on account of race, color, religion, sex, national origin, or economic status.

We must remember that the word is "excluded." Let us put that at rest.

We did not try by this legislation to say that any individual is entitled to have any particular person on a jury when charged with a crime or when sued in a civil action. All we say is that in the selection of the venire they shall not be excluded from service and be discriminated against.

May I point out to the gentleman from Florida that one form of appropriate relief given by this bill is authority for the Attorney General to institute the action in the Federal court.

The CHAIRMAN. The gentleman from New York has consumed 5 minutes.

Mr. CELLER. Mr. Chairman, I yield myself 3 additional minutes.

I should like to emphasize and nail down this point. In this particular instance we do not use "pattern or practice" because here we speak of a suit against the jury commissioner.

We followed this practice in the public accommodations provisions of title II of the act of 1964, in the employment provisions of title VII of the act of 1964, and in the education provisions of title IV of the act of 1964.

Here the suit is to be against a State official; namely the jury commissioner. Hence, no contention of "pattern or practice" is required.

I would say that the gentleman from Florida is making much ado about nothing in his speech.

The gentleman charges also that the bill has an automatic trigger in title II and that a great deal of mischief could result from this automatic trigger. That is not true.

The gentleman probably has not called attention to section 203 of the bill, found on line 15, page 53, which specifically provides that after a court finds a denial or abridgment of a right secured in section 201, it may order appropriate relief.

Thus, it cannot be said there is an automatic trigger if the court as a condition precedent must first find that there is discrimination.

So, Mr. Chairman, when the charge is made that there is an automatic trigger, consciously or unconsciously, it is misleading, and I hope the gentleman from Florida will consider that situation and change his remarks in that respect.

Mr. Chairman, the charge is made that when the Judiciary Committee was considering the Voting Rights Act of 1965 the gentleman from Florida mentioned the fact that a former Member of this House, and now mayor of the city of New York, Mr. Lindsay, offered to insert in the bill an amendment to what was then known as part 3, and that I offered some objection. Of course I offered some objection. But there were good reasons for my offering objections at that time. I did not feel that there was any real need at that particular point for title III and, therefore, I objected to it.

The CHAIRMAN. The time of the gentleman from New York has again expired.

Mr. CELLER. Mr. Chairman, I yield myself 1 additional minute.

Mr. Chairman, the gentleman from New York, Mr. Lindsay, our former colleague, had offered that amendment at the 11th hour, when we had practically concluded all deliberations on that act, and I felt it would put the entire bill out of kilter, and for practical reasons and for realistic reasons I thought it would be better not to have his amendment to the bill. I feared that it would endanger the whole bill at that time.

Therefore, Mr. Chairman, I made the gentle suggestion to Mr. Lindsay that we do not offer the amendment, and the amendment was not offered.

Mr. Chairman, the gentleman from Florida [Mr. CRAMER], in taking advantage of that situation, is making a mountain out of molehill.

In addition to that, Mr. Chairman, I want to say that the title III that was offered by Mr. Lindsay in 1965 was quite different than the present title III that we have in this bill.

The CHAIRMAN. The time of the gentleman from New York has again expired.

Mr. CELLER. Mr. Chairman, I yield myself 1 additional minute.

Mr. Chairman, title III of this bill is far more comprehensive than the Lindsay amendment that was offered to the 1965 act.

Therefore, Mr. Chairman, I say that you cannot compare chalk with cheese, and that this is an attempt to develop something that really has no bearing whatsoever upon this bill, and it cannot be accepted as a valid argument.

Mr. CRAMER. Mr. Chairman, will the gentleman yield?

The gentleman mentioned my name a number of times.

The CHAIRMAN. The time of the gentleman from New York has again expired.

Does the gentleman from New York desire to yield to the gentleman from Florida?

Mr. CELLER. Mr. Chairman, I yield 10 minutes to the gentleman from Tennessee [Mr. GRIDER].

Mr. GRIDER. Mr. Chairman, I rise to discuss with the Members of the House a single word of this bill which is now before us for long and deliberate consideration. The word is "lawfully," and it appears in section 501(a). It was placed there by the Judiciary Committee on my motion, and I rise in its support.

Indeed, Mr. Chairman, it has come as a surprise to me to learn that any member of the Judiciary Committee could object to the word "lawfully" in any bill coming from that distinguished group. I am further surprised to see that the prestigious New York Times has editorialized against it and one of my colleagues, the gentleman from California [Mr. EDWARDS], has inserted the editorial in the daily RECORD.

I feel that all of the objection arises from a misunderstanding of its meaning, and it is my intention to explain its meaning and to make necessary legislative history so that it cannot be misunderstood by our people or our courts in the future.

The purpose of title V is to make it a Federal crime for any person, whether or not acting under color of law, by force or threat of force, to interfere with any other person because of his race, color, religion, or national origin, while that person is engaging in the exercise of nine enumerated rights, all of which could broadly be called civil rights. These include the use of common carriers, and the enjoyment of public facilities. The word "lawfully" makes clear that the protection of this law extends only to those persons who are "lawfully engaging or seeking to engage in" the exercise of their civil rights.

Mr. Chairman, title V is necessary. I think we all admit that. And it is necessary because there has been a failure of some local courts to convict people who have interfered in a most gruesome manner with the civil rights of other citizens.

On June 12, 1963, Medgar W. Evers was shot in the back as he arrived home from a civil rights rally. No one has ever been convicted of that crime.

On February 1, 1964, Lewis Allen was slain in Library, Miss., shortly after he had testified against a white man charged with another killing. There have been no arrests.

On June 21, 1964, three men were brutally slain in Philadelphia, Miss., and to date, no one has been convicted.

On July 11, 1964, Lemuel Penn was shot while driving along the highway near Colbert, Ga. By tortuous application of an ancient law, his murderers were convicted of depriving him of his civil rights. No one here believes that either the present law or its penalties are adequate.

On December 10, 1964, Frank Morris died of burns when his shoe repair shop was fired by arsonists in an area of racial unrest. So far there have been no arrests.

On March 12, 1965, the Reverend James Reeb was bludgeoned to death and no one was convicted.

On March 25, 1965, Mrs. Viola Liuzzo was shot on the highway between Selma and Montgomery, Ala., and no conviction was obtained in State court against anybody. Three persons did receive 10-year sentences for conspiracy to violate the victim's civil rights. These convictions were obtained in a Federal court.

On June 2, 1965, O'Neil Moore, a Negro deputy sheriff, was shot in Bogalusa, La., and to date there have been no convictions.

On August 30, 1965, Jonathan M. Daniels, an Episcopalian seminarian, was slain after release from jail for a civil rights demonstration, and no one has been convicted.

Five days later, near Anniston, Ala., Thad Christian was shot while fishing, and there has not been a conviction.

As I understand the purpose of title V, Mr. Chairman, it is to give the Federal court more complete jurisdiction over these kinds of atrocities. No Member of this House, I would venture to say, would disagree that more effective means must be provided to deal with these kinds of criminals.

And, Mr. Chairman, and I mean to emphasize this, in every case which I have cited, the victim was beyond any question of a doubt lawfully exercising his civil rights.

Now it is being said, that title V has another purpose and that is to protect demonstrators against brutality from hostile crowds or law enforcement officers. One could gain the impression from the New York Times editorial that this innocent word "lawfully" would even encourage brutality against demonstrators. Certainly, they say, that title V, with this word in it, would not inhibit or deter such brutal acts.

The answer to this proposition is to examine the word "lawfully" and to see whether it could possibly be interpreted so as to authorize brutality by law enforcement officers or others against peaceful demonstrators, if they were in violation of some minor city or State ordinance or statute.

I think the Supreme Court has amply answered this, Mr. Chairman. Where demonstrators are concerned, the Supreme Court has repeatedly held that a peaceful demonstration is an exercise of freedom of speech and assembly. In this area, the Supreme Court has often held that those ordinances and statutes against "loitering" or "disturbing the peace" because of their vagueness cannot be applied to individuals engaged in this form of expression. See for example, *Edwards* v. *South Carolina*, 372 U.S. 220. Similarly, even a valid ordinance, such as those against obstruction of public thoroughfares must be impartially administered in order to have effect where protests and demonstrations are concerned. An example of this is found in *Cox* v. *Louisiana*, 379 U.S. 536.

Therefore, Mr. Chairman, demonstrators and marchers whose real purpose is to exercise their freedom of speech and assembly need not fear that they will be removed from the protection of title V simply because their activities are contrary to a vague or discriminatorily administered ordinance or statute.

No one, so far as I know, has gone to the length of asserting that a night rider, bomber, or terrorist would escape punishment under title V if his victim happened to be violating an unrelated statute at the time of the crime. No one has suggested or would dare to suggest, for example, that the murderers of Mrs. Liuzzo would be exempt from title V had she been speeding as she proceeded down Highway 80 on the night of March 25, 1965.

If legislative history is required on this point, Mr. Chairman, let it be made clear here and now. A person would be "lawfully engaging or seeking to engage in" the exercise of his civil rights within the meaning of title V even though he might be, at the time of the attack upon him, violating some minor or unrelated ordinance or statute. The only time the exercise would become unlawful would be where the intent of the exercise of his civil rights was to violate a valid law fairly and evenly applied.

Mr. CELLER. Mr. Chairman, will the gentleman yield?

Mr. GRIDER. I yield to the distinguished chairman.

Mr. CELLER. The gentleman is making a very interesting speech. The gentleman seems to make a distinction between minor and, shall I say, major misdemeanors—that which is major or minor as far as unlawful conduct is concerned. It is like saying that a man is a little bit "cracked." I wonder whether the result is not just the same.

The word "lawfully" is used. If the person is a trespasser, would not the trespasser be doing something unlawful?

If the victim is guilty of speeding and violating a traffic ordinance, would that individual be doing something unlawful, and therefore be outside the protection of title V?

Mr. GRIDER. I would say to my distinguished chairman of the Judiciary Committee, first, diligent search has not discovered a single case in which this could have arisen, even if title V had been in effect.

Second, I would say that there is another problem in the administration of title V, which I will refer to now, with the chairman's permission, which I think makes it important that the word "lawfully" be in there.

I will concede that there is the possibility of a conflict, that it may be that the law enforcement officer on the one hand may have to gage his conduct to determine whether or not his action in using force to resist demonstration might put him under title V. That is one set of facts. The other is the demonstrator who may have to decide whether his action is lawful. It seems to me, where you have to decide between those two groups, the law-enforcement officer ought to be entitled to protection.

Furthermore, Mr. Chairman, as has already been pointed out, there is not, so far as my research has determined, a single instance in which the victim's conduct has been unlawful at the time of the attack. Laws are designed to cure known evils, not imaginary ones.

Now, Mr. Chairman, let us look at the other side of the coin. Is there a real need for the insertion of the word "lawfully" in title V? I submit that there is.

Let us assume for the moment that the word is omitted or, to reduce it to a patent absurdity, let us assume that the title is further amended to read "lawfully or unlawfully."

Now, Mr. Chairman, let us put ourselves in the place of the law enforcement officer facing an angry and agitated mob marching toward him for the expressed purpose of storming a theater during a Saturday afternoon children's matinee. I think we are on solid ground here, and can draw from recent events in several of our large cities of the East and Middle West specific examples of situations not very much different from this.

Does this police officer have to worry about whether or not he will be exposing himself to a Federal criminal charge if he threatens the use of force against such a mob? It is clearly unlawful for such a mob to disturb the public peace and threaten the public safety in this fashion, and I think this police officer will draw comfort from the insertion of the word "lawfully."

Or let us look at the rabble-rouser who wants to incite a mob to action. Could he not reasonably shout that title V, without this good word, protected them from interference, so long as their action had the color of an exercise of a civil right? I suggest that this very well might occur and that, given the temper of some of the mobs that have sacked our big city streets lately, they might even believe that their riot was nothing more than an exercise of their constitutional right.

This reasoning is given added force, Mr. Chairman, by the recent emergence of the ugly and sinister rallying cry "black power."

I will be the first to admit that this term is subject to many interpretations, and that those who first proposed it did not dream of the way that it would be and indeed is being interpreted by the big city mobs.

"Black power" in the throats of the rioters in Cleveland certainly did not mean power in the courts or power at the ballot box. It meant naked physical power directed specifically against the law enforcement agencies of the city and State.

On moving closer to home, let us imagine that a Capitol policeman faces an ugly mob marching toward the building in which we are now assembled.

Under 40 U.S.C. 193g., such a demonstration is forbidden on the U.S. Capitol Grounds. Does this officer have to consider whether or not he will be charged with an offense which could result in life imprisonment for him before he repels such a mob?

I think we can all admit that the law enforcement officer today has enough problems. Certainly he has been confused by the Escobedo case and those which have followed it. He is constantly criticized from many quarters, and seldom praised. Heaven knows, he is not overpaid. I think we are asking too much to add to his burdens the requirement that he worry about a criminal charge when he faces a hostile mob. And this is an opportunity for this body to say to him that so long as he goes about his business of fairly and impartially enforcing the law, he need not concern himself with fear of a criminal charge.

There is, moreover, no comfort to the murderer, the lynch mob, or the white-robed nightrider in this word. Indeed, the word "lawfully" strengthens the bill where he is concerned, for he instinctively fears this word and the implications of it. He hears in it the overtones of his final defeat, and we, by the use of this word, reassert to him that we are a nation of laws, and not of men.

And finally, Mr. Chairman, this says to the mob what so desperately needs to be said: That the exercise of civil rights cannot be used as a cloak for violence. That "black power" must bow to the power of this great Nation to enforce its laws.

Mr. FUQUA. Mr. Chairman, will the gentleman yield?

Mr. GRIDER. I yield to the gentleman.

Mr. FUQUA. Mr. Chairman, the House is being asked to consider a measure which changes many basic laws and precepts in this Nation of ours. We are again undergoing a "long, hot summer" with violence and unrest in many of our cities, following other bills which it was said would put to rest such disorder.

I am afraid that many Members of Congress, and indeed a large part of the American public, have become tired of repeated warnings about the dangers of Federal encroachment upon constitutional and traditional areas of State responsibility. It seems quite often that simply to call to the attention of the Congress and the people, dangers to everyone—regardless of race, color, or creed—dangers in legislation which tamper with the basic laws of the land, causes many to question your motive.

Too often such pleas fall on deaf ears.

I want to address myself to title II of this particular bill, which I fear is not generally understood, nor its inherent dangers known to many Members of the Congress.

I would point out that every American citizen, regardless of his race, religion, sex, national origin, economic status, or any other factor, is entitled to a fair trial. There should be no question on this point.

What this bill would actually do, is destroy a declicate balance between the power of the Federal Government and our State court system. I would have felt that the concern the Chief Justice of the United States had over this provision would have caused the committee to reconsider its language and content.

Today, it seems that we must have a civil rights bill, and that it must be rushed hurriedly through committee and the Congress. With each session we see more restrictive laws which, in my opinion, often take away basic freedoms for all men, rather than protecting rights.

The motives and the integrity of State courts and State judicial officers is impugned in this legislation. Where confidence in the operation of our judicial system is necessary for it to work effectively, we see legislation which impugns such courts.

An assertion of discrimination requires the prosecution to present a full statement of the procedures used in the juror selection. State jury officials are automatically subject to cross-examination.

If there is any "evidence" that the assertion of discrimination is valid, relevant records and papers used by jury officials in the performance of their duties must be presented.

The burden is on the State to prove that the allegation is false.

Can you imagine what such a law will do to the administration of justice?

It will not take a brilliant lawyer to realize that here is a vehicle to tie up the prosecution, by shifting from defense of his client to an attack upon the prosecution and the jury system on each of the grounds. The State will have to disprove such allegations, and we will see delay and confusion in the carrying out of justice.

I have been deeply troubled and concerned with the administration of other laws of this nature, and their application. I think one has a right to expect laws to be enforced with reason and with due attention to the intent of Congress in passing them.

Such has not been my experience.

Just last week I had an unpleasant experience in two counties which had received conflicting letters from a Government agency. The first letter complimented the school system for its actions, and that they were found in compliance with the Civil Rights Act. At almost the same time, another letter arrives from the same agency stating that these school districts are not in compliance and Federal assistance is being cut off.

The right hand seldom knows that the left is doing the opposite.

This agency I refer to above has apologized and called it an error. I would consider it to be a pretty serious error.

The same will be true if this title is enacted into law. Lawyers will see this as a vehicle for delay, confusion, distrust, and the court trying the case will have its integrity questioned.

It matters not if the allegations are later proven to be completely false, the damage will have been done. The next case will bring about similar charges, and the State court will likely spend more time defending itself against the accused than in prosecution in behalf of society.

I hope that Congress will take a long second look at this title of the bill. Its ramifications are many, and in my opinion will seriously impair the functioning of our State courts.

Mr. GEORGE W. ANDREWS. Mr. Chairman, will the gentleman yield?

Mr. GRIDER. I yield to the gentleman from Alabama.

Mr. GEORGE W. ANDREWS. Mr. Chairman, in the past 10 years there has been an increasing disregard—a disregard bordering on contempt—for the minority point of view with respect to civil rights legislation. Founded on an inbred suspicion of arguments that are based on a States' rights foundation this contempt or callousness has ridden roughshod over any dissent.

Without crying "Tyranny of the majority," let me remind you it is traditional in the democratic process to give attention to both sides of an issue. Such a proposition was espoused and defended by John Stuart Mill in one of the most memorable passages in the pages of the history of the democratic process. It is from Mill's monumental work, "On Liberty," and I quote:

> If all mankind, if all mankind minus one were of one opinion and only one person were of the contrary opinion, mankind would be no more justified in silencing that person than he, if he had the power, would be justified in silencing mankind. Were an opinion a personal possession of no value except to the owner, if to be obstructed in the enjoyment of it were simply a private injury, it would make some difference whether the injury was inflicted only on a few persons or on many. But the peculiar evil of silencing the expression of an opinion is that it is robbing the human race, posterity as well as the existing generation, those who dissent from the opinion still more than those who hold it. If the opinion is right, they are deprived of the opportunity of exchanging error for truth, if wrong, they lose, what is almost as great a benefit, the clearer perception and livelier impression of truth, produced by its collision with error.

The so-called civil rights bill of 1966 has led to a wide disparity of views among even its stanchest proponents. Surely here, if ever again, we should take Mill's counsel to hear out all of that other opinion.

In the past 10 years, I have seen five major civil rights bills enacted by the Congress, and I think I can detect a formula for passing them—the more complicated they are, the faster this body passes them.

Appreciation for the argument that the problems of the Negro are over 300 years old in this country is wearing thin. But does the Congress always have to answer that position by trying to solve these problems in a matter of weeks or months?

Does it never occur to those who are forever drafting civil rights legislation to look at the records or accomplishments of similar legislation from the past? Most of that which was passed in haste has accomplished little except to engender bitterness on the one hand, and riots in the streets on the other.

Nevertheless, I will not dwell on what I consider are the results of past legislation. For the new sociology of cause and effect seems to leave me out of step with the times. In the past when legislation produced bad results, the Congress repealed it. Now sociological reasoning seems to say the solution to a statute which produces looting, burning, and rioting is to pass more of the same.

So rather than oppose this legislation's sociological foundations, which I obviously do not understand, nor pretend to understand—rather—I want to try briefly to point out what I feel are the major weaknesses in the bill. Then after a review of these weaknesses I would like to follow up with a little more detail on the points made in order to better document my arguments.

I hope that my comments and those of my colleagues who join me in opposition to this legislation, will serve to uncover from this bill some of the camouflage that the House seems intent on pulling over its own eyes.

Title I contemplates elimination of discrimination from Federal juries. The means for achieving this end represent a patent example of "throwing the baby out with the bath water." By eliminating the use of the traditional preliminary questionnaire, persons disqualified or exempt will be placed in the "master jury wheel," selected, and required to come to court only to be excused. This will cause a waste of time in an already slow process and a waste of money in an already expensive one. Over $4 million or almost 10 percent of the total annual cost of our Federal courts is spent on payments of juries.

Still more objectionable is the selection process for Federal juries. On the one hand the bill requires jurors to be randomly selected from voter registration lists while on the other it recognizes that a juror must be able to read, write, and understand English. It is a foregone conclusion that many recently registered voters in the Southern States—voters whom this bill contemplates being selected for jury service—will nevertheless be disqualified as illiterate. This causes more wasted time and creates disappointment in those turned away—disappointment which may likely be manifested in the streets.

Furthermore jury service represents a duty traditionally imposed only when a citizen meets certain qualifications, whereas voting represents a right. The citizen may exercise his voting right wisely or foolishly—indeed may ignore it completely. But no such individual willfulness or personal impunity attaches to the jury burden. The duty and right are simply not analogues.

Finally it should be noted that only 14 States use voter lists to the exclusion of all other sources of names for jury lists. The remainder view voter lists as either totally irrevelant as a source of jurors or allow them only as a supplementary source. The jury systems of these States have worked well. Are we to disregard all of the learning of this great majority? Benjamin Franklin said, "Experience keepeth a dear school but a fool learneth from no other." We should heed Franklin's advice and draw from the teaching of others to our own utility rather than indulge once more in the heady wine of social experimentation to the exclusion of the tried and proved.

Finally, title I will lessen the quality of Federal jurors as compared to State jurors. As indicated by the Attorney General in his May 5 testimony before the House Judiciary Committee, Federal courts would be forbidden from empanelling blue ribbon juries by the "random selection" requirement, whereas State courts could continue to select "blue ribbon" juries for particularly difficult cases. Since the enactment of the Federal rules of civil procedure, the Federal courts have attracted considerable litigation related to highly complex financial dealings. Furthermore, the Federal courts have exclusive jurisdiction over such areas as patents and copyrights, both extremely demanding fields. Yet despite the concentration of many of the more difficult legal problems in the Federal courts, less will be demanded of Federal jurors than State jurors.

Title II seeks to deal with alleged discrimination in State jury selection. For over 100 years it has been illegal for States to discriminate by reason of race. So, title II represents an unwarranted, unneeded invasion into States' rights.

A chief objection is section 201 declaring that no State may base jury selection on economic responsibility or as the bill phrases it, "economic status." As a result, New York's requirement that a juror own $250 worth of real or personal property will be invalid.

The eminent French Judge Alexis de Tocqueville said:

> I do not know whether the jury is useful to those who have law suits, but I am certain it is highly beneficial to those who judge them.

It is doubtful, however, that a modern judge's task will be relieved when he is called upon to explain certain tax features to members of a jury who have never paid taxes. Indeed such a proposition seems contradictory to the sixth amendment guarantee of a fair trial, not to mention the proposed procedures which will prevent a speedy trial.

We have always recognized that jury service fell more within the area of duty, a duty imposed by the State if the citizen met the State's qualifications. For instance, 10 of the 13 colonies required their jurors to hold property, either real or personal. Today's litigation far surpasses that of the 18th century in complexity; yet, the Attorney General would require less responsibility from a State's jurors than was demanded in 1789.

In title III the Attorney General seeks authority to institute his own action unsupported by formal complaint, whenever he feels he has "reasonable grounds," whatever that means. The remedy he would seek is the injunction. Intervention without a formal complaint based on something as vague as "reasonable grounds" not only stands in stark contrast to our Anglo-American concept of litigative jurisprudence between two opposing persons; it also means that the drastic remedy of injunction, hitherto sparingly used, will be available when the Attorney General has "reasonable grounds" to believe something is "about to" happen.

Moreover, by means of a redefinition of "desegregation" in section 303(b) of title VI and an exclusion of further remedy in section 305 of title VI, title III will be limited primarily to southern States. For by deleting "racial imbalance" as within the meaning of "segregation" the northern de facto segregated neighborhoods—and consequently schools—are not touched. On the other hand the less urbanized South, much more "integrated" in terms of housing and thus without the northern problem of "racial imbalance" will be clearly within the sphere of titles III and VI.

Certainly the most publicized and controversial part of this bill is title IV, the fair housing provision, more widely described as the "forced housing" provision.

In the first place title IV, even as amended, cannot be justified on the basis of either the interstate commerce clause or the 14th amendment. It is difficult to see, short of a severe storm, how a house or apartment can be involved in interstate commerce. It is even more difficult to understand how discrimination by a homeowner or apartment owner can possibly be called State action within the 14th amendment.

In addition to the constitutional objections a number of aspects of the bill merit separate criticism. It is quite foreseeable, for instance, that mortgagees will be required to keep financial portfolios in terms of race, religion, and national origin as evidence they have not discriminated in making loans.

Secondly, many argue that the "exemption" of the individual homeowner makes the bill palatable, but quite often Government, military, and business personnel are required to engage in more than two housing transactions in 12 months. Consequently the full force of the bill applies to them, though they can hardly be logically described as "in the business" of housing.

Perhaps the most important danger of title IV is found in section 408 which sets up a "Fair Housing Board" whose powers are the same as those of the National Labor Relations Board. Even in times of national emergency Congress has been reluctant to issue such a carte blanc as is envisioned by proponents of section 408. And since both the individual and the Attorney General may enforce title IV, there is not even a need for creation of this overbearing legal octopus empowered with the attributes of administrator, enforcer, prosecutor, adjudicator, and litigant.

The people of this country seem firmly opposed to title IV as evidenced by referendums and by the overwhelmingly adverse mail from all parts of the country.

In conclusion, it seems extraordinary—to put it mildly—for the Federal Government to define as "policy of the United States" that which is clearly not the policy of the people of the United States.

Indeed, to an impartial observer it might seem contradictory to a Government "of the people, by the people, and for the people."

Mr. GROSS. Mr. Chairman, I make the point of order that a quorum is not present.

The CHAIRMAN. The Chair will count. [After counting.] Ninety-seven Members are present, not a quorum. The Clerk will call the roll.

The Clerk called the roll, and the following Members failed to answer to their names:

[Roll No. 187]

Andrews, Glenn
Baring
Barrett
Brock
Buchanan
Callaway
Clark
Clevenger
Cooley
Craley
Culver
Daddario
Dawson
Dickinson
Donohue
Duncan, Oreg.
Edwards, Calif.
Edwards, La.
Ellsworth
Everett
Evins, Tenn.
Farnsley
Fisher
Fogarty
Fulton, Pa.
Green, Oreg.
Greigg
Hébert
Henderson
Herlong
Irwin
Jones, Mo.
Kee
King, N.Y.
King, Utah
Kirwan
Landrum
Leggett
McEwen
McFall
McMillan
Macdonald
Martin, Ala.
Martin, Mass.
Matsunaga
Michel
Miller
Mills
Moeller
Morrison
Mosher
Moss
Murray
Nedzi
O'Neill, Mass.
Philbin
Pool
Powell
Pucinski
Rogers, Tex.
Scott
Sikes
Sisk
Smith, Calif.
Teague, Tex.
Toll
Trimble
Tunney
Tuten
Watkins
Willis
Wright

Accordingly, the Committee rose; and the Speaker pro tempore [Mr. ALBERT] having assumed the chair, Mr. BOLLING, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill H.R. 14765, and finding itself without a quorum, he had directed the roll to be called, when 360 Members responded to their names, a quorum, and he submitted herewith the names of the absentees to be spread upon the Journal.

The Committee resumed its sitting.

Mr. CELLER. Mr. Chairman, I yield such time as he may require to the gentleman from Mississippi [Mr. ABERNETHY].

Mr. ABERNETHY. Mr. Chairman, here we are again, for the eighth or ninth time since 1953 feeding the civil rights dragon. And in every instance, Mr. Chairman, the Congress has taken away more freedom than it has guaranteed.

When will there be an end to the political yielding to those who demand more and more in the name of civil rights? When will there be an end to this continuous warping of our Constitution? When will we cease to vest more and more power in a strong centralized Government in Washington?

When will the two principal political parties of this country end their unconscionable bidding for the vote of the organization minorities? When will they cease their contest which is entangling every business and every individual in a mass of Federal laws, regulations, executive orders, decrees, and directives? Would it not be wonderful, Mr. Chairman, if just one Congress—just one—would proceed through its full 2 years without making a clown of itself with bills of this kind? It would seem to me that the unorganized majority might have one Congress that would leave it alone—and I had hoped this might be the one. With politics being what it is I should have known it was a hopeless kind of hope.

That which disturbs us most, Mr. Chairman, is the fact that this legislation has found its way to this Chamber because of threats of the organized Negro minority to riot and riot again and again unless they get another civil rights bill. We were told on the presentation of the last bill that the legislation was essential to preventing violence. When do the threats end? And when does Congress and, yes, the President, himself, exhibit the courage which should be exhibited and let these rioters know they have come to the end of the road?

Mr. Chairman, every nation that has fallen to communism began its fall with marching and rioting in the streets. No dictator has even taken over a nation without a march, a riot, or a disorder of some kind. I warn this Congress and the Nation, Mr. Chairman, that we are moving toward nothing short of a Federal dictatorship under the guise of so-called civil rights.

Mr. Chairman, the Congress of the United States is being asked today to curtail the basic rights of every resident of this great country in order to grant special privileges, under the name of "rights," to certain groups and classes.

This is what the bill (H.R. 14765) will do if it is enacted.

This is wrong, and I am opposed to it, and shall fight against it and vote against it.

Mr. Chairman, I do not propose to attempt a section-by-section analysis of this bill. Others have done this, others will do it, at least as well as I could, and probably better.

What I do propose is to refer to certain portions of the bill in some detail in order to give this body examples of some of the things that are wrong with it.

This bill has been brought here without adequate consideration, and I shall give examples to prove it.

It is poorly drafted, and I shall give at least one example to prove it.

This bill would make sweeping changes in the Federal jury system without adequate consideration of the effects or desirability of such changes, and I shall demonstrate this by example.

This bill would create new crimes in language so complicated and unclear that no one can say for certain just what it means. This bill would give the Attorney General vast and unjustified powers over such State functions as public education and the administration of public facilities. This bill would invite, and actually subsidize, a flood of litigation consisting substantially of nuisance sections and grudge suits.

This bill would attack one of our basic freedoms, the right of private property. I shall demonstrate all these points by example.

Let us consider together for a moment the first important legislative paragraph in this bill. I refer to the first sentence of the new section 1861 of title 28 of the United States Code, as this bill proposes to enact it.

The sentence reads:

> It is the policy of the United States that all litigants in Federal Courts entitled to trial by jury shall have the right to a jury selected from a cross section of the community in the district or division wherein the court convenes.

This sentence contains a completely new policy, represented by the phrase "a cross section of the community." When we try to find out what this means, there is nothing in the report to help us. The question was not considered at the hearings. To the best of my knowledge and belief, it was not considered by the committee. So we turn to the dictionary, where we find "cross section" defined as "a composite representation typifying the constituents of a thing in their relations." It is difficult to see how the phrase "in their relations" at the end of the definition can be applied to a "cross section" of the community as the latter term is used in the proposed new section 1861 of title 28. The rest of the definition: "a composite representation typifying the constituents of a thing" apparently means about the same thing as that which the pollsters refer to when they speak of "a representative sample" of any particular group.

If this is what the term "a cross section of the community" means, as it is used in this bill, when we are being asked to declare it to be the policy of the United States that every jury shall be selected from a panel which contains the same percentage of white persons and the same percentage of Negroes and the same percentage of persons of any other color as the community itself; which contains the same proportions of men and women, and in the same age proportions, as the community itself; which contains the same proportion of Methodists and Baptists and Catholics and Mohammedans and Buddhists and persons of each and every other religion, and possibly of atheists, as the community itself; which contains the same number of persons of each national origin of the community itself; and which contains the same number of rich men and poor men and men of middle income as the community itself.

If the language has another meaning, it has not been offered to us. If we desire it to have another meaning, we should amend the bill to make our desires clear, because otherwise the dictionary definition is most likely to be the definition which is followed in interpreting the law.

To create such a microcosm of the community as this definition of the phrase "cross section" calls for may not be completely impossible, but it will certainly be extremely difficult. And if it should be possible to accomplish this in a particular jury panel, as soon as one jury has been selected from the panel the percentages will have been upset, and the panel will no longer be an accurate cross section of the community.

Will it then be necessary to add additional names to the panel, of persons in the same circumstances and having the same qualifications with respect to sex, and color, and race, and creed as those who were selected for the jury, in order to restore the panel to its status as a cross section of the community before the next jury is selected? The bill is silent on this point.

Actually, the bill in terms calls for random selections of names from voter registration lists. If names are in fact selected at random, only the whim of chance could result in a panel which would be a cross section of the community.

It is interesting to note that there is no provision for random selection of names from the other source or sources of names which may be prescribed by the judicial council. Perhaps, in order to comply with law—if this bill is enacted—it will be necessary for the jury commissioners, after names have been drawn from the voter registration lists, to choose names selectively, not at random, from various other sources in order to make up a cross section of the community in each instance.

I do not know what to make of the provision in the proposed new subsection 1864(d) of title 28:

> The chief judge of the district shall prescribe, by rule, definite and certain procedures to be followed by the jury commission in making a random selection of names.

It seems to me that any name selected by "definite and certain procedures" can hardly be said to be selected at random; but since I have no pretensions as a mathematician, I do not press this point.

Title I of this bill, Mr. Chairman, would change the entire Federal jury system.

These changes would be brought about without ever having sought or considered the views and opinions of the American Judicature Society, or the American Bar Association, or the Administrative Office of the U.S. Courts, or any judicial conference.

This is an area in which vast amounts of research have been done, but none of this research has been taken into account in considering and reporting this title to the House.

There are provisions in title I which are still relatively complete mysteries. No one has said and no one can say exactly what they shall mean, or, in some cases, how they will be implemented.

An example of this is the proviso on page 38, in subsection 1864(a), referring to the placing of names in a master jury wheel, which authorizes the judicial council of the circuit to prescribe for any district some source or sources of names for the master wheel in addition to voter registration lists, wherever the judicial council considers this to be necessary in order to insure that no person shall be excluded from jury service on account of race, color, religion, sex, national origin, or economic status.

We do not know what is to trigger a determination by the judicial council that an additional source or sources of names for the master jury wheel is necessary. There is no provision that the judicial council shall receive any evidence or consider any arguments.

Under existing law, the judicial council receives a report from the Administrative Office of the U.S. Courts. There is no mention in law of any other reports to the council.

If the Administrative Office of the U.S. Courts finds that additional sources of names for the master jury wheel should be selected in a particular district, and so reports to the Judicial Conference, will the conference have to accept the facts and conclusions as presented by the Administrative Office, or will the council be able to inquire into the matter?

On this, there is a slight clue in the provision contained in section 1864 of this bill that the judicial council of the circuit is to act "with such advice as the chief judge of the district may offer." But can we say that this was intended to prohibit the council from receiving other advice, from getting its facts elsewhere than out of the report of the Administrative Office of the U.S. Courts?

We do not know the answers to these questions because they were not considered by the committee and they are not touched upon in the report which accompanied this bill to the floor of the House.

Consider now, for a moment, the question of the additional source or sources of names—for the master jury wheel—which may be named by the judicial council. In terms, the language of this bill places no limitation upon such sources. But could the judicial council, under this bill, prescribe as a source of names for the master jury wheel the membership list of the National Association for the Advancement of Colored People, or the membership roster of the Independent Benevolent and Protective Order of Elks of the World, which is a Negro social organization? Could the membership list of the Committee on Racial Integration, or of the Southern Conference on Human Welfare, or of the Black Muslims, be prescribed as a source of names for the master jury wheel?

Suppose the judicial council became convinced that in a particular district women were being prevented from serving on juries because of their sex, and that this situation should be corrected by prescribing an additional source of names for the master jury wheel which would consist of all female names. Could the membership list of either the Daughters of the American Revolution or of the Women's Strike for Peace be designated as such a source of names?

Mr. Chairman, we do not know the answers to these questions. The committee did not consider them. The report does not discuss them. There are no guidelines in the bill, and so the provision with respect to prescribing additional sources of names for the master jury wheel remains substantially a mystery. In that status we are asked to enact it into law.

If any Member considers of little importance the question of how to construe these various provisions with respect to placing names in the master jury wheel and drawing names from that wheel, let him consider that if this bill is enacted, the defendant in any criminal case will have the right to move to dismiss the indictment or stay the proceedings against him on the ground of failure to comply with any of these very complicated procedural rules.

The Attorney General is also in the picture at this point, for by enactment of this bill he would be given the right to move to stay the proceedings in any criminal case on the grounds of failure to comply with these procedural rules.

In civil cases, any party could move to stay the proceedings on this same ground.

Title I of this bill would write into title 28 of the United States Code a new section 1866, dealing with qualifications for jury service. Subsection B of this section contains four numbered subparagraphs listing the sole grounds for disqualifying any person for jury service.

Since there are four numbered paragraphs in this subsection, many who have read the act have concluded that there are only four grounds for disqualification. But the fact is that there are five. Two of these grounds are lumped together in the fourth numbered subparagraph.

One of these grounds for disqualification from jury service has long been recognized as a perfectly proper basis for disqualification: that is, conviction of a crime punishable by imprisonment for more than 1 year, without subsequent restoration of civil rights by pardon or amnesty.

But the other basis for disqualification which is contained in subparagraph four is a completely new concept—the concept that an individual should be denied his right to serve on a jury if he is merely charged with a crime which upon conviction would be punishable by imprisonment by 1 year.

Thus, this bill embraces the principle that a man may be punished, may have sanctions applied against him, may be deprived of substantial rights, solely because he is charged with the commission of a crime, without any proof having been made, without any hearing, without any trial. This is contrary to all the basic principles of justice which we hold dear. It is a provision which is clearly unconstitutional.

I would not wish to believe that any Member of this body would wish to vote to punish a man in any way, to deprive him of anything of value or of any substantial rights, solely because he might be charged with a crime.

But how many Members of this body will vote to amend this bill so as to eliminate this unjust and unconstitutional provision?

And, if it is not out of order to ask, without intending to affront any individual, how does it happen that this provision is recommended for enactment embedded in a bill reported here from the Committee on the Judiciary, which is supposed to be our watchdog on civil rights?

Title 2 of H.R. 14675, as reported from committee, seeks to bring the jury systems of all the States under direct Federal control.

Without attempting to analyze this title in detail, let me deal with one extremely important point which is raised by this provision and which is not discussed in the committee report.

This bill proposes in title I to fix uniform rules with respect to the grounds upon which a prospective Federal juror may be disqualified for jury service. One of the grounds allowed is illiteracy.

But in title II the bill provides that in the case of State jury systems any ground for disqualification which any Federal court finds to have been the basis for any "excuse, exemption, or exclusion," from jury service which has resulted in the denial or abridgment, because of race, color, religion, sex, national origin, or economic status, of the right of any individual to sit on any grand or petit jury in any State court, may be suspended by order of the Federal court.

Under this provision, if it should become law, the literacy requirement for service on juries could be suspended in any State—could be suspended throughout the whole State, mind you—on the basis of a finding by a Federal court that in a particular instance one Negro was held to be illiterate, and on that ground disqualified from jury service, when in the opinion of the Federal court, he is not in fact a complete illiterate.

There is no sense or logic in such a provision.

If there is illegal discrimination in the impaneling of a jury, it does not take a new law to make it possible to get a new trial because of this irregularity. That can be done under the law as it exists today.

Mr. Chairman, either it is a good idea to keep illiterates off juries, or else it is not a good idea. If it is a good idea, should we not bend every effort to see that the principle of confining jury service to those who are literate is followed everywhere? Why should we specifically provide that this principle may be ordered abandoned throughout an entire State if in any single instance it is misused, or even if a Federal court thinks it was misused?

Have we so soon forgotten the case which got nationwide publicity only last December, the case in which an all-Negro jury in East Naples, Fla., brought in a double verdict against a white defendent because of the illiteracy of some of its members, with the result that a mistrial had to be ordered?

That jury deliberated for 1 hour and 45 minutes, Mr. Chairman, and then returned to the courtroom, and the foreman of the jury announced the verdict of not guilty. Then that same foreman handed in a written verdict of not guilty, bearing his signature.

When the court inquired into the matter, the foreman of the jury admitted that except for being able to sign his name, he could neither read nor write. He told the court the other members of the jury had left it up to him to make the decision and announce it. After he had done this, he said other members of the jury gave him a verdict to sign and he signed it.

Members of the jury were questioned individually by the court. This was a six-member jury. Two of the six said they thought the defendant was innocent. Another two said they thought he was guilty. The remaining two said they were in favor of finding the defendant innocent, but explained that they thought a guilty verdict had been decided upon by the whole jury on the basis of a majority vote.

At the time that east Naples case was in the news, Mr. Chairman, Florida State officials were quoted as saying that the confused situation which led to the impaneling of illiterate Negro jurors resulted from the elimination of literacy as a requirement for vote registration in certain areas of the country. They explained that jury panels were drawn from registration lists, and that county officials were afraid to disqualify Negroes on the basis of illiteracy for fear of being accused of engaging in discrimination.

Mr. Chairman, for all of my adult lifetime, the American Judicature Society and the American Bar Association and various State and local bar associations, as well as a number of other orgnizations, have been working to improve the quality of juries. Now we are confronted with a bill that proposes to sweep away the fruits of those decades of effort.

Mr. Chairman, the principle involved here is just the same as the principle which would be involved if we were being asked to grant Federal courts the authority to suspend the operation of State statutes against larceny whenever it found that in any single case one individual in a State had been improperly convicted of larceny. Of course, we should not grant any such power, Mr. Chairman, because laws against larceny are good and a remedy for improper or inadequate administration of such laws is better administration and enforcement, not suspension of the laws.

Similarly, Mr. Chairman, laws against impaneling illiterates on juries are good laws, and should not be suspended merely because of some instance or some instances of improper or inadequate administration.

But, Mr. Chairman, there is a more basic reason than any cited so far for the rejection of Federal intervention in the selection of juries in State courts. This legislation could lead to complete destruction of the jury system in State and county courts.

Indeed, there is nothing more reprehensible than a "stacked" jury—one that contains a "sinker," or so, on the panel who has a fixed opinion, or who is sitting there for the purpose of doing other than that justified by the law and evidence. And it makes no difference which side he is on if he is what is generally known to trial lawyers as a "sinker" juror. This is bad and any respectable right-thinking person abhors such. I certainly do.

There have been miscarriages of justices in our jury system. No area of the country and no State has a monopoly on absolutely impartial juries. No such monopoly exists. Miscarriages of justice through the jury system are common to all States and all counties.

There have been some verdicts which I did not like; and some which no doubt were a deliberate miscarriage of justice. But let us not wreck the entire jury system of our country, a system which has served so well for so long, simply because we disagree with or dislike a verdict or so rendered here and there.

Mr. Chairman, we are playing with danger when we attempt to control the selection of State and county juries via Federal processes from Washington. While the proponents may not so intend, this bill itself could lead to "stacked" juries at the local level.

This is very dangerous legislation. It should be rejected.

Title 3 of this bill goes whole hog in embracing the principle of law enforcement by injunction.

For the benefit of any who are not already familiar with the phrase "enforcement by injunction," it means the concept or procedure under which, instead of punishing an individual for performing an act which has been made unlawful, the individual is to be prohibited in advance, by court order, from performing the act, and then if he performs it, is to be punished for contempt of court.

There are any number of things wrong with this principle. I shall not even try to list them all. For one thing, enforcement by injunction seeks to reach not only acts, but practices—that is, courses of action—and since a practice or a course of action does not escape criminal sanctions if it consists of or involves illegal acts, there is no point to this effort at enforcement by injunction unless it is an attempt to interdict a series of acts which in and of themselves, are not unlawful. Actually, this is exactly what is sought to be reached, and often a series of acts will be presented as a target for court injunction, not because of what was done, but because of what was intended, or what resulted.

Intentions and results cannot be made crimes, under our Constitution, but the proponents of enforcement by injunction try to reach them by first having the court prohibit the acts, or prohibit acts with the undesired intent or result, and then proceeding against the individual for contempt of court.

Under section 301 of this bill, as under most provisions embodying the principle of enforcement by injunction, it would be possible to restrict any indivdual by court order, deprive him of his freedom of action, and finally punish him for the performance of acts which did not result in depriving anyone of any rights, privileges, or immunities whatsoever.

Actions under title 3 of the bill are triggered by what is called reasonable grounds to believe that any person is about to engage in some act which would deprive another person of "any right, privilege, or immunity granted, secured or protected by the Constitution and laws of the United States," on account of such other person's race, religion, or national origin.

But there is no definition of "reasonable grounds" anywhere in the bill.

The bill does not answer the question: "reasonable grounds for whom to believe?" This is not just a rhetorical question, because what would constitute reasonable grounds for an illiterate farmworker to believe something might not be reasonable grounds for the Attorney General of the United States to believe it.

The same language applies to the right of either an individual or the United States to start a court action for enforcement by injunction.

It would appear that the existence of "reasonable grounds to believe" is a jurisdictional fact that would have to be established before a court could entertain an action under this title. Could the Attorney General provide this jurisdictional element by filing an affidavit that he, in fact, had reasonable grounds to believe? Or would he have to state his grounds in detail, and let the court decide? If the Attorney General could settle the jurisdictional question by filing an affidavit, how about a plaintiff of considerably less education and legal training than the Attorney General?

Mr. Chairman, the more we consider this title, the more the uncertainties and the questions multiply.

The language of this title is entirely too vague.

In essence, this is a statute criminal in nature. But most certainly, sections 301 and 302 lack the certainty which the Constitution requires of a criminal law.

Can this deficiency be supplied by the intervention of a court order specifically requiring the person or persons involved to do or refrain from doing certain acts, or acts with a certain purpose, or acts that have a certain result? No court has yet ruled on this point, so far as I know.

As a matter of principle, it would seem the courts should strike down such efforts to shortcut the Constitution. Perhaps they will. If they do not, and if the Congress choses to go down this road of enforcement by injunction, the day may well come when the Congress and the State legislatures no longer will enact criminal statutes, but instead, courts will fix standards of criminality by issuing injunctions which command or prohibit.

Mr. Chairman, I mentioned earlier that this bill was poorly drafted and had been too hastily considered.

If it is not amiss in that connection, to mention mere typographical errors, let me call attention to the fact that lines 19, 20, and 21 on page 76 appear to have been inserted without rhyme or reason, and probably should be deleted. Also that the word "gorunds" in line 18 on page 80 is not to be found in any dictionary with which I have acquaintance, and must be presumed to involve a typesetting error which created this new word from the English word "grounds."

Title IV of H.R. 14765 is the most objectionable part of the bill.

This title embraces the most dangerous attack on the right of private property which has ever been seriously attempted in this body.

By enacting this title, we shall be seeking to deny large numbers of Americans the right to dispose of their own property as they see fit.

Of course, this invasion of the right of private property would be made, broadly speaking, only with respect to homes. I fail to see where this makes the case any better. In a way, it makes the matter worse, because one of our most sacred traditions, which we inherited from and share with the British, is the idea that a man's home is his castle.

Let no Member be misled into accepting the idea that all the evils of title IV will be visited only upon those who are in the business of building, developing, selling, renting, or leasing dwellings. Of course, that is what the bill says; but the bill contains a section entitled "Definitions" under which it is provided that anyone shall be deemed to be in this business of building, developing, selling, renting, or leasing dwellings if he has, within the preceding 12 months, participated as either principal or agent in three or more transactions involving the sale, rental, or lease of any dwelling or any interest therein.

So, a woman who runs a boardinghouse and rents three rooms during the year is in the business; a man who gives up a job in one State, and moves his family in a rented trailer to a job and a home in another State, having rented three dwellings within a year, will be deemed under the language of this bill to be in the business of building, developing, selling, renting, or leasing dwellings.

Members can multiply examples as they choose; I am sure the idea has been made clear by the examples I have given.

Most of the penal restrictions on property owners are contained in section 403, and this section has a subsection which says it shall not apply to any property owner with respect to the sale, lease, or rental by him of a portion of a building or structure which contains living quarters occupied or intended to be occupied by no more than four families living independently of each other, if the owner himself actually occupies one of these living quarters as his residence.

Of course, if the right of private property is to be protected, then it must be protected for all men, whether or not they own one-family or four-family dwellings, and whether or not they live in such dwellings. But quite aside from that point, the exemptions provided in the subsection I just referred to do not really amount to as much as one might think.

In the case of a roominghouse, if there are more than three roomers, the exemption would not apply, because each separate room rented would count as one in totaling up the number of living quarters in the building. In the case of a man who moves out of his home into an apartment, or into a hospital, or a sanitarium, or a home for the aged, and seeks to rent the now-vacant dwelling, the exemption would not apply.

Statistics are not available on just how many homeowners would benefit by the exemption contained in the subparagraph to which I referred. But certainly the number of homeowners not exempted by this subsection is far greater.

Mr. Chairman, not only does title IV seek to interfere unjustifiably and unconstitutionally with the right of private property; it goes farther and provides for enforcement of this interference through a blanket authorization of civil actions in Federal district courts which cannot fail to bring with it, if this bill is enacted, the worst court congestion this country has ever seen.

Lawsuits are authorized to be brought in Federal court without regard to the amount in controversy. Actions to enforce against violations of penal provisions designed to protect alleged civil rights are authorized to be brought by private individuals, on their own election, without meeting any standards of proof, and without the payment of any fees or costs or the posting of any security to provide compensation if the action is found to be without merit.

While it is true that the authority to bring these actions without the payment of fees or costs depends upon court approval of an application, there is no requirement for any showing of fact, with respect to the merits of the case, when the application is filed. One of the bases upon which I would think a court would act favorably on such an application would be an affidavit of inability to pay. Court appointment of an attorney, also authorized by this bill, would free the instigator of the suit entirely and forever from the payment of any attorney's fees. The action would cost him nothing.

How many actions do you think would be brought in your State, in your district, in your county, in your own hometown, if this bill becomes law and legal actions of this particularly vicious and harassing and vengeful type are made possible without any financial detriment, or even financial risk, to the plaintiff? Whatever the estimate you make, it is likely to prove too low.

Title IV, of course, also brings the Attorney General into the picture, and here again in section 407 we find a reaffirmance of the principle of enforcement by injunction, which I have discussed already.

But the bill is not satisfied with bringing in the Attorney General as an arbiter of what is discriminatory, with the courts as the enforcers of his determinations. Section 408 sets up a new agency in the Federal bureaucracy, to go into competition with the courts in this area. This new agency is to be called the Fair Housing Board.

The Board is to consist of five individuals, but the bill gives it a power of delegation which will permit the multiplication of its power to any extent it may see fit. For instance, the Board can delegate its authority to hold hearings to any agents or agencies it may choose, without limitation. It could have agents in every city in the land, all holding hearings at once.

The Board is given broad investigatory powers. The Secretary of Housing and Urban Development also is given broad investigatory powers. The only difference appears to be that the Secretary is to investigate before hearings and the Board may exercise its investigatory powers in connection with hearings, or even after hearings. But within their respective spheres, of investigation and hearings, both the Board and the Secretary are given by this bill a large number of powers which originally were conceived in the early days of the New Deal for exercise by the National Labor Relations Board in bringing under subjugation all the great industrial and business concerns of this Nation. These are very great powers, far-reaching, easily possible to abuse.

Some of the powers thus granted to the Board—and, in the case of investigatory powers, to the Secretary of Housing and Urban Development—are worth mentioning here.

The new Board would have the power to issue a complaint against any person in the country on the basis of a mere allegation of housing discrimination filed by a single individual, without any supporting evidence.

The Board could order any person so charged to appear at a hearing, within 5 days, anywhere in the country that the Board might name.

The Board also would have the power of enforcement by injunction, since as soon as it issued a complaint it could file a petition in the U.S. district court to get an injunction against the person charged. This could be done before the Board held any hearing in the matter, so that the Board would become, at one and the same time, a prosecutor—it issued the charge—a moving party seeking injunctive relief in Federal court, and a quasi-judicial body with power to hear and decide the case on the basis of its own complaint.

The Board would have an absolute right of access to any evidence of any person being proceeded against before the Board. With respect to evidence concerning any matter under investigation, the Secretary of Housing and Urban Development would have the same absolute right of access.

The Board would have a subpena power much broader than needed for the conduct of its own hearings. Not only could it subpena witnesses to appear or produce evidence before the Board; but upon application by any party, the Board or any one of its members could issue subpenas requiring the attendance and testimony of witnesses or the production of evidence as requested in the application; and this would include the power to issue subpenas for the taking of depositions by one party to the proceeding, in advance of the Board's own hearing.

The bill provides a way for the Board to get from any department or agency of the Government, even the Internal Revenue Service or the social security board, any records, papers, or information relating to any matter before the Board.

To sum up the picture on title IV: it challenges one of our basic freedoms, the right of private property; it embraces the principle of enforcement by injunction; it invites a multiplicity of litigation in all our courts, especially the Federal courts; it gives the Attorney General vast powers; and it would create a burgeoning new Federal agency with vast investigatory powers but also with quasi-judicial powers which could be so multiplied by delegation that it could compete with courts all over the land.

Title V of this bill is too complicated to permit clear interpretation.

It purports to make crimes of all manner of acts or possible acts not clearly defined or specified.

We cannot be sure about any of its provisions on the basis of our own reading. I think this section might have a great many unexpected results.

I am inclined to minimize the importance of title V, because, after all, it is, on its face, a criminal statute, and I simply do not believe it has the degree of certainty which the Constitution requires of a criminal statute in order for it to be valid.

Title VI of this bill, besides being objectionable in principle, is so poorly drafted that it may accomplish a great deal more than even its strongest proponents intend.

It is bad enough to make the Attorney General of the United States a virtual czar over public education and the administration of all public facilities in all our States, with the Federal courts to act as his enforcement arm. This is done by section 601 of H.R. 14765, and apparently this was intended by the proponents of the bill.

It is even worse to authorize the Attorney General to move into a local situation if he can find one single person who has so much as attempted, or even threatened, to intimidate, to threaten, to coerce, or to interfere with any other person in the exercise or enjoyment of any right to equal protection of the laws. Title VI of H.R. 14765 does this, and apparently this was intended by the proponents of the bill.

But did the proponents of the bill also intend to authorize the Attorney General to institute court action for desegregation of public education and other public facilities simply because one person in the State has voiced a threat based on race, color, religion, or national origin? As reported from committee, title VI of H.R. 14765 does this. I think the fault is in the draftsmanship. But if it was intended, no less than if it is an unintended result of a draftsman's error, this at least should be corrected by amendment before we vote on final passage of this bill.

Mr. Chairman, I have not characterized all the evils of this dangerous and horrible bill. I have not even listed them all. I have only hit the high spots—or perhaps I should say, the low spots—of H.R. 14765.

But I think I have demonstrated that enactment of this bill would be unwise; it would be undesirable; it would be downright dangerous, from several standpoints, most importantly from the standpoint of the preservation of those basic freedoms which are essential where men are to be truly free.

Mr. Chairman, considering it in the very best and most favorable light, this bill would sacrifice a part of the basic freedoms which make us all freemen, for the sake of paying lipservice to certain asserted rights of particular minority groups. There is nothing down that road, Mr. Chairman, except an end to freedom for all of us.

Mr. CELLER. Mr. Chairman, I yield such time as he may require to the gentleman from New York [Mr. MULTER].

Mr. MULTER. Mr. Chairman, I am supporting this bill as one more step in the direction of guaranteeing to all of our citizens equal—I emphasize—equal, not superior, rights.

Previously passed Civil Rights Acts and the Voting Rights Act did not do the full job. Our minority-group problems did not end with the passage of such legislation. No one expected they would. Enactment of H.R. 14765 will not end them either. This bill can provide for some further assistance to accomplish that laudable purpose.

All of our efforts in the 89th Congress aimed toward providing a proper education for our public school children, toward securing valuable technical education for our working force and toward retraining for a technological age may be indeed lost unless we assure justice and protection for all our people.

While we must concern ourselves with making opportunities available for all Americans, we must also be especially cognizant of today's grim statistics on minority groups. As President Johnson emphasized in his message to Congress last April, nonwhite Americans constitute only 11 percent of the national labor force although this same nonwhite population dwell among the ranks of the unemployed at the far-greater rate of 20 percent. Although about 17 percent of all our people live in poverty, one-half of the nonwhite populace live in distressing need. Those grim statistics, can and must be altered. We, in the Congress must use our legislative prerogatives to help attain that goal.

H.R. 14765 will assist in achieving that end.

This bill helps to eliminate discrimination by permitting the Attorney General and/or private persons to sue in Federal district courts. It prohibits racial discrimination in either rental or sale of housing, but still retains the personal rights of an individual owner in selecting occupants for a dwelling that is his family home. These housing provisions prohibit discrimination in sales and rentals by an individual engaged in the real estate business; that is, one who makes three or more housing transactions in 1 year, or occupies a dwelling with four or more units made available to others. Other necessary exemptions are also provided to cover such organizations as nonprofit fraternal and educational groups.

The bill strengthens our existing Federal laws by providing protection for civil rights workers who are lawfully and properly pursuing the rights and privileges that have been bestowed upon them as citizens of these United States. The obvious necessity for safeguarding these citizens against the destruction of life and property, cannot be gainsaid.

In order to aid in this great Nation's progress in education, the Attorney General is empowered by this bill to institute action to desegregate public schools and other public facilities—a power that was substantiated in 1954 by the Supreme Court of the United States.

This power is the logical extension of our intent to provide a more valid connotation of the word "public," a logical extension of our intent to provide equality for all of our citizens.

Provisions for the selection of a fair and impartial jury as outlined in title I and title II are likewise a necessary and logical step to promote justice for all. Certainly a more uniform and useful method will be appreciated in the future, although we can all understand that difficulties will be encountered in its first implementation. But difficulties in the present system, threatening the future, strongly underline the need for a more uniform process.

The Committee on the Judiciary has included a creative factor within the Civil Rights Act of 1966. It has made provisions for a nonpartisan Fair Housing Board and has clothed them with realistic authority. The Board's five members will be appointed by the President with the advice and consent of the Senate. This is a new and invigorating plan and it is a good plan.

The need for constructive action is now. This bill has been formulated on the basis of a careful analysis of the available information on the progress and potential of the laws intended to assure justice and protection for all. It is a realistic proposal designed to help and not to hinder.

It is interesting to note that always upon the Congress enactment, indeed merely upon its consideration of, civil rights legislation, hate groups and their fanatical leaderships spare no harsh words in condemning those responsible. Indeed we are responsible, far more responsible and infinitely more concerned with the future of our great country than are these hate mongers who desecrate the word "American" with their own personal suspicions, fears, and hatreds. Their final product becomes their own American cause, not the cause of all America with which we in the Congress are concerned.

Maybe, our success can be measured, then, in proportion to the number and strength of their protests. In this connection, then, I commend to the attention of our colleagues an article by James H. Sheldon, which appeared in the July 21, 1966, edition of the American Examiner, concerning just such hate-propaganda. The article follows:

Hatemongers Gang Up on L.B.J. Civil Rights Bill

(By James H. Sheldon)

"The most abominable bill ever demanded by a President of the United States is the Civil Rights Act of 1966," begins the front page article in the current issue of Common Sense, an anti-Semitic, racist tabloid published in Union, New Jersey.

Almost every hate publication, or extreme rightist organization in America, has been saying about the same thing for the last two months. Indeed, there is more of a "united front" amongst haters in opposition to current civil rights legislation than has existed on any subject since the agitators of a generation ago sought to prevent America from taking action against Hitler and Mussolini.

The Cross and the Flag, monthly magazine of the notorious anti-Jewish propagandist Gerald L. K. Smith, seems temporarily to have relegated attacks on Israel to the inside pages, and devotes the lead article of its July, 1966 issue to a violent attack on civil rights legislation and Negro Americans as a whole. The article talks hysterically about "a bloody revolution" impending in the United States, and a "communist plot."

A cover story in the preceding issue (June 1966) denounces the civil rights bill as "full of evil" and a means of "placing every . . . American in the keeping of tyrrany-minded Federal bureaucrats appointed by (President) Johnson."

Just to make sure that he has included all of his favorite hatreds, propagandist Smith throws in the additional idea that civil rights legislation is a "Jewish" invention and directs particular venom against the distinguished Chairman of the House Committee on the Judiciary, Congressman EMANUEL CELLER of Brooklyn, New York.

Smith is fond of charging that the National Association for the Advancement of Colored People is "headed, controlled and financed by Jews." "Behind these black authorities operating through their white puppets is the hidden hand of international Jewry," he wrote in an editorial earlier this year.

Of course, to agitators like Smith, every step which advances the cause of any disadvantaged segment of our citizens is anathema. The cause of human freedom is a single cause—and those who oppose it because they believe in the superiority of their own particular group use precisely the same appeals to hatred, whether they are attacking immigrants, Jews, Catholics, Protestants or Negroes.

Common Sense follows the same line. This paper was once described in a staff report of the House Committee on Un-American Activities as the source of "some of the most vitriolic hate propaganda ever to come to the attention of this Committee." It is not surprising, therefore, to find Common Sense engaged in odious attack upon James Meredith, who was gravely wounded recently during his attempt to walk peacefully through part of his home State of Mississippi.

"Meredith is just another stooge for the Zionist-directed groups of revolutionary law breakers," wrote Common Sense on June 15, 1966.

It would be hard to combine more kinds of group hatred into a single sentence.

The Councillor, organ of the Louisiana Citizens Councils, is typical of the propaganda line now being followed in many parts of the South. A single recent issue of this weekly publication (circulation 224,800) attacks pending civil rights legislation, the NAACP, police review boards, and UN Ambassador Arthur Goldberg. A separate article demands State Department support for the racist government of Southern Rhodesia and an advertisement offers for sale copies of John Beaty's "Iron Curtain Over America," the anti-Semitic book previously mentioned in these columns as the source of the canard that today's Jews are "imposters" and not the true descendents of the Hebrews of Old Testament days.

It is hard to tell, in fact, whether The Councillor is primarily anti-Jewish or anti-Negro. Articles attacking "Jewish international bankers" are indiscriminately mixed with articles attacking race relations policies of the National Council of Churches and public declarations of Presidents Kennedy and Johnson.

There is even an occasional attempt to rehabilitate the infamous Ku Klux Klan. Thus, The Councillor tries to persuade its readers to buy the late Thomas Dixon's book, "The Klansman," and in the same advertisement recommends reading "The Protocols of the Elders of Zion."

Common Sense, too, has had kind words to say about the Klan. For example, in the April 1, 1966, issue, one writer says: "As I understand it the Klan struggles for the restoration of Constitutional government and State's Rights. If that is the case, give us more Klansmen."

There is not, indeed, much difference between this type of progpaganda and the outright agitation for violence which occupies the pages of The Stormtrooper, magazine of the self-proclaimed "Leader" of the American Nazi Party, George Lincoln Rockwell. The front cover of this evil publication shows a picture of Rockwell, brandishing a rifle, with the caption in red ink: "Race War Coming! White Man, Get Ready!" On the title page is a swastika. Some of the articles are entitled: "Whites Must Be Armed," "Facts About Adolf Hitler," "Down With CORE!," "It is Later Than the Jews Think," and "Der Tag Approaches."

Incidentally, Rockwell seems to have come into some money, for the current issue of The Stormtrooper contains exactly 100 pages of this type of hate propaganda.

To repeat: the lesson of all this is that freedom is indivisible, and its enemies will attack whatever group serves their nefarious purposes at any particular moment. Good Americans will unite, both to expose and stop the propaganda of the bigots, and to support every kind of legislation which is needed to bring the blessings of citizenship equally to all of our people.

I am convinced that the Civil Rights Act of 1966—as proposed by the Committee on the Judiciary—must be enacted. We must carefully consider the prospects of action, the facts of action, the consequences of action; but we cannot fail in our responsibility, and that responsibility, when it concerns civil rights of American citizens demands action—now.

Mr. CELLER. Mr. Chairman, I yield such time as he may require to the gentleman from New York [Mr. ROSENTHAL].

Mr. ROSENTHAL. Mr. Chairman, I rise in support of H.R. 14765, and its goals of assuring nondiscrimination in Federal and State jury selection, facilitating desegregation of public education and other public facilities, providing judicial relief against discriminatory housing practices, and prescribing penalties for acts of violence and intimidation. These are matters of highest concern to those who are eager to see all Americans enjoy their fundamental rights.

Title I seeks to fortify one of the most basic rights of a democratic society. American citizens are entitled to a fair trial by a jury of their peers, chosen without regard to such irrelevant factors as race, religion, ethnic or national origin, or economic status. Yet some Americans are denied this right.

The measure before us would prohibit discrimination in the selection of Federal, grand, or petit jurors and would provide for Federal jury commissioners to oversee jury selection. It would also require State and local officials having custody of jury records to make them available to the commissioners.

While I strongly support this provision, I also fear that laxity on the part of the proposed judicial councils in determining the representativeness of jury roles could result in continued tacit segregation of Federal juries. Anything less than vigorous prosecution by the Attorney General of cases involving segregation of State juries would mean the continued abridgment of the right to a fair selection of Federal and State juries, comparable to the procedures in the Voting Rights Act of 1965.

I am also convinced of the necessity for title VI of this measure. Need we argue whether citizens and taxpayers should be asked to support public schools they cannot attend? Segregation in public facilities and especially in public education—whether overt, or hidden by school districting—is an especially obnoxious form of discrimination. This bill does not attempt to end de facto segregation, though it should. But it does give the Attorney General power to initiate school desegregation suits without a written complaint. This will prevent intimidation and harassment of the complainants, which has been one of the several obstacles to effective enforcement of school integration laws.

Mr. Chairman, many things have been said about the housing provisions in title IV. To some extent this has been a familiar conflict between those who favor civil rights legislation and those who oppose it. Yet there are new elements in this argument which set it apart from past debates. There is, of course, the much-publicized fact that the greatest effect of this measure will be felt by the North. I welcome that, having never pretended that the only civil rights problems in this country are found in the South.

I want to say, therefore, that this title is a proper moment of truth for many of us. It tests courage, and to some degree pits principle against expediency. The issue is hard in all respects, but I believe we must rise to it. The question, finally, is one which we have faced before: do human rights take priority over property rights?

Anything less than a strong affirmative answer to this question will speak badly of this Congress. I, therefore, will oppose all attempts to weaken title IV of this bill.

I do not think for example, that a man who owns a four-apartment tenement should be allowed to discriminate, even if he lives in one of the apartments.

I gravely fear that exempting religious, private, and fraternal organizations from the provisions of title IV will force such organizations into the housing business, only for the purposes of evading the law, ignoring civic duty, and defying justice. Nor do I believe that we should exempt from the provisions of this bill the private homeowner, who has sold less than three houses in the past year. To do this would be to encourage, tacitly, continuation of discrimination. And it would give some homeowners incentive to sell their homes themselves, creating potentially severe hardships for real estate brokers who, as I understand the bill, are not now exempt even when representing a homeowner who would be exempt himself.

I should add that I oppose any amendment to exempt real estate brokers from the provisions of this title. Exempting private citizens is harmful enough. Exempting real estate brokers who are usually licensed by the States, and thus act under the color of law, is unthinkable and immoral.

In general I support title V, which seeks to protect persons attempting to exercise their constitutional rights from interference, intimidation, or injury. However, serious thought should be given to the question of whether protection should be extended even to those not lawfully engaged in exercising these rights. Surely a person who "parades without a permit," or "trespasses on private property"—to mention some of the charges commonly used against civil rights workers—is entitled to protection from violence and intimidation in the exercise of his rights. By now we should be familiar with the invidious misuse of the law by those with violent intent.

Need we once again recall that James Chaney, Andrew Goodman, and Michael Schwerner were arrested, ostensibly for speeding, by the men who stand accused of having murdered them. To limit protection to those "lawfully" exercising their rights is once more to give certain State courts the opportunity to protect the guilty. If we were sure we could trust the wisdom and fairness of all State courts, there would be little need for this title in the first place. But the record is a sad one, filled with violence, martyrdom, and the avoidance of duty by American courts of law.

In conclusion, then, I strongly support the Civil Rights Act of 1966. I would be troubled, however, by any attempts to emasculate the bill on the floor. And I would find particularly objectionable any weakening of those provisions which ban discrimination in housing. To pass anything less than a strong bill would be to deprive millions of Americans of rights and protection far too long denied them.

Mr. CELLER. Mr. Chairman, I yield such time as he may require to the gentleman from New Jersey [Mr. MINISH].

Mr. MINISH. Mr. Chairman, I rise in support of the legislation.

Mr. Chairman, the recent events in Mississippi have underscored the urgent need for additional Federal legislation to protect and advance individual rights.

Recent Federal civil rights legislation in conjunction with far-reaching and long-awaited U.S. Supreme Court decisions has accomplished much and alleviated much of the injustice which hard unreasoning prejudice has caused. Yet even with these advances, significant though they may be, much remains to be done.

It is contrary to the very idea of government that it should enact laws meant to protect rights but should fail to provide itself with sufficient force to put those laws into effect.

We expect in the United States that Federal law will take effect for the most part through the consent of the people, consent based either upon genuine recognition of the rights to be protected or, at least, upon respect for law as such.

But widespread recourse to violence, intimidation, and reprisal to deprive Negroes of Federal rights in some places in the South have made us realize that the Federal Government's means of enforcement are inadequate to vindicate its civil rights laws.

Let us take an an example the right not to be excluded from any public school, college, or university because of race or color. This right was defined in 1954 by the Supreme Court in Brown against Board of Education on the basis of the 14th amendment.

Congress has undertaken to give effect to this right by title IV of the 1964 Civil Rights Act. Nevertheless, more than 125 incidents of violence occurred in the South between September 1965, when schools opened, and February 1966, according to a recent report by the Southern Regional Council and the American Jewish Committee. The report listed 10 murders, as well as cases of families evicted from farms and of parents ousted from jobs because of attempts to enroll Negro children in school with white children.

There might be no need for additional Federal enforcement powers if all State and local officials were determined to protect the exercise of Federal rights. This is not the case. In its 1965 report on law enforcement in the South, the Civil Rights Commission reported that "in some instances, law enforcement officers have stood aside and permitted violence to be inflicted upon persons exercising rights guaranteed by Federal law."

Civil suits by the Attorney General authorized by our civil rights laws are clearly inadequate to protect against violence. The Justice Department has presently to depend largely upon sections 241 and 242 of title 18 of the United States Code. But we need stronger criminal laws than these.

If murder is committed to deny a Federal right, the United States ought to have authority to prosecute and seek punishment in Federal court not merely for conspiracy but for murder to deny a Federal right. And Federal criminal law must protect civil rights workers and Negroes not only against violence in which "State action" is involved, but against violence, intimidation, and reprisal by private persons as well. Title V of the bill gives the United States authority which it needs to nullify violent resistance to the exercise of Federal rights.

Nor will violence to deprive persons of Federal rights be stopped as long as exclusion of Negroes from grand and petit juries lessens fear of criminal penalties. The Attorney General has reported the Justice Department's finding of a substantial disparity between the percentage of the adult Negro population and the percentage of Negroes on jury panels or jury lists in Federal courts in six Southern States. Speaking of State juries, the Civil Rights Commission stated in its report:

> In the few cases in which persons have been prosecuted for violence against Negroes, grand juries and petit juries—from which Negroes have been systematically excluded and which express deeply rooted community attitudes—have failed to indict or convict.

And the Attorney General pointed out that courts have recently found jury discrimination in the State courts of seven Southern States.

Titles I and II of this bill should give the United States sufficient authority to insure selection of Federal and State juries so that men can no longer with impunity deprive others of Federal rights by means of violence.

In November 1965, more than 11 years after the Brown decision, only 6.01 percent of Negro public schools pupils in the 11 States of the South attended schools with white children. This figure indicates both a failure to achieve equal protection of the law and the need for additional means to insure equal opportunity in education.

Title III of the Civil Rights Act of 1966 gives authority to the Attorney General to bring civil actions to desegregate public facilities and public schools without having to depend upon written complaints from private persons and without having to take the time and trouble to determine whether such persons can themselves undertake litigation. And this increased authority will make it impossible for anyone to prevent the United States from acting by intimidating persons who would otherwise complain to the Attorney General.

Racial discrimination in housing causes incalculable evils in our country. Schools are based on neighborhoods, and Negro children by consequence are assigned to ghetto schools where conditions are such as to deny them educational opportunity equal to that given other children throughout our country. Disadvantaged schooling in turn means denial of equal economic opportunity.

On the other hand, discrimination in housing makes it nearly impossible for the Negro to better substantially the physical conditions of life for himself and his family by hard work and saving.

And discrimination in housing prevents all Americans from learning to live together in one community, and tends to keep us divided from each other by lack of understanding.

Title IV of this bill, which prohibits discrimination in the sale, rental, and financing of living places, and which provides means of enforcement through the courts, should greatly facilitate achievement of freedom, justice, and mutual respect.

This Nation has demonstrated a national commitment to compensate for generations of deprivation and discrimination. The provisions contained in the pending legislation are necessary to fulfill that commitment and to give to our Negroes the opportunity, so long denied them, for a full and participating citizenship.

I urge passage of H.R. 14765, and I hope that all our citizens in all parts of the country will join in implementing its provisions in the name of a common humanity.

Mr. CELLER. Mr. Chairman, I yield such time as he may require to the gentleman from New Jersey [Mr. KREBS].

Mr. KREBS. Mr. Chairman, I rise in support of H.R. 14765. After reading the committee report, listening to several days of debate, and to the learned explanations of this bill by Chairman CELLER and other members of the Judiciary Committee, I have no hesitancy in supporting the Civil Rights Act of 1966.

Needless to say, we have had anguishing moments during this debate. Those opposed to enactment of this bill have expressed their opposition in no uncertain terms. Some see the passage of this bill as destroying age-old traditions limited to certain rural sections of our great country. Others see this same bill as jeopardizing patterns of living in the major metropolitan centers to which the victims of discrimination have often migrated.

Of course the present bill poses a threat. But the threat it poses is to the germs that carry the infection of discrimination and prejudice. This bill will undoubtedly be entered in history as a fearless attack on some of the last vestiges of a sickness that for too long has weakened our society. The Civil Rights Act of 1966, in my opinion, Mr. Chairman, is a realistic, reasonable, and responsive instrument whereby the Congress can isolate and remove the sickness of bigotry from the body of our Nation.

Passage of this historic measure will obviously not miraculously dissolve overnight the ugly scarring of riots and violence. But most assuredly men of good will will be strengthened by the full power and majesty of this law. The scars must surely one day heal, and this Congress can hasten that day by passage of the Civil Rights Act of 1966.

Mr. CELLER. Mr. Chairman, I yield such time as he may require to the gentleman from New York [Mr. BINGHAM].

Mr. BINGHAM. Mr. Chairman, I am happy to rise in support of H.R. 14765, and to compliment the distinguished chairman and the members of the Committee on the Judiciary for the work they have done in bringing before us such a comprehensive bill. This was no easy task, and while I am not satisfied with everything in the committee bill, I am fully cognizant of the many problems with which the committee had to wrestle.

Titles I and II should go a long way to correct the weaknesses in the Federal and State jury selection systems which have all too often been discriminatory in practice in certain areas of the Deep South. This discrimination has resulted on many occasions in excessive severity toward Negro defendants and excessive leniency toward those whites who have engaged in violence against persons seeking to enjoy their constitutional prerogatives or to protect and promote the constitutional prerogatives of others. Title V strengthens the Government's capacity to meet the problems of civil rights violence by defining the areas of protection and by providing punishment under Federal law for interference or attempts to interfere with such activities.

These are all matters which were dealt with in a bill I introduced early in the session, H.R. 12891, which was modeled after the provisions of the bill drafted by the Civil Rights Leadership Conference. While the committee bill before us does not go as far as the bill drafted by the Civil Rights Leadership Conference, it nevertheless represents a major advance over existing laws.

Title III provides for an additional remedy to protect those who are engaged in civil rights activity by authorizing the Attorney General, or the aggrieved person, to institute civil actions for preventive or mandatory relief to protect persons whose constitutional rights are threatened or whose right to work for the recognition of those rights of others is threatened.

Title VI strengthens the Attorney General's powers in instituting suits to desegregate public facilities, including public schools, and title VII improves the existing provisions for the preservation of election records.

The principal controversy in connection with this bill is over the provisions of title IV. In my judgment it is high time that the Federal Government should move, within a statutory framework, to put an end to racial discrimination in the housing field and thus to contribute, over the long run, to the achievement of one of the Nation's most important objectives: the elimination of our racial ghettos.

As title IV is presently worded, the exemptions from coverage are broader than those in effect in my own State of New York. In New York the only exemption from our fair housing law is the rental of a unit in an owner-occupied two-family dwelling. Title IV exempts owner-occupants from coverage in connection with sales, as well as rentals, and covers owner-occupied buildings in which as many as four families live independently of each other.

While I regret that the administration's original proposals, which were comprehensive, had to be weakened, I recognize that some compromise in this area may be necessary to achieve the passage of this vital bill at this session of Congress.

Title IV provides several means of enforcement of its provisions and this gives a variety of tools to those who will be seeking to achieve full enforcement, whether they be public officials or private persons.

One of the new methods of enforcement proposed is spelled out in section 408(a) of the bill. This section establishes a Fair Housing Board, and authorizes the Secretary of Housing and Urban Development to investigate violations and to file complaints with the Board with respect to such violations. I am somewhat concerned that explicit provision is not made for the Secretary to attempt to solve the problem by conciliation in the course of his investigation and before filing his complaint. Such conciliation is specifically provided for in our New York laws. I hope that this matter can be clarified in the course of the debate.

Another gap that I observed in title IV is the absence of a provision clearly directed toward the problem of "blockbusting." This is the all too frequent practice of real estate agents and agitators to buy properties below their fair value by persuading white owners that their homes will shortly lose value because members of minority groups are moving into the neighborhood. This enables the agents to reap windfall profits and frequently results in the creation of ghettoes.

At the proper time, I intend to propose an amendment which would add this type of activity to the other prohibited activities specified in section 403(a). Based largely on the law recently adopted in the State of Maryland and on an ordinance in effect in Kansas City, Mo., as well as laws in other States and cities, this would make it unlawful for agents and others covered by 403(a) "to induce or attempt to induce any person to sell, rent, or lease any dwelling by representations regarding the present or prospective entry into the neighborhood of a person or persons of a particular race, color, religion, national origin, or economic status, or by representations to the effect that such present or prospective entry will or may result in (A) the lowering of real estate values in the area concerned; (B) a deterioration in the character of the area concerned; (C) an increase in criminal or antisocial behavior in the area concerned; or (D) a decline in the quality of the schools or other public facilities serving the area."

Whether or not this amendment is adopted, I hope this House will give its approval to H.R. 14765 without weakening amendments and that the administration and the leadership of both parties in the other body will make every effort to see that the bill is enacted into law before this Congress adjourns.

Mr. CELLER. Mr. Chairman, I yield the gentleman from Missouri [Mr. HUNGATE] 10 minutes.

Mr. HUNGATE. Mr. Chairman, even when making a saint the Devil has an advocate. This is a bill which its proponents find too weak and its opponents find too strong. Perhaps it is middle-class myopia that prevents many from seeing the millennium this bill will achieve. It is opposed with all the high-blown rhetoric of constitutional law while its advocates march under a protesting banner labeled "de facto," a phrase borrowed from the corporation lawyer. As Sir A. P. Herbert once remarked, nothing is more difficult than for a public figure to make a public speech that does more good than harm, and many great men die of old age without ever having done so. This is certainly appropriate to this debate. The opponents' position on this bill is not unlike that of those Minnesota liberals who state that while some of their best friends are Rolvaags, they just do not want one as a neighbor in the statehouse. I dare to suggest that not five votes will be changed as a result of the entire 10 hours of debate on this question, but that has not halted others. I shall not let it deter me.

An amendment will be offered by the gentleman from Illinois [Mr. McCLORY], the gentleman from New York [Mr. SMITH], and myself which would at least give the States a first chance to solve this problem, where it must be solved, at the local level. True, in the past 100 years they have not done so. But let this bill serve as an impetus to local action as the Supreme Court decision did in the school segregation cases. If local laws do not eradicate this problem, then the Federal Government could still come in and do the job. Our difference with the bill as written on this point is principally one of presumption—we prefer to believe that once a policy is established, local authorities will comply, whether they agree with that policy or not so long as it is the law of this land. Their record of obedience to law and nonviolent action is at least as good as any other party to this debate. That day of justice and equality of opportunity for all will arrive much sooner if they are told what must be done and given an opportunity to do it at the local level, than it will if they are simply given orders from Washington in the beginning.

What is the equality we seek in this life? Is it where all men are treated equally regardless of ability? Is no distinction to be made between Duke Ellington and Liberace?

Many of us have some idea of what it means to be required to use separate dining halls and separate rest rooms from other Americans of the same gender under similar circumstances. We have read signs advertising functions being held for enlisted men's wives and officers' ladies. You do not have to belong to a particular race or nationality to undergo such discrimination in the United States, you simply have to be in the U.S. Army. Such discrimination, while hard to justify, is not to be compared with a lifetime of such abuses plus others dealt certain segments of our society. But life itself is harsh and often unfair and not even an act of Congress will change this. Try to remember the words of the best friend any of us has ever had, regardless of our race, color, creed, religion, national origin, sex or economic status, John F. Kennedy:

> There is always inequity in life. Some men are killed in a war, and some men are wounded, and some men never leave the country. It's very hard in military or in personal life to assure complete equality. Life is unfair. Some are sick and others are well.

We are told some 17 States already have housing laws that are directed to the same end as the bill before us. How well have these goals been achieved by these laws? You have only to look at east Brooklyn, N.Y., Cleveland, Ohio, and Chicago, Ill., to form some tentative conclusions.

What law is needed to open the door wider to Negro-Americans in our labor movement? What law is needed to place more Negroes at executive desks in industry? For that matter, what law is needed so that we can integrate the most segregated hour of the week, the hour when we attend our churches on the Sabbath?

It is a fine thing to pass great laws in Washington, but they must be brought to life on Main Street. The amendment we shall offer is meant to give local authorities both the incentive and the opportunity to do this. I hope you will give it your support.

Those of us in white America must learn to act without hesitation, with the courage to do those things we know are right, even when doing them may make us temporarily uncomfortable. To those who speak of militancy, black power, and conduct nonviolent demonstrations where many of our citizens are killed and injured, I suggest the need for another kind of courage. This is the sort of courage that enabled your forefathers, almost literally, to carry a good portion of this country on their backs without receiving credit for it and without complaint. That took courage of a kind few of you, and far too few of us, know anything about. Yours is not the first cry from the cross.

Now I should like to discuss Mrs. Murphy, or to call her Mrs. Nussbaum, or Miss Rostenkowski, for there is no definition of this name in the bill. As Lewis Carroll remarked, in the words of Humpty Dumpty, "When I use a word, it means just what I choose it to mean."

I believe we have a general idea of "Mrs. Murphy," and I refer to section 403(b).

When the first attempt was made to remove Mrs. Murphy from this bill, our esteemed chairman decried it and asserted that the bill needed that strength for "you cannot dig a well with a needle." When a Mrs. Murphy amendment was at last agreed to in committee, he remarked that not to accept the amendment "is like having a wine cellar without a corkscrew." I dare to suggest that giving the public the present bill is like inviting your friends over for a beer party and keeping the bathroom door locked. You are arousing expectations that this bill cannot possibly fulfill.

I urge you to keep close watch on the provisions relative to jury service. I would suppose that all lawyers have long recognized local prejudice is built into the jury system. It is the sort of local prejudice that freed Peter Zenger and helped establish freedom of the press in this country. The revisions herein contained, will require your city judges and justices of the peace as well as your higher courts to keep extensive jury records for 4 years or more, even after cases are tried. I refer Members to section 205(a), line 21 of page 57.

Even then, I doubt if you can produce a jury that will convict Jim Clark in Alabama, acquit Martin Luther King in Mississippi, and assure King Faisal of an absolutely impartial jury trial in New York City.

As far as revising juries and getting a cross-section, we may do that, but to accomplish some of these goals you will have to change the historic requirement that criminal verdicts of conviction be unanimous. I suppose that change is next.

I suppose you might eliminate juries and let the facts as well as the law be found by the judge, but I am afraid the people usually prefer to trust the jury, prejudices and all. We recently saw in New York that sometimes, even when leaders of both political parties recommend a judge, the people reject him and select another. They also seem yet to prefer our jury system where you inherit the prejudices of a region in its jury, just as you inherit its climate.

I submit that jury changes have much wider potential consequences than have the widely heralded provisions of the housing section.

Remember when you establish or change a legal system you may someday find it applied to a situation you never contemplated. Nuremberg seemed like a reasonable idea at the time but now it is cited in Vietnam as precedent for conduct we never meant to intimate we would approve. And the gentleman from Ohio, Senator Robert A. Taft, pointed it out at that time.

Mr. McCULLOCH. Mr. Chairman, will the gentleman yield?

Mr. HUNGATE. I yield to the gentleman from Ohio.

Mr. McCULLOCH. I was going to remind my good friend of that fact.

Mr. HUNGATE. It should not be overlooked that it was a courageous legal position taken at a time when to do so was unpopular—but correct.

I ask Members to examine two sections of the bill, sections 406(b) and 406(c), on page 66, line 19, and page 67, line 3.

This will provide that a plaintiff in a lawsuit may be afforded an attorney by the court and may recover damages if successful. There is no similar provision for an attorney to be furnished to the defendant, or, if the defendant should prevail after being accused of some of these nefarious practices, after being found not guilty, there is no provision in the section under this bill for the defendant to recover damages. I submit this is not equal protection of the law.

Mr. CORMAN. Mr. Chairman, will the gentleman yield?

Mr. HUNGATE. I should like to complete my statement, and then I will be happy to yield to the gentleman.

Finally, what will administration of this act cost? I inquired in committee and could get no answer. It was suggested that to raise the question of costs in legislation of this kind was out of bounds—that you thereby sought somehow to limit its application by curtailing its funds. I suggest that I have no such purpose, but if its implementation costs a million or a billion dollars, our resources are not inexhaustible and we may need to curtail some less desirable programs. If anyone should ask you about how much this program should cost now at least you can answer them—that you have no idea.

A man, well acquainted with the difficulties our Nation encounters in this area of social ferment and the necessity of improving the lot of those whose treatment has been less than just, gave advice long ago that seems timely today. It was that great Puerto Rican leader Muñoz Rivera writing in La Democracia who said:

> Let us not dedicate ourselves to useless battles and the striving after goals impossible to attain. There are spirits who seek the most beautiful of illusions. Can they be realized? Then let us follow the lighted star. Is there no manner of bringing these people to the practical way? Then let us tie our desires to the impositions of reason, not wasting our valor on conflicts of fantasy.
>
> We are men of our century, eminently positivist in the noble and generous sense of the word: this is not the epoch for generating dreams and building vain mirages.

I would hope that we would make and keep smaller promises, rather than offer magnanimous promises, impossible of fulfillment.

I sincerely hope the committee will find it possible to support the McClory-Hungate-Smith of New York amendment.

Mr. CORMAN. Mr. Chairman, will the gentleman yield?

Mr. HUNGATE. I am glad to yield to the gentleman from California [Mr. CORMAN].

Mr. CORMAN. Mr. Chairman, I think the gentleman may have inadvertently referred to page 66, line 19, in saying that only a plaintiff could have appointed an attorney. It is bad enough to sell the bill in the way it is presently drawn. It is awfully difficult to sell it in a way in which it is not drawn. We specifically changed that provision in the committee so that either party may have an attorney.

Mr. HUNGATE. Where in the bill does that language appear wherein there is provision for providing the defendants with an attorney?

Mr. CORMAN. Mr. Chairman, if the gentleman will yield further, the defendant has to be one of the parties, and the language of the bill says "any party" at page 66, line 19, "upon application by any party and in such circumstances as the court may deem just."

The reason I bring this up is that the members of the committee discussed it at great length in the committee, and made that change in order to get away from the very objection to which the gentleman from Missouri has referred.

Mr. HUNGATE. Mr. Chairman, I thank the gentleman from California.

However, may I inquire further as to section 406(c)? Was the statement correct or incorrect to the effect that the plaintiff may recover damages in the action and the defendant may not?

The CHAIRMAN. The time of the gentleman from Missouri has again expired.

Mr. McCULLOCH. Mr. Chairman, I am glad to yield to the gentleman from Missouri [Mr. HUNGATE], who is making such an excellent statement, 2 additional minutes.

Mr. HUNGATE. Mr. Chairman, I thank the gentleman from Ohio for both of his courtesies.

Mr. McCLORY. Mr. Chairman, will the gentleman yield?

Mr. HUNGATE. I yield to the gentleman from Illinois.

Mr. McCLORY. Mr. Chairman, the gentleman made reference to the jury section, title II, and I believe it is important to point out with regard to the amendment that the gentleman from Missouri and I, and the gentleman from New York [Mr. SMITH] and I, will offer, in order for the authority to be invoked with respect to the State juries, it is necessary to file an application by the Attorney General in the first instance and, really, all the amendment will do, which the gentleman from Missouri has made reference to, is to afford an opportunity for the States and municipalities where these problems have to be solved with regard to fair housing, is to give them a chance and an opportunity to demonstrate that they can handle the problems there, and the Federal Government—this is title IV—would only come into effect if it were established in any three-judge Federal court, similar to the manner in which action is proposed to be taken in title II, where the State or municipal law is ineffective or is not being effectively carried out in order for the Federal law to apply.

I believe that is a reasonable similarity to bring out, or a reasonable disparity to bring out in respect to the bill in its present form.

Mr. HUNGATE. I thank the gentleman for that helpful contribution, and I would inquire again—do I stand corrected, or am I correct in citing the situation in the original bill to the effect that either party may have an attorney, or only the defendant?

Mr. POFF. Mr. Chairman, will the gentleman yield to me?

Mr. HUNGATE. May I first inquire of the gentleman from California [Mr. CORMAN], as to whether I am correct on the issue of damages?

Is the provision of section 406(c) to the effect that "either" may recover damages in the same action?

Mr. CORMAN. Mr. Chairman, if the gentleman will yield; no.

Mr. HUNGATE. No; it is not.

Mr. POFF. Mr. Chairman, will the gentleman yield?

Mr. HUNGATE. I yield to the gentleman from California.

Mr. CORMAN. The plaintiff may recover, and the defendant may not.

The CHAIRMAN. The time of the gentleman from Missouri has again expired.

Mr. McCULLOCH. Mr. Chairman, I yield the gentleman 2 additional minutes.

Mr. HUNGATE. I thank the gentleman from Ohio, and I yield to the gentleman from Virginia.

Mr. POFF. I thank the gentleman from Missouri for yielding. May I say that I am sure the amendment adopted in the committee was intended to do just as the gentleman from California indicated, and yet I question that the amendment was successful in achieving that purpose. In order to make my point let me read the pertinent language from section 406(b):

> Upon application by any party and in such circumstances as the court may deem just, a court of the United States in which civil action under this section has been brought may appoint an attorney for such party or parties—

Mr. Chairman, those words, I believe, have reference to the party or parties who bring the suit, and if that is so interpreted by the court then the only party for which the court could appoint an attorney would be the plaintiff.

Mr. HUNGATE. Mr. Chairman, I thank the gentleman from Virginia. However, I believe that that may perhaps be consistent with the following language of the bill, that they may institute such action without the payment of fees, costs, or security.

Mr. WHITENER. Mr. Chairman, will the gentleman yield?

Mr. HUNGATE. I yield to the gentleman from North Carolina.

Mr. WHITENER. I regret to remove the gentleman's discussion from title IV, but I have received another letter relating to title I, and this letter comes from Judge Francis L. Van Dusen, of the eastern district of Pennsylvania, and relayed to Chief Judge Clary, and he says this about title I:

> I would certainly agree that it would be most desirable if title I could be deleted from the bill if it is to be passed before the Judicial Conference of the United States has a chance to comment upon it, since that Conference is in the best position to submit the considered views of the Federal judiciary. I would also agree with page 3 of the opening statement of 10–6–1966, where you point out that the Judicial Conference of the United States has suggested questions as to the race or religion of jurors are unnecessary and quite possibly "constitutionally objectionable."

Mr. HUNGATE. I thank the gentleman from Ohio and I want to thank the gentleman from Virginia for his helpful contribution.

Mr. Chairman, I yield to the gentleman from North Carolina [Mr. WHITENER].

Mr. WHITENER. Mr. Chairman, to continue:

> That questions as to race or religion of jurors are unnecessary and quite possibly "constitutionally objectionable."

At the proper time I will ask permission to make this entire letter which is dated July 27 as a part of the RECORD.

The letter referred to is as follows:

U.S. DISTRICT COURT,
EASTERN DISTRICT OF PENNSYLVANIA,
Philadelphia, Pa., July 27, 1966.

Re S. 3296, A bill to assure nondiscrimination in Federal and State jury selection service, etc., to be known as "Civil Rights Act of 1966."

Hon. SAM J. ERVIN, Jr.,
Chairman, Subcommittee on Constitutional Rights, Committee on the Judiciary, U.S. Senate, Washington, D.C.

DEAR SENATOR ERVIN: In answer to your letter of July 1 to Chief Judge Clary, and at his request, I am forwarding the following documents to describe the jury selection machinery as it actually operates in our District and the problems which Title I of the above Bill would create for our court:

1. Letter of July 21, 1966, from our Clerk, John J. Harding, Esq., with Exhibits A and B attached (the juror qualification questionnaire mentioned in your letter is attached to Exhibit B).

2. Sheet entitled "Method of Selecting Jurors, United States District Court, Eastern District of Pennsylvania," prepared by our Jury Commissioner, Hon. E. J. Carroll.

3. Sheet entitled "Proposed Jury Selections vs. Present Practice," also prepared by our Jury Commissioner.

The sponsors who recommend jurors to the above-mentioned officials of our court are leading citizens from all walks of life and of all races and creeds (labor union leaders, religious leaders, civic leaders, academic leaders, business leaders, fraternal organization leaders, etc.), so that we feel our juries now comprise an accurate cross-section of our community.

At present, we use approximately 2500 jurors per year, whereas § 1864(6) of the proposed Bill would require us to secure 23,679 potential jurors a year. As you will note from page 2 of the letter of July 21, it is estimated that this would require 10 full-time employees in our Clerk's office as opposed to the two part-time employees who are able to handle the work under our present procedures. I would suggest that the Bill should contain a clause providing that, if the Chief Judge of any District Court and the Judicial Council of the Circuit found that the plan in operation in such District Court achieved the objectives described in §§ 1861 and 1862, it would not be necessary for that court to comply with the elaborate provisions of §§ 1864–1868, which would involve a great deal of additional work for already overworked Federal Courts in the metropolitan areas and considerable additional expense for the taxpayers. I believe we get a higher and more representative type juror from the recommendations of our sponsors than we would get from the use of voter lists as required by the proposed Bill.

There are certain changes which would seem desirable in the Bill, such as extending the period of six months in § 1869(a)(1) to at least one year, elimination of the requirement that jurors appear before the Clerk to fill out the juror qualification form as stated in § 1865(a)—line 22 of page 5—since it is a long trip for many of our jurors to Philadelphia and they can send in the form just as satisfactorily as appearing in person (if necessary, they could appear before the Commissioner who was nearest to their home), etc.

I would certainly agree that it would be most desirable if Title I could be deleted from the Bill if it is to be passed before the Judicial Conference of the United States has a chance to comment upon it, since that Conference is in the best position to submit the considered views of the Federal judiciary. I would also agree with page 3 of your opening statement of June 6, 1966, where you point out that the Judicial Conference of the United States has suggested that questions as to the race or religion of jurors are unnecessary and quite possibly "constitutionally objectionable."

Copies of this letter are being sent to all the judges of our court and any additional comments submitted by them will be forwarded to you.

With best personal wishes, I am,
Sincerely yours,
FRANCIS L. VAN DUSEN,
Judge.

Mr. HUNGATE. Mr. Chairman, I thank the gentleman.

Mr. Chairman, I yield back the balance of my time.

Mr. CELLER. Mr. Chairman, I yield 10 minutes to the gentleman from Ohio [Mr. FEIGHAN].

Mr. FEIGHAN. Mr. Chairman, I support the proposed "Civil Rights Act of 1966" as amended. I will address myself briefly today to a key portion of the bill—title II, which prohibits jury discrimination in State courts on account of race, color, religion, sex, national origin, or economic status.

The right to trial by jury has been embedded in the Anglo-American common law tradition since 1215 when King John covenanted with the barons at Runnymede that:

> No free-man shall be seized, or imprisoned, or dispossessed, or outlawed, or in any way destroyed * * * excepting by the legal judgment of his peers.

Thus were jury trials first secured to English speaking peoples by Magna Carta. This ancient right to trial by an impartially selected jury has been guaranteed in our State courts, in cases where State law provides for a jury trial, by the 14th amendment and by an act passed by the Congress in 1875.

That existing constitutional and legislative provisions have not done the job is evidenced by the fact that just since the beginning of this year there have been judicial findings of systematic exclusion of Negroes from juries in at least six different State courts. Since 1880, the Supreme Court has on 35 occasions considered claims of jury discrimination, and has found most of those claims to be true.

Title II of H.R. 14765 contains three basic provisions. First, it prohibits discrimination in State juries on account of race, color, religion, sex, national origin, or economic status. This provision would invalidate, for example, State laws which absolutely disqualify women from jury service, and also those laws which require women—but not men—affirmatively to volunteer for jury service. It would also ban jury selection methods which have an unreasonable economic impact.

Second, title II authorizes the Attorney General to bring Federal court suits to enjoin discriminatory jury selection in State courts. The title makes it clear that in such cases the Federal courts are authorized to grant full and effective relief against discrimination whenever it is found to exist.

The bill expressly authorizes the Federal courts to grant certain types of relief especially tailored to meet problems of discrimination. Specifically provided for is relief—

First, prohibiting use of qualifications for jury service or bases for exclusions, exemptions, and excuses which are unlawful, or have been maladministered or which are so subjective as to vest in jury officials undue discretion to decide who is or is not qualified to serve on juries;

Second, requiring the use of objective criteria in determining jury qualifications, exclusions, exemptions, or excuses;

Third, requiring the maintenance of records to disclose whether discrimination is thereafter practiced; and

Fourth, appointing a master to assume the duties of State jury officials.

Such relief could be given by the court only after a finding that there had been illegal discrimination.

These are not novel forms of relief. Two recent opinions of Federal courts stated that masters would be appointed to insure fair jury selection if the State courts did not comply with the decrees there entered. The Civil Rights Act of 1960 authorized Federal courts to appoint referees—that is, masters—to insure the fair administration of voting laws following a finding of discrimination. And, of course, the Federal examiner provisions of the Voting Rights Act provide another, and considerably more far reaching, precedent. One of the recent Federal court decrees also prohibited the use of a jury qualification restricting service to males.

Title II is also designed to eliminate one of the most difficult problems confronting a litigant who seeks to prove unconstitutional discrimination in the selection of juries in State courts—I refer to the difficulties in bringing before the court the relevant records and information necessary to a fair decision of that issue. The discovery provisions of title II are designed to meet this problem. They provide for the appropriate State or local officials to introduce a sworn written statement describing in detail how their jury selection system operates. They would grant access to jury records only if there is evidence of discrimination. Finally, if there is probable cause to believe that discrimination has occurred and the records do not permit a definite determination to be made, they would place on jury officials the burden of producing additional evidence of nondiscrimination. If the officials do not produce such evidence, the court would grant appropriate relief in favor of the complainant.

Mr. CELLER. Mr. Chairman, I yield such time as he may require to the gentleman from New York [Mr. GILBERT].

Mr. GILBERT. Mr. Chairman, I support H.R. 14765, the Civil Rights Act of 1966, while acknowledging that it is neither perfect nor precisely what I would have wanted. But the deeper we explore in the area of civil rights, the more we realize the complexity of the problems. So it is no wonder that our laws are not perfect. Nor is it any wonder that we have been passing law after law in recent years, each designed to correct the deficiencies of its predecessor.

Since we are only now beginning to comprehend the magnitude of the problem of assuring equal rights to all, I must predict that we will be called upon to enact new legislation in the coming years.

First, I want to briefly summarize H.R. 14765, and then I will attempt to point out what, in my opinion, are some of the deficiencies of the bill.

Title I establishes a uniform procedure for the selection of jurors in Federal courts which will assure that all qualified persons have an opportunity to serve on Federal juries without discrimination on account of race, color, religion, sex, national origin, or economic status. It provides for the use of voter registration rolls as the source of names of prospective Federal jurors—the best generally available source of names substantially reflecting a full and fair cross-section of the community.

Title II deals with discrimination in State court juries. It prohibits denial of the right to serve on State grand and petit juries on grounds of race, color, religion, sex, national origin, or economic status and establishes judicial procedures to make prohibition effective.

Title III confers on the Attorney General broad authority to initiate civil proceedings for injunctive relief against either public officials or private individuals who, on account of race, color, religion, or national origin, are denying other persons rights granted or secured by the Federal Constitution or laws. In addition, aggrieved persons would also be authorized to institute such proceedings in similar circumstances in their own behalf.

Title IV seeks to end discrimination in residential housing. It prohibits discrimination on grounds of race, color, religion, or national origin by real estate brokers and agents and other persons dealing in the business of building, developing, buying or selling of residential housing. It provides for judicial and administrative relief and civil, not criminal, remedies in the event of violation of those prohibitions.

Title V deals with racial violence and would make it a Federal crime to use force or threats of force to interfere with the exercise of specific rights. This title is a criminal statute designed to respond to demonstrated needs and effectively deter and punish interference by force or threat of force with rights protected by Federal statutes or the Constitution. It would strengthen the Government's ability to meet the problem of violence arising out of civil rights activities. The areas of activities protected are those of voting, use of public accommodations, access to public education, public services and facilities, employment, housing, jury service, use of common carriers, and participation in federally assisted programs.

Title VI is designed to remedy certain defects in the 1964 Civil Rights Act authorizing the Attorney General to bring suit against segregated public facilities and public schools. It eliminates the requirement of a written complaint as a prerequisite to suit by the Attorney General. This title is designed to facilitate the desegregation of public schools and facilities and to prevent violence and other forms of intimidation against Negroes and civil rights workers arising out of such desegregation.

Title VII of the bill authorizes the Attorney General on petition to waive the requirement of title III of the Civil Rights Act of 1960 that State and local officials retain all voting records for 22 months after any Federal election.

Title VIII authorizes the necessary appropriations for the implementation of the act.

Mr. Chairman, I have briefly summarized H.R. 14765, and I think it has some excellent provisions. I support the improved procedure in the bill for nondiscriminatory selection of jurors, and I spoke in detail on Wednesday of this week on the bill's uniform procedure for the selection of jurors in Federal courts.

I would like, while I have the floor, Mr. Chairman, to point out what I regard as inadequacies in this legislation—for I feel that we will one day be called upon to rectify them. I proposed amendments in committee and my colleagues, using their best judgment, chose not to adopt them. For the record, I bring them to your attention, in the expectation that we may see them again.

My own civil rights enforcement bill of 1966 contained amendments to the 1965 Voting Rights Act, to avoid subversion of the important safeguards of voting enacted last year; amendments to title IV of the 1964 Civil Rights Act to avoid further circumvention of school desegregation rulings; and amendments to put effective teeth into the administration's housing proposals.

While I concede the need for new legislation, I point out that the need has been enhanced and expanded because of the lack of adequate enforcement of the laws which we have passed the past few years. This is especially true of the Voting Rights Act of 1965.

We must have adequate enforcement of voting rights, and other civil rights laws already on the books, if they are to be meaningful and truly assure civil rights. It is better to have adequate enforcement than to come back each year and ask Congress to pass additional laws which are not properly enforced.

I had proposed that we fill a void in the Voting Rights Act of 1965 by precisely defining the phrase "have been or are being denied the right to vote on account of race or color" to include harassment, intimidation, unreasonable registration hours, location, or other registration conditions, and registration periods limited to other than 45 days prior to election.

I had proposed amendment to the Voting Rights Act of 1965 by broadening the definition of "voting qualifications or prerequisite to voting, or standard, practice, or procedure with respect to voting" to include all aspects of the electoral process.

I had included in my bill an amendment to section 6 of the Voting Rights Act of 1965 by adding an additional method of obtaining Federal registrars in the six States covered by the act. This method is the filing with the Civil Service Commission of 20 complaints under oath—as distinguished from the 20 complaints in writing filed with the Attorney General that now have only an advisory effect. Moreover, I proposed house-to-house registration upon the filing of double that amount of complaints under oath. Five complaints under oath filed from a municipality, or similar area of compact population, would bring a Federal registrar, under my bill, and 10 complaints would require the Civil Service Commission to conduct house-to-house registration.

My bill offered a provision to prohibit the present "freedom of choice" plans now widely used throughout the South to stave off any meaningful school integration by disallowing assignment of pupils from the same geographical area to different schools wherever such assignment results in racial imbalance. This would strike at gerrymandering of school districts for racial segregation purposes by requiring a school board to show that its assignment plan is a reasonable, fair, and rational one, and not based upon race or color. The concept of the neighborhood school would not be disturbed by this proposal.

I also regret the bill before us does not contain my provision which would have provided financial indemnification of the victims of civil rights crimes through payments from the Federal Treasury, recoverable by suits against those who commit the crimes. My bill also provided for Federal insurance of bail bonds in racial cases, thereby ending the practice by which bail is denied to civil rights defendants.

Nor does H.R. 14765 contain provisions such as I proposed for the removal from office of local police officials who commit gross violations of the civil rights of citizens on account of their race.

My bill included the housing provision of the administration bill, but I had added an enforcement section in addition to the provision for enforcement by private persons and by a pattern of practice suit by the Attorney General. The added enforcement provision, first, would prohibit any person violating the nondiscrimination provision of the housing title from receiving any benefits of any type from any Federal program concerning housing. Then, the Secretary of Housing and Urban Development would be given administrative enforcement powers.

The bill before us establishes a Fair Housing Board appointed by the President. I feel that the enforcement of this housing provision should be an administrative matter, rather than one of adjudication and litigation.

Going through a long process of adjudication before a quasi-judicial body takes so much more time to guarantee these rights than the simple procedure by a single administrator. In effect, this section of my proposal is a statutory extension of present Executive orders on housing.

As I have said, Mr. Chairman, the bill before us is not perfect—but despite the scorn heaped upon it by those who want both more and less, it is one more step in the right direction. And despite my reservations, I will cast my vote for it. But I will not stand here and suggest that our work is now done and that we will not face the problem again and again.

Mr. CELLER. Mr. Chairman, I yield such time as he desires to the gentleman from New York [Mr. TENZER].

Mr. TENZER. Mr. Chairman, I rise in support of H.R. 14765, the Civil Rights Act of 1966. As a member of the House Judiciary Committee, I followed the testimony presented at the hearings with great interest.

Of particular interest and significance to me, is the unanimity with which the religious leaders of the United States presented their views to the Judiciary Committee on the proposed civil rights legislation.

On May 18, 1966, in a joint statement Father John F. Cronin, assistant director, Social Action Department, National Catholic Welfare Conference; Rev. Benjamin F. Payton, executive director, Commission on Religion and Race, National Council of Churches; and Rabbi Richard G. Hirsch, director, Synagogue Council of America—hearings page 1463—gave full support to the Civil Rights Act of 1966.

The joint statement on behalf of the three faiths stresses the importance of the legislation from a moral point of view. The statement of these distinguished moral leaders, before the House Judiciary Subcommittee illustrates the basic objectives of the 1966 Civil Rights Act. The following passage from the statement is most significant. I quote from page 1464:

> We therefore come before you with the simple conviction that legislation such as that before this committee is morally right. It is an act of justice, aiming more fully to implement our democratic ideal that all men are equal before the law and our religious conviction that we are the children of one Eternal Father.

The seven tiles of H.R. 14765 as amended, suggest in themselves, the moral interpretation and the purposes for each title in the bill.

Title I—to reform the Federal jury system;

Title II—to eliminate discrimination in State court juries;

Title III—to provide injunctive relief in civil rights cases;

Title IV—to prohibit discrimination in residential housing transactions by persons in the housing business;

Title V—to provide penalties for interference with rights;

Title VI—nondiscrimination in public education and other public facilities; and

Title VII—preservation of election records.

Others have already and yet others will discuss at length the various titles and questions of constitutionality. I continue to discuss the moral need for the legislation. For what is so controversial about this bill?

The thrust of this bill is to bring to all Americans the same rights and privileges as are enjoyed by most Americans and to transcend discrimination based on race, color, religion, or national origin. The religious leaders testifying in their representative capacities emphasized that this was the third time in 3 years that the three faiths joined together to support civil rights legislation. They also stated the reasons for passing this new legislation in this session of the 89th Congress, at page 1467 of the testimony, I quote:

> What is worth doing, is worth doing well. As we move forward in our quest for full racial equality, we are bound to discover deficiencies and imperfections in earlier laws. These should be corrected when they are found, precisely because race relations involve momentous moral issues of worldwide significance.
>
> We do not consider this legislation in and of itself to be the panacea for all the civil rights problems confronting our Nation.
>
> There is much work yet to be done by government, by religious groups, and by other private citizens. Democracy must end discrimination, or discrimination may well spell the end of our democracy.

I find many passages in the testimony of other religious leaders and lay witnesses to spell out the moral issue as the most important and the most significant one before Congress today. It is not enough to say we believe in equal protection and equal rights before the law for all Americans. We must continuously provide safeguards and guarantees so that our democracy may prove to be a way of life for all who love freedom throughout the world.

For this to happen, we must so fashion our democracy—that others may desire to emulate our way of life—we must set an example of the concern which this great Nation has for human dignity and human rights.

Other religious leaders who testified before the House Judiciary Committee also reaffirmed their support of the bill. The Reverend John E. Jones, presiding bishop, Domestic and Foreign Missionary Society of the Protestant Episcopal Church in the United States, in a communication to the committee—hearings page 1648—urged its passage, in the "interest of justice and fair play."

> It seems to me that what has happened in our society in the last 10 years, or 12 years since yesterday when the Supreme Court handed down its school decision, is that we have been trying to rectify not only the evils which are currently extent in our society, but the evils which were generated over a hundred years of failure to act.

Testifying before the committee on May 19—hearings page 1552—the Reverend Donald Howlett, Unitarian Universalist Association in his capacity as chairman of Washington advisory committee of the department of social responsibility—urged passage of H.R. 14765 and at page 1552—stated, I quote:

> America is going through a social revolution, a movement with its goal that of attainment of equal rights for all citizens of this Great Country.

He expressed the hope that this legislation will aid in that it will serve to guide the revolution along the path that it may be "bloodless and keep it basically evolutionary in character."

In his address to the Nation of June 11, 1963, urging passage of the 1964 civil rights bill, the late President Kennedy said:

> We are confronted primarily with a moral issue. It is as old as the scriptures and is as clear as the American Constitution.

Once again, this distinguished body is called upon to act boldly and to try to redress the grievances of our Negro population. This is a diverse nation, founded by many men of many different nationalities. But it was founded on the principle that all men are created equal—we only diminish our own rights when we fail to fulfill the rights of others. We, as a nation, will never be truly free, until all our citizens have attained their rights and achieved equality. So when our religious leaders call on us, we should heed their call. For when we act boldly, as we will by the prompt passage of this bill, we will also be acting in the right.

On February 9, 1965, I stated as reported in the CONGRESSIONAL RECORD:

> My opinions on Civil Rights come from the very depths of my own religious belief and conviction * * * that there is one God that created us all. My opinions stem from a firm commitment to America's political tradition, "that all men are created equal and are endowed by their Creator with certain inalienable rights.

I support the Civil Rights Act of 1966 as another answer to the cry for justice for our 20 million Negro citizens. This cry for justice has been loud—and long—and frequently voiced in pursuit of the rights of man—the rights of all citizens under the supreme law of the land—and against man's inhumanity to his fellowman.

Perhaps then we may be closer to the day when we may truly be able to say—

> Behold how good and how pleasant for brothers to dwell together.

I support H.R. 14765 because I believe it is right—I believe it is in the best tradition of our American democracy to do so and I urge my colleagues to join in support of the legislation.

Mr. CELLER. Mr. Chairman, I yield such time as he may require to the gentleman from California [Mr. LEGGETT].

Mr. LEGGETT . Mr. Chairman, I will vote for H.R. 14765, the Civil Rights Act of 1966.

I am well satisfied that this bill presents, in sufficiently comprehensive form, solutions to the problems which are faced daily by a significant number of our citizens.

This legislation does not, as some have charged, interfere with the actions of the majority while "giving" undue attention to the needs of some. It merely provides methods whereby each American can assure himself of equal treatment in the schools, in the courts, and elsewhere.

Most of us who happen to be of the Caucasian majority do not consider ourselves unduly privileged because we can, without challenge from anyone, serve on juries, protest what we consider to be injustice, send our children to good schools, or casually buy or rent a home in the area of our choice. We assume that these activities are part of our function as free citizens and we enjoy the free interaction we have with our institutions and the general environment. It grates upon the individual and collective conscience when one faces the fact that many Americans must struggle, sometimes fruitlessly, to exercise their normal role as citizens of this great Nation.

I challenge my colleagues who oppose this Civil Rights Act. Do you feel that you are not entitled to the civil rights which this legislation assures? Certainly an attempt to restrict any of these activities for most of us would be met with proper and righteous resistance.

The Civil Rights Act of 1966 strengthens the rights of all American citizens by defining the rights of each of them regardless of his or her race, religion, natural origin, station, or status.

It is not, however, mere empty philosophy for it provides methods whereby infringement upon these rights will be prevented. I am pleased to observe that this legislation has "teeth."

The basic questions surrounding human rights have long troubled conscientious men and the content of our debate today is not entirely new. Our predecessors have debated the same points which we are discussing. In the beginning debate surrounded the issue of slavery which even at the time of confederation threatened to wreck the barely formed Republic. Thomas Jefferson toward the end of his life said:

> I tremble for my country when I think of the Negro and remember that God is just.

John Adams, Madison, Franklin, and Hamilton were also opponents of slavery. They disagreed on many other points, but on this one there was agreement among them.

Later, the events which led to the Civil War brought many basic questions to the forefront of debate in the United States. Even the massive conflict of the war failed to settle many of the questions which had arisen.

Some of them still remain unsettled. Partly because of intervening chaotic conditions which this country has faced. Wars, depressions, domestic and foreign problems of a critical nature have sometimes turned our attention away.

It seems that we have not had sufficient resources, time, or sometimes the real motivation to solve a problem which has become almost traditional, the problem of spelling out and then assuring the basic rights of all of our citizens.

One need only look around him to see that the period of waiting must be part of the past and not of the future. The patience of our minority groups must necessarily be in short supply as they look about them and see the majority of Americans enjoying the privileges of what we consider normal life in the United States.

Certainly I do not share the cynicism of those who feel that for them power must be black to be just but I do understand it. Many Negro citizens who have served in our Armed Forces, paid taxes, contributed to their communities, and generally tried to fit into our Great Society have found themselves thwarted at every turn because of one thing, the color of their skins. Discrimination because of color is simply that, discrimination because of color, no matter what excuses are presented. It is incredible. This legislation will help to remedy such abuse.

Sociologists tell us that other minority groups, for example immigrants, have enjoyed more success because their members are not "visible," that is, easily identifiable. The Negro, however, is a ready scapegoat for those who wish to express their hostility because he is usually easy to identify.

Knowing what we do about human behavior and the causes of frustration and anger and knowing of the consequences can we fail to assure these people that the Congress of the United States cares deeply about their rights. Can we fail to pass this bill?

Some say that the Civil Rights Act of 1966 is an attempt to legislate morality. I say that the Civil Rights Act of 1966 fits well within our established legal tradition. Solomon himself would be hard pressed to determine how much of our good behavior is due to morality and how much is due to law.

Some say that this bill represents oppressive control by the Federal Government. I say that the legislation will allow Federal officials to assume their proper role in safeguarding civil rights which most of us have long taken for granted.

Some say that the housing section will cause havoc in the real estate market. I say that open housing, even though limited here, will be stimulating to business. Individual realtors will no longer fear retribution for selling houses to members of minority groups because the law will apply to all. The addition of paying customers, now unable to purchase housing because of discrimination, can only be stimulating to the market. I can well understand the anger and frustration of a man whose dollar is avidly sought in all other areas but whose money is not enough to assure him the right to rent or buy a home in the area of his choice.

Some say that this is radical and deviant legislation. I do not consider it so. Rather, this bill represents another step in our continuing social and legal evolution. In any event it will not be the last civil rights bill which the Congress will consider. It does not represent an ultimate or final solution but it is a good strong move forward.

I will vote for the Civil Rights Act of 1966. Thus, I hope to express my own convictions and my firm belief in the fairness and maturity of my own constituency and the American people.

Mr. CELLER. Mr. Chairman, I yield such time as he may require to the gentleman from Texas [Mr. CABELL].

Mr. CABELL. Mr. Chairman, the bill now before Congress bearing the title of a civil rights bill is a disappointment to those who had hoped for an easing of racial strife and the building of an area of understanding and moderation.

The arguments have persistently miscalled this a civil rights bill, have dwelled far too long on promises which cannot be met, and have glossed over a serious disregard for the individual who stands today in most need of help—the responsible Negro who wishes only to live in peace with his neighbor and to build for himself and his family an equity in his country.

It is unfortunate that in a determined effort to remedy the numerous wrongs of years past, the bill generates too much emotion. Indeed, this bill creates a Frankenstein that can do more harm than good by creating special classes of "protected" citizens and by misleading the Negro into thinking this legislation will solve his problems. It is my belief that the measure will, therefore, do more harm than good to the very people it purports to help.

Those titles dealing with strictly judicial matters have been and will be more ably discussed than I could, so I will not dwell on them, but will address my remarks to title IV, the so-called fair housing section.

Never before have I had such spontaneous response from my district on any subject. The mail asking me to stand firm in support of a man's right to own his own home and to select the individual to whom he sells comes from all races, including the Negro with a pride in his neighborhood and a fear for loss of his own hard-won equal rights.

Besides the mail, discussions in depth on this subject with business leaders, homeowners, developers, and realtors of all races have convinced me that opposition to it comes from Negro and white alike.

The basic need among Negroes is for more single family dwellings or apartments within their income range. Title IV will not settle the problems inherent in a ghetto area—existing fair housing provisions have proved that.

This provision will make it unquestionably harder for the Negro to fulfill and achieve a basic human goal of providing decent, good, and respectable housing for his family and loved ones. Without some control over the quality and character of new-home neighborhoods, lenders, developers, and homebuilders will be reluctant to finance homes in moderate income areas.

Over the past few years, the Negro has achieved more progress toward his rightful place in America than at any time in history. But the onrush of laws bearing the label of civil rights has brought us neither peace nor harmony. Such a goal is achieved only through recognizing those who will accept responsibility, giving them the support they deserve, and strengthening the law to punish those who would reject it. However, since it is my opinion that title IV will take more away from the Negro than it offers, I will vote against this bill.

Mr. CELLER. Mr. Chairman, I yield 10 minutes to the gentleman from Louisiana [Mr. WAGGONNER].

Mr. WAGGONNER. Mr. Chairman and Members of the Committee, one of the speakers here earlier this afternoon preceding me in the well is well aware of the fact, I think, that the proper way to make headlines is to talk about your own people.

The gentleman from Tennessee [Mr. GRIDER] has a very convenient memory and he has with that convenient memory recalled to the House only those instances of racial violence supposedly committed by whites against Negroes that have gone unpunished which have occurred in the South—south of Memphis that is. He has conveniently failed to recall that a constitutent of his, in his explanation of what the word "lawfully" meant, in attempting to justify the interference title of the bill, slipped across the line into Mississippi lawfully or unlawfully, I do not know, and took a few shots at James Meredith during a planned and staged civil rights extravaganza.

With that convenient memory, he has failed to recall to the House some incidents in the same South where whites have been the recipients of racial violence. In one particular instance a little farther to the west, I seem to recall that there were some 38 people killed in the Watts section of Los Angeles and that one riot alone has accounted for more deaths than all the others combined he has mentioned today. I do not recall even an indictment as a result of the Watts fiasco.

Mr. Chairman, if the argument here in the House in favor of this so-called civil rights bill could be summed up in a single phrase, it would be, "a sense of urgency." Over and over, the sentiment is expressed that we must get on with this bill, that more violence in the streets is upon us, that a hundred years have passed, that this is the answer to all the ills of the Negro and society.

I can sympathize in some fashion with the proponents of this bill in their pleas for urgency. I think they have judged the situation correctly. The truth of the matter is that if this bill is not acted upon by this Congress, it never will be. It never will be because the people are, at long last, becoming aroused over the shameful annual outpouring of special privileges for some which Congress indulges in.

Any Member of this body who was not a Member when the 1964 civil rights bill was debated or when the 1965 voting rights bill was debated is not missing a thing. You are hearing now the same arguments that were put forth to support passage of both those measures; the same plea that we have to get on with it, that if we do not there will be more violence in the streets, that this bill is the solution to all the problems, and, once passed, there will be racial peace and harmony, and no further "territorial demands" as Hitler used to say.

Four times now in recent years, the Congress has chosen to override every lesson of history, and every law of common sense by setting up separate standards of judgment and behavior for the Negro and the white races. You can see where the Nation is today as a result. These promises have all been proven false. I hope the past proponents of those so-called civil rights bills are proud of what they see when they look around the country today. The truth is they should hang their heads in shame.

Here is a bare sampling of it right here, just a few of the scores of articles taken from only the two Washington papers, articles that tell of racial violence, civil disobedience, destruction of property, the taking of human life, pillage, arson—a veritable catalog of crime that omits little or nothing in the way of assault upon human dignity and against the laws of man. This is the tiger that the Supreme Court, the tiger this and past administrations and the tiger this and past Congresses have turned loose on the streets of this Nation.

Listen, if you will, to a few of these headlines and see what they report:

"Firebombs Hurled in Racially Tense Cleveland Section."

"Three Hundred Negro Students Pelt Alabama Police."

"Negroes Attack Store, Burn Cars."

"Second Slain in Cleveland; Emergency Declared."

"Chicago Negro Snipers and Police Trade Gunfire."

"Shooting and Fires Mark New Chicago Outbreaks."

"Chicago Negro Area in Tumult."

"Firebombs Used in Racial Disturbance."

These should be familiar headlines to everyone, but for the sake of anyone whose memory needs prodding, I will include these stories at the end of my remarks when we are out of the Committee of the Whole House and permission is granted.

In speaking of these news stories, I cannot help but remark that, at the same time these headlines were appearing in the papers, other stories were appearing to herald the fact that all society would benefit from the fact that the courts can no longer jail a common drunk and protect society from him, can no longer enforce here in the District a commonsense juvenile loitering law and that, in the future, it will be made practically impossible for any criminal to confess his crimes. These were all heralded as great social advances. What a contrast these sets of headlines make.

Let there be no mistake about it, gentlemen, the violence and threats of violence which are tearing this country apart have their roots in a single but massive error of judgment; an error that was consciously made in the face of naked political pressure and against the advice of those of us who opposed these bills in the past and oppose this one today. As Judge Smith was quoted as saying recently, there are times when a man has to say "no"; has to be a negative voice. Any man who cannot say no and vote no when it is necessary does not deserve to serve the people. I agree with the judge. That mistake was in legislating, not equality before the law, which is every man's right, but special preference for the Negro.

No American, and certainly not I, can oppose the philosophy of every man's right to equal treatment under the law regardless of the color of his skin.

But I can oppose and I do oppose, the destruction of one man's rights and privileges in order to spoon-feed another. And this is the crux of every civil rights bill which has ever come before this body. There is no better example than what is attempted by title IV of this bill before us now. Is this a proposal to give the Negro equality? No. It is a proposal to give the Negro preferential treatment, by, among other things, taking away the rights of the property owner to sell to whom he pleases.

Now you can couch this in any language you want, but you know the intent and the practical effect of it as well as I do. The practical effect is that no real estate agent will dare refuse to sell a house to a Negro instead of a white man if they both make him an offer, because he knows that the Federal Government will land on him with both feet. The same thing is true of the so-called fair employment practices which civil rights legislation has set up. This was not legislation to give the Negro equality in job opportunity. It was legislation to give the Negro preferential treatment by holding a Federal ax over the head of employers who choose a white man instead of a Negro regardless of their qualifications if they both apply for the same job. You know this as well as I know it and as well as the Nation now knows it. And you know, too, that the Nation is getting sick of it.

The past civil rights bills were railroaded through Congress, often without even being read by many Members, partly because they were anti-South bills and it is a popular sport to lash the South. But the worm has turned, as you know.

We tried to tell you that this was not just a southern problem; that it was the Nation's problem and now you know this is the case. When the 1964 and 1965 civil rights bills were being considered, violence was provoked almost entirely in the South. Now, in 1966, it is almost entirely in the North. I wonder if there is any conscientious observer who can say with any honesty whatsoever that this is mere coincidence. I doubt it.

You know as well as I do that these incidents of violence are as well controlled as the ticking of that clock here in the well of the House. It is a matter of record that this violence is so well controlled that it could be, and was, turned off like a spigot during the presidential campaign of 1964. There is even an item in yesterday's Washington Post saying that Government officials are worried over the fact that riots are planned for New York City, Baltimore, and Washington this summer.

Note the word "planned" if you will.

We who have been alarmed over this have said, over and over, that these mobs are activated by outside, professional agitators, but our words fell on deaf ears. But, pick up the newspapers today and see who is now saying that this is true. Some of the very men who cried, "racist" when we said this years ago are now reacting with alarm and panic when the obvious truth finally has sunk in. Of course these demonstrations are directed and controlled. My good friend from Arkansas, Mr. GATHINGS, occupied 30 pages of small type in the RECORD of July 29, 1963, to list the Communist affiliations of the leaders of the NAACP alone. Think of it, gentlemen, 30 pages of small type. But all he got for his troubles was a blank statement from the then Attorney General who now sits in the other body, that there was no Communist involvement in the civil rights movement. Even though financial records have been produced to prove that certain civil rights groups are financed directly from Moscow, no one listened, or if they heard, they refused to believe. But now that the northern ox is being gored, there are many who are anxious to blame outsiders and Communists for their troubles because they refuse to admit that the appetite for special privilege is an insatiable one and that a tiger is stalking the streets.

Follow the footsteps of Martin Luther King and the trail of bloodshed he has left in his wake wherever he has been. Even today in Chicago, as that besieged city poises on the brink of explosion, he smiles blandly to the corps of fawning sympathetic newsmen and says, "We're not trying to start a riot." But in the same breath he promises Chicago "massive doses of creative tension."

"Creative tension," he says. Creative tension is another way of saying, "You will either do what I say and give me what I want or I will turn mobs loose in the streets with bricks, bombs and Molotov cocktails."

At a time when the backbone of America was straighter than it is today, this man would be clapped in irons and charged with insurrection and inciting to riot. But what proposal do we have before us? One that lays down all the rules and regulations to protect King and his rioters. Not one stipulation do I see to protect policemen who are stabbed, shot, and beaten trying to enforce the laws of decent society. Where in this bill is there an antiriot section, a section to control those who burn private property, loot stores in the very presence of policemen, who hurl bricks at policemen and ashcans at officials? I cannot find such a provision in this bill. I wonder why it is not there and I believe the Nation is wondering as well.

Thank God there are Negroes and Negro leaders who do not subscribe to this philosophy of violence and special privilege. I know many of them and call them my friends. And I am not speaking of so-called Uncle Toms. I am speaking of responsible men who think of themselves as Americans first and as Negroes second, who know that what is good for our Nation is good for them and that there is no place in the democratic framework for self-seeking cliques.

Translated out of the gobbledegook language of the bureaucracy, the bill before us calls for a Federal takeover of the jury system of every State and of every political subdivision, it accelerates the Negro demand for total integration of education and every facet of its administration, it takes away from the homeowner the right to sell or otherwise dispose of his home as he sees fit, and it prescribes fines, judgments and "such relief as it—the Court—deems appropriate" for anyone even suspected of thinking about discriminating against a civil rights advocate.

Every paragraph of the bill is an unrelenting assault upon the rights of the States to govern their own affairs and a continuing attack upon the God-given and constitutionally guaranteed human right of free choice.

Titles I and II of this bill are wholesale and unvarnished tampering with the jury system which has stood this Nation in good stead since the day it was born. There is no denying this central fact. There is no getting around the salient point that our system of trial by jury has never before been questioned seriously in our entire history. But the proposal before us shackles it by bringing it under the control of the Federal bureaucracy, all because of Negro demands and for no other reason.

The plight of the Negro will not be improved by the passage of these sections. The plight of the Negro and every American will be worsened because one of the most precious rights we as Americans enjoy is put under the dead hand of a big, mothering government. In the long run, no one benefits from these sections; everyone loses. And to pretend that this violence to the Constitution is done to improve the lot of the Negro is a cruel hoax. These sections have but one purpose and that is to increase the control of the Federal Establishment over the

States and the people and to hack away at the few remaining rights of free, self-governing men. The people are not going to be fooled by this treachery. They are beginning to wake up.

These sections are so completely unworkable, so obviously a violence to our present jury system that an eminent judge here in Washington, one of the judges who will be saddled with these provisions, publicly begged the other day for us to exclude the District of Columbia from the provisions of this bill. The judge is right. The District should be excluded. And so should the entire country.

Title III is a continuation of the assault on the American system of education. When the Supreme Court's infamous decision of 1954 opened the door for a Federal takeover of the education system, there were few who could see the handwriting on the wall; few who would believe that the day was just around the corner when the Federal Government would dictate to every school what it would teach and to whom it would teach it. Such an idea was fantastic in this free Nation.

But you know and I know that 12 years later, that day is upon us. Like a tiny boat caught in a powerful undertow, education is being pulled inexorably into the dangerous waters of Federal control and domination. Title III of this bill adds to the strength of that undertow, no matter how you try to disguise its purpose. The Federal Government is rapidly approaching the point when it will be the largest single financial contributor to our school systems and only a fool or a demagogue or both would say that the fiddler will not call the tune. With the provisions of this title, the fiddler is calling for tunes he has not even paid for.

Will the Negro benefit in the long run by destroying the locally operated system of education that built this country? No. The Negro will lose and so will the white man because no man is better off under a system of Federal education. Our free system is better than Socialist England's or Communist Russia's and it will not help the plight of the Negro to emulate England and Russia, the blackmail of violence or political repercussion to the contrary.

Speaking of blackmail, there has been one highlight so far in the debate on this bill and it came when the distinguished gentleman from Virginia, the chairman of the Rules Committee said:

> And now we come here with mobs in the streets and further mob violence and no word of courage is spoken to defend the American way of government. You—

He said, speaking to the Members of this body—

> should carry out the duties imposed on you by the Constitution, not tremble in your seats in fear of the Negro revolution.

These are the kind of words we have come to expect from this great American, HOWARD W. SMITH. The cause of commonsense, constitutional government will lose one of its strongest supporters and advocates when he leaves us at the end of this Congress. He has served America with an abiding sense of honor and dedication that has reflected great credit on this body.

I my lifetime, I do not expect to see his peer.

Title IV of this bill will reduce the American homeowner almost to the same level, propertywise, as a citizen of the Soviet Union, in that he, too, has practically no property rights. It opens up for unlimited Federal traffic an avenue which the Constitution has kept closed from the very day that document was signed by the Founding Fathers; the concept, rooted deep in the basic laws and traditions of our Nation, that a man's home is his castle.

The English statesman, William Pitt, summed up this right in words of crystal, brilliant purity when he said:

> The poorest man may, in his cottage, bid defiance to all the force of the Crown. It may be frail; its roof may shake; the wind may blow through it; the storm may enter, the rain may enter—but the King of England cannot enter; all of his force dares not cross the threshold . . .

If ever there was an unassailable right of every freeman in America, this has been it: that, in his home, every man has sanctuary from the oppression of his government. This right, inalienable, has played a vital role in the very development of the Nation, because it has been a heritage, a freedom, and a civilizing force giving us sober stability.

But, under title IV every homeowner faces fines of unlimited amounts, judgments against him for causing a Negro, and I quote, "humiliation and mental pain and suffering" if he refuses to sell his home to a Negro. Even prison is not ruled out since the bill authorizes the court to take steps to grant "such relief as it deems appropriate," and we know the record of the Federal courts in civil rights cases. The bill gives the Attorney General the power to haul a homeowner into Federal Court if he, the Attorney General, even thinks the homeowner might be about to discriminate against someone.

As a practical matter, no homeowner could risk refusing to sell his home to any Negro applicant for fear of lawsuits and damage judgments that could strip him of all his property and his life savings and possibly send him to prison. If a Negro and a white man both offer to buy a home and if the owner sells to the white man, who can say he did not consciously or unconsciously discriminate against the Negro? In truth, no one can say. But the Federal courts will say, under the terms of this bill.

Examine, if you will, the provision of this title that requires a salesman to use his "best efforts" to sell a home to everyone who applies. This is probably the most ridiculous, but one of the most dangerous phrases in this entire bill. Who can possibly state what constitutes a man's best effort? The concept is asinine and would be laughable if it were not included in something that threatens to become the law of the land.

In a Federal court, no man would be able to prove that he used his best efforts to sell a home to a Negro when he is challenged to prove it. Would he have to keep a tape recording of his sales pitch or a motion picture of his every gesture and every smile in order to vindicate himself? How much pressure would he have to exert on a potential buyer in order to qualify as doing "his best"? Would the failure to shave the price a little be his downfall? What if his fountain pen ran out of ink at the time the papers were to be signed?

Ridiculous you say? Look at the bill, gentlemen. This is what you are being asked to make into a Federal law. You are being importuned to place in judgment of every real estate transaction in the future, some bureaucrat who can, with a wave of his hand or the turn of his thumb, decide whether or not another man has used his "best efforts" to sell a home.

If that suggestion does not offend your sense of justice, examine the proposal in this title that says this same bureaucrat can sit in as a third party on every application for a home loan and substitute his judgment for that of the banker or lending institution involved. This provision negates the seasoned, experienced judgment of the lender and puts in its place a decision based on whatever sociological philosophies might exist in the bureaucracy at the moment.

Ridiculous you say? Look at the bill, gentlemen. What banker or what lending institution would dare turn down a questionable loan to a Negro if this provision becomes law? Few or none, is the answer and you know it as well as I. You are being asked to enact legislation which will take away from the lender the right to make up his mind and lend his money and that of his associates or stockholders solely on the basis of his judgment of which of two applicants is the better risk. If this kind of law can be passed, how far away are we from another law that says the lender has to lend his money regardless of the applicant's ability to repay. The situation is exactly the same once you strip the lender of the right to make an economic decision based on economic considerations.

If the Supreme Court Justices were consistent; if they interpreted the Constitution the same way, year in and year out, instead of as their sociological whims dictate, there would be no difficulty in declaring this entire bill unconstitutional. Courts have held, time after time after time, that the Government has no place meddling in the private business transactions of individuals. For instance, in a decision upheld by the Supreme Court itself, the Second Circuit Court had this to say:

> We had supposed that it was elementary law that a trader could buy from whom he pleased and sell to whom he pleased and that his selection of seller and buyer was wholly his own concern. It is a part of a man's civil rights that he be at liberty to refuse business relations with any person whomsoever, whether the refusal rests upon reason or is the result of whim, caprice, prejudice or malice. * * * We have not yet reached the stage where the selection of a trader's customers is made for him by the government. (227 Fed. 2d Cir. Upheld)

How prophetic that the Court should use the phrase, "not yet reached the stage." This was their judgment in 1915 when this decision was made. In 1964, the Warren Court felt we had reached the stage when the Government should select the traders customers. In that year, the Court took away from the businessman the right to serve whom he pleased. That same right will now be taken away from the homeowner if this proposal becomes law.

While a limited governmental authority over private residences has always existed, it has, heretofore, been properly confined to regulating property so that its use did not injure the health or safety of others or destroy their use of their own property. Ownership has never been regulated before. Examples of these restrictions are many and include fire and sanitation controls, destruction of diseased trees, control of explosives, zoning, and in limited emergencies, rent control. However, each of these restrictions has involved a possible infringement upon public rights; not upon any individual's supposed rights.

A law stating that an individual may not refuse a buyer's offer because his reasons for refusing are not satisfactory, is no different from a law saying that a buyer may not refuse a seller's offer because his reasons for refusing are not good enough. Nor is such a law more than a legal inch away from a law which would require a property owner to sell his home whether he wanted to or not if there is a buyer who wants it. Such is the Pandora's box this bill will open up if it becomes law.

The party line among the civil rights leaders these days is "cool it." The very men who urged this tiger to take to the streets are now trying to calm the tiger down and we are all beseeched to help get him back in the cage. This civil rights proposal is not the way to do it.

The tiger is loose and he has tasted blood. He has tasted the heady brew of special privilege, and he will not give it up willingly and return to a responsible place in society. He has been taught that if he does not want to pay his rent he does not have to. He has been told that he need not work; that the Federal Government will take care of him on welfare and give him a guaranteed income. He has been exhorted to break any law he does not like without fear of punishment. He can loot stores before the eyes of police and know he will not be arrested for fear of "starting an incident." He has been taught that it does not make any difference if the marries the mother of his children or if he supports them. He can apply for a job alongside a white man and know he will get it, or else. He can dump an ashcan on the mayor of New York City, snipe at policemen in the streets, kill his fellow man, set fire to their property and know that his reward will be more civil rights from Washington.

The truth is that the Negro has been used and he is coming to realize it.

"The world owes it to me," is the cry of the day, and I say the time has come, if this Nation is to survive, for us to stand up on our hind legs and say the one most needed verity of our times: "No. The world owes you nothing. You work for what you get. You share duties and responsibilities with all men. You live by the common law of all. There will be no more special privileges for anyone."

"Human rights; not property rights" is another cry from the streets, and, again, it is time for us to stand up and say: "No. Where there are no property rights there are no human rights. The right to own and hold to oneself the product of your labor and sweat is the very seedbed of democracy. Without this seedbed there is no place for human rights to grow and flourish."

"The end justifies the means," the philosophy of the Communists, is still another cry and the answer of every American should be another loud and clear, "No. It was just such a statement that produced the torture of the martyrs, the burning of witches and the crucifixion of Jesus Christ."

No problem can be solved better through socialistic processes rather than democratic ones.

This annual outpouring of special privilege for the Negro is like the action of overly indulgent parents. The desired end will not be manhood and maturity, but perpetual childhood and dependence.

With every one of these bills we are watering down the precious elixir of democracy. We are attempting to provide for the security of one segment of America, foresee and supply their necessities, facilitate their pleasures, manage their principal concerns, direct their employment, control their education, and provide them a special place that is above the demand of the law and the rules that make up a civilized society. I do not say that this cannot be done. But if it is done, the price will be the failure of democracy to survive.

Democracy can be created. We have done it in this land. Equality cannot. Attempts can be made to legislate it but only at the loss of liberties of all. If we want liberty and democracy we will find it under democracy. If it is a false sense of equality we want, we will find it under communism.

The double standard of this bill and the other civil rights bills which have preceded, cannot exist for long side-by-side with democracy.

The American people do not want this bill and they have said so over and over, every time they have been allowed to vote on the issue. The open housing vote in California is a perfect example.

It took the Supreme Court, acting in monumental abuse of power, to overturn the will of the people; in the guise of protecting the people from themselves.

This bill should be sent back to committee with a message written across the face of it that time itself cannot erase. It should read:

"Freedom, yes. Special privilege, no."

[From the Washington Post, June 25, 1966]

Firebombs Hurled in Racially Tense Cleveland Section

Cleveland, June 24.—Police sealed off a 15-block square area in the city's racially-tense East side tonight after roaming Negro youths hurled several "Molotov cocktails."

There were no injuries or fires and the bomb-throwers escaped pursuing police.

The area cordoned off included 85th to 90th Streets, where a 10-year-old Negro boy was shot and wounded Thursday night by a white man to touch off the disturbance.

About 100 Negro men, ranging in age from 16 to 30, gathered after tonight's incident. They were surrounded by about 20 policemen, members of Cleveland's special task force set up to deal with riots.

Another 70 policemen in steel helmets and carrying clubs patroled the area, while about 100 to 150 persons lined the streets watching.

One youth in the area said, "We want Mayor Locher to come down here and see this squalor that we live in, the rats . . . that bite our babies . . . the dirt wer're forced to lie in, the rotten housing."

The only business open was a service station. A few blocks away stores were open for business, but there were no customers.

"This is a very serious affair," said George Livingston, executive secretary of the Cleveland branch of the NAACP. "There is a lack of employment among these people. They have nothing to do and when the hot weather comes on anything can happen."

Earlier tonight police dispersed a group of about 60 teen-age boys without trouble.

During a press conference yesterday, NAACP president the Rev. Donald Jacobs renewed charges of "dual law enforcement," complaining white youths are allowed to go free for crimes for which Negroes are arrested.

[From the Washington Post, Jan. 12, 1966]

Three Hundred Negro Students Pelt Alabama Police

Birmingham, Ala., January 11.—Approximately 300 Negro high school pupils went on a 50-minute rock-throwing binge today when school officials barred them from joining a voter registration demonstration. Later the students marched on the Jefferson County courthouse.

Police officers fired several shotgun blasts into the air to prevent the students from leaving Parker High School. Rocks, bottles and sticks were hurled at the officers.

It was the first outbreak of violence in the two-week-old voter registration drive started by the Rev. Martin Luther King Jr.'s Southern Christian Leadership Conference.

The rock-throwing started after school officials turned away a group of civil rights workers who came to the Negro institution to recruit youths for a demonstration.

Police armed with riot guns quickly sealed off the school but made no attempt to enter.

After about an hour and a half, several youths tore down part of the fence to flee. More and more young escaped, and faculty members finally told the remainder that they could go on their own responsibility.

On the way to the business district, the youths picked up 300 additional recruits and the group paraded to the courthouse, where they were confronted by two dozen city policemen.

Negro leader Hosea Williams demanded the group be permitted to see Mayor Albert Boutwell, but Police Sgt. Marvin McBride told Williams the group would have to elect a delegation.

[From the Washington Post, June 22, 1966]

Negroes Attack Store, Burn Cars

Pompano Beach, Fla., June 21.—A mob of about 600 Negroes, angered over an alleged beating of a Negro youth by a white store owner, hurled rocks through store windows, set cars aflame and injured one police officer, police said. At least seven Negroes were arrested.

The Highway Patrol and Broward County Sheriff's office said they were sending additional units—including a specially trained riot squad—to the Negro area in northwest Pompano Beach.

The crowd gathered this afternoon and dispersed after an appeal from civic leaders, but regrouped late at night and began throwing rocks at the store, overturning benches, burning automobiles, looting, fighting and jeering police officers, police said.

[From the Washington Post, July 20, 1966]

Second Slain in Cleveland; Emergency Declared

Cleveland, July 19.—A Negro was shot to death tonight as racial disorders erupted for the second consecutive night in Cleveland's East Side slums.

His death was the second since the rioting began. A Negro woman, Mrs. Joyce Arnett, was killed Monday night when she was caught between crossfire between snipers and police.

Some 1000 National Guardsmen were called up by Ohio Gov. James A. Rhodes, but they didn't reach the trouble area—the predominately Negro Hough district—before the new outbreaks.

Late last night the Governor declared a state of emergency. An aide said, though, the action did not mean martial law was in effect.

The dead man was identified as Percy Giles, 36, of suburban Cleveland Heights. He was killed by a bullet in the back of the head. Two Negroes with gunshot wounds and a white man with an eye injury were admitted to Mount Sinai Hospital.

The circumstances of the fatal shooting were not immediately clear. United Press International said the victim was hit when snipers, hiding behind darkened windows and on a rooftop, opened fire on police, newsmen and passers-by. UPI said a sniper fled through the rear of the building from which he was shooting.

The Associated Press said the shooting came at an intersection in the worst trouble area where Negro crowds had milled around throughout the day in the wake of Monday night's rioting.

The AP said policemen opened fire. Two shots sounded, and a Negro man sprawled, on the sidewalk.

There were two more shots and some Negroes yelled, "They shot him! They shot him!"

The agency said policemen carrying shotguns and rifles quickly cleared the area and fired tear gas into a nearby building.

Sirens screamed through the streets.

Flames spurted from a bar and another building. Looters broke into a jewelry store.

MORE TROOPS CALLED

An additional 500 troops were called up tonight by Rhodes after the new outbreaks.

But even as the Guardsmen were on their 50-mile trip here from Greensburg, crowds of Negroes were hurling rocks at policemen. Negro youths threw a firebomb from a car and flames gushed from an already damaged store.

Two hundred policemen, many carrying shotguns, patrolled the riot-scarred streets. Firemen were still working to quench a fire set last night.

"Come on! Bring on the guard," said one Negro youth. "Where are the soldier boys?"

"Hey, Whitey! There's Whitey!" came a yell from the crowd when a car occupied by whites drove past.

A crowd of several hundred had gathered by dusk at 79th and Hough, heart of the trouble area.

Rhodes called up the Guardsmen on request of Mayor Ralph S. Locher, who changed his mind about not asking for help.

[From the Washington Post, July 20, 1966]

State Troops Patrol Jacksonville Section

Jacksonville, Fla., July 19 (AP).—State Troopers blocked off part of Jacksonville's Negro section tonight as vandalism flared up again in the city's smouldering racial situation.

The outbreaks—including two reported store fires and some window smashing, occurred after the area had been relatively quiet till past mid-evening.

Earlier, Mayor Louis Ritter said he told Gov. Haydon Burns that a request for National Guard assistance would be made if full-scale racial violence breaks out.

[From the Washington Post, July 20, 1966]

Brooklyn Area Calm After Racial Flareups

New York, July 19 (AP).—More than 50 residents of a Brooklyn slum area returned to their tenement homes today, after racial flareups in the East New York section forced their overnight evacuation.

A disorderly group in East Harlem also was broken up by police.

Roaming bands of youths set fires in East New York, Monday night, and the flames threatened three tenements, which were evacuated.

Police said a woman, Betty Powel, 27, a Negro bystander, was shot in the hip during brawling between Negroes and Puerto Ricans.

The East Harlem trouble began after police answered a complaint that teen-agers were beating bongo drums at 10:55 p.m. Two warning shots were fired as officers dispersed the youths, most of them described as Puerto Ricans.

Mayor John V. Lindsay had made a walking tour of East Harlem earlier in the evening. It was one of a series of visits he has been making to slum areas, in an effort to promote summertime peace.

[From the Washington Post, July 15, 1966]

Chicago Negro Snipers, Police Trade Gunfire

Chicago, July 14 (AP).—Negro gangs and policemen exchanged shots in a series of gunfights as intense violence erupted along a four-mile stretch of Chicago's West Side tonight. A police captain was shot and wounded.

Armored vehicles and tear gas units were called to Lake and Wood streets, where police communications said a pitched battle was in progress.

Police Capt. Francis Nolan, watch commander of the Deering district, was reported in good condition in Mt. Sinai Hospital with a rifle bullet in his back. He was shot by a sniper on a roof.

Hospital authorities said at least 50 persons had been treated for injuries, including two other policemen.

Up to 5,000 Negroes jammed the streets as more than 900 policemen attempted to restore order in the predominantly Negro neighborhood. It was the third successive night of violence.

Negroes fired from rooftops as policemen crouched behind squad cars and darted from doorway to doorway, firing as they ran.

The windows of many businesses operated by white persons were smashed. Armed guards stood outside a neighborhood bank.

Motorists were pelted with rocks as they drove through the area and many car windows were broken. A car was overturned by one gang.

Residents threw pieces of glass from upper windows onto the police. A group of officers firing pistols from each hand chased a marauding gang of Negroes down a street. Other policemen aimed their shots at rooftops.

Negroes smashed through the plate glass window of a cleaning shop. Police said looting of stores was widespread.

More than 160 Negroes, including 18 women, were arrested, police officials said.

Newsmen driving through the area were pelted with rocks and bricks, but none was injured. Three Negro youths told reporters: "We're going to get some rocks. You know they're going to throw at any white man."

Hundreds of persons were hurling objects from windows and roofs.

Police communications aid officers in the area called for more ammunition.

The violence on the city's West Side—near the area where several persons were injured in two nights of rioting last summer—erupted as policemen and clergymen attempted to calm the stricken area.

Disturbances had been kept to a minimum until mid-evening, when swarms of Negro gangs roamed along a strip on Roosevelt Road from Pulaski Road to California Avenue, about 16 blocks from the edge of downtown Chicago.

Clergymen and nuns dispatched by the Rev. Dr. Martin Luther King Jr. urged women and children to get off the streets.

The trouble started Tuesday night when Negroes protested that police turned off a fire hydrant that children had been using to cool off in the hot, muggy weather. A city ordinance prohibits opening hydrants. Eight persons were arrested.

Last night violence erupted for the second night in the Negro neighborhood as police exchanged gunshots with the Negroes and roving gangs tossed fire bombs into buildings. Firemen were stoned as they fought fires touched off by rampaging groups. In one block, four fires were blazing at once.

Dozens of stores were looted.

Both Mayor Richard J. Daley and Roman Catholic Archbishop John P. Cody blamed the outbursts on juveniles. Dr. King blamed the disturbances on Daley and the city administration.

Dr. King demanded that a Negro be appointed to the second highest position in the Police Department.

[From the Washington Post, July 15, 1966]

School Suit Is Filed for Eastland's County

The Justice Department brought suit yesterday to desegregate public schools in Sunflower County, Miss., the home county of Sen. James O. Eastland, Democrat and strong segregationist.

Named as defendants were the Indianola Municipal School District, the Sunflower County School District and the superintendent and trustees of each district. Indianola is the largest municipality in Sunflower County, in northwest Mississippi.

[From the Washington Post, July 15, 1966]

Brooklyn Negroes Loot Area, Smash Windows

New York, July 14.—Small groups of Negro teenagers roamed the Bedford-Stuyvesant section of Brooklyn last night and early today. Police said they broke seven store windows and there was some looting. Two youths were arrested.

Chief Police Inspector Sanford D. Garelik said the roving bands usually consisted of two or three youths, Garelik said residents of the neighborhood sat on their doorsteps and watched the looting, but did not join in it.

A Negro cab driver was shot and critically wounded by three Negro passengers when he refused to take them into the Bedford-Stuyvesant area, claiming it was too dangerous.

[From the Washington Post, July 14, 1966]

Shooting and Fires Mark New Chicago Outbreaks

Chicago, July 13.—Two major disturbances erupted three miles apart tonight on Chicago's West Side as police and Negroes exchanged gunfire and roving gangs started numerous fires. Two young Negroes were wounded.

Six shots were fired at police from a large public housing project in a near Southwest Side Negro neighborhood as authorities attempted to halt gangs of Negroes who were throwing rocks and homemade bombs.

Police returned the fire, but apparently no one was hit.

Two shots were fired from an alley at a police car on Roosevelt Road. Officers jumped from the car and three homemade bombs were thrown at them. They were not injured.

BOMBS START FIRES

A few doors away, fire bombs tossed onto the roof of a one-story garage set the structure afire. It was the fourth fire on the block.

Fire bombs landed in the midst of firemen fighting the blaze.

The violence had been quelled earlier by massive police, aided by a rainstorm. The violence erupted again after the rain stopped.

The West Side Organization, a community action group, put 24 of its members on the street, urging women and children to go indoors.

A city street-cleaning vehicle moved down the glass-strewn Roosevelt Road, clearing the boulevard of a mantle of glass shards.

One bomb tossed into a window above a store at 14th Street and Ashland Avenue, set the building afire. Youths crashed through the windows of a currency exchange, setting baskets of waste paper on fire.

Firemen were stoned as they fought the flames.

Eight persons were arrested earlier tonight as police attempted to break up rampaging groups. Ten policemen were treated for injuries and two motorists were injured by rocks thrown into their cars.

At least 20 shots were fired as a mob of 300 attacked the 10 policemen. It appeared the shots were fired by policemen into the air.

William Collins, 14, was taken to Presbyterian-St. Luke's Hospital with a bullet wound in his left thumb. Johnny Lee Watson, in his early 20s, was admitted to Cook County Hospital with a gunshot wound in his left arm.

More than 150 policemen finally massed and drove more than 1000 Negroes into their homes from the intersection of Roosevelt Road and Throop Street, shortly afterward the rain quelled the uprising.

Meanwhile, police reinforcements moved into an area near Pulaski Road and Gladys Street three miles to the west. The area is three blocks from the site of two nights of rioting last summer.

Negroes threw bricks and bottles. Policemen fired shots into the air in an effort to clear the streets. Windows of cars were smashed.

The disburbances were touched off earlier as policemen turned off a water hydrant in the area on another hot and muggy night. The temperature was 84.

As they turned the hydrant off, a group of 150 Negroes began throwing rocks, pop bottles and bricks. Police moved in with nightsticks as they swept down Throop Street moving the crowd ahead of them. Several Negro youths were knocked down during the sweep.

One Negro resident of the area said the high feelings were inspired, in part, by the shutoff of that hydrant without interference with open hydrants in an Italian-American area a few blocks north.

"I'd like to see them turn off a hydrant in a white neighborhood and then try beating a white kid over the head with a billyclub," said one resident.

It's a common practice, though against the law, for Chicagoans to open water hydrants during hot weather so children can cool off. The weather has been in the 90s all week.

"This (incident) has distilled something in these children they will remember the rest of their lives," a man said. "If they are brave enough to fight the police they are brave enough to do anything."

"All these people in this neighborhood were content with living piled upon top of stockyards—until the police closed one fire hydrant and they all got mad," another resident said.

Earlier today, Negro leader Dr. Martin Luther King Jr. contended that Mayor Richard J. Daley could do more to improve housing, education and employment for Chicago Negroes. King said there is a lack of parks and swimming pools in the neighborhood where children cooled themselves in water from the hydrant. He contended progress toward improvements for Negroes has been totally inadequate, and "the community is inviting social disaster."

[From the Washington Post, July 18, 1966]

Fire-Bombs Used in Race Disturbance

San Francisco, July 17.—An armed robbery in which a Negro policeman wounded a Negro suspect was followed by an arsonous, near-riot four blocks away in San Francisco's Fillmore district early today.

Police controlled the outbreak in a short time. They said it was not racial, despite attempts of a few hardcore black racists to explode it. Seven fires, all small, were set with gasoline bombs.

Seven Negro youths, including the wounded suspect, were arrested.

Five suspects in the robbery, one armed with a long-bladed knife, fled.

A crowd estimated by police at 200 to 250 gathered at the robbery scene. Some threatened off-duty Negro officer Herman George who had interrupted the robbery and felled Frank Lee Jackson, 21, with a bullet in the chest.

George said Jackson aimed a .22 revolver at him and ignored repeated orders to drop the gun.

Jackson was hospitalized under guard and charged with assault with attempt to murder and suspicion of armed robbery.

Clifford Simmons, also known as Jarron Scott, 18, was charged with interfering with officer George as he stood guard over Jackson awaiting an ambulance.

Two blocks away and a little later, trouble erupted as white and black youths left a dance at the Afro-American Cultural Center. Police said they were not certain the events were directly connected, but that perhaps hardcore Negro racists from the robbery scene had tried to incite the dance crowd.

The Fillmore trouble started when a gasoline bomb was thrown into the center, formerly the Fillmore Theater. It was quickly extinguished. Damage was small.

Thirty police cars quickly cordoned off seven blocks. They permitted anyone who desired to leave, but no one to enter. Six more Molotov bomb fires were set but all were minor and quickly extinguished.

[From the Washington Post, July 13, 1966]

Forty-one Arrests on a Hot Night—Hydrant Shutoff Starts Racial Melee in Chicago

Chicago, July 12.—Forty-one persons were arrested and several others were injured tonight in a disturbance in a predominantly Negro neighborhood touched off after police closed a fire hydrant on a hot, muggy night.

Police said several persons, including motorists, were injured when a roving band of Negroes, ranging up to 300 in sizes, threw rocks and home-made bombs.

The melee was touched off after police closed a fire hydrant in the near southwest side neighborhood.

The Negroes, who had opened the hydrant so children could cool off in the 96-degree heat, contended police were closing their hydrants, but were allowing hydrants in an Italian area two blocks away to remain open.

The Negroes opened the hydrants after police closed them, and the incident quickly developed into a major disturbance.

Eight persons were arrested during the hydrant episode. One was hospitalized and the others were released on their own recognizance.

Three hundred policemen patrolled the neighborhood.

The Rev. Columbus Ewing, pastor of the Greater Bethany Church, told newsmen the seven released had been beaten. Police denied it.

Late tonight a crowd of 150 gathered at a corner and started marching down the street. Eight police vehicles converged.

Five shots were fired. Police broke up the crowd. A police car was set on fire by a homemade bomb.

Dr. Martin Luther King, chairman of the Southern Christian Leadership Conference, went to the area and attempted to restore order.

Residents met in a church with King and listed their grievances as the need for swimming pools and for libraries, and police brutality contentions.

King said the main reason for the disturbance following the incident over the fire hydrants was the belief by residents that the eight arrested were the victims of police brutality.

The area is 4½ miles south of a Puerto Rican neighborhood shaken by three nights of disturbances last month.

All traffic was rerouted from the area, about 26 blocks from downtown Chicago.

Police said all windows for four blocks along Roosevelt Road, a major thoroughfare, were shattered.

A huge shopping center was in shambles. Workmen perspired on the hot, muggy night as they boarded up the windows. Most windows there, too, were broken. Some neon signs hung by one wire. Garbage cans littered the streets.

Police cars prowled the area with their lights off. As soon as police gained control of one situation, they would leave and groups would form again.

In an unrelated incident last night, police said 25 subway passengers—mostly Negroes—cheered as a heavily-built Negro youth beat and robbed a slender white soldier on a train. Police said the youth demanded money, threatened to kill the GI, then ripped off his glasses and beat him.

Subway detectives with guns drawn finally rescued the soldier and arrested James Person, 18, who was charged with robbery and battery.

[From the Washington Post, May 20, 1966]

New Violence Flares in Tense Watts Area

Los Angeles, May 19.—Violence exploded in the Watts area tonight for the second time this week and within seven hours of an emotion-charged coroner's inquest into the fatal shooting of a Negro motorist by a policeman.

As tensions mounted, another incident added fuel to the fire. A Negro suspect in a restaurant holdup was shot and seriously wounded when he wheeled on police with a pistol after they ordered him to stop running. Police said a gang of about 30 youths later harassed the manager of the restaurant.

The latest violence in the Watts area—scene of last August's rioting in which 34 persons were killed—began shortly after dark.

A group of 150 juveniles began throwing rocks at motorists in the 1700 block of East 103d street. The incident was quickly quelled by police.

Television station KNXT reported that one of its cars had two windows smashed and a bullet hole in the body. A spokesman for the National Broadcasting Co. said one of its cars also have been hit by rocks.

When the rock-throwing began, police moved into what they termed a "black beret operation," placing black netting over their

> white helmets to prevent reflections in case of sniper fire.
>
> Top officials of the California National Guard maintained a close watch on the situation.
>
> The rock throwing followed a heated meeting of 150–200 persons at Will Rogers Memorial Park, in which newsmen were told to leave under threat.
>
> One man suggested that the group go to a nearby coffee house—"Watts Happening"—to "sit down and make plans."
>
> Mrs. Mary Jones was the first and only witness to testify before this morning's coroner's hearing was adjourned until Friday morning because of laughter and noise in the overcrowded hearing room.
>
> Mrs. Jones said that on May 7 she saw Patrolman Jerold M. Bova, 23, jump from his car with his revolver drawn after he and other policemen stopped a car driven by Leonard Deadwyler, 25.
>
> "He pushed the gun in the car window," Mrs. Jones said, "and I heard a shot. I saw that man fall dead against his wife, then fall out of the car. It was in cold blood when policemen pulled that man out."
>
> "Was the car moving when the officer came up with his revolver?" asked John Provenzano, Deputy District Attorney.
>
> "No," Mrs. Jones replied. "It was up on the curb and couldn't move."
>
> There were more than 100 deputy sheriffs on duty in and near the Courthouse, and it was indicated there will be more Friday.
>
> Mrs. Deadwyler, who is pregnant, said her husband was driving her to a hospital when he was halted and slain.
>
> Bova's story is that the shooting was unintentional. He asserts that Deadwyler's car was moving, that he (Bova) reached in to turn off the ignition or jam the gears, and that his gun went off accidentally.

Mr. McCULLOCH. Mr. Chairman, I yield 10 minutes to the gentleman from West Virginia.

Mr. BUCHANAN. Mr. Chairman, will the gentleman yield?

Mr. MOORE. Mr. Chairman, I yield to the gentleman from Alabama.

Mr. BUCHANAN. Mr. Chairman, I ask unanimous consent to revise and extend my remarks at this point in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Alabama?

There was no objection.

Mr. BUCHANAN. Mr. Chairman, I rise in opposition to this legislation.

Mr. Chairman, like many other Members, who did not have opportunity to speak on the rule, I am concerned, in the first place, about the procedure under which this bill was brought before the House. Apparently under the "21-day rule" as interpreted in this instance, a committee chairman could send a bill to the Rules Committee on the day before a 21-day recess of the House, and call it up on the day following such a recess under the "21-day rule" thereby bypassing the Rules Committee altogether and never giving this committee any opportunity to act at all.

Second, the climate in which this bill is being debated is not conducive to the calm, careful, and unbiased consideration which legislation of this scope should command. Enactment of the bill would reach into the lives of all Americans and place upon them restrictions alien to the American concept of personal freedom. It would again extend the encroaching and devouring power of the Federal Government into areas previously and rightly within the jurisdiction of the States as delegated by the Constitution itself.

Third, Mr. Chairman, the Civil Rights Act of 1966 as proposed in the bill now under consideration is unsound legislatively, it is of doubtful constitutionality, and it is questionable that it would accomplish the purposes ascribed to it by its ardent proponents.

Civil rights—including property rights, personal freedom, and the protection of the individual—are important not only to one group of Americans, or one level of society. They are fundamental to our American free society, and the heart of our American heritage.

And legislation that purports to guarantee certain freedom and rights to a minority while at the same time nullifying or abridging any of the rights now guaranteed to all Americans under the Constitution, is contrary to the public interest.

The doctrine of civil disobedience has been preached throughout the land as a weapon to coerce the Congress of the United States into taking immediate action in response to the demands of the civil rights leadership. Some members of the clergy as well as those in high positions have given support to the practice of civil disobedience as a substitute for following established procedures in seeking legislative action or constitutional amendment.

The doctrine of civil disobedience has brought tragic results. Those who have advocated it have sown to the wind and America is reaping the whirlwind. The riots which recently swept through Chicago, Cleveland, and New York are examples following in the wake of the rioting in Watts which in its stark violence and lawlessness shocked the Nation.

There have been thinly veiled threats of more violence if the demands for immediate passage of civil rights and other legislation are not met by this Congress including hints that such violence might reach the streets of Washington.

The question is how far can the Congress of the United States go in appeasement, rather than control, of mob violence? Will legislation enacted under duress of this nature curb violence in our city streets, or will it simply whet the appetites of certain leaders to consider rioting and wanton lawlessness as effective means of attaining any demands they may make for special privilege?

If mob action is to be condoned and substituted for due process of law, if our legislative procedures are to be ignored, and if the Members of Congress are to be coerced by the threat of continued civil disobedience and violence, then the very foundations of our democratic society are threatened.

The most controversial section of the Civil Rights Act of 1966 is title IV, "Housing." The context of this proposal would destroy the fundamental concept of property rights as established under the Constitution from the formation of the Union. It would deny to all Americans the priceless privilege which Americans have always enjoyed—the right to own property and to acquire or dispose of it at will and in accordance with the desires of the individual.

In commenting on title IV, in minority views of the committee report, as the gentleman in the well stated:

> Inherent in our consideration of property rights is the fundamental concept that every individual, under the protection of the Constitution, has the right to own property, both real and personal, and to use it as he sees fit, so long as he does not interfere with the lawful rights of his neighbors or endanger the health, safety, or welfare of the community. So strong was the feeling of the importance of property rights at the time of the adoption of the Constitution, that the Bill of Rights was designed to protect not only personal liberties and personal rights but property rights as well.

Congressman MOORE also declared:

> People in general do not buy, rent, or sell residential property, especially their own homes, with a great appreciation of governmental attempts to tell them who their neighbors must be or to whom they must sell or not sell their property. The average American tends to look upon his right to sell realty as being absolute. That attitude is steeped in the traditions of this Nation.

Title IV would also create general havoc in the real estate field opening the way to lengthy litigation which could tie up property transactions for indeterminate periods.

The housing provision as proposed in the bill under consideration is alien to our American concept of property rights, and it would be tragic if its provisions were to be imposed upon millions of our citizens.

While the housing provision in title IV has commanded the most attention, other provisions in the proposed act also are cause for serious concern. Title VI in the field of school desegregation would allow the Attorney General to file civil suit in the absence of complaint merely when in his view it appears there is discrimination in a public educational institution or other public facility.

As Congressman WILLIAM TUCK points out in his views in the committee report:

> This title would go to the extreme limit in granting to the Attorney General power and authority over schools and public facilities. Previous so-called civil rights acts have gone far beyond right and reason in enforcing desegregation, but this title would give the Attorney General absolute authority and enable him to institute civil suits to upset existing decisions of the Federal courts with which he disagrees. Furthermore, the agency of the Federal Government having to do with education would be given additional authority and license to exercise control over State schools. We have already experienced and witnessed far too much use of power by this agency to coerce the local school boards.

Title IV of the proposed act—interference with rights—would also result in a further encroachment of our constitutional rights and invasion of rights reserved to the States.

I, therefore, oppose the Civil Rights Act of 1966 because many of its provisions constitute a threat to the rights of all American citizens under the Constitution.

Mr. MOORE. Mr. Chairman, I am well aware of the admonition of the late great Speaker, Mr. Rayburn, when he always indicated in talking to new Members of the House that one would never have to worry in this body about the consequences of a speech that he never made. I would assume that has been advice well followed by a number of my colleagues over the years.

Yesterday afternoon a young clerk in my office came to me and said, "Mr. Moore, I have a problem." I asked of her what it was. She said, "I am in trouble with the law." I asked, "What is the nature of the trouble?" Then she said, "I got arrested," I said, "Well, for what reason?" She said, "For backing up going forward."

I suggest that what we in this Committee are doing today is very well backing up going forward with this legislation which we have before us for our consideration.

As a West Virginian, I have no reason to apologize to any Members of this House for the past decisions of the citizens of my State. A long time ago the citizens of my State spoke on behalf of those in this Nation who were disenfranchised. To give emphasis to their beliefs they severed themselves from the then Commonwealth of Virginia, created a new State and therefore very forcibly expressed their feelings on this issue some 103 years ago.

Mr. Chairman, in my opinion, title IV of this legislation represents a confused and conflicting attempt to achieve a high moral purpose. That high moral purpose—equal opportunity in housing—I believe will be hindered and not helped by title IV in its present form. I say to all Members that the ultimate achievement of equality in all aspects of our national life depends upon the individual morality and good will, and it cannot be achieved alone either by Executive order or by some legislative enactment.

The proponents of title IV say that it will quicken the public conscience, that it will dispel the doubts and the fears of the minority groups of our Nation, and by its moral suasion it will reach and affect every thoughtful householder in this Nation. I say these lofty objectives do not excuse the contradictory and the confused draftsmanship which is present in the bill before us. These noble goals cannot be achieved by a proposed law, which in effect is no law at all, since it exempts from its reach 85 percent of the subject matter that it seeks to control.

In that sense it is but, in my opinion, a ploy. Its stated high moral purpose will not be realized by discriminatory provisions that penalize other segments of our economic life, but exempt the homeowner whom they serve.

Mr. Chairman, I have been a supporter of civil rights legislation during the sum total of the years of my service in the House of Representatives. My service on the Judiciary Committee of the House has presented me with a unique opportunity to become knowledgeable of and a supporter of the legislative acts of the U.S. Congress in the years 1957, 1960, 1964, and 1965.

Occasionally in this House one rises and challenges all others to match his performance in support of a given legislative thesis, a philosophy of government, or the support of sound fiscal policies. With this in mind, Mr. Chairman, I suggest that my civil rights record and position over the years is as good as that of any other Member of this House and, as a matter of fact, I believe perhaps just a little bit better. That suggestion is made simply to refresh the minds of the Members who were here in 1963, when we first considered legislation in this body which ultimately became the Civil Rights Act of 1964. I insisted then that the tenor of the House was such that we could pass a strong civil rights bill, touching particularly the right of the American Negro to register and to vote. But the great compromisers of that day, some of whom are in this body at this hour, insisted that something less would have to be developed, and the great civil rights compromise of 1963 in the House became the Civil Rights Act of 1964.

Occasionally in a legislative body one takes the privilege to say "I told you so." For immediately following the enactment of the 1964 law the wheels began to churn for the Civil Rights Act of 1965 which in its form if not on a word-by-word basis was exactly what I proposed in 1963, which would have been the law of the land 2 years earlier if it had not been for the great compromisers in the field of civil rights.

In my separate views I have indicated to the membership of this House that I support the proposals in this bill to reform our jury system, to strengthen our criminal laws relating to civil rights offenses, and to improve the civil judicial machinery concerning the suits to desegregate public schools and public facilities.

Mr. Chairman, I deplore prejudice and bigotry in any form, and specifically I am opposed to discrimination in housing. But title IV, Mr. Chairman, will not end discrimination in housing. As it is before us, it is an empty gesture. Some of its provisions, I say, will encourage discrimination. It is, again, the work of the great compromisers on civil rights.

As surely as I stand in the well of this House it invites a Civil Rights Act of 1967 and of 1968 and of the next year and of the next year.

Title IV authorizes the individual homeowner to discriminate without the fear of penalty, but there is nothing in the bill that grants his agent, the man who will offer the owner's home in the marketplace, for sale if he attempts to carry out the discriminatory instructions of the homeowner, any protection.

The distinguished chairman of the Judiciary Committee himself says that if the author of the provision intended that the agent should not be in violation of the prohibitions of section 403(a) when he follows the express instructions of his principal, then, and I quote the chairman of the Judiciary Committee:

> The language of the title is not explicit on this point and should be clarified on the floor as may be desired by the Members of the House.

The Attorney General of the United States has similarly stated that the language of title IV does not exempt agents of homeowners, as the drafters of the section claim.

The result is certainly obvious. Thousands of homeowners will attempt to handle the sale of their dwellings without the use of a home salesman. The effects on the home market community, will breed a flood of lawsuits resulting from the attempts of the uninformed to deal in property transfers, can well be imagined.

But what about the other problems of the homeowners' agents under title IV?

Section 401(a)(1) makes it unlawful for him—that is, the agent—discriminatorily to refuse to negotiate for a sale, a rental, or a lease of a dwelling that is not even on the market.

And, Mr. Chairman, if the Members will read the bill carefully they will see that it is so open to such broad interpretation.

When a member of a minority group asks the agent in real estate to negotiate for the purchase of a home listed by another agent, section 403(a)(4) subjects both agents to a penalty if "best efforts" are not used in the negotiation.

Under section 403(a)(4), agents would be subject to a penalty for delay in showing any dwelling to prospective buyers even though the reason be lack of cooperation or the indisposition of the discriminatorily motivated homeowner.

This legislation, in title IV, destroys the great base of historic law in this Nation, that is, the law of the relationship between an individual and an agent—the law of agency.

In section 404 it goes a step further.

Section 404 requires financial institutions to inquire into the prospective occupancy of dwellings for which it is providing funds. The owner may practice discrimination, up to a maximum of two transactions within a year, but this bill as worded leaves the institution providing the funds for the purchase, construction, improvement or repair subject to penalties for the owner's actual or prospective discrimination.

Just as the number of private clubs has multiplied since the enactment of the 1964 act, I predict that the enactment of title IV in its present form would result in hundreds and thousands of private apartment clubs and other organizational elements designed to practice and perpetuate discrimination.

I have cited only a few of the conflicts apparent in title IV. I cannot avoid the more critical question of constitutionality in its present form, which is seldom heard during the debate on this particular legislation.

The issue is not only the matter of the practicality, the feasibility, or the workability of this bill; nor the fact that by virtue of the work of the great compromisers in the field of civil rights its enactment suggests additional civil rights measures in the years ahead. The other issue we must face is, Is it constitutional?

It would be foolish, in the face of recent Supreme Court decisions, to be categorical about the unconstitutionality of any proposed legislation. Suffice it to say, the constitutionality of title IV presents a grave question.

Inherent in our consideration of property rights is the fundamental concept that every individual, under the protection of the Constitution, has the right to own property, both real and personal, and to use it as he sees fit.

Mr. Chairman, inherent in our consideration of property rights is the fundamental concept that every individual, under the protection of the Constitution, has the right to own property, both real and personal, and to use it as he sees fit, so long as he does not interfere with the lawful rights of his neighbors or endanger the health, safety, or welfare of the community. So strong was the feeling of the importance of property rights at the time of the adoption of the Constitution, that the Bill of Rights was designed to protect not only personal liberties and personal rights but property rights as well.

Antidiscrimination housing legislation unavoidably raises a conflict between reserved private rights such as freedom of association and nonassociation, and nondiscrimination. Legal measures taken to assure equality of housing opportunity necessarily constitute an interference with individual property rights. The issue appears to be the balancing of these respective rights.

It is not responsive, or necessarily accurate, to say that the law favors "human rights" over "property rights." Property rights as they have evolved in our law, after all, are rights of people to act certain ways they deem beneficial, and are as "human" as any other rights.

In any event, the individual's dominion over his home is not to be interfered with lightly.

Nearly 100 years ago Congress enacted the following statute relating to equal housing opportunity:

> All citizens of the United States shall have the same right, in every State and Territory, as is enjoyed by white citizens thereof to inherit, purchase, lease, hold, and convey real and personal property (14 Stat. 27 (1866), 42 U.S.C. 1982).

That statute, still the law of the land, constitutes an expression of the will of the Congress, that all citizens, regardless of race, shall have an equal opportunity to own property.

The CHAIRMAN. The time of the gentleman from West Virginia has again expired.

Mr. McCULLOCH. Mr. Chairman, I yield the gentleman 9 additional minutes.

Mr. MOORE. Additionally, Mr. Chairman, the Supreme Court has employed equality in property rights as a basic right guaranteed by the 14th amendment. But are these rights guaranteed against the actions of private persons?

From 1883, when it decided the Civil Rights cases, 109 U.S. 3 (1883), through March 28, 1966, when it decided *United States* v. *Price,* 383 U.S. 787, and *United States v. Guest,* 383 U.S. 745, the Supreme Court has consistently held that the 14th amendment protects the individual against State action, not against wrongs done by individuals. As stated in *Shelley* v. *Kramer,* 334 U.S. 1, 13 (1948):

> The action inhibited by the 1st section of the 14th amendment is only such action as may fairly be said to be that of the States. That amendment erects no shield against merely private conduct, however discriminatory or wrongful.

Most recently in United States against Guest decided March 28, 1966, the Court said:

> It is a commonplace that rights under the equal protection clause arise only where there has been involvement of the State or of one acting under the color of its authority. The equal protection clause does not * * * add anything to the rights which one citizen has under the Constitution against another. (*United States* v. *Cruikshank,* 92 U.S. 542, 554–555.)

Attorney General Katzenbach stated persuasively before the Judiciary Committee that Federal prohibition of discrimination in the sale or rental of housing is an appropriate exercise of the power of Congress to enforce the 14th amendment. He contended that discrimination is a social and moral wrong with the resultant blight upon our democracy impeding the States and localities from carrying out their obligations under the 14th amendment to promote equal access and equal opportunity in all public aspects of community life.

It appears that Associate Justice Harlan, in his concurring opinion in *Peterson* v. *Greenville,* 373 U.S. 244 (1963), has already most eloquently answered the Attorney General's argument.

> Underlying the cases involving an alleged denial of equal protection by ostensibly private action is a clash of competing constitutional claims of a high order; liberty and equality. Freedom of the individual to choose his associates or his neighbors, to use and dispose of his property as he sees fit, to be arbitrary, capricious, even unjust in his personal relations are things entitled to a large measure of protection from governmental interference. This liberty would be overridden, in the name of equality, if the strictures of the (fourteenth) amendment were applied to governmental and private action without distinction. Also inherent in the concept of State action are values of federalism, a recognition that there are areas of private rights upon which Federal power should not lay a heavy hand and which should more properly be left to the more precise instruments of local authority.

If the responsibility for providing equal housing opportunity lies with State and local authorities—and entirely apart from the question of constitutionality—it concerns me deeply that the Judiciary Committee has ignored the testimony and advice of the experts who have studied the effects of State housing legislation. These experts testified that ghettoes and slums still plague some of our great cities, even though they have long had laws which in some instances are far stronger than that which we have before us for our consideration.

I have pointed out the conflicts, the ambiguities, the contradictions, weaknesses, and shortcomings of title IV. I have suggested some of the undesirable consequences, and the impossibility of reasonable and successful application.

If it were humanly possible to draft a practical, workable statute that would achieve the desired end, I suggest the assembled legal training and experience of the member lawyers of the Judiciary Committee would have accomplished it.

The problem weighed heavily upon the minds and hearts of members of the Judiciary Committee. But with the best and the highest motives and intentions—they have recommended a solution that would not achieve the desired result.

People in general do not buy, rent, or sell residential property especially their own homes, with a great appreciation of governmental attempts to tell them who their neighbor must be or to whom they must sell realty as being absolute. That attitude is steeped in the traditions of this Nation.

I strongly believe that the ultimate achievement of equality in housing would be hindered and not helped by the enactment of title IV in its present form.

The great compromisers of civil rights legislation in the House of Representatives, of which I am not one, submit for our consideration this bill, which by its language in title IV suggests that additional legislation will be needed in the field of civil rights next year and the next and the next and the next.

Whether title IV be constitutional or unconstitutional, I submit that in its present form, it does not achieve the desired end. We have been taught time and again that efforts to write or rewrite important sections of any legislation on the floor of the House of Representatives is a serious mistake. Whether title IV can be amended so as to correct the many inconsistencies contained therein remains to be seen.

The people of this Nation have the right to expect and do expect the Congress to do a thorough and complete job on all legislative matters rather than in a piecemeal fashion based upon compromise after compromise.

Notwithstanding what may be done, Mr. Chairman, with respect to efforts to rewrite the bill, a task we know is dangerous to do on this floor. It would seem to me that whether or not the amendments offered do correct these clear inconsistencies, and further, whether or not they will erase my constitutional misgivings, I believe it would be the wiser course for the House to delete title IV from this bill and go forward from there, enacting the many uncompromised and necessarily worthwhile provisions of the Civil Rights Act of 1966.

Mr. ROGERS of Colorado. Mr. Chairman, I yield 1 minute to the gentleman from California [Mr. CORMAN].

Mr. CORMAN. Mr. Chairman, may I inquire of the gentleman from West Virginia who just spoke—and though I do not qualify under the adjective he used, I do under the noun. I am one of the compromisers.

I wanted to inquire whether or not the gentleman would support the original proposal of the President which was very comprehensive and which I think answered many of the objections which he posed to the compromise version of title IV.

Mr. MOORE. Again, following the admonition of the late Speaker Rayburn, the gentleman from California and a member of the committee with me, knows well that I voted in opposition to the motion to strike title IV from the bill; that I did not support his watering-down amendments to the bill; and that I voted against the Mathias amendment, and after the same was adopted I did move to report this bill to the floor for further consideration so that I might have an opportunity to bring my case before a larger and perhaps more friendly forum.

Mr. CORMAN. Your closing remark was that you are opposed to title IV now. My query is, will you support title IV now in its original version? Compromises can be made on the floor as well as in the committee.

Mr. MOORE. I think it is purely academic unless you wish to assure me the opportunity that I hope to give to the gentlemen to send the measure back to the committee to accomplish that. If the gentleman would join with me, I would appreciate it.

Mr. ROGERS of Colorado. Mr. Chairman, I yield 2 minutes to the gentleman from New York [Mr. FARBSTEIN].

Mr. FARBSTEIN. Mr. Chairman, I do not expect that one piece of legislation will undo the practices of a century that most of us now deplore. However, passage of this legislation will make evident our desire to assist all Americans—irrespective of race or color—attaining that equality under the law to which they are entitled.

Suggestion has been made of special privilege to some. Assuming but not conceding such special privilege it would not be amiss to grant some special privileges to those whose ordinary rights were denied for so many years.

Mr. Chairman, the Civil Rights Act of 1966 has my full support. I know there is much opposition to it. Some say it goes too far. Others say it does not go far enough. My own view is that it represents progress and progress takes many forms. If someone asked me the best way to solve the problems of racial inequality, I would say a massive infusion of funds into what we have come to call the poverty program. We have learned since our first major civil rights bill was passed almost a decade ago that by liberating Negroes from the legal framework of racial discrimination, we do not automatically make them equal. That is why I fear that this bill will achieve less than is claimed by its principal proponents. The problem now is in overcoming the consequences of centuries of discrimination by teaching its victims the skills to compete, by restoring crippled attitudes, social structures, faith in the decency of the majority. I am one of those who believes that money can heal many wounds, if properly applied. I support the bill before us with all my vigor. But if I have learned anything in my years in this body, it is that civil rights laws can do only a fraction of the job. These laws remove old disabilities. Our chief objective now must be to generate new abilities among those who have been denied an equal place in our society.

I will be brief in my comments today because I think my colleagues know my views on the subject of civil rights. I will confine myself to the observation that fair housing legislation has deprived no one of any rights in New York. I see no evidence for believing that it will do so, after this bill is enacted, in the Nation. I am not afraid of title IV. I see no reason why any Member of this body should be. It is in the great tradition of American free enterprise. It simply forbids any unreasonable limitations upon the marketplace. I believe this is one of those measures that, 20 years from now, we will ask, "Why did it take us so long?" Enacted and enforced, it will help make this a more decent country. I think that in no time at all, if this law is enacted and enforced, buyers and sellers will even acknowledge that it is good business. Let it be remembered no one is forced to lend anyone any money but no one should be denied a loan solely because of race or color.

Mr. Chairman, this law is the latest in a series of efforts made by Congress to rectify the injustice that began when the first slave ship hit our shores. We must not be so naive as to believe this is the ultimate civil rights bill. We will be asked to do more in this field, whether it be in its legal or economic aspect, and we will respond affirmatively. I urge my colleagues to rise to this occasion, as they have to previous occasions in civil rights. I urge them to strike another blow at our Nation's shameful pattern of racial discrimination, while they are fully aware that many more blows remain to be struck. I will vote for this bill and all its provisions without reservations. I invite my colleagues, Democratic and Republican, northern and southern, to join with the Speaker, the distinguished chairman of the Judiciary Committee, and the most eminent Members of this body, in voting for this bill. There is not a shred of doubt in my mind that the Civil Rights Act of 1966 is in the national interest.

I yield back the balance of my time.

Mr. ROGERS of Colorado. I yield 4 minutes to the gentleman from Georgia [Mr. FLYNT].

Mr. FLYNT. Mr. Chairman, I share the frustration just exhibited by my colleague from New York [Mr. FARBSTEIN]. I must say that I am grateful to him for yielding back his 2 minutes so that the gentleman from Colorado could give those 2 minutes to me.

Mr. Chairman, I oppose this legislation because I think it is vicious. Instead of helping minority groups and helping this country, it will do serious harm and damage to both and will have exactly the opposite effect from that intended by the sponsors, the authors, and the proponents of this legislation.

During World War II Gen. William E. Brougher was a prisoner of war of the Japanese for almost the entire duration of that war. During that time he wrote a number of poems which he published after the war under the title "The Long Dark Road." In one of those poems General Brougher asked the question, "How long, O Lord, how long?"

Today I reverently ask the question, "How long and how far, O God, will those who hate my section of the country and its people go in an effort to vent their hatred in attempts to punish us for offenses which took place more than 100 years ago when none of us were even alive?" These attempts almost amount to a form of genocide.

Today we see in title I of this bill the gentleman from New York, the gentleman from Colorado, the gentleman from Ohio, and the Attorney General of the United States trying to do by legislation the exact same thing for which the Department of Justice prosecuted Jimmy Hoffa in the U.S. district court in Tennessee, and that is for jury tampering and taking away from established processes the makeup of and impartial verdicts of juries in both State and Federal courts.

I oppose title I of this bill for reasons which can be best given by quoting from a letter written by the senior judge of the U.S. District Court for the Middle District of Georgia, Judge W. A. Bootle:

> First, let me say that our jury commissioners rely chiefly upon their personal knowledge of prospective jurors and upon information they obtain from all sources including key men or suggesters. They use to a limited extent state court jury lists and telephone directories, the latter being used only as a reminder of people known but forgotten.
>
> I cannot help but wonder whether the emphasis of Title I may not be misplaced. Is it upon the *right* to serve on federal juries rather than the *qualifications* so to serve?
>
> Those of us who take pride in the quality of justice administered in the federal courts would seriously regret any lowering of the qualifications of federal jurors, or any lowering of the collective intelligence of the jury panel. It seems to me that we are concerned here with much more than just a lesson in civics or a mere exercise in the principles of democracy. The administration of justice is serious business. It represents the actual functioning of democracy at one of its highest levels. It needs to be as efficient as possible. The importance of the jury in our jurisprudence would be hard to exaggerate.
>
> The jury has almost unlimited authority over property, liberty, and even life itself. It can deny property; it can deny liberty, and it can deny life. Nor is its importance diminishing. Technical and complicated issues formerly looked upon as equitable and triable without a jury now require jury verdicts. See, for instance, *Dairy Queen, Inc.* v. *Wood*, 369 U.S. 469 (1962); *Beacon Theatres, Inc.* v. *Westover*, 359 U.S. 500 (1959).
>
> As you know, the Judicial Conference of the United States in 1960 approved the report of its committee on the operation of the jury system. This committee study and report was exhaustive and is reported in 26 F.R.D. 409. I lift from this report two paragraphs which, as I understand it, reflect the thinking of the Judicial Conference of the United States upon this all important matter of the selection and composition of federal juries.
>
> "The jury holds in its collective hands the life, the liberty and the welfare of individual defendants in criminal cases and the interests of litigants in civil cases. The importance of improving the calibre of these judges of the facts is therefore self evident. At the same time, jurors must be representative of the community in which they live. Therefore, the Committee recommends that the sources from which they are selected should include all social and economic groups in the community and the jury list should represent as high a degree of morality, integrity, intelligence and common sense as the jury commission can find in each social and economic group by the use of impartial methods of selection.
>
> "In order that grand and petit jurors who serve in United States district courts may be truly representative of the community, the sources from which they are selected should include all economic and social groups of the

community. The jury list should represent as high a degree of intelligence, morality, integrity, and common sense as possible."

This thinking, it seems to me, embraces two basic concepts; first, the sources from which jurors are selected should constitute a broad base including all economic and social groups of the community and; second, from the list of legally qualified voters compiled from this broad base, then the jury commissioners should make their selections by the use of impartial methods so as to put on the jury rolls only those who "represent as high a degree of morality, integrity, intelligence and common sense as the jury commission can find in each social and economic group." I fear that Title I of S. 3296 recognizes and provides for only concept 1 and not concept 2.

Moreover, as a part of the Judicial Conference action of 1960 it approved proposed legislation then known as H.R. 4343, Eighty-sixth Congress, First Session, which provided in part specifically as follows:

"It shall be the duty of the commission . . . to select . . . the names of qualified persons who may be called to serve as jurors in the district court and who in their opinion are intelligent, honest, fair-minded, of good reputation and capable of rendering satisfactory service . . . ."

Incidentally, that bill, as well as S. 3296, provided for questionnaires and for a subpoena or summons to prospective jurors to appear before the commission so that the commission could determine their qualifications. I believe that provisions should be made for the payment of jurors' expenses in so appearing. This would not be of much importance in a metropolitan area, but in some of our districts a juror might well have to travel 60 or 75 miles.

The present law I trust authorizes the jury commission to see to it that "the jury list should represent as high a degree of morality, integrity, intelligence and common sense as the jury commission can find in each social and economic group by use of impartial methods of selection." I fear that Title I of S. 3296 will allow the jury commission no sound legal impartial discretion in this matter, but would require them to place in the jury wheel names of all persons determined by them to possess the minimal qualifications prescribed by 28 U.S.C. § 1861, and repeated in proposed § 1866. Proposed § 1866 plainly says that

"The jury commission shall deem any person qualified to serve on grand and petit juries in the district court unless he—

"(1) is not a citizen of the United States twenty-one years old who has resided for a period of one year within the judicial district;

"(2) is unable to read, write, speak, and understand the English language;

"(3) is incapable, by reason of mental or physical infirmity, to render efficient jury service; or

"(4) has been convicted in a State or Federal court of record of a crime punishable by imprisonment for more than one year and his civil rights have not been restored by pardon or amnesty."

I am in thorough agreement with your observation that the jury provisions of this proposed legislation have an importance independent of its civil rights objectives. I agree also that legislation of this far-reaching importance should be submitted to the close scrutiny of the Judicial Conferences of the various Circuits, the Judicial Conference of the United States, the American Law Institute, and the American Bar Association.

As requested, am enclosing a copy of questionnaire used by our jury commissioners, which, incidentally, I think is not quite as complete as the one approved by the Judicial Conference and found at 26 F.R.D. 507.

Respectfully,

W. A. BOOTLE,
U.S. District Judge.

Mr. Chairman, I would like to raise that very question today in discussing this bill in the Committee of the Whole.

Mr. Chairman, I wish it were possible for me to have the full 20 minutes which I had requested to speak during general debate on this bill. I am concerned with it.

I am seriously concerned with it at a time when civil strife and discord are evident in every part of our country. These manifestations of strife, discord, violence, looting, and anarchy have reached either the zenith or the penumbra, depending upon one's point of view, when the Governor of Ohio has seen fit to call out the Ohio National Guard in an effort to restore order to the metropolitan city of Cleveland, Ohio.

When the Civil Rights Acts of 1957, 1960, 1964, and 1965 were before the Congress for consideration, we were told by the very same people who are floor managers of this bill today that each of those bills held the key and the solution to the problems of discrimination which existed primarily in 11 Southern States. Today in 1966, we are witnessing a flagrant disregard for law and order and are watching law and order be gradually supplanted by chaos and anarchy, often in the name of so-called civil rights.

During my entire lifetime, I have actively practiced dignified, fair, and impartial treatment to all citizens without regard to their race, creed, or national origin. When I served as solicitor general of a four-county judicial circuit in Georgia as an officer of the superior court, it was my purpose then, as it is my purpose now, to accord to every human being the rights and dignity to which he is entitled as a creature of God. I have no apologies to make to any man or group of men living for my attitudes toward this question and for the fair and impartial manner in which I helped to enforce laws as an officer of the superior court, and the attitude which I have taken on legislation which has been proposed, debated, and acted upon in the House of Representatives from the 83d Congress through the 89th Congress.

Legislation of this kind under the guise of so-called civil rights is doing more to agitate racial and sociological problems throughout this country than men of good will and good faith can ever successfully solve.

Title VI of the Civil Rights Act of 1964 provides in substance as follows:

TITLE VI—NONDISCRIMINATION IN FEDERALLY ASSISTED PROGRAMS

SEC. 601. No person in the United States shall, on the ground of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance.

SEC. 602. Each Federal department and agency which is empowered to extend Federal financial assistance to any program or activity, by way of grant, loan, or contract other than a contract of insurance or guaranty, is authorized and directed to effectuate the provisions of section 601 with respect to such program or activity by issuing rules, regulations, or orders of general applicability which shall be consistent with achievement of the objectives of the statute authorizing the financial assistance in connection with which the action is taken. No such rule, regulation, or order shall become effective unless and until approved by the President. Compliance with any requirement adopted pursuant to this section may be effected (1) by the termination of or refusal to grant or to continue assistance under such program or activity to any recipient as to whom there has been an express finding on the record, after opportunity for hearing, of a failure to comply with such requirement, but such termination or refusal shall be limited to the particular political entity, or part thereof, or other recipient as to whom such a finding has been made and, shall be limited in its effect to the particular program, or part thereof, in which such noncompliance has been so found, or (2) by any other means authorized by law: *Provided, however,* That no such action shall be taken until the department or agency concerned has advised the appropriate person or persons of the failure to comply with the requirement and has determined that compliance cannot be secured by voluntary means. In the case of any action terminating, or refusing to grant or continue, assistance because of failure to comply with a requirement imposed pursuant to this section, the head of the Federal department or agency shall file with the committees of the House and Senate having legislative jurisdiction over the program or activity involved a full written report of the circumstances and the grounds for such action. No such action shall become effective until thirty days have elapsed after the filing of such report.

SEC. 603. Any department or agency action taken pursuant to section 602 shall be subject to such judicial review as may otherwise be provided by law for similar action taken by such department or agency on other grounds. In the case of action, not otherwise subject to judicial review, terminating or refusing to grant or to continue financial assistance upon a finding of failure to comply with any requirement imposed pursuant to section 602, any person aggrieved (including any State or political subdivision thereof and any agency of either) may obtain judicial review of such action in accordance with section 10 of the Administrative Procedure Act, and such action shall not be deemed committed to unreviewable agency discretion within the meaning of that section.

SEC. 604. Nothing contained in this title shall be construed to authorize action under this title by any department or agency with respect to any employment practice of any employer, employment agency, or labor organization except where a primary objective of the Federal financial assistance is to provide employment.

SEC. 605. Nothing in this title shall add to or detract from any existing authority with respect to any program or activity under which Federal financial assistance is extended by way of a contract of insurance or guaranty.

Today we are witnessing the sorry spectacle of compliance offices in the Department of Health, Education, and Welfare and other departments and agencies using title VI as an instrument and a weapon to destroy the beneficial effects of the Social Security Amendments of 1965 and the Elementary and Secondary Education Act of 1965.

On yesterday, the eighth school system within our district, the Sixth District of Georgia received written notice that the Department of Health, Education, and Welfare has determined that such school system is no longer eligible for continued participation in federally assisted programs.

This statement was made to one of these eight school districts, notwithstanding the irrefutable fact that effective efforts have been made in the school year 1965 to 1966 and 1966 to 1967. In one instance, the proposed plan of compliance for 1966 to 1967 shows an increase of nearly 800 percent over the percentage of compliance in 1965 to 1966. Bear in mind that the 1965 to 1966 effort was approved by HEW as both satisfactory and in compliance, and the same department and the same office within that department, on July 18, 1966, determines that an 800 percent increase is neither sufficient nor adequate.

Upon receiving notice that the eighth school system in our district had been disqualified, I called a meeting at my home in Griffin, Ga., for 7 p.m., Sunday, July 31, 1966, to which I invited the administrator, together with board of education members, from each of the eight school systems. A few moments ago, I received the eighth affirmative acceptance of this invitation from these eight school systems.

Immediately after calling this meeting, I respectfully invited the Secretary of Health, Education, and Welfare to fly to Georgia with me, attend this meeting and learn firsthand of the good faith of these school administrators and boards of education. At the same time he could learn how the directives emanating from his office are being brutally administered for purposes which I feel can only be described as a determined effort on the part of people in the Department of Justice and in the compliance offices of HEW to show our people that they have the raw, naked power to destroy our schools, and that they intend to use this power if it suits their purpose, without regard to the efforts, the reasonableness, and the effectiveness of compliance plans which have been submitted in good faith by every one of these eight school administrators and boards of education.

When we see abuses of authority and power exercised under the name and guise of civil rights, we wonder again, How long will it last? How far will it go?

Mr. Chairman, the very reference to and use of the word "guidelines" has become an abomination to our school administrators, our schoolteachers, and our people generally. This attitude is directly attributable to the misuse of the provisions of title VI of the Civil Rights Act of 1964.

Title IV, the so-called fair housing title of H.R. 14765, is a travesty upon the conscience of an enlightened people, and has no place before the legislative branch of the U.S. Government. If this title should be enacted into law, it will be almost impossible to enforce it, and most efforts to enforce it will be an exercise in utter futility. Ever since there has been a United States of America, people have been encouraged to privately own and enjoy both real and personal property. The right of private ownership of property in fee simple has been a privilege and right of the American people. Until this legislation was proposed, we had believed that as long as a property owner paid the taxes on his property, and as long as he did not use it for illegal or immoral purposes, that he could do what he pleased with it, occupy it or leave it unoccupied, and rent it or sell it as he saw fit and to whom he saw fit.

If a member of any group, a majority or a minority group, wants to buy or rent a particular piece of property, he has always had that right, provided the owner would be equally willing to sell it or rent it to him. A contract for the purchase and sale of real property has historically required a meeting of the minds between a willing buyer and a willing seller. The only exceptions to this rule have been when the right of eminent domain has been exercised and when property has been sold under court order.

If the language of title IV of H.R. 14765 is enacted into law, it could set off a chain reaction which could eventually result in legislation, Executive orders, or judicial decrees that a property owner could be required to sell or rent property even though he might prefer to retain it and even to occupy it personally.

The right of private ownership of property is an integral part of a free enterprise system. If the Congress of the United States undertakes to destroy the basic rights and concepts of private ownership of property, then it will, at the same time, begin to wipe out the free enterprise system in this country and on this planet.

Human rights cannot exist without property rights, and a healthy respect for both. Any attempt to destroy or weaken the right of private ownership of property is an attempt to destroy a system of private capital, and to substitute a totalitarian form of government in its place, whether it is called socialism, state socialism, or communism.

Any government which has the power to give all of its citizens everything can be the same government which can subsequently take away all rights of all citizens of majority and minority groups alike, reduce them to the status of slaves and subjugate them absolutely to the tyranny of an all-powerful bureaucracy, autocracy, or dictatorship.

The pages of history are replete with instances in which exactly this has taken place. I wish that the sponsors of this legislation would carefully read and reread "Mein Kampf" and "The Rise and Fall of the Third Reich" because a man named Adolph Hitler promised to do, and did, exactly the same kind of things that are encompassed in this legislation. With persuasive language and forceful oratory, he persuaded the German Reichstag to give him absolute powers of government. He was able to persuade them to do just that because he said:

> If you will give me these powers, I shall never abuse them. I will use them only to strengthen the German Government and to perpetuate the place of the German people in the sun for a thousand years.

He even described his government as the "Thousand Year Reich," and said that it would stand for a thousand years.

The old saying that "Power corrupts; absolute power corrupts absolutely" was never more forcefully demonstrated than in the case of Hitler. He became so maddened with this absolute power which was his, that he led his people and his country into a precipitate headlong rush into a holocaust of war which resulted in the moral and physical destruction of the Government and the people of Germany.

God forbid that the United States of America and its people should ever suffer the same fate because of the gross folly, to be charitable, or the deliberate design, to be perhaps more accurate, of those who advocate and sponsor legislation such as is being considered by this House today.

This applies equally to titles I and IV of H.R. 14765, and to nearly as great a degree to the remaining titles of this bill.

Mr. Chairman, I respect the viewpoints and the attitudes and the motives of those who disagree with me on this or any other legislation. It is quite possible that they are right and I am wrong, but I believe that the pages of ancient, medieval, and modern history document my views and my position on this legislation and on the philosophy which engenders it and gives it birth.

I can see nothing that can come out of this legislation except encouragement of those who deliberately conspire to produce conditions of anarchy, chaos, violence, looting, fire, and destruction.

The guile of these conspirators has often been so effective that they have been able to dupe men of good will and good conscience into lending aid and comfort to their schemes and designs.

There are now open admissions that many of these acts of violence are deliberately planned and even more deliberately executed. At a time when we should be turning our efforts, our minds, and our hearts toward a rebuilding of respect for law and order and to provide both precept and example for law enforcement and respect for law enforcement officers and legal processes, we are taking up all of this week and probably part of next week considering and debating legislation which, if enacted, will serve as an instrument to further tear down respect for law and order.

During the past 5 years, we have seen the highest court in our Federal judicial system render decision after decision which lend aid and comfort to criminals and anarchists. Those same decisions also lend aid and comfort to the avowed enemies of our country and our form of government.

I love this country; I honor it; I have fought for it; and if need be I would die for it. But if it can be preserved and strengthened only by resorting to legislation of this kind, then, Mr. Chairman, I subscribe to the words of Dr. Oliver Wendell Holmes, Sr., when he said:

> Nail to the mast her holy flag,
> Set every threadbare sail,
> And give her to the god of storms,
> The lightning and the gale.

Mr. ROGERS of Colorado. Mr. Chairman, I yield to the gentleman from New York [Mr. RYAN], 2 minutes.

Mr. RYAN. Mr. Chairman, I would like to commend the distinguished chairman of the Judiciary Committee [Mr. CELLER] and his able committee and staff for once again producing landmark civil rights legislation.

As we debate this bill this week, I am, of course, reminded of the debates which we engaged in when passing the Civil

Rights Act of 1964 and the Voting Rights Act of 1965. If the debate is heated, it is also illuminating. These debates have been a time for Members of very different backgrounds and views to present their positions, honestly and openly. And I think that the very intensity of the debate has contributed to the seriousness of the laws which that debate produced.

Mr. Chairman, it is no accident that we have the opportunity and the responsibility to pass civil rights legislation once again this year.

The abuses which American history have heaped upon the Negro during more than 300 years of slavery and segregation have seeped through to the very marrow of our civilization. We have segregated our neighborhoods, segregated our schools, segregated our courts, segregated our public accommodations—indeed, let us admit it: as the Supreme Court suggested in 1964, we have segregated our lives and segregated our minds.

To eliminate the evils of three times a hundred years of history requires more than promises and goodwill. It requires hard work; it requires sacrifices; and it requires humility; it requires a determination to overcome all of the abuses which are the subject of this bill. It demands more of us than we have ever been willing to admit. So in 1957 and in 1960 and in 1964 and again in 1965 we passed legislation designed to insure an equal and just society. Each time Congress wanted to believe that it was the last legislation which would be required.

However, Congress has never yet been willing to do all that must be done. Consistently accepting half-measures and quarter-measures where the problem required the full measure of our legislative power, it took three Civil Rights Acts before we finally took effective steps to integrate voter rolls. Schools are not yet desegregated, and as title VI of the present bill attests, still more legislation is needed.

Thus we have been creeping, step by awkward step, into the world of full equality for all citizens. Occasionally we have been willing to take long strides to get there—as we did in the Civil Rights Act of 1964 and the Voting Rights Act last year. But never have we been willing to take the major leap that is required to secure full equality for all our citizens. So the legislation which we consider today is another step in the journey toward that goal.

Mr. Chairman, earlier this summer this Nation was shocked to learn that James Meredith had been shot and wounded while walking along Highway No. 51 in northern Mississippi. That savage shot echoed through our minds with the sounds of other shootings and other slayings which have dominated newscasts during the last half decade. One thinks of Medgar Evers, James Chaney, Andrew Goodman, Michael Schwerner, Lemuel Penn, Viola Liuzzo, the Reverend James Reeb. The list is long. Twenty-six Negro and white civil rights workers were murdered between 1960 and 1965. How many more people were threatened and beaten and fired from their jobs during those years? Who can keep score? In Mississippi alone there were 150 incidents of serious racial violence reported from 1961 to the middle of 1964.

Virtually every one of these incidents, Mr. Chairman, represents a double tragedy. Not only were the churches burned, the civil rights workers beaten, and the murders committed, but these crimes went unpunished. Local officials refused to investigate or prosecute, and local juries refused to fix guilt.

Mr. Chairman, what happens to a society when its laws break down? What do the victims learn to think of the men and institutions which enforce the law? And what do potential criminals learn to think about the crimes which they might be tempted to commit?

I know something of these questions from my own years as assistant district attorney in New York. I know that, when killers are set free, criminals become cynical about the law. They think that they can violate it at their own will. I also know that, when criminals can literally get away with murder, the relatives of the victims become cynical about the legal system in which they live. They become either apathetic and estranged from the system, or they become vengeful and want to destroy it and enforce their own justice.

Mr. Chairman, the first, second, and fifth titles of this act are designed to assure that justice is provided for all citizens in all sections of the country. Consequently, the act would provide means to integrate State and Federal juries, and would extend the scope of Federal law to cover crimes of civil rights violence which the States have failed to prosecute.

In a special report published in October 1965, the Southern Regional Council analyzed the state of southern justice. Noting that widespread publicity had dramatized the lack of justice in civil rights cases, the report concluded that—

> The danger today is not that the public will fail to know about the double standard of justice, but that the public will think it limited only to civil rights cases, or will fail to act.

As the report makes clear, the failure of justice in well-publicized civil rights cases is an illustration—not the embodiment—of the breakdown of justice in the South.

That is the problem which titles I, II, and V of the legislation before us is designed to remedy.

Titles I and II would attempt to desegregate State and Federal juries.

The Southern Regional Council pointed out that in this dual system of justice, "much of the problem is the selection of jurors. In almost no courts are jurors picked by thoroughly objective means to insure a true cross-section of the community."

Since few counties keep records of jury venires, it is difficult to assess the exact amount of segregation on southern juries. But the available evidence indicates that integrated juries are about as rare as integrated polling places were a year ago.

In Alabama, for example, where about 30 percent of the voting age population is Negro, the council estimates that there are 5 or 6 Negroes on a typical jury panel of 110. In Arkansas, where about 20 percent of the voting age population is Negro, the council estimates that there are no more than 4 Negroes on a typical double panel of 50.

In that area where accurate statistics are available, the council pointed out that the 28 court clerks and the 109 jury commissioners attached to the Federal courts of the 11 States of the Old Confederacy are solidly white—all appointed by the 65 white district court judges.

In short, there is a clear case of segregation in southern juries, and the effect of that segregation is to produce a dual system of justice. Negroes are kept off of juries and kept in jail.

There can be no question that segregated juries are unconstitutional. Just last week, in the most recent of a long line of cases on this point, the Court of Appeals for the Fifth Circuit reaffirmed this principle in the case of Rabinowitz against United States. On page 51 of the slip copy the court declared that "the Constitution and the laws of the United States place an affirmative duty on the court clerk and the jury commissioner to develop and use a system that will probably result in a fair cross-section of the community being placed on the jury rolls."

H.R. 14765 would at least be a major step toward the integration of Federal and State juries.

Title I provides a uniform procedure for the selection of Federal jurors. First, it prohibits discrimination in the selection of Federal jurors on account of race, color, religion, sex, national origin, or economic status. It provides that the names of prospective jurors are to be taken at random from voter registration lists. However, where the judicial council of the circuit determines that the use of voter registration lists as the exclusive source of names would not be consistent with the prohibition on discriminatory selection, the council would be required to prescribe other additional sources of names.

Mr. Chairman, the most important provision in title I, of course, is the requirement in section 1864(a) that the judicial council prescribe other sources of names where it finds that Negroes or other minority groups are still not fully represented on the voter registration lists. Since the voter rolls in most of the districts of the Old South continue to reflect the effects of segregation, the judicial council has an extremely important responsibility. It must enforce what the Attorney General, in his testimony before the Judiciary Committee, called the key provision of the title. Those of us who support title I of the bill must do so in the firm belief that the judicial council will act under this provision with great dispatch and great fairness to protect the right to equality in the jury selection process.

Mr. Chairman, title II of H.R. 14765 is designed to allow the Attorney General to institute actions to integrate State juries. The integration of State juries is, I believe, even more important than the integration of Federal juries since State courts handle more cases—civil and criminal—which affect the daily lives of the people. Also because of their more localized nature, State juries tend to be more segregated than do Federal juries.

Title II prohibits discrimination in the selection of State juries on account of race, color, religion, national origin, sex, and economic status. It would authorize the Attorney General to bring proceedings in the Federal courts for preventive relief against discriminatory practices in State court jury selection.

As I have made clear in my testimony before the Judiciary Committee and in speeches on the floor of the House, I do not believe that the most fair and expeditious way to integrate State juries is through injunction proceedings brought by the Attorney General. The county-by-county law suits which are required by title II will be costly and slow. In time I believe that they will prove to be inadequate, and Congress will once again be called upon to enact further legislation to integrate State juries. That was our experience with voting rights, where the provisions of the Civil Rights Acts of 1957 and 1960 proved to be inadequate, necessitating the Voting Rights Act of 1965.

For that reason I introduced a bill—H.R. 14111—patterned after the Voting Rights Act of 1965, which used a so-called automatic trigger.

My bill would require that all counties affected by the Voting Rights Act of 1965 keep very careful records of their jury lists.

The Attorney General would then be empowered to send in Federal jury commissioners if the records showed that the discrepancy between the eligible Negroes in the county and the eligible Negroes on the jury list was greater than three to two; or the county refused to comply with the recordkeeping requirements; or a previous court decision had found that the county's juries were segregated; or the county had ceased to use voter registration lists to select jurors after passage of the Voting Rights Act of 1965.

I believe that the automatic trigger approach is the most efficacious. The constitutionality of such a formula was upheld by the Supreme Court on March 7 in South Carolina against Katzenbach which sustained the Voting Rights Act of 1965. Nevertheless, I and other Members who take this position will support title II with the clear understanding that the Attorney General will act promptly and forcefully to bring jury discrimination suits in every possible relevant county.

Mr. Chairman, earlier this afternoon the gentleman from Florida [Mr. CRAMER] suggested that the peremptory challenge could be used to discriminate in the selection of State juries. He pointed out that the bill does not prevent this.

This question was raised during the Attorney General's testimony before the Judiciary Committee when the strike jury system was discussed.

I regret that the bill does not deal with this problem. In my testimony before the Judiciary Committee, I suggested a possible approach—to require that in State courts the number of peremptory challenges not exceed the number permitted under the Federal rules of procedure for similar cases.

Mr. Chairman, although it is essential to obtain impartially selected and integrated juries, justices in the South will not be assured until it becomes clear that anyone who brutalizes those who are attempting to assert constitutional rights, or to assist others to do so, will be prosecuted.

Too often in the South, racially motivated crimes have gone unpunished. Too often local officials have been unable or unwilling to solve and prosecute crimes of racial violence. For example, in its 1965 law enforcement report, the Civil Rights Commission made the following findings concerning Adams County, Miss.:

> From September 1963 to September 1964 in Adams County and the surrounding area, four Negroes were whipped and a white civil rights worker assaulted, one Negro was shot and seriously injured and at least one Negro was murdered. There were also cross burnings on several occasions and arson attempts on two Negro homes, as well as destruction by fire of four Negro churches and a Negro cafe. A climax was reached on the night of September 26, 1964, when the homes of the mayor of Natchez and a prominent Negro contractor were bombed. Law enforcement authorities failed to solve any of those cases.

According to the Commission, the results in other counties were similar.

Mr. Chairman, title V of H.R. 14765—which resembles the antiviolence legislation which I introduced in this and past Congresses—is designed to deter and punish interference by force or threat of force with activities protected by Federal statutes or the Constitution.

This title would strengthen the Federal Government's capacity to meet the problem of civil rights violence. Each area of protected activity is specifically described. They are: voting, public accommodations, public education, public services and facilities, employment, housing, jury service, use of common carriers, and participation in federally assisted programs.

Under this title, Negroes and members of other minority groups would be protected from violence directed at them while they are participating in, or because they have participated in, such activities, and from violence which is intended to discourage the victims from engaging in such activities. In this regard, the title would also punish violence directed against a person who has not been involved in civil rights activity but who is selected as a victim in order to intimidate others.

Title V would also protect civil rights workers and others who urge or aid participation in these activities, as well as those who engage in any form of speech or peaceful assembly opposing denial of the opportunity to participate in such activities—such as public school officials, restaurant owners, and employers.

The title would prohibit interference by force or threat of force with any of the specified activities by private individuals acting alone as well as by public officers or other persons acting under color of law.

The prescribed penalties are graduated in accordance with the seriousness of the results of violations, ranging from misdemeanor penalties to life imprisonment if death results.

At long last under title V, crimes of racial violence are made Federal crimes.

However, I do have a genuine concern about how the courts will interpret the language in subdivision (a) of section 501 that persons be "lawfully" engaged in exercising their rights. As a number of our colleagues point out in their additional views in the report of the committee:

> The language unnecessarily excludes from coverage anyone who, in the process of engaging or seeking to engage in any of these activities, violates any letter of the law, however insignificant.

Thus, some courts might construe it to exclude "anyone guilty of trespassing, jaywalking, parading without a permit, or other misdemeanors under local laws."

Therefore, I urge that the word "lawfully" be stricken from title V. At the very least, if the intent of the language is other than is feared by the authors of the additional views, then I would hope that the debate on this section would make this clear. I must say that I was not satisfied by the statement of the gentleman from Tennessee [Mr. GRIDER] nor by his response to the chairman of the Judiciary Committee.

Mr. Chairman in my bill, H.R. 14972, which is in most other respects similar to title V, I included a provision which would provide civil indemnification of persons whose person or property is injured while exercising or urging others to exercise, civil rights. It would have established a Civil Indemnification Board under the U.S. Commission on Civil Rights.

I believe that it is appropriate that the Federal Government now help to assume the financial responsibility for the personal and property damage of the struggle to attain equal rights for all Americans. The Federal Government, after all, through its failure to prevent discrimination and abuse by the States, was largely responsible for the petrification of positions and beliefs which necessitated this struggle and made it so explosive and costly. To provide indemnification is the least that we can do to compensate for the cost of this struggle to its victims and to their families.

Mr. Chairman, the most controversial, and I believe the most important title of this bill, is title IV, which would attempt to prevent discrimination in housing in this country. No form of discrimination is more insidious or degrading than discrimination in housing. As a direct result of this form of segregation, Negroes are forced to live in rotten housing and to attend inferior schools. Moreover, life in the conditions of the ghetto is the taproot of the tangle of pathology which continues to hold so much of the Negro community in the invisible bonds of slavery.

The riots of the past week add poignance to the plight of those who are locked in the ghetto. Tragic and costly though they have been, they have forced us to fix our minds on some of the most crucial problems which confront the people of this Nation. Why is it that violence seems always to precede taking heed of the problems of this troubled land? Out of the violence of Birmingham grew the historic Civil Rights Act of 1964. Out of the violence of Selma grew the Voting Rights Act of 1965. Does it require the violence of New York and Cleveland and Chicago this year to bring about an understanding of the need for a Federal Open Housing Act?

There is no right more essential to America than the right to live where one wants. One hundred and ninety years ago this month, Thomas Jefferson and our forefathers produced the Declaration of Independence, the rock upon which this country was built. In it they declared that man is endowed with certain inalienable rights, and that "among these are life, liberty, and the pursuit of happiness."

What more striking testimony could there be to the fact that this country was built by men who had pursued happiness half way across the world. In England, John Locke had said that man has a right to "life, liberty, and property." But in America, I might say to the gentleman from West Virginia, man's third great right was not to property, but rather to pursue happiness wheresoever he chose.

Yet in the United States today there are millions of citizens who are locked out of whole sections of the country. In all of our history, I would ask the framers of the lily-white covenants and gentlemen's agreements. Where did we ever declare that Americans have a right to deny their fellow citizens the right to live where they choose? Where did we ever declare that Americans have a right to live in segregated communities?

Mr. Chairman, in the last 50 years all three branches of Government have taken steps to remove the blight of segregated housing from the American landscape. It is fitting that this year we should take steps to remove that blight once and for all.

The history of Federal action to desegregate housing was carefully presented by Secretary Weaver at the hearings before the Judiciary Committee:

> In 1917, the Supreme Court declared racial zoning unconstitutional. In 1948, the Supreme Court held that racial restrictive covenants governing the sale of housing could not be enforced in either State or Federal courts. In the Housing Act of 1949, the Congress established a national goal of "a decent home and a suitable living environment for every American family"—a goal which can, in fact, be attained only if widespread discrimination in housing is eliminated.
>
> In 1962, the Executive order on equal opportunity in housing was issued. This order established the President's Committee on Equal Opportunity in Housing. It directed all Federal departments and agencies to take appropriate action to prevent discrimination in the sale, rental, or use of residential property and related facilities owned by the Government or provided, after the date of the order, with Federal financial assistance.
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> The order was directed primarily at newly constructed housing financed with mortgages thereafter insured or guaranteed by the Federal Housing Administration or the Veterans' Administration. It also covered newly constructed low-rent public housing, residential property in federally assisted urban renewal areas, college housing, senior citizens housing and some rural housing, but only where there was Federal aid under a contract entered into after the date of the order.
>
> The Executive order on housing also directed Federal departments and agencies "to use their good offices and take other appropriate action permitted by law" to promote the abandonment of discriminatory practices in housing and related facilities federally aided before the order was issued. Although many efforts were made by the President's Committee and our Department to exercise our "good offices," the results were minimal.
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> The larger tract developers and the owners of multifamily projects generally resisted what they considered to be a retroactive reform, applying only to those who had received earlier Federal aid. They insisted that the adoption of an open-occupancy policy was not practical unless competing developers and owners also adopted nondiscriminatory practices.
>
> The most recent important Federal prohibition against discrimination in housing is contained in title VI of the Civil Rights Act of 1964. Title VI requires that no person be discriminated against because of race, color, or national origin in any program or activity receiving Federal financial assistance.
>
> The title applies to all newly constructed housing provided in urban renewal areas on land conveyed by the local public agency to redevelopers after January 3, 1965. It also covers all newly constructed housing units financed with Federal assistance under the college housing, and senior citizens direct loan programs. In the case of federally aided, low-rent public housing, the title covers all units, both new and existing.
>
> However, title VI does not apply to the FHA mortgage insurance program or to the VA mortgage guarantee program; nor to housing financed with funds benefiting from the operations of the Federal Deposit Insurance Corporation. The Congress specifically excepted contracts of insurance and guarantee from the coverage of the regulatory provisions of title VI.
>
> The legal reach of these earlier Federal actions to reduce discrimination in housing is quite limited.
>
> Title VI of the 1964 act governs federally aided, low-rent public housing, existing as well as new. But the 600,000 or so completed public housing units constitute only about 1 percent of our total housing supply.
>
> The 1962 Executive order extends to privately owned housing, but primarily reaches FHA and VA-aided housing, and then only if it was federally aided after the date of the order. About 750,000 housing units, mostly of recent construction, are in this category.
>
> Along with some 200,000 units federally acquired because of defaults in mortgage repayments, some 20,000 dwellings for the elderly recently built with the aid of direct Federal loans, and other minor categories, we find that about 1.6 million private and public dwelling units are covered by Federal nondiscrimination requirements. These are less than 3 percent of our total housing supply.
>
> Nor are we rapidly increasing the percentage of all dwelling units covered by Federal nondiscrimination requirements. Low-rent public housing may account for perhaps 2 percent of all new construction in a given year; and the FHA and the VA last year assisted in financing only 17 percent of the approximately 1.5 million private housing units started in that year.
>
> Since total new construction in any 1 year adds perhaps 2.5 percent to the total supply, of which only one-fifth is covered by our present nondiscrimination requirements, it follows that the rate at which we are now increasing nondiscrimination coverage of the total housing supply is only one-half of 1 percent annually.

Mr. Chairman, title IV would help to solve this problem once and for all. It would work as follows:

Title IV states it is the policy of the United States to prevent discrimination on grounds of race, color, religion, or national origin in residential housing.

Its prohibitions apply to real estate brokers, agents, salesmen, and other persons in the "business of building, developing, selling, renting or leasing dwellings."

The title provides that a person is deemed to be in the business of building, developing, selling, or leasing dwellings if he has participated in three or more transactions involving the sale or rental of a dwelling or an interest in a dwelling within the preceding 12 months. Since the average homeowner does not normally engage in three real estate transactions a year, he would not be covered by the provisions of the title.

Title IV, as reported by the Committee on the Judiciary, exempts an owner with respect to the sale, rent or lease of a part of a building which he occupies as his own residence, provided that it contains living accommodations for no more than four families living independently of one another.

Religious or denominational institutions and bona fide private or fraternal organizations are exempted.

Title IV also prohibits discrimination in financing of housing. The prohibition against discrimination in such financing applies to banks, savings and loan institutions, credit unions, insurance companies and any other person who makes loans for the purchase, construction, improvement, repair or maintenance of dwellings.

The title is designed to protect against intimidation or coercion of, or threats to, or other interference with, any person in the exercise or enjoyment of the rights protected by the title, or because he has exercised or enjoyed, or aided or encouraged others in the exercise or enjoyment of, such rights. For example, it would authorize civil actions for injunctive relief against individuals or mobs seeking to prevent a minority group family from moving into a home.

Rights under title IV are enforcible in both State and Federal courts. An individual who is discriminated against in violation of the title may bring a civil action for injunctive relief and for such damages as she can actually prove.

The Attorney General is authorized to enforce the title when he has reasonable cause to believe that there is a "pattern or practice" of discrimination in housing. He is permitted to intervene in a private action in Federal court if he certifies that it is one of general public importance.

In my testimony before the Judiciary Committee I pointed out the need for administrative enforcement.

Title IV creates a Fair Housing Board of five members, to be appointed by the President. The procedures prescribed are modeled on those applicable to the National Labor Relations Board. However, investigative functions are assigned to the Secretary of Housing and Urban Development, while adjudicative reasonability is given to the Fair Housing Board, which will be independent of the Secretary.

The Secretary is authorized to investigate possible violations of the title on his own initiative or on the basis of a written complaint from an aggrieved person. After the filing of a written complaint by the Secretary, if it finds that there has been discrimination prohibited by the title, the Board can enter a cease and desist order which would be subject to enforcement and review as are NLRB orders.

Finally, the Secretary of Housing and Urban Development is also directed to make and publish reports on discrimination in housing, to cooperate with and render technical assistance to appropriate private or public agencies, and to operate his Department's relevant programs in such a way as to further the policies of the title.

Mr. Chairman, the provisions of title IV do not go as far as I would have liked. I would have much preferred a bill with the sweep of the original H.R. 14765, or of my bill, H.R. 14971. In my view the Federal Government should not sanction discrimination in any housing built, rented, leased, or sold in the United States. By writing a number of exceptions into title IV the House appears to be lending the Federal Government's sanction to certain types of discrimination in housing. Such a policy by the Federal Government would, of course, be unthinkable.

While I can understand some concern about the original "Mrs. Murphy" situation, I can see no justification whatsoever for exempting the landlord who lives in one of the four apartments in his tenement house. What possible justification is there for the Federal Government to allow him to refuse to rent one of the apartments to a prospective tenant because he is a Negro or a Jew or a Puerto Rican or an Indian or a Mexican? If a man has three apartments for rent, he is in a public business and should be treated accordingly.

I am also troubled by the exemption of private organizations. Experience with the Civil Rights Act of 1964 should serve as a warning against an exemption for private clubs. Throughout the South that summer segregated restaurants overnight turned into private clubs. It would be tragic if the effect of this exemption were to encourage thousands of citizens to form their own little fortress white America.

In addition, the bill as reported out by the committee contains no provision to prevent discrimination in the sale of vacant land. The original version of the bill had prohibited discrimination in "any vacant land that is offered for sale or lease for the construction or location of housing." Now that this section has been removed, I am afraid that it will become possible for developers to continue to construct lily-white communities through carefully designed new schemes.

Mr. Chairman, I oppose and will oppose vigorously the amendment to be offered by the gentleman from Maryland [Mr. MATHIAS], which would permit a homeowner to discriminate through his housing broker. A housing broker is clearly a public agent acting in the public sphere. If he is allowed to discriminate—if instructed to do so—we will have done more than add another loophole to the bill. The once-tight fabric will be transformed into cheesecloth.

The CHAIRMAN. The time of the gentleman has expired.

Mr. ROGERS of Colorado. Mr. Chairman, I yield 2 minutes to the gentleman from Wisconsin [Mr. KASTENMEIER].

The CHAIRMAN. The gentleman from Wisconsin [Mr. KASTENMEIER] is recognized for 2 minutes.

Mr. KASTENMEIER. Mr. Chairman, I yield to the gentleman from New York to continue his remarks.

Mr. RYAN. Mr. Chairman, I appreciate the fact that the gentleman from Wisconsin has yielded to me. No one has been more dedicated than the gentleman from Wisconsin in his desire and efforts for strong civil rights legislation throughout his service in the Congress.

Mr. Chairman, I believe that the committee has done much to strengthen the enforcement section of title IV. I would especially like to commend our colleague, the distinguished gentleman from Detroit [Mr. CONYERS], for proposing the establishment of a Fair Housing Board.

A vigorous Fair Housing Board, acting in cooperation with a dynamic Department of Housing and Urban Affairs, should provide the administrative machinery to insure the enforcement of this title.

Mr. Chairman, it is difficult for me to understand how anyone can seriously question the constitutionality of title IV of H.R. 14765 as reported by the committee.

The constitutionality of title IV, of course, rests upon three separate clauses of the Constitution: the 13th amendment, the 14th amendment, and the commerce clause. The arguments underscoring these constitutional justifications for title IV have been amply presented by the committee, the Justice Department, and a number of periodicals during the past few weeks, and I feel that there is little that I need add.

However, I might note that one highly important consideration is the effect which segregated housing in some States has upon the decisions of individuals and businesses as to where to locate their homes and plants. Moreover, I think that the nationwide damage which is done by riots like those in Cleveland, New York, and Chicago underscore the national impact of segregated housing. I think that it is highly relevant that we are now at last learning that the problems of our large cities—be they segregated housing or inferior schools—can only be solved on a national scale and through the efforts of the Federal Government. Furthermore, the problems of a riot-torn city—partly ignited by segregated housing—have called upon the resources and efforts of the entire Nation. I do not believe that there can be any doubt that segregated housing is a national problem, and a legitimate—indeed an inescapable—concern of the Federal Government.

Mr. Chairman, I also support titles III and VI of the present bill. In the past I have supported the equivalent of title III—which would give the Attorney General broad authority to initiate civil proceedings for injunctive relief against either public officials or private individuals who, on account of race, color, religion, or national origin, are denying other persons rights granted or secured by the Federal Constitution or laws. I sponsored H.R. 11729 in this Congress. I am delighted that the present title III specifically authorizes the Attorney General to use injunctive power to enforce first amendment rights.

I fully support the provisions of title VI which would repeal the requirement that in suits to desegregate public schools and facilities the Attorney General receive written complaints from local residents and determine that the complainants are unable to sue. Too often potential complainants are effectively deterred by fear of the harassment which so often plagues those who challenge the racial status quo. I am, however, distressed that the title once again contains a section specifically exempting de facto segregation. The problems of segregated education in the North are no less pressing than those of segregated education in the South.

In conclusion, Mr. Chairman, I firmly support this bill which addresses itself to several of the major essentials of a truly equal America. This country will not offer all of its citizens an equal opportunity until juries and schools are desegregated, until every citizen can live where he likes, and until every American can exercise his constitutional and legal rights without fear of reprisal.

However, I find that the present bill, like those that preceded it, does not go far enough. Once again we are moving by a step rather than by a bound. And we can be certain that we—along with all Americans—will pay the price for our reluctance to confront fully the problems today. For the weaknesses in the present bill will require that we pass a stronger and fuller civil rights bill tomorrow.

I would have preferred jury selection statutes with teeth in them, which used an automatic trigger and which assured that Federal and State juries would at once begin to include a cross section of the population.

I would have preferred a fair housing section which sanctioned no form of discrimination whatsoever.

I would have preferred an antiviolence law which did not allow courts and officials to inflate the word "lawfully" to a point where it might dwarf the rest of the statute.

I would have preferred a law which would have given the Attorney General authority to attack educational discrimination in the North as well as in the South.

Mr. Chairman, although the present bill is by no means perfect, it is at least one further attempt to create a society in which all Americans will be able to live with each other. Only then, Mr. Chairman, will we who hold the public trust be able to live with ourselves.

Mr. KASTENMEIER. Mr. Chairman, I ask unanimous consent to revise and extend my remarks at this point in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

Mr. KASTENMEIER. Mr. Chairman, the bill we began to consider this week will be characterized as many things, but basically it is a bill designed to provide a more impartial administration of justice across the country, both in the South and elsewhere. I have no intention of reciting the lengthy factual testimony presented to the committee detailing the exclusion of Negroes from juries, the personal attacks on Negroes which have gone essentially unpunished and the examples of complete failure to administer the law fairly and without discrimination which gives rise to the need for this legislation.

This bill is primarily concerned with the use of violence and intimidation to frustrate the legal rights of Negro citizens. It is easy enough to say that the courts rather than the streets, are the places where differences are reconciled and individual rights ultimately protected. Appealing as this is, it does not get to the bottom of the problem. The difficulties which arise do not arise out of the doubts about the law, about schools, about voting, about public accommodations, about facilities in transportation, about juries, about employment—but rather they arise because of a persistent failure to accept and follow and apply and be governed by the clearly applicable law and to administer the law fairly and without discrimination.

Security under the law and justice, impartially administered, is what this bill is all about. It seeks to provide the means to achieve impartial administration of justice. While in some respects it does not go as far as I would like, it is a major step in the right direction and should be enacted promptly.

Titles I and II of the bill are designed to insure that Federal and State court juries will be selected in conformity with basic requirements of fairness. It has long been established that Federal juries must be drawn from a cross section of the community and that there must be no invidious discrimination in the selection of State juries. Title I prescribes a uniform system for selecting Federal juries which is designed to preclude exclusion of any class or group of persons from jury service on account of race, color, religion, national origin, sex, or economic status, and to insure that Federal juries are drawn from a broad cross section of the community—as just last week the Fifth Circuit Court of Appeals in the Rabinowitz case reminded us must be done.

Title II of the bill would prohibit such discriminatory exclusion in State jury practice, but would not lay down any specific selection system. It would authorize suits by the Attorney General, confirm the power of the courts to grant effective relief against discrimination, and facilitate proof of discrimination when that claim is raised in any State or Federal court.

These measures should help, but I believe that the bill should also provide that where there is statistical evidence of exclusion of Negroes from State jury service, discriminatory State qualifications would be suspended and Federal officials would be appointed to guarantee the selection of juries on a random basis.

Title III of the legislation we are now considering broadens the Attorney General's authority to initiate civil proceeding for injunctive relief against those who, on account of race, color, religion, or national origin, are denying other persons rights granted or secured by the Federal Constitution or laws, or are hindering those who exercise their first amendment rights to speak or assemble to protest denials of equality.

Much has been said of title IV—the fair housing title of the proposed Civil Rights Act of 1966. It, too, is a first step in an area in which Congress has been remiss in acting. And I fear that it is a very hesitant first step at that. In view of the magnitude of the problem, the exemption granted to owners of private homes is disappointing. I consider it indefensible that solely because of the color of his skin a person can be deprived of the opportunity to find decent living accommodations and be forced to live in a ghetto. Nor does it seem defensible that Congress should permit such a condition to exist when a person seeks to buy or rent a private home, while outlawing discrimination only when practiced by those in the housing and real estate business.

I should add that, as I read title IV, an owner is not permitted to hire the services of an agent, normally licensed by the State, to be the instrument of discrimination on account of race, color, religion, or national origin. Title IV, in my view, does cover the agent, or anyone standing in his place, regardless of the exempt status of the principal.

Within the past few months, two groups of persons who indulged in violence to suppress and terrorize Negroes and their supporters have been brought to justice in the Federal courts. But it remains true that violent resistance has not yet ceased, and Federal authority to initiate criminal prosecutions is based on a poorly drafted statute of the Reconstruction era which seemingly exempts from its reach private violence directed against the exercise of 14th amendment rights; complicates litigation by requiring proof of conspiracy; sets inadequate penalties for its violation; and requires proof of "specific intent" not required in other criminal prosecutions. Thus, new legislation is clearly needed.

Title V of the bill describes with great specificity the conduct which is prohibited. It prohibits violence and threats of violence in connection with voting, attending schools, enjoying the benefits of Federal or State programs and programs using Federal funds, employment, housing, jury service, common carrier transportation, and public accommodations. It protects civil rights workers and peaceful demonstrators. It sets appropriately severe penalties for its violation; it eliminates the necessity of proving specific intent. It is in all respects an effective title, with one possible exception. Insertion of the word "lawfully" in sections 501(a) and 501(b)(1) would create some uncertainty about the protection afforded where Negroes were seeking to engage without discrimination in the activities described in section 501(a)(1) through (9). I believe the word "lawfully" should be deleted by a floor amendment.

Title VI of the bill will eliminate certain technical restrictions on the power of the Attorney General to bring suits seeking desegregation of public schools and facilities. The constitutional mandate in this area was laid down some 12 years ago with absolute clarity. The full resources of the United States should be brought to bear upon this problem, without hindrance by current requirements that the Attorney General must first receive a complaint and determine that the complainant is unable to bring suit on his own behalf.

Title VI also authorizes the Attorney General to sue any person—including private persons not acting under color of law—who interfere with school or public facility desegregation. This will fill a most significant omission in existing law.

The legislation before us is absolutely necessary—of that we should not deceive ourselves. The troubled times of racial injustice are not yet over—neither is our work.

Mr. ROGERS of Colorado. Mr. Chairman, I yield 2 minutes to the gentleman from North Carolina [Mr. JONES].

Mr. JONES of North Carolina. Mr. Chairman, I think I am correct when I say that when the term "civil rights" is used, that there immediately comes to mind a vision of some supposedly oppressed minority group; but, I cannot escape the conviction that in this field of civil rights that the majority also are entitled to the protection and the guarantee of their civil rights. I feel it is a little late to refer to the sanctity and the holiness of the greatest document man ever conceived, the U.S. Constitution. But I do direct your attention to the third amendment of this document which says, and I quote:

> No Soldier shall, in time of peace be quartered in any house, without the consent of the Owner, nor in time of war, but in a manner to be prescribed by law.

I further direct your attention to the fourth amendment which says, and I quote:

> The right of the people to be secure in their persons, houses, papers and effects, against unreasonable searches and seizures, shall not be violated, and no Warrents shall issue, but upon probable cause, supported by Oath or affirmation, and particularly describing the place to be searched, and the persons or things to be seized.

Mr. Chairman, surely these protective rights which surround a man and his possession of a home are just as vital today as they were in 1791, and yet, at this very moment we are being asked to pass legislation which would in its broadest sense deprive a property owner of the basic right to sell or otherwise dispose of certain properties, according to the dictates of his conscience and his better judgment.

I am aware of the exemptions contained in title 4 of this bill. I am also aware of congressional history, and if history is any indication of the future, then you know as well as I that in subsequent sessions of this Congress these exemptions will be curtailed until such time as there are none remaining.

I urge you to carefully consider that which we are about to do. This is not a question of race; this is not a question of the rights of minority groups; this is essentially and basically a question of the complete departure from the constitutional mandates and principles upon which this Nation was founded, and upon which we shall survive or fall.

Mr. McCULLOCH. Mr. Chairman, I yield 5 minutes to the gentleman from Minnesota [Mr. MacGregor].

Mr. MacGREGOR. Mr. Chairman, as a member of the subcommittee which worked on this legislation, and of course as a member of the parent committee on the Judiciary, I have been asked by a number of Members about the attitudes and opinions of the Attorney General and other distingusihed witnesses concerning exemptions or exceptions to title IV. Perhaps it will be helpful at this point to have in the Record the essence of the testimony of the Attorney General before the committee in early May of this year on the question of exemptions.

When the Attorney General appeared before us, many of us on the subcommittee went into detail with him on his attitudes toward four exemptions that are found in State fair housing laws and in municipal ordinances throughout the country.

Two of these exemptions have to do with rentals. One has become known as the Mrs. Murphy exemption, otherwise described as the social security widow exemption, which covers the rental of rooms in an owner-occupied single family dwelling. The second has to do with the rental of units in a duplex or fourplex if the owner of that duplex or fourplex occupies one of the units.

The two sales exemptions or exceptions we discussed were, first, the unassisted sale by an individual owner, perhaps a friendly sale to a member of the family or a personal friend, accomplished by the owner without the aid of third parties; and, second, a real estate agent assisted sale of a single family dwelling.

The Attorney General gave us his opinions without any equivocation or without any ambiguity. The Attorney General stated:

> If you exempt the individual homeowner in the sale of his property, then you build right into the system. This then has to permit the real estate person to comply with that in his listing, and the banker to comply with that in his mortgaging, and you are taking a great deal of housing off the market. If you went at it the other way, and said the exemption was to the individual who didn't use a real estate agent, who didn't go into the banking business, and so forth, the exemption would be less serious, but if you allow the individual's exemption in this to then be the tail that wags the whole dog, you have eliminated a great deal of your housing.
>
> Similarly, in your suburban housing or near-in city housing, there are a great many duplexes, and I think if you eliminate them, you are eliminating an important part of the housing market. I feel less strongly, as I indicated, about the rental of a few rooms in an owner-occupied house such as the Mrs. Murphy exemption. I don't think that there is a major part of housing affected by that. While I don't approve of it, it at least does not have the gutting effect of some of the other exemptions.

Then, Mr. Chairman, the Attorney General and I discussed section 407(a) of the bill, appearing at page 68 of the bill before us, "Enforcement by the Attorney General."

Mr. Chairman, the Attorney General indicated that he would, if this were enacted into law, proceed primarily against real estate brokers and others principally responsible for the policy of discrimination in housing. He also stated that under section 407 the Attorney General could proceed against a single property owner.

The hearings then show the following dialog:

> Mr. MacGregor. I appreciate the candor of your answer in saying that it could be against even a private owner, but would it be fair to say that in all likelihood he would move against those main components maintaining housing patterns based on race, as you presented and identified those components in your original statement?
>
> Attorney General Katzenbach. Yes, that is correct, Congressman, but I think in terms of those main components, and I stick by what I said in my statement and what I have said here, but we have to find a way to make this effective of dealing with the single-family dwelling, whether we find it by dealing with that home owner or dealing with others. We have to find a way of including that, or you have just knocked out most of the suburbs, so you have to deal with that effectively and if you have a system which says that the home owner is not under this, and his not being under it can control what the real estate agent does with respect to his home, and so forth, then I think you have got to act.

In other words, the Attorney General has got to act. Then the Attorney General added:

> I think you have got to bring those homes within the bill, and effectively within it.
>
> If it is a question of exempting single-family dwellings, I think it would have a very major impact in terms of destroying the effectiveness of the bill.

We and the Attorney General discussed this question for a moment, and the Attorney General wound up his discussion of this point in the following language, and I quote:

> Perhaps I could illustrate what I mean on the single-family dwelling. If you have an exemption which then has your real estate broker and your others that I have described in here, it puts them in the position of being able to comply with the wishes of the person exempt, that is, the person says: "I want to sell my house, but I am not going to sell it to Negroes, and you sell it for me, but I am not going to sell it to Negroes, and nobody can make me sell it to a Negro," then I think you have destroyed a good part of the system.
>
> If, on the other hand, your law was written in such a way that said, if your home is sold through a real estate broker, if it is financed by a bank, for the purchaser, and if you take advantage of that, then you have to agree that you would be perfectly willing to sell to Negroes, it might not be so ineffective, if you follow what I mean.
>
> In other words, if you get it to the point where the individual homeowners can control the sale, even though he is using all of the other facilities within the community to make that sale, then I would think that a very major exemption, which I would be most reluctant to accept, because I think it would seriously affect the act. If you are saying anybody who sells without going through any of these other channels is not here, then I think the exemption, and I would support it, it would be proportionately less. While I agree with what you have to say about compromises and efforts of consensus to get the legislation, I think you would agree with me you don't want the Congress to go through the tortures to have an ineffective piece of legislation at the end.

Mr. Chairman, some time next week we are going to face the question of whether we will vote to adopt so-called clarifying amendments to title IV as reported by the Committee on the Judiciary. I hope the Members of the Committee of the Whole House on the State of the Union will then bear in mind the words of the Attorney General. If you do support these clarifying amendments, you will in the opinion of Mr. Katzenbach be favoring steps which will have a "gutting effect"; you will support a move having "a very major impact in terms of destroying the effectiveness of the bill," and you will, in the Attorney General's opinion, provide for the inclusion of provisions that will result in "an ineffective piece of legislation."

The CHAIRMAN. The time of the gentleman from Minnesota has expired.

Mr. FLYNT. Mr. Chairman, I make the point of order that a quorum is not present.

The CHAIRMAN. The Chair will count.

Mr. SENNER (interrupting the counting). Mr. Chairman, a point of order. The Member who made the parliamentary inquiry about the quorum is not in the Chamber.

The CHAIRMAN. The Chair will state that the Chair has already counted the gentleman.

The Chair will continue to count. [After counting.] One hundred and eleven Members are present, a quorum.

Mr. McCULLOCH. Mr. Chairman, I yield 1 additional minute to the gentleman from Minnesota [Mr. MacGregor].

Mr. MacGREGOR. Mr. Chairman, if next week we act in this Committee of the Whole House on the State of the Union to permit real estate agents and others to discriminate along with homeowners in the sale of owner-occupied single family dwellings, then, Mr. Chairman, in the interests of accuracy and simple honesty we should amend title IV of section 401, the policy title to the fair housing section.

We should amend it to read:

> It is the policy of the United States to prevent discrimination on account of race, color, religion or national origin only in the rental or lease of a housing unit in a large apartment building and only in the first sale of homes in a new tract development, and not otherwise.

Mr. Chairman, I would not like to see the House of Representatives put its stamp of approval on such a policy for the United States of America.

The CHAIRMAN. The time of the gentleman has expired.

Mr. McCULLOCH. Mr. Chairman, I yield 1 minute to the gentleman from New York [Mr. HALPERN].

Mr. HALPERN. Mr. Chairman, I would like to express my wholehearted support for the proposed Civil Rights Act of 1966. It is not perfect; there is room for improvement but I believe it is basically a good bill and a necessary one. It deals with important gaps which recent civil rights legislation did not fill. Jury discrimination and discrimination in some forms of housing are both attacked, and our Federal criminal statutes are amended to provide those working for racial justice with greater protection against violence.

Although racial discrimination in the selection of State and Federal juries has long been forbidden, it has persisted in some State, and even Federal courts. Titles I and II are designed to combat and hopefully eliminate such discrimination. Their basic provisions are similar to those of the first title of H.R. 13991, which I introduced in March. Nondiscriminatory procedures and qualifications are established for the selection of Federal juries. As for State jury selection, discrimination on the basis of race, color, sex, class, or national origin is explicitly prohibited, and authorization is granted to the Attorney General to bring suit in Federal court for an injunction against any such arbitrary discrimination.

I commend the Judiciary Committee for presenting us with these two carefully worked out titles, which I hope we will pass intact. It is futile and unrealistic to urge that civil rights controversies be taken from the streets to the courts if the administration of justice lacks uniform equity. Every citizen should be confident of his right to trial by a jury chosen without bias from among his peers. It is clearly within the province of the Federal Government to guarantee that such confidence should not be unfounded.

Title III, which provides for civil rights injunctive relief, is just about identical to one part of my own resolution, H.R. 13991, and I am thus, as expected, fully in support of it. It authorizes the Attorney General or private person to initiate civil proceedings against public officials or private individuals who are depriving others of rights on account of race, color, religion, or national origin. Its coverage also extends to protect those who, by speech, assembly, or petition, attempt to express themselves in favor of the equal and discrimination-free enjoyment of rights, privileges, and opportunities. Federal court injunctions could be used to halt efforts by those who seek to obstruct the legitimate activities of groups or individuals involved in the civil rights struggle. Title III thus provides a potentially very valuable weapon in the battle against discrimination, and it is a weapon which I hope the Attorney General and private citizens will not refrain from using.

Title IV as reported to us is not unlike legislation passed by numerous States and communities against discrimination in housing. New York State's fair housing law and New York City's fair housing ordinance both prohibit just about the same discriminatory acts as title IV prohibits and they are more inclusive in terms of the range of sales and rentals that they cover. They are thus stronger pieces of antidiscrimination legislation than the version of title IV we have before us. They have functioned fairly well, and New Yorkers do not seem to have suffered any horrendous loss of property rights.

I believe that title IV is a very valuable and useful piece of legislation since it establishes a standard where local or State laws do not exist to cope with the problem. Though it is not applicable in New York City where existing State and city law apply, it will help to weaken the walls surrounding large urban ghettos elsewhere.

The necessity for the sort of legislation embodied in title V has been made painfully clear by a series of tragic events which have marred the civil rights struggle. State and local law-enforcement officials, in some areas of the country have frequently failed to prevent or punish crimes of racial violence. Federal criminal statutes have proved to be inadequate. Consider the shotgun slaying of Lemuel Penn. Two Georgia klansmen were tried for murder by the State of Georgia and acquitted. Tried in a Federal court in Athens, Ga., they were sentenced to the maximum penalty of 10 years for "conspiring to violate the civil rights" of Mr. Penn—a rather mild sentence for men identified as killers.

Title V, much like a similar title of my resolution H.R. 13991, is designed to provide stronger and more effective criminal laws against interference with the exercise of civil rights. It thus provides Negroes and civil rights workers with greater Federal protection from violence and intimidation. A graduated scale of penalties appropriate to the crime is established. "If death results," the new law would read, the guilty "shall be subject to imprisonment for any term of years or for life."

Such legislation, of course, is not intended to take the place of fair and effective enforcement of State laws against murder and hoodlumism. It will however mitigate the damage when State police or judicial systems flounder because of racial prejudice.

I commend the committee for wisdom in extending title V protection to include not only those attempting to exercise their rights, but also those who, whether as public officials or private individuals, have afforded or seek to afford others equal treatment without regard to race, color, religion, or national origin. This protection from intimidation is provided for those who seek to obey the law.

Title V is an excellent piece of legislation as it stands, but I believe there is basis for strengthening it and I trust such a move will be successful when the bill is open later for amendments. First of all, I believe that persons who suffer physical injury or property loss as a result of exercising rights protected by title V should be given some opportunity to receive compensation for the injury or loss. The last title of H.R. 13991, which I introduced, provides for compensation by any State or local government entity which employs officers who contribute to depriving persons of their rights. Some such indemnification provision should be included in title V of the Civil Rights Act of 1966.

Second, I should like to call your attention to a seemingly innocent committee amendment to subsection A of section 501 of title V. I refer to the addition of the word "lawfully," a word which normally should in no way disturb a body of lawmakers. In this instance, however, I believe that the addition of this word weakens the legislation and I hope we will correct this in the Committee of the Whole. Let me read from an editorial which recently appeared in the New York Times and which makes the very point I am trying to make:

> The insertion of the word "lawfully" in this context tears a great, gaping hole in the bill. Over and over again civil rights demonstrators in southern towns have been arrested for loitering, jaywalking, trespassing, or parading without a permit. Because a man is jaywalking, should he be tear gassed? Because a man is trespassing on public property, should he be beaten with nightsticks or set upon by police dogs? It was precisely to prevent such violence, much of it committed under the thin color of legality, that title V was drafted.

I believe the editorial makes the point quite clear. We should, if possible, remove the word "legally" which the Judiciary Committee added as an amendment to title V.

I have heard it said here that this bill gives this—or it gives that, well, in summary, let me say that I do not like to think of the legislation before us as giving anything to anybody. It merely provides the basic legal tools to guarantee to every American rights to which he is entitled under our Constitution. Can anyone dispute these basic principles embodied in this act?

Of course every American should be entitled to serve on a jury. What a mockery of justice it is, if the very persons empowered to mete out justice are selected by unjust means.

Of course every American should have full protection by law against assault while in pursuit of his constitutional rights.

Of course every American should have the opportunity to obtain decent housing in accordance with his means and needs.

No one here, I feel, can deny any of these principles. All that this bill attempts to do is to provide the legal machinery to make sure that they will be upheld. This is the very least that Congress can do.

Mr. Chairman, I would like to commend the committee for its painstaking work and fine achievement.

The distinguished chairman, the beloved and able gentleman from New York [Mr. CELLER] and the esteemed, very capable ranking minority member the gentleman from Ohio [Mr. McCulloch] both deserve the highest praise for the reasonable, workable and necessary legislation their committee has presented to us.

This bill significantly strengthens our ability to implement the guarantees to all Americans provided by our Constitution. It gives further meaning to our assertions and promises about equal rights and equal opportunities. It is a great advance in our efforts to insure that all Americans can enjoy full human rights and individual dignity.

Mr. ROGERS of Colorado. Mr. Chairman, I yield 2 minutes to the gentleman from California [Mr. Cohelan].

Mr. COHELAN. Mr. Chairman, this is a good bill as far as it goes; but it should go further. I will support it as the best legislation that can be passed at this time; but it should be strengthened and improved. In the course of my remarks I will indicate several areas where I believe this can and should be done.

Four times in the last 9 years Congress has passed legislation designed to guarantee equal rights for every American citizen. In a very real sense, however, this legislation marks only a beginning to the job that needs to be done, for the evidence is clear that equal rights have not yet been fully achieved.

Discrimination and denial of equality continue to exist where there is a biased administration of justice; where violence and intimidation go unpunished; where federally guaranteed rights go unfulfilled; and where practice makes it impossible to secure decent housing solely because of the color of a man's skin.

We need not, and indeed we cannot, afford to wait for more violence and unrest to establish the necessity for new and strengthened laws. Many communities are frustrated, angry, and impatient—and, let me add—justly so.

The call across the country is to act now. Let us heed that call. Let us fulfill what our responsibility as freemen commands. Let us end a double standard of justice and opportunity and truly make the promises of America its practices.

JURY REFORM

Present law does not provide uniform procedures for the selection of jurors in the Federal courts. The result is not only substantial differences in the composition of Federal juries from one section of the country to another, but substantial disparities in some sections between the percentage of Negroes serving on jury panels and the percentage of adult Negroes in the community.

Let me hasten to add that this problem does not only exist in the rural South, although it may be most prevalent there. It exists, in some cases, in the industrial North as well.

Nor is the problem confined to an underrepresentation of Negroes on Federal juries. Studies have revealed substantial economic distortions in the composition of jury panels.

In the matter of State courts, more than 30 Supreme Court decisions relating to jury discrimination attest to the scope and frequency of this problem. Here again discrimination is not only against Negroes. In three States women are automatically disqualified from service as jurors. In another three States women are excluded unless they affirmatively volunteer to serve.

But the basic problem is discrimination against Negroes. One of the central purposes of the 14th amendment was to do away with a dual standard in the administration of justice. One hundred years has now elapsed, but that dual standard continues to persist in some areas of this country. The 1961 report of the U.S. Commission on Civil Rights stated it plainly:

> The problem of racial exclusion from jury service is relatively widespread and, in certain areas, deeply entrenched.

A fair trial necessitates an impartial jury selected from a cross-section of the community. Where fair jury selection is denied, where Negroes are excluded because of the color of their skin, or women because of their sex, or the poor because of the economic status, then the equal administration of justice is impaired.

Titles I and II of this bill would move to insure the fair selection of juries in both Federal and State Courts. They would exclude prejudice based on race, color, sex, religion and economic or social status. Title II would be more effective if the automatic triggering formula contained in the bill recommended by the Leadership Conference on Civil Rights, which I introduced, were included. The pattern for such a formula was established in the Voting Rights Act of 1965, and it has worked successfully. But even without this section these titles represent a substantial and an effective improvement in the machinery of justice and should be quickly approved.

CIVIL PREVENTIVE RELIEF

Title III makes it possible for either the Attorney General or an aggrieved individual to initiate proceedings for civil relief against public officials or private individuals who are depriving other individuals of federally guaranteed rights. Most important, this section seeks to provide protection against police or private violence before rather than after the act.

As the Civil Rights Commission has reported:

> Failure of law enforcement officials to protect persons exercising Federal rights from violence interferes as decisively with the exercise of these rights as would a direct prohibition.

Clearly this title is justified and required.

CRIMINAL INTERFERENCE WITH FEDERAL RIGHTS

Of great importance as well is the requirement to remedy the intolerable condition, found primarily in parts of the Deep South, where violence and intimidation go unpunished.

A small minority of Americans have resorted to unlawful physical means to prevent Negroes and white civil rights workers from exercising their federally protected rights.

The Attorney General has reported that in some places local officials either have been unable or unwilling to prosecute crimes of racial violence or to obtain convictions in cases where the facts clearly seemed to warrant it.

The Commission on Civil Rights found that the administration of justice has broken down in parts of the South. Investigations of incidents of violence by responsible law-enforcement officials were perfunctory or nonexistent. In some cases officials treated civil rights workers as suspects rather than the victims of violence.

President Johnson has noted that the effect of such violence has significance far beyond the individual victims. It generates widespread intimidation and fear that carries over to attending desegrated schools, exercising the right to vote, using places of public accommodation, and taking part in other activities protected by Federal law.

These acts of violence are not only crimes against the individual and the State, they are a clear flouting of the will of Congress and the American people. There is a clear Federal responsibility to protect the rights of citizens against violence and intimidation. Title V will take us a major step toward insuring those rights.

In the process of considering this section, however, let us heed the warning, expressed so cogently by the New York Times on July 24, against inserting the seemingly innocent and honorable word "lawfully" into title V. The Times said:

> The insertion of the word "lawfully" in this context tears a great, gaping hole in the bill. Over and over again, civil rights demonstrators in Southern towns have been arrested for loitering, jaywalking, trespassing, or parading without a permit. Because a man is jaywalking, should he be tear-gassed? Because a man is "trespassing" on public property, should he be beaten with nightsticks or set upon by police dogs? It was precisely to prevent such violence, much of it committed under the thin color of legality, that Title V was drafted.

Appropriate language can be substituted to correct this failing in the present wording of the bill. I would urge the committee to do so before final action is taken. A strong and meaningful title V is essential if the will and intent of Congress is not once again to be thwarted.

PUBLIC SCHOOLS AND PUBLIC FACILITIES

The Department of Justice has reported encouraging progress in the desegregation of public schools and facilities in the southern and border States in this past year. Title VI of the 1964 Civil Rights Act has clearly attributed to this progress.

But the hard fact remains that segregation is still maintained in many public schools and facilities. In the South, only about 1 out of 20 Negro children actually enjoys his constitutional right to desegregated public education.

Intimidation and harassment are still substantial deterrents to the desegregation of public schools. In a recent report on school desegregation in the southern and border States, the Commission on Civil Rights found numerous instances of intimidation, harassment and violent attacks on children and parents of children who attempted to attend formerly all-white schools.

At the present time, the Attorney General can sue to desegregate public schools and facilities only after he has received a written complaint from a local resident and determined that the complainant is unable to sue on his own behalf. This complaint requirement is plainly unrealistic where the likelihood of fear resulting from actual or threatened violence or reprisals exists.

Title VI of this bill is designed to insure that intimidation does not impair the power of the Federal Government to bring suits to desegregate schools and public facilities. It would permit the Attorney General to sue when he believes it is necessary to insure the practice of constitutional rights.

This provision is consistent with the authority that already exists in the areas of voting, public accommodations, and employment. It is essential if the law of the land is to be matched by the practice of the land.

FAIR HOUSING

The provision for a Federal fair housing law, contained in title IV, is clearly the most controversial section of this bill. It is also, in my judgment, the most important.

One of the traditional rights of an American is that of freely selecting a place to live subject only to what his means permit. This freedom is so basic and so widespread among most of us that it is taken for granted. But this freedom does not exist for most Negroes.

The 1960 census documents all to painfully that the housing available to Negroes is inferior in quality to that available to whites. The census figures show that 44 percent of all nonwhite occupied units were substandard, compared to only 13 percent of all-white occupied units. The census figures also show more than twice as many nonwhite families having to share single dwelling units with other families.

Ghetto living is the fate of great numbers of our Negro citizens in urban areas all across our country. It is not a problem that is limited to any one area. The Library of Congress, in a study released earlier this year, points out that America's large cities are filled at the center with Negroes occupying rundown housing and surrounded by a suburban ring of middle-class white neighborhoods.

Former Philadelphia Mayor Richardson Dilworth aptly described this unnatural phenomenon as a "white noose."

It has been suggested that this general configuration is inevitable because of the low incomes of Negroes in the central cities. But a 1963 study by the Housing and Home Finance Agency demonstrated quite clearly that "racial restrictions" were an "important deterrent to the availability of new housing" for Negroes.

The fact was most clearly stated by the Commission on Civil Rights, when it said:

> Housing seems to be the one commodity in the American market that is not freely available on equal terms to everyone who can afford to pay.

A persuasive case can be made that the lack of housing opportunity lies at the heart of the Negro's other social problems. The discriminatory practices which confine him to the slums of the central city work at the same time to bind him to poor schools and to a generally unhealthy environment. There are ample independent studies to document that bad housing breeds bad health and to connect deprived living conditions with low educational motivation.

Certainly the enactment of fair housing laws will not solve all of the social and personal problems that thrive in the ghetto. But it is an essential step. Without it the existing pressures can only continue to build dangerously. Without it no attack on educational inequality or juvenile delinquency or ill health stands much chance of success. Without it the goal set forth in the Housing Act of 1949, "the goal of a decent home and a suitable living environment for every American family," can be little more than an empty promise or a haunting mockery.

The question of constitutionality will, of course, in the final analysis have to be determined by the Court. But it is well for us to note at this time that the commerce clause of the Constitution makes Congress responsible for the protection and promotion of interstate commerce in all its forms. And clearly housing is a major item in interstate commerce.

In 1965 the housing industry used more than $27 billion of new private investment. This amount is several billion dollars higher than all American agriculture, which is broadly regulated, contributed to the gross national product.

A leading builder testified to the House Judiciary Committee that—

> Perhaps eighty percent of the materials that go into our houses come from across state lines.

When all the masks and smokescreens and deceptions are stripped away, we find that title IV will not alter any right of privacy. It is merely another in a familiar list of restrictions upon property owners which prevent them from using or disposing of their property to the injury of their fellow citizens.

There are extensive court decisions to demonstrate, for example, that a landowner is not free to use his property so that the community may suffer. He cannot collect water on it in a way that floods his neighbor's land. He cannot dispose of waste on it so that the community atmosphere is polluted. He cannot make noises on it that will frighten his neighbor's livestock.

Under familiar zoning requirements he cannot build except where the community permits. He cannot house more people than the community allows. He cannot, in many locations, build his house to a design, or even paint it a color, of which the community does not approve.

Title IV says only that he cannot dispose of his property in such a way that his acts, together with his neighbors', interfere with the rights of others. Or to put it another way, this title would only apply after a person decides to sell or rent and only requires that he not refuse on the basis of race, color, religion, or national origin to sell or rent to a person of sufficient financial means, good character, and satisfactory reputation otherwise to have been an acceptable purchaser or tenant.

Mr. William Levitt, a real estate developer with broad experience, has made a point that speaks directly to the concerns of many:

> The really amazing thing, after all of these years of fear and hesitation about integrating housing, is that when integration does take place nothing bad happens—absolutely nothing. No one fusses, everyone goes on about his normal business. No one really seems to care—after the fact. It would seem the evils of picketing, violence, race tension, stem from non-integration, not integration.

This section of the bill has already been amended to exempt the average homeowner who, experience shows, does not normally engage in three or more real estate transactions a year. It also has been amended to exempt one-, two-, three-, and four-family buildings which the owner occupies as his own residence. So I say to my colleagues: this is a moderate and a reasonable provision; let us not weaken it further. Surely this is not too much to ask of a nation that professes the equality of its citizens.

CIVIL INDEMNIFICATION

Mr. Chairman, in my opening remarks I suggested that this bill could and should be improved. I have already stated my support for an automatic formula that would enable the Federal Government to act where a State continues to discriminate against Negroes in the selection of juries.

Another provision which is called for, and quite properly should be included in this bill, is the granting of civil indemnification awards where a person is injured while exercising rights protected by the Constitution. This provision was recommended by the Leadership Conference on Civil Rights. It was included in the bills which several of us introduced this year. It is reasonable, appropriate, and needed.

In brief, we find individuals who are injured in the process of working to secure lawfully guaranteed civil rights. They must bear the financial as well as the personal burden of these injuries.

Now clearly the Federal Government cannot protect every victim of crime. But in the area of civil rights we are dealing with a very special problem. We are dealing with rights which are guaranteed by Federal law. We are dealing with individuals who are singled out and injured solely because of their work in support of civil rights.

We would be assuming a national responsibility for a national problem, and this is proper. And let us remember that there is precedent for such a provision. In two States, California and New York, laws have been passed to compensate the victims of crime and violence.

It is my understanding that an amendment may be offered to add a civil indemnification title to this bill. I intend to support such an amendment as a measure of elementary justice.

CONCLUSION

Mr. Chairman, this legislation must be pursued with a deep sense of urgency, for the problems we face are urgent ones. These problems demand solutions. The choice may very well be between the constructive alternatives offered in this bill or the destructive ones that can come from violence in the streets. Common decency and human justice, not fear, demand that we choose the former.

For 100 years now we have sought to insure full citizenship for every American. That promise is still unmet and that pledge is still unfulfilled. The frustrations and the tensions which we know today are a measure of our past failures. They must be ended.

There can and there must be no such thing as second-class citizenship in these United States. The just and proper activities which have been enjoyed by most Americans for nearly two centuries must be open to all our citizens.

This Civil Rights Protection Act of 1966 can take us a major step of the way toward completing this major item of our Nation's unfinished business. It should be passed, and its administration pressed, with no less a degree of priority.

Mr. ROGERS of Colorado. Mr. Chairman, I yield 2 minutes to the gentleman from North Carolina [Mr. KORNEGAY].

Mr. KORNEGAY. Mr. Chairman, I ask unanimous consent to revise and extend my remarks at this point in the RECORD.

The **CHAIRMAN.** Is there objection to the request of the gentleman from North Carolina?

There was no objection.

Mr. KORNEGAY. Mr. Chairman, once again the Congress is engaged in debate on a so-called Civil Rights Act. This is now an annual event.

In the last 3 years, the Congress has debated three civil rights measures. Now, the Congress is asked to pass a greatly expanded version of the Civil Rights Act of 1964.

I recall some of the argument which preceded passage of the 1964 act. It had some of the same rhetorical ring we have heard this week: Unless this legislation is enacted, we are told, to purportedly protect the rights of all Americans, there will be rioting in the streets, and other acts of violence.

There can be no refutation of the fact that four civil rights bills have been enacted into law since 1957 and that there are more demonstrations, more violence, more disregard for law and order, more civil disobedience, more bloodshed, and more destruction of the rights and property of individual Americans than at any time since the founding of this Republic.

Yet, we are asked to pass this proposed legislation in haste and in fear—in fear of reprisal against established authority.

As has been aptly said, this surely must be the "age of anxiety." The Congress, in its haste to enact legislation for the benefit of a minority, creates new rights for special classes of people at the expense of the basic individual rights of all. This is done in the name of expediency.

This is true of the bill we are now considering here. We have been told by members of the committee, representing both the majority and the minority, which brings this bill before us that little or no testimony was asked for or received and little or no study given to much of the bill we are now asked to vote on. In pursuit of expediency, the bill was brought to the Committee of the Whole in what can only best be called an irregular procedure. There was such necessity for haste that the 21-day resolution was filed almost simultaneously with the committee's report.

We are told that this legislation is necessary because there might be violence in the streets. It is quite apparent to anyone who reads the newspapers or news magazines or who listens to radio or who watches television that there are riotous demonstrations in this country. And, Mr. Chairman, these vicious and terrifying concerted acts of violence are visited upon neighborhoods outside the South, where it is claimed that this legislation is needed to correct abridgment of the rights of the deprived and underprivileged minority.

I firmly believe in, support and am prepared to protect the legal rights of all citizens of this country, without regard to their race, religion, sex, or national origin. However, I regard the proposed legislation we are now debating as completely unwarranted and unnecessary.

It is my sincere and considered opinion that what we need at this point to improve our increasingly perilous racial relationships is not more law, but a firm and fair application and enforcement of existing law. Moreover, we need to reestablish a respect for law and a respect for the rights of others. As long as some individuals and some groups are allowed—and even encouraged by high-placed officials—to choose and select the laws they wish to obey and to flaunt others, we will never achieve equal justice under law.

There is now ample law—in every jurisdiction and at every level—to achieve whatever legal and proper purposes are embodied in this bill, if they are used. Instead, the proponents of this bill would diminish the rights of many to insure the rights of a few—rights that are already theirs under color of State and Federal statutes.

This, they would do in spite of the highly questionable constitutionality of the provisions of the proposed act as we have heard from able and learned lawyers who are members of the distinguished Committee on the Judiciary.

I will not take the time to comment about each of the sections of the bill, title by title, for the objections and difficulties of each have been well explained by members of the committee who are opposed to the bill, here on the floor.

However, I would be derelict in my duty as the elected representative of my constituency if I did not voice my emphatic opposition to this bill in its entirety. I have examined the bill and the committee reports carefully and I cannot find the necessity for any of its provisions. I am completely opposed to the bill and all its titles.

But, I reserve especial criticism for title IV, the so-called fair housing or open housing provision. This section, in my view as an attorney, is patently unconstitutional and instead of protecting and insuring freedom and liberty, it violates the precious right of free contract.

Mr. Chairman, I urge every Member to sacrifice politics for principle, to substitute commonsense for emotion, and to vote against this bill.

I graciously yield back to my friend from Colorado the balance of my time.

The **CHAIRMAN.** The gentleman yields back 1 minute to the gentleman from Colorado.

Mr. ROGERS of Colorado. Mr. Chairman, I yield as much time as he may require to the gentleman from Hawaii [Mr. MATSUNAGA].

Mr. MATSUNAGA. Mr. Chairman, I rise in support of the bill.

Mr. Chairman, I wish to express my earnest support for H.R. 14765, the Civil Rights Act of 1966.

Every Member is well aware that the title of this bill which is most at issue is title IV, which prohibits racial discrimination by those in the housing business. Such a law is absolutely essential in order to establish justice for individuals heretofore deprived of equal opportunity in housing and in order to overcome de facto school segregation and to promote equal educational opportunity.

But the point I should like to make is this: we must keep the entire bill in perspective, so that debate on title IV does not remove our attention from other parts of the bill which are likewise indispensable if we are to assure justice and equal opportunity for every American citizen.

Negroes and civil rights workers, Mr. Chairman, will not be secured against violence intended to deprive them of Federal rights so long as discrimination is practiced in the selection of grand and petit jurors of both Federal and State courts. Discrimination in jury selection means that racial prejudice may preclude the imposition of penalties upon men who seek by violence to deprive others of their civil rights. Discrimination in jury selection thereby encourages such men to have recourse to violence.

The Attorney General has pointed out that there have been recent judicial findings of jury discrimination in State courts in Alabama, Arkansas, Georgia, Kentucky, Louisiana, Mississippi, and North Carolina.

Moreover, the Justice Department recently surveyed the racial composition of Federal jury panels or jury lists in certain districts in Alabama, Florida, Georgia, Louisiana, Mississippi, and Texas, and did not find in any of these districts the percentage of Negroes to be equal to the percentage of age-eligible Negroes in the population of the district.

Effective legislation is surely required in the face of such evidence.

Title I should insure that Federal juries will henceforth be selected from a racial cross section of the population. It should do so by requiring that voter registration rolls be used as the source for jury selection, by establishing definite procedures for selection, and by providing for challenges to the way in which juries have been selected.

Title II should be effective in eliminating racial discrimination in the selection of State juries. This title authorizes the U.S. Attorney General to seek through the Federal district courts to prevent discrimination in jury selection on the part of State jury officials. And title II provides for mandatory disclosure by State officials of information about how they select jurors.

Closely allied in purpose with titles I and II is title V, which provides for Federal criminal penalties adequate to give security to federally guaranteed rights. Title V is aimed to prevent the use of force or the threat of force to deprive others of Federal rights not only by State officials but also by private individuals as well. Federal rights, Mr. Chairman, must be backed up by adequate Federal sanctions.

And the Attorney General's exercise of authority under the new title III, which the committee put into the bill, should prove effective in preventing acts of State and local officials and others which would deprive Negroes and civil rights workers of first amendment rights. Such people who would otherwise try to prevent civil rights advocates from speaking or demonstrating will be inhibited from doing so because they will be face-to-face with a Federal court injunction.

Title VI of the committee bill will surely facilitate desegregation of public schools and other public facilities, because it gives the Attorney General the right to go to court without having to involve Negro parents in a complaint procedure. The requirement of written complaints, such as are required by titles III and IV of the 1964 Civil Rights Act, means that Negro parents cannot get help from the Justice Department without exposing themselves to intimidation and reprisal. And this in turn means that the Justice Department itself may be hindered in its efforts to protect civil rights.

I believe that the most important element of this bill is the additional and indispensable authority which it gives to the Justice Department and to the courts to secure to every person rights guaranteed by the Constitution. And I believe, Mr. Chairman, that we owe it to ourselves as citizens of the greatest democratic Nation in the world to provide such authority.

Mr. ROGERS of Colorado. Mr. Chairman, I yield back the balance of my time.

Mr. McCULLOCH. Mr. Chairman, I yield as much time as he may require to the gentleman from California [Mr. BELL].

Mr. BELL. Mr. Chairman, twice in the past 2 years Congress has been called upon to make historic decisions affecting civil rights in the United States.

Each of these debates has brought forward a quality of emotion among our constituents and among our colleagues not entirely in keeping with the lustrous vision of America which so many of us try to pass on to our children.

Once again we engage in civil rights debate.

Once again we are hearing the now familiar harsh voices of opposition.

Once again we deal with a subject that will find its best justification with the passage of time.

What Congress did in the field of civil rights legislation in 1964 is not today an action for which any of us need feel ashamed.

What Congress did in the field of voting rights legislation in 1965 is not today an action which vindicates the hostility of its critics.

I am confident that the bill we are now considering will stand up similarly to the test of time.

I intend to support this bill with the Mathias amendment as part of title IV.

I do so because I believe the bill has merit.

I believe in the field of housing we deal with yet another area where the specter of racial intolerance can be brought under better control.

This is not an easy position for many elected officials to take.

In 1964 in my own State the public expressed itself in opposition to State legislation which regulated the conduct of individual homeowners. This legislation does not do that.

We are all aware that issues involving civil rights sometimes cut more deeply and are felt more emotionally than even the most basic problems of war and peace.

Courage is required of elected officials who must deal with these matters. It is a requirement basic to the positions we hold in public life.

To the capacity for courage and to the concern for social justice which reside in all of us I address my remarks today.

It would be very easy indeed this year to express our disgust with riots that have occurred throughout the United States by voting against the pending civil rights bill.

But to me it would be profoundly more meaningful, more representative of the generous and understanding heart of America if we were to resist that temptation.

It is my hope that we will demonstrate when we vote on this legislation that there is great strength and great power to produce results in the orderly and routine paths of public consent.

What could never be procured by threat of arms or disorder is instead offered by a Congress which wants very much to secure equality of opportunity for all of the Nation's people.

Mr. ANDERSON of Illinois. Mr. Chairman, I ask unanimous consent to revise and extend my remarks at this point in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Illinois?

There was no objection.

Mr. ANDERSON of Illinois. Mr. Chairman, according to the paper this morning, of the Americans who are informed on the issue, the disapproval of recent Supreme Court decisions governing confessions in criminal cases is in the range of 2 to 1. I doubt whether any Member of this body would dispute the fact that if queried on the bill which we are now considering, disapproval would run equally high. We have had a lot of high-sounding phrases and innumerable quotations from Edmund Burke and others and recited for us by the distinguished chairman of the Judiciary Committee on the duty of a legislator with respect to this issue. Implicit in some of these suggestions is the dangerous notion that we in the Congress are possessed of some superior wisdom on this issue which entitles us to legislate in defiance of the wishes of the vast majority of our countrymen. We are succumbing to the idea—indeed the very pernicious notion—which in recent years has increasingly afflicted the executive branch of the Federal Government—that a few folks in Washington know far better than the untutored masses west of the Alleghenies what is good not only for them but the entire country. The end justifies the means they say; so do not let us be too concerned at yet another novel interpretation of that battered but still durable document, the Constitution of the United States.

Mr. Chairman, there are only two bases on which support for this bill in its present form could possibly be justified. One, a belief that it will solve the housing problems of the American Negro and break up the vast ghettos and slums of New York, Los Angeles, Philadelphia, Cleveland, and so forth.

I wonder how many Members in their hearts believe this is true. I venture to say very, very few of us. It leaves completely unchallenged the vast impenetrable barrier of economic segregation. I talked to a prominent, well-informed Negro leader in Chicago not many weeks ago. I said—How many Negroes from the west side and south side of Chicago will this bill move out of their present housing. He replied that in all honesty he felt it would aid about 2 percent. How about the other 98 percent? Are they going to feel more or less inclined to join in riots and civil commotion after the true meaning and ineffectiveness of this bill becomes clear? I wish to God that people would not suffer from prejudice, but is this bill going to erase that prejudice and leave hearts filled with love and compassion for our colored brethren, or is it going to be completely counter-productive and incite more passion and prejudice and exacerbate an already strained situation which we all deplore?

I simply cannot accept and believe the figures so blithely given that title IV will cover 1 million new housing starts a year. No one knows. I do know of builders who say that if this bill passes, I will quit. Maybe the Levitts will pick up the slack. Maybe they will not. In my judgment housing starts, now at their lowest ebb in 5 years, will sink lower. I cannot believe that with the exemptions presently written in title IV that 40 percent of all residential housing is covered. SNCC and CORE obviously do not think so, for they oppose the bill. I do not pretend to know how much housing is covered. I do know that when the economic barrier is raised that the 40 percent some people speak of sinks in the direction of that 2 percent figure which my Negro friend in Chicago mentioned.

If you accept my argument that this bill will not even come close to solving the problem of inadequate housing for Negroes, you may be in the school which hopefully says—Ah, but it is a start. And to be sure before the debate on this bill is over you are going to hear a lot of sententious phrases about how a journey of a thousand miles must begin with a single step. But if that first step is a misstep, and you fall into a deep well, your whole journey may be aborted.

If we pass this bill as written we are going to plunge the American people into a deep well of suspicion, fear, and admittedly a lot of misunderstanding. The net result will be to retard progress—to postpone that happy day when all races on the earth will accept the Pauline doctrine that we all are creatures of the Heavenly Father and are of one blood. I do not oppose this bill because I do not want the racial question solved. God knows I do, but this is simply not the right presumption. We are going to be using a purgative when we should be using an antibiotic.

Let me also at this point very frankly address some remarks to the great compromisers who have devised the formula in title IV. Why did they do it? Simply so that the great mass of people who write in and angrily and bitterly oppose this legislation could be answered in these terms: "Why, you have nothing to worry about; you are not covered by this bill. Let me put your fears completely at rest. This bill is not meant to cover the little people, the individual homeowner—just the big builder and developer—the rich man who owns a six-flat instead of a four-flat."

Well, let me ask you this: Is this kind of a double standard really what you want to hold up to rally forces in a great moral crusade to achieve reconciliation of the races? Or is this artificially drawn distinction without a difference going to encourage subterfuge and evasion of the law at the very time when respect for the laws and statutes of our land already appear to be at an extraordinarily low ebb?

Does anyone in this Chamber in his heart believe that next year we will not be back to close up the loopholes in this bill? You and I both know that when the complete failure of this bill to achieve a solution becomes painfully obvious, the pressure to do just that will be 10 times the pressure exerted to enact this bill. What will you then tell these same people when they write again? Suppose they have even kept a copy of that letter you wrote in 1966 and quote it back to you.

No my friends the truth is that the great majority of those who support title IV do so because they think they have an escape hatch. What will they do when that hatch is closed? If you want to support this bill as a step in the right direction, be sure you advise your correspondents what the next step will inevitably be. Otherwise next year and the year after that you may find them more than a little critical. The great outcry will be: "But you could have told us."

Mr. Chairman, I cannot accept title IV on either of these two premises which I have discussed. What then shall we do? Mr. Chairman, there is a problem. No one, least of all I, can be impervious to the stories of heartbreak and anguish that come out of the slums and ghettos of America. But rather than prescribe an illusory and false solution to the problem of slum housing, we ought to consider the construction of adequate housing for the white and Negro slum dweller a great national priority. I quite agree that if a Negro can afford better housing in a more desirable location he is going to be bitter and frustrated if it is not available. I think he should have the right to come to a government agency for help.

If our present housing programs, if our present programs of housing loans and housing loan guarantees are inadequate, and I am sure in many details they are, let us concentrate now on revamping them so that the promise of homeownership and a decent apartment can be held forth to our Negro citizens. A nation capable of turning out between 9 and 10 million cars a year can do better in the production of new housing than we have done in the last 5 years. If it takes new types of incentive grants to builders; if it takes a Government corporation to acquire suitable sites for the location of additional housing, I will be for that. There is a problem, but I think we have the ingenuity to solve it without enacting a statute which even Roy Wilkins of the NAACP has said "will not be sufficient to prevent heart-breaking developments that could be ugly as well."

Mr. REINECKE. Mr. Chairman, I ask unanimous consent that the gentlewoman from New Jersey [Mrs. DWYER] may extend her remarks at this point in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from California?

There was no objection.

Mrs. DWYER. Mr. Chairman, just about all that can be said has been said about the pending civil rights bill. All that remains now is to count the votes on amendments and on final passage of the bill.

I have studied the bill, read the committee report, and listened to the debate, and I intend to vote for the bill. With regard to the many amendments which will be offered, I shall consider each on its merits.

Among those of our colleagues who have spoken on the bill, Mr. Chairman, I especially want to associate myself with my distinguished colleague, the gentleman from New Jersey [Mr. CAHILL], who serves on the Committee on the Judiciary. His remarks were in the finest tradition of informed, realistic and humane public service.

This is not the first, nor will it be the last, civil rights bill before Congress. We have learned that the Constitution and the laws which uphold the basic guarantee to all Americans of equal rights and equal justice and equal opportunity can be evaded. Congress must deal with these evasions by closing the loopholes and remedying the inadequacies of past statutes. This objective is fundamental to our way of life. We cannot permit our laws or public agencies and institutions to be used to perpetuate inequity or discrimination for to do so would be to violate their very basis: the equality of all persons before the law.

Despite the questions that remain about this bill—both technical and substantial—which we shall consider in connection with proposed amendments, the bill as a whole, in purpose and substance, is a good one and a necessary one. We must pass it because we cannot weaken in our devotion to freedom and justice.

Mr. DORN. Mr. Chairman, I ask unanimous consent to extend my remarks at this point in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from South Carolina?

There was no objection.

Mr. DORN. Mr. Chairman, it has become a habit to force through Congress each year a so-called civil rights bill. Once again Congress is being forced to bow and subvert itself to the will of the mob. This is the third time in less than 2 years that Congress and the country are being blackmailed and stampeded by threats of violence to pass ill-advised and unconstitutional legislation. The present bill with its sweeping provisions is only the latest in what seems to be an endless torrent of demands from organized pressure groups. During the past decade there have been four major civil rights bills passed by the Congress, each proving the utter failure of the previously passed bill. When will it end? What will be the effect on our form of government? What will happen to trial by jury? What will happen to the right to own property?

All of these so-called civil rights bills make a sham of our democratic ideals in favor of mobocracy. They are undermining good local government and local officials. They are undermining local school boards and officials and are having a disastrous effect on education of our boys and girls in many areas of our country. School officials and local school boards are harassed and hounded by Washington to the point that many are resigning from positions they have held for a lifetime.

Our present Constitution, which has served and continues to serve us so magnificently, is the product of a compromise between the necessity for a powerful and effective National Government and a strong local and State government. Throughout our history one of the most important characteristics of our form of government has been the diffusion of the various powers and functions of government to local city, county, and State governments. Over the years we have carried out the public business, under our Constitution, while at the same time we have protected and made secure the rights of the individual.

This has been accomplished primarily because all powers were not based in a strong National Government. So long as we have strong local and State governments, no dictator, no emperor, no Duce and no Fuehrer can amass the concentrated central power necessary to impose perverted and wicked schemes of racial, religious, and class oppression. No dreadful machinery of coercion could be established that would in time be turned against the very minority it was established to protect. There has been and there will continue to be instances of persecution, but so long as we have 50 different State constitutions and free local government there can never be any mass persecution of any race, of any religion or class.

But once the massive strength of a strong centralized Federal bureaucracy is committed to an unwise and unjust power grab, there is little hope for an oppressed minority.

Time and again the road to dictatorship of the right and of the left has been paved by the consolidation of political power into the hands of a few and an all-powerful central regime. History tells us that institutions like the judiciary and educational institutions which ordinarily and traditionally would be expected to oppose and become a counterforce to the ruling dictatorship would instead be the first to be brought under control to be used at the whim of the all-powerful head of state. Similarly a constitution established to protect the individual and his property can so easily be aborted into an entirely different constitution, having its meaning twisted and perverted as a result of the emotional clamor of a well-organized minority.

I do not say, Mr. Speaker, that dictatorship is around the corner for the United States should this bill, or parts of it, be passed. Our traditional aversion to an all-powerful central government may be strong enough to adapt to the results of such unwise legislation as is now before us. But it would be folly for us to ignore the long-term effects of this gradual process of constitutional erosion.

The bill now before us, H.R. 14765, is one whose long-term dangers to the Constitution are matched by the immediate burdens that the bill would place on property owners and on the State. In the guise of protecting the rights of Americans, it lets loose forces that could well destroy these rights. It establishes special rights for a few at the expense of the many. It was drafted and considered in haste, under the pressure of emotional outcries and mob violence.

Title II of this bill would tamper recklessly with the world's most just jury system in order to remedy a few alleged miscarriages of justice whose repetition could better be prevented by the voice of public opinion and the true sentiment of the people. This section amounts to Federal control over State jury system. The significance of this radical change in the delicate balance of powers should not be obscured by our regret and revulsion over the minuscule percentage of cases in which justice has not been granted. Aside from the dubious constitutionality of the section, it would impose difficult and awkward procedural burdens on the State. Trial lawyers could obstruct criminal prosecutions with all types of assertions of discrimination in selections of juries—whether on the basis of religion, sex, ethnic group, economic status, or whatever. And may I add that these obstructive tactics could be utilized by lawyers all over the land, not just in one section.

Title IV, the so-called fair housing section, is a frightening abridgement of the rights of private property and of the privacy of the home. Its ill effect is in no way tempered by the fact that it cannot do what it would promise. Many experts have pointed out how slums and ghettoes exist in some of the large cities that have long had fair housing laws. So as an experiment to cure social ills by legislating morality, this bill would fail of its purpose. Title IV has little basis in the Constitution. The right to own and freely dispose of one's home is an important bulwark of individual freedom. It requires an almost superhuman distortion of the Constitution to justify this blatant infringement.

The proposed exemptions to title IV desperately offered by proponents of this bill, do nothing but emphasize its overall unconstitutionality; for the number of housing units one owns or the frequency of sale has nothing to do with the constitutional issues involved.

As in other sections of this bill, the procedural difficulties that would result from passage are as bad as the constitutional erosion. The homeowner, the broker, and the lending institutions would be continually harassed by minority groups claiming all types of discrimination through the many procedures that would be made available.

If this bill should be passed, Mr. Speaker, it will be but another in a growing list of dangerous, worthless bills whose pulling and tugging at the Constitution only stimulates the demand for still more radical legislation.

Who can say what precedent has been set by these instances of stretching and tugging at the Constitution? Who can predict for which emotional and ill-defined cause the next intrusions upon our constitutional framework will be made?

I mention precedents and other causes because it is becoming painfully clear to many sincere advocates of civil rights legislation what has long been clear to opponents: these bills cannot accomplish what they purport to do. And these intrusions make it easier for other organized blocs—whether they be economic, geographic, religious, or whatever—to effect major and unexplored revisions of the constitutional framework. The Constitution can evolve magnificently, but can only be destroyed by repeated demands for radical revision.

Again, I cannot predict with any certainty which other causes or groups will use the precedent of radical revision once the cause of advancement of minority groups is recognized not to be a fit subject for national legislation.

But I do see how false, misleading, and dangerous have been the promises of irresponsible leaders that more and more civil rights legislation would be a panacea for our domestic problems. The recent disturbances in our large cities have complex causes; but certainly high among causes is the realization among certain groups that recent legislation has not been the answer for their betterment.

I would submit that the answer now for minority groups in America is much the same as it has been for each of the other once-disadvantaged groups that have made our society into the richest and most productive nation on earth. The answer lies not in an endless torrent of civil rights legislation, but rather in creative employment of the traditional American values of hard work and individual advancement.

I am not unmindful of the very real and important differences in the group histories of the various religious or national groups that have developed this Nation. However, the potential parallels need not be ignored. All Americans, regardless of race, color or creed can share in the rewards and the responsibilities of national life. But this has never been accomplished by heavy-handed, special legislation. That only frightens and provokes racial enmity; and sets up a dreadful machinery of coercion that may in time be turned against the very minority it is supposed to protect.

The **CHAIRMAN**. The time of the gentleman has expired. All time has expired.

Pursuant to the rule, the Clerk will now read by title the substitute committee amendment printed in the reported bill as an original bill for the purpose of amendment.

The Clerk read as follows:

That this Act may be cited as the "Civil Rights Act of 1966".

TITLE I

SEC. 101. The analysis and sections 1861 and 1863 through 1869 of chapter 121 of title 28, United States Code, are amended to read as follows:

"CHAPTER 121—JURIES; TRIAL BY JURY

"Sec.
"1861. Declaration of policy.
"1862. Discrimination prohibited.
"1863. Jury commission.
"1864. Master jury wheel.
"1865. Drawing of names from the master jury wheel.
"1866. Qualifications for jury service.
"1867. Challenging compliance with selection procedures.
"1868. Maintenance and inspection of records.
"1869. Exclusion from jury service.
"1870. Definitions.
"1871. Fees.
"1872. Exemptions.
"1873. Challenges.
"1874. Issues of fact in Supreme Court.
"1875. Admiralty and maritime cases.
"1876. Actions on bonds and specialties.

"*§ 1861. Declaration of policy*

"It is the policy of the United States that all litigants in Federal courts entitled to trial by jury shall have the right to a jury selected from a cross section of the community in the district or division wherein the court convenes. It is further the policy of the United States that all qualified persons shall have the opportunity to serve on grand and petit juries in the district courts of the United States and shall have an obligation to serve as jurors when summoned for that purpose.

"§ 1862. *Discrimination prohibited*

"No citizen shall be excluded from service as grand or petit juror in the district courts of the United States on account of race, color, religion, sex, national origin, or economic status.

"§ 1863. *Jury commission*

"(a) There shall be a jury commission for each district court of the United States composed of the clerk of the court and a citizen appointed by the court as a jury commissioner: *Provided,* That the court may establish a separate jury commission for one or more divisions of the judicial district by appointing an additional citizen as a jury commissioner to serve with the clerk for such division or divisions. The jury commissioner shall during his tenure in office reside in the judicial district or division for which appointed, shall not belong to the same political party as the clerk serving with him, and shall receive compensation to be fixed by the chief judge of the district at a rate not to exceed $50 per day for each day necessarily employed in the performance of his duties.

"(b) In the performance of its duties, the jury commission shall act under the supervision of the chief judge of the district.

"§ 1864. *Master jury wheel*

"(a) Each jury commission shall maintain a master jury wheel and shall place in the master wheel names selected at random from the voter registration lists of persons residing in the judicial district or division it serves: *Provided,* That the judicial council of the circuit, with such advice as the chief judge of the district may offer, shall prescribe some other source or sources of names for the master wheel in addition to the voter registration lists where necessary, in the judgment of the council, to protect the rights secured by section 1862 of this title.

"(b) The jury commission shall place in the master wheel the names of at least 1 per centum of the total number of persons listed on the voter registration lists for the district or division (or, if sources in addition to voter registration lists have been prescribed pursuant to subsection (a), at least 1 per centum of the total number of persons of voting age residing in the district or division according to the most recent decennial census): *Provided,* That in no event shall the jury commission place in the master wheel the names of fewer than two thousand persons.

"(c) The master jury wheel shall contain names of persons residing in each of the counties, parishes, or similar political subdivisions within the judicial district or division.

"(d) The chief judge of the district shall prescribe, by rule, definite and certain procedures to be followed by the jury commission in making the random selection of names required by subsections (a), (b), and (c) of this section.

"(e) State, local, and Federal officials having custody, possession, or control of voter registration lists or other appropriate records shall make such lists and records available to the jury commission for inspection, reproduction, and copying at all reasonable times as the commission may deem necessary and proper for the performance of its duties under this title. The district courts shall have jurisdiction upon application by the Attorney General to compel compliance with this subsection by appropriate process.

"(f) The jury commission shall in accordance with this section (1) from time to time, as necessary, place additional names in the master wheel and (2) between November 15 and December 31 of each even-numbered year empty and refill the master wheel.

"§ 1865. *Drawing of names from the master jury wheel*

"(a) From time to time as necessary the jury commission shall publicly draw from the master jury wheel the names of as many persons as may be required for jury service, prepare an alphabetical list of the names drawn, which list shall not be disclosed to any person except pursuant to sections 1867 and 1868 of this title and summon by certified mail the persons whose names are drawn. Each person whose name is drawn, unless he claims exemption from jury service pursuant to section 1872 of this title and subsection (b) of this section, shall appear before the clerk and fill out a juror qualification form to be prescribed by the Administrative Office of the United States Courts in consultation with the Attorney General. The form shall elicit his name, address, age, sex, education, race, occupation, length of residence within the judicial district, prior jury service, and citizenship and whether he has any physical or mental infirmity impairing his capacity to serve as a juror, is able to read, write, speak, and understand the English language, and has been convicted in any State or Federal court of record of a crime punishable by imprisonment for more than one year and has not had his civil rights restored by pardon or amnesty. The clerk shall examine the form to determine whether it is filled out completely and responsively and shall call any omissions or apparent errors to the attention of such person who shall make such corrections or additions as may be necesary. If any person summoned is unable to fill out the form, the clerk shall do it for him and indicate on the form the fact that he has done so and the reason therefor: *Provided,* That in any district or division where the chief judge of the district with the concurrence of the judicial council of the circuit determines that the requirement of a personal appearance before the clerk to fill out a juror qualification form would entail undue hardship or undue inconvenience for persons whose names are drawn from the master wheel, the clerk shall mail to every person whose name is drawn from the master jury wheel a juror qualification form with instructions to fill out and return the form duly signed to the clerk by mail within ten days. Any person who fails to return a juror qualification form as instructed shall be summoned by the clerk forthwith to appear before the clerk to fill out a juror qualification form.

"(b) Any person summoned pursuant to subsection (a) of this section who fails to appear as directed shall be ordered by the court forthwith to appear and show cause for his failure to comply with the summons. Any person who fails to appear pursuant to such order or who fails to show good cause for noncompliance with the summons may be fined not more than $100 or imprisoned not more than three days, or both: *Provided,* That any person summoned (or to whom a juror qualification form has been mailed by the clerk for execution) who is exempt from jury service pursuant to section 1872 of this title may state the basis for his exemption in the space provided on the summons (or juror qualification form) and return the summons (or juror qualification form) duly signed to the clerk by mail. Any person who willfully misrepresents a material fact concerning his exemption from jury service or concerning his qualifications for jury service on a summons or juror qualification form for the purpose of avoiding service as a juror may be fined not more than $100 or imprisoned not more than three days, or both.

"§ 1866. *Qualifications for jury service*

"(a) The jury commission shall determine solely on the basis of information provided on the juror qualification form or the returned summons whether a person is qualified for or exempt from jury service: *Provided,* That such determination shall be made by the court if other objective evidence obtained by the jury commission indicates that a person is not qualified pursuant to subparagraphs (1), (3), or (4) of subsection (b) hereof. The jury commission shall enter such determination in the space provided on the juror qualification form and the alphabetical list of names drawn from the master jury wheel. If a person did not appear in response to a summons, such fact shall be noted on said list. Whenever a person is determined to be not qualified for jury service, the jury commission shall note on the space provided on the juror qualification form the specific ground of disqualification.

"(b) In making such determination the jury commission or the court shall deem any person qualified to serve on grand and petit juries in the district court unless he—

"(1) is not a citizen of the United States twenty-one years old who has resided for a period of one year within the judicial district;

"(2) is unable to read, write, speak, and understand the English language;

"(3) is incapable, by reason of mental or physical infirmity, to render efficient jury service; or

"(4) has a charge pending against him for the commission of, or has been convicted in a State or Federal court of record of a crime punishable by imprisonment for more than one year and his civil rights have not been restored by pardon or amnesty.

"(c) The jury commission shall maintain a qualified juror wheel and shall place in such wheel names of persons determined to be qualified as jurors. From time to time, the jury commission shall publicly draw from the qualified juror wheel such number of names of persons as may be required for assignment to grand and petit jury panels. The jury commission or the clerk shall prepare a separate list of names of persons assigned to each grand and petit jury panel.

"(d) When the court orders a grand or petit jury to be drawn the clerk shall issue summons for the required number of jurors and deliver them to the marshal for service.

"Each person drawn for jury service may be served personally or by registered or certified mail addressed to such person at his usual residence or business address.

"Such service shall be made by the marshal who shall attach to his return the addressee's receipt for the registered or certified summons, where service is made by mail.

"§ 1867. *Challenging compliance with selection procedures*

"(a) In criminal cases, prior to the introduction of evidence at trial, the defendant may move to dismiss the indictment or stay the proceedings against him on the ground of failure to comply with sections 1864, 1865, or 1866 of this title. The defendant shall be entitled to present in support of such motion the testimony of the jury commission together with other evidence and, where there is evidence that there has been a failure to comply with sections 1864, 1865, or 1866, any relevant records and papers used by the jury commission in the performance of its duties which are not public or otherwise available. If the court determines that there has been a failure to comply with sections 1864, 1865, or 1866, the court shall dismiss the indictment or stay the proceedings pending the selection of a petit jury in conformity with this title.

"(b) In criminal cases, before the petit jury is sworn, the Attorney General may move to stay the proceedings on the ground of failure to comply with sections 1864, 1865, or 1866 of this title. The Attorney General shall be entitled to present in support of such motion the testimony of the jury commission together with other evidence and, where there is evidence that there has been a failure to comply with sections 1864, 1865, or 1866, any relevant records and papers used by the jury commission in the performance of its duties which are not public or otherwise available. If the court determines that there has been a failure to comply with sections 1864, 1865, or 1866, the court shall stay the proceedings pending the selection of a petit jury in conformity with this title."

"(c) In civil cases, prior to the introduction of evidence at trial, any party may move to stay the proceedings on the ground of failure to comply with sections 1864, 1865, or 1866 of this title. The moving party shall be entitled to present in support of such motion the testimony of the jury commission together with other evidence and, where there is evidence that there has been a failure to comply with sections 1864, 1865, or 1866, any relevant records and papers used by the jury commission in the performance of its duties which are not public or otherwise available. If the court determines that there has been a failure to comply with sections 1864, 1865, or 1866, the court shall stay the proceedings pending the selection of a jury in conformity with this title.

"(d) The procedures prescribed by this section shall be the exclusive means by which a person accused of a Federal crime or a party in a civil case may challenge any jury in his case on the ground that such jury was not selected in conformity with sections 1864, 1865, or 1866 of this title. Nothing in this section shall preclude any person or the United States from pursuing any other remedy, civil or criminal, which may be available for the vindication or enforcement of any law prohibiting discrimination on account of race, color, religion, sex, national origin, or economic status in the selection of persons for service on grand or petit juries.

"(e) The contents of any records or papers produced pursuant to subsections (a), (b), or (c) of this section shall not be disclosed, except as may be necessary in the preparation or presentation of the case, until after the master jury wheel has been emptied and refilled pursuant to section 1864(f) of this title and all persons selected to serve as jurors before the master wheel was emptied have completed such service: *Provided,* That the parties in a case shall be allowed to inspect, reproduce and copy such records or papers at all reasonable times during the pendency of the case. Any person who discloses the contents of any record or paper in violation of this subsection may be fined not more than $1,000 or imprisoned not more than one year, or both.

"*§ 1868. Maintenance and inspection of records*

"After the master jury wheel is emptied and refilled pursuant to section 1864(f) of this title, and after all persons selected to serve as jurors before the master wheel was emptied have completed such service, all of the records and papers compiled and maintained by the jury commission before the master wheel was emptied shall be preserved by the commission in the custody of the clerk for four years or for such longer period as may be ordered by a court and shall be available for public inspection.

"*§ 1869. Exclusion from jury service*

"(a) Except as provided in section 1872 of this title, no person or class of persons shall be excluded, excused or exempt from service as jurors: *Provided,* That any person summoned for jury service may be (1) excused by the court for not more than six months at a time upon a showing of undue hardship or extreme inconvenience or (2) excluded by the court upon a finding that such person may be unable to render impartial jury service or that his service as a juror would disrupt the proceedings, or (3) excluded upon peremptory challenge as provided by law. Whenever a person is excused or excluded from jury service, the jury commission shall note in the space provided on his juror qualification form the specific ground of excuse or exclusion.

"(b) In any two-year period, no person shall be required to (1) serve as a petit juror for more than thirty calendar days, except when necessary to complete service in a particular case, or (2) serve on more than one grand jury, or (3) serve as both a grand and petit juror.

"*§ 1870. Definitions*

"For purposes of this chapter—

"(a) 'clerk' and 'clerk of the court' shall mean the clerk of the United States district court or any deputy clerk.

"(b) 'voter registration lists' shall mean the official records maintained by State or local election officials of persons registered to vote in the most recent general election for candidates for Federal office or, in the case of a State which does not require registration as a prerequisite to voting, such other official lists of persons qualified to vote in such election. The term shall also include the list of eligible voters maintained by any Federal examiner pursuant to the Voting Rights Act of 1965 where the names on such list have not been included on the lists maintained by the appropriate State or local officials.

"(c) 'division' shall mean one or more divisions of a judicial district established by statute, and, in judicial districts where no divisions are established by statute, shall mean such counties, parishes, or similar political subdivisions surrounding the places where court is held as the chief judge of the district shall determine.

"(d) 'district court of the United States', 'district court,' and 'court' shall mean courts constituted under chapter 5 of title 28, United States Code: *Provided,* That for purposes of sections 1861, 1862, 1867, and 1869 of this chapter, these terms shall include the District of Columbia Court of General Sessions and the Juvenile Court of the District of Columbia."

Fees

SEC. 102. (a) Section 1871 of title 28, United States Code, is amended by substituting "$20" for "$10" and "$25" for "$14" in the second paragraph, "$16" for "$10" in the third paragraph and "$20" for "$10" in the fourth paragraph.

(b) Section 1821 of title 28, United States Code, is amended by substituting "$20" for "$4", "10 cents" for "8 cents" and "$16" for "$8".

Amendment and repeal

SEC. 103. (a) Sections 1870, 1872, 1873, and 1874 of title 28, United States Code, are renumbered as sections 1873, 1874, 1875, and 1876, respectively, of that title.

(b) Section 1862 of title 28, United States Code, is renumbered as section 1872 of that title and amended to read as follows:

"*§ 1872. Exemptions*

"(a) The following persons shall be exempt from jury service:

"(1) Members in active service in the Armed Forces of the United States.

"(2) Members of the fire or police departments of any State, district, territory, possession, or subdivision thereof.

"(3) Public officers in the executive, legislative or judicial branches of the Government of the United States, or any State, district, territory, possession or subdivision thereof who are actively engaged in the performance of official duties.

"(b) The chief judge of the district may, by rule, exempt other occupational classes of persons from jury service based on a finding that—

"(1) jury service would entail extreme inconvenience for such class of persons; and

"(2) requiring such persons to perform jury service may adversely affect the public interest; and

"(3) exemption of such persons from jury service would not be inconsistent with section 1861 or 1862 of this title."

(c) Sections 13-701, 11-2301 through 2305 (except the last paragraph of section 11-2302), 11-2307 through 2312 and 7-213a of the District of Columbia Code are repealed.

(d) Except for the last paragraph of subsection (a), section 11-2306 of the District of Columbia Code is repealed and a new subsection (b) is added to the section as follows: "(b) The jury commission for the district court for the District of Columbia shall draw from the qualified jury wheel from time to time as may be required the names of persons to serve as jurors in the District of Columbia Court of General Sessions and the Juvenile Court of the District of Columbia and such persons shall be assigned to jury panels in the General Sessions and Juvenile courts as those courts shall direct."

(e) Section 16-1312 of the District of Columbia Code is amended by substituting "section 1866 of title 28, United States Code" for "section 11-2301" in subsection (a)(1) and by substituting "chapter 121 of title 28, United States Code," for "chapter 23 of title 11" in subsection (c).

(f) Section 22-1414 of the District of Columbia Code is amended by inserting the words "or wheel" immediately following the word "box" each time it appears therein.

Effective date

SEC. 104. Sections 101 and 103 of this title shall become effective one hundred and eighty days after the date of enactment: *Provided,* That such sections shall not apply in any case in which an indictment has been returned or petit jury impaneled prior to such effective date.

Mr. CELLER (interrupting the reading). Mr. Chairman, I ask unanimous consent that the reading of the balance of the title be dispensed with and that the same be considered as read.

The CHAIRMAN. Is there objection to the request of the gentleman from New York?

Mr. GERALD R. FORD. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. GERALD R. FORD. Mr. Chairman, does the chairman of the committee indicate that the title would be open for amendment at any point?

Mr. CELLER. At any point; yes, sir.

Mr. GERALD R. FORD. The gentleman did not say that, and I would prefer to have him include it in his request.

Mr. CELLER. I include it in the unanimous-consent request.

The CHAIRMAN. May the Chair state for future reference that the rule provides for that.

Is there objection?

Mr. HALL. Mr. Chairman, a further parliamentary inquiry.

The CHAIRMAN. The gentleman from Missouri will state it.

Mr. HALL. Mr. Chairman, was the use of the word "title" in the singular or in the plural?

The CHAIRMAN. The Chair understood it to refer only to title I.

Mr. CELLER. To title I.

The CHAIRMAN. Is there objection to the request of the gentleman from New York, as modified?

There was no objection.

Mr. CELLER. Mr. Chairman, I move that the Committee do now rise.

The motion was agreed to.

Accordingly, the Committee rose; and the Speaker having assumed the chair, Mr. BOLLING, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 14765) to assure nondiscrimination in Federal and State jury selection and service, to facilitate the desegregation of public education and other public facilities, to provide judicial relief against discriminatory housing practices, to prescribe penalties for certain acts of violence or intimidation, and for other purposes, had come to no resolution thereon.

NORTHEAST TEXAS HOMEBUILDERS SERIOUSLY HURT BY CRISIS IN MORTGAGE MARKET

Mr. PATMAN. Mr. Speaker, I ask unanimous consent to address the House for 1 minute, to revise and extend my remarks, and to include extraneous matter.

The **SPEAKER.** Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. PATMAN. Mr. Speaker, we are all aware of the serious crisis existing in the mortgage market due to the tight-money, high-interest-rate policy inspired and abetted by the Federal Reserve Board. The Federal Reserve has created the crisis in the mortgage market by its decision of December 5, 1965, which started the spiraling interest rate war among thrift institutions and commercial banks by lifting the rate ceiling on time deposits to 5½ percent. This is just part of the historic pattern that the Federal Reserve has pursued, throwing the burden and problems of the economy upon the housing and homebuilding industry. We are again seeing the Federal Reserve push off its mistakes on our homeowning public.

From all over the country we have heard the difficulties that the thrift industry and homebuilding industry are experiencing. I have just received a letter from Mr. W. T. "Bill" Murphy, president of the Paris & Lamar County Home Builders Association of Paris, Tex., telling me of the crisis which exists in my congressional district in northeast Texas. The local savings and loan associations, which make most of the mortgage loans in my district, are now out of the market insofar as new mortgage commitments are concerned. They have lost over a million dollars to 5½-percent commercial bank certificates of deposit. And we know, Mr. Speaker, very little of their gain in these CD's will be used for home loans, whereas all of this money would have been available for home mortgages if it had stayed in the local thrift institutions.

We are also seeing workers who depend on the building industry for employment being discharged and laid off because there is no more homebuilding going on.

Mr. Speaker, the Banking and Currency Committee, of which I am chairman, has taken action to avoid furthering this crisis. We have voted out H.R. 14026 which will seek to limit the rates on CD's under $100,000 to 4½ percent and will provide the Federal Home Loan Bank Board standby authority to regulate savings and loan dividend rates. We have given the Federal Reserve authority to purchase FHLB and FNMA obligations, which would relieve the money market of some of the extreme pressure in which it is operating. We have reported out H.R. 15369, permitting FNMA to borrow up to 15 times its capital and surplus, thus pumping approximately $2 billion into the mortgage market. Action must be taken soon, Mr. Speaker, if we are to stop this present crisis.

A significant section of Mr. Murphy's letter states:

> The local savings and loan association makes most of the loans in Lamar County (34.88%). As of July 12th, $1,248,000.00 had been withdrawn from savings of this associaton and re-deposited with local banks. Reason? First Federal Savings and Loan Association was paying 5%, whereas, the 3 local banks were paying 5½% on their CD's. Since the local S&L made the only FHA & VA loans in the area, there are no loans of this type available in this 5-county area, and none are contemplated for the balance of 1966.
>
> The only loans available to the public now are conventional loans at 7% on new construction and 7½–8% on existing homes. Even these are available only in Lamar County, with the other 5 counties without loans funds. In fact, the local S&L are budgeting their loans for the remainder of the year, to the extent of some $500,000.00. This represents a 50% decrease in loans for the same time period of the last 5 years.
>
> Equitable Savings Association of Fort Worth has been in the Paris market for 2 years and has $1,600,000.00 outstanding here. On June 14th, it completely withdrew from the home loan field. Its last 3 loans were closed out at 7%.
>
> Some builders with prior loan commitments (6%) cannot find interim money on which to build and complete their commitments. Reason? The banks have reached their maximum loan to deposit ratios and are out of money. * * *
>
> Sub-contractors, such as electricians and plumbers, are being given vacations and a chance to look for commercial installation jobs in the larger cities, knowing that they must be laid off in the next 30 days.
>
> Building material suppliers have already begun cutting back on inventory, during a season when normally inventories would be at their highest. A check of the local suppliers and their largest wholesale supplier in Texarkana reveals that the last half of '66 promises to be a terrible blow to our industry. Each supplier can tell you already how many men, in fact which men, will be the first ones laid off because of this curtailed demand for products.

The Texas homebuilders urge Congress to enact a 4½-percent ceiling on CD's, give the Federal Reserve authority to purchase FHLB and FNMA obligations, and broaden the authority of FNMA to borrow 15 times its capital and surplus, thus pumping $2 billion into the mortgage market. All of these recommendations, Mr. Speaker, the Banking and Currency Committee has acted upon, and I urge the House to take up your committee's recommendations.

THE CONTINUING NEED FOR ESTABLISHING A LONG-RANGE MINERALS POLICY

Mr. ASPINALL. Mr. Speaker, I ask unanimous consent to extend my remarks at this point in the RECORD.

The **SPEAKER.** Is there objection to the request of the gentleman from Colorado?

There was no objection.

Mr. ASPINALL. Mr. Speaker, once again I would like to comment on the continuing need for establishing a long-range minerals policy for the natural resource industries of our country.

You will recall that in May 1959 I introduced House Resolution 177 which stated that:

> It is in the national interest to foster and encourage (a) the maintenance and development . . . (b) orderly discovery . . ., and (c) research to promote the wise and efficient use of domestic metal and mineral reserves.

Extensive hearings were held by the House Interior and Insular Affairs Committee with industry witnesses present, representing a wide variety of mineral commodities, who urged action as outlined in the resolution. The resolution was approved by this body and while not having legislative force, it did call on the executive department to advise the Congress as to relief actions proposed.

Since that time we have had numerous hearings before the Interior and Insular Affairs Committee concerning mineral matters, with witnesses from both the executive department and the industry. This resolution generally comes up for discussion, and we find no action by the executive department that would serve the objectives being sought and the industry still presenting valid reasons and need for such action.

While waiting for the executive department to act, Members of Congress have presented legislative plans for specific commodities. I know that Members of the House are familiar in general with the various problems that have beset the lead and zinc industry in the last decade. I have been bringing these facts to the attention of this body because of the importance of the lead and zinc industry to the economy of many regions throughout the country and therefore to the overall economy and our national security.

On January 19, 1965, I discussed the problems of the lead and zinc mining and smelting industry at some length and introduced H.R. 3183—a lead-zinc flexible import bill that was planned to liberalize the inflexible import quota proclamation then in effect. This legislation was designed to serve as a mineral policy for the lead-zinc industry, based on business conditions as they existed at that time with provisions for future anticipated changes in the operations of the industry here and abroad.

Increasing consumption of lead and zinc in the United States and abroad during 1964, 1965 and into 1966 had resulted in a recovery from the 1958–63 period of excessive metal stocks, unprofitable price levels and reduced mine and smelter production. The increased consumption has encouraged the domestic industry to reopen mines, develop and produce from new ore resources and expand concentrating and smelting facilities. This process is going on all around the world. The temporary shortage of metal in 1965 can easily change to a surplus of supplies in foreign markets. This surplus can, once again, result in excessive and unneeded imports into the United States as the import quota controls, imposed in 1958, were terminated in October 1965 with no provision for a continuing import control plan to be available when needed.

Since 1950, the domestic lead-zinc industry has proposed and the Congress has sponsored, several plans as a U.S. mineral policy, but to date there has been no favorable action by the executive departments. It is readily apparent from the domestic lead-zinc industry business experience that until a mineral policy is enacted, some type of short-term plan is essential to serve as a deterrent, when needed, to regulate imports at levels required to supplement domestic production. Timing is important in providing such a plan. The economics of the domestic industry are now favorable to maintain and expand production facilities. We should act now to retain this position. Increasing production around the world can cause the same type of imbalance of supply and demand that led to the 1958 quota proclamation—but that action was too little, too late. With the proclamation terminated, a new plan should be "on the books" now, to be available—if required.

The legislative proposal I introduced in Congress early in 1965 was specifically designed to liberalize the inflexible quota system in effect at that time. With that proclamation canceled, a new plan for legislation is now proposed to provide effective import quotas based on current industry business conditions.

The following is a summary of the provisions:

First. A 5-year term is proposed to permit reevaluation of the program at proper intervals and to serve until a minerals policy for the lead-zinc industry has been enacted.

Second. During the life of the legislation, a quota regulating imports of lead and/or zinc ores and metals could become effective for a term of 3 years, if the lead and/or zinc stocks of U.S. primary lead-zinc producers reach levels considered excessive to normal requirements as compared to smelter shipments—an indicator of consumption—of either metal.

Third. If during the term of a lead or zinc import quota, enacted as indicated above, there should occur a shortage of the metal in the United States, again determined by the relative level of producers' metal stocks, the import quota would be canceled.

Fourth. Specific import quotas would be assigned to countries with an import record in excess of 10 percent of imports during a current base period determined at the time a quota plan became effective. Countries with a lower level of imports would participate in an "all other country" quota.

Fifth. Individual lead or zinc manufactured products may be placed under an import quota, if the item is entering U.S. markets at rates judged to be excessive, during the period that a quota is in effect on ores and metals.

Sixth. A minimum quota is provided to assure the importer a share of participation in U.S. markets.

The plan is simple to administer, is fair to the producer, consumer, and importer alike, and would only be in effect when necessary to stabilize the supply-consumption ratio at proper levels.

Mr. Speaker, I am introducing legislation at this time which will provide safeguards and protection for the domestic lead and zinc industry but will permit the continued importation into this country of a fair share of lead and zinc by nations that have traditionally looked to the United States for a market.

Mr. Speaker, I strongly urge early and favorable consideration of this proposal.

THE GUIDEPOSTS WHICH WON'T GO AWAY

Mr. **HANNA**. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The **SPEAKER**. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. **HANNA**. Mr. Speaker, there has been much critical comment about the "guidepost approach" of the Johnson administration toward prices, profits, and wages. The performance in terms of balanced effectiveness does not testify clearly nor positively to the value of maintaining this approach. Both business and labor approve of restraint for the other fellow but see it as an unreasonable demand in relation to their own freedom of decision.

The Wall Street Journal of Tuesday, July 19, 1966, spoke of "Revising the Guidepost Myth." What we all better give consideration to is recognition of the guidepost reality. The first guidepost reality, stark and inescapable, is the guidepost of international prices and competition.

From whatever basis you approach economics it is unreasonable to presume that our economic system of profit and expansion can operate successfully without exports. Over the past two decades the volume of exports has held remarkably and critically at about 4 percent of our total gross national product. Should policies and practices of either the public or private sector tend to diminish this percentage, problems of a quite damaging nature would immediately beset us. In the private sector, wages and profits must be balanced against technological advance and quantity and quality of production in order to maintain even the present condition of competition between our high standard of living—in fact, our leading standard of living—and the standard of living of the other nations of the world against whom we compete. Labor and management had better scorn the "tunnel" vision of "yesteryears" when they could view their conflicts as private and parochial affairs. The inevitable interactions which draw all economic activity into involvement with international trade and international finance is one of today's most compelling facts. The guideline of international comparatives in cost, quality, and productivity, demands that all responsible parties crawl out of their well and look around. If we do not all go out and meet and join this wider world, it will inevitably come crashing in upon us.

The other guidepost which stands, regardless of support of the President or anyone else, is the guidepost of taxes. The movement of wages, prices, and profits is ultimately reflected in the cost of all Government programs. Whenever the upward movement of these factors does not bring about an equalizing increase in tax return to the Government which offsets in time and volume the demands upon Government expenditure there is only one course to follow and that is to increase taxes. It is useless to suggest that the Government should instead reduce its rate of spending. The most predictable thing in certain excess levels of inflation is that the burden of such course will fall most heavily upon those least able to sustain it; and indeed, upon those whom National and State policy has already singled out as deserving of our aid—the poor, the sick, the aged, the unemployed, and so forth.

As new thrusts are made by both major elements in the private sector, remember well that you do not write the final chapter at the negotiating table. If your formula does not in fact make sense in the broad framework of the American economy and in the balanced growth and application of your part of the country's vast resources, it will be back to haunt you in a reflected wave. Here again, the all important and compelling fact of an interrelated, interdependent society enforces its own logic. It may be heeded intelligently and in a planned way, or it will be heeded involuntarily in a painful way.

The guideposts for our times will not go away. They loom large. Let us heed them.

ARE DOORS BEING CLOSED FOR OUR EXPORTS TO FOREIGN COUNTRIES IN THE COMMON MARKET?

Mr. **NELSEN**. Mr. Speaker, I ask unanimous consent to address the House for 1 minute, to revise and extend my remarks, and to include extraneous matter.

The **SPEAKER**. Is there objection to the request of the gentleman from Minnesota?

There was no objection.

Mr. **NELSEN**. Mr. Speaker, I wish to call to the attention of my colleagues a couple recent developments of great concern to the American farmer. One is that the Secretary of Agriculture has once again threatened to lower the boom on hog prices by threatening cutbacks in the Government purchase of pork. The other is that the Common Market nations of Europe have now reached agreement on new agricultural trade policies which are plainly protectionist.

Before commenting further, I request inclusion of articles from the July 25 issue of the Minneapolis Tribune and the July 25 issue of the Wall Street Journal, which outline these developments:

[From the Minneapolis Tribune, July 25, 1966]

Freeman: United States Might Cut Pork Purchases Again if Price Rises

WASHINGTON, D.C. (UPI).—Agriculture Secretary Orville L. Freeman said Sunday the government might reduce pork purchases for the second time this year if the price of hogs goes up again.

Such a move, Freeman said, would be part of the administration's effort to block inflationary food prices by minimizing "government participation in purchase of things that are temporarily high-priced."

In January Freeman asked the Defense Department to slash purchases of pork for U.S. servicemen and buy other food products that were cheaper.

The agriculture secretary, in a television interview, said that if hog prices rose again "I might very well recommend that he (Defense Secretary Robert S. McNamara) should buy a little lower cut of meat and perhaps buy more turkey or more chicken."

Freeman, who returned last week from a trip to several Asian countries, warned that there could be "mass famine by sometime in the 1980s" if the less developed nations of the world are unable to increase their own food production.

As one way of meeting the problem of starvation, Freeman said, various governments were now considering the possibility of a "world food reserve" for assistance to famine-afflicted areas.

Although U.S. food surpluses have been used for such purposes since World War II, the growth in world population requires an international rather than a solely American approach to the problem, he said.

[From the Wall Street Journal, July 25, 1966]

Common Market Members Agree to Policy of Inflationary, Protectionist Farm Prices

BRUSSELS.—A protectionist and inflationary agricultural-price package was agreed upon by the Common Market.

It is a package which affects 10 million farmers and 180 million consumers in France, Italy, West Germany, Belgium, the Netherlands and Luxemburg. The net effect will be that these consumers ultimately will be paying more money for such farm products as meat, milk, cheese, rice, fruits and vegetables and related products.

Most Common Market sources say prices have been set at too high a level. Maurice Couve de Murville, French foreign minister, protested as the program took shape. But France went along with the package since the only way to achieve agreement seemed to be by setting high prices on the various commodities up for consideration in the unified farm policy.

In a marathon meeting which ended at 5 a.m. Sunday, the Common Market Council of Ministers finally solved many of the key pricing problems of the six-nation community's single farm policy.

That agreement paves the way for completion of the Common Market position for negotiating farm-trade liberalization under the Kennedy Round of tariff cuts, so called because authority for U.S. participation was concluded under the Kennedy Administration. The council is scheduled to meet again here tomorrow to complete its position in this round, which is being conducted in Geneva by the General Agreement on Tariffs and Trade.

But a review of the farm-commodity-prices level from which the Common Market will negotiate may not please American Government negotiators.

COMMON MARKET FARM TRADE

The U.S. has a sizable stake in Common Market farm trade, which has been rising steadily ever since formation of the European Economic Community. In 1965, U.S. exports of farm products to the Common Market amounted to $1.5 billion, according to the U.S. Department of Agriculture. EEC sources say the total is currently running at a $1.6 billion annual rate.

But, prices within the EEC are of vital importance to that U.S. farm trade. The Common Market, on most agricultural products, has a variable-levy import system. The duty assessed is the difference between lower world market prices and the higher EEC internal prices. The higher the EEC sets its internal prices, the higher the duty for American exporters to surmount. Moreover, the higher EEC prices go, the more will EEC farmers be stimulated to produce the products which American farmers might want to supply.

Thus on a product with a world market price of $1, an EEC price of $1.25 would result in a 25 cent duty on American or other imported products. And the high $1.25 price might stimulate many EEC farmers to produce more of that item than they would if faced by prices closed to the world level.

The marathon meeting of EEC's Council of Ministers debated the issue of prices through most of the sessions. The package finally agreed upon setting the following price levels within the community: Beef on the hoof, $662.50 a metric ton (2,200 pounds); milk, 9.5 cents a quart; sugar beets, $170 a metric ton; and soft wheat, $106.25 a metric ton, with a scale of prices on other grains geared to the soft wheat price.

A complicated crisis price system has been established for fruits and vegetables. Under this system, prices will be supported when they fall to the crisis level, with the support fund amounting to about $60 million a year. Estimates are that two-thirds of this fund will go to Italy, the biggest producer of fruits and vegetables in the Common Market.

Prior to the opening of the pricing debate, the EEC Executive Commission had submitted its suggested scale of prices on commodities. In its report the commission said: "Prices at farm will increase in every country except Italy and West Germany under this proposal."

After the meeting, one EEC source said: "The agreed price list was higher in every case than the schedules suggested by the commission. So you can draw your own conclusions about their inflationary effects."

INFLATION FEARED

One official of the Dutch delegation said: "We are having an inflationary spiral in the Netherlands now. The new milk price will only add to that inflation." The Netherlands is a leading milk producer on the Continent. While Dutch farmers may appreciate the high prices for their products, Dutch consumers certainly won't. Some sources fear that demands for higher wages may mount, once trade union members begin to feel the effects of the higher farm prices, not only in the Netherlands but throughout the Six.

The Council of Ministers also set production quotas for sugar totaling 6,480,000 metric tons anually of refined sugar. The total included 1,750,000 tons for West Germany, 2,400,000 tons for France, 1,230,000 tons for Italy, 550,000 tons for the Netherlands and 550,000 tons for Belgium-Luxembourg.

The high quotas, plus a price level that is considered extremely generous, probably means that the Common Market will become a surplus sugar producer, sources here concede. Expectations that that the beef price also will encourage farmers in the group to expand cattle output.

Yesterday's agreement means that the Six have established a farm-marketing system with price schedules for 86 percent of Common Market farm production. These cover grain, pork, poultry, eggs, beef and veal, rice, sugar, and fruits and vegetables. Prices for fats and oils are to be established this fall. No policy has been established yet for wines and tobacco, so these products remain outside Common Market regulation.

Kennedy-Round negotiators have been waiting for months for the Common Market to organize its agricultural markets. Until the EEC had set its prices for sugar or beef, for instance, it couldn't negotiate any tariff reductions on these items. The new agreements will allow the Common Market to develop a Kennedy-Round position in agriculture.

Earlier, the Executive Commission estimated that the Common Market's system of levies plus farm payments by individual nations will result in creation of a fund amounting to about $1.6 billion annually. "Since ministers were so generous in establishing the price levels on various commodities, it appears that the estimate of the fund's size may be very conservative," one commission spokesman said.

A total of $285 million annually of that fund is to go to modernize agriculture in the Common Market.

The remainder will go to subsidize exports through payments of the higher domestic prices to EEC farmers when products must be exported at lower world market prices. In contributions to the fund the following percentages will apply: Italy, 20.3 percent; France, 32 percent; West Germany, 31.2 percent; the Netherlands, 8.2 percent; Belgium, 8.1 percent and Luxembourg, 0.2 percent.

Mr. Speaker, it would be much appreciated by American farmers if Mr. Freeman would direct his energies toward moderating the new protectionist agriculture policies just adopted by the Common Market countries instead of again threatening to drive farm prices down.

Farmers are sick and tired of seeing Government step in to control the prices they get for their crops and livestock after years of depressed prices, and they are sick and tired of farm price browbeating by the Secretary of Agriculture.

Rather than make such irresponsible statements, the Secretary of Agriculture would be far better advised to address himself to the very real problems posed to American agriculture by the markedly protectionist farm trade policies just adopted by the six Common Market countries of Europe. He should be using his high office to try and get the Kennedy round of trade talks going without delay in an effort to moderate these restrictive new policies.

The new agreements on such things as beef, milk, sugarbeets, and wheat are clearly protectionist to benefit European farmers. Unless the Common Market nations can be persuaded to moderate their position before the agreements go into effect in 1968, our $1.6 billion trade with them is jeopardized, and expanding American trade there will be made far more difficult.

Without concessions, American farmers can expect sharp rises in import duties levied against U.S. farm shipments, stimulated European production of competitive items now supplied by the United States, and the entry of European farm exports under subsidized trade advantages into traditional American markets elsewhere in the world.

As further indication of the seriousness of the European Economic Community's decisions, I include at this point in my remarks a Minneapolis Tribune editorial of July 26, 1966:

COMMON MARKET REBUFFS FREER TRADE

The Common Market nations (France, West Germany, Italy, The Netherlands, Belgium and Luxembourg) have agreed on an agricultural pricing and marketing policy which is definitely protectionist and inflationary.

In arriving at a unified farm program, the Common Market Council of Ministers apparently accepted the suggestion of the major producing member for each item considered. Thus the prices for meat, grain, sugar, eggs, milk, fruit and vegetables are considerably higher than those suggested earlier by the Common Market's executive commission.

The new policy may reverse the upward trend in U.S. farm exports to the Common Market, now running about $1.6 billion a year. The higher prices will encourage Common Market farmers to produce more. But those prices won't help outsiders, for the variable-levy plan provides that the import duty is the difference between the Common Market price and the world price. Common Market consumers, of course, will pay the bill.

GATT (General Agreement on Tariffs and Trade) negotiations at Geneva had been virtually halted pending the Common Market accord on farm prices. Now the Common Market delegates will be bringing those prices to the conference table.

This is the so-called Kennedy round. John F. Kennedy had asked for lower tariffs on the theory that each country should produce things which it can grow or manufacture economically. Then they would exchange such items and increase world trade.

The Common Market action challenges this freer trade concept and strikes at American agriculture. There still are other countries which want our farm commodities, but not all of them pay in dollars as do the Common Market buyers.

The question now arises whether the United States will feel compelled to retaliate with higher duties on products we import from the Common Market area.

ELECTION OF REAR ADM. RAFAEL C. BENITEZ AS VICE PRESIDENT OF LATIN AMERICAN AFFAIRS OF PAN AMERICAN WORLD AIRWAYS

Mr. POLANCO-ABREU. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The SPEAKER. Is there objection to the request of the gentleman from Puerto Rico?

There was no objection.

Mr. POLANCO-ABREU. Mr. Speaker, I am happy to call attention to the election of a Puerto Rican as vice president of Latin American Affairs of Pan American World Airways. He is Rear Adm. Rafael C. Benitez, U.S. Navy, retired, whose election to this important post has been announced by Juan T. Trippe, chairman of the board of directors of Pan American World Airways.

Personally, I am gratified to see Puerto Ricans earning recognition as responsible to hold such high positions in American transportation and industry. Such recognition based on merit will serve to inspire other Puerto Ricans to work to achieve posts of leadership within the American system whereby their talents and know-how, especially in the field of Latin American affairs, can be utilized with full effectiveness.

Pan American World Airways apparently recognized this fact long ago. Admiral Benitez joined Pan American in 1959 as special assistant to the senior vice president of Latin American Affairs after he retired from the U.S. Navy, where he also served with distinction.

During 20 years in the Navy, Admiral Benitez served aboard various ships during World War II and saw duty in the submarine service in the Pacific. He participated in nine war patrols and the Battles of Midway and the Philippines. For his brilliance, bravery, and military ability he was awarded two Silver Stars, a Bronze Star, and two letters of commendation. During his Washington assignments, Admiral Benitez participated in numerous Latin American conferences and other hemispheric activities.

Born and reared in Puerto Rico, he was graduated from the U.S. Navy Academy at Annapolis in 1939. Continuing both military and professional training, Admiral Benitez earned his law degree in 1949 from Georgetown University and earlier this year was awarded a master of laws degree in inter-American law from the University of Miami.

Undoubtedly, in his new position Admiral Benitez will make noteworthy contributions not only to Pan American World Airways but also to American transportation at a time when we are competing energetically with foreign transportation systems.

THE COMPLAINING NASSER

Mr. CONTE. Mr. Speaker, I ask unanimous consent to address the House for 1 minute, to revise and extend my remarks, and to include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

Mr. CONTE. Mr. Speaker, in recent days our ears have picked up familiar squeals of protest and shrieks of indignation from the vicinity of the Nile. Once again we perceive that President Gamal Abdel Nasser of the United Arab Republic is complaining about what he alleges to be impossible conditions imposed by the United States on our shipments of wheat and agricultural commodities to Egypt under the Public Law 480 food-for-peace program.

In characteristic fashion, Nasser declares that we ask too much of him in return for the favor of buying our wheat surplus under the almost ridiculously simple terms of title I of Public Law 480. A more conciliatory attitude toward Israel, for example, is deemed too bitter a pill for Nasser to swallow. Alleged U.S. insistence on more moderate UAR policies with respect to Red China and Saudi Arabia are termed arm twisting by the Egyptian President.

He has, in fact, gone so far as to threaten a cut in his domestic program which would free enough capital for him to buy directly all the wheat he needs without yielding to the propositions of the U.S. foreign aid program. To this threat, I say more power to him.

What has evidently troubled Mr. Nasser are the recent amending provisions approved in this body which would curtail Public Law 480 sales to those nations trading with North Vietnam, Cuba, and other declared enemies of the United States. I assume Mr. Nasser has been apprised of these provisions and of the fact that he could lose his wheat shipments from the United States should we decide his attitude toward our enemies is a little too friendly.

My judgment in this matter is well known to the Members of this body. In spite of my longstanding conviction on the merits of a sound foreign-aid program, I have been compelled to speak out and to vote in opposition to continued aid of this type to Egypt. In fact, it has been the only instance since I first came to the Congress that I have been constrained to vote against the administration on foreign aid.

We have provided Nasser with as much as 40 percent of his grain needs over the years, amounting to close to $150 million each year. In return for the break we give him under Public Law 480, this meddling saber rattler continues to toe the line drawn by the Soviets, continues to woo our enemies and to threaten our allies and the peace of the Middle East. In return for our economic assistance, we get insults, innuendoes, and propaganda lies.

If Mr. Nasser is sincere; if he is prepared to cut his domestic program by the $115 millions he claims in order to buy wheat on the open market, then I say let him go to it. Our continued extension of aid to Nasser has always been predicated on the hope that it would draw him closer to the West, away from the Communist bloc. It appears, as indeed it has all along, that Nasser has no interest in anything more than our wheat, and that we have earned nothing more for our largesse than further enmity and resentment.

The lesson must come clear. The United States has nothing to gain from a prolonged extension of aid to Nasser. This desert despot continues to support our adversaries and to advocate policies adverse to the best interests of the United States. It is my hope and my suggestion that the administration will at long last take Nasser at his word and cut off the source of nourishment for this dangerous and unreliable dictator.

Mr. Speaker, on Tuesday of this week, the Washington Star published an editorial on this recent development with

President Nasser. It points out rather clearly that, in spite of Nasser's avowed insistence on his own independence, he has nevertheless made at least a tacit commitment to the Soviets. Under unanimous consent procedures, I place the editorial in the RECORD at this point:

[From the Washington (D.C.) Evening Star, July 26, 1966]

THE COMPLAINING NASSER

President Nasser of the United Arab Republic is once again at odds with our country. He feels that the Johnson administration, while offering to supply wheat to Egypt, has been putting the pressure on in an effort to persuade him to soften his policies as regards Israel, Saudi Arabia and Red China. He resents this alleged arm-twisting; he has had this to say of it: "We shall not surrender and we shall not give in. * * * The freedom we have bought with our blood we shall not sell for wheat, for rice or for anything else."

These are resounding words, but they make little sense. Mr. Nasser seems to have set up a strawman as a target for his rhetoric during the four-day celebration of the 14th anniversary of his army's overthrow of King Farouk. The United States, needless to say, is not trying to intrude upon the UAR's sovereignty or Egyptian freedom, such as it is. Our representatives have a right and a duty, in keeping with diplomatic usage, to make clear to Cairo that Congress has placed certain restrictions on food aid and that the restrictions—though President Johnson can ignore them if he finds it in the national interest to do so—may stop wheat shipments to Egypt. They may stop them, that is, unless the Nasser regime shows some readiness to practice the art of moderation in playing footsie with the Chinese Communists (not to mention the Russians), and in dealing with Israel and Saudi Arabia.

As to that, the weekend news has not been reassuring. There has been a big parade in Cairo. This has demonstrated that the UAR has received a great amount of Soviet aid—MIGs and missiles—and that the military balance of power in the Middle East is a very chancy thing. The speeches against Israel have been bellicose in the extreme, and a lot of incendiary things have been said—in an oblique way—about Saudi Arabia. In these circumstances, Mr. Nasser's anti-American complaints seem unworthy of serious attention.

LEGISLATION DESIGNED TO HELP COUNTER HIGH INTEREST RATES IN OUR ECONOMY

Mr. **ULLMAN**. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The **SPEAKER**. Is there objection to the request of the gentleman from Oregon?

There was no objection.

Mr. **ULLMAN**. Mr. Speaker, today I am introducing two bills designed to help counter the high interest rate, tight money economy, and I call these bills and my remarks thereon to the attention of my colleagues.

Mr. Speaker, today I am introducing a specific legislative package to aid in restoring balanced growth to the economy and to bring relief to the segmented recession in the homebuilding and lumber industries.

The highest interest rate in 35 years, the fastest 6-month cost-of-living rise since 1958, and a tight money situation of crippling proportions are hurting pocketbooks in every congressional district in the country. The artificial imbalance in the money markets has crippled the housing industry, made money unavailable to farmers, small businessmen, and home purchasers on the one hand—while funneling it into already overheated segments to fan the fires of inflation.

Mr. Speaker, a broad spectrum of action is essential to avert a serious financial crisis and a segmented recession of major proportions. The first bill I am offering to Congress is in the form of a national defense emergency tax measure. It would suspend the investment tax credit for 1 year and impose a temporary 4 percent emergency tax on corporate income. In addition, it would place a 5-percent surcharge on that portion of corporate income which exceeds a 4-year average. I have entitled this legislation "The Defense Emergency Tax Act of 1966."

The second bill I am introducing would amend the Defense Production Act of 1950 to permit the President to impose broad installment credit restrictions on the economy. This authority now resides with the Federal Reserve Board which has refused to assume responsibility, placing full reliance on its unwarranted and damaging high interest rate monetary policy.

Only the President can provide the leadership to put together the kind of coordinated program that can effectively meet this crisis. Hard decisions on the part of the President, the Congress, and the Nation are required if we are to correct the dangerous imbalances in our economy.

The legislation that I am proposing is a carefully worked out tax package that will effectively get to the source of the major dislocations. I want to make it clear that other appropriate actions are necessary if our efforts in the Congress are to be effective. It is absolutely essential that the Federal Reserve Board take simultaneous corresponding action to lower discount rates, use Open Market Committee purchases to take the pressure off the bond market, and raise reserve requirements for member banks.

Those who advocate a general tax increase, drastic cuts in expenditures for defense, welfare, education, and agriculture, or wage and price controls, have not recognized the wide variety of tools available to repair the economy. In addition to my legislative proposals for suspension of investment tax credit, a temporary corporate defense emergency tax, and Presidential standby authority for installment credit control, I heartily endorse recent bills to extend the borrowing authority of the Federal National Mortgage Association and reactivate Fannie Mae's special assistance function X. I applaud Monday's efforts by the Banking and Currency Committee to place a realistic ceiling on certificates of deposit, and restore the parity of institutions competing for the small investor's dollar.

Mr. Speaker, this mixed package is designed to trim the fat from those areas of the economy which are gorging themselves on inflation, and at the same time restore growth to those areas which are suffering from the segmented recession. Personal income tax increases, appropriations cutbacks, and wage controls merely add to the burden of the home purchaser, small businessman, laborer, farmer, and small investor, who are bearing the brunt of the interest rate escalation and the squeeze on the housing market.

Recently I read with dismay a statement that the precipitous drop in housing starts and permits for new home construction were "welcome signs of cooling off the inflationary pressures in the economy." Obviously the writer has not tried to buy or sell a house lately. For if he had, he would have found that a home financed by a $15,000 FHA mortgage costs almost $2,000 more today than it did just 8 months ago.

Contractors and home sellers are being forced to pay 7 to 10 points off the top to get home financing. Builders are not building homes, and buyers are not buying them. As as result, a survey by the National Association of Home Builders shows that the next 12 months could see a loss of 400,000 units. Because of the long-term nature of housing commitments, the impact of the interest rate escalation resulting from the Federal Reserve Board's hike in the discount rate last December is just beginning to be felt. The seasonally adjusted annual rate for June, just released, was 1,288,000 units—the lowest in a number of years. Building permits are down 25 percent from a year ago and the annual rate of starts is down 27 percent. It is apparent now that the homebuilders' cries of anguish are well founded.

A 35-percent cutback in housing, as envisioned by the Nation's builders, will dramatically affect all segments of the Nation's economy. The economic impact to the lumber industry alone would be an estimated 5 billion board feet. A loss of 400,000 housing units means 800,000 less man-years of employment. Two billion bricks, 8 million gallons of paint, a million tons of steel, 2 billion square feet of gypsum board, electrical wiring, appliances, cabinets, tile, cement, and so forth, would be affected by a drop of this magnitude. Local governments throughout the Nation will lose real estate tax collections, sales and transfer tax revenues, of many millions of dollars.

I am informed that representatives of the homebuilders are meeting today with the President to discuss the crisis in the homebuilding and lumber industries.

Mr. Speaker, we can wait no longer. The administration and the Congress can no longer content themselves with the oft-tried and untrue monetary remedy of William McChesney Martin and the Federal Reserve Board—to raise the discount rate whenever the economy appears to be "overheating." The boom and bust experience of the fifties shows that this so-called remedy invariably results in interest rate hikes throughout the financial community and a subsequent period of recession. No unilateral action by a single agency of the Government can hope to cure the ills of the economy—but coordinated action by the administration, the Congress, the Federal Reserve Board, and the financial community can.

Two weeks ago I called upon the President to take the initiative in convening an emergency conference of administration officials, congressional leaders, members of the Federal Reserve Board, and experts from the housing and financial community to hammer out basic policy recommendations. Let me emphasize again that only the President can coordinate the use of the various tools which will restore balanced growth to the economy.

Mr. Speaker, the "new economics," of which I am an advocate, has provided unprecedented growth in the last 67 months. One of its basic tenets is that tax policy should encourage growth in all segments of the economy. The success of this doctrine was proved by the increased revenues generated by the general tax cut of 1964. As a result of these revenues, we have been able to afford imaginative new programs to relieve poverty, provide for the elderly members of our society, and educate our youth, as well as finance the increasingly heavy burden of the Vietnam war, while reducing the deficit level to the lowest in 5 years.

In 1965, when the Vietnam buildup began, the economy was already operating at almost full capacity after nearly 5 years of growth. Unemployment was extremely low—3.7 percent. None of the controls—fiscal or monetary—with which we have entered other national emergencies of this century were being imposed. There have been no wage and price controls, restraints on consumer spending and demand, or tax increases for those economic groups profiting most from the war economy stimulus. Unlike World War I, World War II, and the Korean conflict periods, when the Government countered with restraints on consumer demand and corporate spending for expansion of plants and equipment, we have not exercised any significant fiscal steps to "destimulate" the economy. Spending on consumer goods continues to climb to record heights and consumer installment credit has increased from $27 billion in 1952 to an enormous $86 billion in December of 1965. Capital spending for new plants and equipment is up more than 17 percent over last year, under the "artificial" impetus of the war effort. The hackneyed monetary remedy of the Federal Reserve Board has aggravated rather than discouraged the inflationary overexpansion in plants and equipment.

I call upon the Members of this Congress to initiate immediately a fiscal policy to "destimulate" this overextension of consumer credit and overexpansion of corporate enterprise.

The first bill in my tax package would suspend for 1 year—with Presidential authority to continue the suspension for an additional year—the 7-percent investment tax credit. I take this action as a friend of credit and one who from the beginning has supported it as an integral part of the "growth" concept.

But now we see machine tool orders are running 50 percent ahead of their 1965 pace—a jump from $31.2 million in May to $38.5 million in June alone. Economists carefully watch machine tool orders as an indication of overexpansion in plants and equipment. Another indication of corporate overexpansion is the gap between corporate profits before taxes and corporate gross product—the so-called profit ratio—of 17 percent, the highest since the spring of 1959.

Dollar outlays for business investment are estimated already at an unsustainable 11 percent of the gross national product. These expenditures are soaring at a rate of about 17 percent—more than twice as fast as the total national output. We should recall the buildup of idle plants and machinery—after the capital goods boom of 1955–57—preceeding the 1958 recession.

These figures indicate that corporations have been overstimulated and are expanding productive capacity too fast. The justification for allowing businessmen to deduct 7 cents of every dollar they spend on machinery and new plants no longer exists.

No one should wax fat off the profits generated by the Vietnam war. I have added to my bill a temporary 4-percent corporate income tax increase, and in addition, a 5-percent surcharge on corporate profits which exceed a 4-year average—set on a 1962–65 base period. The 4-percent provision restores for 1 year the 52-percent corporate tax rate which existed before the 1964 tax law. The 5-percent surcharge is purposefully set on profits above those in a prosperous economic period, 1962–65 and should thus render a hardship on no one.

Under the suspension of investment tax credit legislation, the President is given authority to exempt "property necessary for the national security or welfare." Regulated transportation corporations—many of which operate on a marginal basis—are also excluded from coverage by the act. In order to avoid a disastrous rush of plant and equipment orders, the suspension is effective immediately, July 28. Firms which entered into binding contracts for plant and machinery investment before this date would be permitted the tax credit when the equipment is installed. Unused credit carrybacks and carryovers are also allowed, thus rendering the minimum of hardship on new and marginal industries.

The temporary defense emergency tax provisions—the 4-percent increase in corporate taxes and the 5-percent surcharge on excess profits—would apply to calendar year 1966. Allowances are made for firms which operate on a fiscal year basis. Various provisions of the act exempt new corporations, provide equitable treatment for corporations with artificially high or low incomes in the average-determining base period, and prevent multiplication of corporations for the purpose of dodging the effect of the tax increases. Amounts claimed as corporate capital gains are included in the taxable income to which the 4- and 5-percent provisions apply.

These fiscal restraints provide a simple, direct, and fair approach to trimming excess profits. This legislation can be imposed without establishing new bureaus or procedures. It will begin drawing overheated dollars from the economy immediately.

The adoption of this bill will mean increased revenues next year of about $5 billion to the Treasury. This would cover present estimates of supplementary defense appropriations for fiscal 1967.

In addition, I am presenting a bill to give the President standby authority to impose installment credit controls. The Defense Production Act of 1950 empowers the Federal Reserve Board to initiate this restraint on consumer spending. However, in its shortsighted insistence that raising interest rates will solve all inflationary problems, the Reserve Board refuses to exercise this authority. My bill would amend the Defense Production Act of 1950 to give the President another tool to combat inflation and restore balance in the money markets.

There is strong evidence that the President will need to use this authority. Despite the fact that interest rates are higher today than they have been in 35 years, consumers continue to overextend their credit. Despite the much publicized drop in auto sales, installment buying continues to increase at a rate of over 2 percent monthly. It is the duty of the Congress to provide standby authority, where it will be used, to restrain consumers from overextending themselves.

By adopting this legislation, the Congress will establish a fiscal policy which will permit the Federal Reserve Board to relax the "restrictive monetary policy" they have imposed upon the economy. Federal Reserve officials could have no justification for refusing to rescind the hike in the discount rate if Congress would take the initiative by enacting fiscal restraint on the overheating economy.

Just as the December rise in the discount rate signaled the banking community that higher interest rates were the order of the day—an immediate cutback in the rate would doubtless be followed by drops in interest rates across the board. In the public sector alone, a drop in interest rates would save millions of dollars on refunding Federal bonds and securities issued to finance the defense effort. Private capital would be freed to restore the growth of the housing and lumber industries, and mortgage rates would return to a point where home purchasing was again feasible. State and local governments could again get financing for long overdue public improvements.

As I emphasized above, specific congressional action in other areas is called for. I urge the immediate halt to the sales participation offering which put unwarranted strain on the private bond market. In addition, the Fannie Mae sales accentuate the drain on funds which are desperately needed by the thrift institutions which finance home building and home purchasing.

Furthermore, I endorse H.R. 15639, introduced by my distinguished colleague, the gentleman from California [Mr. Hanna], which would increase Fannie Mae borrowing authority from 10 to 15 times its reserves—or about $2.2 billion could be added to relieve the pressures on the mortgage market. I also would advocate restoring special assistance funds for the purpose of stimulating the home mortgage market, and note with approval Monday's efforts by the Banking and Currency Committee—H.R. 14026—to restore the position of savings and loan associations and savings banks in the money markets.

Each morning the financial page of the newspaper headlines the deepening imbalance in the economy—"July Savings and Loan Losses Revealed," "New Security Issues Hit Record Rate," "Six Month Price Rise Swiftest Since 1958." It is time for Congress to do its part in restoring balanced growth to our sagging economy.

ANTI-INFLATION LEGISLATION

Mr. ULLMAN. Mr. Speaker, I ask unanimous consent that the gentleman from Oregon [Mr. DUNCAN] may extend his remarks at this point in the RECORD and include extraneous matter.

The **SPEAKER.** Is there objection to the request of the gentleman from Oregon?

There was no objection.

Mr. DUNCAN of Oregon. Mr. Speaker, today I am pleased to join my able colleague, Representative AL ULLMAN, of Oregon, in introducing legislation to take some steam from our overheated economy—specifically to suspend the 7-percent investment tax credit, to increase corporate income taxes, and to establish an excess profits tax.

In this connection, I have also today sent President Johnson a letter incorporating my views on the economy, expressing concern at the growing condition of "tight" money that affects the housing industry in general and wood products, Oregon's economic lifeblood, in particular. My letter to the President, which I place at the end of my remarks, also asks that the Defense Department be instructed that purchase of lumber and derivative wood products be made in this country—rather than in foreign countries—at least until such time as prices for these items stabilize.

Particularly since January, I have watched with concern the hazardous situation developing in our economy. I have expressed my concern publicly in Oregon since January. I have hesitated to introduce legislation because I was hopeful my surmises would not be borne out and the economy, including forest products, would right itself. This has not been the case. Mr. ULLMAN has likewise anticipated existing conditions and just recently has spoken out eloquently, forcefully, and persuasively. I concur.

I now feel that there must be action. I fully sympathize with the complex situation with which the President and his economic advisers have been wrestling. But the evidence I have collected in my own State compels me to act now. I recognize there is disagreement among those who read the economic tea leaves, but judgments must be made and I have done so.

I would hope that the undeniable critical situation in respect to making available adequate funds for builders, particularly residential builders, will be resolved.

These bills introduced today will add to the arsenal of tools available to counteract a situation that threatens the well-being of the businessman, the homeowner, the consumer, and the architects and occupants of the Great Society.

My letter to President Johnson follows:

JULY 27, 1966.

The PRESIDENT,
The White House.

DEAR MR. PRESIDENT: I am greatly disturbed at the prospects of an economic decline in the State of Oregon which appears to be not only imminent, but, perhaps, actually upon us. The two industries involved in my State are construction and woods products.

Each mail brings accounts of unemployed carpenters, electricians, plumbers, laborers and other construction workers. Each mail brings reports of mills reducing their work force or cutting down on the number of shifts, or both, because the market for lumber products is becoming so restricted and lumber and plywood prices have fallen to the danger point.

Each mail brings complaints from Savings and Loan Associations of an outflow of capital attributable to the higher interest rates being paid by the banks and other attractive investment opportunities. The rate of housing loans is way down and many Savings and Loan Associations have made no loans for several months.

We are thus faced with a pocket of actual or potential depression at a time of general national prosperity. I know that you are aware of this problem because you mentioned it specifically the other morning when members of the Appropriations Committees, including myself, conferred with you at the White House on the fiscal problems facing the Government at this time.

I am asking for the support of the Administration in taking affirmative steps now to correct the situation.

I suggest, as an immediate step to assist the lumber industry, that instructions be issued to the Defense Department that purchases of lumber, and wood products for Viet Nam be made in this country rather than in any foreign area. At least, until such time as prices stabilize. Prices of plywood were around $70 and dimension lumber around $70–$72 prior to a huge purchase for Viet Nam which disrupted the market—forcing plywood up around $84 and dimension up around $84–$86. Plywood today is about $58 and dimension in the $66–$68 area—prices having fallen drastically since the Vietnamese order. Government purchases of *needed* supplies could provide a stabilizing effect on production and employment.

My colleague, Congressman AL ULLMAN, wrote to you on June 27 on the subject of high interest rates. He wrote again on July 13. From his position as an experienced member of the Ways and Means Committee he is well qualified to and has exercised leadership in this area. I want to associate myself with his remarks and urge the Administration to consider and act on his suggestions.

I intend to support the substitute for H.R. 14026 passed out of the Banking and Currency Committee within the last day or so as a constructive effort to relieve the pressure on the Savings and Loan Associations. I hope it will have the support of the Administration. I hope, further, steps can be taken consistent with the national interest to hold interest rates to such a level that these basic industries in my State and district will not only survive but enjoy the general prosperity of the rest of the country.

I am prepared to respond to your request to hold the Federal budegt within the approximate limit of your $112 billion figure. Even before your request, I sought to eliminate appropriations which, in my judgment, were of dubious value, or which might well be deferred until after the Vietnamese crisis had passed. Among those were subsidies to the arts, beautification, teacher corps and others. The question of financing the teacher corps is still open, and I hope that the Administration will withdraw its request for funding in the interest of holding the inflationary tendencies in check. Other items will occur to the Committee and again I assure you of my cooperation.

I am also prepared to, and will, join Congressman ULLMAN in introducing legislation suspending the 7% investment tax credit, to increase corporate income taxes and impose an excess profits tax. Limitations on consumer credit may be in order. Additional authorization for mortgage support should be given to FNMA.

Hopefully these steps will avoid deficit financing of such dimensions as to be dangerously inflationary and put the brake on expansion evenly across the economy rather than falling heavily on one or two industries.

I recognize fully the fiscal complexities facing this Government. I assure you of my cooperation as we seek to avoid a deficit by limiting Government expenditures and imposing additional taxes as well as voluntary restraints on the rapid expansion of the economy. I write this letter not by way of criticism but in an effort to be helpful.

Respectfully yours,

ROBERT B. DUNCAN,
Member of Congress.

TRAFFIC ACCIDENT TOLL SINCE 89TH CONGRESS AMOUNTS TO NOTHING LESS THAN A DOMESTIC HIROSHIMA

Mr. MACKAY. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The **SPEAKER.** Is there objection to the request of the gentleman from Georgia?

There was no objection.

Mr. MACKAY. Mr. Speaker, the traffic accident toll since the 89th Congress convened on January 9, 1965, amounts to nothing less than a domestic Hiroshima.

Here is the astounding summary for this period which was furnished me this morning by the National Safety Council:

> With the June figures now fairly firm, the total killed would be about 72,500. Traffic related injuries, disabling beyond the day of the accident, would be approximately two and one-half million. Perhaps 225,000 of these would be permanently disabling.

This information shows that the traffic accident is an enemy within the gates of this Nation causing death, injury, and destruction to the victims; and bringing irremediable grief to the survivors just as effectively and absolutely as if hostile external forces were daily assaulting our people and taking this same toll.

Our Committee on Interstate and Foreign Commerce has learned that some important things can be done right away to arrest and reverse this hideous trend.

Two bills will reach the floor in the near future which provide a three-pronged counterattack: safety performance standards for all motor vehicles; comprehensive research as to the cause and prevention of accidents, deaths, and injuries; and a program of grants-in-aid to assist States in improving the safety of our driving environment.

These bills fail to provide coordinated leadership for a national attack on the problem, although they aim at it.

They fail to provide financial resources adequate to do the job or commensurate with the gravity and size of the problem.

This Congress, before it adjourns, has the power to act and the duty to act. It should fix responsibility in the executive department and it should provide the resources for the job to be done.

Should any domestic problem be given higher priority? I think not.

We owe it to the American people to prevent the occurrence of more domestic Hiroshimas.

COSTLY DELAYS

Mr. WALKER of Mississippi. Mr. Speaker, I ask unanimous consent to extend my remarks at this point in the RECORD and include extraneous matter.

The **SPEAKER**. Is there objection to the request of the gentleman from Mississippi?

There was no objection.

Mr. WALKER of Mississippi. Mr. Speaker, it is my understanding that the crashes of certain airlines a few months ago that took the lives of many American citizens was attributed to the fact that jet engines have at least a 6-second delay before they respond. If this 6-second delay can cause the death of so many Americans, how can the American public continue to support the Democratic so-called Great Society when their unnecessary delays in reacting is causing the death of so many citizens both here at home and on foreign battlefields.

While our American boys are fighting freedom's battle against communism in the steaming hot jungles of Vietnam, it is a disgrace that the Democratic leaders are making excuses for other Americans that are causing so much trouble here at home.

The goals of the Communists in countries that have subverted have been to cause fighting in the streets, and to do everything possible to cause a lack of faith and confidence in the police forces.

We now have leaders on the Democratic side of the House calling for "black power." Vice President HUBERT HUMPHREY implied, during his speech to the National Association of Counties, in New Orleans, that the violence has his sanction as an implement of protest. Senator ROBERT KENNEDY said that it was pointless to tell the Negroes living in the northern slums to obey the law—the law is the enemy. The Senator's solution—only massive antipoverty programs. He acknowledged there is stealing and grafting in the program, and further stated that people would just have to live with and understand it. These two gentlemen, believe it or not, have hopes of becoming the next Democratic President of the United States. You hear nothing from the double-standard Democrats who are more interested in wooing a few votes than in doing what is right. Our earthly father used the board on us, and made us love him as he was teaching us the difference between right and wrong.

Our so-called Great Society that is in charge of our Nation today, has kicked prayer and Bible reading out of the schools, and has evidently forgotten that this great Nation of ours was founded upon the foundation that God is the author of all freedom.

They have ruled that a Communist has more rights here in our Nation than they do in Vietnam, as our Government through Ky has set up the ground rules for the promised election in Vietnam this fall with the understanding that the Communist cannot run for office there, and our Supreme Court has ruled that they can run in the United States. This is another typical Democrat double standard.

The Democrats have been leaning toward the lawless elements in our country for a long time, and just recently through the appointment of "Little Abe Fortas" through the powerful Senate Judiciary Committee, lawlessness won control of the Supreme Court, and they ruled by Little Abe's one vote to give the criminals of our country jurisdiction over the law enforcement officers and their only excuse is they are asking the criminals to be kind to his fellow man.

I would ask—Where does the right of the people that break the laws of our land end, and the rights of the law abiding citizens begin? If our Founding Fathers could look at us today, I am sure their only recommendation would be to kick out some politicians and bring in a few statesmen.

These are only a few of many such items that appeared in the July 28 Washington Post.

SNCC LEADER GIVES "BLACK POWER" TALK

(By Dan Morgan)

Stokely Carmichael went politicking last night at an Anacostia public housing project on a platform of "black power," home rule and the ouster of District School Superintendent Carl F. Hansen.

"We've got to tell Johnson that if we don't get home rule we're going to disrupt this city completely," said the leader of the Student Nonviolent Coordinating Committee.

"The only people who can get home rule in this city are the black people," Carmichael asserted.

It was an old message to the community organizers and SNCC followers in the audience of 150. But to some of the tenants of the Barry Farm project it was brand new.

Some of the people sitting out on their front stoops last night said they had never heard of Stokely Carmichael. Others said they did not understand "black power."

Carmichael, fresh from a day on Capitol Hill with Rep. ADAM CLAYTON POWELL, gave his explanation of the recently prevalent term by emphasizing the negative.

It is not, he said, "the white press, which has messed up the minds of many Negroes who think it means shooting."

And it is not a school system with a white superintendent, Carmichael continued. That, he said, is "white power."

In his foray into the Barry Farm housing project, Carmichael also announced his intention of creating a broader-based SNCC capable of delivering "black power" from the grass roots.

"We're going to have to go into the ghetto and find out what the people there want us to do," he said over a bullhorn.

Marion Barry's Free D.C. movement sponsored the rally. But many of those present had been brought out by welfare and housing groups organized with the help of the United Planning Organization.

By no means everybody was unfamiliar with Carmichael, however.

"Stokely, shake my baby's hand," said a woman.

"How many pounds of black are you," the SNCC leader asked the child.

In his speech, Carmichael warned against efforts to provide housing and schools for Negroes in the suburbs.

"They are trying to split us up, move us out all over," said Carmichael. "In six years Negroes will control all major cities in this country . . . if we stick together."

Crime increasing steadily, FBI says, but number of convictions is falling

NUMBERS OF CRIMES PER 100,000 OF POPULATION

Metropolitan area	Total	Murder	Rape	Robbery	Aggravated assault	Burglary	Larceny over $50	Auto theft
Baltimore	2,089	*8.7*	18.0	126	*234*	677	625	401
Boston	1,709	2.8	5.0	53	54	563	340	*691*
Chicago	2,049	6.9	21.6	*244*	188	638	417	532
Cleveland	1,190	5.7	8.9	101	82	547	145	301
Detroit	2,200	6.2	26.8	178	151	840	508	489
Los Angeles	*3,567*	6.1	*32.9*	189	230	*1,564*	*917*	627
New York	1,982	6.1	11.3	84	154	585	781	361
Philadelphia	1,296	5.5	15.9	83	127	530	247	287
Pittsburgh	1,304	3.5	10.3	76	72	482	286	373
St. Louis	1,917	7.9	20.7	130	136	915	338	369
San Francisco	2,539	4.3	13.7	130	133	1,171	569	518
Washington	2,171	8.2	14.2	153	213	891	496	396

Italic indicates highest rate in each category.

CARS STOLEN FOR SCLC, COURT HEARS

ATLANTA, GA., July 27.—A defendant testified in Federal Court today that he stole cars from rental agencies for use by officials of the Southern Christian Leadership Conference but that Justice Department lawyers told him they were afraid to act on the evidence.

[It was not immediately ascertainable whether SCLC officials knew the cars were stolen.]

Harold Belton Andrews, 43, of Moultrie, Ga., said in U.S. District Court he had turned over to the FBI information concerning four cars, three of which he obtained from outside the State. He said he gave the information to Federal agents last Oct. 18 in Columbia, S.C.

Andrews testified that the evidence implicated several other persons, including Dr. Martin Luther King, Jr., president of the SCLC, and one of King's top aides, Hosea Williams.

FBI agent Johnny M. Dyer of Columbia testified earlier about a statement Andrews gave him. Dyer said, "Andrews stated that Hosea Williams and Morris Finley told him they wanted him to get a Lincoln for Dr. Martin Luther King. The price agreed on was $1,500."

Andrews then testified that the agent's testimony was true "in every detail."

Both King and Williams were out of the city. Earlier, there had been published reports that the SCLC was linked with the stolen car case. King said in a statement then that questions did arise about one car owned by the SCLC but that the organization had cooperated with proper authorities.

In Washington, a spokesman said, "the Justice Department can have no comment on a case now before a court."

Andrews, who has thinning gray hair, testified he had volunteered to seek information on stolen cars for the FBI in 1962 and worked his way into the confidence of people involved in Atlanta in July, 1965.

He said he worked through Finley and a man named Charles Mize and was told the SCLC could use "all the new cars it could get."

Andrews testified that two Justice Department attorneys, whom he identified as "Mr. Cunningham and Mr. Belcher," told him before a Federal grand jury met in Atlanta last March that none of the SCLC officials would be indicted.

Andrews said the attorneys told him there would be "a revolution" in this country if they were indicted. "They were scared," he added.

WAGE BOARD BILL

Mr. REINECKE. Mr. Speaker, I ask unanimous consent that the gentleman from Nebraska [Mr. CUNNINGHAM] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. CUNNINGHAM. Mr. Speaker, the existing procedure for fixing rates of pay for the nearly 600,000 blue-collar employees of the Federal Government has resulted in so many instances of inequity within the same wage areas that there is an urgent need for reform. To bring this about I have introduced a bill which would, if enacted, accomplish uniformity of method and ultimately uniformity of rates of compensation for similar positions.

Determination of Federal wage-board pay rates by departments and agencies employing these blue-collar workers was originally based on legislation first enacted in 1862. The act passed in that year authorized the Navy Department to fix pay rates for the so-called wage-board employees in the navy yards. That law is still in effect. Other military agencies established rates for their positions administratively, but it is done by an Army-Air Force Wage Board for those two departments. The exact method differs to some extent from that followed by Navy and as a result, some specific rates vary between these two systems within the same wage-survey area. More than 75 percent of all these skilled, semiskilled, and unskilled manual jobs are subject to the authority of these two systems.

There are about a dozen other agencies that establish wage rates for their blue-collar employees. Their methods to some extent parallel but still to some extent vary from the systems in the military agencies. As a result, their wage rates are different within any given wage-survey area for the same type of work. Since duties and responsibilities of the same type of work are identical this similarity should be compensated by the same rates of pay for any similar position. To bring this about my bill would establish a uniform system which should result in equal pay for equal work within any one wage area.

The first step in the direction of achieving this uniformity would be the establishment of a Federal departmental wage board. This Board would develop and maintain a uniform system of determining wage rates for jobs which match those in private industry. The Board of five members would be appointed by the Secretary of Labor. Two of the members would represent recognized employee organizations which have a sizable membership in the Federal service.

Wage Survey Committees, subject to the authority of the Wage Board, would adjudicate appeals from disputes referred to the Board. These committees also would make the final determination of wage rates. An Employee Advisory Committee, designated by the Secretary of Labor, would include members chosen from nonsupervisory blue-collar employees and from unions representive of these employees.

Wage surveys conducted by the Departmental Wage Board and by the Bureau of Labor Statistics would provide the wage data needed to determine changes in existing wage-board rates of pay. These surveys would ordinarily be made by a single wage survey team in each survey district.

There has in the past been considerable dissatisfaction among these blue-collar employees with wage surveys on which their rates have been based. They have believed at times that the establishments surveyed have not been sufficiently representative. My bill provides that each wage-survey district would include an area which is large enough to obtain wage data which would properly reflect the wages in large industries as well as conditions which more nearly resemble those in the Federal Civil Service.

Upon the completion of each survey, the wage data collected would be reviewed for its accuracy and sent on to Washington for final analysis and determination of the extent to which the data substantiate changes in existing wage rates. Thus at each step in the wage-fixing procedure, there would be uniformity of action that would result in the same rate for those positions which have been evaluated as being equivalent in content.

FEDERAL FORCE

Mr. REINECKE. Mr. Speaker, I ask unanimous consent that the gentleman from Mississippi [Mr. WALKER] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. WALKER of Mississippi. Mr. Speaker, the following is the testimony in opposition to the civil rights bill of 1966, by Mr. Tyre Taylor, general counsel for the Southern States Industrial Council, an organization dedicated to the principles of conservatism and constitutional government.

I feel that this statement made before the Senate Judiciary Committee on July 7, 1966, should have the immediate attention of each Member of this body.

The article follows:

OPPOSING THE CIVIL RIGHTS BILL OF 1966

At its Annual Meeting held at Sea Island, Georgia on May 23–25, 1966, the Board of Directors of the Council unanimously approved the following statement on Federal Force bills:

"The Council profoundly resents the action of Congress in passing, and the Supreme Court in upholding, P.L. 89–110, the so-called Voting Rights Act of 1965. Born of hate, hysteria and hypocrisy, this law reimposes Reconstruction on certain states of the South with no appeal to the local courts. It does this by requiring these states to entreat Federal authorities for approval of local laws before they can become effective.

"The Council opposes so-called Federal Civil Rights legislation as a further unwarranted encroachment by the Federal government upon the rights of the individual citizen, the state and local communities. It also opposes—and for the same reason—executive action in this area."

In opposing the so-called Civil Rights bill of 1966, I shall confine my remarks primarily to the potential impact of Title IV upon the rights of the individual citizen and home owner. To be sure, there are other provisions of the bill, including Federal jury-packing, to which the Council strongly objects, but Title IV is of such transcendent importance and significance that I have decided to confine this discussion to it alone.

I

The invoking the Constitution of the United States in this strange day and time, one has the uncomfortable—not to say frightening—feeling that he may be invoking a dead document: That—on the road to Federal tyranny and under the guise of adapting this once basic set of principles to changing times and conditions—we may well have already passed the point of no return. Still—and notwithstanding the murderous beating it has taken in recent years at the hands of those who were sworn to defend and uphold it—and dead or only moribund—it's the only Constitution we have or are likely to have. So—today—and somewhat like a sleep walker—I go through the ritual of appealing to its provisions for whatever such appeal may be worth.

II

Although—and except for the welfare clause—the preamble of the Constitution has never been regarded as the source of any substantive powers conferred on the government of the United States, we may properly and appropriately refer to it to determine the Framers' purpose in drafting it and the people's purpose in ordaining and establishing it. And from this we learn that, while they had a number of purposes in mind, one of the most important was:

"To promote the general welfare, and secure the blessings of Liberty, to ourselves and our posterity . . ."

What are the "blessings of Liberty" as the term is here used? *Undoubtedly one of the major purposes was the protection of the major freedom of the individual to acquire, own, and dispose of property.* While many things have changed since his day (1723–1780) and the property right is not an absolute right,[1] the eminent Jurist Blackstone recognized the reality and legal significance of the property right when he observed:

"There is nothing which so generally strikes the imagination, and engages the affection of mankind, as the right of property; or that sole . . . dominion which one man claims and exercises over the external things of the world, in total exclusion of the right of any other individual in the universe."

Many of the framers of the Constitution were lawyers and students of Blackstone. Indeed, in many parts of the country his famous *Commentaries* were the only source of knowledge of English law. Hence we may suppose that many of the lawyers who were delegates to the Constitutional Convention shared his view of the nature and value of the property right. In any event, they erected numerous safeguards of this right in the body of the Constitution itself. For example:

The Third Amendment prohibits the quartering of any soldier, in time of peace, in any private home without the owner's consent.

The Fourth Amendment declares and seeks to protect the right of the people to be secure in their houses as well as in their persons, papers and effects.

The Fifth Amendment provides that no person shall be deprived of his property without due process of law and that private property shall not be taken for public use without just compensation.

The Fourteenth Amendment prohibits each state from depriving any person of property without due process of law.

Clearly—and if words still have their long-accepted meaning—*Title IV of S. 3296*, if enacted, *would be in flagrant violation of both the letter and spirit of the Constitution.* It would destroy the right to the free use and disposal of residential property. The private owner would no longer have a free choice in selecting a buyer. In the opinion of eminent lawyers, the seller would no longer have freedom of choice as to sales price or conditions of sale. The landlord could not exercise his own free will in selecting the tenants who would share his home with him. It would inject the element of compulsion[2]—legal coercion—between a property owner and the person with whom he would do business. And having once offered to sell, the seller could not thereafter change his mind.[3]

It is said that Title IV of this bill is addressed to the controversy—and, in our view, it is a strictly phony controversy—between human rights and property rights. Since when, one may fairly ask, have property rights ceased to be—almost preeminently—human rights?

More to the point, since when have property rights ceased to be the very foundation of human freedom, which, next to life itself, is the supreme human right?

I disagree with Liberal Columnist Walter Lippmann on most things, but on this phony Human Rights vs. Property Rights issue he makes sense. He is quoted by Senator SPARKMAN as having said that

"The only dependable foundation of personal liberty is the personal economic security of private property. . . . Private property was the original source of freedom. It is still its main bulwark."

III

This thoroughly mischievous bill flies in the face of all Anglo-American concepts of property ownership. What is its supposed legal justification?

Mr. Katzenbach says that it's the constitutional power of Congress to regulate commerce: That the movement of people, money and building materials is hampered by racial discrimination in housing. The distinguished Chairman of this Subcommittee has demolished this argument by listing three situations in which it could not possibly be true:

"Suppose a widow, whose only income consists of Social Security payments, wishes to supplement that income," the Chairman asks "She rents a room to one of her own race. Where is the Interstate Commerce?"

"Suppose the man who owns the house and lot next door to his home sells it to a friend. Where is the Interstate Commerce? And why should the federal government care?

"Suppose the manager of a home for retired Methodist ministers refused to negotiate with a retired Baptist minister for the rental of an apartment. Where is the Interstate Commerce? And anyway" the Chairman concludes, "What business is it of ours?"

Others suggest that this proposed invasion of rights rests upon the "due process" clause of the Fourteenth Amendment.[4] Interpretation of that right has uniformly been that it applies only to action by state agencies, and not to those of individuals.

What is the legal basis of this proposal? There is no legal basis and it should be rejected. I close with this statement by Senator HOLLAND.

'The truth of the matter is that Title IV would destroy the freedom of all for government control of all. It would replace the judgment of free men with the judgment of the State."

ARE WE BUILDING A SPACE-AGE MAGINOT LINE?

Mr. REINECKE. Mr. Speaker, I ask unanimous consent that the gentleman from California [Mr. BOB WILSON] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. BOB WILSON. Mr. Speaker, are we building a space-age Maginot line? Is our interest in bigger and better missiles blinding us to the danger that lies in the murky depths off our shores?

Victory in every war has involved use of the sea lanes, in some form or other. Today, the submarine has been developed into an engine of destruction whose range has been dramatically extended by the missile. Not only does the submarine pose a danger to shipping, it poses a danger to inland cities. With oceans, seas and gulf on three sides, the United States is particularly susceptible to mass attack by submarine.

The possibility of nuclear war by submarine is probably remote. But, since 98 percent of U.S. war supplies are carried by water, the submarine poses a grim threat to our vital mastery of the lanes of shipping. During a recent 6-month period, more than 2.3 million metric tons of cargo and 70,000 passengers were shipped to Vietnam. Alaska, the Hawaiian Islands, Guam, Puerto Rico, the Canal Zone, Okinawa, Iceland, the Azores, Newfoundland, Bermuda, Japan, Formosa, the Philippines, Australia—the list could go on and on, of states and nations that are dependent upon the sea for their economic well-being.

Since its inception, the submarine has advanced, and expanded the theaters of war with its far-ranging capabilities. With atom engines divorcing it from the cumbersome trappings of supply ships, the "sub" has the world as its ocean.

During World War II, Gen. George C. Marshall wrote to the Navy's Admiral King, in June of 1942:

> The losses by submarines off our Atlantic seaboard and in the Caribbean now threaten our entire war effort . . . I am fearful that another month or two of this will so cripple our means of transport that we will be unable to bring sufficient men and planes to bear against the enemy in critical theatres to exercise a determining influence on the war.

Although Germany entered the war with only 39 operating submarines, it was not until 1943 that the United States was able to drive the U-boat wolfpacks from the Atlantic and Caribbean areas.

Also during World War II, the 16,000 men who served in our own submarine force were responsible for sinking 5 million tons of Japanese shipping, plus diverting naval forces away from crucial Pacific attack areas.

Submarines can maximize the most military advantage from a small amount of manpower. It required 950 ocean escorts and 2,200 aircraft to cut German submarine depredation to sustainable levels during World War II, yet the Germans never had more than 40,000 men engaged in submarine warfare. Vice Adm. C. E. Weakley states:

> The strength of the modern submarine as a combat vehicle lies in the concealment provided by prolonged submergence; in her mobility at sustained high speed while submerged; in her ability to pack a big punch in a small package; and in her power to vary her depth to suit the local sonar conditions, either to improve her concealment or to improve the performance of her sensors.

Some idea of the immensity of the task of deterring the submarine can be gleaned from the simple geography of the globe. There are 137 million square miles of ocean water. Even with some of it choked with ice, and some too shallow for submarine operation, the vastness of the underwater ranges available to undersea craft is apparent.

The weapon, the antiweapon, the better weapon, and the better antiweapon cycle has been particularly operational during the past decades in the development of the submarine. The advent of the nuclear Polaris submarine has transformed concepts of warfare. Even should nonnuclear warfare be the rule, missiles with conventional warheads could wreak havoc on military and industrial targets far inland. These missiles, launched from a constantly flitting launching pad, that slides silently into the protective canyons of the ocean, could not be answered with ICBM's, gunfire, or, in most cases, bombing.

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[1] But in those areas where the property right has been limited, there has been a tangible real harm from which society had to be protected. Example: Zoning laws.

[2] If the seller insisted upon exercising freedom of choice, he could be hailed into Federal Court and the Court, sitting without jury, could order the sale or rental of property to a person not the seller's choice. The Court could assess damages without limit. If a complainant alleges that he cannot afford a lawyer, the Court could furnish him one free. The Attorney General would be empowered to intervene in any case at his own discretion.

[3] Mr. Katzenbach contends that, when a home is offered for sale "to the public," the seller has made a commitment to see the transaction through.

[4] "Nor shall any state deprive any person of life, liberty or property without due process of law."

The concept of limited nuclear warfare—missiles or rockets with controlled nuclear warheads, makes the convoy concept of World War II nearly academic. A tightly grouped convoy would be a sitting duck for the destructive, explosive and radioactive havoc of the smallest nuclear missile.

Do we face a threat from the submarine today? Most definitely, according to naval authorities. The Soviet Union has the largest tonnage in its submarine fleet of more than 400 boats in history. Many are old, conventional, with limited range. However, in service and being built are long-range, highly modern, missile-carrying submarines that pose a deadly threat to our security.

They have a conventional diesel-electric long-range submarine. They have the Golf class which has three missile-firing tubes, and now ranges off both the Atlantic and Pacific shores of the United States.

The Russians' Whisky class is a streamlined, conventionally powered boat, suspected of being an air-breathing cruising missile launcher.

The top of the Soviet submarine line is their November class, nuclear-propelled, fast, and designed as a defense weapon to destroy shipping and other submarines.

It is obvious from reports of our military men, that the Communists are depending heavily upon the submarine for defense and possible offense. It would be tragic should we pour our billions into missile silos when the attack would come from the sea and render our missiles ineffective.

Our own antisubmarine force is aggressive, alert, and determined. It is also operating under the handicap of a restricted budget, heightened by the Vietnam war, which demands huge expenditures for the conventional weaponry of ground, jungle battle.

I urge my colleagues to investigate the submarine menace. I believe that due to our being surrounded by water that we are peculiarly vulnerable to sneak attack by undersea craft. What would happen if some Sunday morning around 5 o'clock, 100 submarines would surface off each of our three coasts, missiles poised to hit with pinpoint accuracy cities as far inland as 1,000 miles? This threat is not immediate, but it is certainly the objective of the capability being built right now by unfriendly nations of this world.

We have good antisubmarine weapons. But their task is almost as endless as the legendary Sisyphus, who was doomed to eternally push a rock up a hill, only to have it roll down again. As the submarine becomes more deadly, as its means of detection multiply, as its range increases, the job of antisubmarine forces expands in geometric proportion.

We have nuclear carriers, whose planes can spread out fanlike to scan the seas for submarines. Unfortunately, we have planes that are relatively slow and with a range too short for today's needs. We need replacements for these planes to give the carriers the potent punch they need.

The nuclear submarine of today is tenacious. It must be destroyed, or it will destroy. We need more and more advanced sonar and detection systems. We need more HUK—hunter-killer—submarine groups that, combined with airpower, can break up groups of enemy submarines.

We need all-purpose destroyers, capable of detecting submarines at long range, carrying the means to destroy them, and protection against aircraft for themselves.

We need new, more reliable torpedoes with sophisticated sensory devices. We need complete maps of the ocean's "environment" to determine where submarines can operate most effectively. This will require a heavy oceanography effort, substantially more than the present administration has been willing to venture.

We face the dilemma posed by our role as protector of the free world. While we must commit manpower, technical support and billions of dollars toward halting the advance of communism in Asia, our enemies can proceed on a well-financed, orderly program of beefing up their attack submarines, their antisubmarine defenses and their plans for mapping the ocean and plotting areas of attack and submarine concentration. They are virtually free of expense in the war in Vietnam, aside from sending some war weaponry, from which they gain valuable test experience at a minimum risk of men and materials.

Meanwhile, we must carry forward a going war and preparation and deterrence against any future war. We must not lose our determination to do both of these sizable tasks.

Rear Adm. Constantine A. Karaberis has stated:

> In the position that the United States now occupies in the world we cannot know when a confrontation may occur. We cannot focus on any one particular period in the future. Rather, we must maintain the highest possible state of readiness now and over the long term.

I refer my colleagues to the magazine "Grumman Horizons," volume 6, No. 1, for 1966, which presents a complete outline of the submarine threat, our present efforts and future needs. We are dealing with survival—and there can be no greater priority in our defense posture.

CONGRESS SHOULD DENOUNCE POSSIBLE TRIAL OF AMERICAN AIRMEN IN NORTH VIETNAM

Mr. LANGEN. Mr. Speaker, I ask unanimous consent to extend my remarks at this point in the Record and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from Minnesota?

There was no objection.

Mr. LANGEN. Mr. Speaker, of grave concern to Members of Congress and, indeed, every American citizen is the news that U.S. military personnel are being help captive in Vietnam. It has been implied that the captured American airmen might be brought to trial by the Communist regime of North Vietnam. For this reason I have joined my colleagues in introducing a House concurrent resolution to make clear that the people of the United States condemn any trial, punishment, or execution of these servicemen.

Our strong and unwavering position in this matter must be forthrightly communicated to the leadership of North Vietnam and to the governments of foreign countries which lend aid and comfort to Communist aggression in South Vietnam. Unless the Communist regime of North Vietnam adheres to the Geneva Conventions of 1949, the accepted concepts of international law and standards of international behavior, the opportunity for achievement of a just and secure peace in Vietnam and southeast Asia will be diminished.

Therefore, every effort must be made to prevent Hanoi from undertaking inhumanitarian acts in connection with the captured American servicemen. It is my earnest desire that the Congress will take expeditious action to dramatize the conviction and concern of the American people in this crucial situation.

NEW YORK MEDICAID — "THE GREAT TREASURY ROBBERY OF 1966"

Mr. REINECKE. Mr. Speaker, I ask unanimous consent that the gentleman from Montana [Mr. BATTIN] may extend his remarks at this point in the Record and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. BATTIN. Mr. Speaker, in my newsletter of June 24, 1966, I discussed the New York State Medicaid program. Since that time I have had numerous requests for copies and under unanimous consent I place it in the body of the Congressional Record:

> Dear Friends: The total welfare state may be nearer than we think. A bulletin published by the Mount Sinai Hospital of New York announces that "for most New Yorkers, the finest *complete* medical care is now free!" A note in the bulletin adds that:
>
> "This is *new* and in addition to the Medicare Program of the Federal Government."
>
> The bulletin goes into minute detail of how most New Yorkers "unless your income is considerably above the national average" will be entitled to the total cost of almost all medical care, services and supplies which will be *"fully paid for by your state."*
>
> Any person of any age may apply under the new state law which the bulletin points out enacts a "dramatic change in the traditional relationships between patients, doctors, hospital and state." It also proclaims the (apparent) glad tidings that "from now on, you are financially responsible only for your wife or husband and children under 21 years old. You are *no longer* financially responsible for the medical expenses of your parents."

Also in the announcement was a breakdown of wage brackets and eligibility which extended to a family of six with a net income of $8,550 and this was net income less Federal and state income taxes and health insurance premiums.

Actually, New York has had a very liberal state medical assistance program for sometime, but has now lowered the eligibility requirements and added almost complete medical benefits including the cost of transportation necessary to obtain care and services.

Under provisions of the Medicare bill passed last year, the Federal government will pay a good part of the New York State program. Several other states have similar programs although none are as extensive as the New York plan. Other states have applied and, unless Congress plugs some loopholes in the Federal assistance provisions of the Medicare legislation, original estimates of the cost to the Treasury will have to be revised upward by more than $500 million a year, and that could be only a start.

The New York plan does not completely socialize medicine, but leaves little to be done before those who must foot the bill will demand at least equal treatment. The expanded New York program alone will add something like $100 million in Federal cost to the Medicare program. Other states are not likely to stand by and watch as New York drains the Treasury but will, as several already have, demand their shares.

Of course this plan is also costing the State of New York a tremendous amount in tax money in a state where taxes and more taxes seem to be the order of the day.

New York subway riders are subsidized by the state and city government and business and industry, including the New York Stock Exchange, threaten to leave the area if taxes continue to rise. But rather than providing necessary medical assistance to those who cannot afford to pay, New York law extends *total* benefits to millions who have an annual income of about three times what the President has set as the poverty level in the Great Society war on poverty.

The New York plan should be called the great Treasury robbery of 1966 and if adopted by other states could break the Treasury.

Sincerely,

Jim Battin.

FLEXIBLE LEAD-ZINC QUOTA BILL

Mr. REINECKE. Mr. Speaker, I ask unanimous consent that the gentleman from Kansas [Mr. Skubitz] may extend his remarks at this point in the Record and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. SKUBITZ. Mr. Speaker, for a good many years we have asked for, been promised, and still await a long-range minerals policy for our natural resource industries. In the meantime, an industry in my State and one important to many States, the mining of lead and zinc, has suffered from rapidly changing cycles of price and supply caused by a lack of appropriate import controls. We have proposed to correct this with legislation but, to date, have had no encouragement from executive agencies.

Today I join with other interested colleagues in introducing a flexible lead-zinc import quota bill designed to serve as a deterrent should we again face the possibility of excessive imports. We do this as an action necessary while we await the enactment of a minerals policy by our Government.

The industry has operated during the last 1½ years at reasonable and stabilized prices that encouraged both production and consumption of both metals. We hope this continues but, with expansion of supplies abroad and particularly for zinc in Canada, we can see the need for a quota plan on the books now, to become effective when or if metal stocks in the United States reach abnormal levels. The bill we introduce today does this and has the active endorsement of essentially all the domestic mining and smelting industry. Furthermore, the legislation has a term of 5 years to give the Congress and the executive department an opportunity to examine the need for continuing the plan and also to assess its operation if called into action. I urge speedy consideration and approval to assure continuing stability of this important industry.

THE INDIANS' STAKE IN GRAND CANYON

Mr. REINECKE. Mr. Speaker, I ask unanimous consent that the gentleman from Pennsylvania [Mr. Saylor] may extend his remarks at this point in the Record and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. SAYLOR. Mr. Speaker, in a desperate effort to gain sympathy for their scheme to sacrifice the beauty of the Grand Canyon in exchange for two unnecessary and uneconomic hydroelectric projects, promoters of the central Arizona project have resorted to blue sky promises designed to attract the support of American Indians.

So far as substance is concerned, the picture as presented may as well have been etched on the shifting sands, and those of us who through the years have fought for better opportunities for our Indian friends are resentful of this tactic.

In response to the appeal, which included the generous offer to change the name of Bridge Canyon to Hualapai, Mr. George Rocha, chairman of the Hualapai Council, wrote an excellent letter based upon the information given to him by propagandists for the proposed dams. I include this letter, along with a reply from Mr. Jeffrey Ingram, Southwest representative of the Sierra Club, in the Record. I urge my colleagues to peruse the contents of both letters very carefully.

The letters follow:

Hualapai Tribal Council,
Peach Springs, Ariz., June 30, 1966.

Dear Friend: My people have lived in isolation and poverty so long that we have almost forgotten how to hope for a better way. The progress and prosperity of the Nation have not touched our lives. Our world is the canyon country of the Colorado River in Arizona. There are no jobs for us. We have no business to run and no resources to sell, but now there is a new hope for us. I will tell you about it because we need your help to make the dreams of my people come true.

The Congress of the United States has a bill before it to build a dam on the Colorado River in Bridge Canyon, a part of our Reservation. It will be called Hualapai Dam and it will make a beautiful lake in our canyon, far removed from the Grand Canyon National Park. A good road will be built from Peach Springs to the lake. Thousands of people will come to take boat rides on the lake and to fish in it, and we plan to make a fine place for them to stay and to sell them the supplies they will need. This will make jobs and business for us and we will not be a poor and forgotten people any longer. The dam and the lake and the road across our Reservation are the only hope we have of ever being able to help ourselves out of our ancient misery into a better life and into the main stream of our Great America.

All we ask you to do if you want to help us is to write a letter to your Congressmen and ask them to vote "Yes" for Hualapai Dam. It is in a Bill called H.R. 4671—The Colorado River Basin Project Act.

We need your help now.

Sincerely,

George Rocha,
Chairman.

Albuquerque, N. Mex.,
July 8, 1966.

Mr. George Rocha,
Chairman, Hualapai Tribal Council,
Peach Springs, Ariz.

Dear Mr. Rocha: Your recent letter has touched me and many others in the Sierra Club deeply. I feel that you should know of what we believe to be our basic agreement.

We are both concerned about people; we are both moved by a reverence for the land, and a belief that man loses contact with the natural world at the peril of his spiritual health. It is quite possible that the Indians in the Southwest have much to teach Americans in general about this belief. The Taos Pueblo in its effort to regain title of its sacred land around Blue Lake, the Navajos in their determination to open their land without lowering its value, the White Mountain Apaches in their decision to devote a section of their reservation to wilderness; these are current examples of the way that the Southwestern Indians have demonstrated, in the midst of a world too often devoted to short-term gain, their hope that the land and the people can mutually benefit each other.

The Sierra Club holds this hope firmly: The land can be enhanced by the love of people who respect it; people can be refreshed by land which has not been wounded or scarred for limited purposes.

In this particular case, I do not believe our conflict to be basic. The condition of your tribe as you describe it is deplorable. It is shameful that those who knew of your plight and might have helped you in past years turned their faces away from you. I sincerely hope that those who rush in with their help now have more than their own ends in view.

I do wish that the National Park for the Grand Canyon could originally have included the whole of the Canyon. As you know, the Peach Springs-Diamond Creek Canyon was once a mecca for visitors to the Canyon before the South Rim was chosen for full development. What a difference it would have made to your people if instead of closing off the lower part of the Grand Canyon, the Federal Government had opened it up back in 1920.

That is a lost opportunity; now there is a new one—the hope that you can benefit from the construction of Hualapai Bridge Canyon dam & reservoir. But this new opportunity is hollow. Hollow because by destroying part of a unique piece of Creation, the dam will be destructive of those spiritual values that, as you know so well, can come only from land which affords peace and the chance for man to conceive of his wholeness. You above all must feel that since recreation in the reservoir will be in motorboats, that their mechanical racket in that narrow gorge will cut off forever the chance to enjoy the quiet of the Canyon & the chance to enjoy the sounds that are natural to it. Surely you must know, with your long history in the region, how foolish it would be to sacrifice that part of the inner gorge, when in only about a century—a moment to your tribe—the reservoir area will be silted in, becoming a phreatophyte jungle. Thus would all people be deprived of opportunity to know this land as it should be.

Let me emphasize my anger at the shoddy treatment you have received up to this point. Let me also strongly state that I believe that both your tribe and the Canyon can be saved, and therefore I urge, in the name of all the people—who need this piece of undefiled land—that we work together. I believe that your entranceway to the Canyon need not be spoiled for your and all other Americans to benefit from it. I therefore ask you to turn away from those who tell you that this destructive, unnecessary project will help you; to realize that these are the same people who ignored you for so long; to turn to the Canyon itself, which if it is left unimpaired, can forever be a tangible resource for your people and a spiritual resource for all people.

JEFFREY INGRAM,
Southwest Representative, Sierra Club.

URGENCY AT TOCKS ISLAND

Mr. **REINECKE.** Mr. Speaker, I ask unanimous consent that the gentleman from Pennsylvania [Mr. SAYLOR] may extend his remarks at this point in the RECORD and include extraneous matter.

The **SPEAKER.** Is there objection to the request of the gentleman from California?

There was no objection.

Mr. **SAYLOR.** Mr. Speaker, last year the Congress approved the establishment of the Delaware Water Gap National Recreation Area in the States of New Jersey and Pennsylvania, commonly referred to as Tocks Island, which is the first national park to be established east of the Mississippi River.

The approval of this park has touched off a land speculation war among developers which is most regrettable since they are fully aware of the Federal Government's intention to acquire the entire area for creation of the new park.

Plans to develop the area have been widely publicized, and maps showing the boundaries of the park and the area of the dam to be constructed by the Corps of Engineers are available to all concerned.

Unfortunately, these park plans seem to have given impetus to some real estate men and land developers eager to make a "fast buck" at Uncle Sam's expense, knowing full well that it will take 6 to 10 years for the Federal Government to complete acquisition of the land involved. They are pushing ahead with development plans, subdividing more land than their sales warrant, in preparation for the time that they will be able to demand a higher price from the Federal Government.

Recently the Wall Street Journal published an article pointing out the problem evolving out of the delay in obtaining the necessary funds for acquisition of lands for the park. Also, the Sunday Star-Ledger of Newark, N.J., has expressed concern about making Tocks Island a paradise for promoters. These articles are included as a part of my remarks and I commend them to you for careful reading.

In an effort to ease this situation, I have introduced a bill which would permit the Delaware River Basin Commission, being composed of representatives from the States of New Jersey, New York, Pennsylvania, and Delaware, to enter into a contract with the Department of the Interior, to advance funds to the Secretary of the Interior for the purpose of expediting land acquisition at Tocks Island, which would be repaid to the Commission from the Land and Water Conservation Fund Act over a period of years.

I am hopeful that the Committee on Interior and Insular Affairs will consider this bill, H.R. 15193, prior to the adjournment of this Congress.

The articles follow:

[From the Wall Street Journal]

COSTLY PLAYGROUNDS—DEVELOPERS DRIVE UP PRICE OF LAND PICKED FOR NEW NATIONAL PARKS—FUNDS NOW AUTHORIZED LIKELY TO FALL SHORT; REAL ESTATE MEN CALL U.S. PLANS VAGUE—SUBDIVISIONS AT TOCKS ISLAND

(By Douglas Bedell)

WALLPACK CENTER, N.J.—This sylvan community is at the heart of an area that is scheduled to become a national park within easy reach of 30 million Eastern seaboard residents. Officially designated the Delaware Water Gap National Recreation Area but commonly called Tocks Island, the park will embrace 72,000 acres of lakes, forests and hills. It will offer city dwellers swimming, boating, trout fishing, camping, hiking and glimpses of white-tailed deer, beaver and raccoon.

Pay a visit here today, however, and you would never know a national park was in the making. Up on nearby Blue Ridge Mountain, within the boundaries of the planned park, private developers are bulldozing a new road and clearing homesites. A hemlock swamp, envisioned by park planners as the climax of a hiking trail, has just been drained as the basin for a lake for the use of cottage owners. Salesmen are peddling choice lakefront lots in the growing summer colony of Blue Mountain Lakes for $5,500 each, and the developers are registering new blocks of subdivisions with the Wallpack township clerk.

All this activity is causing frustration and deep concern in Washington. While Federal planners have picked sites for a series of new recreation areas near urban centers to round out the national park system, funds for land acquisition have been slow in coming.

PRESIDENT ACTS

Meanwhile, speculation and continued development of the very acreage the Government hopes to buy have become so extensive that U.S. officials fear rapidly rising costs may force cutbacks in plans for the parks unless a lid can be put on prices or the Government can move faster to buy the parklands. The seriousness with which the problem is regarded in Washington is underscored by President Johnson's recent directive that an interagency task force study ways of preventing "artificial price spirals" in the purchase of acreage for parks.

Even at the price levels originally anticipated, the new additions to the park system would be costly. Congress has approved the spending of $160 million for the Tocks Island park and others at such spots as Cape Cod, Mass., the Point Reyes seashore near San Francisco and the Padre Island seashore in Texas. But this amount may be "only about half of what it's going to take to buy the land," says Edward C. Crafts, director of the Interior Department's Bureau of Outdoor Recreation. Proposals also are pending to acquire additional park areas at the Indiana Dunes on Lake Michigan near Chicago, the Sleeping Bear Dunes in Michigan, the Oregon Dunes on the Pacific and the Redwoods park in California.

Land for the new parks is supposed to be purchased through the Land and Water Conservation Fund, which went into operation last year. The fund is built up from park entry fees, charges for camp site utilities, a tax on motor boat fuels and sales of surplus Government real estate. But money isn't piling up fast enough to underwrite all the new parks at once.

CAUGHT IN A "BIND"

"We thought we had a fully thought out policy of acquisition authorization and the Land and Water Fund to pay for it," says Walter Pozen, assistant to Interior Secretary Udall. "But good faith estimates of what the land should cost have proven totally inadequate. There's such a great demand and such a last-minute opportunity to acquire these vast needed areas that we just have to act now. That's the bind we're in."

There is a basic difference between the efforts to put together national parks today and the creation of parks in the past, and this difference underlies the price spiral in park lands. Parks such as Yellowstone in the West or the Great Smokies in the East were created from Federal or state-owned lands. But most of the new parks will have to be carved out of privately held acreage. And this land, located as it is around existing natural recreation attractions, was already appreciating in value before Congress staked it out for the new parks.

All the financial problems facing park planners are well illustrated here at Tocks Island. Plans call for the creation by 1975 of a 40-mile-long belt of park straddling the Delaware River as it flows between New Jersey and Pennsylvania. The park, a one or two-hour drive from New York City and Philadelphia, would run from the northwest corner of New Jersey to the Delaware Water Gap, a rock-faced gash in the Kittatinny Mountains through which the Delaware flows. The focus of the park would be a 37-mile-long lake that would be formed behind a flood-control dam to be built at Tocks Island, three miles upstream from the Delaware Water Gap. Ambitious as these plans may sound, some Federal officials fear that the Tocks Island project may prove too small for the 10 million visitors a year expected to be using it by 1980.

THE LARGEST SUM

Congress has authorized a long-term outlay of $37,412,000 to acquire the land for the Tocks Island park, the largest sum it has ever approved for a recreation area. But though the bill establishing the park was passed last September, the first steps toward acquiring the land weren't taken till July 1. Since then the Government has appraised lots at Hidden Lake, a 390-acre development on the Pennsylvania side of the park, and expects to have most of this land purchased by September. Hidden Lake is a relatively small development, however, and the big question is whether the funds authorized will cover all the land slated for inclusion in the park.

In all fiscal 1967 the funds available for land purchase will total $6.3 million; to scrape together this amount it was necessary to switch $2.3 million from $10 million set aside for the proposed Redwoods park, but not yet needed. Officials hope the fiscal '67 money will allow them to make enough of a start toward putting together the recreation area so that they will be able to choke off private development within the park boundaries, but they're not at all certain they will succeed. Last year alone activity in four "second home" developments in the park area added $600,000 to acquisition cost estimates, according to the Army Corps of Engineers, which will build the flood-control dam at Tocks Island.

Private developers hereabouts insist the Government is still so vague about the Tocks Island park that there's no reason for them to stop operations. "I've been hearing about Tocks Island for 15 years," says Vincent Vecchio, a real estate man from Stroudsburg, Pa., who last year bought a beach development that is near the site of the proposed dam and that is scheduled to be under 150 feet of water eventually.

"I've got to make a living," declares Mr. Vecchio. "Should I stop making a living because there's going to be a dam? Maybe there won't be a dam. Do they have any money? Let them put up a sign 'Government Property' where the boundaries are."

But Federal officials say that the park plans have been widely publicized and that maps showing the boundaries are available. And they criticize the unabated sales fervor of developers in the park area.

"I can't condemn a man for having an investment he has to pursue in an orderly manner," says Peter DeGelleke, the agent in charge of Tocks Island for the National Park Service. "The Federal Government has thrown an entirely new element into the situation. But there is a suspicion at least that a certain percentage of these activities are prompted simply as a means of making a fast buck."

PRESSING AHEAD WITH SUBDIVISIONS

From the Government's point of view, the problem is that while the developers have bought land on an acreage basis for relatively low prices, the U.S. will have to go through the more costly procedure of buying the individual lots, some with new houses, into which the land has been cut up. Federal officials claim developers are pressing ahead and subdividing more land than sales would warrant even if no park were planned. The Government men fear the developers will try to raise the price of their unsold land by pointing out how much nearby lots have sold for and demanding compensation for preliminary work on unsold acreage, including mapping, subdividing and promotion.

For their part, the developers say the Government has yet to make any offers for their land and they express doubt that it soon will. As for what they tell prospective buyers about the Tocks Island plans, Burnett B. Yaseen, co-owner of the 4,300-acre Blue Mountain Lakes tract, says: "When they ask, we advise them." But he adds: "Nobody is going to put themselves out of business deliberately."

"We're continuing at a normal rate," says Mr. Yaseen, who with his father, Joseph, purchased the rocky mountaintop lands for about $35 an acre in 1955. "The Government has not acquired anything to date; it's only talk. We need somebody to say, 'Mr. Yaseen, we want to buy your property,' and sit down at the table. Until such time I still feel we have a right to free enterprise without being harassed."

After putting in 31 miles of roads, three lakes and a swimming pool, the Yaseens are selling one-third-acre lots at $1,295 to $6,000 each. About 4,000 lots already have been sold and 300 homes built on them. Four hundred lots were sold last year, and subdivision plans for another 300 have been filed so far this year.

HOMEOWNERS' PLIGHT

Buyers of the Tocks Island lots, drawn mainly from the densely populated northern New Jersey-New York City region, will be compensated by the Government for lots and houses taken over because of the park project. But they will still face the unhappy prospect of vacating newly constructed vacation homes. The law that authorized the recreation area permits year-round residents whose homes don't directly interfere with the park to keep them for a maximum of 25 years. Only homes begun prior to Jan. 21, 1963, and acquired by their present owners before Jan. 1, 1965, qualify for this consideration, however. As for vacation residents, the law offers them no assurances whatever that they will be able to hang on to their houses.

Some companies operating in the area are preparing for the Government acquisition program. New Jersey Power & Light Co. is asking the New Jersey Public Utility Commission to declare the Tocks Island lands in New Jersey a restricted area for electric service, a move that would mean property owners who want new power lines installed would have to pay in advance for both their installation and possible removal.

Moves also are afoot to check the rising costs of the park lands. Rep. John P. Saylor of Pennsylvania, the ranking Republican member of the House Interior Committee and a sponsor of the Tocks Island project, introduced a bill in May that would permit the Delaware River Basin Commission, on which New Jersey, New York, Pennsylvania and Delaware are represented, to issue more than $30 million in revenue bonds. The bonds would be backed by a pledge from the Government to commit more than $3 million a year from the Land and Water Fund to pay them off. This would permit the commission to finance the purchase of the Tocks Island lands over three or four years, compared with the period of six years or longer now envisioned.

The Presidential interagency task force charged with looking into the park-land price spiral is considering ideas ranging from the issuance of some form of bonds to Henry George's old idea of a tax on the "unearned value" of land. The task force, however, won't be reporting to Congress until next year.

[From the Newark (N.J.) Star-Ledger, July 24, 1966]

Tocks Island—A Paradise for Promoters?

(By Robert P. Kalter)

The ecstasy over the proposed $200-million Delaware Water Gap National Recreation Area is turning to agony, even before the project gets off the drawing boards.

Blame the "Planning Gap" and the "Time Gap"—not the Water Gap—for mounting disenchantment and growing concern among New Jersey, Pennsylvanian and federal officials as they take a second look to the future of the first national park east of the Mississippi.

The great potential for recreation and conservation remains intact. 72,000 acres of unspoiled woodland beauty, highlighted by a 37-mile-long lake behind a majestic dam to rise at Tocks Island on the Delaware River.

Supporters of the project were most enthusiastic about the fact that this great scenic attraction would be in the heart of a thriving megalopolis, within 100 miles of 30 million people and at the back door of all North Jersey.

Today, however, this convenient location is becoming a major source of worry, like too much of any good thing, and harried planners conceded the park now poses more challenge than opportunity.

They are biting fingernails and fretting over the future development of the land surrounding the boundaries of the park.

The planners call it the "impact area" and in New Jersey it embraces all of the land north of proposed Interstate 80 to the park entrances.

Haphazard development can turn this vast area into a garish neon jungle of cheap motels, crass amusement centers, honky-tonk bars and shoddy refreshment stands, converting the rolling hills and scenic beauty of rural Sussex and Warren Counties into a neo-Coney Island nightmare.

The race is already on to provide facilities for the expected 10.5 million annual visitors to the park.

Land speculation is at a high pitch.

Professional spotters are combing every inch of the two-county area for likely location for motels, hotels, restaurants, gasoline stations, souvenir shops and similar tourist-oriented businesses.

Land that sold for $100 an acre a few years ago is now changing hands at 10 times and more that price, particularly along state highways leading into the park.

Whether scenic beauty is preserved or tourist blight takes hold hinges on decisions to be made by local officials in municipalities like Montague (Population: 879), Sandystone (Population: 1,019), Hope (Population: 833), Frelinghuysen (Population: 845) and Hardwick (Population: 370).

LOCAL CONTROL

Under home rule in New Jersey, the quantity and quality of new construction are completely in the hands of local authorities.

Yet many of the municipalities in the impact area do not have master plans, zoning ordinances, building codes, billboard restrictions or trailer camp controls.

These are the basic tools for orderly development and gracious growth. Without them, the specter of a new Coney Island looms large and ominous.

At present, New Jersey and Pennsylvania planners are putting the finishing touches to a bi-state blueprint for the development of the impact area, but unless local officials cooperate it will end up as wasted effort.

OFFICIALS UPSET

Deep concern has been expressed by Interior Secretary Stewart Udall; New Jersey Commissioner of Conservation and Economic Development Robert A. Roe; W. Brinton Whithall, secretary of the Delaware River Basin Commission, and Peter De Gelleke, planner in charge of the park project.

The federal government is powerless to do anything about development of the impact area.

At the bi-state level, Frank W. Dressler, executive director of the Tocks Island Regional Advisory Council, said: "We can advise and we can recommend, but in the final analysis it's all up to the local officials."

FEARS MANIPULATION

He said, "there is a very crucial awareness on the part of New Jersey and Pennsylvania officials, but whether they follow through effectively is another matter."

Dressler said the best plans in the world could go down the drain unless a means of control is devised for the impact area.

B. Budd Chavooshian, chief of the New Jersey Bureau of Statewide and Regional Planning, said one of the major fears is that bigtime developers will succeed in playing off one municipality against another in the highstake race for new ratables.

"They tell one governing body that if it doesn't give them permission to build, they'll take their business and their ratables to a neighboring community," Chavooshian said.

"We're hoping that regional planning will prevent this kind of competition and permit orderly growth. Municipalities are simply not geared to handle the problem, and we may find that new, strong state regulations are needed to control the situation."

ROE'S VIEW

Chavooshian said one possibility would be the implementation of a 1954 statute which forbids the granting of a building permit by municipal authorities until the board of health certifies that the proposed water supply system and sewerage facilities meet minimum state standards.

But Chavooshian's boss, Conservation Commissioner Roe, is reluctant to upset home-rule traditions and sees the state role as limited to advice and guidance.

"I'd like to stress that we support the municipalities in their planning," Roe said, "but because of the magnitude of the project and in view of past mistakes, regional planning is essential and should be undertaken through the county boards of freeholders."

Roe did not say how this would be accomplished. Warren and Sussex officials emphasize they do not have the authority to tell local governing bodies what to do, and thus far they have made no progress in coordinating inter-county plans for the impact area.

An impact study completed earlier this year by the Robert R. Nathan Associates of Washington, D.C., underscored the need for strong controls to prevent the emergence of ugly eyesores and tourist blight.

POTENTIAL NOTED

The 232-page study points out that Sussex and Warren will undergo tremendous change. With proper planning, the area can develop a valuable resort business, similar to that which developed just across the Delaware River in Pennsylvania.

Proximity to the national park will increase the demand for summer homes, while job opportunities triggered by new construction and tourist services can be expected to swell the year-round population.

SOME FIGURES

When the park is completed in 1975, two-thirds of the 10.5 million visitors a year are expected to head for recreation centers on the New Jersey side, according to the study.

An annual expenditure of $28.5 million is projected, of which $18.5 million would be spent on the New Jersey side for food, lodging, auto services and miscellaneous purchases.

The study estimates that visitors to the Jersey side could support 25 to 50 restaurants, 35 to 70 motels, 20 to 40 gasoline stations, one or two small supermarkets, and 15 to 20 businesses in the $50,000 to $100,000 annual sales class, including variety stores, gift shops, fishing and boating shops, barber shops and summer theaters and motion picture theaters.

The impact study, released last February, has contributed to the rush by alert business men to get in on the ground floor of the expected boom.

In the meantime, the time gap—the lag between the 1962 announcement of plans for the Tocks Island dam and the actual appropriation of funds for the project—has permitted widespread speculation in land within the taking area.

Walter Pozen, a Maplewood resident until he went to Washington as special assistant to Interior Secretary Udall, blames "a few bad apples for the skyrocketing land prices, which in some cases have soared as much as 300 percent since the first of the year."

OUTRUNS FUNDS?

A conservative estimate places the escalation in land costs at $10 million above the figure projected in 1962, and there are fears that the $37,412,000 authorized by Congress last year for land acquisition will not cover the cost.

Negotiations are now under way for initial purchases, generally in the area from the proposed dam site south to the Delaware Water Gap, where the National Park Service hopes to open some sort of scenic facility next summer.

Only $6,399,000 is available for land acquisition in the fiscal year which began July 1, and the last of the 8,000 parcels for the 72,000-acre park is not scheduled to be purchased until 1972, unless a hoped-for speedup is effected.

Pozen is frankly disturbed by those who are attempting to reap windfall profits at public expense, and he told The Star-Ledger the federal government "will not be blackjacked into paying inflated prices."

CONSERVATIONISTS' ALARM

Meanwhile, yet another problem has popped up to plague the project. Conservationists and recreationists are reported feuding over how much or how little of the park should be developed for recreational activities and how much preserved for nature lovers.

No matter what the ultimate decision, it's a safe bet that neither side will be wholely satisfied.

But National Park Service officials are convinced that aside from the militantly committed, there will be plenty of everything for everybody. They predict the park will be the most widely used facility in the entire federal park system, more visited than Yellowstone or Yosemite.

HARASSING PHONE CALLS

Mr. REINECKE. Mr. Speaker, I ask unanimous consent that the gentleman from Ohio [Mr. Ashbrook] may extend his remarks at this point in the Record and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. ASHBROOK. Mr. Speaker, on September 1 of last year I introduced legislation to protect the morale and efficiency of members of the Armed Forces by prohibiting the making of certain threatening and abusive communications to members of such forces or their families, and for other purposes. This vicious practice of contacting the relatives of servicemen whose names appear in the press is certainly revolting. The sentiments of Commander Frederick Palmer, whose mother was involved in one of the latest cases, are those of the overwhelming majority of decent citizens:

> My mother is a gentle person; these are not gentle people who would make that sort of phone call.

Either those responsible for such calls are mentally unbalanced or they are driven by vicious, calculating motives. At any rate, it is imperative that corrective legislation be enacted as soon as possible. I am hopeful that before this Congress ends a law will be in force to punish surely and swiftly those mentally responsible persons who indulge in this practice. Of course, the best means to accomplish this is a period of quarantine behind bars—where the phone service leaves much to be desired.

I request that the item, "Mother of Haiphong Raider Harassed," from the Philadelphia Inquirer of July 28, 1966, be inserted in the Record at this point.

Cranks' Calls Disturb Kin of Bombing Leader: Mother of Haiphong Raider Harassed

(By William Tuohy)

Aboard U.S.S. Ranger Off Vietnam, July 27.—The naval aviator who led the first carrier air strike against the Haiphong oil depot revealed on Wednesday that his mother in the United States received harassing telephone calls after his role in the raid was announced.

The pilot, Cmdr. Frederick F. Palmer, 41, commander of Air Wing 14 aboard this attack carrier, was so disturbed by the incident he first asked to remain unidentified when describing it.

Later, the tall, graying skipper, who also flew in the first Tonkin Gulf raids in August, 1964, decided to allow his name to be used. Obviously worried about possible future incidents, he declined to give the home city of his mother or of his wife and two children. The carrier air wing is home-based in California.

Speaking quietly, but obviously pained, Cmdr. Palmer said, "My mother is a gentle person; these are not gentle people who would make that sort of phone call.

"Out here, we are exposed to antiaircraft fire as a matter of course, but I don't see any reason for this kind of stuff. I would like to see my next of kin protected from these beatnik calls, or whatever they are."

The commander was reluctant to have reporters aboard the Ranger use the names of other pilots because he feared their relatives might be victimized. Afterwards, he did let pilots be identified by name and address—if they had no objection.

In past months many 7th Fleet pilots have asked that their families' addresses be withheld from news stories. They feared their families might be subjected to crank calls if the pilots were identified as serving in Vietnam.

Aviators aboard the Carriers Enterprise and Kitty Hawk said they had heard of such incidents at home. On the nuclear Carrier Enterprise, which recently departed for home, some pilots were mailed pamphlets urging them not to fight. The pamphlets were mailed from Berkeley, Calif., under the imprint of an anti-Vietnam war committee.

On June 30, the day after he led his planes on the dangerous strike against the Haiphong oil storage tanks, Palmer was flown to Saigon to appear at the daily press briefing there. He was identified by name and home town in the resulting stories.

Two weeks later, he received a letter from his mother, who had been identified in local stories. The letter was postmarked July 4. In the letter, she mentioned she has received "incoherent phone calls at midnight."

Of the incident, Palmer said Wednesday, "these people don't harass men; they just harass women. I don't think this is widespread. But I find it hard to understand the type of person who would telephone dependents like this—when their relatives are a long, long way away and unable to defend them."

Although some pilots had no objection to the use of their names and addresses in stories, others in the crew shared Cmdr. Palmer's apprehension.

A ship's journalist said he sometimes had trouble getting names and addresses for home town news items because some crew members heard that their relatives might receive crank mail or phone calls.

"I think it has been extremely disappointing when men carrying out the orders of the President and Congress have their families subjected to harassment of this nature," Palmer said.

Palmer led a strike over North Vietnam again Wednesday.

DETERMINING ESSENTIAL ACTIVITIES AND CRITICAL SKILLS FOR DRAFT DEFERMENT

Mr. REINECKE. Mr. Speaker, I ask unanimous consent that the gentleman from Missouri [Mr. Curtis] may extend his remarks at this point in the Record and include extraneous matter.

The **SPEAKER**. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. CURTIS. Mr. Speaker, as part of an overall study of our military manpower policies, which I have long recommended that Congress undertake, we must evaluate the relationship between military manpower needs and the needs of the civilian society. Our resources of skilled manpower are not unlimited; thus, we must allocate these resources carefully and conscientiously between the two sectors of our society. During the critical years of World War II, we had a War Manpower Commission, which performed this vital function of allocating our limited supply of qualified manpower between military and civilian activities. This Commission was abolished after the war, but the function which it performed is still being carried out today.

If we are to consider adequately the modification or improvement of our Selective Service System, we must look at this vital area of deferments for young men in "the national health, safety, or interest." In other words we must be studying the present operation of our system of deferments of skilled manpower for civilian and defense industry to determine whether we are doing an effective job of protecting our civilian economy from the upheavals of military expansion, as it is a well-known fact of modern warfare that the civilian society and a strong civilian economy is an important part of our national defense effort.

This purpose is stated clearly in the definition of "essential activities" used by the Department of Commerce which reads:

> To qualify for the List of Currently Essential Activities under the foreseeable mobilization program, the activity must be one which is: (1) necessary to the defense program, or basic health, safety, or interest, and (2) inadequate to meet defense and civilian requirements because of manpower shortages or for which the future manpower supply is not reasonably assured.

Accordingly, I have long been interested in following how to present deferment of critical skills are carried out. I have asked the Departments of Labor and Commerce, which are charged with the responsibility for determining manpower priorities, for updated information regarding the current operation of this system of deferments. I am including in my remarks today my letter to these departments, and I will present to this House the results of my inquiries as soon as I receive them. In addition, I have asked General Hershey for his views as to the effectiveness of this system and the degree of coordination between the Selective Service System and the Interagency Advisory Committee responsible for recommending deferments in the national "health, safety, or interest." I am placing my questions to General Hershey in the RECORD today for the information of all interested Members.

The material is as follows:

JULY 1, 1966.

Hon. JOHN T. CONNOR,
Secretary of Commerce,
Department of Commerce,
Washington, D.C.

DEAR MR. SECRETARY: General Hershey, in his testimony before the Armed Services Committee on the draft, explained that the task of determining what skills and occupations are "critical" to the economy and thus should be deferred from the draft was carried out by a committee composed of representatives from the Department of Labor and the Department of Commerce.

I am very interested in the problems of manpower utilization by the military and by the civilian society and especially in the coordination between the two sectors. I would appreciate it greatly if you could furnish me with information regarding the composition and operation of the joint advisory committee to the Selective Service System. In particular, I would like to have material on the following questions:

(1) Who composes this joint advisory board, how often does it meet, and what criteria does it use in determining what skills are "critical" and thus need to be deferred?

(2) How are decisions of this committee transmitted to the Selective Service System and what is the effect of these decisions? In other words, how much authority does the Committee have over the System in deciding what individuals and/or occupational skills are to be deferred in the national interest?

(3) What skills or occupations, and how many individuals in each occupational group, are now being deferred because they are "critical" to the national economy? If you have a statistical breakdown of these deferred categories for the past ten years, would you please enclose these figures.

(4) On what basis do you recommend deferments for "critical" skills—on the basis of job description, relationship of the occupation to a particular defense industry, number of each critical skill needed in the economy as a whole, or another basis?

(5) During World War II, a War Manpower Commission was established to coordinate manpower needs in the war production effort and the civilian economy in general. How does the work of the present advisory committee differ from that of the War Manpower Commission and how are they similar?

(6) In general, how closely do you feel the needs of the civilian economy and the armed forces for manpower are being coordinated through the present set-up? Do you think the Departments of Labor and Commerce need more authority in the deferring of "critical skills"? Do you need additional staff and/or research funds for analyzing the manpower needs of the national economy and military forces or for determining which skills are "critical"?

I am hoping that the Congress will soon explore this area of military vs. civilian manpower needs, and I will appreciate all the information you have on the subject and also your comments and observations on the matter. Thank you very much for your cooperation.

Sincerely,

THOMAS B. CURTIS.

U.S. DEPARTMENT OF COMMERCE,
OFFICE OF THE SECRETARY,
Washington, D.C.

Hon. THOMAS B. CURTIS,
House of Representatives,
Washington, D.C.

DEAR MR. CURTIS: Secretary Connor has asked me to acknowledge your letter of July 1 requesting information regarding the composition and operation of the joint advisory committee to the Selective Service System.

We will be glad to supply the information which you requested insofar as possible.

Sincerely,

PAUL SOUTHWICK,
Special Assistant to the Secretary.

QUESTIONS SUBMITTED TO GENERAL HERSHEY AS PART OF THE HEARINGS CONDUCTED BY THE COMMITTEE ON ARMED SERVICES

1. You say that the Department of Commerce, the Department of Labor and the Office of Emergency Planning have assumed the functions of the War Manpower Commission. Just exactly how do these agencies operate in determining what skills are critical and need to be deferred? Who determines what jobs are "critical"? How do they co-ordinate with the Selective Service System? What criteria are you given in your determination of what occupations are necessary to the national economy and thus should be deferred from service? How are these criteria transmitted to local boards? How uniformly are these criteria applied by the local boards and/or appeal boards? In effect, how do you perform your function "to insure, by deferment, that vital activities and scarce skills are protected"? (page 2 of your statement).

2. How many men are now being deferred because of their occupational skills which are necessary to the national economy? Can you give us the figures on deferments in this category since 1955?

3. In granting deferments to graduate students, do you make any distinctions between graduate students in the sciences and graduate students in the social sciences and the humanities? Has the Selective Service System or the Department of Defense tried to determine how many men in each of the various occupational specialties requiring gradual degrees are "critical" to the national economy? Do you make distinctions on deferments based on the *occupation* itself or the number of men America needs in each critical occupation? In other words, do you try to defer a certain number of say organic chemists or only the organic chemists who work for certain companies with defense contracts or all organic chemists despite their job location? How do you go about implementing this decision?

4. How effective do you feel the present system is in "allocating manpower to support to the greatest possible degree both our armed forces and our national economy"? Do you think we can do a better job, and, if so, how?

5. Do you feel that the military can train young men in skills that will be useful to the civilian economy? Can the civilian sector train men in skills that will be useful in the military? Should we attempt to co-ordinate training in those occupational areas which are common to both military and civilian life?

6. What objective evidence do you have to support your contention that the reduction in the number of volunteers in late 1964-early 1965 was due to "the fact that a study of military manpower procurement policies had been undertaken"? (page 11 of your statement).

Following my inquiries of the various executive agencies concerned with this problem, I received an urgent communication from a manufacturing concern in St. Louis which has a substantial interest in this matter. The Bussmann Manufacturing Division of McGraw-Edison, one of the largest producers of electrical fuses for defense and civilian usage, is presently facing a critical shortage of skilled electrical engineers and tool and die makers because of the draft. Bussmann fuses are used in both the Gemini and Apollo space programs, in many items of telecommunication equipment and in computers and data processing equipment, all of which are important to our defense efforts, as well as vital to the continuing development of our civilian economy. Yet this company's employees are not able to obtain deferment from the draft, and as a result, the company is seriously hurt. I include at this point in my remarks the letters I received from Mr. Norbert Bussmann of the Bussmann Manufacturing Division, so that other interested Members can better understand the particular problems of this company as it may be illustrative of the problems which I am sure are being duplicated in other companies and industries across the country:

BUSSMANN MANUFACTURING DIVISION,
McGRAW-EDISON CO.,
St. Louis, Mo., July 20, 1966.

Congressman THOMAS B. CURTIS,
House of Representatives,
Washington, D.C.

DEAR TOM: It was nice talking to you this morning. I want to say again that we certainly appreciate your being in Washington, for the sound thinking and constructive criticism and action you have brought to the Congress. We hope we made you aware of this terribly urgent and vital problem we and others must have,—its importance to the nation, its war and space efforts, and to the general economy.

Just as we can't draft all of our college students, our potential teachers, engineers, machinists, doctors and scientists,—We can't take from an industry, and a company as important as ours to the electrical future of the nation, (and to the stabilization and provision of many jobs in the big cities) the few young electrical engineers, and the apprentice machinists and tool & die makers we manage to get, in competition with the aerospace, defense electronic and computer people.

We are breaking our necks, literally working night and day, (we have 6 departments with over 300 people now working the night shift, and almost all others are working 45 to 50 hours per week)—in order to get out orders to keep key industries and the electrical utilities and power transmission facilities in operation and expanding; industries vital to providing for the military and industrial, and aero-space needs as well as the basic human needs of the nation.

The electrical needs of this country can't be delayed or postponed. By 1970 the amount of power needed, for the cities, the farms, the industries, the homes and the government of this country will be double what it was in 1960. You probably saw and heard what happened in St. Louis, and in other cities of the Midwest when the temperature hit 100° and stayed there several days; there wasn't enough power and there weren't enough fuses to take care of the needs. And the public, the government and industry in general won't accept Union Electric's answer. We can not even keep up. The draft is taking key people and forcing others into 100% defense, military or aerospace industry. What are we going to do about it?

We are trying to get 2 of our brilliant young electrical engineers into Reserve or National Guard units, in order that we won't lose them for over 6 months, and maybe permanently, if they are gone 2, 3, or 4 years, in the draft, enlistment, or to Officers Training and required service afterwards. Can you help us, TOM? We will try what you suggested, and let you know how we are getting along. Let us hear from you if you have any other suggestions, or any news of what Congress or the Administration is doing about this situation.

Sincerely Yours,
NORBERT V. BUSSMANN.

P.S. After writing this I got a call from one of your assistants a Mr. Sloca. He told me about, and suggested I write the Interagency Advisory Committee on Essential Activities and Critical Occupations. I will do this.

JULY 21, 1966.

DEAR TOM: After talking to you on the phone, and getting off the other letter, I talked to my cousin Joe Bussmann Jr., the President of Bussmann Mfg. Div. about this problem.

He pointed out some additional things I hadn't mentioned and 2 communications, (which I am enclosing!) 1) A telegram from Military Procurement at Dayton, Ohio and 2) Letters from Customers—long part ones,—we got out of jams by extra hard and/or special efforts. (I'm also enclosing a couple of advertising reprints!)

One of the additional things Joe mentioned was that in recent months, in fact the past several years, we have been making a special effort to employ and upgrade the skills of "disadvantaged" youths, white and colored, in our area—the near north side of St. Louis. We hire them, train them on our own, in apprentice machinist, tool & die work, or machine or factory work, even sending them to vocational or trade school while they work here. And by gosh, we have now lost 5 or 6 of these fellows, including 1 Negro youth to the draft.

This last one, the colored boy, was an especially discouraging loss because we have tried so hard to find some colored youngsters with sufficient basic education, desire, and some aptitude to put them thru such a training program for tool & die makers, and we finally came up with one who was doing pretty good. But now—he's gone! The draft got him last week.

Why does the U.S. waste this money on the war on poverty and the job corps, if selective service and the government is not going to help, or even cooperate with industry, trying to train young men in needed skills? Where are our tool & die makers of the future coming from—certainly not from the job corps, or the war on poverty—unless trained in industry?

Are these do-gooders, and patronage loving politicians, really serious when they say they want to upgrade or teach skills to the disadvantaged youth, particularly colored youth, of this country?

One more point TOM, perhaps we are not a critical defense or aerospace company because only about 10% of our production goes directly to the military or to aerospace procurement. But almost everything that moves, or makes a sound, from diesel locomotives, to nuclear submarines, to Gemini spacecraft, to the Apollo moonshot, to autos, trucks, and planes, all electrical and mechanical machinery and equipment in every defense plant, basic steel and copper plant, every packing house, food processing plant, water companies, sewage disposal plants, electric power producing and transmission facilities, all communication, phone, radio, T.V., radar, missile launching, computing equipment—almost all of this equipment is protected by Buss fuses. And our engineers and tool & die makers will design and build the fuses that will be needed in almost every new electrical development in the future. Manufacturers and the military will come to us, and we will seek them out—as they did for the Gemini, and for the Apollo—as will Western Electric for their telephone and telecommunication equipment, and IBM for the developing needs in computers, and data processing equipment.

Now that's a pretty important company, and engineering department; far more important to the national defense and human welfare and very existence of orderly life of the country than any one individual company like McDonnell Aircraft, North American Aviation, Boeing or Monsanto.

We've been much too timid in the past in trying to get and keep young men in important in-training jobs, but we're going to fight to get and keep them in the future.

Thanks Tom—anything you can do to help us, and the country generally, in this matter certainly will be appreciated. Please keep us informed.

Sincerely Yours,
NORBERT V. BUSSMANN.

Mr. Speaker, the deferment system as presently being conducted with respect to skilled manpower is somewhat as follows: "Critical skills" and "essential activities" are determined by an interagency group entitled the Inter-Agency Advisory Committee on Essential Activities and Critical Occupations. This Committee examines petitions from manufacturing groups and determines which skills and activities are "critical" and thus should be deferred from military service. The recommendations of this group are contained in a publication entitled the "U.S. Department of Commerce List of Currently Essential Activities/U.S. Department of Labor List of Currently Critical Occupations," which is distributed to all 4,000 local draft boards with the recommendation that the skills and jobs included on the lists be deferred.

My reply to Mr. Bussman's letters includes the complete information concerning the operation of this Committee, and I am placing this letter in the RECORD because I think it will be of interest to other Members concerned with this problem and to other companies which are faced with similar situations with respect to the drafting of key employees. I am continuing to seek up-to-date information on the membership and procedures used by the Inter-Agency Advisory Committee because I feel this data is vital to a careful study of our military and civilian manpower policies. I will make the results of my studies in this area available to the Members as soon as I receive them.

It is evident from an examination of this Inter-Agency Committee's activities that certain shortcomings exist in our deferment policies. It is just as important from the standpoint of our national military procurement policy that this Committee coordinate its efforts with the Ready Reserve program as well as with Selective Service. Many of the men in the Ready Reserve presently fill key jobs in important industries, and we should be sure that should the Reserves be called up, these industries and activities will not be stripped of all of their key people. For example, many of the key personnel of Lambert Airport in St. Louis are members of Reserve units, and in the event of a callup, the operations of this important airport may well be seriously curtailed to the detriment of our national security and the welfare of the public. Reserve personnel should be so distributed throughout our economy so that they may be called up at a moment's notice without disturbing the operations of our key industries. This seems to be an important function which this interagency group should be performing.

Also it appears that the lists of the Departments of Labor and Commerce are not continually updated. The current list was published in December 1963; and except for one single amendment in March 1965, consisting of two minor changes, the lists have not been revised since that time. As we know, our economic system is constantly changing as automation and new production and management techniques are introduced, and therefore, it is imperative that our categories of "essential activities" and "critical occupations" be kept up to date. In these two areas—coordination with our Ready Reserve program and continual reexamination of our deferment categories—our deferment system is deficient.

In addition, those occupations deemed "critical" to our national defense and civilian economy are described whereever possible in terms of the "Dictionary of Occupational Titles," volumes I and II, second edition, 1949, and its supplement I, dated 1955. Yet today we have a completely new edition of the dictionary which was published in 1965; so it may well be that the definitions now used to categorize critical occupations are out of date. This is another reason for having continual review of these definitions.

A complete congressional study of these problems is required so that we can make the necessary adjustments in these procedures.

The recent Presidential appointment of a 20-member National Advisory Commission on Selective Service is a significant contribution to the development of a thorough study of our national manpower policies. I would argue that an executive commission of this type is the wrong approach to the problem and that a congressional study, utilizing the open, public procedures which are found in the congressional committee process, is still very much needed. However, I am interested in the work of this Commission and have written to Mr. Burke Marshall, the Chairman of the Commission, expressing my views on this matter. Mr. Marshall has very kindly replied to my letter, and I would like to take this opportunity to share this correspondence with the many Members interested in this draft study:

July 14, 1966.

Mr. Burke Marshall,
Vice President and General Counsel, International Business Machines, Armonk, N.Y., 10504.

Dear Mr. Marshall: I would like to add my congratulations to those you have already received on your recent appointment as Chairman of the President's National Advisory Commission on the Selective Service. I am happy to see that a study in depth is to be carried out, and I am sure that you will insure that the subject will be fully explored.

As you perhaps know, I have been critical of executive commissions of this type for the past several years, and I still believe that the Congress is the proper agency to carry out this study of our nation's military manpower problems. My criticism in the past has focused on the procedural shortcomings usually inherent in such executive commissions. By this I mean that such commissions often do not hold public hearings where witnesses can testify openly, where cross-examination in public is allowed and where rebuttal and surrebuttal testimony is presented. On this important subject which your Commission is about to consider, a subject that touches the lives of practically every American, I feel that it is essential then an open, public study and debate be held. Therefore, I urge your commission to hold public hearings, so that members of Congress, knowledgeable experts from within the government and from the public at large, members of the Armed Forces and representatives from the group most affected by your recommendations—the youths themselves—can testify and present their views, and so that rebuttal testimony can be offered when appropriate.

I also urge your Commission, if it is within the Presidential directive setting up the Advisory Commission, to consider the draft in the context of our national manpower needs. In other words, I hope you will discuss the supplying of manpower to the military in terms of the allocation of our total resources of skilled personnel throughout our economy, including both the military and civilian sectors. Finally, it would seem that the most equitable solution to the problem of "Who serves, and who does not?" is either a universal service where everyone is compelled to serve or a volunteer, professional military force where no one is *compelled* to serve. I favor the latter course and hope that this idea will receive thorough consideration by your Commission.

I am extremely interested in the work of your Commission and will be happy to appear before the Commission, if this is possible. I would also be glad to make available to the Commission and its staff the material I have accumulated on the draft over the past 16 years. I look forward to seeing the results of the Commission's efforts, and I wish you every success in this important task.

Sincerely,

Thomas B. Curtis.

National Advisory Commission
on Selective Service,
Washington, D.C.

Hon. Thomas B. Curtis,
House of Representatives,
Washington, D.C.

Dear Congressman Curtis: Thank you for your kind and thoughtful letter of July 14th.

I have asked the members of the National Advisory Commission on Selective Service to a meeting which will be held on July 30th. At that meeting the Commission will consider the question of its procedures, especially including the matter of hearings. However, that matter is resolved, the Commission will be anxious to have your views and the material you refer to in the last paragraph of your letter.

In order that all members of the Commission may have your comments on the scope of its mission, I am taking the liberty of sending copies to all the members prior to their first meeting.

Very truly yours,

Burke Marshall,
Chairman.

Mr. Speaker, the information I have placed in the Record today is necessary to our efforts to examine the military manpower situation, but I believe this is only the beginning of our study of this problem. The problems presented by the Bussmann Fuse Co. point out most clearly the relationship between the draft and our civilian economy and the need to consider the entire problem of manpower procurement across the board in our examination of the Selective Service System. It demonstrates again most succinctly the need for a broadly based congressional study of this problem, such as I have urged in introducing my bill, H.R. 14539. In this approach, which has received support from Members from both political parties, I ask for the creation of a joint House-Senate committee to examine our selective service policies in terms of our manpower needs. An important part of this approach is the inclusion of members from the Senate and House education and labor committees on this joint committee. I feel that the material which I have presented to this House today proves the need for such an approach, and I again urge all Members who are concerned about the draft and about our manpower problems to join with me in establishing this joint congressional committee so that we can begin this urgently needed study in time to have recommendations ready before the present draft law expires in June 1967.

Following are my reply to the letter from Mr. Bussmann and the full text of the Labor and Commerce "Lists":

Congress of the United States,
House of Representatives,
Washington, D.C., July 21, 1966.

Mr. Norbert Bussmann,
Bussmann Manufacturing Division of McGraw-Edison, St. Louis, Mo.

Dear Bob: Following up on your telephone call of July 20 and your subsequent conversation with a member of my staff, I would like to set down the facts I have learned regarding the procedures used in the Selective Service System to determine who is to be deferred by reason of critical occupation or essential activity.

The task of advising the Selective Service System on the jobs and skills which are deemed "critical" is handled by the Inter-Agency Advisory Committee on Essential Activities and Critical Occupations, which is located in the Bureau of Employment Security of the Department of Labor. The Executive Secretary of this Advisory Committee is Mr. William Cotter. Seven agencies are represented on the Committee, including the Departments of Defense, Labor, Commerce, Health, Education and Welfare, Agriculture, and Interior and the Selective Service System. Membership rotates so that experts from each department having experience in the area under discussion are present at Committee meetings. In other words, officials from the Public Health Service and other HEW agencies connected with health care are called in to discuss possible deferred categories in the "interest of the nation's health," officials from the Department of Agriculture are called in to discuss the deferment of farmers, and so on. The Committee meets "on call" whenever any business is brought before it.

The Advisory Committee acts on petitions submitted by national trade organizations and associations or other non-profit groups which represent a majority of the companies in a particular industry. These petitions are submitted on a special form obtainable from the Committee. After receipt of a petition, the Advisory Committee may establish a special subcommittee of experts from the various departments having knowledge of the industry, and the subcommittee then prepares a report which includes recommendations for the deferment of certain skills or essential activities. The subcommittee may hold informal hearings with affected industry personnel present to help in the formulation of its decisions. The subcommittee's report is then considered by the full Advisory Committee, and the Committee's final report is sent to the Secretary of Labor or the Secretary of Commerce or both for final approval.

The end product of the Advisory Committee's work is printed in a booklet which lists the specific "essential activities" and the specific occupations connected with these "essential activities" which are to be deferred in the "national health, safety or interest." This booklet is sent through the National Selective Service headquarters to all local draft boards. I will send you a copy as soon as I receive one. It should be remembered, however, that this list of activities and occupations is advisory only and the Advisory Committee has no authority to grant deferments to any individuals or to any occupational skill. The final decision in the case of any registrant lies with the local draft board.

The Advisory Committee uses several criteria in the determination of those activities and occupations which are critical to the national health, safety or interest. These criteria have been in force since the Committee was established—originally as the National Emergency Research Board—in 1950. Briefly, the criteria include the following:

A. Those activities which are deemed "essential" are those which (1) are included under the present, or any forseeable mobilization program, or (2) are located in an industry whose output is inadequate to meet defense of essential civilian needs because of manpower shortages.

B. Those occupational skills which are deemed critical are those skills, related to an "essential activity," in which (1) there is an overall shortage of workers in a significant proportion of the "critical" industry, (2) there is a minimum training time or job experience time of two years, and (3) the occupation is indispensible for the operation and functioning of the critical industry.

These criteria are explained in full in the foreword to the Advisory Committee's list of activities and skills to be deferred. It also should be noted that the Committee's decisions are made on a nationwide, not a company-by-company, basis; however, the Committee will interpret its recommendations on behalf of a particular company. A request for a special interpretation of the Advisory Committee's published list in regard to a particular company may be made, and the result will be communicated to the company concerned and the Selective Service System. Your company might wish to make such a request to determine whether your employees fall under any of the categories now recommended for deferment.

Finally, a company whose business is affected by decisions of local draft boards has the right to appeal local board decisions on behalf of the individual employee concerned. The company may submit information concerning the employee's job, and the reasons why this job falls under the categories now being deferred, to the local board, or, in the event of an adverse decision, to the State Selective Service Appeal Board and to the National Appeal Board. An "interpretation" by the Advisory Committee may be of use to your company in making such appeals.

I sincerely appreciate your bringing this matter to my attention as I have been trying to discover just how these "deferments in the national interest" were being made, and your case helped me to dig out the pertinent information. Many Members of Congress have been interested in this matter, and I am taking the liberty of placing a copy of this letter in the CONGRESSIONAL RECORD so that this information will be available to other Members and to other companies who are concerned with this problem. I hope this material will help you, and you know that you can always count on me if you need further assistance. Thank you again for your call.

With warmest wishes.

Sincerely,

THOMAS B. CURTIS.

P.S.—I just received copies of the "Lists of Currently Essential Activities and Critical Occupations" and am enclosing a copy.

U.S. DEPARTMENT OF COMMERCE LIST OF CURRENTLY ESSENTIAL ACTIVITIES AND U.S. DEPARTMENT OF LABOR LIST OF CURRENTLY CRITICAL OCCUPATIONS

FOREWORD

The *U.S. Department of Commerce List of Currently Essential Activities* and the *U.S. Department of Labor List of Currently Critical Occupations* are used by the Selective Service System for information when considering requests for occupational deferment of individual registrants and as a guide in selecting men with critical civilian occupations for the special enlistment program in the Ready Reserve under Executive Order 10650. An individual is considered to be employed in a currently critical occupation if he performs the duties described for an occupation which is on the U.S. Department of Labor List of Currently Critical Occupations while working in an essential activity as described on the U.S. Department of Commerce List of Currently Essential Activities.

An individual employed in a currently critical occupation may request selection for the special enlistment program in the Ready Reserve. However, eight occupations on the list are not used for this special enlistment program. These occupations are: (1) Aircraft and engine mechanic, (2) electronics mechanic, (3) instrument repairman, (4) machinist, (5) apprentice (Critical Occupations Only), (6) dentist, (7) physician and surgeon, and (8) veterinarian. A registrant in a currently critical occupation other than the eight listed is eligible for this special enlistment program and must be classified 1-A.

Information concerning appropriate Selective Service regulations on either regular occupational deferment or the special enlistment program in the Ready Reserve may be obtained from any local draft board.

To qualify for the List of Currently Essential Activities under the foreseeable mobilization program, the activity must be one which is: (1) necessary to the defense program, or basic health, safety, or interest, and (2) inadequate to meet defense and civilian requirements because of manpower shortages or for which the future manpower supply is not reasonably assured.

Each occupation on the List of Currently Critical Occupations is determined on the basis of the following criteria: (1) under the foreseeable mobilization program an overall shortage of workers in the occupation exists or is developing which will significantly interfere with effective functioning of essential industries or activities, (2) a minimum accelerated training time of two years (or the equivalent in work experience) is necessary to the satisfactory performance of all the major tasks found in the occupation, and (3) the occupation is indispensable to the functioning of the industries or activities in which it occurs.

The two lists are flexible and recommendations will be made from time to time by the Interagency Advisory Committee on Essential Activities and Critical Occupations to keep the lists current in relation to foreseeable plans for mobilization.

Requests for information with respect to the lists should be directed to Executive Secretary, Interagency Advisory Committee on Essential Activities and Critical Occupations, Bureau of Employment Security, U.S. Department of Labor, Washington 25, D.C.

U.S. DEPARTMENT OF COMMERCE LIST OF CURRENTLY ESSENTIAL ACTIVITIES

Aircraft

Production, maintenance, and repair of military aircraft and component parts.

Chemical and allied products

Production and processing of high temperature resins, nuclear fuel and other chemical products, for ordnance and missile and space systems, for other weapons, and military applications of nuclear radiation and biological and chemical warfare detection devices.

Educational services

Colleges and universities; vocational schools and technical institutes; high school (grades 9–12) instruction in mathematics, the physical and biological sciences, or any modern foreign language except French, German, Italian or Spanish.

Electronic equipment and electronic and electrical communication equipment

Production and maintenance and repair, for military purposes, of electronic equipment and of electronic and electrical communication equipment.

Health and welfare services

Personal, medical, dental, and nursing services; public health services.

Missile and space systems

Production, installation, check-out, maintenance, and repair of missile and space systems, including aerospace and ground equipment.

Ordnance

Production and maintenance of weapons (including nuclear weapons) and component parts.

Precision and scientific instruments and apparatus

Production for military purposes of: complex or custom blown glassware; engineering and surveying instruments; optical instruments; flight, navigation; meteorological, geological instruments; nuclear radiation and chemical and biological warfare detection devices; timing devices; laboratory apparatus for analysis, inspection and testing of chemical and physical properties of materials and products; electrical measuring instruments; mechanical instruments; and automatic control devices.

Research and development services

Basic and applied research, development, test and evaluation, mineral resource exploration and development projects, process development—of direct concern to the national health, safety or interest.

Ship and boat engineering

Engineering and design of ships and boats and their components for military purposes.

Water and sewerage systems

Operations of water and sewerage systems.

U.S. DEPARTMENT OF LABOR LIST OF CURRENTLY CRITICAL OCCUPATIONS

Part I—Occupational titles

Aircraft and engine mechanic—Special Definition

Apprentice (Critical Occupations Only)—Special Definition

Astronomer*—Special Definition

Bacteriologist* (profess. and kin.) 0–35.33, p. 51 (Includes Microbiologist)

Biophysicist*—Special Definition

Chemist* (0–07)—General Definition

Clinical psychologist—Special Definition

Dentist (medical ser.) 0–13.10—General Definition

Die Setter (forging) 4–76.120, p. 387.

Electronic mechanic—Special Definition

Engineering psychologist*—Special Definition

Engineer, professional (0-14—0-20)—General Definition

Foreman (Critical Occupations Only)—Special Definition

Geologist* (profess. and kin.) 0-35.63, p. 605

Geophysicist* (profess. and kin.) 0-35.63, p. 605

Glass blower, laboratory apparatus—Special Definition

Health physicist—Special Definition

Instrument repairman (5-83)—General Definition

Jig and Template Maker (5-17)—General Definition

Machinist (4-75)—General Definition

Mathematician* (profess. and kin.) 0-35.76, p. 833

Nurse, registered (0-33)—General Definition

Ortheopedic appliance and limb technician (5-09)—General Definition

Osteopath (medical ser.) 0-39.96, p. 914

Parasitologist* (profess. and kin.) 0-35.31, p. 945

Patternmaker (5-17)—General Definition

Pharmacologist* (profess. and kin.) 0-35.34, p. 961

Physician and surgeon (0-26)—General Definition

Physicist* (profess. and kin.) 0-35.73, p. 965

Physiologist*—Special Definition

Structural linguist*—Special Definition

Teacher, college—Special Definition.

Teacher, high school (Mathematics, Physical and Biological Sciences, and Modern Foreign Languages Except French, German, Italian, or Spanish)—Special Definition

Teacher, technical institute (Critical Occupations Only)—Special Definition

Teacher, vocational (Critical Occupations Only)—Special Definition

Technician, engineering and physical sciences—Special definition

Tool and die designer (0-48)—General Definition

Tool and die maker (4-76)—General Definition

Veterinarian (medical ser.) 0-34.10, p. 1455

*Limited to those individuals who meet one of the following criteria:

1. Have a graduate degree directly related to the occupational area concerned.

2. Have equivalent experience, education, and training (generally considered to be not less than 1 year beyond bachelor degree level).

Part II—Definitions

Occupations contained and described in this List of Currently Critical Occupations are identified wherever possible in terms of the *Dictionary of Occupational Titles,* Volumes I and II, Second Edition, 1949, and its Supplement I, dated 1955. The symbol DOT is used in referring to these publications. Where the occupations in this list are identified in the DOT, reference is made to the appropriate DOT title, code, and page number.

In some instances, brief descriptive statements identified as "General Definitions" have been prepared and cover several occupations. In other instances, "Special Definitions" have been prepared where no applicable DOT definitions were available.

The expression "related titles" which occurs in occupational definitions on this list refers to occupations which have the same DOT code number as the occupation defined and are also considered critical occupations. For a listing of "related titles" allied with a specific occupation, reference should be made to Volume II, DOT.

It should be clearly understood that because of the purpose of this material the brief descriptions accompanying the titles on the list cannot be considered standards for determination of hours, wages, jurisdictional matters, or appropriate bargaining units, or for use in formal job evaluation systems.

Since occupational definitions are constantly being revised, certain definitions found here are modifications of and supercede the corresponding definitions in the DOT for the purposes of this list.

FIRST AMENDMENT TO U.S. DEPARTMENT OF COMMERCE LIST OF CURRENTLY ESSENTIAL ACTIVITIES AND U.S. DEPARTMENT OF LABOR LIST OF CURRENTLY CRITICAL OCCUPATIONS ISSUED DECEMBER 1963

Please cross out the special definition of "Structural Linguist" on page 12 of the December 1963 edition of the U.S. Department of Commerce List of Currently Essential Activities and the U.S. Department of Labor List of Currently Critical Occupations and use the special definition which follows:

Scientific linguist (Profess. and kin.) O-36: Linguistician; linguistic scientist; structural linguist. Studies components, structure, and relationships within a language to provide better understanding of its social functioning: Prepares description of sounds, forms, and vocabulary of a language. Contributes to the development of linguistic theory. Applies linguistic theory to at least one of the following: Development of improved methods in translation, either computerized or not; the teaching of a language to other than native speakers of it; preparation of language-teaching materials, dictionaries, and handbooks; reducing previously unwritten languages to standardized written forms; preparation of literacy materials; preparation of tests for language-learning aptitudes and language proficiency; consultation with government agencies to the benefit of their language programs, preparation of descriptions of two languages in comparison with each other for the purpose of improving teaching or translating between them. Does not perform routine translations (translator) or teaching (faculty member, college or university (education); teacher, secondary school (education)).

ADDITION TO LIST

Programer, Engineering and Scientific (profess. and kin.):

Converts or directs conversion of symbolic statements of scientific and technical problems into diagrams and language for solution by means of automatic data processing equipment: Analyzes statement of problem as prepared by computing analyst (profess. and kin.), applying knowledge of subject matter involved and of symbolic logic. Confers with computing analyst (profess. and kin.) and managerial and technical personnel to facilitate analysis. Breaks down statement of problem into steps for solution. Designs detailed programs, flow charts, and diagrams indicating sequence of machine operations necessary to carry out compilation and computation of data to solve problem. Translates or directs translations of the mathematical formulas into language that can be understood by specified computer. Verifies accuracy and completeness of program by preparing sample data and testing data on computer by operating console (console operator (clerical)). Prepares instruction sheet to guide console operator (clerical) during production run. Corrects program errors by revising instructions or altering sequence of operations. Evaluates use of canned (standardized) programs in solving routine problems and modifies such programs when necessary. Usually specialized in one field of the pure, applied, or life sciences, such as mathematics, statistics, chemistry, physics, engineering, astronomy, geology, or medicine. This definition shall be limited to cover only those persons who possess at least a bachelor's degree in one of the aforementioned fields and have at least two years' experience in programing for the type of problem noted above or the equivalent of three years of intensive and varied on-the-job training in programing.

MARCH 1965.

THE INCREASING PROBLEMS OF AUTO THEFT

The SPEAKER pro tempore (Mr. KREBS). Under previous order of the House, the gentleman from New York [Mr. KUPFERMAN] is recognized for 30 minutes.

Mr. KUPFERMAN. Mr. Speaker, a serious problem which deserves our immediate attention and that of all law enforcement agencies is auto theft.

According to the U.S. Department of Justice, auto theft is the third most frequently committed felony throughout the Nation, following only burglary and grand larceny. Moreover, I am informed that in measurable financial loss, auto theft is second only to burglary.

According to the Federal Bureau of Investigation and the National Automobile Theft Bureau, half a million cars were stolen in this country in 1965, a 12.5-percent increase over the figures reported for 1964. Statistics indicate that the number of auto thefts has doubled since 1955, with a continued increase expected by law enforcement officials.

The FBI reports indicate the ratio of stolen cars per 100,000 inhabitants of the United States in 1960 was 179.2. In 1965 the ratio increased to 251 per 100,000 people.

The increasing problem of auto thefts is particularly disturbing to me because there is already such a high incidence of crime committed within the New York City area. In 1960, according to the FBI, there were 24,325 car thefts in Manhattan. In 1962 this figure jumped to 27,366, or 246.4 cars stolen per 100,000 people in the metropolitan area.

In 1964 there were 39,638 car thefts in the New York metropolitan area as contrasted with 49,228 thefts that year in all New York State. In other words, in 1964 there were 348.9 cars stolen per 100,000 people in New York City as compared with 274.8 cars stolen per 100,000 inhabitants of New York State.

It should be noted that the figures supplied to the Federal Bureau of Investigation for auto thefts prior to 1965 by the New York City Police Department are considerably less than an accurate reflection of the actual number of stolen cars. Commissioner Howard R. Leary discovered upon assuming duty as the New York City police commissioner on February 22, 1966, considerable inefficiency, and a failure by the New York City police to report all of the auto thefts which had occurred in New York City.

Thus, the more recent figures, which are the product of Commissioner Leary's commendable institution of a new system of accurately reporting and recording car thefts, indicate that 34,726 cars were stolen in New York City in 1965. Moreover, during the first 6 months of 1966, 15,459 auto thefts were reported in Manhattan alone.

The figures above have been of real concern to law enforcement officials in New York as well as to Commissioner

Joel J. Tyler of the New York City Department of Licenses, and District Attorney Nat H. Hentel of Queens, who have been the leaders in the fight to retard the dramatic increase of auto theft in New York City.

While experience indicates that most stolen cars are eventually recovered, research shows that the average financial loss for each such recovered car is approximately $200. In addition, millions of dollars are lost each year as a result of stolen cars which are not recovered.

Statistics from the Federal Bureau of Investigation indicate that more than 60 percent of all auto thefts are committed by youngsters under the age of 18. The all-too-familiar pattern experienced by law enforcement officials is that of the "joyride," where the car is stolen, used, and then returned or left for the owner or police to find.

Aside from the serious consequences of an arrest, trial and conviction of our youth, "joyriding" presents a real threat to all those who use the Nation's streets and highways. The young driver's unfamiliarity with the stolen car, together with his apprehensive state of mind and lack of pride of ownership in the vehicle serve to insure a reckless drive, thereby creating a hazard to innocent motorists.

Another problem auto theft poses, is that of the theft rings, which are composed of groups of professional thieves, usually adults, generally employing stolen cars to carry out other crimes which they have conceived. By stealing the car used to execute their crimes and then later disposing of the vehicle, criminals are able to reduce the likelihood of being apprehended.

One of the ways in which thieves are able to disguise the stolen automobile is to grind the serial numbers off the engine while at the same time repainting the car a different color so that it may be disposed of on the open market.

The difficulty with this procedure, however, is that it is time consuming, and time is a precious ingredient to the successful operation of the auto thieves ring. Also, it requires technical resources.

Therefore, a much faster and therefore safer means is generally employed by the professional auto thieves to dispose of their hot cars. The cars are simply shipped, trucked or driven out of the United States to be sold in a foreign country close to the United States, or in many cases, overseas.

Unfortunately, the Federal Bureau of Investigation has no figures or even estimates as to the number of stolen automobiles which are being exported each year. This is so, notwithstanding the fact that the FBI and Justice Department have been aware of the increasing problem of stolen vehicles being transported in interstate and foreign commerce for the past several years.

This method of disposition of the stolen vehicles is made considerably easier for the thieves primarily because, under present law, there is absolutely no requirement that the U.S. customs service make a check to ascertain proof of ownership of any motor vehicle being shipped, flown, trucked, or driven out of the United States, nor is it their policy to do so.

At present, the U.S. Department of Commerce, operating under the authority of the Export Control Act of 1949, as amended July 1965, authorizes the customs department under the U.S. Treasury, which administers the act, to file an export declaration certificate on quantities of exported goods. This declaration certificate is intended to provide statistical data to the Department of Commerce regarding amounts and descriptions of goods leaving the country, but in no way is concerned with proof of title or ownership of the goods beeing exported.

On the contrary, the U.S. Department of Commerce and the customs department are more concerned with goods coming into the country because of the imposition of U.S. duty on these items.

The reason the Export Control Service and customs are generally only concerned with a statistical check on the description and amounts of goods leaving the United States may be found in the purpose of the Export Control Act itself. The Export Control Act expressly provides (50 U.S.C., pp. 2021–1032, 63 Stat. 7, ch. 11) that it is the purpose of the United States to use export controls to the extent necessary to protect the domestic economy from the excessive drain of scare materials and to reduce the inflationary impact of abnormal foreign demand. It further provides for export control when necessary to further the foreign policy of the United States or to exercise the necessary viligance over exports from the standpoint of their significance to the national security.

It would seem that as long as the customs officials and the Export Control Service under the Department of Commerce, presently require a declaration for statistical purposes as to the description and quantity of vehicles leaving the United States, they could also seek some evidence of ownership or lawful identification of any motor vehicle or motorcycle under the holders' direction or control which is about to be removed from the United States.

To require some evidence of ownership or lawful identity in addition to the routine statistical check made by customs officials of those seeking to export vehicles at our borders would be a far less hardship than to continue to allow the felons who steal our motor vehicles and endanger our lives to rapidly and successfully complete their plans by simply removing the stolen vehicles from the country.

Accordingly, I have today introduced a bill which would provide that it shall be unlawful for any person to transport a motor vehicle or motorcycle out of the United States without first making a satisfactory showing of proof to the Secretary of Commerce regarding the ownership or lawful identification of the motor vehicle or motorcycle being exported.

Authority presently exists in most, if not all States in the United States, for law enforcement officials to request, at least upon probable cause, such proof of ownership.

Moreover, in New York State, as well as in many other States, every person operating a motor vehicle shall upon request of a law enforcement officer produce a certificate of registration for the vehicle being driven. (New York vehicle and traffic law, title IV, art. 14, sec. 401(4).) New York law further provides a sanction of suspension or revocation of the driver's license of any person who prevents lawful identification of any motor vehicle or motorcycle under the holders' direction or control. (New York vehicle and traffic law, art. 20, sec. 510 (3)(2).)

Routine checks made by local and State law enforcement officials continuously turn up stolen cars which may or may not have been reported as stolen. A similar routine check by the Federal export control authorities at customs, when cross-checked against lists of reported stolen vehicles, could no doubt lead to the discovery of auto thefts and seriously cut down the number of stolen or "hot" vehicles presently being dumped outside the country.

Another way in which we can reverse the current climb in the number of auto thefts in the United States is to recognize and stop a new means employed to accomplish this crime which has recently developed with alarming speed.

I refer to the fact that thousands of car thieves are aided each year by the use of so-called master keys. Master keys are designed to fit some or all makes and models of cars and are usually ordered and sent by their manufacturers through the mail.

Indiscriminate sale of these keys allows them to fall into the hands of juveniles and professional criminals alike, and are perfect instruments to enable them quietly and quickly to steal a car and to remove its contents or valuable parts, such as engines and radios, without being discovered.

New York State Senator Simon J. Liebowitz expressed concern over the growing menace to life and property from auto thefts by the use of master keys during a recent hearing of the U.S. Senate Subcommittee on Executive Reorganization on the subject of traffic safety. State Senator Liebowitz pointed out that inasmuch as these keys are ordered and sent through the mail there is no way a single State can effectively prohibit their purchase and receipt by one of its residents.

Senators Jacob K. Javits, Robert Kennedy, and Abraham Ribicoff have recognized the master key problem as a serious one and have recently introduced in the Senate a bill, S. 3176, designed to deal with the problem of master keys.

In discussing the master key problem in the July 1955 issue of Popular Mechanics, Senator Ribicoff said:

> While some key manufacturers conscientiously try to confine their sales to legitimate users, others make no attempt whatever, and do, in fact, solicit business—by mail and advertising—from anyone who'll pay their price.

Senator Ribicoff said the number of auto thefts has jumped 20 percent in the last 2 years and, that if the trend continues, more than a million cars will be stolen every year by 1970—one every 30 seconds.

With the exception of large-scale auto theft operations in which the thieves tow or truck the car away, the majority of automobile thefts are accomplished by starting the engine and driving the vehicle away. The emphasis should be, therefore, upon restricting the ease with which this can be done.

By stopping unauthorized master key traffic and usage, and by encouraging manufacturers voluntarily to take steps to improve car design by adding the small items necessary by automobiles being manufactured, and, thereby insuring more theft-proof qualities, millions of dollars and numbers of lives could be saved.

A simple preventive measure which car manufacturers could adopt would be to place a lock on the hood latch of the automobile and cause it to operate from inside the car rather than continue to manufacture the simple opening devices presently being designed to operate from under the hood on the outside front of most cars.

I would strongly urge our Nation's automobile industry to cooperate in, what I hope will be, a massive national effort to reduce auto thefts. One way in which they could help would be voluntarily to improve the lock mechanisms of the ignitions of the automobiles so that they will be more difficult to pick.

Another method would be to make it more difficult to obtain master keys. To accomplish this, I have today introduced legislation which would prohibit the interstate mailing of master keys to all unauthorized individuals or groups by making it a Federal offense to use the mails to sell master keys except for legitimate uses.

There is a particular need for such legislation in order to take away the incentive which master keys presently provide for teenagers to take joy rides. According to Senator RIBICOFF, the frequency of auto thefts by teenagers runs to 92 percent in some areas.

Moreover, the National Auto Theft Bureau, which has gone on record as violently opposing the indiscriminate sale of master keys as potential burglar tools, reports that nationwide, more than 60 percent of juvenile crimes are auto thefts.

I believe it is imperative that the Federal Government take action now to come to the aid of local and State law enforcement officials in their struggle to effectively deal with the growing menace of auto theft.

A copy of the bill which I have introduced today follows:

H.R. 16657

A bill to reduce thefts of motor vehicles by prohibiting the exportation of unidentified motor vehicles, and by prohibiting the unauthorized possession and transmission in interstate commerce of motor vehicle master keys

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

FINDING AND DECLARATION OF POLICY

SECTION 1. The Congress hereby finds and declares that motor vehicles constitute one of the primary means and instrumentalities of interstate commerce, and that thefts of such vehicles have reached such proportions as to constitute a serious burden upon and impediment to such commerce. It is declared to be the policy of this Act to promote and protect such commerce, and the provisions of this Act are found to be necessary to that end.

SEC. 2. (a) Any person who shall export from the United States any motor vehicle shall, in accordance with such regulations as the Secretary of Commerce shall prescribe, exhibit to the Secretary of Commerce or his delegate such proof of ownership, indentity, or right to possession of such motor vehicle as the Secretary may require.

(b) The Secretary of Commerce is authorized to require by regulation the registration with the Department of Commerce of any person who shall export any motor vehicle for any purpose other than his own personal use. The Secretary of Commerce is authorized to revoke or suspend any such registration for any violation of this section or any regulation issued under authority of this section, or in lieu of any such revocation or suspension, to impose a monetary penalty not exceeding $1,000.

(c) Any person who willfully exports any motor vehicle in violation of this Act or any regulation issued pursuant to this Act shall be punished by a fine of not more than $1,000, or by imprisonment for not more than one year, or both.

(d) For purposes of this section, the term "to export" means to export from any State of the United States, the District of Columbia, the Commonwealth of Puerto Rico, or any possession of the United States.

SEC. 3. For the purposes of this Act—

(1) The term "interstate commerce" means commerce—

(A) between any State, the Commonwealth of Puerto Rico, any territory or possession, or the District of Columbia and any place outside thereof;

(B) between points within the Commonwealth of Puerto Rico or within the same State, but through any place outside thereof; or

(C) within or between points within the District of Columbia or any territory or possession.

(2) The term "motor vehicle master key" means a key which will operate all of the ignition locks of two or more motor vehicles each of which can be operated by a key which will not operate the ignition locks of the other such vehicles.

SEC. 4. (a) The prohibitions contained in subsection (b) of this section shall not apply to—

(1) any common carrier or contract carrier, with respect to any motor vehicle master key shipped, transported, or delivered for shipment in interstate commerce in the ordinary course of business.

(2) any bona fide locksmith, lock or key manufacturer, or any person engaged in the sale, service, or manufacture of new or used motor vehicles or motor vehicle parts, with respect to any motor vehicle master key lawfully made, sold, or used by him in connection with such occupation.

(3) any officer or employee of the United States or any State or local governmental entity with respect to any motor vehicle master key used by him in his capacity as such.

(b) Except as authorized pursuant to subsection (a) of this section, whoever knowingly makes, buys, sells, transports, receives, possesses, or uses any motor vehicle master key shall be fined not more than $1,000 or imprisoned not more than one year, or both.

PRIVATE INDUSTRY AGAIN INVADED BY FEDERAL GOVERNMENT—THE FHA GRAB

The SPEAKER pro tempore. Under previous order of the House, the gentleman from California [Mr. HOSMER] is recognized for 15 minutes.

Mr. HOSMER. Mr. Speaker, I am informed that the Veterans' Administration plans to announce tomorrow, July 29, that its fee-appraisal-panel functions will be relinquished to the Federal Housing Administration. I protest this proposed action which would be accomplished through administrative agreement between the two agencies although congressional consideration and action are required, as I will point out.

The implications of this proposal, which I understand was made by Mr. P. N. Brownstein, Assistant Secretary-Commissioner, Federal Housing Administration, will be distressing to the American taxpayer, as well as to the professional appraisers who have been used through many years by the VA as fee appraisers, paid for by the applicant and not with funds from the Treasury of the United States.

As you know, the Veterans' Administration appraisal is based on a different philosophy and a different statutory definition of value. VA appraisers also estimate dollar values for depreciation and other factors that FHA does not train its appraisers to do.

FHA would manage, by this device, to keep its excess manpower occupied, but the VA appraisal panel, developed through many years of mutual respect and loyalty, would be sacrificed. These small businessmen have come to rely upon the VA for such appraisal work as necessary, and in turn, the VA has relied upon fee appraisers in times when work was so plentiful that it might have been more profitable for the fee appraiser to give preference to other clients. A function that has been performed with distinction and effectiveness by private industry would thus be surrendered to the Federal Government—the FHA which at this time, due to the tight-money squeeze in the home sales and building industry, is seeking to retain its appraisers through a grab at VA appraisals.

I do not believe that it was the intent of Congress in establishing the FHA that the agency compete with small businessmen in providing appraisal services to the public. A most unfortunate precedent would be established if every agency with excess employees sought out other agencies where work was being done by private concerns and took over those functions instead of reducing its staff to fit its requirements. Almost every agency has been in the position at some time of having programs dry up for an extended period and most of them have sensibly reduced employment. In this case, such a decision by FHA is particularly appropriate because the Appropriations Committees of Congress have suggested that FHA reduce its staff and rely upon fee appraisers in periods of peak workload in its own operations.

I call attention to statements made by Mr. Brownstein to the General Accounting Office in a letter of March 14, 1963, in response to an inquiry from GAO as to "(1) any specific difference presently resulting between FHA and VA appraisals because of differences in objectives, and (2) whether one agency could perform appraisals which would satisfy the objectives of both agencies."

The following portion of Mr. Brownstein's letter is quoted:

> The word "value" as used by the Federal Housing Administration refers to a price which a purchaser is warranted in paying for a property for long term use or investment. The estimate of reasonable value sought by the Veterans' Administration is the amount of reputable and qualified appraiser unaffected by personal interest, bias, or prejudice would recommend to a prospective purchaser as a proper price of cost in the light of prevailing conditions.
>
> These differences in value definition sometimes do result in practical differences in the amount of the appraisal, depending upon marked conditions. Under conditions of shortage in the supply of housing, when a seller's market prevails, the FHA valuation will often be below current market prices, while the VA estimate of reasonable value might be equal to market price in recognition of the prevailing local conditions.
>
> Another difference in value estimates results from the fact that the FHA definition of value refers to a price which includes normal closing costs which are not included in the VA definition of reasonable value. This results in a practical difference in VA and FHA appraisals under all market conditions.
>
> We should also consider other differences in objectives that go beyond the appraisal itself, but affect the work of the appraiser. In addition to the required estimate of value, the FHA appraiser's inspection and analysis includes considerations having an important bearing upon the acceptance of the property for mortgage insurance. Differences in eligibility requirements are substantial because of the differing objectives of the two programs.
>
> Considering only technical questions involved, it no doubt would be possible for FHA to perform appraisals which would meet objectives of the VA. To accomplish this, FHA appraisal staffs would have to receive special instructions so that they would have a complete understanding of differences in appraisal definitions and differences in eligibility requirements.
>
> There are, however, certain administrative, operational, and even policy considerations that should have been taken into account before adopting such a proposal. Referral of appraisals from one agency to another would of itself involve some additional government paper work and expense. While much can be accomplished through proper instruction, performance of the appraisal work for the VA by FHA appraisers could result in some confusion in appraisal concepts, and especially in the application of the eligibility requirements. To some extent confusion occurs even now between various FHA programs because of differing objectives and requirements in the numerous special programs administered by FHA. In spite of the extreme care taken in preparation of manual instructions and training.
>
> Assuming FHA would make VA appraisals but would continue to use VA fee appraisal panel, there would be some complications. FHA is required by law to charge fee appraisal services against its appropriation act limitation on the amount of funds it may use out of income to pay operating expenses. The VA has no such limitation on the use of fee appraisal services and relies primarily on fee appraisal services paid for directly by the builder, seller, or veteran buyer of the home. If FHA were to appraise for the Veterans Administration using fee appraisers paid by others, each such case would have to be identified as a VA case in order to be able to utilize fee appraisal services without charge to the FHA limitation. In that case, reimbursement would need to be made to FHA for the FHA staff time and expense applied to the appraisal of VA cases, such as receiving, assignment and review.
>
> If appraisals for VA use were made by FHA staff, it would result in a governmental expense being substituted for a private fee appraisal transaction, which is not an expense to the Government but is paid for directly by the builder, seller, or veteran purchaser under the VA system. Even if the fee, which would otherwise be paid by the builder, seller, or veteran to the private fee appraiser, were to be paid instead to FHA, we would assume that, in the absence of legislation, it would not become available under FHA's appropriation act limitation. Neither would we assume that funds would be available under the VA appropriation structure for use in reimbursing FHA under a reimbursable activity of this kind. The performance of major activity on a reimbursable basis presents special problems and hazards to staff stability because of the fluctuating and uncertain character of the workload.
>
> All of these problems could, of course, be surmounted, but to attempt to do so by minor improvisation would probably produce more problems than would be solved. Any broad major approach which would establish a single appraisal channel for both purposes would probably require legislative action.

This represents Mr. Brownstein's thinking in 1963. It is a different story now when FHA appraisers are feeling the tight-money squeeze. The FHA has become hungry and is willing to snatch from independent appraisers through the proposal being considered, namely to hand over VA appraisal fee panel functions to FHA so Mr. Brownstein can find employment for his appraisers.

I call your attention to a letter, dated April 15, 1963, addressed to Hon. Joe M. Kilgore by the Comptroller General of the United States, which states:

> In view of the opposition and doubts expressed by the agencies involved (VA and FHA) an administrative agreement to achieve consolidation of functions does not seem probable. Therefore, if the appraisal functions are to be combined, it appears that congressional consideration and action will be required.

I have urged Administrator Driver to withhold the announcement that the VA's fee-appraisal-panel functions will be relinquished to the FHA until, in view of the statements by the Comptroller General and by FHA's Mr. Brownstein in 1963, Congress can determine whether the laws under which VA and FHA operate grant them this administrative action.

In short, the proper action at this time, if FHA has too large a staff of appraisers, is to reduce its staff and not seek employment for them in competition with independent appraisers through the proposal that is being considered in connection with the VA's own operations—the VA fee appraisal panel.

AMERICAN CIVIL LIBERTIES UNION DEFENDS FLAG BURNING

The SPEAKER pro tempore. Under previous order of the House, the gentleman from Ohio [Mr. ASHBROOK] is recognized for 15 minutes.

Mr. ASHBROOK. Mr. Speaker, it was shocking to read that the ultraliberal American Civil Liberties Union had defended the desecration of the American flag. In an article in yesterday's New York Times which I am including with these remarks, the ACLU is reported to have defended flag burning as "a constitutionally protected activity" akin to sit-ins and other forms of civil disobedience. As if to reach for a straw in the manner of the proverbial drowning man, the ACLU spoke out of the side of its mouth and said, in effect, "After all, the law provides that old flags shall be destroyed in a dignified way."

What contempt for our flag and our Nation? It is unconscionable that anyone except Communist sympathizers and those who would destroy our Nation should advocate a theory that it is a proper means of protest to desecrate the stars and stripes. The ACLU adds one more footnote to a history which already is full of questionable chapters.

It is groups like the ACLU which give a rationale to those who advocate disobedience, rioting and contempt for authority. I wonder where they will ever draw the line. One of these days they will be telling us that academic freedom includes the right of indecent exposure in the classroom. Their questionable position is in totally bad taste, Mr. Speaker, and I strenuously object to their views. Unfortunately, the Supreme Court will probably uphold their twisted, wierd theory which they propound in this offensive unpatriotic and despicable beatnik-type protest.

The article in the Times indicates the immediate need for the Congress to act. I am joining many of my colleagues in signing the discharge petition offered by my good friend, the gentleman from Indiana [Mr. ROUDEBUSH]. His bill would make the desecration of the flag a crime and I have introduced a companion bill on this same subject. It is high time we call a halt to these people who flaunt law and order by desecrating its symbol, old glory.

The article from the Times follows:

BURNING OF FLAG IS DEFENDED HERE—BUT ACLU FAILS TO SWAY COURT ON CIVIL-RIGHTS ISSUE

(By David Anderson)

The New York Chapter of the American Civil Liberties Union contended yesterday in a Brooklyn courtroom that burning an American flag on a street corner could be "a most practical and effective way" to demonstrate for civil rights.

Flag-burning, it was argued, is "a constitutionally protected activity" akin to sit-ins and other forms of civil disobedience. Furthermore, the organization asserted, the law provides that old flags "shall be destroyed in a dignified way, preferably by burning."

On trial before Judge Ludwig Glowa in Criminal Court was Sidney Street, a 47-year-old bus driver who won the Bronze Star in World War II. Defending him was David T. Goldstick of the Civil Liberties Union. Here is the story, as was given in court:

Last June 6, Mr. Street was sittting in his home at 309 Lafayette Avenue, in the Bedford-Stuyvesant section of Brooklyn, listening to the radio. Suddenly there came the news that James Meredith, the Negro who was leading a civil-rights march, had been shot in Mississippi.

BONFIRE IN THE STREET

Outraged, Mr. Street took the 48-star American flag that had covered the coffin of his father-in-law, Fernandez Decora, a World War I veteran, at his funeral 20 years ago, and on the corner of Lafayette Avenue and St. James Place, Mr. Street lit a bonfire of newspapers topped with the flag.

Patrolman James Copeland drove up in a squad car around 7 P.M. and demanded: "What the hell's going on here?"

"If they did that to Meredith," Mr. Street replied, "we don't need an American flag." Mr. Street was arrested and charged with malicious mischief and disorderly conduct.

Mr. Goldstick, the lawyer, said to the court: "This man was enjoying a constitutionally protected activity to be equated with civil rights protests. He adopted a most practical and effective way of calling attention to a very grievous deed. It was no act of desecration; he did not defile the flag but burned it with all dignity, not contempt."

Mr. Street, the defense said, was "engaged in symbolic speech, protected by the First Amendment to the Constitution." According to the Civil Liberties Union, this is the first prosecution in New York under a Penal Law provision, enacted in 1892, prohibiting public mutilation of the flag.

Judge Glowa found Mr. Street guilty on the malicious-mischief charge, but dismissed the disorderly-conduct count because everyone agreed that the few people who had witnessed the flag-burning paid it little heed. Mr. Street, who could receive the maximum penalty of $500 and three years in prison, will be sentenced Aug. 9. The Civil Liberties Union said it would appeal.

APPLAUSE TO THE DETROIT REAL ESTATE BROKERS ASSOCIATION, INC.

Mr. REES. Mr. Speaker, I ask unanimous consent that the gentleman from Michigan [Mr. Conyers] may extend his remarks at this point in the Record and include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. CONYERS. Mr. Speaker, I would like to applaud the Detroit Real Estate Brokers Association, Inc. for its firm and courageous stand on open housing. At a time when many realtors are opposing title IV of the Civil Rights bill of 1966, this organization has issued a very strong statement to the press favoring the bill. I commend their statements to all my colleagues.

[A Detroit Real Estate Brokers Association, Inc., press release, June 24, 1966]

The Detroit Real Estate Brokers Association believes in "Democracy in Housing". That equal access to housing is a fundamental right of every American citizen. We further believe that every American citizen should have the same right and the same privilege to rent, lease, mortgage, buy and sell the home of his choice in the neighborhood of his choice based only upon his economic ability.

Artificial restrictions upon the rights of certain Americans, and particularly Negroes, and other members of minority groups, have no bases of right, under any fundamental law of man or God.

The Detroit Real Estate Brokers Association wholeheartedly supports the proposed Civil Rights Act of 1966 and especially Section 4 thereof, in respect to equal housing opportunities.

Our Association deems it most regrettable that all persons and organizations in our Country do not believe these rights extend to all Americans. That legislation is still needed to implement the basic law and one of the fundamental propositions upon which our Country was founded that "All men are created equal" is a sad commentary, indeed, while America is assuming a position of world leadership, and is endeavoring to instill in the world community of nations the principle that basic human rights are to be enjoyed by all men in a free society.

Detroit Real Estate Brokers Association,
Clarence Hudson,
President.
By:
John S. Humphrey,
Chairman, Legislative Committee.

MILITARY PERSONNEL HELD CAPTIVE IN VIETNAM

Mr. REES. Mr. Speaker, I ask unanimous consent that the gentleman from Maryland [Mr. Long] may extend his remarks at this point in the Record and include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. LONG of Maryland. Mr. Speaker, I recently urged the President and the Congress to maintain a "stern cool" in the crisis created by the threat of Hanoi to try American pilots as war criminals. In order that Hanoi may fully appreciate the impact of the trials of American fliers on public opinion, I am introducing today a concurrent resolution stating that our military personnel held captive in Vietnam are prisoners of war entitled to all the benefits of the Geneva Convention of 1949, and that the trial, punishment, or execution of these prisoners by the Communists would seriously diminish the opportunity for achievement of a just and secure peace in Vietnam, which is the objective of our Nation.

We should not take any action, however, that is not carefully considered to be in the best interest of the United States, regardless of the trials. If it is not sound policy to step up the bombing of North Vietnam, we should not let ourselves be stampeded into unwise action. If it is sound policy, we should do it anyway.

I was delighted to have the President's reassurance the other day that enemy provocations have not driven our Government to such frustration that major decisions affecting the war might be made in haste and passion. The Baltimore Sun has commented on the President's statement in the thoughtful editorial which follows:

[From the Baltimore (Md.) Sun, July 22, 1966]

Press Conference

The value of the presidential press conference, not of the impromptu sort but on a rather formal basis, was well demonstrated in Mr. Johnson's meeting with the press, and through television with the country, on Wednesday afternoon. The President called this gathering at a moment when the nation was much agitated over the issue of the American fliers held captive by the North Vietnamese, and was fearful and uncertain as to what might happen next. Also part of the background were Mr. Johnson's speeches of three weeks ago in Omaha and Des Moines, which had seemed to some to suggest that the United States, in a change of policy, had decided to seek a military solution in Vietnam. It was a moment when the country needed information, and reassurance.

These the President provided, with the information that in the face of great difficulties our policy remains the same, and with reassurance that severe enemy provocations had not driven our Government to such a degree of frustration that major and perhaps irrevocable decisions might be made hastily and in passion. The President's demonstration of the profound concern we all share and at the same time of the thoughtful steadiness his office calls for especially at the hardest times was healthy for the country, and helpful to the press and to our friends elsewhere in the world. We venture to believe that Mr. Johnson for his part may have found the exchanges of this meeting useful.

DOMENIC ANNOTTI

Mr. REES. Mr. Speaker, I ask unanimous consent that the gentleman from Rhode Island [Mr. Fogarty] may extend his remarks at this point in the Record and include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. FOGARTY. Mr. Speaker, the Sunday Rhode Islander recently ran a feature article concerning one of the young men and women of this Nation who is making a major contribution to the war on poverty. This young man comes from my district and I have personally known him for many years.

His name is Domenic Annotti, and he is a 26-year-old former marine from Providence, who is now spending a year of his life in service to Americans. In fact, he is helping some of the most deprived and isolated Americans in the Nation—the Alaskans who live in Emmonak.

In an article by Douglas R. Riggs which appeared in the Providence Journal, it was pointed out that selling refrigerators to the Eskimos is no joke, for that is exactly what young Don Annotti is doing. He is trying to build a cold storage plant which will enable the people of this small village to preserve their fish so that they can sell them at the peak of the season.

Don Annotti is typical of the VISTA volunteers who have chosen to spend a year of their lives helping those who are in need: those who are termed economically impoverished, but whom I choose to call poor. Today, there are 13 men and women from Rhode Island who have dedicated a year of their lives to serving their fellow Americans. They range in age from 19 to 74, and are serving in all the major areas of poverty in this country. One serves in Alaska. Another in an Appalachian hollow. These men and women of Rhode Island are working and living in migrant camps and on Indian reservations in the Far West.

Rhode Island also benefits from the work of VISTA volunteers. Jack Donovan, one of the volunteers who worked with the poor in Providence was so successful that when he finished his service he was hired by Rhode Island University to supervise an antipoverty project.

It is apparent, Mr. Speaker, that these persons who serve in VISTA for a minimum financial reward are the unsung heroes of the war on poverty. They go where they are needed to serve those in need. Their return is an immense amount of personal satisfaction.

I am proud that a former marine from my State, a personal friend of mine, has chosen to devote yet another year of his life to the service of his country. His story deserves wide attention because it is the story of VISTA. It is a story which contains the essence of the war on poverty—of helping those in need to help themselves:

[From the Providence (R.I.) Journal, July 24, 1966]

VISTA Comes to Emmonak—Don's Mother Wonders: Will He Ever Come Home?

(By Douglas R. Riggs)

What is a 26-year-old ex-Marine from Providence doing in Emmonak, Alaska (pop. 400) this summer? Why, building a refrigeration plant for the Eskimos, of course.

That old canard about selling refrigerators to the Eskimos is no joke to Domenic Annotti, son of Mr. and Mrs. Anthony Annotti of Providence, and the three other VISTA volunteers in Emmonak. Nor to the Eskimos, who desperately need refrigeration equipment to keep the fish they catch in June from spoiling before they can get them to a cannery. And it's no gag to the U.S. government, which is footing 80 per cent of the equipment's cost, nor to VISTA (Volunteers In Service To America), which is sponsoring the whole project.

According to reports reaching Rhode Island from Emmonak and VISTA headquarters in Washington, D.C., Don (everyone calls him that) not only enjoys what he is doing but has fit in so well with village life that his mother, an employe of the state Board of Elections who lives at 443 River Avenue, is beginning to wonder if he will every come back. Actually, according to a recent letter to the *Sunday Journal*, Don's plans are to remain in Emmonak during the summer months, even though his year's tour with VISTA is up, to supervise completion of the $100,000 refrigeration plant and electric generator.

His letter started out in a coffee can, Emmonak's only post office. The weather was good, so a plane was able to land on the frozen Yukon River and pick it up, delivering it to Nome and thence to "Outside" (Alaskans' word for the Lower 48—or anywhere else, for that matter). Nome is about half an hour away by plane in good weather. In bad weather, it might as well be a million miles away.

Alaska, which never did quite live up to its myths, has undergone vast changes in the last several years. Not only do Eskimos have refrigerators, but there are more than 500 air conditioned homes in the state—and why not, when the summertime temperature sometimes soars into the nineties?

But Emmonak, a virtually all-Eskimo village on a spur of land jutting into the Yukon River, hasn't seen much of this change. Igloos are no longer found there, but the best of the one-room wooden shacks in which most of the natives live probably would be condemned under any number of minimum housing regulations found in most American cities. Emmonak is a city, the natives insist, with a general store, city council and all. But plumbing of any kind is virtually unknown. It has some electric power, but when the VISTA team tried to show slides while a film was playing at the town's only movie house, they overloaded the generator.

The new generating plant will augment the supply, and the new refrigeration plant is expected to augment the Eskimos' incomes, which average about $1,500 during the month of June, virtually nothing the rest of the year. June is when the King Salmon run up the Yukon and Emmonak's one industry—fishing goes into high gear. The rest of the year the Eskimos hunt, trap, haul logs for fuel across miles of ice and snow, and generally do what Eskimos have done for generations, living off the almost-barren land and the money they made in June.

Don Annotti and his three VISTA companions (another young man and two girls) are helping to change the pattern of community life in Emmonak, even as they become a part of it. The Eskimos get a low price for their fish, and the prices they pay for goods are "outrageous," according to Don. Much of the catch, furthermore, is lost due to spoilage. The new freezing plant is expected to change all that. "That way we won't have the spoilage and waste and we'll be able to get higher prices by cutting out the middle man and selling directly to canneries," Don said.

His use of the word "we" is no pose. Bundled in his fur-trimmed parka and *mukluks* (knee-high seal skin boots), he often goes on hunting, fishing and logging expeditions with the Eskimos at their invitation, and pitches in whenever anything needs doing.

"Don has the personality," said one of his VISTA companions. "Everyone in Emmonak comes to him. The Eskimos love his sense of humor and a great rapport has sprung up." The Eskimos even invited him to dance in their *luknok*, a traditional dancing contest given for a neighboring village. "If we have a *gussick* (white man) dancing for us, we can't lose," they explained. Don has become proficient in the stylized dances performed to the rhythmic beat of Eskimo drums.

Don and Carl Berger, the other male member of the team, spearheaded the building of a community sawmill as one of their first projects. "It was all there, the saw, everything. Had been for a year," Don said. "We just started building it. Pretty soon everyone pitched in to help." The VISTA men made their dining room table from the saw's packing crate. The two VISTA girls, meanwhile, set up a Head Start program for preschool Eskimo children and an adult education program for their parents, along with other community activities.

Don and Carl share a cramped trailer and join the two girls in their cottage for meals. Their living quarters are nearly as Spartan as those of the Eskimos. Likewise their menu: homemade bread and fish for the most part, with an occasional rabbit, seal or walrus steak, leavened with packages from home and as much store-bought food as their financial resources and transportation will allow.

Transportation, in descending order of reliability, is by foot, dog sled, skidoo (a motorized dog sled), motor boat (during the summer) and airplane, weather permitting. Often, the weather doesn't permit anything at all.

Mrs. Joan Larson, a community relations official at VISTA headquarters in Washington, from whom much of the information in this article came, was "weathered in" at Emmonak for four days during a tour of several of the 30 VISTA outposts in Alaska earlier this year. The Yukon River is the only airstrip: the bush planes, which drop in once or twice a week in good weather, can land on either water or ice. But when the ice breaks up during the spring thaw, there is a period of about three weeks when no planes can land. The flight schedule may also be interrupted (and frequently is) by rain, snow or fog. Temperatures in the winter go down to 40 or 50 degrees below zero.

Don never dreamed he'd be heading for Alaska when he joined VISTA: he was supposed to work in the slums of Chicago. He joined the domestic Peace Corps last June, after a three-year hitch in the Marines and a year at Hartford University. (He had a scholarship to Providence College when he graduated from La Salle Academy, and went there for a year, but left to join the Marines at the age of 18.) But when they asked him to go to Alaska, Don said sure; if that's where they wanted him. In the Marines, he was stationed in Hawaii. Going from there to Alaska was "a pretty cold transition," as his mother put it.

But he seems to have no regrets. He was interested in social work, his mother reported, so when he felt he wasn't getting anywhere in college, joining VISTA seemed the natural thing to do. "This suits me," Don said. "I like these people. They're good, honest and intelligent. They're not complex. They're eager to please." He also spoke admiringly of the Eskimos' ability with their hands.

According to his mother, Don is no slouch in that department himself. He was a radar technician in the Marines, and between his schooling and hitch in the service he worked at various trades, from landscaping, stone wall and cesspool building to short order cook, turret lathe operator and surveyor. Once in VISTA, his skills were sharpened by six weeks of intensive training at the University of Alaska and Fort Yukon. He learned the basics of the Eskimo language there and is picking up more all the time from the villagers. Several of the Eskimos knew English already, and others are learning it from the VISTA team.

VISTA is winding up its first year in the 49th state with 60 volunteers, some of them working alone in villages even smaller than Emmonak. The state has now requested 200 volunteers, and it looks as though Don will still be there when the new group comes in. His mother wants him to come back and finish college. But thoughts of college seem far from his mind when Don starts talking: "We get into the homes of these people and get to know them and their problems. That's what VISTA really is." And that's why Don Annotti is building a refrigerator for the Eskimos this summer.

ALL THIS HAPPENED—THE STORY OF AMERICAN LABOR, PARTS VIII AND IX

Mr. REES. Mr. Speaker, I ask unanimous consent that the gentleman from New York [Mr. Multer] may extend his remarks at this point in the Record and include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. MULTER. Mr. Speaker, it is my pleasure to commend to the attention of our colleagues parts 8 and 9 of the continuing series on the history of the American labor movement appearing in the Seafarers' Log, a publication of the Seafarers International Union. Part 8 appeared in the May 27, 1966, edition, and part 9 appeared in the June 10, 1966, edition.

Previous installments have appeared in the Record as follows: Parts 1 and 2, March 30, 1966, pages 7195 through 7198; part 3, March 31, 1966, pages 7348 and 7349; part 4, May 4, 1966; page 9861; parts 5 and 6, May 18, 1966, pages 10959 through 10960, and part 7, May 25, 1966, page 11446.

The article follows:

ALL THIS HAPPENED: THE STORY OF AMERICAN LABOR—PART 8 OF A SEAFARERS' LOG FEATURE

As the nation began the long and difficult climb out of the depths of the great depression, the American labor movement developed a renewed militancy. At the same time employers all across the nation stiffened their opposition to organized labor's march. Management and labor engaged in savage struggles. One of these was the waterfront strike of 1934 on the West Coast, which resulted in a general strike of both maritime and shoreside workers that tied up virtually all Pacific Coast shipping despite vigorous scabbing attempts by both shipping and stevedoring companies. The basic issue was the union hiring hall, which the seamen—led by Sailor's Union of the Pacific—were determined to get to end the abuses of the employer-controlled system. The strike continued for three months, during which time troops were called in to intimidate and terrorize the strikers and to protect scabs. Several strikers were killed and scores wounded in clashes with soldiers and police. The strikers held firmly to their demands, however, and eventually achieved their objectives. The strike victory ultimately led to the institution of the union hiring hall, which, for seamen, represents one of the great union achievements in the struggle for job security.

It was during this time of increased militancy that organized labor began to turn more and more attention toward organizing the great numbers of unorganized industrial workers employed by some of the nation's biggest and most violently anti-labor corporations. Under the umbrella of the Wagner Act, which outlawed "yellow dog" contracts, company unions, discrimination against union members and refusals by employers to negotiate with a union, a Committee for Industrial Organization was formed within the AFL to spur the organization of mass-production workers in the steel, radio, automobile, garment, rubber, textile and other giant industries.

A split developed, however, between the ten AFL unions comprising the Committee for Industrial Organization and the rest of the Federation over the old question of craft versus industrial unionization. Despite many attempts at conciliation, the split grew continually wider until in 1937, the Committee unions broke with the AFL and shortly thereafter became the permanent Congress for Industrial Organization.

The first mass-production industry to which the CIO turned its attention was steel. In a short time over 100,000 steel workers were signed up. A showdown was expected with United States Steel, then the nation's biggest corporation, with a history of violent opposition to labor. The expected showdown never materialized, however, to the great surprise of the nation and to the great anger of "Little Steel" the smaller steel corporations. U.S. Steel entered negotiations with the union and mutually acceptable agreements were soon signed with the steel giant and its numerous subsidiaries. "Little Steel" did not follow the lead, however. Bethlehem, Republic, Inland, and Youngstown refused to negotiate with the union.

A strike followed, which was punctuated by one of the worst acts of company violence in the history of American labor—the "Memorial Day Massacre." Little Steel's resistance was led by Republic Steel. On May 30, 1937 a picnic and rally was being held by striking workers and their families not far from the Republic plant in South Chicago. As the strikers and their families strolled toward the plant gates to picket they were suddenly attacked by police and special deputies under the direction of the company's management. A volley of shots and tear gas bombs was followed by a club swinging charge. Men, women and children were bludgeoned indiscriminately. Ten strikers were shot dead—seven in the back—and 80 were wounded. The violence succeeded in breaking the strike and the CIO had suffered its first defeat. The organization of industrial workers was still largely a wide open area, however, and simultaneously with the organization of steel the CIO turned its attention to the huge automobile industry.

Organization of the automobile industry was a particularly tough nut to crack. Controlled by three vastly rich and violently anti-union giants—General Motors, Chrysler and Ford—the work force was mostly unskilled and easily replaced. The workers' need for organization was great. Although the industry continually went all out in publicizing the high hourly wage of its employees, no mention was made of the long seasonal layoffs which reduced yearly salary to extremely low levels, or the practice of the speed-up of assembly lines which placed the workers under unbearable tension which could make a man old and unable to work in just a few short years.

The automobile companies had an effective labor spy system and active goon squads which were used to hamper organizing attempts. In spite of this, the United Automobile Workers signed up members gradually until, in 1936, the union felt strong enough to demand recognition from General Motors. The company refused however, in defiance of the Wagner Act, and in January 1937, under strong rank and file pressure, the union struck General Motors.

A special kind of strike technique was utilized—the Sit Down Strike. Instead of leaving the company plants, the workers sat down at their workbenches and refused to leave or allow scabs to enter. Company police and goon squads attacked the plants but retreated before volleys of nuts and bolts, coffee mugs, lunch pails and high pressure streams of water from fire hoses. As the police ran for cover, the action became known as the "Battle of the Running Bulls." The company then demanded that the Governor mobilize the state militia to take over the plant, but Governor Frank Murphy refused to call out the troops for fear of touching off great bloodshed. Faced with a stalemate at the idle plants and under increasing pressure to obey the law and recognize the union, General Motors finally gave in. Later a short sit down strike brought recognition for the union from Chrysler. These were great victories for labor, but the battle was not really won until three years later, in 1941, when Ford was finally organized after a long and violent struggle.

During its brief reign, the sit down strike proved to be a valuable weapon on the side of labor. Before industrialists managed to push through legislation outlawing the sit down strike, it proved effective in speeding organization in the rubber, textile, glass and many other mass production industries. During this period Goodyear, Goodrich, Firestone and United States Rubber came under union contract. Large and small textile plants were organized—many in the strongly anti-union South. Many mass production and service industry workers were organized for the first time. The organizing battles between management and labor raged fiercely across the nation during the late 1930's and early 1940's.

But union membership was increasing under both the banner of the AFL and of the CIO. In 1937 the AFL unions had a membership of 2.5 million. By 1941 the AFL unions' membership had risen to 4.5 million workers. In the same period the CIO unions increased their membership from 1.5 million to 2.8 million.

Meanwhile, in September 1939, Nazi Germany had begun its war to destroy democracy and enslave the world.

ALL THIS HAPPENED: THE STORY OF AMERICAN LABOR—PART 9 OF A SEAFARERS' LOG FEATURE

As it had done during World War I, American Labor threw its full support to the war effort after the Japanese attack on Pearl Harbor in 1941. The AFL and the CIO unions put victory over the forces of totalitarianism as their number one objective. Despite rising living costs and mounting grievances, labor took a no-strike pledge for the war's duration. Statistics show that during the four war years only one one-hundredths of one percent of scheduled working hours was lost through strikes. Union members across the nation worked virtually without let-up to provide American fighting men in Europe and the Pacific with the huge quantities of supplies and equipment necessary for victory.

The important role played by American union members in achieving victory was exemplified by the nation's seamen, who faced the terror of Nazi U-boats and dive-bombers to keep the sea lanes open. The merchant marine as a whole lost 6,000 men, dead or missing, during the war. Man for man, the merchant marine suffered greater losses than any of the armed services. More than 1,500 SIU members gave their lives at sea during the war while engaged in delivering vital war supplies to the fighting fronts. Such widely scattered bodies of water as the North Atlantic and the Gulf of Mexico became the graveyards for thousands of American seamen, particularly in the early period of the war when merchant ships braved the run to our allies with little or no protection.

At the end of World War II, American workers found themselves faced with many of the same problems encountered by labor after World War I. Prices had skyrocketed during the war years, as had business profits. Yet because of their adherence to their no-strike pledge, workers' wages had not kept pace with rising prices. During the war, workers were often able to make up the lag in buying power to some extent by working harder. Overtime was often available and the wage-price pinch could be overcome. With the war ended, however, workers could no longer ignore the fact that wages lagged far behind prices.

Another similarity to the period after World War I was the fact that American business came out of the second conflict fat with profits and assumed an arrogant, anti-labor stance. But organized labor also emerged from the war strong and determined, and clashes between labor and management were inevitable. In the early post-war years strikes occurred in almost every major industry as workers tried to catch up with rising living costs. Major strikes took place in the automobile industry, steel, the railroads, coalfields, maritime, and many other major industries. In addition to wages, new union contracts resulting from these post-war conflicts also began to place increased stress on other necessary improvements, such as health, welfare and retirement benefits for the workers.

It was in the immediate post-war period that the first general strike in maritime occurred. The strike was called in 1946 when the Wage Stabilization Board, a Government agency, refused to allow wage gains negotiated by the SIU and SUP with the shop operators. The SIU and SUP immediately threw up picketlines in every U.S. port, which were respected by all unions connected in any way with the waterfront. Within hours every port in the U.S. was completely tied up.

The week-long strike ended in complete victory for the SIU–SUP as the Wage Stabilization Board reversed its previous ruling. The SIU–SUP victory over the WSB was a victory for the entire labor movement because it put an abrupt end to Government attempts in peace time to abridge labor's right to free collective bargaining and led directly to the elimination of WSB authority over wages.

It was also during these early post-war years that many American unions began to rid themselves of communist infiltrators who had managed to attain positions of influence and control during the depression and the war years. American labor reaffirmed its strict adherence to the betterment of the conditions of American labor and rejected those who sought to use the American labor movement as a pawn in an international ideological struggle.

Anti-labor business forces were also hard at work during this period. Their chief victory was Congressional passage of the Taft-Hartley Act in 1947 over the veto of President Harry S. Truman.

In many ways the Taft-Hartley Act, with its infamous, anti-labor Section 14(b), had a precursor in the 1943 Smith-Connally Act—introduced and pushed through Congress by two notoriously anti-labor congressmen, HOWARD W. SMITH of Virginia and Tom Connally of Texas. It outlawed strikes for a 30-day "cooling off period," during which a strike vote had to be taken by the NLRB; provided for government seizure of strike-threatened plants, criminal prosecution of strike leaders, and made union contributions to political campaigns illegal.

The provisions of the post-war, 1947 Taft-Hartley Act were drawn up in large measure according to suggestions made by the National Association of Manufacturers, a notoriously anti-labor management group. The T-H Act hampered the organizing efforts of the unions—particularly in the South. Section 14(b) of the Act permits individual states to pass so-called "right-to-work" laws which outlaws the union shop. Section 14 (b) has allowed 19 states, mainly in the South, to exploit their workers by giving greedy, unscrupulous employers a free hand in union busting.

The sharp rise in anti-labor fervor in Congress, which culminated in the Taft-Hartley Act served to spotlight the fact that the continued split between the AFL and the CIO was hurting the American labor movement. Serious efforts at reunification began in 1946, and were intensified greatly by Taft-Hartley passage in 1947. But unification of the two major labor organizations was spurred by the Republican victory in the 1952 presidential election on a platform that totally rejected almost all of labor's goals and made it clear to all that unification, for greater strength, was a must.

In 1952 a change occurred in leadership in both the AFL and the CIO. Philip Murray, who had led the CIO since John L. Lewis' resignation in 1940, passed away in November 1952 and was replaced by Walter Reuther. Only 12 days later William Green, long-time AFL President, also passed away and was replaced by AFL Secretary-treasurer George Meany. The basis for unity between the AFL and CIO took place in 1953, with the signing of a no-raiding agreement by 65 AFL and 29 CIO unions.

On Dec. 5, 1955, the American Federation of Labor and the Congress of Industrial Organizations merged, and George Meany was elected president of the new AFL–CIO.

MAILING OF UNSOLICITED SAMPLE DRUG PRODUCTS AND OTHER POTENTIALLY HARMFUL ITEMS

Mr. REES. Mr. Speaker, I ask unanimous consent that the gentleman from Rhode Island [Mr. ST GERMAIN] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. ST GERMAIN. Mr. Speaker, all of us are cognizant of the splendid performance of the Post Office and are most grateful for the services provided by this highly esteemed Department.

This Department has experienced a most extraordinary history, gaining world renown and admiration in the process of its highly respected development, and we should do whatever we can to preserve its well-being. This entails appropriate legislative action to eliminate whatever may jeopardize its well-being and future growth.

In other words, Mr. Speaker, we should do whatever we can to eliminate any misuse of our mailing system which, much to my dismay, does exist in various forms.

There are those who use our postal service as a means of disseminating provocative and pornographic literature that can particularly prove harmful to our youth.

At the moment, however, I would like to focus attention upon those who use the U.S. mail as a means of distributing products that are unsolicited and that can and do prove harmful if placed in the wrong hands. I am thinking in terms of razor blades and medicines which are so dangerous to our children and could prove so damaging to them if they should happen to reach the mailbox before their unsuspecting parents do.

In my own particular case, Mr. Speaker, my daughter, who is only 3 years old, was found opening an envelope which had arrived in the morning mail and my wife discovered that this envelope contained a razor blade which had been sent to us unsolicited.

Why must we persist in allowing such harmful and unsolicited products to flow indiscriminately through our mailing system?

Effectual legislative action is needed now to put an end to this dangerous situation.

Therefore, Mr. Speaker, I am introducing a bill to prohibit the mailing of unsolicited sample drug products and other potentially harmful items and would like to call upon the assistance and support of my colleagues in bringing this legislation to a successful conclusion.

WAGE BOARD BILL

Mr. REES. Mr. Speaker, I ask unanimous consent that the gentleman from New York [Mr. HANLEY] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. HANLEY. Mr. Speaker, the bill which I have introduced today would bring about uniformity in the method of fixing rates of pay for the more than a half million blue-collar workers of the Federal Government. There is a real need for this bill because there is a glaring lack of uniformity in determining rates of pay for these employees. The existing methods of establishing such rates are unsatisfactory from the standpoint of the Government and are unfair to the employees, because they result in rates which differ substantially for the same position in the same geographic area.

The bill which I have introduced would establish a Federal Departmental Wage Board which would have the responsibility for developing and maintaining a useful system of wage determination. In performing this function the Board would prepare standards for placing positions in the proper grades and would develop a job evaluation plan to determine the relative value of the duties, responsibilities, and qualification requirements of each wage-board position. This Departmental Wage Board would consist of five members appointed by the Secretary of Labor. Two of the five members would represent bona fide employee organizations having a considerable membership in the Federal service.

Federal agencies employing blue-collar workers and labor organizations representing such employees would have equal representation on wage review committees that would be established to adjudicate appeals from disputes which would be referred to the wage board for settlement.

It would be the function of these committees to make the final determination of wage rates. The bill also provides for an Employees Advisory Committee. The membership of this committee would include employees who hold nonsupervisory wage board positions as well as members representing recognized employee organizations.

My bill would require wage surveys to be made once every 12 months. Wage surveys ordinarily would be conducted by a single survey team in each wage-board district. Such a district would consist of an area sufficiently large to obtain exact wage data representative of large-scale industries or of conditions which are similar to those comparable to employment in the Federal service. Employee organizations would be assured of membership on survey teams.

The wage survey data would be collected in the course of wage surveys conducted by the Federal Departmental Wage Board or surveys conducted by the Bureau of Labor Statistics. Upon the completion of each wage survey, the wage data would be reviewed for accuracy and then forwarded to the Departmental Wage Board in Washington for suitable analysis and adjustment preparatory to a determination of specific changes in existing wage rates.

The bill which I have submitted would assure these employees uniformity in various differentials as well as in basic wage rates. It would provide for uniform application of the night differential, the differential for hazardous duties, the differential for holiday work as well as the overtime rate of 1½ times the basic rate for work in excess of 8 hours in any one day. I believe the enactment of this bill would be the most progressive forward step made by the Government since it authorized the fixing of wage rates in the navy yards as long ago as 1862.

PEACE IN ASIA

Mr. REES. Mr. Speaker, I ask unanimous consent that the gentleman from Georgia [Mr. MACKAY] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. MACKAY. Mr. Speaker, the Atlanta Constitution reviews editorially President Johnson's policy for peace on Asia and concludes that he has clarified an evolving policy toward Red China aimed at ending the isolation of its 700 million people.

In the words of the newspaper:

> He has pointed the way to peace in a forthright expression of this country's national will.

If the Red Chinese accept, the Constitution believes, they could indeed open the door to lasting peace in Asia.

I include the editorial in the RECORD:

LASTING PEACE IN ASIA

> President Johnson has spelled out a four-point policy for peace in Asia, combining U.S. commitment against aggression there with a continuing effort for improved relations with Red China. Such overtures have been rejected in the past but the President is trying to open a door looking to an end of Peking's isolation and Red China's paranoid tendencies.
>
> "The peace we seek in Asia," the President declared in a speech Tuesday night to the American Alumni Council, "is a peace of conciliation. Communists in Asia still believe in force to achieve their goals and the United States, as a Pacific power, will not retreat from the obligations of freedom and security in Asia" and particularly in Viet Nam.
>
> His proposals for achieving lasting peace in Asia included international trade, the free flow of people and ideas, the full participation of all nations in an international community and a common dedication to human progress and development.
>
> A peaceful mainland China is central to a peaceful Asia, the President declared, and Peking must be discouraged from aggressive hostility and encouraged toward peaceful cooperation with others. He cited U.S. efforts to open up travel between the United States and mainland China—efforts which so far have been unsuccessful. He will continue such initiatives in spite of rebuffs.
>
> Referring to the U.S. effort in Viet Nam as part of the four essentials he cited for peace in Asia, he said our purpose there is "to prove to aggressive nations that the use of force to conquer others is a losing game." His other three points were:
>
> "The determination of the United States to meet our obligations in Asia as a Pacific power, . . . the building of political and economic strength among the nations of free Asia" and "reconciliation between nations that now call themselves enemies."
>
> The President thus has clarified an evolving policy toward Red China aimed at ending the isolation of the country's 700 million people from the outside world. He has pointed the way to peace in a forthright expression of this country's national will. Acceptance by the Red Chinese could indeed open the door to lasting peace in Asia.

WATCH THOSE INTEREST RATES

Mr. REES. Mr. Speaker, I ask unanimous consent that the gentleman from Connecticut [Mr. MONAGAN] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. MONAGAN. Mr. Speaker, the current period of high interest rates is causing serious dislocations in our economy.

One of the results of the rising interest rates has been to divert funds from savings banks and savings and loan associations to commercial banks or to other forms of investment. As a result of this flow, the institutions which normally provide money for the homebuilding industry are discovering that their deposits which provide the funds for lending are sharply reduced from last year. The results of this policy have already been seen in the movement of loaned money from home mortgage to short-term and commercial loans.

This heating of the economy must be met on many fronts. There must be determination to control spending on the part of the Congress, there must be restraint in the appropriation requests on the part of the executive branch, and there must be a broad national policy to discourage abnormal threats to the stability of the economy.

In addition, the Congress can and should take prompt action by legislation to redress the balance between commercial and savings institutions and keep their dual operation functioning efficiently, without undue discrimination. In this way the housing industry can continue to provide employment and economic activity, as well as furnish the necessary homes for our growing population.

I urge the House Committee on Banking and Currency to take prompt action to deal effectively with this problem.

RUBBER FOOTWEAR DEVELOPMENTS

Mr. REES. Mr. Speaker, I ask unanimous consent that the gentleman from Connecticut [Mr. MONAGAN] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. MONAGAN. Mr. Speaker, since the meeting of the New England delegation which convened on May 24 to formulate plans for action on the Treasury Department's recent reduction of the tariff on rubber-soled footwear imports, several important steps have been taken in pursuit of this objective.

As chairman of the committee which was appointed to coordinate House and Senate efforts in this matter, I am pleased to inform the Members of this body that our committee members have been joined by other Members of Congress in our response to the Treasury Department action.

Through the committee, we were able to mobilize substantial congressional participation and representation at the June 8 Tariff Commission hearings on the American selling price system of tariff evaluation of rubber-soled footwear. At this hearing, through the testimony and statements of Senators PELL and EDWARD KENNEDY, and Representative BOLAND, as well as my own, the economic consequences of the tariff change were firmly presented to the Commission.

Immediately following this hearing, on June 9, the committee called for discussion with Assistant Secretary of the Treasury True Davis, Commissioner of Customs Lester D. Johnson, and Mr. Edwin F. Rains of the Customs Bureau, and requested administrative restoration of the original tariff.

The presence at this meeting of 14 Members and their representatives from a cross section of New England and Midwestern States including Representatives BATES, BURKE, O'NEILL, FOGARTY, MONAGAN, Senator RIBICOFF, and representatives of Speaker MCCORMACK, Senators EDWARD KENNEDY, MUSKIE, and SALTONSTALL, and Representatives MORSE, THOMPSON of Wisconsin, and ADAIR emphasized the importance of this issue to the Congress.

It should be noted that a complaint against the new appraisement procedure has been made to the Customs Bureau by nine of the major footwear firms, and the Commissioner of Customs has assured the committee that in this proceeding a thorough reexamination of the Bureau's previous decision will be made and the points made by the Committee will be considered.

In addition to these measures, we have sent to the President the letter proposed by Senator RIBICOFF and signed by 37 Members, protesting the Treasury Department's unilateral tariff reduction and emphasizing the threat that this action poses to the domestic footwear industry and its workers.

We have recently received a reply to this letter from Secretary Fowler on behalf of the President which raises some doubt that administrative relief from the Treasury Department's decision will be forthcoming and from it the inference may be drawn that corrective legislation or judicial relief may be necessary. Having noted the disregard of the Treasury Department for the evidence of the actual and potential impact of increased imports and the dismissal of this argument by the Department as "not persuasive," it is difficult not to conclude that legislative action will provide the only practical solution of this problem.

Many members of the committee and other Members of Congress have sponsored legislation identical to my bill, H.R. 12983, which would reverse the Treasury Department's decision. This legislation is pending before the Ways and Means Committee and we have made and will continue to make organized attempts to bring these bills to a hearing.

Also, Chairman DENT of the General Subcommittee on Labor has planned to schedule hearings next month on the impact of imports on American industry and employment.

Although the task we have undertaken is a difficult one, the broad support that our efforts have received from workers and management of the industry has been rewarding and greatly encouraging. As an example of the enthusiastic approval the committee's labors have received, I offer the following letters of interested parties and a resolution adopted by District No. 2 of the United Rubber Workers for insertion in the Record at this point:

United States Rubber Co.,
Naugatuck, Conn., July 25, 1966.
Hon. John S. Monagan,
Room 1314, Longworth House Office Building,
Washington, D.C.

Dear John: I want to take this opportunity to express my thanks for the work you are doing on our fabric shoe tariff problem. We at the Naugatuck Footwear Plant know that this has taken a great amount of time and effort on your part, and I am certain that without your interest and the interest of Senators Dodd and Ribicoff and others, there would be very little hope for eventual success. I was particularly impressed with the work that you did as a result of the meeting with the New England Congressional Delegation and although there have been no tangible results as yet, I hope that something beneficial will come of this.

Your activity on our behalf in this matter convinces me that our district is very well represented in Congress.

Very truly yours,
P. G. Brown,
Factory Manager.

United Rubber, Cork, Linoleum,
and Plastic Workers of America,
Akron, Ohio, June 15, 1966.
Hon. John S. Monagan,
House of Representatives,
Washington, D.C.

Dear Congressman Monagan: I want to extend to you my thanks and deep appreciation for the extensive effort you have put forth to protect domestic rubber footwear jobs through continuation of a fair tariff practice. Although this matter can affect your own State, much is at stake in other areas of the country.

As President of the United Rubber Workers International Union I am greatly concerned about this matter. I intend to keep in personal contact with it and devote personal attention to it where necessary.

I have made our position very clear in opposing the change in tariff structure and it is certainly encouraging to have the support of someone like yourself in this matter.

Very truly yours,
George Burdon,
International President.

B. F. Goodrich Footwear Co.,
Watertown, Mass., March 25, 1966.
Hon. John S. Monagan,
House Office Building,
Washington, D.C.

Dear Congressman Monagan: The management and employees of the B. F. Goodrich Footwear Company and Federal Local No. 21914, AFL–CIO wishes to express their appreciation for your efforts in our behalf by submission of H.R. 12983, a bill to amend the Tariff Schedules of the United States with respect to the determination of American selling price in the case of certain footwear of rubber or plastics.

We are wholeheartedly in favor of this legislation and hereby offer to help you in your efforts to pass the bill.

Please do not hesitate to call on us if we can be of service to you.

Thank you and kindest regards.
William R. Ward,
Manager, Trade and Community Relations.

United Rubber, Cork, Linoleum
and Plastic Workers of America,
Akron, Ohio, June 16, 1966.
Hon. John S. Monagan,
House of Representatives,
Washington, D.C.

Dear Congressman Monagan: May I express sincere appreciation for your efforts to assure the job security of rubber footwear workers in the State of Connecticut.

Your appearance before the United States Tariff Commission on June 8 aided substantially our efforts to convince the Commission that the domestic rubber-soled footwear industry has already been adversely affected by mounting imports of foreign-made shoes.

We are well aware of the yeoman efforts which you and a number of your colleagues in the House have made to secure, by legislative action, a recision of the Treasury Department's recent cut in the effective rate of the tariff on imported footwear.

Be assured of the continued support of the United Rubber Workers for the leadership which you have demonstrated in attempting to resolve a problem vital to all of us.

Very truly yours,
P. Bommarito,
International Vice President.

Bristol Manufacturing Corp.,
Bristol, R.I., June 6, 1966.
Hon. John S. Monagan,
House Office Building,
Washington, D.C.

My Dear Congressman Monagan: We appreciate very much your letter of May 27, 1966 to which you attached a copy of the Congressional Record of May 26, 1966 outlining your remarks on the subject of reduction of tariff on imported rubber-soled canvas footwear.

This letter also included the notice of the June 8 hearing by the U.S. Tariff Commission and the minutes of the meeting of May 24, 1966 called by Speaker McCormack.

It is our intention to be represented at the Tariff Commission hearing and hope that this hearing will result in rates of duty that will protect our industry.

We are appreciative of the support you gave us and our industry at the meeting of May 24, 1966 and in Congress by your H.R. 12983 to rescind the Customers Bureau's recent reduction on imported rubber-soled canvas footwear.

Sincerely yours,
M. A. Sousa.

The Naugatuck Council of Churches,
Naugatuck, Conn., March 2, 1966.
Hon. John S. Monagan,
New House Office Building,
Washington, D.C.

Dear Mr. Monagan: We wish to advise you that at the March 1 meeting of the Executive Committee of the Naugatuck Council of Churches a resolution was adopted expressing support for the legislation which you introduced in Congress last week calling for retention of higher tariffs on imported rubber soled-canvas footwear. It is our earnest hope that this bill will be passed.

Very truly yours,
E. M. Waidelich,
Secretary.

RESOLUTION NO. 7, URW DISTRICT NO. 2 COUNCIL MEETING, APRIL 23, 1966, BOSTON, MASS., ON TARIFF DUTY ON IMPORTED RUBBER-SOLED FOOTWEAR

Whereas: The approach of the AFL–CIO to the participation of the United States in Foreign Trade, and to the inevitable problem of competition of imports with domestically produced goods, has been to support, on the one hand, the maximum flow of goods between countries via Foreign Trade—while insisting, at the same time, that those industries and those workers adversely affected by foreign imports be protected via tariff duties and import quotas, and/or via government subsidy or retraining and displacement allowances; and

Whereas: Imports of rubber-soled footwear with canvas or fabric uppers began to enter the American domestic market in increasing numbers in the decade following World War II—and in recent years have risen to the point where such imports now command a substantial segment of the domestic market (particularly at the low end of the price scale); and

Whereas: Such imports of rubber-soled footwear have adversely affected both present and future employment opportunities for United Rubber Worker Members—and members of sister AFL–CIO Unions—engaged in the domestic production of rubber-soled footwear. Foreign competition at low wage levels is particularly severe in the case of rubber-soled footwear, because of the relatively high labor content of such production which is approximately 45%; and

Whereas: Imports of rubber-soled footwear continued to inundate the American domestic market in spite of tariff duties imposed on the basis of the highest American Selling Price for a comparable domestically produced shoe; and

Whereas: The unilateral action of the Bureau of Customs of the U.S. Treasury Department, in February, 1966, in effectively reducing the tariff on imported rubber-soled footwear by 20–25%, by establishing the American Selling Price basis for valuation of such imports on the lowest-priced comparable domestic shoe—compounded by making such reduction retroactive for three years—can only result in even more serious effects on the market for domestically produced footwear—and, therefore, on the job security of United Rubber Workers and other AFL–CIO members. The effect of this change has been to establish non-union shoes, purchased by low paid American workers, as a basis for levying the tariff on imported shoes. This is a further and flagrant affront to the American Labor Movement and to its union label problem, geared to encouraging the purchase of products made under decent wages and working conditions; and

Whereas: The announcement by a responsible spokesman for the American negotiating group, which will go to Geneva this spring for the Kennedy round of tariff negotiations under General Agreement on Tariffs and Trade (GATT), indicating that the American Selling Price basis for valuation of imports is subject to negotiation during the Geneva meetings, can only lead to a further reduction in the tariff duties on imported rubber-soled footwear; and

Whereas: Congressman John Monagan (D-Conn.) has introduced a bill in the United States House of Representatives (the bill, H.R. 12983, is now pending before the House Ways and Means Committee) whose purpose is to reverse—by legislative action of the Congress—the decision of the Treasury Department and the Bureau of Customs. This bill would re-establish the use of the highest comparable American Selling Price as a basis for valuation of imported rubber-soled footwear. We note with appreciation the bills introduced by other friendly Congressmen to accomplish this same purpose, including Congressmen John Fogarty, (D–R.I.), Fernand St Germain, (D–R.I.), John Brademas, (D–Ind.), Thomas P. O'Neill, Jr., (D-Mass.) and others; and

Whereas: U.S. Senators Abraham Ribicoff (D-Conn.) and Herman Talmadge (D-Ga.) have introduced a resolution in the Senate (Sen. Res. No. 83) whose purpose is to put on notice the negotiators representing the United States in the Kennedy round of Tariff negotiations in Geneva, that it is the sense of the Congress that no Agreements for the reduction of the U.S. Tariffs should be entered into prior to June 30, 1967, except within the framework of the authority delegated to the President by the Congress under the Trade Expansion Act of 1962. This resolution would preclude any attempt to negotiate away the American Selling Price as a basis for valuation of imports. We note with appreciation that the Ribicoff Resolution has been co-sponsored to date by at least 15 members of the United States Senate. Now therefore be it

Resolved, That:

1. The delegates to this 1966 meeting of the Council of District No. 2 of URW record their full support:

(a) for the Monagan Bill to restore the previous level of tariff duties on imported rubber-soled footwear, and

(b) for the Ribicoff Resolution, stipulating the opposition of the Congress to any attempt by American tariff negotiators to go beyond the negotiating limitations set forth in the Trade Expansion Act of 1962, (including negotiations on the American Selling Price).

2. The delegates to the District No. 2 Council Meeting strongly urge their Congressmen and Senators actively to support both of these measures—to assure that hearings are held by the House Ways and Means Committee on the Monagan Bill, and to assure that the Senate Finance Committee acts favorably on the Ribicoff Resolution.

3. The delegates to this District No. 2 Council Meeting record their earnest opposition to any further jeopardizing of the present and future job security of Union Members producing rubber-soled footwear in the United States, by cuts or recisions in the tariffs imposed on imported rubber-soled footwear.

We deplore the use by the U.S. Government of non-union domestically produced shoes as the basis for levying tariffs on imported shoes. This action can only compound the impact of imports on the wages and job security of organized footwear workers. Such action, additionally, can only further set back the day when the wages and working conditions of non-union workers in this country will be brought up, via union organization, to a minimum level of decency, and

4. This District Council Meeting directs that copies of this resolution be sent to Senator Russell Long, Chairman of the Senate Finance Committee and Congressman Wilbur Mills, Chairman of the House Ways and Means Committee and to each U.S. Senator and each member of the House of Representatives from the States represented by URW District No. 2; and further, that copies of the resolution be sent to President Lyndon B. Johnson, to Ambassador Christian Herter, to U.S. Secretary of Labor Willard Wirtz and to U.S. Secretary of the Treasury Henry Fowler, in order that the appropriate officers of the Executive Branch be apprised of this problem, and of the impending threat to the jobs of American Union members; and be it further

Resolved, That a copy of this resolution be sent to President George Meany of AFL–CIO and President Walter Reuther of Industrial Union Department, AFL–CIO in order to enlist the support of our sister unions in the American Labor Movement in our efforts.

District 2 Meeting Sends Letters to Members of Congress From New England Area

April 25, 1966.

Hon. John W. McCormack,
Speaker of the House of Representatives,
House Office Building,
Washington, D.C.

Dear Speaker: The members of the United Rubber Workers in the New England area who work in rubber-soled footwear plants are threatened with substantial loss of their jobs as a result of increased imports of foreign-made shoes.

As you may be aware, the U.S. Treasury Department recently reduced the basis for establishing the American Selling Price of domestically-produced shoes from the highest-priced comparable product to the lowest-priced thereby effectively reducing the tariff on imported footwear 20–25%.

A number of bills have been introduced in the House, including one by Congressman John Monagan of Connecticut, to restore the tariff on imported rubber-soled footwear to its former level (which has been in effect for 30 years).

I respectfully request your good offices in setting up a meeting among the Members of Congress from the New England area for the purpose of discussing this important problem. Representatives of both labor and management in the footwear plants in this area would welcome the opportunity to present their views at such a meeting; this is one issue on which both parties share a common concern and a common viewpoint.

Your assistance in arranging this meeting will, as always, be deeply appreciated.

With warm personal regards, I am

Sincerely yours,

Salvatore Camelio,
President of Massachusetts State Labor Council, AFL–CIO and District Director of the URW.

THE INTERGOVERNMENTAL COORDINATION AND UNIFORM RELOCATION ACT OF 1966

Mr. REES. Mr. Speaker, I ask unanimous consent that the gentleman from Texas [Mr. Gonzalez] may extend his remarks at this point in the Record and include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. GONZALEZ. Mr. Speaker, the need for greater coordination of Federal activities affecting urban areas is well known. This need exists on the State and local levels as well as in Washington. From the inconsistent relocation policies of the various Federal agencies whose activities will cause the displacement of more than 1 million families, businesses and farm operations over the next 8 years, to the proliferation and fragmentation of Federal grant-in-aid programs, local governments, special-purpose units of local governments and special districts, this need is felt in every community in the Nation.

I have introduced today a bill intended to establish a uniform relocation policy and to improve cooperation and coordination of federally aided activities between the Federal, State and local levels of government. It is titled: "The Intergovernmental Coordination and Uniform Relocation Act of 1966."

My bill is based largely on bills that have been introduced in both the Senate and the House. Portions of the Intergovernmental Cooperation Act, S. 561, introduced by Senator Muskie, and similar bills introduced in the House by Congressmen Fascell, Sickles and many others, and the Uniform Relocation Act, S. 1681, also introduced by Senator Muskie, have been incorporated in my bill. I have added some language, dropped several provisions, and made other modifications for the purpose of strengthening and giving greater focus to the goal of greater intergovernmental coordination.

The Senate has already acted favorably upon both the Uniform Relocation Act and the Intergovernmental Cooperation Act. The House bills are pending in the Committee on Government Operations where testimony has already been taken. My bill is designed to follow a number of recommendations that have been made in connection with the earlier bills, by the Bureau of the Budget and others. I believe, therefore, that the bill I have introduced today represents not only the end product of the debates and discussions that have surrounded this matter thus far, but also a feasible and practical proposal.

When Charles M. Haar, Assistant Secretary for Metropolitan Development in the Department of Housing and Urban Development, and then professor of Law at Harvard University, testified before the Senate Subcommittee on Intergovernmental Relations on the Intergovernmental Cooperation Act of 1965, he stated that:

> The pressures of metropolitan growth are unlikely to diminish. We can, if we like, continue to cope with them through a series of arrangements which serve to forestall crises. This is the approach we have been pursuing. It has enabled us to muddle through but has left us with a mounting accumulation of problems. Unless we prime the machine for the conduct of metropolitan affairs, as the President has asked the Congress to do, and unless we develop a firm idea of what our goals for metropolitan development are, as this legislation suggests, the solution to urban problems will have been deferred too long. If we continue to procrastinate no amount of public money siphoned off for urban development will realize the potential of our metropolitan areas as efficient and pleasant places in which to work and live.

Others have pointed out that we are a great postcrisis nation, but not too good at the precrisis stage. As one who has held public office on the city, county, special purpose local governmental unit, State and now Federal levels, and as a member of the Housing Subcommittee, I can testify from personal experience as to the accuracy and truthfulness of these observations.

Mr. Speaker, I consider the Intergovernmental Coordination and Uniform Relocation Act as a companion measure to the State and Local Government Employees Training Act, H.R. 14362, which I introduced earlier this year and on which hearings were held by the Select Subcommittee on Manpower last month. I urge my colleagues to contemplate the urban and metropolitan areas which they represent, to think about the thousands of persons who are displaced and forced to relocate homes and businesses each year, to consider the absence of area-wide and metropolitan planning, the multiplicity of governments, and the numerous other problems that our general success and economic growth have brought us. The need demands action. But so far only part of Congress has acted.

CIVIL RIGHTS ACT OF 1966

Mr. **REES**. Mr. Speaker, I ask unanimous consent that the gentleman from New Jersey [Mr. HELSTOSKI] may extend his remarks at this point in the RECORD and include extraneous matter.

The **SPEAKER** pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. **HELSTOSKI**. Mr. Speaker, I would like to take this occasion to express my support of the Civil Rights Act of 1966. I feel that this act will go a long way toward securing for the people of this Nation the civil rights which they were guaranteed by the Constitution. A great deal has been accomplished by the Civil Rights Act of 1964 and the Voting Rights Act of 1965. The bill now under consideration will further supplement these acts by correcting abuses of civil rights which have been allowed to stand too long.

I am especially anxious to announce my support of the provisions designed to eliminate discrimination in the selection of juries in both Federal and State courts. Such discrimination in the recent past has been directly responsible for flagrant abuses of our system of justice in the South. After this bill becomes law it is my earnest hope that this Nation will not have to witness again the spectacle of defendants charged with crimes against Negroes being acquitted despite overwhelming evidence against them. The civil rights of the people of this Nation will be guaranteed only when those who attempt to exercise them can no longer be intimidated and assaulted without fear of punishment. I also fully support title III of this bill which authorizes the Attorney General to obtain injunctions against those who conspire to deprive people of their constitutional and legal privileges.

Most of the controversy surrounding this bill has been generated by title IV designed to prevent discrimination in housing throughout the Nation. My own State, New Jersey, has recently been provided with fair housing legislation without controversy or dispute. The law is now being enforced and is generating none of the dire consequences which the opponents of the pending bill are predicting so freely.

Mr. Speaker, the need for this legislation has been amply demonstrated by the recent outbreaks of violence on the streets of the slums of our cities. I want to make it perfectly clear that I deplore these outbursts of lawlessness. At the same time it is my opinion that we share part of the responsibility for these recent disorders. These outbreaks are the direct result of the dismal and hopeless circumstances in which many of the minority groups of our Nation have lived for hundreds of years. They point up clearly the responsibility of the elected leaders of this Nation, within Congress and without, to remove the causes of these outbursts by assuring the rights of the underprivileged, and helping them to gain a material standard and dignity which they have desired for so long. It is my conviction that this bill, if enacted, will help to accomplish that objective.

In conclusion, Mr. Speaker, I support this bill because I hope and believe that it will become one more buttress strengthening the civil rights of all who have the good fortune to live in the United States of America.

MODERNIZING OUR POSTAL SERVICE

Mr. **REES**. Mr. Speaker, I ask unanimous consent that the gentleman from New Jersey [Mr. HOWARD] may extend his remarks at this point in the RECORD and include extraneous matter.

The **SPEAKER** pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. **HOWARD**. Mr. Speaker, I would like to bring to my colleagues' attention two recent editorials which appeared in the Asbury Park Press, one of the leading newspapers in my district. Their in-depth and probing analysis indicates that Postmaster Lawrence F. O'Brien is performing a necessary and important service in modernizing our postal service.

[From the Asbury Park Sunday Press, July 17, 1966]

SILLY PARCEL POST RULES

The late Robert Young dramatized the silly practices of the railroad industry some years ago by pointing out that pigs could travel coast to coast without changing trains at Chicago but people could not.

Postmaster General Lawrence F. O'Brien has performed a similar service for the Post Office department in his attack upon the law regulating parcel post shipments. Under present rules (and there are many geared to both weight and size of parcels) an 81 inch parcel would be refused by post offices less than 150 miles apart but would be accepted so long as the patron sent it to a place like Pago, Pago, a distance of 6,400 miles!

Mr. O'Brien wants the law changed by Congress. The law was enacted in 1951 to protect the Railway Express, at the time the largest private handler of packaged shipments, on the theory that people would lose jobs if the Post Office Department competed with private firms.

The Post Office Department has enough shackles of its own making without the added drag of such laws. Parcel post rules are so confusing now that many patrons avoid this service rather than take the trouble to wrap a package only to have it refused at post offices of one class, even though the same package would be acceptable at post offices of another class.

If Congress wants the postal deficit wiped out it should give the department the opportunity to do business in parcel post without the handicap of the silly restrictions the 1951 law imposed.

[From the Asbury Park Press, July 16, 1966]

FRIENDLY POSTMASTER

If you mail parcel post packages, you have a friend at the post office. Postmaster General Lawrence F. O'Brien has persuaded the House of Representatives to pass a law making uniform sizes and weights for parcel post packages and is now working on the Senate to confirm it.

"Who wants to wrap a package for mailing if he is uncertain about whether it will be accepted?" O'Brien asked a Senate hearing.

Under the present law, with its variables in weight and measure and distance an 18-pound, 81-inch package could be mailed from Spartanburg, S.C., to Pago Pago in the Pacific 6,400 miles away but not to Columbia, S.C., 90 miles away. The same package could not be sent from Tulsa, Okla., to Oklahoma City, or from Wilmington, Del., to Philadelphia, or from Austin, Tex., to San Antonio.

"Do you follow all this gentlemen?" O'Brien asked with a twinkle. "If you don't, you are in tune with most of your fellow Americans."

The House-passed bill retains the present limit of 70 pounds and 100 inches for packages mailed to or received by second, third and fourth class post offices, and Hawaii. It would provide uniform limits of 40 pounds and 100 inches for parcels mailed from one first-class post office to another. That is confusing enough, without variations between post offices by distance as well.

Playing Santa Claus this year should be made easier, not confusing and frustrating.

THE TALLASSEE COUNTRY

Mr. **REES**. Mr. Speaker, I ask unanimous consent that the gentleman from Florida [Mr. FUQUA] may extend his remarks at this point in the RECORD and include extraneous matter.

The **SPEAKER** pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. **FUQUA**. Mr. Speaker, my good friend and able colleague, the Honorable MASTON O'NEAL, of Georgia, is also an able historian. Recently he completed a short historical piece entitled "The Tallassee Country" which concerns the securing of a large portion of Florida, Georgia, and Alabama from Seminole Indian domination.

I found this article so interesting, that I am asking that it be inserted in the CONGRESSIONAL RECORD, so that others interested in history in general, and this section in particular, might have an opportunity to read it.

THE TALLASSEE* COUNTRY

(By MASTON O'NEAL)

Prior to the Revolutionary War the only part of Georgia that could be said to be inhabited by white settlers was a strip about fifty miles wide along the Atlantic coast and extending equal width along the Savannah River. Some twenty-five years before the war Negro slaves in this and other Southern colonies began to escape from their owners and to make their way across the vast wilderness that is now South Georgia and into what is now Northwest Florida.

How this mysterious gravitation could occur will never be fully understood by the white man, but it continued steadily until about the time of the War of 1812 a numerous colony of these Negroes had formed along the Apalachicola River. They cleared fields for farming and built for themselves crude dwellings, the population finally reaching between 800 and a thousand.

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*Not Tallahassee.

During this second war with England, 1812, General Andrew Jackson removed all danger of hostilities from the Creeks, Cherokees, Choctaws and Chickasaws throughout Georgia, Alabama and Mississippi, but there was one other Indian tribe that still menaced the peace of the people of the South. That was the Seminoles. The Seminoles had been a part of the Creek nation, occupying most of the territory embraced by Alabama and southern Georgia. In 1762 a small group of Creeks abandoned their affiliation and went off to the peninsula of Florida. Each year during the next six years other Creeks followed the first group until nearly one-third of the tribe had thus separated from the parent stock and migrated deeper into the wilderness to the south. In the Creek language the word "Si-ma-no-li" means renegade or "one who has left us". The Creeks applied it to their departing cousins and the white man simply adopted it as a name for them.

General Jackson's last great victory over the large Indian nations was in 1814 at Horseshoe Bend, near what is now Dadeville, Alabama. As a result of the treaty that he forced on 36 chiefs of the conquered Creeks, they ceded to the United States 23 million acres of their favorite hunting territory which they called the Tallassee Country. This embraced approximately the southern one-fifth of Georgia and the eastern three-fifths of Alabama. The Georgia portion can be visualized in terms of present day geography as beginning at a point on the Chattahoochee River about Fort Gaines, extending eastward along the northern boundaries of Calhoun and Dougherty counties and on in a straight line to what was then the western edge of inhabited Georgia (about Jesup) and including everything below or south of that line. This would include Bainbridge, Thomasville, Valdosta, Douglas, Tifton, Moultrie, Albany, etc.

This land was ceded by the Indians to the United States, but the State of Georgia was most reluctant to accept it, one orator depicting it in the Georgia legislature as a "sterile and unprofitable land". It was finally accepted about four years later in 1818 after the events of our subject had occurred.

Even after the War of 1812 the British continued to harass the United States in every way possible along the Gulf Coast. A British Colonel Nichols continuously instigated the Indians to claim this Tallassee Country, pointing out (among other things) that the Seminoles had not signed the treaty. In order to aid them in their demands, Colonel Nichols, in the Spring of 1815, built a strong fort on the Apalachicola River about 60 miles below the junction of the Flint and Chattahoochee, and about 17 miles upstream from Apalachicola Bay. Although this fort was in the heart of the Spanish province of Florida, he named it "British Post on the Apalachicola".

Colonel Nichols then wrote an impertinent letter to Benjamin Hawkins, U.S. Agent for Indian Affairs, protesting the way the United States was dealing with the Creeks and Seminoles, who, Colonel Nichols had said in his letter "had given their consent to await your answer before they take revenge, but, Sir, they are impatient for it . . . ".

The colonel took with him to London a Seminole chieftain named Hillis Hadjo, or Hillisajo, whom he renamed Francis, The Prophet, and that savage was lionized by London society. He was granted an audience with Prince Regent (later George IV) commissioned an honorary brigadier general in the British Army, given a gold mounted tomahawk, a diamond studded snuff box and a large sum of money.

The fort on the Apalachicola was described by James Parton, the historian, as follows:

"It was situated on a lofty and picturesque height, long known as Prospect Bluff. In the rear it was protected by impassable swamps and was too far from the river for its ramparts to be injured by any guns that could be fired from small craft that alone could navigate the river. The fort was well and strongly constructed. Among the ten or twelve pieces of cannon mounted on the ramparts were one 32-pounder (note: this is the size of the upright cannon markers at Fort Hughes in Bainbridge) and three 24s. Within the fortification there had been stored away by Colonel Nichols and left by him in the custody of the Indians, 2500 muskets, the same number of acoutrements, 500 carbines, 500 steel-scabbarded swords, 400 pistols, 300 quarter-casks of rifile powder, and 763 barrels of common powder. The arms were new and of excellent quality, the greater part of them were still in their boxes and packing cases in which they were brought from England."

The place selected by Colonel Nichols for this fort was amidst the string of farms cleared and occupied by the runaway Negro slaves. The Negroes were organized like Indians, or perhaps like Africans, having several chiefs, the head chief being a wary, cruel black named Garcon.

No one seems to know just how it came about, but soon the runaway slaves came into possession of the fort. Probably the best explanation is that the Indians being nomadic by nature and suffering from a sort of national claustrophobia, must have left it unattended to wander and hunt in the forests, with the result that the Negroes simply moved in.

Emboldened by the possession of this stronghold, the Negroes then committed raids on frontier settlers of the South, on the Spanish along the Gulf Coast, and sometimes even on the Seminoles. The Negro fort was the strongest and most unassailable in all of the Southeast United States. Its mere existence was an evil of the first magnitude to the whole South, whose slaves could now escape, and within not many days, by reaching merely the vicinity of the fort, place themselves beyond pursuit.

From the Hermitage near Nashville, Tennessee, Old Hickory wrote to the Spanish Governor at Pensacola, "I cannot permit myself to indulge the belief that the Governor of Pensacola, or the military commander of that place, will hesitate a moment in giving orders for this banditti to be dispersed * * * and if not put down by Spanish authority, will compel us, in self-defense, to destroy them".

In his reply the governor declared that he had just heard of the fort and had written the Governor General at Havana on the subject, would take the requisite measures, and hoped General Jackson would not do anything in violation of the sovereignty of the king, his royal master.

General Jackson's messenger, Captain Amelung, who delivered the letter and answer, reported to his boss that the Spanish governor could not be depended on to act, since that grandee did not have sufficient powder in Pensacola to even fire one salute.

In the Spring of 1818 General Edmund P. Gaines, under Jackson's orders, began the erection of Fort Scott. This fort was on a high bluff roughly sixteen miles below present day Bainbridge, on the right hand or west bank of the Flint River. Prior to the impounding of the waters of the Jim Woodruff Dam the upright cannon marker that long served as a monument was moved to Bainbridge to stand beside the duplicate that marks Fort Hughes in Chason Park. The site of Fort Scott is not inundated, however. The bluff which once was thirty or forty feet above the Flint is still five or six feet above the lake. It is easily noted about a mile southwest of Hutchinson's Ferry (better known now as Johnson's Landing) and is recognized by the exposed red clay that marks the greatly diminished bluff.

Materials for equipping and supplying the fort were ordered shipped by way of the Mississippi River, the Gulf of Mexico, and the Apalachicola River, which meant that the boats would have to pass under the guns of the Negro Fort.

On June 24, 1816 the first flotilla of boats sailed from New Orleans and reached Apalachicola Bay on July 10th. It consisted of four vessels—two gunboats and two small schooners—all under the command of Sailingmaster Jairus Loomis. General Gaines sent Col. Duncan L. Clinch down the river from Fort Scott with a strong force to support the effort of the boats to pass.

While waiting orders in Apalachicola Bay, Loomis put five men in a small boat commanded by Midshipman Lufborough and sent them up the river to get some fresh water. On entering the river they saw a Negro on the bank. They landed and asked him if they could get fresh water nearby. They were answered by volleys of musket shots from two groups of Negroes and Indians concealed in the underbrush, which killed Lufborough, Robert Maitland and John Burgess on the spot. Edward Daniels was captured and John Lopez escaped to tell the tale.

A few days later, Colonel Clinch with 116 soldiers, nearing the fort from above, captured a Negro and found on him a white man's scalp. He revealed under questioning that Garcon had led the attack on the small boat.

Clinch surrounded the fort by land and sent word to Loomis to begin his attempt to pass.

The fort contained one hundred Negro men and Choctaw Indian warriors and 234 Negro women and children. Early in the morning of July 27, 1816 the four U.S. vessels came in sight of the fort. The big English cannon on the battlements immediately opened fire. Loomis returned the fire with his two gun boats, but they were unable to do any damage to the well-built walls. What the Americans lacked in armament, however, they made up in ingenuity. They put some of their cannon balls in the cookstove on one of the gunboats and heated them red-hot, hoping to set fire to the fort. This was a fairly common practice of naval warfare of that day.

In the fort were two powder magazines, one containing 600 barrels of common powder, and the other 163.

The first of the red-hot balls hit the larger magazine. An explosion which must have been one of the greatest in the history of the world up until that time shook the state of Florida. The Negro Fort in an instant was a mass of smoking ruins, covering heaps of human beings of every age, dead, dying, mangled and shrieking. Of the three hundred and thirty-four inmates of the fort two hundred and seventy were killed instantly. The greater part of those who were taken out alive died soon after. Only three crawled from the fort uninjured. One of these was Garcon. Another was a Choctaw Indian chief.

The Americans inquired what had become of the sailor Daniels, who had been captured seeking fresh water. They learned from the third survivor that he had been covered with tar and buried alive. Garcon and the Choctaw chief were put to death immediately.

Nichols was gone to London, but other Britishers continued the business of arousing the Indians, notably a man named Woodbine, who was referred to so many times in the newspapers of that era as "notorious Woodbine" that many people thought that Notorious was his first name; an old Scotch trader named Alexander Arbuthnot, about whom there is much historical controversy, and Robert C. Ambrister, a handsome, dashing and romantic ex-officer in the British Royal Marines. Old man Arbuthnot carried on a big business in barter with the Indians, his private schooner (aptly named "The Chance") shuttled back and forth between New Providence, Nassau and Ocklochnee Bay bringing guns, powder, lead, knives, blankets, vermillion, beads and calico. He decided that it helped business to actively enter the controversy about the Tallassee Country on the side of his customers. Ambrister likewise urged the Indians on from the vantage point of the Spanish fort at St. Marks. Present day visitors to St. Marks may recall seeing the crumbling vine-covered walls of the old fort at the junction of the St. Marks and Waukulla Rivers, a few hundred yards downstream from the boatlanding in the heart of town. Most of the stone in the fort was used to build the lighthouse about a hundred years ago.

The spark that touched off the First Seminole War was the battle of Fowltown, about four miles below present day Bainbridge (more than likely on or near the golf course of the Bainbridge Country Club). Chief E-ne-me-haut-by sent word to Colonel Twiggs, the commandant of Fort Scott, "not to cross, nor cut a stick of wood on the east side of the Flint. That land is mine", he said. "I am directed by the powers above and the powers below to protect and defend it. I shall do so." A few days later when General Gaines arrived at Fort Scott he sent Colonel Twiggs and 250 soldiers to the Fowltown to bring the chief to Fort Scott to "ascertain whether his hostile temper had abated." The approach of so many soldiers started the shooting which resulted in the death of a few Indians. A week later another detachment under Lt. Col. Matthew Arbuckle made a second raid on the village at which time more Indians were killed and this time the American bugler named Aaron Hughes. The soldiers built a small picket fort on the site of present day Bainbridge and named it for their popular musician.

The Seminoles went on the warpath.

On November 30th (this is 1817) a large open boat containing 40 U.S. soldiers, seven of their wives and four children, under command of Lt. Scott was coming slowly up the Apalachicola about a mile below the junction of the Chattahoochee and Flint. They were close to the east bank to avoid the swift current. Suddenly a volley of musketry from Seminoles under Chief Himolle Micco killed Lt. Scott and most of the men. Men, women and children were then horribly massacred, the children being taken by their heels and their brains dashed out against the boat. In twenty minutes all had been scalped except five. Four men swam to the opposite bank and made it to Fort Scott. One woman was captured to experience a fate that certainly must have been "worse than death". (The reader will pardon a digression at this point to say that four months later she was re-taken by General Andrew Jackson's army between St. Marks and the Suwannee River and eventually restored to her husband.)

Five days later a convoy of boats under Major Peter Muhlenburg, Jr. lost two men killed and thirteen wounded to the Seminoles. For four days and nights they lay anchored in midstream not daring to rise above the gunwales of the boat, but were rescued by men from Fort Scott.

On December 14th an assault was made on Fort Scott, but the siege failed for some reason after only two days. General Gaines reported to Washington that he was informed that 2,700 Indians were in the area, but that he himself thought the estimate too high.

About this same time a small band of Indians led by Chief Hillis Hadjo, or Francis, The Prophet, lately returned from London, captured a Georgia militia man, Duncan McKrimmon of Milledgeville, fishing on the river (just like a Georgia boy!), though it is not certain just where. He was carried to Francistown (between St. Marks and Waukulla Springs), he was tied to a tree and preparations made for his execution. The chief had brought along his youngest daughter, a 15-year old beauty named Milly, or Malee, to see the fun, but the girl broke down and begged her father to spare the man. The chief reluctantly did so and took McKrimmon to St. Marks where he sold him to the Spanish governor for seven and a half gallons of rum.

General Jackson was ordered from Nashville to Fort Scott to succeed General Gaines. With a stirring call to arms throughout Tennessee he assembled 1200 of his veterans at Fayetteville, but the impatient general left a day ahead with two companies of men. He ordered large quantities of food shipped from New Orleans by way of Apalachicola. On arriving at Fort Scott on March 9, 1818 the food had not arrived and as a result 2,000 men (his own and the regulars in the fort) were facing starvation. They were down to a ration of a quart of dry corn and three pounds of meat per man.

On learning of Old Andy's approach the Seminoles retired deeper into Florida, even crossing the Suwannee.

Jackson spent only one night at Fort Scott plunging overland down the Apalachicola to meet the boat. He found it loaded with flour and bacon and the starvation threat ended.

Jackson rebuilt the Negro Fort and named it Fort Gadsden for a favorite lieutenant in his corps of engineers who had charge of the reconstruction, but who later gained greater fame, when as ambassador to Mexico, he negotiated the famous Gadsden Purchase.

Jackson then marched to St. Marks (he swung north in a wide circle via the Lake Talquin Dam, Lake Miccosucky and Tallahassee) ordering Captain McKeever and his ships to proceed to St. Marks (searching St. George's Island and Dog Island enroute).

Lest you think that Americans have ever been honorable in warfare, when these ships entered St. Marks port (a day before Jackson arrived by land) they were flying the British flag. Our old fisherman friend, McKrimmon, to whom the Indian princess, Milly, had taken such a shine, seems to have still "had it good," inasmuch as he was a trusty prisoner and Milly was there with him. McKrimmon sought and obtained permission to visit the "British" ship by canoe, along with two Englishmen named Hambly and Doyle. Chief Hillis Hadjo and Chief Himolle Micco (remember the ambush on Lt. Scott's boat?) also went out in another canoe, but they received a different sort of reception. They were invited to the captain's cabin for a drink, and upon signal, were captured there by the American sailors. A few days later they were hung from the yard arm, Hillis Hadjo wearing a grey frock coat he had gotten in London.

Milly, too, went out in a canoe paddled by an Indian brave, but became suspicious of something when nearing the ship and they turned about most hurriedly. A number of warning shots over their heads and finally a heavy discharge of grape-shot directly at them, failed to stop their retreat. They made it safely to the mainland about a mile away.

The Spanish governor at St. Marks simply surrendered to General Jackson without firing a single shot in resistance, but he entered a formal protest that gave our State Department much trouble in all of its international affairs, and Jackson much trouble when be sought the presidency, though there are many who say that it is one of the things that elected him.

General Jackson had made up his mind to hang Arbuthnot, Ambrister and Woodbine. He never found Woodbine, but he captured Arbuthnot in the St. Marks fort, or rather at the gate with his horse saddled for a getaway, and he lucked-up on Ambrister who stumbled into an American camp one night.

A courts-martial was set up. When some one questioned whether or not they would get a fair trial, Old Hickory is reported to have made the somewhat classic remark. "Oh yes, they will get a fair trial; but we will hang them."

The court deliberated only a short time before sentencing Arbuthnot to death by hanging. The court also unanimously voted Ambrister guilty, but his magnetic personality, or his service in the British Royal Marines brought for him the more honorable death of the firing squad. Almost immediately after sentence was pronounced, however, one member of the court stated that he was not satisfied and moved for a reconsideration. The court voted to reconsider whereupon the same mover then moved for a punishment of fifty stripes of his bare back and confinement by ball and chain to hard labor for twelve calendar months. Two-thirds of the court (all that was necessary) voted for this punishment and that sentence was pronounced.

That night General Jackson studied the evidence. The next morning before dawn he decamped for Pensacola, leaving his order approving the sentence that Arbuthnot be hanged, but setting aside the reconsidered sentence of Ambrister and ordering the original sentence of shooting to be carried out. In compliance with the general's order the prisoners were executed that very morning.

These incidents ended any real threats of Indian attempts to retake the Tallassee Country for nearly twenty years. The State of Georgia agreed with some reluctance to accept the "sterile and unprofitable land" that we now love so well. Reluctantly, we say, because when the state legislature at Milledgeville appointed a committee to see what expenditures would be necessary, a minority report expressed it as their opinion that it would be "unwise to spend the people's money trying to develop a country which God Almighty Himself had left in an unfinished condition."

However, it was surveyed into land lots and districts and laid off into three large counties of Early, Irvin, and Appling. The covered wagons began rolling from Milledgeville, Louisville, Savannah, Augusta, North and South Carolina, and our corner of the world began receiving our ancestors as permanent residents.

ACKNOWLEDGEMENTS

"Two Fighters and Two Fines", by Tom W. Campbell.[1]

"Life of Andrew Jackson", Vol. II (1860) by James Parton.[1]

"History of Brooks County", by Folks Huxford.[1]

"A Short History of Georgia", by E. M. Coulter.

"The Border Captain", by Marquis James.

"A View of West Florida" (1827) by John Lee Williams.

"History of the Indian Wars" (1844) by Henry Trumbull.

"I Can Go Home Again", by Arthur G. Powell.

FLEXIBLE IMPORT QUOTA PLAN FOR LEAD AND ZINC

Mr. REES. Mr. Speaker, I ask unanimous consent that the gentleman from Missouri [Mr. ICHORD] may extend his remarks at this point in the RECORD and include extraneous matter.

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[1] Especial acknowledgement.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. ICHORD. Mr. Speaker, today I join with colleagues from areas producing lead and zinc in the introduction of legislation designed to provide some assurance of stability for an important industry that suffered a real depression in the late 1950's and early 1960's. Fortunately, consumption of both metals has increased in the United States and around the world since 1963 and prices have reached stable levels in the past 2 years that have encouraged reopening of mines, developments of new ore reserves, and large investments in exploration and plant expansion.

We must maintain the current incentive to expand our natural resource industries. There should be a national minerals policy to accomplish this for all metals. Until such a plan is put forth by the executive departments, we propose a flexible import quota plan for lead and zinc that will serve as a deterrent to imports in excessive, unneeded quantities if supplies should exceed demand as happened during the past decade.

The legislation we propose has a 5-year term and during this period a 3-year quota for either lead or zinc would be applied if found to be necessary by the relationship of metal supplies to metal shipments or consumption. Such a plan would give the Congress and the executive department an opportunity to reevaluate the quota provisions as the legislation comes up for renewal or extension. This legislation is of tremendous importance to my district and State.

Missouri is the leading lead-producing State with over 120,000 tons of recoverable metal mined during 1964 and 133,640 tons in 1965. During the past 10 or 12 years, except for 1962 and 1963, when an extended strike at St. Joseph Lead Co.'s mines curtailed output, Missouri has accounted for almost 40 percent of this country's annual mine production, averaging approximately 117,000 tons. The State's production has come in the past from the southeastern counties of St. Francois and Madison, and more recently from Washington, Iron, Crawford, and Reynolds Counties. The Herculaneum Smelter of St. Joseph Lead Co. in Jefferson County has an annual capacity of approximately 120,000 tons of pig lead. Current value of this annual output exceeds $30 million.

In addition, the lead mines have significant byproduct output of zinc concentrates and copper concentrates, estimated at 10,000 and 8,000 tons respectively, for 1965.

The lead mining industry in Missouri employs about 2,000 people who receive annual wages and salaries in excess of $12 million. These employees live and work in a dozen communities, which have a vital interest in, and indeed are dependent on the degree of activity of the lead mining industry.

The equipment and surface construction of mines, concentrating plants, and the smelter in Missouri, represent investments that at today's level of construction costs would require more than $130 million to reproduce and millions of dollars are now being spent in the construction of new mines.

Within the last 5 years St. Joe Lead has opened a new lead mining district in my district known as Viburnum. Facilities include three new operating shafts, a new and most efficient concentrating plant and expansion of smelting facilities from an annual capacity of 110,000 to 200,000 tons of lead per year. In addition, the Fletcher mine in Reynolds County will start production later this year.

American Metal Climax and Homestake Mining Co. are proceeding with a joint venture to mine and mill lead ores in the Buick area of Iron County and are also building the first new primary lead smelter erected in the United States since World War II.

Montana Phosphate Products Co. and Magnet Cove Barium Corp. are developing a lead mine near Bixby in Iron County. Production is scheduled for late 1967.

Ozark Lead, a subsidiary of Kennecott Copper Corp., is developing a mine and building a concentrating plant in Reynolds County. In January of this year American Smelting & Refining Co. announced plans to build a third multimillion-dollar lead smelter near Ironton, Mo.

The Bunker Hill Co. in partnership with National Lead Co. is developing a mine near Fredericktown.

In the period 1964–69 mining companies will have invested between $70 and $100 million in mines, mills, and smelters to more than triple Missouri lead producing capacity while adding significantly to byproduct output of zinc and copper concentrates. With the investments of roads, railroads, and service facilities in this area in my district, it is estimated that the total investment will be between $200 and $300 million. This unprecedented commitment has been made during a period of relatively stable base metal prices.

This type of industry requires long-term planning to insure the necessary return on investments involved. We recognize the need for some lead-zinc imports, but these should be in quantities required to supplement rather than displace our own production. I hope we will not have to suffer through another period of excessive imports experienced during the 1950's, but we know from published reports and figures that world production of these two metals is increasing and at a rate that could result in supplies surplus to requirements within the immediate future. Any surplus will again seek our U.S. markets. Enactment of this legislation will provide a plan, when needed, to relate U.S. supplies to demand and fairly consider the needs of the producer, the consumer, and the importer. I urge the consideration and adoption of this flexible quota plan.

CRISIS THREATENING AMERICA'S HOMEBUILDING INDUSTRY

Mr. REES. Mr. Speaker, I ask unanimous consent that the gentleman from Tennessee [Mr. FULTON] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. FULTON of Tennessee. Mr. Speaker, recently I spoke in this Chamber concerning the potential crisis threatening America's homebuilding industry arising from monetary controls which have been placed on credit by the Federal Reserve Board.

Since that time the situation has not grown brighter but has, indeed, darkened.

By way of demonstrating the urgency of the situation I would like to quote from an article in last week's Wall Street Journal which stated:

> Housing starts were at their lowest level in 5 years—

For the month of June—

> and the Federal Housing Administration's mortgage insurance activity declined again in June.

This week I have met with a delegation representing the Nashville Home Builders Association and have been informed that tight money is forcing cutbacks in my district and throughout Tennessee.

An additional adverse effect is that current homeowners face the possibility of loss of equity if they sell their homes because tight money has forced an increase in brokerage. I am told that it is feared homeowners will accept foreclosure rather than face a sale which would wipe out their equity and actually cost them money to sell.

The Nation's economy simply cannot afford a depressed homebuilding industry nor should that industry be required to sacrifice itself in our efforts to maintain the value of the dollar.

Therefore, I am pleased today to cosponsor legislation which would increase the borrowing power of the Federal National Mortgage Association by $2.2 billion. It is also my understanding that the House Banking and Currency Committee expects to report legislation in the immediate future, perhaps today, which includes a provision to authorize the Federal Reserve Board to purchase FNMA and Federal Home Loan Bank Board debentures and other obligations.

Early consideration and passage of these measures is of vital importance if we are to prevent a serious depression in an industry which supplies $1 of every $18 of our gross national product.

ORVILLE FREEMAN DAY IN SOUTHWEST IOWA

Mr. REES. Mr. Speaker, I ask unanimous consent that the gentleman from Iowa [Mr. HANSEN] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. HANSEN of Iowa. Mr. Speaker, last Sunday was one of the most pleasing and rewarding days of my life. It was the day on which the Honorable Orville L. Freeman, the Secretary of Agriculture, came to southwest Iowa to visit personally with the citizens of the Seventh Iowa Congressional District. He was the first Cabinet-level officer to visit southwest Iowa since Henry Wallace, then Secretary of Agriculture, toured the region in the late 1930's.

Secretary Freeman had just completed 2 long days of his "Report and Review" sessions in several other Midwestern States when he arrived in Council Bluffs, Iowa, early Sunday morning. He had also just returned from his journeys to Japan, India, and Pakistan. But despite these factors that would have exhausted the average man, Secretary Freeman still displayed the energy, deep concern, and endless knowledge that typifies part of his greatness as a Secretary of Agricuture. The citizens of southwest Iowa appreciated this and gave him a welcome that was warm and sincere wherever we went throughout the day.

The Mamrelund Luthern Church in Stanton, Iowa, was the scene for the first activity of the day. There we worshiped with the regular Sunday congregation which filled the pews of the 800-seat church. Pastor Francis Johnson delivered a most appropriate sermon, entitled "20th Century Hunger."

Then we traveled to former Democratic Congressman Otha Wearin's farm near Hastings, Iowa, where Mrs. Wearin prepared a fine Iowa Sunday dinner for Secretary Freeman. Country-fried chicken and corn on the cob were the featured items on the menu which provided a welcome pause during the day's busy activities.

The watershed project near Macedonia, Iowa, was our next stop with more than 200 people waiting to meet the Secretary. The project, which is an excellent example of cooperation and planning, was thoroughly explained to the Secretary by the men and women who guided its development.

Finally, the day was topped off by a ranch-style barbecue and rally at the Shelby County Fairgrounds in Harlan, Iowa. After some fine beef sandwiches, Secretary Freeman spoke for more than an hour to the crowd of nearly a thousand assembled at the fairgrounds.

I know Secretary Freeman enjoyed the visit and was gratified by the warm response on the part of the citizens of southwest Iowa.

I would like to share with my colleagues the remarks I made in Harlan on Sunday and those of Secretary Freeman:

ORVILLE FREEMAN DAY IN SOUTHWEST IOWA

(Remarks of Congressman JOHN R. HANSEN at the Shelby County Fairgrounds, Harlan, Iowa, Sunday, July 24, 1966)

The position of Secretary of Agriculture has traditionally been one of great responsibility and small reward. The many notable achievements of the past five years under Democratic administrations have unfortunately been obscured by the misrepresentations of those who, for purely political reasons, oppose programs of benefit to rural America.

Let us look, briefly, at the Freeman record. When he took charge in 1960, there was an unmanageable 85 million ton feed grain surplus. Everyone felt sorry for the Secretary—he faced an almost impossible task. What happened was the finest sales-production job that the world has ever seen—in or out of government.

In five years, a reduction of over 30 million tons in feed grain supplies, without a corresponding depressing effect on prices—on the contrary, a clear record of improvement in our agricultural price structure. The result—net farm income is up from 11.7 billion in 1960 to a safe annual rate of 15-plus billion today—back up to *greater* than the figures that prevailed in 1952. Furthermore, there has been an increase in agricultural exports from 4.1 billion to 6.7 billion.

What has this meant for the farmer? Corn stocks have been reduced by nearly one billion bushels since 1960. This action has reduced the pressure that could depress the present market, and it will insure that future markets will not suffer because of a large surplus grain storage. Decreased storage has, of course, also meant significantly decreased storage costs.

And what about farm income? Net income per farm for the state of Iowa in 1960—after eight years under a Republican administration—was $3.850. In 1965, after five years under the Kennedy and Johnson Administrations, it was $5,665, an increase of 47 percent. And average farm income will continue to rise in 1966.

In short, fellow Iowans, the Democrats have brought change—and change for the better. Great indeed are the gains the Republicans would have you forget. Great are the achievements that have been won since 1960. And much of the credit for these accomplishments must be given to the man I present to you this afternoon.

Ladies and gentlemen, it gives me great pleasure to introduce to you the greatest Secretary of Agriculture this nation has ever had—the Honorable Orville Freeman.

A FOOD AND AGRICULTURE POLICY THAT MEETS TODAY'S CHALLENGE

(Remarks by Secretary of Agriculture Orville L. Freeman, at the "Orville Freeman Day," Shelby County Fairgrounds, Harlan, Iowa, Sunday, July 24, 1966)

I speak here today in the midst of one of the most productive agricultural regions of the world. One week ago, in drought stricken India, where parched soils that have been cultivated for thousands of years produce only a fraction of the yields to which we are accustomed here, I saw how American food was bringing life and strength to millions of hungry people who, without that food, would be facing the spectre of famine.

It is our policy for food and agriculture that forges this link between the fertile fields of Iowa and those millions of hungry children on the other side of the globe. It is our food and agriculture policy that enables us today to lead the world in a war on hunger—and to offer real hope that mankind will win in the awesome race between population and food supply. Our agricultural policies and programs are likewise part of a larger picture. They form an essential component of our Nation's dedication to the goal of the Great Society.

President Johnson has challenged the Government and the people of the United States to realize the potential for a good life that science and technology now make possible. He has challenged us to end poverty—simply because we have the resources with which to provide enough for all. He has given special emphasis to health, to education, and to the basic need for food and clothing as clear prerequisites on which to base a Great Society.

The President has likewise made it clear that our concern for the goals of a Great Society should not end at the water's edge. By word and deed he has led our Nation in its efforts to help make available to aspiring peoples all over the world the food, the health and the education that they so sorely need in their struggle for the benefits of modern civilization.

It is this concern—and this recognition that our future is irrevocably bound to the future of all mankind—that is the foundation of our shipments of grain to India this year. At a rate that at times exceeds one million metric tons a month, the greatest peacetime armada in history is now carrying American grain to the hungry people of drought stricken India. These shipments are important to us—and even more important to the hungry millions to which they are sent. They are possible only because of our over-all policy in food and agriculture.

This policy, in no small measure, grew and took shape out of midwestern experience and midwestern thought and ideals. I remember discussing it with other midwestern Governors in a conference on farm policy in 1959. We were searching then for policies that would at the same time improve farm income and make more constructive use of the great productivity of American agriculture.

And this policy, with all it offers to American farmers, to American consumers, and to the peoples of the world and their hopes for peace and progress, could not have been established without the courageous support of your able Congressman JOHN HANSEN and the others of the Iowa delegation who have supported our programs and of the people who sent them to the Congress of the United States.

Nearly six years ago, when I accepted this job of Secretary of Agriculture, I questioned whether there could be any real "surplus" of food in a world where a billion men, women and children are hungry all of their lives. I pointed out that our goal should be production for maximum constructive use, at home and abroad, but not for excess stockpiles that could not be used. We have held steadfastly to this goal; and our current programs for maximum utilization of the productive capacity of American agriculture to meet food needs at home and abroad are the product of nearly six years of effort to find the most effective and acceptable ways of gearing our agricultural production to amounts that could be used.

It has thus been a long, tough struggle to develop farm programs that would meet the standards we set for them:

They must improve farm income and at the same time insure adequate supplies and fair prices for consumers;

They must enable us to avoid the stockpiling of excessive and costly surpluses—and at the same time insure adequate reserves to meet emergencies;

They must provide for conserving and enhancing the productivity of our soil and at the same time encourage the best use of our land resources—often uses other than the production of crops;

They must be geared to meet domestic needs, an ever expanding commercial trade, as well as food aid for hungry millions in the developing nations of the free world.

Our current farm programs meet these standards. Since 1960 net income per farm has gone up from $2956 to an expected $4600 to $4800 this year, an increase of 55 to 60 percent.

American consumers get more and better food of better quality and at lower real cost than has ever been available anywhere else on earth. In 1960 this cost them 20 percent of their income, today only 18.3 percent.

Our costly surpluses of grain have been reduced from 115 million metric tons to 61 million—no more than an adequate carryover needed as reserve for emergencies.

Our farm programs have made these gains possible. They are not perfect, and we will continue to improve them. But today our programs are flexible enough so that we can gear our production to total needs. And with the passage of our new food for freedom program we will be able to fully utilize the flexibility of our commodity programs to produce and provide the kinds of food needed by hungry millions throughout the world.

Those who look superficially at farm policies and programs often mistakenly conclude that the current threat of mass hunger in the world has caused a reversal of the administration's farm policy. They fail to distinguish between policies and programs—between goals and the means necessary to reach those goals. A man who heats his house in the winter and cools it in the summer is in both instances pursuing the same goal of a comfortable inside temperature, but he alters his means to meet different conditions. Likewise programs to restrict production of commodities when they cannot be used and programs to expand production to meet needs are pursuing the same goal.

Certainly ever since 1961 our policy has always upheld the goal of producing to meet need. We have always done all we could within the law to make the maximum effective use of all of the products of our farms—as much as possible by commercial sales, and then as much as possible under our Food for Peace Program.

We have always interpreted the "surplus" provision in our Food for Peace legislation as liberally as the law allows. We have consistently sought changes to liberalize it further. Now, in our Food for Freedom Program, we are asking for a complete removal of the "surplus" requirement. I am confident that the Congress will support this request.

There has been no change in our consistently held policy goal of producing to meet needs. What has changed is the magnitude of those needs. Some of us have seen this coming, but few were prepared for the unprecedented rapidity with which changes in world conditions now take place.

The population explosion in the less developed parts of the world is the outstanding example of rapidly accelerating needs. It is only within the past few years that the developing nations have experienced the sharpest decline in death rates ever recorded. Public health measures and the benefits of modern science suddenly brought about changes that saved millions of lives. The death rate in Ceylon, for example, dropped by 40% in just one year as a result of the use of DDT! It is this decline in the death rate that is responsible for today's rate of population growth that threatens to outstrip increased production of food.

This relationship, too, has changed within the past decade. Between 1955 and 1960 worldwide production of food was increasing at a rate substantially faster than the rate of population growth. But that trend has changed during the past five years, so that food production is barely keeping up, and in some countries it is falling behind.

It was just five years ago that the Department of Agriculture began its first comprehensive study of world food needs. If we were to develop farm programs that would enable us to produce to meet needs we needed to know more about the magnitude of those needs. In October, 1961, we published the world food budget, 1962 and 1966. This study helped us to plan exports under our Food for Peace Program and emphasized the opportunity for using our food abundance to help build self-sustaining economies in countries receiving food aid.

This effort was only a beginning. In October, 1964, in the world food budget, 1970, we published the results of an expanded study of the supply and utilization of food commodities throughout the world. World food needs and the food deficits that prevail in two thirds of the world were highlighted. Possibilities and problems involved in closing the food gap were outlined. In its closing paragraph, the world food budget, 1970, presents the following conclusion:

"While U. S. food aid will likely continue to play an important role in helping developing countries meet emergency needs and achieve economic growth, good aid is at best a temporary and inadequate measure. Higher food production is the only permanent way to overcome the food gap in most diet-deficient countries. . . ."

A few months after the publication of the world food budget, 1970, President Johnson presented his 1965 farm message to the Congress and said:

"The disturbing downward trends in food output per person in both Asia and Latin America in recent years must be reversed. And these trends can be arrested and reversed only by a massive mobilization of resources in both the food-deficit countries and the advanced countries of the industrial West—we must use both our agricultural abundance and our technical skills in agriculture to assist the developing nations to stand on their own feet."

The President called upon the Secretary of Agriculture for further study to determine what legislation ought to be proposed as the current Public Law 480 was to expire at the end of 1966.

In that same message the President recommended the Food and Agriculture Act of 1965, an act that provides four-year programs giving us the flexibility to encourage production upward as well as downward, depending upon need. With needs for food accelerating as rapidly as they are today it is indeed fortunate that our flexible programs permit expansion to meet those needs.

Last February, in his message on food for freedom, President Johnson presented a new program, to meet new conditions, and to contribute materially to the achievement of our over-all policy for food and agriculture.

Two new conditions call for a new program. One change is the decline in our surplus stocks of grain. The 1961 stockpile of 115 million tons has now been reduced to 61 million, an amount we regard as no more than a sensible reserve. The excess carryover, or "surplus" has disappeared. It is therefore no longer possible to have a Food Aid Program on surplus commodities, and the new program eliminates the "surplus" requirement.

The other change is the emphasis on "self-help", called for by the critical urgency of the problem of hunger in most of the developing world. If present trends—of population growth and food production—continue, the food deficit gap will continue to widen until it will exceed the capacity of all of the agriculturally productive nations to fill. These trends must therefore be altered, for to allow them to continue would invite disaster for both the developed and developing nations of the world.

The only way this disaster can be averted is by accelerated agricultural improvement in the hungry nations themselves. Our Food for Freedom Program is therefore designed to stimulate, encourage, and even require nations receiving food aid to take effective steps to increase their own production of food. We can and will help to fill the gap in their food and fiber needs as they pursue their self-help efforts, and until they reach a level of self-reliance where they can either produce or buy what they need. We will provide them with capital and technical assistance in their efforts to improve their agriculture.

The Food for Freedom Program will be an integral part of both our foreign assistance policy and our policy for food and agriculture. It could not operate effectively without our farm commodity programs. These programs make it possible for us to call forth—not just the quantities of food needed—but the qualities and kinds of food most in need.

Those who suggest that farm commodity programs can now be eliminated and the regulation of production be left to the "free market" overlook the fact that effective commercial demand does not always reflect real human need. The millions of protein-starved babies in the hungry nations have no buying power in the market place. Our flexible farm programs make it possible for us to encourage production to meet human need as well as commercial demand. We have this year taken steps to encourage increased production of wheat, rice, soybeans and milk, while we seek to curtail production of commodities like cotton and tobacco that are still in surplus.

One of the greatest challenges the world faces today is the threat of hunger and famine. Our food and agriculture policy is geared to meet that challenge. Our Food for Freedom Program will firmly establish the United States of America on a course of world leadership toward total victory in the war against hunger—a war against the enemy of all mankind.

Victory in this war will save more lives than have been lost in all the wars of history. It will not be easy, but it can be won, if only because science and technology have given us the knowledge and the tools with which to win. But effective use of this knowledge and these tools calls for commitment, dedication and hard work on the part of developed and developing countries. It calls for a higher level of social, political and economic engineering than mankind has ever yet achieved.

We have already enlisted a measure of support from the advanced nations of the free world. At a meeting of the development advisory committee of the O. E. C. D. in Washington last week, it was unanimously agreed to give greater emphasis to the war on hunger in the assistance programs of 15 nations. And many of the developing countries are already giving agricultural development higher priority in their plans. In my trip to India and Pakistan I saw clear evidence of this new emphasis on efforts to hasten agricultural progress.

Victory in the war against hunger will do more than save lives. In opening the door to achieving the potential of enough food and fiber to meet basic needs it will open the door to progress in every other aspect of the economy. To the millions of people in the newly independent and developing nations of the world, victory in this war means the opportunity to realize deep and urgent aspirations for higher levels of living under freedom. It means an opportunity to share in the Great Society.

We are proud of the contributions that are being made by our food and agriculture policy toward the achievement of a Great Society here at home. We have made substantial strides toward parity of income for the efficient family farm, as our net farm income increased from $11.7 billion to $15.7 billion in the past six years. We have launched a vigorous campaign to eliminate rural poverty and to bring more of the advantages of modern progress to the towns and villages of our Nation. We have provided nutritious food for millions of children and for the disadvantaged in our own country. We have not reached our goals, but we are on the way.

But we do not confine our hopes for a Great Society within the boundaries of our Nation. For humanitarian reasons and for our own self interest we seek to raise the levels of living in the developing nations of the world.

Our Food for Freedom Program will contribute toward that end. As it stimulates agricultural progress and over-all economic growth in the developing nations we can expect higher standards of living rising,

rising incomes, and a growing volume of international trade. As poverty, dependence and insecurity decline, and as more of the developing nations become able to stand on their own feet and enter the international commercial market, we can expect a more rational pattern of international trade to develop. That would mean, for the American farmer, a very substantial increase in our commercial exports of those commodities for which we have a real comparative advantage.

More important than these commercial gains will be increased hope for a future of peace and freedom—where peace will be more secure and freedom more widely cherished because the fear of hunger no longer threatens the people of any nations. This is the goal of our Food for Freedom Program. And this is a measure of the contribution that American farmers—under a food and agriculture policy supported by the people of the United States—can make to the future of the world.

HAMILTON REPORTS ON RESULTS OF QUESTIONNAIRE IN INDIANA'S NINTH DISTRICT

Mr. REES. Mr. Speaker, I ask unanimous consent that the gentleman from Indiana [Mr. HAMILTON] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. HAMILTON. Mr. Speaker, earlier this year, I sent to the Ninth Congressional District of Indiana a questionnaire, setting out what appeared to be the major issues facing the 2d session of the 89th Congress.

Nearly 9,000 residents responded, voicing their opinions on issues ranging from Vietnam to the war on poverty. Another 500 or so also included letters, expanding on their views.

The 8,974 responses indicate to me that Ninth District residents have a keen interest and concern about their Government and the issues facing their Government.

I plan to repeat the questionnaire early in 1967, once again setting out the major issues which are likely to be facing Congress. It has been and will continue to be helpful to me in assessing the interests and desires of the residents of the Ninth District.

Here are results of this year's questionnaires:

VIETNAM

The war in Vietnam is the most important concern of most Americans. Should we:

1. Make substantial concessions to the other side now to bring the fighting to a halt? 631 votes—7%

2. Apply all necessary force to drive the Communists out of South Vietnam but refrain from bombing and shelling North Vietnam? 375 votes—4%

3. Follow the present course of applying gradually-increasing military pressure to bring the Communists to the conference table? 2,060 votes—23%

4. Attempt to achieve a prompt, decisive victory by quickly increasing our military strength in Vietnam and destroying the Communists' ability to fight? 5,486 votes—61%

WAR ON POVERTY

The War on Poverty has created new social and economic programs such as the Job Corps, Neighborhood Youth Camps and such Community Action Programs as Operation Head Start. In fiscal year 1966, $1.5 billion was allocated to carry out these projects. In fiscal year 1967, would you recommend:

1. Abolishing the program? 3294 votes—37%.

2. Appropriating an amount equal to that appropriated for fiscal year 1966? 1894 votes—21%.

3. Increasing the appropriation? 392 votes—4%.

4. Decreasing the scope of activities, but not abolishing the program? 3132 votes—36%.

THE ADMINISTRATION

Do you approve or disapprove of the manner in which President Johnson is handling his responsibilities?

	Percent
Approve: 4,120 votes	46
Disapprove: 3,567 votes	40
Approve in varying degrees: 513 votes	6

REAPPORTIONMENT

The U.S. Supreme Court has ruled that state legislatures must be apportioned on a one-man, one-vote basis. A constitutional amendment has been proposed, however, which would allow states to apportion one house of their legislatures on a basis other than population (e.g. geographical or county boundaries). Do you approve or disapprove of such an amendment:

	Percent
Approve: 4,807 votes	54
Disapprove: 3,463 votes	39

UNEMPLOYMENT COMPENSATION

An unemployment compensation bill is expected to come before Congress this year which would provide Federal unemployment benefits to long-term unemployed who have exhausted their state benefits; provide Federal matching grants to states to cover two-thirds of unusually high unemployment benefit costs; extend coverage to an additional five million persons; prescribe minimum Federal standards for unemployment program, and add .15 percent on to the employer's unemployment taxes. Do you approve or disapprove?

	Percent
Approve: 1,979 votes	22
Disapprove: 6,733 votes	75

VETERANS' BENEFITS

Would you recommend that "Cold War" veterans (those in service since the Korean War) be entitled to benefits similar to those offered World War II and Korean War veterans—including grants for educational and vocational training and loans or loan guarantees for homes, farms and equipment?

	Percent
Yes: 7,125 votes	79
No: 1,818 votes	20

MINIMUM WAGE

A bill is pending before Congress to increase the minimum non-agriculture wage from $1.25 an hour. Do you approve or disapprove?

	Percent
Approve: 4,637 votes	52
Disapprove: 3,819 votes	43

If you favor an increase, should it be set at:

	Percent
$1.50: 2,668 votes	30
$1.75: 1,263 votes	14
$2.00: 776 votes	9
Other: 145 votes	2

TRUTH IN LENDING AND PACKAGING

A truth-in-packaging bill, designed to cut down on deceptive and false packaging has been proposed. Do you approve or disapprove?

	Percent
Approve: 8210 votes	91
Disapprove: 544 votes	6

A truth-in-lending bill is designed to require full disclosure of total costs and rate of charges in the financing of consumers goods and services. Do you approve or disapprove?

	Percent
Approve: 7860 votes	88
Disapprove: 611 votes	6

EAST-WEST TRADE

Expanded trade with the Soviet Union and its Eastern European satellite countries probably will be considered by the Congress this year. Would you agree or disagree that increased movement of non-strategic goods will benefit the U.S. politically, economically and will lessen world tension?

	Percent
Agree: 4361 votes	48
Disagree: 4162 votes	46

LOCAL GOALS

What do you consider the three most pressing problems in our district?

Unemployment: 1051 votes. Water resources and control: 3632 votes. Industrial growth: 5040 votes. Needs of the elderly: 1739 votes. Inadequate educational facilities: 2018 votes. Lack of skilled labor: 1238 votes. Inadequate community services: 2354 votes. Business and property taxes: 5491 votes. Other: 1086.

POSTAL PATRON MAILINGS

My decision to make further postal patron mailings will be guided by your judgment. Do you approve or disapprove?

	Percent
Approve: 8303 votes	93
Disapprove: 206 votes	2

SMALL BUSINESS LOANS

Mr. REES. Mr. Speaker, I ask unanimous consent that the gentleman from New York [Mr. DOW] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. DOW. Mr. Speaker, on July 25 I introduced a bill, H.R. 16504, to amend the Small Business Act to increase the maximum maturity of regular business loans to 20 years where such loans are made for the construction of facilities.

On March 10, 1966, I introduced a bill, H.R. 13496, for this same purpose, except that it increased the maturity on all small business loans to 20 years. Since the hardship to which my earlier bill, H.R. 13496, was addressed, is experienced chiefly in respect to construction loans, I am certainly willing to limit the accommodation to be provided under these bills to what is necessary—namely, construction loans.

In the hotel business particularly, a need has been established for construction loans of longer than the conventional 10 years. This will avoid the occasional necessity of ballooning payments at the end of 10 years. It will provide an orderly and even curve of repayment which would not be the case if there is uncertainty about the possibility of extention beyond 10 years.

These bills apply to small business loans both for individuals and to groups of small businesses. The existing law permits extensions beyond the present term of a loan, and this provision remains under my new bill, H.R. 16504.

In the case of construction loans, the existing law adds estimated construction time to the term of any construction loan. This provision remains under my new bill.

I commend this bill to you, Mr. Speaker, as a proper amelioration of a sometimes too-strict situation in which some creditors of the Small Business Administration find themselves.

ADDRESS BY DR. WILLIAM H. STEWART, SURGEON GENERAL OF THE UNITED STATES, ON THE OCCASION OF THE GROUND-BREAKING CEREMONIES FOR NEW MEDICAL AND SURGICAL PAVILION, MEMORIAL HOSPITAL, MICHIGAN CITY, IND., JULY 15, 1966

Mr. REES. Mr. Speaker, I ask unanimous consent that the gentleman from Indiana [Mr. BRADEMAS] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. BRADEMAS. Mr. Speaker, it was my privilege on July 15, 1966, to participate in an important event in the continuing progress of Michigan City, Ind., in my congressional district.

The occasion was the ground-breaking ceremony for the new medical and surgical pavilion of the Memorial Hospital of Michigan City. The affair was highlighted by the participation of a most distinguished leader in the field of American health and medicine, the Surgeon General of the United States, Dr. William H. Stewart. I wish to include Dr. Stewart's excellent address following my remarks.

It was fitting that the Surgeon General was present at this ceremony because the Federal Government was a cooperating partner in financing the construction of the pavilion. Of the estimated $1,972,888 cost of constructing the pavilion, $534,681 was in the form of a grant from the U.S. Public Health Service under the provisions of the Hill-Burton program.

The citizens of Michigan City have good reason to be proud of the vital part they have played in making this pavilion possible. Among the persons who made particularly important contributions to the success of this effort was Dr. Milton Bankoff who substantially reduced the hospital's indebtedness in order that certain requirements of the Hill-Burton Act might be met. This action on the part of Dr. Bankoff and his wife, Sylvia, was most generous and public spirited.

Also to be commended is Philip A. Sprague, chairman of the hospitals' united fulfillment fund—HUFF. The sole purpose of HUFF was to plan and conduct a fund raising effort on behalf of Memorial Hospital and St. Anthony Hospital, operated by the Order of the Sisters of St. Francis. Both of the hospitals are located in Michigan City. To date, HUFF has raised over $1,400,000, the largest amount ever raised in that community. The funds are divided equally between the two hospitals and are for exclusive use in their current new construction and renovation programs.

Serving as the master of ceremonies at the ground breaking was another outstanding civic leader in Michigan City, Burton B. Ruby, president of the Memorial Hospital board of trustees, and a man who has given rigorous and effective leadership to the cause of maintaining high medical care and staff practice standards at the hospital.

Among those participating in the ground-breaking ceremony were Dr. A. C. Offutt, Indiana State Health Commissioner; the Honorable Randall C. Miller, mayor of Michigan City; and the Reverend Robert J. Center, rector, Trinity Episcopal Church.

Memorial Hospital is a nonsectarian community hospital which is governed by a board of trustees made up of civic leaders who serve without compensation. The following persons are members of the board of trustees and administrative officers of Memorial Hospital:

Board of trustees: Burton B. Ruby, president, president, Jaymar-Ruby, Inc.; Richard Ream, vice president, president, Citizens Bank; Ara K. Smith, secretary, superintendent city schools; Fred Pilliard, treasurer, president, First Federal Savings & Loan Association; Melvin B. Burns, manager of works, Pullman-Standard; William P. Coliton, president, Chicago South Shore & South Bend Railroad; Marvin E. Mitchell, president, Weil-McLain & Co.; Warren J. Rommes, attorney at law; Richard D. Rosenberg, executive vice president Josam Manufacturing Co.; Lyman C. Taylor, president, Taylor-Chalmers Advertising Agency; Charles R. Westcott, supervisor, Hays Corp., director, Elite Youth Center.

Administration: Byron N. Whitford, administrator; Harold A. Dietz, assistant administrator and controller.

Medical staff: John E. Kerr, M.D., president; Gene R. Ray, M.D., vice president; William A. Starke, M.D., secretary-treasurer.

Auxiliary: Mrs. Herbert Tietzer, Sr., president; Mrs. Henry Wilt, vice president.

Members of the board of directors of Hospitals United Fulfillment Fund are:

Members at large: Philip A. Sprague, chairman, president, Hays Corp.; Robert C. Averitt, vice chairman, general manager, News-Dispatch; J. M. Ruby, chairman, Jaymar-Ruby, Inc.

Representing Memorial: Melvin B. Burns, secretary, manager of works, Pullman-Standard; Warren J. Rommes, attorney-at-law.

Representing St. Anthony: John O'Connor, treasurer, plant manager, Frederic H. Burnham Co.: Frank J. Wolf, president, Gardex, Inc.

Mr. Speaker, at this point I would like to include in the RECORD the remarks of Surgeon General William H. Stewart at the ground-breaking ceremonies of the Memorial Hospital of Michigan City, Ind., on July 15, 1966. I had the honor of introducing this outstanding public servant on this occasion, and I am pleased to call Dr. Stewart's significant address, "Health Resources for the Nation," to the attention of my colleagues in Congress.

The address follows:

HEALTH RESOURCES FOR THE NATION

(By William H. Stewart, M.D., Surgeon General, Public Health Service, U.S. Department of Health, Education, and Welfare, an address delivered at ground-breaking ceremonies for new medical and surgical pavilion of Memorial Hospital, Michigan City, Ind., July 15, 1966)

My first privilege and pleasure today is to bring, to all of you who have played a part in making this occasion possible, the personal greetings and congratulations of President Johnson. The President is aware, through your extremely able representative in Washington, Congressman BRADEMAS, of what you are doing here in Michigan City to make better health care available to the people of your community.

This is a matter of far more than casual interest to the President. He has a deep and sincere personal commitment to health; in fact, despite the tremendous pressures upon his time and attention from many other directions, he returns again and again to health. He wants to know what is being done, both within the Federal government and outside it, to control disease and make top-quality medical care more widely available. Only a few days ago he called in a group of us and spent nearly two hours discussing with us the ways by which the results of medical research can be brought more quickly to the patients whose lives depend upon them. He asked searching questions. He challenged us to find new and better answers.

This same kind of commitment to health is widely prevalent in the Congress as well. The last two years have witnessed a truly remarkable series of legislative enactments. The most widely discussed of these—the Medicare legislation—is only one of a number of major advances designed to eliminate barriers to health care and to bulid up our national health resources.

THE RIGHT OF THE AMERICAN PEOPLE TO DECENT HEALTH CARE

This stimulating climate of innovation in Washington has not come about accidentally. It reflects the most significant fact of our time in the health world: the growing demand of the American people for the best in health care, readily accessible to them, provided under conditions which protect the human dignity of each individual patient.

You in Michigan City are responding to this growing demand, just as we are in the Public Health Service and just as our colleagues in the health field are responding across the nation. The evolution of Memorial Hospital into a true community medical center and the creation of the new Medical and Surgical Pavilion for which we broke ground this morning are effective responses to the rising tide of public interest in better health.

It is not difficult to discover the roots of this increased demand for health care that is currently challenging the health resources of the nation. Our population is growing, so that our task would be bigger on the basis of numbers alone. But that is only the beginning of the story. An increasing proportion of the population is in the older age-groups—people who require more health care per capita than the population as a whole. As a Nation we are better educated, and therefore more aware of the potential benefits of medicine. Most of us are better equipped than ever before to meet the costs of health care—partly because of a general rise in economic levels and partly through the rapid growth of medical and hospital insurance.

Moreover, within the field of medicine itself, dramatic advances in biomedical science have made it possible for us to offer more benefit to more people than ever before. Yesterday's hopeless case is today's "medical miracle" and will become tomorrow's routine cure. But most of these new life-saving procedures are highly complicated. They require teams of trained people and costly equipment. Thus our investment of effort per patient is likely to be substantially greater than it used to be.

THE CHALLENGE AND THE COMMITMENT

All of these factors add up to a healthier population. They also add up to an enormous challenge. If American medicine is to fulfill the aspirations of the people it serves, we need to create new resources—in terms of manpower, facilities, and services—and to use much more effectively the resources we now have.

These tasks cannot be accomplished fast enough or well enough by any single component of the American health partnership acting alone—not by private medicine, not by academic medicine, and certainly not by government. The job requires the full commitment of the full partnership.

For almost 20 years we have been involved in an unspectacular but highly successful demonstration of what the health partnership can do. In August of 1946 President Truman signed the Hill-Burton Act which provided for Federal assistance in the planning and construction of hospitals and other kinds of health facilities. In two decades this program has redrawn the hospital map of the United States. It has brought hospital care within convenient geographic reach of literally millions of people for whom it was once remote and almost unattainable. It has added hundreds of thousands of hospital beds to our national supply.

The Hill-Burton program has evolved with changing needs. The primary emphasis at the beginning was placed on the construction of relatively small general hospitals in rural areas. As the most serious gaps were filled in the hospital network, new emphasis were introduced. Through Congressional amendments and administrative decisions, the latter always reached in concert with state and local authorities, increasing priority has been given to expanding and modernizing existing hospitals; to the construction of hospitals providing long-term care for the chronically ill; to the construction of nursing homes to the practice of area-wide planning to assure that hospital construction dollars are used where they will do the most good; and to research in the more efficient design and operation of medical facilities.

I am pleased to be able to report that your new Medical and Surgical Pavilion is another in the long series of projects receiving Hill-Burton assistance. This project was generated by your local nonprofit organization. It was accorded priority by your State hospital construction agency, in terms of its State plan. Federal funds were made available to add to the funds developed through local resources.

This pattern is typical of the Hill-Burton program. Initiative rests with the community. Judgments as to priority rest with the State agency which is most competent to assess the broad needs of the area. The role of the Federal government is to help bring to fruition the product of local initiative and State planning. This, to my way of thinking, is a success story illustrating what President Johnson has called "Creative Federalism" in action.

THE CHALLENGE TO STRENGTHEN OUR HEALTH MANPOWER RESOURCES

We are in a much earlier stage in applying this principle to the strengthening of our health manpower resources. Yet we have already moved far enough to have confidence that similar patterns of partnership will yield similarly successful results in this field.

Just three years ago the Congress enacted the Health Professions Educational Assistance Act. This legislation authorized the Federal government for the first time to enter into full partnership in the education of physicians and other health professionals. Two kinds of Federal participation were provided by this Act: (1) grants-in-aid for the construction of new schools of medicine, dentistry, public health, and certain other professions and for the expansion of existing schools; and (2) funds to be administered by the schools for making loans to qualified students who need assistance in meeting the extremely high cost of education for the health professions.

This legislation was amended last year, as part of the outstanding series of health bills enacted by the present Congress, to extend these provisions and add two more: (1) scholarship funds to enable still more highly promising young people to enter the health professions; and (2) grants to the schools for the broad purpose of strengthening their curricula and programs.

Meanwhile, in the intervening year—1964—the Congress had enacted the Nurse Training Act which applies to the field of nursing—an area of especially critical need—basically parallel types of Federal assistance. This year the Congress is currently considering the Allied Health Professions Act which would permit Federal assistance in augmenting our national capacity to train such indispensable health workers as X-Ray technicians, medical technologists, dental hygienists, and others.

Promising beginnings are underway in all the programs already authorized. The cumulative effect of these activities will add substantially to our health manpower resources. But obviously these programs will not solve our manpower problems overnight. In the case of medical education, for example, it takes several years to plan, build, equip and staff a new medical school. Several years more must go by before its first graduates become full-fledged physicians ready to make their professional contribution to health. We shall be well into the next decade before the first doctors whose preparation is strictly attainable to the Health Professions Educational Assistance are caring for patients.

THE CHALLENGE TO USE PRESENT HEALTH MANPOWER TO ITS FULLEST POTENTIAL

Meanwhile a clear and overwhelming demand is upon us today. The second part of the manpower challenge—no less important and more immediate—is to make the best possible use of the manpower we have. There are, I think, several promising avenues of approach.

One of these is to make better use of our supporting health disciplines, so that the highly trained professional can devote his full time to those tasks which require skills and knowledge which he uniquely possesses. This process is sometimes referred to as a "downward transfer of functions." I prefer to call it an "upward acceptance of responsibility."

This sort of thing has been going on, here and there, for many years. The professional nurse today is performing a number of functions which were strictly reserved for the physician a few years ago. The practical nurse is carrying responsibilities once reserved for the professional nurse. The dental hygienist is doing things that only a dentist could do.

OCCUPATIONAL MOBILITY

Another approach, closely related to this one, is to establish real occupational mobility among the health disciplines. We should devise means whereby health workers can move upward on the career ladder as their interests and abilities dictate. The highly competent professional nurse should be able to aspire to become a physician without having to "go back and start over" in her career development. The same principle should apply throughout the echelons. This process would yield many benefits. It would bring many highly capable people into the top health professions, where they are urgently needed, and fill their places in turn with others. It would serve as a powerful stimulus to recruitment and retention of the best people available to us.

These processes can be carried out, to the great benefit of professional, technician and patient alike. But to do it we must summon the determination to analyze the functions performed by health personnel, to re-assign duties systematically and realistically, and then to train new generations of health personnel along these lines.

Such a reassessment is long overdue. Most of the health professions and allied disciplines have grown up independently, as autonomous kingdoms governing themselves by their own rules. In earlier, quieter times perhaps we could afford this rather primitive approach to health service. Those days, if they ever existed, are long past. If we are to fulfill the demands of the public we serve, we need to view health manpower as a totality. We need to see the parts in relation to the whole and in relation to each other.

And above all, we must see the totality of health manpower in relation to the actual health needs of people. This, which is our reason for being, is the necessary unifying factor. Everything we do, in the last analysis, is measured by its effect on the health of human beings.

A DRAMATIC MOMENT

We are living at a dramatic moment in social history, and in the history of medicine. You, here in Michigan City, have obviously caught the tempo of the time and are marching to it. Your swiftly growing hospital resource is one indication, based as it is both on the generosity of the Bankoff family and on a broadly-based program of community support. Your participation in the training of health manpower is another—as evidenced by the fact that the first class of an Associate Degree Nursing Program will begin here next fall.

As we dedicate the new Medical and Surgical Pavilion of Memorial Hospital, it is a great pleasure for me to salute the community of Michigan City and its forward-looking participation in the American health partnership.

AGRICULTURAL EXPORTS IS ONE ANSWER

Mr. REES. Mr. Speaker, I ask unanimous consent that the gentleman from Montana [Mr. Olsen] may extend his remarks at this point in the Record and include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. OLSEN of Montana. Mr. Speaker, as the House deliberates on this matter of an extension of the economic opportunity program and its benefits to those impoverished in our large urban centers, I urge that we also bear in mind the diminishing opportunities that have plagued our rural areas for some years now. That 100,000 farmers find it necessary to leave the land each year is convincing evidence of the lack of opportunity in rural America.

I wonder how long America can stand this migration? The demands on our great agricultural industry are constantly increasing to a point where the era of farm surpluses in this Nation is rapidly drawing to a close. We seem to have overlooked the outstanding contributions agriculture has made to this Nation, at least in the matter of incentives and rewards.

For a long time I have watched with great interest the dialog on food prices and their impact on our rising cost of living. We now have ample proof that the fault does not lie with the farmers and cattlemen. My concern, of course, is prompted by the fact that large numbers of my constituents are engaged in the production of grain and livestock.

In recent years, I have devoted a great deal of energy on legislation that will bolster, rather than depress farm prices. It would appear that we have not done enough. My premise, then and now, is that our farm population, that has made American agriculture the miracle of the civilized world, is still the least rewarded of any segment of our affluent society.

I submit that my concern for a better way of life for our rural population is right, and I will continue my fight for higher farm incomes. We should strive for parity, and in the process resist any moves that will curtail, or depress farm prices. They should go up.

Our farm economy is entitled to more adequate rewards for several reasons:

First, agricultural productivity has outpaced industrial productivity in this Nation by a factor of 3 to 1, and has resulted in a $44 billion farm industry;

Second, our farm output provides 25 percent of our exports netting over $5 billion in cash receipts;

Third, the application of our scientific know-how on the land is not equaled by any other Nation;

Finally, the American people only have to spend 18 percent of their disposable income for food, the lowest rate in the world. As a matter of fact, it is approximately 3 percent lower than it was in 1960. The prospects for a reduction to 17 percent are excellent. Further, our percentage of income requirements for food is more than 10 percent below that of most countries of Western Europe.

There are many other reasons, but these are the principal ones. Yet, despite these vast contributions to our general welfare, the rewards for our rural population are meager indeed.

In 1965 our farmers earned 35 percent less than what nonfarmers received.

In 1965 farm prices were 14 percent below their 1952 level.

And in this same year, the farmer's share of the food market basket was 39 percent—the same as it was in 1939.

We now have the National Commission on Food Marketing's report which fixes responsibility for increasing food prices squarely on the shoulders of food processors and distributors. The farmer and the cattleman are not responsible for runaway food prices, or their inflationary spiral.

In our program to increase farm prices, several factors having to do with increased production are significant:

On the authority of the Vice President and the Department of Agriculture, surpluses are dwindling, as for example, wheat and feed grains. We no longer refer to them as "surplus," rather they are now called "reserves." We have recently released 10 million acres of farm lands to increase production.

World population is exploding and much of the world is underfed. For example, in 1965 there were 63 million more mouths to feed, yet total worldwide food production remained the same as it was in 1964. Exports of American farm products will reach a record of $6.5 billion in 1966 and it is estimated that this will grow to $8 billion by 1970. There seems to be widespread recognition now that farmers should be permitted to organize marketing cooperatives on all commodities in order to increase their bargaining power.

Increased demand for farm products both here and abroad will provide the farmer with a more adequate return on his investment and hard work. I believe our greatest hope lies in increased exports that will be encouraged, both by our food-for-freedom legislation, and by our efforts to make other nations of the world more self-sufficient. We have found that, as incomes in foreign lands increase by 10 percent per capita, the imports of U.S. farm products go up 16 percent.

The United States currently exports only 4 percent of its gross national product. The greatest proportion of this is farm produce. Herein lies a great challenge to our Federal Government and industry alike, that jointly they may develop foreign markets where our goods and products are in growing demand. Herein lies a healthy solution to the problems resulting from the current depression in farm income. Herein lies real economic opportunity for our rural population that has given America so much.

We must not cease in our efforts to bring farm income up to parity. Our rural population must have greater incentive, if they are to meet the challenges of the future.

CONGRATULATIONS TO THE LIBERIAN PEOPLE ON THEIR INDEPENDENCE DAY

Mr. REES. Mr. Speaker, I ask unanimous consent that the gentleman from Hawaii [Mr. MATSUNAGA] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. MATSUNAGA. Mr. Speaker, on this July 27, the 119th anniversary of Liberian independence, I should like to join the Liberian people in their joyous celebration.

For years this oldest of African republics was known to us merely as a malaria-infested country somewhere in western Africa. Liberia was one of the few countries in Africa that never had the experience of colonization. A nation rich in raw iron and rubber, Liberia was slow to develop.

Yet in the last two decades the world has seen Liberia making commendable economic and technological advances. It is largely to the credit of her President, William Tubman, that Liberia is taking her place among the prospering nations of the world.

The country's open door policy paved the way for increased foreign investment and economic progress has steadily mounted. Monrovia, the capital, is the only free port on the west coast of Africa. A great majority of the people are farmers and the Government's Operation Production program is making the country agriculturally self-sufficient.

Although a nation of diverse peoples, the Government's efforts in creating a unified population are proving successful. President Tubman has pushed unification of coastal areas with the hinterland.

In the fields of education, health, transportation, communications, and recreation Liberia has much to be proud of. Liberia is a progressive nation in the mainstream of the continent's development.

In the realm of international affairs, Liberia is a strong believer in international cooperation along economic, social, cultural, and political lines. A charter member of the United Nations, she is also one of the organization's stanchest supporters. As Liberia's Secretary of State has written:

> Liberia, as a developing country, has based its foreign policy on friendly relations with all nations and peoples and on a striving for peace.

It is indeed a pleasure to pay tribute to the independence of Africa's oldest republic. I wish President Tubman and the people of Liberia much success in their quest for a prosperous and strong Liberia.

HON. CHARLES S. MURPHY—30 YEARS OF FEDERAL SERVICE

The SPEAKER pro tempore (Mr. KREBS). Under a previous order of the House, the gentleman from Texas [Mr. MAHON] is recognized for 30 minutes.

Mr. MAHON. Mr. Speaker, Saturday of this week—July 30—is a milestone day in the career of one of our distinguished public servants. I am pleased to have this opportuinty to take public note of the fact that on that day, the Honorable Charles S. Murphy, now Chairman of the U.S. Civil Aeronautics Board, rounds out 30 years in the high calling of public service to the Nation. I have known Charlie Murphy and something of the quality of his work for many years. I regard both highly.

Charlie Murphy has been a warm personal friend through the years. And he is a great favorite with Members of Congress with whom he has worked. He is forthright, objective, able, and charming. Charlie Murphy understands the institutions of our country and has a deep and abiding respect for Congress.

In a message earlier this year, the President said:

> Among the many blessings which Americans can count is a corps of Federal civil servants that is unequaled anywhere in the world. Honest, intelligent, efficient, and—above all—dedicated, these men and women represent a national resource and a national asset.

Mr. Speaker, while Charlie Murphy's Federal public service is not under the formal civil service, 30 years in a variety of highly responsible positions of trust nonetheless constitutes career service. In that respect, Charlie Murphy is in a small but highly select company of men and women who likewise have long served the Nation by serving their Government. It is no exaggeration to say that the fortunes of our national affairs are to a not inconsiderable extent affected by the work of our career public men and women.

Someone once observed that blessed is the man who discovers what he is fit for—and then does it. Charlie Murphy's long and deep commitment to public service marks him as such a man. A man of exceptional and versatile talents, he has served with great energy, great fidelity, and high distinction in a number of capacities—and in both the executive and legislative branches.

After a few years in a clerical capacity in the executive branch, Mr. Murphy served some 13 years—from 1934 to 1946—in the Office of the Legislative Counsel of the U.S. Senate, the last 11 as Assistant Legislative Counsel, in which capacity he had a hand in drafting many pieces of legislation—including, I am advised, the Civil Aeronautics Act of 1938.

It was at the end of this stretch of his career that President Truman selected him to serve as an Administrative Assistant to the President. Evidently the President was impressed because in 1950 Mr. Murphy was elevated to the position of Special Counsel to the President, a position he held until President Truman left office. The distinctions had begun to accumulate.

Mr. Murphy then engaged in private law practice until his appointment as Under Secretary of Agriculture by President Kennedy shortly after his inauguration in 1961. Mr. Murphy had general supervisory responsibility for all USDA agencies and for the administration of its many widespread programs. He was also president of the multibillion dollar Commodity Credit Corporation. He successfully represented the United States in international discussions on foreign agricultural trade. He had the interests of both agricultural producers and consumers at heart.

President Johnson appointed Mr. Murphy to the CAB chairmanship on June 1 of last year.

Mr. Speaker, Emerson said that America was but another name for opportunity. We know that this includes the opportunity to rise to leadership and to serve in high places of public trust. Charlie Murphy has not missed the opportunity. And America is the better for it.

So, Mr. Speaker, on this 30th anniversary eve, I felicitate the Honorable Charles S. Murphy, now Chairman of the Civil Aeronautics Board—but more importantly, Mr. Speaker, a distinguished and devoted public servant.

Mr. McCORMACK. Mr. Speaker, congratulations and best wishes are due on July 31 to Charles S. Murphy, Chairman of the Civil Aeronautics Board, who on that day completes 30 years of distinguished service in the Federal Government.

He has been recognized as an outstanding administrator and policy maker by Presidents Harry S. Truman, John F. Kennedy, and Lyndon B. Johnson, all of whom appointed him to positions of high trust in their administration.

In 1947 he was named by President Truman as his administrative assistant and 3 years later he advanced him to the position of Special Counsel to the President.

In 1961 he was selected to be Under Secretary of Agriculture by President Kennedy, a position he filled for 4 years.

In 1965 he was appointed a member of the Civil Aeronautics Board by President Johnson, who immediately thereafter designated him chairman.

For 13 years following graduation from Duke University's School of Law in 1934 he served in successively important posts in the Office of the U.S. Senate Legislative Counsel acquiring the legal seasoning and experience in legislative law that three Presidents recognized and used in improving the operations of the U.S. Government.

Charles S. Murphy, a dedicated public official in the career service of our Federal Government for 30 years, has earned the appreciative thanks of his countrymen for a fine job well done.

Mr. BOGGS. Mr. Speaker, I am honored and proud to join in saluting one of the most dedicated servants of our Government and the American people—Charles S. Murphy—on the occasion of his 30th anniversary in public service. I am also honored and proud to share Charles Murphy's friendship and to have the benefit of his advice and counsel.

Since I returned to the House of Representatives after World War II, I have known Charlie Murphy—first as professional staffer in the Office of the Legislative Counsel of the Senate, and then as administrative assistant and special counsel to President Truman.

Charlie Murphy's public service was resumed in 1961 when the late President Kennedy, in his wisdom, appointed him to the responsible post of Under Secretary of Agriculture, where he served our country with distinction and imagination. Since June 1, 1966, he has served very ably as Chairman of the Board of the Civil Aeronautics Board.

Charlie Murphy's ability—his dedication and energy—his imagination and intelligence—are such that our country and our national Government is very fortunate to have him in public service. I am confident that he will continue to serve the people of the United States for many years to come, and I look forward to working with him in the years ahead. My wife, Lindy, joins me in congratulating you Charlie, and wishing for you every continued success.

Mr. EVINS of Tennessee. Mr. Speaker, the Honorable Charles S. Murphy, Chairman of the Civil Aeronautics Board, will complete 30 years of dedicated and distinguished service in the Federal Government on July 31, next.

Mr. Murphy has had a broad range of experience and service in our Federal Establishment—and in each position he has served in the best tradition of dedicated public service.

Mr. Murphy's latest appointment, of course, was as Chairman of the Civil Aeronautics Board. President Johnson announced this appointment on June 1, 1965.

Prior to that time, Mr. Murphy had served as Under Secretary of Agriculture for more than 4 years—an appointment made by the late President Kennedy.

Mr. Murphy has also served as administrative assistant and as special counsel to President Truman. Mr. Murphy began his career here on Capitol Hill where his first appointment following graduation from Duke University was as law assistant to the Office of the Senate Legislative Counsel. As a legislative draftsman, he worked with Members of both Houses in preparing many bills, including the Civil Aeronautics Act of 1938.

Many of the provisions of the Civil Aeronautics Act of 1938 were incorporated in the Federal Aviation Act. As Chairman of CAB, Mr. Murphy now plays an important role in regulation of important aspects of our aviation industry—much of which relates to the act which he helped draft.

Chairman Murphy is bringing to the operation and deliberations of CAB his vast reservoir of knowledge and experience at a time when the fantastic growth of air transportation requires the guidance and direction of his many talents and capabilities in the vital and important position of Chairman of the Civil Aeronautics Board.

It is a pleasure for me to salute Charles Murphy on his golden anniversary of Federal service. He is a great Chairman, a grand gentleman, and a great American—and I wish for him many more years of service to our country.

Mr. DAVIS of Georgia. Mr. Speaker, the Civil Aeronautics Board Chairman, Charles S. Murphy, completes 30 years of service in the Federal Government this July 31. His career includes statutory appointments by two Presidents and service as administrative assistant and special counsel to a third President.

Mr. Murphy was appointed to the CAB on June 1, 1965, by President Johnson after a tenure of 4 years as Under Secretary of Agriculture, which he was appointed by the late President Kennedy shortly after his inauguration. Mr. Murphy served former President Truman as administrative assistant from 1947 until 1950, when he was advanced to the position of special counsel to the President.

Mr. Murphy gave many years of service to the Office of Legislative Counsel, the U.S. Senate. He began as a law assistant in that office following his graduation from Duke University's School of

Law in 1934. After 2 years, he was selected as assistant legislative counsel to the Senate, a position he held for 11 years. As a legislative draftsman, he worked with Members of the Senate and the House of Representatives in writing numerous pieces of legislation. Many provisions of one, the Civil Aeronautics Act of 1938, were incorporated into the Federal Aviation Act, which Mr. Murphy today helps to administer as a member of the CAB.

From 1953 to 1961 he engaged in the law practice of the Washington, D.C., firm of Morison, Murphy, Clapp & Abrams, and was counsel to the Democratic National Advisory Council from 1957 to 1960.

Mr. Murphy is a past president of the National Capital Democratic Club. Admitted to the North Carolina bar, the Supreme Court bar, and the District of Columbia bar, he is a member of the Order of the Coif, Delta Sigma Phi, Pi Gamma Mu, and Omicron Delta Kappa.

Mr. STAGGERS. Mr. Speaker, it gives me pleasure to join the distinguished gentlemen who are paying tribute to the Honorable Charles S. Murphy, Chairman of the Civil Aeronautics Board, on the completion of his 30th anniversary in the Federal service.

I have been personally acquainted with Mr. Murphy for several years and have had more frequent direct dealings with him in behalf of the House Interstate and Foreign Commerce Committee. His record of accomplishment as Chairman of the Civil Aeronautics Board has been recognized in Government, transportation industry, and financial circles.

Mr. Murphy's length of service is surpassed by his fine achievements during his career from the standpoint of quality as well as quantity of his contributions to the public welfare.

Again I wish to congratulate Chairman Murphy on this occasion and commend him on his record of achievement. My very best wishes go along for his continued success.

Mr. WHITENER. Mr. Speaker, I am delighted that my colleagues have taken the time today to comment upon my close personal friend, Hon. Charles Murphy, Chairman of the Civil Aeronautics Board.

Charlie Murphy is a native North Carolinian and a graduate of my alma mater, Duke University. I have had the privilege of viewing with pride his many accomplishments in life as he has served the people of America so well.

During the administration of former President Truman he stood with the President and assisted in making many important decisions in his capacity as counsel for the President. His good works during the years following World War II will forever serve the best interests of our Nation.

During the Kennedy administration and a portion of the present administration Charlie served with distinction as Under Secretary of the Department of Agriculture. In this important role his performance was superb.

During recent months he has served as Chairman of the Civil Aeronautics Board. This, too, has found him to be an exceptionally fine public servant.

I salute Charles Murphy, a great Tar Heel and American.

Mr. KORNEGAY. Mr. Speaker, it is a privilege for me to join with my esteemed colleague from Texas in paying tribute to the Honorable Charles S. Murphy, presently serving as Chairman of the Civil Aeronautics Board—one of the many of his important assignments in the Federal Government.

It is a particular pleasure to speak of Mr. Murphy, since he is a native of my own State of North Carolina. Charlie attended Duke University in Durham, N.C., receiving his undergraduate degree in 1931 and going on for his law degree in 1934. He was initiated early into the Federal service, for he worked as a postal clerk while attending college. No doubt this experience gave him a taste for the distinguished Government career which was in the offing for him.

He came to Washington and, as assistant legislative counsel to the Senate, worked with Members of both Houses in preparing numerous pieces of major legislation, among them, interestingly enough, the Agricultural Adjustment Act of 1938 and the Civil Aeronautics Act of 1938.

But the White House had its eye on Charlie, and President Truman picked him for his administrative assistant and, 3 years later, selected him as Special Counsel in the White House.

At the end of the Truman administration, Charlie Murphy started his long-deferred practice of the law, but it was interrupted when 8 years later President John F. Kennedy selected him for appointment as Under Secretary of Agriculture, the No. 2 man in the administration of that great complex, with general supervisory responsibility for all the Department's activities and agencies. He served as President of the Commodity Credit Corporation, Chairman of the Budget Committee, and successfully represented the United States in international discussions on foreign agricultural trade.

Then, on May 11 of last year, we had the pleasure of commenting in the House on the appointment of Charles S. Murphy by President Johnson to the position as Chairman of the Civil Aeronautics Board. We knew with confidence that here again he would distinguish himself in his service to the Government in this field of aviation and its ever-increasing role in our national life. Charlie Murphy has had unique opportunities during the years of his Federal service. He has hobnobbed with "Presidents and kings," but he remains the same modest, approachable, and wholly likeable native of Wallace, N.C. While Charlie is actually a constituent of my close friend and colleague, DAVE HENDERSON, I claim him partially because his lovely wife is a native of Durham and because Charlie chose Duke University to prepare himself for his distinguished career in Uncle Sam's service.

Recently, Charlie Murphy addressed the Duke University Law School, and in the June issue of the Duke Alumni Register, he is reported as saying:

> Government service offers a lot more living in one lifetime—it's harder work, better work, and more interesting work—there's less money, but enough to live on—there's more frustration and more satisfaction—there's more criticism but greater accomplishments.

When Charlie Murphy was Under Secretary of Agriculture, he dealt with the problem of surplus agricultural commodities. I want to say here, however, that his kind of public servant is certainly not a surplus commodity; rather it is in short supply. I wish we had more Charlie Murphy's in more places in our Federal system.

Mr. FRIEDEL. Mr. Speaker, when Charles S. Murphy, the able, honest, and dedicated Chairman of the Civil Aeronautics Board, began his appearances before my Subcommittee on Transportation and Aeronautics of the House Committee on Interstate and Foreign Commerce, I came to understand that here was a genuine public servant, an efficient executive, an able lawyer, a gifted organizer of both men and ideas, and a skilled advocate who commanded the full resources of the language, but who never permitted his great abilities to carry him beyond the bounds of a gentle courtesy governed by an understanding heart.

He is, after all, one of our own. He served for years during the early and impressionable part of his long career in the Federal Government in the Office of the Legislative Counsel of the Senate. It was there that his work and his character came to the attention of the Senator from Missouri, Harry Truman, who, as President, chose him as an administrative assistant in 1947, and advanced him to the heavy responsibilities of special counsel to the President in 1950.

The late President Kennedy made him an important part of his administration when he appointed him Under Secretary of Agriculture. From 1961 to 1965 Under Secretary Murphy had general supervisory responsibility for all of the Department's agencies, drafted important legislation relating to a progressive farm program, and did an excellent job as President of the Commodity Credit Corporation.

His record of achievement, his skill as an administrator, his worth as a man, his vast understanding of the unwritten folkways of the Federal Government along with his legal knowledge of its workings, led President Johnson to appoint him last year to the chairmanship of the Civil Aeronautics Board. He may be the best Chairman that the Board has ever had.

On the 31st of July, he will mark his 30th anniversary of service to his country. I am sure those years have been so packed with great events, hard work, and outstanding achievements that they have seemed to pass by very quickly for him. They have been 30 years in which he has grown in wisdom and experience at an accelerating rate that has always kept him on top of his heavy duties and awesome responsibilities.

How proud his family must be of him. His beloved wife, Kate Chestney Graham Murphy, his son, Westbrook, and his daughters, Courtenay and Betty, know what a tender father and devoted husband he has been in the midst of his extraordinarily busy career.

Congratulations to him and to them on this 30th anniversary of the beginning of what has become, over the years, a truly distinguished career.

Mr. BYRNE of Pennsylvania. Mr. Speaker, the distinguished Chairman of the Civil Aeronautics Board, Charles S. Murphy, is completing 30 years of Federal career service.

He came to Washington in 1934 after graduating from Duke University's School of Law.

He spent the next 13 years in the Office of Legislative Counsel of the U.S. Senate practicing and improving his natural talent for legislative law.

He served President Truman as special counsel; he served President Kennedy as Under Secretary of Agriculture; and he is serving President Johnson in his present post as Chairman of the Civil Aeronautics Board, a key position guiding the development and operations of American air transportation throughout the world.

Charles S. Murphy, in profile, typifies the best of that hard case of professional career men who develop and administer the policies and operations of the U.S. Government. They are educated, dedicated, loyal men, more interested in the national welfare and the public interest than in establishing independent fortunes. They are men of personal integrity who spend a lifetime in the Federal service and bring a continuity of action into the policies and decisions of Government.

Mr. FLOOD. Mr. Speaker, it gives me a great deal of personal pleasure to extend my congratulations and warmest best wishes to an old friend, the Honorable Charles S. Murphy, who will complete 30 years of distinguished service in the Federal Government on the 31st of this month.

I had occasion the other day to read a biographical sketch of Chairman Murphy's Government career and I was most impressed by his versatility in holding a number of different highly responsible positions. In my judgment this is the mark of a truly valuable civil servant—performing brilliantly in a number of assignments.

Over the years Charlie Murphy has been of great assistance to me and my congressional district. When he was Under Secretary of Agriculture he aided me greatly with a most serious drought condition in my section of Pennsylvania. I am forever grateful for his cooperation in this instance as are my constituents.

When he was a legislative counsel over in the Senate he was of great assistance to me on a number of highly important pieces of legislation, particularly during the period when the bill to establish the Area Redevelopment Administration was before the Congress.

I have found that one commendable trait of character that Charlie Murphy possesses in abundance is that of courage—I have never know him to duck a tough issue. He is no buckpasser. He is a man of forthrightness and conviction. We can use more of his kind in the Federal service, many more.

It is my hope, Mr. Speaker, and I am sure the hope of all who desire good and efficient government, that Charlie Murphy continue to make his outstanding contributions to the Federal service. We can ill afford to lose men of his caliber.

At this point, Mr. Speaker, I think it most appropriate that Charlie Murphy's impressive career be known to even more of our citizens.

Therefore, Mr. Speaker, I would like to include as part of my remarks today a copy of his biographical sketch.

The biographical sketch follows:

BIOGRAPHICAL SKETCH

The Civil Aeronautics Board Chairman, Charles S. Murphy, completes 30 years' service in the Federal Government this July 31. His career includes statutory appointments by two Presidents and service as Administrative Assistant and Special Counsel to a third President.

President Lyndon B. Johnson appointed Mr. Murphy to the CAB on June 1, 1965. Prior to this he had served as Under Secretary of Agriculture for more than four years, this appoinment having been made by the late President John F. Kennedy shortly after his inauguration.

In 1947, after many years' service in the Office of the Legislative Counsel of the United States Senate, Mr. Murphy became Administrative Assistant to President Harry S. Truman, and in 1950 was advanced to the position of Special Counsel to the President.

Following graduation from Duke University's School of Law in 1934, he received an appointment as law assistant in the office of the Senate Legislative Counsel. He served in this post two years when he was selected as Assistant Legislative Counsel to the Senate, a position held 11 years. As a legislative draftsman he worked with members of both the Senate and House of Representatives in writing numerous pieces of legislation, including the Civil Aeronautics Act of 1938. Many of its provisions have been carried forward into the Federal Aviation Act which today governs aviation in the United States and which Mr. Murphy, as CAB Chairman, now helps administer.

It was while on the Senate staff, that Mr. Murphy was selected by President Truman to serve as Administrative Assistant and later Special Counsel in the White House.

From 1953 to 1961, Mr. Murphy practiced law as a member of the Washington, D.C., firm of Morison, Murphy, Clapp & Abrams. From 1957–60, he was counsel to the Democratic National Advisory Council.

President Kennedy, immediately after his inauguration January 20, 1961, selected Mr. Murphy as Under Secretary of Agriculture.

As Under Secretary of Agriculture from 1961–1965, a period when the Department made its greatest strides in efficiency and effectiveness, Mr. Murphy had general supervisory responsibility for all USDA agencies and for the administration of its many widespread programs. He coordinated and reviewed the Department's staff work on many pieces of major legislation. The measures enacted stamp this half decade in the Agriculture Department as one of the most progressive in American history. As President of the Commodity Credit Corporation, he had special responsibility for supervising the commodity programs that broke the back of the mountainous feed grain and wheat surpluses. He successfully represented the United States in international discussions on foreign agricultural trade. These discussions played an important part in raising U.S. farm exports to record highs.

Mr. Murphy was sworn in by President Johnson as a CAB Member and Board Chairman June 1, 1965. The term ends December 31, 1968.

From 1956 to 1958 Mr. Murphy was President of the National Capital Democratic Club. He belongs to the Order of the Coif, Delta Sigma Phi, Pi Gamma Mu, and Omicron Delta Kappa. He was admitted to the North Carolina Bar in 1934, the Supreme Court Bar in 1944 and the District of Columbia Bar in 1947.

Mr. Murphy is a member of the American Bar Association, the North Carolina Bar Association, the Federal Bar Association and the District of Columbia Bar Association. Married to the former Kate Chestney Graham of Durham, they have three children. A daughter, Courtenay, is married to Whitney Slater. A son, Westbrook, a 1965 graduate of Yale University School of Law, is a career government employee in the Justice Department. Another daughter, Betty, lives with her parents in Washington, D.C., and was graduated from high school this June.

Mr. COOLEY. Mr. Speaker, on July 31, Charles S. Murphy, the Civil Aeronautics Board Chairman, completes 30 years of distinguished service in the Federal Government.

Most of us in the Congress know Charley Murphy, and I am sure that I voice a universal sentiment in saluting him on this anniversary of his accomplishments and express to him the gratitude of all of us who are interested in good government.

In noting the progress of his career, I have spoken of Charley in this House on other occasions. I have mentioned that he was born lucky, and that this is the common fortune of all who are born in North Carolina and who have parents of sturdy stock to guide them in their tender years.

Mr. Speaker, three Presidents have recognized the varied and seemingly unlimited abilities of this North Carolinian.

He is typical of those public servants who create respect for our democratic system. He is typical of those dedicated people who by their ability, integrity, and devotion to duty, keep the wheels of government turning.

President Lyndon B. Johnson appointed Mr. Murphy to the CAB on June 1, 1965. Prior to this he had served as Under Secretary of Agriculture for more than 4 years, this appointment having been made by the late President John F. Kennedy shortly after his inauguration.

In 1947, after many years service in the office of the legislative counsel of the U.S. Senate, Mr. Murphy became administrative assistant to President Harry S. Truman, and in 1950 was advanced to the position of special counsel to the President.

Following graduation from Duke University's School of Law in 1934, he received an appointment as law assistant in the office of the Senate legislative counsel. He served in this post 2 years when he was selected as assistant legislative counsel to the Senate, a position held 11 years. As a legislative draftsman he worked with Members of both the Senate and the House of Representatives in writing numerous pieces of legislation, including the Civil Aeronautics Act of 1938. Many of its provisions have been carried forward into the Federal Aviation Act, which today governs aviation in the United States and which Mr. Murphy, as CAB Chairman, now helps administer.

It was while on the Senate staff that Mr. Murphy was selected by President

Truman to serve as administrative assistant and later special counsel in the White House.

From 1953 to 1961, Mr. Murphy practiced law as a member of the Washington, D.C., firm of Morison, Murphy, Clapp & Abrams. From 1957 to 1960, he was counsel to the Democratic National Advisory Council.

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As Under Secretary from 1961 to 1965, Mr. Murphy had general supervisory responsibility for all USDA agencies and for the administration of its many widespread programs. He coordinated and reviewed the Department's staff work on many pieces of major legislation. The measures enacted stamp this half decade in the Agriculture Department as one of the most progressive in American history. As President of the Commodity Credit Corporation, he had special responsibility for supervising the commodity programs that broke the back of the mountainous feed grain wheat surpluses. He successfully represented the United States in international discussions on foreign agricultural trade. These discussions played an important part in raising U.S. farm exports to record highs.

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Mr. Murphy is a member of the American Bar Association, the North Carolina Bar Association, the Federal Bar Association and the District of Columbia Bar Association. Married to the former Kate Chestney Graham, of Durham, they have three children. A daughter, Courtenay, is married to Whitney Slater. A son, Westbrook, a 1965 graduate of Yale University School of Law, is a career government employee in the Justice Department. Another daughter, Betty, lives with her parents in Washington, D.C., and was graduated from high school this June.

Mr. Speaker, the Nation is fortunate to have men like Charley Murphy in Government service. We salute him on his 30th anniversary in this service, and we expect of him even greater achievements in the years ahead.

PRINTING OF REMARKS IN PERMANENT RECORD FOR JULY 25, 1966

Mr. DORN. Mr. Speaker, I ask unanimous consent that my remarks, which were printed in the Record on Monday last, July 25, under date of July 21, may be printed in the permanent Record of July 25.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from South Carolina?

There was no objection.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to Mr. King of New York (at the request of Mr. Gerald R. Ford), indefinitely, on account of illness.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

Mr. Hosmer (at the request of Mr. Reinecke), for 15 minutes, today.

Mr. Ashbrook (at the request of Mr. Reinecke), for 15 minutes, today.

Mr. Mahon (at the request of Mr. Rees), for 30 minutes, today; and to revise and extend his remarks and include extraneous matter, and that all Members have permission to extend their remarks on the subject of the special order.

EXTENSION OF REMARKS

By unanimous consent, permission to extend remarks in the Congressional Record, or to revise and extend remarks was granted to:

Mr. Roush and to include extraneous matter.

Mr. Waggonner during general debate on H.R. 14765, and to include news items from the Washington Post and the Washington Evening Star.

Mr. MacGregor during debate on H.R. 14765, and include a portion of the transcript of the hearings on this bill before the Subcommittee of the Committee on the Judiciary.

Mr. Whitener during general debate and to include extraneous matter—letters from judges.

(The following Member (at the request of Mr. Reinecke) and to include extraneous matter:)

Mr. Berry.

(The following Member (at the request of Mr. Rees) and to include extraneous matter:)

Mr. Dulski.

SENATE BILLS REFERRED

Bills of the Senate of the following titles were taken from the Speaker's table and, under the rule, referred as follows:

S. 1237. An act to encourage the creation of original ornamental designs of useful articles by protecting the authors of such designs for a limited time against unauthorized copying; to the Committee on the Judiciary.

S. 3238. An act for the relief of Miss Matsue Sato; to the Committee on the Judiciary.

S. 3254. An act to amend sections 2072 and 2112 of title 28, United States Code, with respect to the scope of the Federal Rules of Civil Procedure and to repeal inconsistent legislation; to the Committee on the Judiciary.

ENROLLED BILLS SIGNED

Mr. BURLESON, from the Committee on House Administration, reported that that committee had examined and found truly enrolled bills of the House of the following titles, which were thereupon signed by the Speaker:

H.R. 12389. An act to increase the amount authorized to be appropriated for the development of the Arkansas Post National Memorial; and

H.R. 15225. An act to amend section 15d of the Tennessee Valley Authority Act of 1933 to increase the amount of bonds which may be issued by the Tennessee Valley Authority.

ADJOURNMENT

Mr. REES. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 5 o'clock and 2 minutes p.m.) the House adjourned until tomorrow, Friday, July 29, 1966, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

2598. A letter from the Acting Secretary of the Army, transmitting a draft of proposed legislation to amend section 704 of title 18, United States Code, to prohibit the manufacture, sale, wearing, or reproduction of military insignia; to the Committee on the Judiciary.

2599. A letter from the Attorney General, transmitting a draft of proposed legislation to amend sections 281 and 344 of the Immigration and Nationality Act to eliminate the statutory prescription of fees, and for other purposes; to the Committee on the Judiciary.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. PATMAN: Committee on Banking and Currency. Accompanying document to H.R. 15890, a bill to assist city demonstration programs for rebuilding slum and blighted areas and for providing the public facilities and services necessary to improve the general welfare of the people who live in these areas, to improve and amend our housing programs, and for other purposes (Rept. No. 1699, pt. III). Referred to the Committee of the Whole House on the State of the Union.

Mr. STAGGERS: Committee on Interstate and Foreign Commerce. H.R. 13228. A bill to provide for a coordinated national safety program and establishment of safety standards for motor vehicles in interstate commerce to reduce traffic accidents and the deaths, injuries, and property damage which occur in such accidents; with amendment (Rept. No. 1776). Referred to the Committee of the Whole House on the State of the Union.

Mr. PATMAN: Committee on Banking and Currency. H.R. 14026. A bill to prohibit insured banks from issuing negotiable interest-bearing or discounted notes, certificates of deposit, or other evidences of indebtedness; with amendment (Rept. No. 1777). Referred to the Committee of the Whole House on the State of the Union.

Mr. MORGAN: Committee on Foreign Affairs. H.R. 16574. A bill to amend the Peace Corps Act (75 Stat. 612), as amended, and for other purposes (Rept. No. 1778). Referred to the Committee of the Whole House on the State of the Union.

Mr. MILLS: Committee on Ways and Means. H.R. 8664. A bill to implement the Agreement on the Importation of Educational, Scientific, and Cultural Materials, opened for signature at Lake Success on November 22, 1950, and for other purposes; with amendment (Rept. No. 1779). Referred to the Committee of the Whole House on the State of the Union.

Mr. MILLS: Committee on Ways and Means. H.J. Res. 688. Joint resolution to give effect to the Agreement for Facilitating the International Circulation of Visual and Auditory Materials of an Educational, Scientific, and Cultural Character, approved at Beirut in 1948; with amendment (Rept. No. 1780). Referred to the Committee of the Whole House on the State of the Union.

Mr. MADDEN: Joint Committee on the Organization of the Congress. Report on organization of Congress (final report) (Rept. No. 1781). Referred to the Committee of the Whole House on the State of the Union.

PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. GLENN ANDREWS:

H.R. 16614. A bill to amend title II of the Social Security Act to provide for cost-of-living increases in the benefits payable thereunder; to the Committee on Ways and Means.

By Mr. WIDNALL:

H.R. 16615. A bill to prohibit for 1 year the sale of participations under the Sales Participation Act of 1966 other than for housing mortgages held by the Federal National Mortgage Association and the Veterans' Administration; to the Committee on Banking and Currency.

By Mr. CUNNINGHAM:

H.R. 16616. A bill to provide an equitable system for fixing and adjusting the rates of compensation of wage board employees; to the Committee on Post Office and Civil Service.

H.R. 16617. A bill to permit officers and employees of the Federal Government to elect coverage under the old-age, survivors, and disability insurance system; to the Committee on Ways and Means.

By Mr. DICKINSON:

H.R. 16618. A bill to amend title II of the Social Security Act to provide for cost-of-living increases in the benefits payable thereunder; to the Committee on Ways and Means.

By Mr. DOWNING:

H.R. 16619. A bill to authorize the Secretary of the Interior to develop, through the use of experiment and demonstration plants, practicable and economic means for the production by the commercial fishing industry of fish protein concentrate; to the Committee on Merchant Marine and Fisheries.

By Mr. GRABOWSKI:

H.R. 16620. A bill to amend title XVIII of the Social Security Act to permit payment thereunder, in the case of an individual otherwise eligible for home health services of the type which may be provided away from his home, for the costs of transportation to and from the place where such services are provided; to the Committee on Ways and Means.

By Mr. HANLEY:

H.R. 16621. A bill to provide an equitable system for fixing and adjusting the rates of compensation of wage board employees; to the Committee on Post Office and Civil Service.

By Mr. HARVEY of Michigan:

H.R. 16622. A bill to amend title II of the Social Security Act to provide for cost-of-living increases in the benefits payable thereunder; to the Committee on Ways and Means.

By Mr. HOLIFIELD:

H.R. 16623. A bill to amend title 39, United States Code, to provide for door delivery service, and for other purposes; to the Committee on Post Office and Civil Service.

By Mr. MINSHALL:

H.R. 16624. A bill to amend title II of the Social Security Act to provide for cost-of-living increases in the benefits payable thereunder; to the Committee on Ways and Means.

By Mr. POOL:

H.R. 16625. A bill to amend title 39, United States Code, to provide city delivery mail service on a door-to-door delivery service basis for postal patrons who qualify therefor; to the Committee on Post Office and Civil Service.

By Mr. ST GERMAIN:

H.R. 16626. A bill to amend title 39, United States Code, to prohibit the mailing of unsolicited sample drug products and other potentially harmful items, and for other purposes; to the Committee on Post Office and Civil Service.

By Mr. SAYLOR:

H.R. 16627. A bill to amend title II of the Social Security Act to provide for cost-of-living increases in the benefits payable thereunder; to the Committee on Ways and Means.

By Mr. SCHISLER:

H.R. 16628. A bill to provide additional assistance for areas suffering a major disaster; to the Committee on Public Works.

By Mr. SCHMIDHAUSER:

H.R. 16629. A bill to provide for a more conservative capitalization of the St. Lawrence Seaway Development Corporation, and for other purposes; to the Committee on Public Works.

By Mr. SENNER:

H.R. 16630. A bill to amend the Internal Security Act of 1950, and for other purposes; to the Committee on Un-American Activities.

By Mr. UTT:

H.R. 16631. A bill to amend the Internal Revenue Code of 1954 to encourage the construction of facilities to control water and air pollution by allowing a tax credit for expenditures incurred in constructing such facilities and by permitting the deduction or amortization over a period of 1 to 5 years, of such expenditures; to the Committee on Ways and Means.

By Mr. CHARLES H. WILSON:

H.R. 16632. A bill to provide an equitable system for fixing and adjusting the rates of compensation of wage board employees; to the Committee on Post Office and Civil Service.

By Mr. BERRY:

H.R. 16633. A bill to give certain Indian tribes the right to cut hay on lands adjacent to certain reservoirs on which such tribes are permitted to graze stock; to the Committee on Interior and Insular Affairs.

By Mr. DOWNING:

H.R. 16634. A bill to provide for the control or elimination of jellyfish and other such pests in the coastal waters of the United States; to the Committee on Merchant Marine and Fisheries.

By Mr. FINDLEY:

H.R. 16635. A bill to repeal the wheat processing charge, commonly known as the bread tax; to the Committee on Agriculture.

By Mr. FULTON of Tennessee:

H.R. 16636. A bill to amend title III of the National Housing Act to increase the authority of the Federal National Mortgage Association to obtain funds for use in its secondary market operations; to the Committee on Banking and Currency.

By Mr. McCLORY:

H.R. 16637. A bill to provide for a more conservative capitalization of the St. Lawrence Seaway Development Corporation, and for other purposes; to the Committee on Public Works.

By Mr. MADDEN:

H.R. 16638. A bill providing for the construction by the Chief of Engineers, U.S. Army, of a vehicular tunnel under Indiana Harbor Canal, in the vicinity of Canal Street, city of East Chicago, Ind.; to the Committee on Public Works.

By Mr. MILLS:

H.R. 16639. A bill to amend title XVIII of the Social Security Act to provide payment for podiatrists' services under the program of supplementary medical insurance benefits for the aged; to the Committee on Ways and Means.

By Mr. MOSHER:

H.R. 16640. A bill to provide for a more conservative capitalization of the St. Lawrence Seaway Development Corporation, and for other purposes; to the Committee on Public Works.

By Mr. RONCALIO:

H.R. 16641. A bill relating to the reinstatement of certain mineral leases; to the Committee on Interior and Insular Affairs.

By Mr. ULLMAN:

H.R. 16642. A bill to suspend the income tax investment credit and to impose on corporations a temporary defense emergency tax; to the Committee on Ways and Means.

H.R. 16643. A bill to amend the Defense Production Act of 1950 to provide standby consumer credit controls; to the Commitee on Banking and Currency.

By Mr. YOUNGER:

H.R. 16644. A bill to amend the Railway Labor Act to provide for a secret ballot vote after an emergency board report to determine the wishes of the employees with respect to acceptance of the carrier's last offer; to the Committee on Interstate and Foreign Commerce.

By Mr. DULSKI:

H.R. 16645. A bill to amend chapter 95 of title 39, United States Code, with respect to the transportation of mail by railroad and motor carrier, and for other purposes; to the Committee on Post Office and Civil Service.

By Mr. BENNETT:

H.R. 16646. A bill to amend title 10, United States Code, to authorize the award of Exemplary Rehabilitation Certificates to certain individuals after considering their character and conduct in civilian life after discharge or dismissal from the Armed Forces, and for other purposes; to the Committee on Armed Services.

By Mr. BROYHILL of Virginia:

H.R. 16647. A bill to provide an equitable system for fixing and adjusting the rates of compensation of wage board employees; to the Committee on Post Office and Civil Service.

By Mr. CARTER:

H.R. 16648. A bill to amend title II of the Social Security Act to provide for cost-of-living increases in the benefits payable thereunder; to the Committee on Ways and Means.

By Mr. CLEVENGER:

H.R. 16649. A bill to provide for a more conservative capitalization of the St. Lawrence Seaway Development Corporation, and for other purposes; to the Committee on Public Works.

By Mr. COLLIER:

H.R. 16650. A bill to provide additional readjustment assistance to veterans who served in the Armed Forces during the Vietnam era, and for other purposes; to the Committee on Veterans' Affairs.

By Mr. DUNCAN of Oregon:

H.R. 16651. A bill to amend the Defense Production Act of 1950 to provide standby consumer credit controls; to the Committee on Banking and Currency.

H.R. 16652. A bill to suspend the income tax investment credit and to impose on corporations a temporary defense emergency tax; to the Committee on Ways and Means.

By Mr. ERLENBORN:

H.R. 16653. A bill to amend title II of the Social Security Act to provide for cost-of-living increases in the benefits payable thereunder; to the Committee on Ways and Means.

By Mr. GONZALEZ:

H.R. 16654. A bill to amend title 10 of the United States Code to provide military personnel with the right to legal counsel under the Uniform Code of Military Justice in all cases of a general court-martial or a special court-martial and to require that military personnel accused or suspected of an offense must be apprised of their right to legal counsel before being interrogated or requested to make a statement; to the Committee on Armed Services.

H.R. 16655. A bill to strengthen intergovernmental relations by improving cooperation and the coordination of federally aided activities between the Federal, State, and local levels of government, to provide for uniform and equitable relocation procedures under Federal and Federal grant-in-aid programs, and for other purposes; to the Committee on Government Operations.

By Mr. KEITH:

H.R. 16656. A bill to amend title II of the Social Security Act to provide for cost-of-living increases on the benefits payable thereunder; to the Committee on Ways and Means.

By Mr. KUPFERMAN:

H.R. 16657. A bill to reduce thefts of motor vehicles by prohibiting the exportation of unidentified motor vehicles, and by prohibiting the unauthorized possession and transmission in interstate commerce of motor vehicle master keys; to the Committee on Interstate and Foreign Commerce.

By Mr. MACGREGOR:

H.R. 16658. A bill to amend title II of the Social Security Act to provide cost-of-living increases in the benefits payable thereunder; to the Committee on Ways and Means.

By Mr. MORTON:

H.R. 16659. A bill to amend the Internal Revenue Code of 1954 to allow teachers to deduct expenses incurred in pursuing courses for academic credit and degrees at institutions of higher education; to the Committee on Ways and Means

By Mr. ASPINALL:

H.R. 16660. A bill to protect the domestic economy, to promote the general welfare, and to assist in the national defense by providing for an adequate supply of lead and zinc for consumption in the United States from domestic and foreign sources, and for other purposes; to the Committee on Ways and Means.

By Mr. MORRIS:

H.R. 16661. A bill to protect the domestic economy, to promote the general welfare, and to assist in the national defense by providing for an adequate supply of lead and zinc for consumption in the United States from domestic and foreign sources, and for other purposes; to the Committee on Ways and Means.

By Mr. BATTIN:

H.R. 16662. A bill to protect the domestic economy, to promote the general welfare, and to assist in the national defense by providing for an adequate supply of lead and zinc for consumption in the United States from domestic and foreign sources, and for other purposes; to the Committee on Ways and Means.

By Mrs. REID of Illinois:

H.R. 16663. A bill to protect the domestic economy, to promote the general welfare, and to assist in the national defense by providing for an adequate supply of lead and zinc for consumption in the United States from domestic and foreign sources, and for other purposes; to the Committee on Ways and Means.

By Mr. BURTON of Utah:

H.R. 16664. A bill to protect the domestic economy, to promote the general welfare, and to assist in the national defense by providing for an adequate supply of lead and zinc for consumption in the United States from domestic and foreign sources, and for other purposes; to the Committee on Ways and Means.

By Mr. McEWEN:

H.R. 16665. A bill to protect the domestic economy, to promote the general welfare, and to assist in the national defense by providing for an adequate supply of lead and zinc for consumption in the United States from domestic and foreign sources, and for other purposes; to the Committee on Ways and Means.

By Mr. BARING:

H.R. 16666. A bill to protect the domestic economy, to promote the general welfare, and to assist in the national defense by providing for an adequate supply of lead and zinc for consumption in the United States from domestic and foreign sources, and for other purposes; to the Committee on Ways and Means.

By Mr. ROGERS of Colorado:

H.R. 16667. A bill to protect the domestic economy, to promote the general welfare, and to assist in the national defense by providing for an adequate supply of lead and zinc for consumption in the United States from domestic and foreign sources, and for other purposes; to the Committee on Ways and Means.

By Mr. UDALL:

H.R. 16668. A bill to protect the domestic economy, to promote the general welfare, and to assist in the national defense by providing for an adequate supply of lead and zinc for consumption in the United States from domestic and foreign sources, and for other purposes; to the Committee on Ways and Means.

By Mr. DUNCAN of Tennessee:

H.R. 16669. A bill to protect the domestic economy, to promote the general welfare, and to assist in the national defense by providing for an adequate supply of lead and zinc for consumption in the United States from domestic and foreign sources, and for other purposes; to the Committee on Ways and Means.

By Mr. HALL:

H.R. 16670. A bill to protect the domestic economy, to promote the general welfare, and to assist in the national defense by providing for an adequate supply of lead and zinc for consumption in the United States from domestic and foreign sources, and for other purposes; to the Committee on Ways and Means.

By Mr. SAYLOR:

H.R. 16671. A bill to protect the domestic economy, to promote the general welfare, and to assist in the national defense by providing for an adequate supply of lead and zinc for consumption in the United States from domestic and foreign sources, and for other purposes; to the Committee on Ways and Means.

By Mr. WALKER of New Mexico:

H.R. 16672. A bill to protect the domestic economy, to promote the general welfare, and to assist in the national defense by providing for an adequate supply of lead and zinc for consumption in the United States from domestic and foreign sources, and for other purposes; to the Committee on Ways and Means.

By Mr. EDMONDSON:

H.R. 16673. A bill to protect the domestic economy, to promote the general welfare, and to assist in the national defense by providing for an adequate supply of lead and zinc for consumption in the United States from domestic and foreign sources, and for other purposes; to the Committee on Ways and Means.

By Mr. ICHORD:

H.R. 16674. A bill to protect the domestic economy, to promote the general welfare, and to assist in the national defense by providing for an adequate supply of lead and zinc for consumption in the United States from domestic and foreign sources, and for other purposes; to the Committee on Ways and Means.

By Mr. QUILLEN:

H.R. 16675. A bill to protect the domestic economy, to promote the general welfare, and to assist in the national defense by providing for an adequate supply of lead and zinc for consumption in the United States from domestic and foreign sources, and for other purposes; to the Committee on Ways and Means.

By Mr. SKUBITZ:

H.R. 16676. A bill to protect the domestic economy, to promote the general welfare, and to assist in the national defense by providing for an adequate supply of lead and zinc for consumption in the United States from domestic and foreign sources, and for other purposes; to the Committee on Ways and Means.

By Mr. FOLEY:

H.R. 16677. A bill to protect the domestic economy, to promote the general welfare, and to assist in the national defense by providing for an adequate supply of lead and zinc for consumption in the United States from domestic and foreign sources, and for other purposes; to the Committee on Ways and Means.

By Mr. ROONEY of Pennsylvania:

H.R. 16678. A bill to protect the domestic economy, to promote the general welfare, and to assist in the national defense by providing for an adequate supply of lead and zinc for consumption in the United States from domestic and foreign sources, and for other purposes; to the Committee on Ways and Means.

By Mr. FLYNT:

H.J. Res. 1242. Joint resolution to provide for the settlement of the labor dispute currently existing between certain air carriers and certain of their employees; to the Committee on Interstate and Foreign Commerce.

By Mr. JONAS:

H.J. Res. 1243. Joint resolution to provide for the settlement of the labor dispute currently existing between certain air carriers and certain of their employees; to the Committee on Interstate and Foreign Commerce.

By Mr. KORNEGAY:

H.J. Res. 1244. Joint resolution to provide the settlement of the labor dispute currently existing between certain air carriers and certain of their employees; to the Committee on Interstate and Foreign Commerce.

By Mr. DENT:

H. Con. Res. 925. Concurrent resolution authorizing the printing of additional copies of "Isthmian Canal Policy Questions, Canal Zone—Panama Canal Sovereignty, Panama Canal Modernization, New Canal," a compilation of addresses by Congressman Daniel J. Flood, Pennsylvania; to the Committee on House Administration.

By Mr. FLYNT:

H. Con. Res. 926. Concurrent resolution expressing the sense of Congress that an emergency exists in commercial air transportation; to the Committee on Interstate and Foreign Commerce.

By Mr. WILLIAM D. FORD:

H. Con. Res. 927. Concurrent resolution expressing the sense of the Congress with respect to certain proposed regulations of the Internal Revenue Service relating to elimination of tax-deductible educational expenses; to the Committee on Ways and Means.

By Mr. HOLIFIELD:

H. Con. Res. 928. Concurrent resolution relating to U.S. military personnel held captive in Vietnam; to the Committee on Foreign Affairs.

By Mr. HOSMER:

H. Con Res. 929. Concurrent resolution relating to U.S. military personnel held captive in Vietnam; to the Committee on Foreign Affairs.

By Mr. LANGEN:

H. Con. Res. 930. Concurrent resolution relating to U.S. military personnel held captive in Vietnam; to the Committee on Foreign Affairs.

By Mr. McCLORY:

H. Con. Res. 931. Concurrent resolution relating to U.S. military personnel held captive in Vietnam; to the Committee on Foreign Affairs.

By Mr. MEEDS:

H. Con. Res. 932. Concurrent resolution expressing the sense of the Congress with respect to certain proposed regulations of the Internal Revenue Service relating to elimination of tax-deductible educational expenses; to the Committee on Ways and Means.

By Mrs. MINK:

H. Con. Res. 933. Concurrent resolution expressing the sense of the Congress with respect to certain proposed regulations of the Internal Revenue Service relating to elimination of tax-deductible educational expenses; to the Committee on Ways and Means.

By Mrs. REID of Illinois:

H. Con. Res. 934. Concurrent resolution relating to U.S. military personnel held captive in Vietnam; to the Committee on Foreign Affairs.

By Mr. SCHISLER:

H. Con. Res. 935. Concurrent resolution relating to U.S. military personnel held captive in Vietnam; to the Committee on Foreign Affairs.

By Mr. MADDEN:

H. Res. 939. Resolution authorizing the printing of additional copies of the final report of the Joint Committee on the Organization of the Congress; to the Committee on House Administration.

By Mr. McGRATH:

H. Res. 940. Resolution expressing concern for prisoners of war in Vietnam; to the Committee on Foreign Affairs.

By Mr. PATMAN:

H. Res. 941. Resolution providing for consideration of H.R. 14026, a bill to prohibit insured banks from issuing negotiable interest-bearing or discounted notes, certificates of deposit, or other evidences of indebtedness; to the Committee on Rules.

H. Res. 942. Resolution providing for consideration of H.R. 15639, a bill to amend title III of the Federal National Mortgage Association to obtain funds for use in its secondary market operations; to the Committee on Rules.

H. Res. 943. Resolution providing for the consideration of the bill (H.R. 15890) the housing and urban development bill of 1966; to the Committee on Rules.

By Mr. RESNICK:

H. Res. 944. Resolution expressing the sense of the Congress with respect to the treatment of American prisoners held in North Vietnam; to the Committee on Foreign Affairs.

By Mr. RODINO:

H. Res. 945. Resolution expressing concern for prisoners of war in Vietnam; to the Committee on Foreign Affairs.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. ADDABBO:

H.R. 16679. A bill for the relief of Chin Hau Puo, also known as Chin How Po; to the Committee on the Judiciary.

By Mr. BURTON of California:

H.R. 16680. A bill for the relief of Leonardo Capirone and his wife, Tonino Iolanda Capirone; to the Committee on the Judiciary.

By Mr. CAREY:

H.R. 16681. A bill for the relief of Mrs. Alice Marie Donellan and her minor children; to the Committee on the Judiciary.

H.R. 16682. A bill for the relief of Maria Kolometroutsis; to the Committee on the Judiciary.

By Mr. COLLIER:

H.R. 16683. A bill for the relief of Samuel M. Santibanez and Patria Santibanez; to the Committee on the Judiciary.

By Mr. FINO:

H.R. 16684. A bill for the relief of Giuseppe Zomparelli; to the Committee on the Judiciary.

By Mr. MULTER:

H.R. 16685. A bill for the relief of Domenico Piemonte; to the Committee on the Judiciary.

By Mr. PHILBIN (by request):

H.R. 16686. A bill for the relief of Mr. and Mrs. Ralph J. Messina, Sr., and John H. FitzGerald; to the Committee on the Judiciary.

By Mr. ROYBAL:

H.R. 16687. A bill for the relief of Yong Dal Kim and his wife, Seung Ha Kim; to the Committee on the Judiciary.

PETITIONS, ETC.

Under clause 1 of rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

417. By the SPEAKER: Petition of Salt Lake City Corp., Salt Lake City, Utah, relative to restoration of full airline service; to the Committee on Interstate and Foreign Commerce.

418. Also, petition of Paul S. Plunkett, Columbus, Ohio, and others, relative to pensions for World War I veterans; to the Committee on Veterans' Affairs.

EXTENSIONS OF REMARKS

Watershed Projects Jeopardized by Power Grab

EXTENSION OF REMARKS
OF

HON. E. Y. BERRY

OF SOUTH DAKOTA
IN THE HOUSE OF REPRESENTATIVES
Thursday, July 28, 1966

Mr. BERRY. Mr. Speaker, the executive branch is attempting to wrest control over watershed projects from Congress so they can be dealt out on a political basis. In the process, more than 55 much-needed projects are being held up by the Bureau of the Budget.

The backlog is growing and is certain to delay action on several South Dakota projects now in the planning stage.

The Bureau of the Budget is delaying the projects because the current law reserves control over the projects to Congress, but the administration wants to seize control and is challenging the legality and constitutionality of the present provision.

Congress has handled these projects for over 12 years and during that time has approved more than 400 watershed projects. Now, in an attempt to corral greater power and authority, the President is stopping these projects.

This deplorable action demonstrates once again that the administration's interest in the farmer is second to the real interest of manipulation of government for political advantage and power.

ZIP Code

EXTENSION OF REMARKS
OF

HON. THADDEUS J. DULSKI

OF NEW YORK
IN THE HOUSE OF REPRESENTATIVES
Thursday, July 28, 1966

Mr. DULSKI. Mr. Speaker, a significant public service contribution by a major industry has recently been brought to my attention. During the past 2 years, the Magazine Publishers Association, through their president John K. Herbert, has embarked upon a praiseworthy program to assist the Post Office Department in promoting public awareness of the need for and advantages of use of the ZIP code in their mail. In this program, the member magazines of the Magazine Publishers Association contributed 1 billion page impressions of ZIP code advertising having a value of almost one-half million dollars priced at current advertising rates. The association plans to continue these advertisements during the coming year.

I am sure that many Members of Congress have seen the ads in a variety of magazines included in the broad spectrum of the 300 leading Nation's magazines belonging to the Magazine Publishers Association. The ads, designed by the association after consultation with the Post Office Department, have undoubtedly made a significant number of Americans aware of the value and need for the ZIP code program and illustrated the accomplishments that can be achieved by cooperation between industry and Government.

I wanted my fellow Members to be aware of this splendid public service program so that they might join me in expressing our thanks to the members of the Magazine Publishers Association. The Postmaster General is aware of this significant contribution and has expressed his appreciation to magazine publishers for their contribution to the success of the ZIP code program.

The members of the Committee on Post Office and Civil Service of the House of Representatives have spent many hours working with the Post Office Department and mailers on the ZIP code program, and it is most gratifying to find such cooperation among a major mail user organization.

Pending Disaster Legislation

EXTENSION OF REMARKS
OF
HON. J. EDWARD ROUSH
OF INDIANA
IN THE HOUSE OF REPRESENTATIVES
Thursday, July 28, 1966

Mr. ROUSH. Mr. Speaker, I am inserting in the RECORD a comparative chart used in my testimony before the Subcommittee on Flood Control for omnibus disaster relief legislation on July 19, 1966.

This chart is helpful in showing how new omnibus disaster relief legislation—S. 1861—would expand the present laws providing relief to disaster victims while also adding authority to give relief in areas not previously covered by the law.

"Omnibus" disaster relief legislation—Its need[1]*—S. 1861 and related bills*

Agency or assistance	Present law	"Omnibus" new authority
Rural Electrification Administration	7 U.S.C. 912: Has authority to extend time of interest payment.	Sec. 3(a): Specifies loan maturity extended to 40 years.
	Loan adjustments only in case of property damage	Sec. 3(a): Secretary of Agriculture to make loan adjustments in case of damage to "economic feasibility" of a system.
Housing and Home Finance Administration.	No moratorium provision	Sec. 3(b): Moratorium on loan repayments up to 5 years.
	12 U.S.C. 1703(c), 1709, 1715: Commissioner has authority to refinance mortgages.	Sec. 3(b): Maturity of loans extended specifically to 40 years.
		Sec. 3(b): May reduce loan interest rate to 3 percent.
Veterans' Administration	No moratorium on loan repayments	Sec. 3(f): Moratorium on loan repayments up to 5 years.
	38 U.S.C. 1820(a)(2): Agency has discretion to reduce interest rate and maturity of loans.	Sec. 3(f): Reduction of interest rates specified at rate not less than 3 percent per annum and maturity specified at 40 years.
Small Business Administration	15 U.S.C. 636(a)(1): No loans shall be made unless capital is not available from private sources.	Sec. 3(d): Waives need to inquire first about financial assistance from private sources in case of homeowner; limit is $30,000 and in case of business concern, $100,000.
	7 U.S.C. 1922: Section of Agriculture shall not make loans to eligible persons under the Consolidated Farmers Home Administration unless they cannot secure credit elsewhere.	Sec. 3(e): Farmers can obtain emergency loan up to $30,000 to repair farm homes or damaged buildings.
Grants to States for assistance to homeowners and businesses (entirely new approach to disaster relief).	No comparable provision	Sec. 4(b): New cost-sharing plan—Federal Government gives grants to States leaving authority to develop and administer relief programs up to the State. Sec. 4(b): President authorized to make grants up to 50 percent of cost of developing State program (with ceiling of $250,000). Sec. 4(b): Homeowners and businesses must assume 25 percent of property loss and Federal Government 50 percent if property loss exceeds $100. Sec. 4(c): Limits jointly shared losses to $30,000 in case of homeowner and $100,000 in case of businesses.
Shelter for disaster victims	72 U.S.C. 1855(b): Authorizes Federal agencies to provide temporary housing or other emegency shelter for families displaced by major disaster.	Sec. 5: Specifically authorizes the provision of dwelling accommodations, including mobile homes, for displaced persons for a period of up to 12 months at a rental which may not exceed 25 percent of the person's or family's income.
Federal Housing Administration: Insured disaster loans.	12 U.S.C. 1715: Provides assistance to private enterprise to provide homeownership for families of moderate income and low income, who are displaced by reason of governmental action in urban renewal.	Sec. 6: Extends coverage to permit the Federal Housing Administration to insure loans to be secured by mortgage on property serving families displaced by major disaster.
Assistance to farmers	42 U.S.C. 1855(b): Authorizes Federal agencies in any major disaster to offer assistance in clearing debris and wreckage and in rehabilitating farmlands.	Sec. 7: Grants additional authority to a Secretary of Agriculture to make grants equal ⅔ of loss, but not in excess of $10,000 for same purposes stated in law; also includes grants to replace livestock.
Assistance to unincorporated communities—New provision.	42 U.S.C. 1855(b): Provides that assistance be made available to State and local governments.	Sec. 9: Amends provision to include rural communities and unincorporated towns and villages.
Elementary and secondary school assistance.	(2)	(2).
Highway assistance in disaster areas	23 U.S.C. 812: Federal share for repair and reconstruction of Federal-aid highways not to exceed 50 percent of cost.	Sec. 11: Increases Federal share payable to 100 percent of cost.
	22 U.S.C. 125(a): Emergency relief fund for repair and reconstruction of Federal-aid highways, $30,000,000.	Sec. 11: Increases this fund to $50,000,000.
Priority to certain applications for public facilities and housing assistance.	42 U.S.C. 1491 et seq.: Authorizes loans to municipalities, other political subdivisions, and instrumentalities to finance public works facilities.	SEC. 12: Declares that priority and immediate consideration shall be given to the application for assistance under designated loan programs of the Housing and Home Finance Agency.
Authorization for public works expenditures.	No comparable provision	SEC. 13: Provides appropriations necessary to repair, restore, or reconstruct any project authorized by an act of Congress which is completed or under construction.
	23 U.S.C. 125: Establishes emergency relief fund for repair or reconstruction of Federal-aid highway system.	SEC. 13: Extends aid to highways, bridges which were not constructed under existing programs; in other words, those that aren't Federal-aid highways.

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[1] All public law citations available in study by Library of Congress: "Analysis and Comparison of H.R. 9885, 89th Congress With Present Code Provisions."

[2] No need to include provision since Public Law 89-313 covers this area.

HOUSE OF REPRESENTATIVES

FRIDAY, JULY 29, 1966

The House met at 12 o'clock noon.

The Chaplain, Rev. Edward G. Latch, D.D., offered the following prayer:

Now, O God, strengthen Thou my hands.

Almighty God, our Heavenly Father, the source of all that is beautiful and good in life, again we come to Thee, restless, seeking rest in Thee; weak, seeking strength from Thee; uncertain, seeking certainty in Thy presence. Lesser things have laid their hands upon us, we have majored in minors, we have triumphed with trifles—yet Thou art always with us endeavoring to lead us along the better way to life and to a greater life together.

Strengthen us with Thy spirit and help us to deal wisely and well with the high business before us this day. May we go from this moment of prayer to be true children of Thine, serving Thee and our fellow men with all our hearts. Because we have lived this hour and thought and prayed, may the world become a better place in which men can live together in peace. In Jesus' name we pray. Amen.

THE JOURNAL

The Journal of the proceedings of yesterday was read and approved.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Arrington, one if its clerks, announced that the Senate had passed, with amendments in which the concurrence of the House is requested, a bill of the House of the following title:

H.R. 15456. An act making appropriations for the legislative branch for the fiscal year ending June 30, 1967, and for other purposes.

The message also announced that the Senate insists upon its amendments to the bill (H.R. 15456) entitled "An act making appropriations for the legislative branch for the fiscal year ending June 30, 1967, and for other purposes, requests a conference with the House on the disagreeing votes of the two Houses thereon, and appoints Mr. MONRONEY, Mr. BARTLETT, Mr. PROXMIRE, Mr. YARBOROUGH, Mr. HAYDEN, Mr. SALTONSTALL, Mr. YOUNG of North Dakota, and Mr. KUCHEL to be the conferees on the part of the Senate.

The message also announced that the Senate had passed a bill of the following title, in which the concurrence of the House is requested:

S. 3155. An act to authorize appropriations for the fiscal years 1968 and 1969 for the construction of certain highways in accordance with title 23 of the United States Code, and for other purposes.

PROGRAM FOR THE BALANCE OF THE WEEK AND FOR NEXT WEEK

Mr. GERALD R. FORD. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The SPEAKER. Is there objection to the request of the gentleman from Michigan?

There was no objection.

Mr. GERALD R. FORD. Mr. Speaker, I have requested this time in order to inquire of the distinguished majority leader the program for the balance of the week, and the program for next week.

Mr. ALBERT. Mr. Speaker, will the distinguished minority leader yield to me?

Mr. GERALD R. FORD. I yield to the gentleman from Oklahoma.

Mr. ALBERT. Mr. Speaker, we will continue the consideration of the Civil Rights Act of 1966 today, as previously announced. I would like also to advise the House that I intend to ask to go over from today until Monday, after the announcement of the program for next week, which is as follows:

Monday is Consent Calendar day.

Also on Monday: H.R. 14765, the Civil Rights Act of 1966, and its continued consideration.

Tuesday, and the balance of the week: Tuesday we will have the call of the Private Calendar, and also continuation of the Civil Rights Act of 1966.

In addition we will consider next week S. 3105, the Military Construction Authorization Act.

Mr. Speaker, this announcement is made subject to the usual reservations that conference reports may be brought up at any time, and that any further program may be announced later.

Mr. GERALD R. FORD. Mr. Speaker, I thank the gentleman from Oklahoma.

ADJOURNMENT TO MONDAY NEXT

Mr. ALBERT. Mr. Speaker, I ask unanimous consent that when the House adjourns today it adjourn to meet on Monday next.

The SPEAKER. Is there objection to the request of the gentleman from Oklahoma?

There was no objection.

DISPENSING WITH BUSINESS IN ORDER UNDER THE CALENDAR WEDNESDAY RULE

Mr. ALBERT. Mr. Speaker, I ask unanimous consent to dispense with business in order under the Calendar Wednesday rule on Wednesday next.

The SPEAKER. Is there objection to the request of the gentleman from Oklahoma?

There was no objection.

MISS MARTHA CYNTHIA WASSON OF CANTON, OHIO, PRESIDENT OF GIRLS NATION, AND JOHN P. ARIGONI OF CANTON, VICE PRESIDENT OF BOYS NATION

Mr. BOW. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The SPEAKER. Is there objection to the request of the gentleman from Ohio?

There was no objection.

Mr. BOW. Mr. Speaker, it was a real pleasure for me and a great honor to my congressional district to welcome to Washington this week, Miss Martha Cynthia Wasson, of Canton, the president of Girls Nation, and John P. Arigoni, of Canton, the vice president of Boys Nation. Both had served previously as governors of the Buckeye State assemblies, giving evidence of their leadership qualities.

Martha is the daughter of my good friends, Dr. and Mrs. Paul E. Wasson, and John is the son of Mr. and Mrs. John L. Arigoni.

Also in Washington for these occasions were Miss Mary Ann Fearon, of Strasburg, and Randall C. Carlisle, of Wooster, so that the 16th Congressional District had the distinction of providing all of Ohio's representatives to this American Legion activity. Carlisle was a leading contender for the nomination for president of Boys Nation.

Once again I say that it is a source of great satisfaction to be with these outstanding young people who will be worthy leaders of this Nation in the years ahead. At a time when press and radio devote so disproportionate an amount of time to the activities of beatniks and peaceniks and all the rest, it seems to me that more should be said about the great majority of America's young people who are striving to become good citizens and doing a good job at it.

PERMISSION FOR COMMITTEE ON THE DISTRICT OF COLUMBIA TO FILE CERTAIN REPORTS

Mr. ALBERT. Mr. Speaker, on behalf of the gentleman from South Carolina [Mr. MCMILLAN], I ask unanimous consent that the Committee on the District of Columbia may have until midnight, Saturday, July 30, to file certain reports.

The SPEAKER. Is there objection to the request of the gentleman from Oklahoma?

There was no objection.

CALL OF THE HOUSE

Mr. ASHBROOK. Mr. Speaker, I make the point of order that a quorum is not present.

The SPEAKER. Evidently, a quorum is not present.

Mr. ALBERT. Mr. Speaker, I move a call of the House.

A call of the House was ordered.

The Clerk called the roll, and the following Members failed to answer to their names:

[Roll No. 188]

Abbitt
Andrews, Glenn
Ashley
Bandstra
Berry
Blatnik
Brock
Brown, Calif.
Byrnes, Wis.
Cederberg
Chamberlain
Clark
Clevenger
Corbett
Craley
Curtis
Dawson
de la Garza
Devine
Dickinson
Duncan, Oreg.
Edwards, Ala.
Edwards, La.
Ellsworth
Erlenborn
Evans, Colo.
Evins, Tenn.
Farnsley
Fino
Fogarty
Fraser
Green, Oreg.
Gross
Grover
Hall
Halleck
Hamilton
Hansen, Idaho
Harvey, Ind.
Hébert
Henderson
Johnson, Pa.
Jones, Mo.
Karth
Kee
Keogh
King, N.Y.
Long, La.
McEwen
McMillan
Martin, Ala.
Martin, Mass.
Michel
Miller
Moeller
Morrison
Murray
Nedzi
Philbin
Pirnie
Pool
Powell
Pucinski
Quie
Quillen
Race
Randall
Reifel
Resnick
Rivers, Alaska
Rogers, Tex.
Roncalio
Roudebush
Roush
Roybal
Saylor
Scott
Shriver
Teague, Tex.
Todd
Toll
Tuten
Utt
Watkins
Watts
Willis

The SPEAKER. On this rollcall 346 Members have answered to their names, a quorum.

By unanimous consent, further proceedings under the call were dispensed with.

THE 350TH COMMEMORATION OF FIRST LEGISLATIVE ASSEMBLY PROPOSED

Mr. MACKAY. Mr. Speaker, I ask unanimous consent to address the House for 1 minute, to revise and extend my remarks, and to include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from Georgia?

There was no objection.

Mr. MACKAY. Mr. Speaker, on July 30, 1619, the first legislative assembly ever to be held in the New World convened in the church at Jamestown, Va.

Since then the legislative way of life has flourished in America. Today this House of Representatives of the Congress of the United States of America stands as the most representative, the most powerful, and the most useful legislative body in the history of mankind. It is the mighty oak of liberty in a world in which ancient arts of tyranny are still practiced under old and new labels.

The 350th anniversary of the Jamestown assembly will occur on the 5 days beginning July 30, 1969. The House of Delegates of Virginia arranged and conducted a 350th anniversary celebration.

In view of the events of the last 50 years it seems to me that the survival and strengthening of the representative legislative process is tied to the survival of mankind.

Leadership by this body in arranging a 350th anniversary of the Jamestown assembly would bring to the attention of men everywhere the value of the legislative process.

There are, in addition to the Members of Congress, 7,500 State legislators and tens of thousands of men and women who function in municipal and county legislative bodies who would be interested in such a recognition of the legislative branch.

I commend the idea of such a celebration to the attention of the leaders of Congress, State, county, and city legislators, and to all of our fellow citizens.

CIVIL RIGHTS ACT OF 1966

Mr. CELLER. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the State of the Union for the further consideration of the bill (H.R. 14765) to assure nondiscrimination in Federal and State jury selection and service, to facilitate the desegregation of public education and other public facilities, to provide judicial relief against discriminatory housing practices, to prescribe penalties for certain acts of violence or intimidation, and for other purposes.

The motion was agreed to.

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the further consideration of the bill, H.R. 14765, with Mr. BOLLING in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. When the Committee rose on yesterday, the Clerk had read through title I.

AMENDMENT OFFERED BY MR. WHITENER

Mr. WHITENER. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

> Amendment offered by Mr. WHITENER: Strike out from page 36, line 10, through page 52, line 14, inclusive, and insert in lieu thereof the following:
>
> "SEC. 101. The Judicial Conference of the United States is authorized and requested to institute a study of the operation of the jury selection system in the Federal courts of the United States and to report its findings and recommendations thereon to the Congress not later than two years after enactment of this title."

Mr. WHITENER. Mr. Chairman, this is a very simple amendment.

Mr. Chairman, it merely provides that title I, the section of the title with reference to Federal juries, be stricken and that the matter be referred to the Judicial Conference of the United States for study and for a report back within 2 years to the Congress.

This amendment would not in any way indicate that I have any feeling that it is not proper for the Congress to legislate in this field. I think it is not only proper but it is the obligation of the Congress to do so. But from the remarks that have been made before—and if you will look in your CONGRESSIONAL RECORDS for the past 2 days, you will find that every chief judge in the judicial system has been requested to express his views upon title I as now written. Not a single chief judge in any of the 90 U.S. districts has approached affirmatively the provisions of title I of this act. Many of them have suggested that it should be referred to the Judicial Conference for study before any action is taken by the Congress. If you will look in the RECORD, you will find that our latest report that we received came from a chief judge of one of the districts in Pennsylvania and he, as did the chief judge of the district in Georgia, and the chief judge as I remember of Kansas, and chief judges from many other areas, suggested that this should properly be considered by the Judicial Conference.

Let me say to you I am at a loss to understand the reason for title I in the bill originally. According to letters from all of these judges, title 28, chapter 121, I believe it is, of the United States Code, which prescribes our jury procedures, is working excellently. There is no reason for upsetting of the entire jury system in the Federal courts of the Nation.

I am told upon inquiry that someone in the Justice Department decided that this should be done. I have never been affiliated with the Justice Department. I do not suppose that I ever will be. But I believe that most of us, as lawyers, if we were working in the Justice Department and were about to change the whole Federal jury system, that at least we would talk to some of the judges and get their views upon what changes were proper.

If you will look at the RECORD, and particularly the letter from the Federal courts here in the District of Columbia, as I remember the letter, it said this—and I believe I am quoting:

> The provisions of title I of this bill are totally unworkable in the District of Columbia.

But yet it would apply to the District of Columbia.

My distinguished chairman comes from Brooklyn, and the judge of that district court, Judge Zavatt, said that it would not work in Brooklyn unless the Congress provides them with a great deal of assistance in the form of additional personnel or an IBM department in order to handle it. That is what Judge Zavatt said about it. That is not what I say about it.

I cannot for the life of me understand why anyone who has had any experience with the courts would not agree that this is a matter that ought to be studied by those who have had experience in this field rather than a young attorney in the Justice Department who could not have had much experience with the jury system.

As I said at the outset, I am not for one minute wanting to leave the impression that I feel that we should not give attention to the Federal jury system. If there is evidence that it is not working properly, we have an obligation to do it. But let me emphasize to you that my chairman and the others who support this bill say that this is a civil rights bill. But, my friends, title I is not a civil rights bill. Title I is a reconstruction of the entire Federal court jury system. It would apply to every type of case that comes into the Federal courts.

Mr. ROGERS of Colorado. Mr. Chairman, will the gentleman yield?

Mr. WHITENER. I am glad to yield to the gentleman from Colorado, because I know the gentleman can agree with me, for he has had a great deal of experience.

Mr. ROGERS of Colorado. The fifth circuit court reversed a conviction in the State of Georgia because the jury was selected in a discriminatory manner. The objective of title I is to see that the selection of Federal juries shall not be done in a discriminatory manner. That is the only objective of this title.

Mr. WHITENER. I would like to ask the gentleman what court it was in which the jury was not properly impaneled.

Mr. ROGERS of Colorado. It was in the Federal court.

Mr. WHITENER. Which district?

Mr. ROGERS of Colorado. It was in the fifth circuit. It was a reversal of a district court conviction.

Mr. WHITENER. The fifth circuit involves several States.

Mr. ROGERS of Colorado. This was a reversal of a conviction in the State of Georgia of one Jonah Rabinowitz.

Mr. WHITENER. In what court?

Mr. ROGERS of Colorado. The Federal district court of Georgia.

Mr. WHITENER. There are three districts in Georgia.

Mr. ROGERS of Colorado. I will check, if the gentleman will let me. I have the opinion in my hand.

Mr. WHITENER. Will the gentleman read it?

Mr. ROGERS of Colorado. The District Court of the Middle District of Georgia. That decision was handed down on July 20 of this year.

Mr. WHITENER. All right. I thank the gentleman.

May I point out to the gentleman that the chief judge of that court, in a letter dated July 12, had this to say:

> I am in thorough agreement with your observation that the jury provisions of this proposed legislation have an importance independent of its civil rights objectives. I agree also that legislation of this far-reaching importance should be submitted to the close scrutiny of the Judicial Conferences of the various Circuits, the Judicial Conference of the United States, the American Law Institute, and the American Bar Association.

So I take it that Judge Bootle, the chief judge in Georgia, does not object, if there is any problem, to having it corrected, but he does not seem to recommend that we use this meat-ax approach which is in this bill.

Mr. ROGERS of Colorado. Will the gentleman yield at that point?

Mr. WHITENER. Yes, I yield briefly, please.

Mr. ROGERS of Colorado. If the judge or a jury commission in the middle district of Georgia did not recognize that he was discriminating, then I believe when the fifth circuit says they did we should take some action to correct it.

Mr. WHITENER. I do not believe the gentleman means to imply that the distinguished chief judge in Georgia, or the chief judge of any other district, is not aware of his responsibilities under the Constitution. I hope he did not imply this.

Mr. ROGERS of Colorado. Will the gentleman yield?

Mr. WHITENER. While I am not acquainted with Judge Bootle, from what I have read about some of his decisions, it seems to me that he agrees a great deal more with the gentleman than he does with me.

I yield to the gentleman briefly.

Mr. ROGERS of Colorado. The fact remains that it was a Georgia Federal court where the conviction was rendered. Whether the judge himself was responsible for it, or whether the jury commissioner that was selected by him to make the selection violated the intent of discrimination, I do not know.

Mr. WHITENER. I certainly thank the gentleman for his comments. I am not going to argue with the gentleman. He is substituting his wisdom for the combined wisdom of all the chief judges of the Federal system. We will have to leave it to others to judge as to who has the greatest degree of wisdom.

Mr. RODINO. Mr. Chairman, will the gentleman yield?

Mr. WHITENER. I will yield to my friend from New Jersey, because his chief judge does not like it, either.

Mr. RODINO. I understand. All the judges do not agree. I would like to stress this. The very case cited by my colleague, the gentleman from Colorado, points out the need for uniformity, because the judges in that case were divided as to what the qualifications should be. As a matter of fact, although all members of the court agree that a Federal jury list should be comprised of a cross-section of the community, nevertheless there were certain issues that divided the court. Those were whether intelligence beyond that required to satisfy the basic literacy of the statute was a qualification; whether good character should be among the qualifications; whether a fair cross-section had been achieved with these, or whether other qualifications were at issue. This, in my opinion, justifies the need for uniformity, so that judges may be guided as to the qualifications.

Mr. WHITENER. May I say to the gentleman that, even accepting the premise of his statement, which I am willing to accept for purposes of this discussion, the acquiring of uniformity which the gentleman says is desirable should be studied in the proper manner and not dealt with helter-skelter with the type approach we have here.

The **CHAIRMAN.** The time of the gentleman from North Carolina has expired.

Mr. WHITENER. Mr. Chairman, I ask unanimous consent to proceed for 2 additional minutes.

The **CHAIRMAN.** Is there objection to the request of the gentleman from North Carolina?

Mr. WHITTEN. Mr. Chairman, reserving the right to object—and I shall not object—I rise in hope that the Members of the Committee, who have had 10 hours for general debate, which they have largely used, will be gracious to the other Members of the body, including myself, so that we may get some time.

Mr. Chairman, I withdraw my reservation.

The **CHAIRMAN.** Is there objection to the request of the gentleman from North Carolina?

There was no objection.

Mr. WHITENER. As the chief judge and the clerk of the court of the gentleman from New Jersey say, this bill does not do what the gentleman wants.

I am sure that most of us in this room want to have the finest Federal jury system that there can be, and we are willing to go along with a proper revision of the system if it is needed.

Why did the authors of this proposal, the folks who wrote it down in the Justice Department, not first, at least, telephone Chief Judge McGuire in the District of Columbia? That would not have cost the Government a penny. Why did they not ask him if he would look at what they were doing? Chief Judge McGuire and Judge Holtzoff take the position that this bill is totally unworkable here.

I am not here to wave any flags. I am merely saying that we had better be careful of what we are doing.

Why is the Justice Department so anxious to do something about the Federal jury system? As I remember the last report of the Federal Bureau of Investigation it was said that in 95 percent of the cases they had submitted to juries in the Federal system they had obtained convictions. I have not noticed that the Federal authorities are losing many civil actions in the Federal courts in my area.

What is the reason for destroying the system which is working and which is understood, for something which has not been studied by people of competence?

My statement is not hostile, I believe, to what the gentleman from New Jersey, the gentleman from Colorado, and others would like to see. I just say that unless this amendment is adopted we are going to have here a statute which the combined wisdom of the judiciary of the U.S. federal system says will not work.

Mr. CAHILL. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, I rise in opposition to the amendment because I believe the amendment which is proposed by the gentleman from North Carolina is premature. It well may be that such an amendment might be in order at the conclusion of the deliberations of this Committee, but as I understand the purpose of the Committee of the Whole it is to correct what may be some defects in the legislation which the legislative committee should have done but did not do.

I concede immediately that there are many corrections which are required, and I must agree with the gentleman from North Carolina that unless some of these inequities are corrected it might be wise indeed to refer this back to the committee.

However, I do believe that this is the function of the Committee of the Whole. Since I, for one, have some remedial amendments to present which I hope will be acceptable, and I believe other Members have amendments to present, it seems to me orderly procedure would dictate that we as a Committee of the Whole would consider some of the remedial amendments first. Then, if we are not satisfied with those remedial amendments at the conclusion of debate, perhaps that would be the time to consider the gentleman's amendment.

I would also say that the gentleman agreed with me in general debate that some remedy is necessary. I think all of you, representing, as you do, all of the judicial districts in the country, recognize that there are indeed inequities and inequalities and differences in the manner in which jurors are selected. If our federal system is to be uniform throughout the country, there ought to be some uniformity in the selection of jurors. Certainly it is not right, in my judgment at least, for jury commissioners in some States at their discretion to select whatever criteria they wish for the purpose of placing in the jury wheel prospective jurors. I certainly would not want to be tried personally under such a system of jurisprudence. So it seems to me there ought to be some uniformity.

I will propose in an amendment to correct what has been the generalized objection of all of the clerks of all of the district courts who testified in the other body against this title. For example, I agree that 1 percent is too high a number. I agree it would place too much of a burden and a responsibility on the clerks of the court. I agree that there ought to be some discretion in the chief judge as to the number required in his particular district. I also agree that there ought to be some exemptions, additional exemptions, for excusing jurors. I propose to submit for the approval of this Committee those amendments.

Also I want to say that I do not believe that the Congress of the United States should permit the Judicial Conference to do our legislating for us. Frankly, I think we permit too many bodies of the executive and of the judicial branches to substitute their judgment for that of the Congress of the United States. I think that is one of the reasons why we are in trouble with this bill, because this bill in its present form is not the work product of the Congress of the United States. Also it is not the work product, in my judgment, of the Committee on the Judiciary, because I do not think that the subcommittee took sufficient time and I do not think the members discussed it in depth sufficiently or had the real thorough knowledge of everything that is in this bill.

It is for that reason I have agreed—and I agree in many instances—with the gentleman from North Carolina that these things should have been done. I also concede, though, that the need is great and there is some urgency when our circuit courts of appeals point out that the method of selecting jurors in some States is indeed unconstitutional and discriminatory and when we all know as a matter of personal knowledge that there are many district courts in this country where the jury commissioners in the exercise of whatever foible they may think of at the moment select jurors from any source they wish without any knowledge at all of the criteria that should be utilized and when we are finding ourselves in this country trying before those jurors many cases involving lives and property. We must not only do justice, we must demonstrate to our citizens that justice is being done. We cannot exclude persons from juries because of race, color, or creed and give the appearance of justice or in fact, in my opinion, do justice.

The gentleman's amendment should be defeated and title I should be amended to correct the existing deficiencies.

Mr. CELLER. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, what the gentleman from New Jersey [Mr. CAHILL] stated represents commonsense, and practicality.

Mr. Chairman, the gentleman from North Carolina [Mr. WHITENER], for whom I have great respect, I feel is misguided in this matter.

Mr. Chairman, the gentleman from North Carolina speaks of some 25 judges who have expressed some form of disapproval, but there are over 200 Federal district judges. We are not told the opinion of the balance of the judges.

But, beyond this, the opinions expressed by these 25 judges were addressed to a bill entirely different than the bill now pending before us.

Mr. Chairman, I can well understand how these 25 judges do not want anyone to poach upon their preserve. These judges are very jealous of their powers. They want to exercise control over everything and anything that happens to be in their court.

But, Mr. Chairman, Congress is duty bound to legislate on this matter. Throughout our judicial history and ever since we passed the Judiciary Act of 1789, we have legislated time and again on the question of jury qualifications and selection.

Mr. Chairman, why should we now throw up the white flag and surrender to the Judicial Conference?

Now, as the gentleman from New Jersey said——

Mr. WHITENER. Mr. Chairman, will the gentleman yield at that point for the purpose of making a comment?

Mr. CELLER. I yield to the gentleman from North Carolina. I cannot fail to yield to my gentle friend, although I have not finished my thought.

Mr. WHITENER. Mr. Chairman, I know that the chairman of the Committee on the Judiciary, the gentleman from New York [Mr. CELLER], is always fair, but I certainly want to correct him in his statement: There are only 90 chief judges, and they were the ones to whom letters have been written. Twenty-eight of them have replied.

Mr. Chairman, if one will read those letters, one will find that those chief judges said, almost without exception, that they had talked with the other judges who have served in that district.

So, Mr. Chairman, the gentleman's statement is not quite accurate.

Mr. CELLER. But it is not merely what the chief judges involved have said. The district judges may also have something to say about the matter.

Mr. Chairman, this is a legislative function. This is not a judicial function. It has been a legislative function for over 150 years.

Why should we suddenly change and make this a judicial function?

Then, Mr. Chairman, beyond that, the gentleman from North Carolina has always complained that the judiciary and, particularly, the Chief Justice of the Supreme Court, who is the presiding officer of the Judicial Conference, is constantly legislating. But, now, the gentleman from North Carolina throws into Chief Justice's lap the power to legislate. The gentleman just abets what he condemns.

Mr. Chairman, that is a rather broad inconsistency.

Mr. Chairman, I would say, with all due respect to the gentleman from North Carolina, that this involves a delay of 2 years, because the gentleman's amendment is to the effect that the Judicial Conference shall report back within not later than 2 years after the enactment of title I.

Mr. Chairman, why should we delay this matter? It is crystal clear. It is palpably plain that there are all manner and kinds of diverse systems being used throughout the various 90 districts. A jury commissioner can select men in the community to whom he says, "Give me the names of a number of men whom you believe to be suitable for jury duty." Well, Mr. Chairman, this is the so-called key-man system, the social lines, cultural lines, of the jury commissioner. They cannot possibly involve a broad cross-section of the community.

Therefore, Mr. Chairman, there are all manners and kinds of diversities today in the Federal system in connection with the qualification and the selection of jury men.

Mr. Chairman, that fact was pointed out, for example, in the Rabinowitz case, coming out of the fifth circuit, to which the gentleman from Colorado referred.

That case indicated that a subjective test in selecting Federal juries has been used in some of these Federal districts.

The CHAIRMAN. The time of the gentleman from New York has expired.

Mr. CELLER. Mr. Chairman, I ask unanimous consent to proceed for an additional 5 minutes.

Mr. WAGGONNER. Mr. Chairman, I make the point of order that a quorum is not present.

The CHAIRMAN. The Chair will count. [After counting.] Sixty-six Members are present, not a quorum. The Clerk will call the roll.

The Clerk called the roll, and the following Members failed to answer to their names:

[Roll No. 189]

Abbitt
Andrews, Glenn
Ashley
Bandstra
Berry
Brock
Brown, Calif.
Byrnes, Wis.
Cameron
Cederberg
Chamberlain
Clark
Clevenger
Corbett
Curtis
Dawson
de la Garza
Devine
Dickinson
Donohue
Duncan, Oreg.
Edmondson
Edwards, Ala.
Edwards, La.
Ellsworth
Erlenborn
Evans, Colo.
Evins, Tenn.
Farnsley
Fino
Fogarty
Frelinghuysen
Gallagher
Green, Oreg.
Gross
Grover
Gubser
Hall
Halleck
Hamilton
Hansen, Idaho
Harvey, Ind.
Hathaway
Hébert
Henderson
Ichord
Johnson, Pa.
Jones, Mo.
Karth
Kee
Keogh
King, N.Y.
King, Utah
Kirwan
Kluczynski
Leggett
Long, La.
McEwen
McMillan
Mackie
Martin, Ala.
Martin, Mass.
Michel
Moeller
Morgan
Morrison
Morse
Multer
Murray
Nedzi
O'Brien
Passman
Philbin
Pirnie
Pool
Powell
Quie
Quillen
Race
Randall
Reifel
Resnick
Rogers, Tex.
Roncalio
Roudebush
Roush
Saylor
Scott
Shriver
Smith, Calif.
Steed
Teague, Tex.
Todd
Toll
Trimble
Tuten
Utt
Watkins
Watts
Willis
Wilson, Bob
Wilson, Charles H.
Wydler

Accordingly, the Committee rose; and the Speaker having resumed the chair, Mr. BOLLING, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill H.R. 14765 and finding itself without a quorum, he had directed the roll to be called, when 328 Members responded to their names, a quorum, and he submitted herewith the names of the absentees to be spread upon the Journal.

The Committee resumed its sitting.

The CHAIRMAN. When the Committee rose, the gentleman from New York [Mr. CELLER] had asked unanimous consent to proceed for 5 additional minutes. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. CELLER. Mr. Chairman, the essential purpose of title I is to provide for uniformity in the qualification and selection of Federal petit and grand juries. We have today a disparity between one district and another district in this country. For example, in some 40 Federal judicial districts today jury officials use what is known as the keyman system.

Mr. Chairman, the key man tends to be a person whom the jury officials are acquainted with as a community leader. These keymen generally are prominent citizens. They are officers of social and business associations, perhaps the president of the chamber of commerce, or of a Rotary Club or of a Kiwanis Club, or of some fraternal organization such as the Masonic organization, or some church group or other religious organizations.

Mr. Chairman, these keymen, of course, tend to pick as prospective jurors persons who are well known in the community and whose experience shows that the persons suggested for jury duty are frequently or will be frequently confined to the members of the social and economic classes to which the keymen themselves belong.

Mr. Chairman, this has tended to lend itself to considerable wrongs and all manner and kinds of difficulties in the selection—in the criteria of selection, rather, adopted by the jury commissioners throughout the various districts.

Mr. Chairman, that is unfair; that is improper, that is inept, and it should not exist in our jury system.

Mr. Chairman, for that reason we bring forth this title I to establish uniformity in the Federal system.

Mr. Chairman, the telephone directories are used on occasion. The 1960 census reveals, for example, that 34 percent of all rural housing units lacked telephone service, as compared to 17 percent of urban units. In Mississippi, which has a high concentration of Negroes and low-income families, 45 percent of the housing units have no telephones, as compared to only 9 percent of the housing units in Connecticut, where the income of everyone is much higher, and the percentage of Negro residents is much lower.

Now, Mr. Chairman, I do not think any man who is fair wants to have a telephone directory to be used as a source for prospective jurors. Yet that is exactly what happens. That kind of selection does not make for a cross section of representation in the community. A list of registered voters is a far better method.

Mr. Chairman, in my own bailiwick they had what is known—or did have what was known—as blue-ribbon jurors.

Mr. Chairman, what would that mean? That meant that the poor man could not serve, whereas the rich man could serve on juries.

Mr. Chairman, that is abhorrent. Yet in New York they had that situation existing for years.

Mr. Chairman, that system was repealed.

Under this title it becomes a statute, it would be prevailing for all time, and we would not have what are known as blue-ribbon juries in the Federal system.

Mr. **DOWDY**. Mr. Chairman, will the gentleman yield at that point?

Mr. **CELLER**. I yield to the gentleman from Texas.

Mr. **DOWDY**. Is it the State court that has blue-ribbon juries about which the gentleman is speaking, or is it the Federal court?

Mr. **CELLER**. No, it was primarily in the Federal court. We have in the southern district of New York including what is known as the city of New York, and then we have suburbia where we have the more affluent residents residing. The tendency was to draw from those latter sections where the residents were more affluent and wealthy. That is what brought about the term "blue ribbon."

So, Mr. Chairman, I do hope that the gentleman's amendment will not prevail. The gentleman through the adoption of his amendment would destroy title I. He calls it something different. He provides for a referral to the Judicial Conference.

Well, Mr. Chairman, there is an old saying that "if a cat would kill her kittens, she calls them mice." Well, just calling title I something different does not change the purpose of the amendment. The amendment is designed to strike down title I, and I believe that course would be ill advised.

Therefore, Mr. Chairman, I hope that the amendment will not prevail.

The **CHAIRMAN**. The time of the gentleman from New York has expired.

Mr. **SENNER**. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I would like to address the Committee of the Whole House by stating that I am in favor of title I and shall support H.R. 14765.

However, I would like to ask a couple of questions of the chairman, so that the Members of the Committee will certainly have an answer to the question that has been propounded by our good friend, the distinguished gentleman from North Carolina [Mr. WHITENER].

Now, of these letters from the 25 judges, Federal judges, either circuit or district, were their replies in response to title I of H.R. 14765 that we now have under discussion?

Mr. **CELLER**. It was certainly not the bill we have before us; that we know definitely.

Mr. **SENNER**. The answers were in response to the Senate bill, S. 3296?

Mr. **CELLER**. I am just informed by the gentleman from North Carolina that that is correct.

Mr. **SENNER**. I have been reading, Mr. Chairman, some of the comments of the clerks and the judges such as from the State of Nebraska where they say that if we take 1 percent of the voter registration and put that list in the master jury wheel, the judges will have to interrogate that 1 percent of the voter registration.

That is false also; it it not?

Mr. **CELLER**. The gentleman is correct. That is not true.

Mr. **SENNER**. And the only forms which will be sent out will be to those jurors whose names are drawn from the master jury wheel?

Mr. **CELLER**. That is correct.

Mr. **SENNER**. Perhaps only 300 or 400 people will be drawn from that jury wheel to take care of the jury cases in that district?

Mr. **CELLER**. Yes, that is possible.

Mr. **SENNER**. That would mean then only in that event would there be 300 forms or questionnaires to be filled out. Is this correct?

Mr. **CELLER**. That is correct.

Mr. **SENNER**. In that sense if there was an undue hardship, for example, if a prospective juror lived 200 miles away, is it not possible under the provisions of this bill that the form could be sent to him by certified mail?

Mr. **CELLER**. There is a provision which gives the court discretionary power to mail the forms.

Mr. **SENNER**. I believe in the section for the exclusion of prospective jurors being called that the judge in an undue hardship or extreme inconvenience case could find—and it is the legislative history under this act, that if they had to travel 150 or 200 miles that they could be exempt for extreme hardship or inconvenience.

Mr. **CELLER**. Yes, on page 48, lines 1, 2, and 3 they can be excused by the court for not more than 6 months at a time upon the showing of undue hardship or extreme inconvenience.

Mr. **SENNER**. Also in title 1 of the act is there not also a provision that the courts could determine that in the case of certain occupations such as doctors, lawyers, dentists, and nurses they could be exempted from jury duty if the court found that this would be the most practical means of exclusion. This would be in the judge's discretion.

Mr. **CELLER**. There is statutory language which would allow the court in specified circumstances to exempt certain occupational classes.

Mr. **SENNER**. So all these comments that have been inserted in the RECORD by our good friend, the gentleman from North Carolina, where they say that the judge does not have this prerogative—again they are not referring to title I of the bill, H.R. 14765. Is that correct, Mr. Chairman?

Mr. **CELLER**. I believe that is correct.

Mr. **McCULLOCH**. Mr. Chairman, I make the point of order that the House is not in order. The discussion is very technical and very important and we just cannot hear it.

The **CHAIRMAN**. The point is well taken. The Committee will be in order.

The gentleman from Arizona will proceed.

Mr. **SENNER**. I believe in response to my last question, the chairman of the Committee on the Judiciary, the gentleman from New York [Mr. CELLER], answered in the affirmative. Is that correct?

Mr. **CELLER**. Yes, that is correct.

Mr. **WHITENER**. Mr. Chairman, will the gentleman yield?

Mr. **SENNER**. Yes, I will be most happy to yield.

Mr. **WHITENER**. Mr. Chairman, I appreciate the gentleman yielding. I must say in all kindness that the gentleman from Arizona and the chairman of the Committee on the Judiciary are engaging in a numbers game when they try to leave the impression with the House that there is something entirely different about S. 3296 and the bill we now have before us. The bill, S. 3296, was the administration's bill, which has been amended.

If the gentleman will read the letters that I have placed in the RECORD from judges, he will find that the language in the bill to which most of them addressed themselves as creating an impossible situation, is still found on page 38, line 17, subsection (b) in section 1864. The judge in the district of the gentleman from New York [Mr. CELLER] has talked about the more than 2 million people in his territory who will have to be brought into the jury wheel and that judge said that if this provision is passed as it is in the present bill, we are going to have to give him an indeterminate number of clerks and an IBM machine for him to do the necessary work involved.

Mr. **SENNER**. I would say to my good colleague that that is not so. I do not care what the judge says in the district in which the chairman of the Judiciary Committee resides.

Let me answer this. Under the language of title I of this act, the jury commissioner would simply have to go down the voter registration list and take every hundredth name and put it in a master jury wheel. That is all he has to do. This would be an amount of approximately 20,000 names in the jury master wheel.

The **CHAIRMAN**. The time of the gentleman has expired.

Mr. WHITTEN. Mr. Chairman, I rise in support of the amendment and I move to strike the requisite number of words.

(By unanimous consent, Mr. WHITTEN was allowed to proceed for 5 additional minutes.)

Mr. WHITTEN. Mr. Chairman, I wish to express my thanks to the Members of the Committee. I know it is never the intention of any committee to freeze out any of the members, but in the stress of combat, sometimes you forget you have the right to the floor, leaving others out of the debate. I appreciate your courtesy in standing by for the moment.

What is it you seek to do here? Like many of my colleagues, I served as district attorney; in my case for approximately 8½ years. I know a majority of the Congress have had experience in the courtroom. If any Members do not believe it takes a man of a little more than average courage to bring in a conviction and send a fellow man to jail or to the penitentiary, or to punish him, those Members have not had experience in the courtroom.

From the earlier arguments—and cases were cited from my State—it would appear that the proponents of this bill say they desire to make certainty of punishment more certain. As a former trial lawyer, I would not pass judgment on those cases that I merely read about in the paper—that is, I would not express any final opinion. Though it may be that a few instances in the South have been deplorable; and I join with the Members in what appears to be—and you will notice that I qualify it, because we cannot try these cases without actually being there and hearing the testimony—but I deplore what has accurred a few times. I oppose crime and support law and order as I have proven over the years.

I would say the total number of such cases throughout the South is very small, from a numerical standpoint—as bad as some of them may be. The number is nothing like those that have occurred in northern cities in recent months.

In fact the situation throughout much of the Nation has grown so bad that the Washington Post of day before yesterday carried this large headline: "Crime Increasing Steadily FBI Says but Number of Convictions Is Falling."

I will include a list of the cities listed at a later point. I do not tell the Members anything new when I say we are having a wave of lawlessness throughout the United States. We are having mob violence and property destruction in city after city.

Proponents claim and I agree that we need to improve law enforcement. However, the bill before us, in my opinion, will not do that.

If we follow the chairman of this committee and his colleagues on that committee, as they recommend in this bill, jurors will be added by pure chance, frequently without any check as to their sense of responsibility or sense of reliability. If jurors are ever selected in that manner, my friends, we will have provided the greatest bonanza for the defense lawyers of this country, while giving the defendants almost license to continue their wrongdoing.

All recognize that throughout the United States today, it is getting harder and harder to convict criminals, and have the conviction stand. The certainty of punishment is becoming uncertain. I heard one of my colleagues on this committee say that in recent years the Supreme Court in 35 cases has found new rights in the Constitution. What do those newly found rights consist of?

They consist of newly found reasons where the Court set aside convictions because certain procedures were not followed, even though an overall reading of the record may convince one beyond a very reasonable doubt of the defendants' guilt. May I digress a moment to tell you, and most of you who have been trial lawyers know this, that for years it was recognized, and we had better come back to it, that society itself, government itself, is dependent upon the individual subjecting his willful impulses and his actions to the rules which have been found essential to an orderly society or to government. For centuries this has been the bedrock of our government.

But in recent years, we are finding that the Supreme Court is saying, no, the public is not entitled to protection from this criminal who was convicted, because the officers waited a little bit too long to arraign him. He is guilty all right, but somebody failed to conform to a technicality that had been established by the Court. They say that the officials, that the officers, working for small pay under trying circumstances, waited 4 hours and 45 minutes before they arraigned him. "We know he is guilty, but we are turning him loose." My friends, if you read about the deplorable case of the eight student nurses who were killed a few weeks ago, and have since followed the case in the press, it is evident that the authorities who were responsible for protecting the public hesitated because they were afraid that in some way they might do something that would cause the courts to turn that man loose to commit more of the same type crimes.

Let me come back to it. My friends, law enforcement is breaking down; yet our committees bring us a bill which will make punishment less certain, which will give many more chances for defense counsel to raise technicalities, which now that the Court has put technicalities far ahead of public protection will further increase lawlessness.

HOUSING

I do want to touch a little on this question of housing. If the problem is that we need more housing, will we get it by tying restrictions on it after it is built? Will we?

I have been to New York City, to Chicago, and to Detroit, to the slum areas and to the tough areas, as a member of the Appropriations Committee which handles the school lunch program and the school milk program, making studies about improving the food distribution costs in those cities.

There are deplorable situations in those cities, and I know Members wish to do something about it. But, my friends, when you get ready to do it, you will have to do it locally.

I do not know in how many cities this situation exists, but I know it exists in one major city. One of the major reasons they have not gotten the housing, and the reason why they have the slums, is that they have rent control and they will not let the rents be raised high enough for owners to furnish decent quarters. Not only that, but they will not enforce housing regulations or require the people to be sanitary, so that the buildings can be safe for human use. In some such areas they have to clean up the garbage from the streets three times a day, garbage thrown from the windows.

I repeat: if the need is for more housing, we certainly will not get it by tying strict restrictions on what people can do with it after it is built, because many folks are like me. They are beginning to see that these laws, which many of the Members passed with the greatest of hope, directed primarily toward my section, are such that people are finding out that my section knows how to live with them far better than your sections do. You are finding out these laws are bringing home to you, local problems which you are going to have to solve at home.

JURORS NEED COURAGE

I repeat again, does any lawyer in this House believe that it is possible to improve law enforcement by going out on the streets and taking as jurors every Tom, Dick, and Harry, as though it were a privilege and a right, and waiving the effort to try to get responsible citizens on the jury, who will have the courage to say, "As much as we hate to do it, the evidence convinces us you are guilty and for the good of society you must be punished?"

My friends, the Supreme Court in the 35 new cases raising new rights have really put protection of the individual criminal defendant ahead of that of the general public. Unless we stop this course of action our Government eventually will be destroyed.

Let me repeat one thing you lawyers know about. You realize that in most States and under the old common law, a defendant who is the only eye witness to a crime must be acquitted if he gives a reasonable explanation of how it happened, which absolves him of guilt, such as self-defense, accident, and so forth. When you rule out confessions, frequently you have turned such defendant loose to commit more murders or rapes. Apparently that might well have been the case in the murder of the eight student nurses, except that providence spared one of them to testify.

It is a case of what you want to do. If you want to improve law enforcement you will adopt the gentleman's amendment, and then I hope you defeat this bill and that we may pass the resolution which I introduced, No. 1237, several days ago to set up a commission to determine why we have fallen down in law enforcement, why we have fallen down in housing, to fix responsibility and to recommend a cure which I shall further describe later in this presentation.

My friends, this bill heads in the wrong direction at a very serious time. I do not mean to chide my friends, but this is the first bill of this nature that even the proponents do not show any enthusiasm for. It will come home to haunt them.

Really, what is intended by the proponents of this bill? Do they hope that by giving no attention to having the more responsible and conservative citizens serve on our juries that they can improve the administration of justice? Do they honesty feel that by calling all people at random for jury service, the irresponsible along with the responsible, that they will improve law enforcement and prevent riots? I read from yesterday's Washington Post:

Crime increasing steadily, FBI says, but number of convictions is falling

[Number of crimes per 100,000 of population]

Metropolitan area	Total	Murder	Rape	Robbery	Assault	Burglary	Larceny	Auto theft
Baltimore	2,089	8.7	18.0	126	234	677	625	401
Boston	1,709	2.8	5.0	53	54	563	340	691
Chicago	2,049	6.9	21.	244	188	638	417	532
Cleveland	1,190	5.7	8.9	101	82	547	145	301
Detroit	2,200	6.2	26.8	178	151	840	508	489
Los Angeles	3,567	6.1	32.9	189	230	1,564	917	627
New York	1,982	6.1	11.3	84	154	585	781	361
Philadelphia	1,296	5.5	15.9	83	127	530	247	287
Pittsburgh	1,304	3.5	10.3	76	72	482	286	373
St. Louis	1,917	7.9	20.7	130	136	915	338	369
San Francisco	2,539	4.3	13.7	130	133	1,171	569	518
Washington	2,171	8.2	14.2	153	213	891	496	396

This report demonstrates that in all the country, with the exception of my own area, crime is increasing greatly, while convictions are declining. Yet the bill before us is admittedly directed toward my section of the country, where according to the FBI we have a lower crime rate and a higher percentage of convictions than in the rest of the Nation.

As I pointed out earlier, I truly believe that a major reason for the great wave of lawlessness and violence that we have comes because the courts have punished the public by releasing on technicalities defendants who are guilty and who, on a broad reading of the record, formerly would have been held by the court to be guilty. While the court would find these technical rules had been violated, since the overall evidence clearly demonstrated the guilt of the defendant, until recent years they would not reverse the case nor release the defendant on the public.

This legislation before us will make bad matters worse. It will leave the situation where no court can be sure of just how to proceed. This is one more step in placing the court-created practice of placing its judgment on the rights of individual criminals ahead of the public welfare. It creates one more ground for defendants to use toward continuing their crimes. In recent years, it is the public which is being punished by the courts, when technical rights of guilty individuals are held paramount to those of the public.

Now, Mr. Chairman, I do not mean to say that we do not have some problems in our area. Most of them, however, have been created since the leadership of both the Republican and the Democratic Parties began competing with each other to pass the strongest laws, directed primarily toward my section of the country, leaving much worse laws on the statute books than would have been true if conservative Republicans had joined with us in keeping the lid on as they formerly did before they started cooperating with the Democratic leadership to centralize power in the Federal Government.

We are trying to meet our problems; but as I have pointed out so regularly, the South is the only place with which I am familiar where the people of all races know how to live and get along together. The difficulties we are having now are generated largely from the outside, but we are living with these problems as we have had to for the past several years. If I judge correctly, the membership of this House is waking up to the fact that these efforts of the past number of years are creating new problems in their sections and are in no way solving the old problems. It has been very noticeable in this debate that there is little enthusiasm, even on the part of the proponents of these measures, for this legislation.

Mr. Chairman, what makes these Federal statutes worse, what makes them lead to dictatorship, is the fact that every department—Health, Education, and Welfare, the Department of Justice, through the Attorney General, and so forth, start off with the statute and then demand agreement to Federal regulations which go much further than the intent of the law. This we are having to contend with and we are doing the best we can. We realize that in my State, with 2 million people, 5 Members of the House—which is about 1 percent of the membership—and 2 Senators, making 2 percent of the entire Senate, we certainly cannot run the country. But by setting an example for tolerance and forbearance, while we put up with that which we should not have to, we believe the rest of the country is going to see that while you have created problems for us, at the same time you have aggravated your own very dangerous situation and solved little if anything.

RECENT MARCH ON MISSISSIPPI

Mr. Chairman, during the recent march from Memphis to Jackson, the capital of my State, those participating went through counties in which I served more than 8 years as district attorney, and may I say, I am willing to match my record and the record of fairness of our courts with those of any section.

With my people trying so hard to prevent any kind of trouble, we all regret that any trouble arose, though there are many curious factors involved in the assault near Hernando, including the fact that there were only four marchers, including TV and radio representatives; that the individual charged with the assault used birdshot, carefully judging his distance, stayed around until still pictures, used by the press and on television, could be made. Only after the assault did competing national civil rights leaders rush to the scene and business picked up, so to speak. But even though the marchers would not use the new and spacious four-lane highway, No. 55, from Memphis to Jackson, but used old Highway 51, so as to go through the towns and villages, their march did not serve to stir up sufficient turmoil to keep the television representatives satisfied. This group of agitators had to make forays to the east and to the west evidently seeking trouble—and even then there was little trouble to be found or even generated.

Mr. Chairman, my people have had to put up with the filthiest kind of language on the part of many of these agitators, with the widest variety of insults, and in one area this still goes on, all in efforts to get national attention. But, Mr. Chairman, as bad as it is, our people know how to live with a lot of things far better than those in areas of many of my colleagues, for there is more appreciation and respect between local members of the races in my section than elsewhere in this country. What is becoming so apparent is that those who thought these drives on the South, the passage of all these laws, would solve or help solve the problems in Chicago, New York, Cleveland, Los Angeles, and all the rest, are finding out that what has been done has merely whetted the appetite of agitators in those and other areas. You may call it merely unrest if you wish, but the real result is a breakdown in law and order, which, if not stopped, will lead to the destruction of our Government.

As pointed out in this debate, the Supreme Court on 35 occasions has considered cases under newly found "rights" in the original Constitution, "rights" which make it more and more difficult to convict law violators and which put many individuals beyond the law. Punishment for crime has become less certain; and even the chairman of the Judiciary Committee says the Supreme Court has gone too far.

Mr. Chairman, we must direct our attention to the cause, that we may bring about a correction.

On July 27, I introduced House Joint Resolution 1237, which I read to you now.

H.J. Res. 1237

Joint resolution to establish a Commission to investigate the increase in law violation, to determine the causes and fix responsibility for the breakdown in law enforcement, with the resulting destruction of life and property, to recommend corrective legislation, and for other purposes

Whereas organized society and government itself is predicated upon individual restraint for the common good, and their continuance upon requiring the individual to forgo certain personal desires and inclinations for the well-being of the general public; and

Whereas the Constitution of the United States and those of the various States, implemented by statute, have set out rules for the protection of the public welfare; and

Whereas, notwithstanding such rules, more and more the protection of the public and of government itself has been held secondary to the protection of admitted criminals from delayed arraignment, from the consequences of confessions and from responsibility for knowledge of right and wrong; and

Whereas known criminals have been released on minor technicalities, established by the courts, to continue their robbery, rape, and the commission of other serious crimes; and

Whereas such course has been followed almost to the point of granting license to many individuals to do as they please with resulting injury to the public; and

Whereas such a course of action has led to a total disregard on the part of many young and older people for law and order, leading to numerous riots, resulting in loss of property and human life, and endangering the lives of police officers, all to the injury of the general public; and

Whereas if not stopped this situation will lead to the destruction of our government itself, it is therefore imperative that Congress take immediate action to correct this condition, and in order to meet this problem provide for a bipartisan commission to make general investigation, and among other things:

(1) Determine and specify the causes of this breakdown in law enforcement, with its disastrous results;

(2) Recommend appropriate legislation for correction of such causes, making the general welfare of the public paramount;

(3) Initiate other appropriate action, where it is determined that individuals or courts have set aside general rules for the protection of orderly society to the point of destroying or aiding in the destruction of constitutional guarantees of the safety of the general public from criminals, and criminal acts, essential to maintaining an orderly and law-abiding society: Therefore be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That

SECTION 1. (a) There is hereby established a Commission to be known as the Commission To Investigate the Increase in Law Violations and To Fix Responsibility for the Breakdown in Law Enforcement, With Resulting Increase in Loss of Life and Property (hereafter in this Act referred to as the "Commission") which shall be composed of seventeen members as follows:

(1) Four members who shall be Members of the Senate;

(2) Four members who shall be Members of the House of Representatives; and

(3) Nine members who shall each be a justice of the highest court in a State.

(b) The President of the United States shall appoint the members of the Commission from the persons recommended as follows:

(1) The President of the Senate and the minority leader of the Senate shall jointly recommend Members of the Senate for appointment to the Commission;

(2) The Speaker of the House of Representatives and the minority leader of the House of Representatives shall jointly recommend Members of the House of Representatives for appointment to the Commission; and

(3) The Conference of Chief Justices of State Supreme Courts shall recommend justices of the highest courts of the States for appointment to the Commission.

(c) With respect to each class of members of the Commission appointed under paragraphs (1) and (2) of subsection (b), not more than two members shall be of the same political party. With respect to members of the Commission appointed from justices of the highest courts of the States, not more than five of the justices shall be of the same political party.

(d) The President shall exercise his appointment authority under this section in such a manner to assure that, to the extent practicable, there is equitable representation of the various geographical regions of the United States on the Commission.

(e) Any vacancy in the Commission shall not affect its powers, but shall be filled in the same manner in which the original appointment was made.

(f) Notwithstanding the provisions of subsection (a), a person appointed to the Commission in the status of a Member of Congress or in the status of a justice of the highest court of a State, but who thereafter ceases to have such status, shall nevertheless continue as a member of the Commission.

SEC. 2 (a) The Commission shall elect a Chairman and a Vice Chairman from among its members.

(b) Nine members of the Commission shall constitute a quorum.

SEC. 3. Members of the Commission shall serve without compensation but shall be reimbursed for travel, subsistence, and other necessary expenses incurred by them in the performance of the duties vested in the Commission.

SEC. 4. (a) The Commission shall have power to appoint and fix the compensation of such personnel as it deems advisable, without regard to the provisions of the civil service laws and the Classification Act of 1949, as amended.

(b) The Commission may procure, without regard to the civil service laws and the classification laws, temporary and intermittent services to the same extent as is authorized for the departments by section 15 of the Administrative Expenses Act of 1946 (5 U.S.C. 55a), at prevailing per diem rates for individuals.

SEC. 5. (a) The Commission or, on the authorization of the Commission, any subcommittee or member thereof, may, for the purpose of carrying out the provisions of this joint resolution, hold such hearings and sit and act at such times and places, administer such oaths, and require, by subpena or otherwise, the attendance and testimony of such witnesses and the production of such books, records, correspondence, memorandums, papers, and documents as the Commission or such subcommittee or member may deem advisable. Subpenas may be issued under the signature of the Chairman of the Commission of such subcommittee, or any duly designated member, and may be served by any person designated by such Chairman or member. The provisions of Sections 102 to 104, inclusive, of the Revised Statutes of the United States (2 U.S.C. 192–194), shall apply in the case of any failure of any witness to comply with any subpena or to testify when summoned under authority of this section.

(b) The Commission is authorized to secure directly from any executive department, bureau, agency, board, commission, office, independent establishment, or instrumentality information, suggestions, estimates, and statistics for the purpose of this joint resolution; and each such department, bureau, agency, board, commission, office, establishment, or instrumentality is authorized and directed to furnish such information, suggestions, estimates, and statistics directly to the Commission, upon request made by the Chairman or Vice Chairman.

SEC. 6. (a) The Commission shall study the decisions and orders, including dissenting opinions, of the United States Supreme Court and the decisions and orders of any other Federal court resulting from such Supreme Court decisions and orders, preceding the date of enactment of this joint resolution, to determine if the violation of court-decided or established rules was sufficient to override the overall evidence of guilt, to the point of reversal, and the extent to which such decisions and orders have hindered or prevented Federal, State, and local law enforcement agencies from performing their functions and consequently endangered persons and property in the United States and contributed to an increase in violations of law, including mob violence.

(b) The Commission shall determine and specify the causes of the breakdown in law enforcement and shall submit a comprehensive report of its studies to the Congress and to the President, together with recommendations as to such legislation as may be required to prevent further breakdown in law enforcement and in government itself.

(c) The Commission shall initiate or recommend the initiation of other appropriate action, where it is determined that individuals or courts have set aside general rules for the protection of society to the point of destroying or aiding in the destruction of constitutional guarantees of the safety of the general public from criminals, and criminal acts, essential to maintaining an orderly and law-abiding society.

(d) The Commission shall submit interim reports every six months, beginning December 31, 1966, and shall submit additional reports each six months thereafter, for three successive periods or until a final report is submitted.

SEC. 7. There is hereby authorized to be appropriated out of any money in the Treasury not otherwise appropriated such funds as are necessary to carry out the provisions of this joint resolution.

Mr. Chairman, I hope we may have favorable action on that resolution. My colleagues, it took more than a thousand years for our forefathers to wrest from the Crown the right of local self-government; the right to work and save, and thereby accumulate capital; the right to own property, which after all is the incentive for putting forth effort; the right to individual freedom from molestation by others; the right to choose and to have one's religion; and the right to have a government of laws, instead of men, to protect these rights.

For hundreds of years this Nation recognized the rights of other nations of the world to run their own affairs, just as here at home it was recognized that with the many differences between sections of this Nation, with the different backgrounds of the people, it was absolutely necessary that we guarantee States rights.

GOOD INTENTIONS GONE ASTRAY

After World War II we did much good to relieve the suffering left by the war. Then we set out to remake the world. We were going to teach the people of other nations the value of our system of government, the value of the right to a trial by jury, and of a government of laws and not of men. We were going to teach them that it is unsound to overthrow government and have mob violence in the streets.

We promoted the European Common Market and now we are trying our best to keep them from freezing us out. We largely gave away more than $140 billion in foreign aid of various types. We opened our doors to foreign competitors which we set up in business. We now endanger our whole economy. We have dissipated our wealth in nations around the world, even to the point where we must borrow from those we help.

We have violated every lesson of history. We fight wars without any plan for winning.

We insisted that France and England give up the Suez Canal; and as a result we are now faced with demands that we give up our rights to the Panama Canal.

We opposed Batista in Cuba and end up with Castro and his Communists right off our shore; yet the Secretary of Defense called Cuba a great victory. I pray we may be protected from any more such victories.

We have injected ourselves into the internal affairs of many countries. In all we are having difficulty and, in most, we now wonder how we can get out.

We ran the stable influences out of practically every section of Africa and now see many of these tribes drifting back toward anarchy. We largely caused these African nations to spring up like mushrooms; and now we have to bargain for their votes in the United Nations, where each has a vote along with our Nation, which has only one vote.

WE TURN TO FOREIGN WAYS

We have seen the unfortunate and tragic death of an American President, on the order of what occurs in the turbulent countries which we copy. It is in our country where we see the right of jury trial gone. It is in our country where we see a minority group issue dictatorial orders and the Government back it up with troops. Yes, it is in our country where we have strikes and mob violence, and where property is damaged or destroyed without restitution or payment. It is in our country where people are being led to lie in the streets, to block the highways, to force their way into businesses to get what they want, to burn, to destroy, and to kill.

No longer are people being taught to work, save, and accumulate capital so they may get ahead in the future. We have accepted foreign ways. We accept their policy of the shortcut; to demand, strike, insist upon, divide, and to ask for what the other fellow worked for and has accumulated is condoned if not promoted. The real tragedy is that a whole new generation is being taught that this is the way to get results. It is said individual rights must come ahead of property rights. My friends, if there are no property rights, there would be no individual rights to enjoy.

Mr. Chairman, the bill before us is a step in the wrong direction. It is to be hoped that those Members who are giving faltering support will soon wake up to the fact that these and similar measures are destroying that which they seek to save, and pouring fuel on the flames they hope to abate. If those of my colleagues who have grave doubts about these measures will vote with us who oppose them, perhaps we may yet save a nation.

Mr. O'NEAL of Georgia. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, our distinguished Judiciary Committee chairman and dean of the entire House of Representatives, the gentleman from New York [Mr. CELLER], was quoted on May 19 in the New York Times as saying that Chief Justice Earl Warren, of the U.S. Supreme Court, acted "unseemly" when he criticized the pending civil rights bill.

The Chief Justice had been quoted the day before as saying that certain proposals in the bill at that time with reference to jury selection were "ill advised."

The Chief Justice had been speaking before the annual meeting of the American Law Institute when he departed from his prepared text to note his apprehension.

He said some of the proposals "go a long way and may radically change the relationship between the Federal and State Governments."

Mr. Chairman, the statement of the Chief Justice is a great understatement. States rights have not been upheld by the Court in many years. The Court has virtually repealed amendment No. 10. But, Justice Black in a notable dissent, said recently, "We have treated the States as if they were not States."

Mr. Chairman, what I would like to do is compliment the chairman of our Judiciary Committee for calling the remarks of the Chief Justice "unseemly" and for adding:

> These are rather unusual remarks for a U.S. Supreme Court Chief Justice to make. Judges of that Court rarely comment on legislation pending in Congress. I believe it is unseemly for him to do so because such legislation may subsequently reach the Court for interpretation and thus the commenting Judge may find himself in the position of prejudging the case.

Mr. Chairman, the remarks of our dean are dignified, restrained, appropriate, and entirely justified. I wish I could add that they were timely but I am sorry to say that I cannot. I wish he had spoken up last year when the Chief Justice was even more unethical—that is, when he sat right here in this very Chamber clothed in the robes of his high office and approved in advance—yea, applauded—while the President proposed the voting rights bill of 1965 which the Chief Justice knew within every reason would "subsequently reach the Court for interpretation." Surely, the commenting judge was to find himself in the position of prejudging the case. He did prejudge. Apparently, every lesser justice and judge in our entire judicial system knows or cares more about the canon of ethics involved here.

The Chief Justice is a two-time offender which causes all of us to doubt his ability to look at any issue objectively. I confess that here, too, I am guilty of gross understatement.

The point I would like to get around to is that, if the Chief Justice cannot look at these issues objectively, he must have had a motive in criticizing the proposals in the civil rights bill concerning jury selection as being of doubtful constitutionality.

The shoe is on the other foot as far as our Judiciary Committee chairman is concerned, but also—and this is most important—the shoe is on the other foot as far as the Chief Justice is concerned. Even he could not stomach the proposals, and they put him in the position of forcing him to hold them unconstitutional when obviously, from his applause last year, he did not want to hold them unconstitutional.

This merely shows how far we have gone down the road to judicial disrespect and political steamrolling with States rights.

The civil rights bill of 1966 is unconstitutional. How anyone could read the 10th amendment in its simple English clarity and hold otherwise is life's greatest mystery. But, we have come so far with illegal precedent after illegal precedent we can scarcely hope that a robed, handclapping Chief Justice and his politically motivated associates will look at it objectively. Is anyone so naive as to believe so?

Mr. ROGERS of Colorado. Mr. Chairman, I move to strike the last word.

Mr. Chairman, first of all, I want to point out to the gentleman from Mississippi and others who have claimed that this bill gives an individual a right to serve on a particular jury that that is not the purpose of the legislation. I wish also to point out that under title I it says that it shall be the policy of the United States that all litigants entitled to trial by jury shall have the right to a jury selected from a cross section of the community in the district or division wherein the court convenes; and section 2 says that no citizen shall be excluded from service on account of discrimination.

Mr. WHITTEN. Mr. Chairman, will the gentleman yield?

Mr. ROGERS of Colorado. Yes. I yield.

Mr. WHITTEN. But the good intentions of the committee and the language that the gentleman reads yields to the mechanics of how it is carried out, does it not?

Mr. ROGERS of Colorado. If you will just bear with me, I will show you that the mechanics of the bill bear out the intent and purpose of sections 1861 and 1862 of title I.

Mr. WHITTEN. I will show the gentleman how he can cover it more thoroughly. Will he read the limited number of reasons why a man may be excluded? If you present the limited number of reasons why a man may be excluded, then you will see that by and large Tom, Dick, and Harry will be appointed jurors.

Mr. ROGERS of Colorado. Tom, Dick, or Harry under this procedure gets in the jury wheel in one or two ways. One, he is selected because he is on the voters roll. Two——

Mr. WHITTEN. Would that apply in my State where under present conditions a man cannot read or write?

Mr. ROGERS of Colorado. That would apply if he is a registered voter and his name should be selected at random to go into the wheel. Then when his name is pulled out at a later date, he is sent a questionnaire. If the questionnaire reflects that he is not qualified to serve as a juror, then he would not be called to serve.

Mr. WHITTEN. Do you mean an individual should be embarrassed by saying that I am not even qualified under the very limited requirements to serve as a juror? Do you not know that you would not get that?

Mr. ROGERS of Colorado. That is the system now. How else will you find out if he is qualified or not? You send out a questionnaire and he answers the questionnaire.

Mr. WHITTEN. Under present conditions, to my knowledge, in the Federal courts they take worthwhile citizens without any official questions. They are invited to send in the names of substantial people who have an interest in the community and whose standing is such as to mean they are good, substantial citizens. Insofar as my knowledge of the Federal courts is concerned, that is the policy followed.

Mr. ROGERS of Colorado. We will change that policy by this bill.

Mr. WHITTEN. And I have pointed out in that change you get away from the substantial citizens and create a situation where a defense lawyer will make a fortune and the public will be destroyed.

Mr. ABERNETHY. Mr. Chairman, will the gentleman yield?

Mr. ROGERS of Colorado. I yield to the gentleman.

Mr. ABERNETHY. If the prospective juror cannot read or write, how can he answer a questionnaire?

Mr. ROGERS of Colorado. We have a provision in section 1865 where he can come up and be aided and assisted by the clerk in filling it out.

Mr. ABERNETHY. Mr. Chairman, will the gentleman yield?

Mr. ROGERS of Colorado. I yield to the gentleman from Mississippi.

Mr. ABERNETHY. How will he know what it is?

Mr. ROGERS of Colorado. Do not worry about that.

Mr. RYAN. Mr. Chairman, will the gentleman yield?

Mr. ROGERS of Colorado. I yield to the gentleman from New York.

Mr. RYAN. Mr. Chairman, I thank the distinguished gentleman from Colorado for yielding.

Mr. Chairman, I should like to say in response to the remarks of the previous gentleman [Mr. O'NEAL of Georgia] concerning the Chief Justice, certainly the Chief Justice needs no defense from anyone on this floor.

However, Mr. Chairman, I take vigorous exception to the statement that the Chief Justice acted unethically at any time, whether he was applauding the President as a matter of courtesy or upon any other occasion.

As for the question of what the Chief Justice said on May 18, when he departed briefly from his prepared remarks to the American Law Institute, this has been misinterpreted and misquoted all over the country. I discussed this matter with the Chief Justice after his speech to the American Law Institute. He explained to me that he had not intended to refer to any particular civil rights bill which was then pending in the Congress, and that he would not presume to do so. All he had intended to do was to convey the view that the bar and the bench has a responsibility as lawyers to examine whatever legislation is presented in Congress, and to let the Congress know their views on that particular legislation.

Mr. Chairman, that was the statement of the Chief Justice and that is what the record should show.

Mr. WHITENER. Mr. Chairman, will the gentleman yield?

Mr. ROGERS of Colorado. I yield to the gentleman from North Carolina.

Mr. WHITENER. Mr. Chairman, if I may bring the gentleman back on the track of my amendment, the gentleman has questioned the case of the middle district of Georgia, the case of Rabinowitz against the United States.

The CHAIRMAN. The time of the gentleman from Colorado has again expired.

Mr. WHITENER. Mr. Chairman, I ask unanimous consent that the gentleman from Colorado [Mr. ROGERS] may proceed for 2 additional minutes.

The CHAIRMAN. Is there objection to the request of the gentleman from North Carolina?

There was no objection.

Mr. WHITENER. Mr. Chairman, will the gentleman yield further?

Mr. ROGERS of Colorado. I yield further to the gentleman from North Carolina.

Mr. WHITENER. Mr. Chairman, in the gentleman's comments about that case, the gentleman failed to point out to the members of the Committee that Judge Tuttle, who wrote the opinion, stated:

> In the defense of the jury commissioners it was said that they did not specifically intend to exclude Negroes from the Federal Jury.

Then, Mr. Chairman, he goes on to say that, in effect, he did not think that was intended.

But he said this:

> Those responsible for compiling the jury list have violated a statutory scheme which applied the lower standards.

Now, what this bill which we have before us provides, and its provisions which have been worked out in the cloistered closets of the Justice Department—does not obviate the possibility that someone will misconstrue the statutory schemes.

So, Mr. Chairman, there is no evidence that that will not be done here.

Mr. ROGERS of Colorado. Mr. Chairman, may I point out to the gentleman from North Carolina that this does set a standard, and the standard is very simple; that is, ones' name may be placed in the jury wheel if one is a voter.

Now, that is a standard which with there has not been uniform compliance. That is the objective here, to see that we get a cross section.

In the Georgia case the court reversed the conviction because there was discrimination in jury selection. That is the thing we are trying to get away from, to keep the practice of discrimination from creeping in so that when a man is convicted he will stay convicted, and his conviction is not upset.

Mr. RODINO. Mr. Chairman, will the gentleman yield?

Mr. ROGERS of Colorado. I yield to the gentleman from New Jersey.

Mr. RODINO. Mr. Chairman, I would like to point out that there may be some misconception of section 1866(b), which sets out the jury qualifications. It does not propose to change present qualifications, with the exception which I mentioned earlier.

The CHAIRMAN. The time of the gentleman from Colorado has again expired.

Mr. WAGGONNER. Mr. Chairman, I ask unanimous consent that the gentleman from Colorado [Mr. ROGERS] may proceed for 1 additional minute.

The CHAIRMAN. Is there objection to the request of the gentleman from Louisiana?

There was no objection.

Mr. WAGGONNER. Mr. Chairman, will the gentleman yield?

Mr. ROGERS of Colorado. I yield to the gentleman from Louisiana.

Mr. WAGGONNER. Mr. Chairman, I would like to ask the gentleman from Colorado, how under this legislation we can justify the disqualification for jury service of people whom this same Federal Government has qualified as illiterates for the purpose of voting?

Mr. ROGERS of Colorado. Well——

Mr. WAGGONNER. Mr. Chairman, if the gentleman will yield further, would the gentleman say that a man who is qualified to make a decision at the ballot box should have less ability than a man to serve as a juror ?

Mr. ROGERS of Colorado. Let me first state that in order for him to be placed in the master jury wheel he must be a registered voter. That is requirement No. 1.

Mr. ABERNETHY. Mr. Chairman, will the gentleman yield?

Mr. ROGERS of Colorado. I yield to the gentleman from Mississippi.

Mr. ABERNETHY. The bill provides that if the prospective juror is unable to fill out the form, the Clerk of the Court shall help him fill it out; is that right?

Mr. ROGERS of Colorado. That is right, sir.

Mr. ABERNETHY. Suppose he lives about 500 miles from the site of the clerk's office, which is true in some instances?

The CHAIRMAN. The time of the gentleman from Colorado has again expired.

Mr. ABERNETHY. Mr. Chairman, I ask unanimous consent that the gentleman from Colorado [Mr. ROGERS] may proceed for 1 additional minute.

The **CHAIRMAN**. Is there objection to the request of the gentleman from Mississippi?

There was no objection.

Mr. **ABERNETHY**. Suppose he lives 500 miles from the site of the clerk's office. Then what happens?

Mr. **ROGERS** of Colorado. First of all, may I ask, do you know of any place where that is the situation?

Mr. **ABERNETHY**. Yes; the gentleman from Arizona [Mr. SENNER], just told me that many of his prospective jurors live 500 miles from the clerk's office. Who is going to help them fill out the form?

Mr. **ROGERS** of Colorado. The clerk.

Mr. **ABERNETHY**. Who is going to pay their expenses for that 500 miles?

Mr. **ROGERS** of Colorado. This is his responsibility for not being excluded from jury service.

Mr. **ABERNETHY**. Can anybody other than the clerk help that man fill out the form under this bill?

Mr. **ROGERS** of Colorado. There is nothing to keep somebody from helping him to fill out the form if he has knowledge and can answer the questions.

Mr. **ABERNETHY**. But the law says that the clerk is the one who "shall" help him fill it out, does it not?

Mr. **ROGERS** of Colorado. That is what we provided for here.

Mr. **ABERNETHY**. Then if the clerk is within only 500 miles of where he lives, the man has to go to the clerk's office; does he not?

Mr. **ROGERS** of Colorado. First of all, whenever he receives a questionnaire, he can fill it out and send it in.

Mr. **ABERNETHY**. That is, if he can read and write.

Mr. **ROGERS** of Colorado. If he wants to get somebody else to help him and he fills out it and sends it in, I do not see any objection to that.

Mr. **ABERNETHY**. The bill does not say that.

Mr. **ROGERS** of Colorado. But it says the clerk may help him do it.

Mr. **ABERNETHY**. That is right.

Mr. **ROGERS** of Colorado. But is that the exclusive method?

Mr. **ABERNETHY**. The bill provides for no other method.

The **CHAIRMAN**. The time of the gentleman has expired.

Mr. **RODINO**. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, I think the record which has been made here through the legislative history which was presented by the gentleman from Arizona in his discussion with the chairman of the committee as to the various apprehensions that may be in the minds of the judges who have found some fault with the title in question—I think that that legislative history shows clearly that some of the complaints, some of the misgivings are really not well founded. I do want to point out too that as the chairman of our committee in his presentation stated the various systems that have been used show that one district may use a certain system and another system may be used in another district thereby showing there are differences that do exist. So sometimes this may give the appearance of unfairness.

I think that to wait for 2 years for the Judicial Conference to study this question and to act on a matter which all of us recognize as being urgent at this time is merely to delay unnecessarily the bill in question.

The gentleman from North Carolina who is a respected member of the committee, has always, in a scholarly fashion, attempted to present arguments. But I am sure he recognizes that there is a need for reform. He suggests this in offering this amendment and in stating that we should permit the Judicial Conference to act.

I would like to remind the gentleman that the Judicial Conference in 1960 in its recommendations pointed out the need to assure a broad cross section in the selection process. That is what we are attempting to do in this title. We are seeking to set up a uniform system so that people who are qualified and who come from various cross sections of the community may have an opportunity as well as an obligation to serve as jurors.

I think the case is well made that the qualifications that are required are the same qualifications that exist in present law with one exception. That is the addition of a disqualification on the basis of a pending criminal charge for which a sentence of more than 1 year may be imposed.

We do not upset existing law in that respect.

What we are seeking to do is to attempt to bring in the broad cross section of the people so that they will have an opportunity and an obligation to serve as jurors and thereby insure that discrimination will not exist and that justice may be meted out impartially as the Constitution provides.

Mr. **GEORGE W. ANDREWS**. Mr. Chairman, I move to strike out the last word.

Mr. Chairman and members of the Committee, in my opinion this Congress should be concerned with strengthening the qualifications of jurors rather than weakening the requirements for jury service.

There is no greater obligation that comes to a citizen than that of serving on a jury. He passes on the life, property, customs, and everything else that involves people of this country.

I wish to read to you a true story that appeared in a case in Florida last year where the qualifications of the jurors had been ignored. Let us see what happened.

This is a story from the Richmond News Leader of August 10, 1965. The title of the story is "Not Guilty, More or Less."

The article is as follows:

[From the Richmond News Leader, Aug. 10, 1965]

NOT GUILTY, MORE OR LESS

You will read a lot of law books, Algernon, before you will come across a jury trial quite like a jury trial just held in Collier County, Fla.

We get the tale from the Miami Herald. It appears that on July 21, a white man named Thomas M. D'Andrea came on trial in the county court on a charge of "interfering with telephone service," in connection with the theft of $7,500 worth of telephone wire along the Tamiami Trail.

An all-Negro jury was impaneled, which seems a bit odd, for the county is only 15 percent colored, but that is what happened. The custom is for the names of jurors to be drawn from lists of registered voters. In Florida, voting registration requirements were changed a few years ago so as to do away with any form of literacy test.

The trial proceeded; the six-man jury retired to consider its verdict, and after 2 hours' deliberation returned to the courtroom. Clerk Margaret T. Scott read what had been handed her by the foreman, Melt Williams.

"Not guilty," she announced.

There came murmurs of protest from the jury box. Proceedings were suspended while State Attorney Frank Schaub conducted an investigation.

It turned out that Foreman Williams was illiterate, and could neither read nor write. He had placed his mark on a piece of paper handed him.

Another juror, Tom Jones, also was illiterate. "We were 2 to 4 for conviction," he said. "Then all six of us decided he was guilty as charged. When I heard the verdict, I was greatly surprised."

A third juror, however, one Warren E. Adkins, said, "We all decided he was not guilty."

A fourth juror, Alonzo Howard, said that he himself thought the defendant not guilty, but "We said to Melt Williams, 'do anything you want to.' I thought we found him guilty."

A fifth juror, Angus Lawson, Jr., said: "We decided he was innocent. At the end of the deliberations, confusion set in. We told Melt Williams to sign anything he wanted to. I do not know if he signed the 'guilty' or 'not guilty' verdict. I did not know he could not read or write."

The sixth juror is not quoted in the account at hand.

Melt Williams, the foreman, said no one ever elected him foreman. They all got to talking in the jury room, he said, and "some of the members said if we found this white man guilty, the judge would turn him loose, and he would come looking for us. I believe I was tricked. All five of the others decided he was guilty."

Mr. Schaub, the State Attorney, has moved to have the entire proceeding vacated and the case tried anew, but defense counsel understandably has objected on the grounds of double jeopardy.

Under the newly signed Voting Rights Act of 1965, literacy tests are banned in Virginia, South Carolina, Georgia, Alabama, Mississippi, Louisiana, and 34 counties of North Carolina. Doubtless this will improve the elective process. It would not do much for the jury system, either.

Authority for selection and qualifications of Federal jurors is found in 28 United States Code Annotated, sections 1861–1865. In the past the method and mechanics of qualification and selection have been left to the discretion of the commissioner or jurors and clerk of the court.

In carrying out their duty to fill the jury box with "qualified persons" from which a jury may be impaneled, the commissioners have found the use of a preliminary questionnaire both useful and expeditious. The preliminary questionnaire method, repeatedly approved by the Supreme Court (*Walker* v. *U.S.* 93 F. 2d 383 (8th Cir. 1937) cert. denied, 303 U.S. 644, 58 S. Ct. 642 (1938)), is designed merely to elicit information such as felony conviction, age, length of residence—and, most importantly, literacy. Furthermore the questionnaire could determine whether a prospective juror had an exemption claim. This simple preliminary questionnaire, which is apparently disallowed by the current bill, has greatly increased efficiency.

Persons who were disqualified by reason of illiteracy or exempt as within the bills specified exemptions have not been placed in the master jury wheel and, thus, never considered. If the names of disabled and unqualified jurors are never placed in the jury wheel it will lessen the number of jurors who must be excused from court, and make it possible to call fewer jurors to transact the business of the court.

The efficient operation of the jury system by each district court is most important for the fair and impartial administration of justice. By never placing disqualified—that is, illiterate—or disabled—that is, deaf, dumb, blind, and so forth—or exempt—that is, as within section 1869—jurors' names in the master wheel, the Government would be saved the unnecessary expense of having them come to court only to be excused—over $4 million or almost 10 percent of the total annual cost of our Federal courts is spent on payment of juries (26 FRD 409 at 438).

Even more important is the fact that efficient operation of the jury system saves the time of jurors and thereby creates respect for the courts. Yet these advantages of utility and dollar savings will be lost if the current bill is enacted in its present form, since jurors will be drawn randomly from no more than a voter registration list.

Even more objectionable than the disallowance of the traditional preliminary questionnaires is the bill's requirement that jurors be selected solely from voter registration lists. Admitting arguendo that such a requirement for Federal courts does not abridge the seventh amendment command of a jury substantially as was in existence when the Constitution was drafted, the current bill does not make logical sense. On the one hand the bill requires jurors to be randomly selected from voter registration lists while on the other it recognizes that a juror must be able to read, write, and understand the English language.

It is a foregone conclusion that many registered voters in Southern States—voters whom this bill contemplates being selected for jury service—will nevertheless be disqualified as illiterate. This necessarily follows since so many of these newly registered voters were not required even to read a ballot. As these persons are turned away from jury service two results will follow:

First. The already slow process of jury trial in Federal courts will be slowed even more as the court struggles to muster 12 qualified citizens.

Second. Those turned away, having been promised the opportunity of jury service, may well turn their disappointment into violence in the streets.

By failing to allow more than a lottery-type drawing from voter lists, the bill not only slows down justice and causes additional tension, but also fails to recognize a fundamental and recognized proposition, namely, that the choosing of jurors is and must be more than a mechanical process.

For instance, the commissioner and the clerk are entitled to ask relevant questions as a basis for exercising their judgment in determining qualification (*US* v. *Fijimoto,* 102F, supp. 890 (D. Hawaii 1952)).

In the last analysis, it must be admitted that the duty of jury service—a duty only imposed when a citizen is qualified—bears little relation to the right to vote. In the former situation, the State charges the citizen with a certain responsibility; he has no choice but to respond.

The right to vote is no more than a passive extension by the State to citizens of a part of the common privilege. It is thus a take-it-or-leave-it offering. The citizen may exercise or ignore completely—indeed may exercise wisely or foolishly—his voting right and privilege, with impunity. The choice is entirely with him. But no such individual willfulness and personal impunity attaches to the jury burden. The citizen is formally charged with an obligation. He must give of his time, energy, talent—often for a very lengthy period.

The analysis does not purport to detract from the solemn right of suffrage, but merely to show that different degrees of responsibility and capability, of time and effort, of commitment and dedication, are involved in these mutually exclusive roles in the drama of government.

Notwithstanding the substantive differences between the juror and voter, the current bill is designed to choose jurors from nothing more than voter registration lists. Only 14 States specifically require the use of voting lists to the exclusion of all other sources of names for jury lists. The remaining 36 either: First, allow voting lists to be used but not to the exclusion of other sources; or second, specifically require the use of other resources to the exclusion of registration lists; or third, do not specifically provide for the use of voter lists but do not prohibit the use of such lists. Thus in the opinion of the great majority of States, voter lists are either totally irrelevant as a source of jurors or are intended only as a supplementary source. The jury systems of these States have worked well.

Far from being designed for "racially discriminatory purposes," these State systems are built upon the concept that jury service is just that—a service—a duty—and as such demands more of a citizen in terms of civic responsibility over an extended period than is revealed by a cursory glance at voter registration lists. Are we to learn anything from the opinion of the great majority? In addition to being in a demonstrably preponderant position in terms of numbers the systems of the 36 States have stood the test of time.

Various methods having been tried by them, these 36 have gravitated to their present stance. Are we to learn from them—draw from their mistakes and findings? Or must we once more indulge ourselves in the heady wine of social experimentation to the exclusion of the tried and proved?

Benjamin Franklin said:

> Experience keepeth a dear school but a fool learneth from no other.

His words are still in point; for ours is clearly a choice between placing our own hand in the fire or learning from the experience of others.

Finally, title I will lessen the quality of Federal jurors as compared with State jurors. As indicated by the Attorney General in his May 5 testimony before the House Judiciary, Federal courts would be forbidden from empaneling blue-ribbon juries by the "random selection" requirement, whereas State courts could continue to select blue-ribbon juries for particularly difficult cases. Since the enactment of the Federal Rules of Civil Procedure, particularly rules 14—impleader; 22—interpleader; 23—class actions; and 4 (e) and (f)—use of State long-arm statutes—the Federal courts have attracted considerable litigation related to highly complex financial dealings.

Furthermore, the Federal courts have exclusive jurisdiction over such areas as patents and copyrights, both extremely demanding fields. Yet, despite the concentration of many of the more difficult legal problems in the Federal courts, less may be demanded of Federal jurors than State jurors.

Mr. MULTER. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I have heard considerable debate today which was quite irrelevant to the amendment pending. The remarks made about various judges, and more particularly, Chief Justice Warren, I believe were quite inappropriate to the debate. We should all remember that none of us live in a vacuum, whether we be legislators, or members of the executive departments, or judges. No one yet has succeeded in establishing an Iron Curtain, or even a Bamboo Curtain, or any other curtain to surround either the legislators, the judges, or the executive departments.

It is necessary that all of us, including the judges, know what is going on around us at all times. The mere fact that we talk, whether we be judges or otherwise, about pending legislation does not impair the right and the duty or the oath of office taken by our judges to decide the cases that come before them fairly and impartially.

With reference to the argument that has been made here today about this particular amendment and the section of the bill it is addressed to, obviously everybody has overlooked up to this point that all we are trying to do in this bill now is to give to all of our citizens, the right that everybody concedes is an obligation of citizenry, and that is the privilege to serve on a jury. Too many have overlooked the fact that there is not a word in this bill that begins to take away one iota of the right of challenge, whether for cause or peremptorial. That right of challenge is left unimpaired to those who impanel the petit juries. All we are doing is saying that every citizen shall have the right to have his name included in the jury panel from which his name may be drawn for service on the petit jury.

Then it will be the duty of the lawyers—the prosecuting attorney, the defending lawyer, the plaintiff's lawyer, the defendant's lawyer, the petitioner's lawyer, the respondent's lawyer—to examine the jurors, when they are called as petit jurors, and to determine whether or not they want them to sit on that jury. As a result of that examination, they then will have the right either to challenge peremptorily or to challenge for cause.

None of this goes to the matter of that challenge. All of this talk about the petit jury is quite irrelevant. Any experienced trial lawyer will tell you that on one day he will be sitting in the courtroom as an advocate for one side, looking for the dumbest jurors he can get, while his adversary will be looking for the smartest jurors he can get. Then, on the next day, the same two lawyers, who tried that case, will be in the same court on another case, with the same general panel of jurors, and the one who was looking for the dumbest juror that previous day will be looking for the smartest juror, and the one who was looking for the smartest juror previously will be looking for the dumbest juror.

This is the basis of the strength of our jury system. We give every citizen the right to be impaneled as a juror. It is then for the parties and their attorneys in each particular case to weed out those who they believe to be incompetent to serve or who for any reason they do not want to serve on that petit jury.

Nothing in this bill attempts in any way to impair that right. That right will be preserved. Whenever there is an incompetent juror, either the attorneys will discover it and the juror will be excused from the particular case or that person's name will be stricken from the list by the court because he should not have been qualified as a juror in the first place.

Mr. WHITENER. Mr. Chairman, will the gentleman yield?

Mr. MULTER. I yield to the gentleman from North Carolina.

Mr. WHITENER. Is the gentleman from New York acquainted with Chief Judge Joseph C. Zavatt, of the eastern district of New York?

Mr. MULTER. I know the gentleman.

Mr. WHITENER. Would the gentleman agree with this statement, made by Judge Zavatt:

> I do not think that it is wise or practical to require the maintenance of a "master wheel" containing at least 1% of the total number of registered voters, selected at random. This requirement of Section 1864(a) and (b) can nullify Section 1864(e) which seems to suggest that the names that go in the master jury wheel should be representative of the persons residing in all of the political subdivisions of the district.

Mr. MULTER. I most respectfully disagree with the gentleman's statement, because it varies with the constitutional provision that every citizen has a right and a privilege, if not a duty, to serve on a jury. Then it is up to the attorneys and the court in the particular case to determine his qualifications and to permit him to sit or not to sit, as the case may require.

The CHAIRMAN. The time of the gentleman from New York has expired.

Mr. WHITENER. Mr. Chairman, I ask unanimous consent that the gentleman from New York [Mr. MULTER] may proceed for 2 additional minutes.

The CHAIRMAN. Is there objection to the request of the gentleman from North Carolina?

There was no objection.

Mr. WHITENER. Mr. Chairman, will the gentleman yield?

Mr. MULTER. I yield to the gentleman from North Carolina.

Mr. WHITENER. I believe in fairness to the distinguished chief judge from the district of the gentleman from New York [Mr. MULTER], I should read the paragraphs which preceded the one I just read, from the letter which he wrote to Senator ERVIN. In those paragraphs he says:

> This feature of the bill is further complicated by the fact that, of the two and one-half million juror cards, we would not know how many are qualified to serve as jurors.
>
> After you select "at random from the voter registration lists" the names of persons residing in the district, it is conceivable that the 1% of the total number of registered voters so selected might come from one particular area of the district. In a district as large as ours with residential areas ranging from poor to very rich, the 1% might represent the rich area or the poor area. We arrange our jury cards by county and election district categories in an attempt to obtain for our "qualified jury wheel" a list of jurors as representative as possible of the entire district.

So what Judge Zavatt said would not be inconsistent with what the gentleman from New York [Mr. MULTER], said he would like to obtain, but the judge says we cannot do it under the provisions of this bill.

Mr. MULTER. I suggest that the judge has overlooked the fact that in the first place, before the name will get into the general wheel, the person must be qualified. After being qualified, when his name gets into the petit jury wheel, and then is drawn, he will be examined again to determine whether he is qualified to sit on the particular case. The judge overlooks that very important factor. I say, and I believe the judge would agree, we are entitled to have the broadest possible representation in the picking of jurors for qualification in the first instance on the general panel. In fact, I believe that is the point he was trying to make. There is nothing in this bill which prevents the widest possible representative cross section of our voters being impaneled generally or specifically.

Mr. ROGERS of Colorado. Mr. Chairman, will the gentleman yield?

Mr. MULTER. I yield to the gentleman from Colorado.

Mr. ROGERS of Colorado. The gentleman from North Carolina talks about the names of 2 million people going into the wheel. That would not happen.

Mr. MULTER. I do not believe the gentleman meant that. He meant that 1 percent would be drawn from the 2 million.

Mr. WHITENER. I did not say any such thing as stated by the gentleman from Colorado.

Mr. MULTER. I believe he meant the 1 percent would be drawn from the 2 million.

Mr. WHITENER. The 1 percent would be drawn from the 2½ million juror cards.

Mr. MULTER. This can be on the broadest base so that each area and each complexion will be represented. Not until he qualified, would his name go into the general wheel. Then, if he went on the petit jury he again would have to qualify for the particular case.

Mr. WHITENER. Mr. Chairman, will the gentleman yield for a statement?

Mr. MULTER. I yield to the gentleman from North Carolina.

Mr. WHITENER. I would beg my good friend from Colorado please either to listen or to cease commenting on the statements I make. Throughout the debate the gentleman has misconstrued things I have said and undertaken to misquote me. I hope it is not deliberate. In my affection for him, I would say I am sure it is not deliberate.

Mr. ROGERS of Colorado. Mr. Chairman, will the gentleman yield?

Mr. MULTER. May I yield to the gentleman from Colorado to answer that?

Mr. ROGERS of Colorado. It was never my intention to misquote or misconstrue anything that the gentleman from North Carolina may say, but when I know that the limitation here is 1 percent of the registered voters and you begin to talk about a large field, you do not mention the fact of how many registered voters there were in the southern district of New York and what 1 percent of them would be. I understood you to say that there would be 2 million that it would have to be drawn from. If you did not make that statement, then I apologize to you for that, because I so understood it. But may I ask the gentleman from North Carolina, do you know how many voters there are in the southern district of New York?

Mr. WHITENER. I have not even mentioned the southern district of New York up to this point.

Mr. ROGERS of Colorado. Then, what have you been quoting from all afternoon?

Mr. WHITENER. The eastern district of New York.

Mr. MULTER. Let me set the record straight. May I have sometime back in order to answer that statement? I think the RECORD will show that the eastern district of New York and the southern district of New York are approximately the same insofar as population is concerned and approximately the same as far as voting population is concerned. I think it is fair to say that there are some 2 million voters in the eastern district of New York which the gentleman from North Carolina referred to. Again, whether you are drawing 1 percent or 10 percent, we can draw them from those voters so that they represent every segment of the economy and every segment of philosophy and religion and color.

Mr. **WHITENER**. Mr. Chairman, if the gentleman will yield further, I did not mention the figure of 2½ million on my own. I read it from Judge Zavatt's letter in which he said that the feature of the bill is further complicated by the fact that of the 2½ million juror cards we would not know how many are qualified to serve on a jury.

Mr. **ROGERS** of Colorado. But, if the gentleman will yield further, I did not misunderstand you, then, when you said 2 million.

Mr. **WILLIAMS**. Mr. Chairman, I make the point of order that a quorum is not present.

The **CHAIRMAN**. The Chair will count. [After counting.] Ninety-six Members are present, not a quorum. The Clerk will call the roll.

The Clerk called the roll, and the following Members failed to answer to their names:

[Roll No. 190]

Andrews, Glenn
Bandstra
Berry
Bolton
Brock
Byrnes, Wis.
Cederberg
Chamberlain
Clevenger
Corbett
Curtis
Davis, Ga.
Dawson
de la Garza
Dent
Devine
Dickinson
Donohue
Duncan, Oreg.
Edwards, Ala.
Edwards, La.
Ellsworth
Erlenborn
Evans, Colo.
Evins, Tenn.
Fino
Flood
Fogarty
Garmatz
Green, Oreg.
Gross
Grover
Gubser
Hall
Halleck
Hamilton
Hansen, Idaho
Harvey, Ind.
Hébert
Henderson
Herlong
Johnson, Pa.
Jones, Mo.
Karth
Kee
Keogh
King, N.Y.
King, Utah
Kirwan
Kluczynski
Lipscomb
Long, La.
McEwen
McMillan
Martin, Ala.
Martin, Mass.
Martin, Nebr.
Michel
Moeller
Morgan
Morrison
Mosher
Murray
Nedzi
O'Brien
Ottinger
Philbin
Pirnie
Pool
Powell
Pucinski
Quie
Quillen
Race
Randall
Reifel
Resnick
Roncalio
Roudebush
Roush
Saylor
Scott
Shriver
Steed
Todd
Toll
Tuten
Utt
Watkins
Watts
Willis
Wydler

Accordingly, the Committee rose; and the Speaker having resumed the chair, Mr. Bolling, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill H.R. 14765, and finding itself without a quorum, he had directed the roll to be called, when 341 Members responded to their names, a quorum, and he submitted herewith the names of the absentees to be spread upon the Journal.

The Committee resumed its sitting.

Mr. **CELLER**. Mr. Chairman, I do not wish to cut off debate on title I, but I should like to know, by way of probing, how many Members desire to speak on the so-called Whitener amendment. If they would rise we would know.

Mr. Chairman, I ask unanimous consent that debate on the Whitener amendment conclude in 30 minutes.

The **CHAIRMAN**. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. **CELLER**. Mr. Chairman, I ask unanimous consent that I be permitted to yield my time to the gentleman from Ohio [Mr. McCulloch].

The **CHAIRMAN**. Is there objection to the request of the gentleman from New York?

There was no objection.

The **CHAIRMAN**. The gentleman from New York [Mr. Gilbert] is recognized for 3½ minutes.

Mr. **GILBERT**. Mr. Chairman, I rise in opposition to the Whitener amendment.

Mr. Chairman and Members of the Committee, I would like to place in proper focus this question of the master wheel and the qualifications. I think it should clearly be understood that, as my distinguished colleague from North Carolina stated earlier, we are engaged in the numbers game. I think that is true, but it is a numbers game that is not reprehensible. This is a numbers game that is going to give people the opportunity to serve on a jury. All we do in this bill is have 1 percent of the registered voters selected and their names are placed in a master wheel. I know my colleague from North Carolina has quoted and inserted in the Record various letters from eminent justices throughout the country. Nevertheless, when he talks constantly, for example, about Chief Justice Zavatt of the eastern district, Brooklyn—the area from which our distinguished chairman comes—and discusses 2½ million people, I think it is important to realize that actually we are not talking about 2½ million people. We are talking about only 1 percent of these people, or about 20,000. Now, I cannot see what is so difficult about a jury commission taking 20,000 names and inserting them into a master wheel. They have no other function at that particular time except to insert these names in the master wheel. Then, after a period of time when they desire to select people to serve on a jury, only then do they select from this master wheel and send out notices for a very small percentage of the 20,000 people to qualify. Only then do people have to qualify. Everything else and every other procedure—as we lawyers are familiar with—still exists. The attorney, during the period of selecting the jurors, has the right to examine, as he sees fit, the qualifications of each juror to sit on that particular jury. I think this is a very simple thing to be done. None of us should be frightened by the fact that 20,000, I think, would be about the maximum. If we go into some other jurisdiction, I am sure that they do not have 200,000 qualified voters and they would be required to have only 1 percent of the 200,000—or 2,000 names to be inserted in this master wheel. So I think this is a very fine provision and a very workable provision. It is one for which I think the subcommittee and the full committee should be very, very thankful. In any event, everybody's rights are preserved and protected.

Further, with respect to the uniformity of sections of title I, I would like to say that we are going to have a uniform system throughout the country. There, again, I cannot see what is so bad about this. We have heard some complaints, but, nevertheless, this system is workable and it gives each person an equal opportunity to serve on the jury.

The **CHAIRMAN**. The Chair recognizes the gentleman from Texas [Mr. Dowdy] for 3½ minutes.

Mr. **DOWDY**. Mr. Chairman, I will support this amendment offered by my colleague from North Carolina [Mr. Whitener]. I support it not only because I believe it should be adopted but because the wording of this title needs to be examined. It has developed here in testimony that the words here substantially were written up by a young lawyer down in the Department of Justice apparently not dry behind his ears. It is a very badly drawn piece of legislation. It needs to be studied by somebody. Apparently it was not studied and will not be studied in our Judiciary Committee. Anyway, something like this, which involves the lives, liberties, and properties of the citizens of this country, should be given close study by some group other than a group of 35 lawyers who are politically oriented.

Now, Mr. Chairman, I would like to call attention to a few things contained in the title which will bear out what I say to the effect that it does need further study.

For instance, Mr. Chairman, in the first section entitled "Declaration of Policy" it states that all qualified persons in the United States shall have the opportunity to serve on a grand jury.

Well, now, Mr. Chairman, that is ridiculous, of course. We do not have enough grand juries for every qualified person to serve on.

Then there is reference to the petit juries. Of course, we use more people for them than for grand juries, but we still do not use enough to give more than a small percentage of the people an opportunity to serve, let alone all of them.

Mr. Chairman, another thing about the manner in which this bill is written is that it seems to give rights that are not rights with reference to being excluded from grand jury and petit jury service.

Now, Mr. Chairman, the only people who have a right to complain, the only people who have an interest who can complain about how a jury is drawn or about how a grand jury is drawn, are the litigants and parties thereto, or a defendant in a criminal case would have a right to complain if a grand jury were not properly drawn.

Mr. Chairman, it seems to me that some basis is attempted to be laid for an intermeddler to sue someone.

Mr. Chairman, a lot of mention has been made with reference to a master jury wheel over in section 1864. It seems to me that a lot of unnecessary drawing would be required here, and a vast number of names put in the wheel. It seems to me that it would be sufficient for the judges of these districts to tell the jury commissioners about how many jurors they are going to need in their courts, and let the jury select about double that number, without discrimination, send them the qualification forms, weed out those not qualified, and place their names in a jury wheel. There is no necessity for selecting thousands of names that are not to be used, and there is no need for more than one jury wheel in each district.

Mr. Chairman, I would like to call attention to the jury qualifications which are involved in this act, and other matters, but as is always the case in the House, because of the time limit, the Members will be required to vote without knowing what they are voting on, after only scant discussion. My 3½ minutes are already used—it is a poor way to legislate on matters so vital to the people of this country, their lives, liberty, and property rights.

The **CHAIRMAN**. The time of the gentleman from Texas has expired.

The Chair recognizes the gentleman from Louisiana [Mr. WAGGONNER] for 3½ minutes.

Mr. **WAGGONNER**. Mr. Chairman, I support the Whitener amendment to title I of the Civil Rights Act of 1966.

Mr. Chairman, I would like to read into the record a telegram from the president of the Louisiana Bar Association, which is in addition to a letter previously received with regard to title I of this legislation, from the board of governors of the Louisiana State Bar Association, in which he states as follows:

> Please be advised that the Louisiana State Bar Association is on record as opposed to the pending legislation, or changes in the selection of juries in Federal and State courts, being section 1 of the 1966 Civil Rights Act, title I.
>
> JOHN R. PLEASANT,
> *President,*
> *Louisiana State Bar Association.*

Mr. Pleasant is indeed a learned lawyer and a credit to the bar.

Mr. Chairman, I would like to ask a question or two with respect to section 1864 of some member of the committee, which question has to do with title I, and the change in the method of selecting jurors.

Mr. Chairman, I would like to have the attention of some proponent member of the committee who can give me the answers to these questions.

Mr. **DOWDY**. Mr. Chairman, if the gentleman wishes me to respond to his questions, I shall be glad to do so.

Mr. **WAGGONNER**. Mr. Chairman, is there some member of the committee here as a proponent of the legislation who would like to answer this question:

The legislation as proposed says that voter registration lists will be used to select at random the names of people to be placed in this master jury wheel. But it also makes provision to allow the judicial council to prescribe some other source or sources of names for the master wheel, in addition to the voter registration lists where necessary.

I would like to know, for example, What is intended to be utilized as another source of obtaining names to be selected at random? What is considered necessary?

Mr. **SENNER**. Mr. Chairman, will the gentleman yield?

Mr. **WAGGONNER**. I yield to the gentleman from Arizona.

Mr. **SENNER**. Mr. Chairman, in answer to the gentleman's question, the gentleman from Louisiana [Mr. WAGGONNER], I am not quite sure that this may constitute a complete and specific answer in determining at what other sources they should look. But in those areas where the registration of people has been denied, because of race, color, sex, religion or economic status, where the judicial council of the circuit, with such advise as the chief judge of the district may offer, believes that the voter registration list is not a cross-representative group of the population in the district, then that district court can determine another source that will bring about the purposes of the first two sections of title I of the act; section 1861 and section 1862.

Mr. **WAGGONNER**. Would people be eligible for consideration in this instance who have never even sought to qualify to vote?

Mr. **SENNER**. They could be.

Mr. **WAGGONNER**. In other words, we are making a mockery of a man being qualified to vote as a qualification to serve as a juror.

Mr. **SENNER**. Mr. Chairman, I would say to my good friend and neighbor, the gentleman from Louisiana, that the purpose of leaving the language loose is so that the judge has the discretion to see that a true cross section of the people in the district are not excluded from jury service.

The **CHAIRMAN**. The time of the gentleman has expired.

The Chair recognizes the gentleman from New York [Mr. RYAN] for 3½ minutes.

Mr. **RYAN**. Mr. Chairman, I listened earlier this afternoon with some amazement to the remarks of the gentleman from Mississippi [Mr. WHITTEN]. If I heard him correctly, he argued that title I should be defeated because it would produce jurors who would not have the courage to convict. And on this curious ground, he appealed for the preservation of the present system with its built-in double standard.

I might point out to the gentleman that there has been no evidence of "courage to convict" in trial after trial and grand jury proceeding after grand jury proceeding in the South where the victim was a Negro and where murderers, lynchers, and night riders have been set free by jurors who did not have the willingness to convict but who had the effrontery, the brazen effrontery, to acquit or to refuse to return a true bill.

I might ask, Have the killers of Emmett Till been brought to justice?

Have the killers of Medgar Evers been brought to justice?

Have the killers of Mack Parker been brought to justice?

Have the killers of James Chaney, Andrew Goodman, and Michael Schwerner been brought to justice?

The responsibility is upon us now to strike down this double standard, a double standard which, on the one hand, says: Have the courage to convict Negro defendants but, on the other hand, have the effrontery to acquit white defendants.

Let us have justice, a full measure of justice for the Negro victims, too. Let us have equal justice for all Americans and let us deal once and for all with the question of racial injustice.

Mr. **WHITTEN**. Mr. Chairman, will the gentleman yield?

Mr. **RYAN**. I yield to the gentleman.

Mr. **WHITTEN**. Mr. Chairman, may I say that for 8½ years or for more than 8 years I was a district attorney in this general area. I would lay my record on the line with anybody as being fair to all races including the action of juries in these areas.

I would like to point out that the total number of cases the gentleman has mentioned is numerically very small as compared to what has happened in Watts and what has happened in Cleveland as well as what has happened in Chicago and elsewhere.

In those cases, according to the press, there well may have been miscarriage of justice and I deeply regret it, though you must hear the testimony to pass final judgment, but the effort to get the good jurors will not succeed by just going out on the street and getting anybody and everybody just by chance because this will make for less effective action by juries.

Mr. **RYAN**. This bill is intended to assure that there will no longer be discrimination in the selection of juries and that there will be justice in cases of racial violence where there has not been justice. It is essential that we be able to secure juries which will have the willingness to convict anyone who is guilty of one of these atrocious crimes.

Mr. **WHITTEN**. Mr. Chairman, I would like to join in the gentleman's statement as to the need to obtain fair jurors who will convict where the proof warrants, and officers who will get the evidence. I repeat that the provision of this bill will lessen the chances of getting what you are talking about in my opinion.

Mr. **RYAN**. That is where I completely disagree with the gentleman. If the gentleman means what he says, he will vote for this bill so that we can eliminate discrimination in the jury system. Segregated juries have too often not been impartial.

Mr. **WHITTEN**. I take exception to the gentleman's reasoning and I do not follow that line of reasoning because I think this bill would make conditions worse. All my life I have tried to protect and carry out my duty in the type of cases that the gentleman has mentioned and I will place my record with that of anyone else. But this bill that is now before us will lessen the chances of bringing about this type of law enforcement.

The **CHAIRMAN**. The Chair recognizes the gentleman from Virginia [Mr. SMITH] for 3½ minutes.

Mr. **SMITH** of Virginia. Mr. Chairman, I have listened to most of this debate on this title of this bill which has so many titles. This is probably the nearest thing to the constitutional rights of the American people that we have remaining to us, and that is the jury system. It touches every person. It is a right that we have enjoyed ever since the English language has been spoken.

Why are we in such a hurry to tear that to pieces by doing something like this?

I have listened here all afternoon trying to find out what this is all about, and I have not heard any reason that seems to me in any way sound as to why we should do this thing in such great haste.

Mr. Chairman, I did hear one case spoken of, and that was the case that was cited as a horrible example of what they did in the jury down south in Georgia.

But it developed when we read that case, that there was not anything wrong with the law. It was because in the administration of the law, the person who was acting in drawing the jury had not complied with the existing provisions of the law. If we are going to make this assault on the jury system in the Federal courts of the United States of America, it would seem to me the first thing we would want to do would be consult with the people we usually consult and get their advice, and that is the Judicial Conference of the U.S. court. That is what we always do in the Judicial Committee. I do not know why we did not do it in this case, except there must have been a great deal of pressure and a great deal of something to get this provision in this bill.

It is a perfectly sensible thing to do as we have always done, and that is refer this to the Judicial Conference and let them tell us. We have communicated with them. There is not a single man on the Federal judiciary who has approved this procedure that we are adopting in haste today.

Why? Why can we not use some sound reasoning about this thing? This subject could be discussed for a week, and we are trying to do it in just a day. It just does not seem to me to have any reason behind it. Nobody has given me any reason behind it that will stand up, in all of the debate we have had on it.

Let us do this in an orderly way. I do not want to give the Judicial Conference 2 years to give their advice. We can give them 6 months, but let us get the advice from the place where we always get it, that is from the people who are going to have to administer the law and who are going to have charge of administering the law. We have heard from them unanimously that it is a bad change and they do not want this change. What in the world are we folks thinking about if we can vote for such a change as this?

The CHAIRMAN. The Chair recognizes the gentleman from North Carolina [Mr. Whitener] for 3½ minutes.

Mr. WHITENER. Mr. Chairman, I have just examined the hearings on this legislation. I note there was very little attention given to this entire title.

But I would comment, in response to what the gentleman from New York [Mr. Ryan] said by using the words of the Attorney General in response to questions by the distinguished gentleman from Ohio [Mr. McCulloch]. Mr. McCulloch was the only member of the subcommittee, apparently, who had any apprehension about title I, or at least paid any attention to the possibility.

He asked the Attorney General a question about discrimination in Federal juries. On page 1183 of the hearings, the Attorney General is quoted as saying this:

> Within the Federal system I have no evidence anywhere of discrimination which is unconstitutional, and which has been engaged in by the Federal Jury Commission.

That is what the Attorney General said. My good friend, Mr. Rogers of Colorado, earlier raised some question about Judge Zavatt's statement that he might have 2½ million cards in his district. Here is what the Attorney General said in response to Mr. McCulloch's question.

> Mr. McCulloch. All right. In the northern district of Ohio I suppose there are somewhere from 3 to 4 million people eligible to vote. And the district court will have to assemble that number of names in one form or another in order that they be accessible to the jury commissioners.
>
> Attorney General Katzenbach. That is correct; yes, sir.

So perhaps Judge Zavatt was not too far wrong when he said he might have to have 2.5 million cards in the Brooklyn District.

It is also interesting to note that Mr. McCulloch raised the question about the Judicial Conference. On page 1184 Mr. McCulloch said:

> Now, in view of the known discrimination that has existed in some Federal district courts, has the Judicial Conference made any recommendations other than in 1960 and in one other instance, as I recall, which would seek in substantial part to end the discrimination of which we complain here?

The Attorney General answered:

> No, sir; the Judicial Conference has not.

Now, my friends, we see from this—and I hope all the Members will look at the three or four pages involved, that is, pages 1183 to 1191 of the committee hearings, where this is dealt with—that is the only reference I find to the title. We have the Attorney General before this committee testifying that there is no evidence of discrimination in the Federal system that he believes requires any further legislative action. We have the Attorney General saying that he is not taking it up with the Judicial Conference. He has not sought, in effect, the opinion of the judges.

Then, on the other hand, compare the record that we have made here on the floor of the House, which shows that out of the 90 U.S. districts in the Federal court system, not a single judge has come forward and urged or approved the enactment of title I of this bill.

Mr. CASEY. Mr. Chairman, will the gentleman yield?

Mr. WHITENER. I yield to the gentleman from Texas.

Mr. CASEY. In further reference to this, at the bottom of page 1185 of the hearings, the gentleman from Ohio [Mr. McCulloch] asked if the Department of Justice in the last 25 years had recommended to the Judicial Conference or to any other body to which it could make recommendations that there be uniformity, to which the Attorney General said "No."

Mr. WHITENER. That is correct.

I hope Members will vote in support of the amendment.

The CHAIRMAN. The Chair recognizes the gentleman from Ohio [Mr. McCulloch] to close debate on the amendment.

Mr. McCULLOCH. Mr. Chairman, notwithstanding the questions I propounded to the Attorney General and his answers thereto, I came to a studied judgment that title I should have my support.

The method of selecting Federal jurors and grand jurors is not uniform in all parts of the United States, and judges who are most conscientious find that the guidelines are not all clear. By reason of the fact that the guidelines are not clear, from time to time convictions are had by juries which have not been selected in accordance with constitutional basic rights and principles.

Mr. Chairman, I know that this is going to entail the assembly of millions of names in some districts or divisions thereof and that it will require additional clerks for that work. But when the work is done I am sure there will be a uniform constitutional method of selecting jurors in this country which will meet the tests laid down by the highest court of this land. When those who are indicted are tried and convicted there will be far fewer reversals and remanding of convictions than there have been in the past.

For that reason, and notwithstanding the fact that it will cost substantial money to implement this title, I expect to vote against the amendment and in support of title I. I hope others will, too.

Mr. McCARTHY. Mr. Chairman, I ask unanimous consent that the gentleman from New York [Mr. Rosenthal] may extend his remarks at this point in the Record and include extraneous matter.

The CHAIRMAN. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. ROSENTHAL. Mr. Chairman, yesterday I spoke on the Civil Rights Act now before us, and expressed my views in favor of the strongest possible bill, if we are to fulfill our obligations to guarantee the fundamental rights of all our citizens.

The New York Times today carried an editorial, entitled "Legislating Bias," and it is so appropriate to our discussion here and now that I am taking the liberty of inserting it in the Record at this point.

I would call the attention of all my colleagues to this editorial, which is, I believe, self-explanatory.

The editorial follows:

LEGISLATION BIAS

The House of Representatives is now engaged in the unseemingly specatcle of deciding who shall be allowed to discriminate against Negroes and who shall be required to treat them fairly.

Representative Charles Mathias, Maryland Republican, believes the distinction should be drawn at the city line. Those who rent apartments in buildings with five units or more will have to be good Americans and not discriminate against otherwise qualified tenants just because they are Negroes. Since these buildings are mostly in the center of cities, bigotry would be banned there. But at the city line where the suburbs begin and the neighborhoods are made up of one-family houses, discrimination against Negroes would be all right. In short, one law for slums, another law for suburbs.

The defenders of the suburban interests believed that they had achieved their goal of writing this dual standard into the civil rights bill when they amended Title IV in committee. But since the Attorney General has expressed the opinion that brokers acting on behalf of bigoted property owners would not necessarily be immune, these proponents of the double standard have another, more explicit, amendment to make their intent clear. It leaves no doubt that both brokers and owners can discriminate with no worry about punishment. It is a dismal performance.

What is most astonishing is that Representative EMANUEL CELLER and the other Administration managers of the bill seem inclined to accept this latest amendment as the neecssary price of Republican support for the bill. Admittedly Mr. CELLER and his Democratic colleagues in the House have received something less than stout-hearted support from the White House and the Justice Department on this issue. But that is no reason for timorous counsels to prevail. There is no certainty that the majority of House Republicans are going to desert this bill or even this section of it if real-estate brokers are denied the immunity they seek.

The original Mathias amendment, as adopted in committee, was a mistake and an act of injustice. This further clarifying amendment only makes it worse.

Mr. **WALKER** of Mississippi. Mr. Chairman, I ask unanimous consent to extend my remarks at this point in the RECORD.

The **CHAIRMAN**. Is there objection to the request of the gentleman from Mississippi?

There was no objection.

Mr. **WALKER** of Mississippi. Mr. Chairman, H.R. 14765, the so-called Civil Rights Act of 1966, is just another one of the many Great Society bills which this body has been ordered to pass without giving adequate consideration. This bill was brought to the floor under the 21-day rule. However, the Rules Committee was allotted only one-third of this time to give the bill ample examination. The final report on this bill was submitted on July 14, giving the Rules Committee barely over a week to examine it. If this bill is as important as the Great Society administration says it is, then certainly all committees concerned with it should have ample time to debate all the issues at hand. The rule for the consideration of H.R. 14765 passed by a vote of 200 to 180 and I am proud that Republicans opposed it by a margin of greater than 5 to 1. In doing so, they voted for legislative responsibility on the part of this body.

H.R. 14765 is composed of eight titles. I want to say at this point that I have always been opposed to this type of omnibus legislation. The administration has made a practice of presenting this type of legislation intending to include in it, a little something for everybody in order to obtain as many votes for it as possible.

TITLE I

Title I of this bill would eliminate alleged discrimination in the selection of Federal juries. However, in an unprecedented manner, this section received very little consideration by the Judiciary Committee. This is one of the faults of omnibus legislation—invariably, some sections of the bill are either purposely or accidentally overlooked.

TITLE II

Title II would supposedly prohibit so-called discrimination in the selection of State jurors. All a defendant would have to do, if this section becomes law, would be to claim discrimination and the burden of proof would shift to the State to prove the charge untrue. Under this provision all criminal prosecutions could be delayed indefinitely. In the light of several recent Supreme Court decisions increasing the rights of criminals, and the recent riots in Chicago, South Bend, Omaha, Cleveland, and Brooklyn, this is clearly not the time to further restrict our law enforcement machinery.

TITLE III

Title III of this omnibus civil rights bill would authorize the Attorney General to institute proceedings to prevent a person from having his civil rights violated. Undoubtedly, if this title is enacted, the courts would be flooded with cases, since the term "civil rights" can be construed to cover any form of human activity. The Federal Government would also have to pay the costs of any suits under this title. The defendant would be entitled to no such services. This is merely another attempt to give preferred treatment to certain minority groups instead of equal treatment for all.

TITLE IV

Title IV of the Civil Rights Act of 1966, better known as the so-called fair housing section could in my estimation be termed the "great equalizer." On four previous occasions in recent years, the Congress has passed four separate civil rights bills. But, none of the four previous bills have had anything included that would have such a nationwide effect as would the fair housing section of this bill. For the first time, many of my colleagues from north of the Mason Dixon Line have expressed concern that they feel this bill goes too far. I well understand what they mean, it goes too far north. For the first time, we have a civil rights proposal that reaches home—every home in the Nation. And now, many of my colleagues are saying that title IV of this bill is unconstitutional—because it is the title that affects them most directly.

Mr. Chairman, although I feel that this section of the bill is without question unconstitutional, I do not believe it to be any more unconstitutional than the rest of this bill.

In 1963 Supreme Court Justice Harlan stated in the case of Peterson against Greenville:

> Freedom of the individual to choose his associates or his neighbors, to use and dispose of his property as he sees fit, to be irrational, arbitrary, capricious even unjust in his personal relations are things all entitled to a large measure of protection from government interference.

This language states as clearly as possible that the Federal Government has no business telling a person to whom he may or may not sell his home.

TITLE V

Title V of the omnibus civil rights bill is supposedly based on the equal protection clause of the 14th amendment. But this title would apply to the action of both States and private individuals, which in my judgment violates the Constitution. I quote from the Supreme Court in the 1948 case of Shelly against Kraemer:

> The principle has become firmly embedded in our Constitutional law that the action inhibited by the first section of the 14th amendment is only such action as may fairly be said to be that of the State. That amendment erects no shield against merely private conduct, however discriminatory or wrongful.

Instead of providing equal protection under the law, this section would afford special protection to certain groups.

TITLE VI

Title VI authorized the Attorney General to institute court proceedings to obtain desegregation of public education and other public facilities. This section would grant him the power to institute such proceedings as he may desire even though there may be no complaints of any discrimination in the case involved.

This section to me reveals that those proposing this legislation have no confidence in our present judicial procedure. There is no doubt in my mind that this bill would further restrict the individual liberties so granted by our Constitution.

In summary, this bill is unnecessary and unconstitutional. It does not encourage equality for all—it seeks to provide special treatment for minority groups. This bill must be defeated in order to guarantee the rights and liberties of the individual as provided in our Constitution.

The **CHAIRMAN**. All time has expired. The question is on the amendment offered by the gentleman from North Carolina [Mr. WHITENER].

Mr. **WHITENER**. Mr. Chairman, I demand tellers.

Tellers were ordered, and the Chairman appointed as tellers, Mr. WHITENER and Mr. CELLER.

The Committee divided and the tellers reported that there were—ayes 51, noes 116.

So the amendment was rejected.

Mr. **CELLER**. Mr. Chairman, I move that the Committee do now rise.

The motion was agreed to.

Accordingly, the Committee rose; and the Speaker having resumed the chair, Mr. BOLLING, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee having had under consideration the bill (H.R. 14765) "to assure nondiscrimination in Federal and State jury selection and service, to facilitate the desegregation of public education and other public facilities, to provide judicial relief against discriminatory housing practices, to prescribe penalties for certain acts of violence or intimidation, and for other purposes," had come to no resolution thereon.

ASHLAND, OHIO, SAILOR SPEAKS OUT

Mr. **ASHBROOK**. Mr. Speaker, I ask unanimous consent to address the House for 1 minute, to revise and extend my remarks, and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from Ohio?

There was no objection.

Mr. ASHBROOK. Mr. Speaker, every now and then you run across a statement that cuts through all of the double-talk, all of the veil of duplicity of purpose and protest which seems to cover our current Vietnam involvement. In reading the July 26, 1966, issue of the Ashland Times-Gazette, I saw the following statement by a young serviceman who is heading for Vietnam:

> I am here because I believe in the United States of America.

What a succinct statement. Sounds almost like an echo from the past when men were measured not by their political power or pocketbook but by their patriotic fervor.

Robert C. Boyd is in the U.S. Navy. Like many young servicemen, he has seen the grumblings, the anti-American slogans and the campus weirdoes who protest our involvement in Vietnam. He is probably like most Americans when he feels a regret that it is necessary in this supposedly enlightened age to still use warfare as an instrument of national policy. Like most Americans, however, he recognizes that communism has forced this struggle upon us and as he puts it:

> I myself would rather see no flag at all over our country than the Star Spangled Banner flying in shame and disgrace.

I urge all of the Members of this body to read this very thoughtful letter:

> [From the Ashland Times-Gazette, July 26, 1966]
>
> To the EDITOR:
>
> Sure, we could get out of southeast Asia and perhaps save thousands of lives. You wouldn't have to open your morning papers to read headlines about a bloody war which you think is foolish and very costly. To begin with, you wouldn't have to worry about your sons being drafted before they are hardly old enough to drive a car and life in general might seem a lot more peaceful all around.
>
> But while you're thinking of how good things would be, you might also stop and remember the some 4,500 boys who have already paid the supreme price, their lives. You might also think of the thousands who have been wounded, many crippled for life, because while people in this country protest, hold marches and demonstrations, burn draft cards and write their congressman about how bad and awful this war is (these men, who several months ago, in a great many cases, hadn't even seen an M–14 or a 45, who knew no more about the ways and means of war than about the man in the moon, much less places such as Chu-li, DaNang or even Viet Nam itself) were and still are fighting and dying in a war of which few even know how it started. But yet, you could ask any one of them why they were there and behind every reason would be an answer similar to this one.
>
> Pointing towards a battered weather worn flag, its colors bleached from the hot Asian sun, showing not only the effects of weather but also bearing the evidence of war. Here a man might say, I have a son at home and because of him and his mother and all people's children, I am here.
>
> I am here because I believe in the United States of America. I believe in her past, her present but most of all her future and to her future. I will pledge my own life. I also believe in that banner up there. Millions have given their lives in its defense. I am no different. God gave us the privilege to live in a country of which there is no equal and I intend to give this opportunity to not only my children but everyone who believes in freedom and justice for all.
>
> Therefore, we must stay in Viet Nam until Communism is driven, not only from Viet Nam, but the entire world. It is not only a threat to our way of life, but to our very existence as a free nation on this planet. If we admit to defeat in Viet Nam, we are not only letting our boys down, we are letting every American who ever died for America's cause down. But most of all, we would be letting our country down and we might as well take down Old Glory forever. I, myself, would rather see no flag at all over our country, than the Star Spangled Banner flying in shame and disgrace.
>
> ROBERT C. BOYD,
> *M–CB 58, Co. A,*
> *U.S. Navy.*
>
> (Boyd, who is the 19-year-old son of Mr. and Mrs. Charles E. Boyd of 332 Katherine Ave., is scheduled to leave for southeast Asia in November: Ed.)

DURIEUX TO RUSK: QUESTION OF THE HOUR

Mr. ASHBROOK. Mr. Speaker, I ask unanimous consent to extend my remarks at this point in the RECORD and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from Ohio?

There was no objection.

Mr. ASHBROOK. Mr. Speaker, a constituent and good friend, Lee Durieux, of Mount Vernon, Ohio, was in town last week. He left his mark. He was attending a meeting of the International Platform Association and was present when Dean Rusk opened up a session to questions and answers. Lee offered the question:

> Why don't we bomb the port of Haiphong—and to hell with Russian shipping?

What Mr. Durieux did not expect, however, was the evasive and questionable answer which the Secretary of State gave.

My constituent came up with about the best summation of the handling of the Vietnamese war that I have seen as yet. He noted:

> It is like a mackerel hanging in the moonlight—it shines and stinks.

To clarify the matter, Mr. Durieux wrote to Drew Pearson. A copy of his letter follows. It is a good summation of what many Americans from our part of the country are thinking. Congratulations, Lee, and please come to Washington more often:

> WASHINGTON, D.C.,
> *July 23, 1966.*
>
> MR. DREW PEARSON: Yesterday after Dean Rusk's speech, I handed you a card with the question, "Why don't we bomb the port of Haiphong—and to hell with Russian shipping?" I note that this made headlines in the newspapers.
>
> I was, however, disappointed with Rusk's answer even though I feel he was the top speaker so far in the IPA.
>
> I too was a flier during WW II and can recall that we had more than a dozen places like Vietnam to conquer, but in those days we went in to win! Therefore, you can understand my bluntness and inability to comprehend this "half-vast" war in Vietnam!
>
> I have two sons in college; one of which is going into the army in 2 weeks—the other carries a draft card. I would prefer that these sons go into the service to end this war, not a part of appeasement and delayed action. I would like for Mr. Rusk to name one instance since 1945 that the Communists haven't backed down when we showed sincerity and force! I would even go so far as to state that I would like to see us dare China to come into this war just for an opportunity to knock out their atomic installations before the day comes that we all know will come when they will be able to "deliver" these weapons.
>
> I have always admired your comments and editorials; I also feel you have been a godsend to the IPA.
>
> Sincerely,
>
> LEE DURIEUX.
>
> MOUNT VERNON, OHIO.
>
> P.S.—I am a singer and entertainer—not a writer. To sum up this war in Vietnam, it has its bright prospects and bad ones. It is like a mackerel hanging in the moonlight—it shines and stinks!

HORTON SUBMITS BILLS TO HELP AGING KEEP PACE WITH INCREASES IN COST OF LIVING

Mr. HORTON. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The SPEAKER. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. HORTON. Mr. Speaker, increases in the cost of living are a concern to all of us who serve in the Congress, as it is to all Americans. However, it is most especially a matter of concern to the millions of our fellow citizens who live on fixed incomes. Today, I have introduced two bills which are directed particularly at the needs of this group of people—the aging.

This past year I have had the privilege of serving on the Republican National Task Force on the Problems of the Aging. If there is any one fact which stood out in the course of our investigations, it is the fact that inflation and the consequent rise in living costs have often brought harsh and dire consequences to our senior citizens.

Inflation steals from everyone, but those who live on pensions and fixed incomes are especially hurt. When inflation takes place, the purchasing power of the dollar goes down. Money that has been allocated to the later years of one's life often becomes inadequate in meeting unforeseen increases in the cost of vital goods and services.

Congress has not remained entirely oblivious to this problem in the past. The social security and the railroad retirement programs have had their benefits raised periodically. However, these increases have been sporadic and uneven. Between these increases, there has usually existed a period during which the purchasing power of the pensioners' dollar has drastically declined. For example, our task force found that between

1958 and 1964 inflation cost social security pensioners approximately $1.4 billion in loss of purchasing power.

Statistics such as this are alarming, but not nearly as alarming as the deprivation suffered by those of the aging who cannot keep pace with the rising cost of living. Mr. Speaker, I believe that my two bills will directly aid those caught in this squeeze.

Our task force recommended that the Social Security Act and the Railroad Retirement Act be amended to provide an automatic increase in their insurance benefits which is tied to increase in the Consumer Price Index, the principal indicator of inflation. My bills are designed to accomplish this objective by raising those benefits when there is a 3-percent cost-of-living increase.

I am pleased to note that the Republican leadership in the House of Representatives have joined our efforts to achieve these goals. Enactment of my twin proposals is essential if we are to meet the needs of the aging.

Mr. Speaker, under my proposal the increased benefits will not necessitate an increase in taxes. Inflation brings with it increased wages. In turn, increased wages will naturally bring increased payments into social security and, additionally, the benefits paid represent a smaller proportion of an individual's wages as his wages approach the maximum limit—$6,600. Therefore, because of these factors, there will be no increase in payroll deductions to finance my proposal.

I believe that my bills, if passed, will have an immediate and immensely beneficial impact on our senior citizens. Mr. Speaker, I urge all my colleagues to support these bills. We need to act immediately if we are to meet the present needs of our older Americans. There can be no matter of more extreme importance in this field.

JIM FARLEY AT 78

Mr. JOELSON. Mr. Speaker, I ask unanimous consent to extend my remarks at this point in the body of the Record and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

Mr. JOELSON. Mr. Speaker, because of the admiration which we all feel for James A. Farley, I am sure my colleagues will enjoy reading the following article about him by Ernest Cuneo. It appeared in many papers, and was published by the Morning Call in the congressional district which I represent on May 31, 1966. It is good to know that "Jim" Farley is still going strong, and I am sure that we all wish him many more years of success and accomplishment.

The article follows:

New York.—Big Jim Farley was 78 years old yesterday. He celebrated with his usual 78-hour work week. Since his last birthday he has attended 125 dinners and 70 luncheons at many of which he was principal speaker.

He also traveled 60,000 miles by land, sea, and air, visiting 20 countries, including all European capitals, all Central American capitals, and the principal cities of Mexico. He reads the box scores of every major league ball game—without glasses—as part of his habit of reading at least four newspapers every day. He is 6 feet 3 inches tall, literally in the well-known pink, and his 205 pounds haven't varied in the last 20 years.

LOVE AFFAIR WITH A CITY

He has a most peculiar walk, one of very quick and very short steps. His towering figure seems to scoot through the New York winds, in spite of the fact that it is interrupted every 10 paces by some one who wants to shake his hand. Perhaps no man since Daniel Webster's Boston has so much received the adulation of a city. New Yorkers give him the respect accorded Al Smith and the affection bestowed on Jimmy Walker.

There is an astonishing simplicity about this most sophisticated of men. He still has the clean wholesomeness of the lanky country boy who played first base for the town team 60 years ago. He brought this same zest to politics. The Democratic Party was his team, and he gave it all he had.

From 8 every morning till 6 at night, he's in there pitching for his current team, Coca-Cola Export. He's head of it, but he puts on no airs. He calls himself a salesman, and sell he does.

Jim was the second of five boys. His father was a Hudson River schooner captain, sailing bricks down to New York City. He prospered. He bought two small brickyards. But just before Jim was 10, his father went out to harness the horse to go to a neighbor's funeral. The halter was long, the horse frisky. Suddenly wheeling, he kicked Captain Farley in the chest. He died that night.

Ellen Goldrick Farley, Jim's mother, would run neither a schooner nor brickyards. Captain Farley left no debts, small assets, sturdy bodies, an honorable name, and a great mother for his boys. Jim promised his mother he would never touch an alcoholic drink, and he never has. He doesn't smoke either. These are tremendous advantages for a man to bring to the hard-dealing games in the smoke-filled rooms of politics.

Jim wanted to be Town Clerk. An Irish-American Catholic Democrat stood as much chance in the rock-ribbed Republican town of Grassy Point then as Mao Tse-tung stands of being elected Governor of Utah now. But Jim took to the mails. Apparently Republicans like to receive letters because they elected him. This started the most unbelievable romance in history between Jim Farley and the United States mails. He became Postmaster-General of the United States, then practically a concomitant of being chairman of the Democratic National Committee. He deserved it as its chief customer alone. Being at the head of the Post Office Department did not soothe his letter-writing propensities; it inflamed them. Following the 1932 campaign, he signed 22,000 first-name letters of thanks; in 1936, 27,000. And not when he got around to it; immediately. Within a week after election, there were 27,000 families in thousands of cities and villages proudly exhibiting the letters of thanks with the famous green-ink signature.

HOW TO SUCCEED

Farley, a boy who never graduated from high school, has 22 honorary degrees. He, with President Herbert Hoover, were the two distinguished members of both parties selected to reorganize the United States executive department. He has served on New York State's sacrosanct Banking Commission, and its Boxing Commission, and is currently on its Racing Commission. He can discuss as an expert whether foreign trade will expand (he thinks it will multiply) or whether Mickey Mantle is swinging too hard (he thinks he is).

About 10,000 letters will pour into his office this week. The whole world waved to Jim Farley on his birthday.

And Big Jim beams back. To him this is a great big wonderful world.

THE IRS AUDITORS' IMAGE

Mr. FASCELL. Mr. Speaker, I ask unanimous consent to extend my remarks at this point in the body of the Record and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from Florida?

There was no objection.

Mr. FASCELL. Mr. Speaker, the auditors of the Internal Revenue Service often have been depicted as unreasonable, almost inhuman automatons, interested solely in squeezing every possible cent from taxpayers, regardless of how far they have to stretch the tax laws to do so. I believe it is fair to say that that impression has so grown that the average taxpayer who has not gone through the experience dreads the possibility that sometime he will be put through the auditing process. The Internal Revenue Service has done much to attempt to dispel the unfavorable image of its audits and auditors, by insisting that its auditors deal in all fairness with taxpayers. Nevertheless, instances continue to arise in which IRS auditors are accused of overzealousness, to the point of harassment.

The May 5, 1966, issue of the Reporter magazine contained an article entitled "The Tax Appeal Ordeal," in which the author, Mr. William R. Frye, detailed his experiences with IRS audit procedures. Perhaps the author fully summarized his feelings of what he had been through when he said it was "a miserable experience."

The article follows:

The Tax-Appeal Ordeal

(By William R. Frye)

Pity the poor taxpayer. He assembles his records, studies the instructions, wrestles with the forms, pays his tax—and then sits back to await doomsday. Doomsday, for him, is the day Form 3R73 arrives with this message: "Your above-described tax return or document for the year indicated has been assigned to the above-named Agent for examination. Please communicate with the Agent. . . ."

The possibility of being audited is the third dimension of the income-tax nightmare. Substantiating that office at home, finding that Washington hotel bill, proving that lunch was a business entertainment—these could be more difficult than making out the return itself. They could even be impossible.

Some sixty-six million personal income-tax returns were filed in fiscal 1965; 3,092,000—one in twenty, or just over five per cent—were "examined," as the Internal Revenue Service puts it. Deficiencies, or taxes due, were found in fifty-one per cent of the cases, producing $1,063,000,000 in additional revenue; refunds were paid by the government fourteen per cent of the time, for a total of $47,052,000. No change was made in thirty-five per cent of the returns. The average deficiency was just below $700; the average refund just above $100. Aside from gamblers and other special cases, only 1,216 of those who were examined (or 0.04 per cent) were prosecuted for fraud.

How many of the more than 1.5 million taxpayers who were made to pay additional tax really had short-changed the government, accidentally or intentionally? How many ran afoul of an IRS overeager to maximize collections? The IRS feels sure it was practically always right (an understandable view), but many taxpayers are by no means sure.

I know how they feel. I have just been through the mill. Mine was one of the relatively rare cases—one in seven—where the taxpayer is found to have overpaid his tax. The return had been prepared for me while I was abroad and contained several major errors in the government's favor. I was due for a refund.

It was, nevertheless, a miserable experience. Day after day after exhausting day was taken up in minutely detailed, repetitive nit-picking. Accountants whom I told about the case said that they had never known an audit to be so detailed and prolonged. At the end of each session, I was assigned to prepare further data for the next visit—a task requiring long days and longer nights, sometimes running into weeks. (Everything involved had happened three years before.) My professional life was intermittently disrupted for more than seven months. The lost time was worth conservatively $4,000 to $5,000—and since I was self-employed, I had no way to cushion the loss. Moreover, legal and other fees ate up much of the refund.

The only comic relief was that each time I was ordered to dive deeper into the records, I came up with a new accounting error in the government's favor, and hence a larger potential refund. This was not what the agent had in mind. "How am I going to justify my time?" he asked. Finally, as a consequence of another of his probes, I discovered a $1,500 reimbursement that had been reported, both as income and as a credit against expense. Whether by coincidence or not, the roof promptly fell in.

My agent (or his supervisor) re-opened the whole audit and disallowed deductions that previously had been fully substantiated. The law had not changed; the facts had not changed; nothing had, except that someone seemed to have decided that letting a taxpayer get back *that* much money would not look good at all on the report of such a prolonged audit.

I could appeal the ruling, first to a "conferee"—a higher official of the IRS—and then, if necessary, to a still higher one, I could even go to tax court. But in the process, the additional time lost and the new legal fees incurred could more than wipe out any tax recovered. It seemed I would have to take the licking; either way, I would lose. After considerable additional dispute, the agent reconsidered and an appeal became unnecessary. But in my bitterer moments, I felt my government had subjected me to a form of legalized extortion.

THE HIGH COST OF APPEALS

A spot check of accounting firms in the New York area suggests that thousands of taxpayers every year may have similar unpleasant experiences. Similar, that is, not in the denial of refunds that are due but in the levying of additional taxes which they consider unjustified but which they cannot recover economically through the normal appeal process. By comparison with the total number of returns filed, the number of these taxpayers may be small, but to the people concerned it is a serious matter.

Mr. S., a partner in a New York accounting firm that specializes in tax work (because of his continuing dealings with the IRS, he insisted on remaining anonymous), said he used to fight, on behalf of his clients, as many as fifty appeals at a time. But in virtually every case, once the appeal was over the client was so angry at the size of the accounting bill that, whatever the results of the appeal, Mr. S. would lose the account. So he made it a firm rule never to handle appeals. He now negotiates with the IRS agent as stoutly as possible the first time around, and then proposes to the client that he accept the outcome, favorable or otherwise. If the taxpayer wants to appeal, some other firm must take the case. His relationship to the client is then finished either way.

The effect of this policy is that in cases where Mr. S.'s advice is accepted, the government has been allowed virtually to dictate its terms to the taxpayer on the issues in dispute. If Mr. S. is right, many if not most appeals are too expensive to be practical. Other accountants are not quite so sweeping; but they say that unless at least $1,500 to $2,000 in tax is involved, the taxpayer can scarcely expect to break even from an appeal to "conference," even if he wins. Unless he feels qualified to handle it on his own, he must pay an accountant $50 to $200 a day, not merely during the conference itself but throughout a period of preparation. And the taxpayer's own time is also a factor. Still higher appeals, beyond the conference stage, are not considered economical unless something in the neighborhood of $10,000 in taxes is involved. The IRS does not release figures on how many cases went to conference; but in 1965, 21,737 disputes (less than one per cent of the total) were handled at the appellate level, the next stage, and only 5,448 (roughly one quarter of one per cent) were disposed of by the tax courts. The money in question however, was in the hundreds of millions.

The man who decides to do without costly help is, in effect, throwing himself on the mercy of the IRS. Mr. C., a partner in a Connecticut consulting firm, was on the road five days a week, year round, returning home only for weekends. He naturally had a large travel and entertaintment deduction. When the return was selected for audit, he could not take time off to attend personally; his "billing rate" (the rate at which clients were charged for his services) was $250 a day, and he was fully booked. So he sent his wife to the tax auditor, armed with canceled checks and credit-card bills. The auditor contended there was not proof the travel was not personal, and disallowed the whole amount. The wife did not know how to protest persuasively. So the whole year's travel was lost.

This couple could have hired professional help, but did not. Many others cannot afford to. Few men making less than $15,000 a year care to pay $15 to $50 an hour for an accountant, let alone $25 to $100 an hour for a lawyer. A return showing a $4,000 income is not as likely to be examined as one showing $400,000, but it can happen. The test, the IRS says, is not the size of the income but whether there is anything unusual about the return, anything that causes raised eyebrows. If the ax falls, the little men have no choice but to fend for themselves.

Experiences vary. If the agent is conscientious and high-principled, as is sometimes the case, they get a fair deal. If he is casehardened, callous, or young and eager to impress his superiors, taxpayers may come off badly indeed. Discouragement, dismay, fear, and ignorance all may serve to keep them from making use of of the appeals machinery.

Something obviously is amiss. The IRS insists that serious injustices are very isolated cases. Agents, it is said, operate under strict instructions to collect the tax due and only the tax due. Each year, just before the Ides of April, the Bureau engages in a national advertising campaign to convince the American people of its virtue. Nice, reasonable men say soothing and high-minded things on television and radio, encouraging people to pay up and assuring them that the IRS will deal with them as gently as possible.

Somewhere between theory and practice, however, the benevolent-father image breaks down. No doubt the complexity of the tax law is in part at fault; reasonable men can and do interpret the law in differing ways. No doubt many taxpayers who believe they have a grievance have in fact been fairly treated. But the absence of a readily available appeals system creates serious doubts.

Moreover, even if the government were right fifty times for every time it does an injustice, the 3,092,000 audits that took place in fiscal 1965 would have resulted in more than sixty thousand injustices. And there may have been another half million taxpayers who came out of their experiences with the IRS believing themselves wronged, though in fact they were not. Some of them undoubtedly resolved to get the lost money back the next time they filed a return. The government thus had made dishonest taxpayers out of honest ones. Another protection of the appeals system—the easing of legitimate doubts—was therefore not fully operative.

THE AGENTS

To far too great an extent, taxpayers are forced to rely on the objectivity and competence of one man. Deny it as the IRS may, most agents find that there is a premium on getting tough with the taxpayer, on producing results for their superiors in terms of cash on the barrelhead. In private, they admit it is so. The old quota system, under which each agent had to extract a given amount in a given time, is now officially banned. But agents acknowledge that they believe their standing with their superiors and their prospects for promotion depend in part on the money they collect for the government. They must account strictly for their time, and if it is not spent productively, they fear it may be a black mark on their record. If they are inexperienced or insecure, they may be afraid to give the taxpayer the benefit of a reasonable doubt, lest they be set down as naive or even corrupt.

IRS employees are not highly paid. Salaries start at $5,181 for trainee technicians and go up to $11,715 for experienced field agents. Supervisors get $10,000 to $13,000. Opportunities being more lucrative in private accounting practice, the government cannot always get and keep high-quality personnel. Moreover, the man making $6,000 cannot always readily believe the expenses reported by the man making $60,000, because they are too far removed from his own experience. How could a man really spend $20 for lunch or $7,000 for a boat just to entertain customers? Such figures just don't make sense to him.

One accountant says that when he runs into this kind of incredulity, he asks that the item be put aside temporarily, and then, come lunchtime, takes the agent to a nearby hotel dining room. He buys him a martini, a lobster cocktail, and a steak. When the bill is presented, the accountant inquires and "discovers" what he knew in advance—that the hotel does not honor credit cards, that the meal must be paid for in cash. He hands over a $20 bill, and the agent sees there is little or no change. A lunch can cost $10 a person, he has learned, and it may not always be easy to obtain a written record of the expense. When the agent returns to the audit, he has had an education in business expenditures.

In addition to collecting revenue and deterring cheating, the audit system is supposed to have the function of boosting the morale of the honest taxpayer. He needs to be assured that he will not, relatively speaking, be penalized for his honesty. One of the gnawing resentments of April 15 is the feeling that Joe Sharp has been getting away with murder. The majority of taxpayers, though they wail, are willing to pay what they owe (or most of it) provided everybody else does, too. But that is the rub. Many taxpayers who have been audited are not persuaded that the law has been applied fairly to them. The IRS is the only branch of government in which the basic assumption of Anglo-American jurisprudence—that a man is innocent until proved guilty—does not fully apply. By law, a deduction is subject to disallowance until it is proved allowable.

To some extent, this attitude is understandable. Some taxpayers ask agents to believe pretty farfetched stories. A man who had canceled checks showing $90 in contributions to his church claimed he had also given $1,000 in cash. A man who kept receipted bills for entertainment expense down to $2 and $3 claimed he also spent $4,000 without getting receipts. It could be true, but the agent can be forgiven for being skeptical.

Sometimes the taxpayer's records may be accurate, but he is unable to prove it; or perhaps he does not have complete records and has had to estimate. This is no longer permissible in all cases. The old "Cohan rule" of reasonability—that an entertainment expense was allowable if it was reasonable under the circumstances—has been replaced by a requirement that every item over $25 must be substantiated by a receipted bill. These new travel and expenses regulations, which went into force on December 31, 1962, have not yet been tested in the courts, but they are being strictly applied.

The taxpayer may approach the audit in a difficult frame of mind. Some panic, and prepare for disaster. Others become belligerent and self-righteous, ready to take on the Congress, the President, and the Supreme Court as well as the IRS. Still others try desperately to pull political strings, an effort that is usually highly counterproductive.

When the examination occurs, it sometimes is almost anticlimactic. The taxpayer finds he is not being summoned to court for commission of a crime; he may arrange the appointment at a convenient time. He need not go to the IRS with his papers and other records stuffed into a suitcase or a trunk. If the data involved are voluminous, the agent is willing to come to him. The agent is authorized to take into account evidence of a taxpayer's good faith, and need not check every minute detail—though some do. He has instructions to be courteous and fair.

ROUGH SAILING

If the agent is indeed reasonable and the taxpayer well prepared, the audit can be over in a few hours—a day at most. If the return is complicated, the records incomplete, and/or the agent difficult, it can drag on and on. It is then that it becomes an affliction. If in addition to being difficult, the agent misapplies the law, then the taxpayer really needs a friend.

A man who used a twenty-three-foot sailboat for entertaining business contacts deducted half the expenses on his return. He was audited, and the agent, a man in his twenties, expressed much concern about the deduction. He inquired in detail about personal use of the boat, and was shown records in a diary indicating that such use occurred less than half of the time. He asked for, and obtained, corroborative evidence that business discussions had taken place on board. He studied a record of who went sailing, and saw proof that the entertainment had led to production of income. Nevertheless, he disallowed the deduction.

Lots of people have boats on Long Island Sound, he said, and in most cases they are strictly for personal use. The taxpayer's boat must also have been largely personal. It was too expensive to have been bought primarily for business. Did the taxpayer's wife go along on the trips? She did? Then it obviously was personal. The taxpayer argued that the presence or absence of a business discussion was the test, not the presence or absence of a spouse. The agent pulled out a copy of the Internal Revenue Service regulations (a large volume) and quoted from regulation 1.274-2(e)(4)(b): "Any use of [an entertainment] facility (of a type described in this subdivision) during one calendar day shall be considered to constitute a "day of business use' if the primary use of the facility on such day was ordinary and necessary within the meaning of section 162 or 212 and the regulations thereunder. For the purposes of this subdivision, a facility shall be deemed to have been primarily used for such purposes on any one calendar day if the facility was used for the conduct of a substantial and bona fide business discussion (as described in paragraph (d)(3)(i) of this section) notwithstanding that the facility may also have been used on the same day for personal or family use by the taxpayer or any member of the taxpayer's family not involving entertainment of others by, or under the authority of, the taxpayer."

The agent repeatedly quoted the phrase ". . . not involving the entertainment of others." Relating it to the earlier part of the paragraph, rather than the portion in which it occurred, he said it meant that if "others" were present at the time the business entertainment took place, the facility at that time was not being used for business purposes. The fact that this interpretation was directly at variance with other regulations did not disturb him. No amount of argument could shake him from this extraordinary distortion of logic, of the law, and of the English language. It developed that the agent's personal philosophy was that all entertainment was a form of bribery; that business should be obtained strictly on its merits, so that the IRS really ought to disallow all entertainment expense.

It seemed that the taxpayer had no option but to bow or go to the prohibitive expense of an appeal. Then, when he was just about at the end of his tether, the agent suddenly reconsidered and allowed the expense.

THE OMBUDSMAN IDEA

The appeal procedure, spokesmen for the commissioner say, is really not very difficult or expensive. They claim that the district conference, the first step, is just an informal discussion, with a friendly, experienced official—the father image again—who does not represent either the government or the taxpayer but is seeking pure and objective justice. The taxpayer doesn't need professional advice, they contend; he is in good hands. All this, however, is somehow at variance with the experience of most taxpayers who go "to conference." They regard it as a highly formal, even quasi-judicial proceeding, requiring extensive preparation, including legal briefs and affidavits; and they have little inclination to accept at face value the conferee's detachment and objectivity. He is, after all, an employee of the IRS.

Recently there have been some proposals for the creation of tax review boards, consisting of one or more experienced, well-paid specialists, to protect taxpayers from questionable rulings by the IRS. There is a kind of precedent in the Ombudsman system in force in Scandinavian countries and an New Zealand. The Ombudsman, is widely respected individual of national stature, is appointed by Parliament to guard aganist infringement of established rights. Any individual or group may petition him for relief, and he has extensive power to provide it. He may be removed by Parliament but is otherwise wholly independent. In the United States, Representative HENRY REUSS (D., Wisconsin) and Senator CLAIBORNE PELL (D., Rhode Island) have proposed a not dissimilar plan for an "administrative counsel," an employee of Congress who would investigate and seek to correct citizens' grievances, whether against the IRS or any other branch of government, when asked to do so by a Senator or a Representative. The bill was referred to the Rules Committee in February, 1965, and little has been heard from it since.

More recently, Senators WARREN MAGNUSON (D., Washington) and EDWARD LONG (D., Missouri) have mapped out a plan for a nationwide system of small-claims tax commissioners, under the aegis of the tax courts, to whom citizens could bring disputes with the IRS without the expense and formality of court procedure. Two commissioners would be appointed for each of the eleven regions into which the IRS has divided the United States. People who could not afford to hire legal help would be entitled to go to the commissioner, just as they now can go to small-claims court with other kinds of legal disputes involving amounts up to a few hundred dollars.

Commissioners or boards of this type are urgently needed. They should exist primarily to protect taxpayers' rights. The IRS could be forbidden to appeal their decisions if the taxpayer, for his part, also agreed in advance to accept the decision as binding. What would result would be analogous to binding arbitration.

No doubt there would be snags to be ironed out in practice. Safeguards might be needed against frivolous use of the boards. A taxpayer who appealed to them against the decisions of an agent and had his obligations to the government affirmed, or even increased, might have to assume the costs of the action—the costs, however, being scaled in proportion to his income, so that the poor could afford the risk as easily as the rich. If the taxpayer's obligations were reduced by the board, the government ought to be assessed for costs, a procedure calculated to inhibit arbitrary and ill-founded IRS rulings in the first instance. With such revenue the boards could be largely self-supporting, and they would greatly ease the case load under which many tax courts are staggering. (At the end of fiscal 1965, 10,765 cases were pending, about a two-year backlog.)

The possibility of a simple and inexpensive appeal from a tax audit would do much to restore public confidence. Taxpayers who lost would be more likely to swallow the judgment with good grace, less haunted by the suspicion of injustice, less determined to get their money back. The effect on the attitudes and behavior of agents might also be healthy. They would be under pressure to be right, as opposed to pressure to be tough. If they were proved wrong, the government would have to pay costs. To a far greater extent than at present, prestige and advancement within the IRS would logically derive from being infrequently overruled. The balance of bargaining power between taxpayer and agent during the initial audit would be restored.

What are involved are some of the textbook precepts of American democracy—that the government is a government of laws, not of men; that no citizen is ever at the mercy of an official; that if an official exceeds his authority, there must be effective remedies available. This is the way the tax system is *supposed* to operate today, but a sizable number of American taxpayers doubt it.

The Legal and Monetary Affairs Subcommittee of the House Committee on Government Operations, of which I am chairman, is charged with evaluating the efficiency and economy of the operations of various agencies of the Government, including those of the Internal Revenue Service. I called Internal Revenue Commissioner Sheldon S. Cohen's attention to Mr. Frye's article and asked for his comments. I am delighted to report that Commissioner Cohen has assured me that IRS is receptive to such criticisms as are explicit in Mr. Frye's article, and is fully conscious of the need to assure taxpayers that it is IRS policy to deal fairly and impartially with them. IRS auditors must always be aware that they are required to give every taxpayer fair and impartial treatment.

After first fully looking into the circumstances discussed by Mr. Frye, Commissioner Cohen wrote to Mr. Max Ascoli, editor of the Reporter magazine, commenting on some of Mr. Frye's statements. What seems even more important, the Commissioner expressed pleasure with Mr. Frye's concern for the rights of small taxpayers. In fact, he so fully felt that the article could serve to illustrate to IRS personnel their continuing need to be conscious of a good public image in dealing with taxpayers that he circulated copies of the article to 12,000 revenue agents.

Mr. Frye and Commissioner Cohen, to my mind, both have performed outstanding public service in this instance; Mr. Frye by his portrayal of his experiences with IRS, and Commissioner Cohen by taking steps to strengthen the relationship of fairness between taxpayer and tax collector that must dominate all tax actions.

Commissioner Cohen's letter to the editor of the Reporter magazine follows:

Mr. Max Ascoli,
Editor, the Reporter,
460 Madison Avenue,
New York, N.Y.

Dear Mr. Ascoli: William R. Frye's account of his "ordeal" with the Internal Revenue Service, in your May 5 issue, has touched a nerve in his description of the tax audit he received at our hands.

I am disturbed by the indication that the agent in Mr. Frye's case felt he had to find additional tax "in order to justify his time." Mr. Frye's allegation that we "reopened the whole audit and disallowed deductions that previously had been fully substantiated" because a large refund did not "look good" is even more disquieting.

Confronted with this parody of what a tax audit should be, I can only assure Mr. Frye and the American taxpayer that this does not follow our instructions for the conduct of an audit. We certainly intend, therefore, to look into the matter.

My predecessors and I have pointed out again and again that the purpose of an audit is to determine the correct tax, not a penny more nor a penny less.

We have proclaimed this policy in a statement of principles that reads, in part, as follows:

"It is the duty of the Service to (apply the law) in a fair and impartial manner, with neither a government nor a taxpayer point of view.

"The Service also has the responsibility of applying and administering the law in a reasonable, practical manner. Issues should only be raised by examining officers when they have merit, never arbitrarily or for trading purposes."

Moreover, there is no incentive for a Revenue Agent to piddle away his time pursuing trivia or acting as though his life depended on finding something wrong in a return. He is under quite clear instructions to conduct an audit only in enough detail to satisfy himself that the taxpayer has reasonably discharged his obligations.

Unfortunately, Mr. Frye's article appears to be based on conversations with one agent and two tax accountants. These hardly seem representative of the attitudes of 14,000 agents and some 80,000 tax practitioners. Our efforts to reach the right answers and the proper tax are more realistically indicated by a few statistics.

Last year, out of 66 million individual income tax returns, only about 5 percent were selected for audit examination. Of the 3.1 million examined, 1.4 million or 45 percent were either accepted with no change or the taxpayer's liability was reduced because we corrected errors he had made against himself. This latter aspect resulted in refunds of $47.1 million which had been overpaid by these taxpayers.

A further indication of our efforts to reach the proper tax amount is seen in the results of the informal district conferences, the first step in appeals procedure. Last year, 15,700 district conferences were held at the request of lower income taxpayers. The net result was a reduction of $2.6 million or 28 percent in the deficiency originally proposed by the examiners.

I think these statistics indicate that the IRS gives as well as takes, depending on the facts in each case.

While I am sure Mr. Frye was attempting to deal fairly with Revenue Agents in his article, I did find his account of the $60,000 big-spender acquainting our $6,000 neophyte with what goes on in the big outside world just a little patronizing, not to say unreal. First of all, the level of a Revenue Agent, who would be assigned the $60,000-type return, earns from $9,000 to $14,000 a year, depending on length of service and experience. Secondly, the work of a Revenue Agent at any level is hardly such as to breed a class of monastics, unacquainted with business practices.

I would like to comment on one other specific point. Mr. Frye devotes nearly a column and a half to the problem of a "man" who had a 23-foot sailboat and deducted half of the expenses for entertainment of business contacts. He does not say that the whole business of "yachts and hunting lodges" was one of the major elements of the "expense account scandal" on which Congress in 1962 clearly acted to end abuses. The irony of this incident is that Mr. Frye ends up by admitting that the "man" was allowed the expense.

With the exceptions I have noted (to which I am tempted to add Mr. Frye's account of our district conference), I found Mr. Frye's article interesting and not, on the whole, unfair. Indeed, his concern for the rights of small taxpayers is one which we share.

You may be interested to know that I intend to circulate Mr. Frye's piece to our 12,000 Revenue Agents so that they can get a graphic picture of how an audit can look through a taxpayer's eyes. Our continuing goal is for our agents to conduct themselves in a way to enhance voluntary compliance. To the extent Mr. Frye's account alerts our people to the consequences of appearing to depart from this goal, it will serve a real need, and for this we are grateful.

Sincerely,
Sheldon S. Cohen, *Commissioner.*

FREEMAN TELLS CANDIDATES HOW TO COPE WITH THE INFLATION ISSUE

Mr. MacGREGOR. Mr. Speaker, I ask unanimous consent to address the House for 1 minute, to revise and extend my remarks, and include an article from the Minneapolis Morning Tribune.

The SPEAKER. Is there objection to the request of the gentleman from Minnesota?

There was no objection.

Mr. MacGREGOR. Mr. Speaker, Minnesota Democrats must be grateful today that Secretary of Agriculture Orville Freeman never decided to run for Congress, for, if he had, and especially if he had taken his own advice as to how to campaign, the results would have been disastrous.

This morning's Minneapolis Tribune quoted Secretary Freeman as advising Democrats running for Congress this year to "slip, slide, and duck any question of higher consumer prices if you possibly can."

Mr. Speaker, the Minneapolis Morning Tribune article further quotes Freeman as saying:

> I've been trying to figure out an answer to that question for six years.

The Secretary reportedly had this further advice:

> "Don't get caught in a debate over higher prices between housewives and farmers," he cautioned. "If you do, and have to choose a side, take the farmers' side.
>
> "It's the right side and, besides, housewives aren't nearly as well organized."
>
> He described as a "complete bunch of nonsense," the controversy over his letter to Defense Secretary Robert McNamara asking the Defense Department to stop buying pork several months ago, when farmers were receiving 30 cents a pound for hogs at the market.
>
> He indicated that he would take the same action again if a similar situation arose.

Mr. Speaker, we would deeply appreciate it if Secretary Freeman would openly be as honest with America's consumers and farmers as he is at closed briefings with his fellow politicians.

[From the Minneapolis (Minn.) Morning Tribune, July 29, 1966]

Freeman Tells Candidates How To Cope With the Inflation Issue

Agriculture Secretary Orville Freeman has told Democratic Congressional candidates at a closed briefing they must overcome deep resentment against the Administration in farm areas and should avoid discussion of inflation.

"There is a reaction far deeper and more bitter than I could ever have anticipated" among farmers over recent remarks by Administration officials concerning farm prices," Freeman told the candidates. "Farmers know what a tremendous minority they are, and they are very sensitive."

Several weeks ago, President Johnson indicated that high farm prices were partly to blame for the increased cost of living. Two days later, Freeman said he was "pleased to report" that certain farm prices were down.

Both remarks triggered criticism from farm-belt Congressmen and farm leaders.

A Chicago Tribune reporter listened in on Freeman's discussions with Congressional candidates, after a girl staff member of the Democratic National Committee directed him into the room for a scheduled "news briefing".

The reporter was wearing a badge which had been issued by press officials, but was similar to those worn by the candidates and was never checked closely.

The reporter later learned that the news briefings which were to be held in an adjacent room of a Washington hotel, had been canceled.

A candidate from Columbus, Ohio told Freeman a poll in his district showed that the major issue was inflation and he sought advice on how to handle questions about the increased cost of living.

"I've been trying to figure out an answer to that question for six years," Freeman replied. "Slip, slide, and duck any question of higher consumer prices if you possibly can."

"Don't get caught in a debate over higher prices between housewives and farmers," he cautioned. "If you do, and have to choose a side, take the farmers' side.

"It's the right side and, besides, housewives aren't nearly as well organized."

Freeman said farmers get only 40 per cent of the dollar that housewives spend for food and suggested that candidates could point out that housewives pay extra for the luxury of ready-made foods.

"A TV dinner that costs 60 cents at the store could be fixed at home for 20 cents," Freeman said.

He urged the candidates to emphasize that net farm income is at its highest in history. "Farm income and farm outlook are better under this administration that they have been under any other in years," he said.

"But," he warned, "farmers never like to be told they are doing all right."

Freeman said grain surpluses that were such a problem several years ago have diminished so much "we may be able to increase wheat acreage allotments" this fall.

He described as a "complete bunch of nonsense" the controversy over his letter to Defense Secretary Robert McNamara asking the Defense Department to stop buying pork several months ago, when farmers were receiving 30 cents a pound for hogs at the market.

"It didn't affect farm income one bit," he said. "It was the absolute logical thing to do and was consistent with the farmers' interest."

He indicated he would take the same action if a similar situation arose again.

GRAY H. MILLER, BOYS NATION PRESIDENT

Mr. CASEY. Mr. Speaker, I ask unanimous consent to extend my remarks at this point in the Record.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. CASEY. Mr. Speaker, I earnestly hope that my colleagues in the House will share my own great pride in the election of Gray Hampton Miller as president of the American Legion-sponsored Boys Nation.

Gray, a distinguished youngster from my district in Houston, Tex., served the U.S. House of Representatives as a page for many months. And he gives great credit to the training and background received here with aiding him in being elected to the greatest office a boy can hold.

All of us in Houston, and in Texas, are proud of the honor he has won, and those of us who know him personally take pride in the fact that we have long seen a brilliant future for Gray.

A fine scholar, a fine-looking boy with a keen sense of humor, it has been my pleasure to know Gray's parents for many years. His father, Ray Miller, is a distinguished newsman, and is news director for KPRC-TV, and their home is 10126 Woodwind, Houston, Tex.

Gray, who is 17 years old, is entering his senior year at Strake Jesuit Preparatory School in Houston. He has expressed to me a keen interest in attending the U.S. Merchant Marine Academy, to forge a career in the merchant fleet service.

The great honor of being elected president of Boys Nation is the second to be accorded Gray within a few short weeks. As a delegate to the American Legion's Boys State of Texas, he was elected as governor of the mythical 51st State, and then came on to Washington to win the highest honor.

All of us are deeply proud of this fine young man and, on behalf of all the people in the 22d District and in Texas, I extend my personal congratulations on his achievement. No matter what course he charts for himself in the years to come, we know he will fulfill his responsibilities in an able and dedicated manner, and will continue to reflect credit upon himself, and honor upon his friends and family.

A BILL TO PROVIDE NEW TAX TREATMENT OF MOVING EXPENSES

Mr. REINECKE. Mr. Speaker, I ask unanimous consent that the gentleman from Pennsylvania [Mr. Kunkel] may extend his remarks at this point in the Record and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. KUNKEL. Mr. Speaker, today I have introduced a bill to permit workers in both private industry and government to exclude certain reimbursed moving expenses from income, for tax purposes, and to expand the allowable deduction of out-of-pocket expenses.

The provisions cover those employees who move to new job locations but continue working for the same employer.

Present law permits only the so-called barebones moving expenses to be excluded from income for tax purposes. These are the costs of shipping household belongings and transportation of the employee and his family to the new place of residence.

We all know, however, that many other expenses are incurred. We also know that practically every transfer is wholly or primarily for the benefit and at the convenience of the employer. Whether these costs are reimbursed—or whether they come out of the pocket of the employee—they are certainly legitimate business expenses which should be excludable or deductible from income.

This is the aim of my bill, and I urge its passage.

CALL A HALT TO AIDING THE ENEMY

Mr. REINECKE. Mr. Speaker, I ask unanimous consent that the gentleman from Indiana [Mr. Harsha] may extend his remarks at this point in the Record and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. HARSHA. Mr. Speaker, the Prime Minister of Great Britain now finds his socialistic and labor-oriented government in such an economic dilemma that he is again calling upon Uncle Sugar to bail out the British pound.

I respectfully suggest that before the President of the United States gives any further assistance whatsoever to Great Britain that he extract from the Prime Minister an unconditional and unqualified guarantee that Great Britain will immediately cease shipping supplies to Communist North Vietnam for use against our soldiers there.

The American taxpayers are fed up with bailing out the English pound and then having their government sit helplessly by while Great Britain continues to ship supplies to the enemy for use against our American soldiers, who are risking life and limb for the cause of freedom in Vietnam.

CONCURRENT RESOLUTION CONCERNING U.S. MILITARY PRISONERS

Mr. REINECKE. Mr. Speaker, I ask unanimous consent that the gentleman from Massachusetts [Mr. Morse] may extend his remarks at this point in the Record and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. MORSE. Mr. Speaker, as of this date 64 of our colleagues in the House have introduced a concurrent resolution concerning the treatment of U.S. military personnel held prisoner in Vietnam.

The purpose of this resolution is to express the will of the American people through the Congress that all U.S. military personnel held prisoner in Vietnam are "prisoners of war" entitled to the benefits of the Geneva Conventions; that if North Vietnam were to try, execute, or punish U.S. military personnel held prisoner it would be a violation of the Geneva Conventions and established standards of international behavior; that such action would be a reprehensible offense against the peoples of the world and would not be in the interest of North Vietnam; and that such action could only diminish the chance for peace in southeast Asia.

It is important for the Congress to speak, to speak with one voice, and to speak now. The resolution would be a clear expression to the North Vietnamese leaders that they can gain nothing from such a move—and have much to lose.

Mr. Speaker, a considerable measure of credit for this initiative rests with our colleague from Kansas, Bob Ellsworth. Although the gentleman from New York [Mr. Reid] and I were the original sponsors of the resolution, the initial suggestion for congressional action was Bob Ellsworth's.

As in so many areas the Congress is again indebted to Mr. Ellsworth for his thoughtful, creative, and effective service. On selective service, on wheat acreage allotments, on Federal revenue sharing, on the international monetary system—in all these areas and now in Vietnam Bob Ellsworth has led the way for progress.

Ho Chi Minh has recently suggested that the contemplated trials may not be held. I would like to think that the introduction of our resolution helped to convince him. If so, much credit must go to Bob Ellsworth.

INTRODUCTION OF BILL TO AUTOMATICALLY INCREASE SOCIAL SECURITY BENEFITS AS COST OF LIVING INCREASES

The SPEAKER pro tempore (Mr. Smith of Iowa). Under previous order of the House, the gentleman from New York [Mr. Halpern], is recognized for 5 minutes.

Mr. HALPERN. Mr. Speaker, today I introduce legislation which would automatically increase social security benefits in proportion to increases in the cost of living. This concept, which I have long supported and advocated, finally seems to be gaining the support of more and more of my colleagues who have recently seriously considered the need for such a change in social security policy.

The small percentage increases each month in the Consumer Price Index have steadily mounted, seriously weakening the purchasing power of those retired, elderly, and other dependents of social security. In essence, this process actually decreases the real benefits which those on social security have honestly paid for and who now deserve to have them returned to them. This process has been allowed to continue, with congressional action coming only when benefits lag far behind actual costs which payments were intended to cover. The bill I propose today would be designed to eliminate mounting inequities; it would substitute the ounce of regular economic prevention for what has usually been emergency cure.

The ones hardest hit by inflation are those with fixed incomes and pensions. And those who suffer most are the elderly on social security. It is high time some consideration was given the problem of meeting increasing costs of services on a dependent's fixed income.

Financing of this program would also be automatic. As cost of living increases, there is a concomitant increase in revenue obtained by the Social Security Administration.

Would such an automatic increase create a further inflationary push? Not any more so than current wage increases. If industry can afford to continuously give its healthy workers pay increases to meet the cost of living, then we should return to the elderly, retired, and other dependents the real value of what they have already paid through direct or indirect contributions to the social security system. The bill would thus relieve inequities caused by inflation. Inflation can be stopped at its roots, when such industrial wage increases exceed recommended guidelines. Inflation must not be abated at the expense of those who can afford it least.

I urge my colleagues to carefully consider this automatic increase concept, which I hope will allow the social security benefits to pay, in real buying power, what dependents have already paid for.

TRI-CONTINENTAL CONFERENCE: FOURTH CONGRESS OF LATIN AMERICAN STUDENTS

Mr. McCARTHY. Mr. Speaker, I ask unanimous consent that the gentleman from Pennsylvania [Mr. Flood] may extend his remarks at this point in the Record and include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. FLOOD. Mr. Speaker, in statements to the House on April 20, May 25, and July 12, 1966, I commented at some length on the much publicized Tri-Continental Conference held in Havana in January of this year and attended by representatives of the peoples of Asia, Africa, and Latin America, and the plans of that conference for increased activities through infiltration, subversion, and guerrilla warfare by students trained in Castro's Cuba.

In Panama, we have already seen the results in the form of bloody student riots that were featured by loss of life and large destruction of property in that country and which required the use of the Panamanian National Guard to restore law and order. We have also seen that the Commonwealth of Puerto Rico has been made an objective for fomenting a so-called war of national liberation.

The latest information from Cuba is that from July 29 to August 9 there will be a Fourth American Congress of Students at Havana, with 27 Latin American delegations present and Puerto Rican Communists playing a major role.

Because such activities will inevitably have a bearing on the Panama Canal, which is the main target in the long-range program for Hemispheric assault by Red power, I quote the pertinent section of a recent Latin American Report published by the Citizens Committee for a Free Cuba of Miami, Fla., as part of my remarks. If the situation thus presented were in the reverse and if in the Soviet or any of its satellite countries, there was permitted an assemblage with representatives from the free world committed to the task of freeing satellites from the Red yoke, such agents would be stood up against a wall and shot. If delegates from the United States and Puerto Rico attending the indicated Cuban convention do not suffer any sort of punishment at home for their recreancy, then we can expect an ever-increasing resurgence of communistic revolutionary activities both in the United States and Puerto Rico.

Under these circumstances, it is not a matter of wonder that communistic power flourishes in the free nations while in Red lands all efforts in behalf of freedom are ruthlessly suppressed.

The indicated report follows:

[From the Latin America Report, Washington, D.C., July 11, 1966]

HAVANA SCHEDULES CONFERENCE ON STUDENT SUBVERSION

Havana will host a "student" conference on subversion. From July 29 to August 9, youths from all over Latin America will attend the "Fourth Latin American Congress of Students." It is expected that the United States will be represented by delegates from the "New Left" or perhaps by openly-declared Communists.

The event is an extension of the tri-continental conference of Havana (See "The Havana Conference," Vol. 4, No. 7, April 4, 1966).

The Fourth Latin American Congress of Students is supported by the Communist International Union of Students which has recently established affiliates throughout Latin America. Reports from Havana state that 27 Latin American delegations will be present.

The theme of the Fourth Congress is taken from the final resolution of the tri-continental conference, stating that "the role of the students in the fight for independence, and self-determination of the peoples, against imperialism, colonialism and neocolonialism is in solidarity with the people who are in the fight." In other words, students are now to be brought into the central organization of subversion in Havana and charged with specific duties in support of that subversion.

Puerto Rico is to assume a major role at the Congress. Silvio Silva, a Puerto Rican, has been given the post of Vice President of the International Union of Students. He also is on the preparatory committee of the upcoming Havana Congress.

The meeting to be held in Havana represents a major effort of the Communists for an even more concerted campaign than it has been carrying out in the past to penetrate intellectual circles in the hemisphere.

A CHANCE TO AID OUR IMPRISONED FIGHTING MEN

Mr. McCARTHY. Mr. Speaker, I ask unanimous consent that the gentleman from New York [Mr. Wolff] may extend his remarks at this point in the Record and include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. WOLFF. Mr. Speaker, yesterday a story on the front page of the New York Times revealed thru Abba Schwartz, formerly with the State Department's Bureau of Consular and Security Affairs, that private, clandestine talks with various international Red Cross units could possibly be a prelude to direct talks on the subject of guarantees of humane treatment of American boys now captives of the Vietcong and the North Vietnamese.

Those Americans who have given so much and now lie in some dank prison camp deserve every effort we can employ to safeguard their lives and their well-being.

The Times story included an obscure paragraph toward the end that is a clue to an obstacle that prevents these talks from becoming a reality and the safety of our men a fact:

> The main problem to be resolved . . . is which nation or groups should be invited. One possibility would be to invite all signatories of the 1949 Geneva Conference on

prisoners, but this would exclude the National Liberation Front. An alternative would be to invite all parties to the conflict, but this would raise the problem of American objections to Vietcong representation.

Here then is a chance to part the Bamboo Curtain. Perhaps ultimately it could be the beginning of enlarged negotiations that could lead to peace.

We have often said that we will sit down any time, any place, to talk peace.

Well, our men in the dark huts deserve the enlightened thinking of our leaders.

Vietcong participation in talks has always been one of the major stumbling blocks to ending the conflict in Vietnam. I long have urged that all parties to the war including the Vietcong be peace table participants.

In reality, how can we expect to achieve a binding agreement without the presence of one of the major participants? What if decisions are made and those absent refuse to go along and continue fighting? We will have achieved little, but more talk.

Although they were our enemies, we sat down with the Japanese, the Germans, and the North Koreans.

We are playing games with the lives and security of American service men if we refuse to sit down to discuss the welfare of American boys in the hands of the enemy.

We must move to implement these discussions now—and not let another day of growing despair pass for American youth in foreign prison camps.

Let us not miss this opportunity.

A CRUSADE OF GOOD WILL BY 34 TEXANS

Mr. PATMAN. Mr. Speaker, I ask unanimous consent to extend my remarks at this point in the RECORD and include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. PATMAN. Mr. Speaker, part fun, part work, part study—this describes a constructive enterprise by 34 Texans who traveled thousands of miles to make a gift of their vacation time to help a small church located in the north country of New York State. It is well worth the time of this House to read the following account, published in the Plattsburgh Press-Republican of July 23, 1966, an item that would probably otherwise be generally passed over in a world accustomed to daily newspaper stories of youth riots, street battles, and dissension. However, this, too, merits attention, and although the group in this instance is from my own church, the First Baptist Church of Texarkana, I take pride in noting that the Teen-Stitute movement is not restricted to any denomination—it is in fact open to all who have the courage to cast good deeds at their fellow men.

Thirty-four From Texas Come 4,000 Miles To Aid City Church

The day begins with breakfast for 34.

That's dozen upon dozen of eggs, gallons of coffee and loaves of toast.

Then down to business. Girls busily clean up after the big breakfast and set about a multitude of other tasks as the boys go outside and get right to work.

This is how the day begins for the 34 Texans who arrived here for a week of building and teaching at Champlain Valley Baptist Church.

From the First Baptist Church of Texarkana ("Texas-side of the border," they brag) the group includes 21 young people of senior high school and college backgrounds.

The Texarkana Church is responsible for organizing the CV Baptist Church which started in 1960. They also had as a "Pioneer Mission" the First Baptist Church of South Burlington, Vt., the only Southern Baptist church in the State of Vermont.

They arrived Tuesday by bus to give a helping hand to the Plattsburgh church.

This morning they can be found tearing down an old frame building or pouring cement sidewalks or leveling ground for a new parking lot.

Sweaty, grimy, hot and tired after a hard day's work, these same young people will get into their best clothes for study classes this evening.

They are here to teach youngsters of all ages but their "pride and joy" is a "Teen-Stitute" for young people, ages 13 to 24.

This is a panel discussion type program augmented by slides and text planned to aid young people in "coming to grips" with the problems imposed upon them by modern society.

And it is not restrictive to Baptists—or Protestants. The Rev. Marvin Simpson has invited interested young people from all denominations, from all over the entire area, to participate in Teen-Stitute.

From 7 to 9 p.m., the young people give of themselves to their programs—for people of a town, a community, a part of the country many will never again see.

It's a 4,000-mile round trip these people have made to bring their aid to the small church on Route 22 in South Plattsburgh.

It is several thousands of dollars donated by people who have never seen Plattsburgh—who have no family or acquaintances here.

But they have friends. For, by sending such a goodwill emissary as this group of teenagers they have drawn a small New York city and a small Texas town closer together.

Work, Play and Teen-Stitute for Texan Youths

(By Larry Payton)

Members of the Champlain Valley Baptist Church this week greeted 34 visiting Texans of the First Baptist Church of Texarkana.

Primarily made up of young people, ages 17 to 22, the group made the trip to Plattsburgh to aid in church construction projects and to conduct mission study groups for youngsters and church leaders.

The local church was first established in 1960 as a "Pioneer Mission" of the 2,500-member Texas congregation.

The Plattsburgh church is one of three missions the Texarkana congregation has initiated. Another is the First Baptist Church of South Burlington, Vt. The third is in Nebraska.

The Rev. Marvin Simpson, pastor of CV Baptist Church, said an Air Base sergeant, Ervin Carson, organized the Plattsburgh church. He had been a member of the Texarkana church prior to transferring here.

The 21 young people and their adult supervisors will aid in tearing down an old building, clearing the site and constructing a parking lot, installing almost 200 feet of concrete sidewalk and doing exterior painting of the new church building.

The money for these projects comes from the Texarkana group also and takes nothing from the local church's funds.

"Thousands of dollars," said Dr. William Shields, coordinator of the excursion, "have been donated by individual contributors of our home church which supplies the bus and our food." For sightseeing and their motel rooms, he pointed out, each of the youngsters chipped in $15.

He said the young people did this so they could take a sightseeing trip to New York City afterwards without using the donors' money.

Emphasis of the program is on youth.

The young people will conduct a census for the church of the neighboring towns and will lead study groups for all denominations of area children and young people.

Many of the adults on the trip will teach area church workers how to instruct their classes. Joe Parks instructs adult workers in a course titled "Preparing to teach the Bible." Mrs. Earl Oxford teaches the young people and intermediate workers. In addition, instruction is provided for junior and primary and nursery workers.

But the highlight of the study groups is "Teen-Stitute."

The young people themselves conduct this discussion program in a seminar-type format. Open to everyone age 13 to 24, it deals with the problems young people face in this day and age. Topics such as "First Date" and "When do I Date?" are among the many items to be discussed.

"How it works," said Teen-Stitute Supervisor Jack Brewer, minister of youth at the Texarkana church, "is similar to a panel discussion.

"First, someone raises a problem or question. The young people—ours and your own—discuss it thoroughly, then arrive at a consensus of opinion or a resolution.

"We hope to be able to keep from leaving any topic 'up in the air' after discussion. Rather, we hope to be able to come up with some concrete solutions or at least, suggestions to minimize the problem areas," he explained.

The teen-agers take the Teen-Stitute seriously. Some of their sober topics include, "Conduct on a Date," "Is It Love?" "Trying To Be Popular," "Going Steady," and "When Should I Marry?"

Besides Teen-Stitute, there will be study groups for other children in different age groups.

Nursery facilities run by two of the girls and an adult is available for children ages one to three.

The teens will teach a study course for pre-schoolers, ages four and five; for primaries, ages six to eight; and a Bible study course for juniors, ages nine to 12, which will be separated into a boys' division and girls' division.

All the study courses including the instructor class and the Teen-Stitute get under way at a formal half-hour fellowship meeting, conducted for all at 8:30 p.m.

The young people will be in the area through Sunday. Saturday and Sunday, however, will be devoted to a "Youth Retreat" with the Texans, Plattsburgh youth and youth from the So. Burlington Baptist Church.

This is a two-day camp-out affair, followed by more building work and study classes Monday and Tuesday.

The group began the trip July 16 by chartered bus, for the most part camping out or sleeping right on the coach. They were put up overnight, however, in homes of members of the First Baptist Church of St. John's in St. Louis.

During a stopover in Leamington, Ontario, Canada, the young people conducted the entire Sunday evening services of the First Baptist Church there.

The group is living in church buildings here, the men sleeping in the basement of the new church and the women in the old house, soon to be torn down.

The basement resembles an army open-bay barracks as the men have set up cots along the one long room and live out of suitcases. The women have mattresses covering almost all of the upstairs floor of the old building.

They will leave for New York City Wednesday for a sightseeing stopover before going home.

Afterwards, they will stop in Washington, D.C., for dinner at the Sam Rayburn Memorial Building and a tour of the White House. Then they move on by way of Shenandoah National Park, Va., and Great Smoky Mountains National Park, Tenn., to Texarkana.

Sponsors in the mission endeavor are Dr. and Mrs. Shields, Mr. and Mrs. J. C. Arnold, Joe Parks, Jack Brewer, Bill Shields, Mitzi Whitten, Martha Shields, Mr. and Mrs. Tom Whitten and Mrs. Earl Oxford.

The young people are Carol Trigg, Pat Freeman, Shirley DeLoach, Claude Bookout, Tim Eatman, Vicki Langston, Brenda Jones, Hugh Campbell, Jack Allensworth, Rick Frame, Nancy White, Betsy Shields, Dennis Landreaux, Jenny Cornella, Connie Owens, Mary Lou Herrerra, Charlotte Oxford, Glenda Gibson, Larry Oxford, Mortitia Casey and Lola Kay Simmons.

A NEW SYSTEM TO AID CARDIAC PATIENTS

Mr. McCARTHY. Mr. Speaker, I ask unanimous consent that the gentleman from Connecticut [Mr. DADDARIO] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. DADDARIO. Mr. Speaker, today's news includes the disclosure of a new system for monitoring and analyzing the condition of cardiac patients between a hospital in my district and a medical center here in Washington.

At a Boston medical conference yesterday this system was described by an official of the U.S. Public Health Service and it heralds, perhaps, a new era in which the developments of modern technology can be put to use to safeguard the well-being of many more persons than could be assured in the past.

The project involves primarily the transmission of electrocardiograms to computers which will analyze the signal and return the analysis in a matter of some 15 seconds.

The development of the project to this exciting point is a result primarily of the initiatives of the U.S. Public Health Service. However, during the past year and a half, advancement of this remote recording and handling of medical data has been assisted, through some funding and consultation, by doctors in NASA's space medicine program who are seeking to learn more about monitoring voluminous data in real time on a continuing basis as such relates to the manned space flight program.

This is an excellent example—one of many—of how the furtherance of NASA research and development objectives assists other worthwhile societal objectives.

Mr. Speaker, I would like to submit for the RECORD a news dispatch on this subject which appeared in today's New York Times.

[From the New York Times, July 28, 1966]

COMPUTER TO AID HEART DIAGNOSES—HARTFORD HOSPITAL WILL USE PHONE LINK TO WASHINGTON FOR ITS EMERGENCY CASES—ANALYSIS IN 15 SECONDS—METHOD TO BE EXTENDED TO OTHER MEDICAL TESTS—WIDE UTILIZATION IS PREDICTED

(By Harold M. Schmeck, Jr.)

BOSTON, July 27.—Emergency patients in a hospital in New England will have their heart conditions analyzed almost instantly in Washington, in a project that is to begin in about a month.

Each patient's electrocardiogram will get sent by telephone line from the bedside to a computer in Washington. The computer will analyze the signal and send its analysis back to the hospital in 15 seconds.

The project is an early phase of developments that may change the whole course of American medicine, a leader of the Government-sponsored program said here today.

Within the relatively near future, he envisages regional data centers to which any participating doctor, small hospital, or nursing home can have direct access by telephone line.

An electrocardiogram is a recording of the electrical activity of a person's heart. It gives the doctor much information on a patient's heart abnormalities and disease state. In a sense the long-distance analysis is akin to bringing a heart specialist to each patient's beside.

LINK TO FIELD STATION

Long-distance projects in electrocardiogram analysis were described here today by Dr. Cesar Caceres, chief of the instrumentation field station of the United States Public Health Services heart disease control program.

He said many other medical tests could be handled in much the same way at long distance. The computer need not be extraordinarily sophisticated, he said. For each region it would probably be placed in an existing major hospital.

The long-distance analysis of electrocardiograms has already been tested on a nonemergency basis, Dr. Caceres said. Emergency use of the method will begin soon, probably before September, in a project linking the emergency unit of the Hartford Hospital with the Public Health Service field station on the George Washington University campus in Washington.

Dr. Caceres, a widely known expert in the remote recording and handling data, spoke at an international scientific symposium here sponsored by the Association for the Advancement of Medical Instrumentation.

OUT-PATIENTS TEST

For the last year, electrocardiogram data have been sent from the hospital's out-patient department to the field station, he said. Data on about 30 patients have been handled each day with only a 15-second lag between the recording and the return of the analysis to the hospital. Other short-term projects have also confirmed that the method works. Another test is planned to demonstrate that the same data exchange can even span oceans reliably.

Another project in Washington this fall will use the same sort of arrangement to monitor gravely ill patients in intensive care units of the hospital. The computer's quick response will warn nurses and doctors if a patient begins to develop danger signs.

Speaking with reporters after his presentation to the symposium today, Dr. Caceres said the current projects were the outgrowth of eight years of research.

ENGLAND CONTINUES CUBAN SHIPPING

Mr. McCARTHY. Mr. Speaker, I ask unanimous consent that the gentleman from Florida [Mr. ROGERS] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. ROGERS of Florida. Mr. Speaker, I have again checked with the Maritime Administration in regard to the present shipping policies of our allies to Cuba and have come across a continually disappointing bit of information.

England continues to lead all free world nations in shipping to Cuba. This against the interest of the people of the United States and against the principles of all nations in the hemisphere.

I think the fact is extremely timely since Prime Minister Wilson is visiting us today and I feel that this fact should enter into discussion between the Prime Minister and the President.

I would hope that the President emphasizes the fact that in continuing this policy of supplying Cuba with foods, England is serving as the lifeline to the only Communist country in the Western Hemisphere.

For the past 3 years English ships have accounted for more than double the amount of any U.S. ally in Cuban shipping. At least 50 percent of all free world trade to Cuba has come via British shipping.

And again the trend is evident in the first 6 months of this year. Through June, 200 ships flying free world flags have visited Cuba and of those 129 have flown the British flag.

I would hope that the Prime Minister would reconsider the actions taken by England, traditionally our closest ally in peace and war, in supplying an enemy of the free world with goods.

SPECIAL ORDER GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to Mr. HALPERN (at the request of Mr. REINECKE), for 5 minutes, today; to revise and extend his remarks and include extraneous matter.

EXTENSION OF REMARKS

By unanimous consent, permission to extend remarks in the CONGRESSIONAL RECORD, or to revise and extend remarks was granted to:

(The following Members (at the request of Mr. REINECKE) and to include extraneous matter:)

Mr. CURTIS.
Mr. PELLY.
Mr. FINDLEY.

(The following Members (at the request of Mr. McCARTHY) to revise and extend their remarks, and include extraneous matter:)

Mr. COHELAN.

Mr. SCHEUER.

Mr. MCVICKER.

ADJOURNMENT

Mr. McCARTHY. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 3 o'clock and 31 minutes p.m.), under its previous order, the House adjourned until Monday, August 1, 1966, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

2600. Under clause 2 of rule XXIV, a letter from the Acting Secretary of the Treasury, transmitting a draft of proposed legislation to improve the aids to navigation services of the Coast Guard, was taken from the Speaker's table and referred to the Committee on Merchant Marine and Fisheries.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. RIVERS of Alaska: Committee on Interior and Insular Affairs. H.R. 51. A bill to provide for the establishment of the Indiana Dunes National Lakeshore, and for other purposes; with amendment (Rept. No. 1782). Referred to the Committee of the Whole House on the State of the Union.

Mr. HALEY: Committee on Interior and Insular Affairs. H.R. 10747. A bill to provide for the disposition of funds appropriated to pay a judgment in favor of the Duwamish Tribe of Indians in Indian Claims Commission docket No. 109, and for other purposes (Rept. No. 1783). Referred to the Committee of the Whole House on the State of the Union.

Mr. ROGERS of Texas: Committee on Interior and Insular Affairs. H.R. 9976. A bill to amend the act of September 2, 1964; with amendment (Rept. No. 1784). Referred to the Committee of the Whole House on the State of the Union.

Mr. COOLEY: Committee on Agriculture. H.R. 15510. A bill to amend the Consolidated Farmers Home Administration Act of 1961 to authorize the Secretary of Agriculture to hold prepayments made to the Secretary by insured loan borrowers and transmit them to the holder of the note in installments as they become due (Rept. No. 1785). Referred to the Committee of the Whole House on the State of the Union.

Mr. McMILLAN: Committee on the District of Columbia. H.R. 16340. A bill to prohibit picketing in the District of Columbia within 500 feet of any church, and for other purposes; with amendment (Rept. No. 1786). Referred to the House Calendar.

Mr. COOLEY: Committee on Agriculture. H.R. 13361. A bill to establish a cooperative Federal-State child nutrition program under the direction of the Department of Agriculture; with amendments (Rept. No. 1787). Referred to the Committee of the Whole House on the State of the Union.

PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. ASHBROOK:

H.R. 16688. A bill to prohibit desecration of the flag; to the Committee on the Judiciary.

H.R. 16689. A bill to amend the Internal Security Act of 1950, and for other purposes; to the Committee on Un-American Activities.

By Mr. BERRY:

H.R. 16690. A bill to amend the Railway Labor Act to provide for a secret ballot vote after an emergency board report to determine the wishes of the employees with respect to acceptance of the carrier's last offer; to the Committee on Interstate and Foreign Commerce.

By Mr. CELLER:

H.R. 16691. A bill to amend section 704 of title 18, United States Code, to prohibit the manufacture, sale, wearing, or reproduction of military insignia; to the Committee on the Judiciary.

By Mr. COHELAN:

H.R.16692. A bill to amend the National Foundation on the Arts and the Humanities Act of 1965; to the Committee on Education and Labor.

By Mr. CURTIN:

H.R. 16693. A bill to protect the domestic economy, to promote the general welfare, and to assist in the national defense by providing for an adequate supply of lead and zinc for consumption in the United States from domestic and foreign sources, and for other purposes; to the Committee on Ways and Means.

By Mr. HORTON:

H.R. 16694. A bill to amend the Railroad Retirement Act of 1937 to provide for cost-of-living increases in the benefits payable thereunder; to the Committee on Interstate and Foreign Commerce.

H.R. 16695. A bill to amend title II of the Social Security Act to provide for cost-of-living increases in the benefits payable thereunder; to the Committee on Ways and Means.

By Mr. JOHNSON of California:

H.R. 16696. A bill to amend title 39, United States Code, to provide city delivery mail service on a door delivery service basis for postal patrons receiving curbside delivery service who qualify for door delivery service; to the Committee on Post Office and Civil Service.

By Mr. LENNON:

H.R. 16697. A bill to amend title 37, United States Code, to authorize, under certain conditions, travel and transportation allowances for members of the uniformed services in connection with emergency leave, and for other purposes; to the Committee on Armed Services.

By Mr. LOVE:

H.R. 16698. A bill to amend title 10, United States Code, to authorize the Secretary of Defense to conduct a special educational training and physical rehabilitation program for persons with educational or physical deficiencies to enable them to serve effectively in the armed forces; to the Committee on Armed Services.

By Mr. McCLORY:

H.R. 16699. A bill to provide additional assistance for areas suffering a major disaster; to the Committee on Public Works.

H.R. 16700. A bill to amend title II of the Social Security Act to provide for cost-of-living increases in the benefits payable thereunder; to the Committee on Ways and Means.

By Mr. MATSUNAGA:

H.R. 16701. A bill to amend section 2(3), section 8c(2), and section 8c(6)(I) of the Agricultural Marketing Agreement Act of 1937, as amended; to the Committee on Agriculture.

By Mr. SCHWEIKER:

H.R. 16702. A bill to amend title 37, United States Code, to authorize, under certain conditions, travel and transportation allowances for members of the uniformed services in connection with emergency leave, and for other purposes; to the Committee on Armed Services.

By Mr. SPRINGER:

H.R. 16703. A bill to amend the Railroad Retirement Act of 1937 to provide for cost-of-living increases in the annuities and pensions (and lump-sum payments) which are payable thereunder; to the Committee on Interstate and Foreign Commerce.

H.R. 16704. A bill to amend title II of the Social Security Act to provide for cost-of-living increases in the benefits payable thereunder; to the Committee on Ways and Means.

By Mr. STALBAUM:

H.R. 16705. A bill to amend title II of the Social Security Act to increase the amount of monthly benefits payable thereunder, to raise the wage base, to provide for cost-of-living increases in such benefits, to increase the amount of the benefits payable to widows, to provide for contributions to social security trust funds from the general revenues, to otherwise extend and improve the insurance system established by such title, and for other purposes; to the Committee on Ways and Means.

By Mr. UDALL:

H.R. 16706. A bill to amend title 39, United States Code, with respect to use of the mails to obtain money or property under false representations, and for other purposes; to the Committee on Post Office and Civil Service.

By Mr. WHITE of Idaho:

H.R. 16707. A bill to protect the domestic economy, to promote the general welfare, and to assist in the national defense by providing for an adequate supply of lead and zinc for consumption in the United States from domestic and foreign sources, and for other purposes; to the Committee on Ways and Means.

By Mr. BOB WILSON:

H.R. 16708. A bill to amend title II of the Merchant Marine Act, 1936, to create the Federal Maritime Administration and for other purposes; to the Committee on Merchant Marine and Fisheries.

By Mr. BURTON of Utah:

H.R. 16709. A bill to amend title II of the Social Security Act to provide for cost-of-living increases in the benefits payable thereunder; to the Committee on Ways and Means.

By Mr. CONABLE:

H.R. 16710. A bill to amend the Railroad Retirement Act of 1937 to provide for cost-of-living increases in the benefits payable thereunder; to the Committee on Interstate and Foreign Commerce.

H.R. 16711. A bill to amend title II of the Social Security Act to provide for cost-of-living increases in the benefits payable thereunder; to the Committe on Ways and Means.

By Mr. DOLE:

H.R. 16712. A bill to amend title II of the Social Security Act to provide cost-of-living increases in the benefits payable thereunder, and to provide that any such increases shall not be considered as income for purposes of determining eligibility for pension under title 38 of the United States Code (veterans' benefits); to the Committee on Ways and Means.

By Mr. EDWARDS of Alabama:

H.R. 16713. A bill to authorize the payment of an allowance not to exceed $10 per day to employees assigned to duty at the Shellfish Research Center, Dauphin Island, Ala., and for other purposes; to the Committee on Government Operations.

By Mr. HALPERN:

H.R. 16714. A bill to amend title II of the Social Security Act to provide for cost-of-living increases in the benefits payable thereunder; to the Committee on Ways and Means.

By Mr. HOLLAND:

H.R. 16715. A bill to amend the Manpower Development and Training Act of 1962; to the Committee on Education and Labor.

By Mr. KUNKEL:

H.R. 16716. A bill to exclude from income certain reimbursed moving expenses, to expand the deduction for moving expenses in certain cases, and for other purposes; to the Committee on Ways and Means.

By Mr. McCULLOCH:

H.R. 16717. A bill to amend title II of the Social Security Act to provide cost-of-living increases in the benefits payable thereunder, and to provide that any such increases shall not be considered as income for purposes of determining eligibility for pension under title 38 of the United States Code (veterans' benefits); to the Committee on Ways and Means.

By Mr. McVICKER:

H.R. 16718. A bill to protect the domestic economy, to promote the general welfare, and to assist in the national defense by providing for an adequate supply of lead and zinc for consumption in the United States from domestic and foreign sources, and for other purposes; to the Committee on Ways and Means.

By Mr. SKUBITZ:

H.R. 16719. A bill to amend title II of the Social Security Act to provide cost-of-living increases in the benefits payable thereunder, and to provide that any such increases shall not be considered as income for purposes of determining eligibility for pension under title 38 of the United States Code (veterans' benefits); to the Committee on Ways and Means.

By Mr. VAN DEERLIN:

H.R. 16720. A bill to amend title 39, United States Code, to provide city delivery mail service on a door delivery service basis for postal patrons receiving curbside delivery service who qualify for door delivery service; to the Committee on Post Office and Civil Service.

By Mr. ABERNETHY:

H.J. Res. 1245. Joint resolution to establish a Commission To Investigate the Increase in Law Violation, To Determine the Causes and Fix Responsibility for the Breakdown in Law Enforcement, With the Resulting Destruction of Life and Property, to recommend corrective legislation, and for other purposes; to the Committee on the Judiciary.

By Mr. ROSTENKOWSKI:

H.J. Res. 1246. Joint resolution to authorize the President to designate the week of August 7 through August 13, 1966, as Professional Photography Week; to the Committee on the Judiciary.

By Mr. MILLER:

H.J. Res. 1247. Joint resolution designating the week of November 14, 1966, as National Measurement Standards Week; to the Committee on the Judiciary.

By Mr. BARING:

H. Con. Res. 936. Concurrent resolution expressing the sense of the Congress with respect to certain proposed regulations of the Food and Drug Administration relating to the labeling and content of diet foods and diet supplements; to the Committee on Interstate and Foreign Commerce.

By Mr. CUNNINGHAM:

H. Con. Res. 937. Concurrent resolution expressing the sense of the Congress with respect to certain proposed regulations of the Food and Drug Administration relating to the labeling and content of diet foods and diet supplements; to the Committee on Interstate and Foreign Commerce.

By Mr. FARBSTEIN:

H. Con. Res. 938. Concurrent resolution relating to U.S. military personnel held captive in Vietnam; to the Committee on Foreign Affairs.

By Mr. KEITH:

H. Con. Res. 939. Concurrent resolution relating to U.S. military personnel held captive in Vietnam; to the Committee on Foreign Affairs.

By Mr. O'HARA of Illinois:

H. Con. Res. 940. Concurrent resolution relating to U.S. military personnel held captive in Vietnam; to the Committee on Foreign Affairs.

By Mr. PUCINSKI:

H. Con. Res. 941. Concurrent resolution expressing the sense of the Congress with respect to certain proposed regulations of the Internal Revenue Service relating to elimination of tax-deductible educational expenses; to the Committee on Ways and Means.

By Mr. HAYS (by request):

H. Res. 946. Resolution authorizing the printing of additional copies of House Report No. 1568 of the 89th Congress; to the Committee on House Administration.

By Mr. O'HARA of Illinois:

H. Res. 947. Resolution expressing concern for prisoners of war in Vietnam; to the Committee on Foreign Affairs.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. LEGGETT:

H.R. 16721. A bill for the relief of Michael Stephen Valeriote; to the Committee on the Judiciary.

By Mr. POWELL:

H.R. 16722. A bill for the relief of Salvatore Giglio; to the Committee on the Judiciary.

H.R. 16723. A bill for the relief of Carmine Pennella; to the Committee on the Judiciary.

H.R. 16724. A bill for the relief of Nino Ramunno; to the Committee on the Judiciary.

H.R. 16725. A bill for the relief of Nellie White; to the Committee on the Judiciary.

PETITIONS, ETC.

Under clause 1 of rule XXII,

419. Mr. MOORE presented a petition of the 48th Annual Department Convention of the American Legion, Department of West Virginia, held in Parkersburg, W. Va., urging defeat of House Resolution 11934, which was referred to the Committee on Veterans' Affairs.

SENATE

FRIDAY, JULY 29, 1966

The Senate met at 12 o'clock meridian, and was called to order by the Acting President pro tempore (Mr. METCALF).

Rev. Edward B. Lewis, minister, Capitol Hill Methodist Church, Washington, D.C., offered the following prayer:

Gracious God, we are told in the Bible that by grace we are saved through faith, it is not ourselves, it is the gift of God.

We are thankful that there is that grace, the undeserved favor of God, for all men. We are unworthy in that we sin against Thee through ignoring Thee. We sin against our fellow men, and thus we have problems of race, crime, poverty, and war as we see nations rising up against nations.

Yet there is grace. It is the gift of the favor of God. Help us to receive it. We need that gift for the world's ills and darkness.

Be with this session of the U.S. Senate. Guide and protect our President. Minister to the needs of our men in uniform. Make all of us worthy citizens, we pray in Jesus' name. Amen.

THE JOURNAL

On request of Mr. MANSFIELD, and by unanimous consent, the reading of the Journal of the proceedings of Thursday, July 28, 1966, was dispensed with.

MESSAGE FROM THE PRESIDENT—APPROVAL OF BILL

A message in writing from the President of the United States was communicated to the Senate by Mr. Geisler, one of his secretaries, and he announced that on July 28, 1966, the President had approved and signed the act (S. 822) to authorize the Secretary of the Interior to convey certain public land in Wyoming to Clara Dozier Wire.

MESSAGE FROM THE HOUSE—ENROLLED BILLS SIGNED

A message from the House of Representatives, by Mr. Bartlett, one of its reading clerks, announced that the Speaker had affixed his signature to the following enrolled bills:

H.R. 12389. An act to increase the amount authorized to be appropriated for the development of the Arkansas Post National Memorial; and

H.R. 15225. An act to amend section 15d of the Tennessee Valley Authority Act of 1933 to increase the amount of bonds which may be issued by the Tennessee Valley Authority.

EXECUTIVE COMMUNICATIONS, ETC.

The ACTING PRESIDENT pro tempore laid before the Senate the following letters, which were referred as indicated:

REPORT ON EXEMPTIONS FROM THE ANTITRUST LAWS

A letter from the Attorney General, transmitting, pursuant to law, a report on exemptions from the antitrust laws to assist in safeguarding the balance-of-payments position of the United States, dated July 1, 1966 (with an accompanying report); to the Committee on the Judiciary.

AMENDMENT OF SECTIONS 281 AND 344 OF IMMIGRATION AND NATIONALITY ACT

A letter from the Attorney General, transmitting a draft of proposed legislation to amend sections 281 and 344 of the Immigration and Nationality Act to eliminate the statutory prescription of fees, and for other purposes (with accompanying papers); to the Committee on the Judiciary.

AMENDMENT OF SECTION 704 OF TITLE 18, UNITED STATES CODE

A letter from the Acting Secretary of the Army, transmitting a draft of proposed legislation to amend section 704 of title 18, United States Code, to prohibit the manufacture, sale, wearing, or reproduction of military insignia (with an accompanying paper); to the Committee on the Judiciary.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. JACKSON, from the Committee on Interior and Insular Affairs, with amendments:

S. 3080. A bill to amend section 8 of the Revised Organic Act of the Virgin Islands to increase the special revenue bond borrowing authority, and for other purposes (Rept. No. 1421); and

H.R. 13298. An act to amend the Organic Act of Guam in order to authorize the legislature thereof to provide by law for the election of its members from election districts (Rept. No. 1420).

By Mr. SYMINGTON, from the Committee on Armed Services, with an amendment:

H.R. 14875. An act to amend section 1035 of title 10, United States Code, and other laws, to authorize members of the uniformed services who are on duty outside the United States or its possessions to deposit their savings with a uniformed service, and for other purposes (Rept. No. 1422).

By Mr. INOUYE, from the Committee on Armed Services, with amendments:

H.R. 7327. An act to repeal section 7043 of title 10, United States Code (Rept. No. 1423).

BILLS INTRODUCED

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. BREWSTER:

S. 3673. A bill to provide an equitable system for fixing and adjusting the rates of compensation of wage board employees; to the Committee on Post Office and Civil Service.

(See the remarks of Mr. BREWSTER when he introduced the above bill, which appear under a separate heading.)

By Mr. MONTOYA:

S. 3674. A bill for the relief of Chun Moon Hee (Hi); to the Committee on the Judiciary.

COMMITTEE MEETINGS DURING SENATE SESSION

On request of Mr. MANSFIELD, and by unanimous consent, the Committee on Interior and Insular Affairs and the Subcommittee on Small Business of the Committee on Banking and Currency were authorized to meet during the session of the Senate today.

On request of Mr. ERVIN, and by unanimous consent, the Subcommittee on Antitrust and Monopoly of the Committee on the Judiciary was authorized to meet during the session of the Senate today.

LIMITATION ON STATEMENTS DURING TRANSACTION OF ROUTINE MORNING BUSINESS

On request of Mr. MANSFIELD, and by unanimous consent, statements during the transaction of routine morning business were ordered limited to 3 minutes.

ADJUSTMENT OF COMPENSATION OF WAGE BOARD EMPLOYEES

Mr. BREWSTER. Mr. President, one of the most neglected segments of the labor force is the Government blue-collar employees. While the white-collar workers are covered by the Civil Service Commission, the many thousands of Government janitors, construction workers, porters, and so forth, are not so fortunate.

There is an existing wage authority which is responsible for these employees. But a new wage board is urgently needed, one which would be empowered to set uniform standards and be more responsive to the workers' needs. I am introducing, for appropriate reference, a bill which would set up such a wage board.

Mr. President, I ask unanimous consent that the text of my bill be printed in the RECORD at the conclusion of my remarks.

The ACTING PRESIDENT pro tempore. The bill will be received and appropriately referred; and, without objection, the bill will be printed in the RECORD.

The bill (S. 3673) to provide an equitable system for fixing and adjusting the rates of compensation of wage board employees, introduced by Mr. BREWSTER, was received, read twice by its title, referred to the Committee on Post Office and Civil Service, and ordered to be printed in the RECORD, as follows:

S. 3673

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Wage Board Rate Determination and Adjustment Act of 1966".

TITLE I—DECLARATION OF POLICY

The purpose of this Act is to establish in the Government of the United States and of the District of Columbia a uniform system of determining and adjusting the rates of basic compensation of employees in recognized trades and crafts, or other skilled mechanical crafts, or in unskilled, semiskilled, or skilled manual-labor occupations, and other employees, including foremen and supervisors, in positions having trade, craft, or labor experience and knowledge as the paramount requirement.

It is hereby declared to be the policy of Congress that the wage system herein provided shall—

(1) have for its objective the provision and maintenance of like pay for like work for all employees who are working under similar conditions of employment in all departments and agencies of the Federal Government excepting those enumerated in section 202;

(2) be so developed and maintained that it will attract and retain qualified workers by the payment of rates which are fair to employees and beneficial to the employing agency;

(3) provide relative differences in pay only where there are substantial or recognizable differences in duties, responsibilities, or qualifications among positions;

(4) permit the maintenance of a level of rates of pay in line with prevailing levels for comparable work within a survey area.

TTLE II—COVERAGE AND EXEMPTIONS

SEC. 201. (a) For the purposes of this Act, the term "department" includes (1) the executive departments, (2) the independent establishments and agencies in the Executive Branch, including corporations wholly owned by the United States and (3) the municipal government of the District of Columbia.

(b) Subject to the exemptions specified in section 202, this Act shall apply to all wage board positions in or under the departments.

SEC. 202. This Act shall not apply to—

(1) the field service of the Post Office Department;

(2) employees in the legislative branch;

(3) the Tennessee Valley Authority;

(4) the Atomic Energy Commission;

(5) the Central Intelligence Agency;

(6) the Panama Railroad Company;

(7) employees none or only part of whose compensation is paid from appropriated funds of the United States;

(8) the Alaska Railroad;

(9) to those Departments, Agencies and components thereof where the present practice of wage setting process through negotiated agreements.

TITLE III—FEDERAL DEPARTMENTAL WAGE BOARD

SEC. 301. (a) There is hereby established a board, to be known as the "Federal Departmental Wage Board" (hereinafter referred to as the "Wage Board") which shall be composed of five members appointed by the Secretary of Labor and serving for terms of three years each, two of whom shall be appointed as the representatives of bona fide employee organizations having substantial membership in the Federal civil service. The Wage Board shall report directly to the Secretary of Labor, and shall designate one of its members as chairman.

(b) Within the jurisdiction of the Federal Departmental Wage Board there shall be established wage review committees with equal representation of leading Federal departments or agencies, and leading labor organizations, not to exceed three members each. These committees will adjudicate appeals from disputes arising in the field and referred to the Wage Board for determination. These committees will make final determination of wage rates and will so instruct the appropriate department or agency head of their decision. Any appeals by departments or agencies from such decisions will be referred to the Federal Departmental Wage Board for final adjudication.

SEC. 302. There shall be established an Employee Advisory Committee, designated by the Secretary of Labor, the membership of which shall not exceed eleven and shall consist of a chairman appointed by the Secretary of Labor, three members representing the departments, three members selected from employees holding nonsupervisory wage board positions in the departments, and four members representing bona fide employee organizations.

SEC. 303. It shall be the function of the Wage Board to develop and maintain a uniform system of determining and adjusting rates of basic compensation of employees in recognized trades and crafts, or other skilled mechanical crafts, or in unskilled, semiskilled, or skilled manual-labor occupations, as well as other employees in positions having trade, craft, or labor experience and knowledge as the principal requirement, including foreman and supervisors of persons occupying such positions. The Wage Board shall be responsible for the determination of wage principles and methods and procedures in the operation of a wage rate system.

SEC. 304. The Wage Board shall be provided with a staff of wage specialists and such other technicians and clerical assistance as may be necessary to perform its duties. The staff thus provided shall assist the Wage Board in developing plans and programs necessary to the fulfillment of its functions.

TITLE VI—THE FEDERAL WAGE PLAN

Part 1.—Job analysis and evaluation

SEC. 401. For the purposes of this Act, the term—

(1) "position" means the work, consisting of the duties and responsibilities, assignable to a wage board employee;

(2) "grade" includes all positions which, although differing in kind or subject-matter of work, are sufficiently equivalent in level of difficulty and responsibilities, as well as level of qualification requirements, to warrant their inclusion within one range of rates of basic compensation as specified in title V.

SEC. 402. Each position shall be placed in its appropriate class and grade based upon an evaluation by the department or agency concerned and consistent with Wage Board classification standards prescribed by the Wage Board. In the absence of prescribed standards, a grade determination will be made based upon comparison with standards of a sufficiently similar occupation to warrant application.

SEC. 402. (b) Any employee or employees affected or any department may request at any time that the Wage Board exercise its authority to fix the class, grade, and pay rate of any position or positions. The Wage Board shall act upon such request, and the Board decision shall be final and binding upon all parties concerned.

SEC. 403. The Wage Board shall, with the advice of the departments, prepare standards for placing positions in their proper grades. The Wage Board is authorized to investigate the duties, responsibilities, and qualification requirements of positions as it deems necessary for the development and maintenance of proper standards. At the request of the Wage Board, the departments shall supply information for and cooperate in the preparation of such standards. The standards shall be published in such form as the Wage Board may determine and shall be maintained in relation to the current job content of Wage Board positions in the departments. After consultation with the departments, the Wage Board may revise, supplement, or abolish existing standards, or prepare new standards.

SEC. 404. The Wage Board shall develop a job evaluation plan for the purpose of determining the relative value of the duties, responsibilities, and qualification requirements of each Wage Board position. In developing such plan, the Wage Board shall select for nonsupervisory positions not fewer than fifty benchmark positions so selected as to afford a cross section of common jobs of varying kinds and levels of work. An appropriate group of supervisory benchmark positions also shall be selected. These benchmark positions shall be assigned to appropriate grades of the nonsupervisory or supervisory schedules provided in title V of this Act, in accordance with their relative skills, responsibility, effort, and working conditions. Other positions shall then be graded in relation to these benchmarks: *Provided*, That benchmark positions may be eliminated or increased in number; new benchmark positions may be added as needed to facilitate job evaluation, and changes in the number or type of benchmark positions shall take place only after management officials have given representatives of employees affected opportunity to express their views with respect to such changes.

SEC. 405. In the evaluation of nonsupervisory positions, the Wage Board shall take into consideration such important factors as skill, responsibility, effort, and working conditions, as shall be pertinent to a proper evaluation of the job content of each position. The Wage Board shall make known whatever weighting system be used in the job evaluation plan.

SEC. 406. Evaluation of supervisory positions shall be based on their relative duties, responsibilities, and qualification requirements to provide appropriate pay differentials over that of the workers supervised. Such differentials shall be maintained either in a separate supervisory wage schedule and a supervisory job evaluation plan or by means of the application of appropriate percentage differentials in relation to the level of rates for nonsupervisory positions. The minimum pay differential for any supervisory position shall be at least 25 per centum more than the highest pay level supervised, but not less than 25 per centum of the journeyman level rate of the crafts or trade within the wage area surveyed.

Part 2—Wage surveys and wage data processing

SEC. 407. For purposes of this Act, the term—

(1) "wage survey" means the collection of wage data for positions in the private industry identified as and limited to manufacturing, transportation, utilities industries, and construction and job shop rates. Such wage data surveys shall include at least 50 per centum of private industry organizations where rates are fixed by collective bargaining agreement as specified in section 411. Such data shall be collected for positions the duties of which are comparable to those Wage Board positions in departments in the district in which a survey shall be made;

(2) "district" means an area to be surveyed which shall be as large an area as needed to obtain adequate wage data which will be representative of large-scale industry, or of conditions which are more nearly comparable to employment in the Federal service, and shall include at least one metropolitan area as defined by the Bureau of Labor Statistics. The Wage Board shall define and prescribe the geographical limits of the district.

SEC. 408. Wage survey data shall be obtained by means of wage surveys conducted by the Wage Board and from surveys conducted by the Bureau of Labor Statistics. In requesting such data from said Bureau, the Wage Board shall specify the types of positions in particular firms or establishments for which data are required, and such positions shall be comparable to positions in Federal agencies within the Wage Board district for which the data are needed. Such positions shall be identified and surveyed in relation to appropriate supervisory and nonsupervisory job evaluation and qualification standards prepared by the Wage Board.

SEC. 409. Wage rate surveys shall be made at least every twelve months or at such additional times as shall reflect significant or substantial wage rate changes in an industry within the district that significantly affects the level of wage rates within such district.

SEC. 410. Wage surveys conducted by the Wage Board shall ordinarily be conducted by one survey team in each Wage Board district; such survey team may for practical purposes of survey operations be subdivided into groups that may be assigned to different localities or industries within a district. Each group shall include at least one member representing one or more employee organizations affected by the survey. Each group leader shall be an employee of the Wage Board; other survey team or group members shall be employees selected from agencies having offices or installations within the survey district.

SEC. 411. Wage data required for wage determinations shall be gathered by a survey group of not fewer than two persons through personal interview with one or more officials of companies having plants or other subsidiary organizational units within a survey district, who have knowledge of both wage rates and job content. In gathering the data, positions in the Federal or District of Columbia service shall be matched with positions within the firm solely on the basis of duty content. The rate paid to each individual in each position matched shall be collected. The data regularly collected shall include separately reported hourly straight time rates, bonuses, incentives, shift differentials, and overtime rates. All data collected shall be treated as confidential and shall not be revealed to unauthorized personnel. At least 50 per centum of positions surveyed shall be positions in firms having collective bargaining agreements with organizations in which employees participate and which exist for the purpose of dealing with employers concerning grievances, labor disputes, wages, rates of pay, hours of employment, or conditions of work. In compilation of wage data, the wage rates including any differentials paid by private contractors to their employees in comparable positions, and engaged in contract work on a Government installation, shall be included in determining the rate of comparable work by Federal employees.

SEC. 412. At the completion of a wage survey in any Wage Board district, the wage data shall be assembled and reviewed for accuracy and then forwarded to the office of the Wage Board in Washington where suitable analysis shall be made to determine adjustments which may be required in existing wage rate schedules.

SEC. 413. Each change in rates of basic compensation determined by the Wage Board as consistent with the public interest in accordance with prevailing rates under authority of this Act shall become effective not later than the first day of the first pay period which begins on or after the forty-fifth day, excluding Saturdays and Sundays, following the date on which such survey was ordered to be made.

SEC. 414. (a) Uniform provision shall be made in wage rate determinations by the Wage Board for hazardous duty.

(b) Any regularly scheduled work between the hours of 6 o'clock postmeridian and 6 o'clock antemeridian (including periods of absence with pay during such hours due to holidays, and any such hours within periods of leave with pay if such periods total less than eight hours during any pay period) shall be considered nightwork, and any employee to whom this Act applies performing such work shall be compensated plus premium compensation amounting to 10 per centum of such rate.

(c) The Wage Board shall authorize wage rate differentials for all hours worked where shifts begin before 6 o'clock postmeridian or end after 6 o'clock antemeridian. An employee shall be authorized to receive both a night differential or other shift differential in addition to overtime pay for which he may be eligible to receive in the same period worked.

(d) Any work required and authorized in excess of eight hours each day shall be compensated at the rate of one and one-half times the hourly rate. Any work required on a nonscheduled workday shall constitute overtime work and pay. Any work required on a designated holiday shall be compensated at the rate of two and one-half times the regular hourly rate.

SEC. 415. Comparison studies shall be made from time to time to determine the total value of Federal fringe benefits compared to prevailing practice in private industry.

TITLE V—WAGE RATE SCHEDULE

SEC. 501. There is hereby established a basic wage rate schedule which shall be divided into as many grades of difficulty and responsibility as the Wage Board shall determine. Such schedule shall be uniform in application in all departments.

SEC. 502. (a) Each grade shall be divided into ten step-rates.

(b) Each employee compensated in accordance with the Wage Board system shall be advanced in compensation successively to the next higher rate within a grade at the beginning of the next pay period following the completion of each fifty-two calendar weeks of service in wage step-rates 1 to 6 inclusive: *Provided*, (1) That he has a current performance rating of "satisfactory" or better; (2) that the benefit of successive step-increases shall be preserved, under regulations issued by the Civil Service Commission for employees whose continuous service is interrupted in the public interest by service with the armed forces or by service in essential nongovernmental civilian employment during a period of war or national emergency.

(c) As a reward for long and faithful service, each department shall grant an additional step-rate increase (to be known as a longevity step-rate increase) beyond the seventh regularly scheduled rate of the grade in which his position is placed to each employee for each three years of continuous service completed by him at such seventh regularly scheduled rate or at a rate in excess thereof authorized by this section without change of grade or rate of basic compensation except such change as may be prescribed by determination of the Wage Board for all employees within a Wage Board district who occupy positions for which a wage rate change shall be approved by the Wage Board.

(d) No employee shall be entitled to a longevity step-rate increase unless he has a current performance rating of "satisfactory" or better.

(e) No employee shall receive more than one longevity step-rate increase for any three years of continuous service.

(f) Each longevity step-rate increase shall be equal to one step-rate increase in the grade in which the position of the employee is placed.

SEC. 503. Any employee who is promoted or transferred to a position in a higher grade shall receive basic compensation at the lowest rate of such higher grade which exceeds his existing rate of basic compensation by not less than two step increases of the grade from which he is promoted or transferred.

SEC. 504. A separate wage rate schedule shall be established by Wage Board determination for each wage survey district. Such schedule shall be revised from time to time in relation to additional wage surveys reflecting wage rate changes in private industry within the district. As circumstances may require, separate wage rate schedules shall be maintained for positions which reflect conditions peculiar to certain industries. Separate surveys shall be made of such appropriate industrial units following the procedure indicated in title IV.

SEC. 505. Each officer who is reduced in grade from any grade of a basic compensation schedule prepared pursuant to this Act, whose reduction in grade is not or was not caused by a demotion for personal cause, is not or was not at his own request, is not or was not effected in a reduction in force due to lack of funds or curtailment of work, or is not a condition of his temporary promotion to a higher grade, shall be entitled, as of the effective date of such reduction in grade or as of the first day of the first pay period which begins after the date of enactment of this Act, whichever is later, to receive the rate of basic compensation to which he was entitled immediately prior to such reduction in grade until reassigned at the same or higher rate of pay.

SEC. 506. Nothing contained in this Act shall be construed to decrease the existing rate of basic compensation of any present employee subject to its provisions.

TITLE VI—GENERAL PROVISIONS

SEC. 601. The Wage Board is hereby authorized to issue such regulations as may be necessary for the administration of this Act.

SEC. 602. The Wage Board shall prepare and submit to the Chairman of the Civil Service Commission an annual report relative to rates of compensation, number of surveys conducted, and such other information as may portray the administration of this Act.

SEC. 603. In the administration of this Act there shall be no discrimination with respect to any person or to the position held by any person subject to this Act, on account of sex, marital status, race, creed, color, or union affiliation.

SEC. 604. Nothing in this Act shall be construed to affect the application to employees to whom this Act applies of the veteran-preference provisions in the Civil Service Act, as amended, and the Veterans' Preference Act of 1944, as amended.

SEC. 605. This Act shall take effect on the first day of the first pay period which begins six months from the date of enactment.

SEC. 606. All laws or parts of laws inconsistent with this Act are hereby repealed to the extent of such inconsistency.

ADDITIONAL COSPONSORS OF BILLS AND JOINT RESOLUTION

Mr. GRIFFIN. Mr. President, I ask unanimous consent that, at the next printing of the bill (S. 3565) to amend the Internal Revenue Code of 1954 to provide for deduction of certain education expenses of teachers, the name of the Senator from Texas [Mr. TOWER] be added as a cosponsor.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. GRIFFIN. Mr. President, I ask unanimous consent that, at the next printing of the bill (S. 3630) to mesh the combined efforts of Government at all levels with private endeavors to provide jobs and dignity for the poor, the name of the Senator from Texas [Mr. TOWER] be added as a cosponsor.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. GRIFFIN. Mr. President, I ask unanimous consent that, at the next printing of the joint resolution (S.J. Res. 174) to create a bipartisan joint congressional committee to study and report on problems relating to regional and industrywide collective bargaining, strikes and lockouts, the names of the Senator from Utah [Mr. BENNETT], the Senators from Nebraska [Mr. CURTIS and Mr. HRUSKA], the Senator from North Carolina [Mr. ERVIN], the Senator from Arizona [Mr. FANNIN], the Senator from Iowa [Mr. HICKENLOOPER], the Senator from Ohio [Mr. LAUSCHE], the Senator from Wyoming [Mr. SIMPSON], and the Senator from Delaware [Mr. WILLIAMS], be added as cosponsors.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

EXECUTIVE SESSION

On request of Mr. MANSFIELD, and by unanimous consent, the Senate proceeded to consider executive business.

EXECUTIVE MESSAGES REFERRED

The ACTING PRESIDENT pro tempore laid before the Senate messages from the President of the United States submitting sundry nominations, which were referred to the Committee on Armed Services.

(For nominations this day received, see the end of Senate proceedings.)

The ACTING PRESIDENT pro tempore. If there be no reports of committees, the nominations on the Executive Calendar will be stated.

U.S. AIR FORCE

The legislative clerk proceeded to read sundry nominations in the U.S. Air Force.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the nominations be considered en bloc.

The ACTING PRESIDENT pro tempore. Without objection, the nominations will be considered and confirmed en bloc.

U.S. ARMY

The legislative clerk read the nomination of Lt. Gen. Leonard Dudley Heaton, Army of the United States (major general, Medical Corps, U.S. Army), to be lieutenant general.

The ACTING PRESIDENT pro tempore. Without objection, the nomination is considered and confirmed.

U.S. NAVY

The legislative clerk read the nomination of Vice Adm. Paul H. Ramsey, to be vice admiral.

The ACTING PRESIDENT pro tempore. Without objection, the nomination is considered and confirmed.

NOMINATIONS PLACED ON THE SECRETARY'S DESK

The legislative clerk proceeded to read sundry nominations in the Air Force, the Army, and the Navy, which had been placed on the Secretary's desk.

The ACTING PRESIDENT pro tempore. Without objection, the nominations are considered and confirmed en bloc.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the President be immediately notified of the confirmation of these nominations.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

LEGISLATIVE SESSION

On request of Mr. MANSFIELD, and by unanimous consent, the Senate resumed the consideration of legislative business.

TRANSCRIPT OF CLOSED-DOOR SESSION OF SENATE

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the proceedings of the Senate in closed session on July 14, 1966, printed in the daily RECORD for July 27, be printed in the permanent CONGRESSIONAL RECORD at the appropriate place.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

THE CALENDAR

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate proceed to consideration of measures on the Calendar, beginning with Calendar No. 1380 and the succeeding measures in sequence.

The **ACTING PRESIDENT** pro tempore. Without objection, it is so ordered.

AUTHORIZATION FOR THE SECRETARY OF THE ARMY TO DONATE TWO OBSOLETE GERMAN WEAPONS TO THE FEDERAL REPUBLIC OF GERMANY

The bill (H.R. 11980) to authorize the Secretary of the Army to donate two obsolete German weapons to the Federal Republic of Germany was considered, ordered to a third reading, read the third time, and passed.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 1415), explaining the purposes of the bill.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

PURPOSE

This bill would authorize the Secretary of the Army to donate to the Federal Republic of Germany two obsolete German weapons for display in the German Artillery School Museum.

The transfer would be without expense to the United States.

EXPLANATION

The Federal Republic of Germany desires to secure an artillery gun and a tank that became the property of the United States as trophies of war in World War II. The gun and the tank would be displayed in the German Artillery School Museum.

Section 2572 of title 10, United States Code, provides authority to donate historical items to national institutions of the United States, but not to those of foreign governments. Consequently, express authorization for this kind of transfer is required.

Similar authority was approved in 1954 for the Secretary of the Army to donate 28 German war paintings depicting Australian troops to the Australian War Memorial in Canberra, Australia.

FISCAL DATA

The estimated values of the two weapons is $1,288.

The bill provides that no expenditure of U.S. funds is authorized to defray the cost of transportation or handling.

AMENDMENT OF TITLE 10, UNITED STATES CODE, TO AUTHORIZE THE AWARD OF TROPHIES

The bill (H.R. 13374) to amend title 10, United States Code, to authorize the award of trophies for the recognition of special accomplishments related to the Armed Forces, and for other purposes was considered, ordered to a third reading, read the third time, and passed.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 1416), explaining the purposes of the bill.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

PURPOSE

This bill would authorize all the Armed Forces to use appropriated funds to award medals, trophies, badges, and similar devices to members for excellence in accomplishments or competitions.

EXPLANATION

Under section 7218 of title 10, United States Code, the Secretary of the Navy has authority to use appropriated funds to establish trophies and similar suitable devices and to award them to members and units serving under his jurisdiction. There is no comparable authority applicable to the Departments of the Army and the Air Force. These departments have been using nonappropriated funds generated from sales at exchanges and receipts from theaters for the purchase of medals, trophies, and badges. The use of nonappropriated funds to recognize achievements related to performance of duty causes a reduction in the availability of those funds for morale and welfare purposes.

This bill would extend the authority the Department of the Navy now possesses to the Department of the Army and the Air Force by adding a new provision empowering the Secretary of Defense to implement the new law to assure its uniform application throughout the Department of Defense.

Under the terms of this bill a medal or trophy could be awarded for "excellence in accomplishments or competitions." The competitions covered are those related to the function of the Armed Force concerned and it is not intended that the authority of the bill would be used to purchase medals or trophies to recognize excellence in sports competitions. Such recognition would continue to be funded from nonappropriated funds.

COST

The committee was informed that enactment of this bill would result in small additional costs and that its enactment will not increase the budgetary requirements of the Department of Defense.

LAND CONVEYANCE TO THE CITY OF EL PASO. TEX.

The bill (S. 3148) to provide for the conveyance of all right, title, and interest of the United States reserved or retained in certain lands heretofore conveyed to the city of El Paso, Tex., was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

S. 3148

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Army is authorized and directed to convey to the city of El Paso, Texas, all of the right, title, and interest of the United States reserved or retained in approximately one hundred and forty-eight acres of land described in section 2 of this Act, said land being a portion of certain lands conveyed by the United States to the city of El Paso, Texas, by quit-claim deed dated June 27, 1957, pursuant to authority contained in the Act of August 2, 1956 (70 Stat. 950, Public Law 929, Eighty-fourth Congress).

SEC. 2. The land referred to in section 1 is located in El Paso County, Texas, and is more particularly described as follows: Beginning at a point which bears north 81 degrees 10 minutes east, a distance of 872.23 feet from a point which is the intersection of the west line of section 40, block 80, Twp. 2, and the northly ROW line of United States Highway 62:

thence north 46 degrees 02 minutes west, a distance of 560.43 feet;

thence north 1 degree 01 minutes 50 seconds west, a distance of 1,249.44 feet;

thence south 86 degrees 43 minutes 15 seconds east, a distance of 6,422.58 feet;

thence south 08 degrees 50 minutes east, a distance of 336.26 feet;

thence south 81 degrees 10 minutes west along the north ROW line of United States Highway 62, a distance of 6,110.0 feet, to the point of beginning: Containing approximately 148 acres.

SEC. 3. The conveyance authorized herein shall be subject to the following conditions:

(a) That the city, in accepting the conveyance, agrees for itself, its grantees, successors, and assigns to forego (1) any use of the property which will be noxious by the emission of smoke, noise, odor, or dust, and (2) the erection on the premises of any structure exceeding 60 feet in height above the ground.

(b) That the city shall pay to the United States the fair market value, as determined by the Secretary of the Army, of the property interest conveyed under the first section of this Act.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 1417), explaining the purposes of the bill.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

PURPOSE OF THIS BILL

The bill would direct the Secretary of the Army to grant to the city of El Paso, Tex., a release of certain restrictions on approximately 148 acres of land reserved by the United States in a quitclaim deed to the city entered into under authority of the act of August 2, 1956 (70 Stat. 950; Public Law 929, 84th Cong.), thus conveying to the city clear title to the property.

BACKGROUND OF THE BILL

The act of August 2, 1956, authorized an exchange of lands between the United States and the city of El Paso, Tex., on condition that the deed provide: (1) That the city of El Paso agree to construction by the Department of the Air Force of an interconnecting taxiway between Biggs Air Force Base and El Paso International Airport, (2) the use of El Paso International Airport by military aircraft, and (3) that the property shall revert to the United States at the election of the Secretary of the Army for breach of any of the terms and conditions by the city of El Paso, its successors and assigns.

Pursuant to this act, the Secretary of the Army on June 21, 1957, executed a deed conveying to the city of El Paso 2,255.453 acres of land in El Paso County together with improvements thereon, comprising portions of the Fort Bliss and Biggs Air Force installations, subject to certain terms and conditions, including those required under the enabling act. The lands involved were in three separate areas designated as parcels A, B, and C. Parcels A and B, aggregating 2,213.523 acres of land, have been utilized by the city for expansion of the El Paso International Airport. Parcel C comprises 41.93 acres of land and is separated from the westerly area of Fort Bliss by the Southern Pacific Railway.

On June 27, 1957, the city accepted this deed and on the same date executed a quitclaim deed conveying to the United States fee title to 318.88 acres of land adjacent to Fort Bliss as its part of the exchange transaction.

The 148 acres of land referred to in this bill is a part of the original parcel A referred to above. Similar legislation has been previously passed by the Congress in regard to parcel C (Public Law 87–778, 76 Stat. 778).

NECESSITY FOR THE LEGISLATION

The Department of the Army has been advised that the city of El Paso is seeking the current legislation because it is selling or has sold the lands involved and desires to give the new owners a title clear of the encumbrances imposed in the 1957 deed from the United States. Actually, the only point at issue is the reversionary clause contained in the original deed.

The Biggs Air Force Base will be inactivated by July 1966, and the installation will be transferred to the Department of the Army and consolidated with Fort Bliss. The Department of the Army considers that the release of its residual rights in the 148-acre parcel of land, as provided for in this measure, would not be incompatible with its planned use of Biggs Air Force Base and Fort Bliss and therefore interposes no objection to the bill.

COST DATA

Enactment of this measure will not involve the expenditure of any Federal funds. The fair market value of the residual rights involved is estimated to be worth from $7,000 to $10,000.

AMENDMENT OF TITLE 10, UNITED STATES CODE, TO PROVIDE GOLD STAR LAPEL BUTTONS

The bill (H.R. 3013) tc amend title 10, United States Code, to provide gold star lapel buttons for the next of kin of members of the Armed Forces who lost their lives in war or as a result of cold war incidents, was considered, ordered to a third reading, read the third time, and passed.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 1418), explaining the purposes of the bill.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

PURPOSE

This bill would broaden the laws relating to the furnishing of gold star lapel buttons by authorizing these buttons for the next of kin of members of the Armed Forces who, after June 30, 1958, died or die as a result of cold war incidents.

EXPLANATION

Existing law authorizes the award of gold star lapel buttons for widows, parents, and the next of kin of members of our Armed Forces who lost their lives in World War I, or World War II, or who lose their lives in any subsequent war or period of armed hostilities in which the United States may be engaged.

Widows, parents, and next of kin may not now be furnished gold star lapel buttons if the death of the member occurred in cold-war incidents that technically do not qualify as "armed hostilities in which the United States is engaged." For those members of the Armed Forces who lose their lives after June 30, 1958, this bill would authorize the award of gold star lapel buttons to parents, widows, and the next of kin if the death of the member occurred—

(i) While engaged in an action against an enemy of the United States;

(ii) While engaged in military operations involving conflict with an opposing foreign force; or

(iii) While serving with friendly foreign forces engaged in an armed conflict in which the United States is not a belligerent party against an opposing armed force.

The bill is retroactive to July 1, 1958, in accordance with the recommendations of the Department of Defense. The committee was informed that this date is the one selected for the initial award of the Armed Forces Expeditionary Medal in recognition of actions involving foreign armed opposition or being in a position where hostile action was imminent.

Members of our Armed Forces engaged in the conflict in Vietnam in southeast Asia are acquitting themselves heroically under conditions that are sometimes as difficult as any that members of our Armed Forces have faced in formally declared wars. The committee considers that widows, parents, and next of kin of these members are as fully entitled to display of the gold star lapel button as are survivors of members who gave their lives for their country in formally declared hostilities.

COST

The committee was informed that enactment of this bill will not increase the budgetary requirements of the Department of Defense.

APPOINTMENT OF COL. WILLIAM W. WATKIN, JR. IN THE GRADE OF LIEUTENANT COLONEL ON THE REGULAR ARMY PROMOTION LIST

The bill (H.R. 12031) to authorize the appointment of Col. William W. Watkin, Jr., professor, of the U.S. Military Academy, in the grade of lieutenant colonel, Regular Army, and for other purposes was considered, ordered to a third reading, read the third time, and passed.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 1419), explaining the purposes of the bill.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

PURPOSE

This bill would authorize the President to appoint Col. William W. Watkin, Jr., a professor at the U.S. Military Academy, as a lieutenant colonel on the promotion list of the Regular Army in the same position he would occupy had he not been removed from the list as a result of his appointment as a professor at the Military Academy.

EXPLANATION

The professors of the Military Academy are appointed by the President by and with the advice and consent of the Senate. An officer who is appointed as a professor is removed from the promotion list of the Regular Army and his advancements in grade are accomplished under the laws applicable to professors.

Col. William W. Watkin, Jr., has served as professor of earth, space, and graphic sciences at the Military Academy since October 1, 1961.

The Department of the Army has informed the committee that Colonel Watkin now considers that he can serve more effectively in normal line duty and that the Department concurs in the belief that his training and experience can be more advantageously used in a field assignment. Colonel Watkin cannot return to the Army promotion list without express authority of the type this bill would provide.

COST

Enactment of this bill will not cause an increase in the expenditure of Federal funds.

JUDICIAL REVIEW OF THE CONSTITUTIONALITY OF GRANTS OR LOANS UNDER CERTAIN ACTS

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate turn to the consideration of Calendar No. 1367 (S. 2097).

The ACTING PRESIDENT pro tempore. The bill will be read by title.

The LEGISLATIVE CLERK. A bill (S. 2097) to provide for judicial review of the constitutionality of grants or loans under certain acts.

The ACTING PRESIDENT pro tempore. Is there objection to the present consideration of the bill?

There being no objection, the Senate proceeded to consider the bill, which had been reported from the Committee on the Judiciary with an amendment to strike out all after the enacting clause and insert:

That this Act may be cited as "An Act to enforce the first amendment to the Constitution."

SECTION 1. The approval or disapproval of an application of any public or other nonprofit agency or institution for a loan or grant under—

(1) the Higher Education Facilities Act of 1963,

(2) title VII of the Public Health Service Act,

(3) the National Defense Education Act of 1958,

(4) the Mental Retardation Facilities and Community Mental Health Centers Construction Act of 1963,

(5) title II of the Act of September 30, 1950 (Public Law 874, Eighty-first Congress),

(6) the Elementary and Secondary Education Act of 1965,

(7) the Cooperative Research Act,

(8) the Higher Education Act of 1965, or

(9) the Economic Opportunity Act of 1964,

shall be effected by an order of the Federal officer making such grant or loan which shall be conclusive except as otherwise provided in this Act. Notice of such order shall be published in the Federal Register and shall contain such information as the Federal officer issuing the order deems necessary to effectuate the purposes of this Act.

SEC. 2. Any public or other nonprofit agency or institution which is or may be prejudiced by the order of the Federal officer making a loan or grant under the authority of any of the Acts enumerated in section 1, in a particular year to another such agency or institution, by virtue of the fact that the making of such loan or grant serves to reduce the amount of funds available for loans or grants in such year to the agency or institution which is or may be prejudiced, and which deems a loan or grant to be inconsistent with the provisions relating to religion in the first amendment to the Constitution, may bring a civil action in the nature of an action for a declaratory judgment. Defendants in such action shall be the Federal officer and the agency or institution whose application has been approved. Such an action may be brought no later than sixty days after the publication of the order of the Federal officer in the Federal Register.

SEC. 3. (a) Any citizen of the United States upon whose taxable income there was imposed an income tax under section 1 of the Internal Revenue Code of 1954 for the last preceding calendar or taxable year and who has paid any part of such income tax and who deems a loan or grant made under any of the Acts enumerated in section 1 to be inconsistent with the provisions relating to religion in the first amendment to the Constitution, may bring a civil action in the nature of an action for a declaratory judgment against the Federal officer making such a loan or grant. No additional showing of direct or indirect financial or other injury, actual or prospective, on the part of the plaintiff shall be required for the maintenance of any such action. Such an action may be brought no later than sixty days after the publication of the order of the Federal officer in the Federal Register with respect to such loan or grant. In suing under this subsection the plaintiff may sue either on behalf of himself or on behalf of all other taxpayers similarly situated.

(b) Any citizen of the United States who deems a loan or grant made under any of the Acts enumerated in section 1 to be inconsistent with the provisions relating to religion in the first amendment to the Constitution, may bring a civil action in the nature of an action for a declaratory judgment against the Federal officer making such a loan or grant. Such an action may be brought no later than sixty days after the publication of the order of the Federal officer in the Federal Register with respect to such loan or grant. In suing under this subsection, the plaintiff sues not only for himself but also in behalf of all other citizens to vindicate the public interest in the observance of the provision of the first amendment relating to religion.

(c) For the purpose of this section the term "citizen" shall include a corporation.

SEC. 4. Any public or other nonprofit institution or agency whose application for a loan or grant under any of the Acts enumerated in section 1 of this Act has been denied by the Federal officer having appropriate authority on the ground that such loan or grant would be inconsistent with the provisions relating to religion in the first amendment to the Constitution may bring an action to review the final decision of such Federal officer within sixty days after such loan or grant has been denied.

SEC. 5. (a) Any action under this Act shall be brought in the District Court of the United States for the District of Columbia, and such court shall have jurisdiction without regard to the amount in controversy. In the event two or more civil actions are brought under the provisions of this Act challenging the constitutional validity of the same loan or grant, such court may consolidate such civil actions for the purpose of trial and judgment. Any action under this Act pending before the district court or court of appeals for hearing, determination, or review shall be heard, determined, or reviewed at the earliest practicable time and shall be expedited in every practicable manner. All process, including subpenas, issued by the district court of the United States for any such district may be served in any other district. In any action under this Act the court shall have authority to determine all matters of fact or law appropriate to a decision of the case. No costs shall be assessed against the United States in any proceeding under this Act. In all litigation under this Act, the Federal officer shall be represented by the Attorney General.

(b) The judgment of the district court shall be subject to review as provided in sections 1252, 1253, 1254, and 1291 of title 28 of the United States Code.

SEC. 6. (a) An interlocutory injunction enjoining the payment of a grant or loan, or any portion thereof, made pursuant to the order which is claimed to be invalid in an action under this Act may be granted by the court at any stage of the proceedings authorized by this Act.

(b) When and if any judgment becomes final that declares invalid an order of the Federal officer under this Act, the agency or institution receiving the grant made by the Federal officer pursuant to such order shall refund the unexpended portion of the same, and if a loan has been made pursuant to such order it shall be refunded with accrued interest at the rate fixed therefor, for credit to the appropriation from which it was paid. The Federal officer may in his discretion permit deferment for a reasonable time of repayment of the grant or loan including interest thereon.

SEC. 7. If any provision of any Act referred to in the first section, or the application of such provision to any person or circumstance, shall be held invalid under this Act, the remainder of such Act, or the application of such provision to persons or circumstances other than those as to which it is held invalid, shall not be affected thereby.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the pending business be temporarily laid aside for the transaction of routine morning business.

The **ACTING PRESIDENT** pro tempore. Without objection, it is so ordered.

DAIRY SITUATION IN BOSTON

Mr. AIKEN. Mr. President, on July 10, the Boston Globe devoted an entire page to the dairy situation in the Boston milkshed. The page was headlined: "Milk Shake-Up in New England Farms."

The pages consist of three closely related articles which explain, for the benefit of the average consumer, why the price of milk has risen in the Greater Boston area.

These articles describe the difficult times the dairy farmers are having in the present cost-price squeeze. The serious decline in milk production, and the widespread sale of dairy farms and herds have resulted from the fact that the farmer has been receiving an inadequate price for his milk.

The farmer, like his counterpart in the urban areas, must have an incentive. He must be able to make ends meet and enjoy a fair profit for his labor.

The State of Vermont supplies more than 50 percent of the milk consumed in Greater Boston. For many months we have seen 15 to 20 dairy farms go out of production each week.

City people must have an adequate supply of milk, and only two alternatives can guarantee a supply—either a direct subsidy for the dairy farmer or an increase in the retail price of milk. The latter course has been taken, and the attached articles from the Globe explain the need for this modest price increase in terms that everyone can understand.

Mr. President, I ask that the articles in the Boston Globe of July 10, 1966, be printed at this point in the RECORD.

There being no objection, the articles were ordered to be printed in the RECORD, as follows:

[From the Boston Globe, July 10, 1966]

MILK SHAKEUP IN NEW ENGLAND FARMS

(By Joe Harrington)

Families in Greater Boston began paying a cent and a half more a quart for milk last week-end, a direct result of conditions in the milk producing areas of New England.

This increase to the consumers was exactly the price jump the dealers-milk handlers were required to pay for their raw milk.

It reflected not only the seasonal price increase of July 1, but an additional raise announced by U.S. Secretary of Agriculture Orville L. Freeman.

He had been petitioned for relief by farm producers, not only in New England but in other sections of the country. In announcing his share of the price increase Mr. Freeman said:

"I have been deeply concerned for many months about the decline in dairy production, and the implicit threat which a continuation of this trend would have to the consumer supplies of milk and dairy products.

"The U.S. milk production in May was 4.1 percent below a year ago. This was the 14th consecutive month that milk production fell below earlier yearly levels."

The secretary cited figures of increased cow slaughter and number of dairymen quitting the business and said: "If these trends continue, and the dairy supplies continue to decline, then I am fearful that unprecedented increases in consumer prices could result."

The price increase, he stated, would encourage the dairy farmers to stay in business and receive a deserved increase in what they earn.

What has caused this abandonment of the cows?

The price-cost squeeze—the difference in what it cost to run the dairy farm and what they are paid for the milk—say the farmers.

There are other factors entering this picture: the rising value of the land when the farms are near urban communities; increased cost of grain to feed the cows; difficulty securing farm labor; tempting price of cows for beef, which is at a new high, and of course, taxes.

Volume also plays a big part. So like grocery stores, dairy farms are getting fewer and bigger.

Some new efficiency methods in running the farms and feeding stock have been introduced, but this involves a heavy investment of capital.

So the younger farmers, who were brought up on the land and love the farm life and the animals, have been facing the moment of truth. All agree that the days when a farmer can get by with 10 to 20 cows are over. They've got to decide whether to get out of the business altogether or go into debt to buy new stock and more efficient machinery.

Let it be made clear that the outlook for the future production ("making milk," the farmers call it) is not all dismal. A number of younger men are going into efficient equipment and feeding, and have confidence that they will not only amortize any debts they will accrue, but continue in business and make money.

Milk production and its sale is fantastically big business. In one month, last April the producers received $14,330,000 for the milk that was sold in Massachusetts and Rhode Island. This money was in payment for a month's supply of 292,227,000 pounds of milk—or about 136 million quarts.

And with the possible exception of whiskey and other alcoholic beverages there is no consumable commodity that is so well regulated as milk.

When Mrs. Hepplewaite sends her little boy to the store for a half gallon of milk in a cardboard container or glass jug—a transaction that takes place thousands of times every day in most communities—she is getting involved in practically every branch of government.

It reaches from the city milk inspector, to county agents helping the farmers, state inspections and controls, and the Federal government at Cabinet level, the Secretary of Agriculture.

In fact, it would not be far fetched to note the amount of milk produced and drunk by families has a bearing on our foreign policy. The surplus fluid milk is diverted into manufactured dairy products, one of which is dry milk, shipped to other countries under our foreign aid program.

With the drop in the numbers of dairy farmers the question might arise as to the probability of a serious milk shortage in the local marketing area. It appears that none is likely in the immediate future. Keeping in mind the huge amount of milk that is sent here each month, the overall shrinkage for this year below 1965 was about 4 percent.

Yet Reed H. Rexford, commissioner of agriculture of Vermont, believes the decrease in production is ominous. At his office in Montpelier he told the Globe that milk production in his state held steady until October of last year when the current downward trend began. It was slight then, about a 1.5 percent drop, but by March of this year the decrease amounted to 5 percent.

There is ample reason for concern about what has been happening to milk in Vermont, because it constitutes the state's largest industry. With the exception of about 5 percent used in the state, the milk is shipped into the Boston-Massachusetts-Rhode Island area.

What has been happening in New England is a part of a national picture of dairy farmers tossing in the towel.

A survey made last month showed that in Wisconsin, which leads the nation in supplying milk and dairy products, dairymen have been quitting the business on the average of 14 a day. A state farm statistician there was quoted as saying 5000 herds have been liquidated during the last year.

New York state produces a lot of milk and a lot of it is shipped into the local marketing area; 38,806,000 pounds in April, or about 13 percent of our entire supply.

Here, too, concern is felt about the tendency of dairy farmers to wind up operations (in Vermont they call this termination, "sugaring off") and go into other occupations.

It also appeared that almost every statement made about milk—its volume, its price, its distribution, has to be qualified.

If the population of cows is going down, the amount of milk-per-cow is increasing. The introduction of pure bred cattle and better feeding practices are spreading.

Yet it is impossible to stray far away from the bald fact that people who have been in the business of taking care of cows and extracting their milk are seeking new means of making a livelihood. Here are some comments of people who recently have become former dairy farmers:

George U. Browning, 46, of Lincoln, operated the family farm which was started by his father who came to Lincoln in 1886. He sold out his farm and herd of 35 cows and took a job with a grain and farm supply store in Waltham, a part of a chain of these outlets.

"I found I was living on depreciation," he said, "Farm and dairying equipment wears out and while I was making a living, the return on the milk didn't provide the minimum of $3,500 a year I needed to keep up and replace the machinery."

Browning has six children and two of his older sons helped him run the dairy, so it wasn't necessary for him to hire outside help—if he could get it.

Today, Browning estimated, the cows and equipment needed to operate a successful dairy farm requires an investment of $60,000 to $100,000.

A lady whose husband is still running a dairy in Rowley, Mrs. William Herrick, Jr., knows all about the problems of the milk producers because she was brought up on one of these farms. Her father closed it out four years ago.

"Small farmers", she commented, "are still in business because they are stubborn, because they love it or because they are so far in debt they can't get out.

"You work your head off in this business and then the government comes along and takes any profit in taxes. Many of these small farmers have invested in expensive equipment on credit. They owe so much money they have to keep going or be wiped out."

Mrs. Herrick said her husband, who was out haying, is 44-years-old and has been farming since he was 17. She said that he gets by financially by repairing his own equipment, instead of scrapping it and investing in new machinery.

The farmer's wife also cited the high price of grain which must be fed the cows to keep up the butterfat content of the milk, which must reach a 3.5 percent standard for sale. Then, with true feminine logic, she murmured:

"How I wish our cows could be put on a diet!"

Burpee F. Steele of Boxboro, who has been "making milk" on the farm started by his father for 44 years, was darned glad to get out of it. He's 66 years old and he knows the business from way back.

Steele has been phasing out his dairy business for tax purposes, selling off a few cows every year, and, in recent months, wound it up. Said he:

"One of the basic troubles of the dairy farmer is that he sells his milk at wholesale prices and pays retail prices for the materials to run his operation: grain, equipment, and other supplies.

"Again, prices have got all out of line. When we were getting $3 a hundredweight for milk a tractor cost $735. When the price edged up to around $6, the same tractor cost between $3300 and $4000.

"And you've got to remember that taking care of cows is a seven-day-a-week job, because they have to be milked twice a day. If you have to go some place like to a wedding or a funeral, you have to make arrangements to get back home at 4:30 in the afternoon, change your clothes and do the chores.

"The price of milk cows has gone way up. Five years ago you could get a good one for $250. Now she would cost you $400."

Harold E. McNiff of Pepperell, who was brought up on a farm in Harvard, sold the last of his milk cows and has taken on another type of livestock: breeding harness race horses. He can remember when a good hired man on a farm made $60 a month and his board. Now he finds that a tractor driver demands $2 an hour. He told of one old fellow who went on Social Security and relief and was entirely healthy until he quit work on a farm. "In a year," he said, "that fellow drank himself to death."

His brother, Paul, 66, with whom he lives in Pepperell was also in the milk business and sold out a few years ago. Again it was the matter of help. "The young fellows would rather go to work in a mill today than milk cows," he commented.

It must not be considered that all the dairy farmers who supply the local marketing area are down in the mouth about the future of this venerable business.

Many of them feel that with the increase in population and the decreasing number of producers, the price they receive for their milk is bound to go up and make the business profitable.

At North Hartland, Vt., in the Connecticut Valley, Russell Dennon, 35, has installed a new system of feeding cows which could revolutionize the dairying business in this area.

It is used extensively in Wisconsin and other Midwestern states, and involves feeding cows entirely on stored fodder—no pasturing even when the grass is lush.

A dozen farms in the Middlebury section of Vermont also have installed this system or parts of it. A completely mechanical, automatic farm is operated in the Bay State, at Acton, by Dr. Seymour A. Di Mare, a Concord surgeon, who feels there is a bright future for dairymen.

This system involves chopping the hay in the field, instead of baling it, mechanically conveying it to a wagon, then blowing it into a silo that is almost a vacuum, by means of a tractor.

When the complete system is installed as it is in Acton, a conveyor screw takes the moist fodder to the feeding trough, where the cows munch as much as they please, when they please.

Dennon, the young Vermont farmer who attended the state's agricultural school at Randolph, said there were 30 dairy farms in his township five years ago and now there are 13.

He attributed the demise of these farms to two considerations: the reluctance of the owners to adopt new methods of feeding and the capital required to install them.

The fodder fed the cows under this new system is called "haylage" and its advocates say that the animals get the increased benefits of retained proteins, which are not lost by the traditional system of storing corn fodder in silos.

Dr. Di Mare has been building up the blood strain of his herd of Holsteins and this year began importing breeding stock from Scotch farmers in Ontario.

He was not prepared to come out flat-footed and advise all farmers to adopt this method, feeling it was a matter of individual decision. But he is fully satisfied that his investment in this dairying operation will be returned over a period of years and is gratified by the statistics of his first full year of operation.

The surgeon, who has made a deep study of milk productions and costs has another suggestion:

"Local real estate assessors should give the dairy farmer a break. To the dairyman, land is not just areas on which to build homes. It is a production tool and should be so classified by the assessors."

[From the Boston Globe, July 10, 1966]

Out of Business—As Expenses Mount, Profits Slip; Farmers Seek Better Jobs

Behind the official announcement of the rise in the price of milk to the consumer is a large mosaic made up of many segments that have been plaguing the farmers—the milk producers—with increased intensity.

They have been going out of business in large numbers.

In Vermont, there were 6030 dairy farms in March, 1965.

Last month there were 5059, a substantial drop of 971 producers in a little more than a year.

Vermont produces more than 50 percent of the milk consumed in the Federal Massachusetts-Rhode Island Milk Marketing area, which includes Boston.

A similar situation exists in the Bay State, where 16 percent of the area milk is produced.

Back in 1960 there were over 3400 dairy farms in the state. Last month there were only 1886.

Massachusetts milk farms have been falling by the wayside for some years at the rate of 200 a year, though thus far this year only 90 farmers quit the milk business.

New Hampshire produces 6.4 percent of this area's milk, mostly in Grafton and Coos Counties. In one year, between 1964 and 1965, about 100 milk producers closed up shop, leaving about 1200 still operating.

[From the Boston Globe, July 10, 1966]

Modernizing: It's Expensive, but Essential

A dairyman-optimist is Stanley Christiansen of East Montpelier, Vt., operating a large farm started by his father, Andrew.

Last Fall when it became imperative to rebuild his barn requiring a considerable outlay of capital, he had to decide whether to modernize or get out of the milk business.

He chose to expand the operation. So he built a new large barn, with a feeding area 75x46, a feeding trough and an "open stall" section.

From this section the 45 cows are led into the new "milking parlor" four at a time where the milk is extracted by modern machinery and piped into a 400-gallon refrigerated holding tank to await arrival of the collector.

The feeding has been simplified and all the milk is handled by electrically-controlled machinery.

Christiansen likes the outlook for the milk producers. He says he has heard little about the surplus of milk which, for a long time, was quoted as depressing prices.

AMERICAN LABOR UNIONS AND THE INTERNATIONAL TRADE UNION CONGRESS

Mr. DOMINICK. Mr. President, in February of 1965, I had the opportunity of being a member of the Senate delegation to the district conference in Oxford. During that period, I also had the privilege and pleasure of reviewing with some members of both the Labor and Conservative Parties the aspect of the influence of the U.S. labor unions in connection with their stand in the International Trade Union Congress.

I was informed—happily so informed—that they had taken the lead in preventing the international conferences from joining with the infiltration of the Communists, which the Communists had tried again and again. I was informed that the American trade union leadership had prevented this in many instances, which delighted me.

Today I have before me the AFL Free Trade Union News, with a guest column entitled "Where We Stand," written by George Meany, on behalf of Victor Riesel.

The article is extremely interesting. It details much of the effort and the discipline which they have put into their efforts to oppose either communism or any other form of dictatorship. I believe the article is of sufficient interest and of such importance to our Nation that Senators as a whole should have the opportunity to read it.

Consequently, Mr. President, I ask unanimous consent to have printed in the RECORD at this point the article "Where We Stand," by George Meany, in the July 1966, issue of the AFL–CIO Free Trade Union News.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

WHERE WE STAND

(By George Meany)

The AFL–CIO Executive Council realizes that, in the present world crisis, foreign policy involves the freedom and prosperity of our entire nation and the peace of the world. That is why we take an active interest in world affairs.

As American labor sees it, the overriding issue of our time is the struggle between democracy and dictatorship. In this struggle, the AFL–CIO is unreservedly on the side of democracy and against every form of dictatorship, whether it be Communist, Fascist, Falangist, Peronist or military. Democracy and totalitarianism have nothing in common and there can be no partnership or united front between them.

American labor realizes that without democracy there can be no free trade unions and that without free trade unions there can be no democracy. For us this is a basic principle and firm conviction.

Moreover, the Communists have made the ranks of labor their first and main field of activity. The Communists' strategy dictates that they must, above all, capture the trade unions before they can seize power in any country.

LABOR FIRST

Since labor is the first target of Communism, labor should be the first one to reject, resist, and defeat all Communist infiltration and subversion. This is our duty as trade unionists and citizens. History has shown that Communist infiltration at home greatly facilitates Communist attack from abroad.

Some self-styled liberals who consider Communism a progressive movement do not like this firm position of the AFL–CIO. But to American labor, Communism is a reactionary anti-labor force. It aims not to eliminate but to exploit the shortcomings and evils in our free society, with a view of making it an easier target for conquest by Communist imperialism.

We are against Communism because we are for democracy and social justice. In this constructive and positive spirit, American labor has set the pace in fighting for social justice and ever better conditions of life and labor throughout the world.

During the course of our representation in the United Nations, we took the initiative in proposing the draft of an International Bill of Human Rights which later served, in large measure, as the basis of the UN Declaration of Human Rights. American labor was the first to raise before world public opinion the menace of massive slave labor in the USSR and Communist China. It took us years to convince our government to support us in this fight which finally led to the strong UN condemnation of this evil especially in the Communist "paradise."

The AFL–CIO conducts its varied international as well as domestic activities completely independent of any government control or influence. It is the government of our country which sets and executes its foreign policy. But as citizens and trade unionists, we seek to influence the development and application of a foreign policy which will promote our nation's security, human freedom and world peace.

OUR OWN POSITION

At times, we may disagree with a particular foreign policy of our government. For instance, we have had disagreements with our government over its policy towards Franco Spain, national independence for colonial people, and dictatorships in Latin America and Africa. In our efforts to aid free trade unionists and their organizations abroad in becoming nation-builders, bulwarks of democracy and the most militant opponents of Communist subversion and aggression, we have, on sundry occasions, had differences with our government and advanced our own independent positions.

In regard to the crisis in Vietnam, we are convinced that we spoke for the overwhelming majority of the American people when our Executive Council unanimously declared, after much debate, on October 28, 1965, that:

"Freedom-loving people everywhere have the greatest stake in the democratic forces triumphing over the ranks of Communist subversion and aggression which have, for more than a decade, been trying to conquer the South Vietnamese. . . . It is the duty of every American in every walk of life to do his utmost to insure the success of our government's policy. Of course, in our democratic society, all policies should be studied and debated. But slander of our country is not synonymous with study of its policies. Cultivated rowdyism is not identical with critical inquiry and constructive criticism. Any organization or movement dedicated to breaking the law of the land (burning draft cards, stopping troop trains) can only be treated as a law-breaking body."

And after careful consideration and much discussion of the conflict in Vietnam, our Sixth Constitutional Convention (December 1965) unanimously asserted that:

"The Communists are waging a war of conquest, a war for the annexation of South Vietnam by Ho Chi Minh's regime. This war is not an isolated local conflict. It is an integral phase of the Communist drive for dominating the world. . . . In this realization . . . our convention pledges unstinting support by the AFL–CIO of all measures the Administration might deem necessary to halt Communist aggression and secure a just and lasting peace."

Again, on February 25, 1966, after a thorough-going discussion in its International Committee, the Executive Council unanimously reaffirmed that "it unreservedly endorses President Johnson's twofold program for an honorable settlement of the Vietnamese war—the policy of steadfastly aiding the South Vietnamese people to defend themselves against Communist aggression while continuing an active search for peace and freedom through negotiations."

TIMELY PROPOSALS

By seeking to influence and mold our country's foreign policy, the people can help the government pursue a consistently effective democratic course. In this realization, we of American labor have made practical and timely proposals to our government for sound positions in the international arena: towards the war in Korea, building democracy in Germany, the promulgation and execution of the Marshall Plan, the containment of Soviet and Chinese Communist aggression, the Cuban Communist threat, strengthening the Alliance for Progress, halting Communist subversion in Santo Domingo, defeating Communist aggression against the people of South Vietnam, rebuilding NATO, and supporting generously the developing nations in their efforts to build prosperous democracies.

All our plans and programs in the realm of foreign policy and in the building of the International Confederation of Free Trade Unions, of which we are an affiliate, have been adopted through the democratic process—only after discussion and consideration of different proposals. The AFL–CIO has always been mindful of the fact that in the final analysis, this fight for human freedom, decency, well-being and peace will have to be won in the factories, on the farms, in the halls of learning and science laboratories, and in wholehearted economic and political as well as appropriate military cooperation with the freedom-loving peoples of the world.

The AFL–CIO distinguishes sharply between the dictatorships and the people under their yoke. We are encouraged by the growing dissatisfaction of the people in the Communist "paradise" and by their pressure for more freedom and decent conditions of life and labor. We welcome even the smallest concessions which these people have wrung from their oppressors.

But the changes which have occurred behind the Iron Curtain have not been basic. The all-powerful dictatorship continues to exercise total power over every walk of life and is in a position to take away any concession it deems dangerous to its regime. The renewed Soviet persecution of intellectuals and its stepped-up arming for aggression at the expense of the basic needs of the people confirm this.

We should help the development of the rising democratic forces behind the Iron Curtain and strengthen the desire of the captive nations for full national freedom from Soviet and Chinese imperialist domination. But American labor cannot do this by a rapprochement with the leaders of the so-called Communist trade unions. Free world labor—with the exception of the American Federation of Labor—tried this method after World War II when they joined the Communist-controlled World Federation of Trade Unions.

This experiment was a complete failure. Its lesson is still valid.

Particularly in view of the danger of thermonuclear warfare, it is urgent for our country and all other democracies to unite in superior strength. There is no better way of convincing the Communist warlords that aggression will not be profitable for them.

In the Cuban missile crisis of October 1962, the late President Kennedy demonstrated the soundness of such a policy. At this critical hour, the American people can be fully assured that the cause of democracy, human well-being and world peace has a most devoted and determined champion in the AFL–CIO.

(The above, reprinted by permission of the Hall Syndicate, was written as a "Guest Column" by President Meany for Victor Riesel, the internationally-known journalist who is a specialist in labor problems and president of the Overseas Press Club.)

GIVE THE CONSUMERS THE TRUTH

Mr. McGOVERN. Mr. President, the New York Times this morning carries a front page article on milk, bread, butter, and egg price increases in New York City recently.

The article says that consumer milk prices in New York and New Jersey will be raised Monday to a level 3 cents a quart over June prices.

It then reports:

> Milk distributors yesterday laid the impending price increase to an increase in Government fixed payments to farmers for milk delivered in tank trucks.

The farmers' return for milk is being increased from $5.20 per hundredweight in June to $5.77 per hundredweight in August, the Times account explains. Then, it states:

> The increase amounts to almost 1-cent a quart and spokesman for several of the city's 400 distributors said it would be passed along to retailers.
>
> "The retailers will certainly pass the increase along to the consumers," said a spokesman for Sealtest Foods, one of the largest distributors.

They certainly are passing on the farm price increase—doubled and more.

If the Times article is accurate—and I see no reason to doubt the figures it contains—the middlemen in New York and New Jersey are going to get considerably more out of the price increase to consumers than the farmers in the area.

There are about 46 quarts of milk in 100 pounds.

The Times indicates that farm return for milk has been increased 57 cents per hundredweight since June, from $5.20 to $5.77. That is slightly less than 1¼ cents per quart. But the consumer price increase is 3 cents, the Times reports. That means that the farmers will get about 1¼ cents out of the 3-cent increase to consumers, and the handlers 1¾ cents.

I shall not take the time of the Senate now to go into an analysis of the bread, butter, and egg price increases reported by the Times. Analysis will show that the farmer-consumer price spread on bread is being magnified as much as or more than in the case of milk.

The Washington Post called attention in an editorial July 27 to the current series of bread price increases around the Nation. They are also being attributed to an increase in the price of wheat. The Post points out that the cost of the wheat which goes into bread is only a tiny fraction of the retail price. The editorial notes that flour prices have gone up two-tenths of 1 percent since June 1965, while cereal and bakery product prices have gone up 3.3 percent.

The Post comments:

> This should at least help to make it clear to consumers who is responsible for the rise in bread prices—

The Post deplores the fact that they were wrong a year ago when the paper said editorially:

> It is simply not conceivable that the bakery industry, which vigorously and successfully fought the bread tax intended to benefit the Federal Treasury, would countenance increased bread prices amounting to a tax benefitting private industry.

I ask unanimous consent to have printed in the Record the Washington Post editorial on bread prices.

There being no objection, the editorial was ordered to be printed in the Record, as follows:

[From the Washington (D.C.) Post, July 27, 1966]

Bread Prices

The bakery industry, just a year ago, organized a powerful lobbying effort that helped defeat a farm bill that would have financed part of the costs of a wheat program by a tax that would have added seven-tenths of a cent to the price of bread. This scheme to shift part of the burden for the farm program from the Government to the processors was denounced by the baking industry as a "tax on bread." Congress quailed before this assault and dropped the plan.

Now the industry is raising bread prices, in many cities, up to two cents a loaf because wheat prices in the last year have advanced. The farmer of course gets only three cents out of the retail price of 20 cents for a loaf of bread, but he is being blamed for the increase.

After the industry's outcry against bread price increases a year ago, this newspaper said: "It is simply not conceivable that the bakery industry which vigorously and successfully fought the 'bread tax' intended to benefit the Federal Treasury would countenance increased bread prices amounting to a tax benefiting private industry. One must credit the industry with sincerity and consistency and look forward hopefully to stable, if not lower bread prices. That, at least, is a gratifying prospect." That turns out to have been a vain hope and expectation.

It needs to be noted that flour prices have gone up .2 per cent since June, 1965, while cereal and bakery product prices have gone up 3.3 per cent. That should at least help make it clear to consumers who is responsible for the rise in bread prices.

Mr. McGOVERN. Farmers certainly have not received all of the increases in butter and egg prices which the Times reports.

I am advised that the New York milk price pattern is typical of what is occurring across the Nation. In Denver, farm return on milk has gone up about three-fourths of 1 cent. Retail milk prices are up 2 cents a quart. In one South Dakota city a one-half of 1-cent increase in the farm price brought a 2½-cent per quart increase in retail price.

I expect to request the Committee on Agriculture and Forestry to call for a thorough, community-by-community study into the inflation of recent farm price gains as they have been passed on to consumers. Meantime, Mr. President, I hope that newspapers and consumers will insist on a thorough explanation of increasing food prices and an accurate accounting for their cause.

It is in the long-term interest of both farmers and consumers that inflated price increases are fully understood and that doubled and tripled price increases are not passed off as entirely attributable to farm returns.

If farm prices are allowed to remain inequitably low—and the decline in dairy production is an excellent current illustration of this—the production of food items will decline, supply will become short, and scarcities will cause skyrocketing food prices to the injury of everyone involved.

It is in the best interests of both farmers and consumers to permit farm price adjustments necessary to assure a fair return to farmers, and thereby assure adequate production.

But if the multipliers between farmer and consumer are not reported to consumers completely and truthfully, inflationary scarcities can result from misguided policy decisions.

I hope that Members of Congress who represent consumer constituencies will join me in attempting to see that the whole truth gets to their constituents.

I ask unanimous consent to have printed in the Record the New York Times article, and I ask those who read it to keep in mind one fact the Times did not state: that the rise in farm milk price, $5.20 in June to $5.77 in August, amounted to just about 1¼ cents per quart of milk.

There being no objection, the article was ordered to be printed in the Record, as follows:

[From the New York (N.Y.) Times, July 29, 1966]

Milk Price Rises a Cent on Monday—Increase Affects City and New Jersey Dealers—Government Blamed

(By Richard Reeves)

The price of a quart of milk in New York and New Jersey will go up a cent on Monday and will probably go up another cent by Nov. 1.

The increase, which is to be announced Monday by metropolitan area dealers, will raise the usual price paid by consumers in New York stores to 28 cents a quart. The price in northern New Jersey stores will be 26 cents and home delivery prices in both states will be 3 to 5 cents a quart higher than the store prices.

The new prices are about 3 cents a quart higher than milk prices at the end of June and follow recent increases in the prices of bread, butter and eggs.

City Markets Commissioner Samuel J. Kearing yesterday reported these price rises in those commodities: bread, up 2 cents a loaf last Monday; butter, up 10 cents a pound in the last month; eggs, up 16 cents a dozen in the last month.

Milk distributors yesterday laid the impending price increase to an increase in Government fixed payments to farmers for milk delivered in tank trucks. The New York-New Jersey Milk Marketing Administration, a division of the Federal Department of Agriculture, has ordered distributors in the two states to pay farmers $5.77 per hundred pounds of milk in August, compared to $5.50 in July and $5.20 in June.

The increase amounts to almost 1 cent a quart, and spokesmen for several of the city's 400 distributors said the increase would be passed along to retailers.

"The retailers will certainly pass the increase along to the consumers," said a spokesman for Sealtest Foods, one of the largest distributors. "Milk prices are in a vicious circle that is spiraling upward."

JERSEY BOUNDED BY MINIMUM

New York retailers are free to sell milk at any price, but New Jersey retailers are bound by minimum prices set by the state Office of Milk Industry. The office announced yesterday that northern New Jersey minimums would be raised Monday from 25 to 26 cents a quart for milk purchased in stores and from 28 to 29 cents for delivered milk.

A spokesman for the New York-New Jersey Marketing Administration said the farmers' price for milk had been raised by orders of Secretary of Agriculture Orville L. Freeman "because of the decline in milk production caused by a rather precipitous drop in the number of cows and dairy farmers."

The administration spokesman and dairy officials agreed that the price of a quart of milk was likely to increase at least another cent because of normal seasonal production declines before Nov. 1.

The marketing administration is the agency that, in effect, subsidizes dairy farmers by regulating the price that distributors must pay for milk the farmers produce.

FREE TO FIX OWN PRICES

The distributors and retailers in New York, however, are free to sell milk at any price they feel is competitive. In New Jersey, the Office of Milk Industry sets minimum prices, which are one-half cent per quart higher in southern New Jersey than in the northern part of the state.

The increase in the prices of other basic commodities was revealed in a survey conducted in the city by Commissioner Kearing.

The Commissioner reported that major bakers in the city raised the price of a loaf of bread from 28 to 30 cents last Monday and blamed the increase on higher costs because of a national drop in wheat production. The price of a loaf of bread in the city jumped from 27 to 28 cents last November.

The Commissioner said that wholesale butter prices in the New York area have increased 23 per cent since he took office last Jan. 1. He said a survey by his staff indicated that butter is presently selling for 81 to 87 cents a pound, compared to a range of 71 to 79 cents only two weeks ago.

The price of a dozen large, white, Grade A eggs was 50 to 53 cents on July 1, he said, and is now 67 to 69 cents.

City Council President Frank D. O'Connor and three councilmen—John J. Santucci, Matthew Troy and Aileen Ryan—introduced a council resolution yesterday calling for an investigation of rising food prices in the city.

Mr. McGOVERN. Mr. President, I call on urban newspapers to report to their readers in detail where their milk, butter, and bread payments are going, including the fact that in New York and New Jersey, with farm milk at $5.77 per hundredweight, the producers are getting only 12½ cents per quart out of the 28-cent retail price—substantially less than half—and that the wheat farmers are getting about 3 of the 20 to 30 cents currently being charged at retail for a pound loaf of bread.

THE ELECTRIC ENERGY INDUSTRY OF KANSAS

Mr. CARLSON. Mr. President, at a time when many States and many areas of our Nation suffered from a shortage of electric energy, Kansas was fortunate, because of the foresight and planning of our electric industry, to have had no difficulty during this period of extreme hot weather.

The private power companies and the REA's have future plans that will greatly expand the electric systems of our State.

The citizens of Kansas are most fortunate to have had capable and responsible leadership in the electric energy field. We are indebted to those responsible for this outstanding achievement and I personally want to commend them.

Recently the Honorable Lee C. White, Chairman of the Federal Power Commission, wired the State corporation commission at Topeka, Kans., for information in regard to the availability of electric energy in our State.

Chairman William L. Mitchell of the State corporation commission wrote Chairman White under date of July 20. I ask unanimous consent that the letter be printed in the RECORD.

I also ask unanimous consent to have printed in the RECORD a letter that was written by Gordon W. Evans, president of the Kansas Gas & Electric Co. at Wichita, Kans., to the Honorable Lee C. White, Chairman of the Federal Power Commission, on this same subject.

There being no objection, the letters were ordered to be printed in the RECORD, as follows:

STATE CORPORATION COMMISSION,
Topeka, Kans., July 20, 1966.

Hon. LEE C. WHITE,
Chairman, Federal Power Commission,
Washington, D.C.

DEAR CHAIRMAN WHITE: While this Commission did not receive your telegram asking utilities under our jurisdiction to marshal their resources to minimize the possibility of widespread outages due to the heat wave, this Commission had been working with our Kansas utilities for several years concerning this problem. We particularly had been working with them the past month because of the widespread lack of moisture and excessive heat in the area assigned to Charles Ross. At the present time we have no problem in Kansas. During the week of July 10–16, the Kansas Power and Light Company delivered power and energy outside its own system requirements as follows:

1. To Kansas Gas and Electric Company, 35,000 KW, 3,015,000 KWHR.

2. To Western Power & Gas Company, 5,000 KW, 185,000 KWHR.

3. To Missouri Public Service Company, 44,000 KW, 5,999,000 KWHR.

4. To Kansas City Power & Light Co.,* 2,177,000 KWHR.

5. To Omaha Public Power District,** 878,000 KWHR.

During this period, Kansas Power and Light's integrated system registered three new peaks, with the highest at 864,100 KW gross hour. Even with this peak, Kansas Power and Light still maintained reserve capacity at not less than 14.4% over the peaks. On July 18, 1966, Kansas Power and Light experienced a new integrated system peak of 879,900 KW gross hour and 825,000 KW net hour.

You have previously received a report from Gordon Evans, President of Kansas Gas and Electric Company. We have experienced no difficulty whatsoever with Kansas Gas and Electric Company's ability to meet its summer peak load.

We have been in constant contact with Western Power and Gas Company and they have just recently interconnected with Kansas Power and Light Company near Hutchinson, Kansas. Their summer peak loads are in order and we anticipate no difficulty in the western half of the state. Western Power and Gas Company is presently constructing two additions to their system: one in the vicinity of Dodge City which represents a plant in the neighborhood of 150,000 KW and a small addition to their Liberal, Kansas, station in the vicinity of 20,000 KW.

The Kansas City Power and Light Company, whose operations are not too extensive in the State of Kansas, reports that their reserves are in order with respect to the peaks they are experiencing during this time. Our field checks confirm this.

The Kansas Commission is more than happy to assist the State of Nebraska during its troublesome time, and the State of Missouri during its shortages. Do you know of any other states who need assistance? Please advise and we will be happy to help them in any way possible.

Future plans in Kansas call for additions to the systems of Kansas Power and Light Company, Kansas Gas and Electric Company, and the R.E.A.'s. These new plans are on the drawing boards pursuant to urgings of this Commission and we anticipate that future loads will be more than adequately met by these additions.

It is also interesting to note that the Kansas Power and Light Company has managed to meet the problems associated with new peak loads while at the same time they have coped with the problem of the disastrous tornado of June 8, 1966, which struck the Topeka area causing extensive damage of about $1-million to their facilities. The management and crew of Kansas Power and Light not only did an excellent job with respect to restoration of service, but held the cost and damages to an absolute minimum. Power service was curtailed in the tornado area for three days. Not one person was injured as a result of the curtailment.

If we can be of any further service to you, please advise.

Very truly yours,
WILLIAM L. MITCHELL,
Chairman.

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*Deliveries to KCP&L were of emergency and economy energy at varying volumes of delivery from 70,000 KW down to 10,000 KW at different hours. Most of these deliveries were for redelivery to Union Electric Company at St. Louis to aid its shorter situation.

**Deliveries to Omaha Public Power District were of emergency energy at varying volumes of delivery from 20,000 KW down to 5,000 KW at different hours. We understand this power went to aid the Nebraska shortage and also some to relieve an emergency shortage in Iowa.

Ten thousand kilowatts (1,015,000 KWHR) delivered to KG&E were for the account of Empire District Electric Company.

KANSAS GAS & ELECTRIC CO.,
Wichita, Kans., July 14, 1966.
Mr. LEE C. WHITE,
Chairman, Federal Power Commission,
Washington, D.C.

DEAR MR. WHITE: We have your telegram of July 12 about meeting the power requirements of our customers.

Kansas Gas and Electric Company has a history of furnishing adequate and dependable electric service. This is due to the established procedure of the company to make advance plans to meet the load requirements of our customers at all times. However, the continuing heat wave has caused the use of electric power to exceed our estimates and to reduce the available reserves to about 7.5%. This is lower than we usually try to maintain.

Our summer load is directly dependent on hot weather. The difference between our winter peak, 520,600 kv, and our summer peak load, 745,500 kw, in 1965 was 224,900 kw, or 43.1%. The increase in the summer peak load in 1965, 745,500 kw, over the summer peak load of 1964, 730,300 kw, was 15,200 kw, or 2.8%. This small increase was due to the cool summer experienced in 1965.

The increase in the summer peak load in 1966, 822,400 kw, over 1965, 745,500 kw, so far to date is 76,900 kw, or 10.3%. The difference in our peak load on a cool summer day and a hot summer day, within a 24-hour period, can and does vary as much as 160,000 kv, or 24%. I mention these unusually large fluctuations in load to point up the difficulty in estimating accurately the summer load; i.e., variation of increase in peak load from one year to the next from 2.8% to 10.1%, and a variation in *daily* summer peak load of as much as 24%.

In order to protect our system, for a number of years we have had installed thereon frequency relays for "automatic load reduction." Our load will be automatically reduced approximately 24.5% if the system frequency falls as low as 58.5 cycles.

We have frequency relays on our transmission interconnections with other electric utility companies which give us "automatic controlled-system separation" in the event of low frequency on the interconnected system. With these two automatic programs we feel we can meet almost any emergency without a total breakdown of electric service to our customers.

Even though our load, due to the extreme, extended hot weather, has increased more than our estimate, as mentioned above, we still have an available reserve of about 7.5% with a reserve in the MOKAN pool of about 8%. While this is lower than we prefer, it represents 125% of the largest liability in the MOKAN pool. New power plant additions and additional 345 kv volt transmission lines now under construction will be in operation before next summer and will adequately meet the future load requirements.

Our dedicated staff and group of employees will continue as they have in the past, to make every practicable effort to see that our customers receive adequate and dependable electric service at all times. The company will continue to install additional facilities in advance of the customers' load requirements consistent with prudent business judgment.

We are in constant contact with all the neighboring utility companies and keep each other advised about company problems as well as keeping up-to-date on interconnected situations and will continue the present close cooperation with them.

Very truly yours,

GORDON W. EVANS.

NEW BRITISH AUSTERITY PROGRAM—VISIT BY PRIME MINISTER WILSON

Mr. JAVITS. Mr. President, the visit by the Prime Minister of the United Kingdom is most portentous and important so far as the United States is concerned, because it concerns a nation which, notwithstanding all of its vicissitudes, to this very day represents as much support as any one nation can give to the fundamental objectives of American policy in the world, which is to seek peace, justice, self-determination, and economic and social development in freedom for all mankind.

Mr. President, the new austerity program announced by Prime Minister Wilson's government has a good chance to bring about the desired end, which is toward deflation in the British economy.

But these measures will not bring about the necessary changes in the modernization of the British economy, which is the basic reason for Britain's recurrent economic crises. Without such modernization Britain will be unable to continue to play a vital role in international affairs, economic or diplomatic, and that would have grave consequences for the free world.

The Prime Minister, for whom we have great respect, will be meeting with our President today to discuss the new British austerity program. I respectfully suggest that these negotiations should be broadened and deepened so that they deal with Britain's basic economic ills and the assistance needed from the United States and other industrialized countries to deal effectively with these problems.

There is no question that Britain belongs in the European Economic Community. She needs the stimulus of the larger and more efficient market of the European economic community. We have a right to hope that she is making a sincere and determined effort to join the Common Market and will be willing to pay the price of membership. But her application was rejected once, and it may be again. So I hope that the President will talk with Prime Minister Wilson about an alternative. The alternative could be some trade arrangement in the North Atlantic between the United States, Canada, and the United Kingdom, and any other nations—especially those in the European Free Trade Association, in which Britain is the principal factor—which would be willing to adhere to a new trade arrangement, the principal aim being to work out substantially free trade among the members, perhaps over a long-term period of as much as 20 years.

The PRESIDING OFFICER (Mr. HARRIS in the chair). The time of the Senator has expired.

Mr. JAVITS. Mr. President, I ask unanimous consent that I may proceed for 2 additional minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. JAVITS. A relationship between such a group of industrialized nations and developing countries would have to be established. What remains of the Commonwealth with which Britain is allied could be accommodated in that kind of trade deal. I hope that they will discuss this possibility as well.

As I have suggested before, OECD nations could finance an arrangement over a period of time—say, 10 years—and, further, to help modernize Britain's economic plant with contributions from the United States and other OECD nations which can afford it. Without modernization of key sectors of the British economy, management, and labor practices, Britain will continue to face major competitive problems.

International monetary reform is closely related to the problems of the pound sterling, which, together with the U.S. dollar, finances two-thirds of the world's trade. Britain needs some form of international monetary reform to take us off the international cross of gold, to which we are pinned. It is to our interest that there should be more than two currencies, carrying the load of international trade.

These are practical matters. I hope very much that the President will make it clear to Prime Minister Wilson that we have an interest in our British ally, and that we intend to help her, not by forcing help upon her but by responding to the kind of help she feels that she needs.

I suggest these subjects today as proper subjects in which to broaden the discussion between President Johnson and Prime Minister Wilson.

Mr. President, I ask unanimous consent to have printed in the RECORD at this point the text of a telecast made by Prime Minister Harold Wilson in London, on July 20, 1966; an article entitled "Laborites Abandon Goal of 25 Percent Gain in Economy"; an article entitled "Britain and Europe: Some Fear London May Have Missed Its Big Chance for Economic Salvation," written by Anthony Lewis in the New York Times of July 28, 1966; and an editorial entitled "Survival of Britain," published in the New York Times of July 29, 1966.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

THE ECONOMIC SITUATION

(Text of a telecast by the Prime Minister, The Right Honorable Harold Wilson, O.B.E., M.P., London, July 20, 1966)

Today I have announced in the House of Commons tough measures which will affect all of us. I want to talk to you about these measures and why it has been necessary to introduce them. I have called them tough and they are. They will affect every one of us because we are determined to take action which will show that the people of Britain are ready once and for all to play their full part in putting right the economic weakness which has held up this country's progress for twenty years and more.

Since the last time I spoke to you about the economic situation we have made, at any rate, some good progress. Exports have been improving thanks to some pretty hard efforts by hundreds of thousands of people in the factories, the design teams, the engineers and the salesmen. In the first five months of this year, before the Seamen's Strike affected the situation, the value of our exports was nine per cent above the figures for the same month a year ago, and if it was a question only of exports we would be well on the way now to complete recovery. But import prices are rising because there has been a run on many of the raw materials the world needs, partly as a result of the Vietnam war. And there has been another thing: our people have started buying more and more goods abroad again, especially machinery and equipment for our factories, and it's a serious reflection on some of our industries that we are not making these goods for ourselves.

Up to two or three weeks ago everything suggested that the progress we were making meant that we would be paying our way by the end of this year, or at any rate not too late next year. But imports, as I say, have been rising and we have to use up too much of what we earn from our exports to pay for these imports. And then, suddenly, we seem to have been driven off course; one thing, of course, that's hit us has been the Seamen's Strike. When I spoke to you two months ago, the day after the strike began, I warned that this was bound to have a very serious effect on our trade and on our economic position, and because of that strike we lost right away many millions of pounds abroad, and then when the figures showing these losses were published there was a shock which affected confidence in sterling and in our ability to get into balance.

But that wasn't all. We are not only a trading nation, we are the second greatest of the world's bankers and thousands of millions of pounds worth of trade that never sees our shores, [which] is financed in sterling and the other major world currency, the dollar, has been having a difficult time. The American Government have had to take some pretty tough defensive measures and these measures have had their effect on us. All over Europe today there's a shortage of dollars and in the unsettled and stormy conditions of the last two or three weeks, people abroad who needed dollars were only too ready to sell sterling to get them, and this process fed on itself and so there have been growing doubts day by day over this past week about our ability to get back on to an even keel: doubts about the future of our currency; doubts about whether we, whether all of us, not only the British Government but the British people, had the resolve and the determination and the purpose to take the measures and to make the efforts to show the restraint and the discipline that were needed to get our trade and payments into balance.

Today I announced in the House the further measures that are absolutely essential if we are to have a robust and sturdy economy, capable of getting us away from the recurrent crises of these past years and capable, too, of making us independent and able to stand on our own feet and to look the world in the face. One thing we've had to do is to make a swinging cut in the amount of money that we are actually spending abroad, not to our trade but in direct spending as a nation and as individuals. We are cutting Government spending, military expenditure, aid programs, and these cuts in our overseas expenditure add up to £100 million a year, most of it on military expenditure. But we are also cutting private spending abroad by cutting down the travel allowance for holiday makers who go abroad, and that will save us another £50 million a year.

But at home there are deeper problems. Our exporters are not able to do the job they need to do as long as they're short of labor, as long as their order books are so long that delivery dates stretch out further and further into the future. Our essential domestic program too, housing, school buildings, hospital building, the building of new factories, especially in the development areas—these programs are held up by shortages of skilled labor and all this is because we are trying to do too many things all at once. This means cutting down by the Government and by local councils and it means cutting down spending by private individuals because this high level of spending, public and private, is one reason why we are drawing in so many imports from abroad. And too high a level of spending means something else, it means the production of less essential goods that draw labor and other resources away from the production of goods for export. So public spending: this is why we have announced today reductions in public spending by local councils, nationalized industries, in all £150 million. And private spending: this is why we have cut down severely on Hire Purchase spending. You know, we are carrying too heavy a burden of production which is financed by Hire Purchase. This means that too high a proportion of what we are producing today is being paid for by mortgaging tomorrow's earnings. This is why too, we are having to reduce power by increasing taxes on petrol, on drink, why we are increasing the Purchase Tax. Surtax too on higher incomes is going to be increased. And then there's private building, office blocks for example. Less essential building is being cut back, now it's to be cut back further. We have to concentrate the building industry's resources much more on the priority programs, factories, house building, school building, hospital building. These will go on; indeed one purpose of our measures is to ensure that they will go ahead faster and more economically by having more labor and other resources to do the job.

Now all we are doing, all this is tough and it is meant to be tough. We have got to show the world that all of us mean business, that anyone who wants to write us off entirely underrates the resolve and the determination of which we are capable. But there's one further, one absolutely central demand that must be made; we cannot imperil our export drive by rising costs and rising prices, so the Government have today called for a standstill on increases in incomes and in prices. Last year we paid ourselves increased money incomes, wages and salaries and profits and dividends and landlords' rents, increased incomes of about £1,800 million. £1,800 million over the previous year, and £1,300 million of this was in increased wages and salaries. And over the same period we earned only £600 million through our increased production. We have got ahead of ourselves and the time has come to get the situation under control before we can go forward again.

I believe that what we have done today is what the country wants. I believe all of us are ready to show that we mean business, that when Britain is up against it we are at our best. I have said it before and I will say it again tonight: all our history proclaims that in the British people there are deep reserves of strength and power which are brought out to the full when the people of this country are told the facts and when they are told what has got to be done. Nobody owes us a living, we have got to work for it and earn it. Today's measures create the conditions for success but that success is only going to come by work; by harder work; by a full day's work for a full day's pay, whatever your job in industry; by less concern with private profit and private gain; less concern with dodging the column when it's a question of going out in tough conditions to increase exports—like those exporters I saw sweating it out with their products, magnificent products, in the Moscow Trade Fair last Sunday—or scrimshanking when it's a question of getting a job finished faster and cheaper so that we can sell more abroad. It means less willingness to accept the second best or to rest content with an inferior product on the ground that we can always buy what we want from abroad. You know one thing this crisis has done: it has focused the eyes of the world on us. All right, this is our chance to show them what we are made of. We will show them that a time of crisis is a time for greatness; we are under attack, this is your country and our country, we must work for it.

[From the New York (N.Y.) Times, July 28, 1966]

LABORITES ABANDON GOAL OF 25 PERCENT GAIN IN ECONOMY

LONDON, July 27.—The Labor Government abandoned tonight its cherished goal of achieving a 25 per cent increase in the gross national product by 1970. George Brown, the Deputy Prime Minister, conceded that the figure would have to be lowered because of a disappointing economic performance. In particular, productivity has risen less than 1 per cent instead of the 3.4 per cent charted in the national plan.

Mr. Brown spoke at the close of a two-day House of Commons debate on the economic crisis. A Conservative motion to censure the Government's handling of economic affairs was then routinely defeated, 345 to 246.

Despite the vote, the Government may have been embarrassed by the ending of the debate, which became remarkably rowdy. Mr. Brown was subjected to merciless jeering and then brought further trouble on himself by what he said.

"The opposition chief whip assured me," Mr. Brown said at one point, "that I would get a hearing tonight."

There were shouts of "get on with it." Then came more uproar over a slip by Mr. Brown.

"We have tried," he said, "to manage the economy in a way no other economy has been managed before."

That just convulsed the Conservatives. They guffawed, slapped their knees and waved papers in the air. Finally the Speaker, Dr. Horace King, had to restore order.

"I am trying to develop an argument," Mr. Brown said. "If the Opposition does not want to hear it, I am not fighting. We have made up our minds. It is no secret from anyone, inside or outside this House, that I had a lot of trouble."

TENDERED RESIGNATION

Laughter again brought him to a stop. Everyone knew that Mr. Brown had briefly offered his resignation last week because of disagreement with Prime Minister Wilson's decision to raise taxes and controls in a massive deflation.

"I had a lot of trouble," Mr. Brown continued, "deciding whether the Government was right."

The high spirits of the Conservatives resulted from a speech by their shadow Chancellor of the Exchequer, Iain N. MacLeod. After a series of Tory efforts that did not seem to get off the ground, Mr. MacLeod injected the right amount of excitement and malice into the debate.

Mr. MacLeod had unkind words for Mr. Brown and Chancellor of the Exchequer James Callaghan. But he reserved his final sally for Mr. Wilson.

"The charge we bring against the Prime Minister is a simpler and graver one," Mr. MacLeod said, "As long as he sits on this House—on whatever side—we on this side don't feel we will ever be able to trust him again."

By the phrase "on whatever side," Mr. MacLeod was suggesting that Mr. Wilson and Labor would be on the opposition side sometime. With their present majority of

95, that cannot happen soon unless there is a split within the Labor Party.

BACKED BY LABOR CONGRESS

Mr. Wilson got some moderately good news today from organized labor. The executive council of the Trades Union Congress voted to "acquiesce" in his proposal for a six-month standstill on wages.

The Congress made clear that its agreement was given with extreme reluctance. It attached a rider calling for special treatment of low-paid workers and for approval of wage rises paid for by productivity increases.

Moreover, the council vote is not binding on constituent unions. The real test for the Government will come when a union resists the freeze and strikes to enforce its demands.

Frank Cousins, head of the huge Transport and General Workers Union who resigned from the Government over the issue of wage-restraint, commented acidly: "I don't have to change my mind because the T.U.C. have had a meeting."

The Government intends to rely initially on voluntary cooperation from the unions. If that does not work then the Government would invoke legislative powers that it hopes to have shortly.

PROPOSALS DUE SOON

The exact form of legislation to cover the wage freeze was still not ready tonight, a week after Mr. Wilson announced his crisis program and called for the "standstill." Detailed proposals are expected in the next two days.

Mr. MacLeod raised in the debate some of the tough questions still plaguing the drafters of the bill.

What happens to employes with wages tied to the retail price index? he asked. What about those due for increases under productivity agreements signed in the past? What about doctors and others who might retire during the freeze and whose pension would be reduced because their final salaries would be lower?

Such questions as these are still tormenting officials. They emphasize that the task of writing wage restraint into law in a peacetime setting is extraordinarily difficult.

[From the New York (N.Y.) Times, July 28, 1966]

Britain and Europe—Some Fear London May Have Missed Its Big Chance for Economic Salvation

(By Anthony Lewis)

London, July 27.—Underneath the shrill debate over Prime Minister Wilson's emergency economic program, a more fundamental concern is being expressed by qualified observers. It is that the Labor Government may have missed, in the crisis over sterling, a vital opportunity to recast Britain's world in terms of the needs of her long-range economic salvation. The concern is strongest among those, American as well as British, who believe that membership in the European Economic Community should be Britain's most urgent goal. In their view the Government's reaction to the crisis has, if anything, moved Britain further away from Europe.

The central argument of the pro-Europeans has always been that British industry needs the stimulus of the larger market. This argument has been gaining strength here, and the emergency measures announced last week do not affect it.

The overwhelmingly deflationary effect of the measures is likely, in fact, to discourage the investment that British industry needs. They buy time but do not pretend to bring about the necessary changes in the economic structure—modernization of plant and above all, as Mr. Wilson said today, a shift in the depression-born attitude that it is a kind of treason for workers to cooperate in any plan to get more production from fewer employees.

WEAKENING A MAJOR LINK

In looking for cuts in overseas expenditure, the Government seems to have turned first to the British Army of the Rhine. It says the army strength will be reduced to the point where West Germany covers the $263-million annual cost to Britain in foreign exchange.

The result is to downgrade one of the most important remaining British links with the Continent. The reduction would also be in ironic contrast to what now seems the likelihood that French troops will remain in West Germany on President de Gaulle's terms.

Those unhappy about the immediate move to trim the Rhine Army are not saying that its strength should be immutable. They believe, rather, that cuts should come as part of a general rearrangement in the Atlantic alliance, or even between East and West, so that they could have positive effects. Cuts forced by the sterling crisis are viewed as demonstrating British weakness and unreliability.

British officials have said that they aim at a reduction of forces in the Far East, too. But these, it is said, still depend on formal action by Indonesia to end her undeclared war on Malaysia.

There has been no change in the plan that defines the future British defense role east of Suez—the proposal to buy 50 American F–111 attack planes at a cost in excess of $780-million. The F–111's matter so much not only because of their intrinsic cost but because they mortgage the future for Britain, committing her to new military hardware and new bases.

The supersonic plane has a tremendous range, making it especially useful for distant reconnaissance operations. It can also be adapted to carry nuclear weapons.

Fewer and fewer people here believed, however, that Britain can really carry on a role of the kind implied by the F–111's after 1970, when the planes are to be delivered. Reginald Paget, a right-wing Labor Member of Parliament, spoke for many when he said yesterday that the plane order should be trimmed to help end "the preténse of being a world power."

The United States bears heavy responsibility for the inviolability of the F–111's so far. Secretary of Defense Robert S. McNamara, especially, is reported to feel that there must be no reduction in planned British strength in the middle and Far East except to reflect reduced tension involving Indonesia.

The American desire for a British presence in the Far East is understood here, especially in the context of the Vietnamese war. Moreover, Mr. Wilson has made the point that Britain may have a moderating influence, keeping the United States from either escalating excessively or withdrawing.

Those troubled by the Labor Government's moves think the desire for British participation in the Far East could be met without the physical and financial commitment implied by the F–111's.

The argument of these critics is that the effort of Britain to remain a world power, staying everywhere on a shoestring, can only weaken her further. They say the United States should recognize this and cooperate in a British move in the right direction—across the English Channel.

DE GAULLE'S OPPOSITION

Nor are these observers floored by the undoubted fact that General de Gaulle continues to oppose British membership in the Common Market.

Why make it easy for the general, they ask, by showing that he is right when he says Britain depends too much on the United States and is not really European? They argue that Britain must act dramatically to show that she is willing to pay the price of membership—undoubtedly painful, but less so than the remorselss decay of her economic and political strength.

Some might say that Prime Minister Wilson is a captive of Washington on these issues, that he dare not risk offending President Johnson while American support for the pound is so essential. But the best-informed people do not share that view. They make the point that the President is a realist and that he needs Mr. Wilson's Far Eastern support on whatever basis is available. That gives Britain more, not less, bargaining power.

Mr. Wilson could raise all these questions when he goes tomorrow to see Mr. Johnson, but the expectation here is that he will not do so in really fundamental terms because he shies away from radical decisions and prefers to temporize.

The Prime Minister likes to say that he is "keeping all the options open." What worries some people is that, unless radical choices are made for Britain, he or someone else will have to say one day: "All the options are closed."

[From the New York (N.Y.) Times, July 29, 1966]

Survival of Britain

Prime Minister Wilson's visit with President Johnson was originally set up to discuss the troubling problems of the war in Vietnam and the future of NATO in Europe. But the main topic on the agenda almost surely will be the even more troubled state of Britain's economy and Mr. Wilson's desperate efforts to save the pound.

Mr. Wilson needs American sympathy and support in his battle to curb domestic inflation and rebuild foreign confidence. Since the pound is the first line of defense for the dollar and the United States and Britain have a common interest in a more peaceful world, he will undoubtedly get both. But the main burden, the really painful burden, falls on Britain.

If this new battle of Britain were simply a matter of economic belt tightening, there is no question that victory could be won. Mr. Wilson is finally doing all the things that Britain's foreign creditors have asked him to do and that he had hoped to avoid. It has been a humiliating and humbling experience. The man who had scorned the Conservatives for their "stop and go" policies has been forced to put on the brakes harder than they have ever been applied before. The man who had confidently drawn up a five-year plan for rapid growth has now deliberately invited recession.

These steps should suffice. Yet Britain's situation remains critical because Mr. Wilson waited so long before announcing them. He has permitted a deep and widespread distrust to take hold—in his own party, among the opposition, in Europe. All recognize that he has drawn up an effective battle plan, but they question his will to carry it out.

The key to victory lies in winning the cooperation of labor in freezing wages. Despite the opposition of many individual unions, the executive council of the powerful Trades Union Congress has now lined up in support of the wage freeze. Its backing will not be enough to assure universal compliance, but it is an indication that Britain's labor leaders are at last recognizing what is at stake.

Put bluntly, it is the survival of Britain as a competitive economy, the survival of the British pound as international trading currency, the survival of British influence in the world. Things are dark, psychologically and economically. But the British are always at their best when alone with their backs to the wall. If British labor and management adhere to Mr. Wilson's policies, inflation in Britain can be stemmed and the psychological tide reversed.

THE CURRENT AIRLINES STRIKE

Mr. HOLLAND. Mr. President, yesterday, Thursday, July 28, the Tampa Tribune, a highly influential and very fair newspaper, published an editorial which is a strong expression relative to the need to bring the current airlines strike to an immediate end. The title of the editorial is "Fetch the Paddle." I ask unanimous consent to have it printed in the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

[From the Tampa (Fla.) Tribune, July 28, 1966]

FETCH THE PADDLE

A strike which grounds airlines carrying 60 per cent of the air passenger traffic, inconveniences hundred of thousands of travelers, delays the mails and seriously damages the economy of Florida and other tourist states is not worth special attention from President Johnson or Congress.

This is what Secretary of Labor Willard Wirtz told a Senate committee considering legislation to end the 20-day strike of the machinists' union.

The consequences of the strike do not threaten the national health, safety or defense, Mr. Wirtz said. They are not serious enough to deserve personal intervention by President Johnson. They do not warrant an act of Congress taking away the sacred right of airline workers to strike.

It might be all right, suggested Secretary Wirtz, for Congress to tell negotiators to go "back to the woodshed" and bargain some more, on the threat that if no agreement were reached by a specified time Congress would apply "the paddle"—some form of compulsion.

The Labor Secretary said his recommendation reflected the views of President Johnson.

It reflects more than that.

It reflects the extreme reluctance of Mr. Johnson and other politicians, in this election year, to make any move that might alienate labor support.

It reflects the power which organized labor has gained, through political activity, to disrupt a public service in total disregard of the injury done to thousands of innocent citizens dependent on that service.

It reflects a submissiveness on the part of the people to a wrongful deprivation of services which a responsible government ought to assure them.

The people who ought to be sent to Mr. Wirtz' "woodshed" are the Secretary of Labor and the President. If an angered public applied the paddle, in expressions of resentment which could be translated into votes in November, there would be a change of attitude in Washington.

Mr. HOLLAND. I invite attention to the fact that this normally Democratic newspaper ends with this paragraph:

> The people who ought to be sent to Mr. Wirtz "woodshed" are the Secretary of Labor and the President. If an angered public applied the paddle, in expressions of resentment which could be translated into votes in November, there would be a change of attitude in Washington.

Mr. President, I insert this strong editorial in the RECORD only to make it clear what the public of my State are thinking about on this matter. It is clear to me that the general public in Florida feel that they are being woefully mistreated in this matter and that the responsible Government in Washington should have long since turned its attention to a means to make the airlines resume service.

Mr. President, I hope that those in official position are taking heed of such warnings, which are coming in not just from newspapers such as the Tampa Tribune, but also from many other responsible media of communication in the State of Florida and elsewhere.

PRESIDENT JOHNSON TALKS OF THE GOOD LIFE TO MAMMOTH CROWD IN INDIANA

Mr. YARBOROUGH. Mr. President, last Saturday President Johnson made a strenuous flying tour of several Midwestern States. He made speeches in Indiana, Kentucky, and Illinois. The President went to get contact with the people of the Midwest, to rub shoulders with them and to "press the flesh," as we know he loves to do and does so well.

During that busy and productive tour, the President made a number of speeches. The most moving was the one at Jeffersonville, Ind., in which President Johnson talked about the strengths of our country, and of this Government's "concern for the care of human life and happiness." He stressed the Government's willingness to negotiate instead of bomb in Vietnam, "to reason instead of resort to force." He talked about the education bills and medicare legislation that this Congress has passed and is considering—"more creative legislation for the care of human life and happiness, for the benefit of human beings."

And, most of all, he talked about Thomas Jefferson, and how pleased Jefferson would be with what this Government, this Congress, this country is doing to make life better for its citizens.

Fifty thousand people waited 3 hours for the President's cavalcade, delayed by large crowds and rains, to cheer the President to the echo time after time.

This fine speech should be read by all of us and by the entire country, so that they may see where we stand and what we are doing in the area of social legislation.

Mr. President, I ask unanimous consent that the President's speech be printed at this point in the RECORD.

There being no objection, the remarks of the President of the United States were ordered to be printed in the RECORD, as follows:

REMARKS OF THE PRESIDENT AT THE POST OFFICE, JEFFERSONVILLE, IND., JULY 23, 1966

Governor Branigan, Mayor Vissing, Senator HARTKE, Senator and Mrs. Bayh, Congressman and Mrs. Hamilton and their three lovely children, distinguished Members of the United States Senate, Governors, Members of the Congress, Postmaster James Stamford, Ladies and Gentlemen, Boys and Girls, I came here to Jeffersonville for two reasons: to please my wife and to please myself. Postmaster General Larry O'Brien has been telling Lady Bird that the Jeffersonville Post Office has been in the forefront of the beautification program.

Your own very able, progressive, fine leader, your Congressman LEE HAMILTON, has been telling me that Jeffersonville has some of the finest people in the United States.

If you haven't already guessed it, I think I should let you in on a secret. I value Postmaster General Larry O'Brien's judgment. I value Lady Bird's judgment. I value LEE HAMILTON's judgment. Here I am.

Without indicating any preference, I will deal with Mrs. Johnson's project first.

About a year ago we had 16 Postmasters at the White House to receive an award. Mrs. Johnson presented each one of them with a citation for their outstanding efforts to make their post offices a beautiful addition to their community.

Your own Postmaster James Stamforth was not there. The post office here was so new that he and his staff did not have a chance to prove themselves. Since then, in record time, they have become one of the less than 300 out of some 34,000 possible candidates to deserve this citation. So tonight we are going to present it to them and to you wonderful people in this community.

The inscription reads: "President Lyndon B. Johnson's natural beauty program citation of merit to the community of Jeffersonville, Indiana, and all of its postal employees for maintaining the grounds and the postal unit in such a manner as to reflect upon the community and the Post Office Department.

I think if Thomas Jefferson, for whom I assume your community was named, could be here tonight he would like what I see.

You know Thomas Jefferson was a father of the Democratic Party. Thomas Jefferson felt that the judgment of the many was much to be preferred to the decision of the few.

I am so happy that we can come in here this late in the evening. It is 9:00 o'clock by a watch that was set in some State that we appeared in today. I am happy to see hundreds or thousands of people who think enough of their community, their State, and their country to come here and give us this welcome, and to participate in this civic affair.

Thomas Jefferson said that the care of human life and happiness is the first and only legitimate job of government. That is what we have been doing today. We have been trying to show our concern for the care of human life and happiness. We have been trying to make it evident that it was the first and legitimate objective of this Administration and of this Government.

We believe that we must be strong in order to protect the things that we have that other people would like to take away from us. After seeing the headquarters of the 101st Airborne Division this afternoon, we have no doubt about our strength.

We do not want to be strong in order to be able to wage war or win wars. We want to be strong so we can prevent war and bring peace.

Your Government and your Administration is ready at this hour, as it has been every hour since I have been President, to talk instead of fight, to negotiate instead of bomb, to reason instead of resort to force.

This is not a one-way street. It takes two to enter into an agreement. You can't have a unilateral treaty. You can't stop everything you are doing unless the other fellow will stop some of the things he is doing.

So we continue to hope and work and try to hold our hand out, but keep our guard up. We want to be strong so that we can have the better things of life, better education for our children.

We have 24 new education bills that we have enacted and putting into effect that will make this year the greatest year for education in the history of this Nation.

We want to be strong so we can have good health, health for our older people with medical care. For the first time in their lives they will not have to depend on their son or son-in-law, daughter or daughter-in-law, to administer to their needs. With dignity and respect they can take this admission card, go to a home or a hospital and receive a doctor's care, nursing care, and medicine.

We not only are proud of what we have done for medical care for our older people. But we are glad of what we are doing in the field of medical research for our younger people, how we are detecting the deficiencies that appear and try to correct them before a life is ruined or a soul is lost.

This will be the greatest year for health in this country in the history of the American Government. You read all about the prophets of gloom and doom. You heard all about the protests. You had all the warnings of what was going to happen when we put medical care in. But July 1st came and went.

The program was put in with a minimum of inconvenience and a maximum of efficiency. While every hospital didn't qualify, 90-odd percent of them did. The most revolutionary medical program in the history of our Nation is now in effect and it is going to serve our country long and well.

It is here because of people like you—men, women and children like you—that Jefferson believed in, people who would come here and participate in the affairs of their government, people who believe that the care of human life and happiness is the first and only legitimate object of government.

I think that Jefferson would have been pleased to know what we have done in education, what we have done in health, what we have done in beautification, what we have done to conserve our resources, what we have done to develop our recreation areas, what we have done to try to wage a war on poverty, what we have done to improve our skills, what we have done to train additional manpower, what we have done to reduce unemployment, what we have done to increase wages, and what we have done to improve minimum wages and hours.

All of these things involve the care of human life and happiness. That is the first and only legitimate object of government.

Here, tonight, in Jeffersonville, I salute Thomas Jefferson and his followers. I also salute LEE HAMILTON because that is the second reason that I wanted to come here. I wanted to meet personally you people that he has been talking to me so much about.

LEE HAMILTON has been one of the outstanding freshmen Congressmen ever since the first day he appeared in Washington. He has always voted his conscience. He hasn't always voted for me. The people of Indiana have done the same.

Even when we disagree, it is easy to respect people who stand up and look like he looks, who stand up and state what they believe with the sincerity and the conviction that he does. This Congressman, and his new generation which he represents, has joined with other Congressmen from both parties to help us pass more creative legislation for the care of human life and happiness, for the benefit of human beings, than any Congress has ever passed in all the history of the United States.

I have made no secret of the fact that in my opinion there has never been a better Congress. There have been few times in American history when a President of the United States would ever make a statement like that, though. I am not sure that all of you would want to make a statement like that if you would pick up a paper and see what the Congress says about me sometimes. George Washington, our first President, once warned that his Congress was about "to form the worst government on earth."

Another great President, Theodore Roosevelt, said that he would like to turn 16 lions loose on his Congress. When someone pointed out that the lions might make a mistake, he replied, "Not if they stay there long enough."

I spent almost 24 years in the Congress as a Member and about five years as a servant, four years as Majority Leader and two years as Minority Leader. So it is with some humility that I say tonight that this present 89th Congress, as Luci would say, is the greatest.

How do you confirm that? Why do you say that? What proof do you have?

First of all, they passed legislation to fulfill a promise made more than a century ago, a promise of emancipation. Abraham Lincoln, more than 100 years ago, signed the Emancipation Proclamation. But it was a proclamation and not a fact.

Today, where once some people were afraid to vote, they now proudly walk into the polling place with their chin up and their chest out.

This Congress passed legislation to ease the burden of sickness. Today, although everyone must face old age, they are no longer dependent on their kinfolks for their medical care.

They passed legislation that should brighten every classroom in America. This year we will spend in appropriations $10 billion more on education and health than we were spending on those subjects when I became President less than three years ago. That is progress.

That does show that the Congress, as well as the Cabinet and the President, are concerned with what Jefferson said was the object of government: the care of human life and happiness.

Once the children of poverty began life on a hopeless road toward despair. Tonight they at least have some new hope. They are at least receiving some new training. We are at least making taxpayers out of tax eaters of a few weeks ago.

We passed a poverty program for $750 million for one year and then $1 billion 500 million for the next year, more than double. For the third year, notwithstanding the fact that we have 400,000 men in the Vietnam area fighting to protect our security, our liberty and our freedom, we will pass a program of $1 billion 750 million this year in order to provide for the needs of the underprivileged and try to prepare them and train them to make their own way in life.

This Congress told our cities and our industries that they had to stop polluting our water and poisoning our air.

This Congress passed legislation to dam our rivers to prevent floods, to produce power, to provide breaches, to build playgrounds for our children, and to add more parks to the national domain than any other similar period in history.

They gave us the blueprints for a rapid rail system to carry out commuters of tomorrow. We have designed and will shortly let a contract on a supersonic airplane that will fly more than 2,000 miles an hour and transport hundreds of passengers around the globe.

They passed a farm bill that puts more income in the farmer's pocket and at the same time allows him to compete at home and abroad. They have reduced farm surpluses that one time hung heavy over every farmer's head to the lowest minimum that we have had in a dozen years.

Finally, with some help, some pleasant persuading, they served notice that we will battle with all we have to preserve the bounty of the land and the beauty of the countryside.

Thanks to Senator YARBOROUGH, they passed a new GI bill to help our veterans get an education after they have fought for our liberty.

And lest LEE HAMILTON, Senator YARBOROUGH, and the other Congressmen and Senators think we say, "Well done," this is the end of the day and there is nothing for tomorrow, I might add quickly, "The job is not yet finished."

Democracy's work is never finished. There is no doubt in my mind of the road that we are going to take. We are going to continue to plow the furrow and go full steam straight ahead.

We will give new meaning to the American promise of justice and equality.

We will honor our commitments abroad. We will do it without neglecting our duties at home.

While we are doing all that I told you we are doing, we have been maintaining 400,000 men—and they have been giving a good account of themselves—in Vietnam, and we have the lowest deficit this year that we have had since 1960.

I am not sure you have read about that. I have announced it. If you haven't read about it, you have heard about it, and you are going to hear more about it between now and the time I leave my present office.

We are going to do all of this, and we are going to do more of it. We know that it can be done. Men like your Congressmen have proved for us that this job can be done during the last two years and we are going to do it the next two years.

We have proved that there is enough room at the table for all of us. We don't have to fight like cats—the businessman, the worker, the farmer, the Democrat and the Republican. I am here to tell you that notwithstanding any rumor you might have heard, that big table is growing bigger every day.

Two years ago, in the heat of a Presidential election campaign, I came to Indiana. I told your neighbors in Evansville that I was not mad at anybody. I said that I had not come to Indiana to say anything bad about anybody. I said that I did not want to fight with anybody; that all I wanted was to try to do my best to put my Nation's best foot forward, to try to find an area of agreement for my fellowmen and try to help unite my country instead of divide my country. It may be old-fashioned, but I still believe that my country does most things right.

I know there are some that like to keep it a secret, but I take great pride in talking about what we are doing to educate little children, what we are doing to help older people when they are sick, what we are doing to try to increase the freedom of the farmer and increase his income at the same time, and what we have done in five years to get 7 million more people jobs at an average factory wage in this country of $112 a week, the highest ever realized by any industrial nation. I am proud of those things.

I am sorry that we had difficulties in the Dominican Republic. But I am glad that it is not a Communist government today.

I am sorry that we have our men in Vietnam. But I would rather have them there with honor, doing their duty, keeping their commitment, carrying that flag with pride and honor, than to tuck their tail and come running home and break their word. If I know anything about those men, they would rather be there doing it, too.

When they talk to you about all these horrors, you ask them whether it is from the men who are there or the men who don't want to be there, or who it is that feels that this Nation should not act with honor. I get about 100 letters a week from those men. I have yet to get one letter from a man that says to me that he wants to get out and come home; that he does not want to stay there and do his job.

They are my single greatest source of strength, the men on the front lines. I saw them in the hospitals the first of the week. I saw them on the boat, the ones that are now being treated. I saw them at the 101st Airborne this afternoon. I take great pride in how our men feel about their country.

I think the time has come in America for us to find some of the good things that America is doing instead of spending all of their time complaining about the faults we have.

I remember that great man who served 50 years in Washington and heard a lot of speeches made. He served with over 3,000 Congressmen and Senators. He served with six or seven Presidents. He used to say he served "with" them, not "under" them. He was Speaker Sam Rayburn.

He always said, when he finished the day's work and he had come down and heard about the complaints, errors, and mistakes and criticism, "It is mighty easy to make a point about anything and anybody." He never could forget what his father of 11 children said to him one time: that any donkey can kick a barn down, but it takes an awful good carpenter to build one.

I want to try to unite this country, to bring peace to it and to bring progress to it. I believe all my fellowmen want to do the same. We may have different views and different routes to follow, but as your President tonight I want to say that is what I am trying to do. I am trying it with all the energy and whatever ability I possess.

I am trying to use whatever experience I gained in the House, in the Senate and in the Government to make progress for our people.

My short visit to four States today tells me that we have reason to raise our hopes. For "if," as Abraham Lincoln said, "the end comes out all right, it will not be the President who does it, it will not be the Congress which does it, but it will really be the good sense of the American people."

I have seen that good sense today. As I leave here after my seventh or eighth appearance, I want to say that you have helped to refill the wells of my hopes for my country. I never have any doubt about it. But now and then we have some writers that go out on the countryside and make their private reports. I read those reports and wonder. But today I came and I saw.

I don't want to put my judgment up against theirs. I don't want to speak with any finality. But before I conclude I just want to say that whatever little experience I have had in understanding human nature and knowing and loving people, somehow or other I get the general impression that the people of this country are ready and willing to follow a constructive course instead of a destructive course. They want one who builds instead of one who tears down. They would rather have a carpenter handling matters than a donkey handling them.

I don't have any particular sample polls to give you here tonight. But somehow or other I think that in the good old American tradition, in the City Hall, the County Seat, the State House, and finally in the Congress, that the American people are going to vote for the men that try to unite them instead of the men that try to divide them.

They are going to support the men that they think refuse to play on the bigotry and the prejudice and spend their time complaining. They are going to vote for people who spend their time building and speaking constructively.

It gives me a lot of pleasure to come here to this beautiful site and look at what you have done with your post office, and most of all look at what you have done with yourselves.

I owe Lee Hamilton a debt for really making me come. We have a lot of pickets that like to set themslves up around the White House. This is a day when people like to march. Lee has really been picketing the White House. I thought it would be easier to come over here tonight than to spend next month explaining to him why I couldn't.

You have done more for me than I have done for you. But in the days ahead, let's enter a little compact. Let's do something for each other and thus do something for the men that are perfecting our freedom and our liberties and thus doing something for our country.

We have the very best system of government in all the world. We have the very best country in all the world. We have more prosperity than any other people in all the world.

Instead of feeling sorry for yourselves and developing a martyr complex, I would like to express this hope; that you get home tonight and think about how many blessings you have.

As I walked down that line today and saw those seriously wounded men, I thought of the men that had died for me in order that I could be free, not only my generation, but several before mine.

I think we ought to count our blessings once in a while. We have a lot to be thankful for. So when you leave here, go home and thank Him who is responsible for it all. Thank the good Lord Almighty.

A MINIMUM OF $105 MILLION ESSENTIAL FOR SCHOOL MILK PROGRAM

Mr. PROXMIRE. Mr. President, soon the House-Senate conferees should be meeting on the agriculture appropriations bill. The Senate version of this legislation provides $105 million for the special milk program for schoolchildren while the House version allows only $103 million.

It is essential that the Senate figure is retained. Even this figure, in my estimation is inadequate. However, it is a beginning. It would permit a restoration of half of the 10 percent in the Federal reimbursement rate under the school milk program. On the other hand, if the House figure of $103 million were allowed, only 30 percent of the cut would be restored.

This $105 million minimum is all the more convincing in view of the fact that the milk program people within the Department of Agriculture originally requested that $105 million be appropriated for fiscal 1967. This request, as we know, was slashed to $21 million subsequently when it was proposed that the program be directed to the needy alone.

I hope the conferees will meet in the very near future. And I am very hopeful that the House conferees will accede to the Senate figure for the school milk program of $105 million. This is the minimum amount necessary for the continued health of the program.

DEMAND FOR RESIGNATION OF CIA DIRECTOR RICHARD HELMS

Mr. MORSE. Mr. President, this morning I issued a statement expressing the view that Richard Helms should resign as Director of the Central Intelligence Agency.

I ask unanimous consent that the text of my statement be set forth at this point in my remarks.

There being no objection, the statement was ordered to be printed in the Record, as follows:

Statement by Senator Wayne Morse With Respect to CIA Director Richard Helms

Mr. Richard Helms can best serve his country today by resigning his position as Director of the Central Intelligence Agency. Until he does, the American people cannot rest secure in the belief that the Agency is living up to its legal mandate not to operate within the United States or influence or participate in affairs within the United States.

Mr. Helms could hardly wait for confirmation before he twice intruded himself and the CIA in domestic politics and the business of the United States Senate. Taken alone, his letter of public praised to a newspaper for its editorial abuse of the Chairman of the Senate Foreign Relations Committee concerning an issue that is the business of the Senate disqualifies him for further useful service in his present capacity.

Aside from the damage he has done to the relationship of the CIA with the Senate, he has served notice upon the American people that they must be on constant guard against the possibility and even the likelihood that the covert activities of the CIA have now been extended to the domestic affairs of our own country. If Mr. Helms has learned anything from this episode, he may be more careful to keep his name out of the papers. But the American people must be aware that the CIA is undertaking increasing activity within American education and the influencing of opinion through planted press stories and articles. We must assume that the letter signed by Mr. Helms to the St. Louis Globe-Democrat is only a small segment of what is going on that is unsigned or unrevealed as to its CIA source.

Not only must our Committee renew its insistence that it be represented in the surveillance of the Agency abroad; some arm of the Congress must determine what else CIA is doing within the United States to affect public opinion, public policy, and the outcome of elections.

Mr. MORSE. Mr. President, the statement speaks for itself and I stand on every word of it.

OCEANOGRAPHY

Mr. PELL. Mr. President, in light of the urgency that this Nation now is beginning to show in oceanology, I invite attention to the excellent article on this subject published in last week's Sunday New York Times business section. The title is "Oceanography: The Profit Potential is as Big as the Sea," by William D. Smith, July 17, 1966.

As the author of S. 2439, the sea grant college bill, designed to develop the Nation's marine resources through applied research, training, and information services, I applaud the article and commend it to Members of Congress who want to know more about this vital new area for human endeavor.

I ask unanimous consent that the article be printed in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

Oceanography: The Profit Potential Is as Big as the Sea—Search Yields Chemicals, Oil—and Even Diamonds

(By William D. Smith)

The sea, man's first frontier, has become his last major earth-bound challenge. It has also become an important goal in the search for investment opportunity and profit.

The oceans are capable of feeding the world's hungry, providing vast quantities of oil and supplying needed minerals, chemicals and drugs, according to even the most pessimistic exponents of oceanography.

"Within 50 years, man will move onto and into the sea—occupying it and exploiting it as an integral part of his use of this planet for recreation, minerals, food, waste disposal, military and transportation operations, and as populations grow, for actual living space," says **Dr. F. N. Spiess**, head of the Marine Physical Laboratory of the University of California's Scripps Institution of Oceanography.

Many oceanographers would say that Dr. Spiess was being far too conservative.

The challenge of extracting the sea's wealth is a mighty one but the potential rewards for both Government and private enterprise are monumental.

RETURN ESTIMATED

The National Research Council of the National Academy of Sciences, in a deliberately conservative study, concluded that the direct return on a 20-year investment in oceanographic research will be more than three times larger during those 20 years alone than if the same money had been invested at 10 per cent compound interest.

The opportunities have not been lost on industry. John H. Clotworthy, vice president of the Westinghouse Electric Corporation's Defense and Space Center and general manager of the company's underseas division, recently told a congressional subcommittee:

"A major thrust into the ocean could be expected to become a recognizable element in our gross national product and help satisfy the future need for new employment opportunities in both the professional and labor markets."

American industry and Government already have a substantial stake in the oceans. Current spending on all things connected with the seas has been estimated at nearly $10 billion a year. This figure includes about $4-billion for military projects, $2-billion for off-shore oil and gas, $2-billion for marine recreation and $400-million for commercial fishing.

Underseas mining and extraction of chemicals from sea water is a $250-million business. Nonmilitary research accounts for another $250-million, with $141-million of this total coming from the Government and the remainder from industry and the universities.

Unfortunately, the bulk of this huge stake in ocean activities is contributing very little toward increasing our knowledge of the seas. With the major exception of the Navy's antisubmarine warfare studies and Deep Submarine Systems Project, much of the military spending is along rather prosaic lines.

VACUUM VERSUS OCEAN

In terms of actual funding for research purposes, national expenditures are on the frugal side. According to Senator WARREN G. MAGNUSON, Democrat of Washington, the Federal Government "is spending 36 times more on vacuum (space) than it is on the ocean."

The Government's interest would seem to be picking up, however. President Johnson, speaking at the commissioning of an oceanographic research vessel in Washington last week, called for greater efforts to extract the riches from the world's oceans.

At the same time, the President's Science Advisory Committee issued a report on "Effective Uses of the Sea" that recommended a doubling of Federal support for marine science and technology over the next four years.

Spending by private industry is contributing comparatively far more to solving the problems of the ocean than it has to space. In terms of actual money spent, however, it is still no great sum by today's standards.

As with all frontiers, there are pioneers trying to get in on the ground floor, or in this case the ocean floor. There are at present more than 600 companies involved in one way or another in probing for the ocean's riches.

They range in size from such corporate giants as the Standard Oil Company (N.J.), the General Dynamics Corporation and Litton Industries to a host of small specialty concerns such as Alpine Geophysical Associates, Inc., and Ocean Resources, Inc.

Money is already being made both by companies extracting the sea's riches and by concerns making the equipment needed to get at these riches.

More than a billion dollars in oil, seafood and minerals was taken from the sea by American companies in 1964, according to the latest Bureau of Mines, Minerals Yearbook. This is just the trickle before the flood according to every informed source.

MUCH RESEARCH NEEDED

To increase the flow, a great deal of basic research is needed in materials, undersea vehicles, instruments, communications and tools as well as looking into the physiological and psychological problems man will face under the sea.

The oil and gas industry has reaped the greatest harvest from the sea, but it has also put in the most money and energy. The United States oil industry has invested about $2 billion in offshore leases, exploration, drilling and production facilities last year alone.

The oil industry recognized the value of the minerals below the ocean floor about 30 years ago. Although considerable oil was recovered from below the ocean floor in the late nineteen-fifties, it was not until this decade that major recoveries were made.

In 1960, some 8 per cent of the free world's oil supply was pumped from beneath the ocean. Last year, offshore oil wells pumped 16 per cent of the free world's supply. Informed industry sources predict that this figure may increase to 40 per cent by 1975.

ALL OIL FROM SHELF

All of the oil from the sea so far has come from that area called the Continental Shelf. This is the area, contiguous to all major land masses, that formerly was dry land itself. It varies in width and depth of water but in many ways still resembles dry land.

Before the oil companies push into deeper waters and begin trying to tap the ocean's depths for petroleum and gas, whole new families of equipment must be developed.

Oilmen from all the major companies are presently devising ways to eliminate the familiar platform drilling rig and locate the wellhead and possibly the production equipment on the ocean bottom.

TRICKY TECHNOLOGY

Drilling of wells on the ocean floor has been tried on an experimental basis under very special conditions. Lowering and installing of equipment on the ocean bottom requires sophisticated techniques, including underwater television to guide the operators. This is just the beginning, though, for once the well has been installed it must be controlled through remote devices.

Lack of the proper tools is also holding back the mining of the ocean, although there are some notable exceptions. An exotic one is off the coast of South Africa where an enterprising Texan dredges more than 700 tons of diamond gravel daily from the ocean floor. Yields average five carats a ton, compared with one carat a ton from land ore, and most of the stones from the ocean are gem quality.

Closer to home, all of the United States supply of manganese and 75 per cent of the nation's bromine now come from the ocean.

TREASURE IN THE DEEP

This again is just a prologue of what is to follow. As with oil, most of the minerals now being wrested from the sea come from the Continental Shelf. The real treasures, however, lie beyond on the continental slope and in the ocean deep.

Oceanographers have estimated that the sea holds some 50 million million metric tons of minerals. Included in this total are two million million tons of magnesium, 100,000 million tons of bromine, 700,000 million tons of boron, 20 billion tons of uranium, 15 billion tons of copper, 15 billion tons of manganese, 10 billion tons of gold and 500 million tons of silver.

The question of when man goes after this treasure is primarily one of when does the cost of getting these metals from land sources exceed the cost of obtaining them from the sea.

Dr. John Mero, vice president of Ocean Resources, Inc., and a leading authority on undersea mining, said recently, "It would be profitable to mine materials such as phosphate, nickel, copper, cobalt and even manganese from the sea at today's cost and prices.

"And I firmly believe that within the next generation, the sea will be a major source not only of those metals but molybdenum, vanadium, lead, zinc, titanium, zirconium and several other metals."

The corporate pioneers are already at work. Lockheed is working in a joint venture with the International Minerals and Chemicals Corporation and the Bureau of Mines to study ocean mining methods.

The Reynolds Metals Company has an all-aluminum submarine to study the depths. It is also considering private development of a whole system of underwater work capabilities, including underseas barges for mining.

USING THE DESALTING PROCESS

W. R. Grace & Co. is actively studying methods of recovering a variety of minerals from sea water in conjunction with the operation of desalting plants.

Union Carbide is employing Ocean Systems, Inc., in which it owns a 65 per cent interest, in a substantial study of the sea's opportunities.

Although lack of proper equipment is retarding underwater oil and mining activities, it is not because there is any lack of thought being given to the matter.

One of the most active areas is submersibles. The General Dynamics Corporation has for years been a leader in this field. This spring it launched two small research submarines. The first, the Star II, is equipped with an ultra-high-strength hull for operations to a depth of 1,200 feet. The other, the Star III, can descend to 2,000 feet and has an external mechanical arm that can cut wire, close its grip, pick up a pencil or a 200 pound weight and manipulate valves.

General Dynamics is now working on the first nuclear-powered research submarine. The vessel which is being built for the Navy, is expected to become operational by 1968.

Westinghouse, which also has a long history in underwater activity, operates a charter service that hires out a submersible, a surface support ship, oceanographic equipment and technical personnel, including divers.

BUILT BY COUSTEAU

The Diving Saucer, designed and built by Jacques-Yves Cousteau, is now operated by Westinghouse and is the forerunner of the company's Deepstar family of submersibles. The Deepstars, each capable of holding two or three men, will be able to submerge to hoped-for depths of 20,000 feet.

North American Aviation is designing an underwater vessel called the Beaver, which will be equipped with manipulators capable of using a number of tools.

Possibly the most famous of the research submarines operating is the Alvin, which located the hydrogen bomb that fell into the Mediterraneon Sea off the coast of Spain. It was built by Litton Industries for the Woods Hole Oceanographic Institute.

While man is learning about the sea by moving about in submarines, he is also trying to develop stationary submerged shelters suitable for human habitation. The Navy's program, called Sealab, got under way in the summer of 1964, when a four-man crew spent 10 days in a large cylindrical chamber submerged 192 feet deep off the coast of Bermuda.

This was followed by Sealab II, in which teams of 10 men each spent 15 days under water. Astronaut Scott Carpenter was one of the men and he stayed down for 30 days. Plans for Sealab III are well under way.

In addition, the Navy is looking ahead to the construction of an advanced underwater facility for work at a depth of more than 600 feet. It is tentatively called the Seafloor Habitat Complex. The complex will consist of a combination of modular units, including living quarters, a research laboratory and power sources.

The applications of such shelters to undersea drilling and mining are obvious. Their success will also make the day of the underwater city considerably closer.

FIGHT FOR THE MARKET

Producers of titanium, glass-reinforced plastic, higher-strength steels, aluminum and nickel are fighting it out for the market for underseas materials. The Republic Steel Corporation and the United States Steel Corporation have both developed special high-strength steels for the underseas market.

Besides pressure, the sea presents the problem of corrosion. Several of the chemical companies are working on protective coatings at present and it is likely that more will join the study.

Several companies, such as the Goodyear Tire and Rubber Company, are presently involved in a research program to develop anticorrosion compounds.

Another major tether on man's thrust into the sea is the lack of proper instrumentation. Instruments of all sorts are needed to test, explore and control the ocean environment.

Many of the instruments presently being used in oceanographic research have been transferred directly from space and other uses. They are doing the job, but far from perfectly.

Companies such as Honeywell, Inc., Beckman Instruments and Sylvania Electric Products, Inc. are working on devices specifically designed for the water environment, but a great deal more effort is needed in this direction.

It is not just coincidental that many of the companies participating in oceanography are also active in aerospace. The race in space and the challenge of the ocean are similar in many ways.

"Aerospace research has much in common with ocean research. Materials, propulsion, auxiliary power units, guidance and communications system are as vital to marine vehicles as they are to aerospace vehicles and pose many of the same problems. It is logical, then, that the aerospace industry should turn its research attention to the fields of the ocean," according to Daniel J. Haughton, president of Lockheed.

ANTI-SUBMARINE WARFARE

The best example of aerospace companies participating in "inner space" operations is the Navy's antisubmarine warfare program. Since 1961, the percentage of the Navy's research, development, testing and evaluation budget that is devoted to antisubmarine warfare has climbed from 18 per cent to more than 28 per cent at the present. By the end of the decade, it will account for at least a third of the total budget.

The names participating in this all-important program read like a roster of the aerospace industry. Not only is most of the technology being put together by aerospace concerns, but the Navy has picked TRW, Inc., an aerospace company, to coordinate and do the systems work on the entire program.

In the Deep Submergence Systems Project (DSSP), another aerospace company, the Northrup Corporation, has been given the job of assisting the Navy in management and systems integration. The program was created in reaction to the Thresher disaster.

DSSP has been planned to give the Navy four major capabilities: the ability to locate stricken submarines and their crews; to recover small objects down to 20,000 feet; to salvage large objects, including submarines and ships, downed on the Continental Shelf; and to expand man's capability to work in the sea.

Commercial interest in this program is perhaps greater than in any program of similar dollar size to emanate from Washington in recent years. More than 400 companies have sought information on business possibilities in the operation.

The hostile environments of space and the hostile environment of the sea have many technical requirements in common, but the transfer of technology from one to the other is neither easy or automatic.

As far as business is concerned, ocean and space are even more unalike. In space there is only one customer, the Government. Prime contracts are let in huge sums.

PACIFIC POWER

Mr. HARRIS. Mr. President, I have before me two newspaper comments in support of President Johnson's speech asserting our responsibilities in Asia. They are taken from the Hartford Times and the Philadelphia Evening Bulletin.

In these editorials there is approval of the clarity with which the President stated our desire for peace. And there is the observation that we have common interests with the people of Asia.

Our commitment is more than temporary. We have a stake in Asia.

I ask unanimous consent that the editorials be printed in the RECORD.

There being no objection, the editorials were ordered to be printed in the RECORD, as follows:

[From the Hartford Times, July 14, 1966]

PATIENCE AND REITERATION

The bombings at Haiphong and Hanoi clarify, in terms of military might, the unshakeable intention of the United States to withstand Communist aggression and to make it unproductive.

President Johnson, in his address to the American Alumni Council, reiterated in terms of policy the often-stated will and purpose of this nation in Viet Nam. It was both a desirable and an effective supplement to the use of the leverage of raw power.

Patiently, once again, the President expounded our hopes for peace, our strong desire to aid in the development of the Asian people, and the fact that, as a Pacific power, we are involved in, and cannot separate ourselves from the future and fortunes of Asia.

It is that fact that so often escapes the critics of our policy and presence in the Far East. We are not mere adventurers on the scene, different in culture and traditions though we may be. We are not invaders, looking for booty or territory.

Rather, the United States has an interest in common with free Asia. As the President pointed out, there are no longer any remote or unrelated continents.

He asserted again the sincere wish of the United States to negotiate for peace, rather than to war toward exhaustion. Yet, it is necessary for the President to admonish, as well as try to reason with, the Hanoi government.

For still that leadership is obsessed with its subversive designs and the delusion that it is only dealing with another France and that eventually all will go the way of Dienbienphu.

The President checked that idea sharply. He told Hanoi, "Victory for your armies is impossible." He means it, and the nation supports him.

North Viet Nam still holds in its own hands the initiative for its happiness and safety. It can halt the war at any moment it ceases to aid and abet the incursions on its South Vietnamese neighbor. Certainly, as the President made clear, the United States has not vowed the destruction of North Viet Nam, nor has it any wish to see that destruction happen.

Our purpose could not have been put more understandably than the President stated it, with more charity for our opponents, or with more logic and integrity.

[From the Philadelphia Evening Bulletin, July 18, 1966]

A PACIFIC POWER

In enunciating the determination the United States to accept both the risks and the responsibilities of "a Pacific power," President Johnson very wisely filled what has been a serious void in the dialog of world affairs.

For too long our friends as well as our enemies throughout the world have held the belief that any involvement, any commitment by the United States in the Pacific and in Asia is temporary; that we are a nation standing with our back to Asia and with our eyes and thoughts on the Atlantic and on Europe.

What Mr. Johnson said in his address last week was that the United States is no longer a nation with a foreign policy oriented chiefly to Europe and to the North Atlantic Treaty Organization. During his address, and in subsequent White House discussions, the President has made it clear that the United States will be looking just as much and even more to Asia, its problems and its people.

This is not a new concept nor a new role for the United States. Rather, it is public recognition of the facts of international life. Economically and politically, Europe is in good condition. NATO's troubles, are, in fact, proof of this. NATO has become the victim of its own success. The need for NATO still exists, of course, but no longer does most of Europe stand in mortal fear of Russia and the Communist bloc nations.

As Mr. Johnson noted, "Asia is now the crucial area of man's striving for independence and order."

In discarding the old arguments that the United States has no stake in Asia, Mr. Johnson emphasized that the Pacific Ocean is as crossable as the Atlantic. He rejected the semi-isolationist theory that what some people describe as "the land mass of Asia" is even more remote than Mars or Jupiter.

Mr. Johnson's statements were needed at home as well as abroad. They were, in fact, overdue.

CHARLES MURPHY, DEDICATED PUBLIC SERVANT

Mr. SYMINGTON. Mr. President, on July 31 the Chairman of the Civil Aeronautics Board, Charles S. Murphy, an able and dedicated public official, will have completed 30 years of service in the Federal Government, including high appointments by Presidents Truman, Kennedy, and Johnson.

Mr. Murphy has been well and favorably known to Members of the Senate for many years. In fact, he had already served in the Office of the Legislative Counsel of the Senate for 13 years when he was appointed as administrative assistant by President Truman in 1947. In 1950, Mr. Truman advanced him to the position of Special Counsel to the President.

Over the years, Mr. Murphy has had an unusual breadth of Federal service. Following graduation from Duke University's School of Law in 1934, he received an appointment as law assistant in the Office of the Senate Legislative Counsel. He served in this post 2 years when he was elected as assistant legislative counsel to the Senate, a position held 11 years.

As a legislative draftsman he worked with Members of both the Senate and House of Representatives in writing numerous pieces of legislation, including the Civil Aeronautics Act of 1938. Many of its provisions have been carried forward into the Federal Aviation Act which today governs aviation in the United States and which Mr. Murphy, as CAB Chairman, now helps administer.

It was while on the Senate staff that Mr. Murphy was selected in 1947 by President Truman to serve as administrative assistant and later special counsel in the White House.

From 1953 to 1961, Mr. Murphy practiced law as a member of the Washington, D.C., firm of Morison, Murphy, Clapp & Abrams. From 1957 to 1960, he was counsel to the Democratic National Advisory Council.

President Kennedy, immediately after his inauguration January 20, 1961, selected Mr. Murphy as Under Secretary of Agriculture.

As Under Secretary of Agriculture from 1961 to 1965, a period when the Department made great strides in efficiency and effectiveness, Mr. Murphy had general supervisory responsibility for all USDA agencies and for the administration of its many widespread programs. He coordinated and reviewed the Department's staff work on many pieces of major legislation. The measures enacted stamp this half decade in the Agriculture Department as one of the most progressive in American history.

As President of the Commodity Credit Corporation, Mr. Murphy has special responsibility for supervising the commodity programs that broke the back of the mountainous feed grain and wheat surpluses. He successfully represented the United States in international discussions on foreign agricultural trade. These discussions played an important part in raising U.S. farm exports to record highs.

Mr. Murphy was sworn in by President Johnson as a CAB member and Board Chairman June 1, 1965. The term ends December 31, 1968.

From 1956 to 1958 Mr. Murphy was president of the National Capital Democratic Club. He belongs to the Order of the Coif, Delta Sigma Phi, Pi Gamma Mu, and Omicron Delta Kappa. He was admitted to the North Carolina bar in 1934, the Supreme Court bar in 1944, and the District of Columbia bar in 1947.

On this occasion it is a pleasure to join with many other friends of Charles Murphy in extending him congratulations on his 30 years of outstanding public service and best wishes for continued success.

CIRCUMVENTION OF LAW IN THE IMPORTATION OF WRENCHES

Mr. LAUSCHE. Mr. President, my attention has been called to a circuitous operation being practiced by an American tool company wherein socket wrench sets made in Japan are entering this country without bearing the stamp or label of the country of origin and are being sold here as a product of the U.S. firm. Senators from States which have handtool manufacturing plants should be interested in this matter of circumventing the law and join in protesting to the Bureau of Customs.

Mr. President, the clever method used by the U.S. firm to circumvent the law is as follows:

The imported socket wrench sets manufactured in Japan are marked in Japan with the name of the American firm and the size of the item. Each item is satin finished and coated with a protective substance in Japan. No marking of "Japan" or "Made in Japan" is stamped on these wrenches in Japan.

These wrenches and accessories are shipped from Japan to the free trade zone of Mayaguez, P.R., and, there, in an area assigned to the American tool company, the protective coating is removed, the socket wrenches are polished and nickel chrome plated, following which the ratchets, drives and socket wrenches are placed in boxes for shipment to the United States.

The plated socket wrench sets are then withdrawn from Mayaguez, duty is paid to the U.S. customs at Mayaguez, and the plated wrench sets shipped to the American tool company.

It is contended that plating merely changes the appearance of the socket wrenches and accesories, and does not in any way change their configuration or form or convert them to any other type of tool or product. In the opinion of most tool maufacturers, plating merely makes the tool more attractive to the buyer. The item is just as usable as a tool either plated or unplated.

No marking of country of origin appears on the socket wrench set components imported by the American tool company when they reach Mayaguez, P.R., and the marking of the name of the American company and the size on each of the components, which is done in Japan, is deeply imprinted and is not obliterated by the plating done in Mayaguez. Moreover, if the word "Japan," or the words "Made in Japan," were imprinted on the wrenches in Japan in the same manner as the name of the American tool company and the size of each component, such marking of country of origin would not be obliterated by the plating of the components.

I respectfully submit that the manner in which the socket wrench sets are imported to Mayaguez, P.R., and there cleaned, polished, and plated, is merely a subterfuge used to enable the American concern to import the Japanese socket wrench sets into the United States without the marking thereon of the country of origin as required by section 304 of the Tariff Act of 1930.

Mr. President, I have expressed my interest in this matter to Mr. Robert V. McIntyre, Assistant Commissioner of Customs, Bureau of Customs, because of the fact that in Ohio we have a considerable number of handtool manufactories. It is difficult for me to understand how public officials will tolerate circumvention of this law by adroit practices of skillful manipulators.

TRIBUTE TO DAVID BELL

Mr. KENNEDY of New York. Mr. President, it is with great regret on the part of all who know him that Mr. David Bell will leave the Agency for International Development this month.

David Bell, at only the midpoint of his career, has already carved out an outstanding record. After World War II, in which he served as a Marine Corps officer, he returned to Washington to work in the Bureau of the Budget. There, he played a major role in transforming the Bureau into the sharp and penetrating instrument of Presidential administration that it is today. He also served at the White House, including 2 years as administrative assistant to President Truman.

He then began his long involvement with the processes of economic growth and development as an adviser to the Government of Pakistan for 3 years. This experience led to writing on economic development, and to teaching on the Harvard faculty.

From the campus he was called by President Kennedy in 1961, to head the Bureau of the Budget. As Budget Director, he played a great part not only in Government finance, but in the preparation and coordination of all domestic policy. His contributions were various; all were excellent.

Then, in 1962, he was asked to head the Agency for International Development. In the normal sense, this was not a promotion; he was being asked to leave a more prestigious post, one unaffected by the political bickering which surrounds the foreign aid bill each year. But in another sense, this was the highest honor that could have been paid him. For it reflected President Kennedy's judgment that alone of all the men in the Federal establishment, or elsewhere in the country, David Bell could take the foreign aid program in hand—to make it the effective instrument of American policy which it must be, an instrument with the confidence of the Congress and the country, of people here at home and in dozens of countries around the world.

This confidence was justified. I worked closely with David Bell for several years; and he was, in my judgment, the best Administrator AID has ever had. His duties, and more, he carried out with brilliance, dedication, and good humor.

Now he returns to private life, with the Ford Foundation. But wherever he is, in whatever capacity, he will continue to serve the great national interests of the United States and the larger purposes of humanity.

A PROPOSED CONSTITUTIONAL AMENDMENT TO PROTECT SOCIETY AGAINST CRIMINALS

Mr. ERVIN. Mr. President, I have been disturbed during recent times by two lines of decisions of the Supreme Court of the United States.

The first line of decisions is that which permits the accused in a criminal case to litigate and relitigate, without apparent end, the same questions. The State can prosecute a person for a crime only once, and if he comes clear, the matter is ended forever. This is as it ought to be, for no man should be put twice in jeopardy for the same offense.

Under recent decisions of the Supreme Court of the United States, it is quite otherwise with respect to the accused. After he is tried for a crime and found guilty of its commission, he can then come into court in an independent postconviction hearing proceeding and relitigate his case under circumstances which amount to the defendant trying the court which tried him. If the State court rules against him in the postconviction hearing proceeding, the accused is then permitted by the decisions of the Supreme Court to relitigate the same things which have been determined twice or which could have been litigated and determined twice in habeas corpus proceedings apparently without end. And this is true even in cases where the accused attempts to appeal his first conviction from the State court to the Supreme Court of the United States and the Supreme Court of the United States refuses to grant him a review.

As a result of this line of decisions, persons who are convicted of the most serious crimes have their convictionns in State courts set aside by the U.S. Supreme Court and other Federal courts, in some cases years after they are first tried and the witnesses against them have died or removed to parts unknown or have become the victims of failing memories.

In the hope that I might put an end to such endless procedures, I have introduced a proposed constitutional amendment which would provide in section No. 1 that the judgment of a State court upon a plea or a verdict of guilty shall be conclusive as to all matters actually determined or which could be determined in the case until it is reversed according to law, and that the Supreme Court cannot reverse such judgment of a state court except upon a direct appeal from the highest court of the State having appellate jurisdiction in the case.

Since the Supreme Court has held that the State must furnish the accused in all serious cases with a lawyer and must bear the cost of his appeal if he is unable to bear such costs himself. this proposed amendment seems to me to be just to the accused and necessary to protect society against interminable litigation.

My proposed constitutional amendment contains a second section which deals with the admissibility of confessions of guilt in criminal cases in both Federal and State courts.

As a result of the line of decisions which began with the McNabb and Mallory cases and has just ended with the Escobedo and Miranda cases, the Supreme Court has erected some artificial rules which have the effect of excluding confessions of guilt in criminal cases no matter how voluntarily such confessions may be. Many of us have been concerned for years with decisions of the Supreme Court on this aspect of criminal law because such decisions have resulted in freeing those who commit serious offenses, thus enabling them to repeat their offenses.

The fundamental purpose of the criminal law is to protect society against criminals. The law desires, however, to avoid the conviction of any innocent man. To this end, it erects in favor of any person charged with crime a presumption of innocence, requires the prosecution to establish every essential element of his guilt beyond a reasonable doubt, secures to him the services of a lawyer, gives him compulsory process to obtain the attendance of witnesses in his behalf, and secures to him the right to cross-examine through the agency of his lawyer the witnesses against him. These things are as they should be.

The recent decisions of the Supreme Court of the United States upon the subject of confessions seem to be based upon the theory that society needs little protection from criminals, but criminals need much protection from law-enforcement officers. This theory is most unjust to law-enforcement officers who frequently jeopardize and sometimes lose their lives in efforts to protect society from those who prey upon it.

Be this as it may, the recent decisions certainly tilt the scales of justice unduly in favor of those accused of crime and against the prosecution. They lose sight of the fact that the accuser and society are just as much entitled to justice as the accused.

To me, there is neither rhyme nor reason nor commonsense in excluding voluntary confessions of guilt by artificial legal rules. The sole test for the admission in evidence of a confession should be whether or not it was voluntarily made. The truth is that there is no stronger evidence against any man than his voluntary confession that he committed a crime which the law requires to be established by other testimony independent of his confession. Innocent men do not go around confessing crimes they did not commit. Moreover, it is a psychological fact, which those of us who have had experience with the administration of criminal law know to be true, that persons who commit serious crimes continue to think about such crimes and that people talk about the things which they think about. It is also a truth known to us that many innocent parties are freed without trial by law-enforcement officers who check their statements of innocence and find them to be true.

The second section of my proposed constitutional amendment provides in substance that the only test of the admissibility of a confession of guilt in a criminal case is its voluntary character, and the decision of the trial judge that a particular confession is voluntary shall not be reversed by the U.S. Supreme Court or any other Federal court if it is supported by any competent testimony in the case.

The trial judge sees the witnesses who give testimony concerning the circumstances under which a confession is made. He has an opportunity to observe the demeanor of these witnesses and to tell which of them is telling the truth. This is not true of the appellate judges such as those who sit on the Supreme Court of the United States. They do not see the witnesses. All they see is the printed record; and on the printed record it is virtually impossible for anyone to tell the difference between the testimony of an Ananias and a George Washington. I am prompted to introduce my amendment by the rising crime rate in the United States and by the fact that the recent decisions of the Supreme Court of the United States place unjustified handicaps upon law enforcement officers and trial courts and result in the freeing of multitudes of criminals of undoubted guilt.

VOCATIONAL AGRICULTURE

Mr. LAUSCHE. Mr. President, the May 1966, issue of the U.S. Department of Agriculture's Statistical Reporting Service Bulletin, contains an article entitled "Vo-Ag for Your Boy? Think It Over Together," written by James D. Cowhig, Welfare Administration, Department of Health, Education, and Welfare, and Calvin L. Beale, Economic Research Service. The accuracy of the article has been challenged, and rightly so, in my opinion, by Mr. Warren G. Weiler, State supervisor of vocational agriculture, Ohio Department of Education.

Mr. Cowhig's article paints a bleak picture for Vo-Ag students. Mr. Weiler's letter of rebuttal points out errors in conclusions because Mr. Cowhig did not take into consideration the entire picture.

I ask unanimous consent that the letter from Mr. Weiler be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

STATE OF OHIO,
DEPARTMENT OF EDUCATION,
Columbus, July 22, 1966.

FRANK LAUSCHE,
U.S. Senator,
U.S. Senate Building,
Washington, D.C.

DEAR SENATOR LAUSCHE: I am writing you in connection with the article found on page 13 of the enclosed booklet "Agricultural Situation." When you read the article, you would get the impression that there is little future in agriculture.

I am enclosing a copy of a report of a study made by Dr. Brum in Ohio regarding agricultural opportunities in our state, and you will note that there are approximately one and a half off-farm occupations that need education in agriculture for each on-farm opportunity.

Mr. Cowhig's article is off in two respects. First, he confines agricultural occupations only to farming. Second, you will note in the fifth paragraph it speaks of 449 vocational agriculture students for every 100 opportunities in farming. I know that you are familiar with vocational agriculture and that it is a four-year program and that normally graduates about 20% of the total enrollment each year. This would mean that there would be less than 85 vocational agriculture seniors for every 100 opportunities to replace farmers 55 years of age or over instead of 449.

We feel that students, parents, guidance counselors, teachers, and school administrators should have full information in regard to opportunities in agriculture. Furthermore, our agricultural industries, our grain and feed dealers, machinery dealers, and other agricultural businesses need trained people, and frankly we are not graduating enough to fill the positions as shown by Dr. Brum's study.

It is to be regretted that an agency as important as the U.S. Department of Agriculture does not give out full information. I have written Secretary Freeman and asked whether they would prepare a follow up article so that those interested would be more correctly informed.

Mr. Cowhig, in answer to my letter, says, "Beale (co-author) and I would certainly agree with you for the need that a complete picture of occupational opportunities be provided to persons entering the labor market."

If you can help to correct this incomplete picture for those interested in adequate agricultural education, we will certainly appreciate it.

Sincerely yours,
Warren G. Weiler,
State Supervisor, Vocational Agriculture.

THE FAIR HOUSING SECTION OF THE CIVIL RIGHTS ACT OF 1966

Mr. **HART**. Mr. President, as all of us know, title IV, the fair housing section, is the most controversial provision of the civil rights bill for 1966. As primary sponsor of this proposal in the Senate, I have received many letters, both pro and con, with respect to this section.

The opponents of this provision have been vocal, as is their right, but I have the impression there are those in this country who may not be as vocal and dramatic in expressing their views, but who nevertheless, unequivocably, support and approve the proposal.

This is not to question the right of either side to express its views. In fact it is imperative that both sides of questions be thoroughly debated and analyzed if legislation is to be developed with understanding and appreciation of the issues involved.

Nevertheless in view of the extensive efforts of those who seek to prevent the enactment of the housing provision, it has been encouraging to me to receive so many thoughtful letters in support of this provision.

Mr. President, I feel that the letters should be read by the American people, not only because of the views and opinions which they contain, but also because they represent a good cross section of Americans who are interested in seeing the ideals of our democracy become a reality.

I ask unanimous consent that a number of letters I have received on the subject be printed at this point in the Record.

There being no objection, the letters were ordered to be printed in the Record, as follows:

Archdiocese of Detroit,
Detroit, Mich., July 18, 1966.

Senator Philip Hart,
Senate Office Building,
Washington, D.C.

Dear Senator Hart: I am very pleased that you have given your complete support to the Civil Rights Act of 1966, especially to Title IV on Housing.

I certainly wish to commend you for your Christian sense of justice in trying to support legally the rights of all citizens to equal opportunity in housing. I am confident that you will continue your outstanding work in this regard. You can be sure of my support and that of many of my associates and friends who feel very strongly with you that we must work to bring justice to all of our citizens.

Sincerely yours,
Very Rev. Msgr. T. J. Gumbleton,
Vice Chancellor.

St. Francis of Assisi Parish,
Ann Arbor, Mich., July 16, 1966.

Senator Philip Hart,
Senate Office Building,
Washington, D.C.

Dear Senator Hart: As a registered voter of the State of Michigan, I wish to commend you for your support of the 1966 Civil Rights Act.

By this letter I wish to encourage you to continue your support of this Act, especially title IV on housing.

Thanking you for your continual efforts to achieve equal human dignity for all Americans, I am

Sincerely yours,
Rev. Theodore R. Zerwin.

Sacred Heart Church,
Saginaw, Mich., July 15, 1966.

Senator Philip A. Hart,
Senate Office Building,
Washington, D.C.

Dear Senator: Just a note to thank you and commend you for your stand on the Civil Rights Act of 1966. I have lived for ten years in Northeast Saginaw, and know from first-hand living the problems of discrimination. To be opposed to the Civil Rights Act, to foster slow movement in this area, is suicide.

We are most happy to have you as our Senator. Would that there were more men of your principles and calibre in government.

With kindest personal regards, I am,

Fraternally,
Rev. Robert A. Keller.

Church of St. Barnabas,
East Detroit, Mich., July 15, 1966.

Dear Senator Hart: I am writing to commend you for supporting the 1966 Civil Rights act. Especially for Title IV on housing. I think your support of it is more commendable due to the fact that you received so many letters against it, and you still did what was right in supporting this act.

I certainly wish you God's blessing in your work as our senator. God bless your family and you.

Sincerely yours in Christ,
Rev. John F. O'Callaghan.

St. Anselm's Church,
Dearborn, Mich., July 7, 1966.

Senator Philip A. Hart,
Senate Office Building,
Washington, D.C.

Dear Senator Hart: I understand the Detroit Real Estate Board has been opposing your efforts to enact Title IV of the 1966 Civil Rights Act.

I have lived too long with neighborhood segregation to think that the Detroit and other Real Estate Boards are not largely responsible for the patterns of segregation we have in the metropolitan Detroit area. Their advertisements protest that they are genuinely concerned with legitimate civil rights and the improvement of race relations. In this they are hypocrites. Their double listings and screening of clients, their "difficulties" in obtaining mortgages, and open cooperation with other persons in the community who oppose integration belie their fine words.

There is a fundamental error involved, too, in the argument of the Detroit Real Estate Board. They insist that every person has absolute freedom of choice in selecting a buyer or tenant. To accept such a position would mean to reject the principle that property has a social purpose and that personal rights over it are limited by the social welfare. The individual is obliged to use his property in a way which promotes the common good. It is the work of the State to regulate private property when the danger of abuse is present. Such a case is at hand with this Title IV of the Civil Rights Act of 1966. Exclusion by discrimination of Negroes from white neighborhoods works great harm to our society. The State has the duty to correct this abuse.

Be assured of at least one white vote in the next election—and from Dearborn at that.

Sincerely yours in Christ,
Father Joseph A. Gagnon.

Church of the Holy Innocents,
Roseville, Mich., July 18, 1966.

Dear Senator Hart: I would like to extend to you my wholehearted support to your courageous efforts and work on the 1966 Civil Rights Act, particularly its housing section.

Another voice may be of no consequence by itself, but added to the others it can be of some help in reassuring you that many do stand behind you in your work of justice and charity. Add my voice to the cries of the others.

I am sure, though, that you have not been looking for and have not been listening primarily to the outspoken. Expediency could not have motivated you in the face of such opposition. The cries that have come to your ears have been silent ones: the cries of those suffering discrimination in housing; those suffering injustice at the hands of others. Suffering and shame cry out more clearly than the voice of the fearful and unjust realtor and homeowner.

The lot of a prophet is never easy, but continue to speak as you have—in the name of every true Christian and American.

Very truly yours,
Rev. Gerald Chojnacki.

Huron Valley Chapter,
National Association
of Social Workers,
July 6, 1966.

Hon. Philip Hart,
U.S. Senate,
Washington, D.C.

Dear Senator Hart: We urge your support for the 1966 Civil Rights Bills (H.R. 14765 and S. 3296). These bills represent urgently needed reforms in our society's treatment of minority groups. Of special import is the anti-discrimination in housing section. This section, although not a panacea to the problems Negroes encounter in their efforts to obtain decent housing, will at least move in the right direction.

Again, let us urge you to vote for these bills to include the anti-discrimination in housing section.

Sincerely,
Richard Becker,
Chairman, Social Policy and Action Committee.

COLOMBIERE COLLEGE,
Clarkston, Mich., July 12, 1966.

DEAR SENATOR HART: I support the passage of the 1966 Civil Rights Bill, especially Title IV which deals with fair housing practices, in as strong a form as is possible.

I agree with the Detroit News editorial of June 16, 1966 which refutes quite well the realtors' call for voluntary efforts concerning fair housing and race relations. This editorial places the blame for the existing situation right at their feet. The call for voluntary effort is great as an ideal but it hasn't worked in practice in the past and I don't think it will work in the future.

The realtors' approach seems to be very democratic and patriotic—the cry for freedom of choice. But they seem to have forgotten the other half of the buying-selling situation. The prospective buyer should also have the *freedom to choose* any house that he can reasonably afford. In their attempt to secure the "rights" of some people, they trample on the rights of others. Freedom involves responsibility. If the home owners have the freedom of choice, they also have the responsibility to see that all buyers have the freedom of choice, too.

I commend you for your efforts to get this bill passed.

Sincerely yours,

RICHARD THEIS.

SUBURBAN MARYLAND FAIR HOUSING,
Bethesda, Md., July 21, 1966.

Hon. PHILIP A. HART,
Senate Office Building,
Washington, D.C.

DEAR SENATOR HART: Suburban Maryland Fair Housing is a community organization in Montgomery County, Maryland, with a membership representing more than a thousand families. For more than three and one-half years we have been working actively toward the elimination of discrimination in housing on our County, placing primary reliance on voluntary efforts of sellers and brokers. While some progress has been made by these voluntary efforts, and while the community's response to new Negro neighbors has been excellent, discrimination in housing is nevertheless still widespread in the County, and builders of new homes, apartment owners and managers and real estate brokers remain for the most part unwilling to participate in sales or rentals without discrimination.

Our experience in this work led us to conclude that fair housing legislation is a most effective and fair way to achieve the goal of elimination of discrimination in housing, though even with legislation there will continue, we believe, to be a need for fair housing groups such as ours, particularly in connection with efforts to ease tensions and assist in an ordinary and peaceful transition to an integrated community.

This letter is to congratulate you on the forthright position which you have taken in support of Title 4, the fair housing provision, of the pending Civil Rights Bill. While we would have preferred passage of the legislation as originally proposed by the Administration, nevertheless we believe that the bill as approved by the House Judiciary Committee will aid in solving the problem of discrimination in housing and should be passed.

Sincerely,

THOMAS J. SCHWAB,
President.

UNIVERSITY OF DETROIT HIGH SCHOOL,
Detroit, Mich., July 13, 1966.

Senator PHILIP HART,
Senate Office Building,
Washington, D.C.

DEAR SENATOR: I have been following with no little interest the progress of the Civil Rights Bill of 1966. My personal study of the bill, especially title IV, has renewed my confidence in the vision of some of our legislators. It is a tribute to your commitment to work toward the realization of the goals of the Constitution, toward the goals of human brotherhood, and toward the goals of Christian charity.

You certainly have my support in your campaign for this bill.

If I can be of more active service in supporting you in this, I will be more than anxious to do so.

Sincerely,

DANIEL P. LIDERBACH, S.J.

COUNCIL FOR CIVIC UNITY OF THE
SAN FRANCISCO BAY AREA,
San Francisco, July 15, 1966.

Hon. PHILIP A. HART,
Senate Office Building,
Washington, D.C.

DEAR SENATOR HART: I have read of your support of Title IV of the Civil Rights Bill of 1966. Congratulations on your stand on open housing!

I know that your mail supporting Title IV has been disappointing, but just let me say that those of us who support you and the other Senators and Representatives in voting for Title IV just can't find the time like the real estate people. It is easy and takes no time for them to say no to a Negro who is looking for an apartment or house. For us it takes hours, days and weeks to assist just one person to find the apartment or house he wants—even in a state like California that has fair housing laws.

We support you and your efforts to make open housing a reality for all Americans.

Sincerely,

DREW PRIDDY,
Housing Coordinator.

OKEMOS, MICH.,
July 21, 1966.

Senator PHILIP A. HART,
U.S. Senate,
Washington, D.C.

DEAR SENATOR HART: I am strongly in favor of the Title on Housing in the proposed Civil Rights Bill. It's a shame that we have to protect our underprivileged groups with legislation like this, but waiting for an improvement in the public conscience takes too many decades. There is no reason why people in a free country need to wait decades for freedom and justice.

I don't believe this Title violates the freedom of choice of the homeowner nearly as much as it violates others from the more basic rights of home, education, and human dignity. To me it is a question of which will accomplish the greater good.

It is important for people to be able to live wherever they can afford to and wherever they want to.

Yours truly,

J. B. TURNBULL,
Doctor of Dental Surgery.

GROSSE POINTE, MICH.,
July 14, 1966.

Senator PHILIP A. HART,
U.S. Senate,
Washington, D.C.

DEAR SENATOR HART: As one of your constituents, and particularly as a resident of Grosse Pointe I wish to register my *support* of the 1966 Civil Rights Bill, especially Title IV on housing. As a member of the Grosse Pointe Human Relations Council and as an American who believes that human rights come before property "rights", I want you to know that *I deplore* the action of the Grosse Pointe Real Estate Board which placed ads in local papers urging citizens to protest the proposed section on housing.

My congratulations to you for your unflinching support of the 1966 Civil Rights Bill. I realize that you must be inclined to respect the volume of mail you receive from individuals who have various "axes to grind", but I only hope you will continue to support such legislation which the majority of concerned and dedicated Americans truly desire.

Do not succumb to the pressure of a few influential and vocal opponents.

The majority of conscience-bound Americans are with you.

Sincerely yours,

ARMIN GRAMS.

CENTER LINE, MICH.,
July 17, 1966.

DEAR SENATOR HART: It is not too late to commend and thank you for your support of the 1966 Civil Rights Bill. We were sorry to learn of the changing which so badly crippled the Open Housing Title.

I am a teacher in a closed housing suburb area. During spare time I have done some volunteer work in inner city Detroit, where thousands of dollars of tax money are being poured from Federal money to alleviate the very problems that closed housing is propagating. These funds are doing very much good, to be sure, but so very much of the help seems to be a superficial solution for problems that can only be successfully attacked at the roots. Basically this will come through job opportunity and training and integrated neighborhoods.

Thank you for your efforts and do please continue work in this direction.

Sincerely yours,

DOROTHY LAWINGER.

OAK PARK, MICH.,
July 11, 1966.

Senator PHILIP A. HART,
Senate Office Building,
Washington, D.C.

DEAR SENATOR HART: I want to take this opportunity to commend you for your strong support of the 1966 Civil Rights Act. In my opinion it is a most necessary piece of legislation.

In particular I would like to see passage of Title IV and hope that proponents of the legislation do not "compromise this section out" as has been suggested in some quarters. Equal opportunity in housing is key to so many aspects of current urban problems. Clearly if adequate housing were available to all persons we would not have the segregated schools which dot our States. And it would be a long step forward in the struggle to eliminate all the undesirable aspects of ghetto living.

Sincerely yours,

ELINOR WATERS.

JULY 2, 1966.

Senator PHILIP A. HART,
Senate Office Building,
Washington, D.C.

DEAR SENATOR HART: I herewith offer my heartfelt appreciation for your support of the 1966 Civil Rights Act especially Title IV.

I also wish to encourage you to do all within your power to prevent the emasculation of the Title IV section by the compromise proposal that excludes coverage of resident owner property.

May God give you the strength and courage to continue your great work.

Yours very truly,

JACK YORKE.

MILFORD, MICH.,
June 25, 1966.

Hon. PHILIP HART,
U.S. Senate,
Washington, D.C.

DEAR SENATOR HART: At the urging of literature distributed by the National Association of Real Estate Boards I am writing in regard to the proposed Title IV of the Civil Rights Bill, H.R. 14765 and S. 3296.

The Association urges protest because Title IV is "destructive to rights of all Americans".

I believe, to the contrary, that selling a suburban house to a Negro purchaser is one way of effectively doing justice to fellow Americans who happen to be Negroes and passage of Title IV appears necessary to accomplish this end.

Yours very truly,

MARTIN L. BOYLE.

FLINT, MICH.,
July 23, 1966.

Senator PHILIP A. HART,
U.S. Senate,
Washington, D.C.

DEAR SENATOR: I am taking this opportunity to thank you for your support of the fair housing section, Title IV. Because in these times it takes compassion and courage to do so.

I am also well aware of the sorry record of real estate boards who talk about freedom, but use their talents to deny it. Let us hope that their words will not fool the majority of the people in the United States into thinking that this is good for us.

Sincerely yours,

LOUIS E. ALLEVA.

JULY 24, 1966.

DEAR SENATOR: A vote of thanks from a long supporter of you and your views for your sponsorship of Bill S. 3296. The newspaper ads of the Detroit Real Estate Board have sickened me to the point that I write this letter.

We live in a small development of new and integrated housing, and have never had such congenial environment.

I am former precinct delegate, precinct 11, Birmingham.

Sincerely,

ANN R. KLEIN.

JULY 25, 1966.

DEAR SENATOR HART: I believe in equality for all. You have my full support in Bill H.R. 14765, S. 3296 Title IV.

We have lived here for 8 years, the last 3 or 4 years integrated, so we are living our belief.

Mrs. VIRGINIA N. POSTULA.

Detroit, Mich.

PS—May "God Bless" you especially in your difficult opposition at this time.

GROSSE POINTE, MICH.,
July 24, 1966.

Senator PHILIP A. HART,
U.S. Senate, Washington, D.C.

DEAR SENATOR HART: Please accept my commendation for supporting Title IV of the Civil Rights Bill. Until we have equality in Housing most of the other civil rights cannot really be effective.

I feel that we in Grosse Pointe are denying ourselves and our children, as well as Negroes, the opportunity to know people as individuals, rather than as a group or a race.

Yours truly,

Mrs. CAROL B. HAMMOND.

JULY 19, 1966.

DEAR SENATOR HART: I wish to congratulate you on your voting record in general but especially on the current Civil Rights Act of '66. I live in an all white suburb but I am not proud of the fact that it is all white. Now is the time to raise everyones standard of living as much as possible—at least the Negro should be given the opportunity, in jobs, education & housing.

Sincerely,

Mrs. LINUS MURPHY.

DETROIT, MICH.,
July 25, 1966.

Senator PHILIP HART,
Senate Office Building,
Washington, D.C.

DEAR SENATOR HART: I urge you to support the fair housing section of the proposed 1966 Civil Rights act.

Since I am a housewife living in an all Negro neighborhood where we seldom see a white person outside of a bill collector or missionary, my main exposure to candid white opinion is listening to Detroit's "talk" station WTAK. It is angering to hear a steady barrage of anti-Negro expressions coming from white people who seem to feel that "open" housing is somehow un-American. Much advice has been volunteered on what Negro leaders should do about the race problem. Is it not time for white leaders to begin to educate white people on how to get along with Negroes with their increasing awareness of their strategic position in a world where they are NOT a minority, but a part of a two-thirds majority?

The press with its unwarranted hysteria over Black Power and the smug suburbanites who take every opportunity to "talk" their prejudices over the airwaves do more to impel us in the direction of Black nationalism than any speech by Stokely Carmichael who we never hear except via a critical news media.

We urge you not only to support Title IV on housing, but we would like to see you counteract some of the anti-Negro diatribe around here so that we will know there is any white good will left for us to cultivate.

Yours very truly,

Mrs. JESSIE WALLACE.

DETROIT,
July 19, 1966.

DEAR SENATOR HART: May I offer my sincere congratulations to you. I am deeply grateful for all your effort to obtain fair housing rights for all citizens.

Please continue to do all you can to get the whole Civil Rights Act of 1966 passed, especially Title IV.

As a teacher of Negro children I will appreciate any effort you make in this regard.

Sincerely yours,

ANNE LARIN.

WYANDOTTE, MICH.,
July 18, 1966.

DEAR SENATOR PHILIP A. HART: Congratulations on your stand of Title IV of the Civil Rights Act of 1966. Keep pushing we are behind you—you are doing a wonderful job. Keep lighting the candles.

De Colores—

We love you—

RAY and CECIL MIX.

GROSSE POINTE, MICH.,
July 17, 1966.

Senator PHILIP A. HART,
U.S. Senate,
Washington, D.C.

DEAR SENATOR HART: We are so grateful for your support of the civil rights legislation. We commend you for standing firm on Title IV.

Any few individual difficulties in rendering justice under that legislation could not compare to the injustice of the current situation.

It is in the best interests of all Americans that the ghetto be humanely dispersed. Please continue to speak out about this as eloquently as possible.

Yours truly,

SUZANNE OLSON.
JOHN and SUZANNE OLSON.
DR. JOHN P. OLSON.

THE MICHIGAN CANCER FOUNDATION,
Detroit, Mich., July 18, 1966.

Hon. PHILIP A. HART,
U.S. Senator from Michigan,
Senate Office Building,
Washington, D.C.

DEAR SENATOR HART: I am writing to express my support to you for your decision relative to the Housing Section of the 1966 Civil Rights Act.

I am a member of the Planning Commission in Grosse Pointe Park and I have advocated open occupancy practices in our community for several years. I am well aware of the strong opposition which many people have towards the tearing down of segregated patterns of housing and have felt the brunt of that opposition to some degree in my own affairs.

Nevertheless, I feel that all of us who adhere to the principles of this nation regarding the equality and dignity of our fellows must stand up and be counted as favoring necessary corrective laws and regulations aimed at overcoming the injustices caused by racial prejudice.

I do not know how I can help your effort by expressing my support for your position, but in my office as a member of the Public Affairs Committee of the Wayne County Medical Society, as Professor of Medicine at Wayne State University Medical School, as President of the Michigan Cancer Foundation, and as a member of the Planning Commission in my own community, I will do my very best to bear witness to your courage and loyalty to principle in this matter.

Very sincerely yours,

MICHAEL J. BRENNAN, M.D.,
President.

GROSSE POINTE, MICH.,
July 14, 1966.

Senator PHILIP A. HART,
U.S. Senate,
Washington, D.C.

DEAR SENATOR HART: We wish to thank you for your courageous stand in favor of the fair housing provision of the 1966 Civil Rights Bill in the face of so much opposition. We think that national fair housing legislation is needed to counteract the concerted efforts of organized realtors and others to keep neighborhoods racially segregated, and it is needed to support local efforts to combat segregation.

We feel strongly that segregated suburbs and inner city ghettos are a great social evil boding an ominous future of our country, and that intensive efforts must be made to break up this unhealthy and anti-democratic pattern.

HOWARD W. BACON.
ELIZABETH BACON.

DETROIT, MICH.,
July 15, 1966.

Senator PHILIP HART,
Senate Office Building,
Washington, D.C.

DEAR SENATOR HART: As a citizen of Detroit, I wish to commend you for your action in going before the Senate Judiciary Subcommittee and testifying in favor of fair housing, stated in Title IV of the Civil Rights Act of 1966.

I am proud that you as a Michigan Senator had the courage to stand up for principle. It is my hope that you will continue the courageous stand you have taken. We need more men of your caliber.

Congratulations on your action.

Sincerely,

MARGUERITE SCOFIELD.

DEDUCTIBILITY OF TEACHERS' EXPENSES

Mr. HARTKE. Mr. President, I am glad for the expressions of concern which have been made in the Senate, by a number of my colleagues about the proposed Treasury regulation on educational expenses of teachers. The proposal was published in the Federal Register of July 7, and the full text of the intended regulations appearing there may be found in the Congressional Record for July 22, on pages 16716 to 16720.

Mr. President, this question is not new to me nor to other Members of the Senate. I first introduced a bill to remedy the inequities inflicted by current regulations on March 6, 1964, with S. 2609 of the 88th Congress. At the beginning of the 89th Congress I again introduced the same bill, with full backing of the National Education Association and other organizations concerned with education. That bill, S. 1203, was referred to the Finance Committee on February 18, 1965, and has the cosponsorship of 28 other Senators.

There is no State untouched by the problem with which the bill is designed to deal. The bill was offered as a means of clarifying what the regulations of 1958 had not succeeded in doing, namely, the question of deductibility for the continuing education of teachers. The 1958 regulations specified deductibility of education expenses whose primary aim was to maintain or improve skills "required by the taxpayer in his employment," or "meeting the express requirements of a taxpayer's employer, or the requirements of applicable law or regulations, imposed as a condition to the retention by the taxpayer of his salary, status, or employment."

Over the years there was great contention between teachers, their organizations, and the Internal Revenue Service as to the proper interpretation of the regulations, particularly in the determination of who is a teacher, and most particularly those holding temporary certificates. The Treasury held to a narrow view, but court cases overturned its position in a number of jurisdictions. Thereafter, in those jurisdictions, the IRS tended to allow the more liberal court interpretation while continuing the harsher interpretation in other regions of the country. The result, understandably, was confusion and inequity.

It was to bring order out of chaos that I introduced the bills of 1964 and 1965. Had my measure been passed, it would have put into law the kind of position which the courts have upheld in the decisions I mentioned. Now, instead, the proposed regulations are even harsher than the narrow IRS interpretation of the 1958 regulations. For example, they would deny deductibility of a teacher's continuing educational expense even when she is required by State law to take summer courses to maintain her job—if she applies the credits earned toward a degree.

At this point, Mr. President, I ask unanimous consent that there may appear in the Congressional Record a summary of the proposed regulations prepared by the National Education Association.

There being no objection, the summary was ordered to be printed in the Record, as follows:

Summary of Proposed Regulation on Expenses for Education

Educational expenses are not deductible if they are "personal or capital expenditures, or elements of both." Such expenses are not deductible even though they may maintain and improve skills or are required by the employer, law, or regulation.

Personal or capital, nondeductible expenses are:

1. Those qualifying an individual for a trade, business, position, or specialty, if, when incurred, he did not meet minimum requirements, even though in taking the courses it was not his intent to so qualify.
2. Those qualifying the individual for substantial advancement in salary or position, even though in taking the courses it was not his intent to obtain substantial advancement.
3. Those incurred in meeting new minimum requirements imposed on an employee subsequent to his employment.
4. Those incurred by a teacher who does not have a continuing or permanent certificate.
5. Those incurred by a teacher in taking courses, which, in combination with courses already taken or to be taken, will qualify the teacher for a degree, diploma, or similar certificate.

If the expenses are not disqualified under any of the provisions just summarized, they are deductible if incurred to maintain and improve skills, or if they are incurred to meet the express requirements of the employer, or law, or regulation.

TRAVEL

The ruling states that, "in general," expenses for educational travel, including travel while on sabbatical leave, are personal in nature and therefore not deductible.

Also, when travel expenses are incurred to take courses, the expenses for which are otherwise deductible, the ruling states that personal expenses must be excluded and, if the travel is considered primarily personal, no travel expenses are deductible. For example, if the teacher goes from New York to California to take a three-hour course, the expenses for which are deductible, and the regular summer session is 12 hours, the travel is considered primarily personal so that none of the travel expense is deductible. One-fourth of expenses incurred for meals and lodging while in California would be deductible.

Mr. HARTKE. A reading of this summary will show just how restrictive and unfair the proposal is, particularly in its application to States such as my own where there are requirements that teachers must, to hold their positions, do a certain specified amount of continuing academic study on a specified basis.

Mr. President, I have not previously sought to secure enactment of my bill for one specific reason. Last fall my staff met with representatives of the teachers and representatives of the Internal Revenue Service. My bill was discussed in considerable detail, at a meeting in which a member of the office of legislative counsel of the Senate was also present. The Internal Revenue Service people said they were already in the process of revising the regulations governing deductibility of business expense, including teacher expense. They seemed sympathetic to at least some of the suggestions for change which were discussed. They asked that we withhold action until the proposal, now announced, could be prepared. They indicated that this should be accomplished by February of this year.

To this, the reaction of the teachers' organization representatives, despite a skepticism born of 6 or 7 years of efforts to resolve the very same problems by altered regulations, was acquiescence. Late this year there was an opportunity, which we considered, to offer this bill as an amendment to a House-passed bill being considered in the Finance Committee. But our attitude was still, "Wait and see."

Well, now we have waited and now we see. The regulations proposed have not taken into account the adverse rulings against the 1958 regulations and in favor of deductibility. It is true that a representative of IRS has told me that it is their unannounced intention, during the period in which the old regulations remain in effect, to give the liberal interpretation and allow the claims of teachers who have claims pending, claims which in the past have so often been refused.

But this palliative for some does not alter the need for a realistic, beneficial approach to the problem on a long-term basis. It is completely nullified by the terms of the proposal announced in the Federal Register.

Mr. President, I have discussed this situation with several concerned persons. I believe there is sympathy for corrective legislation in the Finance Committee, in the Senate, in the Ways and Means Committee, and in the Senate. There is an understanding of the problem, because we have all heard from our teachers about it.

Consequently it is my intention in the near future to present, probably with some suitable changes, the substance of S. 1203 as an amendment to an appropriate House-passed measure as it comes before us in the Finance Committee. When I do so, I will hope for the firm support of other Senators both there and on the floor of the Senate.

In concluding, I should like to note the names of those Senators who are the cosponsors of S. 1203. They are as follows: Senators Bennett, Brewster, Burdick, Carlson, Church, Dodd, Fannin, Fong, Inouye, Jackson, Long of Missouri, McIntyre, Miller, Mondale, Montoya, Moss, Pell, Randolph, Simpson, Smathers, Tower, Tydings, Williams of New Jersey, Yarborough, Clark, Kennedy of Massachusetts, Mundt, and Nelson.

CONGRESS TAKES HISTORIC ACTION CREATING NATIONAL POLICY OF PRESERVING PARKS AND HISTORIC SITES FROM DESTRUCTION BY HIGHWAYS

Mr. YARBOROUGH. Mr. President, while I was not in the Senate yesterday when this body passed S. 3155, the Federal Highway Act of 1966, it is a matter of great interest to me. Section 13 of the

Senate-passed bill is an amendment which I had the honor to introduce and which the Committee on Public Works accepted and made part of the bill which they reported to the Senate. The amendment reads as follows:

> It is hereby declared to be the national policy that in carrying out the provisions of this title, the Secretary shall use maximum effort to preserve Federal, State, and local government parklands and historic sites and the beauty and historic value of such lands and sites. The Secretary shall cooperate with the States in developing highway plans and programs which carry out such policy. After July 1, 1968, the Secretary shall not approve under section 105 of this title any program for a project which requires the use for such project of any land from a Federal, State, or local government park or historic site unless (1) there is no feasible alternative to the use of such land, (2) such program includes all possible planning to minimize any harm to such park or site resulting from such use.

The Federal Highway Act was passed 10 years ago. Since that time a total of $27.234 billion has been spent from the highway trust fund pursuant to the act. A total of 21,377 miles of the Interstate System and over 190,000 miles of the A-B-C program of primary, secondary, and urban highways was completed and open to traffic on March 31, 1966. In 1965 approximately two-thirds of the mileage compiled by America's 100 million licensed drivers was over the 900,000 miles of Federal-aid highways.

This recital of statistics is intended to give some idea of the magnitude of the highway program. It is immense. It affects the lives of every American. It has given America by far the best highway system in the world.

Yet this has not been an unmixed blessing. In our haste to build highways we have sometimes been careless about where we have put them. This has been especially true in cities, where land is scarce. It is important that we plan our cities to be places not only where people can exist with maximum efficiency in transportation and in the distribution of goods and services, but to be places where people can live, and live well. We must be careful lest we suddently wake up and find ourselves in a world of cities which are fine for automobiles but unfit for people.

A noted landscape architect, Lawrence Halprin, has stated the problem very well. In his book "Cities," 1964, he writes:

> The real problem is how to integrate freeways into the fabric of the city without destroying important civic values. It is the fragmentation of outlook, the inadequate attention to integrated overall environmental planning, rather than the architectural design of the structures, that has resulted in serious errors. It is impossible to think that the sole concern of freeways is to bring automobiles quickly into cities with no concern for esthetics, environmental impact or scale. In the process of a singleminded approach to mobility, every other aspect of environmental design has been sacrificed, as though speed and mobility were the only and ultimate justification, with an overriding virtue of their own. As a result, freeways have cut great swaths through urban communities, whole neighborhoods have been sliced in half, parks have been segmented, waterfronts have been cut off from the body of the city, and the intricate closely woven texture of the city's tapestry has been demolished. The visual impact of the concrete ribbons, often beautiful and well designed in themselves, has been responsible over and over again, for the destruction of every other urban value except speed. It is a sacrifice hardly worth the cost.

Just how great is the toll? It is impossible to determine. Yet a short cataloging of a few representative cases will give some idea of the nature of the problem.

In 1958 an 1840 seawall in St. Augustine, Fla., was obliterated for the construction of a four-lane highway.

An expressway, six traffic lanes wide, 35 to 40 feet above street level, is proposed for construction along the Mississippi River directly in front of the historic and architecturally significant Vieux Carre in New Orleans.

An expressway has been proposed which would cut through Brackenridge Park and adjacent open space areas in San Antonio, Tex. In the words of a distinguished architect, Mr. Sam Zisman, in his article, "Open Spaces in Urban Growth," which appeared in the December 1965 issue of the American Institute of Architects Journal:

> The proposed expressway curves and winds through this open space system, crossing an Audubon bird sanctuary and Olmos Creek, a tributary in its natural state; it moves along a picnic ground and recreation area, obliterating a Girl Scout camp and nature trail; it stretches across the Olmos Flood Basin and rises to enormous height to go over the Olmos Dam; it severs the campus of the College of the Incarnate Word; it cuts through the lands of the San Antonio Zoo; it blocks off the half-built public school gymnasium; it slides along the rim of the sunken garden; it hovers over the edge of the outdoor theater, squeezing itself between the latter and the school stadium and blocking a major entrance; and it slashes through residential areas, along the golf course and across a wooded portion of the San Antonio River's natural water course.

In Philadelphia the proposed route for the Delaware Expressway calls for the destruction of more than 150 structures certified by the National Trust for Historic Preservation, including many built before 1800.

In San Francisco the elevated double decker Embarcadero freeway blocks the Ferry Building Tower and the view of the waterfront.

In California there have been repeated controversies over various proposals to build highways through redwood forests.

More examples could be given, but the above should suffice as an illustration of what has been and is being done. It is time to put a stop to it.

Section 13 of S. 3155 is intended to be that stop. I want to serve notice right now on the Secretary of Commerce and the Director of the Bureau of Public Roads that the Senator from Texas is one Senator who is going to be watching what is done under this new policy.

Nothing less than a vigorous, enthusiastic enforcement of this policy will be sufficient.

In closing I wish to thank the members of the Committee on Public Works for accepting this amendment. I believe that they have the gratitude of the American people for their wise action.

As the governmental body vested with the power to authorize a program which will bring about a great transformation of our physical environment, we have the responsibility to formulate guidelines indicating that there are priorities in our system of values. There are some things which are sacred, some things which must be preserved. The highway builders must not be allowed to act as though they have carte blanche to construct their highways where they will, at the expense of whatever gets in their way.

Congress has given voice to the aspirations of the people, and will now watch to see that its instructions are carried out.

Mr. President, I ask unanimous consent that the following supporting materials be printed at the conclusion of my remarks:

First. Historic Preservation, July–August 1965, pages 128–131, 139–157, "The Headless Horseman Rides Again."

Second. Cry California, the Journal of California Tomorrow, winter 1965–66, pages 2–7, "A Grisly Case of Terracide."

Third. Dallas Morning News, July 4, 1966, "Preserve Beauty."

Fourth. Letter from Mr. Perry Rowan Smith, San Antonio, Tex., July 5, 1966.

Fifth. Letter from Mr. Mark P. Lowrey, president, Vieux Carre Property Owners and Associates, New Orleans, La., July 5, 1966.

Sixth. Letter from Mr. Trueman O'Quinn, attorney, Austin, Tex., July 5, 1966.

Seventh. Resolution from American Institute of Architects, New Orleans, La., July 12, 1966.

Eighth. AIA Journal, December 1965. "Open Spaces in Urban Growth," Sam B. Zisman.

Ninth. Assorted newspaper articles.

There being no objection, the material was ordered to be printed in the Record, as follows:

[From Historic Preservation, July–August 1965]

PRESERVATION FEATURES: THE HEADLESS HORSEMAN RIDES AGAIN

"Chiefs! Our road is not built to last a thousand years, yet in a sense it is. When a road is once built, it is a strange thing how it collects traffic, how every year as it goes on, more and more people are found to walk thereon, and others are raised up to repair and perpetuate it, and keep it alive"—so Robert Louis Stevenson prophesied in his address to the Chiefs on the Opening of the Road of Gratitude, October 1894. His biographer Michael Fairless names her volume *The Roadmender* and means it as a sincere tribute: "Robert Louis Stevenson was a roadmender. . . . Ay, and with more than his pen. . . . I wonder was he ever so truly great, so entirely the man we know and love, as when he inspired the chiefs to make a highway in the wilderness. Surely no more fitting monument could exist to his memory than the Road of Gratitude, cut, laid, and kept by the pureblood tribe kings of Samoa."

Less than 75 years later the naming of another highway through an urban wilderness after a great man was considered an insult. It was Mayor Wagner's belief that renaming First Avenue after Adlai E. Stevenson would be a suitable mode of commemoration for the honored statesman. The move seems to have died. In addition to the inappropriateness and pointlessness of changing old and familiar places out of emotional considerations, many believed that Ambassador Stevenson deserved better of New York City than to have a thoroughfare, jammed much of the time with trucks and buses emitting noxious fumes, called after him—some more dignified tribute could and should be paid to a man of his lofty spirit.

What has happened; why the difference? In an undeveloped area perhaps any road can be a good road, but in an overdeveloped area any road can be a bad road. Today one must be a road planner of great vision; it is impossible to be a roadmender for damage done can never be undone.

The eight-lane Embarcadero Freeway cuts across the Bay skyline in San Francisco as it continues on to Sacramento, blotting out the once magnificent view and the Ferry Building landmark. It is said that San Francisco now has only a truck and trailer route for through north-south traffic and that the freeway creates traffic jams, rather than alleviates them. Too late, San Francisco has come to realize that there are other community values besides freeways, and that it was a mistake to have consented to the construction of the elevated structure across its waterfront. San Franciscans became so incensed that there is hope that the elevated freeway will be torn down or relocated, regardless of the expense involved.

Why must New Orleans have an elevated expressway across Jackson Square's view of the Mississippi River? Why must 150 certified houses built before 1800 be destroyed in Philadelphia's Southwark district for the Delaware Expressway? Why must the new U.S. 101 superhighway be built over the last mile of beach in California where the most ancient of forests in the world touches the sea? Why must U.S. 281N through San Antonio cut across park and zoo, cliffs and gardens? All of these are federal-aid projects, being constructed with 90 percent federal funds and 10 percent state funds.

Planning and legislation should be the answer, but the best of plans can be ineffectual, having been compromised by conflict of interests—and values continue to be lost. After years of study New York City passed preservation legislation, hailed as a great step in the preservation of the rapidly changing city. One of the first areas planned for designation as a historic district by the city's Landmarks Preservation Commission is in the path of the Lower Manhattan Expressway. Whether the expressway is constructed above or below ground, the buildings seem slated for certain demolition. In the words of the Commission, "this section contains the best cast-iron architecture still preserved in the United States." Ironically, executive director of the Commission, James Grote Van Derpool explains that their hands are tied. Under the new landmarks law the Commission is only an advisory body. It must wait to be asked by other city departments and nobody has requested anything. When it was a temporary agency, before the law went into effect, the Commission's certification, that there were no buildings warranting preservation on a site to be cleared by the city, was obligatory. Now landmark review is optional. Furthermore when a city department requests a landmark review, it is not bound by the Commission's report.

Plans can be abandoned or given new interpretation. In New York State officials of eight towns and villages along the east bank of the Hudson River have expressed varying degrees of concern, vexation and outrage over the State's proposal to run a six-lane expressway through their waterfronts. Equally devastating is the proposed re-routing of Route 117 which runs northeast from North Tarrytown through what has been called "the bucolic heart of Sleepy Hollow" by Charles T. Post, chairman of the Planning Board of the Town of Mount Pleasant. Quoting from a report of the Governor's Hudson River Valley Commission—which noted that "the Headless Horseman may still ride in Sleepy Hollow, Rip Van Winkle could return at any time and elves still live in the roots of old trees"—Mr. Post read the Commission's promise that "no neglect or misuse can be disastrous enough to drive them away." Elevated on the air-rights of the railroad, the expressway will separate National Trust-owned *Lyndhurst* and Washington Irving's *Sunnyside* from the Hudson.

Whether the bulldozer of Expressways Unlimited is personified as the Headless Horseman or animated as the fire-breathing dragon, it continues across the country at the cost of countless community assets despite the fact that every newspaper and every magazine exposes it, and the President has a White House Conference on Natural Beauty. And there will be no roadmenders—for all the king's horses and all the king's men cannot put the country together again.

HELEN DUPREY BULLOCK.

ST. AUGUSTINE'S LOST SEAWALL

Between December 1958 and July 1959 an 1840 seawall at St. Augustine, Fla., was obliterated for the construction of a four-lane highway. This was accomplished despite protests of local and national preservation groups, including the National Trust. The National Park Service, whose grounds of Castillo de San Marcos were threatened with encroachment, also supported the opposition. The widening for the traffic lanes and parking strips was made possible by an extension into the bay over the existing seawall. Ironically, it has been learned that some of the same individuals and forces that successfully pushed through the bay front project, irrespective of historic values, are today working with the St. Augustine Historical Restoration and Preservation Commission. The restoration of the southwest glacis of the Castillo which was destroyed by road construction will be underway shortly.

NEW ORLEANS RIVERFRONT ELEVATED EXPRESSWAY

Will the 30-foot high expressway, with its ugliness, noise and fumes be allowed to ruin historic Vieux Carré's Jackson Square or will the local citizenry achieve a compromise which would cause the expressway to be depressed?

The Citizens Committee for the New Canal Street Plan urge speedy and visionary reconsideration not only of this important portion of the expressway but of the entire plan. Incensed by the proposal, the Citizens Committee Plan has been published stating that the "ideas for the proposed riverfront expressway predate to 1927.

". . . At no time prior to 1965 have these ideas undergone public reconsideration by means of discussion or alternate routings; nor have these ideas undergone published reconsideration, inquiry or testing by the City Planning Commission of New Orleans, or by any independent planning group, nor has the Vieux Carré Commission, the regulatory authority of the Vieux Carré, ever been consulted as to location and design of the expressway which falls within its boundaries.

". . . An alternate route has never been publicly announced, published or significantly researched; nor has the proposed route been exposed to proper design or traffic engineering inquiry. . . . The experiences of Boston and New York, with their riverfront expressways and modified, incomplete inner and outer loops have been unheeded. The failure of their systems has not been recognized by New Orleans, and doubtless the proposed expressway for New Orleans is of the same conceptual design, and would, if built, suffer the same errors and inadequacies of design. . . ."

In its two-part study the Citizens Committee continues its charge: the proposed riverfront expressway will not effectively serve as a by-pass to interstate 10; will not sufficiently relieve congestion in the Vieux Carré or downtown areas; will be congested by 1980, if not sooner, without hope of expansion; will render hopeless the further development of the waterfront; will set the stage for the continuation of the roadway along the riverfront to the Orleans-Jefferson Parish Line, the extension of elevated roadways along the major avenues of the uptown area and the subsequent destruction and rebuilding of major uptown areas.

Cautioning that it is not perfect, the Citizens Committee has put forth its own plan, a sceme chosen from seven alternatives—"it is far and above the proposed riverfront expressway in terms of efficiency, and it is more visionary and realistic, to say nothing of its aesthetic delights. . . ."

AUTOMOBILES AND FREEWAYS

(*From* Cities *by Lawrence Halprin, Reinhold Publishing Corporation, 1964.* Mr. Halprin is a landscape architect and a member of the National Trust)

The automobile has introduced another, more compulsive dimension of speed into the city than the pedestrian, and mobility is even more with us. The visual experience of viewing a city skyline from platforms strung high over the streets, at the speed of 65 miles an hour, adds a whole new quality of experience in viewing the city, and opens up a whole new series of relationships for the city dweller. The skyline becomes more important to the motorist than for the pedestrian, not as a static image, but as a mobile, ever-changing series of overlapping images, superimposed one next to another, almost like a moving picture. Close-in detail gives way to large-scale impressions, telescoped in time and space, and different in impact. The great scale of the city as a gigantic functioning organism becomes more apparent; detail is lost and the strength of large scale landmarks and geographic forms becomes significant.

While driving a car, the mobile viewpoint actually becomes physically essential. Here, the ever-shifting relationship to surroundings is more frenetic; adjustment to shifts in speed and position in relation to other moving objects is more demanding and more dangerous. As a result, design for movement becomes a function of safety, and not only a matter of aesthetics. In high speed freeway design, motion is the most compelling requirement, and engineers have learned well the close relation between alignments, curve radii and transitions, and the impact they have on safe design speeds. Our engineering standards on roads are excellent. What highway designers have yet to take adequately into consideration is the relation of road design to the environment, the visual images seen and felt beyond the road, the road's impact on the surroundings through which it moves.

The problem in handsome freeway design has been thought to be primarily one of the design of structures, but this has been overemphasized. Most freeways, no matter how beautifully structured, cannot overcome the enormous damage and destruction which these vast and complex arteries cause in the heart of a city by their very presence and, more importantly, by the fact of their dumping cars into the downtown core. The real problem is how to integrate freeways into the fabric of the city without destroying important civic values. It is the fragmentation of outlook, the inadequate attention to integrated overall environmental planning, rather than the architectural design of the structures, that has resulted in serious errors. It is impossible to think that the sole concern of freeways is to bring automobiles quickly into cities with no concern for aesthetics, environmental impact or scale. In the process of a singleminded approach to mobility, every other aspect of environmental design has been sacrificed, as though speed and mobility were the only and ultimate justification, with an overriding virtue of their own. As a result, freeways have cut great swaths through urban communities whole neighborhoods have been sliced in half, parks have been segmented, waterfronts have been cut off from the body of the city, and the intricate, closely woven texture of the city's tapestry has been demolished. The visual impact of the concrete ribbons, often beautiful and well designed in themselves, has been responsible, over and over again, for the destruction of every other urban value except speed. It is a sacrifice hardly worth the cost.

The complexity of integrating freeway design and other modes of travel into the whole urban environment must take many different solutions. The most obvious and hopeful is to completely bar the automobile from the city core. Ultimately, I believe, we will have to come to grips with the notion that cars cannot come into the city, or by sheer numbers they will destroy the very essence of downtown.

We could, I am sure, apply by analogy the Malthusian theory of over-population to the automobile. Instead, we will have to develop comfortable, high-speed rapid transit systems, which move more people more quickly in and about the city and cause less destruction to its fabric, as has been begun in Sweden at Vallingby. But this does not answer all needs nor provide all choices. Some freeways will be necessary, but they need not necessarily be destructive if they are meshed into the fabric of cities in sensitive ways, with an understanding that other values must have priority.

The design of urban freeways, on the whole, must follow a design approach which is diametrically opposite to rules laid down for scenic highways out in the country. The scenic highway should be gently winding. It should follow the contours in a continuously unfolding sinuous series of interwoven horizontal curves, and constantly rise and fall with the natural configurations of the countryside. Normally, to be aesthetically pleasing, a very wide right-of-way is desirable out in the country, with wide median strips, gently rounded slopes on embankments and easy transitions on the verges. If these criteria are applied in the heart of cities, they result in havoc. The long, sinuous curve destroys innumerable houses, the wide right of way creates barriers of incredible width between neighborhoods, and the continuous curves are completely unsympathetic and visually destructive to the predominant linear qualities of the cities. The scenic highway in the city is antiurban and destructive of urban values. Urban freeways must be designed as part of the urban environment, with narrower rights of way, linear qualities, and multiple levels; they must employ structural and urban qualities, not rural or romantic ones.

Freeways can, in places, become part of the structural systems of cities by making the man integral part of buildings, or by actually building structures over them. They can run under and over parks, even at great heights, in the same way that bridges leap across rivers, high enough so that the blight implicit in their shadows is removed. Ultimately, too, they can, in cities at all events, be designed for slower speed standards, so that the long, sweeping curve, which takes up great spaces, can give way to the sharper curve, which forces slower speeds easier to integrate into civic design. If freeways are elevated, what happens underneath them becomes paramount. Instead of the present offal of parking lots and corporation yards, bus depots and cyclone fences, the ground underneath should be devoted to parks, greenways, and pedestrian open spaces, so that the freeway becomes a generator of amenity, rather than a blight. Parking can be done in special structures designed for this purpose, in designated locations on the fringes of the core, so that automobiles do not penetrate into the heart of the city. The essential point is that amenities in a city must *have* priority over the automobile at whatever the cost to mobility.

It is important to make a difference between qualities of speed of movement through space. Our problems in cities begin when streets for pedestrians and those designed for automobiles—the one designed for small-scale, very detailed and close-in and leisurely experiences, and the other for high speed transit—interfere with each other and are used at cross purposes. The square and plaza where leisurely activities occur—sidewalk cafes, theatrical and musical events, sculpture exhibits and meetings—is no place for high speed throughways bearing automobiles. One needs to differentiate in cities, just as in private living quarters, between functions and speeds and their hierarchy of importance.

The simplest differentiation in speed can occur through differences in level, and the most obvious device to separate pedestrians and automobiles is to put them at different heights in a city. The new local street, choreographically designed, will be multileveled—the machines at ground level, rapid transit at a still lower level, and pedestrians raised above both, on upper decks and bridges closer to the sky and free from the dangers and impediments of high speed vehicles.

SAN ANTONIO TO LOSE PARKS IN EXPRESSWAY PLAN

Two words "and parks" added to the end of Article 6674w of the Texas Legislative Code would bring to an end the six-year battle over the proposed route of the North Expressway (U.S. Highway 281 N) in San Antonio, Tex. This Article presently reads "The Highway Commission can build a highway through any private or public land or building, even though already dedicated and used for another purpose, except only a cemetery."

Since 1959 the San Antonio Conservation Society (NT member) has supported area residents in a long legal battle to keep the expressway out of college campuses and parks such as Brackenridge Park, but with no success. The final hope for winning this battle lies with the Sisters of Charity of the Incarnate Word, across whose green campus the expressway is routed. However, the Sisters are being heavily pressured to relinquish their land and the latest word is that agreement has been reached and the Sisters will receive payment of $1.2 million. The proposed highway would also cut across the natural park area of Olmos Basin, the buffalo pasture of the zoo and then proceed through a narrow way between the walls of the Alamo Stadium and the cliffs of the sunken gardens of Brackenridge Park. Trees and houses along the San Antonio River would also be lost as would part of the Brackenridge golf course.

PHILADELPHIA BATTLES EXPRESSWAY THROUGH SOUTHWARK

While federal highway authorities have agreed to revise plans and will now depress the portion of the Delaware Expressway that once called for a Chinese Wall effect through Society Hill, Philadelphia, Pa., citizens in the Southwark area of the city are still fighting their expressway battle.

Leading the campaign to have this area of the expressway depressed and altered for about a quarter of a mile are the Queen Village Neighborhood Association, the Philadelphia Historical Commission and the Old Swedes Church congregation. This committee wants the expressway to veer slightly east along Swanson Street rather than going straight down Front Street, and the portion in front of the Old Swedes Church to be depressed and covered over.

The present plans call for the destruction of more than 150 certified structures including many built before 1800. These buildings could be rehabilitated for less than $10,000 each thus helping this oldest part of Philadelphia to grow as a residential community. Ironically, the present route along the waterfront would spare a blighted area of deserted railroad tracks and warehouses.

COOPERATION IN PRESERVATION IN MASSACHUSETTS

(Richard W. Hale, Jr., Acting Chairman, Massachusetts Historical Commission)

The recent certification of Trinity Church, Copley Square, Boston, as a Massachusetts Historic Landmark may prove a precedent-setting example of how preservationists, highway builders, and urban planners can work together. Here three governmental agencies with three different problems met them jointly. The Massachusetts Historical Commission wanted to bring Trinity Church H. H. Richardson's architectural masterpiece, into its certification program. The Boston Redevelopment Authority wanted to work out a unified and beautiful plan for Copley Square. The Boston Public Works Department wanted to lay out the most suitable roadways through Copley Square to handle traffic, now intensified since one corner of the Square is both an entrance to and an exit from the Massachusetts Turnpike. All three were brought together by the operation of the Massachusetts Historical Commission Act.

The first step was discussion between the staff of the Commission and the Wardens and Vestry of Trinity Church. This was required by law, since certification as a Massachusetts Landmark requires the consent of the owners of the property to be certified. The Wardens and Vestry provided the Commission's staff with a vote of consent, and information as to their title to the property, which naturally included a plan of the plot of land on which Trinity Church sits. Armed with this information, the staff then got in touch with both the Boston Redevelopment Authority and the Boston Department of Public Works. To do this was essential, for any property that is certified as a Massachusetts Landmark cannot be taken by eminent domain unless by a special act of the legislature. It would be improper obviously for the Commission to block carefully laid plans for improvements by certifying property as a landmark without giving advance notice of its intentions. Discussions with the Boston Redevelopment Authority brought out the fact that certification would not in any way alter the B.R.A.'s proposal for an open competition for the best plan for redevelopment of Copley Square, confidential drafts of which proposal were shown to the Commission staff. Similar discussions with the City of Boston Public Works Department showed that the City had already taken by eminent domain two strips of sidewalk that might be needed for road widening, and that a third small corner might have to be taken to ease a curve from one street to another.

The Commission therefore drafted the instrument of certification in such a way as to exempt that last small corner from certification, while preserving the rest of the plot in which the Church stands as a Landmark. In all of these discussions, of course, the Wardens and Vestry of Trinity Church took part. The role of the Historical Commission was that of being a catalyst. Then, when the Commission at a public meeting certified Trinity Church as a Landmark, and recorded the certification instrument at the Suffolk Registry of Deeds, there was set up and recorded an area of land around the Church which would never be encroached on, while the rest of the Square was left for development.

This cooperation is the first but by no means the only case of such cooperation between planners and the preservation work of the Massachusetts Historical Commission. Another example is that of Shaker Community, Inc., at Hancock, Mass. Here is a complete community of the Shakers, preserved by transfer to Shaker Community, Inc., at the moment when the United Society of Believers were forced to abandon it. At present U.S. and Massachusetts Route 20 runs through it, as a winding two-lane road. At some time in the future Route 20 must be widened or moved to a more suitable location in order to cope with today's traffic problems. Therefore, when the Commission declared Shaker Community eligible for certification, the next step was to get in touch with the Massachusetts Department of Public Works. Conferences in Boston took place, at which the road-building information of the Department of Public Works and the historical information of the Commission were pooled, and a possible boundary laid out on the map between the historic grounds of the Shaker Community and logical potential routes for the relocation of Route 20. After that had been done, Public Works staff went on to the actual ground, consulted with Shaker Community, Inc., and by actual inspection on the site satisfied themselves that the suggested boundary for the area to be certified would not block any future road.

In another case the Historical Commission of the Town of Ipswich voted to ask the Massachusetts Historical Commission to certify as a Historic Landmark the Choate Bridge, built by the town in 1764. Here again there were consultations with Public Works, since the present U.S. and Massachusetts Route 1A goes over the Choate Bridge. Clearance was obtained, since any new version of 1A would not run through the town.

The Massachusetts Historical Commission is able to take a share in planning at various levels because it has something to offer. Because the Commission can draw boundary lines beyond which development cannot go, it can secure attention. Because a majority of its membership is drawn from seven major independent historical organizations, a statement by it that a site or structure is, in the words of the Historical Commission Act, of "substantial historical significance to the Commonwealth" is accepted without question. Because the staff of the Commission is part of the Office of the Secretary of the Commonwealth, the Commission's work can be within the framework of government, and not from outside. As a result, the Commission is in a position to work through cooperation and not through opposition. This fact is most important. As everyone with experience in government knows, far more can be accomplished, and accomplished far more rapidly, if there is easy communication between both sides at the outset. How often have matters of historic preservation been snarled up because government and the preservationists didn't understand what the other side was talking about.

Yet, though the staff of the Commission is part of government, the Commission's membership is such as to guarantee, as said before, its independence of judgment. The operations of the Commission may be divided into two parts—administrative and executive, on the one hand, decision making and representative on the other. The Chairman of the Commission, by law, is Secretary of the Commonwealth Kevin H. White, an elected "constitutional officer." Its executive, under him, is an "officer from his department," whom he has designated in accordance with the law to act for him as Chairman in case of need. At present this Acting Chairman is Dr. Richard Hale, Archivist of the Commonwealth. Thus, the Secretary and the Office perform the executive functions. But the decisions as to whether or not a site is eligible for certification, and if so, whether all the site or only part of it should be included in the certification, are made by the total twelve-man commission. Seven Commissioners, though appointed by the Secretary, are appointed by him on nominations from these organizations: Thomas B. Adams, Massachusetts Historical Society; John Otis Brew, the Trustees of Reservations; Robert F. Needham, Bay State Historical League; William H. Pierson, Jr., Society for the Preservation of New England Antiquities; Maurice Robbins, Massachusetts Archaeological Society; Judge Carl E. Wahlstrom, American Antiquarian Society; Walter Muir Whitehill, New England Historic Genealogical Society. Two Commissioners are appointed at large by the Governor. These are Albert B. Wolfe, also Chairman of the Cambridge Historical Commission, and Monsignor Edward Murray, a Trustee of the Boston Public Library. Two Commissioners sit ex-officio, the Commissioner of Commerce and Development, the Hon. Theodore Schulenberg, who is concerned with the impact of historical interest on tourism, and the Commissioner of Natural Resources, the Hon. C. H. W. Foster, who is concerned with an allied branch of conservation. Here is brought together a combination of historical knowledge and administrative realism that can help make the decision of the Commission fit the needs of preservation.

More than that, the Commission has other duties that go hand in hand with certification. The Commission must—(this is a duty that by law staff and Commissioners share)—compile and maintain an inventory of the historic assets of the Commonwealth. Here is a second line of defense in preservation. The information in the inventory is available to planners. Already there is a regular interchange of information between the Commission's staff and the Department of Public Works. Public Works notifies the Commission of all hearings on road widening and extension, so that the Commission may warn it if historic sites or structures are endangered. When the Commission acquires significant information in its inventory, it passes it on to Public Works. Similar contacts are being set up with other state and local agencies. The Massachusetts Department of Commerce and Development, for example, is asking all Urban Renewal Authorities to make use of the inventory in their planning. Thus, even if a site is not deemed worthy of certification, but is important historically, planners can secure knowledge of that importance at an early stage of their work.

Another duty of the Commission is that, by law, the Secretary *may* provide technical and other assistance. Such assistance is usually referral work, such as reminding people that the Society for the Preservation of New England Antiquities exists to help other organizations as well as to keep up the 52 houses it owns. Sometimes it can be direct advice, as when the Pilgrim Society was told how to protect the Pierce Patent (the original land grant of Plymouth) from damage by direct rays of sunlight from a skylight. But whether the advice be direct or referral, the ability to give help to the limit of staff time and opportunity enables the Commission to keep its fingers on the pulse of historic preservation.

Likewise, the Commission may publish. In the press, and published by the time this article will appear are a list of Massachusetts Landmarks that by law the Secretary must publish every year; and a working tool for the preservationist—a list, compiled with the assistance of the National Park Service, Historic American Buildings Survey (thanks to a special grant from the Legislature), of all buildings in Massachusetts measured or photographed by the HABS. Both of these should draw attention to the needs of historic preservation.

Finally, the Commission is, by law, in contact with the growing number of local Historical Commissions, which are springing up throughout the Commonwealth. These Commissions, created under the newly enacted Section 8D of Chapter 40 of the General Laws, should be distinguished from the Historic District Commissions already existing and set up either under Chapter 40C of the General Laws or by special acts. The latter, of which the Nantucket, Beacon Hill and Cambridge Commissions are perhaps the best known, are historic zoning authorities. The Historical Commissions are town and city agencies for historical work. Among them are those of the cities of Chicopee and Newburyport, and of the Town of Ipswich, the last of which has already employed, as has been said above, its power to recommend a site for certification.

To sum up, then, the Massachusetts Historical Commission may be opening a new path in historical preservation by being a body that is one and the same time administratively part of the government structure and yet, in its representative and decision-making functions, an independent body. Here is a linkage that may serve to unite preservationists and planners instead of putting them into opposition.

FREDERICKSBURG'S BYPASS AND ITS TOURIST BUSINESS

Interstate Route 95 has in the last year put Fredericksburg, Va., within an hour's drive of Washington and Richmond, but at the same time bypassing it, threatening this small town's $10 million tourist business. Fredericksburg was chartered in 1727 and prospered from trade with Europe and the West Indies. It was there that George Washington was raised and James Monroe practiced law. The Civil War destroyed much of the city, and growth was slow after that until 1929 when new industry was introduced. The city prospered and the population soared but again remained static from 1940–60. Now with the completion of Route 95 the tempo has changed yet again. Transportation problems have been alleviated and the area is attracting industry; long-range planners envision the area as a part of the Eastern Seaboard's megalopolis.

The highway construction began in 1960 and since then shopping centers, motels, and apartment buildings have developed profusely. Adjacent counties have also had their share of new homesites to accommodate Washington's suburban spread. Fredericksburg, with Civil War battlefields, the home of George Washington's mother and the Kenmore Mansion, feared that its important tourist trade would diminish. However, these fears have now been somewhat arrested for officials this year won state approval for a municipally operated information center at one of the rest stops on Route 95.

Efforts have also been stepped up to preserve one of Fredericksburg's chief assets, the original 18th- and early 19th-century buildings. Historic Fredericksburg, Inc. (NT member) has purchased several buildings which are either to be restored by them or by resale to new owners with a deed provision requiring exterior restorations in line with the organization's general plan. It is expected that this project will encourage others to improve and restore exteriors of worthwhile old buildings or to remove undesirable ones—and restored Fredericksburg will continue to draw tourists in even greater numbers from Interstate 95.

[From Cry California, the Journal of California Tomorrow, Winter 1965–66]

ELYSIAN PARK: A GRISLY CASE OF TERRACIDE

(By Harrison M. King)

This is the story of how the City of Los Angeles is implacably destroying a priceless and irreplaceable asset. The target of destruction: Elysian Park—nearly a square mile of open land scarcely a mile from civic center.

The destruction started unnoticed about 30 years ago. By 1965 it had achieved such momentum that the city's own administration could, without batting an eye, make the astonishing assertion: "Parks can be most effective when they are settings for public buildings."

The story of how this state of official mind could come about in mid-twentieth century in the most park-impoverished of the nation's ten major cities should serve as a warning and a lesson to every California community. *All* city park land is vulnerable.

The warning that emerges from Elysian Park's history reads like a law that paraphrases Machiavelli: not only *divide and conquer,* but *neglect and dismember.*

A park that once comprised 650 acres is now down to 548 acres accessible to the public—less perhaps 30 acres in nonpark roads. Current dismemberment plans will remove 63 more acres for a convention and tradeshow hall and parking, two acres in the cutting of a six-lane nonpark road, another acre or so for oil drilling. In sum, a tragedy.

Elysian Park was born a stepchild. It came into being only because it was left-over land, too far from town to find a buyer when the infant City of Los Angeles was auctioning off its Pueblo lands in 1849. In the words of historian W. W. Robinson, "This auction set the pace—and Los Angeles never stopped trading its patrimony for cash until it had left, out of its four square leagues, (only) the park spaces now called Pershing, Elysian, and Plaza . . ."

The city continued to trade its birthright for cash even after Elysian Park achieved a measure of distinction through the reforestation of its hills, the planting of the first arboretum in Southern California, and the creation of a park drive that once offered one of the city's pleasantest outdoor experiences.

Most of the erosions are the work of agencies which view park land solely as land that does not have to be bought or condemned. (The city long ago found a way around its charter clause requiring park lands to be held "forever inviolate" by means of the long-term lease.) Even though the park commission and department are required to justify such encroachments, none of the following instances can justifiably be called an improvement to the park.

EROSION NUMBER 1: POWER LINES

Three high-tension power lines cross the northern slopes of the park, detracting from one of the city's most spectacular views, damaging the otherwise park-like northern entrance, marring one of the few forested slopes in the city.

The city seems little inclined to recognize the skyline blight created by its own Department of Water and Power (DWP), undoubtedly because this particular power line routing "saved money"—at the expense of the environment. This blight could be removed.

EROSIONS 2 AND 3: RESERVOIRS

Few people deny a city's need to store water in hilly land. Water can even be the most agreeable of open space. Yet in Elysian Park a city single-purpose agency (again the DWP) has installed a body of water behind a forbidding barrier of brutal concrete and wire fence. What might have been a visual amenity is instead blight.

The barren former reservoir cavity, east of the freeway, demonstrates that once you have taken a bulldozer to the land, you don't get it back. The land use was theoretically long-term; the earth-moving was irreversible.

EROSIONS 4 AND 5: PASADENA FREEWAY

When the Figueroa Street tunnels were first pushed through the hills, the road took only about three acres from the park, leaving at least the hilltops.

The second road depredation was bolder and more brutal. Figueroa became the outbound lanes of the Pasadena Freeway in 1941, and the inbound lanes were placed in an enormous cut-and-fill slice through the park—costing perhaps 14 more acres. This slice isolated several sections of the park, dooming one of them and still threatening others. The single-purpose agency here was the State Division of Highways, not noted for its concern for the esthetic and other values it obliterates under concrete. To its credit, however, the state landscaped its right-of-way, in contrast with the city's brutal road cuts within the park.

EROSIONS 6 AND 7: RADIO ANTENNAS

Even more prominent skyline disfigurements than the power lines are the radio transmission towers, serving police and fire departments, that dominate Radio Hill and a promontory above Solano Canyon. They are the most prominent landmarks of the park as seen from the downtown approach. Again, the expediency of "free" land for two non-park agencies was allowed to blight the landscape. The antennas could be removed easily.

EROSION NUMBER 8: POLICE ACADEMY

At the time it was established, the academy was seen as a tampering influence on delinquent and criminal activity in the park. These problems have since diminished, but the academy remains and likely will be there for a long time to come. The question, again, is not the desirability of having a police academy, but the economics and propriety of taking 16 acres of park land for a purely non-park function. Even though the property is leased, can this be considered to be holding park lands forever inviolate? Hardly. The Police Academy should either be torn down or converted to public use.

EROSION NUMBER 9: STADIUM PARKING LOT

What was once 27 acres of park land now lies under bulldozing and blacktop. To illustrate how one erosion can lead to another, the city's justification for this cession of land was that the freeway had isolated it and made it difficult to reach. The city acquired another, lesser piece of property elsewhere as part of the transaction, but Elysian Park became that much smaller, and that much more of the city's vanishing original terrain was irreversibly leveled.

EROSION NUMBER 10: STADIUM WAY EXPRESSWAY

A sordid six-lane non-park road designed solely to serve Dodger Stadium traffic now penetrates the park. That it is not a park road is made abundantly clear by the No Stopping signs along its entire length and its 35 MPH speed limit. It has no pedestrian facilities. It interrupts Elysian Park Drive, the park's main road, in a way that makes it hazardous for cars, cyclists or pedestrians to cross when there is any ballpark traffic—so it is often more effective a slicing mechanism than the freeway, which at least has a bridge. It obliterated a section of the city's (and Southern California's) first arboretum—an arrogant disregard for the city's history as well as its environment.

EROSION NUMBER 11: STADIUM WAY EXTENSION

Further evidence of how one erosion leads to another is the currently budgeted project to extend Stadium Way through the park. Reasoning that the first six-lane section has brought short-cut traffic and congestion into the park, the Departments of Recreation and Parks and Public Works propose to make it a through route. This cannot but increase traffic, for it will be a straight-shot bypass of the bottleneck intersection of the inbound lanes of the Golden State and Pasadena Freeways.

This "improvement" will not only be costly, it will require further deep road cuts and the destruction of a stand of 80-year-old eucalyptus trees that now serve as forest background to the park, and will further reduce the precious quality of seclusion the park has had.

EROSION NUMBER 12: OIL DRILLING LEASE

Again, for the sake of a pittance, the city has granted a lessee the right to explore for oil on 77 acres of the park, with right of drilling for a 35-year period. Hopefully a minor erosion, if the drilling is carefully screened and contained, but it nevertheless indicates a lack of understanding of what a park is all about.

EROSION NUMBER 13: CONVENTION CENTER

The purpose here is to detail the process of park destruction, so I will not go into a comparison of other sites more accessible to existing downtown hotel and other facilities. The chief virtue of the Elysian Park site, according to the project's backers, is the availability of "free" land.

But upon examination this land proves to be anything but free. To begin with, in a report to the Board of Public Works, the city engineer estimated that site grading for the building and parking area would involve the haulaway and disposal of approximately 2,400,000 cubic yards of earth, at an estimated cost of $3.2 million.

Proponents of the plan did not dwell on this figure, but the magnitude of the grading job is impressive. It means the obliteration of the canyon that now contains Recreation Lodge, the leveling of the ridge that secludes that canyon from Chavez Ravine, and the cutting, benching and black-topping of the largest nearly level area of the park—not to mention the destruction of a portion of the historic and beautiful arboretum plantings it contains. Moreover, the city's total cost for road widening, storm drains and other improvements will come to $7.8 million.

If this were not enough to destroy the "free land" fiction, consider the negative costs that will be incurred by the destruction of 63 acres of established park land. Before a bulldozer blade is turned, the city will sacrifice, conservatively, $7.65 million. This is a simple loss to the city in land and development; it does not measure the intangible loss of open space or 80 years of tree growth. Here are the economics:

First, it costs $10,000 to develop an acre of raw land for park use—or a total of $650,000 down the drain, with no replacement, even of raw land, in sight.

Second, the city's plans for a convention hall threw such doubt on the park's future that the state this summer turned down an allocation of $500,000 in bond funds for development of 50 acres of the park—another real, measurable loss to the city.

Third, if you take the potential value of the land to be similar to that of the adjacent 350-acre Dodger Stadium, allowing a very conservative $100,000 per acre, you come up with the whopping value of $6,500,000 for land that is supposed to be free. Central city area land is in fact so expensive that

Recreation and Parks Department General Manager William G. Frederickson, Jr., stated earlier this year it should not even be considered for city park acquisition.

The moral of the $7.65 million loss is multiple. One lesson is that the first erosion to a park, however practical the reason may seem at the moment, sets a dangerous precedent. Another is that every city harbors a series of single-purpose agencies that can and do invade park land—each doing its single-minded job with no regard for, and usually in ignorance of, the purpose of a park.

After erosions accumulate for a while, a vicious circle of diminishing use each time the environment is further blighted sets in. Then a city administration can more easily dismember a park on the excuse that it is no longer heavily used (Elysian Park had "only" 843,000 visitors during the last fiscal year).

Los Angeles is cursed with a playground-oriented Recreation and Parks Commission and Department which have tried to promote with semantic subterfuge the idea that the convention center is a legitimate park use by calling it a municipal auditorium—an afterthought for which one detects no groundswell of public demand. They maintain, ". . . a municipal auditorium . . . will actually enhance the recreational value of the remaining 512 acres . . ." (read 485 acres actually in park use, less all the space taken by non-park road and freeway). They do not allude to the 5,000 car parking lot the convention center plans call for, nor to the 1,000 truck-per-day loading facilities the plans also include, nor to the traffic load the new expressway will generate. For the $300,000 the convention center backer has offered to relocate displaced facilities, they would trade $7.65 million worth of land that is in fact priceless because it is relatively untouched.

They are merely continuing the long Los Angeles tradition of trading "patrimony for cash," a tradition of raping the land for building sites that will end only when there is no more land to rape—and that day is in sight.

And few are the voices raised to throw the rascals out. The Los Angeles Chamber of Commerce, which almost single-handedly created Los Angeles by promoting its natural beauty and bounty has unaccountably betrayed its tradition. Mayor Sam Yorty, who on other occasions has expressed concern for a deteriorating environment in a city already renowned for monotonous urban blight, has unaccountably pushed Elysian Park for the convention center. The political decision was made before Calvin Hamilton, the city's new planning director, had a chance to affect City Hall's thinking. The city council approved the project once, with later reservations based mainly on the fear it might exceed the original cost estimate.

It would be trivial to dismiss all this by saying a city gets the environment (or government) it deserves. The climate of public awareness changes but slowly, and slowest of all in a horizontally-oriented, low-density city such as Los Angeles, spoiled from the outset by the luxury of land to spare. It is changing now. A few voices have been raised and perhaps more will be raised.

The final decision on the convention center is expected to be made by the city council in January. It is possible but not likely that the commitment will be reversed. If the council should vote to save Elysian Park, the decision will stand as a great milestone in the field of urban conservation. But if it votes to take the 63 acres for parking and merchandising it will have added merely another grim precedent to the Law of Neglect (or Exploit) and Dismember.

The councilmen who vote in favor of the convention center should be prepared to answer the question tomorrow's children will ask—"Why?" Mark down the answer: "It seemed cheaper at the time."

[From the Dallas Morning News, July 4, 1966]

Preserve Beauty

The destruction of natural and historical beauty frequently is so gradual that nobody realizes it is gone until too late. Much attention has been focused on the fight to save California's giant Sequoyahs, New Orleans' Vieux Carre and, more recently, the Grand Canyon's unspoiled ruggedness. But these are just a few of many instances where the rats of progress are nibbling away at what remains of a beautiful and bountiful heritage.

Highways, residental and commercial developments and other accommodations for the moving and growing populace sometimes fall into the culprit category. A multilane superhighway gouged through the exhilarating green hill country is a gash cut at the expense of rapidly disappearing natural beauty. A landmark razed for new development is irreplaceable.

Senator Ralph Yarborough proposes that the Federal Highway Act be amended to minimize its possible ill effects on state and federal parks. The measure would order the secretary of commerce not to approve use of any new land for federal interstate highways which would damage parks or historic sites, except under three special circumstances spelled out in the amendment.

The senator's proposal is meritorious. It is of particular value to his home state whose vast areas of unspoiled natural beauty are the envy of many Easteners, for whom the amendment itself comes too late.

Glosserman, Alter, Smith &
Rosenheim,
San Antonio, Tex., July 5, 1966.

Senator Ralph Yarborough,
Old Senate Office Building,
Washington, D.C.

Dear Senator Yarborough: I have observed recently in the newspapers that you have offered an Amendment to one of the Federal Highway Acts which would, in great measure, protect our parks and historical sites from the heedless onslaught of the Highway Engineer. I can't tell you how gratified I am that you have come to the forefront in this fight to protect our parks, recreational areas, and national shrines.

I have been professionally involved in two matters of litigation, one successfuly and the other unsuccessfully, to preserve park areas of San Antonio. When I was Assistant City Attorney of San Antonio, I gave an opinion over the objection of the then City Attorney that a contract which the City had made with the Zachry enterprises to demolish Travis Park and erect in its place a parking garage, was void and illegal. I tried this case through the Trial Court, Court of Civil Appeals, and Supreme Court against several law firms and we were successful in all three Courts, holding the contract to be void. Needless to say, I have never been very popular in certain elements of the community since that litigation.

A few years ago I was employed by the San Antonio Conservation Society, along with Trueman O'Quin, of Austin, to try to prevent the routing of the so-called North Expressway of San Antonio through Brackenridge Park. I briefed the law in Texas and concluded that we should be successful in our suit. We joined with the Sisters of Charity of Incarnate Word, represented by Mr. Pat Maloney, and filed suit in District Court of San Antonio, seeking an injunction against the construction of the Expressway over any part of Brackenridge Park. Judge Solomon Casseb, in the Trial Court, held for the Plaintiffs but the Waco Court of Civil Appeals reversed and rendered its judgment and the Supreme Court nre'd the action of the Civil Appeals Court. Our principal contention was that the well-settled rule in Texas is that once land is dedicated to a particular use, that it may not be appropriated under the power of eminent domain by any other entity unless, one, the new use is more paramount to the existing use, and, two, there is a necessity.

The City of San Antonio and the Texas Highway Department base their sole contention on Article 6674w–3 VACS, which simply authorizes the State Highway Department to condemn land for highway purposes. The Waco Court bought the argument of the State and City that this Statute gave the Highway Department paramount authority to condemn land for highway purposes even though the land was burdened by previously dedicated use. The very interpretation given by the Waco Court to this Statute was deleted by the Legislature before it would pass the Bill, and it is obvious that the Legislature, being mindful of the general rule that a general grant of condemnation authority does not include power to condemn previously dedicated property, considered that the effect of their general grant to the Highway Department would be subject to this general rule. As the Bill was originally introduced, it contained a provision that this grant of authority of eminent domain to the Highway Department would be "paramount and superior" to preexisting uses of public lands. This clause was stricken by the Legislature, in both the House and the Senate, leaving the provision of the Act specifying no more than a geneal grant of power. The effect of the Waco decision was to write back into the Bill language which the Legislature had deleted. I am sure that you will recall that such a ruling is contrary to the long-established rules of statutory construction; but, be that as it may, that ended the lawsuit.

I am burdening you with the history of this litigation because I think you may find it helpful to you in your endeavors to enact your Amendment to the Highway Bill. I noted in the papers that your Amendment had the qualifications in effect of necessity and paramount use. In the event you may not have been aware of it, the effect of your Amendment is not revolutionary and in effect subjects the Highway program to the same limitations of paramount use and necessity in taking previously dedicated property that the railroads, utility companies, and all other parties exercising the power of eminent domain have operated under since the history of this country.

I have always acknowledged that a rule that no Expressway could be put through a dedicated park is too harsh. However, I believe there should be a factual determination of necessity and paramount use which should be the subject of determination by the Courts with a justiciable interest and right of enforcement in affected citizens.

Again, let me encourage you in your efforts to protect the parks, recreation areas and historical shrines of this country, and if I can be of service in any way, please call on me.

Very truly yours,

Perry Rowan Smith.

P.S. I enclose herewith copies of our Briefs in the Court of Civil Appeals and in the Supreme Court, which you may wish to review.

Vieux Carre Property Owners and
Associates, Inc.,
New Orleans, La., July 5, 1966.

Senator Ralph Yarborough,
Senate Office Building,
Washington, D.C.

Dear Senator Yarborough: We in New Orleans read with pleasure of your attempt to place congressional curbs on highway encroachments on park properties.

For many months, the Vieux Carre Property Owners and Associates (all private investors in mostly residential property in the famous French Quarter) have battled along with San Antonio Conservation Society in a combined effort to reach the ears of those people in Washington who distribute the tax dollars so freely in desecrating our cities and spots of historical and natural values to the nation. As yet . . . a total blank, until your amendment to the Highway Act.

The Bureau of Public Roads, hand in glove with the Louisiana Department of Highways and a minority of "big business promoters" of our Central Business District, are at this moment designing (at great expense) Interstate I–310, a six lane, elevated monstrosity that is to destroy all property values along its route on potentially beautiful and well-maintained Elysian Fields Avenue (the most direct eastern approach to our central city), and then add the final "coup de grace" to all civic and human values in New Orleans (as well as historical) by turning itself broadside along our historic riverfront and overpowering the unique scale and character of the Vieux Carre from boundary to boundary.

It will be some forty feet higher than the parallel level of Decatur Street (old Levee Street) and blank the open end of Jackson Square (scene of the Louisiana Purchase transfer, the founding of New Orleans, etc. etc. etc.) from the Mississippi.

Jackson Square and the Cabildo (our ancient seat of Spanish government) which constitute one of the finest architectural ensembles in this hemisphere, are both National Historic Landmarks (Department of Interior), and as recently as last December 20, 1965, Secretary Udall designated the entire Vieux Carre as a National Historic Landmark District.

This area, well-beloved by millions of tourists and natives who visit it annually, is on the very brink of desecration by a pushy urge to squander highway funds with no regard for anything beyond traffic movement and civil engineering. The big race for the 1972 federal interstate highway deadline funds is definitely on in every city in America, with few places about to lose so much as San Antonio and New Orleans.

Many thousands of people from the city, state, and nation (plus many from abroad) have diligently tried to seek a better route and design, and five years of utter political frustrations have made no significant dent in our critical situations.

San Antonio is filing legal action, and so will the outraged citizens of New Orleans.

Our suit to declare the law (state constitutional amendment of 1936) that set up the legal state protection of the Vieux Carre from any factor that would harm its "quaint and unique" character. If the law has been broken by certain action of politicians and others, we can all celebrate while whatever has been done to date is undone (at more expense) later!

The suit will be carried to the U.S. Supreme Court if necessary, along with several civil suits, in a last ditch stand.

Mr. Morris Ketchum, Jr., national president of the American Institute of Architects, recently resigned from John Conner's Federal Advisory Board on Highway Beautification. His cited reason was the type of destruction being wrought by just such examples as the Vieux Carre Expressway. So far, it seems, the theory has been all talk, and no action! The local brushfires are fast becoming a national inferno.

Fast action by the senate on your amendment is desired and a public necessity. We know the charms and power of the great lobbies on Capitol Hill (steel, concrete, rubber tires and automobiles). We are well aware, too, that something smells not only in Denmark and the halls of local and state legislators.

We know, too, that the real fate of the nation, and this includes the environmental values of public beautification, slum clearance, and recognition of our cultural and historical heritage, is in the balance.

If you have any questions about our plight, I suggest you contact Secretary Udall at once. 1968 is too late to effect salvation for New Orleans and San Antonio. Something must be done to halt these insidious destroyers at once.

Please accept our deepest appreciation for your efforts. We will stand behind you like a solid wall of public opinion.

Very sincerely yours,

MARK P. LOWREY, AIA,
President.

AUSTIN, TEX.,
July 5, 1966.

Senator RALPH W. YARBOROUGH,
Senate Office Building,
Washington, D.C.

DEAR RALPH: Your amendment to the Federal Highway Act I hope will stop local and State officials from destroying our public parks in order to get "free" right-of-way for expressways.

I have not seen the proposed legislation but I most heartily agree with your views on the subject reported in the San Antonio Express for June 24. (Attachment "A".)

The editorial that followed (Attachment "B") is neither fair nor accurate. The people did not approve the route for the North Expressway. They voted only on a bond issue. The State highway district engineer, in a deposition taken after the route through Brackenridge Park was announced, admitted that the route was not the most feasible, but was the one the city officials wanted (because it was "free"). Hal Dewar and Peggy Tobin (President of San Antonio Conservation Society), Bob Briggs, and dozens of other San Antonio citizens know more of the details than I do but all know this editorial is slanted and inaccurate.

The whole trouble started when the Texas Legislature passed a highway act in 1957 (Art. 6674w) with a provision on acquisition of property (Art. 6674w–3) empowering the highway department to acquire any land, however already used or dedicated, except "property which is used and dedicated for cemetery purposes . . ." Thus the legislature was induced to protect the dead but left the living to the mercy of the highway people and their bulldozers. The Supreme Court, in Zachry v. City of San Antonio (157 Tex. 551, 305 SW 2d 558), held that Travis Park, a dedicated public park, could not be diverted, but after the highway act of 1957 the Waco Court of Civil Appeals held in 1962 that the highway department could acquire by purchase or condemnation any land in the State, in or out of a city, just so it was not land "used and dedicated for cemetery purposes." (City of San Antonio v. The Congregation of the Sisters of Charity of the Incarnate Word, 360 SW 2d 580, error refused, NRE.)

In San Antonio, the city officials and the highway department seem determined to ram an 8-lane highway (designed to carry 100,000 cars daily) not only through Brackenridge Park, but through the middle of the campus of The Incarnate Word and through the full length of Olmos Basin Park and Franklin Field. In these last named parks they will destroy a forest of trees that it took 100 to 150 years to grow. If only a small cemetery, with a few moldering bones of foregotten, nameless souls of the past, could have been in Olmos Basin or Brackenridge Park across the path of the highway department giant dozers! Instead there were only Girl Scouts, school children, the devoted nuns of Incarnate Word, families on picnics, people attending the outdoor theater or visiting the sunken garden, and thousands upon thousands of other live human beings, resting, going to school, or enjoying the beauty, the quiet, and the recreation afforded by these park areas and school grounds dedicated and long used by these people. There was not a dead body or a grave stone in the whole sector!

You may recall that Franklin Field was carved out of Olmos Basin and specially dedicated by the San Antonio City Council when Maury Maverick was mayor. This park was named for President Franklin D. Roosevelt and the dedicatory resolution made it clear that the land was meant for enjoyment of the people for recreation and not as a highway. (Attachment "C".)

It is not as if there were no other place to put the highway. The district engineer, as mentioned above, admitted he knew of at least one other route that was more feasible. No study was ever made by the highway department or the city of an obvious route along a railroad, bordered by sub-standard properties and having only four or five crossings requiring grade separations.

So often those of us who believe in preserving the parks and other beauties of the land are sneeringly referred to as "green belters" or "bird watchers." I admit I am both, and proud to be identified as such and with the hundreds of thousand civilized men and women who respect and love nature. Those who want to shove the highways through the parks also have no regard for our heritage in the landmarks of the country and the cultural heritage these represent. I was impressed by an editorial in Saturday Review June 25 calling for a landmark preservation program. (See attachment "D.")

With all that is to be said in behalf of preserving landmarks and beauty and in behalf of peace and quiet and our refuges for birds, people, and small animals, there is another aspect that concerns and alarms me. I am not sure we know how really dangerous it is to lose the green belts and increase the air pollution strips. It could be a step along the highway to destruction of all life on earth dependent upon oxygen.

On May 7 Saturday Review devoted 40 to 50 pages to "The Fragile Breath of Life," with one section on "The Role of Oxygen." An over-simplification of the conclusion is that "life evolved explosively with oxygen as fuel." The significant thing to me is that plant life was necessary to the creation, in the beginning, of oxygen, and equally essential to the continued generation of oxygen. It was oxygen that made possible respiration, which "has always been recognized as a major evolutionary development." (Attachment "E".)

I think we know too little about the origin of life, and what is necessary to continue life, for us to pass laws that actually encourage the destruction of nature's bounty of trees, shrubs, and grasses. It is that simple. Your amendment is an attack upon legal vandalism of our parks and points the way for further legislation to halt the dozers in their destructive drive upon our heritage of natural resources and of significant man-made marks in our culture.

I am sure you have the support of many, many thousands of Texans, and of Americans over the nation, who welcome and need the help and protection you seek to provide by your amendment.

Sincerely yours,

TRUEMAN O'QUINN,
Attorney at Law.

RESOLUTION OF THE AMERICAN INSTITUTE OF ARCHITECTS, NEW ORLEANS CHAPTER, NEW ORLEANS, LA., JULY 12, 1966

Whereas the New Orleans Chapter of The American Institute of Architects has repeatedly affirmed its opposition to an elevated expressway, within the Vieux Carre, along the river directly in front of our historic and architecturally significant Vieux Carre; and

Whereas we have given further study to this matter in the light of recent developments, particularly the recent resolution of our City Council; and

Whereas we still feel that the proposed expressway, 6-traffic lanes or 89 feet wide, built at a height 35 to 40 feet above street level and blocking the heart of the French Quarter from the river, will form for all time a barrier to logical and properly planned development for this priceless area; Therefore be it

Resolved, that the New Orleans Chapter, The American Institute of Architects, reiterates it opposition to this unfortunately conceived and inadequately studied solution to this planning problem; and be it further

Resolved, That our Chapter continue its insistence on further study by competent city and area planning experts of this problem, including such possibilities as alternate routes and underground construction; and be it further

Resolved, That our Chapter join wholeheartedly with other organizations such as the Louisiana Council for the Vieux Carre and The Louisiana Landmarks Society in continuing this fight by every possible means; and be it further

Resolved, That we appeal to the conscience and the common sense of other citizens and organizations to join with us in saving for posterity a priceless and irreplaceable national and civic asset; and be it further

Resolved, That copies of this Resolution be sent to the Governor of Louisiana, the Mayor of New Orleans and all members of the City Council, all governmental agencies involved, the National Headquarters of The American Institute of Architects and other organizations interested in civic beautification and improvement, and to the Press, Television and Radio Stations.

Open Spaces in Urban Growth

(By S. B. Zisman, AIA)

(NOTE.—This examination of open space establishes its importance as a prime element in the urban form and, when properly treated, as one of the most useful tools in the shaping of cities. The author uses his own town of San Antonio for illustration.)

The principal urban issue is not where to build but where not to build.

The decades ahead will see a vast, accelerated construction activity. Cities will expand and rebuild, and new towns will rise. Wider and longer highways will ribbon the country and push remorselessly through neighborhood and nature. Metropolises will continue their consumption of the countryside.

Past building reflected the feeling of the old frontier. To escape crowding, we simply built farther out. By and large, the concern has always been where to build, space being almost always unlimited—the wide open space of a "continent so huge in its resources of land and forests, so unbounded that though men chopped away at them with only their own interests in mind, the great bulk of things remained unspoiled." [1] We built everywhere, sometimes wisely, but far more often indiscriminately.

The emphasis in planning was on land use, reflected in planning maps by colored patches to show where residential, commercial or industrial development was or could go, and by bits of color for schools or parks. Open spaces were generally left as vacant white patches, presumably unused space to be colored in if and when the urbanized area would exceed sober predictions.

The urban scene was regarded as a fairly comprehensible cityscape of finite shape and size, in which buildings, pavements and other man-made forms so predominated that the matter of open spaces hardly reached the realm of consciousness.

NEW VIEWS OF THE URBAN SCENE

The urban problem is so dominant in our time and the changes in the urban environment so pervasive that a wealth of attention surrounds issues of growth, space and form.

There is the view of extreme dispersion: "The spatial patterns of American urban settlements are going to be considerably more dispersed, varied and space consuming." [2] Another concept is that: "The future use of urban space will tend toward a more dense, more nucleated, more clustered pattern than we are now building in our urban areas. Accompanying the tighter development and stronger centers will be less private open space (that is, we will have smaller lots) and, at every scale of development, substantial continuous open space, commonly enjoyed and publicly or commonly owned." [3]

Or it is suggested that a series of alternative patterns may need to be considered: present-trend projection; general dispersion; a concentrated supercity; or a constellation of relatively diversified and integrated cities.[4]

The future view has been projected further by the Greek planner Doxiades to "Ecumenopolis—the Universal City," involving huge regional, even continental, areas with populations in the hundreds of millions.

Throughout all these projections arise questions involving not merely the *quantity* of open space but its *location, deployment* and *use* as essential factors of spatial organization.

OPEN SPACE IN URBAN DEVELOPMENT

In "Cities and Space," a series of essays on the future use of urban land, editor Lowden Wingo [5] notes: "The open land problem . . . presents us with a major issue"; law professor Charles Haar [6] says, "Today, the most disputed subject is open space, whether park, playground, recreation or simply undeveloped land"; and planner Stanley Tankel observes: "Open space has become the subject of a remarkable new interest. The words are echoing even in the halls of Congress and state legislatures. . . . This is no faddist movement. It is a tense expression of concern about the present and future use of urban space." [7]

Functions of open space

The nature and functions of open space in urban terms are now being stated, defined and classified. Tankel [7] directs attention to Charles Eliot's distinction between open space for *service* and open space for *structure*, and to Tunnard-Jushkarev's four functions of open space—*productive, protective, ornamental* and *recreational*.

Tankel offers his own interpretation as to the kinds of open space of which people are personally aware: "It is *used*—for the wide range of active and passive recreation activities, for circulation; it is *viewed*—from the home, the road or other vantage points, and it is *felt*—it gives privacy, insulation or sense of spaciousness and scale"; and the open space of which people may be unaware but which nevertheless affects their daily lives: "Open space which *does urban work*—protects water supply and prevents floods by soaking up runoff, acts as a safety zone in the path of aircraft takeoff and landings; and open space which *helps shape the development pattern*—as space between buildings or communities, as space which channels development, as a land reserve for the future."

Marion Clawson [8] catalogs major open areas as being for (1) surrounding public buildings, (2) recreation, (3) ecological protection or the preservation of certain desirable natural characteristics, (4) urban structural and esthetic purposes. (5) as provision for future urban growth.

These statements underscore the significance of free areas as an urban element with a positive function to perform. Open space is becoming a major competitor for the use of urban land. It may be a key determinant of city growth and form.

Types of open space

All urban space has utility in the urban context. It is neither leftover rural land nor sentimental remnants of the countryside. It may be seen as of three major functional types:

(1) *Utility spaces*—these are the surface areas needed for water supply, drainage and flood control; the air spaces for aircraft movement; and the space for production.

(2) *Green spaces*—the lands and areas used for parks and recreation, greenbelts and greenways, building entourage and for natural and scenic protection.

(3) *Corridor spaces*—for rights-of-way for movement, transportation and passage.

Within these broad categories is a multitude of open area forms and uses ranging from large land reserves, regional parks, water reservoirs, natural life preserves, wetlands, riverways and creekways, local parks, playgrounds, plazas and expressway routes to the very street itself.

In the broader aspects, even such areas as campuses, cemeteries, zoos and airfields take on some of the free space characteristics in an open space system.

The catalog of open spaces and the analysis of types and uses can help toward a fuller understanding of the role each can play in urban spatial design and clarify planning issues such as those raised in the classic case of the North Expressway in San Antonio.

A bitter controversy of more than five years has attended the proposed location of an expressway through San Antonio's famed Brackenridge Park and related open spaces.

This park is part of a system of open spaces reaching from the northern parts of the city to its very center by way of the San Antonio River. It includes not only undeveloped land, a major flood control facility and parkland but recreational and sports areas, picnic grounds, a zoo, a college campus, a renowned sunken garden, an outdoor theater, a city school stadium, a municipal golf course and stretches of the natural water course that is the beginning of the river.

The proposed expressway curves and winds through this open space system, crossing an Audubon bird sanctuary and Olmos Creek, a tributary in its natural state; it moves along a picnic ground and recreation area obliterating a Girl Scout camp and nature trail; it stretches across the Olmos Flood Basin and rises to enormous height to go over the Olmos Dam; it severs the campus of the College of the Incarnate Word; it cuts through the lands of the San Antonio Zoo; it blocks off the half-built public school gymnasium; it slides along the rim of the sunken garden; it hovers over the edge of the outdoor theater, squeezing itself between the latter and the school stadium and blocking a major entrance; and it slashes through residential areas, along the golf course and across a wooded portion of the San Antonio River's natural water course.

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[1] August Heckscher, "The Public Happiness," New York: Anthenian Press, 1962.

[2] Melvin M. Webber, "Order in Diversity" *in* "Cities and Space," Baltimore: Johns Hopkins Press, 1963.

[3] Stanley B. Tankel, "The Importance of Open Space in the Urban Pattern" *in* "Cities and Space" *supra*.

[4] Catherine Bauer Wurster, "The Form and Structure of the Future Urban Complex" *in* "Cities and Space" *supra*.

[5] Lowden Wingo Jr., "Urban Space in a Policy Perspective" *in* "Cities and Space" *supra*.

[6] Charles M. Haar, "The Social Control of Urban Space" *in* "Cities and Space" *supra*.

[7] Tankel, *op. cit.*

[8] Marion Clawson, "A Positive Approach to Open Space Preservation," *AIP Journal*, May 1962.

How many irreplaceable trees of magnificent size, how much spoilage of adjacent area and how much space to be given interchanges and other highway structures?—the answers are yet to be fully calculated.

It has been observed that in many similar cases of expressway controversies the fight has been centered on the despoliation of a park or the disruption of a neighborhood or the severing of a campus or the loss of trees and landmarks or the bisecting of a zoo or some other single problem. But in the case of the North Expressway, practically all of these points of concern are involved.

Two bond issues, the second powerhoused through after the defeat of the first; a divided community in which deep scars and enmities remain; legislative challenges and legal action still pending—all this has resulted from a lack of understanding of the nature and function of urban open space.

The Brackenridge Park complex serves specific needs both as a utility and a green, open area. Not only a major greenway leading into the central city, it is also, in the Olmos Basin, a major flood protection. It accommodates a host of space needs of a great part of the urban population and San Antonio's many thousands of visitors—in recreation and sports. It serves as setting for institutional development and cultural activities.

The park system also is a great urban gathering place. Easter Sunday yields the great spectacle of tens of thousands of people who come to this green space for observance and holiday. Almost every square inch is taken up with family gatherings, picnicking, meeting and play, many people coming the day or evening before to claim a spot for the holy day.

All through the years, this has been the great play area for the military—from recruit to general—of San Antonio's numerous military bases.

An expressway route is a corridor space, not for stopping or gathering but for moving. It was argued that the expressway would give easier access to the park areas, but this is belied in the highway proposal itself. In fact, at least two key access streets would be closed off and the proposed interchanges would not only diminish access but would be likely to create additional nonpark traffic loads. In one instance, a proposed interchange at the doorstep of the college would, besides causing congestion and greater difficulty of access, create but a major safety problem.

The Brackenridge system is not corridor space. The very route of the proposed expressway, twisting and turning and rollercoastering over a high dam, reveals dramatically how inappropriate its imposition on the land. It reveals how much distortion develops in converting one series of open space functions to another unintended and ill-suited set.

Why was the North Expressway proposed? It was assumed that all open space is "free," not cost alone (although the loss of just the trees is estimated in the millions) but more so in functions; that any open green space can and should be used for corridor purposes. It so happens that there is a corridor space, long used to meet the problem of transportation, running along the railroad from the north into the city and linking with the highway system.

The dramatic failure of highway engineers, from the local district office to the Bureau of Public Roads, and of interested promoters and local planners to understand the nature of urban open space and to know how to deal with it to meet all urban needs is etched in the case of the North Expressway. It highlights a basic issue in city growth and raises questions of the highest order in relating major transportation needs to open space needs everywhere.

THE OPEN SPACE SYSTEM

The classic case of the North Expressway points up other open space problems, particularly those of multiple functions. Open areas can serve green space, utility and corridor functions, if so planned and developed and they may change in function.

What is essential is not the separation of function but the creation of a system of open spaces. This related or planned arrangement not only provides the open spaces to meet urban needs but the structural framework for urban development.

It is at this point that the design of the urban area—community, metropolitan or regional—must find a new approach not by highlighting areas for building but areas *not for building.*

It is interesting to note that where nature has provided an open space system, there is a universal response to it. San Francisco, beloved by resident and visitor alike, is in great part defined by a magnificent open space system—the surrounding ocean and bay. No matter what mistakes may be made in building, the city itself is a magnificent urban form.

The New York metropolitan area has in its own way another open space system—over 30 percent of the regional area is taken up by river, sound, harbor and ocean—to provide a framework for whatever building and rebuilding time, money and men may produce. Many urban situations have basic natural features on which open space systems—grand or small—can be based.

The essential point is that an open space framework, once articulated, organized, developed and kept, yields a great range of opportunities for urban design. Given such a framework, the urban builder can develop as his ingenuity and means permit.

In the long perspective, the test will not be whether man can build anywhere, or whether the market controls, or whether mistakes in building occur, for building is man-made and can be man-changed. But open space cannot be replaced. It is, in the design and planning sense, the "fixed" element; the building areas are the "free." Heretofore the general notion was that the building areas were the fixed elements of urban growth while the open spaces—the leftover spaces—were left free for building or whatever use.

The shift in viewpoint continues. Nationally we are in hot pursuit to hold or recapture critical areas such as the seashore and other water sites. It is a pursuit not without roots in our national history. Just over 100 years ago the great urban park reservation came into being with Central Park in New York, followed 50 years later by such other historic examples as the Cook County Forest Preserve, the Cleveland Park System, the Westchester Park System, the Ohio Conservancy District and the Boston Metropolitan Park System.

One of the great examples is the system laid out for Boston by Frederick Law Olmsted in the plan which ties the Arnold Arboretum, Franklin Park, Jamaica Way and Jamaica Pond, the Fenway, Commonwealth Avenue and the Charles River. Whatever building changes have happened in Boston, this glorious concept remains. Its lessons can be applied today.

San Antonio offers an example: By incorporating the threatened Brackenridge Park system, large metropolitan or regional reserves to the north could be linked with the Olmos Flood Basin, the park complex and the space along the river, running into and through the heart of the city and to the south along a proposed Mission Parkway which follows the river and includes the historic missions, in themselves another form of open space, and on to other major water and open spaces. The tributary creeks and the different kinds of open spaces provided by encircling military bases and airfields, all forming a grand open space system together with the great north-south backbone of free areas, could in turn link with such spaces at the heart of the city.

The central area of San Antonio is characterized physically by the downtown riverloop and a series of parks and plazas: Main Plaza, Military Plaza, Alamo Plaza, Travis Park, Milam Square, Romana Plaza, Maverick, Columbus and Madison Parks. Together with streets and highways, this series of spaces can be considered as a great structural framework of open space for San Antonio's growth, development and renewal.

The Downtown River Loop, one of San Antonio's great physical features, is in itself an important lesson of the role of open space. In the 1920's, it was proposed to cover the river, converting it into a storm sewer. Among the chief arguments was that this would help traffic and parking and thus represent "progress."

Public opinion held otherwise, and with the organization of the San Antonio Conservation Society arousing the city, the river as open space was saved. During the late 1930's it was landscaped and developed as a river greenway. Today the value of the river is being seen anew and there is a new surge of development taking place along the river—old shops done over, new buildings designed. Whatever hope there is for the rebuilding of San Antonio's central area must inevitably relate to the river.

The hierarchy of open spaces

The example of San Antonio illustrates not only the nature of an open space system but also the hierarchy of open spaces—from the large-scale metropolitan or regional space to the small, intimate place, from the great public park to the family yard or patio, from the great regional trunkline and express routes through major arteries, boulevards, parkways and feeder streets to the residential street.

Within the hierarchy of *scale* lies a hierarchy of *use.* Open areas do not mean sterilized land, although an open space system should provide for wilderness and untroubled land even at small scale and at close-in locations. The range of use includes multiple uses as well as campus areas and other man-made facilities.

The essential point is that *open space needs to be identified as open and not building space, and when building use is involved, it is not as encroachment but as support of the primary open space.* A recreational building does not of itself disaffect a recreational area, nor do properly handled park roads change the primary use of the park.

The treatment of open space is not for the purpose of destroying it. As in the treatment of building areas, it calls for judgment, intelligence and the skills and arts of those who understand landscape and the land.

POLICIES AND PROGRAMS

Up to now, open space has been largely a negative concept—simply the areas for nonbuilding. It is now coming to be recognized as a positive element for urban growth.

In the decades ahead, open space as a system can become the means of control in development. If it is to achieve this role, a new text of planning policies and programs must be written and put into practice. The issues are not for planners alone; they will be fought in the political arena, and out of a public consensus may come new tools and new means, both public and private.

Existing legislative and regulatory tools are inadequate. The oldest tool of all is acquisition of lands for open space purposes. While the trend may be toward public, governmental action—as in the current Federal open space program and such state programs as those in New York or New Jersey, or in metropolitan or city programs throughout the country—there is still room for private action. And there is much precedent in history for this.

Zoning seems to be a weak tool. William H. Whyte[9] cites the example of Santa Clara County in California where, to preserve rich farm and orchard land, an exclusive agricultural zone was established, only to find that highway engineers were planning to put a new highway—right through its middle.

Special conservancy districts, open space dedication, open space easements, development rights compensations,[10] compensable regulations,[11] reservation in advance of acquisition, tax concessions, the guaranteed value scheme, the official map principle[12]—all these in various terms have been suggested and are the subject of increasing attention and in some cases of legislative action.[13]

Lawrence Levine[14] points out that "the very breadth and diversity of open space objectives pose difficult problems in developing a soundly conceived open space program." And, it can be added, in finding the legal and political means to bring it into being.

President Johnson has said: "Open land is vanishing and old landmarks are violated. Worst of all, expansion is eroding the precious and time-honored values of community with neighbors and communion with nature. . . . We have always prided ourselves on being not only America the strong and America the free but America the beautiful.

"Today that beauty is in danger. The water we drink, the food we eat, the very air we breathe are threatened with pollution. Our parks are overcrowded and our seashore overburdened. Green fields and dense forests are disappearing. A few years ago we were concerned about the Ugly American; today we must act to prevent the Ugly America. For once our national splendor is destroyed, it can never be recaptured. Once man can no longer walk with beauty or wonder at nature, his spirit will wither and his sustenance be wasted."

If understanding can be reached of the role and function of open space in all its multiple uses and objectives—from the living space of home and street to the far reaches of the region—and if political skill can be brought to bear, we may be able to take a major step in fashioning a new urban environment with sense and sensitivity.

[From the New York Times, July 25, 1961]

Trees Give Way to Queens Road

Woodcutters leveling a path for the final 1.3-mile segment of the Clearview Expressway in Queens were nearing the end of their job yesterday in Cunningham Park between Seventy-third and Hillside Avenues.

Hundreds of dogwood, wild cherry and maple trees have been doomed by the state Department of Public Works to make way for the expressway across Queens. The section from the Throgs Neck Bridge to the Horace Harding Interchange with the Long Island Expressway and to a service road to Seventy-third Avenue was opened six months ago.

Sensitive to criticism that old shade trees had to be sacrificed to highway progress, engineers on the project stressed that the contract called for new landscaping and recreational benefits, which, they said, will mean a net gain to park users.

Landscaping the roadside and providing for restoration of adjacent areas will cost $234,856. Construction of the final section of the Clearview Expressway is budgeted at $9,546,403. The work is to be finished by the summer of 1963.

[From the Salt Lake City (Utah) Tribune, September 13, 1963]

Now To Build the Road

The top administrators of the U.S. Forest Service and the federal Bureau of Public Roads have met in Washington and at last agreed on a compromise to break the deadlock over the reconstruction of 4.2 miles of U.S. highway through the narrowest part of Logan Canyon.

Widening and straightening the highway in the canyon, one of the loveliest in all America, entails encroachment on about 8,000 feet of the streambed of Logan River, famous for trout fishing. Negotiations broke down in 1961 when state and federal highway officials concluded that requirements of the Forest Service for protecting the stream were too expensive. A Forest Service permit is necessary before such a project can be undertaken inside Cache National Forest.

This second leg of reconstructing the highway link from Utah through the Bear Lake country to Grand Teton and Yellowstone would have cost $500,000 more than initial road commission estimates if the Forest Service had held rigidly to its original requirements for protecting the river and other natural conditions in the canyon. The difference in cost figures between the opposing agencies was finally whittled down to about a third of the original estimated increase.

The recent compromise in which the Bureau of Public Roads agreed to an additional $125,000 expenditure to protect the stream leaves the matter up to the Utah State Road Commission. On primary highways the federal bureau pays 77 per cent of construction costs. Thus the state's share of the added expense would be about $35,000.

Die-hards on both sides may not be pleased over a compromise in which both sides gave a little. Yet it is clear that no road project can take place in the canyon "bottleneck" without compromise. The State Road Commission should find it possible to raise its share of the necessary added expenses to get this controversy off dead center.

[From the New York Times, July 26, 1964]

Freeway Perils Redwoods Park—California Official Vows To Fight "Desecration"

(By Lawrence E. Davies)

San Francisco, July 25.—A court battle is forecast if the California Division of Highways attempts to build a four-lane freeway through Prairie Creek Redwoods State Park in the northwest corner of the state.

The court test seemed assured after park officials, highway commission spokesmen, conservationists and commercial interests squared off yesterday before an Assembly interim committee at Humboldt State College in Arcata.

The hearing was the latest in a continuing controversy over the location of a freeway to replace the present two-lane Redwood Highway—U.S. 101—which twists through picturesque stands of stately redwood trees in Humboldt County.

THE 1937 LAW NEVER TESTED

The promise of a court test if the highway commission chose a freeway route along the present route or one near the beach came from Charles A. DeTurk, director of the Department of Parks and Recreation.

"It is not inconceivable," he said, "that a law written in 1937 and yet to be tested in the courts insofar as state parks are concerned will resolve in the favor of parks."

Mr. DeTurk told the committee he had no intention of trying "to out-engineer the engineers" and added:

"I will say that I do not feel they have any business telling us how to run a park, how to design a park, or what is a park. That is our business. And that is why I state that if the sacred groves of Prairie Creek are trespassed or if its adjoining Gold Beach is desecrated, or if specific portions of a score of other state parks are violated, there no longer truly exists a park—in theory, by legislative definitions, or in fact."

He asserted that "when a rollicking, ill-conceived freeway is constructed through the heart of a park, the whole purpose of the park is destroyed, as well as the reason for anyone visiting it."

MAY URGE AMENDMENT

Mr. DeTurk said he had given much thought to recommending to Gov. Edmund G. Brown that is and when the Division of Highways "exercises its alleged legal authority to condemn the magnificence of California and construct a freeway through Prairie Creek, or any other great state park—which time I trust will never come," then that area should be abandoned for park purposes.

The next step would be sale of the properties and reinvestment of the moneys, even though, the park director said, the subsequent purchase would be of less quality.

A statement of policy for the state highway commission, presented by its administrative officer, John Erreca, the State Director of Public Works, concluded with these remarks:

"The highway commission does not consider that northwest California must have either adequate transportation or protected virgin redwoods. It is the highway commission's conviction that these two objectives are not mutually exclusive but can both be achieved, and this is our goal."

Mr. Erreca noted that none of the commission's planners had yet come up with a way to modernize the Redwood Highway without cutting some virgin redwoods.

PRIMARY OBJECTIVE

"I think it is fair to say," he went on, "that the highway commission's primary objective is to preserve the maximum number of virgin redwood trees.

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[9] William H. Whyte Jr., "Urban Sprawl" *in* "The Exploding Metropolis," Garden City, N.Y.: Doubleday & Co., Inc., 1958.

[10] William H. Whyte Jr., "Securing Open Space for Urban America: Conservation Easements," Urban Land Institute Technical Bulletin, No. 36, 1959.

[11] Jan Krasnowiecki and Ann Louise Strong, "Compensable Regulations for Open Space," *AIP Journal*, May 1963.

[12] Daniel L. Mandelker, "What Open Space? Where? How?" *in* "Planning 1963," Chicago: American Society of Planning Officials, 1963.

[13] California Government Code § 6950 (enacted 1959); Maryland Annotated Code. Article 66(c) § 357 (A) (1960); New Jersey Statutes Annotated 13:8A–1 (1961). New York Municipal Law § 247 (1961); New York Conservation Law § 875 (1961); West Virginia Code, Chapter 20, § 2215 (1961). See also Shivley Adelson Siegal, "The Law of Open Space," New York: Regional Plan Association, 1960.

[14] Lawrence Levine, "Land Conservation in Metropolitan Areas," *AIP Journal,* August 1964.

(The foregoing references may be helpful in legal determinations or actions. See also:

("Securing Open Space for Urban America: Conservation Easements," Washington, D.C.: Urban Land Institute, Technical Bulletin No. 36, December 1959.

("Open Space Land, Planning and Taxation, A Selected Bibliography," Rickert and Pickard, Washington, D.C.: Urban Land Institute and the Urban Renewal Administration, 1965.)

"Of course, the commission also accepts Governor Brown's admonition that if virgin redwood trees, or any other redwood trees for that matter, have to be taken from the mantle of protection given by the state park system, there should be a replacement in kind where this is considered practical by the state park people."

At least four routes have been under consideration for the proposed freeway, which has been termed a necessity by residents of Humboldt County not only to meet traffic demands but to save the economy of the area.

One route would follow the wild, picturesque beach along the edge of Prairie Creek park at the base of Gold Bluffs. Another would run along the top of the bluffs, but this has been discarded by some of the engineers.

And, as long ago as last December, John A. Legarre, deputy state highway engineer, asserted that there was "no intention of recommending the existing highway route to the commission for a freeway."

A fourth route—and the costliest—which has the support of conservationist groups such as the Save the Redwoods League, would follow a ridge mostly just outside and to the east of the park boundary.

There was no indication that choice of a route was imminent. Preparation of a master plan for the redwood region is under way within the State Resources Agency, headed by Hugo Fisher, and it has been announced that the state highway commission will take no final action toward route selection until completion of the plan.

[From the Arkansas Democrat, July 29, 1964]

CALIFORNIA PARK, HIGHWAY OFFICIALS DISPUTE ROAD PLAN

SACRAMENTO, CALIF.—A primeval beach and nearby redwood trees which were living before Christ have touched off a rebellion among state park officials against California's powerful freeway builders.

Tossing protocol aside, members of the State Park Commission and other state officials have publicly criticized the California Highway Commission and demanded a limit on its power to condemn park land for freeways.

"We have almost established in modern life a divine attitude toward the automobile," said Charles A. DeTurk, director of the State Department of Parks and Recreation.

He says Prairie Creek Redwoods State Park, on the Northern California coast, is threatened by a proposal by highway engineers to build a freeway through it.

"We love redwoods as well as they do, or better," replied Robert A. Bradford, administrator of the Highway Transportation Agency and chairman of the Highway Commission.

The 1965 legislature likely will be asked to settle the fight.

The battleground is about 300 miles north of San Francisco along a narrow, two-lane road through the redwood forests. Officially known as U.S. 101, it's famed throughout the world as the redwood highway.

The highway also is the lifeline of California's north coastal area. Every day, it is jammed with big trucks carrying newly cut timber to big cities and bringing food, clothing and other supplies to small communities.

At Prairie Creek, the two-lane road cuts through a frest with trees so tall that tourists have developed sore necks from looking at them.

The State Park Commission, admitting the need for widening the road, opposes two of three alternates being considered by the Division of Highways.

One would follow the present 101, and would mean destruction of some of the park's most popular redwood groves. Another would slice across Gold Bluff Beach and, park officials say, ruin one of the nation's last undeveloped beaches and destroy a memorial redwood grove.

Park men back a third alternative, on a rugged ridge seven miles east of the beach. It, too, would mean the loss of redwoods, but the park commission contends the beach, soon to be acquired by the state, should be left unspoiled.

Local interests, saying the ridge route is $6 million more expensive, favor the beach freeway.

The State Highway Commission, making further studies at the request of Gov. Edmund G. Brown, hasn't decided on a route. But Sam Helwer, Division of Highways district engineer here, has indicated he favors a beach freeway.

[From the San Francisco Chronicle, Feb. 26, 1965]

CURBING THE HIGHWAY COMMISSION

SACRAMENTO.—A package of 14 bills aimed at altering the State Highway Commission's "shortest point between two points" policy of freeway planning was introduced in the Assembly yesterday.

The bills would make the commission less dependent on the State Division of Highways, insure partial hearing officers to preside over freeway disputes and give the public more voice in selecting routes.

The legislation also would give the State Park Commission power to vote freeway routings through State parks.

REPORT

The bills grew out of a report by the Assembly Committee on Natural Resources, Planning and Public Works. The program was explained by Committee Chairman Edwin L. Z'berg, (Dem-Sacto.) at a news conference.

Z'berg said the bills are designed "to make the highway commission consider other factors in planning freeways than just the shortest distance between two points."

Under the legislation, the commission would be provided with its own research staff rather than being dependent on that of the State Highway Division.

The administrator of highway transportation would be dropped as chairman of the commission. The chairman would instead be elected by the commission from its appointed members.

And the commission would be empowered to employ an administrative officer of its own choosing. That post currently is filled by the director of public works.

"We're trying to give the commission more independence in the planning state," said Z'berg.

The bills also require reports on all proposed freeway routes—with comparative analyses—from the State Office of Planning and the Resources Agency. These reports would have to be published 60 days in advance of the hearings.

"I think this will give the public a chance to be better informed—a better chance to weigh all the alternatives," said Z'berg.

[From the New York Times, May 19, 1965]

GOVERNOR STOPS PARKWAY WORK

Governor Rockefeller directed the State Department of Public Works tonight to halt all work on the Cross County Parkway until Monday to permit a reconsideration of construction plans for the highway.

The move came 10 hours after 16 persons had been arrested in a protest against the East Hudson Parkway Authority's rebuilding of the outmoded parkway into a superhighway.

Governor Rockefeller said in Albany that Lieut. Gov. Malcolm Wilson had recommended the stoppage because of a meeting scheduled Friday night at the offices of the Parkway authority in Pleasantville. The authority operates the parkway and the State Department of Public Works is its agent in the construction work.

"Lieutenant Governor Wilson has arranged the meeting for a full discussion of rebuilding the parkway with the least disturbance to residential and wooded areas," Mr. Rockefeller said. Both the Governor and Mr. Wilson have homes in Westchester.

Dozens of residents, angry that age-old trees are to be torn down in the project, have taken direct action in recent days to stop the construction work.

Among the sixteen arrested today were a rabbi, two pregnant women and the wife of a Westchester County Supervisor. Fifteen were carried bodily through the debris of fallen trees in Hunts Woods to waiting police cars when they refused to let bulldozers and power shovels pass. Children in tears ran behind their screaming mothers in the arms of policemen.

A New York Transit Police captain who objects to the parkway widening was arrested for punching a policeman and for disorderly conduct.

On the parkway itself, 25 housewives and business men caused slowdowns of traffic intermittently by driving cars two abreast at 5 to 10 miles an hour and sometimes stopping the parkway, which carries 40,000 cars a day, has two lanes on each side of a center barrier. In the slowdowns, traffic backed up for miles into Pelham on the east and Yonkers on the west.

Parkway patrolmen failed to overtake the offending cars owing to congestion, but finally conceived of stepping in front of them as they approached. Summonses for impeding traffic were issued to three drivers and warnings to a dozen others.

"This is only the beginning," said Arnold W. Bensew, a corporation lawyer who is chairman of a new citizens' committee that opposes excessive modernization of the parkway. "Tomorrow there will be a complete stoppage of traffic."

To prevent the rebuilt parkway from flooding, the authority is constructing a storm drain through Hunts Woods two blocks north of the parkway. And where Central Parkway crosses the Cross County Parkway, a bridge is being razed to make room for a bigger one.

Residents tried this afternoon to block the tearing up of a strip of Central Parkway pavement on the south end of the bridge over the Cross County Parkway. Adam Petrillo, president of the Mount Vernon Contracting Corporation, assured them that his men were only working a sewer line and would not destroy the bridge before next week.

Soon after dawn, residents stationed themselves in front of heavy machinery used in building the drain in Hunts Woods. At 8:30 A.M., 28 residents were there when Chief Marvin Ericson of the Westchester Parkway Police led 24 patrolmen into the woods and demanded that the residents depart. Workmen started a bulldozer roaring toward the residents, who linked arms and refused to budge.

The patrolmen pulled the line apart, twisting arms and legs. Men in business suits fell to the ground and women's handbags flew open to spew contents through the underbrush. A man dropped his eyeglasses and a woman lost a locket from a chain around her neck.

Fifteen residents made themsleves dead weight on the ground and finally were picked up by patrolmen and carried from the woods. At Police Headquarters they were booked on charges of refusing to obey policemen, of trespassing and of illegally interfering with construction machinery.

City Judge John P. Griffith released them without bail pending hearings June 3.

Among the defendants were Rabbi Leon A. Jick of the Free Synagogue of Westchester, who lives at 550 North Columbus Avenue; Mrs. Emma Cerchiara of 215 Central Parkway, wife of a Supervisor Robert Cerchiara, and Mr. Bensew of 212 Central Parkway.

Others arrested were Mrs. Lauren Resnick of 228 Central Parkway, who expects a child momentarily, and Mrs. Petria Muller of 21 Wilson block, who is seven months pregnant; Albert Girolano of 245 Westchester Avenue, Mrs. Judith Belsky of 168 Central Parkway, Mrs. Ruth Lumbeck of 15 Burkewood Road, Mrs. Beverely Martin of 11 Central Parkway, Mrs. Sylvia Ackerman of 125 Douglas Place, Mrs. Eleanor Schwartz, of 27 Pondfield Parkway, Mrs. Edith Bluestone of 12 Forester Parkway, Mrs. Margarite Kosof of 223 Central Parkway, Richard Beneson of 313 Central Parkway and Richard Morris of 151 Ridgeway Street, a professor at Columbia.

[From the New York Times, May 20, 1965]

QUIET IS THE WORD FOR PARKWAY JOB—WOMEN ALERT AS GOVERNOR'S TRUCE ON THE CROSS COUNTY WIDENING IS OBSERVED—NEED FOR WORK IS CITED—OFFICIAL CALLS OVERLOADED ROAD VITAL EAST-WEST WORK IN LOWER WESTCHESTER

(By Merrill Folsom)

MOUNT VERNON, N.Y., May 19.—Not a wheel was turning today in the development of the old Cross County Parkway here into a superhighway.

But housewives kept a vigil at their windows to make certain that bulldozers and power shovels were not violating Governor Rockefeller's order of last night for a truce, with complete stoppage of work until Monday to allow time to determine whether less damage might be done to homes and woodlands.

Four hundred residents agreed to resume demonstrations if any violation accurred. Adam Petrillo, president of the Mount Vernon Contracting Corporation, caused a flurry when he sent workmen to the Central Parkway bridge over the Cross County. But they were merely removing barricades and paving a trench dug yesterday.

The Committee for Citizens Rights, organized to fight the parkway job, announced today that it would demand a Westchester County grand jury investigation if full answers were not forthcoming about the East Hudson Parkway Authority's "arbitrary decision to construct the expressway."

Westchester officials and the authority provided answers to many of the questions from residents as to why an eight-lane superhighway was needed and how the planning had evolved.

The five-mile parkway was started in 1926 and conforms to the standards of that era, they said. Westchester has rocky ridges from north to south, with most rivers and main highways in the north-south valleys. Few natural corridors exist from east to west, and the Cross County was built through one of them.

STILL CARRIES CAPACITY LOAD

Ernest T. Perkins, executive director of the authority, noted that the Cross County was the only main east-west highway in the area between the Cross Bronx Expressway, 6.5 miles to the south, and the Cross Westchester Expressway, 8.5 miles to the north.

The Cross County connects with the Hutchinson River Parkway on the east and the Saw Mill River Parkway on the west, with intermediate links to the Thomas E. Dewey Thruway, the Bronx River Parkway and lesser north-south roads.

The result is use of the Cross County for travel between Manhattan and Connecticut, the Hudson Valley and Long Island, and virtually all parts of Southern Westchester.

The residents here contend Cross County traffic has diminished and improvement of the present four-lane road with two extra lanes and some kinks removed is all that is necessary.

Mr. Perkins said the Cross County still carries the capacity traffic of 40,000 to 45,000 cars a day that it has for many years. Westchester officials said they had contemplated redevelopment of the parkway 15 years ago because the road was overloaded and many motorists called it the most dangerous death trap in the East.

Use of the Hutchinson River and Saw Mill River Parkways, with 25-cent tolls, diminished when new Thruways were opened. Because of financial difficulties in rebuilding all the parkways, among them the Cross County, Westchester gave them to the state authority four years ago.

Mr. Perkins said that an origin-and-destination survey in 1962 by Parsons, Brinckerhoff, Quade & Douglas, New York engineers, showed conclusively the Cross County was overloaded.

He asserted that 8 to 12 per cent of the traffic was in any busy hour, and generally it was divided 60 percent in one direction. Thus, 2,400 cars an hour now were jamming the lanes in one direction, while the origin-and-destination survey showed a need to handle 3,200 now and considerably more in future years.

"Some people are afraid to drive on the Cross County but the heavy use of it has definitely not diminished," Mr. Perkins declared.

The Citizens Committee demanded to know what good would be accomplished by rebuilding only a mile in the center of the five-mile parkway, as required by the $5.5 million Petrillo contract.

Mr. Perkins said redevelopment of the entire parkway would cost $45 million and the authority had hoped to issue contracts in fast sequence for each section and have completion in two years, which he said "now is obviously impossible."

HAS TO PROTECT WORKMEN

Answering some of the questions from the Committee for Citizens Rights, officials said the Petrillo contract had been awarded after competitive bidding, and a 100-foot swath had to be cut through scenic Hunts Woods for a drain only four feet in diameter because it would be down 30 feet and trench walls had to be angular if workmen were not to be accidentally buried.

"I'm sick, who needs all this trouble?" exclaimed Mayor Joseph P. Vaccarella at his desk in City Hall.

City engineers drafted plans for a six-lane parkway using present bridges and the Mayor will submit this at the Friday night conference with state officials at the authority's headquarters in Pleasantville.

William Macy, special counsel for the city in the parkway dispute, asked the Appellate Division of the State Supreme Court in Brooklyn today for permission to take an appeal to the State Court of Appeals in Mount Vernon's suit to block plans of the East Hudson Parkway Authority.

Last year a justice at White Plains rejected Mount Vernon's contention that the authority's plan would illegally sever the city into two parts and needlessly destroy homes. Last month the Appellate Division sustained the dismissal of the suit. Mayor Vaccarella said the suit would be carried to the United States Supreme Court, if possible.

Meanwhile, Dr. Richard B. Morris, a professor of history at Columbia University who was one of the 16 residents here arrested yesterday in demonstrations against the parkway job, drafted a green-belt plea that the Committee for Citizens Rights unanimously sent to Secretary of the Interior Stewart L. Udall and Governor Rockefeller.

"Hunts Woods is not just a few acres," the plea said. "It is a precious heritage carefully guarded from pillage. Its magnificent stand of 150-year-old beech trees symbolize the good things that make life in a suburban community meaningful—peace, quiet, beauty."

[From the San Francisco (Calif.) Chronicle, July 21, 1965]

OUTSMARTING THE SPREAD OF FREEWAYS

SACRAMENTO.—It is not true that California will be just one big freeway in 15 years, the administrator of the State Highway Transportation Agency said yesterday.

But so much of the land in cities will be occupied by freeways and streets by 1980, said Robert B. Bradford, that plans must be made now to build under and over the concrete monsters.

Bradford predicted that from 1 to 3 per cent of California's urban land will be devoted to freeways and one-fourth to one-third of it to city streets and county roads.

PROBLEMS

Land will be so scarce, in fact, that building on the freeways will become inevitable, the State's leading transportation officer said.

"This is going to happen whether we begin planning for it now or not," Bradford said at a meeting of Federal, State and municipal officials on freeway problems.

But, he added, "we want this to happen by design and not by accident. We had better get about deciding what we want and how to go about getting it."

SELECTIVE

Bradford said he was not talking about "wholesale use of every inch of space above or under freeways."

He proposed "selective uses that will be compatible in every way." He used pictures and models to show how large apartment houses can straddle freeways and how restaurants can be suspended on concrete arms above freeway lanes.

As long ago as 1959, Bradford said, the Department of Public Works was asked about the multiple use of freeway space. One developer had proposed building a restaurant and cocktail lounge above the Hollywood freeway, he said. But he was frustrated by existing legislation.

REVENUE

Bradford said that now both the State and Federal governments have acted to make such developments possible. He added that intelligent use of the freeways for construction would help return tax revenue to the local governments.

This last suggestion was greeted enthusiastically by Richard Carpenter, executive director of the League of California Cities, who attended the meeting here.

"A freeway takes a large chunk of land off the tax roll," Carpenter said. "If this (Bradford plan) can recover even a portion of it, it will be to our advantage."

[From the Washington (D.C.) Post, July 25, 1965]

NEW ORLEANS HIGHWAY

NEW ORLEANS.

The civilized citizens of New Orleans, who happen to know something of classic urban traditions elsewhere and who appreciate the value of the historic old French Quarter, are focusing their attention with great interest at the moment upon the Nation's Capital, where the President, the First Lady and the Secretary of the Interior have recently made eloquent declarations of concern about a physical American environment worthy of something called a Great Society.

Local babbitts and political entrepreneurs have called upon the Federal Government to support (to the tune of some $30 million) an elevated expressway along the Mississippi

River which will shamefully desecrate the French Quarter and which will effectively terminate plans for a scenic riverside plaza. The matter is now in the hands of the Secretary of Commerce. His signature can create and perpetuate a monumental national disgrace.

These fearful New Orleanians hope that their friends in Boston, San Francisco and elsewhere will take careful note of the outcome. They hope that civilized citizens everywhere will join them in their vigil. Does Uncle Sam's right hand know what his careless left hand is doing? Does he really have the sincerity to care?

WALTER B. LOWREY.

[From the San Francisco (Calif.) Chronicle, Nov. 18, 1965]

FREEWAYS TURNED FROM REDWOOD PARK

SACRAMENTO.—The State Highway Commission backed away completely yesterday from any plans to build a freeway through Prairie Creek State Park in Humboldt county.

The Commission also ordered its engineers to reconsider an adopted route through Jedediah Smith State Park in Del Norte county—and called for alternate routes, possibly including tunnel construction to preserve natural beauty.

Both freeway plans have stirred mounds of controversy over the years, with the state park Commission and conservationists insisting that no freeway should go through either of the famed redwood parks.

DESIRABILITY

A resolution presented to the commission by member Roger Wooley of San Diego started out by recognizing the "desirability of conserving beauty of the state's natural resources as well as the need to provide safe, modern transportation."

"To accomplish this end of conservation it may be necessary, where economically proper, to route freeways away from some state parks and the natural attractions they shelter."

The resolution, approved unanimously, then flatly directed that none of three heretofore suggested routes invading Prairie Creek be given any further consideration and instead staff engineers "find and study a route that would avoid the boundaries of the park altogether."

BROWN

The action regarding Jedediah Smith was not as far reaching, since it retained the possibility of going into the park if no alternative, including tunneling, can be found.

It was understood that Governor Edmund G. Brown, whose administration has been under fire for various proposals to build freeways through parklands, took a direct hand in yesterday's commission action.

State highway engineer J. C. Womack noted with a smile:

"This gives us a good long time to make out new studies—about a year I would say."

This means any such issue should be quieted, at least until after next year's gubernatorial election.

TAHOE

However, commissioner Joseph C. Houghteling of Atherton was successful in an effort to tack on to Wolley's resolution additional clauses calling for construction of a parkway on the west side of Lake Tahoe. The other commissioners said this would be studied in the natural course of things, and no resolution was needed.

Houghteling said the Lake Tahoe area like the redwood country, is threatened by freeway invasion and he thought the commission should endorse a scenic parkway plan now although he conceded its possible construction would be years away.

Incensed by his inability to gain even a second to his motion, Houghteling then asked that his colleagues endorse the idea of giving up the $15 per meeting they now receive over and above actual expenses.

"I've talked to the other commissioners about that and they're all against you," member Franklin S. Payne declared.

So Houghteling lost another one. His parting shot: "I'll contribute my $15 to the Sierra Club."

[From the San Francisco (Calif.) Chronicle, July 15, 1965]

MENLO PARK'S NEW ASSAULT ON FREEWAY

City Attorney John D. Jorgenson asked the San Mateo county Superior Court to prevent the State Division of Highways from acquiring any more property for the route, which is planned to run from the Dumbarton Bridge to Santa Cruz avenue in Menlo Park.

The request for an injunction against the State said the freeway would disrupt the community, take too much property off the tax rolls and impose a route that is "too complex." The freeway would cross over the same creek three times in the space of two miles, the suit said, as well as pass under three other highways and a railroad route.

The city previously was unsuccessful in an attempt to stop the freeway by appealing to the State Legislature.

San Mateo Superior Judge J. A. Branson set a hearing for 10 a.m. August 2.

The public will get a chance to get back at the "concrete invasion" of super highways August 10–13, when Senator LEE METCALF (Dem.-Mont.), crusader for conservation, conducts hearings regarding the question of super highways vs. parks, wildlife and conservation.

There has been a growing protest on the part of conservationists against the march of vast concrete freeways which have knocked out historic mansions and would penetrate such wildlife preserves as Chestnut Ridge in Westchester county, N.Y.

The National Garden Clubs of America, the Wilderness Society and other groups will be heard. Secretary of Interior Stewart Udall will be invited, as will Rex M. Whitton, boss of Bureau of Public Roads. Udall and Whitton have been at loggerheads for some time on the expressway program.

Udall doesn't want it to mar scenic environs. Whitton, on the other hand, wants to push ahead with the ribbons of concrete at the least possible cost to taxpayers, even if they endanger natural beauty of recreation areas.

[From the San Francisco (Calif.) Chronicle, Nov. 19, 1965]

HISTORIC VICTORY IN THE REDWOODS

With abruptness and unanimity that elude explanation, the State Highway Commission has surrendered a position that it held resolutely through the years and seemed ready to defend to the death.

It vetoed in toto three recommendations of highway engineers for alternate routes through the redwoods of Prairie Creek State Park in Humboldt county and sent them back to the drawing board with orders to find a route that will spare the park entirely.

It further ordered reconsideration of a route already adopted for a freeway through the redwoods of Jedediah Smith State Park in Del Norte county, and departing from previous stubborn refusals, called for alternate routes.

It would appear that the commission is at last listening to the angry voice of protest from the citizenry, the Sierra Club, the Save the Redwoods League, the State Division of Beaches and Parks, the State Assembly, and numerous other groups who have bitterly denounced the proposed mutilation of irreplaceable redwood groves. Briefly, Governor Brown himself was heard in this chorus, having emotionally declared after a visit to the groves: "As long as I am Governor of California, not a single, solitary redwood will be cut down for a freeway." Five weeks later, he tossed up a scheme for buying private redwood lands to replace public redwoods that the roadbuilders wanted to bulldoze out of their way.

Nevertheless, it was being suggested in Sacramento that the commissioners' active and unaccustomed solicitude for redwoods and public parks was influenced by the man who appointed them, who was in turn influenced by local, State and national outcries against the proposed destruction of virgin redwoods. This suggestion referred to a State election one year hence.

The commission accomplished its sudden about-face through a resolution remarkable for embracing a policy long ignored by State highway builders. It recognized "the desirability of conserving the beauty of the State's natural resources as well as the need to provide safe, modern transportation."

Commissioners hinted broadly that this was not so much a change of heart as a change of law. They observed that the recently enacted Z'berg bill removed a binding requirement to build all roads on "the most direct, most practicable route," so that now they are free to run highways around a park or redwood grove instead of through it.

Nevertheless, and regardless of motivation, the Highway Commission has performed a public service by granting the two State Parks a reprieve.

[From the San Francisco (Calif.) Chronicle, Jan. 18, 1966]

GREENBELTS AND OUR FREEWAYS

STANFORD UNIVERSITY.—"We must find the best—not the cheapest—ways to route freeways," Professor Wallace Stegner of Stanford University told interviewers yesterday.

Professor Stegner, author and director of Stanford's Creative Writing Center, had just returned from the Governors' Conference on Conservation in Los Angeles, and concluded that:

"The main thing is to protect recreation areas from all depredation. We need intelligent greenbelting with tax relief attached, we need compulsory open space in every subdivision, and a new look at property taxes to avoid confiscation and at the same time prevent forced speculation."

Professor Stegner endorsed and urged public support for a pending bill that would eliminate the Division of Highways' right of eminent domain through State parks.

As to Highway Commission members, he said, "we need to stimulate their appreciation of human values. They build wonderful highways but they sometimes overlook the resultant damage to the surroundings.

"The Highway Commission already has the power to do this, and I wish they'd start using their power to help preserve our diminishing recreational areas."

He cited San Francisco Mayor John F. Shelley's trip to Washington to preserve the Crystal Springs reservoir area from an encroaching freeway, and Palo Alto's objection to the proposed Bayside Freeway which will destroy bird sanctuaries and recreation areas, as examples of the great need for preventive legislation.

[From the San Antonio (Tex.) Express, Feb. 9, 1966]

LETTERS

NEW ORLEANS BATTLE

VIEUX CARRE PROPERTY
OWNERS ASSOCIATES.

DEAR SIR: On Jan. 24, just two days before the formative meeting of the advisory board to the Bureau of Public Roads in Washington, Rex Whitton, federal highway administrator, stamped his well-known approval to the interstate highway increment that will desecrate the Vieux Carre of New Orleans and relegate an important urban avenue to the status of a degraded slum.

In spite of requests that this advisory group of architects, landscape architects, engineers and urban planners of national reputation be allowed to review this superb example of urban mal-planning, the forces of politics and power prevailed over reason and imagination. The board, having been formed to evaluate both route and design of federall subsidized urban expressways in view of their destruction to urban and historic values, must feel the slap in the face to their potential contribution to a more orderly and beautiful America.

The French Quarter, or Vieux Carre, with its handsome and world famous collection of 18th and 19th century buildings, has recently been declared a national historic landmark district by Secretary of the Interior Stewart Udall. With a 35-foot-high six-lane high altar to the great god auto snaking its way across the open Mississippi River side of Jackson Square (with its priceless ensemble of St. Louis Cathedral, the Cabildo and Presbytere, and the Pontalba Buildings), one could hardly conceive of it as a boost to the historic integrity of the famous district.

The battle to preserve these urban treasures has been long and vociferous, with many articulate organizations and groups opposed to the project approved by the Louisiana Department of Highways and the New Orleans Chamber of Commerce. Much has been said, and much remains to be said, about the shuddering implications of this approved route and design.

If this could happen in New Orleans, a city that held many famous trump cards, it can and will happen again and again to transform many cities into federally imposed replicas of Los Angeles.

Such cities as San Antonio might well see what hope they have to win their expressway battles sinking into political quicksand.

MARK P. LOWREY, AIA,
President.

BALBOA PARK'S DOWNFALL

DEAR SIR: A letter in the Express written by a Marvin Burkett of San Diego, Calif., was read with interest. Mr. Burkett stated that Balboa Park used to be the finest park in the country, but now Brackenridge Park is the finest.

I wonder if Mr. Burkett can put his finger on the cause of decline? An expressway cuts Balboa Park from top to bottom and side to side. Could this be the cause? The answer is obvious.

LOIS GRAVES.

[From the San Francisco (Calif.) Chronicle, Feb. 24, 1966]

OUR HORRIBLE EXAMPLE—MISTAKES MAY HELP SAVE A CITY

Two alert young civic leaders from historic old New Orleans were here yesterday, photographing The Embarcadero and other local freeway projects, in the hope that San Francisco's "horrible example" could stave off such developments in their city.

Herbert J. Harvey Jr., New Orleans attorney, is president of a new organization there known as HELP (Help Encourage Logical Planning). With him in San Francisco this week is Ronald F. Katz, a New Orleans urban planner, who is secretary of HELP.

"We got the idea for HELP from San Francisco's SPUR (San Francisco Planning and Urban Renewal Association)." Harvey said. "We hope it's not too late to prevent, in New Orleans, what has been happening in San Francisco."

HORRIBLE

"We do regard San Francisco as a horrible example of what unwise freeway planning can do to a beautiful old city," said Katz.

"We hope when we take back pictures of what has happened here—particularly The Embarcadero—we will be able to stop what's happening in our city."

In New Orleans, Harvey said, a three-story-high freeway or expressway is now proposed on the Mississippi river waterfront—cutting across historic Jackson Square, the real birthplace of the city.

It would cross in front of New Orleans' St. Louis Cathedral, now the St. Louis Basilica, much as The Embarcadero Freeway crosses the face of the Ferry Building here.

HEIGHT

Said Katz, plaintively, "The thing would be 40 feet above the square!"

Said Harvey, "You're six years ahead of us in building freeways—we have only one, the Pontchartrain—and if our people understand what you've been through, we believe it will help New Orleans greatly."

As Harvey and Katz explained the situation, it is not yet too late to stop their Jackson Square elevated freeway, but the Louisiana Highway Department has already approved it, the U.S. Bureau of Public Roads has blessed it, and civic leaders have their backs against the wall.

TEST CASE

One powerful assist has come from the Catholic Archdiocese, which declared editorially in its publication The Clarion Herald that the project "has all the elements of a test case to make preservation of historical sites compatible with progress."

The editorial noted that for months Rex M. Whitton, Federal highway administrator, has been organizing a top-level, eight-member advisory committee to "prevent highways from doing violence to areas they are supposed to serve . . ."

On the committee, the editorial acknowledged, are such men as "world famous landscape architect Lawrence Halprin of San Francisco, architect Matthew Rockwell, area planning director for Chicago, and nationally recognized Connecticut architect Kevin Roche."

[From the Washington (D.C.) Post, May 25, 1966]

BEALLS ISLAND

Chief Highway Engineer William F. Adams has given a typical answer to the plea of conservationists to keep the second Washington Beltline away from the choice natural area at River Bend and Bealls Island. Land for the Bealls Island route has long been in reservation, he said, and the alternatives would be longer and more costly. This is why the ultimate decision ought to be made by others who have a greater interest in esthetic values.

The interim report of the Potomac River Task Force recommended that the proposed second circumferential be located upstream from the highway engineers' site. Suitable crossing of the Potomac could be made at Atkins Island, thus leaving undisturbed the attractive woods and wildlife refuge on the Virginia side of River Bend. While plans for this area have not yet taken definite shape, it has aroused keen interest in the National Park Service. Maybe some of it ought to be added to Great Falls Park. Or perhaps it should be left as the alluring and semiwild region that it is now. In any event, it would be a pity to cut through it with a major expressway that could just as conveniently be located in a less scenic spot.

The courts have recently spanked the Federal Power Commission for not adequately considering esthetic values in granting a license for a power plant. It is about time for the planners and higher authorities to begin overruling the highway engineers for the same reason. Indeed, we think they should be definitely instructed that the preservation of natural beauty should be one of their first imperatives. Bealls Island is a good place to begin to assert the dominant public interest in keeping expressways in their place.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Is there further morning business? If not, morning business is closed.

PROVISION FOR JUDICIAL REVIEW OF THE CONSTITUTIONALITY OF GRANTS OR LOANS UNDER CERTAIN ACTS

The PRESIDING OFFICER. Pursuant to the previous unanimous-consent agreement, the Chair lays before the Senate the pending business.

The Senate resumed the consideration of the bill (S. 2097) to provide for judicial review of the constitutionality of grants or loans under certain acts.

PRIVILEGE OF THE FLOOR

Mr. ERVIN. Mr. President, I ask unanimous consent that H. Houston Groome, Jr., of the staff of the Subcommittee on Constitutional Rights, which considered the pending business in committee, be permitted the privilege of the Senate floor to assist me in debate.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ERVIN. Mr. President, S. 2097, introduced by Senator MORSE and cosponsored by myself, Senators CLARK, YARBOROUGH, SMATHERS, COOPER, and FONG, represents the culmination of many years of time-consuming and, to the taxpayers of this country, costly debate on the question of Federal aid to church-related institutions. More importantly, it is legislation which, for the first time, will provide effective procedures for the enforcement of the establishment and free exercise clauses of the First Amendment to the Constitution of the United States.

For far too long the issue of State aid to church-related organizations has been a divisive force in our society. It has created communication barriers among our religions and fostered intolerance. This is a natural consequence when the courts are prevented from carrying out their function of deciding a great constitutional issue.

Some of us who are sponsors of this bill feel there are serious doubts as to the constitutionality of many recent education and poverty programs. Others are confident that these programs meet the test of the first amendment. But one thing on which we all agree: The courts must be given the opportunity to decide. Only then will this century-long controversy end.

Mr. President, up to the present moment, Congress has been compelled to legislate on these and other subjects in an atmosphere of constitutional darkness. It may be said that the primary function of the pending bill, and its only immediate effect, would be to enable Congress hereafter to legislate on the subject in constitutional light.

On March 8, 9, 10, 15, 16, and 17, 1966, the Subcommittee on Constitutional Rights conducted extensive hearings on this measure. The subcommittee received the testimony of numerous professors of constitutional and administrative law whose experience and knowledge of judicial review and of the first amendment were of great value. Almost unanimously, these gentlemen advocated some form of judicial review. The subcommittee, in redrafting the bill, adopted many of the suggestions received from these eminent scholars.

The subcommittee also sought the views of most of the major religious denominations of this Nation. Of those responding to the subcommittee's inquiry, again, all but a very few endorsed enactment of legislation to insure that the provisions relating to religion in the first amendment be enforced.

Aware that many educators had a vital interest in this measure, the subcommittee invited educational organizations to appear or submit views on S. 2097. I was extremely impressed by the vigorous support of many of these groups for this bill and their statement that judicial review would not in any way retard the educational progress that is being made in this country today.

Finally, the subcommittee extended an invitation to various civil liberties organizations, all of which urged passage of this bill without reservation.

The product of these hearings, Mr. President, is a bill which may be cited as "An act to enforce the first amendment to the Constitution." The title has been amended so as to read:

> A bill to provide effective procedures for the enforcement of the establishment and free exercise clauses of the First Amendment to the Constitution.

The committee took advantage of the wise suggestions made from many sources both as to the legal aspects of the bill as well as to its practical aspects. As a consequence of these suggestions, the committee has prepared and is submitting to the Senate an amendment in the nature of a substitute, and I ask unanimous consent at this time that the amendment in the nature of a substitute be agreed to and that the bill as thus amended be considered and deemed to be a clean bill for purposes of amendment.

The **PRESIDING OFFICER**. Is there objection? The Chair hears none, and it is so ordered.

Mr. **ERVIN**. It is important to remember, Mr. President, that judicial review is available for every aspect of the Bill of Rights except the establishment clause of the first amendment. James Madison, when defending the Bill of Rights, specifically stated that he expected the courts would make themselves the special guardian of the Bill of Rights, which they have done except for a technical barrier in establishment cases.

Thus, we come to an increasing need for legislation to enforce the first amendment to the Constitution.

The States and the Federal Government are each year enacting more legislation which permits the expenditure of tax funds for education, health, and welfare in ways which may be violative of constitutional proscriptions against religious establishment. Just a few weeks ago, the Maryland Court of Appeals decided that a State law authorizing funds to three church-related institutions violated the establishment clause of the first amendment to the U.S. Constitution. This case has been cited as a panacea to the problems we are discussing today. But I remind the Senate that these were State taxpayers challenging a State law. The Supreme Court has heard several cases of this nature, but none has given Congress the guidelines it needs for Federal legislation. I submit that the Maryland case emphasizes the need for judicial review of Federal aid programs.

As noted by the eminent professor of administrative law at Harvard Law School, Prof. Louis L. Jaffe:

> The law appears to be that a taxpayer suit to test the constitutionality of such expenditures by State and locality can be brought in some jurisdictions and not in others, and—somewhat of a crowning paradox—that the constitutionality of State and local expenditures can be adjudicated by the Supreme Court but not the constitutionality of Federal expenditures.

The doubt as to whether one of our most precious freedoms can be enforced exists because of the decision in *Frothingham* v. *Mellon*, 262 U.S. 447 (1923). There, Mrs. Frothingham sued to enjoin the execution of an appropriation of Federal funds. The Court held that under existing laws a taxpayer's interest in the moneys of the Treasury "is shared with millions of others; is comparatively minute and indeterminable; the effect upon future taxation is so remote that no basis is afforded for an appeal to the preventive powers of the Court."

This decision was an exercise of judicial restraint and was decided as a matter of public policy during a period of our history in which judicial attacks upon social welfare legislation were frequent. As Prof. Paul A. Freund of Harvard Law School stated in a statement submitted to the subcommittee:

> The defect in Federal taxpayers' suits does not rise to the level of an article III infringement . . . the present situation is not beyond repair through provision by Congress for a straightforward Federal taxpayer's suit.

It is undoubtedly true that a controversy betwen a taxpayer and a Federal department or agency concerning the constitutionality of a proposed grant or loan being made by such an agency presents a case or controversy within the meaning of article III of the Constitution. This is true because the decision of such controversy requires an interpretation of a provision of the Constitution.

The fact that such controversies do come within the meaning of article III of the Constitution of the United States is illustrated by many decisions of the U.S. Supreme Court in cases of this nature, such as the following cases:

Everson v. *Board of Education*, 330 U.S. 1—1947—*McCollum* v. *Board of Education*, 333 U.S. 203—1948—*Zorach* v. *Clauson*, 343 U.S. 306—1952—the recent school case of *Engel* v. *Vitale*, 370 U.S. 421—1962—and *School District of Abington Township* v. *Schempp*, 374 U.S. 203—1963.

If controversies over the use of State funds or properties for religious purposes did not present a case or controversy within the meaning of article III of the Constitution of the United States, the Supreme Court of the United States could not have considered any of these decisions or a number of other decisions which I might cite on this point.

This bill affords the requisite "standing to sue" to three classes of plaintiffs to challenge the constitutionality of those Acts enumerated in section 1 of the bill—individual and corporate taxpayers, or groups thereof; any public or other nonprofit institution or agency which has made application for a Federal grant or loan; and citizens of the United States. These plaintiffs are afforded the judicial machinery necessary for instituting an equitable action for declaratory judgment to obtain judicial review of the constitutionality of grants or loans made under the enumerated acts in section 1 of the bill.

The bill as originally drafted has been amended to meet all the legitimate objections expressed in hearings. By far, the most frequent objections were directed at section 6(a), the automatic stay provision. Under this section, once an order executing a Federal grant or loan was challenged, the program would be suspended until a final adjudication could be made as to the constitutionality of the order. This subsection has been deleted in the substitute bill. Instead, the Federal court hearing the case is given discretionary authority to grant an interlocutory injunction when it deems it necessary.

Another major improvement in the bill is the deletion of the requirement of refunding a grant which has been held unconstitutionally awarded. The bill now provides that only the unexpended portion of such grant is to be refunded for credit to the appropriation from which it was paid.

It has been suggested that the original bill would create a host of lawsuits which could overload our already overcrowded courts. This suggestion is not supported by the evidence. Nevertheless, the committee has amended the bill by adding language which would require the consolidation of suits when two or more actions are instituted challenging the constitutional validity of the same loan or grant. Furthermore, provisions are included which allow for direct and expeditious appeal to the Supreme Court.

S. 2097 would subject to judicial review the following acts:

First, the Higher Education Facilities Act of 1963.

Second, title VII of the Public Health Service Act.

Third, the National Defense Education Act of 1958.

Fourth, the Mental Retardation Facilities and Community Mental Health Centers Construction Act of 1963.

Fifth, title II of the Act of September 30, 1950—Public Law 874, 81st Congress.

Sixth, the Elementary and Secondary Education Act of 1965.

Seventh, the Cooperative Research Act.

Eighth, the Higher Education Act of 1965.

Ninth, the Economic Opportunity Act of 1964.

These acts are not intended to be inclusive although review is expressly limited to those acts. As the committee report states:

> They are representative of legislation which affords substantial and direct financial aid to denominationally controlled and denominationally "related" institutions.

The bill does not deal directly with the principle of separation of church and state nor with the constitutionality of any of the acts subject to review. That is for the courts to decide. The important thing is that the first amendment will be taken out of the arena of politics and put in the courts.

If enacted, Mr. President, it will remove the cloud which hovers over all these acts and eliminate the Senate's annual debate on this issue.

Mr. President, we must answer the compelling question of Mr. Justice Douglas by passing S. 2097. He asked:

> What are courts for, if not for removing clouds on title, as well as adjudicating the rights of those against whom the law is aimed, though not immediately applied?

In the weeks following the hearings on S. 2097, the Christian Science Monitor reported a series of articles by its staff correspondent, Mr. William C. Selover, on this subject. I ask unanimous consent that these articles entitled "Federal Funds Test Church-State Boundary," reported April 27, 1966; "Church-Tied Schools Get U.S. Funds," reported May 20, 1966; "Senators Question Church Aid," dated May 27, 1966; and "Church-State Issue Squeezes Congress," dated June 6, 1966; be printed in full in the RECORD at the conclusion of my remarks.

The PRESIDING OFFICER. Without objection, it so ordered.

(See exhibit 1.)

Mr. ERVIN. Additionally, Mr. President, I invite the attention of the Senate to a recent editorial published in the Washington Post. In reference to the bill, the Post endorsed its consideration and stated "Judicial review represents the traditional, and most authoritative way to determine the constitutional validity of laws affecting church-state relations." I ask unanimous consent that this editorial, entitled "Measuring the Wall," published in July 5, 1966, edition of the Washington Post, be printed in full in the RECORD at the conclusion of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 2.)

Mr. ERVIN. Finally, Mr. President, I ask unanimous consent that an excerpt from the June 20, 1966, bulletin of the American Civil Liberties Union, Feature Press Service, entitled "ACLU Supports Judicial Review of Federal Assistance to Church-Related Institutions," be printed in full in the RECORD at the conclusion of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 3.)

Mr. ERVIN. Mr. President, we must not further delay enactment of a judicial review provision in our law. It is particularly important that we favorably consider this bill before existing laws are implemented and new ones put to a vote. We should act now to provide effective procedures for the enforcement of the first amendment to the Constitution.

EXHIBIT 1

[From the Christian Science Monitor, April 27, 1966]

FEDERAL FUNDS TEST CHURCH-STATE BOUNDARY

(By William C. Selover)

WASHINGTON.—If you signed over a lump of income tax to the Internal Revenue Service April 15, you may have helped violate the church-state separation principle of the United States Constitution.

There's no way of knowing for sure, however.

Here's why:

United States taxes made available to private, church-related groups some 5½ billion government dollars this year to operate various parts of more than 60 federal programs.

These are mainly in the areas of education, health, housing and antipoverty.

Yet, there is absolutely no way for the private citizen who believes a certain program violates the church-state separation principle to challenge its constitutionality in a federal court of law. (Ironically, in most states such cases can be brought in state courts where state funds have been spent. But this doesn't apply to federal courts and funds.)

HARVARD REFUSES FUNDS

Administration officials vigorously deny that there is any constitutional violation in their programs. They say a court ruling is totally unnecessary.

Others argue that violations have become so widespread that a ruling is essential.

A senate judiciary subcommittee in recent hearings found growing sentiment for enactment of laws to allow taxpayers to test these laws.

The Subcommittee on Constitutional Rights heard debate on a bill which would give individual "standing" to sue for discontinuance of programs which allegedly violate church-state separation principles.

The hearings turned up impressive evidence to show that violations of this fundamental principle may be growing.

Among the findings.

Some 35 divinity schools around the country are accepting funds from the National Defense Education Act (NDEA) to train theology students—Harvard Divinity School has conspicuously refused to accept this aid on grounds that it violates the First Amendment to the Constitution.

Books are being given to parochial schools under the legal fiction of "loans." Administration officials admit the return of these loans is highly unlikely.

Hundreds of programs in the "war on poverty" are being administered by church groups. The constitutionality of these programs is in "some question," admits the general counsel for the Office of Economic Opportunity.

The Christian Science Monitor has learned that in Chicago public funds are being used by local antipoverty groups to prevent foreclosure by mortgage companies on financially defunct church properties.

In programs administered by the Department of Health, Education, and Welfare (HEW), there are no records of any kind kept to show specifically whether or not a recipient of federal funds has any church connections—"unless we can tell from the name of an institution," according to a HEW lawyer. "We do not inquire . . . into this aspect."

Also, in most HEW-administered programs there is no assurance that public funds would not "replace expenditures of funds" otherwise made by a private institution.

This means that public funds spent on a nonreligious education program in a parochial school could free other funds in the institution's budget for religious instruction.

CONSTITUTIONAL TEST OPPOSED

The Attorney General's Office opposes a constitutional test of these programs on grounds that it would "seriously disrupt the federal programs."

Administration officials indicate they would rather continue operating possibly unconstitutional programs, than take the chance of hindering extensive programs of education, health, housing, and antipoverty.

The Justice Department contends such court tests are unnecessary—that guidelines written into the laws assure the constitutionality of the programs.

"The Congress is honor-bound . . . not to take action which would in any way violate the Constitution," argues Assistant Attorney General John W. Douglas. He says that Congress, therefore, in passing the law, must have done so constitutionally. Subcommittee lawyers regard this argument as exceedingly peculiar.

But this newspaper has learned from HEW sources that the department guidelines are generally inadequate, that they are being overlooked or ignored, and that there is no established machinery for enforcing them.

Asked whether spot checks are made on the various programs being administered by HEW to guarantee that funds are not used in violation of church-state separation guidelines, a department official said: "We're not going to stand over them like a policeman. We'll take steps if something should come to light in normal auditing procedures." He admitted the audit check would take, roughly, two years.

SEVEN ACTS MENTIONED

But even if the guidelines were adequate and scupulously observed, there is still no way to tell for sure whether the laws themselves are constitutional.

Sen. WAYNE MORSE (D) of Oregon, SAM J. ERVIN (D) of North Carolina, Sen. JOSEPH S. CLARK (D) of Pennsylvania and Sen. RALPH W. YARBOROUGH (D) of Texas want to know what the courts would say.

Together they sponsored a bill S. 2097, introduced by Senator MORSE, which would give the taxpayer standing to challenge the constitutionality of any one of several programs now supplying public funds to church-affiliated groups.

The bill makes specific reference to seven acts: (1) the Higher Education Facilities Act of 1963, (2) Title VII of the Public Health Service Act, (3) the National Defense Education Act of 1958, (4) the Mental Retardation Facilities and Community Mental Health Centers Construction Act of 1963, (5) Title II of the act of Sept. 30, 1950 (Public Law 874, 81st Congress), (6) the Elementary and Secondary Education Act of 1965, and (7) the Cooperative Research Act.

It also includes any other act which is administered by the Department of HEW and was enacted after Jan. 1, 1965.

Senators MORSE and ERVIN, though in complete agreement on the need for such legislation, do so from opposing corners.

Mr. MORSE argues that the acts cited in the bill represent "a proper exercise of the constitutional authority given to Congress." He says a court ruling to that effect will allow Congress to go farther to "meeting the full needs" of our people.

CONSIDERED POORLY DRAFTED

Mr. ERVIN, a former justice of the Supreme Court of North Carolina, argues that the acts may be unconstitutional and that the court should be allowed to rule on them. Mr. ERVIN's aides point out that the Senator does not oppose the basic intent of the acts. "In fact, he voted against only one of the seven specifically mentioned. He just wants them tested."

The bill, as originally introduced was considered poorly drafted in many respects. Even Senator ERVIN, who, as Constitutional Rights Subcommittee chairman, presided over hearings on the bill and co-sponsored it, felt the drafting was faulty. "There are many provisions, I am frank to state, in this bill that I don't like myself," he told the hearing.

Senate lawyers did not seriously think it could pass in its original form. The subcommittee sought doggedly for ways to improve upon the bill during the six days of hearings in March. Chances for passage are now considered much improved. Some 20 representatives of church groups, educational and legal professions, and administration spokesmen testified.

There was almost unanimous opposition among witnesses to Section 6(A) which provided that all funds would be cut off from a program when it was challenged legally, even before a judgment was made.

And if a program was ruled invalid the bill provided that all the funds would have to be returned.

"Isn't that unusual . . . in any kind of a statute?" asked subcommittee member Sen. JACOB K. JAVITS (R) of New York in questioning this provision.

Theodore Ellenbogen, assistant general counsel of HEW, replied that in the face of such a risk. "We cannot believe that there would be many applicants" for HEW programs.

Other objections were raised on the contention that the courts would be flooded with suits. But it was argued that the cost of a court contest would likely run to $25,000, thus, allowing only a few to raise the issue. Also, the bill provides that all suits would be brought to the District of Columbia district court, and similar cases could be consolidated.

On this point, however, Senator ERVIN said: "It seems to me that if it takes 10,000 suits to keep Congress from passing unconstitutional laws, the finest thing to be done for the American people . . . would be to have these suits brought."

OTHER PROGRAMS INVOLVED

Many of the witnesses urged the inclusion of more of the numerous programs which involve church-state separation.

"At the very least, the programs and acts administered by the OEO [Office of Economic Opportunity] should be included," said James Luther Adams, Harvard Divinity School professor.

But political realities discouraged urging too broad coverage.

"I think it should at present be limited to the enumerated acts, with the addition of OEO," said John Adams, legal counsel of Americans United for Separation of Church and State.

"I am glad to hear you say that," replied Senator ERVIN. "Just as a pragmatic matter, to getting the legislation enacted, you could sometimes get more support from a narrower bill than you can from a broader bill."

But the knottiest legal question raised by the legislation is the question of "standing."

For years, courts have held that an individual taxpayer did not have sufficient monetary interest in the spending of his tax money to have "standing" in a court to sue for improper use of his tax money. This ruling, based on the "de minimus rule," has governed procedure since the 1923 case of Frothingham vs. Mellon.

Prof. Leo Pfeffer, testifying for the American Jewish Congress contended, however, that de minimus is irrelevant and has no applicability "if you are not suing to indicate a monetary or proprietary concern . . . the Supreme Court has simply ignored completely the de minimus rule where rights are concerned."

Put another way, American Civil Liberties Union director, Lawrence Speiser, said: "When government action violates [the citizen's] conscience, the amount of his financial burden is irrelevant."

These lawyers believe that the individual has standing to sue already where the case involves a breach of "rights" or "conscience." But many would disagree.

John T. Fey, speaking for the American Council on Education, was asked by subcommittee counsel whether there was any way a federal taxpayer could test legislation on the basis of a First Amendment violation.

"Not only is there no way, but my contention is that there is no justification for it, philosophically or morally," he replied.

Whether it's possible or not, it is procedurally unlikely.

Thus, the authors of the bill decided the answer would be to grant "standing" by law.

Assistant Attorney General Douglas said there are "serious doubts" about the constitutionality of conferring standing—where there is no justifiable controversy.

Here again, Senator ERVIN views church-state issues as creating sufficient interest to be considered a justiciable controversy. "Church-state provisions of our Constitution are a fundamental covenant of government, so fundamental that every citizen has an interest in their enforcement."

Marvin Braiterman, speaking for the Union of American Hebrew Congregations, reminded the subcommittee that "Congress is constantly conferring standing to sue on plaintiffs in all kinds of legislation it passes. Every time it passes labor legislation, it gives somebody a right to sue, like the Fair Labor Standards Act."

The question of conferring standing is one which won't be resolved easily or soon. It remains, however, to the authors of the legislation, as the only obvious expedient to correct, in Senator ERVIN's words," a serious defect in our system of justice, which brags there is no wrong without a remedy."

Other objections were more easily solved by the subcommittee.

Instead of amending Senator MORSE's original bill, the chairman is drafting a new bill—which incorporates some technical changes, improving earlier oversights, as well as removing the automatic cutoff of funds provision.

Senate legal experts say privately that the new bill has considerably improved chances of passage.

STORMY PATH SINCE 1961

In fact, some subcommittee sources feel that the time for this legislation is overdue.

It has had a stormy path, ever since its essentials were drafted in 1961 by Senator MORSE together with the Attorney General of the United States, and the Solicitor General.

Senator ERVIN proposed a judicial-review amendment to the Higher Education Facilities Act in 1963. It was passed by the Senate, but was dropped in conference.

Then, a similar Ervin amendment to the Elementary and Secondary Education Act failed to pass the Senate in 1965. At that time Senator MORSE expressed fear that such an amendment might hold up passage of the Education Act.

But Senator MORSE gave his pledge to introduce an independent judicial review bill—a further modification of the one he'd worked on since 1961.

He was faithful to his commitment. And Mr. ERVIN was reportedly delighted at Mr. MORSE's strong testimony in support of the legislation.

If the bill doesn't pass this time, it certainly served to stir up some basic questions for further debate.

But one thing is for sure.

It managed to shake the big, gray, impersonal, monolithic department of HEW down to its legal and statistical boots.

Its spokesmen tried everything they could think of to put off testifying.

And after they testified, they waited until after the transcript of the hearings went to press before supplying the subcommittee with statistics and information requested for the record.

LIST OF NAMES SUPPLIED

It was probably just as well—they couldn't answer the questions asked, such as, how much money and which programs are administered by religious affiliated groups.

They could merely supply a list of names—perhaps to identify a few ecclesiastical sounding institutions. But as one HEW subdivision—the Vocational Rehabilitation Administration—noted in a terse and candid memo to the legal adviser in response to his request to identify religious affiliated groups it spends money on: "We are forced to conclude that a name check of 1,000 institutions would be misleading."

But it's little wonder HEW was shaken. It was Senator ERVIN himself who left them with this final thought:

"We have the Department of Health, Education, and Welfare, which is administering billions of dollars of money for educational purposes, and for other purposes, which many Americans think is in violation of the First Amendment.

"And this great department of the American Government, whose officers are sworn to support the Constitution of the United States, is opposed to the passage of any law which could make it clear that the constitutionality of the programs it administers can be brought into question. All I have to say is that if the health of religious liberty in America is going to be dependent on the attitude of the Department of Health, Education, and Welfare, it is going to be in a very unhealthy state."

[From the Christian Science Monitor, May 20, 1966]

PRACTICE DISPUTED: CHURCH-TIED SCHOOLS GET U.S. FUNDS

(By William C. Selover)

WASHINGTON.—The federal government is building hundreds of classrooms for church-related educational institutions all across the country under the 1963 Higher Education Facilities Act.

Under another federal program, public-school teachers, in some states, teaching in parochial schools, are paid with United States funds.

These practices could occur in any church-related school, regardless of the religious denomination.

And in the administration's "war on poverty," the story is the same.

As director of the program Robert Sargent Shriver, Jr., said last December: "Three or four years ago it was practically impossible for a federal agency to give a direct grant to a religious group. Today, we have given hundreds without violating the principle of separation of church and state."

This is due in large measure to the fact that the Office of Economic Opportunity spreads the funds around to dozens of different religious denominations, according to an inside source. "Who can complain?" they ask. "Everybody gets a cut of the cake."

ASSESSMENTS VARY

What does all this add up to?

Some say it represents a facing up to the realistic education and welfare needs of this age. They argue that the complexity of today's society demands it.

Others charge it is a very serious violation of constitutional guarantees. Some constitutional lawyers refer to this as "the trend toward multiple establishment." They say the framers of the First Amendment specifically inveighed against such a drift.

Here's what they mean by "multiple establishment":

Not many people today are afraid the federal government will establish a single state church. There is lessening concern that tax revenues will be diverted to one religious denomination.

But, there is considerable and growing fear among some constitutional lawyers, reflected in recent Senate hearings, that it is just as unconstitutional for the federal government to support a wide cross section of religions through grants to run government programs.

These lawyers argue that the government, in effect, is contributing to the establishment of many church groups. Thus, the term "multiple establishment."

AMENDMENT TRACED

"If there is anything to be settled in the Constitution today," says Prof. Leo Pfeffer, a specialist in the First Amendment, "I believe is the principle that the First Amendment forbids aid to all religions, no less than it forbids aid to particular religions."

Prof. Pfeffer was testifying at hearings of the subcommittee on constitutional rights of the Senate Judiciary Committee.

Sen. Sam J. Ervin (D) of North Carolina, subcommittee chairman, repeatedly referred to the history of the First Amendment during the course of the six days of hearings: ". . . The history out of which the First Amendment arises, namely, the struggle in Virginia for the adoption of the Virginia statute of religious freedom, show(s) that what was involved there was a question of whether Virginia would have a multiple establishment."

That is, he explained, "a law under which all recognized religions or denominations would share in the taxes levied for religious purposes, rather than any attempt to establish one church. . . . So the very history of the First Amendment grows out of a struggle to prevent what you might call the multiple establishment of religion.

The administrators of today's education and welfare programs are losing sight of this history, according to the Senator.

PROBLEMS COMPARED

"The executive and legislative branches are moving toward multiple establishment," said a subcommittee lawyer.

Franklin C. Salisbury, attorney for the National Association of Evangelicals, put it this way, regarding the government health, housing, antipoverty, and education programs: "Problems of today have gone right back to the problems that we had in Virginia at that time."

The federal classroom building program, open to all religiously affiliated institutions which qualify, can be viewed as symptomatic of this problem.

For 20 years the buildings must not be used for religious instruction. Then the United States Government turns them over completely to the institutions, free.

Its directors can use them for whatever they want—prayers, religious instruction, even convert them to theological seminaries.

The Department of Health, Education, and Welfare argues that the government will have received its full value out of the buildings in 20 years.

POINT OF PROTEST

Senator Ervin, however, points out that the Internal Revenue Service sets 50 years as the life of a building. He protests that ". . . the institution has got a building at the expense of the taxpayers through this grant that it might conceivably use for a hundred years, and it has a fee simple title to it."

This, says the Senator, is a considerable contribution toward support for the religion—raising serious questions about violations of the establishment provision of the First Amendment. But nobody complains because all religions benefit.

Senator Ervin points out that at his alma mater, "the university is still using its oldest building." It was built in 1795.

The antipoverty program for migratory workers is another example:

Recently this newspaper reported that some 12 percent of all grants under the aid to migratory workers program, administered by the Office of Economic Opportunity, went to religious groups. This amounted to at least 14 percent of the funds spent in the program. This is considered a conservative estimate.

Donald M. Baker, Office of Economic Opportunity general counsel, told the Ervin subcommittee that it was impossible to operate its migratory program without funding church groups.

"The only groups you can get who are interested in doing this are church-related organizations," he said. "And if you do not use them, you just wipe that particular migrant community off the map, so to speak, in that state."

Noel H. Klores, director of the migratory workers program, says there have been virtually no complaints about violation of church-state separation.

One knowledgeable source within the Office of Economic Opportunity says that the lack of complaints is easy to explain: the program is careful to fund a wide cross section of religious denominations. Everybody is kept happy.

Senator Ervin's subcommittee hearings, held in March to consider possible needed legislation in this area, may not have solved the question of whether or not today's education, housing, antipoverty, and health programs run by church groups constitute a reappearance of "multiple establishment."

But the Senator, himself, has made it abundantly clear how he feels.

And it is clear that he has put the various departments of the federal government on notice that they must thoroughly justify before Congress all programs administered through religious groups.

Recently, Senator Ervin, a former Supreme Court justice of North Carolina, told an audience in Nashville, Tenn.:

"Time and again, the Supreme Court has said that neither a state nor the federal government can pass laws which aid one religion, aid all religions, or prefer one religion over another. . . . The present policy of making federal aid available to all non-secular institutions is in reality a reappearance of an earlier threat to our religious freedom: the principle of multiple establishment so wisely discarded years ago."

And he concluded: ". . . Those seeking to pervert the principle of separation by affording financial assistance to denominational institutions have apparently forgotten this meaning of multiple establishment. . . . They have filed away in the halls of bureaucracy the great truths discovered by those early men. . . . They have overlooked an event in history which presented a clear opportunity for decision on the issue of establishment. This decision laid the foundation of religious liberty in America."

[From the Christian Science Monitor, May 27, 1966]

Senators Question Church Aid

(By William C. Selover)

Washington.—The Senate is concerned about what happens to a church which depends upon government for support.

The findings of a Senate subcommittee point up some ominous dangers.

"When a church becomes dependent on outside funds for its existence it loses the sincerity and services of its own adherents," explained a Senate subcommittee lawyer.

The subcommittee on constitutional rights recently held hearings to assess the effect of laws which presently make available some $5½ billion to church-related organizations through more than 60 federal programs.

"Dependence destroys the vitality," says a legal counsel for the subcommittee, in explaining committee findings.

It may seem unusual that lawyers are concerned with religious "vitality" of a church.

OPINION REPRESENTED

But in this case, they represent a growing body of legal opinion that feels some federal programs are violating the establishment clause of the First Amendment. They are going to great length to point out the historical danger implicit in state-supported churches.

Another lawyer, Prof. Leo Pfeffer, chairman of the department of political science of Long Island University, says: "I do not believe . . . that religious liberty can long last when the government undertakes to finance religious institutions."

Sen. Sam J. Ervin (D) of North Carolina, subcommittee chairman, at the hearings asked Professor Pfeffer: "Don't you agree with me that the whole of history teaches that the worst thing that can ever happen to religion is for religion to be subsidized by public taxes?"

"I could not agree more," replied Professor Pfeffer.

Thirteen years earlier, Professor Pfeffer wrote in his book, "Church, State and Freedom": "Wherever the church or state seeks to use the other as engine for its own purpose—that is, wherever a state or church pierces the wall of separation between them —religious freedom inevitably suffers."

He cited Italy under Mussolini, the Soviet Union, and Spain as areas where state-supported freedom has been the inevitable victim.

Lawyers, obviously, have no exclusive proprietorship over concern for state-supported religion.

Rabbi Edward E. Klein told the Ervin subcommittee that ". . . it has been this separation which has enabled religion, really, to grow and develop in America free of political control, and the state to flourish free of ecclesiastical control."

The principle of voluntarism was most eloquently defended at the hearings by James Luther Adams, professor of Christian ethics at Harvard Divinity School.

"Religious institutions should derive their support from private, free-will giving," he said. "For us the collection plate in the Protestant Sunday service is an unmistakable symbol of the voluntary and independent character of authentic religion. We pay our own—any compromise of this voluntarism is a reversion toward the tethered 'civic religion' of ancient, pagan Rome, where government and religion were favored."

WHAT CONSTITUTES BREACH?

What constitutes breach?

While most Americans might agree to the virtue of voluntarism—there is little agreement over what constitutes a breach of this ethic.

Mr. Adams feels that acceptance of any funds, for whatever purpose, religious or secular, by a church-related institution, is a contravention of this ideal.

Thus, he views the administration's programs run by church groups as being on very dubious moral grounds.

In some of these programs it is very easy to identify the danger of which Mr. Adams speaks.

For example, one poverty program in Chicago is helping pay off high-rate mortgages on churches to keep them going—to house some of the programs.

In some other programs, it is less easy to identify the direct benefits.

ESTABLISHMENT DEFINED

But in his defintion of establishment, William O. Douglas, Associate Justice of the Supreme Court of the United States, says: "An institution is strengthened in proselytizing when it is strengthened in any department by contributions from other than its own members."

Senate lawyers point out the emphasis here is on "any department."

Senator ERVIN is afraid that many new government programs are operating at the direct expense of voluntarism.

"Our centralized government is endeavoring to relieve the church membership of the right and responsibility for its own support." he says ". . . despite 180 years of continual remonstrances against establishment."

And the Senator told the 18th national conference on church and state in Nashville last Feb. 22:

"I agree with Mr. Justice Frankfurter [the late Associate Justice Felix Frankfurter] that Elihu Root's phrase bears repetition. He said: '. . . We have staked the very existence of our country on the faith that complete separation between the state and religion is best for the state and best for religion.' It is my firm conviction that this course is not tantamount to a decision against God, as some suggest, but rather a decision supporting the faith and intelligence of all free men."

[From the Christian Science Monitor, June 6, 1966]

BALLOT-BOX PRESSURE: CHURCH-STATE ISSUE SQUEEZES CONGRESS

(By William C. Selover)

WASHINGTON.—Congress is still tossing around the church-state separation issue like a hot potato.

Nobody, it seems, wants to get burned.

For a congressman, any strong position—on either side—invites a scorching at the ballot box in the fall.

Among the 60 or so federal programs now being administered by church-related groups, many lawmakers privately see the need to raise serious constitutional questions.

The problem for the politician is: How do you raise these questions without appearing to be against education, or housing, or welfare, or health?

Many of the present programs were passed by what Sen. WAYNE MORSE (D) of Oregon calls "trying to slip through the backdoors and the side doors."

THEORY RESURRECTED

For many of the current programs, an earlier-discarded "child-benefit" theory was resurrected.

This is the argument that the programs in question are not designed to help church-related institutions but only the child.

This theory allowed congressmen to hand over billions of dollars to church-related groups on the grounds that everybody's children need help in education and welfare programs—regardless of their religion. "We don't want to discriminate against some children just because they chose to go to parochial schools," they told one another.

Following this line of argument, Edwin H. Palmer, chairman of Citizens for Educational Freedom, told a Senate hearing: ". . . in returning the tax dollar to the citizen, the government should not ask . . . what is a college's religion but rather, what are its educational qualifications?"

However, in the implementation of some of these programs, the constitutional questions have become hotter and hotter.

MIXED FEELINGS

Dean M. Kelley, spokesman for the National Council of the Churches of Christ in the U.S.A., recently raised serious doubts about the administration of the Elementary and Secondary Education Act of 1965.

His group originally supported the program—rationalizing their support on the "child-benefit" theory.

But now he finds that original safeguards have been dropped, those that remain are not enforced, and the "child-benefit" concept is being distorted.

In March, he told the House General Subcommittee on Education: "Having accepted the 'child-benefit' concept, we expect it to be applied fairly and fully whichever way it cuts . . . But we do not want the concept to be distorted or misapplied in ways which help schools more than children."

Congressmen began to take notice. Still very few spoke out. And not many outside groups joined the dissidents.

Sen. SAM J. ERVIN (D) of North Carolina reminded the Senate that the courts had several times rejected the "child-benefit" theory altogether.

The basic political dilemma was summed up candidly by the general counsel to the antipoverty program, Donald M. Baker.

CONGRESSMAN ON SPOT

"Frankly," he said, ". . . I think a lot of people who are very much concerned about the constitutional issues are in basic sympathy with the war on poverty and are concerned with appearing to be attacking it. I think that is a real factor in making some groups hesitant."

James Luther Adams, Harvard Divinity School professor, went directly to the heart of the political issue when he projected himself into the thinking of a typical congressman. Many feel his description was painfully accurate.

"This is rather a delicate matter," he conceded.

"I feel that if I were a man in Congress, or in a state legislature, and issues of separation of church and state came up, I would want to dodge them. I would not want to take a position that would just automatically cut off a whole bloc of votes from me among people who in all other respects favor my program and the program of my party."

"I think it is expecting too much of a man who is directly related to the electorate as a congressman—it is expecting too much of him to take a stand in terms of conviction on a matter of separation of church and state, unless you are in a situation in which the congressman can appeal to widespread consensus. And therefore it seems to me that the court itself has to serve this function."

Senator MORSE has come up with what he thinks could solve this problem—as well as save the Congress from the "backdoor" approach to the church-state issue.

He has proposed legislation which, simply stated, would allow taxpayer suits to challenge the constitutionality of certain programs. In effect, this would relieve the Congress of the political necessity of making a decision on this delicate issue.

Since the history of judicial rulings on the establishment clause of the Constitution is so sketchy, Senator MORSE feels this would help settle the question once and for all.

BILL WINS SUPPORT

Characteristically, he told a Senate hearing on his proposal: "I always like to go through the front door, where everybody knows about my entrance."

The Morse bill has won the support of Sens. ERVIN, JOSEPH S. CLARK (D) of Pennsylvania, and RALPH W. YARBOROUGH (D) of Texas.

The legislation is still in the Senate Subcommittee on Constitutional Rights—under the chairmanship of Senator ERVIN.

Strong support for the legislation comes from advocates of the public-school system.

Mrs. Fred L. Paul, president of the National School Boards Association, has strongly urged the committee to favorably report the legislation. "We firmly believe that the public school must continue to be strengthened so as to preserve the democratic way of life as we know it," she said.

The executive director of the school-boards organization put it more strongly:

"We should support the right of any group to establish and operate schools . . . but . . we believe that it is the responsibility of those groups and those individuals supporting those schools to support those schools, and that public funds, gathered with the power of the government behind it, should be administrated by public officials, not officials of private or special-interest groups."

But opposition to the Morse proposal is strong. And congressmen are feeling the pull in both directions.

Opposition centers on two theses: that education and other programs are in such need that private groups must be called in to help, and, that, with the programs now underway, why disrupt them and the "harmony" which has been created between public and private school administrators.

"It would seem to be to the advantage of our great country not to harass the independent institutions nor to disturb the present religious harmony by needlessly suggesting a judicial review of health, education, and welfare measures," says Mr. Palmer, of the Citizens for Educational Freedom.

A similar position is argued by the National Catholic Welfare Conference.

CONSTITUTIONAL RELUCTANCE

John T. Fey, speaking for the American Council on Education, explains: "The need for aid to education at this time is critical . . . to the defense of the country, and to the economic development of the country."

He added that education is "secular in nature, it is not a sectarian venture."

But the biggest opposition comes from the administration itself.

In a revealing colloquy, Senator ERVIN asked Prof. Leo Pfeffer, spokesman for the American Jewish Congress, to speculate on the reasons for the administration's opposition.

Professor Pfeffer: I can think of no other justification, no other explanation but a fear that perhaps what is being done would not comply with the constitutional requirements, else it would seem to me that the administration would welcome a judicial enforcement of that position, if they are confident that their position is not in violation of the First Amendment.

Senator ERVIN: In other words, it would indicate that the government is in the position of a boy who is afraid of getting caught in wrongdoing, isn't that a reasonable inference to draw?

Professor Pfeffer: I think so.

(Last of four articles on church-state issues.)

EXHIBIT 2

[From the Washington Post, July 5, 1966]

MEASURING THE WALL

Church and state have been brought into unprecedented contact through a number of recently established Federal programs in the fields of education and poverty. The aid to education measures enacted by Congress authorize benefits for nonreligious purposes to church-related institutions of higher learning and to children attending private elementary and secondary schools; and the Office of Economic Opportunity is authorized to work through certain church facilities in implementing its programs. Do any of these authorizations breach the constitutional wall of separation between church and state?

In the United States with its written fundamental charter, this kind of question is customarily answered by asking the Federal courts to pass judgment on specific applications of the law as they affect individual plaintiffs. The law may be implemented in one way in Boise, in another in Houston. By examining these varying situations, the courts will, ordinarily, tell the country what is constitutionally permissible and what is impermissible.

A difficulty arises, however, from a judicial rule that lawsuits testing the constitutionality of a law may be brought only by persons who have a substantial interest involved in it or who are adversely affected by its operation. The Supreme Court, moreover, is empowered to pass judgment only in actual cases and controversies, not on abstract issues. An individual citizen cannot test the law simply because he believes that his tax payments are being put to an unconstitutional use.

When the 1965 school aid act was under debate in the Senate, Senator ERVIN proposed a judicial review amendment designed to authorize Supreme Court judgment respecting the church-state aspects of the act. The amendment was opposed on several grounds: by some, this newspaper among them, because of a feeling that Congress could not instruct the Supreme Court to take particular cases; by others, because of a belief that the amendment would upset the delicate compromise on which passage of the act depended.

Senator MORSE, the floor leader for the bill, opposed the amendment but promised that after the bill's enactment he would introduce a separate bill authorizing judicial review. He did so. But his bill has never come to the Senate floor. We think it deserves consideration. While we remain doubtful that Congress can convert an issue into a "case or controversy" or that it can confer standing to sue where none previously existed, we think there might be real merit in a congressional indication of desire for a judicial determination of the problem. The Court's past ruling which limited standing to sue was based on considerations of public policy, not on any constitutional restriction on the jurisdiction of the Federal courts. Perhaps the Court would modify the ruling in the light of a congressional request.

Senator MORSE's bill needs amplification, however, in two respects. It would apply, as he introduced it, only to the Federal aid to education acts; it ought to be made applicable to the poverty program as well. And, as drafted, it would hold up payments to any challenged Federal program until the suit was settled; there is no need for so obstructive an arrangement; interruption of the particular project would suffice. Judicial review represents the traditional, and most authoritative, way to determine the constitutional validity of laws affecting church-state relations.

EXHIBIT 3

[From the American Civil Liberties Union Feature Press Service, June 20, 1966]

ACLU SUPPORTS JUDICIAL REVIEW OF FEDERAL ASSISTANCE TO CHURCH-RELATED INSTITUTIONS

The constitutionality of a number of federal laws enacted by Congress which permit federal assistance to church-related institutions has never been tested in the courts because of the "standing to sue" problem. According to U.S. Supreme Court decisions, if an individual bringing a federal court suit has not sustained or is not in immediate danger of sustaining some direct and substantial injury, he is not considered to be involved in a case and thus have standing to sue.

Expressing the American Civil Liberties Union's concern "that if the constitutionality of such legislation remains in doubt, division and hostility between religious groups will arise—the very thing that the First Amendment of the Constitution's establishment clause was designed to prevent," the ACLU's Washington Director, Lawrence Speiser, recently testified before the Senate Judiciary Committee's Subcommitee on Constitutional Rights. Mr. Speiser appeared in support of a bill before this subcommittee, S. 2097, which would "authorize certain plaintiffs to sue in the U.S. District Court for the District of Columbia in order to determine the constitutionality of seven listed Acts of Congress, as well as any other Acts administered by the Department of Health, Education and Welfare and enacted after January 1, 1965."

The Congressionally enacted aid and programs in question, such as the Economic Opportunity Act of 1964, the Elementary and Secondary Education Act of 1965 and the Higher Education Act of 1965, now permit the utilization of religiously connected facilities and offer grants to these institutions. In most cases, the various kinds of aids and programs are spelled out with only the most general guidelines.

The three classes of plaintiffs who would be entitled to sue under the proposed legislation would include: "(1) any public or other non-profit institutional agency which is, or may be, prejudiced through reduction in the amount of funds made available to it by virtue of a grant or loan being made to another institution or agency under any of the enumerated Acts; (2) Any citizen who has paid his federal income tax during the preceding year; and (3) Any public or other non-profit institution or agency denied a grant or loan under any of the enumerated Acts. In all of the classes of plaintiffs, challenges are limited solely to grounds under the First Amendment."

Touching on the "standing to sue" precedents, Mr. Speiser stated the Union's belief "that the decisions in prior cases denying standing in Federal courts to a federal taxpayer to attack the validity of a federal expenditure is merely a rule of procedure—not intended to rest on constitutional grounds; and that, if Congress authorized a taxpayer to raise a constitutional issue respecting the federal statutes of the importance of those we are discussing in the federal courts, that the courts would take jurisdiction and decide the matter on the merits."

In the past the Justice Department and the Department of Health, Education and Welfare have generally argued against provisions permitting federal taxpayer actions as a matter of policy. While acknowledging that the size and complexity of the federal operation may well require this policy when applied to ordinary federal expenditures, the Union held that "the constitutional claim which is here involved—that the citizen has been taxed to support the religious activities of a faith other than his own—stands on a different footing."

The Union further asserted that "(t)he right not to be so taxed has been central to the American concept of religious freedom nurtured since Jefferson and Madison. To deny it a remedy is to leave a constitutionally protected right naked and defenseless, as though it were but a pious intention. The citizen may well have suffered no injury when an asserted misappropriation has no more effect upon him than to increase his taxes by a minute and essentially immeasurable amount. But when government action violates his conscience, the amount of his financial burden is irrelevant. The fact, not the size of his investment in another faith's institutions is the operative condition."

Mr. ERVIN. Mr. President, in order that a full explanation of the provisions of the bill may be made available to all Americans, I ask unanimous consent that an excerpt from the committee report, beginning with page 1 and ending with page 25, be printed at this point in the RECORD.

There being no objection, the excerpt from the report (No. 1403) was ordered to be printed in the RECORD, as follows:

The Committee on the Judiciary, to which was referred the bill (S. 2097) to provide judicial review of the constitutionality of grants or loans under certain acts having considered the same, reports favorably thereon with an amendment in the nature of a substitute and recommends that the bill as amended do pass.

AMENDMENT

Strike out all after the enacting clause and insert in lieu thereof the following: "That this Act may be cited as 'An Act to Enforce the First Amendment to the Constitution.'

"SECTION 1. The approval or disapproval of an application of any public or other nonprofit agency or institution for a loan or grant under—

"(1) the Higher Education Facilities Act of 1963,

"(2) title VII of the Public Health Service Act,

"(3) the National Defense Education Act of 1958,

"(4) the Mental Retardation Facilities and Community Mental Health Centers Construction Act of 1963,

"(5) title II of the Act of September 30, 1950 (Public Law 874, Eighty-first Congress),

"(6) the Elementary and Secondary Education Act of 1965,

"(7) the Cooperative Research Act,

"(8) the Higher Education Act of 1965, or

"(9) the Economic Opportunity Act of 1964,

shall be effected by an order of the Federal officer making such grant or loan which shall be conclusive except as otherwise provided in this Act. Notice of such order shall be published in the Federal Register and shall contain such information as the Federal officer issuing the order deems necessary to effectuate the purposes of this Act.

"SEC. 2. Any public or other nonprofit agency or institution which is or may be prejudiced by the order of the Federal officer making a loan or grant under the authority of any of the Acts enumerated in section 1. in a particular year to another such agency or institution, by virtue of the fact that the making of such loan or grant serves to reduce the amount of funds available for loans or grants in such year to the agency or institution which is or may be prejudiced, and which deems a loan or grant to be inconsistent with the provisions relating to religion in the first amendment to the Constitution may bring a civil action in the nature of an action for a declaratory judgment. Defendants in such action shall be the Federal officer and the agency or institution whose application has been approved. Such an action may be brought no later than sixty days after the publication of the order of the Federal officer in the Federal Register.

"Sec. 3. (a) Any citizen of the United States upon whose taxable income there was imposed an income tax under section 1 of the Internal Revenue Code of 1954 for the last preceding calendar or taxable year and who has paid any part of such income tax and who deems a loan or grant made under any of the Acts enumerated in section 1 to be inconsistent with the provisions relating to religion in the first amendment to the Constitution, may bring a civil action in the nature of an action for a declaratory judgment against the Federal officer making such a loan or grant. No additional showing of direct or indirect financial or other injury, actual or prospective, on the part of the plaintiff shall be required for the maintenance of any such action. Such an action may be brought no later than sixty days after the publication of the order of the Federal officer in the Federal Register with respect to such loan or grant. In suing under this subsection, the plaintiff may sue either on behalf of himself or on behalf of all other taxpayers similarly situated.

"(b) Any citizen of the United States who deems a loan or grant made under any of the Act enumerated in section 1 to be inconsistent with the provisions relating to religion in the first amendment to the Constitution, may bring a civil action in the nature of an action for a declaratory judgment against the Federal officer making such a loan or grant. Such an action may be brought no later than sixty days after the publication of the order of the Federal officer in the Federal Register with respect to such loan or grant. In suing under this subsection, the plaintiff sues not only for himself but also in behalf of all other citizens to vindicate the public interest in the observance of the provisions of the first amendment relating to religion.

"(c) For the purpose of this section the term 'citizen' shall include a corporation.

"Sec. 4. Any public or other nonprofit institution or agency whose application for a loan or grant under any of the Acts enumerated in section 1 of this Act has been denied by the Federal officer having appropriate authority on the ground that such loan or grant would be inconsistent with the provisions relating to religion in the first amendment to the Constitution may bring an action to review the final decision of such Federal officer within sixty days after such loan or grant has been denied.

"Sec. 5. (a) Any action under this Act shall be brought in the District Court of the United States for the District of Columbia, and such court shall have jurisdiction without regard to the amount in controversy. In the event two or more civil actions are brought under the provisions of this Act challenging the constitutional validity of the same loan or grant, such court may consolidate such civil actions for the purpose of trial and judgment. Any action under this Act pending before the district court or court of appeals for hearing, determination, or review shall be heard, determined, or reviewed at the earliest practicable time and shall be expedited in every practicable manner. All process, including subpenas, issued by the district court of the United States for any such district may be served in any other district. In any action under this Act the court shall have authority to determine all matters of fact or law appropriate to a decision of the case. No costs shall be assessed against the United States in any proceeding under this Act. In all litigation under this Act, the Federal officer shall be represented by the Attorney General.

"(b) The judgment of the district court shall be subject to review as provided in sections 1252, 1253, 1254, and 1291 of title 28 of the United States Code.

"Sec. 6. (a) An interlocutory injunction enjoining the payment of a grant or loan, or any portion thereof, made pursuant to the order which is claimed to be invalid in an action under this Act may be granted by the court at any stage of the proceedings authorized by this Act.

"(b) When and if any judgment becomes final that declares invalid an order of the Federal officer under this Act, the agency or institution receiving the grant made by the Federal officer pursuant to such order shall refund the unexpended portion of the same, and if a loan has been made pursuant to such order it shall be refunded with accrued interest at the rate fixed therefor, for credit to the appropriation from which it was paid. The Federal officer may in his discretion permit deferment for a reasonable time of repayment of the grant or loan including interest thereon.

"Sec. 7. If any provision of any Act referred to in the first section, or the application of such provision to any person or circumstance, shall be held invalid under this Act, the remainder of such Act, or the application of such provision to persons or circumstances other than those as to which it is held invalid, shall not be affected thereby."

Amend the title so as to read:

"A bill to provide effective procedures for the enforcement of the establishment and free exercise clauses of the first amendment to the Constitution."

Purpose of amendment

The amendment is in the nature of a substitute bill, the provisions of which are explained in the analysis of the legislation following in this report. The substitute bill differs from the original bill in the procedural aspects of the litigation contemplated by the proposed legislation. The causes of action are made more uniform, and the jurisdiction of each rests in the U.S. District Court for the District of Columbia. Additionally, the operations of all programs administered under the acts which will be subject to review will continue unless restrained by an order of the court hearing the case. Section 3 is expanded to include two additional classes of plaintiffs—the corporate taxpayer and the individual citizen. The remaining substantive change is the addition of a provision requiring the consolidation of suits in the event two or more challenges occur to the same disbursement of funds. There is no departure from the main purpose and thrust of the original bill.

The title of the bill is changed to bring it more in line with the purposes of this legislation.

PURPOSE OF S. 2097

The purpose of S. 2097 is to provide effective procedures for the enforcement of the establishment and free exercise clauses of the first amendment to the Constitution of the United States. The bill achieves this ambition by affording the judicial machinery necessary for instituting an equitable action for declaratory judgment to obtain judicial review of the constitutionality of grants or loans made under certain enumerated acts of Congress.

It is envisaged that the classes of plaintiffs participating in litigation under this act shall include the following: (1) individual and corporate Federal taxpayers, or groups thereof; (2) any public or other nonprofit institution or agency which has made application for a Federal grant or loan; and (3) citizens of the United States.

It is intended that the classes of plaintiffs identified in sections 2, 3, and 4 be given the requisite "standing to sue" in litigation which qualifies as a "case or controversy" within the meaning of article III of the Constitution of the United States. Furthermore, this bill in no way defines a case or controversy but merely grants standing to the parties involved in any case or controversy which may arise under the establishment and free exercise clauses of the first amendment to the Constitution. Since an interpretation of the provisions of the first amendment relating to religion is indispensable to the decision in the actions to be brought under the bill, a case or controversy within the meaning of article III necessarily exists.

The acts enumerated in section 1 are not intended to be inclusive although review is expressly limited to those acts. Instead, they are representative of legislation which affords substantial and direct financial aid to denominationally controlled and denominationally "related" institutions. Such aid, it has been asserted, is of doubtful constitutionality.

The bill is not intended to deal directly with the problem of the principle of separation of church and state nor with the constitutionality of any of the enumerated acts. It is designed, however, to remove any of the existing doubt as to the power of taxpayers, citizens, and institutions to obtain judicial review of the validity of Federal grants or loans under the provisions relating to religion in the first amendment.

Legislative history

During the course of the 88th Congress, the subcommittee received numerous requests for an investigation of the expenditure of Federal funds to aid sectarian institutions. The subcommittee began preliminary research in this area of constitutional law at that time. As the subcommittee continued its background study, there was increased interest and concern by taxpayers and nonprofit organizations because of the passage of the Elementary and Secondary Education Act of 1965 and the Higher Education Act of 1965, both of which authorize extensive allocations of Federal funds to nonsecular schools.

When the Senate deliberated the Elementary and Secondary Education Act, Chairman Ervin offered an amendment to that act to provide for judicial review of the act, to determine whether disbursement under that act would be consistent with the first amendment to the Constitution. Discussion on his amendment elicited concern, expressed by Senator Morse and others, that such an amendment might jeopardize the passage of the Education Act. A similar amendment, which he proposed to the Higher Education Facilities Act, was passed by the Senate in 1963, although later deleted in conference. The more recent amendment, however, failed to pass the Senate in 1965. At that time, Senator Morse showed his willingness to support an independent judicial review bill and subsequently introduced S. 2097. In introducing S. 2097, Senator Morse said that he, the Attorney General of the United States and the Solicitor General of the United States, drafted the measure. Senator Morse pointed out that the bill, drafted in 1961, was reworked in 1963. In the Congressional Record, volume 111, part 6, page 7595, he also said:

"I took the same position then which I take tonight, that if we are going to have a judicial review provision in our law, we should have it as a separate and independent bill. It should cover not only education legislation, but also all other Federal programs involving Federal grants and loans. I am satisfied that the bill would meet all the constitutional tests. I am satisfied that the bill, if enacted into law, would bring the first amendment under a review by the U.S. Supreme Court. I would end up by giving us, as we lawyers say, 'a decision on the nose.' "

In a memorandum originally submitted in 1961 by the Secretary of Health, Education, and Welfare to Senator Morse as chairman of the Senate Subcommittee on Education and endorsed again in 1965, the Department stated, with regard to judicial review of Federal aid to sectarian institutions:

"If Congress wishes to make possible a constitutional test of Federal aid to sectarian schools, it might authorize judicial review in the context of an actual case or controversy between the Federal Government and an institution seeking some form of assistance * * *. In the absence of some statutory provisions, there appears to be no realistic likelihood that Federal legislation raising the constitutional issues discussed in this memorandum will be resolved by judicial decision.[1] "

NEED FOR LEGISLATION TO ENFORCE THE FIRST AMENDMENT TO THE CONSTITUTION

The principle of separation of church and state as emanating from the proscriptions of the first amendment is not under examination in this report. Suffice it to say, that in reaching the aproximately 50 decisions handed down by the Supreme Court relating to the establishment and free exercise clauses of the first amendment, and more particularly in the five or six most recent and significant cases, the Court has agreed to this conclusion: *neither a State nor the Federal Government may pass laws nor levy taxes which support religious activities either directly or indirectly.* [Emphasis added.]

The reason this legislation was introduced was well stated by Prof. Louis L. Jaffe, Byrne professor of administrative law, Harvard Law School:

"* * * many of the States, and perhaps even the Federal Government, are or soon will be undertaking expenditures for education which allegedly violate constitutional prohibitions against aid to religious establishments. The law appears to be that a taxpayer suit to test the constitutionality of such expenditures by State and locality can be brought in some jurisdictions and not in others, and—somewhat of a crowning paradox—that the constitutionality of State and local expenditures can be adjudicated by the Supreme Court but not the constitutionality of Federal expenditures." [2]

Senator Ervin, in his opening statement, noted that:

"Many Americans share the conviction that the making of grants and loans of tax-raised moneys to religious institutions violates the first amendment to the Constitution. Unfortunately, there is grave doubt whether these Americans can obtain a judicial determination of this question. The doubt exists because of the decision of an old case, *Frothingham* v. *Mellon*, 262 U.S. 447 1923) * * *. The point in this case most relevant to our inquiry is that portion of the decision which involves the claim set forth by Mrs. Frothingham, an individual plaintiff. She sued to enjoin the execution of an appropriation of Federal funds for grants to the States for maternal benefits. The Court held that under existing laws, applicable to a plaintiff seeking equitable relief in the form of an injunction, she failed to make a case in her complaint.

"In the only portion of the opinion which is not obiter dicta, the Court said, at page 487, that a taxpayer's interest in the moneys of the Treasury 'is shared with millions of others; is comparatively minute and indeterminable; the effect upon future taxation * * * is so remote * * * that no basis is afforded for an appeal to the preventive powers of the Court.' " [3]

This is the obstacle sought to be hurdled by S. 2097.

The question was posed by Prof. Paul A. Freund of Harvard Law School, in a statement submitted to the subcommittee, "[I]s the defect in a Federal taxpayer's suit, under the *Frothingham* rule, one of lack of standing in the lesser sense, or is it so fundamental that article III prevents any change in the prevailing Federal rule?" [4] A major purpose of the recent hearings conducted on S. 2097 was to answer that question; for if it were determined that the *Frothingham* decision was grounded on constitutional considerations, this legislation would be legally impermissible. It is unlikely that this bill would be given force and effect by the Supreme Court. Testimony at the hearings and the statements submitted to the subcommittee point out that the *Frothingham* decision was founded on grounds other than purely constitutional ones. Indeed, Professor Freund answered his own question.

"The defect in Federal taxpayers' suits does not rise to the level of an article III infringement * * * the present situation is not beyond repair through provision by Congress for a straightforward Federal taxpayer's suit * * *." [5]

Accordingly, Mr. William J. Butler of the New York Bar and counsel for the petitioner in *Engel* v. *Vitale*, 370 U.S. 421 (1962), stated:

"Of all the interpretations of *Frothingham* v. *Mellon* that have been offered, it would seem to me that the only one that is still viable is that the Constitution itself does not authorize a taxpayer suit to review the constitutionality of Federal expenditures. However, I suggest that it is certain that Congress has the right, by appropriate legislation, to grant a remedy for violations of the first amendment * * *." [6]

Addressing himself to the question of whether citizens should be allowed to sue to challenge the constitutionality of Federal expenditures under the first amendment, Prof. Leo Pfeffer said, "I think the initial question should be 'why not?' The burden of proof, it seems to me, would be upon those who assert that there should be no such right." [7] Professor Pfeffer went further. In reference to the *Frothingham* case, he said:

"It was decided in 1923 at the time when judicial attacks upon social welfare legislation, child labor laws, maximum hour laws, minimum wage laws, and so on, were frequent. The Court, while it invalidated a number of these laws, sought to exercise some degree of judicial restraint. And one of the means it applied for the exercise of this judicial restraint was to assert that a taxpayer, suing to invalidate such a law, must show that he has suffered some special damage or injury not shared by the common public or by all taxpayers. This was a decision based upon judicial discretion, upon the Court's interpretation of judicial policy. It was not based upon any constitutional limitation on the Court's power to act * * *".[8]

It has been suggested by various constitutional authorities, particularly Professors Jaffe and Kenneth Culp Davis, that the Supreme Court would even now hear a taxpayer's suit challenging a Federal appropriation which, in the words of the *Frothingham* case, is a "matter which admits of the exercise of the judicial power." And, in his statement submitted to the subcommittee, Professor Jaffe added, "But we know from *Everson* [9] that the questions which would be adjudicated under the proposed statute, are matters which admit of the exercise of the judicial power." [10] In such cases, the Court may still refuse to take jurisdiction of such a suit not for constitutional reasons but on grounds of public policy. In his testimony before the subcommittee, Professor Jaffe stated, however, that if "Congress mandates jurisdiction the Court may well be prepared to accept the congressional action as a definitive expression of a policy favoring the assumption of jurisdiction." [11]

It is important to remember that the constitutionality of none of the acts enumerated in section 1 has been ascertained by the Supreme Court of the United States nor has there been an attempt to challenge them in any judicial proceeding. Furthermore, Prof. Leo Pfeffer pointed out in his testimony before the subcommittee that judicial review is available for every aspect of the Bill of Rights except the establishment clause of the first amendment. He stated: " * * * ironically, even though the first amendment says 'Congress shall make no law respecting the establishment of religion,' and does not say 'no State shall make a law respecting the establishment,' the Court accepted jurisdiction of a suit against a State law alleged to violate that provision of the first amendment." [12]

In reference to the desirability of filling the procedural gap between the first amendment's guarantees regarding the freedom of religion and the enjoyment of that freedom, Professor Pfeffer noted that—

"* * * James Madison, when defending the Bill of Rights specifically stated that he expected that the courts would make themselves the special guardian of the Bill of Rights, which in fact they have done. They have done it except for this technical obstacle in establishment cases involving Federal expenditures. * * * And James Madison * * * did have that foresight and that intelligence to realize that the Bill of Rights without judicial enforcement would be what he called a parchment barrier." [13]

Interpretation of the religion clauses of the first amendment has remained fairly constant throughout its existence. This is apparent, at least, from an observation of the decisions of the Supreme Court and more particularly of the Court's repeated references to history as they are called upon to interpret and apply the first amendment. In spite of the precautionary rule adhered to by the Court, that no act of legislation will be declared void unless the act is unconstitutional beyond all reasonable doubt, recently, presumptions of invalidity have appeared to prevail against statutes alleged to interfere with the freedom of religion. This freedom has been said to occupy a preferred position in the Constitution.[14]

In this regard, Professor Pfeffer explained:

"* * * Of all the guarantees of the Bill of Rights none is more important, according to the thinking and decisions of the U.S. Supreme Court, than the first amendment. It was no accident that the Bill of Rights started with the first amendment, nor that the first amendment started with the words, "Congress shall make no law respecting an establishment of religion." This, as the Supreme Court pointed out recently, was put first in the Bill of Rights because it was first in the minds of the Constitutional Fathers." [15]

There have been times in the history of the United States that the Supreme Court has declared that certain issues brought before it were of a political nature and that it would not enter this "political thicket." The Department of Health, Education, and Welfare, through its representative spokesman, suggested that since the President and the Congress have decided that the legislation to be subjected to review by this bill is constitutional, there was no need nor desirability of having the judicial branch of the Government lend its approval or disapproval to the question. The subcommittee submits, however, that the case of *Marbury* v. *Madison*, 1 Cr. 137 (1803), is still good law and applicable to the problem now confronting the Congress. In S. 2097, Congress has not abdicated its responsibility for determining the constitutionality of its actions to the Supreme Court. To the contrary, it carefully deliberated upon the constitutional issues posed by the acts enumerated in section I of the bill. But, "the controversy over them is not stilled."[16] As Professor Freund submitted:

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[1] "Constitutionality of Federal Aid to Education in its Various Aspects," S. Doc. No. 29, 87th Cong., 1st sess., p. 27.

[2] Jaffe, Louis L., "Judicial Control of Administrative Action," pp. 459–460 (1965).

[3] Hearings, 1966.

[4] Id.

[5] Freund, hearings, 1966.

[6] Hearings, 1966.

[7] Id.

[8] Id.

[9] *Everson* v. *Board of Education*, 330 U.S. 1 (1947).

[10] Hearings, 1966.

[11] Id.

[12] Id.

[13] Id.

[14] See the opinion of Mr. Justice Reed in *Kovacs* v. *Cooper*, 336 U.S. 77, 88 (1949).

[15] Hearings, 1966.

"The authority of government to aid religious groups is an area of dispute that does not lend itself to political settlement. In fact, it was precisely to keep religious differences out of the arena of politics that the first amendment was adopted."[17]

The initial sponsor of this legislation, Senator WAYNE MORSE, declared in his testimony before the subcommittee "I think we will greatly strengthen our whole system of three coordinate and coequal branches of government if we provide in a broad bill a jurisdictional basis for judicial review."[18] The bill recognizes that the final power to adjudicate controveries arising under the Constitution rests in the courts rather than the Congress.

ANALYSIS OF PROVISIONS OF AMENDED S. 2097

Title

Section I states the title of the bill as:

"A bill to provide effective procedures for the enforcement of the establishment and free exercise clauses of the first amendment to the Constitution of the United States."

Acts subject to review under S. 2097

The following is an outline of the existing laws which may be affected by this act:

These nine acts include, by application, church-related institutions among their beneficiaries. The extent of this inclusion is not, according to Department officials, accurately definable. In some cases the acts have not been in operation long enough to make a determination but the legislative history portends broad utilization of such institutions in these new Federal education programs.

The Higher Education Facilities Act of 1963

The Higher Education Facilities Act of 1963 (Public Law 88-204), approved December 16, 1963, authorized—

(1) Federal matching grants for construction, rehabilitation, or improvement of undergraduate academic facilities;

(2) Federal matching grants for the establishment of improvement of graduate schools or of cooperative graduate centers created by two or more higher education institutions; and

(3) Loans to higher education institutions for construction, rehabilitation, or improvement of academic facilities. Funds for this program for fiscal year 1965 are as follows: Undergraduate academic facilities, $230 million; Graduate facilities, $60 million; Loans to higher education institutions, $169 million.

Amendments to this act are noted below under the section entitled "Higher Education Act of 1965".

Title VII of the Public Health Service Act

The purpose of part A of this act is to assist in the construction of facilities for the conduct of research in the sciences relating to health by providing grants-in-aid on a matching basis to public and nonprofit institutions.

It also established a National Advisory Council on Health Research Facilities.

There is authorization for the appropriation for fiscal year ending June 30, 1957, and a maximum of $50 million for each of the 9 succeeding years and for fiscal 1967 and the 2 succeeding fiscal years, an aggregate of not to exceed $280 million, for making grants in aid for the construction of facilities for research or research and related purposes, in the sciences related to health.

Part B, added by Public Law 88-129, provides for grants for the construction of teaching facilities for medical, dental, and other related personnel.

Part C authorizes the Secretary of Health, Education, and Welfare to enter into an agreement for the establishment and operation of a student loan fund with any public or other nonprofit school of medicine, osteopathy, dentistry, or optometry which is located in a State and is accredited as provided under this act.

Part D was added by section 101 of Public Law 88-164 and is discussed in another section of this outline.

Part E was added by Public Law 89-290 which authorizes to be appropriated $20 million for fiscal year ending June 30, 1966, $40 million for fiscal year ending June 30, 1967, $60 million for fiscal year ending June 30, 1968, and $80 million for fiscal year ending June 30, 1969, for grants under this part to assist schools of medicine, dentistry, osteopathy, optometry, and podiatry and to improve the quality of other educational programs.

Part F was also added by Public Law 89-290. Under this part the Surgeon General is directed to make grants to each public or other nonprofit school of medicine, osteopathy, dentistry, optometry, podiatry, or pharmacy which is accredited under this act for scholarships to be awarded annually by such school to students thereof.

The National Defense Education Act of 1958

This act authorizes the following Federal programs to encourage and assist in the expansion and improvement of certain aspects of education to meet critical national needs:

(1) Federal participation in college and university student loan funds;

(2) Grants to States and loans to nonprofit private schools for purchase of laboratory and other special equipment and improvement of State services to strengthen elementary and secondary school instruction in science, mathematics, modern foreign languages, history, civics, geography, English, or reading;

(3) Fellowships for graduate study;

(4) Grants to States to strengthen guidance counseling and testing in secondary schools;

(5) Modern foreign language institutes;

(6) Research and experimentation in more effective use of modern communications media for educational purposes;

(7) Grants to States for development of area vocational educational programs; and

(8) Grants to States to improve statistical service of State educational agencies.

For fiscal year 1966, $412,608,000 were appropriated.

The Mental Retardation Facilities and Community Mental Health Centers Construction Act of 1963

This act, Public Law 88-164, approved October 31, 1963, authorizes the following: (1) project grants for the construction of mental retardation research centers; (2) project grants for the mentally retarded for construction of clinical facilities to be associated with a college or university; (3) formula grants for the construction of community facilities for the care of the mentally retarded; and (4) formula grants for the construction of public and private nonprofit community mental health centers for the mentally ill.

Public Law 89-105 was enacted to assist in meeting the cost of the establishment and initial operation of community health centers and provides grants to pay part of the cost of professional and technical personnel serving in these centers.

The total appropriation for this act for fiscal year 1966 is $98 million.

Title II of the Act of September 30, 1960, Public Law 874, 81st Congress

Title II of the act of September 30, 1950 (Public Law 874) is a portion of the Elementary and Secondary Education Act of 1965 and is discussed generally in the next section.

The Elementary and Secondary Education Act of 1965

Title I

The main thrust of this legislation is a 3-year program of Federal grants to the States for allocation to school districts to improve the education of children in families with incomes below $2,000 and other children and families receiving aid to families with dependent children. The grants are to be used to encourage and support the establishment of special programs including the construction of school facilities. Under this title $1.06 billion is authorized for fiscal year 1966.

Title II

A 5-year program of grants is authorized with $100 million provided for the first year, to provide school library resources and other instructional materials, including textbooks. These materials are available in private schools and public schools.

Title III

A 5-year program of grants with $100 million authorized for the first year is provided to establish supplementary educational centers and provide other education services not now available to public schools or private schools.

Title IV

Title IV amends Cooperative Research Act and is discussed in the next section.

Title V

This title established a 5-year grant program with $25 million earmarked for the first year to stimulate and assist States in strengthening State educational agencies and their role in identifying and meeting educational needs.

Title VI

Under this title Federal control of educational programs, curriculum administration, personnel, or selection of textbooks or other teaching tools is prohibited. In addition title VI specifies that no payments under the act may be used for religious worship or instruction.

The Cooperative Research Act

This act, Public Law 83-531, was amended by Public Law 89-10 and was expanded to broaden Federal support of research and development programs aimed at improving the quality of education.

Under this act the Commissioner of Education is authorized to make grants to universities and colleges and other public or private agencies, institutions, and organizations and to individuals, for research, surveys, and demonstrations in the field of education for the dissemination of information derived from educational research. Availability for these research funds was extended by Public

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[16] See Freund, hearings, 1966.

[17] Hearings, 1966.

[18] Id.

Law 89-10 to private nonuniversity research organizations and professional associations.

A total of $100 million over a 5-year period has been budgeted for construction grants and $22.5 million for expanded research activities in the first year of operation.

The Higher Education Act of 1965 (Public Law 89-329)

Title I

This title provides for grants to strengthen resources of colleges and universities to aid them in providing community service programs, such as continuing education, consultants, seminars, and research designed to assist in the solution of community problems. Funds are authorized over 5 fiscal years, 1966-70—$25 million for 1966, $50 million each for 1967 and 1968, and such sums as may be appropriated for the next 2 years.

Title II

Aid to college and university libraries through grants for books and supplies, training of personnel, and research and demonstration projects are provided for under this title—$70 million is authorized to be appropriated in fiscal 1966.

Title III

Title III provides for grants to upgrade academic standards of developing colleges through faculty and student exchanges, visiting scholars, and joint use of facilities as well as a national teaching fellowship program. The act authorizes $55 million to be appropriated for fiscal 1966 under this title. In the last session of the 89th Congress, $5 million was appropriated.

TITLE IV

This title of the act creates new student assistance programs, including scholarships, a subsidized low-interest insured loan program, expanding the work study program, and improvements in the NDEA loan program. The 89th Congress appropriated $110 million for title IV for fiscal 1966, $60 million for scholarship grants, $10 million for Federal loan insurance, and $40 million for strengthening the work study programs.

Title V

Commonly referred to as "Improved teacher preparation programs," this title creates a National Teachers Corps, graduate fellowships to train elementary and secondary teachers, and grants to improve college undergraduate and graduate teacher training programs. The 89th Congress appropriated $20 million for fellowship programs in fiscal 1966, but no funds for the National Teachers Corps.

Title VI

Title VI authorized a 5-year grant program to improve undergraduate instruction by providing funds for teaching equipment, including closed-circuit television, and for minor remodeling of facilities—$35 million is authorized for fiscal 1966, $50 million for 1967, and $60 million for 1968. Also authorized for the purchase of TV equipment and for minor remodeling are $2.5 million in fiscal 1966 and $10 million anually in 1967 and 1968.

Title VII

This title amends the Higher Education Facilities Act of 1963 with a doubling of funds authorized for 1966 for construction grants. Although authorization for the expansion of the higher education facilities program is authorized under this title, the 89th Congress did not approve additional funds for this purpose. It did appropriate $520 million for grants under the Higher Education Facilities Act.

Economic Opportunity Act—Public Law 88-452 as Amended by Public Law 89-253

The following is a summary of the relevant portions of this act.

Title I establishes residential conservation camps and training centers in rural and urban areas to provide work experience and training for disadvantaged young men and women ages 16 through 21. Provisions are also made for the development of programs in local communities to provide employment and training for young men and women ages 16 through 21 who live at home: $412.5 million were appropriated for fiscal year ending June 30, 1965; $700 million for fiscal year ending June 30, 1966; and such sums as Congress may appropriate for the succeeding 2 fiscal years.

Title II authorizes general community action programs and adult basic education programs. Both public and private resources are to be mobilized to combat poverty through community action programs. Grants may be made to meet the costs of developing programs, for technical assistance, for research, training and demonstration, and for special programs aimed at the chronically unemployed poor.

Under this title grants to States may be made for the purpose of initiating basic education programs for those 18 years of age and over whose inability to read and write seriously impairs their ability to get or retain employment.

For fiscal year ending June 30, 1965, $340 million are appropriated for this title; $850 million are appropriated for fiscal year ending June 30, 1966.

Title III established special programs to combat poverty in rural areas, including assistance for migrant and seasonally employed agricultural employees, and authorizes loans with 15 years maximum maturity in amounts not exceeding $2,500 to low-income families: $35 million are appropriated for fiscal year ending June 30, 1965, and $55 million for fiscal year ending June 30, 1966, are appropriated under this title.

The Office of Economic Opportunity has stated that in respect to title II, it has often found that church-related institutions are the most viable resource in a community for perfecting the purposes of this title. In this regard Mr. Sargent Shriver stated:

"Three or four years ago it was practically impossible for a Federal agency to give a direct grant to a religious group. Today we have given hundreds without violating the principle of separation of church and state."

Testimony elicited from agency representatives indicates that approximately 6 percent of the community action programs are operated or coordinated by church-affiliated organizations.

All these acts pose the problem of the extent to which the first amendment proscribes church-state interaction. Recent Supreme Court cases have engendered serious doubts as to the constitutionality of the type of public assistance which is offered by these acts to denominational institutions. Furthermore, witnesses asserted that any distinction between limited and general aid would be specious. Likewise, to achieve direct aid, which is undoubtedly unconstitutional, by categorizing the funds or justifying such allocations in the interest of national defense or public welfare may also be fallacious.

In reference to the constitutionality of certain acts affected by this legislation and of his efforts to have them enacted by the Senate, Senator WAYNE MORSE made the following statement in his testimony before the subcommittee:

"* * * I could not speak with finality, no one could, until the court rules. I do not think that as Senators we ought to be put in a position where we have to move in legislatively by the back door. That is the way I described it.

"I said to the Senate, 'I am asking for this through the back door because I cannot walk through the front door for a general Federal aid-to-education bill, because I feel existing court decisions bar my entrance there.'

"So what did we do? Let us be frank about it. It is not a very nice term but it is a frank and accurate description of some of our legislation, to say we used what amounts to a subterfuge approach on this constitutional question. We had no other choice. We used the national defense education approach, we used the contract approach, we used the categorical approach. Why did we use those approaches? Because we were afraid, let us be frank about it, that we could have been beaten on the constitutional argument on a general aid bill."[19]

The basic purpose for this legislation can be seen in section 1. It is a twofold purpose. Primarily, the bill is designed to provide a feasible and practical test of the constitutionality of acts of Congress. As noted later in this report, all sections of the Constitution may be, and generally have been, tested or enforced by the courts with one exception—the establishment clause of the first amendment. Thus, we see a second reason for S. 2097—the enumerated acts in section 1 of the bill.

This bill is couched in terms of "the provisions relating to religion" although it is the establishment clause of the first amendment which is the particular right to be enforced. It is understood, however, that both the establishment clause and the free exercise clause can be read together. In fact, it is the free exercise of religion that is ultimately sought to be protected by a proscription against establishment. This interpretation of the first amendment has been endorsed on numerous occasions by the Supreme Court. Mr. Justice Goldberg, concurring in *Abington School District* v. *Schempp*, 374 U.S. 203, 305 (1963), said:

"These two proscriptions are to be read together, and in light of the single end which they are designed to serve. The basic purpose of the religion clause of the first amendment is to promote and assure the fullest possible scope of religious liberty and tolerance for all and to nurture the conditions which secure the best hope of attainment of that end."

The distinction is recognized here because the infringement on religious liberty in general occurs, if at all, by virtue of the fact that the Federal Government may be approaching through various acts the "establishment of religion" which is proscribed in the establishment clause of the first amendment.

The establishment clause is not confined to the protection of particular religious exercises. As Mr. Justice Douglas stated in the *Abington* case, at page 229:

"[I]t also forbids the State to employ its facilities or funds in a way that gives any church, or all churches, greater strength in our society than it would have by relying on its members alone."

The scope of this bill is focused more readily on the establishment clause for two additional reasons. All of the legislation enumerated in this section involves education in some way and *"the most effective way to establish any institution is to finance it; and this truth is reflected in the appeals by church groups for public funds to finance their religious schools."*[20] [Emphasis added.]

Mr. Justice Douglas continued—

"But the institution is an inseparable whole, a living organism, which is strengthened in proselytizing when it is strengthened in any department by contributions from other than its own members.

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[19] Hearings, 1966.

[20] *Abington School District* v. *Schempp* at 229, concurring opinion of Justice Douglas citing II Stokes, *Church and State in the U.S.* (1950).

"Such contributions may not be made by the State even in a minor degree without violating the establishment clause * * *. What may not be done directly may not be done indirectly lest the establishment clause become a mockery."

The *Abington* case is particularly helpful in an understanding of the constitutional significance of S. 2097. It explains another reason for placing this legislation in the framework of the establishment clause. In footnote 9 in the opinion of the court, Mr. Justice Clark explains "[*B*]*ut the requirements for standing to challenge State action under the establishment clause, unlike those relating to the free exercise clause do not include proof that particular religious freedoms are infringed.*" [Emphasis added.]

Publication of the order of the Federal officer approving or disapproving a grant or loan under any of the acts enumerated in this section shall be a condition precedent to the effectuation of such order. Furthermore, this publication will constitute official notice to any party or parties wishing to challenge such order as violative of the establishment clause of the first amendment to the Constitution and the limitation on the bringing of an action shall commence on the date of such publication.

Section 2 of the bill is an authorization granting standing to "any public or other nonprofit agency or institution which is or may be prejudiced by the order of the Federal officer making a loan or grant under the authority of any of the Acts enumerated in section 1." Prejudice occurs to the complaining party when the making of such grant or loan serves to reduce the amount of funds available in a given year for a grant or loan under any of these acts to such complaining agency or institution and when such grant or loan is deemed inconsistent with the establishment clause of the first amendment. The complaining party may bring an action for declaratory judgment within 60 days after the publication of the order of the Federal officer in the Federal Register. The defendants will be the Federal officer and the agency or institution whose application has been approved.

It is understood that no potential beneficiary of Federal appropriations has a constitutional right to receive financial benefits from the Federal Government. Nevertheless, a potential nondenominational beneficiary has an interest in these appropriations because but for the allegedly unconstitutional aid to church-related institutions the plaintiff institution would have received Federal aid for its own needs. It would, therefore, be prejudiced to such an extent that equitable relief should be made available. Additionally, the injury is "direct" enough to support standing.

Section 3(a) authorizes corporate and individual taxpayers to bring an action for declaratory judgment against the Federal officer making a grant or loan under any of the acts enumerated in section 1. The action shall be based on allegations that such grant or loan is inconsistent with the establishment clause of the first amendment of the Constitution. In order to maintain an action under this section a plaintiff need only show that it has paid any part of such income tax imposed upon its taxable income under section 1 of the Internal Revenue Code of 1954 for the last preceding calendar or taxable year. A 60-day limitation on the bringing of an action is also provided in this section. This subsection also provides that "[N]o additional showing of direct or indirect financial or other injury, actual or prospective, on the part of the plaintiff shall be required for the maintenance of any such action."

The type of action contemplated here is, of course, couched in terms of the first amendment and is essentially different from that in the *Frothingham* case. Professor Freund, in a statement submitted to the subcommittee, states that this action—

"* * * does not rest on a quantitative comparison of the financial stake of various classes of taxpayers. The object of the challenge in that case (*Frothingham* v. *Mellon*) was an expenditure asserted not to fall within the national power to tax and spend for the general welfare but to fall within the realm of State authority." [21]

The following additional statement by Professor Freund is of critical importance to an understanding of this legislation.

"Under this bill, however, the litigation would be brought to vindicate rights secured by the first amendment, a right to be free of a Federal religious establishment, a right closely allied to the right of free exercise of religion and one that traditionally took the form of freedom from enforced contribution to support religious activities. In this view, the quantum of the financial stake is not central to the right; any such use of a citizen's tax payments would constitute the heart of the offense to his autonomy in the religious sphere." [22]

Subsection (b) represents the addition of a new class of plaintiffs under this act, suggested for inclusion by numerous witnesses at the hearings. Here, all citizens are afforded identical relief to that of the taxpayer in subsection (a). The right which is sought to be protected is not one of monetary concern at all but is one of citizenship under the first amendment. The challenge is to an expenditure which allegedly constitutes a forbidden law respecting the establishment of religion. The plaintiff sues not only for himself but also in behalf of all other citizens to vindicate the public interest in the observance of the provisions relating to religion in the first amendment.

William J. Butler, testifying before the subcommittee, asserted that "Congress has the right, duty, and power to provide a procedure whereby citizens of the United States may control the unlawful acts of public officials through the courts * * *. It is his interest as a citizen of the United States that would motivate him to initiate a lawsuit under this act." [23] The actions of the public officials which are challenged as being unlawful under this bill are those which are unlawful only because the acts authorizing their action may be unconstitutional.

Mr. Butler also noted—

"Moreover, over a period of a substantial number of years and in a number of leading cases, apparently because of the importance of the first clause of the first amendment, the U.S. Supreme Court has recognized standing to sue where there is no financial basis at all. Thus, in *Everson, McCollum, Zorach, Engel, Murray,* and *Schempp,* the Court has recognized parenthood of a child in the school affected as sufficient basis for standing to sue. *Everson* v. *Board of Education,* 330 U.S. 1 (1947); *McCollum* v. *Board of Education,* 333 U.S. 203 (1948); *Zorach* v. *Clauson,* 343 U.S. 306 (1952); *Engel* v. *Vitale, supra; School District of Abington Township, Pa.* v. *Schempp,* 374 U.S. 203 (1963)." [24]

Finally, Prof. Louis Jaffe concluded that—

"It seems to me clear that the procedural conditions relevant to case or controversy do not differ in the slightest as between a State and a Federal taxpayer suit. In both cases there is a plaintiff prepared to carry the burden of persuasion and a defendant ready to defend. There is little risk that the Court will not be adequately briefed.

"A citizen or taxpayer sufficiently concerned to bring a lawsuit in which he does not have a monetary concern is for that very reason likely to take seriously the presentation of the lawsuit. The judgment will be definitive; it will determine either that the defendant does or does not have a duty to enforce the law in question. There need be nothing contingent or speculative about the question to be decided and if there is, jurisdiction can be refused on that ground." [25]

Finally, it should be noted that Congress has in the past authorized defined classes of persons to seek review of administrative orders where they qualify as "aggrieved persons." The most common form of relief has been obtained through an injunction or action for declaratory judgment. Typically, Federal courts have recognized standing in consumers, licensees, and television viewers. In *Associated Industries* v. *Ickes,* 134 F. 2d 694 (1943), the Court of Appeals, Second Circuit, held that an association of industrial firms, including consumers, had standing to review an order by the Secretary of the Interior purporting to increase the minimum price of coal. After reviewing a series of cases dealing with standing to challenge official action, Judge Frank declared:

"While Congress can constitutionally authorize no one, in the absence of an actual justiciable controversy, to bring a suit for the judicial determination either of the constitutionality of a statute or the scope of powers conferred by a statute upon Government officers, it can constitutionally authorize one of its own officials, such as the Attorney General to bring a proceeding to prevent another official from acting in violation of his statutory powers; for then an actual controversy exists, and the Attorney General can properly be vested with authority in such a controversy, to vindicate the interest of the public or the Government. Instead of designating the Attorney General, or some public officer, to bring such proceedings, Congress can constitutionally enact a statute conferring on any nonofficial person, or on a designated group of nonofficial persons, authority to bring a suit to prevent action by an officer in violation of his statutory powers; for then, in like manner, there is an actual controversy, and there is nothing constitutionally prohibiting Congress from empowering any person, official or not, to institute a proceeding involving such a controversy, even if the sole purpose is to vindicate the public interest. Such persons, so authorized, are, so to speak, private attorney generals." 135 F. 2d at 704.

Prof. Kenneth Culp Davis in his "Administrative Law Treatise," volume 3, section 22.05, points out that "the basic idea of the private attorney general who can sue to vindicate the public interest is a very old one." The action by citizens under subsection (b) may be brought in behalf of the individual plaintiff and all others in similar circumstances. This principle has never been repudiated by any Federal court and thus affords an additional ground on which a plaintiff may base his claim.

Section 4 authorizes any public or other nonprofit institution or agency to bring a civil action to review the final decision of a Federal officer which denies a loan or grant applied for under any act enumerated in section 1. The denial must have been on the ground that such grant or loan would be inconsistent with the establishment clause of the first amendment to the Constitution. The challenge to such denial must be instituted within 60 days after the order of disapproval appears in the Federal Register.

Section 5 contains the procedural and jurisdictional provisions for the operation of this proposed act. All actions would be brought in the District Court of the United States for the District of Columbia which would have jurisdiction without regard to the amount in controversy. The District of Columbia is the obvious jurisdiction since the defendant in all three types of actions under this act includes the Federal officer issuing the order which is to be challenged, and, with the exception of section 2 actions, the Federal officer is the only defendant.

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[21] Hearings, 1966.

[22] Id.

[23] Id.

[24] Id.

[25] Hearings, 1966.

Much concern was expressed during the course of the hearings over the possibility of increasing the workload of the Federal courts if this bill were enacted in its original form. The amended version of section 5 provides that "in the event two or more civil actions are brought under the provisions of this Act challenging the constitutional validity of the same loan or grant, such court may consolidate such civil actions for the purpose of trial and judgment." It is felt that this addition to section 5 will eliminate many of the objections regarding the multiplicity of suits. Furthermore, since jurisdiction is limited to the District of Columbia, there is a geographical barrier to the prosecution of frivolous suits. It should be noted also that litigation such as that contemplated by this act will be a substantial financial undertaking and must be undertaken within 60 days after publication of the order approving or disapproving the grant or loan.

The provision in section 5 which calls for expediting review and appeal should guarantee speedy and orderly processing of cases under this act.

The remaining portions of subsection (a) of section 5 include the following:

"All process, including subpenas, issued by the district court of the United States for any such district may be served in any other district. In any action under this Act the court shall have authority to determine all matters of fact or law appropriate to a decision of the case. No costs shall be assessed against the United States in any proceeding under this Act. In all litigation under this Act, the Federal officer shall be represented by the Attorney General."

Subsection (b) of section 5 provides "the judgment of the district court shall be subject to review as provided in sections 1252, 1253, 1254, and 1291 of title 28 of the United States Code" which read as follows:

"§ 1252. Direct appeals from decisions invalidating Acts of Congress.

"Any party may appeal to the Supreme Court from an interlocutory or final judgment decree or order of any court of the United States, the United States District Court for the District of the Canal Zone, the District Court of Guam and the District Court of the Virgin Islands and any court of record of Puerto Rico, holding an Act of Congress unconstitutional in any civil action, suit, or proceeding to which the United States or any of its agencies, or any officer or employee thereof, as such officer or employee, is a party.

"A party who has received notice of appeal under this section shall take any subsequent appeal or cross appeal to the Supreme Court. All appeals or cross appeals taken to other courts prior to such notice shall be treated as taken directly to the Supreme Court.

"§ 1253. Direct appeals from decisions of three-judge courts.

"Except as otherwise provided by law, any party may appeal to the Supreme Court from an order granting or denying after notice and hearing, an interlocutory or permanent injunction in any civil action, suit or proceeding required by any Act of Congress to be heard and determined by a district court of three judges.

"§ 1254. Courts of appeals; certiorari; appeal; certified questions.

"Cases in the courts of appeals may be reviewed by the Supreme Court by the following methods:

"(1) By writ of certiorari granted upon the petition of any party to any civil or criminal case, before or after rendition of judgment or decree;

"(2) By appeal by a party relying on a State statute held by a court of appeals to be invalid as repugnant to the Constitution, treaties or laws of the United States, but such appeal shall preclude review by writ of certiorari at the instance of such appellant, and the review on appeal shall be restricted to the Federal questions presented;

"(3) By certification at any time by a court of appeals of any question of law in any civil or criminal case as to which instructions are desired, and upon such certification the Supreme Court may give binding instructions or require the entire record to be sent up for decision of the entire matter in controversy.

"§ 1291. Final decisions of district courts.

"The courts of appeals shall have jurisdiction of appeals from all final decisions of the district courts of the United States, District Court for the District of the Canal Zone, the District Court of Guam, and the District Court of the Virgin Islands, except where a direct review may be had in the Supreme Court."

Section 6(a) originally provided that—

"After receipt of notice of the agency or institution of an action under this Act, the Federal officer shall, pending final determination of such action, make no payment on a grant or loan pursuant to the order which is claimed to be invalid in such action."

By far the most vociferous objections to S. 2097 generally were focused on section 6(a). Accordingly, those witnesses agreeing with the purpose of this legislation were also concerned with the impact this section may have on a number of programs administered by the Department of Health, Education, and Welfare and the Office of Economic Opportunity. Indeed, the Department of Health, Education, and Welfare expressed fears that "a major part of the programs Congress has authorized by the acts in question would be brought to a halt. * * *" Another objection expressed by the Department to this legislation was "that it would cast a cloud upon all the programs involved. * * *"

These results were not intended by the sponsors of S. 2097, nor would they be a necessary consequence of its enactment. Nevertheless, section 6(a) has been deleted in its entirety and a new subsection has been inserted in lieu thereof. To avoid interrupting important education and welfare programs already in operation, none of these programs will be subject to attack through the procedures provided by this legislation. Furthermore, a grant or loan once perfected may not be refunded under the provisions of this bill. The intent is to bring under review those orders authorizing a grant or loan under any of the acts enumerated in section 1 which occur after enactment of this bill. To provide otherwise would be to create grave and obvious hardships. Thus, it is anticipated that refunding shall only occur in those instances wherein a specific order, effected by this act, is successfully challenged as being inconsistent with the establishment clause of the first amendment.

A related objection to the bill particularly aimed at section 6(a) concerns the possibility of a multitude of lawsuits which may impede the administration's program for health, education, and welfare. This objection is not, however, supported by the evidence. In the recent case of *Office of Communication of the United Church of Christ* v. *F.C.C.*, 359 F. 2d 994 (C.A. D.C. Cir. 1966), the Court met these fears in the following manner:

"The fears of regulatory agencies that their processes will be inundated by expansion of standing criteria are rarely borne out. Always a restraining factor is the expense of participation in the administrative process, an economic reality which will operate to limit the number of those who will seek participation; legal and related expenses of administrative proceedings are such that even those with large economic interests find the costs burdensome."

The bill is amended, therefore, to insure that no Federal programs will be suspended until a final judgment by the court declaring the particular grant or loan to be unconstitutional. The court, however, may in its discretion, grant an interlocutory injunction enjoining the payment of a grant or loan which is claimed to be invalid in an action under this act.

The amended subsection reads as follows:

"(a) An interlocutory injunction enjoining the payment of a grant or loan, or any portion thereof, made pursuant to the order which is claimed to be invalid in an action under this Act may be granted by the court at any stage of the proceedings authorized by this Act."

It should be remembered that actions arising under this proposed legislation would be heard by a three-judge Federal court: 28 U.S.C. 2282 provides:

"*An interlocutory or permanent injunction restraining the enforcement, operation or execution of any Act of Congress for repugnance to the Constitution of the United States shall not be granted by any district court or judge thereof unless the application therefor is heard and determined by a district court of three judges under section 2284 of this title.*" [Emphasis added.]

The main thrust of the bill is, of course, section 6 subsection (b) which is left intact in the amended version. Upon a final determination by the court that the order of the Federal officer which is challenged is invalid, the agency or institution receiving the grant or loan shall refund the unexpended portion of the same. In the case of a loan it shall be repaid with accrued interest at the rate fixed therefor. Deferred payment is permitted for a reasonable length of time.

Subsection (c) has been deleted entirely. Any refunding after final judgment would be applied to the current appropriation from which it was paid and may be reallotted in accordance with existing law. Typically, in most of the programs which may be affected by this act there is a standard reallotment provision in each act. An example is section 203(c) in the Economic Opportunity Act of 1964. It reads in part—

"(c) The portion of any State's allotment * * * for a fiscal year which the Director determines will not be required for such fiscal year for carrying out this part shall be available for reallotment from time to time, on such dates during such year as the Director may fix, to other States in proportion to their original allotments for such year, but with such proportionate amount for any of such other States being reduced to the extent it exceeds the sum which the Director estimates such State needs and will be able to use for such year for carrying out this part; and the total of such reductions shall be similarly reallotted among the States whose proportionate amounts are not so reduced. Any amount reallotted to a State under this subsection during a year shall be deemed part of its allotment * * *."

Section 7 is a standard separability provision.

The committee feels it is likely there will be only a few and important cases arising under this bill, most of which will be sponsored by organizations representing the views of large numbers of citizens or taxpayers. The committee is also mindful of the statements and attitudes of the Supreme Court in this respect and toward litigation in general.

The Supreme Court in *N.A.A.C.P.* v. *Button* stated as follows:

"* * * under the conditions of modern government, litigation may well be the sole practicable avenue open to a minority to petition for redress of grievances * * *. For such a group, association for litigation may be the most effective form of political association."[26]

Mr. Justice Harlan further elaborated:

"Freedom of expression embraces more than the right of an individual to speak his mind. It includes also his right to join with his fellows in an effort to make that advocacy effective * * * so it must include the right to join together for the purposes of obtaining judicial redress. We have passed the point where litigation is regarded as an evil that must be avoided if some accommodation short of a lawsuit can possibly be worked out. Litigation is often the desirable and orderly way of resolving disputes of broad public significance, and of obtaining vindication of fundamental rights."[27]

This legislation is a partial answer to the demanding question of Justice Douglas:

"What are courts for, if not for removing clouds on title, as well as adjudicating the rights of those against whom the law is aimed, though not immediately applied?"[28] [Emphasis added.]

The subcommittee conducted extensive hearings on this legislation in this Congress. On July 13, 1966, the subcommittee reported S. 2097 to the full Committee.

The Committee has concluded that this legislation is meritorious, and having considered the same, reports favorably thereon with an amendment in the nature of a substitute, and recommends that it be considered favorably.

CHANGES IN EXISTING LAW

In compliance with subsection (4) of rule XXIX of the Standing Rules of the Senate, changes in existing law made by the bill, as reported, are shown as follows (existing law proposed to be omitted is enclosed in black brackets, new matter is printed in italics, existing law in which no change is proposed is shown in roman):

That this Act may be cited as "An Act to enforce the first amendment to the Constitution."

Section 1. The approval or disapproval of an application of any public or other nonprofit agency or institution for a loan or grant under—

(1) the Higher Education Facilities Act of 1963,

(2) title VII of the Public Health Service Act,

(3) the National Defense Education Act of 1958,

(4) the Mental Retardation Facilities and Community Mental Health Centers Construction Act of 1963,

(5) title II of the Act of September 30, 1950 (Public Law 874, Eighty-first Congress),

(6) the Elementary and Secondary Education Act of 1965,

(7) the Cooperative Research Act,

(8) the Higher Education Act of 1965, or

(9) the Economic Opportunity Act of 1964, shall be effected by an order of the Federal officer making such grant or loan which shall be conclusive except as otherwise provided in this Act. Notice of such order shall be published in the Federal Register and shall contain such information as the Federal officer issuing the order deems necessary to effectuate the purposes of this Act.

Sec. 2. Any public or other nonprofit agency or institution which is or may be prejudiced by the order of the Federal officer making a loan or grant under the authority of any of the Acts enumerated in section 1, in a particular year to another such agency or institution, by virtue of the fact that the making of such loan or grant serves to reduce the amount of funds available for loans or grants in such year to the agency or institution which is or may be prejudiced, and which deems a loan or grant to be inconsistent with the provisions relating to religion in the first amendment to the Constitution, may bring a civil action in the nature of an action for a declaratory judgment. Defendants in such action shall be the Federal officer and the agency or institution whose application has been approved. Such an action may be brought no later than sixty days after the publication of the order of the Federal officer in the Federal Register.

Sec. 3. (a) Any citizen of the United States upon whose taxable income there was imposed an income tax under section 1 of the Internal Revenue Code of 1954 for the last preceding calendar or taxable year and who has paid any part of such income tax and who deems a loan or grant made under any of the Acts enumerated in section 1 to be inconsistent with the provisions relating to religion in the first amendment to the Constitution, may bring a civil action in the nature of an action for a declaratory judgment against the Federal officer making such a loan or grant. No additional showing of direct or indirect financial or other injury, actual or prospective, on the part of the plaintiff shall be required for the maintenance of any such action. Such an action may be brought no later than sixty days after the publication of the order of the Federal officer in the Federal Register with respect to such loan or grant. In suing under this subsection, the plaintiff may sue either on behalf of himself or on behalf of all other taxpayers similarly situated.

(b) Any citizen of the United States who deems a loan or grant made under any of the Acts enumerated in section 1 to be inconsistent with the provisions relating to religion in the first amendment to the Constitution may bring a civil action in the nature of an action for a declaratory judgment against the Federal officer making such a loan or grant. Such an action may be brought no later than sixty days after the publication of the order of the Federal officer in the Federal Register with respect to such loan or grant. In suing under this subsection, the plaintiff sues not only for himself but also in behalf of all other citizens to vindicate the public interest in the observance of the provisions of the first amendment relating to religion.

(c) For the purpose of this section the term "citizen" shall include a corporation.

Sec. 4. Any public or other nonprofit institution or agency whose application for a loan or grant under any of the Acts enumerated in section 1 of this Act has been denied by the Federal officer having appropriate authority on the ground that such loan or grant would be inconsistent with the provisions relating to religion in the first amendment to the Constitution may bring an action to review the final decision of such Federal officer within sixty days after such loan or grant has been denied.

Sec. 5. (a) Any action under this Act shall be brought in the District Court of the United States for the District of Columbia, and such court shall have jurisdiction without regard to the amount in controversy. In the event two or more civil actions are brought under the provisions of this Act challenging the constitutional validity of the same loan or grant, such court may consolidate such civil actions for the purpose of trial and judgment. Any action under this Act pending before the district court or court of appeals for hearing, determination, or review shall be heard, determined, or reviewed at the earliest practicable time and shall be expedited in every practicable manner. All process, including subpenas, issued by the district court of the United States for any such district may be served in any other district. In any action under this Act the court shall have authority to determine all matters of fact or law appropriate to a decision of the case. No costs shall be assessed against the United States in any proceeding under this Act. In all litigation under this Act, the Federal officer shall be represented by the Attorney General.

(b) The judgment of the district court shall be subject to review as provided in sections 1252, 1253, 1254, and 1291 of title 28 of the United States code.

Sec. 6. (a) An interlocutory injunction enjoining the payment of a grant or loan, or any portion thereof, made pursuant to the order which is claimed to be invalid in an action under this Act may be granted by the court at any stage of the proceedings authorized by this Act.

(b) When and if any judgment becomes final that declares invalid an order of the Federal officer under this Act, the agency or institution receiving the grant made by the Federal officer pursuant to such order shall refund the unexpended portion of the same, and if a loan has been made pursuant to such order it shall be refunded with accrued interest at the rate fixed therefor, for credit to the appropriation from which it was paid. The Fedeal officer may in his discretion permit deferment for a reasonable time of repayment of the grant or loan including interest thereon.

Sec. 7. If any provision of any Act referred to in the first section, or the application of such provision to any person or circumstance, shall be held invalid under this Act, the remainder of such Act, or the application of such provision to persons or circumstances other than those as to which it is held invalid, shall not be affected thereby.

Amend the title so as to read: "A bill to provide effective procedures for the enforcement of the establishment and free exercise clauses of the first amendment to the Constitution."

Mr. ERVIN. Mr. President, I yield the floor.

Mr. JAVITS. Mr. President, I oppose the pending bill, and I shall state the reasons for my opposition. I do not know to what extent there is opposition elsewhere in the Senate. However, it would appear that the opposition is not too great, and I can understand why.

First, I shall state the grounds for my opposition. I oppose this measure because it comes at a time when it is unnecessary in order to accomplish its purpose; and, in addition, when the proliferation of suits which would result from enacting it would inhibit activities which could otherwise reasonably be tested, thereby unnecessarily encumbering those activities and the institutions that carry them on. Those are the bases for my opposition.

The proposed legislation has a very long history. Such proposals have recurred almost continuously as Congress has enacted new Federal programs which have involved Federal aid to some form of church-related institution. Throughout my speech, when I use the word "church," it is intended to include all religious institutions—Catholic, Protestant, and Jewish.

Mr. President, such efforts were most signally marked when we moved into the field of Federal aid to education, because that is where it was really a hot issue as to whether we should give Federal aid—in any form, for any reason—to the tremendous network of parochial school children—again Catholic, Protestant, and Jewish—throughout the country, who in many areas constitute a major part of the school population. In the city of New York, for example, about one-third of the elementary and secondary school population attends some form of church-related school of the categories I have mentioned, or private school; and most of the schools involved are church related.

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[26] *N.A.A.C.P.* v. *Button*, 371 U.S. 415, pp. 430, 331, 337 (1963).

[27] Ibid 371 U.S. 452.

[28] *Public Affairs Associates, Inc.* v. *Rickover*, 369 U.S. 111, 116 (1966). See testimony of Franklin C. Salisbury, hearings, 1966.

So this became a real issue, Mr. President; and the reason that it involved enormous opposition is that this bill as first presented had very serious adverse effects upon all these programs. It called for an automatic stay on the suit of any taxpayer, whether that person had a direct interest because he was trying to obtain a grant which would be diminished if there were more participants than would be the case if the grants related only to public institutions, or was merely a taxpayer, individual or corporate, who decided that he wished to challenge the giving of the grant on the ground that it contributed to an establishment of religion.

Certainly to have stayed every grant in that way—which was the original proposition put forward by the author of the bill—would have been most unjust and very damaging to all the programs; and there was great opposition at the time. Understandably there was no scarcity of opposition under such circumstances, and the proposed bill never got anywhere.

So the author of the bill gradually whittled it down until it is before the Senate today in a relatively innocuous form, but a form which nonetheless will result in a tremendous proliferation of litigation. Though the litigation, essentially, must be filed in the District of Columbia, it may be filed as against any and every grant made by the Federal Government under the enumerated acts the only limitation being that it costs a little something to start a suit—although that does not seem to inhibit many people from starting suits. It is an absolutely wide open invitation for a proliferation of this type of litigation. As stated at page 16 of the report:

> Section 3(a) authorizes corporate and individual taxpayers to bring an action for declaratory judgment against the Federal officer making a grant or loan under any of the acts enumerated in section 1.

Those, again, are the nine acts to which the Senator from North Carolina [Mr. ERVIN] properly referred, and include the broadest and most importantly financed—aside from the highway program—Federal programs which could involve institutions which have some church relation: higher education; certain aspects of health research; the National Defense Education Act—including the student loan and other provisions; the Mental Retardation and Community Health Centers Act; the Elementary and Secondary Education Act—a landmark act on the part of the United States; the Cooperative Research Act; the Higher Education Act; and the antipoverty program, with its enormous range of grants to all kinds of institutions, large and small, all over the country—many of them so small that the mere institution of a suit, dealing with some modest grant from the Antipoverty Administration, would be a calamity to the particular institution.

So, Mr. President, the first question that we must answer is whether the enactment of the bill would untowardly proliferate litigation. In my opinion, that question must clearly be answered in the affirmative. It would involve an enormous number of suits, many of them of a strictly harassing character. Any taxpayer, no matter who he may be, without the remotest interest except that peripheral interest that he pays taxes to the United States, could start litigation in the District of Columbia to test any one of these grants or loans.

The second point, Mr. President, which to me is critically important, is whether such legislation is necessary. Often we have to endure necessary things. It is like the experience of the Senators from the South, who often have complained about such activity in connection with civil rights legislation. We have always answered that in the aid of the higher justice, such things have to be endured. If it is necessary, so be it.

But in my judgment, Mr. President, it is not necessary in this case, for this reason: The courts have now made it clear that suits from State courts have a hard, fast track to the U.S. Supreme Court, where the constitutionality may be tested. The Supreme Court does not necessarily have to take the case, but denial of certiorari is in itself an indication of the court's attitude as to the validity of a particular case.

Only last month, the Maryland Court of Appeals decided the case of the Horace Mann League against Board of Public Works of Maryland, holding that a State program of grants to church-related colleges was violative of the Federal Constitution. Attorneys for the defendants have advised my office that they will file a petition for certiorari with the Supreme Court next month.

In all probability, the Court will, at its next term, have an opportunity to decide the entire first amendment question. In addition, undoubtedly if the Court refuses to grant certiorari in the Horace Mann case, it may want to explore this question on some other occasion, again on appeal from a State court.

I point out that there was no problem in getting the so-called prayer cases before the Supreme Court. They were cases which came from the State courts. The Horace Mann League against Board of Public Works case is an indication of another area into which the Federal courts can reach in order to develop the question of constitutionality.

In my judgment, the balance of convenience or the balance of public interest weighs in favor of not having the proliferation of suits which the proposed statute, if it becomes law, will engender on the question of whether to extend this right even more broadly than it is now available, as against the fact that the Supreme Court has been able to reach major decisions in the cases involving these questions largely on appeals from State courts, and it seems to be in a position to continue to do so.

A provision in section 2 of the bill states that any public or nonprofit agency or institution which is or may be prejudiced by the order of the Federal officer making the loan or grant under authority of any of the acts enumerated in the section has the right to sue. That is perfectly sound. If an amount which an institution might otherwise receive is reduced by virtue of the fact that some other unconstitutional loan or grant is being made, the damaged institution has the status to sue. However, it is my strong view that it has the status to sue now, certainly in cases coming from the State courts, where the status to sue is premised exactly on this provision.

This bill would make possible an open-sesame field day to take advantage of every amendment to sue, to harass, and to disturb programs which, if there is any serious problem about their constitutionality, will be tested generically in that regard on appeal from State courts, courts which have not had any major problem in reaching these cases and testing these issues on account of the disqualifications of the parties to the suit.

For these reasons, and because I consider the bill unnecessary and only a way of bedeviling all these programs in a kind of an open season for shooting at them, I oppose the measure and shall vote against it, whatever the ultimate vote may be.

Mr. ERVIN. Mr. President, I wish I could claim credit for all of the provisions of the bill, because I think it is a most meritorious bill and it is a bill which would give the taxpayers the right of enforcing one of the most precious civil rights that taxpayers have.

As the late Justice Robert H. Jackson noted in his dissenting opinion in the Everson case, every American taxpayer has a constitutional right not to be taxed for a violation of the first amendment to the Constitution.

Certainly the taxpayers have a peculiar interest in not being taxed for the support of the propagation of any religious doctrine which they disbelieve.

Thomas Jefferson said that laws of that kind were both sinful and tyrannical. This bill gives taxpayers the right to bring a suit not for a nefarious purpose, but for the sacred purpose of determining whether a particular grant or loan violates the first amendment to the Constitution of the United States.

The bill recognizes every citizen's right to be interested in the observance of constitutional principles. The bill takes that into account and provides that a citizen may sue in behalf of himself or other citizens to vindicate the observance of the first amendment to the Constitution.

Finally, it authorizes applicants for grants and loans to bring similar suits under the provisions of the act.

I wish I could claim credit for all of the provisions of the bill, but the bill was drawn by the able and distinguished senior Senator from Oregon [Mr. MORSE], who has undoubtedly done more for the cause of education and has induced Congress to pass more laws to promote the cause of education than has any other Senator.

As the distinguished senior Senator from Oregon will recall, when my amendment was originally proposed, to provide a judicial review of grants and loans under the Higher Education Facilities Act, he took the position that we ought to have independent legislation in this area. He suggested that it ought not be incorporated in that act. He also advanced the additional reason that it ought not be incorporated in that act because it might jeopardize the passage of that act.

At that time, the Senator from Oregon said he would support independent legislation. The bill which is presently before the Senate is essentially his bill.

I have cosponsored this bill along with Senators CLARK, YARBOROUGH, SMATHERS, COOPER, and FONG. Some of the present sponsors voted against my original amendment because they shared the views of the distinguished Senator from Oregon that there should be general legislation on the subject rather than legislation which was restricted to granting judicial review in respect to only a single piece of legislation.

I take issue with my good friend, the Senator from New York, in his position that the passage of this bill would provoke many vexatious lawsuits. Lawsuits cost a great deal of money. Lawyers do not work for nothing. In addition to legal fees, other expenses are involved in procuring evidence and producing witnesses at the trial.

The substitute bill would make it impossible for many vexatious suits concerning a single grant or loan to occur. It provides that all suits must be brought in the District Court of the District of Columbia, and that when two or more suits are brought to contest the constitutionality, under the first amendment, of a particular grant or loan, those suits may be consolidated by the court for the purpose of trial.

The bill does not work a grave hardship on beneficiaries of a Federal loan or a grant. This is true because there is no automatic denial of the loan or grant. Even though suit is brought, the loan or grant can be made and will be made, unless, in the exercise of its discretion, the court in which a suit contesting its validity is brought issues an interlocutory injunction.

The bill protects those institutions which procure a grant or loan and expend that grant or loan, or portions of that grant or loan, before an adjudication is made that it is unconstitutional. It provides that they would only be liable to refund the unexpended portion of a grant. Of course, they are already obligated to repay loans. The bill provides that the loans shall be repaid according to the original contract. The Federal agency administering the Federal grant or loan program is also authorized to extend the time for the repayment of the unexpended portion of the grant or for the unpaid portion of the loan.

The Senator from New York has said that the passage of the bill is not necessary because many States have laws which allow taxpayers of the States to contest the validity of their State laws, not only under the State constitution but also under the first amendment to the U.S. Constitution. That is true. Most State courts accept this jurisdiction, but the Federal courts do not.

The Maryland cases involved the question of the validity of certain acts of the Legislature of Maryland, but an adjudication of the validity of the laws of Maryland under the first amendment will not settle our problems. The Maryland cases will not settle the question whether the nine acts enumerated in this bill violate the first amendment to the Constitution of the United States. If the Maryland cases are reviewed by the Supreme Court of the United States the most the Court could decide is that grants or loans to three church-related institutions of learning in the State of Maryland are violative of the first amendment. It would not settle the question of the validity of acts of Congress.

The States have seen fit to grant to their citizens and to their taxpayers the right to contest the validity of State laws, either under their constitutions or under the Constitution of the United States. Why should not Congress be equally as considerate of the citizens and taxpayers of the United States?

The bill is necessary to make certain that the Federal courts shall have jurisdiction to determine the constitutionality, under the first amendment, of specific grants or loans made under acts of Congress, not under acts of State legislatures. For this reason, it should be passed.

Certainly, a body, all of whose Members have taken an oath or made a solemn affirmation to support the Constitution of the United States, ought to support congressional legislation which does nothing whatever except to enable the country to determine by judicial review whether the acts of the body, of which they are a constituent part, are in compliance with or in violation of the first amendment to the Constitution.

I stated earlier that the bill is supported by many institutions of a religious nature and many institutions of an educational character. For example, among the supporters of the proposed legislation, whose representatives appeared before the subcommittee at the hearings, are the following: The Unitarian Universalist Association, Americans United for Separation of Church and State, Seventh Day Adventists, American Jewish Committee, Council of Chief State School Officers, Union of American Hebrew Congregations, National School Boards Association, National Association of Evangelicals, American Civil Liberties Union, American Association of University Professors, Anti-Defamation League of B'nai B'rith, Association of State Colleges and Universities, American Jewish Congress, Central Conference of American Rabbis, National Council of Jewish Women, Jewish Labor Committee, Jewish Rabbinical Assembly, Jewish War Veterans of the U.S.A., United Synagogues of America, and many others.

This is necessary legislation. It is reasonable legislation. Its only object and its only purpose is to enable Congress to legislate in constitutional light rather than in constitutional darkness. I urge its adoption by the Senate.

Mr. JAVITS. Mr. President, I do not wish to be pictured as being violently opposed to the proposed legislation. I have expressed my views, as pointed out before; but, on balance, I thought that my views were against it rather than for it.

I stated before, and I state again, now that my distinguished and beloved friend, the Senator from Oregon, is here, that I believe the bill infinitely improved, and especially in that phase which deals with injunctions, both pendente lite and permanent.

I am still deeply concerned about the two points which I have mentioned—the proliferation of suits and the belief that the bill is unnecessary at this time. The Senator from North Carolina, one of the most distinguished and gifted lawyers in the Senate, says that law suits cost money. It also costs money to defend one. Especially for a voluntary organization with a small grant, this can become pretty harrying.

Second, the Senator points out that the States allow taxpayer suits. I realize that one of the virtues of concentrating all of this litigation in the District of Columbia is to somewhat discourage it, but also it does mean the filing of a suit in a jurisdiction which can be extremely remote from the jurisdiction where the particular parties are located. It has that disadvantage as against the fact that the taxpayers' suits are located in the States, in many cases where there is a local opportunity to deliberate and decide.

As I have said before, and on balance at this time, considering the fact that it has been possible to review so much Federal legislation in the Supreme Court, I do not believe this legislation is needed. Therefore, I shall vote "No."

I do not wish in any way to make the argument against this measure that I made against the original bills.

There the blocking of the operation of these programs was really a serious matter, and I think an important reason why the amendments which were sought to be added to the education bills and other bills, were opposed so strongly and not accepted by the Senate.

Whatever may be the form of the vote, and I shall not seek a rollcall vote because I do not see any great support in the Senate for this position, I shall vote "no."

Mr. ERVIN. Mr. President, I agree with my good friend from New York. The original amendment which was proposed by myself as an amendment to the Higher Education Facilities Act was rather drastic in nature. The drastic provisions have been removed from the present bill.

The bill expressly provides that in all litigation under this act the Federal officer shall be represented by the Attorney General. The defendant in all of the suits is the Federal officer authorizing the loan or grant. To be sure, there may be individuals or institutions who have an interest in the matter and retain counsel to present their point of view to the court at the trial. However, the Federal officer would be well represented by the Attorney General of the United States, who has about as vast a legal organization as can be found.

Mr. HART. Mr. President, as is not a rarity here, I find myself in something of a dilemma as the bill reaches the point of a yea-and-nay vote.

I have supported and shall continue to support the broadest possible application of Federal support for education programs, health programs, and welfare programs of the type and character enumerated in section 1 of the bill.

I shall do so in the conviction that the national strength is advanced. When we say we support these programs to the broadest extent possible, we are saying we support Federal assistance to the extent that the Constitution permits.

I would find great difficulty in taking a position which would make it difficult for a determination to be made where that constitutional reach stops.

Many of us here recall vividly the intensity of the debate in connection with the primary and secondary education bill and the key factor that was played in achieving an affirmative vote on that bill, by at least the tacit understanding that we would resolve the problem of how to test the constitutionality of the bill by separate action. This afternoon we find ourselves presented with the question as to how we shall enable the constitutional test to be made.

If I could be persuaded that the bill was not necessary in order that this test be had, I would support the position of the Senator from New York [Mr. Javits], because I think it an undesirable practice to encourage or suggest that there is a good reason and a proper role for Congress periodically to hang on explicit authorization to taxpayers to test Federal appropriations.

It is not only the first amendment issue with which taxpayers and concerned members of the public find difficulty in connection with having a day in court.

If this practice is adopted, sooner or later we shall find a serious proposal being made in connection with the military appropriation bill; namely, that we should have hung on a device to enable somebody to test the constitutionality of a war.

There has been grave concern in the Senate about an unconstitutional war. Is a taxpayer to be less concerned about an unconstitutional war than about a grant of $7 million to assist a religiously affiliated hospital?

It is this kind of precedent that I would not like to see the Senate adopt. And yet, I am not speaking strongly against the bill, any more than is the Senator from New York [Mr. Javits]. I am speaking less strongly than the Senator from New York because I am less persuaded about the test which I desire to see applied to each of these programs; not how far we may go and where we shall stop constitutionally.

I am as much concerned about that as any other Senator. I am not thoroughly convinced that in this enabling legislation—if that is the way to describe it—there will be such an opportunity. I say that only in extraordinary circumstances should we open the gates of the country to a test by any and all taxpayers as to the constitutionality of a Federal appropriation.

I say again that many people would argue and have fear about appropriating money to support an unconstitutional war. I am not one of them.

Mr. ERVIN. Mr. President, will the Senator yield so that I may reply?

Mr. HART. I yield.

Mr. ERVIN. As I construe the bill, the only contest that can be raised under it would be whether a grant or a loan is unconstitutional under the provisions of the first amendment. The bill does not undertake to authorize a challenge to an appropriation on the ground that it is unconstitutional, even under the first amendment. Rather, it authorizes challenges to an order of a particular Federal officer. It is directed only to specific grants or specific loans, and cases contesting these must be brought in a period not exceeding 60 days after the Federal officer administering the grant or loan gives notice of his intention to make it.

So far as the armed services are concerned, the only possible challenge would be to an allotment of funds to pay the salary of the chaplain. I do not believe that would be an infringement on the Constitution. There is nothing compulsory about a soldier going to the chaplain. I would not think that it would be unconstitutional under the first amendment because instead of establishing religion, it permits the free exercise of religion.

Mr. HART. I thank the Senator from North Carolina, and I read the bill as he has described it. The point I make is that if Congress responds to the proposition that a taxpayer should be permitted to challenge an appropriation on a first amendment issue, how can we resist the pressures down the road to provide a means to challenge any other appropriation or any other matter of constitutionality, such as, Are we constitutionally at war in Vietnam? Probably many people are more jumpy about that question than about a $50,000 grant to the Salvation Army.

Mr. ERVIN. If the Senator from Michigan will permit me to volunteer some information in response to his question, I would say that one of the most learned men to appear before the subcommittee was Prof. Leo Pfeffer. As I recall, he stated that judicial review is available to a citizen or taxpayer for every aspect of the Bill of Rights except the establishment clause of the first amendment.

Mr. HART. Since I do not share the concern I have heard voiced on the floor of the Senate that we are in an unconstitutional war, it becomes a question whether I can do more than just make a speech about it, but I would be curious to hear from some of those who have this concern as to whether all they could do is to make a speech or go to court.

Mr. JAVITS. Mr. President, will the Senator from Michigan yield?

Mr. HART. I yield.

Mr. JAVITS. The Senator has put his finger very ably on the basic point which troubles me, and that is the lack of selectivity in the bill. Of course, the Frothingham decision, which is the basic decision in this whole field of law, was based on the question of interest: What interest did the individual have in the suit? It was held that the taxpayer's interest was not adequate, because if that were allowed, it would result in litigation for every conceivable aspect of the operations of the Government, including defense appropriations.

The Senator from North Carolina [Mr. Ervin] and the Senator from Oregon [Mr. Morse] have realized this. They have confined the operation of the bill to nine specific acts. However, I am still opposed to the bill because I think it opens up opportunities for suits too broadly for the needs of the situation. That is what it comes to. If we had a frame of reference in which we had a hotly contested piece of legislation, we probably would try to amend it or cut it down. But really it is not that critical, and there is not that much opposition. Therefore, I have decided that the best thing to do is to vote "nay" on the whole thing as representing my reservations.

But the distinguished Senator from Michigan certainly has put his finger on the basic point; that is, that when we act in this manner we always have to worry about opening up a vast number of units. We are initiating something which has not happened before—a taxpayer's suit to test constitutionality Naturally, we confine it to the first amendment, as indicated. We confine it to a list of measures which are clear to all of us.

But it would be impossible to argue that it could not be used as precedent by those who would seek the right, as a taxpayer, to test every other form of activity or appropriation of government by the same set of standards: Is it constitutional? So why should not I, as a taxpayer, have the right to challenge it?

If the Senate passes the bill, as it undoubtedly will, it may very well have to pass the next one, if 18, 23, or 42 other acts are involved. I suppose it is a perfectly valid argument. But to say that we do not open the door to that situation is, in my judgment, not so. We do. We would be recognizing the right of the taxpayer, which has heretofore not been a right under Supreme Court decisions, to proceed against a particular piece of Federal legislation which does not directly affect him—except the fact that he is a taxpayer—in order to test its constitutionality under any aspect of the Constitution. We may confine the jurisdiction to the courts of the District of Columbia, but we are certainly opening a door which has never been opened before.

Mr. ERVIN. Let me allay the fears of my good friend the Senator from New York. I think the most knowledgeable man in the United States in this field is a practicing lawyer and a law professor of New York State, Leo Pfeffer. In his testimony before the committee, he stated:

> James Madison, when defending the Bill of Rights specifically stated that he expected that the courts would make themselves the special guardian of the Bill of Rights, which in fact they have done. They have done it except for this technical obstacle in establishment cases involving Federal expenditures. * * * And James Madison * * * did have the foresight and that intelligence to realize that the Bill of Rights without judicial enforcement would be what he called a parchment barrier.

As I have already stated, every other provision in the Bill of Rights is protected except for what Professor Pfeffer calls a "technical obstacle" in establishment cases involving Federal expenditures.

Mr. HART. I realize that the bill is restricted to nine authorization and appropriation bills or, in a sense, to nine programs. It aims to give a taxpayer his day in court on the first amendment. Leo Pfeffer, I am sure, has examined the laws and is correct in saying what he told the subcommittee headed by the Senator from North Carolina: that this is the only instance in which a right under the Bill of Rights cannot be tested by an individual's action.

There are other provisions in the Constitution from which we derive rights, and I am not at all sure that each can be tested by a taxpayer. I refer to the question of the legitimacy of the constitutionality of our action in Asia. That is not a first amendment issue, but it is much more sensitive to many people than the first amendment is, whether it should or should not be is some other question. We bandy the business of no wrong without a right. If we provide an act to safeguard the rights involved in the nine programs enumerated in the bill, my caution is that we shall be setting Congress in a direction which will make it very difficult, in the months and years ahead, to resist the argument in some other field that a certain action is improper under the Constitution, and that I should be allowed to seek relief in court, whether the action relates to an authorization to pay an army engaged in an action which we believe to be unconstitutionally undertaken, or to an aspect of eminent domain.

It is for this reason that, with the Senator from New York, in the Judiciary Committee I reserved a right to speak a word of caution, as I do now. With the Senator from New York, I do not feel so deeply about it that I feel an obligation to go beyond this. I do not go as far as does the Senator from New York, because I am not as confident as he that there are means currently available to test the constitutionality of the nine acts enacted. Because I supported these acts and participated directly in the primary school act, in which there was a clear understanding that we would respond to this question in separate legislation, I do not urge my colleagues to join me in voting "nay," but it is for those reasons that I shall do so.

The PRESIDING OFFICER. The bill is open to further amendment. If there be no further amendment to be proposed, the question is on the engrossment and reading of the bill.

Mr. MORSE. Mr. President, I want to make a few comments on another subject. I do not think what I shall have to say before the third reading of the bill will cause any amendment to be offered. However, I think before we proceed to a third reading, I should make a brief statement.

THE AIRLINES STRIKE

Mr. MORSE. Mr. President, I ask unanimous consent to have inserted in the RECORD at this point an editorial from the New York Times of today, entitled "Buckpassing on Strikes," with which I find myself in general agreement.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

[From the New York Times, July 29, 1966]

BUCKPASSING ON STRIKES

While the strike that has kept 60 per cent of the country's airliners on the ground goes into its fourth week, Congress and the White House are up in the air about who should accept responsibility for ending the break in the nation's transportation lifeline.

The Senate Labor Committee has rightly tossed into the wastebasket the Administration's recommendation that it scrap plans for an immediate back-to-work law. But, in defiance of its own logic, the committee has now tentatively decided to urge Congress to pass the responsibility for an actual no-strike order back to President Johnson. Under its plan, the President would be given authority to impose three new cooling-off periods, each sixty days long, during which negotiators for the airlines and the machinists' union would make fresh tries for an agreement.

The committee's approach, initiated by Republican Senators JAVITS of New York and GRIFFIN of Michigan, makes sense only as a device for embarrassing the President. In that sense, it is perfectly consistent with the kind of politics the White House itself has been playing out of subservience to its allies in organized labor. But the needs of the country for prompt restoration of air travel will be better met by adoption of a compulsory arbitration law or of Senator MORSE's proposal for a 180-day strike ban ordered by Congress itself.

Mr. MORSE. Mr. President, I also ask unanimous consent to have printed at this point in the RECORD an editorial from the Washington Post, entitled "Struggle Behind the Strike," with which I find myself in complete agreement.

There being no objection, the editorial was ordered to the printed in the RECORD, as follows:

[From the Washington (D.C.) Post, July 29, 1966]

STRUGGLE BEHIND THE STRIKE

As Congress wrestles with the airline strike, a fourth dimension has come into clearer focus. Senator MORSE, author of the most hopeful congressional maneuver to end the walkout, told his colleagues that "there is practically no hope of a settlement unless that settlement goes far beyond inflationary bounds." Secretary Wirtz had previously indicated that the underlying collision is between the union's demand for higher pay and the Administration's stabilization policy.

Here are the Secretary's precise words to the Senate Labor Committee:

"President Johnson has insisted publicly, and the Government mediators have urged publicly and privately, that this case be settled within the framework of the recommendation of the Presidential Emergency Board."

The five struck airlines agreed not only to the emergency board's $76 million proposal; they also offered to go above the Administration's "guidelines" with an $81 million settlement. The union clings to its inflationary demand for a 53-cents-an-hour increase and other benefits, and P. L. Seimiller of the striking machinists repeatedly told the Labor Committee that his union would not accept any settlement within the Administration's stabilization guidelines.

The walkout assumes the posture, therefore, of a revolt against a White House policy. In effect the country is suffering an acute dislocation of its air transportation (Mr. Wirtz estimated that 150,000 passengers a day are grounded) because the union is continuing a struggle that the Government will not permit it to win.

This situation gives a strange twist to Secretary Wirtz's plea that the freedom of the union to strike be left unimpaired. The freedom to strike readily becomes an empty shell if the chance of winning the strike has in fact been denied. And the hardships that have been imposed on the public become especially indefensible if they are the result of an exercise in futility.

Contrary to Mr. Wirtz's view, this would seem to be a point at which Congress ought to be intervening. It can properly halt the strike and put another presidential emergency board to work trying to devise a noninflationary settlement that will satisfy the parties. If no such formula is to be found, it is far better to keep essential public services operating, with wages and working conditions that a presidential board deems to be fair, than to allow the present disruptions to continue or to force a settlement on the union by "woodshed" methods. It appears from the action of the Senate Labor Committee yesterday that Congress is determined to act on the problem.

Mr. MORSE. Mr. President, I also ask unanimous consent to have printed in the RECORD at this point an editorial from today's Washington Star entitled "Strike Law Still Needed." Likewise, in connection with this editorial, as well as the editorials published in the New York Times and Washington Post, I find myself in agreement with the major thesis of the editorial.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

[From the Washington (D.C.) Star, July 29, 1966]

STRIKE LAW STILL NEEDED

The President's long-delayed decision to move in on the costly and inexcusable airline strike probably means that a settlement soon will be forthcoming. For it is unlikely that Mr. Johnson would have taken this action unless he had reason to believe it would produce the desired result.

Presumably the striking machinists union would prefer an agreement engineered by the President to one imposed under legislation, which certainly will be enacted if the strike goes on indefinitely. This, at least, was true when the President intervened in the threatened railroad strike in 1964 and last year's impending steel strike.

In our view, however, this is not the right way to deal with labor disputes which cut

> deeply across the public interest. When the President puts his prestige and the prestige of his office on the line in a labor dispute, the pressure for a settlement is apt to be effective. It remains to be seen whether in this instance a presidentially-sponsored settlement will blow the administration's guidelines out of the water. An emergency board headed by Senator MORSE has recommended a settlement which would cost the airlines about $76 million, and this has been sweetened a bit by the carriers. Even if an agreement should stay within this framework, however, the President ought not to be in the strike-settling business.
>
> A dispute of this kind, or any strike which has a significant adverse effect on the public interest, should be settled through machinery provided by statute, assuming that the ordinary processes of collective bargaining break down. Senator MORSE has said, and he is right, that in this airline strike "Congress has a clear duty to act, not to ask somebody else to act." It is our belief that Congress eventually will have to measure up to its responsibilities. For an outraged public will not tolerate indefinitely such tactics as those employed by the machinists union, tactics which Labor Secretary Wirtz says make a "farce" of collective bargaining.
>
> Furthermore, when legislative relief eventually comes it ought to be designed to bring about lasting and, if necessary, compulsory settlements. The legislation pending in the Senate is of the stopgap variety. If passed, it probably would serve to bring a settlement of this one strike. But for the long haul it simply is not good enough. The people of this country have every right to expect from their national legislature action which in this day and age will put an end to the public-be-damned attitude, whether it crops up on the labor or management side of the bargaining table.

Mr. MORSE. The Labor Committee has recessed until 2:30 this afternoon to give full opportunity to members to perfect a resolution which they substituted yesterday for the Morse-Javits resolution. We did this so that, if the committee decides to send any resolution to the floor of the Senate—and I hope none will be sent—the resolution will be in perfected form, and reports will be prepared, so it can be taken up on the floor immediately.

As I said yesterday, if that resolution comes to the floor, I shall move to substitute my resolution for it. I believe it is a better resolution, just as the proponents of the other feel that is a better one.

What I am encouraged about, and why I am so pleased to make a report at this time, is that last evening a break occurred in the stalemate between the parties to this dispute. Conscientious collective bargaining took place again, and the parties, far into the night—in fact, into the early hours of the morning—were doing what they could to work out a compromise of their differences that would be workable.

I hope they do. I do not know specifically what agreements they have reached on any particular issues, but I know that for the first time, they are trying to work out agreements.

Mr. President, that is collective bargaining. That is mediation. That is the way labor disputes should be settled. It is much better than by way of legislation.

I was in conference with leaders of Government in the wee hours of the morning. I repeat what I have said heretofore. There has never been a time during the course of this strike that the President has not been carrying out his executive duties with respect to it. He has not carried out his executive duties in accordance with what some of my colleagues would want him to do, but not one of them is President of the United States. May I say, kindly and respectfully, not one of them knows the many ways in which the President has worked to end the dispute. So how can they make suggestions as to what the President should do when they do not know what they are talking about? But that has characterized much of the discussion on the part of people, and the press also, as to what the President should have done in this dispute.

The President has been involved in the dispute since August 9, 1965. It has been raging and waging for practically a year. The President followed his statutory responsibilities, including his appointment of an Emergency Board to make recommendations, which the Board did, which he publicly approved, and the President said the dispute should be settled within the framework of that report.

That does not mean literally. The Railway Labor Act provides that the report of an emergency board is subject to negotiation within 30 days if the parties want to mediate and negotiate with respect to it.

I am not going to repeat the statements I made as to what happened to the Emergency Board report, which, in my judgment, led to no real collective-bargaining negotiations with respect to it until late yesterday afternoon and last night. But that is behind us.

Reports in the press and the CONGRESSIONAL RECORD disclose that the head of the AFL–CIO and the senior Senator from Oregon have not been exchanging compliments in the last few days. I stand on everything I said in regard to my reply to the head of the AFL–CIO, Mr. Meany, for it was Mr. Meany who issued the press statement the other day which called for my reply. I stand on my reply. There is no doubt that I am not one of the most favored people of the head of the AFL–CIO. That is all right with me. It can remain that way as long as Mr. Meany wants it to remain that way. On the other hand, I am not going to cease to be appreciative or fail to be fair in my comments even about one who does not like me.

One of the reasons why there is great promise of settlement of the dispute is that Mr. Meany has exercised in the last few hours that industrial statesmanship of which he is capable of exercising. I happen to know that Mr. Meany, the head of the AFL–CIO, as he should have, has been doing what he can to try to bring the parties to a fair settlement of the dispute.

I want to express my appreciation of that. I am sure all will appreciate it. However, I want Mr. Meany to know that if there is a breakdown in the negotiations, and the American public continues to be denied essential transportation service in many sections of the country, which the Railway Labor Act is designed to prevent, the senior Senator from Oregon will continue to press for legislation which, by legislative mandate, will bring the strike to an end, and put these men back to work with a full guarantee that they will receive fair wages. Those wages will be retroactive to January 1, 1966, as my resolution proposed.

Mr. JAVITS. Mr. President, will the Senator yield?

Mr. MORSE. Yes; I yield.

Mr. JAVITS. Mr. President, I have sat in these deliberations—not always too happily. I am the ranking minority member of the Committee on Labor and Public Welfare. However, I should like to testify now before the Senate that notwithstanding any feeling the Senator has about what the committee did or is doing, and his very deep convictions as to the strength of his own position—many of which I share—if this thing is settled, no matter how it is settled, whether it is settled because the men go back to work through a statute, or whether they settle it, as they may, and as we all pray that they will, by negotiation, the Senator from Oregon will have been one of the major architects of that settlement. He does not have to say yea or nay to that. I say it, and I say it before rather than after the event has taken place.

Mr. MORSE. The Senator from New York is very kind, but I do say nay, because I shall not have been an architect to its settlement. I am hopeful that the Emergency Board report will prove, in the long run, to be helpful to the parties. But the President of the United States, the Secretary of Labor, Mr. Wirtz, and the Assistant Secretary of Labor, Mr. Reynolds—who have lived with this matter in very close quarters for a long time—and the Labor Department, together with the National Mediation Board, which has assigned one of its members, Mr. Gamser, to help in the mediation in this case, have done much more at the mediation level. They are the ones who, I think, have put up the arrow directors on the roadway to a settlement of this dispute. They have pointed the way to a fair mediation settlement.

But be that as it may, Mr. President, the only thing I wish to say this afternoon is that I want the Senate and the country to know that I shall continue to press for legislation the moment there is any evidence submitted to me that there is any breakdown in the progress that is now taking place in the direction of a mediated settlement of the case.

That is why I moved that the committee recess until 2:30 this afternoon, after the members of the committee who are supporting a resolution to which I am unalterably opposed have had time to perfect the language of their amendment, so that they can get it in printed form and have time, over the weekend, to prepare their reports in support of their proposal.

Mr. President, I am hopeful that by Monday the case will be settled by mediation. If it is settled that way, it really will save time when compared with the time that would be consumed in the passage of legislation. It is very important to obtain a settlement, so that the union can get the terms of the settlement to its membership for approval. We have been assured that that will not take any such period of time as was suggested at one point in our Emergency Board hearings, but that an expeditious method for speeding up the ratification of a settlement has been developed by the union. I have reason to believe that they could obtain a final answer from the union, at the local level, within 24 to 36 hours. That appears to be one of the realities of confirmation and ratification of labor settlements.

But I wish to say, Mr. President, that every word of criticism that I have uttered, on the floor of the Senate and elsewhere, in connection with the failure of the union to keep its men at work, and not impose this great loss upon the American public, I repeat by reference here and now.

On the other hand, I do wish to express my appreciation for the turn of events, and to say to the Senate that I hope my optimism proves to be justified.

My final point is that this Congress has the duty to pass permanent legislation on emergency dispute problems before it goes home.

NEED FOR GENERAL LEGISLATION

I have already cited examples of the cases that are waiting in the wings to be settled, involving major industries in this country. We are in a state of national crisis. We are at war. Although it is an undeclared war, and although I do not think we ought to be in it, we are in it. If in World War II it was important that we have procedures for the settlement of labor disputes, so that strikes and lockouts could not occur in those industries affecting the public interests, we need it now also, for we are at war. American boys are not dying in Europe, as they were in World War II, but they are dying in Asia. We here at home, sitting in our security and comfort—yes, in our luxury—had better recognize the fact that though we are not in the jungles of South Vietnam spilling our blood, we have a duty to those boys we have over there to adopt legislation for the emergency settlement of disputes that can threaten our economy. Otherwise, we must expect the inflation ceiling to be pierced, the dollar cheapened, and great hardship worked upon the greatest security weapon those boys and all of us here at home have—the security weapon of a sound dollar. Destroy that soundness, and I do not care what they receive in a labor dispute settlement; if the dollars they receive are cheap dollars, then labor is deceiving itself if it thinks that kind of a settlement is in the longtime best interests of labor. Immediately, it is not in the best interests of the American people.

I shall press, at an early date following the settlement of this dispute, for permanent legislation dealing with emergency settlement of labor disputes. There are others who have already introduced such legislation. Since I opposed the emergency dispute provisions of Taft-Hartley in 1947, I got out that debate the other night and re-read what I said at that time. I would not change a word of it, because the predictions I made in those speeches in opposition to the emergency dispute section of Taft-Hartley have proven true over and over again.

I said in that debate:

> It will not accomplish its objective. It is not workable as far as really guaranteeing to the American people that the public interests will be protected in a true national emergency dispute.

I shall offer some time next week a modification—though not in any basic principle—of the legislation I have offered from time to time in the intervening years. I have always described it as "keep the parties in the dark" legislation. We must have legislation so worded that neither side to a labor dispute can sit down and figure out if it would be to their advantage to have the procedures provided for in the law run their course. Both sides must be kept in doubt as to whether it would be to their advantage or disadvantage. That would be a greater inducement to collective bargaining, so that we would be less likely to get into a national emergency dispute situation by way of a strike or a lockout. If we spell it out so that they know exactly what is going to happen to them, and they think they will lose less than the other side, they will stop their bargaining and let the law run its course.

I shall offer that legislation.

Let me express my commendation to the parties in this dispute for the progress they are presently making. I wish them well and hope that they reach a final settlement not very many hours hence.

Mr. President, I ask unanimous consent that there be printed in the RECORD the testimony that I gave as a witness before the Committee on Labor and Public Welfare yesterday morning in support of my resolution. In it I discussed certain questions that my colleagues on the committee directed to me, and also pointed out what the Emergency Dispute Board did in respect to certain issues that were of great concern to the Committee on Labor and Public Welfare.

There being no objection, the testimony was ordered to be printed in the RECORD, as follows:

EXECUTIVE SESSION, THURSDAY, JULY 28, 1966, U.S. SENATE COMMITTEE ON LABOR AND PUBLIC WELFARE

The committee met in executive session at 10:15 a.m., pursuant to call, in room 4232, Senate Office Building, Senator LISTER HILL (chairman of the committee) presiding.

Present: Senators HILL, MORSE, CLARK, RANDOLPH, WILLIAMS, PELL, KENNEDY of Massachusetts, NELSON, KENNEDY of New York, JAVITS, PROUTY, DOMINICK, MURPHY, FANNIN, and GRIFFIN.

Committee staff members present: Stewart E. McClure, chief clerk; John S. Forsythe, general counsel; John Bruff, counsel, Subcommittee on Labor; and Stephen Kurzman, minority counsel.

The CHAIRMAN. The committee will go into executive session.

All right, Senator.

Senator MORSE said last night he wanted to elucidate some, I believe.

STATEMENT OF HON. WAYNE MORSE, A U.S. SENATOR FROM THE STATE OF OREGON

Senator MORSE. Mr. Chairman, I will follow whatever procedure the committee wants. My suggestion is that I make a very brief statement and then a couple of points which ought to be placed into the record. Then the committee can ask me whatever questions they care to. That would include Senator CLARK's questions.

Senator CLARK. I am sorry, I didn't hear what the Senator said, Mr. Chairman.

Senator MORSE. My suggestion was that as a witness, I make a brief statement, certain things that I think ought to be raised, and then subject myself to the questions of the committee.

Senator CLARK. Surely.

Senator MORSE. Mr. Chairman, I have with me the transcript of the record that the Emergency Board made. It is eight days of formal hearings. I have the exhibits. I have the Board's analysis, the work book analysis, issue by issue.

I would like permission to insert into the record at this point, so we have it as a matter of record, the report to the President by the Emergency Board No. 166, which is the report that has been under discussion.

The CHAIRMAN. Without objection, it is so ordered.

(The report referred to follows:)

"REPORT TO THE PRESIDENT BY THE EMERGENCY BOARD NO. 166

"(Appointed by Executive Order 11276, dated April 21, 1966, pursuant to section 10 of the Railway Labor Act, as amended, to investigate and report its findings to the President of unadjusted disputes between Eastern Air Lines, Inc., National Airlines, Inc., Northwest Airlines, Inc., Trans World Airlines, Inc., and United Air Lines, Inc., and certain of their employees represented by the International Association of Machinists, AFL–CIO, a labor organization.)

"(NMB Case No. A–7655)

"Letter of transmittal

"WASHINGTON, D.C., *June 5, 1966.*

"DEAR MR. PRESIDENT: The Emergency Board which you appointed by Executive Order 11276, pursuant to Section 10 of the Railway Labor Act, as amended, has the honor to report herewith.

"You charged this Board to investigate the labor dispute between five major airlines and the International Association of Machinists. We have done so. In the course of our inquiry we held hearings for 8 days to take testimony from these parties. Througout our hearings the conduct of the parties was exemplary. Both Carriers and Union cooperated fully with the Board and with each other to provide us expeditiously an explanation of all issues in dispute. We acknowledge their cooperation gratefully.

"During our hearings and subsequently in executive sessions we had unstinting service from an able staff. We take this opportunity to thank our counsel, John Bruff, and his staff associates, Beatrice Burgoon and Lily Mary David, for their contributions to our work during this period.

"Your charge to us included the requirement that we report our findings to you. These are enclosed. They include our recommendations for a settlement of the dispute, on terms which we believe will serve the interests of the public and the parties alike.

"Respectfully,
Wayne Morse, *Chairman.*
David Ginsburg, *Member.*
Richard E. Neustadt, *Member.*

"**The President**, *The White House.*

"Executive Order No. 11276

"Creating an Emergency Board To Investigate Disputes Between the Carriers Represented by the Five Carriers Negotiating Committee and Certain of Their Employees

"Whereas disputes exist between the air carriers represented by the Five Carriers Negotiating Committee, designated in List A, attached hereto and made a part hereof, and certain of their employees represented by the International Association of Machinists and Aerospace Workers, AFL–CIO, a labor organization; and

"Whereas these disputes have not heretofore been adjusted under the provisions of the Railway Labor Act, as amended; and

"Whereas these disputes, in the judgment of the National Mediation Board, threaten substantially to interrupt interstate commerce to a degree such as to deprive the country of essential transportation service:

"Now, therefore, by virtue of the authority vested in me by Section 10 of the Railway Labor Act, as amended (45 U.S.C. 160), I hereby create a board of three members, to be appointed by me, to investigate these disputes. No member of the board shall be pecuniarily or otherwise interested in any organization of airline employees or in any air carrier.

"The board shall report its findings to the President with respect to the disputes within 30 days from the date of this order.

"As provided by Section 10 of the Railway Labor Act, as amended, from this date and for 30 days after the board has made its report to the President, no change, except by agreement, shall be made by the carriers represented by the Five Carriers Negotiating Committee, or by their employees, in the conditions out of which the disputes arose.

Lyndon B. Johnson.

"**The White House**, *April 21, 1966.*

"List A:
"Eastern Air Lines, Inc.
"National Airlines, Inc.
"Northwest Airlines, Inc.
"Trans World Airlines, Inc.
"United Air Lines, Inc.

"I. History of the Emergency Board

"This Emergency Board, designated by the National Mediation Board as Emergency Board No. 166, was created by Executive Order 11276 of the President issued April 21, 1966, pursuant to Section 10, or the Railway Labor Act, as amended, to investigate and report its findings of unadjusted disputes between Eastern Air Lines, Inc., National Airlines, Inc., Northwest Airlines, Inc., Trans World Airlines, Inc., and United Air Lines, Inc., and certain of their employees represented by the International Association of Machinists and Aerospace Workers, AFL–CIO, a labor organization.

"The President appointed the following as members of the Board: **Wayne Morse**, U.S. Senator from Oregon, Chairman; David Ginsburg, an Attorney from Washington, D.C., Member; and Richard E. Neustadt, Professor of Government at Harvard University, Member. The Board met for organizational purposes on April 26, 1966, in Washington, D.C. Public hearings were held for 8 days between May 6 and May 27 at Washington, D.C. During these hearings the parties to the dispute were given full and adequate opportunity to present evidence and argument before the Board. The Board also made itself available for any informal meetings requested by the parties; in the event, none was requested.

"The parties to these proceedings were identified to the Board as follows: The International Association of Machinists and Aerospace Workers by

"P. L. Siemiller, International President
"Joseph W. Ramsey, General Vice President
"Frank Heisler, Airlines Coordinator
"Robert E. Stenzinger, Grand Lodge Representative
"William Schenck, Grand Lodge Representative
"Elton Barstad, General Chairman (Dist. 143)
"John Burch, General Chairman (Dist. 145)
"Julius B. Wilhelm, General Chairman (Dist. 100)
"Fred Spencer, General Chairman (Dist. 142)
"Robert T. Quick, General Chairman (Dist. 141)

"The five Carriers by—

"William J. Curtin, Chairman, Five Carriers' Negotiating Committee, Morgan, Lewis & Bockius
"Charles M. Mason, Sr., Vice President-Personnel, United Air Lines, Inc.
"Paul Berthoud, Manager, Industrial Relations, United Air Lines, Inc.
"J. M. Rosenthal, Vice President-Industrial Relations, National Airlines Inc.
"Robert A. Ebert, Vice-President-Personnel, Northwest Airlines, Inc.
"Ralph H. Skinner, Jr., Vice President-Industrial Relations, Eastern Air Lines, Inc.
"John P. Mead, Staff Vice President-Industrial Relations, Eastern Air Lines, Inc.
"David J. Crombie, Vice-President-Industrial Relations, Trans World Airlines Inc.

"The record of the proceedings consists of 1,968 pages of testimony and exhibits and 9 separate appendices of exhibits primarily relating to local issues. During the proceedings, the Board made it clear to the parties that its report to the President would be based upon the record established by the parties to this dispute.

"Since the creation of the Board, the parties by stipulation, approved by the President, have agreed to extend the time within which the Board must report its findings to the President until June 5, 1966.

"II. Background of the dispute

"The airline carriers in this dispute are 5 of the 11 domestic trunk airlines operating in the United States. They represent over 60 percent of the domestic trunkline industry as measured by passenger miles. The IAM represents 35,399 (March 1966) of their employees involved in this dispute. These employees are primarily employed in mechanic, ramp and store, flight kitchen, dining service, plant protection and related classifications.

"The Carriers and Union entered into an agreement dated August 9, 1965, establishing a procedure for joint negotiation of the dispute between the parties. This agreement provided that each Carrier and the Union should be limited to 15 proposals for changes in the existing agreements between each Carrier and the IAM, and that the following 8 items, which are identical to all Carriers, should be the subject of joint bargaining:

"(a) Rates of pay and progression steps
"(b) Vacation allowance
"(c) Holiday provisions
"(d) Health and welfare (insurance programs)
"(e) Overtime rules
"(f) Pension plans
"(g) Hours of service
"(h) License requirements and premiums

"On October 1, 1965, the Carriers and the Union served upon each other the notices required by their August Agreement and by Section 6 of the Railway Labor Act. The Union chose to submit seven notices for each individual Carrier, and the eight items common to all Carriers. The Carriers served over 70 notices, all on local issues. The parties then entered into individual and joint negotiation on these notices. Negotiations proceeded for 2 months.

"Thereafter, on January 11, 1966, the parties jointly applied to the National Mediation Board for mediation service. The case was docketed by the NMB and referred to Board Member Howard G. Gamser for handling. He began his efforts on February 1, 1966, and continued until March 10. His mediation led to the exchange of proposals and counterproposals, but the parties failed to reach a final agreement.

"On March 18, 1966, the NMB proffered arbitration, which the Carriers accepted and the Union declined. Under the provisions of the Railway Labor Act, the NMB then formally terminated its services. However, on April 14 it made a final effort to mediate the dispute. This effort was unsuccessful and the Union set a strike deadline for 12:01 a.m., local time, April 23, 1966. The NMB then notified the President that in its judgment this dispute threatened to substantially interrupt interstate commerce so as to deprive the country of essential transportation service. The President promptly created this Emergency Board. The Union then withdrew its strike notice.

"The August 9 agreement provided among other things that none of the parties should execute an agreement until all of the parties had reached agreement in final settlement of all issues.

"III. The issues

"The original notices required by Section 6 of the Railway Labor Act and by the August 9 Agreement included eight issues common to the Union and all Carriers. These are called "national issues." The notices also included over 100 other issues, each relating to an individual Carrier. These are called "local issues." None of the eight national issues was resolved by negotiation or mediation. Of the local issues, 40 remained unresolved at the time of our hearings. The Board took testimony and heard cross-examination on all 48 outstanding issues. Each has been subjected by the Board to careful inquiry.

"IV. The national issues: Findings and recommendations

"A. General Wage Rates and Related Issues

"The Union has proposed substantial percentage increases in the rates of pay over a 3-year period beginning January 1, 1966, coupled with the elimination of all but one progression step and the introduction of a cost-of-living adjustment allowance. The Carriers have offered hourly rate increases in three groups of classifications over a 3-year period, have sought to justify all rate progression schedules now in effect and have rejected the concept of a cost-of-living adjustment allowance. In addition, instead of January 1, 1966, the Carriers would delay any pay increases until the pay period next commencing after the date upon which they receive written notice from the Union of the ratification of the new agreement.

"1. Effective date and duration of the contract

"The most recent agreement between these parties was due to expire at midnight on December 31, 1965. During the last 5 months of 1965 the five Carriers and the Union established a procedure for joint negotiations of the disputes between the parties; identified and defined both national and local issues; served on each other the Section 6 notices required by the Railway Labor Act and began individual and joint negotiations. The bargaining progress thus begun continued throughout the first quarter of this year, with the services of the National Mediation Board, and although final agreements were not reached a large number of local issues were disposed of, and the remaining issues were sharpened and in some instances modified.

since August 1965, therefore, the parties have been seeking to resolve their differences and reach agreement for purposes of a successor contract.

"The Board considers that the maintenance of close contact and communication between Union and Carriers and the utilization in good faith of the procedures of the Railway Labor Act and the services of the National Mediation Board furthers the interests both of the parties and the public and recommends, as in the 1963 settlement, retroactivity to the expiration date of the last settlement.

"The Board must also consider how long the new contract should continue. The parties themselves have suggested a 3-year period. As a consequence of Section 10 of the Railway Labor Act, unless the parties otherwise agree, the provisions of the old agreement will have governed the rights of the parties through the first half of 1966. In these circumstances the Board recommends that the new agreement run prospectively for 3 years from July 1, 1966, so that the agreement will be effective for a period of 42 months, from January 1, 1966, through June 30, 1969.

"2. Safeguarding real wages

"The Union is concerned that increases in the cost-of-living may erode the gains employees have made in real wages and has proposed an escalator clause as its preferred way of safeguarding those gains. The particular clause would provide that quarterly, throughout the term of the agreement, all hourly rates should be increased by 1 cent per hour for each 0.3 increase in the consumer price index (1957–1959 base).

"The Carriers point to a trend away from the use of escalator clauses and oppose them on various grounds ranging from the added difficulties under such clauses of cost calculations to the added dangers of perpetuating a price-wage spiral.

"The Board has given extensive consideration to this question. The trend away from escalator clauses is marked although increases in the cost-of-living have revived interest in them. In our view the danger they present to the economy in this case is real. In the past, moreover, many of these clauses have operated two ways so that when the cost-of-living goes up wages are increased, but when the cost-of-living turns down, wages are reduced. Here the Union has proposed a one-way clause.

"Although we recommend against the use of an escalator clause we believe that the effort of the Union to devise a means to safeguard the economic position of the employees particularly in respect to the protection of their real wages is warranted. We therefore recommend that the Union be given the right to re-open the wage rate provisions of the contract if, by December 1967, the cost-of-living since December 1966 has increased 1 percent or more over the average annual increase in the consumer price index during the 5-year period, 1962 through 1966. The re-opener right would be limited to the basic wage rates of the new agreement.

"The Board wishes to stress that the basic wage re-opener right would be triggered only in case of a sharp or persistent increase in the consumer price index of not less than 1 percent over the average annual increase during the 5-year period from December 1961 through December 1966.

"The procedure to be followed would be simple and completed within a maximum of 6 weeks.

"On February 1, 1968, the Union, if it so decides, would serve on the Carrier its notice of intention to re-open the wage rate issue; the necessary statistical data regarding cost-of-living changes in December 1967 should be available to the Union about January 20. Thereafter, the parties would have 30 days within which to arrive at an agreement. If they cannot agree on wage adjustments the issue would be submitted to final and binding arbitration under procedures determined by the parties themselves. If the parties cannot agree on such procedures the Secretary of Labor shall determine them and, within 1 week after the 30-day period, submit to the parties a list of seven arbitrators from which the Union and the Carriers in joint conference shall each strike alternately two names. The remaining three arbitrators shall then determine the issue and make their award within 2 weeks.

"In arriving at their decision the arbitrators shall consider, as did this Board, the public interest in the maintenance of a stable economy as well as increases in living costs and all other relevant factors including comparative wages, competitive conditions, labor shortages, ability to pay, job content, and overall and specific increases in productivity.

"3. Wage progression schedules

"The Union contends that progression schedules merely provide a means to permit the Carriers to pay less than the job rate; that lengthy progression steps for each classification are unnecessary because very little training is required and no additional responsibilities or duties are assumed at each step in the classification. The Union emphasizes that the number of progression steps has been reduced in past bargaining and that single rates have been achieved in lead classifications but that further reductions are needed.

"The Carriers argue that progression is the standard method of wage payment on domestic trunk carriers and that progression steps have always existed. They say that they are hiring rapidly and that new employees are not fully productive immediately; that training is required for the equipment of each carrier and that the progression scale fairly reflects growth in efficiency during training.

"The Board has examined the wage progression schedules for each Carrier and recommends that the entry rate in each classification be eliminated as of January 1, 1967, and that the rate just before the final rate be eliminated as of January 1, 1968. There is merit in the contention that some on job training is needed, but it is apparent to the Board that in many classifications the number of progression steps is excessive.

"The Board's recommendation is designed to permit a reduction in the number of progression steps in any new contract, returning to the parties for their joint study and determination in future negotiations the more basic question of the means by which the Carriers shall organize and finance on job training.

"4. Wage rates

"Under previous agreements, employees represented by the IAM have been paid hourly rates established under two categories, Groups A and B, which broadly distinguished higher from less skilled classifications. In the most recent contract, the mechanic rate (at the top of regular progression steps) has been $3.52 per hour, and this figure has been used in testimony by both parties to the dispute as the basic rate for discussion purposes.

"The Board follows this practice of the parties, using the mechanic rate illustratively. It is the standard practice in wage cases to use as the frame of reference a key rate, which in this instance is the mechanic rate. We wish to note, however, that the average job rate for all job classifications covered by both groups has been estimated at $3.25. We use the mechanic rate for purposes of clarity, but emphasize that it is not an average for all employees. That average will, in every case, be lower.

"The testimony before us shows that both parties have proposed substantial increases in pay rates for the new contract period.

"The Carriers have offered annual increases in hourly rates for each year of a proposed 3-year contract, the amounts ranging through three rather than two groups of skill classification as follows:

"Group I:	*Cents*
1st year	12
2d year	12
3d year	12
Group II:	
1st year	8
2d year	8
3d year	8
Group III:	
1st year	7
2d year	7
3d year	7

"For the mechanic rate this offer has the following effect:

"Past	$3.52
1st year	3.64
2d year	3.76
3d year	3.88

"The Union, by contrast, has proposed percentage increases across the board to all skills amounting to 5 percent the first year, 5 percent the second year, and 4 percent the third year. For the mechanic rate this proposal has the following effect:

"Past	$3.52
1st year	3.70
2d year	3.88
3d year	4.04

"The differences between the two proposals are narrow. In reviewing them and the records made before us, we are struck by the fact that neither party accepts the other's view of the appropriate method for reflecting skill differentials in the application of general increases. Thus the Union rejects the three-group classification offered by the Carriers, while the Carriers suggest that a percentage increase applied across-the-board would deepen alleged inequities in present classifications.

"Faced by disagreement between the parties on this point, we have concluded that in equity we should use the last classification scheme on which they have in fact agreed; namely, the two-group classification of earlier contracts, and should recommend for each group a fixed amount of wage increase.

"After careful review of the record before us, considering the evidence submitted on conditions in the national economy and in the air transport industry, on labor market prospects, comparative wage rates, company earnings, productivity increases, trends in the cost of living, and other relevant matters, we conclude that both parties to this dispute, and national policy as well, would be served by a settlement which incorporated the following wage increases in our proposed 42-month contract:

"Group A:	*Cents*
1st 18 months	18
Next 12 months	15
Last 12 months	15
Group B:	
1st 18 months	14
Next 12 months	10
Last 12 months	10

"For the top mechanic rate this recommendation would have the following effect:

"Past	$3.52
1st 18 months	3.70
Next 12 months	3.85
Last 12 months	4.00

"From the standpoint of the Carriers, the evidence before us suggests that over the life of the contract prospective productivity gains make these wage increases supportable without net addition to costs.

"From the standpoint of the users of the airlines, the evidence before us suggests that over the life of the contract, if company earnings continue at anything like their present rate, these wage increases would be no bar to continued reduction in transportation charges to the public, if other criteria warrant.

"From the standpoint of the employees, the evidence before us suggests that over the life of the contract these wage increases would continue the past trend wage gains made by workers in this industry, and would maintain the competitive position of the industry in bidding for increasingly scarce skills.

"From the standpoint of the general public, the evidence before us suggests that wage increases in the amount we have proposed, combined with the additional fringe benefits we recommend, constitute a genuinely noninflationary settlement of this dispute—a settlement which will contribute to the twin objectives that the President has put before the country: Stability and growth.

"In this industry, as applied to these workers at the present time, the average cost of labor, taking wages and fringes together, is estimated by the best available sources at about $4.50 per hour. When this estimate of present cost is compared with the incremental cost of all our recommendations, the outcome, in our judgment, is distinctly noninflationary. This remains the case even after the wage increases are reflected in fringe benefits accruing once new wage rates take effect.

"Moreover, in our recommendations to the parties for settlement of their outstanding local issues, we at once have proposed elimination of numerous, costly practices and have withheld approval from numerous demands which would create new elements of cost. Thus, our disposition of the local issues buttresses the noninflationary cost of the whole settlement, with results which vary somewhat from carrier to carrier.

"In conclusion, we offer the considered judgment that our proposed terms of settlement, taken together, protect the interest of all parties in this dispute, the Carriers, the Union, and the public.

"B. Vacation Allowances

"Under the most recent contract, the Carriers have provided paid vacations to these employees on the following formula: 2 weeks of vacation after 1 year of employment; 3 weeks after 10 years; and 4 weeks after 20 years. The Union currently seeks a modification of this formula to provide 3 weeks of vacation after 8 years on the job, and 4 weeks after 15 years.

"Weighing this request against the evidence presented to us on prevailing practice elsewhere, we have come to the conclusion that a good case can be made for liberalizing vacation pay accruing to long-service employees. We find that there has been a trend in this direction throughout American industry. While relatively few contracts in this country now provide 4 weeks of vacation after 15 years, the Board thinks that liberalization is justified in an industry which needs stability of service from the skilled men represented by this Union and which requires from the men a special devotion to duty in the interest of the traveling public.

"Accordingly, we recommend 4 weeks of paid vacation after 15 years of service.

"C. Health and Welfare Programs

"In this area the Union proposed that the entire cost of the individual Carrier Health and Welfare plans shall be borne by the Carrier and that all plans shall be liberalized to provide full coverage for employees and dependents. The Union emphasized that Eastern has already assumed the full cost of these programs and that the Union recommendation is supported by the prevailing practice in industry generally.

"The Carriers contended that current benefits under their plans exceed those typical of industry generally but nevertheless offered to make an additional contribution of 3 cents per hour in the second year of the contract against premiums for dependents coverage under presently existing group insurance plans. The Carriers stated that with this addition the average cost to the Carriers of current plans would be 17.4 cents per hour compared with an average employee contribution of 2.6 cents per hour.

"The Board has taken note of these facts and others in the record and recommends against any increase in Carrier contributions at this time. The Union has not proposed and the Carriers have not offered an improved plan or additional benefits. Since the scope and coverage of the plans would remain unchanged an additional Carrier contribution of 3 cents per hour beginning the second year would simply result in an increase in employee compensation by this amount. The Board believes it is in the interests of both parties at this time to deal with increased cash compensation in connection with wage rate adjustments and has done so under paragraph 4 of Section A, above.

"D. Pension Plans

"The pension plan of National Airlines is already noncontributory and the Union requested that the other four Carriers assume the full cost of their plans.

"The Carriers rejected the request emphasizing that although a majority of pension plans in industry generally are noncontributory, they usually provide a lower level of benefits. They point out that the Carriers' plans provide an average earned benefit of $8.68 per month as compared with a median industrial benefit earned of $2.75 per month; and which exceed average earned benefits under noncontributory plans in the automobile industry ($4.25), the aerospace industry ($4.24 to $4.75), and the steel industry ($5).

"Here, as in the case of Health and Welfare benefits, the Board has studied the competing considerations stressed by the parties, but directs attention to the fact that the issue as presented does not relate to employee benefits under the plan but solely to the means of financing them. The Union proposal to transfer the cost of four plans to the Carriers is thus a request for additional compensation equal to the cost of the plan. Since we have already responded to the request for higher wage rates we recommend that this request be withdrawn.

"E. Overtime Rules

"The Union has proposed a sharp upward adjustment of pay for overtime work. Where existing rules call for time-and-a-half, the Union now would substitute double time. Similarly, where double time applies, the Union now proposes triple time.

"The record before us offers no specific reasons for these changes except references to trends in other industries and general allegations of the need for severe penalties to minimize the use of overtime. We find it hard to square the stress on penalties with several of the local issues put before us, where the interest of employees in working overtime was demonstrated. We find it harder still to follow the comparisons with other industries.

"The evidence available to us suggests that in this industry, above most others, overtime work is necessarily an adjunct of regular operations. Variations in weather, equipment changes, enforced delays in service, rescheduling of flights, are common features of airline operations in the present stage of technological development. Overtime work for service employees is an inevitable and frequent result. While we accept the notion that the Carriers, like other employers, should be discouraged from misuse of overtime, we cannot accept the contention that they should be penalized severely for resorting to this means of meeting their undoubted obligation to the public.

"Accordingly we recommend that the overtime proposals by the Union be withdrawn.

"F. Holiday Provisions

"The Union has proposed an increase in the number of holidays from seven to eight, the eighth to be Good Friday. In addition, for work on holidays the Union requests holiday pay plus double time for all hours worked, with a minimum of 8 hours' pay; if more than 8 hours are worked on holidays, the excess is to be paid for at triple time rate.

"The Union introduced several foreign flag carrier agreements to show that they provide for more than eight paid holidays. Northeast Airlines, the railroad companies, and many other major industries already have eight paid holidays.

"The Carriers rejected an eighth holiday and, in particular, rejected Good Friday because on this day there is no significant decrease in airline traffic and in most instances employees would be required to work. The Board notes, in passing, that one of the existing paid holidays, Washington's Birthday, has even less of a decrease in traffic than Good Friday. The Carriers further argue that seven paid holidays is in accord with domestic trunk airline practice.

"The existing contracts require that the Carriers compensate employees who work overtime on holidays at double time rates. The Union position is that employees should not be required to work overtime on holidays and that the double time provision is not a sufficient deterrent to prevent the Carriers from deliberately scheduling such overtime.

"The Carriers reply that there is no scheduled overtime on holidays; that overtime is required only because of scheduling difficulties; that a heavier penalty would only increase airline costs without reducing overtime requirements.

"The record clearly supports the existence of a trend to more liberal holiday provisions; Good Friday is observed as a religious day by many employees; Good Friday is accepted in other agreements as a suitable vacation day. The Board is unable to endorse the Union proposal for penalty holiday overtime first, because this a round-the-clock industry with 24-hour commitments to its customers; second, because this underlies the contract between the parties; and third, because this fact is well known to and accepted by all airline employees.

"The Board recommends that an eighth holiday, Good Friday, be granted by the Carriers and that the Union proposals for penalty holiday overtime be withdrawn.

"G. Hours of Service

"The Union has proposed that the 30-minute meal period now taken without pay as a break in each 8-hour working day, be compensated and treated henceforth as a portion of the hours worked.

"The effect of this proposal would be to reduce the time of each shift from 8½ hours (including an uncompensated half hour) to 8 hours (fully compensated). The further effect would be to eliminate the overlaps between incoming and outgoing shifts which now occur during the last half hour each outgoing shift spends on the job.

"The Union has contended in the hearings that elemination of shift overlaps would aid efficiency. The Carriers disagree. They argue that the overlaps are vital to assure effective personnel transmission of job information, tools, and work directives between shifts. It is the view of the Board that the Carriers' position was the sounder one on this issue.

"Beyond this issue we perceive another which becomes decisive in our view; namely, that a growing and regulated industry, faced by increasing competition for skilled personnel should not be asked to put into effect a shorter workweek. We recommend, therefore, that this proposal by the Union be withdrawn.

"H. License Premiums

"The Union originally proposed that any employee required to have or use—later modified to any "mechanic" and "have and use"—any license issued by the FCC or FAA should receive additional compensation in the amount of 10 cents per hour for each license required.

"This proposal was based primarily upon the alleged additional responsibility of the license holder in releasing aircraft or signing for aircraft work.

"The carriers rejected the Union proposal both because of its cost and because there is little or no additional responsibility for the license holder. The Carriers argued that a mechanic who signs maintenance releases does not vouch for airworthiness; that a mechanic may be fined by the Federal Aviation Agency for personal failures whether or not he holds a license; that no domestic trunk carrier currently pays such a license premium.

"In treating the wage issue this Board provided substantial pay differentials for mechanics and higher classifications; the license holders are all within this group. Since the added exposure to disciplinary action relied on by the Union is neither diminished nor remedied by a pay premium requirement, we recommend that the Union's proposal for license premiums be withdrawn.

"V. Local issues [1]

"A. Eastern Airlines and District 100

"1. Carrier proposals

"(*a*) *Eastern Proposal No. 1*

"The Carrier has proposed a change in the overtime provision, Article 14(c), to provide system overtime to replace local rules. It also proposes to eliminate the present bypass penalty pay provision in the agreement.

"The 1963 collective bargaining agreement between Eastern Airlines and District 100 provided that the parties should meet to agree on system overtime rules. The Carrier contends that since that time agreement in principle has been reached on a series of system overtime rules but the final language has not been settled. The principal point still in contention between the parties is the Carrier's request for elimination of bypass penalty pay.

"The Carrier contends that the current rules foster a great number of grievances; it has introduced evidence that overtime grievances have increased from 8 percent to 26 percent of all grievances between 1960 and 1965. The Carrier urges that system rules be agreed upon to permit standard administration of overtime. It is the Carrier's position that, under the present system, errors are difficult to avoid, particularly in emergency situations, and that the proposed system rules would decrease the likelihood of mistakes and disputes.

"The Union's primary objection is to the elimination of the bypass penalty. The penalty has been in the collective bargaining agreement since 1961. The Union contends that problems arise under it because supervisors fail to offer work to the right man. The Union agrees that there are many grievances on overtime issues but contends that the fault lies with management.

"The record is clear that the existing overtime provision on Eastern Airlines gives rise to an excessive number of grievances. The Board believes that this situation necessarily tends to strain the grievance machinery and constitutes a handicap to good relations between the parties. The Carrier's proposal retains the principal of equalization of overtime and has not had a negative response from the Union except for the matter of bypass pay. The Board notes that bypass penalty pay has been a part of this collective bargaining agreement during the past two contract periods. The Board is reluctant to disturb conditions arrived at through collective bargaining without compelling reasons. The new rules proposed by the Carrier are designed to correct the source of past problems. It is to be expected, therefore, that the number of grievances will be reduced and the number of instances in which bypass penalty pay is required will drop substantially.

"*Recommendation:* That the system overtime rules proposed by Eastern Airlines be adopted but that the present provision for bypass pay not be disturbed.

"(*b*) *Eastern Proposal No. 2*

"The Company proposes to add a new paragraph to Article 20 of the agreement in order to permit the employment of part-time workers in the classifications of cleaner, ramp-servicemen, and stock clerk. The Carrier argues that fluctuations in peak workloads in the airline industry justify the employment of part-time workers for 3 or 4 hour periods in order to utilize employees effectively. Eastern contends that the jobs of present employees would not be jeopardized because, under its proposal, no employee would be displaced by part-time workers.

"The Union points out that the Eastern Airlines-IAM agreement once provided for part-time employees but, through earlier negotiations, this provision was removed from the contract. The Union argues that, during negotiations, the Carrier offered no proof of a need for workers for 3 or 4 hours a day.

"It is inherent in the transportation industry that accommodation to the needs of the traveling public will result in peaks and valleys of activity at airline stations. The Carrier now has considerable flexibility in scheduling the shifts of its regular employees. The Board believes that the existing flexibility in shift arrangements should be adequate to permit management to resolve its problems within the framework of its regular work force. Moreover, the Board notes that two of the classifications for which the Carrier seeks part-time employees are those for which management testified, on the national issues, that relatively long progression training periods are required.

"*Recommendation:* The Board recommends that the proposal of the Carrier be withdrawn.

"(*c*) *Eastern Proposal No. 3*

"The Carrier proposes to eliminate the present option in Article 10 which permits an employee scheduled to work on a holiday to elect either to receive double time pay or to receive straight time and add 1 day to his vacation. In addition, the Carrier would require an employee to work the day before and the day after a holiday to be eligible for holiday pay, if he is scheduled to work on those days.

"The present option was made a part of the agreement when Eastern's operations had marked seasonal differences. Now operations are spread more evenly over the year. The existing provision thus causes a problem in vacation scheduling, along with an increasing economic effect. To require that employees work the day before and after a holiday is warranted, according to the Carrier, because these days usually are peak travel days and scheduled employees are needed for efficient operations.

"The Union made no comment on the Carrier's proposal to remove the option of an added vacation day or premium pay for holidays. It argued, however, that requiring employees to work the days before and after a holiday was unnecessary because the Union knew of no abuses of this nature.

"The Board recognizes that conditions may change over a period of years and that such changes may require adjustments in earlier contract provisions. In this case no economic loss to an employee would result from the Carrier's proposal since he would continue to receive premium pay for holidays worked. Moreover, improvement in the vacation provision for long-service employees has been recommended by the Board.

"A provision requiring that all employees who are scheduled to work on the days before and after a holiday must report as scheduled in order to be eligible for holiday pay, is in accord with general industry practice. Further, such a provision is consistent with the needs of this industry in view of the service it must provide on peak travel days. The Board concludes, therefore, that the Carrier's proposal for changes in Article 10 are reasonable.

"*Recommendation:* That the proposal be adopted.

"(*d*) *Eastern Proposal No. 4*

"The Carrier proposes to eliminate the classification, Ground Communications Technician, which includes about 20 employees. Formerly, Eastern maintained its own radio system to communicate with its pilots in flight, while all of the other carriers were with Arinc, which provided a joint service for them. Since the last negotiations, Eastern has sold its facilities and joined Arinc. The Carrier now wishes to eliminate this classification and restore the 20 employees to the general mechanic category from which they originally came. In the mechanic category, the Carrier indicated, the employees could be better utilized and would gain more employment opportunity.

"It is clear from the record that the work formerly performed by Ground Communication Technicians no longer exists on Eastern. Formerly, these employees were included in the general category of mechanics; their pay rates are the same as those of mechanics. There appears to be no reason to continue to maintain a separate classification for them.

"*Recommendation:* That the proposal be adopted.

"(*e*) *Eastern Proposal No. 5*

The Carrier proposes that the procedure for bidding shifts and days off be changed to require an employee to submit his written preference 7 calendar days after the supervisor issues the bid sheet. At the present time, both the bidding process and the assignment of shifts are conducted in order of seniority. This slows the bidding process so that a period of 2 or 3 weeks may elapse before assignments can be made. The proposed procedure would mean that all bids would be submitted simultaneously; the shifts would then be assigned according to seniority preference.

"The Union raised no objection to this proposal in the course of the hearing.

"On the basis of the testimony submitted, the Board finds the Carrier proposal reasonable.

"*Recommendation:* That the proposal be adopted.

"(*f*) *Eastern Proposal No. 6*

"The Carrier proposed to add to Article 24—Sick Leave, the qualification that sick leave provisions will not apply to a day upon which an employee is not scheduled or required to work a regular shift.

"The Carrier points out that all of its employees except those covered by the IAM contract receive pay for sick leave only when they are unable to work on scheduled work days due to sickness or injury. Until an arbitration award in 1963, the IAM sick leave provision was administered in the same manner. As a result of this award the employees under the contract receive sick leave pay even though they would not have worked on the particular day. Thus, according to the Carrier, IAM employees receive this benefit under circumstances in which no other Eastern employees would receive such pay. The purpose of this proposal is to restore uniform administration of sick leave for all of Eastern's employees.

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[1] For convenience the Board has numbered each of the Carrier and Union proposals consecutively. The substance of each proposal will enable the parties to relate this numbering system to the numbering and lettering system by the parties in the transcript of the hearing.

"The Union pointed out that a sick leave provision had been in the contract for many years, but did not question the facts cited by the Carrier with respect to the change in interpretation of the clause since the last negotiations. No reason was shown for an administration of sick leave different for IAM employees from other employees.

"Sick leave pay is provided in labor agreements to protect employees from loss of income when they are unable to work because of sickness or injury. The purpose is to make the employee whole, not to pay him more than he would have earned had he been able to work. This purpose governs practice in industry generally, on other airlines, and for all Eastern employees except those organized by IAM. The Board believes that uniformity in the administration of sick leave pay should be restored at Eastern.

"*Recommendation:* That the proposal be adopted.

"(*g*) *Eastern Proposal No. 7*

"The Carrier proposes a modification of the active service provision in Article 20(g) to incorporate current practice into the contract. The Carrier alleged that this proposal is largely a technical adjustment which had not been settled primarily because the same contract article was being held open by the Union on a different issue.

"The Union made no comment on the Carrier proposed change in the active service clause except to express opposition. The Union stood on the language of the present agreement.

"The Board notes that the language provided by the Carrier for a new Article 20(g) is substantially different from the language in the present Article 20(g), as shown by Carrier Exhibit 34. For instance, the proposed language of the Carrier for a new Article 20(g) eliminates the language of the present article referring to "periods of illness or injury not in excess of ninety (90) days" in connection with the definition of active service.

"*Recommendation:* It is the opinion of the Board that the Carrier failed on the record to sustain its burden of proof on this issue. Therefore, the Board recommends that the proposal be withdrawn.

"(*h*) *Eastern Proposal No. 8*

"Eastern proposes certain changes in Article 19, System Board of Adjustment, in order to streamline the grievance procedure. The parties have agreed on an expedited procedure using a five-man panel of arbitrators. They have been unable to agree, however, upon a procedure to select the members of the panel.

"*Recommendation:* That, if the parties have not agreed on the 5 members of the panel by the time the contract is signed, the National Mediation Board be asked to supply a list of 15 arbitrators and to outline a procedure by which the parties will select 5 names from the list.

"2. Union proposals

"(*a*) *District 100 (Eastern) Proposal No. 1*

"District 100 proposes an amendment to Article 2(B) defining the scope of the agreement. The Union contends that the Carrier has been contracting out work which properly comes under the jurisdiction of its IAM employees and that a change in the scope statement is required to protect the job security of the employees it represents. It points out that in the arbitration of grievances on this issue, arbitrators have held that such contracting out by unilateral company action does not violate the terms of the present scope statement. In support of its position, the Union presented substantial evidence of work currently being performed by employees of other companies.

"The Carrier argues that acceptance of the Union proposal would force major changes in its operations. It would create problems in handling specialized work for which Eastern lacks the facilities; it would require assignment of employees to perform maintenance work at stations where there is insufficient work to justify their full-time employment. Further, the Carrier points out that there is a shortage of skilled employees at the present time and that there has been a steady increase in the employment by Eastern of workers in categories represented by the IAM. The Carrier also cites the fact that it performs a great deal of work on contract for other companies, work which is performed by employees in District 100. The Carrier asserts that greatly increased costs would result from the Union proposal in terms of unneeded capital and unnecessary employees.

"Federal regulation of the Carriers is directed toward the welfare and convenience of the traveling public. In fulfilling that obligation a Carrier sometimes must maintain at least limited service at certain points. At such stations it may be more efficient to utilize some of the services of other Carriers, if there is insufficient work to maintain full-time employees in all categories.

"In the opinion of the Board, the Union proposal in its present form would lead to a decline in the efficiency of operations and would not enhance the job security of IAM-represented employees. Moreover, there is clear evidence that both parties to these proceedings desire to achieve more nearly uniform conditions throughout the industry. They have negotiated in the past toward an equalization of rates of pay. They have agreed to bargain economic issues jointly in this case. The Board desires to support the parties in their efforts in this direction. Evidence has been presented that one of the five Carriers in this proceeding has negotiated a settlement of this issue, with another District of the IAM, which modifies the current contract language to meet the Union's objections. It appears in the interest of both parties generally to confirm the settlement of this issue on Eastern with the agreement reached by National.

"*Recommendation:* That the parties adopt in principle the settlement between National Airlines and IAM, District 145, modified as necessary to take account of differences under their respective agreements.

"(*b*) *District 100 (Eastern) Proposal No. 2*

"District 100 proposes that leads in the various classifications shall make all work assignments to the employees assigned to their lead crews. The Union contends that historically assignments have been made by the leads but that Eastern recently changed its procedure so that the planner or foreman makes assignments, bypassing the lead. This practice, in the Union's view, is an infringement on its work jurisdiction.

"The Carrier contends that the Union proposal would prevent any supervisor other than the lead from assigning work and thus would limit the production planning procedures of the Carrier, would require a lead on all assignments including temporary relief, and would interfere with management's right to control assignments. It is the position of the Carrier that the function of the lead to direct performance, not to determine assignments.

"The record does not show any recent decrease in the number of lead jobs or that the function of directing work has changed.

"Evidence presented does show that Eastern has developed production planning procedures through which a planner decides assignments in accordance with the overall needs of production. Clearly it is an exercise of management prerogative to establish the flow of work and to allocate responsibility for its direction. The Union proposal could limit the effectiveness of management planning for efficiency in operations.

"*Recommendations:* That the proposal be withdrawn.

"(*c*) *District 100 (Eastern) Proposal No. 3*

"District 100 proposes an amendment to Article 20(G) to provide that an employee will not lose active service benefits as long as there is an employer-employee relationship or the employee remains on the seniority list. By this amendment the Union seeks to restore active service credits that employees lost during the strike of another union in 1962.

"The Carrier points out that the IAM International did not support the strike and that the employees who lost active service credits could have retained them by reporting to work in accordance with the position of the International.

"It is clear from the evidence that the active service credits here involved were lost because the employees participated in an unauthorized strike. The Board finds no basis for accepting the proposal.

"*Recommendation:* That the proposal be withdrawn.

"(*d*) *District 100 (Eastern) Proposal No. 4*

"District 100 proposes an amendment in Article 24 to provide that absences due to legitimate use of injury and/or sick leave not to be charged against the employee's attendance record or used by the Carrier in support of discipline or discharge for absenteeism.

"The Union protests the present Carrier policy of using sick leave or injury leave absences to build up a record of unsatisfactory attendance leading to disciplinary action. There are safeguards in the contract, the Union points out, against abuse of sick leave. The Union urges that neither sick nor injury leave, nor other absence authorized by management, should be made part of an employee's attendance record.

"It is the Carrier's position that an unsatisfactory attendance record increases its costs of production, whatever the cause, and that the employee is protected by his right of recourse to arbitration. The Carrier contends that its attendance control program is fairly administered.

"The Board recognized the Carrier's need to maintain control of the attendance of employees. Further, it is an accepted principle of industrial relations that persistent absenteeism is cause for discipline, including discharge, and that such determinations usually are based on cumulative records. On the other hand, Eastern's attendance control program appears to consist solely of demerits, with no counterbalancing credit given for periods of good attendance records. It is the opinion of the Board that the counterproposals made by the Carrier on this issue move in the direction of accomplishing such a balance. The Board suggests that they go one step further by providing for redress of the employee's record when such action is supported by review of his record.

"*Recommendation:* That the counterproposals of the Carriers be adopted with an additional provision for redress of the employee's record when warranted by review.

"B. Northwest Airlines, Inc., and District 143

"1. Carrier proposals

"(*a*) *Northwest Proposal No. 1*

"The Carrier has proposed elimination of the 20-minute paid lunch period provided for flight kitchen employees under the agreement.

"The Carrier states that this amendment would make the flight kitchen personnel provision consistent with mechanic and plant protection agreements. Further, among the four domestic airline trunk carriers which operate flight kitchens, Northwest is the only carrier currently providing a paid lunch period. The Carrier maintains that the overlap available with an unpaid lunch period provides better continuity of work programing and reduces overtime requirements.

"The Union claims that the paid lunch period actually benefits the company because it is scheduled during slack times, whereas the 30-minute unpaid lunch must be regularly scheduled. The Union denied that there would be any saving on overtime. The Carrier admitted that much of the overtime would be due to illnesses, weather, flight scheduling, et cetera.

"This 20-minute paid lunch period for fight kitchen personnel is a provision of long standing on Northwest. At one time it was of benefit to the Carrier and, according to the Union, still is a convenience to the Carrier.

"It is the view of the Board that contractual rights which exist in the present agreement, and which are the result of previous collective bargaining negotiations, should not be modified by the Board in the absence of a clear justification by the proponents. The 20-minute paid lunch period provided for flight kitchen employees under the present agreement is a longstanding contractual provision. It is the view of the Board that the Carrier, on the record, failed to sustain its burden of proof on this issue.

"*Recommendation:* That the proposal be withdrawn.

"(*b*) *Northwest Proposal No. 2*

"The Carrier proposed to revise the fixed starting time rule at line stations under Mechanic and Related Personnel agreements to permit the establishment of times which meet the needs of the service.

"The Carrier claims that the purpose of this proposed change is to eliminate arbitrary and costly shift starting times at line stations. These times are presently unrelated to the workload generated by flight schedules. The Carrier's witnesses and exhibits established the fluctuation in the demands of service. These demands do not correspond to standard mandatory shift schedules now set in the contract. Further, the majority of domestic airline trunk carriers have rules which permit starting times limited only by the needs of the service. Of the remaining carriers in this case, only TWA has a rule as restrictive as Northwest.

"The National Airlines Agreement on this issue provides that the starting times of shifts should be established in accordance with the needs of the service at each base.

"The Eastern Air Line Agreement provides that the starting times of shifts shall be established in accordance with the needs of the service at each station provided that there shall be no more than 6 shifts each with a single starting time within a 24-hour period for any classification of employees involved.

"The United Air Lines Agreement provides for not more than 5 starting times within a 24-hour period.

"Only Northwest and TWA have detailed restrictive clauses in their agreements as to starting times on these two carriers which have given rise to the dispute over this issue.

"The Board was impressed by the showing of the Carriers that some reasonable control of shift starting times should be within the prerogatives of management. It is the view of the Board, moreover, that some reasonable modification of Article VI, Section C, of the Northwest Agreement, would result in more efficient operation which in the long run would be of benefit to the Carrier, consumers and employees.

"*Recommendation:* That the parties modify their present agreement so as to include a provision, "That there shall not be more than five (5) starting times within a twenty-four (24) hour period for any classification of employees for a work area of a line station."

"(*c*) *Northwest Proposal No. 3*

"The Carrier proposes to amend the hours of service rule to provide that employees will not be required to report for work on a scheduled day off for less than 4 hours work or pay.

"The Carrier testified that the purpose of this proposal is to modify the present 8-hour guarantee, providing what management considers a reasonable minimum of 4 hours of work or pay for an employee called to work or to train on a day off. Northwest is the only trunk carrier under contract with IAM which is required to pay a minimum of 8 hours.

"The present provision in the contract providing for an 8-hour guarantee is one of long standing. As noted by the Board previously in this report, it is the view of the Board that contractual rights established through prior collective bargaining should not be modified by the Board in the absence of justifying proof from the proponents. The 8-hour guarantee, as it stands, presumably was considered a fair settlement by the Carrier when it accepted the provision in the first place. Acceptance at the time undoubtedly was considered favorably in light of other provisions agreed to by the parties in the give-and-take which produced the present agreement.

"The Board believes, on the basis of the record before it, that the carrier controlling the scheduling of work should continue the negotiated provision in the present contract.

"*Recommendation:* That the proposal be withdrawn.

"(*d*) *Northwest Proposal No. 4*

"The Carrier proposes a limited seasonal student employment program at locations where no regular employees are laid off.

"The purpose of this proposal is to enable the Carrier to expand its program for seasonal student employment. The proposed rule would be subject to these qualifications: First, that no regular employee be displaced; second, that no student be employed at any location when regular employees in the classification are laid off; third, that preference for seasonal student employment be given to children of regular employees; fourth, that student employees present evidence of their intent to continue their education at an institution of advanced study; fifth, that seasonal positions will not exceed 90 days duration, will not be subject to the bulletin procedure, and will not establish seniority.

"The Union favored the program but raised several objections. The Union felt that there were not sufficient regular employees in the classifications open to seasonal student employees. The Union also desired to continue the bulletin provisions for positions to be filled by such students.

"The Board believes the company should be encouraged in continuing this program.

"The students who would benefit from seasonal employment are children of the employees. The employees and the Carrier have a mutual obligation to resolve any problems created by the program. The primary objection of the Union is that all the students normally are assigned to the day shift while employees with substantial seniority must work on less desirable shifts.

"The Board recognizes that the Carrier can use the students most effectively in groups and that in some instances the type of work they can perform may not be available except on the day shift. The Board believes, however, that the Union's objection could be overcome substantially if the Carrier would, to the extent practical distribute student employees throughout all shifts.

"*Recommendation:* That the proposal be adopted with a proviso that, where suitable work is available, the students be assigned to all shifts.

"(*e*) *Northwest Proposal No. 5*

"The Carrier proposes that standard work clothing required by the Carrier shall be sold at cost to the employees but shall be maintained by them.

"The present agreements provide that all standard uniforms, caps and coveralls, which mechanics are required to wear, shall be furnished by the Carrier without cost to the employee, including the expense of laundering and cleaning. The Carrier does not require uniforms for plant protection employees. The Carrier points out that in the bargaining prior to the appointment of the Emergency Board the Union had a proposal on this same issue which would have required the company to provide and maintain standard work clothing for all employees at no cost to them. The Carrier offered its proposal as a reasonable compromise.

"In the hearing before the Emergency Board the Union withdrew its request that the Carrier provide and maintain standard work clothing for all employees.

"It is the opinion of the Board that the Carrier failed to sustain its burden of proof in support of its proposal for a change in the present agreement.

"*Recommendation:* That the Carrier withdraw its proposal.

"(*f*) *Northwest Proposal No. 6*

"The Carrier proposes to eliminate the foreign service bonus, foreign vacation accrual, and the Anchorage housing, effective January 1, 1967, for approximately 11 employees hired in the States and stationed in Alaska before Alaska attained statehood.

"In June 1946 Northwest was first certified to operate over the North Pacific route to the Orient. Because of the shortage of foodstuffs, household goods, and housing at Anchorage, the Carrier had difficulty staffing these stations. The so-called "foreign service addendum provision" was then negotiated into the contract to provide employees represented by the Union with certain additional benefits and/or compensation to offset the then existing hardships and undesirable living conditions. The Carrier is proposing to eliminate certain of these items; all other compensations provided for in the addendum would still be paid to the 11 employees.

"The Union emphasized that employees hired in Alaska receive many additional benefits in overtime, holidays and vacations, as well as in hourly rates of pay.

"It is the view of the Board that the contractual commitment made by the Carrier in the first instance to these 11 employees should be recognized as continuing for the length of their employment in Alaska. The Board believes that with regard to any new employees, the proposal of the Carrier is reasonable.

"*Recommendation:* That the proposal be withdrawn as to the 11 employees and accepted as to new employees.

"2. Union proposals

"(*a*) *District 143* (*Northwest*) *Proposal No. 1*

"The Union proposes that the Carrier furnish two positive annual passes for use over the Carrier's system during the term of office of the Union's president/general chairman and the general chairman. Use would be limited to flights in connection with Union business.

"The Union now receives one positive annual pass which is used by the president/general chairman. Other Union representatives receive space-available passes, including the general chairman.

"The Carrier argues that a space-available pass is sufficient. The Union's position is that reduced fares are given to certain youths, families, servicemen, et cetera, all of which have preference over space-available passengers.

"Athough the second positive annual pass would be an additional expense to the Carrier, the Board believes the poposal of the Union is justified.

"A great amount of travel is required in order to conduct necessary Union business for airline employees stationed at widely separated points. It is not unreasonable that two officials of the Union should be provided with transportation on the Carrier's planes to conduct that business.

"In view of the uncertainty which now so often intends travel on a space-available basis, the Board believes that positive transportation should be provided for the general chairman as well as the president/general chairman.

"*Recommendation:* That the proposal be adopted.

"(*b*) *District 143* (*Northwest*) *Proposal No. 2*

"The Union proposes that newer and more efficient foul weather equipment and lightweight winter clothing for ramp personnel be furnished by the Carrier, laundering and cleaning costs to be borne by the Carrier.

"The Union originally proposed that the Carriers provide and maintain standard work clothing for all employees at no cost to them. This proposal was withdrawn prior to the appointment of the Emergency Board and, therefore, was not before the Board for decision.

"The final proposal of the Union involved issues similar to the proposal of the Carrier regarding standard work clothing. The Board understands that the Union and Carrier have discussed this matter and that the Carrier is aware of the type of foul weather equipment and lightweight winter clothing desired by the Union.

"Although the Board feels that the selection and requirement of standard clothing is primarily a decision for the Carrier, the request of the Union is reasonable.

"*Recommendation:* That the Carrier furnish newer and more efficient foul weather equipment and lightweight winter clothing as the Carrier's present stock of such clothing requires replacement, with laundering and cleaning costs to be borne by the Carrier.

"C. Trans World Airlines, Inc., and District 142

"1. Carrier proposals

"(*a*) *TWA Proposal No. 1*

"The Carrier proposes that the Union enter into a letter of agreement which would insure that the IAM-covered employees continue to render their services to flights operated by the Carrier for U.S. military-establishments even though the Carrier and the Union are involved in a strike or withdrawal of services by the Union in commercial operations.

"TWA believes this proposal is in the national interest. The Department of Defense desires such an agreement between the Carrier and the Union. Lack of this agreement would have an impact on the Carrier's ability to obtain military contracts in which the employees also have a vital economic interest.

"The Carrier submitted exhibits showing that the Union has entered into such agreements with United Air Lines, Northwest Airlines, Braniff Airlines, Continental Airlines. TWA has such agreements with other employee groups. Since military contract revenues represent only 1 to 2 percent of the Carrier's total system revenues, this proposal would not substantially reduce the Union's right to self-help.

"The Union stated that flight engineers were not included in the letter of agreement on this issue. However, the Carrier claimed that the Flight Engineer's Union president had verbally agreed to this proposal.

"The Board finds the provision requested by the Carrier clearly in the interest of national security.

"*Recommendation:* That the proposal be adopted.

"(*b*) *TWA Proposal No. 2*

"The Carrier proposes that the scope clauses in the three agreements be amended to eliminate any ambiguity as to the Carrier's right to subcontract work not directly performed by the Carrier on its property.

"The Carrier's position is that it presently possesses the right to subcontract work not directly performed on its property. It desires specific language because of the large number of allegedly unwarranted grievances filed by employees under the present agreement. The Union has an agreement including such language with Braniff Airways, Continental Airlines, and United Airlines. Similar language is contained in agreements between the Transport Worker's Union and American Airlines, and Pan American World Airways.

"The Union's position is that this proposal would give the Carrier the unilateral right to contract out work not performed on the property.

"The Carrier's proposal is not designed to reduce any present work opportunities available to its own employees in the bargaining unit, nor does it seek to dilute the Union's present work jurisdiction.

"*Recommendation:* That the Carrier's proposal be adopted.

"(*c*) *TWA Proposal No. 3*

"The Carrier proposes that its mechanics and guards agreement be amended to permit the establishment of whatever number of shifts, at whatever starting times, operations and needs of the service require and that the requirements of Article VII(f) (that shifts in excess of three be confined to station crews serving flights) be eliminated. The required overlap of one-half hour between standard present shifts would no longer be mandatory.

"The Carrier is presently limited to the establishment of three shifts at its major stations, the first shift not to start earlier than 6:30 a.m., or later than 8 a.m. Each shift is of 8 hours duration, exclusive of one-half hour for lunch. The second and third shifts are subject to a 30-minute overlap requirement.

"Article VII(f) permits two additional shifts but restricts the additional shifts to station crews servicing flights; this would be in the terminal or station area. Additional shifts would not be utilized at the hangar and the air freight warehouse.

"The Carrier established fluctuations in the demands for service which do not correspond wtih standard mandatory shift schedules now set out in the contract. Further, the majority of the domestic airline trunk carriers have rules which permit starting time limited only by the needs of the service. Of the remaining carriers, only Northwest Airlines has a rule as restrictive as TWA.

"The National Airlines Agreement on this issue provides that the starting times of shifts should be established in accordance with the needs of the service at each base.

"The Eastern Airline Agreement provides that the starting times of shifts be established in accordance with the needs of the service at each station provided that there shall be no more than six shifts each with a single starting time within a 24-hour period for any classification of employees involved.

"The United Airlines Agreement provides for not more than five starting times within a 24-hour period.

"On the other hand, Northwest and TWA agreements have the detailed restrictive clauses which have given rise to this dispute.

"The Board was impressed by the evidence presented by the Carrier that reasonable control over shift starting times should be within the prerogative of management. It is the view of the Board, moreover, that reasonable modification of the hours of service section relating to shift starting time and Article VII of the agreement would result in more efficient operation which in the long run would be of benefit to the Carrier, consumers and employees.

"*Recommendation:* That the parties modify their present agreement so as to include a provision, "That there shall not be more than five starting times within a 24-hour period for any classification of employees for a work area of a line station."

"(*d*) *TWA Proposal No. 4*

"The Carrier proposes to amend Article XIV (b), to eliminate the prohibition against suspension of an employee pending investigation by a safety committee for refusal to work on a job which is allegedly unsafe.

"The Carrier testified that the adoption of this amendment would result in fewer attempts by employees to raise questionable health and safety issues. It also stated that the Safety Committee is not always readily available to pass upon safety issues.

"The Union testified that even if the Safety Committee is not always available, IAM stewards are instructed to handle such problems until the Safety Committee becomes available. It further states that TWA has refused to participate in a system safety provision.

"*Recommendation:* That the Carrier withdraw its proposal and that the contract be modified to permit IAM stewards and TWA foremen jointly to investigate such allegations if a Safety Committee is not readily available.

"(*e*) *TWA Proposal No. 5*

"The Carrier proposes to make permanent work assignments for ramp servicemen.

"The Carrier testified that under the present agreement the ramp servicemen classification encompasses numerous duties involved in the handling of food and mail service, loading and unloading of mail, express and freight cargo handling, baggage handling and, at some stations, cleaning and fueling of aircraft.

"The Carrier seeks a letter of understanding which would permit assignment of ramp servicemen to a particular work assignment for the purpose of permitting specialization and more efficient service. There was also some indication that overtime could then be worked by experienced personnel instead of requiring that it be available to all ramp servicemen in the general classification.

"The Union replied that this proposal would, in effect create departmental groups within the classification of ramp servicemen, establishing departmental seniority which the Union has opposed.

"The Board is of the opinion that this proposal would result in more restrictive classifications.

"*Recommendation:* That the Carrier withdraw its proposal.

"2. Union proposals

"(*a*) *District 142* (*TWA*) *Proposal No. 1*

"The Union proposes to amend Article II (c) to require two ramp servicemen at all Carrier domestic stations, if there are two flights at the station within an 8-hour period.

"The Carrier stated that only 6 of its 39 domestic stations are not staffed with ramp servicemen and that at these stations the activity is too light to warrant such staffing. Further, that no other carriers have a minimum staffing requirement.

"The Board is convinced that there is not sufficient work at all stations to justify the minimum staffing proposal of the Union.

"*Recommendation:* That the Union proposal be withdrawn.

"(*b*) *District 142* (*TWA*) *Proposal No. 2*

"The Union proposes that the Carrier be prohibited from using legitimate sick and/or injury leave in certain cases for the purpose of discharging employees for excessive absenteeism.

"The Union contended that legitimate absence for illness or injury should not be a basis for discharge.

"The Carrier position is that management has a right to require regular attendance and to discharge for persistent absenteeism, including legitimate illness or injury. Numerous arbitration decisions are cited in support of the Carrier's position.

"This issue is similar to Union issue No. 4 on Eastern Airlines. The Board finds no basis for disagreeing with the decisions of arbitrators that excessive absenteeism may justify discharge of an employee. For this reason as well as the reasons stated in District 100 (Eastern) Proposal No. 4 the Board cannot support the Union's proposal. The Board suggests that the Carrier provide for redress of the employee's record when such action is supported by review of it.

"*Recommendation:* That the Union withdraw its proposal, and that the Carrier provide for redress of the employee's record, when warranted by review of it.

"(*c*) *District 142 (TWA) Proposal No. 3*

"The Union proposes that the Carrier be required to return employees' pass privileges to the status existing January 1, 1964, when a surcharge was imposed on first-class travel. The contract provides that this pass privilege is within the discretion of the Carrier.

"In the agreement between the parties, the Carrier had provided pass privileges to all their employees. A small service charge is levied to cover costs. In the case of first-class travel, there is a surcharge which is the charge complained of here. The Union position is that this pass privilege is an important fringe benefit and that the employees should not be required to pay a surcharge for first-class travel in addition to the service charge.

"The Board considers the Carriers' employee pass privileges a liberal provision in the contract. It does not believe the surcharge imposed on first-class travel is an unreasonable charge.

"*Recommendation:* That the Union proposal be withdrawn.

"D. United Airlines, Inc., and District 141

"1. Carrier proposals

"(*a*) *United Proposal No. 1*

"The Carrier proposes to amend the agreement to provide that passenger service employees may operate jetways. The Carrier argues that passenger agents performed this duty until an arbitration award granted ramp men the exclusive right to it. It is the position of the Carrier that passenger agents in any case are required to stand at the point where jetway controls are located, while ramp servicemen must be brought from one floor below, where their other duties are performed. The Carrier contends that the current procedure adds to its costs; that the change it has proposed would not result in layoffs, only in reassignments.

"The Union argues that under the contract terms the 'operation of automotive and other ramp equipment for service aircraft' is by definition within the scope of the ramp servicemen's work jurisdiction. It points out that, if the Carrier's proposal to assign the operation of jetways to passenger agents were accepted, it would take work away from bargaining unit employees and give it to workers who are not organized. Further, the Union points out that at the busier airports where jetways usually are located, there is sufficient work for a full-time employee to be assigned to this function.

"The contract provision involved in this issue has been in the collective bargaining contract for many years. The Union's claim to the work under that provision has been sustained in arbitration. Evidence presented by the Carrier on this issue appears to the Board to be insufficient to warrant changing a long standing negotiated contract clause.

"*Recommendation:* That the Carrier proposal be withdrawn.

"(*b*) *United Proposal No. 2*

"The Carrier proposes that ramp servicemen be permitted to receive and dispatch plans. The Carrier argues that none of the duties of receiving or dispatching aircraft requires the skill of a mechanic. At stations where no mechanics are assigned, station agents perform this function, while at four other stations, by agreement with the Union, either utility men or ramp servicemen perform the duties. At 22 larger stations only mechanics may receive or dispatch planes. The Carrier wishes to assign these mechanics to mechanic's work and to permit ramp servicemen to receive and dispatch planes at those stations. They state no mechanics would be displaced.

"The Union argues that it has been the practice for many years to use mechanics to perform this function at stations to which they are assigned. It insists that mechanics could be expected to observe conditions which might create safety problems a ramp serviceman is not trained to observe. Further, the Union argues that the Carrier is trying to get mechanic's work done by a lower pay classification and that this proposal will have the ultimate effect of removing a number of mechanics.

"The testimony in the case showed that there are no FAA regulations requiring a mechanic to perform this function, as a matter of safety. Moreover, there is a shortage of mechanics at the present time to perform work for which a mechanic's skills are required. Since both parties agree that at many stations these duties are performed by personnel other than mechanics, the Board is persuaded that a mechanic's skills can be better utilized in other assignments.

"*Recommendation:* That the proposal be adopted.

"(*c*) *United Proposal No. 3*

"The Carrier proposes to amend Article IV(H) to permit either utility employees or ramp servicemen to do interior through-cleaning and cabin setup. It is the Carrier's position that historically there was a difference between through-cleaning and turnaround cleaning which no longer exists. Ramp servicemen have performed a minimum amount of through-cleaning as an incidental part of their basic duties. Now there is little difference between through and turnaround flights. The Carrier therefore is seeking to use specialized utility crews to do all cleaning at larger stations.

"The Union contends that, by this proposal, the Carrier is attempting to assign to lower paid employees work that formerly was performed by ramp servicemen.

"There is no allegation either that ramp servicemen will be displaced under this proposal or that cleaning ever was more than a minimal part of their work. The Carrier's proposal would appear to lead to increased efficiency and improved service to the public. The Board believes that no ramp service employees would be adversely affected by adoption of the Carrier's proposal.

"*Recommendation:* That the proposal be adopted.

"(*d*) *United Proposal No. 4*

"The Carrier proposes an amendment to Article VII(F) to provide that an employee may be excused by his supervisor from working overtime if the needs of the service permit. The existing clause states that an employee will not be required to work overtime against his wishes. The Carrier contends that there have been instances where the employees engaged in a concerted refusal to work overtime to force concessions from management either in negotiations or at other times.

"The Union states that the International has intervened to stop mass refusals to work overtime but that men cannot be forced to work overtime.

"The Board cannot agree with the Union that employees have no obligation to work overtime. It is generally accepted industrial practice that reasonable amounts of overtime may be required by an employer. Moreover, in this industry, a mass refusal of overtime could adversely affect the service the Carrier is obligated to provide. More importantly, the safety of the public could be involved.

"*Recommendation:* That the proposal be adopted.

"(*e*) *United Proposal No. 5*

"The Carrier proposes to eliminate the current provision in Article VII(I) which provides that employees be given 4 hours' notice of contemplated overtime. United urges that under present operating conditions management itself frequently does not know 4 hours in advance that overtime work will be required.

"The Union indicated that, if the Carrier would make a satisfactory adjustment on overtime distribution, it would accept the Carrier's proposal.

"The Board has indicated in certain of its other recommendations that it recognizes and supports the efforts of the parties to move toward greater uniformity in working conditions in this industry. In the contracts of two other airlines, parties to this case, a similar contract provision includes exceptions to the rule specifying 4 hours' notice of overtime. The Board therefore suggests a similar provision here.

"*Recommendation:* That employees shall be given 4 hours' notice of contemplated overtime work, except in cases of emergency and at line stations where interruptions of flight schedules make a 4-hour notice impossible.

"(*f*) *United Proposal No. 6*

"The Carrier seeks to amend Article X(A–2) (I) to permit the extension from 30 to 90 days of the time limit within which jobs higher than mechanic can be filled without being bulletined. United argues that fluctuating workloads result in a need to make temporary reassignments for periods in excess of 30 days. To replace a lead for a temporary period, the Carrier contends, creates a chain reaction of vacancies which later must be reversed by layoffs.

"It is the Union position that the present contract provision requiring the bulleting of vacancies in excess of 30 days is current practice. The Union rejects any change.

"Provisions that vacancies in excess of 30 days must be bulletined are common in labor agreements generally as well as in this industry. Testimony presented by the Carrier fails to demonstrate any handicap to its operations as a result of the present contract clause which would warrant departure from this widely accepted practice.

"*Recommendation:* That the proposal be withdrawn.

"2. Union proposals

"(*a*) *District 141 (United) Proposal No. 1*

"The Union proposes that Articles IV(A) and V(A) be amended to provide that all assignments be made by the lead to his crew except that, when he is not readily available, the foreman or supervisor shall make such assignments. Further, the Union proposes that a lead shall be on duty when 3 or more employees are on duty and no lead shall direct the work of more than 11 employees. The Union agreed that these ratios are generally maintained by United but cited instances where no lead is employed.

"The Carrier contends that flexibility is necessary in permitting supervisors to give assignments and in determining whether there is need for a lead.

"The Board believes that the Union proposal could lead to restrictions on the Carrier's operations which would handicap efficiency. Moreover, such a clause in the contract places an unwarranted limitation on the Carrier's prerogative to manage its operations.

"*Recommendation:* That the proposal be withdrawn.

"(*b*) *District 141* (*United*) *Proposal No. 2*

"The Union proposes that Article IV(B) be amended to restore the right of mechanics to receive and dispatch aircraft at the four stations where, by agreement in 1961, the work was assigned to ramp servicemen.

"The Carrier contends that such a restriction would require assignment of mechanics to work in which their skills could not be utilized.

"For the same reasons given in its decision to permit the use of ramp serviceman to perform this function at other stations (United Proposal No. 2), the Board finds no basis to limit assignment of this function to mechanics.

"*Recommendation:* That the proposal be withdrawn.

"(*c*) *District 141* (*United*) *Proposal No. 3*

"The Union proposes that system overtime rules be adopted which would include provision for equalization of overtime and pay for bypass. It contends that local agreements which govern the distribution of overtime have functioned unsatisfactorily and that many grievances have resulted from overtime bypass. The Union insists on pay for bypass and on assignment on the second day off if the same employee is still the low man.

"The Carrier has agreed to a uniform set of system overtime rules. It opposes bypass pay, contending that existence of the penalty does not eliminate errors. Overtime assignment on the second day off is opposed because pay would be at double time rather than time and one-half as it would be if assigned to another employee.

"The Board finds that the parties are in substantial agreement with respect to new system overtime rules, except for bypass pay and second-day-off assignment. The purpose of an equalization of overtime provision is to insure all employees a fair opportunity to work at premium rates. Generally, such clauses provide that the opportunity should be equalized over a specific period such as 30 or 90 days. An opportunity missed is not lost; it may be deferred. But if an employee is consistently bypassed he has a remedy through grievance machinery. Moreover, the obligation of the employer under an equilization of overtime clause is normally not as restrictive as under seniority clause. The Board, therefore, finds no basis to recommend instituting bypass pay where it does not now exist.

"As to the second day off at double pay, the same arguments generally apply. Labor organizations typically have sought an increased overtime penalty to discourage 7 day assignments. It cannot then be argued that having achieved inclusion of the penalty rate in the contracts, employees must be assigned on the seventh day. There is no basis for imposing a penalty on the employer because the same employee is still low man on the overtime list. The employee is not thereby entitled to extra premium pay, or the employer subject to the extra penalty, so long as over a fixed span of time overtime work opportunities are offered as equally as possible to all employees. The Board finds no support in general industry practice for this penalty provision.

"*Recommendation:* That the system overtime rules proposed by the Union on which general agreement has been reached be adopted, but that the rules should not include bypass pay or assignment on the second day off if the same employee is still low man.

"(*d*) *District 141* (*United*) *Proposal No. 4*

"The Union proposes that the present point seniority provision be replaced by system seniority. The Carrier has agreed to the Union proposal except that it includes two conditions which are unsatisfactory to the Union. The Union insists that every vacancy be bulletined as it occurs, while the Carrier desires permanent bids. The second condition that the Union rejects is a provision that the Carrier would not be required to accept bids for vacancies created by employees voluntarily transferring by bid. The Union contends that both of the Carrier's conditions would prevent reasonable application of seniority preference.

"The Carrier supports its first condition by pointing out that the Ramp and Stores agreements now have permanent bid procedures which are less time consuming and costly than the current Mechanics agreement procedure of bulletining each bid. With system seniority, transfers would be likely to increase and to cause new problems unless a permanent bid procedure is adopted. Because the Carrier anticipates a substantial increase in transfers with an accompanying high cost of training on different equipment, it has proposed the second condition as a deterrent to an excessive number of transfers.

"The testimony indicates that permanent bids are now the accepted practice for other United employees organized by IAM. It is in accord with the parties' general approach toward greater uniformity of working conditions that the same practice should be incorporated in the proposed system overtime rules for mechanics. The Board finds, further, that the effect of widespread chain-bumping, which could occur under system seniority would be to impose a burden of high costs on the Carrier. The Carrier has agreed to the Union's proposal on seniority; that their agreement should also require the assumption of unnecessary costs appears to be unreasonable.

"*Recommendation:* That the Union's proposal be adopted and that the two conditions of permanent bids and no requirement to accept bids on vacancies created by voluntary transfers be included in the contract provision.

"*VI. Conclusion*

"The Board is grateful to the representatives of the International Association of Machinists and Aerospace Workers and the five Carriers for their diligence, good will, candor, and objectivity. The Board is impressed with the obvious sincerity of the parties and with their desire to present the facts as they saw them; this they have done without the bitterness or resentment which might unduly delay eventual agreements.

"Their cooperation has assisted the Board in the performance of its duties; we in turn sincerely hope that the Board's recommendations will help them to reach prompt settlements. With 60 percent of our air transport industry involved, any delays would threaten the welfare of the country and the convenience of many Americans.

"The parties have provided the Board with a good record to which the Board has given full consideration.

"The Board strongly believes that in the public interest the disputes submitted to it should be settled in accordance with its recommendations.

"Respectfully submitted.

"Wayne Morse, *Chairman*.
"David Ginsburg, *Member*.
"Richard E. Neustadt, *Member*."

Senator Morse. Also, because they bear on the first point I shall make, I refer to the editorial in this morning's Washington Post concerning the emergency, which disagrees, as I disagree, with the position of the Administration, taken in this case, which amounts, really, to a postponement of Congressional action, and the editorial in this morning's New York Times, "Politics Versus Public Interest."

I ask to have those inserted as introductions to my testimony.

The Chairman. Without objection, it is so ordered.

(The editorials referred to follow:)

"[From the New York Times, July 28, 1966]

"POLITICS VERSUS PUBLIC INTEREST

"The only conclusion possible from Secretary of Labor Wirtz's testimony on the airlines strike is that politics is the chief yardstick the White House applies in determining when the cut-off of an essential service creates a national emergency.

"The Secretary's recommendation that Congress scrap plans for an immediate back-to-work law and give 'free collective bargaining' another chance was a clear capitulation to the dictates of organized labor. Twenty-four hours earlier, while the Senate Labor Committee held off its hearing at the Administration's request, George Meany had given the White House its cue.

"'No danger to the nation's health and welfare and no threat to national defense have been demonstrated,' the A.F.L.–C.I.O. president declared, 'The air traveling public has, of course, been inconvenienced, but inconvenience is a small price to pay for freedom.'

"Mr. Wirtz put it differently, but came up with the same answer: Do nothing right away. This a week after President Johnson had declared that the strike was trying 'the patience of the American people' and that the time had come for a settlement. Mr. Wirtz acknowledged that the tie-up already has had 'a serious, substantial, adverse impact on the national interest' and that its prolongation would bring the country to a 'crisis' stage at some point.

"Why the nation must wait until the hardship becomes intolerable before Congress acts, the Secretary failed to make clear. Even more obscure was his idea of how 'free collective bargaining' can be secured in a dispute that has already been reviewed by a Presidential emergency board. That board, headed by Senator Wayne Morse, recommended wage increases that went beyond the Administration's anti-inflation guideposts. The President urged both labor and management to follow these proposals; the airlines not only accepted them, they bettered them. The striking machinists still say no.

"Presumably what Mr. Wirtz means by his prescription that Congress send both sides 'back to the woodshed' with a settlement deadline is that pressure will now be exterted on management to save the union's face by giving it more money. Such appeasement of labor under White House aegis has been the historic road to instability in industrial relations and to wage-price inflation. The airlines, as a regulated industry enjoying record prosperity, are in poor position to hold out against what the Administration wants.

"The course Secretary Wirtz has charted points more surely to the destruction of 'free collective bargaining' than to its preservation."

"[From the Washington (D.C.) Post,
July 28, 1966]

"WOODSHED, BUT NO EMERGENCY

"It is difficult to follow the reasoning behind Labor Secretary Wirtz's opposition to congressional action in the 20-day-old airline strike. The Secretary does not regard the situation created by the strike as an emergency, although he readily admitted that it may soon reach the emergency stage. His current estimate is that 'We are confronted with a serious, substantial, adverse impact on the national interest.' Well, if this does not amount to an emergency, how serious does this 'adverse impact on the national interest' have to become before it will produce action in Administration circles?

"The remedy offered by Mr. Wirtz seems to us equally inconsistent. He suggested to the Senate Labor Committee that Congress send the deadlocked negotiators 'back to the woodshed' of collective bargaining with a threat to use a 'paddle' if they do not reach a settlement. In the first place, a congressional committee has no authority in this sphere. And how could Congress itself pass a law telling the parties that they must agree, or else? To our way of thinking any such attempt at intimidation would be far more troublesome from the viewpoints of both labor management and government than the kind of emergency act proposed by Senator MORSE.

"Secretary Wirtz acknowledged that he had received more than 2000 telegrams and letters from members of Congress, officials, businessmen, and others expressing grave concern over this dispute. Yet all he has to suggest by way of governmental action is an empty threat to crack down on the parties if they fail to agree. This negativism in high places after nearly three weeks of paralysis on five airlines is in itself disturbing.

"One of our greatest statesmen James Madison once said in a letter to Edward Everett: 'A political system that does not provide for a peaceable and authoritative termination of occurring controversies would not be more than the shadow of a government.'

"It is a mistake to suppose that the Government must wait in critical situations of this kind, until the national defense has been impaired or until the public health or safety have been gravely undermined. Congress has complete authority to regulate interstate commerce in the national interest. It has an obligation to the public to keep essential transportation services running and this authority ought to be exercised in an orderly way without meaningless threats of taking anyone 'to the woodshed.'

"After a visit to the White House Senator MORSE revised his bill calling for a 180-day suspension of the strike by eliminating any suggestion that it might be contingent on a presidential finding of a national emergency. He would justify congressional action by a finding that the tie-up threatens to interrupt commerce and deprive regional areas of vital services. This is all that is necessary to justify the mild action proposed to the Senate Labor Committee.

"If the emergency continues we think the Committee and Congress will have no alternative to proceeding along this line."

Senator MORSE. The first issue that I would like to raise with the Board is the issue: Does an emergency exist which threatens substantially to interrupt interstate commerce to a degree such as to deprive any section of the country of essential transportation services?

I would ask next to have inserted at this point in the record my original resolution and this amendment, which contains the language of the National Railway Labor Act.

The CHAIRMAN. Without objection, it is so ordered.

(The resolution and amendment referred to follow:)

"S. J. RES. 181

"Joint resolution to provide for the settlement of the labor dispute currently existing between certain air carriers and certain of their employees.

"*Resolved by the Senate and House of Representatives of the United States of America in Congress assembled,* That (a) the Congress does hereby find and declare that a labor dispute between Eastern Airlines, Incorporated, National Airlines, Incorporated, Northwest Airlines, Incorporated, Trans World Airlines, Incorporated, and United Air Lines, Incorporated and certain of their employees represented by the International Association of Machinists and Aerospace Workers, a labor organization, threatens essential transportation services of the Nation; that it is essential to the national interest, including the national health, safety, and defense, that essential transportation services be maintained; that all procedures for resolving such dispute provided for in the Railway Labor Act have been exhausted and have not resulted in settlement of the dispute, including a report and recommendations of the emergency board Numbered 166, a proffer of arbitration and mediation with the parties by the National Mediation Board; further, that the efforts of the National Mediation Board and the Secretary of Labor to settle this dispute have been unsuccessful; and that it is desirable to achieve a settlement of this dispute in a manner which serves the public interest and economic stabilization and which preserves the free collective bargaining method.

"(b) The Congress therefore finds and declares that emergency measures are essential to the settlement of this dispute and to the security and continuity of transportation services by such carriers.

"SEC. 2. The period of time provided for in section 10 of the Railway Labor Act, paragraph 3, during which no change except by agreement, shall be made by the parties to the controversy, or affiliates of said parties, in the conditions out of which the dispute arose, is hereby reinstated and extended, for one hundred and eighty days, effective immediately. During said period of time none of the parties to the controversy, or affiliates of said parties shall engage in or continue any strike or lockout.

"SEC. 3. The President shall, at the earliest possible date, appoint a Special Airline Dispute Board which shall engage in mediatory action directed to promoting agreement between the parties. Any such agreement shall provide that the wage settlement provisions be retroactive to January 1, 1966. Notwithstanding any other provision of law, each member of the Board shall be compensated at a rate prescribed by the President for each day together with necessary travel and subsistence expenses.

"SEC. 4. If the agreement has not been reached within one hundred and fifty days, the Board shall make recommendations to the President, and the President shall advise the Congress, regarding terms or procedures which will assure final settlement of this dispute in the public interest and without further interruption of the continuity of transportation services by these carriers.

"SEC. 5. (a) Upon suit by any of the parties to the aforesaid dispute or by the Attorney General the several district courts of the United States shall have jurisdiction to restrain any violations of section 2 of this joint resolution. Whenever it shall appear to the court before which any proceeding under this section may be pending, that the ends of justice require that other parties should be brought before the court, the court may cause them to be summoned, whether they reside in the district in which the court is held or not; and subpenas to that end may be served in any district by the marshal thereof.

"(b) In granting an injunction or relief under this section, the jurisdiction of such court sitting in equity shall not be limited by the Act entitled 'An Act to amend the Judicial Code, to define and limit the jurisdiction of courts sitting in equity, and for other purposes,' approved March 23, 1932 (29 U.S.C. 101–115).

"SEC. 6. If any provision of this joint resolution or the application thereof is held invalid, the remainder of this joint resolution shall not be affected thereby."

"S.J. RES. 181

"Amendment intended to be proposed by Mr. MORSE to S.J. Res. 181, a joint resolution to provide for the settlement of the labor dispute currently existing between certain air carriers and certain of their employees

"Strike out all of lines 9 and 10 on page 1 and lines 1 and 2 on page 2 and insert in lieu thereof the following: 'Aerospace workers, a labor organization, threatens substantially to interrupt interstate commerce to a degree such as to deprive any section of the country of essential transportation services; that such essential transportation services must be maintained;'."

Senator MORSE. The transcript shows what Mr. Wirtz had to say in answer to a specific question from Senator JAVITS yesterday, on page 29 of the transcript.

"Senator JAVITS. Finally, Mr. Secretary, it is a fact that, although you do not arm us with a finding of national emergency, I think that is the clear implication of your testimony, and you do testify that the test set out by the Railway Labor Act has been met.

"Do you testify that this strike has resulted in a substantial interruption to interstate commerce such as to deprive sections of the country of essential transportation service?

"Secretary WIRTZ. Yes, sir. And further, Senator, that finding was, of course, made by the President as a basis for the invoking of the Railway Labor Act."

Mr. Chairman, Secretary Wirtz was notified by me yesterday morning of the amendment that I had made to my resolution. My relationships with Secretary Wirtz are both of a high order of professional relationship and they also represent a very close, personal relationship.

I told him, following the conference I had the night before, I was now putting on completely my Senatorial hat and would not further engage in work in my capacity as chairman of the Emergency Board by way of seeking to settle this dispute on the basis of the new position which the Administration had come to take, in support of which he would testify yesterday afternoon. He fully understood it.

I told you yesterday that I was in a long conference the night before last at the White House, where Mr. Ginsburg and I were notified that the Administration was going to take the position in the hearing yesterday that no national emergency existed that called for legislation at this time. It might very well, in the not too distant future, exist and, therefore, they were going to seek, as Secretary Wirtz testified yesterday, further mediation sessions.

I shall not go into any detail as to the position I took other than that I disagreed with that. I went home and after some hours of deliberation decided to modify my amendment as I modified it yesterday, on my own.

That leads me to the first point I now wish to discuss: Does an emergency exist which threatens substantially to interrupt interstate commerce to a degree such as to deprive any section of the country of essential transportation services ?

The burden of proof on this question is established by the testimony of the Administration witnesses of yesterday. Secretary Wirtz testified that the strike of these five carriers has "caused extensive disruption . . . in air travel and transport generally"; "hurt particular businesses and particular areas badly"; slowed up the Postal Service significantly". He stated that 150,000 passengers a day have been grounded; that five of the 100 top city pairs are without direct one-carrier service:

"We calculate that at the present rate, the struck airlines are incurring a loss of about

$7 million per day in passenger, cargo and mail gross revenues. Taking into account the offsetting gains in revenue by the nonstruck lines, railroad, truck and bus lines, we estimate that the gross revenues for the entire transportation industry are reduced by $1 million a day. The indirect effects are estimated as of about the same order of magnitude.

"We have many reports of the indirect impacts on hotel business and resorts. It appears that certain localities are seriously affected. Hotel occupancy is down in some cities.

"There are other secondary effects which should be mentioned:

"*The rapid shipment of spare parts for repairs is often a matter of critical importance.

"*Perishable commodities such as cut flowers or fresh seafood cannot be shipped long distances except by air.

"*Air shipment is the preferred method of shipping delicate electronic and scientific equipment.

"According to the Federal Reserve Board, the strike has affected the normal float by increasing it from $275 million to $900 million daily, with an average increase of $570 million daily. The excess of float resulting has an inflationary effect according to the Federal Reserve Board. Without a detailed study, it is almost impossible to determine the financial losses experienced by individuals using the mails for business, such as deposits to banks by mail, payment of bills, et cetera, but it is generally considered to be a substantial sum of money."

With regard to mail delay, Assistant Postmaster General Hartigan stated on page 2, the first paragraph of his statement:

"The loss of this valuable capacity and schedules has resulted in delays of up to 24 hours, and in some instances where important connections are lost, and congestion or limited capacity is acute, delays could be as much as 48 hours."

In addition, the Civil Aeronautics Board in its report to the National Mediation Board of April 15, 1966, stated in paragraphs 2 and 3 the following:

"2. At least 800 one-carrier, non-competitive airline markets (city-pairs) involving one or more passengers per day, would receive no airline service. The total number of markets which would be without airline service would be substantially larger"—

May I go back to say I think they made a typographical error of their own. Where it says "passengers" it should be "flight", but the testimony is "passengers".

"The total number of markets which would be without airline service would be substantially larger if competitive markets served by at least two of the five carriers were included, i.e., New York-Denver served by both TWA and United.

"3. Eighty-two communities will be deprived of all scheduled trunkline service, although some will continue to be served by local service carriers. Included in these cities are some vital defense and space installations on both the East and West Coast."

If further proof is needed by the committee that there has been substantial interruption of interstate commerce to sections of the country, I refer you to the statements of our colleagues in the Senate, and Mr. Curtin's statement of yesterday. Mr. Curtin quoted the CAB action on pages 3 and 4 of his statement as follows:

"Not only have the National Mediation Board and the President spoken forcefully upon the disruption of essential national transportation services caused by this dispute, but the Civil Aeronautics Board has also come to this conclusion. On July 9, 1966, in Order E-23926, the Civil Aeronautics Board recognized that because there was little airline capacity not already being used, it (the CAB) could take action which could 'have only a negligible effect' upon the dispute. The Civil Aeronautics Board nevertheless saw that the strike required extraordinary measures and granted emergency authority in an attempt to alleviate some of the public's suffering which occurred as 61 percent of its domestic trunk service was removed by the strike."

The CAB said:

"This strike has created an emergency situation of major proportions. The five trunkline carriers handle well over one-half of the Nation's domestic passenger traffic—approximately 85,000,000 passengers during 1965—and collectively they serve over 230 important cities, over 70 of which are left completely without trunkline service as a result of this strike. Manifestly, a shutdown of service of this magnitude will work substantial hardship on the public. Also, as the President has stated, the work stoppage could bring a disruption of the movement of "men and materials needed to support our commitments to freedom's cause throughout the world.

"In many of the airline markets the carriers in this group provided the only air services available. For example, between Seattle/Portland and such important cities as the Twin Cities, Milwaukee, Chicago, Detroit, New York and Washington, there are no regular through services. In the New York-Miami and Chicago-Miami, as well as other important Florida markets, at least two-thirds of the service was provided by one or more of these carriers.

"On the transcontinental routes, two-thirds of the service between the principal Eastern cities and Los Angeles and San Francisco was operated by the struck carriers. In the Northeast corridor, the shutdown of operations by Eastern has affected approximately 85 percent of the traffic moving between Boston, New York and Washington.

"Similarly, termination of this carrier's services has removed the only regular air service between Huntsville and Cape Kennedy.

"The Civil Aeronautics Board only this week tried to alleviate the traffic jam of defense, space and technical travelers between Washington, D.C. and Huntsville, Alabama, by asking a local service carrier to try to fly its equipment over this long route. This stop-gap effort was done at the request of NASA.

"There are now 68 cities in the United States without trunkline service, including five State capitals. Included are such important cities as Akron, Allentown, Harrisburg, Lansing, Lincoln, Madison, Milwaukee, Moline, Norfolk, Richmond, Spokane and Youngstown. In addition, there are more than 25 cities deprived of all their air transportation.

"A survey of the 100 top markets in the country shows that 65 of them have lost between 50 and 100 percent of their air transportation service. Among the major cities most severely damaged are Tallahassee, Fla., a State capital which has no air service; Mobile, Alabama, which has lost 98 percent of its trunkline service. Flint, Michigan, which has lost 91 percent of its service; and Baltimore, Pittsburgh, Richmond and Toledo, all of which have lost more than 80 percent of their trunkline service. Some 87 cities have been deprived of 50 percent or more of their normal air transportation service."

For a summary of the statements of our colleagues, I refer you to the appendix to Mr. Curtin's statement filed with the committee, and others which I have here, which I will not refer to now, not included in the appendix.

Further, I remind you that the National Mediation Board and the President made this same determination posed by this question when an Emergency Board was created by the President in the Five Carrier-IAM dispute on April 21, 1966 and the American Airlines-TWU dispute on July 27, 1966.

There would have been no appointment to either one of these boards if the President had not made the finding that there was a dispute which threatened substantially to interrupt interstate commerce to a degree such as to deprive any section of the country of essential transportation service.

There is one other main point I want to cover before I take your question. That is under the question: Is the Railway Labor Act language in my amendment to S.J. Res. 181 sufficient basis for ordering strikers back to work?

There is a charge of strikebreaking by some of our labor leaders who are seeking to prevent the passage of any legislation by the Congress, charged by some of their lawyers. There is a situation here which gives us a legal basis for our course of action.

The answer to this question as to whether or not the facts support legislation is clearly and unequivocally yes. The language in question is contained in the Railway Labor Act, section 10: ". . . threaten substantially to interrupt interstate commerce to a degree such as to deprive any section of the country of essential transportation service."

That is the language.

A finding by the National Mediation Board, and subsequently the President, triggers the appointment of an Emergency Board. The Board has 30 days to make its investigation and report to the President. During this 30 days, and for 30 days after the report is filed, no change, except by agreement, shall be made by the parties to the controversy in the conditions out of which the dispute arose.

In effect, then, upon a finding in accordance with the language of section 10, which I have included in S.J. Res. 181, the parties are enjoined from a lockout or strike. Certainly if it is legal and constitutional to so enjoin a strike under the Railway Labor Act, it is under S.J. Res. 181.

In addition, there are a number of cases which support the proposition that Congress can legislate return-to-work laws under the general interstate commerce powers.

1. At the outset, it should be noted that the courts have considered transportation to be a particularly appropriate subject for Congressional regulation. There is, of course, no question as to the interstate nature of the air transportation as viewed here. The routes of all of the struck carriers cross State lines. They carry passengers and cargo from State to State. See Island Airlines v. United States, 352 F. 2d 735 (9th Circuit 1965) (Commercial air travel wholly within Hawaii held to be interstate commerce).

Thus, it is difficult to conceive of any type of business which is more interstate in character than the commercial air transportation of the struck carriers.

In addition, air transportation, like railroad transportation, is affected with the public interest. For this reason, each industry is already subject to Congressional and agency regulation of a quite detailed nature. And it is these two elements—the clearly interstate nature of and the basic public interest in transportation—which have caused the courts to give Congress broad latitude in the regulation of transportation.

An example of this latitude is found in Wilson v. New, 243 U.S. 332, where the court upheld a Congressional statute which ended a railway strike, sent the employees back to work and prescribed the precise terms on which work was to be continued for up to nine months.

In this case, the Congress set the wages of the employees. In this case, the Congress set the hours of work of these employees.

What this case really adds up to, gentlemen, is that the Congress arbitrated the case. Its decision was to apply for a period of nine months, leaving it up to the parties thereafter to enter into whatever agreement they could.

This case is such a strong case, as you analyze the language of the case, that it ought to put at rest any question as to whether or not we can go this short distance that I propose to go in my resolution, which only says to the parties, "You are going to go back to work; you are going to work under your old agreement subject to retroactivity to January 1, 1966, when it is finally settled."

The period will ask for 180 days. In 150 days, a Special Board appointed by the President shall make a report to the Congress, giving them 30 days in which to determine whether or not they want to pass different legislation.

Furthermore, may I say there is a reason for the 180 days. I want the record to show it. I based it upon good advice that I got at that time from the Administration: that is, they wanted the Congress back in session. The parties would have a chance to settle it ahead of time, but the 180 days puts the Congress back in session and the 150 days gives the Congress 30 days in which to pass more legislation.

Now, I happen to think that Congress acted very unwisely in 1916. It went beyond compulsory arbitration. The Congress became the arbitrator. But that is beside the point. Rather, the significance of Wilson v. New is that under the Constitution, the Congress has very wide powers under the commerce clause to regulate transportation and, in particular, to deal with labor disputes resulting in serious strikes in that industry. For as the Supreme Court stated in that case:

"When one enters into interstate commerce one enters into a service in which the public has an interest and subjects one's self to its behest. And this is no limitation of liberty; it is the consequence of liberty exercised, the obligation of his undertaking, and constrains no more than any contract constrains. The obligation of a contract is the law under which it is made and submission to regulation is the condition which attaches to one who enters into or accepts employment in a business in which the public has an interest. See also Brotherhood of Locomotive Firemen & Enginemen v. Chicago, Burlington & Quincy Railway Company, 225 F. Supp. 11, 21–22 (D.D.C. 1964), aff'd, 331 F. 2d 1020 (D.C. Cir. 1964)."

Senator Edward Kennedy. Was that during the first world war, that case?

Senator Morse. The dispute arose in 1916 and the decision was in 1917.

2. General constitutional principles applicable to regulation of interstate commerce likewise support the constitutionality of the Morse resolution.

In passing upon cases predicated on such commerce, the courts adopt a very simple approach. They first ask whether the object of Congressional regulation may be rationally said to move in or affect interstate commerce—the interstate nature of air transportation here requires no argument.

After concluding that interstate commerce is involved, the courts then determine whether there is a rational connection between the problem which the legislation seeks to meet and the method chosen by the Congress to deal with it. The court's function is not to decide whether the methods chosen were the best or the wisest ways of regulating the commerce. These are the responsibilities of the legislature.

The court's job is ended once it decides if there was a reasonable tie between the evils against which the Act is drawn and the means chosen to cope with the evils.

And in deciding the degree of nationality required to uphold the constitutionality of Congressional regulation of commerce, the court properly accords great latitude to the Congress. Indeed, I know of no case during the last 25 years in which the Supreme Court has held to be unconstitutional a statute dealing with something which the court has concluded to move in or affect interstate commerce.

The earlier cases just remove any doubt as to the constitutional right of the Congress to come in and regulate interstate commerce.

Thus, in Atlanta Motel v. United States, 379 U.S. 241, upholding the constitutionality of the public accommodations provisions of the 1964 Civil Rights Act, the Supreme Court described the judicial function in interstate commerce cases in explicit terms.

". . . The only questions are: (1) whether Congress had a rational basis for finding that social discrimination by motels affected commerce; and (2) if it had such a basis, whether the means it selected to eliminate that evil are reasonable and appropriate . . ." Id. at 258–259. These tests are easily met here. First, air transportation is clearly interstate commerce. Second, the means contemplated by the Morse Resolution—a 180-day no-strike period during which time mediation will go forward and in which any agreement with respect to wages will be retroactive to January 1, 1966 are "reasonable and appropriate" to "eliminate the evil"—a tie-up of essential air transportation services which has inflicted heavy and continuing damage to the national interest and to the traveling public.

While it could be argued that the Morse Resolution is not the only rational means of coping with the current strike, it cannot fairly be said that it is not a rational means of dealing with the strike.

3. When essential transportation services are threatened, section 10 of the Railway Labor Act calls not only for the establishment of an Emergency Board, but also for a ban on strikes or lockouts during the 60-day period the Emergency Board is considering and has reported on the dispute. 45 U.S.C. 160.

You don't hear a charge of strikebreaking at that time, do you? The applicants of the Railway Labor Act for 60 days stopped the strike or prevented them from striking. It made clear they had to work. And they work under the terms of the old agreement.

My bill extends it for another 180 days, giving the parties further time to try to reach a settlement, and it sets up another Mediation Board to try to lead them to a conscionable compromise.

There are no cases on this point only because the law is so clear that neither management nor labor has ever thought it worth the trouble to make a contrary argument or to challenge this section of the Railway Labor Act.

This section of the Railway Labor Act, I repeat, has never been challenged in the courts of this country because it has been recognized that it falls clearly within the interstate commerce regulating powers of the Congress.

Since the Morse Resolution merely extends the section 10 period during which work and mediation is to proceed, it can be said to be unconstitutional only if section 10 as now constituted is unconstitutional. In other words, the Morse Resolution is unconstitutional only if the whole pattern of railway labor negotiations over the past 40 years is unconstitutional.

Neither does it make sense to contend that although the 60-day ban on strikes is constitutional under the present section 10, the extension of that period by 180 days makes it unconstitutional. After all, the operation of the Railway Labor Act now often prohibits strikes for far more than 180 days while the normal processes of the Act—including the notices, bargaining, mediation and reporting—are being exhausted.

First, however, any lingering doubt on the constitutionality of a 180-day no-strike period should have been laid to rest by the decision of the Court of Appeals for the District of Columbia Circuit in Brotherhood of Locomotive Firemen and Enginemen v. Certain Carriers, 225 F. Supp. 11 (D.D.C. 1964), 331 F. 2d 1020 (D.C. Cir. 1964).

There, the Court of Appeals affirmed a lower court decision upholding the 1963 railway strike statute, which prohibited strikes for two years after the arbitration award went into effect—for a total ban of about 2½ years after passage of the statute itself.

4. The Court of Appeals decision in the Locomotive Firemen case supra, supports the Morse Resolution in another respect. The 1963 railway statute provided a far more drastic remedy than would the Morse Resolution in that the former called for compulsory arbitration whereas the Morse Resolution does not. The 1963 Act banned strikes for 2½ years and imposed compulsory arbitration and nevertheless was found to be constitutional. These two elements would appear to make the constitutionality of the milder Morse Resolution in a fortiori matter.

5. It is true that the 1963 railway situation posed more of an emergency threat than does the current airline strike at this time. But this difference is not significant. In the first place, it is settled that Congress has the authority to avert emergencies, as well as to resolve those that have actually arisen.

Much of the implication, it seems to me, of some of the testimony of the Secretary of Labor yesterday was that we ought to wait until, according to his definition, a real emergency exists. I am very disappointed that the Administration would take the position that when the very evidence that it put into the record through Secretary Wirtz yesterday shows that already you have a very serious situation that interrupts to a substantial degree interstate commerce, but we better wait until it is worse, after this whole period of time that has been made available for the parties to settle this case.

In my closing argument, I will tell you why in my judgment they haven't closed the case and they will not close the case until this Administration surrenders to the union.

I go back to the fact that the Congress has the legislative authority under the Constitution to avert emergencies as well as to act after emergencies have developed.

Wilson versus New, I think, is a clear support of my position on that.

Moreover, in weighing the constitutionality of legislative action, it is settled that the courts will relate the statutory remedy to the situation it seeks to correct. In other words, an emergency situation may justify imposition of more drastic measures than would be true of a less-than-emergency situation. The Morse Resolution follows this approach by avoiding drastic steps. It avoids compulsory arbitration and cuts the no-strike, no-lockout period from 2½ years to the relatively short period of one-half year.

And, under the terms of the bill, the parties themselves will fix the wages and working conditions for the six-month cooling-off period, as well as for the future. To put it another way, the Morse Resolution rationally tailors the relief sought to the nature of the conditions against which the relief is directed.

This underscores the essential soundness of the bill in constitutional terms; it deals logically and rationally with the precise nature of the interruption of air services.

6. Wilson v. New, 243 U.S. 332, held constitutional a Congressional statute which went far beyond anything contemplated by the Morse Resolution. The Act in question imposed, by legislation, the terms and conditions on which a railway labor dispute was

to be settled. In other words, Congress legislated a solution. It did not leave the parties free to try to resolve their difference during a no-strike period as does the Morse Resolution.

It did not set up a Board of Arbitration to resolve the points of controversy as did the 1963 Emergency Railway Act. Instead, in Wilson v. New the Congress had imposed specific terms on the railroads and unions for which work was to be continued for a period of up to nine months. Nevertheless, the Act was upheld. In the light of that decision, the constitutionality of the Morse Resolution follows as a matter of course.

My last point, and I will make it brief, gentlemen—I haven't had time to get it dictated, but I decided that I would give it to you on the basis of my knowledge of the case—is that I think you better reread Mr. Siemiller's testimony of yesterday. In the latter part of his testimony I think, to speak descriptively, he threw his case out of the window.

In response to the questions put to him, I think he made perfectly clear that this union has no intention of coming to an agreement short of legislation or a settlement that goes through the anti-inflationary ceiling. I want to say this union has had no intention of taking any other position from the very beginning of this dispute.

During the weeks of mediation by the National Mediation Board, it took this adamant position, insisting upon wage demands that were highly inflationary in character.

I want to also say that in my judgment this is not only a bellwether case of this union, this is a bellwether case of many unions in this country. You are dealing here not only with the Machinists Union; you are dealing here in this case with the obvious strategy on the parts of a large section of organized labor to break the inflationary controls.

You have one of two choices to make, in my judgment: either hold the line here or pass legislation in regard to inflation—and if you think the Administration is opposed to my legislation, let me tell to even suggest to this Administration that it ought to come forward with the necessary economic controls to check inflation makes their present objection to my legislation very mild indeed.

Now, let me say something about the guidelines; this Emergency Board did not act on the basis of guidelines. This Emergency Board decided to exclude the guidelines. That was an agreement even back before we ever went into our first session. We did decide that we were going to work for the best agreement that we could on the basis of the evidence the parties submitted that was non-inflationary in nature. We have yet to hear a reputable economist that has commented upon our report say that it is inflationary.

We never translated the report into percentages. We were not at all interested in translating it into percentages. I have heard it said that if translated into percentages, it is somewhere between 3.5 and 3.7, but that depends on what value you give on so-called fringe benefits.

At the opening of the board hearing the counsel for the union opened as follows, and I read from page 49 of volume I of the transcript:

"Executive Order Number 11276 creating a Presidential Emergency Board to investigate the current dispute between employees of Eastern Air Lines, Trans World Airlines, Northwest Airlines, United Air Lines, and National Airlines, represented by the International Association of Machinists, was issued April 21, 1966. Our formal protests in respect to creation of a Presidential Emergency Board under Section 10 of the Railway Labor Act was submitted to President Lyndon B. Johnson Tuesday, April 19, 1966, and a copy of same is now made available to this honorable board as Employees' Exhibit No. 1.

"The CHAIRMAN. Employees' Exhibit No. 1 as identified by the witness will be inserted into the record at this point.

"(The exhibit reads as follows:)

"The President, White House, Washington, D.C. We are advised that the National Mediation Board and the Department of Labor have recommended that you, through Executive Order, create an Emergency Board to hear the dispute between Eastern, National, Northwest, Trans World, and United Air Lines, and the International Association of Machinists and Aerospace Workers. In our opinion, the appointment of such board would be a total waste of time at the taxpayers' expense. We respectfully request that you reject the recommendation for the creation of an Emergency Board in this dispute. P. L. Siemiller, International President."

Counsel for the Union then continued:

"Mr. RAMSEY. Our protest was predicated on strong evidence that a board created under present conditions is not free to enter unrestrained judgments or recommendations on wages or other economic conditions such as those involved in the dispute. We sincerely believe this board will feel bound in any recommendations made on economic issues to adhere to such guidelines as the President has emphasized in the past months. The guidelines referred to have not been accepted as appropriate or reasonable by organized labor, and certainly are not recognized by this Union as valid or controlling. Therefore, we suggest recommendations emanating from this board and reported to the President if so governed will be without value insofar as the Union is concerned.

"The CHAIRMAN. If counsel would permit the Chairman to interrupt, but because the statement of counsel refers to the board, I want to disabuse his mind of any validity of the major premise he has just expressed. He is entitled to have the position of the chair and the board stated at this point in view of the fact that he has raised the issue. I want counsel for both sides to know that this board has been appointed without any condition imposed upon the board. In fact, it would be a reflection upon this board if anyone attempted to impose any conditions on this board.

"This board is going to consider this case from cover to cover of the record that the parties make, without any precondition imposed upon this board that we are subject to any restriction. I wouldn't serve on the board, and I am sure my colleagues wouldn't serve on the board, if we were sitting on the board in any way, as any sort of a rubber stamp for any views of anyone else as to how this case should be settled.

"It is up to you gentlemen to present the evidence that warrants whatever settlement the evidence would support. So I wouldn't want to proceed further, Mr. Counsel, with the press here, to have any impression go out that this board is appointed by the President of the United States with any instructions whatsoever except to be an Emergency Board, hear the evidence and decide its recommendations to the President based upon the record.

"It wouldn't be fair to my President to make that statement in the very beginning of this hearing. It wouldn't be fair to my colleagues not to make it. And it wouldn't be fair to you or the men you represent or to Mr. Curtin and his principals if you didn't disinvolve here and now any implication to any degree whatsoever that this board is not 100 percent a free board as a judicial body to decide this case on the records.

"Mr. RAMSEY. Mr. Chairman, I know the employees appreciate your comments and the clarification in regard to this board's position with regard to freedom to judge this matter.

"The Union desires to make clear that it will cooperate with this board to the highest degree possible in making the facts available that directly relate to our dispute with the air carriers."

Then we took the evidence.

I want to say, Mr. Chairman and members of the committee, that this evidence just does not sustain any claim on the part of this board for any such wage demands they are insisting upon. Contrary, there is no doubt that the preponderance of the evidence overwhelmingly supported the contention of the carriers for the wage settlement that we decided in this board.

Of course, the carriers made a strong case on the inflation point. The inflation issue was part of their case. The board had to decide what weight to give it. We received no evidence because we had excluded the 3.2 guideline matter, there was no evidence in regard to the 3.2 guideline.

When we came to write our decision on the basis of the transcript the parties made, we gave our report in the recommendations, a copy of which you have before you.

There has been some criticism that the recommendations of the board exceeded the so-called Administration Guidelines. I think they probably do. But the guidelines were not a factor as far as the board was concerned.

Also, may I say, in a labor dispute, an arbitrator, or in this case an Emergency Board, which is a quasi-judicial body, takes into account inequities.

During the war, in World War II, the War Labor Boards, on which I sat, had guidelines, too. We had a national wage policy beyond which neither employers nor unions were supposed to go, save and except the ironing out of inequities which the evidence would show existed in any case. There were some inequities in a good many cases. But we didn't infringe upon the wage policy.

I left the War Labor Board in 1943. I resigned from the War Labor Board on an 11 to 1 decision in the famous November, 1943, United Mine Workers' case, when the President of the United Mine Workers, John L. Lewis, entered into an agreement, without any knowledge of the Board, with the Secretary of Interior, Mr. Harold Ickes, which violated all of the wage criteria of the Board. Every member of the Board knew it.

But the Board finally, after two days and two nights of Executive Session, two and a half nights of Executive Session, capitulated to the agreement. It meant one rule for the United Mine Workers of America and a different rule for the rest of labor; or it meant we would pierce the whole wage stabilization program of World War II.

As I said to the President subsequently, this is not a court in the sense that when the majority speaks then the dissenter applies the decision of the majority. This is a case in which I have to decide, as the enforcement officer of the board as well as a member of the board, whether I can enforce this decision to the discrimination of the other employers of America who are going to have labor disputes, and did have labor disputes, as a result of that unfortunate decision. I resigned from the board then.

I want to say that the President of the United States, Franklin Roosevelt, thoroughly understood and respected my position in regard to the matter.

In closing, I happen to think that this committee has a clear duty to send to the Floor of the Senate my resolution, or my resolution amended if someone can show it can be improved, and we should do it today. For I think the country is entitled to have a report from this committee today on what, in my judgment, on the basis of the facts, is truly an emergency that interrupts interstate commerce and which is denying essential transportation services to sections of the country, as proven by the Secretary of Labor himself yesterday, in his own testimony.

The CHAIRMAN. Senator CLARK?

Senator CLARK. The Senator has answered most of the questions which I wanted to address to him. There are one or two which will only take a minute or two to ask, which I would like to ask.

I would like to very briefly express my hope that we can agree on some legislation to recommend to the Senate, but my strong belief that it is of the utmost importance that to the maximum extent feasible we should have a consensus of the committee behind whatever we do. I think to go to the Floor with a bill on which there has been a wide difference of opinion, and a close vote split within this committee, practically means that the Congress will not adopt the legislation which the majority would recommend. I believe we ought to start working on the Morse proposal and see what, if any, amendments would meet with the approval of the large majority of this committee.

Preliminary—and I don't, myself, feel that time is absolutely essential. I think a good case could be made for taking enough time, maybe two, three, four or five days, to bring out a bill which would have the enthusiastic support of the large majority of this committee, accompanied by a report carefully drafted which will sustain, by an irrebuttable argument, what a large majority of the committee is in agreement upon.

WAYNE, I shall be very brief on this. I understand that the Emergency Board did not base its decision on the guidelines. In fact, as I look quickly through the report, which has been made a part of this record, the guidelines are not referred to. But I understood you to say that the board was very much interested in a non-inflationary settlement. Is that correct?

Senator MORSE. That is correct. And the carriers approved the need for it.

Senator CLARK. In Mr. Siemiller's testimony last night, he made certain points which I believe should be answered by you in the record in order to give us the strongest record to the Senate with.

I would ask you, first, why the board was unwilling to include a cost of living escalation clause?

Senator MORSE. First of all, the cost of living escalator clause that this Union asked for is not a cost of living escalation clause at all. The clause that this Union asked for was when the cost of living goes up they get an increase and if it goes down, they don't lose anything. That is not a cost of living escalator clause.

The cost of living escalator clause is one that when the cost of living goes up a certain percentage they get an increase, but if it goes down a certain percentage they get a decrease; that is what is known as the escalator clause.

Senator CLARK. Could not the board have recommended such a clause?

Senator MORSE. Well, the board did recommend a kind of escalator clause. I will take you to page 5 of our report:

"Although we recommend against the use of an escalator clause, we believe that the effort of the Union to devise a means to safeguard the economic position of the employees, particularly in respect to the protection of their real wages, is warranted. We, therefore, recommend that the Union be given the right to re-open the wage rate provisions of the contract if by December, 1967 the cost of living since December, 1966 has increased one percent or more over the average annual increase in the Consumer Price Index during the five-year period 1962–1966."

Senator CLARK. That answers my question.

Senator MORSE. The re-opener right would be limited to the basic wage rates of the new agreement.

Senator CLARK. That answers my question.

Senator MORSE. Permit me to say this: Don't forget, they have to absorb one percent. In a war situation such as we have now, we certainly can't justify saying to a Union, "You don't have to absorb anything." They have to absorb one percent, but then they get their increase.

Senator CLARK. You answered my question.

Mr. Siemiller made much of the fact that the hourly rate for Greyhound Bus mechanics was substantially higher than the hourly rate for aviation mechanics, although the skill required was somewhat less. Would you comment on that?

Senator MORSE. First, let me say in answer to that question that it is difficult to get comparison of certain wage classifications such as a mechanic with other comparable wage groups.

The Union presented no such comparisons to the board. Read the transcript. On the wage rate, I am at a loss to understand how a Union can come in and make as poor a wage case as they made in this case. They wouldn't even have a lawyer represent them. They made no use of an economic labor consultation group. This Union has taken the position that they made what I would call a minimal presentation on the various issues, and sat back, obviously relying on their naked economic power.

It was the responsibility of the Union to make the case. Read the transcript. They didn't give us the evidence.

I will say something about what those differentials are in a moment.

Senator CLARK. What he said last night is what I am interested in.

Senator MORSE. The reference to bus mechanics in Mr. Siemiller's testimony of yesterday was not presented at the hearing. However, the board did consider the position of mechanics' pay as compared with other comparable job classifications.

Exhibit 26 submitted by the carriers shows the average hourly earnings of IAM represented employees of the five carriers have increased a greater percentage, 55.7 percent, than the average hourly earnings of all manufacturing production workers, which has been only 39.1 percent in the period January 1956 to January 1966.

You have to have a base period to use as a basis for comparison.

Senator NELSON. Can I ask a question at that point?

The percentage is one thing, especially if you are starting at a lower base. What is the actual dollar and pennies increase?

Senator MORSE. Can I finish this statement?

Senator NELSON. Yes.

Senator MORSE. Exhibit 27 shows that the IAM represented employees progressed from a ranking of fifth place in the groups in 1956 to the top position in 1962, a position which has been retained to date.

These carrier exhibits were not rebutted by the Union. The carriers placed an exhibit in the record which showed that the IAM represented employees of the five carriers rated first among some 20 manufacturing industries in terms of average gross hourly earnings in January, 1966. The IAM employees have risen from fifth place in 1956 to achieve first place in 1959 and again in 1962, and have maintained that position since 1962.

You are not dealing with underpaid workers on any comparative basis. The IAM employees of the five carriers averaged $3.42 an hour in January 1966, compared with gross hourly earnings in the other industries as follows:

Five carriers, $3.42; petroleum, refining and related industries, $3.27—don't forget, they have mechanics, too. Many of these other industries I now give you have mechanics, too. But what Siemiller wants to do now is to pick out the mechanic rate and say there are mechanics in other industries, some of which get more.

Let me tell you something about that argument: Number one, you go into these other industries and you will find in many instances it is not a blanket rate. They have mechanics and mechanics. They have different grades of mechanics. They pick the most highly skilled mechanics that they have in a given industry and show that is more than $3.52.

Secondly, we have a responsibility, unless they want to make a plea to select out of their employees increases for a special group, which they did not do. Their case is for a blanket, uniform percentage increase for all their employees. They made no argument that we should take the mechanics out of this case and give the mechanics separately the wages received by the highest paid mechanics in some of the other industries, such as, apparently, some of the bus operations.

That is not the theory of their case. Their case wasn't presented on that theory. The case was presented on the theory as to what our wage increases should be for the workers in the two main groups; that is, your mechanical and highly skilled workers, and then your cleaners, cafeteria workers, your ramp men, and others in the so-called lower skills.

But keep in mind when I am talking about these wages in other industries, which is the evidence before us, I am talking about industries that have mechanics, too.

Transportation equipment, "$3.29; primary metals industry, $3.23; ordnance and accessories, $3.16."

I can go on down the list.

Senator CLARK. I think the point I am interested in is the one having to do with Mr. Siemiller's question about the bus mechanics. Have you anything in there on that?

Senator MORSE. There is nothing on it because there is nothing in the record. It is an afterthought on their part.

Senator CLARK. My next to the last question is to ask you——

Senator MORSE. May I say one more thing on your first question and then I will be through?

Senator CLARK, you couldn't have a labor case in which they couldn't bring in some exceptional payment in some industry showing that someone gets more for that classification than they get, but you certainly do not try a labor case on the assumption that because they show somebody else gets more, therefore you grant them more.

Senator CLARK. I don't want to argue with you. I am just trying to make a factual record.

Senator MORSE. I don't want to argue. I want to tell you the theory of the board.

Senator CLARK. My next to the last question is to ask you to comment briefly, if you will, on the charge of Mr. Siemiller that the board was unfair in connection with its consideration of the insurance plan and pension plan.

Senator MORSE. Here, again, they didn't attempt to sustain any burden of proof. On the question of why did not the Emergency Board recommend improved health and welfare programs and improved insurance plans, the Board recommendations are included on pages 10 and 11 of the report you have before you. I will read it:

"In this area, the Union proposed that the entire cost of the individual carrier health and welfare plans shall be borne by the carrier and that all plans should be liberalized to provide full coverage for employees and dependents.

"The Union emphasized that Eastern has already assumed the full cost of these programs and that the Union recommendation is supported by the prevailing practice in industry generally. The carriers contended that current benefits under their plans exceed those typical of industry generally, but, nevertheless, offered to make an additional contribution of three cents per hour in the second year of the contract against premiums for dependents coverage under presently existing group insurance.

"The carriers stated that with this addition, the average cost of the carriers of current plans would be 17.4 cents per hour compared with an average employee contribution of 2.6 cents per hour."

There is no denial of that. That is the fact. The carriers contribute 17.4 cents and the workers 2.6.

"The board has taken note of these facts and others in the record and recommends against any increase in carrier contributions at this time. The Union has not proposed, and the carriers have not offered, an improved plan or additional benefits, since the scope and coverage of the plans would remain unchanged and additional carrier contributions of three cents per hour given the second year would simply result in an increase in employee compensation by this amount.

"The board believes it is in the interest of both parties at this time to deal with an increased cash compensation in connection with wage rate adjustments and has done so under paragraph 4 of Section A above."

Senator CLARK. How about the pension plan?

Before you answer, just to get the question clear, Mr. Siemiller said last night the airline industry is the only one where the employees have to contribute to their pension plan.

Senator MORSE. That is just not true. There are scores and scores of welfare, health and pension plans in the country.

Senator CLARK. Let me say this to you, Senator MORSE: I know that your answer is contained on page 11 of the report, and the report is already in the record. So unless you desire to read it to the other members of the committee your answer, I think it is somewhat redundant to do it again.

That is my last statement.

Senator MORSE. I refer the committee to p. 11 of the Report which contains the Emergency Boards findings on this issue.

Also, the Union's position was that only National Airlines among the five carriers has a non-contributory plan. The BLS study shows that a majority of pension plans are non-contributory but that many are contributory. The carriers' case was that the contributory plans of the four carriers vary considerably but all provided benefits on normal retirement, early retirement, disability retirement, and investing provisions as earnings increase the pension benefit increases.

Any uniform recommendation by the board would affect each carrier differently. Employees contributions are always returned to the employee in some form. At the current rate of pay for mechanics, average pension would be $260 per month. Although a majority of pension plans in industry generally are non-contributory, they usually provide a lower amount of benefits. It is $4.25 in autos, $4.25 to $4.75 in aerospace, and $5 in steel.

If I were mediating a settlement, allowed to take into account information they didn't get into the record, here is one place in which I would propose some benefits to the Union. I would decrease the contribution of the Union and increase the contribution of the employer. But for the union, on the basis of the evidence submitted, to take the position, "We are now entitled to wipe it out entirely" in my judgment, wouldn't be sustained by the record.

Senator CLARK. Mr. Chairman, that concludes my questions.

I have no doubt other members of the committee may want to ask Senator MORSE questions. I would hope, in the reasonably near future, we can proceed to consider amendments to the Morse Resolution. I will have one or two to suggest at that time.

Senator MORSE. May I make one other point?

Mr. Bruff was my counsel throughout the hearings and did a magnificent job for the whole board. We were informally advised that what the union wanted was the wage money and not the welfare and pension money.

In their mediation hearings with the carriers, let me say they made no fight at all of any real efforts on this particular issue. They would have liked to have had, I think, some change, but it was not one of the issues that they made an issue in the case.

Finally, let me say that the issues involved in this case are of vital importance to the economy.

1. Every free industrialized country which tries to maintain full employment faces this problem: strong unions have the power to push wages up faster than productivity and thereby to inflate costs and prices; and semimonopolistic industries have the power to push up prices even if costs are stable. No country has really solved it. Sooner or later we will have to come to grips with it.

2. I think it is obvious that—with our balance of payments situation—we cannot afford inflation, even if it could be tolerated domestically. This either means abandoning full employment or finding a way to live with it.

3. This is not a problem for the next six months or two years but for the decade. The end of the war will not solve it. A tax increase will not solve it—though it could help. It will have to be approached head on. Some time, somewhere, we will have to find a way to bring the unions to the realization that they cannot continually push wage costs up, and to convince business that profit margins cannot continually rise.

4. The union's demands in this case are way out of line.

If IAM's demands are granted, this would be by far the largest increase for any important union outside construction.

They are demanding an increase of 7 or 8% a year for 3 years—5.1%, plus 2 or 3% for the cost of living. In contrast:

The auto workers got about 4.5%, plus cost of living escalation, at a time when cost of living escalation didn't mean nearly as much.

Aerospace got about 4%, plus escalation;

The New York transit workers probably got something over 5% without escalation.

Western lumber got around 5% without escalation a few months ago.

Every other major union outside construction has got less—very much less.

It's *still* true that unit labor costs in manufacturing have not risen. They stood at 99.3 in June 1966 (1957–59=100) vs. 99.3 in January 1964, vs. 100.6 in January 1963, etc. Thus we would *not* be locking the barn door after the horse is stolen. But it will be stolen soon if this settlement is made on union terms.

An important segment of the public is aroused over this case—whether the facts justify a "national emergency" finding, or only the denial of essential transportation to a section or sections of the country.

The high visibility of this case can increase the leverage we get on prices from taking a strong stand on wages.

5. Facing up to the problem will have to involve a firm position by Congress, such as S.J. Res. 181, for the purpose of this particular dispute; a really strong, organized, and continuous course of high level persuasion directed toward union leaders, in which they are, in effect, told they have to choose between full employment and a responsible wage policy; *plus* a big job of public education on what the problem really is, and why it has to be solved; *plus* a new drive on prices and profits.

6. Maybe it cannot be done. Maybe things have to get worse before Congress will act. But history suggests that once they get worse, the job is twice as difficult.

PROVISION FOR JUDICIAL REVIEW OF THE CONSTITUTIONALITY OF GRANTS OR LOANS UNDER CERTAIN ACTS

The Senate resumed the consideration of the bill (S. 2097) to provide for judicial review of the constitutionality of grants or loans under certain acts.

Mr. MORSE. Mr. President, I wish to make a brief statement on the bill itself, and I want to make a brief statement as to the history of the movement for judicial review legislation. Then I shall make a brief statement as to why I think we ought to pass the bill, unless someone can offer an amendment to improve the bill. I shall vote for the bill.

Mr. President, I wish to commend my very good friend, the senior Senator from North Carolina [Mr. ERVIN], upon the bill he has brought to the Senate. As one of the original sponsors of the legislation, I have no hesitancy whatsoever in accepting the changes in the format of the bill which resulted from the hearings and the subcommittee deliberations upon the measure as introduced.

The legislation as it is now before the Senate, in my judgment, has been perfected and it should be enacted.

I share the views of the Senator from Michigan, which I interpret to mean that he wished we did not have to enact any legislation. Who does not wish that? The Senator said he thought that if we could get this issue settled without legislation, he would not be inclined to favor legislation.

I am of the opinion that if we get it settled better with legislation than without it, I am disappointed that it has not been settled heretofore.

I know it can be argued, and has been argued here on the floor of the Senate, that Federal legislation is not necessary because the judicial procedures exist for issues such as this to reach the Supreme Court via the State juridical route. But they have existed for a long time and we do not have a decision on the nose, as we lawyers say, to determine how far Congress can go under the first amendment to the Constitution.

Frankly, I do not think the so-called State route is the answer to the problem. I think the senior Senator from New York is wrong. We will have to have Federal legislation. I therefore support this legislation.

Objections raised by witnesses on some of the original provisions have been met insofar as I can discern most equitably.

I commend Senator ERVIN and his colleagues for their diligence and care in giving to S. 2097 the careful scrutiny which is evidenced by the reported measure and the report which accompanied it to the floor.

As a teacher of law in past years, one of my great cares in the instruction of my students was to try to impress upon them that a substantive right is conditioned and affected to such a degree by the procedures permitting the exercise of that right; that it could be said in truth that there is no substantive right unless there are effective procedures available to the individual to affirm that right.

S. 2097 in the area of first amendment law was designed to provide procedures to individuals and associations of individuals which would enable them to obtain judicial consideration of their claims. That is its virtue; that is why I believe it should be enacted by the Congress.

I realize full well that the Supreme Court of the United States is not bound by this legislation. It is, however, afforded an opportunity to clarify what is admittedly a gray area in our constitutional law and it will be given an indication by the enactment of this legislation that the Congress believes the time is ripe for the necessary constitutional clarifications.

Therefore, I am making legislative history in the presence of the senior Senator from North Carolina [Mr. ERVIN], and in the expectation, or at least the hope, that the Supreme Court in due course of time if this legislation becomes the law of the land, will read the debate in the Senate that gave birth to the legislation. It should take note of what the intent of the floor manager of the bill was in respect to this legislation, and what the intent of the senior Senator from Oregon was in respect to this legislation, because when I relate the early history of this legislation, I think the Court will note that what I say is apropos and pertinent to a subsequent consideration by the U.S. Supreme Court of the history of the legislation.

It certainly is my intent that, although the Court is not bound by this legislation, the proponents expect the Court to recognize that it, too, under our system of government, has a responsibility to assist the people of this country in rendering a judgment upon an issue that at the present time plagues the law of the land. The law is uncertain because of the lack of a decision that the people and the legislatures of this country can rely upon in respect to the meaning of the first amendment to the Constitution in respect to aid to private schools, financial aid to private schools by the Federal Government. That needs to be clarified.

The purpose of this legislation, may I say for the record, is unquestionably to accomplish that end. The Supreme Court can take note from the discussion that is now taking place on the floor of the Senate that that is one of the primary purposes of this legislation.

I ask the senior Senator from North Carolina [Mr. ERVIN] if he agrees in respect to the legislative history that I have just made; namely, that one of our motivating purposes and primary legislative intent behind this bill is to have a legislative framework on which the Supreme Court can render a judgment as to the application of the first amendment to legislation that provides financial aid in any degree whatsoever, in any form whatsoever, to private schools in the United States.

Mr. ERVIN. Mr. President, that is the intent of the legislation. The intent of the senior Senator from Oregon and the senior Senator from North Carolina is fundamentally to get decisions which will enable us to legislate in what is now a more or less unknown field.

When I offered my amendment to the Higher Education Facilities Act, the senior Senator from Oregon gave the Senate the assurance that he favored independent legislation to provide for judicial review in this field.

The Senator from Oregon introduced the bill which we are considering today. He appeared before the committee and made a magnificent statement as to the purposes of the bill. That statement ought to be read by everyone interested in this particular subject.

Mr. MORSE. Mr. President, I appreciate the comments of the Senator from North Carolina. I thank him very much for the statement he has made as to the purpose of this legislation.

Because of my high regard for his great legal and judicial ability, I am honored that he shares my view as to the legislative intent of the Senate this afternoon, as we proceed to the passage of this bill.

The Senator from North Carolina was very kind to make flattering remarks about the testimony that I gave before his committee in regard to the legislation. Mr. President, the testimony will speak for itself. It does not deserve the accolade that the Senator has bestowed upon it. I believe that as part of the legislative history of the bill, that testimony should be part of the RECORD; and I ask unanimous consent that the testimony which I gave before the Subcommittee on Constitutional Rights of the Committee on the Judiciary, in connection with S. 2097, be printed at this point in the RECORD.

There being no objection, the testimony was ordered to be printed in the RECORD, as follows:

TESTIMONY OF SENATOR WAYNE MORSE, DEMOCRAT, OF OREGON, BEFORE THE CONSTITUTIONAL RIGHTS SUBCOMMITTEE, SENATE COMMITTEE ON THE JUDICIARY, ON S. 2097

Mr. Chairman, members of the Subcommittee, I wish to thank the Subcommittee and its most distinguished chairman for the privilege of appearing before you to support S. 2097 which I had the honor to introduce on June 7, 1965 in association with my good friend, the senior Senator from Pennsylvania, Mr. CLARK, and the distinguished senior Senator from Texas, Mr. YARBOROUGH.

As one of the co-authors of this legislation may I say that the support given to it by the Senator from North Carolina, Mr. ERVIN, in his capacity as chairman of the Subcommittee through his action in asking that his name be added to the bill at the next printing is most welcome, since he is a most able constitutional lawyer in his own right and because his experience on the bench of the highest court of his State, which he graced for more than six years, has equipped him to speak with great authority on the constitutional implications of the measures.

We are fortunate, indeed, in the Senate to have available to us the wealth of legal experience and study which are represented by the chairman of the Subcommittee.

While at times I have been constrained to differ with him in the course of the journey through the floor of the Senate of some educational bills in which the principle of judicial review was involved, I can assure him that I did so only with very great reluctance and then only for the reasons which I shall develop in my testimony in chief a little later on.

Mr. Chairman, before making my case in detail, may I review for the Subcommittee the legislative history of the judicial review proposal.

I take the Subcommittee back to the 87th Congress, 1st session, in March of 1961. At that time the Education Subcommittee of the Senate Committee on Labor and Public Welfare was conducting hearings on some nine measures, including S. 1021, the Administration bill which provided for a three-year problem of Federal grants to the States to assist their local educational agencies in paying part of the costs of urgently needed public elementary and secondary school facilities construction and to provide for the payment of teachers' salaries and for the funding of special educational projects.

During the course of our hearings, it became evident that First Amendment questions would be raised in connection with proposed amendments to that bill and therefore as the Chairman will recall, I requested the then Secretary of Health, Education, and Welfare, our present able colleague, the distinguished junior Senator from Connecticut, Mr. RIBICOFF, for a memorandum which would set forth the Administration position concerning any form of Federal aid to our private schools and, in addition, a legal brief setting forth the position of the Department on the question of the constitutionality of Federal aid to education per se. Secretary RIBICOFF responded to this request on March 28, 1961 in what became known as the Willcox memorandum set forth in our hearings record on pages 110–147.

I ask the indulgence of the Subcommittee to have this memorandum and the accompanying transmittal letter printed in the committee hearings record as an appendix to my testimony this mornnig. I ask also for permission to include in that appendix the views of the constitutional authorities on the question which were solicited by my subcommittee and which were later incorporated together with the basic memorandum in Senate Document No. 29.

Senators will recall that during Senate debate on S. 1021 much use was made of this very helpful material in connection with amendments offered to the bill. Although S. 1021 did not become public law, its role as a forerunner bill to educational measures subsequently enacted was, I believe, of crucial importance.

My position, then, as my position has been in connection with other education legislation since that time may be stated quite simply. It is that as a Senator I have supported and I shall continue to support measures designed to provide all of our children with an opportunity to obtain the best education we can afford to give them without regard to where they obtain that education, in our public or in our private sector, to the extent that these measures can be justified as being within the confines of the Establishment Clause of the First Amendment to the Constitution of the United States.

There are two tests which I have applied in coming to my decision on the specifics of legislation. First and foremost, "Is the measure within the constitutional authorities of the Congress to act?" Secondly, "Is the measure, proposed to be enacted, in the public interest?" Although I happen to believe that proposals which will strengthen our educational system are quite clearly in the public interest, I am always conscious that this aid must necessarily be supported by a firm constitutional foundation.

In the 87th Congress, a higher education measure also passed the Senate of the United States. It was a college construction bill. Senators will recall that having carried S. 1241 to a point of passage in the Senate, it was set aside and a companion bill which had passed the House, was amended by striking all after the enacting clause and substituting therefor the text of S. 1241. H.R. 8900 as thus amended, was then passed by the Senate and a conference was requested with the House. Permeating that conference, and in my judgment, one of the most potent factors which led to the rejection by the House of the conference report on H.R. 8900, was the question of the extent to which public monies could be made available to meet the educational needs of church-related institutions of higher education. That is why in the 88th Congress we attempted through a categorical limitation on the use of funds to establish clearly that the type of assistance we proposed to offer was linked to Article I of the Constitution of the United States.

Although H.R. 8900 did not become law, the debate and conference discussion on it served a very useful purpose, in that it posed quite squarely questions which S. 2097 of this Congress is designed to answer.

In the 88th Congress, many bills which were carved from the Administration's omnibus education bill, S. 580, became law, among them the Higher Education Facilities Act of 1963. The Higher Education Act of 1963 went into conference with a judicial review amendment, which I had opposed as a floor leader of the bill, but which the Senate felt to be essential. In that conference, strongly supported by my colleagues, we strove to retain the amendment. It was made perfectly clear very early in our sessions that on this point the House of Representatives, in the view of the House Managers of the bill, was adamant, and that if a conference bill containing the amendment were to issue from the conference, once again the conference report would be rejected by the House.

Mr. Chairman, the objective needs of our educational system which were clearly demonstrated by the testimony taken before the Education Subcommittee made it imperative that a start be made to finance the expansion and rebuilding of the physical plant of higher education. It was because of this recognition of the pressing needs of our young students on the part of the Senate conferees, that, with great reluctance and much soul searching, we receded on the judicial review amendment. We did so, however, only after having obtained assurances that the judicial review concept would be introduced as separate legislation in both bodies, and that to the best of our respective abilities we would endeavor to bring such legislation up for action at an early date in both bodies. I have been very much in earnest in fulfilling the undertakings I then gave and I have been, together with my colleagues on the subcommittee since that time, fully committed to the redeeming of the pledge we gave.

It is for that reason that I have offered or cosponsored judicial review bills, the last of which, S. 2097, is before you today for your consideration.

This recapitulation of the antecedents of S. 2097, Mr. Chairman, I felt was necessary in order that we may understand the present bill in its historical context.

Essentially, S. 2097 deals with the establishment of a procedure whereby a clarification of a disputed area of constitutional law may be obtained from that branch of our government which has the responsibility, in the final analysis, to speak with authority.

In the limited area of education legislation, S. 2097 sets aside the restrictions which, since the case of *Massachusetts* v. *Mellon*, decided in the Supreme Court of the United States in 1923 (262 U.S. 447), the Court has imposed upon itself and its subordinate courts with respect to taxpayers suits.

What is it that is provided in S. 2097?

Section 1 enumerates certain acts which have been passed by the Congress as well as any other act administered by the Department of Health, Education and Welfare which has become law since January 1, 1965, which contain provisions for making grants or loans for educational purposes to public and nonpublic educational institutions.

Section 2 of S. 2097 provides, in effect, "a standing to sue" to any public other nonprofit institution or agency which is, or may be, prejudiced by the order of the Federal officer making a loan or grant to another institution on the grounds that such grant or loans serve to reduce the amount of funds available for grants or loans which might otherwise have been available to the institution bringing suit.

Section 3, of the act, vests with "standing to sue" a citizen, upon whose taxable income there was imposed an income tax, permitting him to bring a civil action against the Federal officer making a loan or grant to an educational institution on the grounds that the citizen challenges the award under First Amendment to the Constitution of the United States.

Section 4 provides access to court relief to any public or nonprofit private institution or agency whose application for a loan or grant under any of the Acts enumerated in section 1 has been denied by the Federal officer, having appropriate authority, on the ground that such loan or grant would be prohibited by the First Amendment to the Constitution.

The District Court of the United States for the District of Columbia, a statutory court, is empowered to take judisdiction of such suits.

Mr. Chairman, what are the advantages of these procedures?

First, they do not in any way, in themselves, challenge the constitutionality of any act of Congress which has become law. The presumption of constitutionality for such acts is not in question. No Senator or Representative who voted for these bills, I am sure, did so in the belief that he was voting for an unconstitutional measure. It was certainly my conviction, founded upon careful study and consideration of the measure, that they were valid exercises of Congressional authority under the Constitution.

But I realize, as does, I am sure, that learned jurist who is the Chairman of this Subcommittee, that lines of legal theory in support of, or in opposition to, a measure, which can be legitimately projected, may nevertheless, be in conflict or opposition in a legal area where the courts of our country have not spoken with finality upon a case or controversy which is squarely on the point. These lines of legal theory are necessarily just that—they are projection of what we feel as lawyers the courts would hold were an opportunity to be presented to them to rule upon the case directly.

Human beings are fallible and it is the essence of our system that conflicts in constitutional theory which need to be resolved in due course can be when the time is right, and through that organ of our governmental system which under our system has the power to render such final decisions. It is part of the wisdom of the checks and balances which were built into our system at the beginning of the Republic that there be procedures available to citizens to determine their rights under the law.

As a teacher of Constitutional Law I have impressed upon hundreds of students of the law what I believe to be axiomatic; namely, that there are no substantive rights unless procedures are provided whereby these substantive rights can be effectively claimed.

Without the procedural rights the substantive right is but a vain and empty—a hollow—right. Since our courts quite wisely and quite properly refuse to give, on their own initiative, advisory opinions upon the laws enacted by the Congress, the only way in which an act may be tested, and the rule of the Constitution applied to it, is through a case or controversy being brought by interested parties who have suffered damages. By enactment of S. 2097, the Congress will have provided an acccss to the courts in this particular category of cases to parties having legitimate interests.

In the long run, Mr. Chairman, it is perhaps far less important how the court would actually rule in such a case or controversy brought before it. The important thing is that with the instrument of S. 2097 citizens, individually or collectively in corporate form, would have available to them the right to invoke a procedure which could lead to the resolution of a basic and deeply rooted controversy.

That is all S. 2097 does. No burden is placed upon the Supreme Court of the United States by this legislation. We do not attempt, in violation of the comity between the legislative and the judicial branch, to force the Supreme Court to take or not to take action in its field of constitutional paramountcy.

We are simply saying that the inferior courts established by statute can be clothed by the Congress with an appropriate jurisdiction. It would be my hope that the Supreme Court through appropriate review procedures would be moved to take cognizance of a case which might arise under the provisions of S. 2097. Should it choose not to do so, the finding of the statutory court would of course prevail, and would guide our legislative actions thenceforth.

Once the first cases have been adjudicated under the provisions of S. 2097, it is my judgment that there would be a great sense of relief throughout the land, and that as a consequence, educational measures in the future could be considered upon their merits in terms of the public interest, the constitutional questions having been settled for our generation.

May I say to those who fear the consequences of the enactment of S. 2097, "Be not afraid." If the courts rule, as it is my confident belief that they would, that that which has been done was a proper exercise of the constitutional authority given to the Congress, then we could look forward to meeting the full needs of the education of our young people directly, which we have now met, but in part, and indirectly.

On the contrary, if the courts should rule that in good faith we in the Congress have gone beyond the proper bounds of our constitutional function, then we need to know the limits and bounds which we must observe until such a time as the people of the United States change, through constitutional amendment, our organic law.

* * * * *

Mr. MORSE. Mr. President, again I wish to commend the Senator from North Carolina, who in this instance, as always, has shown the qualities of judicial impartiality in the presentation of the case for this legislation. In this instance, his work is marked by his distinguished service as a justice of the highest court of the State during the years he graced the bench of North Carolina.

I wish now to say a word for the RECORD as to the origin of this bill. In my work as chairman of the Subcommittee on Education, during the first year of the administration of President Kennedy, we were confronted with the problem of amendments to be offered in the Senate calling for judicial review of specific legislation.

As the Senator from North Carolina has pointed out, I believed that we should have a law providing for judicial review rather than for a special judicial review amendment attached to each Federal aid bill in the field of education.

President Kennedy called me to the White House, and we spoke about this matter. I had announced to Senator ERVIN and others that I would submit a judicial review amendment, and President Kennedy completely agreed with the suggestion that I made, that we should have a separate bill on judicial review.

I came back and reported that information to the Senator from Pennsylvania [Mr. CLARK], a member of my subcommittee; and he joined me in what subsequently became known as the Morse-Clark judicial review amendment.

President Kennedy assigned the then Attorney General of the United States, Mr. ROBERT KENNEDY, to make available to us the assistance of the Department of Justice, in its preparation.

I had a conference with the Attorney General, Mr. ROBERT KENNEDY, and he assigned the Solicitor General of the United States, Mr. Archibald Cox, to serve as the consultant with Senator CLARK and me in the preparation of the amendment.

Both Senator CLARK and I are appreciative of the legal expertise service that the Solicitor General of the United States rendered in the preparation of the legislation. However, I wish to exonerate the Department of Justice, including the then Attorney General, Mr. ROBERT KENNEDY, and the then Solicitor General, Mr. Cox, from any responsibility, in the sense that the bill carries any obligation on their part to share my views in respect thereto. Senator CLARK and I placed our own imprint upon the bill, although I should say that we followed almost completely the drafting recommendations of the Department of Justice.

That is the history of this bill, and I give it because it should assure Senators that the bill was thoroughly considered and carefully drafted. After we introduced the bill, as the RECORD will show, President Kennedy left no room for doubt that he thoroughly supported the passage of such legislation.

Mr. President, I believe we have an opportunity here this afternoon to pass legislation that is long overdue, and I hope the Senate will proceed to pass it.

Mr. YARBOROUGH. Mr. President, as coauthor of S. 2097, as a member of the Subcommittee on Education since 1958, and as coauthor or active sponsor of virtually every educational bill that has passed through the Subcommittee on Education since 1958, I desire to commend the distinguished senior Senator from North Carolina for his leadership in this matter.

I believe that this bill is long overdue. Many people conscientiously think that some of the expenditures which are made under the authority of the various education bills are unconstitutional. They have lacked a means of testing their views in the courts of the land. I believe that when we pass these laws and appropriate this money, we should furnish the citizens a remedy.

We know that a lot of these funds are being given to private schools, and that some of the expenditures may come close to the boundary line of unconstitutionality. I do not believe that these are frivolous complaints. The question is so close, as the Maryland case illustrates, that citizens who conscientiously think their tax money is being used unconstitutionally should have a right to test that belief in the courts.

I believe that this problem is well stated in a sentence by Professor Jaffe, of Harvard, when he said:

> Many of the States, perhaps even the Federal Government, are or soon will be undertaking expenditures for education which allegedly violate constitutional prohibitions against aid to religious establishments.

We heard much about that matter in the various hearings on the education bills. Groups appear at virtually every one of these hearings and oppose passage of the legislation on constitutional grounds.

I believe that education should move ahead in this country and that we should put money into colleges, and into elementary and secondary education. I also believe the people should have a right to judicial review, to test the constitutionality of these actions. These laws were not so written, on their face, as to be unconstitutional. From the reading of them, they appear to be constitutional. But the question of whether they have been unconstitutionally applied can be tested in court. That is the purpose of judicial review, where it will reach far and do much.

There we would have the facts as to how the law is applied after it is passed. Some taxpayers think Congress has unconstitutionally used their money. I desire to see this matter threshed out in the courts, where all the facts can be developed. The courts can review the historic precedents, the historic principle of the separation of church and state that Thomas Jefferson called for, and which I believe is needed in this country today.

I thank the distinguished senior Senator from North Carolina, a great constitutional lawyer, for his leadership in bringing the bill through his committee and to the floor of the Senate for passage.

Mr. ERVIN. I thank the distinguished senior Senator from Texas, who is a cosponsor of the bill, for his gracious remarks and for the great assistance he has given us in bringing this bill to its present stage.

The PRESIDING OFFICER (Mr. HARTKE in the chair). The bill is open to amendment. If there be no amendment to be proposed, the question is on the engrossment and third reading of the bill.

The bill was read the third time.

The PRESIDING OFFICER. The bill having been read the third time, the question is, Shall it pass?

The bill (S. 2097) was passed.

The title was amended so as to read: "A bill to provide effective procedures for the enforcement of the establishment and free exercise clauses of the first amendment to the Constitution."

Mr. ERVIN. Mr. President, I move to reconsider the vote by which the bill was passed.

Mr. HOLLAND. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

INFLATION NOT ATTRIBUTABLE TO FARMERS

Mr. CURTIS. Mr. President, I hold in my hand an article which appeared in the Chicago Tribune which arrived today. The article relates to political activities of the Secretary of Agriculture. The article states:

> Secretary of Agriculture Orville Freeman has told Democratic congressional candidates at a closed briefing that they must overcome deep resentment against the administration in farm areas and should stay away from discussion of inflation.

Mr. President, that is a rather interesting observation, to say the least.

The article continues:

> A Chicago Tribune reporter listened in on Freeman's discussions with congressional candidates, after a girl, who was a staff member of the Democratic national committee, directed him into the room for a scheduled "news briefing."
>
> The reporter was wearing a badge which had been issued by press officials, but it was similar to these worn by the candidates and was never checked closely. The reporter later learned that the news briefing, which was to be held in an adjacent room of a Washington hotel, had been canceled.

The article further states:

> "There is a reaction far deeper and more bitter than I could ever have anticipated" among the nation's farmers over recent remarks by administration officials concerning farm prices, Freeman told the candidates. "Farmers know what a tremendous minority they are and they are very sensitive."

Mr. President, it may be that the farmers are in the minority, but they are an important minority. They provide the Nation with the best food that is available to any nation in the world. They provide food at a lower cost, compared with other prices, than any other nation in the world.

The average factory worker in the United States has four-fifths of his wages remaining after he buys his food to spend for other things. That money can be spent on houses, savings, life insurance, piano lessons, dental or medical bills, college education, or anything else. He has four-fifths of his wages remaining after living in a land that is the best fed land in the world. He pays his grocery bills. And yet, the Secretary of Agriculture, in times past, has proceeded against the farmer with his words and his actions, on a theory that the farmer is responsible for inflation.

The article also states:

> ASKS FOR ADVICE
>
> A candidate from Columbus, O., told Freeman that a poll in his district showed that the major issue was inflation, and he sought advice on how to handle questions about the increased cost of living.

Mr. President, 15 years ago when a housewife spent a dollar for groceries 47 cents went to the farmer, on an average. Today the farmer receives only 39 cents out of every dollar spent for food. In other words, three-fifths of the cost of food are costs that occur after the raw products leave the farm.

There is no wonder Mr. President, that Secretary Freeman, who appears to be directing the political campaign, now tells the candidates that the farmers are very sensitive. They should be. They have been kicked around. They have had the force of Government used to lower their prices. That practice is unheard of.

Mr. President, I would be the first person to admit that there are many difficult and complex problems in the field of agricultural legislation. We have had problems for 30 years or more. There are problems to which it is difficult to find the correct solution.

However, there is one thing that the Secretary of Agriculture can do. The Secretary of Agriculture can be a champion for farmers. He can speak up for them strongly. He can explain to the people that it is not the farmer who is causing inflation. He could explain some of the financial and monetary policies of this country, the spending policies, and a few other things. Such an explanation would be a correct report to the people as to what is causing the inflation.

Mr. President, I ask unanimous consent to have printed in the RECORD the entire article from the Chicago Tribune.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

L.B.J. AID WARNS CANDIDATES OF FARMER'S IRE—DON'T TALK INFLATION, FREEMAN ADVISES

(By Aldo Beckman)

WASHINGTON, July 28.—Secretary of Agriculture Orville Freeman has told Democratic congressional candidates at a closed briefing that they must overcome deep resentment against the administration in farm areas and should stay away from discussion of inflation.

"There is a reaction far deeper and more bitter than I could ever have anticipated," among the nation's farmers over recent remarks by administration officials concerning farm prices, Freeman told the candidates. "Farmers know what a tremendous minority they are and they are very sensitive."

Several weeks ago, President Johnson indicated that high farm prices were partly to blame for the increased cost of living and two days later, Freeman announced he was "pleased to report" that certain farm prices were down.

DIRECTED TO CONFERENCE

Both remarks triggered almost instant criticism from farm belt congressmen and from farm leaders thruout the nation.

A Chicago Tribune reporter listened in on Freeman's discussions with congressional candidates, after a girl, who was a staff member of the Democratic national committee, directed him into the room for a scheduled "news briefing."

The reporter was wearing a badge which had been issued by press officials, but it was similar to those worn by the candidates and was never checked closely. The reporter later learned that the news briefing, which was to be held in an adjacent room of a Washington hotel, had been canceled.

ASKS FOR ADVICE

A candidate from Columbus, O., told Freeman that a poll in his district showed that the major issue was inflation, and he sought advice on how to handle questions about the increased cost of living.

"I've been trying to figure out an answer to that question for six years," Freeman replied. "Slip, slide, and duck any question of higher consumer prices if you possibly can."

"Don't get caught in a debate over higher prices between housewives and farmers," he cautioned. "If you do, and have to choose a side, take the farmers' side. It's the right side, and, besides, housewives aren't nearly as well organized."

"GET 40 PER CENT"

Freeman said that farmers get only 40 per cent of the dollar that housewives spend for food at the supermarkets and suggested that candidates could point out that housewives pay extra for the luxury of ready-made foods.

"A TV dinner that costs 60 cents at the store could be fixed at home for 20 cents," Freeman said.

He urged the candidates to emphasize that net farm income is at its highest in history. "Farm income and farm outlooks are better under this administration than they have been under any other in years," he said. "But," he warned, "farmers never like to be told they're doing all right."

"BUNCH OF NONSENSE"

Freeman said grain surpluses that were such a problem several years ago have diminished so much that "we may be able to increase wheat acreage allotments" this fall.

He described as a "complete bunch of nonsense" the controversy over his letter to Secretary of Defense Robert McNamara, asking the defense department to stop buying pork several months ago, when the farmers were receiving 30 cents a pound for hogs at the market. "It didn't affect farm income one bit," he said. "It was the absolutely logical thing to do and was consistent with the farmers' interest."

He indicated he would take the same action if a similar situation arose again. "It is only good sense that the defense department should buy beef when there is less demand for it by the nation's consumers," he said.

"THEY WON'T BUY IT"

Freeman said he asked the defense department to resume their pork purchases as soon as the market price dropped several cents.

The former Minnesota governor told the candidates that the percentage of each pay check that now goes for food is lower than in 1960. "You could tell them [the housewives] that, but we know they wouldn't buy it," he said.

The three-day closed meeting will end tomorrow. During the sessions, the candidates were permitted to question either cabinet members or representatives from each cabinet-level department.

Mr. CURTIS. Mr. President, I hold in my hand a letter dated July 29, 1966. The letter is signed by the Hon. JOHN R. HANSEN, Member of Congress from the Seventh District of Iowa. The letter reads, in part:

> DEAR COLLEAGUE: Last Sunday, it was my pleasure to accompany the Honorable Orville Freeman on a tour of the 7th Iowa Congressional District. He was the first cabinet-level official to visit southwest Iowa since Henry Wallace, then Secretary of Agriculture, toured the region in the late 1930's.
>
> It was an added pleasure to have a National Broadcasting Company television crew along to film the full day's activities. The Frank McGee Report will feature the Freeman visit to the 7th District this Sunday, July 31, to be shown here in Washington on WRC–TV, Channel 4 at 6:00 P.M. EDT.

The letter continues and tells about the Freeman campaign. They start out visiting a church. Mention is made of activities during the day and how they concluded with a speech at night to 1,000 people.

Apparently, NBC has been enlisted in this cause of Mr. Freeman's. No doubt it will be informative and perhaps it will be news to some people, but I suggest that they might anticipate a call for equal time.

Mr. President, on the subject of inflation and Mr. Freeman's behind-the-scenes conniving against the farmers, I wish to read further from the article in the Chicago Tribune:

> A candidate from Columbus, O., told Freeman that a poll in his district showed that the major issue was inflation, and he sought advice on how to handle questions about the increased cost of living.

Here is the answer, Mr. President:

> "I've been trying to figure out an answer to that question for six years," Freeman replied. "Slip, slide, and duck any question of higher consumer prices if you possibly can. Don't get caught in a debate over higher prices between housewives and farmers," he cautioned. "If you do, and have to choose a side, take the farmers' side."

That is a switch for Mr. Freeman.

> It is the right side, and besides housewives are not nearly as well organized.

I think housewives should be interested in the cause of inflation. The issue should not be hidden from them. All that needs to be done is to tell them the truth.

The reason Mr. Freeman got in trouble was not that housewives found out something they should not know but that it was an attempt on the part of high administration officials to tell housewives something that was not so, blaming the cause of inflation on the farmers.

Mr. President, time will tell, that both farmers and housewives are quite intelligent—in fact, very much so. If I were going to pick out two groups of alert citizens who know what is going on in the country, it would be the housewives who manage the bulk of the wealth of the country and do the greater share of the buying. They know what is going on. Right alongside that group, I would pick a group of farmers, who are private enterprisers, who have spent their lives meeting costs, taking risks, taking a chance on what the weather will do to their crops, taking a chance on the market. And now there is another hazard: the hazard of government.

When prices start to rise, instead of farmers being able to take advantage of it as compensation for the days when they had no crop at all, or when prices were down so low, the Secretary of Agriculture now moves in and directs the Secretary of Defense to cut down the purchase of pork by one-half, and specifically says that the Armed Forces should serve bacon not five times a week to our troops but two or three times. In that same letter, which is addressed, "Dear Bob," and signed "Orville," from the Secretary of Agriculture to the Secretary of Defense, he suggests that all beef and pork for troops located in Europe be purchased in Europe.

Mr. President, it is important that this account of Mr. Freeman's political tour be placed in the Record. I do not think it is necessary that I answer it. It will be answered by the people, I am sure. They are not so easily fooled as sometimes it is assumed.

THE INCOME TAX TREATMENT OF EXPLORATION EXPENDITURES IN THE CASE OF MINING

Mr. ERVIN. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar No. 1342, H.R. 4665.

The PRESIDING OFFICER. The bill will be stated by title.

The Legislative Clerk. A bill (H.R. 4665) relating to the income tax treatment of exploration expenditures in the case of mining.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

There being no objection, the Senate proceeded to consider the bill, which had been reported from the Committee on Finance with amendments on page 2, in the heading in line 1, after "Sec. 617", to insert "Additional"; and in line 2, after the word "Of", to insert "Domestic"; on page 7, in line 18, after "(2)", to strike out "(3), and (6)", and insert "and (3)"; on page 9, in line 22, after "631", to strike out "(c)."" and insert "(c)"; after line 22, to insert:

(g) Special Rules Relating to Partnership Property.—

(1) Property distributed to partner.—In the case of any property or mine received by the taxpayer in a distribution with respect to part or all of his interest in a partnership, the adjusted exploration expenditures with respect to such property or mine include the adjusted exploration expenditures (not otherwise included under subsection (f) (1)) with respect to such property or mine immediately prior to such distribution, but the adjusted exploration expenditures with respect to any such property or mine shall be reduced by the amount of gain to which section 751(b) applied realized by the partnership (as constituted after the distribution) on the distribution of such property or mine.

(2) Property retained by partnership.—In the case of any property or mine held by a partnership after a distribution to a partner to which section 751(b) applied, the adjusted exploration expenditures with respect to such property or mine shall, under regulations prescribed by the Secretary or his delegate, be reduced by the amount of gain to which section 751(b) applied realized by such partner with respect to such distribution on account of such property or mine.

(h) Cross Reference.—

For application of subsections (b)–(g) of this section to certain expenditures deducted or treated as deferred expenses under section 615, see section 615(e).

On page 12, in the material after line 3, after "Sec. 617," to strike out "Exploration", and insert "Additional exploration"; and after the word "of", to insert "domestic"; and, at the beginning of line 4, to strike out:

Sec. 2. (a) Section 615 of such Code (relating to exploration expenditures) is amended—

(1) By striking out the heading and inserting in lieu thereof the following:

"Sec. 615. Exploration Expenditures in the Case of Coal."

(2) By striking out "deposit of ore or other mineral" in the first sentence of subsection (a) and inserting in lieu thereof "deposit of coal".

(3) By striking out the last sentence of subsection (a).

(b) The table of sections for part I of subchapter I of chapter 1 of such Code is amended by striking out the item relating to section 615 and inserting in lieu thereof the following:

"Sec. 615. Exploration Expenditures in the Case of Coal."

And, in lieu thereof, to insert:

Sec. 2. Section 615 of the Internal Revenue Code of 1954 (relating to exploration expenditures) is amended—

(1) by striking out "In" in the first sentence of subsection (a) and inserting in lieu thereof "At the election of the taxpayer, made in such manner and at such time as the Secretary or his delegate may prescribe by regulations, in"; and

(2) by adding at the end of such section the following new subsection:

"(e) Correlation With Section 617.—

"(1) Ineligibility to make election under this section.—If the taxpayer makes an election under section 617(a), no election may be made by the taxpayer under subsection (a) for the taxable year for which the election under section 617(a) is made or for any subsequent taxable year, and any election previously made by the taxpayer under subsection (a) for any such taxable year shall have no effect. If any individual or corporation who transfers (within the meaning of subsection (c) (3)) any mineral property to the taxpayer makes or has made an election under section 617(a) which applies to any period prior to such transfer, no election may be made by the taxpayer under subsection (a) for the taxable year in which such transfer is made or for any subsequent taxable year, and any election previously made by the taxpayer under subsection (a) for any such taxable year shall have no effect.

"(2) Application of recapture provisions of section 617.—In the case of a taxpayer who has made an election under subsection (a) and who makes an election under section 617(a), the provisions of subsections (a) (2) (C), (b), (c), (d), (e), (f), and (g) of section 617 shall under regulations prescribed by the Secretary or his delegate, apply to all expenditures paid or incurred by the taxpayer after the date of the enactment of this subsection which have been deducted under subsection (a) or treated as deferred expenses under subsection (b). For purposes of the preceding sentence, there shall be taken into account expenditures paid or incurred by any individual or corporation who has transferred any mineral property to the taxpayer (determined by applying the rules of subsection (c) (3)), but only with respect to mineral property so transferred.

"(3) Deficiencies.—

"(A) The statutory period for the assessment of any deficiency for any taxable year, to the extent such deficiency is attributable to the application of paragraph (1) by reason of a transfer of mineral property, shall not expire before the last day of the 2-year period beginning on the day after the date on which the election under section 617(a) is made by the transferor; and such deficiency may be assessed at any time before the expiration of such 2-year period, notwithstanding any other law or rule of law which would otherwise prevent such assessment.

"(B) For statutory period for assessment of deficiencies attributable to elections by taxpayers under section 617(a), see section 617(a) (2) (C).

"(4) Regulations.—The Secretary or his delegate shall prescribe such regulations as may be necessary to carry out the provisions of this subsection, including regulations for the application of this section in cases in which an election under section 617(a) has been revoked."

Mr. LONG of Louisiana. Mr. President, the Senator from Utah [Mr. Bennett] has made a thorough study of this bill and I should like to ask that the Chair recognize him at this time to explain the bill.

The PRESIDING OFFICER (Mr. Hartke in the chair). The Senator from Utah is recognized.

MINING NEEDS A BOOST—EXPLORATION EXPENDITURE DEDUCTION LEGISLATION WOULD PROVIDE IT

Mr. BENNETT. Mr. President, as a Senator from a key mining State, and as a member of the Senate Finance Committee serving under the chairmanship of the Senator from Louisiana, I rise to support H.R. 4665, a bill which has been reported favorably by the committee, which would provide income tax deductions for exploration expenditures made by mining companies.

The purpose of this bill is to provide the deductions without limitation for exploration expenditures for minerals paid before the beginning of the development stage of the mine.

Under present law, such deductions are allowed up to a maximum of $100,000 a year, with an overall maximum of $400,000 for each taxpayer. This arbitrary restriction on deduction, of exploration expenses, essential to development of a mining property, results in an unwarranted inhibition on investment in mining. The bill would remove the present restriction in the Internal Revenue Code.

I feel, as does the mining industry, that the proposed legislation would give new impetus and encouragement to our long-neglected American miners, not only because companies lose the tax advantage of the immediate writeoff of their exploration costs, but also, in the case of exploration expenditures which prove unsuccessful, they are likely to have to forego the recovery of the costs for an almost indefinite period.

Since the bill before us today provides for the recapture of exploration expenditures—in the event of a profitable operation—not only those added by the bill, but also those provided by present law—it is not expected that in the long run there will be any appreciable long-run revenue reduction under the legislation.

Mr. President, it is my feeling that the mining industry in the West and throughout the country has a special entitlement to the kind of assistance it would receive as a result of liberalizing the tax laws. This industry, for too long, has been the stepchild of the Federal Government, with one control after another standing in the way of its progress.

With all the encouragement the Federal Government has been giving for development of competing mines abroad, relief programs of subsidy, technical assistance, and tax relief have been granted for agriculture, transportation, and other industry enterprises, but in the case of mining, very little help has ever been made available. This bill is a modest step toward obtaining long needed assistance for minerals on a scale commensurate with that provided other industries.

Technically, the bill adds a new provision to the Internal Revenue Code's section 617 which permits a taxpayer to elect to deduct mining exploration expenditures in the taxable year in which they are paid or incurred, without regard to the present $100,000 and $400,000 limitations. It also provides for the recapture of deductions when a mine reaches the producing stage. When this occurs, the taxpayer may either elect to include in income for that year the deductions chargeable to the mine, or forego depletion from the property which includes or comprises the mine until the deductions foregone equal the amounts previously deducted.

Mr. President, since this legislation will not mean a substantial revenue loss in these times of heavy deficits and financial burdens due to the Great Society's programs and the Vietnam war, I cannot see why there should be any opposition to the proposal, and I urge the Senate to act quickly and pass the bill.

Mr. SIMPSON. Mr. President, I wish to commend the Senator from Utah on the statement he has just made with regard to mining which, of course, is an industry in my State, too, and is adjacent to the State of my colleague from Utah.

The inhibitions against the mining industry over the years have been very hurtful.

With the pending bill enacted into law, we can hope for a greater and more prosperous mining industry in the States, especially in the raw materials provided by the State of Wyoming, where only recently taconite has been discovered and where, of course, uranium has been one of Wyoming's older mining ventures. Together with our coal supplies and the like, there is a necessity for a change in the law which will enable us to widen the scope of the mining industry.

I wish to associate myself with the remarks of the Senator from Utah.

Mr. BENNETT. I thank my friend from Wyoming.

Before I close, I might point out that the Secretary of the Interior has had a program for a number of years under which the Department will pay 50 percent of the cost of exploration. Exploration is so important, in his mind, that he is willing to go that far. I think this approach, which allows deduction of exploration expenses, subject to recapture if the mine is profitable, will provide an even greater boost than the Secretary's 50–50 proposition.

Mr. LONG of Louisiana. Mr. President, I ask unanimous consent that the committee amendments be adopted en bloc and that the bill as thus amended be considered as original text for the purpose of amendment.

The **PRESIDING OFFICER.** Without objection, it is so ordered.

Mr. MORTON. Mr. President, I call up my amendment No. 715, which I offer for myself, the Senator from Indiana [Mr. HARTKE], and the Senator from West Virginia [Mr. RANDOLPH].

The **PRESIDING OFFICER.** The amendment will be stated.

The legislative clerk read the amendment, No. 715, as follows:

On page 2, line 25, and page 3, line 1, strike out "oil, gas, or coal" and insert "oil or gas".

On page 9, line 16, after "Disposal of" insert "coal or".

On page 9, line 18, after "disposal of" insert "coal or".

Mr. LONG of Louisiana. Mr. President, I know of no objection to the amendment. Had the Senator from Kentucky offered this amendment in committee it would have been agreed to. At that particular time there was doubt as to whether the coal industry wanted to receive the same treatment being given other industries. The gas and oil industries come under quite different provisions and are not covered by this bill.

There is no objection to the amendment, so far as I know. I am prepared to accept it.

Mr. MORTON. The coal industry was divided originally on the bill, as between tonnage and the number of mine operators. Then came the Smathers amendment. There was a question as to whether the coal industry was for the pending legislation. Then the coal industry became united. At the time the Smathers amendment was adopted, I, representing a coal State, was not aware of the feeling of the coal industry, or I would have offered the amendment at that time.

I thank the chairman [Mr. LONG of Louisiana] and the Senator from Montana [Mr. METCALF], who is a member of the Finance Committee, for their help. I know I speak for the Senator from Indiana [Mr. HARTKE] and the Senator from West Virginia [Mr. RANDOLPH] who come from great coal States.

I trust the amendment will be adopted.

The **PRESIDING OFFICER.** The question is on agreeing to the amendment (No. 715) offered by the Senator from Kentucky [Mr. MORTON], for himself and other Senators.

The amendment was agreed to.

Mr. LONG of Louisiana. Mr. President, I think the RECORD should show that the distinguished Senator from Indiana [Mr. HARTKE] was the Presiding Officer at the time the amendment was agreed to.

Mr. GRUENING. Mr. President, this is an important piece of legislation to help a somewhat depressed segment of our industry, the mining industry.

I am particularly impressed by and agree with the statement of the senior Senator from Utah [Mr. BENNETT] that this bill will not, in the long run, cause a diminution of revenues to our Treasury. On the contrary this legislation will stimulate production, which will give us new mines, cause new explorations, and make mines an increasingly viable part of our economy.

This is a long overdue piece of legislation for an industry which has not received the favors that other industries have.

Our neighbor, Canada, has done far more in the way of incentives for its mining industry. I had occasion to visit Canada recently with top officials of Government in the field of mining, the Assistant Secretary of the Interior, Mr. Cordell Moore, Jr., Walter Hibbaw, the Director of the Bureau of Mines, and Dr. William T. Pecora, the new Director of the Geological Survey. We went into the Yukon territory to see if we could secure some of the wisdom that has been demonstrated by the far greater activity of Canada in the mining industry.

I shall not take time now but shall a little later go into details of what we learned.

H.R. 4665 represents a small part of what Canada has done to stimulate mining. As a result of much greater Canadian activity mining in Canada is far ahead of what it is in this country.

This legislation is a first step in the right direction. I hope it will be adopted. And let me know elaborate in what we have learned from our Canadian neighbors.

Mr. METCALF. Mr. President, under present law, mining exploration expenditures—that is, expenditures to determine the existence, location, extent, or quality of any mineral—paid before the development of the mine are deductible in computing taxable income to the extent they do not exceed either of the two dollar limitations. These deductible expenditures in any one year may not exceed $100,000, and the total amount of these deductions over all time for any one taxpayer may not exceed $400,000. Exploration expenditures in excess of these limitations are capitalized; that is, they are included as part of the cost of the property. If the property becomes nonproductive, these capitalized expenditures can be recovered in the form of a loss upon the sale of the property or its abandonment where it has become worthless.

For many taxpayers who have already reached the $400,000 limitation, the incentive to continue mining exploration has been substantially reduced. They lose the tax advantage of the immediate writeoff and at the same time may have to forgo the recovery of these expenditures for an almost indefinite period of time. They must forgo the recovery for this extended period of time whenever it is undesirable to sell or abandon the mineral properties because of the possibility that future exploration or new mining techniques may make the mining of lower grade deposits profitable. As a result, mining companies are forced either to dispose of the property without regard to these economic considerations or postpone the writing off of these costs almost indefinitely.

The Committee on Finance believes that these restrictions on mining exploration expenditures are undesirable. For that reason, it has accepted the provision of the House bill which removed the $100,000 and $400,000 limitations; therefore, under the law, as the bill would amend it, it would be possible to deduct mining explorations currently without regard to these limitations.

There is, however, clearly an added tax advantage over present law in being able to write off exploration expenditures currently. Not only is there the advantage of the unlimited current write-off itself, but also the gains on the sale of the mining property under present law are generally treated as capital gains, while under the bill the deductions taken currently are ordinary income.

As a result, the Finance Committee has gone along with the House bill in providing what is called the "recapture" of exploration expenditures which have been deducted. This recapture occurs in the form of a reduction of percentage depletion deductions when the property becomes productive or by treating part of what would otherwise be capital gain as ordinary income when the property is sold or otherwise disposed of.

So far, what I have described is the bill as we received it from the House. The Finance Committee amendments have essentially retained all of the House provisions but provided an election for taxpayers which permits them to avoid the recapture rules I have explained to the Senate if they are willing to limit their exploration expenditure deductions in accordance with the limitations of present law—that is, limit their current deductions to $100,000 a year and $400,000 in the aggregate.

The committee has retained this provision as an election to the House provision so that full advantages of present law will continue to be available to new and small businesses. In addition, the Finance Committee amendments retain the right to deduct amounts for exploration expenditures outside of the United States up to $100,000 a year and $400,000 in the aggregate. The continuation of the present limited deductions for U.S. taxpayers conducting mining activity overseas is consistent with this Nation's policy as evidenced in its trade and tax laws of encouraging the extraction of minerals from without the United States in order to assist processing and manufacturing industry within the United States.

With these changes made by the committee, taxpayers will find preserved for them all of the advantages of present law; however, should they desire to deduct currently exploration expenditures in excess of $100,000 a year or $400,000 in the aggregate, they may do so but with the proviso that all of these exploration expenditures—both those above and those below the $100,000 and $400,000 limits—will be recaptured.

It is estimated that for a short transitional period there will be a revenue loss under this bill of about $3 million a year. However, because of abandonment losses which would otherwise occur and because the bill provides for the recapture of exploration expenditures wherever the deductions exceed the $100,000 or $400,000 limitations, there will not be any longrun revenue reduction under the bill.

It has been said that the recapture provisions in the bill are desirable in order to prevent a double recovery. However, I do not believe that this is an appropriate description in this case. While there is a direct writeoff of the exploration expenditures themselves, the percentage depletion deduction allowed is wholly separate and apart from this. Under present law, to the extent exploration expenditures are taken currently, this presently results in a lesser basis for the mining property than would otherwise be the case; and as a result, any depletion allowance taken which is based on cost is lower as a result of the exploration expenditures being taken currently. Therefore, in this case, it clearly is impossible to say that there is any double recovery. Where percentage depletion instead of cost depletion is used, the recovery allowed is based upon the income from the property rather than upon the original cost of the property; therefore, in this case, it would not be appropriate to take in account adjustments to the cost or basis of the property.

While I do not consider that there is a double recovery under existing law, I do not object to the recapture feature applying to the extent we permit taxpayers to write off more than they are allowed under present law. It is clearly more generous to permit the current writeoff of these additional exploration expenditures and also, as I indicated before, upon the sale of the property, it is capital gains which are realized rather than the ordinary income which is being deducted in this case. As a result, the recapture appears entirely appropriate, since we are expanding the area in which mining exploration expenditures may be deducted under present law.

Mr. President, in conclusion, it has been said that this legislation is important to the West, and of course it is; but it is national legislation, too. The legislation will provide an incentive for further exploration and further discovery of hard metals, except for gold. We know what the problem is with gold production. If it were not for the erroneous policies of the administration, we could produce gold.

However, we do not know where many metals in short supply are to be found, and we should urge the mining industry to improve its exploration methods. This legislation provides a tax incentive for mining explorations.

When I say it is a national bill, I mean it is a bill that will help to provide needed metals required by the national economy. It will encourage exploration for copper, for example, which is in very short supply. It will be an incentive for industry to explore for scarce metals which are needed in our electronic and other industries.

Because the Smathers amendment was adopted, the bill will continue the present favorable treatment of the small companies while at the same time the larger companies will be benefited by the removal of the limitations even though they will as a result be subject to the recapture provisions.

As the Senator from Alaska [Mr. GRUENING] has said, this bill, except for a very short period of time, will not take money from the Treasury. It will, in the final result, bring income to the Treasury and also increase national revenues by providing jobs and by producing additional metals. The additional metals should ease the pressure on the prices of some metals that are in such short supply.

I urge the passage of the bill.

Mr. CHURCH. Mr. President, first of all, I wish to commend the distinguished Senator from Montana for the statement he has just made in behalf of the pending bill, and the Senator from Alaska [Mr. GRUENING], who was the original sponsor of the measure, and who has worked so hard for its passage. I am happy to have been one of those Senators who joined as a cosponsor at the time that the legislation was first introduced. I have been very much interested in its course through Congress.

Mr. President, this morning's Wall Street Journal reports the uncovering of a large new vein of silver by the Bunker Hill Co. in Idaho. Assayed at approximately 100 ounces per ton, the discovery of this survey should certainly be considered good news for a country still suffering from a serious drain on accumulated silver reserves.

The news is also pertinent to the bill before the Senate today, H.R. 4665, because this bill could lead to more discoveries of this nature. Exploring for silver is tremendously expensive—more so than almost any other major mineral except lead and zinc which are often found in much the same way, in the same areas. H.R. 4665 is designed to encourage exploration by providing immediate deduction for tax purposes of the cost of exploration. Under present law the cost of exploration can only be written off when a mine is abandoned. Mr. President, this lag in receiving tax treatment of exploration expenses—which is often 5 to 10 years—is a serious impediment to mineral exploration. The House recognized this fact in passing H.R. 4665 and the Senate Finance Committee has done likewise, adding an amendment which supporters of this legislation, like myself, find acceptable. I hope the Senate will accept the recommendations of the Finance Committee.

One problem I have already mentioned, the short supply of silver, will be brought closer to solution by this bill. But there are others. Most of the mining industry should find this bill of benefit. Few industries bend more in the winds of market and industrial demands than does the mining industry. Few industries face the constant element of risk and disappointment that are the handmaidens of mining, exploration and development. Because of these economic vagaries, and because of the large sums of capital that must be expended in unprofitable searches for new ore sources, mining exploration has declined to dangerous lows in recent years.

Present Federal tax laws limit deductions for exploration at $100,000 per year and set at $400,000 lifetime deduction. In an age of increasing material and labor costs, such limitations are unrealistic.

The legislation now pending is designed to cure these defects in existing tax laws. I think the bill will be very helpful to the mining industry; and, because it will encourage further exploration for new metals, it will be most beneficial to the country as well.

Mr. President, I ask unanimous consent that the article published in today's Wall Street Journal to which I have referred entitled "Bunker Hill Company Says It Found 'Good Silver Ore' at Deeper Level in Idaho," be printed in the Record at this point.

There being no objection, the article was ordered to be printed in the Record, as follows:

[From the Wall Street Journal, July 29, 1966]

Bunker Hill Co. Says It Found "Good Silver Ore" at Deeper Level in Idaho

Kellogg, Idaho.—Bunker Hill Co. said further drilling work on the silver vein found at its Crescent mine in Wallace, Idaho, late last year showed "good silver ore" at a new level.

The company said it has exposed more than 425 feet of the vein at a depth of 3,500 feet and found an average minable width of 4¾ feet of ore averaging more than 40 ounces of silver per ton. Sections of the vein currently being studied "have averaged about 100 ounces of silver per ton," the company said. It didn't estimate the amount of possible ore reserves.

The vein was originally explored at the 3,300-foot level last year and showed "good" silver ore, but Bunker Hill officials said then that its extent at the lower level wasn't known. The drilling at 3,300 feet exposed 500 feet of the vein with an average minable width of five to six feet, but details of the silver content weren't disclosed.

The company said it will continue drilling work on a two-work-turn-a-day basis to determine the full extent of the vein.

Mining engineers say they consider 40 ounces of silver per ton of ore to be "a very good grade," but they note that the ultimate value of any deposit depends on many factors.

Mr. DOMINICK. Mr. President, I am delighted to have this opportunity to lend my support to H.R. 4665. Those of us who have been working over the years for new mining legislation are well aware that this bill is not a panacea for all of the problems facing the mining industry However, I do feel that this bill is an encouraging and constructive step forward. If enacted, this bill will give some long overdue assistance to the mining industry which is so vital to the economy of our country. This industry has been declining over the years, due in part to the fact that it has received absolutely no assistance or encouragement from the Government. This industry is the backbone of our economy and needs and deserves more assistance. It is imperative that we develop more creative and imaginative legislation to assist in the revitalization of this crucial segment of our economy. Revitalization of this industry is in part dependent on increased exploration and to that extent this bill will be most beneficial. It deserves the full support of the Senate.

Mr. RANDOLPH. Mr. President, I was privileged to join the Senators from Kentucky [Mr. Morton] and Indiana [Mr. Hartke], members of the Finance Committee, in sponsoring amendments to H.R. 4665, Calendar No. 1342, relating to the income tax treatment of exploration expenditures in relationship to mining. Without these amendments, the coal mining industry would be discriminated against in the sense that it would not be accorded the same option being extended to all other taxpayers in the mining industries.

The purpose of the amendment and its effect were lucidly explained by the able Senator from Kentucky [Mr. Morton] when they were offered in this body and ordered to be printed on July 28.

I urge the acceptance of the amendments and passage of the bill.

The PRESIDING OFFICER. The bill is open to further amendment. If there be no further amendment to be proposed, the question is on the engrossment of the amendments and third reading of the bill.

The amendments were ordered to be engrossed, and the bill to be read a third time.

The bill (H.R. 4665) was read the third time, and passed.

Mr. METCALF. Mr. President, I move to reconsider the vote by which the bill was passed.

Mr. GRUENING. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

CANADA'S ENLIGHTENED ATTITUDE TOWARD ITS MINING INDUSTRY: AN EXAMPLE THE UNITED STATES SHOULD FOLLOW—WE HAVE NOW MADE A START WITH THE PASSAGE OF H.R. 4665

Mr. GRUENING. Mr. President, our neighbor, Canada, has much to teach us in the field of mining, and I am hopeful that our country will profit by its example. In our northern neighbor mining is flourishing. In the United States, it is in the doldrums. This is particularly apparent in my own State of Alaska, with its vast mining potential so sadly underdeveloped. This is in addition to our shortsighted policy on gold mining by which the United States is the only country in the world with gold resources which is making their mining extinct.

Recently, in the first report made by Joseph Fitzgerald, chairman of the Federal Field Committee for Development Planning in Alaska, appeared a most revealing map. It showed Alaska, the adjacent Yukon territory across the border in Canada, and that portion of British Columbia lying due east of the Alaska Panhandle—roughly one-third of British Columbia. On this map were marked with crosses the major mining projects now in operation. In Alaska's vast area, there were seven. In Yukon territory, in a much smaller area, there were 19. And in the northern third of British Columbia, there were 30. In other words, in an area much small than Alaska but adjacent to it and with similar geologic structures, were 49 active mining projects, in contrast with Alaska's 7. The ratio is 7 to 1 in favor of the Canadians. There are reasons for this disparity. They stem from different governmental policies.

It was my privilege to spend a week in Alaska recently with the three top U.S. Federal Government officials responsible for our mining activities. It happaned that all three of them had only recently been appointed to their high offices. They were: J. Cordell Moore, Assistant Secretary of the Interior for Mineral Resources; Dr. Walter Hibbard, Director of the Bureau of Mines of the Interior Department; and Dr. William T. Pecora, Director of the Office of Geological Survey of the Interior Department. Of these three, both Secretary Moore and Dr. Hibbard were visiting Alaska for the first time. We were also accompanied by Dr. Harold T. James, the chief geologist of the Geological Survey Office, who likewise had never before been to Alaska, and Mr. George Gryc, Alaska's specialist in the Geological Survey. With us traveled the leading Alaska officials in the field of mines: Phil Holdworth, the Commissioner of Natural Resources, Charles F. Herbert, the Deputy Commissioner, and James Williams, Alaska's Director of the Division of Mines in the Department of Natural Resources.

We looked over, as nearly as possible, all the mining projects in Alaska and then spent a most illuminating day at Whitehorse, the capital of Yukon Territory. We had notified its authorities and the leaders in the mining field in Yukon Territory and British Columbia of our desire to meet with them and learn what we could of their approaches to the development of mining, with the conviction that we had much to learn from them. We were received most hospitably at a meeting at which the Canadian approaches to mining were fully discussed. Not fewer than 40 executives in the field of mining and Canadian as well as British Columbian officials charged with the development of mining were present and generously gave their time and ideas to us.

We found out that among the things the Canadians do which we in the United States do not do are: First, to have the Government pay two-thirds of the infrastructure, that is to say, the construction of the transportation arteries to and from the mining project—railway, highways, airports, as well as power development; second, to relieve a new project of all taxes during the first 3 years of its production; and third, to subsidize prospectors.

The results of this enlightened policy are manifest.

Much of this is admirably discussed in a current article from U.S. News & World Report entitled "The Big Rush Is On To Tap Canada's Wealth." It also gives, in an appended box, some more of the tax incentives which are offered in Canada.

I recommend this article to the attention of my colleagues in both the Senate and House, as well as to the executive branches of the Government, particularly the Interior Department, the Treasury Department, and the Commerce Department, which all should have a concern, hitherto not adequately exhibited, for helping our mining industry develop.

I ask unanimous consent that this article from the July 25, 1966, issue of U.S. News & World Report be printed at this point in my remarks.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From U.S. News & World Report, July 25, 1966]

THE BIG RUSH IS ON TO TAP CANADA'S WEALTH

(The natural riches of Canada are going to play an increasingly important role in the world, and especially in the U.S.

(Oil, uranium for atomic power, and fresh water are only three of many basic resources Canada has in abundance.

(All are sought in growing amounts by U.S. and others. Upshot: an expanding race to gather Canada's treasures.)

OTTAWA.—Now, more than ever before, the eyes of the world are turning to Canada as a treasury of resources for the future.

This country of less than 20 million people already is producing from its mineral, forest and water resources at a rate of 7 billion dollars a year.

The rate is climbing rapidly, and all the while the search for more riches goes on. This search has barely scratched the surface of the land.

In the United States, at the same time, warnings are heard that American mineral resources are being played out.

As time goes by, economists and industrial planners say, the U.S. will have to depend increasingly on Canadian resources to keep its industrial machine going.

All this has caused Canada to take a searching new look at its great store of raw materials. Canadians are asking themselves this question:

"Who is going to develop and own Canada—Canadians or foreigners?"

Debate over the question is producing sharp political splits between "nationalists" and those who welcome foreign investments. All over the country, businessmen, provincial leaders and economists are at odds over the best way to go about unlocking the Canadian treasure house.

Here is the story of Canada's natural wealth—what it is, where it is, and how much of it there is for export in the years ahead.

Minerals: Canada's diversified mineral industry is pacing the world in growth rate. Output has tripled in value since 1950 and is expected to approach the 4-billion-dollar mark this year as Canada—

Leads the world in nickel, zinc and asbestos production.

Ranks second after the U.S. in total output of uranium and of molybdenum, a vital additive in steel manufacturing.

Keeps its place as the world's third biggest producer of aluminum.

Stands fourth in output of lead, fifth in copper and iron ore, and sixth in production of potash. Canada ranks ninth in output of oil and gas.

The future, to Canadian geologists and mining men, is even more exciting than the feverish present. The potential of Canada's mineral wealth is awesome. The rush to measure it and bring it out of the ground is turning the country into the world's biggest mining camp.

Ores: Two big iron-ore bodies, far to the north, are getting attention.

One is on Baffin Island, almost 300 miles beyond the Arctic Circle. There, Baffinland Iron Mines has mapped more than 127 million tons of high-grade ore that can be shipped directly to mills without upgrading.

In the Yukon, Crest Exploration, Ltd., a subsidiary of Standard Oil of California, has located an estimated 11 billion tons of medium-grade ore. The deposits are near the Snake River, close to the boundary between the Yukon and the Northwest Territories. A rail line nearly 600 miles long would be needed to haul the ore to tidewater at Skagway, Alaska, but an existing narrow gauge road, the White Pass & Yukon, might serve as the final leg, from Whitehorse, Yukon Territory, to Skagway.

The search for nickel, too, is moving northward. A belt of mineralized rock cutting across the Ungava Peninsula in northern Quebec is believed to hold rich nickel deposits. Canada now produces 80 per cent of the world's nickel, mostly from mines in Ontario and Manitoba.

Metals locked together: Canada's booming base-metals industry feeds chiefly from ore bodies that produce more than one metal.

The big nickel deposits in Ontario and Manitoba also are major producers of copper concentrates. Zinc, lead and copper—often with silver included—are found linked in various combinations in the mineralized rock that is found throughout Canada.

Spurred by a worldwide shortage and high prices, the search for copper deposits now is centering in the mountains of British Columbia and the Yukon.

Several copper mines in Western Canada already in production are being expanded, and a number of new bodies of ore are being developed to meet Japanese requirements. Production from a deposit found on an island in remote Babine Lake in northern British Columbia is to start this year at a 5,000-ton-a-day rate.

Potash success story: Within the last four years, Canada has emerged as a major producer of potash—an ingredient in much of the world's fertilizer.

Thick beds of potash were found far underground in Saskatchewan by oil drillers. During 1965, three companies were in production, two others were sinking shafts or wells, and three more had announced major potash projects.

Production in 1965 totaled 1.3 million tons of refined potash, either by mining or by a process using wells to pump dissolved potash to the surface.

By 1970, it is estimated, 750 million dollars will have been invested in developing Saskatchewan's potash beds, and Canada will be producing 7 million tons of potash, enough to make it the world's largest supplier. Recoverable potash in vast Saskatchewan beds has been estimated at 60 billion short tons, about half the world's known supply.

Asbestos is another giant Canadian industry. Asbestos Corporation, Ltd., a major producer with large mines in Quebec, is spending 50 million to develop a large deposit at Asbestos Hill, 1,100 miles north of Montreal.

The mine is expected to be turning out 100,000 tons of asbestos fiber a year in 1970. It will be shipped to plants in Canada, Britain and the U.S. from Deception Bay, on Hudson Strait, during the short ice-free season there.

Uranium marks time: Canada has the biggest known reserves of uranium—an estimated 200,000 tons producible at $5 to $10 a pound. Even under current conditions of relative depression in the uranium market, Canadian production is second only to that in the U.S.

Most mines in the major producing areas—Beaverlodge, Sask.; Elliot Lake and Bancroft, Ont.—are shut down or operating only part time.

Rising world demand, however, is expected to revive the uranium-mining industry in the 1970s. Stockpiling by the Canadian Government is helping to keep the mines functioning.

Forests: Canada leads the world in newsprint production, ranks second in the production of wood pulp for other paper products and fourth in output of lumber and plywood.

Exports of Canadian forest products total nearly 2 billion dollars. New mills are being built all across Canada to meet the growing demand for newsprint and other paper goods.

Currently, Canadian timber workers cut an estimated 3 billion feet of wood annually. Experts say the forests of the country could sustain an annual yield of 12 billion cubic feet under intensive management.

Oil and gas: Vast quantities of oil and natural gas in Canada's sedimentary rock provide one of the best guarantees of future prosperity.

"As far down the road as we can see," says a geologist-executive of the oil industry, "Canada will have oil for world markets."

Present known reserves are set at 7.7 billion barrels of oil, enough for 23 years of production at the present rate, and 44.4 trillion cubic feet of gas, a 35-year supply. These are the proven reserves of fields that have been in production for some time.

There are new discoveries in northern Alberta and northeastern British Columbia that soon will send the official estimates of reserves soaring.

It is believed that more than a million cubic miles of sedimentary rock, of the type that bears oil and gas, lies under Canada's northern regions.

On the basis of the North American average of production per cubic mile, the oil potential of **the Yukon Territory is set at 3 billion barrels of the Northwest Territories at 13 billion barrels and of the Canadian Arctic islands at 33 billion barrels.**

Oil from sand: Oil-impregnated sands lie close to the surface under several hundred square miles of wilderness along the Athabaska River in northern Alberta. This "tar sand" can be mined by strip-mining processes.

Production is to begin next year on a limited basis. Great Canadian Oil Sands Ltd., a subsidiary of Sun Oil Company, is rushing a 230-million-dollar plant and pipeline system into completion.

Early next year, the firm will start pumping 45,000 barrels of oil a day through its 266-mile pipeline.

Water: Canada now produces 22 million kilowatts of hydroelectric power. All of it, plus 7 million kilowatts produced by thermal-electric plants, is used by Canada's own booming industrial machine.

Giant new projects are under way in Quebec, British Columbia and Manitoba. All told, U.S. power authorities believe, 7 million kilowatts of new hydroelectric power will be available for export to the U.S. within the next decade.

Electric power in Canada is now a billion-dollar business. But much of the value of the country's hydroelectric resources shows up in the form of exports. Canada's position as the third-biggest producer of aluminum, for instance, is due to its plentiful supply of hydroelectric power.

Canadians are beginning to view their almost limitless flows of fresh water as a valuable source of export dollars.

Arthur Laing, Minister of Northern Affairs, sees water "as one of the prime resources of the Yukon—one which I predict in the future will be of equal, if not greater, importance than the mining industry."

Two plans are being pushed in the U.S. to make use of the waters of the Yukon River—the Rampart Dam proposal in north-central Alaska and the North American Water Alliance proposal.

The latter is a plan advanced by private engineering interest with support from some western members of Congress. **It would divert Alaskan and Yukon water southward through a network of waterways reaching into Mexico and across the plains to the Great Lakes.**

The U.S. stake: In the race now going on to develop the resources of Canada, the biggest spenders are American firms or their Canadian subsidiaries.

Foreign corporations, mostly from the U.S., already own or control more than half of Canada's industry. American-owned firms dominate the oil and gas fields and their pipelines. Nearly 60 per cent of Canada's mineral production belongs to outsiders.

One Canadian leader who welcomes even more American investment is Premier W. Ross Thatcher of Saskatchewan, who has this to say:

"In the last several years, American capital has been responsible for a dramatic transformation of Saskatchewan from an impoverished 'have not' province to its present position as one of the most prosperous. . . ."

U.S. companies are spending heavily in the search for oil and gas, in developing Saskatchewan's rich potash beds, and in creating a pulp and paper industry in the Province.

"Had our doors been even partially closed to America's capital," Mr. Thatcher says, "we would still be one of Canada's backward Provinces. The Government of Saskatchewan, in the months ahead, intends to take every practical or feasible step to attract additional American investment."

National policy toward foreign investment in Canadian resources, and ownership of those resources, may change in the future.

But meanwhile in Canada, with the help of U.S. dollars, the biggest development boom of modern times is under way.

[From U.S. News & World Report, July 25, 1966]

A Helping Hand—Tax Incentives

Here are the ways Canada encourages mineral development:

1. A full write-off of exploration, drilling and excavation costs in connection with the search for minerals.
2. Any company with income from mineral production can write off its off-property exploration costs against its mineral income. New syndicates for mineral exploration can write off cost against future mineral income, with unlimited carry-forward privileges.
3. Income from production of new mines is exempt from income tax for three years.
4. Depletion allowance of 33⅓ per cent for most types of oil, gas, prime-metal and industrial-minerals operations on net income.
5. Depletion allowance of 25 per cent on income received by nonoperators from gross royalties or rentals based on production.
6. Shareholders can deduct 20 per cent of their dividend income from companies that get at least 75 per cent of their earnings from mineral production.
7. Full deduction from producers' federal income tax of any provincial taxes against production.
8. Special 40 per cent, or $4 per ounce—whichever is greater—depletion allowance for gold mines.
9. Ten-cents-per-ton subsidy for coal production.

Mr. GRUENING. Mr. President, and now let me add that the passage by the Senate today of H.R. 4665 introduced by our able House colleague, Representative Al Ullman, of Oregon, a companion bill to S. 338 which I introduced is an important and gratifying first step in the direction of encouraging mining as Canada has done.

My bill was favored by a number of dishinguished cosponsors who were my colleagues Senators Bob Bartlett of Alaska, Allott of Colorado, Bennett of Utah, Bible of Nevada, Cannon of Nevada, Church of Idaho, Dominick of Colorado, Hart of Michigan, Jackson of Washington, Jordan of Idaho, Long of Missouri, McGovern of South Dakota, Metcalf of Montana, Montoya of New Mexico, Moss of Utah, Mundt of South Dakota, Randolph of West Virginia, and Simpson of Wyoming. The strong support of these able colleagues has been invaluable in achieving the result today of enactment of this important legislation to aid the American mining industry.

The amendment of Senator Smathers which increased the flexibility of the measure is a very useful contribution and a provision I am happy to have seen adopted.

In the work which has been done to obtain passage of H.R. 4665 our able and distinguished colleague from Montana, Senator Metcalf, has been invaluable. His energetic and constructive assistance represents a major contribution to the welfare of the mining industry and one for which I am very gateful.

SUMMIT MEETING WITH DE GAULLE

Mr. CHURCH. Mr. President, this week's issue of Newsweek suggests that some diplomats, in both Washington and Paris, see a good chance for a meeting in September between President de Gaulle and President Johnson. President De Gaulle has planned a trip around the world, stopping in southeast Asia to visit Cambodia, and according to Newsweek, has scheduled a 48-hour stop on the French Caribbean island of Guadeloupe on his way back from the Pacific.

As Senators know, I visited Europe in early May. In a report to the Committee on Foreign Relations, entitled "Europe Today," I made a number of recommendations. One of them was that effective communications must be restored between the French and American Governments. I suggested, in this connection, a summit meeting between the two Presidents, if feasible.

President de Gaulle's stop in Guadeloupe seems to me to offer an ideal opportunity for these two statesmen to meet, if not at Guadeloupe then perhaps in Puerto Rico. Surely, our differences should not stand in the way of such a meeting. On the contrary, a discussion of these differences should contribute to improving understanding between the two countries.

I hope that the President will give serious consideration to meeting with De Gaulle.

THE DANGER OF EMPIRE IN ASIA

Mr. CHURCH. Mr. President, the course of the war in Vietnam has begun to generate an uneasiness that we may be slipping unawares into the role of a colonial power in Asia. A recent editorial in the July 12 edition of the Lewiston, Idaho, Morning Tribune raises a clear alarm over this possibility. Quoting two widely respected foreign correspondents, the editorial concludes with the following warning:

> Two American presidents have said this must never be permitted to become an American war. It not only has become an American war, but South Vietnam has become an American enclave and Southeast Asia has become a bog from which we will have a most difficult time escaping. The possibility of empire by accident is by no means remote.

Mr. President, I ask unanimous consent to have printed in the Record the editorial from which I have quoted, entitled "The Danger of Empire in Asia," published in the Lewiston, Idaho, Morning Tribune of July 12, 1966.

There being no objection, the editorial was ordered to be printed in the Record, as follows:

The Danger of Empire in Asia

Is the United States in danger of stumbling into empire in Asia? C. L. Sulzberger, the foreign affairs columnist of *The New York Times*, thinks so, and a reporter's conversation with some military officers bears him out.

Sulzberger pointed out in a recent column that the United States has plowed millions of dollars into Southeast Asia in the form of harbor developments, roads and military bases. He believes the temptation may be great, once the shooting war ends, to seek to protect these enormous investments by maintaining a strong American presence there. This would create the danger "that the United States might unconsciously create an empire in Southeast Asia. At whatever cost we must avoid any absent-minded imperialism that would not only contradict America's national philosophy but could lead to nothing but trouble."

One can scarcely argue with Sulzberger's point of view. Yet there are ominous signs that some military men on the scene are not daunted by the prospects of empire. Richard A. Dudman, a roving correspondent of *The St. Louis Post-Dispatch*, is writing a series of reports from Saigon. American officers in South Viet Nam, he writes, are now speaking in terms of 400,000 U.S. troops in Southeast Asia by the end of this year and possibly 600,000 by the end of 1967. "Some speak seriously of needing a total American buildup of 1-million men." Dudman adds:

"Carried to its logical conclusion, the Americanization of the war could conceivably lead to a complete American takeover of South Viet Nam. A widely respected American commander advocates this course privately in so many words.

"'We should occupy and rule this country,' he says, 'instead of pretending to respect the sovereignty of a government that really is only temporary and illegal and could change tomorrow. It would be more efficient, and probably the end result would be better, if we abandoned the idea of assistance and pacification and settled for subjugation, regarding South Viet Nam as an enemy country . . .'"

Two American presidents have said this must never be permitted to become an American war. It not only has become an American war, but South Viet Nam has become an American enclave and Southeast Asia has become a bog from which we will have a most difficult time escaping. The possibility of empire by accident is by no means remote.—L. H.

EDITORIALS COMMEND SENATORS BYRD OF WEST VIRGINIA, ERVIN, AND DIRKSEN

Mr. SIMPSON. Mr. President, I ask unanimous consent to have printed in the Record two editorials entitled "Byrd Sparks U.S. Promise of Aid To End Race Riots" and "Would Lift Confession Bar," published in the Huntington, W. Va., Advertiser of July 26, 1966, and an editorial entitled "Congratulations to Senator Dirksen," published in the Chicago Tribune of July 18, 1966.

In connection with the latter editorial, the concluding sentence, I believe, is very pertinent:

> For his successful leadership Senator Dirksen deserves the thanks and congratulations of the American people.

I certainly subscribe to that sentiment.

There being no objection, the editorials were ordered to be printed in the Record, as follows:

[From the Huntington (W. Va.) Advertiser, July 26, 1966]

Byrd Sparks U.S. Promise of Aid To End Race Riots

Law-abiding Negroes and responsible civil rights workers as well as other conscientious citizens will welcome the federal government's promise of assistance to cities harassed by race riots.

The announcement of federal aid was made by Attorney General Nicholas Katzenbach in response to a letter by Sen. Robert C. Byrd (D–W.Va.) to President Johnson urging him to use the power and prestige of his office to stop the outbreaks of "lawless and provocative demonstrations."

Sen. Byrd's letter declared "There is no rational justification for tolerating these incredible attacks on firemen, policemen and innocent victims."

In calling the President's attention to the responsibility of the federal government to discourage outbreaks of lawlessness, Sen. Byrd was serving the cause of law-abiding Negroes as well as the public generally.

His statement that continued violence would set back the cause of civil rights was substantiated in part by the announcement from New York that extremism was sharply cutting contributions to the more militant organizations.

There are also indications in Congress that riots are causing reluctance to enact the administration's civil rights measure now pending.

Much of the money for civil rights efforts has come from northern liberals. In spite of this some of the militant individuals and organizations have expressed irreconcilable hostility to all white people.

A thorough investigation of the riot in the Watts section of Los Angeles disclosed unprovoked brutal assaults upon a great many white people just because they were white.

A check of the records of those arrested disclosed also that the majority of them had police records.

Possibly the same class of people were responsible for most of the recent violence in Chicago and Cleveland.

As Sen. Byrd has pointed out in connection with efforts to reduce crime in Washington, the most frequent victims of Negro criminals throughout the year are the respectable colored people themselves.

No doubt this is true in other cities also.

President Johnson himself should make it clear that the federal government is at least as much interested in protecting the public from the vicious as it is in seeking equality for all classes.

Those who use the civil rights movement as an excuse for arson, assault, looting and vandalism are betraying his efforts as well as those of their own leaders.

They are as guilty of crime as are those who violate the law for any other reason, and so are those militant agitators who incite them to riot.

The government should see that they are all adequately punished.

[From the Huntington (W. Va.) Advertiser, July 26, 1966]

Would Lift Confession Bar

Sen. Sam J. Ervin, Jr., has introduced a proposed constitutional amendment to remove from law-enforcement officers the shackles clamped on by a series of unprecedented decisions of the U.S. Supreme Court.

The North Carolina senator's proposal would make voluntary confessions admissible in evidence and prevent an appeals court from throwing them out if the trial court's determination of voluntariness was "supported by competent proof."

The provision was directed particularly at the Supreme Court's 5-4 decision in the Miranda case which required that before questioning a prisoner the police must advise him of his right to remain silent and warn him that anything he says may be used against him.

The suspect must also be told that he has a right to a lawyer and that if he is without funds, one will be appointed for him.

Whether the Ervin amendment is strong enough to give law enforcement an even break in dealing with criminals and protecting society may be questionable, but at least it is a move in the right direction.

The Advertiser has repeatedly urged that Congress submit an amendment for ratification by the state legislatures to remove the handicaps imposed by the majority of the Supreme Court upon police and trial courts.

Defendants who have confessed such serious crimes as robbery, rape and murder have been released repeatedly on technicalities never before used.

In the Mallory case a defendant who had confessed a Washington rape was released merely because he had been held for seven and a half hours between his arrest and his arraignment.

Soon afterward the same man went to Pennsylvania and committed another similar offense. This indicates the class of criminals that the court's opinions are releasing to prey upon society.

To protect the public from the increasing number of violent criminals who are responsible for growing lawlessness Congress should approve some such amendment as that offered by Sen. Ervin and give the state legislatures an opportunity to express the favorable attitude of the court of last resort—the American people.

And while considering amendments, Congress should include one giving public schools the same right to prayer as both the legislative body and the Supreme Court exercise themselves.

[From the Chicago (Ill.) Tribune, July 28, 1966]

Congratulations to Senator Dirksen

By a vote of 66 to 27 the Senate approved a 2.06 billion dollar foreign economic aid bill for the current fiscal year, lopping off 408 million dollars that had been requested by the Johnson administration. Moreover, the Senate not only refused to go along with an administration request for a five-year aid program, but even refused to agree with the House on a two-year authorization, except for the Latin American Alliance for Progress.

Of the money eliminated from the administration's request, 250 million dollars was cut from the bill's development loan fund on a motion by Sen. Dirksen, the minority leader. The Illinois Republican also obtained approval of seven technical amendments designed to tighten loan procedures of the agency for international development.

Dirksen, in fact, was in the forefront of the successful battle to hold down foreign aid spending all along the line during the seven day debate on the bill. We believe the great majority of taxpayers agreed with him when he told the Senate that after an expenditure of 14.5 billion dollars for all types of foreign aid since the start of World War II, "this country is running into a serious situation. . . . The time has come for us to start cutting back."

For his successful leadership Sen. Dirksen deserves the thanks and congratulations of the American people.

POLICE BRUTALITY A MYTH?

Mr. HICKENLOOPER. Mr. President, I call attention to an article which appeared in the Des Moines Sunday Register, Des Moines, Iowa, on July 24, written by the distinguished junior Senator from West Virginia [Mr. Byrd] in which he points out the manner in which policemen across the Nation are being insulted, beaten up, and shot at, and offers refutation of the spreading myth of "police brutality." Constructively, Mr. Byrd urges all American citizens to support the law.

I ask unanimous consent that this newspaper article be printed in the Record at this point.

There being no objection, the article was ordered to be printed in the Record, as follows:

Urges Tougher Laws To Protect Police

(The author, a Democrat, is U.S. Senator from West Virginia. He serves on the Senate appropriations committee for the Department of Justice.)

(By Senator Robert C. Byrd)

Washington, D.C.—Are we attaining civil rights or civil war? Several police officers were shot in the back by snipers in the recent Chicago riots.

Last week Cleveland police were the targets. These men were performing their sworn duty as fully as our brave young men are doing in Viet Nam. But in Viet Nam we are at war.

Has it come to civil war here in our nation? I am sure it would be difficult to persuade the families of the wounded police officers that this isn't the case.

In a nation that prides itself on having a government of laws, not men, can we sit idly by while certain factions in our nation make mockery of this concept?

Our legal system is founded on the principle of equal justice under law. I interpret this to mean that every citizen regardless of race, color, creed or social condition, has this inalienable right. I also interpret this to mean that every citizen has the corollary responsibility to obey the law. If the benefits are available to all, then all must share the responsibility.

During the past several years, steady progress has been made to place added safeguards on the rights of minority groups, but as one reads of flagrant civil disobedience, the flouting of constituted order and decency, the open defiance with murderous means of the laws of our land, it may be appropriate to pause and reflect on whether we have gone too far.

I am confident that the great majority of Americans will agree with me that too many of those who have benefited from these safeguards have gone much too far.

MAUDLIN COMPASSION

As conditions exist as they do in our nation today, when our guardians of law and order are pictured as villainous oppressors; when the lawless who snipe at them, assault them with any means at hand, spit on them, and villify them with obscenities are viewed with maudlin compassion, then I say, "Yes, we have gone too far."

It has gotten to the point where it is becoming increasingly difficult for any concerned American to understand how police have been able to maintain their composure and endure these attacks. Law-abiding Americans owe them a great debt of gratitude because they have been able to do this, while continuing to perform their sworn trust under these extreme provocations.

But we owe them more than gratitude: We owe them our active support, because respect for the law is the shared responsibility of each of us.

Historically, we Americans do not have the inherent respect for law enforcement that is characteristic of some of the old world nations. This stems, I believe, from the fact that our nation was founded in revolution, and expanded and settled by our ancestors who had little regard for the legal niceties that had any deterring effect on the immediate job at hand. Those ancestors of ours were, on the successive frontiers, their own law which they enforced with their own guns.

RURAL FREEDOM GONE

But the world of our ancestors no longer exists. No longer can each man be a law unto himself. Our world of rural freedom has become a world of urban congestion, and, as such, places greater emphasis on the necessity for law and order.

Fortunately for us, those who serve in maintaining law and order have changed, too. Now the entrance qualifications into police service are so stringent as to eliminate three out of every four applicants.

Today, the college graduate is no longer a rare exception in the ranks of the police. Today, physical ability and good marksmanship are only two of many varied qualifications necessary for a law officer. In addition, he must possess many of the characteristics and skills found in the doctor, lawyer, psychiatrist, clergyman, social worker, educator, humanitarian, soldier and administrator.

And most importantly, he must possess the iron resolve and dedication to duty that will permit him to endure the physical and psychological assaults heaped upon him by vicious malcontents, power-seekers who are adroit in twisting public opinion, and the overly idealistic sentimentalists who interpret freedom as license.

FIFTY-THREE MURDERED

It is a bloody fact of life in our nation that 53 police officers were murdered by criminal assaults during 1965, and 11 out of every 100 were criminally assaulted. While these men were being killed and wounded, cries of "police brutality" rose to a crescendo. And what was the fact in this case?

In a speech here in Washington last month, Quinn Tamm, executive director of the International Association of Chiefs of Police, set the record straight. He said, "the fact that, of the over 4,700 allegations of such action filed in the past three years [fiscal years 1963–64–65], only three-tenths of one percent were substantiated is certainly adequate refutation of this baseless charge."

The seriousness of this debasement of law enforcement is best evidenced in the grave difficulties police departments are experiencing in recruiting potential officers of the quality they must have.

While the average pay for a patrolman on the front line of law and order can hardly be considered an inducement—the median maximum salaries range from $5,292 to $6,514—it is a minor factor in the lack of volunteers. The major factor is that qualified dedicated young men do not want to be subjected to the disrespect and psychological abuse that, in effect places them, rather than the lawbreaker, on trial for doing their duty.

"UNCLE TOMS"

One complaint heard frequently from militant civil rightists is that the law is "white law," enforced by "whites." They refuse to recognize that Negro officers are in demand in most municipal departments, but those Negroes who are qualified are often reluctant to enter the service because they know they will be forced to endure opprobrium and be castigated as "Uncle Toms," or "Handkerchief Heads" by some irresponsible elements from their own race.

It is to their great credit that the police have given this problem dispassionate and thorough study and have taken far-reaching action to ameliorate it. Many municipal police departments have established police-community relations councils in the districts of their cities.

I firmly believe that the police, by and large, are striving to do their part. Last month, 70 leading police executives from 40 of our largest municipalities met for three days at Indiana University to confer regarding a long-range program on police-community relations.

The responsibility we have placed on our police is simple in concept—maintain law and order. We did not tell them they would need to be philosophers, psychiatrists, sociologists and linguists. Nor did we tell them that when they performed their duty, they would often be condemned in the court of public opinion.

I firmly believe that the time is far overdue for law-abiding Americans to rally to the cause of law and order. I believe the time is long past when we can sit idly by and let the police stand alone in fulfilling our common civic responsibility.

Mr. METCALF. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

(The ACTING PRESIDENT pro tempore assumed the chair at this point.)

Mr. HARTKE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

AMERICAN ECONOMIC POLICY AND INTERNATIONAL ECONOMIC PROBLEMS

Mr. HARTKE. Mr. President, Prime Minister Harold Wilson is in Washington today. His presence here dramatizes the destructive international impact of American attempts to manage our economic affairs. For it was only 1 week ago that Mr. Wilson quite clearly placed a major share of the blame directly on the U.S. Government for the crisis which is forcing the most restrictive British economic program in decades. He stated:

> Action taken by the United States authorities to strengthen the American balance of payments has led to an acute shortage of dollars and Euro-dollars in world trade and this has led to a progressive rise in interest rates in most financial centers, and to the selling of sterling to replenish dollar balances.

Those were the words of the Prime Minister on the floor of the House of Commons when he announced his austerity program.

Less than 1 year ago, I joined with the distinguished Senator from Minnesota [Mr. McCARTHY] in warning that too great a restriction on the outflow of dollars in a misguided effort to oversolve our balance-of-payments problem could have a disastrous impact upon the rest of the world, above all upon Britain:

> No doubt—

We then said—

> that Britain's fundamental problem of uncompetitiveness in the world can only be solved, over time, by Britain herself. But no doubt, as well, that Britain must have the time—as well as the determination now manifiest—to undertake the fundamental reforms modernization requires . . . It is certain that the United States cannot afford to see Britain go under; it is equally certain that we cannot afford to contribute, in any degree, to Britain's present difficulties.

At that time, Senator McCARTHY and I were expressing our deep concern at the potentially adverse international impact of U.S. balance-of-payments policy. We had no reason to be suspicious then that American economic policy in yet another critical area would also contribute to the now growing worldwide disruption of financial and monetary relations. Today, however, it is apparent that domestic monetary policy, which has fostered an unprecedented domestic interest rate war among savings institutions, is adding as well to the global interest rate war among nations.

On Wednesday, July 27, I reported on the adverse domestic impact of our nonpolicies for financing the war in Vietnam and for maintaining stable, noninflationary expansion at home. Today, I intend to report on the equally disturbing international impact of two completely clear policies of our Government. The first is the series of measures aimed at eliminating the U.S. balance-of-payments deficit. The second policy is that aimed at driving interest rates up to, and even beyond, internationally competitive levels.

Mr. President, in the first months of 1965, I was one of the first to applaud the President's emergency program for reasserting control over America's international accounts. The impact of that program—which included voluntary restrictions on foreign lending by banks and voluntary reductions in dollar outflows by international American corporations—was dramatic. By August 1965, Vice Chairman Robertson of the Federal Reserve Board was able to characterize the success of the emergency program as "amazing." In the second quarter of 1965, the U.S. balance of payments actually ran a small surplus.

But even then it was clear that such a program of restrictions embodied both present disadvantages and future dangers. The immediate financial and psychological impact of the emergency program gave the administration the opportunity to take the initiative in promoting international monetary reform. But the longer term effects threatened both the underlying international economic position of the United States and the fundamental stability of the international monetary and financial system.

The economic, financial, and monetary role of America is unique in the world. We are the world's largest trading nation: U.S. exports and imports account for fully one-sixth of the free world's trade. The United States has by far the largest supply of savings and, even more, U.S. investors have an unmatched willingness to put money out at long term, for reasonable interest rates, and across international borders. Finally, the U.S. dollar stands at the heart of the international monetary system. On the stability and strength of the dollar depends not only the value of virtually every other currency in the world, but the value of gold itself.

Thus, any and all acts of American economic policy necessarily affect the stability of the world monetary system, the flow of funds into new investment everywhere in the world, and the economic prosperity which expanding world trade brings.

When the administration moved to restrict the flow of new dollars abroad last year, its action threatened the maintenance of the U.S. trade surplus. New foreign investment generates new exports. A clampdown on foreign bank credits—from which export credits were not excluded—threatened the financing of export sales, at a time when the export financing techniques of our competitors were becoming ever more liberal and even aggressive. To the extent that the emergency program adversely affects American exports—and at last a study of this impact is underway—there is an offset to any favorable balance-of-payments effect. Thus here the balance-of-payments policy of the United States may be self-defeating.

In its second area of impact, the emergency program—combined with the earlier interest-equalization tax—has served virtually to close the great New York financial market to foreign borrowers. Even subsidiaries of American corporations have been driven to finance their operations and investments in the narrow, divided financial markets of continental Europe. Every dollar that is not invested abroad today means a dollar that will not return as income on that investment tomorrow. Further, beginning in June 1965, there has been a breakout in international borrowing in Europe, with the lions' share being taken by the subsidiaries of American companies. Such international financings have more than doubled in the last 12 months. This rise—desirable in itself as it contributes to a growing ability of industrial Europe to finance its own expansion—has taken place haphazardly and recklessly. From February to May of this year, in fact, the European capital market broke down; no issues could be floated whatsoever. This forced-draft expansion, too, has involved a driving up of interest rates to levels rarely seen before. Moreover, much of the cash which has gone into the new European capital market has simply been taken out of New York for that purpose—thus, once again, offsetting the supposedly positive impact of the emergency program. The fact is that U.S. balance-of-payments policy, by placing a near-embargo on New York, has placed an unsupportable burden upon the free world's financial system. Here, the balance-of-payments policy of the United States is clearly self-defeating.

Finally, American balance-of-payments policy has struck at the underlying stability of the entire international monetary system. The compromise system formulated at Bretton Woods more than 20 years ago was based upon international cooperation. At its center was a twofold determination: the United States determined to supply the rest of the world with dollars for trade, investment, and reserve purposes; and the rest of the world determined to hold and use those dollars for these productive ends. Unilateral action by France and a range of other nations to cash in their dollars for gold has for some time threatened the second determination. And the U.S. reaction to the excessive dollar outflow of the 1958–63 period—a reaction embodied in the emergency program—now threatens the first determination. The indispensable basis for the mere operation of the present monetary system is disappearing more quickly than negotiations can proceed to reform that system. The fact is that a growing number of nations no longer desire to hold dollars—despite the clear need of their bankers and businessmen for dollars with which to do business—and the United States is just as desirous to prevent their getting more dollars.

The emergency program, and its subsequent extension to cover direct foreign investments by American corporations, was explicitly intended as a temporary expedient to eliminate the dollar drain and, thus, to gain bargaining power for the effort to reform the monetary system. What has been its real effect?

First. A temporary expedient has become ever more institutionalized.

Second. The immediate achievement of surplus in the summer of 1965 has been superseded by a—once more—growing deficit; dollars spent to buy imports and to pay the dollar price of escalation in Vietnam have risen faster than the emergency program can cut down on productive dollar investments. A $1.3 billion deficit in 1965 has become a 1966 payments deficit which is headed toward $2.5 billion; no firm figure is possible as only the Defense Department planners can even estimate the further dollar cost of Vietnam escalation.

Third. The international negotiations on monetary reform have demonstrated clearly that there is no consensus either for the need or for the method of reform; they have demonstrated equally clearly that we cannot depend upon these negotiations to bail our bankrupt policy out before it bankrupts the world.

For, let us make no mistake about it, it is bankruptcy that threatens the free world. The unmistakable signs have been seen in Britain. After months of creeping, Government-sponsored deflation, after two full-scale, international rescue operations inspired, organized, and led by the United States—the only alternative to devaluation of the pound has been seen to be savage economic restrictions and the deliberate promotion of unemployment in Britain. In simple terms, the British Government has determined that its only hope for avoiding devaluation is to create unemployment. I point out parenthetically that this is the same policy that was followed in 1931.

This continuing, cruel British experience points up the bitter irony of American policy. On the one hand, the United States has—as I have said—inspired, organized, and led emergency rescue operations to save the pound by pumping dollars into British reserves. But, on the other hand, U.S. restraint on dollar outflows has created a condition of international tight money which has forced ever greater restrictiveness on Britain. It is clear, after all, that the fundamental problems in the British economy—an outmoded industrial plant, archaic union, and management practices—require massive new investment to solve.

Deflation, effective as it may or may not be in the short run to "save the pound," only at best puts off the day of reckoning with the critical need for modernization of plant, equipment, and attitudes. It has been American balance-of-payments policy which bears a share of the responsibility for this forced restraint. It is American economic policy in another field which has put a halt, for the time being at least, to Britain's modernization hopes. U.S. monetary policy, which has produced unprecedentedly high interest rates at home, here in the United States, has contributed to the international interest rate war and has helped provoke the current crisis in Britain.

Interest rates have been rising higher and higher in every financial center in the world. In good part, this reflects the deliberate tightening of credit by foreign central banks. But the movement toward tighter money in the majority of industrial countries, which began as separate, individual efforts to restrain domestic expansion, has now become a crazy international competition at ever higher levels. Just as currency devaluation by one nation breeds competitive devaluations by others, so interest rate escalation in one financial center leads to competitive escalation in others. During the last 3 months alone, as U.S. rates have moved to historically high levels, four major foreign central banks—Germany, Belgium, Holland, and Britain—have increased their discount rates to meet this new competition.

The United States is not alone responsible for this destructive competition. But the international aspect and impact of higher U.S. interest rates is incomparably greater than that of any other nation's monetary policy. There is yet another irony here in American economic policy. Without question the United States is the most important single factor in determining the course of the free world's economy and finances. But international considerations are—in normal times, at least—far from the most important factors in determining U.S. economic policy. There is an old saw that when America sneezes, the rest of the world catches pneumonia. It is neither excuse nor consolation to say that we did not even know we were sneezing.

It is also no excuse or consolation to note that European central bankers seem happy with the financial situation. Their irresponsibility is no excuse for ours. When Germany, for example, deflates at a time of sound U.S. expansion and contribution to prosperity, Germany's restrictiveness is isolated before it hurts the prosperity of others. But today, German restrictiveness—which has, incidentally, sent short-term German interest rates up to 10 percent—is being aided, abetted, and internationalized by American policy.

There is no excuse again for American policy, in the fact that the run on the London money market has "at least" brought new funds to New York to offset the dollar outflow. For these funds are the notorious "hot money" which jumps from financial center to financial center at the drop—or rise—of an interest rate. In fact, it is this "hot money" which has again and again provoked the sterling crisis of the past 35 years. There is no consolation for American policy in making the United States, as well, today, a prisoner of hot money.

There is neither excuse nor consolation for American monetary policy in any aspect of the growing international financial and monetary anarchy. Internationally, as well as domestically, American monetary policy has proved disruptive where it has not actually been destructive, as the homebuilders demonstrated in their march on Washington yesterday. Domestically, American monetary policy has been destructive to the housing industry and disruptive to the savings industry. International American monetary policy has been destructive to Great Britain and disruptive to the whole complex system of international financial relations. This is consistency of a kind—and it is a kind that spells disaster.

Why have American balance of payments and monetary policy had these bad results—so opposite to those for which any reasonable man would hope? The answer, I believe, is that there has been the same kind of open-ended commitment, the same kind of increasingly frozen position, and consequently, the same kind of escalation of effort, without reconsideration of purpose, that have characterized our policy in Vietnam. Our commitment to total elimination of our payments deficit, our frozen position on the emergency balance-of-payments program, and our escalation of interest rates—all three require immediate reconsideration. In Vietnam our purpose must be peace—I hope it is, and I pray that this administration seeks peace—and our policies must be brought into line with that purpose. Just so, in the economic world, our purpose must be prosperity—and our policies must be rethought, refashioned, and reformulated to bring them into line, too. As our unprecedented military power must be used for world peace, so our unprecedented economic power today must be used for world prosperity.

STAKES IN VIETNAM

Mr. SMATHERS. Mr. President, the Arizona Republic takes us to the heart of the Vietnamese situation in an editorial commenting on waves of public optimism and pessimism over the fighting in southeast Asia.

President Johnson and Secretaries Rusk and McNamara have put matters into perspective, the newspaper says, after an unduly optimistic impression sprang from the President's guarded news conference remarks early in July.

Whatever else, the Republic comments, Americans should realize that the fighting is going better for us than for the enemy, that a new element of stability has asserted itself in Saigon and that a campaign of economic and social reconstruction is progressing in South Vietnam.

The stakes are high, says the newspaper—high enough for patience and fortitude at home as well as courage and strength on the other side of the Pacific.

I wish to insert this editorial in the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

[From the Arizona Republic, July 14, 1966]

VIETNAM PENDULUM

President Johnson made an optimistic assessment of the Vietnam war in his July 4 interview on the ranch. He said "diplomatic reports" indicate the Communists "no longer expect a military victory." He felt the air raids on the oil depots near Hanoi and Haiphong had destroyed well over half of the enemy's reserves and equipment. "Success will be ours in Vietnam," he said.

If these guarded statements were parlayed into the general impression that Ho Chi Minh was hanging on the ropes and that his backers were likely to throw in the towel at any minute, that is unfortunate. For such is not the case.

This week, Secretary of Defense McNamara put matters into better perspective when he told a news conference he was "cautiously optimistic," but said he saw no indications that the Communists were ready to go to the negotiating table. He indicated additional appropriations, above the present figure of $1 billion a month, might be necessary, and other administration spokesmen have indicated the U.S. might have to beef up its troop commitment in Vietnam.

Secretary of State Rusk was equally realistic when he said, "One can be encouraged without believing the war is over." And then he added, "We are not over the hump yet. We haven't begun to see the end of this thing. There has not been the necessary decision on the other side."

The President, speaking to the American Alumni Council meeting at White Sulphur Springs, W. Va., Tuesday said that peace "may be long in coming, but it is clearly on the way. And come it must."

If the average American gets impatient with alternate messages of optimism and pessimism, he must realize that no one can predict day-to-day developments on a battlefield. What Americans should realize is that the Vietnam war is going better for us than for the enemy, in a military sense, and that a new element of political stability seems to have asserted itself in Saigon. Only a few months ago, the Buddhists were burning themselves all over the place and the peaceniks were saying the U.S. could not possibly win. The pendulum may have swung too far the other way last week, but it has been righted this week.

In the meantime, if anyone has any doubt, the Vietnam war gives every appearance of being one of the decisive battlefields on which communism must be stopped. Just as communism was stopped in Greece and in Korea, it must be stopped in Vietnam or the future, not only of Southeast Asia, but of the whole free world, will be endangered.

Nor should Americans forget the other war, the campaign of reconstruction, that is being waged in Vietnam. Just as South Korea and Formosa have built up their economies to the "take-off point," at which economic aid is no longer needed, so can South Vietnam establish a viable economy. And when that is done, the siren call of communism will fall on deaf ears in South Vietnam and the international conspiracy will have suffered another great setback in its effort to subvert and conquer free countries everywhere.

The stakes are high—high enough to call for patience and fortitude on the part of those at home as well as courage and strength for those on the other side of the Pacific. This won't be the last battle between freedom and tyranny, but its importance can't be minimized.

BOMBINGS CLEAR AIR

Mr. SMATHERS. Mr. President, the Copley newspapers detect a new feeling of pride and sense of purpose among the American people.

They suggest it dates from the day our planes bombed the oil storage facilities near Hanoi and Haiphong.

The newspaper organization agrees with President Johnson that we would rather reason than fight, but we never run from duty nor desert an ally. The air strikes served notice to the enemy that the price they may have to pay for aggression might not be to their liking. And they represent tactical action aimed at a quicker honorable peace in Vietnam.

I offer for the RECORD the Copley editorial as it appeared in the Elgin, Ill., Daily Courier-News.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

BOMBINGS CLEAR AIR—NO OTHER CHOICE

There is a new feeling of pride and a sense of purpose among the people of the United States of America that can almost be felt tangibly.

It dates from the day when the United States Air Force and Navy carried the most telling blow of the war to the enemy in Viet Nam by bombing military targets at Hanoi and Haiphong.

The President is entirely correct in his assessment that American people "would rather reason than fight. We are using our power in Viet Nam because the Communists have given us no other choice."

He also is entirely correct in the statement that American people "when they understand what is at stake have never run from their duty . . . The American people have never left an ally in a fight."

Unfortunately, at times in the past the American public has been justifiably confused over the war in Viet Nam, not about goals but in tactics.

For too long the initiative has been given the enemy. Our responses were only to meet some new condition of battle he imposed. Important strategic targets such as the oil storage facilities that now have been severely damaged were untouched by our superior air might.

Equally confusing is the fact that some of our other allies who protest loudly at each countermove the United States made to an enemy tactic are themselves contributing substantially to prolongation of the war. Without the supplies they ship to North Viet Nam through the port of Haiphong, the war may have taken a far different turn some time ago. In other words, some of our allies have made our drastic action necessary.

From recent history Americans are aware that the only way to meet what the President calls "raw Communist pressure" is by looking it in the eye and making it unmistakably clear that we will not retreat.

It was this type of confrontation that made the Communist guerrillas retreat in Greece, it broke the blockade of Berlin, prevented Russian nuclear tipped long range missiles from being installed in Cuba and it worked in the Dominican Republic where a free election has been conducted.

It was understandable that the U.S. public might be confused why we were not applying the same pressures in air and naval superiority, as military leaders suggest.

Since the enemy has not shown any desire to reason or come to a peace table under any conditions, the price of the war to him must be made untenable.

The air strikes against oil storage and other strategic targets were a plain notice to the enemy that the price they might have to pay for the war might not be to their liking.

On a purely military level, the latest air strikes undoubtedly hampered the flow of supplies to the south and as a result saved many American lives by reducing the Viet Cong ability to wage war.

For these reasons, the long delayed air strikes are really tactical action for a quicker honorable peace in the embattled nation.

ORDER FOR ADJOURNMENT TO MONDAY

Mr. **SMATHERS.** Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in adjournment until 12 o'clock noon on Monday, August 1, 1966.

The **ACTING PRESIDENT** pro tempore. Without objection, it is so ordered.

REDWOOD PARK A NATIONAL MUST

Mr. **KUCHEL.** Mr. President, I have introduced S. 2962, to establish a Redwood National Park, because God's magnificent, awe-inspiring northern California virgin redwood giants ought to be preserved for humanity, rather than be chopped down from mountainsides to be made into 2 by 4's. I have consistently supported sound conservation programs, and I earnestly share the conviction that our unique and precious natural resources must be preserved to the maximum extent possible. But some say that S. 2962 does not fit this pattern. What is that maximum extent? How does one honestly arrive at what it should be? The bill I have introduced is endorsed by the national administration. It bears the approval of the Save-the-Redwoods League. The State government urges its enactment. Some, however, say it covers too big an area; others say it covers too little an area.

On June 29, 1966, Mr. President, I had printed in the RECORD a letter from one of the Nation's leading conservationists, Mr. Laurance S. Rockefeller, to President Johnson. In his letter to the President, dated July 20, 1965, Mr. Rockefeller concluded, after a thorough investigation and appraisal of all the various park proposals, that the best redwood park plan was the one embodied in my bill. He felt compelled to reject the Sierra Club proposal for a far larger park. Mr. Rockefeller commented on the Sierra Club plan:

> The Sierra Club's ambitious plan is supported almost exclusively by the Sierra Club and its out-of-state adherents. Serious consideration of so ambitious a plan would consolidate opposition and provide the means of raising substantial amounts of money to oppose the proposal by propaganda, by lobbying, and by recourse to the courts. The industry would be joined by most local supervisors and other local officials and, of course, businessmen in fear of the effect on the economy. In addition, the state would probably oppose it.

If we are to have the Redwood National Park, which we so urgently need, let us proceed on the sensible and workable proposal embodied in S. 2962, rather than spinning our wheels on a plan which, however well-intentioned, carries a high price tag, which the Budget Bureau will not approve. S. 2962, though only half the size of the park proposed by the Sierra Club, would require the largest single expenditure for land acquisition ever authorized for a national park in the history of our Nation. Should not those who, with good motives, seek a large area, realistically recognize that time is of the essence, and that S. 2962 can be enacted if all conservationists unite behind it?

Mr. President, an editorial which appeared in the San Jose Mercury-News on Sunday, July 17, 1966, echoes my thoughts on this topic. I ask unanimous consent that it be printed at this point in the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

[From the San Jose Mercury-News, July 17, 1966]

REDWOOD PARK BOOSTERS SHOULD ACCEPT HALF LOAF

The war in Viet Nam which the United States is now clearly committed to winning may make it advisable for the proponents of a Redwood National Park to accept the half-loaf that's better than none.

The Johnson administration's Redwood National Park bill, which is co-authored by California's Republican senior Senator, Thomas H. Kuchel, by the way, calls for a park of approximately 45,000 acres, primarily in Del Norte County along the Mill Creek watershed.

Proponents of a larger park, mainly the Sierra Club, want a park of some 90,000 acres, in Del Norte and Humboldt counties, centered on the Redwood Creek watershed.

All other things being equal, it would be preferable to have a 90,000 acre national park rather than a 45,000 acre park, but all other things are clearly unequal in this case.

The Sierra Club proposal, which is offered at the moment in the form of a rider to the administration's bill, makes no provision for financing the larger acquisition or for handling the temporary economic dislocations which would result from the creation of a huge park sprawling over two counties. It is extremely unlikely that the administration, with a war on its hands abroad and a commitment to fight inflation at home, will exert influence on the Congress for more than its original proposal.

It envisions tax assistance to Del Norte County over a period of years to compensate the county, school districts and other units of local government for loss of local tax revenues. It offers similar economic protection to the lumbering industry in Del Norte County and for the individual employes who would be affected by creation of the park.

Further, the administration bill, by protecting the entire Mill Creek watershed, will make it possible to avoid the sort of tragedy that occurred on Bull Creek, when upstream cutting created erosion problems and eventual destruction of trees nominally protected in a downstream park.

Should the administration bill (S. 2962) become law, the National Park Service is pledged to begin development immediately and concentrate its purchases and hiring in the Del Norte County area of the park, to minimize the loss of lumbering jobs. It is interesting to note in this regard that economic studies of the area point to a diminishing income from lumbering even without establishment of a national park and that the county's economy will, by shifting emphasis to tourism, grow beyond what it could ever have expected from lumbering.

Sen. KUCHEL summed up the case for the smaller, but economically more feasible national park plan succinctly when he told the Senate Interior Committee's subcommittee on parks and recreation:

"Some people, of course, would like to see a much larger park, especially in Humboldt County. None of us, I am sure, would dispute the beauty of the area they recommend. However, we have in S. 2962 the opportunity to preserve an entire watershed, long the top priority location of the Save The Redwoods League, for a Redwood National Park. And quite apart from the aesthetic questions involved, I, for one, cannot see how we can pay for the larger park proposal or how we can mitigate its negative economic impact on the County of Humboldt or the entire Northern California area."

A half-loaf, in other words, is definitely better than none.

AUTHORIZATION FOR MEMBERS OF UNFORMED SERVICES ON DUTY OUTSIDE THE UNITED STATES TO DEPOSIT SAVINGS WITH A UNIFORMED SERVICE

Mr. **SMATHERS.** Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar No. 1387, H.R. 14875. I do this so that the bill will become the pending business.

The **ACTING PRESIDENT** pro tempore. The bill will be read by title.

The LEGISLATIVE CLERK. An act (H.R. 14875) to amend section 1035 of title 10, United States Code, and other laws, to authorize members of the uniformed services who are on duty outside the United States or its possessions to deposit their savings with a uniformed service, and for other purposes.

The **ACTING PRESIDENT** pro tempore. Is there objection to the present consideration of the bill?

There being no objection, the Senate proceeded to consider the bill.

APPOINTMENT OF DELEGATES TO THE 12TH ANNUAL SESSION OF THE NATO PARLIAMENTARIAN'S CONFERENCE TO BE HELD IN PARIS ON NOVEMBER 14–19, 1966

The **ACTING PRESIDENT** pro tempore. The Chair, on behalf of the Vice President, pursuant to Public Law 84–689, appoints the following Senators as delegates to the 12th Annual Session of the NATO Parliamentarians' Conference, to be held in Paris on November 14–19, 1966: **John Sparkman**, **John O. Pastore**, **Henry M. Jackson**, **Howard W. Cannon**, **Abraham Ribicoff**, **Bourke B. Hickenlooper**, **Karl E. Mundt**, **Jacob K. Javits**, **Winston L. Prouty**, **Birch Bayh** (alternate), and **Thomas H. Kuchel** (alternate).

ADJOURNMENT TO MONDAY

Mr. SMATHERS. Mr. President, in accordance with the previous order, I move that the Senate stand in adjournment until 12 o'clock noon on Monday next.

The motion was agreed to; and (at 3 o'clock and 13 minutes p.m.) the Senate adjourned until Monday, August 1, 1966, at 12 o'clock meridian.

NOMINATIONS

Executive nominations received by the Senate July 29, 1966:

IN THE ARMY

The following-named officers under the provisions of title 10, United States Code, section 3066, to be assigned to positions of importance and responsibility designated by the President under subsection (a) of section 3066, in grade as follows:

To be lieutenant generals

Maj. Gen. Jonathan O. Seaman, O19385, U.S. Army.

Maj. Gen. Stanley R. Larsen, O22094, Army of the United States (colonel, U.S. Army).

IN THE MARINE CORPS

The following named officers of the Marine Corps for temporary appointment to the grade of major general, subject to qualification therefor as provided by law:

William K. Jones
Charles J. Quilter
Raymond G. Davis

The following-named officers of the Marine Corps for temporary appointment to the grade of brigadier general, subject to qualification therefor as provided by law:

George E. Dooley
Regan Fuller
John R. Chaisson
Oscar F. Peatross
Edwin B. Wheeler
James E. Herbold, Jr.
Webb D. Sawyer
Robert P. Keller
Alan J. Armstrong

CONFIRMATIONS

Executive nominations received by the Senate July 29, 1966:

U.S. AIR FORCE

Brig. Gen. Duane L. Corning, FG946636, South Dakota Air National Guard, for appointment to the grade of major general in the Reserve of the U.S. Air Force, under the provisions of sections 8218, 8351, 8363, and 8392, title 10, of the United States Code.

Lt. Gen. Maurice A. Preston, FR1337 (major general, Regular Air Force), U.S. Air Force, to be assigned to positions of importance and responsibility designated by the President, in the grade of general, under the provisions of section 8066, title 10, of the United States Code.

U.S. ARMY

The following-named officer to be placed on the retired list, in grade of lieutenant general, under the provisions of title 10, United States Code, section 3962:

Lt. Gen. Leonard Dudley Heaton, O16960, Army of the United States (major general, Medical Corps, U.S. Army).

U.S. NAVY

Vice Adm. Paul H. Ramsey, U.S. Navy, when retired, for appointment to the grade of vice admiral, pursuant to title 10, United States Code, section 5233.

IN THE AIR FORCE

The nominations beginning William H. Abbott, to be lieutenant colonel, and ending Francis S. Smith, to be lieutenant colonel, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD on July 11, 1966; and

The nominations beginning John F. Anderson, to be second lieutenant, and ending George V. Zimmerman, Jr., to be first lieutenant, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD on July 15, 1966.

IN THE ARMY

The nominations beginning William D. Sydnor, Jr., to be colonel, and ending John J. Zepko, to be second lieutenant, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD on June 20, 1966.

IN THE NAVY

The nominations beginning Raymond F. Esparza, to be chief warrant officer, W-3, and ending Collis O. Marshall, to be commander, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD on June 20, 1966.

EXTENSIONS OF REMARKS

Mr. Helms, of CIA, Writes Letter to Editor of St. Louis Globe-Democrat

EXTENSION OF REMARKS
OF
HON. JAMES H. SCHEUER
OF NEW YORK
IN THE HOUSE OF REPRESENTATIVES
Friday, July 29, 1966

Mr. SCHEUER. Mr. Speaker, I was astonished to read today of the letter to the editor of the St. Louis Globe-Democrat, written by Mr. Richard Helms, the Director of the Central Intelligence Agency. Only last week, Mr. Helms injected himself into the Senate ethics hearings.

Mr. Helms seems to be recently addicted to injecting himself into the center of public controversy and politically charged debate in a fashion which is wholly inconsistent with his role as Director of the top secret and highly sensitive Central Intelligence Agency.

The CIA needs a Director who finds no necessity for such personal public embroilment. To the contrary, an agency as uniquely sensitive as the CIA needs a Director with a highly developed sense of restraint and discretion, and a sophisticated and judicious awareness of the importance of the nonpolitical character of the CIA.

This country cannot tolerate our most secret and sensitive intelligence organization injecting itself into domestic politics. There is already deep concern among many thoughtful Members of both Houses of Congress as to the role of the CIA in our foreign policy.

The extraordinary lack of mature, balanced judgment which Mr. Helms has shown in recent weeks would be more than sufficient to have placed in serious jeopardy the usefulness of any official serving at any level of a discrete and sensitive intelligence agency.

I urge that the proper committees of Congress make a thorough scrutiny of Mr. Helms recent conduct and determine his fitness to continue in this highly sensitive and demanding post.

Mining Legislation

EXTENSION OF REMARKS
OF
HON. ROY H. McVICKER
OF COLORADO
IN THE HOUSE OF REPRESENTATIVES
Friday, July 29, 1966

Mr. McVICKER. Mr. Speaker, Colorado received its first economic impetus from the mining industry. My State has long been known for the mineral wealth it has produced, and has long been a leading producer of those metals without which a modern economy cannot exist. But in recent years, some mining enterprises in my State have fallen upon hard times, and foreign dumping of excess supplies of certain metals has contributed to this situation.

The lead and zinc producers of Colorado have been among the sufferers. I feel this situation should at least be alleviated by Federal action. A bill I now offer would accomplish this, and I am most pleased to join with my distinguished colleague, the senior member of the Colorado delegation and chairman of the House Interior Committee, the Honorable **Wayne Aspinall**, in offering this legislation.

This bill provides for flexible quota legislation with a 5-year term. During this period, quotas on either lead or zinc ores and metal would become effective for a 3-year period if domestic producers' metal stocks reach levels considered excessive as defined in the bill.

The quotas would be canceled if stocks were reduced below normal levels and additional imports were needed. A minimum import quota would be guaranteed. Producer, consumer, and importer fare well under this flexible quota system, which is based on supply and demand for these metals in our domestic markets. It would only be in effect when it was proved necessary to stabilize the supply-consumption rate at proper levels. It will alleviate some of the hardships the lead and zinc producers of Colorado are now laboring under. It will inject new vitality into that industry in my State.

Grand Canyon Threat

EXTENSION OF REMARKS
OF

HON. JEFFERY COHELAN

OF CALIFORNIA
IN THE HOUSE OF REPRESENTATIVES
Friday, July 29, 1966

Mr. COHELAN. Mr. Speaker, a timely defense of the Grand Canyon was presented by our distinguished colleague, the Honorable HENRY S. REUSS, in his letter to the Washington Post of July 25, 1966.

As Congressman REUSS points out:

> If Congress acts wisely, Arizona can have water and America can continue to have the Grand Canyon as nature made it.

This analysis speaks directly and perceptively to the problem and I include it for my colleagues' consideration:

[From the Washington (D.C.) Post, July 25, 1966]

GRAND CANYON THREAT

Your editorial on the "Colorado River Issue" seems to pose a false alternative: shall "vital" additional water be supplied to Arizona or shall we avoid any "further obstruction of the picturesque Colorado," which is a highly euphemistic way of describing the huge dams proposed at Bridge and Marble Canyons in the Grand Canyon.

In fact, the two dams are not necessary for the physical diversion of water from the Colorado into Arizona. The water impoundments created by the dams would make available less water (because of evaporation), not more, for Arizona's farms, industries, and people.

The purpose of the dams is to finance the project through the sale of electricity. Yet other means of providing needed electric power and of financing the water supply project are possible and economically advantageous. Thus if Congress acts wisely, Arizona can have water and America can continue to have the Grand Canyon as nature made it.

"Any grave encroachment upon the Grand Canyon National Park itself would be unthinkable," the editorial says. But unless America is willing to give up its far-sighted commitment to the preservation of wilderness areas and of its irreplaceable natural wonders, the entire Grand Canyon—all 280 miles of it—should be saved and protected as a great national asset.

It is no less unthinkable to destroy the parts of the Grand Canyon outside the 105-mile-long Park than it would be to "encroach" upon the Park. It is not the legal entity that is the Park but the unique ecological entity that is the Canyon which needs protection.

And it would be, to use the editorial's words, "plain nonsense" to speak of these dams as making minor changes in the Grand Canyon. They would turn 132 miles of the river into unneeded storage reservoirs. They would put such scenes of beauty as Redwall Cavern under 280 feet of water. Their reservoirs would cover beaches and sandbars, wipe out the habitat of wildlife and plants and inundate the geological records of millions of years.

The goal is to supply water so that Arizona can continue to enjoy one of the highest population growth rates in the Nation. As a Congressman who is concerned with the development of all America, I am ready to vote taxpayers' money to help Arizona get more water—but not to alter 132 of the 280 miles of one of the world's great natural wonders.

HENRY S. REUSS,
Representative from Wisconsin.
WASHINGTON.

Reclaiming the American Dream

EXTENSION OF REMARKS
OF

HON. THOMAS B. CURTIS

OF MISSOURI
IN THE HOUSE OF REPRESENTATIVES
Friday, July 29, 1966

Mr. CURTIS. Mr. Speaker, I take the floor this afternoon to commend to the Members of this body one of the most challenging and thoughtful books on American politics to be published in the past decade. The book is Richard C. Cornuelle's "Reclaiming the American Dream," New York; Random House, 1965. Since this book should receive as much careful attention as possible, I take this opportunity to reiterate some of its major points, so that other Members and the general public might become acquainted with the author's thought-provoking analysis.

Mr. Cornuelle's essential thesis is that the present political debate over the allocation of functions between Government and the private sector is fundamentally sterile. The private sector is characterized by the profit motive and the enhancement of freedom. The Government sector's virtue—optimistically speaking—is its interest in public responsibility and welfare. In his view, the clash of Government versus private leaves out the "independent sector," the voluntary associations founded to solve public problems.

The independent sector is neither governmental or commercial. It is independent in that its operation does not depend on profit or mass political support, but voluntary contribution of time and money to solving public problems. In the past, as Mr. Cornuelle documents, the ability of independent associations to solve public problems without recourse to the deadening hand of Government allowed the growing American society to be both humane and free. But during the depression, confidence in private, voluntary associations was shaken in spite of their mammoth relief efforts, and the flight from private responsibility began.

Mr. Cornuelle maintains that we must break the present deadlock between conservatives who fight waste endlessly and oppose all assumption of governmental responsibility and liberals whose only remedy—Government—has proven to be ineffective in urban renewal, agricultural price support programs, and elsewhere and at the sacrifice of some freedom. The independent sector must revitalize itself, and use the methods of modern management—both business and government—to solve problems which both Government and the private sector have been unable to solve. The competition of Government and the independent sector for the efficient and humane solution of problems is welcomed by Mr. Cornuelle, provided that adequate information and publicity is given to the independent sector's case—which is not often true.

The case of the United Student Aid Funds, Inc., a nonprofit corporation established to extend loans to college students through the cooperation of the Nation's bank, is cited as a documented study of the independent sector's ability to zero in on and solve problems without resort to Federal action. Mr. Cornuelle describes four tasks which the independent sector must accomplish in order to compete effectively with Government—research, development, mobilization and information. If the independent sector can organize its efforts to accomplish these tasks, Mr. Cornuelle holds out the hope that we might reclaim the American dream of a free and humane society. I am sure that other members will join me in this hope.

Homebuilding Industry Slump

EXTENSION OF REMARKS
OF

HON. THOMAS M. PELLY

OF WASHINGTON
IN THE HOUSE OF REPRESENTATIVES
Friday, July 29, 1966

Mr. PELLY. Mr. Speaker, due to ill-advised Johnson administration policies interest rates are the highest in 40 years. As a result the homebuilding and selling industry faces a major crisis which adversely affects millions of Americans. Absence of mortgage money has resulted in the building permit rate dropping 18 percent as against a year ago, and applications for FHA-insured mortgage loans on existing homes are down 34 percent.

Newly married couples are unable to buy homes. Families who need to sell their houses cannot find buyers. Builders and workers in the home construction and related industry are suffering from the slump. The Pacific Northwest lumber industry is hurt by this building recession.

The problem is that the rising demand for credit by the Federal Government and business has siphoned off funds from industries such as home financing. Meanwhile, plant and inventory expansion continues at a record pace as a hedge against the inflationary cost increase spiral.

Mr. Speaker, the only remedy offered by the administration's low-interest advocates has been a statutory interest rate ceiling over time deposits in banks and savings and loan associations. The Treasury Department, according to the press, opposes such a 4.5-percent limitation on interest rates.

The suggestions of the House Republican Policy Committee, of which I am a member, to meet the crisis consist of several stern measures:

First. Slash nondefense, nonessential domestic spending. Not just in regard to appropriations as the President has urged, but also with respect to new program authorizations which trigger the appropriations process.

Second. Reduce point discounts on FHA and VA home financing through administrative adjustments of rates to more realistic levels. Five and six point discounts—$1,500 on a $25,000 home mortgage—are stifling home financing and wiping out personal savings.

Third. Suspend any further issues of FNMA participation sales other than for VA and FHA pooled housing mortgages. When the participation sales bill was being debated, we warned that this multibillion-dollar budgetary gimmick would place severe strains on the private credit market and push up interest rates to record levels. Experience with the program has fully confirmed our fears.

Fourth. Enact the Republican-initiated proposal to grant FNMA additional borrowing authority in a prudent and legal manner.

Fifth. Remove FNMA's $15,000 administrative limitation on purchase of mortgages under its secondary market operations.

Sixth. Appoint an emergency Presidential factfinding committee on the homebuilding crisis to report its findings in sufficient time for congressional consideration prior to adjournment of the 89th Congress, and prior to the November election.

Mr. Speaker, the main cause of the stringency in money for loans is the swollen budget of the President and the excessive spending programs advocated by his administration.

All the while some of us in Congress have been urging drastic cuts in nonessential Government spending.

Administration policies caused this money crisis. However, Mr. Speaker, we of the minority stand ready and willing to support sound remedies. Home building and selling is the second largest industry in the country. It is vital to the economy that immediate steps be taken, such as those I have mentioned, to curb inflation and ease money for loans to homeowners.

Trade-With-Enemy Ban Should Not Be Weakened

EXTENSION OF REMARKS

OF

HON. PAUL FINDLEY

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Friday, July 29, 1966

Mr. FINDLEY. Mr. Speaker, a change in the agriculture appropriation bill adopted by the Senate on July 15 could hamper our war effort because it would weaken economic sanctions against North Vietnam. The change involves the trading-with-the-enemy amendment accepted by the House on April 26 by an overwhelming bipartisan vote of 290 to 98.

Imposed as a limitation on funds for the food-for-peace program—Public Law 480—the House amendment stated:

> No funds appropriated by this Act shall be used to formulate or administer programs for the sale of agricultural commodities pursuant to Titles I and IV of Public Law 480, 83rd Congress, as amended, to any nation which sells or furnishes or which Permits ships or aircraft under its registry to transport to North Vietnam any equipment, materials or commodities, so long as North Vietnam is governed by a Communist regime.

The Senate Appropriations Committee decidedly weakened this provision by the addition of this crippling modification: "unless the President determines that the national interest requires otherwise." The committee in Senate Report 1370, page 55, stated that the House provision as it stood would "encroach upon the authority that the committee believes that the President of the United States should have in the conduct of his responsibilities."

On the contrary, I believe it is more accurate to say that it is the Senate modification—not the original House version—that is an encroachment upon responsibilities. It is the Congress—not the Presidency—which is adversely affected.

The Senate alteration gives the President the discretion to waive the ban when he considers it in the national interest to do so. Congress has acquiesced far too long to Presidential pressure in giving the executive branch a lopsided monopoly in the control and direction of foreign relations.

The discretion the Senate would have the President exercise can easily be used in ways and to achieve ends neither envisioned nor necessarily condoned by Congress at the time the legislation is passed. The Tonkin Gulf resolution of 1964 is but one example of this. While the executive branch does have a broad role in many areas of foreign policy development, Congress has the duty and responsibility, as the representative of the people, to give specific direction to policy. A good example is the subject I bring before you today. The House of Representatives, as the body generally closer to the people and more attuned to their opinions than the Senate, must not hesitate to see that its decisions are respected.

The trading-with-the-enemy curb is not a cruel device to punish the poor and starving peoples of the world. Under it, food donations could continue no matter what commerce the recipient countries maintain with North Vietnam or any other country. This is an important point which must be understood. The amendment as adopted by the House does not apply to donations, it applies only to "concessional sales," that is, sales for "soft currencies" or long-term dollar sales at nominal interest rates. It would deny the advantage of these deals to any country that trades with North Vietnam. As such, it would indeed have an impact, but hardly, a cruel impact.

Indeed, the impact would be merciful. To the extent that it helps to shut off supplies of all kinds to Hanoi it mercifully shortens the conflict and improves the position of our men fighting in that jungle war.

Why should our taxpayers finance special cut rate deals to governments—some of which like Poland are Communist—which send supplies to those who are killing American soldiers in South Vietnam? A Polish ship, I might add, was damaged recently while handling cargo near Haiphong.

The House bill as it stands is clear and unequivocal. The Senate version altering the House bill seriously undermines the whole impact of the amendment by creating a loophole big enough to accommodate a lot of cargo. Let us be clear. Let us give effect to our words. Countries which benefit handsomely from Public Law 480 provisions should be prepared to choose between purchasing our farm surpluses at special terms—more attractive than U.S. firms can get—or trading with a nation with whom we are engaged in a bitter and bloody war. They should not be permitted to have the best of both worlds.

The Senate language lets the President define the national interest. The national interest is, admittedly, a concept that is not without some ambiguity, but we should create a legislative loophole which would permit a subordinate acting in the name of the President but perhaps without his knowledge to set aside a specific and reasonable definition of national interest made by the Congress.

Congress is just as capable of determining the national interest on this point as the President and far more so than some unknown fourth-layer assistant in the Executive Office Building.

A conference has not yet been arranged at which reconciliation of differences between the House and Senate versions will be attempted. It is my understanding that the Senate conferees have been appointed, but House conferees have not.

In insisting resolutely on the House version, House conferees, whoever they may be, will be true not only to their colleagues of both political parties but more importantly to all our armed forces in South Vietnam.

SENATE

MONDAY, AUGUST 1, 1966

The Senate met at 12 o'clock meridian, and was called to order by the Acting President pro tempore (Mr. METCALF).

The Chaplain, Rev. Frederick Brown Harris, D.D., offered the following prayer:

Eternal God, who committest to us the swift and solemn trust of life, since we know not what a day may bring forth, but only that the hour for serving Thee is always present, may we wake to the instant claims of Thy holy will, not waiting for tomorrow, but yielding today. Consecrate with Thy presence the way our feet may go; and the humblest work will shine, and the roughest places be made plain. Lift us above unrighteous anger and mistrust into faith and hope and love by a simple and steadfast reliance on Thy sure will.

Mastered by that love which seekest not its own, but whose passion is the coming of Thy universal kingdom, may the words of our mouths and the meditation of our hearts be this day, and always, acceptable in Thy sight, O Lord, our strength and our redeemer. Amen.

THE JOURNAL

On request of Mr. Mansfield, and by unanimous consent, the reading of the Journal of the proceedings of Friday, July 29, 1966, was dispensed with.

WAIVER OF CALL OF THE CALENDAR

On request of Mr. Mansfield, and by unanimous consent, the call of the Legislative Calendar, under rule VIII, was dispensed with.

MESSAGES FROM THE PRESIDENT

Messages in writing from the President of the United States were communicated to the Senate by Mr. Geisler, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session,

The ACTING PRESIDENT pro tempore laid before the Senate messages from the President of the United States submitting sundry nominations, which were referred to the appropriate committees.

(For nominations this day received, see the end of Senate proceedings.)

BILLS INTRODUCED

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. CARLSON:

S. 3675. A bill to amend title V of the International Claims Settlement Act of 1949 to provide for the determination of the amounts of claims of nationals of the United States against the Chinese Communist regime; to the Committee on Foreign Relations.

By Mr. JACKSON (for himself, Mr. Bible, and Mr. Kuchel) (by request):

S. 3676. A bill to establish the National Park Foundation; to the Committee on Interior and Insular Affairs.

(See the remarks of Mr. Jackson when he introduced the above bill, which appear under a separate heading.)

By Mr. CARLSON:

S. 3677. A bill to provide for the issuance of a special postage stamp commemorating the centennial of the birth of Laura Ingalls Wilder; to the Committee on Post Office and Civil Service.

By Mr. JAVITS (for himself, Mr. Clark, Mr. Kennedy of New York, and Mr. Young of Ohio):

S. 3678. A bill to amend the Social Security Amendments of 1965 so as to eliminate therefrom certain provisions which deny hospital insurance benefits to certain individuals otherwise eligible therefor because of their membership in certain subversive organizations or their prior conviction of crimes involving subversive activities, and for other purposes; to the Committee on Finance.

(See the remarks of Mr. Javits when he introduced the above bill, which appear under a separate heading.)

By Mr. HARTKE:

S. 3679. A bill relating to the appointment and promotion of deputy U.S. marshals; to the Committee on Post Office and Civil Service.

(See the remarks of Mr. Hartke when he introduced the above bill, which appear under a separate heading.)

COMMITTEE MEETINGS DURING SENATE SESSION

On request of Mr. Mansfield, and by unanimous consent, the Subcommittee on Constitutional Amendments of the Committee on the Judiciary and the Committee on Labor and Public Welfare were authorized to meet during the session of the Senate today.

ADDRESSES, EDITORIALS, ARTICLES, ETC., PRINTED IN THE RECORD

On request, and by unanimous consent, addresses, editorials, articles, etc., were ordered to be printed in the Record, as follows:

By Mr. ROBERTSON:

Newsletter entitled "Washington Report," issued by Senator Stennis, dated August 1, 1966.

LIMITATION ON STATEMENTS DURING THE TRANSACTION OF ROUTINE MORNING BUSINESS

On request of Mr. Mansfield, and by unanimous consent, statements during the transaction of routine morning business were ordered limited to 3 minutes.

ESTABLISHMENT OF NATIONAL PARK FOUNDATION

Mr. JACKSON. Mr. President, at the request of the administration, I introduce, for myself, Mr. Bible, and Mr. Kuchel, a bill to establish the National Park Foundation and ask that it be properly referred.

As explained in the letter of transmittal, the purpose of the bill is to provide ready machinery for private philanthropy which seeks opportunity to contribute effectively to the conservation of the Nation's natural, scenic, historic, scientific, educational, inspirational, and related recreational resources.

The proposal would abolish the National Park Trust Fund Board and replace it with a National Park Foundation.

For the information of the Members of the Senate, I ask unanimous consent that the full text of the letter of transmittal accompanying the draft of the bill be printed in the Record following my remarks.

The ACTING PRESIDENT pro tempore. The bill will be received and appropriately referred; and, without objection, the letter will be printed in the Record.

The bill (S. 3676) to establish the National Park Foundation, introduced by Mr. Jackson (for himself, Mr. Bible, and Mr. Kuchel), by request, was received, read twice by its title, and referred to the Committee on Interior and Insular Affairs.

The letter, presented by Mr. Jackson, is as follows:

U.S. Department of the Interior,
Office of the Secretary,
Washington, D.C., July 25, 1966.

Hon. Hubert H. Humphrey,
President of the Senate,
Washington, D.C.

Dear Mr. President: Enclosed is a draft of a proposed bill "To establish the National Park Foundation."

We recommend that the bill be referred to the appropriate committee for consideration, and we strongly recommend that it be enacted.

The focus of the bill is upon providing ready machinery for private philanthropy which seeks opportunity to contribute effectively to the conservation of the Nation's natural, scenic, historic, scientific, educational, inspirational, and related recreational resources.

If this Nation is to preserve its great places of beauty and history, if lands sufficient to the needs of our citizens for outdoor recreation are to be set aside, all segments of society—public and private—must join in the common effort. This proposal, which would supplant the Act of July 10, 1935 (49 Stat. 477; 16 U.S.C. 19 *et seq.*), as amended, that established the National Park Trust Fund Board, will help make it possible for private generosity to enhance public programs.

Enactment of the broader authority contained in the proposed bill is particularly timely in view of the commitment of the Administration to the preservation of natural beauty as a precept of President Johnson's Great Society. In the years ahead an informed public will be increasingly concerned with programs whose concern is the preservation of rural landscapes and the urban environment. The bill offers a vehicle for individuals and organizations to help realize a vital objective of the Great Society.

Full participation by private donors has not been realized under the Act of July 10, 1935 (49 Stat. 477; 16 U.S.C. 19 *et seq.*), as amended, which created the National Park Trust Fund Board. In the 27 years of the Trust Fund's existence, only $117,000 has been received. In addition, pursuant to the Act of July 25, 1962 (76 Stat. 217), which provided for the establishment of the Theodore Roosevelt Birthplace and Sagamore Hill National Historic Sites, the National Park Trust Fund Board received a $500,000 fund from the Theodore Roosevelt Association. The Act specified, however, that such funds could be used only for the purposes of these two historic sites.

We propose, therefore, legislation that abolishes the National Park Trust Fund Board and replaces it with a National Park Foundation. The National Park Foundation will be a charitable and nonprofit corporation. It will not be regarded as an instrumentality of the United States, except for the purpose of all tax laws. The income and property received or owned by the Foundation will be exempt from all Federal and State taxation. Our proposal supplements the authority of the Secretary of the Interior, acting under the Act of June 5, 1920 (41 Stat. 917); 16 U.S.C. 6), to accept outright gifts of real property within the various national parks and monuments.

We believe that the establishment of the proposed National Park Foundation, which will have expanded authority with respect to the nature of the property that may be accepted and the use to which it may be put, will create a climate and framework within which the support of private philanthropy can be more readily achieved.

The purpose of the bill is to encourage private gifts of real and personal property or any income therefrom or other interest therein for the benefit or of in connection with the National Park Service, its activities, or its services, and thereby to further the preservation of natural, scenic, historic, scientific, educational, inspirational, or recreational resources for future generations of Americans, by establishing a National Park Foundation to accept and administer such gifts.

The bill provides for the creation and establishment of the National Park Foundation, which shall consist of a board having no less than eight members, at least six of whom must be private citizens of the United States. The existing National Park Trust Fund Board has a majority of governmental officials, and it is believed that the board of the proposed Foundation will have a wider appeal to prospective donors. The National Park Foundation will be under the chairmanship of the Secretary of the Interior and the Director of the National Park Service will be the additional governmental member. The Secretary of the Interior will coordinate the Foundation's activities with both Federal and local policies, including land-use and development policies. The Foundation will succeed under the terms of the proposal to the rights and interests of the National Park Trust Fund Board, which is abolished by the proposal.

The bill gives the Foundation broader authority than the existing National Park Trust Fund Board to accept and administer gifts, devices, or bequests. First, it is made clear in section 3 that the Foundation may accept such gifts whether by the terms of the gifts they are absolute or in trust. Second, such gifts may be not only of personal property, but also of real property or any income therefrom or interest therein. Third, the bill establishes that an interest in real property may include easements or other rights for the preservation, conservation, protection, or enhancement of property which is a natural, scenic, historic, scientific, educational, inspirational, or recreational resource. The Foundation may therefore accept gifts of development rights in real property for the preservation of green belts and open spaces. Recent State legislation, for example in New York and California, has similarly authorized public agencies to accept such development rights or conservation rights, as they are sometimes called. Finally, the bill makes it clear that the Foundation may accept private donations of property, even though they may be encumbered, restricted, or subject to beneficial interests of private persons if any current or future interest inures to the benefit of the National Park Service, its activities or its services. The bill provides that a donation may not be accepted if it entails any expenditure other than from the resources of the Foundation.

Section 4 generally gives the Foundation broader authority than the existing National Park Trust Fund Board to deal with gifts of property or income thereof, but the Foundation is required to follow the terms of the instrument of donation. The Foundation is not to engage in any business, and unless authorized by the instrument of donation the Foundation must invest in those investments lawful for trust companies in the District of Columbia. The Foundation is also authorized to retain property originally accepted by the Foundation from a donor. This section also permits the Foundation to utilize services and facilities of the Department of the Interior, when such services and facilities are made available by the Department.

In addition, the bill provides the Foundation with the usual powers and obligations of a corporation acting as a trustee, affords the Foundation the necessary power to contract and do other lawful acts appropriate to its purpose, and provides the Board of the Foundation essential authority to adopt bylaws, rules, and regulations necessary for the administration of its functions.

The bill is generally designed to strengthen the existing provisions of law with respect to gifts to the United States for the benefit of or in connection with the National Park Service.

The Bureau of the Budget has advised that there is no objection to the presentation of this proposed legislation from the standpoint of the Administration's program.

Sincerely yours,

STANLEY A. CAIN,
Assistant Secretary of the Interior.

MEDICARE OATH

Mr. JAVITS. Mr. President, Friday's Washington Post tells of a Federal Court decision to enjoin the requirement of a loyalty disclaimer for certain medicare recipients. In the case, the Los Angeles court granted a motion made by the American Civil Liberties Union to restrain the Government from requiring medicare applicants to state whether they belong to certain organizations. The action is part of a test case, initiated by the ACLU challenging the requirement of the Social Security Amendments Act of 1965.

I ask unanimous consent that the text of the Post article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

UNITED STATES ENJOINED AGAINST USING NON-RED CRITERIA FOR MEDICARE

(By Richard West)

LOS ANGELES, July 28.—A temporary court order was issued here today restraining the Government from requiring medicare applicants to choose between stating whether they belong to Communist-dominated organizations or being investigated.

The action is expected to result in an important national test case, affecting the applications of an estimated 2 million persons not already covered by social security, railroad retirement or other civil service programs.

Seventeen million other persons already covered were not required to fill out the form containing the disputed question.

Chief Judge Thurmond Clarke of the U.S. District Court here granted the injunction shortly after it was requested by A. L. Wirin, chief counsel for the American Civil Liberties Union of Southern California (ACLU).

Three similar suits sponsored by the ACLU are pending in New York, Philadelphia and Washington, D.C., but this is the first case in which an injunction has been granted, Wirin said.

[The Washington suit, brought by Alice Evans, 85, of 1661 Crescent pl., NW., was dismissed as premature by District Court Judge William B. Jones. He said Miss Evans should go through administrative channels at the Department of Health, Education, and Welfare before going into court.]

Wirin filed the suit on behalf of Mrs. Alda T. Reed of Los Angeles and "all other persons similarly situated." He did not further identify Mrs. Reed.

He said the disclaimer question is unconstitutional because it requires the medicare applicant to give up his right to "freedom of speech and association" in return for hospital insurance coverage.

The challenged question on the medicare application, according to the Social Security Administration, reads:

"Are you now a member of any organization which is required to register under the Internal Security Act of 1950 as a Communist-action organization, a Communist-front organization or a Communist-infiltrated organization?"

Wirin said Judge Clarke's order restrains Secretary of Health, Education, and Welfare John Gardner from "in any manner enforcing the provision in the medicare act which bars asserted subversives from getting benefits under the act."

"It also temporarily enjoins the requirement that any applicant for medicare answer the question, restrains use of the form which contains the question and restrains the enforcing act of Congress," Wirin added.

The attorney said the injunction should not result in the need for the printing of new forms, however, because present forms can be used providing the disputed question is crossed out.

Judge Clarke made the injunction effective until a hearing on the matter is held Aug. 3.

He stipulated that the case be heard by a three-judge court, including himself, another federal judge and a judge from the U.S. Court of Appeals.

Wirin said he dropped a similar suit last April when the Social Security Administration stated that Medicare applicants would not have to answer the question.

Later, however, Commissioner of Social Security Robert M. Ball said the oath would continue to appear on the application and that if the applicant refused to answer the question, the Department would conduct an investigation to obtain the information.

Wirin said an estimated 17 million persons already covered are not required to submit to this scrutiny since it is not necessary for them to sign the form.

Mr. JAVITS. Mr. President, on January 17 of this year, I offered, together with my colleagues, Senators KENNEDY of New York, MORSE, CLARK, HARTKE, TYDINGS, and YOUNG of Ohio, a bill to repeal that section of the 1965 act which requires the disclaimer. At that time, I expressed the view that this provision was not intended by the original drafters of the medicare legislation and that such a requirement was burdensome, demeaning, and unjust as applied to the 2 million older Americans it affects.

I had a very close and direct hand in the enactment of the medicare legislation and I think I have a right to some testimony as to what it was intended to cover.

Recently, upon the request of the Senate Finance Committee, the Department of Health, Education, and Welfare expressed their support of my bill, S. 2776, on the condition that it be broadened in certain respects to repeal preexisting sections of the Social Security Act dealing with nonmedical social security benefits.

I ask unanimous consent that the text of the Department's letter be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

DEPARTMENT OF HEALTH,
EDUCATION, AND WELFARE,
June 30, 1966.

Hon. RUSSELL B. LONG,
Chairman, Committee on Finance,
U.S. Senate, Washington, D.C.

DEAR MR. CHAIRMAN: This letter is in response to your requests of January 18, 1966, reports on S. 2776 and S. 2777, bills to amend the Social Security Amendments of 1965 so as to eliminate the provision which denies hospital insurance benefits to certain individuals because of their membership in certain subversive organizations and to eliminate other related provisions.

The Social Security Amendments of 1965 contain temporary provisions under which people who are already age 65, or will reach age 65 within the next few years, and who are not eligible for cash benefits under the contributory social security and railroad retirement programs can be paid hospital insurance benefits which are financed from the general fund of the Treasury. Under section 103(b) (1) of these amendments an aged person who would otherwise be eligible for hospital insurance benefits under the temporary provisions cannot receive them if he is a member of an organization required to register under the Internal Security Act of 1950. Both S. 2776 and S. 2777 would repeal section 103(b) (1). S. 2776 would also repeal the provision in the 1965 amendments (section 103(b)(2)) under which noncontributory hospital insurance benefits provided for under the temporary provisions cannot be paid to a person who has been convicted of treason, espionage, or one of certain other specified offenses. S. 2777 would not repeal the latter provision but would repeal the provision in the Social Security Act (section 210(a)(17)) that excludes from coverage under the social security program employment for organizations required to register under the Internal Security Act of 1950.

We believe that the provision denying noncontributory hospital insurance benefits to persons who are members of specified organizations (section 103(b)(1) of the Amendments) is undesirable in principle and should be repealed. We believe that it is not desirable to have a provision of law under which a person's membership in some specified organization—however repugnant that organization might be to Americans generally—will cause him to be denied the benefits of hospital insurance, perhaps with the result that he does not get hospital care when he needs it.

Consistency would seem to require repeal also of section 210(a)(17) of the Social Security Act excluding employment by these organizations from social security coverage, as proposed by S. 2777. This exclusion applies to anyone who is employed by any organization required to register under the Internal Security Act of 1950, regardless of the kind of work he does and whether or not he is a member or a supporter of the organization. It does not apply to even the most active supporter of such an organization if he is not an employee of the organization. The effect of this provision is anomalous: on the one hand, members—including active supporters—of a subversive organization are eligible for both cash benefits and hospital insurance benefits, provided they are not employees of the organization; on the other hand, employees of such an organization who are not members of the organization are not eligible for either cash benefits or hospital insurance benefits based on such employment. If S. 2776 were to be enacted by the Congress, we would suggest that it be amended to provide also for the repeal of section 210(a)(17) of the Social Security Act.

S. 2776 would repeal section 103(b)(2) of the Social Security Amendments of 1965 which prohibits payment of noncontributory hospital insurance benefits to persons who have been convicted of treason, espionage, and certain other specified offenses listed in section 202(u) of the Social Security Act. The existence of this prohibition in the law raises serious problems of policy. Individuals affected by it would normally receive the benefits of hospital insurance only after they had been released from serving whatever sentence was imposed upon them as a result of their conviction—at which time these aged persons in need of health care would presumably have served whatever debt society felt they owed, as indicated under the applicable legislation and the judgment of the court. If this provision is repealed, consistency would seem to require the repeal also of the parallel provision of the Social Security Amendments of 1965 (section 104(b)(2)), which prohibits a persons who has been convicted of one of the specified offenses from enrolling in the supplementary medical insurance plan, and of section 202(u) of the Social Security Act, under which a person convicted of one of the specified offenses may be rendered ineligible for social security cash benefits, and hospital insurance benefits based on eligibility for cash benefits, if the court, as an additional penalty, orders his wages or self-employment earnings deleted for benefit purposes.

For the reasons indicated, we recommend that either S. 2776, or S. 2777, amended as suggested above, be enacted by the Congress.

We are advised by the Bureau of the Budget that there is no objection to the presentation of this report from the standpoint of the Administration's program.

Sincerely,

JOHN W. GARDNER,
Secretary.

Mr. JAVITS. Mr. President, on behalf of myself, and Senators KENNEDY of New York, CLARK, and YOUNG of Ohio, I send to the desk today a new bill, similar to S. 2776, which incorporates the amendments suggested by the Department, and ask that it remain on the desk for 1 week, so that other interested Senators can join in cosponsorship. I also ask, in light of the Department's favorable report, that the Finance Committee schedule early action on the measure.

Mr. President, we are placing the United States in a demeaning position by requiring this kind of loyalty oath from older citizens. We do not ask the the same thing of recipients of all kinds of other domestic aid payments to farmers, the merchant marine, and other segments of our population. It is something that is really burdensome and improper for the United States to do and I hope very much that it will soon be undone. Especially am I buttressed by the favorable report of the Government department concerned.

The ACTING PRESIDENT pro tempore. The bill will be received and appropriately referred; and, without objection, the bill will lie on the desk, as requested by the Senator from New York.

The bill (S. 3678) to amend the Social Security Amendments of 1965 so as to eliminate therefrom certain provisions which deny hospital insurance benefits to certain individuals otherwise eligible therefor because of their membership in certain subversive organizations or their prior conviction of crimes involving subversive activities, and for other purposes, introduced by Mr. JAVITS (for himself and other Senators), was received, read twice by its title, and referred to the Committee on Finance.

APPOINTMENT AND PROMOTION OF DEPUTY U.S. MARSHALS

Mr. HARTKE. Mr. President, on June 15, I introduced S. 3507, which would place all deputy U.S. marshals under the competitive civil service system. The measure also called for the upgrading of the deputies to a civil service pay classification which is commensurate with the job and duties these men discharge. Since the time of introduction of that measure the Civil Service Commission has placed these deputies in the civil service register, thus making a part of the measure unnecessary. However, an equally important part of the deputies' problem remains yet unsolved—their pay scale, which has always lagged far behind those of other similar law enforcement agencies, on both a local and Federal level. My new bill deals with this problem.

Today, Mr. President, I introduce a revised measure similar to S. 3507, calling for a more comprehensive solution to the problems facing the deputy marshals. My initial remarks concerning the deputy marshals can be found in the CONGRESSIONAL RECORD of June 15 on page 13156.

The ACTING PRESIDENT pro tempore. The bill will be received and appropriately referred.

The bill (S. 3679) relating to the appointment and promotion of deputy U.S. marshals, introduced by Mr. HARTKE, was received, read twice by its title, and referred to the Committee on Post Office and Civil Service.

ADDITIONAL COSPONSORS OF AMENDMENT NO. 638

Mr. KUCHEL. Mr. President, I ask unanimous consent that the name of the distinguished junior Senator from Kansas [Mr. PEARSON] be added as cosponsor to my amendment No. 638 to S. 3164.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

ADDITIONAL COSPONSOR OF BILLS

Mr. CARLSON. Mr. President, I ask unanimous consent that, at its next printing, the name of the Senator from Kansas [Mr. PEARSON] be added as a cosponsor of the bill (S. 3666) to permit the city of Kansas City, Kans., to count expenditures made for recently constructed board of education's library building and board of public utilities building as local noncash grants-in-aid toward the Kansas City, Kans., urban renewal project.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. CARLSON. Mr. President, I also ask unanimous consent that, at its next printing, the name of the Senator from Kansas [Mr. PEARSON] be added as a cosponsor of the bill (S. 3667) to permit the city of Wichita, Kans., to count expenditures made for its current civic cultural center as local noncash grants-in-aid toward the Wichita urban renewal project.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

REPEAL OF SECTION 7043 OF TITLE 10, UNITED STATES CODE

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar No. 1388, H.R. 7327.

The ACTING PRESIDENT pro tempore. The bill will be stated by title.

The LEGISLATIVE CLERK. A bill (H.R. 7327) to repeal section 7043 of title 10, United States Code.

The ACTING PRESIDENT pro tempore. Is there objection to the present consideration of the bill?

There being no objection, the Senate proceeded to consider the bill, which had been reported from the Committee on Armed Services, with an amendment, to strike out all after the enacting clause and insert:

> That section 7043(b) of title 10, United States Code, is amended by deleting the following, "prescribes, but not more than $13,500 a year." and substituting in lieu thereof the following: "prescribes, but not more than the rate of compensation provided for grade 18 of the general schedule of the Classification Act of 1949, as amended."

The amendment was agreed to.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time and passed.

The title was amended so as to read: "An act to amend a limitation on the salary of the Academic Dean of the Naval Postgraduate School."

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 1423), explaining the purposes of the bill.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

EXPLANATION OF AMENDMENTS

The amendments are intended to provide specifically that the Secretary of the Navy may not prescribe a salary for the academic dean that is higher than the compensation for a civilian employee of the United States in the grade of GS–18.

PURPOSE

This bill would repeal a ceiling of $13,500 a year on the salary of the academic dean of the Naval Postgraduate School at Monterey, Calif., and permit the salary of this dean to be established by the Secretary of the Navy but at a rate not higher than that received by a civilian employee of the United States in the grade of GS–18.

EXPLANATION

Section 7043 of title 10, United States Code, provides for the civilian position of academic dean to the Naval Postgraduate School located at Monterey, Calif. This section authorizes the Secretary of the Navy to prescribe the compensation of the academic dean but it also establishes a maximum compensation of $13,500 a year.

The prescribed salary ceiling is too low to attract a competent dean in the competitive market of today in which academic salaries have been substantially increased over former levels. Because of the difficulty in employing a faculty leader in the position of academic dean as a result of this salary limitation, the Naval Postgraduate School has had to assign the duties of the academic dean to one of the professors as a collateral responsibility.

Section 7044 of title 10, United Staes Code, authorizes the Secretary of the Navy to employ civilian professors at the Naval Postgraduate School but this section does not limit the compensation of the professors. The upper limits of their salaries is established by the Federal Salary Reform Act of 1964, which provides that the head of any executive department who is authorized to prescribe salaries shall not fix compensation in excess of that received by a person in grade 18 of the general schedule of the Classification Act. To avoid a possible construction that a later enactment might supersede this limitation, the committee has expressly provided in the terms of this bill that the salary of the academic dean may not exceed that of a person in grade 18 of the general schedule.

Under the condition that now obtains at the Postgraduate School, professors on the faculty receive compensations higher than that authorized for the academic dean. Civilian faculty members are paid salaries that range between $6,000 for instructors to about $18,000 for professors for a 10-month academic year, with proportionate increases for service longer than 10 months in any one year. To end this anomaly and to attempt to maintain the academic standards of the postgraduate school, the committee considers that an increase in the salary that may be paid the academic dean is justified.

COST

The additional cost that would result from the enactment of this bill is the difference between $13,500 a year and the amount that may be prescribed as the salary of the academic dean. Since the salary prescribed cannot exceed $25,890 a year, the additional cost cannot be more than $12,390.

The committee was informed, however, that the salary to be prescribed for the academic dean is likely to be about $24,000.

WALL STREET JOURNAL CALLS FOR CONGRESSIONAL ACTION ON BASEBALL'S MONOPOLY

Mr. PROXMIRE. Mr. President, the friendliness and understanding of business and how it operates are certainly characteristics of the Wall Street Journal.

This outstanding spokesman of business interests has often been critical of what they regard as overzealous application of the antitrust laws.

But, Mr. President, even the Wall Street Journal recognizes the obsolete ridiculousness of the 1922 Supreme Court ruling that baseball is not a business, not a matter of interstate commerce subject to our antitrust laws.

The Wall Street Journal today points out that the decision last week of the Wisconsin Supreme Court, finding baseball a monopoly, that had done serious economic damage to the economy of Milwaukee in the exodus of the Milwaukee Braves, but also found Wisconsin antitrust law helpless to deal with the abuse, emphasizes—in the words of the Wall Street Journal, "the illogic of the sport's claim to antitrust immunity."

The editorial goes on to say:

> The league obviously takes the attitude that its special monopolistic position in no way obligates it to even consider anything like economic damage and social loss to a vacated city while it pursues its own profit and convenience.
>
> Far from cooperating with local businessmen anxious to assume the risk of maintaining a franchise in an abandoned town, the owners in effect decreed that the city will not have a team. Even a legally sanctioned monopoly such as a patent licensee cannot operate so arbitrarily.

The editorial goes on to call for legislation by Congress to "preserve enough competition to prevent abuse, not grant a blanket exemption subject to arrogant use."

Mr. President, I earnestly hope that Congress, through amending the Hart sports bill, which has passed the Senate and is pending in the House, can take this kind of action.

I also hope and frankly expect the State of Wisconsin to have an excellent chance in the U.S. Supreme Court to convince those eminent jurists that baseball in 1966, with a very large share of its revenues coming from all 50 States in television sales, is not the same as baseball in 1922. Such a decision would end this arrogant, ruthless monopoly and give Congress a clear mandate to act promptly.

I ask unanimous consent that the editorial from today's Wall Street Journal, entitled "Baseball's Illogic," be printed at this point in the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

BASEBALL'S ILLOGIC

If we were baseball magnates, our glee would be restrained indeed over the National League's latest legal victory. For the Wisconsin Supreme Court's ruling that Milwaukee cannot use state law to stop the Braves from moving to Atlanta nicely emphasizes the illogic of the sport's claim to antitrust immunity.

In 1922 the Supreme Court supplied the bedrock of that immunity by imagining that big-league baseball is not interstate commerce. Now the Wisconsin court says that state antitrust regulation does not apply precisely because baseball is interstate commerce.

Whether the team owners can have it both ways may be resolved by further litigation; Milwaukee can both appeal the most recent ruling and press a yet untried companion suit in Federal court. There seems little doubt, though, that reason exists to check abuse of baseball's privileges.

Without denying that Atlanta rates a big-league franchise, we do find something suspect in the Braves' transfer. The league obviously takes the attitude that its special monopolistic position in no way obligates it to even consider anything like economic damage and social loss to a vacated city while it pursues its own profit and convenience.

Far from cooperating with local businessmen anxious to assume the risk of maintaining a franchise in an abandoned town, the owners in effect decreed that the city will not have a team. Even a legally sanctioned monopoly such as a patent licensee cannot operate so arbitrarily.

More disturbing is the sport's player draft, which, with no thought of consent from the individual concerned, assigns a single team rights to a potential player. The competition for players that used to exist showed that some young men possess talent worth princely sums to profit-minded owners. Yet the draft means that a recruit must take whatever the team offers; or wait till the next draft and hope for more generosity from the next team to get exclusive rights to him.

Professional football, sad to say, is rapidly moving toward similar inequity.

Now, probably professional sports do require special status under antitrust law, including some form of franchise restriction and player draft. The process of litigation seems ill-equipped to define such a status. Despite Congress' past heritance, the best answer would be sensible legislation.

In any case, it should be evident by now that any antitrust privileges for professional sports must somehow preserve enough competition to prevent abuse, not grant a blanket exemption subject to arrogant use.

THE FEDERAL ROLE IN URBAN AFFAIRS

Mr. **RIBICOFF**. Mr. President, a tide of change is sweeping across this Nation—and the full effects of that tide are now being felt in America's cities. For better or for worse, we are now an urban Nation. And for better or for worse, our Nation's future will be decided in our cities.

Today, 70 percent of all Americans now live in urban areas, and the number grows each year. By 1980, over 55 million more people will be living in urban areas than were living there in 1960. Yet our cities are already decaying faster than they can be rebuilt.

The pattern of the past affords scant hope for the future. Industry and the middle class have left the central cities. Downtown stores are losing business. Traffic jams strangle city streets. And in the growing urban slums, waves of discontent erupt into violence.

Cities came into being because they served the needs of man. They provided employment—centers of trade and communications—places of culture. And they became magnets, drawing millions from rural America to urban areas, seeking the better life. While our total population has spiraled, farm population in the Nation has drastically dropped—from 23 million in 1950 to 13 million in 1964. As one observer put it:

> The American nation was born in the country and has moved to the city.

But now the city's streets are no longer paved with even the illusion of gold. They are far more likely to be covered with potholes and jammed from curb to curb with a mass of stalled traffic. And at the edge of the streets live great masses of the poor, huddled together in squalor—seething with the dissatisfaction that comes from hopelessness and the expectation unfulfilled.

We live in a time of booming prosperity—and it would be nice to assume that everyone shares our affluence. But the fact is that there are millions who do not, and who are very much aware that they are locked in the city slum looking out—awash in an eddy far removed from the mainstream of prosperity. They live in a culture born of poverty, constantly faced with the threat of repeating the same dismal cycle—generation after generation.

Some of the grave consequences of this situation are apparent in the bitterness of riots, looting, and arson.

And ironically, this crisis comes upon us after years of constantly increasing Federal investment in urban America. Our efforts to determine just exactly how much we are spending in urban America proved unsuccessful. Such information cannot be found in the annual Budget of the United States, nor in periodic census reports on State and local government financing. In 1962, Robert Weaver, then Administrator of the Housing and Home Finance Agency, stated that the impact of the various Federal programs that directly or indirectly affected metropolitan development was in the nature of $20 billion annually.

Today, that Federal effort is obviously even higher—but today, despite $2.3 billion in Federal hospital construction aid since 1947, there is still no hospital in Watts. Today 4 million urban families still live in substandard housing. Today sprinklers were added to fire hydrants in the steaming streets of one city only after riots and violence. And today 14,000 infants and adults suffer death, injury, and infection each year due to rat bites.

We have slashed highways through cities—built massive public housing projects—condemned great areas of rundown structures—or created bright new office buildings and apartments for the wealthy—all without thoughtfully relating our efforts to the needs of the people. We have been concrete-conscious—not people-conscious.

We have set a national policy of full employment. We have set a national policy of a decent home for every American. We have undertaken the eradication of poverty—the development of rural areas—the development of adequate transportation. We have all these policies, but the basic fact is this—we have yet to enunciate and carry out a clear-cut national policy of urban development. We have not come to grips with the problems of our cities.

Taken together, these problems deprive Americans of genuine freedom in everyday urban living. They restrict freedom of choice in residence, in environment, in use of time, in equal opportunities for the urban newcomer. They impose high costs. They prevent the achievement of the goals of our Nation.

The violent events of recent weeks in American cities clearly show that we do not have the answers. No individual has the answers. In many cases, we have not even asked the right questions.

It is high time we examined the issues. Grasping the nettle is never a comfortable experience, but grasp it we must. Until we understand the nature and causes of the problems that plague our cities, we cannot come up with constructive solutions. The very foundations of our institutions are threatened—and the time to act is now.

We must begin to answer the questions: Is our response to the present challenge adequate? Are the techniques of our aid programs obsolete and limited—designed to meet the needs and conditions of national life of a generation ago? Are the proper management skills being used? Is the effectiveness of the programs that exist impaired by division of authority among many agencies and levels of government? And, do the goals of major Federal programs conflict? Are they unreconciled in their application to the individual metropolitan area, some working to the revitalization of the central city, some accelerating suburban growth, some encouraging new urban clusters—all making difficult the development of a clear national strategy for city building?

In an effort to ask the right questions—and begin to find answers to help organize our Federal efforts efficiently, constructively and effectively—the Subcommittee on Executive Reorganization will begin hearings on August 16, 1966, on the Federal role in urban affairs. Our first witness will be Secretary Robert C. Weaver of the Department of Housing and Urban Development. Attorney General Nicholas deB. Katzenbach, Office of Economic Opportunity Director Sargent Shriver, Secretary of Labor W. Willard Wirtz, Secretary of Health, Education, and Welfare John W. Gardner, and Secretary of Commerce John T. Connor have also been invited to testify.

The subcommittee plans in later sessions to examine the Federal role from the point of view of others, including mayors of cities and individuals who can be helpful in our understanding of the problems and possible solutions in fields closely affecting our cities and their people.

Mr. **JAVITS** subsequently said: Mr. President, I was not on the floor, because I was in the Committee on Labor and Public Welfare considering airline strike legislation, when the Senator from Connecticut [Mr. RIBICOFF] made a statement on the Federal role in urban affairs. I am a member of the subcommittee headed by the Senator from Connecticut [Mr. RIBICOFF], and will observe what is done with the greatest of interest.

I hope we shall have from the administration more than generalities about eliminating ghetto conditions, but rather that we will have solid action in which the administration and Congress can join in order to bring about improved intergovernmental cooperation including a better system for financing the improvements of our cities.

MONTHLY REPORT ON FEDERAL PERSONNEL FOR JUNE 1966

Mr. **WILLIAMS** of Delaware. Mr. President, today the Joint Committee on the Reduction of Nonessential Expenditures issued its monthly report on Federal personnel for June 1966, along with a summary of the year's employment record.

In the month of June, 73,088 additional civilian personel were added to the public payroll. Figuring the Government on a 40-hour workweek this is the equivalent of 3,600 extra employees added to the public payroll for every working day in the month of June. Or computing further, it is the equivalent of 450 per hour or better than 1 every 10 seconds.

The June total of 2,738,248 exceeds the Korean war peak—2,601,000 in July 1952—and is the highest public payroll since June 1946.

During the past fiscal year—July 1965 through June 1966—the administration has added 195,658 additional employees, with 187,506 of these having been added since December 1, 1965, the day when President Johnson promised the American people he would cut civilian employment for the remainder of the fiscal year 1966 by at least 25,000.

This is another example of the Johnson administration giving lipservice to economy while at the same time continuing and expanding its spendthrift policies.

These additional 187,000 employees added since December 1965 will cost the

American taxpayers over $1 billion per year in salaries, and I need refer only to the President's speech of last December as evidence that these additional employees were not necessary.

The President has been expressing concern over our deficit and the resulting inflation; it is time that he stops talking and gives us some action.

Mr. President, I ask unanimous consent to have printed in the RECORD the monthly report on Federal personnel for June 1966.

There being no objection, the report was ordered to be printed in the RECORD, as follows:

STATEMENT BY HON. GEORGE H. MAHON, DEMOCRAT, OF TEXAS, CHAIRMAN, JOINT COMMITTEE ON REDUCTION OF NONESSENTIAL FEDERAL EXPENDITURES, IN RE MONTHLY REPORT ON FEDERAL PERSONNEL AND PAY FOR JUNE 1966, WITH YEAREND SUMMARY

Executive agencies of the Federal Government reported civilian employment in the month of June totaling 2,738,248. This was a net increase of 73,088 as compared with employment reported in the preceding month of May.

Civilian employment reported by the executive agencies of the Federal Government, by months in fiscal year 1966, which began July 1, 1965, follows:

Month	Employment	Increase	Decrease
July 1965	2, 542, 590	34, 471	
August	2, 549, 985	7, 395	
September	2, 516, 886		33, 099
October	2, 528, 695	11, 809	
November	2, 547, 923	19, 228	
December	2, 550, 742	2, 819	
January 1966	2, 555, 572	4, 830	
February	2, 580, 518	24, 946	
March	2, 610, 780	30, 262	
April	2, 644, 153	33, 373	
May	2, 665, 160	21, 007	
June	2, 738, 248	73, 088	

Total federal employment in civilian agencies for the month of June was 1,600,057, an increase of 45,859 as compared with the May total of 1,554,198. Total civilian employment in the military agencies in June was 1,138,191, an increase of 27,229 as compared with 1,110,962 in May.

Civilian agencies reporting the larger increases were Post Office Department with 13,376, Agriculture Department with 9,916, and Interior Department with 5,978. The largest decrease was reported by Treasury Department with 2,494.

In the Department of Defense the larger increases in civilian employment were reported by the Army with 12,027, and the Navy with 9,450.

Total employment inside the United States in June was 2,571,827, an increase of 78,659 as compared with May. Total employment outside the U.S. in June was 166,421, a decrease of 5,571 as compared with May. Industrial employment by federal agencies in June was 592,004, an increase of 17,450 as compared to May.

These figures are from reports certified by the agencies as compiled by the Joint Committee on Reduction of Nonessential Federal Expenditures.

The June increase

The 73,088 increase in June includes general agency expansion in employment, Vietnam war emergency employees in the Defense Department, seasonal personnel traditionally taken on during summer months by such agencies as Interior and Agriculture Departments, and a preliminary estimate of 35,000 extra people employed temporarily throughout federal agencies under the President's so-called Youth Opportunity Back-to-School Drive.

FOREIGN NATIONALS

The total of 2,738,248 civilian employees certified to the Committee by federal agencies in their regular monthly personnel reports includes some foreign nationals employed in U.S. Government activities abroad, but in addition to these there were 128,549 foreign nationals working for U.S. agencies overseas during June who were not counted in the usual personnel reports. The number in May was 128,561.

SUMMARY FOR FISCAL YEAR 1966, ENDED JUNE 30, 1966

For many years the Committee, in its statement accompanying the monthly personnel report for June—the last month of the fiscal year—has summarized the changes in federal civilian employment during the year ending. Following this practice, changes during fiscal year 1966 are summarized below:

There was a net increase of 230,129 in civilian employment by executive branch agencies of the Federal Government during fiscal year 1966 which ended June 30, 1966. The total at the end of the year was 2,738,248 as compared with 2,508,119 in June 1965.

Inside and outside the United States

There was an increase of 218,023 in employment within the United States by federal executive agencies, and an increase of 12,106 in employment outside the United States. Employment inside the United States as of June 30, 1966, totaled 2,571,827 as compared with 2,353,804 a year ago. Employment outside the United States as of June 30, 1966 totaled 166,421 as compared with 154,315 a year ago.

Civilian and military agencies

There was a net increase during the year of 125,734 in employment by civilian agencies of the government, and an increase of 104,395 in civilian employment by military agencies. Employment by civilian agencies at the year-end totaled 1,600,057 as compared with 1,474,323 a year ago. Civilian employment by military agencies totaled 1,138,191 as compared with 1,033,796 in June 1965.

Fiscal year 1966 increase

The major increases for the fiscal year—besides 104,395 for the Department of Defense—were reported by Post Office Department with 79,911, Department of HEW with 12,696, Agriculture Department with 5,558, Interior Department with 4,247, Veterans Administration with 3,169, Treasury Department with 2,600, State Department with 1,962, General Services Administration with 1,648, Office of Economic Opportunity with 1,645, National Aeronautics and Space with 1,645, Selective Service with 1,459, and Tennessee Valley Authority with 1,146.

CHANGES IN FEDERAL EMPLOYMENT AS OF THE END OF FISCAL YEARS 1954–66

Federal civilian employment changes, fiscal years 1954–1966, in the executive agencies of the Federal Government—showing defense agencies, civilian agencies, and total—follow:

Fiscal yearend (as of June 30)	Department of Defense	Civilian agencies (except Defense)	Total
1954	−123, 100	−32, 400	−155, 500
1955	−11, 366	+1, 613	−9, 753
1956	−17, 677	+17, 812	+135
1957	−18, 926	+35, 817	+16, 891
1958	−63, 838	+29, 628	−34, 210
1959	−18, 940	+18, 827	−113
1960	−31, 006	+46, 689	+15, 683
1961	−4, 725	+41, 155	+36, 430
1962	+27, 111	+50, 280	+77, 391
1963	−19, 582	+32, 795	+13, 213
1964	−20, 183	−7, 943	−28, 126
1965	+3, 955	+22, 582	+26, 537
1966	+104, 395	+125, 734	+230, 129

Mr. BYRD of Virginia. Mr. President, I wish to associate myself with the remarks made by the distinguished Senator from Delaware [Mr. WILLIAMS]. The report to which the Senator refers, which was issued by the Joint Committee on the Reduction of Nonessential Expenditures, shows that for the month of June 1966, as compared with July 1965, there has been an increase in Federal employment of roughly 196,000 persons. The increase for the month of June 1966, was 73,088, which represents nearly a 3-percent increase in the Federal employment figures over the preceding month of May.

I subscribe to the view that this is a matter with which the President should concern himself in fairness to both the American taxpayers and the many splendid Federal employees who will be disadvantaged if the Federal employment figures continue to soar and increase at the rate they have during the month of June.

Mr. WILLIAMS of Delaware. Mr. President, I thank the Senator from Virginia [Mr. BYRD] for his comments.

It should be pointed out that this rereport was first initiated by the distinguished former senior Senator from Virginia [Mr. Harry Byrd], the father of the gentleman who has just spoken. During the years it has served as a useful barometer of Federal employment.

I am hopeful that this month's report will alert the American people to the reckless manner in which the administration is unnecessarily expanding its public payroll.

UPSIDE DOWN

Mr. YOUNG of Ohio. Mr. President, very definitely if there is to be peace in Vietnam by negotiation, President Johnson should announce our intention to take three important steps toward that goal.

He should proclaim a pause, or cessation of U.S. bombing of North Vietnam for a period of 15 to 30 days, certainly sufficient time to impress on the rulers of Hanoi that our intent is to achieve an armistice and ceasefire in Vietnam and directly following that with the withdrawal of our Armed Forces to the coastal areas in South Vietnam and in due time to the United States. In addition, we should propose a scaling down of offensive military activities in South Vietnam for a period of 15 to 30 days leading to a ceasefire on both sides provided, of course, that the Vietcong scale down and end offensive and terrorist attacks on our Armed Forces during such period and in all areas of South Vietnam, withhold hostile action. Then, above everything else, we should proclaim that we Americans are definitely willing to discuss a ceasefire and an armistice with delegates representing the National Liberation Front or Vietcong. In other words, despite the yapping of Prime Minister Ky and his flamboyant statements as if he were directing the policies of our Government in southeast Asia, we must proclaim a willingness to negotiate with delegates representing those who are doing the actual fighting in South Vietnam. This would mean representatives of the Vietcong as delegates independent of

Saigon and Hanoi. In addition there would be independent delegates representing the Hanoi government and an equal number of independent delegates representing the Saigon government together with an equal number of our own representatives.

Then, of course, our leaders from the President on down would do well to muzzle the militarist talk of the Joint Chiefs of Staff and our generals. They do too much talking on political and foreign policy matters. Silence on political subjects is in order for them. Officials at the Pentagon, including all of our generals, would do well to bear in mind at all times that the Founding Fathers, in writing our Constitution, provided that civilian authority must always be supreme over military authority.

Mr. President, in trying to bring about an armistice and peace and end our involvement in this miserable civil war in the jungles of Vietnam which is really of no strategic or economic importance to the defense of the United States, we would also do well to encourage U Thant, Secretary General of the United Nations to continue leadership in his usual impartial manner to try to bring about peace.

Unless this is accomplished the future probably holds forth for us involvement with our Armed Forces in Vietnam for 5, 10, or 20 years. This is the prospect before us. Another possibility, if not probability, due to our complete air superiority and continuing heavy bombing from the air including the destruction and killings by napalm bombing, coupled with our tremendous firepower and the presence of nearly 400,000 of the finest soldiers the world has ever seen—the cream of the crop of fine American boys—is that the Vietcong will suddenly go underground and return as peasants to their farms or go to Saigon and our bases in South Vietnam seeking jobs and piasters from the U.S. forces and civilian agencies including the CIA.

The **PRESIDING OFFICER** (Mr. BYRD of Virginia in the chair). The time of the Senator has expired.

Mr. **YOUNG** of Ohio. Mr. President, I ask unanimous consent that I may proceed for 2 additional minutes.

The **PRESIDING OFFICER**. Without objection, it is so ordered.

Mr. **YOUNG** of Ohio. With 400,000 or more GI's involved and months going by without any fighting, of course, the natural reaction in our country would be to bring the boys home. Then, who knows what will occur over there 5 or 10 years hence? In the Progressive magazine of August 1966, two thoughtful and concise statements were published on our involvement in the civil war in Vietnam bracketed on page 4 of that great publication. I refer to the items captioned "Upside Down," by James Reston, associate editor of the New York Times, and "Sledgehammers and Hornets," by Eric Sevareid, highly respected commentator of CBS. I commend these articles to my colleagues, and ask unanimous consent that they be printed in the RECORD at this point as part of my remarks.

There being no objection, the articles were ordered to be printed in the RECORD, as follows:

[From Progressive magazine, August 1966]

UPSIDE DOWN

With the bombing of targets on the outskirts of Hanoi and Haiphong, it [the Johnson Administration] has now done almost everything it said or indicated it would not do except bomb China, and the end of this melancholy chapter in American history is not yet.

The Johnson Administration said it was not seeking a military solution to the war, and it is now obviously seeking precisely that. It said it was there merely to help a legitimate government defend itself, and it has ended up by replacing a military clique that is not a government, not legitimate, and is not really defending itself.

JAMES RESTON.

THE NEW YORK TIMES, *July 1, 1966*.

SLEDGEHAMMERS AND HORNETS

We are not really conquering territory in Vietnam. Our official statement is that at the end of last year eight and a half per cent of the total land area was considered secure; at the end of February nine and a half per cent; all the rest is in enemy hands or disputed and unsafe, or empty. About eight million people, a bit over half the population, are in secure allied controlled areas.

We are using giant sledgehammers to kill hornets. The Vietcong's National Liberation Front in the South has an annual budget estimated at about ten million dollars. Our annual costs in this war run to about fifteen billion. The enemy needs an estimated eighty-seven tons of supplies each day; the American establishment alone needs about twenty thousand tons a day.

In terms of last year's total expenditure for the war, each enemy soldier killed last year cost us well over a million dollars.

ERIC SEVAREID.

CBS, *June 11, 1966*.

THE STRIKE AGAINST THE AIRLINES

Mr. **LAUSCHE**. Mr. President, the bill now pending before the Committee on Labor and Public Welfare, intending to deal with the airline strike, has not yet come to the floor of the Senate.

Reading reports from the newspapers, I observed that the two proposals being considered do not contain any provision to insure an end to the dispute.

The bill which has been discussed primarily contemplates giving the President power to declare three successive 60-day periods, allowing the disputants to negotiate. However, at the end of 180 days, if the dispute is not settled, the matter comes back to Congress.

It is in this latter point that I believe the bill is weak.

Mr. President, when the bill reaches the Senate, I contemplate offering an amendment which will, at the end of the unsuccessful negotiating period, give power to the President to appoint an arbitration board vested with full powers to investigate and hear witnesses, and render a judgment on what the settlement should be.

I repeat, under the proposal which has been discussed there is no terminal point. In effect, the proposal provides for negotiation for 180 days, and if a settlement is not reached, the matter comes back to Congress.

My amendment would direct the President at the end of the unsuccessful negotiations, to appoint an arbitration board vested with full powers to render a final judgment, the judgment not to be appealable except that an appeal would lie in ascertaining whether the procedure outlined by Congress had been followed.

BUSINESS ECONOMISTS SAY THAT TAX HIKE COULD BRING ON RECESSION

Mr. **PROXMIRE**. Mr. President—

> In the second half of 1966, the American economy is more likely to suffer from some insufficiency of demand than from an excess.

These are the words with which Oscar Gass opens a statement on the economy published recently by Ralph E. Samuel & Co., a New York brokerage firm. They could not be more to the point.

In his carefully reasoned discussion of the present state of the American economy, Mr. Gass argues persuasively that our economy can continue to expand at the healthy rate it has experienced since 1961.

But it will not continue its expansion—an expansion that has meant a significantly higher standard of living for the average American—if a misdirected public policy results in further economic restraints, particularly in the form of tax increases.

He notes the economic slowdown of the second quarter of this year and comments:

> The slowing down of April through June is not of decisive importance. What is important is that public policy shall not be misdirected toward endeavoring to make this slowing down continue or gather momentum.

By the end of this year, Mr. Gass predicts, the distinctive fiscal question will be "how best to share—between more public expenditures and further tax decreases—a potential year's accrual from growth of over $10 billion of additional Federal revenues."

This growth will occur if we will allow the economy enough freedom. One policy we must reexamine very soon is the rather stringent monetary restraints in effect right now, as I have advocated in recent statements.

Mr. Gass presents evidence to back up his argument that the economy can continue to grow at a relatively rapid rate. With an annual growth of about 2 percent in our labor force, and an increase in productivity equal to the average over the past several years, a 5½ percent annual growth of the economy is possible.

He goes on to discuss the economic effects of business investment, military spending, consumer demand, wholesale and consumer price trends, export and import levels and Government policy, including the wage-price guidelines.

His succinct analysis puts another well known economist on record as favoring policies that will allow the economy to expand as rapidly as possible without bringing on a general inflation, which, he says, has not occurred in the past year. The price experience of the United States in 1965–66 reflects particular scarcities—not a general excess of demand, he says.

In numerous statements, Mr. President, I have tried to make many of the same points Mr. Gass makes so well. I fully share his basic belief that our economy can continue to grow, without inflation.

We must make certain we do not cause our second quarter slowdown to deepen. The stakes are too large to allow this sort of mistake.

Mr. President, I hope my colleagues will take the time to read Mr. Gass' careful discussion of the forces at work in our economy. It is undoubtedly one of the best statements on this subject I have read anywhere. I ask unanimous consent that it be printed in the Record so that they may do so.

There being no objection, the article was ordered to be printed in the Record, as follows:

THE ECONOMY AT MIDYEAR

(By Oscar Gass)

In the second half of 1966, the American economy is more likely to suffer from some insufficiency of demand than from an excess.

At the beginning of July, the United States continues to advance in the longest economic expansion of its industrial history, excepting only the expansion which included World War II. Gross National Product has attained the range of $730 billion—about $9,500 for each person employed. A deliberate, capable national Political Economy over this growth.

Yet even now, apart from seasonal influences, the United States is more than one million jobs away from what would be called *full* employment in any other advanced country. In April through June, the advance of the economy has been slowed distinctly. Unemployment among young people, not yet securely established in work, has consequently increased sharply. Fortunately, in the first half of 1966, the White House rejected pressures to restrain the growth of economic activity still further, through a general tax increase.

The slowing-down of April through June is not of decisive importance. What *is* important is that public policy shall not be misdirected toward endeavoring to make this slowing-down continue or gather momentum.

Also in November and December 1966, during the planning for the next fiscal year, it is unlikely that measure to *restrain* the economy will constitute the correct focus of public policy. On the contrary, it is probable that attention will be due rather to how to *stimulate* the economy and prolong its advance. The distinctive fiscal question would then be how best to share—between more public expenditures and further tax decreases—a potential year's accrual from growth of over $10 billion of additional federal revenues.

GROWTH POTENTIAL

It is a great error, though one widely entertained, that the United States has now come within sight of the unavoidable end of a unique economic expansion—an expansion supposedly fed to unrepeatable size on the resources (of labor and plant capacity) made idle by the 1960–61 recession. On the contrary, the balance of evidence suggests that real Gross National Product can continue to rise, at least through 1970, at a rate not greatly different from the average of 5½% per annum sustained from the beginning of 1961 to mid-1966.

The labor force needed to support an annual real expansion of 5½% in Gross National Product will be available in 1966–70. Since the beginning of 1961, U.S. employment (civil and military) has increased at an annual average rate of about 2%. But, in the next four years, it will also be possible to increase total employment by about 2% annually. Indeed, due to the high birth level of the years immediately after World War II, the flood of new entrants into the labor force may permit a rise in employment of 2% per year *without reducing the 3.9% unemployment rate of the first half of 1966*.

For the yearly difference between 2% more workers and something like 5½% more total output, it will be reasonable to look to the experienced growth of man-hour productivity. In the whole postwar period, 1947–65, the average yearly productivity increase in the whole private economy was about 3.3%. But in 1960–65 the annual gain averaged 3.6%. And in manufacturing alone, during 1960–65, the annual gain averaged about 4%.

We must not exclude from consideration the possibility that—given present high investment levels—the productivity gain per worker, during 1966–70, may even prove in excess of 3½% per year. Then the potential increase in annual output will be correspondingly above 5½%.

GROWTH POLICY

In both the Kennedy and Johnson administrations, the White House has consistently leaned to the side of underestimating the growth potential of the economy.

Until 1965, the President's Council of Economic Advisers operated with a 3½% per year rise in potential. Then, growing bold, these White House counselors adjusted their estimate of the annual gain in potential upward—to 3¾%. A year later (on May 10, 1966), a member of the Council, Mr. Arthur M. Okun, took another quarter-step. "The potential growth of this economy is about 4 percent a year", he said, "that is the growth of output we can maintain. . . ."

The Chairman of President Johnson's Council, Mr. Gardner Ackley, has specifically espoused the view that the 1961–65 growth rate is unsustainable. "The growth of real output", he has said, "cannot forever be as fast as we have had during the past several years . . . At some point, the economy will really be operating at the ceiling set by labor-force growth and the advance of productivity."

Quite. But, so much larger are the present maturing age groups than those of 1961–65, so substantial also is the pool of workers still unemployed or on short-time, that the annual percentage growth in *employment* need not be less in 1966–70 than it was in 1961–65. Moreover, productivity is being enhanced by the high current rate of business investment and by the better education of the young people now joining the labor force. For them distinctly, a reduction of economic growth to 3¾% or 4% per annum would mean a sustained increase in unemployment.

Both the Kennedy and Johnson administrations have been intrigued by St. Paul's image of the uncertain trumpet. "If the trumpet give an uncertain sound, who shall prepare himself to the battle?" But, in matters relating to the growth potential of the U.S. economy, the uncertain trumpet has sounded from the White House.

INVESTMENT BOOM?

Continuing expansion of business investment in plant and equipment will be the largest factor in sustaining the advance of the economy in the second half of 1966.

Nevertheless, business managements are *not* planning for a *growth* in expenditures on plant and equipment as large as was actually achieved during the same period of 1965. From the second quarter of 1965 to its fourth quarter, these expenditures rose by an annual rate of $5 billion. This year, investment plans call for a rise of only about $4 billion.

Total expenditure in the U.S. during 1966 on all private fixed investment—including housing—will apparently be in the range of $107 billion. The share of fixed investment in Gross National Product will then be only marginally higher than the 14.4% of 1965. This share will continue to be greatly lower than in most other progressive countries.

Still, a considerable body of informed opinion holds that the 1966 level of U.S. investment is dangerously high. In industry particularly, it is said, 1966 investment will add 8% to capacity; this, it is argued, is an "unsustainable" rate of growth. But this argument of unsustainability has limited force. Its 8% measure is doubtful. Its reasoning does not come to grips with economic obsolescence, competitive displacement, and even—what is unavoidable in a market economy—the occurrence of some misdirected investment. The failure of average rates of industrial capacity utilization to fall below 90%, even while 4% of the labor force is unemployed, also indicates that excess investment is surely not yet upon us.

More serious is the challenge from the side of social priorities. Housing particularly has suffered from high interest rates and the competitive preempting of capital funds by industry. In real terms, U.S. house building this year will be at the lowest level since the 1960–61 recession.

MILITARY REQUIREMENTS

It is not anticipated that, in the second half of 1966, military demand will provide a stimulus to the expansion of production on a scale comparable to the past year.

From June 1965 through May 1966, the armed services grew by 404,000, and the civilian employment of the Department of Defense related to military affairs grew by 136,000. At the end of May 1966, there were 3,057,000 persons in the armed services and 1,111,000 civilians in related Defense Department employment. However, for thirteen months later, June 1967, the Department of Defense has scheduled only an establishment of 3,093,000 military and 1,067,000 civilians. No doubt, personnel numbers will be raised. There is, however, no current reason for believing that the past year's addition to manpower will be equalled.

Similarly, from mid-1965 to mid-1966, Department of Defense military expenditures, including military assistance, have risen from an annual level of $48 billion to the range of $58 billion. (The rate of $61 billion was achieved already in March-April.) But, for the fiscal year which began on July 1, 1966, these expenditures are now also budgeted at $58.3 billion. The Department of Defense has indeed stated that it will spend more in the first half of the fiscal year and less in the second half. Also, the Defense Department and the Budget Bureau have let it be known that, if the war in Vietnam lasts beyond mid-1967, there will be need for a modest supplemental appropriation—to cover long-delivery items required in the second half of that calendar year. Very possibly, what the Defense Department regards as modest would be judged substantial by others. But nothing in current prospect gives ground to anticipate a further rise in military expenditure comparable to the $10 billion of the past year.

The American military establishment now employs 5¼% of the nation's labor force and consumes 8% of the Gross National Product. There is no reason to expect these shares to be increased, in a major way, in the near future.

CONSUMER UNCERTAINTIES

If only because of uncertainties regarding the future level of personal expenditures, all precise forecasts of the national product, even for so short a period forward as six months, must be regarded with skepticism.

On recent trends, real consumption will perhaps average about 4½% higher in 1966 than in 1965, and consumer prices about 2½% higher. Then personal consumption expenditures, which were $429 billion in 1965, would be in the range of $460 billion for the calendar year 1966.

However, no precision should be attached to this $460 billion total. In April-June 1966, consumers' purchases of durables dropped to an annual rate about $3½ billion below the level of January-March. No such drop had been foreseen. And no one knows whether the tepid reception of this year's autos will continue, or whether the 1967 models will resume where 1965 left off. Yet an error of so little as 1% in a six-months forecast of consumption may easily result (through changed sales, inventories and production) in an error of $7 billion in estimating the annual rate of Gross National Product.

This year, no substantial part of the increase in real consumption will accrue to the ordinary wage earner who was working also last year. The average manufacturing worker, for example, earned $112.05 a week in June 1966. But, even if he has a dependent wife and two children, his payroll deduction for social security is now $1.35 a week higher than a year ago. After adjusting for higher prices, he has a little *less*, for his own spending, than he had a year earlier.

INTERNATIONAL MARKETS

It is unlikely that a deficiency of domestic demand, in the second half of 1966, will be of major assistance in expanding exports.

The relatively slack domestic markets for consumers' durables, in April–June, did not help exports: export markets were not waiting for American models of durable consumers' goods. Unfortunately, the accumulated foreign demand for U.S. products is concentrated in just those areas of machinery, instruments and non-automotive transportation equipment for which domestic requirements also are highest and delivery times most extended.

Since 1958, U.S. exports have had to make their way against exclusion from the increasingly preferential tariff status held by members in the two European low-tariff unions (EEC and EFTA). These two are weighty: in 1965, they accounted for 47% of all imports into non-Communist countries. Despite this obstacle, U.S. exports (excluding military aid) rose sharply—from $16¼ billion in 1958 to $26¼ billion in 1965 and to perhaps $29 billion in 1966.

This export expansion was made possible by the success of the U.S.—more than any other advanced country—in keeping its prices from rising. By the measure of value in purchasing commodities, the dollar has strengthened against every other major currency.

But the world finds distinctively advantageous the purchase from the U.S. of machinery, equipment and instruments, embodying advanced technology. The U.S. is now exporting about a billion dollars each month of such merchandise. More could be exported if supplies of *these* things could be enlarged. However, little of export value will be accomplished by creating slack in most sectors of the American economy.

PRICE TRENDS

The price experience of the United States in 1965–66 reflects particular scarcities—not a general excess of demand.

Perhaps most advertised was the 4.4% rise in wholesale prices, from January 1965 to February 1966. However, 65% of this rise was accounted for by a particular shortage, in farm and food products, while an additional 6% reflected a special situation in nonferrous metals (especially foreign-mined copper). All other wholesale prices—72.65% of the total—increased by only 1.3%.

Even among farm products, the prices of crops remained stable while livestock prices jumped 28%. This is not the price behavior characteristic of a general inflation. Moreover, the livestock and meat shortage is being overcome. In the first week of July 1966, wholesale prices of meat are below July 1965. August deliveries of the meat from which bacon is cut are also priced about 10% lower than July, and February 1967 deliveries are priced about 30% lower.

Since February, wholesale prices have been rising very slowly—at a rate below 1% a year. Even among industrial products in heavy demand, there is no sign of cumulative acceleration. While the February wholesale index was 4.2% above February 1965, it is possible that the December index will only be about half as much above December 1965.

One can not be equally hopeful about consumers' prices. There, the sustained rise in the cost of services—a direct reflection of higher wages, salaries and professional incomes—must be expected to continue. Still, it may be speculated that, due to the better food position, the cost-of-living will rise less from May to December this year than the 1.3% increase in the same months of 1965. If so, this year again, very probably, the U.S. rise in the cost-of-living will be least among all advanced countries.

FISCAL AND MONETARY CONTROL

The primary restraining factor in the economy continues to be collection of more taxes—not restriction in the supply of credit or capital.

At midyear, Gross National Product is running, in current dollars, about 8% above a year earlier. The supply of credit and capital funds is running more than correspondingly higher. At the end of June, commercial bank credit was 8.4% ($24 billion) above a year earlier. In January–April 1966, corporate securities issues were 57% ($2.45 billion) greater than a year earlier.

Since the Federal Reserve rediscount rate was increased in December 1965, the price of borrowed money has risen more than any other important price in the economy. Costs have been correspondingly inflated. But only in residential building has the higher cost of money had a visible effect in decreasing the demand for labor, materials and facilities.

The strongest measure of restraint added to the economy in 1966 is the higher level of federal payroll taxes: these will apparently yield, in the calendar year 1966, an increment of about 30%—$7½ billion—above 1965 collections of $25 billion. Next in importance as restraints are higher accruals and accelerated collections of federal individual and corporate income taxes: these will yield a 1966 increment in the range of 12%—$10 billion—over 1965 accruals of $82 billion.

In January, the federal Treasury estimated that the fiscal year ending June 30, 1967 would produce a trifling cash surplus of a half-billion dollars. But experience now suggests that consolidated receipts are likely to run perhaps $6 billion higher. Even after some increase in expenditure, the federal cash surplus would be substantial.

GUIDELINES

Economic guide lines are put forward in situations that involve conflict and uncertainty. They are appeals to public morality and good citizenship. Inevitably, they lack the precision of law and fall short of its authority.

Still, it may be doubted whether a society gains by dividing economic conduct, without residue, into two distinct areas—one governed by law and the other a free run for individual and corporate willfulness. Self-government is wider than law. Worker and enterprise, trade union and trade association, occupants of a common environment, wielders of social power—are all these obligated only by law or contract?

Judge Learned Hand once wrote an eloquent defense of the right of the individual to arrange his affairs so as to minimize tax liability. "Everybody does so, rich or poor; and all do right, for nobody owes any public duty to pay more than the law demands: taxes are enforced exactions, not voluntary contributions. To demand more in the name of morals is mere cant." Yet, even after the great judge's eloquence, it may still be doubted whether he has spoken the right word for spheres of economic conduct where law is less developed than in taxation. Tax conduct is not the model of all social behavior.

In any case, it does not seem fitting that spokesmen for great monopolistic corporations (or their trade union counterparts) should dress themselves in the costumes of those who have the right to set prices, without public intervention or influence, on grounds of free competition. A spokesman for aluminum or steel or automobiles is not a lone onion seller, who takes his crop to a market in which he does not know what price he will get—but determined to get as good a price as he can. Our great manufacturing firms (and their trade union counterparts), to whom guide lines are suggested, have power. And whoever has power has responsibility.

(NOTE.—Oscar Gass is a Consulting Economist, with offices in Washington, D.C., who has rendered a great variety of consultant services, both to private business firms and government entities, during the past two decades.

SCHOOL MILK PROGRAM NEEDS ADEQUATE FUNDING AS MILK PRICES GO UP

Mr. PROXMIRE. Mr. President, last week I pointed to the increase in milk prices around the country as a reason for insuring an adequate Federal contribution to the special milk program for schoolchildren. As milk prices go up, the part of the cost of the school milk program borne by the local school district or, as in most cases, by the child, will also go up. This is why it is important to insure that Federal funds are sufficient to rescind the 10-percent cutback in Federal contributions to the program that took place in fiscal 1966. We must at least attempt to maintain the status quo so far as the Federal contribution is concerned.

On Friday, the New York Times published an article indicating that milk prices were going to go up a cent a quart in New York City today and would probably go up another cent by November 1. This would amount to a whopping 4 cents a half gallon. Unfortunately the Times tends to place the blame on the dairy farmers—who actually are giving up farming in unprecedented numbers because they are not making a decent return on their investment. Even efficient Wisconsin dairy farmers net an average of less than $1 an hour despite incredibly long working hours and a very large capital investment.

The Times quotes milk distributors as laying "the impending price increase to an increase in Government fixed payments to farmers for milk delivered in tank trucks." I deeply hope that the Department of Agriculture will investigate the recent price increase to see who is benefiting from the increase as Senator MCGOVERN has been urging. I think the facts will show that the middlemen, including milk distributors, are getting more of the increase than the farmer.

In any event, it is essential that the school milk program be fully funded in this period of high milk prices. This is why I hope the House-Senate conferees will meet in the near future on the Agriculture Appropriations bill. It is why I hope they will approve the Senate passed figure of $105 million for the school milk program. Finally, it is why I intend to press for additional funds for the program in a supplemental bill if the facts show that $105 million is not enough to fully fund the Federal share of the program.

Mr. President, I ask unanimous consent to have the article from the New York Times printed in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

[From the New York Times, July 29, 1966]

Milk Price Rises a Cent on Monday—Increase Affects City and New Jersey Dealers—Government Blamed

(By Richard Reeves)

The price of a quart of milk in New York and New Jersey will go up a cent on Monday and will probably go up another cent by Nov. 1.

The increase, which is to be announced Monday by metropolitan area dealers, will raise the usual price paid by consumers in New York stores to 28 cents a quart. The price in northern New Jersey stores will be 26 cents a quart and home delivery prices in both states will be 3 to 5 cents a quart higher than the store prices.

The new prices are about 3 cents a quart higher than milk prices at the end of June and follow recent increases in the prices of bread, butter and eggs.

City Markets Commissioner Samuel J. Kearing yesterday reported these price rises in those commodities: bread, up 2 cents a loaf last Monday; butter, up 10 cents a pound in the last month; eggs, up 16 cents a dozen in the last month.

Milk distributors yesterday laid the impending price increase to an increase in Government fixed payments to farmers for milk delivered in tank trucks. The New York-New Jersey Milk Marketing Administration, a division of the Federal Department of Agriculture, has ordered distributors in the two states to pay farmers $5.77 per hundred pounds of milk in August, compared to $5.50 in July and $5.20 in June.

The increase amounts to almost 1 cent a quart, and spokesmen for several of the city's 400 distributors said the increase would be passed along to retailers.

"The retailers will certainly pass the increase along to the consumers," said a spokesman for Sealtest Foods, one of the largest distributors. "Milk prices are in a vicious circle that is spiraling upward."

JERSEY BOUND BY MINIMUM

New York retailers are free to sell milk at any price, but New Jersey retailers are bound by minimum prices set by the state Office of Milk Industry. The office announced yesterday that northern New Jersey minimums would be raised Monday from 25 to 26 cents a quart for milk purchased in stores and from 28 to 29 cents for delivered milk.

A spokesman for the New York-New Jersey Marketing Administration said the farmers' price for milk had been raised by orders of Secretary of Agriculture Orville L. Freeman "because of the decline in milk production caused by a rather precipitous drop in the number of cows and dairy farmers."

The administration spokesman and dairy officials agreed that the price of a quart of milk was likely to increase at least another cent because of normal seasonal production declines before Nov. 1.

The marketing administration is the agency that, in effect, subsidizes dairy farmers by regulating the price that distributors must pay for milk the farmers produce.

FREE TO FIX OWN PRICES

The distributors and retailers in New York, however, are free to sell milk at any price they feel is competitive. In New Jersey, the Office of Milk Industry sets minimum prices, which are one-half cent per quart higher in southern New Jersey than in the northern part of the state.

The increase in the prices of other basic commodities was revealed in a survey conducted in the city by Commissioner Kearing.

The Commissioner reported that major bakers in the city raised the price of a loaf of bread from 28 to 30 cents last Monday and blamed the increase on higher costs because of a national drop in wheat production. The price of a loaf of bread in the city jumped from 27 to 28 cents last November.

The Commissioner said that wholesale butter prices in the New York area have increased 23 per cent since he took office last Jan. 1. He said a survey by his staff indicated that butter is presently selling for 81 to 87 cents a pound, compared to a range of 71 to 79 cents only two weeks ago.

The price of a dozen large, white, Grade A eggs was 50 to 53 cents on July 1, he said, and is now 67 to 69 cents.

City Council President Frank D. O'Connor and three councilmen—John J. Santucci, Matthew Troy and Aileen Ryan—introduced a council resolution yesterday calling for an investigation of rising food prices in the city.

AIR POLLUTION

Mr. MUSKIE. Mr. President, the August issue of Redbook magazine contains an excellent article entitled "There's Something in the Air" on the critical air pollution problem confronting this Nation. In keeping with Redbook's earlier hard-hitting coverage of this subject the author, Lucy Kavaler, has well summarized the progress made in the fight against contamination of our air environment and has pointed out some of the serious deficiencies in that effort.

Because the Senate just this month unanimously approved expansion of the Federal effort to control air pollution, I feel my colleagues should have the benefit of this excellent article. I ask unanimous consent that the full text of this article be printed in the Record at this point.

There being no objection, the article was ordered to be printed in the Record, as follows:

(By Lucy Kavaler)

On a foggy day last February, residents of Whiting, Indiana, stepped out of their houses to find their community sadly altered, as if in a bad dream. The paint was stripped from the walls of some of the houses; others had turned an unwholesome rusty-orange. Streets and sidewalks were covered with a repellent greenish film. The town was gripped neither by nightmare nor by magic. Its strange plight was caused by a combination of air pollution and fog that had set off a variety of chemical reactions.

During a five-day period of smog in London in 1952, conductors got off their buses and walked in front, guiding the drivers—to the amusement of passengers. But the smog was not at all funny; at week's end 4,000 people were dead. The greatest number of victims were among the aged, but the death rate for infants too was twice as high as usual. In Donora, Pennsylvania, during four days of air pollution in 1948, nearly 6,000 people, about a third of the total population, were sickened and 20 of them died, along with ten pet dogs, three cats and two canaries.

Can such disasters take place again? "It could happen tomorrow," declares Senator Edmund S. Muskie, of Maine, sponsor of the federal Clean Air Act. "If we had just the right kind of meteorological conditions, the present pollutants in the air could become lethal. Every day in our big cities we are taking a calculated risk of disaster."

While you sit quietly reading this article, you are breathing at a rate of 14 to 18 times a minute. Each time, you are inhaling air that contains many things you never learned about in school when studying the composition of the atmosphere. Each breath carries some 40,000 particles of dust if you are surrounded by "clean" country air, some 70,000 if you live in the city. Then come the noxious gases. The burning of coal for heat and power sends 48,000 tons of sulfur dioxide into the air every day. The nation's 88 million motor vehicles daily release 250,000 tons of carbon monoxide, 16,500 to 33,000 tons of hydrocarbons and 4,000 to 12,000 of nitrogen oxides. To this must be added a host of other fumes, aldehydes, acids, ammonia, lead and other metallic oxides—byproducts of the metallurgical, chemical, petroleum and other industries.

Stir this unwholesome mixture well and it makes the air we have around us on a normal day. To turn this into a disaster situation requires only a windless day and a weather condition known scientifically as a thermal inversion, which means simply that the air is warm where it should be cold and vice versa. Warm air usually rises from near the ground to the cooler areas higher up. As it climbs it carries pollutants with it, and at least a portion of them are scattered into the upper air. Should the upper air become warm, however, it acts as a cover, and the cold, polluted air near the ground does not rise. This is what happened in London and in Donora.

Though the effects of pollution are seldom as devastating as during a disaster, they surround us every day. Look up at the gray sky where there should be sunshine. It is not really a cloudy day; high above the layer of smoke the sun is bright and the sky is blue. Dust the window sills in a city apartment and come back an hour or two later and they will be covered with soot. Leave the car out overnight and a fine layer of dust will dull its finish. The clothes hanging on the line are often gray by the time you take them down, no matter how carefully you washed them. Glance out the windows at the columns of smoke rising from nearby power plants, factories or apartment-house incinerators.

And this is just the pollution you can see. The unseen pollutants—the colorless, sometimes odorless gases—are worse by far. The clear cold air of winter is merely an illusion; pollution often reaches its highest levels when fuel is burned to heat our homes and industrial production is in full swing.

There is no place to hide from these menaces. The United States Public Health Service reports that any community that has a population of 50,000 or more has a real problem. Not only Los Angeles, New York and Chicago, but also Denver, Phoenix and Las Vegas are among the more than 300 cities engulfed in major air pollution. And those countless Americans who moved to the suburbs for a cleaner, healthier life are only slightly better off than their city friends.

"The effects of air pollution," says Vernon G. MacKenzie, chief of the Division of Air Pollution of the U.S. Department of Health, Education and Welfare, "are directly experienced by the more than half of our population living in our great, widespread urban-suburban complexes."

Even Americans in rural areas are not free of the pall, with winds carrying pollutants in some cases for hundreds of miles. The farmer breathes in fumes from the stacks of industries located in cities he cannot see. What he does see are the streaks on the leaves of his corn plants, the pinpoint flecks on his grapes, tobacco, cucumbers, spinach, radishes, parsley and watermelons—all the result of pollution. A single day of smog in California a few years back destroyed an entire lettuce crop. And on the Eastern seaboard pollution ruins at least $18 million worth of crops each year.

Animals suffer too. In the state of Washington a herd of cattle was virtually wiped out by fumes from aluminum-processing plants. In England there was once a lovely, light-colored moth that hovered about the oak trees around Birmingham. Its color blended with the bark of the trees, so the birds, a natural enemy, could not see it. Gradually, as the bark of the trees grew darker with incrustations of soot blown from the industrial city, the moth's life was endangered. In an incredibly swift demonstration of the process of evolution, the moth's color began to change. Within a hundred years it became totally black, and again safely invisible.

Today, with bitter humor, young David J. Friedland, a New Jersey state assemblyman, urges that the chimney swallow replace the Eastern goldfinch as the state bird. "It has become apparent that the goldfinch is simply not equipped emotionally or physically to cope with the rising rate of industrial air pollution."

And if the goldfinch cannot cope, can we? "As we have followed daily deaths in New York City over the past three years it has become apparent to us that there are periodically days with unexpected high mortality asssociated with unusual environmental conditions, which frequently include high levels of air pollution." This is the disquieting conclusion of Drs. James McCarroll and William Bradley, of Cornell University Medical College.

During the month of November in 1962, deaths averaged 250 a day in New York City. On November 30th the amount of sulfur dioxide in the air rose markedly as a result of low winds and a temperature inversion, and on December 1st the death rate climbed to 296. Nor were the additional deaths limited to the very old or to those people in the last extremities of illness.

During this period, most New Yorkers were unaware that the air was worse than usual—the usual, to be sure, being quite bad enough. The effects of this "normal" air pollution are, in fact, far harder to evaluate. "Medical studies are disturbingly inexact, because the conditions of air pollution are never constant. They change minute by minute, day by day, season by season," explains Dr. Leonard Greenburg, professor of preventive medicine at Albert Einstein College of Medicine.

"We may *never* be able to prove a direct cause-and-effect relationship between air pollution and diseases," Thomas F. Williams, chief information officer of the U.S. Division of Air Pollution, points out. But although the evidence remains circumstantial, a health panel at the government's most recent conference on air pollution found it "overwhelming."

Consider just a few examples of this evidence. Telephone operators in Pittsburgh missed more days of work than their colleagues in Philadelphia until an air pollution control program was inaugurated in Pittsburgh. Then the situation reversed itself. Chronic bronchitis strikes three times as many British postmen delivering mail to heavily polluted parts of England as it does those in cleaner regions. More deaths from chronic pulmonary disease occur among residents of the most polluted sections of Buffalo, New York, than among people living in other parts of the city. That bane of our existence, the common cold, is most frequent among those who make their homes in dusty and polluted areas.

Many Americans have never heard of pulmonary emphysema, but Social Security workers making out monthly checks for the disabled know it well. Emphysema, a disease in which the air sacs of the lungs become too stretched to function properly, is now second only to arteriosclerotic heart disease as a disabling illness. In our parents' day, emphysema produced 0.2 deaths per 100,000 of our population. By 1950 the death rate had reached 1.4 per 100,000, and by the end of the decade was pushing toward 8 and still going up. In recent tests, patients were moved into rooms where the air was filtered and clean; their condition improved within 24 hours.

Cancer-producing substances have been identified in city air, and lung cancer is twice as common in cities as elsewhere. "Just because cigarette smoking has been found to cause lung cancer does not mean that we can eliminate other possible causes—such as air pollution," says Mr. Williams.

Researchers at the University of Southern California have exposed mice, weakened from a bout with influenza, to ozonized gasoline, and the mice developed lung cancer. Specialists at New York's Sloan-Kettering Institute concentrated certain chemicals found in a sample of Detroit air and applied them to the skin of female mice; cancers developed there.

Undoubtedly other interpretations of all this data can be made. But "air pollution comes under suspicion," says a committee of United Nations World Health Organization experts, "because of the differences between urban and rural incidences of lung cancer in circumstances when other known factors are not responsible." And George R. Williams, chief of the respiratory disease program of the National Tuberculosis Association, declares: "The entire weight of medical and scientific evidence in this country is that air pollution is a major factor causing chronic respiratory disease." Such disease is the most rapidly rising cause of death in the United States.

But what about those of us who are in good health? Most people, after all, do not suffer from asthma, bronchitis, cancer or emphysema. For us, too, the evidence mounts that today's normal levels of air pollution are harmful. Perhaps we can even blame that tired feeling on the atmosphere. It has been found that rats running on a treadmill slow up considerably when ozone, a vary common pollutant, is introduced into the air around them. And the "turnpike fatigue" so familiar to drivers may very well be due as much to carbon monoxide fumes as to boring scenery and long hours at the wheel.

Other subtle health reactions are now revealed in the first comprehensive study ever made of normal families facing average air pollution levels. Dr. McCarroll and his Cornell associates found that on days when an air pollution monitoring center on Manhattan's Lower East Side reported a high sulfur dioxide level, residents of the area complained first of eye irritation and then of coughs. When dust particles in the air were particularly numerous, it was the cough that plagued them most.

But physical discomfort and illness are not the only dangers of air pollution. On the New Jersey Turnpike not long ago a motorist, driving through the heavy smoke wafted from nearby industrial plants, dimly perceived that the car in front of him was dangerously close and slammed his brakes on suddenly. In the accident that followed, a whole line of cars piled up one on top of another.

When it comes to air travel, the situation is nearly as hazardous. "Near collisions between aircraft have increased because of smoke pollution, to a point where you have had a dull trip if you don't experience at least one on every sequence as a scheduled airline pilot," Captain O. M. Cockes complained to the Air Line Pilots Association recently. "Obstruction to vision" because of smoke, haze and dust has been given as a cause of fatal plane accidents many times. To avoid more accidents, planes are grounded or rerouted to other airports on occasions when fog alone, without air pollution, would not have required it. As air travelers most of us have had the frustrating experience of sitting for hours in airports, waiting for the ceiling to lift, or landing at cities far from our destination because the airport on our scheduled route was completely closed in.

It is often said that air pollution, like water pollution, is the price that must be paid for industrial prosperity, but this view utterly overlooks the fantastic cost of dirty air. No hurricane, tornado, fire, flood or volcanic eruption could destroy more property. Seven years ago Redbook's article "Filth in the Air" (by Ruth and Edward Brecher, April 1959) reported the shocking fact that the annual cost of pollution had reached $7.5 billion. Today a figure that low looks like an impossible goal. The cost calculated by government officials now stands at a staggering $11 billion a year—and many privately consider this figure far too conservative. This is the price of the crop losses and the incredibly rapid deterioration of buildings, bridges and machines.

In Chicago a few years ago, office girls went out to lunch one day and returned with their nylon stockings a mass of runs. It soon became apparent that each girl was not just the victim of bad luck. Sulfuric acid in the air turned out to be the true cause. Damage to shoes and handbags is not quite so quick to appear; nonetheless, leather too is weakened by sulfur dioxide fumes and becomes brittle. Even iron, steel and concrete cannot stand firm against air pollutants. In one industrial town sheets of galvanized iron endure for a mere three to six years, less than half their lifespan in cleaner cities. Metals are corroded, stone is eaten away, glass is etched and rubber cracks.

The costs of pollution are borne not only by businessmen and farmers but by each of us. Your house, indoors and out, must be painted more frequently, upholstery and draperies cleaned and replaced. One recent study indicates that a family of four living in a dirty city must spend several hundred dollars a year more than those in cleaner areas. And this does not count the increased labor of the housewife who must launder, dust, polish silver and copper and scrub blinds and floors far more often than her mother had to.

"In the old days, only the poorest people lived on the wrong side of the railroad tracks, where they had to endure the soot and smoke from passing trains. Today we all are living on the wrong side of the tracks," says Robert A. Low, chairman of New York Special City Council Committee on Air Pollution.

Must we remain on the wrong side of the tracks? Is dirt an inevitable part of city living? Must we continue to risk our own health and that of our children?

Experts on air pollution agree that this is not the case. "It undoubtedly is no longer possible to make the air of New York, Chicago and Detroit like that of a mountaintop," says pollution control chief Vernon MacKenzie realistically, "but it doesn't have to be anywhere near as dirty as it is."

The federal government is now a leading actor in the drama of air pollution control. Its entrance onto the scene is surprisingly recent, with the first program—a very modest one—established in 1955. As recently as

1959, Redbook's study of the problem revealed that the government was spending only $4 million a year on air pollution control. It was not until the passage of the Clean Air Act of 1963 that a broad program of research, control and assistance to states and communities was set up. An appropriation of $25 million was authorized for 1965, $30 million for 1966 and $35 million for 1967, and President Lyndon B. Johnson has since called upon Congress to increase funds by an additional $7 million. Cities and states can receive federal funds when they expand their controls, and spending on the local level has increased 50 per cent as a result. Nonetheless, as Mr. MacKenzie pointed out in a recent speech, only 26 states now operate pollution control programs. Certainly there is no question that even with federal support, air pollution control costs money. What is surprising is how little it costs.

"Should the air be made clean enough to cut down on just one washing a year on each car, the amount saved would more than equal the cost of all the control programs put together," declares Mr. MacKenzie. "If you add in all necessary expenditures to clean our air—by individuals, industries, local, state and federal governments—the total would amount to three dollars a year per person."

The cost most obvious to the individual is the amount spent by his own local government. This is ridiculously low. In Los Angeles, which has the biggest program in the nation, the per-person cost is a mere 51 cents. The average figure throughout the United States for local activities is 22 cents. Until the passage of recent legislation, which may require additional expenditures, highly polluted New York City allotted a niggardly 16 cents, and Detroit and Milwaukee are not much better with 16.5 cents and 17 cents respectively.

Under the terms of the Clean Air Act, the federal government has enforcement powers, particularly when residents of one state are troubled by pollution from another. Still, most of the responsibility for controlling air quality is left up to the states and cities. Many of them take this responsibility far too casually.

In New York City a task force of experts headed by Norman Cousins, editor of the *Saturday Review*, studied the problem intensively, and were distressed to find that the city's own incinerators were among the very worst offenders. "The city has had split vision in terms of enforcement," says Mr. Cousins. "The owner of a small apartment house with an antiquated furnace is fined, while the city is doing nothing about its own violations! That is ludicrous. The only fair thing is for all stacks to be monitored and fines levied according to the intensity and duration of the pollution released."

Burning of coal as fuel is a chief source of air pollution. Laws prohibiting the use of soft coal were passed in England 700 years ago, and were so stringently enforced for decades thereafter that a coal merchant was tortured and hanged in 1306 for violating them. Hard coal and good grades of fuel oil emit far less harmful sulfur dioxide, and natural gas comes close to being a clean fuel. Nonetheless, in many of our cities soft coal and low-grade fuel oil are still being burned both to heat homes and to generate electricity. In New York City during 1964, 3 million tons of coal with high sulfur content were burned, most of it by the Consolidated Edison Company. And far from being tortured or hanged, Consolidated Edison was fined $500 for the emission of dense smoke. It was not until May of this year that legislation requiring the utility company to install effective soot-control devices was adopted by the City Council, along with regulations restricting use of high-sulfur fuels throughout the city. Only two years after similar rulings were passed in Pittsburgh, control officials reported that the air was 67 per cent clearer.

"Still, such improvement is deceptive," Mr. Cousins points out. "All fuel releases some sulfur, and as the population grows and the number of smokestacks increases, the amount of sulfur in the air will increase too. Sooner or later we will be back where we started, unless we improve furnaces and develop inexpensive devices to catch dust and sulfur fumes."

Many experts today advocate nuclear power plants, because atomic energy does not release pollutants. Others worry that one problem, air pollution, would only be replaced by another, disposal of radioactive wastes. And although radiation-releasing accidents are highly unlikely, the possibility cannot be completely ignored.

The most drastic immediate approach is supported by the 50,000 members of the Izaak Walton League. "We think everyone is on the wrong track—shifting from one kind of fuel to another or to radioactivity. *No* pollution—or aerial garbage—should be allowed into the air at all," says Leticia Kent, head of their Clean Air Committee. "Instead, air pollution control devices should be required on all industrial and home installations."

Every year more than 133 million tons of this "garbage" flies into the air over our country, and the figure mounts inexorably. The League's contention that virtually all pollution *can* be stopped is conceded even by some industry executives who do not believe that such total control is necessary.

"I can think of no instance in our chemical manufacturing process where we don't have the know-how to control pollution. Theoretically the air can be cleaned up to any degree, but costs skyrocket, and so we must strike a balance," declares Myron V. Anthony, director of accident and pollution control for the Stauffer Chemical Company, pointing out that the chemical industry has been using control devices for better than 30 years. "There is little benefit, however, in cleaning air to a point far beyond what is needed to protect health and property—and particularly in the case of smaller firms, going out of business to do it."

All major industries agree that the real question is how much of each pollutant can be tolerated. They say the answer to this waits for further research.

"Additional study is needed, of course," says Senator MUSKIE. "But this fact is too often used as an excuse for delay."

Industry is struggling manfully to overcome its image as source of all pollution, and points to expenditures of about $700 million a year to install, maintain and develop controls. Yet the image is not altogether false. Industry accounts for about 30 per cent of pollution, according to U.S. Public Health Service estimates. It is outranked only by motor vehicles, which are held responsible for more than half of the dirt and fumes in the air.

The automotive manufacturers, taking action at long last, are finding it hard to live down their past. S. Smith Griswold, seasoned by 11 years of struggle as director of the Los Angeles Air Pollution Control District and now chief pollution-control enforcement officer for the federal government, insists that "everything that can be done today to control auto exhaust was possible ten years ago." And yet car buyers who were being offered power brakes, power steering, push-button window openers and air conditioners as high-priced extras were not even told about pollution control devices for crankcases and exhaust pipes.

California, one of the first states to become aware of the automobile's major contribution to smog, led the country in passing laws requiring crankcase devices in 1962 model cars and exhaust controls on 1966 models. Manufacturers put the former on 1963 model cars throughout the nation, but it has taken the passage of the federal Clean Air Act Amendments of 1965 to get the exhaust-control device on new cars beginning with the 1968 models. The cost will be passed on to consumers, who will have to pay between $18 and $45 more for their new cars.

Control of used cars is still left to the states, and since it would cost an owner about $40 to have his old car equipped with a control device, law-making bodies regard the issue as a political "hot potato." Yet appliance manufacturers insist that until such devices are made mandatory by law, it is financially unsound to invest in their production. As a result, even if you *want* a control mechanism on your old car, you can't buy one. One possible solution to this chicken-and-egg dispute has been suggested by New York's Special City Council Committee: offer tax benefits to the owners of cars which have been fitted with pollution controls.

Even with control mechanisms on new cars, it is necessary to keep on running just to keep from losing ground. "The devices take care of only about two thirds of the pollution produced by cars," explains Vernon MacKenzie. "This is enough to give us an improvement in our air until about 1980. By then the increase in the number of cars will cancel out any reduction. Still, we have this time to invent better devices."

Although motor vehicles, industry and home heating produce most aerial garbage, some real garbage also ends up in the air. About half of all our garbage is burned each year, much of it in ancient incinerators that should themselves be on the trash heap. In some cities this is just what has happened to them.

"On a single day in 1958 we knocked out fifty-eight million dollars' worth of incinerators in Los Angeles," recalls Mr. Griswold. "This not only relieved pollution but also reduced the incidence of fires by nearly a third." Garbage now is collected and hauled 40 miles away or used as land fill. The Dodger baseball stadium stands on one such site, and 36-hole golf courses have been laid out on other in Alhambra and Burbank.

The very vastness of the air around us dilutes our individual sense of responsibility. "Yet we pollute the air as individuals; therefore control rests with the individual," asserts the New York State Action for Clean Air Committee.

After all, one of those smog-producing cars is almost certainly yours. You did not design it or refine the fuel it burns, but you can cut down on exhaust fumes by keeping it in good repair. If trash and leaves are still burned in your community—the practice is being outlawed in one city after another—you might work out another method of disposal with your neighbors.

"Each homeowner can also see to it that in his own home, the furnace functions properly," urges Mr. MacKenzie. "It is to his advantage, because a faulty furnace not only pollutes the air but also throws fuel away."

In some areas, dirty, high-sulfur fuels are being legislated out of use, but in others the choice is left up to the individual. When you buy a new home or improve an old one, you might consider heating with such relatively clean fuels as hard coal, natural gas or electricity.

Most important, all of us must overcome any feeling of helplessness about our ability to change conditions. Government officials actually beg us to act. If you see a plume of dirty smoke rising from a stack, complain; if the incinerator of a nearby apartment house, office building or hospital is dirtying the clothes on your line, complain; if a foul smell emanates from a factory, complain.

To whom? Complain first to the source of the pollution, then to your mayor or town council. If action is not swift, get neighbors to join in your complaint and notify the state health department. If your state has no air pollution program (those that do not are listed at the end of this article), protest to your governor and state legislators. Urge your senators and representatives in Washington to help initiate local and state programs, or to expand existing ones, taking advantage of available federal funds.

"Women should form volunteer crusades to improve the air," Senator MUSKIE pleads.

In New York City such a crusade was started by just one worried mother. Three years ago Hazel Henderson's little girl started nursery school. "This gave me three hours a day of my own. I decided to use them to do something about the terrible air."

Mrs. Henderson wrote to city officials, to government agencies, to radio and television executives. Her first triumph came when the major radio and television commentators began daily to announce the air pollution index, bringing the problem to the attention of a large and previously uninformed audience. Then City Councilman Robert A. Low, sponsoring bitterly opposed air pollution legislation, responded to another of her letters by inviting her to join other irate citizens at a meeting in his office. It was on that day in the fall of 1964 that the Citizens for Clean Air was established.

Mrs. Henderson was alone when she started, but within a year 700 people were lined up behind her. The CCA has sent speakers to parent-teacher associations and civic groups, has testified before legislative committees, held a rally on Wall Street, set up a mobile air-monitoring unit for a week at Rockefeller Center. Its work contributed heavily to the passage last May by the City Council of what has been called the toughest air pollution law in the nation.

With only a $2-per-person membership dues to support it, the group finds it hard to respond to requests for advice pouring in from citizens' committees springing up all over the country. Most such requests are sent on to Washington, where the Public Health Service has assigned a special representative to handle them and provide publications and free films. But it is worth reporting widely Mrs. Henderson's advice to a Michigan group which wrote in despair that local industry was opposing all its efforts.

"Get to the wives of the executives," returned Mrs. Henderson. "They will understand the risk to their children and grandchildren. Let members of the committee chip in to buy a stock share of an offending corporation. Then sit in on the annual meeting and ask what 'our' company is doing about pollution. And it might be a good idea to suggest that the local newspaper reporter go along too."

One of the most effective of the citizens' organizations is the "SOS" (for "Stamp Out Smog"), founded in the late 1950s by a handful of Los Angeles housewives who were weary of enduring the heavy, unpleasant air characteristic of their city. The women armed themselves with facts, interviewed plant managers and appeared at public hearings, sometimes wearing gas masks. And gradually other homemakers, mothers and career women joined them. Garden clubs, property owners' associations, labor unions and business groups pledged their support. In time public officials discovered that they had to reckon with the tremendous voting strength of the SOS.

"Today you cannot see a plume of smoke in Los Angeles," says Mr. Griswold, recalling that while he was in charge of the city's pollution control, 40,000 offenders were brought to court and practically all were convicted. Only "clean" industries using control devices are now permitted to locate in the area; "dirty" ones have been forced to clean up.

Credit for arousing the strong public opinion that made this possible is freely given by Mr. Griswold to the women of Los Angeles. He cites this example of effective citizen action. A California oil company was convicted on charges of polluting the air. The penalty, a fine of $500, was a trifle to a corporation counting its profits in millions. The fine would have been forgotten in an hour, except for one thing. The following morning 1,500 gasoline credit cards were mailed back to the company.

"With this kind of support," asks Mr. Griswold, "how can we fail?"

If you would like to help in the fight against air pollution, write for information to Department RB, Clean Air, Washington, D.C. 20201. States that have no air pollution control laws are Alabama, Iowa, Kansas, Maine, Mississippi, Montana, Nebraska, New Hampshire, New Mexico, North Dakota, Rhode Island South Dakota, Vermont and Wyoming. States that have control laws but no enforcement powers on the state level are Arizona, Connecticut, Georgia, Nevada, North Carolina, Ohio, Oklahoma, Tennessee, Utah and Washington.

HOW TO MEET THE PROBLEM OF WORLD HUNGER

Mr. GRUENING. Mr. President, in the Washington Cathedral on Sunday, July 31, Canon Michael Hamilton preached a sermon entitled "Food and People."

It was devoted to the subject which former President Eisenhower in a letter to me as chairman of the Subcommittee on Foreign Aid Expenditures of the Senate Government Operations Committee, called "one of the most, if not the most, of the critical problems facing mankind today" and a subject on which President Johnson has spoken vigorously no fewer than 22 times since his state of the Union message of January 1965.

I ask unanimous consent that Canon Hamilton's sermon, "Food and People," be printed at this point in my remarks.

There being no objection, the sermon was ordered to be printed in the RECORD, as follows:

FOOD AND PEOPLE

(Sermon preached by Canon Michael Hamilton at Washington Cathedral, July 31, 1966)

The Gospel according to St. Matthew, Chapter 25, Verses 42 to 45: "For I was an hungered, and ye gave me no meat: I was thirsty, and ye gave me no drink: I was a stranger, and ye took me not in: Naked, and ye clothed me not: sick, and in prison, and ye visited me not. Then shall they also answer him, saying, Lord, when saw we thee an hungered, or athirst, or a stranger, or naked, or sick, or in prison, and did not minister unto thee? Then shall he answer them, saying, Verily I say unto you, Inasmuch as ye did it not to one of the least of these, ye did it not to me."

Statement of Senator ERNEST GRUENING of Alaska, when as chairman of the Senate Government Operations Subcommittee on Foreign Aid Expenditures on S. 1676 and related bills opened hearings on June 22, 1965. "Today two-thirds of the 3.16 billion people in the world are hungry. The world's population growth rate exceeds 2% per year. If this growth rate persists, we can look ahead 35 years, just to the turn of the century, and know that the world population will double."

Senator GRUENING's comment that the world's population will double by the turn of the century is a correct prediction based on current population trends. From the time of Christ until 1850 the total population of the world remained under one billion. It is now over three billion, it will be over six billion by the year 2000, and it will double every thirty years thereafter! There is less food available to each person in the world today than there was in 1930, and the situation is getting worse not better. We owe men like Senator GRUENING a great debt for his vision and courage in bringing to public attention the terrible agony that is coming upon the world. In his straightforward matter of fact manner, Senator GRUENING saw behind the cold demographic statistics to the human suffering they represented. He and his staff drew up a bill which is now in its final Committee Hearing stages. It is a modest bill, asking chiefly for changes in government organization so that some designated people be responsible for worrying and being informed about problems of world population. Many of his colleagues warned the Senator that his sponsoring of this bill would be political suicide, it was going to be most unpopular with powerful religious interests, and that, as a bearer of bad news, he would be resisted. These critics did not deter the Senator, and he continued his leadership. By singling out Senator GRUENING I mean to pay him tribute because he has been primarily responsible for bringing the issue to the arena of Congressional discussion. President Johnson had already taken important and most helpful Executive action, and of course, in the private sphere individuals like Margaret Sanger, and such agencies as Planned Parenthood, Population Reference Bureau and the Population Council have been working hard and long on the problem.

However, in spite of efforts, the hard truth that we all must face is that we do not yet have a realistic plan to deal with overpopulation in the world, much less a sufficient concern and will to implement a plan if it were available. Before I give some of the facts to illustrate what I am talking about, let me refer back to the other text. "Then shall he answer them, saying, Verily I say unto you, Inasmuch as ye did it not to one of the least of these, ye did it not to me." If a Christian needs no other reason, that passage should be sufficient justification for examining and preaching about human welfare. The social, biological, demographic, agricultural, educational and political conditions which enable people to live and thrive, or starve and die, these are religious concerns. This text means that someone who commits his life in service to Christ, must do so by looking after his neighbor. And whosoever neglects the needs of his neighbor so that he starves, it is as if he were letting Christ himself suffer and die.

The statistics that I will be given come mainly from U.S. Government publications, and they are styled as conservative and likely to be under-estimates. In our own continent of abundance the United States is most fortunate because it has become the bread basket of the world. We are living in one of the few regions which export rather than import wheat and rice. By the year 2000 our present population will have increased 58%, and we will probably have sufficient food for them. However, our living conditions may well be intolerable, for we will be very, very overcrowded.

Housing is likely to be in short supply, and most of us will be living in high rise apartments hardly distinguishable from ant heaps. There is every indication that we will have insufficient schools, major transportation problems and serious pollution of air, water and land.

But the competition for space that will occur amongst us until, if unchecked, we reach the stage of standing room only, will be mirrored by a much more grim and immediate struggle amongst the people of the underdeveloped countries. Latin American population is expected to triple by 2000 A.D. By then Asia will have a population of 4.4 billion, which will constitute over 60% of the world's people. Within Asia, India is a special case because her poor are already dependent upon the importation of seven million tons of wheat each year. Her population which was only 270 million in 1930, is now about 480 million and will be over 700 million in thirty years time. Her food production per capita, as in *all* the underdeveloped countries, is falling further and further behind the rise in population. Surplus food from the United States, even if we greatly increase our own production, will only be sufficient to make up the deficit for perhaps a decade. In these countries today the diets are deficient and most of the people go to bed feeling hungry. The situation is serious now, can you imagine what it will be like by the year 2000 when 80% of the world's population live in these areas? And if you can look with equanimity upon that prospect, remember that the world population is now doubling every 30 years! What will it be like in the year 2300, or 2600?

Let me move on to matters of food production and see what statistics can illuminate that area. Except for Burma, Brazil and Nigeria there is no country in the world that has any significant amount of new arable land to open up for farming. Hence, the only way to get more food is to improve existing production methods. This has been done with spectacular success in the United States and also in Japan. But to achieve this success a number of conditions must occur, one of them being enlightened management, seldom occuring in Nations with feudal ownership. There must also be sufficient surplus money or capital available so that farmers may mechanize and buy artificial fertilizers. This implies each nation having capital to build factories to produce fertilizers, and in some cases farm machinery and tractors as well. There must be the possibility of artificial irrigation of the land if there is not sufficient rainfall. There must be an adequate transportation and marketing system, and lastly a reasonably high percentage of literacy and education so that the whole system can function. According to some research scientists there is hope of utilizing algae, seaweed and even tree leaves for specially processed food, but these possibilities would also demand heavy investments of capital. In the meantime, the more money a country has to spend on buying or raising food, the less capital it has to achieve the educational and technological level required to make birth control methods effective, and to offer a human as opposed to animal quality of life to its citizens. Imports of surplus food to underdeveloped countries, even if they were to be increased five fold by the year 2000, would still only amount to 5% of their total consumption needs. There is less grain food available now per person in the underdeveloped countries that before World War II. World grain yield must increase by 150% in the next 35 years if even the present meager diet in the underdeveloped countries is to be maintained. The United States Department of Agriculture's excellent report entitled "Man, Land and Food" concludes in an unemotional little sentence "Trends in food trade show that the less developed world is steadily losing the capacity to feed itself."

What all this adds up to is famine, and probably wars as a result of famine. Famine is coming upon the world on a scale that should terrify us. Not just the occasional famines that used to plague India and China, but continuous and ever widening areas of starvation. By the late 1980's you may expect the front pages of our newspapers to be covered with the photos of starving and dying children.

And is it not ironic that the great increase in the numbers of children have come about as the result of brilliant scientific and medical research as well as the humanitarian efforts of Government and private organizations in sharing this knowledge and wealth? It is the ability to control malaria that more than anything else has lengthened the lives of people in the tropical zones, and hence raised the birth rate there. It is the United Nations and American programs like Point Four that have done so much to improve the general health in backward countries, and so increased their birth rate.

In each of our church denominations, have we not with unselfish if shortsighted charity, collected money so that surplus food could be given to the hungry? We must no longer indulge ourselves in this unrealistic way of giving, we must address ourselves to the causes as well as to the symptoms of insufficient food. The children we kept alive 15 years ago are now raising large families of their own, and these new faces come to haunt us with their greater needs. If we really want to help, we must work for a massive world-wide program of birth control. For every dollar we donate for food, we must give another dollar for family planning. Here at home we must be willing to revise our attitudes and perspectives about the nature and size of families. For instance, it has been assumed that if parents had enough money to insure a fulfilled life for their children, they are morally justified in having just as many children as they wish. However, children, rich or poor, use up natural resources and hence the number of children in families can no longer be considered as matter for individual choice. Probably the responsible attitude of parents should be that they are justified in raising two children of their own, but if they want more, they should turn to adoption agencies.

Some countries have made serious attempts at family planning and birth control and have even achieved a measure of success. Japan, South Korea and Taiwan have all made significant reductions in the birth rate of their countries. It is theoretically possible to reduce the world population to balance food production, but it requires far more financial and technological help, far more changes in cultural attitudes, than it is possible to provide in the limited time available before famine sets in. One of the difficulties in implementing a birth control program, even in a country which wants it, and has the appropriate conditions for it, is that there is not yet a really simple, cheap, universal and effective method of avoiding conception. For one reason or another neither the pills nor the inter-uterine devices are ideal, and yet, in spite of the obvious need, relatively little research has been done in this field. I am told that there are only about 150 scientists working directly on the physiology of birth control in the United States, and that less than ten million dollars are spent yearly in this general area.

Let me now close by making some recommendations:

1.) Food production is *not* the answer to overpopulation, and to concentrate our hopes and energies in this direction would be a serious strategic error, and for those who knew better, a moral sin. At best, increased food production can only buy time for effective birth control methods to be applied.

2.) Demographers and agriculturists must get together and combine their information, particularly in the academic and government communities. Too often one hears a lecture by a population expert, and then another lecture by an agricultural expert, and the implications of what they are saying are not inter-related. These two disciplines must work and plan together so the public will be better able to understand the problem.

3.) We must, through government and private agencies, invest a great deal more money and scientific staff in devising new methods of birth control. We should aim to discover something simple like a male sterility injection which would be effective for a desired number of years.

4.) Private agencies cannot themselves handle the problems of birth control. Their primary function is to provide leadership, to experiment and to inform the public about the problem. The task is so great that only governments using tax money can handle it. I believe this is probably true throughout the world as well as in the United States. The idea and practice of birth control must permeate the lives, attitudes, practices of all levels of society. Private agencies by themselves cannot bring about such a public change. For example, in our own country birth control clinics should be part of the services of every hospital and health clinic, as well as operating in separate locations.

5.) Men like Senator GRUENING and others who take leadership in Government must be given open and continuous support when they take political risks.

6.) The Churches have the opportunity for giving much needed moral encouragement for birth control. I believe we Churchmen can find a better guidance from God by looking directly into the faces of hungry families, than discussing long outmoded and never too accurate theological systems and ecclesiastical pronouncements. Starving children demand theological revisions.

7.) As citizens we must grow in our understanding of what social responsibility means in the twentieth century. It used to be considered our duty to prepare the environment for the next generation. Now we must prepare the next generation for the environment. In other words we used to assume that our responsibility was to adjust and improve the material order for the benefit of our children. Now we recognize our world is a spaceship with finite natural resources, and that cannot support unlimited population. Hence, we must reverse our goals, and exercising our God given dominion over our own biological nature, limit population growth so that it is in balance with nature and social realities.

In conclusion, it is the Christian faith that God does not give us greater problems than we can handle. I believe this because I believe in the power of the Resurrection of Jesus Christ. This means as Christians we can say with confidence there is no inevitability to nuclear war, that we can remove the injustices of racial prejudice from our society, and that there is a way to balance food production and world population. However, it is also part of our Christian understanding, that unless man in honesty and unselfish love for his brother faces his social problems, he and his civilization may be destroyed. May God grant us a measure of His love and strength that we may be enabled to do His will in this hungry world. Amen.

POLICE BRUTALITY—PEOPLE BRUTALITY

Mr. TALMADGE. Mr. President, with all the trumped up charges these days of so-called "police brutality" there appears in this week's issue of U.S. News & World Report an excellent newspaper article concerning the very real and increasing problem of "people brutality" against law enforcement officers.

Written by Reporter Bill Shipp of the Atlanta Constitution, this article very forcefully points out that the citizens of this country would do well to concern themselves more with brutality and assaults against policemen than with the hollow shouts of "police brutality" by criminals and professional agitators, whose complaints very seldom ring true.

It is shocking indeed when policemen in the exercise of their duty to protect the lives and property of our citizens are set upon and assaulted—very frequently by mobs going to the aid of the criminal instead of the law officer. To my mind, such disgraceful conduct is part and parcel of a growing disrespect for law and order in the country today. Certainly, this trend must be reversed.

I commend this article to the Senate and ask unanimous consent that it be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the U.S. News & World Report, Aug. 8, 1966]

"POLICE BRUTALITY" VERSUS "PEOPLE BRUTALITY"—A REPORT FROM ATLANTA, GA.

(NOTE.—Following is an article by Bill Shipp of "The Atlanta Constitution," published in the July 10 issue of the Sunday "Journal and Constitution" and reprinted here with permission of that newspaper.)

Talk about brutality and police. Ask Atlanta Detective J. P. Arnold, member of the "good guy" Crime Prevention Bureau, what he thinks about brutality.

You may have difficulty understanding his reply. His face is held together by wire. He has difficulty opening his mouth to speak.

The mild-mannered Negro detective, assigned to the police department's helping-hand squad, recently talked with a father about a juvenile-delinquency problem. When the conversation ended the father beat Arnold up. The first blow shattered the detective's jaw so badly that he could not yell for help. Arnold finally shot the man in the leg to save himself from a possible fatal beating.

Talk about brutality. Ask the Atlanta patrolman who, in June, wrote matter of factly on a report form: "While attempting to unload prisoner at city hall, I was struck across the throat with a knife . . . six stitches."

Talk about brutality. Ask the Atlanta officer who was choked by two suspects wearing handcuffs. Or the one who was shot and had to crawl out of an alley yelling for help. Or the one severely bitten by a dog sicked on him by a woman suspect. Or the one severely bitten by a woman suspect. Or the one who broke a flying chair with the top of his head when he walked into a beer-joint free-for-all.

Talk about brutality to Lieut. C. W. Blackwell, keeper of police statistics and reports. He'll show a filing cabinet full of reports recounting acts of violence and mayhem directed at policemen that make Mickey Spillane novels seem as tame as Sunday-school lessons.

DISARM THE POLICE?

Much has been said lately about police brutality. The American Civil Liberties Union of Georgia recently turned out a scathing report on mistreatment by Atlanta policemen.

Howard Moore, an ACLU official and general counsel for the Student Nonviolent Coordinating Committee, has called on local police officials to disarm Atlanta policemen and detectives to reduce "police brutality."

Detective Superintendent Clinton Chafin thinks Moore has a great idea "if they'd take all the guns away from everybody else." He pointed out that the Atlanta gun market is glutted with 10-dollar, .22-caliber pistols and "they can kill you."

Despite the talk about police brutality, there is good evidence that "people brutality" against policemen is a greater and faster-growing problem. Not only in Atlanta, but nationally.

In New York in 1965 the number of assaults against policemen increased 25 per cent over 1964.

If the present trend continues in Atlanta, more than one out of every 10 policemen and detectives will be injured this year while making an arrest.

Since 1961, 406 Atlanta officers have received a major injury while making an arrest.

"That figure doesn't count all the black eyes and bloody noses and scratched faces," Lieut. Blackwell points out. "That figure means an injury serious enough to require hospital treatment."

Last year 78 policemen were sent packing to the hospital after a bout with a suspect. During the first six months of this year, prisoners or would-be prisoners have sent 40 policemen to the hopital.

What's the reason for the increasing number of assaults against policemen?

Many officials cite a growing antagonism toward authority of any kind.

Atlanta Police Chief Herbert T. Jenkins agrees that is one factor. But he points out that a growing population means more arrests and more arrests automatically increase the number of assaults against arresting officers.

BRUTALITY—OR HASTE?

What about the other side of the coin—policemen brutalizing suspects?

"This department uses force only when necessary," Jenkins said. "Police brutality—the kind you are talking about—simply does not exist here. Of course, we have cases when officers act too hastily."

Look at the policeman's side of it:

"A policeman called to the scene of a crime must make an instant decision on what action he must take, then take it," Blackwell said.

"A judge may be presented with the same set of facts a month later. He can take all the time he needs in deciding what to do about it. But not a policeman. He has to act—and act now. Naturally, his judgment may not always be the best in the world."

Jenkins added: "The charge of police brutality is as old as law enforcement. A prisoner's best defense often is to accuse the arresting officer of brutality. If he can discredit the officer, then he stands a good chance of winning the case."

Recent Supreme Court decisions have all but made legalized police strong-arm tactics a thing of the past.

Unlike many of his brother police chiefs, Jenkins said he has no criticism of the High Court.

"The Supreme Court has the same responsibility as the police—to guarantee the freedom of the individual and to furnish security to individuals and property," Jenkins said. "It's impossible to have 100 per cent security and 100 per cent individual freedom."

Right now, Jenkins added, the emphasis seems to be on individual freedom.

THE ONE-MAN PATROL CAR

Another measure against police brutality in Atlanta is the use of one-man patrol car, according to the chief. He says a man working alone is much more likely to try to talk, rather than slug, his way out of a bad situation.

It also would seem that a man alone is much more likely to be on the receiving end of an assault. But Jenkins says this is not true.

While the curbs against police brutality appear formidable, the controls against "people brutality" seem to crumble with increasing regularity.

Part of the reason for this says Jenkins, is the growing "racial and social revolution."

The people caught up in this revolution see the police, rightly or wrongly, as the symbol for all they are against.

As a result, Jenkins' men and the men like them across the country will continue to be on the receiving end of shootings, bitings, sluggings, kickings and so forth. And their job, always a dirty and dangerous one, appears to be getting dirtier and more dangerous by the day.

POWER PROBLEMS IN NEW ENGLAND

Mr. MUSKIE. Mr. President, the Rutland, Vt., Herald has recently published a series of six articles on electric power in New England. These articles, by Stephen C. Terry of the Vermont Press Bureau, present a fair and broad view of the power problems confronting all of New England, particularly Vermont, New Hampshire, and Maine. I ask unanimous consent that these articles be printed in their entirety at this point in the RECORD.

There being no objection, the articles were ordered to be printed in the RECORD, as follows:

[From the Rutland (Vt.) Herald]

PRICE OF ELECTRICAL ENERGY IN NEW ENGLAND: MUCH DEBATED, MISUNDERSTOOD

(EDITOR'S NOTE.—The following is Part I of a six-part series dealing with the price of electricity in New England. The author of the series has investigated electrical rates in New England, which are the highest in the nation, and the proposals to lower these rates. The series will present his findings and observations.)

(By Stephen C. Terry)

MONTPELIER.—Kilowatts. Kilowatt-hours. Mills. Kilovolts. These are all terms which confuse most of us.

But when you understand them you begin to realize they are part of the "price" you pay for living.

Reddy Kilowatt doesn't tell you about the "price" for living in New England, but you can tell by just looking at your next electric bill.

Just as the quart is the measure for milk, the kilowatt hour (KWH) is the measure for energy.

A kilowatt is 1,000 watts. A kilowatt(KW) is the term used when measuring the unit of power generated.

If a 100-watt bulb was to burn continuously for 100 hours, it would use 10 kilowatt-hours.

A mill, which is one-tenth of a cent, is the term used for computing the cost of your electricity, just as the cent is used for figuring out how much you pay for a quart of milk.

A kilovolt is 1,000 volts and is used when describing the push it takes to put the energy into the high tension wires that run by your house and carry it into your home.

The "price" is for electricity that you use to cook your meals and run your many appliances. It enables you to watch television. The average household's use of electricity in New England is about 250 kilowatt-hours a month.

For this, New Englanders pay an average monthly bill of $8.57.

Because you live in New England rather than the Tennessee Valley, you pay $3 more during an average month for 250 kilowatt-hours of energy.

New Englanders pay the highest electric rates in the continental United States for every major use category—residential, commercial and industrial.

The average commercial user in New England—storekeepers, small manufacturers and municipal governments—paid up to 29.8 per cent above the national commercial rate average last year.

New England industrial users pay higher rates than any other industrial users in the nation.

Rates are as high as 12.7 per cent above the national average.

Because of the high industrial rates there are no aluminum refineries in New England, or any other heavy consumers like the electrochemical industry, according to people who run such businesses.

The attitude taken by Robert Schill, vice president of the Central Vermont Public Service Corp. of Rutland, is similar to that of the other New England utility officials.

When questioned about high industrial rates and the lack of heavy users, Schill says that critics of high industrial rates should be asked if they want "aluminum plants or steel mills and other large scale industry in Vermont along with the problems that go along with such form of industrial growth."

Rhode Island textile manufacturers have long complained about high industrial power rates and say this is part of the reason for the exodus of the industry into the cheap power areas of the Tennessee Valley and the southeast-central United States.

In 1962, manufacturing industries in the New England states purchased a total of 12 billion kilowatt-hours of energy. The cost was $180 million.

The kilowatt-hour cost came to 14.901 mills, or 66 per cent higher than the national average.

If industrial power costs in New England had been on par with the national average for the case history in 1962, New England's manufacturers would have saved $71.4 million in their power bills.

New England is the greatest fortress for the investor-owned (private) utilities in the country. They produce about 98 per cent of the region's use. The national average is 77 per cent of the investor-owned utilities selling to consumers.

It is the only region in the United States that doesn't have a federal power project. The New England private utility industry is now fighting to retain that honor.

What is the situation in Vermont?

First of all, Vermonters are better off than their fellow New Englanders. Why?

The reason Vermont residential rates are only a trifle above the national average is because the state buys publicly-produced power from the public Power Authority of the State of New York (PASNY) and resells it to the Vermont utilities on the basis of their rural and domestic customer requirements.

Thus, Central Vermont Public Service Corp., the state's largest utility, buys the biggest share of the 150,000 kilowatts of PASNY power available annually to the state.

A case history of Vermont and the arrival of PASNY power tells part of the story why New England's rates are the highest in the nation.

On Jan. 1, 1959, residential consumers in Vermont paid an average of $8.90 for 250 KWH. That was the highest state average in the continental United States.

A year later, after the first influx of PASNY power, the Vermont 250-KWH rate dropped to $7.91.

In 1962 the average state bill dropped to $7.84.

Last year the average Vermont bill for 250 KWH was $7.63, or three per cent higher than the national average bill.

The New England average bill last year was $8.57.

Before PASNY power, CVPS for instance was selling energy to consumers at an average of 33.9 mills per KWH.

Last year the same utility was selling energy at an average cost of 25.27 mills per KWH. The United States average, which includes all power regions, was 16.8 mills per KWH.

Since the PASNY power, CVPS has reduced rates by almost $2 million.

Before publicly-produced power was available to CVPS, Albert A. Cree, the chief executive officer, had to purchase higher cost power from the New England Electric System of Boston.

Now CVPS and the other Vermont utilities are free from the high prices of New England Electric and can bargain elsewhere for their power.

While Cree doesn't admit it, it is known he is happy to be "free" from the "Boston boys" and since PASNY, his power profits have soared.

In a speech before New York security analysts in October, 1957, Cree said because of PASNY power "the company expects that this will result in significant and continuing earnings improvement."

He also said that the earnings will improve because "the reduction in electricity costs to the customer which will be realized will have a very stimulating effect on electricity use by the customers and upon the whole economy of the company's service area, so that the company should benefit substantially as the area economy benefits from this relatively large amount of cheaper power."

Not everyone in the state feels he is getting the benefit of PASNY power as cheaply as CPS.

One of the most vocal critics is Walter N. Cook, manager of the Vermont Electric Cooperative of Johnson.

He complains that once the Vermont Electric Power Co. (VELCO), which is a transmission company set up to transmit PASNY power throughout Vermont, levies its tolls, the low-cost benefits are lost.

VELCO is 87 per cent owned by CVPS and it buys PASNY power from the state at the state line for about 5.6 mills per KWH.

VELCO charges transmission tolls of more than two mills per KWH to other utilities. The national average for transmission cost is 1.7 mills per KWH.

Cook says that after VELCO levies its tolls and delivers it to the subtransmission lines of the other utilities for distribution to the Vermont Electric Cooperative systems, the cost of the power has increased by 50 per cent.

He also says that consumer-owned co-ops, unable to build large plants or tie in with transmission lines, "are at the mercy of the electric power giants which local commissions and the Federal Power Commission seem unable to control effectively."

Thus, in New England the big power companies own all of the heavy transmission lines because co-ops don't have the money to build big generating plants, and municipal electric systems can only build within city or town limits.

In order for the little systems to get enough power, they must buy from the investor-owned utilities and bear all of the private utility's charges.

In Massachusetts, for instance, the wholesale rates paid by the Massachusetts municipal electric systems range from 50 to 100 per cent higher than those paid by municipal systems to comparable private power companies in other parts of the country.

James Baker, manager of the Shrewsbury, Mass., electric plant, recently told a congressional committee in Washington that these high wholesale rates are a serious economic detriment to the Massachusetts electric systems and the communities served.

The Federal Power Commission is just now beginning to look at the wholesale power rates charged by investor-owned utilities to municipal co-ops.

While power costs are high in New England, power consumption is, not surprisingly, 33 per cent lower than the national average.

U.S. Senator George D. Aiken, Republican of Vermont, calls private power interests in New England the "scarcity-and-high-price clan."

The high prices in New England do keep down the amount of energy consumed.

Power Price Comparison

Montpelier.—Here is a comparison of the average monthly electric bills for residents in New England and other parts of the nation.

The average bill is for 250 kilowatt hours a month.

Vermont, $7.63.
Massachusetts, $8.88.
Maine, $8.82.
New Hampshire, $8.82.
Rhode Island, $8.73.
Illinois, $7.70.
Montana, $6.98.
Connecticut, $8.24.
Tennessee, $4.89.
State of Washington, $4.81.

In Tennessee, the power available to households is mostly from the public power project in the Tennessee Valley.

In Washington, the utilities—public and private—work together and pool their power resources.

[From the Rutland (Vt.) Herald]

Scant Resources of Power

(Editor's Note.—This is the second in a series of six articles on the factors which go into the price of electricity in Vermont and New England. This article goes into problems of generating and distributing which are cited in the industry in generating and distributing the power.)

(By Stephen C. Terry)

Montpelier.—The rocky soils of New England bear no coal or oil reserves.

The low usages of electricity and the old "tea kettles" that produce power are some of the reasons for your high monthly bill.

This, coupled with high administrative costs, many small inefficient power plants, high taxes and the lack of a competitive yardstick, make your electric bill the highest in the nation, on the average.

The costs of electricity to the consumer is divided into three major categories—generation, transmission to the principal load centers and distribution to the householder.

Generation and distribution charges far exceed the national averages.

The private electric industry lays the blame for producing the highest cost power in the nation to the high taxes in New England, the high fuel costs and low consumer use.

"It's a vicious cycle. High rates promote low consumer use. We have been struggling with this for years," says Howard J. Cadwell, chief executive at the Western Massachusetts Electric Co. of West Springfield, Mass.

Heavy industries such as aluminum refineries are not to be found in New England, and the owners say one of the reasons is the price of power.

A spokesman for a private utility said critics of high industrial rates should be asked if they want "aluminum plants or steel mills and other large-scale industry in Vermont along with the problems that go along with industrial growth."

This doubt is not limited to private power interest.

In Springfield last week Gov. Philip H. Hoff said he was "not terribly anxious to see really heavy industry located in Vermont." He expressed a preference for industries in the fields of electronics, machine tools and plastics which Springfield already possesses.

Coal accounts for two-thirds of the fuel used to produce electricity in New England. Other fuels are oil, gas and, of course, water power which serves as fuel by turning turbines which in turn generate electricity.

Residual oil is the thick, gummy substance that is the final by-product of crude oil after it is refined.

The oil is used to heat industrial buildings and schools as well as fuel for generating power.

Ninety-percent of the residual oil used by the northeast utilities is imported from Venezuela.

Last year New England utilities burned 10,640,000 tons of coal.

The latest figures available for use of residual oil in the region is for the 1963 usage of 70,593,000 barrels, according to the New England Council.

Residual oil is purchased by the barrel, and a barrel roughly equals one fourth of a ton of coal in heat equivalent.

However, New England doesn't have the fast, flashy rivers that can produce enough cheap hydro power.

There are many undeveloped sites, but hardly any of them could be developed in terms of today's dollars and still produce cheap power.

Hydro-electric power is still the cheapest power available if there is enough to make construction of dams worthwhile.

But the fast-developing technology in nuclear power for the New England region has made large-scale conventional hydroelectric plants almost obsclete.

In New England, the average generation costs (which means the amount utilities have to pay to produce a kilowatt-hour of energy) is 9.7 mills. This is 1.2 mills higher than the national average of 8.5 mills per KWH.

When a coal train leaves the mining fields in West Virginia and Pennsylvania, the ultimate charges to the private utility increase every mile it moves either by train or barge to the New England utilities.

By the time the coal reaches New England the average price is 33.9 cents per million British thermal unit (BTU) compared with the national average of 26.1 cents.

(A BTU is a measure of heat energy. It is the quantity of heat energy required to raise the temperature of one pound of water one degree Fahrenheit at sea level.)

Coal costs have dropped some in the last several years, as a result of competitive pressure of nuclear fuels as a source of producing power.

However, utility magnates in New England seem to be relying too much on the high cost of coal as the excuse for high rates.

In a speech in 1962, former Federal Power Commission Chairman Joseph C. Swidler said if fuel costs had been brought down to the national average, the bills to the ultimate consumer would have been reduced by only five percent, leaving New England rates still well above the national average

The situation of 1962 is applicable today.

The federal government has just relaxed its quotas on residual oil imports, but the cost effect on utilities located on the sea coast of New England won't be that much.

The problem goes deeper than the high cost of fuels.

Put simply, there are just too many utility systems in the region.

There are now 39 different investor-owned utilities in New England which own a total of 73 thermal generating plants (those that use fuel to make steam), 93 hydro-electric plants producing power, and one nuclear plant.

In addition, there are 26 municipal systems and three electric cooperatives producing their own power, and 88 municipal and co-ops buying power from the private utilities for their consumers.

The multiplicity of plants means a multiplicity of payrolls and other administrative expenses which are put at 87 per cent above the national average.

While there are many systems in the region, there are also many small old plants which are inefficient.

The average size of all New England power stations is 50,000 kilowatts and there are many plants under the thousand-kilowatt capacity.

Most of these are the "tea kettles" and small hydro plants, fully depreciated but used to meet peak power demands.

Because the utilities keep many of these plants "on the line" they are costing the consumer money. Even though the plants are in most cases fully depreciated, it still costs money to operate the facility because of fixed charges.

Utility officials justify keeping the old, inefficient plants in operation because they claim they're used to meet emergencies.

"We don't throw away our plants, and when the day comes to meet an emergency, we are ready," says Albert A. Cree, chief executive at the Central Vermont Public Service Corp. of Rutland.

The blackout last Nov. 9 proved the old plants weren't much use in restoring light to a darkened northeast United States, except in their immediate localities.

The New England average "heat rate," and engineering term that is used to express the BTU's necessary to produce a kilowatt-hour of energy, is a good indicator of the efficiency of the New England power plants.

While the national average heat rate last year was 10,558 BTU's per KWH, the New England average was the highest in the nation at 11,019 BTU's per KWH.

Progress is being made by the New England utilities to increase plant efficiency. In 1964 the New England Electric System's Brayton Point station near Fall River, Mass., achieved the lowest heat rate in the nation of 8,771 BTU's per KWH.

The Brayton Point station is able to generate power at a cost of 5.9 mills per KWH because of increased plant efficiency. (The lowest cost foreseeable for conventional New England fuel plants is five mills per KWH.)

Distribution costs in New England are 6.2 mills per KWH higher than the national average of 6.6 mills per KWH.

This is partly due to the low usage by consumers because of the high prices, and the multiplicity of transmission grids which brings power to the distribution centers.

The transmission grids that are now established in New England are of low capacity compared with the new very high-voltage grids. The lines are also old, thus pushing costs up.

Another reason for the high cost of electricity is the high cost of land for rights-of-way and higher construction costs in New England.

New England utilities say that the high local and state taxes are one of the principal reasons for the highest rates in the nation.

Excluding federal income taxes, the investor-owned utilities paid in 1964 an average $40.12 per $1,000 of net electric plant investment.

The national average was $31.53.

Massachusetts utilities paid more than the New England average—an average of $50.35 per $1,000 of net plant investment.

One of the reasons for the cause the average includes many public utilities which are tax exempt, and which pay no taxes to state or local governments.

New England has no federal power project and the tax exempt utilities produce only two per cent of the region's electrical requirements.

The lack of a federal power project, which the private utilities are now fighting desperately, has deprived the consumers of a chance to compare rates.

The private utilities claim it isn't fair to judge a tax-paying utility against a non-taxpaying utility, saying the consumer somewhere along the line has to make up the difference.

But the fact remains the only region in the country that doesn't have a federal power project has the highest rates in the nation.

Cadwell, of Western Massachusetts, admits the high rates may be partly due to a lack of a public competition, or a "yardstick."

He says candidly: "We have no Dickey around to compare ourselves with."

Dickey is the name given the Dickey-Lincoln School federal power project proposal in Maine that the private utilities in the region are fighting in Congress.

[From the Rutland (Vt.) Herald]

Pressures of Opinion Hit Utilities—Blackout, Increased Demand Put New England Firms in Spotlight

(Editor's Note.—This is the third of a series of six articles on the situation of electric power in New England and Vermont. This one describes how attitudes within the industry and outside it have shifted during the past year, due to a variety of developments.)

(By Stephen C. Terry)

Montpelier.—"I'd be a liar if I told you we didn't wake up when someone was hitting us over the knuckles," says an executive of a Massachusetts private utility.

Howard J. Cadwell, chief executive of the Western Massachusetts Electric Co. of West Springfield, admits his industry as a whole has shifted gears in the past year.

For the past year, the New England electric industry has come under harsh criticism from politicians and the Federal Power Commission.

As the result of the prodding, the industry has told the public more than it ever has before about its plans to build new facilities which, it hopes, will reduce the consumer price for electricty.

The sudden interest in New England's high average power costs has been most dramatic since last year's Nov. 9 blackout when most of New England went dark with the rest of the northeast because of a massive power failure.

Since then the spotlight of public opinion has been shining brightly on the industry as a whole.

The prodding began in October, 1962, when former FPC chairman Joseph C. Swidler spoke before the Electric Coordinating Council of New England—a group of investor-owned utilities.

Swidler laid it on the line for the industry and told it the FPC was closely examining the New England utilities in the national power survey which began that year.

The report was issued in December, 1964. It set a target of 27 per cent reduction in the average price of electricity to consumers by 1980.

The new chairman of the FPC, Lee C. White, in a speech in Boston last May, said he is watching the high rates in New England and warned the private utilities that they have a long way to go if rates are to be down to the national average by 1980.

In the waning weeks of 1964, the New England utilities were blasted with both barrels and Vermont's Gov. Philip H. Hoff pulled the trigger.

At a meeting in Boston of representatives of the nation's public power groups (the Rural Electric Cooperatives Association, the Electric Consumers Information Committee and the American Public Power Association) he spoke before the New England utility commissioners and a meeting of the New England Governors' Conference.

After that presentation, Hoff's fellow-governors named him a committee of one to seek low cost sources of power.

Since then Hoff has been using his appointment as a political weapon against the New England utilities to prod them into doing something about lowering rates.

In February, Hoff went to hear a speech in Boston given by Newfoundland's premier, Joseph C. Smallwood, who described the ambitious hydro-electric project planned for Churchill Falls in Labrador.

Smallwood was trying to drum up support for the project and was looking for buyers of the vast resources of energy among the New England and New York utilities.

Smallwood proposed that power be transmitted into New England by 1,517 miles of cable stretched under the ocean.

Hoff then went to Quebec City and met with Quebec Premier Jean Lesage in an attempt to import a small amount of power from the Quebec Hydro-Electric Commission, an arm of the government.

Lesage informed Hoff that Quebec-Hydro might buy the power produced at Churchill Falls and asked Hoff if he would be interested in that proposal.

Ever since Hoff publicly broached the idea last September, the New England utilities have been annoyed.

The news about the possibility of importing about two million kilowatts of Canadian power annually broke about the time the New England utilities were lobbying their hardest against approval of the Dickey-Lincoln School public power project planned for the St. John River in Maine.

Suddenly, politicians began asking utility executives questions.

Traditionally, in New England politics, politicians have left the utilities alone. This explains why some of the New England governors are still cool to Hoff's proposal.

In Washington, New England utility executives led by Albert A. Cree, chief executive of the Central Vermont Public Service Corp. of Rutland, were appearing before congressional committees testifying how the New England private utilities could lower rates.

Meanwhile Hoff was asking questions of New England utility leaders and quietly lining up political support.

As a result of the prodding by the politicians, the utility leaders began talking about their plans to improve existing plant facilities.

Several months before the Hoff announcement, another Vermonter, Charles R. Ross, a member of the Federal Power Commission, took some pokes at the private utilities in a speech before the New England public utility commissioners, and made suggestions how the investor-owned and the publicly-financed utilities could lower rates. The basic suggestion was that the two work together instead of against each other.

However, the real pressure of public opinion against the private utilities in New England came as a result of human error somewhere in the vast power grids in Ontario.

When the lights went out in Ontario, juice throughout all the New York state power transmission grids went out and, subsequently, links with Vermont and New England failed to meet the demands of the New England grids.

Just as the utilities were off balance because of mounting political pressures from Hoff and Dickey-Lincoln—the lights went out in every New England state except Maine during the evening rush hour.

New Englanders demanded answers. Utility leaders have been responding ever since.

In Massachusetts, the Legislature created a commission to investigate the massive blackout and costs of the price of power.

It was also directed to look at the rate structures and the financing of public utilities and privately-owned utilities.

The commission hasn't yet been given any money to operate, however.

The New England public utility commissioners also investigated the New England blackout.

Not all the private utilities executives in New England agree with Cadwell that the pushing of Hoff and the threat of Dickey-Lincoln has "awakened" the private utilities.

Cree, for example, says that technology is just catching up with itself in New England.

"The effect of Hoff and Dickey-Lincoln has been nothing—it's just caused us trouble," Cree said, in a sharp contrast with Cadwell.

Cree testified before a Vermont Legislative Council subcommittee earlier this year and said that the reason the New England utilities were reacting to the Dickey-Lincoln proposal and the Hoff Canadian power bill was:

"The problem has become a political one and we must deal with it."

The fact remains that the private utilities in the six-state region have revealed extensive long-range plans.

[From the Rutland (Vt.) Herald]

THE UTILITIES IN ANSWER: "BIG ELEVEN"—PRIVATE POWER FIRMS COUNTER ONSLAUGHT OF GOVERNMENT AIMS—OFFER REGIONAL LINK

(EDITOR'S NOTE.—This is the fourth in a series of six articles on electric power in New England which has the highest average price in the nation. The article below describes what the region's investor-owner utilities call the "Big Eleven Power Loop," examining the aspirations about generating costs as compared to administrative and distribution costs).

(By Stephen C. Terry)

MONTPELIER.—Late last year the heads of the New England investor-owned utilities got together and complained that they were getting clobbered by public opinion.

A decision was reached to hire a New York City advertising firm to "do something about our public image."

A source within the electric industry explained recently the industry's decision to form the "Big Eleven Power Loop."

The utility official asked to be kept nameless because "I want to keep my job."

He said, pointing to a map of New England: "All we're hearing about is low-cost power from Dickey-Lincoln and Gov. (Philip H.) Hoff's plan to import low cost power from Canada."

"So we hired an advertising firm to help us with promotion and to get the story across to the public by television, radio, and newspaper advertisements."

Furthermore, each utility is responsible for his own state and pays for the advertising campaign according to the number of customers it serves.

What is "The Big Eleven Loop" and how did it grow?

First, it is in direct response to the announced plans to build the first federal power project in New England—in Maine at the Dickey-Lincoln School site—and to Hoff's plans to try to import Canadian power.

There are many different stories among the utility executives as to just when the actual planning really began for what is now mapped out as the "Big Eleven Power Loop."

Albert A. Cree of the Central Vermont Public Service Corp. of Rutland, says that plans for the "Big Eleven Loop have been in the works and partly in the planning stages since 1948."

A recent news release from the New England Electric Co. of Boston said that the "Big Eleven Loop" is the "largest building program ever conceived for the area and planned at least five years ago."

Howard J. Cadwell, chief executive of the Western Massachusetts Electric Co., tells a different story.

According to Cadwell, the idea of getting together and chart "The Big Eleven Loop" began late last year.

He said that individual utilities had been making their own plans for several years.

Cadwell said the loop wasn't tied together until the early part of this year and, as soon as it was, the electric companies made sure the news media got the announcement.

The first time the plans for "The Big Eleven Loop" hit Vermont papers was Jan. 25.

"The Big Eleven Power Loop" will be fully operable by 1973, and the industry says that consumer rates should be reduced by 22 per cent by then in terms of today's dollars.

The electric industry says the loop can mean an annual saving of $138 million in generation expenses.

Taken together, these new plants will add 6,250,000 new kilowatts to New England's generating capacity.

Fossil-fuel plants (oil and coal burning) will provide 38 percent of the new capacity and will be installed early in the period.

Nuclear plants will provide 46 per cent of the power and most will be installed at the end of the six year program.

The one million kilowatt pumped-storage facility planned at Northfield Mountain in Massachusetts will make up the rest of the capacity.

A pumped-storage plant works on the same principle as a hydro-electric plant.

Water, however, will be pumped up Northfield Mountain during the night when power demand is low, and then will be released during the day to turn turbines during peak power demand periods.

The reservoir on top of the mountain will span 300 acres, and will function very much like a giant storage battery.

The industry says that it can reduce generation costs from of 9.7 mills per kilowatt-hour today's New England average to 7.6 mills per KWH in 1973. There are 10 mills in a cent.

To consumers that means, the industry says, a reduction in the price of electrical bills from the average of 24.2 mills per kilowatt-hour today to 22.1 mills per KWH in 1973.

The power industry doesn't expect the average 1.7 mills per KWH transmission charge will drop a bit nor does it expect that the distribution and related administrative costs will drop by 1973.

In fact, very little is being done to reduce distributing and administrative costs outside of three southern New England utilities which have said they hope to merge operations later this year.

In essence, "The Big Eleven Power Loop" will cut production costs of power by 2.1 mills in the next six years—and that is all.

In addition to the 11 new plants, the industry says it will build 700 miles of new transmission lines.

Besides that, the power companies have said, they will retire some 30–40 old steam generation plants, now capable of producing 1 million kilowatts.

The total bill for the construction programs amounts to $1.5 billion. This represents, the electric companies say, a $450 investment for every family they serve.

The key to "The Big Eleven Power Loop" is the industry's hopes to save money on the generation of power, thereby passing on the benefits to the consumer.

Most of their hopes are pinned on nuclear fuels.

The five new conventional fuel plants are expected to hit a low production cost of five mills per KWH.

Power economists say it is almost impossible for conventional fuel plants in New England to drop generation costs much lower than five mills per KWH because of the inherent high cost of fuels. Coal and oil have to be brought from afar.

The production costs will drop from the 9.7 mill New England average to five mills per KWH because of increased plant efficiency.

Private utility executives are really watching the progress of nuclear power development because, after 1973, new plants will be strictly nuclear-fueled—coupled with more pump storage projects to meet peak power demands, the industry says.

The pride of all the New England utilities is the first nuclear fueled plant in the region now operating competitively with conventional fuel plants at Rowe, Mass. It is called Yankee Atomic.

The Yankee Atomic Co. was formed in 1954 by 10 companies, including Central Vermont Public Service Co. of Rutland.

It went into operation ahead of schedule on Nov. 19, 1960, and cost less to build than the electric companies estimated.

The plant began producing at 12 mills per KWH, but the cost of production has now been reduced to 9.7 mills per KWH.

It is expected to be cut down to 6.3 mills in a 15-month period beginning in 1967–1968. The secret of nuclear plants is simple. The longer it is used the cheaper the electricity produced.

Capital construction costs are higher for nuclear plants than for conventional plants, however.

Utility leaders expect to be able to produce nuclear power in 1973 at a cost of 4 to 4.7 mills per KWH.

By 1978, nuclear plants that are part of "The Big Eleven Loop" should have production costs below four mills per KWH, according to nuclear expert Dr. Manson Benedict of the Massachusetts Institute of Technology.

Dr. Benedict also predicts that, by 1972, nuclear plant "costs are expected to be lower than cost of electricity from coal or oil and as low as coal costs anywhere in the United States."

But production costs don't lower the price of electricity to the consumer by that much, the Federal Power Commission has said, adding that the industry is going to have to concentrate on lowering administrative and distribution costs if the rates are going to be near the national average.

Cadwell admits this and says New England's attempt to lower rates to the national average is "shooting at a moving target."

He says: "No utility man or anyone else can predict the exact reductions by 1972 without knowing such factors as inflation and the demand for personalized services."

Plus, the national average is expected to be reduced because in other regions utilities are moving just as fast as in New England.

This is what Cadwell means by a "moving target."

He also says that if distribution and administrative costs are to be cut, the "economies of scale" will have to increase.

Put simply, utilities have to merge operations.

Cadwell suits his actions to his words. He is the chief organizer of the proposal to merge his company—Western Massachusetts Electric—with Connecticut Light and Power Co. and the Hartford Electric Light Co. into a super-utility called "Northeast Utilities." It would be the largest utility in New England.

Timetable for "The Loop"

MONTPELIER.—Here is the timetable private utilities have given for completion of 11 new plants which will make up the "Big Eleven Power Loop."

CONVENTIONAL PLANTS (FUELED BY COAL OR OIL)

Site:	*Kilowatt capacity*
Boston (year completed, 1967)	400,000
Bridgeport, Conn. (year completed, 1968)	400,000
Bow, N.H. (year completed, 1968)	350,000
Sandwich, Mass. (year completed, 1968)	550,000
Brayton Point, Mass. (year completed, 1969)	650,000

NUCLEAR PLANTS

Site:	*Kilowatt capacity*
Haddam, Conn. (year completed, 1967)	500,000
Millstone Point, Conn. (year completed, 1969)	600,000
Vernon (tentative) (year completed, 1971)	450,000
Boston (year completed, 1971)	650,000
Wiscassett, Maine (year completed, 1972)	700,000

PUMPED STORAGE PLANT

Site:	
Northfield Mt., Mass. (year completed, 1971)	1,000,000

[From the Rutland (Vt.) Herald]

FOUR PUBLIC POWER PLANS FOR REGION—LABRADOR, MAINE, APPALACHIA ALL FIGURE IN NEW ENGLAND VIEW—AIM: LOWER RATE

(EDITOR'S NOTE.—This is the fifth in a series of six articles on the power situation in New England. The fourth article dealt with projects supported by the private power interests of New England. The present article tells about projects supported by public power interests).

(By Stephen C. Terry)

MONTPELIER.—In the wilderness of Labrador flows the Churchill River—the largest untapped hydro-electric resource on the North American continent.

The river isn't a river of commerce, transport or trade. It is a beautiful, untamed giant that holds the key to vast sources of hydro-electric power for Canada and the United States.

New England public power interests are enviously eyeing the possibility of importing low-cost Canadian power.

This is one of the four proposals that consumer-owned and publicly-financed utilities are banking on to reduce New England's high electrical rates.

The other proposals are:

—The Dickey-Lincoln school project in northern Maine. This would be a 794,000 kilowatt hydro-electric development paid for by the federal government. If Congress approves the project, it will be the first federal power project for the six-state region.

—State-of-Maine nuclear power authority. A legislative group in the Pine Tree state is now studying the feasibility of having the state build and run a 1.4 million kilowatt nuclear plant.

—The Yankee-Dixie project. This plan, pushed by the cooperatives and municipal electric systems, would be to construct three large fossil-fueled generating plants in the coal fields in northern Appalachia. The electricity would then be transmitted to 22 states by a very high-voltage transmission system.

A consortium of European and Canadian banking and industrial interests has formed the British-Newfoundland Corp. (BRINCO) to develop the power resources of the Churchill river.

The project doesn't involve construction of large conventional dams. Rather, it is like developing a giant saucer, spanning 35,000 square miles, scooped out of the flat Labrador plateau.

The saucer-shaped basin, which would be kept filled with water by a river diversion scheme would act like a huge bathtub the size of all New England exclusive of Maine.

The "bathtub" will be located on the plateau.

The water stored will cascade down a series of rapids and chutes to Churchill Falls, where the water drops some 400 feet.

At the falls will be located the powerhouses.

The project would produce 4.5 million kilowatts, according to present estimates.

The awesome project has caught the fancy of the Quebec Hydro-Electric Commission, an arm of the provincial government.

Quebec Hydro is about ready to sign an agreement with BRINCO to buy the 4.5 million kilowatts of power. The government power company is looking to the United States for a buyer for 1.2 million of surplus kilowatts for the next 25 years—starting in 1972.

The possibility of buying that much power, which supporters say can be generated and transmitted to New England load centers at a price of 3.89 to 4.03 mills per kilowatt hour, has the public utilities in New England wide-eyed.

The investor-owned utilities are doing everything in their power to stop the importation of Canadian power, and lobbied hard this spring against an importation proposal which was before the Vermont Legislature.

The Vermont public power interests—officials of municipal and rural electric cooperatives—have formed the Vermont-New England Power Co. (VNEPCO). The new corporation has ben dickering with Quebec Hydro to buy 1.2 million kilowatts, for Vermont use or resale to New England municipals and co-ops. The proponents claim it will reduce present rates by 25 per cent. This has never been proved, however.

VNEPCO is also thinking of dealing with the public Power Authority of the State of New York for 40 per cent of the power.

Current plans call for the VNEPCO to sign an agreement with Quebec Hydro for the 1.2 million kilowatt block before the summer is over. The power is expected to be available in 1972 for a 25-year contract.

The private utilities in the region aren't likely to be able to share in this low-cost power because of VNEPCO's desire to deal with publicly-financed utilities as a prerequisite for qualifying as a non-profit, tax-exempt corporation, according to VNEPCO lawyers.

Gov. Philip H. Hoff's plan, which was stalled by the 1966 Legislature, would have set up a corporation to serve as a vehicle for importing Canadian power for all utilities, public and private.

VNEPCO was formed after it appeared Hoff's plan would never see the light of day.

While the private utilities have been trying to discourage importation of Canadian power, they are also involved in a political battle against the federal government which has indicated it wants to construct a federally-financed power project in northern Maine.

Preliminary project plans call for a dam—340 feet high and 9,400 feet long—at a northern Maine town called Dickey, 10 miles south of the Canadian border. It is located on the St. John River where it joins the Allagash, a river famous for canoeing.

This dam would produce 760,000 kilowatts.

A smaller dam will be located at the site of a former schoolhouse in Lincoln, Maine, about 17 miles downriver. This dam would produce another 34,000 kilowatts.

The project will cost $227 million for dam construction, and an additional $73 million will be needed to transmit power through New England. The job can be completed in 1972 if it receives final congressional approval this session.

Chances look good, despite the heavy opposition from the New England private electric industry.

The industry says the project is a "turkey." By this it means the project is a waste of taxpayer's money. Utilities claim private generation of power with tax-paying facilities can reduce rates by 40 per cent by 1980 and 22 per cent by 1972.

The Federal Reserve Bank of Boston backs up the private utilities' claim that they can produce power cheaper than the federal government can at Dickey-Lincoln School.

"By 1977 it is expected that peaking power from privately-financed and taxed plants could be delivered to the interconnected systems of southern New England for 15 to 20 per cent less than the comparable peaking power from the federally-financed and tax-exempt Dickey project," wrote John M. Wilkinson, the Federal Reserve Board's economist.

According to U.S. Sen. Edmund S. Muskie, D-Maine, the Dickey-Lincoln project will cut the costs of power in Maine by one-third, and New England average costs by 25 per cent by 1972.

Supporters of the project say it will provide a "federal yardstick"—a means to compare the costs of privately-produced power against the federal kilowatt.

New England is the only region without a federal power project and has the highest power rates in the nation.

The utilities scream "foul-play" when their rates are compared against those of a utility that doesn't pay taxes, saying the consumer has to pay the bill, either in tax support or on the private electricity rate.

But the philosophy behind the government power projects is not only to reduce the cost of electricity.

Another reason is to upgrade the social development of a state or region.

The Interior Department has said that the "benefit-cost ratio" for the Dickey project is 1.86:1.

This means simply that for every dollar the federal government spends, the public will receive $1.86 in benefits.

The growth of the Tennessee Valley since the TVA project is cited as proof.

While the private utilities claim they can do the job better and cheaper, their performance in Maine doesn't prove it.

The Pine Tree State has the highest average monthly light bill in the continental United States, with consumers paying $8.94 for 250 kilowatt-hours. It needs cheaper power to stimulate growth in vast wilderness in the northern part of the state.

The Dickey project would make available to Maine utilities 100,000 kilowatts of firm cheap power and the rest would be available for peaking purposes for the New England region.

Peaking power is used to meet consumer demands when electricity is used the most during the day—usually around suppertime.

Assistant U.S. Interior Secretary Kenneth Holum says Maine municipals and cooperatives, who now buy wholesale power for up to 21 mills per KWH, could buy firm Dickey power for 8 mills.

He said that the city of Calais, Maine, could get rid of its 25-watt bulbs and install better street-lighting.

The Massachusetts municipals have testified before Congress that federally produced power in Maine would cut their wholesale costs by 55 percent.

The State of Maine Nuclear Power Authority and the Yankee-Dixie proposals are two minor skirmishes in the public-vs.-private utility war.

The private utility industry hasn't paid as much attention to these public power proposals as it has the threat of imported Canadian power and the federal project.

However, when these skirmishes become full-scale battles New Englanders can be sure the private utilities will fight.

The Maine nuclear authority envisions building a plant near Rockland on the Maine coast. This facility would produce 1.4 million kilowatts of power at a cost of $28.0 million, including transmission lines.

The power would be available to all utilities at a cost below four mills per kilowatt-hour, according to proponents.

A special legislative committee in Maine is studying the proposal and has hired an independent engineering firm to help assess the idea.

Advocates of the Maine Nuclear Power Authority say their project would produce cheap constant or base load power, and it would complement the Dickey project, which primarily would produce peaking power.

The private utilities have reacted somewhat to the Maine Power Authority idea, because earlier this year they announced one of their "big loop" plants would be located in the same sea coast marketing area as the Authority.

This plant will be a nuclear plant—called Maine-Yankee.

The final public power plan relating to New England is the so-called Yankee-Dixie Power Co.—a billion dollar plan.

The Yankee-Dixie Co. envisions building three generating coal mines of northern Appalachia.

It also calls for the erection of 3,125 miles of heavy transmission lines spanning 22 states.

The idea here is to locate the power generating plants near the source of fuel and thus eliminate transportation cost.

The Yankee-Dixie plan is advocated by the municipal and cooperative power interests. Supporters say power can be generated at a cost of 3.5 to 4 mills per kilowatt-hour—comparable to costs in the Tennessee Valley.

The Vermont Legislative Council is also dabbling with an idea which may benefit the electrical users in the state.

The Council is thinking of either broadening the authority of the Public Service Board or creating a new state agency to serve as a power broker and a "spur of competition for the private utilities."

The idea grew out of a Council study; after the Council rejected Hoff's plan to import Canadian power.

The Vermont General Assembly won't meet until January, 1967, and this subject, like importing Canadian power, will be debated for months.

[From the Rutland (Vt.) Herald,
June 25, 1966]

Survey of New England Power: Several Avenues of Cooperation Needed—Consolidation Overdue, With Less Haughty Attitude and More Links Between Systems

(Editor's Note.—This is the last in a series of six articles on the New England power picture, drawn from a long study of the situation by the Vermont Press Bureau. It was undertaken because New England's power rates average the highest in the nation. The previous five articles this week have discussed the private power views, the public power views, the claims of governments and the pressures of public opinion and politics. The article below presents some conclusions.)

(By Stephen C. Terry)

Montpelier.—Mark Twain once viewed the weather as something everyone talks about but no one does anything about.

New Englanders have been long plagued with the high cost of electricity and for many years little was done to correct the situation.

But times have changed, including the attitudes of the men who run the New England private electric industry.

The "white hope" for utility men and the industry in New England came with the development of the atom as a fuel for making electricity.

Along with the atom came new horizons for the New England householder.

Much of the credit for developing the atom as a low-cost source of fuel belongs to the New England private utility industry.

William Webster, chairman and chief executive of the New England electric system of Boston, is one of the nuclear pioneers.

He has also been instrumental in convincing his fellow utility executives to hitch their future to the atom.

The New England electric industry apparently has followed the advice of Webster because it predicts that all plants built after 1972 will be nuclear fueled—coupled with pumped-storage plants to meet peak hour requirements.

The industry rates an "A" for recognizing the potential of the atom as a device to erase the current disadvantage of being so far away from available fossil fuel reserves.

There are more bright spots on the horizon.

Albert A. Cree, chief exectuive of the Central Vermont Public Service Corp. of Rutland, and Howard J. Cadwell, chief executive of the Western Massachusetts Electric Co. of West Springfield, Mass., are leading a quiet drive within the industry to consolidate operations.

Cadwell has had the more immediate success of the two.

He is credited in the industry for engineering the merger of his company with the Hartford Electric Light Co. and the Connecticut Light & Power Co.

The merger is expected to be completed by the end of the year.

Cree says that by 1980, the 39 separate private utilities in New England will be merged into a one-system utility.

When Cree says that present rates will be reduced by 40 per cent in 1980, he is predicating this reduction on a one-system utility, composed of all of the present 39 companies.

"By then utilities will have to merge into one. You can't have all of these little companies in New England. It just has got to be and therefore I know it will," Cree predicts.

Cadwell agrees with Cree that the utilities will have to merge if rates are to be appreciably reduced, but he isn't as optimistic that a one-system utility will become a reality by 1980.

The Western Massachusetts executive says that a merger will allow the "economies of scale" in administration costs, distribution transmission and generation.

Both Cadwell and Cree feel that if the utilities hadn't abused the holding company laws in the 1920's, New England would probably now have a one-system private utility.

In the 1930's Congress broke up the utility pyramids and ordered the holding companies dissolved or simplified.

This ends the good marks for the New England private utilities.

Much more remains to be done in New England if the consumer can expect his electric bill to be comparable with the national average by 1980, as the Federal Power Commission predicts.

The first and most important thing that both the public and private power interests have to learn that their ideological battle shouldn't interfere with attempts by both camps to work together to lower rates.

The situation in the Northwest is living testimony that you don't have to like someone in order to do business with them.

Nowhere in this country have the private and public power fights been as vicious.

But these fights are kept on the proper battleground, and, as a result, the consumers in the Northwest are enjoying some of the lowest rates in the nation because both private and publicly-financed utilities pool their resources.

They have learned that low rates mean high profits.

A lesson indeed, for New England utilities, public and private.

In the six-states, the two utilities systems are reluctant to cooperate.

Instead of welcoming the possibility of buying cheap hydroelectric power from Canada, the private utilities are, in essence, playing a stalling game and trying to talk the proposal to death.

Public power advocates are so bitter in their fight with the private utilities that they can't see the forest for the trees.

They say their objective is the lowest cost of power possible, but because the private utilities are pushing atomic power so strongly, the public power backers in New England find themselves at times degrading nuclear power.

Public power advocates say the investor-owned industry is too optimistic when it puts a four-mills-per-killowatt-hour price tag on the generation of power by nuclear energy in 1972.

The evidence supporting the private industry's claim of four mills per kwh of power is most persuasive.

The Tennessee Valley Power Authority, the classic example of what government can do when it enters the power industry, is about ready to build a nuclear plant—right smack in the middle of the coal fields.

Some public power utility officials have shown signs that they want at least to bury the ideological hatchet as they have approached the private utilities for inclusion in the "big eleven power loop."

So far their efforts have been met with hostile stares.

Other areas both private and public utilities need to exploit is creating more ties of transmission systems and single-area dispatching.

Inter-ties and single-area dispatching would permit all utilities in New England, regardless of size and philosophic bent, to serve each other and help each other in emergencies.

The speedy retirement of old plants should be another goal of the public and private utilities in New England.

But also important, the industry needs to form committees, composed of both public and private utility representatives, for an exchange of ideas.

Communication has been somewhat stimulated between the two groups by Gov. Philip H. Hoff, in his role as a New England Governors Conference committee of one, seeking low-cost sources of power.

But there are problems in bringing the two utility camps together on the same tenting ground.

The most immediate problem is among the private utility executives themselves.

There are generally two types of utility executives in New England.

One type, characterized by Caldwell, is inclined to look at problems with a progressive eye.

The other faction, symbolized by Charles F. Avila, president and general manager of the Boston Edison Co., are the traditionalists.

The first reaction of these utility executives to Canadian power, for example, was simply a close-minded "nothing doing."

Writing in the "Public Utilities Fortnightly," a publication of the electrical industry, Avila is very critical of Hoff's attempt to import Canadian power.

He labeled it, in essence "a slick appeal" that attempted to make utility officials "rush to Montpelier, checkbooks in hand, to get all they can of this bargain electricity."

However, Cadwell and utility officials who think like him, will at least listen to a reasonable argument and then make a decision.

While some utility officials are talking in terms of merging by 1980, the fact remains that the New England electric companies will be building 700 miles of extra high voltage transmission lines in the next six years and the project is being done on an individual basis.

If the utilities mean what they say about pooling resources, they would form a common transmission company to build the lines for the "Big Eleven Power Loop."

There is also some justification for a demand that state regulatory agencies should be reviewing their policies regarding New England utilities.

Perhaps the regulatory bodies should be insisting that New England utilities ought to consolidate and be taking advantage of the "economies of scale" that Cadwell talks about. This is really the only way rates are going to be lowered.

To the New England consumer, the regulatory agency (in Vermont it is the Public Service Board) is his only protection against high rates.

The utilities in New England have a duty to lower their high rates and put New England electrically on par with the rest of the nation.

The customer should demand this from his utility.

Utilities are allowed to operate as natural monopoly.

In return for this exclusive right, the utility doesn't face normal risks like other competing businesses.

The utilities owe each and every consumer the best service and the lowest rates possible.

All you owe "Reddy Kilowatt" is your monthly light bill.

U.S. COAST AND GEODETIC SURVEY

Mr. BARTLETT. Mr. President, on July 13 of this year at the old Navy Yard here in Washington there was commissioned the largest and finest oceanographic ship ever built in the United States, the U.S. Coast and Geodetic Survey ship *Oceanographer*. The President was the main speaker, and he spoke forcefully of the challenge which the sea presents to this generation for the betterment of mankind. I included his remarks in the RECORD at the time not only because of the importance of the new ship to our national oceanographic effort, but also because of the warm spot I have in my heart for the Coast and Geodetic Survey itself.

The recent commissioning was timed to coincide with the first anniversary of ESSA, the Environmental Science Services Administration, of the Department of Commerce, which was created from the Coast and Geodetic Survey, the Weather Bureau, and the Central Radio Laboratory of the National Bureau of Standards. This new administration is functionally organized to permit a more logical approach to understanding the dynamics of our total environment, from the center of the earth to outer space, and to permit a better coordination of interface studies between land, atmosphere, and sea. The Coast and Geodetic Survey brought considerable talent and tradition to ESSA, and I look forward to the vital role it can play in this new setting.

Many people have had an opportunity to visit the *Oceanographer*—more than 7,000, in fact—and to learn something of its capabilities and its intended use. Many others have met the ship through television and press coverage. Hopefully, this exposure will swell the rising tide of national concern that we hasten to develop our knowledge of the oceans—knowledge that is essential if we are to fully utilize the abuandant resources of the sea, knowledge that in time will mean our very survival on the mere 29 percent of the earth that is not covered by the sea.

In Alaska, where even today more than half our land is farther than 100 miles from a highway, we have grown up with the Coast Survey. Their nautical charts have opened up our waterways and offered protection to our fishing fleets and our waterborne commerce, and their aeronautical charts have meant life as well as livelihood for thousands of Alaskans who have known the airplane as their sole means of transportation. Their survey parties have visited our most remote areas and set benchmarks on our highest peaks. They have walked the length of the Alaska Highway; they have followed the meanders of the Yukon; and they have crossed the Arctic tundra by dog sled. In their often lonely work they have visited almost every island along our 34,000 miles of coastline, and they have passed through almost every town and village. Their survey markers remain as mute evidence of their passage and provide landmarks to all who follow and need to know literally where in the world they are.

The Coast and Geodetic Survey has a long and honored history on land and at sea, but today, Mr. President, I want to emphasize the role it has played for 159 years in providing this great Nation—and the world—basic knowledge of the seas essential for commerce and essential as the scientific foundation on which much of the present surge of oceanographic research will be based. Thus, with your indulgence, Mr. President, I would like to place the commissioning of this great ship, the *Oceanographer*, in the proper historical perspective. I would like, too, to point out how this ship and the Coast and Geodetic Survey which operates her fit into the present and planned U.S. program in oceanography.

Early efforts of the survey of the coast, as it was first known, were under the able direction of the Swiss geodesist Ferdinand Rudolph Hassler, named as the survey's first Superintendent by President Jefferson on the recommendation of the learned scientists of the American Philosophical Society. After the first triangulation surveys in the New York, Long Island, and Connecticut areas were completed in 1834, nautical charting surveys were started immediately in late 1834 and early 1835 from the schooner *Jersey* under the command of T. R. Gedney and the schooner *Experiment* under George Blake. Early work covered the south shore of Long Island and New York Harbor and included discovery of a previously unknown channel leading into New York Harbor from the southeast and named Gedney Channel after the skipper of the *Jersey*.

But these early surveys of the Coast Survey were also scientific surveys and would have been called oceanography had the word then been in use. The 1845 observations off Block Island and the July and August 1846 Gulf Stream observations by George M. Bache from the brig

Washington produced what are still believed to be the first observations of water temperature versus depth in the Gulf Stream. Bache's vertical temperature traces seaward of Sandy Hook showed maximum temperatures of 82 degrees at the surface, dropping to 37 degrees at a depth of 1,500 fathoms. And this, you must remember, was done in 1846. The 1853 map of the Gulf Stream surface temperatures from Cape Canaveral—as it was then called—to Block Island was followed in 1863 by sheet II of the Atlantic coast series, Cape Hatteras to Nantucket, which showed the position of the "cold wall" along the landward side of the Gulf Stream as well as the main axis of the stream and the various other axes of flows of water of different temperatures. This work was accomplished under a great scientist and a great Superintendent of the Coast Survey, Alexander Dallas Bache, a grandson of Benjamin Franklin. These early scientific efforts were not without hazard. In 1846 on the way back to port from her Gulf Stream observations, the brig *Washington* was caught in a violent hurricane off Cape Hatteras. The ship was again and again washed over by monstrous waves, and Captain Bache, brother of the Superintendent, and 10 of his men were lost. The ship, badly damaged, drifted for more than a week and was finally taken in tow by the U.S. frigate *Constitution*.

In the late 1860's the Gulf Stream work, interrupted by the Civil War, was resumed. Mitchell and Pourtales worked from the steamer *Bibb* in the Florida Straits, John Elliott Pillsbury worked from the *Blake*, and Chester and Freemont worked from the *Drift*. From 1885 to 1889 the classic work of Pillsbury from the steamer *Blake* was carried out in the Gulf Stream. His observations of the currents and temperature at depth in the stream made while the *Blake* was actually anchored in the deep Gulf Stream still remain as one of the classic studies of physical oceanography.

In 1871 the then Superintendent, Benjamin Peirce, a professor of astronomy and mathematics at Harvard, asked the famous Swiss geologist Louis Agassiz if he would like to be aboard the Coast Survey's iron steamer *Hassler* when she was sent around Cape Horn to California. Elizabeth Carey Agassiz, his wife and founder of Radcliffe College accompanied him as did the Count de Pourtales, an early oceanographer who came to the Coast Survey in 1848 and who was an expert on deep sea dredging. The expedition sent back to the United States over 250 barrels and cases of specimens, including 30,000 fish specimens.

The 1877 through 1880 work of the Coast Survey steamer *Blake* is wonderfully chronicled in the two-volume study by Agassiz' son Alexander, called "Three Cruises of the U.S. Coast and Geodetic Survey Steamer *Blake*" published in 1888. These volumes describe in detail the results of the biological and geological dredgings, and his studies of the Florida reefs still remain as a classic in the field.

Tidal studies, current studies, dredgings, nautical charting, bottom sampling, development of oceanographic equipment, all these were the work of the Coast Survey. With the purchase of Alaska from Russia in 1867, there were added some 34,000 miles of coastline to be surveyed and mapped. The great George Davidson was doing reconnaissance work from the cutter *Lincoln* in Alaskan waters, and early Alaska Pilots—sailing directions and coastal descriptions for the waters of Alaska—were prepared by him and published by the Coast Survey as early as 1869.

The history of this Federal bureau at sea is a glorious history, and it is inextricably entwined with and a fundamental part of the great history of marine science in the United States. I would hope that some day this history can be written and published so that this facet of man's continuing struggle with his environment, this great part of the history of U.S. science at sea, will be known to all who follow and who will of necessity base much of their own work on the work of such men as Hassler, Bache, Agassiz, Pourtales, Davidson, Pillsbury, and the rest.

But where does the work of the Coast and Geodetic Survey fit today into the overall picture of the Federal effort in oceanography? This bureau is still in the forefront—as the recent commissioning of the *Oceanographer* attests. With the adoption of the International Convention on the Continental Shelf, the United States obtained "sovereign rights" over the resources of the U.S. Continental Shelf, an area of some 850,000 square miles, of which over two-thirds lie off the coasts of Alaska. To the Coast and Geodetic Survey falls the task of compiling the maps and charts of this area. To them also, through their parent organization, ESSA, falls the task of operating the ships that must do the work, of operating the tide gages that tell of the rise and fall of the sea, of running the seismic seawave warning system that will warn of the impending arrival of the so-called tidal waves generated by submarine earthquakes. Much of the oceanographic research work formerly carried out by the Coast Survey as been transferred to a sister agency within the ESSA, the Institute for Oceanography established only last December. The Institute working closely with the Coast and Geodetic Survey plans to continue the research work at sea necessary for the environmental understanding on which must be based the scientific services which the Environmental Science Services Administration provides.

Working with other Federal agencies and with universities and research institutions, the Coast and Geodetic Survey and the Institute for Oceanography are even now in the final stages of a yearlong comprehensive study of the Gulf Stream—carrying on the tradition of George Bache, Alexander Dallas Bache, and John Elliott Pillsbury in the last century. Now, however, the work is being done with towed thermisters, with modern winches and sampling and analytical equipment, with aircraft with infrared sensors, with telemetering tide gages, buoy-supported and bottom-mounted current meters, and tethered balloons for determing the important meteorological factors in the air above the Gulf Stream.

As recently as this past June, this study showed that a great looping meander of the Gulf Stream had swung as far north as Georges Bank off Cape Cod bringing warm water to an area usually bathed by the cooler waters of the Labrador Current from the north. There will certainly be some deleterious effects on the larval stages of commercial fish which are sensitive to such temperature changes, and the Bureau of Commercial Fisheries—operating on information supplied by the Coast and Geodetic Survey ship *Whiting*—is studying the biology of the area to ascertain what these effects might be. Meteorologists and oceanographers working together in the Sea-Air Interaction Laboratory and the Physical Oceanography Laboratory of the Institute for Oceanography are studying both the results of the survey of the Gulf Stream and of the overlying air masses.

In the northeast Pacific, south of the Aleutian Islands of Alaska, personnel of the Coast and Geodetic Survey and the Institute for Oceanography are even today working together on the ship *Surveyor* carrying on the work of Operation Seamap, which stands for scientific exploration and mapping program. This program is the first attempt by any nation to undertake detailed topographic, geophysical, and oceanographic surveys of a large area of the deep sea. It was the research on the data from these pioneering surveys that recently revealed a new major fracture zone in the North Pacific and enabled marine geologists from the Institute for Oceanography to show that these zones in the North Pacific are areas where lateral displacements in the basic crust of the earth have been as much as 552 miles.

It was these Seamap surveys, too, coupled with the closely spaced nautical charting surveys of the Coast and Geodetic Survey that provided the wealth of information used to compile the magnificent new bathymetric map of the Aleutian arc now in the final stages of publication at the Coast and Geodetic Survey. This map, some 6 by 18 feet, is made up of six sheets which at a scale of 1 to 400,000 show in great detail the intricate bottom topography of the great Aleutian area of Alaska including the long arcuate Aleutian trench. This map will be invaluable to all those concerned with the marine resources of Alaska as well as those marine scientists, geologists, geophysicists, and geographers concerned with this great arc and the theories of its formation.

Tidal and sea-level studies and their application to coastal engineering problems, offshore currents and their relation to fishing and commerce, the intricate interactions between the sea and the atmosphere and their relationship to long-range weather forecasting, nautical charting for commerce and navigation, studies of estuaries as complete environmental units for their importance to man who tends to cluster his cities around them, and basic understanding of the geology of the sea in all its forms—these are the continuing oceanographic tasks of the Coast and Geodetic Survey and the Institute for Oceanography. These and their other marine-oriented activities are all aimed at providing the United States with the basic description and understanding of the ocean and its various boundaries, the understanding that is absolutely essential if we are to use and exploit the seas for the general betterment and economic well-being of mankind.

The commissioning of the U.S. Coast and Geodetic Survey ship *Oceanographer* on July 13 is just one more step in the long history of the Coast and Geodetic Survey's continuing mission to learn about the sea. To Admiral Tison, Director of the Coast and Geodetic Survey which operates the *Oceanographer*; to Captain Wardwell, her commanding officer who will direct her work; to Dr. Stewart, Director of the Institute for Oceanography which will plan the scientific phases of her work; and to all the officers, men, and scientists who will serve and work aboard her throughout her lifetime, I wish fair winds, smooth sailing and good science—and I envy them their great opportunity to improve the lot of mankind so directly by helping in the monumental task of understanding the ocean.

MORE JOBS IN INDIANA

Mr. HARTKE. Mr. President, we are all aware of the critical shortage of freight cars among the Nation's rail carriers, a fact substantiated by the Interstate Commerce Commission.

I am happy to note that today the Pullman-Standard plant in Hammond, Ind., is resuming the construction of freight cars for the first time in 29 years. The Hammond shops have been used as repair facilities, employing some 600 persons. With the resumption of freight car assembly operations today, an additional 200 jobs have been created. This has been made possible not only because of the market for freight-carrying rail cars, but also because the manufacturer had no artificial restrictions placed upon his ability to finance his expansion.

We have here, in microcosm, a basic lesson in economics. If we avoid artificial restraints and allow free interchange in the marketplace, the supply of goods and services will keep pace with demand and act as its own brake on inflation.

MILITARY POWER: THE LIMITS OF PERSUASION

Mr. GRUENING. Mr. President, it is now several months since Lt. Gen. James M. Gavin, U.S. Army, retired, appeared before the Senate Foreign Relations Committee and gave his impressive testimony for a limitation of our undeclared war in Vietnam.

That war has now been steadily escalated. Our casualties have increased, passing 4,500 American lives lost in combat and 25,000 wounded, some crippled for life, and the costs nearing $2 billion a month, with serious adverse effects on our domestic economy and on the fine programs which President Johnson and the first session of the 89th Congress enacted.

The escalation that has gone on unremittingly with no appreciable results except more deaths, more slaughter, more victims, more destruction, more erosion of our domestic needs, is the subject of a pertinent and thoughtful analysis by General Gavin in the July 30 issue of the Saturday Review. It may be considered an updating of General Gavin's views. They may be summed up in the increasingly self-evident conclusion that force does not, and will not, solve the tragic dilemma brought about by our military involvement in southeast Asia. I ask unanimous consent that General Gavin's article, "Military Power: The Limits of Persuasion," be printed at this point in my remarks.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From Saturday Review, July 30, 1966]

MILITARY POWER: THE LIMITS OF PERSUASION—ECONOMIC STRENGTH AND TECHNOLOGICAL CHANGE, NOT WAR, NOW HAVE THE GREATEST IMPACT ON FOREIGN AFFAIRS

(By James M. Gavin, lieutenant general, USA, retired)

Since the beginning of time power has been used to persuade. Yet, paradoxically, at a time when we possess more power than any nation on earth, we are not very persuasive. It is frustrating and baffling, and public debate on the use of power in Vietnam rages throughout the land. Perhaps it would be well to examine the nature of our power and, more important, its changing character since World War II.

Usually we think of power in terms of military power—military weapons systems—and most of us have long considered these to be the primary source of power in world affairs. Of course, to exist, military power must have a base of economic support. In all past experience only a society that had the natural resources and, in addition, the inventiveness and industries to produce modern weapons systems, could bring them to combat and thus gain a decision in international conflict. Hence, from history we are inclined to think of military power as the dominant force, and the economic power which supports it as a secondary source of military strength.

History is replete with examples of aggressor nations adding to their total power by taking from others. In an excellent and comprehensive volume, *Power*, written in the 1930s, Bertrand Russell expressed it this way, "Economic power, unlike military power, is not primary but derivative." He then went on to illustrate how military power had been used to seize vast colonial empires from which great wealth could be extracted; wealth in minerals, oils, and arable lands, for example. Hence, the nation that could seize the most resources could, in the long run, develop the most powerful military forces.

I believe that there is a fundamental change taking place, and indeed it has taken place, in this relationship between military and economic power. Fundamentally, today technology can, if wisely directed, provide adequate resources for humans to live comfortably on this earth. At the same time, technology can, if so exploited, provide the weapons systems to destroy a major portion of the human race. Finally, technology is having, and will continue to have, such a tremendous impact on world affairs that it is changing the balance between economics and military power significantly. It is this change that I would like to examine.

First, let me call attention to the talk given by our Secretary of Defense in Montreal on May 18. He referred to the sources of unrest and discontent around the world, and emphasized that security is not military hardware; security means economic development. In fact, he stated flatly that, in his opinion, the concept that military hardware is the exclusive or even the primary ingredient of permanent peace in the mid-twentieth century is absurd.

During the past twenty years I have been closely associated with the use of military power, the planning and execution of national military policy, and, to a lesser extent, the conduct of foreign policy. To say that it has been an extremely active environment is an understatement, for we never have had such amounts of power available nor have we had so many problems associated with its use. And never has there been such widespread interest in our many commitments and involvements abroad, nor so much social turbulence at home.

Having been in the vortex of much of the discussion, I find it deeply disturbing that we have *yet* to get to the heart of the matter. To do so we must understand, and articulate, in much clearer terms than we have so far, our total *diplomatic* and *political* power, for this is the power that persuades: the economic, technological, and military components of such power. Part of this examination will be a consideration of the role that each of these will play in our national strategy.

Actually, we have been doing very well in the realm of economics and technology, especially during the past decade. It is in the area of applied military power, tactical military power, that most of the misunderstandings and frustrations seem to exist. In order to understand their cause, therefore, I believe that we should begin with an examination of the meaning of the most significant military event of our time—the detonation of the first nuclear weapon.

The shock waves from the Hiroshima blast went far beyond those predicted by the nuclear physicists. Nothing in our country's history has had a comparable impact upon foreign policy and military affairs. Governments have fallen, coalitions of nations have been formed and reformed to cope with the problems caused by the bomb's existence. The bomb was at the heart of De Gaulle's rejection of Great Britain's desire to join the European Common Market. The bomb was ever present in the mind of President Kennedy and his advisors at the time of the Cuban missile crisis. The bomb today casts a long shadow over all discussions on the future of NATO. For the fundamental nature of military power changed significantly with the advent of the bomb.

Few realized in 1945 that the bomb was the beginning of the end, if not indeed the very end, of man's search for energy to be used as military force. The more prevalent view was that a new era was born—the age of atomic force. Now, twenty years later, we understand better the place of the bomb in the spectrum of history. It was the end, not the beginning of an era. It was the end of man's search for force and it marked a beginning of a new quest—the search to find new ways and means of influencing the behavior of other humans. It was to be the age when the earth would shrink rapidly due to high speed air travel, space exploration, satellite communications, and rapid data processing systems, for example. More and more the nations of the earth were to consider themselves part of one large world community; the logical end of an evolutionary process that began many thousands of years ago with the family, tribal, and city-state, and later, national groupings.

Furthermore, in the armed forces the physical effects of the bomb alone made plain for all to see that all the boundaries between the traditional areas of combat, land, sea, and air, were wiped out. The earth was soon to become one theater of operations, shrunken to such small size that no area was immune from attack from any other point on the globe. And when, in the traditional manner, our military recalled its own experience for answers to deal with the new problems of the day, it did not find them. For the answers were not to be found in a remembrance of things past, they could be found only in a thoughtful analysis of the future, in a profound search for the meaning of the period that we were about to enter. The classical military formula of escalating power until total victory would be achieved was to become absolutely meaningless. For wars, if there were to be wars, and the means that would resolve them, were going to be many orders of magnitude different from what they had been in the past.

In 1950, five years after the end of World War II and Hiroshima, Soviet-equipped North Koreans invaded South Korea. It was a costly experience for us. Possessing the most powerful military establishment in the world, well-equipped with nuclear weapons, we suffered more than 140,000 casualties and had to accept terms less than victory. Yet, despite the Korean experience our national strategic policy in the mid-Fifties was still based on massive retaliation. Admittedly there was much argument and discussion about the validity of this view. Indeed, our Promethean achievement seemed to have left us in intellectual disarray.

But from the mid-Fifties on, our total power seemed to paralyze our intellectual processes, and our response to challenges of lesser magnitude than total war were of a diminishing degree of credibility. This was because a number of myths prevailed in our thinking, and they stemmed from a tendency to look inward to our exeprience rather than to postulate technology and political trends into the rather clouded and hazardous unknown of the future.

The first myth is that war is a continuation of politics by other means. This Clausewitzion orthodoxy holds that wars will be fought and won, and sufficient power will be applied until they are won. Then war will be followed by peace, a period in which politics as usual will be the preoccupation of the world powers. This, in turn, very likely will be followed by a period of war, and the difference between the two will be quite discernible. I believe that by now most of us realize that this no longer is true.

In his recent Montreal speech, our Secretary of Defense discussed conflicts of recent years and pointed out that in the past eight years "there have been no less than 164 internationally significant outbreaks of violence, each of them specifically designed as a serious challenge to the authority, or the very existence, of the government in question . . . And not a single one of the 164 conficts has been a formally declared war." From this experience, realistically, we must conclude that wars will not always be declared and that nations will not always commit their total resources to win in every confrontation. There will be wars that are not wars, if defined in terms of our experience before Hiroshima. In fact, for some nations it may be wiser to keep a shooting war limited and undeclared while pursuing national goals by other means, never admitting the existence of a war nor indeed a desire to bring it to an end.

The second myth is that if you destroy enough people and enough property you will overcome an enemy's will to resist. A corollary to this is that a nation should use as much force as necessary to win, since in war there is no substitute for victory. Actually, the nature of conflict being what it is, and the danger of a nuclear holocaust being ever present, it is compelling that solutions less than total war be found. The indiscriminate use of power has been further complicated by modern communications media that now bring more and more detailed information about the conduct of war into every home. The inevitable, and needless, loss of civilian lives has become the subject of concern to more than just the contending military forces.

Thus, sensitivity to public opinion has made it necessary to consider restricting attacks to military targets whenever this is possible. Unless, of course, the nation's goal is to seek total war.

A third aspect of existing military thinking deserves mention. The thought still persists in many minds that the ultimate in sophistication and usefulness in weapons systems is the high-yield megaton bomb delivered by missile or aircraft. By its very nature it is believed that it should be able to cope with almost any threat to our survival. The fact is that it is the very effectiveness of our strategic air force, and the overwhelming, devastating potential of H-weapons, that prevents their employment in a conflict other than total war. And again, it is the devastation that would be caused by the use of these weapons by the strategic air arm that has given tremendous emphasis to the role of the other Services; those that have it in their ability to apply power with discrimination, flexibility, and restraint. It is this possbility of devastation that gives great emphasis to the need to find and understand the uses of other forms of power stemming from our science and technological programs and our great economic strength.

The changing nature of conflict today makes it imperative that we develop better means of dealing with limited wars, guerrilla wars, and other types of conflicts that we cannot yet anticipate with accuracy but which will not be total war. Studies in these areas will require great effort not only in anticipation and planning, but in research and development as well.

Until World War II, we were protected by a shield of time and space. And while we were enjoying that protection, Hitler's forces ravaged Europe and, more important, his scientists developed the first surface-to-surface rockets, surface-to-air rocket, air-to-air rockets, the snorkel submarine, the first jet plane and the first rocket plane, nerve gas, etc. And he came close to developing the atomic bomb. After we entered the war, and finally overran his concentration camps, we found the gas ovens being enlarged—and he had already destroyed more than 6,000,000 human beings. Today we no longer enjoy the advantage of time and space. Our armed forces must be ready for every challenge that confronts our nation regardless of how sophisticated the weapon or the technology from which it springs. This will require a continuing expenditure of our national resources if we are to achieve an adequate state of readiness for every reasonable challenge. And this, in turn, necessitates a dynamic, imaginative, productive economy.

How good is our economy?

Most people will remember that after World War II the Soviets anticipated an economic collapse of the West, believing that our economy was entirley a war-based one. What we have accomplished has been truly remarkable, and during the past twenty years our economy at home has expanded at a tremendous rate. It is vital that we sustain this growth.

In 1966 our Gross National Product will be in excess of $700 billion. Our industry is doing very well. During the decade beginning in 1955 combined annual sales of the 500 largest industrial corporations increased by $100 billion (from $161 billion to $266 billion). Corporate profits last year before taxes were $73 billion, an increase of $9 billion over the previous year. Per-capita income reached $2,700 last year, a 6 per cent increase over 1964 income. Personal income was a record high of $528 billion, up $35 billion over the previous year.

These are impressive statistics. We should have no apprehension whatsoever about the outcome of any competition with the Communist countries in the realm of economics. Our apprehension, if any, should be concerned with whether or not we use our resources wisely and well: to provide a good society at home, to aid the emerging young nations abroad, while at the same time we provide our armed forces with weapons systems adequate to meet the broad spectrum of challenges that will confront us. We must give serious attention to the problems of exporting our economy abroad.

One of the most remarkable and far-sighted programs ever undertaken by any country was the inauguration of our foreign assistance program in 1949. Through it, we were able to provide economic assistance, wherever it could be properly used to the newly emerging nations as well as to many of the older powers. In 1949, this program amounted to a little over $4.5 billion and was 1.75 per cent of our Gross National Product. It has been overwhelmingly successful, and today South Korea, Taiwan, and Indonesia, for example, all are monuments to the achievements of this program. In addition, a country geographically almost a part of the Eastern bloc, Yugoslavia, was able to achieve economic prosperity and retain its political independence from Moscow.

Our foreign aid program has been overwhelmingly successful in areas where the Communists can least afford to have us succeed. In areas where they would like to accuse us of colonialism and, indeed do accuse us of economic colonialism today, we have been able in many countries to help achieve an unprecedented standard of living, far superior to anything that the Communists could offer. This has been accomplished despite the fact that we have steadily reduced the amount of foreign aid until today, in 1966, it is but .48 per cent of our Gross National Product, compared to 1.75 per cent at its inception in the late 1940s.

There is an old combat maxim that one should reinforce success; this we are not doing. In speaking at the Boston University commencement exercises in June of this year, Lady Barbara Ward Jackson recommended that the "have" nations such as the United States, contribute 1 per cent of their Gross National Product to help the underprivileged and underdeveloped countries. Some attribute our unwillingness to do so to the cost of the Vietnam war. If so, this at least raises the question of whether or not we may now be following a course inimical to our long-term strategic interests.

Another area in which Americans have achieved great success has been in the exportation of products and business knowhow. Our exports, which amounted to approximately $37 billion in 1950, have grown to well in excess of $100 billion in the mid-Sixties. Our direct investment abroad has increased from $25 billion to $50 billion in the same period of time. In addition to this direct investment, we have indirectly invested $20 billion through stocks and portfolio holdings. Our direct investment abroad is now increasing at an average of more than $10,000,000 a day. With this investment we have exported entrepreneurial skills and management techniques that have proven to be very attractive to the Western world. So successful has this been that the return on our investments abroad today amounts to $4 billion annually.

This has all been possible because of a burgeoning economy at home and the aggressive drive of our businessmen to find markets and business opportunities abroad. At the same time, businessmen have sought to raise the standards of living wherever they have marketed their products and services. In this they have been by and large, very successful. There is nothing that the Communists have done, or so far can do, that can compare with this. It is with great uneasiness, therefore, that thoughtful businessmen consider restrictions on the flow of dollars overseas. For the export of our entrepreneurial skills and products has been one of the most successful undertakings of foreign affairs in the history of our country, and the most productive of good in our confrontation with the Communist bloc. No tactical conflict, whether it be undeclared war or not, should be allowed to expand at their expense.

Maintenance of our position in the world community is based not only on those programs that we export abroad, but also on the kind of a society we have at home. World opinion will be formed by not only the prosperity and higher standard of living that we can help other nations achieve, but also by what the world knows that we are able to do in our own soicety. Through our ability to manage our own internal affairs, we export an image of America and of our way of life. And in this area there is much to be done.

We have made progress in dealing with some of the problems of the aged and of the very young, but, in my opinion, we have not yet begun to deal adequately with the problems of the teenagers and the near teenagers. We must completely revitalize our educational system by bringing together the vast industrial, scientific, and technological resources of this country with our educators, to the end that we can significantly improve the education and technical training of our young. In addition, we must provide opportunities for those out of school for some time to return to educational centers to update their knowledge and to learn new skills.

Equally as important as directing the intellectual energies of our young people into useful channels is the problem of helping them to develop their physical talents. Very few countries do not have national amateur sports programs assisted and guided by a national council; the United States is one of them. It was the hope of our late President, John F. Kennedy, that some day every boy and girl, regardless of race or economic background, would be given an opportunity to achieve excellence in competitive amateur sports. President Johnson directed a study to this end some time ago, and, it is hoped, a program will be under way this year. The solution of this problem is intimately related to the problems typified by Watts.

Now, what does this discussion on the relationship between military power and economic programs mean when applied to problems of today? What, for example, does it mean in terms of Vietnam?

I think that we would all agree that we should not be in the predicament that we are in in Vietnam, but the fact is that we are there. The problem now is to handle our resources—men, weapons, aircraft, etc.—in such a manner as to neither impair our strategic efforts in other areas nor our tactical prospects in future conflicts. The cost of the Vietnamese involvement now is on the order of $16 to $18 billion a year. This has already made it necessary for us to curtail the flow of dollars overseas. We have also continued to cut back on our foreign aid programs. Our domestic economy is beginning to show the impact of the Vietnam struggle.

Obviously, we have reached the point where further escalation could seriously impair our strategic commitments—our exportation of capital and management skills, our foreign aid programs, and our science and technology programs—and our social programs at home. Perhaps we have passed this point. Furthermore, we should anticipate and be ready for a very serious struggle for Thailand and the Kra Peninsula. And if our involvement plunges us deeper into war in Southeast Asia, we should be prepared for a reopening of the Korean front. It is important, therefore, that we accelerate the measures to bring the Vietnam situation under control. Certainly, we should not willingly allow it to escalate.

For example, our present position in Vietnam is based upon the need to defeat the North Vietnamese aggressors who have carried their attack into South Vietnam. What is the nature of the aggressor's forces coming from North Vietnam, in weapons, size of forces, and current rate of buildup? Are they as numerous and as well equipped as we allege? It seems to me that answers to these questions should be obtained as a matter of highest priority.

One of the outcomes of the 1954 Geneva Conference was the establishment of an International Control Commission. This Commission should be abundantly equipped with helicopters, fixed-wing aircraft, and up-to-date communications equipment if it is to do its job. The staff supporting it should also be increased until it is capable of carrying out its intended task. It is not capable of doing this today. If we were to spend but a small part of what we are expending in combatting the North Vietnamese to determine with accuracy the nature and composition of their forces, we could probably make a significant contribution to the ultimate resolution of the problem. Concurrently with this improvement in the capability of the International Control Commission, we should ask for a reopening of the 1954 Geneva meeting to determine if other measures can be taken to bring the situation under control, and hopefully find a formula for resolving the conflict.

High on the list of national priorities must be the restoration of stability within the Atlantic Alliance. We have insisted for too long on maintaining the status quo in NATO, ignoring the powerful trend toward Europeanism and the towering strength of the European Common Market. Profound changes have taken place in Europe since NATO was originally established, and our policy does not reflect an awareness of these changes. At times we seem more preoccupied with isolating de Gaulle than with making positive proposals to which our European allies could adhere.

The most significant change that has taken place has been the growth of the European Common Market. Although conceived as an economic organization, it is rapidly assuming all aspects of a powerful military and political bloc. Purists will argue this point, pointing out that the Fouchet Mission to Brussels of five years ago failed in its efforts to have the members of the Common Market agree on a commonality of political, military, and cultural objectives. But the fact is that the European Common Market represents growing political and military strength. The need, therefore, is for a recognition of this within the structure of the Atlantic Alliance.

There are those who fear such a Europe as a third power, but now is not the time for such fear; it is a time for an understanding of Europe as a strong partner. Furthermore, Great Britain is part of Europe and must play a significant role in the affairs of Europe. Our reaction to de Gaulle's withdrawal of his armed forces from NATO has been to orient our attention more toward Germany as the leading power on the Continent. This policy has in it the seeds of disaster, for a German-dominated Europe would never be accepted by our allies and would be bitterly opposed by the U.S.S.R. and its satellites. A Europe without Great Britain's participation in its economic and political affairs will be an unending source of irritation and trouble for us. It is imperative, therefore, that we assist in any way that we can Great Britain's entry into the Common Market.

This should begin with an understanding on our part of the need for Great Britain to sever her special nuclear relationship with us, and for her to enter into frank discussions on the problems of nuclear weapons and the Common Market area. Based upon numerous conversations that I have had with responsible members of the de Gaulle government, including the General himself, I am convinced that Great Britain would be welcomed into the Common Market if she were willing to come in, bombs and all, and meet all the provisions of the Rome Treaty. Among other things, this will require a minimum period for the transition of the Commonwealth nations out of their special relationship to the U.K. economy.

As the strength of Europe increases, the need for U.S. military forces on the Continent will diminish. Our present commitment it based more on diplomatic than military need. A significant reduction of our troop strength, in my opinion, would improve our economic situation worldwide and thus add to our global strategic strength without increasing the military risk in Europe.

General de Gaulle's recent visit to the U.S.S.R. was a remarkable *tour de force*. Although generally denigrated in the American press, the General's achievements were noteworthy. There were many who remembered that the General had written in his memoirs, published in 1959, that it was his intent to insure the security of France by making arrangements with either the East or the West; hence, there was concern lest he enter into a conventional military pact following the withdrawal of French forces from NATO. On the other hand, many recalled how bitterly he opposed negotiations with the Soviets following Khrushchev's threat to the Berlin Corridor in late 1961. He had said at that time that he would refuse to enter into any "negotiations" since we were there by right and to agree to negotiate would suggest to the Soviets an intent on our part to give something away that was rightfully ours.

The remarkable thing about his trip, therefore, was that he so skillfully avoided leaving any impressions that he was negotiating over West Germany, despite the desire of the Soviets to talk about European "security." At the same time he was able also to finesse Soviet suggestions of the need to discuss recognition of East Germany. On the positive side, agreements were reached on technological, cultural, and scientific exchanges. Since current French economic trade with the Soviet bloc is going quite well, the total package represents significant achievement. The ultimate outcome of his visit, therefore, could have profound military significance.

For some years the United States has exchanged visits of artists, athletes, and academicians as part of a program that had as it goal the relaxation of tension between the United States and the U.S.S.R. The time now has come to encourage the visits of businessmen between both countries, and to encourage our trade with the U.S.S.R. and its satellites. To an increasing extent, the profit motive is playing a significant role in the Soviet economy, and the Soviets are trading extensively with our Allies. Our President, in his State of the Union Message this year, urged Congress to pass the necessary legislation to enable us to get on with an increased trade. This should be done without delay, for increased trade will not only reduce tension, but will increase the standard of living and improve the social and economic prospects of people wherever the trading is done.

Conspicuous by its absence from this discussion is the problem of the unification of Germany. It should be absent, for until economic and political relations between Western Europe and the Soviet bloc are improved, there is little prospect of finding an acceptable reunification formula.

In the past two decades, the world has changed from a community of many independent nations, frequently remote from one another, to one small world community. It will look with great apprehension on any indiscriminate use of military power. In the meantime, from an unprecedented abundance of scientific and technological knowledge, man has acquired the potential for tremendous good and tremendous harm. This new knowledge must be channeled into the areas where the greatest good for the most can be realized; to help our Great Society at home and to help the emerging nations abroad. The most influential force in world affairs today is the economy of the United States. It should be sustained and enriched as a matter of sound strategic policy.

Tactical engagements that do occur should not be permitted to grow as uncontrollably as a malignant cancer. Fighting will certainly occur, from time to time, at any point along the abrasive interface between the Communist nations and the Free World. Our power must be used to persuade those who seek to improve their position through aggressive attacks upon their neighbors that they will be deterred and cannot possibly succeed. Concurrently, we should make clear our intention and ability to maintain a dominant position in global affairs. Our global power must be exercised with restraint and wisdom. At a time of Great Britain's greatness, Disraeli said, "All power is a trust—and we are accountable for its exercise." Now, we too are accountable, not only to the American people but to people of the world community of nations.

DEATH OF FORMER SENATOR HAZEL ABEL

Mr. HRUSKA. Mr. President, the death on Saturday of one of our former colleagues, Mrs. Hazel Abel, of Lincoln, Nebr., is saddening and shocking. It is with deep sorrow that I inform the Senate of her passing.

Mrs. Abel had the distinction of being the only woman ever to be elected to the U.S. Senate from the State of Nebraska. I had the privilege of serving in the Senate during her service there.

Not only did Mrs. Abel serve as a U.S. Senator, but she was one of the few women presidential electors and was a member of the Nebraska delegation to the Republican National Convention that nominated President Eisenhower for reelection in 1956.

Mrs. Abel was one of the most dedicated and willing civic workers in Nebraska. If there was ever a project that required a skilled hand, it was she who lent her services. The selfless spirit of service which she gave to anything that she ever did was one of the hallmarks of this great lady. Mrs. Abel was named American Mother of the Year in 1957, the same year that the Senator from Arkansas [Mr. McClellan] was honored as American Father of the Year.

In her 78 years, Mrs. Abel also served as president of the Nebraska Girl Scout Council and on the boards of trustees at Hastings College, Nebraska Wesleyan University, and Doane College.

Her death leaves a great void in the State of Nebraska, a void not easily filled. To her bereaved family, I offer my sincerest condolences and sympathy. We have all lost a great friend, and Nebraska has lost a great and wonderful woman.

DOROTHY BROWN, 16, OF PORTLAND, MAINE, A PARTICIPANT IN THE WAR ON POVERTY

Mr. MUSKIE. Mr. President, I would like to invite the attention of my colleagues to an article appearing in the July 17, 1966, Portland (Maine) Sunday Telegram. The article concerns 16-year-old Dorothy Brown, of Portland, Maine, and her experiences as a participant in the War on Poverty.

Dottie's first connection with Portland's antipoverty program came through her enrollment in the Neighborhood Youth Corps program for school dropouts. As an NYC enrollee, she became a member of the Operation Headstart recruitment team. She is now enrolled at the Poland Spring Job Corps Center where she will learn skills to enable her to become a productive member of society.

Dottie's experiences as a recruiter for Operation Headstart are eloquently stated in her letter to President Johnson. The conditions in the impoverished homes she visited illustrate the great need for continuing an effective and meaningful antipoverty program.

I believe my colleagues will be impressed with the spirit of this young girl, and I ask unanimous consent that the article be printed in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

[From the Portland Telegram, July 17, 1966]

Girl Called Dottie Writes Letter to Her President

(By Marion Roberto, Staff Reporter)

Dorothy Emma Brown paced the floor at the Neighborhool Youth Corps center while anger and frustration welled within her.

Dottie, a 16-year-old NYC enrollee had just spent two days rapping on doors of impoverished families to recruit five-year-olds for Operation Head Start.

And she was heartsick at the poverty and misery she had seen. So she poured out her despair in writing to the most powerful man in the country—President Johnson.

"I don't understand why the President of the United States helps these other Countries when he can't even help his own."

Dottie outlined with graphic clarity home conditions she had seen. Her letter ran almost seven pages.

She made little reference to herself, merely four short sentences: "I'm 16. I live alone. I have been living alone for at least a year now. I had a hard life when I was young."

The letter, it is known, was read by the President, whose response was sympathetic. He said he was grateful to young people like Dottie who try to better the lot of others.

She will frame his answer, she says.

Dottie takes exception, however, to being called young. "I'm not young anymore. I'm not an adult either. I guess I'm just Dottie."

She knows with a fierce certainty that she wants to take care of children, perhaps in an orphanage of her own, or even in Korea.

"I love kids. I know how they feel. I can tell when they hurt just by looking at them," she said.

Dottie's own childhood hurt was so deep she won't talk about it. Oddly, she feels no bitterness.

"I started to but I knew it wouldn't do me any good," she says. "So I bring the hurt out of me by helping other people. And those other memories just go away."

Right now, helping other people means working with little children at the YWCA Day Camp. As an NYC worker she devotes about 32 hours a week with these youngsters.

"I love it. I had a lot of training with a lot of kids. I play games with them and talk to them. This is just my whole life. I'd give my whole life for a kid," she says.

"I feel like I'm wanted by kids and that they need me. I just feel that some of them have the wrong kind of parents. All they need is the right kind of love and the right kind of care, but love is the most important." Dottie wants little for herself; in fact, she asks for nothing. She is financially independent on the $40 a week she earns.

When her day is over she goes to her room and dreams of the future.

"I remember once I wanted to become a nun. Now I couldn't dream of it. A nun has to go to church all the time. How could I take care of kids if I had to be in church?"

Dottie says she's not a Catholic, nor a Protestant. "I'm not anything."

Asked how she feels about God, she answers, "I love Him. I hope He's with me all the way."

The past seven months have meant everything to Dottie. This is the period she's been a member of NYC and she refers to officials there as "my family."

Under the corps' encouragement she attended night school and received her eighth grade equivalency. She may go on to high school "and if I can't get my diploma I'll get all the education I can get."

The corps made arrangements to have Dottie enrolled in the Women's Job Corps Center in Poland Spring. A few strings had to be pulled because trainees homes are supposed to be at least 300 miles away.

Dottie leaves July 26 and will be gone a whole year. "I'm going to miss my family here, the Neighborhood Youth Corps," she says. "Before I came here I didn't know what I was going to do."

She says one of the things the corps taught her was to "start acting more like a lady. And I wear skirts. I don't wear chinos all the time."

She gets annoyed, however, when people tell her she should be a little neater or fix her hair differently.

Somebody tried a while ago. "I'm Dottie," she said with a flash of anger. "And nobody's going to make me into anything but Dottie."

DOROTHY'S LETTER (JUST AS SHE WROTE IT)

"Dear President Johnson: My name is Dorothy Emma Brown. I live at 12 Wescott St. Portland Maint. Im 16. I live alone. I have been living alone for at least a year now. I had a hard life when I was young.

"I'm in the NYC. (Neighborhood Youth Corps). I like my work very much. I do work with children. That's the most important part in my job.

"Yesterday, my councilor Mr. Franciose and Mrs. Kimball put me on a spical mission. The mission was going around to different houses and trying to get the parent's to sign the form for their children ages 5 for the head start program.

"I have to amit it wasn't easy. I just couldn't believe the thing's I saw.

"I went to a lot of poor peoples home's. I felt so bad I had all I could do for not crying.

"I went to one house on salem st. The woman had 5 children, all little one's. Their were feather's all over the place and it looked like they got the furniture out of the dump, the kid's were running and crying, and the mother looked like she had a six pack, what I mean is she looked like she been drinking.

"One of the kid's was sitting on the floor trying to get in a bottle of pill's. their was two of the kid's out sid fighting. I was trying to make the baby laugh, but she just look at me and then turn over in the crib and went to sleep.

"I couldn't stand it and so I went out side while she (the mother) was signing the paper. I told the kid's to stop fighting and then I went in side the house, took the bottle of pills away from the little girl, check her mouth and went out.

"Boy! was that place cold. I felt like taking the kid's and run.

"There was another place on pine street. I felt sorry for those kid's too. their must have been eight, know father, all little one's, rate up to eight year's old.

"They were the cutest kid's I have ever seen. I talk to them and you can tell their hurt. their mother was very mean to them.

"One of the boy's was sick of should I say retarded. He started coming over to me and his mother belted him. I told his mother their wasn't know (reason) for that, and she said he was always in her way. I told her if she didn't want them why that she have them.

"I know that wasn't right for me to say that. I know it was none of my business, but Im interested in kid's so I think it is my business.

"There was another Place on congress street by munjoy hill. She had about 9 kid's, for what I've sen she looked like she was about 60. She had the shakes for maybe it's because of drinking. I wouldn't be surprise at all.

"The funerture look's like it came from the grand central dump. Im not joking either it was torn and had hole's all through it.

"The kid's looked like they came from overseas somewhere. A little girl about two climb on top of a table or what was left of it, and going to jump. I caught her just in time.

"I could go on and on but I think I gave an idea how a lot of people live, in Portland.

"If there is anyway I could help these children I would, and I think the NYC kid's would to.

"I don't understand why the President of the united States help these other countrie's when he can't even help his own.

"Well, I think I made my self clear in a lot of thing's I wanted to say.

"I sure can see that I had a hard life, but their's people that is worse off than I am.

"Sincerely your's

"Dottie Brown."

And L.B.J.'s Reply

The White House,
Washington, June 29, 1966.

Dear Dottie: I was deeply impressed by your letter about your work with the Neighborhood Youth Corps and your experience in signing up children for the Head Start program in Portland.

It is obvious that you have acquired an important lesson that some people never learn.

The lesson is that regardless of how hard life seems at times—and you have known how hard it can be—conditions can be even worse for others.

I think you would agree with me that our country is the greatest on earth—and that never before have Americans enjoyed such prosperity. That is why I am so grateful to young people like you for giving of your time to help make life a little bit better for your neighbors.

I am glad to hear that you have been going to night school. Keep it up, Dottie, because nothing is more important than adequate education in preparing for the years ahead.

We are depending on citizens of your determination to make this a nation in which some day there will be no such thing as the poverty which caused you to write to me.

Sincerely,

L.B.J.

THE RIGHT MEDICINE FOR NASSER

Mr. HARTKE. Mr. President, President Nasser, of the United Arab Republic, has again spoken out in his customary way, denouncing the United States for its failure to come through with aid for the United Arab Republic in the form of an agreement for $150 million of wheat shipments.

Last Friday's Chicago Tribune commented editorially on this situation, one on which I have previously made my own comments in the Senate and one with which there was some concern expressed during the foreign aid debate so recently.

I ask unanimous consent that the editorial may appear in the Congressional Record.

There being no objection, the editorial was ordered to be printed in the Record, as follows:

[From the Chicago Tribune, July 29, 1966]

The Right Medicine for Nasser

To President Nasser of the United Arab Republic it is obviously unthinkable to utter a word of thanks to the United States for the one billion dollars or more of food for peace aid he has received since 1954. His tactic is to denounce us whenever we don't come thru with more aid. He has done it once again, this time accusing the United States of delaying a new aid program for the U. A. R. because of policy conflicts over Israel and Red China and because of Egyptian friction with Saudi Arabia, coupling that with a denunciation of "American aggression against North Viet Nam."

"We were told we were not following the right course and that is why we are not receiving aid," he said at a rally in Cairo. "We shall not surrender and we shall not give in, but our views shall always be expressed openly."

Nasser wants Washington to sign a new agreement for 150 million dollars' worth of wheat, corn, and other farm surplus commodities for the current fiscal year, but thus far our government has declined to open negotiations. Perhaps even the state department is fed up with the insults and bullying from this truculent dictator who always has his hand out while his mouth is open inveighing against us, reserving kind words only for the Soviet Union and Red China.

When we ship him food for Egypt's soft currency, which is practically giving it away, he sells Egyptian rice to Red China, sends arms to the Congo rebels, and threatens war against Israel. When we make a show of withholding aid, he tells us to "go drink sea water," the Egyptian equivalent of "go to hell."

Now Nasser says if he can't get American wheat at giveaway prices he will buy it elsewhere for hard currency, presumably British pounds. Our government ought to tell him to go right ahead and do it. Our own dwindling wheat stocks are already committed to the hilt; the Russians are buying 150 million bushels a year for their own use; Canada is literally sold out, and France, Argentina, and Australia have little surpluses left.

Inasmuch as Nasser admires his own independence so much, a dose of it from us should be just the medicine he needs.

SALUTE TO THE COAL INDUSTRY

Mr. BYRD of West Virginia. Mr. President, the Saturday, July 30, edition of the Logan Banner, Logan, W. Va., was dedicated to the coal industry—to reporting the story of coal as seen from Logan County, W. Va., where coal is, in a sense, the bread of the residents there. However, the material in this journalistic salute to the coal industry is not merely of county interest, but of interest to key industries, business men and business centers throughout the United States; and the Logan Banner has appropriately recognized this fact.

In a further effort to inform the American public of the coal industry's many accomplishments, I have selected some of the more cogent newspaper articles from this salute to the coal industry for wider dissemination.

I ask unanimous consent that these articles be printed in the Record.

There being no objection, the articles were ordered to be printed in the Record, as follows:

[From the Logan (W. Va.) Banner, July 30, 1966]

Decade of Growth Foreseen for Coal Industry

While it is now well recognized by security analysts, the general public is less aware that the bituminous coal industry will grow at a rate comparable to the overall economy during the next decade. Equally important, it will be substantially less vulnerable to cyclical influences. The industry should continue to grow on a firm and sound basis as far ahead as we can project.

In 1965, the coal industry shipped 513 million tons to consumers. It is estimated that during 1966, despite work stoppages that occurred during contract negotiations in April, total tonnage produced and shipped will rise to the 526 to 530 million ton level—something short of actual demand. As a result, consumer coal inventories will be reduced appreciably during the year to make up for deficiencies in supply. In the years that follow we expect the tonnage produced and shipped to increase still faster.

The influence bringing both firm growth and much greater stability to bituminous coal is the industry's participation in electric utility expansion. How important this has become is illustrated by the fact that 20 years ago in 1946, the 69 million tons burned by electric utilities represented only 13 per cent of the coal industry's output. This year's 264 million tons, by contrast is 50 per cent of the estimated output.

Not only has electric utility tonnage grown fantastically, but the growth has been steady. Only once in the past 17 years (in 1958) have the electric utilities burned less coal than they did the previous year. Irrevocable commitments already made by the utilities to fossil fuels, plus changing fuel supply relations—coal vs. gas and oil—make it virtually certain that this will not happen again in the foreseeable future.

Market distribution patterns indicates that nearly all growth in coal consumption will result from increased utility demand and continuing strength in export. Estimates of market growth during the next five years are entirely probable.

By 1970, the industry should set a new out-put record of about 638 million tons, up an estimated 125 million tons from the 1965 level. The major portion of this growth—11 million tons—will be in coal for electric power generation. Other contributing factors will include a steadily larger export demand, a strengthening of the steel industry, developments in steel technology favorable to coal, and modest growth in general industry's needs for steam coal.

After 1970, assuming a more modest growth rate of 31 percent, the succeeding five years will witness a rise to a minimum of 741 tons by 1975. It is estimated that 438 million tons or nearly 6 per cent of this will be electric utility coal.

All this is predicted on an economy that will sustain an annual growth of around 4 per cent for the next five years, and near this level through 1975.

Looking more closely at the outlook for coal in the electric utility market, one statistical projection in particular staggers the imagination; the coal to be required by electric utility plants now in operation or under construction for the balance of their useful lives, amounts to an estimated 6½ billion tons. That alone will keep the industry producing electric coal at last year's fast moving pace for the next 27 years.

In its National Power Survey published in 1964, the Federal Power Commission estimated that by 1980 the use of coal under utility boilers would be around 500 million tons, more than twice the tonnage burned in 1965. This will represent a decline in coal's percentage of total fuel consumption for our rapidly growing electric power requirements from 54 per cent of the current total, including water power to 47 per cent in 1980. Nevertheless, the projected growth in demand assures an expanding market for coal for many years.

THE NUCLEAR COMPARISON

Electric utilities not only constitute the largest market for coal, but they rely on coal as the source of energy for 54 per cent of their output. East of the Mississippi River, coal provides 83 per cent of the energy used by the electric utilities.

Despite the glamor of atomic power and the competition of other conventional fuels, the electric utilities' dependence on coal is expected to continue and to increase.

Every announcement of a decision to build a nuclear power plant is headline copy, while great and continuing expansion of electric utility generation, based on coal, is only of local import. Thus it may be news to many people that nuclear power last year provided electricity equal to about 1½ million tons equivalent. This amounted to one-third of 1 per cent of all electricity generated in the United States last year.

This is not to deny that nuclear power is destined to grow, and grow rapidly. Referring again to the Federal Power Commission study of 1964, by 1980 nuclear sources are expected to provide 19 per cent of total electric generation. But even then this will be equal to only 40 per cent of coal's projected contribution in that year.

During the past 15 months, commercial nuclear power plants sales have been announced totaling 12,000 megawatts (30,000,000-ton annual coal equivalent) for installation by 1971. At the same time, however, there are under construction, in process, or planned, some 100 coal fired plants with a capacity of 49,252 megawatts. These units alone will require 123 million tons of coal annually by 1971.

In concept, principle and practice, the nuclear reactor is a perfectly feasible, proven source of energy for the generation of electricity. Actual experience with nuclear generation of electricity has been confined to generating units of less than 400 megawatts. Manufacturers' estimates of cost and performance characteristics of large plants generally are derived from extrapolation of experience data on these smaller units.

In actual practice, the latest of these smaller units to be installed in high-fuel cost areas are apparently proving competitive with coal. While it is not unreasonable to expect that in the large plants economy of scale will result in lower cost, the extent of such potential cost savings is as yet to take into account the fact that the development of nuclear power generation to this economic capability has been made possible largely through heavy government subsidy, which may not continue.

NATURAL GAS COMPETITION

In 1963, marketing of natural gas to U.S. markets (after excluding field use and carbon black manufacture) increased 7.7 per cent to 510 million tons of coal-equivalent.

The greatest portion of this increase by far, however, is accounted for by market growth, in the small commercial and industrial installations and more, especially, in residential uses. Fewer and fewer conversions from coal to gas are taking place, partly because the coal-fired units most vulnerable to gas competition have already been converted.

In the larger installations where the economy and reliability of coal off-sets the convenience of other fuels, natural gas is no longer providing the fierce competition it did during the great Eastern expansion of the fifties. This is especially true for electric power generation. Last year the electric utilities used slightly less gas under boilers than in 1964, despite a 7.2 per cent rise in demand of electric power. In coal's territory, gas used for such purposes actually declined 3 per cent from 1964 to 1965.

More and more, as new gas discoveries come harder, the product will be marketed as retail where the return can compensate for rising production costs. Moreover, this limitation on known natural gas reserves open up new opportunities for coal as we indicate in a later section of this report.

RESIDUAL OIL COMPETITION

In recent years, imported residual oil has become a significant competitive factor in certain markets for coal. Although not a direct competitor to Island Creek, we do feel its impact indirectly to some extent as coal replaced by residual oil in eastern markets seeks new outlets in our marketing areas.

The new import quota plan recently promulgated by the U.S. Department of Interior has as its goal the providing of adequate residual oil imports to all users, while at the same time preventing dumping and market flooding.

Oil used by U.S. utilities (virtually all of its Bunker "C," the type that is imported presents about 7 per cent of their total mineral fuel consumption. It is concentrated in four regions, New England, Middle Atlantic, South Atlantic, and Pacific. But even in these four areas, residual oil is only 15 per cent of all fuels used under utility boilers.

HOW COAL COMPETES

Coal's answer to competition rests on the following:

1. Large available reserves, well situated and readily mineable at competitive costs.

2. Enormous investments to improve mining efficiency, which have raised mine productivity to a record high. Cost of coal at the mine are down, notwithstanding steady increases in materials and labor costs and the heavy investments requires to maintain the industry's competitive position.

3. The development of extra-high voltage mine-site generating units, which are capable of utilizing on the order of ten million tons of coal per year. The practicability of long-distance power transmission by wire is a proven fact. This was recently attested to in the plan announced by the American Electric Power System to tie together power plants, in five of seven states in which the company operates, by a 765,000 volt network, at a cost of about $200,000,000.

4. The unit train concept, which includes rapid loading of a 10,000 train in 4 hours, loading in motion, billing and handling trainloads as one unit, elimination of weighing by railroads, elimination of classification yards and layover points, better utilization of equipment, unloading in motion, larger cars and automated locomotives. Most new generating plants to be served by unit trains will require the development of new mines within a radius of more than 100 miles. Ton-mile rates change from 4 to 8 mills and savings against single car rates average 30 per cent or more.

5. Exploitation of water transportation, within extension of barge line operations from inland waterways to the Gulf of Mexico and to Tidewater. Utilized barge movements are a reality, and it's possible to achieve the same rate of loading efficiency with barges as with rail transport.

6. The coal pipeline is still a possibility in areas such as the West, where power plants are to be located midway between the mines and the load center or power consuming area.

These factors give promise of significant reduction in fuel costs as mines, transportation companies and utilities cooperate to lower the cost per million BTU. Savings could range from 15–25 per cent in fuel costs at the generating plant.

Since 1962, on a national average, coal has been the lowest-cost fuel consumed by the utilities. In 1964 the utilities paid an average of 24.6 cents per million BTU of heat produced from coal; 25.3 cents for equivalent heat from natural gas; and 32.6 cents from oil.

EXPORT MARKETS

Opportunities for expansion in the export market are substantial. The important point about export markets today is that they are growing convincingly on a sound and nonemergency basis. In past years, the overseas portion of the coal export business rose and faded with wars or other emergencies such as the Suez crisis. For several years after World War II, a very large part of our business with Canada, our largest export customer, was based on railroad fuel which disappeared with dieselization.

Today we can be optimistic about the outlook for American coal exports both to Canada and to other parts of the world. Canada's growing economy requires more steel, and the six million tons of coking coal now being shipped north of the border is destined to increase. But the fastest growing segment of this market is also the electric utilities. Canada's need for electricity is rapidly outstripping her ability to generate it in Hydro plants and transport it economically to the big load centers.

Overseas, the demand base for American coal rests on what a steel executive customer of ours describes as a "World-Wide shortage of carbon." Increased quantities of good coking coal to supply industry at the most economical prices are mainly available only from the United States. About 60 percent of U.S. bituminous coal exports are high-quality metallurgical grades. This metallurgical coal segment of overseas demand is growing rapidly enough to more than offset losses in steam coal tonnage. But even this latter market loss may be reversed in the next three to four years. American coal will likely fuel some of the big steam plants being built on Europe's west coast. It wil be moved there in colliers now under construction exceeding 70,000 tons capacity. France is building one of 84,000 gross tons capacity which is expected to provide the lowest per-ton-mile transport cost in the world.

AIR POLLUTION

The coal industry, for both humanitarian and financial reasons, is helping in the fight against air pollution. There can be no question that the air around us must be treated as an indispensable natural resource. As such, its use must be properly managed in accordance with the principles of conservation generally applicable to other natural resources.

Air from time immemorial has served as convenient, low-cost means of disposing of impurities and wastes. It is only when its capacity to handle waste products is exceeded that problems occur.

Reasonable standards for air quality are vital if effective results are to be achieved at reasonable costs. There is general agreement that complete information on which to base such standards still is not available. It is essential that the problem be approached from the standpoint of improving our ability to control air pollution without handicapping our industrial standards of living; any other path will cost the community more than it can afford. We are confident that a workable solution can and will be found.

STREAM POLLUTION

Mine drainage which pollutes streams and rivers has been a problem in the extrative industries from the beginning. Much energy, time and money have been expended in seeking economical methods of its reduction and control, and much progress has been made. However, the complexity of the problem of stream pollution (which is caused by many factors in addition to mine drainage) has limited the success of all efforts by business and government to date.

The problem of stream pollution, too, can and will be solved, but a better public understanding will avoid passage of laws which can result only in economic privation to sizable segments of the people in mining areas.

STRIP MINE LEGISLATION

The trend is toward tighter regulations of the strip mine operator in all extractive industries. Kentucky is the most recent example. This law requires the usual type of permit applications bonding, and advance planning and mapping of strip mine operations. It requires permits for coal facing explorations, and haulage and access roads in deep as well as strip operations.

But it also provides that in areas of continuous stripping, mined land shall be returned to its original contour, with the last cut filled, which is extremely expensive.

This legislation does not affect Island Creek appreciably, since we do very little strip mining. And although strip mining is expected to account for a diminishing proportion of total production in the future, it currently provides almost a third of total bituminous output. Last year it produced about 160 million tons, over 31 per cent of the total. But the industry is aware that the time has passed when surface land can be stripped and abandoned. Increasing progress in reclamation is being made.

THE LONG-RANGE VIEW

Coal assures the nation and the world of a long-term supply of dependable and economical energy. We have barely tapped the vast storehouse of energy in U.S. coal deposits during the two centuries since coal was first mined near Richmond, Virginia.

In 1960, the U.S. Geological Survey reported an estimated 1,660 billion tons, or about 30 per cent of the World's known coal reserves, still underground in 34 of our 50 states. This means (using a 50 per cent recovery factor) that the nation has about 830 billion tons of recoverable coal or enough to last more than 1,500 years at present rates of production. And the Department of the Interior thinks the U.S. has much more than that.

All conventional forms of energy we know and use today, electricity, gas, oil, gasoline, residual oil, and diesel fuel, can be produced from coal.

This, plus the limited availability of mineral fuels other than coal, has spurred research and development programs by Island Creek as well as other leaders in the industry for new applications and uses of coal.

Much additional research for the coal industry is centered in the laboratories of its Bituminous Coal Research, Inc., an affiliate of the Nation Coal Association. Finally, the Office of Coal Research, under the U.S. Department of Interior, sponsors many research projects.

Both the coal and petroleum industries are working with and without government sponsorship on a variety of approaches to producing pipe-line quality gas, gasoline and other liquid hydrocarbons from coal. The cost of producing gasoline from coal experimentally has been pushed down by project advances to a 13 cents per gallon range—competitive with gasoline from petroleum in most coal-producing areas of the country.

Other projects that hold forth interesting possibilities include coal beds for sewage treatment and water purification; the production from coal of carbon black for strengthening industrial rubber; and the use of coal by-product, fly-ash, in manufacturing brick and cinder block for the walls of your home.

We take coal for granted when we flip an electric light switch. Probably we will be the same casual coal consumer in the future when we heat and cook with gas produced from coal. . . and when we operate our automobiles on coal based high octane gasoline.

But as coal men and investors in the coal industry we can be eternally grateful that coal is a source of energy.

THE ROLE OF ISLAND CREEK

Island Creek, currently the third largest producer in the industry now has in excess of three billion tons of coal under fee ownership, lease, option, or control by virtue of envelopment.

Metallurgical coal reserves are in excess of one billion tons. The remaining two billion tons are classified as steams coals for industrial and electric utility use.

Total sales, including production from current operations and supervised mine, reached 21 million tons in 1965 and should amount to 25 million tons in 1966, despite the work stoppage during April.

Capital expenditures during the past ten years have amounted to $72 million, and we anticipate that expenditures through 1966–1970 period for expansion, replacement and improvements will range from $75 million to $100 million.

Island Creek is one of only a few companies in the industry—perhaps not more than six or eight that are large enough, have sufficient reserves, and are so organized that they can compete fully under today's marketing conditions.

Island Creek coals are marketed throughout the United States, in Canada, and overseas to Europe, South America and Japan. We have so diversified that we are now able to serve all coal consuming markets in these areas—metallurgical, retail, industrial and utility.

The 21 million tons of coal we marketed during 1965 was nine million more than we sold in 1961. It was divided 15 per cent metallurgical, 7 per cent industrial and other general market applications.

As we look down the road toward 1970–71 current projections indicate that sales could reach 37 million tons as mines now planned engineered or under construction are brought on steam. This represents nearly a 50 per cent increase over the current year's rate of sales. We have the reserves, the potential, the markets, the master plan, and we are convinced, the knowhow to accomplish this.

It looks like an interesting future, both for coal and for Island Creek.

[From the Logan (W. Va.) Banner, July 30, 1966]

MOVING COAL FROM MINE TO MARKET BIGGEST TRANSPORT JOB IN WORLD

Coal and railroads have been keeping company since the early days of the old steam locomotive. And even though the once familiar steam locomotive has been retired in favor of the diesel, the railroads still enjoy more revenue from hauling coal—about $1 billion a year—than from any three other commodities combined.

In fact, moving bituminous coal from mine to market is the biggest transportation job in the world. The railroads have had the bulk of this business for many years: in 1964 almost 72 per cent of all the bituminous coal going to market left the mine by rail. Most of the remainder was about evenly divided between truck and water transportations. However, coal may use several means of transport en route to market. For example, an estimated 200 million tons moves at least part way by water, including 90 million on inland waterways.

The recent technological improvements in coal production, steadily reducing the average price of coal at the mine, are being matched by improved means of getting the fuel to the customer. The benefits of cost reductions go to everyone who uses coal energy in any form—as most of us do in electricity, steel or some other way.

The earnest desire of the railroads to hold and expand coal traffic is shown in the development of the unit train, a perhaps 10,000 tons or more directly and at high speed toward a utility generating station or other large consumer. After discharging its load the empty train speeds back to be refilled, often passing another fully-loaded unit train outbound for the same destination.

These unit trains mark only the beginning of a modern transportation of coke to market. In time—perhaps a short time—single haul capacities will increase to 15,000 tons and beyond.

When hopper cars of the 1940's carried 50 tons, new coal cars now handle 70 to 100 tons with ease. Larger cars, capable of carrying as much as 145 tons, are in the development and testing stage. Even larger are being developed to carry 200 tons or more. As of April 1, 1966, railroads reported 12,066 new coal hopper cars on order for delivery before the end of the year.

Even so, the railroads do not regard the unit train as the ultimate answer to maximum economy in moving coal to market. The so-called integral train, a step beyond the unit train, will feature semi-permanently coupled cars with motive power units spotted throughout its length. The integral train's coal carriers can be overturned and dumped without being uncoupled. Time-consuming turn-around problems will not plague it.

For the present, though, the unit train is helping coal to keep the price down in the highly competitive fuels market. Major coal-carrying railroads—the Baltimore and Ohio, Chesapeake and Ohio, Norfolk and Western, Pennsylvania, New York Central, Louisville and Nashville, for example operate unit train in increasing numbers. Many are easily identifiable, bearing distinctive markings on each car, such as B and O's gold stripe and C and O's gold disk.

One major coal company reports that 80 per cent of the coal shipped to electric utilities in 1965 moved by unit train. Some utilities, such as Pennsylvania Power and Light Co. and have invested heavily in coal cars of their own. PP and L now has 210 cars of 100-ton capacity, with more on order, and Commonwealth Edison had 153 of the same capacity. These are turned over to railroads to operate between the mines and major generating plants. Coal companies likewise are buying their own 100-ton cars for unit train use.

Water carriers too are carrying more coal than ever. Basic tows of up to 20 barges carry 20,000 to 30,000 tons of coal at a clip. Improvements in motive power and in the design of equipment are increasing the efficiency of waterborne coal movement much as the unit trains have increased railroad efficiency.

Coal producers on or near inland waterways have the option of shipping by water or by rail, depending on the most advantageous route and rate. In 1964, some 12.2 per cent of the coal produced was shipped from the mine by water, compared with 11.4 per cent in 1963.

Along the eastern seaboard coal is shipped northward by water from the port of Hampton Roads, Va. One company has converted 11,000-ton Liberty ships into unmanned barges for towing to northern ports by some of the nation's largest ocean-going tugs. Another company ships coal down the Mississippi and across the Gulf of Mexico to customers in Florida.

Great Lakes colliers in 1964 carried 51.4 million tons of coal, an increase of about 13 per cent over 1962. Deliveries to Great Lakes loading ports, often in unit trains, have been accelerated by more efficient equipment. Conveyor belts from storage piles to ships carry coal at a rate of 6,000 tons an hour.

At tidewater ports, where U.S. bituminous coal is loaded principally for overseas destinations, the loading rate is substantially greater—as much as 16,000 tons hourly. At some piers in the Hampton Roads area two ships can be loaded at one time, including supercolliers capable of taking on 60,000 tons or more in a matter of hours. Reduced turnaround time in U.S. ports enhances the economic attractiveness of the nation's coal. Overseas bituminous coal shipments in 1965 amounted to 34.5 million tons, nearly 4 percent more than in 1964.

Hampton Road Channels are being dredged to a depth of 45 feet, enabling the port to handle even large supercolliers. These include Japanese ships capable of carrying 70,000 to 75,000 tons, and the two mammoth French colliers now under construction which will each carry more than 80,000 tons of coal. Coal-handling facilities at other eastern ports are being modernized to accommodate larger ships and increasing tonnage. These include Curtis Bay in Baltimore and coal piers in Philadelphia and South Amboy, N.J.

While the improvements in truck movement of coal have been less spectacular, they have been significant, particularly in the transportation of coal from surface mines to nearby preparation plants. Mobile off-highway monsters now haul as much as 240 tons in a single load. Short-haul trucks carry about as much coal as moves by water—13.5 per cent in 1964, up from 13 per cent in 1963.

The transportation revolution is not limited to the carriers of bulk coal. Another comparatively new development is the nine-mouth generating station that uses a coal-by-wire technique. A single huge generating station, built almost atop a coal mine, can serve several utility systems through extra-high-voltage transmission line interconnections.

Mine-mouth generation stations are becoming more numerous in such states as Pennsylvania, West Virginia and Illinois where the reserves of coal are available and consumer demands are rapidly increasing. The coal-by-wire technique also is opening new vistas for coal in the West where mine-mouth plants in Arizona, New Mexico and Utah are now or soon will be generating electricity for consumption as far west as California.

American Electric Power Co. announced plans early in 1966 to build a transmission circuit of 765,000 volts, a $208 million project that was described by the company as the highest voltage system in the world. Lines of 500,000 volt capacity are the largest in this country to date. When completed in 1972, the new 1,050 mile system will link power plants in five of the seven states.

Another proven method of transporting coal is by pipeline. A few years ago coal slurry, a mixture of water and finely ground coal, moved by pipeline from a Consolidation Coal Co. mine in southeastern Ohio to a power plant near Cleveland 108 miles away. The pipeline operated successfully for five years but was closed when the railroads offered more favorable rates. The coal pipeline technique is being considered for possible use in other areas.

Thus, by a variety of methods—by rail, water, truck and by wire—coal is shipped from the nation's mines to a wide range of consumers, large and small, at home and abroad. Improvements and innovations in various transportation forms in recent years have enabled coal to remain the lowest-cost fuel available, on a national average, to the electric utilities, the coal industry's No. 1 customer.

Spurred on by competition, both the mining of coal and its delivery to market are expected to undergo further dramatic changes in the next few years. All indications are that, for the foreseeable future, the movement of coal will remain the biggest transportation job there is.

Bituminous Coal Industry Enjoys Best Production, Consumption Year in 1965

In 1965 the bituminous coal industry had its best production and consumption year since 1951, strengthening its position as a modern growth industry with bright prospects for the future.

Bituminous coal production (production and consumption are used interchangeably) was 510 million tons in 1965, an increase of 23 million tons, or 4.7 per cent, over 1964. The 1951 output was 533 million tons.

In the early months of 1966 many industry economists believed that 1966 would be a substantially better year than 1965 and that the 533-million ton figure of 1951 would be exceeded. In the first quarter of 1966 production ran about 4 per cent ahead of the corresponding 1965 level.

The nation's electric utilities consumed 243 million tons of bituminous coal in 1965, 29 million more than in 1964. Almost half of the coal mined in 1965—47.6 per cent to be precise—went into the production of electricity.

The electric utility is not only coal's best customer, but also its fastest-growing market in recent years. The demand for electricity doubles about every decade, and so increases the need for coal to generate the additional power. Electric utility plants burned 59.9 million tons in 1941, slightly more than 12 per cent of the total domestic consumption. In 1967 the utilities are expected to burn more than four times as much—better than 260 million tons. This would amount to approximately 50 per cent of the estimated 1966 production.

Meanwhile, the utilities are using coal far more efficiently. It took about 1.3 pounds of coal to generate a single kilowatt-hour of electricity in 1941. The current rate is 0.86 pounds per kilowatt-hour, the level first reached in 1961, some 34 per cent below the 1941 rate. Coal costs have been dropping, too, from an average value of $5.08 per ton, f.o.b. mines, in 1957 to $4.45 in 1965. Increased efficiency in mines, plus cost-cutting innovations in transportation, have made coal a better bargain in the utility fuel market.

Unit trains—special designated trains that shuttle between mines and consumers—have been a decisive factor in holding down the cost of transporting coal from the point of production to the point of consumption. The railroads developed the unit train as a more efficient means of moving the vast quantities of coal which go by rail to electric generating stations.

In addition to unit trains, other relatively new means of transporting coal's energy have been devised. Extra high voltage power lines now make it possible for the consumer to go directly to the mine to build a generating facility. Under this coal-by-wire concept, the power is produced at a generating station located near the coal production point and distributed by high voltage lines to utilities serving millions of customers many miles away.

Several huge mine-mouth plants are located in the Appalachian coal fields to service the heavily populated areas of the East. Similar plants are being developed to provide additional power for the expanding population of the West, particularly Southern California.

Coal's second-ranking customer is the steel industry, which in 1965 used 94.6 million tons to make coke for its blast furnaces. Steel mills also burned about 5.4 million tons to generate steam and electric power for plant use and for space heating.

The cement industry, another of coal's major customers, consumed nearly 9 million tons in 1965. Other major industries—chemical, food, paper, automobile, textile, plastics, ceramics and rubber—also use large quantities of coal for space heating and for process heat and steam. The industrial market for bituminous coal, exclusive of steel, amounted to 103 million tons in 1965, an increase of 2 million from the previous year.

Coal's retail markets have been declining, even though substantial tonnages are still being used to heat homes, public buildings and commercial and industrial facilities. Retail consumers of bituminous coal burned 122 million tons in 1944; the market in 1965 was about 15 per cent of this peak. The railroad industry once ranked as coal's largest single customer, burning 132 million tons in 1944 in steam locomotives. When the diesel locomotive took over, this market vanished.

The coal industry went through some lean years while its markets shifted, but the growing demands of electric utilities led a strong comeback. Now steel, general industry and export markets show new vigor.

The United States is the world's largest exporter of bituminous coal. Shipments to Canada reached 15.7 million tons in 1965, up 1.7 million from 1964, while oversea buyers took 34.5 million tons, about one million more than in the previous year.

Coal shipments abroad are now valued at nearly $500 million per year. Most of this is net gain for the U.S. balance of payments, since only a negligible amount of coal is imported into this country. About 60 per cent of U.S. bituminous coal exports are high-quality metallurgical grades.

Approximately 24 million tons of the coal shipped overseas in 1965 went to Western Europe, about 21 million tons of it to members of the European Coal and Steel Community. The largest single European importer of U.S. coal in 1965 was Italy, which took 8.9 million tons, Japan purchased 7.5 million.

The recent gains in coal markets were achieved despite determined competition from other fuels, often reinforced by government subsidies of policies detrimental to coal.

Along the Atlantic Coast, for example, coal has lost many industrial customers to cut-price imported residual fuel oil, the heavy black dregs of the oil refining process. In the interest of national security, the government in 1959 imposed import quotas on residual oil to minimize reliance on foreign supplies. However, quotas were progressively increased until in 1966 they existed in name only, and importers were allowed to bring in all the residual oil they could sell.

Coal also bucks strong competition from natural gas in the industrial and utility markets. Like residual oil, gas is sometimes dumped into these markets at prices designed to undersell coal regardless of the price at which coal is offered.

Many commercial and industrial installations are lost to natural gas as a result of the pricing policies. Gas pipeline and distribution companies offset the "dump" prices by higher prices charged to other consumers.

The atom, too, is a competitor in the utility fuel market—a new and growing one. With increasing frequency, utilities have announced plans to build large atomic power plants which their manufacturers claim will generate electricity at cost lower than those of coal-fired plants of the same size. None of these economically competitive plants has yet gone into full-scale operation, however, and it will be several years before experience demonstrates the claims concerning atomic power costs.

The atomic power industry has been ushered to—and perhaps through—the door of competition with coal by hundreds of millions of dollars spent on government-financed research and development. Large plants now being built still enjoy the benefits of subsidies in the form of earlier government research, government leasing of uranium fuel enriched in government facilities, and government protection against any of the financial consequences of any major incident at an atomic plant.

Direct government financial assistance is not involved in the atomic power stations now under construction, and utilities in time—by 1971 at least—will have to buy rather than lease uranium fuel. Later they will be required to pay full commercial rates for enrichment and recovery of unspent fuel. But for another decade at least, the utilities will enjoy complete freedom from financial responsibility for the consequences of any atomic plant incident, even though the Atomic Energy Commission itself has said total public liability damages in a major accident could run into billions of dollars.

While opposed to subsidies which favor the atom over coal, the coal industry has not opposed development of the so-called fast breeder reactor. This type of reactor, in contrast to the light-water type reactors already developed, would make more efficient use of uranium.

Uranium contains large amounts of potential energy, but only about 2 per cent of this energy is used in light-water reactors. A breeder reactor, through use and re-use of the fuel, would use about 80 per cent of the energy in uranium. Since the known supplies of low-cost uranium are limited, development of the breeder reactor has taken on more urgency.

The marvels of mechanization which have made the mining and transportation of coal more efficient have been matched by advances in the technology of handling and burning coal, which is now as automated as any other industrial process.

Pushbuttons, machines and automatic controls have taken the muscle—and the dust and ashes—out of coal-fired boiler rooms. Modern electric utilities burn coal in clean, modern equipment—and so do schools, hospitals, apartment buildings, factories and office buildings.

Bituminous Coal Research, Inc., NCA's research affiliate, pioneered the development of a completely automatic coal-fired steam or hot water generator. It is available now in two versions manufactured by The International Boiler Works Co., and the Power-Matic made by the Canton Stoker Corp. These are factory-assembled and ready for use after service connections.

U. S. Office of Coal Research contractors have developed plans and specifications for coal-fired boiler plants for factories, hospitals and institutional buildings. Thus, from the complex generating stations of electric utilities to the compact heating of small plants, modern coal-fired boiler units are available for economic and dependable use.

Many large industrial plants, as well as electric utilities, take advantage of the high combustion efficiency of pulverized coal firing. In this method, coal is ground to the fineness of powder and blown into the furnace where it burns while in suspension.

The coal industry shares with its customers a deep concern over air pollution. It recognizes its responsibility to help clear the air from contaminants, and it is making a concerted effort to overcome the problem.

Solid pollutants from coal burning principally smoke and fly ash—are becoming a minor part of total air pollution. Coal producers, consumers and combustion equipment manufacturers have made it possible for modern coal-burning plants to hold their emission of solid wastes well within the scope of reasonable regulations.

The coal industry first attacked the problem at the mine itself. It revolutionized the old mine tipple into the modern preparation plant where coal is washed and cleaned of its removable impurities, graded and sized to customer specification and even dust-proofed for shipment. Such plants remove as much ash, sulfur and other mineral matter from coal as is physically possible before shipment.

STRIP MINING ACCOUNTS FOR ONE-THIRD OF OUTPUT

Two major problems in underground coal mining are to hold up the roof and ventilate the mine adequately. But where coal lies near the surface—and "near" is a relative term which might mean 140 feet or more—there is a simple solution: Take off the roof, set it aside, and pick up the coal.

This is surface, or strip mining, a technique developed a century ago, in 1866, and which now accounts for about one-third of the nation's total coal output.

Cost is one big consideration in the expansion of strip-mined tonnage since World War II. One estimate is that if all 1965 coal tonnage had come from underground mines—that is, if there had been no strip mining—the U. S. consumer would have paid over $233 million in extra costs for the year. For the previous year, 1964, the U. S. Bureau of Mines says that the average value of strip mined coal was $1.37 per ton cheaper than underground coal.

Economy is one factor encouraging the development of strip mining. Efficiency—and in many cases, necessity—are others. When special geological and topographical conditions in an area made underground mining impracticable, surface digging becomes the only feasible way to get at a coal seam.

But like other earth-moving processes, the immediated effect of strip mining often is to leave the land in barren condition, with piles of earth and rock marring the landscape. Responsible coal operators, however, reclaim the land after mining and restore it to beneficial surface use through carefully planned voluntary program.

Four decades of mined and conservation programming have taught the lesson that what is good reclamation practice for one area is not necessarily the answer to reclamation problems elsewhere. Thus, depending on the topography and nature of the soil, mined land may be reclaimed for agricultural or grazing use, or reforested, or transformed into land and water recreation areas.

The first planned reclamation of strip-mined coal land began in 1918, when Indiana operators planted peach, apple and pear trees on a mined area in Clay County. Those trees, some of which still bear fruit, were the first of 46 million planted in Indiana alone in a comprehensive reclamation program.

Similar voluntary industry programs in other surface mining areas revegetate the hills and dot the hollows with lakes. The coal industry cooperates with government and private conservation services to create new land uses.

Coal companies and their associations have also invested in soil conservation, and they use research programs conducted by universities and agricultural services.

Perhaps the best-known results of the programs are the lakes, parks and playgrounds where land which has yielded its coal now provides picnic areas, camping grounds and a habitat for fish and wildlife. Striking examples of the recreational use of mined land exist in almost every strip-mining state. To list only a few:

Fairground Park, near Duquoin, Ill., once mined by the United Electric Coal Companies, and now the site of the Hambletonian, the Kentucky Derby of harness racing.

The Linnville, Ind., community reservoir, once land mined by Peabody Coal Co. Lynnville had a chronic water shortage, and hauled in much of its supply by truck, until the coal company's community minded planning created a lake four miles long and 50 feet deep. Holding more than 400 million gallons of potable water for Lynnville.

The Pittsburg & Midway Coal Mining Co.'s awarded-winning Kansas conservation program, representing a 30-year company investment in reclamation planning and experimentation. P & M has developed not only recreation facilities—its lakes provide some of the finest fishing in Kansas—but fruit and walnut orchards, vineyards and pasture areas. The Kansas Wildlife Federation presented the company its "Soil Conservationist for 1965" award. (And in western Kentucky, Scotch pine trees grown on P & M reclaimed mined land were cut and shipped to Washington to be featured in the 1965 White House Christmas Pageant of Peace.)

The Wee-Ma-Tuck Hills Club in Fulton County, Ill., where 75 year-round homes are being built on 3,000 lake-dotted acres of mined land which has been converted to an upper-priced housing development.

The three-county, 100,000 acre, "outdoorsman's paradise" created by Ohio Power Co. on its strip-mined lands, in cooperation with the State Division of Wildlife. More than 350 lakes and ponds, loaded with bass, bluegill and channel catfish, dot a wilderness that shelters deer, beaver, waterfowl and other wildlife.

But not all reclaimed land is turned into playgrounds. Where soil conditions permit, the land may be leveled and planted to crops—and may be more productive than it was before mining. Ayrshire Collieries Corp., for example, has an agricultural subsidiary, Meadowlark Farms, which profitably grows grain and livestock on coal lands in Indiana, Kentucky and Illinois both before and after mining. Several other companies raise cattle where they once mined coal. Other coal companies have commercial orchards and forest on mined land—one firm is even experimenting with elderberry bushes, under a contract with a big jam-making company.

Agricultural use of reclaimed mined land has grown more varied with time and successful experimentation. In addition to pasture lands for cattle, sheep and hog-raising, reclaimed land and lake areas are being used for raising such off-beat commercial livestock as buffaloes and bullfrogs.

Still other reclaimed areas are providing attractive sites for private homes, churches, theaters, schools, shopping centers and industrial parks.

COAL FOR POWER WILL DOUBLE BY 1980

America is in the early stages of an energy explosion. The pictures and facts amply demonstrate that coal as a fuel for electric power is fully participating.

Science and industry daily produce new ways to improve our standards of living, production of goods, communications and transportation—all consuming energy. At the same time, our national level of disposable personal income—which dictates our ability to profit by these accomplishments—grows steadily higher each year: and, finally, America's 196 million population is expected to grow to 300 million or more by the turn of the century.

Considering all these factors, looked at the foreseeable future in terms of energy necessary to meet our demands. Their findings are both exhilarating and challenging.

The Federal Power Commission's widely quoted National Power Survey predicted that total demand for electric power would more than triple in the two decades, 1960–1980. It also forecast that by that date 87 per cent of all electricity would be produced in steam generating plants, of which 68 per cent will burn conventional fuels—principally coal; 19 per cent would be nuclear, with the rest hydro or imported from Canada. If the demands forecast in the survey are realized, coal's share will require some 500 million tons annually for electric power generation alone, and the FPC projects a total demand for coal of about 800 million tons per year.

Already, coal's total utility use is moving firmly toward that goal. Presented in reports on more than 75 new coal plants with 42 million kilowatts of capacity being built between 1965 and 1971. The plants will consume more than 100 million tons of coal a year, and increase by more than 40 per cent present utility coal consumption. They will produce 290 billion kilowatt hours of electricity each year, enough to supply the needs of four cities the size of New York, or six equal to the metropolitan area of Chicago. The coal consumed each year will provide employment for 45,000 miners, railroad workers and others needed to produce and deliver it, and it will add $270 million each year to the economy of the states where it is mined and through which it is transported.

Even when the anticipated annual consumption rate of coal reaches 500 million tons for utility use and 800 million tons for all demands, the nation will still have sufficient reserves to supply coal for hundreds of years. The nation's insatiable demand for electricity will require the wisest utilization of all our energy resources in the years ahead, and it will make mandatory that our ingenuity is equal to producing, delivering and consuming the phenomenal reserves of coal in the national interest, and in competition with nuclear as well as any other source of power.

Coal today presents a moving competitive target for nuclear and other fuels. The industry-wide campaign to achieve increased efficiency in the mining and transportation of coal is continuing unabated. This means that the benefits of improved coal technology which have accrued to the consumers of electric power will be extended and expanded in the years ahead.

These goals will be reached in a climate of sharp competition, particularly between coal and nuclear power. Although no large nuclear plants have yet been completed and operated, and the Atomic Energy Commission has refused to certify that nuclear plants are yet proven to the point of being determined to have "practical value," under the law, a number of utilities are building or planning to build them. Already under construction are six large nuclear plants with combined capacity of 2.6 million kilowatts, and several others are in the planning stage.

Coal Production in 1965 Hits Peak of 510 Million Tons

The bituminous coal industry in 1965 produced 510 million tons. This was 23 million tons more than in 1964, and the biggest year since 1951. Production early in 1966 pointed to another increase, perhaps topping the 1951 output of 534 million tons.

All signs indicated coal production will increase in the years ahead. Electric utilities are burning more and more coal each year, and coal's other major markets are soaring with the population and its standard of living.

Coal bucks strong competition in the energy market, but enormous investments to improve mining efficiency are paying off.

Mine productivity is now at a record high. The average American bituminous coal miner turned out 16.84 tons per work-day in 1964, over a ton more per day than in 1963. This is about three times the miner's 1944 output, and about twice that of 1953

Costs of coal at the mines are down, despite increases in costs of materials and wages, and the heavy investments required to maintain the industry's competitive position. In 1964, the average value per ton of coal at the mine was $4.45, a drop of 12.4 percent since 1957.

More than two-thirds of America's coal is mined underground, where once the pick-and-shovel worker tunneled his way. These tools have been replaced by complex and costly machines.

This was demonstrated during the filming of the industry's award winning motion picture, "The Invisible Power of Coal." For a better camera angle, the director wanted to move a pile of coal near the working face of a mine. Filming came to a halt for nearly an hour. It took that long to find a shovel the nearest one was above ground.

About 60 per cent of coal mined underground is produced by what miners call the conventional method—a smooth-working five-step procedure. Mobile cutters, built like giant chain saws, carve a slot under the working face. Boring machines drill deep holes into the face for chemical blasting agents or cylinders of compressed air which blast the coal loose. The loading machines then move up, voraciously gathering coal with crab-like arms, sweeping it into conveyor belts which carry it back to waiting shuttle cars to start its trip out of the mine. The coal moves out of the mine by conveyor belt or by rail.

In other mines, huge continuous mining machines, controlled by one man, tear the coal from the seam with spinning steel teeth. At rates as high as 12 tons per minute, these machines rip out the coal, scoop it onto their own conveyors, and drop it into shuttle cars, mobile conveyors, or on the floor for subsequent handling.

Whatever method is used, the machines move ahead with precision, carving out tunnels carefully planned by mine superintendents and engineers. A mine map looks much like a city map, with tunnels and roof-supporting pillars of coal resembling streets and blocks.

The pillars help support the mine roof until they are no longer needed and the coal in them can be removed. For further roof support, roof belts have largely replaced traditional wooden props. As the mining machines move forward through the seam, holes are drilled into the roof. Long expansion bolts are inserted and tightened in the holes to bind the overlying strata and secure the roof. Science is also developing electronic gear for locating hidden rock faults.

Another mining technique, imported from Europe, provides its own protection from roof fall. The long-wall mining machine employs a plow or whirling planer which is pulled back and forth across a working face several hundred feet long. The loosened coal is dropped onto a conveyor. Self-advancing hydraulic jacks support the roof and follow the machine as it slices into the coal on a wide front.

At surface mines, the coal industry's newest tools have become truly gigantic. Where coal lies close to the surface, it is more economical to remove the dirt and rock, take out the coal, and then reclaim the land. For this job a whole family of mammoth power shovels, draglines and wheel excavators have been developed.

Surface—or strip—mining shovels are the largest mobile land machines. Each new generation dwarfs its forerunners—it is able to dig deeper and move more earth at lower cost. The biggest machines today are unbelievably huge—18.5 million pounds, towering 220 feet from the coal seams where they work, gobbling 180 cubic yards of earth every 50 seconds and depositing it a city block away. They use enough electricity to power a city of 15,000. Even though such a machine is operated by one man, it cost $10 million or more. The operator rides five stories up to his control room in an elevator that runs through the center pivot. The shovel draws its electric power from an extension cord five inches in diameter.

Shovels work on the floor of the pit; giant draglines sit on the bank above it and remove the overburdened from above low-lying coal seams, taking as much as 120 cubic yards of earth per bite. In some mines, excavating wheels chew up 3,500 cubic yards of earth per hour and dump it on a conveyor belt which drops it two city blocks away.

Once the coal is exposed in surface mines, smaller power shovels scoop it up and load it into huge off-highway trucks for the trip to nearby preparation plants or to shipping points. Even here, the equipment gets larger, almost by the day. Two years ago, a 100-ton truck was considered large. Now a new prototype with power units fore and after carries 240 tons—two or three railroad carloads.

Supplementing underground and surface mining methods is auger mining, a procedure useful in hilly areas where coal seams continue under rising land too thick for economical surface mining. The auger miner twists huge drills likes the carpenter's bits into a hillside coal seam, drawing out the coal to a conveyor which loads it into trucks. Section by section, the drills bore 200 feet into the hillside, Auger mining machines yield high outputs per man-day, and contribute substantially to the industry's ability to recover coal which otherwise could not be mined economically.

The so-called "Pushbutton Miner" sends a remote-control mining machine as much as 800 feet into the side of a hill to take out coal, feeding it to a string of powered conveyor carts which follows the boring device into the hole. The operator, in his air-conditioned cab outside, guides the borer electronically; radar-like signals tell him whether the cutters are straying away from the coal seam and into surrounding rock.

By any method—underground, surface, auger—almost all coal is now mined and handled by machine. Machines of all sorts carry it, crush it, clean it. Efficient modern devices load and unload coal-carrying railroad trucks, barges and ships.

Before being shipped to the consumer, most coal is sized, sorted and cleaned Nearly two-thirds of the coal is cleaned by wet or dry processes, to remove such impurities as rock and pyrite (iron sulfide). In the wet process, coal is floated in water thickened with magnetite or similar materials; the heavier waste material sinks. Air currents replace water in the dry process, and the end result is the same—coal tailored to the customer's order. As it is loaded, the coal may be sprayed with oil, clacium chloride or other agents to keep down the dust or prevent freezing.

Mechanization of coal mining has been carried out at enormous cost to the industry, but the substantial investment is returning dividends to coal producers, miners and consumers. Mining efficiency has increased and coal prices have been stabilized and even cut while costs of other goods and services were rising. Hazards have been reduced or eliminated; the mines are safer than ever. Mine operators are paying higher wages than ever, too.

Coal is a cornerstone of the American economy in time of peace. In war, the industry has demonstrated its ability to meet added demands for fuel without disrupting service to its normal markets.

Factories can be placed on standby in peacetime, ready to be reopened to meet the needs of expanded defense production. Not so with coal mines for shutdown mines fill with water, machines rust, roofs collapse. Skilled workers move on to other jobs. It is prohibitively costly—in time of national emergency condition.

Coal production can be stepped up substantially—promptly—in time of national emergency. The increased production, however, can come only from mines that are open, equipped, manned and operating. It is vital to the national defense and its economic health that the coal industry maintain a broad production base which can be expanded when needed.

AMERICAN ECONOMY HEAVILY DEPENDENT ON COAL AS MAINSTAY OF FUEL ENERGY

Nothing is more characteristic of 20th Century civilization than the rapidly multiplying use of energy. Modern living demands far more energy per capita than our fathers used, and there are more of us to use it. Total consumption of energy in the United States more than doubled from 1941 to 1965. The cause was not only a growing population but a rising standard of living, including a galaxy of new gadgets that require energy to make and operate.

To meet the rising demand for energy now and in the years ahead, the American economy is relying more and more on a fuel that has been one of its mainstays for more than two centuries: bituminous coal.

Most of the energy we consume come from mineral fuels, and for decades coal was king. As late as 1943, coal produced more than half the energy in the United States. But then changes came—steam locomotives gave way to diesels, and with them vanished one of coal's principal markets. New techniques of laying welded pipeline brought natural gas to nearly every state, and gas took over much of the home heating market and displaced coal in many industrial plants. Imported residual fuel oil sliced into coal's traditional industrial markets on the Atlantic Coast.

By 1961, coal's share of the total energy market had been cut in half. But then coal apparently hit bottom. It has rebounded strongly. In 1965, bituminous coal production climbed to 510 million tons, the highest total since 1951, and accounted for 26.6 percent of U.S. energy output. Natural gas contributed 35.4 percent, petroleum 33 percent, anthracite 0.8 percent, electricity from water power 4.1 percent, and atomic power only 0.1 percent.

These percentages are deceptive, however, for coal does not compete with oil and gas in all energy markets—yet. Vast quantities of oil are converted to gasoline and lubricants, where coal is not presently competitive. However, there is a $10 million research project underway to make gasoline from coal at competitive prices, and the process looks promising. Similarly, considerable amounts of natural gas are consumed in carbon black, which is used in many items from auto tires to floor tile; a comparable product has been made only experimentally from coal. A research program also is underway to convert coal to gas that would be comparable to natural gas; this could have a substantial bearing on coal's part of the total energy market.

In the markets where coal now competes with other forms of energy, bituminous coal produced 32.1 percent of the nation's energy in 1965, compared with 38.5 per cent natural gas, 21.1 per cent for petroleum, 1.7 per cent for natural gas liquid, 1 per cent for atomic power.

By either standard—its share of the total energy market or its share of competitive uses—coal is coming back strongly from its 1961 low, and experts believe it will win a greater share of the market in years ahead.

This confidence is based primarily on the continued growth of the electric utility industry, which now takes almost half the coal industry's output and is expanding rapidly. Not only are the utilities the biggest market for coal, but they rely on coal as the source of energy for 53 per cent of their output. Excluding the minor share of power produced by hydroelectric plants and atomic plants, coal is the fuel used to generate two-thirds of the nation's electricity.

The utilities' dependence on coal is expected to continue and even to increase despite the glamor of atomic power and the competition of other conventional fuels.

The electric utilities rely on coal for many reasons, among them economy and abundant, dependable supply. From the standpoint of abundance, the U.S. Geological Survey estimates coal constitutes 68 per cent of all U.S. conventional fuel reserves. Coal is also economical—since 1962 coal has been the lowest-cost fuel, on a national average, consumed by the utilities. In 1964 the utilities paid an average of 24.6 cents for each million British thermal units (Btu) of heat produced from coal: or equivalent heat from natural gas they paid 25.3 cents, and from oil, 32.6 cents.

Coal has so many attractive features that utilities are turning to it in areas where they have traditionally used little or none. Coal from the Midwest, barged down the Mississippi and across the Gulf of Mexico, now is used to generate power on the west coast of Florida. Long-distance transmission lines will soon carry coal's energy to Los Angeles from mammoth generating plants in the Four Corners area of New Mexico and from southern Nevada.

Atomic energy will undoubtedly become a more serious competitor of coal as a source of electric power. Several electric companies have nuclear power stations under construction which they say will produce power competitive with coal-fired plants. However, one of these plants yet has the operating experience to prove this claim, and all have had the advantage of various forms of government subsidy.

Some experts, including even some officials of the Atomic Energy Commission, fear the proliferation of light-water atomic plants is endangering the nation's atomic birthright in that the lightwater reactors now being installed are using the limited store of low-cost uranium. Until research develops so-called fast breeder reactors, which would convert uranium to new fissionable material and thus conserve the supply of uranium, the operation of multiple atomic plants of the present type cut into the nation's low-cost reserves.

Despite the advance of atomic power, most of the new generating plants announced or under construction by electric utilities will be fired by coal. A survey by the National Coal Policy Conference, Inc., early in 1966 showed more than 75 power plants, burning more than 110 million tons of coal annually, are expected to be built by 1971. Looking further into the future, the Federal Power Commission in its National Power Survey forecast that electric utilities in 1980 would require 500 million tons of coal—they used 243 million in 1965—and that the total 1980 coal market would be 800 million tons.

Coal's hold on the electric utility market has been bolstered by new cost-cutting techniques of moving coal to power plants, or moving the power to market.

Increased efficiency in mining has lowered the cost of coal at mine mouth, and many enormous new power plants burn it right there. They send its energy—coal by wire—to markets often hundreds of miles away through extra-high voltage transmission lines.

Other plants use the new railroading technique of unit trains. These are strings of 100 or more high capacity coal cars, loaded at the mine in a few hours and shuttled directly to big consumers where they are dumped with equal speed and returned for another load. Such efficiency has enabled some railroads to cut coal freight rates by one-third to one-half. One large coal company reported that 80 percent of its 1965 sales to electric utilities moved by unit train.

Improvements in barge transportation—including bigger barges, more powerful towboats and improved inland waterways—are also lowering the delivered cost of coal—not only to the Florida market mentioned earlier. but as many places along the Ohio River and other river arteries.

Truck delivery of coal, particularly within a relatively short radius of the mine, is also cutting costs.

There is another proven way to move coal—by pipeline. Finely-ground coal mixed with water can be pumped to a power plant and burned as a liquid, or dried and pulverized. A 108-mile pipeline operated for five years in Ohio until rail rate reductions caused it to be retired.

The steel industry is the second-ranking consumer of coal. Most of it is premium-quality metallurgical coal which is baked in airtight ovens to make coke for use in blast furnaces which reduce iron ore to pig iron.

Volatile materials given off by white-hot coal in the coking process are captured and used as chemical feed stock for thousands of products. To the layman, coal chemicals are one of the most glamorous aspects of the industry, but they are byproducts. Little or no coal is sold to make chemicals. It is sold to make coke—and in the process it yields the raw material for paint, aspirin, plastics and thousands of other consumer items.

More than 94.6 million tons of coal were converted to coke in 1965, mostly to make steel. (Some coke is used by the chemical industry for other purposes.) The steel industry consumed another 7.6 million tons of coal for process heat and steam. Although new methods and increasing efficiency have reduced the amount of coal required to make a ton of steel, the increasing output of the steel industry is expected to hold it in No. 2 place among coal users. Many of the larger steel companies operate their own "captive" coal mines, but the industry buys large amounts of coal from commercial producers.

Other industries use millions of tons of coal for steam and process heat. The cement industry burned 8.8 million tons of coal in its kilns in 1965; other industries used 83.6 million tons. General industrial use of coal declined for several years under competitive pressure from other fuels, but the industrial market has turned upward and is expected to show modest increases in years ahead.

Coal also heats thousands of homes, apartments and public buildings. Much of this market has been lost to oil and gas, but the decline is slowing. Meanwhile, millions of home owners and building managers who got rid of coal in their basements are buying it again in the form of electric heating, which is mostly generated by coal.

The coal industry has bright prospects in the nation's ravenous appetite for energy, but it also has problems. Cut-rate competition form natural gas and imported residual fuel oil have hurt coal in prime industrial markets. Nuclear power presents a challenge that must be reckoned with in the years ahead. Operators of strip mines, who produce about one-third of the nation's coal are under severe pressure to meet reclamation standards that are considered by many observers to be so strict as to be unrealistic.

Although coal is sometimes tagged as being a major contributor to air pollution, this generally is not the case. Highly efficient equipment is now available to capture nearly all of the soot and ash from coal combustion power plants. The coal and electric utility industries jointly are spending millions of dollars to find ways to eliminate any potential danger from sulfur oxides.

Meanwhile, the coal industry is aggressively searching for new uses for its product. Prospects appear good that economically competitive gasoline and high-Btu gas can and will be processed from coal before many years have passed.

Three-Quarters of a Billion Dollars Will Be U.S. Strip Mining Benefits

Well over three-quarters of a billion dollars will be immediate and direct benefit of strip mining of coal to the public of the United States in 1966.

First, the industry will spend considerably more than half a billion for wages, salaries, equipment, operating supplies and taxes in the production of some 175,000,000 tons of bituminous coal and anthracite from the small total of some 20,000 acres of land.

Second, the people of the Nation will be the recipients of direct savings of over one-quarter billion, representing what the extra cost of the coal would have been had it been produced by other methods. In total, the direct benefit to the economy is nearly $40,000 per acre of land affected.

These are direct contributions. Other hundreds of millions flow out of moving the coal to destination and making it available for use. And in other directions, strip mining promotes the conservation of a major natural resource by recovering coal that otherwise would be lost—at the same time conserving human values because of the inherent safety advantages of this method of coal production.

But strip coal mining affects land—among other things changing its appearance. It also can affect water if not properly done, as is occasionally the situation. A popular impression is that the land is rendered forever useless, and that water always is unfavorably affected, this in spite of the facts of the situation which include;

Strip mined land can be and is being reclaimed and improved—frequently to a state of higher use value than originally.

Strip mining operations can and are being conducted to protect and improve—water supplies. Reclaimed and improved mined lands produce food and wood and food products, and provide sites for housing and other facilities, including schools, churches, factories and air strips and ports. The list of new uses for mined land increases daily.

Mined lands are particularly suited to the creation of wild life and game-development areas, and, of growing importance, highly useful outdoor recreational facilities, presently in greater and greater demand.

"The Total-Benefit Industry," thus in truth becomes the second name of strip mining.

Continuous Coal Research Promises Bright Future

Bituminous coal is going places—including some marketplaces where it has never been before—and research is mapping the route.

Coal is still America's solid fuel buy, but research has given it a new flair—the ability to change its shape to suit fashion demands.

You take coal for granted when you flip your electric light switch. You will probably be the same casual coal consumer in the future when you heat and cook with gas produced from coal—and run your car on gasoline extracted from coal.

Coal research promises you other services at home and on the road. The waste flow from your house may end in a sewage treatment plant filled with coal—your white sidewall tires may be strengthened by carbon black derived from coal—and it is a good bet that the brick-and-cinderblock walls of your home and the highways you travel will eventually contain a coal byproduct—fly ash.

Coal is the primary fuel for electric power, of course. But the great flow of coal-derived power from conventional steam-electric generating plants may be augmented soon by wattage from new electricity generating systems—the simple coal-based fuel cell and such tongue-twisters as magnetohydrodynamics and electrogasdynamics. Because of higher efficiency in the conversion of coal heat into electricity, the cost of electricity from coal will be lower.

Current coal research is versatile enough to aim at radically new uses for coal at the same time it promotes better coal use by such traditional big consumers as power generation, steelmaking and industrial processing. Even basic coal industry operations that reached high efficiency years ago are making fresh advances by way of computerized mining and refinements in coal preparation aimed at minimizing air pollution.

The importance of coal to the nation's progress has stimulated research and development on a wide front in industry and government. Focal point of the coal industry's research is Bituminous Coal Research, Inc., an NCA affiliate with a modern laboratory complex at Monroeville, Pa. Individual coal companies also seek coal improvements in the laboratory and field, as do industries with a stake in coal-electric utilities, utilization and mining equipment manufacturers, steelmakers and railroads. Government agencies sponsoring research to assure full use of coal as a natural resource include the U.S. Office of Coal Research, which lets contracts to industrial, university and research groups on a range of coal and coal-product investigations; the U.S. Bureau of Mines, which carries out its own scientific and technical projects: the U.S. Geological Survey; the U.S. Public Health Service; the Tennessee Valley Authority; state geological surveys; and coal-producing states such as Pennsylvania, West Virginia and Alabama.

A cross-section of the broad coverage of research activities shows up at the laboratories of Bituminous Coal Research, Inc. BCR's program spans coal technology from production to use, linking the fact-finding of basic research to development work on exciting new applications for coal.

Under a contract with the Office of Coal Research, BCR has a key role in a program aimed at opening a vast potential market for coal through gasification. The project involves work on process equipment to produce from coal a pipeline-quality gas that can compete in price with natural gas, the proved reserves of which indicate that it is a diminishing natural resource.

BCR is working on its own concept of a two-stage superpressure entrained gasifier.

The gasifier—or coal reactor—contains two stages of gasification in one vessel. In one part of the vessel, the pulverized coal is reacted with steam to produce methane, the principal ingredient of natural gas. The coal that does not react completely—char—is recycled to another part of the vessel and reacted with oxygen to produce heat and additional gas. An advantage of the process is the high yield of methane, which reduces the need for relatively costly oxygen.

Another area of research by BCR is the control of air pollutants resulting from coal combustion. Strict air pollution control regulations pose a threat to coal by severely limiting both the permissible sulfur oxides from coal-fired plant stacks. In an effort to find a solution to the sulfur problem, the coal and electric utility industries jointly are sponsoring an accelerated program of air pollution control research. The coal industry's part of this effort is channeled through BCR. Major elements in the program include:

A stepped-up study by BCR of how sulfur occurs in coals, with analytical help from the shary-eyed microscope techniques of coal petrography. This will advance the promising process BCR has developed for mechanically separating sulfur-bearing pyrites from pulverized coals at electric power plants.

Laboratory study and plant test of the use of additives such as dolomites and other limestones to reduce sulfur oxide emissions from coal burning.

Designing and evaluating a 500-pound-per-hour test furnace for pulverized coal that will enable researchers to check out air pollution control methods under conditions approximating actual power plant experience.

Basic exploratory research on new approaches to the control of sulfur oxides, including careful scrutiny of the work of other scientists throughout the world.

BCR has already developed a laboratory-scale process—known as catalytic gasphase oxidation—to remove sulfur oxides from coal-combustion gases. In the process sulful trioxide is converted to sulfur trioxide and thence to sulfuric acid. Thus, a contaminant is removed from waste gases and turned into a salable product. A process using the same principle has been tested by an Eastern electric utility company and a prototype of commercial-scale equipment is due to be installed at a generating station in Pennsylvania. Also nearing experimental installation is a different process for desulfurizing stack gases, developed by a leading manufacturer of fuel-burning equipment.

Research on other pollutants is also under way.

BCR has done spadework studies under a grant from the U.S. Public Health Service on a newly recognized family of air contaminants—polycyclic aromatic hydrocarbons (PAH). A team of BCR researchers has made laboratory and field studies of the nature and amount of PAH emitted from coal-burning electric utility plants to define the need and approaches to control.

And as a part of the joint coal-utility industry attack on air pollution, BCR is supporting research to determine the concentrations at which pollutants in air become a hazard to people and property. The coal and electric utility industries program includes long-term study by Hazleton Laboratories, Inc., of the physiological effects of various pollutants.

BCR is also attacking another coal-related pollution problem—the contamination of streams by acid waters draining from coal mines. A project for the Pennsylvania Coal Research Board is aimed at removing acid salts from mine drainage. A more effective and lower cost neutralizing agent is being sought.

Acid mine drainage control is an important research goal for many governmental, industry and university research agencies. Pennsylvania's Coal Research Board has taken a mobile treatment plant to a number of acid-drainage sites to test on-the-spot cures and has investigated flash distillation of the acid waters and disposal of them into deep wells. The U.S. Bureau of Mines is conducting laboratory and field studies. A mine safety equipment company is looking into bacterial action to reduce water acidity; many individual coal companies are installing treatment and disposal facilities at their operations.

In addition to the gasification contract with BCR, the Office of Coal Research is providing a substantial stimulant for other coal research projects it is sponsoring with leading research organizations. Major emphasis is placed on the conversion of coal to gaseous and liquid fuels.

In the gasification area, BCR's other contracts include:

Consolidation Coal Co. is designing a pilot plant to develop the C02 Acceptor Process in which hot, calcined dolomite (a form of limestone) and steam react with lignite in a fluidized bed and produce gas. The spent dolomite is calcined to remove C02 and then reused. The M. W. Kellogg Co. is reacting coal and steam in a molten salt bath that acts as heat carrier and catalyst. In one compartment of the moving melt, gas is produced at elevated pressure; in the other compartment the required heat is generated by burning the coal residue with air. The Institute of Gas Technology, with support from OCR and the American Gas Association, is working on the hydrogasification process in which hydrogen is added to coal to produce gas rich in methane. In all these processes the product gas required purification and methanation to attain pipeline quality.

The U.S. Bureau of Mines is also probing the potential of coal gasification. It is operating a prototype reactor for untreated, highly caking bituminous coal, and at the same time looking for a low-cost method of breaking down its caking properties to allow an increased through-put of coal in a gasifier.

In the field of coal liquefaction, Consolidation Coal Co. has a contract with the Office of Coal Research looking toward the production of high-octane gasoline from coal. The project is now in the pilot-plant stage. The plant being built at Cresap, W. Va., will process 20 to 25 tons of coal daily to produce 50 to 70 barrels of distillated liquids. Cost of gasoline production has been pushed down by project advance to 10.5 to 13 cents per gallon—competitive with gasoline from petroleum in most coal-producing areas of the United States. OCR has allied contract-research projects in the overall coal-conservation field. It has extended work on Project COED by the FMC Corp., which obtained yields of oil, gases (both fuel and hydrogen) and char for fuel use from bituminous coals. The Atlantic Refining Co. has provided bench-scale proof that its Project Seacoke can extract from coal an oil refinery feedstock for the production of gasoline and other liquid fuels. Hydrocarbon Research, Inc., is applying an advanced petroleum-industry technology to convert various coals to liquid products ranging from heavy fuel oils to high-octane gasoline. Iowa State University is working on the electro-processing of coal to produce organic chemicals for the production of plastics and a new supply of hydrogen that will bring an economic spurt to coal-to-gasoline processes.

The Office of Coal Research is considering pilot-plant development of a major contract project that aims at economical production of coal low in both ash and sulfur. Spencer Chemical Co.'s "coal solvation" process indicated a lively market for de-ashed coal as a power plant fuel where atmospheric contamination is a problem—and a bonus use in gas turbines that demand a nonabrasive flow and in the making of carbon electrodes.

Research also is bringing the coal industry new direct product uses. Two potentially big applications lie in sewage treatment and water desalting—both in combination with the pervasive demand for power production. Rand Development Corp. has topped off its experimental work with plant demonstrations of the low-cost efficiency of coal as an absorbent, settling and filtering agent for treatment of domestic sewage and industrial wastes. The coal treatment works as well as the turnover coal in the treatment bed can be used to generate incineration heat or steam for power.

The desalting of water requires substantial heat energy—and in many locations coal is the lowest cost fuel available. OCR has put the M. W. Kellogg Co. to work on an engineering study of the feasibility of linking water desalting and power generating plants in a coal-based complex that could also supply byproduct chemical and fertilizer.

West Virginia University's Coal Research Bureau is building a pilot plant at Morgantown to produce high-quality structural building materials using up to 97 per cent fly ash and bottom ash, formerly a waste from coal burning. The ash is a beneficial, low-cost ingredient in bricks, concrete blocks and paving mixes. Big power stations that burn pulverized coal are turning increasingly to the commercial sale of fly ash—and converting a disposal debit into a byproduct credit.

Meanwhile the U.S. Bureau of Mines found that, in reacting coal with ammonia to make hydrogen cyanide (a staple of the chemical industry), carbon black was almost identical to the commercial product, thermal black, which is used to boost the quality of a host of consumer items including tire sidewalls and floor tile.

Westinghouse Electric Corp. has demonstrated a coal-energized fuel cell that a blue-ribbon panel of scientists honored as one of the "most significant new technical products" of 1965. The simple, compact battery-type unit doubles the efficiency of conventional generators, eliminates cooling-water requirements of normal plants also proved the feasibility of magnetohydrodynamic (MHD) generation using coal as fuel. In the MHD system, a hot ionized and electrically conductive gas is passed through a magnetic field to produce electric current. MHD could improve generating efficiency and at the same time produce nitrogen for fertilizer use. The Office of Coal Research also has a contract dealing with electrogasdynamics—a direct energy conversion system developed by Gourdine Systems, Inc., which turns the heat in gases (that could be produced from coal burning) to high-voltage electricity without use of steam generators, turbines or large amounts of cooling water.

[From the Logan (W. Va.) Banner,
July 30, 1966]

POTENTIAL OF FLY ASH MAY BECOME AN ASSET

Until recently, fly ash—which looks like gray powdered talc and is produced in coal combustion—presented an air pollution menace to the coal-burning electric utilities. The companies themselves found ways of collecting this coal by-product through the use of mechanical and electronic devices.

That solved the pollution problem, but created another business expense: Disposal of the fly ash trapped by the collectors. It usually costs from 50 cents to two dollars a ton to get rid of waste fly ash, and the electric utilities in the U.S. are now producing about 20 million tons a year. Not only are some utilities having difficulty in finding a place to dispose of fly ash, but more and more of it is being produced each year.

It's estimated that by 1980 the utilities will have 50 million tons of this waste product to dispose of each year. How successful the utilities are in getting rid of this tremendous amount of ash might well determine how competitive the coal industry will be when competing with the nuclear industry. So says Gerard C. Gambs, assistant to Consol's vice president-chemicals. Although his statement points up the seriousness of the situation, it doesn't mean that he isn't hopeful the industry will meet the challenge. He sees a potential silver lining in the production of this huge volume of fly ash. He thinks it's possible to turn this liability into an asset.

In a paper he read in New York before the Society of Mining Engineers of the American Institute of Mining, Metallurgical and Petroleum Engineers, Mr. Gambs said:

"Coal companies have a chance to turn power plant ash into a hidden opportunity. They can obtain better concrete at a lower price by using one of their own by-products. This in turn will reduce the cost of fuel burned by the utilities, the best customer of the coal industry. The sale of these ashes by the utilities would reduce the cost of burning coal by as much as 1 to 2 cents per million BTU.

"Coal companies can lead the way in this program by starting to specify the use of fly ash concrete, fly ash concrete blocks and similar concrete materials which can use fly ash."

It's been known for a long time that fly ash when used to replace a portion of the cement in a concrete mix will produce stronger, better and more durable concrete. Certainly the Bureau of Reclamation and the U.S. Corps of Engineers are aware of this. For years, they have built dams and other structures with fly ash as a partial replacement for cement.

Consol currently is using fly ash concrete in at least a dozen construction jobs—including mine shafts, foundations and silos. Fly ash from power plants in New Jersey, Pennsylvania, Illinois and Missouri is being used in these products.

"Prior to these construction jobs," Mr. Gambs said, "none of the companies involved had ever used fly ash concrete before. We hopefully expect that since they have been made aware of its many advantages, including its lower cost, that they will continue to use fly ash concrete for all of their concrete work. Thus, the chain reaction could bring about an almost infinite use of fly ash concrete, far greater than the use generated by one individual coal company.

"Fly ash can usually be delivered to the ready mix plants or concrete block plants at a delivered price of about $5 per ton, compared with a delivered price for cement of $20 a ton. Since the fly ash is substituted for cement on a pound for pound basis, it is obvious why fly ash concrete can usually be sold for about $1 per cubic yard less than regular concrete."

Mr. Gambs says that the amount of fly ash used in mixes varies from about 20 per cent by weight or absolute volume of the original cement in the mix to as much as 50 per cent. The higher proportions work well in mass concrete or leaner mixes, where it is important to reduce the hear of hydration.

Truax-Traer Coal Company, division of Consol, is utilizing fly ash concrete in its construction in southern Illinois. Fly ash from the Meramec Station of Union Electric Company, St. Louis was used in the mix. Five sacks of cement plus 100 pounds of fly ash, were used instead of the usual six-sack mix for the concrete. McDowell-Wellman of Cleveland, Ohio, and Roberts and Schaffer of Chicago are the contractors.

Tests conducted by the Pittsburg Testing Laboratory show that after 24 hours fly ash concrete has a higher compressive strength than regular portland cement. Test also pointed up the fact that fly ash concrete continues to grow in strength over the years, a quality that regular concrete lacks.

Fly ash concrete used in Truax-Traer construction projects was mixed by the Chester Concrete Company, which has plants at Sparta, Chester and Red Bud, Ill. This company uses fly ash in more than half a dozen mixes and finds the fly ash good to work with. It's smoother, stronger and cheaper.

Although Consol is pioneering in efforts to find major markets for fly ash it is not alone in this respect. Other companies are trying to find ways to dispose of this waste product profitably.

For example, Con Edison's Astoria, N.Y. generating station is converting fly ash into a lightweight material for use as an aggregate in concrete and concrete products. This plant is producing pellets ranging from three-eights to three-quarters of an inch in diameter at the rate of 1,000 tons a day. Its product compares favorably in price and is lighter in weight than ordinary crushed stone or gravel. The material has been approved by the Board of Standards and Appeals for building construction in New York City.

The chief advantage of this fly ash aggregate in concrete products is its lighter weight. It gives concrete the same strength as that made with ordinary aggregate but weighs approximately a third less per cubic foot. This makes possible the construction of floor slabs, foundation and column sections of much lighter weight and reduces the amount of reinforcing and structural steel.

A process known as sintering is used at the Astoria plant to produce the fly ash aggregate. Wetted-down fly ash is rotated in bowls 18 feet in diameter to form pellets. They then are baked at 1,300 degrees Fahrenheit on a traveling grate. The pellets are smooth and hard. Commercial operation of the sintering plant represents a major breakthrough after a 25-year program of research aimed at solving a major problem. Disposal of the approximately 150,000 tons of fly ash collected each year at Astoria station alone has cost about $250,000 annually.

The National Coal Association announced earlier in the year that the use of coal by southern California electric companies will open the way for utilization of fly ash in that area's building industry. Vice President Robert E. Lee Hall said that the fly ash will be used in the construction of houses and other buildings, highways and bridges.

It will have the added advantage of keeping costs down, Mr. Hall said, because fly ash can be delivered there for about one-quarter of the price of cement. The Santa Fe Railway is already using fly ash to stabilize its roadbed, he pointed out. In addition, Mr. Hall said, the material has been used to reinforce concrete in construction of several dams in the Rocky Mountain area.

He predicted that the introduction of fly ash to California will begin as soon as the Southern California Edison Company plant in Nevada's Clark county comes into operation. Other use of the material will increase with the completion of a steam-fired generating plant in southern Utah and another in the Four Corners area of New Mexico. Both will produce electricity for the Los Angeles area.

[From the Logan (W. Va.) Banner,
July 30, 1966]

FRANCE ORDERS BIG 83,000-TON SUPERCOLLIER

The French government's coal importing agency, Association Technique de l'Importation Charbonniere (ATIC) has ordered an 83,000-ton supercollier, largest in the world, to be used principally for hauling coal from the United States at lower cost. Construction of this and other large ships has led the United States government to begin dredging the requisite channels at Newport News and Norfolk, Va., to a depth of 45 feet.

One of the prime uses of the 83,000-ton supercollier will be to carry steam coal from the United States to electric generating stations in France. ATIC has said France must import as much as 5 million tons of steam coal annually until at least 1975.

France's coal output increased substantially in 1964, but most of the increase represented a recovery from the 1963 miners' strike which lost 5 million tons of production. Coal accounted for 68 per cent of France's solid fuel imports in 1964, with most of it coming from ECSC countries—75 per cent of the ECSC shipments came from West Germany and the rest equally from Belgium and the Netherlands. Of French total imports, 42.4 per cent came from West Germany and 15 percent from the United States.

NETHERLANDS LOOK TO U.S. FOR COAL

The United States supplanted West Germany in 1964 as the largest supplier of coal to the Netherlands, accounting for 35.5 per cent of the import market compared with 33.4 per cent in 1963. Part of the coal imported into the Netherlands is transshipped to other European countries, hence it is not possible to determine how much U.S. coal is actually consumed in the Dutch market. Britain is the third largest supplier of coal to the Netherlands.

Dutch coal exports remained fairly stable from 1960 through 1964, with France the major and steadiest customer.

The overall energy economy of the Netherlands is changing because of the increasing availability of natural gas from newly-discovered Dutch fields and the expanding use of oil.

[From the Logan (W. Va.) Banner, July 30, 1966]

COAL RESERVE HAS UNLIMITED FUEL SUPPLY

One of the two National Coal Association films now being shown around the nation is called "Energy Unlimited"—and for good reason.

So vast are the unmined reserves of coal in the United States that if all other energy sources disappeared, bituminous coal alone could provide the nation with economical and dependable fuel for generations.

Some of our other familiar sources of energy are not so well fixed. Reserves of petroleum and natural gas, for example, are more limited than once believed, at least in terms of present-day costs of discovery, development and production. Nearly all suitable sites for new hydroelectric power facilities in the United States have been developed.

Atomic power, too, may be inhibited in its growth by limitations on reserves. The federal government is currently trying to stimulate exploration for new supplies. The known reserves of low-cost uranium in the United States, if used in the type of reactor now being constructed, would produce electricity equivalent to that produced by about two billion tons of coal—only a minute part of the total energy requirements. New deposits may well be more costly to develop, and the effect on the future economics of atomic power could be significant.

It falls to the coal industry, therefore, to assure the nation and the world of a long-term supply of dependable and economical energy. The industry can provide such an assurance, United States with an enormous supply of coal. All conventional forms of energy we know and use today—electricity, gas, oil, gasoline, residual oil and diesel fuel—can be produced from coal.

In the more than two centuries since coal was first mined commercially near Richmond, Va., the vast storehouse of energy in U.S. coal deposits has barely been tapped. Over this span of time, production and consumption have taken about 32 billion tons—less than 4 per cent—of the nation's known recoverable reserves of coal.

Still underground in 34 of our 50 states, the U.S. Geological Survey reported in 1960, are an estimated 1,660 billion tons, or about 30 per cent of the world's known reserves. By the usual rule that half of the coal in place can be recovered, this gives the nation about 830 billion tons of recoverable coal. At the most recent annual rate of production, this is enough to last more than 1,500 years.

The Department of the Interior believes that the U.S. has a lot more coal, and in a 1963 report estimated total reserves at more than 4 trillion—4,000 billion—tons, more than twice the amount estimated by the Geological Survey three years earlier. At the current production rate, this would be enough to last the nation well beyond the 40th century.

A large part of U.S. reserves are located near utility and industrial markets. Standard means of transportation are easily accessible to move larger quantities of coal quickly and economically to major consumers. Increasing use of extra-high-voltage transmission lines now permits coal's energy to be shipped by wire from large mine-mouth generating plants to distant electric utility load centers. The technical and economic feasibility of transporting coal by pipeline in slurry form—finely ground coal mixed with water—already has been established in commercial practice . . . coal slurry pipelines can be employed when needed in the future to supplement other transportation means.

The Geological Survey's 1960 report compares fossil fuel reserves on the basis of heat content alone, expressed in British thermal units (Btu). Using this standard, coal constitutes about 68 per cent of the nation's recoverable fuel reserves. Petroleum and natural gas together contain about 16 per cent of the available heat, while the remaining 16 per cent is in shale oil, not currently used as a fuel.

The disparity in reserves, heavily weighted by nature in coal's favor, is underscored by the fact that petroleum and natural gas are being recovered and consumed at a rate more than twice that of coal.

Department of the Interior reports indicate that coal deposits lie beneath some 350,000 square miles of land, approximately one-ninth of the total area of the United States. Coal is mined today in 26 of the 34 states in which it is found; the large reserves in the West are gaining importance as a source of low-cost electric power for the booming California market.

It has been estimated that about one quarter of the 830 billion tons of recoverable coal can be mined with present methods at near present cost. This coal—some 200 billion tons of it—is enough for about 400 years at current production rates. Another 30 per cent, nearly 500 years supply, is capable of being mined at costs 25 to 30 per cent over today's production costs. The rest could be mined at costs ranging from 150 to 400 per cent above those of today.

[From the Logan (W. Va.) Banner,
July 30, 1966]

U.S. MINER UNMATCHED IN PRODUCTION

Nobody in the world digs as much coal as the average American miner. In 1965 he produced 16.85 tons every day he worked—more than three times the average daily output per man in 1939.

In no other nation can the average coal miner approach this impressive record. In fact, no European country has yet approached the U. S. 1939 average level of 5.25 tons per manday; the nearest, West Germany, was 2.88 tons in 1964.

Caught between rising wage rates and low-priced competitive fuels, the U.S. coal industry after World War II had to mechanize in a hurry to survive, it has taken both courage and money—$250,000 for a modern continuous mining machine, $13 million or more for a gargantuan stripping shovel—but such investments have kept coal competitive with other fuels.

Fewer men are employed in the mines, but labor costs have remained high. American bituminous coal miners are among the world's highest paid industrial workers. Earnings in 1965 averaged $140.23 per week. A new wage contract in 1966 gave top-rated union miners a minimum of $30 a day.

And contributions keep flowing from coal operators to the miners' welfare and retirement fund in the form of 40 cents royalty per ton of coal mined. This fund, largest of its kind in any industry, has an unexpended balance in cash and other assets, after annual expenditures, exceeding $140 million. Fund expenditures in 1965 were more than $118 million for pensions, hospital and medical care and other benefits.

Better mining operations cost money, and so do improvements in mine safety. The industry places great emphasis on safety, and underscores it by spending millions of dollars annually to make coal mines safer places in which to work. Over the years the bituminous coal industry has made greater progress in improving safety conditions than any other major American industry.

Greater knowledge and understanding of hazardous conditions—developed through research—is the basis of new mining techniques and equipment designed to eliminate dangers. Accident prevention programs, stressed in the training of miners and supervisors, help the coal industry's improving safety record. When accidents do happen, prompt and effective aid is vital.

Mr. **PROXMIRE**. Mr. President, I suggest the absence of a quorum.

The **PRESIDING OFFICER**. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. **PROXMIRE**. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The **PRESIDING OFFICER**. Without objection, it is so ordered.

CONCLUSION OF MORNING BUSINESS

The **PRESIDING OFFICER**. Is there further morning business? If not, morning business is concluded.

THE UNIFORMED SERVICES SAVINGS DEPOSIT PROGRAM

Mr. **PROXMIRE**. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of the unfinished business.

The **PRESIDING OFFICER**. The bill will be stated by title.

The LEGISLATIVE CLERK. A bill (H.R. 14875) to amend section 1035 of title 10, United States Code, and other laws, to authorize members of the uniformed services who are on duty outside the United States or its possessions to deposit their savings with the uniformed service, and for other purposes.

The **PRESIDING OFFICER**. Is there objection to the present consideration of the bill?

There being no objection, the Senate proceeded to consider the bill, which had been reported from the Committee on Armed Services, with an amendment on page 2, line 8, after the word "the", to strike out "President" and insert "President, not to exceed 10 per centum a year,".

Mr. **PROXMIRE**. Mr. President, I suggest the absence of a quorum.

The **PRESIDING OFFICER**. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. **PROXMIRE**. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The **PRESIDING OFFICER**. Without objection, it is so ordered.

SUPPRESSION OF ACADEMIC FREEDOM IN ARGENTINA

Mr. **JAVITS**. Mr. President, I want to protest the actions of the Argentine Government in the suppression of academic freedom in its universities and what now seems to be confirmed reports of beatings administered to students and professors, including one American from MIT in Massachusetts who was visiting and teaching there.

Normally, this would be allegedly none of our affair, although it certainly seems to be a very serious invasion of human rights in Argentina which is a member of the United Nations and a subscriber to its charter as well as to the Charter of the Organization of American States. Resolution 26 approved at the Second Special Inter-American Conference last November, it seems to me, makes this matter a subject for inter-American concern.

In view of events in Argentina last Friday I trust the conferees on the foreign aid bill will see the urgent need for retaining my amendment to cut off U.S. economic and military aid to Latin American governments which came into power extra-constitutionally.

According to news reports, the rector and 8 of the 10 deans of the University of Buenos Aires and the rectors and most of the deans of the national universities of La Plata, Cordoba, and Del Literol resigned following the decree issued last Friday by the military government taking control over 8 national universities. The decree ordered all rectors and deans of faculties to pledge their loyalty to the regime within 48 hours.

According to the same news reports, several hours after the issuance of this decree more than a hundred teachers and students were severely beaten by policemen at the University of Buenos Aires. Among those who were severely beaten was Prof. Warren Ambrose, of MIT, who is a visiting professor at the university. I checked with the State Department this morning and I am informed that the news reports on this incident are substantially correct.

It is a well-known fact that there is strong leftwing, including Communist, sentiment in the universities of Latin America and among many of Latin America's intellectuals. It is also well known that police clubs and violence will not stop this but will only tend to justify leftwing attitudes and increase leftwing elements. The answer to such sentiments is rapid progress toward the removal of the basic causes of discontent—poverty, slow economic growth, social injustice—not violence.

One of the most sacred Latin American traditions is the autonomy granted to universities. The fact that the military government is ready to undo such basic traditions of Latin America is hardly evidence that that government will be ready for early return to free elections, and constitutional government. The military government has already outlawed all political parties, closed the country's only magazine of political satire, seized foreign publications, and cracked down on credit union cooperatives.

I hope that the President will make it unequivocally clear as to what took place and the grave view which the United States takes of this incident. I am pleased to note that the Assistant Secretary of State, Lincoln Gordon, called in today the Chargé d'Affaires of Argentina to express U.S. concern over last Friday's developments and to give him an opportunity to provide the full facts as to what happened. The U.S. Chargé d'Affaires in Buenos Aires has also been instructed to call on the Argentine Foreign Office to express our concern and to ask the Foreign Office for the facts on what took place. I have little doubt that many if not all countries of the Americas will condemn these latest acts of the Argentine military regime.

It seems to me that the United States should not jump so quickly to recognize one of these governments. Although I am well aware of the juridical basis for it, the world puts a totally different and unfavorable implication on it, including many Latin American countries.

I hope very much that the administration will recognize the responsibility which our recognition has posed—a responsibility to see to it that this action is not permitted to go by without a stern and sharp protest from the United States.

I take no satisfaction in the fact that this happened so soon after concern was voiced here through amendments—including my own—but I think it is indicative of what we are up against as a result of hasty recognition of military juntas whose antecedents and expectations we know nothing about.

Thus, Mr. President, I hope that three things will be done:

One, that we will make it unequivocally clear to the Argentine Government how much we regret this kind of conduct in Latin America, how damaging it is to the cause of freedom which this military government's head, at least in words, stated he would strive to serve, and how inconsistent it is; that there be an early return to civilian government, with free elections and human and civil rights, as called for by Resolution 26 of the Rio Conference of November 1965.

Second, I hope that we will promptly consult with the other countries of the Americas as to what needs to be done, in order to give assurance to the people of Argentina, who are part of the inter-American system that their liberties will not be taken away in this fashion.

Third, I hope the conferees will now look with favor upon my amendment which was adopted in the Senate, after considerable debate and a record vote on an amendment to make it stronger than I had made it, but which was finally adopted in a pretty reasonable and modest form.

I hope the President of the United States will give serious attention to cutting off or continuing to cut off economic and military aid to this regime so long as it persists in these practices and does not give assurance of free elections, return to civilian government, and application of human and civil rights.

Mr. President, I ask unanimous consent to have printed in the RECORD at this point an editorial from this morning's New York Times, entitled "Terror in Argentina," an article from today's New York Times, and an article from Sunday's Washington Post on last Friday's events, and I also ask unanimous consent that the text of the amendment approved by the Senate on July 21 and July 27 be printed in the RECORD at this point.

There being no objection, the editorials, articles, and amendment were ordered to be printed in the RECORD, as follows:

[From the New York Times, Aug. 1, 1966]

TERROR IN ARGENTINA

The brutal attack by Argentine police, some of them shouting anti-Semitic and anti-Communist curses, on defenseless university students and professors last weekend inevitably reminds the world of the similar tactics used by Hitler's storm troopers in the 1930's. This flagrant exhibition of police terror gives the lie—if any were needed—to the bland assertion that Argentina's new military rulers have ordered the takeover of the national universities in order to "improve the level of scholarly life." The best elements of Argentine academic life will undoubtedly follow the examples of the rector of the University of Buenos Aires and his colleagues, who have resigned in protest.

This latest outrage fits directly into the bleak pattern of right-wing dictatorial rule that has emerged in Argentina since the coup that ousted President Illia's elected government. The outlawing of all political parties, the closing of the country's only satirical political magazine, the seizure of foreign publications, the crackdown on the credit union cooperatives and the emergence of fascist-minded extremists in important positions all preceded the takeover of the universities and the beatings administered to students and professors.

There can be no question that some of Argentina's most reactionary groups now hold the reins of power in Buenos Aires. Against the background of the old Peronist dictatorship, what has already happened must rouse the gravest fears about the future of free speech, free press and all other free Argentine institutions. So far the new military rulers have shown far more capacity for repression than they have for creative and constructive contributions toward the solution of Argentina's pressing economic, political and social problems. Their incompetence in this area may yet produce their downfall, and it is presumably fear of this outcome that explains their speedy resort to terror against potential dissidents.

RESIGNATIONS SPREAD IN ARGENTINE COLLEGE SEIZURES

(By H. J. Maidenberg)

BUENOS AIRES, July 31.—*Eight of the 10 deans of the University of Buenos Aires* have *resigned* following the military regime's decree taking over the eight national universities.

The two other deans, of the Colleges of Law and Medicine, said today they were studying the *decree* which *ordered all rectors and deans of faculties to pledge their loyalty to the regime within 48 hours or resign.*

The resignation of the rector of the University of Buenos Aires, Hilario Fernandez Long, was made known yesterday. The university here has 75,000 full-time students and is one of the largest in the world.

The rectors of the national universities of La Plata, Cordoba and Del Litoral and most of their deans also resigned. Those of Mendoza and Corrientes indicated that they would remain in office. Reports from Tucuman and Bahia Blanca said the decree was being studied.

It is expected that the military regime will fill the resigned posts with members of the Catholic universities at Santa Fe, Cordoba and the two here. The four Roman Catholic universities in the country were not affected by the decree.

The national universities traditionally have operated autonomously. Their buildings had been off-limits to the police and other government forces.

Late Friday night, a few hours after the new military regime of Lieut. Gen. Juan Carlos Ongania had ordered the seizure of the universities, more than a hundred teachers and students were severely beaten by policemen who entered various University of Buenos Aires schools and classrooms in the capital.

[According to the police, the students and professors had barricaded themselves in the science buildings after the announcement of the Government decree, Reuters reported.]

Horacio Pando, former dean of the faculty of Architecture and City Planning here, told editors of La Prensa:

"About 10 P.M. Friday, the police broke into night classes at our college, shouting obscenities, and began clubbing teachers and students, male and female, many of whom did not know about the decree."

Antonio Pires, former dean of the faculty of Agriculture and Animal Husbandry, declared, "We will never recognize the military intervention in our schools or in our lives."

Prof. Warren Ambrose, who has taught mathematics at the Massachusetts Institute of Technology for 19 years and recently ended a semester at the University of Buenos Aires, was among those beaten.

"The police entered firing tear gas and ordered everyone to face the wall with our hands up," he said "There were about 300 students and 12 teachers attending the night session in the building. As we stood, blinded by the tear gas, against the walls of the classrooms, the police then began hitting us."

Professor Ambrose, 51, a native of Virden, Ill., continued:

"Then, one by one, we were taken out and forced to run between rows of police spaced about 10 feet apart. That is when I got seven or eight wallops and a broken finger. No one resisted. We were all terrified, what with the curses and gas.

"Prof. Carlos Varavsky, director of the new radio observatory in La Plata, received a fractured skull then. The eminent geologist Felix Gonzalez Bonorino, who is about 70, had his head bloodied.

"Those of us on our feet after running the gauntlet were herded into trucks and taken to a police station. They did nothing to us there except ask for papers. I was released at 3 A.M., but few of the others taken with me were freed at that time. At no time was any explanation given us for the police beatings, which is incomprehensible to me."

As word-of-mouth reports circulated yesterday—cautious morning newspapers had merely reported "some disturbances"—President Ongania's press office issued a statement that said:

"We have not closed the national universities. The Government only desires to improve the level of scholarly life by removing certain extremist elements. We all deplore certain events that occurred at various colleges of the national university here Friday night."

The statement added that the national universities were being placed under the control of the Minister of Education. The post has yet to be filled.

Extreme right-wing elements in the new administration have been pressing President Ongania to take control of the schools to prevent their becoming centers of opposition.

Moreover, these groups have been publicly attacking the University of Buenos Aires Press, the largest in the Spanish-speaking world, as the "center of liberal atheistic Communist conspiracy."

[From the Washington Post, July 31, 1966]

ARGENTINE CRACKDOWN HITS SCHOOLS: MIT LECTURER BEATEN BY POLICE IN COLLEGE TAKEOVER

(By Robert Cox)

BUENOS AIRES, July 30.—A Massachusetts Institute of Technology professor was beaten up by Argentine police last night as the month-old military government cracked down on the state universities.

Warren Ambrose, visiting lecturer at the Buenos Aires University faculty of sciences, had been invited to attend a meeting of the faculty board called to discuss a law issued by President Juan Carlos Ongania that placed stated universities under government control.

The law ends the universities' traditional autonomy and had long been expected. What was not expected was the brutality that followed a virtual ultimatum to the rector of the university and the deans of its faculties.

GIVEN 48 HOURS

The ultimatum gave university authorities 48 hours to accept government control through the Ministry of Education or resign. To a man, the authorities of Buenos Aires University resigned, protesting the violation of academic freedom.

Government action against the universities coincided with a law expropriating the funds and premises of the Argentine political parties, which Ongania disbanded after he took over. The law will liquidate the party assets and use them as "national patrimony."

These two steps appeared to observers to mark the first distinct move toward a totalitarian state system. They followed the confiscation of 24 publications deemed "Communist" or "pornographic" in a "morality campaign" launched by Ongania's brother-in-law, Capt. Enrique Green, now commander of the Buenos Aires municipal police, Green said, that "pornography is the seedbed of communism" and set the government on the path of militant Catholicism.

Ambrose, a mathematics professor and an innocent in the world of Argentine politics, was a chance witness and victim of police action which followed the decision of the university authorities to reject Ongania's crackdown.

He said today, "First I heard the sound of bombs. Later I discovered they were tear-gas bombs. The students had locked doors in token defense of the faculty. The police broke down the doors and made us all stand with our hands up and our faces to the walls.

"I saw one professor beaten brutally when he tried to leave.

"Then we were made to run the gantlet between two lines of soldiers about 10 feet apart. They hit us with clubs rifle butts. I was hit about seven times. I managed to avoid some of the blows but I saw a girl beaten severely without provocation. I saw someone else kicked savagely.

"All the time the police were screaming at us. They seemed to have been worked up into hysterical hate. I was really scared. I was held in the police station for about three hours and finally released at four in the morning."

Eight university professors were taken into custody by police. They were all released, but over 150 students are still being held in police headquarters. There were incidents of violence at other faculties and in other national universities, but the largely apolitical science students bore the brunt of police repression.

A government communique today blamed the incidents on activists. Police Chief Mario Fonseca, who directed last night's operation by combat-clad riot police, said that the universities would now be able to operate normally. The "good students" will be able to attend classes as usual, he added.

Press reports said that 20 policemen and 100 students had been injured, but it was impossible to obtain a true picture of the seriousness of the violence.

The severity of the action taken against universities is a reflection of extremist right-wing elements in the government who have long decried Communist infiltration, particularly among the 70,000 students of Buenos Aires University.

A university professor described the police action as the most brutal he has ever seen and said that it was far worse than when then dictator Juan Peron took over the universities in 1945.

The brutality, the ultra-right religious bent shown by Green, and other signs of growing authoritarianism are disturbing many Argentines. Yet there is still no sign of the expected crackdown on the Peronist-dominated labor unions.

Francis Kent of the Los Angeles Times reported earlier on Green's "morality campaign":

Prostitutes have been rounded up by the hundreds, hotels known to admit couples with neither luggage nor marriage documents have been raided, magazines filled with pictures of the female form have disappeared. Even public petting has been outlawed.

Green's campaign has elicited harsh criticism from the press, particularly his suppression of newspapers and periodicals.

Besides the girly magazines, the ban covers such purely political organs as El Retorno, a weekly published by the followers of former dictator Juan Peron, and Marcha, a leftist-oriented weekly printed in neighboring Uruguay.

The humorous weekly, Tia Vicenta, was put on the blacklist following the appearance of a cartoon depicting the heavily mustached Ongania as a walrus.

AMENDMENT

Intended to be proposed by Mr. JAVITS to S. 3584, a bill to amend further the Foreign Assistance Act of 1961, as amended, and for other purposes.

On page 20, between lines 3 and 4, insert a new subsection as follows:

"(g) Section 620, which relates to prohibitions against furnishing assistance, is amended by adding at the end thereof the following new subsection:

"'(p) No assistance shall be furnished under this Act to any member state of the Organization of American States the government of which came into power by the unconstitutional overthrow of a freely elected, constitutional, democratic government which had been acting in accordance with its constitutional mandate, if, in consultation with the members of the Organization of American States, in accordance with applicable resolutions and agreements of the Organization of American States, the President finds that such government does not intend to take appropriate steps, within a reasonable time, for the restoration of constitutional government, the holding of free elecions, and the application of human and civil rights and liberties, until (1) the President is satisfied that such government intends to take such appropriate steps or (2) the President has determined that the furnishing of such assistance is essential to the national interest of the United States, and reports such determination and his reasons therefor to the Senate Committee on Foreign Relations and to the Speaker of the House within 30 days accordingly.'"

THE UNIFORMED SERVICES SAVINGS DEPOSIT PROGRAM

The Senate resumed the consideration of the bill (H.R. 14875) to amend section 1035 of title 10, United States Code, and other laws, to authorize members of the uniformed services who are on duty outside the United States or its possessions to deposit their savings with the uniformed service, and for other purposes.

Mr. SYMINGTON. Mr. President, the bill before the Senate, H.R. 14875, is intended to provide an attractive savings program for members of the uniformed services stationed outside the United States and to reduce the amount by which Department of Defense activities contribute to an adverse balance-of-payments position for the United States.

Under authority first enacted in 1872, enlisted members of the armed services may deposit savings with designated officers of their armed forces and receive interest at the rate of 4 percent per annum.

Today 4 percent is not a very attractive rate of interest.

Participation in this program has declined because of higher interest rates paid by competing savings programs and because of restrictions on the privilege of withdrawal.

Mr. President, this bill replaces the existing deposit program with a new system available to officers and enlisted members of all the uniformed services stationed outside the United States or its possessions.

The interest rates payable on deposits would be determined by the President, but the rate could not exceed 10 percent a year. The committee was informed that the initial rate is likely to be between 6 and 10 percent a year, compounded quarterly. As referred to the committee, the bill contained no maximum on the interest rate that could be prescribed. The committee amendment establishes a maximum rate of 10 percent a year.

A member may not deposit more than his unallotted current pay and allowances, including reenlistment bonuses.

I think this point is important. The maximum balance on which interest may be paid is $10,000. Interest on the deposits would end 90 days after a member's return to the United States or its possessions.

Ordinarily payments of deposits and interest on deposits would not be made while the member is on duty outside the United States or its possessions. The bill contains authority, however, for the Secretaries concerned to prescribe joint regulations permitting repayment of deposits and interest under hardship conditions. The committee believes these regulations should be sufficiently flexible to cover hardships and unexpected financial obligations, but the committee suggests that the Secretaries consider the desirability of prescribing a rate of interest lower than the maximum on deposits that are withdrawn while the member is outside the United States.

The savings deposit program now in effect for persons stationed in the United States would be gradually ended. The bill authorizes a continuation of an interest rate of 4 percent on these deposits until the member's current enlistment terminates, or earlier, as prescribed in joint regulations by the Secretaries concerned.

For a member who is on permanent duty overseas on the date of enactment of the new program, or who reports for duty on or after that date, amounts already on deposit will begin earning interest at the new rate on and after the date of enactment except that amounts in excess of unallotted pay that were deposited between May 4, 1966, and the date of enactment will continue to earn interest at the old rate. This limitation is included to discourage borrowing to make deposits in anticipation of the new higher rate of interest during the period between introduction and enactment of the bill.

To the extent that a more attractive and competitive savings program will cause members of our uniformed services stationed overseas to save instead of to spend, the balance-of-payments deficit of the United States will be reduced.

Mr. CARLSON. Mr. President, will the Senator yield?

Mr. SYMINGTON. I am glad to yield to my friend from Kansas.

Mr. CARLSON. The Senator from Missouri has just stated that ordinarily payments of deposits and interest on deposits will not be made while the member is on duty outside the United States or its possessions.

Does that mean no interest will be accruing or payable to the veteran while he is serving overseas?

Mr. SYMINGTON. The interest accrues, but normally, the serviceman would not be able to withdraw his deposits.

Mr. CARLSON. In other words, he would not be able to use the money until he returned to the States?

Mr. SYMINGTON. As the able Senator will note, I mentioned that the bill provides authority for exceptions in hardship cases.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. SYMINGTON. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. YOUNG of Ohio. Mr. President, the pending bill was considered by the Committee on Armed Services, of which I am a member. In my opinion, the bill, in the form that it came to us from the House of Representatives, was a bad bill. It was an unfair proposal. That was my minority view.

The committee has provided one amendment which improves the bill somewhat. However, I still take a dim view of the entire proposal.

In the form that the bill came to our committee, there was no limit on the interest rate that could be paid on these savings. It is noteworthy also, Mr. President, that the present law applies to enlisted men in the Armed Forces only. It does not apply to officers, as does the pending legislative proposal.

The only testimony before the committee in support of the bill was offered by Assistant Secretary of Defense for Manpower Thomas D. Morris. In making his statement, he deleted some of the remarks from his prepared statement, and it was not absolutely apparent to me, from his oral testimony, whether the bill would apply to officers of our Armed Forces as well as to enlisted men.

I asked him the question before the committee, and he admitted that it was intended to apply to officers as well as enlisted men. One reason why I asked him that question was that in his testimony, he adverted to the fact that General Westmoreland and other high Army officers overseas were enthusiastically in favor of the proposal in the form that it came from the House of Representatives.

He was asked by the distinguished junior Senator from Nevada [Mr. CANNON] whether a limit of 10 percent should be placed upon the interest rate. Bear in mind, Mr. President, the bill provides that whatever interest rate is fixed shall be compounded quarterly. Mr. Morris was not enthusiastic on the subject, but he admitted that officials of the Department of Defense could live with such a provision.

I am happy that the committee has amended the bill to provide that limitation, but I wish to call attention to some further aspects of the proposal of which I take a very dim view.

It is said that the proposal is to provide an attractive savings program for our troops overseas, to replace what Secretary Morris called "the present outmoded soldiers', sailors', and airmen's savings deposit program."

I should like to see the bill amended to make its provisions applicable to enlisted men in our Armed Forces serving overseas only, and not to officers. Congress has been extremely liberal to the officers and men in our Armed Forces. Within the past year, on two occasions, we have increased their pay and allowances; and it is my view that, if anything, we have been more liberal with the officers than with the enlisted men.

I can speak from some personal knowledge on this subject. Years ago, in a time of war, I served as a private in our Armed Forces. Then, in World War II, I served for 37 months as an officer. I can report to anyone concerned that it is much easier and preferable in every respect to serve as an officer than to serve as an enlisted man.

I say that by the enactment of the pending measure, Congress would be abrogating another of its diminishing number of rights and privileges. I have called attention, on the floor of the Senate from time to time, to other occasions when we Senators have abrogated some of our rights and some of our privileges. Among the rights that still remain to us is to fix the compensation of the officers and men of our Armed Forces. But here we would abrogate that right, to the extent that this bill provides for the fixing of interest rates by the Chief Executive as Commander in Chief.

It was stated before the Committee on Armed Services that it was expected that the rate of interest the President would fix would be 7 percent. The bill came to us without any limitation, but it was stated that it was expected the President would fix the rate at that figure.

Compounded quarterly, that would be a pretty good rate of interest. Also, under the bill as amended the President can raise the interest rate to 10 percent, compounded quarterly, without the approval of the Congress.

Here is a very substantial fringe benefit that will accrue principally, in my humble opinion, to the officers rather than to the enlisted men.

It is a matter of regret also, Mr. President, that this matter comes before the Senate at this time. The testimony on the bill was heard by the committee on July 28. During the hearings, after the Assistant Secretary of Defense for Manpower, Mr. Morris, had stated that the average deposit of the enlisted man in the Armed Forces amounted to $200, he was asked whether there were any who had as much as $10,000 on deposit. As I recall it, he said he thought there were, but he could not say how many, but that he would furnish the information to the committee. In that connection, I asked him to please send me a copy of the letter, so that I would have the information.

Unfortunately, I have not received a copy of any letter from him as yet, and I do not believe he has written to the committee, because that was on July 28, and this matter is coming up too soon to afford him an opportunity to do so.

Mr. LAUSCHE. Mr. President, will the Senator yield for an inquiry?

Mr. YOUNG of Ohio. I am happy to yield.

Mr. LAUSCHE. The report says that:

> Under authority first enacted in 1872 enlisted members of the Armed Forces may deposit savings with designated officers of their armed force and receive interest at the rate of 4 percent a year on amounts deposited for 6 months or more.

Who is the banker in this matter? Is the Government the banker?

Mr. YOUNG of Ohio. It is my understanding that the U.S. Treasury is the banker.

Mr. LAUSCHE. Is the present law limited to enlisted men only?

Mr. YOUNG of Ohio. It is limited to enlisted men and noncommissioned officers. The provisions of the law do not provide for officers in our Armed Forces, and I feel that is proper. I regret that this bill includes officers.

Mr. LAUSCHE. The pending bill would eliminate the limitation of the provision to enlisted men and noncommissioned officers and include officers?

Mr. YOUNG of Ohio. The Senator is correct.

Mr. LAUSCHE. The present law places a limit of 4 percent on interest that may be paid, and the amount of interest is increased in the pending bill to not more than 10 percent.

Mr. YOUNG of Ohio. The Senator is correct. The bill as passed in the House of Representatives had no interest limitation. However, the junior Senator from Nevada [Mr. CANNON], who is present in the Chamber, opposed that, and the limitation was fixed at 10 percent. If that amount were to be fixed by the President, it would be compounded quarterly.

Mr. LAUSCHE. The specific rate, within the 10-percent limitation, is to be fixed by the President.

Mr. YOUNG of Ohio. That would be fixed by the President. I do not want to appear to be nit picking, and I do not think I am, but it seems to me that is just another abrogation of the power of Congress to fix the compensation of officers and men in our Armed Forces. This is real compensation. It would be a real fringe benefit to officers. There are very few, if any, GI's who could or would deposit as much as $10,000.

It would be entirely possible for an officer to have an overseas tour of duty for several years and be able to place $10,000 on deposit. That officer would receive whatever amount of interest would be fixed by the President, not to exceed 10 percent. The limitation in the pending bill is occasioned by the farsightedness of the junior Senator from Nevada. Ten percent interest, computed quarterly, is a very handsome rate of interest.

I am fearful that, in a conference with the House, the chairman of the House Committee on Armed Services may prevail. Perhaps the bill will then provide that the sky is the limit.

Much to my surprise, Assistant Secretary of Defense Morris said that the Defense Department could live with the 10-percent limitation. This would make a very attractive savings program indeed for our servicemen when the going rate of interest on savings for civilians is between 4½ and 5½ percent.

I am not impressed by the statement that it would probably affect the balance-of-payments deficit. It would make a real difference to our balance-of-payments problems if we were to eliminate many thousands of our Armed Forces overseas. There are 75,000 men and dependents in France alone. We ought to bring them all home. That would make a difference. In all of Western Europe we have 670,000 enlisted men and officers and their dependents.

Many of our high-ranking officers in Germany are living high on the hog. They are living better than they ever lived in the United States. Furthermore, it is a bad policy to have 400,000 members of our Armed Forces in Europe.

In the administration of President Truman, when there was a bitter cold war raging with the Soviet Union and there was a threat of aggression—which has now ceased to a marked degree—there was reason to have many members of our Armed Forces over there. However, many of our men are now living in West Germany like squaw men with their wives and children. The more children they have, the greater the allotments that they receive from good old Uncle Sam.

Let us be frank about it. In the event of a sudden emergency, a fine American sergeant in West Germany with a wife and eight children would give first thought in time of peril to the safety of his wife and little children. He would give secondary consideration to his duties as a soldier.

We now have a situation that has entirely changed. We have the power to airlift a division within 48 hours, combat ready, and land them overseas in the field.

I am left cold by any argument made by Assistant Secretary of Defense Morris, or anyone else, that we should pass the pending measures because it will help to end the chronic balance-of-payments problem.

It may be that Congress should provide additional interest on savings of our enlisted men overseas. We should perhaps increase the interest to 6 percent. We must bear in mind that this relates to the unallotted portion of the pay and allowances of our GI's overseas. The savings balance is admitted by Mr. Morris to average around $200 at the present time. He did not give us an exact figure. However, this provision would furnish a stupendous fringe benefit to officers.

What is to prevent an officer from his unalloted pay—and he receives a substantial pay—to pretty quickly accumulate $10,000? This money would be free from any possibility of being garnished by a creditor.

We hope and believe that very few officers in our Armed Forces are dishonest, but if an officer were somewhat dishonest, he could eventually place $10,000 in his account, and it would be free from seizure by any creditor.

The bill specifically provides that the money cannot be attached. It is a handsome fringe benefit. It is obvious to anyone who reads the bill and the committee report that the officers of our Armed Forces would be the chief beneficiaries of this provision.

We all agree that it would be well to keep down the amount that our GI's have to spend in Saigon and elsewhere overseas. Assistant Secretary Morris was asked specifically how much this proposal would cost the Treasury. He said that no estimate could be made, but that any cost would have to be met by appropriations. He also said that it is not contemplated that any savings that accrue on deposit in this program would be put to work to earn bread and butter, as we say, or earn interest. They would be paid into the Treasury of the United States.

Mr. COOPER. Mr. President, will the Senator yield?

Mr. YOUNG of Ohio. I yield.

Mr. COOPER. Do I understand correctly that the bill would not require the members of our Armed Forces to deposit the specific current pay that he would be receiving?

Mr. YOUNG of Ohio. The Senator is correct.

Mr. COOPER. He could deposit any amount——

Mr. YOUNG of Ohio. Any amount from $5 up.

Mr. COOPER. Which does not exceed the current pay.

Mr. YOUNG of Ohio. The Senator is correct.

Mr. COOPER. So that an officer could withdraw a savings account from a commercial bank and deposit it in the U.S. Treasury.

Mr. YOUNG of Ohio. It would seem to me that that could be done to the extent that deposits do not exceed current unalloted pay and and allowances. Furthermore, if the bill were enacted, interest on deposits would continue during the first 90 days after his return to the United States.

I hope I shall be pardoned for having a suspicion on this subject. Many years have elapsed since 1872, and this law has not been amended; and it seems to me that officers of our Armed Forces—probably the higher ranking officers—are really behind this legislation.

Mr. COOPER. I know that it would be difficult to speculate as to the volumes of savings this would induce or persuade, but is there any estimate of the volume of savings that might be affected by this bill?

Mr. YOUNG of Ohio. Assistant Secretary Morris stated that he could not estimate accurately, but it might be $25 million the first year.

Mr. COOPER. Then, the charge to the Government would be the difference between the rate fixed by the President and whatever the cost of the money would be?

Mr. YOUNG of Ohio. The Senator is correct.

Mr. COOPER. Is it not true that Federal Reserve Board regulations limit the interest commercial savings banks may pay now to 4 percent?

Mr. YOUNG of Ohio. I believe it is 4 percent now. It is expected that, if this bill is enacted, the rate for servicemen overseas will be fixed by our President at 7 percent, compounded quarterly. If that is done, it will more than double the present rate.

Mr. COOPER. Was there any estimate made about the favorable effect it would have upon the balance-of-payments deficit?

Mr. YOUNG of Ohio. No. Mr. Morris spent quite a bit of time talking about the effect the enactment of this legislation—with the sky-is-the-limit interest, as it came from the House—would have upon the balance-of-payments deficit. But he was very vague and made no estimate whatever.

Mr. COOPER. It would not have any great effect upon the balance-of-payments deficit, then?

Mr. YOUNG of Ohio. No.

Mr. COOPER. And it would cost the Federal Treasury approximately $2 million, if $25 million of deposits are received. It is really a kind of bonus, is it not?

Mr. YOUNG of Ohio. The Senator is correct. The expression now used by union officials and others is "fringe benefit," but it really is a bonus.

Instead of Congress providing the exact amount of that bonus, that increase in pay, it gives to the President of the United States, the Commander in Chief of our Armed Forces, the power to do so. The junior Senator from Ohio takes a dim view of that situation.

Officials of the Department of Defense say that they can live with 10 percent. Think of that. This is the testimony. They can live with 10 percent. A lot of us would be glad to live with 10 percent.

Mr. COOPER. If it is a kind of bonus or extra pay, it is not paid equally, then, to all members serving in our Armed Forces.

Mr. YOUNG of Ohio. Definitely, it is a bonus. It would give a preference to the man who is sent to West Germany, where he is safe, or the man sent to Japan, where he can enjoy himself in that beautiful country. Both would have a privilege that would not be available to the enlisted man or GI who is stationed any place in this country. The bill has that discriminatory feature.

As for balance of payments, it is impossible for anyone to take that argument seriously, and I need not dwell on that.

It is astonishing, but we have at this time in Western Europe approximately 400,000 men in our Armed Forces, along with their dependents. If Western Europe is regarded as a danger spot, if it is believed that there is any likelihood whatever of aggression from the Soviet Union, then dependents should not be permitted there, and the tour of duty there should be limited to 13 months, the same as it is in Korea at the present time and has been for years.

They talk about this bill helping reduce our balance-of-payments deficit. The balance-of-payments deficit could substantially be reduced if we were to withdraw two or three of our six divisions from West Germany, with all their dependents, along with 100,000 men from France and other countries in Western Europe. Think of what that would do. That would really reduce the balance-of-payments deficit. Furthermore, I believe that such action would evoke cheers from every Member of the Senate. We could withdraw without further delay the 75,000 men of our Armed Forces and their dependents in De Gaulle's France, and bring them home, or send the men where they are needed, in Vietnam or elsewhere. With friends like De Gaulle, this country does not need enemies.

If there is any truth in the claim that the armed forces of the Soviet Union presently menace Western Europe, then dependents, as I have said, should not accompany our servicemen over there. We have proved that we are able to airlift an entire division to Europe within 48 hours and have them in the field, fully equipped, ready for combat, and not encumbered by any dependents.

I feel that the administration is off base in urging the enactment of this bill.

Mr. President, when Stalin was the dictator in the Soviet Union, there was a bitter cold war and the constant threat of aggression. From that time until this hour the Soviet Union has veered considerably away from the aggressive communism of the Stalin era. The threat of nuclear aggression by the Soviet Union has greatly diminished. The Soviet Union has become a "have" nation. It is no longer a "have not" nation. The Soviet Union recently entered into a major deal with capitalists in Italy to secure thousands of automobiles for the nationals of the Soviet Union. The present rulers of the Soviet Union are no longer rattling their missiles.

What have West Germany, France, and England done for us in our hour of grief in Vietnam? They have done nothing whatever. We spent billions of dollars destroying Japan, and then we spent billions of dollars rebuilding Japan. Now, the Japanese are rioting against the United States. Although Japan has an armed force of 250,000 men, it has not sent a single soldier to help this Nation in Vietnam. West Germany, prospering as never before, has not sent a single soldier to help us in Vietnam.

We should not wet nurse the West Germans any longer. They should protect themselves if they need protection. The truth is that they do not need anything. Let us face it: having all of these men from our Armed Forces and their dependents in Western Europe is only another form of foreign aid. We are aiding those countries that are prospering as they never did before.

Let us not talk about the balance of payments now. Let us talk about the bonuses we are giving our officers. Let us be honest about it. At least, in the Armed Services Committee we have put some sense into the proposal by limiting the interest rate to 10 percent computed quarterly.

I shall not ask for a rollcall vote on final passage, but if there were a rollcall vote I would vote against the bill. I will probably shout "No" and be outvoted by others, but I believe that we should keep bills of this nature under close scrutiny. I believe this is an unnecessary legislative proposal. The real beneficiaries, the real recipients of the huge bonuses resulting from the measure will be the officers of our armed services.

(At this point, Mr. LAUSCHE assumed the chair as Presiding Officer.)

Mr. COOPER. Mr. President, I believe that the Senator from Ohio [Mr. YOUNG] is absolutely correct in his observation. I do not think that the bill accomplishes anything by way of solving balance-of-payment problems. I support always the adequate and fair payment of all our military forces, but in this case, I do not believe this additional payment would reach our military forces generally, but only a small percentage.

Mr. President, the bill before us today provides for a savings program for members of the armed services stationed outside of the United States. Under the terms of the bill as reported by the Armed Services Committee, a member of the Armed Forces serving abroad may deposit up to $10,000 at a U.S. military post and receive interest on such savings deposit at a rate to be established by the President, but in no case to exceed 10 percent compounded quarterly. The committee report recommends an initial interest rate of 7 percent. The chief purpose of this legislation, as stated by the Armed Services Committee in its report, is to reduce the present deficit in our balance of payments.

Under existing regulations promulgated by the Federal Reserve Board, commercial banks are limited in the interest rate they may charge on passbook savings accounts to 4 percent. By setting the interest rate at 7 percent, a rate that may go as high as 10 percent, the Congress will subsidize savings accounts of military personnel deposited—in effect with the U.S. Treasury—at military posts in the United States. Although the stated purpose of this bill—to encourage thrift among our military personnel overseas and to reduce our balance-of-payment deficits—is laudatory, I raise the question as to whether such a program will have any substantial effect on our balance-of-payments deficit. One effect of this legislation, I predict, will be that military personnel will withdraw their funds already on deposit in commercial savings banks located on or near military posts, as well as funds on deposit in commercial savings banks of their hometowns, and redeposit the funds with a military post so as to obtain the substantially higher interest rate.

I note also that the committee report fails to furnish an estimate as to the cost of this program to the Federal Government, and no committee appraisal has been made of the effect such a program would have on our commercial savings accounts.

I think it most unfortunate that the Federal Government should enter into competition with commercial savings banks located on or near military posts, which banks over the years have provided many services to our military personnel and have made longstanding efforts over the years to develop the good will of these people, and countless other banks which have served military personnel in communities throughout the country.

I emphasize that the report and the debate indicate: First, it will place an additional charge on the Federal Treasury represented by the difference between the cost of the money to the Treasury and the interest rate fixed by the President; second, it will have no effect upon the balance-of-payments deficit; and third, it is a kind of bonus which is not spread fairly and evenly among our military personnel.

I shall vote against the bill.

Mr. YOUNG of Ohio. Mr. President, it is very comforting and heartening to me to know that the distinguished Senator from Kentucky [Mr. COOPER] is in accord with my views on this legislative proposal.

Mr. MUSKIE. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. SYMINGTON. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

The question is on agreeing to the committee amendment.

The amendment was agreed to.

The PRESIDING OFFICER. The bill is open to further amendment. If there be no further amendment to be proposed, the question is on the engrossment of the amendment and third reading of the bill.

The bill (H.R. 14875) was ordered to a third reading, was read the third time, and passed.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Hackney, one of its reading clerks, announced that the House had passed, without amendment, the following bills of the Senate:

S. 2412. An act to terminate use restrictions on certain real property previously conveyed to the city of Kodiak, Alaska, by the United States;

S. 3249. An act to consent to the interstate compact defining the boundary between the States of Arizona and California; and

S. 3498. An act to facilitate the carrying out of the obligations of the United States under the Convention on the Settlement of Investment Disputed Between States and Nationals of Other States, signed on August 27, 1965, and for other purposes.

The message also announced that the House insisted upon its amendment to the bill (S. 3034) to authorize the Secretary of the Interior to engage in feasibility investigations of certain water resource development proposals, disagreed to by the Senate; agreed to the conference asked by the Senate on the disagreeing votes of the two Houses thereon, and that Mr. ASPINALL, Mr. ROGERS of Texas, Mr. O'BRIEN of New York, Mr. SAYLOR, and Mr. HOSMER were appointed managers on the part of the House at the conference.

The message further announced that the House disagreed to the amendment of the Senate to the bill (H.R. 15750) to amend further the Foreign Assistance Act of 1961, as amended, and for other purposes; agreed to the conference asked by the Senate on the disagreeing votes of the two Houses thereon, and that Mr. MORGAN, Mr. ZABLOCKI, Mrs. KELLY of New York, Mr. HAYS, Mr. ADAIR, Mr. MAILLIARD, and Mr. FRELINGHUYSEN were appointed managers on the part of the House at the conference.

Mr. SMATHERS. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

RECESS SUBJECT TO CALL OF THE CHAIR

Mr. MANSFIELD. Mr. President, it is my understanding that the Secretary of Labor is now being questioned by the last one or two Senators of the Committee on Labor and Public Welfare who have not yet done so.

It is my further understanding that the committee will shortly be going to lunch. Whether anything will be forthcoming from that committee this afternoon, I do not know. But in order that the Senate may be on notice and be prepared to stay in session until a reasonable hour, if need be, I ask unanimous consent that the Senate stand in recess subject to the call of the Chair.

The PRESIDING OFFICER. Without objection, it is so ordered.

(Thereupon, at 2 o'clock and 23 minutes p.m., the Senate took a recess subject to the call of the Chair.)

At 3 o'clock and 53 minutes p. m., the Senate reassembled, when called to order by the Presiding Officer (Mr. McCarthy in the chair).

AUTHORITY FOR COMMITTEES TO FILE REPORTS

Mr. MANSFIELD. Mr. President, I ask unanimous consent that, during the adjournment of the Senate, all committees be authorized to file reports, including minority or individual views.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADJOURNMENT

Mr. MANSFIELD. Mr. President, in view of the fact that the Committee on Labor and Public Welfare is going back into session at 4:15 p.m., and since it appears that a discussion in committee may be going on for some time, I think it is in the best interest of all that the Senate adjourn until 12 o'clock noon tomorrow, and I so move.

The motion was agreed to; and (at 3 o'clock and 54 minutes p. m.) the Senate adjourned until tomorrow, Tuesday, August 2, 1966, at 12 o'clock meridian.

NOMINATIONS

Executive nominations received by the Senate August 1, 1966:

Diplomatic Service

J. Robert Schaetzel, of Illinois, to be the Representative of the United States of America to the European Communities, with the rank and status of Ambassador Extraordinary and Plenipotentiary.

Office of Science and Technology

Ivan L. Bennett, Jr., of Maryland, to be Deputy Director of the Office of Science and Technology, vice Colin Munro MacLeod.

Atomic Energy Commission

Carl Walske, of New Mexico, to be Chairman of the Military Liaison Committee to the Atomic Energy Commission, vice William Jack Howard, resigned.

HOUSE OF REPRESENTATIVES

Monday, August 1, 1966

The House met at 12 o'clock noon.

Rev. Father Frederic P. Gehring, C.M., national chaplain, Catholic War Veterans, Washington, D.C., offered the following prayer:

Almighty God, who in the beginning did command the light to shine out of darkness, and did go before Your people in a pillar of fire, let Your word be a lamp to our feet and a light to our path. Illumine our minds and kindle our hearts, that we may see Your truth and run in the way of Your commandments. Before us lie grave problems that perplex the wisest of us: problems that concern the moral and social welfare of our Nation. Who are we, O Lord, that as of ourselves we should presume to know what to do or think? Hear us, O Lord, and send forth Your light and Your truth. Send them especially, we beseech You, into the hearts and minds of those who are appointed to be our leaders: those who legislate and rule and judge, so that by the help of their wise and just ministrations, You may redeem us to Yourself, and our children to walk in Your paths. Through Christ our Lord. Amen.

THE JOURNAL

The Journal of the proceedings of Friday, July 30, 1966, was read and approved.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Arrington, one of its clerks, announced that the Senate had passed without amendment bills of the House of the following titles:

H.R. 3013. An act to amend title 10, United States Code, to provide gold star lapel buttons for the next of kin of members of the Armed Forces who lost or lose their lives in war or as a result of cold war incidents;

H.R. 11980. An act to authorize the Secretary of the Army to donate two obsolete German weapons to the Federal Republic of Germany;

H.R. 12031. An act to authorize the appointment of Col. William W. Watkin, Jr., professor, of the United States Military Academy, in the grade of lieutenant colonel, Regular Army, and for other purposes; and

H.R. 13374. An act to amend title 10, United States Code, to authorize the award of trophies for the recognition of special accomplishments related to the Armed Forces, and for other purposes.

The message also announced that the Senate had passed, with amendments in which the concurrence of the House is requested, a bill of the House of the following title:

H.R. 4665. An act relating to the income tax treatment of exploration expenditures in the case of mining.

The message also announced that the Senate had passed bills of the following titles, in which the concurrence of the House is requested:

S. 2097. An act to provide effective procedures for the enforcement of the establishment and free exercise clauses of the first amendment to the Constitution; and

S. 3148. An act to provide for the conveyance of all right, title, and interest of the United States reserved or retained in certain lands heretofore conveyed to the city of El Paso, Texas.

The message also announced that the Vice President, pursuant to Public Law 689, 84th Congress, appointed the following Members on the part of the Senate to the North Atlantic Treaty Organization Parliamentary Conference, to be held in Paris, France, November 14 to 19, 1966: Mr. Sparkman, Mr. Pastore, Mr. Jackson, Mr. Cannon, Mr. Ribicoff, Mr. Hickenlooper, Mr. Mundt, Mr. Javits, Mr. Prouty, Mr. Bayh (alternate), and Mr. Kuchel (alternate).

AMENDING FURTHER THE FOREIGN ASSISTANCE ACT OF 1961

Mr. MORGAN. Mr. Speaker, I ask unanimous consent to take from the Speaker's desk the bill (H.R. 15750) to amend further the Foreign Assistance Act of 1961, as amended, and for other purposes, with a Senate amendment thereto, disagree to the Senate amendment and agree to the conference asked by the Senate.

The SPEAKER. Is there objection to the request of the gentleman from Pennsylvania?

Mr. GERALD R. FORD. Mr. Speaker, reserving the right to object, and I do not intend to object, which of the two bills on the other side of the Capitol are you going to conference on?

Mr. MORGAN. We are going to conference on the House bill.

Mr. GERALD R. FORD. You are going to conference on the House bill?

Mr. MORGAN. That is correct.

Mr. GERALD R. FORD. Are there two versions of this proposed legislation on the other side of the Capitol?

Mr. MORGAN. There are two versions on the other side of the Capitol but the only bill in conference will be the House bill.

Mr. GERALD R. FORD. Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER. Is there objection to the request of the gentleman from Pennsylvania? The Chair hears none, and appoints the following conferees: Messrs. Morgan and Zablocki, Mrs. Kelly, Messrs. Hays, Adair, Mailliard, and Frelinghuysen.

PERMISSION FOR COMMITTEE ON RULES TO FILE CERTAIN REPORTS

Mr. BOLLING. Mr. Speaker, I ask unanimous consent that the Committee on Rules may have until midnight tonight to file certain privileged reports.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

THE AIRLINE STRIKE

Mr. SIKES. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The SPEAKER. Is there objection to the request of the gentleman from Florida?

There was no objection.

Mr. SIKES. Mr. Speaker, the gauntlet has been flung in the face of the American people by the striking airlines workers. By rejecting the results of the agreement reached Friday night the machinists now imperil the national interest and action must be taken. Congress has moved with restraint hoping that the strike could be settled on reasonable terms. The President has intervened personally. Yet the workers have defied efforts at mediation and now have rejected an agreement reached by their negotiators which would have given them almost double the amount specified in the President's guidelines to hold back inflation. Now the Congress has no choice but to take action. All other legislation now pending should be set aside until this task is finished.

May I call attention to the fact that in an effort to produce results in the continuing airlines strike, the Florida delegation in Congress has introduced legislation to require arbitration and restore air service during the work of the Arbitration Board. In other words, the measure would restore the working conditions existing prior to the strike. It would continue them while the Arbitration Board is meeting and until it makes a decision. This proviso would end the strike or provide a legal basis for an injunction to end it. After that, the award is binding upon both the airlines and the workers for 2 years, during which time a strike over the same issue would not be possible.

The measure introduced by the Florida delegation is patterned on the law enacted in 1963 to settle the railroad dispute. It would not interfere with the future rights of airline labor and management to engage in free collective bargaining, since it is addressed to the present dispute only. The Arbitration Board would be directed to end the present strike, settle the dispute by a binding award, and then go out of existence.

RISING FOOD PRICES SHOULD BE INVESTIGATED

Mr. RYAN. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The SPEAKER. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. RYAN. Mr. Speaker, consumers throughout the Nation have recently been hit by a wave of food price increases. The prices of milk, bread, butter, and eggs have gone up sharply. In the New York area, America's greatest concentration of population, the increases have been deeply felt. Milk is 3 cents a quart higher than it was in June. The price of bread has just been increased by 2 cents, the second such increase within the past year. Butter has gone up 10 cents a pound in just the last month. Egg prices have increased 16 cents a dozen in just the last month.

Apparently these retail price increases are not wholly the result of farm price increases. Farmers are getting 1¼ cents per quart of milk more than they were getting in June, although the retail price is up well over twice that amount. Similarly, the farmer will get only seven-tenths of a cent more from a pound loaf of bread, although the retail price is up almost three times that amount.

Both the consumer and the farmer are being shortchanged by the present price increases. Among consumers the most severely affected are the poor who both consume more bread per person and can least afford the increase. At the same time price increases are not being passed on to farmers.

Mr. Speaker, there must be an immediate investigation into how the farm price increases are being translated into extreme retail price increases. I call on the House Agriculture Committee, with its subcommittees on dairy and wheat, to look into the situation. At the same time, I urge the Department of Agriculture to make a thorough study of the situation, with special attention to the middlemen of the food industries.

This is not an issue on which rural and urban constituencies should be opposed. Rather it is one on which they can agree and should unite. Both farmer and consumer are affected. It is to the advantage of both that the increases be quickly and fully investigated.

ABDUCTION OF A CHILD BY DIVORCED PARENTS

Mr. KREBS. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The SPEAKER. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

Mr. KREBS. Mr. Speaker, with the growing number of divorces each year there is an accompanying growth of child kidnap cases. These are the numerous but unpublicized cases of minor children kidnaped by divorced parents who have lost custody. The resultant grief and agony are frequently no less than that caused in kidnaping by persons other than parents.

As the law now exists, the Federal Bureau of Investigation does not consider itself empowered to enter such abduction cases unless specifically requested by local authorities. However, unless the victimized parent can obtain the persistent cooperation of sometimes reluctant local authorities, the abducted child can be transported across State lines and the whereabouts concealed from a lawful guardian. Approval of the bill I am introducing today would make such an act a clear Federal offense that would hopefully insure speedy FBI help to the victimized parties.

I recently attempted to aid the distraught mother of a 5-year-old child who was abducted by the divorced father who eluded detection for an entire year. After unsuccessful attempts to secure FBI help, this beleaguered mother had to undertake additional expense of hiring private detectives in an effort to locate her missing son.

The physical and mental anguish caused both kidnaped children and harassed parents should not be permitted sanctuary from the swift and efficient investigative agency of the Federal Government. Congress has rightfully displayed concern for kidnaped animals. It, I am sure, will do no less for a kidnaped child.

CIVIL RIGHTS—DOUBLE STANDARD

Mr. ABERNETHY. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The SPEAKER. Is there objection to the request of the gentleman from Mississippi?

There was no objection.

Mr. ABERNETHY. Mr. Speaker, as the liberal Democrats and Republicans continue to berate the South, and particularly my State of Mississippi, on the subject of civil rights, the news service continues to report racial unrest, violence, and killings in the upstate areas of the country.

We have had rioting and killings in Chicago, Cleveland, Brooklyn, and other cities in recent weeks, but not one word have we heard from the upcountry civil righters about such.

Last week there was unrest and rioting in Baltimore. This morning the wire services told us of more rioting, more beatings, and more bloodshed in Chicago. We are also told of an outbreak of racial unrest in Omaha, Nebr. Again I ask, as I have time and again of late, why are the Members who are always berating Mississippi, Alabama, Georgia, Louisiana, and other Deep South areas so quiet? Why do you not speak out?

Mr. Speaker, the Federal Bureau of Investigation in its report on last Wednesday said that my State of Mississippi had the best crime record of any State in the South and was the seventh best in the Nation. Being seventh is not the best, Mr. Speaker, but it is far better than that of States from whence our civil rights critics who serve in this body hail.

There are many of you who, every time an incident, large or small, happens down my way, catch a plane and go down to investigate and to impress your home constituents. It would be very interesting, Mr. Speaker, if these opportunist congressional travelers would insert in the CONGRESSIONAL RECORD the crime standings of their respective States as reported by the FBI. I would do so myself, but I would hate to be so cruel.

Mr. Speaker, we shall be waiting and watching the RECORD for their statements and insertions, although I doubt very seriously they will want them permanently recorded in the debates of this body. Who could blame them?

AIRLINES STRIKE

Mr. FISHER. Mr. Speaker, I ask unanimous consent to address the House for 1 minute.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. FISHER. Mr. Speaker, the billion-dollar strike against the airlines, which remains unsettled, is really a strike against the public because in one way or another the public is the chief victim.

Makeshift legislation to force the strikers back to work will probably be enacted, as it should be. But this treats the symptoms, not the disease. The Congress should face up to its responsibility and enact a law now to hereafter prohibit the type of industrywide bargaining which has caused all of this trouble.

Concentration of power, whether by unions or management, is against the public interest. Each of the many unions involved in the current strike would, after such enactment, be required to bargain and contract separately with its immediate employer. Under such an arrangement, the right of collective bargaining would be preserved, and the evils of monopoly and practices in restraint of trade would be eliminated.

Mr. Speaker, one of these days the public is going to demand that the Congress face up to this issue and give the public the protection it deserves. Indeed it may be later than you think right now.

THE AIRLINES STRIKE

Mr. KORNEGAY. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The SPEAKER. Is there objection to the request of the gentleman from North Carolina?

There was no objection.

Mr. KORNEGAY. Mr. Speaker, on July 19, I requested that hearings be held in the Committee on Interstate and Foreign Commerce on the national airlines strike.

In a speech here in the House and in a subsequent letter to the gentleman from West Virginia, the Honorable HARLEY O. STAGGERS, chairman of the committee, I then urged that public hearings be held on this vital problem.

With the rejection of the strike settlement terms by the International Association of Machinists members yesterday, the necessity for hearings and for congressional action is even more urgent.

I again call on my distinguished chairman, the gentleman from West Virginia, to commence public hearings at the very earliest possible moment on bills which have been introduced by myself and other Members.

Mr. Speaker, the airlines strike is deplorable and intolerable. We cannot afford to allow our economy to continue to suffer further degradation. We cannot allow the greed of 34,000 machinists and mechanics to take precedence over the well-being of hundreds of thousands of persons adversely affected by this walkout.

It is essential to the national interest, the national health, safety, and defense that essential air transportation services be resumed and maintained.

I urge every Member to join with me in my insistence that action be taken promptly to restore these essential services.

LEGISLATION TO CREATE A TEMPORARY AIRLINE DISPUTE BOARD

Mr. DORN. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The SPEAKER. Is there objection to the request of the gentleman from South Carolina?

There was no objection.

Mr. DORN. Mr. Speaker, today I am introducing legislation to end the airline strike. The American people have suffered long enough. The public interest demands we act. The welfare of the Nation and the rights of the American people predominate over the rights of union demands or civilian needs.

We have drafted our young men to defend our country. These young men are fighting and dying in South Vietnam. They are fighting for private enterprise and to preserve our great free transportation system.

We are in war in South Vietnam. Air transportation is essential to that war effort. We have commitments not only in South Vietnam but in Latin America, on the road to Berlin and throughout the world. Air transportation is essential to those commitments.

Mr. Speaker, the bill I am introducing today is patterned after the law enacted in 1963 to settle the railroad strike. Then we were faced with a threatening strike. Today we have a strike in being. This measure would create a temporary special airline dispute board that would be directed to end the present airline strike and settle the dispute with a binding decision. This legislation would not affect the future right of airline labor or management to engage in free collective bargaining. It would merely restore the conditions existing prior to the strike and continue them while the board is meeting and until a decision is reached. This decision would remain in effect for a period of 2 years.

HELICOPTER SERVICE AMONG NATIONAL, DULLES, AND FRIENDSHIP AIRPORTS

Mr. McCLORY. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The SPEAKER. Is there objection to the request of the gentleman from Illinois?

There was no objection.

Mr. McCLORY. Mr. Speaker, what I am going to say may be academic until the air strike is settled. I want to concur with the remarks already made that Congress should take effective action not only with respect to the present strike but also with respect to future strikes and threats of strikes which involve the national interest. However, my purpose in taking this time is to report that at the invitation of the gentleman from Maryland [Mr. FRIEDEL] and the gentleman from Texas [Mr. PICKLE], I took the opportunity to board a helicopter this morning from a point just east of the Cannon Building and to fly to Friendship and Dulles Airports.

I hope that this demonstration of helicopter service can soon become an established and regular type of convenient service from Capitol Hill to these large airports.

Mr. Speaker, I understand that an area, just south of the Rayburn Building, where we are constructing an underground garage, would be very suitable for a heliport.

I hope that the appropriate committees of the House will take the necessary steps so that the House may act promptly on a measure to assure such convenient transportation to Friendship and Dulles Airports. The helicopter trip to either of these airports requires only about 10 minutes. This service is needed not only for ourselves, but for all the others who come to Washington and who now expend valuable time traveling in other ways which are not as modern as the helicopter.

As the conditions at National Airport become more crowded, the need for greater utilization of Dulles and Friendship Airports will become absolutely essential. Travel to and from these excellent airports by helicopter is the only logical solution to convenient, safe, and economic air travel between Washington and other population centers of the Nation and of the world.

SOMETHING GOOD HAS COME OUT OF THE STRIKE

Mr. SMITH of Iowa. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The SPEAKER. Is there objection to the request of the gentleman from Iowa?

There was no objection.

Mr. SMITH of Iowa. Mr. Speaker, as they say it is an ill wind that blows no good. I have waited for someone to say something about it, but no one has yet pointed out that something good has come out of this strike. The activities over the weekend make it evident that the White House has finally abandoned using a rigid 3.2 percentage as a criterion for determining what wage increase is inflationary. Not only does this ignore the importance of the per unit labor costs, not only does it ignore the importance of the profits of the employer and his ability to pay the increase, but it also keeps in the cellar those who did not get a wage increase in the past and it rewards those who received the most. I am glad to see this criterion has apparently been abandoned.

THE AIRLINE STRIKE

Mr. O'HARA of Illinois. Mr. Speaker, I ask unanimous consent to address the House for 1 minute.

The SPEAKER. Is there objection to the request of the gentleman from Illinois?

There was no objection.

Mr. O'HARA of Illinois. Mr. Speaker, to light the path of the present, I am going back into history, a history in which I played a humble part.

Some years ago we had two or three very bad air accidents, and many people were killed.

Mr. Speaker, those accidents came from neglect of the planes on the ground, too little time for proper goingover and maintenance. They were on the pattern of the worst railroad tragedies of the period which resulted from inadequate time for stopover for inspection and adjustments.

Mr. Speaker, I had the honor and the privilege to be the first attorney of the air mechanics union. I am not deserting it now even though many years have elapsed and I am unknown to the present membership and it to me. I do know that with the formation of that union there was a sharp diminution of air accidents. How many lives have been saved because of that union I do not know, but it is large.

When the membership of that fine organization by a vote of 3 to 1 has declined the terms of a proffered settlement I am not going to condemn it until there has been a complete and impartial hearing to establish whether it acted foolishly or wisely.

I can appreciate how some of my colleagues who have spoken here today feel, because of the inconvenience that they have felt, but the Secretary of Labor has said that this is not a crisis. It is not something that hits deeply into our economy. It has created an inconvenience that we all hope speedily will be lifted, but there is nothing here that time and patience and cooperatively working together in the national interest will not cure. The inconvenience occasioned by the strike of a limited number of air carriers, which has not affected the railroads or the buses or all of the airlines, is no valid excuse for poisoning the atmosphere of labor-management relations with the fumes of compulsory arbitration.

Mr. Speaker, I, for one, am not deserting labor and the cause to which I have given the devotion and the dedication of a long lifetime. I am not deserting labor at this time, and leaving it in the coils of compulsory arbitration because inconvenience has turned my spirit to panic. I believe that there should be a fair hearing on the issues involved. That is the American way.

AUTHORIZING SECRETARY OF INTERIOR TO ENGAGE IN INVESTIGATIONS OF CERTAIN WATER RESOURCE DEVELOPMENT PROPOSALS

Mr. ASPINALL. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill S. 3034, to authorize the Secretary of the Interior to engage in feasibility investigations of certain water resource development proposals, with a House amendment thereto, insist on the House amendment, and agree to the conference asked by the Senate.

The SPEAKER. Is there objection to the request of the gentleman from Colorado? The Chair hears none, and appoints the following conferees: Messrs. ASPINALL, ROGERS of Texas, O'BRIEN, SAYLOR, and HOSMER.

CONSENT CALENDAR

The SPEAKER. This is Consent Calendar day. The Clerk will call the first bill on the Consent Calendar.

PROVIDING FOR THE ADMINISTRATION AND DEVELOPMENT OF PENNSYLVANIA AVENUE AS A NATIONAL HISTORIC SITE

The Clerk called the joint resolution (H.J. Res. 1030) to provide for the administration and development of Pennsylvania Avenue as a national historic site, and for other purposes.

Mr. SAYLOR. Mr. Speaker, I ask unanimous consent that this resolution be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

AMENDING GREAT SALT LAKE RELICTED LANDS ACT

The Clerk called the bill (H.R. 15566) to amend the act of June 3, 1966 (Public Law 89-441; 80 Stat. 192), relating to the Great Salt Lake relicted lands.

Mr. SAYLOR. Mr. Speaker, I ask unanimous consent that this bill be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

PROVIDING COMPENSATION TO THE CROW TRIBE OF INDIANS, MONTANA, FOR CERTAIN LANDS EMBRACED WITHIN THE PRESENT BOUNDARIES OF THE CROW RESERATION, FOR THE VALIDATION OF TITLES, AND FOR OTHER PURPOSES

The Clerk called the bill (H.R. 7028) to provide compensation to the Crow Tribe of Indians, Montana, for certain lands embraced within the present boundaries of the Crow Indian Reservation, for the validation of titles, and for other purposes.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. GROSS. Mr. Speaker, reserving the right to object, I should like to ask one question of someone on the committee, who has had charge of this bill. Do I correctly understand that the estimated cost to the Government is $48,000?

Mr. HALEY. Mr. Speaker, will the gentleman yield?

Mr. GROSS. I yield to the gentleman from Florida.

Mr. HALEY. Mr. Speaker, the gentleman is correct.

Mr. GROSS. In the gentleman's opinion, the total cost to the Government of this bill will be $48,000?

Mr. HALEY. As this bill is written now, it will.

Mr. GROSS. Mr. Speaker, I thank the gentleman, and I withdraw my reservation of objection.

The SPEAKER. Is there objection to the present consideration of the bill?

There being no objection, the Clerk read the bill, as follows:

H.R. 7028

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) there is hereby authorized to be transferred in the Treasury of the United States, to the Credit of the Crow Tribe of Indians, Montana, and expended pursuant to the exclusive decision of the Crow Tribal Council, for its use and benefit, and the benefit of its members, a sum of money as hereinafter provided. Said sum is intended to include both just compensation and other justifiable considerations for terminating and extinguishing all of the right, title, estate, and interest of said Indian tribe in and to the lands of that part of the present boundaries of the Crow Indian Reservation to be determined by a survey to be made, as hereinafter provided.

(b) That the United States shall cause a survey to be made of the perimeter boundaries of the tract of land within the present boundaries of the Crow Indian Reservation, which lies easterly of the lands which were allotted on the Crow Indian Reservation and the one hundred and seventh degree longitude west of Greenwich meridian.

(c) The Secretary of the Interior shall appraise the fair market value of said lands as surveyed, taken by this Act, and said fair market value shall be determined as the effective date of this Act, and shall also appraise the fair rental value of said lands from the year of 1891 to the effective date of this Act; that said appraisals shall be made within ninety days after the effective date of this Act, and offer that sum to the Crow Tribe. The Crow Tribe may also appraise the fair market value of the lands taken by this Act and shall also appraise the fair rental value of said lands from the year of 1891, to the effective date of this Act, and determine whether the appraisal of the Secretary of the Interior is acceptable to the Crow Tribe. If the offer of the Secretary of the Interior is not accepted by the Crow Tribe within sixty days after receiving notice of the appraisal of the Secretary of the Interior, the Crow Tribe is authorized to commence in a court of competent jurisdiction an action for determining the just compensation payable for such taking of said lands.

SEC. 2. All minerals, including oil and gas, on all unentered and vacant lands within the area described in section 1 hereof, are hereby reserved for the benefit of the Crow Tribe of Indians, which shall be leased or otherwise disposed of under the laws and regulations relating to Indian trust lands.

SEC. 3. All patents, trust patents, and conveyances, and other instruments of title heretofore issued, executed, and made upon said lands by the United States, within the area described in section 1 hereof, are hereby validated, ratified, and confirmed.

SEC. 4. Neither the initial transfer of such funds to the tribe, as provided herein, nor any subsequent per capita distribution thereof, shall be subject to taxation.

SEC. 5. The Secretary of the Interior is authorized to perform any and all acts necessary to carry out the provisions and purposes of this Act.

With the following committee amendment:

Strike out all after the enacting clause and insert the following language:

"That (a) the exclusion from the Crow Indian Reservation by an erroneous governmental survey of approximately 29,760 acres of land lying west of longitude 107° west, the inclusion by administrative action of a part of such lands in the Northern Cheyenne Indian Reservation, the administration of a part of such lands as public domain, and the execution of patents, trust patents, or other evidences of title to parts of such lands, are hereby ratified and confirmed.

"(b) There is authorized to be appropriated to the Secretary of the Interior for credit to the appropriate trust account of the Crow Tribe a sum of money which represents the fair market value of the lands that lie between longitude 107° west and the erroneously surveyed eastern boundary of the Crow Reservation in Montana, the value to be determined as of the date the boundary was erroneously surveyed, plus interest thereon at 4 percent per year from the date of the erroneous survey to the date of this Act. Such appropriation shall be full compensation for the lands erroneously excluded from the reservation by the survey.

"(c) The Secretary of the Interior shall notify the Crow Tribe within six months after the date of this Act of the fair market value of the lands as determined by him, and such determination shall be final unless within six months thereafter the Crow Tribe commences in the United States District Court for the District of Montana an action against the United States to review the Secretary's determination, which action is hereby authorized.

"SEC. 2. The money credited to the trust account of the Crow Tribe pursuant to this Act and any subsequent per capita distribution thereof, shall not be subject to Federal or State income tax."

The amendment was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

The title was amended to read as follows: "A bill to provide compensation to the Crow Tribe of Indians, Montana, for certain lands, for the validation of title to those lands, and for other purposes."

A motion to reconsider was laid on the table.

Mr. HALEY. Mr. Speaker, I ask unanimous consent to extend my remarks at this point in the RECORD.

The **SPEAKER.** Is there objection to the request of the gentleman from Florida?

There was no objection.

Mr. HALEY. Mr. Speaker, the chief purpose of H.R. 7028 is to pay the Crow Indian Tribe for 29,760 acres of land that was excluded from the Crow Reservation because of an error made by Government surveyors between 1889 and 1891. It seems odd that the surveyors made such a blunder but let me explain what apparently happened.

By the treaty of May 7, 1868, the boundary between the Crow Reservation and Northern Cheyenne Reservation, each in Montana, was fixed along the 107th meridian. The surveyors began to place the necessary markers in 1889. The survey began at the intersection of the 45th parallel and the 107th meridian and moved northward. For some distance the surveyors continued on the proper course but then for some unknown reason they veered to the west for approximately nine-tenths of a mile before proceeding due north again for 53 miles to the point where the Crow and Northern Cheyenne Reservation end. As a result of this unexplained error, 29,760 acres of land have been misplaced, so to speak, for 75 years, certainly at no fault of the Crows or the Northern Cheyennes. Instead of the land being included in the Crow Reservation, 15,360 acres have been included in the Northern Cheyenne Reservation and 14,400 acres in the public domain. In the meantime, 10,840 acres within the Northern Cheyenne Reservation have been allotted to individual land; some of which has been sold to other Indians or non-Indians in fee title. Four thousand five hundred and twenty acres has never been allotted and consequently, is administered by the Northern Cheyenne tribal council as tribal land.

Now then, let us see what has happened to the 14,400 acres that were placed in the public domain rather than in the Crow Reservation. Fourteen thousand and eighty acres have been sold and patented to both Indians and non-Indians. Some of the tracts have passed through the hands of several owners during the intervening years since 1891. Three hundred and twenty acres remain in the public domain.

It would be utterly impractical and nearly impossible to invalidate all the transactions since 1891 and to restore the land to the Crow Tribe, although the Crows would certainly be better off if the Government were to do so. The Northern Cheyennes would be dispossessed and restitution would have to be made to them.

The Government's erroneous survey was not discovered by the Indians until the middle 1950's although we are told that the Bureau of Indian Affairs surmised that an error had been made a few years previously. In 1946 Congress created the Indian Claims Commission to adjudicate claims filed against the Federal Government. The filing date in the Indian Claims Commission ended in 1951, at least 5 years before the Crow Indians discovered the error. They could not possibly have filed under existing circumstances. Contrary to the contentions of the Justice Department, the Indian Claims Commission states that this 29,760 acreage was not included in a judgment rendered favorable to the Crow Tribe a few years ago.

Last fall, in company with the gentleman from Montana, Representative BATTIN, in whose congressional district both reservations are located, I visited the disputed area. We reviewed the situation and discussed the difficulties of returning the land to the Federal Government, ordering a new survey, or returning it to either of the reservations. The only sensible course to take is the one taken by our committee: Confirm the titles in the present owners and reimburse the Crows for their losses.

The Northern Cheyennes passed a resolution on July 30, 1966, expressing their agreement with H.R. 7028, as amended. The Crows are disappointed, of course. They were hopeful that they would receive either the current market value, $15 to $25 per acre, or 4-percent compound interest on the value of the land, $1.25 per acre, in 1891. They get neither. They will receive a straight 4-percent interest on the $1.25 per acre value of the land since the erroneous survey was made. They will receive less than $50,000. Had they been paid $15 per acre, a conservative currently appraised value, they would have received about $450,000.

Mr. Speaker, I strongly support H.R. 7028, as amended, and ask for its approval.

TERMINATING USE RESTRICTIONS ON CERTAIN REAL PROPERTY PREVIOUSLY CONVEYED TO THE CITY OF KODIAK, ALASKA, BY THE UNITED STATES

The Clerk called the bill S. 2412 to terminate use restrictions on certain real property previously conveyed to the city of Kodiak, Alaska, by the United States.

There being no objection, the Clerk read the bill, as follows:

S. 2412

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the restriction contained in the Act entitled "An Act to direct the Secretary of the Interior to convey abandoned school properties in the Territory of Alaska to local school officials", approved August 23, 1950 (64 Stat. 470), limiting the use of any real property conveyed under such Act to school or other public purposes, is hereby terminated with respect to that real property conveyed under such Act to the local school officials of Kodiak, Alaska, which property is more particularly described in United States survey numbered 1594: *Provided, however,* That all revenues derived from sales, leases, or other disposition of such lands or interests therein shall be used for public school purposes.

The bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

INTERSTATE COMPACT DEFINING THE BOUNDARY BETWEEN THE STATES OF ARIZONA AND CALIFORNIA

The Clerk called the bill (S. 3249) to consent to the interstate compact defining the boundary between the States of Arizona and California.

There being no objection, the Clerk read the bill, as follows:

S. 3249

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the consent of Congress is given to the interstate compact defining the boundary between the States of Arizona and California, ratified by the State of Arizona in an act approved by the Governor of such State on April 2, 1963, and by the State of California in an act approved by the Governor of such State on June 11, 1963. Such compact reads as follows:

"INTERSTATE COMPACT DEFINING THE BOUNDARY BETWEEN THE STATES OF ARIZONA AND CALIFORNIA

"Article I. Purpose

"The boundary between the States of Arizona and California on the Colorado River has become indefinite and uncertain because of meanderings in the main channel of the Colorado River with the result that a state of confusion exists as to the true and correct location of the boundary, and the enforcement and administration of the laws of the two states and of the United States have been rendered difficult.

"The purpose of this compact is to fix by reference to stations of longitude and latitude the location of the boundary line between Arizona and California on the Colorado River from the southern boundary of the state of Nevada to the point on the international boundary which is common to the boundaries of Arizona and California and the United Mexican States.

"Article II. Description

"The boundary between the States of Arizona and California on the Colorado River from the point where the oblique boundary between California and Nevada intersects the thirty-fifth degree of north latitude, said point being common to the boundaries of the States of Arizona, California and Nevada, to the point on the international boundary which is common to the boundaries of Arizona, California and the United Mexican States, shall be in accordance with the following description in general terms of 34 points on the boundary.

"GENERAL DESCRIPTION OF BOUNDARY BETWEEN ARIZONA AND CALIFORNIA.—

"Point No. 1. The intersection of the boundary line common to California and Nevada and the centerline of the channel of the Colorado River as constructed by the U.S. Bureau of Reclamation, said point being common to the boundaries of Arizona, California, and Nevada, where the 35th degree of north latitude intersects the centerline of said channel; thence downstream along and with the centerline of said channel to the southerly end of said construction to

"Point No. 2, which is located in the center of the channel of the Colorado River approximately one-half mile northerly from the A.T. & S.F. Railway Bridge at Topock; thence downstream on a straight line to

"Point No. 3, which lies in the Colorado River vertically below the centerline of the A.T. & S.F. Railway tracks at a point midway face-to-face of abutments of the A.T. & S.F. Railway Bridge at Topock, Arizona; thence on a straight line downstream to

"Point No. 4, which lies in the Colorado River vertically below the centerline of U.S. Highway 66 at a point where said centerline intersects the center of the center pier of the highway bridge; thence on a straight line to

"Point No. 5, which lies in the Colorado River vertically below the center of the span of the gas line bridge owned by the El Paso Natural Gas Co. and the Pacific Gas and Electric Co., crossing the Colorado River at Topock, Arizona; thence downstream in a southerly direction through Havasu Lake along a line midway between the right and left shore lines of said lake as they exist at mean operating level (elevation 448.00 above Mean Sea Level) as controlled at Parker Dam to

"Point No. 6, which is the center of the overflow section of Parker Dam across the Colorado River; thence downstream midway between the shore lines on the right and left banks of the Colorado River to

"Point No. 7, which lies in the center of the Colorado River approximately 2,505 feet upstream from the earth fill of Headgate Rock Dam; thence on a straight line to

"Point No. 8, which is the center of the earth fill of Headgate Rock Dam; thence on a straight line to

"Point No. 9, which lies on the centerline of the river approximately 3,625 feet westerly from Point No. 8; thence on a straight line to

"Point No. 10, which lies in the center of the Colorado River at a point where the parallel of 34° 10′ north latitude intersects said centerline; thence on a straight line to

"Point No. 11, which lies in the Colorado River vertically below the centerline of Arizona Highway No. 72 midway between the abutments of the highway bridge; thence down the Colorado River midway between the right and left shore lines across islands which may exist between those waterlines to

"Point No. 12, which is at the center of the earth fill section of the Palo Verde Diversion Dam; thence down to the Colorado River midway between the shore lines on the right and left banks to

"Point No. 13, which is vertically below the center of the centerspan of the highway bridge acros the Colorado River at Ehrenberg, Arizona (U.S. Highway 60–70; thence down the Colorado River midway between the shore lines on the right and left banks to

"Point No. 14, which is the center of the Cibola Bridge midway between abutments; thence down the Colorado River midway between the shore lines on the right and left banks, ignoring future channelization by the U.S. Bureau of Reclamation to

"Point No. 15, which lies on the centerline of the Colorado River approximately 8,400 feet northward of the center of the overflow section of Imperial Dam; thence on a straight line to

"Point No. 16, which is the center of the overflow section of Imperial Dam; thence on a straight line normal to the longitudinal axis of Imperial Dam to

"Point No. 17, which lies at the intersection of the last described line with a line extending northeasterly from the center of the overflow section of Laguna Dam and normal to the longitudinal axis of the said Laguna Dam; thence southeasterly on a straight line to

"Point No. 18, which is at the center of the overflow section of Laguna Dam; thence on a straight line to

"Point No. 19, which lies on the centerline of the Colorado River approximately 5,800 feet southwesterly of Point 18; thence down the Colorado River midway between the shore lines on the right and left banks, around a curve to the eastward to

"Point No. 20, which lies on the centerline of the Colorado River where said centerline intersects the section line between Sections 4 and 9, Township 8 South, Range 22 West, Gila and Salt River Meridian; thence departing from the river on a westerly course along the extension of the above-mentioned section line about 0.65 mile to

"Point No. 21, which will be the northwest corner of the northeast quarter of Section 8, Township 8 South, Range 22 West, Gila and Salt River Meridian, which shall be resurveyed in establishing this boundary; thence southerly along the centerline of said Section 8 about one-half mile to

"Point No. 22, which is the northeast corner of the southwest quarter of Section 8, Township 8 South, Range 22 West, Gila and Salt River Meridian; thence westerly about one and one-half miles to

"Point No. 23, which is the west quarter corner of Section 7, Township 8 South, Range 22 West, Gila and Salt River Meridian; thence southerly about one-half mile to

"Point No. 24, which is the southwest corner of Section 7, Township 8 South, Range 22 West, Gila and Salt River Meridian; thence westerly about one mile to

"Point No. 25, which is the southwest corner of Section 12, Township 8 South, Range 23 West, Gila and Salt River Meridian; thence southerly about one-half mile to

"Point No. 26, which is the west quarter corner of Section 13, Township 8 South, Range 23 West, Gila and Salt River Meridian; thence westerly about 1.93 miles to

"Point No. 27, which lies on the east shoulder of the north-south road through the Indian School approximately 370 feet due east of the northwest corner of the southwest quarter of the southwest quarter of Section 25, Township 16 South, Range 22 East, San Bernardino Meridian; thence southerly along and with the easterly shoulder line of the said north-south road approximately 700 feet to

"Point No. 28, which lies on the easterly shoulder line of said north-south road due east of the northeast corner of the stone retaining wall around the Indian School Hospital; thence due west to

"Point No. 29, which is the base of the northeast corner of said retaining wall; thence southerly along and with the westerly shoulder of said north-south road to

"Point No. 30, which lies on the westerly shoulder line of said north-south road 330 feet south of and approximately 110 feet east of the northeast corner of Section 35, Township 16 South, Range 22 East. San Bernardino Meridian; thence due west approximately 110 feet to

"Point No. 31, which lies on the east line of section 35, Township 16 South, Range 22 East, San Bernardino Meridian, exactly 330 feet south of the northeast corner of said Section 35; thence southerly along the east line of said Section 35 to

"Point No. 32, which lies at the center of the Colorado River, i.e., midway between the north and south shore lines just downstream from the centerline of the old U.S. Highway 80 bridge across the Colorado River; thence down the centerline of the Colorado River midway between the shore lines on the right and left banks to

"Point No. 33, which is a point in the Colorado River vertically below the center of the new U.S. Highway 80 Bridge; thence down the centerline of the Colorado River midway between the shore lines on the right and left banks to

"Point No. 34, which is the intersection of the centerline of the Colorado River and the International Boundary Line between California and the United Mexican States, which point is common to the boundaries of Arizona, the United Mexican States, and California.

These points will be marked on existing bridges and dams and where appropriate will be monumented. Between each of these points will be a number of subpoints not monumented. The total number of points and subpoints will approximate 234. The United States Coast and Geodetic Survey will locate the above mentioned 34 points on the boundary by precise geodetic surveys. The Coast and Geodetic Survey will locate the remaining approximately 200 unmonumented subpoints by precise photogrammetric methods and will provide a list of the geographic positions and state coordinate positions (transverse Mercator system for Arizona and Lambert system for California) of each of the 234 points on the boundary. The approximately 200 unmonumented subpoints will be identified on copies of the aerial photographs by the States of Arizona and California to define the boundary; the Coast and Geodetic Survey will then locate the point so identified by analytic aerotriangulation (photogrammetric methods).

"When the survey and boundary description has been completed by the United States Coast and Geodetic Survey and the Boundary Commissions of Arizona and California have each certified that it is in conformity with the General Description of Boundary between Arizona and California set forth herein, it shall be attached hereto and marked Exhibit "A" and made a part hereof as though fully incorporated herein as the permanent description of the boundary between the States of Arizona and California.

"Article III. Ratification and effective date

"This compact shall become operative when it has been ratified and approved by the legislatures of the States of Arizona and California, and approved by the Congress of the United States.

"Executed in duplicate this 12th day of March, A.D., One Thousand Nine Hundred and Sixty-three, at Sacramento, California.

"For the State of Arizona

"WAYNE M. AKIN,
"Chairman of the Arizona Interstate Stream Commission, Chairman.

"ROBERT W. PICKRELL,
"Attorney General, Member.

"OBED M. LASSEN,
"State Land Commissioner, Member.

"Attested:

"HOWARD F. THOMPSON,
"Executive Secretary, Colorado River Boundary Commission of Arizona.

"For the State of California

"F. J. HORTIG,
"Executive Officer, State Lands Commission, Chairman.

"STANLEY MOSK,
"Attorney General, Member.

"WILLIAM E. WARNE,
"Director, Department of Water Resources, Member.

"Attested:

"BERRIEN E. MOORE,
"Executive Secretary, Colorado River Boundary Commission of California."

SEC. 2. The right to alter, amend, or repeal this Act is expressly reserved.

The bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

AMENDING THE ACT OF AUGUST 14, 1964, TO AUTHORIZE PAYMENTS OF ANY AMOUNTS AUTHORIZED UNDER THE ACT TO THE ESTATES OF PERSONS WHO WOULD HAVE BEEN ELIGIBLE FOR PAYMENTS UNDER THE ACT

The Clerk called the bill (H.R. 13982) to amend the act of August 14, 1964, to authorize payment of any amounts authorized under the act to the heirs or devisees of persons who would have been eligible for payments under the authority of the act, and for other purposes.

There being no objection, the Clerk read the bill, as follows:

H.R. 13982

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That Public Law 88-435, approved August 14, 1964 (78 Stat. 443), is amended by adding the following new sentence after the word "repaid" in the second sentence thereof: "In the event that any such member or former member is deceased, the refund provided for in this Act shall be made to his heirs or devisees."

With the following amendment:

Page 1, line 8, strike "heirs or devisees." and insert "estate."

The amendment was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time and passed.

The title was amended to read as follows: "A bill to amend the act of August 14, 1964, to authorize payments of any amounts authorized under the Act to the estates of persons who would have been eligible for payments under the authority of the act, and for other purposes."

A motion to reconsider was laid on the table.

AUTHORIZING THE SECRETARY OF COMMERCE TO SETTLE AND PAY CERTAIN CLAIMS ARISING OUT OF THE TAKING OF THE 1960 DECENNIAL CENSUS

The Clerk called the bill (H.R. 14075) to authorize the Secretary of Commerce to settle and pay certain claims arising out of the taking of the 1960 decennial census.

There being no objection, the Clerk read the bill, as follows:

H.R. 14075

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, Notwithstanding the limitation of section 3(b) of the Military Personnel and Civilian Employees' Claims Act of 1964, as amended, that only claims arising after August 31, 1964, may be settled and paid, the Secretary of Commerce is authorized to settle and pay, in accordance with the other provisions of that Act, the claims of employees and former employees of the Department of Commerce incident to their service in taking the 1960 decennial census: *Provided, however,* That each such claim was presented in writing within two years after it accrued and it has not been settled and paid.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

RELIEF OF CERTAIN MEMBERS AND FORMER MEMBERS OF THE ARMY ON WHOSE BEHALF ERRONEOUS PAYMENTS WERE MADE FOR STORAGE OF HOUSEHOLD GOODS

The Clerk called the bill (H.R. 14615) for the relief of certain members and former members of the Army on whose behalf erroneous payments were made for storage of household goods.

There being no objection, the Clerk read the bill, as follows:

H.R. 14615

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That members and former members of the Army are relieved of all liability to refund to the United States the amounts, which were otherwise correct, erroneously paid on their behalf prior to January 21, 1964, as payments for nontemporary storage of household goods during periods such members were delayed by reason of permissive temporary duty en route to attend civilian colleges to fulfill requirements for degrees. Any member or former member of the Army who has at any time made repayment to the United States of any amount paid on his behalf prior to January 21, 1964, for nontemporary storage of household goods during the period such member was delayed by permissive temporary duty en route to attend a civilian college to fulfill requirements for a degree is entitled to have refunded to him the amount so repaid. If, for any reason, refund is not made to such member or former member within one year after enactment of this Act, such refund may, nevertheless, be made if application therefor is filed with the Secretary of the Army within two years after the enactment of this Act.

SEC. 2. In the audit and settlement of the accounts of any disbursing officer or agent of the Army, full credit shall be given for the amount for which liability is relieved by this Act.

SEC. 3. Appropriations available for permanent change-of-station travel of members of the Army are available for refunds under this Act.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

TO CANCEL CERTAIN UNPAID INTEREST ACCRUED AFTER SEPTEMBER 30, 1931, ON LOANS MADE TO WORLD WAR I VETERANS UPON THE SECURITY OF ADJUSTED-SERVICE CERTIFICATES

The Clerk called the bill (H.R. 16074) to cancel certain unpaid interest accrued after September 30, 1931, on loans made to World War I veterans upon the security of adjusted-service certificates.

There being no objection, the Clerk read the bill, as follows:

H.R. 16074

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That in the case of any loan made before January 27, 1936, by the Administrator of Veterans' Affairs or by any bank or trust company, upon the security of an adjusted-service certificate, any unpaid interest accrued thereon subsequent to September 30, 1931, that has become or, in consequence of such loan, shall become a debt owed by the veteran to the United States shall, notwithstanding any provision of law to the contrary, be canceled insofar as the veteran is concerned.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

INTERNATIONAL LITERACY DAY

The Clerk called the joint resolution (H.J. Res. 810) to authorize the President to proclaim the 8th day of September of each year as "International Literacy Day."

Mr. JOHNSON of Pennsylvania. Mr. Speaker, reserving the right to object, I would like to interrogate the chief sponsor of this measure.

May I ask the gentleman from Colorado if there is any reasonable relation between this bill proclaiming "International Literacy Day" and the message from the President that we shall appropriate more than half a billion dollars to alleviate illiteracy in the world and accomplish a Great Society abroad?

Mr. ROGERS of Colorado. Mr. Speaker, no, there is no connection that I know of between this proposal and the question asked by the gentleman from Pennsylvania.

Mr. JOHNSON of Pennsylvania. If this passes today, is that a commitment on the part of the United States that this Congress should pass the more than half billion dollars?

Mr. ROGERS of Colorado. There is no commitment or authorization under this bill whatsoever.

Mr. JOHNSON of Pennsylvania. This is just for 1 year, not from year to year?

Mr. ROGERS of Colorado. That is correct.

Mr. GROSS. Mr. Speaker, will the gentleman yield?

Mr. JOHNSON of Pennsylvania. I yield to the gentleman.

Mr. GROSS. Mr. Speaker, is it proposed that at some future time the taxpayers will be asked to pay for an International Convention in Washington or somewhere else in the world—in Timbuktu, or somewhere else—if this thing gets off the ground?

Mr. ROGERS of Colorado. Mr. Speaker, there is nothing in this legislation that would accomplish the purpose the gentleman has talked about.

As introduced by the gentleman from Illinois [Mr. McClory], the resolution called for an annual proclamation. We cut it down to a 1-year proclamation and brought it out for that purpose.

Mr. GROSS. Is this the camel's nose under the tent to bigger and better things by way of international junkets?

Mr. ROGERS of Colorado. Let us put it this way. We do hope to have good and better things in the future, but this legislation does not do that.

This just tries to say that we want to cooperate with the rest of the nations of the world, to see what we can do about getting rid of illiteracy.

Mr. GROSS. Do we have the assurance of the sponsors of this business that no one will be around next year asking for some more money to go somewhere in the world to talk about literacy—to Ooga Dooga, or some other faraway place?

Mr. ROGERS of Colorado. I did not introduce this. This is only a cooperative gesture with the people interested in it, which causes me to bring it forward. So far as I am concerned, the answer is that it would not.

Mr. GROSS. I thank the gentleman.

Mr. JOHNSON of Pennsylvania. Mr. Speaker, I withdraw my reservation.

The SPEAKER. Is there objection to the present consideration of the joint resolution?

There being no objection, the Clerk read the joint resolution, as follows:

H.J. Res. 810

Joint resolution to authorize the President to proclaim the 8th day of September of each year as "International Literacy Day"

Whereas widespread illiteracy is a major barrier to economic and social progress in many countries of the world; and

Whereas the United States wishes to cooperate with national, international organizations, private groups, and individuals who seek to promote literacy wherever illiteracy exists; and

Whereas the United Nations and the United Nations Educational, Scientific, and Cultural Organization have begun a world literacy program in which intensive literacy programs will be closely integrated with development program; and

Whereas a World Congress of Ministers of Education on the Eradication of Illiteracy was convened by the United Nations Educational, Scientific, and Cultural Organization in Teheran, Iran, from September 8 and 9, 1965; and

Whereas the World Congress of Ministers of Education recommended that September 8 be proclaimed "International Literary Day," a day for using all communication media in all countries for the attack on illiteracy and for disseminating information on the result of literacy programs at the national and international level, and that World Literacy Day be observed on September 8 each year from 1966 onward: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the President is hereby authorized and requested to issue annually a proclamation designating the 8th day of September of each year 1966 as International Literacy Day, and calling upon the people of the United States to observe such day with appropriate ceremonies and activities.

With the following committee amendments:

Strike all "whereas" clauses.

On page 2, line 4, strike the word "annually."

On page 2, line 5, after "September," strike "of each year" and insert "1966."

The committee amendments were agreed to.

Mr. McCLORY. Mr. Speaker, I ask unanimous consent to extend my remarks at this point in the Record.

The SPEAKER. Is there objection to the request of the gentleman from Illinois?

There was no objection.

Mr. McCLORY. Mr. Speaker, at the World Conference on Literacy held in Teheran, Iran, in September 1965, the Conference recommended that September 8 be celebrated as International Literacy Day.

The citizens of the United States, through various individual, private, and governmental actions, have contributed much to the enlightenment to millions throughout the world who otherwise would remain in the darkness of illiteracy.

One of the great figures in literacy training throughout the years has been Frank C. Laubach, founder and president of Laubach Literacy, Inc. Dr. Laubach originated the slogan, "Each one teach one." His work has been carried out through 103 nations of the world in most of the languages known to mankind. He has trained Peace Corps volunteers in methods of literacy training, as well as many others who have gone forth to instruct those who are hungering for knowledge and progress.

The subject of world literacy has been prominent on the agenda of the United Nations Educational, Scientific, and Cultural Organization, and five pilot programs of literacy training are now in progress under the auspices of UNESCO.

The Interparliamentary Union, to which this Nation belongs and at which delegates from the U.S. Congress meet semiannually with representatives of the parliaments of more than 70 other nations of the world, has also contributed measurably to the advance of learning among those who live in darkened illiteracy.

Dr. Frank Laubach said recently in an address delivered at the Conference of International Service Organizations at the Wingspread Conference Center, Racine, Wis., that literacy training is "priority No. 1 for America and the world." I am convinced of this fact. The solutions to poverty and hunger are dependent upon the success of literacy training in the developing nations where these conditions exist. Accordingly, it is entirely appropriate that this U.S. House of Representatives has designated September 8, 1966, as International Literacy Day. Keeping this in mind and developing appropriate observances of this event, as well as implementing our public pronouncements with action and good works, we can look forward to progress throughout the world and to increased understanding and peace.

Also, I have learned that Dr. Laubach will be celebrating his 82d birthday on September 2, 1966. The recognition of International Literacy Day and the birthday celebration of this prominent citizen so closely identified with literacy training is entirely fitting.

The joint resolution was ordered to be engrossed and read a third time, was read the third time, and passed.

The title was amended so as to read: "Joint resolution to authorize the President to proclaim the 8th day of September 1966 as 'International Literacy Day.'" A motion to reconsider was laid on the table.

PAN AMERICAN INSTITUTE OF GEOGRAPHY AND HISTORY

The Clerk called the joint resolution (S.J. Res. 108) to amend the joint resolution providing for membership of the United States in the Pan American Institute of Geography and History and to authorize appropriations therefor.

Mr. GROSS. Mr. Speaker, I ask unanimous consent that the joint resolution be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Iowa?

There was no objection.

SOLUTION OF LOWER RIO GRANDE SALINITY PROBLEM

The Clerk called the bill (H.R. 11880) to authorize conclusion of an agreement with Mexico for joint measures for solution of the Lower Rio Grande salinity problem.

Mr. GROSS. Mr. Speaker, on behalf of the gentleman from Missouri [Mr. Hall], I ask unanimous consent that the bill be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Iowa?

There was no objection.

AUTHORIZING THE EXCHANGE OF CERTAIN FLUORSPAR AND FERROMANGANESE HELD IN THE NATIONAL AND SUPPLEMENTAL STOCKPILES

The Clerk called the bill (H.R. 15485) to authorize the exchange of certain fluorspar and ferromanganese held in the national and supplemental stockpiles.

There being no objection, the Clerk read the bill, as follows:

H.R. 15485

Be it enacted by the Senate and House of Representatives of the United States of

America in Congress assembled, That the Administrator of General Services may from time to time release to the Colorado Fuel and Iron Corporation (in one or more portions, as he deems appropriate) the materials stored at the Pueblo, Colorado, plant of such corporation and described in section 2 in exchange for new materials. Such new materials shall be of at least the same quantity and quality as the materials in the portion released, and shall be provided by such corporation, and placed in storage at such plant, before the release of such portion. Such new location shall be subject to the approval of, and shall be prepared for the storage of the new materials in a manner satisfactory to, the Administrator of General Services. Such exchange, including the preparation of the new storage location and the placing of such new materials in storage, shall be at the expense of the Colorado Fuel and Iron Corporation and shall be subject to such other terms and conditions as the Administrator of General Services deems appropriate.

SEC. 2. The materials authorized to be released under the first section consist of approximately 25,105 short dry tons of metallurgical grade fluorspar now held in the national stockpile established pursuant to the Strategic and Critical Materials Stock Piling Act (50 U.S.C. 98–98h) and approximately 6,667 short tons of ferromanganese now held in the supplemental stockpile established pursuant to section 104(b) of the Agricultural Trade Development and Assistance Act of 1954 (7 U.S.C. 1704(b)).

With the following committee amendment:

On page 2, line 1, after the word, "storage", add the words "at a new location".

The committee amendment was agreed to.

Mr. PHILBIN. Mr. Speaker, I ask unanimous consent to extend my remarks at this point in the RECORD.

The **SPEAKER.** Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

Mr. PHILBIN. Mr. Speaker, H.R. 15485 is a bill to provide for the exchange of certain fluorspar and ferromanganese.

The bill would permit the Government to dispose of 25,105 short dry tons of metallurgical grade fluorspar in the national stockpile and 6,667 short tons of ferromanganese in the supplemental stockpile, which are now stored at the plant of the Colorado Fuel & Iron Corp., Pueblo, Colo. This material is stored on a site leased by the company to GSA for a nominal rental.

The fluorspar and ferromanganese are credited to the respective stockpile objectives for such materials. Under existing stockpile criteria with respect to storage locations these quantities of materials must continue to be stored in the Pueblo area in order to meet the requirements of the steel industry in Colorado in the event of an emergency.

We have now been informed that the Colorado Fuel & Iron Corp. plans to expand its facilities at Pueblo and that the land on which the materials are stored is required for such expansion.

Under the lease of the storage site, it would be permissible for the company, at its own expense, to move the materials to another storage location at its plant. With the authority which could be provided by H.R. 15485, the same objective could be accomplished in effect through an exchange arrangement at considerably less cost to the company and in a manner which would be more satisfactory to the Government.

Under the transaction contemplated by the bill, the company at its own expense would purchase and place in storage at a new location at the company's Pueblo plant, to be provided and suitably prepared by the company, new materials of at least the same quantity and quality as the materials now stored.

As the new materials are placed in storage, an equivalent quantity of the materials now in storage would be released to the company for its use, in exchange for the new materials. The exchange would be subject to such other terms and conditions as the Administrator of General Services deems appropriate.

Enactment of this legislation will not result in any expense to the Government, and will save the Colorado Fuel & Iron Co. a considerable amount of money and enable them to construct facilities at the location where the material is now stored.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

CONVENTION OF THE SETTLEMENT OF INVESTMENT DISPUTES

The Clerk called the bill (H.R. 15785) to facilitate the carrying out of the obligations of the United States under the Convention on the Settlement of Investment Disputes Between States and Nationals of other States, signed on August 27, 1965, and for other purposes.

The **SPEAKER.** Is there objection to the present consideration of the bill?

Mr. JOHNSON of Pennsylvania. Mr. Speaker, reserving the right to object, may I interrogate the gentleman from Florida [Mr. FASCELL]?

This seems like a very fine piece of legislation. Would the gentleman briefly explain it? Then I should like to ask the gentleman a question.

Mr. FASCELL. I shall be happy to do so, if the gentleman will yield.

Mr. JOHNSON of Pennsylvania. I yield to the gentleman from Florida.

Mr. FASCELL. What the legislation will do is to put into effect the U.S. obligations under a convention already ratified by a unanimous vote of the other body. It deals with the settlement of investment disputes on an international basis, by providing in the World Bank an international center for the settlement of disputes on a purely voluntary basis. That is to say, with the disputing parties being one government and the national of another government, they would have a forum for the arbitration of that dispute, if they desired to use the forum. If they did not, they would be eligible for whatever recourse there was available.

Mr. JOHNSON of Pennsylvania. I notice that a number of nations already ratified this compact. May I ask whether Cuba has ratified the compact?

Mr. FASCELL. I do not believe that Cuba is even a signatory.

Mr. JOHNSON of Pennsylvania. It is not a signatory. Is there any intention of trying to bring Cuba into this compact, so that the unfortunate investors in this Nation will have a forum in which to present their claims against that irresponsible government in Cuba?

Mr. FASCELL. I wish we could figure out some legislation to make that possible, I say to the gentleman. Under this convention and under the obligations we would seek to put into effect here, this would arise as to any investments now in being, as to which the parties agree in any subsequent dispute to bring them to the international center; or, in the future, when the disputing parties would reach an agreement with the host government that such a dispute would be brought to the international center.

The only thing we have so far is legislation which this body did approve, which is now the law, which gave the American investor an opportunity at least to prove his claim on the record, something which had never been done in the past, looking forward to the day when we could reach a nation-to-nation settlement with a new Government in Cuba and give to the American businessman an opportunity thereby to be paid for property expropriated by that Government.

Mr. JOHNSON of Pennsylvania. Does the gentleman know whether Cuba was invited to or requested to become a signatory to this agreement?

Mr. FASCELL. No.

Mr. JOHNSON of Pennsylvania. Does the gentleman not believe it would be a pretty good idea if the International Red Cross or somebody would try to bring Cuba into this, so that the American investors could get some redress?

Mr. FASCELL. I believe it is worthy of investigation. Frankly, I at least have not had an opportunity to run down the legal ramifications of the idea. I must say it is intriguing, and we would be happy to explore it.

Mr. JOHNSON of Pennsylvania. Mr. Speaker, I just bring this up in the hope that Mr. Castro will hear of what we are talking about this morning and that he will finally "get financial religion" and come forth to pay the unfortunate investors in America whose investments have been confiscated by Cuba.

Mr. FASCELL. If the gentleman will yield further, this legislation will improve the investment climate in the developing countries for those individuals and countries which are seeking to bring good capital investment around the world.

Mr. JOHNSON of Pennsylvania. Mr. Speaker, I withdraw my reservation.

The **SPEAKER.** Is there objection to the present consideration of the bill?

There being no objection, the Clerk read the bill, as follows:

H.F. 15785

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Convention on the Settlement of Investment Disputes Act of 1966."

SEC. 2. The President may make such appointments of representatives and panel members as may be provided for under the Convention.

SEC. 3. (a) An award of an arbitral tribunal rendered pursuant to Chapter IV of the Convention shall create a right arising under a treaty of the United States. The pecuniary obligations imposed by such an award shall be enforced and shall be given the same full faith and credit as if the award were a final judgment of a court of general jurisdiction of one of the several States. The Federal Arbitration Act (9 U.S.C. 1 et seq.) shall not apply to enforcement of awards rendered pursuant to the Convention.

(b) The district courts of the United States (including the courts enumerated in 28 U.S.C. 460) shall have exclusive jurisdiction over actions and proceedings under paragraph (a) of this section, regardless of the amount in controversy.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

Mr. FASCELL. Mr. Speaker, I ask unanimous consent for the immediate consideration of S. 3498, which is an identical bill to the bill just passed.

The SPEAKER. Is there objection to the request of the gentleman from Florida?

There being no objection, the Clerk read the Senate bill, as follows:

S. 3498

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Convention on the Settlement of Investment Disputes Act of 1966".

SEC. 2. The President may make such appointments of representatives and panel members as may be provided for under the convention.

SEC. 3. (a) An award of an arbitral tribunal rendered pursuant to chapter IV of the convention shall create a right arising under a treaty of the United States. The pecuniary obligations imposed by such an award shall be enforced and shall be given the same full faith and credit as if the award were a final judgment of a court of general jurisdiction of one of the several States. The Federal Arbitration Act (9 U.S.C. 1 et seq.) shall not apply to enforcement of awards rendered pursuant to the convention.

(b) The district courts of the United States (including the courts enumerated in title 28, United States Code, section 460) shall have exclusive jurisdiction over actions and proceedings under paragraph (a) of this section, regardless of the amount in controversy.

The bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

A similar House bill (H.R. 15785) was laid on the table.

SPECIAL ALLOWANCES AT TIME OF EMERGENCY EVACUATIONS

The Clerk called the bill (H.R. 11979) to make permanent the act of May 22, 1965, authorizing the payment of special allowances to dependents of members of the uniformed services to offset expenses incident to their evacuation, and for other purposes.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. GROSS. Mr. Speaker, reserving the right to object, and I shall not object, I simply want to observe that this is another example of what we get into by virtue of being involved all over the world and stationing of troops almost everywhere around the world. It is high time that we cut down and cut back. It is time that we established law and order in this country before we try to establish law and order in every two-bit country around the world.

Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. SCHWEIKER. Mr. Speaker, reserving the right to object, having served on the subcommittee and the full committee that had this legislation before them and seeing the need for a permanent policy, I would like to say that this legislation is long overdue. The House passed a bill like this previously and the Senate amended it so it would not be permanent. In view of the people who serve on the front lines around the world, I think we owe them this obligation to take care of them in emergencies.

Mr. Speaker, I strongly urge the passage of this legislation.

Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER. Is there objection to the present consideration of the bill?

There being no objection, the Clerk read the bill, as follows:

H.R. 11979

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 2 of the Act of May 22, 1965, 79 Stat. 117, is amended by striking out ", and terminates on June 30, 1966".

SEC. 2. Section 405a(a) of title 37, United States Code, is amended by striking out "from places outside the United States to places inside the United States."

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

PROVIDING PUBLIC QUARTERS TO CIVILIAN INSTRUCTORS

The Clerk called the bill (H.R. 7973) to amend section 4339 of title 10, United States Code.

There being no objection, the Clerk read the bill, as follows:

H.R. 7973

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 4339 of title 10, United States Code, is amended to read as follows:

"§ 4339. Organist and choirmaster; civilian instructors in departments of foreign languages and tactics: quarters, fuel, and light

"(a) The organist and choirmaster of the Academy is entitled to public quarters without charge when they are available, and to fuel and light without charge when he occupies public quarters.

"(b) The civilian instructors in the departments of foreign languages and tactics are entitled to public quarters without charge and fuel and light therefor without charge."

SEC. 2. This amendatory Act shall be effective as of October 29, 1949.

Mr. PIRNIE. Mr. Speaker, I ask unanimous consent to extend my remarks at this point in the RECORD.

The SPEAKER. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. PIRNIE. Mr. Speaker, I introduced H.R. 7973 for one purpose—to correct a most unfortunate situation that has caused undue hardship to certain civilian instructors at the U.S. Military Academy and has placed the Academy in the embarrassing position of being unable to properly fulfill its contractual obligations with these individuals.

Since 1919, the organist and choirmaster and the civilian instructors in the Departments of Foreign Languages and Tactics at the Academy have received quarters, fuel and light without charge as part of their compensation. The authority to furnish these benefits appeared to be contained in section 4339, of title 10, United States Code, which provides that the organist and choirmaster and the civilian instructors in the Departments of Foreign Languages and Tactics at the U.S. Military Academy are entitled to public quarters, when they are available, and to fuel and light when the quarters are occupied. However, in 1963, the Comptroller General of the United States ruled that this additional compensation could no longer be furnished to the civilian instructors without charge, thereby disrupting a 44-year practice and leaving no way for the Academy to carry out its contracts with these individuals. This bill will simply remedy this situation and provide clear authority for the continuation of this policy. It has the support of the Department of the Army and the Defense Department.

A measure to correct this situation was originally introduced in the 88th Congress by our former colleague, Katharine St. George. No action was taken on the measure due to the fact that the Bureau of the Budget failed to endorse it. I reintroduced this bill in May of 1965 because I felt that the Comptroller General misinterpreted the original intent of the Congress regarding the granting of quarters, fuel and light to the civilian instructors at the Academy.

In order to understand the reasons behind the enactment of a specific provision granting quarters, fuel and light to the civilian instructors at West Point, a few background facts must be mentioned. The Academy requires the civilian instructors to live on the Military Academy premises. This policy is based on the nature of the military community and a desire that the officers be accessible to the Cadet Corps at all times. It is also the intent that these instructors be fully integrated into and contribute to the educational environment at West Point. These objectives are important and I am confident that the Congress in the past also so recognized. However, the Comptroller General's decision did not concern itself with these facts. It was based on a provision in the Classifications Act of 1949 which provides that the allowance for quarters, heat, light, et cetera, must be considered as part of the compensation for fixing the salary rate of Civil Service personnel. This section has been construed by the Comptroller General to apply to all classes of civilian employees entitled to such allowances from the Government "irrespective of the act under which their salaries are paid or the branch of the service in which employed." By adopting this construction, the Comptroller General has failed to take into account the fact that section 4339 to title 10, United States Code was reenacted subsequent to 1949, and, that Congress, in the case of the civilian instructors at the Academy, intended that special circumstances demanded special legislation, that is, 10 U.S.C. 4339.

There is every reason to believe that Congress recognized the unusual situation at the Academy and acted accordingly. The Appropriations Act for the Military Academy for 1919 stated that these civilian instructors employed in the Department of Tactics shall be entitled to public quarters and to the same allowances with respect to fuel and light as those of first lieutenant upon occupying public quarters. Thus, it appears that it was the intent of the Congress in 1919 to equate these civilian instructors, insofar as allowances are concerned, with a first lieutenant. A similar provision was included in the appropriations bill for the following 8 years. Apparently, it was then decided to make this permanent law and on February 14, 1927, this was done. Since that time, this law has been in effect. The Classification Act of 1923 was reenacted and amended in 1949. The law pertaining to the civilian instructors at the Academy was subsequently reenacted by codification in 1956. This time element is a decisive factor in the determination of congressional intent.

Aside from any legal considerations, basic equity demands that these civilian instructors be protected. They contracted for this benefit with the Academy and the U.S. Government. For years this contract was fulfilled. Since 1963, each has lost approximately $1,500 per year from their pay as a result of the decision of the Comptroller General. In its dissenting report of this legislation, the Bureau of the Budget stated that it would not be opposed to a compromise solution allowing these benefits to be granted for a transitional period of 5 years. Mr. Speaker, equitable relief should not be accompanied by a time limit. I see no reason for placing such a limitation in this case. If we are to do equity, let us do it with no reservations. For this reason, I urge support of H.R. 7973.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

ACCUMULATION OF LEAVE IN CERTAIN FOREIGN AREAS

The Clerk called the bill (H.R. 11984) to amend section 701 of title 10, United States Code, to authorize additional accumulation of leave in certain foreign areas.

There being no objection, the Clerk read the bill, as follows:

H.R. 11984

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 701 of title 10, United States Code, is amended—

(1) by striking out the first sentence in subsection (b) and inserting in place thereof "A member may not accumulate more than sixty days' leave."; and

(2) by adding at the end:

"(f) Notwithstanding any other provision of law, under regulations prescribed by the Secretary concerned or his designated representative, a member who serves one hundred and twenty days or more in a foreign area in which there is hostile activity may accumulate ninety days' leave. Leave in excess of sixty days under this subsection is creditable only for use before the end of the fiscal year following the fiscal year in which service in the foreign area terminates."

SEC. 2. This Act is effective June 30, 1965.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

A SPECIAL 30-DAY PERIOD OF LEAVE

The Clerk called the bill (H.R. 15748) to amend title 10, United States Code, to authorize a special 30-day period of leave for a member of a uniformed service who voluntarily extends his tour of duty in a hostile fire area.

There being no objection, the Clerk read the bill, as follows:

H.R. 15748

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 703 of title 10, United States Code, is amended by inserting the designation "(a)" before "Leave" and by adding the following new subsection:

"(b) Under regulations prescribed by the Secretary of Defense, and notwithstanding subsection (a), a member who is on active duty in an area described in section 310(a)(2) of title 37 and who, by reenlistment, extension of enlistment, or other voluntary action, extends his required tour of duty in that area for at least six months may be—

"(1) authorized not more than thirty days of leave, exclusive of travel time, at an authorized place selected by the member; and

"(2) transported at the expense of the United States to and from that place.

Leave under this subsection may not be charged or credited to leave that accrued or that may accrue under section 701 of this title."

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

HEADSTONES TO CIVILIANS ABOARD THE U.S.S. "THRESHER"

The Clerk called the resolution (H.J. Res. 561) to authorize the Secretary of the Army to furnish memorial headstones or markers to commemorate those civilians who lost their lives aboard the submarine U.S.S. *Thresher.*

There being no objection, the Clerk read the resolution, as follows:

H.J. RES. 561

Whereas seventeen civilians lost their lives while serving as technical observers aboard the nuclear submarine, United States ship Thresher; and

Whereas such civilians were performing services vital to the national defense of the United States; and

Whereas such civilians are not eligible for memorial headstones or markers as are members of the Armed Forces who die under such circumstances while serving on active duty; and

Whereas a memorial headstone or marker would be a fitting tribute to the memory of those civilians who lost their lives aboard the United States ship Thresher: Therefore be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Army is authorized and directed to furnish, upon request, an appropriate memorial headstone or marker to commemorate any civilian who lost his life while serving as a technical observer aboard the submarine United States ship Thresher. Such headstone or marker shall be suitable for placement by the applicant in a national or private cemetery and shall be furnished in the same manner that headstones or markers are furnished under the Act of July 1, 1948 (62 Stat. 1215; 24 U.S.C. 279(a)), to commorate members of the Armed Forces who die in service.

Mr. PHILBIN. Mr. Speaker, I ask unanimous consent to extend my remarks at this point in the RECORD.

The SPEAKER. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

Mr. PHILBIN. Mr. Speaker, House Joint Resolution 561 is a resolution to authorize the Secretary of the Army to furnish memorial headstones or markers to commemorate those 17 civilians who lost their lives aboard the submarine U.S.S. *Thresher* on April 10, 1963. Thirteen of these civilians were employees of the Fortsmouth Naval Shipyard; two were employees of the Sperry Co.; one was a representative of Raytheon, and one was an employee of the U.S. Naval Ordnance Laboratory.

Existing law authorizes the Government to furnish memorial markers for those who die in the military service and whose remains are not recovered or are buried at sea. No such provision is made for civilian employees of the Government or contractors who die under similar circumstances. The Armed Services Committee is of the opinion that the action authorized by this resolution is little enough tribute for the Congress to pay those 17 civilians who lost their lives in the test and evaluation of one of our most important weapon systems.

The cost to the Government for these headstones or markers totals only $595, or $35 for each.

The Department of Defense opposes this legislation on the basis that it would serve as a precedent to cover all civilians working on national defense projects, or civilians formerly in the service whose remains are not recoverable.

The Committee on Armed Services disagrees with this position and feels that this legislation does not establish a precedent for future entitlement to such honors or recognition. In the future, should there be similar tragedies, each should be considered on the basis of the facts relating to that particular incident.

Mr. Speaker, I ask that the House approve this resolution.

The resolution was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

AMENDING THE IMMIGRATION AND NATIONALITY ACT

The Clerk called the bill (H.R. 12596) to amend the Immigration and Nationality Act, as amended.

The **SPEAKER**. Is there objection to the present consideration of the bill?

Mr. RYAN. Mr. Speaker, reserving the right to object, and I shall not object, I simply desire to rise in support of this bill, H.R. 12596, which is very fair and corrects an inequity.

A year ago, when we amended the Immigration and Nationality Act, we hoped that it would allow for more equitable treatment of those who wish to become citizens of this great Nation. Since last December 1, however, when the new act went into effect, it has become clear that the new law itself contains several distressing inequities.

Many of the inequities in the new act apply most directly to the countries of Latin America. I hope that, before this session of Congress is over, the Judiciary Committee will have an opportunity to review the application of the new immigration laws to the people of Latin America.

Mr. Speaker, one especially pressing problem confronts many Latin Americans who were in the United States last year, and whose applications for a change of status to that of permanent residents were filed before the new law went into effect. Because of the time lag in processing, many applications had not been acted upon by December 1, 1965, when the new law went into effect. The Justice Department has treated these applicants under the provisions of the new law, which does not permit Latin Americans to change their status—or to become permanent residents—without returning to their country of origin. As a result, many Latin Americans have been threatened with deportation.

Consequently, on March 8 I introduced H.R. 13394, which would amend the Immigration and Nationality Act in order to treat applications filed before December 1, 1965, under the provisions of the former law.

The situation was urgent when I introduced that amendment 5 months ago. During the intervening months, as these people's lives have been clouded with uncertainty and threats of deportation, the situation has become drastic. For that reason, I fully support H.R. 12596.

However, I think that the Members of this and the other body should be aware that H.R. 12596 may not accomplish what its sponsors intend. It is intended to make sure that all those whose applications were filed while the old law was still in effect would be treated under the provisions of the old law. But, as the Justice Department told the committee in a letter which is reprinted on page 3 of the committee report on the bill, H.R. 12596 on its face would only allow those citizens to change their status. It apparently does not eliminate the need for them to meet the stiffer criteria of the new law, such as the requirement of a labor certificate. My bill (H.R. 13394) would have specifically accomplished both of these purposes.

In its report (No. 1771), the committee meets the problem by making it clear that H.R. 12596 is intended to achieve treatment for those affected under the terms of the old law. It states:

> Inasmuch as the labor certification requirements (sec. 212(a)(14) of the Immigration and Nationality Act, as amended by 10(a) of the act of October 3, 1965), became effective on December 1, 1965, this new requirement will not be applicable in the processing of those petitions filed prior to that date.

Evidently the Justice Department has now concluded that its original reading of the bill was unnecessarily narrow.

Mr. Speaker, in view of the committee report, a labor certificate should not be required of these applicants. It is in that spirit that we pass this bill.

The **SPEAKER**. Is there objection to the present consideration of the bill?

There being no objection, the Clerk read the bill, as follows:

H.R. 12596

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, section 245 of the Immigration and Nationality Act, as amended, is amended by adding a new subsection (d) to read as follows:

"(d) The provisions of paragraph (c) of this section shall not apply to any application for adjustment pending before the Attorney General on December 1, 1965."

With the following committee amendment:

On page 1, lines 7 and 8, strike out the language "pending before the Attorney General on" and substitute in lieu thereof the language "filed with the Attorney General prior to".

The committee amendment was agreed to.

Mr. FEIGHAN. Mr. Speaker, the purpose of the bill before us today, H.R. 12596, is to permit the Attorney General to adjudicate those applications for adjustment to permanent residence status, filed prior to December 1, 1965, the effective date of the recent amendments to the Immigration and Nationality Act, by persons born in the Western Hemisphere.

Prior to the effective date of the act of October 3, 1965—Public Law 89-236—natives of the Western Hemisphere, with the exception of natives of Canada, Mexico, and of the adjacent islands of the Caribbean, were eligible for adjustment of status to that of persons admitted for permanent residence while they were in the United States.

However, in view of the fact that the Immigration and Naturalization Service had been faced with the recurring problem where natives of Central and South America came to the United States as nonimmigrant visitors, and thereafter promptly sought permanent residence in the United States, the committee saw fit to recommend legislation whereby all natives of the Western Hemisphere would be precluded from adjustment of status in the United States. Thus, the act of October 3, 1965, amended section 245—the adjustment of status section of the Immigration and Nationality Act—to accomplish this purpose.

As a result of this amendment, between 800 and 1,000 otherwise eligible natives of Western Hemisphere countries, who had filed applications for adjustment of status with the Attorney General before December 1, 1965, but whose applications could not be adjudicated before the amendment became effective, were ineligible for such adjustment. This legislation would permit the Attorney General to process and adjudicate these applications in the same manner and under the same standards and criteria established by law and regulation that existed prior to the effective date of the amendment. The bill is, in effect, a savings clause with respect to the applications by otherwise eligible Western Hemisphere natives who were unable to obtain prompt adjudication of their applications. These aliens for the most part admitted to the United States as students or visitors would thus be relieved from the financial burden and hardship of departing from the United States, journeying to their native country, securing an immigrant visa there, and then returning to the United States for admission for permanent residence.

This legislation is not intended to provide for adjustment of status of Western Hemisphere aliens who were ineligible for such adjustment prior to the amendments of October 3, 1965, to the Immigration and Nationality Act. Likewise, this legislation in no way affects or curtails the discretion given to the Attorney General in adjusting status under provisions of the law. Inasmuch as the labor certification requirements—section 212(a)(14) of the Immigration and Nationality Act—became effective on December 1, 1965, this requirement will not be applicable in the processing of petitions filed before that date.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

AMENDING THE SHIP MORTGAGE ACT, 1920

The Clerk called the bill (H.R. 8000) to amend the Ship Mortgage Act, 1920, relating to fees for certification of certain documents, and for other purposes.

There being no objection, the Clerk read the bill, as follows:

H.R. 8000

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the third sentence of subsection I of the Ship Mortgage Act, 1920 (41 Stat. 1002; 46 U.S.C. 927), is amended by striking out the period at the end thereof and inserting in lieu thereof a comma and the following: "except that if a person requesting certification of more than ten copies of a mortgage which includes more than one vessel, furnishes such copies to the collector, the fee for certification of each copy in excess of ten shall be $1 per copy."

SEC. 2. (a) Subsection E of the Ship Mortgage Act 1920 (42 U.S.C. 923), is amended by inserting at the end thereof the following: "The requirement of this subsection that a copy of a preferred mortgage be placed and retained on board the mortgaged vessel shall not apply in the case of a mortgaged vessel which is not self-propelled (including, but not limited to, barges, scows, lighters, and car floats)."

(b) The amendment made by subsection (a) of this section shall apply to all mortgages whether made before, on, or after the date of enactment of this section.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

The **SPEAKER**. This concludes the call of the Consent Calendar.

CALL OF THE HOUSE

Mr. **ARENDS**. Mr. Speaker, I make the point of order that a quorum is not present.

The **SPEAKER**. Evidently a quorum is not present.

Mr. **BOGGS**. Mr. Speaker, I move a call of the House.

A call of the House was ordered.

The Clerk called the roll, and the following Members failed to answer to their names:

[Roll No. 191]

Belcher
Blatnik
Brock
Buchanan
Clark
Clevenger
Cohelan
Dickinson
Dingell
Duncan, Oreg.
Edwards, La.
Ellsworth
Evins, Tenn.
Fino
Fraser
Frelinghuysen
Fulton, Pa.
Fulton, Tenn.
Giaimo
Grabowski
Hall
Halleck
Hamilton
Hansen, Idaho
Harvey, Ind.
Henderson
Holland
Ichord
Jones, Ala.
Jones, Mo.
Karth
Keogh
King, N.Y.
Landrum
Long, La.
Love
McDowell
McMillan
Mackie
Martin, Ala.
Mize
Morrison
Murphy, N.Y.
Nedzi
Nelsen
O'Brien
O'Hara, Mich.
Olson, Minn.
Powell
Quie
Race
Randall
Resnick
Roncalio
Roudebush
Roybal
Scott
Shipley
Shriver
Smith, Va.
Stalbaum
Stephens
Todd
Toll
Utt
Whalley
Willis

The **SPEAKER** pro tempore (Mr. BOGGS). On this rollcall 365 Members have answered to their names, a quorum.

By unanimous consent, further proceedings under the call were dispensed with.

CIVIL RIGHTS ACT OF 1966

Mr. **CELLER**. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the State of the Union for the further consideration of the bill (H.R. 14765) to assure nondiscrimination in Federal and State jury selection and service, to facilitate the desegregation of public education and other public facilities, to provide judicial relief against discriminatory housing practices, to prescribe penalties for certain acts of violence or intimidation, and for other purposes.

The motion was agreed to.

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the further consideration of the bill H.R. 14765, with Mr. BOLLING in the chair.

The Clerk read the title of the bill.

The **CHAIRMAN**. When the Committee rose on Friday, July 29, 1966, the Clerk had read through title 1 of the committee substitute ending on line 14, page 52, of the bill.

Are there further amendments to title 1?

AMENDMENT OFFERED BY MR. CAHILL

Mr. **CAHILL**. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. CAHILL: On page 38, strike out line 17 and all that follows down through page 39, line 2, and insert in lieu thereof the following:

"(b) The jury commission shall place in the master wheel a number of names equal to at least one-half of one per centum of the total number of persons of voting age residing in the district or division, unless the Chief Judge of the district with the concurrence of the judicial council of the circuit determines that maintenance of such a number in the master jury wheel is unnecessary and burdensome and the Chief Judge with the concurrence of the judicial council prescribes a lesser number of names: *Provided*, That in no event shall the number so prescribed be less than three times the number of jurors actually called for jury service during the preceding calendar year."

Mr. **CAHILL**. Mr. Chairman, as was reported last week by the gentleman from North Carolina, many of the clerks representing the district courts and the judicial districts of the country testified in the other body and registered certain objections to title I of the bill in its present form. Although they were not testifying concerning this particular bill, one of the objections which they raised I think can be charged against this particular title of the bill. The purpose of my amendment is to correct what I think is the basis for the greatest opposition to title I, that is, the inordinate and I think the unnecessary number of names that are to be placed in the jury wheel.

You will recall that under the legislation as it is presently written the commissioners are to place 1 percent of the registered voters in a wheel. Now, in New Jersey, for example, this would require some 35,000 names to be placed in the wheel. Of course, it varies, as does each district and each area of our country vary, in population and in registered voters. Under this amendment, the number would be reduced to one-half of 1 percent. Of course, under my proposed amendment this would be a maximum, because the chief judge of the district court has the authority under the amendment where he believes that one-half of 1 percent of the names is unnecessary and burdensome, to reduce that number with the concurrence of the judicial council of the circuit. If he feels that one-half of 1 percent is unnecessary and burdensome, he may with the concurrence of the council limit the number to three times the actual number of jurors who were called for jury duty in the preceding year. So, in other words, taking again my State of New Jersey as an example, it would reduce from 35,000 to 17,500 the maximum number of names that were to be placed in the wheel.

But, Mr. Chairman, if the chief judge, with the concurrence of the Judicial Council, felt that that number was burdensome and unnecessary, he could reduce that number to three times the number actually called for jury service during the preceding year.

In New Jersey, for instance, Mr. Chairman, that would mean three times approximately 2,000, or 6,000 names.

Mr. **CELLER**. Mr. Chairman, will the gentleman yield?

Mr. **CAHILL**. Yes, I shall be happy to yield to my colleague, the distinguished chairman of the Committee on the Judiciary.

Mr. **CELLER**. Mr. Chairman, I want to say that the gentleman from New Jersey [Mr. CAHILL] in addressing the House always requires respectful attention, and his words are always words of wisdom.

Mr. Chairman, the gentleman from New Jersey [Mr. CAHILL] is one of the most efficient members we have serving on the Judiciary Committee.

Therefore, Mr. Chairman, I am very happy to state that with reference to his amendment and in order to lighten the burdens of the administration of this title, the gentleman's amendment is very reasonable and provides proper safeguards. Therefore I am very happy to embrace and accept the gentleman's amendment.

Mr. **CAHILL**. I thank the chairman.

Mr. **RODINO**. Mr. Chairman, will the gentleman yield?

Mr. **CAHILL**. I yield to the gentleman from New Jersey [Mr. RODINO].

Mr. **RODINO**. Mr. Chairman, may I say that I bespeak the same sentiments regarding the gentleman from New Jersey who is now addressing the Committee. We recognize that there may be some administrative difficulties in trying to comport with the section that the gentleman from New Jersey [Mr. CAHILL] has in question.

However, I would like to address some questions to the gentleman from New Jersey regarding the amendment, which we feel is one that may correct some of the administrative difficulties.

First of all, does the gentleman from New Jersey assure us that his amendment will comport with the spirt and intent of that title, in that we can be sure that the broadest cross section of the community will be reached?

Mr. **CAHILL**. I will say to the gentleman from New Jersey [Mr. RODINO] that I most assuredly do intend that the principle and spirit of the original bill be followed and that each judge will require compliance so that the broadest cross section of the community will be represented on all juries.

The **CHAIRMAN**. The time of the gentleman from New Jersey has expired.

Mr. **McCULLOCH**. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in support of the amendment. It will be in the interest of the economy of effort. It will be in the interest of economy of the use of public funds. It improves title I of the bill. Therefore I hope that it will be agreed to by the Committee.

Mr. Chairman, I yield back the balance of my time.

The **CHAIRMAN**. The question is on the amendment offered by the gentleman from New Jersey [Mr. CAHILL].

The amendment was agreed to.

Mr. **RIVERS** of South Carolina. Mr. Chairman, I move to strike the requisite number of words.

Mr. **RIVERS** of South Carolina. Mr. Chairman, I ask unanimous consent to revise and extend my remarks and to proceed for an additional 5 minutes.

The **CHAIRMAN**. Is there objection to the request of the gentleman from South Carolina?

There was no objection.

Mr. **RIVERS** of South Carolina. Mr. Chairman, I have not taken any time on this legislation, and that is why I have asked for this additional 5 minutes.

Mr. Chairman, I have not come here to do anything more than to admonish and to make a few reservations to those who may be interested. Mr. Chairman, I am not so naive as to think that anything I say will change the mind of anyone on this legislation.

Mr. Chairman, I would be unfaithful to my sense of duty, my responsibility, and my oath of office if I did not express my sincere and deep-seated convictions with respect to this nefarious bill that is now being debated in the House.

The rule of the majority has succumbed to the threats of the minority. And if you are so naive as to assume that this bill will solve the problems of racial strife in this century, you are sadly mistaken.

Each time you pass additional civil rights legislation, it is based upon the old hue and cry that it will solve the problems of equality and discrimination—problems which have existed since the beginning of mankind, and problems which will continue to exist long after we are all gone.

All men are not created equal. If we were, we would all be the same height, the same weight, and with the same intelligence level.

With the enactment of each new civil rights law—race riots have expanded.

Now we are confronted with the concept of black power.

And with tails between their legs, there are those who would give away the Capitol dome for fear that black power may rise in their districts.

You ask for the elimination of discrimination in jury trials.

You are not asking for trial by a jury of your peers, you are asking for juries based upon distribution of race. What you really want are juries of retribution.

You want the people in my part of the world to eat humble crow.

But the people of Chicago, Detroit, New York, and Los Angeles are paying the penalty for your zealous actions to destroy the social structure of the South.

Mark my words carefully—if this legislation becomes the law of the land, it will not solve the problems that confront this Nation. It will only lead to greater demands and increased racial strife.

You would destroy the rights of private property so that a minority may obtain rights and privileges never extended in the history of mankind to the majority. You would burn down your own home to eliminate a leaky faucet.

Each of you knows how you will vote on this proposal. Some of you will vote from conviction. Some of you will vote as a result of arm twisting and coercion. Some of you will vote because of a certain date in November. And others will vote based upon pure courage, knowing full well that it may affect your future in this body.

But I would ask each and every one of you, before you cast a final vote on a bill which destroys the concept of private property, which drives the last nail in the coffin of the rights of the States, to bear in mind that what you are doing here today may destroy not only the image of the South, but the image of America—indeed our entire free enterprise system in the years ahead.

You are tampering with human nature. You are trying to legislate against human motivation. You are misreading the temper of the times. And some of you will receive a rude awakening on a certain Tuesday in November when the people will go into the voting booths, close the curtain, and vote their convictions.

We have debated the subject of civil rights for many years.

I suggest that we spend a few days, each year, other than the Fourth of July, discussing civil responsibilities and civil obligations.

With every right there is a duty. Opportunity is one thing—deprivation of property is something else.

Hear me and hear me well.

For some of you—the vote you cast on this bill will haunt you for the rest of your lives.

The people of America are crying for law and order. The people of America are demanding law and order from the highest echelons of our Government. Their pleas and their demands remain unheeded.

They are tired of mob rule, tired of riots, tired of the irresponsible destruction of private property, and tired of being threatened by a militant, well-organized, and well-financed, sneering, demanding, minority. The American people—the vast majority—are patient, but their patience is at an end.

The next President of the United States, regardless of party, will be that man who has the courage and the guts to face the howling mobs and not only demand law and order, but enforce the law of the land against all persons, regardless of race, color, creed, or previous condition of servitude.

Mr. **HÉBERT**. Mr. Chairman, will the gentleman yield?

Mr. **RIVERS** of South Carolina. I am delighted to yield to the gentleman from Louisiana.

Mr. **HÉBERT**. Mr. Chairman, I asked the gentleman to yield because once again I find myself proud and privileged to stand alongside my distinguished colleague from South Carolina. We came to this Congress some 26 years ago together. We alone of that Congress, the 77th Congress, remain here with uninterrupted service.

I seize this opportunity to tell my distinguished colleague again and again and again that he has demonstrated the courage and the leadership which he has exemplified as chairman of the Armed Services Committee.

To you, Mr. Chairman, I want to say that I associate myself with the remarks of the gentleman from South Carolina. I change not a line. I erase not a word. I uncross no "t's" and dot no "i's." What the gentleman has said is what I would have wished to say, and which he has said better than I could say it. I am proud to associate myself with the remarks the gentleman has made.

Mr. **RIVERS** of South Carolina. I thank the gentleman from Louisiana. I could ask for no better company with which to face the future.

AMENDMENT BY OFFERED BY MR. DOWDY

Mr. **DOWDY**. Mr. Chairman, I now offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. DOWDY: On page 38, beginning on line 6, strike the remainder of the page, and page 39, strike lines 1 and 2, and 19 through 23, and insert in lieu thereof the following:

"SECTION 1864. SELECTION OF NAMES FOR THE JURY WHEEL.—

"(a) Between November 1 and December 1 of each year, each jury commission shall select at random from the voter registration lists of persons residing in the judicial district or division it serves the names of persons in such number as may be directed by the chief judge of the district, or his order, such number to be not less than twice the anticipated number of jurors required in the ensuing year: *Provided,* That the judicial council of the circuit, with such advice as the chief judge of the district may offer, shall prescribe some other source or sources of names in addition to the voter registration lists where necessary, in the judgment of the council, to protect the rights secured by sections 1862 and 1863 of this title.

"(b) The jury commission shall in accordance with this section, as necessary upon order of the chief judge, select additional names.

"(c) The names selected shall contain persons residing in each of the counties, parishes, or similar political subdivisions within the judicial district or division."

Strike all of page 40, and lines 1 through 17 on page 41, and insert in lieu thereof the following:

"SEC. 1865. JUROR QUALIFICATION FORMS FROM PROSPECTIVE JURORS.—

"(a) The jury commission shall prepare an alphabetical list of the names drawn under the provisions of section 1864, which list shall not be disclosed to any person except in judicial proceedings by order of the judge of the court. No later than December 1, the clerk shall mail to each person whose name is on the list a juror qualification form to be prescribed by the Administrative Office of the United States Courts in consultation with the Attorney General, with instructions to fill out and return the form duly signed to the clerk by mail within ten days. The form shall elicit his name, address, age, sex, race, occupation, length of residence within the judicial district, prior jury service, and citizenship and whether he has any physical infirmity impairing his capacity to serve as a juror, is able to read, write, speak and understand the English language. Any person who fails to return a juror qualification form as instructed shall be summoned by the clerk forthwith to appear before the clerk to fill out a juror qualification form."

On page 42, line 24, after the word "names", strike the words, "drawn from the master jury wheel";

Page 43, line 22, strike the words "Qualified juror wheel", and insert in lieu thereof, "jury wheel".

Page 44, line 1, strike "qualified juror wheel", and insert in lieu thereof "jury wheel".

Page 44, after line 15, add a new paragraph, as follows:

"(c) On January 1 of each year, after all grand and petit jurors theretofore ordered have been drawn, the jury commission shall empty the jury wheel, and refill it with the new names of qualified jurors provided for in this Act."

On page 47, in section 1868, line 13, strike "master jury wheel", and insert "jury wheel";

In line 14, strike "section 1864(f)" and insert "Section 1866(e)";

In line 15, strike "master wheel" and insert "jury wheel";

In line 18, strike "master wheel" and insert "jury wheel"; and following line 21, insert the following: *"Provided,* That none of the records and papers so compiled and maintained which contain any derogatory remarks or information about any prospective juror shall be available for public inspection".

In section 1872, on page 51, lines 19 and 20, strike the words "qualified jury wheel" and insert "jury wheel".

Mr. DOWDY. Mr. Chairman, I have several amendments. I have tried to divide them into groups which will be in line with one another.

This is the first, to this section.

The intent of this amendment, if anyone took the trouble to listen to its reading, is to meet the problems which have been raised in the general debate; for instance, as to the vast number of names which are to be chosen unnecessarily. This will cut that down to 1,500 or perhaps 3,000 names, in place of the 10,000, 15,000, 20,000, or even 30,000 which is entirely unnecessary.

In my amendment, instead of that vast number, I would have the jury commission select twice the number of jurors that the judges of the court in a particular district or division thought would be necessary in the ensuing year.

I can only briefly explain this amendment, because of the limited time, but will do my best.

I did not change anything that was not necessary to the end of making a few refinements in the language of the title as contained in the bill.

I provide for only one jury wheel, instead of two, as the second as provided in the bill is wholly useless, and an unnecessary expense in clerks' time and wasteful of the taxpayers' money.

In the next section I would provide for the jury commission to make an alphabetical list of those names, twice the number estimated to be needed during the ensuing year, prior to December 1 of a given year. To all of those names, then, the clerk would mail the jury qualification form, and he would expect those back by the 10th of December. If they were not returned, then those who did not return them would be summoned, just as provided in the bill as it is written.

In this also I would slightly change the requirements for the jury qualification form. I would cut out the word "education." I do not believe that is called for under the law as it is being written, because other portions of this bill provide that the only educational requirement is that the juror be able to read, write, speak, and understand the English language. The amount of his education is wholly irrelevant and immaterial.

Mr. WAGGONNER. Mr. Chairman, I make the point of order that a quorum is not present.

The CHAIRMAN. The Chair will count. Sixty-seven Members are present, not a quorum. The Clerk will call the roll.

The Clerk called the roll, and the following Members failed to answer to their names:

[Roll No. 192]

Andrews, Glenn
Ashley
Belcher
Bell
Blatnik
Brock
Brown, Calif.
Buchanan
Clevenger
Dent
Dickinson
Dulski
Duncan, Oreg.
Edwards, La.
Ellsworth
Evins, Tenn.
Farnsley
Fino
Fulton, Pa.
Fulton, Tenn.
Gallagher
Giaimo
Gilligan
Grabowski
Hall
Halleck
Halpern
Hanna
Hansen, Idaho
Hansen, Wash.
Henderson
Holland
Ichord
Irwin
Jennings
Jones, Mo.
Karth
Keogh
King, N.Y.
Landrum
Long, La.
Love
McDowell
Mackie
Martin, Ala.
Mize
Morrison
Murphy, N.Y.
Murray
Nedzi
O'Brien
Pool
Powell
Purcell
Quie
Randall
Reid, Ill.
Resnick
Roncalio
Roudebush
Roybal
Scott
Shipley
Shriver
Sikes
Stalbaum
Stephens
Todd
Toll
Tuten
Ullman
Whalley
Willis

Accordingly, the Committee rose; and the Speaker having resumed the chair, Mr. BOLLING, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill H.R. 14765, and finding itself without a quorum, he had directed the roll to be called, when 359 Members responded to their names, a quorum, and he submitted herewith the names of the absentees to be spread upon the Journal.

The Committee resumed its sitting.

The CHAIRMAN. When the Committee rose, the gentleman from Texas had been recognized and had 3 minutes remaining. The gentleman from Texas is recognized.

Mr. DOWDY. Mr. Chairman, this amendment would take away the embarrassment from a man who received a jury qualification form, on which he is asked to say whether he has been convicted of a crime punishable by imprisonment and whether he subsequently had his civil rights restored, and it takes away from him the burden of answering the question about whether he has any mental infirmity that would impair his capacity to serve as a juror.

I do not know just exactly what the Members of the House, including myself, would do if we received a questionnaire like that, asking us to pass upon our own mental infirmity. I believe if we think about it, all would feel the same way. I have said that you do not have to be crazy to be in politics, but it helps. So perhaps some of us will want to think twice before we answer that question ourselves. And who is to say that he does not have some mental quirk that might affect service as a juror? I think psychiatrists aver that everyone has some idiosyncrasy.

There is another thing about the jury qualification form that people answering it should bear in mind, that at the expiration of a couple of years, it is going to be on public exhibition for at least 4 years to let anybody come and see how the man answered the questions, whether he has any interest in a case or not.

That is just an additional burden that is put on a man who is called to do his duty in jury service.

This amendment reconciles a number of phrases in the bill to conform to these little changes I have made. I will not discuss those, as they are self-evident. My amendment does three things: First, it cuts down the expense of an unnecessarily cumbersome manner in which the qualified jurors are to be ascertained. Second, it changes slightly the juror qualification form.

And, third, if there is anything derogatory in the notations that the jury commission makes on the alphabetical list, or if there is anything derogatory on the juror qualification forms, they shall not be available for public inspection for the 4-year period. I do not believe they should be. A man who is questioned about being a juror should not have to contend with or be held responsible for any notations the jury commissioners might make as to his qualification on their alphabetical list whether a juror pays his debts or not, or whether he has a mental deficiency, or whether he has been convicted of a crime or charged with a crime, or any of those things. He should be protected from having those matters put on public display for a period of years as provided in this bill. Neither should his answers on the juror qualification form be put on such display for the same reason. It would be a betrayal of privacy.

That should not be made public.

If I have a moment or two left—and our time is always cramped—I wish to say that I compliment our chairman, the gentleman from New York [Mr. CELLER], for the fact that he has patiently listened and has not unnecessarily rushed us to get through with this bill. At least he has let the Members who have been interested enough to attend know what is going on. I compliment him. He has not done, as some committee chairman I have seen do—cut it off without any debate at all.

Mr. Chairman, I ask that my amendment be adopted.

Mr. RODINO. Mr. Chairman, I rise in opposition to the amendment.

I know that the spirit in which the amendment is offered by the gentleman from Texas is motivated to try to do something which the gentleman believes is correct. However, I feel that what the gentleman does in offering this amendment is to rewrite the detailed procedure prescribed in the bill. In this way what he does is to destroy the intent and purpose of this title, which is to assure that there will be a broad cross section of the community represented on Federal juries.

The gentleman points out that instead of two jury wheels there would be one jury wheel. This, in effect, would limit the number of jurors or the randomness of the selection of names that might be called. Therefore, it would restrict the purpose and intent of this section.

The gentleman alludes to the question of education, which may be inquired into on the juror qualification form. The education inquiry is intended to be used by the jury commissioner as a guide to determine the literacy of the individual. I believe this is reasonable. I believe this will assure that the individual who may be considered as a juror has the necessary qualifications.

Beyond that, we have already accepted a moderate amendment proposed by the gentleman from New Jersey [Mr. CAHILL], which liberalizes the bill's requirements. In so doing, we have recognized that there may have been an administrative burden.

However, we do preserve, as the gentleman has indicated, the intent and the spirit of the title.

I believe an attempt of this sort to rewrite the procedure, Mr. Chairman, will cause great difficulty. For that reason I oppose the amendment.

Mr. CELLER. Mr. Chairman, will the gentleman yield?

Mr. RODINO. I yield to the gentleman from New York.

Mr. CELLER. Would the gentleman say that the amendment offered by the distinguished gentleman from Texas would so compress the available source of names as to preclude the very purpose for which we have title I; namely, to get a cross section of the population on the jury list?

Mr. RODINO. That is correct. The whole intent and spirit of title I is to assure that a broad cross section of the community will be represented.

Mr. CELLER. Would not the gentleman say, therefore, that the amendment of the gentleman from Texas would practically gut and destroy the plan and purpose of title I of the bill?

Mr. RODINO. I am sure it will distort the purpose of the title.

Mr. CELLER. It would change the entire conception of title I?

Mr. RODINO. I am in total agreement with the gentleman.

Mr. CELLER. And therefore the amendment should be voted down.

Mr. DOWDY. Mr. Chairman, will the gentleman yield?

Mr. RODINO. I yield to the gentleman from Texas.

Mr. DOWDY. If the gentleman would take the trouble to read the amendment which I gave Friday to the gentleman from New York [Mr. CELLER], he will find I followed exactly, in words and phrases, every criterion set up to choose 20,000 names, and applied it to the 2,000. The jury commissioner would do just as well in selecting 2,000 as he would in selecting 20,000, in getting a broad cross section. The words are so provided in the amendment I wrote, in the same language as in the committee bill.

Mr. RODINO. But the gentleman, in his amendment, instead of using two wheels proposes to use one wheel.

Mr. DOWDY. Two wheels are enentirely unnecessary. We would take the whole number of names, twice the number of jurors who are going to be needed, and have forms for all of them, and qualify them all, and that would be just as good or better than taking 200 out of a jury wheel and qualifying 200 at one time.

Mr. RODINO. It would cut down on the broad representative community we might have with two jury wheels.

Mr. DOWDY. But there is the same voters list and the same everything, and the broad representation would be the same.

The CHAIRMAN. The time of the gentleman has expired.

The question is on the amendment offered by the gentleman from Texas [Mr. DOWDY].

The amendment was rejected.

AMENDMENT OFFERED BY MR. DOWDY

Mr. DOWDY. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. DOWDY: On page 47, following line 21, insert the following: "*Provided*, That none of the records and papers so compiled and maintained which contain any derogatory remarks or information about any prospective juror shall be available for public inspection."

Mr. DOWDY. Mr. Chairman, I do not expect to take 5 minutes on this. This is one paragraph out of an amendment that I just offered and which was just voted down. This applies again to the records that are made by the jury commission. It provides for an alphabetical list of the jurors drawn from a master jury wheel as they call it in the bill. The bill itself in its cumbersome procedure directs the jury commissioners to write upon that alphabetical list of jurors any derogatory remarks they learn about any of such jurors, such as whether they are crazy or have been to the penitentiary or have been convicted of an offense or anything like that that they find which might lead to the belief they are not qualified for a jury. Then the bill provides for 4 years that the list they have made and those notations they have made will be open for the inspection of the public. I cannot understand why anybody, especially the people who call themselves liberals, would provide for any such thing as that. Your income tax returns and all of those things are confidential. They are not open to the public. Yet here all of these things are made available to the public, including the ex parte remarks written upon the list by the jury commission, however derogatory or false those notations might be.

Mr. Chairman, I ask that this amendment be adopted.

Mr. WHITENER. Mr. Chairman, will the gentleman yield?

Mr. DOWDY. I yield to the gentleman.

Mr. WHITENER. May I ask the gentleman, is his language additional language to section 1868 on page 47?

Mr. DOWDY. It is additional language right after line 21 in which it says, "for 4 years or for such longer period as may be ordered by a court and shall be available for public inspection."

Mr. WHITENER. The only meat in the amendment is that the security of the information will be protected as far as the individual prospective juror is concerned and it will not be available for general distribution.

Mr. DOWDY. That is all this particular amendment does.

Mr. WHITENER. I should think that everybody would be in favor of it.

Mr. DOWDY. They ought to be, but I suppose they will not because they did not think of it themselves.

Mr. ROGERS of Colorado. Mr. Chairman, will the gentleman yield for a question?

Mr. DOWDY. Yes. I yield.

Mr. ROGERS of Colorado. If an individual should file an action to get this information to determine whether or not this section had been complied with, is it the purpose of your amendment to see that they do not get the information?

Mr. DOWDY. All my amendment does, again, if you will listen to the reading of it, is this: I understand the gentleman's trouble, but it says:

Provided, That none of the records and papers so compiled and maintained which contain any derogatory remarks or information about any prospective juror shall be available for public inspection.

None of them shall be. As far as those derogatory remarks or information is concerned.

Mr. ROGERS of Colorado. Who will determine if they are derogatory remarks under the gentleman's amendment? Is the judge or the jury commissioner going to do it?

Mr. DOWDY. Well, maybe the gentleman does not know what "derogatory" means, but I suggest he look in a dictionary, and he would not have any trouble at all.

Mr. ROGERS of Colorado. What I am trying to determine is this——

Mr. DOWDY. Other people can use a dictionary, too.

Mr. ROGERS of Colorado. What I am trying to ascertain is what are the mechanics of your amendment?

Mr. DOWDY. It would result in this kind of ex parte, derogatory information not being available for public inspection.

Mr. ROGERS of Colorado. But a certain part of the information is available.

Mr. DOWDY. All right. I am not talking about that other part at all. If there is some of it that is not made available for public inspection, it is just not available for public inspection, and if anybody wants to see it, they can go to court and get a court order to see it. Of course, the court is the one that is going to determine whether it is derogatory or not.

Mr. ROGERS of Colorado. Will the gentleman yield further?

Mr. DOWDY. Yes.

Mr. ROGERS of Colorado. If an application is made to see whether this section has been complied with——

Mr. DOWDY. But under this provision, you do not have to make application. It is available for public inspection. If you make an application to the court to see it, then I do not care. But you do not have to make the application here. You say it is available for public inspection to the public—to everybody—without a court order.

Mr. ROGERS of Colorado. But does not the gentleman's amendment limit the things that may be given to the person who is inspecting it?

Mr. DOWDY. Not if he has a judiciable interest and comes with a court order, but you provide for open availability. It is open to the entire public whether they have any reason for wanting to know it or not. Why should it be? Why should these things be open for public inspection anyway? If it is material in a court action, you can go to the court and get an order to see it.

Mr. ROGERS of Colorado. Does your amendment provide for them to go to the court and get an order?

Mr. DOWDY. Such a provision is wholly unnecessary, as any lawyer ought to know. I am amending what you have done.

The **CHAIRMAN.** The time of the gentleman from Texas has expired.

Mr. CELLER. Mr. Chairman, I rise to oppose the amendment of the distinguished gentleman from Texas [Mr. DOWDY].

Mr. Chairman, we have a provision in title I on page 46, section 1867(e), which says:

> The contents of any records or papers produced pursuant to subsection (a), (b), or (c) of this section shall not be disclosed . . .

Now the gentleman speaks of not disclosing any records that might be derogatory. That is inconsistent with the portion of the bill I have just read. His amendment would only create confusion and not be constructive. It was never considered by the committee. It was never offered by the gentleman from Texas. I therefore ask that the amendment be defeated.

Mr. DOWDY. Mr. Chairman, will the gentleman yield, based upon his remarks? Would the gentleman yield for a moment based on his remarks?

Mr. CELLER. Yes, I yield to the gentleman from Texas.

Mr. DOWDY. Mr. Chairman, the gentleman from New York referred to or mentioned the point in the bill, wherein it says that certain things shall not be disclosed. That language says that they shall not be disclosed until after all persons have been selected as the jurors and the jury wheel has been emptied. Then after that period of time, approximately a 2-year period, they are all opened up for public inspection for at least 4 years. In other words, it is classified until the 2-year period of time is up, or has expired, and then opened without limitation to public display.

Mr. CELLER. That is perfectly proper, that they should be open to the public after that period of time. I have no objection to that.

Mr. Chairman, I repeat that the gentleman's amendment should be defeated.

The **CHAIRMAN.** The question is on the amendment offered by the gentleman from Texas [Mr. DOWDY].

The amendment was rejected.

AMENDMENT OFFERED BY MR. DOWDY

Mr. DOWDY. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. DOWDY: On page 36, line 14, strike all of section 1861, and insert in lieu thereof the following:

"SEC. 1861. All litigants in Federal courts entitled to trial by jury shall have the right to a jury chosen from a panel broadly representative of the community in the district or division in which the court convenes, said veniremen to have been selected without discrimination as to race, color, religion, sex, national origin, or economic status. A jury panel shall be quashed on motion made prior to announcement of ready for trial and proof by the movant that the provisions of this section were not complied with"; and on page 37, line 7, strike all of section 1862 and insert in lieu thereof the following:

"SEC. 1862. Grand juries in the District Courts of the United States shall be selected and empaneled from a cross section of the community in the district or division wherein the court convenes, without discrimination as to race, color, religion, sex, national origin, or economic status. An indictment shall be quashed on motion made prior to announcement of ready for trial and proof by the defendant that this section was not complied with."

Mr. DOWDY. Mr. Chairman, this particular amendment is offered with this view in mind, that the only person who has any standing in court to question the manner of the selection of the jury panel, or who has any standing in court to question the selection of a grand jury, is a litigant who is before the court to try his case before that jury, or a defendant who has been indicted by the grand jury about which he is complaining.

Therefore, Mr. Chairman, I have attempted to rewrite the first two sections of this bill, to effectuate this.

Mr. Chairman, I mentioned earlier in the debate the first section of this bill provides that everyone in the United States shall have an opportunity to serve on the grand jury.

Mr. Chairman, that is childish. So, I have provided here the very thing that is actually sought and that is that all litigants shall be entitled to trial by jury which is broadly representative of the community and which has been selected without discrimination as to race, color, religion, sex, national origin or economic status.

And, Mr. Chairman, in the first paragraph of my amendment I provide that a jury be empaneled from a cross section of the community in the district or division wherein the court convenes without discrimination as to race, color, religion, sex, national origin or economic status, and that a jury panel shall be quashed on motion made prior to announcement of ready for trial and proof by the movant that this section was not complied with.

Mr. Chairman, that language covers everything to which anyone is entitled in the Federal court or any court in this country, and it takes out a lot of unnecessary words.

Mr. Chairman, the second section says the same thing about grand jurors or grand juries. They shall be selected and empaneled from a cross section of the community in the district or division wherein the court convenes, without discrimination as to race, color, religion, sex, national origin or economic status, and an indictment shall be quashed on motion made prior to announcement of ready for trial and proof by the defendant that this section was not complied with.

That takes care of everybody who has any right to complain about any jury or any grand jury and certainly it does away with encumbering our statutes with a lot of unnecessary words. My amendment does everything that can be done and is supposed to be done; this amendment should be adopted in place of the portion of the bill that I have moved to strike on page 36, section 1861, and on page 37, section 1862.

I move that my amendment be adopted.

Mr. RODINO. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, first I would like to point out that the gentleman's amendment is specifically restricted to litigants, therefore exclude the statutory protection intended to cover all citizens.

The intent again in title I is to provide every citizen with the opportunity to serve on a jury irrespective of race, color, religion, et cetera. Whether or not he may be a litigant is not in question. The gentleman's amendment is restricted to litigants. Then the gentleman's amendment provides that the jury panel shall be quashed on motion made prior to the announcement of "Ready for trial."

This "Ready for trial'" would take place before the selection of the jury. This would then again mean that if an all-white jury were selected and if a Negro were, let us say, under indictment, there is a possibility that there might be some discrimination. Yet at that time one could not determine whether or not discrimination had actually taken place in the selection of a jury.

I, therefore, feel that the amendment of the gentleman should be defeated.

Mr. DOWDY. Mr. Chairman, will the gentleman yield?

Mr. RODINO. I yield to the gentleman.

Mr. DOWDY. I do not know whether the gentleman has ever practiced law or not. But the only relevant objection is to a jury panel and that is where your objection comes. You should be required to make objection to the panel before the selection of a jury. No one but a litigant has any reason or standing to complain about the manner a jury was selected.

Mr. RODINO. But an individual today can object to the selection of juries on the basis of discrimination.

Mr. DOWDY. In other words, you say everybody in the United States has the right to sue somebody because he was not called to serve on a jury?

Mr. RODINO. On the basis of discrimination in the selection of a jury. This is what we are attempting to do in title I—to provide every citizen the opportunity to serve on a jury irrespective of race, color, national origin, sex or economic status.

Mr. DOWDY. Perhaps I do not understand the bill. Are you making it possible for every person in the United States, if he is not called on a jury, to sue somebody, saying that he has the right to be on a jury? That he can go to a jury commission, and tell its members he wants on a jury, and is not added to the list, he has a right to sue the commissioners, or someone else?

Mr. RODINO. That is not the purpose of this section and the gentleman knows that it is not.

Mr. DOWDY. I did not think it was, but after listening to your remarks, I think that is the construction you are placing on it.

Mr. ASHMORE. Mr. Chairman, will the gentleman yield? I believe that he wants the Attorney General to bring suit for everybody.

Mr. ROGERS of Colorado. Mr. Chariman, will the gentleman yield?

Mr. RODINO. I yield to the gentleman.

Mr. ROGERS of Colorado. May I point out that in section 1862 we provide that no citizen shall be excluded from jury service because of race, color, or creed.

The **CHAIRMAN.** The time of the gentleman from New Jersey has expired.

Mr. CELLER. Mr. Chairman, I move to strike out the last word.

Mr. Chairman, I think the difficulty with the amendment offered by the gentleman from Texas is that it would limit the declaration of policy contained in title I to litigants. As the gentleman from Colorado has just said, on page 37, line 8, we find the very significant language:

> No citizen shall be excluded from service as grand or petit juror in the district courts of the United States on account of race, color, religion, sex, national origin, or economic status.

His amendment is that all litigants in the Federal courts entitled to a trial by jury shall have the right to have a jury chosen from a panel broadly representative and so forth.

In other words, he limits the purpose of this title to litigants only.

We seek in our version of title I to preserve the right of the citizens not to be discriminated against on the basis of race, color, religion, sex, national origin, or economic status in serving on Federal juries.

The amendment offered by the gentleman from Texas would take away that substantive right from a citizen and merely confer it on litigants.

Therefore, I think for this reason it would be utterly indefensible to adopt the amendment and, therefore, I do hope that it will be decisively defeated.

Mr. WHITENER. Mr. Chairman, I move to strike out the last word and rise in support of the amendment.

Mr. Chairman, apparently some of us are not reading the right bill because the description given by the gentleman from New Jersey and the gentleman from New York does not seem to be the bill that I have here which is H.R. 14765.

They have made some statements that this language would permit any citizen to present some sort of a writ or proceeding in order to force their way on a jury.

If you will look at the language of the bill, section 1867, it sets up the challenge procedures. You have three ways to challenge a jury panel.

In subsection (a) it says that any defendant in a criminal case, prior to the introduction of evidence, can object to the way the panel is constituted.

In subsection (b) it says that the Attorney General, prior to the swearing in of the petit jury, can bring into issue the validity of the jury panel.

Third, in subsection (c) it says that a litigant in a civil case, prior to the introduction of evidence at a trial, can challenge the array, as we call it, or the panel.

The gentleman from New Jersey and the gentleman from New York, our chairman, talked as though this language is supposed to open the door for anybody walking down the street to bring a lawsuit and say he has been excluded from the jury. I submit that in the committee discussion about this bill and everything I have understood about it, this is the first time anyone has contended that. The intent, as I understood it, was to lay down, first, the test of the propriety of the jury wheel, and, from that, the jury panel or array that we take from the wheel at the proper time, and, second, that we lay down the ground rules as to who shall make objection and when they make objection to the jury.

As I understand what my friend from New Jersey says, the real purpose of the thing is to guarantee to every Tom, Dick, and Harry that he has a justiciable issue to bring before the court if his name is not in the wheel or on the panel.

I submit that that is not what I understand this legislation is supposed to do. If the gentleman from Colorado, can, as usual, shed light on this issue, I will be glad to yield to him.

Mr. ROGERS of Colorado. Mr. Chairman, may I first point out to the gentleman that on page 44, section 1867, refers to challenges based on the ground of failure to comply with various sections of title I.

Mr. WHITENER. Is there any other place in the title that states any kind of challenge procedure other than section 1867?

Mr. ROGERS of Colorado. No; there is not.

Mr. WHITENER. The gentleman is trying to read into a general statement of philosophy that no one shall be deprived of the right to serve because of economic status, and these other things, some right to bring a lawsuit.

Mr. ROGERS of Colorado. No. The point is that this amendment deletes what is the declared policy of title I.

Mr. WHITENER. The gentleman has shifted gears once again, over the objections of his colleague.

Mr. ROGERS of Colorado. No. Will the gentleman yield?

Mr. WHITENER. Yes, I yield to the gentleman.

Mr. ROGERS of Colorado. May I first point out that the amendment offered by the gentleman from Texas says, on page 36, line 14, that we strike section 1861. Section 1861 is the declaration of policy.

Mr. WHITENER. So is the amendment that the gentleman offered a declaration of policy.

Mr. ROGERS of Colorado. No, the amendment goes further and says a jury panel shall be challenged on a motion made prior to announcement of readiness for trial. This would change the time for raising a challenge as provided in title I.

Mr. WHITENER. The purpose of that is very clear, that the court shall not empanel a jury and let the defendant sit by and wait until he sees things going against him before he raises the issue.

The **CHAIRMAN.** The question is on the amendment offered by the gentleman from Texas [Mr. BOLLING].

The amendment was rejected.

AMENDMENT OFFERED BY MR. DOWDY

Mr. DOWDY. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

> Amendment offered by Mr. DOWDY: On page 44, line 16, strike all of section 1867, and in lieu thereof insert the following:
>
> "SEC. 1867. Challenging compliance with selection procedures.
>
> "(a) The exclusive means by which a person charged with a Federal crime, the prosecutors, or a party in a civil case may challenge any jury panel in his case on the ground that such jury was not selected in conformity with sections 1864, 1865 or 1866 of this title is by motion made prior to announcement of ready for trial, and proof by the movant of failure to comply.
>
> "(b) A motion by the defendant in a criminal case to quash the indictment against him on the ground the grand jury returning the indictment was not selected in conformity with sections 1864, 1865 or 1866 shall by considered only if made prior to announcement of ready for trial."

Mr. DOWDY. Mr. Chairman, this amendment is, again, to take out some of the wordy diarrhea that is in this bill and bring it down into a form that is sensible to be in the code of a great nation as the United States, in language that is more worthy of this deliberative body.

There are three sections just preceding this which provide the means by which a jury panel is to be selected.

The purpose of my amendment to section 1867 is to provide that any challenge or motion to quash a jury panel or a grand jury shall be made prior to the announcement of "ready for trial" and of course would be sustained in the event that the movant proved failure to comply.

There are a great many words written into this section 1867 of the bill which seem to me to be just an exercise, because of the fact that whenever a motion is made—they call it to stay proceedings, and we call it to quash the panel in Texas—of course the movant has a right to put on evidence before the court in support of his motion prior to a decision by the court as to whether his motion should be sustained or overruled.

Perhaps the Attorney General's assistant who wrote these words does not have any confidence in the Federal courts.

Perhaps he thinks he has to tell the judges the very details that they have to listen to testimony and go through all these procedures. If the Attorney General has the same disregard for the ability of the judges that he has presumably recommended to be judges, then I believe he has done a pretty bad job in selecting the men who go on the Federal Judiciary, if he does not have confidence in them himself.

I have simplified the proposed language, to keep it from burdening our statute books. All of us who have practiced law know that our shelves are getting so full of books now that not only do we have to build new shelves but we have to build new rooms to put them in.

Why should the Congress of the United States go to the extent of trying to put the dictionary on our statute books every time we draw up a bill?

Of course, writing one of these bills is sort of like making a speech. If you turn loose and just let the words roll, you do not have to give any thought to it, and perhaps you will come up with something.

However, it does not take a great deal of trouble to reduce these four pages here to about eight lines, to serve the same purpose. Certainly Congress should not assume that the Federal judges are all idiots.

I believe my amendment should be adopted, and I so ask.

Mr. CELLER. Mr. Chairman, again I am constrained to oppose the amendment of the gentleman from Texas. I do this reluctantly.

This would be a rewriting of a very important section of the bill on the floor of the House. The provisions of this amendment were never considered by the full committee.

The gentleman, of course, would shorten the section 1867, but I fear that he would leave out some very, very important provisions which are now in section 1867.

I should like to ask: Could there be a discovery of relevant records? He does not say anything about discovery in his amendment.

We provide, for example, on line 21, page 44:

> The defendant shall be entitled to present in support of such motion the testimony of the jury commission together with other evidence.

The gentleman says nothing about that. He offers no protection in that regard.

He speaks of the time the motion should be made, which shall be when the mover is ready for trial. I do not know what that necessarily means. Would that be earlier, or before the introduction of evidence?

We nailed it down in our provisions very carefully, which have been very well thought out.

The gentleman has not, unfortunately—and I say this reluctantly—thought out his amendment. It is full of flaws. Therefore I ask that the amendment be voted down and defeated.

Mr. DOWDY. Mr. Chairman, will the gentleman yield?

Mr. CELLER. I yield to the gentleman.

Mr. DOWDY. The gentleman mentioned the jury commissioner's testimony would not be available on a motion to quash a jury or to quash an indictment. I do not understand that the testimony is not now admissible. If the court has a motion before it to quash a jury panel now, is not the testimony from the jury commission admissible in evidence?

Mr. CELLER. I do not know. The gentleman does not seem to spell it out in his amendment.

Mr. DOWDY. I do not feel it is necessary to spell out that the court has a right to hear evidence when there is a motion before the court.

Mr. CELLER. We are dealing with very important rights. We cannot leave anything in the realm of doubt. The gentleman leaves a great deal in the realm of doubt. We definitely spell these rights out.

I am sorry I have to say this to the gentleman, but I feel I cannot support the amendment.

Mr. DOWDY. I just feel that the judges have some intelligence of their own.

Mr. ASHMORE. Mr. Chairman, I rise in support of the amendment.

Mr. Chairman and gentlemen, on the question that my good chairman just mentioned, it seems to me that the gentleman from Texas [Mr. DOWDY] is correct in his contention. It is not necessary to put every step of legal procedure into a bill of this kind. Of course, when a matter comes up on a motion to quash an indictment in a court then, the court will receive evidence on it at that time. You do not have to write into the law a provision that the judge will receive evidence on a motion of this kind. When it comes up, of course, the court will hear evidence on it. There should be no argument on that point as far as I can see. I know from my practice of law and my experience, that a motion to quash or an objection to a panel of jurors is a motion which must be made before the actual trial begins. You do not go into a trial and then go back and determine whether your jury is properly drawn. You make those determinations before you go into the trial. As Mr. DOWDY, my colleague from Texas, says, this should be done before you announce on both sides whether or not you are ready for trial. The amendment of the gentleman from Texas is simply following the general procedure in the courts of this land today. It removes a lot of excess words and verbiage now in the bill. The amendment as he has it would clarify and simplify the law so that not only lawyers but laymen could understand it.

Now, Mr. Chairman, the other point I would like to refer to briefly, which my good chairman mentioned, is the matter of rewriting this bill on the floor of the House. We hear this question referred to in debate on the floor of the House, time and time again. When it is to our interest to say that we do not want to rewrite it on the floor of the House, then that is what we do. My good chairman knows that. When it is to your interest to try to rewrite a bill on the floor of the House, then it is all right. I will just give you a perfect illustration of that. I understand—and I am sure it has not been denied, and you will see it come to pass—that before we finish this bill you are going to find one member of this committee make a motion to clarify a very confused issue in title IV which 35 lawyers on the committee were all divided and confused about. Some said it meant one thing and others said it meant another. My good friend and colleague, the gentleman from Maryland [Mr. MATHIAS] who introduced the amendment, told us in the committee that in his opinion it eliminated or excepted not only the homeowner but his agent, the real estate man selling the home. Now the Attorney General says it does not eliminate or except the realtor. In order to clarify the confusion they will rewrite the bill on the floor of the House, and I understand a Republican is going to make the motion and my good chairman, Mr. CELLER, will agree to it. So certainly we do rewrite bills on the floor of the House when there are bills that contain confused, misunderstood situations like this.

Mr. Chairman, I hope the committee will approve the amendment offered by my good friend from Texas in order to clarify this section a little bit.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Texas [Mr. DOWDY].

The amendment was rejected.

AMENDMENT OFFERED BY MR. POFF

Mr. POFF. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. POFF:

On page 44, line 20, before "failure" insert "substantial."

On page 45, line 3, before "failure" insert "substantial."

On page 45, line 9, before "failure" insert "substantial."

On page 45, line 17, before "failure" insert "substantial."

On page 45, line 23, before "failure" insert "substantial."

On page 46, line 7, before "failure" insert "substantial."

Mr. CELLER. Mr. Chairman, will the gentleman yield?

Mr. POFF. I yield to the gentleman from New York.

Mr. CELLER. Mr. Chairman, I always have a warm and fond regard for the gentleman from Virginia. I think this is a good amendment and should be accepted.

Mr. Chairman, I accept the amendment.

Mr. POFF. Mr. Chairman, I am very grateful for the gentleman's statement, yet I am sure he will agree with me that in order to clarify the legislation, it might be well to write a little legislative history to define this word "substantial." So, if I may, I will proceed.

Mr. Chairman, I hope this amendment will be considered in the light of the fact that I support title I. However, I believe this amendment is necessary to make our position abundantly clear. Section 1867, as has already been said, authorizes the accused or the Attorney General in a criminal proceeding, or any party in a civil suit—plaintiff, defendant, or Attorney General—to move to dismiss the indictment or, in the alternative, to stay the proceedings on the grounds that some error has been made in the efforts to comply with sections 1864, 1865, and 1866. Those three sections have to do with assembling the master wheel, drawing from the wheel, and qualifications of jurors.

Mr. Chairman, the difficult thing about the language as it is now written is that it is open to abuse by attorneys who want to delay the proceedings simply for dilatory reasons. The language as now written would permit the defendant or the Attorney General to challenge the procedures even when the error was simply inadvertent or accidental or nonconsequential.

Now, Mr. Chairman, I suggest that this Committee does not want to give such a weapon to any party to the proceedings.

Accordingly, I have suggested through my amendment that prior to the word "failure" as it appears in the appropriate places in that section, we insert the word "substantial." In order that we may know what definition that word is intended to have, I quote from the Federal Rules of Civil Procedure for 1963, rule 61, entitled "Harmless error," which reads in part:

> The court at every stage of the proceeding must disregard any error or defect in the proceeding which does not affect the substantial rights of the parties.

Mr. Chairman, I quote further from rule 52 of the 1963 Federal Rules of Criminal Procedure, which includes "harmless error and plain error":

> (a) Harmless error. Any error, defect, irregularity or variance which does not affect substantial rights shall be disregarded.

Mr. Chairman, the language quoted from those two rules is intended to define the word "substantial" as it is included in the amendment pending.

Mr. ROGERS of Colorado. Mr. Chairman, will the gentleman yield?

Mr. POFF. I yield to the gentleman from Colorado.

Mr. ROGERS of Colorado. The amendment which has been offered by the gentleman from Virginia [Mr. Poff], would not in any manner destroy the duty and responsibility in the selection of jurors for the wheel, in that they shall contain names of persons residing in each of the counties, parishes, or similar political subdivisions within the judicial district or division?

Mr. POFF. I think it would not.

Mr. ROGERS of Colorado. And, Mr. Chairman, if the gentleman will yield further, would it in any manner remove the authority given that the chief judge of the district shall "prescribe" rules; that is to say, under page 39(d) there is the following language:

> The Chief Judge of the district shall prescribe, by rule, definite and certain procedures to be followed by the jury commission in making the random selection of names required by subsections (a), (b), and (c) of the section.

The fact that the amendment which has been proposed by the gentleman from Virginia [Mr. Poff], would add the word "substantial," would that change the meaning of that particular section?

Mr. POFF. Mr. Chairman, in response to the gentleman from Colorado, the gentleman is simply reading the language of the section, and the section which precedes it.

I might say that it is not the purpose of my amendment in any way to alter that language; it is simply to prevent a person who wants to use the section for dilatory purposes of availing himself of small procedural or nonconsequential errors.

Mr. CELLER. Mr. Chairman, will the gentleman yield?

Mr. POFF. I yield to my chairman.

Mr. CELLER. I take it that the purpose of the amendment is to make clear that minor or insignificant deviations or departures from the prescribed procedures alone are not intended to support a challenge?

Mr. POFF. The gentleman is correct.

Mr. CELLER. Is that correct?

Mr. POFF. The gentleman is correct.

Mr. MINSHALL. Mr. Chairman, I make the point of order that a quorum is not present.

The CHAIRMAN. The Chair will count. [After counting.] Seventy-four Members are present, not a quorum. The Clerk will call the roll.

The Clerk called the roll, and the following Members failed to answer to their names:

[Roll No. 193]

Anderson, Tenn.
Andrews, Glenn
Belcher
Brooks
Clark
Clevenger
Cooley
Dickinson
Duncan, Oreg.
Edwards, La.
Ellsworth
Evins, Tenn.
Fino
Flood
Fulton, Pa.
Fulton, Tenn.
Gallagher
Giaimo
Grabowski
Greigg
Gubser
Hall
Halleck
Halpern
Hansen, Idaho
Hébert
Henderson
Holifield
Holland
Huot
Ichord
Jennings
Jones, Mo.
Karth
Keogh
King, N.Y.
Kluczynski
Kornegay
Landrum
Long, La.
Love
McDowell
McEwen
Macdonald
Mackie
Martin, Ala.
Mize
Morrison
Morse
Murphy, N.Y.
Nedzi
O'Brien
Olsen, Mont.
Passman
Powell
Quie
Randall
Resnick
Rivers, Alaska
Rogers, Tex.
Roncalio
Roudebush
Roybal
Scott
Shipley
Shriver
Stalbaum
Todd
Toll
Tuten
Van Deerlin
Whalley
Willis
Wilson, Charles H.

Accordingly, the Committee rose; and the Speaker having resumed the chair, Mr. Bolling, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill H.R. 14765, and finding itself without a quorum, he had directed the roll to be called, when 358 Members responded to their names, a quorum, and he submitted herewith the names of the absentees to be spread upon the Journal.

The Committee resumed its sitting.

The CHAIRMAN. The gentleman from New York [Mr. Celler].

Mr. CELLER. Mr. Chairman, has the gentleman from Virginia [Mr. Poff] consumed all of his time?

The CHAIRMAN. The time of the gentleman from Virginia [Mr. Poff] has expired.

Mr. CELLER. Mr. Chairman, I rise in support of the amendment, and want to state that it is my understanding that under this amendment—a successful challenger need not establish prejudice nor discrimination—and I address that in the nature of an inquiry to the gentleman from Virginia, to whom I yield.

Mr. POFF. Mr. Chairman, I can only repeat what I said earlier in this colloquy; namely, that I intend the word "substantial" to have the same connotation and effect as that contained in rule 61 of the Federal Rules of Civil Procedure and in rule 52 of the Federal Rules of Criminal Procedure, and in order that that might be stated again with some clarity, the latter being:

> Any defect which does not affect substantial rights shall be disregarded.

Mr. CELLER. Well, Mr. Chairman, I am inclined to offer a bit of disagreement to the gentleman, because of the history that exists concerning this amendment.

Mr. Chairman, it is my understanding that if one wants to challenge, one does not have to show either prejudice or discrimination.

Mr. Chairman, I trust that will be deemed to be the intent of the amendment, and will govern its course and interpretation.

Mr. CHELF. Mr. Chairman, I rise in support of the amendment.

Mr. Chairman, I ask unanimous consent to revise and extend my remarks and to proceed for 5 additional minutes.

The CHAIRMAN. Is there objection to the request of the gentleman from Kentucky?

There was no objection.

Mr. CHELF. Mr. Chairman, I voted against the 1957 civil rights bill in the House. When the other body amended it, I voted for it.

When the 1959 civil rights bill was reported out of our Judiciary Committee, I voted against it. However, on February 1, 1960, I signed the discharge petition to bring the matter to the floor so that the House could work its will. I also voted "aye" on the rule.

Those of you who have been here at least for two terms will recall that the 1963 civil rights bill became set in the political concrete of our Judiciary Committee and on October 28, 1963, I was invited by President Kennedy to the White House. It was on this occasion that the President very sadly related that his Negro friends doubted his sincerity on civil rights, while many of his white friends "scorched" him for doing too much. As I sat in the cabinet room that late October afternoon in 1963 and heard my friend, our martyred President, with whom I served in this House, outline his difficulty, I promised him I would help get the bill to the House floor for debate. I kept my commitment. It was our last visit together. Within 3 weeks, God rest his soul, he was dead.

Knowing these facts, I believe that you will agree that I have tried to be moderate, reasonable, and fair on all civil rights legislation.

It is my custom to vote for rules to bring legislation to the House. However, on July 25, I voted against the 21-day rule. I did so because I was not convinced that the Rules Committee had been given a fair opportunity in which to act. In addition, several members of the Rules Committee from both sides of the aisle promised immediate consideration.

It is my judgment that this bill is unconstitutional. In our exuberance to protect the rights of the minority, we are unwittingly detracting from the rights of the majority.

Title IV of the pending legislation is as unconstitutional as a law that would require that one must deed one's property, without compensation, to the Government—fifth amendment to U.S. Constitution.

Whether we know it or not—or believe it or not—Congress cannot legislative, nor can the Supreme Court determine, whom you shall take into your homes or whom you shall have as friends, business associates, or purchasers of property. This right is the very essence of freedom itself.

In 1960, I said:

> If these sit-downs keep on, such assemblies could break into riots which might cause grave trouble.

I am sad that my prediction 6 years ago was correct. Today there is rioting all over the Nation. While some of it is fomented by Communists, nevertheless, open violation of the law is being encouraged by some holding positions of leadership. One civil rights leader, a preacher, stated that it is alright to break the law. He said:

> There are two types of laws. There are just laws and unjust laws.

One of the most successful Chicago businessmen is a fine outstanding Negro gentleman by the name of S. B. Fuller. He employs about 600 people, about 20 percent of whom are white. In August of 1963, U.S. News & World Report interviewed Mr. Fuller and got these answers:

> QUESTION. What do you think is the answer to the race problem?"
>
> ANSWER. Negroes are not discriminated against because of the color of their skin. They are discriminated against because they have not anything to offer that people want to buy. An example is baseball. When the owners * * * found that Negroes could play just as well as whites, discrimination ended.
>
> QUESTION. Are the racial demonstrations doing any good?
>
> ANSWER. They have done harm in the picture they give of Negroes.
>
> QUESTION. Why is it that we hear so much about the frustrations of the Negro?

Listen to his answer:

> It's because they have been played up so much on TV, radio and in the newspapers.

If this bill becomes law and it is upheld by the courts, it will extend Federal domination over almost our entire population in a manner never before attempted since our Constitution was adopted.

The Roman Empire fell, not only from decay within, but because of the grab for power by those who were power mad. The names of Hitler, Stalin, and others are glowing examples of what can happen to a nation when it carelessly bestows sweeping power. History proves that once a government acquires tremendous power from the representatives of the people, it is never restored. It makes no difference whether such powers were entrusted by the exigencies of war, emergencies of a national crisis, or through a wave of emotional hysteria—such as we now find ourselves.

Many legislative sins have been committed in the name of righteousness and justification. Under the appealing and humanitarian phrase of civil rights, our Constitution has been severely weakened. Let us face it my colleagues—when we attempt to legislate the morals, the habitats and the rights of our people we unwittingly set class against class, especially that class of 31,405,918 American homeowners plus the one-half million rental property owners. Based on the average U.S. family of three, there are nearly 97,217,754 voters in that class alone. This is one-half of our total population. Counting their friends and distant relatives, nearly the entire Nation is involved in the act, directly or indirectly.

I am for the right to vote, the right to obtain a decent education, the right to secure and maintain a good paying job for all of our citizens, especially those who are qualified. I have voted for all of this and it was badly needed.

While I am not the Attorney General of the United States, I have been engaged in the law 35 years. For 21½ years I have been a member of your House Judiciary Committee and I served over a decade as prosecuting attorney. Constitutional law was a hobby of mine in law school and I made a grade of 99 percent on its examination. However, under today's interpretation of this great document by the Supreme Court, I am sure that I would flunk "their test."

There is no power vested in this Congress to legislate as is proposed by this bill, the 10th amendment prohibits it. A frustrating attempt is made by the proponents to glue this bill to the 14th amendment or nestle it gently within the already overloaded, but loving, arms of interstate commerce. Yes, the advocates of this legislation are about as frustrated and confused as the lightning bug who thinks he should have a thousand-watt bulb in his taillight.

It is bordering on hyprocrisy to argue that power to enact this law was ever given to the Congress by the framers of the Constitution. It was specifically denied. The 15th amendment does insure the right to vote—but this has been done in previous civil rights bills.

Everybody here knows, and it is admitted in the cloakrooms, that if a secret ballot could be taken, this bill would not get a hundred votes.

It is for such reasons, and more, that I shall vote against this legislation unless certain sections are drastically rewritten. This applies particularly to title IV, which would prevent an American homeowner from "being his own man." In the common parlance of the lawyer, nobody would attempt to buy a home in which the U.S. Government was involved. It would be comparable to "buying a lawsuit." Nobody with "half sense and only one eye" would want a cloud on the title of his real estate purchase.

The sale of one's home is a very intimate and personal thing. In most cases it means the selling of a possession, that in many instances, a person has spent his entire life making sacrifices to acquire. It is a cherished right in which only a freeman in a free country can participate. And let us never forget that this privilege was obtained from a despotic and ruthless king at a terrific cost in blood and in treasure.

Do you plan to take this away from your people?

Mr. CELLER. Mr. Chairman, I ask that debate on all amendments to title I close in 1 hour.

The CHAIRMAN. Is there objection to the request of the gentleman from New York?

Mr. WHITENER. Mr. Chairman, I object.

Mr. CELLER. Mr. Chairman, I move that all debate on all amendments to title I, and all amendments thereto, conclude in 1½ hours.

Mr. WAGGONNER. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. WAGGONNER. Mr. Chairman, how many amendments to title I are at the desk?

The CHAIRMAN. There are four more amendments pending at the desk.

The question is on the motion of the gentleman from New York that all debate on all amendments to title I cease in 1½ hours.

Mr. GERALD R. FORD. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state his inquiry.

Mr. GERALD R. FORD. Mr. Chairman, I notice that there are relatively only a few standing. How will the Chair determine under that process those who will be eligible to speak? The lack of those standing does not necessarily mean that Members will not wish to speak.

The CHAIRMAN. The Chair will state that if the time is fixed at 1½ hours and there are no other gentlemen to be recognized or who desire to be heard, the Chair will proceed to ask the Clerk to read the next title.

If, however, there are 1½ hours, each Member standing now will be recognized for 5 minutes.

Mr. GERALD R. FORD. A further parliamentary inquiry, Mr. Chairman. If there are not a sufficient number of Members standing at the present time, will the Chair proceed under the 5-minute rule during the 1½ hours?

The CHAIRMAN. The Chair will see to it that each of those Members now standing will be recognized in an orderly fashion. If there are others desiring to speak within the time limitation, the Chair will then recognize them. Those now standing will receive a priority from the Chair.

Mr. CRAMER. Mr. Chairman, a further parliamentary inquiry.

The CHAIRMAN. The gentleman will state his parliamentary inquiry.

Mr. CRAMER. Should the motion be agreed to, what will be the order in which those standing will be recognized? The reason I make the parliamentary inquiry is that, as a member of the committee, I have been waiting, on the basis of seniority, to speak. Other Members have a right to offer amendments. I have one in which I am interested.

I want to inquire, as a parliamentary inquiry, whether the same understanding will be had that members of the committee will be recognized, and also what other Members will be recognized and for how much time? Will 5 minutes be permitted on an amendment?

This is typical of the effort to cut off debate, and I am not surprised to see it come at this early stage.

The CHAIRMAN. The Chair will say that the gentleman is no longer making a parliamentary inquiry.

Mr. CELLER. Mr. Chairman, I withdraw the motion.

The CHAIRMAN. The gentleman from New York withdraws his motion.

Mr. CELLER. I merely warn the gentleman and the Members of the Committee that I shall renew it later on. I hope we can conclude title I, without question, by the end of the session today.

Mr. JOELSON. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I believe that the gentleman who preceded me in the well implied that under title IV property could be taken without compensation. Ordinarily I would not even answer this, but I get some mail to the effect that people believe that this is in the bill.

I want to state publicly that my understanding is that, of course, under this bill no property can be taken without compensation.

With regard to the statement by the gentleman from Kentucky that when it was recognized that Negroes could play ball they were allowed to play in the big leagues, I have just a two-word answer to that charge, and those two words are: "Satchel Paige."

The CHAIRMAN. The question is on the amendment offered by the gentleman from Virginia [Mr. Poff].

Mr. DOWDY. Mr. Chairman, I ask unanimous consent that the amendment we are about to vote on be reread. There was so much going on I have forgotten exactly what it was.

The CHAIRMAN. Without objection, the Clerk will re-report the Poff amendment.

There was no objection.

The Clerk read as follows:

> Amendment offered by Mr. Poff: On page 44, line 20, before "failure" insert "substantial".
>
> On page 45, line 3, before "failure" insert "substantial".
>
> On page 45, line 9, before "failure" insert "substantial".
>
> On page 45, line 17, before "failure" insert "substantial".
>
> On page 45, line 23, before "failure" insert "substantial".
>
> On page 46, line 7, before "failure" insert "substantial".

The CHAIRMAN. The question is on the amendment offered by the gentleman from Virginia [Mr. Poff].

The amendment was agreed to.

AMENDMENT OFFERED BY MR. POFF

Mr. POFF. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

> Amendment offered by Mr. Poff: On page 40, lines 13 and 14, strike out "in consultation with the Attorney General" and insert in lieu thereof "with the approval of the Judicial Conference of the United States".

Mr. POFF. Mr. Chairman, section 1865 provides the manner in which the names will be drawn from the master jury wheel. That section says that the juror qualification form shall be prescribed by the Administrative Office of the U.S. Courts "in consultation with the Attorney General."

Juror qualification, I suggest, is a proper function of the judicial branch of the Government, not the executive branch of the Government. The Attorney General, I will remind the Chairman, enters the Federal courts not as an executive officer but as a litigant, either as a plaintiff, as an interpleader, as a friend of the court, or in some cases possibly as a defendant.

As a litigant, pleading to the jury, the Attorney General has no more business prescribing the juror qualification form than any other party to the litigation.

In the organizational structure of the judicial branch of the Government, the Administrative Office of the U.S. Courts is regarded as a ministerial arm of the Judicial Conference of the United States.

My amendment safeguards that structure and places all litigants on an equal footing. It simply says that the form shall be prescribed by the Administrative Office with the approval of the Judicial Conference of the United States. Consultation with the Attorney General, who would in many cases be a party litigant in the suit pending before the court, would not be involved.

Mr. RODINO. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, I am constrained to oppose this amendment, although I recognize that the gentleman who offered it did so in good faith. We must recognize here that the Administrative Office of the U.S. Courts actually prescribes the juror qualification form and not the Attorney General. That is clearly stated. But more than that, if we were to await the approval of the Judicial Conference of the United States as the amendment suggests one wonders just when we might be able to get a juror qualification form prescribed. It would seem to me, in order to expedite the procedure, it would certainly be desirable for the Administrative Office of the U.S. Courts in consultation with the Attorney General to act in this area. I think there would be insufferable delay and we would be defeating the intent of this section if this amendment were to prevail. For this reason I urge the amendment be defeated.

Mr. CELLER. Mr. Chairman, I rise in opposition to the amendment.

The questionnaire form is to be prescribed by the Administrative Office of the U.S. Courts in consultation with the Attorney General. Now, that gives ample protection to everybody. The Administrator of the Courts is given an appropriate function when directed to prescribe these forms. He is to exercise this authority in consultation with the Attorney General. I do not know what more supervision should be required. There is no reason for the Judicial Conference to have anything to do with this matter. I say reluctantly that the Judicial Conference is not noted for its speedy action. The Judicial Conference meets usually, I think, twice a year and action may be required before the Judicial Conference may meet. Moreover, since this is primarily a legislative or at best an executive matter and not a judicial matter, I cannot see any reason why the matter should be dumped into the lap of the Judicial Conference. The Judicial Conference is overburdened now with all manner and kinds of assignments. It would not be meet and proper to give it any more work. Therefore I take it that this amendment would be ill advised and should be voted down.

Mr. RODINO. Mr. Chairman, will the gentleman yield?

Mr. CELLER. Yes. I yield to the gentleman.

Mr. RODINO. I would like to point out further that the gentleman's amendment seeks to get approval of the Judicial Conference of the United States whereas we do not provide for the approval by the Attorney General in the bill. All we do is provide that the Attorney General should be consulted by the Administrator.

Mr. CELLER. That would further delay and complicate the proceedings. Again I ask that the amendment be voted down.

Mr. POFF. Mr. Chairman, will the gentleman yield?

Mr. CELLER. Yes. I yield to the gentleman.

Mr. POFF. Mr. Chairman, in response to the points made by my two distinguished colleagues, I think it is appropriate to read from section 331 of chapter 15 of the Code, which reads in part as follows:

> Special sessions of the Conference may be called by the chief judge at such times and places as he may designate.

As the Chairman knows, the Conference meets once in September and once in March. So I suggest my amendment imposes no undue burden on them.

Further, and I do not believe he dealt with this point, the Attorney General is a party litigant in all of these proceedings both criminal and civil. I think it is not appropriate for a party litigant to have a hand whatever in prescribing the juror qualification forms.

Mr. CELLER. The Judicial Conference may be called into special session. It is composed of the chief circuit judges of all of the circuits and various chief district judges. There is a multiplicity of opinion always expressed in that Judicial Conference, and it would be rather difficult to get unanimity and to get it expeditiously. Again I say requiring the approval of the Judicial Conference would not be proper. Therefore, I hope that the amendment will not be carried.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Virginia [Mr. Poff].

The question was taken; and on a division (demanded by Mr. Celler) there were—ayes 51, noes 44.

Mr. CELLER. Mr. Chairman, I demand tellers.

Tellers were ordered, and the Chairman appointed as tellers Mr. Poff and Mr. Celler.

The Committee again divided, and the tellers reported that there were—ayes 84, noes 83.

The CHAIRMAN (Mr. Bolling). The Chair votes "no."

So the amendment was rejected.

AMENDMENT OFFERED BY MR. POFF

Mr. POFF. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. Poff: On page 37, line 3, strike out "persons" and insert in lieu thereof "citizens".

The CHAIRMAN. The gentleman from Virginia [Mr. Poff] is recognized in support of his amendment.

Mr. CELLER. Mr. Chairman, I accept the amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Virginia [Mr. Poff].

The amendment was agreed to.

AMENDMENT OFFERED BY MR. CRAMER

Mr. CRAMER. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. Cramer: On page 47, beginning in line 20 strike out "and shall be available for public inspection." and insert in lieu thereof the following:

": *Provided*, That the 4 year requirements of this section may be reworded or waived by the Chief Judge of the district with the concurrence of the judicial council of the circuit if they determine that such waiver will not prevent or interfere with the accomplishment of the purposes of this chapter."

The CHAIRMAN. The gentleman from Florida [Mr. Cramer] is recognized for 5 minutes in support of his amendment.

Mr. CRAMER. Mr. Chairman, this amendment that I am offering is one I would hope that our distinguished committee chairman would see fit to accept. It is offered in a constructive spirit in an effort to try to get some commonsense into the keeping of the very voluminous records relating to the selection of jurors.

My amendment gives the chief judge of the district and the judicial council of the circuit an opportunity to establish a shorter period of time than 4 years for the keeping of these voluminous records.

Let me point out that section 1868, on page 47, requires the records to be kept for 4 years. I wish you would listen carefully because you already have a 2-year period for keeping records automatically written into the bill and I do not disturb that at all. The 4-year requirement I am seeking to ease is 4 years in addition to the 2 years during which these voluminous records must be kept. In effect, all these records—anything relating to the thousands of people that have to be interrogated under this bill—every single one of these applications must be kept. Whether they are mailed or not mailed, or if they are mailed, the return on that mailing, all of these records too must be kept for an initial 2 years and then for an additional 4 years, for a total of 6 years. There is nothing that judge or that court can do even if the rooms—what few they have available—are stacked to the ceilings with such records. There is nothing they can do but preserve them for an additional period beyond the 2 years for 4 more years or a total of 6 years.

I think this is wholly unreasonable.

The reason I say that it is 6 years is because of the wording of the bill presently on page 47 says: "After"—and this is important—"After the master jury wheel is emptied and refilled pursuant to section 1864."

That means, as it says in section 1864 of the bill, that every other year it shall be refilled so it is automatically for a 2-year period.

The section continues:

After all persons selected to serve as jurors before the master wheel was emptied have completed such service, all of the records and papers compiled and maintained by the jury commission before the master wheel was emptied shall be preserved by the commission in the custody of the clerk for four years or for such longer period as may be ordered by a court—

My amendment does not interfere with the court holding them for a longer period when determined by the judicial council.

My amendment does not affect the automatic 2-year retention of the records that is left mandatory under the bill. But my amendment would give the judge and the council discretion to dispose of the records when these offices become stacked with these thousands and thousands of them. Even under the Cahill amendment you will still have thousands of jury applications. Under this proposal, unless you adopt my amendment, you are going to make them keep them for 6 years and fill up the rooms and not let the judges have any discretion to reduce the number of them.

Here is how I say this would work. You have a term of court finished, and you have the 2-year mandatory holding period terminated. At that time the judge could say and the Council could say during this term of court there has been no challenge to any juror. Therefore, it is not necessary to keep all these records because the issues have been decided. Therefore, those records can be disposed of or moved to some other place.

Now this is all this does.

I see no justification for a 6-year period. I cite as a precedent for a reduction of holding period title VII of this very bill, which indicates the problem I am talking about arose in relation to the voter registration lists.

We saw fit to give to the Attorney General, by act of Congress in 1965, authority to reduce the period of time during which voter registration lists must be kept. Title VII proposes that these records could be kept for a shorter period of time. The same principle is involved here. I would hope the distinguished chairman of the committee would see the wisdom of this proposal and would accept it.

I just cannot see the validity or necessity of holding records in a case where no challenge has been made to any jury or the members thereof during the term of the court. There certainly would be no reason for keeping these records throughout a 6-year period. This is not intended in any way to harm the bill, but instead to be helpful. I would hope it would be accepted.

Mr. RODINO. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, I believe the gentleman is mistaken as to the length of time during which these records are going to be kept after the master wheel has been emptied. The period of 2 years that the gentleman speaks of is when the records are actually being used.

The reason why we suggest the records be retained for a period of 4 years is so we may have an opportunity during that period to determine whether or not, if any challenge is made, there is a basis for such a challenge. It affords us the opportunity, besides, of reviewing the effectiveness of this bill, to see whether any changes are necessary.

Besides this, the gentleman's amendment would eliminate in entirety the period of time during which these records should be maintained after the jury wheel has been emptied.

I feel, Mr. Chairman, that it is necessary to preserve the 4-year period in order that we give a full opportunity for review in case review is necessary, in order that we determine whether or not a challenge, which may be made at such time, is supportable. For all of these reasons, Mr. Chairman, I feel the amendment of the gentleman should be defeated.

Mr. CRAMER. Mr. Chairman, will the gentleman yield?

Mr. RODINO. I yield to the gentleman from Florida.

Mr. CRAMER. Mr. Chairman, my amendment does not make it mandatory that the 4-year period be changed, except where the chief judge and counsel, on his direction, waive all or part of this requirement. It will not interefere with the purpose of the chapter. Only in those instances where the trial has clearly shown there are to be no challenges, and the judge and counsel in their discretion find there is no reason to keep the records for 4 years, will they be permitted to be disposed of. The 4 years remain in effect unless the Judicial Council makes such a finding. So it is just the reverse of what the gentleman said.

Mr. RODINO. The way I read the gentleman's amendment, it eliminates the 4-year requirement. We feel that the 4-year requirement is not at all burdensome. We set a definite time during which these records should be maintained in order that we may be able to make certain determinations when challenges are made, or in order to determine whether or not this title operates properly. I think this is all necessary, and for that reason I believe that the gentleman's amendment should be opposed.

Mr. CELLER. Mr. Chairman, I rise in opposition to the amendment and I move to strike the requisite number of words.

The gentleman from Florida failed to emphasize that under his amendment there is a possibility that the requirement of preservation of the records for 4 years may be entirely removed, because his amendment says that the 4-year requirement to this section may be removed or waived by the chief judge.

We do not want anyone, whether he is the chief judge or the Judicial Council, to have the power of destroying or removing these records. But, beyond that, 4 years is not an onerous period. It is not burdensome. The gentleman says it is 6 years. That is not true, because during the 2-year period the wheel is being used, and we cannot count those 2 years as a part of the 6-year period of preservation. The preservation is after the wheel is exhausted and the wheel is emptied.

I ask also this: How could a challenge be made unless the records are preserved?

One could not make a challenge if there were no records upon which one could base a challenge. This therefore would diminish the right of challenge. I do not believe we wish to do that.

Beyond that, it is necessary to preserve the records for at least 4 years. We may want to change the system. Amendments may be offered in this body for a change of the system. We want to know something about these records. The Congress, therefore, would be privileged to examine these records, to see whether there should be changes. If there were no records to examine, we would have no basis upon which we could act for the purpose of amending the act.

Beyond that, there may be appeals. Appeals sometimes take as long as 4 years. With no records, to that extent it would certainly impair the right of appeal.

For these reasons I hope that the amendment of the gentleman from Florida will be defeated.

Mr. McCULLOCH. Mr. Chairman, I rise in support of the amendment.

Mr. CRAMER. Mr. Chairman, will the gentleman yield for a correction of the RECORD.

Mr. McCULLOCH. I yield to the gentleman from Florida.

Mr. CRAMER. I believe the best answer to the gentleman from New York, the distinguished chairman of the committee, is that he misheard my amendment. As read by the Clerk, it says that the 4-year requirements of this section "may be reduced or waived" by the chief judge, and not "removed." That is what I wanted to call attention to, before he made his remarks, because I believe he might have changed his position had he known I had made this change in the amendment. It was purposely changed to overcome his argument, and possibly properly so. His argument does not stand as the amendment is amended.

Mr. CELLER. Mr. Chairman, will the gentleman yield?

Mr. McCULLOCH. I am pleased to yield to the gentleman from New York.

Mr. CELLER. The one amendment I had submitted to me by the gentleman speaks of "removed."

Mr. CRAMER. Mr. Chairman, will the gentleman yield for a further correction of the RECORD?

Mr. McCULLOCH. I yield to the gentleman from Florida.

Mr. CRAMER. For the gentleman's information, my amendment as read by the Clerk says "may be reduced or waived" and not "removed." That is why I say the gentleman's argument does not stand to the amended version.

Mr. McCULLOCH. Mr. Chairman, if I may proceed, I wish to comment on several matters touched upon in the colloquy between the gentleman who offered the amendment and the chairman of the committee.

This authority is to be given to the chief judge of the district, with the concurrence of the Judicial Council of the circuit, and it is to be permissive. It says "may be reduced."

I am convinced, Mr. Chairman, and Members of the Committee, that this amendment cannot be abused, when one must have the approval of the senior trial judge of the district, and the Judicial Council.

Mr. Chairman and Members of the Committee, we know of the great number of records our various Government officers are forced to keep. They mount by the day, by the week, by the month, and by the year. This amendment will completely safeguard the same rights that keeping an inordinate amount of records would is sought to protect.

I trust that the amendment will be adopted by the committee.

The CHAIRMAN. The question is on on the amendment offered by the gentleman from Florida.

Mr. McCULLOCH. Mr. Chairman, I demand tellers.

Tellers were ordered, and the Chairman appointed as tellers Mr. CRAMER and Mr. ROGERS of Colorado.

The Committee divided, and the tellers reported that there were—ayes 63, noes 87.

So the amendment was rejected.

AMENDMENT OFFERED BY MR. POFF

Mr. POFF. Mr. Chairman, I offer a final amendment to this title.

The Clerk read as follows:

> Amendment offered by Mr. POFF: On page 38, line 2, immediately before the period insert the following: ", plus reimbursement for travel, subsistence, and other necessary expenses incurred by him in the performance of such duties".

Mr. CELLER. Mr. Chairman, I accept that amendment.

Mr. WHITENER. Mr. Chairman, could we have that amendment read again?

The CHAIRMAN. The Clerk will reread the amendment.

The Clerk re-read the amendment.

Mr. RYAN. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I take this time to raise a question which is concerned with section 1864(a) of title I. As I said during general debate last week, I am concerned that this section does not make clear what is required by the judicial council when it says:

> The judicial council of the circuit, with such advice as the chief judge of the district may offer, shall prescribe some other source or sources of names for the master wheel in addition to the voter registration lists where necessary, in the judgment of the council, to protect the rights secured by section 1862 of this title.

That is to prohibit discrimination in the selection of jurors. We all know that a year ago, when we passed the Voting Rights Act of 1965, we did so because the House found that virtually all of the districts of the States of the Old South had segregated voter registration lists, and the Voting Rights Act of 1965 was intended to correct that. It has done a great deal, but the effects of the denial of the vote still remain. In Mississippi, for example, the most optimistic estimate of the Attorney General is that 40 percent of the Negroes of that State will be registered by the end of this year. In most counties of that State the percentage of registered Negroes is still less then 20 percent.

Consequently, it seems fair to assume that for virtually all of the districts in the South, if the policy or nondiscrimination is to be carried out, the judicial council should prescribe other sources of names in addition to the voter registration lists.

Therefore, I would like to ask this question, Mr. Chairman. Is it the intent of the Judiciary Committee, is it the intent of the framers of this bill that the judicial council shall immediately make every effort to determine whether or not the voter registration lists do represent a cross section of the community?

Mr. CELLER. That is right. The judicial council of the circuit is dutybound to make every effort to be sure that the voter registration lists represent a cross section of the community.

Mr. RYAN. Then, Mr. Chairman, is the judicial council dutybound to insure that the lists do not continue to be distorted because of the effects of segregation and discrimination?

Mr. CELLER. Yes; the judicial council must be sure that the voter lists will not reflect any kind of distortion, based upon segregation or discrimination.

Mr. RYAN. I thank the Chairman for making that clear.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Virginia [Mr. POFF].

The amendment was agreed to.

AMENDMENT OFFERED BY MR. WHITENER

Mr. WHITENER. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

> Amendment offered by Mr. WHITENER: On page 40, line 14, after the period, insert a new sentence as follows: "Such persons shall receive those fees and travel allowances pro-

vided in section 1871, title 28, United States Code."

Mr. WHITENER. Mr. Chairman, I do not believe that it will take 5 minutes for me to explain the purpose of this proposed amendment.

Mr. Chairman, it will be noted on page 40 of the bill, section 1865, that once a person's name is drawn from the jury wheel, under the language of title I that person "shall appear before the court and fill out a juror qualification form."

Now, Mr. Chairman, there is no provision made anywhere to pay this prospective juror for his travel or for the time that he has spent in complying with this section of the bill.

Mr. Chairman, some of the judges who have commented upon this language have pointed out this fact, some of them have said that their States represent just one Federal district and in drawing these jurors it sometimes becomes necessary for them to travel several hundred miles.

Mr. Chairman, my amendment provides merely that for this service this juror or prospective juror would receive the same rate of pay as he would receive if he were actually in service as a juror.

Mr. ROGERS of Colorado. Mr. Chairman, will the gentleman yield?

Mr. WHITENER. I yield to the gentleman from Colorado.

Mr. ROGERS of Colorado. The gentleman's amendment comes on——

Mr. WHITENER. Page 40.

Mr. ROGERS of Colorado. Line 14——

Mr. WHITENER. Line 14, and constitutes a new sentence.

Mr. ROGERS of Colorado. After the word "Attorney General"?

Mr. WHITENER. That is right.

Mr. ROGERS of Colorado. Now, in this same paragraph of section 1865(a), and on page 41 thereof, it says:

> *Provided*, That any district or division where the Chief Judge of the District with the concurrence of the Judicial Council of the Circuit determines that the requirement——

Mr. WHITENER. I am familiar with that language, and I believe everyone else is familiar with it.

Mr. ROGERS of Colorado. Mr. Chairman, if the gentleman will yield further, my question is this——

Mr. WHITENER. It is a hardship upon a man to have to leave his job and go from his place of work across town to file or sign a qualification form.

Mr. ROGERS of Colorado. The point is this, that the man, once having received this, does he then have the election to go to the place where the clerk is located and, if he does, will he be permitted——

Mr. WHITENER. If the gentleman from Colorado will permit me to resume my time, I will be appreciative.

I have very deliberately offered this amendment to subsection (a) of this section because in subsection (b) of this section, where the witness or the prospective juror has been a reluctant one, or a recalcitrant one, I deliberately did not make this provision applicable where the court had to send out and make him come in.

But, Mr. Chairman, here, for instance, is a good citizen who works for a living perhaps 20 miles away, or 2 blocks away, or 3 blocks away, or 200 miles away, and the law says when his name is drawn he is served with notice to come in and to leave his work and write up a qualification form in the presence of the clerk of the court.

Mr. Chairman, my proposition is not complicated, although the gentleman from Colorado [Mr. ROGERS] may try to make it complicated. The only thing I am saying is that that man shall be paid at the same rate or the same fee and travel allowances for that day that he acts as he did, as if he were selected and came in later as a juror for a day.

It is very simple. There is nothing complicated in it. I submit, Mr. Chairman, that the Committee should find it very appealing.

Mr. CELLER. Mr. Chairman, I am sorry I have to be the devil's advocate this afternoon, but I cannot help it. I fear that the cost to carry out this amendment might be high. This means that everyone who receives a request to fill out a form, whose name was taken out of the wheel, would receive $20 a day and 10 cents a mile. Those are the fees. We are raising the jury fees by this bill. It would mean that the man who fills out the form would receive $20 a day and he would receive travel allowance. He may not even be qualified for jury duty at all. Then we will have paid him the same as we pay a juryman. In my mind that seems to be rather abhorrent. I do not know what the law of North Carolina would be, but it is certainly not the law of my State and I am quite sure that it is not the law in most States, and I do not think it should be the law in the United States to pay a juror to do that which is part of his duty as a citizen, namely, to fill out this form to see whether or not he can qualify as a juror.

For that reason I think it would be unfortunate if we were to give an affirmative vote on an amendment of this sort.

Mr. ROGERS of Colorado. Mr. Chairman, will the gentleman yield?

Mr. CELLER. I yield to the gentleman.

Mr. ROGERS of Colorado. Mr. Chairman, I would like to point out that if this amendment is adopted, then it leaves it to the option of the individual who may receive the summons or who may receive the questionnaire to either fill it out there or go to the court and claim $20.

Mr. CELLER. That is correct.

Mr. ROGERS of Colorado. May I point out further, Mr. Chairman, that when the issue of what is the necessary form to use when an individual's name is selected from the master wheel is provided on page 41. It provides that the district and circuit can permit him to answer it by writing in the necessary information on the form. The thing that would be confusing here is supposing the individual did not want to answer as he is required here or as the circuit may say, then he could come to the court and receive the $20 plus mileage.

It is because of that that we added the proviso. Therefore, I think the amendment should be defeated.

Mr. ASHMORE. Mr. Chairman, I move to strike out the last word.

Mr. Chairman, I do not think that the Members, other than my friend on my right, my good lawyer friend, Mr. WHITENER, understand the import of this amendment.

Take the situation where there is a man who lives, as the people know who are from the Western States, possibly 100 or 200 miles or it could be 300 miles from the point where the court is sitting. The judge or the clerk of the court under the direction of the judge sends this man a summons to fill out with reference to being a juror, to appear—really that is what it is—he sends him a summons. He has an order from the court to come so that the court can determine whether he thinks he is qualified as a juror. When he gets there, he fills out the blank and he, after discussion with the judge, is either excused or not.

The judge may say, "No, you are not to be excused. You will have to stay here."

If he stays there, then there is no question about his being paid. This amendment simply says that the man who has been summoned to appear before the court to make his excuses or to give his reasons for being excused shall be paid for that day's jury service.

In my State and in any State that I know of when a man appears on the first day of court and who goes up and says to the judge, "My wife is suffering with cancer. I am needed at home." Or he says, "I have a one-man business and no one can run it without me being there, I would like to be excused." The judge says either, "You are excused," or he says, "You are not excused."

Every time in my knowledge that the judge has said, "You are excused," then he turns to the clerk of the court and he says, "Mr. Clerk, pay this man for 1 day's jury service."

That is all that this amendment does.

Mr. CELLER. Mr. Chairman, will the gentleman yield?

Mr. ASHMORE. I yield to the gentleman.

Mr. CELLER. Mr. Chairman, if the gentleman will take the trouble to look on page 41, commencing on line 5, he will see that it provides "in any district or division where the chief judge of the district with the concurrence of the judicial council of the circuit determines that the requirement of a personal appearance before the clerk to fill out a juror qualification form would entail undue hardship or undue inconvenience for persons whose names are drawn from the master wheel, the clerk shall mail to every person whose name is drawn from the master jury wheel a juror qualification form with instructions to fill out and return the form duly signed to the clerk by mail within ten days."

So you need not go to all that trouble. There can be a mere mailing which would avoid any kind of hardship that the gentleman is pointing to.

Mr. ASHMORE. Mr. Chairman, if the gentleman will yield, there could not be a mere mailing if the clerk of the court has been directed to summon the prospective juror to come into the courthouse. He cannot do it by mail, he has to go in person. He has to leave his home. He has to leave and be deprived of a day's work.

Mr. WHITENER. Mr. Chairman, will the gentleman yield?

Mr. ASHMORE. I yield to the gentleman.

Mr. WHITENER. Mr. Chairman, I would point out that argument of the chairman of the Committee on the Judiciary falls rather flat on its face because if you will read the language on page 41, is says that "if the chief judge of the district with the concurrence of the judicial council of the circuit determines that the requirement of a personal appearance before the clerk to fill out a juror qualification form would entail undue hardship or undue inconvenience for persons whose names are drawn."

It does not say that the chief judge and the Judicial Council can strike out the language in subsection (a) which requires that he shall appear. In other words, what the chairman of our committee is overlooking is that, in order for the court to be able merely to mail out a form which the prospective juror can fill out at home, the Judicial Council and chief judge have to find an exception to the positive provisions of subsection (a).

The Chairman has said that this would involve great expense. If that be true, should not the Government bear it, rather than the individual who is running a one-man business, or who is out trying to look after his farm, who is pulled off his business or farm and brought hundreds of miles into the courthouse to fill out a form?

Mr. ASHMORE. Mr. Chairman, I yield to the gentleman from Ohio [Mr. McCULLOCH].

Mr. McCULLOCH. Mr. Chairman, I am pleased to join with my colleague from North Carolina in this amendment. As a matter of fact there are certain conditions spelled out in this bill whereby a prospective juror might travel as many as from 50 to 500 miles to fill out the blank which he is unable to fill out himself. Without the amendment of the gentleman from North Carolina, it is my judgment that he would have to stand that travel expense, including the hotel expense, himself.

I know of no other person who is performing a service for the public who is put to that expense without reimbursement by this great and good and rich Government of ours.

I hope the amendment is adopted.

Mr. DOWDY. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in support of the amendment.

It might be recalled that one of the amendments I have previously offered would have taken care of this situation here, where we have two different methods of filling out the juror qualification form. It seems to me apparent that a great many people—and maybe nobody—have not read this bill.

There are two ways of getting jury qualifications filled out. One of them is in the section that the gentleman from North Carolina [Mr. WHITENER] has offered an amendment for. This is very definite. It says that when these names are pulled out of the master jury wheel and the alphabetical list is made up, that they shall be summoned by certified mail—that is, the persons whose names are drawn—and each person whose name is drawn and so summoned shall appear before the court and fill out a juror qualification form, et cetera. He has to appear, under that section of the bill. That is all this applies to.

There is another section of the bill that says this can be done by mail. That is not what we are talking about. We are talking here about the ones who are summoned to appear before the Clerk and fill out the form.

This bill is just not ready to be put before the Committee because nobody has read it and nobody knows what is in it.

There are two sections. It ought to be obvious from the reading of it and the amendment offered that it applies to just one of the sections about how a man shall appear and fill out a juror qualification form.

The CHAIRMAN. The question is on the amendment offered by the gentleman from North Carolina.

The amendment was agreed to.

Mr. MACHEN. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, inherent in our concept of the rights of property ownership is the concept of freedom of choice and the consensus that a man's property is his to do with as he pleases within existing legal restrictions.

Although I believe firmly in the opportunity for adequate housing for all our citizens, it cannot best be done by legislation such as title IV of the Civil Rights Act of 1966. I believe that the best approach is through community action led by local officials and business and civic leaders rather than through legislative fiat.

The wording of this legislation is ambiguous and even some of its supporters have serious doubts that it could possibly achieve its stated end. Furthermore, any such proposal as this should be backed up by firm antiblockbusting prohibitions.

I have always had serious misgivings about title IV and so stated on WTOP–TV about 3 months ago when I appeared on the show, "Report From Capitol Hill."

However, it has been my policy both as a Congressman and as a member of the Maryland House of Delegates to keep an open mind on controversial issues not withstanding my personal misgivings until I have an opportunity to read and digest the committee reports, study the impact of the legislation and take into consideration the views of the people who have taken the time to express them to me. On the basis of all these factors, I decided to oppose the enactment of title IV. However, I will continue to work for equal opportunity for all people in education, jobs, and training so that it will be possible for anyone to find suitable living accommodations within the range of their financial ability.

Now I must apologize for taking the time of my colleagues but at this point I find it necessary to inject a note of local politics.

My vote on this issue is at variance with that of my colleague from Maryland, the Honorable CARLTON R. SICKLES. At the time of the television program that I mentioned, it became apparent that we would differ. However, since that time, he has become a gubernatorial candidate in our State, we have announced our mutual endorsements and are running on the same slate.

I have served with him for a total of 9½ years both here in the Congress and in the Maryland House of Delegates. During that period we have differed at many times. We do not see eye to eye on every issue and we do not expect or attempt to extract such compliance. Nevertheless, we are firmly committed to the goal of finding answers to the pressing problems of today and we have retained our mutual respect over the years.

AMENDMENT OFFERED BY MR. WHITENER

Mr. WHITENER. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

> Amendment offered by Mr. WHITENER: On page 40, lines 6 and 7, strike out "which list shall not be disclosed to any person except pursuant to sections 1867 and 1868 of this title".

Mr. WHITENER. Mr. Chairman, this amendment is not complicated. It is prompted by the suggestion of some of the judges who have responded to inquiries about this legislation. I will read one comment in particular from one of the judges, as follows:

> The provisions of § 1865(a), which prohibits a disclosure of the jury list, is somewhat disturbing. We have followed the practice of making jury lists available to interested counsel at least 15 days in advance of the trial, and the occasion has never arisen when I felt that any injustice or impropriety resulted from the disclosure.

Members will note that this injunction against disclosure, which appears on page 40, comes into play after a person's name is drawn from the jury wheel for service as a juror.

Here the language in the bill says that one cannot disclose the names of those drawn for the jury to the public until after all the names have been drawn out of the jury wheel, when one looks over to the sections to which this language I would seek to strike refers.

It seems to me to be a rather unconscionable thing to say to a litigant, "You have gone into the courthouse, but you do not have any right to know who may be on that jury." After all, litigants do have a right to be heard on the question of the qualifications of jurors, but under the language of this bill they cannot know the identity or background of the members of the jury panel.

I do not know about the experiences of others, but in the trial of cases when I have had an important lawsuit, I have always tried to find out something about the people whose names were on our jury list. There is nothing improper about it.

I just wonder if it is the intent of the chairman of the committee and of the authors of this bill to say that a litigant is not entitled to know who is going to sit on his case until after they are sitting up in the jury box.

Does anyone have an answer to that?

Mr. ROGERS of Colorado. May I point out to the gentleman——

Mr. WHITENER. What about answering my question?

Mr. ROGERS of Colorado. First, the fact that the name may have been drawn from the master jury wheel does not necessarily mean the person has been qualified for jury service.

Mr. WHITENER. But the language goes on and says that by certified mail the person whose name is drawn shall be notified to come in for jury service.

Mr. ROGERS of Colorado. Surely.

Mr. WHITENER. Let us get down to the meat of it. Will the gentleman tell me it is his intent that a litigant will not find out who is to serve on the jury until they get into the courthouse to try his case?

Mr. ROGERS of Colorado. The answer is "No" to the question.

Mr. WHITENER. All right.

Mr. ROGERS of Colorado. For the simple reason, if we read this and the method in which it is handled, when the name is drawn from the jury wheel that person does not necessarily qualify for jury service merely because his name is drawn.

Mr. WHITENER. There is nothing new about that proposition.

Mr. ROGERS of Colorado. No. That is it exactly. That is what we are doing here.

Mr. WHITENER. But when we look at the language of this bill, if we look at sections 1867 and 1868, we find that the only time the names drawn out of that wheel can be divulged to the public is after they have drawn every single name out of the wheel. That would be one-half of 1 percent of all those registered voters in a judicial district under the Poff amendment.

Mr. ROGERS of Colorado. I beg to disagree with the gentleman, because this says——

Mr. WHITENER. I am sure that the gentleman is reluctant to agree with me. But I want to get around to the legal proposition involved here.

Mr. ROGERS of Colorado. I am trying to stick legally with the remarks that the gentleman has made. Certainly under sections 1867 and 1868 it covers the question of the challenging and maintenance of records.

Mr. WHITENER. All right. Let us go down to section 1868. It is very clear. It says "after the master jury wheel is emptied and refilled," and then we go to section 1864 of this title, and then you go down to the end and it says that it "shall be available for public inspection."

Mr. CELLER. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, I think that the judge whom the gentleman quoted was not reading the appropriate paragraph of the bill before us. This is not a list of prospective jurors. This is a list of persons who are not yet qualified to serve as jurors. They are not sitting on any case. If those names would be made public, the names could be misused. Anybody could come in and thumb through the list of names and the names could be improperly used under the gentleman's amendment. I do not think we want that. Therefore, I think we must keep and preserve the language we have, namely, "the alphabetical list of names drawn, which list shall not be disclosed to any person except pursuant to section 1867 and 1868 of this title." Those sections refer to challenges. For that reason I hope that the amendment will not carry.

Mr. HUTCHINSON. Mr. Chairman, will the gentleman yield for a question?

Mr. CELLER. Yes. I yield.

Mr. HUTCHINSON. I simply wanted to ask the chairman to explain to me how under section 1865 the jury commission shall publicly draw from the master wheel the names of as many people as are required. This is a public drawing. Then the second goes on and says that the list shall not be disclosed to any person. It seems to me very inconsistent. If the list is to be publicly drawn, then how can it fail to be publicly disclosed? As a matter of fact, anybody can simply sit there and copy the names, could they not, Mr. Chairman?

Mr. CELLER. It is only public after you pull the names out. You put your hand in the wheel and take the names out at random.

Mr. HUTCHINSON. The bill says that the jury commission shall publicly draw from the wheel. This must be in the presence of whoever wants to sit there and watch it done.

Mr. CELLER. We do not make this public in the sense that every Tom, Dick, and Harry can see what names there are.

Mr. HUTCHINSON. What is the meaning of the word "public" then?

Mr. CELLER. Public refers to certain officials and others who may be present when names are drawn. They may know the names, but the general public does not know the names.

Mr. HUTCHINSON. Mr. Chairman, I do not believe that is my understanding of the word "public."

The CHAIRMAN. The time of the gentleman from New York has expired.

Mr. HUTCHINSON. Mr. Chairman, I move to strike the requisite number of words.

Mr. WHITENER. Mr. Chairman, will the gentleman yield?

Mr. HUTCHINSON. I yield to the gentleman.

Mr. WHITENER. Apparently, from what the chairman of the committee just said, what they mean by their present language is that they will draw the jury out of the wheel in public, where everybody can see the man reach in, but nobody can see what he pulls out. They do not want the litigants or the lawyers or anybody else to know who is going to serve on the jury. That is what they would say about it. But I agree with the gentleman from Michigan [Mr. HUTCHINSON], that if you have a public drawing of a prospective jury panel, it seems that it is a completely stupid thing to go on later and to say in another section of the bill that what we did publicly we have to keep private. It seems that is what they contend they want to do here.

Mr. HUTCHINSON. Mr. Chairman, certainly if the act is to be public, then anybody that wants to can go in and see it. Otherwise it is not public. This would include members of the press. The present law, as I read it, says that this drawing shall be public, but the present law does not go on and say that the list shall not be disclosed. This prohibition against disclosure is new material. The public drawing is present material, but it seems to me certainly that this is a real inconsistency here.

If the idea is simply to let the public see an official take a piece of paper out of the master jury wheel and then lay it on the table and let the public see that and nothing more, I believe the public would be quite dismayed in that procedure. I believe the public would say that that was not really "public".

Mr. ASHMORE. Mr. Chairman, will the gentleman yield?

Mr. HUTCHINSON. I yield to the gentleman from South Carolina.

Mr. ASHMORE. Does the gentleman know any good reason why the names of the jurors should be kept secret?

Mr. HUTCHINSON. No, I do not, Mr. Chairman, and for that reason—and we always presumed the law, I think, in most of the jurisdictions to be that it shall be done publicly so the public can come in and see it.

Mr. ASHMORE. The present law is that it shall become public.

Mr. HUTCHINSON. Yes, that means that people can come in and see what you are doing.

Mr. CELLER. Mr. Chairman, will the gentleman yield?

Mr. HUTCHINSON. I yield to the gentleman from New York.

Mr. CELLER. I think the purpose of this provision is to give protection to those whose names will never be used.

There are a number of names that may never be used. Those names should be protected, and not necessarily made generally public.

Mr. HUTCHINSON. Then why should anyone be compelled or concerned about it? If his name is drawn, his name is drawn.

Mr. CRAMER. Mr. Chairman, will the gentleman yield?

Mr. HUTCHINSON. I yield to the gentleman from Florida.

Mr. CRAMER. Since when is it any discrimination for a person's name to be known who might serve on a jury by being on a panel in the first place? What discrimination is there attached to being on a panel where you might be selected as a juror? That is the implication involved here.

Mr. WHITENER. Mr. Chairman, will the gentleman yield?

Mr. HUTCHINSON. I yield to the gentleman from North Carolina.

Mr. WHITENER. The proponents of this bill say that it is the right and privilege of everyone to serve on the jury—either grand or petit jury. Now you are saying this is a wonderful right, but no one ought to know that they are exercising it. I just do not understand it.

When a juror's name is drawn from this wheel, that becomes your prospective panel. And this is something that the public has a right to know about.

Therefore, Mr. Chairman, if it is such a great privilege to serve on the jury, the man whose name is drawn ought to know it, and everyone ought to know that he has been selected as a grand or petit juror.

Mr. HUTCHINSON. Mr. Chairman, I hope the amendment of the gentleman will be adopted, because its adoption is necessary in my opinion to make the language consistent with the provisions of this section.

The CHAIRMAN. The question is on the amendment offered by the gentleman from North Carolina [Mr. WHITENER].

The question was taken; and on a division (demanded by Mr. WHITENER) there were—ayes 47, noes 54.

So the amendment was rejected.

Mr. CELLER. Mr. Chairman, I ask unanimous consent that all debate on title I and all amendments thereto——

The CHAIRMAN. May the Chair ask a question before the chairman of the Committee on the Judiciary asks unanimous consent on this matter?

Are there any further amendments to title I?

If not, the Chair recognizes the chairman of the committee, the gentleman from New York [Mr. CELLER].

Mr. CELLER. Mr. Chairman, I ask unanimous consent that all debate on title I and all amendments thereto conclude at 5:30.

Mr. GERALD R. FORD. Mr. Chairman, reserving the right to object, could the Chair inform the Committee as to how many amendments there are at the Clerk's desk?

The CHAIRMAN. There are none at the Clerk's desk, but the Chair is informed that the gentleman from Texas [Mr. DOWDY] has an amendment.

Mr. GERALD R. FORD. Mr. Chairman, I understand there are none on this side. I have no idea how many there may be over there.

Mr. CELLER. Mr. Chairman, I therefore ask unanimous consent that all debate on title I and all amendments thereto conclude in 10 minutes.

The CHAIRMAN. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. McCULLOCH. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state his parliamentary inquiry.

Mr. McCULLOCH. Mr. Chairman, who has the 10 minutes intervening?

The CHAIRMAN. The Chair observed standing at the time of the time limitation the gentleman from New York [Mr. CELLER], the gentleman from Iowa [Mr. GROSS], the gentleman from Indiana [Mr. JACOBS], and the gentleman from Ohio [Mr. McCULLOCH], and obviously the gentleman from Texas [Mr. DOWDY].

AMENDMENT OFFERED BY MR. DOWDY

Mr. DOWDY. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. DOWDY: On page 50, at the end of line 2, insert the following:

"Section 1871 of Title 28, United States Code, is amended by substituting in the third paragraph '10 cents per mile plus the amount expended for tolls, for toll roads and toll bridges' for '10 cents per mile' in the two instances such language occurs."

Mr. DOWDY. Mr. Chairman, when one is trying to talk about an amendment in a minute and one-half, you just feel like turning the time back and let the House vote because they are in just as good a shape then as they are before.

Mr. CELLER. Mr. Chairman, if the gentleman will yield, I think the amendment is acceptable and I accept it.

Mr. DOWDY. I thank the gentleman.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Texas [Mr. DOWDY].

The amendment was agreed to.

Mr. GROSS. Mr. Chairman, I rise to ask more or less a question concerning the increases in compensation to be paid. The report is somewhat inadequate with respect to that. Some fees or compensation vary from $10 to $20 and from $8 to $16 and so forth.

My question is, Would the guidelines established by the President at 2.8 or 2.9 percent to pay increases, is the President approving this bill with these 100-percent increases in it?

Mr. CELLER. I shall be glad to read the communication received from the Department of Justice, to which Department I made inquiry along the lines the gentleman just made.

The communication is as follows:

U.S. DEPARTMENT OF JUSTICE,
OFFICE OF THE DEPUTY ATTORNEY GENERAL,
Washington, D.C., July 29, 1966.

Hon. EMANUEL CELLER,
Chairman, Judiciary Committee,
House of Representatives,
Washington, D.C.

DEAR MR. CHAIRMAN: This is in response to your request for information concerning the cost to the United States of the various provisions of the proposed Civil Rights Act of 1966.

The preliminary cost estimates and estimates of the number of man-years to be expended in connection with the administration and enforcement of the various provisions of the Act were computed on the basis of the provisions of H.R. 14765 as reported out of your Committee on June 30, 1966.

The total annual average cost is estimated to be about $12,769,725. Of this total, $7,250,000 will be for the increase in fees for witnesses ($2,250,000) and increases in fees for jurors and jury commissioners ($5,000,000) provided in Title I.

Of the remaining sum, $808,725 (56 man-years) is for the Department of Justice to perform its additional and increased enforcement responsibilities. The Department of Justice must act to assure nondiscrimination in Federal and State jury selection and service under Titles I and II, to provide for the protection of constitutional rights under Title III, including the bringing of civil suits for injunctive relief; to end the practice of discrimination on account of race, color, religion, or national origin in the sale or rental of certain housing under Title IV; to provide for the further protection of persons participating in activities protected by the Constitution and Federal law in Title V; and to further the desegregation of schools and public facilities under Title VI.

The sum of $2,601,000 is allocated to the Department of Housing and Urban Development to carry out its responsibilities under title IV, Fair Housing. Of this, $2,101,000 (160 man-years) is for investigating and processing complaints; $500,000 is for studies and technical assistance. The remaining $2,110,000 (125 man-years) is for the Fair Housing Board created by Title IV.

These, then, are the components upon which the total estimate is based. In some instances it is anticipated that enforcement initially will require a larger commitment of personnel than is indicated by these averages. In others it is anticipated that the number of persons required will increase over time. We have endeavored to reflect these projections in the average figures discussed above. More detailed estimates projected for a five-year period as required by Public Law 84–801 will be provided to the Congress in due course.

Sincerely,

RAMSEY CLARK,
Deputy Attorney General.

The CHAIRMAN. The Chair recognizes the gentleman from Indiana [Mr. JACOBS].

Mr. JACOBS. Mr. Chairman, I yield to the gentleman from New York [Mr. CELLER].

Mr. CELLER. Mr. Chairman, I was going to read the balance of the letter but I will ask permission to revise and extend my remarks.

Mr. HUNGATE. Mr. Chairman, will the gentleman yield?

Mr. JACOBS. I yield to the gentleman.

Mr. HUNGATE. Mr. Chairman, I wish to congratulate the gentleman from Iowa on obtaining these cost figures that I have been unable to obtain for the committee.

Mr. JACOBS. Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. The Chair recognizes the gentleman from Indiana [Mr. DENTON].

Mr. DENTON. Mr. Chairman, I yield back my time.

The CHAIRMAN. The Chair recognizes the gentleman from Ohio [Mr. McCULLOCH].

Mr. McCULLOCH. Mr. Chairman, I yield back my time.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

TITLE II

Discrimination prohibited

SEC. 201. No citizen shall be excluded from service as grand or petit juror in any State court on account of race, color, religion, sex, national origin, or economic status.

Suits by the Attorney General

SEC. 202. (a) Whenever there are reasonable grounds to believe that any person has engaged or is about to engage in any act or practice which would deny or abridge any right secured by section 201 of this title, the Attorney General may institute for the United States, or in the name of the United States, a civil action or other proper proceeding for preventive relief, including an application for an injunction, restraining order, or other order against a State, any political subdivision thereof, or any official of such State or political subdivision. In any proceeding hereunder, the United States shall be liable for costs the same as a private person.

(b) The district courts of the United States shall have jurisdiction of proceedings instituted pursuant to this title and shall exercise the same without regard to whether any aggrieved party shall have exhausted any administrative or other remedies that may be provided by law. Any action pursuant to this section shall be in every way expedited.

Sec. 203. If in any proceeding instituted pursuant to this title or any other law authorizing proceedings for injunctive relief, the district court finds that any right secured by section 201 has been denied or abridged, it may, in addition to any other relief, enter an order effective for such period of time as may be appropriate—

(a) Prohibiting or suspending the use of any qualification for jury service or any basis for excuse, exemption, or exclusion from jury service which—

(1) violates or has been applied in violation of section 201 of this title, or

(2) is so subjective as to vest in jury officials undue discretion to determine whether any person has satisfied such qualification or whether a basis exists for excusing, exempting, or excluding any person from jury service;

(b) Requiring the use of objective criteria to determine whether any person has satisfied any qualification for jury service or whether a basis exists for excusing, exempting, or excluding any person from jury service;

(c) Requiring maintenance of such records or additional records as may be necessary to permit a determination thereafter whether any right secured by section 201 has been denied or abridged; or

(d) Appointing a master to perform such duties of the jury officials as may be necessary to assure that the rights secured by section 201 of this title are not denied or abridged.

Discovery of evidence

Sec. 204. In any proceeding instituted pursuant to section 202 of this title or section 1983 of title 42 of the United States Code, or in any criminal proceeding in any State court prior to the introduction of any evidence at trial, or in any habeas corpus, coram nobis, or other collateral proceeding in any court with respect to a judgment of conviction entered after the effective date of this title, wherein it is asserted that any right secured by section 201 of this title has been denied of abridged—

(a) The appropriate State or local officials shall furnish a written statement of jury selection information subscribed to under oath which shall contain a detailed description of the following:

(1) the nature and location of the sources from which names were obtained for inclusion in the wheel, box, or similar device;

(2) the methods used and the procedures followed in selecting names from the sources referred to in subdivision (1) of this subsection for inclusion in the wheel, box, or similar device;

(3) the methods used for selecting names of prospective jurors from the wheel, box, or similar device for testing or otherwise demonstrating their qualifications for jury service;

(4) the qualifications, tests, standards, criteria, and procedures used in determining whether prospective jurors are qualified to serve as jurors; and

(5) the methods used for summoning or otherwise calling persons for jury service and assigning such persons to grand and petit jury panels.

(b) The statement of jury selection information shall be filed with the clerk of the court in which the proceeding is pending, and a copy thereof shall be served upon the attorney for the complaining party. The statement of jury selection information shall constitute evidence on the question whether any right secured by section 201 of this title has been denied or abridged: *Provided,* That the complaining party shall be entitled to cross-examine any person having knowledge of relevant facts concerning the information to be contained in such statement and to present in addition the testimony of the jury officials, together with any other evidence, and, where there is evidence of a denial or abridgment of a right secured by section 201 of this title, any relevant records and papers used by jury officials in the performance of their duties which are not public or otherwise available.

(c) If the court determines (1) that there is probable cause to believe that any right secured by section 201 of this title has been denied or abridged and (2) that the records and papers maintained by the State are not sufficient to permit a determination whether such denial or abridgement has occurred, it shall be the responsibility of the appropriate State or local officials to produce additional evidence demonstrating that such denial or abridgment did not occur. When such evidence is not otherwise available, the State shall use such process of the court as may be necessary in order to produce the evidence, including the right to subpena witnesses.

(d) The court may direct that the contents of any records or papers produced pursuant to subsection (b) of this section shall not be disclosed (except as may be necessary in the preparation and presentation of the case) during such period of time as such records and papers are not available for public inspection under State law: *Provided,* That parties to the proceeding shall be allowed to inspect, reproduce, and copy such records and papers at all reasonable times during the pendency of the case, and that disclosure of the contents of such records and papers by the Attorney General and his representatives shall be governed by subsection (b) of section 205 of this title. Any person who discloses the contents of any records or papers in violation of this subsection may be fined not more than $1,000, or imprisoned not more than one year, or both.

Preservation and inspection of records

Sec. 205. (a) The jury officials in all State courts shall preserve the records and papers prepared or obtained in the performance of their duties for four years after the completion of service by all persons whose consideration for service as jurors was the subject of such records and papers. Any person, whether or not a jury official, who willfully steals, destroys, conceals, mutilates, or alters any record or paper required by this subsection to be preserved shall be fined not more than $1,000 or imprisoned not more than one year, or both.

(b) Any record or paper required by subsection (a) of this section to be preserved shall, upon demand in writing by the Attorney General or his representative directed to the person having custody, possession, or control of such record or paper, be made available for inspection, reproduction, and copying by the Attorney General or his representative. During such period of time as such records and papers are not available for public inspection under State law, unless otherwise ordered by a court of the United States, neither the Attorney General nor any employee of the Department of Justice, nor any other representative of the Attorney General, shall disclose the contents of any record or paper produced pursuant to this title except to Congress and any committee thereof, governmental agencies, and in the preparation and presentation of any case or proceeding before any court or grand jury. The United States district court for the district in which a record or paper so demanded is located, shall have jurisdiction by appropriate process to compel the production of such record or paper.

Definitions

Sec. 206. For purposes of this title—

(a) "State court" shall mean any court of any State, county, parish, city, town, municipality or other political subdivision of any State;

(b) "jury official" shall mean any person or group of persons, including judicial officers, who select, summon, or impanel persons to serve as grand or petit jurors in any State court;

(c) "wheel, box, or similar device" shall include a file, list, or other compilation of names of persons prepared by a jury official;

(d) "political subdivision" shall mean any county, parish, city, town, municipality, or other territorial subdivision of a State.

Effect of existing laws

Sec. 207. The remedies provided in this title shall not preclude any person, the United States, or any State or local agency from pursuing any other remedy, civil or criminal, which may be available for the vindication or enforcement of any law prohibiting discrimination on account of race, color, religion, sex, national origin, or economic status in the selection of persons for service on grand or petit juries in any State court.

Effective date

Sec. 208. This title shall become effective one hundred and eighty days after the date of its enactment: *Provided,* That the provisions of this title shall not apply in any case in which an indictment has been returned or a petit jury impaneled prior to such effective date.

Mr. CELLER (interrupting the reading). Mr. Chairman, I ask unanimous consent that title II be considered as read, printed in the Record, and open for amendment at any point.

The CHAIRMAN. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. DUNCAN of Tennessee. Mr. Chairman, I ask unanimous consent that the gentleman from Arizona [Mr. Rhodes] may extend his remarks at this point in the Record and include extraneous matter.

The CHAIRMAN. Is there objection to the request of the gentleman from Tennessee?

There was no objection.

Mr. RHODES of Arizona. Mr. Chairman, at the August 1, 1966, meeting of the House Republican policy committee a policy statement regarding the Civil Rights Act of 1966 was adopted. As chairman of the policy committee, I would like to include at this point in the Record the complete text of this statement:

Republican Policy Committee Statement on Civil Rights Act of 1966

The Republican Party and the Republican Members of the House of Representatives have consistently led the fight for justice and progress in human rights. This is not a cause that we have discovered recently. This year, as in other years, we advocate and support legislation that will strengthen and advance the cause of civil rights under the law. For respect for law and order is basic to the achievement of common goals within our nation. Illegal breach of the peace, violence, and riot by the mob, weaken the nation and undermine the American goal of equal opportunity for all.

It is unfortunate that the controversy regarding title IV of the Civil Rights Act of 1966 has completely dominated public and Congressional attention. As a result, certain provisions in this Act that represent a solid advance in the field of civil rights have been downgraded and all but forgotten. For example:

Title I of this bill would update and reform the present federal jury system. At the present time, no uniform source of names of potential jurors is prescribed, and the selection process is largely left to local determination. Under this title, a uniform jury selection system would be assured and the rights of litigants protected. Thus, an even higher standard in federal jury selection to which all citizens may look with pride and confidence would be required.

Title II is designed to facilitate the elimination of all forms of unconstitutional discrimination in the selection of State court juries. It would authorize the Attorney General to initiate proceedings for preventive relief against State jury officials. In the event there is a finding of discrimination, the federal court would be authorized to grant various types of relief, including a decree which would suspend the use of State qualifications or standards. However, no State and no court which have maintained high standards will be required to change either its law or its rules for the selection of jurors by the provisions of this title.

Title V of the bill would require an assumption of federal responsibility that is long overdue. The need for a modern law to deter civil rights crimes has been demonstrated by the many and sometimes unbelievable instances of violence against certain of our citizens. Under this title, the full weight of federal law enforcement machinery can be brought to bear where the victim is engaged in a lawful civil rights activity. With federal prosecution stripped of the present necessity for proving specific intent to interfere with civil rights, and with a penalty structure that will allow punishment commensurate with the magnitude of the proven crime, title V, when enacted into law, will prove a powerful deterrent. Title V will not do violence to our Federal-State relationship in an area of federal law enforcement. It is designed to operate only where there is a failure or refusal of State justice in the courts. Hopefully, it will accomplish more through deterrence than actual application.

These proposals reaffirm this country's commitment to equal justice. These are areas in which a need has been identified and legislation to meet this need has been fashioned.

The House Republican Policy Committee, however, is opposed to the provisions of title IV. As proposed by the Administration, title IV was politically motivated and unrealistic. Since its inception, it has created confusion and bitterness. It has divided the country and fostered discord and animosity when calmness and a unified approach to the civil rights problems are desperately needed. As amended and reported by the Committee, it is subject to widely-varying interpretations. It ignores the lessons learned through the administration of fair housing laws in many of our States.

Racial discrimination in any form is a social and moral wrong. However, a federal prohibition on discrimination in the sale or rental of an individual's home, or the rental of rooms therein, raises grave and far-reaching questions. As Associate Justice Harlan of the United States Supreme Court has stated: "Freedom of the individual to choose his associates or his neighbors, to use and dispose of his property as he see fit, to be arbitrary, capricious, even unjust in his personal relations are things entitled to a large measure of protection from governmental interference. This liberty would be overridden, in the name of equality, if the strictures of the [fourteenth] amendment were applied to governmental and private action without distinction."

It has been alleged that the Fair Housing Board created by section 408 is merely a mechanism for conciliation. However, a closer reading reveals that title IV gives both the Department of Housing and Urban Development and the FHB powers comparable to, and in at least one respect greater than those of the National Labor Relations Board. Thus, the enactment of this title may create another super agency larger and more powerful than the NLRB to investigate the thousands of complaints that are bound to arise under this bill.

Although civil actions by individuals under title IV are subject to a six-month statute of limitations, actions by the Attorney General and by the Secretary of HUD and the Fair Housing Board do not have this limitation. Thus, under this provision, there would be at least a six-month cloud over many sales and rentals. Certainly, the time within which such suits must be filed should be as limited as possible. If discrimination is practiced, a meaningful remedy cannot be fashioned unless the action alleging such discrimination is filed before a bona fide sale or rental is consummated. Stale claims and continuing potential liability will not discourage discrimination but they may encourage nuisance suits and legal harassment.

Title IV would establish broad Federal authority over private housing. It could supersede local and State authority and take away local and State jurisdiction in this area. This title, in effect, sets aside local and State laws and invokes a maze of Federal procedures to remedy discriminatory housing practices. Fair housing solutions must be developed and carried out locally. Federal legislation in this area should encourage and promote appropriate fair housing programs at the community level. The Civil Rights Acts of 1964 and 1965 affirmatively encouraged State and local action. This bill would reverse this important and forward-looking policy.

AMENDMENT OFFERED BY MRS. GRIFFITHS

Mrs. GRIFFITHS. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mrs. GRIFFITHS: Strike out all of section 201 and insert a new section 201 as follows:

"It shall be unlawful to make any distinction on account of race, color, religion, sex, national origin or economic status in the qualification for service, and in the selection, of any person to serve on grand or petit juries in any State."

Mrs. GRIFFITHS. Mr. Chairman, the amendment as originally written in the bill would have taken care of Negroes serving on the juries, but there were only three States that actually excluded women. In a recent decision, out of a three-judge court in Alabama, that situation has been taken care of in those States. So in reality the discriminations against women were of a more subtle characteristic. That is, there were 14 jurisdictions in which a woman could be excused from jury duty merely because she was a woman.

There are several things wrong with this. First, it does not recognize the fact that women litigants and women defendants are equally entitled to a jury picked from the entire community. To some extent, this type of rule has been really intended to protect women as mothers, but not all women need this protection. This can easily be an occupation protection.

The other States protected women from sitting on juries with certain types of crimes. I would like to point out to you that women and children are the main victims of crimes. In the recent murder in Chicago of a group of nurses, the one survivor, when asked why she survived, said: "I came from an area where they made the long knives. I knew that this man had more than robbery in mind."

This is the kind of situation from which women should not be protected. They should have some knowledge of the crimes and some ability to protect themselves. The real answer is that the jury, the litigants, and the defendants are entitled not to King Arthur's court, not to the voice of Camelot, but to the 20th century, and to a jury that is picked from the full community. A jury on which women sit is a different jury from a jury from which women are totally excluded. Therefore, I hope all Members of this House will vote for my amendment to this bill.

Mrs. DWYER. Mr. Chairman, will the gentlewoman yield?

Mrs. GRIFFITHS. I yield to the gentlewoman from New Jersey.

Mrs. DWYER. Mr. Chairman, I want to associate myself with the amendment offered by the distinguished gentlewoman from Michigan [Mrs. GRIFFITHS]. Adoption of this amendment will fill an important gap in the legislation before us.

In support of this amendment, I would say this to our colleagues:

If you oppose discrimination, you will support this amendment.

If you believe in women's right to equal citizenship, you will support this amendment.

If you believe that women are capable of fulfilling their civic responsibilities, including service on juries, you will support this amendment.

If you believe that our jury system should be representative, that juries should be selected from a cross section of the community, then you will support this amendment.

If you believe in the rule of law, in the right to a fair trial, and in the need of impartial juries to assure such basic rights, then you will support this amendment.

On the other hand, Mr. Chairman, if our colleagues believe that women occupy an inferior status as persons and citizens, that they are less intelligent, less civic minded, less responsible, and somehow do not occupy a very significant position in the community, then there would be little reason to support our amendment. I challenge our colleagues, however, to go on record in favor of these outmoded, unscientific, and demonstrably false views.

Mr. Chairman, I have yet to see a single convincing argument against our amendment. It will not deny women their right to exemptions from jury service for cause—and cause would include such relevant factors as child-care responsibilities, obligations as a homemaker, or other duties associated with being a wife and mother. This amendment—to cite some ridiculous charges—would not separate mother and child. It would not remove women from their homes. It would not strip women of their reasonable and lawful protections and exemptions.

After all, Mr. Chairman, 22 States have removed all elements of discrimination based on sex in the selection of jurors, and I know of no evidence that women in those States have been deprived of rights or privileges to which they are entitled, or that they have otherwise been subjected to unreasonable demands in connection with jury service.

Nor am I impressed with the antiquated States rights arguments. Section 201 of this bill already includes language prohibiting States from excluding women from jury service. So the principle has already been established and accepted by the Committee that the Federal Constitution supersedes State law in this regard. Why not, then, do the job right and prohibit all forms of discrimination in jury selection which offend against the spirit of the Constitution and the rights of defendants? Exclusion, as some who have opposed our amendment seem to overlook, is only one form of discrimination.

All we propose in our amendment, Mr. Chairman, is to establish that women are an equal part of the cross section of American communities on which the administration of justice depends and, as such, that women have a right and an obligation to serve on juries under the same conditions as other American citizens.

Mr. CELLER. Mr. Chairman, I move to strike the requisite number of words.

I bow low to the gentlelady from Michigan, and accept her amendment, but I should like to make a few remarks about her suggestion.

Before coming into the Chamber, my able and gifted executive director of the House Judiciary Committee handed me this doggerel:

There was a young man from Drewry
Who refused to serve on a jury;
I have six kids at home
And my wife likes to roam,
And he stalked from the box in a fury.

If the gentlewoman would guarantee that pot scouring and floor waxing would be considered undue hardship, I would readily find her proposition most, most acceptable.

Frankly, I am caught between the urging of the gentlewoman from Michigan and a male constituent, who expects a hot meal on the table when he returns from work. Is it the gentlewoman's desire to come between man and wife?

No longer would the woman have to choose between a career and marriage; rather, it would be a choice between marriage and the jury box.

I worry about the position of the housewife in all this. She must either plead that motherhood is undue hardship and extreme inconvenience and be accused of unwomanly feelings, or parcel out the children among friends, relatives, or neighbors and be accused of neglecting her household.

There are women who work because they have to, and others who work because they want to; and there is the lazy kind, who cleans, washes, irons, cooks, chauffers, mends, binds up wounds, nurses, doctors, and shops, and has consequently so little to do all day, why should she not be obligated to serve on juries?

In noting the anxiety of everyone to improve the bill—we have heard so many who have sought to improve the bill, including this amendment—in his or her own way, I am reminded of the inmate of the mental asylum who saved another inmate from drowning himself. The next morning the director called the inmates together to thank publicly the first inmate for his heroism. "Alas," said the director, "it was all in vain. The saved man was found dead this morning from hanging." "I know," said the first inmate. "I hung him up to dry."

You know, the Germans always urged upon their women what is known as the three K's—the küche, the kirche, and the kinder—that is, they must be in the church, in the kitchen, or with the children.

Of course, women have graduated from the three K's and are found in all the seats of the mighty. Even the Prime Minister of India is a woman.

When our ladies speak, we men must indeed listen.

You know, women are wiser than men. Why is that? That is because, although they know less, they understand more.

You know, men, like trees, cannot procreate without conjunction.

Therefore, I say let us embrace sex even in title II, and that is what I now do.

The CHAIRMAN. The question is on the amendment offered by the gentlewoman from Michigan.

The amendment was agreed to.

The CHAIRMAN. The Clerk will read.

AMENDMENT OFFERED BY MR. DOWDY

Mr. DOWDY. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. DOWDY: On page 52, line 15, strike all of title II, and insert in lieu thereof the following:

"TITLE II

"Discrimination Prohibited

"SEC. 201. All litigants in the courts of the several States entitled to trial by jury shall have the right to a jury chosen from a panel of veniremen selected without discrimination as to race, color, religion, sex, national origin or economic status.

"SEC. 202. Grand juries in the courts of the several States shall be selected and empaneled without discrimination as to race, color, religion, sex, national origin, or economic status.

"SEC. 203. Any litigant or defendant in a criminal case who believes his rights under this Title have not been adequately protected by his State court may apply to the Supreme Court of the United States through writ of certiorari for appropriate relief."

The CHAIRMAN. The gentleman from Texas [Mr. DOWDY], is recognized for 5 minutes.

Mr. ROGERS of Colorado. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. Does the gentleman from Texas yield for a parliamentary inquiry?

Mr. DOWDY. Yes. I will yield.

Mr. ROGERS of Colorado. Inasmuch as the amendment of the gentlewoman from Michigan has been adopted to section 201, is the gentleman's amendment now to strike that section 201?

Mr. DOWDY. I do not intend to. I wrote that earlier.

Mr. ROGERS of Colorado. Because that is what your amendment would do.

Mr. DOWDY. Do you want me to answer your question or not? I wrote this amendment before that was done and I could not catch on to enough of it to except that from what I am striking from this bill. I do not intend to be striking whatever it was the gentlewoman inserted in the bill, because I am in favor of it, whatever it was.

Mr. ROGERS of Colorado. Then, if that is true, how do you strike section 201?

Mr. DOWDY. I think that I have explained that we do not intend to strike whatever she put in. The numbers here can be changed if it is necessary to do it. I believe I have the sex business in the bill, but——

Mr. ROGERS of Colorado. Mr. Chairman, I ask unanimous consent that the gentleman's amendment be re-read, because I understood him to say that he was striking section 201.

The CHAIRMAN. Is there objection to the request of the gentleman from Colorado?

Mr. GROSS. Mr. Chairman, reserving the right to object, does that come out of the gentleman from Texas' time?

The CHAIRMAN. Yes, it does.

Mr. DOWDY. Then I object to it.

Mr. Chairman, I want to say a little bit here about my bill.

Mr. GEORGE W. ANDREWS. Mr. Chairman, will the gentleman yield?

Mr. DOWDY. I yield to the gentleman from Alabama.

Mr. GEORGE W. ANDREWS. Mr. Chairman, I rise in support of the gentleman's amendment.

Mr. Chairman, while there may be precedent for imposition of Federal standards in Federal jury selection, the case law argues strongly against such requirements of State jury selection methods. Title II, section 201 declares that no State may base jury selection upon any degree of economic responsibility. At the time of adoption of the Constitution, 10 of the 13 colonies required their jurors to be either freeholders or own some property. Many States today preserve this requirement as a means of insuring a minimal degree of responsibility in their juries. Typical is the New York law requiring that a juror must own $250 worth of real or personal property. As noted by Attorney General Katzenbach in his testimony before the House Judiciary subcommittee, the New York law and others like it would be rendered invalid.

Exactly what is wrong with requiring a prospective State juror to own $250 worth of personal property—roughly a TV and a pair of shoes—is difficult to ascertain. Certainly such a requirement has no tendency to "discriminate" in terms of race or national origin. Rather the clear purport of such a requirement is to insure some bare degree of responsibility. Would the Attorney General prefer to litigate a tax or antitrust case before 12 citizens whose sole personal belongings constituted the clothes on their backs? If so how does he meet the increasing criticism that juries are by and large made up of persons of lower economic and educational status?

Apparently he would frustrate the attempt of a State to increase its jury quality by abolishing all requirements save bare literacy, sanity, citizenship, and the absence of a criminal record.

An article from the Boston University Law Review is illuminating:

> Strangely enough, there are those who carry their notions of "democracy" and equality to the extreme of asserting: (1) that everyone has a *Right* to be a juror; and (2) that a litigant or an accused has the *right* to have a jury chosen at random from the populace. [36 Boston University Law Review 1 (1956) p. 65 [italic added].]

Historically there has never been a "right" of a citizen to serve on a State jury. While there may clearly be a right to trial by jury, depending upon a State's constitution, neither the State's nor the U.S. Constitution mentions a "right" to serve on a jury. As noted above, 10 of the original 13 States expressly viewed property ownership as a necessary qualification. Thus one who owned no property could not claim then—nor now in a number of States—any "right" to serve on a jury.

Of course some States have from time to time seen fit to impose poll taxes or other "property tinted" measures as prerequisites to the right to vote; and these measures are, as my colleagues know, no longer allowed. But there is, as noted above, a vast difference in the demands and requirements of voting and the demands and requirements of serving on a jury charged with rendering a verdict in patent, antitrust, of tax litigation. Certainly the imposition of minimal, fairly applied qualifications for jury service does not abridge any "right" found either in 1789 or today.

We have always recognized that jury service fell more within the area of "duty," a duty imposed by the State if the citizen met the State's qualifications. Today's litigation far surpasses that of the late 18th century in complexity; yet, the Attorney General would require less from a State's jurors than was demanded in 1789.

Traditionally the jury has been applauded—among other reasons—for its service to the judge. As succinctly put by Alexis de Tocqueville:

> I do not know whether the jury is useful to those who have law suits; but I am certain it is highly beneficial to those who judge them.

Would the French judge be able to stand by his statement 134 years later in view of the current bill? It is very doubtful. Even with the aid of special masters and blue ribbon juries, a judge today spends much of his time explaining various facets of law, economics, medicine, psychiatry, and applied science to the jury. His task will not be lessened when he is called on to explain certain tax features to one who has never paid them. In short, we are caught up in an age of almost overwhelming complexity as to so-called fact issues placed before juries. If the widely revered jury is to survive as a functional institution, its membership must be upgraded in terms of quality. By failing to allow for such upgrading the bill may well jeopardize the utility of the jury, making it a burden on, rather than a guardian of our right to a fair and speedy trail as guaranteed by the sixth amendment.

We have seen that the imposition of Federal standards for State jury selection—specifically the abolition of any State law requiring economic responsibility of its jurors—represents an unreasonable, impractical, and inefficient restriction on a present workable system. In striving to secure jury representation without regard to race, color, national origin, religion, or economic status, the current title II has "thrown out the baby with the bath water."

Still more objectionable, however, is the ambiguity and lack of direction of language at the very heart of the bill. Purportedly, title II would restrain States from discriminating on account of race. Thus "whenever there are reasonable grounds to believe" that there has been discrimination on account of race—or economic status—in the selection of jurors, the Attorney General may institute suit in a U.S. district court. This warrants the launching of a full-scale investigation into State jury records over the past 4 years.

How is the decision of whether there has or has not been discrimination to be made? Judging from past cases in which the Supreme Court reviewed allegedly discriminatory State jury—selection—procedures, much weight will be given to the percentage of Negroes who served on a jury relative to the number of Negroes in a given district or State. Suppose the State of Illinois has 25-percent Polish population. Must every 12-man jury in the State have 3 citizens of Polish descent in order to be nondiscriminatory? The bill simply does not make this clear; but, if this is its intent, let us observe the consequences.

Suppose that only three Poles wind up on the jury list for a particular case. Foreseeably, the right of the prosecutor and defense attorney to challenge these peremptorily or even for cause may be jeopardized. Clearly there will be a hesitating on their part, though one or more of the three may be prejudiced, interested, or involved in the pending case. Transposing the case to the South, the hesitancy of the prosecutor and defense attorney will be greatly increased, again irrespective to the challenge. For with an already quite suspicious Attorney General hovering over the States' judicial processes, counsel will be most reluctant to heighten those suspicions by exercising his traditional right to challenge.

Of course the initial query—whether three Poles or Negroes must serve—would appear academic in view of past Supreme Court decisions which prohibit such actions. For such a guarantee would require a State to select a jury on a national origin or race basis, and this has been explicitly prohibited (339 U.S. 282, 289 (1950)). But how else is the determination of discrimination to be made except by resort to numbers? Clearly, the proposed legislation does not even attempt to answer this fundamental question beyond a superficial reference to "reasonable grounds" in section (a) as authorization for Federal intervention. Thus State jury commissioners, attempting to comply, will be faced with the dilemma of insuring that "enough" Negroes or Poles or Puerto Ricans or Irish or Jews serve on juries to satisfy Federal dictation without knowing either: First, how many "enough" is; or, second, by what method "enough" are to be selected without violating the law as laid down by the Supreme Court when they forbade jury selection on any race or national origin basis.

In conclusion, then, while no one favors unfair State exclusion from jury service, many concerned persons are skeptical of Federal experimentation with workable State procedures. As has been pointed out, there has been Federal law forbidding discrimination by race for over 100 years. Consequently, this legislation, while adding nothing to remove racial discrimination to the present law, does constitute a serious threat to a functioning system. Furthermore, it jeopardizes the historical balance of our State-Federal jury structure by placing the former within the sphere of potential Federal control. Perhaps this was best pointed out by Chief Justice Earl Warren as early as May 18, 1966, when he said of the bills dealing with reform of the State jury system:

> Some of them go a very long way and would very radically change the relationship between our Federal and State governments.

Though we rarely agree with the Chief Justice's views, we do share his concern over the disruptive effects of title II.

Mr. DOWDY. Mr. Chairman, as I said, it is my intention in this amendment to except from the striking of all of title II the amendment that was adopted immediately preceding my amendment. The rest of the title I intend to be struck by this amendment and limit this thing to what the law ought to be. Again we find things being done in the bill that should not be written into anybody's law. The only people that have any right to complain about the manner in which a jury is selected or the manner in which a grand jury is selected are the persons affected by it. This amendment of mine will limit it to those people who are concerned and who have a personal interest in it. Any others do not have any interest.

The third section of the proposal I have here states the law already. In fact, the whole amendment states the law already except insofar as it concerns a few States that do not permit women to serve on a jury. Our State courts, at least in Texas and other States that I am acquainted with, jealously protect the right of trial by jury. They have accepted and have adopted the Supreme Court's decision that there should not be be any discrimination with regard to race, color, religion, national origin, and so on. Therefore, the legislation attempted here today not only being unconstitutional, but I understand that even the Chief Justice of the Supreme Court says that this ought not to be done; that is, interfering with our State court jurisdiction, all my amendment will do is to keep control of the State courts in the States and keep the selection of the juries in the States with the right of review by the Supreme Court of the United States at any time. It is felt and a defendant feels that he has not been adequately protected by his State courts in his motions he might make, showing discrimination on account of any of these matters in the selection of a jury.

Mrs. GRIFFITHS. Mr. Chairman, will the gentleman yield?

Mr. DOWDY. Yes. I yield to the gentlewoman.

Mrs. GRIFFITHS. I hope you make it quite clear that the Supreme Court of the United States has been repeatedly asked to protect the right of a woman defendant or a woman litigant by having women jurors and it has never granted that right.

Mr. DOWDY. Under the words of my amendment that is protected. If you think your amendment does more——

Mrs. GRIFFITHS. I would like to make it clear, further, that I think this House is saying now and that this House has said in the past few years and has kept on saying to the Supreme Court of the United States and to all of the people that women should be protected equally under the Constitution of the United States.

Mr. DOWDY. The gentlewoman knows that I have supported this proposition every time it has come up here in the House, and I intend to continue to do it.

Mr. CORMAN. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, this amendment is like so many we have heard and will hear over the next, I hope, no more than 4 days. It will completely destroy the purpose of title II.

Mr. Chairman, title II is designed to do away with racial discrimination in the selection of juries in State court cases. The effects of such racial discrimination are manyfold. It prevents the administration of justice as anticipated by our system.

First. Mr. Chairman, this amendment would remove the remedy which we provide for a litigant to discover the method of racial discrimination. That right of discovery would be torn from this bill.

Second. If adopted, it would remove from the court the ability to appoint a master to oversee the selection of juries, after such racial discrimination had been established.

Next, it would take away the remedies of the citizen to establish their own right to serve on the jury.

Mr. Chairman, this bill anticipates giving remedies not only to the litigants involved in lawsuits, but to every American citizen who is qualified, and ought to have the right to serve on a jury, regardless of race, or color.

But third, Mr. Chairman, and most devastating of all, this amendment would take away the opportunity of the Attorney General to initiate action in these cases.

The hearings held before the Committee on the Judiciary brought out the fact that time and again a litigant is unable to raise this issue because of the fear of antagonism in the locality in which he is to be tried.

He may well be on trial for his life in a community that looks upon the Negro as being inferior. Is he, or his attorney, going to make the decision to raise this issue at the time of the trial?

I suggest that time and again he will make the decision that as bad as an all-white jury may be for him, for him to raise this issue would be worse.

So, Mr. Chairman, if we take away from the Attorney General the right to raise this issue we take away the right where it is most important that the United States be represented—that is, where racial discrimination has had the most effect upon the administration of justice.

Therefore, Mr. Chairman, I urge the defeat of the amendment.

Mr. DOWDY. Mr. Chairman, will the gentleman yield?

Mr. CORMAN. Yes; I yield to the gentleman from Texas.

Mr. DOWDY. Mr. Chairman, I have tried many cases for the prosecution, although I have not defended too many defendants, but when a man comes into court with a colored client he can raise this issue and, at least as far as I am concerned, it would be well for the court to overrule it and go to trial by jury, because he is likely to obtain an acquittal. If he did not obtain an acquittal he can go to the court of appeals in the State of Texas and obtain a new trial.

Mr. Chairman, did I understand the gentleman from California to say that every person in every State is going to have a right under the provisions of this bill as written to sue someone if he is not selected or chosen on a jury?

Mr. CORMAN. No, sir; I did not say that at all.

Mr. DOWDY. I understood the gentleman from California to say that.

Mr. CORMAN. I said that a man has a right to serve on the jury, regardless of his color.

Mr. DOWDY. Mr. Chairman, if the gentleman will yield further, who is he going to sue, if he does not get chosen on a jury?

Mr. CORMAN. Well, if the person selecting the jury removes Negroes consistently, then there is provision for the appointment of a master so that all people may be afforded the same rights regardless of race or color.

Mr. DOWDY. If one is excluded from the jury now—we get down to the point again that every time these amendments come up, especially with reference to the ones that I have offered, and there are others, we get some of this "dust" throwing, and it reminds me a great deal about "cats in a sandpile."

Mr. ROGERS of Colorado. Mr. Chairman, will the gentleman yield?

Mr. CORMAN. I yield to the gentleman from Colorado.

Mr. ROGERS of Colorado. At the present time, under title IV, section 1983, you have a right to go into Federal court and testify as to whether or not you have been discriminated against in the selection of jurors.

Mr. Chairman, the objective of this title II is to give the authority to the Attorney General to make sure that the discrimination is not exercised in the State courts.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Texas [Mr. DOWDY].

The amendment was rejected.

Mr. MACKAY. Mr. Chairman, I ask unanimous consent that the gentleman from Illinois [Mr. DAWSON] may extend his remarks at this point in the RECORD and include extraneous matter.

The CHAIRMAN. Is there objection to the request of the gentleman from Georgia?

There was no objection.

Mr. DAWSON. Mr. Chairman, the four civil rights laws which were enacted by the Congress since 1957 have greatly aided our continuing fight to achieve equal rights for all of our citizens. The outlawing of discrimination in places of public accommodation, in employment, in voting, and in the use of Federal funds, are important and far-reaching legislative accomplishments.

Under these laws, our Nation is making substantial progress toward fulfilling its constitutional promise of equal opportunity for all. But this progress has not been enough to overcome the accumulated effects of the long years of racial discrimination. The discriminations and indignities still borne by millions of Negroes—and other minorities—continue to negate the basic principles of equality, liberty and justice for all, which form the moral fiber of our country's existence.

H.R. 14765, the civil rights bill which we are now considering, is intended to cover some of the areas of discrimination which were either inadequately treated, or were not treated at all, in the civil rights legislation of 1957, 1960, 1964, and 1965. For, as President Johnson noted in his message to the Congress on April 28:

> Discriminatory practices still exist in many American cities. They deny the Negro his rights as a citizen. They must be ended.

As originally drafted by the Justice Department, the 1966 civil rights bill was designed to: first, ban discrimination in the selection of Federal and State juries; second, prohibit discrimination in the sale or rental of housing; third, provide methods and penalties for preventing violence and intimidation against Negroes, civil rights workers, and others in the exercise of their constitutional rights; and fourth, strengthen the authority of the Attorney General in seeking court action, through civil injunctions, to speed desegregation of public schools, colleges and public facilities.

The House Judiciary Committee's revision of the bill has strengthened the bill in several ways, and I applaud the committee members for their diligence and dedication to their purpose of advancing the cause of civil rights. I shall support the bill, but I also believe that we ought to strengthen it further in at least three or four matters.

Title II is designed to prevent discrimination based on race, color, religion, sex, national origin, or economic status, in the selection of juries in State courts. However, title II does not contain the same guarantees as are present in title

I which hits at discrimination in selecting juries in the Federal courts. Thus, title I states that litigants in Federal jury cases "shall have the right to a jury selected from a cross section of the community," but no such language is present in title II with respect to juries in State courts. Furthermore, title I declares that all qualified persons "shall have an obligation to serve as jurors when summoned for that purpose," and its clear specification of those who may be exempted or excused from jury service plainly forbids discrimination based on race, color, religion, sex, national origin or economic status. These guarantees are also missing in title II.

It is my belief, Mr. Chairman, that title II could better accomplish its purpose of getting nondiscriminatory State juries if it is strengthened by the following two amendments, which I urge the House to adopt:

First, I recommend the inclusion of a mechanism which would automatically invoke the nondiscriminatory selection of State court juries, whenever there is statistical evidence that the percentage of Negroes, women, or other discriminated groups who actually serve on juries is markedly less than would result from a fair selection of a cross section of the eligible persons in the community. Experience has shown that the method of case-by-case litigation, which is what title II would basically provide for redressing discrimination in jury selection, is cumbersome and ineffective.

Second, I hope the House will adopt Congresswoman GRIFFITH's amendment to strengthen title II with respect to ending sex discrimination in State jury selection and service. Title I will do this with respect to Federal juries. I see no justification for not doing the same with respect to State juries. Injustice to a litigant as a result of discrimination in the selection of a jury is invidious whether it occurs in a State court or in a Federal court.

I especially commend the Judiciary Committee for including title III, which authorizes the Attorney General to institute civil actions against any person whose actions would deprive another of any right, privilege, or immunity granted, secured, or protected by the Constitution or laws of the United States on account of his race, color, religion, or national origin.

The most controversial part of the bill, and a very important part of it indeed, is title IV, which is aimed at preventing discrimination because of race, color, religion, or national origin in the purchase, rental, lease, financing, use, and occupancy of housing.

The bill as recommended by the President would have included the sale and rental of single-family homes. However, the committee amended the bill so as to exempt single-family houses and apartment houses of four apartments or less in which one of the units is occupied by the owner.

In its present form, this title would exempt about two-thirds of our existing housing. It would exempt most of the housing in our Nation's suburbs. It would mean that some 20 million Americans would continue to be ghettoized in the slums of our cities. Such a limited attack on segregated housing will do less than needs to be done for the desperate housing needs of our Nation's Negro people. It will do little to stem the growing racial stratification of our major cities and the growing community unrest which results from the degraded housing in their slum cores.

"The truly insufferable cost of imprisoning the Negro in the slums," President Johnson has said, "is borne by our national conscience."

Mr. Chairman, I would much prefer that title IV be applicable to the sale or rental of single-family dwellings, as it did in the bill originally submitted by the Justice Department.

However, if we are unable to gather the votes for such broader coverage, the very least we should do is to make absolutely certain that the real estate industry, through its brokers, salesmen, and agents, are prohibited from doing their business on a discriminatory basis. If we must continue to permit discrimination by owners of single-family houses, let us at least insist that they cannot do so through the mechanism of the real estate industry.

I also urge that the House approve the committee's provision for a Fair Housing Board to enforce title IV. The experience of the past decade conclusively shows that an administrative agency can advance civil rights more effectively than can case-by-case litigation in the courts.

One of the most important parts of H.R. 14765 is title V, which is designed to punish violence or intimidation because of race, color, religion, or national origin, against any person—including Negroes and civil rights workers—who is engaged or attempting to engage in voting, public education, use of programs financed by the Federal or State Government, employment, housing, jury service, travel, or use of public accommodations.

The committee, however, has added a seemingly innocuous word "lawfully"—which limits the protection of title V to those who are "lawfully" engaging or seeking to engage in the exercise of their legal and constitutional rights. This single word would seriously jeopardize the effectiveness of the entire title. A recent editorial in the New York Times said, with penetrating logic:

> Because a man is jaywalking, should he be tear gassed? Because a man is "trespassing" on public property, should he be beaten with nightsticks or set upon by police dogs? It was precisely to prevent such violence, much of it committed under the thin color of legality, that Title V was drafted.

Title VI will eliminate two conditions—that an individual file a written complaint and that local residents are unable to bear the burden of litigation—before the Federal Government may bring suit to end racial discrimination in schools and public facilities. The Attorney General already has authority, without such restrictions, to initiate suits to end racial discrimination in voting, employment, and public accommodations.

As an American who is deeply troubled by the national hurt and humiliation resulting from the deprivation of constitutional rights which belong to all of us, I hope the House will approve the strongest possible bill to accomplish the objectives of this legislation. I urge you to do so because it is morally right, because it is just, and because it is needed to give full and true meaning to the constitutional guarantees against discrimination.

AMENDMENT OFFERED BY MR. WHITENER

Mr. WHITENER. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

> Amendment offered by Mr. WHITENER: On page 54, line 19, through page 57, line 19, strike out section 204.

Mr. WHITENER. Mr. Chairman, title II is the worst title in the bill. It constitutes an unwarranted invasion of the jurisdiction of the several States by the Federal Government. Had this been proposed 6 years ago, it could not have gotten off the ground. But now we apparently have retrogressed constitutionally to the point that most anything is acceptable in the name of "civil rights."

This title in toto involves an interference with a basic jurisdiction reserved to the States by the U.S. Constitution.

Section 204, to which my amendment is addressed, is particularly offensive, I think, to the Constitution. But, first let me say this, that if you will note the language and the real premise of titles I and II, you will find that it relates to areas not referred to in the Constitution of the United States.

There is nothing in the Constitution of the United States which says anything other than you cannot discriminate on the grounds of race, color, religion, or previous condition of servitude. But here we have extended this constitutional doctrine—at least some of my brethren have—to include sex, economic status, and other propositions.

When we consider section 204—and my friend from Colorado mentioned something about a statute, I contend that it is elementary that even in the absence of a statute under our judicial system that if there has been any improper conduct in the selection of a jury, a writ of error coram nobis has always been available under English law and under the accepted law of our land. Also, a writ of habeas corpus is available so you do not need any statute to aid you where there has been a systematic exclusion from jury service of a particular class of the people, as our courts have consistently held in the case of Negro citizens.

This, I think, was forcibly stated by the Supreme Court in the Scottsboro cases from down in Alabama.

Mr. GROSS. Mr. Chairman, I make the point of order that a quorum is not present.

The CHAIRMAN. The Chair will count.

Mr. CELLER. Mr. Chairman, I move that the Committee do now rise.

The motion was agreed to.

Accordingly, the Committee rose; and the Speaker having resumed the chair, Mr. BOLLING, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee having had under consideration the bill, H.R. 14765, to assure nondiscrimination in Federal and State jury selection and service, to facilitate the desegregation of public education and other public facilities, to provide judicial relief against discriminatory housing practices, to prescribe penalties for certain acts of violence or intimidation, and for other purposes, had come to no resolution thereon.

THE PUBLIC GOOD

Mr. WRIGHT. Mr. Speaker, I ask unanimous consent to extend my remarks at this point in the RECORD.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. WRIGHT. Mr. Speaker, it was in 1883 that William H. Vanderbilt said, "The public be damned." To hold such a philosophy was not entirely unique in his day. But, even then, to assert it in so bold and brazen a way brought a response of outraged alarm and, ultimately, remedial public action.

I like to think that our country has done a lot of growing up since then. I like to think that both labor and management, both rich and poor, white and black and brown, are too mature and too responsible for that type of selfish, narrow, shallow thinking epitomized in those words, "The public be damned." Freedom requires responsibility. To avoid governmental restraints, it is necessary to substitute voluntary self-restraint. I would like to think that we have learned that.

I like to think that Americans today, whether they sit in corporate board rooms or in local lodge halls, realize they have a deep responsibility not only to themselves and to each other, but to the public.

Karl Marx predicted that labor and capital could never learn to live and work together because he believed that they were essentially incompatible. I like to think that 20th century America has made a fool of Karl Marx.

Today the enemies of America are jeering that our racially pluralistic society is incapable of uniting our interests into one, eradicating injustices, submerging selfish demands, tolerating one another and forging in truth "one nation, under God, indivisible." But the more we do to prove these critics wrong, the more some within our midst seem intent on proving them right.

We have come a long way. Anybody can see that. We are far too mature and far too responsible for a Homestead or Haymarket strike. We are far too mature and far too responsible for bloody heads and bayonets. We are far too mature and far too responsible for a Jay Gould.

Yet we have not quite made it all the way. I thought perhaps we had. But we have not.

Within the past few days, several segments of our society have demonstrated an altogether shocking disdain for public opinion and the total good of the society. Each recently has gained substantial concessions for itself and for its members. Yet none seems satisfied. Each is demanding more. Each seems willing to discommode its neighbors and its nation just to get its own way. None seems to feel any responsibility for restraint. Gorged upon its gain, each grasps for more.

Airline mechanics yesterday spurned a wage agreement which gives them twice as great an increase as recommended in the President's anti-inflationary guidelines and refused to go back to work while the Nation's aerial commerce stands idled.

Interest rates and discount rates soar upward, far above the wage-price guidelines, paralyzing the building industry and subtly and selfishly robbing millions of American homeowners of their hard-won equity.

Violent riots break out in our great cities, indiscriminately damaging the property and endangering the lives of other Americans. Even though we have made more peaceful gains for human rights in a shorter period of time than any nation in the history of the world, one of the self-styled leaders in the struggle for human rights yesterday publicly admonished his followers that they should refuse to fight for our Nation in Vietnam but should "stay right here and fight right here," even to turn their backs upon "nonviolence" except among members of their own race.

A few weeks ago, a band of malcontents invaded and sought to take over a meeting where Sargeant Shriver, the head of our antipoverty program, was discussing our plans to help lift these very ones to higher levels of prosperity. Instead of hearing him out, they tried to shout him down—because, in spite of all he has done and tried to do, they claimed he had not done enough for them personally.

What, in Heaven's name, has happened to our sense of citizenship?

Spread across our newspapers this morning is an account of how local leaders of some International Association of Machinists lodges have led their membership to turn their backs upon both their own international leadership and the public necessity. Rather than accept the hard-won labors of the free-bargaining process, hammered out upon the anvils of mutual compromise and hailed by the President of the United States, they prefer to assert a continued disruption in the hope of gaining more.

Like many who sincerely believe in the free labor movement, I am truly disappointed in this development. Like some of the other Members of the House, I am personally acquainted with many hundreds of members of the IAM. They are my friends. They are devoted Americans. It is through their skill, sweat, and dedication that we are building, in my town of Fort Worth, the incredibly sophisticated F-111, an aircraft essential to our country's security.

They are on the job even today on production lines at General Dynamics and at scores of other defense plants across the country, working their miracles of craftsmanship without which this most advanced fighter-bomber would be nothing but a jumbled heap of untooled parts and unassembled sheets of metal. In other plants throughout the land, members of this and other great unions are contributing selflessly to the national good.

Yet, even while some of my IAM friends are making so important a contribution, others within the ranks of their international union obviously are turning their backs on the public interest. Their show of disdain operates not only to the inconvenience and disadvantage of their fellow Americans, but to the jeopardy of the legitimate interest of their comrades in arms in the labor movement itself.

There was a day, not too many years ago, when an airline strike like the one that now has lasted almost a month would have generated little if any national concern. That day is past. Today America moves by air. Its people and its commerce hurtle through the sky with a swiftness and a sureness unimagined only a couple of decades ago.

Today 61 percent of these aerial arteries are closed, idled, stopped. Uncounted tons of vital goods and materials gather dust in warehouses. Thousands of soldiers, sailors, marines, and airmen—some fresh from the fighting in Vietnam—find themselves stranded from their wives, families, and children, or from their posts of duty. Executives with business essential to the continued economic vigor of the country find themselves in deserted airline terminals. Other citizens, some trying to reach the bedsides of hospitalized friends or relatives, find ticket counters deserted and loading ramps vacant and quiet.

From the beginning, we as a nation have dignified disagreement, glorified independent expression, and respected the restlessness of protest. We have wanted no frightened conformity, no suppine and spineless citizenry. We have placed no shackles on the mind and no hobbles on the spirit. The strength and resiliency of our mettle have shown in our capacity to tolerate dissent.

Yet when the chips have been down, we have counted on our people. The American people have not failed us. Always in the past they have risen to the challenge. They have willingly subordinated the private greed to the public need. They have foregone the immediate personal gain for the long-range national good. Where are those finer qualities now?

Never before have we been so prosperous. Never have we had so much, nor so little cause for discontent. Never has there been greater justification for a gracious spirit to yield. Yet in the place of gracious yielding, we see on so many fronts only ugly self-assertion. Can it be that in our unprecedented prosperity, surfeited with excess and bloated with the richness of our daily diet, we have become spoiled and selfish and rotten?

Far better that the processes of free collective bargaining should prove worthy of the faith of those who created the system. Far better that a decent regard for the convenience of one's fellow

Americans should supplant the spirit of belligerence, and the give and take of the bargaining table preempt the picket line.

Better by far that the racially denied should take heart in the gains freely gotten and freely given and renew their faith in the orderly processes of a free society, than that each new gain should bring a new demand, each new concession a new spate of riots, and each new recognition a new threat to those who have helped.

Much better in our spirit of a free market if those who wax fat on unearned interest could willingly forego the extra pound of flesh and let the economy grow to take up the slack of a growing population.

But what happens if time is given and earnest appeals are made in the interest of society, and those appeals then fall upon deaf ears, muted by the wax of self-indulgence, and no response comes? What if, in the face of Presidential and congressional appeals, the only answer is a Bronx cheer, redolent with self-infatuation and insolent with a spirit of the-public-be-damned? What happens then?

Then it becomes, inescapably, a matter for Government. Then it becomes the sad duty, but duty nonetheless, for the people's representatives to assert the primacy of the public good. For a government that will not govern is no government. The public interest must, in the final analysis, be protected. There is a point at which patience loses its virtue and becomes a vice. That point, in each of these cases, is imminent. An aroused public is demanding rectification.

Let us act, then, not out of petty pique. Let us act with the wisdom and restraint that becomes the station to which we have been chosen. But let us act. For failure to do so, regardless of whom it displeased, would be a disservice to the Nation and an abrogation of our trust.

CRISIS IN THE HOMEBUILDING FIELD

Mr. HANNA. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The SPEAKER. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. HANNA. Mr. Speaker, it has many times been made abundantly clear in the well of this House that our housing industry is locked in a nationwide crisis. Moreover, as many Members of this great body have so ably pointed out, the crisis has escalated to the dread stages of depression. And that is true according to any standard—or guideline if you will—which one might care to apply.

Mr. Speaker, you do not have to be an economics professor or a business analyst or read the Wall Street Journal to realize that money is tight. Everybody knows that. Now, almost any economist these days will tell you that tight money is good monetary policy in times when inflation threatens our standard of living. That may be true. But while tight money and high interest rates are merely dampening activity in some areas of the economy they have the homebuilding industry in a death grip which is squeezing its life away.

I am sure that my colleagues have heard that it had been predicted that the housing industry this year would build some 1,600,000 new home units. I suggest to you gentlemen that we will be lucky to get 1 million. Mr. Speaker, if you can show me an activity that can afford a cut of one-third of its business, I will show you an activity that is flexible indeed. The housing industry, however, is not that flexible. It is in serious trouble.

Moreover, many of my colleagues will know from the activity—or the lack of it—in their districts, the impact of the crisis in housing extends far beyond the homebuilding industry to the many activities allied to it: the lumber industry, the savings and loans, the manufacture and sale of home furnishings, home appliances and the other items that make a house a home.

Mr. Speaker, this is not merely a case of an industry undergoing some trouble because its product is not in demand. It is not only that building contractors are facing economic discomfort, loss and possibly, in some cases, extinction or that carpenters, laborers, and hod carriers are suffering unemployment. This is serious enough, but the whole tragedy is that while the homebuilders cannot build, housing remains one of this Nation's most pressing needs. That is a fact right here in Washington, D.C., and it is a fact across the Nation. Yesterday, I read in the newspaper of the recently released report of the National Capital Planning Commission which declared the enormity of housing needs to be Washington's foremost problem. Right here, Mr. Speaker, right here in this city, the Nation's Capital, 103,300 households—comprising 299,000 persons or 41 percent of the population of the city—are inadequately housed. I would not be surprised to find similar statistics for the rest of the Nation as well. After all, housing is not just a commodity. It is a requirement, a basic necessity of life without which people cannot live like human beings.

I am certain, Mr. Speaker, that this great Congress will act to blunt the threat of depression to our housing industry. Long ago we gave life to the great social policy that has made America a nation of homeowners. We determined that homeowning was a value so essential to the dignity of the individual that it was well worth fostering and protecting. Time has shown us the wisdom and rightness of that policy. We cannot, we must not, turn our back on it now. We must act affirmatively to enable our housing industry to provide the housing that our people need and deserve.

The opportunity for constructive action is at hand. The Committee on Rules has just approved a rule for a bill which will, if enacted, increase the Federal National Mortgage Association's mortgage-purchasing capability by $2 billion. This will enable Fannie Mae to lift the $15,000 ceiling on the mortgages it will purchase and thereby to once again become an effective force in the secondary mortgage market. This bill is a selective measure which will loosen up the tight money conditions that afflict the homebuilding field without exerting inflationary pressures on the rest of the economy. It is a solid, responsible, much-needed step toward alleviating this crisis of depression in housing. I hope that the House will take this step by acting upon this bill soon and favorably.

In addition, I hope that the House Banking and Currency Committee will soon consider increasing the amount by which individual savings deposits are insured by the FSLIC and the FDIC from $10,000 to $20,000. I intend to introduce a bill to that effect within the next week. This measure will also go toward alleviating this grave crisis by making more money available for loans to homebuilders from increased savings.

Mr. Speaker, the opportunity to act is here. The time to act is now.

HOUSE BANKING AND CURRENCY COMMITTEE TAKES ACTION TO ALLEVIATE DEPRESSED HOUSING INDUSTRY

Mr. PATMAN. Mr. Speaker, I ask unanimous consent to address the House for 1 minute.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. PATMAN. Mr Speaker, many Members of this House have in recent days pointed out the devastating effect of high interest rates on all areas of our economy.

We are now reaping the destructive consequences of the Federal Reserve Board's December 1965 action which, in part, raised interest rates by 37½ percent—more than 10 times the wage and price guidelines. This has placed billions of dollars in extra interest charges on the backs of the America people.

The homebuilding industry, as is always the case, felt the heaviest impact of the Federal Reserve's action. This was forcefully brought to the attention of all Members of Congress this last week when they were visited by homebuilding leaders from their own districts. These people pointed out that, while much of the economy is working at full capacity, the homebuilding construction industry is suffering from 9 percent unemployment.

Since last December when the Federal Reserve Board undertook this arbitrary and devastating action the seasonally adjusted annual rate of private nonprofit housing starts has declined 27 percent and there are strong indications that this decline will continue.

One of the reasons for this continued decline in homebuilding is the fact that the arbitrary action taken by the Federal Reserve Board has shifted savings funds from savings and loan institutions to commercial banks. Savings and loan institutions we know are the traditional primary lenders of mortgage funds. But as a result of the Federal Reserve

Board's action the savings and loan associations of this country are experiencing a 50-percent drop in net inflow of funds for the first 6 months of 1966, and during the month of July alone there will be an estimated withdrawal from funds of savings and loans of $1.2 billion.

Your Banking and Currency Committee has struggled with this problem over the last several months. Among the various bills reported to this body to alleviate the homebuilding crisis is H.R. 15639 which, if enacted, would increase by approximately $2 billion the present statutory limits on the authority of the Federal National Mortgage Association to borrow money to be used to purchase housing mortgages which may be offered to the Association under its secondary market operations. On Friday of last week, the Rules Committee granted a rule on this bill, and I am sure it will be scheduled for floor debate in the immediate future.

H.R. 15639, if enacted, will assist in alleviating some of the problems of the residential homebuilding and buying industry. However, much more needs to be done. There must be a rollback of the action taken by the Federal Reserve in December.

Currently some interest rates are higher than they have been in 45 years. This is an intolerable situation and one which should not be allowed to persist. Action taken by your Banking and Currency Committee on this particular subject includes reporting of H.R. 14026 which seeks to drive interest rates down. As stated in the committee report on this bill, the Banking and Currency Committee is in favor of reversing this continuing trend toward higher interest rates. To quote the report, it states:

> Lower interest rates will not only reduce the monumental burden of carrying the public debt, but will, in addition, provide for appropriate and proper resource allocation which has been disrupted in large part due to the current rate war involving various financial institutions engaged in unsound competition for savings and time deposits.

Mr. Speaker, I cannot overemphasize the seriousness of the interest rate crisis before the United States. I hope that all Members will support efforts to solve this problem in the public's interest.

DAHOMEY INDEPENDENCE DAY

Mr. O'HARA of Illinois. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The **SPEAKER**. Is there objection to the request of the gentleman from Illinois?

There was no objection.

Mr. O'HARA of Illinois. Mr. Speaker, as chairman of the Subcommittee on Africa of the Committee on Foreign Affairs, for the members of the subcommittee and the Members of the House generally, and for myself personally, I extend warm congratulations and hearty good wishes to the Republic of Dahomey on this happy 1st of August, the sixth anniversary of the independence of this proud new nation lying between Ghana and Nigeria in Africa.

As the United States approaches its 200th year of nationhood, we are understanding of and sympathetic with the challenges which Dahomey and other new nations must face, for they are the same challenges we faced in past centuries. In the challenge of bettering the lives of the people, while preserving national integrity, free from foreign interference. Dahomey has moved with wisdom and vigor.

Like most of the countries of Africa, Dahomey has inherited a colonial past. The reigns of power have been passed to the leaders of Dahomey through a gradual series of steps. Dahomey has shown that although she is beset with the usual problems of new nations, she is willing and able to rule with confidence and foresight.

When the Portuguese first explored and settled in Dahomey in the 17th century, the territory was composed of small, mutually jealous principalities. In 1863, the King of Porto Novo, anxious to free himself from the domination of the powerful Kingdom of Abomey to the north, requested protection from France. French influence spread, and in 1892, the territory became a French protectorate.

Direct control from Paris continued until 1946, when the people of Dahomey were granted a limited degree of control in ruling their country. Local control took an important step forward in 1956–57 when French reform measures for their territories removed voting inequalities in Dahomey and created the governmental organs for self-rule. On December 4, 1958, Dahomey became an autonomous state within the French Community, and on August 1, 1960, gained its present fully independent status.

Since that date, Dahomey has shown that she is a responsible member of the international community. This is demonstrated by her membership in the United Nations, the Organization of African Unity, and in the African and in the African and Malagasy Union. She also participates in the Council of the Entente, an association principally concerned with economic development.

Dahomey has made her primary goal the development of her economy. It is presently largely agricultural, with three-fourths of the population depending on subsistence agriculture for a living. Dahomey has devoted herself to improving agricultural methods and developing her industry. One of the many projects is an effort to increase her production of lumber, for which her soil and climate are particularly suited.

Dahomey has realized that a good educational system is a necessary prerequisite for a nation in the modern world and has dedicated her efforts to increasing the already high percentage of children in school.

Dahomey has shown the rest of the world that her citizens are her greatest asset and has devoted herself to improving their lot.

I would like to add my voice to those who congratulate the Republic of Dahomey in the splendid progress she has made in only six years of independence. I join my colleagues in salute to the Head of State, General Christophe Soglo, and to the popular Ambassador to the United States, His Excellency Louis Ignacio-Pinto.

ARRESTING THE PRESENT DANGEROUS INFLATIONARY DRIFT OF OUR ECONOMY

Mr. HICKS. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The **SPEAKER**. Is there objection to the request of the gentleman from Washington?

There was no objection.

Mr. HICKS. Mr. Speaker, I join today with two of my distinguished colleagues, the gentlemen from Oregon [Mr. ULLMAN and Mr. DUNCAN], in introducing legislation to arrest the present dangerous inflationary drift of our economy. This is a measure increasing taxes, and it is never a pleasure to urge such action. But it must be done. This legislation would be of temporary duration, and would suspend the investment tax credit, increase corporation taxes and place a tax on excess profits.

That there are severe inflationary pressures in the economy is no secret, and indeed certain steps have already been taken which supposedly would relieve the pressures. The most significant step has been the Federal Reserve Board's pursuit of a policy of tight money and high interest rates. Tightening money at a time like this is not a new expedient, nor is it a particularly successful one. The tight money which we have had for most of this year has not solved the problem, and has perhaps added to it. Furthermore, it has had the most serious consequences for one segment of the economy, the housing industry and the many industries dependent upon a flourishing housing industry.

I am sure every Member of Congress has heard from his constituents about the difficulties facing everyone who has to do with the housing market, whether he is buying or selling a home, or is a builder, a supplier of equipment to builders, a lumber mill owner or an officer of a savings and loan institution. And the National Association of Home Builders has warned us of the drastic drop in housing starts that has already taken place, and that which is to come.

Of course, it is possible to argue that when we attempt to cool off an expanding economy, we have to be prepared for the slowing down of industries which must result, and indeed which we seek. However, under this tight money policy, housing and related industries have been made to carry the burden for the whole economy in the effort to cool things off. Meanwhile, the rest of the economy continues to boom, even drawing on the resources which used to support housing.

Thus, we have not only not solved the inflationary problem, but have actually brought ourselves to the brink of a recession in that segment of our economy.

Mr. Speaker, we simply cannot permit the situation to drift until our housing industry is crippled beyond cure, or destroyed.

Over the past 6 years our economy has recorded a high and sustained rate of growth, which the looming inflation threatens to arrest. The tax cut of 1964 was extremely successful and furthered the forward momentum of the economy. The economic reasoning that property led us to decrease taxes when the economy needed stimulation should now lead us to increase taxes to slow the dangerous trend to overexpansion. Fiscal measures, by curtailing purchasing power, would tend to have a more balanced impact on the economy than the monetary measures now being employed. If we undertake the necessary fiscal measures, then it is most likely that money can be eased, and consequently the distortion that is wracking our economy can be eliminated.

We must act to avert inflation. Inflation is a particularly heavy burden on the people whose income is fixed or whose assets are of fixed value. It is unfair to them to permit continued inflationary trends. Inflation also leads to speculation and patterns of investment that cause imbalances in the economy, and that can lead to recession. I am convinced we can avoid the evils of inflation if we will act soon to return our economy to a balanced and orderly pattern of growth.

WORLD COUNCIL OF CHURCHES ECHOES COMMUNIST PARTY LINE

Mr. WAGGONNER. Mr. Speaker, I ask unanimous consent to address the House for 1 minute, to revise and extend my remarks, and to include a news article.

The SPEAKER. Is there objection to the request of the gentleman from Louisiana?

There was no objection.

Mr. WAGGONNER. The sight, Mr. Speaker, and the sound of the so-called church leaders gathered in Geneva under the aegis of the World Council of Churches, clasping the Communists to their breasts and damning the President of the United States, were a sight and sound calculated to sicken the heart and stomach of every Christian American.

A cable sent to the President over the signature of 72 American churchmen calling this Nation's defense of freedom in Vietnam "not justified" and voicing their "anguish" over our efforts to save the South Vietnamese from Communist oppression was an additional slap in the face to our servicemen who have served there in the past and are, daily, fighting and dying in that beleaguered country.

A third pro-Communist statement of policy to emanate from the World Council of Churches conclave resulted with the council's refusal to label Communist infiltration tactics in southeast Asia as "not justified."

I would like the permanent Record to show the story of this treachery which was carried in the Washington Post on July 24 of this year. It is an infamy which should be preserved and given the widest possible circulation so that all church members everywhere whose contributions support this anti-American organization will know what they are doing to our Nation. I am proud to say that my home church contributes not 1 cent to this council and I can only wish that every church member would take steps to see that his church withdrew membership from the council and canceled any future contribution in an effort to get these so-called church leaders out of office and have Christian Americans in their place.

What these men have done and are doing to undermine both America and Christianity should be accounted for here on earth as surely as it will be by a Higher Judge in another life.

U.S. Clergy Back Critics of LBJ in World Council

Geneva, July 23.—U.S. churchmen joined Russians, Asians, Africans and Europeans today to condemn "the massive and growing" American military commitment in Vietnam.

Dr. W. A. Visser't Hooft, secretary general of the World Council of Churches, cut short "third world" moves for an even stronger statement by bringing the matter to a quick and final vote.

In addition to backing the conference resolution against the U.S. military effort as "not justified," 72 American churchmen independently cabled President Johnson, voicing anguish over "involvement and escalation" in Vietnam.

They also told the President that North Vietnam's holding of American prisoners should not be the occasion for "any acts of reprisal."

The resolution on Vietnam, which will be passed on to some 200 member churches of the Council, urged continued efforts to stop U.S. bombings of the north as well as north Vietnamese infiltration of the South.

The key language, however, was that "the massive and growing American military presence in Vietnam and the long continued bombing of villages in the South and of targets a few miles from cities in the North cannot be justified."

A parallel motion to label Communist infiltration tactics in southeast Asia as "not justified" was voted down by the conference.

ALSOP CHANGES HIS SPOTS

Mr. WAGGONNER. Mr. Speaker, I ask unanimous consent to extend my remarks at this point in the Record and to include an editorial.

The SPEAKER. Is there objection to the request of the gentleman from Louisiana?

There was no objection.

Mr. WAGGONNER. Mr. Speaker, after serving a long, faithful, and fawning apprenticeship at the foot of the liberal-radical throne, Columnist Joseph Alsop chose the day before he departs on his annual vacation, to repeat, almost verbatim, the very facts that many of us have been trying to get across for a decade and more.

Mr. Alsop, through the influence of his column, has done his share in the past to keep these facts from the people who read his writings, so it is encouraging to see this change of mind, if, perhaps, it is not a change of heart.

I do not agree with everything he has to say in this column, particularly his statement that this Nation is spending nothing on education. Nor, I imagine, would I agree with his solution to the problem he describes, because, if he is true to his old form, his answer would be massive doses of Federal money with appropriate statist controls. But, at least, Mr. Alsop, has truthfully diagnosed the ill and he deserves credit for that. His column in the Washington Post of today, August 1, is worth the attention of Members of every philosophy:

The problem of the cities, in the form that it is now assuming, is the most urgent, the most difficult and the most frightening American domestic problem that has emerged in all the years of this country's history since the Civil War.

As a sort of farewell before a month's vacation, an attempt will therefore be made to sum up the problem, as it now stands, in a series of three reports. The only way to begin is with the terrible words of the general confession:

"We have left undone those things which we ought to have done, and we have done those things which we ought not to have done."

This includes, first of all, the almost complete failure to find out and to face the hard facts of the modern urban problem. The heart of the problem of the cities is the problem of the Negro ghettos, which have been flaming into riot in recent weeks.

As an illustration of the near-total lack of realism in most discussion of ghetto matters, it is only necessary to analyze the common school-slogan, "End de facto segregation."

To begin with, you cannot "End de facto segregation" in an urban school system, when the entire school system is already de facto segregated. Yet some people are still mounting this slogan here in the District of Columbia, whose public elementary schools are now 91 percent Negro!

To go on with, short of a Constitutional Amendment, you could not even end de facto segregation by forcibly homogenizing all the schools in an urban school system that was only 30 percent Negro. The careful research behind the Watts report shows that any school which is forced to accept as much as 25 percent of disadvantaged children virtually ceases to be a school; and almost all the children of the ghettos are very seriously disadvantaged.

Race has nothing to do with the effect on the school. The school becomes worthless because the teachers are unable to carry the huge extra burden of helping their disadvantaged pupils—whether they are Negro, or Mexican-American, or poor white. And when the neighborhood school goes to hell in a hack, all the middle and lower-middle income families in the neighborhood simply pick up and move to the suburbs, thereby creating another wholly segregated school.

Since an amendment forbidding such movement is unlikely, the important thing is not to "end de facto segregation." The important thing is to provide many more teachers, and much better teachers, for all schools carrying a serious burden of disadvantaged pupils. But there is no money to do that. Nothing for schools and billions upon billions for freeways and expressways that promote the white emigration to the suburbs! That has been our rule for many years, again recalling the terrible sentence from the general confession.

The result is the present situation. This situation is not generally understood, yet the new SNCC leader, Stokely Carmichael, clearly understood it well enough when he boasted to a recent Washington rally that "We'd have black power" in most of the big American cities "within six years."

Six years is too short an interval, but school figures and population figures unanswerably indicate that most of the really major American cities are likely to have Negro majorities within the next decade, if not sooner. This is partly because of the growth of the ghettos, but the main cause is the flight to the suburbs of virtually all white families with children of school age.

Unless present trends are reversed, in short, most of our great cities are due to become huge Negro reservations—a series of super-Watts! When and if that happens, "black power" will no doubt be installed in City Hall. But when and if that happens, as any practical-minded man can foresee, there will be other consequences, too.

The change in the cities will not only accelerate the white movement to the suburbs, until the city centers truly are reservations in the grimmest sense of that grim word. This change will also, and above all, accelerate another movement that has already begun without anyone paying much attention.

Finance and business, industry and commerce will follow the flight into the suburbs; all the vast national investment in the centers will quite suddenly be almost worthless. And far worse still, these city-sized super-Watts of the future will have hardly more resources of their own to solve their problems than the Watts District of Los Angeles has today.

If we do not change the trend, there will be no hope of integration, no hope of equality for the Negro Americans. There will be an immense increase of the ugly race feeling that the riots have already begun to promote. There could even be, one day, a President Verwoerd in the White House. Any effort, any expenditure, any personal or national sacrifice, will be better than the thing we are threatened with, whites and Negroes together.

THE AIRLINES STRIKE

Mr. FASCELL. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The **SPEAKER.** Is there objection to the request of the gentleman from Florida?

There was no objection.

Mr. FASCELL. Mr. Speaker, I have just appeared and spoken before the House Committee on Education and Labor meeting to consider the question of the airlines strike, the first held on this side. I wish to express my appreciation to Chairman POWELL and members of his committee for hearings on this vital issue.

I have never seen a strike settled and dissolved so fast.

I take no quarrel with the issues which remain between the parties, because to them they are meaningful and legitimate. I support free collective bargaining; but I do have a reservation about the bargaining process and I believe most of us do, when the bargaining process also affects the national interest, economy, welfare, or security.

I have already introduced a bill to immediately end this strike, because it so devastatingly affects public necessity and convenience, the Nation's economy and welfare. I urge the appropriate legislative committee to hold immediate hearings on my bill or any other bill, and not wait for something else worse to happen.

We cannot, in my judgment, allow the collective bargaining process, important as it is, to continue without additional guidelines, considering the tremendous cost to this country, when such bargaining involves legitimate issues of the national economy, the national welfare or the national security, as in this case and similar cases.

It seems to me that if the striking parties do not agree on this matter, if the Congress has to resolve the issues, all we are doing is taking another step which both management and labor do not want, yet which the public is going to force this Congress to take eventually, not only concerning this dispute but all other similar labor-management disputes.

Therefore, I feel it is in the interest of the collective bargaining process, in the interest of the disputing parties, and in the interest of the public for this body to resolve the present issue immediately but also to begin hearings and studies as to guidelines regarding the settlement of labor-management disputes which affect the necessity and convenience of the public and the welfare, economy, interest and security of the Nation.

The present airlines dispute has adversely affected the public necessity and convenience throughout the Nation. The Armed Services Committee is investigating the matter to determine the effect on the security of the country. Suffice it to say that sufficient evidence of the destructiveness of this dispute is readily available as a predicate for congressional action.

In the district which I represent which is in Dade and Monroe County, Fla., the economic loss is staggering. I want to present to the House at this point estimates which are adapted from a fact sheet prepared by the Miami-Dade Chamber of Commerce.

THE ECONOMIC LOSS TO DADE COUNTY BEGINNING JULY 8, 1966

The Greater Miami area, in traceable income, is losing $2,000,000 a day in airline salaries, local airline purchases and tourist expenditures.

In this, the 22nd day of the strike, this area has lost, in traceable income, a total of $44,000,000.

Based on a Dade County population of 1,120,000, the $44,000,000 represents a loss of about $38 for every man, woman and child in the area. ($2.36 per person per day). A family of 4, today, on the 22nd day of the strike, has already suffered a loss of $207.60, if computed on a per capita loss basis.

11,000 people employed by the airlines have already lost their jobs in Dade County. An estimated 60,000 jobs in Greater Miami, in addition to airline jobs, are dependent on or closely related to the aviation industry. An indeterminate number of persons in these related activities are losing their jobs daily, pushing the $2,000,000 loss higher each day.

Explanation of above losses

Daily loss of airline salaries among the 5 struck airlines in Dade County	$330, 000
Daily loss of expenditures for services and supplies in Dade County by the 5 airlines	$270, 000
Daily loss from tourist expenditures in Dade County	$1, 400, 000
Greater Miami loss from tourist expenditures was arrived at as follows:	
The 5 struck airlines normally bring passengers to the Greater Miami area at this time of year at the rate of (per day)	6, 000
Of this total about 10 percent are local residents (deducted) (per day)	600
Operating airlines can accommodate approximately (deducted). (per day)	1, 000
Subtracting 1,600 a day, the net loss to this area is (per day)	4, 400

The average air tourist spends approximately $20 a day in Dade County and stays an average of 16 days. This means each passenger spends approximately $320 while in Dade County. This figure multiplied by 4,400 lost passengers per day equals approximately $1,400,000 loss per day.

Breakdown of $1,400,000 in tourist spending lost to Dade County per day

Business	Daily loss in Dade County	Percentage of tourist dollar
Restaurants and night clubs	$255, 640	18. 26
Hotels and motels	330, 120	23. 58
Amusements	179, 760	12. 84
Clothing stores	162, 820	11. 63
Gasoline stations	113, 120	8. 08
Other auto expense	10, 920	. 78
Gift shops	101, 220	7. 23
Drugstores	57, 400	4. 10
Grocery stores	129, 080	9. 22
Utilities	24, 500	1. 75
Doctors, barbers, other service people	35, 420	2. 53
Total	1, 400, 000	100. 00

MISCELLANEOUS INFORMATION

Taxes: Tax losses are difficult to estimate. However, it is safe to say that in Dade County at least $36,000 a day in sales tax is being lost on tourist expenditures alone. As of July 26th this amounts to $684,000.

It is also of interest to note that at least 15% of the state's tax revenues are derived from tourists who pay sales, beverage, gasoline, cigarette, racing and other taxes. In addition, about 24% of the state's sales tax revenue originates in Dade County.

Another factor that should be considered in the total economic loss picture is the fact that a portion of unemployment compensation is derived from tax funds.

Advertising: A tremendous advertising force to promote tourism in Dade County and Florida was cut off with the advent of the strike. Also, locally the advertising of the struck airlines represents a substantial increment to the economy. An estimated $20,000,000 is spent annually in various markets by the five struck airlines to advertise and promote Florida and Greater Miami.

Other data: Greater Miami is more severely affected than some cities, as all five airlines serve this area.

According to a tourist survey by the Metro Planning Department and the Florida State Road Board in the spring of 1964:

1. Forty-one per cent of the tourists in Dade County arrived by plane.

2. Ninety-five per cent of Dade County's visitors come from areas more than 800 miles away. Forty-three per cent came from New York alone.

3. Eighty-seven per cent of the Miami area tourists are repeat visitors. This pattern of repeat visits may be broken in future years by vacationers diverted to other areas during the strike.

The people of south Florida, as they are throughout the country, have been demanding an immediate end to this dispute either by the parties or by the Congress, and especially now that the efforts of the President have been rejected.

Recently the city of Miami Beach, Fla., adopted this resolution:

RESOLUTION 11902

Whereas, the current strike halting the operations of major air lines throughout the nation has had, and is having intensified and aggravated impact upon the City of Miami Beach, the Greater Miami Area, and the entire State of Florida, because of its tourist economy; and

Whereas, said strike has caused the laying off of thousands of employees, not only in the airlines industry, but also in hotels, restaurants and other allied businesses, with consequent loss, deprivation, or substantial curtailment of income by way of salaries or wages, with attendant loss to not only the merchants, but to the entire economic fabric of the community; and

Whereas, the foregoing damage is further compounded by the loss of income to the entire community occasioned by the drastic diminution in the number of tourists coming to this area as a result of said strike; and

Whereas, by reason of the foregoing, it is an incontrovertible and demonstrable fact that an economic emergency does now exist in the City of Miami Beach, the Greater Miami Area and the State of Florida, which emergency will develop into an economic crisis if the said strike is further prolonged;

Whereas, the damage caused by the continuance of said strike is not of a temporary or transitory nature, but will have permanent effects for years to come if the said strike is not terminated forthwith;

Now, therefore, be it duly resolved by the City Council of the City of Miami Beach that all parties, including labor, industry and government, participating in negotiations for the settlement of said strike are earnestly requested to take immediate cognizance of the existing economic emergency occasioned by said labor dispute, and are urgently implored to exert every extraordinary effort to bring said dispute to a conclusion immediately, or, in the alternative, to devise ways and means to restore forthwith the air lines to an operational status, pending settlement negotiations.

Be it further resolved by the City Council of the City of Miami Beach, Florida, that copies of this resolution be transmitted forthwith to the President of the United States, the Secretary of Labor, to the United States Senators from the State of Florida, SPESSARD HOLLAND and GEORGE SMATHERS, and to every member of the House of Representatives representing the State of Florida.

Passed and adopted this 28th day of July, 1966.

ELLIOTT ROOSEVELT,
Mayor.
ELAINE MATTHEWS,
Deputy Chief Clerk.

Mr. Speaker, I again urge immediate action on my bill House Joint Resolution 1220 by the Committee on Interstate and Foreign Commerce.

THE SIERRA CLUB AND ITS TAX STATUS

Mr. UDALL. Mr. Speaker, I ask unanimous consent to address the House for 1 minute, to revise and extend my remarks, and to include a letter and editorial.

The SPEAKER. Is there objection to the request of the gentleman from Arizona?

There was no objection.

Mr. UDALL. Mr. Speaker, much has been said of late about the surprise and shock experienced by the Sierra Club when it was informed on June 10 that its contributors no longer would be given advance assurance of tax deductibility for funds given the club. I know many of my colleagues have had the impression that the club had no way of anticipating this result. In order that my colleagues will not be misled I should like to call to their attention a document which has just come into my hands.

Before I do that, however, I want to comment on a number of aspects of this controversy.

First, I want to say that I greatly resent the allegations made by the leadership of the Sierra Club that either I or Secretary Udall caused the Internal Revenue Service to take this action. I flatly deny having played any part whatsoever in it. I did write a letter—as you will see it was a courteous inquiry, not a demand—asking whether contributions made specifically for this legislative campaign could be tax-deductible, but that letter was sent after, not before, the IRS action. I also have been told in emphatic terms that the Secretary had absolutely no communication with the Internal Revenue Service in this or any other such matter.

In order to make my part very clear, under unanimous consent I will print my letter following these remarks.

Let me comment further about the motivation of this letter. The Colorado River Basin project affects the future of 30 million people in seven States. Citizens of this country have every right to work either for the passage or the defeat of this bill, but they have no right to have their efforts financed by the taxpayers of this country, including those of the seven States.

On the morning of June 9 I read two ads placed by the Sierra Club in the Washington Post and New York Times. In those ads the Sierra Club made the specific statement that contributions made to finance its campaign against this project would be tax-deductible. When I read this assertion, I could hardly believe my eyes. I immediately determined to find out if this statement was true, and to do this I mailed 2 days later, the letter which will appear following my remarks.

I want to make it quite clear, however, that I made no other contact of any kind with the Internal Revenue Service. I did not phone anyone there, nor did I have anyone else do so. I simply wrote this letter, asking whether contributions made for this lobbying effort could be deducted from peoples' income taxes. When I heard that the Internal Revenue Service had issued its warning 2 days before my letter was even mailed, I was as surprised as anyone else.

Also, I want to say, that at no point has it been my desire to have the Sierra Club unjustly deprived of its tax status. I simply do not want this or any other organization conducting a lobbying effort at taxpayers' expense. There exist conservation organizations, allied with the Sierra Club, which have never sought special tax status and which exist for this very purpose. There are the organizations which ought to be accepting contributions and carrying on this legislative fight. It ought not to be done by the Sierra Club itself, so long as it holds itself out to be a scientific, educational, tax-exempt corporation.

One of these legislative organizations is the Citizens Committee on Natural Resources, of which David Brower, the executive director of the Sierra Club, is a board member. How curious it is, then, that he has chosen to place the Sierra Club in jeopardy through this out-and-out legislative campaign.

After all, our tax laws, which I did not write, draw a distinction between cultural, scientific, and educational efforts, on the one hand, and lobbying or legislative efforts on the other. We have decided through our Congress that the first should be subsidized by the taxpayers through tax deductions and that the second should not. For most of its existence the Sierra Club has been primarily in the first category, and only recently under David Brower's direction has the club veered into the other

Last Thursday the House Interior Committee voted 22 to 10 to report the Colorado River Basin project, and by the margin of its vote the committee indicated it places little stock in the arguments put forth by the Sierra Club. And I know that my colleagues on that committee place no credence in the charges made by Mr. Brower on several occasions that Secretary Udall and I are using the Internal Revenue Service as a weapon against the legitimate activities of his organization.

I had supposed that sincere and reasonable people, particularly those who have worked together on other conservation matters, could have an honest and vigorous disagreement on this bill without resorting to unfounded charges and personal attacks. Nearly all of the members of the Sierra Club with whom I have worked and become acquainted are intelligent, sincere, and dedicated people, and I respect them even though they disagree with me on this one issue.

However, as I speak today, I almost despair of my future ability to respect or work with the leadership of the Sierra Club as long as it permits Mr. Brower to continue his interperate, personal, and false attacks.

Immediately upon learning of the Internal Revenue Service action I made very clear to the press and to Mr. Brower, and to others who expressed concern, that I had played no part in that action. One of Mr. Brower's representatives in Washington was sent to see Secretary Udall, and he was told flatly, with no equivocation, that published newspaper accounts of this action were the first that the Secretary had heard of it, that he had not discussed it with anyone and that he would not have recommended such action. In spite of these assurances from men who have worked with him, in good faith, for years, Mr. Brower has continued his baseless attacks, implying secret, inside sources for his information. He seems to be unable to conduct a discourse without a villain, and for want of a better target has placed my name in nomination. I decline the honor.

As late as Wednesday of this week, Mr. Brower was still repeating these false charges. I have here a dispatch from United Press International which says in its concluding paragraphs:

> Brower suggested, as he had before, that the two Udall brothers were behind the move, but indicated he was unable to provide any evidence. He said he had been "told" this was true.
>
> The Sierra Club president said he had "corroborative evidence," but that he could not reveal the source because "it could cost some people their jobs."

Mr. Speaker, that statement is false. And it comes from a man I once respected as a responsible advocate of conservation. I say flatly that Mr. Brower has no such evidence and he could not have such evidence because it does not exist.

I call on Mr. Brower here and now to produce what he considers to be the evidence to prove these charges. If he cannot do so, I suggest that he attempt to restore his own honor and good name by refraining from repeating these false allegations.

Mr. Speaker, I think it is worth noting that the Sierra Club is not the only organization in this country interested in conservation. And it is not the only organization opposed to building dams on the Colorado River. However, it is the only organization whose spokesmen have been permitted to speak out in this irresponsible fashion.

Through the years I have worked with and made close friendships with the leaders of many of these organizations, and even though we may disagree on a particular piece of legislation, we remain friends. When they differ with me, these people confine their arguments to the issues. They do not impugn my motives or accuse me of base or deceitful dealings.

The same is true of most of the people I know in the Sierra Club. I have some extremely close friends who are devoted to this organization and the cause it espouses. They are still my friends. To paraphrase Will Rogers, I have hardly ever known a Sierra Club member I did not like. They are wonderful people, people who care about what is happening to our environment, people who have made a commitment to the cause of conservation.

Thus, I greatly regret the situation that has developed under the leadership of David Brower. I want to continue to work with the Sierra Club, but I frankly think that Mr. Brower's effectiveness in the cause of conservation is nearing an end.

Of all the conservation leaders in this country David Brower alone has persisted in false and unprincipled personal attacks on Members of Congress and leaders of the executive branch. And he alone has recklessly ignored the facts and painted a grossly distorted picture of the Colorado River Basin project.

In talking with my colleagues I find that the falsity of Mr. Brower's campaign is becoming more and more clear to Members of Congress. His irresponsible charges about "flooding the Grand Canyon" are falling on deaf ears. And in my judgment the members and directors of the Sierra Club ought to be asking themselves whether Mr. Brower is doing their cause as much good as he is harm.

Mr. Speaker, to hear Mr. Brower attack "the Udall brothers," one would have to conclude that the Internal Revenue Service action had helped the sponsors of the Colorado River bill. Nothing could be further from the truth. This action by IRS has made a martyr of the Sierra Club and, by innuendo, a villain of those whose cause the Sierra Club opposes. For the sponsors of this legislation to have handed Mr. Brower such a weapon would have been ridiculous. This publicity has brought more contributions to a "martyr" organization than the ads could possibly have produced, so he cleverly seeks to fan the flames and keep the fire alive.

Which brings me to a point that must be made. I think the Sierra Club does a great disservice to the Internal Revenue Service by implying that this agency would be a party to reprisals against organizations taking one side or another in a legislative battle. Furthermore, I have absolutely no reason to believe that this administration is more dedicated to building dams on the Colorado River than it is to any one of dozens of other matters before this Congress. The administration has, in fact, taken a position in opposition to the bill as now drafted. Thus, it is ridiculous to suggest that our reclamation project, which the Sierra Club opposes, has such enormous administration support that the administration would have its tax agency resort to reprisals and threats against citizen groups opposing this legislation.

I should like to make clear that neither I nor other advocates of the Colorado River Basin project have anything against the Sierra Club or its officers. In fact, I believe that I have agreed with the Sierra Club's position on nearly every other issue before the Congress. And I have worked with Mr. Brower and other leaders of that club on many occasions.

This year, for example, I introduced the Redwoods bill drafted and sponsored by the Sierra Club. I favor this legislation and would want to work with the club leadership in moving it through Congress. However, I confess that this prospect appalls me when I realize who it is I would be expected to deal with in that cause.

I am not saying that support for the Colorado River bill was some kind of quid pro quo for my support of the Redwoods bill. On the contrary, I would never expect to deal with this or any other organization on such a vote-swapping basis. But I did expect that my past association with the Sierra Club would have earned me the privilege of at least discussing the bill with Mr. Brower and other officials before they launched this irresponsible campaign against it. And I did expect that, no matter what the club's position might be, we would come out of the present battle as allies in future campaigns such as that for the Redwoods National Park.

There is a related point, too. I grew up in the Grand Canyon country. I have walked and flown over it and lived in it. Mr. Brower knows it too. Yet he could write me a letter last fall saying:

> No adversary of the dams, to the best of our knowledge, has ever suggested that the Canyon (or even the inner gorge) would be flooded from rim to rim by the proposed reservoirs.

And then a few months later he could publish ads with scare headlines reading: "Now Only You Can Save Grand Canyon From Being Flooded—For Profit."

Mr. Speaker, I personally know what he is telling the people of this country about Grand Canyon is not true, and Mr. Brower knows it is not true.

Now I do not know the Redwoods country very well. In the past I have relied on facts and arguments presented by the Sierra Club on conservation matters relating to other parts of the country. I am seriously beginning to wonder whether they could be as careless with the "facts" on Redwoods and other issues as they are on the Grand Canyon. Mr. Brower's carelessness, in short, is beginning to create a "credibility gap" with this one Member of Congress and I suspect with many others.

Whether Mr. Brower is motivated simply by excessive zeal, or whether his personal publicity in recent months has given him an insatiable appetite for more, I cannot say. I simply want him and the decent people he is supposed to represent to know that he has about "broken his pick" with me.

This brings me to the document that has just come into my hands. As my colleagues know, the officers of the Sierra Club expressed shock and amazement when the Internal Revenue Service took its recent action.

Mr. Brower told the Associated Press recently that IRS was "trying to scare us off." He said it was a "gut blow, a low punch."

Mr. Speaker, this is nonsense. Organizations engaged in lobbying and seeking to influence legislation know this is not now and has never been an activity accorded tax-free status.

For example, consider the League of Women Voters. This fine organization has existed for years, and never has it sought tax exemption for contributions made to it. One of its avowed and honorable purposes and major roles is to influence legislation which its members have carefully studied and on which an official stand has been taken. The league knows what our laws say, and it knows that Congress never intended lobbying efforts to be accorded tax privilege.

Why, then, should the Sierra Club be surprised when its special tax privilege is questioned? Mr. Speaker, this was no bolt from the blue. The club knew what it was doing. And I submit for the RECORD the club's own Bulletin of January 1955.

In a lead article the President of the club, Mr. Richard M. Leonard, explained why the club must refrain from lobbying activity. Remember, this was all of 11 years ago. He urged members' support for a new organization that had no tax-exempt status, the trustees for conservation, as a substitute for involvement by the club in lobbying activities. And he warned that the club's privileges might be lost if it changed its methods and scale of operations.

Mr. Speaker, without objection, I shall insert at this point in the RECORD the complete text of Mr. Leonard's article from the Sierra Club Bulletin and the text of my recent letter to the Internal Revenue Service:

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
Washington, D.C., June 10, 1966.

COMMISSIONER, INTERNAL REVENUE SERVICE,
Internal Revenue Building,
Washington, D.C.

DEAR SIR: I am enclosing herewith two different full-page ads which appeared in the Washington Post on Thursday, June 9, 1966. You will please note that the two enclosed items were prepared and placed by the Sierra Club, Mills Tower, San Francisco, California.

These ads seek, among other things, contributions to aid in the campaign of the Sierra Club in opposition to H.R. 4671, now before the House Committee on Interior and Insular Affairs.

My purpose in writing this letter is to inquire whether contributions of this nature, which will apparently be used to lobby against legislation pending in the Congress, may be deducted from the income tax returns of the contributors under the Internal Revenue Code. You will note that at the bottom of column two of one of the ads, and at the bottom of column three of the other, such representation is made as an inducement for contributions. I would appreciate receiving a memorandum as to the legality thereof.

Thanking you in advance for every consideration, I remain,

Sincerely yours,

MORRIS K. UDALL.

WE DEFEND THE PARKS

(A new ally, Trustees for Conservation, steps up to the firing line; the Sierra Club continues to present the facts.)

One of the most important events of 1954 was the formation of a new fighting arm of the conservation movement, Trustees for Conservation. Many of our friends have been active in setting up this group, which will go directly to the people and their legislators to assure protection of the nation's parks, monuments, wildlife refuges and wilderness areas. Sierra Club President Dick Leonard tells the respective roles of the two organizations.

For over sixty years now the Sierra Club has vigorously supported our national park system and the protection of the other scenic resources of the United States. The principal purpose of the club, and the most effective means of support of such intangible values, has always been the educational, scientific, and literary presentation of the facts concerning a problem to the members of the club and to other conservationists throughout the country. By such means, and through close cooperation with Forest Service, Park Service, Department of the Interior, and similar administrative agencies, the conservation of our scenic resources has over the years scored far more gains than losses.

But now, determined attacks on the national park system are being pressed in Congress. Water, power, and flood control interests, both public and private, are demanding damsites that will flood portions of Dinosaur, Rainbow Bridge and Grand Canyon National Monuments, and Glacier, Grand Canyon, Kings Canyon, Mammoth Cave, Yellowstone, and Yosemite National Parks—sixteen dams to destroy portions of eight of our national parks and monuments expressly dedicated by the United States to be passed on "unimpaired for the use and enjoyment of future generations."

The tax laws, however, do not permit the Sierra Club to carry on a full-scale legislative campaign either state or national, to protect our parks. These laws of course do not distinguish between "bad" propaganda, or lobbying for "bad" legislation, and the "good" work in which the Sierra Club would be interested in seeking to promote, protect, and defend our national park system to the national benefit of all the people. Section 170(c)(2) of the Internal Revenue Code permits contributions and gifts to be deducted for income tax purposes if made to a "corporation . . . organized and operated exclusively for . . . scientific . . . literary, or educational purposes . . . no substantial part of the activities of which is carrying on propaganda or otherwise attempting to influence legislation. . . ." This means that dues and gifts paid to the Sierra Club have long been deductible for income tax purposes. Similar tax exemption is granted under the gift, estate and inheritance tax laws. These privileges might be lost, however, if the club were to change its present methods and scale of operations.

Until recently this problem has never troubled the Sierra Club. While we have repeatedly been extremely effective in protecting our scenic resources, the Sierra Club action has been primarily through its educational, scientific, and literary work. For nearly forty years since Congress in 1916 formally created the National Park Service, "no substantial part of the activities" of the Sierra Club has had to be devoted to "carrying on propaganda, or otherwise attempting to influence legislation."

Now the picture has changed somewhat. Not only do we have the extremely serious and well-financed threats to the national park system before the new 84th Congress, but also a new element has been introduced into our relations with Congress. On June 7, 1954 the Supreme Court of the United States held the federal "Lobbying" Act to be constitutional. The interpretation of that Act requires an organization to register as a "lobbyist" if it has "solicited, collected, or received contributions . . . one of the main purposes of which . . . is to influence the passage or defeat of legislation . . . through direct communication with members of Congress."

As a wise precaution, the Board of Directors of the Sierra Club, at their meeting in February 1954, at the beginning of the Dinosaur controversy in Congress, passed a formal resolution instructing members of the Sierra Club *not* to solicit, collect or receive contributions in connection with the fight to protect Dinosaur National Monument. Thus the Sierra Club has been fully protected up through the end of the 83rd Congress. Now, however, a "new look" is essential for the future serious battles to preserve our national park system.

Accordingly, the Board of Directors of the Sierra Club held a special meeting all day Sunday, November 21, 1954. They realized that there was nothing inherently wrong, immoral, or illegal in "lobbying" or "propaganda." Those terms are simply abusive epithets for effective activity of "the other side." In fact, as the Supreme Court pointed out, the First Amendment to the Constitution of the United States expressly protects freedom of speech and the right to petition Congress. The "Lobbying" Act does not condemn or prohibit appeals to Congress; as interpreted by the Supreme Court it simply requires that those who solicit and use funds for such purposes shall register as "lobbyists" and disclose the source and expenditure of their funds.

Since "lobbying" is not wrong, but tax-deductible funds of the Sierra Club cannot be used for such purposes as "a substantial part of the activities" of the club, the directors were glad to learn that an independent organization was about to be formed that would solicit contributions on a nondeductible basis, and would therefore be free to take as strong a stand as necessary in the legislative battles of the future involving conservation issues.

"Trustees for Conservation," a nonprofit corporation, was formed under the laws of California, November 26, 1954. Its Articles of Incorporation provide:

"That the specific and primary purpose for which the corporation is formed is:

"(a) To promote the wise use and conservation of the natural resources of the United States of America.

"(b) To secure the support of the people and the government in the protection and preservation of our National Parks and Monuments, our Wildlife Refuges, and Wilderness Areas; and to work for the establishment, protection and preservation of similar areas, so dedicated that they may be passed on unimpaired for the education and enjoyment of future generations."

Since Trustees for Conservation has already announced that contributions to it will *not* be tax deductible, it is free to "solicit, collect, and receive" contributions to defend and protect our national park system. Whether it must register under the "Lobbying" Act will depend on its method of operation, but it will have full freedom of operation to be as effective as possible in carrying out its high purposes.

The "Trustees" responsible for governing the new organization include leading conservationists from all over the nation; leaders whose experience and integrity assure wise and effective use of the funds. The trustees who have accepted this additional responsibility include (at this writing): Ansel Adams, Horace M. Albright, Irving Brant, Irving Clark, William E. Colby, Harold Crowe, M.D., Robert Cutter, M.D., Stuart R. Dole, Pauline Dyer, Francis P. Farquhar, C. M. Goethe, Weldon F. Heald, Clifford V. Heimbucher, Joel H. Hildebrand, Walter L. Huber, William J. Losh, Edw. Mallinckrodt, Jr., Robert W. Sawyer, Walter A. Starr, Wallace Stegner, E. A. Wayburn, M.D., Lynn White.

Trustees for Conservation, with no privileged status to protect, will take the message of conservationists directly and vigorously to Congress, without fear of violating the tax laws. While the Sierra Club cannot use a substantial part of its funds for such purposes, the Board of Directors has instructed its officers "to carry out its conservation objectives as vigorously as possible within the law." Trustees for Conservation will cooperate fully with the Sierra Club and with all other conservation organizations in their educational, scientific, and literary work. We welcome this strong support.

RICHARD M. LEONARD.

THE RIGHT WAY, THE WRONG WAY, AND THE ARMY WAY

Mr. BROOMFIELD. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The SPEAKER. Is there objection to the request of the gentleman from Michigan?

There was no objection.

Mr. BROOMFIELD. Mr. Speaker, there is an old saying that there are three ways to attack a problem: "The right way, the wrong way, and the Army way."

In the instances I am about to relate, it would seem that the wrong way and the Army way are sometimes one and the same.

Almost 3 months ago, a good friend of mine who is a former constituent from Royal Oak, Mich., wrote to me to ask for assistance.

This friend, Maurice C. Hall, is a missionary for the Church of Christ in South Vietnam. He had just returned to Vietnam for his second tour of duty for his church helping to run an orphanage and a school.

Mr. Hall said in his letter that the Departments of the Army and the Air Force, in orders dated April 1, 1966, had revoked the Army post office privileges of the Church of Christ Mission in South Vietnam, as well as similar privileges to "most" other religious groups with missions in South Vietnam.

He said that the Church of Christ Mission expected to spend about $500,000 in Vietnam during the next 12 months for the benefit of the Vietnamese people, much of it for running the orphanage and school.

He wrote me:

> We missionaries get several letters weekly through APO channels from men in the field asking for counsel and guidance. Hundreds of parents wrote us last year concerning their sons' well-being. We get bills of lading concerning shipments of refugee goods consigned to us and shipped on U.S. Navy vessels on a space-available basis.
>
> It would seem—

Wrote Mr. Hall—

> that it would be to the best interest of the U.S. Government to help rather than hinder our work by permitting us to retain our APO privileges.

I agreed with Mr. Hall, and immediately made inquiry of the Secretary of Defense about the order and the reasons for its issuance.

The reply I received from Brig. Gen. Lawrence H. Walker, Jr., stated, in part, that extending APO privileges would "deprive host governments of postal revenue and would therefore jeopardize the continued existence of APO's in those countries" and that the "liberalization of APO privileges during recent years has resulted in a substantial increase in postal transportation and manpower costs; therefore, action is being taken to withdraw APO privileges from all voluntary activities which are performing services not directly related to the military mission."

General Walker's letter further stated:

> The Church of Christ has not been singled out as the sole organization for withdrawal of APO privileges. Similar action is being taken in the case of other religious and charitable organizations as well.

His letter concluded:

> The restoration of APO privileges to the Church of Christ Mission must be denied.

And that while some "inconveniences" might be caused, "these personnel may avail themselves of the services rendered by the international postal system to fulfill their needs."

As ranking minority member of the Far East Subcommittee, House Foreign Affairs Committee, I had been under the impression that one of our objectives at least, if not the largest single objective, was the winning of the minds and hearts of the Vietnamese to the side of freedom, and that we in America were committing a large part of our military effort, our foreign aid, and our persuasive efforts to that objective.

I referred the general's letter, along with the pertinent facts of the case, to the House Armed Services Committee, whose chairman, in turn, referred the matter to the House Post Office and Civil Service Committee.

The chairman of the House Post Office and Civil Service Committee, the Honorable Tom Murray, in a letter to General Walker, pointed out a statement by Maj. Gen. J. C. Lambert in testimony before the committee in which he stated that APO privileges are within the terms of agreement with the host country which authorizes the Armed Forces to be there in the first place.

Chairman Murray asked the Department of Defense a series of questions, including whether the decision to withdraw APO privileges from certain religious and charitable organizations was arrived at unilaterally or through agreement with the host country.

The reply which Chairman Murray received, and which he was kind enough to give to me, was most revealing, and most distressing.

Major General Lambert stated:

> The decision to withdraw APO privileges from all religious and charitable organizations in Vietnam was made in unison by the military departments. The overseas commanders were not authorized to grant APO privileges to these organizations. The Government of the Republic of South Vietnam was not consulted.

Further:

> By September 1, 1966, no religious or charitable organization will be authorized APO privileges.

The letter further stated that four religious and charitable organizations in Vietnam now being provided APO service will have that privilege withdrawn, even though the volume and cost is termed by the general as "insignificant."

Furthermore, the general classified the volume of mail which will be continued for civilians in Vietnam; namely Federal employees, accredited technicians and representatives of the Red Cross and USO, also is "insignificant" as far as cost and volume is concerned.

In the meantime, Mr. Hall sent me another letter along with some photographs, which I am sure some in the military will consider "insignificant" but which will not be so termed by the rest of us.

The minister's letter stated:

> The Church of Christ Mission is carrying out the same functions as the former American Community School, in fact, teaching the children left in Saigon by the closing of that facility. The American Community School had APO facilities—why shouldn't the American-Vietnamese International School enjoy these same privileges?
>
> Because of the loss of APO privileges, efficient means of getting educational materials for the education of children of eight nations are not available.
>
> The Church of Christ Mission is caring for orphans in five different homes. The Vietnamese government appreciates the work enough that it allocated $10,000 for helping us build facilities for child care. We depend on safe mail to coordinate this work. High military and diplomatic sources have suggested that our work was doing more to win the minds of the people than military action.
>
> Bill, I am enclosing a copy of some photos taken as the postal clerk explains to me his regrets that our mail privileges are being withdrawn. I hold in my hand the mail received that day. This handful of mail represents the transportation burden of that day to the government. Behind me, for a full block's length are boxes containing quart after quart of Martini and beer. Does General Walker really justify this withdrawal action on the basis of cost, while entire warehouses, yes, even fields are filled with thousands of pounds of liquor, transported at government expense?
>
> "Will you please help us to act on this matter? We have had two letters pilfered already—a missionary's support for a month, $230, was taken. I believe the Department of the Army's action to be inconsistent with the desires of the people of your district and appreciate so much your real and determined action to see a wrong righted.

The pictures that Mr. Hall sent to me I hold in my hand, and they tell the story more eloquently than I could hope to do in many thousands of words.

The amount of mail which Mr. Hall is receiving is measured in ounces. The amount of beer and wine stacked like cordwood, case by case, behind him, is measured by the ton.

I am not going to get into the argument of whether or not the liquor should have been sent to Vietnam for our troops. But I am going to get into the argument of whether or not religious organizations, charitable organizations, should be extended this privilege of the use of APO facilities in Vietnam. These organizations have used their own funds to provide some semblance of peace and security to the people of Vietnam, and the least we can do is to assist them in this worthy objective.

I have consulted with Chairman Murray and his staff about whether or not legislative relief might be the answer to this problem.

We agree that it is not. The quickest, surest, most just solution is for the military to simply rescind its previous order and once again extend APO privileges to these religious and charitable organizations which are doing so much with so little.

I had hoped that this order could be rescinded without fanfare, as simply a mistake which could be easily corrected. I have found, to my regret, that such is not the case.

Even though this order flies in the face of the President's Declaration of Honolulu, even though its effect is directly contrary to all we have been told about our objectives in Vietnam and our reason for being there, it has been impossible for the military to admit that it might possibly have made a mistake.

I am trying once again through this statement on the floor of the House of Representatives and to be printed in the Congressional Record to point out the folly of this ban on APO mailing privileges to American organizations whose members are carrying out American policy at considerable personal danger to themselves and their families.

I ask that the Secretary of Defense review this decision and I am sure he will come to the conclusion that these mailing privileges should be restored as quickly as possible.

THREATS WILL NOT SILENCE THOSE WHO WANT TO PRESERVE THE BEAUTY OF THE GRAND CANYON

Mr. SAYLOR. Mr. Speaker, I ask unanimous consent to extend my remarks at this point in the RECORD and to include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

Mr. SAYLOR. Mr. Speaker, despite the threats of reprisal on the part of the administration against those who dare to oppose the projected Grand Canyon dams, protests against Marble Canyon and Bridge—alias Hualapai—Dams continue to rise as the implications of H.R. 4671—the central Arizona project—become more generally understood.

In announcing that it may challenge the right of the Sierra Club to retain its status as a tax-exempt organization, the Internal Revenue Service has served notice that the administration is prepared in the absence of fact and logic to support its ambitions in the Colorado River—to bully its way into the confines of an area held inviolate by conservationists and others wishing to preserve a national edifice bestowed upon the country in the passing years. The attack also constitutes an oblique warning to other organizations and individuals alike that honest dissent against this multimillion-dollar bureaucratic undertaking is not acceptable.

Through it all, protests against the plan to desecrate the Grand Canyon are gaining in number and vehemence. While it is not my intention to expose opponents to the dangers of recrimination, I should like to quote excerpts from some citizens of the West who have chosen to go on record as refusing to be cowed against challenging the allegations of promoters of the projects.

Mr. Ralph S. Espenshade, senior science librarian at the University of Arizona, offers these comments among other observations in an open letter offered for publication in one of the leading newspapers of that State:

> Disregard the interests of the Grand Canyon. It should be no less unreasonable to disregard the world's greatest works of art, music, or poetry * * * The purpose of these dams is to provide revenue from the sale of power, which would be used to help pay for the CAP. However, it appears doubtful that these dams could, at best, in time do more than barely pay for themselves, much less help pay for the remainder of the CAP.
>
> It is not simply or exclusively a matter of whether or not flooded areas could be seen from the distant rim viewpoints; a primary consideration is that many of the Canyon's priceless features would ultimately be hidden, or partly hidden, by water, therefore accessible to no one—the geologist, the biologist, or the public.
>
> It is therefore essential that the public firmly resist the historic trend to dominate our unique wilderness remnants, that our leaders seek to challenge the nation's bounteous technology rather than its waning wilderness. It can accept with indifference a deficient educational system or an inferior system of justice, and may choose to remain aloof to progressing enfetterment of a Grand Canyon world or the enfeeblement of human values, but is it desirable?

Ken Sleight, of Bountiful, Utah, a guide on the Colorado River and Lake Powell, has not only chosen to go on record in a letter to the editor of a Salt Lake City newspaper; he has distributed widely a letter from which the following is excerpted:

> It has been my experience and belief that the Sierra Club and (Executive Director) David Brower has presented the facts simply, truthfully and courageously in spite of the heavy obstacles before them. * * * Never can a reservoir replace such enchanting canyons as was the Glen and the Escalante. It would be a disaster to build the proposed Marble and Bridge dams in the Grand Canyon region.

Mr. Speaker, at this time I should like the RECORD to show the full contents of a letter I have received from a respected resident of Santa Fe, N. Mex., whose name will be withheld because the communication gives no indication that it has been made public and I do not wish to subject the individual to the likes of the treatment suffered by the Sierra Club. The letter follows:

SANTA FE, N. MEX.,
July 20, 1966.

Hon. JOHN P. SAYLOR,
Washington, D.C.

DEAR MR. SAYLOR: I am deeply concerned over the proposal to build two dams in the Grand Canyon which is contained in HR 4671. I am disturbed that any such proposal should be considered seriously. I am taking the liberty of writing to you because I know you are one of the foremost conservationists in Congress, besides being a member of the House Committee on Interior and Insular Affairs.

I suppose the primary element in the background of the proposal is the precedent indicating that all reclamation projects must be reimbursable from internal resources. The secondary element appears to reside in the narrow outlook of the Bureau of Reclamation, which must operate within the confines of its functions in the Government, but which is the sole originator of the type of reclamation project covered by HR 4671.

The Bureau has never built thermal plants for the production of electricity, and apparently there is some idea that thermal plants are the property of private industry, although such plants have been built by the Tennessee Valley Authority which is a quasi-government agency. Moreover, the Bureau does not take adequate cognizance of the new techniques using nuclear energy and the possibilities for employing them in reclamation projects. Must the Bureau be limited forever to hydroelectric plants only? If such be the case it cannot be very long until we run out of potential dam sites. As a matter of fact, is that not now the trouble on the Colorado River?

Could not power be produced by private industry under contract as part of a reclamation project, so as to be able to use thermal and other methods if these be indicated and if the Government is reluctant to get into these fields?

Should it not be possible to establish a quasi-governmental authority to build and operate a reclamation project somewhat in the style of the Tennessee Valley Authority? Such an agency need not be so constricted as is the Bureau of Reclamation.

Finally, is it really obligatory that reclamation projects be fully reimburseable from internal resources? Should the recipients of water from reclamation projects always receive it in the form of a subsidy without relationship to the cost to the Government? Why not let them pay for the project?

I am putting these questions to you not to get answers for myself and certainly not to harass you, but to indicate to you something of what is going on in the minds of a number of persons with whom I have discussed the proposal for the Grand Canyon dams. Perhaps these ideas are relatively obvious, and yet no publicity has been given to any thinking in the Government along these lines.

Is there not a need for the formulation of new policies governing reclamation projects? Such policies would have to be originated at the higher levels of Government, perhaps by the Congress, and would require legislation in any event.

In conclusion, I'd like to express my gratitude to you for your activities in defense of natural America. I don't imagine there is much in this letter that hasn't already occurred to you, in which case let it serve merely to transmit my thought that there is or soon will be a growing demand for new reclamation policy.

Respectfully,

——— ———.

Finally, I present the following editorial from the Bakersfield Californian of June 28, 1966, entitled "Defense for the Sierra Club":

DEFENSE FOR SIERRA CLUB

With what sensible observers have appropriately described as "incredible swiftness for a federal agency," the Internal Revenue Service has moved to question the tax-exempt status of the Sierra Club after the organization placed full-page advertisements in eastern newspapers criticizing the proposal by the Bureau of Reclamation to build dams on the Colorado River and uring Congress to block the proposal. The swiftness with which the IRS moved in this instance has prompted speculation that the criticism of the bureau and the Johnson administration for supporting its proposals inspired the action.

If such is the case, it is time that the American public assembled its resources to defend the Sierra Club as a symbol of American freedom of thought and to remind the federal establishment that such employment of its administrative powers amounts certainly to an exercise in police state tyranny. The power to tax is the power to destroy, and the action of the IRS in the Sierra Club case is a clear demonstration of an effort to exemplify the truth of this axiom.

The Sierra Club record for disinterested contention in support of the right of the American people to preserve, defend, and enjoy the natural scenic and historic places of this nation is one that shines as a beam of inspirational steadfastness amid the confusions and conflicts of the past half century. Since its founding by John Muir, the paragon of battlers for the basic right of Americans to enjoy their natural heritage, the Sierra Club has followed without wavering the guidance of its founder. This newspaper has not always agreed with the club's opinions, but it has appreciated and defended consistently the validity and worthiness of its purposes. We do not and cannot agree with the action of the IRS or the people in the administration who directed this action. It smacks too much of police state methods.

It is hoped that the Sierra Club will be able to muster sufficient support to discourage any further experiments into tyranny of this sort.

LEAVE TRAVEL IN VIETNAM TO OUR FIGHTING MEN

Mr. DOLE. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The SPEAKER. Is there objection to the request of the gentleman from Kansas?

There was no objection.

Mr. DOLE. Mr. Speaker, recently the Department of Defense, with considerable prompting from the able chairman of the House Armed Services Committee and his ranking minority colleague, Mr. Bates of Massachusetts, put a stop to the phony war college in Vietnam which our commanders there were being forced to conduct for political candidates.

Apparently, Mr. Speaker, the ban should now be extended to cover all Government agencies. My attention has been directed recently to another aspirant for Congress, a Mr. DuVal, who is seeking the congressional seat now held by our hard working and able colleague the gentleman from Virginia [Mr. Broyhill].

According to newspaper accounts, Candidate DuVal is or was until recently on a Vietnam junket for the announced purpose of inspecting the U.S. Information Agency activities there.

At least this is what he claimed in his departing press conference, when he is quoted as saying:

> As a former General Counsel for the USIA, I have been asked to take a look at our information program in Vietnam.

The interesting thing about Mr. DuVal's excuse for nudging into the political limelight with a visit to Vietnam—apparently so that some of the blood, sweat, and tears of that bloody disaster will rub off on him for the duration of his campaign—the USIA does not know anything about his announced intentions to investigate its activities in Vietnam.

I quote from a letter I received from the General Counsel of the USIA, dated July 27, 1966, which contains the following statement:

> The Director of the USIA has not communicated with Mr. DuVal concerning his Viet Nam trip nor do we know of anyone on his staff who has.

It appears, Mr. Speaker, that Mr. Broyhill's opponent was trying to deceive the people of the 10th District of Virginia by implying, and expecting that they would believe, that a trip made solely for political benefit was for official business.

Mr. Speaker, I am very fond of my able friend from Virginia's 10th District, and know he has one of the toughest jobs in this Congress representing what is probably the fastest growing district in this Nation. He needs no help from me, I am sure, to win his justly deserved reelection. His constituents know his record well and have repeatedly returned him to Congress. They know of his own personal experiences in the military service in World War II, from private to company commander, the Battle of the Bulge, his capture by the Germans, and a daring and dangerous escape from that captivity.

The gentleman from Virginia [Mr. Broyhill] is not going to Vietnam as a visitor to enhance his political prospects. He does not need to do so, and he has too much sense to try and phony up his campaign by stretching the credulity of his friends and constituents in Virginia by trying to don a phony warrior's toga. His record does not need it.

Nor do the fighting men in Vietnam, or the warriors of USIA, need assessment from political hopefuls who clutter up the rear echelons and interfere with the war.

Mr. Speaker, I ask that the Department of Defense ban on nonsense trips to Vietnam be extended to cover all administration agencies, before candidates for public office start using the highway beautification program as an excuse for going there.

I do not believe Saigon has been reapportioned into anyone's political district, and until it is I suggest our political hopefuls campaign at home and let the soldiers win the war there without having to wet nurse any more unnecessary visitors.

THE PRESIDENT HAS FAILED TO SEND TO THE CONGRESS A MEASURE WHICH WILL EFFECTIVELY DEAL WITH STRIKES WHICH AFFECT THE PUBLIC INTEREST

Mr. MARTIN of Nebraska. Mr. Speaker, I ask unanimous consent to address the House for 1 minute, to revise and extend my remarks, and to include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from Nebraska?

There was no objection.

Mr. MARTIN of Nebraska. Mr. Speaker, on January 12, 1966, the Congress received the President's state of the Union message. At the time, you will recall, the New York subway strike was in progress. In his message, the President stated:

> I also intend to ask the Congress to consider measures which without improperly invading State and local authority will enable us effectively to deal with strikes which threaten irreparable damage to the national interest.

This is almost 7 months later, with the 89th Congress hopefully moving into its closing weeks, but yet the President has completely failed to send us a measure which will effectively deal with strikes which affect the public interest. The currently extended airline strike is a result of his inertia in this field.

It is long past time for the Congress to act in the field of industrywide strikes and industrywide collective bargaining, all of which are injurious to the public. The country wants positive action, and I hope that this will be one of the first orders of business.

I include an article from the Wall Street Journal of August 1, 1966:

The Politics of Labor Warfare

With few major contract talks scheduled, most observers saw 1966 as a year of relative labor peace. As this newspaper reported the other day, however, the labor front this year has been anything but tranquil.

While the warfare on the airlines and elsewhere may thus have been surprising, it is certainly explicable. Its roots, like those of most wars, are deep in politics and extend back more than three decades, when the Government set out to strengthen unions.

An alleged aim was to achieve a "balance of power" between business and labor, and though the scales may indeed have been weighted toward employers then, it's the other way now.

On little more than whim, a single union now can tie up the nation's trucks, stop its railroads or shut down its steel mills. The unions' disruptive potential is only too obvious; yet state, local and national officials usually are unwilling to do much toward bringing it under control.

A large part of the problem is that many politicians are convinced, some of them probably with justification, that they owe their jobs to labor union support. The result has been that official labor policies sometimes seem founded more on fear than on common sense.

Aware that the general public opposes strikes by teachers, nurses and other public employes who provide vital services, state legislators righteously rush through harsh laws banning such walkouts. When strikes nonetheless come, state and local officials simply do not enforce the laws; complaisantly they give the employes' unions about all they ask.

In the circumstances it's hardly startling that public employe strikes are spreading far and wide. They are likely to continue to proliferate unless politicians find the wisdom and courage to pass and enforce laws that not only ban the strikes but provide workable machinery for equitable settlement of future disputes.

On a national level, the Federal Government similarly knows that a long strike of a major industry—autos, for example—severely damages the public's interest. Its response has been to move ever earlier into negotiations, usually coming up with a settlement pretty close to what the union sought.

Once this destruction of collecetive bargaining has begun, the unions quite naturally use their power to demand more and more; the inevitable outcome of excessive power, after all, is abuse. Thus the Machinists Union turns down a fat contract drawn up by a Presidental board and ties up 60% of the nation's airline traffic to press for more.

This development led to a lot of talk in Congress of a law to force a suspension of the strike, but the President finally engineered an agreement between the negotiators which was rejected by the union members, calling for a raise even bigger than his own board had recommended. Even now, though, there's little conversation about trying to curb the unions' power to cause such chaos; in fact, many politicians seem bent on adding to the unions' strength.

The Federal Government, moreover, is even giving the unions what amounts to a fair excuse for throwing their weight around. It is doing so through its inept efforts to cope with inflation, since a union leader surely has less trouble selling a strike to the membership now that most of the members' wives are grumbling about growing grocery bills.

Nor does Washington help matters with its wage-price "guideposts" against inflation, which stipulate that wages should rise no more than 3.2%. When unions pay any attention to the guideposts at all, it is generally only to regard the 3.2% as a floor, not a ceiling. Wage demands thus are pushed up to levels where some companies simply cannot afford to cave in without a fight.

Truly effective moves against inflation, involving significant cuts in Federal spending, therefore would not only shore up the dollar but also make a real contribution toward labor peace. The fact that the politicians still reject that combination, and not merely this year's barrage of strikes, is what ought to be disturbing if not surprising.

KIND WORDS FOR DREW PEARSON

Mr. TEAGUE of California. Mr. Speaker, I ask unanimous consent to address the House for 1 minute, to revise and extend my remarks, and to include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. TEAGUE of California. Mr. Speaker, I never thought the day would come when I would be standing here in the well of the House saying a kind and complimentary word about Drew Pearson. But I do call to the attention of my colleagues Mr. Pearson's splendid column in yesterday's Washington Post in which he discussed the subsidy—2 percent interest on loans from Uncle Sam—now enjoyed by rural electrification co-ops, and their tax-free status, again at our expense.

And, Mr. Speaker, I might add the fact that we now have under consideration before the Committee on Agriculture a request by the REA people to go much further. They want to continue their tax-free status and 2-percent loans and also receive huge Federal funds in order to create an "electric bank," with loans made by that bank to be guaranteed by the Federal Government—which means all the taxpayers in the country.

The column follows:

L.B.J. and Tax-Free Co-ops: REA's Clyde Ellis, Who Once Befriended President, Defends Special Status

(By Drew Pearson)

President Johnson has an easy way to save several million dollars this year; abolish the bargain-basement interest rate and tax-exempt status of Rural Electrification Administration co-ops. Some budget advisers are advising him to do it.

This however, would be a blow to one of LBJ's old friends, former Congressman Clyde Ellis of Arkansas, who has built up the REA co-ops to a point where they rival private industry.

This was not what the Rural Electrification Law was intended for when passed by the New Deal in 1936. At that time vast areas of American farmland were without electricity. Today 98 per cent of American farms are powered by electricity and the REA co-ops have developed to the point where they distribute power to wholesale buyers, factories, and even to competing public utilities.

Private companies pay 48 per cent taxes; the REA co-ops pay nothing. Private utilities pay around 6 per cent interest on their bonds; the REA co-ops pay 2 per cent.

This week Congress upped the interest rates for Government loans to underdeveloped countries. But the same Congress has refused to up interest rates to REA co-ops. Meanwhile some local co-ops merely reinvest their 2 per cent money at 6 per cent. This gives them a neat profit of 4 percent.

The Colorado Supreme Court last February cracked down on one of the major REA co-ops, the Colorado-Ute Electric Association, organized to distribute wholesale power to Colorado, Wyoming, Utah and Arizona. The court ruled that this combine was a long way from the Roosevelt 1936 proposal to supply power to remote farms where private utilities had failed to penetrate.

However, Clyde Ellis once befriended Lyndon Johnson when he was running for the Senate in Texas, and Lyndon is a man who doesn't forget. When Federal Power Commission Chairman Joseph Swidler proposed that the FPC regulate REA co-ops if they operated across state boundaries, Clyde Ellis became so indignant that he exerted all his considerable power on Congress and the White House.

Congress then passed a special law exempting REA co-ops from FPC regulation, while LBJ refused to reappoint Swidler as FPC chairman. Swidler, the man who dared tangle with Clyde Ellis, is out.

The President has now nudged the REA with an order that it must lend no money beyond the fiscal year just ended. He could go further and remove REA's tax-exempt status and its 2 per cent interest. He would thereby save a sizable chunk of money.

HOME BUILDERS RELIEF ACT OF 1966

Mr. WYATT. Mr. Speaker, I ask unanimous consent to address the House for 1 minute, to revise and extend my remarks, and to include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from Oregon?

There was no objection.

Mr. WYATT. Mr. Speaker, the disaster threatening the lumber industry in the Northwest, to which I referred on the floor of this House 2 weeks ago, is even more real today than it was then. The drift continues without any real leadership by this administration to repair the damage done and to prevent its worsening. Mortgage money is extremely scarce today, with consequent suffering of those thousands of Americans desiring to buy and sell homes.

Today I am introducing legislation which in effect would terminate the Participation Sales Act of 1966, passed by this Congress. Under the act, on June 23, two sales have apparently been made. The first was in the amount of $350 million of participation certificates of assets of the small business obligations trust at an interest rate of 5.75 percent with maturity length varying from 1 to 5 years. The other sale was of $180 million in participation certificates of assets of the Government mortgage liquidation trust with an approximate interest rate of 5.40 percent, the maturities ranging from 13 to 15 years.

One of the gravest legislative mistakes made by this Congress was the passage of the Participation Sales Act of 1966. This act was one of the greatest hoax of this Congress. It is obvious to me that very few people in this country have been or are presently aware of the insidious, disastrous consequences of this act. It is for this reason that it was passed by a determined and compliant majority with little or no desire and no real consideration in the committee. Incredible as it may be, the bill was not available to committee members until only a half hour before the committee hearings began, and only 2 hours of hearings were then held.

The minority members of the committee were denied the right to call any witnesses. Moreover, not one witness from the unions, farming, business, or banking communities was called. At the conclusions of the totally inadequate hearings, the committee was called into immediate executive session and in less than 30 minutes the bill was ordered reported. This was the day after the President's message calling for this legislation was received by the Congress. This legislative action certainly went far beyond what has become standard rubberstamp procedure in this 89th Congress. This bill obviously permits the Johnson-Humphrey administration to conceal huge budgetary deficits.

Members of this body will recall the strenuous objections made by the unanimous Republican minority to the Participation Sales Act of 1966. The minority objections were on varying grounds. One of the strongest reasons for opposition was contained in the minority report which clearly sounded the warning and stated the danger on page 24 as follows:

> The home mortgage market is in an unprecedented state of turmoil and confusion. This proposal would promote chaos in the market * * *. The irony of the proposal is that FNMA, which is the home mortgage financing facility, would be called upon to commit harikari in the home mortgage market.

On page 34 Congressman PAUL FINO stated:

> Heavy sales by FNMA of participation in pooled loans is liable to soak up investment funds available, forcing up the rates the Government will have to pay on other issues just at a time when the real budget is gravely out of balance * * *. Mortgage lending is particularly likely to suffer from the impact of high-interest bearing pool participation shares * * *. This participation sales program is a mechanism designed to kick the mortgage market while it is down. The public's participation in this program will also strike at homebuilders, realtors, and building trades unions.

Mr. Speaker, before the final passage of this bill, a motion to recommit was made by the minority which would require the bill to be amended to prohibit the Government from paying more than 4.75 percent interest on any participation sold. I am proud to say that on this most important vote to keep interest rates down the Republicans were unanimous in support of the motion to recommit, which, however, failed. The bill as passed contained no interest limit whatsoever. Thus the door was left wide open for this act to be a powerful force pressuring toward higher interest rates. On final passage of the Participation Sales Act the Republicans again were unanimous in their opposition to this act which has been called by some the high-interest act of 1966.

Now, besides the basic dishonest budgetary practices in this act, besides the hasty rubber stamp passage of this act by the majority, we have the chickens coming home to roost.

With the sale of the short-term FNMA participations at 5.75 percent interest, exactly what was predicted by the minority in its report prior to the passage of this bill has occurred. There has been no other single act of Congress which has contributed more directly to the present absence of mortgage money in this country.

Appropriations are now being considered to finance the interest subsidy which this country must pay under the Participation Sales Act for the huge balance of sales of participations contemplated under the terms of the act itself, actually more than $3 billion. Even without the appropriation which will permit the sale of billions of dollars' worth of assets, the ever-present threat is a constant cloud hanging over the money market. The only way this threat can be removed is by terminating this disastrous and ill-conceived program.

A collateral benefit from the holding of hearings on my bill would be permitting testimony to be heard from all areas of economic interest on the far-ranging and destructive consequences of this hastily passed legislation.

We have a clear opportunity to make a meaningful contribution to ease the tight-money problems of this country. We can in one stroke take extremely helpful corrective measures in this regard and also return to honest Federal budgetary methods. I urge immediate hearings on my bill and its prompt passage.

NONPROLIFERATION DISCUSSION: ITS EFFECT ON NATO

Mr. **DUNCAN** of Tennessee. Mr. Speaker, I ask unanimous consent that the gentleman from Wisconsin [Mr. Laird] may extend his remarks at this point in the Record and include extraneous matter.

The **SPEAKER**. Is there objection to the request of the gentleman from Tennessee?

There was no objection.

Mr. **LAIRD**. Mr. Speaker, during debate on the Department of Defense appropriation bill, 1967, I had occasion to quote from a letter written by the Honorable **Karl Theodor** von und Guttenberg, Deputy of the West German Parliament to the New York Times of October 18, 1965.

In the letter, Herr Guttenberg made reference to a statement by the Director of the U.S. Arms Control and Disarmament Agency, William C. Foster, concerning nonproliferation and its possible effects on our alliances.

Mr. Speaker, the Director of ACDA wrote me the following day expressing dismay at Herr Guttenberg's interpretation of his comments regarding the possible effect of a nonproliferation treaty on NATO.

Under unanimous consent, I ask that Mr. Foster's letter and my reply be included in the Record at this point.

The correspondence referred to follows:

July 21, 1966.

Hon. Melvin R. Laird,
House of Representatives.

Dear Congressman Laird: In reading the Congressional Record of July 19, and particularly your comments in support of Department of Defense Appropriation Bill, 1967, I noted your quotation from a letter from Karl Theodor von und Guttenberg, published in the *New York Times*, October 18, 1965. Reference was made to an alleged statement by me that the "United States must push for a non-proliferation treaty even at the risk of certain 'erosion of alliances' which means, of course, NATO."

This is obviously a reference to an article which I wrote for Foreign Affairs, July, 1965, and so that you may have the direct facts, here is the actual paragraph from which the author of the letter must have felt he was quoting:

"A heavier cost could be the erosion of alliances resulting from the high degree of U.S.-Soviet cooperation which will be required if a non-proliferation program is to be successful. Within NATO, there could be concern that the detente would lead to a weakening of our commitment to Western Europe. The problem will be particularly acute in Germany where there will be the added concern that the amelioration of the East-West confrontation could lead to an increased acceptance of the status quo in Central Europe. On the other side, it is to be expected that any move toward detente will lead to an exacerbation of the Sino-Soviet split and of the contest for influence within the Communist world. Finally, there is the simple fact that the strains inherent in any alliance are likely to become more prominent, and the cohesive forces less so, if the threat which was a major part of its rationale is perceived to be less worrisome. We should not be surprised if a move toward East-West detente leads to some changes in both the Atlantic Alliance and the Warsaw Pact. What would be troublesome is if there were a weakening of NATO which proceeded at a more rapid rate than the actual diminution in the threat justified." [Foreign Affairs, July, 1965, pp. 600–601]

You will note that the context of my statement is completely at variance with the implication given in the letter which you quoted.

You may wish to consider inclusion of this correction also in the Congressional Record.

Sincerely,

William C. Foster.

Congress of the United States,
House of Representatives,
Washington, D.C., July 27, 1966.

Hon. William C. Foster,
Director, U.S. Arms Control and Disarmament Agency, Washington, D.C.

Dear Mr. Foster: I have received your letter of July 21 in which you argue that the context of your article in the July 1965 issue of Foreign Affairs concerning nonproliferation and NATO was "completely at variance" with the interpretation given to your comments by Herr Guttenberg, deputy of the West German Parliament.

The statement of Herr Guttenberg to which you take exception read, "There has been dismay in Europe at William C. Foster's statement that the United States must push for a non-proliferation treaty even at the risk of a certain 'erosion of alliances,' which means, of course, NATO." Your letter to me does not argue that your remarks did not cause dismay in Europe, as Herr Guttenberg reports. The fact that a parliamentarian of Herr Guttenberg's stature reacted so strongly to your article is an indication of the point I was endeavoring to make: that Western European leaders no longer retain full confidence in American leadership.

Quite frankly, Mr. Foster, neither the extended paragraph contained in your letter nor a close reexamination of your original article convince me that Mr. Guttenberg's expressed concern about the future of NATO and West Germany is unjustified. You yourself allude to the "large costs" which will have to be borne to achieve a non-proliferation treaty, a treaty which you obviously feel to be a pressing necessity. In this context you specifically mention that these "heavy costs" could entail a weakening of NATO and that "the problem will be particularly acute in Germany where there will be the added concern that the amelioration of the East-West confrontation could lead to an increased acceptance of the status quo in central Europe."

I read your article in *Foreign Affairs* after coming across Herr Guttenberg's comments on it. After reading it, I felt that there was reason for great uncertainty, if not dismay, about the concessions which President Johnson's Administration might make in order to secure agreement of the Soviet Union in a non-proliferation treaty. I do not believe that the final sentence in the passage quoted in your letter of July 21 removes the doubt on this score.

Sincerely,

Melvin R. Laird,
Member of Congress.

GOVERNMENT BY FEAR

Mr. DUNCAN of Tennessee. Mr. Speaker, I ask unanimous consent that the gentleman from Missouri [Mr. Laird] may extend his remarks at this point in the Record and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from Tennessee?

There was no objection.

Mr. CURTIS. Mr. Speaker, the Wall Street Journal, July 14, 1966, carried a column by Alan L. Otten entitled "Who's Afraid, Etc." Every Member of this body should study this column and the disturbing trends that Mr. Otten pointed out. Mr. Otten is to be congratulated for exposing the fog of fear which has recently descended over Washington. Official Washington is, to put it quite simply, afraid of the President of the United States—afraid of the arbitrary and ruthless use of his legal powers and extralegal means of influence. The incidents and attitude described are many—the decline in objective reporting of the President's foreign and domestic policies, the threats of stockpile dumping in the aluminum price increase dispute, the fund-raising successes of the Democratic National Committee, the extraordinary intimidation of the Sierra Club by the Internal Revenue Service, and, finally, the pressures put on Government employees in the U.S. savings bond drive. They all add up to one conclusion: this administration is governing by fear, not by democratic processes and fair procedures.

These are events which have followed Mr. Otten's article which indicate that the trend toward government by intimidation is accelerating. A price increase in molybdenum was retracted under administration pressure, in spite of the subsequent statement by the president of the Molybdenum Division of American Metal Climax, Inc., that he still thought the price increase was justified.

Mr. Speaker, I ask again what I asked on July 21, Congressional Record, page 16703, why then did he rescind the price increase? Was it the threat of stockpile dumping, or antitrust action, or Internal Revenue audit, or what, that rolled back this increase? I might also mention the recent suspicions regarding Anheuser-Busch, Inc., the President's Club, and the Antitrust Division of the Department of Justice. These suspicions certainly deserve a careful, thorough investigation as I called for in vain on July 14, Congressional Record, page 15755.

I would like my colleagues to read this article carefully for the implications it contains about the quality of our political decisionmaking. When decisions are made by intimidated bureaucrats behind closed doors, and then pressed on reporters and the rest of the Washington community by fear, there is no doubt that we are far closer than 18 years to 1984.

By unanimous consent, I submit Mr. Otten's excellent article for the Record at this point:

WHO'S AFRAID, ETC.

(By Alan L. Otten)

Washington.—Sooner or later at a capital cocktail party some John Jones takes a verbal poke at the President of the United States. Whereupon the party clown cups his hands and calls out "That was John Jones talking just now, Mr. President."

The implication—that the room is bugged and that Lyndon Johnson is listening in the White House—always gets a laugh. Yet, like most topical humor, it has a serious foundation. Among Government officials and employes, Congressmen, reporters, businessmen, there is a fear of Lyndon Johnson.

A prominent magazine had to turn to a British historian to review a new book critical of the President's foreign policy. Several ex-officials of the Administration turned down the chance, clearly feeling that if they praised the book they'd fall out of favor with the chief executive, whose good graces they might need some day.

When a Washington newspaper erroneously included International Business Machines Corp. on a list of firms buying tickets to a GOP fund-raising dinner, IBM demanded a prompt correction. Republicans suspect the company didn't want the White House getting any wrong ideas.

Reporters find it harder and harder to obtain advance tips or inside information from Government officials, or even a mildly objective appraisal of Administration policy; old friends beg off, saying it would mean their jobs to have the leak traced back.

"We shiver every time there's a headline saying 'Ford Blasts LBJ'," declares a Ford Motor Co. official, only half in jest. "We're always afraid Lyndon won't read down into the story and see that it's Gerry Ford and not Henry." House Republican Leader Gerald Ford of Michigan is, of course, a frequent critic of the President.

Actually, much of this fear in and out of Government may be completely unjustified. Surely Mr. Johnson is not automatically cancelling defense contracts or investigating income tax returns every time a firm backs a Republican or opposes an Administration policy; in fact, there is no solid evidence of his doing this at all. He has chewed out officials found leaking news, but there is no indication that he has fired anyone for this offense. He might refuse a public works project to a Congressman who consistently opposes him, but so, too, would any President.

Why, then, the special fear of Mr. Johnson? Part of the reason, certainly, is the image built up over the years; from his earliest days as Senate majority leader, there have been stories of his terrible temper, his long-held grudges, his determination to win. With this image in mind, people tend to put the worst interpretation on every Administration action.

And there are always enough things happening to keep these fears alive—incidents that may have perfectly innocent explanations but can also, unfortunately for the President, be given a more sinister interpretation.

Consider, for instance, what happened when aluminum companies raised prices last fall. Swiftly the Administration announced—in a manner clearly retaliatory—a doubling of the amount of aluminum to be released from the Federal stockpiles this year, all the while insisting that the stockpile decision was unrelated to the price increases, that the extra metal would have been released anyway.

Yet when the industry rescinded the price increase, the Administration instantly reconsidered the price-depressing stockpile sales, and wound up making a disposal deal satisfactory to the companies. And, although Government officials denied them, reports were rife in the industry about threatened antitrust suits, income tax investigations, revised rates for aluminum companies buying electric power at Government plants. Like President Kennedy's 1962 steel-price showdown, it was not at all reassuring to businessmen—and they began remembering all the things they'd already heard about Lyndon.

Or consider the Democrats' fancy fund-raising booklets—one for the Atlantic City nominating convention in 1964, another for a scheduled series of movie premieres last fall. Both were filled with ads, at $15,000 a page, from leading defense contractors and other concerns doing business with the Government. Perhaps the ads were obtained without any pressure, but the shakedown possibilities were hard to overlook.

Or consider the Sierra Club, a conservationist group which took two full-page newspaper ads opposing an Administration-backed bill for Colorado River power projects that would flood part of the Grand Canyon. The Internal Revenue Service, in an extraordinary departure from its snail's-pace tradition, reacted with an instant warning to the public that donations to the Sierra Club might no longer be tax-deductible.

In the past, the IRS would investigate a complaint, then make a decision; whichever way the decision went, contributions made in the meantime were deductible. The tax laws require that deductions be denied only if an organization devotes a "substantial part" of its effort to lobbying—and who can say at once whether two ads constitute a "substantial part" of an organization's effort? The new IRS procedure clearly threatens to dry up an organization's funds without any formal finding of guilt; even if the IRS should finally rule in the organization's favor, much damage would already have been done.

Commissioner Sheldon Cohen argued that the service had no alternative under the law, and that the Sierra Club's particular stand had nothing to do with the IRS action. The IRS was simply going to try to move faster in all cases from now on, he asserted. Yet people couldn't help wondering about the swiftness of the policy switch, and whether IRS would have moved equally fast against an organization taking ads in support of an Administration stand.

When employes are afraid of the man at the top, they are overzealous in carrying out his wishes. Almost Orwellian in its humorless urgency was the fervor with which Government officials, from Cabinet members on down, twisted the arms of their underlings to buy U.S. savings bonds.

No one seems to know why the matter was so important to the President in the first place—whether he hoped the Government would set an inflation-fighting example for private firms, or wanted a demonstration of old-fashioned patriotism and loyalty to the boys over there, or simply saw it as a test of loyalty to himself. But there's no doubt Mr. Johnson hit the subject hard and often—talking about it at Cabinet meetings, posting huge charts in the White House showing agency-by-agency progress, getting almost daily intelligence briefings from Postmaster General Lawrence O'Brien, in charge of the 1966 bond drive within the Federal establishment.

And the fervor fanned down the line. Mr. O'Brien, in a memo to all Cabinet officers and agency heads stressed that the President was personally following the campaign's progress. "He will accept nothing less than the minimum immediate goal of 75%," Mr. O'Brien wrote, ". . . will consider adequate nothing less than realization of our long-range goal of 90%, and will be satisfied with nothing less than achievement of the 100% record established by the White House."

Cabinet members talked up bond sales at their top staff meetings; even Secretary of State Rusk and Defense Secretary McNamara took time off from departmental discussions of Vietnam and NATO to discuss the progress of the bond drive. At the Federal Aviation Agency, according to men there, a bulletin-board notice about payroll deductions warned employees: "If you don't sign up, you will have an interview with your section chief, who will try to convince you. If he doesn't convince you, you will have an interview with Administrator McKee, and he *will* convince you."

At Andrews Air Force Base, a briefly circulated form (recalled as soon as a newsman started asking questions) contained alternative boxes for the employee to check and return: "I am now supporting the President by buying U.S. savings bonds on an allotment from my pay" or "I do not accept my responsibility to support the President in this savings bond campaign."

All over the country were reports of postmasters and other Federal supervisors threatening that non-buyers would be passed over for future promotions. A notice from the postmaster in Boise declared, "It is my firm belief that any employee who cannot be loyal to his employer should not be working for him." In York, Pa., postal workers who did not give consent for bond deductions were told they would be called in for a conference with the postmaster "every day until you give it."

Ultimately, outcries from Federal employee unions forced Mr. O'Brien to concede "isolated but nevertheless disturbing reports of overzealousness" on the part of some officials, and to caution all Government men against going too far. He reminded them that each individual "has a perfect right to refuse to buy and to offer no reason for that refusal." But again, the damage had been done, a new wave of uneasiness set in motion.

Fear can be a potent instrument of Presidential power, insuring obedience and cooperation as dramatically as would ideological agreement or personal affection. But even apart from the obvious damage it can do to the American democratic tradition, it poses a threat to the President himself. If the opportunity arises—a broad Republican resurgence in this year's Congressional elections, a strong challenge from the GOP or from his own party in 1968, a stirring of revolt within the bureaucracy as his White House tenure nears an end—the intimidated might strike back.

VFW PROPOSAL TO DEAL WITH NATIONAL CEMETERY CRISIS

Mr. DUNCAN of Tennessee. Mr. Speaker, I ask unanimous consent that the gentleman from California [Mr. Bob Wilson] may extend his remarks at this point in the Record and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from Tennessee?

There was no objection.

Mr. BOB WILSON. Mr. Speaker, I rise to add my voice to the many Members of this House on both sides of the aisle in support of legislation along the lines recommended by the Veterans of Foreign Wars to deal with the national cemetery crisis provoked by administration plans to close down national cemeteries and sell off their unused land as government surplus.

The VFW proposal includes approval of an amendment to the Public Works Administration Act of 1966, to reopen the Beverly National Cemetery closed last February and to keep open four other national cemeteries also scheduled to be closed this year. One of those cemeteries due for closing involves the Fort Rosecrans National Cemetery in San Diego, and represents a considerable acreage of property surplus to the cemetery needs of the Navy which is available for transfer to the Fort Rosecrans Cemetery.

The other two points of the VFW request propose settlement of the jurisdictional conflict involved in such matters, and approval of Veterans' Administration cemeteries as national cemeteries with national cemetery eligibility.

It seems to me, and to millions of American citizens in addition to our war veterans, that it is a pretty mean and despicable form of bureaucrat economy that stoops to restrict, circumscribe, or deny a last resting place to the men who have offered and those who will offer their lives to the defense of our country. This is particularly true when those who have not earned anything are being heavily rewarded by the Great Society.

THE ADMINISTRATION BLOWS HOT AND COLD ON VIETNAM

Mr. DUNCAN of Tennessee. Mr. Speaker, I ask unanimous consent that the gentleman from California [Mr. Bob Wilson] may extend his remarks at this point in the Record and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from Tennessee?

There was no objection.

Mr. BOB WILSON. Mr. Speaker, the administration continues to blow hot and cold on the war in Vietnam. One day Secretary of State Dean Rusk accuses the American press of overreacting to administration statements on that conflict, and official spokesmen assert that we are beginning to win the war. On another day, after Presidential Assistant Walt Rostow says that the Vietcong have been "tactically defeated," Secretary of Defense, Robert McNamara, emphasizes that the end of the fighting is not in sight, that the American commitment is likely to increase, and that the morale of the Vietcong is not even flagging, let alone broken.

Which set of administration spokesmen are we supposed to believe? When Under Secretary of State George Ball announces that there has been a change of sentiment in Hanoi and signs of increasing war weariness among the North Vietnamese people, that sounds fine. But then it appears that, although we are already supposed to be "winning," we will have to step up the U.S. forces in Vietnam. When the President says that "we have begun to turn the tide," we heave a sigh of relief, only to learn that the Communist aggressors do not seem to agree with him. There are new reports of heavy American casualties.

I am all against overreacting to these conflicting statements, Mr. Speaker, but I do suggest that the way to avoid this is for the administration to speak with one voice, put the Pentagon's announced "right to lie" in the deep freeze, and tell the American people the truth about the war in Vietnam.

CONGRESSMAN HORTON PROPOSES "RED MEN WEEK"

Mr. DUNCAN of Tennessee. Mr. Speaker, I ask unanimous consent that the gentleman from New York [Mr. Horton] may extend his remarks at this point in the Record and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from Tennessee?

There was no objection.

Mr. HORTON. Mr. Speaker, today's rapidly paced world, filled with its constant challenges, often leaves little time for reflection on our national heritage. Traditions and customs—important as they may be—find themselves subordinated to demands of the present and designs for the future.

Necessary as it is that we be attentive to progress, I also believe it is fitting that the past be kept alive in the minds of all Americans. In fact, the inscription on the National Archives Building in this Capital City reminds us:

> What is past is prologue.

Therefore, having in view the desire to preserve and protect the vitality of the events and institutions which have added immeasurably to our country's development, I am pleased to announce my introduction today of a House joint resolution proposing that the week of December 16 in each year be designated "National Improved Order of Red Men Week." This special week would note the historic contribution of the order and the role played by its present members in advancing patriotism and American democracy.

The date chosen, December 16, derives its significance from the memorable action of the first Red Men who disguised themselves as Indians, boarded British ships in Boston Harbor, and dumped cargoes of tea overboard. This incident on December 16, 1773, was a bold expression by the colonists against the tyranny of the crown. Of course, the Boston Tea Party was among the chain of events that finally led to the outbreak of the Revolutionary War.

The band of patriots who assumed Indian identity for the tea party were the founders of the order that later became known as the Improved Order of Red Men. They first began meeting in the Boston area to rebel against the curse of taxation without representation. This was early in 1765. Their gatherings were in the back rooms of taverns, in barns, and in the forests. Later on, some of the very men who were the founders of this patriotic fraternity added their signatures to the Declaration of Independence.

The actual name, Improved Order of Red Men, first was used by Tribe No. 1 of Baltimore, Md. The Maryland State Legislature granted its charter on March 14, 1835.

Today, the Improved Order of Red Men operates under a charter granted by special act of the Congress of the United States. President Theodore Roosevelt approved the act April 17, 1906. He later became one of several American Presidents to join the order.

The timing of my introduction has relevance, Mr. Speaker, to the convention of New York State's Red Men which will be held in my home community of Rochester, N.Y., August 7 through 10. The great council of New York State is a mighty part of the order as it exists throughout the United States and Canada. In all, the order has more than 400,000 Red Men members.

Theodore Schoonmaker, Jr., of Rochester Tribe 579, in a letter to me, says this about the Red Men:

> The purposes of the Order are to perpetuate for all time to come the legends and traditions of a vanishing race and to keep alive a knowledge of its customs, ceremonies, and beliefs; to preserve the nation that had its beginning with the patriotic Redmen of colonial days; to protect and defend our country's ideals and institutions so that we may hand down to those who follow us the American way of life, that has come to us as a heritage.

The 3,000 Red Men of Rochester, Monroe, and Wayne Counties include the tribes of Wahbe, Wahoo, Tecumseh, Monon, Ontario, and Rochester. Women also are members, accorded the degree of Pocahontas. In the Rochester area, these include members of the Mista, Starlight, Leota, Wah-Bee, and White Cloud councils.

The order, by adoption of unique figures of speech, nomenclature and rituals, serves as a permanent repository for Indian legends and customs. Mr. Speaker, the Improved Order of Red Men is effectively serving our Nation in this regard. We all can profit from the knowledge and appreciation of that which has gone before us. Our American history holds much that can be of use and inspiration to us in this complex and troubled age.

The story of the earliest days of our Nation is found in the speech, the ceremony and the life of the American Indian. Ours is a living history told in the exploits of daring men and women who saw fit to make this Nation free. It is therefore fitting that we be constantly reminded of our heritage in order to prevent the past from gradually fading into a vague memory found only on the written page of a story book. Mr. Speaker, to this end, I urge that the week of December 16 be designated as National Improved Order of Red Men Week.

As a vibrant and active organization, the Red Men operate to continually keep our patriotic ideals and institutions before the American people. I believe that passage of my resolution would be an altogether proper tribute to this worthy organization. The Improved Order of Red Men fully deserve this salute.

THE OPPORTUNITY CRUSADE ACT OF 1966

Mr. DUNCAN of Tennessee. Mr. Speaker, I ask unanimous consent that the gentleman from Illinois [Mr. RUMSFELD] may extend his remarks at this point in the RECORD and include extraneous matter.

The **SPEAKER.** Is there objection to the request of the gentleman from Tennessee?

There was no objection.

Mr. RUMSFELD. Mr. Speaker, I am introducing in the House today a bill, the Opportunity Crusade Act of 1966, which is designed to combine the efforts of government at all levels with private efforts to provide jobs, training, and education for the disadvantaged.

After 2 years of the war on poverty, many serious deficiencies are apparent. The refusal of the majority on the House Education and Labor Committee to hold full and constructively critical hearings on the proposed amendments to the war on poverty recently prompted the House Rules Committee to take the unprecedented action of admonishing the majority in a report adopted 14 to 1.

The approach of the Opportunity Crusade, as developed by our colleagues, the gentleman from Minnesota [Mr. QUIE] and the gentleman from New York [Mr. GOODELL] is to unite local, State, and Federal governments with private efforts in launching a comprehensive program of training, education, and motivation for the poor. By involving all segments of our economy, $2.4 billion will be committed to the program of which only $1.4 billion will be Federal funds. This is in contrast to the $1.75 billion program, all Federal funds, that is planned by the Federal war on poverty.

I believe the following features of the bill I introduce today will result in a more effective and productive program against poverty:

First. The Office of Economic Opportunity will be stripped of all its present programs except Community Action and VISTA. All training programs will be coordinated under the Manpower Development and Training Act of the Labor Department; the education programs, including Headstart, will be administered by experts in the Office of Education; the work experience program, which embraces a variety of psychological and sociological problems as well as employment problems, will be administered by the experts in HEW; the small business loan program will be administered by the experts in the Small Business Administration; and the Farmers Home Administration loan program will be administered by the experts in Agriculture.

Second. Opportunity Crusade, which will cost the Federal Government $300 million less, will double the funds available for Headstart and place more emphasis on State and local responsibility.

Third. The Job Corps program, which has suffered from severe criticism across the country because of excessive expenditures, maladministration and uncoordinated, unrealistic implementation, will be completely revamped. This bill provides for a more intelligent evaluation and screening of applicants; coordination with existing manpower and vocational programs; more effective security and discipline in the camps; the dismissal of enrollees convicted of felonies; and a $5,000 restriction on the annual cost per enrollee.

Fourth. New camps will be set up under the Secretary of Defense to equip for military service on a volunteer basis young men from poverty backgrounds who cannot meet selective service standards.

Fifth. Community Action funds will be more than doubled; at least one-third true representation of the poor on policymaking boards will be required; and continued flexibility of local programs will be assured by eliminating earmarked and restrictive funding.

Sixth. The bill provides for a new Industry Youth Corps where private employers will be given a realistic incentive to hire untrained young people between 16 and 22 with one-third of their wages paid while they undergo on-the-job training for meaningful permanent employment.

Seventh. The bill avoids the arbitrary and rigid $12,500 ceiling on salaries in the committee bill, recognizing direction of some of the urban programs would justify larger salaries. Instead, Opportunity Crusade would require approval by the Director of any salary increase in excess of 20 per cent over previous salary.

Eighth. Careful administrative guidelines are written into all programs under the Opportunity Crusade to eliminate the confusion, delay, and frustration which have plagued the war on poverty.

Ninth. The employment service would be automated to provide high-speed, reliable joining of individuals with jobs.

Tenth. The Labor Department would institute a national skill survey to pinpoint the thousands of skilled job categories for which qualified applicants cannot be found, as recently recommended by a bipartisan Joint Economic Committee report.

Eleventh. The Opportunity Crusade will enlist the State and local governments as partners with the Federal Government. It provides realistic incentives for private employers and individuals to join the public agencies in an all-out effort to provide education, jobs, better housing and dignity for the poor. It will require true involvement of the poor.

Twelfth. The elderly and retired, who can be accurately characterized as the "forgotten poor," will be permitted to work and obtain a livable income without loss of social security benefits.

Mr. Speaker, I support the goals of the war on poverty. But I, like many millions of Americans, have been deeply saddened and disappointed in the performance of the administration in running this program. The excesses and failures of the program are well known. The administration has been high on its promises but low on performance. It has been tragically self-defeating to build up the hopes and anticipation of the poor with a program which could not—or did not—satisfy those hopes. I believe the Opportunity Crusade will correct many of the deficiencies of the war on poverty, at the same time making the program a truly representative one, and reducing the cost to the taxpayers.

In 1964, I favored an approach to problems of poverty as sponsored by my able colleague, the gentleman from New Jersey, the Hon. PETER H. B. FRELINGHUYSEN. I voted for a motion to recommit so that the Frelinghuysen bill might be substituted for the administration's war on poverty package, but the motion to recommit failed, and H.R. 11050—the Human Resources Development Act—was thus pushed aside. I did not favor the administration bill. I agreed with its goals but, as many, I could see then the difficulties which were to be encountered unless the Frelinghuysen bill was substituted. Now the Congress has an opportunity to correct this action, thanks to the efforts of Congressman QUIE, of Minnesota, and GOODELL, of New York.

I urge Members to examine carefully the merits of the Opportunity Crusade.

CAPTIVE NATIONS WEEK PROCLAMATION OF THE VILLAGE OF WORTH, ILL.

Mr. DUNCAN of Tennessee. Mr. Speaker, I ask unanimous consent that gentleman from Illinois [Mr. DERWINSKI] may extend his remarks at this point in the RECORD and include extraneous matter.

The **SPEAKER.** Is there objection to the request of the gentleman from Tennessee?

There was no objection.

Mr. DERWINSKI. Mr. Speaker, I have reported to the House on a number of actions in the last few months indicating the great nationwide interest in Captive Nations Week. As an indication of this interest, I insert, as a continuation of my remarks, two proclamations issued by communities in my district:

CAPTIVE NATIONS WEEK PROCLAMATION OF THE VILLAGE OF WORTH, ILL.

Whereas, the imperialistic policies of Russian Communists have led, through direct and indirect aggression, to the subjugation and enslavement of the peoples of Poland, Hungary, Lithuania, Ukraine, Czecho-Slovakia, Latvia, Estonia, White Ruthenia, Rumania, East Germany, Bulgaria, Mainland China, Armenia, Azerbaijan, Georgia, North Korea, Albania, Idel-Ural, Serbia, Croatia, Slovenia, Tibet, Cossackia, Turkestan, North Vietnam, Cuba and others: and

Whereas, the desire for liberty and independence by the overwhelming majority of peoples in these conquered nations constitutes a powerful deterrent to any ambitions of Communist leaders to initiate a major war; and

Whereas, The freedom-loving peoples of the captive nations look to the United States as the citadel of human freedom and to the people of the United States as leaders in bringing about their freedom and independence; and

Whereas, The Congress of the United States by unanimous vote passed Public Law 86–90 establishing the third week in July each year as Captive Nations Week and inviting the people of the United States to observe such week with appropriate prayers, ceremonies and activities; expressing their sympathy with and support for the just aspirations of captive peoples for freedom and independence:

Now, therefore, I, John H. Boyce, Village President of the Village of Worth, do hereby proclaim that the week commencing July 17, 1966, be observed as Captive Nations Week in Worth, and call upon the citizens of Worth to join with others in observing this week by offering prayers and dedicating their efforts for the peaceful liberation of oppressed and subjugated peoples all over the world.

In Witness of the support of the Village Board,

JOHN H. BOYCE,
Village President.
INA O. SUNDQUIST,
Village Clerk.

PROCLAMATION OF THE CITY OF HOMETOWN, ILL.

Whereas, the imperialistic policies of Russian Communists have led through direct and indirect aggression to the subjugation and enslavement of the peoples of Poland, Hungary, Lithuania, Ukraine, Czecho-Slovakia, Latvia, Estonia, White Ruthenia, Rumania, East Germany, Bulgaria, Mainland China, Armenia, Azerbaijan, Georgia, North Korea Albania, Idel-Ural, Serbia, Croatia, Slovenia, Tibet, Cossackia, Turkestan, North Vietnam, Cuba, and others; and

Whereas, the desire for liberty and independence by the overwhelming majority of peoples in these conquered nations constitutes a powerful deterrent to any ambitions of Communist leaders to initiate a major war; and

Whereas, the freedom-loving peoples of the captive nations look to the United States as the citadel of human freedom and to the people of the United States as leaders in bringing about their freedom and independence; and

Whereas, the Congress of the United States by unanimous vote passed Public Law 86–90 establishing the third week in July each year as Captive Nations Week and inviting the people of the United States to observe such week with appropriate prayers, ceremonies and activities; expressing their sympathy with and support for the just aspirations of captive peoples for freedom and independence:

Now, therefore, I, Francis E. Anderson, Mayor of the City of Hometown, Illinois, do hereby proclaim that the week commencing July 17, 1966, be observed as Captive Nations Week in the City of Hometown, and call upon the citizens of Hometown to join with others in observing this week by offering prayers and dedicating their efforts for the peaceful liberation of oppressed and subjugated peoples all over the world.

FRANCIS E. ANDERSON,
Mayor.

Mr. Speaker, at a time when the international Communist conspiracy has brought war to Vietnam and the individual Eastern European Communist countries are cooperating with subversive elements in Latin America and Africa, effective emphasis on the plight of the captive peoples is certainly in order. We recognize that the world will not enjoy true freedom and lasting peace until the international Communist conspiracy is eradicated and all nations have had an opportunity to freely elect governments of their choice.

WHAT CONSTITUTES DAMAGE TO THE NATIONAL INTEREST?

Mr. DUNCAN of Tennessee. Mr. Speaker, I ask unanimous consent that the gentleman from Massachusetts [Mr. MORSE] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from Tennessee?

There was no objection.

Mr. MORSE. Mr. Speaker, the rejection by the membership of the International Association of Machinists yesterday of the proposed settlement of the 25-day-old airline strike reflects an irresponsible disregard for the public interest.

For nearly a month, 60 percent of our Nation's passenger service and 70 percent of our air mail service has been disrupted. The whole dispute indicates that our present legal machinery for the prevention and settlement of disputes affecting public necessity and convenience is completely inadequate. We need a review of that mechanism and full consideration of legislation already proposed by Senator JAVITS, Congressman REID, and others. I will shortly introduce similar legislation. We also need to know what the President had in mind when he said in his state of the Union message last January 12:

> I also intend to ask the Congress to consider measures which without improperly invading State and local authority will enable us to deal with strikes which threaten irreparable damage to the public interest.

We must have a clear definition of what constitutes damage to the national interest. The airline strike, like other interruptions of public service in the transportation, communications, and related fields involves far more than an inconvenience to travelers. It interrupts the flow of goods and services. Business inventories become imbalanced, workers in unrelated fields are laid off, and the national economy suffers as a result.

This great power should not be within the grasp of any group or organization.

The essence of collective bargaining is the willingness of both labor and management to give and take on the issues. It is difficult for anyone outside the collective bargaining situation itself to assess the relative merits of the opposing cases. In this dispute, however, it appears fairly clear that the representatives of the airlines have been flexible in responding to union demands, and the recommendations of the President's Emergency Board. Yet the International Association of Machinists was adamant in the negotiations in sticking to their initial position. And yesterday a majority of the union members rejected an even more generous settlement than the President's Board supported.

So the strike continues. Whatever settlement is finally arrived at is bound to be even further from the administration wage-price guidelines than the package which was turned down.

This kind of irresponsibility clearly calls for immediate action by the Congress. I am happy to see that both the Education and Labor Committee and the Senate Labor and Public Welfare Committee are considering draft legislation. I hope it will be brought to the floor promptly so that the strike can be halted.

This is the immediate concern. Let us get the planes back in the air. Then we can move to an early consideration of the larger issues involved. There have been too many of these strikes. It is the urgent task of the Congress to develop the legal mechanism to prevent the interruption of essential public services in the future.

BAN ON LABOR MONOPOLIES WOULD END COSTLY STRIKES

Mr. DUNCAN of Tennessee. Mr. Speaker, I ask unanimous consent that the gentleman from Ohio [Mr. ASHBROOK] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from Tennessee?

There was no objection.

Mr. ASHBROOK. Mr. Speaker, David Lawrence has written an excellent column which appeared in the Columbus, Ohio, Dispatch on Sunday July 31, 1966. He quite succinctly asks the question:

> What has become of the civil rights of the American people as a whole?

As one who has supported the inclusion of industrywide unions in the provisions of the antitrust laws, I find his remarks a welcome breath of fresh air in the smoke-filled rooms of Washington where politicians who are dependent upon labor financial support shirk from their duties. Monopoly is the enemy of freedom. It matters not whether it be in unions, business, or government.

For some reason or other, monopolies are approved by the liberal when it comes to unions. Conservatives believe in promoting the greatest amount of freedom possible in the free enterprise system we have. This does not give monopoly rights, however, and we believe that Government has a positive obligation to umpire the system. The same union bosses who advocate controls over every other facet of our political and economic life says, "Hands off," when it comes to themselves. Machinist Union President P. L. Siemiller gave a good example of this duplicity when he announced the results of the Sunday vote taken by IAM members who rejected the inflationary wage settlement. He said:

> We believe in full freedom and we believe in free collective bargaining.

Yes, they believe in it for themselves but check the records for their statements regarding Government interference and control in business, local government, and every other aspect of our daily life. Most people believe in the necessity of checking the abusive power of industry wide unions. David Lawrence has done a great service by stressing the need for treating unions like everyone else. I commend his article to your reading:

CONGRESS SHY—BAN ON LABOR MONOPOLIES WOULD END COSTLY STRIKES

(By David Lawrence)

What has become of the "civil rights" of the American people as a whole?

Why should they be subjected to financial damage and interference with their travel plans because of at big strike on the nation's airlines?

And why should the Congress discriminate as between big business and big unions, forbidding a monopoly by one and permitting it in the other?

The electorate is entitled to answers to these questions before it is called upon to pass judgment this November on the candidates for Congress in both parties.

It is an open secret that the labor unions furnish big sums of money to help elect a majority of the members of the Senate and the House.

The enactment of a law forbidding labor trusts or monopolies is long overdue.

The theory imbedded in existing anti-trust laws is that there shall be no price-fixing or cost-fixing by competing companies.

Yet by means of industry-wide bargaining, it is possible for one national labor union to fix the wage costs of competitors within a whole industry.

This means that weaker companies often must pay higher wages than they can afford. The larger companies soon find it possible to force some competitors out of business or at least to compel them, in effect, to accept a lower and lower margin of profit.

Bills have been proposed which would prohibit industrywide bargaining. But the political power and financial contributions from labor are enough to prevent the passage of such legislation.

If industry-wide bargaining were banned by law, it would not be possible for a whole industry to be tied up by a strike.

There are employers who prefer industry-wide bargaining, but they would be far better off in the long run if unions were required to bargain separately with each company.

If the anti-trust doctrines imposed on business during the last half-century or more were adhered to, it would not be permissible for labor unions to exercise control over the employes throughout an industry.

Collusion between agents of employes of one company with agents of employes of another company in fixing wage rates would be as unlawful as concerted action by employers' representatives in fixing prices.

Whenever industry-wide bargaining is outlawed as a violation of the "civil rights" of the consumer, it would be logical also to prohibit the formation of any national unions.

When it is required by law that only the recognized union or group of unions within each plant shall have the right to deal with the employer, and when one union is forbidden to conspire with any union in other plants, the concept on which the anti-monopoly statutes of the country have been built would at last be fairly applied.

American businesses would then be able to enjoy, as would individual unions, the "equal protection of the laws."

That's what "civil rights" for all the people is supposed to mean.

ELECTION REFORM LAW

Mr. DUNCAN of Tennessee. Mr. Speaker, I ask unanimous consent that the gentleman from Michigan [Mr. Gerald R. Ford] may extend his remarks at this point in the Record and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from Tennessee?

There was no objection.

Mr. GERALD R. FORD. Mr. Speaker, the genuine interest and strong support for a fair and workable election reform law which exists throughout the Nation is seen in the editorial expressions of some of our most thoughtful and objective newspapers. There appears to be a growing consensus, if I may use the word, that the Republican-sponsored bill which I introduced earlier in July, together with my colleagues of the minority leadership and the ranking minority members of the appropriate committees, the gentleman from Wisconsin [Mr. Byrnes] and the gentleman from Califorina [Mr. Lipscomb], makes a marked improvement in plugging some of the larger loopholes in President Johnson's proposals. Such leading newspapers as the Los Angeles Times, the New York Times, the Pasadena Independent, and the Wall Street Journal have commented on this important subject, and I am sure from the lively responses that have reached me personally that they reflect the public sentiment that an urgent need exists for meaningful reforms by this Congress in campaign financing and fuller disclosure of contributions. For the information of Members I am appending some of these editorials, although they do not echo our Republican views in every particular:

[From the Los Angeles (Calif.) Times, July 19, 1966]

GOP BILL IMPROVES ELECTION REFORM

In an effort to dispel "widespread cynicism" concerning campaign fund regulations, House Republicans have introduced an election reform measure which goes far beyond President Johnson's proposal.

Drawn by Rep. Glenard P. Lipscomb (R–Los Angeles) the bill is aimed at correcting a number of serious defects in the administration's measure.

In a bill of particulars, Lipscomb lists several such defects. The President's program, he says, would continue the unsatisfactory practice of having campaign contribution and expenditure reports simply filed with the clerk of the House and the secretary of the Senate. It does not cover party conventions and causes, although such activities require substantial contributions and expenditures, and it totally ignores contributions by labor unions.

Furthermore the administration bill, although covering the President and Vice President, does not extend to other top policy makers.

To correct such oversights, the Lipscomb bill would:

Require filing reports on campaign contributions and outside income with a five-man Federal Elections Commission.

Empower the commission to issue periodic summaries of such reports and authorize it to conduct audits and field investigations and report suspected violations to law enforcement agencies.

Require income disclosure by all top policy making officials covered by the Executive Salary Act.

Make all reports subject to public inspection.

Extend the ban against contributions by government contractors to labor organizations recognized as collective bargaining representatives of employes of those contractors.

In addition, the measure would clarify some ambiguities in the administration measure and would make the ban on contractor contributions apply only to those whose contracts exceed $100,000. Lipscomb deems "ridiculous" language in the Johnson bill which would prohibit contributions by a person who had leased vacant land to the government for a parking lot.

The Lipscomb bill would appear to be a marked improvement over the administration proposal. If the administration and the Democratic majority in Congress really mean business about election reform it should be enacted.

[From the New York Times, July 23, 1966]

THE PRESIDENT'S CLUB

Some serious ethical questions have been raised about the President's Club, that extraordinarily successful fund-raising organization run by the Democratic National Committee.

It seems that the Justice Department dismissed an antitrust action against Anheuser-Busch, Inc., the nation's biggest brewer, three weeks after contributions totaling $10,000 were made to the President's Club by A. A. Busch Jr., head of the company, his wife, three other company executives and their wives, and by the head of the company's public relations firm and his wife.

Representative Charles Goodell, of New York, who first brought the matter to light, is rightly concerned about the timing and the amount of the donations made by the Busch group to the President's Club, demanding to know "what contacts, if any, were made" by the Democratic National Committee with Anheuser-Busch and what "representations were made to Anheuser-Busch about the antitrust case."

These are legitimate questions that merit investigation. The President's Club, which began under President Kennedy and has enjoyed a big expansion under President Johnson, is open to "fat cats" who contribute $1,000 or more to the Democratic National Committee. Members are given a dinner, sometimes invitations to White House parties, and command access to Democratic politicians.

While we do not suggest that the simultaneous donations of the Busch group had anything to do with the disposition of the antitrust action, we do think it is clear that contributions to the President's Clubs generally deserve fuller public inspection than they have yet received.

The Hatch Act forbids direct corporate contributions, but there is nothing to stop a corporate executive from making an individual gift to the President's Club. Many must be doing just that, for the club has collected over $1 million this year. Time and again the Johnson Administration has talked about the desirability of taking action to encourage small and medium-sized political donations, but it has continued to count in important measure on the well-heeled citizen who may want a favor for himself or his company. The books of the President's Club ought to be open for public inspection.

[From the Detroit (Mich.) News, May 31, 1966]

L.B.J.'S PLAN TO REFORM CAMPAIGN FINANCING TOO LITTLE—AND TOO LATE

Let us remember first that Lyndon B. Johnson had it within his power for many years to do something meaningful about reforming congressional campaign spending. But when he was majority leader of the Senate (and his "good right arm," Robert G. "Bobby" Baker, staffed the Democratic Senatorial Campaign Committee), exactly nothing was done.

And let us remember further there is virtually no chance Congress will take the time to work on the complex and touchy problem of campaign spending reform in the few months remaining in this session. Had not Capitol Hill Republicans made their own proposals earlier last week and goaded the President to send up his bill, there's no telling when he would have gotten around to, as he said, "urge its prompt enactment."

Finally, the President cannot avoid the responsibility for leading a national political party which, by its dedicated exploitation of loopholes in existing law, has seriously undermined public confidence in the integrity of government.

With that in mind, the President's proposals for reform have much to commend them—if only to keep the issue alive until the need for responsible action becomes clear to our elected officials.

Particularly valuable are his suggestions that limitations on spending be repealed and that modest political giving by a much greater percentage of the electorate be encouraged.

Ceilings on spending not only have proven unworkable, they have encouraged deceitful practices so that the appearance of honesty may be maintained. It is far more important for the voting public to know where a candidate gets his financial support than to know he is not spending "too much."

The suggestion that each individual be able to deduct up to $100 from his own taxable income for political contributions is basically sound. By treating such a deduction separately from all others, it will encourage campaign giving. At the same time, however, it will open the doors to other "good causes" which will again demand the same favored tax treatment. If Congress can fend off those inevitable requests, the political deduction feature is worth a try.

Although the bill purports to require "complete public disclosure" of campaign giving, gifts and expenses of less than $100 are not reportable, so that scores of $99 gifts could be received without any disclosure.

The President's proposals do not appear to change the present slipshod system in which no individual is responsible for checking the accuracy of reports or making complaints of violations, and in which public access to reports is often limited to only four hours a day.

As indicated, we are not very sanguine about the chances of anything meaningful coming from these proposals. Congress has never been willing to police itself.

And yet it would be so simple for Congress to take corrective action.

As often suggested by Senator JOHN J. WILLIAMS, Delaware Republican, Congress easily could require that the personal income tax reports of elected officials be made public. In this way, sources of income would be public and unreported income could more readily be brought to the attention of federal prosecutors.

Further, Congress could simply admit itself incapable of being objective about its own money problems. It could put them in the hands of a completely independent commission which would make the rules and prosecute violations before the courts.

There is at least one certainty. As the President put it, present statutes are "more loophole than law." Almost anything Congress could do would be an improvement.

[From the Pasadena (Calif.) Independent, July 22, 1966]

ELECTION REFORM BILLS

Rep. GLENARD P. LIPSCOMB, whose 24th District encompassed a good part of the Pasadena-San Gabriel Valley area, has introduced a Federal Election Law bill which hits more deeply at inequities than the campaign reform bill introduced by the Johnson administration.

LIPSCOMB's bill, which is being given thorough study by the House Subcommittee on Elections, would:

—Set up a Federal Election Commission to receive and maintain required reports and statements on the conduct of political campaigns;

—Prohibit political contributions by government contractors and unions with jurisdiction over employees of government contractors;

—Require that members of Congress and top-level employees of the executive Branch disclose income and gifts;

—Establish that an individual could contribute up to $5,000 to a particular candidate's campaign;

—Promote more small contributions to political parties by providing a special tax deduction for contributions up to $100; and,

—Permit candidates and political committees to engage in legitimate business transactions totally unrelated to the campaign (which the administration bill would prohibit).

The bill is more comprehensive and better balanced than the administration proposal. For example, the President's plan would force the House Clerk and Senate Secretary, who do not have the facilities to properly police the situation, to continue receiving reports on contributions and campaign expenditures. Under the Lipscomb Bill, the new Federal Elections Commission would take over this responsibility.

The Johnson proposal fails to include Executive Branch employes under its gift and income disclosure requirement. It ignores the question of political contributions by labor unions which would profit from government contracts and has several other serious omissions.

Rep. JOHN J. RHODES of Arizona, chairman of the House Republican Policy Committee, lauded the Lipscomb Bill by saying, "Its provisions are not weighted against either executive or legislative branch, Republican or Democrat, big or small contributor, business or union, or against any element of our society except the cheaters and the crooks, the influence buyers and the influence sellers."

The bill is so broad and well based, so vitally needed that it is bipartisan in nature. If both Democratic and Republican members of Congress really mean business about eliminating election inequities, swift action is assured.

[From the Wall Street Journal, July 19, 1966]

TAKE ME OUT TO THE BALL GAME

Representative CHARLES GOODELL, of New York, says he would not believe that either the Attorney General of the U.S. or the Chief of the Justice Department's antitrust division "would participate in any wrongdoing." At the same time, he has raised a couple of interesting questions about the department's dropping of an antitrust case against the nation's largest beer producer.

The case, in which the Government was seeking to prevent the Anheuser-Busch Co. from acquiring a plant which produces malt, was dropped on June 17. Just three weeks before that, says Representative GOODELL, the brewery's president and members of his family gave $10,000 to the President's Club.

That club's membership consists of those who have given at least $1,000 to the Democratic Party. In exchange, the members get a dinner, usually attended by the President, and sometimes are asked to White House parties. In the first five months of 1966 the club has taken in more than a million.

Moreover, it seems that some weeks before the July 12 All Star baseball game, held in St. Louis—home of the Cardinals, owned by Anheuser-Busch—Donald F. Turner, the Government's antitrust chief, got a call from Vice President HUMPHREY. From all the baseball fans in Washington, HUMPHREY had chosen to ask Mr. Turner to join the Vice Presidential party which would fly to St. Louis for the All Star attraction. Mr. Turner, who says he is a "great baseball fan," accepted.

Mr. Turner arrived at the airport on the appointed day expecting, he says to find a Government plane waiting. The aircraft, however, was one owned by the brewery's president, August A. Busch. Aboard in addition to Mr. HUMPHREY were Mr. Busch's son and Clifton Carter, executive director and chief fund raiser of the Democratic National Committee. "What was I supposed to do," ask Mr. Turner, "turn around and go back?"

To be sure, that would have been awkward. Besides, by going out to the ball game, and back, through the courtesy of Mr. Busch, the Washington party saved the Government an expense which the use of a publicly owned plane would have entailed. Of the trip, Mr. Turner has said the right thing: "I admit it doesn't look too good now."

The Justice Department now says that the antitrust suit was too weak to be pressed, that nearly all the officials concerned were in favor of thumbing it out. In that case, all that would have been necessary to avoid appearances that might be misunderstood was for the officials to imitate baseball umpires. Umpires do not fraternize with the players, and lead lonely and unsullied lives, or else.

PRESIDENT'S CLUB

Mr. DUNCAN of Tennessee. Mr. Speaker, I ask unanimous consent that the gentleman from New York [Mr. GOODELL] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from Tennessee?

There was no objection.

Mr. GOODELL. Mr. Speaker, a great deal of interest has been aroused in the minds of average Americans, who do not have $1,000 bills to burn in political torchlight parades, about the so-called President's Club which is engaged in collecting funds for the Democratic Party in rather large denominations. Two of our most respected newspapers have recently done some rather exhaustive articles on this timely topic, which I would like to append for the information of Members. I hope that these factual accounts from the Christian Science Monitor and the Washington Star, which reflect the numerous communications I have received on this important question of campaign financing and election reforms, will help speed action at this session on legislation about which both the administration and the Republican leadership in Congress have expressed substantial agreement in principle:

[From the Christian Science Monitor, July 18, 1966]

ETHICS QUESTIONS LAND AT WHITE HOUSE DOOR

(The latest political whodunit in Washington has a stellar cast. The subject is ethics in public life: whose, how much, and why. The last chapter, entitled "Conclusions," is not yet written. This report summarizes earlier chapters.)

(By Lyn Shepard)

WASHINGTON.—On Jan. 31, 1962, the Department of Justice lodged a civil antitrust suit against the Anheuser-Busch Corporation, the nation's largest beer producer.

The complaint alleged that the St. Louis brewery violated antitrust statutes by buying part of the Rahr Malting Company.

"Rahr will be substantially curtailed," it maintained, "as a vital source of supply for independent breweries in competition with Anheuser-Busch; and Anheuser's advantages over smaller competing breweries may lessen competition."

On Sept. 24, 1964, a Washington Star reporter wrote that officials of the Democratic National Committee solicited members for the President's Club, planting the notion "that contributors to the party in power would be able to gain an advantage in their dealings wtih the government if they were members. . . ."

TOP DEMOCRAT QUOTED

May 17, 1966, columnists Robert S. Allen and Paul Scott wrote:

"'The President's Club is still very exclusive, although it has been in existence since 1961,' says Clifton Carter, Democratic National Committee executive director, in soliciting new members. 'Its members are assured of direct relationship with President Johnson.'

"Carter explains that in addition to being asked to White House social functions, 'Members who want to talk to the President, the Vice-President, or one of their assistants, have only to contact my office. Members will immediately be put in contact with whomever they want to reach.'"

On May 24, 1966, four Anheuser-Busch officers and their wives contributed a total of $10,000 to the President's Club. The firm's president, August A. Busch Jr., and his wife each gave $2,000. The others donated $1,000 apiece.

On June 17, 1966, the Department of Justice dropped the suit against Anheuser-Busch on grounds that "further prosecution of the case was not warranted."

HUMPHREY TRIP NOTED

On July 12, 1966, Vice President HUBERT H. HUMPHREY flew to St. Louis in a plane furnished by Mr. Busch after a strike grounded five major airlines. The Vice-President threw out the first ball in the annual all-star baseball game at Busch Memorial Stadium.

He later addressed a luncheon of major Democratic Party contributors. The head of the Justice Department's antitrust division, Donald F. Turner, and his son, accompanied Mr. HUMPHREY and flew back to Washington with him in the Anheuser-Busch plane.

On July 13, House Minority Leader GERALD R. FORD of Michigan told a press conference "some very disturbing rumors [were] floating around Washington about the dismissal of certain antitrust actions . . . and contributors to the President's Club."

The Justice Department issued a statement saying it dropped the antitrust suit on its merits alone.

On July 14, Rep. CHARLES E. GOODELL (R) of New York said on the House floor that the foregoing chain of events raised "serious ethical questions in the mind of any reasonable person."

QUESTIONS POSED

"What contacts, if any," Mr. GOODELL asked, "during this critical period were made by Democratic National Committee personnel with Anheuser-Busch officials?

"Was reference made in such conversations to the pending antitrust suit?

"What representations were made by Anheuser-Busch about the antitrust case?

"Why did top executives of Anheuser-Busch, and their families, suddenly and simultaneously, as manna from above, drop $10,000 in the President's Club?

"These questions should be speedily and fully answered."

During the day Rep. THOMAS B. CURTIS (R) of Missouri received a wire from Alfred Fleishman, public relations director of Anheuser-Busch and a $1,000 donor to the Presidnt's Club, Mr. Fleishman dismissed all allegations of impropriety as "preposterous."

Mr. Fleishman added that Mr. Busch "has been a close friend of many presidents [who] has visited the White House at the invitation of every President since 1933."

Mr. Busch had been active in Democratic politics for several decades and often raised funds for the party, Mr. Fleishman added.

Ramsey Clark, Deputy Attorney-General, was scheduled to appear later that day as a witness before the subcommittee on elections. Mr. GOODELL, the ranking Republican, expected to question Mr. Clark on the Anheuser-Busch developments. But House Speaker JOHN W. MCCORMACK canceled the hearing due to a floor debate and teller vote on foreign aid.

On July 15, the Associated Press reported that a spokesman for Mr. HUMPHREY said the Vice President knew nothing of the Anheuser-Busch antitrust action when he flew to and from St. Louis July 12.

INVITATION EXPLAINED

Mr. Turner said Mr. HUMPHREY invited him to the all-star game several weeks earlier—before the airline strike and before Mr. Busch offered his private plane for transportation.

Again the subcommittee on elections canceled its hearing. This time Rep. ROBERT T. ASHMORE (D) of South Carolina, the chairman, told Republicans that Mr. Clark was unable to testify. The hearing was postponed until July 21.

Presidential Press Secretary Bill D. Moyers was questioned on the Anheuser-Busch affair during a news conference. James Deakins, a reporter for the St. Louis Post-Dispatch, started with the inquiry;

"Bill, in May of 1965, the President issued an executive order on ethics . . . which, among other things, prohibited officials of the executive branch of the government from accepting gifts, honorariums, entertainments, or loans from individuals, groups, or corporations doing business with the government or regulated by their agencies or affected by their agencies.

PROPRIETY QUESTIONED

"Now in the light of this executive order, does the White House have any comment on the propriety of the head of the Antitrust Division of the Justice Department accepting a ride on an airplane owned by a corporation against whom the Justice Department had dropped an antitrust suit less than a month before, and still has one pending?"

Mr. Moyers said, "No," that this was the first notice of the pending antitrust action. A reporter then asked if the President viewed with equanimity the Humphrey-Turner trip. Mr. Moyers answered: "To my knowledge, the President had no knowledge of travel of that kind and I haven't asked him about that."

GOP PROPOSALS LISTED

The Justice Department said later the pending complaint was against a restrictive marketing agreement. It filed suit in New York District Court on Dec. 20, 1962, charging conspiracy against Anheuser-Busch.

It asserted that the brewery wouldn't sell directly to retailers, but sells through F. M. Schaefer Brewing Company, a competitor. A pretrial conference is scheduled for November.

Rep. GLENARD P. LIPSCOMB (R) of California, told this newspaper of eight Republican proposals for election reform which the Ashmore subcommittee will consider. One covers gifts to candidates and executive department officials, an area not included in the White House's own proposal.

"We fail to see," Messrs. LIPSCOMB and GOODELL said in their plan, "how the fact that acceptance of gifts, is forbidden by executive order is a sufficient reason for not extending the proposed provision to those in the executive branch.

"An executive order does not have the force and effect of a law nor does it contain criminal penalties. Certainly, public confidence in our government would be enhanced if reporting were required.

"Moreover," the Republican argument went on, "the President's statement, 'for such reports to be made by members of the legislative branch can do much to demonstrate that wealthy interests are not permitted to affect—or even appear to affect—the conduct of government through their largesse' applies with equal force to the executive branch of the government."

Mr. LIPSCOMB said he would favor an amendment to bring both the President's Club and the Republican Boosters Club under the proposed election reform law.

WHERE THE MONEY IS—PRESIDENT'S CLUB FILLS IMPORTANT ROLE FOR DEMOCRATS

(By Robert Walters)

Hostess Perle S. Mesta and Sen. J. WILLIAM FULBRIGHT, poverty warrior Theodore M. Berry and Mint Director Eva B. Adams are paid-up members at $1,000 each.

New York jeweler Harry Winston, Texas oilman Wesley West, Alabama insurance executive John W. Overton and Minnesota architect Walter Butler have joined at an even higher price.

The senior senator from New Mexico, the governor of Indiana and the mayor of Detroit also belong.

From Ridgefield, Wash. to Paterson, N.J., from Coeur d'Alene, Idaho to Piggott, Ark., they're joining the President's Club at a rate rapid enough to pour almost $1.2 million into Democratic party coffers in one three-month period earlier this year.

Organized in 1961 by President John F. Kennedy to help pay off the party's 1960 campaign deficit, the club attracted scant public attention for five years but brought millions of dollars into the party treasury.

But last week the club became the center of controversy when House Republicans raised questions about the possible connection between $10,000 in President's Club contributions from officials connected with the nation's largest brewery and dismissal of a federal antitrust suit against the company.

Who joins the President's Club? How much do members contribute? What do they expect, if anything, in return—and what do they get? Where does the money go?

To answer those questions, The Star surveyed club members in the Washington area and across the country. Voluminous financial reports, filed by the club with the Clerk of the House of Representatives in compliance with federal law were examined.

Almost to a man club members said they joined out of loyalty to their country, the Democratic party and President Johnson—although not always necessarily in that order.

Although few would openly acknowledge it, many apparently joined principally for the honor of belonging to an organization with a prestigious title and the opportunity to rub elbows with the political high and mighty at club parties.

"If they called it the Democrat's Club, I probably wouldn't have given them $1,000," said one Washington lawyer who joined last year.

Another attorney described last year's President's Club party at the Montgomery County home of R. Sargent Shriver as "a few brief speeches but most just gawking."

The overwhelming majority of club members—probably well over 90 percent—apparently had no ulterior motives in joining other than to remain in good standing with the party.

A number of high government officials have joined, for example, because larger than usual donations to the party in power have traditionally been expected from those with top-level political appointments.

The President's Club, from its earliest days, has dangled the lure of "special treatment" before its potential members.

Until recently, that phrase has referred primarily to frills from the Democratic party—preferred seating at big fund-raising dinners, a photo album of the President's family, special passes to the 1964 Democratic National Convention and other similar favors.

Similarly, until early this year it was rare to find a contribution in excess of $1,000—the standard "membership fee."

Several months ago, however, President's Club fund-raisers began making preparations for the organization's first big Texas social event since Johnson became President.

An estimated 900 Texans—and the President—attended the 6-hour-long dinner-dance at Houston's Shamrock Hilton Hotel on April 28. Many of them apparently were anxious to continue the Texas tradition of big spending.

The club's financial records show that several dozen Texans contributed two, three and four times the minimum amount requested.

Several gave $5,000, the maximum federal law allows an individual to contribute to any political committee. Some signed up their wives for an additional $5,000.

EXPECTATIONS DIFFER

At about that time word was quietly passed that big donors might find their names on White House invitation lists—not a startling innovation since big contributors to the party in power have traditionally been invited to attend White House social functions. In recent months, a number of President's Club members have attended White House dinners and luncheons.

While the vast majority of President's Club members apparently are satisfied with a once-a-year opportunity to attend a party with the President intermittently receive White House mementos, those who regularly do business with the government—lobbyists, lawyers, consultants—view the club as a means of access to federal officials.

"I don't expect any big favors just because I paid my $1,000, but being able to attend parties with people who are making the decisions does give you a certain access you wouldn't ordinarily have," said one lobbyist.

Another explained: "It (club membership) doesn't open any magic doors, but it's certainly no secret that a lot of business is done over cocktails in Washington and the people who attend these parties are the ones who can help me most."

When the club was organized five years ago by Richard McGuire, then treasurer of the Democratic National Committee, its primary purpose was to help raise money for the party which traditionally had to rely on small contributions.

In the ensuing years, the club became the Democrats' chief source of financial support and during the Kennedy administration it reportedly collected $1,950,000. By the time the 1964 elections rolled around, gifts of $500 or more accounted for 69 percent of all money flowing into the party treasury.

BIG GIFTS ZOOM

In the 1960 election, Republicans had received more than twice as many contributions in excess of $10,000 than the Democrats, but in 1964, Democratic donations from the so-called "fat cat" givers far outnumbered the Republican contributors in the same categories.

In the three months immediately preceding the 1964 election, the President's Club received $2,071,940 and spent $2,057,003, according to its reports.

In the last two months of 1964, the club took in another $660,626 ad spent $673,064. The first nine months of 1965 were lean ones, however, for the club. It reported income of $100,057 and reported expenditures of $70,230.

In the last quarter of that year, income rose significantly, principally because a major effort was made to sign up Washington-area residents prior to the party at Shriver's home. Income during those three months was $278,186, but expenditures also were up considerably. They amounted to $869,008, much of that going to pay off the last debts from the 1964 national campaign.

In the first two months of this year, the club took in $125,600 and spent $26,342. From March through May—the last report on file—the club had $917,253 in income and $342,157 in expenses.

In addition to the income reported by the club, the Democratic National Committee's financial report for the March-May period shows an additional $275,000 from several local President's Clubs.

RAISED $4.2 MILLION

All in all, since August, 1964, which is as far back as records are available for public inspection, the organization has taken in more than $4.2 million and spent more than $4 million.

During the 1964 campaign, much of that money went to state and local Democratic organizations. The next year, the club helped pay many of the party's outstanding campaign debts, including more than $100,000 to four Washington hotels.

Doyle, Dane Bernbach, the New York advertising agency which handled the party's 1964 ad campaign, received $100,000 from the President's Club in 1965 and another $50,000 in 1966.

Other expenditures listed by the club in recent years helped to pay for campaign literature, buttons, badges and similar items.

The importance of the President's Club to the Democratic party fund-raisers is indicated by the fact that during the first quarter of this year the club produced $917,254 in income, compared with $642,553 raised by the Democratic National Committee through other techniques such as the "sustaining membership" program, which requires a $10 minimum contribution, and the "Dollars for Democrats" drive, in which an individual can give as little as $1.

DINNERS CLOSED

President's Club events are closed to the press, but the organization's most recent major party, held in New York a month ago, newsmen were able to overhear Johnson say:

"The Democratic party was $4 million in debt when I took office. Since then, the debt has been reduced to about $1.5 million and a few more dinners like this should put the Democratic party in the black."

An estimated 1,750 persons attended the New York event—actually two separate parties held concurrently at the Waldorf-Astoria and Americana Hotels on June 11.

Earlier this year, a similar function was held in Chicago. The Texas party drew donors not only from that state but from Louisiana, Oklahoma, Arkansas and New Mexico.

When he travelled to the Midwest several weeks ago, Johnson made an appearance before about 200 persons at a President's Club cocktail party in Des Moines.

Vice President Hubert H. Humphrey spoke before a President's Club luncheon in St. Louis last week. That was the trip that set off some Republican sniping because the plane which carried both the Vice President and Donald Turner, assistant attorney general in charge of the antitrust division, to St. Louis was provided by the Anheuser-Busch brewing firm.

House Republicans had questioned whether there was any connection between the Justice Department's dismissal of an antitrust suit against Anheuser-Busch last month and the contributions made to the Club by company officials several weeks earlier.

PARTY POSTPONED

Still another major President's Club party was scheduled early this month in Los Angeles. The event originally was to have been held last fall, but was postponed after more than $300,000 had been collected.

The second postponement came two weeks ago when Johnson decided to pass up a trip to California, reportedly because of concern over stirring up anti-war sentiment.

California Gov. Edmund G. (Pat) Brown is understood to have been relieved over the second postponement because he will need substantial financial support in his race against Republican gubernatorial candidate Ronald Reagan and feared the national party's fund-raising effort would deprive him of as much as $1 million.

At each of the President's Club events Johnson attends, he circulates widely, shakes as many hands as possible and, if the crowd is small enough (as in Des Moines), poses for pictures with each member.

This year's list of more than 800 names is top-heavy with Texans, many of them oilmen. Although Houston, Dallas and Ft. Worth are the most frequently listed cities, there are members from such smaller towns and cities as Midland, Dickinson, Wichita Falls, Waco, Edinburg, Lubbock and Jasper.

Among the big Texas donors are Lloyd M. Bentsen Jr., president of the Lincoln Liberty Life Insurance Co., whose family has given $8,000; Paul F. Barnhart, a Houston oil man who gave $5,000; Alfred W. Negley, a San Antonio rancher, who along with his wife, donated $8,000; and Mrs. Frank W. Sharp, a $5,000 donor and wife of a Houston construction executive.

NON-TEXANS, TOO

Roy Hofheinz of Houston contributed $5,000 and his wife a similar amount. Hofheinz is board chairman and president of the Houston Sports Association and of the Houston Astros Baseball Club.

He is head of the delegation seeking to have the 1968 Democratic National Convention held in Houston's Astrodome stadium.

Non-Texans who recently made big contributions include: New York jeweler Harry Winston, designer of the wedding ring for the President's daughter, Luci, gave $2,500, an amount matched by his wife; Charles Revson, chairman of Revlon, Inc., a $5,000 donor; Paul Manheim and Maurice Newton, both New York investment bankers, $5,000 each; and John W. Overton of Montgomery, Ala., president and general manager of the Turner Insurance & Bonding Co., $5,000, an amount identical to his wife's donation.

In the $1,000 category, well-known political names abound. Among them are Neil Staebler, Democratic National committeeman from Michigan; Indiana Gov. Roger D. Branigan; Detroit Mayor Jerome P. Cavanaugh; New Mexico Gov. Jack Campbell; Tennessee Gov. Frank G. Clement; former Ohio Gov. Michael V. DiSalle; and former Louisiana Democratic National Committeeman Camille Gravel.

Several members of Congress also count themselves among the President's Club members. Included are Senators J. William Fulbright, D-Ark.,— a persistent critic of Johnson's Viet Nam policy—and Clinton P. Anderson, D-N.M., and Reps. Olin Teague, Wright Patman, and Jack Brooks, all Texas Democrats.

Among the high-ranking members of federal agencies who have joined are J. Warren Darling, director of foreign economic affairs for the Defense Department; Leonard H. Marks, director of the U.S. Information Agency; Theodore M. Berry, director of community action programs for the Office of Economic Opportunity; John Harllee, chairman of the Federal Maritime Commission; Bess Abell, social secretary to the President; Eva B. Adams, director of the Bureau of the Mint; Willard Deason, a member of the Interstate Commerce Commission, and Stanley S. Surrey, assistant secretary of the treasury.

AREA MEMBERS

Area politicians also are well represented. Among them are J. Newton Brewer Jr., of Rockville, chairman of the Maryland State Racing Commission; Clive L. DuVal, Democratic candidate for Congress in Northern Virginia's 10th District; Leonard J. Kardy, Montgomery County state's attorney; and Stephen F. Leo, a Fairfax County Democratic leader.

Also included among the lengthy list of President's Club members are at least four men whose names were prominent during the investigation into the business activities of Robert G. (Bobby) Baker, former secretary to the Senate majority. They are Max Karl, Bedford Wynne, Cyrus T. Anderson, and Clinton Murchison, Jr.

Karl was head of the Mortgage Guarantee Insurance Co. of Milwaukee, a company in whose stock Baker and his associates traded heavily.

Anderson was head of Go Travel, a Washington travel agency whose secretary was Baker. Anderson also was Washington lobbyist for Spiegel, Inc., a Chicago mail-order firm whose stock Baker also traded heavily.

Murchison, a wealthy Texas oil man, and Wynne, his associate, were questioned by the Senate Rules Committee in connection with alleged irregularities in the construction of D.C. Stadium.

Also listed as a Club member is J. T. Rutherford, a former Texas congressman defeated in a 1963 bid for reelection after he admitted receiving a $1,500 contribution from Billie Sol Estes and pleading Estes' case before the Agriculture Department.

LOBBYISTS, LAWYERS

Both Anderson and Rutherford have registered as lobbyists, as have several other members of the President's Club, including Lloyd M. Cutler and Oscar L. Chapman, Secretary of the Interior from 1949 to 1953.

Cutler last year registered as a lobbyist for the Bahamas government and for a committee advocating repeal of the excise tax on automobiles. Earlier this year, he registered as a lobbyist for the auto industry during the congressional battle over auto safety regulations.

Chapman's law firm registered last year as lobbyists for the Alaska Pipeline Co. and for a Mexican group interested in liquor legislation.

The club's rolls include a number of lobbyists, lawyers practicing before federal regulatory agencies and "manufacturers representatives."

"There's always the charge that people are buying influence," said Al Mark, information director for the Democratic National Committee. "But we're trying to make sure the club isn't used in that manner at all."

Among those club members in private industry who were surveyed, only one hinted at such a motive. An officer in a large construction firm, he said his company held no government contracts, "but we'd certainly like to have some." Asked if his recent $5,000 contribution to the President's Club might help, he said: "I can't see how it would hurt."

JOHNSON ADMIRER

Andrew G. Haley, head of a large Washington law firm specializing in radio and televison cases, said he joined "for one simple, basic reason—I admire the President's program."

He added: "It doesn't open any doors at the Federal Communications Commission. You don't do things that way. We put in a good application, do things squarely and they give us a break."

Wesley West, a Houston oil producer who, along with his wife, gave $10,000, said he contributed because he has known Johnson since 1937. "I don't have any business in Washington. I have no government contracts and I never want one."

Thomas J. Lynch, a Washington lawyer, said the contribution of $1,000 was only part of "regular participation in party affairs."

A local management consultant, who asked that his name not be used, said his President's Club membership "hasn't opened any doors for me—and I didn't expect it to. I gave to support the President and the Democratic administration."

DROPPING ANTITRUST SUIT IS HIT

Rep. GLENN R. DAVIS, R-Wis. said yesterday he questions the Justice Department's dropping of an antitrust suit against Anheuser-Busch, Inc., while it is "vigorously prosecuting" similar suits involving three smaller Wisconsin-based firms.

DAVIS told Atty. Gen. Nicholas Katzenbach in a letter that the public will have difficulty understanding how the suit against the Anheuser-Busch beer firm was termed a weak one by Katzenbach while the others are apparently strong cases.

Anheuser-Busch, DAVIS pointed out, is the nation's largest beer producer.

The Justice Department, DAVIS said, is taking to the Supreme Court a suit against Schlitz Brewing Co., which attempted to purchase a 39-percent interest in Labatts, a Canadian brewery which owns part of General Brewing Co. in California. He said Schlitz is 15 percent smaller than Anheuser-Busch.

The Justice Department also has pending in Wisconsin federal district court, he said, an antitrust suit attempting to dissolve the merger eight years ago of the Pabst and Blatz brewing companies, whose combined brew, he said, is less than 5 percent of the national beer supply.

A spokesman for the Justice Department, said the case involving the Schlitz Brewing Co. was taken to the Supreme Court on appeal by the companies involved, instead of by the department.

The Justice spokesman also said the Pabst-Blatz case originated under a Republican attorney general in 1959, and is now in the district court in Wisconsin because the government won its case in supreme court and it is up to the lower court to carry out the decree dissolving the merger.

SHIPMENT OF ANIMALS HALTED AT THE 12-MILE ZONE

Mr. DUNCAN of Tennessee. Mr. Speaker, I ask unanimous consent that the gentleman from Nebraska [Mr. CUNNINGHAM] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from Tennessee?

There was no objection.

Mr. CUNNINGHAM. Mr. Speaker, today I have heard some very distressing news. A shipment of wild animals, destined for several American zoos may end in tragedy at the 12-mile limit unless the Secretary of Agriculture takes immediate action. These innocent and lovable animals may be dumped overboard if the vessel carrying them is not allowed to land.

I have written the following letter to the Secretary of Agriculture asking that he take immediate steps to avert this tragedy. The letter to the Secretary follows:

AUGUST 1, 1966.

Hon. ORVILLE L. FREEMAN,
Secretary of Agriculture,
Department of Agriculture,
Washington, D.C.

DEAR MR. SECRETARY: I am writing this letter to you in the urgent hope that your timely intervention might save the lives of 54 innocent wild animals en route from Africa.

I am informed that these animals, including approximately 14 giraffes will be dumped over the side of the ship *Masslloyd* at the 12-mile limit unless you personally intervene to prevent their death. Presently, it is the position of officials in the Department of Agriculture that these animals may not be admitted to the United States due to the inadvertent failure of the animal importers and shipping company to comply with an existing USDA regulation.

As the ship has already sailed from Lisbon, and as the cost of returning to Africa is prohibitive, the failure of the USDA to take some steps to make alternative arrangements will result in the shipping company's having no alternative but to put its entire cargo of beautiful wild animals, destined for a number of zoos across the United States, overboard.

As an animal lover I implore you on behalf of myself and millions of other animal lovers throughout this country to take some steps immediately to prevent the senseless death of these helpless animals.

I repeat, it is imperative that action be taken quickly, as the *Masslloyd* is due to arrive outside of New York some time this weekend. Only your timely intervention can prevent this tragic result.

Sincerely,
GLENN CUNNINGHAM,
Member of Congress.

FREE ELECTIONS IN VIETNAM

The SPEAKER. Under previous order of the House, the gentleman from Wisconsin [Mr. REUSS] is recognized for 40 minutes.

Mr. REUSS. Mr. Speaker, on September 20, a few weeks from now, the United Nations will reconvene in New York. Our representative will appear before that international body to record this country's hopes for peace in the world.

On September 11, a mere 9 days earlier, there will take place, in South Vietnam, an event which will speak to the world more clearly than any possible declaration of America's sincerity in its quest for peace in the world and the self-determination of all countries. That event, of course, is the election scheduled by the present South Vietnamese Government.

The nature of the election on September 11 will do more than demonstrate to the world the degree of American devotion to its announced aims in the struggle still racking that unhappy land. The way in which that election is conducted will also reveal to ourselves, to us Americans, just how seriously we take those aims.

Are we in arms in Asia to insure, as we say, the rights of small nations to determine the form of government and the direction of national evolution for themselves?

Or are we there solely to hold back a Communist threat we regard as directed ultimately at ourselves? And if so, in pursuit of that aim, is the fate of smaller nations unimportant to us so long as they conform to our changing strategy of defense?

THE CENTRAL ISSUE: FREE ELECTIONS

The central issue in the elections of September 11 is whether they will be truly free and honest, an accurate reflection of the mind of the South Vietnam nation, or a mere burlesque of democracy designed and executed to impart the aura of legitimacy to the present Ky regime.

It is important to the future of Vietnam, it is important to the cause of freedom and democracy in the world, it is extremely important to the United States which way the elections turn out. It is also within the power of the United States to influence mightily the outcome of the event. Not, I hasten to add, by our actually taking over the conduct of the elections or even supervising them. For we are, in some sense, interested parties in the election and therefore not the proper referee. But we have a duty to ourselves, to South Vietnam, and to the principles we espouse in international affairs to move swiftly and effectively to secure meaningful and honest international supervision of the electoral process soon to begin.

It is the right and duty of the United States to protest against electoral regulations which will in any way diminish the freedom of choice of the South Vietnamese voter.

So far, progress toward international supervision has been nonexistent.

GENERAL KY'S DECREE AGAINST NEUTRALISTS

So far, in South Vietnam Premier Ky has issued a decree barring from the election all "Communists, pro-Communist neutrals or neutralists whose acts are advantageous to the Communists."

It is obvious that such language, subject to the exclusive interpretation of the government in power, is an instrument ready to hand to that government to make the election not a free expression of the will of the people but an automatic and no doubt overwhelming endorsement of the government in power. It is a pattern with which we are all too familiar in the 20th century and in all parts of the world. It is the corruption of democracy, the pollution of the electoral process. It is the same whether it takes place in an American big city ward, in a "people's democracy," in a Nazi or Fascist country or in a new nation.

So far as has been revealed to the public, there has been no American protest against that arbitrary voter qualification imposed by Premier Ky. There should be such a protest, and it should be immediate and forceful.

So far, too, international supervision of the election remains a romantic dream, very reluctantly acknowledged as vaguely desirable by Premier Ky, very faintly endorsed by the United States.

The South Vietnamese Government—reportedly at American instigation—did indeed invite the United Nations to "witness" the September elections, a process very different from any effective measures to keep the elections free and honest. A bystander may witness a crime, but it is the function of organized law to prevent crime.

Even this ineffectual measure has gotten nowhere. At the first sign of opposition to such action, the United States has reportedly abandoned any effort to obtain U.N. participation.

This combination of a meaningless gesture to start with and the instant abandonment even of such a gesture raises the inevitable question whether anybody's heart was really in it from the beginning.

FREE ELECTIONS ARE DIFFICULT, BUT THERE IS NO SUBSTITUTE FOR THEM

If there are members of the U.S. Government who take a cynical view of the elections in South Vietnam, they should be made aware that they do so to the great peril of the very cause they presumably rank as more important, that of this country's security.

For the underlying justification of the U.S. presence in Vietnam is to insure the right of the Vietnamese to choose their own destiny, insofar as that is ever within the abilities of a people. Insofar as it is, however, our whole history, our most fundamental beliefs and our specific declarations of intent in the world all agree that that aim is best pursued through free elections.

In the midst of war, especially in the midst of the kind of war now being fought in Vietnam, free elections are bound to be difficult.

But their advantages far outweigh their difficulties.

They offer the possibility, obtainable in no other way, of a viable national government commanding the support of a majority of the people and of the main social forces in the nation. Such a government, deriving its powers from the consent of the governed, would have a far better chance than the current military rulers of creating the rural development, the social and governmental reform which must underlie the military effort if peace and stability are to be achieved.

Wiping out oil tanks, mining harbors, even bombing the cities of Haiphong and Hanoi, these measures alone will not prevent Communist success in South Vietnam so long as the country is governed without the consent of the people, by a government chosen by itself.

THE UNITED STATES IS ON RECORD FOR FREE ELECTIONS

Our Government has stated its support for free elections over and over again. In last January's American 14 points, on which an "honorable peace" is to be sought, point 9 declares:

> We support free elections in South Vietnam to give the South Vietnamese a government of their choice.

On May 17, speaking in Chicago, President Johnson said America will continue in Vietnam "until the gallant people of South Vietnam have their own choice of their own government."

On May 27, in a news conference, Secretary of State Rusk said:

> We believe that it is important for them (the South Vietnamese) to proceed with the elections for a Constituent Assembly so that you have a representative group from all sections and all elements in the population, (so that) they can draft a constitution, and move toward that government which Prime Minister Ky in January indicated South Vietnam ought to have—that is a constitutional government based upon popular elections.

The question is, Will the electoral process now being shaped in South Vietnam provide a real choice for the South Vietnamese people? Will it indeed produce a constituent assembly which represents "all sections and all elements of the population"?

As things now stand, with Ky's order against "neutralists" and against those his government feels give help to the Communists by their "neutralist activities," and further with no hint of international supervision, the prospects for such an election are very dim indeed.

PAST VIETNAMESE ELECTIONS HAVE NOT REFLECTED THE FREE WILL OF THE VIETNAMESE PEOPLE

That gloomy prospect is reinforced by a look at recent Vietnamese history in regard to free, honest, and truly representative elections of the kind we want and South Vietnam desperately needs.

Before World War II, what is now South Vietnam was organized as Cochin-China and French Indochina. It elected representatives to the French Parliament. But the franchise was so restricted that only about 5,000 native Vietnamese voted for each Senator and Deputy.

That example was the beginning of modern representative democracy in South Vietnam. Things have not changed notably for the better since.

In January of 1946, "national" parliamentary elections were held—and largely controlled—by the Vietminh. Most of the candidates had Vietminh approval and in many districts there was only one candidate, the Vietminh-approved one. Voting was not secret and where there was an open choice, voting was conducted under the supervision of the Vietminh forces.

At the village level, the Vietminh introduced such "democratic" trappings as "people's councils." They then insisted on holding village elections roughly every 6 weeks until all opposition candidates had been defeated or had dropped out of contention. Once the Vietminh was in power, the frequency of elections dropped markedly.

Thus was an indigenous pattern of elections established which was different from the one imported from France but no more truly representative of the people.

In 1949 Bao-Dai formally assumed power and followed the 1945 precedent of Ho Chi Minh by promising the people a national assembly. This was to be a three-stage affair: the popular election of village and municipal councils, which were to elect provincial councils, which were to elect the national assembly.

The first stage was taken in January and June 1953 in areas still under French control. This included about 25 percent of the territory and 50 percent of the people, yet the franchise was so limited that only a million persons were eligible to vote.

These elections were intended to be honest and to reflect the will of the electorate. The Vietnam expert, Prof. Bernard Fall, summed up:

> The French knew that the elections would go against them, but finally felt that an anti-French but palpably honest election would help their cause more than yet another phony operation. However, political rivalries among the non-Communist Vietnamese finally had the same result. In the North Vietnamese Red River delta, the right-wing governor's Dai-Viet (Great Vietnam) Party managed

> to have only 687 out of 5,861 villages declared as "secure" enough for voting, which immediately raised a storm of protest and resulted in a revision of the village lists. The same problem is likely to arise in any future election in South Vietnam.

Subsequently there were some important political leaders named to provincial councils, but the national assembly was never chosen.

The melancholy record continued under the Diem regime. In 1955 the beleaguered Vietnamese were given the opportunity to choose at the polls between Bao Dai and his prime minister, Ngo Dinh Diem. Diem would easily have won a fair election, but apparently the thought never occurred to him. He used government machinery to produce an all-but-unanimous vote for himself. In Saigon, for instance, Diem managed to attract 605,025 votes from only 450,000 registered voters.

In 1956 and again in 1959, the regime held parliamentary elections. In the first, the non-Communist parties of opposition boycotted the elections, charging that the electoral regulations failed to provide for freedom of opinion, press meetings, and organization. In the second, the Diem government simply refused to allow any of the non-Communist opposition groups to organize for participation in the election.

The government financed the candidates, printed the literature, controlled the advertising, the radio time, the public meetings, everything about the electoral process. The possibilities for manipulation were infinite, and the Diem regime used most of them. A rubber-stamp parliament was returned in both cases.

In some areas the actual balloting and vote count were honest, apparently. In Saigon at any rate, a non-Communist, Harvard-trained, anti-Diem candidate, Dr. Phan Quang Dan, was elected even though 5,000 troops were trucked into his district to vote against him.

When the chips were down, however, Dan and another successful opposition candidate were barred from their seats on trumped-up charges of vote fraud. Dan was imprisoned and tortured in the Saigon zoo.

The next legislative elections took place in 1963, when, according to Professor Fall, "the regime simply invented election statistics," producing a legislature which was "a perfect cross section of the oligarchy which has never ceased to run things in South Vietnam."

Meanwhile, in 1961, Diem was overwhelmingly reelected President against the opposition of two put-up candidates.

From election to election and from area to area, government handling of elections has varied. Reports are sketchy at best. But in general it may be said that the government controlled the participation of political parties; it threatened or cajoled anti-government candidates into withdrawing; it gave favored candidates special help, ranging from advantageous placement of posters to the use of troops as pressure and as actual voters; it used local officials to make it clear to voters, especially in rural areas, who the government was for; less frequently, there was fraud in the vote count and there was the stuffing of ballot boxes.

On May 30, 1965, South Vietnam again voted for local councils and there seems to have been a change in style. The elections were held in all 44 Provinces and the 5 autonomous cities. Of some 4.5 million persons of voting age in the areas under government control, 3.4 million, or 70 percent voted by secret ballot under universal suffrage. The election was apparently honest and fair with no disenfranchising provisions against "Communists or neutralists."

Although government control over all the campaign necessities was maintained as before, the civilian regime of Phan Huy Quat apparently did not tamper with the electoral process. But it should be remembered that the councils elected have slight and ill-defined powers.

PROSPECTS FOR FREE ELECTIONS IN SEPTEMBER ARE NOT PROMISING

Of the upcoming elections in September, we already know a number of discouraging facts:

Gen. Nguyen Cao Ky would much rather not have any elections at all. He has talked vaguely of postponing them to some far-off future time.

Second, the elections are not for a legislature, but for a constituent assembly which will dissolve after drafting a constitution rather than convert itself into a legislature after the 1956 precedent. After the constitution goes into effect, the regime in power is to establish new governmental organs as ordained by the constitution within 3 to 6 months. At that time, too, new elections are to be held for a national legislature.

Third, under present circumstances, the Vietnamese voters will have no opportunity to cast their votes for neutralism and negotiation with the Vietcong if that is their will. It is probable that they will have a choice only among candidates and policies acceptable to the present government.

For in addition to the June 19, 1966, decree of the Ky government barring from the election all "Communists and pro-Communist neutrals or neutralists whose acts are advantageous to the Communists," there is an earlier decree, of May 17, 1965, imposing criminal sanctions on "all moves which weaken the national anti-Communist effort and are harmful to the anti-Communist struggle of the people and the Armed Forces." Likewise condemned are "all plots and actions under the false name of peace and neutrality."

To be blunt, the government is thus able to exclude from the electoral process just about anyone the government does not want in. Such undesirable persons may even be thrown into jail if judged guilty of "plotting" for peace.

In short, General Ky's electoral invitation to the South Vietnamese people, complacently acquiesced in by the United States, is to "come out and vote for me and the policies I am pursuing."

PHONY ELECTIONS WILL ERODE OUR POSITION

Mr. Speaker, if one more set of phony elections takes place in South Vietnam with the appearance of American sponsorship, we are headed for increased turmoil within that unhappy land, and for a continuing loss of support through the world for our position in South Vietnam.

What is needed now above all else is to give the Vietnamese people their first real opportunity to express themselves freely on their future course, and on the crucial issue of peace and war.

The electoral process must be impartial as among candidates and parties.

Candidates must be as free to espouse neutralism and peace negotiations as they are to advocate the Western alliance and expanded warfare. Let the rival policies be put to the test of equal and free competition for the acceptance of the people.

The United States is saving South Vietnam from total collapse and propping up the Ky regime. We therefore can and should demand that the election-rigging decrees be rescinded, that provision be made for a free election that we can publicly support.

This much the United States can do appropriately. What we cannot do is to give the detailed supervision needed to assure that the electoral process is not rigged in the many other ways long practiced in Vietnam.

The United States is an interested party to the elections. For this country to act directly by itself in supervising the South Vietnamese electoral process would carry unmistakable and unacceptable overtones of colonialism.

What we can do, what we ought to do, what we must do, is to take vigorous action now to secure an international overseer.

An international presence on the scene would not only help insure that the elections themselves are free and honest. It would bolster the credibility of the election results throughout the world and in Vietnam itself, where the average voter, quite understandably, may by now be somewhat cynical about elections.

U.N. SUPERVISION OF THE SOUTH VIETNAMESE ELECTION WOULD BE BEST

Certainly the best organization to supervise Vietnam's elections would be the United Nations. The record of the U.N. and of its predecessor, the League of Nations, shows conclusively that internationally supervised elections can be conducted so that honesty, openness, and freedom are guaranteed. This has been demonstrated in at least seven cases over the years.

In 1935, the League carried out a successful and trustworthy referendum on the future of the Saar in the face of an initial campaign of terror and intimidation by Hitler. The League assembled an international force of 3,300 men to assure a free choice for Saarlanders.

The U.N. Trusteeship Council has supervised elections in at least five former trust territories: British Togoland, French Togoland, the Cameroons, Ruanda-Urundi and Western Samoa. In those cases U.N. supervision helped assure the acceptability of election results within the territories and abroad. It created legitimacy, without which no government can long function.

U.N. supervision of elections in Korea is especially relevant, because the United States was involved in war in that country in circumstances somewhat similar to those of our present involvement in South Vietnam.

In May 1948 and again in May 1950, U.N. supervision of Korean elections played a part in obtaining the free expression of the will of the South Korean people.

The United Nations Temporary Commission on Korea—UNTCOK—was established by the General Assembly in 1947 after the United States, as the occupying power in South Korea, submitted the problem of Korean independence to the U.N. over Russian objections.

The mission of UNTCOK was to "observe that the Korean representatives are in fact duly elected by the Korean people and not mere appointees by military authorities in Korea." North Korea, supported by the Soviet Union, refused to permit elections, but with the support of the United States, UNTCOK proceeded with free elections in the South. It oversaw the preparations for elections, toured the country and interviewed candidates. Nine groups visited polling places and witnessed the opening of the ballot boxes. According to one evaluation:

> UNTCOK probably exerted a favorable influence at the time of the elections. The rightists groups under Syngman Rhee, which were sponsoring the election, did not control the Assembly and had to form a coalition in order to obtain a majority. Unquestionably, more groups participated in the election than would have been possible if UNTCOK had been absent. The electoral procedures which UNTCOK had recommended were generally followed and were helpful."

The Temporary Commission was transformed into the United Nations Commission on Korea—UNCOK—"available for observation and consultation in the further development of representative government based on the freely expressed will of the people." Despite the objections of the Rhee government, which maintained that South Korea had all the representative democracy it needed, UNCOK continued to function and was supervising an election in May-June 1950, when North Korea attacked. Its subsequent report clearing the government of charges of malpractice was certainly a factor in maintaining internal stability during the precarious months ahead.

Surely the United Nations can eventually play a similar role in South Vietnam. The Ky government has already invited the U.N. to "witness" the elections, whatever that may mean. The United States, as Ky's patron and supporter, is in a strong position to persuade—indeed, to insist—upon the advantages of asking the U.N. to assume a more extensive and a more meaningful role.

It is apparently true that a Security Council majority is unwilling to approve any U.N. role in the South Vietnamese elections. But if Security Council action were blocked by veto, the United States could appeal to the General Assembly under the Uniting for Peace procedure. We should not hesitate to make the effort merely because there is a chance of failure.

There is much criticism of U.S. policy in Vietnam. We would do well to make an opportunity to answer that before a world forum such as the General Assembly.

BUT TIME PRESENTS AN OBSTACLE

The one serious objection, of course, is time. It would appear to be all but impossible to get an effective United Nations electoral supervision force organized and in the field between now and September 11. The United States should therefore aim its efforts at securing such a force for the promised national elections for a national assembly in South Vietnam, elections due to take place from 3 to 6 months following the September elections of a constituent assembly charged with adopting a constitution.

But all is not lost for September by any means. There does exist the International Control Commission for Vietnam, set up by the Geneva Conference of 1954. The members are Poland, India, and Canada, with India as permanent chairman. Their specific mission is to supervise events in Vietnam with a view to insuring that the will of the people themselves be consulted and that it prevail. Both sides to the conflict in Vietnam have occasionally invoked the name of the Geneva Conference. The ICC is an actual device of that Conference available for use. There is no use more germane to its purposes than the supervision of the September election.

It may be anticipated that Poland, for example, would not wish to involve itself with anything having to do with the "American imperialists." That may be so. Therefore I suggest that this Government immediately approach all three nation-members of the Commission, as individual members, not as a corporate body, and request their participation in the September elections in South Vietnam. We would very likely receive the cooperation of Canada and India; and with that secured, Poland may well come along rather than be left out. The presence of India, especially, as a great Asian nation and as a potential mediating force between East and West, would be effective in the present and a good omen for the future.

THE ICC AS AN ELECTIVE SUPERVISOR

The International Control Commission, Vietnam, would be in a position to supervise elections in South Vietnam, for the following reasons:

First. The ICC, Vietnam, is not subject to the direction or guidance of any continuing body. It was established by the Geneva Agreement on the Cessation of Hostilities in Vietnam, which was signed by the Democratic Republic of Vietnam and the French Union. The ICC, Vietnam, received some guidance in its activities in the final declaration of the Geneva Conference. But the Conference did not provide any additional means of giving policy guidance to the ICC, Vietnam, while the agreement merely provides that the ICC shall inform members of the Conference when the ICC's activities are hindered or when one of the parties fails to put into effect its recommendations. The practice of the ICC, Vietnam, reporting to the cochairmen of the Conference—United Kingdom and U.S.S.R.—and receiving guidance from them, is strictly customary, without any legal standing.

Second. The ICC is not paralyzed by a rule of unanimity. The Geneva agreement provides that the recommendations of the International Commission shall be adopted by a majority vote except that they must be unanimous in cases "concerning violations, or threats of violations, which might lead to a resumption of hostilities." Thus, Poland could not legally block a decision by India and Canada to supervise the elections in South Vietnam.

Third. The supervision of elections in South Vietnam would clearly go beyond the specific duties imposed upon the ICC, Vietnam, by article 36 of the agreement—control of armed forces movements according to the regroupment plan, supervision of the demarcation lines, control of the release of prisoners of war, and supervision of the agreement of the introduction of armed forces, arms, and so forth. However, the agreement envisioned democratic governments. Article 14 calls upon each party to "refrain from any reprisals or discrimination against persons on account of their activities during the hostilities and to guarantee their democratic liberties." The final declaration looked toward the enjoyment by the Vietnamese people of "the fundamental freedoms, guaranteed by democratic institutions established as a result of free general elections by secret ballot." Although this was to have been accomplished through general elections in both the North and South in 1956, it can be argued that the current South Vietnamese elections are a step toward eventual free determination of their fate by the Vietnamese people. Furthermore, the ICC, Vietnam, has concerned itself with the development of democracy in Vietnam at least to the extent of charging the South Vietnamese Government with violations of the provisions on democratic freedoms—presumably article 14—of its seventh interim report.

Fourth. The initial strength of the ICC, Vietnam, was 160 Canadians, 300 Poles, and 500 Indians. Although it is apparently smaller now, it could be quickly built up again. The ICC already has a "political committee," in addition to military and administrative committees, which could undertake the supervision of elections.

Aside from the question of persuading India and Canada to use the ICC to supervise the South Vietnamese elections, there are two problems—neither insuperable—which have confronted the ICC, Vietnam.

The Geneva agreement made no adequate provisions for administrative, logistical, or financial support for the ICC, Vietnam. But surely if there is a will to use the ICC, a financial way can be found.

The South Vietnamese Government, which did not sign the Geneva agreement or participate in the final declaration has shown itself consistently hostile to the ICC, Vietnam. Under the Diem regime a mob sacked the ICC's offices in Saigon. The fourth interim report of the ICC, Vietnam, pointed out its difficulties as a result of the "categorical attitude" of the South Vietnamese Government that it has "not signed the Geneva agreement" and that it was "not legally bound by its provisions and was opposed both to the agreement and the final declaration."

The United States could persuade the Saigon government to take a different view.

KY SHOULD WITHDRAW HIS DECREE

Such, then, is an immediate program for the United States by way of carrying out our own pledges of interest in the will of the people of South Vietnam, and by way of assuring the world that our interest is sincere, that our presence in that distant land is not merely an instance of international power politics.

The program has three parts:

One and at once: Bring pressure to bear upon General Ky to rescind his decree banning electoral participation to those in disagreement with him and his policies;

WE SHOULD INVOKE BOTH THE ICC AND THE U.N.

Two, and also at once: Move to secure the supervision of the International Control Commission by approaches to the individual members, India, chairman, Canada, and Poland, and at the same time move forcefully to secure General Ky's approval of and cosponsorship of this invitation to supervise.

And three, as soon as may be: initiate proceedings in the United Nations, with both the Security Council and the General Assembly, to put representative government in South Vietnam under long-term U.N. supervision and scrutiny, as was done successfully in South Korea.

Only by such action can we hope to convince the world, the Vietnamese, and perhaps even ourselves, of the sincerity of our position in Vietnam.

But more important than the conviction of sincerity is the simple fulfillment of American promises. If we are in Vietnam to assure the freedom of the South Vietnamese to determine their own destiny, it is high time for us to make the first strong move to enable that freedom to express itself.

Mr. PUCINSKI. Mr. Speaker, will the gentleman yield?

Mr. REUSS. I yield to the gentleman from Illinois.

Mr. PUCINSKI. Mr. Speaker, it was my privilege to be in Vietnam a couple of weeks ago, during the Fourth of July recess.

While I appreciate the statement made by the gentleman in the well today, and I respect him for his concern, I must say that judging from the preparations—that other Members of this Chamber and I have witnessed in Vietnam—being made to hold these elections, there is not the slightest doubt in my mind that the elections are going to be fair, as fair as is humanly possible under wartime conditions, and that every possible effort is going to be observed to make sure that a constitutional assembly is elected, which will indeed reflect the will of the electorate, and that that assembly then will proceed to draft a constitution for the return of constitutional civilian government to South Vietnam.

I was very much impressed, and my colleagues who were with me were very much impressed, by the statement made by General Ky, or Premier Ky, as he is now known by virtue of his civilian title, when he expressed his complete confidence that within 6 months after September 11 he fully expects the constitutional assembly to have drafted a constitution which will be acceptable to the people and which will indeed guarantee them the rights for which they are now fighting. Futhermore, he fully expects to have a government elected by the people within the framework of that constitution.

As I say, I respect my colleague from Wisconsin for his remarks today, and I certainly have no question as to his deep sincerity in making sure that everything is being done in Vietnam to assure the highest standards of integrity and democracy in this process.

But I have only one fear, which is that when we try here to prejudge these elections, before they are held on the 11th of September, unfortunately we might unwittingly and innocently be giving those people who would not want those elections to be held a tool with which to work. There are forces, particularly in North Vietnam, which would want to do everything they can to wreck these elections, because they know if these elections are held the people of South Vietnam and of North Vietnam will see that even during a wartime condition, when the very existence of South Vietnam is being threatened by the enemy, the people of South Vietnam, through their officials, are able to move toward the adoption of and the establishment of democratic institutions.

So I do hope my colleague from Wisconsin is going to clarify that point. I know what he is trying to do, and I share with him his strong desire to make sure that everything is done to make these fair and democratic elections. However, I can assure him, having spoken to people there in the last 2 weeks, that indeed everything is done. As a matter of fact, South Vietnam is uniquely well prepared for these elections. I confess I was very surprised to see the extent to which the machinery is now available over there to proceed with a meaningful election of this constitutional assembly. Elections are not foreign or totally new to the people of South Vietnam. They have been holding elections for many, many years and very often under very difficult conditions. So it is my hope we are not going to do anything in this Chamber that is going in any way to complicate or make more difficult what is already at best a very difficult assignment. I have full confidence that on September 11 these elections are going to be held and those people who want to participate in the magnificent experience of a democratic process are going to have that opportunity. There is no question in my mind but what between now and September 11 and on September 11 those who do not want any democratic institutions born in that country are going to do everything humanly possible to wreck those elections and to discredit them and to try to set up a facade which would indeed give the Communists in North Vietnam an excuse for saying, "No. These elections were not fair, they were not honest or they were not meaningful or representative." I do think, though, that we in this country—and I am not suggesting that the gentleman in the well is by any means suggesting that, and I hope he understands it—we in this country must weigh our actions very carefully to make sure we do not do anything that is going to undermine the full respect of the people in this coming election, because indeed this is the turning point. I expect after September 11 when the people of North Vietnam have seen for themselves that indeed what we are fighting for in South Vietnam is to give the people dignity and a voice in their government, that the people of North Vietnam are going to start realizing their present leadership of Ho Chi Minh and all of these other Communists who refuse to come to the bargaining table or the negotiating table are not indeed representing the best interests of North Vietnam but are instead representing their own narrow political interests. I place a great deal of faith in these elections. I am glad that the gentleman brought this subject up. I want to congratulate him, but I also hope that we will get some expression here so that his remarks are not misunderstood. I thank the gentleman for yielding.

Mr. REUSS. Mr. Speaker, I welcome the gentleman's contribution. I recognize that he speaks from the vantagepoint of having very recently been in Vietnam. I also thoroughly agree with the gentleman that the Communists, including those of North Vietnam, are dead set against free elections and would like nothing better than for this election to be a farce or a burlesque. However, the reason I have taken the floor this afternoon is, believing as I do and as the gentleman from Illinois does deeply in the principle of free elections, I am anxious that our Nation may come before the bar of world opinion after those September 11 elections with what is known in the old courts of equity as clean hands. I cannot help but be very uneasy about the fact that here on August 1 the South Vietnamese Saigon Government is going into those September 11 elections with a decree, a law, an ordinance outstanding which bars from participation in those elections those whom Premier Ky chooses to call neutralists. I am also disturbed because as I read in the Wall Street Journal of last Thursday, in a dispatch from Saigon which I have no reason to disbelieve, that Premier Ky served notice if there is anything he does not like about this constitution that is adopted by the constituent assembly as a result of the September 11 election, he will veto or change it and only a two-thirds majority of that constituent assembly will be able to change it back. It is these things which convince me that we have not done what we ought to do to see that we come before the bar of world opinion with clean hands.

Mr. PUCINSKI. Mr. Speaker, will the gentleman yield further?

Mr. REUSS. Yes. I yield again to the gentleman from Illinois.

Mr. PUCINSKI. I do not know what are the sources of the gentleman's information, but I have seen some pretty good examples of some very bad reporting. I have seen good examples of good reporting, too. When we were there we raised this very question. I can tell the gentleman that the assurances were given to us that anyone who was otherwise qualified could vote in this election except that Communists cannot seek a seat in this constitutional assembly.

Now, the important thing was this: Communists will be permitted to vote, if they want to vote in this election. They will be permitted to vote. But the election will not permit members of the Communist Party to seek office.

Now, Mr. Speaker, we have some pretty strict regulations controlling the candidacy of candidates in our own country.

Mr. REUSS. All I am concerned with, if I may point it out to the gentleman from Illinois, is the wording of the June 19, 1966, decree of the Ky government which states that "all Communists and pro-Communists, neutrals or neutralists whose acts are advantageous to the Communists" are barred from the election.

Mr. PUCINSKI. It means, running for office, and does not mean from voting in an election.

Mr. REUSS. That is so, but it seems to me that an election in which the Government bars neutralists from running for office is not one for which we can take any pride before the bar of world opinion.

Mr. Speaker, I would call the gentleman's attention to an earlier decree, of May 17, 1965, of the Ky government which is still in full force and effect—"which weaken the national and anti-Communist effort and are harmful to the anti-Communist people in the Armed Forces."

Likewise, Mr. Speaker, condemned are "all policies and actions under the false name of peace and neutrality."

Now, take those words as you will, they seem to me to spell out to reasonable men throughout the world that this is a "cooked election" in which neutralists and antigovernment people are not permitted to take part.

Mr. Speaker, if there is any verbal dispute between myself and the gentleman from Illinois, why does he reject my suggestion that we get the Ky government to clarify this, if the Ky government's position is what the gentleman infers it to be, based upon his oral conversation with Saigon officials? Then it should be proper to say it in the good, commonsense "Chicago" language which the gentleman knows how to use.

Mr. PUCINSKI. I would join with my colleague because, first of all, I did not indicate any discussion about neutralists, and I would agree with the gentleman that if in the principals per se there is a difference it ought to be corrected. I do not know any reason why neutralists should not be permitted to participate or run for office.

Mr. REUSS. I am delighted to hear the gentleman from Chicago say so, because it narrows to a very small margin any differences that may exist between the gentleman and myself.

Mr. PUCINSKI. As the gentleman knows, it is the policy of our Government, enunciated by the President——

Mr. REUSS. Yes; in the January 4 declaration of this year——

Mr. PUCINSKI. And enunciated by responsible members of our Government, that if and when this new government is elected in a democratic manner in South Vietnam, if that government should in its judgment ask us to leave, we would leave. In other words, we would respect the wishes of this legitimate, bona fide, legal government.

Mr. REUSS. And, therefore, is it not necessary, in order that our words not be a mockery, that we make it clear that we do not relish an election which is closed to political figures which might conceivably take away that very hope that you and I would hope, that the free exchange of the South Vietnamese people were an optimum for our side in the way we look at things? But, since, as the gentleman from Illinois points out, we have made public for many months and stated that we are prepared to sit still for whatever the free and unfettered manifestation of the will of the South Vietnamese will be, and it certainly behooves me, it seems to me, that any laws or decrees to the contrary ought to be repealed right here and now, and not be left on the books until election time.

Mr. PUCINSKI. I might say to my colleague, the gentleman from Wisconsin [Mr. REUSS] that President Johnson has made this point over and over and over again in every quarter of this world where they will listen, that many of these problems could be resolved.

Mr. Speaker, in trying to run an election in wartime, especially the kind of war that we are witnessing in South Vietnam, a war of terrorism and subversion, the kind of war where one does not know who the enemy is because you cannot identify him, during the day he is plowing the fields, and at night he is terrorizing villages—in this kind of war the situation with reference to any election is difficult at best. And, so, President Johnson has so publicly stated—if Ho Chi Minh will pull his troops out and stop his aggression, we can indeed end this hostility, because there is nothing more that America wants than to get out of Vietnam and let these people proceed and have elections and let everyone run for office, because you would not have wartime conditions. You will have an atmosphere conducive to a good election.

But, Mr. Speaker, I must say to the gentleman from Wisconsin [Mr. REUSS], that under present conditions—and I have nothing but the highest admiration for the people of South Vietnam, who, despite this war, are trying to proceed and hold an election.

I think that this speaks well for them. Certainly, it speaks louder than anything they might say, that indeed they hope to see democracy prevail in South Vietnam once the hostilities are ended.

Mr. REUSS. What would speak louder, though, would be the prompt repeal by the government of General Ky of his outstanding legal decree which, in effect, prohibits opposition parties and neutralists from taking part in the election.

But I thank the gentleman from Illinois for a very worthwhile contribution.

U.S. POSTAGE STAMP COMMEMORATES POLISH MILLENNIUM

The SPEAKER pro tempore. Under previous order of the House, the gentleman from Illinois [Mr. PUCINSKI] is recognized for 15 minutes.

Mr. PUCINSKI. Mr. Speaker, this morning in post offices throughout the United States a new 5-cent stamp appeared. The stamp, issued by the U.S. Post Office with the cooperation and suggestion of Postmaster General Lawrence O'Brien, commemorates the 1,000th anniversary of our traditional friend and ally, Poland.

I was very happy to learn last Saturday evening during an inspiring banquet, attended by more than 1,200 people at which the Postmaster was the principal speaker, that 115 million—yes, 115 million of these stamps had been printed for distribution this morning and because of the advance orders for this stamp, the Post Office had to print another 10 million.

In other words, 125 million of these stamps were made available for sale to the general public this morning throughout the United States.

I think that this tremendous response to the United States Poland millennium stamp indicates the warm feeling of friendship that exists between the people of our own country and the people of Poland. A friendship that goes back in America to the year 1610 when Capt. John Smith brought the first group of Polish immigrants to America to man the first factory in this country, the glass works in Jamestown.

Ever since this first group of Polish immigrants arrived, Poles have migrated to this country from many parts of Poland and have made impressive contributions to our development. They enjoy a fine reputation in this country for honesty, integrity, and hard work.

I think that the occasion last Saturday gave Postmaster General O'Brien, and also the president of the Polish American Congress, Mr. Charles Rozmarek, as well as the Right Reverend Bishop Wycislo, auxiliary bishop of Chicago, and many others an opportunity to review the many, many years of friendship between this country and Poland. But more important, it gave us a chance to review the thousandth anniversary of this gallant nation. A 1,000th anniversary that marks 10 centuries of heroic struggle for the freedom and dignity of man.

Postmaster General O'Brien stated it very beautifully, I think, when he said that what President Johnson and the American people are trying to do in Vietnam today is what the Poles have been trying to do for 1,000 years of their history, to prove that the struggle for freedom is a struggle "for your freedom and mine." So I submit that we Americans who have participated in the determination to make this stamp part of the millennium observance can indeed look back today on a marvelous achievement. This little stamp with its red background and its white eagle—yes, the white eagle with the crown of Poland's sovereignty during the past 1,000 years, will carry a message all over this world that the people of the United States respect and indeed dignify the great contribution that the Poles have made during the past 10 centuries.

It was, therefore, Mr. Speaker, with some concern that I read an editorial yesterday in the Washington Post dealing with Poland's millenium.

Mr. Speaker, I yield to no one in my respect for the Washington Post. It has been a source of important and well documented information to me and to other Members of Congress for many years and I have admired the strong position taken by the Post on many controversial issues. It is truly one of America's great newspapers. So I must say with some regret that while the first paragraph of the editorial was in my judgment sound thinking, other parts of the editorial carried an outrageous distortion of historical facts.

The Post was correct when it said that—

> Poland can be justly proud of its millennium. A thousand years of history is an awe-inspiring achievement, when one thinks of the more pretentious powers and civilizations that have come and gone over time. If survival is the test of the strength and legitimacy of a national idea, then the Poles have indubitably passed. It is a tribute to the faith and tenacity of the Polish people that they could have kept a national spirit alive for a thousand years, when the national body was so often broken.

I agree with this, for here the Post quite properly and correctly reflects 10 centuries of heroic struggle by the Poles for the dignity of man.

In our own country, it was the Polish people who made a most significant struggle for human dignity at the very beginning of our Nation.

I said earlier the Poles were brought to America in 1610 to work in a factory, in the glassworks in Jamestown. But for 9 years, because of their immigrant status, they were not permitted to own land or vote in elections. In 1619, the first strike was staged in this country, the first demonstration in America, and it was staged by this handful of brave Polish people, who said, "Unless we have the same rights as others here for dignity and freedom, the right to own property, the right to participate in elections, we refuse to work."

It was not a strike such as we see today for material gains. It was a strike for human gains and social justice. Captain Smith summoned the special session of the House of Burgesses, the legislature of those days, and by resolution gave these Poles the same rights of citizenship enjoyed by every other American on this continent.

The Post is correct therefore, when it says that the Polish people have kept alive the spirit "for a thousand years, when the national body was so often broken."

But the Post errs when it tries to associate the situation in Poland today against the glorious 1,000 years of Poland's history.

The Post says:

> The current Communist government of Poland, which has ruled a mere 22 years, regards its own establishment as "the victorious crowning of ten centuries of our history." It identifies its own rationale as the introduction of socialism.

The Post says further:

> The claim to have brought Poland far toward economic and social justice is fair.

I believe the Post errs when it says the claim is fair. I do not believe that Communist doctrines imposed on the Poles have brought Poland anywhere near to the kind of industrial achievement that the free nations of Europe have enjoyed since the end of World War II. When we consider the situation in Poland—and I was there last December—when we consider the economic situation under a Communist doctrine, and compare it to the advances made in England and France and the Scandinavian countries and in West Germany under a free concept of economy, whatever gains have been made in Poland or in any other country behind the Iron Curtain under communism dwindle into insignificance.

So, with all due respect to the fine men and women who write these editorials for the Post, I must register my dissent, because it is wrong to conclude that Poland has been brought toward economic and social justice. I say this is an unfortunate distortion of the facts.

Furthermore, the Post says:

> Life is still hard there but Poland was one of Europe's most backward countries before the Soviet Army seated a puppet Communist government in 1944.

Is one to conclude that what the Post is saying is that the Poles have gained stature and opportunity only since this present government came in? I say this is also an outrageous attack on the truth. The Poles have been a gallant nation for many, many centuries before the Communists came. If anything, history will show that it is this present philosophy in Poland, which has been imposed upon the people against their will, which has been one of the less productive eras of this nation's glorious history.

Furthermore, the denial to our American cardinals and bishops to go into Poland and participate in millennium activities at Czestochowa, the denial of a passport to Cardinal Wyszynski to come to this country—are these the gains that the Post would have us believe were made under the present Polish Government?

I say the Poles are being held back from advances and progress that could equal or even surpass the progress that has been made in the free nations of Europe today because of artificial restrictions presently imposed on their inherent talents.

Finally, the Post says:

> America can regret that the millennium did not evoke warmer expressions of the two nations' traditional friendship.

The warmer relations did not develop because of anything the United States did or did not do. They failed to develop because it was the Polish Government that refused our bishops admission to Poland to participate in this great religious observance; this rededication to Christianity for Poland.

This Polish millennium is a Christian holiday and the Polish people know that the one catalyst which has held Poland together for 10 centuries has been an unyielding and abiding faith in justice of their religion.

Certainly there are those today who would like to destroy this spirit of the Poles and their religious leaders.

When His Holiness, Pope Paul, indicated he would like to go to Poland to participate in this millennium, the doors were closed. He was told that the political atmosphere was not right.

When our own American bishops and our cardinals wanted to go there, the same excuse was given.

We hope that warmer relations can develop between America and the people of Poland. Our nation continues to work toward that goal.

Finally, Mr. Speaker, the Post says:

> The unnecessary provocative postage stamp which the U.S. issued for the millennium, bearing the emblem of pre-Communist Poland, did nothing to ease a relationship that—we hope—will warm and expand as Poland enters its second thousand years.

I say, Mr. Speaker, that the Postmaster General of the United States, Lawrence O'Brien, one of the closest friends of our late and beloved President Kennedy, has written his own chapter of "Profiles in Courage," when he issued this stamp. He had the courage, against great pressures, to depict a symbol of a free Poland, a Poland which has existed for 1,000 years, and to ignore the protestations of a government which has been there for only 22 years.

This beautiful stamp, which went on sale today throughout America—the 125 million missiles of friendship between America and the people of Poland—is going to carry the message of the glory of Poland for 1,000 years—of a Christian Poland, a Poland respecting God as the maker of man, and not a Poland dedicated to the atheistic and false doctrine of those who now rule this country.

Mr. Speaker, the Post errs in criticizing or chastising anyone for issuing an "unnecessarily provocative postage stamp."

Yes; this stamp is going to carry a message to every corner of the world, but it is going to be a message of a Poland steeped in the tradition of freedom and human dignity for 10 centuries.

The Poles are a hardy people, and I have no doubt that when the final chapter of Poland's millennium is written, it will be freedom that will survive, a freedom that has been carved out by 1,000 years of dedications to social justice.

It has never been my purpose to try to tell a newspaper what to write but I submit, Mr. Speaker, the Post would have been more timely in its tribute to Poland's millennium if it had devoted some of its space to Postmaster General O'Brien's excellent speech delivered last Saturday at the Park Sheraton Hotel at the first day ceremony for the Polish millennium stamp.

This was a memorable ceremony. I should like to include the inspiring remarks by Postmaster General O'Brien in the RECORD today.

The millions of people who have learned to respect Poland's unyielding struggle against all forms of tyranny owe a debt of gratitude to Mr. O'Brien for his decision to issue this historic stamp in honor of Poland's 1,000th anniversary.

I am aware of the efforts that have been made to deter the Postmaster from issuing this millennium stamp.

I am also aware of the threats that have been made to ban this stamp from Poland in its present form.

Mr. O'Brien's speech captured the hearts of all those assembled at Saturday's banquet.

Mr. O'Brien's truly inspiring speech follows:

ADDRESS BY POSTMASTER GENERAL LAWRENCE F. O'BRIEN AT THE FIRST DAY CEREMONY FOR THE POLISH MILLENNIUM STAMP, SHERATON PARK HOTEL, WASHINGTON, D.C., JULY 30, 1966

I am delighted to be with you here tonight and to bring to you, who represent the leadership of Americans of Polish descent, the personal greetings of President Lyndon B. Johnson. The President asked me to say to you that in marking this year of Poland's millennium we are actually marking one of the great sources of man's aspiration to be free and independent.

There are several reasons why this evening has special meaning for me, and why I feel particularly moved by this most impressive display of unity in spirit and purpose.

First, my parents came from a land which, like Poland, has both yearned and fought for freedom through many centuries. Both Poland and Ireland regained their national identity after World War I; Poland in 1918, Ireland three years later. We share a common memory of the denial of freedom, and having tasted the bitter hunger, we know the value of freedom.

Second, through my brother-in-law, Judge Frank Placzek, I am united by family ties to the Polish community.

Third, I am carrying on the work of an American son of Poland, a great Postmaster General, a man who made significant contributions to our mail service, and is now carrying out the difficult and delicate task of representing our country in Warsaw during these trying times: my good friend Ambassador John Gronouski. And I don't believe I am violating President Johnson's confidence if I tell you that he has often told me how pleased he is at the extraordinary job being done by John Gronouski.

We Americans can join in many ways with the brave and proud people of Poland in celebrating one thousand years of identity as a Christian nation, one thousand unbroken years of tradition, one thousand years of a people who refused to bend their knees to toil and to trouble and to tribulation and to totalitarianism . . . but who always bent their knees to God.

One of the ways we Americans can mark this great day in world history—not just Poland's history—is by the issuance of a postage stamp. This stamp, which seeks to honor Poland's thousand year bond with the Western World, was the result of a widespread sentiment on the part of the American people, of all nationalities and all political parties. It stirred up great support here in the United States.

Let me say this about the Millennium Commemorative Stamp—it is a proud and noble design, fitting to honor a proud and noble people—and I am delighted that it has been issued by the United States Post Office Department!

In retrospect, I suppose the safest kind of postage stamp would have been a blank one with a color it yourself kit, but I know that the Polish people understand that the motivation behind this stamp had nothing to do with international politics and everything to do with admiration for them, their culture, their bravery, their contributions to America, and to world culture and their constant refusal to permit a love of freedom to be crushed by the heel of tyranny.

There are yet other ways by which we Americans were prepared to join in this millennium celebration. Certainly we were looking forward with great anticipation to the visit of Cardinal Wyszynski, but that hope has now been dashed by the refusal of his government to grant a passport to this great Churchman and distinguished patriot.

Many Americans, religious leaders and people from all walks of life, were hoping to join with His Holiness the Pope and tens of thousands from other nations and to make the pilgrimage to the great shrines of Poland's thousand years of religious and national history—and they, too, have seen the iron curtain of suspicion and animosity slam down to bar their path.

Of course, certain quarters would have us feel that the Polish people do not welcome our friendship. Recently, there have been three "spontaneous" demonstrations at our Embassy. These were unusual "spontaneous" demonstrations—in fact, I believe that is the first time in history that a "spontaneous" demonstration included the presence of a film crew who managed to get there ahead of the demonstrators. It was the first time that a "spontaneous" demonstration included professionally printed banners. And I do believe there is another first for a "spontaneous" demonstration—the leaders of the mob came equipped with portable loudspeakers.

Let us, in fact, hope that this cloud will soon pass away. It cannot hide from the American people the constantly shining sun of friendship that exists with the people of Poland.

But let us not dwell on the shadows and ignore the sunlight of the celebration of Poland's heritage.

I am told that the great glacial icecap in Greenland is of deep interest to scientists because the ice there consists of water several thousand years old. By removing cores from that icecap, it is possible to test that ancient water and learn much about the world as it once was, to discover trends in climate, to find out how our atmosphere is changing and, for example, the degree of pollution today compared with a hundred or a thousand years ago. All this is very important to those who wish to know more about the spinning globe on which we live.

Well, Poland's thousand year history is to me like that icecap. We can remove a core that passes all the way back to 966, and examine it closely, asking ourselves the question: "Why is it that this people, with no natural barriers to protect them against hostile forces that surrounded them, were able to survive? Why were they able to make enormous contributions to the world as well as survive?" Or, going back to our analogy with the glacier, "Why did this people remain rock solid in the face of terrible adversity, when other peoples have melted away, to be absorbed in the sands of the past?" Poland, too, can tell us much about the human family that inhabits this spinning globe.

Let us look at this thousand year core into the heart of man's history.

I think perhaps the two most outstanding and striking facts we see in that core are Poland's commitment to religion and Poland's commitment to brotherhood.

These facts, of course, are closely related, for it is from the deep religious sentiment of the Polish people, that they gain their understanding that we are all creatures of a Supreme Being.

But equally important, for an understanding of human history, is that Poland has not permitted this sentiment of brotherhood to be enshrined alone in books or words, a kind of theoretical ritual. Not at all. And this is where we come to the real essence of Poland's history. For Poland has a national motto that sums up this element of the national character: "Za Wasza Wolnosc i Nasza"—for your freedom and ours.

Following the dictates of that motto, which I believe must be engraved in the heart of every real Pole, you have again and again defeated the enemies of freedom, you have again and again achieved your national identity after being overwhelmed by superior material force, and you have again and again lent your courage and your fierce spirit to the cause of freedom elsewhere.

Certainly, this was reflected in our own struggle for liberty. As President Johnson said, "The same spark of freedom that flared into the American Revolution also burned in the hearts of the Polish people. Our Revolution was theirs, and to these shores, to help in our struggle, came two great champions of liberty, Tadeusz Kosciuszko and Kazimierz Pulaski." You have somehow been blessed with the clear understanding that freedom is invisible, and that no man's freedom is an island. This understanding comes to few peoples and few nations. It is a heritage without price, to be cherished and guarded.

This view, which is yours by nature and by tradition, is one that we in the United States must understand, not only that we may see the importance of the Millennium, but also because we may better understand the course, the present course, of our own foreign policy.

For those who ask, "Why are we in Vietnam?", I would tell them, that the United States has discovered on a thousand battlefields that there is no other policy but that of the Poles—"for your freedom and ours."

We are in Vietnam because powerful forces decided they could take over South Vietnam by force of arms. We are there because we want it plainly understood that aggression does not pay. We are there because, just as we showed in Korea that aggression through conventional war does not pay, just as we showed in the confrontation over the missiles in Cuba, that nuclear war would not pay; we are now showing in the jungles of Vietnam that guerrilla type subversion and terror tactics also do not pay.

President Johnson is committed to the task of driving this lesson home.

He has said again and again that our only aim is a peace based on an end to aggression.

There is no doubt in my mind that he will gain this aim. It may take many months or years of continued struggle—depending on whether the aggressors understand that we are fully committed to seeing this fight through.

In the Post Office Department we have a proud tradition that neither snow nor rain nor heat nor gloom of night will stop us from delivering the mail. Well, that spirit is not confined to the Post Office Department. It is a national trait, a "can do" spirit that has served us well in creating the most powerful nation in the world. And that same spirit will bring peace in Vietnam—for neither heat nor enemy threats nor domestic dissent nor Communist bluster will deter us from doing in Vietnam what must be done. And the sooner the enemy understands this the better he will be.

And I mean "better"—for the only war the United States seeks now or at any time is a war against man's oldest enemies of sickness and poverty of mind and body. Given peace in Asia, given Communist acceptance of the failure of this form of warfare, we can enter an unprecedented period of world cooperation. We can extend the helping hand in Asia and in Eastern Europe. No longer will the leaders of unfriendly regimes be able to use Vietnam as an excuse to dam up the stream of popular approval of democracy and the principles for which the free world stands.

Once our enemies, or more precisely those who make themselves our enemies, see the futility of their efforts and the fighting stops in Vietnam, I believe, as the President fully believes, that the world can enter an unprecedented period of prosperity. As President Johnson told the Australian Prime Minister, "We feel a new sense of fellowship and common destiny emerging in Asia." And may I add, this sense of fellowship certainly exists among the people in Eastern Europe, a fact brilliantly reflected by Cardinal Wyszynski's famous letter to the German bishops inviting them to join, in the spirit of reconciliation, in the ecclesiastical celebrations of the Polish millennium.

But, my friends, that sense of fellowship and common destiny, that joint effort to build, which I know is just over the horizon, will not come to pass for many years, if indeed it ever comes to pass at all, if we show ourselves weak in the face of aggression, if we show ourselves unconcerned about the freedom of others.

We must show the world that we are determined to see to a successful conclusion our fight for freedom in Vietnam—for, if we do not, we certainly cannot provide hope to those, in Warsaw or wherever they may be, who still hope for full achievement of freedom themselves.

To achieve this end, we must show that we are united behind the President's policy of fearless resistance to aggression.

As our President strives to convince the aggressors that this final form of warfare must be abandoned, we must not permit anyone to believe that his policy is a minority policy, that his policy resembles the foreign policy of so many Communist nations, where the people's wishes play no part. Let us end any delusion, any war prolonging delusion, by showing the President in unmistakable fashion that he has your support as well as your prayers in these trying times. If the Polish-American community responds, as I know it will, to the challenge that faces us, you will be making one more of your many contributions to a better world, a world good enough to deserve the many contributions made by your forebears during the last 1000 years.

OUR NATION'S ECONOMIC POLICY—DR. ARTHUR F. BURNS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Wisconsin [Mr. LAIRD] is recognized for 10 minutes.

Mr. LAIRD. Mr. Speaker, on July 20, 1966, the Republican Members of the House of Representatives had the privilege of meeting with one of the Nations most distinguished economists, Dr. Arthur F. Burns. On that occasion Dr. Burns delivered an address analyzing the economic policy of the administration and recommending certain changes of policy to cope with the serious problem of inflation. I shall insert the text of this address in the RECORD at the conclusion of my remarks.

Dr. Burns is a distinguished economist who served as Chairman of the Council of Economic Advisers from 1953 to 1956. He is currently president of the National Bureau of Economic Research and professor of economics at Columbia University.

I commend Dr. Burns' remarks to the attention of my colleagues as the best brief analysis of recent economic policy and current economic problems that I have seen.

I call attention particularly to the following passage in Dr. Burns' speech:

> In all countries and throughout the ages it has been common practice of governments, when prices rose materially, to point the finger of blame at tradesmen or at industrialists or, in recent times, at trade union leaders as well, and to call them irresponsible and greedy. In a time of war still another epithet is frequently hurled at private groups; they are then described as unpatriotic.
>
> Very rarely does any government have the courage to blame its own management of finances or its own failure to keep a tight rein on the money supply.
>
> Our government, as I have indicated, was much too slow in recognizing the inflationary pressures that its monetary and fiscal policies were causing.

Dr. Burns is critical of the administration not only for feeding the fires of inflation by its monetary and fiscal policy but also for its juggling of the 1967 budget in an effort to make it appear less inflationary than it really is.

Dr. Burns concludes:

> The Administration's tolerance of deficit financing and easy money served to release the forces of a new inflation.
>
> This inflation has already eroded many billions of dollars of the people's savings. Beyond that, it has recently fostered economic imbalances that may spell trouble.

The imbalances which he accuses the administration of fostering are the deterioration in our balance of payments, inflated capital expenditures, the sharp rise in interest rates, and the decline in real wages.

This last imbalance is the basic cause of the current stoppage in airline service. The administration has been paying lip service to its wage guidelines to set a 3.2-percent increase as the maximum. As Dr. Burns observes:

> If the Administration's guideline for wages, which calls for an increase of 3.2 per cent this year, makes any sense at all, it does so on the assumption of a stable price level. But when the cost of living is rising 4 per cent a year, a 3.2 per cent increase in the hourly real wage will require an increase of over 7 per cent in money wages.

In the current airline strike the administration approved a wage settlement far in excess of its guidelines. That settlement has now been rejected.

The administration's argument for approving wage increases in excess of 3.2 percent is that the productivity of workers for the airlines has increased at a higher rate than the productivity of workers generally. This justification is an abandonment of the guideline concept presented by the Council of Economic Advisers in January of this year. At that time the Council said:

> The general guidepost for wages is that the annual rate of increase of total employee compensation (wages and fringe benefits) per man-hour worked should equal the national trend rate of increase in output per man-hour.

The guidelines, thus defined, are based not on the productivity of any individual enterprise but on the national rate of increase.

When the administration changes its rules in the middle of the game its credibility is seriously affected and the process of bargaining between labor and management becomes confused. If the administration is going to attempt to set rules governing such bargaining, labor and management have the right to know what the rules are. It is bad to have constant Government intervention in the bargaining process. When this intervention is capricious, when the rules are changed by Government from day to day, Government intervention becomes intolerable.

The fact that the guidelines have now taken on an Alice in Wonderland character—meaning quite different things in July from what they meant in January—is good reason for following the recommendations of Dr. Burns that "we should give up the guidelines."

The address by Dr. Arthur F. Burns referred to above follows:

REMARKS BY ARTHUR F. BURNS, AT THE BREAKFAST MEETING OF THE REPUBLICAN CONFERENCE OF THE HOUSE OF REPRESENTATIVES, WASHINGTON, D.C., JULY 20, 1966

As you well know, our economy viewed as a whole is now highly prosperous. The economic advance which commenced in February of 1961 is still continuing.

Considerable economic gains have been achieved since then. The real Gross National Product—that is, the nation's total output expressed in constant prices—has risen at an average annual rate of a little over 5½ per cent. Employment has risen 7 million. Unemployment has declined from about 7 per cent to 4 per cent. And the standard of living of our people has risen significantly.

Nevertheless, our nation now faces difficult economic problems. For inflation is no longer a mere threat; it has become a reality.

In order to see the current state of our economy in perspective, it is necessary to appraise the role of governmental policy in the great economic advance of recent years. I attach special importance to four factors.

In the first place, the Federal government used extensively its fiscal power to stimulate private activity. An expansionist or liberal fiscal policy means that the government puts more money into the economy than it takes out. This has been our practice since early 1961.

During the entire course of this expansion, the Federal cash budget has shown a deficit—year after year and, practically speaking, quarter after quarter. This experience is quite different from earlier post-war expansions, when surpluses were interspersed with deficits. The cumulative deficit has therefore been climbing since early 1961 and already amounts to about $30 billion.

There can be no doubt that the deficit financing which has been practiced since 1961 helped to expand the aggregate demand for goods and services, and that it thereby contributed for a time to the expansion of output and employment.

In the second place, monetary policy gave strong support to the liberal fiscal policy of the past few years. Throughout this expansion, bank credit—that is, the sum of loans and investments of commercial banks—has risen at an annual rate of close to 8 or 9 per cent. In the earlier post-war expansions, the growth of bank credit was much smaller and it tended to slow down after a year or two.

The rate of growth of the money supply has likewise been higher and steadier since 1961 than in the preceding expansions.

To be sure, short-term market rates of interest were permitted by the monetary authorities to rise in order to support our precarious balance of payments. However, the interest rates that matter most for the health of the domestic economy remained at moderate levels until the midde of 1965.

As late as July 1965 the yield on high-grade corporate bonds was still the same as at the bottom of the 1960–1961 recession. And some highly important interest rates—for example, on mortgages, on municipal bonds, and on lower grade corporate bonds—were actually below the minimum reached during the recession.

Again, there can be no doubt that the moderately low interest rates and the ready availability of credit, which ruled until recently, served to expand aggregate demand and thereby stimulated larger production and employment.

Clearly, I have no wish to minimize the role of the liberal monetary and fiscal policy of recent years. But I am inclined to stress even more a third factor—viz., the re-direction of economic policy that began around the middle of 1962.

During the first year of the expansion—that is, from the first quarter of 1961 to the first quarter of 1962—Federal spending rose very sharply. Consumer spending also increased materially. So, too, did investment by business firms in inventories. However, business investment in fixed capital remained very sluggish. And although unemployment diminished, its rate of decline was abnormally slow.

In spite of the vigorous monetary and fiscal stimuli that were being applied by the government, business investment in fixed capital remained low. This sluggishness of capital investment retarded the forces of expansion, and it soon became clear that the recovery of the economy was not proceeding satisfactorily.

The main reason for the sluggishness of business investment in fixed capital was, I think, uncertainty on the part of businessmen concerning the direction of the economic policies of the new Administration.

Some businessmen feared that the increase of governmental spending would be followed by an increase of taxes on corporations and on upper income groups. Others feared that trade unions would soon become bolder in their demands for higher wages and larger fringe benefits. Still others feared that direct controls of prices might be undertaken by the government in order to check the inflationary pressures that resulted from its monetary and fiscal policies.

These fears of the business community reached a climax in April 1962, when President Kennedy moved sternly to force the steel companies to rescind the price increase that they had just posted. Businessmen reasoned that if the government could move against the steel industry today, it might move next against the automobile industry or the chemical industry or any other.

With confidence shaken, the stock market reacted violently and prices of common stocks experienced their greatest decline of the post-war period. Also, orders for machinery, equipment, and other goods began to decline; so too did private borrowing in general.

It began to look around June and July 1962 as if another recession was in the making. Fortunately, a recession was forestalled.

President Kennedy recognized at once that the government's handling of the steel problem had disturbed and estranged the business community and that it was essential to restore confidence. The President, therefore, embarked promptly on an extensive speaking program in the course of which he stressed the importance of maintaining free markets. He also stressed his belief in the need for higher profits to energize busines, to stimulate investment, and thus accelerate the growth of the economy.

The President was realistic enough to recognize that verbal reassurances alone would not suffice in the circumstances and that concrete actions were required to restore confidence in the business community. The President reached the momentous decision, therefore, that the time had come to depart from the traditional policy of the Democratic Party of favoring consumption over investment.

In accord with the new resolve to create a better business climate, the President took three major steps.

First, he persuaded the Congress to adopt an investment tax credit; that is, to pass legislation providing for a cut in income taxes to businessmen to the extent that they undertook new investments in machinery and equipment.

Second, he authorized the Secretary of the Treasury to liberalize the tax treatment of depreciation. The result of this reform again was to reduce the income taxes that had to be paid currently by businessmen.

Third, and most important of all, he announced in August 1962 that he would ask the Congress at the beginning of the next session to adopt a large and sweeping reduction of income taxes—a reduction that would apply to corporations as well as to individuals, and to individuals in the upper and middle income brackets as well as to low income recipients.

This new emphasis of the Federal government on the need to create a better climate for business enterprise, this new emphasis of government economic policy on investment, this fresh departure of the Administration from the traditional philosophy of the Democratic Party—all this had a strongly beneficial effect on the psychology and planning of businessmen and investors. By the end of 1962, business orders for new machinery and business contracts for new construction of commercial and industrial buildings began rising once again. Fears of an early recession soon vanished.

Although the sweeping reduction of income tax rates did not become law until March 1964, more and more citizens became convinced during 1963 that Congress would choose tax reduction rather than larger spending as the road to a bigger and more progressive economy. Throughout 1963 the growing expectation of an early tax cut therefore stimulated many consumers to spend more boldly. It also encouraged business firms to undertake larger investments in new plant and equipment.

After President Kennedy met with tragedy in November 1963, Mr. Johnson announced promptly that he would continue the new policy of encouraging enterprise and investment. President Johnson made good on his promise by requesting the Congress to reduce excise taxes, by further reform of depreciation provisions, and by taking various other steps that served to maintain business confidence.

What I have tried to convey to you is that the new attitude of government toward business enterprise—particularly the new emphasis of fiscal policy on tax reduction rather than on larger governmental spending—had a very powerful effect on economic activity. In other words, it was not merely a liberal fiscal and monetary policy, but the specific form that fiscal policy took, beginning in 1962, that was so effective in invigorating the nation's economic life.

I now want to comment on the fourth major factor in the current expansion, which also has not received the attention it deserves; namely, the role of market prices and wages.

As late as 1964 the average level of wholesale prices in the United States was still the same as in 1958, 1959, and 1960, and labor costs per unit of output in manufacturing were actually a trifle lower. In this environment of stability in costs and prices, which ruled until 1964, there was no reason for businessmen to accumulate inventories as a hedge against inflation. In this environment of stability there was no incentive to over-build industrial plants or to over-invest in machinery as a protection against higher costs of construction or of equipment in the future.

The relative stability of prices thus prevented the development of any serious imbalance between inventories and sales, or between industrial capacity and actual production, or between prices and unit costs of production.

In the absence of these imbalances, the economy moved forward steadily. Not only that, but the stability of our price level—at a time when much of the rest of the world was practicing inflation—greatly stimulated our exports and thus checked further deterioration in our international financial position.

The price stability that we enjoyed from 1958 until 1964 certainly cannot be attributed to the Administration's guidelines for prices and wages. These guidelines were not announced until 1962, and their ineffectiveness has been amply demonstrated during the past year.

The basic reason why prices remained so stable from 1958 to 1964 was the existence of slack in industrial capacity and in the labor market. This slack in turn was largely caused by the restrictive monetary and fiscal policy that our government pursued in the closing months of 1958 and throughout 1959 in order to quiet the doubts that had arisen in financial circles—both here and abroad—about the ability of the United States to protect the external value of the dollar.

I thought in 1959, and I still think, that the Eisenhower Administration carried the restrictive measures too far. However, the policy of the Eisenhower Administration did put pressure on businessmen to economize on costs, it did succeed in routing an inflationary psychology, and it thus laid the foundation for the economic prosperity that we have been enjoying.

Unhappily, this precious inheritance of price stability has now been lost. Today, the level of wholesale prices is 6 per cent higher than it was two years ago. The consumer price index has lately been climbing at an accelerated pace. The like is true of wages which are now also rising faster than industrial productivity.

Thus the price stability that we had for a number of remarkable years is already a thing of the past. And the reason it has been lost is quite clear: While the present Administration developed a reasonably coherent and effective policy for stimulating production and employment, it failed to develop an effective policy for restraining the expansion of monetary demand once the slack of industrial capacity and unemployment were largely eliminated.

The new inflation that we are experiencing did not come suddenly. There were many warnings.

Thus, prices of raw materials began rising in spirited fashion as early as the fall of 1963.

By the summer of 1964 the average level of all wholesale prices was already advancing.

By the fall of 1964 a sharp rise had already occurred in the number of businesses reporting slower deliveries.

Toward the end of 1964 the unemployment rate for married men—who constitute, of course, the more skilled and experienced part of the labor force—had dropped to 2½ per cent, that is, to the level that ruled during the great boom of 1956 and 1957.

By early 1965 the length of the work week in manufacturing was already at or above the level reached during the Korean War.

All these were signs of increasing strain on the nation's resources; but they were either overlooked or explained away. Not only that, but a great new wave of governmental spending got under way.

Over an eighteen month period—that is, from the third quarter of 1963 to the first quarter of 1965—the Federal spending followed a horizontal course in keeping with the preamble of the Revenue Act of 1964. This fine preamble, as you may recall, was composed by Congressman WILBUR MILLS.

But the period of stability in Federal spending proved brief. The curve of governmental spending started moving sharply upward once again in the spring of 1965. Federal cash expenditures rose 15 billion dollars in fiscal year 1966. About half of this increase was accounted for by our larger involvement in Vietnam, and the other half by new or larger domestic programs pushed by the Administration.

Thus, a huge increase in Federal spending took place precisely at the time when governmental spending on domestic programs should have been restrained to help finance the larger military outlays abroad; or if a cutback in civilian expenditure was not feasible, then taxes should have been raised.

This, however, did not happen. Instead, the outpouring of Federal money for defense and welfare programs worked its way through the economy at a time when the existing monetary demand was already straining the nation's physical resources. The increase in governmental spending stimulated, of course, private spending. With sales and profits rising rapidly and the prospect of higher taxes dim, business capital expenditures began to boom.

The increase in both private and governmental spending in turn was accompanied by huge borrowing. The growth of total debt, both public and private, last year amounted to about $90 billion. Commercial banks alone expanded their loans by $25 billion, in contrast to an average increase of about $15 billion during the preceding three years.

This great expansion of lending by commercial banks was made possible by our monetary authorities who kept pumping reserves into the commercial banks. Indeed, the banks were so well suplied with reserves that they were able last year to increase their investment in securities besides adding to their loans at a lavish rate.

But when banks add to their loans and investments the money supply goes up. Demand deposits plus currency in public circulation rose at an annual rate of 7 percent during the second half of last year, in contrast to something less than 4 percent during the preceding two or three years. Experience teaches that when money is once created on an abundant scale, it has a habit of going places.

In all countries and throughout the ages it has been a common practice of governments, when prices rose materially, to point the finger of blame at tradesmen or at industrialists or, in recent times, at trade union leaders as well, and to call them irresponsible and greedy. In a time of war still another epithet is frequently hurled at private groups; they are then described as unpatriotic.

Very rarely does any government have the courage to blame its own management of finances or its own failure to keep a tight rein on the money supply.

Our government, as I have indicated, was much too slow in recognizing the inflationary pressures that its monetary and fiscal policies were causing. As late as last December the President and his advisers resisted the attempt by the Federal Reserve Board to raise the discount rate.

Several weeks later, to be sure, the Administration recognized that some restraint on the expansion of demand was necessary. The President, therefore, proposed a speeding up of income tax payments and a restoration of some excises to their previous level. The President also announced that a balanced budget was now needed and he presented a budget that was arithmetically balanced on a cash basis.

However, it is already clear that the expenditures estimated by the President's budget for this fiscal year will be significantly exceeded. In fact, on the very day that the President's budget was presented, the balance was fragile and dubious from an economic viewpoint; that is to say, the restraining influence on the revenue side of the budget by no means matched the expansive influence of the expenditure side.

Thus the budget showed revenue of $1.6 billion from seigniorage—which is essentially a monopoly profit derived by the government from the manufacture of coins. This item of revenue can do nothing to restrain private expenditure.

Again, the budget showed revenue of $3.6 billion from a speeding-up of tax payments. But paying taxes a little sooner does not add anything to anyone's basic tax burden. Very few corporations are now reducing their spending on plant and equipment merely because their tax payments are accelerated. To the extent that they are short of cash, they are raising funds by selling securities or borrowing, thereby increasing tightness in our credit markets.

Furthermore, the budget listed revenue of $4.7 billion from the sale of financial assets and another $1.1 billion from the sale of physical assets owned by the Federal government. To the extent that the disposition of these assets is flananced directly or indirectly by the banks, there is again no restriction at all on private spending.

I have said enough to indicate how the Administration's tolerance of deficit financing and easy money served to release the forces of a new inflation.

This inflation has already eroded many billions of dollars of the people's savings. Beyond that, it has recently fostered economic imbalances that may spell trouble.

One sign of recent imbalance is the renewed deterioration in our balance of payments. With the domestic economy roaring, imports have been rising sharply while exports have become somewhat sluggish. In 1964 we had a surplus on merchandise trade of $7 billion. In 1965 our export surplus was only $5.2 billion. This year our export surplus may fall to $4 billion or even lower.

Worse still, this decline in the export surplus comes at a time when the war in Vietnam is causing an additional heavy drain on our balance of payments. Sizable dollar balances have recently been built up in Asian counties as a result of our troop movements and procurement of supplies. Although these countries would rather have dollars than gold, this will not help us very long. As they draw their dollar balances, the dollars will move increasingly into European countries, so that next year we are likely to lose a considerable amount of gold to Europe.

A second sign of imbalance in our economy is the extraordinary boom in business capital expenditures. This boom is adding to inflationary pressures currently and it may well lead to excess capacity and unemployment in the future.

For several years after 1961 the physical output of equipment and the physical output of consumer goods traced out a parallel course. Thus the index of output of equipment stood at 120 in 1962, and the index of output of consumer goods was the same. In 1963 the first index was 124 and the second 125. In 1964 both indexes stood at 132.

As late as March 1965 the production of consumer goods and of equipment kept in step with one another; the two indexes then stood at 140. But six months later, that is, in September 1965, these two branches of production were already far apart. While the index of consumer goods moved only to 141, the index of equipment moved to 149; thus a gap of 8 points opened up. In more recent months this gap has progressively widened and is now approximately 25 points.

Clearly, the expansion of business capital investment is proceeding at a rate that cannot be sustained.

A third sign of imbalance in our economy is the sharp rise of interest rates in recent months. In fact, interest rates are now higher than they have been any time during the past 30 or 40 years. For example, the yield on long-term Treasury bonds is higher than it has been at any time since 1920, while commercial paper rates are higher than they have been at any time since 1929.

The sharp rise that has recently occurred in interest rates does not signify, as is commonly claimed, that the supply of credit is being severely restricted. On the contrary, bank credit in the first six months of this year rose at an annual rate of 8.3 per cent, which is a very high rate of increase relative to the growth of the nation's physical output.

What the sharp rise of interest rates really signifies is a scramble for credit. In other words, the supply of credit has been growing at a fast rate, but the demand for credit has also been growing and at a considerably faster rate.

I shall come back to the credit factor in a moment, but let me mention now a fourth sign of imbalance in our economy. This appears in the relation between wages and prices. During the past six months wages have gotten out of step with the consumer price level. While the consumer price level has advanced at an annual rate of about 4 per cent, wage increases appear to have averaged a little under 4 per cent. Thus, the hourly real wage of labor has apparently slipped of late. This condition cannot be expected to continue. The imbalance between wages and prices as well as the other imbalances are bound to have consequences.

The recent sharp rise in interest rates has already caused a depression in the bond market. The decline in bond prices in turn has affected the market for close substitutes for bonds, that is, preferred stocks, bank stocks, and public utility stocks. In fact, the rise of interest rates has become a serious negative influence in the stock market as a whole.

Nor have the effects of the recent sharp increases of interest rates been confined to financial markets. The higher cost of money has already hurt the homebuilding industry, real estate firms, and many small businesses.

The failure of the hourly real wage to advance in recent months may also spell trouble. Wages have been slow in adjusting to the higher cost of living, but that only means that the adjustment is still ahead of us.

If the Administration's guideline for wages, which calls for an increase of 3.2 per cent this year, makes any sense at all, it does so on the assumption of a stable price level. But when the cost of living is rising 4 per cent a year, a 3.2 per cent increase in the hourly real wage will require an increase of over 7 per cent in money wages.

I fear that we may be on the threshold of a wage explosion. Whether or not our economy continues to expand next year, we are likely to get a further dose of inflation. In other words, even if we have a mild or moderate recession in 1967, the price level is likely to rise because of heavier wage pressures.

Once powerful forces of inflation have been released, it is difficult to bring them under control without a sizable readjustment in economic activity. There are no easy answers to our current problems. There are several things, nevertheless, that—I believe—we should do with reasonable promptness.

First, we should give up the guidelines for prices and wages, which require private groups to act counter to their economic interests. Apart from other objectionable features, these guidelines create illusions and lead to a postponement of corrective policies.

Second, we should stop playing games with the Federal budget. Although the budget may look better when borrowing is done by Federal agencies instead of by the Treasury, the actual cost of running the government is increased in the process.

It has been clear to military experts for some time that a large supplementary appropriation will be needed by the Defense Department. This need should be put before the Congress now instead of waiting until next January, which is apparently what the Administration plans to do.

Third, the President might well order a stretch-out of spending on governmental non-defense construction projects, including the space program. A temporary freeze on government civilian jobs would also be helpful.

Fourth, our foreign aid programs should be trimmed and our troop commitments in Europe should be seriously reconsidered.

Fifth, the investment tax credit should be suspended by the Congress for one year. There is surely no need for this special stimulus to investment now.

This is a moderate program. As you see, I am not recommending an increase in personal income taxes now. In the absence of curtailment of Federal civilian spending, this would have been a good policy six months or twleve months ago. But in view of recent hesitation in consumer markets, I doubt if it would be wise now. Once authoritative information on the scale of military outlays currently expected by the Defense Department becomes available, I may of course want to revise this judgment.

Even as matters stand, if governmental steps along the lines that I have sketched were taken, the terriffc burden of curbing inflation that is now being carried by our monetary authorities would be reduced. With fiscal policy playing a larger role, we would at least have some chance of regaining the economic balance that is needed to assure the continued expansion of our economy.

A CRITICAL JUNCTURE

Mr. MACKAY. Mr. Speaker, I ask unanimous consent that the gentleman from New Jersey [Mr. Rodino] may extend his remarks at this point in the Record and include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Georgia?

There was no objection.

Mr. RODINO. Mr. Speaker, as we are debating the civil rights bill of 1966, the Nation has been burdened by several racial disorders. This violence which is completely in opposition to an ordered society cannot be sanctioned by our citizens in their quest for a country characterized by justice and equality. I would like to cite an editorial which appeared in the Newark Star Ledger of July 31, 1966, which presents an excellent analysis for all Americans to ponder:

A Critical Juncture

The American civil rights movement is at a critical juncture . . . a moment of violent crisis in a social revolution that is sending tremors of concern through the established order.

The eruptions of racial strife in New York, Chicago and Cleveland have once more pointed up the restiveness of the Negro minority, a deeply-rooted frustration that is venting itself in lawless disorder.

It is a safety valve that finds a disturbed solace in anarchy, the wanton flouting of organized authority in a seething violence . . . assaults on police, the indiscriminate vandalism and looting, the tossing of Molotov firebombs.

It is an unthinking reaction of a deprived segment of the population that is creating serious doubts even among white moderates about the evolution of the civil rights movement.

Responsible public officials are asking: Is this a movement for civil rights or is it civil war? At the moment, it is more like the latter . . .

It is difficult to persuade the families of police officers shot in trying to restore order in racial disturbances that it is not a civil war. It is a description that is more fitting than the milder cvil disobedence.

This is a nation that has survived and grown within an impressive body of law . . . the guidelines for an order based on reason and equity. It is a government of law for all the people . . . without exception, no matter what the color or creed of the citizen.

It is a structure of law that carries responsibilities along with rights of citizenship. It is a body of law that says every man and woman stands equal before the bar and before a jury of peers. It is a government of law that is designed to preserve peace and order, to protect life and limb, to safeguard property.

The recent racial violence represents breaches of the law. These are breaches that cannot be condoned, no matter what the cause. They are a disruptive force that must be met by the force of authority, or there will be a fundamental breakdown in enforcement, the outer edges of anarchy.

President Johnson has warned that racial rioting jeopardizes the reforms sought by civil rights leaders. "Riots in the streets do not bring about reforms," Mr. Johnson cautioned. "They tear at the very fabric of the community."

The pattern, the anatomy of racial violence this summer in Northern cities is strikingly similar to that of past years. It is difficult to pinpoint the specific factor or area that has detonated the recent racial outbreaks, but they have come in a convulsive aftermath of the unfortunate clarion cries of "black power" that marked a disturbing turn among militant civil rights groups.

And this, in turn, has had a deleterious effect on contributions by Northern liberals and moderates to the civil rights movement. The recent spate of racial violence, the outburst of extremism, has resulted in a sharp drop of donations from the liberal community.

This financing from outside the Negro community has provided economic vitality for groups like the Congress of Racial Equality, the Student Non-Violent Coordinating Committee (Snick) and Rev. Martin Luther King, Jr.'s Southern Christian Leadership Conference.

Rights leaders candidly concede the reasons for the sudden lag in contributions; The black racist rantings of some groups, the bitter attacks on U.S. policies in Vietnam and a waning enthusiasm among Northerners who are deeply concerned over the violent eruptions above the Mason-Dixon line.

Responsible civil rights leaders are faced with momentous decisions. They must exercise a moderating influence, restoring an atmosphere of reasoned approach as an antidote to the clamorous militancy that spawns injustice and disorder.

Social and economic injustice is a grievous human indignity. It is being ameliorated by a belated legislative acknowledgement of community responsibility. Violence, no matter what the motivation, can be neither tolerated nor condoned in a society that must live under a government of law for all its citizens, no matter what their color.

STATUS OF THE APPROPRIATION BILLS, 89TH CONGRESS, 2d SESSION, AS OF AUGUST 1, 1966

Mr. MACKAY. Mr. Speaker, I ask unanimous consent that the gentleman from Texas [Mr. Mahon] may extend his remarks at this point in the Record and include tables.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Georgia?

There was no objection.

Mr. MAHON. Mr. Speaker, in order that Members and others may be currently advised in the matter, I am including herewith two tabulations; one, summarizing the totals of the appropriation bills thus far acted upon in the present session, the other showing amounts presently approximated to be involved in appropriation bills yet to be reported to the House.

The House, in the nine bills that it has passed this session, considered budget estimates of appropriations of about $113.8 billion. Some cuts were made and some increases were granted. The additions, especially in the Labor-HEW bill, and the Defense bill, brought the House totals of these nine bills to about $114.5 billion; in the aggregate, they exceeded the budget requests by $672 million. The Labor-HEW bill was $490 million over the budget. The Defense bill was $952 million over, the principal reason being $569 million for pay of military personnel on duty July 1, 1966, in excess of the number originally budgeted for.

As will be seen from the calculation in the second tabulation I am inserting, the House has passed upon about 87 percent of the budget requests for appropriations likely to be considered in bills this session.

The Senate, as the first table discloses, has passed six of the nine House bills, but moneywise, still has the greater part of the business ahead of it.

Four bills have been enacted into law—two supplementals for fiscal 1966 and two regular bills for the current fiscal year 1967; $24,743,510,403 in budget requests were reduced to $24,441,907,238—a cut, overall, of $301,603,165.

Six bills are yet to be reported to the House. We are marking time on all of them; except for the usual end-of-session supplemental requests yet to be submitted, hearings have long since been completed. Disruption of our reporting schedule for the most part has come from long delays in enactment of the requisite authorization bills.

Budget requests already in hand from the President in connection with these six bills total $15,762 million. And our current arbitrary guess is that perhaps $1,500 million in assorted supplementals may yet be submitted. These would represent the remaining 13 percent of the budget estimates of appropriations likely to be considered in bills this session.

Outside these amounts are the so-called permanent appropriations estimated in the January budget at about $13.8 billion for fiscal 1967—mainly interest on the public debt—that recur automatically under earlier law without annual action by the Congress.

Prospectively, then, it now looks like the grand total appropriations this year, including these permanents, will probably approximate $144 or $145 billion. That would compare with approximately $119.3 billion of appropriations in the first session of this Congress. Congress, in the present circumstances, is well on the way toward the second $100 billion mark.

The generous fiscal dispositions of the Congress, to which the President and some Members of the Congress have had occasions to refer, are to some limited extent represented in the appropriations, but mostly have to do with amounts in various authorization bills substantially above the President's recommendations.

The tables follow:

Summary of action on budget estimates in appropriation bills, 89th Cong., 2d sess., as of Aug. 1, 1966

	Budget estimates to House	Passed House	Budget estimates to Senate	Passed Senate	Enacted	Change at latest stage of action
1. Bills for fiscal 1967:						
Interior	$1, 329, 960, 500	$1, 295, 169, 500	$1, 340, 260, 500	$1, 329, 755, 000	$1, 321, 615, 800	−$18, 644, 700
Borrowing authority	(26, 000, 000)	(26, 000, 000)	(26, 000, 000)	(26, 000, 000)	(26, 000, 000)	
Treasury-Post Office	7, 246, 720, 000	7, 210, 177, 135	7, 246, 720, 000	7, 210, 049, 135	7, 196, 429, 135	−50, 290, 865
Agriculture	7, 022, 638, 000	6, 876, 027, 000	7, 022, 638, 000	7, 064, 343, 300		+41, 705, 300
Borrowing authority	(702, 100, 000)	(852, 000, 000)	(702, 100, 000)	(932, 000, 000)		+(229, 900, 000)
Labor-HEW	10, 083, 184, 500	10, 573, 272, 500				+490, 088, 000
Independent offices	14, 319, 611, 291	14, 017, 299, 000				−302, 312, 291
Legislative	173, 793, 578	172, 146, 333	214, 749, 763	214, 418, 213		−331, 550
Defense	57, 664, 353, 000	58, 616, 445, 000				+952, 092, 000
2. Supplementals for fiscal 1966:						
Defense supplemental (Vietnam)	13, 135, 719, 000	13, 135, 719, 000	13, 135, 719, 000	13, 135, 719, 000	13, 135, 719, 000	
2d supplemental	2, 813, 552, 168	2, 564, 872, 568	3, 020, 810, 903	2, 801, 226, 003	2, 788, 143, 303	[1] −232, 667, 600
3. Cumulative totals for the session:						
House	113, 789, 532, 037	114, 461, 128, 036				[1] +671, 595, 999
Senate			31, 980, 898, 166	31, 755, 510, 651		[1] −225, 387, 515
Enacted			24, 743, 510, 403		24, 441, 907, 238	[1] −301, 603, 165

[1] Includes $242,000,000 cut from a repayable advance (from the general fund) to the social security medicare trust fund.

The appropriation business of the session as of July 28, 1966

[In millions of dollars]

	Budget estimates	Passed	Difference
1. House action:			
(a) 2 supplementals for 1966	$15, 949	$15, 701	[1]−$248
(b) 7 regular bills for 1967	97, 840	98, 760	+920
9 bills of the session (about 87 percent of total likely to be considered)	113, 789	114, 461	[1]+672
2. Bills for 1967 still in committee:			
(a) State-Justice-Commerce-Judiciary	2, 598		
(b) Public works	4, 169		
(c) Foreign assistance	3, 924		
(d) Military construction	1, 115		
(e) District of Columbia	53		
(f) Deferred HEW items (anti-poverty; elementary and secondary education; higher education; and library services and construction)	3, 903		
Subtotal, budget requests now pending in committee	15, 762	(?)	(?)
3. Closing supplemental budget requests yet to come (wholly arbitrary amount, assumed for purposes of this tabulation)	(?)$1, 500	(?)	(?)
Total for remaining bills to be reported—on basis stated (about 13 percent of total likely to be considered)	(?)17, 262	(?)	(?)
4. Grand total likely to be considered in bills of the session	131, 051	(?)	(?)
5. Permanent appropriations that recur without annual action by Congress, mainly interest on debt (tentative estimate from January budget)	13, 800	(?)	(?)
6. Grand total for the session (tentative, subject to some refinement)	[2] 144, 851	(?)	(?)
Bills enacted by Congress:			
2 supplementals for 1966	16, 156	$15, 924	[1] −$232
2 regular bills for 1967	8, 587	8, 518	−69
Total for bills enacted	24, 743	24. 442	[1] −301

[1] Includes $242,000,000 cut from a repayable advance (from the general fund) to the social security medicare trust fund.

[2] Would compare with approximately $119,310,000,000 in the last session—an increase roughly, of $25,000,000,000.

THE NINTH NEW JERSEY DISTRICT VOTERS' VOICE IN CONGRESS

Mr. MACKAY. Mr. Speaker, I ask unanimous consent that the gentleman from New Jersey [Mr. HELSTOSKI] may extend his remarks at this point in the RECORD and include tables.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Georgia?

There was no objection.

Mr. HELSTOSKI. Mr. Speaker, recently I sent a questionnaire to each of the 165,000 households in my district, the Ninth Congressional District of New Jersey, seeking opinions on a number of vital issues before this Congress. I am extremely gratified to report that almost 33,000 completed questionnaires were returned, providing me with an adequate cross section of opinion and indicating how concerned my constituents are over the domestic and international issues of the day. This is a district, Mr. Speaker, that ranks eighth out of the 435 congressional districts of the Nation in regard to the educational and economic level attained by its citizens. I value their thinking and the care with which they completed these questionnaires. I feel privileged to represent them in Congress.

A careful analysis of these responses has been completed, a job that would have been impossible without the aid of many helpful volunteers. I feel certain that the results provide a clear picture of my constituents' views.

A large section of the questionnaire was devoted to polling the opinions of my constituency on the conflict in Vietnam. Fifty-five percent of those answering felt that we should continue the present policy in defending South Vietnam. Even though this represents a drop from the 77 percent who approved the U.S. policy last year, I attribute this shift in opinion to an unmistakeable concensus among my constituents that we should increase our efforts to end this conflict rather than to a loss of faith in the cause for which we are fighting. Over half of those responding favored asking the United Nations to settle the question and exploring every possibility of negotiation with all parties represented at a peace conference including the National Liberation Front. I have repeatedly urged both courses of action.

Due to the cost involved in the continuing conflict in Vietnam, reimposing certain excise taxes had to be considered by the Congress. In polling my constituents, I found this would be favorably received by 42.7 percent with another 6.4 percent undecided.

Approximately 85 percent of those responding supported the food-for-peace program, a measure passed in the House in June by a 333 to 20 vote. A large majority—77.4 percent—indicated approval of a U.S. program to offer family planning aid to countries abroad at the request of the country concerned.

Half of those responding—49.9 percent—favored the purchase by the United States of $100 million of special United Nations bonds, provided that any nation which fails to contribute in repaying the bonds would be denied a vote in the U.N. However, many who responded negatively to this question indicated in additional comments that they would support the U.S. purchase of these bonds as long as we did not stipulate that those countries who failed to aid in repayment would be denied the right to vote.

It is interesting to note that over half of my constitutents who replied were in favor of increasing trade with the Eastern European countries while 43.1 percent desired more trade with the Soviet Union. A large percentage in the undecided category indicated in additional comments that they would favor increased trade with these countries provided that it was limited to nonstrategic goods.

In domestic affairs a substantial majority—87.4 percent—were in favor of mandatory life terms for narcotics peddlers. Even more—90.6 percent—felt that the Federal Government should play a role in making cars safer by requiring the addition as standard equipment of such safety devices as padded dashboards and sun visors, collapsible steering wheel columns, and safety tires to curtail the highway death toll. Federal regulations of mail order sales of concealable firearms was favored by 83.2 percent of those responding. A tax reduction for parents paying college expenses was endorsed by 74.8 percent. Mr. Speaker, I have already introduced legislation in these areas.

My bill, H.R. 10743, for the prevention of inhumane treatment of animals sold by dealers for research, was endorsed by 76 percent of those replying. The House passed a weaker measure; however, the version passed by the Senate included two key provisions of my bill. I am optimistic that the House-Senate conference will retain these stronger provisions.

Expressing their concern over the possibility of future water shortages in the Northeast, 73.2 percent of those replying to the questionnaire were in favor of a large-scale Federal program for construction of plants to take the salt out of sea water and make it drinkable.

On other issues, more than half of my constituents expressed themselves in favor of increasing the minimum wage to $1.75 and expanding its coverage to include farm, hotel, and restaurant workers. A majority of those replying to the questionnaire also supported the use of strategic goods stockpiles and surplus farm commodities as a means of stabilizing prices. The provision of funds for a Federal Teacher Corps to be used in certain designated schools to improve the quality of education was favored by 52.8 percent of those replying. Approximately 48.9 percent of those responding favored extending the term of Members of the House of Representatives in various ways, while the remaining number, a slightly higher percentage of the group, favored retaining the 2-year term.

The results of this poll will be sent to every household in my district. I would like to express my appreciation to those who participated in this survey. I feel that the unusually high number of questionnaires returned, together with the many additional remarks offered by many who answered, provides me with an invaluable and reliable guide to the feelings of my constituents on the issues and legislation currently before the Congress. I shall certainly keep my constituents' opinions firmly in mind.

With your permission, Mr. Speaker, I include at this point the complete tabulation of the 21 questions covered in my 1966 questionnaire, showing the vote by totals and percentages:

The 9th New Jersey District voters' voice in Congress, 1966

Question	Total response	Yes		No		Undecided	
		Number	Percent	Number	Percent	Number	Percent
FOREIGN AFFAIRS—VIETNAM							
1. Do you approve of the way the President is handling the situation in Vietnam	32, 356	17, 253	53. 3	10, 727	33. 2	4, 376	13. 5
2. Do you approve of allowing the Vietnam question to be settled by the United Nations	31, 607	16, 896	53. 5	11, 788	37. 3	2, 923	9. 2
3. Do your approve of exploring further possibilities of negotiation and allowing all parties to sit at a peace conference, including the National Liberation Front	31, 824	16, 447	51. 7	11, 731	36. 9	3, 646	11. 5
4. How do you feel about the bombing of North Vietnam? (check 1)	22, 030						
(a) Cease bombing North Vietnam altogether		5, 465	24. 8				
(b) Continue the bombing at the same level as before Christmas		4, 600	20. 9				
(c) Increase the level of bombing of selected targets such as oil-storage facilities and industrial production geared for the military		11, 965	54. 3				
5. Which do you think is most appropriate at this time? (check 1)	25, 520						
(a) Withdraw from Vietnam under the best terms possible		6, 725	26. 4				
(b) Limit our joint defense with South Vietnam forces in certain key areas		4, 650	18. 2				
(c) Continue our present military actions to help defend all of South Vietnam and support social and economic reform		14, 145	55. 4				
INTERNATIONAL AFFAIRS							
6. Do you approve of the U.S. Government's offering family planning aid to countries abroad, at their request, as part of our foreign aid program	28, 136	21, 781	77. 4	4, 226	15. 0	2, 129	7. 6
7. Do you approve of the continuation of the food-for-peace program, in which surplus American farm products are sold abroad, payment being made in the currency of the buying country	30, 411	25, 986	85. 4	3, 041	10. 0	1, 384	4. 6
8. Do you approve of the purchasing by the United States of $100,000,000 of special United Nations bonds, provided that any nation which fails to contribute in repaying the bonds would be denied a vote in the U.N	32, 164	16, 053	49. 9	12, 528	39. 0	3, 583	11. 1
9. Do you approve of increasing trade with the Eastern Europe bloc countries	32, 281	16, 171	50. 1	12, 284	38. 1	3, 826	11. 9
10. Do you approve of increasing trade with the Soviet Union	32, 499	14, 022	43. 1	14, 921	45. 9	3, 556	10. 9
DOMESTIC AFFAIRS							
11. Do you approve of a large scale Federal program for construction of plants to take the salt out of our sea water and make it drinkable	32, 603	23, 854	73. 2	5, 687	17. 4	3, 062	9. 4
12. Do you approve of a tax deduction or credit for parents paying college expenses	32, 534	24, 329	74. 8	6, 981	21. 5	1, 224	3. 8
13. Do you approve of providing funds for a new Federal Teachers Corps to be used in certain designated schools to improve the quality of education?	31, 683	16, 714	52. 8	11, 993	37. 9	2, 976	9. 4
14. Do you approve of changing the minimum wage law to increase the rate from $1.25 to $1.75 per hour with coverage for farm, hotel, and restaurant workers?	32, 566	18, 431	56. 6	11, 383	35. 0	2, 752	8. 5
15. Do you approve of reimposing automobile and telephone excise taxes that were to be eliminated after 1965 to carry on the war in Vietnam?	32, 126	13, 702	42. 7	16, 368	50. 9	2, 056	6. 4
16. Do you approve of making cars safer by adding as standard equipment safety devices such as padded dashboards and sun visors, collapsible steering wheel columns, and safety tires to curtail the highway death toll?	31, 923	28, 596	89. 6	2, 552	8. 0	775	2. 4
17. Do you approve of mandatory life terms, without any parole, for persons who transport, sell, or provide narcotics illegally to our youth and known addicts?	32, 904	28, 763	87. 4	2, 459	7. 5	1, 682	5. 1
18. Do you approve of H.R. 10743, which would prevent inhumane and cruel treatment of animals being shipped, handled, and sold by dealers for experimentation and research	31, 781	24, 154	76.0	3, 921	12.3	3, 706	11.7
19. Do you approve of the use of strategic goods stockpiles and surplus farm commodities as a means to control prices	32, 539	18, 932	58.2	7, 721	23.7	5, 886	18.1
20. Do you approve of Federal regulations of mail-order sales of concealable firearms	32, 322	26, 883	83.2	4, 164	12.9	1, 275	3.9
21. Which of the following do you favor? (check one)	31, 205						
(a) A 4-year term concurrent with the presidential election for Members of the U.S. House of Representatives		6, 130	19.7				
(b) A 4-year term with an off-year election		6, 055	19.4				
(c) A 3-year term, with every 4th election to be concurrent with the presidential election		3, 060	9.8				
(d) Retain the 2-year term		15, 960	51.1				

UKRAINIAN INDEPENDENCE

Mr. MACKAY. Mr. Speaker, I ask unanimous consent that the gentleman from New York [Mr. DULSKI] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Georgia?

There was no objection.

Mr. DULSKI. Mr. Speaker, on Thursday evening, June 30, the celebration of Ukrainian independence was commemorated at the Statler Hilton Hotel in Washington, D.C.

Dr. Nestor Procyk, of Buffalo, N.Y., the chairman of this event, addressed the gathering, and I wish to bring his opening and closing remarks to the attention of my colleagues:

THE 25TH ANNIVERSARY OF JUNE 30 (1941–66)

OPENING REMARKS

Exactly a quarter of a century ago, on June 30th 1941 amidst the raging battle between humanity's most dreadful enemies—Nazi Germany and Communist Russia—Ukrainian Freedom was reborn.

On that memorable day, the tense atmosphere in Lviv, the capital of Western Ukraine, was pierced by a triumphant broadcast from the radio station seized by Ukrainian freedom fighters: "By the will of the Ukrainian people, the Organization of Ukrainian Nationalists, under the leadership of Stepan Bandera, proclaims the restoration of the Ukrainian State for which generations of the best sons of Ukraine have given their lives. . ." This broadcast was a result of short but decisive deliberations at an assembly of the leaders of various Ukrainian political parties, in the City of Lviv; the Assembly also appointed the Provisional Government of Ukraine, with Yaroslav Stetzko as Prime Minister.

Thus, the Ukrainian people entered upon another chapter of the history of the Ukrainian nation's long struggle for freedom and national sovereignty, a chapter destined to be written in the blood and sweat of the proud and gallant soldiers of Ukraine; of the bold and fearless fighting men of the heroic Ukrainian Insurgent Army (UPA); of the valiant leaders of the Ukrainian Liberation Movement; a chapter which is yet to be completed by the achievement of final victory by the Ukrainian people over tyrants.

It was not the fate of the Ukrainian people to rejoice long in their newly proclaimed independence. The Gestapo, fearing free Ukraine as a serious obstacle in Nazi Germany's path to conquest, moved ruthlessly against any Ukrainian advances toward freedom and national independence. After Prime Minister Stetzko's unqualified refusal to give in to Hitler's order to dissolve the Provisional Government, he was arrested and thrown with other leaders into a concentration camp. Similar fate was met by several members of his Cabinet. Waves of Nazi terrorism and mass arrests followed, sweeping the land. Tens of thousands of Ukrainian nationalist freedom fighters, who spearheaded the renewal of Ukrainian Independence, were confined to prisons, concentration camps or dungeons . . . but—notwithstanding brutal reprisals—leaders of the Ukrainian Liberation Movement—O.U.N., headed by Stepan Bandera, managed then to organize the Ukrainian Insurgent Army, better known as U.P.A. This Army soon took over the fight. It carried it on, and today carries it on, despite arduous conditions imposed by the Red totalitarian system.

This struggle continues in various forms: social, economic, cultural and military-guerrilla form. There is abundant evidence that the struggle is gaining ground. Many revolts and uprisings have taken place in various areas of Ukraine. Numerous strikes of Ukrainian workers have been reported in several industrial centers of Ukraine—a development which seems incredible in the totalitarian system of the Russian empire. The scientific workers and those in fine arts—writers, poets, artists and students—do not hide their discontent with the Communist Russian imperial system and openly express their demands for freedom of speech and press. As a consequence, some of them are physically annihilated (like the poet Wasyl Symonenko), some are being tried and sent to prison or forced labor camps (as in the cases of the recent secret trial of Dziuba and Svitlychney).

This struggle involves, of course, immense sacrifices on the part of the entire Ukrainian nation. At the same time, however, it places grave and ever-widening demands on the Russian imperialistic forces. These, in turn, diminish considerably Russian potentials for aggression and world domination. The lamentable fact is that this extremely important development seems to escape the attention of the Western world, including the United States. Thus, one of the most valuable achievements of the Ukrainian ordeal for the world community of free men goes largely unmarked.

But, in the end, the spirit of the Ukrainian people which was able to produce the memorable Act of June 30th 1941 cannot be suppressed by any oppressor. The Ukrainians in Ukraine and throughout the world are well aware of the truth, so well expressed by Commander-in-Chief and Head of the Ukrainian Government during World War I, Symon Petlura, the fortieth anniversary of whose assassination by Kremlin agent Ukrainians the world over are observing this year: "The path to liberation of each nation is sprinkled heavily with blood." Ukrainians, wherever they are, have remained faithful to the maxim so realistically stated by the great Ukrainian poet, writer and philosopher Ivan Franko, whose fiftieth anniversary of death we are also observing this year, and who said that "to live means to struggle."

The Ukrainians, who since that historic date of June 30th or before, found haven in the U.S.A. have become a vital and useful part of American society. Having personally experienced the intolerable inhuman life under tyranny, they are dedicated to the liberation of their kin in Ukraine and the restoration of independence and sovereignty of their mother land. Having found true individual freedom in this blessed land of America, they wish the same freedom for the people of Ukraine and they are equally dedicated to support all efforts of our American government for the establishment of freedom for all nations and men, and of peace with justice throughout the world.

Thus we, the representatives of the Ukrainian Community throughout the United States gathered here tonight, on this 25th anniversary of the Ukrainian Independence Declaration, give expression to our strong, indestructible ties with our oppressed kin in Ukraine and with their national aspirations for sovereignty and freedom. We have gathered tonight, in Washington, D.C. the capital of free American soil, to solemnly rededicate ourselves to the great cause of freedom for Ukraine. We are most happy, therefore, to find ourselves in the company of such distinguished citizens-guests who, though not related by origin to Ukraine, nevertheless by their presence and active support this evening have manifested their understanding of our zeal and our dedication to the cause of freedom for Ukraine, as a condition for the victorious cause of freedom everywhere in the world.

We have also gathered here tonight to demonstrate our support for our Government's Viet Nam policy as distinct example of our basic national objective which, as we see it, is the guarantee to all people of the right to be masters of their destiny, the right of self-determination. We cannot express too strongly our conviction that firmness and vigor must characterize our assistance to nations in the establishment of freedom for their people. Neither can we emphasize strongly enough that we ought not to limit the objective of our Viet Nam policy to the defense of South Viet Nam. Our aim, as we see it, must include assisting also the union of South and North Viet Nam, with one government of the people, by the people and for the people. After this victory is achieved, the fight for liberation will surely spread throughout all oppressed lands, throughout all captive nations, the nations which have been subverted by Communism. Thus an escalation of freedom and an escalation of peace with justice for all nations and men will be accomplished.

We know that in South Viet Nam, in fighting the Viet Cong or North Vietnamese forces, we are not fighting the real aggressor, but only his puppets. The actual aggressor lurks behind the Kremlin walls. We shall feel victorious only when this source of aggression and war is destroyed. Until that time, we must face the fact that even as we stamp out the fires of a Korea or a South Viet Nam, others will spring up elsewhere.

We hear talk about bridges of understanding. Yes, we should build them and make them stronger. But we cannot build or strengthen in partnership with those who are dedicated to destroy them. Our bridges of understanding must be built by the community of free men everywhere, and by those people and nations who today are struggling to break the iron bonds of imperialistic Russian captivity. As the developing struggle of these captive peoples unfolds, we are coming to realize that they indeed, are our most valuable and valiant allies. And we, who call Ukraine our cradle, are proud of her and of her people who are playing their part in this crusade.

CONCLUDING REMARKS AT THE BANQUET BY NESTOR PROCYK, M.D., IN WASHINGTON, D.C.

There have been many illustrious instances of superior importance, of valiance, as well as of glory and many occurrences of outstanding progress in more-than-1000-years-historical life of the Ukrainian nation. There were periods of renown glory and earnest recognition when Ukraine was one of the few influential powers of Europe and the Near East. That was in time when Russia—now the arch-enemy of the world and ruthless oppressor of Ukraine wasn't even yet born. Later, in the prolonged periods of captivity, there were many moments of glorious upheavals, courageous and daring uprisings in Ukraine, when her people rose again and again to free themselves from the foreign domination; when they made self-sacrificing attempts to restore the Ukrainian sovereignty, to become again the master of their God-giving Ukrainian land, to regain historical position and significance, to revive their own and true Ukrainian indentity.

In spite of harsh foreign domination for decades and centuries, but thanks to constant inspiration by the Ukrainian thinkers and writers like Iwan Franke and statesmen-soldiers like Symon Petlura—first of all—however—thanks to heroic stubborness of spirit of the Ukrainian people, the drive of Ukrainian quest for freedom, national sovereignty and international justice has been in constant dynamic progress.

Within the past 50 years Ukrainians have used each and every opportunity, to express themselves actively for freedom and independence of their land. Starting their drive for renaissance in 1917, they proclaimed independence on January 22, 1918 in Kyiv, on November 1, 1918 in Lviv, Western Ukraine, both acts leading then to the reunification of all Ukrainian territories into one United

Ukrainian State proclaimed on January 22, 1919.

Due, however, to gross unconcern and lack of assistance on the part of Western Powers to the yet young and weak Ukrainian Government, the Ukrainian independence was bound to be short lived. What was interesting and unfortunate, looking from the point of view of human justice, is that such assistance was not denied to the occupants of Ukraine, to her oppressors. There was no generosity of spirit, at that time, as it seems to be lacking now in the Western World to actively acknowledge the heroism of Ukrainian people and their efforts to attain justified independence.

Nevertheless, during World War II, Ukrainians were ready again to express their will to be free by proclaiming independence of the smallest part of their land, Karato-Ukraine. And, 25 years ago, the heroic stubbornness of Ukrainian spirit for freedom found its expression again in the Act of June 30th, 1941, by which the Ukrainian National Assembly proclaimed restoration of Ukrainian Independence, appointing the Provisional Government of Ukraine with Yaroslav Stetako as Prime Minister. That day and that Act—a historical moment in life of Ukrainian Nation, not only did prove the dynamic presence of that stubbornness of Ukrainian spirit for freedom and justice, but also gave notice to the world—friend and foe alike—that this spirit has remained indestructible, as indestructible as the freedom itself.

That is this Act, the 25th anniversary of which we gathered to observe today. That is this indestructible spirit of Ukrainian nation and people for freedom and independence, for mastership of their own God-given land, before which we earnestly take off our hats and for which we—the Americans of Ukrainian heritage are rightfully proud.

We only regret that the heroic Act of June 30th didn't materialize. The Western Powers were again unconcerned to give assistance to the Ukrainian nation, assailed by two wild and cruel monsters and gasping for free air. Instead, a bridge of understanding was built with one of the monsters; the bridge destroyed by the same monster as soon as all goods from the West were shipped and delivered over it. We not only regret it for the sake of Ukraine but for the sake of others as well. For there is little doubt that North Viet Nam and Viet Cong are being fed, still today, with the goods supplied to the Kremlin rulers by the Western Powers during World War II. We shudder, therefore, when we hear today of building bridges of understanding. The idea, of course, is good but we unequivocally feel that these bridges of understanding must be built to reach those nations and peoples who search for freedom and justice and not to those whose objectives are enslavement, cruelty and deceit.

We feel gratified that the valiant people of South Viet Nam receive our active assistance and we are in firm support of our Government's Viet Nam policy. We only wish that this policy doesn't become softened by any kind of disguised dove-melodies or by acceptance of fool ideas no matter how "bright" and educated they pretend to sound. For we—Ukrainians—speak from historical and personal experience when we say that only firmness and unyielding power can work convincingly upon the Kremlin rulers. Furthermore, we say that only a disarming of the rulers of Muscovy, a total and complete disarming of that venemous serpent of Communism and Sino-Russian imperialism can bring about restoration of freedom and justice throughout the world. This can be accomplished by mutual and concentrated efforts from without and from within the Communist empires. As far as the latter part is concerned—the efforts from within—we are certain that Ukraine and the Ukrainian people—along with other captive nations—are ready and waiting, as heroically as ever, for a new 30th of June, for a new January 22nd.

This time we wish and we hope that America and the West will assist those who search for freedom and justice for all.

On concluding our observances tonight and thanking our distinguished speakers and guests and every one of you, I am certain to express the hope of all Ukrainians in the United States by making our dedicated decision and our vow, to now captive Ukrainian people—to paraphrase a great general—"We shall return!"

WARSAW UPRISING DAY

Mr. MACKAY. Mr. Speaker, I ask unanimous consent that the gentleman from New Jersey [Mr. McGrath] may extend his remarks at this point in the Record and include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Georgia?

There was no objection.

Mr. McGRATH. Mr. Speaker, 22 years ago today, the Poles began to battle to overcome their Nazi captors and liberate their capital, Warsaw. The battle lasted 63 days and resulted in the almost complete destruction of that once-beautiful city and the deaths of some 200,000 Polish men, women, and children.

While the Poles inside Warsaw were fighting against their oppressors, the Soviet Army, upon whose assistance the freedom-fighters depended, stood by in the outskirts of the city and permitted the sacrifice of those lives and the virtual destruction of the city—from which it has not, even today, fully recovered.

Today, Mr. Speaker, another valiant people fights against an aggressor in another part of the world. There, too, men, women, and children are giving their lives and their cities, towns, and hamlets are being destroyed by an equally ruthless enemy.

But, unlike the Soviet Army outside Warsaw, the allies of the South Vietnamese are not skulking in the outskirts, but are engaging the common enemy side by side with the South Vietnamese.

I feel we can draw inspiration from the Poles of the Warsaw uprising as another chapter of the same story—man's unending battle against the oppressor—unfolds in southeast Asia. Two years ago, when the 20th anniversary of the Warsaw uprising was marked by freedom-loving peoples, President Johnson called the epic struggle of the Poles in Warsaw "an exceptional demonstration of man's courage and devotion in the long and continuing struggle for human freedom."

As we salute the Polish people on this anniversary, we can also apply the lesson of their courage to the same fight—in another country, by another people, but against the same enemy: Tyranny—to sustain our courage and determination.

LABOR ASKS FOR CONGRESSIONAL ACTION TO AID HOMEOWNERS AND HOMEBUILDERS

Mr. MACKAY. Mr. Speaker, I ask unanimous consent that the gentleman from Illinois [Mr. Annunzio] may extend his remarks at this point in the Record and include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Georgia?

There was no objection.

Mr. ANNUNZIO. Mr. Speaker, every passing day sees the homebuilding industry sink deeper into crisis and the American homebuyer being increasingly saddled with the high cost of the Federal Reserve Board's tight money policy. It is almost impossible today to obtain mortgage funds; those lucky enough to have a mortgage will pay dearly for the high price of this credit.

The Banking and Currency Committee, on which I am privileged to serve, acted on July 25 to correct the disastrous decline in the homebuilding industry and the upward spiraling interest rate war between our savings institutions and commercial banks. The committee approved the plan of the gentleman from Texas, Chairman Wright Patman, to impose a 4½-percent ceiling on commercial banks' certificates of deposit under the $100,000 level. This will divert back to savings institutions a good deal of the savings flow that left the thrift industry because of the Federal Reserve Board's approval of 5½-percent rates on certificates of deposit. The thrift industry can finance only home loans which are long-term and not as high yielding as the commercial bank's great varieties of different loans. So to cut the thrift industry off from funds is to cut off the American homeowner from his dreams of homeownership.

The committee approved a proposal to establish standby dividend ceilings on all federally insured savings and loan institutions, and authorized the Fed to raise reserves on time deposits. In order to pump money into the mortgage market, we proposed that the Fed buy obligations of the Federal Home Loan Bank Board and the Federal National Mortgage Association. We have asked that in the future the financial regulatory agencies must consult and exchange views before any action, such as was taken December 5, 1965, raising regulation Q to 5½ percent and the discount rate to 4½ percent, is taken. H.R. 14026 is presently before the Rules Committee, and I hope that honorable committee will act soon on this bill for it is important to millions of Americans.

Mr. Speaker, I wish to insert in the Record following my remarks, a letter to Chairman Wright Patman from George Meany, the president of the AFL–CIO, supporting the Banking and Currency Committee's action. I think it very appropriate, Mr. Speaker, to point out that the AFL–CIO is most concerned with the ones who can least afford this difficult situation, the American homebuyer; it is he who suffers the most. Mr. Meany's letter follows:

American Federation of Labor
and Congress of Industrial
Organizations,
Washington, D.C., July 22, 1966.

Hon. Wright Patman,
Chairman, Banking and Currency Committee,
U.S. House of Representatives, Rayburn
House Office Building, Washington, D.C.

Dear Congressman Patman: The AFL–CIO has been increasingly concerned about the continuing upward spiral of interest rates which is boosting prices and depressing residential construction.

I know that you and your committee have also been concerned with this problem. On June 23, the House Committee on Banking and Currency adopted a resolution declaring "it is the sense of this Committee that the Federal Reserve Board should act within thirty days to put to an end this excessive interest rate competition and to forestall the threat of such further competition."

Those thirty days have now passed. Yet the Federal Reserve has done virtually nothing, except for an action which reduces interest rates for smaller deposits while at the same time keeps high interest rates for big deposits. The Federal Reserve also has asked the Congress for broader authority for itself, the Federal Deposit Insurance Corporation and the Federal Home Loan Bank Board to govern the interest rate practices of banks and savings and loan associations—with a danger that further discrimination in interest rates, between large and smaller deposits, may be established.

We do not consider that past actions of the Federal Reserve justify granting it such broader authority, in fact, the experience of the past year clearly demonstrates the danger that our economy faces unless the Congress acts promptly and thoughtfully.

In the past year, the prime interest rate, charged by commercial banks for the blue chip borrowers, has risen over 27 percent. The practical result has been that the vast majority of consumers, businessmen and farmers, who pay more than the prime rate, are now paying 6 percent and more on loans.

So mortgage rates have shot up, as yesterday's cost of living index release aptly demonstrates. With the effective rate on conventional mortgages at 6½ percent—and rising—it is the American home buyer who suffers. Not so long ago, the average mortgage rate was 5½ percent. A one-point rise on a 25-year, $20,000 mortgage—the average conventional mortgage, at present—adds more than $3,600 in interest costs over those 25 years. For the vast majority of American wage and salary earners, $3,600 represents well over one-half year's earnings.

The sharply rising cost of money and accompanying interest rate competition among financial institutions has driven new housing starts down to a yearly rate of 1,288,000 in June—18 percent lower than a year ago and the lowest level since the spring of 1961. Yet this slump comes at a time when there should be a sharp rise in building homes and community facilities to meet the crying need to rebuild the cities of the nation.

Since the situation has not improved during the past thirty days, I hope the Committee and the Congress will give serious consideration to effective remedies. Among the items, which I believe deserve early and serious consideration, are:

(1) A roll-back of interest rates to more reasonable levels. It would be appropriate, as I see it, to consider an interest rate ceiling of 4½ percent on time desposits of all types, including Certificates of Deposit.

(2) A congressional resolution demanding the Federal Reserve to exercise its authority—through the purchase of government securities and regulation of reserve requirements—to stabilize the money market and maintain reasonable interest rates.

(3) A curb on the business investment boom, through repeal of the 7 percent tax credit on investment in new equipment, which would make more funds available for housing and other economic activities.

(4) A measure to provide a gradual and orderly end to the issuance of Certificates of Deposits by the banks.

(5) An immediate review of the effect of the issuance by the federal government of participation certificates.

(6) The development of effective coordination and cooperation among the various federal agancies, including the Federal Reserve System, that are in the money and credit area.

The upward spiral of interest rates, with its depressing impact on home-building and inflationary effect on costs and prices, is fraught with danger. Rolling back interest rates and stabilizing conditions in the nation's money and credit market are urgently needed. We consider this a matter of immediate and pressing concern to America and we urge your committee to take leadership in meeting this need.

Sincerely,

GEORGE MEANY, *President*.

ECONOMIST DISSENTS FROM RECENT FEDERAL RESERVE BOARD ATTEMPTS TO HALT SAVINGS RATE WAR

Mr. MACKAY. Mr. Speaker, I ask unanimous consent that the gentleman from Texas [Mr. PATMAN] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Georgia?

There was no objection.

Mr. PATMAN. Mr. Speaker, Prof. Sherman Shapiro, of the University of Illinois, has sent me copies of his letters to Chairman William McChesney Martin, Jr., of the Federal Reserve Board, and Chairman K. A. Randall, of the Federal Deposit Insurance Corporation, strongly disagreeing with these two agencies' recent actions to stem the savings rate war.

In response to a resolution of the House Banking and Currency Committee to take action on the present tight-money situation, the Fed and the FDIC acted to lower the rates paid on multiple maturity certificates of deposit. At the time, I termed the action wholly inadequate and subsequently the Banking and Currency Committee agreed and reported out H.R. 14026 to correct this serious credit shortage.

Mr. Speaker, I urge the Members to read Professor Shapiro's letters:

UNIVERSITY OF ILLINOIS,
COLLEGE OF BUSINESS ADMINISTRATION,
Chicago, July 21, 1966.

Mr. WILLIAM MCC. MARTIN, JR.,
Chairman, Board of Governors of the Federal Reserve System, Washington, D.C.

DEAR MR. MARTIN: I would like to offer a strong dissent to your recent change in Regulation Q, which ". . . lowered the maximum rate that the System's member banks may pay on those time deposits that have multiple maturities."

In the press release, dated July 15, 1966, you said that "the purpose . . . is to help forestall excessive interest competition among financial institutions in conditions, such as those now existing, when monetary policy is aimed at curbing the rate of expansion of bank credit."

It has long been recognized that it is the prime function of central banks to regulate the supply of money, or even credit. The purpose, of course, is to assist in attaining or maintaining socially accepted, economic goals. The test of any policy must be whether that policy assists in the achieving of the goals. In my opinion, there is no economic justification for the change in Regulation Q. It is not an efficient means of ". . . curbing the rate of expansion of bank credit." It clearly discriminates against the smaller saver. It is a very inefficient technique to increase the flow of funds to the mortgage market.

Sincerely yours,

SHERMAN SHAPIRO,
Professor and Coordinator of Economics.

UNIVERSITY OF ILLINOIS,
COLLEGE OF BUSINESS ADMINISTRATION,
July 21, 1966.

Mr. K. A. RANDALL,
Chairman, Federal Deposit Insurance Corporation, Washington, D.C.

DEAR MR. RANDALL: I would like to offer a strong dissent to your recent change in the Regulation dealing with the "Payments of Deposits and Interest Thereon by Insured Nonmember Banks."

In the press release, dated July 15, 1966, you said "in taking this action, the Corporation seeks to limit excessive interest rate competition among financial institutions, and to support the Federal Reserve in its primary monetary policy responsibilities."

As a professor of economics who is concerned with money and banking, and public policy, I am deeply concerned. What are the standards used to determine that "excessive interest rate competition" exists? What are the undesirable effects of such competition? Will this change in regulation effectively stop such competition? What are the side-effects lowering this ceiling price? I can assume answers to some of these questions, as can most experienced economists, and they result in my rejecting this change in regulation on the basis of traditional economics. Empirical work may refute the traditional analysis, but I suggest that such studies ought to be made available to the economics profession.

It is impossible for me to understand why you think that this action would efficiently and effectively support the Federal Reserve's monetary policy. The regulation of these rates of interest on time deposits is not a necessary condition for good or bad monetary policy. It clearly discriminates against the small saver. It is a very inefficient technique to increase the flow of funds to the mortgage market.

Sincerely yours,

SHERMAN SHAPIRO,
Professor and Coordinator of Economics.

BUILDING AND THRIFT INDUSTRIES CALL FOR CONGRESSIONAL ACTION TO END TIGHT MONEY SITUATION

Mr. MACKAY. Mr. Speaker, I ask unanimous consent that the gentleman from Texas [Mr. PATMAN] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Georgia?

There was no objection.

Mr. PATMAN. Mr. Speaker, the current crisis that the economy is experiencing every day touches more of our citizens. The tight-money, high-interest-rate policy of the Federal Reserve Board has encouraged the spiraling savings rate war to a point now where one of the great industries of this country, the home-building industry, is closing down its operations, throwing many thousands out of work. They cannot build, Mr. Speaker, because there is no money available for new homebuilding.

The thrift industry has virtually closed down its operations for new mortgages; they have been priced out of the savings market by the commercial banks' use of high interest certificates of deposit. The present situation has reached a point, Mr. Speaker, where the market cannot adjust to the vagaries of big bankers' desires. Prompt and vigorous congressional action is needed, as proposed in the Banking and Currency Committee's recommendations in H.R. 14026.

Mr. Speaker, I call to the attention of the Members a number of letters that I have received from building supply companies and savings and loan associations, calling for congressional action.

The Wickes Corp.,
Saginaw, Mich., July 25, 1966.
Hon. Wright Patman,
Washington, D.C.

Dear Representative Patman: As a matter of introduction, The Wickes Corporation of Saginaw, Michigan, is the largest retailer of building materials in the United States, with 115 retail outlets located in 25 states, with an annual volume of over $200,000,000.

I should like to pass along some general observations which have been made over the last 10 days which may be of assistance to you in evaluating the present status of the home construction business.

It appears that high interest rates have caused an almost complete slowdown of F.H.A. and V.A. loans, and have increased the cost of conventional mortgages to a point where new construction is being seriously jeopardized.

Specifically, loans of F.H.A. mortgages are almost non-existent. The present F.H.A. rate is 5¾% plus ½% F.H.A. insurance fee or 6¼% to the borrower. This appears to be a reasonable rate for the borrower in today's market, but lenders are asking approximately eight points from the seller to bring the effective rate up to the going rate. The seller also obtains a 1% fee from the buyer for processing. On a $20,000 loan, the seller would have to pay a $1,600 fee and the buyer $200 for processing. It appears that F.H.A. loans are not being made because the seller is either not willing or able to pay the required points; and the banks are having difficulty selling these mortgages to generate cash for additional lending.

V.A. mortgages are not being made for the same reasons that F.H.A. mortgages are not being made.

It is estimated that there was a 50% reduction in mortgage lending by Savings and Loan Associations during May, 1966, compared to May, 1965. Last year during peak months of the building season, loans ran approximately 2 Billion per month. It is estimated that for the current year, loans will run slightly over 1 Billion per month. Commitments to purchase mortgage loans were considerably less than 50% in May, 1966, compared to May, 1965. During the first 4 months of 1966, there were over 37,000 fewer construction loans than the first 4 months of 1965. Some feel that there will be further shrinkage in this market in the second half of 1966.

If an individual is fortunate enough to obtain a mortgage commitment from an insurance company, he must meet the following specifications. At least a 25% down payment is required. The interest rate is from 6% to 6½%. The borrowers income must be one-half of the unpaid balance of the mortgage. Usually, the borrower is required to purchase ordinary life insurance equal to the amount of the mortgage.

Normally, a bank mortgage loan requires a minimum 25% down payment and the current interest rate is between 6½% and 7%. A 1% to 2% construction fee is generally charged. Only excellent credit risks are being considered at this time on any basis. It appears that the sources to which commercial banks previously sold real estate mortgages have about dried up. These sources of funds include Mutual Savings Banks, Savings and Loan Associations, and commercial banks in the large financial centers.

From the above, it appears that a large segment of the people in the United States are currently finding it impossible to consider home purchasing, and that this segment of our economy may well come to a shouting halt in another 60 to 90 days when contractors and developers have completed their work on present commitments.

Consideration must be given to the magnitude of the home building industry and its ability to use not only lumber, but innumerable manufactured items, such as windows, hardware, bathtubs, electrical fixtures, and related items, such as appliances, drapes, and rugs. All of these industries, as well as the employees involved in them, can be seriouly affected.

May I suggest that you verify the facts presented above to see if they are factual in your area of the nation. If they are, it would appear that consideration should be given to combat the problem on a national basis without delay.

If you represent a state where one of our centers is located, you probably have heard from one or more of our local managers. They are knowledgeable in their statements because they are dealing with the home builder on a daily basis.

Yours truly,

M. J. Zahnow,
Senior Vice President.

United States Gypsum Co.,
Chicago, July 25, 1966.
Hon. Wright Patman,
Chairman, Banking and Currency Committee,
House Office Building,
Washington, D.C.

Dear Congressman Patman: As President of United States Gypsum Company, one of the largest manufacturers of building materials in the world and an employer of almost 14,000 people, I am deeply concerned over a most serious crisis confronting the Home Building Industry.

The shortage of funds has precipitated an alarming decline in housing starts and sales. More than 50% of our sales are in the housing market. If this decline continues, we will be faced with the unpleasant prospect of laying off people at our 66 plants throughout the country and in our 58 sales and office locations. This crisis affects not only construction workers, but also the hundreds of thousands of people in allied industries supplying this vast market.

Home ownership is such an important factor, not only in our economy, but also to our American way of life, that I cannot conceive of the Congress not taking positive steps to immediately alleviate this grave situation.

I know that you will give serious and mature consideration to the problems confronting the Home Building Industry and work toward an immediate action program in the Congress to forestall a serious recession in the Home Building Industry, with its adverse impact on the general economy as well.

It is my understanding that various proposals aimed at minimizing the current problems have been brought to your attention by the National Association of Home Builders. I believe these proposals are worthy of your close scrutiny and consideration.

May I please have your views on this matter.

Very truly yours,

Graham J. Morgan.

National Gypsum Co.,
Buffalo, N.Y., July 26, 1966.
Hon. Wright Patman,
U.S. House of Representatives,
Washington, D.C.

Dear Congressman Patman: As you are aware, the current drastic reduction in the supply of money available for home mortgages has resulted in a severe decline in the housing market. Results have been most unfavorable to members of the housing industry, manufacturers of building materials, and a great many related economic factors.

In an effort to relieve the drastic effects that this situation is having on the whole economy, the National Association of Home Builders, at a recent industry-wide meeting, made certain recommendations which included expansion of the activities of the Federal National Mortgage Association; a ceiling on non-corporate certificates of deposit by commercial banks; and the authorization of certain actions by the Federal Reserve Board.

We offer our strong support for these measures and urge that you give them full consideration in your capacity as Chairman of the Banking and Currency Committee.

Respectfully,

C. R. Morgan,
Director, Systems Development.

Savings Association League
of New York State,
New York, N.Y., July 26, 1966.
Hon. Wright Patman,
Chairman, House Banking and Currency Committee, House Office Building, The Capitol, Washington, D.C.

Dear Chairman Patman: Needless to say, the savings association business in the State of New York was quite pleased with the action taken by the House Banking Committee today, in approving a bill under your authorship providing for a 4½ per cent ceiling on commercial bank CDs under $100,000. Had such action been taken earlier, the competitive situation between financial institutions might not have deteriorated to the extent it has and consequently the housing market would not be in the distraught situation it finds itself in.

At its last meeting, our Board of Directors unanimously approved (S. 3627), the Administration's current rate control bill with amendments. Historically, our League has been opposed on principle to rate control, but feels that the current situation demands some *temporary restraints.* We suggest, therefore, that the Senate bill be amended to provide for an expiration period of 12 months with further provisions to setting a ceiling of $50,000 on commercial bank CDs with 180-day maturity and carrying a rate of 4½ per cent. On CDs with longer maturities under $50,000, the interest rate should be limited to 5 per cent and on all others, the maximums provided for in Regulation Q would take over.

Your own bill is compatible with our position on (S. 3627) and while we did not have the opportunity of considering its provisions, we feel reasonably sure that we could support your bill with equal unanimity.

Although the well-being of the savings association business is of primary importance to us, it is of far more importance that stability be introduced in the economy at this time to prevent upsets of a more permanent nature. It is for this reason, perhaps more than any other, that we are willing to put aside economic and selfish positions in favor of the common good.

We deeply appreciate your long standing support of our business and hope that we may be of assistance to you in resolving this very critical situation.

Warmest regards.

Sincerely,

William H. Bodine,
President.

LAW OFFICES JOSEPH F. SOKAL,
Chicago, July 27, 1966.

Hon. WRIGHT PATMAN,
House of Representatives,
Washington, D.C.

MY DEAR CONGRESSMAN: As a president and managing officer of Mount Prospect Federal Savings and Loan Association, Mount Prospect, Illinois, with assets of $11,596,000, I must let you know that our association believes that the bill considered by your committee with recommendation that it pass as to regulation of dividends and interests is a necessary one for the good of the industry and of the general public good.

I realize that our leagues are opposed to the bill. However, they have not sounded the opinions of the average association managers. I am certain that you will not find the membership of either of the leagues solidly behind the leagues' positions.

At any rate I wish to thank you for exercising your independent judgment as I know you have the welfare of the country uppermost in mind.

I started college at the outset of the depression and the lesson I learned is that banking is first and foremost a public trust. Profits should be secondary. That is not the trend, as of now.

Very truly yours,
JOSEPH F. SOKAL.

ODESSA SAVINGS & LOAN ASSOCIATION,
Odessa, Tex., July 26, 1966.

Hon. WRIGHT PATMAN,
Chairman, House Banking and Currency Committee, House Office Building, Washington, D.C.

DEAR MR. PATMAN: As the managing officer of a small association located in far West Texas, let me state first how much I appreciate you and what you have done for the savings and loan industry.

The day has arrived when we need concrete legislative action to curb not only the savings and loan industry, but also the Federal Reserve System.

This short note is to inform you that our association will accept the legislation that you and your committee offer. This action needs to be accomplished within the next 60 days and become effective at the earliest possible date. I believe the American people as a whole are disgusted with the institutions so involved and that our public image is being damaged each and every day.

Sincerely yours,
A. R. (HAPPY) DYER,
President.

CALIFORNIA CONSUMER ORGANIZATION ENDORSES REFORM OF FEDERAL RESERVE

Mr. MACKAY. Mr. Speaker, I ask unanimous consent that the gentleman from Texas [Mr. PATMAN] may extend his remarks at this point in the RECORD and include extraneuos matter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Georgia?

There was no objection.

Mr. PATMAN. Mr. Speaker, consumer organizations all over the country are deeply disturbed by high interest rates and the continuing and blatant defiance of the Federal Reserve Board.

The California Farmer-Consumer Information Committee, which has done such outstanding work in the consumer field, has unanimously endorsed H.R. 11, which would reform the Federal Reserve System and return it to the control of the people of the United States. I have just received a letter from Mr. Borghild Haugen, recording secretary and consumer consultant to the California Farmer-Consumer Information Committee, setting out that organization's views on the Federal Reserve System. I place this letter in the RECORD.

CALIFORNIA FARMER-CONSUMER INFORMATION COMMITTEE,
Santa Clara, Calif., July 20, 1966.

Re H.R. 11, PATMAN.
Hon. WRIGHT PATMAN,
Chairman,
House Banking and Currency Committee,
Rayburn House Office Building,
Washington, D.C.

DEAR CONGRESSMAN PATMAN AND MEMBERS OF THE HOUSE BANKING AND CURRENCY COMMITTEE: The California Farmer-Consumer Information Committee with a membership totaling more than a quarter of a million Americans and representing individual farmers, farmer bargaining, marketing and cooperative associations, organized labor, church and consumer groups, professional and business supporters, welcomes the long overdue reforms in the Federal Reserve System as outlined in H.R. 11, PATMAN.

Support of this bill was unanimously endorsed at our 26th. annual meeting June 18 at the University of Santa Clara.

The demoralizing effect on American middle-income citizens of an arrogant Federal Reserve Board of Governors, beholden to no one, must not be underestimated.

The little known facts of the "seized independence" of the Federal Reserve Board, acting in defiance of the President and the U.S. Congress come as a shock to law-abiding, taxpaying American citizens. Especially, the fourteen year terms of the seven man board of governors.

The Federal Reserve System must be made to function for the best interests of the whole people of the United States. The irresponsible manipulation of interest rates these last few months is a warning of things to come where peoples' interests are so grossly defied.

If, our Congress is to have integrity and strength it must take a stand now in support of the vital reforms proposed in H.R. 11 for the Federal Reserve System, so they may become effective at the earliest possible date. We therefore urge immediate hearings and a favorable action on H.R. 11, PATMAN.

Very truly yours,
BORGHILD HAUGEN,
Consumer Consultant.

ALL THIS HAPPENED—THE STORY OF AMERICAN LABOR, PART X

Mr. MACKAY. Mr. Speaker, I ask unanimous consent that the gentleman from New York [Mr. MULTER] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Georgia?

There was no objection.

Mr. MULTER. Mr. Speaker, it is my pleasure to commend to the attention of our colleagues part X of the continuing series on the history of the American labor movement appearing in the Seafarers' Log, a publication of the Seafarers International Union. Part X appeared in the June 24, 1966, edition.

Previous installments have appeared in the RECORD as follows: Parts I and II, March 29, 1966, pages 7195 through 7198; part III, March 31, 1966, pages 7348 and 7349; part IV, May 4, 1966, pages 9860 and 9861; parts V and VI, May 18, 1966, pages 10958 and 10959; part VII, May 25, 1966, pages 11445 and 11446; parts VIII and IX, July 28, 1966, pages 17555 through 17557.

The article follows:

ALL THIS HAPPENED—THE STORY OF AMERICAN LABOR—PART X OF A SEAFARERS LOG FEATURE

The merging of the American Federation of Labor and the Congress of Industrial Organizations on Dec. 5, 1955 made the new federation the largest labor body in the history of the United States and of the free world. The membership of the AFL-CIO affiliated unions today is approximately 13½ million workers. The effectiveness of the organized American labor movement was strengthened considerably by the merger. It enabled the resources of the entire movement to be put into the task of resolving the complex and complicated problems facing American workers and the community as a whole in the second half of the 20th century.

The struggle of the organized labor movement to provide American workers with decent wages and conditions and the security and dignity to which they are entitled, achieved its greatest successes in the years following World War II and in the decade since the formation of the AFL-CIO. Going beyond the area of pay and working conditions, the unions sought to win greater security for their members and their families. By negotiating health and welfare plans, the unions won a wide range of new benefits that gave vital protection to the worker and his family. The union health and welfare plans made available to American workers, medical care, hospitalization and a variety of related benefits that previously had been out of their reach. This meant better and more healthful lives for union members and their dependents. The unions also tackled the problem of providing security in old age; they established pension plans that enabled workers to approach later life without the fear of helplessness and dependency that had haunted every working man and woman. And the unions continue to press for improvement and innovations to provide more and more economic security for their members both on the job and in retirement.

But organized labor was also aware of the fact that in today's complex society, with its increasing and challenging problems, it must go beyond the area of collective bargaining with the employers in order to best protect and serve its members and the community as a whole. It is for this reason that unions today are engaged in political action on a broad scale. Individual unions have legislative and public policy programs which are of immediate concern to their own members, and to the nation, as in the case of the Seafarers International Union, which wages continuing and aggressive campaigns on a multitude of issues, ranging from the fight to retain the Public Health Service Hospitals for the care and treatment of merchant seamen to the battle to effect legislation and policies that would halt the decline of the U.S. merchant marine and instead encourage its growth and expansion.

Unions, individually—again as in the case of the SIU—and collectively—through the AFL-CIO Committee On Political Education (COPE)—also engage in political action on the broad economic and social issues which not only affect their own members but the total population as well.

The American labor movement is the strongest, most active single force for social welfare improvements in the nation. Its effectiveness in behalf of the interests of organized workers and the community at large is evidenced by the success of its fight for a great range of beneficial legislation in the first session of the 89th Congress. The AFL–CIO unions saw many of their legislative goals become law, among them Medicare, federal aid to education, federal protection of voting rights, a stepped-up war on poverty, a new Department of Housing and Urban Development, legislative reapportionment, a better housing program, immigration reform, and a broad attack on health problems, to cite a few.

AFL–CIO President George Meany has said: "We in the labor movement supported these new programs, not because they specifically helped labor unions and union members, but because they are good for the country and good for all the American people. We supported these programs in our role as the people's lobby."

Not all of labor's social welfare goals have been achieved yet. Among those for which the struggle will continue are protection for the American consumer in the marketplace, as embodied in the AFL–CIO supported bills for "truth-in-packaging" and "truth-in-lending;" expansion of social security coverage for the nation's older citizens, extension of federal minimum wage and hour protection to the millions not covered by the Fair Labor Standards Act; broadening the coverage and strengthening the enforcement of Civil Rights Act; self-government "home rule" for the District of Columbia; situs picketing legislation to protect the economic freedom of workers at multiemployer construction sites, and adequate appropriations for health, education, welfare, antipoverty, labor protection and manpower development programs.

The AFL–CIO will also continue its fight to repeal Section 14(b) of the Taft-Hartley law which restricts the freedom of collective bargaining and through which states are enabled to adopt the so-called "right-to-work," encouraging unionbusting by employers and depriving workers of the benefits of union security.

The importance of organized labor's activities to the well-being of Americans was noted by President Lyndon Johnson on July 14, 1965 when he said: "The AFL–CIO has done more good for more people than any other group in America in its legislative efforts . . . No group in the country works harder in the interest of everyone . . . It helps young and old and middle-aged . . . I believe the American people ought to know the remarkable contribution which organized labor makes to the promotion of sound legislation."

But victories and improvement in any area—whether it be across the bargaining table in increased wages, vacations, welfare or pension benefits, or in the form of legislation providing social welfare gains—do not mean any lessening of organized labor's continuing struggle for greater security and dignity for its members and the rest of the nation's people.

It is the union movement's role to fight continually for an ever better life and maximum security for working men and women and the assurance that they will enjoy these benefits in a society that respects and protects their individual liberty and freedom. This is the never-ending job of a trade union. It is the story of American labor.

DEMONSTRATION CITIES PROGRAM

Mr. MACKAY. Mr. Speaker, I ask unanimous consent that the gentleman from Oklahoma [Mr. Albert] may extend his remarks at this point in the Record and include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Georgia?

There was no objection.

Mr. ALBERT. Mr. Speaker, it was with real interest that I learned of the action taken with respect to the demonstration cities program by the 1966 National Governors' Conference recently held in Los Angeles.

On July 7, the conference adopted the report of the Committee on Human Resources dealing with human resource problems and the demonstration cities program. This proposal is contained in H.R. 15890, the Housing and Urban Development Act of 1966, favorably reported by the House Banking and Currency Committee on July 15. In order that my colleagues may have the advantage of studying the deliberations of the conference with respect to the demonstration cities program, I submit for inclusion in the Congressional Record a copy of the committee report.

Report of the Committee on Human Resources of the 1966 National Governors' Conference, Los Angeles, Calif., July 7, 1966

The Committee this year has dealt with a range of topics. These follow under their individual headings.

URBAN HUMAN RESOURCE PROBLEMS AND THE DEMONSTRATION CITIES PROGRAM

The federal government has enacted and proposed a wide range of programs which recognize that many of America's most pressing human resource problems are shaped by the urban environment. We believe that this aspect of overall human resource development should be a focus of continuing study by the governors, since it very clearly implies significant opportunities and responsibilities for the states. Here, as in many other areas of public policy, the states must act boldly to assure their meaningful participation and leadership as partners with the federal and local governments.

The recently proposed demonstration cities program, for example, is premised upon the need for an immediate and massive attack on the individual and social decay of large sections of American cities.

Many cities, in America suffer from a physical rot which leads to the nightmares of crime, delinquency and disease. The Committee feels strongly that physical renewal alone will not prevent human corrosion. There must be, in addition, an overall effort at human renewal, tying together physical redevelopment with adequate educational facilities, job training and job opportunity, and healthy, social and recreational services and facilities.

The Committee therefore calls to the attention of the National Governor's Conference the Demonstration Cities legislation now pending in the Congress. It offers a major attempt to concentrate all federal, state and local resources in a coordinated drive for the physical and human renewal of entire city neighborhoods.

The Committee believes that such an overall effort, coordinating federal, state and local endeavor, would be of substantial benefit to many urban areas throughout the nation. This reminds us again of the necessity for states to demonstrate, that they can provide a positive and vital force for physical and human development in urban America.

We invite other governors of the conference to submit suggestions concerning ways in which our committee might focus on the special demands of urban human resource development. The need for increased state activity in this area is both pressing and promising.

Respectfully submitted.

Governor Richard J. Hughes, New Jersey, Chairman; Governor Mark O. Hatfield, Oregon, Vice Chairman; Governor Edmund B. Brown, California; Governor Nils A. Boe, South Dakota; Governor John H. Chafee, Rhode Island; Governor Frank G. Clement, Tennessee; Governor Daniel J. Evans, Washington; Governor Warren E. Hearpes, Missouri; Governor Robert E. McNair, South Carolina; Governor Frank B. Morrison, Nebraska; Governor Ralph M. Paiewonsky, Virgin Islands; Governor Karl F. Rolvaag, Minnesota; Governor Carl E. Sanders, Georgia.

CONGRESSMAN STRATTON REPORTS ON PROGRESS WITH THE NATIONAL COMMITTEE TO SAVE THE U.S. CAPITOL

Mr. MACKAY. Mr. Speaker, I ask unanimous consent that the gentleman from New York [Mr. Stratton] may extend his remarks at this point in the Record and include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Georgia?

There was no objection.

Mr. STRATTON. Mr. Speaker, I am happy to announce that 25 Members of the House and 16 Members of the Senate have accepted my invitation to serve as cochairmen of the National Committee to Save the U.S. Capitol, which I formed a little more than a month ago.

Their names are listed below:

In the House, Messrs. Cleveland of New Hampshire, Scheuer of New York, Gonzalez of Texas, Richard Fulton of Tennessee, Rees of California, Brademas of Indiana, Kupferman of New York, Reuss of Wisconsin, Ottinger of New York, Ashley of Ohio, Rodino of New Jersey, Todd of Michigan, Schmidhauser of Iowa, Halpern of New York, Grabowski of Connecticut, Sickles of Maryland, Don Edwards of California, Leggett of California, Cohelan of California, Ogden Reid of New York, Moorhead of Pennsylvania, Vivian of Michigan, Frank Thompson of New Jersey, and Giaimo of Connecticut.

From the Senate: Messrs. Proxmire and Nelson of Wisconsin, McCarthy and Mondale of Minnesota, Brewster and Tydings of Maryland, Yarborough of Texas, Douglas of Illinois, Bayh of Indiana, Clark of Pennsylvania, McGovern of South Dakota, Anderson of New Mexico, Lausche of Ohio, Robertson of Virginia, Morse of Oregon, and Robert F. Kennedy of New York.

I am deeply grateful to these gentlemen for their support and their encouragement. I would like to add, Mr. Speaker, that efforts are now moving forward to obtain the services of an outstanding private citizen to run the day-to-day operations of our committee as an executive secretary, and to be responsible for getting the story of the need to delay approval of the Stewart scheme for extending the west front and destroying its basic and historic architectural lines—in a way that was never even dreamed of with the east front—to the people of America.

I am also hopeful, Mr. Speaker, that we can enlist of the services of a nationally known American to head up the committee as honorary chairman.

Mr. Speaker, a very interesting letter came to me the other day on the west front, which I desire to insert at this point, for the information of all the Members. The letter defends the Father of Our County and also the Virginia sandstone which he suggested be used in the construction of the original Capitol. I am sure Members will find this letter of great interest:

AQUIA FREESTONE QUARRIES,
Richmond, Va., July 18, 1966.

Representative SAMUEL STRATTON,
U.S. House of Representatives,
Washington, D.C.

DEAR SIR: In noting in today's Wall Street Journal that you are the center of opposition to the new renovation of the Capitol Building, we thought we might write to you and offer any help we can. You can turn this over to the Fine Arts Commission, if you think it is of any interest.

We are the present owners of the Aquia Creek sandstone quarries from which came the stone in the White House, the C & O Canal Locks, the Treasury Building, the Capitol Building. Most of the stone in these early Washington government structures came from the quarries which we now own. We therefore have quite a bit of information on this stone, its history, etc. which we think is of value. Two pieces of mis-information are prevailing in the campaign to replace the sandstone with white marble.

1) Newspaper columnists, Time Magazine (two weeks ago) persistently claim that George Washington chose the "inferior" sandstone over marble because he owned the sandstone quarries . . . an implication of foul use of his public office by the Father of Our Country. We and others have traced the titles of these quarries back to the original grants and can point to references in the Archives and in title research which make no mention of George Washington ever owning these quarries. Most of the sandstone (note the White House) has been painted over. The sandstone in natural form is warm, rich and beautiful. White marble is a searing insult to the eyes in the usually prevailing bright, hot sun of Washington. One cannot stand to look at the white marble federal buildings in Washington in the direct, hot sunlight. George Washington knew what he was doing when he chose soothing sandstone for his Washington buildings. He took his lesson from ancient Mediterranean federal architecture. Many of these ancient edifices stand today as testimony to the endurance of sandstone—of which they are made. A nearby example of this same sandstone in its natural appearance is the old power station in Georgetown where Penna. Ave. crosses the Rock Creek Parkway. Buildings at Yale University are of this same sandstone.

2) The standstone is strong and enduring—not weak and crumbling as is stated. When the new dome was installed on the Capitol, Army Engineers were called in to test the strength of this sandstone holding up the old dome. It was reported stronger than St. Peters in Rome. Cape Henry (Old) Lighthouse, withstanding the coldest and hottest onslaughts of the weather and elements is constructed of the same stone. This is standing and will stand for centuries to come. Examples of the stone's longevity are in buildings around the East, some as old as the Capitol, we think. We have lists of these.

While the quarries are not in operation, it is easily possible to go in there and get more of the same stone for renovation work using the same material, if desired.

Cordially,

RALPH L. DOMBROWER, JR.
MALCOLM B. DOMBROWER.

Meanwhile press and other comments continue to warrant in opposition to the Stewart proposals. Under leave to extend my remarks I include a thoughtful article by the architectural editor of the New York Times, Ada Louise Huxtable, which appeared in the Times this morning:

EXTENDING THE DEBATE OVER EXTENDING

(By Ada Louise Huxtable)

As the debate on the extension of the West Front of the Capitol grows hotter, the real issues grow dimmer. This is more than an esthetic or patriotic matter and it involves more than one building. It is a question of the Congressional machinery that has produced not only the controversial Capitol scheme, but also the elephantine Rayburn Building, the sterile new Senate Office Building and the Madison Memorial Library which appears to be set on the same disaster course. This is a lot of damage for one decade, and it is instructive to see what makes it possible.

AUTONOMY WITHOUT REVIEW

Unlike any other branch of government, the legislative branch builds for itself with complete autonomy and no review. The functions of the Fine Arts Commission and the National Capitol Planning Commission stop dead at the bottom of Capitol Hill. The process of Congressional construction for the Capitol and all associated legislative buildings virtually begins and ends in the Office of the Architect of the Capitol.

Set up by Congress, the Office of the Architect of the Capitol conceives, commissions and executes its own schemes and plans. It must get money and authorization from Congress, and so the only disclosure of those schemes and plans is at occasional closed Congressional hearings. Examination of the records of these hearings indicates that few of the Congressmen involved are expert in planning, architectural or structural matters, and few consider the issues critical enough to acquire that expertise personally or through advisory guidance.

That throws the ball right back into the Office of the Architect of the Capitol, where it stays until it bounces out as a building. The only "review" is by an architectural advisory group appointed by the Architect of the Capitol. The only "independent" studies are by consultants approved by the Architect of the Capitol. Both advisers and consultants lean heavily toward architects who get, or may get, the commissions from the Architect of the Capitol. It's a neatly stacked architectural deck.

The present Architect of the Capitol, J. George Stewart, is an elderly engineer—not an architect—appointed by President Eisenhower. His love of the Capitol is genuine, but misguided, and his talents are largely political. The architects on whom he relies for advice and to whom he gives the jobs are a solid, conservative, academic group known in professional circles as the *derrière garde.*

Add to this closed-circuit system the fact that the Architect of the Capitol is actually a combination of super-maintenance man and creator of colossal building projects, and the plot thickens. In this dual role, he controls patronage and favors—jobs in all aspects of building operation, contracts for maintenance and construction, accommodations or service and a pipeline to jobs and contracts for special-pleading Congressmen who will sooner or later be considering his new building proposals. The average price tag of these projects runs from $50 to $100 million. The result is a surprising bundle of power.

CAPITOL DESIGN

Until now, that power has pushed through all of Mr. Stewart's pet schemes. Take the matter of the West Front of the Capitol. It is undeniably shaky, and something must be done about it. Mr. Stewart's studies, by Mr. Stewart's consultants, who turn out to be Mr. Stewart's architects for the job, conclude that the only advisable procedure is a $34 million expansion behind a new wall 44 to 88 feet forward of the old one. They are cozy about how much this redesigns the building's exterior and the extent of destruction of the Olmsted west terraces. The same architects embalmed the East Front and added new office space there of a depressingly ordinary standard of design. The West Front follow-through seemed guaranteed.

A fuming but absolutely powerless Fine Arts Commission made its own investigation. It decided that preservation of the historic building as it exists now is "difficult, but possible," and from the commission's point of view, highly desirable.

What is urgently required, therefore, is not passage by Congress of bills telling Mr. Stewart not to touch the Capitol but a Congressional reorganization of the office of procedures of the Architect of the Capitol.

Seasoned observers believe the logical first step is the division of the office into two sections, with two heads. One would be concerned with maintenance, the other with new building programs. Every building project should be subject to appropriate periodic reviews: when it is formulated, when it is authorized, when the site is selected, and at the preliminary and final stages of design. An advisory panel for the director of the new buildings program—who need not be a famous-name architect but must be an able architectural administrator—should be named on the basis of recommendations by an independent professional organization such as the American Institute of Architects. Congressional construction should receive the same Fine Arts Commission scrutiny as any other Federal building project.

But most important of all are Congressional attitudes. It is inconceivable that a Congress that can organize itself to deal with the problems of atomic energy cannot deal with the problems of contemporary building. It is a question not only of Federal standards of planning and design but of the efficiency of the legislative branch of the government. The nation's patrimony can no longer be treated like low-grade patronage.

I also enclose a letter to the editor of the Washington Evening Star for July 29 from the grandson of the great architect who designed the great dome of the Capitol and the House and Senate wings. Its story—that the Capitol with the east front extension is now architecturally "complete" and should not be further altered as nonarchitect Stewart would alter it—is one that ought to be deeply pondered by every Member. The letter follows:

ALTERING THE CAPITOL

SIR: On April 18, 1958, you published an article by George Beveridge showing a helicopter view of the Capitol at that time, and quoting from a letter of mine to Representative SMITH of Virginia. I was glad to work with you then in promoting extension of the East Front for the reasons appearing in your article.

When my grandfather, Thomas Ustick Walter, designed the dome and the two wings of the Capitol he left plans to extend the

East Front to put that building in harmony with the over-all enlargement, and this work has been done. Now I understand that Capitol Architect J. George Stewart is trying to promote an alteration in the West Front.

My grandfather felt that the Capitol would be complete with the extension of the East Front of the center building. I am sure if he were alive he would vigorously oppose any alteration of the West Front.

CLARK WALTER.

Upper Montclair, N.J.

Finally, Mr. Speaker, I include with my remarks, three thoughtful editorials from different parts of the country, all opposing the Stewart project, and all counseling delay until, as the Senate has now asked by its amendment to the legislative appropriations bill of 1967, we can get the full facts on the west front from an outside and truly independent body of experts.

The first editorial is from the Washington Star of July 30:

CONGRESS CHOICE

The temporary "ban" voted by the Senate against any further expenditures on an extension of the Capitol's west front is at least a step toward some kind of congressional decision on this drawn-out controversy. And in that respect it is welcome.

For it is not sufficient merely to sidetrack the extension proposal and forget the problem of the deteriorating west front. The old wall, on the Mall side of the Capitol, is in awful shape. If a new wall is not built as part of an extension, the old will either have to be repaired or rebuilt where it stands.

To be sure, the Senate has given some cognizance to this need in directing Architect George Stewart to secure an estimate of the cost of repairing the present wall. In suggesting that a meaningful assessment of a repair job could be made in a week or so by the die-hard "expert" opponents of the extension scheme, however, Senator MONRONEY is overly optimistic.

Only two years ago an engineering consultant firm advised against the repair approach on grounds that it would necessitate disfiguring and removing substantial portions of the present front. Virtually anything can be accomplished, of course, by modern engineering techniques. But cost obviously is not the only factor involved in repairing the old wall. Congress should have all the facts.

A competent, comprehensive report on the merits and problems of repairing the present west front should by all means be completed as soon as possible. It should also be made the subject of hearings. For a ban against the extension project will resolve nothing unless it is accomplished by a determination to proceed immediately with some feasible, satisfactory alternative.

The second editorial is from the Rochester, N.Y., Democrat and Chronicle:

CAPITOL MAYHEM

In an extravagant, inartistic outrage upon the nation's most symbolic structure, the Congressional Commission for the Extension of the Capitol plans to spend $34 million to extend the west front.

To say that the commission is proceeding in an arbitrary manner is no overstatement. The Washington Fine Arts Commission opposes the extension. Critics say the additional space will be inadequate while distorting the origial design of the Capitol. An editorial staff member, visiting the scene, learned from an expert source that the braced, weakened wall can be be repaired and preserved.

The controversy points to a disturbing paradox. Although Congress is thought of as the militant, jealous guardian of American democracy, it apparently decided that construction work on the Capitol is NOT the public's business. Congress doesn't have to disclose its building plans. Funds usually are approved behind closed doors.

To this day the public has no idea how much the costly Rayburn Building, an architectural atrocity, cost. Moreover, Congress employs an Architect of the Capitol who is not an architect.

There may be need for more Capitol office space, but further mutilating the original masterpiece is not the way to go about meeting that need.

The third editorial is from the Auburn, N.Y., Citizen-Adviser of July 13, 1966. I bring all of these thoughtful analyses to the attention of my colleagues in the hope that on the basis of their arguments they will join me in urging the House conferees on the legislative appropriation bill to accept the Senate amendment on the west front, which came unanimously out of the Senate Appropriations Committee and out of the Senate itself.

The editorial follows:

LEAVE THE CAPITOL ALONE

Most Americans who have had occasion to visit their congressional representatives in Washington have probably come away with a sense of the utter functional absurdity of their business quarters. The buildings and the offices they contain seem designed to impress only by their size and over-ornateness. They are the kind of structures and rooms which no good architect setting out to plan a place for the efficient transaction of business would think of submitting for approval to a large corporation, or even to a small one.

Congressmen seem obsessed with the idea that their dignity will somehow be enhanced by bigger, higher, more embellished and of course much more expensive offices.

In 1960 the East Front of the Capitol was rebuilt (destroyed is the word preferred by some critics) in order to provide more office space. It is the most expensive office space in the country. Now Congress is considering a similar job on the West Front to the tune of $34,000,000.

The Capitol is an old building and inevitably its mortar will crumble and its masonry sag, and from time to time it will require considerable sums to preserve it and make it safe. But the Capitol is also a great national symbol and a building of architectural excellence. There is little of the original construction left. What remains should be kept with what repair work is necessary. In particular the original design should be preserved.

It seems incredible but J. George Stewart who bears the title of "Capitol Architect" is not an architect at all. Nevertheless he was responsible for that monumental monstrosity the Rayburn Building which contains the offices of members of the House of Representatives. He is also responsible for the plans for the proposed demolition and rebuilding of the West Front. He should be replaced at once.

The Congress, of course, has full power in this whole matter. No planning commission or other District of Columbia authority can stop the proposed desecration. Only national public opinion can do that.

Members of Congress should certainly have all the space they need for the transaction of the country's legislative affairs and their offices and committee rooms and the offices of their staffs should be not only ample but reasonably impressive. They should also be functionally good. Surely all that could be accomplished in a manner which is not at the expense of a building that is—next to the White House—the most historic and important monument in the country.

LEGAL ASPECTS OF EXPLORATION OF SPACE

Mr. MACKAY. Mr. Speaker, I ask unanimous consent that the gentleman from Michigan [Mr. VIVIAN] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Georgia?

There was no objection.

Mr. VIVIAN. Mr. Speaker, 3 months ago, the President set forth to the nations of the world a proposal for an international treaty to govern legal aspects of exploration of space. The treaty would guarantee to astronauts of all nations the freedom to explore all planets except our own without restriction. In addition, the treaty would obligate each nation to make use of planets, other than own (regrettably), solely for peaceful purposes. Conferees now have assembled at Geneva under the auspices of the United Nations to draft a definitive treaty document. According to a report in the New York Times this past week, the conferees expect to reach agreement very soon on an entirely suitable text.

Mr. Speaker, this United Nations space law conference, which will draw up "traffic laws for the highways of space," is a heartening example of productive international negotiation.

In the opinion of the editor of the Times, these negotiations have a double importance. First, the editor foresees, correctly, I believe, that successful conclusion of the conference be clear evidence that the principal conferees, the United States and the U.S.S.R., intend that the first manned landings on the moon by either nation shall not trigger a struggle for domination of that planet. But equally important, the negotiations are providing a forum from which further cooperative efforts in space may evolve. For while today the nations of our generation on this planet are engaged in race to gain the technical competence required to land on the planets, and to gain the prestige which will ensue, I hope that the generations to come instead will proceed on more cooperative ventures in space—ventures in which many nations will share the cost and contribute to joint crews. If these negotiations in Geneva create sufficient friendships among participants and sufficient trust among nations that some cooperative ventures occur in our time, much will have been gained.

Mr. Speaker, I ask that the editorial in the Times be reproduced in the RECORD at this point.

[From the New York Times, July 25, 1966]

COOPERATION IN SPACE

The United Nations space law conference in Geneva provides a heartening example of businesslike international negotiations, particularly between the United States and the Soviet Union. Concessions by both the Soviet and American delegates last week permitted the conferees to advance rapidly toward a draft treaty intended to insure that space exploration will serve peace. Not only has there been agreement already on specific treaty articles—such as a bar to any extension of national sovereignty to the moon and the planets—but an atmosphere of genuine cooperation has been established, one that should prove most valuable when the inevitable points of serious disagreement arise.

At a time when Soviet-American relations in other areas are deteriorating under the strain of the struggle in Vietnam, this development is particularly encouraging. With regard to space law, at least, the Kremlin is apparently willing to bear the burden of any Peking charges of "Soviet-American conspiracy." Last weekend Peking claimed that future Chinese scientific and technical achievements will leave the West far behind. This suggests Mao Tse-tung may view a treaty to internationalize space as a Moscow-Washington effort to deny China its rightful future share of the universe, the cosmic analogue of the 1963 limited nuclear test ban treaty.

The promising outlook for a legal code for space reflects the belief in Washington and Moscow that men will be on the moon within two or three years. Planners in both cities are looking beyond the lunar landing to the space targets of the 1970's. Many conceivable objectives compete for the favor of those who will decide the next decade's space priorities. Shall emphasis be put on manned exploration and settlement of the moon, or on sending men to visit Mars and Venus, or on putting up huge stations in space? And will these or other goals be sought through the same duplicative competition that characterizes this decade's drive to reach the moon?

Against this background, the Geneva negotiations have a double importance. Their rapid, successful conclusion is necessary to assure that the first manned landings on the moon—likely to be accomplished in quick succession by both rivals—does not touch off a struggle for lunar domination. Secondly, success in Geneva is an essential prerequisite for future international cooperation in space. Space law will help confine national rivalries within the edges of the atmosphere, beyond which all men must work together in the gigantic task of exploration, a task to which there is no conceivable end.

WARSAW UPRISING

The SPEAKER pro tempore. Under previous order of the House, the gentleman from New York [Mr. Rooney] is recognized for 5 minutes.

Mr. ROONEY of New York. Mr. Speaker, 22 years ago the people of Warsaw, believing liberation near at hand, launched a massive struggle to rid themselves of the German invaders who had occupied their city for almost 5 years. For 63 days the battle raged as the mighty Russian Army sat in the outskirts of Warsaw doing nothing to aid in the battle or stop the slaughter. More than 200,000 Poles—men, women, and children—died in that fight and the city was virtually destroyed, thus finishing the work that the Nazi murderers started 5 years before. It is fitting, in this year of the Polish Millennium, that we salute those gallant people and Poles everywhere.

President Johnson has called the Warsaw battle "an exceptional demonstration of man's courage and devotion in the long and continuing struggle for human freedom." How right he was, and how apt.

The Polish struggle for freedom is a saga almost as old as Western civilization itself. Time and time again the Poles have had their homeland turned into a charnel house by invading armies. Betrayed by both East and West, ravaged by war, Poland has still—somehow—managed to survive. Not only to survive but to hold to her fierce pride and to foster in her people the love of liberty and faith in God. This faith has survived for a thousand years and despite official harassment from the Communists the people and clergy of Poland have this year suitably marked the millennium of Christianity with ceremonies atop Jasna Gora in Czestochowa in south central Poland.

There, earlier this year, despite a Communist government plan to have the people of Poland ignore the ceremonies, thousands flocked to see Cardinal Wyszynski rededicate Poland to Our Lady of Czestochowa. The ceremonies and their reception by the Polish people have proven, if indeed any proof was needed, that although the Communists have ruled Poland for 21 years they have not won Poland. And they never will.

Through teachery, deceit, and murder the Communists took over a decimated Poland when the war was over. But the spirit of Polish freedom, so well exemplified by that battle in Warsaw 22 years ago, is still strong and will outlast the puny hold of communism.

LEAVE OF ABSENCE

By unanimous consent leave of absence was granted to Mr. Stalbaum (at the request of Mr. Albert), for today, on account of official business.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

Mr. Wright, for 30 minutes, on August 3, 1966.

Mr. Reuss, for 40 minutes, today; and to revise and extend his remarks and include extraneous matter.

Mr. Pucinski, for 15 minutes, today.

Mr. Laird (at the request of Mr. Duncan of Tennessee), for 10 minutes, today.

Mr. Rooney of New York (at the request of Mr. Mackay), for 5 minutes, today; and to revise and extend his remarks and include extraneous matter.

EXTENSION OF REMARKS

By unanimous consent, permission to extend remarks in the Congressional Record, or to revise and extend remarks was granted to:

Mr. O'Neill of Massachusetts.

(The following Members (at the request of Mr. Duncan of Tennessee) and to include extraneous matter:)

Mr. Findley.

Mr. Pelly in two instances.

Mr. Don H. Clausen.

(The following Members (at the request of Mr. Mackay) and to include extraneous matter:)

Mr. Fascell.

Mr. Roncalio.

SENATE BILLS REFERRED

Bills of the Senate of the following titles were taken from the Speaker's table and, under the rule, referred as follows:

S. 2097. An act to provide effective procedures for the enforcement of the establishment and free exercise clauses of the first amendment to the Constitution; to the Committee on the Judiciary.

S. 3148. An act to provide for the conveyance of all right, title, and interest of the United States reserved or retained in certain lands heretofore conveyed to the city of El Paso, Texas; to the Committee on Armed Services.

ENROLLED BILLS SIGNED

Mr. BURLESON, from the Committee on House Administration, reported that that committee had examined and found truly enrolled bills of the House of the following titles, which were thereupon signed by the Speaker:

H.R. 3013. An act to amend title 10, United States Code, to provide gold star lapel buttons for the next of kin of members of the Armed Forces who lost or lose their lives in war or as a result of cold war incidents;

H.R. 11980. An act to authorize the Secretary of the Army to donate two obsolete German weapons to the Federal Republic of Germany;

H.R. 12031. An act to authorize the appointment of Col. William W. Watkin, Jr., professor, of the U.S. Military Academy, in the grade of lieutenant colonel, Regular Army, and for other purposes; and

H.R. 13374. An act to amend title 10, United States Code, to authorize the award of trophies for the recognition of special accomplishments related to the Armed Forces, and for other purposes.

ADJOURNMENT

Mr. MACKAY. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 6 o'clock and 18 minutes p.m.) the House adjourned until tomorrow, Tuesday, August 2, 1966, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

2601. A letter from the Clerk, U.S. House of Representatives, transmitting the required report for the period January 1, 1966, to June 30, 1966, pursuant to the provisions of Public Law 88–454; to the Committee on House Administration.

2602. A letter from the Commissioner, Immigration and Naturalization Service, Department of Justice, transmitting detailed reports on refugee-escapees who have been found qualified and issued parole documentation, pursuant to the provisions of Public Law 86–648; to the Committee on the Judiciary.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, pursuant to the order of the House of July 29, 1966, the following bill was reported on July 30, 1966:

Mr. McMILLAN: Committee on the District of Columbia. House Resolution 931. Resolution to grant the Congress of the United States the permission to review the report of the District of Columbia Crime Commission before any action is taken to reorganize the District of Columbia Police Department (Rept. No. 1788). Referred to the House Calendar.

[*Submitted August 1, 1966*]

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. **BOLLING**: Committee on Rules. House Resolution 948. Resolution providing for the consideration of H.R. 14810, a bill to amend the Urban Mass Transportation Act of 1964 to authorize additional amounts for assistance thereunder, to authorize grants for certain technical studies, and to provide for an expedited program of research, development, and demonstration of new urban transportation systems (Rept. No. 1789). Referred to the House Calendar.

Mr. **YOUNG**: Committee on Rules. House Resolution 949. Resolution providing for the consideration of H.R. 15098, a bill to amend Public Law 89-284 relating to participation of the United States in the HemisFair 1968 Exposition to be held in San Antonio, Tex., in 1968, and for other purposes (Rept. No. 1790). Referred to the House Calendar.

Mr. **COLMER**: Committee on Rules. House Resolution 950. Resolution providing for the consideration of H.R. 15639, to amend title III of the National Housing Act to increase the authority of the Federal National Mortgage Association to obtain funds for use in its secondary market operations (Rept. No. 1791). Referred to the House Calendar.

Mr. **DELANEY**: Committee on Rules. House Resolution 951. Resolution providing for the consideration of S. 2934, an act to provide needed additional means for the residents of rural America to achieve equality of opportunity by authorizing the making of grants for comprehensive planning for public services and development in community development districts approved by the Secretary of Agriculture (Rept. No. 1792). Referred to the House Calendar.

Mr. **COLMER**: Committee on Rules. House Resolution 952. Resolution providing for the consideration of S. 3105, an act to authorize certain construction at military installations, and for other purposes (Rept. No. 1793). Referred to the House Calendar.

Mr. **GARMATZ**: Committee on Merchant Marine and Fisheries. H.R. 14136. A bill to amend the Migratory Bird Hunting Stamp Act of March 16, 1934, to increase by $2 the fee for such stamp; with amendment (Rept. No. 1794). Referred to the Committee of the Whole House on the State of the Union.

Mr. **GARMATZ**: Committee on Merchant Marine and Fisheries. H.R. 16559. A bill to amend the Marine Resources and Engineering Development Act of 1966 to authorize the establishment and operation of sea grant colleges and programs by initiating and supporting programs of education and research in the various fields relating to the development of marine resources, and for other purposes (Rept. No. 1795). Referred to the Committee of the Whole House on the State of the Union.

PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. ANDERSON of Illinois:

H.R. 16726. A bill providing for the designation of the gravesite and the ancestral home of Jane Addams in Cedarville, Stephenson County, Ill., as national historical landmarks; to the Committe on Interior and Insular Affairs.

By Mr. DON H. CLAUSEN:

H.R. 16727. A bill to amend title II of the Social Security Act to provide for cost-of-living increases in the benefits payable thereunder; to the Committee on Ways and Means.

By Mr. CRAMER:

H.R. 16728. A bill to amend the Railroad Retirement Act of 1937 to provide for cost-of-living increases in the benefits payable thereunder; to the Committee on Interstate and Foreign Commerce.

H.R. 16729. A bill to amend title II of the Social Security Act to provide for cost-of-living increases in the benefits payable thereunder; to the Committee on Ways and Means.

By Mr. HAGEN of California:

H.R. 16730. A bill to amend title 39, United States Code, to provide city delivery mail service on a door delivery service basis for postal patrons receiving curbside delivery service who qualify for door delivery service; to the Committee on Post Office and Civil Service.

By Mr. HARSHA:

H.R. 16731. A bill to amend title II of the Social Security Act to provide for cost-of-living increases in the benefits payable thereunder; to the Committee on Ways and Means.

By Mr. HICKS:

H.R. 16732. A bill to suspend the income tax investment credit and to impose on corporations a temporary defense emergency tax; to the Committee on Ways and Means.

By Mr. HUNGATE:

H.R. 16733. A bill to establish an emergency program of direct Federal assistance in the forms of grants and loans to certain hospitals in critical need of new beds and related facilities in order to meet the demands for service resulting from new and expanded Federal programs; to the Committee on Interstate and Foreign Commerce.

By Mr. JOHNSON of California:

H.R. 16734. A bill to protect the domestic economy, to promote the general welfare, and to assist on the national defense by providing for an adequate supply of lead and zinc for consumption in the United States from domestic and foreign sources, and for other purposes; to the Committee on Ways and Means.

By Mr. KREBS:

H.R. 16735. A bill to amend title 18, United States Code, to prohibit a parent who does not have custody of a child from taking such child across the boundary of a State under certain circumstances; to the Committee on the Judiciary.

By Mr. LEGGETT:

H.R. 16736. A bill to amend title 39, United States Code, to provide city delivery mail service on a door delivery service basis for postal patrons receiving curbside delivery service who qualify for door delivery service; to the Committee on Post Office and Civil Service.

By Mr. MATSUNAGA:

H.R. 16737. A bill to amend the Federal Seed Act (53 Stat. 1275), as amended; to the Committee on Agriculture.

By Mr. MULTER:

H.R. 16738. A bill to amend the act of April 25, 1940, to prohibit any person not licensed to do so to operate any motorboat on the navigable waters of the United States; to the Committee on Merchant Marine and Fisheries.

By Mr. O'HARA of Illinois:

H.R. 16739. A bill to provide for a more conservative capitalization of the St. Lawrence Seaway Development Corporation, and for other purposes; to the Committee on Public Works.

By Mr. SWEENEY:

H.R. 16740. A bill to amend the war orphans' educational assistance program of title 38 of the United States Code to extend to widows of servicemen who died on active duty after January 31, 1955, the same educational benefits which are provided for war orphans; to the Committee on Veterans' Affairs.

By Mr. WHALLEY:

H.R. 16741. A bill to provide that primary elections and runoff primary elections for nomination of candidates for the House of Representatives shall be held on the same day throughout the United States; to the Committee on House Administration.

By Mr. WYATT:

H.R. 16742. A bill to provide that no further sales may be made under the Participation Sales Act of 1966; to the Committee on Banking and Currency.

By Mr. BINGHAM:

H.R. 16743. A bill to amend the Social Security Act to provide for expansion and development of social work manpower training; to the Committee on Ways and Means.

By Mr. DINGELL:

H.R. 16744. A bill to reserve certain public lands for a national scenic rivers system, to provide a procedure for adding additional public lands and other lands to the system, and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. DORN:

H.R. 16745. A bill to amend title 10 of the United States Code to provide pensions for widows of certain retired members of the Armed Forces, and for other purposes; to the Committee on Armed Services.

By Mrs. MAY:

H.R. 16746. A bill to amend title II of the Social Security Act to provide cost-of-living increases in the benefits payable thereunder, and to provide that any such increases shall not be considered as income for purposes of determining eligibility for pension under title 38 of the United States Code (veterans' benefits); to the Committee on Ways and Means.

By Mr. ROBISON:

H.R. 16747. A bill to amend title II of the Social Security Act to provide for cost-of-living increases in the benefits payable thereunder; to the Committee on Ways and Means.

By Mr. TALCOTT:

H.R. 16748. A bill to amend the Railroad Retirement Act of 1937 to provide for cost-of-living increases in the benefits payable thereunder; to the Committee on Interstate and Foreign Commerce.

H.R. 16749. A bill to amend title II of the Social Security Act to provide for cost-of-living increases in the benefits payable thereunder; to the Committee on Ways and Means.

By Mr. DUNCAN of Tennessee:

H.R. 16750. A bill authorizing the Tennessee Valley Authority to construct a bridge across the Powell River arm of Norris Lake; to the Committee on Public Works.

By Mr. RUMSFELD:

H.R. 16751. A bill to mesh the combined efforts of government at all levels with private endeavors to provide jobs and dignity for the poor; to the Committee and Education and Labor.

By Mr. HORTON:

H.J. Res. 1248. Joint resolution to authorize the President to proclaim annually National Improved Order of Red Men Week; to the Committee on the Judiciary.

By Mr. DAGUE:

H.J. Res. 1249. Joint resolution proposing an amendment to the Constitution of the United States to limit the power of the States and their political subdivisions to tax the salaries and wages of persons who are not domiciliaries or residents thereof; to the Committee on the Judiciary.

By Mr. DORN:

H.J. Res. 1250. Joint resolution to provide the settlement of the labor dispute currently existing between certain air carriers and certain of their employees; to the Committee on Interstate and Foreign Commerce.

By Mr. LONG of Maryland:

H.J. Res. 1251. Joint resolution to provide for the settlement of the labor dispute currently existing between certain air carriers and certain of their employees; to the Committee on Interstate and Foreign Commerce.

By Mr. WATKINS:

H.J. Res. 1252. Joint resolution proposing an amendment to the Constitution of the United States to limit the power of the States and their political subdivisions to tax the salaries and wages of persons who are not domiciliaries or residents thereof; to the Committee on the Judiciary.

By Mr. FUQUA:

H. Con. Res. 942. Concurrent resolution relating to U.S. military personnel held captive in Vietnam; to the Committee on Foreign Affairs.

By Mr. GRABOWSKI:

H. Con. Res. 943. Concurrent resolution relating to U.S. military personnel held captive in Vietnam; to the Committee on Foreign Affairs.

By Mr. SWEENEY:

H. Con. Res. 944. Concurrent resolution relating to U.S. military personnel held captive in Vietnam; to the Committee on Foreign Affairs.

By Mr. LONG of Maryland:

H. Con. Res. 945. Concurrent resolution relating to U.S. military personnel held captive in Vietnam; to the Committee on Foreign Affairs.

By Mr. DERWINSKI:

H. Res. 953. Resolution expressing concern for prisoners of war in Vietnam; to the Committee on Foreign Affairs.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. ADDABBO:

H.R. 16752. A bill for the relief of Salvatore Battagia; to the Committee on the Judiciary.

By Mr. ASHLEY:

H.R. 16753. A bill for the relief of Dr. Reza Frootan Mafee; to the Committee on the Judiciary.

By Mr. FINO:

H.R. 16754. A bill for the relief of Angelo Castiglione; to the Committee on the Judiciary.

H.R. 16755. A bill for the relief of Antonio Cruciata; to the Committee on the Judiciary.

By Mr. ROONEY of New York:

H.R. 16756. A bill for the relief of Mr. and Mrs. Israel Yashar and children, Moises and Rika; to the Committee on the Judiciary.

PETITIONS, ETC.

Under clause 1 of rule XXII,

420. By the SPEAKER: Petition of Henry Stoner, Barberton, Ohio, relative to tests for Federal and State officials; to the Committee on the Judiciary.

EXTENSIONS OF REMARKS

Disclosures of the Week—Part XI

EXTENSION OF REMARKS

OF

HON. THOMAS M. PELLY

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Monday, August 1, 1966

Mr. PELLY. Mr. Speaker, once again I have selected some examples of miscellaneous news items which came to my attention last week.

Public opinion is a powerful force and by pointing up these cases I am hopeful that public indignation will bring about a correction of these shocking situations.

CASE NO. I

A reporter for the Chicago Tribune sat in on a meeting where a Democrat candidate told Secretary of Agriculture, Orville Freeman, inflation was a major issue in his district.

Freeman recommended ducking the question of higher consumer prices. He said, however, if it was necessary to choose a side, to take the farmers' side. He went on to say that it was the right side and besides that, housewives are not nearly as well organized.

CASE NO. II

With the United States suffering an unfavorable balance of payments and rapidly losing our gold to foreign nations, Defense Secretary McNamara has awarded a $16,730,530 order for two naval survey vessels to a British shipyard.

CASE NO. III

Also, it has been revealed that the Defense Department is buying $73 million worth of machineguns from a West German firm. The Bonn Army had found these guns unreliable, but we have spent $6 million, over a 5-year period, to make them work, but the guns still are not reliable. A Congressman from Illinois cited this as the type of savings that computer-economist McNamara is giving the public.

CASE NO. IV

In St. Petersburg, Fla., according to the Rockford, Ill., Register-Republic, the Job Corps trained 42 girls in the Hotel Huntington. The first year's bill for staff salaries, accommodations, and incidentals came to $1,646,601—an average of $39,305 per graduate.

CASE NO. V

One Congressman in his newsletter has informed his constituents that the Federal Government is the world's biggest landlord and property owner. He said that on the Federal books are 427,000 buildings—with floor space of 2.5 billion square feet—and 766 million acres of land. In five States, the United States owns more than half the land area; 98 percent in Alaska, 87 percent in Nevada, 67 percent in Utah, 64 percent in Idaho, and 52 percent in Oregon.

CASE NO. VI

The Office of Economic Opportunity in announcing a poverty grant for a four-county community action program, described the area as having 120,000 needy persons. The Congressman representing this area, figured its entire population was only 105,000 and challenged the statement that everyone was impoverished. OEO agreed that there were probably only 5,000 needy families.

Outstanding Research on Social Problems

EXTENSION OF REMARKS

OF

HON. TENO RONCALIO

OF WYOMING

IN THE HOUSE OF REPRESENTATIVES

Monday, August 1, 1966

Mr. RONCALIO. Mr. Speaker, I would like to call the attention of my colleagues to a recent book on social problems written by my friend, Dr. John J. Mirich, the professor of psychology at Treasure Valley College, Ontario, Oreg. His recent book is entitled "Our Trojan Horses: Social Problems."

Dr. Mirich is a national authority in police science education and has served as a police officer, probation officer, public school teacher and counselor, as well as a professor in higher educational institutions for several years. He is the author of a number of books and national articles in social problems and is a lecturer in the field.

His works have stressed the importance of greater attention by the family and schools toward instructing our young people in the field of moral values.

Dr. Mirich's writings focus upon matters of great concern for all of us today, namely the problems of civilizations collapsing through moral decay and of family unit disintegration. He also stresses the importance of higher quality television programs and of vocational education for young people.

I urge my colleagues to study Dr. Mirich's writings, which provide a new outlook on today's pressing social problems.

George R. Coslow Retires From Army Corps of Engineers After 39 Years of Service

EXTENSION OF REMARKS

OF

HON. DANTE B. FASCELL

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Monday, August 1, 1966

Mr. FASCELL. Mr. Speaker, I would like to take this opportunity to congratulate a distinguished public servant upon his retirement from the U.S. Army Corps of Engineers after more than 39 years of service. Mr. George R. Coslow, resident engineer for the Corps' Miami Beach office where he had become affectionately known as "Mr. Corps of Engineers," retired yesterday. In honor of his outstanding record of service he was presented the second highest award made by the Department of the Army. The framed scroll, accompanied by a medal and lapel pin, was signed "Lt. Gen. William F. Cassidy, Chief of Engineers for the Corps of Engineers." It read:

> For meritorious performance of duty from February, 1944 to November, 1965 as a civilian engineer, U.S. Army Engineer District, Jacksonville. As Resident Engineer, Miami Beach Resident Office, he served as the personal representative of the District Engineer in the highly developed and extremely active South Florida area, in an outstanding manner. His vast knowledge of the area, its problems and its people, made him a most valuable representative of the Jacksonville District of the Corps of Engineers, substantially advancing the work of the Corps. His outstanding and dedicated services reflect credit to himself, the Corps of Engineers and the Department of the Army.

I have had the honor and the privilege of knowing and working with Mr. Coslow ever since I first came to the House of Representatives. His service to Dade County and the entire south Florida area has been outstanding. He had a big hand in the deepening of major deep draft harbors at Miami, Fort Lauderdale, and West Palm Beach. He has been active in the deepening of the southern end of the Intracoastal Waterway. He has worked on military construction and defense projects constructed by the Army Engineers.

Mr. Speaker, the United States and the Army Corps of Engineers is indeed fortunate to have such dedicated and competent personnel and it is a privilege to congratulate him on his retirement.

The Visit of President Schneor Zalman Shazar

EXTENSION OF REMARKS

OF

HON. THOMAS P. O'NEILL, JR.

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Monday, August 1, 1966

Mr. O'NEILL of Massachusetts. Mr. Speaker, I would like to call attention to the visit of a great man, a great leader, and a great friend. Schneor Zalman Shazar, the third President of Israel, is an honored guest in our country.

The ancient state of Israel is a young state in the eyes of international law; this is its 18th year. The number 18 has great significance in Jewish tradition. The characters that form the number 18 also form the word "ch'ai," meaning life. Life itself has been a hard-sought goal of the Jewish people for life has often been denied them. But the State of Israel finally found life through the work of its great men like Schneor Zalman Shazar.

President Shazar was born in Czarist Russia in 1891. By the time he was 16 years old he has already become active in the Zionist movement. For this activity he was jailed by the czarist police.

Following his imprisonment he combined academic studies with increased Zionist activity in Russia, France, and Germany. By 1924, when he finally settled in what was then Palestine, he was an acknowledged scholar and teacher and one of the outstanding Zionist leaders.

In the 24 years following his settlement in Israel, President Shazar wrote numerous articles, essays, and books, and was on the editorial board of DAVAR, a Tel Aviv daily newspaper he had founded in 1925.

With the prospect of independence in 1948, he helped draft Israel's declaration of independence. Since independence in 1948 he has been in public service as a member of the Knesset, the Israel Parliament, and since 1963, as the third President of the state of Israel.

President Shazar was born in czarist talented wife are welcome in our country. They and their nation have been good friends and allies of the United States through many troubled times.

We wish them a pleasant and successful visit and hope that the ties that bind our two countries will continue to be strong.

Maurice Schumann Heads International Atlantic Movement

EXTENSION OF REMARKS

OF

HON. PAUL FINDLEY

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Monday, August 1, 1966

Mr. FINDLEY. Mr. Speaker, Mr. Maurice Schumann, president of the National Assembly Foreign Affairs Commission, is newly elected chairman of the Board of the International Movement for Atlantic Union. He replaces Gen. Pierre Billotte, who took leave of absence after being appointed Minister of State in the French Cabinet recently.

The organization's purpose is to unite the Atlantic Community in an effective democratic union. The president of the organization is Clarence K. Streit, of Washington, D.C.

In a statement released today announcing Schumann's election, Streit said:

> The election of another French statesman as chairman of our Board—which includes 48 members from nine NATO nations—reflects their confidence in continued coleadership by the American and French cofounders of our Movement in 1958 as the best way to meet the present crisis. It is too little noted in America that the ground on which President de Gaulle rejected NATO was "subordination described as integration," and that France is not alone in desiring an equitable voice in vital common Atlantic affairs.
>
> We Americans in the Movement's Board find this desire quite natural. We believe the fairest answer to it is to replace the present NATO alliance structure with an Atlantic Federal Union—in other words, with our own Senate-House balance between large and small states. U.S. history itself has proved this to be the sound way to safeguard every NATO nation against the domination by others, and assure an equitable voice to the people of each of them.
>
> I welcome especially this opportunity to work closely with Maurice Schumann. We have been friends since we met as foreign correspondents covering the 1933 London Monetary Conference, he for the French Havas Agency and I for the New York Times. Since then he has become a leader of the Democrat-Christian party, and has most constructively bridged the gap between the Gaullists and non-Gaullists in his country.
>
> Both his acceptance of our chairmanship and the recent appointment to the Gaullist Cabinet of the Frenchman most identified with Atlantic Federation—his predecessor, General Billotte—indicate that there are more hopeful possibilities in this crisis than most people assume.
>
> These opportunities are greatly strengthened by the resolution pending in Congress for a convention of NATO nations to explore the transformation of the alliance into a "federal union" as "eventual goal." This bill has now gained the support of more than 120 Senators and Congressmen of both parties, and is endorsed by former President Dwight D. Eisenhower, Richard Nixon, Barry Goldwater and Governors Otto Kerner, Nelson Rockefeller, George Romney and William Scranton. Should Congress approve this proposal, I feel sure French participation in this Convention's fresh look at the whole problem would be strongly recommended to President de Gaulle by some of his closest advisers.

Both Billotte and Schumann, Streit noted, are among the 12 men to whom De Gaulle listens, as listed by the political editor of the well-informed Paris La Monde. A third, Michel Debre, was vice president of the International Movement's French affiliate when he entered in 1958 the general's cabinet, where he now heads three key ministries—Finance, Economic Affairs, and Social Affairs.

Billotte was the general's wartime chief of staff. His present Cabinet post, which includes overseas territories, took him to the Pacific islands for the current French nuclear tests. Schumann has the distinction of being one of the two non-Gaullist party members among the 12; he is honorary president of the Democrat-Christian Party—MRP—and a former Cabinet Minister.

Our Senior Citizens: Our Forgotten Citizens

EXTENSION OF REMARKS

OF

HON. THOMAS M. PELLY

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Monday, August 1, 1966

Mr. PELLY. Mr. Speaker, because of the continuing rise in the cost of living, I favor immediate congressional action for automatic increases in social security benefits. Recent legislation dealing with the needs of our senior citizens has been helpful, and a step in the right direction. I refer to the Congress having provided the 18 million Americans who are 65 or over with new medical services, new employment benefits, and more adequate housing. But it seems to me that Congress has failed to provide a more fundamental kind of assistance, so that in the face of the ever-increasing cost of living, our elder Americans can live in dignity and free from want when it comes to food, clothing, rent, and the basic needs of life.

We cannot expect the elderly to be able to satisfy their physical or spiritual needs until and unless they are assured of an adequate minimum income, nor should we deny them the right to increase their incomes as they are able. An income which is adequate today, however, will not necessarily suffice 5 years from today. For example, assuming an annual increase of 2 percent in the cost of living over the next 5 years, the income of an older man of $2,000 a year will shrink 10 percent in its purchasing power during this period. This loss has the same effect as a decrease in his annual pension, and at a time when the national trend is precisely the reverse. Inflation hurts most those retired persons living on a fixed income.

It is to correct this injustice that I have just introduced H.R. 16551, to amend the Social Security Act so that whenever the Consumer Price Index increases by 3 percent, social security benefits would automatically increase correspondingly. This would keep social security retirement pensions in step with increases in the cost of living, and in effect would "unfix" the incomes of retired persons so they would not suffer the effects of spiralling inflation.

Past increases in social security benefits have been only sporadic, as evidenced by the long-delayed, across-the-board increase of 7 percent in 1965. My bill would assure increases in retirement benefits proportional to increases in the cost of living. It would overcome the hardship of our retired citizens, who, as I have said, are the ones who suffer most from the spiral of inflation. Especially important is the provision in my bill which would eliminate the timelag between the increase and the time when the cost of living goes up; or, in other words, adjustments in social security benefits would thus be automatic.

However, let me say frankly that implementation of existing programs is not enough. We must do more than guarantee our older citizens minimum living standards. Many retired persons are still able and prefer to keep working and thereby to contribute to their own support. It seems quite senseless to penalize their efforts to continue useful and productive lives.

A significant obstacle which keeps retirement-aged Americans from being able to continue in the occupations of their own choice and capabilities, of course, is the social security retirement test, which places a ceiling of $1,500 a year on the incomes of those receiving social security benefits. If the recipient earns more than $1,500 a year, he must forfeit his social security benefits. This discourages many who wish to stay active in their later years.

Therefore, Mr. Speaker, it has seemed to me only fair and sensible that the present $1,500 limitation be further liberalized to encourage the elderly to exercise initiative and to put their abilities to work if and when they desire to do so. The Social Security Amendments of 1965 liberalized the amount which a person may earn without loss of his social security benefits, lifting the ceiling from $1,200 to $1,500 in annual earnings. But in 1960, the Department of Health, Education, and Welfare estimated that many people on social security were deliberately holding their earnings to $1,200 or just under that in order to get the full pension benefits. The increase in 1965 of $300 was not enough to keep up with inflation and rising living costs for the elderly. A more realistic minimum figure would be $2,700 a year of allowable outside income, to raise the standard of living of our senior citizens and to encourage them to participate in community life as they desire and as they are able.

Since many of our senior citizens are willing and able to retain an active and productive part in American society, I have urged a change in the law. My proposal provides for the basic needs of these older Americans. The requirements of our senior citizens are complex and I believe a study of their needs should be undertaken without delay. The Congress responsibility is to see that these needs are studied and then promptly acted upon, especially with regard to the wishes of the people who want to work and to implement and expand their incomes.

Mr. Speaker, I urge that the House Committee on Ways and Means take up these matters. The pinch due to the increase in the cost of living has caused real suffering among our older citizens.

Congress should act swiftly to curb inflation, and it is equally our responsibility to adjust Government benefits to offset rises in the cost of food, clothing, and shelter, whenever they occur.

I hope my bill will stimulate hearings in behalf of the needs of our senior citizens, who right now are our forgotten citizens.

Proposed Civil Rights Act of 1966—Views of Senator Stennis

EXTENSION OF REMARKS

OF

HON. A. WILLIS ROBERTSON

OF VIRGINIA

IN THE SENATE OF THE UNITED STATES

Monday, August 1, 1966

Mr. ROBERTSON. Mr. President, one of the finest, ablest Members of the Senate is Hon. JOHN STENNIS, of Mississippi. Educated in law at Jefferson's University, where he was elected to the scholastic Society of Phi Beta Kappa, JOHN STENNIS first made his mark in his home State of Mississippi as a lawyer and a great circuit judge. During his service in the Senate, he has taken a leading part in the discussion of the many constitutional issues that have arisen on the subject of civil rights on the one hand, and the constitutional rights of the States on the other as exemplified last year in the efforts of labor unions to repeal our State right-to-work laws.

In addition to being recognized in the Senate as an authority on constitutional law, Senator STENNIS has become an authority on military affairs, serving as chairman of the Subcommittee on Military Construction of the Committee on Armed Services. He also is a high-ranking member of the Subcommittee on Defense of the Committee on Appropriations, where, for 2 years, he has successfully handled two of the largest defense appropriations bills in the history of our Nation. As a tribute to his recognized qualities of the ideal judge in whom justice and mercy are reconciled and the judge and the brother are one, Senator STENNIS was named chairman of the Senate Committee on Ethics.

As might have been expected, Senator STENNIS is now in the forefront in opposition to a civil rights bill which is still pending before the Senate Judiciary Committee but is now on the House calendar for debate and House action.

I have been privileged to read a condensation of Senator STENNIS' views on the proposed legislation which were embodied in his newsletter to his constituents of August 1. I wholeheartedly endorse what Senator STENNIS said in that newsletter against both the House and Senate bills, and for the benefit of Senators, who I am sure are interested in this proposal, I ask unanimous consent that the Stennis newsletter be printed at this point in the RECORD.

There being no objection, the newsletter was ordered to be printed in the RECORD, as follows:

WASHINGTON REPORT FROM U.S. SENATOR JOHN STENNIS

AUGUST 1, 1966.

DEAR FRIEND: This Washington report takes the form of excerpts of testimony against the Civil Rights bill during my appearance before the Senate Judiciary Subcommittee on Constitutional Rights.

I strongly opposed the passage of all sections of this bill and especially emphasized the unconstitutionality and otherwise objectionable provisions of the section affecting the sale, lease or rental of private dwellings. The excerpts are as follows:

"I regret very much that the Congress is now called upon to consider a new and far-reaching civil rights bill so closely upon the heels of the passage of the Civil Rights Act of 1964.

"During the past few years Congress has passed much civil rights legislation some of which have trampled upon the inherent rights and liberties of large segments of our people.

"The bill before this Committee proposes to regulate, supervise and control—to 'oversee'—every individual in the Nation concerning his every move in the purchase, sale or leasing of his privately owned dwelling house, so far as his personal choice of a renter or purchaser may involve possible discrimination as between the races. Unless he submits to bureaucratic control, he will run the chance of a court order or prosecution to compel obedience.

"It is high time, I respectfully suggest, that all of us—and particularly those who have a sincere regard for basic human and constitutional rights—to pause and consider carefully the impact which Title IV (the housing provision) would have upon individual liberties and freedom.

"Under the best case which can be made for Title IV, the basic issue is the fundamental liberty of the individual versus alleged equality—and regimented equality at that. 'Equality' and 'liberty' are not synonymous and never can be. Subordination of individual liberties to a politically inspired 'equality' can destroy this Nation just as surely as can an attack by a militarily powerful aggressor. It is essential that we keep both in proper balance and bear in mind that the basic and inherent freedom of the individual and individual action is entitled to a great degree of protection from governmental interference. Blind allegiance to the principle of equality can and will make ashes of our basic freedoms.

"By tinkering with our cherished Constitution, we can limit the right to own, hold and use property; we can mandate free access for all persons to all places; we can freeze all of our citizens at the same economic level; we can cast all Americans into the same mold and take from the rich and give to the poor. We must remember, however, that if and when we do this the American that we love and rever will be no more.

"Title IV—the housing provision—attempts to lay the harsh and heavy hand of Federal regulation on rights and liberties which have always been considered private and sacred to the individual. There are no exceptions to its restrictive provisions. It deliberately and callously tramples upon the freedom of an individual to choose his own associates and neighbors and to use and dispose of his property as he sees fit. If Federal power can reach this far into private lives and private transactions, is there any limit upon it whatsoever? It is unthinkable that the great majority of the people of this Nation will willingly submit to such drastic governmental dictation and control.

"Title IV of the bill in one sweeping sentence boldly announces the policy of the United States Government regarding the 'purchase, rental, lease, financing, use and occupancy of housing throughout the Nation.'

"This is not a question of policy, it is a question of authority. Congress has absolutely no right under any clause of our Constitution to invade the basic rights of the individual regarding the rental, sale or occupancy of his own dwelling house. For Congress to exercise such authority would require an express grant from the people through a constitutional amendment.

"The argument that the Equal Protection Clause of the 14th Amendment supports Title IV conveniently overlooks the fact that the Supreme Court has never held that the 14th Amendment in any way limits an owner's right to refuse to sell or lease a home or apartment on grounds of race, religion, or national origin. The Supreme Court has never held that, where no state action is involved, an individual homeowner violates the 14th Amendment by discriminating in the sale or rental of his property. Indeed, a majority of the Court has not yet even held that the 14th Amendment prohibits the owner of a restaurant or other place of public accommodation from discriminating among customers on account or race.

"I take the liberty of illustrating with the home Mrs. Stennis and I have in Mississippi which we built in 1930 and in which we have lived continuously until this very hour. No federal funds have ever been used in connection with this home; it has never been involved in interstate commerce beyond the shipment of its nails, wiring, roofing, and like materials into the State 36 years ago. It is there that we reared our family; we live there now and expect to continue to do so. This dwelling has never been connected with a public use in any way, and, in fact, is as personal and as private to us as is the nose on our faces. Further, it is our home. Still, under this bill, if we should sell or lease this home, which we are not going to do; or if we should offer to sell or lease it and advertise it in the newspaper or on a bulletin board, or merely talk about it among our friends, we would not be able to make a valid sale or lease to someone of our choice but would have to offer it without discrimination to all and everyone that might be interested, regardless of race or color or national origin. Further, if we should fail to let anyone know about it and sell it to someone of our choice, a friend or even a relative, we would run the chance of being investigated for having entered into a conspiracy to evade this law and run the chance of having the sale or lease set aside.

"Another clear case of unconstitutionality is made with respect to vacant land, which is also covered by Title IV provided it is offered for sale or lease for the construction or location of a residence upon it. It takes twisted logic, indeed, to conclude that this vacant land has moved in commerce or that the sale of it has a substantial effect upon commerce.

"Now, Mr. Chairman, I would like to turn briefly to certain provisions of H.R. 14765, the companion House bill, as reported by the Judiciary Committee of that body.

"An amendment added by the Judiciary Committee of the House of Representatives expressly excepted from the bill the sale or lease of a dwelling house by the owner thereof. This is direct proof on the face of the bill that the measure is not based on a civil right. If a principle of civil rights was involved and the bill is to be justified on this basis, it should apply across the board and without exception. This broad exception destroys every principle of the so-called 'equality' base upon which the bill is said to rest. The change was made solely as a move to gain votes for the bill.

"I trust, Mr. Chairman, that the stress I placed on Title IV will not obscure my strong objections to other portions, notably Titles II, III, and V.

"Title II, which deals with the selection of juries in State courts is both unnecessary and unsound and constitutes a clear usurpation by the Federal government of the powers reserved to the States. Proper exercise by the Attorney General of the power he already has under present law would eliminate any real or imagined need for the extreme authority requested in this Title and would prevent a further disturbance of the balance in Federal-State relations.

"As to Title III, which deals with public education and other public facilities, I object strenuously and particularly to the fact that it would give the Attorney General arbitrary, uncontrolled and capricious power and discretion to bring suits without any complaint whatsoever. This would eliminate the carefully thought out provision which the Congress put in the Civil Rights Act of 1964.

"Title V would give the Federal government new and totally unnecessary jurisdiction in the area of criminal law enforcement historically the exclusive jurisdiction of the States, if the violation is in any manner connected with civil rights activity. This would be another step in the gradual erosion of the right of each State to enact and enforce its own laws. In addition, it does not afford the individual the protection to which he is constitutionally entitled. The Attorney General has said that in a prosecution for an alleged crime against a Negro for voting, it would be sufficient to send the case to the jury for a showing that the defendant was opposed to equal rights for Negroes and that he had reason to believe that his victim had recently voted. He stated that the purpose of the law was to avoid the necessity of proving specific intent.

"Title I deals with the selection of juries in Federal courts. While Congress has full jurisdiction over juries in Federal courts, I think that it would be premature for the Congress to act until the proposed changes have been fully studied and considered by the Judicial Conference of the United States, the American Bar Association, and the American Law Institute. This has not yet been done.

"This bill, if enacted into law, will prove to be the vehicle that will destroy our concepts of government that are based on the Common Law system of England and the constitutional system that we have developed here in America. The basic concept of that system is that the individual, in certain fields, is not subordinate to the government; that he has certain rights which cannot be taken away by his government. Ordinary police and health laws excepted, of course, the right to own and control and dispose of property which constitutes his home is one of the personal, individual rights that cannot be supervised, directed or controlled.

"This proposal may find its roots in the Roman Civil Law, or in other legal systems of the world. Certainly, it has no place in our scheme of government. To try to 'squeeze' it into our system under the guise of 'a right' for a special group of citizens is to destroy our system and hence the right of all citizens."

This is largely a political measure both founded and pushed for the purpose of getting votes from special groups. We shall expose it fully and I believe defeat it finally. The bill should not be passed and shall continue to have the strongest and most determined opposition I can muster.

Your friend,
JOHN STENNIS,
U.S. Senator.

California's North Coast Water Resource Developments

EXTENSION OF REMARKS
OF
HON. DON H. CLAUSEN
OF CALIFORNIA
IN THE HOUSE OF REPRESENTATIVES
Monday, August 1, 1966

Mr. DON H. CLAUSEN. Mr. Speaker, *in order to bring to the attention of the* House and the Senate the progress and status of water resource development on the north coast of California, I submit for the RECORD a copy of my most recent speech to the Eel River Flood Control and Water Conservation Association on July 7, 1966.

With all the interest in water development in California and the Nation, the very devastating floods in 1964 and 1965 and, in particular and the great benefits to be derived from accelerating the construction of flood protective works and reservoirs, I hope fully the following remarks will be helpful to anyone concerned with the advancement of water resource developments.

Millions of dollars are expended annually for flood recovery and rehabilitation assistance. I hope we can look forward to directing more funds toward making this well recognized liability into one of America's greatest assets.

I want to express my sincere thanks to the Eel River Flood Control and Water Conservation Association for giving me this opportunity to again present a "progress report" on our Northcoast Water Resource Developments. Also, I would like to commend all of you for the great strides you have made in stimulating interest in our water problems among the various agencies of the State and Federal Government.

Certainly, most of us in State and Federal Government are well aware of the problems facing us, but I cannot over-emphasize how much we recognize and appreciate the coordinated efforts of this alert organization, because just as the old saying goes, "We can lead a horse to water, but we can't make him drink"—we can assist in providing and coordinating the technical data but we must know the specific water policy objectives of each of your areas and counties.

This can only be accomplished through an organization such as this—by your activities to date you have clearly demonstrated your desire to do just that. For this continuing surveillance, we, who are in positions of political leadership, are deeply grateful. Believe me, without your efforts and cooperation, our task of presenting recommendations to the Congress would become very difficult, if not impossible.

Of course, the very devastating flood disaster of December 1964 certainly brought nationwide attention to our problems and has resulted in an overall acceleration of the project planning and studies in the State and Federal Water Resource agencies. But, I would also like to remind you that memories are often very short—every day away from a flood disaster generally results in a proportionately lesser amount of concern about that problem as new problems arise to capture the attention of the State Legislature and the Congress. So again, we must continue to "beat the drums."

We must continue to "strike while the iron is hot". In other words, we can never let up in our determination to advance our vast water resource projects.

Without question, the ultimate development of the Eel River complex, the Russian River Basin, the Napa River Flood Control, the Mad the Van Duzen, and the multitude of other flood control and water conservation projects of our North Coast, is now and will, in the future, be recognized as one of the largest, Inter-Agency cooperative projects, ever undertaken by man. The estimated costs will run from 2.5 to 3.5 billion dollars.

While these figures, quite naturally, tend to stagger the imagination, they also point out the problems facing us as we seek the necessary funds at the State and Federal level. Each project must meet the most stringent economic and engineering justification requirements. This will require the broadest possible support from every one in this room because as you know, there is great and growing competition for these funds. Quite honestly, though, we on the North Coast certainly cannot complain too much because the Federal Government through the Corps of Engineers' activities alone spent $24,000,000 in completing the rehabilitation work associated with the '64 flood.

Incidentally, I want to briefly acknowledge and commend the personnel of the Corps, the Bureau of Reclamation, the Soil Conservation Service, the State Department of Water Resources, county government and the thousands of organizations and volunteers who performed so magnificently during the aftermath of the floods.

This large amount of money, spent for recovery work is without doubt, the most glaring justification for advancing the recommended flood protective works. Also, we have 19 different projects funded in the current Public Works appropriation bill now being considered by the Congress. I'm still asking for more additions to the Bill, but as you can see, the committee members do have a point, when they say, "CLAUSEN, how much more are we supposed to give one Congressional District?"

However, I will continue to press, with your cooperation, because I am personally convinced that we have a strong case to sell.

To me, water is wealth—water is now, or will soon become, worth whatever it costs to develop it. To postpone or prolong its development is to be foolhardy and unwise. Any appropriation for water resource development is, in my judgment, an investment in America.

The return on this investment is many fold—both immediate and long range. The immediate benefits are principally in the construction field—the direct and indirect jobs associated with these projects will be tremendous. The job opportunities in the services related to this type construction project are boundless. One need only to visit Oroville, California and you can then anticipate or get an idea of what we can expect here on the North Coast. Certainly the next twenty years are going to be exciting ones as we turn this well recognized liability into one of America's greatest assets.

Certainly, who can fail to recognize the potential good for all mankind in these worthwhile projects. All the people in every county of the North Coast will feel the benefits. In the chronically depressed areas of Southern Humboldt and Northern Mendocino counties, we can anticipate a tremendous "shot in the arm", economically, when the dirt begins to "fly" on those projects.

Just imagine flair of activity that will take place between the Willits and Garberville-Fortuna areas. The Dry Creek, Knights Valley and Big Sulphur projects in Sonoma County will provide a stimulous to Southern Mendocino and Sonoma counties.

As John Winzler commented this morning, the Butler Valley project on the Mad River must be expedited in order to meet the rapidly increasing demands for municipal and industrial water in Humboldt County. The Corps of Engineers is in the process of stepping up the final filing date of its report. With the well recognized flood control benefits associated with the Sequoia damsite project, I have asked the Corps' for a speed-up in this feasibility study.

These are but a few of the immediate benefits to our region that are "just around the corner", as we move toward the orderly planning and development of our water programs. The long range benefits are obvious to all of us concerned with providing safety and security, from the rampaging flood waters, for our people and those who envision the benefits of water conservation for municipal and industrial water supply, irrigation, recreation and fisheries enhancement.

Speaking of floods, I would be very derelict if I did not recognize, with pleasure, the progress of the Flood Warning System on our rivers. Some of you may recall my "blast" through the news media relating to the inadequacy of a proper flood warning system—as a matter of fact, some thought I was a bit harsh in my statement, but with the subsequent results I am convinced that it was worthwhile. Assemblyman Frank Belotti and Senator Carl Christenson performed miracles in pushing the request through Sacramento.

In talking to the Weather Bureau people in Eureka and Washington, they are convinced that "somebody got the message". Seriously though, with the modern communications equipment now available, there is simply no excuse for not having the finest warning systems man can provide. We've motivated similar improvements in our Fruit Frost Warning Systems and as some of you know, we recently completed our Fire Disaster Review hearings in Santa Rosa.

Here again, we are asking for a complete re-evaluation of our fire fighting capability to determine whether or not we have an adequate plan of action, and the most advanced equipment ready, on a stand-by basis, to be "cranked into action" should fires break out during this coming season. Believe me, I've had the willing cooperation of everyone, particularly the people directly involved in "carrying-out" the program. They've welcomed our intervention because with their personal knowledge of the inadequacies, they welcomed our "carrying the torch" for improving their cause.

While fire disasters may appear irrelevent to flood control and water conservation, I can assure you that forest fires are equally categorized as disasters and demand the attention of all of us. Further, as constituents you are entitled to this "progress report" as well.

Returning now to Water Resource Development, there are a few cogent points I would like to make.

First of all, as many people have told you, things are happening all around us, that have heretofore been non-existent. As your very able water consultant, Harvey Banks, has told you, he is withholding presentation of the final draft of his report because of what has happened recently on the Colorado River, Metropolitan Water District and Columbia River Developments.

The fact that Glen Smith of the Metropolitan Water District made the statement "that MWD may propose to increase the size of the Tehachapi Pumping Plant and the East Branch, to be capable of serving until 2020, is of great significance and bears watching and intense review. I have every confidence that Mr. Banks and your organization will maintain ready vigilance and increase your communications with MWD.

Because of the increasing demands for water everywhere, the study for a regional plan to transport waters into the Colorado River, a supplemental water supply for Southern California, the expanding regional developments of the Southwestern States, with Texas and Kansas being recently added to the picture, the widening controversy over the Columbia River water export plans, and its 25-year construction timetable, the population expansion projections for the San Joaquin and Sacramento valleys, the readily recognized need to supplement the Delta Pool water requirements and the many increasing demands of our State Water Plan, one can only conclude what we've known and predicted for some time, the attention given our north coast water resources will be substantially greater.

There are many reasons for this, but the principle fact that stands out is the consideration of our North Coast water resources as an interim supply. A water supply that will be needed in other areas of California until such time as the Columbia River water agreements are worked out, the 25 year construction schedule completed or an efficient and effective system of desalinization become technologically and economically feasible. Again, I want to remind you of my previous reference to the MWD statement to further stress this point.

Quite naturally, with our common desire to accelerate the project developments, this could be very timely in providing us with the potential economic justification of our projects. To say the least, it is very tempting to see this possibility evolve. But, it also prompts me to suggest that we must all accelerate our efforts in determining the water policy objectives of our region *and* our respective communities and counties, making certain that our own water needs are adequately protected and provided for. Again, your actions in developing the joint exercise of powers agreement and the report of Harvey Banks here today indicate you're moving in the right direction.

With the Inter-Agency group having divided up the projects on the Eel, Van Duzen and Mad Rivers, and delineated the function that each agency should pursue, it becomes our joint responsibility to set a series of deadlines and/or target dates when all projects in our package or master plan can be completed. Certainly, a projected timetable by each agency, available to all, would be very helpful to people interested in our progress.

With the very obvious competition for appropriations, I again would like to stress the importance of each agency concentrating on its own area of responsibility, thereby minimizing duplication of effort and maximizing the opportunity for simultaneous action and progress. This will be an accelerated Public Works program at its best. We on our committee are pushing this concept.

I believe your Association should support Bureau projects where there is clear evidence that cheap agricultural water is needed; Corps of Engineers projects when the principle purpose is flood control and water supply; projects of the State of California, perhaps in cooperation with the Corps or the Bureau of Reclamation, providing those projects give suitable local benefits to the project area and make local water supply available.

It becomes increasingly obvious, we must take further steps to become a part of the overall planning process. The time for thinking in terms of Regional Planning is now. The overall impact on lands located in some of the project areas will require our attention. Land Use Planning must be brought up to date to coincide with the Regional water plans.

The people and the communities of our area will be looking for more specific answers to their questions—when, where and how? When will the project get started, where will it be located and how much will it cost or how much can I expect to benefit from this start. The Bureau of Reclamation has advised me of their progress in developing concepts of future agricultural crop patterns as influenced by ample irrigation water on a regionwide basis.

As I've stated before, we will become increasingly dependent upon you for guidance and direction, so that we are advancing the projects in keeping with the water policy objectives of you and the people you represent.

We must, at the earliest possible date start translating some of these studies and plans with a positive program of action. We can and must see concrete results. Part of this is happening. Needless to say, it is thrilling to see the "dirt fly" on the Redwood Creek project, we have provided the funds for the start on Corte Madera Creek and we are asking for a construction start on Dry Creek. As I told the appropriations committee members, it is vital to keep these projects moving on schedule so as to prevent a future "logjam" in funding the construction starts.

As we seek all possible means of accelerating our projects, we might look back on the years prior to construction of the Oroville Dam. Every consultant proclaimed the Oroville project could not be justified until 1980. The Director of Water Resources, administratively, apparently with the backing of the Governor, went ahead with the project. The decision to proceed was made in September of 1960. This has been later referred to as the decision with "the proper mixture of engineering and guts".

A most significant fact occurred in later years—the project was completed to a point where it performed the flood control purpose—just one week before the 1964 flood hit.

The Director of Water Resources who made that decision was Harvey Banks.

As we discuss methods of accelerating these projects, I would like to touch briefly on a matter that has "bugged" me for a long time. Having traveled throughout the United States visiting areas hard hit by similar natural disasters, I concluded that one of the major problems facing the Congress was the "horse and buggy" criteria being used for benefit to cost ratio justification. I am thoroughly convinced that it does not recognize the total picture when considering the economic factors associated with disasters and flood protective works.

It has become increasingly clear that the State and the Bureau will not build the Middle Fork and English Ridge projects respectively unless they actually need the water in the Sacramento Valley and Southern California. On the other hand, the North Coast needs flood control at an early time. We are looking at two or three possible criteria changes that might embody the following principles to allow early project construction:

1. Payment, in addition to flood control allocation, for interest and principal on the allocation to water conservation, during the period of years before water is used, perhaps, with a maximum number of years specified. This payment could be non-reimbursable to the Federal Government in that when water is used, the using agency would only pick up payments to the end of the original period.

2. Payment by the Federal Government for principal and interest on conservation storage until water is used, with the payout period to begin at the time water is used and extend for the full period prescribed in present law.

3. Payment by the Federal Government for interest and principal on conservation allocation until water is used, with these payments by the Federal Government to be repaid by water users as a surcharge on future water rates.

In discussing criteria, there is another matter that is deserving of more attention—the consideration for aesthetics. The retention and enhancement of as much natural beauty as possible, during the construction stages of our various projects, would be serving the public interest and must be given a higher priority in the future. This is particularly true when flood control projects are built through the center of communities such as Napa and those along the Corte Madera Creek in Marin. Again, our committee will be looking for possible incremental additions in future criteria changes.

Some of these questions might be asked. How do you value flood control? Where two major catastrophes have occurred in the past ten years, what criteria should apply toward timing of the projects? It is very difficult to establish quantitative criteria without providing proper value judgment on the magnitude of the risk. Who knows when the 100 year or 1,000 year storm is going to come? We do know, from the experiences of the last three years alone, that the frequency of the storms and floods are on the increase, nationwide. I can speak with authority because I've been to these areas.

In addition to the flood recovery and rehabilitation costs, the one question that keeps coming to my mind is the lack of adequate consideration for increased values in land and improvements, that can be anticipated, immediately following the competition of a flood control or reclamation facility. This has occurred in every part of the country where similar projects are now in place. I am convinced we can safely expect this trend to continue.

With this in mind I have asked for answers to these questions from our committee and staff, obviously seeking improvements to our established criteria, techniques and methodology for economic evaluation. We are asking for a similar review by the Bureau of the Budget. In the coming months, I will be pursuing this objective to the maximum—if you agree with me, I hope you join in presenting the point of view and suggestions of your organization.

Again, the results of these evaluations should prove helpful as we emphasize the concept of accelerated development of the northcoast waters as an interim solution to the Colorado River problem.

In closing, as some of you know, I just returned from the World Forestry Congress in Spain. While our principal mission was to observe the progress of improved forestry in other sections of the world, I also asked our friends in Spain about their progress in water resource development. Immediately, they proudly responded by advising that they have already developed 80% of their hydrological potential. Gentlemen, this is a country that is supposed to be substantially behind us in technology and engineering. I only wish we had 80% of the North Coasts' hydrological potential already developed.

In attending this world conference, one could not help but feel that the eyes of the world are upon us—constantly seeking ideas and information from a diversified, viable and wealthy country, recognized as a world leader. The world is craving for our leadership. The image we create and the example we set is now in the making. In the eyes of the world, our International purpose will be judged by our domestic performance. Somehow, I get the feeling we can and must do more in accelerating water resource development—can any red-blooded American refuse to accept this challenge?

I stand ready to cooperate with you in every way possible. Thank you for the privilege of speaking to this very distinguished group of water experts.

HOUSE OF REPRESENTATIVES

TUESDAY, AUGUST 2, 1966

The House met at 12 o'clock noon.

The Chaplain, Rev. Edward G. Latch, D.D., offered the following prayer:

God is Spirit: and they that worship Him must worship Him in spirit and in truth.—John 4:24.

O God of truth and love, without whom our world drifts into the valley of darkness and despair, let the light of Thy spirit glow within us as we worship Thee this moment. Deliver us from greed and bitterness, from misunderstanding and ill will—which are the seeds of contention and confusion. By the might of Thy presence and by the strength of Thy spirit in our hearts make us one in Thee. With this oneness may we launch out into an adventurous cooperation among men which shall be a pattern of life for our own Nation and for all the nations of the world.

Underneath all differences of race or color or creed help us to see human life struggling to be free and to find satisfaction on higher levels of daily life. We believe Thou art showing us the way in Thy word—help us to walk in it to the glory of Thy name and for the good of our fellow man, through Jesus Christ our Lord. Amen.

THE JOURNAL

The Journal of the proceedings of yesterday was read and approved.

MESSAGE FROM THE SENATE

A message from the Senate, by Mr. Arrington, one of its clerks, announced that the Senate had passed, with amendments in which the concurrence of the

House is requested, bills of the House of the following titles:

H.R. 7327. An act to repeal section 7043 of title 10, United States Code; and

H.R. 14875. An act to amend section 1035 of title 10, United States Code, and other laws, to authorize members of the uniformed services who are on duty outside the United States or its possessions to deposit their savings with a uniformed service, and for other purposes.

CONGRESS SHOULD LAY ASIDE CIVIL RIGHTS AND MOVE AGAINST AIRLINES STRIKE

Mr. ABERNETHY. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The SPEAKER. Is there objection to the request of the gentleman from Mississippi?

There was no objection.

Mr. ABERNETHY. Mr. Speaker, rejection by airlines workers of the strike settlement agreement, as reached and recommended by their leaders and management, and approved by the President, is intolerable.

Their irresponsible conduct imperils the commerce and economy of this country. Airline terminals are crowded with would-be passengers vainly seeking space on nonstruck airlines. The wheels of business and industry are slowly grinding to a halt. The mail is slow and stacking up; the same for airfreight. Millions of dollars are being lost daily to say nothing of the inconvenience to the traveling public. A genuine emergency exists. It demands the immediate attention of the Congress—this week, yes, even today.

The Congress has been tolerant, Mr. Speaker—much too much so in my judgment. It has exercised restraint in the hope that a sense of responsibility among the workers would take hold and prevail.

We are piddling away our time on a piece of political legislation—so-called civil rights—while the Nation is on the verge of being economically paralyzed. We are also at war. In order to give our men in Vietnam the full backing to which they are entitled, it is essential that every scheduled flight of every airline be put in the air on time and without delay. It is reprehensible that we should tolerate anything like this when our men are dying for us every day in Vietnam.

I suggest, Mr. Speaker, that we lay the civil rights bill aside, today. If it must be considered there is yet time during this session. I also suggest, Mr. Speaker, that an appropriate emergency resolution—one that will put the planes back in the air immediately and for a definite period—be considered in this House, today.

And also, Mr. Speaker, I suggest and urge that the situation points up the fact that similar strikes in the future could and would completely paralyze this Nation.

Fortunately, Mr. Speaker, all of the lines are not being struck. Some planes are flying. But just think, Mr. Speaker, of the dilemma that this Nation would face if all lines were grounded by strike. And such is possible under present law. Therefore, Mr. Speaker, I also suggest that the administration come forward and cooperate with the Congress in enacting permanent legislation which will never allow the economy and health of the people of this Nation to be destroyed by an all-out strike against all airlines.

REPRESENTATIVE WALTER ROGERS OF TEXAS TO RETIRE FROM THE HOUSE OF REPRESENTATIVES

Mr. RONCALIO. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The SPEAKER. Is there objection to the request of the gentleman from Wyoming?

There was no objection.

Mr. RONCALIO. Mr. Speaker, I was surprised yesterday to read of the announcement of the retirement of one of the ranking Members of this House, who will decline nomination for reelection to this body.

Mr. Speaker, this announcement was a disappointment to me. The Member is the second ranking member of the Committee on Interstate and Foreign Commerce, the third ranking member of the Committee on Interior and Insular Affairs, and has served as subcommittee chairman during many, many long and arduous hours of deliberations during this 89th Congress.

Mr. Speaker, he has been especially considerate and helpful to me, and to many other newer Members. Therefore, I regret very much the announcement that Representative WALTER ROGERS, of Texas, will be retiring. He understood the Rocky Mountain States and their economic problems. He has been a friend of the State of Wyoming, a friend and expert on irrigation and reclamation. I convey to the gentleman from Texas the gratitude of the people of my State for his interest in their well-being and for his 16 years of public service to the people of America.

Mr. Speaker, the gentleman from Texas [Mr. ROGERS] will be missed in the Rocky Mountain States where he is very highly regarded. We wish him well in his new endeavors.

THE TRUTH ABOUT THE AIRLINES STRIKE

Mr. HOLLAND. Mr. Speaker, I ask unanimous consent to address the House for 1 minute.

The SPEAKER. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

Mr. HOLLAND. Mr. Speaker, with all the discussion, in and out of the Halls of Congress, on the airlines strike, I should like to call attention to several facts which I believe are not being given too much consideration, nor publicity.

To classify this strike as a national emergency is impossible, I think, when testimony before the Senate committee on the subject revealed that cargo shipped by air is only one-tenth of 1 percent of the total in this Nation; and the airlines are utilized by only 6½ percent of our people who travel.

I will admit the cessation of service of the five airlines has caused inconvenience—but that cannot be termed a "national emergency."

Another interesting fact is the amount of hourly wages now being paid the airline mechanics. These range from $3.25 to $3.52 per hour.

The mechanics who serve our buslines and those who service our garbage trucks receive from $4.50 to $4.75 per hour.

It seems to me the lives of those who patronize the airlines are just as important as those who ride the buses and those who collect our garbage.

Commonsense dictates that to secure and maintain skilled personnel, adequate wages must be paid.

The airlines have reported increased incomes and have received from 16 to 27.7 percent profit on their net income as percent of their capital. I am inclined to think they can afford to pay living wages.

Many people, Mr. Speaker, do not realize that these negotiations were started in August 1965—a year ago.

Any settlement that is made should—I think—be retroactive to the date negotiations started.

EXHIBIT OF NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

Mr. MILLER. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The SPEAKER. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. MILLER. Mr. Speaker, I wish to announce that the National Aeronautics and Space Administration is sponsoring an exhibit on the "Challenge of Space" at the Arts and Industries Buildings at the Smithsonian Institution. This display is an extensive one and will be there from July 29 to September 5. It covers the activities of NASA with historical perspective and direction of the future, and I urge those of you who can to visit this exhibit.

THE UNIVERSITY OF TEXAS TRAGEDY

Mr. BENNETT. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The SPEAKER. Is there objection to the request of the gentleman from Florida?

There was no objection.

Mr. BENNETT. Mr. Speaker, another American tragedy has occurred with the mass murder of innocent men and women, a bizarre event which shocked the Nation yesterday.

All details of this shocking episode are not in, but we do know that there are basic facts underlying the terrible shootings by a man equipped with a 6.1 millimeter rifle with a telescopic sight, a

.35 caliber rifle, a carbine, a 12-gage shotgun, a 357-magnum pistol, a 9-millimeter Luger, and another gun. The facts are that we do not have adequate local, State, and Federal laws to prevent criminals, psychopaths, and thrill-bent juveniles from buying, owning, and using firearms.

The rifle that killed President Kennedy is the most infamous of the firearms that have fallen into misguided hands because of the lack of preventive legislation on the books.

Mr. Speaker, I urge the appropriate committees in the House to begin hearings immediately on national firearms legislation and to report out a bill which will serve the general public and help to stop another occurrence like that which took place yesterday. I have written the House Ways and Means and Judiciary Committees, where firearm legislation is now pending, of my concern and interest in seeing that speedy and appropriate action take place.

DEFINITION OF "AT RANDOM"

Mr. WHITENER. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The SPEAKER. Is there objection to the request of the gentleman from North Carolina?

There was no objection.

Mr. WHITENER. Mr. Speaker, yesterday, title I of the so-called Civil Rights Act of 1966 was approved in the Committee of the Whole House. In that title we find that jurors shall be selected "at random."

A few moments ago I was interested in looking at the Webster's Third International Unabridged Dictionary in the House Floor Library to find the definition of "random," and I think it characterizes title I of this bill. The dictionary says that "random" means "to run, get, or gather; haphazard course, chance progress, without definite aim, direction, rule, or method; with no specific goal or purpose in view; without restraint or attention at liberty."

So I think this definition from Webster's, as well as the one from the Oxford Universal Dictionary, characterizes this entire legislation.

Oxford Universal says, "to run fast, gallop; impetuosity, great speed, force, or violence, impetuous rush, a rapid headlong course."

PRIVATE CALENDAR

The SPEAKER. This is Private Calendar day. The Clerk will call the first individual bill on the Private Calendar.

PEDRO IRIZARRY GUIDO

The Clerk called the bill (H.R. 2914) for the relief of Pedro Irizarry Guido.

The SPEAKER. Is there objection to to the present consideration of the bill?

Mr. GROSS. Mr. Speaker, I ask unanimous consent that this bill be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Iowa?

There was no objection.

DIRECTING THE SECRETARY OF THE INTERIOR TO ADJUDICATE A CLAIM TO CERTAIN LAND IN MARENGO COUNTY, ALA.

The Clerk called the bill (H.R. 4841), to direct the Secretary of the Interior to adjudicate a claim to certain land in Marengo County, Ala.

The SPEAKER. Is there objection to to the present consideration of the bill?

Mr. CONTE. Mr. Speaker, I ask unanimous consent that this bill be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

DIRECTING THE SECRETARY OF THE INTERIOR TO CONVEY CERTAIN LANDS IN BOULDER COUNTY, COLO., TO W. F. STOVER

The Clerk called the bill (H.R. 4861) to direct the Secretary of the Interior to convey certain lands in Boulder County, Colo., to W. F. Stover.

The SPEAKER. Is there objection to to the present consideration of the bill?

Mr. CONTE. Mr. Speaker, I ask unanimous consent that this bill be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

COMPENSATION FOR CANCELLATION OF GRAZING PERMITS

The Clerk called the bill (S. 1375) providing a method for determining the amount of compensation to which certain individuals are entitled as reimbursement for damages sustained by them due to the cancellation of their grazing permits by the U.S. Air Force.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. GROSS. Mr. Speaker, I ask unanimous consent that this bill be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Iowa?

There was no objection.

FRED E. STARR

The Clerk called the bill (S. 1068) for the relief of Fred E. Starr.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. McEWEN. Mr. Speaker, I ask unanimous consent that this bill be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from New York?

There was no objection.

GLENN D. HUMES

The Clerk called the bill (H.R. 1328) for the relief of Glenn D. Humes.

There being no objection, the Clerk read the bill, as follows:

H.R. 1328

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That Glenn D. Humes (lieutenant, United States Navy, retired), of Altamonte Springs, Florida, is hereby relieved of liability to refund to the United States the sum of $5,504.95, representing the amount of compensation received by him in his employment as a temporary rural carrrier at the United States post office, Maitland, Florida, from October 29, 1960, to November 24, 1961, in violation of section 2 of the Act of July 31, 1894, as amended (5 U.S.C. 62), prohibiting the holding of civilian offices by certain retired individuals. In the audit and settlement of accounts of any certifying or disbursing officer of the United States, full credit shall be given for the amount for which liability is relieved by this Act.

SEC. 2. The Secretary of the Treasury is authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Glenn D. Humes, an amount equal to the aggregrate of the amounts paid by him, or withheld from sums otherwise due him, in complete or partial satisfaction of the claim of the United States for refund of the amount specified in the first section of this Act. No part of the amount appropriated in this Act in excess of 10 per centum thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

With the following committee amendments:

Page 1, line 6, strike "$5,504.95" and insert "$5,706.71".

Page 2, lines 12 and 13, strike "in excess of 10 per centum thereof".

The committee amendments were agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

MRS. RAISLA STEIN AND HER TWO MINOR CHILDREN

The Clerk called the bill (H.R. 1945) for the relief of Mrs. Raisla Stein and her two minor children.

The SPEAKER. It there objection to the present consideration of the bill?

Mr. TALCOTT. Mr. Speaker, I ask unanimous consent that this bill be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from California?

There was no objection.

ARLINE AND MAURICE LOADER

The Clerk called the bill (H.R. 2016) for the relief of Arline and Maurice Loader.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. McEWEN. Mr. Speaker, I ask unanimous consent that this bill be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from New York?

There was no objection.

DEMETRIOS KONSTANTINOS GEORGARAS (ALSO KNOWN AS JAMES K. GEORGARAS)

The Clerk called the bill (H.R. 2146) for the relif of Demetrios Konstantinos Georgaras (also known as James K. Georgaras).

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. TALCOTT. Mr. Speaker, I ask unanimous consent that this bill be passed over without prejudice.

Th SPEAKER. Is there objection to the request of the gentleman from California?

There was no objection.

MRS. MELBA B. PERKINS

The Clerk called the bill (H.R. 3275) to confer jurisdiction on the U.S. Court of Claims to hear, determine, and render judgment on the claim of Mrs. Melba B. Perkins against the United States.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. TALCOTT. Mr. Speaker, I ask unanimous consent that this bill be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from California?

There was no objection.

SOLOMON S. LEVADI

The Clerk called the bill (H.R. 3557), conferring jurisdiction upon the U.S. Court of Claims to hear, determine, and render judgment upon the claim of Solomon S. Levadi.

There being no objection, the Clerk read the bill, as follows:

H.R. 3557

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, notwithstanding any statute of limitations pertaining to suits against the United States, or any lapse of time, or bars of laches or any prior judgment of the United States Court of Claims, jurisdiction is hereby conferred upon the Court of Claims to hear, determine, and render judgment upon any claim of Solomon S. Levadi arising out of his service with the United States Armed Forces from the years 1942 to 1946.

SEC. 2. Suit upon such claim may be instituted at any time within one year after the date of the enactment of this Act. Nothing in this Act shall be construed as an inference of liability on the part of the United States. Except as otherwise provided herein, proceedings for the determination of such claim, and review and payment of any judgment or judgments thereon shall be had in the same manner as in the case of claims over which such court has jurisdiction under section 1491 of title 28 of the United States Code.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

JEAN A. QUAINTANCE

The Clerk called the bill (H.R. 4077) for the relief of Jean A. Quaintance.

There being no objection, the Clerk read the bill, as follows:

H.R. 4077

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That Jean A. Quaintance of Tacoma, Washington, is hereby relieved of all liability for repayment to the United States of the sum of $3,275.09, representing the amount of overpayments of salary in the years 1958 through 1963, because of administrative error. In the audit and settlement of the accounts of any certifying or disbursing officer of the United States, credit shall be given for any amount for which liability is relieved by this Act.

SEC. 2. The Secretary of the Treasury is hereby authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to the said Jean A. Quaintance an amount equal to the aggregate of the amounts paid by her, or withheld from sums otherwise due her, in complete or partial satisfaction of the liability to the United States referred to in section 1 of this Act. No part of the amount appropriated in this Act in excess of 10 per centum thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

With the following committee amendments:

Page 1, line 5, strike "$3,275.09" and insert "$3,255.94".

Page 1, line 7, strike "in the years 1958 through 1963" and insert "for the period August 7, 1958, to December 7, 1961, and September 10, 1962, through March 30, 1963,".

Page 2, line 7, strike "in excess of 10 per centum thereof".

The committee amendments were agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

ROBERT L. MILLER AND MILDRED M. MILLER

The Clerk called the bill (H.R. 4457) for the relief of Robert L. Miller and Mildred M. Miller.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. TALCOTT. Mr. Speaker, I ask unanimous consent that this bill be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from California?

There was no objection.

BRANKA MARDESSICH AND SONIA S. SILVANI

The Clerk called the bill (H.R. 4582) for the relief of Branka Mardessich and Sonia S. Silvani.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. GROSS and Mr. TALCOTT objected, and, under the rule, the bill was recommitted to the Committee on the Judiciary.

ESTATES OF CERTAIN FORMER MEMBERS OF THE U.S. NAVY BAND

The Clerk called the bill (H.R. 5912) for the relief of the estates of certain former members of the U.S. Navy Band.

There being no objection, the Clerk read the bill, as follows:

H.R. 5912

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury is authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, the sum of $25,000 to each of the estates of the following named former members of the United States Navy Band:

William Frederick Albrecht;
Elmer Leroy Armiger;
Henry Bein;
Milton George Bergey;
Robert Lisle Clark;
Anthony Mathew D'Amico;
Albert John Desiderio, Junior;
Reyes Soto Gaglio, Junior;
Richard David Harl;
Gerald Richard Meier;
Raymond Hector Micallef;
James Alan Mohs;
Walter Michel Penland;
Earl Weston Richey;
Jerome Rosenthal;
Vincent Peter Tramontana;
Roger Bruce Wilklow;
Jefferson Bruce Young;

each sum to be paid as equitable relief in connection with the death of each such former member in the plane crash which occurred during a flight from Buenos Aires, Argentina, to Rio de Janeiro, Brazil, on February 25, 1960.

With the following committee amendments:

Page 1: Strike lines 3 through 7, and insert the following:

"That the Secretary of the Treasury is authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to the estate of each of the former members of the United States Navy Band named below, the sum of $25,000, representing the amount found by the United States Court of Claims (congressional numbered 11-60, decided December 11, 1964), pursuant to H. Res. 585, Eighty-sixth Congress, to be equitably due each such estate. The payment of such amount shall be in full settlement of all claims against the United States of the estates of the following named former members of the United States Navy Band:".

Page 2, line 18: After "February 25, 1960.", add the following:

"No part of the amount appropriated in this Act in excess of 20 percentum thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000."

The committee amendments were agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

ESTATE OF MAJ. JOHN W. ROY, AND FOR OTHER PURPOSES

The Clerk called the bill (H.R. 6035) for the relief of the estate of Maj. John W. Roy, and for other purposes.

There being no objection, the Clerk read the bill, as follows:

H.R. 6035

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the estate of the late Major John W. Roy (Army serial number O201008) is relieved of liability to the United States of all amounts erroneously paid to him as retired pay for the period from September 1, 1950, through October 31, 1958, through administrative error of the Department of the Army. In the audit and settlement of the accounts of any certifying or disbursing officer of the United States, credit shall be given for amounts for which liability is relieved by this section.

SEC. 2. The Secretary of the Treasury is hereby authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to the widow of the said late Major John W. Roy an amount equal to the aggregate of the amounts paid by him, his widow, or his estate, or withheld from sums otherwise due any of them, in complete or partial satisfaction of the liability to the United States specified in the first section of this Act. No part of the amount appropriated in this Act in excess of 10 per centum thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

SEC. 3. The widow of the said late Major John W. Roy is hereby granted all the rights, benefits, and privileges to which she would have been entitled had the said late Major John W. Roy been correctly retired by reason of age and completion of twenty years' service from the Army of the United States on August 31, 1950, pursuant to the provisions of title III of the Act of June 29, 1948 (62 Stat. 1087–1091).

With the following committee amendment:

On page 2, strike lines 17 through 24.

The committee amendment was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

ROBERT A. HARWELL

The Clerk called the bill (H.R. 6039) for the relief of Robert A. Harwell.

Mr. McEWEN. Mr. Speaker, I ask unanimous consent that the bill be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from New York?

There was no objection.

GILMOUR C. MACDONALD, COLONEL, U.S. AIR FORCE (RETIRED)

The Clerk called the bill (H.R. 7546) for the relief of Gilmour C. MacDonald, colonel, U.S. Air Force (retired).

Mr. GROSS. Mr. Speaker, I ask unanimous consent that the bill be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Iowa?

There was no objection.

JOHN T. KNIGHT

The Clerk called the bill (H.R. 8694) conferring jurisdiction upon the U.S. Court of Claims to hear, determine, and render judgment upon the claim of John T. Knight.

Mr. TALCOTT. Mr. Speaker, I ask unanimous consent that the bill be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from California?

There was no objection.

MR. AND MRS. HOWARD H. ADELBERGER

The Clerk called the bill (H.R. 8727) for the relief of Mr. and Mrs. Howard H. Adelberger.

Mr. TALCOTT. Mr. Speaker, I ask unanimous consent that the bill be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from California?

There was no objection.

INDIAN CLAIMS

The Clerk called the bill (H.R. 11312) relating to certain Indian claims.

There being no objection, the Clerk read the bill, as follows:

H.R. 11312

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the United States Court of Claims shall have jurisdiction to hear, determine, and render judgment on the Indian claims described in section 2. The plaintiffs in the case of Jessie Short, et al. against United States (United States Court of Claims, docket numbered 102–63) may institute suit upon such claims at any time within the one-year period which begins on the date of enactment of this Act. Proceedings for the determination of such claims, appeals therefrom, and payment of any judgment thereon, shall be in the same manner as in cases over which the Court of Claims has jurisdiction pursuant to section 1505 of title 28 of the United States Code.

SEC. 2. The claims referred to in the first section are the claims against the United States which were dismissed by the Court of Claims on April 24, 1964, in such case of Jessie Short, et al. against United States.

SEC. 3. In the suit brought under the first section of this Act, the court shall have the authority to notify the Hoopa Valley Tribe to appear as a party in such suit and assert its interest in the subject matter.

With the following committee amendment:

Strike all after the enacting clause and insert the following:

"That notwithstanding laches or any statute of limitations, jurisdiction is hereby conferred upon the United States Court of Claims to hear, determine, and render judgment upon the claims of any person described in Sec. 2 of this Act against the United States based upon that individual's right to share the income derived from resources of unallotted land within the Hoopa Valley Indian Reservation in California as defined by the Executive Order of October 16, 1891. No action taken by the court incident to the jurisdiction provided by this Act shall be taken as authority to require a refund by any person previously distributed income derived from resources of such Indian land, nor shall the decision of the court be interpreted as defining any liability on the part of any such persons.

"SEC. 2. Any person claiming a right to share income derived from resources of unallotted lands within the Hoopa Valley Indian Reservation referred to in Sec. 1 of this Act may assert his claim in the United States Court of Claims as provided in Sec. 1 of this Act, and such claims must be filed in that court within six months of the effective date of this Act."

AMENDMENT OFFERED BY MR. ASHMORE

Mr. ASHMORE. Mr. Speaker, I offer an amendment to the committee amendment.

The Clerk read as follows:

Amendment to the committee amendment offered by Mr. ASHMORE: Page 2, line 19, strike "order of" and insert "orders of July 23, 1876 and".

The amendment to the committee amendment was agreed to.

The committee amendment, as amended, was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

CARL V. ELLIOTT

The Clerk called the bill (H.R. 12512) for the relief of Carl V. Elliott.

There being no objection, the Clerk read the bill, as follows:

H.R. 12512

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That Carl V. Elliott of Brewster, Washington, is hereby relieved of liability to the United States in the amount of $1,498.07, the amount of an overpayment of his salary as an employee of the Post Office Department for the period November 1, 1949, to August 23, 1958, because of an administrative error. In the audit and settlement of the accounts of any certifying or disbursing officer of the United States, credit shall be given for any amount for which liability is relieved by this Act.

SEC. 2. The Secretary of the Treasury is hereby authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to said Carl V. Elliott an amount equal to the aggregate of the amounts paid by him, or withheld from sums otherwise due him, in complete or partial satisfaction of the liability to the United States specified in the first section. No part of the amount appropriated in this Act shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

DONALD E. AUSEON

The Clerk called the bill (H.R. 13682) for the relief of Donald E. Auseon.

There being no objection, the Clerk read the bill, as follows:

H.R. 13682

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That Donald E. Auseon, of Canton, Ohio, is hereby relieved of liability to the United States in the amount of $831.46 representing an overpayment for overtime and night differential pay paid to him by the United States Post Office Department through administrative error. In the audit and settlement of the accounts of any certifying or disbursing officer of the United States, credit shall be given for amounts for which liability is relieved by this Act.

SEC. 2. The Secretary of the Treasury is authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Donald E. Auseon an amount equal to the aggregate of the amounts paid by him, or withheld from sums otherwise due him, in complete or partial satisfaction of the liability to the United States specified in the first section.

SEC. 3. No part of the amount appropriated in this Act shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

With the following committee amendment:

Page 1, line 5, after "overpayment" insert "between April 12, 1965, and August 27, 1965".

The committee amendment was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

ROBERT A. IVINS

The Clerk called the bill (H.R. 13683) for the relief of Robert A. Ivins.

There being no objection, the Clerk read the bill, as follows:

H.R. 13683

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That Robert A. Ivins, of Canton, Ohio, is hereby relieved of liability to the United States in the amount of $1,192.98, representing an overpayment for overtime and night differential pay paid to him by the United States Post Office Department through administrative error. In the audit and settlement of the accounts of any certifying or disbursing officer of the United States, credit shall be given for amounts for which liability is relieved by this Act.

SEC. 2. The Secretary of the Treasury is authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Robert A. Ivins an amount equal to the aggregate of the amounts paid by him, or withheld from sums otherwise due him, in complete or partial satisfaction of the liability to the United States specified in the first section.

SEC. 3. No part of the amount appropriated in this Act shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

With the following committee amendment:

Page 1, line 5, after "overpayment", insert "between March 29, 1965, and August 27, 1965,".

The committee amendment was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

EDWARD G. BEAGLE, JR.

The Clerk called the bill (H.R. 13909) for the relief of Edward G. Beagle, Jr.

Mr. GROSS. Mr. Speaker, I ask unanimous consent that the bill be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Iowa?

There was no objection.

CHARLES J. ARNOLD

The Clerk called the bill (H.R. 13910) for the relief of Charles J. Arnold.

Mr. GROSS. Mr. Speaker, I ask unanimous consent that the bill be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Iowa?

There was no objection.

VERNON M. NICHOLS

The Clerk called the bill (H.R. 14514) for the relief of Vernon M. Nichols.

There being no objection, the Clerk read the bill, as follows:

H.R. 14514

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Comptroller General of the United States is authorized and directed to settle the claim of Vernon M. Nichols, 8208 Valewood Court, Orangevale, California, for salary covering the period April 13, 1965, to June 12, 1965, inclusive, and for reimbursement of travel expenses from McCook, Nebraska, to Carmichael, California, incident to employment by the Bureau of Reclamation in the Job Corps program, and to allow in full and final settlement of the claim the sum of $1,752.36. Such amount shall be payable from the appropriation which otherwise would have been chargeable with the salary and travel expenses during the period in question. The Comptroller General of the United States is further authorized and directed to relieve Vernon M. Nichols from all liability to refund to the United States the sum of $65 expended in his behalf for airplane travel on April 12, 1965, from Denver, Colorado, to Sacramento, California.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

JOHN R. McKINNEY

The Clerk called the bill (H.R. 14379) for the relief of John R. McKinney.

There being no objection, the Clerk read the bill, as follows:

H.R. 14379

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury is authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to John R. McKinney, of Sylvania, Georgia, the sum of $1,456.67. Such sum shall be in full settlement of all claims against the United States of the said John R. McKinney for amounts to which he was entitled as a holder of the Medal of Honor under the provisions of sections 560–562 of title 38, United States Code, for the period from October 13, 1964, to December 30, 1965 (both dates inclusive), but which the Administrator of Veterans' Affairs is unable to pay because of failure to receive a timely application therefor. No part of the amount appropriated in this Act in excess of 10 per centum thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

With the following committee amendment:

Page 2, line 4, strike "in excess of 10 per centum thereof".

The committee amendment was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

GIUSEPPINA RESTIVO

The Clerk called the bill (H.R. 3671) for the relief of Giuseppina Restivo.

There being no objection, the Clerk read the bill as follows:

H.R. 3671

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, in the administration of the Immigration and Nationality Act, Giuseppina Restivo may be classified as an eligible orphan within the meaning of section 101(b)(1)(F) of the Act, upon approval of a petition filed in her behalf by Mr. and Mrs. John B. Bellizia, citizens of the United States, pursuant to section 205(b) of the Act, subject to all the conditions in that section relating to eligible orphans.

With the following committee amendment:

Strike out all after the enacting clause and insert in lieu thereof the following:

"That, in the administration of the Immigration and Nationality Act, Josephine Ann Bellizia may be classified as a child within the meaning of section 101(b)(1)(F) of the Act, upon approval of a petition filed in her behalf by Mr. and Mrs. John J. Bellizia, citi-204 of the Act: *Provided,* That the brothers or sisters of the beneficiary shall not, by virtue of such relationship, be accorded any right, privilege, or status under the Immigration and Nationality Act."

The committee amendment was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

The title was amended so as to read: "A bill for the relief of Josephine Ann Bellizia."

A motion to reconsider was laid on the table.

MISS ZOFIA SUCHECKA

The Clerk called the bill (H.R. 7671) for the relief of Miss Zofia Suchecka.

There being no objection, the Clerk read the bill, as follows:

H.R. 7671

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, for the purposes of the Immigration and Nationality Act, Miss Zofia Suchecka shall be held and considered to have been lawfully admitted to the United States for permanent residence as of the date of enactment of this Act, upon payment of the required visa fee. Upon the granting of permanent residence to such alien as provided for in this Act, the Secretary of State shall instruct the proper quota-control officer to deduct one number from the appropriate quota for the first year that such quota is available.

With the following committee amendment:

Strike out all after the enacting clause and insert in lieu thereof the following:

"That, in the administration of the Immigration and Nationality Act, Sophia Soliwoda may be classified as a child within the meaning of section 101(b)(1)(F) of the Act, upon approval of a petition filed in her behalf by Mr. and Mrs. Stanley F. Soliwoda, citizens of the United States, pursuant to section 204 of the Act: *Provided,* That the brothers or sisters of the beneficiary shall not, by virtue of such relationship, be accorded any right, privilege, or status under the Immigration and Nationality Act."

The committee amendment was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

The title was amended so as to read: "A bill for the relief of Sophia Soliwoda."

A motion to reconsider was laid on the table.

KIMBERLY ANN YANG

The Clerk called the bill (H.R. 10656) for the relief of Kimberly Ann Yang.

There being no objection, the Clerk read the bill, as follows:

H.R. 10656

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, in the administration of the Immigration and Nationality Act, Kimberly Ann Yang may be classified as an eligible orphan within the meaning of section 101(b)(1)(F) of the Act, and a petition filed in her behalf by Hattie Yang, a citizen of the United States, may be approved pursuant to section 205(b) of the Act, subject to all the conditions in that section relating to eligible orphans.

With the following committee amendments:

On page 1, lines 4 and 5, strike out the language "an eligible orphan" and substitute in lieu thereof "a child".

On page 1, strike out all of line 8 and 9 and substitute in lieu thereof the following: "section 204 of the Act.".

The committee amendments were agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

MARIA ANNA PIOTROWSKI

The Clerk called the bill (H.R. 11347) for the relief of Maria Anna Piotrowski, formerly Czeslawa Marek.

There being no objection, the Clerk read the bill, as follows:

H.R. 11347

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, in the administration of the Immigration and Nationality Act, Maria Anna Piotrowski, formerly Czeslawa Marek, may be classified as an eligible orphan within the meaning of section 101(b)(1)(F) of the Act, upon approval of a petition filed in her behalf by Chester and Eugenia Piotrowski, citizens of the United States, pursuant to section 205(b) of the Act, subject to all the conditions in that section relating to eligible orphans.

With the following committee amendments:

On page 1, line 5, strike out the words "an eligible orphan" and substitute in lieu thereof the words "a child".

On page 1, line 8, after the words "pursuant to" strike out the remainder of the bill and insert in lieu thereof the following "section 204 of the Act.".

The committee amendments were agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

MARIA GUISEPPINA INNALFO FEOLE

The Clerk called the bill (H.R. 11844) for the relief of Maria Guiseppina Innalfo Feole.

There being no objection, the Clerk read the bill, as follows:

H.R. 11844

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, in the administration of the Immigration and Nationality Act, Maria Guiseppina Innalfo Feole may be classified as an eligible orphan within the meaning of section 101(b)(1)(F) of the Act, upon approval of a petition filed in his behalf by Joseph Feole, a citizen of the United States, pursuant to section 205(b) of the Act, subject to all the conditions in that section relating to eligible orphans.

With the following committee amendment:

Strike out all after the enacting clause and insert in lieu thereof the following:

"That, in the administration of the Immigration and Nationality Act, Maria Giuseppina Innalfo Feole may be classified as a child within the meaning of section 101(b)(1)(F) of the Act, upon approval of a petition filed in her behalf by Mr. and Mrs. Joseph Feole, citizens of the United States, pursuant to section 204 of the Act: *Provided,* That the brothers or sisters of the beneficiary shall not, by virtue of such relationship, be accorded any right, privilege, or status under the Immigration and Nationality Act."

The committee amendment was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

The title was amended so as to read: "A bill for the relief of Maria Giuseppina Innalfo Feole."

A motion to reconsider was laid on the table.

DELMA S. POZAS

The Clerk called the bill (S. 146) for the relief of Delma S. Pozas.

The **SPEAKER.** Is there objection to the present consideration of the bill?

Mr. **TALCOTT.** Mr. Speaker, I ask unanimous consent that this bill may be passed over without prejudice.

The **SPEAKER.** Is there objection to the request of the gentleman from California?

There was no objection.

GEORGES FRAISE

The Clerk called the bill (S. 196) for the relief of Georges Fraise.

The **SPEAKER.** Is there objection to the present consideration of the bill?

Mr. **GROSS.** Mr. Speaker, I ask unanimous consent that this bill may be passed over without prejudice.

The **SPEAKER.** Is there objection to the request of the gentleman from Iowa?

There was no objection.

CHUNG K. WON

The Clerk called the bill (S. 642) for the relief of Chung K. Won.

There being no objection, the Clerk read the bill, as follows:

S. 642

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, for the purposes of sections 101(a)(27)(A) and 205 of the Immigration and Nationality Act, Chung K. Won shall be held and considered to be the minor natural-born alien child of Mr. Won Wing, a citizen of the United States.

With the following committee amendment:

Strike out all after the enacting clause and insert in lieu thereof the following:

"That for the purposes of sections 203(a)(1) and 204 of the Immigration and Nationality Act, Chung K. Won shall be held and considered to be the natural-born alien son of Mr. Won Wing, a citizen of the United States."

The committee amendment was agreed to.

The bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

SUSPENSION OF DEPORTATION

The Clerk called the resolution (S. Con. Res. 99) favoring the suspension of deportation of certain aliens.

The **SPEAKER.** Is there objection to the present consideration of the resolution?

Mr. **GROSS.** Mr. Speaker, I ask unanimous consent that this resolution may be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Iowa?

There was no objection.

LI TSU (NAKO) CHEN

The Clerk called the bill (H.R. 6606) for the relief of Li Tsu (Nako) Chen.

There being no objection, the Clerk read the bill, as follows:

H.R. 6606

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, in the administration of the Immigration and Nationality Act, Li Tsu (Nako) Chen may be classified as an eligible orphan within the meaning of section 101(b)(1)(F) of that Act, upon approval of a petition filed in her behalf by Mr. and Mrs. Roy H. McAndrew, citizens of the United States, pursuant to section 205(b) of that Act, subject to all the conditions in that section relating to eligible orphans.

With the following committee amendment:

Strike out all after the enacting clause and insert in lieu thereof the following:

"That, for the purposes of sections 203(a)(1) and 204 of the Immigration and Nationality Act, Li Tsu (Nako) Chen shall be held and considered to be the natural-born alien daughter of Mr. and Mrs. Roy H. McAndrew, citizens of the United States: *Provided,* That the natural parents or brothers or sisters of the beneficiary shall not, by virtue of such relationship, be accorded any right, privilege, or status under the Immigration and Nationality Act."

The committee amendment was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

KAZIMIERZ (CASIMER) KRZYKOWSKI

The Clerk called the bill (H.R. 12950) for the relief of Kazimierz (Casimer) Krzykowski.

There being no objection, the Clerk read the bill, as follows:

H.R. 12950

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, notwithstanding the provision of section 212(a)(19) of the Immigration and Nationality Act, Kazimierz (Casimer) Krzykowski may be issued a visa and admitted to the United States for permanent residence if he is found to be otherwise admissible under the provisions of that Act: *Provided,* That this exemption shall apply only to a ground for exclusion of which the Department of State or the Department of Justice had knowledge prior to the enactment of this Act.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

DINESH KUMAR PODDAR

The Clerk called the bill (S. 2663) for the relief of Dinesh Kumar Poddar.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. McEWEN. Mr. Speaker, I ask unanimous consent that this bill may be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from New York?

There was no objection.

LLOYD N. CAMPBELL

The Clerk called the bill (H.R. 2671) for the relief of Capt. Lloyd N. Campbell.

There being no objection, the Clerk read the bill, as follows:

H.R. 2671

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That Captain Lloyd N. Campbell (service number 42779A), United States Air Force, is relieved of liability to the United States in the amount of $4,601.48, representing overpayments of salary made to him as an Air Force officer during the period April 1951 to December 1961 as a result of administrative errors. In the audit and settlement of the accounts of any certifying or disbursing officer of the United States, credit shall be given for amounts for which liability is relieved by this Act.

SEC. 2. The Secretary of the Treasury is hereby authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to the said Captain Lloyd N. Campbell an amount equal to the aggregate of the amounts paid by him, or withheld from sums otherwise due him, in complete or partial satisfaction of the liability to the United States specified in the first section of this Act: *Provided,* That no part of the amount appropriated in this Act in excess of 10 per centum thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

With the following committee amendments:

Page 1, line 3: Strike "Captain" and insert "Major".

Page 1, line 5: Strike "$4,601.48" and insert "$2,666.09".

Page 2, line 3: Strike "Captain" and insert "Major".

Page 2, line 9: Strike "in excess of 10 per centum thereof".

The committee amendments were agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

The title was amended so as to read: "A bill for the relief of Major Lloyd N. Campbell."

A motion to reconsider was laid on the table.

MISS ELISABETH VON OBERNDORFF

The Clerk called the bill (H.R. 3901) for the relief of Miss Elisabeth von Oberndorff.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. TALCOTT. Mr. Speaker, I ask unanimous consent that this bill be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from California?

There was no objection.

TO CONVEY LANDS IN BOULDER COUNTY, COLO., TO W. F. STOVER

Mr. ROGERS of Colorado. Mr. Speaker, I ask unanimous consent to return for immediate consideration to Private Calendar No. 426, the bill (H.R. 4361) to direct the Secretary of the Interior to convey certain lands in Boulder County, Colo., to W. F. Stover.

The SPEAKER. Is there objection to the request of the gentleman from Colorado?

There was no objection.

The Clerk read the bill, as follows:

H.R. 4861

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Interior is hereby authorized and directed to convey to W. F. Stover, Denver, Colorado, all right, title, and interest of the United States in and to a tract of land in the Grand Island Mining District, Boulder County, Colorado, more particularly described as follows:

Beginning at corner numbered 1 of the Climax Mill site claim (United States Mineral Survey Numbered 13874) in sections 21 and 22, township 1 south, range 73 west, sixth principal meridian, Boulder County, Colorado, thence south 51 degrees 43 minutes east 190 feet to a point; thence south 48 degrees 23 minutes east 85 feet to the true point of beginning; thence south 48 degrees 23 minutes east 252.26 feet to a point; thence in a northeasterly direction 20 feet more or less to a point; thence north 51 degrees 43 minutes west 252 feet to a point thence in a southwesterly direction to the true point of beginning.

SEC. 2. The conveyance authorized by this Act shall be made upon payment of the fair market value of the land as of the effective date of this Act as determined by the Secretary of the Interior plus such sum as may be fixed by the Secretary to reimburse the United States for the administrative costs of the conveyance.

With the following committee amendment:

Page 1, line 8, strike out everything through page 2, line 8, and insert the following:

"Beginning at corner numbered 5, Mineral Survey Numbered 13874, Millsite;

"thence north 48 degrees 23 minutes west, along line 5–6, Mineral Survey Numbered 13874, Climax Millsite 337.26 feet distant to the true point for corner numbered 6, Mineral Survey Numbered 13874 and at the intersection with line 5–6 Mineral Survey Numbered 12354, Happy Valley Placer;

"thence south 51 degrees 43 minutes east, along line 5–6, Mineral Survey Numbered 12354, Happy Valley Placer 337.83 feet distant to a point;

"thence south 41 degrees 37 minutes west, 19.61 feet distant to corner numbered 5, Mineral Survey Numbered 13874, Climax Millsite and place of beginning containing 0.15 acres."

The committee amendment was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

Mr. BOLAND. Mr. Speaker, I ask unanimous consent that the further call of the Private Calendar be dispensed with.

The SPEAKER. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

ABDUL WOHABE

Mr. RODINO. Mr. Speaker, I ask unanimous consent to take from the Speaker's desk the bill (H.R. 10220) entitled "An Act for the relief of Abdul Wohabe," with a Senate amendment thereto, and concur in the Senate amendment.

The Clerk read the title of the bill.

The Clerk read the Senate amendment, as follows:

> Strike out all after the enacting clause and insert: "That, for the purposes of the Immigration and Nationality Act, Abdul Wohabe shall be held and considered to have been lawfully admitted to the United States for permanent residence as of May 8, 1963."

The SPEAKER. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

The Senate amendment was concurred in.

A motion to reconsider was laid on the table.

CALL OF THE HOUSE

Mr. WAGGONNER. Mr. Speaker, I make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

Mr. ALBERT. Mr. Speaker, I move a call of the House.

A call of the House was ordered.

The Clerk called the roll, and the following Members failed to answer to their names:

[Roll No. 194]

Ashley
Belcher
Blatnik
Clevenger
Conable
Edwards, La.
Ellsworth
Evins, Tenn.
Farnum
Hall
Ichord
Jones, Mo.
Karth
King, N.Y.
Landrum
Mackie
Mize
Morrison
Murray
Nedzi
Powell
Randall
Resnick
Rivers, Alaska
Rogers, Tex.
Rooney, Pa.
Roudebush
Shriver
Teague, Tex.
Toll
Tuten
Vigorito
Willis

The SPEAKER. On this rollcall 398 Members have answered to their names, a quorum.

By unanimous consent, further proceedings under the call were dispensed with.

CIVIL RIGHTS ACT OF 1966

Mr. RODINO. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the State of the Union for the further consideration of the bill (H.R. 14765) to assure nondiscrimination in Federal and State jury selection and service, to facilitate the desegregation of public education and other public facilities, to provide judicial relief against discriminatory housing practices, to prescribe penalties for certain acts of violence or intimidation, and for other purposes.

The motion was agreed to.

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the further consideration of the bill H.R. 14765, with Mr. BOLLING in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. When the Committee rose on yesterday there was pending the amendment of the gentleman from North Carolina [Mr. WHITENER]. Without objection, the Clerk will again report the amendment of the gentleman from North Carolina.

There was no objection.

The Clerk read as follows:

> Amendment offered by Mr. WHITENER: On page 54, line 19, through page 57, line 19, strike out section 204.

The CHAIRMAN. Before the Committee rose yesterday the gentleman from North Carolina had been recognized for 5 minutes in support of his amendment and had consumed 3 minutes of his time.

The Chair recognizes the gentleman from North Carolina at this time for 2 minutes.

Mr. GROSS. Mr. Chairman, I ask unanimous consent that the gentleman have 3 additional minutes.

The CHAIRMAN. Is there objection to the request of the gentleman from Iowa?

There was no objection.

The CHAIRMAN. The gentleman from North Carolina [Mr. WHITENER] is recognized for 5 minutes.

Mr. WHITENER. Mr. Chairman and Members of the Committee, yesterday I was discussing my amendment which would strike section 204 of title II of the bill. I will again make a general statement about title II. As I said yesterday, I think this is the most destructive title in the bill. In this view I am not alone. Recently, in an address to the American Law Institute here in Washington the Chief Justice of the United States had this to say:

> As evidence of the general interest in this subject there are no less than 31 bills now pending in the House of Representatives and 3 bills in the Senate affecting jury selection. Undoubtedly these proposals will be carefully scrutinized and studied by the committees of Congress and by the Judicial Conference of the United States and might well be the subject of a study also by the American Law Institute. Many of these suggestions made to the Congress at this particular time may be appropriate but in just surveying them generally it seems to me that some of them go a long ways and would very radically change the relationship between our Federal and State governments, and for that reason alone should receive the most careful consideration, and unless the bench and the bar and our learned societies such as this become thoroughly interested in the matter and debate the changes that are suggested, I'm apprehensive that some legislation might not go through and at the same time be ill advised.

Now, Mr. Chairman, that is what the Chief Justice of the United States had to say about this legislative venture in which the House of Representatives is now engaged.

Now, Mr. Chairman, what are some of the reasons that caused the Chief Justice probably to have serious doubt about these proposals? Well, it seems to me that the contention is that under the 14th amendment of the Constitution the Congress under the "appropriate legislation" section of the 14th amendment, has a right to legislate in this field.

But, Mr. Chairman, I would point out to my colleagues that it has always been considered that the 14th amendment is prohibitory, that it prevents the States doing certain things and in this field doing those things which result in discrimination in the selection of juries where race, color, national origin and previous condition of servitude are involved.

Mr. Chairman, I believe another point that probably concerns many of the thinkers on this subject is the fact that for the first time in the history of the country, apparently, a legislative attempt is being made to prescribe the qualifications of jurors in State juries by the Congress.

Mr. Chairman, I believe that if one would study the legislative history of our country, one would find that this is probably the first time that anyone has ever tried to assert that the "equal protection of laws" provision of the Constitution would warrant Federal intervention into the selection of State juries.

But, Mr. Chairman, then let us get to what section 204 of title II, if enacted, would do.

In the first place, it would, upon a showing of "probable cause" by a litigant at any time "before the introduction of evidence" place upon the States or the local jury commissioners the burden then of proving the negative, to wit: that there had been no discrimination.

Mr. Chairman, as I understand the cases in which the question of jury discrimination has come about, without exception, the burden of proof has been upon the one who says that he has been inconvenienced or mistreated through improper jury procedure to establish that fact by evidence in the courts, and the courts in the States and the courts in the Federal system have stricken down improper jury procedures, and properly so.

The CHAIRMAN. The time of the gentleman from North Carolina has expired.

Mr. WHITENER. Mr. Chairman, I ask unanimous consent to proceed for 2 additional minutes.

The CHAIRMAN. Is there objection to the request of the gentleman from North Carolina?

There was no objection.

Mr. WHITENER. Mr. Chairman, may I say also that under this section which I would strike the so-called procedures for challenging the propriety of the jury are set up. But this is not a final decision, and many of the judges who have studied this and many of the students of law who have studied it, including an article that appeared in the Yale Law Journal, indicate that you could never get around to a determination of this issue, if you had a litigant who was willing to keep on going to the various courts that are available to him.

So, Mr. Chairman, I believe in the absence of a final, binding determination, in other words, when the district court and the appellate courts of the Federal system have spoken, once, it ought to be binding as to that particular individual and that jury procedure.

Yet this bill does not do it.

I might point out further that under this section where it would require the States to come in and state how they went about selecting juries, it would require that evidence be given as to the race, religion, economic status and other factors in the selection of the jury. But yet in my State, very recently, in the very famous Mallory case—you probably remember the kidnapping case connected with civil rights, our State court struck down the jury panel in Union County, N.C., because the court said that on the jury slip there was a letter "C" which indicated that some of the jurors were members of the Negro race. Yet, my friends here who are always objecting to that sort of thing are setting up a procedure which would require that every jury commissioner put on record somewhere that a man was Catholic or a Jew or a Protestant; or that he was a Negro or a white man; or that he was a Spaniard or a German; or that he had $10,000 in the bank or he had nothing in the bank; or that he was on welfare or was not on welfare. Because under this provision in section 204, a rich man can object to a jury on the ground that there are no poor people on it even though that has nothing to do with the validity of the jury and his trial.

I think the amendment should be adopted.

Mr. RODINO. Mr. Chairman, I move to strike out the last word and rise in opposition to the amendment.

Mr. Chairman, this amendment is one which must be opposed. It really strikes at the heart of this title. What we talk about in section 204 of title II is a discovery procedure. By the gentleman's amendment, we would delete this basic principle of the bill which is discovery and which would make it possible to facilitate the establishment of any discrimination which might exist in the jury selection system in the State.

Title II does not in anywise specify any detailed procedure for State jury officials to follow. Rather it merely provides that there be a system of discovery to examine the legality and fairness of the existing procedure that the State has already adopted.

Mr. Chairman, to adopt this amendment would be to gut a very significant and basic essential of this title.

For that reason, the amendment should be defeated.

The CHAIRMAN. The question is on the amendment offered by the gentleman from North Carolina [Mr. Whitener].

The question was taken; and on a division (demanded by Mr. Whitener), there were—ayes 27, noes 48.

So the amendment was rejected.

Mr. WAGGONNER. Mr. Chairman, I make the point of order that a quorum is not present.

The CHAIRMAN. The Chair will count. [After counting] One hundred and six Members are present, a quorum.

AMENDMENT OFFERED BY MR. HUNGATE

Mr. HUNGATE. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. Hungate: On page 59, line 3, after "'State court' shall mean any court'" insert the words "of record".

Strike out all of lines 4 and 5.

The CHAIRMAN. The gentleman from Missouri is recognized for 5 minutes.

Mr. HUNGATE. Mr. Chairman, the purpose of my proposed amendment to section 206 is to provide that it shall apply to courts of record. As originally written, section 206(a) states that where the term "State court" is used, which you will find throughout this statute, it shall mean "any court of any State, county, parish, city, town, municipality, or other political subdivision of any State," which, I was informed by the committee, would include justices of the peace and perhaps coroners' juries.

The purpose of the amendment is to limit the language of the bill to courts of record which, as attorneys know, are those which customarily handle significant and important matters in a State. It seems that in the housing section we might be diluting our morality somewhat. I am suggesting that there might be dilution here in the interest of practicality.

I would like to show what the consequences would be of including small courts in the small cities, small towns and small political subdivisions, including justices of the peace. As the law is written, the consequence is whenever a claim of violation is filed under section 201, then the State or local officials are required to furnish a sworn, written statement of jury selection. The information must contain a detailed description of the following—and I hope you will picture some of your smaller courts that you have in your State, some of your small city courts and justices of the peace, keeping records of the following:

First, the nature and location of the sources from which names of potential jurors were obtained for inclusion in the jury wheel, box, or similar selection device;

Second, the methods and procedures followed in selecting names from such sources;

Third, the methods used for selecting names of prospective jurors from the wheel, box, or similar selection device for testing or otherwise demonstrating their qualifications for jury service;

Fourth, the qualifications, tests, standards, criteria, and procedures used in determining whether prospective jurors are qualified to serve as jurors; and

Fifth, the methods used for summoning persons for jury service and assigning them to grand and petit jury panels.

Section 205(a) requires State jury officials to act, and as that term is defined, that would include the smallest court you could think of, "to preserve all records prepared or obtained in the performance of their duties for 4 years after use." This would include, as it is defined, "lists, questionnaires, memorandums, correspondence, and other papers actually prepared by the jury officials and also any records or papers obtained by them for their use; for example, copies of voter lists, telephone books, city directories, and the like.

It seems to me that this provision would impose a heavy burden of recordkeeping on your small courts, your so-called inferior or lower courts, and that the main thrust of the statute can be met if the provision is limited to courts of record.

If the American Bar Association, the Judicial Conference or the Judicial Council have expressed any opinion on this statute, I am unaware of it.

Mr. Chairman, my colleagues, I earnestly appreciate your support, without being overly solicitous of it, on this amendment, because we all have our own constituencies and our own consciences.

Mr. ROGERS of Colorado. Mr. Chairman, I rise in opposition to the amendment.

As I understand, the amendment would amend the definition of a State court contained in title II. The gentleman from Missouri would provide that it must be a "court of record."

We have 50 different States. Many may have courts of record and many may not. By the amendment, the gentleman from Missouri would make the statute applicable in some States but it might not be applicable to others.

As an example, in my State, we are not required to have a court of record for the justice of the peace courts, and in certain counties, the courts are not courts of record. Yet these courts deal with the rights of an individual to be tried by jury. So the gentlemen is eliminating many courts from the definition of a State court in the bill.

The reason and the purpose for the definition of a State court is to cover all trials where an individual may be brought in and sentenced. The only way we can protect them is to see that title II applies to all of the State courts.

If we begin to have a hopscotch definition as applied in the various States, then we will not have uniformity of enactment. If this amendment were adopted, what we would have to do is to go to the State legislatures of the respective 50 States and determine in each instance whether those courts are courts of record, and then we are completely exempt. That is the real reason why the bill covers all the courts. If the States did take such action, as they have in many instances in the past to get around the enforcement of the 14th amendment, then they would be outside of title II. Therefore, the amendment should be defeated.

Mr. DOWDY. Mr. Chairman, will the gentleman yield?

Mr. ROGERS of Colorado. I yield to the gentleman from Texas.

Mr. DOWDY. Mr. Chairman, is the gentleman seriously saying that any State would actually declare their courts not to be courts of record?

Mr. ROGERS of Colorado. Certainly.

Mr. DOWDY. Mr. Chairman, I did not expect any lawyer to get on the floor of this Congress and say that the courts of the States would wipe out their records. That is just unreasonable.

Mr. ROGERS of Colorado. Just a minute. I have the time. May I reply to the gentleman.

The gentleman will recognize that the State legislatures of the respective States have the right to determine what designation their courts shall have, how they will be set up, and whether they will be deemed courts of record.

Mr. DOWDY. I do not believe all the State legislatures are stupid as the gentleman indicates; they would not do this.

Mr. ROGERS of Colorado. That is exactly what could happen and has happened. That is the fallacy of the argument of the proponent of this amendment.

Mr. DOWDY. This is another strange misconstruction that has been indulged in argument by the proponents of this bill, kicking up sand to obscure the worthiness of logical and legitimate amendments.

Mr. ROGERS of Colorado. Why does the gentleman in this amendment not offer an amendment defining a court of record?

Mr. DOWDY. Will the gentleman define a court of record?

Mr. ROGERS of Colorado. I am not amending title II. But a court of record out my way is defined by the State legislature. They provide the method in which the record shall be kept. That is my definition of what a court of record may be. It is one that is described by the State legislature and the method by which the records may be kept is stated. They determine whether it is a court of record or not. That is what my definition is. What is the gentleman's definiton?

Mr. DOWDY. A court of record is a court that keeps records of its proceedings. The justice of the peace court does not, in Texas, keep records.

Mr. ROGERS of Colorado. In my State the judgment has to be signed.

Mr. DOWDY. Yes, the judgment, of course.

The CHAIRMAN. The time of the gentleman from Colorado has expired.

Mr. ASHMORE. Mr. Chairman, I rise in support of the amendment.

Mr. SMITH of Virginia. Mr. Chairman, I make the point of order that a quorum is not present.

The CHAIRMAN. The Chair will count.

One hundred and fourteen are present, a quorum.

The gentleman from South Carolina [Mr. ASHMORE] is recognized.

Mr. ASHMORE. Mr. Chairman and my colleagues, it is somewhat amazing how far lawyers, and others, will go sometimes in debate when they are grappling for something which does not exist. I just cannot quite understand my good friend from Colorado even suggesting that the various State legislatures in this country—whatever State it might be, or however many States he might have in mind—would pass legislation that would be tantamount to abolishing their courts of record.

In South Carolina we call these State courts, the court of general sessions, or common pleas. That is where people are tried for murder, where a person may bring a $1 million damage suit, where the largest cases and the most serious criminal offenses are tried. In other States, courts of that nature and of that character may be known as the supreme court, or perhaps the district court, or circuit court.

Can anyone conceive of any legislature going so far as to say, "We are going to do away with the records in a court of that kind"? Why, it is absurd—it is really absurd on its face—to think that any legislature in this country would commit such an act as that in order to prevent the records being viewed or reviewed at some later date by some Federal official, for instance the Attorney General. We just would not have any State courts if we did not keep the evidence and have the reporter's notes transcribed. What would a man do, if he wanted to appeal, if he were charged with and convicted of murder, if they did not have any records?

No lawyer in this room would believe that such a thing would happen. My good friend from Colorado shows the weakness and the fallacy of his argument when he even suggests such a thing.

Mr. ROGERS of Colorado. Mr. Chairman, will the gentleman yield?

Mr. ASHMORE. I yield to the gentleman from Colorado.

Mr. ROGERS of Colorado. The State of Mississippi and the State of Alabama and even the State of Virginia passed laws of prohibition in respect to the question of voting. If they have done it in the area of voting, may they not also do it with respect to jury service?

Mr. ASHMORE. Can the gentleman tell me when any State at any time in the history of this land has ever abolished or done away with its State courts and the operating procedures thereof? One instance? Tell me one instance. It has never happened.

Mr. ROGERS of Colorado. But the State legislature has the right to determine what is to be deemed to be a court of record.

Mr. ASHMORE. Oh, sure it has the right.

Mr. ROGERS of Colorado. If they are trying to wiggle out and away from the enforcement of this law, then they could alter the definition or designation of what courts are considered courts of record. The definition of a court of record is not uniform in every State throughout the Union.

Mr. ASHMORE. Do you mean to say that a legislature would have the nerve or the gall or the audacity to say a court of record is not a court of record, and do you think that the Supreme Court of the United States would uphold such a legislative act as that?

Mr. ROGERS of Colorado. Yes, I do.

Mr. ASHMORE. Then, you think less of the U.S. Supreme Court than I do, and that is going a long way, I would say to the gentleman from Colorado.

Mr. HUNGATE. Mr. Chairman, will the gentleman yield?

Mr. ASHMORE. I yield to the gentleman from Missouri.

Mr. HUNGATE. It has been suggested that the States might eliminate courts of record. I do not know how you handle land titles where you have these cases and partition suits if you do not have courts of record. I do not know what some of us would do that deal in divorce matters if there were no courts of record. I do not know how the Habitual Criminal Act would be handled, although we may do away with it, but I do not know how you would handle cases under it if we did not have courts of record. Every court in the country will make these records, as we said, exhaustively and will keep them for 4 years after the trial is over. That is what you want to go back and explain.

Now, something has been said about the 14th amendment. That, I think, is what this all hinges upon. As I understand it, it is based on the fact that under the 14th amendment you can pass appropriate legislation. That may not be the strongest hinge in the world. Also, there is the fact that we must have uniformity.

The CHAIRMAN. The time of the gentleman has expired.

Mr. DOWDY. Mr. Chairman, I ask unanimous consent that the gentleman from South Carolina [Mr. ASHMORE] have 5 additional minutes.

The CHAIRMAN. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. ASHMORE. Mr. Chairman, I yield to the gentleman from Missouri [Mr. HUNGATE].

Mr. HUNGATE. I thank the gentleman.

Mr. Chairman, the suggestion has been made that without this we would not have uniformity. There was a time in this country when we had diversity and we believed the States might conduct separate experiments. There was some merit in it. In that way we might test theories that looked great on paper but did not work in practice. Now, I suggest uniformity is certainly a consideration, but it should not be the sole consideration.

Mr. WAGGONNER. Mr. Chairman, will the gentleman yield?

Mr. ASHMORE. I yield to the gentleman from Louisiana.

Mr. WAGGONNER. Am I correct in assuming that State courts keep a record of divorces?

Mr. ASHMORE. Certainly they keep a record of divorces. They are required to under the law.

Mr. WAGGONNER. Then, we are treading on dangerous ground in this instance, because we have a member of the Supreme Court who might like to see those records destroyed.

Mr. ASHMORE. That is possible, I will say.

Mr. WAGGONNER. Nevertheless, I think in all wisdom we should support this amendment.

Mr. ASHMORE. I thank the gentleman from Louisiana.

It occurs to me, and it is evident to all, that the proponents of this bill are trying to take over the operation of the entire jury system in the various States of this country when they get the idea that somebody maybe made a mistake in drawing a jury. Of course, we make mistakes. We make them everywhere. They make a few in Colorado. There is no question about that. However, you cannot afford to destroy the best jury system in the world simply because someone has made an error. All of these errors, if you give them a little time and give the people of these States and of this Nation the opportunity, will be corrected because of the force of public opinion and the sentiment of the people in this land to do what they know in their own hearts is right and proper and just.

And, Mr. Chairman, this very title when it was being considered by the committee, emotionally, under stress and strain, because it was based upon the fact that someone in Louisiana or Alabama or Mississippi was acquitted, when people who did not know the evidence and who were 1,000 miles away said "Oh, that man should have been convicted."

Well, Mr. Chairman, perhaps he should have been convicted.

Mr. Chairman, after serving as prosecuting attorney, or while serving as prosecuting attorney, for 20 years, I came to the conclusion that you cannot beat the decision of 12 jurors. You can try me any day and I will be satisfied with their verdict—the decision of 12 of my peers.

Mr. Chairman, I have seen the day—yes; when someone on the jury might have made a mistake. Perhaps the jury did not do exactly as I would have done, and I perhaps criticized that verdict, and as prosecutor said "What the devil does that jury mean?"

But, Mr. Chairman, I did not take off in an emotional outburst and say "Let us do away with it, and let us change the jury system, and let us turn it over to the Attorney General of the United States."

No, Mr. Chairman, I did not do that because I believe too much in the jury system of this land. I would simply pick up the next case and go ahead and try to convict him if I thought he were guilty.

Yes, Mr. Chairman, as I said a moment ago, while this very section and this entire bill was being considered in the subcommittee or in the full Judiciary Committee, 12 jurors in the State of Georgia convicted a man who had been released from a former trial, and a few days subsequent to that 12 jurors convicted another man in a similar case. These jurors showed how the people of Georgia stand when it comes to right and what is good and what is just in the courts of this land of ours.

Yes, Mr. Chairman, you cannot afford to destroy or turn over the jury system of this land to the Attorney General simply because some jury may have made a mistake.

Mr. Chairman, give the people of that State, that community, an opportunity to think and to consider in a calm, dispassionate manner, even more calmly than I am speaking now, and they will come out with the right result.

My friends, I believe that much in the honesty of the people of this land, whether they be south of the Mason-Dixon line or on the border of Canada. And I say to my friends who say "do away with this jury system," you will make the greatest mistake you have made in a century.

The CHAIRMAN. The time of the gentleman from South Carolina has expired.

Mr. CRAMER. Mr. Chairman, I rise in support of the amendment.

Mr. Chairman, I do so for a number of reasons. First, I think the amendment is sound and, second, I believe it should be known that there is in any event a present existing right of any litigant to raise the question of the impropriety of a jury or discrimination in its formation under the present law.

In addition to that it would apply to all courts, not of record, under the gentleman's amendment.

So, Mr. Chairman, there is a remedy for those courts not of record. That remedy is provided for in 42 U.S.C. 1983, and under the Civil Rights Act of 1964.

Mr. Chairman, I am reading from the statements of the gentleman from New York [Mr. CELLER] in part 2 of the report at page 8:

> The Department of Justice is authorized to intervene in jury discrimination suits brought by private litigants as well under that same title.

So it gets in a record under the gentleman's amendment. There is an adequate relief on the part of the individual in the first instance, if he feels he is wronged and a request to intervene on the part of the Attorney General has an opportunity of righting the wrong.

The gentleman's amendment brings out, I think, a very important point in this debate relating to title II. I doubt that the Members of this House realize exactly which courts are included and to which the gentleman's amendment is directed. I doubt that the Members of this House realize that you are including in this title every single court in the land. There is not any question about it. Under the definition on page 59, a State court shall mean any court of any State—county, parish, city, down to the municipal or other political subdivisions of a State.

So you are talking about the coroner's jury—the coroner's jury, which, in my State, is a justice of the peace. This means that the justice of the peace will have to keep for 6 years records of every single voter registration—and in my State he revises this list every 2 years. He has to keep three full lists of registered voters, his basis for selecting the jury panel, the list of people he sent or mailed notices, and all the other requirements imposed under this legislation.

I just think that this is going too far. How in the world is a justice of the peace going to stack his office with thousands and thousands of pages covering millions of registrants and keep them for 6 years? It just is not possible to do this. But in order to blanket everybody in, they include every single court in the land.

The gentleman's amendment makes sense. Of course, the proponents will not accept it. They have orders to accept no amendments of any consequence. That is why it will not be accepted. But I think it is important to indicate also in this title further what it does and why the amendment is meritorious because this title applies to any single act. For example, look on page 52, line 21:

> Whenever there are reasonable grounds to believe that any person has engaged or is about to engage in any act or practice—

Note "act or practice," not a pattern or practice. They are talking about bringing a suit against a local judge. They are talking about the Attorney General of the United States injecting himself into the judiciary. This is not a public official relating to school boards, this is the Attorney General of the United States injecting himself into the judiciary of the United States of America down to the city municipal level. That is going a long way. The gentleman's amendment makes sense. Any act by any coroner's judge in the selection of any coroner's jury, any single act could have this effect—now hear me well—can have this effect of striking down every single jury qualification in that State because one coroner's jury judge makes a mistake, wittingly or unwittingly. A coroner's judge can make a mistake relating to the selection of a juror and the entire law in the State of Florida could be stricken down as it relates to subjective qualifications for a juror.

I challenge anyone to deny that.

Mr. ROGERS of Colorado. Mr. Chairman, will the gentleman yield at that point?

Mr. CRAMER. Yes, do you want to deny that?

Mr. Chairman, I yield to the gentleman.

Mr. ROGERS of Colorado. Yes, I will deny it. I will tell you, if you will read section 201——

Mr. CRAMER. I have read it many times.

Mr. ROGERS of Colorado. That is all we are trying to do to the State courts, is to assure that they will not discriminate on any grounds of race, color, religion, sex, national origin, or economic status—they shall not discriminate nor shall they exclude an individual because of these grounds.

Mr. CRAMER. The gentleman is confirming what I say. I refuse to yield any further. You are confirming what I say.

What is the remedy? The remedy is on page 53. It is there for everybody to read. If there is a finding in one single instance of discrimination by one coroner's judge in a coroner's case, this bill would strike down the entire statute of the State of Florida even though the specific test involved was not employed.

For instance, good moral character is a requirement for a person to serve on a jury. Even though the coroner's judge in that instance did not use discrimination relating to good moral character, every single test for a juror can be stricken down in the State of Florida if it is subjective and the court can substitute its own objective standard. This is what you are being asked to swallow. I say it is going too far. The gentleman from Missouri makes some sense in requesting that the provision be limited to a court of record. That is the least we can do.

Mr. ASHMORE. Mr. Chairman, will the gentleman yield further?

Mr. CRAMER. I yield to the gentleman from South Carolina.

Mr. ASHMORE. Would the gentleman say that this provision would actually give to the Attorney General of the United States power over State laws, whatever State might be involved, regarding the selection of juries?

Mr. CRAMER. There is no question about it. One single act by one single individual, wittingly or unwittingly, and the Attorney General can bring an action to strike down the entire State statute relating to all standards, and I say that that is going too far.

Mr. CORMAN. Mr. Chairman, I rise in opposition to the amendment.

I would like to tell my good friend from Florida that I take orders from no one—not from the Attorney General, not from any policy committee, and not from any national board. I oppose this amendment, and I support this bill, because I feel very deeply that racial discrimination in any form in our society causes all of us a great deal of trouble.

Now, as to the specifics of this amendment. First, we are not requiring the States to keep any records that they do not otherwise now prepare. This section does not spell out what they have to do. It states only that whatever records they prepare they must keep it for 4 years. That is no burden. They do keep some records about jurors because they pay them.

Now we are led to believe that there is some kind of Federal takeover. First, the Government will never be involved if, when this law becomes effective, each of the States quit discriminating in the method in which they select their jurors as prescribed by the Federal law, and I would hope that most of them would stop.

There was some question about why we would question whether States might change their laws to avoid coming under this statute. I wonder how many people would have thought in 1954 that parts of the great Commonwealth of Virginia might stop having public education in their community so that they could avoid the ramifications of the school integration cases.

Now, as to the great concern about the fact that one act may be enough to bring the Attorney General into the picture, I would suggest to you that one conviction may lead to an execution, and that is a fairly important event to the principal person involved.

The Attorney General would be the one who would make any decision, for the Federal Government to bring an action. Under this act he would have authority to bring the action. It would be up to the Federal Court to decide what needed to be done, and that court order would have to be appropriate. To say that some inadvertent, inconsequential act on the part of one coroner's juror might lead to the setting aside of State law is absolutely absurd. No Federal judge is going to do that. That would not be appropriate.

I would call to your attention that however insignificant a court may seem to the gentleman who proposes the amendment or those who support it, conviction by that jury could put a man in jail. An adverse decision in a civil action could take from him his property. He is entitled to a jury that complies with the constitutional requirements.

Mr. HUNGATE. Mr. Chairman, will the gentleman yield?

Mr. CORMAN. I yield to the gentleman from Missouri.

Mr. HUNGATE. I would beg to differ with the gentleman as to his statement that all the so-called inferior courts have powers to inflict jail sentences. I think you are dealing only with courts that have civil jurisdiction.

Mr. CORMAN. I am speaking of courts that would jail him or take his property. If a defendant is given a jury trial under the law, that jury should be constitutionally constituted.

Mr. HUNGATE. Mr. Chairman, will the gentleman yield further?

Mr. CORMAN. I yield to the gentleman from Missouri.

Mr. HUNGATE. The court would have to have the constitutional or statutory authority to impose a sentence of imprisonment. He would have to have that power. Many inferior courts lack that power.

Let me ask about the courts that have that power. Do I correctly understand the gentleman to say that there is no provision in the statute that states what records are to be kept? I read in section 204(a) that after a complaint is filed, "The appropriate State or local officials shall furnish a written statement of jury selection information subscribed to under oath which shall contain a detailed description of the following," and then it goes on to describe the information.

Mr. CORMAN. That is the answer to the complaint; that is not the records he would keep when he is selecting a jury. When an action is brought against him, he is required to show how the jury was selected.

Mr. HUNGATE. Mr. Chairman, if the gentleman will yield further, if the official were unable to file those records, would he not be in violation of the law?

Mr. CORMAN. Normally a complaint necessitates an answer, and this statute would make that point explicit. If the State does not require these men to keep any records he may still be complying with the law if he is not discriminating. There must be some evidence establishing that there is some discrimination.

Mr. Chairman, I urge defeat of this amendment.

Mr. DOWDY. Mr. Chairman, I rise in support of the amendment. I do not know that I will take the 5 minutes that are given to me, but I wish to make a few remarks about some of the statements that have been made by the gentleman from California.

The gentleman mentioned that many of these courts could put a man in jail. We have a justice of the peace court in Texas that can try a man for criminal offenses, but they are offenses where there is not any power to send the man to jail. It is really a matter of a fine, a nominal fine. The justice of the peace keeps no records concerning his jury. If the man is convicted, he has the right to appeal to a court of record his conviction. That is an easy formality to bring about, and he is entitled to a trial de novo on such appeal.

Mr. CORMAN. May I inquire of the gentleman one question? Will the gentleman yield?

Mr. DOWDY. I yield to the gentleman from California.

Mr. CORMAN. In these courts in Texas, which cannot give a man 1 day in jail, do they have very many jury trials?

Mr. DOWDY. That depends on whether the defendant asks for it or not. If he pleads guilty, then he does not need a jury. That is the point.

In a criminal case, when the jury is demanded, they do not have a jury wheel or jury list. The justice turns to the constable and says, "Pick up a jury panel." The constable immediately goes out and summons a jury panel. Six men are the jury in a criminal case. Each plaintiff can have three challenges, and there are six men left to serve as the jury.

If the man in the civil case demands a jury—unless they have changed the law since I have been in Congress, and I do not believe they have—a jury fee has to be paid at the time, which amounts to $3. When the jury gets through with a case, the justice of the peace takes six 50-cent pieces and gives one to each one of the jurors, 50 cents to each juror. There is no record kept of pay or anything else.

Mr. CORMAN. If the gentleman will yield further, I would suggest very possibly the procedure he has outlined, is also used in cases where a man can be sent to jail for a year or more.

Mr. DOWDY. The justice of the peace cannot send a man to jail. The most is a fine, and it is easy to appeal to the county court of record. That is the procedure to follow.

Likewise, municipal courts do not have the right to send a man to jail. The city magistrate operates in somewhat similar circumstances. The cases are also appealable to a court of record which, in my State, is the county court. Their rights are completely protected. The records that are required as set up here, there is no provision for them now in those courts. The justice of the peace keeps no records at all except his fee book and his book that lists his judgments. That is all. That is all that is required of him because the amounts are too small to justify anything further.

It is more or less like some of the small claims courts set up in some of the cities, in some areas in recent years, to keep from putting the great burden on the courts of record where the amount involved is so small, and the costs involved are so little that even lawyers are not required. In Texas the justice of the peace is like the Supreme Court of the United States: The justice does not have to be a lawyer.

Mr. CORMAN. Will the gentleman yield further?

Mr. DOWDY. Yes, I yield to the gentleman from California.

Mr. CORMAN. I would suggest there are a great number of courts that are not courts of record that can imprison a man up to a year. I am informed that is the case in New York and in Arizona. I would suggest further to the gentleman that this apparent informality in the selection of juries will not present a problem until some claimant can convince some Federal judge that his jury was picked in a racially discriminatory manner.

The CHAIRMAN. The time of the gentleman from Texas has expired.

(By unanimous consent, Mr. DOWDY was allowed to proceed for 5 additional minutes.)

Mr. DOWDY. Mr. Chairman, I would say that we would be really getting into a hodgepodge if this amendment is not adopted. Each of the counties in Texas has—some of them have reduced the number, and some do not elect a judge—eight justice precincts. Some cities have a number of justice precincts. We would get into an impossible situation.

Mr. HUNGATE. Mr. Chairman, will the gentleman yield?

Mr. DOWDY. I yield to the gentleman from Missouri.

Mr. HUNGATE. In these so-called courts of limited jurisdiction, which in some instances, the gentleman suggests, could impose a jail sentence, would not that jail sentence be appealable to a court of record? Is there any instance in which an inferior court could enter a decision which was final, which could not be appealed to a court of record? I am asking about criminal cases.

Mr. CORMAN. Mr. Chairman, will the gentleman yield?

Mr. DOWDY. I yield to the gentleman from California.

Mr. CORMAN. I would assume that the decision would be appealable in courts of record. This is an effort to obtain for the parties the right to a jury, to try the facts, which has not been selected on the basis of racial discrimination. That is all we seek to do.

We do not require that any more records be kept. They just must not throw away the records they do keep for at least 4 years. If a claimant should file a verified petition that he has been given less than a constitutionally composed jury, then they must answer in writing how they selected the jury.

The example which was given, "I sent my bailiff out to pick the first six men he saw spitting on the street to be jurors," is a perfectly acceptable answer. Then it would be up to the Federal judge to decide whether there had been discrimination. No records need to be kept. All they have to do is to continue what they have been doing.

Mr. DOWDY. It would be up to the judge to decide what the gentleman is talking about.

Let us assume that there is a court such as I have talked about. Let us assume that the justice of the peace court in Texas fines a man $20 for an offense the man has committed and that there is no appeal. There is an appeal, but let us assume there is not. That man would have, from that justice of the peace court, the right to apply for a writ in the U.S. Supreme Court. He is amply protected.

Mr. HUNGATE. Mr. Chairman, will the gentleman yield?

Mr. DOWDY. I yield to the gentleman from Missouri.

Mr. HUNGATE. I still cannot see why if a complaint were made this section 204(a) would not apply.

Upon the filing of a claim—

> that any right secured by section 201 of this title has been denied or abridged—
>
> (a) The appropriate State or local officials shall furnish a written statement of jury selection information subscribed to under oath which shall contain a detailed description of the following—

If these are records that a justice of the peace or city court is keeping, they certainly have different ones from those with which I am acquainted:

> (1) the nature and location of the sources from which names were obtained for inclusion in the wheel, box, or similar device—

This goes on, and it is quite exhaustive.

I should like to speak to one more point on this. There is nothing in this amendment which in any way deals with ameliorating or weakening the thrust of the bill toward the elimination of unsatisfactory jury selection. It merely seeks to limit its application to courts of record, to eliminate what in most cases would be unnecessary bookkeeping.

I wish to make it clear that the statute is not as liberalizing as some may wish it to seem, because, as I understand it, it would still be possible in some States to use the blue ribbon jury, where special people are selected according to educational qualifications. Of course, one can use educational qualifications to eliminate an ethnic or racial group, just as in any other way. Unless I am mistaken, in my reading of the bill, there is nothing here that would eliminate a blue ribbon jury.

Mr. CORMAN. Mr. Chairman, will the gentleman yield?

Mr. DOWDY. I yield to the gentleman from California.

Mr. CORMAN. I hope that the Members will understand we are talking about two separate things. One is the preservation of records, whatever records are kept under the existing law. The other is the rather detailed requirement under section 204(a), which sets out what must be in the answer, when we are attempting to determine the issue of discrimination.

All they have to do is to write down and to swear to how they select their juries.

That is not the thing we are talking about requiring them to perpetuate. We would let them perpetuate whatever kinds of records they already keep. If there is a lawsuit, then they will have to file an answer, and the answer must be sufficiently complete so that the court may determine whether or not there is a reason to go on with the exploration.

Mr. DOWDY. I do not know whether the gentleman has thought of this or not, but this whole thing begins with—and this is the crux of the matter—section 201.

The CHAIRMAN. The time of the gentleman from Texas has expired.

Mr. DOWDY. Mr. Chairman, I ask unanimous consent to proceed for 1 additional minute.

The CHAIRMAN. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. DOWDY. Mr. Chairman, title I says that it shall be unlawful to make any distinction. That is criminal. It provides this to be a criminal offense. So you are saying here you are violating the fifth amendment by requiring anybody to make statements that could be used in evidence against them to confess their guilt. In section 201 it says that it shall be unlawful to make any distinction on account of race, color, religion, sex, or national origin or economic status. That is criminal. So the rest of this title goes directly in conflict with the fifth amendment of the United States of America. I think none of us liberals are going to vote to repeal the fifth amendment to the Constitution of the United States by an act of Congress here.

The CHAIRMAN. The time of the gentleman has expired.

Mr. McCULLOCH. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I should like to ask my colleague from Texas a question. On an appeal from a justice of peace court in the State of Texas to the next higher court, is the trial de novo?

Mr. DOWDY. It is a de novo trial both in criminal and civil cases.

Mr. McCULLOCH. Is that the case in every State of the Union?

Mr. DOWDY. I cannot speak for every State in the Union. I expect it is, though. We might find out from the gentleman from Colorado [Mr. ROGERS]. He knows all the answers.

Mr. McCULLOCH. Mr. Chairman, I rose to seek information on the point, because I think it has great bearing on the amendment. If every such trial in every State, on appeal, is not a trial de novo, then the amendment ought to be defeated, but if in every State the trial is de novo, then the amendment would do no damage.

Mr. ROGERS of Colorado. Mr. Chairman, will the gentleman yield on that point?

Mr. McCULLOCH. Yes. I yield to the gentleman.

Mr. ROGERS of Colorado. That is one of the main reasons why we should oppose this amendment. There is not uniformity in the designation of inferior courts throughout the United States. I have tried to point out to the gentleman who proposed this amendment that the State legislature has the right to determine what is a court record and what is the method of court procedure. Because of that the amendment should be defeated.

Mr. McCULLOCH. Now, Mr. Chairman, I do think that the gentleman from Colorado has made a contribution to this discussion. Of course, the whole reason for this title, Mr. Chairman, is to assure a litigant that he will have a trial by a jury that is selected without discrimination on account of race, color, religion or national origin. If the trial is not de novo in every State and if the selection of the jury in the first justice of peace court or the first court of lowest jurisdiction in a State is not of record, then there is no way to determine whether or not the jury has been selected without discrimination. In view of what the gentleman from Colorado has said, I am opposed to the amendment.

Mr. WHITENER. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I will try not to take the 5 minutes, but I will point out in the committee report on page 27 after referring to section 206 it says, "This definition is intended to cover all State and local courts of every kind whatsoever."

I do not know how it is in all of the States. In my own State we have justice of the peace courts and these courts may have a jury but no one is finally tried in a justice of the peace court, because they can appeal in either a criminal or a civil case and get a trial de novo in the superior court.

And, Mr. Chairman, it would seem to be foolish to extend all of this expensive mechanism to the numerous justices of the peace in my home county who are required to have a jury box.

Mr. Chairman, I believe the gentleman from Missouri has offered a good solution to the problem.

As I understand the matter, based upon my meager knowledge of the law, a court of record is defined as a court having a seal and, of course, a court having a seal is one so designated by the State legislature.

Therefore, such a definition of the term "State court" through the adoption of this amendment would do no violence.

Mr. Chairman, we all know that it is constitutionally impermissive to deny a right to trial by jury. So if you limited this definition of "courts" as the gentleman from Missouri would do, if by any chance any of these rather inferior courts are not handing out evenhanded justice insofar as the selection of juries is concerned, there is still ample judicial procedure to attack that.

Now, Mr. Chairman, to indicate how foolish are the provisions here under title I of this bill, the committee has written in a provision that if one has committed—if a man has committed an offense which is punishable by more than 1 year, this would disqualify him from jury service.

Well, in my State a general misdemeanor for which no statutory punishment is prescribed is punishable by up to 2 years, not in the State prison, but in the local prison.

Mr. Chairman, I pointed out here once before in connection with another bill, the fact that if you check out the North Carolina statutes, there is one that makes the breaking of a Coca-Cola bottle a general misdemeanor.

So, Mr. Chairman, under title I if we are going to follow our committee's prescription, then as far as this bill is concerned, it would make a man a felon who may be punishable for less than 2 years, a general misdemeanor in my State.

So, Mr. Chairman, I do not understand what the fight is all about.

The gentleman from Colorado and the gentleman from California are fine lawyers, but they certainly have confused the issue a great deal. However, I just hope they have not confused too many of our colleagues.

Mr. MULTER. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, this is a very simple amendment. It is so simple that it completely emasculates title II. The effect of the adoption of the amendment is, without putting it in those words, to effectually and completely nullify and strike out title II.

Mr. Chairman, title II begins with this language, in section 201:

> No citizen shall be excluded from service as grand or petit juror in any State court on account of race, color, religion, sex, national origin or economic status.

By the simple expedient of changing the definition of "State court," what they want to do is to amend it to permit each State to render the title ineffective by changing the words which include every State court, to "court of record." They thus can eliminate every court in a State by calling it a court "not of record."

Mr. Chairman, the definition of a "court of record," according to Webster's dictionary, means any court which makes a written record of what happens in the court. In law the words "court of record" are words of art, but differing from jurisdiction to jurisdiction. Courts of record are usually defined in State constitutions, or in State law, as well as in Federal court decisions. In the State of New York our State constitution provides that only those courts that were established before 1895 are courts of record, and those established since 1895 are not courts of record. So we have courts all over the State—criminal courts and civil courts—in which we empanel juries and try and determine cases finally in accordance with the jury's verdict. They try cases which not only result in fines in the criminal courts, but also imprisonment. Adopt this amendment and in every one of those courts discrimination may be countenanced. Throughout the country we have the same situation applying in State after State. Take a look at Bouvier's law dictionary which I have taken the trouble to bring to the well with me. At page 713 of the edition, which I have in front of me, you will find "court of record" defined according to that respected legal work, in State after State after State. The court decisions have defined "courts of record" not only as a court which makes a record of its proceedings, not only as a court that has a seal but also such courts as are so defined in those jurisdictions in accordance with State constitutions and State laws.

If you should adopt this amendment and use only the words "State courts of record," then you might just as well strike out the entire title. Any State that is now discriminating can continue to do so by having its State legislature or its State constitution legislate that no court is a court of record or that only certain State courts are courts of record. By that simple expedient, they then permit the very discrimination to continue that we are trying to stop by title II.

Let us be forthright and frank about this. If you do not want title II then vote for this amendment. If you support the principle of title II then you must vote down this amendment so that in any State court in which a jury may be impaneled or where the right exists to have a jury make a determination, there will be no discrimination in the impaneling of that jury.

Mr. WAGGONNER. Mr. Chairman, will the gentleman yield for a question?

Mr. MULTER. I yield to the gentleman.

Mr. WAGGONNER. It would appear to me that under the constitution of the State of New York there is some discrimination against some of the legally constituted courts. It would appear to me further that the solution to the problem of the State courts in the State of New York would lie in the revision of the State constitution to make courts of record those courts created since 1895 as well as those created prior to 1895.

But I do not believe the gentleman would suggest that the Federal Government do that for the State of New York. In effect, that is what he is suggesting if he leaves title II as it now is. The gentleman I must say has demonstrated he has no concern for States rights.

Mr. MULTER. On the contrary, I am suggesting that we should have one law against discrimination in the impaneling of juries throughout the country in every State court as well as in every Federal court. There is no reason why we should wait for a change of law to frustrate this proposed amendment in the State of New York or in the State of Alabama or in the State of Pennsylvania or in the State of Wisconsin or in any number of other States that are named in Bouviers, with case cited. The adoption of this amendment would frustrate what we are trying to do. There is no need for us to wait for a State law or for a State legislature to adopt a new law to conform to the change sought by a bad amendment.

What we need to do is to make our jury systems conform in practice to the provisions of title II. That is not an invasion of State rights. It merely compels the dissident States to conform to the overriding moral principles enunciated in the U.S. Constitution.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Missouri.

The question was taken; and on a division (demand by Mr. HUNGATE), there were—ayes 52, noes 73.

So the amendment was rejected.

AMENDMENT OFFERED BY MR. CRAMER

Mr. CRAMER. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. CRAMER: On page 52, line 25, strike the word "may" and insert: "is authorized, after giving notice of such denial or abridgement to the appropriate State officials, and after certifying that he is satisfied that such authorities have had reasonable time to adjust the conditions alleged in such notice, to".

Mr. CRAMER. Mr. Chairman, this amendment is a very simple one and, I might add, basically, as my minority views indicate, I am in support of the basic concept of title II. But I think it goes too far and does not protect the rights and interests of the judges of the States or those who have the responsibility of constituting the panel from which juries would be selected. My amendment would simply require the Attorney General to give notice before he can bring an action in the Federal court—on his own motion, without any complaint from anyone—as the result of any single act by any single judge at any level, including the justice of the peace, coroner's judge, or what-have-you. Because of that single act of that person, because a judge or a jury commissioner excluded someone because of race, color, or creed, intentionally or otherwise, the provisions of that title come into effect. That is the broad sweep of this title.

Under my amendment, the Attorney General would be required to give notice to that official and advise him that, as far as an exclusion having taken place or is taking place in the constitution of the panel, he should correct it. That is all the amendment would do.

We are dealing with the separation of powers under the Constitution in a vertical—as compared to horizontal plane. I speak of the vertical separation of powers—Federal, State, and local. We have tried to preserve the separation of powers and recognize that a person duly elected to State office—to a judgeship—should at least be given notice before the heavy hand of the Federal Government is brought down upon him through the Attorney General for any single act or omission on his part, intentional or otherwise, in the selection of a panel from which a jury is selected. That is all the amendment would do.

Now, what are the precedents? I offered a similar amendment in 1964 to title VI relating to the withholding of funds, and it was adopted. That is one precedent. I shall read it to you from the Civil Rights Act of 1964. The amendment was adopted on the floor of the House as amended. Again I emphasize that we are dealing with public officials; we are not dealing with a pattern or practice. We are dealing with a single act, and in most instances in legislating in the past, when those conditions existed, we have always required that the local officials be first notified to put their own house in order first. As I have said, we did it in title VI, Public Law 88–352, by an amendment I offered on the floor of the House, which read as follows:

> No such action shall be taken—

Meaning the withholding of funds—

> until the department or agency concerned has advised the appropriate person or persons of the failure to comply with the requirements and has determined that compliance cannot be secured by voluntary means.

That is the first precedent.

What is another precedent in the 1964 Civil Rights Act? School integration. In that instance, and wisely so, the Congress wrote in a requirement that the parties must be notified. You are dealing with public officials. You are dealing with a single act, not a pattern or practice. What does it say? It states that—and again this is the act of 1965—and this is title IV—

> The Attorney General is authorized, after giving notice of such complaint to the appropriate school board or college authority, and after certifying that he is satisfied that such board or authority has had a reasonable time to adjust to conditions alleged in such complaint—

Only then can he institute the suit.

That is precedent No. 2.

There is a third precedent relating to the FEPC—instances where you are dealing with officials. This is an instance where you are dealing with employers. I am reading again from the act of 1964, the FEPC title:

> The commission shall furnish such employer, employer's agency or labor organization with a copy of the charge.

(By unanimous consent, Mr. CRAMER was allowed to proceed for 3 additional minutes.)

Mr. CRAMER. Then, if a State has an FEPC commission that commission must be notified. So throughout the 1964 civil rights amendment, we wrote in the requirement that when we are dealing with a public official, before the heavy hand of the Federal Government shall be brought down on that local State official—and I am sure we can all understand what that means to that individual politically and what it means to his carrying out his responsibilities of the office to which he was elected—that the Federal Government must first notify him. In this instance, it must notify him that the Attorney General feels that there has been someone excluded from the panel because of race, color, or creed.

Is that too much to ask? Is anything unreasonable about that? Do we want to completely obliterate the Federal-State relationships in this great government of ours? If we do, then we should enact it without this amendment.

But the precedent shows that such an amendment has been adopted in the past. It should be in this instance. I just do not know how many people appreciate just how far this title goes. For instance, in the State of Florida, a coroner's judge, since there is a necessity for a coroner's jury, can exclude somebody inadvertently, and based upon that the Attorney General can bring an action and strike down the entire Florida State statute relating to juror qualifications. It can strike down these requirements under the Florida statutes based upon that one single act and subsitute what the court determines are "objective standards"—a phrase appearing in the bill under the title "Appropriate Relief," on page 53, where it says the court can completely substitute its own judgment, its own "objective standards" for any subjective standard or objective standard being used by the State, even though that standard was not employed to discriminate.

I hope I can put that point across. If a State does not discriminate on the basis of good moral character, for instance, or use that as a vehicle for doing so, even the good moral character can be stricken down—and the majority report so states. The court has the power under title II to completely nullify the State law on the basis of one single act of one single judge in one single instance.

If there is one error, intentional or otherwise, the judge should be given a chance to correct it. We are talking about the judiciary and the judge. I do not know of many judges who do not carry out their responsibilities to the fullest, and who do not intend to do so.

Mr. RODINO. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, what the amendment submitted by the gentleman from Florida purports to do is to place two preconditions on the Attorney General before he can bring a suit. This does not exist in the present voting rights area. Nor does this exist in the area of public facilities.

It merely is another delaying action and places an obstacle in the path of the Attorney General in an area where it is absolutely necessary for him to bring suit easily in order to determine whether or not there is discrimination.

I believe that to adopt this would change the statutory provisions governing the Attorney General's power to sue that exists in other areas. Moreover, we do know that the Attorney General at the present time does give notice to the parties alleged to be in violation of the law.

He gives them a reasonable time to adjust the alleged unlawful conditions. Indeed, the Attorney General gives much time and effort to trying to obtain voluntary cooperation.

We feel that the amendment, attempting to set up preconditions—these obstacles—could hamper the very purpose of the section. For that reason the amendment should be defeated.

Mr. ROGERS of Colorado. Mr. Chairman, will the gentleman yield?

Mr. RODINO. I yield to the gentleman from Colorado.

Mr. ROGERS of Colorado. Is it not reasonable to assume that the Attorney General, before he would institute any action, would make some investigation of what the problem might be?

Mr. RODINO. We know that is the case. That has been the case. The Attorney General makes a practice of it.

Mr. ROGERS of Colorado. And before he does institute actions certain investigations must be made, and he uses his own good judgment and discretion in the matter. Why add an extra burden to it?

Mr. WHITTEN. Mr. Chairman, I rise in support of the amendment.

Mr. Chairman, I presume that it might be a waste of time to point out some of the things I feel we should think about at this moment; but we have never faced a more serious situation. The American people have had enough of trials being delayed, the guilty going free on technicalities, property being destroyed, our police being pushed around. They have a right to expect us to do something to restore law and order, for involved is the destruction of responsible government.

Here we are with the greatest wave of lawlessness facing our country all across the land, and yet the Congress, which should take to heart its own responsibility, is busy spending days and days protecting the rights of the irresponsible to serve on juries. Now, is that not a ridiculous thing for us to do, when we should be busy trying to make punishment for crime more certain?

So far as this amendment is concerned, if I understand it correctly, it would prohibit the Attorney General from filing suit prior to giving notice to the local court or jury commissioner, and giving them an opportunity to meet any defects. The amendment is sound.

Mr. DOWDY. Mr. Chairman, I make the point of order that a quorum is not present.

The CHAIRMAN. The Chair will count. One hundred and twenty-six Members are present, a quorum.

(By unanimous consent, Mr. WHITTEN was allowed to proceed for 3 additional minutes.)

Mr. WHITTEN. Mr. Chairman, may I say, after having listened to the debate and after having read the bill and the report, apparently the jury provisions are predicated upon a feeling on the part of some people that in five, six, or seven criminal cases, perhaps there should have been convictions when there were not.

This bill will not improve anything. We find in today's newspaper reports from at least 8 or 10 States throughout the Nation where on yesterday criminals were running wild, destroying lives and property. We read of the deplorable murder of the young nurses and of the 16 persons who were killed in Texas yesterday. Murders, which could well have been generated by the news of killings which have recently filled newspapers, radio, and TV. I say to you that while there is a wave of lawlessness across the United States we are finding the courts of this land, instead of trying to help to see that the general public is protected suddenly finding in the Constitution of the United States new court created rights which give the defendant additional chances to avoid punishment for his crime. We see on every hand the courts getting away from the rule on which orderly government was built, a general rule to the effect that if the record clearly showed the guilt of the defendant beyond a reasonable doubt, he or she was not released on the public on some technicality and particularly a technicality raised by the Appellate or Supreme Court itself.

I say to you again, it is said that Nero fiddled while Rome burned. It strikes me that is about what we are doing here. At a time when our country is becoming the victim of the criminal, when our wives and daughters and we ourselves are afraid to walk our streets, we find the Congress spending these hours and days trying to protect the rights of irresponsible persons to sit on a jury. I say to you again, this is something we should seriously consider. These criminals are destroying our country. It is high time we showed a little discrimination or judgment not only in the selection of jurors, but of judges—if we are to stop this wave of lawlessness. We have had lots of legalistic arguments on this bill because many of us are lawyers—it is fine for the lawyer, and for the record perhaps—but I say to you that the message is just not getting over to the country or to the Congress. We need to do something about crime and criminals. We need to make punishment more certain. We need to put the rights of an orderly, and law-abiding society ahead of the whims of the Supreme Court. The Constitution is the same. The trouble is that the Court suddenly claims new found rights of a defendant in our original Constitution, the result of which is to make it harder and harder to punish those who are clearly guilty. I say that it is time to wake up here and quit fiddling. Rome is certainly burning, and if you do not believe it, read today's newspapers.

Mr. RODINO. Mr. Chairman, I ask unanimous consent that all debate on this amendment and all amendments thereto conclude at 2:45.

The CHAIRMAN. Is there objection to the request of the gentleman from New Jersey?

Mr. WAGGONNER. Mr. Chairman, I object.

Mr. WHITENER. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. WHITENER. Would the Chair restate the request? As I understand it, it is for this amendment, not for the title.

Mr. RODINO. This amendment and all amendments thereto.

Mr. WAGGONNER. Mr. Chairman, I withdraw my objection.

Mr. RYAN. Mr. Chairman, I object.

Mr. RODINO. Mr. Chairman, I move that all debate on this amendment and all amendments thereto conclude at 2:45.

The CHAIRMAN. The question is on the motion of the gentleman from New Jersey that all debate on this amendment and all amendments thereto close at 2:45.

The motion was agreed to.

Mr. WHITENER. Mr. Chairman, I did not intend to be standing. Therefore, if you would like, the Chairman may strike my name and give my time to someone else who was standing.

Mr. WAGGONNER. Mr. Chairman, I ask that my name be stricken. I was on my feet for purposes of entering an objection.

The CHAIRMAN. The requests of the gentlemen are noted.

The gentlemen remaining will be recognized for approximately 2½ minutes.

The Chair recognizes the gentleman from New York [Mr. RYAN] for 2½ minutes.

Mr. RYAN. Mr. Chairman, I rise in opposition to the amendment which is another effort to weaken this bill, another effort to dilute title II which in my judgment is already weak and which will not prove effective in accomplishing the purpose of title I and title II.

The purpose of this title and the purpose of title I is to insure that juries throughout this Nation will represent a cross section of the population.

Mr. Chairman, I believe that the means which have been adopted by title II will not insure that the end will be accomplished.

In general, there are two ways in which this purpose can be accomplished: one, through judicial enforcement and, second, through administrative enforcement. Judicial enforcement means a case-by-case determination of discrimination in jury selection in each county. Administrative enforcement would mean an objective, swift and accurate triggering of a mechanism for remedying jury discrimination whenever it exists.

Mr. Chairman, I believe that we should have learned from the past experience with voting rights legislation. The laws enacted in 1957 and 1960 were ineffective. Finally, we enacted the Voting Rights Act of 1965 which provided a so-called automatic trigger to deal with the problem of insuring the right to vote.

Mr. Chairman, a case-by-case, county-by-county method of litigation simply did not work.

Chief Justice Warren summarized the experience of the earlier laws in an introduction to the Supreme Court's unanimous opinion upholding the constitutionality of the Voting Rights Act of 1965 in South Carolina against Katzenbach on March 7, 1966.

> The previous litigation has proved ineffective for a number of reasons. Voting suits are unusually onerous to prepare, sometimes requiring as many as 6,000 man-hours spent combing through registration records in preparation for trial. Litigation has been exceedingly slow, in part because of the ample opportunity for delay afforded voting officials and others involved in the proceedings. Even when favorable decisions have finally been obtained, some of the states affected have merely switched to discriminatory devices not covered by the Federal decrees or have enacted difficult new tests designed to prolong the existing disparity between white and Negro registration. Alternatively, certain local officials have defied and evaded court orders or have simply closed their registration offices to freeze the voting rolls.

The House report of the Voting Rights Act of 1965 made the same point:

> Four years (to press a voting suit) is too long. The burden is too heavy, the wrong to our citizens too serious, the damage to our national conscience is too great not to adopt more effective measures than exist today. Such is the essential justification for the pending bill.

In short, Mr. Chairman, the early voting laws did not work because they required individual suits in each of the counties charged with discrimination. The same situation exists in proceedings dealing with jury selection. Suits are expensive to bring; they allow for endless delaying tactics; and there is no guarantee that the district judge will be more helpful than the local jury commissioner.

Mr. Chairman, for this reason, I introduced a State jury selection bill, H.R. 14111, which would have used a procedure similar to the "automatic trigger" of the Voting Rights Act.

My bill would require that all counties affected by the Voting Rights Act keep very careful records of their jury lists.

The Attorney General would then be empowered to certify to the Civil Service Commission for the assignment of Federal jury commissioners if the records showed that the discrepancy between the number of eligible Negroes in the county and the number of Negroes on the jury list was greater than three to two; or the county failed to comply with the recordkeeping requirement; or a previous court decision had found that the county's juries were segregated; or the county had ceased to use voter registration lists to select jurors after passage of the Voting Rights Act of 1965.

Mr. Chairman, there can be no question about the constitutionality of the so-called automatic trigger, which was specifically held constitutional in the unanimous Supreme Court opinion in South Carolina against Katzenbach. In that decision, which was written by Mr. Chief Justice Warren, it was explained that the Voting Rights Act "prescribes remedies for voting discrimination which go into effect without any need for prior adjudication." This was clearly a legitimate response to the problem, the Chief Justice wrote, "for which there is ample precedent under other constitutional provisions."

Mr. Chairman, I predict that this bill will need to be supplemented in years to come. While I will support title II with the understanding that the Attorney General will prosecute it with extreme vigor, I cannot share the enthusiasm of those who proclaim that this measure will end discrimination in the courts of this land. Since the Judiciary Committee did not adopt the use of an "automatic trigger," I am afraid that any complete solution to the problems of segregated juries will have to await the action of a later Congress.

The CHAIRMAN. The time of the gentleman from New York has expired.

Mr. RYAN. Mr. Chairman, may I request of the gentleman from New Jersey [Mr. Rodino], additional time?

The CHAIRMAN. Time is regulated. The Chair recognizes the gentleman from California [Mr. Corman].

Mr. CORMAN. Mr. Chairman, I would refer to the statement of the gentleman from Florida, who does not know any judges who do not carry out the law. I do not know any attorneys general who would not either. So there will never be a case under those circumstances.

Mr. Chairman, I would say to the gentleman from Mississippi [Mr. Whitten], who indicated that we are attempting to get irresponsible persons to sit on the jury, our only contention is that you cannot tell automatically that the man is irreponsible because of the color of his skin.

But, Mr. Chairman, more importantly, it is vital that we move expeditiously in these cases in order to protect the rights of both parties, the State and the defendant in a criminal case, or the plaintiff and the defendant in a civil action.

Mr. Chairman, that is the reason we should not impede the action of the Attorney General to move swiftly in these cases where he needs to act, and to do nothing which would impede such action.

Mr. Chairman, it is up to the judge to decide whether that action is meritorious.

Therefore, Mr. Chairman, I urge the defeat of the amendment and I yield back the balance of my time.

The CHAIRMAN. The Chair recognizes the gentleman from Texas [Mr. Dowdy].

Mr. DOWDY. Mr. Chairman, I ask unanimous consent to yield my time to the gentleman from Florida [Mr. Cramer].

The CHAIRMAN. Without objection, it is so ordered.

There was no objection.

The CHAIRMAN. The Chair recognizes the gentleman from Florida [Mr. Cramer].

Mr. CRAMER. Mr. Chairman, very briefly the objective of my amendment is very simple because it is to provide that the official involved, meaning a judge in most cases, shall be notified before an action is brought by the Attorney General. This is being done pursuant to the precedents of the 1964 Civil Rights Act in which there was written in on the floor a similar provision, in an amendment which I offered to the withholding of funds under title VI, as well as the two other instances that I previously stated.

I think it is fully justified in view of the broad scope and breadth of the power of the court in the action it can take in relation to all jury qualifications in all States and in a particular State to strike down that State statute in toto as it relates to jury qualifications including, for instance:

In the State of California the requirement of ordinary intelligence. The State of Florida—good moral character. Maine—good moral character and integrity. Massachusetts—good moral character. New York—good character and proved integrity and sound judgment. Texas—sound judgment and good moral character. Wisconsin—esteem in the community as to good character and sound judgment.

All of the foregoing qualifications can be stricken down as proper tests for jurors on the decision of the court based upon a misuse, intentionally or otherwise, of a single standard by a single judge in a single act.

That broad scope being in the bill, I say it should at least be required as it was in the 1964 Civil Rights Act, that a judge be advised when the Attorney General thinks he has done wrong, intentionally or otherwise. It should be corrected. It is not too much to ask the separation of powers be properly preserved between Federal, State, and local governments bringing in the heavy hand of the Attorney General.

The CHAIRMAN. The Chair recognizes the gentleman from Ohio [Mr. McCulloch].

Mr. McCULLOCH. Mr. Chairman, the gentleman from Florida has pointed out part of the 1964 act which I had intended to cite.

There is precedent for the amendment that is offered by the gentleman from Florida. I should like to quote the very language in that act. Section 602 in title VI of the Civil Rights Act of 1964:

> Compliance with any requirement adopted pursuant to this section may be effected (1) by the termination or refusal to grant or to continue assistance under such program or activity to any recipient as to whom there has been an express finding on the record, after opportunity for hearing, of a failure to comply with such requirement, but such termination or refusal shall be limited to the particular political entity, or part thereof or other recipient as to whom such finding has been made and, shall be limited in its effect * * *

Mr. Chairman, I think it is in the interest of good relations between the Federal Government and the States and political subdivisions thereof that the States and political subdivisions always be given an opportunity to mend the error of their ways. That is exactly what this amendment would do. It is a good amendment; we should adopt it.

Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. The Chair recognizes the gentleman from New Jersey [Mr. Rodino].

Mr. RODINO. Mr. Chairman, I regret that I must disagree with the gentleman from Ohio.

Mr. Chairman, the situation that he refers to is not one which involves a law suit, it concerns the curtailment of Federal assistance under title VI of the 1964 act. There are ample precedents for the provision in title II, in the voting rights area and the public facilities area where the Attorney General does not need to give notice and where no preconditions to sue are required.

I think for all the reasons stated, when you consider that this involves a basic question as to whether or not discrimination State jury selection exists, I believe that we must not in any way delay and we must not place any obstacles in the way. For that reason, Mr. Chairman, I believe the amendment should be defeated.

Mr. CRAMER. Mr. Chairman, will the gentleman yield?

Mr. RODINO. I yield to the gentleman.

Mr. CRAMER. Mr. Chairman, I think in all fairness the gentleman will agree that the two instances he cited involve the necessity of proving a pattern of practice, not a single act, which is the case we are talking about here. That is why the difference exists, where there is a single act of a public official, there is always notice required.

Mr. RODINO. No pattern of practice is required.

Mr. CRAMER. For the Attorney General to act it requires a pattern of practice.

Mr. RODINO. Not to institute a suit.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Florida [Mr. Cramer].

The question was taken; and on a division (demanded by Mr. Rodino) there were—ayes, 86, noes 58.

Mr. RODINO. Mr. Chairman, I demand tellers.

Tellers were ordered, and the Chairman appointed as tellers Mr. Cramer and Mr. Rodino.

The Committee again divided, and the tellers reported that were ayes 118, noes 99.

So the amendment was agreed to.

AMENDMENT OFFERED BY MR. WHITENER

Mr. WHITENER. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. WHITENER: On page 5, lines 22 and 23, after "engaged", strike out "or is about to engage".

Mr. WHITENER. Mr. Chairman, this amendment would be to subsection 202 (a) of title II on page 52 of the bill. It would merely strike out the words "or is about to engage" on lines 22 and 23 of the bill.

I had the privilege of attending a great university, Duke University, where we have a very fine department on extrasensory perception. Our school was a pioneer in this field, which I believe now is called parapsychology.

So far as I know, the distinguished Attorney General of the United States did not have the privilege of getting training in—nor do I know of any special gift he has in—extrasensory perception. Yet if we followed the committee bill in this regard we would require that the Attorney General of the United States in the future exercise this rather fantastic sixth sense of extrasensory perception. We are telling him in this bill that if someone is about to engage in an act which would deny or abridge any right set forth in section 201 of the bill it is his duty to run down to the courthouse and bring a suit in the U.S. district court to stop this person that his extrasensory capacity has caused him to believe is about to engage in such an act or practice.

Now, my friends, if we strike this language, we shall not do any violence to any legitimate intention that any proponent of the bill could possibly have. If the amendment is agreed to the Attorney General would still be empowered as follows:

> Whenever there are reasonable grounds to believe that any person has engaged.

In other words, the Attorney General does not have to know that someone has engaged in a violation of section 201, even if my amendment is adopted. The only thing he would have to do is to have "reasonable grounds to believe." "Probable cause," I suppose, would be a synonymous expression with "reasonable grounds."

Why would anyone feel that the Attorney General ought to try to be a person with prophetic powers? If we believe what the proponents have said about the horrible activities in the several States in this field of jury discrimination, then he is going to have his hands full just handling those already doing it, without hunting new fields to conquer.

I note that our committee chairman [Mr. CELLER] is unavoidably absent at this time, but I would hope that those handling the bill would accept this amendment as being reasonable, and as saying to the Attorney General, "We are not going to require you to do an impossible thing; that is, to try to read the minds of or predict a future action on the part of a jury commissioner or some public official within a State or a local community."

I would urge that everyone consider this amendment seriously, because it is offered in a serious way, as others I have offered have been. I believe it would improve the bill some. I believe the bill is beyond redemption, but this at least would make it a little less bad. I know that even those who have spoken so eloquently for the bill would agree it could stand a little bit of improvement.

Mr. ANDERSON of Illinois. Mr. Chairman, will the gentleman yield?

Mr. WHITENER. I am happy to yield to the gentleman from Illinois.

Mr. ANDERSON of Illinois. The gentleman now in the well is much more learned in the law than I. Am I not correct in my belief that there is a maxim of equity to the effect that the law will not in any event enjoin the doing of something that would be in the nature of a speculative act? Does the gentleman recall that?

Mr. WHITENER. I remember one maxim to the effect that equity will not do a vain thing.

Mr. ANDERSON of Illinois. In view of the fact that this section does call for the issuance of an injunction or the granting of relief in equity, I just wondered if that would not be an additional reason or argument in favor of the point the gentleman now makes.

Mr. WHITENER. I would imagine, if one were proceeding in equity, that one would have a difficult time establishing there was about to be a wrong committed without a remedy, if dealing in soothsaying and clairvoyance, as this would require the Attorney General to do.

I do not know how an equity court could grant an injunction upon a belief asserted by a litigant, and the Attorney General would be the litigant here.

Mr. RODINO. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, as much as I am reluctant to do so, I must oppose the gentleman's amendment. Again I repeat I know that the gentleman sincerely believes that this language would do the things he suggests it would do, but I think it would do violence here. I direct the gentleman's attention to the fact that in the Voting Rights Act of 1957, and in the public accommodations section, title II of the 1964 Civil Rights Act, we find the language, "has engaged in any act or is about to engage in any act or practice." This language is there. To provide otherwise in title II, I believe now would actually be to subvert this very section.

Mr. WHITENER. Mr. Chairman, will the gentleman yield to me?

Mr. RODINO. Yes. I yield to the gentleman.

Mr. WHITENER. I do not say this to offend the gentleman but just to point out to him that I did not vote for the Voting Rights Act.

Mr. RODINO. I understand that, and possibly this may be the reason why the gentleman suggests that we adopt this very language he points to now. What we are seeking to do is not only to find that there has been a wrong done and there has been discrimination, but we would want to take some preventive action. That is why we use the phrase "about to engage."

Mr. Chairman, for that reason I believe the amendment should be defeated.

Mr. ASHMORE. Mr. Chairman, I rise in support of the amendment.

My friends, I do not propose to take the 5 minutes I am allotted, but I think it is incumbent on some of us who have some feeling on this point to make a few remarks about it. The gentleman's amendment is most reasonable, and I think it should be seriously considered by everyone. We are not here talking just for the benefit of hearing our voices. If you will notice, this section 202 reads as follows:

> Whenever there are reasonable grounds to believe that any person has engaged or is about to engage in any act or practice which would deny or abridge any right secured.

And so on.

How in the name of commonsense can anyone whether he be a soothsayer, a clairvoyant, a palm reader, or who follows the movements of the stars in the sky, or a fortuneteller or whatever he might be, determine when some person is about to engage in an act that they refer to here? It just does not make commonsense. The statute would read very well if you eliminated the five words specified in the amendment, that is, "or is about to engage." The title would then read: "whenever there are reasonable grounds to believe that any person has engaged in any act or practice." We do not object to that. When he is actually engaging in it, it is perfectly all right to take this action, but when you get out in the realm of speculation and guesswork, and away out in dreamland itself, and say when someone is about to engage in something, then I do not understand how we, as lawyers particularly, can swallow such a proposal.

Mr. Chairman, I am constrained to refer to a statement by a former Governor of a State in this great country of ours, a man who just went out of office, at the end of 1964, Governor Sanford, of North Carolina. Governor Sanford was known as a moderate. Some people even called him a liberal. He was a great friend of the junior Senator from New York, BOBBY KENNEDY, and was supported in his election to the governorship of North Carolina by the former great President, Jack Kennedy.

They were great friends and they thought along the same lines. They had the same philosophy in most respects. Just a few weeks ago Governor Sanford, in speaking to the young lawyers section of the North Carolina Bar, used this argument in referring to title II of this bill, the very vital part of it which we are now thinking about.

He said:

> It is a dangerous precedent that would alter—

I am quoting—

> alter profoundly the relation between State and Federal courts.

Still quoting from Governor Sanford, he said:

> It would not—

I repeat—

> It would *not* insure convictions where they are justified and are *not* now being obtained."

And, Mr. Chairman, to quote him further, in part, he said:

> And it would upset the proper division of powers in the American system of government.

Mr. Chairman, that is entirely in line with what Chief Justice Warren said back in April when he was referring to some of the legislation that was then pending in the Congress of the United States about which Chief Justice Warren had some serious doubts, and put the people on notice in this country. He was speaking to you and to me because the legislation to which he was referring was then pending before the Congress. It is now pending before the House of Representatives.

We have been warned about going too far by the great Chief Justice of this country, and who could be any more liberal than he is?

Now, Mr. Chairman, we have a great Governor who is also a liberal saying that you will upset the proper division of powers in the American system of government when you do some of these things.

And I say that one of the worst things you could do would be to provide that the Federal Government take over when someone is "about to commit an act" that the statute prohibits—I emphasize "about to" do so. Again, who is going to determine when one is about to do something? Are you going to the palm reader, the fortunetellers, or will you look into the crystal ball?

My friends, this is just commonsense. Strike out this "about" business, and leave the statute as it should be, and as it is in 99 cases out of a hundred.

Mr. McCULLOCH. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I regret that I cannot agree with my able colleague, the gentleman from North Carolina [Mr. WHITENER] who has previously spoken.

Mr. Chairman, I submit to the Members of the Committee that the language which he has spoken are words of art. They are known to every lawyer who has ever filed a suit in either State or Federal court seeking injunctive relief, and who has used such words to prevent the things that may result in irreparable damage.

Mr. Chairman, the mere filing of the suit does not mean that the Attorney General is going to win his suit. He must prove the allegations of his complaint.

Certainly, Mr. Chairman, if this amendment is stricken then the Attorney General, where there is discrimination in this kind of activity, must wait until it has occurred, before he can obtain the injunctive relief which he needs in order to obtain justice for the people of such political subdivision.

I believe, Mr. Chairman, the amendment should be defeated.

The CHAIRMAN. The question is on the amendment offered by the gentleman from North Carolina.

The amendment was rejected.

Mr. RODINO. Mr. Chairman, I ask unanimous consent that all debate on this title conclude at 3:30.

The CHAIRMAN. Is there objection to the request of the gentleman from New Jersey?

Mr. WHITENER. Mr. Chairman, reserving the right to object, I hope that the gentleman will withdraw his request. We have gone along here very nicely, and there have been no dilatory tactics insofar as we are concerned here.

Mr. Chairman, there are several amendments to be considered. I believe this is an important piece of legislation, and I realize the impatience of some folk to help wreck the Constitution. But I am not one of them. Therefore I believe we ought to have an opportunity at least to make a record, and I hope the gentleman will withdraw his unanimous consent request.

Mr. WAGGONNER. Mr. Chairman, a parliamentary inquiry.

How many amendments to title II are now pending at the desk?

The CHAIRMAN. The Chair is informed that there are four pending at the desk.

Mr. RODINO. Mr. Chairman, I withdraw the motion.

AMENDMENT OFFERED BY MR. WAGGONNER

Mr. WAGGONNER. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

> Amendment offered by Mr. WAGGONNER: On page 56, line 22, after "appropriate", strike out remainder of line 22; all of line 23, and all on line 24 through the word "occur" and insert in lieu thereof "Federal official to produce additional evidence demonstrating that such denial or abridgement did occur".

The CHAIRMAN. The gentleman from Louisiana is recognized.

Mr. WAGGONNER. Mr. Chairman, this is an amendment to section 204 which is the discovery-of-evidence portion of title II of this proposed legislation.

Section 204 reads in part:

> In any proceeding instituted pursuant to section 202 of this title or section 1983 of title 42 of the United States Code, or in any criminal proceeding in any State court prior to the introduction of any evidence at trial, or in any habeas corpus, coram nobis, or other collateral proceeding in any court with respect to a judgment of conviction entered after the effective date of this title, wherein it is asserted that any right secured by section 201 of this title has been denied or abridged—

Subparagraph (c) provides:

> (c) If the court determines (1) that there is probable cause to believe that any right secured by section 201 of this title has been denied or abridged and (2) that the records and papers maintained by the State are not sufficient to permit a determination whether such denial or abridgment has occurred, it shall be the responsibility of the appropriate State or local officials to produce additional evidence demonstrating that such denial or abridgment did not occur.

Please note that this section has application in any criminal proceeding. I stress "criminal."

I would agree that if such evidence is discovered that action should be taken prior to the introduction of any evidence at trial.

I am not an attorney. But I think it has been an accepted fact in courts of justice the world over since the beginning of time that the accused was presumed to be innocent until proven guilty. The language of this section is in direct contradiction to that long-established and accepted principle. The language of this section of this legislation presumes guilt until you prove you are innocent. It places the burden of proving innocence upon the accused, and does not properly place the burden to prove guilt on the accuser or the Government. The accused cannot face his accuser. I submit simply to you that the burden of proving an individual has had his rights denied or abridged rests with the appropriate Federal official who enters or supports and prosecutes an accusation. I challenge any man to say to me that the principle is unfair or wrong if you want to maintain the long-established principle of presumed innocence until an individual is proven guilty.

I know what your proponent attitude is, but you cannot honestly say that you are fairminded if you want to abolish that long-established principle that we have been guided and governed by and we have lived by to this point if you vote against this amendment.

I say simply that the burden of proof should rest with the appropriate Federal official or Federal agency who enters an accusation that an individual's rights have been denied or abridged.

I ask support of this principle. Surely you are not so prejudiced that you will commit this rape solely out of the fear of your mixed-up emotions attached to the issue of civil rights.

Mr. ROGERS of Colorado. Mr. Chairman, I rise in opposition to the amendment. I should first point out that the question we are dealing with concerns discovery of evidence and the proof necessary to prove that there has been a person excluded from a grand or petit jury in any State court on account of race, color, religion, sex, national origin, or economic status. That is what we are dealing with here, and by section 202 we would authorize the Attorney General to institute an action.

In section 203 we outline various types of relief that may be given. In section 204 we deal with discovery of evidence.

The discovery procedures that are set forth here provide that the State officials who have charge of the jury mechanism are required to set forth certain items as provided on page 55 under (a) (1), (2), (3), (4), and (5).

Remember, you are in a court, and this evidence is required of those who have charge of the books, those who have charge of the jury panel, those who are State officials and have a duty and a responsibility to perform certain functions.

I direct your attention to page 56, line 16. The information that the State official has is submitted to the judge and if the judge then finds that there is probable cause that there has been a discrimination because of race, color, creed, sex, national origin, or economic status, and that the information submitted by State officials is insufficient to permit a determination, then the State officials must go forward with more evidence.

All we say then is that having convinced the judge that there is probable cause that there has been a violation, the individual who has charge of the books and who claims that there has been no discrimination is under obligation to come forward. We who have practiced law for many years recognize that when once you make a prima facie case, the other side must come forward with the proof, and that is all we required here. Hence, I believe the amendment should be defeated.

Mr. McCLORY. Mr. Chairman, will the gentleman yield?

Mr. ROGERS of Colorado. I yield to the gentleman from Illinois.

Mr. McCLORY. I thank the gentleman for yielding. As I understand this section, as the gentleman has interpreted it, the burden of proof initially is on the Attorney General, and then after he has assumed the burden of proof and reasonable cause has been established, the burden shifts to the other side to carry the burden forward to establish that they have complied with the requirements with regard to the selection of a jury without discrimination as to race or color.

Mr. ROGERS of Colorado. The gentleman is eminently correct, and it is the court that must be convinced of the probable cause before you come in. That is the normal process. Hence I believe the amendment should be defeated.

Mr. EDWARDS of Alabama. Mr. Chairman, will the gentleman yield?

Mr. ROGERS of Colorado. I yield to the gentleman from Alabama.

Mr. EDWARDS of Alabama. Does the section say "probable cause" or "prima facie proof"? There is a great deal of difference between probable cause and prima facie proof.

Mr. ROGERS of Colorado. When there is probable cause to believe that any right secured by section 201 has been denied or abridged, the provision comes into effect. He must be convinced there is "probable cause."

Mr. EDWARDS of Alabama. If the gentleman will yield further, all the grand jury finds is that there is probable cause to believe a crime is committed, and the criminal is bound over to the court, but that does not shift the burden of proof. The person still is clothed with the presumption of innocence, because probable cause is not sufficient to shift any burden of proof.

Mr. DOWDY. Mr. Chairman, I rise in support of the amendment and move to strike the requisite number of words.

I feel that the House should not be continually misled about the provisions that are written in this bill, as brought here by the committee to be passed on by this House. What has just been talked about is "probable cause to believe." Probable cause to believe is not a prima facie case.

But, reading just two or three lines below this, which was so conveniently ignored by those opposing the amendment, there is provision that if the records the Attorney General has are not sufficient for him or the court to permit a determination as to whether or not such denial has occurred, that there is not enough evidence one way or another to say, then the burden is thrown upon the defendant to produce evidence showing that it did not occur.

Throughout the debate here it has been overlooked that this is a criminal action, that it is a criminal provision that is being written into the law. Section 201 says "it shall be unlawful to make any distinction on account of race, color, religion, and so on, in selection of any person to serve on a grand or petit jury in any State. It is unlawful; it is criminal; it is penal.

They are shifting the burden of proof and denies the presumption of innocence by the specific wording of this bill. I do not believe the House should be misled by saying it is a prima facie case. If it was a prima facie case, this would not have to be done.

Mr. ROGERS of Colorado. Mr. Chairman, will the gentleman yield?

Mr. DOWDY. I yield to the gentleman from Colorado.

Mr. ROGERS of Colorado. There is no such provision.

Mr. DOWDY. What does it mean when it says it shall be unlawful? Is that not criminal?

Mr. ROGERS of Colorado. No, that section provides that such discrimination is prohibited.

Mr. DOWDY. Sure; it is the nature of criminal laws that they prohibit.

Mr. ROGERS of Colorado. It is prohibited. The issue is brought before a court of equity. We do not have a man on trial for any crime.

Mr. DOWDY. We do not try a man accused of crime in a court of equity. We try him in a criminal court.

Mr. ROGERS of Colorado. But here we are in a court of equity.

Mr. DOWDY. The only place we can try a man charged with a crime is in a court of law. Here we are trying to discover some evidence for criminal prosecution. It cannot be anything else, because that is all this title deals with, a violation of law. We cannot require a man to testify against himself. We cannot put the burden of proof on the accused. The burden is on us to convict him, if we want to convict him of violating this section 201.

Mr. ROGERS of Colorado. Is there anything in this court of equity, in the proceedings, which establishes that the man is on trial for a crime?

Mr. DOWDY. That is what you are trying to do. That is what I am complaining about.

Mr. ROGERS of Colorado. Where is that in this? We know that if we are going to charge a man with a crime against a law of the United States, we have to have an indictment.

Mr. DOWDY. That is the way it ought to be. I am saying we are not doing that in this bill. We are taking him into a court to try to make him testify against himself.

Mr. ROGERS of Colorado. We are taking him into a court of equity. The gentleman knows what a court of equity is.

Mr. DOWDY. For violating a criminal law, we want to take a man into a court of equity?

Mr. ROGERS of Colorado. This is not a criminal court here.

Mr. DOWDY. We do. Any person ought to know that if something is unlawful, it is against the law.

Mr. ROGERS of Colorado. Then what is the penalty provided in title II? If we have him in a court as a criminal, what is the penalty?

Mr. DOWDY. Apparently we are going to try to get him for criminal intent to violate a law.

Mr. ROGERS of Colorado. The point is, usually when a man is charged with a crime, there is also a description of punishment. There is no punishment here. There is only an equity action.

Mr. DOWDY. To try to get information to punish him for the crime, that is set up by this bill.

Mr. ROGERS of Colorado. No, I beg the gentleman's pardon.

Mr. DOWDY. If the gentleman provides an unlawful act and does not provide a punishment for it, that is not my lookout.

I am not talking about that. I am talking about this amendment, which puts the burden of proof back upon the prosecution and preserves for the defendant the presumption of innocence.

The amendment ought to be adopted.

Mr. McCLORY. Mr. Chairman, I rise in opposition to the amendment.

I point out that section 202 refers specifically to a civil action. The effort here is to determine in a civil action whether or not the requirements are complied with with regard to selecting a jury without discrimination on the basis of race or color.

It does seem to me that the information as to whether or not the section has been complied with would be peculiarly within the knowledge and province of State and local officials who are charged with providing jurors to serve on petit and grand juries. Therefore, I believe it would be an unconscionable burden to put on the Federal official to produce evidence which is peculiarly within the province of State and local officials.

I urge that the amendment be defeated.

Mr. DOWDY. Mr. Chairman, will the gentleman yield?

Mr. McCLORY. I yield for a question.

Mr. DOWDY. Does the gentleman not believe that if the prosecution is going to indulge in a civil action to determine whether a man is guilty of violation of a criminal law he ought to be doubly protected on the presumption of innocence?

Mr. McCLORY. I do not interpret the section as the gentleman does. I interpret it as a civil action. It states specifically at the top of page 53 that it is a civil action, in which the Attorney General may try to secure preventive relief, through an injunction or restraining order or other order which is intended to force compliance with the policies of title II or at least secure a determination as to whether discrimination has been practiced.

This provision with regard to discovery, of course, relates to information which, as I say, is within the knowledge of State and local officials. I would not believe it would be possible to place that full burden on officials who really have nothing to do with the application of the law. The guidelines for assuring fair and impartial jurors without discrimination are set forth in title II. The responsibility for establishing that these guidelines are being complied with are appropriately reposed in State and local officials.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Louisiana [Mr. WAGGONNER].

The amendment was rejected.

Mr. ROGERS of Colorado. Mr. Chairman, I ask unanimous consent that all debate on title II and all amendments thereto close at 4 o'clock.

The CHAIRMAN. Is there objection to the request of the gentleman from Colorado?

Mr. EDWARDS of Alabama. Mr. Chairman, reserving the right to object, how many amendments are there?

The CHAIRMAN. There are three amendments at the desk, the Chair will state.

Mr. EDWARDS of Alabama. I object.

The CHAIRMAN. Objection is heard.

Mr. ROGERS of Colorado. Mr. Chairman, I move that all debate on title II and all amendments thereto terminate at 4 o'clock.

The CHAIRMAN. The question is on the motion of the gentleman from Colorado.

The question was taken; and on a division (demanded by Mr. WAGGONNER) there were—ayes 51, noes 42.

So the motion was agreed to.

Mr. DOWDY. Mr. Chairman, I object to the vote on the ground that a quorum is not present.

The CHAIRMAN. The Chair will advise the gentleman that such an objection is not valid in the Committee of the Whole.

AMENDMENT OFFERED BY MR. WHITENER

Mr. WHITENER. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. WHITENER: On page 56, line 21, strike out "it shall be the responsibility of the appropriate State or local officials to produce additional evidence demonstrating that such denial or abridgment did not occur" and insert "the proceedings on said issue shall terminate unless the moving party shall produce evidence sufficient to satisfy the court that a right secured by section 201 of this title has been denied or abridged."

The CHAIRMAN. Under the terms of the motion, the gentleman from North Carolina [Mr. WHITENER] is recognized for a large 3 minutes.

Mr. WHITENER. Mr. Chairman, I thank the Chairman. May I say to the Chairman that I appreciate the largeness and the greatness of his conduct as he has presided over this body during this rather long and protracted debate. I regret that at this early stage in the proceedings there seems to be an effort on the part of some to cut off debate and not have the matter fully explored. I hope as they repair to their accustomed places of rest tonight that they will think about this and realize that this is not quite the way to go about legislating.

The amendment which I have offered, Mr. Chairman, is not one which is inconsistent with the established principles of procedure in the courts. It merely says that if one comes into court, whether he be the Attorney General or some other, contending that the provisions of section 201 have been denied to any individual, that the proceedings on said issue will terminate unless the moving party carries the burden of proof not beyond a reasonable doubt, not by the greater weight of the evidence, but to the satisfaction of the court. These words "satisfaction of the court," have a clear and definite meaning in the law. It is a degree of proof lesser than the preponderance of evidence or the greater weight of the evidence. It is certainly a lesser degree of proof than would be required to establish a fact beyond a reasonable doubt. The burden of establishing a proposition such as the proposition of unconstitutional conduct on the part of a local or State jury commission should be on the one who asserts it, but if we leave this language as is now set forth in subsection (c) of section 204, we will have a situation where an accusation is made by the Attorney General or by a litigant, and then he comes into court, and they drag out everything they have to offer, and the court will say, "Now, wait a minute. There is no evidence whatever here of any discrimination on the part of these local authorities."

And, so Mr. Chairman, when that comes about and the court realizes that there is no proof, then the court reaches over the bench and points to the accused State or local community, or their representative, and says notwithstanding the fact that there is absolutely no evidence, you gentlemen are going to have to produce evidence here, additional evidence, demonstrating that there has been no denial or abridgement of rights as set forth under section 201.

Mr. Chairman, it is a nonsensical provision, and it ought to be amended as suggested in my amendment.

Mr. ROGERS of Colorado. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state his parliamentary inquiry.

Mr. ROGERS of Colorado. I understand that I have 3 minutes?

The CHAIRMAN. That is correct.

Mr. ROGERS of Colorado. May I be recognized for less than a minute, and reserve the other 2 minutes?

The CHAIRMAN. The Chair will state that the time can only be subdivided into 1-minute periods; no smaller than 1 minute.

The gentleman from Colorado does not desire recognition?

Mr. ROGERS of Colorado. Yes.

The CHAIRMAN. The gentleman will be recognized for 1 minute.

Mr. ROGERS of Colorado. Mr. Chairman, I rise in opposition to the amendment because it is a rehash of the amendment that we just defeated, merely stated in other words.

Mr. Chairman, the issue here is what is "probable cause"; that is, "probable cause" that discrimination has occurred. That issue must be decided by the court. Therefore, Mr. Chairman, I suggest the defeat of the amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from North Carolina [Mr. WHITENER].

The amendment was rejected.

AMENDMENT OFFERED BY MR. WAGGONNER

Mr. WAGGONNER. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. WAGGONNER:

On page 53, lines 18 and 19, strike ", in addition to any other relief,".

On page 53, lines 23 and 24, after the word "which" strike "—(1)".

On page 53, line 25, strike "or".

On page 54, starting on line 1, strike:

"(2) is so subjective as to vest in jury officials undue discretion to determine whether any person has satisfied such qualification, or whether a basis exists for excusing, exempting, or excluding any person from jury service."

The CHAIRMAN. The gentleman from Louisiana is recognized for approximately 3 minutes in support of his amendment.

Mr. WAGGONNER. Mr. Chairman, it has been argued by the proponents that the operation of section 203 is to allow a court to fashion an order which reaches aspects of State juror qualifications which have not been found to be discriminatory.

Mr. Chairman, under the language of that section, if the court finds abridgment or denial of "any right" by the prohibition, it may order "in addition to any other relief" suspension of the use of "any qualification" which "has been applied in violation of section 201," as well as suspension of any subjective qualification which vests a jury official with "undue discretion" to assess juror qualifications.

Mr. Chairman, this amounts to an automatic triggering device that presumes such standards will be misused if any discriminatory act appears.

Mr. Chairman, it is my opinion that in view of the 33 States which include such subjective qualifications in their laws, this presumption is unwarranted. Obviously, requirements such as "good moral character" are within the scope of proper qualifications a State may impose as prerequisite to jury service.

Mr. Chairman, I submit that in the absence of evidence before the Congress of wholesale abuse of such standards the statute should be amended to allow only such relief as is appropriate according to the facts of the particular case, and should not be wholesale.

Therefore, Mr. Chairman, I ask support of this amendment.

Mr. CORMAN. Mr. Chairman, I rise in opposition to the amendment and I will use 1 minute of the time allotted to me and reserve the balance.

Mr. Chairman, let us get the situation straight as to what we are talking about. It has already been determined in the case that there is racial discrimination. Once that has happened, it should no longer be a game. We should not invite local authorities to try to find other ways to perpetuate the racial discrimination. The law says the relief must be appropriate. But when appropriate relief demands that we must strike down subjective tests, that is what we ought to do. This ought not to be prolonged in a cat and mouse game. We should get on with trying cases with legally and constitutionally selected juries.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Louisiana [Mr. WAGGONNER].

The amendment was rejected.

The CHAIRMAN. The Chair recognizes the gentleman from Texas [Mr. DOWDY].

AMENDMENT OFFERED BY MR. DOWDY

Mr. DOWDY. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. DOWDY: On page 57, after line 19, insert "(E) No part of this section 204 shall be construed or used in such manner as to require any person be compelled to give evidence against himself".

The CHAIRMAN. The gentleman from Texas is recognized.

Mr. DOWDY. Mr. Chairman, I think the fact has been lost sight of here in all of the confusion of the last day or two that this title does not have the same wording as it had when it came out of the committee.

As the committee bill came before the House, section 201 provided:

No citizen shall be excluded from service as grand or petit juror in any State court on account of race, color, religion, sex, national origin, or economic status.

That does not make it a crime. It just says, "no citizen shall be excluded."

There was an amendment adopted yesterday to strike out section 201 and there is a new section written in which says:

It shall be unlawful—

That is criminal—

to make any distinction on account of race, color, religion, sex, national origin or economic status in the qualification for service and in the selection of any person to serve on a grand or petit jury in any state.

Having made this a criminal act, then we are going to give a right to the Attorney General to go into court to discover some evidence to bring whatever kind of criminal action he would have authority to bring under the wording of section 201. Then under the provisions of other sections of the bill, we are going to put the burden of proof on the accused person, the defendant, to prove he is innocent and take away from him the right of the presumption of innocence. I think it is only fair and proper that we should put some limitation in this bill along the lines of the amendment I have just offered which will preserve to that accused person, the defendant or the probable defendant, in whatever action the Attorney General is going to bring against him, the fifth amendment protection which says that no person shall be compelled in any criminal case to be a witness against himself.

It is apparent with the violation of section 201, that is what the Attorney General will be looking for—evidence to base a case on. The defendant should have the right not to be required to testify against himself.

I do not believe that any other statement is necessary in connection with my amendment. I think it should be adopted to preserve at least for ordinary people the constitutional rights guaranteed in the fifth amendment.

Mr. ROGERS of Colorado. Mr. Chairman, will the Chair recognize me at this time for 1 minute and reserve the balance of my time.

The CHAIRMAN. The Chair recognizes the gentleman from Colorado.

Mr. ROGERS of Colorado. Mr. Chairman, the amendment certainly does nothing more than clutter up the bill. It is not clear. It is not certain. At the same time there is no need for us to fill the bill with useless amendments, particularly here, where we are dealing with the records and papers maintained by the State, and the issue of whether or not they are sufficient to permit a determination whether discrimination has occurred. Hence the amendment should be defeated.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Texas [Mr. DOWDY].

The question was taken; and on a division (demanded by Mr. DOWDY) there were—ayes 19, noes 50.

So the amendment was rejected.

AMENDMENT OFFERED BY MR. WAGGONNER

Mr. WAGGONNER. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Chair will state to the gentleman from Louisiana that we must proceed through the list of those who have time allocated. The gentleman has used his time. If there is time left, he will be recognized.

Mr. EDWARDS of Alabama. Mr. Chairman, I ask unanimous consent that I might yield 3 minutes to the gentleman from Louisiana.

The CHAIRMAN. Without objection, it is so ordered.

There was no objection.

The Clerk read as follows:

Amendment offered by Mr. WAGGONNER: On page 52, line 15, through page 60, line 6, strike out all of Title II.

The CHAIRMAN. The gentleman from Louisiana is recognized for 3 minutes in support of his amendment.

Mr. WAGGONNER. Mr. Chairman, this is a very simple amendment. When we were debating title I, the gentleman from New Jersey [Mr. CAHILL], stated, I think, that a motion to strike an entire title should come after other efforts to amend the title had been made, and not at the beginning of the debate of a title. This I have done in this instance.

This amendment would strike all of title II from this proposal. Title II bars discrimination in State courts in the selection of petit and grand jurors. I feel quite sure we are going to have some support from the proponents of this legislation to adopt this amendment, especially from the gentleman from Illinois [Mr. MCCLORY], in view of his impassioned plea last week to the House to "Please let us solve all of the problems with regard to civil rights we possibly can, as close to home as we possibly can."

This affords an opportunity for Mr. MCCLORY to do what he has advocated we do, if, indeed, he meant it in the first place. It is ambiguous to the extent its proponents do not even agree. You have, the few who are here, heard the debate. It is just as bad as you have been told as you have voted down good amendments.

But more important than that, this affords a simple opportunity to every Member of this House to vote to remove the proposed interference of the Federal Government from the State and the local level in selecting petit jurors and grand jurors, if indeed you believe in the preservation of States rights.

Before I am through, let me say that I have concluded, after listening to the debate on three civil rights bills since I have been in the Congress, that there are not many of you who have any concern about States rights. Take this right today and what will you take tomorrow? Why not be men and cast a vote for local government for a change? Do not keep pointing your finger at the South. Your problems are bigger than ours and whether you believe me or not in the arena of civil rights you have not seen anything yet. The worst is yet to come and it will be outside the South too as it is now.

The CHAIRMAN. The gentleman from Illinois will be recognized for 3 minutes, if he desires recognition.

Mr. MCCLORY. Mr. Chairman, I rise in opposition to the amendment. I think that title II is a very important part of this bill, and I think the Congress should lay down guidelines for the selection of petit and grand jurors in our State courts.

I know a few years ago, in my own county, we adopted a jury commissioner system and provided for the first time for the selection of jurors from the voters registration list in a manner similar to that designated in title I of this bill and meeting the standards set forth in title II. There was a great deal of opposition and many questions were raised. In fact, a number of the lawyers and even judges of the courts objected to the system. But after it was applied and after the lawyers and the judges recognized the validity of it, it was received with great enthusiasm.

Certainly in this modern day we should provide people with an opportunity to be tried by their peers, which means tried by their equals without regard to race or color.

I think title II as presented here is a fair measure. In fact, it follows the amendment that I will propose in regard to title IV, because it requires the Federal Government in the first instance to demonstrate that the State court is not adhering to the principles set forth in title II before it can substitute its judgment or require that any change be made with regard to the State requirements.

Therefore, I believe this is a fair provision and that the motion to strike title II should be defeated.

Mr. WHITENER. Will the gentleman yield?

Mr. MCCLORY. I yield to the gentleman from North Carolina for a question.

Mr. WHITENER. Mr. Chairman, does the gentleman agree with one legal expert who testified before the committee that under this bill, as far as economic status is involved, a millionaire on trial for shooting craps could raise the question that in selecting persons whose names are to be placed in a jury wheel, they had left out the names of paupers and hobos?

Mr. McCLORY. I do not know about the testimony that was given. I was not there at the time. I do not believe jurors should be excluded on account of race and color. That is the problem we are deciding.

I believe whether a millionaire or a pauper is on trial, a person should be entitled to be tried by a jury of his peers, which means that people are entitled to jury service without regard to discrimination on the basis of race or color.

May I add, I know that the testimony before the committee demonstrated in a number of counties in some States no Negro has ever been selected for jury service. Negroes are going to have an opportunity to serve on juries for the first time as a result of this legislation.

Mr. CHAIRMAN. The question is on the amendment offered by the gentleman from Louisiana [Mr. WAGGONNER].

The question was taken; and on a division (demanded by Mr. WAGGONNER) there were—ayes 13, noes 60.

So the amendment was rejected.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

TITLE III—CIVIL RIGHTS INJUNCTIVE RELIEF

SEC. 301. Whenever there are reasonable grounds to believe that any person is about to engage or continue to engage in any act or practice which would deprive another of any right, privilege, or immunity granted, secured, or protected by the Constitution or laws of the United States on account of such other's race, color, religion, or national origin, such other person in his own right, or the Attorney General for or in the name of the United States may institute a civil action or other proper proceeding for temporary or permanent preventive or mandatory relief, including application for temporary restraining order or preliminary injunction, permanent injunction, or order requiring posting of a bond to secure compliance with orders of the court.

SEC. 302. Whenever there are reasonable grounds to believe that any person is about to engage or continue to engage in any act or practice which would deny or hinder another in the exercise of such other's lawful right to speak, assemble, petition, or otherwise express himself for the purpose of securing recognition of or protection for equal enjoyment of rights, privileges, and opportunities free from discrimination on account of such other's race, color, religion, or national origin, such other person in his own right, or the Attorney General for or in the name of the United States may institute a civil action or other proceeding for temporary or permanent preventive or mandatory relief, including application for temporary restraining order or preliminary injunction, permanent injunction, or order requiring posting of a bond to secure compliance with orders of the court.

SEC. 303. The district courts of the United States shall have jurisdiction of proceedings instituted under this title and shall exercise the same without regard to whether the party bringing the action shall have exhausted administrative or other remedies that may be provided by law. The United States shall be liable as would be a private person for costs in such proceedings.

Mr. ROGERS of Colorado (interrupting the reading). Mr. Chairman, I ask unanimous consent that further reading of title III be dispensed with, that it be considered as read, printed in the RECORD, and open to amendment at any point.

The CHAIRMAN. Is there objection to the request of the gentleman from Colorado?

There was no objection.

The CHAIRMAN. Are there any amendments to title III?

Mr. DOWDY. Mr. Chairman, I make the point of order that a quorum is not present.

The CHAIRMAN. The Chair will count. [After counting.] Ninety-one Members are present, not a quorum. The Clerk will call the roll.

The Clerk called the roll, and the following Members failed to answer to their names:

[Roll No. 195]

Ashley
Baring
Carey
Celler
Clark
Clevenger
Conable
Dent
Derwinski
Edwards, La.
Ellsworth
Evins, Tenn.
Fallon
Fogarty
Gray
Hall
Harvey, Ind.
Hays
Holland
Huot
Ichord
Jones, Mo.
Karth
King, N.Y.
Kirwan
Kupferman
Landrum
Leggett
Macdonald
Mackie
Mize
Morris
Morrison
Murray
Nedzi
O'Brien
Pike
Powell
Resnick
Rogers, Tex.
Rooney, Pa.
Rosenthal
Roudebush
Shriver
Smith, Calif.
Toll
Tuten
Vigorito
Willis

Accordingly, the Committee rose; and the Speaker having resumed the chair, Mr. BOLLING, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill H.R. 14765, and finding itself without a quorum, he had directed the roll to be called, when 383 Members responded to their names, a quorum, and he submitted herewith the names of the absentees to be spread upon the Journal.

The Committee resumed its sitting.

AMENDMENT OFFERED BY MR. POFF

Mr. POFF. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. POFF: On page 60, starting with line 7 the word "TITLE", strike out all the language down to and including page 61, line 18, the word "proceedings".

Mr. POFF. Mr. Chairman, my first two categorical statements with reference to title III are: First, that it was not requested by the administration and did not appear in the bill introduced in the Congress at the request of the administration; and, second, that title III, as it now appears in the bill, was never the subject of committee hearings at any point, either by the subcommittee or the full committee.

Having said that much, I believe it is important to review the history of title III since it was first conceived in 1957.

I pause parenthetically to say that the title III included in the bill in 1957 is not the same as title III which now appears in the bill.

In 1957 the bill passed the House of Representatives but was rejected in committee in the Senate.

In 1960 when the civil rights legislation was under consideration the matter lay dormant.

In 1963 title III was included in the original bill but was limited in its application to the desegregation of public facilities and the power of the Attorney General to intervene in equal protection cases.

In 1965 the gentleman from New York, now the mayor of the city of New York, Mr. Lindsay, offered what came to be known as a free speech amendment, and that amendment, which was in some respects similar to title III, was rejected in the Committee of the Whole House on the State of the Union.

However, I would not want it to be thought that there is any exact parallel between the title III as it has been considered on the floor of the House heretofore and title III as it appears in the present bill. Title III as it appears in this bill is infinitely broader in concept, in coverage, and in consequence than the original title III.

Let me be specific.

First, in 1957 the Attorney General was empowered to bring a lawsuit for an injunction in advance of a wrongful act, but he could do so only against persons who were acting under color of law. Title III in the bill today would permit the Attorney General to bring such suits against any person, including a private citizen, whether or not acting under color of law.

Second, in 1957 the title was restricted essentially to the power on the part of the Attorney General to bring suits for the purpose of desegregation of public facilities. Today there is no such limitation; rather, the Attorney General could bring suit for an injunction on his own motion and without complaint on the part of the aggrieved private citizen to protect any right, privilege or immunity granted to citizens by the Constitution or by the laws of the United States.

Third, in 1957 a private citizen was not granted the authority to bring this rather unusual suit, in advance of the wrongful act, for an injunction. Title III of the bill today would permit not only the Attorney General but the private citizen as well to bring this extraordinary action in the courts.

Finally, since 1957 many new laws have been added to the statute books, and for that reason the application and the consequences of title III would be infinitely broader.

Let me explain in more explicit detail what I mean by that.

Under the public accommodations title of the Civil Rights Act of 1964 the Attorney General was empowered to bring the suit, but he was empowered to bring that suit only in the event he could show that there was a pattern or practice of discrimination on account of race, religion and so forth.

The CHAIRMAN. The time of the gentleman from Virginia has expired.

(By unanimous consent, Mr. POFF was allowed to proceed for 2 additional minutes.)

Mr. POFF. However, if title III of the present bill is passed, the Attorney General will have the power to bring the suit on account of any single act or practice on the part of any single individual.

He would not be required to establish that there was a pattern or practice of discrimination.

Now, bringing the matter nearer to home, if title IV of the bill, which we will hopefully consider tomorrow, is enacted, it would be possible for the Attorney General to bring a lawsuit under title III of this bill against any individual in advance of the commission of a wrongful act. He would not be required to wait, under title III, as he would under title IV, until the wrongful act is committed, but rather can proceed to bring the suit in advance of the commission of the discriminatory housing practice.

Finally, section 302 of this title is a new form of another perennial civil rights measure. It proposes injunctive relief to protect certain first amendment rights but only in civil rights contexts. It has been rejected in earlier bills considered by the Congress and should be rejected again. There is no need, I suggest, to create a preferential class of first amendment rights. Why should one person threatened with the loss of the right of free speech or free press be denied the services of the Attorney General while another person under this bill would enjoy those services if a civil rights confrontation is involved?

Mr. KASTENMEIER. Mr. Chairman, will the gentleman yield?

Mr. POFF. If I have any time remaining, I am happy to yield to the gentleman.

The CHAIRMAN. The time of the gentleman from Virginia has expired.

Mr. MATHIAS. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I certainly agree with my colleague and friend from Virginia that this was not a title that was requested by the administration. I hardly think that, however, is an argument which would have a great deal of weight with him, and I am surprised that it is one which is advanced. It is, however, the same title III introduced by approximately 20 Members of the House on this side of the aisle earlier this year and in advance of the administration's civil rights proposals for this year. It is a title which is advocated as necessary by those actively working in the field of civil rights. In its first section it provides broad injunctive relief for persons threatened with the denial of equal rights and protection and affords the Attorney General the power to bring suits for injunctive relief.

Our distinguished friend from Virginia complains that there have not been hearings on this title. I think, however, if there has ever been a legislative proposal which in its broad outlines has been thoroughly heard and discussed on both sides of the Capitol, it is title III or part III. It had its inception during the Eisenhower administration in the 1957 act, which was a broad act and much broader, for instance, than the Lindsay free speech amendment of last year. It has been the subject of numerous statements before the Committee on the Judiciary as well as debated on the floor of the House in the past. I think you cannot say in fairness that there have been no hearings on the principle, although I certainly concede as to this particular language it has not been heard this year. The principle has been repeatedly debated and discussed. In the words of our distinguished colleague in the other body, it is an idea whose time has come. In comparing it with the 1957 act which passed this House under the leadership of the distinguishd gentleman from Ohio [Mr. McCULLOCH], the ranking minority member of the Committee on the Judiciary, and the distinguished chairman of the Committee on the Judiciary, the gentleman from New York [Mr. CELLER], I think you can see a very clear historical relationship. At the time of introducing the free speech amendment last year, the gentleman from New York, Mr. Lindsay, said that the 1957 act covered Bill of Rights contests from A to Z.

And that was correct. And this does no more than that. It covers the Bill of Rights guarantees from A to Z, and that is what we want to do, and that is what we ought to do. That is all we have a responsibility to do.

Now, Mr. Chairman, the point has been made that this imposes or grants to the Justice Department extraordinary powers.

Let me say, Mr. Chairman, that I do not recall an Attorney General coming before us and asking for any extraordinary powers.

On the contrary, Mr. Chairman, this is an obligation which the Congress may impose upon the shoulders of the Attorney General, and we expect him to carry it out in a responsible way.

Now, again, Mr. Chairman, touching upon the argument that this is not the 1957 act, of course it is not. This year's title III is an updating of the original proposal. It is designed to implement and supplement title V which affords the protection of criminal laws for certain specified activities, protected by Federal laws and by the Constitution.

Accordingly, Mr. Chairman, title III would do two things. One, it would allow preventive relief to preclude the application of force and violence in those cases where it was clear that such force or violence was bound to occur. The argument is sound that in such basic matters a citizen should not need to be made to suffer a crime if it is foreseeable and if it can be prevented by timely court action. This is, in a sense, the application of the doctrine known to all lawyers of the last clear chance when it can be seen that a collision is about to occur. Under this title you can apply for an injunction before the impact and you can prevent the collision from occurring.

Mr. Chairman, that is certainly better than indicting someone for the commission of a crime and punishing him as a criminal. A criminal conviction of the offender is small comfort to those who have suffered irreparable physical and material damage after the fact, especially when the ounce of prevention may be available.

Mr. Chairman, we have the last clear chance here to avoid these crimes and, through the adoption of this title III, we have got to embrace that chance.

Mr. Chairman, title III would also apply in those situations where force or violence was not contemplated, but the same rights as specified in title III were sought to be interfered with by other means.

Mr. ASHMORE. Mr. Chairman, will the gentleman yield at that point?

Mr. MATHIAS. Yes, I yield to the gentleman from South Carolina.

Mr. ASHMORE. Mr. Chairman, If the Attorney General should conclude in his judgment that he has reasonable grounds to bring an action against some citizen and the case went to court and was tried and the citizen who was so charged with violating the law under those circumstances were acquitted, is there any provision contained in this proposed law whereby that citizen, the aggrieved citizen, who had been unjustly and unfairly accused of this act, or of doing these things, what right does he have against the Attorney General?

Is there anything contained herein to protect his rights?

Mr. MATHIAS. Let me respond to my good friend, the gentleman from South Carolina [Mr. ASHMORE], by saying that I first of all can hardly accept the judgment of the question that the gentleman has asked, because the gentleman has talked about someone being charged with a crime and accused and acquitted.

This is not a criminal section. This is a section which provides injunctive relief. It is a matter in equity. It is a civil matter. The very purpose is to avoid getting down into the criminal area.

Mr. ASHMORE. Mr. Chairman, if the gentleman will yield further, what if the citizen wins the civil suit?

The CHAIRMAN. The time of the gentleman from Maryland has expired.

Mr. MATHIAS. Mr. Chairman, I ask unanimous consent to proceed for 3 additional minutes.

The CHAIRMAN. Is there objection to the request of the gentleman from Maryland?

There was no objection.

Mr. ASHMORE. Mr. Chairman, will the gentleman yield further?

Mr. MATHIAS. I yield further to the gentleman from South Carolina.

Mr. ASHMORE. I disagree with the gentleman from Maryland. Where there is a crime, and if he performs these actions in such a manner that he becomes in contempt of court within a criminal suit, but probably he wins the civil suit, does he have any relief against the Attorney General who has unjustly and unlawfully and unrightly accused him of committing the offense?

Mr. MATHIAS. Well, of course, the United States—under the language of the bill, section 303—the United States would be liable as a private person would be for the cost of such proceeding.

Mr. ASHMORE. Oh, the cost, but that has not anything to do with reputation or character, and when he has proven his good character. He has been damaged by the Attorney General of the United States.

What right would he have to recover?

Mr. MATHIAS. May I respond to the gentleman from South Carolina to the effect that we all, of course, the gentleman from South Carolina and myself, and all of our colleagues, are open to accusations of many kinds. The courthouse doors are open every day. If we are discharged from liability, either under a civil or a criminal action, we do not necessarily have any particular recourse against those who brought the actions against us, in the absence of special circumstances.

This is one of the obligations of living in a civilized society.

Let me say that this title also might apply to cases of economic coercion which are particularly prevalent in some sections of the country.

Mr. Chairman, there was the recent news story concerning the eviction of the tenant farmers who were evicted because of the way they voted and in some cases merely because they voted.

Another example is the case of the woman who was fired by her employer for the sole reason that she sent her child to a segregated white school.

Mr. Chairman, these are the unusual cases which can be reached by the flexible injunctive method.

I think it is better to take preventive action in order to try to prevent a crime rather than rely on the punitive action of the law after the crime is committed.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Virginia [Mr. Poff].

The question was taken; and on a division (demanded by Mr. Ashmore), there were—ayes 34, noes 66.

So the amendment was rejected.

AMENDMENT OFFERED BY MR. DOWDY

Mr. DOWDY. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. Dowdy: On page 60 at the end of line 21, add the following:

"(b) Whenever there are reasonable grounds to believe that any person, basing his action on his race, color, religion, or national origin, is about to engage or continue to engage in any act which would deprive another of any right, privilege or immunity granted, secured or protected by the Constitution or laws of the United States, such other person in his own right, or the Attorney General of the State or States in which the act is about to be committed or in which it is being continued, for or in the name of his State, or the Attorney General of the United States for or in the name of the United States may institute a civil action or other proper proceeding for temporary or permanent preventive or mandatory relief, including application for temporary restraining order or preliminary injunction, permanent injunction, or order requiring posting of bond to secure compliance with orders of the court."

Mr. DOWDY. Mr. Chairman, I feel that title III should have been stricken from the bill but since it was not and since it places greater and heavier burdens and chains upon the law enforcement officers of our various cities, counties, and States in trying to preserve the peace, it is only right that this bill should cut both ways. So anyone who is claiming to act in furtherance of his civil rights, supposedly, and imposing himself upon other people and depriving them of their rights and privileges and immunities, at least those people who are being so imposed upon should have the same injunctive relief to protect them as the rioters and looters have to protect them. So this amendment is designed to make the bill cut both ways. This amendment is an antirioting amendment.

Mr. Chairman, I think if I review a few statements that have appeared in the newspapers in recent days and weeks, it will show that this amendment is required under the circumstances.

Talking about the last clear chance, as did the gentleman from Maryland, this might be the last clear chance, if this bill passes, that we will have to provide for any kind of protection from rioters and looters.

Stokely Carmichael said, according to an article that appeared in the Washington Star early last month, in describing this so-called rights bill—he described it as totally useless and totally unnecessary. He spelled out his views in a detailed statement to the leaders of other civil rights groups in that he let it be known that there were going to be more riots and demonstrations which would include the rioting, looting, raping, and arson that has been going on.

He said this:

> Any civil rights organization or Congressman who works for passage and any legislator who votes for this bill that we have under consideration here is sharing in the hypocrisy of the administration that is asking for the bill.

About the middle of last month they had some killings out in Chicago. In connection with those killings out there, the Chicago Police Superintendent said:

> The time may come when the law-abiding citizens of this country will have to live in walled communities.

That was the same day on which the nurses were killed and street mobs were rioting for the second straight day, and when the civil rights spokesmen were preaching the doctrine that laws that one regarded as unjust may be violated with impunity, and he was encouraging the lawbreakers to raise cries of "police brutality."

I say that the police have enough tasks on their hands today without being further burdened with the provisions of this bill in trying to control criminal activity, and without being forced to divert their energies to the suppression of widespread disturbance and disorder. I am certain that the Chicago Superintendent of Police and his department have made all the efforts they can to preserve the peace, and at least they deserve the cooperation of all persons instead of having to defend themselves from the acts of Congress and attacks from the rear in their endeavor to carry out their duties.

There was an editorial in a Florida newspaper in which the editorialist commented about the situation in Chicago in the past few days, and they said:

> What we have witnessed in Chicago the past few days, and to a lesser degree elsewhere, is nothing less than anarchy. If such outbursts had been stirred up by the Ku Klux Klan or by some white extremist groups in the South, we can be quite sure that . . . the liberal elements in Congress would be fulminating with anger, and that preparations would already be under way to dispatch federal troops into the affected areas to protect personal property and help preserve law and order.
>
> But nary a word of condemnation has been heard . . . in regard to these racial blowups. It is almost as if violence-prone Negro elements of our population have been given immunity to do whatever they care to do in order to display their contempt for the law and their hatred of a social order they want to change regardless of who gets hurt in the process and what harm is wrought on the nation.

Mr. WELTNER. Mr. Chairman, will the gentleman yield?

Mr. DOWDY. Mr. Chairman, may I have 5 additional minutes?

The CHAIRMAN. The gentleman from Texas asks to proceed for an additional 5 minutes. Is there objection? The Chair hears none, and it is so ordered. The gentleman is recognized for 5 additional minutes.

Mr. DOWDY. I yield to the gentleman from Georgia.

Mr. WELTNER. Mr. Chairman, I wonder if the gentleman would state whether or not his amendment would cover a suit for an injunction against an organization—the Ku Klux Klan—which would be engaged in efforts to deprive citizens of their rights under the Constitution?

Mr. DOWDY. I think that probably would be covered in the other part. My amendment goes only to those people who are claiming to act in preservation of their civil rights and injuring other people and, I do not know, if the claim was made that they were so acting, I suppose it would bring the Ku Klux Klan under my amendment, it would. However, my amendment is intended to cover depredators who seek to justify their misdeeds under the color of civil rights.

Now, to continue the editorial——

Mr. MATHIAS. Mr. Chairman, will the gentleman yield for a question?

Mr. DOWDY. I yield to the gentleman from Maryland.

Mr. MATHIAS. Do you have the language of your amendment before you?

Mr. DOWDY. Yes.

Mr. MATHIAS. Will you tell us exactly who would be empowered to take this action under your amendment?

Mr. DOWDY. The same as in your proposal. It would affect other people, except I would also give the State attorney general the same rights.

Mr. MATHIAS. Would the amendment then have the effect of legislating for State governments and adding additional powers to the State attorney generals which they may not have under the individual codes of the several States?

Mr. DOWDY. No, I do not think so, no more than giving to private persons a right to act. I am just trying to prevent the Attorney General——

Mr. **ROGERS** of Colorado. Mr. Chairman, will the gentleman yield?

Mr. **DOWDY.** I want to continue reading from the editorial. I do not think the gentleman could add anything to what I am saying. I will continue to read from the editorial:

> Instead of condemnation and a blunt demand for an immediate halt to this violence, we get putrid silence. And instead of local police authorities being praised for risking their lives to put down these inexcusable riots, we get more of the pap that the police are being unnecessarily brutal in the tactics used to prevent themselves and others from being killed.

About a week ago there was in the Christian Science Monitor a picture of Roy Wilkins, under which he is quoted as saying:

> The 1966 civil rights bill "will not be sufficient" to prevent "heartbreaking developments that could be ugly as well."

We are getting the statements from these people that they intend to riot more. Roy Wilkins seems to frown on the riots, but his statement would have the tendency to encourage them.

The Congo radio a few days ago was commenting on the troubles in Belgium between the Walloons and the Flemings. The Congolese Ambassador in Brussels said he "had been alerted by his Government because of the latter's anxiety about about the fate of Congolese living in Belgium in the wake of the tribal conflicts and acts of banditry, of which the country is the scene." The radio added that terrorism, banditry, and anarchy were still in full swing in Belgium "where tribal incidents continue to rage."

I wonder how long it will be before Timbuktu is going to be saying the same about United States and insist on sending their troops here on the claim to protect citizens of their country from terrorism, banditry, and anarchy rampant in America.

This is the one danger in these bills, and this bill in particular: They promise the minority groups a complete world. They are being told that by their own leaders and by politicians generally. They are promised that someone will get them a job, someone will rebuild their cities, someone will take care of their families, and someone will give them equality. That someone, of course, is the Federal Government. They have been told that by Federal officials. The politicians tell them that the minority group's role is to threaten the Government and the Government will do the rest.

These promises about giving them everything, of course, are impossible promises. They are the more so because these groups are led to believe that their gratification will come to them instantly and easily if the bills were passed. Of course, it is mostly a dream. It is the stuff of which political victories are made.

The laws and programs we have passed already—and this will be another one—have better served the politicians who have invented them than they have served their supposed beneficiaries. So who would be surprised at their disappointment and distress?

We have seen some changes going on in our country.

The CHAIRMAN. The time of the gentleman from Texas has expired.

Mr. **DOWDY.** Mr. Chairman, I ask unanimous consent that I may have 2 more minutes.

The CHAIRMAN. Is there objection to the request of the gentleman from Texas?

Mr. **ROGERS** of Colorado. Mr. Chairman, I object.

Mr. **DOWDY.** I am going to yield to the gentleman.

Mr. **ROGERS** of Colorado. No, no.

Mr. **TUCK.** Mr. Chairman, I move to strike the requisite number of words.

The CHAIRMAN. The gentleman from Virginia is recognized.

Mr. **TUCK.** Mr. Chairman, I yield to the gentleman from Texas [Mr. DOWDY].

Mr. **ROGERS** of Colorado. Will the gentleman yield?

Mr. **DOWDY.** Mr. Chairman, I do not have the time.

There have been some changes going on in the country here, and those changes in style are quite astonishing. Let there be a riot, for instance, and the questions immediately raised are not how to help the police contain the riot, but how to improve the life of the rioter so they will have something else to riot about.

If you let a footpad knock off a citizen in the park, knock him down and kill him, or knock him about, then he is apprehended and confesses to the offense he has committed, the important question in law is not what punishment this act merits, but simply whether or not the criminal had a lawyer before he talked.

Since we have the law in this country in such shape as that, the only thing we have left, the "last clear chance" mentioned heretofore, is to put these protections in this bill—which bill I do not like—to try to see if we can preserve some little right for the great mass of people here in the United States who are law abiding and who try to live right and who try to do right by everybody.

I believe the amendment should be adopted. I am grateful to my friend, the distinguished gentleman from Virginia, for yielding to me some of his time.

Mr. **TUCK.** Mr. Chairman, I am glad to speak in favor of the amendment offered by the gentleman from Texas.

I have not had much to say during this debate because I wanted others to have a full opportunity to be heard.

I consider this the antiriot amendment. I hope that it will be adopted.

The Committee has just agreed to title II, which in effect will deprive the localities of the power to enforce the law and to suppress public mischief. The Federal Government is not in a position to keep the peace. Title II is an insult to every trial judge in America. And in tampering with the jury system, in effect we have polluted the pure stream of public justice.

As I said, if we are going to have this legislation I consider it highly important that we have legislation of a character that will enable the Attorney General of the United States as well as the various attorneys general of the States of the Union to take such steps as are necessary to suppress the incendiarists; the anarchists who are running rampant through the land and spilling the blood of our people on the streets.

A vote against this amendment in effect is a vote for the riots in Chicago, for the riots in Los Angeles, for the riots taking place elsewhere in this country.

For my own self, I want to go on record publicly as condemning these riots, and I am opposed to those who favor the continuation of them.

I am astonished that so many good people in this country have by their words and by their acts given encouragement to these riots. Even, in some instances, members of the cloth have undertaken to give to these outbreaks the sanction of the church. I just cannot understand it. I know that law enforcement will break down unless these lawless demonstrations are stopped.

I have had some experience with law enforcement. I know that the first function of government is the enforcement of law and the suppression of public mischief. It can be done only at the local and State level, and unless the local people have the authority to enforce the law and are supported by the Justice Department it will be impossible to do so.

I regret to have to say what I am about to say, but in one of the cities of the great congressional district which I have the honor to represent we had strife of this sort brought on by outsiders some years ago, and agents and minions of the law from Washington came down there and impeded the law enforcement officers of that locality in the enforcement of the law. Responsible citizens in the city to which I have referred will substantiate the statement I have made. It was a sad situation to observe Federal officers occupying such a role.

I deprecate such action. I condemn it. I want it known I do not stand for it.

Thank you very much.

Mr. **RODINO.** Mr. Chairman, I rise in opposition to the amendment.

I am sure that all of us who support this bill deplore riots and deplore lawlessness. I am sure this is not what we are trying to encourage.

What we seek to do is to insure that an individual's rights are protected against deprivation on account of race, color, religion or national origin.

If I understand the gentleman's amendment correctly, it would make it possible for the attorney general of a State or any person to seek civil relief against any person who bases his suit on race or color. This in my opinion would controvert the whole purpose of this section.

Frankly, I do not see what the gentleman intends or plans to achieve by this except to defeat the fundamental purpose which we are here trying to achieve in title III. For that reason, Mr. Chairman, I oppose the amendment.

Mr. **DOWDY.** Mr. Chairman, will the gentleman yield?

Mr. **RODINO.** I yield to the gentleman from Texas.

Mr. **DOWDY.** By his statement is the gentleman saying that the rest of the people, other than the minority groups, have no rights in this land to have their civil rights protected from someone who is unlawfully invading their lawful action and basing the invasion on the fact that they are making a civil rights demonstration?

Mr. RODINO. No, the gentleman knows——

Mr. DOWDY. That is all my amendment does. It used the identical words that are in the bill. It just switches them around to give other people the same protection that you are giving to the minority groups. If you complain about the words here, you have to be complaining about your own words.

Mr. ROGERS of Colorado. Mr. Chairman, will the gentleman yield?

Mr. RODINO. I yield to the gentleman.

Mr. ROGERS of Colorado. First of all, let me say if there is an attorney general of a State throughout the United States who wants to enforce this particular law as it concerns rioting and disturbances of the peace he can do so without any act of Congress. Secondly, this amendment is essentially a confusing conglomeration of things to try to mislead us to the true intent and purpose of title III. Hence, I urge that we oppose the amendment.

Mr. MATHIAS. Mr. Chairman, will the gentleman yield?

Mr. RODINO. I yield to the gentleman from Maryland.

Mr. MATHIAS. I rise in opposition to this amendment. I think it is an unnecessary incrustation on the whole object we are seeking to achieve here. We are trying to provide a logical forum, and I think we have provided it in title III. I certainly oppose the amendment of the gentleman from Texas.

Mr. DOWDY. Mr. Chairman, will the gentleman yield further?

Mr. RODINO. I yield to the gentleman.

Mr. DOWDY. The gentleman from Colorado said that he was confused. I think the whole Congress is confused about this bill, but I think if we are going to open the Federal courts to one group, then the other group should have the same privilege of using the Federal courts in order to protect their citizen community.

Mr. ROGERS of Colorado. Mr. Chairman, will the gentleman yield?

Mr. RODINO. Yes. I yield to the gentleman.

Mr. ROGERS of Colorado. May I say to the gentleman from Texas if his attorney general believes that the legal rights are taken away from the citizens of his State, he undoubtedly has a right to proceed without any action of the Congress. Whenever you and the gentleman from Virginia say that this is an antiriot amendment, I wish to suggest that it is just to the contrary. All that title III does is say that the Attorney General in his endeavor to protect the constitutional rights of an individual, may constitute an action to achieve that result.

Mr. BUCHANAN. Mr. Chairman, I rise in support of the amendment of the gentleman from Texas.

Mr. Chairman, heretofore in this House we have seen, as in the 1965 Voting Rights Act, an effort to legislate primarily toward, or against, one region of the country rather than facing up to a national problem and having one standard of Federal law. It seems increasingly apparent that the problem with which we deal in this bill is in fact a national problem. Yet in this instance it seems to me that we are asked to have a double standard as to whose rights are protected by this bill. I think that the gentleman from Texas offered a good amendment which offers protection on both sides of this question. Those ministers and public officials who have preached the rightness of civil disobedience in our country in recent years have thrown discretion to the winds and the whole Nation now reaps the whirlwind of rioting and lawlessness.

The doctrine of civil disobedience and that which has come from it—rioting and looting and lawlessness—are in opposition to what it seems to me Christianity ought to stand for and the opposite of the whole American system of law and government. I cannot see how we can improve our system by tearing it down and encouraging those who would operate not through due process of law but through flaunting the whole framework of law within which our liberty has been rooted and been nourished and grown to full blossom in this country.

Mr. ROGERS of Colorado. Mr. Chairman, will the gentleman yield?

Mr. BUCHANAN. Not at this point.

I would say, therefore, Mr. Chairman, that I support this amendment and the principle upon which it is based, that there should be one standard of law in this country and the civil rights of all of the people of this country should equally be protected by Federal law, and that every region and section of the country should equally be protected by Federal law. There should be no double standard of justice here, and we should be equally firm and equally strong in dealing with rioting and lawlessness and protecting the innocent people who walk the streets of our cities from the prophets of civil disobedience and those who follow them, if we are to protect them against any form of injustice.

Mr. Chairman, I believe the people should be protected against violence, or against threats to their constitutional rights, on the part of such a group as the Ku Klux Klan. And, Mr. Chairman, I believe they should also be protected from the abuse and privileges and from infringement upon their rights on the part of such people as the "Black Panthers" and all other groups which preach or practice civil disobedience, riots, and lawlessness.

Therefore, Mr. Chairman, I support this amendment and urge its adoption.

Mr. DICKINSON. Mr. Chairman, will the gentleman yield?

Mr. BUCHANAN. Yes, I yield to the gentleman from Alabama.

Mr. DICKINSON. Mr. Chairman, I want to thank the gentleman from Alabama for yielding, and I too support the amendment.

I think that such action in behalf of the majority of Americans has been long overdue.

Some of our colleagues seem to be so concerned with protecting the rights of certain minorities that they wish to trample underfoot and ride roughshod over the rights of the vast majority of our citizenry. The amendment offered by the gentleman from Texas would afford some real protection to the merchants and businessmen in Chicago, Cleveland, Brooklyn, and other unprejudiced and enlightened northern cities upon their request.

Equal rights must necessarily carry with them equal responsibilities. For every duty there is an obligation. Where in this section, or in all titles of the bill for that matter, is there any safeguard or protection given to the decent, law-abiding American? Title III grants injunctive relief to so-called "civil rights workers," which in fact really enables them to disregard the law of the land and to take away the many substantial rights of the majority. No relief is provided for the average person who seeks only to protect what he owns or leases. This proposed amendment would remedy that situation and guarantee equal protection and justice for all under this title. I urge its passage.

Mr. GROSS. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, this discussion leads me to ask some of the promoters of this bill on the House floor, on what page or pages of the bill is there to be found protection for the merchants in Cleveland, Ohio, or Chicago, or Brooklyn, N.Y., whose stores have been looted and burned in the process of so-called racial demonstrations?

Mr. Chairman, would someone on the committee please tell me where I may find that provision?

Mr. ROGERS of Colorado. If the gentleman will yield, does the gentleman have the bill in front of him?

Mr. GROSS. Yes; I have.

Mr. ROGERS of Colorado. Would you read section 301?

Mr. GROSS. What page?

Mr. ROGERS of Colorado. Sixty.

Mr. GROSS. I beg the gentleman's pardon.

Mr. ROGERS of Colorado. Page 60, section 301:

> Whenever, there are reasonable grounds to believe that any person is about to engage or continue to engage in any act or practice which will deprive another of any right, privilege, or immunity granted, secured, or protected by the Constitution or laws of the United States on account of such other's race, color, religion, or national origin, such other person in his own right or the Attorney General for or in the name of the United States may institute a civil action—

Now, Mr. Chairman, the Attorney General may institute an action. We are also giving the authority to the merchant, or any individual to institute such an action and ask for an injunction.

Mr. GROSS. All right; all right. But in other provisions of the bill you make it mandatory upon the Attorney General to take action.

Mr. ROGERS of Colorado. No.

Mr. GROSS. You make it mandatory upon the Attorney General to move in, do you not?

Mr. ROGERS of Colorado. No, sir.

Mr. GROSS. Why do you not make it mandatory that the rights of the property owner be respected?

Mr. ROGERS of Colorado. In this particular case?

Mr. GROSS. Yes.

Mr. ROGERS of Colorado. We say that when he has reasonable grounds to believe——

Mr. GROSS. Well, all right. You also have reasonable grounds in other provisions of the bill.

Mr. ROGERS of Colorado. Yes.

Mr. GROSS. Intent, and reasonable grounds.

Mr. ROGERS of Colorado. Yes.

Mr. GROSS. But why do you not make it mandatory that the Attorney General move in to prosecute those who have violated the rights of property owners, the merchants, and others who are victims of demonstrations?

Mr. ROGERS of Colorado. We do not make it mandatory.

We leave it to his discretion, in all lawsuits, as the attorney for the United States, and under this provision we make him an attorney for you, if your rights are being taken away from you.

Mr. GROSS. And you say that in no other provision of the bill is it mandatory upon the Attorney General to move in?

Mr. ROGERS of Colorado. Not in this section.

Mr. GROSS. I am not talking about this section. I am talking about the bill.

Mr. ROGERS of Colorado. Well, I do not know of any that makes it mandatory for him to take action.

Mr. GROSS. You do not know of any?

Mr. ROGERS of Colorado. No.

Mr. MATHIAS. Mr. Chairman, will the gentleman yield?

Mr. DOWDY. Mr. Chairman, will the gentleman yield?

Mr. GROSS. I yield to the gentleman from Texas.

Mr. DOWDY. I am not sure I understood the question which the gentleman asked. Of course, along with the other misrepresentations——

Mr. GROSS. The question I want answered is whether the merchant in Cleveland, Ohio, or Chicago, or Brooklyn, New York, or some other place—the Watts district of Los Angeles—whether there is any protection in this bill for him.

Mr. DOWDY. Not a scintilla unless my amendment is adopted.

Mr. Chairman, I might add to what I have said in connection with that, I know these misrepresentations are made as to what is in the bill because the bill has not been read by the speaker each time.

But the bill does not require that the Attorney General to have a request to go into these cases; no request is required. He can go in and protect the rioters. But if you try to protect yourself from the rioters or the looters; the Attorney General can go in and protect them from you, but you have no protection against the rioters and the looters, rapists and arsonists under this bill unless my amendment is adopted.

Mr. WHITENER. Mr. Chairman, will the gentleman yield?

Mr. GROSS. I yield to the gentleman.

Mr. WHITENER. Mr. Chairman, I noted that the gentleman from Colorado read section 301 and he said, properly, it provides that you can try to deprive another of any right.

The gentleman I know is familiar with the fact that the Supreme Court has held, and many of the other courts have held—that a man and woman had the right to marry anybody they want. I am wondering if the gentleman from Colorado feels that a father who is counseling his son or daughter not to marry someone that the son or daughter thought they wanted to marry could be subject to a lawsuit by the Attorney General.

Mr. ROGERS of Colorado. Mr. Chairman, will the gentleman yield?

Mr. GROSS. I yield to the gentleman.

Mr. ROGERS of Colorado. Mr. Chairman, if it is in violation of the Constitution of the United States. But this deals with immunities and rights protected by the Constitution. I may point out, if the gentleman will yield further, in title II we say that the Attorney General upon reasonable grounds may institute an action to end jury discrimination.

Mr. Chairman, I was trying to point out to the gentleman from Iowa that even under title II where broad authority is given to the Attorney General to institute suits where there is discrimination in the selection of jurors, we make it upon reasonable grounds. We say he may institute suit.

Mr. GROSS. Mr. Chairman, was not the gentleman appalled when he saw the pictures of the rioters coming out of the stores in Clevelond, Ohio, and elsewhere with merchandise?

Mr. ROGERS of Colorado. Certainly.

Mr. GROSS. With their arms loaded with stolen merchandise? And having looted the stores they set them afire.

Mr. ROGERS of Colorado. I will join you in saying that I was just as appalled as anybody. But if you do not have something like this so that the Attorney General may have some authority to move in in these cases and under such conditions, then what is wrong with us passing legislation that would help to prevent that?

Mr. Chairman, I am just as opposed to rioting as anybody is.

Mr. GROSS. Mr. Chairman, I predict this bill will not stop the looting and arson and I want to be sure that the Attorney General moves in to protect the rights of the property owners. I want him instructed to move in if that is what it takes to provide equal rights for them.

Mr. ROGERS of Colorado. You want this to be stronger? You want to compel the Attorney General to do this?

Mr. GROSS. In the case of a property owner, yes, sir, I certainly think he should have equal rights under this or any other law. In view of what has taken place in the last few months and weeks, I do not understand how the Judiciary Committee could bring to the floor of the House a so-called rights bill that failed to recognize the terrible injustices that have been the fate of so many property owners as the result of demonstrations.

Mr. KORNEGAY. Mr. Chairman, I move to strike out the last word.

Mr. Chairman, I take this time to put a question to the gentleman from Texas [Mr. DOWDY].

If I understood you correctly, you said under title III, as reported out of the committee, that it would protect the rioters, the looters, the arsonists, the rapists, and the murderers, but would not protect the innocent, law-abiding citizen whose rights have been violated?

Mr. DOWDY. That is exactly right.

Mr. KORNEGAY. Would your amendment extend protection to the innocent parties to these riots and violations?

Mr. DOWDY. That is the only purpose for my amendment.

Mr. KORNEGAY. Then I want you to know I strongly support your amendment.

Mr. DOWDY. Thank you, sir.

Mr. PUCINSKI. Mr. Chairman, I move to strike out the last word.

Mr. Chairman, I was very much interested in the replies given to the gentleman from Iowa by the gentleman from Colorado. I wonder if I can pursue this merely to get some more legislative history here.

Mr. Chairman, certainly I do not see anything wrong in trying to perfect this bill to a point where the Congress of the United States is going to establish the doctrine that equal rights beget equal responsibilities.

I realize that some people become impatient with the established institutions and established order of this country.

Mr. Chairman, I believe I was among the first Members of this Congress to speak out against what I called mobocracy. Since I have spoken on this subject several times, other distinguished people have joined me including the latest recruit, in a marvelous speech, calling upon the people to respect the law, the President of the United States himself.

So I should like to ask the chairman, do I understand him correctly, in response to the question by the gentleman from Iowa, the gentleman from Colorado said that if a riot is to occur and a merchant in Ohio or in Cleveland or in Chicago feels that there is going to be damage to his property, he has the right either on his own behalf or by the Attorney General to seek an injunction? Do I understand the gentleman correctly in making that statement?

Mr. ROGERS of Colorado. That is correct; if there is a deprivation of a Federal right.

Mr. PUCINSKI. This language does not say that. On page 60, line 14, the language is "on account of such other's race, color, religion, or national origin."

Supposing a group of people should get together and stage a riot, and they have nothing against the people of the community because of their race, color, religion, or national origin. I would say that you would have to show to the court, before you could get injunctive relief, that this riot situation was started by the group of rioters on account of race, color, religion, or national origin. You would have to show this before any court could entertain an application for injunctive relief. So would it not be correct to say that the gentleman is not stating the case correctly when he says that an injunction like that would not lie?

Mr. ROGERS of Colorado. Of course, the action is based upon the denial or abridgment of a Federal right because of race, color, religion, or national origin.

Mr. PUCINSKI. How are you going to prove that? Let me give the gentleman two hypothetical situations. First, in Watts there was a riot and the chant of the crowd was, "Get Whitey." I would say with that situation this provision would lie and someone could go into court and say, "This riot is being staged against these people. There is an invasion of the white man's rights. The basis of this riot is to 'Get Whitey.' This is being staged on account of another person's color; therefore injunctive relief would lie." Would that not be correct?

Mr. ROGERS of Colorado. That is correct, if in addition to the racial motivation, there is a denial of a right secured by the Constitution or the laws of the United States.

Mr. PUCINSKI. Let us take another situation. Let us say that 200, 400, or 2,000 people at 5 o'clock this afternoon march down the middle of the street during the rush hour, tying up traffic and everything else, to protest this, that, or the other. Now, they have not said anything about race, color, religion, or national origin, and a riot develops and huge damage to property ensues. How would the gentleman stretch the application of this limited provision here to get that injunctive relief?

Mr. ROGERS of Colorado. As I understand the gentleman's question, a group is marching down the street?

Mr. PUCINSKI. That is correct.

Mr. ROGERS of Colorado. And there is no connection between this march and race, color, religion, or national origin?

Mr. PUCINSKI. That is correct.

Mr. ROGERS of Colorado. And it does not violate any Federal law?

Mr. PUCINSKI. At the time of the announcement it does not.

Mr. ROGERS of Colorado. At the time of the announcement it does not.

Mr. PUCINSKI. But during the course of the march a big riot ensues and great damage is done on both sides. How does this provision provide injunctive relief to the community against that kind of demonstration?

Mr. ROGERS of Colorado. It does not.

Mr. PUCINSKI. I wanted to get that straight.

The CHAIRMAN. The time of the gentleman from Illinois has expired.

Mr. PUCINSKI. Mr. Chairman, I ask unanimous consent to proceed for 1 additional minute.

The CHAIRMAN. Without objection, it is so ordered.

Mr. PUCINSKI. Now, if the gentleman will be good enough to answer the next question, following the doctrine that equal rights beget equal responsibility, why does your committee not come up with a committee amendment to give the communities of this country the right of protection against these riots?

Mr. ROGERS of Colorado. How can we anticipate, and how can you anticipate when a riot is going to break out?

Mr. PUCINSKI. If I understand the amendment before us correctly, you would have the district courts to make that decision, would you not? In other words, if the gentleman's amendment is correct, if I read it correctly, what he is saying is that I or anyone else who feels that a demonstration will lead to disastrous consequences can go into court and seek injunctive relief and the court will decide upon the peculiar circumstances of that particular situation whether an injunction shall lie. Remember the moving party would have to prove to the court that the demonstration is more than just a petition for redress of grievances. But at least you would have an opportunity to seek relief if you believe a demonstration will lead to violence.

I am sure the gentleman will agree that a court would require compelling proof in support of an injunction before it took the extraordinary measure of stopping a demonstration. But if such proof is available, a community should have injunctive relief to protect itself against rioting.

The CHAIRMAN. The time of the gentleman from Illinois has again expired.

Mr. PUCINSKI. Mr. Chairman, I ask unanimous consent that I may proceed for an additional 2 minutes.

The CHAIRMAN. The gentleman from Illinois asks unanimous consent to proceed for 2 additional minutes. Is there objection? The Chair hears none, and the gentleman is recognized for 2 additional minutes.

Mr. ALBERT. Mr. Chairman, will the gentleman yield?

Mr. PUCINSKI. I will in a second. Is it not correct that if the amendment were to prevail, you would still have the Federal court, not a State court but a Federal Court, protecting the rights of the demonstrators and protecting the rights of the potentially aggrieved party? Is that not correct?

Mr. ROGERS of Colorado. I will not agree that the gentleman's amendment would do that.

Mr. PUCINSKI. Why would it not do that?

Mr. ROGERS of Colorado. First, the amendment authorizes suits by the States' attorneys general.

Mr. PUCINSKI. But the procedure must originate in a court, does it not? No injunctive relief can be granted without court approval and a full court review of all the facts. If I understand the amendment correctly, you are putting this into a Federal district court, are you not?

Mr. DOWDY. That is correct.

Mr. ALBERT. Mr. Chairman, will the gentleman yield?

Mr. PUCINSKI. I yield to the gentleman from Oklahoma.

Mr. ALBERT. It comes down to this, does it not: The authority of the Federal Government, based upon constitutional provisions, protects the people against discrimination and deprivations on account of race, color, and so on.

That is why we cannot necessarily go the full length and breadth of protection of property rights of people as against mobs. Is that not right, or am I misinformed?

Mr. PUCINSKI. Just a minute. I am not sure I understand the distinguished majority leader correctly, because what the proposal here will do is attempt to establish some equilibrium in determining, as I believe the law should determine, the rights of individuals. But certainly this bill would be strengthened if we also coupled with that equal responsibility.

When we have riots all over America, running wild and doing millions of dollars worth of damage, the gentleman cannot tell me this is an expression of equal responsibility.

Mr. ALBERT. If the gentleman will yield further, can the Congress in protecting rights go beyond those areas in which the Constitution confers the power upon us to do so?

Mr. PUCINSKI. I am not suggesting that; but the Congress and the Constitution carry provisions for the protection of life and property. Our whole legal system is based on that concept. I see no constitutional bar to the proposed amendment. The amendment before this Chamber is to let a court of proper jurisdiction establish and determine whether or not any constitutional rights are being deprived to either party; those who want to petition for redress of grievances by peaceful demonstrations as well as those who fear such demonstrations will lead to violence and destruction of their property. Right now, as far as I know, there are no State laws permitting such injunctive relief. The only recourse under State law is to seek punishment for conspiracy or prosecution for inciting to riot after the fact. But such prosecution is meaningless to the people who have been driven out of business or have lost their lives in a riot.

The CHAIRMAN. The time of the gentleman from Illinois has expired.

Mr. WHITENER. Mr. Chairman, I move to strike the requisite number of words.

The CHAIRMAN. The gentleman from North Carolina is recognized.

Mr. WHITENER. Mr. Chairman, I yield to the gentleman from Illinois.

Mr. PUCINSKI. Mr. Chairman, I merely wanted to pursue the question one step further with the distinguished majority leader. If I understand the amendment correctly, I have no reason to believe this amendment would invade or violate any individual's rights because the injunction must originate in a district court. If that court finds there is a violation of the petitioner's constitutional rights—and certainly we recognize the fact that people have a right to petition their government for the redress of grievances the court could issue such an injunction. This would give a district court the right to make the final decision, not a mob in the street. I believe the gentleman errs in bringing the State attorney general into this amendment—I believe the amendment should provide, if it is going to provide anything, only for an individual or the Attorney General of the United States to bring the action. But it seems to me this would give the protection of the court to a man or a community, to his or its constitutional rights. I do not see why this would not strengthen the legislation.

Mr. WHITENER. Mr. Chairman, the gentleman asked very splendid hypothetical questions. In answer to one of them, the gentleman from Colorado said there was no way of knowing when these untoward events might occur, but it seems to me that I have read many stories in newspapers recently quoting the leaders of these marches as saying that if the Congress does not appropriate a number of dollars for the poverty program, or certain things are not done within a community by a certain date, we are going to have "another Watts in this city."

I wonder what the gentleman would say about that. Does he mean to say that the Federal Government has the power under the Constitution to say to you and to me, that we cannot do certain little things which might be construed as a deprivation of privilege and yet be powerless to stop the slaughter of human beings and the destruction of property?

Mr. PUCINSKI. If the gentleman will yield, I believe the key in this amendment is the protection being offered both sides by the district court. If this protection were not there I could see the objection to the amendment. Certainly, before any injunctive relief would lie, the district court would hold a hearing to ascertain whether or not any constitutional rights were being violated.

Mr. WHITENER. As I understand the gentleman, what he is saying is that he wants to see a person's rights are not interfered with, and he wants to protect those rights, but at the same time he wants to insist that those whose rights would be protected under this language would act responsibly and be good citizens and not destroy other rights.

Mr. PUCINSKI. I am saying that equal rights beget equal responsibility.

I thank the gentleman.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Texas.

The question was taken; and on a division (demanded by Mr. RODINO) there were—ayes 64, noes 57.

Mr. RODINO. Mr. Chairman, I demand tellers.

Tellers were ordered, and the Chairman appointed as tellers Mr. DOWDY and Mr. RODINO.

The Committee again divided, and the tellers reported that there were—ayes 91, noes 98.

So the amendment was rejected.

AMENDMENTS OFFERED BY MR. WHITENER

Mr. WHITENER. Mr. Chairman, I offer two amendments and ask unanimous consent that they be considered en bloc.

The CHAIRMAN. Is there objection to the request of the gentleman from North Carolina?

There was no objection.

The CHAIRMAN. The Clerk will report the two amendments.

The Clerk read as follows:

Amendments offered by Mr. WHITENER: On page 61, line 6, after "Attorney General", insert "upon the filing with him of a sworn affidavit by some person alleging such act or practice".

On page 60, line 15, after "Attorney General", insert "upon the filing with him of a sworn affidavit by some person alleging such act of practice".

Mr. WHITENER. Mr. Chairman, we have heard a great deal about the flowers from California. In my judgment, this title III does not smell quite as good in a legal way as the flowers from either California or Florida.

Mr. Chairman, I think the language of the bill is probably about as bad as the accuracy of the statement of the Governor of Florida about getting the airline strike settled.

These amendments that I am offering would simply do this: They would say that before the Attorney General can haul someone into court under title III of the bill he would have to at least have a sworn affidavit from some person who alleged that the act practiced which section 301 would seem to inveigh against had actually been committed.

We have been down this road before. We have had title III offered to us many times in the Congress and it has been turned down. This year they came back with the same old kettle of fish, notwithstanding the fact that the administration and the Department of Justice had not requested any such authority. The Attorney General has not asked the Congress to make it possible for him to go on a voyage of discovery in order to round up some folks to bring into court and charge them with having deprived another of a right, privilege or immunity granted, secured, or protected by the Constitution of the United States.

Mr. Chairman, it seems to me that all of us would want to say, and I am sure the Attorney General would want it that way, that he should not be bothered to go out and comb heaven and earth unless someone had suggested that some untoward conduct which title III is directed at had actually occurred or they at least believed that it had occurred.

But, if we go along with the language as it is now written, there will be no requirement whatever that there be any allegation, even oral or written, brought to the attention of the Attorney General. He could, if we had the wrong Attorney General, have real trouble. I am not suggesting that the present one is the wrong one; I think he is a fine gentleman. I think he is a good lawyer and a splendid public servant. I am not suggesting that he would abuse any power that might be given to him, even though improvidently, by the Congress. But we do not know who will be Attorney General 10 years from now or 20 years from now. We are writing a law here which will apply all through the eons of time unless some Congress wiser than the one we have now gets us back on the constitutional track.

Mr. Chairman, I certainly hope that my colleagues will support these two amendments which, in effect, constitute one amendment. The amendments would merely require that before the Attorney General seeks to bring any type of proceeding on the grounds stated in title III that there must have been a sworn affidavit by some person alleging that another person would deprive him of his rights, privileges, and immunities guaranteed him under the Constitution because of his race, color, religion, or national origin.

Mr. POFF. Mr. Chairman, will the gentleman yield?

Mr. WHITENER. I yield to the gentleman.

Mr. POFF. Mr. Chairman, I would like to ask the gentleman if the two amendments, which he says are essentially one amendment, are patterned after the language of the 1964 act, title III, concerning the desegregation of public facilities?

Mr. WHITENER. As I remember the history of that act, an amendment was written in on the floor just as we are trying to do now. The bill that came out of the committee I do not believe contained this language.

Mr. POFF. Mr. Chairman, I am sure the gentleman is correct. I simply make the point you would require by this amendment the same that was required by the 1964 act in at least two titles.

Mr. WHITENER. Yes. I do not think any Attorney General, however good or bad he might be, would want to have this nebulous responsibility hanging on him, which this would seem to place on him—to be the guardian of everyone's rights, whether they had called it to his attention or not.

Mr. RODINO. Mr. Chairman, I rise in opposition to the amendment. The amendment would require a sworn affidavit on the part of the complainant before he could proceed. It would place a precondition on the authority of the Attorney General, and it would obstruct him in pursuing justice. We have legal precedent for such unencumbered authority in legislation which we have written in civil rights areas—in voting, in public accommodations, in education, and in public facilities. We have the same conditions as are written here. We do not require that there be a sworn affidavit. The most that is required is a written complaint, and that is what I believe the gentleman from Virginia was referring to when he referred to title III and title IV of the 1964 Civil Rights Act and talked about this amendment being patterned after title III.

In title III of the 1964 act there is merely a requirement that there be a written complaint before the Attorney General brings a suit. We recognize that a written complaint may be a significant onus in many cases, and certainly a sworn affidavit is even more burdensome, and places the burden on the very person who may be the victim of deprivation and discrimination. For that reason I oppose the amendment.

Mr. WHITENER. Mr. Chairman, will the gentleman yield?

Mr. RODINO. I yield to the gentleman from North Carolina.

Mr. WHITENER. I am sure the gentleman is acting in good faith in opposing the amendment, but if he will look at the language of title III, he will see that it says:

> The Attorney General may institute a civil action or other proper proceedings for temporary or permanent preventive or mandatory relief.

At some point someone is going to have to do some swearing before they can get an injunction. The court is going to have some basis for acting. Is the Attorney General going to be able to get an injunction by swearing that some unnamed individual came to him and told him or called him on the phone, and told him that the gentleman from New Jersey [Mr. RODINO] was about to commit an act or practice which would deprive him of his rights and privileges? Do you think any court is going to grant injunctive relief in that situation? Why not require the affidavit before the Attorney General acts?

Mr. RODINO. Well, because the court will have decided that question on the basis of various evidence presented to it. I think the gentleman recognizes that.

Mr. Chairman, I feel that the amendment should be defeated. I yield back the balance of my time.

Mr. MATHIAS. Mr. Chairman, I move to strike the requisite number of words. I rise in opposition to the amendment. I am fully cognizant of the arguments that are made by our colleague from North Carolina. I know his great concern for the liberties of the individual, and I share those concerns with him. I think this is a case where we have to make very careful plans.

I think the balance is against the amendment. The gentleman from North Carolina says he thinks there should have to be a sworn affidavit. The gentleman from North Carolina is simply putting another act between one who is threatened and the relief that may save him from some act of violence. He is merely intervening another act upon which coercion may be applied, and I think that on balance this is a bad thing. If the benefits of title III are to accrue to the people of this country you should not have to go through the cumbersome procedure of seeking out a notary public, making your affidavit, and transmitting it to the Attorney General.

In further response to the gentleman from North Carolina, let me recall the hypothetical case that was brought to our attention a few minutes ago by the gentleman from Iowa, in which a shopowner was being threatened by physical and material damage from a race riot. Let me say to the gentleman that the individual shopowner may not have the information on which to make a sworn affidavit, but the Attorney General, with many sources of information may, as a result of the cumulative knowledge which has come to him, be in a position to make the kind of judgment which is necessary here in the absence of a sworn complaint and to take the remedial action which would be preventive in nature, which will prevent the very disturbance that the gentleman from Iowa is worried about. This is the heart of this matter. On balance, in spite of the gentleman's fears, I believe this amendment should be clearly defeated.

Mr. TENZER. Mr. Chairman, will the gentleman yield?

Mr. MATHIAS. I yield to the gentleman from New York.

Mr. TENZER. Mr. Chairman, I thank the gentleman for yielding. Did we not have evidence before the committee of the fact that those required to sign these affidavits as required in the 1964 Civil Rights Act, titles III and IV, would be subject to intimidation, and that is why we waived this requirement?

Mr. MATHIAS. The gentleman is precisely right. This is the danger we want to avoid.

Mr. TENZER. Mr. Chairman, 2 years ago, the Civil Rights Act of 1964 was enacted. In titles III and IV the Congress recognized that it was unjust to compel private persons to carry the full burden of instituting lawsuits to end discriminatory practices in schools and public facilities. The 1964 act empowered the Attorney General to file civil actions in Federal court to enjoin such discrimination. However, his authority is limited and hampered by two important restrictions which render it much less than adequate to meet the need. First, the Attorney General may not institute proceedings unless he receives a signed written complaint alleging that the writer is being denied his constitutional rights with respect to schools or public facilities. Second, the Attorney General may not sue, even if he does receive such a complaint, unless in his judgment the writer is "unable to initiate and maintain appropriate legal proceedings for relief."

These two restrictions unduly circumscribe the Attorney General's authority. The first restriction—receipt of a written complaint—is objectionable because in many areas persons who seek to exercise their rights are unfamiliar with the written complaint requirement and thus do not know what they must do to obtain the services of the Attorney General to sue on their behalf. In some places persons whose rights are denied are subjected to intimidation by threats or force or the environment is hostile to the assertion of constitutional rights by citizens. In such places, many Negroes are simply afraid to complain to the Attorney General. The anomalous result under present law is that the Attorney General may be powerless to act in the very areas in which Federal intervention is most needed.

The second restriction—that private persons must be unable to bring suit on their own behalf—conflicts in principle with similar authority granted to the Attorney General to bring suits to enjoin discrimination in public accommodations, employment, and voting. In these other fields he is generally free to sue whenever he deems the public interest to require it, whether or not private aggrieved persons might be able to sue. There is no good and sufficient reason to treat school and public facility suits differently. The present law, by emphasizing the private and personal nature of this kind of litigation, loses sight of the great public interest in achieving desegregation.

I believe it is important to remove these artificial barriers to effective Federal action to secure these fundamental rights. As the Supreme Court has said, these rights are warrants for the here and now—not abstract and pious hopes for a distance future time. Action now by this Congress is required to make the 14th amendment a reality throughout the land.

Mr. WHITENER. Mr. Chairman, will the gentleman yield?

Mr. MATHIAS. I yield to the gentleman from North Carolina.

Mr. WHITENER. Mr. Chairman, is the gentleman suggesting that if the Attorney General has sufficient knowledge and information to support an action, that he would not find it very easy to call in a witness and get him to sign an affidavit?

Mr. MATHIAS. I am suggesting there might very well be occasions when there would not be time, because Mr. GROSS' store would have been broken up by that time. I am suggesting in these situations there might not be the calm deliberative atmosphere the gentleman presupposes, and it may be necessary to move forward.

Mr. WHITENER. Will the gentleman yield further?

Mr. MATHIAS. I yield further to the gentleman from North Carolina.

Mr. WHITENER. Is the gentleman from Maryland suggesting that the court will grant an injunction without sworn testimony or adequate evidence to support such an injunction? Is the gentleman suggesting that a Federal court or a district court anywhere in the United States would grant an injunction without some sworn testimony?

Mr. MATHIAS. Certainly not. But I refer the distinguished gentleman to the clear language of title III, which says that whenever the Attorney General "has reasonable grounds to believe," he may go in. Of course, he has to have the evidence to support a basis for his judgment in this matter, and his discretion in taking action. I think this is a more stable ground upon which to proceed.

Let us suppose the gentleman's amendment were to prevail, that the affidavit were secured, and then, because of the very kind of coercion that may be involved, the affidavit is withdrawn. Where is the gentleman left then?

I much prefer to see the bill left as it is.

Mr. HAGAN of Georgia. Mr. Chairman, I move to strike the requisite number of words. I rise in support of the amendment of the gentleman from North Carolina.

Mr. Chairman, I support the amendment of the distinguished gentleman from North Carolina. This proposal in title III is unconscionable to me. Let me read just a line or two:

> Whenever there are reasonable grounds to believe that any person is about to engage or continue to engage in any act or practice which would deprive another of any right—

And so forth. And it goes on, Mr. Chairman, to say:

> The Attorney General for or in the name of the United States may institute a civil action or other proceeding—

And so forth. And he can do this under the language of this bill without anyone even making a complaint.

Mr. Chairman, the people of this country are already concerned by the probes and the calls upon them and the inquisitions by the wage and hour bureaucrats, by the Internal Revenue people, and all the other agencies which are already making a bureaucratic tyranny in this country. This would add to it.

This section was not even recommended by the Justice Department.

I have always been and I am now an advocate of personal liberty of citizens. We are a nation of free individuals. The Constitution, the Bill of Rights, and all attendant amendments we look to for guaranteeing this proposition. We should consider ourselves, not the state as supreme. In our democratic system we must recognize that the role of the state is to facilitate the private matters of citizens. It would appear that the acceptance of the bill without amendment is the most flagrant abrogation of the basic and inherent right of all Americans. Therefore, Mr. Chairman, I wish to strongly emphasize to each Member of this Congress that if we fail to accept this amendment of the gentleman from North Carolina, we are going to give the Attorney General of the United States the right to go around looking under bedsheets, rugs, and under doormats, and initiating probes without first having to have sworn affidavits that a citizen has been wronged.

Mr. O'NEAL of Georgia. Mr. Chairman, will the gentleman yield?

Mr. HAGAN of Georgia. I yield to the gentleman from Georgia.

Mr. O'NEAL of Georgia. I thank the gentleman.

I want to take this opportunity to rise in support of the amendment and to commend the gentleman from North Carolina for offering it, and also to commend my friend and colleague from Georgia who has just spoken so cogently and forcefully. I share his feelings, and I commend him for what he has said.

Mr. HAGAN of Georgia. I thank the gentleman.

I should like to close my brief remarks by saying that this title III would further destroy the freedom of individuals of this country as we have always known it.

I commend the gentleman for offering this amendment.

Mr. WHITENER. Mr. Chairman, will the gentleman yield?

Mr. HAGAN of Georgia. I am glad to yield to the distinguished gentleman from North Carolina.

Mr. WHITENER. I thank the gentleman for his valuable support of this amendment which, after all, I believe should appeal to any fair-minded person. A citizen should not be subject to the visitation of the Justice Department without at least the Justice Department having some credible allegation that some wrong is being committed.

I appreciate the fact that the gentleman, as a few others of us around here are, is still concerned about the personal liberties of our citizens.

What the gentleman has said about the ever-extending arm of the bureaucracy and the ever-extending reach of bureaucracy into the private lives of every living American is something many people had better get alarmed about, just as the gentleman from Georgia is alarmed about it.

Mr. HAGAN of Georgia. The gentleman is eminently correct. The people not only in my district and in my State are becoming more and more alarmed every day, but as I travel through other parts of the country I find the same feelings against edicts and the exercise of more and more control out of Washington.

Mr. DOWDY. Mr. Chairman, I rise in support of the amendment.

I believe the committee should be reminded that this is the title of the bill concerning which the Attorney General has stated he will desire a national police force to enforce it.

I should like to comment on some statements made here by one or more of the Members, who say we ought not to require a sworn statement before the Attorney General goes to court, because the person who makes the statement may be afraid or may be coerced or may have some sort of intimidation. I would say that, so far as I know, even the slightest misdemeanor must have a complaint filed about it before an information lies and before any defendant can be taken to trial in the most menial kind of criminal case.

Is this saying that the complainant should not have to swear to a statement before the Attorney General goes to court to mean he never will be required to swear to his complaint? At some time or other the man will have to swear. I do not abide with the statement made by the gentleman from New Jersey earlier that it would be up to the court as to whether he would take an ex parte statement of the Attorney General as a basis for enjoining any person from violating any part of this law.

The statement was made earlier concerning the withdrawal by a complainant of a statement he might make. I believe the gentleman from Maryland said that a person might withdraw his statement after the Attorney General had gone to court. I do not suppose that the gentleman ever tried a criminal case as a prosecutor. I have. I have had people go back on their affidavits. Perhaps the gentleman never tried a civil case in which a witness of his changed his mind about his testimony, or decided not to testify. Those are the hazards of practicing law.

Another statement was made—and I forget who made it—about the fellow who could not get a complaint to the Attorney General to keep his store from being broken up because it would be broken up before he got to the Attorney General. This bill does not protect the propertyowner. This bill does not protect the store owner. The only purpose of this bill is to protect the people who are breaking it up.

Mr. CRAMER. Mr. Chairman, would the gentleman yield to me?

Mr. DOWDY. I am pleased to yield to the gentleman from Florida.

Mr. CRAMER. The gentleman from Texas mentioned the statement of the Attorney General relating to title III. It would be well to read the Attorney General's statement into the RECORD at this point. I placed it in the RECORD in my statement which appears on page 17483 of the RECORD in which the Attorney General was asked his opinion just last year on title III which was not as broad as this title III. The chairman himself stated in the RECORD what his position was on title III when it was offered on the floor as an amendment, and that was not as broad as this title III. Here is what the chairman said on the floor of the House, and then I will quote the Attorney General in answer to a question by the proponent of the amendment in hearings in the committee on a title III which was not as broad as this. This is what the chairman of the committee, the gentleman from New York [Mr. CELLER], stated regarding title III then, in the 1965 act:

> I rise in opposition to the amendment. Mr. Chairman, this indicates clearly how difficult it is to write a bill as comprehensive as this on the floor of the House. Here we get from left field—or right field or from center field—an amendment very comprehensive and very difficult to comprehend which would in a certain sense, in common parlance, "gum up the works".

This is title III in 1965, a year ago. It would "gum up the works," he says, but it is in this bill now.

Now, in interrogating the Attorney General, the chairman said:

> We have been up and down the mountain on it many times. The House passed it once, in very broad form.
>
> What would be your opinion of an addition to this bill of that limited form of part III?

His reply was:

> My opinion on it, Congressman, would be the same opinion that was stated by my predecessor. When you give us that power—

This is what Attorney General Katzenbach said just last year.

The CHAIRMAN. The time of the gentleman from Texas has expired.

Mr. DOWDY. Mr. Chairman, I ask unanimous consent to proceed for 2 additional minutes.

The CHAIRMAN. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. DOWDY. Mr. Chairman, I yield to the gentleman from Florida.

Mr. CRAMER. Now, the Attorney General, in replying on title III, Mr. Katzenbach, on a title III which was not as broad as this, said:

> My opinion on it, Congressman, would be the same opinion that was stated by my predecessor. When you give us that power, then you also give us the power for an appropriation to hire the police force that it is going to take to do it. Don't give us the responsibility without the capacity of fulfilling it. Don't put me in the box where you say the law tells you to do this and I have nobody to do it. Give me the national police force that it may take.

That is the Attorney General of the United States who last year testified on this same title III, which is not as broad a title as this.

Mr. DOWDY. That was the testimony I had reference to earlier in my statement.

Mr. Chairman, I feel and sincerely hope and urge the House to adopt the pending amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from North Carolina.

The question was taken; and on a division (demanded by Mr. WHITENER) there were—ayes 60, noes 73.

Mr. WHITENER. Mr. Chairman, I demand tellers.

Tellers were ordered, and the Chairman appointed as tellers Mr. WHITENER and Mr. RODINO.

The Committee again divided, and the tellers reported that there were—ayes 68, noes 85.

So the amendment was rejected.

Mr. RODINO. Mr. Chairman, I ask unanimous consent that all debate on this title, and all amendments thereto, be terminated within 1 hour and, pending the adoption of this unanimous-consent request, I am going to move that the Committee will rise.

The CHAIRMAN. Is there objection to the request of the gentleman from New Jersey?

Mr. GROSS. Mr. Chairman, reserving the right to object, may I ask what title it is?

Mr. RODINO. Title III.

The CHAIRMAN. Is there objection to the request of the gentleman from New Jersey?

Mr. POFF. Mr. Chairman, reserving the right to object, may I propound a parliamentary inquiry? How will the 1 hour be divided?

The CHAIRMAN. The Chair will recognize the Members under the 5-minute rule.

Mr. POFF. Mr. Chairman, I withdraw my reservation of objection.

The CHAIRMAN. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

Mr. RODINO. Mr. Chairman, I move that the Committee do now rise.

The motion was agreed to.

Accordingly, the Committee rose; and the Speaker having resumed the chair, Mr. BOLLING, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee having had under consideration the bill (H.R. 14765) to assure nondiscrimination in Federal and State jury selection and service, to facilitate the desegregation of public education and other public facilities to provide judicial relief against discriminatory housing practices, to prescribe penalties for certain acts of violence or intimidation, and for other purposes, had come to no resolution thereon.

SECURITIES MARKETS COMMISSION CHARGES

Mr. STAGGERS. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from West Virginia?

There was no objection.

Mr. STAGGERS. Mr. Speaker, for the information of the Members of the House, I am inserting in the RECORD a report which I have received from the Securities and Exchange Commission on two actions it is undertaking in connection with, first, the Commission rate structure of our securities markets; and second, the rules and practices with respect to the trading in odd lots in such markets.

As the Members know, our committee has ever been aware of its responsibilities in seeing that the investing public is adequately protected by the rules which govern the operation of our stock exchanges and our over-the-counter markets. It is for that reason that 5 years ago we sponsored and the Congress enacted a study by the Securities and Exchange Commission, out of which grew the Securities Acts Amendments of 1964.

A substantial portion of the recommendations of that Commission's study it believed, as did our committee, could be effectuated by the issuance of rules and regulations by the Commission rather than necessitate amendments of the statutes. Accordingly, the Commission has proceeded with a program to enact such regulations, two of which are here involved today.

I include herewith a copy of a letter from Chairman Manuel F. Cohen to me dated July 29 and enclosures of his letters of July 18 addressed to the national securities exchanges and the National Securities Dealers Association concerning commission rate structure and odd-lot trading:

SECURITIES AND EXCHANGE COMMISSION,
Washington, D.C., July 29, 1966.

Hon. HARLEY O. STAGGERS,
Chairman, Committee on Interstate and Foreign Commerce, House of Representatives, Washington, D.C.

DEAR MR. CHAIRMAN: Since certain actions with respect to stock exchange rules have appeared in the press recently, I thought you might be interested in two letters recently sent to all registered national securities exchanges and the National Association of Securities Dealers. These letters relate to (1) the commission rate structure of our securities markets and (2) the rules and practices with respect to the trading of odd-lots in such markets.

1. The commission rate structure letter represents an important development in our continuing study of the rate structure of our national securities exchanges. As you know, the Report of the Special Study of Securities Markets considered the impact of the commission rate structure on the public investor. The attached letter is responsive to recommendations of the Special Study relating to volume discounts, commission-splitting among exchange members and non-members, give-ups and and reciprocal business between and among exchange members and non-members. The problems involved in the commission rate structure include questions concerning the appropriate level of commissions, institutional membership on exchanges, block transactions, and the function of the third market in our competitive system of markets. The Special Study also made specific recommendations with respect to these matters to which the letter on commission rate structure relates. The Special Study also made a number of recommendations concerning our regional exchanges. The letter is designed, among other things, to obtain the views of these exchanges on the impact of the commission rate structure on their markets and on their competitive position with the primary market.

One of the most significant recommendations in the Special Study related to the importance of the Commission evaluating and studying such matters as:

(a) Types and forms of competition and of limitations on competition actually or potentially existing within and among markets, and their impact on the free, fair and orderly functioning of the various markets; and

(b) Factors contributing to or detracting from the public's ready access to all markets and its assurance of obtaining the best execution of any particular transaction.

The letter on commission rate structure is specifically addressed to this subject. The subject matter of the letter involves one of the more difficult and controversial areas under the Commission's responsibility. We have, consistent with such responsibilities, addressed ourselves to the broad problems which are the subject matter of the letter in order to insure a healthy and strong securities market.

2. The odd-lot letter represents another step in the exercise of the Commission's responsibilities to examine the trading practices and procedures involved in the purchase or sale of "odd-lots." As you know, the New York Stock Exchange, at the Commission's request, recently changed the break-point for the imposition of the odd-lot differential. This change, we estimate, will result in savings in excess of $5 million per year for investors who purchase or sell odd-lots. In our study of the New York Stock Exchange odd-lot differential we solicited the views of the regional exchanges and a number of them recommended that in addition to a review of the level of the odd-lot differential, it would be appropriate for the Commission to study the methods by which odd-lots are executed in all securities markets. Accordingly, the Commission has sent the attached letter to the national securities exchanges and the NASD, soliciting their views on odd-lot trading. This action, too, is consistent with recommendations made by the Special Study. The Commission's concern is to take all practical action to insure that the small investor will be able to buy and sell small lots on reasonable terms and in securities markets which are operated efficiently in the public interest.

Sincerely,

MANUEL F. COHEN,
Chairman.

SECURITIES AND EXCHANGE COMMISSION,
Washington, D.C., July 18, 1966.

Re Commission rate structure.

Mr. EDWIN D. ETHERINGTON,
President, American Stock Exchange, New York, N.Y.

Mr. FREDERICK MOSS,
President, Boston Stock Exchange,
Boston, Mass.
Mr. CHARLES H. STEFFENS,
President, Cincinnati Stock Exchange,
Cincinnati, Ohio.
Mr. ROY F. DELANEY,
President, Detroit Stock Exchange,
Detroit, Mich.
Mr. JAMES E. DAY,
President, Midwest Stock Exchange,
Chicago, Ill.
Mr. EDWARD T. MCCORMICK,
President, National Stock Exchange,
New York, N.Y.
Mr. G. KEITH FUNSTON,
President, New York Stock Exchange,
New York, N.Y.
Mr. THOMAS P. PHELAN,
President, Pacific Coast Stock Exchange,
San Francisco, Calif.
Mr. ELKINS WETHERILL,
President, Philadelphia-Baltimore-
Washington Stock Exchange,
Philadephia, Pa.
Mr. RALPH S. RICHARDS, Jr.,
President, Pittsburgh Stock Exchange,
Pittsburgh, Pa.
Mr. GEORGE J. POTTER,
President, Salt Lake Stock Exchange,
Salt Lake City, Utah.
Mr. G. C. GEORGE,
President, Spokane Stock Exchange,
Spokane, Wash.
Mr. A. B. HARRISBERGER,
President, Colorado Springs Stock Exchange,
Colorado Springs, Colo.
Mr. ROBERT W. HAACK,
Washington, D.C.

GENTLEMEN: This letter is separately addressed to each of the national securities exchanges and to the NASD. It relates to the problem of "give-ups" and reciprocity in all securities markets. The problem is discussed in the Report of the Special Study of Securities Markets and has for some time been the subject of informal discussions between representatives of the Commission and the securities industry. We have found a general recognition in the industry that the "give-up" practice in the exchange communities has developed to a point where it threatens the integrity of wide segments of the securities industry. In this connection, we consider it significant that "give-ups" in the over-the-counter market have long been recognized to be improper and illegal. In the exchange communities, however, we understand that the pressure of competition among participants in the "give-up" practice is such as to deter any one of the self-regulatory agencies, acting alone, from taking the initiative in putting an end to the practice. Accordingly, it appears that the solution of the problem may require coordinated action by each of the national securities exchanges, by the NASD and by the Commission. It may be necessary to have simultaneous compliance in all markets to eliminate the improper practices. We recognize that it may be necessary for the Commission to adopt rules to supplement those of the national securities exchanges and of the NASD to provide a comprehensive and uniform approach to this matter.

The purpose of this letter is to summarize our position on "give-ups" and to delineate the kinds of commission splitting which we believe should be prohibited, as well as to solicit your views as to the specific action the Commission, the exchanges and the NASD should take to eliminate the abuses involved.

The "give-up" practice with which we are concerned grows out of the rules of the national securities exchanges which provide for uniform rate structures but permit the sharing of commissions among members and to some extent between members and nonmembers. While perhaps originally designed merely to provide for a reasonable sharing of the commission among those who combine to perform a service for a customer, the practice has developed of permitting the "give-up" to be directed to persons who neither perform any function with respect to the order nor are necessary to its consummation. The give-ups are, for the most part, directed by or on behalf of persons who are nonmembers of the exchanges and not for the benefit of the customer on whose behalf the order is executed.

At the outset we should state our belief that the commission should fairly compensate a broker for the services which it performs. We have already noted the recognition that give-ups in the over-the-counter market are inconsistent with the legal responsibilities of the parties involved. As for the Exchange markets, assuming that a fixed minimum commission schedule is necessary and appropriate to effective and efficient operation of an Exchange, it is our view that give-ups and other similar arrangements which directly or indirectly arise out of customer direction or are for the customer's benefit, are inconsistent with this premise and have the effect of providing a rebate. Such rebates are prohibited by Exchange rules.

A rate structure should also provide equitable treatment for various classes of customers whose use of Exchange facilities is basically similar. As the Exchanges' rules recognize, it should not encompass rebates directly or indirectly to particular classes of customers. Such rebating is not only discriminatory but raises questions as to the propriety of the commission rate structure itself. A customer directed give-up is inconsistent with all of those principles. Not only does it deprive brokers of a portion of their commissions but it indirectly operates as a rebate in favor of those customers who happen to be able to derive a benefit from directing brokerage commissions to firms having no meaningful participation in the execution of the orders.

This discriminatory effect is aggravated where the benefits of the rebate flow not to the customer itself but to others, such as investment managers who are in a position to direct the customer's brokerage. Furthermore, the availability of indirect rebates through customer directed give-ups creates various distortions and artificial devices in the securities markets which are designed to facilitate a wider distribution of give-ups but in the process may interfere with the orderly functioning of the markets and the most effective execution of customers' orders. The directed give-up also seriously complicates the administration and assessment by the Exchanges and the Commission of the reasonableness of commission rates since commissions received and retained cease to be related to the expenses incurred for services rendered in the execution of brokerage orders (or indeed, the commission business) on the Exchange.

It is our view that to avoid these problems, the services for which a participating broker is compensated should (a) be necessary for the completion of the transaction, (b) involve functions not performed by the transmitting or executing broker, and (c) not be directed by or on behalf of a public customer.

The Commission does not object to splitting commissions between members where the member originating the order is not equipped to perform the floor brokerage or clearing function. Under these circumstances, we would expect that the normal correspondent relationship would be continued, the rates negotiated, and the floor brokerage and clearance done in an efficient and necessary manner with appropriate compensation. Stated another way, we are not suggesting that bona fide correspondent arrangements by firms which result in a sharing of commissions would be inappropriate unless such arrangements and the commissions paid to the correspondent arise directly or indirectly out of the customer request, direction, or understanding.

Conversely, it would not be appropriate for a transmitting or executing firm to use a wide variety of clearing firms in order to obtain a wide dispersion of commission income. Such a procedure would exacerbate regulatory problems and would constitute, in our view, an indirect rebate to the customer. Similarly, it would be inappropriate for a transmitting firm to use a wide variety of executing firms on a particular order. There are simpler and more direct methods other than by splitting commissions for members to fulfill among themselves obligations unrelated to the execution and consummation of commission transactions.

In short, the commission rate structure should provide for compensation for members' services and not permit rebating for customer benefit through the device of unnecessary or duplicative paper work. This letter of course is not addressed to the appropriate level of commissions or to the nature of services which are rendered generally by transmitting or originating firms which are covered by the minimum commission.

A question might be raised whether the approach set forth above will not result in the fragmentation of orders among many transmitting or executing firms by customers who seek to reward a number of brokers. The Commission believes institutions and others acting in a fiduciary capacity are under a legal duty to obtain the best execution for their principals. We believe that the direction of orders to firms by customers who hold such a fiduciary relationship to others should and normally will be done in a manner entirely consistent with their best execution. We can exercise our jurisdiction to that end.

Closely related to the foregoing is the question of volume discounts. None of our national securities exchanges have rules providing for direct volume discounts although institutional membership on exchanges has provided, indirectly, savings to the underlying shareholders of some such institutions. At the present time the commissions given away by transmitting or executing firms do not inure to the benefit of the great number of small customers who indirectly invest through institutional media. Since such commissions as are now given away do not reduce the cost to the executing brokers and are received by persons having little or nothing to do with the order, we believe it is appropriate for all exchanges to consider a volume discount for such customers. We believe that a discount should be so devised that it will not restrict the normal discretion of a customer or broker as to the manner or timing of the execution of orders.

We do not wish to place a customer in a position of having to execute substantial orders in a short period of time in order to obtain a discount when prudent judgment might dictate otherwise. We request, therefore, that the exchanges consider the amount of an appropriate volume discount, the appropriate break-points for such discounts, the definition of "an order" and whether such discounts should apply to transactions in size for a particular customer during a day, week or longer period. Among the problems we wish to consider is the relationship between volume discounts and executions on more than one Exchange. Although the subject of volume discounts is linked to the problem of give-ups, we do not intend to suggest that volume discounts need necessarily be uniform among all exchanges or that the resolution of either matter should be a condition precedent to making progress with the other.

California and Nevada, to have higher dividend rates than other associations around the country. For many years this was necessary due to the tremendous population growth and housing market.

Now, Mr. Speaker, I believe it is time for the Board to look at this practice very carefully. This is not time for the many thousands of already hard-pressed associations to bear the brunt of uneven competition from their own industry.

Mr. Leo W. Tosh, president of the Rusk Federal Savings & Loan Association, of Rusk, Tex., in my congressional district, has written me on this matter, speaking of the difficulties this policy presents to Texas savings and loan associations. I am inserting Mr. Tosh's letter into the RECORD following my remarks for my colleagues' information:

RUSK FEDERAL SAVINGS & LOAN,
ASSOCIATION,
Rusk, Tex., July 27, 1966.

In re Banking Committee's certificate of deposit-dividend bill.

Hon. WRIGHT PATMAN,
Rayburn House Office Building,
Washington, D.C.

DEAR MR. PATMAN: According to the information I have before me, the Bill which your good Committee has approved is pretty well what the savings and loan and banking industries need with the exception of, and I would like to strongly urge you to remove from, the Federal Home Loan Bank's authority and privilege of allowing different rates of dividends for savings and loan associations *because of their geographic locations.*

It simply does not make good sense to me to allow the California Associations to pay a higher rate of dividend than the Associations in Texas may pay. Such is now the case and it is causing millions of dollars of Texas funds to move to California, which is like a foreign land so far as Texas is concerned. The ceiling for bank interest rates and the ceiling for savings and loan dividend rates should not be determined by geographic locations—this would be a sad mistake and would be exceedingly harmful to the savings and loan industry in Texas.

Please, therefore, use the strength of your good Office to eliminate the geographic location provision in this Legislation and greatly oblige.

Very truly yours,
LEO W. TOSH,
President.

LONGTIME DEMOCRAT HITS HIGH INTEREST POLICIES OF FEDERAL RESERVE CHAIRMAN MARTIN—WARNS OF RECESSION

Mr. PATMAN. Mr. Speaker, I ask unanimous consent to extend my remarks at this point and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. PATMAN. Mr. Speaker, just recently I received a most interesting letter from a Democrat who first voted in the selections of 1912, when Woodrow Wilson was elected President. The letter, written by Whitefoord S. Mays, Beverly Hills, Calif., more than a half century later, concerns the same problems facing the American public in 1912. The big issue of that election year was public-versus-private control over the Nation's monetary system. The voters had had enough of paying homage to a handful of Wall Street financiers. In 1913, President Wilson made good on his campaign promise by insisting that the newly created Federal Reserve Board be composed of public officials and not bankers.

As Mr. Mays' letter clearly indicates, over the years the bankers have regained their sway over the public's monetary system in the personage of William McChesney Martin, Jr.

Mr. Mays thoughtfully included his letter written to President Johnson last December 6 which refers to his telegram to the President of that same day. In both the letter and the telegram, Mr. Mays severely criticized the Federal Reserve Board's edict hiking interest rates across-the-board and correctly predicted the inflationary impact of higher interest rates.

With unanimous consent, I will insert at this point in the RECORD the letter to me from Mr. Mays dated July 27 and his enclosed letter of December 6 to President Johnson:

MAYS & CO.,
Beverly Hills, Calif., July 27, 1966.

Hon. WRIGHT PATMAN,
Chairman of Banking and Currency Committee, House of Representatives, Washington, D.C.

DEAR MR. PATMAN: For years I have followed your career as Chairman of the House Banking Committee, and particularly your differences with Chairman Martin of the Federal Reserve Board. I am taking the liberty of enclosing a copy of a letter I wrote President Johnson on December 6, 1965.

Without desiring to be a Cassandra it would seem to me that my prognostication regarding rate increases and inflation are entirely obsolete because, as you know, the prime rate for big borrowers has been increased from 4½ to 5¾ percent with threats of another increase in the near future. God knows what the medium size borrower is paying . . . but I had occasion to talk to two of my clients recently who borrow substantial amounts from the banks with commensurate balances, and I was told that the rates are now about 7 percent.

Out here mortgages through the Savings & Loan Associations are almost unobtainable, but when funds are available, the borrower is called on to pay about 7½ percent on his twenty-five year loan with exactions of anywhere from five to seven points.

Despite the so-called shortage in money for business loans and mortgage loans, the banks are falling all over themselves in advocating "ready reserve accounts" and "balance-plus accounts" where people of less than modest means are encouraged to "buy now and pay later" at a rate of 18 percent per annum.

Statements being published by the big banks show increases of anywhere from 10 to 15 percent over last year without giving effect to recent rate hikes.

I realize that President Johnson has his hands full on both foreign and domestic fronts, but frankly I am disappointed that he has not taken direct action to stop this "escalation" of interest rates which has added to . . . rather than detract from . . . inflation.

I read an article in the Federal Reserve Bulletin recently by Mr. Maisel indicating that the interest paid last year on all indebtedness was seventy billion dollars . . . state, government, and private. As I see it, borrowing rates have gone up at least 30 percent since December, and while, of course, some of the loans in force are on a long term basis, I think you could readily assume that the cost to the borrower—public and private—has increased at least ten billion dollars per year.

President Kennedy in my opinion took proper action in respect of the steel price increase which would have amounted to six million dollars per year, and President Johnson has taken similar action in respect of price increases on aluminum, copper and molybdenum. I do not know what the tonnage is on these three items, but I would say that the sum total would be a mere bagatelle in comparison to the increases I have noted in interest * * * perhaps one billion dollars vs. ten billion dollars.

Congressman ULLMAN in a recent press statement averred that the tight money issue would work to the decided disadvantage of Democratic candidates in the 1966 election, and might cost them forty seats. I think he is more than conservative in this statement, and from a political standpoint the interest issue plus inflation will be much more harmful, and might well result in the loss of effective control over Congress. I don't mind bringing up the political aspects of this matter, since as I said to President Johnson, I have been voting the Democratic ticket since 1912 without deviation, and while I am too old to change, I think you will find a great many others who are thoroughly dissatisfied with the inaction of the administration on this matter.

Another point I would like to mention is that in the desire of the big banks to put the Savings & Loans out of business, they have been very short-sighted. If they had kept the rates for Certificates of Deposit at 4½ percent, any temporary advantage the Savings & Loans might have continued to enjoy would have been quickly translated into demand deposits rather than time deposits.

The New York banks raised the interest rates on call loans to 15 and 20 percent in 1929. This did not stop borrowing or inflation. You and I can well remember the terrible aftermath, Like the Bourbons * * * "they seem to forget nothing and learn nothing."

Enclosed is a clipping from Newsweek, August 1, 1966, emanating from one of the high priests of tight money, Henry Hazlitt who is even way to the right of Chairman Martin. I think perhaps he would call 10 percent a very reasonable interest rate.

Apparently your Senate counterpart in Virginia was not favored recently by the voters, although enthusiastically supported by the bankers!

In closing, let me say that I figure we are now in Martin recession No. 5!

I am confident you will do everything you can to right this appalling situation which could have been avoided without making a hock shop of the American banking system.

Respectfully yours,
WHITEFOORD S. MAYS.

DECEMBER 6, 1965.

Hon. LYNDON B. JOHNSON,
President of the United States,
Texas White House,
Johnson City, Tex.

DEAR MR. PRESIDENT: In spite of the fact I knew you were deluged with thousands of communications daily, I took the liberty of sending you a wire this morning as follows:

"I am astounded and shocked at the surreptitious action of the Federal Reserve Board increasing discount rates which will add to inflation rather than detract from it. It seems to me that the allowable increase on the certificates of deposit further exacerbates an unsound situation. Apparently they think you are a paper tiger, but I am confident you will protect the people's interest to the utmost as you always have. With great respect, I am . . ."

We are anxious to receive your written suggestions and comments on or before August 15, 1966. In the meanwhile, if you have any questions, please do not hesitate to communicate with the undersigned or Mr. Eugene H. Rotberg, Associate Director for Markets and Regulation.

Sincerely yours,

Irving M. Pollack,
Director.

Securities and
Exchange Commission,
Washington, D.C., July 18, 1966.

Re odd-lot-trading.

Mr. Edwin D. Etherington,
President, American Stock Exchange,
New York, N.Y.
Mr. Frederick Moss,
President, Boston Stock Exchange,
Boston, Mass.
Mr. Charles H. Steffens,
President, Cincinnati Stock Exchange,
Cincinnati, Ohio.
Mr. Roy F. Delaney,
President, Detroit Stock Exchange,
Detroit, Mich.
Mr. James E. Day,
President, Midwest Stock Exchange,
Chicago, Ill.
Mr. Edward T. McCormack,
President, National Stock Exchange,
New York, N.Y.
Mr. G. Keith Funston,
President, New York Stock Exchange,
New York, N.Y.
Mr. Thomas P. Phelan,
President, Pacific Coast Stock Exchange,
San Francisco, Calif.
Mr. Elkins Wetherill,
President, Philadelphia-Baltimore-Washington Stock Exchange, Philadelphia, Pa.
Mr. Ralph S. Richards, Jr.,
President, Pittsburgh Stock Exchange,
Pittsburgh, Pa.
Mr. George J. Potter,
President, Salt Lake Stock Exchange,
Salt Lake City, Utah.
Mr. G. C. George,
President, Spokane Stock Exchange,
Spokane, Wash.
Mr. A. B. Harrisberger,
President, Colorado Springs Stock Exchange,
Colorado Springs, Colo.
Mr. Robert W. Haack,
President, National Association of Securities Dealers, Inc., Washington, D.C.

Gentlemen: On July 1, 1966, the New York Stock Exchange, at the request of the Commission, changed the "break-point" for the charge for odd-lot executions on that Exchange. In making that request, we took into account all relevant data and arguments, including those submitted by regional stock exchanges. Some of these exchanges urged that the Commission undertake further study of the structure and arrangements for odd-lot trading on all exchanges and offered to cooperate in such a study. The Commission also stated that it expected a further review of the odd-lot differential charge to be made promptly after the end of 1966.

We have determined to extend our inquiry into the mechanics and principles under which odd-lot transactions are effected in all securities markets. We are enclosing, for your information, a copy of an order of investigation, issued by the Commission, which authorizes an inquiry into the subject matter. The issues and problems set forth below have been raised by responsible persons in the securities industry and provide a focal point to which your comments might be addressed. In order to expedite this inquiry we would appreciate your specific comments thereon by August 15, 1966, after which we expect to contact you for a more extensive discussion of your responses, comments and suggestions.

1. The methods by which automation could or should change the present odd-lot structure.

2. The desirable "triggering" relationship between odd-lot and round-lot executions on the exchanges.

3. The feasibility and desirability of limiting the execution of odd-lots to the specialist in some or all stocks.

4. The desirability of having all odd-lots executed in one or more of the auction markets.

5. The appropriate level of commissions for the execution of odd-lots and the floor brokerage or clearance charges, if any, which would be applicable to such executions as well as the propriety of an odd-lot differential being charged by specialists when such activity is closely related to their round-lot business in the same securities.

6. Whether the requirements as to any of the foregoing should be uniform with respect to all exchanges.

7. The relationship of odd-lot executions in the third market to the odd-lot executions and the differential charged on national securities exchanges.

8. The feasibility or utility of price competition in odd-lots between markets.

9. The impact of the current break-point ($55) on your members' income and profit and the feasibility of reports which would identify the significance of odd-lot differential income to such firms.

We believe your views would be most helpful in resolving the above or any other questions which you may consider pertinent to a study of odd-lot trading. If you have any questions on this matter, please communicate with the undersigned or Eugene H. Rotberg, Associate Director.

Sincerely yours,

Irving M. Pollack,
Director.

RACIAL DISCRIMINATION IN HOUSING

Mr. HICKS. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from Washington?

There was no objection.

Mr. HICKS. Mr. Speaker, while we debate this important civil rights legislation here today, I think it is heartening to note that some of the people who are most directly concerned, and most influential—and sometimes the most blamed, it seems—in the problem of racial discrimination in the sale of housing, are themselves taking action to help eliminate such discrimination.

I refer specifically to the board of realtors in my hometown of Tacoma, Wash., and in general to the Washington State Association of Realtors.

The Tacoma board, with the cooperation of the State association, has taken the initiative to rid the real estate business of discrimination insofar as realtors themselves are able to do so without dictating to their clients, by adopting a standard of practices.

It seems to me, Mr. Speaker, that if all of the people involved in the real estate industry in this country were to take action as responsible as this, and the industry were to police itself carefully, there would be little need for legislation to eliminate discrimination in housing.

I wish to include in my remarks at this time the full standard of practices adopted by the Tacoma Board of Realtors:

The Tacoma Board of Realtors subscribes to the policy that a favorable public attitude for equal opportunity in the acquisition of housing can best be accomplished through leadership, example, education and the mutual cooperation of the real estate industry and the public.

The following is hereby stated as the Code of Practices of the Tacoma Board of Realtors:

1. It is the responsibility of a Realtor to offer equal service to all clients without regard to race, color, religion, or national origin in the sale, purchase, exchange, rental, or lease of real property.

a. A Realtor shall stand ready to show property to any member of any racial, creedal, or ethnic group.

b. A Realtor has a legal and ethical responsibility to receive all offers and to communicate them to the property owner. The Realtor being but an agent, the right of decision must be with the property owner.

c. A Realtor should exert his best efforts to conclude the transaction.

2. Realtors, individually and collectively, in performing their agency functions have no right or responsibility to determine the racial, creedal, or ethnic composition of any neighborhood or any part thereof.

a. A Realtor shall not advise property owners to incorporate in a listing of property an exclusion of sale to any such group.

b. A Realtor may take a listing which insists upon such exclusion, but only if it is lawfully done at the property owner's instance without any influence whatsoever by the agent.

3. Any attempt by a Realtor to solicit or procure the sale or other disposition in residential areas by conduct intended to implant fears in property owners based upon the actual or anticipated introduction of a minority group into an area shall subject the Realtor to disciplinary action. Any technique that induces panic selling is a violation of ethics and must be strongly condemned.

4. Each Realtor should feel completely free to enter into a broker-client relationship with persons of any race, creed, or ethnic group.

a. Any conduct inhibiting said relationship is a specific violation of Article XIX of the rules and regulations of this board, and shall subject the violating Realtor to disciplinary action.

TEXAS SAVINGS & LOAN ASSOCIATION OPPOSES FEDERAL HOME LOAN BANK BOARD POLICY OF ALLOWING DIFFERENT DIVIDEND RATES ON GEOGRAPHIC BASIS

Mr. PATMAN. Mr. Speaker, I ask unanimous consent to extend my remarks at this point in the Record and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. PATMAN. Mr. Speaker, thrift institutions throughout the country are experiencing their most difficult period in 30 years due to the artificial credit stringency forced upon the economy by the Federal Reserve Board. For many years it has been the policy of the Federal Home Loan Bank Board to allow certain sections of the country, notably in government to follow. Please extend my personal congratulations to every employe of your operation in making the Waco VA Regional Office the outstanding office in the country," TEAGUE's telegram said.

The congressman added: "I have always harbored a belief that Texans can do almost any job better, and your outstanding performance despite major handicaps, strengthens that conviction. Keep up the good work."

Congressman W. R. POAGE of Waco wired Coker:

"The Waco VA office long has had a fine record of productivity. I was not therefore surprised to learn that your office was selected as the outstanding office in the United States having the highest productivity rating in the nation. I congratulate you and I look forward to the establishment of even greater records. Please extend my congratulations and best wishes to all your employes . . ."

The productivity rating of VA offices is based on the amount of work turned out in every phase of operation, from top management to messenger service.

The Waco Regional Office, which covers one of the largest land areas (two-thirds of Texas) and administers one of the heaviest loads of benefits (over 700,000 veterans) of any VA office, is ranked No. 1 in competition with all VA offices in the United States.

William J. Driver, administrator of veterans affairs in Washington, announced the top rating earned by the Waco VA Regional Office. "The result of efficiency of operations is better service to the veterans of this nation, who so ably served their country in time of need," Driver said.

Waco Manager Jack Coker said that "I am extremely proud of our employes and their achievements and the top productivity rating.

"This record resulted from the dedication of every employe in the organization to do a better job. They have a great capacity for excellence and recognition."

Since 1963 the Waco VA office has consolidated regional offices formerly located at Dallas and Lubbock, both of which were larger than the original Waco VA office.

The Waco VA office only this year moved into new quarters on Valley Mills Drive, a building which was dedicated formally by Administrator Driver.

The man-hours of work required by consolidation and moving were not subtracted in the efficiency calculations, Driver said, but were included in computing the rating, which makes the achievement even more outstanding.

The Waco VA Regional Office administers to 164 Texas counties, extending from border to border. VA offices in Dallas, Lubbock, El Paso and Midland are supervised by the Waco staff. Contact offices at Veterans Hospitals in Waco, Dallas, Amarillo, Big Spring, Marlin, Temple and Bonham also are under Waco regional office supervision.

More than 500 employes staff the regional office, according to Ray Todd, assistant manager. He said the new GI Bill, adding Viet Nam and those who served after Korea, has increased the workload which is being handled by the existing Waco work force.

David Goodwin, management analysis officer, said many new management techniques instituted by the Waco VA office have helped to increase productivity.

John R. McCarroll, chief, administrative division, said that there are more than 675,000 veterans' files utilized in the work of the Waco office.

Coker said copies of Congressman TEAGUE's telegram will be forwarded to all VA offices in the region.

Glyndon Hague, former manager of the Waco office and now special assistant to the chief benefits director, praised Manager Coker and the employes of the Waco office.

There is no doubt about it," Hague said, "Jack Coker is one of the outstanding executives in the federal government and the employees of Waco VA have virtually performed miracles during the past four years. If every government office did its job as well as Waco VARO the administrative problems in government would all but disappear. These people are tremendous."

WICKER BLASTS LONG CAMPAIGNS

Mr. MONAGAN. Mr. Speaker, I ask unanimous consent to address the House for 1 minute, to revise and extend my remarks, and to include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from Connecticut?

There was no objection.

Mr. MONAGAN. Mr. Speaker, Tom Wicker in his New York Times column of July 28, 1966, said what I have been saying for years, but he said it so much better than I have that I want to include it here.

I have long maintained that our long presidential campaigns take an inordinate toll of both the candidates and the public and end by failing signally to achieve their objective of bringing the issues to the voters for rational discussion. All this is done at a cost that staggers the imagination through expenditures which might be put to a much better use.

I urge that these campaigns be limited by law to 60 days. My bills, H.R. 96 and House Joint Resolution 16, would accomplish this objective.

Read what Mr. Wicker says about the effects of some of the recent presidential campaigns upon the candidates who were involved.

I hope that consideration will soon be given to my bills by the Congress so that our quadrennial political circus can be brought to the same normal and reasonable limts which obtain in nearly every other civilized country in the world.

THE HOMECOMING OF BARRY GOLDWATER

(By Tom Wicker)

WASHINGTON, July 27.—Barry Goldwater revived today what used to be a substantial love affair between him and the Washington press that he first alienated and then denounced during the 1964 Presidential campaign.

The way he and his friends see it now, he told the National Press Club, "in our hearts we know you're doing your best—and in your hearts, you know we're right."

AFFAIRS OF THE HEART

This was not the only affair of the heart that crept into Mr. Goldwater's relaxed discourse. Speaking of his love for the Grand Canyon of his native Arizona, he said, "If I've ever had a mistress, this is it. It may not be the kind you'd think of, but it tells no tales."

This was vintage Goldwater of the pre-1964 variety—relaxed, amiable, mildly profane, full of Rotarian humor, tanned and smiling, every inch a man who enjoys cooking hamburgers on the backyard grill and hates to shave on Sundays.

Asked how he would solve the big-city race riots, Mr. Goldwater said first what most Americans would—"That's a helluva question." And when he showed a home movie of the Grand Canyon that included scenes of himself being ducked in the Colorado River he closed on a final shot of a derisive sign painted on the canyon wall—"Tippecanoe and Barry too."

"I never did understand what that meant," he said.

Not enough Americans got a look at this likable Goldwater during the 1964 campaign. Our national political epics, in fact, have become so big, so long, so impersonal, so bound up with communications and technology, so centered on images rather than men, that it is almost miraculous if the voters are able to sense any more the real quality of the human beings they must choose between. Worse, the pressures of these quadrennial marathons on ordinarily stable and reliable men are brutal.

A MERE SHADOW

The 1960 campaign reduced Richard Nixon to a gaunt, irritable, almost frantic shadow—as the public saw him in the last days—and even John F. Kennedy in the stress and rigors of those relentless months disclosed little of the humor and intellect that were to distinguish his brief Presidency.

So mild a man as Dwight Eisenhower turned peevish at Adlai Stevenson's quips, and the eloquent Stevenson of 1952 eventually wound up as a perspiring, harried man going through obviously repugnant motions in the hopeless final months of 1956.

In 1964, Mr. Goldwater never really seemed to recover his poise after his first exposure to the pressure of Presidential campaigning in the New Hampshire primary. From that point on, he grew steadily more remote, his natural good humor ebbed away and his reluctance to mingle with crowds and reporters became a fixation.

Millions of Americans saw him only as a dour, bespectacled, rather frightening figure speeding past in a closed limousine, or propounding vaguely frightening propositions from a faraway podium while the ever-present faithful screamed fanatically.

Just once today Mr. Goldwater disclosed something of what the crucible of 1964 must have been like for him. He had made his famous speech extolling "extremism, in the defense of liberty," he said, after he had been "completely taken apart, cut up and spit out by two men I thought were friends —a reference to his bitter struggles with Nelson Rockefeller and William Scranton. "I was pretty fed up at the time," Mr. Goldwater said, in obvious understatement.

The pressures of national political campaigning surely will continue to mount as the stakes grow ever larger, and it will become even harder to see the real men involved as more and more candidates hire public relations firms and television directors to retool, repaint and recharge them for the race.

There is probably not much use lamenting this, but it may account for a special quality in the welcome the old Barry Goldwater received today from his friends. Not many of them ever thought he was Presidential timber and even fewer liked his 1964 campaign. He still displayed an unsurpassed ability to refine complexities into misleading simplicities—as when he streamlined Martin Luther King's doctrine of civil disobedience into the charge that Dr. King had urged Negroes "to take the law into their own hands."

MAN AND IMAGE

But it's hard to hold that too much against a man who could take the licking he did and then say today that he had "arrived two years late for the Presidency and two weeks early for the wedding." The image never did do credit to the man, and there are not many politicians of whom that can be said.

AMERICAN EDUCATION SYSTEM

Mr. WILLIAM D. FORD. Mr. Speaker, I ask unanimous consent to

I was shocked and disappointed at the action of the Federal Reserve Board in respect of the discount rate, and also at the action of four New York banks who raised the prime rate to 5 percent today. All of this is surreptitious and defiant action of your judgment as repeatedly expressed. It really reminds me of the time in 1929 when Mr. Hoover mildly objected to the increase in call money rates to 15 percent (which did not stop speculation). At that time Mr. Charles E. Mitchell of the National City Bank when questioned about Mr. Hoover's remark said, "Let Mr. Hoover attend to his business and we will attend to ours."

I was in extensive correspondence with Secretary Fowler in October, and at that time I pointed out that during the first eight months of the current year, the increase in capital funds of all commercial banks amounted to $1,595,000,000, whereas in the comparable period in 1964 the increase amounted to $1,091,000,000, a gain in 1965 of about 35 percent. These figures were after the payment of taxes and dividends. It seems to me that this answers the plea of the banks that they need more revenue, although they hypocritically based their advocacy of increased rates as a cure for inflation and the balance of payments.

If the ½ percent increase in rates sticks, this would bring a windfall of virtually a billion dollars per year into the banking system before the payment of taxes with little or no increase in overhead.

There is another point which I am sure has occurred to you and to your advisors, and that is that the prime rate increase of ½ percent would add a very small cost to the bank's operations, since the last Federal Reserve Bulletin which came today reflects the total borrowings from the Reserve (only 10 percent from Reserve) and other banks as $5,780,000,000 . . . or just about 3 percent of the total loans of $192,800,000,000. You can well see that an increase of 3 percent of ½ percent is almost infinitesimal. Of course, they will endeavor to pass the full ½ percent on to their customers.

I really feel a little apologetic about writing you, but as, first, a citizen, second a tax payer, and third, as a life-long Democrat who cast his first vote for Woodrow Wilson in 1912, I think that I should add my moral support to your position, and I hope that these unwarranted, arrogant and unjustified acts will soon be rescinded.

With great respect, I am,

Faithfully yours,

WHITEFOORD S. MAYS.

CHAIRMAN COOLEY ASKS THE PRESIDENT TO SUPPORT LEGISLATION TO HELP END THE DEPRESSION IN THE HOMEBUILDING INDUSTRY

Mr. PATMAN. Mr. Speaker, I ask unanimous consent to extend my remarks at this point in the RECORD and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. PATMAN. Mr. Speaker, my good friend, chairman of the House Committee on Agriculture, HAROLD D. COOLEY, of North Carolina, has sent me a copy of a letter that he sent to President Johnson concerning the crisis which presently exists in the housing industry. I am pleased to call this very fine letter to the attention of the Members since it points out so many of the aspects that the House Banking and Currency Committee, of which I am chairman, has studied in the past few months.

Chairman COOLEY points out the disastrous drop in housing starts and the effect that this has on our labor market. It also means many thousands of families who have long looked forward to owning their own homes are now denied this prospect because of this artificially created credit crisis.

The House Banking and Currency Committee has reported out legislation which seeks to correct this stifling contraction in the mortgage market and seeks to end the spiraling savings rate war. I appreciate the support which the distinguished chairman of the Committee on Agriculture has given to the Banking and Currency Committee's proposals. Mr. Speaker, I urge the Members to consider very carefully this clear, forthright analysis of the present crisis in the home building industry.

Chairman COOLEY's letter follows:

HOUSE OF REPRESENTATIVES,
U.S. COMMITTEE ON AGRICULTURE,
Washington, D.C., August 1, 1966.

THE PRESIDENT,
The White House,
Washington, D.C.

DEAR MR. PRESIDENT: The crisis in credit that is stifling the housing industry in this country commands the immediate attention of all of us who have any responsibility to the people.

Government monetary policy measures have brought on a disastrous interest rate war and a violent shift of funds hitherto available to finance home mortgages. As a consequence, the home building industry is hamstrung; the agony of this industry now is spreading into other sectors of the economy and, more importantly, is being felt by the general public.

Home builders had great expectations of constructing 1,600,000 housing units in 1966. These expectations confidently embraced new homes for enterprising families, mitigation of slums, jobs for many thousands of skilled workers, and millions of dollars in new revenue for Federal, State and local government. The stimulation of general economic activity in this objective would have enabled the Federal Government to save great sums in expenditures aiding the unemployed and the destitute.

But we see now the annual rate of home starts and permits the lowest since the last two business recessions of the 1950's. Mortgages commitments of mutual savings banks in June were down 63 percent as compared with June of last year. Mortgage commitments of savings and loans associations in May were down 51 percent as compared with May of 1965.

Mr. President, if this trend continues in the next year, it may well mean that 800,000 fewer workers will be employed, $7 billion in construction expenditures will be lost, with an additional loss of $14 billion in related expenditures. All the industries and workers who supply materials for builders will be affected, and the shock wave developing in this vital industry will move violently across the general economy.

A great deal of today's restlessness and violence in our cities is being attributed by government spokesmen to slums and substandard housing; yet by Government policy we are crippling the one great free enterprise recourse to a solution of these housing and social problems.

We confront an emergency. This crisis is a consequence of Government policy. The House Committee on Banking and Currency, under the leadership of Honorable WRIGHT PATMAN of Texas, has developed legislation to deal with the inherent dangers in this policy.

Mr. President, I respectfully urge you to throw the weight of this Administration behind this legislation, and that you undertake other courses of action, to unshackle and unleash the building industry of this country, to provide homes for American families, jobs for millions of workers, to lessen Government expenditures for the destitute, and to increase the revenues of Government, at all levels. In doing this, Mr. President, I am certain the Nation will applaud your new demonstration of confidence in free enterprise as the one great hope for ultimate victory in the war against poverty in our Nation.

Very sincerely,

HAROLD COOLEY.

NO. 1 EFFICIENCY RATING AWARDED TO VA OFFICE, WACO, TEX., JACK COKER, MANAGER

Mr. PATMAN. Mr. Speaker, I ask unanimous consent to extend my remarks at this point in the RECORD and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. PATMAN. Mr. Speaker, seldom do our public officials receive the recognition they deserve. For that reason, I was delighted that one of the best, Mr. Jack Coker, manager of the VA Regional Office at Waco, Tex., and his outstanding staff, who serve over 700,000 veterans, were recently awarded the No. 1 efficiency rating for achieving the highest productivity rate of any VA office in the United States. The fine work that the Waco office performs daily in behalf of veterans is well known to me and other Members served by this regional office, and we have long been grateful for the services of Mr. Coker and his excellent team.

The Waco Tribune-Herald of July 31 took note of this award-winning performance, and under leave to extend my remarks, I include the article at this point:

WACO VA OFFICE MOST EFFICIENT

WASHINGTON.—The Waco Regional Office of the Veterans Administration has achieved the highest productivity rate of any VA office in the United States, it was revealed today by Congressman OLIN E. TEAGUE.

The top productivity rating, which means greatest efficiency in operation, was for the fiscal year which ended June 30.

Representative TEAGUE, chairman of the House Veterans Affairs Committee, wired his congratulations to Waco VA Manager, Jack Coker.

"Your efficient and effective management of matters pertaining to benefits to veterans, their dependents and war orphans, is to be highly commended," TEAGUE's message to Coker said.

"This achievement is all the more significant because of the unique and difficult problems the Waco office has faced in the past several years, not the least of which were a major consolidation and a move to new quarters.

"Your effectiveness in better serving the veterans of Texas at less administrative cost to the taxpayers is especially appreciated by your elected representatives who must answer to the people for the efficiency of their government. You have established an outstanding example of efficiency and economy for all address the House for 1 minute and to revise and extend my remarks.

The SPEAKER. Is there objection to the request of the gentleman from Michigan?

There was no objection.

Mr. WILLIAM D. FORD. Mr. Speaker, the proposed regulations, 26 CFR 1, as carried in the Federal Register for July 7, 1966, if enforced, will result in a serious setback to the work of the Congress in improving American education. This regulation will negate the effectiveness of much of the new legislation designed to improve the quality of instruction.

In hearings before the General Education Subcommittee, on which I serve, almost every witness stressed the importance, indeed the vital necessity, for teachers to be retrained and upgraded, not only in subject matter, but in new techniques of teaching.

While the Congress has provided some Federal fellowships and institutes for teachers, these are only a drop in the bucket compared with the need. By far the great majority of teachers voluntarily, and from their own meager financial resources, finance their own inservice training.

Despite a variety of Internal Revenue Service interpretations on the deductability of teachers' educational expenses, by and large in recent years, the rulings of the court have been in favor of deduction of such expenses by teachers.

The Internal Revenue Service now proposes that expenses incurred by teachers for courses which lead to advanced degrees in their profession will not be deductible. Most colleges are beginning to require post-baccalaureate students to enroll in planned programs leading to the advanced degree. Thus, the teachers are caught between the wise policies of institutions of higher education and the peculiar reasoning of the IRS. The net result will be that the step up in improving teacher qualifications will come to a virtual halt. And the schoolchildren are the ones who will suffer most.

On July 28, I introduced House Concurrent Resolution 927, which would express the sense of Congress that the IRS proposed regulation herein discussed not be made effective or enforced until Congress has authorized such a regulation by the Internal Revenue Service.

One of my distinguished colleagues from Michigan, Congresswoman Martha Griffiths, and many other Members have introduced bills to correct the confused situation brought about by IRS in relation to the deductibility of teachers' educational expenses.

It is my sincere hope that legislation of this type can be enacted by the 89th Congress. It is the purpose of House Concurrent Resolution 927 to deter the Internal Revenue Service from proceeding to further confuse the issue at this time, pending enactment of appropriate legislation.

AMENDMENTS FOR THE RECIPROCAL EXCHANGE OF AIR ROUTES WITH FOREIGN NATIONS

Mr. JARMAN. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The SPEAKER. Is there objection to the request of the gentleman from Oklahoma?

There was no objection.

Mr. JARMAN. Mr. Speaker, today I am introducing a bill which will amend a section of the Federal Aviation Act in order to correct a situation which places U.S. air carriers at a very serious competitive disadvantage with foreign air carriers. This bill, which is identical to bills already introduced by several Members of this body, will remove a procedural anomaly that has developed in the administration of the act that poses a very real threat to national interest.

Under the present provisions of the act, the President has authority to negotiate international agreements for the reciprocal exchange of air routes with foreign nations. Once an exchange of routes has been agreed upon, each nation designates a carrier or carriers to operate over that route. After designation, a carrier must, however, apply to the Civil Aeronautics Board for a formal license to commence operations. In the case of foreign air carriers, the procedures are simple and expeditious and, assuming Presidential approval, the CAB usually issues a foreign air carrier permit within a matter of 60 to 90 days after the filing of the original application. Once the foreign air carrier permit is issued, the foreign airline is fully authorized to commence service.

Mr. Speaker, in contrast to the simple and expeditious procedure enjoyed by foreign air carriers, under present law and regulation an American-flag carrier is almost always required to participate in a certificate proceeding before the CAB—an administrative process that typically involves many applicants and is inevitably awkward and time consuming, frequently requiring 4 or 5 years for completion. Only after this procedure is completed may an applicant receive a certificate authorizing it to begin service on the same route agreed upon by the two countries years before.

The bill which I am introducing today is designed to empower the President and the CAB to act to eliminate this competitive disadvantage. The bill will authorize the President and the CAB to act with equal promptitude in licensing American-flag carriers on routes now being exploited solely by foreign air carriers. Specifically, it authorizes the Civil Aeronautics Board to exempt one or more such carriers from the usual certification requirement for a temporary period, subject to approval by the President.

Mr. Speaker, we simply cannot afford to give foreign air concerns a head start in the exploitation of new international routes, particularly since a high proportion of the passengers traveling these routes will be U.S. nationals. I urge every Member of Congress to take steps to insure that this situation will be corrected during this session of Congress.

THE AIRLINE STRIKE

Mr. CRAMER. Mr. Speaker, I ask unanimous consent to extend my remarks at this point in the Record and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from Florida?

There was no objection.

Mr. CRAMER. Mr. Speaker, perhaps after a long, hard day of deliberations—and I hope it is about coming to an end—a comment relating to another subject matter might be a welcome relief at this point. I do not know exactly how to entitle these remarks. Perhaps it should be "The Red-Faced Florida Officials" or "Should We Take Up Our Abode in the Seminole Indian Tepee, Our Faces Being Sufficiently Red," or should it be, "The President Announces the Birth of a Beautiful Strike Settlement, but the Only Trouble Is It Was Stillborn."

Mr. Speaker, I read in the Sunday paper a rather interesting advertisement signed by my distinguished Governor of the State of Florida, Florida's outstanding Democrat leader, Haydon Burns, in which it says in the Washington Star of Sunday:

> Thank you, Mr. President . . .
>
> Six million Floridians join with me in congratulating you on the personal leadership that has now settled the crippling strike of five major airlines.
>
> We are taking this means of publicly expressing our gratitude to you for your leadership in ending this strike. All Florida thanks you.
>
> Respectfully,
> (Signed) Haydon Burns,
> *Governor of Florida.*

Well, Mr. Speaker, I did a little bit of checking, out of interest, because I just wondered where the money came from for this premature "thank you"——

Mr. GROSS. For a full-page ad?

Mr. CRAMER. For a full-page ad, thanking the President of the United States for an act not completed.

So I checked with the Florida Development Commission, and I guess that director is just about red faced enough to take up an abode in the tepee that I mentioned previously.

The Florida Development Commission advised me that this full-page ad cost $2,615 for this premature announcement—"Six million Floridians join with me in congratulating you on your personal leadership in settling the strike."

Mr. Speaker, I think it is about time that maybe someone had ought to join me in demanding, along with those 6 million Floridians, that the money be returned.

Mr. YOUNGER. Mr. Speaker, will the gentleman yield?

Mr. CRAMER. I yield to the gentleman from California.

Mr. YOUNGER. Mr. Speaker, I thank my colleague from Florida for yielding.

Mr. Speaker, I received a telegram today which was quite interesting, addressed to my office, as follows:

> Airline strike must be lifted. Losses in flower industry mounting. Government plane carrying Luci's flowers while other customers are denied transportation. Please urge your committee to recommend compulsory arbitration.
>
> Bill Enomoto,
> *President, San Mateo County Farm Bureau.*

Mr. CRAMER. They need the benefit of a full-page ad too, I guess, "Thank you, Mr. President."

Mr. MAHON. Mr. Speaker, will the gentleman yield?

Mr. YOUNGER. I yield to the gentleman from Texas.

Mr. MAHON. Mr. Speaker, I wonder if the gentleman from California [Mr. Younger] could provide me documentation for this allegation that a Government plane is carrying flowers for the wedding?

I have had a preliminary check made, and find no information as of this date to that effect.

I cannot vouch for what the real facts are, but the preliminary check indicates than no flowers are being brought to Washington from California for the wedding by a Government plane.

Mr. YOUNGER. Mr. Enomoto, the President of the Flower Association out there, says so, and I am taking his word for it. I have not checked it.

Mr. MAHON. Are they bringing the flowers from California to Washington—is that the gentleman's understanding?

Mr. YOUNGER. Well, our State and our county particularly furnished most of the flowers for the big ceremony over in England. We do that all the time. It is a great source for orchids.

Mr. CRAMER. Mr. Speaker, if the gentleman is going to use all of my time in bragging about California, I am going to have to refuse to yield further. I am sure that this full-page ad will be of sufficient interest to all Members, and I shall have it placed in the Record.

The matter referred to follows:

[From the Washington (D.C.) Sunday Star, July 31, 1966]

THANK YOU, MR. PRESIDENT . . .

Six million Floridians join with me in congratulating you on the personal leadership that has now settled the crippling strike of five major airlines.

Of all the issues at stake in this tragic strike, none was greater than the public welfare. Your action has demonstrated your understanding of the devastating effects of this stoppage upon millions of wage-earners and businessmen who were innocent victims of this dispute.

A continuation of this strike would have inflicted even greater damage on the already severely affected economy of Florida and the many other areas of the nation that were deprived of vital air transportation facilities. Your own "VISIT USA" program to which so much effort has been devoted would have suffered a still more serious setback as additional numbers of Americans would have vacationed abroad while our visitors from overseas would have cancelled their plans to visit our country. This was a situation that urgently called for the national leadership that only the President can provide.

As America's leading resort state, Florida now looks forward to welcoming a midsummer floodtide of family vacationers who will come from all parts of the nation and from Latin America and Europe as well.

We are taking this means of publicly expressing our gratitude to you for your leadership in ending this strike. All Florida thanks you.

Respectfully,

Haydon Burns,
Governor of Florida.

COMMUNICATIONS AND THE KNOWLEDGE INDUSTRY—ADDRESS BY ROBERT W. SARNOFF

Mr. WATSON. Mr. Speaker, I ask unanimous consent that the gentleman from California [Mr. Younger] may extend his remarks at this point in the Record and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from South Carolina?

There was no objection.

Mr. YOUNGER. Mr. Speaker, Mr. Robert W. Sarnoff, president of the Radio Corp. of America, delivered an address at the commencement exercises at Washburn University, Topeka, Kans., on June 5, on the subject "Communications and the Knowledge Industry." His address follows:

COMMUNICATIONS AND THE KNOWLEDGE INDUSTRY

(Address by Robert W. Sarnoff)

I am profoundly honored by the degree Washburn University has conferred on me, and I am privileged to join you in one of the most stirring ceremonials of an educated society. Although my own commencement occurred 27 years ago, it is not so ancient that I cannot share the excitement and challenge that surround this occasion. I hope, however, that it has also been time enough for me to acquire the appearance of gravity that is expected of a representative of an older generation when addressing a younger one.

There have been times when the dialogue between our generations has had an uncertain and elusive quality. In recent years, commencement speakers have not always known whether to reprove their listeners for insufficient concern with the world or an excess of it—for sitting out or sitting in. As a result, some of us have become like Mark Twain, who doubted the ability of the generations to communicate at all. Twain left home at the age of 18 because he thought his father was too far behind the times. He returned at the age of 24 and remarked that he could not get over how much his father had learned in six years.

If occasionally we have not been communicating on the same wave length, and there has been too much static in the air, it seems to me that this is due not so much to a difference in our years but to a fundamental difference in our times. The world has changed more in the 20 or so years of your existence, since World War II, than in all the previous millennia of recorded history.

Your generation has witnessed, among the many changes, a population explosion of newly independent nations, a epidemic of international conflicts, and the steadily increasing role of government in society. You have also been privy to the first glimpses of man's ultimate control over his environment—the unleashing of thermonuclear forces, the extension of the electron to virtually every human activity, the exploratory probings into the secrets of life, the reaching out to the moon and planets. The wonder is that we communicate with each other as well as we do.

Whatever the distance between us, there is a bridge that can bring meaning and understanding to our dialogue. You cannot venture into the uncertainties of the future without reference to the certainties of the past. Your challenge is to join the forces of the old and the new—experience and experiment, history and destiny, the world of man and the new world of science. How well you achieve this synthesis will be the measure of your future successes or failures. We can at least help you part of the way in constructing the bridge.

Perhaps the most distinctive characteristic of this era is its emphasis on an element of power that has not been fully utilized in the past to advance the human destiny. That power is knowledge. Like electricity and other forms of physical energy, it can be channeled into new products and services, new human activities, and even the creation of new forms of society.

The preoccupation with knowledge has moved outward from the classroom and the laboratory into the business office and government bureau, farm and factory; from the seats of learning to the centers of decision. It has even been suggested that the entire business of man ultimately may become learning and knowing, and all forms of wealth will be created by the movement of information.

THE "KNOWLEDGE INDUSTRY"

The "knowledge industry," as the experts are beginning to call it, covers the entire information spectrum, from research and education to television and publishing. It is everything that relates to the acquisition, processing, and dissemination of information. This industry is growing at a rate twice that of the economy as a whole, and by the time most of you are 40 it may account for as much as half the gross national product. Consider, for example, the information that will be streaming in from satellites scanning the world of space, from electron microscopes probing the world of the molecule and atom, from computers assembling, sorting, and retrieving every item of knowledge recorded by humans.

Moreover, this industry generates its own momentum. Each increase in the sum of knowledge increases the complexity of the society which uses it, and this, in turn, calls for more knowledge. It is small wonder that the world's information, which is doubling with each generation, has grown far beyond the capacity of any individual to comprehend it all. And this has led to a dilemma and a crisis in the human condition and the social organism.

THE RISE OF SPECIALIZATION

Because no man is a computer, capable of total information storage and recall, he is penned increasingly into areas of specialization—forced to make a choice of interests, condemned to know more and more about less and less. The result is that at a time when he should encompass an increasingly wide range of knowledge, his scope has narrowed. Specialization has bred parochialism and ignorance of other fields. Ignorance has led to indifference, and indifference has sometimes festered into hostility. Nowhere is the schism more evident and nowhere is it potentially more perilous to the progress of mankind than the one which exists between technology and the humanities.

The estrangement is not altogether novel. Marshall McCluhan, the provocative student of technology and communications, places the great divide in the late Renaissance, when the invention of the printing press finally assigned the symbols of the two cultures—the scientific and the humanist. Numbers were established as the language of technology, and letters as the language of the humanities.

In the centuries since Gutenberg, the gulf between these disciplines has steadily grown wider. New discoveries and inventions, proceeding at an accelerating rate, have greatly extended man's perception and control of his natural environment. In sheer volume, these developments have far outstripped progress in the perception and control of the human environment. This imbalance has further aggravated the division.

Scientists, engineers, and technicians—increasingly important members of the population—are often too preoccupied to give serious consideration to the humanities and social fields. Thus, they frequently suffer from the absence of values which give meaning to life and direction to work. Talents which could be tremendously helpful in the social fields are seldom put to such use.

THE FEAR OF TECHNOLOGY

On the other hand, the creative artist and social commentator rarely take the time or make the effort to understand the technology that has become so much a part of their life and times. From their ignorance and misunderstanding springs the mistrust of science that permeates so much of today's creativity.

A recurring theme in literature, typified by the novels of Aldous Huxley and George Orwell, is that man has lost control of his technology. Like the sorcerer's apprentice, he has become the slave instead of the master of the machine. The French sociologist, Jacques Ellul, carries the thought a step further by asserting that it is not merely the machine that is taking over but what he describes as technique, or the movement to rationalize and standardize all human activity. This force, which he says has become an end in itself, is subverting the traditional values and dehumanizing man himself.

The fear of technology is as ancient as the legend of Prometheus stealing fire from the gods or the story of the Chinese sage who refused to use a plough because, as he said, "Whoever uses machines grows a heart like a machine." This thought was carried to its logical conclusion a century or so ago in the novels of Samuel Butler. He proposed that the problem be solved by suppressing knowledge and demolishing machines.

These prejudices are not academic nor are they limited to a handful of intellectual mandarins. In one form or another, they extend to every strata of our society, which cheers the latest breakthrough in science but worries about the consequences. The dispersal of a mushroom cloud around the world moves us to awe at man's unlimited power and to dread at his limited wisdom. We want all of the products of automation but so many of our present-day labor troubles are in protest against its dislocations. A cliché of the entertainment world is the mad scientist—indifferent to the fate of humanity and intent only on proving out his theories. So the schism grows, and it has both its serious and its lighter aspects.

The answer to the problem of increased knowledge is not greater ignorance any more than the answer to the computer is a return to sampling a witch's cauldron or divining the flight of birds. The solution to the information explosion lies in the better organization of knowledge, in its broader distribution and use. We need to put our intellectual house in order so that we can move easily from room to room and feel at home with any mental furniture—from the purely aesthetic to the wholly functional.

BALANCING SCIENCE AND ART

In a limited sense, other ages and societies found the answer, and it is up to your generation to do so again in the face of a far more formidable challenge. For the ancient Greeks, as Edith Hamilton has pointed out, "The truth of poetry and the truth of science were both true." They sought and brilliantly achieved the development of the whole man, and the result was a human flowering that gave birth to Western civilization.

A similarly broad approach to life was attained by the Renaissance man, personified by Leonardo da Vinci with his creative genius as an artist and inventor, or by Lorenzo de' Medici as statesman, poet, mercantilist, and patron of the arts. At a later time, the Age of Enlightenment produced such giants as Franklin and Jefferson—men of science, statesmen, social philosophers.

What was common to all these men and to their times was the balance they achieved between science and art, reason and emotion, hard fact and human intuition. And in those days a man of intelligence could hope to grasp most of the knowledge that was then available.

NEW INSTRUMENTS OF INFORMATION

But today, no mind is capable of such accomplishment unaided. The facts are too many, their variety too great, their complexity frequently too rich for ordinary comprehension. Yet, the need was never greater for a broadly informed citizenry, capable of understanding the major developments of the age and their relationship. With the facilities available, the means must be found for reconstituting the Athenian and Florentine ideal in a 20th century context. What are these facilities?

The new instruments of information, with their speed, flexibility, and almost limitless capacity are ideally suited to the task of distributing the knowledge of both art and science on the broadest possible scale. Television, for example, has exposed millions to experience in the arts that range from great drama and music to the painting of Michelangelo or Van Gogh and the sculpture of Moore or Giacometti. Through television, the mass audience also has become aware of the challenges of conservation, the problems of air pollution, and the progress of medical science. The viewer is as familiar with space exploration as he is with the travels of Bob Hope.

UNLIMITED CHANNELS

Though it is even younger than television, the computer is now being used to simulate complex social and human ssytems and to shed light on such problems as overpopulation and juvenile delinquency. The same instrument that can plot a space shot at the moon also has become a research assistant to the arts. Computers are helping to prepare a measure-by-measure profile of each of Haydn's 104 symphonies, to collate the five different versions of a Henry James novel, and to edit a concordance to the poems of Emily Dickinson. Indeed, the computer is providing the modern forum for psychologists to work together with engineers, sociologists to collaborate with economists, and literary scholars to blend their labors with mathematicians. The electron, in brief, is removing the barriers and rebuilding the bridges between the sciences and humanities.

In a few years, the range of electronic information will be broadened further by new systems that will provide virtually unlimited channels for the flow of information from any point of origin to any place of reception.

Laser "pipes" between major metropolitan centers will have a capacity for transmitting information millions of times greater than the most advanced systems in use today. Microwave channels and communications satellites will beam television, telephone, and facsimile directly into the home, the office, or school. No sight, sound, printed word, or image will be beyond the immediate reach of the listener or viewer, and computers will provide instant translations from any foreign language. The total panorama of man's knowledge and experience will extend before us in infinite variety.

COMMUNICATION BETWEEN THE CULTURES

With so great a diversity of choices, we will use computers for the further purpose of scanning the vast flow of information passing through the communications channels and alerting us to those events and entertainments that are likely to be of personal interest. Our intake of information will be susceptible to pre-planning—to the kind of balance and diversity which is sought in formal education. Moreover, in a number of areas, this new information system will permit a two-way dialogue, comparable to a question-and-answer session between student and teacher. Thus, we will begin to experience the mind-stretching effect that has already been observed through the use of electronic teaching aids.

It is interesting to note that these electronic instruments suffer from none of the human impediments to communication between the cultures. They converse with equal fluency through the words of literature, the graphics of art, and the equations of science. Moreover, there is no difference among words, images, or numbers in electronic transmission. They are all so many bits of energy.

Thus, we face the exciting prospect of regaining our mastery over knowledge. And with mastery we will be capable of re-establishing on a far more comprehensive basis the Western tradition of the integral man—utilizing both science and art, mind and spirit, in the fulfillment of his potential.

A NEW AGE OF ENLIGHTENMENT

But this potential cannot be achieved through mechanical devices alone. No instrument, however versatile, and no system, however universal, can substitute for man's own will for truth and understanding. It can only provide the means.

It was not knowledge but the attitude toward knowledge that created the towering figures of Periclean Greece, the Renaissance, and the Age of Enlightenment. It was an awareness that all truths lead ultimately to the final truth—man's place in the cosmos—that gave depth and meaning to their works.

You have the opportunity to create such an Age of Enlightenment in your own century, and this is your greatest challenge—to keep faith with the past while you keep pace with the future; to maintain the human heritage in an era of vast technological change. It was one of the greatest scientific minds of all time, Albert Einstein, who said: "Man is here for the sake of other men."

You will go on learning after you leave this campus, for to cease learning is to cease existing—and today this applies to individuals as well as to nations. But as you pursue your careers and develop your purposes, may I suggest that you keep in mind the broader objectives of your time on earth, to achieve a balance and richness in your personal lives and in the life of your society.

DONATION OF SURPLUS PROPERTY TO VOLUNTEER FIRE DEPARTMENTS

Mr. WATSON. Mr. Speaker, I ask unanimous consent that the gentleman from New York [Mr. Goodell] may extend his remarks at this point in the Record and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from South Carolina?

There was no objection.

Mr. GOODELL. Mr. Speaker, I am today introducing legislation designed to permit the donation of surplus property of the United States to volunteer fire departments.

There is a continuing need for this amendment to the Federal Property and Administrative Services Act of 1949 which deals with the disposal of this property. Volunteer fire departments represent the highest ideals of service to the community and society at large in thousands upon thousands of towns and villages in the United States today.

Under present law, there is authority to donate available surplus equipment to tax-supported and nonprofit tax-exempt institutions, hospitals, clinics, civil defense units, colleges, universities, and other schools.

Mr. Speaker, huge portions of this country, including some of the suburban areas near the Nation's Capital, are protected only by volunteer units. I believe it is the clear duty of the Congress to aid them where it can do so, particularly since they do so much to help themselves.

All citizens benefit from an active and well-equipped volunteer fire department both from protection afforded and the resulting reduced fire insurance rates.

I believe this is good legislation and should be considered further by the House of Representatives.

NEGROES AND THE OPEN SOCIETY

Mr. WATSON. Mr. Speaker, I ask unanimous consent that the gentleman from Illinois [Mr. RUMSFELD] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from South Carolina?

There was no objection.

Mr. RUMSFELD. Mr. Speaker, the Honorable Edward Brooke, Attorney General of the Commonwealth of Massachusetts, and the Republican candidate for the U.S. Senate, today released a significant statement entitled, "Negroes and the Open Society." This statement, discussing one of the most pressing problems facing our country, is made by a man tested in public service as attorney general of Massachusetts, a man of great knowledge and experience in the subjects discussed, and a man firm in his resolve to help achieve the American promise of freedom and equality of opportunity for all men.

Attorney General Brooke seeks a truly "open society—a society which extends to all Americans the freedom and opportunity to have equal justice under law, to obtain quality education, to enjoy decent housing and good health, and to gain access to the economic benefits available under the free enterprise system." He thoughtfully sets forth his recommendations and approaches to achieve these goals, and concludes with this comment:

> For over the course of more than three centuries, we have dared to seek strength for our society by giving freedom to its members. We have liberated common men and women and have discovered uncommon faith and power. We have dedicated ourselves to the importance of the individual and have achieved unparalleled greatness as a Nation.

Mr. Speaker, I am inserting the text of Attorney General Brooke's statement at the conclusion of my remarks, not because all will agree with its every thought, but because it represents an important contribution to the dialog on civil rights. The challenge it sets forth tells much of this outstanding public official.

NEGROES AND THE OPEN SOCIETY

(By Edward W. Brooke, attorney general of the Commonwealth of Massachusetts, and Republican candidate for U.S. Senator)

Racial discrimination has struck at the heart of the American dream—the promise of freedom and equality of opportunity—for over two hundred years. It has gnawed at the political and social fabric of America, at times threatening to overwhelm us. It has exacted high costs—in human suffering, economic loss (a loss that approached $27 billion in 1966), inferior education, blighted neighborhoods, and infant mortality to mention only a few. Racial discrimination has been a serious handicap to our foreign policy, especially in our relations with the peoples of the developing nations of Asia, Africa, and Latin America.

As the Republican candidate for the United States Senate, I advocate a broadly-based, massive assault against all remaining forms of discrimination in American life.

I call for an Open Society—a society which extends to *all* Americans the freedom and opportunity to have equal justice under law, to obtain quality education, to enjoy decent housing and good health, and to gain equal access to the economic benefits available in a free enterprise system. In order to achieve an Open Society, the thinking and approach to the problem of civil rights must be redirected. There must be a major shift in emphasis in current programs. I suggest three guidelines.

1. A coordinated, comprehensive, strategic attack: The problems of racial discrimination are interrelated. They occur in discernible patterns. Patterns of segregation in housing are reflected in *de facto* segregation in schools. Substandard education is correlated with high rates of unemployment. Limitations on employment and the opportunity for vocational advancement, in turn, restrict income and economic mobility.

Discrimination is a *system* that will yield only to a coordinated, comprehensive, strategic attack. In recent years, other than civil rights groups, the Federal Government has borne the brunt of this attack. But state and local governments and the private sector of our nation—our universities, churches, our labor unions, businesses and civic associations—must be allies. An excellent example has been Massachusetts, which has actually moved in a direction that is well in advance of the Federal Government.

If this nation is to deal with more than the individual symptoms, a constructive partnership will be needed between the public and the private sectors at all levels.

2. Metropolitan planning: The problem of discrimination against the Negro is no longer a regional problem. The experiences of depression, war, and population migration have made it a problem of national scope, increasingly focused in our metropolitan centers of population. Negroes who have moved to the nation's cities, have been excluded by economic and racial barriers from the predominantly white residential suburbs. The growing ghettos of our central cities, with their deteriorating housing, inferior schools and generally inadequate public facilities now stand as the greatest challenge to the achievement of an Open Society.

If the nation is to resolve the problems stemming from racial concentration in our cities it will need metropolitan-wide planning. It cannot be bound by local prejudice or by the inertia of poorly conceived governmental programs. Too many Federal programs stop with the central city when the basic problems of discrimination are much wider. Here must be a willingness to experiment with enlarged governmental districts, intergovernmental compacts, new site locations for housing, schools, and other public facilities, and programs that link two or more communities in the metropolitan area.

In substance, a new metropolitan perspective must be applied to virtually all facets of discrimination in our urban society. Without such planning, the problems of the ghetto will become insurmountable.

3. Vigorous enforcement of the law: Another guideline for any effective civil rights program is vigorous enforcement of the law. The national Administration's failure to enforce civil rights laws has caused great disappointment.

Title VI of the Civil Rights Act of 1964 bans discrimination in all Federally assisted programs. But not until May of 1966 did the Secretary of Health, Education and Welfare announce that Federal funds would be withheld from school districts that practice discrimination. One year after passage of the Civil Rights Act, the United States Commission on Civil Rights found that there were discernible patterns of noncompliance in nearly two-thirds of the hospitals surveyed—despite the fact that each hospital had received financial assistance from the Federal Government. And to date, the Justice Department has failed to appoint any Federal registrars to Georgia under provisions of the Voting Rights Act of 1965, even though that state has the largest number of unregistered Negroes of voting age. These are only the most blatant examples of executive inaction.

Weak enforcement can be traced in other areas to inadequate planning and staffing. Moreover, some enforcement procedures have proved to be ineffective tools in rooting out discrimination. The complaint system, for example, has generally proved useless because the burden of filing court suits has been placed on the victims of discrimination.

Existing civil rights law must be a more potent weapon in the war against segregation and discrimination. Legislation must be vigorously enforced. Enforcement agencies must be provided with adequate staffs to provide the necessary leadership. And those laws which contain inadequate enforcement procedures must be amended.

These principles should guide our attack in the following major areas of discrimination in American society.

I. EDUCATION

Twelve years after the Supreme Court decision on school segregation, virtually no progress has been made in desegregating our schools. Only about 6 percent of Southern Negro children attend school with white children.

In both the North and South Negro schools are almost always inferior in quality to white schools; and both Negro and white school children now receive an inferior education to the extent that they are not being prepared to live in a pluralistic society. The elimination of segregation from the schools is the most critical issue facing American education today.

The United States Office of Education sets the guidelines under which school systems must desegregate. The most recent guidelines of March 1966 are considerably stronger than those issued in the past. However, despite the May deadline for filing compliance agreements for the 1966–67 school year, by mid July, 78 school systems in the South had failed to submit plans for desegregation as a first step for meeting government demands. Close to 90 more school districts had submitted agreements but attached conditions that may prove unacceptable upon review.

In the face of this open defiance of the Civil Rights Act of 1964, no Federal funds were withdrawn from school districts that discriminate until May of this year and only 12 districts were affected at the time.

Whereas segregation in the South has traditionally been supported by law, Northern style segregation, commonly referred to as *de facto* segregation has risen primarily from community custom and indifference, segregated patterns of housing and gerrymandered school districts.

In Philadelphia, 58 percent of the pupils enrolled in public schools are Negro; in Manhattan, 75 percent of the children are nonwhite; in Washington, D.C., 89 percent of the pupils in public schools are Negro. And the percentages are increasing.

The tragedy of the ghetto, however, involves more than the racial concentration of our schools. As psychologist Dr. Kenneth Clark states, "segregation and inferior education reinforce each other." The quality of education invariably suffers.

The Federal Government has taken no action in the North in the mistaken belief that the mere *threat* of withholding funds would force school districts to take steps toward ending *de facto* segregation. But even this threat has been removed with the recent announcement by Secretary of Health, Education, and Welfare John Gardner that Title VI of the Civil Rights Act of 1964 did not apply to *de facto* segregation.

Recommendations

To meet the crisis in education faced in the North and South alike, I strongly urge that the following steps be taken:

1. Action on school desegregation:

*Prompt and vigorous enforcement of Title VI of the Civil Rights Act of 1964 (banning discrimination in all Federally assisted programs) is required. The Federal Government must not hesitate to cut off funds from school districts which fail to meet the Government's standard. To assure this end:

*Congress should provide adequate staff and funding for the enforcement operation of the Office of Education and should increase its initial appropriation of $3 million to desegregating school districts.

*Congress should enact Title III of the Administration's Civil Rights Bill of 1966 which would strengthen the Office of the Attorney General in desegregation suits. This section would allow the Attorney General to file desegregation suits, even if he did not have a written complaint and local residents were financially able to sue on their own behalf.

2. Reducing racial concentration: Short-term measures such as the pairing of schools, busing (for example, the Metropolitan Council for Educational Opportunities—better known as METCO—in Massachusetts) and open enrollment while quite useful, should not be regarded as permanent solutions to the problem of racial imbalance. An adequate solution will require metropolitan area planning.

*Congress should move to clarify the ambiguities contained in Title VI of the Civil Rights Act of 1964 by enacting legislation which makes *de facto* segregation of schools illegal and provides for the withholding of funds from school districts which practice *de facto* segregation. The Federal courts should be given the authority to enforce the provisions of the law. At present, Massachusetts is faced with an anomalous situation in which state funds have been withheld because of *de facto* segregation in the Boston school system, while millions of dollars are poured into the City by the Federal Government.

*Federal grants issued under Title I of the Elementary and Secondary School Act should be used as incentives to metropolitan planning. Federal funds issued for school construction should be used to break up, rather than strengthen the patterns of segregation.

*The states, in cooperation with the Federal government, localities, and private sector, should implement effective metropolitan planning in education. Such planning should include the enlargement of school districts, new transportation patterns, and the construction of new schools aimed at reducing racial concentration.

*Educational parks, in particular represent a promising, bold approach to the problem of achieving quality education and more racially balanced schools. These school complexes would assemble on a single large campus children from an attendance area broad enough to include both majority and minority children. The concentration of students, teachers and resources would result in richer programs and more services than any individual school could provide. Their strategic location would help alleviate the problem of racial imbalance as well.

3. Teachers and curriculum: Teachers can play a vital role in upgrading the quality of education and in school integration.

*Where practice teaching is done on a segregated basis, the Federal Government should take action under Title VI of the Civil Rights Act of 1964.

*State Departments of Education and local Boards of Education should actively recruit and train qualified teachers who are Negro.

*Congress should provide adequate funding for the National Teacher Corps, an imaginative effort aimed at breaking down the vicious cycle of poverty and ignorance in rural and urban slums.

*A comprehensive system of pre-school centers for underprivileged children operating both during the school year and during the summer months is required. The highly successful Operation Headstart program should be expanded, systemized, and imaginatively administered.

*Finally, new methods of curriculum should be devised. Textbooks should reflect a more realistic view of the role of minority groups in our history.

II. HOUSING

For millions of Negroes, housing means the lack of free choice in selecting a place to live, and congested ghettos that breed broken homes, delinquency, illegitimacy, drug addiction and crime. Since World War II, the pattern in housing has been new homes in the suburbs for white families with rising incomes and old homes in central cities for Negroes. Indeed, the trend in recent years has been accelerating.

Because I believe the situation in housing has reached crisis proportions, I strongly urge that the following steps be taken:

1. Banning housing discrimination: The Administration's housing bill banning racial discrimination in the sale, rental or financing of all types of housing, represents a potentially important advance in assuring freedom of choice in the open market. This legislation is a significant step toward achieving the promise and spirit of the Constitution and the Declaration of Independence. Nevertheless, the Administration's method of attacking discrimination in housing ignores a more potent instrument.

*The President could deal with the problem of discrimination in housing more effectively by issuing an appropriate executive order. President Kennedy's Executive Order No. 11063 banning discrimination in FHA and VA-financed housing, covered 20 per cent of the total housing supply. By extending the Executive Order to all housing financed through banks and savings and loan institutions whose deposits are guaranteed by the Federal Deposit Insurance Corporation (FDIC) or the Federal Savings and Loan Insurance Corporation (FSLIC), more than 80 per cent of the housing supply could be covered.

*In the absence of an executive order, the Administration's Bill should be supported. However, it should be strengthened in its proposed methods of enforcement. The concept of a Federal Fair Housing Board with effective enforcement powers—adopted as an amendment in the House Judiciary Committee—has sound precedent in numerous state open housing laws.

States and local governments should also take the initiative in ensuring open housing. Massachusetts has strong fair housing laws. They have been widely accepted by the citizens of the Commonwealth. Eighteen states now have similar housing laws on the books. These laws should be strengthened and vigorously enforced. The Massachusetts Republican Platform of 1966 calling for increased funds and authority for the Massachusetts Commission Against Discrimination should be implemented.

2. Housing low and moderate income families: Our present Federal and state housing programs have been hampered by inadequate funds, poor planning and the power of suburban areas to veto housing plans, thus confining subsidized housing to the core city ghetto.

A coordinated effort between our public and private sectors is urgently needed to increase the rate of housing production for low and moderate income families. The present rate of housing production is only 1.4 million units per year. Most of this housing is priced beyond the reach of families below the median income level. Housing production must be increased to at least 2 million units per year—at least half of which should be made available to low and moderate-income families. Both Federal and state governments and private sources as well should contribute toward filling this gap.

Congress should provide funds for the Department of Housing and Urban Development (HUD) to conduct research in such areas as the amount of sub-standard housing and the need for low-income housing in the nation so that Federal programs may be directed to the areas of greatest need.

The rent supplement program recently approved by Congress should be made metropolitan wide in scope by elimination of the amendment allowing local governments to veto rent supplement projects. As originally introduced, the rent supplement bill was designed to encourage the development of housing throughout the metropolitan region and to rent a portion of these new units to low income families under a supplement program. The local veto amendment minimizes the possibility of locating units outside of congested city cores.

3. Metropolitan planning: Any attempt to reduce racial concentration in housing must necessarily involve the dispersal of low-income families through metropolitan planning. The various governmental units must undertake joint ventures to meet the problems of both desegregation and increasing the supply of low and moderate income housing on a metropolitan area-wide basis.

Districts within the metropolitan area should be rezoned and provisions made for low and moderate income housing programs. These programs should be comprehensive enough to provide for community services and transportation networks to other areas.

Federal and state housing funds going to local governments should be used as incentives for the development of metropolitan-wide plans for low and moderate income housing.

4. Revitalization of the ghetto: On a long-term basis, the plight of the ghetto can and will be relieved by an open market in housing and meaningful planning of low and moderate income housing outside of the central city. In the meantime, we must utilize our present resources to rehabilitate the ghetto.

It is not enough to tear down and renovate our slums. Equally important is the need to link the physical rehabilitation of the slum to the social rehabilitation of its inhabitants.

The Administration's Demonstration Cities Bill represents a new approach to the problem which deserves to be tested. However, the program is deficient in its failure to embrace the entire urban community. The program should provide incentives for planning on a broader scale for those areas in which the problem of segregation transcends the boundaries of the central city.

Community Action Programs provide people living within the ghetto the opportunity to improve their situation through cooperative effort. They also serve to call the public's attention to the substandard living conditions of the "invisible poor." To be effective, these programs will require imaginative approaches by governmental agencies at the local, state, and national levels.

III. EMPLOYMENT

Millions of Negroes remain untouched by the wealth of our affluent society. The unemployment rate among Negroes is 7 percent, more than twice the average for whites. Often, Negroes can only find employment in low-skilled, low-wage occupations and industries with the lowest growth rates and the most limited opportunities for advancement. Moreover, these jobs are most vulnerable to the rapid pace of automation. Joblessness among Negro youths is a particularly acute problem. As of April 1966, 19 percent of out-of-school Negro youths between 16 and 21 were unemployed, twice the rate for white youths in the same category. These unemployment figures are reflected in the mounting welfare budgets of our major cities.

Recommendations

No single, simple, quick measure can eliminate these critical problems. I strongly urge the adoption of a broadly based action program which includes the following points:

1. New enforcement powers for the Equal Employment Opportunity Commission: Title VII of the Civil Rights Act of 1964 which prohibits discrimination by employers, unions, and employment agencies should be strengthened. At present, the Equal Employment Opportunity Commission, created by the Act to carry out Title VII, can only investigate complaints of discrimination and then seek conciliation. If no redress is possible, the individual must take the initiative in seeking redress in the courts. Because of the complaint system, the EEOC has had only negligible impact on employment discrimination. In addition, the EEOC has been hampered by insufficient investigative powers and resources, limited enforcement powers which are complicated and ineffective, and a lack of administrative authority to undertake or coordinate manpower development or economic opportunity programs in support of its enforcement activities.

Title VII of the Civil Rights Act of 1964 should be amended to authorize the Equal Employment Opportunity Commission to issue cease-and-desist orders against individuals engaged in unlawful employment practices and to order back pay to those who have suffered financial loss through the denial of equal employment opportunity.

2. State fair employment practices commissions: A number of states have made important advances in establishing state antidiscrimination commissions. However, the effectiveness of these state agencies has often been limited by inadequate financial support and excessive restraint in enforcement.

States should take the initiative in strengthening state fair employment practices commissions. In this regard, I urge implementation of the 1966 Massachusetts Platform plank which calls for strengthening the Massachusetts Commission Against Discrimination (MCAD).

3. Eliminating discrimination in trade unions: In spite of the progress made by labor unions to promote equal employment practices, a number of unions continue to discriminate against Negroes. Unions have a special obligation to make a place for those against whom they and employers have too long discriminated. I urge, therefore, that:

Government contracting authority, in accordance with the Civil Rights Act of 1964 and an executive order banning discrimination on work done by Federal contract, be used to insure equal employment practices and expanded training opportunities on all Federal projects. It is regrettable that the Departments of Labor and Justice did not initiate action against trade unions to enforce nondiscrimination on government contracts until February, 1966.

Unions on all levels evaluate and revise all programs and practices that discriminate unfairly in job placement, job training or advancement. National union leadership should take affirmative action against unions that continue discriminatory practices.

Unions increase job opportunities in the skilled crafts and building trades by a) actively recruiting Negroes and others into craft unions; b) establishing pre-apprenticeship training to help Negro youths qualify for apprenticeship programs.

4. Metropolitan job councils:

Metropolitan Job Councils should be established by private sources in all major urban areas to plan, coordinate, and implement local programs to increase job opportunities for Negroes. Membership should include representatives of business, organized labor, education, and other appropriate community organizations. These councils would accumulate up-to-date information on the Negro labor force and job opportunities in the area, and would help coordinate and improve existing programs. Technical assistance would be offered by the Councils to help employers and unions make positive efforts to recruit Negro workers, and eliminate unnecessarily rigid hiring specifications.

5. Rural employment programs: Many marginal farmers have become victims of mechanization, shrinking acreage allotments, and racial prejudice. The migration of unskilled rural Negroes to urban areas has created additional problems. Between 1960 and 1964, the number of Negro farmers decreased by 35 percent. To meet these problems I recommend that:

The Secretary of Agriculture move immediately to implement the recommendations of the United States Civil Rights Commission aimed at the elimination of segregation in Department of Agriculture programs. The Secretary has made little progress in implementing the report which is now over a year old.

The Department of Agriculture extend to Negro farmers the necessary assistance, information, and encouragement to give them the equal opportunity to diversify their farm enterprises.

Federal, state, and local agencies and private groups as well cooperate in the development of comprehensive programs to facilitate the adjustment of rural families moving to urban raeas. Centers should be created in rural surplus labor areas to help potential migrants make arrangements for jobs and housing and should provide vocational and personal counselling.

6. Employment programs for Negro youth: Programs for intensive counselling of Negro youth, the sector of our population with the highest incidence of unemployment, are grossly inadequate. The need exists for year-round youth job placement services.

Counselling services for in-school youths should be improved and expanded with the aid of skilled vocational advisers acqainted with requirements of industry. Expanded high school vocational education programs are also needed in urban and rural areas to train youths effectively for occupations in which employment opportunities are available.

Business and industry should work closely with schools and labor unions through Metropolitan Job Councils where possible to gear in-school training realistically to job requirements and to broaden in-service training opportunities.

IV. HEALTH

Negroes are subject to more illnesses and disabilities than white people; they lose between one and one-third times as many days of work from disease or disability, and have a higher infant mortality rate and a seven years shorter life expectancy. The figures are integrally related to poor living conditions and inadequate health care.

The effects of inadequate health care are compounded by discrimination—especially in the South. Despite the fact that Title VI of the Civil Rights Act of 1964 bans discrimination from health facilities receiving Federal funds, wide-spread discrimination against Negroes still exists. Negro doctors, dentists and technicians are all too often refused staff privileges and excluded from professional societies; Negro nurses are excluded from training programs, paid lower wages and forced to eat in segregated cafeterias; and, Negro patients continue to be placed in segregated wards.

The persistence of this discrimination can be traced in large part to the failure of the U.S. Department of Health, Education and Welfare to take steps necessary to achieve compliance with the law. Effective enforcement action has not been taken. Except in cases where complaints have been filed, field inspections have not even been made to ascertain the extent of noncompliance.

To remedy these abuses in medical care, I strongly urge that the following steps be taken:

1. Enforcing compliance in health care: HEW should conduct surveys and thorough field examinations to determine the extent of discrimination in federally assisted health programs. Funds should be withheld from those hospitals which continue to discriminate against Negroes in violation of the Civil Rights Act of 1964. Finally, HEW should take steps to ensure that hospitals participating in the Medicare program comply with Federal laws against discrimination.

2. Improved health services: While the new programs of Medicare and medical aid for the indigent represent increased provision of medical services to low income families (many of whom are Negro), they should be supplemented by:

Additional experimentation in the concept of neighborhood health centers which provide a range of health services on a coordinated basis to all members of the family in a single location. The neighborhood health center sponsored by Tufts University in the Columbia Point housing development is an excellent example of how health services can be more effectively delivered to low income families that would not otherwise receive them.

Comprehensive study and evaluation of ways of improving the quality and availability of medical services to low income families in both urban and rural areas.

3. Medical research: Organizations, both private and public, should undertake thorough studies to examine the causes of the Negro's high infant mortality rate and lower life expectancy and should develop a comprehensive plan of attack on these problems. The continued disparity between the Negro and white population in these vital statistics is cause for deep national concern.

V. JUSTICE

1. Protecting Negroes and civil rights workers: The tragic shooting of James Meredith in Mississippi is the latest in a series of violent acts committed against civil rights

workers. Since 1960, an estimated thirty Negro and white civil rights workers have been murdered in the South, while countless others have been the victims of beatings, bombings, maimings, and shootings.

The continuing failure of all-while juries to convict assailants has, in addition, focused the nation's attention on the gross inequities in the jury system in the South. We can no longer tolerate a system of justice in which Negroes and civil rights workers are not free to exercise their constitutional rights. We can no longer postpone fulfillment of our national pledge to liberty and justice for all. It is time to guarantee that justice will be done throughout the nation.

A number of bills pending before Congress and sponsored by Republicans and Democrats alike are designed to remedy these flagrant abuses. I urge that Congress enact a strong civil rights bill during this session—one that includes, in this area, the following:

Provisions for a representative cross-section of the population on jury lists, thereby eliminating discrimination on the grounds of race or color in jury selection.

Removal of certain criminal cases to the Federal courts where state jury selection procedures are not in accordance with Federal procedures.

Greater Federal protection against intimidation of Negroes and civil rights workers, including stronger Federal criminal penalties for those who deprive individuals of their federally protected rights.

Amendments of the United States Code so that local, county and city governments are held *jointly* liable with officials employed by the government who deprive persons of rights protected by the Code.

Establishment of an Indemnification Board within the Federal Government with authority to grant money damages to the person(s) whose federally protected rights have been violated.

2. Voting rights: The Voting Rights Act of 1965 largely removed the legal barriers to voting. However, apathy, fear and ignorance continue to impede Negro registration and voting. While Congressional action in the area of voting is not now needed, the Administration must take the lead in enforcement. It has not yet enforced the law in large areas of the South, notably Georgia. Beyond enforcement, the Administration must provide more imaginative and innovative voter registration education where it has sent Federal examiners. Pamphlets and posters in all Federal facilities advertising voter registration might be used. Finally, voter registration hours should be better advertised in Southern communities.

3. Home rule for the District of Columbia: Since 1874 the people of Washington, D.C. have been under the jurisdiction of the Congress—their pleas for self-government largely ignored. The situation is made more intolerable by the fact that 62 percent of the population is Negro, while ten members of the powerful House District Committee are from the South. That this situation should exist in a nation which prides itself on its democratic principles is deplorable enough. But that such a situation be permitted to continue in our nation's capital is reprehensible. Attempts to get a "home rule" bill through Congress this year have once again failed. But this issue must not be allowed to die. I strongly urge Congress to act and to restore democracy to our nation's capital once more.

The challenge of a "Great Society" cannot be fulfilled until we have achieved an Open Society, with equal opportunity for all Americans to obtain quality education, enjoy the minimum comforts of decent housing, sustain a potentially healthful existence, and gain access to the material benefits of our abundant, free economy.

This challenge is a particularly fitting one for the Republican Party, as the party of Lincoln, to undertake. It is a challenge underlined by the noble purpose and inspiration of a uniquely American dream. For, over the course of more than three centuries, we have dared to seek strength for our society by giving freedom to its members. We have liberated common men and women and have discovered uncommon faith and power. We have dedicated ourselves to the importance of the individual and have achieved unparalleled greatness as a nation.

As a people, we must now fulfill the promise of that dream. We must build a truly Open Society where all men have the right to achieve their individuality, where every man has the right to participate in the American dream.

THE HOUSING STAKES

Mr. WATSON. Mr. Speaker, I ask unanimous consent that the gentleman from Ohio [Mr. Mosher] may extend his remarks at this point in the Record and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from South Carolina?

There was no objection.

Mr. MOSHER. Mr. Speaker, I call the attention of the House to a responsible and positive editorial comment in the Washington Evening Star on Saturday, July 30, 1966, with which I completely agree and which seems very pertinent to the question we face in the House, concerning clarification of title IV of this year's Civil Rights Act.

Mr. Speaker, I agree especially with the Star in it's support of the practical and constructive efforts of our colleague, the gentleman from Maryland [Mr. Mathias].

The editors of the Star say this:

The Housing Stakes

Within limits organized Negro opposition to any softening of the administration's civil rights bill would be recognizable as a routine, valid political tactic. The sneering antagonism which some civil rights leaders are displaying toward the bill's fair housing section, however is merely self-defeating.

Representative Mathias' amendment exempting individual homeowners from provisions of the bill in connection with the sale of their own property satisfied neither the conservatives nor the liberals on the House Judiciary Committee. It was the means, however, which permitted the bill to move. Without it, this measure would still be deadlocked, and no committee member disputes the fact.

Now that the measure has reached the House floor, some civil rights leaders contend there are sufficient votes to scrap the compromise and pass the housing provision in its original form. Not even the most ardent civil righters in the House, however, support that view. Chairman Celler of the Judiciary Committee, addressing civil rights leaders the other night, warned flatly that the bill is doomed without the exemption provision, and without language clarifying the right of such individual homeowners to sell through real estate agents.

Roy Wilkins the Leadership Conference on Civil Rights chairman, calls for a housing section "of more substance than a mere legislative title," and one which would not leave the suburbs of large cities "virtually lilywhite."

Neither of those descriptions is applicable, however, to the Mathias amendment. In the first place, no abatement is in sight to the flood of new single-family and apartment housing construction in the suburbs, virtually all of which would be subject to the anti-discriminatory sanctions of the bill. Nor, of course, would an exemption mean that every individual homeowner who desired to sell his house would practice discrimination. The very existence of a law, applying to existing apartments and to all new housing, would inevitably exert powerful influences on the whole field of real estate marketing.

To want a stronger law at this point is understandable. But to deprecate the significance of the gains now at stake is senseless.

CLAREMONT DAILY EAGLE BACKS CLEVELAND BILL FOR A NATIONAL CEMETERY IN NEW ENGLAND

Mr. WATSON. Mr. Speaker, I ask unanimous consent that the gentleman from New Hampshire [Mr. Cleveland] may extend his remarks at this point in the Record and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from South Carolina?

There was no objection.

Mr. CLEVELAND. Mr. Speaker, Mr. Kenneth D. Whipple, editor of the Claremont Daily Eagle recently came out in favor of H.R. 6678, my bill providing for a national cemetery in New England. His views are set forth in an editorial published July 22, which I am pleased to submit for the Record. The support of this outstanding newspaper is extremely welcome and I urge my colleagues to read this editorial.

[From the Claremont Daily Eagle, July 22, 1966]

National Cemetery at Rindge

Lack of a national cemetery in New Hampshire—indeed, in all of New England—is creating increasingly critical problems for families of men who have been killed in action in Vietnam.

In many cases, such families have been told there is no place left for burial in national cemeteries, and that they must go to Arlington National Cemetery in Virginia, hundreds of miles from their home.

To remedy this, Representative James C. Cleveland, Republican, of New Hampshire, of New London has introduced legislation (H.R. 6678) which provides for a national cemetery in New England.

In proposing this action, the Granite State congressman said:

"Naturally, I have my favorite spot for it, which is in Rindge, New Hampshire, near the famous Cathedral of the Pines—a beautiful outdoor shrine, internationally recognized, completely non-denominational, and dedicated to the memory of all war dead.

"More important, however, is the question of locating a suitable national cemetery within reasonable distances of the families of deceased veterans.

"The right to be buried in a national cemetery, which we grant to all veterans, is, in fact, being denied by the lack of facilities near their homes. The great distance to the nearest national cemetery to New Hampshire, for instance, almost precludes its use by veterans of my state."

Cleveland, describing current jurisdiction over national cemeteries as "a bureaucratic hodgepodge," said it should be given entirely to the Veterans Administration. At present, he pointed out, it is diffused through at least four federal agencies.

Comparatively little is known by the average American about his national cemeteries, except probably the highly publicized one at Arlington. Though this is one of the two largest, exceeding 400 acres in size, there are actually 118 installations under Army control, ranging downward to as little as a half acre in extent.

The national cemetery system, as administered by the Department of the Army, is a civil function entirely separate from traditional military functions. Its installations include three monuments, one memorial park, government-owned lots in the Congressional Cemetery, seven confederate cemeteries and plots, 21 Soldiers lots and 85 national cemeteries in 32 states, Puerto Rico and the District of Columbia.

All of the grave sites in 23 of the national cemeteries listed above are either preserved or occupied, leaving 62 of these installations in which there is uncommitted space.

There are 13 other national cemeteries, including Gettysburg, administered by the Interior Department as part of the national park system. Grave sites in more than half of these are fully committed also.

More than 3,800 acres of land make up the Army's national cemeteries, providing a grave site potential of better than 2,000,000, more than half of them developed.

Under the original law, burial was authorized only of "soldiers of the United States who fell in battle or died of disease in the field and in hospitals." This authority, over the years, has been progressively modified to include other service categories.

Several cemeteries were added in the growing West during the '70s and '80s; another was created in the 1920s to preserve the grave of Pres. Zachary Taylor; seven more were established in the '30s when the PWA was flourishing. But only five have been added since World War II.

In 1947 the Army proposed several more, including one at Fort Devens, Mass., but this proposal failed to find favor.

A recent survey (1961) pointed up the inequitable distribution of existing cemeteries and the disparity between the number of persons now eligible for burial and the availability of grave sites. Again, earlier this year, the problem was under study by the House Committee on Veterans Affairs.

It was at this time that Congressman CLEVELAND, speaking in support of his bill stressed the need for better facilities in New England.

It seems certain whatever the course of the war in Vietnam, that use of national cemeteries and demand for their facilities will continue to grow over the years. If the system expands, as it obviously must, New Hampshire and New England should not be ignored.

—K.D.W.

SOLUTION OF LOCAL AND STATE FINANCIAL PROBLEMS CALLS FOR FEDERAL REVENUE SHARING PLAN WITH STATES

Mr. WATSON. Mr. Speaker, I ask unanimous consent that the gentleman from Kansas [Mr. SHRIVER] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from South Carolina?

There was no objection.

Mr. SHRIVER. Mr. Speaker, I am today introducing legislation in the House of Representatives calling for a program of Federal revenue sharing with the 50 States. This bill is aimed at strengthening the control of State and local government and at the same time providing them with more financial resources to meet their real needs.

State and local governments already are spending more than $70 billion a year, and they will be spending more than $100 billion in 1970.

The rise in State and local spending reflects the demands of a growing population for more and better public services. The problems of population growth have prompted such urgent needs as new schools, roads, sewers—more teachers, policemen, firemen, and other personnel to provide public services.

These demands have strained the fiscal resources of State and local governments. As a result, they find themselves reaching the maximum of present taxing sources. More and more they look to the growing Central Government in Washington for help. Their financial problems are complicated by the fact that the Federal Government has preempted and monopolized most sources of government revenue.

We also find local taxpayers heavily burdened with large obligations for property taxes, sales taxes, and income taxes.

However, the Federal Government continues to add grant-in-aid programs through hundreds of Federal bureaus. To illustrate the growth of Federal programs, in 1934 there were only 18 grant-in-aid programs to disburse Federal funds for specific purposes to local and State governments. Today there are more than 140 grant-in-aid programs of the Federal Government.

The growth in the amount of money involved is substantial. Federal grants in 1934 totaled $126 million. By 1964, it had risen to over $10 billion. It still is going up; and by 1984 projections indicate the total will rise to $52 billion.

The solution to the problem of the States must be one which emphasizes the independence of the States and not a system which ties them further to Washington.

I have followed closely various studies which have been made in recent years regarding possible solutions to the future financing of governmental services by local and State governments. A Presidential task force, chaired by Dr. Joseph Pechman of the Brookings Institution, has studied various revenue-sharing concepts. The National Governors' Conference has given serious study to this problem and a Republican Coordinating Committee Task Force on the Functions of the Federal, State and Local Governments, headed by Hon. Robert Taft, Jr., also has made constructive recommendations in this area. It is obvious there is growing support for some form of tax-sharing program.

Therefore, I have introduced this bill which would establish a system to share personal and corporate income taxes collected by the Federal Government with the States. Under this legislation:

First. Funds would be apportioned partially on a population basis and partially on the basis of a direct grant to those States with the lowest per capita income.

Second. The amount to be appropriated to the State share would be an actual percentage of the Federal revenues collected during that year, beginning with a 2-percent share in the first year and increasing by 2 percent biennially, to a maximum of 10 percent.

Third. The State share to be apportioned would not be contingent upon the development of a budgetary surplus, but would be a definite and continuing part of each year's budget requirement.

Fourth. Federal governmental controls of the States' share of revenues would be kept at a minimum, requiring only final accounting to the Congress and the Secretary of the Treasury on how such funds were utilized and compliance with certain national objectives such as the 1964 *Civil Rights Act*.

Mr. Speaker, of course I recognize that the increased spending demands of the current military conflict in Vietnam make the implementation of the tax-sharing plan at this time difficult. However, I urge that public hearings be scheduled at the earliest possible time with the hope that with the termination of the Vietnam conflict, we can give serious consideration to the establishment of a tax-sharing program with the States.

Such problems as education, heavier traffic, polluted air, crime, slums, shortage of water, and rising taxes require the cooperative action of local, State, and Federal Governments. A direct return to States of Federal revenues collected would be a proper role for the Federal Government to assume in future years.

DECLINES WHITE HOUSE INVITATION BECAUSE HE IS BEHIND BARS

Mr. WATSON. Mr. Speaker, I ask unanimous consent that the gentleman from Ohio [Mr. ASHBROOK] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from South Carolina?

There was no objection.

Mr. ASHBROOK. Mr. Speaker, there will be one absentee when the President conducts swearing in ceremonies for two new members of the Atomic Energy Commission this Friday at the White House. On the guest list was Dr. Thomas N. Burbridge, former San Francisco president of the NAACP, who is a research scientist at the University of California.

Mr. Burbridge turned the invitation down because he is behind bars, serving a 30-day sentence for taking part in civil rights sit-in demonstrations at San Francisco's Sheraton-Palace Hotel in 1964.

At one time during these demonstrations, the public was arrogantly blocked from getting in or getting out of the lobby. Scratch one from the guest list but chalk up one for law and order. It is about time some of these people are held accountable to the same laws which you and I obey.

TILLING FOR THE FARM VOTE HARVEST

Mr. WATSON. Mr. Speaker, I ask unanimous consent that the gentleman from Minnesota [Mr. NELSEN] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from South Carolina?

There was no objection.

Mr. NELSEN. Mr. Speaker, Paul Hope, in a column in the Washington Star on August 1, did a good job of reporting why the administration has launched a massive public relations effort to convince farmers that the price-depressing blows dealt to them really were not. I include the Hope column at this point in my remarks:

[From the Washington (D.C.) Star, Aug. 1, 1966]

TILLING FOR THE FARM VOTE HARVEST

(By Paul Hope)

Administration officials are tilling the rural countryside these days as though the White House has just discovered there still are a lot of votes down on the farm.

Actually, President Johnson has been fully aware that 5.6 million people are still employed in agriculture and that in a congressional election year that ain't hay. What the administration has newly discovered is that rural America has grown increasingly disenchanted with President Johnson's administration.

As a result, Johnson and Secretary of Agriculture Orville Freeman in recent weeks have been trying to convince American farmers it's been a long time since they had it so good.

Things really aren't as bad with farmers as they sometimes have been. Hog prices are good, beef prices are fair, corn prices are strong, wheat is way up over a year ago, soybeans are skyrocketing.

But still—and it may be hard for city dwellers to believe—farm prices are lower than they were 14 years ago, a peak period during the Korean war. Per capita farm income is only two-thirds that of nonfarmers.

The recent upward movement of farm prices has not been so much a result of anything done by the administration as it has been a response to conditions in the world. Large scale droughts and famines in places like India, population explosions, and the increased food needs of nations in armed conflict have drained away the huge surpluses that once filled granaries in the United States. The traditional price determinant—supply and demand—is at work.

But income is not the whole picture with the farmer. He is affected by many of the same things that bother other people and affect their political thinking.

The farmer is concerned about the war in Viet Nam. A Viet Nam casualty returning in a casket to a rural town is more noticeable than it is in the city. Everyone in a rural community knows whose boy got drafted last week.

Inflation is hitting the farmer as hard as any group. Costs of machinery, labor, lumber, paint, nails, oil products—all essential to modern-day farming—are up.

President Johnson last week, in a report to Congress, noted that while farm prices have gone up 4 percent since 1960, the costs of farm production went up 8 percent.

Ever-increasing federal spending, especially for Great Society programs aimed largely at helping the urban areas doesn't sit especially well with the farmer, who generally is more conservative than others.

Voting preferences are so often the result of an impression, and the farmer is no less subject to this than anyone else.

One thing the White House is trying to cure as its spokesmen tour the farm country is a bad case of foot-in-mouth disease which as much as anything else has soured many farmers on the Johnson administration.

Farmers claim they have been made the scapegoat for the rising cost of living and they claim the administration has been deliberately trying to drive down farm prices.

Last February, Defense Secretary Robert McNamara at the urging of Secretary Freeman, ordered a 50 percent reduction in pork purchases for six months for the armed services. It was shown later, with the disclosure of a letter from Freeman to McNamara, that the move was part of a program to keep "domestic food prices in line."

In March, Gardner Ackley, chairman of the President's Council of Economic Advisers, made it clear that dumping of a half-billion bushels of stored corn on the market was a move to hold down the price of corn and pork.

In March, also, President Johnson told housewives to quit buying high-priced items at the grocery. Farmers thought there were better ways to cure inflation.

Then in April, Freeman told a press conference he was happy to report that farm prices had dropped a bit and that it would be reflected in the market basket. Prices may have fallen but farmers hit the ceiling; they thought Freeman was on their side.

Now the administration is engaged in a massive public relations exercise to convince farmers that it has been misinterpreted and that it really has the farmer's interest at heart. Freeman reminds the country folk that the President himself—with his ranch down on the Pedernales—is really one of them.

Just give the administration time and keep White House supporters in Congress, say administration spokesmen, and President Johnson will make a silk purse out of every sow's ear.

FOURTEENTH YEAR OF COMMONWEALTH OF PUERTO RICO

The SPEAKER pro tempore (Mr. KREBS). Under previous order of the House, the gentleman from Ohio [Mr. BOW] is recognized for 30 minutes.

Mr. BOW. Mr. Speaker, it was my honor and privilege to attend the ceremonies in San Juan, P.R., on July 26, celebrating the 14th year of the Commonwealth. Fourteen years ago I attended the celebration of the adoption of the Puerto Rican Constitution and status of Commonwealth. I do not believe that the progress made in Puerto Rico in these 14 years can be matched anyplace in the world. The great advance of tourism and industry has changed the island from the poorhouse of the Caribbean to the pearl of the Caribbean. The Puerto Ricans are a proud people; proud of their Spanish heritage and proud of their American citizenship. Debate continues on the ultimate status of the island, whether it should be Commonwealth, statehood, or independence. I have always in the past and continue to feel this is a decision that should be made by the people of Puerto Rico. Once made it should be implemented. The Congress of the United States may well be proud of its actions in the past in bringing political maturity to the people of the island. However, this could not have been accomplished had it not been the will and desire of the residents of this beautiful island. I congratulate those of both political parties of the island for their foresight and dedication.

Gov. Roberto Sanchez Vilella and Mr. Justice Abe Fortas addressed the thousands who had gathered in the beautiful old Spanish city of San Juan. I include with these remarks the addresses of a distinguished Puerto Rican, a citizen of the United States, and a distinguished jurist from the highest court of our land:

TRANSLATION OF THE ADDRESS MADE BY THE GOVERNOR OF PUERTO RICO, HON. ROBERTO SANCHEZ VILELLA, ON THE 14TH ANNIVERSARY OF THE COMMONWEALTH OF PUERTO RICO, SAN JUAN, P.R., JULY 25, 1966

Honorable Representative of the President of the United States; distinguished guests of honor; distinguished visitors; members of the three Branches of Government; friends and countrymen, on this 25th of July we gather in public celebration of an anniversary which is an event of transcendental nature and importance in the history of Puerto Rico and of Puerto Ricans. In 1952, in making effective the Constitution of our people, the Commonwealth was founded and constituted, thus completing the democratic process that led to its creation. The people of Puerto Rico then gave themselves a slap on the back in the exercise of democracy and made it possible for all Puerto Ricans to enjoy a new and effective way of government. Today, somewhere else, another historic step of fundamental importance for the future of all Puerto Ricans is being taken. This other step requires our most determined attention and responds to our customs of order and peace.

Throughout our history, imagination, the creative spirit, the dedication to work, the educational zeal and the absence of prejudices of our people have been the weapons of reason and justice used to achieve their high objectives, their profound aspirations. Civil heroism has characterized Puerto Rican life. At times when, for reasons it is unnecessary to analyze, other peoples have chosen violence to give vent to their rights to freedom and progress, Puerto Rico has drawn upon its profound virtue of temperance, it has used the sword of persuasion, to forge for itself a destiny that will rest fundamentally on self-respect, on respect for the rights of others and on the realities of its historic, geographic and economic circumstances.

Also mindful of the great obligations of this world, Puerto Rico has participated in the battlefields when our solidarity with the world's democratic cause has so demanded. Puerto Rico has always responded gallantly to the appeal of its conscience to fight despotism in the world and to repel totalitarian aggression and stop the forces that would break the most precious principles of our civilization, those which guarantee to men and people the imminent right to freedom. Puerto Rico did so in the last century. It has done and is bravely doing so in this century. Thousands of homes in Puerto Rican countryside and cities have felt the grief of temporary and permanent separation from loved ones who determinedly and fearlessly risked and offered their lives in sacrifice for the cause of democracy and freedom. Those same homes feel also the legitimate pride of contributing, without hesitation, the greatest and noblest contribution that can be offered to repel the threat of destruction that the democratic world is facing.

War and revolution are parentheses in our life as a people. We are a peace-loving people. Throughout the years, Puerto Rico has repeatedly demonstrated the validity of the conference table for settling its vital affairs. We have not attempted to destroy the obstacles that hinder our march towards betterment with sudden acts abstracted from the adverse consequences that these acts might mean for the welfare and progress of our people, and for the order and stability of a responsible democratic life. We have chosen the invincible weapon of persuasion. We have always stated our case on a basis of reason and with foresight for the impact of events which all transitions bring about. Thus, it was at the conference table that we obtained from Spain the Autonomic Charter of 1897. Since then we have risen from the framework of a military government in 1898 to the scope of our constitutional life of today which started 14 years ago in the Commonwealth.

Fourteen years are a relatively short span in a people's history. The accelerated pace of the world we live in, and especially of the efforts of Puerto Ricans in forging for themselves a better life, deprives us of time for remembering and for meditating about the processes and proceedings that paved the way for the event we are celebrating here and for the significant event taking place today in Washington.

Let us meditate about them. Let us bring even nearer the recent events of history to make clearer the significance of what we proudly celebrate today: The Commonwealth of Puerto Rico, a product of the will of Puerto Ricans and of the sincere expression of a people who love the reality of what they created and who live it and feel it deeply. The people of Puerto Rico believe firmly in democracy and used the democratic means we all defend to channel their feelings and realize their hopes. Their democratic norms in consultations with the people, who expressed themselves in freedom of action, allowed the creation of a new form of political life. The practice of democracy has given us good fruits and will help us in the aggrandizement of the Commonwealth.

Let us see how the joint democratic life of two united peoples made and make possible this new form of political life. Public Law 600 of the Congress of the United States provided for the organization of a constitutional government by the people of Puerto Rico, in close relationship and in the nature of a compact, between the people of the United States and the people of Puerto Rico, if we Puerto Ricans so desired it. On June 4, 1951, we Puerto Ricans expressed democratically, through the right to vote and in an overwhelming manner, our positive feelings and accepted the terms proposed by Congress.

It was established then that relations between the two united peoples—Puerto Rico and the United States—would be defined and restructured by mutual agreement. We Puerto Ricans began the noble task of drafting our own constitution. In a democratic way, and with the vote as instrument of reason, the people of Puerto Rico elected and designated a prominent group of citizens who, in representation of all political ideals and aspirations in the country would draft the Constitution to bring it before the consideration of those they represented. This group of citizens was organized into the Constitutional Convention.

The Constitutional Convention tackled its task with patriotic ardor. There was frank and detailed discussion and consideration of all aspects. Thought and dialogue were the keynote. The environment of deliberation was democratic. The Constitutional Convention in acting honored itself and its people. The delegates, through their votes, approved overwhelmingly a Constitution they considered to be the will and the feelings of Puerto Ricans.

But the people had to express themselves, and the Constitution of the Commonwealth was submitted to the consideration of those it would govern: the Puerto Ricans. And it was we Puerto Ricans, through our votes, who on March 3, 1952, expressed our unequivocal will and adopted the Constitution of the Commonwealth.

In accordance with the fundamental provisions of the compact between Puerto Rico and the United States, the President and the Congress of the United States concluded that our Constitution was in harmony with the terms of the compact and with the Constitution of the United States.

On the 25th of July 1952, through the will of its citizens and by virtue of the authority that Puerto Ricans democratically gave him, Gov. Luis Muñoz Marín proclaimed that the Constitution of the Commonwealth was in effect. Thus proclaimed, the will of the people was put in vigor, and a new political system, the product of the will of Puerto Ricans freely expressed, was accomplished.

It is fitting to pause here and examine the nature of Commonwealth. In order to understand it, so as not to confuse it, it is necessary for certain concepts to be known with clarity. Commonwealth is composed of: the people of Puerto Rico which is its life, the land of Puerto Rico that we love so much; and the government of Puerto Rico organized under our Constitution. As a juridical and political entity, the Commonwealth is as valid and dignified as any other juridical-political form of self-government. Its application, its political power proceeds from the declared will of the people of Puerto Rico organized to represent themselves politically. Thus is it proclaimed in Article I of our Constitution:

> "The Commonwealth of Puerto Rico is hereby constituted. Its political power emanates from the people and shall be exercised in accordance with their will, within the terms of the compact agreed upon between the people of Puerto Rico and the United States of America."

The right, the power to organize politically, to which this article refers, is a natural right of all peoples, an essential right for political coexistence, a right that peoples always possess, just by being peoples. From that, the validity of Commonwealth was born, born of your will of the rights that you have as a people, the same as all peoples of the world, to organize their own government.

Commonwealth has associative relations with the United States. Those relations are established in the Federal Relations Act which contains the terms under which Puerto Rico is associated with the United States, in accord with the agreement carried out through Law 600 to which Puerto Rico gave its consent. It is important, in order to understand our political status, that nobody confuses or is left confused about the range of the Federal Relations Act and the Constitution of Puerto Rico. These documents are two harmonious but distinct pillars of our political organization. The Federal Relations Act is a law of the Congress of the United States which forms part of the compact between Puerto Rico and the United States and in order to be amended needs the consent of the people of Puerto Rico and of the Congress of the United States. The second—the Constitution, is the one which created the Commonwealth and only can be amended or modified by the people of Puerto Rico, by you, by all of you in agreement with the criterion set by yourselves and in response to your needs. The Congress of the United States does not have to intervene in the modifications of the Constitution of Puerto Rico. Only the people in direct voting can change it.

Fourteen years ago today the people of Puerto Rico began enjoying the government that was structured by them. We have lived under the Commonwealth and it has permitted us to enjoy the security of the Constitution of Puerto Rico in association with the United States. This form of political democracy has given us, and gives us, the strength of thought and the means of carrying out our objectives. The postulates and basic principles, which gave birth to the peaceful revolution that created a better civilization and life for us and for our children, continue unaltered. The government's program, directed towards all sectors of Puerto Rican life, is being fulfilled and will continue to be fulfilled in an ever increasing way, as a solution to our problems and always in loyalty to constitutional principles. Progress goes on, and so does the faith of this people in the system of government they, themselves, created. The democratic process continues in growing development, and faith in the future goes on. The clear vision of the future is rooted in the experience of our immediate pasts.

How has the life of our people been under Commonwealth?

The economic and social advances are there for us all to see. Democratic practice and faith in justice penetrate each day more deeply in our spirit. The Puerto Rican is acquiring more confidence in himself and each day sets for himself goals more difficult to reach.

The creative imagination and the dynamic constructive forces of our people have been stimulated. Dedication to the search for the welfare of our countrymen and our brothers has made reality out of what a few years ago appeared to be unattainable levels of living. We have spared no effort to solve the problems that beset the country. Our life as a people has become more active. Puerto Rican life has been improved and has become more firm. Respect for the freedom of human beings and for the fundamental rights of our fellow men inspired the social revolution of which we are proud and the new juridico-political form which we celebrate with pride today. We all know these facts, which every day encourages us to strive for new horizons of economic and spiritual well-being to be enjoyed equally by all. Under the Commonwealth, Puerto Rico has had a fruitful and creative life.

However, the results of the increase and growth of our economy and the development of our potential for achieving the general welfare of the people leaves us open to the great risks that beset a growing society. I think it proper to point out here one of the most serious risks. When we have the technical and economic capacity to create and organize a socially useful enterprise, we should not transfer it to outside hands for any interest of personal gain which in any way, in the long run, may represent a step backward for the people of Puerto Rico in their freedom of action or in their power to make their own decisions. We stimulate and welcome without prejudice all outside cooperation for the development of our country, but it would be inconceivable for us to replace what is successfully ours with what comes from outside. Let us add to the good that we have. Let us not replace it. Replacement is justified only when that which is replaced cannot be improved.

Just as one should never turn back in the rising march for public right and freedoms, neither should we turn back in what has been achieved in other aspects of human endeavor. We will not lay the groundwork for the possibility that Puerto Rico may, even in ways different from those of the past, have to face attempts by particular interests to subordinate the people's political power to economic power. We will not permit such situations. Our commitment with you authorizes us to fight in order to avoid them.

Although we all live the Commonwealth day after day and harvest the fruits that benefit all, there are people who have doubts about the nature of this political form and about the nature of the relationship between Puerto Rico and the United States. As in every democratic community, there are differences of opinion in Puerto Rico about methods and procedures. These differences all flow towards the unity of the common purpose of strengthening a worthy and productive life, in spiritual areas as well as in those of immediate physical and material needs. Puerto Rico has settled its affairs at the conference table. There will be no motive in these times to choose another way.

In order to study and analyze in detailed fashion all the elements and factors that have to do with or may pertain to the present and future relations between the United States and Puerto Rico, the representatives democratically elected by both peoples, through mutual agreement, established and created the Commission of the United States and Puerto Rico on the Status of Puerto Rico better known as the Status Commission.

This commission has already completed the more extensive part of its task. It is of great significance that the members of this commission are gathered today for their last deliberations about the task entrusted to them jointly by the brotherly and associated peoples of Puerto Rico and United States in connection with the feasible ways of development of our country in the juridical, political, economic and social order, upon a solid democratic platform.

There is great expectation in the country as to the determinations that the commission members will make. The results of their deliberations will have great impact on our lives and on the life of future generations, individually and collectively. I have no doubts as to the importance that this document will have in clearing up the horizon in the path of our country in its ascending march towards the high plateaus of its destiny. Therefore, in this solemn occasion I point out to you that people who are firmly established on reason and justice must listen to every argument with serenity and judge every argument with discernment in the processes of consultation.

The constitutional life of a people needs the understanding of all and we must all defend it. I ask the people of Puerto Rico to inform themselves and to stay informed about the conclusion and determinations of the commission and about the reasons and bases for those conclusions and determinations. No other political action has greater significance in the economic and social life of the country than its struggle with its constitutional system. Every one has the obligation to participate in the constructive and sometimes critical dialogue that we must carry on about this matter. Reasonable, worthy and sincere debate must be established. There must be respect for contrary opinions. We all have the obligation of expressing our own with serenity and with facts. There must be serenity in expectations and serenity in actions. Only in this way can reason, justice and good discernment in making a judgment, guide the destiny of the country.

My faiths, my convictions, rest in the nature of the people of the United States, who hold a position of leadership in the world because of the greatness of its institutions, because of its profound and sincere motivation of justice, which is its reason of being; and in the greatness of the people of Puerto Rico who, with unsurpassable civil heroism, know how to struggle for their rights.

It is exalted in our Constitution that the will of the people is the source of public power. Collective decisions through the free participation of the citizens are mandatory. The people have already learned to make their wishes known democratically. The people of Puerto Rico, if necessary, will once again know how to tell us their will. Their mandate will be the force that will forge the paths of their progress.

I know that people who have grown in stature at their historical crossroads in the past will grow in serenity of understanding in the historic moment they now live. Puerto Rico forges its destiny with reason, with truths and with realities. So it did in the past, so it does today and so will it do tomorrow. We trust the people and we will answer that trust with new achievements for the Commonwealth, which are the achievements of the people of Puerto Rico. Achievements that will be obtained within our association with the United States in the enjoyment of our common citizenship. I told you before that every Puerto Rican will judge. The judging is up to every Puerto Rican. Your will shall again be done, the will of you, good Puerto Rican people. Thank you.

REMARKS OF THE HONORABLE ABE FORTAS, ASSOCIATE JUSTICE OF THE U.S. SUPREME COURT, REPRESENTING THE PRESIDENT OF THE UNITED STATES ON THE OCCASION OF THE CELEBRATION OF THE 14TH ANNIVERSARY OF THE COMMONWEALTH OF PUERTO RICO, SAN JUAN, P.R., JULY 25, 1966

My dear friends, this is for me an occasion of much sentiment.

I have come home—to Puerto Rico—my second home. It is as near and dear to me as my own birthplace.

I come to you today—on this great occasion—as the representative of the President of the United States. He has asked me to convey to you his greetings, as an old friend of Puerto Rico, and to read his message to you:

"To the people of the Commonwealth of Puerto Rico:

"I am pleased to send my most cordial greetings to my fellow citizens of Puerto Rico, on the fourteenth anniversary of Constitution Day and of the founding of the Commonwealth.

"We were innovators fourteen years ago—making use of the great potential for creative and democratic experiment inherent in our constitutional system—when we created the new form of political freedom represented by the Commonwealth of Puerto Rico.

"It is grounded on the fundamental principle of self-government, under a Constitution drafted, and adopted, by the people of Puerto Rico. It prospers within a structure of permanent association with the United States, based upon our common citizenship and our mutual commitment to freedom and fundamental human rights.

"Our relationship is not static. It can grow and change. Even now a study is under way, jointly undertaken by able representatives of both our communities, to review the experience of the past fourteen years. The results of the study will soon be available, and I am certain they will give us confidence to develop our relationship further, in ways that will accord with the wishes of the people of Puerto Rico.

"Your achievements have been truly remarkable. They have furnished an example for the world of what can be achieved by the close collaboration between a larger and a smaller community in an atmosphere of freedom and mutual agreement.

"I am confident that I speak for the people of all the United States, as well as their government, when I express my pride and my pleasure at the achievements of the people of Puerto Rico.

"LYNDON B. JOHNSON.

"JULY 22, 1966."

These are the words of President Johnson who has participated as Senator, Vice President, and now President in the remarkable adventure that is Puerto Rico's recent history.

You have provided an example to the world. You have proved that people can act greatly—with vision and courage.

I do not accept the statement, which is frequently heard, that Puerto Rico's accomplishments have been due solely to its relation to the United States—that they are unique—that the Puerto Rican invention and accomplishments have no meaning outside of Puerto Rico. It is true that there are special advantages of the greatest importance in Puerto Rico's relation to the United States.

These have indeed been of fundamental assistance to Puerto Rico. But they are not the reason why Puerto Rico achieved her present eminence. These benefits do not explain how after years of depression and despair—Puerto Rico started its dramatic forward movement. The answer can be found in some critical choices that Puerto Rico made—some basic decisions—which led to greatness—to growth and not to sterility; to real freedom and not to an illusion of it; to accomplishments and not just propaganda.

Let me list some of the choices which were made—the basic decisions which, I think determined the course of Puerto Rico's history:

First: In the early 40's, Puerto Rico decided to change the emphasis of its national effort—to change priorities—to emphasize specific and economic objectives: bread, land and liberty: as the first order of priority. It placed these ahead of the debate about political status—This did not reflect diminished idealism. It did not reflect a willingness to continue the colonial system then in effect. Rather, it recognized that to achieve political freedom, people must obtain freedom from economic serfdom; that liberty with starvation—liberty without opportunity or hope for adequate food, medical care, housing or educational facilities is not liberty in reality. So I think that your decision to place first emphasis upon realities and not upon labels was a crucial choice. I do not want to be misunderstood. I do not ignore the importance of slogans or labels. In mankind's history, they have served to inspire and to unite. But they can also mislead—and misdirect a people, and divert their attention from the order of priorities which is in their best interest.

Second: The next crucial choice, I think, was economic realism. Again, the people of Puerto Rico rejected the lure of labels. You dealt with the reality of the problems; and you dealt with them by use of the most direct, most available and most effective means at hand. You did not insist upon methods which conformed with a preconceived theory such as state ownership, or socialism—or even pure, unadulterated private enterprise!

The economic problem was there. The job had to be done. And with the resourcefulness of free men, you did it in the most direct and effective way—in terms of the problem and the result sought, and not of a political abstraction.

Third: Finally, the fundamental choice—the choice which influenced every action and event—was the rejection of economic, cultural and political insularity or nationalism.—This was, I think, the basic decision. Puerto Rico decided that it would turn outward—to the world—not inward upon itself; that it would be hospitable to the rest of the world—that it would eagerly reach out to its neighbors,—and it decided that its neighbors,—in this small world, include *all* of the nations of the earth. Puerto Rico decided that it would not be an island—that it would welcome people and ideas from all the world.

—Puerto Rico decided that a man is a man—to be judged on merit—wherever he comes from—wherever he lives—

—Puerto Rico decided that an idea is an idea; and that an idea is entitled to consideration on its own merit—even if it is not made in Puerto Rico—or Spain—or Costa Rica—or the United States—even if it's made in England or Germany or Yugoslavia or India.

This decision to reject insularity and isolation was the basis of the idea of permanent political association with the United States—not as a colony—not as a territory—not as an assimilated federal state like Florida or New York—but as a member of a family, related together by shared ideals, by mutual affection and history and a commitment to reciprocal aid—but always maintaining for each member its freedom, liberty, and individuality.

This rejection of insularity—of a nationalistic position—was a brave decision—a bold course. It was, to say the least, unfashionable. It is still unfashionable for a small nation like Puerto Rico to reject nationalism. It is a rare act of courage—of greatness—for a people to assert that they are eager to offer and accept trade, commerce, ideas and people from all the world—it is rare for a small country to have the calm confidence to invite this free interchange—to have the strength of spirit to rely upon themselves to be neither humiliated—nor subordinated—nor dictated to—nor assimilated by other nations and other people with whom they are associated.

This was indeed an act of courage—an act of greatness. To date the validity of this decision has been sustained. I am confident that Puerto Rico will continue in this course—to be truly universal or international in its outlook—to welcome interchange with all—to associate proudly, for example, with the United States—and that it will do so without the fear or the fact of a loss of its own personality, culture or identity.

Perhaps, indeed, Puerto Rico has a mission appointed by destiny; perhaps it is destined to be a showplace—not merely of economic development or internal democracy, but a demonstration area that people may form associations with other nations on terms of dignity and mutual benefit—that complete nationalism is not the only respectable way of life; that the individuality of a proud people can be preserved without the separation and antagonism implicit in nationalism—and without the loss of precious cultural and personality values that would come with assimilation.

Perhaps Puerto Rico has a mission appointed by destiny—a mission to serve as a beacon, small but intense, to lead the world away from the excesses of nationalism—to show the world that pride in one's self, cultural integrity, loyalty to homeland are not incompatible with an open-door to the world—with free and generous association with other nations; that national integrity does not demand nationalistic rejection of others; that the world is too small—and people are too much alike—to justify us in building Berlin walls between us; and on the other hand, that the world is too diverse and people are too different to insist that all of them be put in a melting pot.

For who will defend extreme nationalism except that it is preferable to the degradation and subjection of colonialism? Who will defend either the desirability or the viability of a world made up of intensely separate nations, joined only by the slender thread of the United Nations and otherwise rejecting basic commitments to political and economic associations? Who will defend the theory of the creation of tiny nations, artificially cut off from fundamental association with those with whom its destiny must lie—who will defend this except as the necessity of a moment in history; as an antidote to the poison of colonialism? And who will really defend the total refusal by so many nations even to consider the possibilities of close, meaningful, fundamental association with others.

For the future of the world lies not in extreme nationalism, but in greater associations;—not in reducing the ties among us, but in increasing their importance and number.

Puerto Rico provided an early example of this. You had the wisdom and the courage to recognize illusion—and to reject it. You had the confidence in yourselves to risk your individuality and integrity in order to gain them.

For it takes courage to join with others. If a people cherish their own individuality and cultural personality, it takes courage to commit their military defense to others; to accept a common currency; to permit the two-way economic infiltration that is incidental to free trade; to insist upon hospitality to the best in ideas, skills or people—whether they are made in Puerto Rico or elsewhere. This takes courage—the courage that comes from dedication to the welfare of your own people; from belief in the strength of your own culture and institutions and in your ability to nurture them in an atmosphere of national pride. It takes courage—the courage that comes from a sense of obligation to humanity and the world—and from the realization that a world of small stiff-necked, isolated principalities cannot live in peace and plenty—but must inevitably be defaced by disorder and misery.

I began by saying to you that Puerto Rico's power to choose universality instead of extreme nationalism, association instead of separation, was not due solely to factors unique to Puerto Rico. I repeat that statement. The Puerto Rican experience cannot, of course, be precisely duplicated—because every situation is different. There are many avenues to the same objective of boldly reaching beyond national lines. The most promising, of course, are represented by the central american common market—which is making remarkable progress—and the european economic community. Essentially, these hold promise of reflecting in multilateral form the same basic principles that are present in the Puerto Rican idea.

But I think that Puerto Rico has a duty beyond its own boundaries and its own residents. I think it has a mission. Its duty extends beyond the technical assistance which it has generously offered to the less fortunate nations: It extends beyond providing an example of successful economic engineering. Puerto Rico, I think, has a duty to offer to the world its great political and ideological premise: that national integrity and national self-respect do not require political nationalism; that the constructive and effective road to cultural, ideological, political and economic integrity may indeed be through political and economic affiliation with other nations on a generous, fearless basis.

You are entitled to be proud of this. You should be. This idea—the Puerto Rican idea—your example—is a beacon of light in a world in which darkness and light are in mortal combat, with the outcome in doubt. I hope and pray that the last vestiges of an apologetic attitude for your great achievement will disappear. I hope that all of you, regardless of what you may seek ultimately, will be proud and outspokenly proud—of the Commonwealth of Puerto Rico. And I hope that you will seize every opportunity to help others—and to participate with them—who may seek, in whatever form, to break through the Berlin wall of divisive nationalism and enter the world of associations and relationships and interchanges with others.

I cannot conclude this without a personal note. I am at home in Puerto Rico. You have given me a rare opportunity to see nobility and greatness at work. You have given me the greatest boon that a man could receive: the opportunity to work with men like Luis Muñoz Marín and Roberto Sánchez, and many others. You have given me the priceless blessing of coming to know and to love a great people—a people of warmth and kindness, intelligence and compassion: the people of Puerto Rico.

You have given me the opportunity to share your dream and to see, with pride and humility, its achievement.

From the bottom of my heart, I thank you for these years.

TWENTIETH ANNIVERSARY OF THE JOINT COMMITTEE ON ATOMIC ENERGY

The SPEAKER pro tempore. Under previous order of the House, the gentleman from California [Mr. HOLIFIELD] is recognized for 30 minutes.

Mr. HOLIFIELD. Mr. Speaker, my colleagues on the Joint Committee on Atomic Energy and I were privileged to gather at the White House yesterday to attend the swearing in ceremony of two new Commissioners to the AEC—Dr. Samuel M. Nabrit and Mr. Wilfrid E. Johnson—and to hear President Johnson commemorate the 20th anniversary of the signing into law of one of the most important and unique statutory measures ever enacted by the Congress. I refer to the Atomic Energy Act, the Nation's—in fact, the world's—first atomic energy legislation, which was signed into law by President Truman on August 1, 1946.

The Atomic Energy Act was at the time of its enactment, and in many respects remains today, without parallel in the legislative history of this country. It is safe to say, I think, that the Atomic Energy Act of 1946 was a radical piece of legislation—in not a few ways alien to all that most of us believe in. Secrecy was the byword. The role of private enterprise in the program was almost nonexistent. Neither nuclear reactors nor the fuels that went into them could be privately owned. In a word, the program, with few exceptions, was one huge Government monopoly.

Nevertheless, the McMahon Act—as the 1946 act came to be popularly known—served this country well through a trying period. It embodied the wisdom and the best foresight of the Congress and the American people in the period immediately following the close of World War II when atomic energy had emerged as a revolutionary new force. Given the circumstances confronting the Congress at the time, I think there are few who upon reflection will quarrel with me when I say that Congress chose well when it enacted the Atomic Energy Act of 1946 and created a civilian agency to develop the atom rather than maintaining it under military control.

It was always recognized, however, that the 1946 act was temporary in nature. Accordingly in 1953, at a time when the United States had a large stockpile but no longer a monopoly in nuclear weapons, the Congress was able to consider devoting a portion of our nuclear capacity to civilian purposes, and to eliminate some of the secrecy in which our atomic energy program was enshrouded. As a result, the joint committee recommended and after long debate Congress enacted the Atomic Energy Act of 1954. Enactment of the 1954 act marked the culmination of efforts by the joint committee and the Congress, in accord with the policy declaration of the 1946 act, to update the basic statute so as to reflect the rapid advancement and broadened horizons of nuclear science.

The new act marked a turning point—a shift in emphasis from solely military applications to an increasing emphasis on peaceful uses. This shift has continued to this day. As I think my later remarks will show, we are well along the path toward fulfilling the confidence expressed by President Truman in his October 3, 1945, message to Congress requesting the enactment of atomic energy legislation. President Truman said:

> Never in history has society been confronted with a power so full of potential danger and at the same time so full of promise for the future of mankind and the peace of the world. I think I express the faith of the American people when I say we can use the knowledge we have won, not for devastation of the world, but for the future welfare of humanity.

It is altogether fitting and appropriate, therefore, that President Johnson should commemorate the enactment of the Atomic Energy Act, as he did yesterday. Without objection, Mr. Speaker, I request that President Johnson's remarks be included in the RECORD at the conclusion of my remarks.

My principal purpose for rising today is to commemorate a different, albeit related, anniversary. Specifically, I want to call attention to the fact that today's date—August 2, 1966—marks the 20th anniversary of the formal establishment of the Joint Committee on Atomic Energy. Twenty years ago today the newly appointed members of the committee—nine from the House, nine from the Senate—gathered for their first meeting—the first of over 1,500 meetings to be held over the following 20 years.

As I have indicated, the Atomic Energy Act of 1946 was unique in many respects. Not the least unique among its features was its creation of a joint committee of Congress to oversee the atomic energy program. The Joint Committee on Atomic Energy—one of the few committees of Congress established by statute rather than by rule of each House and the only joint committee empowered to receive and recommend proposed legislation, including authorization of appropriations—grew out of Congress' cognizance of and concern over the vast powers which were bestowed upon the executive branch of Government by the 1946 act.

In this field of overriding importance to the national defense and of unlimited promise for the peacetime welfare of the Nation and the world, new legislative techniques were necessary. As President Truman remarked in 1945:

> The release of atomic energy constitutes a new force too revolutionary to consider within the framework of old ideas.

The Congress had to meet the challenge of atomic energy in a manner which would preserve and strengthen the structure of a Government which rests upon the foundation of separate and equal powers and at the same time assure that the legislative branch was equally as informed as the executive branch.

The instrument which Congress chose to span the separation between the executive and legislative branches and to meet the special legislative needs imposed by the defense importance, the complexity, and the portent of atomic energy was the Joint Committee on Atomic Energy. The magnitude—both in terms of the management problem and the immense expenditure of public funds—of the atomic energy program, its technical complexity, and its security importance gave almost a new dimension to the normal responsibilities of a legislative committee. In recognition of these special responsibilities the Congress conferred upon the joint committee unusual powers—sufficiently unusual to make the committee unique in Federal legislative annals.

The Joint Committee was established as the agent of the Congress and the American people, and is charged with the responsibility of making "continuing studies of the activities of the Atomic Energy Commission and of the problems relating to the development, use, and control of atomic energy." The Commission by law is required to keep the committee "fully and currently informed," as is the Department of Defense with respect to all matters within its cognizance relating to the development, utilization, or application of atomic energy. The committee has full hearing powers, including subpena authority. The committee members from each House report out bills or other legislative matter to their respective Houses. To promote bipartisan support, not more than five of the nine-member delegation from each House may belong to the same political party.

The obligation of the Atomic Energy Commission and the Defense Department to keep the Joint Committee fully and currently informed helps to assure a continuing flow of information necessary to the proper discharge of the committee's responsibilities to the Congress. Visits by the committee and its staff to AEC laboratories and other operating sites serve to further alert the committee to the problems and promises of the atomic energy program. Continuity in committee membership and the selection of a highly competent staff without regard to political affiliation have also enhanced the committee's ability to cope with its responsibilities. Finally, the vantage point of the Joint Committee, separate as it is from the executive position of the Commision, has provided a degree of perspective such as to enable the committee to make substantive recommendations which have been accepted by the executive branch.

The extent of the committee's active involvement in the atomic energy program has been lauded by some, resented and criticized by others. The Washington Evening Star recently said:

> The joint committee takes its duties seriously and cherishes its supervisory prerogatives fiercely.

I for one was flattered by the statement and readily confess to the charge.

It has also been suggested by some that the committee on occasion has encroached on the doctrine and practice of separation of powers; that what the committee regards as its proper role in policymaking functions is in fact an assault on executive powers. I could dismiss this charge by simply noting that the Constitution contemplates coequal branches of government, not domination by one—the executive—over the other. But I cannot resist pointing out also the irony of the charge, coming as it does from some of the same critics who chastise Congress as a whole for not resisting the trend toward executive erosion of legislative power.

In view of the occasion, I do not think it inappropriate or immodest to reflect upon the history of the committee and some of the accomplishments which the Joint Committee has helped to achieve during the last two decades. The list is one I am honored to recount.

I think you will find it an impressive one.

The paramount and primary objective of the national atomic energy effort, by statute and unflagging determination of both the Joint Committee and the Atomic Energy Commission, has been in support of national defense. This objective has been served without stint.

Our nuclear arsenal—if one could call it that—at the end of World War II was nonexistent. I mean that quite literally. The atomic bombs that fell on Hiroshima and Nagasaki on August 6 and 10, 1945, completely exhausted our supply at that time and our production capabilities were exceedingly limited.

As late as December 1946, shortly before the Atomic Energy Commission assumed jurisdiction over the atomic energy program from the Manhattan engineering district, the weapons program was at a virtual standstill. A Commission representative who made an inventory of the weapons stockpile in that month later told the Joint Committee:

> I spent 2 days, as a representative of the Commission, going over what we had. I was very deeply shocked to find what few weapons we had at that time.

By the spring of 1949, however—little more than 2 years after the AEC had gone into operation—the Nation's leaders were able to take comfort in the knowledge that the country had what accurately could be described as a nuclear weapons stockpile. Later, as a result of the AEC's major rehabilitation and expansion programs, the country was provided a nuclear weapons capability in quality and quantity that to this day remains unmatched by any other nation.

The story of the development of our nuclear shield would be incomplete without some reference to the H-bomb. The possibility of developing a hydrogen bomb was explored by U.S. scientists as early as 1942. Studies concerning the feasibility of a hydrogen weapon were conducted as part of the wartime atomic project, although they were subordinate to work on the A-bomb since it was believed that the atomic bomb could be developed more quickly and could, therefore, be used to hasten the end of the war. At first, after the end of World War II, no substantial effort was directed toward the development of an H-bomb although a small research program on thermonuclear energy was continued.

This situation prevailed until September 23, 1949, when President Truman announced that the Soviets had exploded an atomic bomb. The Government promptly reviewed our atomic program in light of the generally unexpected rapid progress of the Soviets. As a result, for the first time, major attention was directed to the question of developing a thermonuclear weapon.

The Joint Committee on Atomic Energy took a leading part in urging the President to support a vigorous program on the development of hydrogen weapons. Between September 1949 and January 1950, the committee held several hearings in executive session on this question. Over the signature of its Chairman, the late Senator Brian McMahon, five separate letters were forwarded to the President on behalf of the committee urging a major development effort. Senator McMahon set up a special subcommittee to review the H-bomb matter of which I had the honor of being appointed chairman.

Together with other subcommittee members, Mel Price, HENRY M. JACKSON and the late Carl Hinshaw, I visited Los Alamos in October 1949 and obtained firsthand information from our weapon scientists. We then went on to Berkeley, Calif., where joined by Joint Committee Member Senator William Knowland, we discussed with a great scientist—the late Ernest O. Lawrence—the fastest possible means of achieving a successful H-bomb program.

Based on what we had learned, the subcommittee recommended to Chairman McMahon that we move ahead at all possible speed with the H-bomb program. Chairman McMahon thereafter wrote several letters to President Truman, visited a number of atomic installations and together with a number of us from the Joint Committee personally called upon President Truman at the White House to urge a major crash program on the H-bomb.

After vigorous debate at the highest levels of government, the situation that confronted the President was this: First, a majority of the Atomic Energy Commission advised against proceeding with a large-scale and vigorous effort on development of the hydrogen bomb; second, the AEC's General Advisory Committee also advised against proceeding; third, the Joint Committee on Atomic Energy favored proceeding; and fourth, a special subcommittee of the National Security Council favored proceeding, the Secretary of State and the Secretary of Defense recording favorable votes.

On January 31, 1950, President Truman made his decision and issued an order to the Atomic Energy Commission to proceed with the development of the hydrogen bomb. As the project progressed the Joint Committee renewed its urgings that every effort be made to attain the objective in the shortest space of time. The program was pushed with great vigor and achieved success. The value of the effort was proved less than a year after the United States succeeded, when the Soviets detonated their own hydrogen device.

The power of the hydrogen bomb is not a mere magnitude larger than the atom bomb used in World War II. It is three magnitudes larger, or 1,000 times as powerful as the A-bomb. Imagine, if you can, a train of boxcars stretching from Boston to Los Angeles, each car filled with TNT. That, ladies and gentlemen, will give you some conception of the explosive content of a 20-megaton weapon.

In building these weapons we have not striven to produce the biggest bombs possible. On the contrary, we have reduced the yields of our hydrogen weapons as we have improved the means and accuracy of our delivery systems. Concurrently, we have improved the safety and security of our weapons.

Last January 17 a tragic airplane crash occurred over the Mediterranean Sea. Several of our Air Force men were killed and four hydrogen bombs fell out of the sky over Spain and its seacoast. Not one of those bombs produced a nuclear explosion. While we were fortunate that no one was harmed by the falling debris from the airplanes, it was not merely a matter of good luck that the bombs failed to produce a nuclear catastrophe. The safety devices which the Commission and the Department of Defense have built into these weapons to prevent unintentional explosions precluded any such accidental holocaust.

Equally important are the devices which safeguard against the possibility of unauthorized use of nuclear weapons, the need for which was brought to the President's attention by the Joint Committee.

In carrying out its responsibility to review activities in the vitally important field of atomic weaponry, the Joint Committee in the late 1950's became apprehensive about the arrangements for the custody and control of U.S. nuclear weapons assigned to NATO. Based on the knowledge of the practices and procedures then in effect concerning these weapons, grave consequences were foreseen by the Joint Committee in case of the unauthorized use or accidental detonation of these nuclear weapons.

Aware of the dangers inherent in this situation, in 1960 Senator CLINTON P. ANDERSON as chairman of the Joint Committee appointed a special ad hoc subcommittee to investigate the matter. I was privileged to be named chairman of the subcommittee. Fellow subcommittee members and I immediately visited 8 European countries and more than 15 nuclear weapons installations. Early in 1961, as a result of our inspection, we presented a top-secret report to President Kennedy containing recommendations designed to strengthen and improve our NATO nuclear weapons arrangements.

One of the key recommendations of this report called for the development of a system of electronic locks to be placed on nuclear weapons as a safeguard against unauthorized firing. This recommendation was accepted by the President and a research and development program was begun which ultimately resulted in the development of the permissive action link system to accomplish this safeguard objective.

Numerous other recommendations were set forth in our report—many of them to this day must remain classified.

I can say, however, that at the time we were concerned with what appeared to be too great a reliance on nuclear weapons in NATO and an inadequate understanding amongst our allies and within our own forces of nuclear weapon effects. We recommended against any significant increase of nuclear weapons in Europe and that greater effort be made to increase NATO's conventional weapon capabilities. Additional recommendations, which subsequently were implemented, included coordination between NATO and SAC nuclear weapon war plans and the removal of Jupiter IRBM missiles from Italy and Turkey. A potential safety problem in an operational system was uncovered by a Joint Committee consultant and was corrected.

In speaking of the military aspects of atomic energy I have saved until last one of the brightest chapters—the development of the nuclear Navy, particularly the nuclear submarine. There is little question in my mind that the support which the Joint Committee and Congress gave to the development of the nuclear submarine will long be remembered as one of Congress' greatest contributions to the preservation of the Republic. On more than one occasion, Admiral Rickover, the man who provided the day-to-day technical drive and organized leadership for the work, has referred to the essential part that the Joint Committee on Atomic Energy and the Congress played in this development.

At the time Admiral Rickover took the helm of this development project the Navy thought so little of it that they gave him no support to carry it out. The Congress recognized this impasse early in the program and stepped in to fill the vacuum. Specifically, the Congress authorized facilities for the development work and provided funds for the operation of these necessary facilities. Later, when the Navy refused to seek the funds necessary to build a nuclear submarine, Congress stepped in again and voted funds for the nuclear powerplants for the first two nuclear submarines, the *Nautilus* and the *Seawolf*. Because of the Navy's reluctance the money was appropriated to the Atomic Energy Commission where it was used to build the powerplants that were then turned over to the Navy Department. Through this circuitous route were built the first of the nuclear submarines in a planned fleet of 100 nuclear submarines which today constitute one of the mainstays of our national defense.

But for the intervention of Congress it is likely that Admiral Rickover's career in the Navy would have ended in 1953. At that time he was about to be passed over for promotion, an action which would have brought his Navy career to an end. Fortunately, many in the Congress, particularly the Joint Committee on Atomic Energy, came to his assistance. As a consequence, a reluctant U.S. Navy promoted him to the rank of rear admiral in late 1953. Today the 66-year-old vice admiral is still on the job, rightfully acknowledged as the father of the nuclear submarine.

In subsequent years, the joint committee has continued to recommend, and Congress has continued to authorize, facilities for the advancement of nuclear submarine and surface warship propulsion technology which were turned down within the executive branch in the budgetary review process. Congress has also added nuclear propelled surface warships to the authorization requests of the Department of Defense. After many years of trying to convince Department of Defense leaders of the value of nuclear propulsion in warships, it appears that this year we are realizing for the first time the results of our efforts. This year's authorization bill, due to some modifications by the Congress in the request of the Department of Defense, contains nuclear propulsion for all firstline warships. The vigorous support from the House Armed Services Committee and the House Appropriations Committee deserves credit for this last accomplishment.

Until not too long ago the much publicized military atom captured the lion's share of the headlines. Of late, however, the peaceful atom has more than come into its own. In no area is this more true than in the use of atomic energy to produce electrical power.

The development of nuclear reactors for the conversion of atomic energy into useful, economical power has been the goal toward which the United States has worked since the day in 1942 when the first nuclear chain reaction in the uranium graphite pile was achieved under the west stands of Stagg Field at the University of Chicago. If the recent dramatic upsurge in orders for nuclear powerplants is any indication, that goal is now within our grasp.

In the last 18 months more than 11 million nuclear-generated kilowatts have been announced by the utility industry as scheduled to enter into commercial operation by 1970. In the last 6 months alone, approximately one-half—or more than 13½ million kilowatts—of the total generating capacity ordered by the utility industry will be nuclear fueled. These plants are expected to be in operation by 1973. The rate at which atomic reactors are being purchased has caused the Atomic Energy Commission to double the estimates of growth it made just 4 years ago, when in its 1962 report to the president the AEC foresaw a nuclear generating capacity of 40 million kilowatts by 1980. The Commission currently believes that installed capacity by 1980 will be somewhere between 80 and 110 million kilowatts.

For those in industry and government who have labored long and hard in the vineyard to bring to the American people the fruits of power from the atom, these statistics are certainly encouraging. We now have available to us a vast new energy source in addition to fossil fuels to meet the Nation's ever-increasing power requirements. The magnitude of this feat takes on even greater meaning when it is recalled that this country had no installed commercial nuclear electrical generating capacity until 1957, when the Shippingport nuclear reactor first went into operation. But for Congress, moreover, Shippingport might never have gotten off the drawing boards.

In the fall of 1952, the AEC proposed to the Bureau of the Budget that it include some construction money in the fiscal 1954 budget to enable the Commission to begin building a full-scale power reactor. The Bureau of the Budget refused the request on economy grounds. The Commission then proposed to the National Security Council that money be included in the revised fiscal 1954 budget for beginning construction of a pilot plant to produce 7500 kilowatts of electric power. The National Security Council also turned this proposal down, again on grounds of economy.

When the President's budget message was submitted to the Congress, the Joint Committee was concerned to learn that the proposed budget for atomic energy contained no provision for the development of a full-scale atomic powerplant. Private industry had made it abundantly clear to the committee that it was prepared to invest in the development of an atomic power station if the Government would underwrite part of the cost and if the necessary amendments to the Atomic Energy Act of 1964 could be obtained. The Joint Committee deemed it essential, therefore, that the Commission be granted the funds with which to proceed with the development, design, and construction of such a powerplant.

Accordingly, W. Sterling Cole, the then chairman of the committee, conferred with the members of the House Appropriations Subcommittee charged with responsibility in this area, and discussed the implications for the future of atomic power if the Government failed to press forward with the development of a full-scale atomic powerplant. The Appropriations Subcommittee responded by sponsoring language in the Appropriation Act, language which was approved by the full committee, authorizing the Commission to spend $7 million during fiscal 1954 to begin construction of the Shippingport nuclear facility in cooperation with private industry.

The 60,000-kilowatt project, built in cooperation with the Duquesne Power & Light Co. and the Westinghouse Electric Co., was a complete success. In every way, it justified the confidence which the Congress had reposed in it and the people who built it. This, the first practical demonstration of the technical feasibility of using nuclear energy for full-scale production of power, was truly the catalyst for today's atomic power boom.

While the use of atomic energy for the production of power is perhaps the most glamorous use of the peaceful atom, it is, of course, only one of the varied adaptations of the atom. Radioisotopes, for example, have for some time found widespread application in industry, in medicine, and in agriculture. In recent years the volume of radioisotopes transported throughout the United States has been averaging about 250,000 shipments per year. At the end of 1965, there were in existence in the United States over 14,000 licenses issued to individuals and corporations authorizing the possession and use of radioactive materials.

One application of radioisotopes which has been of special interest to the Joint Committee has been the preservation of food by radiation. The Atomic Energy Commission is carrying out a program on the preservation of food by subjecting it to low-dose or pasteurizing levels of radiation. This permits extension of shelf life for marine products and certain fruits and vegetables. The Department of the Army has focused its attention on the radiation sterilization of food products, especially meats which can then be stored for long periods without refrigeration.

Work on this promising concept was proceeding at a steady pace during the late 1950's. However, during Joint Committee hearings held in January of 1960 it became apparent that the Department of the Army for all intent and purposes was about to discontinue its food irradiation program. The reason given was that certain unfavorable experimental data had developed during animal feeding studies.

The Joint Committee then scheduled additional hearings and heard detailed testimony from scientists and medical specialists actually carrying out the research program. It turned out that the data cited were not attributable to irradiation effects on the food products under study. Later, additional tests were carried out which conclusively confirmed this conclusion. Through the interest of the Joint Committee and the urging by its members the food irradiation program, which was to be phased out, was instead continued and expanded, and a better coordinated AEC-Army program research effort was undertaken.

The Food and Drug Administration has now approved for public consumption irradiated bacon, wheat, and wheat products and potatoes. Additional food products are before the Food and Drug Administration and others are being proof tested.

The food irradiation research program is a small one. Nonetheless, the potential that this process holds not only for food processing in this country but throughout the world is great. When fully developed, the process should result in significant savings in marketing costs and more efficient utilization of the available food supply.

In addition to the attributes that radioisotopes possess for use in research and in industry, one can take advantage of the fact that when a radioisotope decays, it generates heat. The Atomic Energy Commission has developed shielded units containing high concentrations of radioisotopes which generate heat. This energy is converted to electric power for use in space and other applications. Such units are in use today in satellites now orbiting the earth, navigational buoys, and in remote weather station units. The space power application for radioisotopes is an important one since rather compact, light-weight units can be made which will generate electric power for considerable periods of time, equivalent to that which would be produced by many tons of batteries or through the use of many thousands of solar cells displayed in huge panels attached to a space satellite.

One such device was lofted into space in 1961—the world's first nuclear-powered satellite. Still orbiting and operating 5 years later, the navigational device utilizes an isotopic power supply for its electricity requirements. This pioneering launch into space, I might note, came very close to never taking place. There were those who resisted the experiment because they felt a proof test was unnecessary, or because it might cost an undue amount of money. Vice President Lyndon B. Johnson, however, disagreed, and threw the support of the President's Space Council behind the Joint Committee's proposal to put the satellite to a test. It is no exaggeration to say that the success of the experiment broke the chains of power limitations in space.

Another example of the generation of electricity by atomic energy for use in space application was achieved in 1965. In April of last year the first nuclear reactor was orbited about the earth in a satellite containing a number of scientific experiments. This reactor, the Snap-10A, generated 500 watts of electric power for a period of 43 days following the launch. A failure, not in the reactor but in the electrical load distribution system, was apparently responsible for termination of the electric power generation.

I think it is important to note here that although the administration did not plan a test of the Snap-10A reactor in the space environment, the Joint Committee on Atomic Energy believed that such a test was highly desirable and could be conducted successfully at a reasonable cost. For this reason the committee recommended authorization of funds for the conduct of a test in space and the Congress, acting on the Joint Committee's recommendation, authorized and appropriated the necessary funds. The test was successful in that it demonstrated the ability safely to launch, start up, and operate a reactor in space—an important first in the U.S. space effort.

Not to share is foreign to the creed of the American people. Accordingly, on December 8, 1953, President Eisenhower presented to the General Assembly of the United Nations his historic atoms-for-peace plan, which embodied the Nation's desire and willingness to join with all other nations in a common undertaking directed toward the peaceful development and constructive exploitation of atomic energy. The popular appeal of directing atomic materials to peaceful rather than military uses was fully established by the enthusiastic worldwide response to the proposal.

Out of that proposal emerged the International Atomic Energy Agency, conceived as an instrument for enabling east and west to work together on technical and economic problems apart from the arena of political conflict. The Agency statute, approved by the United States in 1957, was a singular achievement, for it embodied the first significant agreement between east and west directly related to the arms limitation problem. The Agency has served to siphon off atomic materials from military to peaceful uses and, more importantly, to establish a system of international safeguards against the diversion of nuclear materials to military purposes.

A number of nations have found the International Agency a source of help essentially neutral in the East-West cold war conflict. To assist these nations we contribute equipment and material to the Agency for distribution as it sees fit, subject, of course, to Agency safeguards. Many others have chosen to deal directly with the United States in obtaining the materials, equipment, and technology required for peaceful atomic applications. Where this has been the case the Joint Committee has strongly encouraged the AEC and the Department of State to insist that any assistance furnished on a bilateral basis be subject to international safeguards. Similarly, where bilateral agreements entered into prior to establishment of the Agency have come up for renewal, the committee has fully supported the policy, and at times has had to insist upon the policy, of obtaining or establishing our Government's safeguards policy through the International Agency.

Some of the nations with whom we have cooperated have balked at the transfer of these responsibilities to the International Agency, preferring instead that the United States itself perform the safeguards task. They seem to feel that IAEA inspection is a badge of second-class citizenship in the nuclear world. It is important, however, that we continue to expand the international inspection system and improve our control methods to guard against the dangers to world peace posed by nuclear weapons.

Of the 32 bilateral agreements for cooperation in the peaceful uses of atomic energy presently in force, 27 provide for or contemplate the transfer of safeguards responsibilities to the International Atomic Energy Agency. In addition, the United States has voluntarily placed four of this country's reactors, including the large privately owned Yankee Power Reactor at Rowe, Mass., under international safeguards. Meanwhile, the United States has since 1957 supported the IAEA in the amount of $28.5 million in the form of cash and grants in kind. Through these policies we believe a vigorous, experienced, and respected international agency will evolve whose control system will be administered strictly and impartially and with a minimum of injury to national pride.

There have been occasions in the past when the AEC or the Department of State were willing to accommodate the resistance of some foreign countries to international Atomic Energy Agency safeguards. The Joint Committee, however, insisted upon compliance with the announced U.S. policy of IAEA or similar international safeguards and succeeded in strengthening the executive branch in its foreign negotiations.

Also, over the years there have been those who have advocated transferring nuclear weapons and weapon technology to other nations. The Joint Committee has steadfastly opposed actions that would increase the proliferation of nuclear weapons to additional nations, either directly or indirectly. Thus in 1958 the Joint Committee substantially revised proposed legislation submitted by the executive branch to assure that the legislation would not permit additional nations to achieve independent nuclear weapons capability through assistance from the United States.

Notwithstanding criticism that we have placed undue restrictions on the executive branch in the exchange of nuclear technology and information for military purposes with other nations, the Joint Committee, in recognition of its responsibilities to the Congress and the people, has insisted that it be kept "currently and fully informed" and that no cooperation agreement be entered into with other nations unless first carefully reviewed with the committee in light of the legislative intent of the Atomic Energy Act and to the extent security will permit that it be reviewed in public. We particularly have resisted for many years repeated efforts by those who all too willingly would turn over to other nations the secrets of our nuclear submarine and surface warship technology.

That, Mr. Speaker, completes my relatively brief reflection upon the history of the Joint Committee on Atomic Energy, which has now operated for 20 years. In conclusion, I want to say that the committee has been ever mindful of and constantly striven to act in consonance with its responsibilities and powers and its proper limitations and restraints. It has attempted to serve the Congress in the manner demanded by the needs of our country and consistent with the duty and honor of the elected representatives of the people of the United States.

As President Woodrow Wilson noted in his early study of the Congress:

> Congress in its committee rooms is Congress at work.

I think it is fitting and proper, therefore, that the public be informed of the work of the committees of Congress so that the people may better understand and realize the accomplishments of the Congress. That has been my purpose today.

What the next 20 years will bring is another story. While no one can predict the next two decades with any full degree of accuracy, some obvious conclusions can be drawn. I will reserve for some future occasion some thoughts I have concerning what we can expect to accomplish in the next 20 years.

The remarks of the President follow:

Remarks of the President at the Swearing-in Ceremony for Dr. Sam Nabrit and Wilfrid Johnson

We are here today to welcome two old friends and distinguished Americans to our official family. At the same time, we are marking the twenty-year anniversary of both the Atomic Energy Act and the Joint Committee on Atomic Energy.

By these actions in 1946, the American people pledged that atomic energy would serve not only the national defense but international peace and the progress of all mankind.

We have done much to fulfill that pledge. Atomic power has been the shield of our security, and it has also become the symbol of hope.

The Atomic Energy Commission's operating budget is about evenly divided now between non-military uses of the atom and the direct needs of national defense.

As a result, nuclear energy is enlarging its role in meeting our needs for electricity. We have enough installed capacity to meet the electrical needs of almost two million American families. We will increase that capacity more than five times within the next four years.

The atom is also at work in medicine, agriculture, and industry. "Spin-off" from atomic development already has advanced progress in virus research. It has improved color television reception. It has even uncovered ways to assure greater cleanliness in hospital operating rooms.

Many new applications of atomic energy lie ahead. One of these is especially exciting to those of us who learned early in life the value of fresh water. It now appears that large nuclear plants can not only produce electrical power but supplies of fresh water as well.

About two-thirds of our planet is covered with water, yet less than one percent is water we can use in our daily lives. More than 97 percent is in the oceans. Another two percent lies frozen in glaciers and ice caps. And much of the one percent that comes to us as rain or snow is wasted before we can use it.

In the next 20 years the world's demand for fresh water will double. We must learn how to use and re-use our water supplies over and over again.

We will have to develop large-scale, efficient, and economic desalting plants.

We must learn to use the atom to provide the energy for those plants.

And we must use that knowledge and that energy as a part of a massive international effort to solve man's need for water.

This is only one of the challenges which faces our Atomic Energy Commission today. Your work, Dr. Nabrit and Mr. Johnson, is cut out for you.

I have every confidence that you will both prove equal to the challenge. Of the many distinguished public servants I have sworn into office since becoming President, none have come to us with better qualifications or a greater record of achievement.

Dr. Nabrit received his Master of Science degree and doctorate in biology at Brown University and has done graduate work at Columbia University and the University of Brussels. He is a noted biologist who for the past eleven years has been president of Texas Southern University.

Mr. Johnson was born in England, but has been a citizen of this country for many years. He was graduated from Oregon State College with a Bachelor in Science degree in 1930 and later received his Master's degree and the honorary degree of Doctor of Science from the same institution. He occupied positions of leadership in the atomic field for many years, serving until last May as general manager for General Electric Company in its operation of AEC's Richland, Washington, installation.

Last year he received the AEC's award for meritorious contributions to the U.S. nuclear energy program.

LAW AND ORDER—THE ESSENCE OF LIBERTY

The SPEAKER pro tempore. Under previous order of the House, the gentleman from California [Mr. GUBSER] is recognized for 30 minutes.

Mr. GUBSER. Mr. Speaker, engraved on the marble front of the U.S. Supreme Court building are the words "equal justice under law"—a cogent description of our free system of goverment.

Ours is a government of law and not of men.

Law, and the order it produces, is what distinguishes freedom from oppression. It is law which subjects our national policies to the test of meeting the general welfare rather than the whims or caprice of a despot.

It was John Adams who said:

> There can be no liberty in a commonwealth where the laws are not revered and most sacredly observed.

George Washington said:

> Respect for our country's authority and compliance with its laws are duties enjoined by the maxims of liberty.

Law and order then is the very essence of liberty.

So it follows that the thousands of dedicated Americans who serve as peace officers who enforce law and maintain order are the true guardians of liberty.

It is my purpose today, Mr. Speaker, to pay a long overdue tribute to the men and women who daily risk their lives to maintain a government of law—our law-enforcement officials. As a further gesture of respect I am introducing legislation today which would direct the Postmaster General to issue a special postage stamp featuring the concept that law and order are the essence of liberty and which appropriately shows the important role police officers play in maintaining it.

In an age when civil liberties have been distorted to justify civil disobedience, when violence and mob rule are on the increase, when disrespect for law and those who enforce it is alarming decent citizens, it is time that a voice of moderation spoke out. Unfortunately, some programs urging support for local police have been conducted in conjunction with other impossible objectives such as impeaching our Chief Justice, getting out of the United Nations, and repealing the income tax. This has detracted from the credibility the program rightly deserves. At the opposite extreme are those who cry "police brutality" when the violence they would exercise against the freedom of others is restrained by a police officer doing his duty. Though they are vocal and verbose, neither extreme truly speaks for the great majority of Americans who understand and appreciate our law-enforcement officers.

Today's peace officers are caught in a struggle between those who consider individual rights to be paramount to society and the opposing view that individual rights should prevail only when they do not infringe upon the rights of society. It is this fine line which is drawn by the law as interpreted by the courts. It is a line which once was definite and clear but has become vague and muddled through court decisions, legislation, and public opinion.

Every person has the right to be free from harassment and persecution by the police. The rights of an individual are basic and precious to our way of life. But we also realize that society has rights which must prevail over individual rights.

Complete individual liberty would allow a person to drive at excessive speed, scream "fire" in a theater, or deposit refuse in the city streets. But, in the interests of society, it is necessary that such absolute exercise of individual liberty be curtailed. A citizen has the right to walk the streets without being beaten or robbed, women have a right to feel secure against assault, and our youths have the right to protection against the purveyors of narcotics. All of these rights are basic to life, liberty, and happiness and must prevail over any conflicting right of an individual. No person is entitled to special exemption or privilege under the law.

Charles Louis Montesquieu, the French jurist and philosopher of the 18th century, expressed it this way:

> Liberty is the right to do what the laws allow; and if a citizen could do what they forbid, it would no longer be liberty, because others would have the same powers.

In recent years, and in the name of civil and individual liberties, the courts have made it more and more difficult for police to gather evidence, accept confessions, search for stolen articles, discover contraband narcotics and generally go about their business of apprehending those responsible for crimes against society. Many cases have been decided on highly technical constitutional or procedural points as in three recent cases.

In the famous Mallory case, a man was apprehended by the District of Columbia Police at 2 p.m. one day and 6 hours later he confessed to the crime of rape. He repeated his confession later in the evening. Again at midnight, upon being confronted by his victim and identified, he confessed his guilt. He was found guilty of rape and sentenced to prison. On June 24, 1957, the Supreme Court overturned Mallory's conviction because his confessions were made before he had been arraigned before a U.S. commissioner and therefore could not be used as evidence.

In the Killough case, a man strangled his wife, buried her in a rubbish heap, and confessed to the crime 5 days later. This first confession was held inadmissible by the court under the Mallory rule. After Killough had been arraigned, however, a second and third confession were also held inadmissible because the court claimed they were "fruits of the evil tree," namely, the first confession. Today Killough is walking the streets.

After a Sacramento supermarket robbery, police officers stopped what they thought was the getaway car. Instead they found a large quantity of dope and made an arrest. The defendants were set free because the court held that this was illegal search and seizure.

Unfortunately, the courts have taken these unprecedented steps to protect the individual criminal at the expense of society at a time when there is an accelerating and cancerous growth of crime. From 1960 to 1965 all crime in the United States rose 47 percent. Murder increased 8 percent, forcible rape an alarming 41 percent, robberies 32 percent, burglaries 42 percent and larceny 57 percent.

Is it not time, in view of these statistics, that we started emphasizing civil responsibilities as the very necessary corollary of individual civil liberties? Is it not time we insisted that we return to the concept that this is a government of law and no man has a right to take the law into his own hands? Is it not time we supported our police instead of throwing roadblocks in their path?

Civil disobedience must not become a way of life. It cannot be justified on grounds that the orderly processes for change in a government of law are too slow and must be prodded by violence, looting, and pillaging. It is not enough to cite the Boston Tea Party and the civil rights movement as means which were justified by a desirable end. Let us not forget that, whenever we assume that if we disagree it is our right to disobey, with each step toward disobedience we take a step away from freedom in the direction of anarchy.

The Negro surge for equal rights was justified and necessary. But the need for continued progress in the field cannot justify today's lawless mobs which destroy large sections of our cities and kill, pillage, and loot. The riots in Watts and the more recent difficulties in Chicago, Cleveland, and New York reflect far more than impatience in the struggle for the rights of full citizenship. They demonstrate a degradation of respect for law and order—the essence of our freedom. Impatience is understandable, but mob violence violates the principles of freedom and the very purpose of the civil rights movement.

No mature citizen wants to deprive our college students of their individuality, their right to dissent, and the opportunity to vigorously express their points of view. This is a better Nation because of the ambition, initiative, courage, ideas, and sometimes the impatience of the young. But there is a difference between expressing one's honestly held views and simply disrupting the serious business of an educational institution.

People who believe defiance of social decency is a mark of distinction are emotionally insecure. They are compelled to the ridiculous in order to avoid the obscurity which, deep in their inner selves, they believe they deserve. In ordinary times, it would be best to ignore college beatniks since a desire to be noticed is their principal motivation. But in times of unrest like the present some effort must be made by higher education officials to require at least a modicum of social dignity in our institutions of higher learning. Academic freedom must not be allowed to turn into academic anarchy. Rules, like laws, should protect the freedom of the great mass of students who truly desire to be educated. The rights of an academic society must prevail over the conflicting whims of individuals.

Those who need a rationale for defying and fighting authority have adopted the new watchword and battle cry of "police brutality." They have created a presumption in some circles that, regardless of the provocation, any force applied by police is brutality. The call has gone out for police review boards to sit in judgment of the police officer who is charged with brutality.

This type of board assumes that police are guilty. It ignores the basic fairness in the traditional American presumption of innocence until guilt is proven. It bypasses the normal judicial process and sets up an extra-judicial group to sit in judgment of police conduct. It harasses police and hampers their work by subjecting them to time-consuming hearings on general charges which are seldom proven. In fact, out of the first 52 complaints heard by the Rochester, N.Y., Police Review Board only one was sustained.

There are ample avenues of relief open in our judicial system for the legitimate victim of police brutality. Why must we set up a body which assumes functions above and beyond the law? Let us not forget that this is a government of law—not of men.

It is time some consideration was given the officer who also happens to be an individual with feelings, a family and human rights. He is the one who must risk his life and confront the criminal face to face. He is on the front line in the battle against crime. His job is the battling of angry mobs, patrolling hostile slums, confronting murderers and thieves, and generally dealing with the unsavory elements of society. And yet the courts expect him to be a constitutional lawyer, concerned with the niceties and fine points of law while he fights for his life. The criminal, rioter or demonstrator does not hesitate to abuse him and, worst of all, the general public looks on with apathy.

I am convinced that police officers throughout the Nation are dedicated and decent men and women. But they cannot work alone. They need our help, understanding, and support.

We need a new dedication to the long-established principles of law and order.

We need a reaffirmation of the belief that a free society is dependent upon citizens who believe in solving problems through legal means, for freedom is meaningless in a lawless society.

We need laws to help enforcement officers in their fight against crime and which properly realign the balance of community rights as opposed to individual privileges.

If it is our destiny to remain as a free people then we must, as Lincoln said:

> Let reverence for the law * * * become the political religion of the Nation.

BILL BUCKLEY PROGRAM RECEIVES RAVE NOTICES

The **SPEAKER** pro tempore. Under previous order of the House, the gentleman from Ohio [Mr. ASHBROOK] is recognized for 5 minutes.

Mr. ASHBROOK. Mr. Speaker, it has been very encouraging to read the rave notices and accolades given to the new program which has been afforded those in the New York area by Bill Buckley. Time magazine recently had some very charitable words regarding Mr. Buckley's new venture into television and radio. Already a successful publisher, author, columnist and lecturer Bill Buckley is one of the great exponents of conservatism in America. It might have been suspicioned that many liberals would have panned his program but the high tone and quality of the program, its format, its guest list and its style have brought many rave notices.

Typical of these favorable reviews is Shana Alexandar's column, "The Feminine Eye" appearing in this week's issue of Life magazine.

One good question comes to mind: why not give the nationwide public the benefit of this fine program rather than limit its viewers to the New York area? With all of the inane programming now cluttering up radio and television, there certainly should be some time allocated to a real quality type program which is now emanating from the masterful and talented mind of Bill Buckley.

The article follows:

THE FEMININE EYE: EVEN BETTER THAN BATMAN

(By Shana Alexander)

I have forsaken *Batman* for a new TV hero who for me has even more pow, more thwuck, than the caped crusader himself. The new man is William F. Buckley Jr., whose prickly debates heard weekly on his show, *Firing Line,* make far and away the best talk on television.

I like the show for a lot of reasons, beginning with the cheerfully malevolent personality of the star. Buckley is more than the show's hero; he is his own best villain as well. Attacking a choice victim, he is as gleeful as the Joker, and he relies on the same juicy melodramatic tricks—the wildly popping eye, the flicking serpent's tongue, and the richly cultivated voice. His invective is as rich as his voice, and in the field of the screwy epithet Buckley is easily Batman's peer. He once called David Susskind such a staunch liberal that "If there were a contest for the title 'Mr. Eleanor Roosevelt,' he would unquestionably win it."

What really beats Batman is that Buckley is real, and so are his guests—Norman Thomas, Bishop Pike, Barry Goldwater, James Farmer. What beats all the other talk shows is the quality of the talk, which is swift, literate, informed, of the witty and frequently bitchy. I like Buckley because he not only doesn't play fair, he doesn't even pretend to. Good talk, not universal justice, is what Buckley is after and he knows how to get it.

But the clinching reason I like Buckley is that he appears not to give a damn whether I like him or not. In contrast to that cloying, puppy dog friendliness that characterizes other TV hosts, such aloofness is irresistible.

On a recent trip to New York I was almost disappointed when the real Mr. Buckley turned out to be a terribly easy man to see. He inhabits an elegant town house just off Park Avenue and there is something distinctly lairlike about the place. No bat poles, to be sure, but there is a vast, shadowy entrance hall and a tall, curving banister, with a powerful motor bike parked at its foot. Two parlormaids armed with vacuum cleaners grope around in the gloom, and an unmistakable scent of rose petals hangs in the close air.

Buckley himself is tanned seersuckered and charming, and at close range it is evident that his forked tongue is in his cheek a good deal of the time. It was equally apparent that while he is a magazine editor, a syndicated newspaper columnist, a millionaire yachtsman and an able enough politician to win 340,000 votes in New York's last mayoral election, his true métier is show business.

A.F.T.R.A., a show business union, evidently thinks so too, and recently demanded he take out a union card. Buckley was outraged. He revenged himself on organized labor by naming as beneficiary of his A.F.T.R.A. life insurance policy the violently anti-union National Right To Work Committee.

Buckley sees himself as neither a politician nor a performer but as a writer, or more precisely, a rewriter. "I wouldn't show a first draft to anybody, not even my wife," he says. A dedicated quill-pen man at heart, Buckley believes that the mark of a real writer is to become less and less satisfied with the ad lib form. As a result Buckley is unable to watch, let alone enjoy, his own show. The premiere debate with Norman Thomas delighted me with talk like this: "Mr. Norman Thomas has run six times for President of the United States, and six times the American people in their infinite wisdom have declined to elect him. . . . If I were asked what has been his specialty in the course of a long career, I guess I would say 'being wrong.'" But the same show threw Buckley into such a blue funk that he has never watched himself again.

The idea for *Firing Line* grew out of four or five taped debates he did in 1964 for Patrick Frawley, the ultra-conservative chairman of Eversharp, Inc. But, Buckley commented, "Frawley's idea of a debate is to have Arthur Schlesinger tear open his shirt at the end and cry, 'Mr. Buckley, I repent for all my sins,'" and he has since refined his emceeing techniques.

He now tries to "put a little starch in my introductions," which is how the Mr. Eleanor Roosevelt crack came to be. Buckley says he would have been gentler with Susskind, but he was annoyed at having had so many clichés hurled at him by Susskind when Buckley was a guest on *Open End*. "He always says to me, 'Bill, why don't you move out of the 19th Century?' That old line has the same depressing effect on me as the first three notes of the Rachmaninoff *Prelude*. Susskind is a much greater embarrassment to liberals, you know, than he is a goad to conservatives."

Buckley's own greatest satisfaction comes "when I get something said that both needs saying and isn't banal," or "when I can expose an unexpected area of weakness." He liked his interview with presidential speech writer Richard Goodwin because "it showed the schizophrenia between rhetoric and activity at the highest level." He liked debating Staughton Lynd because "when a man tells you the moon is made of green cheese, what is interesting is what makes him think so." Buckley said he was interested in the fact that Lynd is the son of America's celebrated sociologists, the authors of *Middletown*.

"Is he their only child?" I asked.

Buckley's Minnie Mouse eyelids flapped. "I hope so," he said.

Buckley is aware of TV's inevitable mellowing effect—Buckley himself might prefer the word erosion—on his own viper image. But he doesn't know what to do about it. "This host business makes things so difficult," he says. In formal, off-camera debates, he prefers never to meet his opponent beforehand because "it's too emulsifying." Though Buckley's training and temperament make him expert at the British debating tradition of what he calls "tremendous off-stage civility," he claims that something more gladiatorial suits his own bloodthirsty tastes.

I said I admired the delicate way he phrased his more bloodthirsty remarks, the feigned tentativeness that masks an absolute certainty.

"You're being oxymoronic," he replied.

There are occasions when it is best to come right out and ask, "What does that word mean?" and this seemed to be one of them.

"Oh, you know," said Buckley. "A black angel. A soft butcher." His eye twinkled. "A liberal Republican."

THE U.S. HOUSE OF REPRESENTATIVES

Mr. FARNUM. Mr. Speaker, I ask unanimous consent that the gentleman from Maryland [Mr. FALLON] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Michigan?

There was no objection.

Mr. FALLON. Mr. Speaker, in my opinion, one of the glories of our American Congress is that it always has refused to be a static, status quo institution. Constantly, the current membership and our illustrious predecessors have sought ways to improve its effectiveness to our Nation and our people.

In this unflagging search for better methods of legislating it always is helpful to have the observations of a thoroughly objective and astute student of government. We are fortunate in having this in a report written by Mr. Abul K. M. Faiz, who is the Deputy Secretary of the National Assembly of Pakistan. Mr. Faiz has been an intern, working in and with our House Public Works Committee, since last Jaunary, under my sponsorship.

His keen, diligent, and thorough investigation into our American system of federal government, particularly our Congress, reveals his own governmental background and his report is largely a comparison between the parliamentary system of Pakistan and our system. In the belief that my colleagues will get both profit and pleasure, as well as some flattery, from this report to be made to the Pakistan Assembly, I ask permission for its inclusion in the CONGRESSIONAL RECORD:

THE U.S. HOUSE OF REPRESENTATIVES AS SEEN BY A CONGRESSIONAL FELLOW

(By A. K. M. Faiz, Deputy Secretary, National Assembly of Pakistan)

The vastness and unique features of any study of the Practices and Procedures of the United States Congress cannot be better stated than by quoting the inimitable words of Woodrow Wilson in his "Congressional Government."

"Like a vast picture thronged with figures of equal prominence and crowded with elaborate and obstrusive details, Congress is hard to see satisfactorily and appreciatively at a single view and from a single standpoint. Its complicated forms and diversified structure confuse the vision and conceal the system which underlies its composition. It is too complex to be understood without an effort, without a careful and systematic process of analysis. Consequently, very few people do understand it, and its doors are practically shut against the comprehension of the public at large. If Congress had a few authorative leaders whose figures were very distinct and very conspicuous to the eye of the world, and who could represent and stand for the national legislature in the thoughts of their very numerous, and withal very respectable class of persons who must think specifically and in concrete forms when they think at all, those persons who can make something out of men but very little out of intangible generalizations, it would be quite within the region of possibilities for the majority of the nation to follow the course of legislation without any very serious confusion of thought."

I felt how true Wilson was when I attended the first few sittings of the January-1966 session of the House of Representatives with its time-killing roll calls by name at a time when the push-button system could have made them a matter of a few seconds; too quick disposal of bills and resolutions in the House with liberty (subject, of course, to unanimous consent of the House, which is generally granted); to extend even unrelated remarks to form part of the CONGRESSIONAL RECORD. I could, however, realize shortly that these time-honored practices had their justification, although they would appear rather confusing to the casual visitors, particularly those who are not familiar with the system of committees, the "little legislatures" within the Congress. The oral rollcall allows a small margin of time to congressmen who have their offices scattered over three buildings outside the Capitol Building. The committees, as experts in their respective fields, thoroughly examine and scrutinize all bills and resolutions, hold public and executive hearings over a period of days in important cases, and thus minimize and obviate lengthy discussions in the House chamber. Although it may render the discussions in the House less lively at times and one might see some usurpation of the function of the House by the committees, this is a healthy and effective way of checking random discussions and filibustering in the chamber, which the House has thus succeeded in keeping to a minimum. The committees are after all a limb of the House. The extension of remarks under the one-minute rule of speaking not only enables a member to have a say but also brings to public focus certain important matters which might not otherwise have any chance of coming to the notice of this august House and the nation.

I believe the sponsors of the Congressional Fellowship Program (The Asia Foundation) and the American Political Science Association (as its local supervisors) are aware of the vast scope and implications of this important program. I would, however, suggest that greater effort be made to draw the attention of the Fellows, especially the non-American ones, to its widescope and diversified nature inasmuch as the bulk of the Fellows are drawn from sources other than legislatures.

Naturally, their needs are varied; and to make their studies really effective it is necessary to give them insight into the various facets of the Congress which, inter alia, include the office of the congressman and committees (as perhaps the most important), offices of other officers of the House, e.g., the Speaker, the Majority Leader and Minority Leader, the Clerk, the Parliamentarian, the Doorkeeper, the Sergeant-at-Arms, the Reporters, the Journal Clerks and facilities to see the committees (at least, the important ones) like the Committee on House Administration, Ways and Means Committee, the Appropriations Committee, the Committee on Government Operations, Foreign Relations, Agriculture, etc. To achieve these objectives they require not only a general orientation about the government and the people of the United States but also a desk-to-desk experience, wherever feasible and permissible, of the different work done by the various staffs in the offices of congressmen, the committees, and of other House officers. This is particularly necessary for the Fellows drawn from legislatures. The Fellows should not grudge any practical work which they may be called upon to do in attaining these objectives.

Some of the supervisors and perhaps some members of the staff in a congressman or senator's office seem to think that any work, though it may pin down a Fellow to a very limited sector or to one alien to his own field, should be good enough for a Fellow. I think that the training of a Fellow should be on the lines indicated above, keeping in view the special needs of his profession or of the office he represents. Latitude may, however, be allowed in the cases of those who wish to make a special study or research on a particular sector of the Congress or of a congressman's office. It is quite true that it is not possible to set up a standardized program for a motley team like this. The idea here, therefore, is to emphasize the special needs of a Fellow who should at the same time have a bird's eye view of all other sectors of the Congress. This position should be appreciated by all those charged with the training and supervision of the work and progress of the Congressional Fellows, especially of those who come with the object of seeing all aspects of the Congress, sometimes unaware of their uncertain role here. The placement of Fellows, at least the non-American ones, with congressmen or Senators should preferably be negotiated by the supervisors (American Political Science Association) as is done by the Agency for International Development in placing their participants with other agencies. True, left to themselves the Fellows have chances of more contacts; but it becomes difficult without some introduction.

Here I cannot help expressing my gratitude to the Chairman of the Public Works Committee (Mr. FALLON of Maryland), his Committee, members of the staff, especially Mr. Richard Sullivan, Mr. S. V. Feeley, and Mr. Sterlyn Carroll for the facilities extended to me. They have been extremely kind and cooperative not only in whatever I needed within the Committee but also in my contacts with various other offices and committees of the Congress. I have been highly impressed and benefited by their help and guidance. I must also record my gratitude to Dr. Charles J. Zinn, Law Revision Counsel, to the Clerk of the House and his staff, to Mr. Brown of the Parliamentarian's office and others for their ungrudging assistance to me. It will remain a pleasant memory for me to recall the friendly atmosphere and absence of red tape that pervade the Congress and its offices.

Now to revert to the scope of the training/orientation program. For a fuller understanding of the working in the House, it is necessary to know that the practices in the House are in many ways as unique as the party system in the country and its growth. It is interestiing to note that the Founding Fathers of the Constitution did not seem to think in terms of parties but, perhaps, only in terms of a united nation—all working in unison to serve a common end. Nevertheless, the country could not keep up the non-partisan spirit inspired by Washington. With his entry into the Presidential office arose the Federalists under the leadership of Alexander Hamilton. On the other side was the coalition formed by Thomas Jefferson which started out as the Democratic-Republican party and ended up as the Democratic party. Andrew Jackson gave it a Southern and Western cast. The Whigs, the followers of the Federalists, were the only opposition. However, with the rise of the Republican Party in 1854 U.S. politics entered a clear two-party system which has been successfully in operation till today.

The results of the two-party system have been that both parties are broad alliances of different interests and that they tend to be moderate in their platforms. Thus the real gap between the two parties is not very sharp; the minority party in the House today is the Republicans who are popularly called the GOP (Grand Old Party) and its leader is known as the Minority Leader instead of the Opposition Leader. This liberal approach to national affairs and absence of any fundamental difference in party programs make possible the election of the leader of a minority party to the office of the President, as happened in the case of President Eisenhower at a time when the Democrats were in a majority in the House.

Another interesting point in American party politics is the nomination of candidates for congressional and gubernatorial offices. Despite sufficient authority the party leadership does not impose nominations on the electors. It rather goes by the democratic verdict of the people as revealed by the results of primary elections and nominates such people as come out successful in them.

The raising of party funds through dinners and luncheons at high rates per dish is another novel feature of U.S. political parties. They know it and openly admit that elections here are a costly affair. However, like other countries here too there are fixed limits for expenditures on elections. A member of the House cannot spend more than $2,500 on his election and a Senator is limited to a sum of $10,000 only. They have to render accounts before and after the elections. But these limits can be circumvented through invisible expenses or expenses made by friends and relations on their own without involving the candidate concerned.

All associations and labor organizations have to submit four reports a year to the Clerk of the House. They have to submit six such reports in the year of Presidential election. This applies to all such associations as contribute $100 or more to an election.

Paid lobbyists are a recognized institution here. Lobbying is an extension of the right to petition guaranteed by the Constitution. They have to have their names registered with the Clerk of the House and to submit quarterly reports regarding their activities, including the money that they receive from the agencies they represent and the type of legislation they lobby for.

Party discipline in the House is different in certain respects from that found under a parliamentary form. There is no rigid party mandate here, even in the matter of votings in the House. The Republicans have no mandate, while the Democratic party mandate in this regard is also loose. A member of the party might not support a particular measure if he felt that it were against his conviction or that it was against a commitment made to his electors during the elections. All that the leadership and the Administration could do in such a case was to resort to persuasion. At the worst, they might put indirect pressure by withholding support and patronage in matters in which such a member might be interested. Nevertheless, it must be admitted that the process is liberal and based on a policy of give-and-take. This goes to make legislation more balanced and more acceptable to the people and parties in the House.

That the party system here is more liberal is borne out also by the fact that the members of the majority party (which is an equivalent of the Government party or treasury benches in a Parliamentary system) openly criticize the Administration—at times violently—even though the critics may side with the Administration when it comes to the question of voting funds.

It is interesting to note that within the Democratic party there is a group known as the Democratic Study Group, which consists of about 175 liberal members out of 294 Democrats who are in the ratio of 2 to 1 to the Republicans. This group generally supports all liberal legislation and tries to exert its influence on the conservative members; yet they are solidly behind the party. They have support of a few liberal Republicans who are with them on such measures as civil rights. The Republicans are said to have a similar group, though it is not so effective and conspicuous. In addition, the Republicans have a Committee on Planning and Research. Above these, the Democrats have the Democratic Party Caucus; and the Republicans, the Republican Party Conference. At the top of the Democratic party is the National Democratic Committee and at the top of the Republican party is the National Republican Committee, both of which become really active at the time of the Presidential election, particularly in the national conventions which nominate the candidates for President and Vice President.

Now a word about party leaderships in the House. Here again, certain things are clearly different from those under the parliamentary form. There is no opposition party in the House, just as there is no government party or government business or private members' business. All measures sponsored by the Administration are, at least in theory, on the same footing as a bill or resolution sponsored by any member on his own initiative. No member is at all bound to sponsor a bill for or on behalf of the Administration, although a measure requested by the Administration or a department is, as of courtesy and practice, generally sponsored by the chairman of the committee concerned. This was true even during the six-year period of President Eisenhower's term during which both Houses were controlled by the Democratic party. The committee has the liberty to deal with it in any manner it deems fit. It may sit on or pigeonhole it, if necessary.

The leadership in the House may be roughly divided into two groups. On the one side are the Speaker, the Majority Leader, the Majority Whip and Assistant Regional Whips in charge of a zone each; on the other side are the Minority Leader and the Minority Whip (and the Regional Whips).

In the House the Speaker is the top Democratic leader. He participates in the debates and clearly expresses himself in favor of or against a particular bill or measure. Undoubtedly he has a great say in all matters brought on the floor of the House, but all this does not detract anything from his impartiality as the presiding officer of the House. Nor does he remind one of the excesses of his predecessors, Thomas B. Reed and Joseph Cannon, who would at times like to have their way openly and despite what the feelings of the House might be. The present Speaker gives the impression of a genial person, impartial, accommodating and liberally inclined to the Minority and its susceptibilities.

No daily orders of the day are issued, as in some other parliaments. The business to be brought before the House during the next week is notified on the floor of the House before the end of the previous week by the Majority Leader on his own or at the request of the Minority Leader or some other member. This is also communicated in writing to the Minority Leader and the party whips.

It is the party whips that pass on this information to the members of their respective parties. The information may be had in the CONGRESSIONAL RECORD, which is available to the members on the morning following every working day. The Office of the Speaker or of the Clerk has no responsibility in this regard. The orders of the day (known as the daily calendar) thus remain fluid and subject to the discretion of the Speaker, who exercises it in consultation with the party leaders. In this way the priorities of business on a particular day are determined within bounds of Rules, which may be suspended under special circumstances by unanimous consent or by a two-third majority of votes of the members present.

Bills and resolutions reported upon by the legislative committees fall under different categories and are included in the calendars as follows:

(i) Union Calendar—contains all measures for revenue or appropriations and measures directly or indirectly appropriating money or property;

(ii) House Calendar—relates to non-money measures; and

(iii) Private Calendar—deals with bills and resolutions relating to individual cases.

There is another calendar, (iv), the Consent Calendar which, at the request of members, includes bills and resolutions which are likely to be passed unanimously and without any debate. The Private and Consent calendars relate to the non-controversial bills and resolutions and account for the largest number of bills and resolutions passed by the House.

It is interesting that even the bills and resolutions on the Consent Calendar are not allowed to go unnoticed. A committee of six members (three from the Democrats and three from the Republicans), known as the Official Objectors Committee, scrutinizes these measures. An objection by any of these members keeps a bill pending until the next date for considering this type of business. Three objections result in striking such a bill or resolution from this calendar. It is a good time-saving device and has worked very well.

Outside the House chamber itself, the standing committees of the House are the most powerful and important of its organs. They have been rightly called the "little legislatures." They share the burdens of the House by examining and scrutinizing the thousands of bills and resolutions that flood it every session. The committees decide the fate of many of them by killing or pigeonholing those that are not important or pressed by their sponsors. During the last session (i.e., the first session of the Eighty-ninth Congress), the House received 11,296 bills and the Senate received 2,872 bills. During the current session as of July 14, 1966, the House received 16,279 bills, 1,212 joint resolutions, 829 concurrent resolutions, and 915 simple resolutions. The Senate received 3,620 bills, 176 joint resolutions, 101 concurrent resolutions, and 283 simple resolutions. It would be impossible for the House and Senate chambers to deal with each one of them, even if they sat much longer than they do now. This makes the role of the committees all the more important and arduous.

The committee hearings are of great value in more ways than one. First, they alert and give an opportunity to all those likely to be affected by or interested in a particular measure to represent their cases to the committee. Second, they give an opportunity to other members of the public to participate in and express, if they like, their views on the making of laws that are going to affect them and at the same time insure that no measures are hustled through at the will of the Administration or their interested sponsors. Third, they are a great source of education for all concerned. Subject specialists and reputed scholars are invited to testify before the committees. They express themselves freely and fearlessly to the benefit of all present and of those concerned with the making of a particular law. This is a costly process, but it is a worthwhile democratic and educational process of immense value. In a Presidential system where questions for answers on the floor of the House are not allowed, as done in a parliamentary system, the committees are an essential concomitant to its democratic process for the committees can call and examine officials from the governmental agencies regarding bills and other matters. The committees of the U.S. Congress are accomplishing that role in a very efficient—and one might say—in a unique manner suitable to the genius of this country. Unlike standing committees elsewhere, e.g., Canada, Pakistan, etc., the standing committees of the U.S. House of Representatives can do without reporting upon a bill or bills which they do not support. Thus they are vested with greater power.

On the one hand, the committees profit by the expert evidence of specialists called from outside; on the other, the committees themselves are experts in their own fields inasmuch as the membership of a committee is drawn generally from the old members of the same committee and those specially interested in a particular subject. This again is a very healthy convention worthy of emulation. As a result, most of the members are capable of participating and cross-examining the witnesses in an intelligent and effective manner. To add to these, most of the committees, particularly those like the Foreign Affairs Committee, have experts on the committee staff who assist the members and often prepare briefs for them. All this makes the process a complete and worthwhile one and very well justifies the money spent on the committee system.

A committee may sponsor a bill, propose a substitute bill for the one under consideration, or propose amendments to it. The mode of sponsoring a bill or resolution is highly democratic. No member of the Presidential cabinet can sponsor a bill. A bill or resolution recommended by the Administration is, therefore, introduced by the chairman or a member of the committee concerned. Thus, a committee is free to deal with such a bill or resolution in any manner it thinks fit.

It may be mentioned here that the House has 20 standing committees, about 100 subcommittees and one special select committee. In addition to these, there are 10 joint committees. The number of subcommittees of a committee and its staff vary according to the special needs and importance of a committee. The chairmanship of a committee, by practice, goes to the senior-most member of the majority party.

This seniority system has been a matter of long controversy and criticism, but is still there in the absence of a better alternative.

As regards the committee staff, the Rules limit them to four professionals and six clerks for a committee, to be appointed by a majority vote of each committee. The staff of a committee is shared between its chairman and its minority ranking member. There is some element of duplication in this. But the staff works in a laudably cooperative and friendly manner to promote a common end. This division of staff is effected to ensure an easy take-over of responsibilities by the staff concerned when the minority of today may become the majority of tomorrow.

Of the committees, the Committee on Government Operations among other things also does the work done by a Public Accounts Committee in other parliaments. The Rules Committee here plays a distinct role and, therefore, deserves a special mention inasmuch as it has the power to participate in making decisions affecting the agenda of the House. It has the power "to give or withhold hearings for rules, to give or withhold rules, to trade a change in the bill for a rule, to permit or forbid amendments, and set the length of a debate, to take advantage of time constraints near the end of a session, to arbitrate differences between legislative committees and to initiate action in the absence of legislative committee decisions." It has, therefore, been variously criticized and branded as conservative, oligarchic and obstructive in attitude. In fact, the House rose in revolt at the time of Speaker Cannon, for "He used the Rules Committee as his instrument for setting and dominating the agenda of the House." Then came the 21-day Rule as adopted by the Eighty-first Congress. It was re-adopted by the Eighty-ninth Congress in 1965, giving the chairman of a legislative committee the right to call up a bill upon which a special rule was adversely reported or not reported within 21 days by the Committee on Rules. Another step was taken in 1961 to liberalize the Rules Committee by raising its membership from 12 to 15. To add to these, bills may be brought up before the House through unanimous consent and Wednesday Calendar proceedings, under which a committee may call up a bill previously reported by it. Despite all these, statistics show that the bills on which the rules were withheld by the Rules Committee and which were brought before the House through a discharge petition rarely passed through the House and Senate. All that the House did not like was the adverse attitude of the Rules Committee towards progressive legislation on subjects like civil rights, full employment, etc. It must, however, be said to the credit of the Rules Committee that by fixing the time limit for discussions and by putting restrictions on filibustering and unnecessary and delaying tactics and amendments, the Committee advances the smooth and quick passage of bills and saves valuable time of the House. The position in the Senate is different, as there is no such check on filibustering.

Another mentionable feature of the committees is that they meet regularly on the dates of the month set for each. As the Congress meets at 12 noon, most of the committees meet in the morning because they, barring the exempted few, cannot sit when the Chamber is in session, without the permission of the latter. To keep the committee hearings undisturbed, the Rules provide that committee hearings can be held in the absence of a quorum, although no decision could be taken without it. Proxy voting is also allowed, although a proxy does not count to the making of a quorum. These may be adversely criticized but their justification lies in the fact that they expedite committee work, which has to keep the House fed and to move with the pace of work in the House Chamber. All said and done, these are good practices and may be tried elsewhere with advantage.

We have seen that the committees are a most powerful organ of the Congress. It would, therefore, be pertinent to inquire about the sources of their authority that empowers them to call witnesses and even to cite them for contempt if they refuse to attend or testify or to produce records asked for. During the current session of the Congress, several persons (perhaps seven) have been cited for contempt of the Committee on Un-American Activities.

The committees are guided by the Rules of the House as far as they are applicable. They may, however, make their own rules consistent with those of the House. It may be mentioned here that the House is very zealous about its powers and authority. By way of assertion of the same, every new Congress (the House only as the Senate considers itself a continuing body) adopts the Rules in practice already with or without any amendment to prove that it is not bound by the rules of its predecessor.

In the same way every new Congress, while forming the committees of the House, determines the duties and powers of every committee by the resolution that creates them. The House can, of course, invest any committee with new duties and powers wherever it likes. Rule XI of the House Rules empowers committees to issue subpoenas. In the case of the Committee on Un-American Activities it derives its authority from Public Law 601, Seventy-ninth Congress (The Legislative Reorganization Act of 1946).

The House also stands on its inherent rights as a sovereign body, which in the words of Speaker Reed are, "It is for the House alone to determine what they are." In a case arising out of an inquiry by the Committee on Un-American Activities in 1957 the Supreme Court held, "The power of the Congress to conduct investigation is inherent in the legislative process." "It is unquestionably the duty of all citizens to cooperate with the Congress in its efforts to obtain the facts needed for intelligent legislative action. It is their unremitting obligation to respond to subpoenas, to respect the dignity of the Congress and its committees and to testify fully with respect to matters within the province of proper investigation." (U.S. v. Watkins 354 U.S.) (CONGRESSIONAL RECORD, February 2, 1966).

Thus the House maintains that it has the right to take cognizance of and try a contempt of the House or the breach of a privilege. But, for a long time it has not exercised that right. It rather cites the cases of contempt and refers them to the Attorney General for appropriate legal action. Sections 192 and 194 of Title 2, U.S. Code (contempt statute) lay down the penalty and procedure for punishing witnesses who willfully make default or refuse to answer questions put in the course of a hearing by the House or its committees. The claim that the House has inherent rights to determine its rights and privileges has been generally accepted by the Nation and upheld by the courts as noted above. Thus the question of rights and privileges of the Congress stand well-settled both by convention and the rulings from the courts. These may serve as guides and precedents for other new legislatures to follow.

The members of the Congress enjoy the privilege of franking letters for official purposes only without a limit to their number but subject to certain restrictions. In addition, a member gets postal stamps worth $500 a year. He also gets liberal facilities for telephone calls and telegrams. One word in a telegram makes one unit, while one minute on the telephone makes four units. He is entitled to 140,000 such units per Congress. Furthermore, he gets a sum of $2,400 for stationery per annum.

Intimately linked with the committees is the office of the Legislative Counsel of the Congress, which consists of a few legal and drafting experts who assist the members, the committees and the House in drafting and amending bills or resolutions that come before them for consideration. Very often this section has to work in confidence on the verbal instructions of members desiring to sponsor bills. It has to work in close cooperation with the departmental representatives and the committees. Its officials are often required to attend committee meetings so that they may know the full implication of the changes or amendments and even redrafting of a bill that may be referred to them. It is the friendly cooperation among the committee officials, the office of the Legislative Counsel, and the department that may be concerned with a particular measure that helps produce quickly a good bill or a good committee report. I have found them conscious of this obligation. This team spirit has impressed me much. The major function of the Legislative Counsel is, of course, to give a legal and formal shape to the ideas of a member or of a committee without any change in the concepts of the sponsor. The other function is to see that a proposed measure does not repeat or collide with the provisions of an existing law.

The Library of the Congress is perhaps the largest institution of its kind with about 13.5 million books, 2,000 dailies and weeklies, 3,500 employees and 16 reading rooms. It is both a library of the Congress and the national library and deals with the copyright of books. It is open to all adults (only high school students are excluded). Hundreds of students and research scholars from within the country and outside derive benefits out of it. It has a Photo-Publication Service which is self-financing and serves both the Congress and customers from outside. Starting from a Rockefeller grant, it is now a huge self-sustaining unit. The Library has a music recording studio and a huge stock of old manuscripts. It has handwritings of as many as 26 presidents of the United States. It has separate sections regarding most of the countries of the world with rare books about them and their languages. It has facilities for translations into English from other languages and has some foreigners on its staff. It has a special reading room for the Members of Congress, which remains open until 10 o'clock in the evening every day of the week, including Sunday. It contains reference books and a large number of magazines. The above gives an idea about the magnitude of the Library. What is of particular interest to a student of the Congress is the Legislative Reference Service of the Library, which is meant exclusively for service to the congressmen and Senators. This service has nine divisions, such as the American Law Division, the Foreign Affairs Division, and so on, each being manned by specialists in a particular field.

The Legislative Reference Service receives about 100,000 requests from the Members of Congress during a session. They cover a wide range of subjects—social, political, economical, educational, financial and international problems and even matters on which information is sought from a congressman by his constituents. These requests number 80 to 100 per day and come over the telephone, in writing, or through personal visit with the officials of the Service. It has to prepare materials for speeches and even speeches for congressmen at a very short notice on complicated matters not necessarily regarding one particular subject. In quite a few cases the officers have to put in combined efforts to meet the requests of congressmen and that within a limited time of two to three hours at times.

The Service has a staff of 250 officials, of whom about 125 are specialists. This is a pretty big establishment and means expenditure. But it is a very useful unit as it helps the congressmen in the discharge of their congressional duties and makes them more effective and useful to the House and the Nation. The Library of National Assembly of Pakistan will do well to have a small reference unit to assist the members in this way.

As referred to earlier, the House of Representatives has simplified the procedure for election of the Speaker and other officers of the House. The Speaker is elected under the chairmanship of the Clerk who presides at the first meeting of the new Congress, and who along with the Sergeant-at-Arms, the Doorkeeper, the Postmaster and the Chaplain are elected under the chairmanship of the Speaker. A convention has grown over the years that until the election of the Speaker no member of the House of Representatives takes any oath—and yet they elect the Speaker, although a question may be raised as to whether the election of the Speaker is a business of the House and, if so, whether members were competent to transact any business before they took their oaths of office. In Pakistan a member of the House is not supposed to transact any business, including the election of the Speaker, before he takes the oath of office. If the point raised here can be overlooked, as is done by the U.S. House of Representatives, the election of the Speaker may be made the same way in Pakistan, too. It will simplify the procedure and obviate pre-election formalities. No formal nominations will have to be invited or submitted before the first meeting. The House elects one of the two nominees—one put up by the Democrats and the other by the Republicans. The nominee of the majority (as determined by the Democratic Party Caucus) became the Speaker in this Eighty-ninth Congress and the nominees of the minority party (as determined by the Republican Party Conference) became the Minority Leader in the House.

As for the oath to the Speaker, by usage, and not necessarily the oldest member of the House (in respect of service in the House) administers the oath to the Speaker, who administers oaths to other members and officers of the House. Members may take these oaths in a group by each signing an oath form in token of oath-making. The Speaker does not delegate to others this authority to administer oaths to members.

The Congress has a long session of eight to ten months a year. It may meet more than once, if necessary. The congressman is, therefore, a busy person and a full-time official of the Congress, barring the short recess and his visits to his home constituency. He has a well-furnished office with a number of staff members to assist him in the performance of his congressional duties within the chamber, in the committees and also in his contacts with his constituency. The staff strength has recently been raised from 10 to 11. His attendance at the meetings of the committees is almost as important as that in the House for the quorum in that both require the presence of half the total members plus one. He receives letters from his constituents in dozens and at times in hundreds. He tries to answer as many of them as possible. A large number of people from his constituency visit him frequently. He has to attend to them. He has to respond to numerous other calls including television, radio, and meetings. Many others seek redress of personal problems or grievances regarding pensions, employments, admissions to special institutions, and so on. Most of the congressmen have telephone interviews with school and college students, say for 15 or 20 minutes a week. Thus a congressman has to put in a good bit of labor and sweat in earning the prestige and money that his congressional position fetches him.

His staff are an equally busy lot. Some have to brief him about matters before the House and the committees. Some have to draw his attention to references made by his constituents. In most cases, the staffs of the congressmen are busy throughout the day. Quite often some of them sit late. Unlike government employees, they have to work to suit the convenience of the congressman without a rigid reference to office hours. In this age of publicity and propaganda, he and his staff have to keep abreast of happenings around and focus his activities before his constituents, for he has to approach them every two years for votes. Thus the life of a congressman is a really active one which may attract both admiration and sympathy, for he has to elbow his way through odds and tough competition of merit and money.

The biodata of congressmen show that a vast majority of them are university graduates, in many cases with law degrees and legal practice and experience of various other public offices at their credit. This is undoubtedly a learned body of capable men and women. In the result, even the unwritten speeches are generally brief, elegant and to the point, and congressmen show them as persons with parliamentary background and skill. The business of the House, therefore, goes on smoothly and expeditiously despite an air of informality in the House.

There are quite a few other interesting points about the Congress and its practices. The method of introduction of bills and resolutions has been simplified by the placement of a box, called the Hopper, in the Chamber, which is the only means of submitting a bill or resolution to the House. The Speaker refers it to the revelant committee and it finds a place in the CONGRESSIONAL RECORD and the appropriate calendar of the House. This obviates routine, and the bill or resolution comes to the notice of all concerned without delay.

The House has a Parliamentarian who, together with his assistants, advises the Speaker in all matters relating to Rules of Procedure, precedents and rulings given by the Speaker. The present Parliamentarian has held this office for about forty years. The importance of this office lies in the fact that it keeps up continuity and uniformity among the rulings and that it helps in the quick disposal of points that call for rulings from the chair.

The Parliamentarian's office also checks the Journal of the House before it goes to the House for its approval. This Journal is the official document of the House, while the CONGRESSIONAL RECORD contains the verbatim proceedings of the House. In Pakistan, the debates are the official documents, although a summary of the daily proceedings is prepared by the Assembly Secretariat and communicated to the members for information.

Two clerks are in charge of the Journal of the House, while the Congressional Digest has an editor and an assistant editor. There is no editor of debates and the verbatim proceedings are taken care of by the Official Reporters who are assisted by a fast typist each. After every turn taken by a Reporter, the speeches are dictated through a dictaphone and the same are immediately typed out for correction by members, if they choose to do so. These go to the Government Printing Office the same day, for every member is to be supplied a copy of the CONGRESSIONAL RECORD the following morning. The seniormost of the Reporters, who are a very friendly team of seven, is known as the Dean of Reporters by virtue of his seniority although all of them have the same status and scale of pay. One can easily see the skill and dexterity with which they take notes in the House.

The committee proceedings are recorded through reporters hired for the session from private firms on payment of a fixed rate per page. Surprisingly, on occasions, one of such reporters would use the stenograph machine for an hour or more before another takes the turn. The tendency here is towards machines as it is difficult to get really fast shorthand stenographers. It would be worthwhile if one or two persons from the staff of the National Assembly of Pakistan could be trained for a year or so in the use of the stenograph machine used in the committees here.

The Clerk's office has two Reading clerks who do all the reading in the House except putting of questions to the House, which is done by the Speaker. The clerk does not necessarily remain in the Chamber, while the Parliamentarian of the Assistant Parliamentarian is generally present.

Besides keeping order in the House, the Sergeant-at-Arms disburses the salaries and the mileage from and back home to the members. All other payments are made by the Clerk's office. I could find no reason why these two unconnected jobs have been given to the Sergeant-at-Arms, while the payment work could appropriately go to the Clerk's office. But that is the rule of the House of the subject. He may also be required to enforce attendance of absentee members by the Speaker under the authority of the House.

The Doorkeeper is another elected officer of the House required to enforce rules relating to the privileges of the Hall, including entry of visitors to various galleries. The Press Gallery is the really exclusive gallery. The Executive and the Diplomatic galleries are used once in a while. In one of the galleries, the Speaker has only nine seats for his guests. It seems there is something hallowed about the Capitol. Its serene grandeur which is reflected by the unique white dome and seems never to fatigue an onlooker attracts hundreds of visitors, including children, who see the proceedings in the House in large groups. They are encouraged to do so. The entry passes are issued mainly by congressmen and the Speaker. The Doorkeeper too issues them in certain cases. In meeting the rush of visitors, the Doorkeeper and his staff use a lot of discretion by using special galleries for school students or other authorized groups. The Doorkeeper announces messages, if any, from the Senate.

The Postmaster and the Chaplain are also two elected officers of the House. The postal staff here belongs to the House service and not to civil service, although they operate like other post offices.

In this large House with a membership of 435 people, there are only 10 microphones, including two for the Speaker and the Clerk. Thus, each side of the House has only four mikes; yet there is no clamor over this small number.

The system of pairs is a novelty of the Congress. An absentee member may indicate in writing to the pair clerk his intention to support or oppose a particular bill or part thereof. He is paired with someone else who indicates an opposite view. The effect of a pair on the fate of a bill is nil. The purpose of this is to indicate the position of a particular member on a bill. There is another category called the general pair. Its purpose is to show that certain members were not present on a particular day and that subsequently they might tell the House which side they would have taken, if they had been present.

Most of the voting in the House is done by voice. There are three other kinds of voting: (1) vote by raising hands or rising in seats; (2) vote by teller method—where supporters and the opponents of a motion are required to pass through the main aisle of the House, counting being done by one member from each side of the question named by the Speaker; (3) the record vote where members are called by name and marked by the respective tally clerks. This is time consuming but reflects the exact position taken by the parties and their components.

Sittings arrangements in the House are simple. Any member of the majority party make take any seat on the majority side. Similar is the case with the minority side. In addition to his room as Minority leader and congressman, the Minority leader has a room adjacent to the Chamber. Each side has a cloakroom. In the Senate, however, the senior members have preference over the juniors in the matter of selecting their seats in the Chamber.

The errand boys for the House are known as pages. They are available for carrying messages and papers to members. They remain in the Chamber during the sittings. There is a school for the pages, who are taught in the morning. In addition, they are handsomely paid. These may be said to be patronage jobs and may lead to good careers for these boys.

Both the Congress and the Federal Government encourage training of student interns (some of whom are unpaid volunteers) from schools and colleges in congressional affairs during the three-month period of the summer vacation. There are some interns who are college teachers or research scholars sponsored and paid for by voluntary agencies. The other interns are paid a monthly stipend of $200 or more by the Congress out of the funds allotted for the purpose. This helps teachers of political sciences and students to see the Congress at work—a situation which, at least in certain respects, is different from what one may see in books.

The House has evolved some time-saving devices for quick disposal of bills. The first and third Mondays of a month consider bills under suspension rules, where after a debate of 40 minutes a vote is taken and an affirmative vote of two-thirds of the members is necessary to pass the bill. In the case of bills placed on the (unanimous) consent calendar, bills are passed without objection with little or no discussion on the floor of the House and thus no time is wasted on simple and noncontroversial bills.

Another time-saving device is the division of time between the manager of a bill and the minority ranking member. It is the discretion of these two persons to yield time to other members. Even then, the time is limited to a few minutes only. This is a good practice and works here smoothly. In addition, it obviates embarrassment of refusal on the part of the Speaker who has to play this unpleasant role in other legislatures. But the members are very cooperative and they generally yield time to other colleagues. Another novelty is the practice of the member in possession of the floor while a particular matter is under discussion yielding time for questions to him. Here, too, members liberally yield time even to those who might put difficult or awkward questions. This betrays a tolerant and democratic spirit among the members. Party spirit does not seem to blur it.

Last but not the least, the Congress is quite aware of its sovereign status and is anxious to keep it free from any inroad from outside—from the Executive. But the trend here, as elsewhere, seems to be that the Executive is getting more and more assertive, although a committee of the Congress could call upon any high official in the Administration except, of course, the President, to come and testify before it and answer its questions. This assertion, however, varies from president to president. Each zealously guards its frontiers.

The Congress is a huge organization with 8,500 employees, of whom 5,300 pertain to the House. Its study is too vast to be covered within a few months or a year. But it is interesting, thought-provoking and instructive. Yet, the Congress considers itself a human institution liable to changes and improvements to fit in with the needs of the time, and periodically reviews its organization, as done in 1946. Currently a report by the Joint Committee on Organization of the Congress with a large number of recommendations is under its consideration.

In this study I have attempted to bring out mainly those points which will be of particular interest to the officials and members of the National Assembly of Pakistan.

The Congress has many things that other legislatures may copy and emulate with advantage. I have thoroughly enjoyed this experience and am grateful to the sponsors and others who have assisted me in fulfilling this mission.

STATEMENT OF HON. ABRAHAM J. MULTER ON THE ELECTION REFORM ACT OF 1966

Mr. FARNUM. Mr. Speaker, I ask unanimous consent that the gentleman from New York [Mr. Multer] may extend his remarks at this point in the Record and include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Michigan?

There was no objection.

Mr. MULTER. Mr. Speaker, it was my privilege today to present to the Committee on House Administration my views on H.R. 15317, the proposed Election Reform Act of 1966.

The text of my statement follows:

Statement of Honorable Abraham J. Multer With Reference to H.R. 15317, the Election Reform Act of 1966, Before the Committee on House Administration, House of Representatives, August 2, 1966

Mr. Chairman, I appreciate the opportunity to present my views to this distinguished Committee with reference to H.R. 15317, the Election Reform Act of 1966.

The very foundation of our American democracy has rested on a system of free elections. It is vital, therefore, that we encourage a high level of public confidence in that system. More than that, we need a greater participation by the eligible voters in our elections. Too often, the average American citizen with an average income is convinced that, as an individual, he cannot make a meaningful contribution to the electoral process.

Potential candidates of modest means are thwarted in their ambitions to seek elected office because they know the high cost of campaigning and their own lack of funds. The only alternative the man of modest means may have is to accept the political liabilities that accompany large contributions from a few "generous" donors.

The time has come when we must reverse this trend. The core of the problem lies embedded within the laws that attempt to regulate campaign contributions and campaign spending. These laws are now obsolete and inadequate. They promote rather than prohibit the political excesses they were designed to prevent.

The Federal Corrupt Practices Act, enacted forty-one years ago, limits Senate candidates to expenditures of twenty-five thousand dollars and House candidates to five thousand dollars. The Hatch Act, passed twenty-six years ago, limits national committees to expenditures of three million dollars. These laws do not limit the number of committees, each of which can raise and spend the maximum amount for each candidate. Worse yet, they do not apply to Primary or pre-convention campaigns at which nominations are made. In many parts of the country nomination is equivalent to election. This applies to both major parties. It is no longer true that only in the South is the nomination equivalent to election. There are still too many places throughout the North where the person who captures either the Democratic or the Republican nomination is guaranteed of election. It is in those places where the practice is growing up of spending unlimited fortunes to capture nominations.

It must be clear that our basic election law is, as President Johnson has so accurately described it, "more loophole than law".

Not only is the present law replete with built-in loopholes but it is also totally unrealistic. No one believes that the political campaign of today can be operated within the old financial obligations. The campaign of forty-one years ago was far different from that of today.

As elected officials, we know the necessity for communicating with our constituents at all times. Our allowances hardly cover the costs of doing that while in office. The necessity of contacting them during a campaign imposes costs that must be borne by the candidate, either in or out of office. To be elected or re-elected, we must be known. The price of getting ourselves and keeping ourselves known in a constantly mobile population in today's political world is extremely high. Television time, radio time, advertising space, literature and mailing are all very costly. The tremendous expenditures of campaigning have made obsolete the ceilings imposed by the Federal Corrupt Practices Act and the subsequent Hatch Act. It is impossible to try to run today's campaign with yesterday's laws. In our attempt to live with these laws, we are gradually undermining the foundations of our free election system.

New legislation in this field has been long overdue. We must seek a better way to finance the American political campaign. The principle of the bill before us is good. In some instances it does not go far enough; in others it goes too far.

While it is well to limit the maximum amount that any one individual or family may contribute to a campaign, it is much more important to limit the over-all expenditures on behalf of a particular candidate. The limitation should be not only on what the candidate spends but on the aggregate that he and all his committees and any and all third parties may spend on his behalf.

I re-emphasize that the limitation must apply to the Primary campaigns as well as to the election campaigns.

Campaigns in which candidates and committees spend upwards of two-hundred and fifty thousand dollars in a single Congressional District are becoming the order of the day. In the past four years there have been any number of Primary campaigns in which the contestants spent in excess of two-hundred and fifty-thousand dollars in order to capture Congressional nominations and there have been Congressional election campaigns where upwards of two-hundred and fifty-thousand dollars was spent on behalf of a single candidate.

This is tantamount to attempting to buy a nomination or an election to Congress. It is revolting and unconscionable.

No Member can afford to fight that kind of a campaign and no contestant without that kind of money can successfully campaign against it. If we continue to permit that kind of expenditure in Congressional campaigns, Congress will soon become a millionaires' club with its seats for sale to the highest bidder.

An appropriate limitation should be fixed by this bill for both Primary and general elections.

I suggest that the amount be fixed at fifty-thousand dollars as the overall aggregate that may be spent by a candidate and any and all committees and third parties on behalf of a single candidate in a Primary or a general election.

To make it effective, however, in addition to the criminal penalties, the law should provide that a candidate forfeits his right to the office if the expenditure is exceeded. If the candidate is nominated, the nomination shall be void, and if elected, he shall be precluded from being seated. The proposed language should be very precise so that it is incapable of misconstruction or misinterpretation. The language should clearly indicate that the limitation includes any and all money spent by or for the candidate no matter by whom.

Section 303 of the bill, requiring statements of compensation to be filed by Senators and Representatives as written confirms the clamor of some of our mass media to destroy the character and reputation of Members of Congress. It gives credence to the invidious connotations deliberately sought to be created by this segment of the mass media that, when elected to Congress for a two-year term, a Member of the House must sever all his business connections and destroy his ability to earn a livelihood on the chance that the two-year term to which he is elected will ripen into a lifetime career.

The strength of our democratic legislative process has been that our legislative bodies have drawn their membership from every walk of American life, that these men and women brought to bear upon their legislative duties their vast experience in every segment of our economy. It was also expected that Members of Congress would continue to pursue these private endeavors while serving as legislators, exercising their legislative judgment in accordance with the knowledge and experience of their daily enterprise. This legislation, to be effective, should reiterate that principle and should do and say nothing that would tend to indicate that there was anything wrong about a Member pursuing his private business or professional career, just so long as every Member continues to do as he has done through the years, by giving priority in time and attention to his Congressional duties.

Section 303 runs directly contrary to the confidentiality imposed by the tax laws with reference to the filing of taxpayer's returns.

If anything like the provisions of Section 303 is required in order to keep Members of Congress honest and ethical, the very furthest we should go is to set up a Committee of Congress which would receive the information on a strictly confidential basis with an authorization to the Committee to take appropriate action whenever it appears that a Member has engaged in improper or unethical activity.

I can understand how some people might claim that the public has a right to know the aggregate income earned by a Member of Congress from outside sources and the source of that income. We certainly should go no further than that.

There certainly is no excuse because of mass media pressures to enact Section 303 in its present form and then to provide, as it does in Section 304, that this information be opened to public inspection.

Again, thank you for the opportunity to present my views.

OUR ABLE AMBASSADOR TO JAPAN RESIGNS

Mr. FARNUM. Mr. Speaker, I ask unanimous consent that the gentleman from New York [Mr. Multer] may extend his remarks at this point in the Record and include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Michigan?

There was no objection.

Mr. MULTER. Mr. Speaker, Edwin O. Reischauer became Ambassador of the United States to Japan in 1961. It was my great pleasure to meet Ambassador Reischauer on several occasions during my official visits to Tokyo as a representative of our Government.

He is one of the finest Ambassadors our Nation has ever had the good fortune to have representing us anywhere. We are particularly fortunate that he represented our Nation in Tokyo where he was born.

Ambassador Reischauer speaks Japanese fluently and is married to a lovely

Japanese-born lady who also deserves the thanks of a grateful Nation for the goodwill she has engendered for us.

Ambassador Reischauer's resignation brings to a close a distinguished diplomatic career; his knowledge of Asia and its people is outstanding. During his stay in Tokyo a new period of great changes in Japan and in its relationship to the world took place. The tact and subtlety of Ambassador Reischauer made this transitional period one of great advantage to both countries. When he returns to Harvard he will leave behind an acute awareness of the community of interests between the United States and Japan, something which did not exist when he took over our Embassy there.

I know that I express the thoughts of all of our people when I wish him the very best in his return to the academic world. I know also that our Government will profit much by the example he set.

ADDRESS BY HON. WILBUR J. COHEN BEFORE AMERICAN ASSOCIATION OF WORKERS FOR THE BLIND

Mr. FARNUM. Mr. Speaker, I ask unanimous consent that the gentleman from New York [Mr. MULTER] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Michigan?

There was no objection.

Mr. MULTER. Mr. Speaker, blindness is increasing in the United States at an appalling rate. As pointed out by Under Secretary Cohen in the address that follows, between 1940 and 1960 the population in this country increased 36 percent while the blind population increased 67 percent.

I believe that the increasing enormity of this problem calls for immediate action by the Congress. The first step that should be taken is the passage of my bill H.R. 12534, to establish within the National Institutes of Health, a National Eye Institute to conduct and support research and training relating to eye diseases and visual disorders.

This has already been accomplished for the hard of hearing and the deaf and we can do no less for the blind.

I commend to the attention of our colleagues the address delivered by the Honorable Wilbur J. Cohen, Under Secretary of the Department of Health, Education, and Welfare, before the National Convention of the American Association of Workers for the Blind on July 25, 1966:

Next Steps for the Blind

(By Wilbur J. Cohen, Under Secretary of Health, Education, and Welfare)

It is a pleasure to be here today to participate in your National Convention. Your organization has done so very much to open up new opportunities for those who are afflicted with blindness. Through your understanding of the problems of blindness and your initiative in applying remedial services, many a blind person's life has been made much brighter.

Our Nation is making continued progress in raising the quality of all of our citizens' lives—the children, the aged, the sick, the handicapped, the uneducated, and the deprived, and we are extending their ability to choose how to make the most of their lives. I think this is particularly significant for the blind and the disabled. They are being provided more opportunities to be productive and creative through opportunities for employment and other satisfactions of life—but we believe that more must be done to really provide them with equal opportunity.

Today, I would like to discuss with you some of the problems of blindness, the progress that has been made and what still can be done to alleviate, and hopefully, to eventually eradicate this disabling condition.

EXTENT OF PROBLEM

Unfortunately, the incidence of blindness is increasing in this country. Between 1940 and 1960, the percentage of blind persons in this Nation increased much more rapidly than the population in general. In contrast to a general population increase of 36 percent, the blind population increased some 67 percent. In just one year alone, 1964, 31,800 people first became afflicted with blindness.

Today, in the United States, there are about 400,000 blind persons and 3,500,000 persons with only partial vision. About one million people have a visual impairment severe enough to prevent them from reading a newspaper. Cataracts, glaucoma and diabetes account for about one-half of the blindness in this country—and the sad thing is that much of this blindness could be prevented through early detection and treatment.

There are about 70 million persons over age 40 with a visual problem; it is estimated that this number may rise to 80 million by 1980. There are about 56 million children under age 15 with visual problems and it is estimated that this number may increase to 75 million by 1980. Thus, it is important that we mobilize all of our resources to cope with this growing incidence of visual defects.

RESEARCH

In the face of this rising tide, one of our great hopes is research. The job has really just begun. In 1951, the year that the National Institute of Neurological Diseases and Blindness was established, less than $500,000 per year was being spent on eye research.

The most serious problem, then and now, was and still is, the shortage of scientific manpower in the field. For this reason, strong emphasis was given to research training.

In spite of the serious deficiencies in scientific manpower in this field, the growth of opthalmic research supported by NINDB has been substantially growing, from a little more than $500,000 per year in 1955 to $12.5 million in 1966. In 1965, of a total of $16.7 million available from all sources for eye research, 65 percent—nearly $10.8 million—was from the NINDB, 24 percent from other Department of Health, Education, and Welfare sources (including NIH), 5 percent from other Federal sources, and 6 percent from private sources.

Another problem, in addition to the shortage of trained manpower stems from the multidisciplined nature of modern research related to the problems of blindness. Only recently have the special talents of the physiologist, biochemist, immunologist and anatomist been brought to bear on the problems of blindness.

We know, for example, that glaucoma and cataracts are associated with the aging process, while many of the children's eye disorders are related to neurological disorders. The development of an effective rubella vaccine (german measles) will prevent thousands of cases of blindness. The discovery that another infective, toxoplasmosis, afflicts hundreds of infants causing uveitis, paves the way to finding the cure or an effective preventive.

There are additional steps which we believe are necessary in the immediate future to further strengthen the national eye research effort:

(1) Training: We propose to establish, through the NINDB a program of career teacher-investigator awards in ophthalmology. These awards will be for the support of full-time academicians in selected medical schools. At the present time, many of our university medical centers are lacking the necessary full-time staff required to develop strong research and training programs in ophthalmology.

(2) Program Leadership: We will establish within the NINDB a special national advisory committee with a subcommittee on vision research and training. This subcommittee will be the focal point for leadership in the national eye research program.

(3) Research Centers: We will provide the means for the early establishment of 3 or 4 national eye care research centers which will be built into existing eye research programs. The funding for these programs will come from the NINDB and other programs of the Public Health Service which support clinical services and community demonstration projects. The concern of these centers will extend beyond the usual basic and clinical research to include studies of the extent and distribution of eye disorders; the standardization of methods of screening and evaluation; and the early recognition of eye defects. They will serve as focal points not only for research and training but for innovation and demonstrating the most effective means of preventing, curing or treating eye disorders. Once effective measures are found, we will bend every effort to expedite their widespread application by opthalmologists, optometrists, and others concerned with eye care.

There are numerous other exciting developments in the field of medical research dealing with the eyes that I could discuss with you if there were more time.

MEDICAL AND PUBLIC HEALTH SERVICES

If we are going to conquer the problems of blindness, however, we must step up our efforts to close the gap between the discovery of modern medical miracles and their availability to the public. Through improved health services the knowledge gained from research can be gainfully applied. Periodic eye examinations and screening programs would detect visual problems in the early stages and with early treatment cut the chances of the development of a serious eye condition. The promotion of safety measures would help prevent many of the accidental eye injuries that occur unnecessarily each year.

The use of TV, radio and other kinds of mass communications media in a lively campaign to educate the public about the importance of eye care would help us gain on the growing seriousness of the problem.

As in other fields of health and medicine, we need more trained health personnel—ophthalmologists, optometrists, and allied health personnel. And we need more conveniently located medical facilities and services.

Although we are making some progress through new Federal programs to increase the number of medical personnel, we must do even more to increase the number of trained health workers and to upgrade the skills of those presently at work. To deliver the services that are needed we must make more efficient use of the manpower we already have and through group practice, to use our medical and paramedical personnel more effectively. Within these group practice clinics and neighborhood health centers, we need conveniently located community eye clinics and many of them. We could use mobile eye clinic units to reach the people who for some reason or another cannot get to the community facilities. And we need more eye pathology laboratories. We must have services available for the people who need them, where they need them and when they need them. We must take all possible steps to see to it that the modern medical discoveries are available to people throughout the country.

The reorganization of the Public Health Service which is now taking place under the Surgeon General is explicit in its recognition of the need to more rapidly apply our knowledge. Two Bureaus—the Bureau of Disease Prevention and Environmental Control and the Bureau of Health Services will be actively engaged in this effort.

VOCATIONAL REHABILITATION

One of the most encouraging developments in our society has been an increased awareness and understanding of the problems of blindness and of the handicapped, in general. And concerted efforts are being made to deal with these problems more effectively.

There was a time, not too many years ago when the general attitude was pity and rejection for the blind or disabled; when people thought they should be taken care of, but it was the general view there was not much more you could do for them. They were left alone and isolated from the community. Helen Keller's often quoted remark, "Not blindness, but the attitude of the seeing to the blind is the hardest burden to bear," illustrates the general attitude of the past.

We have come a long way in our thinking. Now, the idea that a handicapped individual can be helped and restored to an active, productive and satisfying life has caught hold. It is the individual's capacity and motivation not the handicap that counts. Just last year this concern was demonstrated in the enactment of the Vocational Rehabilitation Amendments which were an important step forward for the millions of disabled persons who can be restored to useful lives through modern rehabilitation methods.

Many more disabled persons now are being given the opportunity to return to productive lives—as breadwinners or in family pursuits. A year ago, the number of blind persons rehabilitated into employment through the vocational rehabilitation program was 5,450. This year the number will be substantially more; and the continued effort will be relentless until we rehabilitate every blind person who wishes to be rehabilitated.

Last year these people were rehabilitated into a number of different kinds of jobs. More than 1,400—over 25 percent—went into homemaking or family work. Three hundred and twenty-seven went into professional occupations; twice that many into managerial work. More than 700 found employment in service occupations—the fastest growing category. About 350 became skilled workers. The clerical and sales field took some 600. The remainder went into less skilled jobs, agriculture and sheltered workshops.

More is being done, also, to develop and widen job opportunities for blind persons. Take, for example, the specific action sponsored by your Association and the Department of Health, Education, and Welfare to give the highly useful program for home teaching of the blind added impetus. This program will greatly help newly-blinded housewives to meet their home duties and responsibilities.

In September 1963, Western Michigan University admitted the first eight students to a training course for home teachers of the blind. The course was developed from a joint project undertaken by the Department and your Association to study practices in home teaching and make recommendations for such training at the college level.

This coming September, the Vocational Rehabilitation Administration's Division of Training will support a new short-term training endeavor at Western Michigan. Qualified home teachers of the blind, rehabilitation counselors, and newly-added home demonstration agents from the Department of Agriculture, will enlarge methods of giving direct help and guidance to newly blinded housewives. They will also explore ways of organizing a community—its churches, schools, family service organizations, visiting nurses, and other groups able to assist and counsel housewives when blindness strikes.

Blind persons, too, are penetrating the professional labor market. Last year well over 300 blind persons were rehabilitated into professional employment through the public program.

Today, more than 2,000 blind persons are enrolled in some 400 colleges and universities, training for various professions. About 95 percent of them are getting Federal support, which is a substantive indication of the combined efforts of all of us to raise the sights on employment.

For the last two years, the University of Cincinnati Medical School has conducted classes in computer operations for blind persons. These students are so well trained that they have had job offers before completion of their courses.

The Vocational Rehabilitation Administration is negotiating with a trade-technical school in Virginia for the training of blind people in the operation of equipment used in the manufacture of cotton and wool products. The endeavor now has the cooperation of one of our larger cotton mills. It is believed that procedures will be worked out whereby large numbers of blind persons can be placed, after proper training, in textile plants throughout the country. The project principles are based on the fine results of a similar program in Israel, developed through a VRA-supported grant in its international research program. Through this domestic effort, the VRA is moving into widespread activities to train blind people in the operation of modern industrial machinery.

Another interesting endeavor along this line is that of the North Dakota School of Science, which is training and placing blind machinists. It is an operation that has excited national interest. In several states there is new activity in creating or expanding trade-technical schools. Georgia is moving strongly, as is Alabama, and other states.

Federal help is available, too, for construction of workshops and other facilities by public or voluntary agencies. There is help for existing workshops to improve their business and plant operations, and there are other grants for aiding workshops to improve their self-image.

A competent workshop will help us determine also how a blind person, perhaps with emotional problems or other handicaps, will respond to job situations, to closed and competitive situations with other people and how he can be taught individually to adapt to the world of work. We hope that the hundred or more workshops now serving the blind will be increased.

All of us realize that the success of rehabilitation of blind people is directly related to their adjustment and their ability to move about. It was through the VRA that the mobility program got its start at Boston University and Western Michigan. The concept of training instructors in mobility has been highly successful as far as it has gone. But, there is a critical need for at least a doubling of this program as well as increased facilities in the Office of Education for mobility measures for blind children.

We should also note the advancements in the nationwide vending stand operation for blind people. There are now some 2,600 stands in operation with gross sales of more than $60 million. They provide employment for thousands of blind people. The number of blind operators may be tripled in a few years, with a commensurate increase in gross sales.

To do a good job in vocational rehabilitation, though, we must meet the critical need for trained instructors and teachers. In this area, as well as in the field of health and education generally, we must step up our efforts to recruit and train personnel if we are to attain our goals.

EDUCATION

In addition to the need for health services and vocational rehabilitation there is the basic problem of providing an adequate education for blind people so they can become self-supporting citizens. In the past, we have neglected basic education, as well as vocational education. This problem has been particularly critical in the rural areas.

We must explore new teaching methods and devices that will help the blind to compete on an equal footing with the rest of us. We need to print more books for the blind—interesting and stimulating books. There are many areas of the country that just do not have adequate teaching materials of any kind for the blind.

One of the most seriously neglected groups in our nation has been the multiple handicapped child. Being blind is a serious enough handicap by itself but when this is combined with another serious impairment—mental retardation, deafness or epilepsy—the situation has been considered almost hopeless. Somehow we must provide more effective help and opportunities for these children. It may take a team of experts but we must face this problem.

INCOME MAINTENANCE

Significant progress has been made in providing income to the blind under the major public income maintenance programs. There are about 175,000 blind persons receiving aid under the public assistance programs. There are approximately 60,000 blind persons receiving disability insurance benefits under the Social Security program.

The 1965 Amendments to the Social Security Act made a number of changes that will directly benefit the blind. The eligibility requirements for payment of disability insurance benefits under the Social Security program were liberalized, and even more important were the establishment of the Medicare program (Title XVIII) and the new medical assistance program (Title XIX), and major improvements in maternal and child health and welfare services (Title V).

The new medicare program will help finance the major costs of medical care for all of our nation's elderly people, including elderly blind and disabled citizens. This new program will help to remove the financial barriers to high quality medical care for our older citizens.

The new medical assistance program under Title XIX will also serve as a major vehicle for bringing better health care to many of our citizens. This new Federal-State program will provide comprehensive health care for the needy and the medically needy—including the blind, the disabled, the aged and particularly, children. States may now receive Federal aid for an improved medical care program which will replace the medical assistance that has been provided under the five separate public assistance programs. By 1975 the program should provide comprehensive care for virtually every person who cannot afford to pay for the medical care he needs.

The new Medical Assistance program will help to bridge the gap between the need for medical care and the availability of such care. States must provide comprehensive care—including diagnosis, treatment and restorative care to people who are already receiving public assistance as well as to those people who are medically needy. States may also make services available to children in low income families up to the age of 21 and to a mother with a dependent child whose father is dead, disabled, absent from the home or unemployed. There is a tremendous opportunity to improve the medical programs under public assistance that in the past have been fragmented and uncoordinated.

Thirteen states have already been approved for medical assistance programs under Title XIX and other state programs are in the process of development.

Children will also serve to benefit from the important changes that were made in maternal and child health and crippled children's services (Title V). The 1965 amendments set up a five year grant program to improve the health care of school age and preschool children, especially those children in low income areas. A whole range of services can be provided—screening, diagnosis, preventive services, dental care, remedial care and treatment. Vast opportunities will be provided for the screening and diagnosis of eye conditions of young children, and for the treatment and correction that is needed.

For the first time, many children who have had eye examinations in school who were found to have visual problems, but who could not afford glasses or preventive treatment will have a chance to get them.

CONCLUSION

All programs in the Department of Health, Education, and Welfare constitute a united front against the encroachment of adversity; the effects of deprivation; and' the misfortune of ill health, and injury. The President has called the Department of Health, Education, and Welfare, "The Department of the People". For in most of our programs, we deal directly with people—those who need help in material things, those who need council and advice, those for whom the products of research will prevent, alleviate, or cure illness, and those who need health and rehabilitation services.

But we are not content with our present efforts and solutions. We know that many handicapping conditions that cause people to fail in later life could be detected and corrected at an early age. Bold and innovative measures which would bring the resources of the schools and community to bear on these problems at early stages would serve to benefit the child as well as the entire community and Nation. President Johnson has stressed the need for an expansion and improvement of comprehensive health, education, and related programs for children whose growth is impeded. Recently, the President asked Secretary Gardner to set up a Task Force on Handicapped Children and Child Development to study the Department's goals and policies that affect handicapped children. The task force, under the chairmanship of the Assistant Secretary for Individual and Family Services, Lisle C. Carter, Jr., will review all the existing programs—and consider action to assure that they are serving the interest of these children with special needs. The task force will be particularly concerned that these programs are being implemented with the best and newest techniques that are available for helping the handicapped.

Yet, to get the greatest effect from our programs, we work with groups such as yours. Without you we could not reach those who need help. We have an intense interest in involving citizens and institutions in the work of government; in what President Johnson calls "Creative Federalism" by which he means a creative partnership between the Federal government and state, local and nongovernmental institutions and agencies.

This is where your people are so important, to provide the grassroots vitality where it is needed.

I believe that the time will come when each of our citizens will have ready access to the blessings of the latest medical services, as well as to all the education and training he needs to develop his talents and capabilities. I believe the time will come, and soon, when each person, whether he be reasonably sound in mind and body, or blind, deaf, sick, injured, malformed, retarded, emotionally ill, or otherwise handicapped, will have equal opportunity for employment and for living at the height of his capacities.

Those are the purposes of the legislation that has been recently enacted for better educational opportunities; for Medicare; for Regional Medical Programs; for improved social security and welfare provisions of the Social Security Act; for amendments to the Vocational Rehabilitation Act; and the Older Americans Act. All of them are rather specific, but all of them have implications for our joint effort to help people. And I promise you that President Johnson, Secretary Gardner and I shall do our utmost to support your efforts to help the blind citizens of our nation.

LOCALITIES SHOULD BE REIMBURSED BY THE FEDERAL GOVERNMENT FOR LOSSES BECAUSE OF THE TAX-EXEMPT STATUS OF FOREIGN RESIDENCES AND OFFICES, OR BECAUSE OF THE VOLUNTARY WAIVING OF SUCH TAXATION BY LOCALITIES

Mr. FARNUM. Mr. Speaker, I ask unanimous consent that the gentleman from New York [Mr. Wolff] may extend his remarks at this point in the Record and include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Michigan?

There was no objection.

Mr. WOLFF. Mr. Speaker, I am today introducing legislation to authorize payment to local governments by the U.S. Government to reimburse them for the real property taxes lost because of diplomatic tax exemption or because of the voluntary waiving of taxation on real property owned by foreign governments.

Among the privileges granted to diplomatic representatives of foreign nations by the States and by the United States on property owned by foreign governments is freedom from real property taxation by localities on ambassadorial residences and offices. Obviously, such tax losses to localities are a problem peculiar to metropolitan areas like New York and Washington where foreign missions are maintained.

I think that if it is in the national interest of the United States to grant such tax exemptions to foreign governments, then it is equally in the interest of the United States to reimburse the localities involved for such losses. The city of Glen Cove, located within the congressional district I represent, has recently acceded to the request of United Nations Ambassador Goldberg to waive real property taxes on an estate which is a weekend retreat for the Russian representative to United Nations. The substantial sums of $30,000 and $10,000 annually will reportedly be lost to the city and to Nassau County respectively.

My point is that if such a tax loss is in the interest of the United States in our relationships with foreign nations, then such tax losses should be borne by all the people of the United States and should not be a penalty to be borne only by the community which the foreign nation selects for an office or residence.

Further, such reimbursement should be made not only to communities within which a clearly tax-exempt facility is located, but also for those communities like Glen Cove who generously and unselfishly waive their clear rights to such taxation when requested to do so by the U.S. Government in the greater interest of the United States and her position among the other nations of the world.

NEW STAMP TO COMMEMORATE 25TH ANNIVERSARY OF SAVINGS BOND PROGRAM

Mr. FARNUM. Mr. Speaker, I ask unanimous consent that the gentleman from Iowa [Mr. Greigg] may extend his remarks at this point in the Record and include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Michigan?

There was no objection.

Mr. GREIGG. Mr. Speaker, I call the attention of my colleagues to a significant event which occurred Thursday, July 28, at the White House. The East Room in the White House was the setting for an impressive unveiling ceremony of a design for a postage stamp which will honor and pay tribute to our men in military service and, at the same time, commemorate the 25th anniversary of the savings bond program. I am proud to say the first issue of this patriotic stamp will be in Sioux City, Iowa, October 26.

The fact that gave this unveiling ceremony unusual significance was the story behind the unveiling. The story is told very well in an excellent article published in the Washington Star July 24, and written by Mr. Belmont Faries. Mr. Faries' article is as follows:

The Kids Get Their Stamp

(By Belmont Faries, Star Stamp Editor)

The kids at North Junior High School in Sioux City got the good news from their Congressman last week—their six-month, 100,000-signature campaign for a stamp honoring American servicemen had succeeded.

They didn't get exactly what they asked for: an American Flag design with "American Servicemen, We Salute You!" across the white stripe directly beneath the blue field.

But they came close enough. The theme they suggested will be incorporated into the design of the already announced commemorative for the 25th anniversary of the Savings Bond program.

The compromise had been proposed by Representative Stanley L. Greigg, of Iowa's Sixth District, which includes Sioux City.

The campaign began last January, at a time when there was quite a bit of publicity about college students burning draft cards. Originator of the idea of a stamp expressing support for American servicemen apparently was Robert M. Shockley, a geography teacher at North Junior, who has served as a public-relations adviser for the students. The work has been done by the students themselves, some 600 of them.

BILLBOARD IS FIRST STEP

First step was renting a billboard in Sioux City to publicize the proposed stamp design. This was financed by the school's Patriotism Committee, which charged students 10 cents for the privilege of writing their names, at the edge of the flag. As interest increased, donations were made by various civic and service clubs to maintain the billboard.

A formal request for a stamp in the billboard design was sent to the Post Office Department, and it was backed up by hundreds of letters. Representative Greigg's aid was enlisted, and when Postmaster General Lawrence F. O'Brien visited Des Moines on Feb. 25 for a Democratic fund-raising affair a delegation of students gave him a petition which had been signed by 50,000 persons in a three-week period. The figure later went to well over 100,000.

BILL INTRODUCED

In February, the program, which the students called "Operation V.I.P.," was expanded to include the sale of decals in the flag design to raise funds for posters to be sent to military installations throughout the world.

On March 23, Representative Greigg introduced a bill, mostly for the record, to provide for the issuance of a special 8-cent airmail stamp printed in red, white and blue in the flag design with the "American Servicemen, We Appreciate You!" legend, to continue on sale as long as American servicemen were engaged in hostilities in Viet Nam.

As a matter of congressional policy, no such bill has been passed since 1948, but this didn't discourage the North Junior High students from arranging for a billboard at 9th and E Sts. NW in Washington, as close as they could get to the Capitol, for the message "Congress, please pass H.R. 13927, North Junior High School, Sioux City, Iowa."

COMPROMISE SUGGESTED

When it became obvious to Representative Greigg that the Post Office Department was not going to add a stamp to its already full program, he suggested a compromise: Why not incorporate the North Junior High theme in the already planned Savings Bond design? The Postmaster General liked the idea, and in a letter dated June 15 promised immediate and serious study, adding that the idea had been brought to the attention of President Johnson and that "the President—all of us—are very proud of the efforts of the students in Sioux City and of the national support they have received for the patriotic idea that they initiated."

Representative Greigg has told the students that the design of the stamp will be unveiled in Washington in the very near future and that they will be represented at the ceremony. He has asked the Post Office Department to issue the commemorative at Sioux City in the fall.

Mr. Speaker, four young North Junior High School students—Pixie Moughan, Nancy McLagan, Becky Crim, and Gary Roberts—who promoted the theme of this commemorative stamp were in Washington to attend the unveiling ceremony. I am sure that the thrill of this Presidential ceremony was payment enough for the strenuous efforts these students and their teachers put forth in their drive to have this stamp issued. But I would like once more to commend them and the many others in my district who assisted them for the constructive, lasting method which they have used to demonstrate their faith in and respect for our servicemen.

Mr. Speaker, I would also like to commend the Postmaster General for his perception in recognizing the worth of this commemorative stamp theme and to express my personal thanks to President Johnson for his remarks made during the unveiling ceremony. Those remarks were:

American Servicemen and Savings Bond Anniversary Stamp

(The President's remarks at the unveiling ceremony for the new 5-cent stamp, July 28, 1966)

Postmaster General O'Brien, Congressman Greigg, distinguished students, Members of the Cabinet, Members of the Congress, ladies and gentlemen:

Today we have come here to unveil a new postage stamp which embodies the spirit of the American people and carries their voice to the entire world.

It began as an idea and a conviction shared by a group of junior high school students in Sioux City, Iowa. I welcome some of those students to the East Room here today.

These young Americans felt that there should be a postage stamp telling our servicemen how much we appreciate their sacrifices. They pooled their nickels and their dimes and they rented a billboard in Sioux City and another billboard here in Washington. Those billboards showed the American flag and the message: "American Servicemen, we appreciate you."

Last February, when Postmaster General O'Brien was in Des Moines, Congressman Stanley Greigg and the Sioux City students presented him with stamp petitions containing more than 50,000 names. A month later there were another 50,000 names added—and the list continued to grow as students from all over the country picked up the idea.

Congressman Greigg suggested that this message for our servicemen be combined with the Savings Bond Anniversary Stamp.

I think the result of that suggestion is excellent. There is no better way for us to support our fighting men than to buy savings bonds. And that is just what the people of this country have been doing.

Since the increase in the interest rate on savings bonds last February, the total bond pledges have already increased more than 11 percent.

And thanks to the magnificient work of the Postmaster General and his very excellent staff, our Federal Government signed up in this movement as a result of this effort.

A 2-month campaign that ended June 30 has secured Federal employee pledges of $416 million for 1966—twice the amount that we had at the start of the drive. More than 800,000 additional Federal employees have been signed up in this movement as a result of this effort.

Seventeen departments and agencies pledged up to 90 percent or better, and thus qualified for the Minuteman flag. There will be one here in the White House, I am proud to say. Our employees had 100 percent participation. I am grateful to each of them for helping us in this effort.

Twenty-nine other departments and agencies signed up betwen 75 percent and 89 percent of all of their employees.

Now this is a very remarkable achievement. But I hope that none of us look upon it as final. The heads of all departments and agencies I would hope would try to maintain this momentum. Federal employees just should set the example by investing in their country's future.

Before I unveil the stamp, I should like to announce that when it goes on sale in Sioux City next October 26, it will also go on all White House mail for the duration of the issue.

We are very proud of these servicemen who daily risk their lives at freedom's gate. And we want every single one of them to know that we support them in the magnificent job that they are doing throughout the world.

With the issue of this stamp, millions of American voices will go up in unison. They will be voices that no number of demonstrators will ever be able to drown out.

I commend them to any and all who would doubt the purpose or the resolve of the United States of America.

For these voices mean that we are a nation of our word—that we are proud of the brave Americans in uniform who back our words with deeds.

Thank you very much.

(Note: The President spoke at 12:05 p.m. in the East Room at the White House. The stamp was designed by Stevan Dohanos, who based his design on a news photograph by Bob Noble, showing the American flag with the Statue of Liberty in the background. It will carry the inscriptions, "We Appreciate Our Servicemen" and "United States Savings Bonds, 25th Anniversary.")

Mr. Speaker, Mr. Belmont Faries penned a second article in the Washington Sunday Star of July 31 in which he outlined in a splendid fashion the ceremony and the details of the actual design of the stamp. I am indeed pleased to include that article in the Record at this point in my remarks:

Bonds and Servicemen

(By Belmont Faries, Star stamp editor)

An American Flag flying in front of the Statue of Liberty provides the design for the 5-cent commemorative for the 25th anniversary of the Savings Bond program.

The design, made public by President Johnson at a White House ceremony, Thursday, includes the words "We Appreciate Our Servicemen," thus incorporating an idea urged by students at North Junior High School, Sioux City, Iowa.

The stamp will be placed on sale at Sioux City on Oct. 26.

The students opened their campaign for a flag stamp with the legend "American Servicemen, We Appreciate You!" last January with a billboard in Sioux City and later one in Washington. They also presented the Post Office Department with petitions carrying more than 100,000 signatures and stimulated a flood of mail backing the proposal.

When it became obvious that the Post Office Department was not likely to add such a stamp to this year's program, Representative Stanley L. Greigg, whose Sixth Iowa District includes Sioux City, suggested a compromise that the idea of honoring servicemen be incorporated in the design of the already announced Savings Bond stamp.

The design released Thursday is the work of Stevan Dohanos, one of America's best-known artists and a member of the Postmaster General's Stamp Advisory Committee. It is his sixth stamp design in seven years and his third to include an American Flag.

Dohanos based his design on a photograph of a flag with the Statue of Liberty towering in the background, which was made by Bob Noble and appeared in the New York Herald-Tribune of Oct. 29, 1961.

The legend "We Appreciate Our Servicemen" at the top is in red, the "U.S. Savings Bonds" at the bottom in blue, and the "25th Anniversary" beneath it in black. The denomination at lower right is in red. The flag is red and blue, the Statute black against a pale blue sky.

The stamp will be printed at the Bureau of Engraving and Printing by a combination of offset photolithography and recess engraving, with the dark blue lettering and light blue sky printed first by lithography and the dark blue of the flag, the red of the stripes, denomination and lettering and the black of the statute added in a pass through the Giori press.

Engravers were Edward R. Felver for the vignette and Howard F. Sharpless for the lettering.

Addressed covers for first-day cancellation may be sent to the Postmaster, Sioux City, Iowa 51101 with remittance for the cost of the stamps. The outer envelope to the postmaster should be marked "First Day Covers 5c Servicemen-Savings Bonds Stamp" and must be postmarked no later than Oct. 26.

In conclusion, Mr. Speaker, I first called this project to the attention of the Members back on April 7. I ended my remarks at that time with a statement that I consider most appropriate today:

> The purpose of this stamp will be singular. Its meaning clear. To express time and time again the appreciation of the American people for those who sacrifice their all in defense of this nation and freedom throughout the world.

FEDERAL REGULATION OF GOOSE HUNTING IN WISCONSIN

Mr. FARNUM. Mr. Speaker, I ask unanimous consent that the gentleman from Wisconsin [Mr. KASTENMEIER] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Michigan?

There was no objection.

Mr. KASTENMEIER. Mr. Speaker, not so very long ago—in the fall of 1941 to be exact—a game warden at Horicon Federal Wildlife Refuge in central Wisconsin wrote in his diary that "200 Canada geese flew over the Horicon Marsh—and one stopped."

Last fall 120,000 stopped and because of the mild winter in Wisconsin nearly spent the winter at this small Federal refuge which never was intended for geese and which can accommodate a maximum of 50,000 geese at one time.

This tremendous overconcentration of geese in what was intended to be a duck refuge poses extremely difficult and complex problems for State and Federal game management people as well as to many hunters, conservationists, farmers and residents of the Mississippi Valley flyway in the States of Wisconsin, Illinois, Minnesota, Michigan, Indiana, Ohio, Iowa, Missouri, Louisiana, Arkansas, Kentucky, Tennessee, Alabama, and Mississippi.

This spring, the Bureau of Sport Fisheries and Wildlife decided to attack two problems at once: Reduce the Horicon goose population to its 50,000 capacity and increase the Mississippi Valley flyway flock to 300,000 wintering birds. These are highly admirable but contradictory policy goals. How do you raise the population of the entire flock at the same time that you are trying to decrease the number of birds which stop at Horicon?

The Bureau has made certain proposals on how it intends to pursue these goals which affect all States through the flyway and since they are of such broad interest and concern, Congress should take a close look at them, how they are implemented this fall, and what course of action should be followed in the future.

The present flock is made up of about 200,000 birds which winter in a refuge in southern Illinois. In order for this flock to maintain its present size, the annual harvest should be limited to 50,000 birds. The Bureau contends this harvest has been exceeded in recent years and that the overkill not only prevents the flock from growing any, but it also may drastically cut the size of the flocks, particularly as more and more geese are killed by Canadian hunters before the flock enters the States.

The Bureau contends that if the flock were increased to 300,000 wintering birds there could be a safe annual harvest of 100,000 birds providing even greater hunting opportunities to sportsmen in the flyway.

As the flock, which summers on Hudson Bay, migrates south, its main body comes through Canada and Wisconsin ending up in Illinois where it has for the past few years spent the winter. Parts of the flock do cross other States in the flyway. The size of the kill has been limited by agreement between the States involved. Each year a quota has been set for Wisconsin and Illinois by the flyway council. In Wisconsin and Illinois the Secretary of the Interior has established a quota zone covering the area where most of the kill usually takes place. When the alloted quota of geese has been taken within this quota zone the season within that geographic area is closed. The goose seasons in the rest of the State remains open for the remainder of the 70-day goose season and previously no effort has been made to limit the harvest or even closely count the number of geese shot outside the quota area.

The Bureau of Sport Fisheries and Wildlife has become increasingly concerned about the kill outside the quota zone and one of its proposals this year is based on the belief that too many birds are killed outside the present quota zones, contributing to the heavy overkill.

The Bureau is debating whether to first close the season in the entire State when the Wisconsin quota is killed within the quota zone. This could result in a 10-day goose hunting season throughout the State of Wisconsin this year; and, second, close the quota zone when a percentage of the Wisconsin quota is killed within the zone. This would restrict the amount of hunting within the area around the Horicon Marsh significantly and could increase the attraction of the Horicon Marsh area as a haven for geese which feel gun-pressure outside the zone. The Bureau is also considering increasing the size of the quota zone area to further reduce the kill after the quota zone is closed.

The quota expected to be established for Wisconsin will be somewhat larger than last year—perhaps 14,000 or 15,000. However, if the regulations being considered to reduce the kill are applied and succeed in holding the kill to the assigned quota, it will have a seriously adverse affect on many Wisconsin hunters. I, therefore, believe, it is desirable, particularly if stringent regulations are to be applied, to set the quota at a realistic figure, perhaps at 20,000 to 25,000 birds in Wisconsin, to give all Wisconsin hunters a fair opportunity to hunt geese this fall.

The two proposals to limit the kill in Wisconsin, after all, do depart significantly from past policy and it would appear desirable to apply the change in policy gradually.

Furthermore, any tinkering with the quota zone is likely to increase pressure that Congress enact a Federal crop damage law.

Since the refuge can only adequately handle 50,000 birds, the remaining geese are likely to fly into neighboring farm areas foraging for food. The problem is aggravated if the season is shortened in the zone or the zone enlarged. This makes the farmer whose corn crop is damaged understandably annoyed, and there has been a growing sentiment among these farmers for a Federal crop damage law. They argue that since the management—or the attempts at management—by the Federal Government are at least partially responsible for the depredation problem, it is logical that the Federal Government should pay for the resulting crop losses.

The Bureau of Sport Fisheries and Wildlife is opposed to any such law. When I was discussing this with the Bureau I asked them why they oppose a crop damage law. They said it would set a bad precedent. "After all, we don't have a crop damage law for grasshoppers," I objected that they did not manage grasshoppers; to which they replied: "Some think we manage grasshoppers as well as we manage geese."

Their point is that it is hard to say at what point game damage can be attributed to actions of the Federal Government instead of mother nature. But they have other reasons, too. It would be very difficult and costly in terms of dollars and available manpower to enforce, as, indeed, the Wisconsin Conservation Department has discovered with a similar law recently passed by the Wisconsin State Legislature. Furthermore, some crops may be planted intentionally to attract birds to the farmer's hunting blinds.

Finally, if such a law were instituted and a government economy drive were undertaken there would be pressure to reduce the size of the flock to prevent further expenditures on crop damage claims regardless of the effect such a reduction would have on hunting. However, this is certainly one of the prime areas that we in Congress should watch. It may be that despite these objections some sort of depredation law will be necessary.

I feel Congress bears a responsibility to insure that reasonable decisions are made on the size of the quota zone and certainly the percent of the quota killed before the zone is closed this year. The results of this year's hunt should be watched to insure that an improved system be established for next year if this should prove necessary.

It can be seen from this brief analysis that the proposals for changes in the quota system, though aimed at reducing the overkill, may actually contribute to increasing the number of birds that stop at Horicon.

These proposals all imply the priority of increasing the total flock over decreasing the Horicon flock. The Bureau's suggestions for reducing the Horicon flock are independent of quotas and shootings, and involve a series of proposals for "hazing" the geese, buzzing and herding them with airplanes, eliminating supplemental feeding, early harvesting of surrounding grain crops—and a major and commendable program by the Wisconsin conservation department to increase and improve game refuges in other parts of the State.

This aspect of the program, perhaps more than any other, deserves the close attention of Congress. The birds that come to Horicon are a natural phenomenon—a wonder of nature—that attract hundreds of people as spectators. Professional gamemen admit they have limited knowledge of the reasons for changes in geese migration patterns—and Congress has a duty to insure that the hunters, landowners, conservationists, farmers, and others throughout the Mississippi Valley flyway who are interested in geese, are taken into account by the professional game management people while they try to alter the existing migration habits of the Mississippi Valley geese.

For these reasons I have asked my distinguished colleague from Michigan [Mr. Dingell], who handles these matters in the Subcommittee on Fisheries and Wildlife Conservation, to hold public hearings early this month before the final regulations are decided upon. The subcommittee held similar hearings last year on ducks which proved useful and hope that a study of the situation facing the geese can be started this year.

I am now advised he will consider the subject of this year's goose hunting regulations in hearings the second week in August. I am sure Wisconsin hunters, conservationists, and farmers will take advantage of this opportunity to be heard on a subject near and dear to them.

Finally, I believe the goals of increasing the size of the flock and reducing the concentration of geese at Horicon have wide support in Wisconsin. We all are interested in working out the problems that must be resolved if the Mississippi flyway flock and goose hunting generally is to prosper in the years. The perpetuation of this great flock of geese is a matter of considerable concern among the several States, and Congress has a duty to oversee its management. I am pleased to see steps being taken in that direction in this Congress.

SOUTH BEND (IND.) TRIBUNE URGES CONGRESS TO APPROVE HOUSING SECTION IN CIVIL RIGHTS BILL

Mr. FARNUM. Mr. Speaker, I ask unanimous consent that the gentleman from Indiana [Mr. Brademas] may extend his remarks at this point in the Record and include extraneous matter.

The **SPEAKER** pro tempore. Is there objection to the request of the gentleman from Michigan?

There was no objection.

Mr. BRADEMAS. Mr. Speaker, I believe one of the most significant newspaper statements I have seen anywhere on the civil rights bill which the House of Representatives is considering this week is an editorial from the South Bend, Ind., Tribune, dated July 31, 1966.

I think the editorial is significant on several counts. It calls on Congress not only to pass the civil rights bill, but in particular urges Congress to include title IV, the title of the bill which deals with discrimination in housing.

I note also that the South Bend Tribune favors title IV as presently contained in the bill reported to the House of Representatives by the House Judiciary Committee.

I would like to point out that the South Bend Tribune is one of the most important newspapers in Indiana, and that it is a Republican newspaper. I mention this latter fact in view of the statement yesterday by the House Republican policy committee announcing its opposition to legislation to diminish discrimination in housing.

Mr. Speaker, the editorial, entitled "Pass Open Housing Bill," follows:

[From the South Bend Tribune,
July 31, 1966]

PASS OPEN HOUSING BILL

The U.S. House of Representatives this week will vote at last on the most important—and perhaps the most explosive—of all civil rights issues: The issue that has come to be known as open housing.

Put simply, open housing is a short-hand phrase for the right of any American to buy or rent any dwelling he can afford. In a free country, that right should be elementary. In the United States, unfortunately, it is now routinely denied to members of society who possess dark skins.

Coming up for the House vote is a portion of a civil rights bill designed to guarantee the right to American Negroes, after a fashion. The bill has been attacked on the grounds that it really would deny a right—the right to discriminate. But discrimination is no right; it is the arrogant exercise of prejudice.

As the open-housing bill emerged from committee, it contained a clause exempting one-to-four family homes sold by their owners. The committee thought it also exempted real estate agents acting on behalf of such owners. But the Justice Department says the exemption, as written, applies only to owners and not to agents.

For supporters of the bill, the question now is one of tactics. Should they accept a clarification that would add real estate agents to the exemption, a move that would improve chances of the bill's passage (but would exempt an estimated 60 per cent of house sales from the bill)? Or should they fight for the present language and risk getting no bill passed?

We think a bill should be passed; the broader version if possible, an amended version if not.

Until Negroes are free to buy any home they can afford, they will remain in an important respect, "second class citizens."

OUR MOST NEGLECTED MENTAL HEALTH PROBLEM: EMOTIONALLY DISTURBED CHILDREN

Mr. FARNUM. Mr. Speaker, I ask unanimous consent that the gentleman from Florida [Mr. Pepper] may extend his remarks at this point in the Record and include extraneous matter.

The **SPEAKER** pro tempore. Is there objection to the request of the gentleman from Michigan?

There was no objection.

Mr. PEPPER. Mr. Speaker, I would like to call to the attention of my colleagues an address which was to be delivered in Miami before the annual meeting of the Dade County Child Guidance Center, but due to the approach of Hurricane Alma this wonderful address by Mr. Mike Gorman, executive director of the National Committee Against Mental Illness, could not be delivered.

I would like at this time to place this excellent address at this point in the Congressional Record so that my colleagues can have the benefit of Mr. Gorman's views and advice on this subject of mental illness which is so close to the Congress in view of recent legislation enactments:

OUR MOST NEGLECTED MENTAL HEALTH PROBLEM: EMOTIONALLY DISTURBED CHILDREN

(Speech to annual meeting, Dade County Child Guidance Center, Everglades Hotel, Miami, Fla., June 8, 1966, by Mike Gorman, Washington, D.C., executive director, National Committee Against Mental Illness; fellow, American Psychiatric Association (honorary); fellow, American Public Health Association)

Last year, the American Psychiatric Association and a number of organizations in the field of child psychiatry sponsored two conferences on planning mental health services for children in the new community mental health center program. As a prelude to their recommendations, they released what they regarded as the most reliable current data on the size and nature of the problem.

There is a seeming national consensus that there are about four million children under the age of fourteen who are in need of some kind of psychiatric intervention because of emotional difficulties. Of this number, anywhere from a half million to a million children are so seriously disturbed that they require immediate psychiatric help.

Very few of these children are getting the treatment which they need. Although close to 300,000 children were seen in outpatient psychiatric clinics in 1963, in most cases the "treatment" consisted of one or two diagnostic interviews followed by the admission that there were no facilities in the particular area for prolonged treatment.

We have some fairly reliable data which indicate that about 14,000 of these children are confined in state mental institutions. We also know, on the basis of a trend which has been developing over the past five years, that by 1970 the number of children aged ten to fourteen hospitalized in these institutions will have doubled.

But those of us who visit a number of state hospitals each year are convinced that these estimates do not reflect the full extent of hospitalization for childhood mental illness. Furthermore, applications to the National Institute of Mental Health for Hospital Improvement Grants over and over again include data which document the point that an amazingly high percentage of their long-term residents were first admitted as children or adolescents.

For example, an analysis of a 5,000 bed state hospital at Tuscaloosa, Alabama, reveals that more than half of the male schizophrenic group who have been in that hospital twenty years or more were first admitted between the ages of fourteen and twenty-nine. The Alabama report estimates that one in every four young patients "can anticipate being permanently hospitalized for the next fifty years of their lives."

It is my contention that the increasing flood of these young children in the hospitals is not being reflected in existing national data. For example, ten per cent of the 7,000 patients at Rockland State Hospital in New York are children under sixteen years of age, and plans have already been completed for an additional 400-bed unit at that hospital to handle the rising tide of disturbed children being admitted annually.

If time permitted, I could cite comparable data from many other state hospitals across the land. In many of these institutions, where there is no specialized unit for children, the child is lost on an adult ward which is frightfully overcrowded and under-staffed.

In addition to the state mental hospitals, there are a handful of residential treatment centers which care for about 2,500 children a year. In fifteen of our states there are no such facilities, either public or private; in twenty-four of our states, there are no public units to care for children from low and middle income groups.

To sum up, it is an undeniable fact that there is not a single community in this country which provides an acceptable standard of services for its mentally ill children running the spectrum from early therapeutic intervention to social restoration in the home, the school and in the community.

As a nation, we now have a precious opportunity to create a new pattern of appropriate services for these disturbed children. Every state in the country is now engaged in completing plans for new community mental health services; it is incumbent upon all of us to insist that services for children be an integral and major segment of these new community mental health centers.

I would like to underscore the hope that those of you who are designing these new services divest yourselves of any rigid notions as to what constitutes the "proper" facility for an emotionally disturbed child. Beyond an agreement with a position enunciated in a recent article in the "American Journal of Psychiatry" that hospitalization in most state mental institutions adversely affects the child because "he promptly loses the right to be a child", I would plead for a wide variety of services suited to the individual needs of each child and to the capabilities of each community.

There is a real danger, for instance, that we will overemphasize the need for residential treatment centers for children, thereby losing sight of the vast majority of disturbed children who do not need such 24-hour hospitalization. In this country, we tend to overemphasize hospitalization as the only way of handling a child who does not conform to the fierce and often conflicting demands of present day living. Psychiatric leaders in many other countries have been quite critical of our inability to handle these children in other ways than by total confinement. We do ourselves a great disservice when we push many of these mildly disturbed children out of the community and into a faceless institution.

We need a more flexible, less doctrinaire approach to the whole problem of the disturbed child. It isn't all just black or white—successful adjustment or an institution several hundred miles away. It is in the intermediate areas where we can do the most effective job for the majority of these children—in the schools, in the mental health clinics, the day care centers, the courts, and so on. By developing the screening and treatment potential of these familiar agencies, we don't run away from the problem—we face it and we bring many untapped human resources to it.

I am particularly concerned with the enormous untapped potential of the schools in handling emotionally disturbed children. The Joint Commission on Mental Illness and Health, which was unable to devote sufficient attention to the problems of childhood mental illness because of a shortage of funds, did issue a monograph titled "The Role of the Schools in Mental Health". It is quite an important document, laying the greatest emphasis upon the therapeutic role of the schools because of their central position in the child's life. In the study itself, there are key sections devoted to skilled nursery education, the spotting of difficulties in kindergarten, and the need for immediate intervention when basic learning difficulties become apparent.

To those of us who suggest these new approaches in settings other than rigidly psychiatric ones, there is ususal retort that we can never train enough psychiatric manpower to do this kind of job. I agree. It is sheer folly to think that we can ever train enough personnel to give individual psychotherapy to every disturbed child. It would not only be inadvisable to do so in terms of available manpower, but I submit that it would be totally unwise.

As the Joint Commission report noted, we must add to the skills of those who deal most directly and continually with the child.

For the past four years, an experiment has been going on in Tennessee and North Carolina in which selected teachers are being taught psychiatric skills and then used as teacher-counsellors in specialized schools for disturbed children. This experiment follows the pattern of the French experience in which more than 3,000 of those teacher-counsellors play a key role in working with emotionally disturbed children in that country. Called Project Re-ED, the philosophy of its originator is stated very forcefully in a recent description of the first four years of the experiment:

"The problem of providing for emotionally disturbed children is a critical one requiring bold measures. Society will not continue to tolerate the assignment of disturbed children to detention homes, to hospitals for adults, or to institutions for the mentally deficient . . . The United States does not have and will not be able to train a sufficient number of social workers, psychiatrists, psychologists and nurses to staff residential psychiatric facilities for children along traditional lines. It will not be possible in the foreseeable future, with manpower shortages becoming increasingly more acute, to solve the problem of the emotionally disturbed child by adhering to limited patterns . . . For effective work with children, the worker's personal attributes weigh more heavily than his professional knowledge and technical skills."

While it is too early to make definitive comments on the success of these experiments, there is every indication that it is preventing the institutionalization of many children. The average stay of pupils at the specialized schools in Tennessee and North Carolina is about four months; the close and continuing liaison between the specialized schools and the regular school systems in the area provides a natural transition back to full-time schooling when it is deemed advisable.

In order to work more effectively with children in the schools, we need many more teachers specially trained to work with those who are emotionally disturbed. The U.S. Office of Education recently estimated that we need approximately 100,000 of these specialized teachers right now to staff classes of not more than ten children each for the more than one million children it estimates need these individual psychological and educational services. How many do we have now? The best estimate I could get out of the Office of Education was less than three thousand.

I am therefore delighted to report to you that the mental health center staffing legislation which passed the Congress last year also included a tremendous boost in programs for training teachers of the handicapped. Over the next three years, $100 million is authorized for this purpose and, since the greatest need is for teachers of the emotionally disturbed as pointed out in the Senate report on the legislation, I am confident that for the first time in our history we will begin to close the gap between the supply and the insistent demand.

The aforementioned legislation also includes $35 million over the next three years in support of research and demonstration projects designed to produce more effective methods of teaching and re-educating the handicapped, with a new proviso allowing federal support for the construction of such experimental facilities.

We can therefore look forward in the coming years to a number of new approaches as fruitful in originality as the George Peabody College experiment in Tennessee and North Carolina.

Several other pieces of legislation passed by the Congress in 1965 enable local communities to receive funds to provide additional or new services to emotionally disturbed children.

Title I of the Elementary and Secondary Education Act of 1965 specifically authorizes funds for mental health counseling and other specialized services for children of low-income families. This aid is not restricted to schools; local agencies such as the Dade County Child Guidance Center may submit a project for approval by the state educational agency which disburses the federal funds. While this Elementary and Secondary School Aid Program is still in its early stages, I am convinced that we in the mental health field have not been aggressive enough in developing projects and seeking financial support to aid the thousands upon thousands of children who are failing in schools now because of emotional difficulties.

There are also anti-poverty funds available through the Office of Economic Opportunity. Under the community action section of the legislation, funds may be obtained for neighborhood health centers and other services designed to help the children of the poor. Operation Head Start, which covers children of the pre-school and kindergarten age, has a health division, but during its first year it has concentrated largely upon the physical illnesses of children. However, a report released on the experience last summer with 600,000 children enrolled in Head Start revealed that at least 10% of these children were so emotionally disturbed by the age of four that they could not participate successfully in the program. Again, I think we have not been aggressive enough—we should demand that psychiatric services be provided to these children. There is no reason why your guidance center in Dade County could not be reimbursed for providing these essential services.

In the years ahead, Title 19 of the Medicare legislation provides a singular opportunity to pay for psychiatric services for the children of low-income families. The individual states are free to develop their own plans of health care for the medically indigent, but by 1970 all federal funds for medical services will be disbursed under the new Title 19, and by July, 1975, all states must include all persons who are medically needy, including children, in their programs.

The kind of program developed here in Florida will depend upon citizen initiative. Unless sufficient pressure is brought to bear, I am afraid that the officials in Tallahassee will not include services for mentally ill children in their Title 19 plan. Since I assume that you have the same financial problems as most other child guidance clinics in the country, you have more than an academic interest in seeing that state and county governments avail themselves of all funds for which they are eligible under the various pieces of legislation which I have outlined.

I would also like to commend to your attention legislation which has an enormous potential in the area of prevention of severe emotional disturbances. On September 29, 1965, Congressman Sam Gibbons of Tampa introduced a bill providing several hundred million dollars in federal assistance to train child development specialists to work with troubled children in kindergarten and the first three grades of elementary school. Hearings on the Gibbons bill, which also provides grants to the schools to employ these child development specialists, were completed last year. The legislation received the strongest possible endorsement from every professional organization in the field of childhood mental illness, but it has not moved to the floor of the Congress this year because of the restrictive nature of the federal domestic budget.

I think we can afford the Gibbons bill and any other measures designed to rescue mentally ill children from lives of total despair. In his 1962 State of the Union message, President Kennedy said: "A child uneducated is a child lost." Yet, with only rare exceptions, we have been prolonging and perpetuating the difficulties of seriously disturbed children by barring or dismissing them from public education. I submit that if we can spend $5 billion a year for a conjectural trip to the far side of the moon, we can spend a few hundred million dollars in the next few years to help our own children walk on this planet.

There are so many who could help. For example, as the Joint Commission report notes, there are 14,000 pediatricians in this country but the great majority of them lack sufficient psychiatric orientation to capitalize on their professional potential.

We have just begun to scratch this potential of people who can help people. In Washington, D.C., we are using mothers whose own children have completed their education. They are given a year's training in psychiatric concepts and then work on the psychiatric service at Children's Hospital.

In many cities in the country, trained youth workers are going into neighborhoods where trouble exists and applying their knowledge and affection to those children who are in revolt against the "norms" of modern society. As the noted psychiatrist, Dr. Kenneth Appel, has pointed out, there is a deep and tragic irony in the fact that millions of Americans—unemployed, retired, or otherwise rendered unproductive by society—seek a meaningful role in life, while millions of our children, our mental patients and others sunk in despair seek a helping hand. Dr. Appel pleads for a linkage between this great untapped human potential and the vast needs of the troubled and submerged in our democracy. Automation may eventually provide most of the material wants of our society, but it cannot ever replace the hand-to-hand and heart-to-heart relationship which is at the core of the helping services.

During this past summer's experience with Project Head Start—which reached more than 600,000 children under the age of six—thousands of adults and children served as volunteers. As this program resumes this fall and winter, the goal is to reach down to children three years of age and to expand voluntary and community participation.

The first several thousand trainees of VISTA—Volunteers in Service to America—are now serving in all regions of the country. A sizeable percentage of these dedicated people have chosen to work in the mental health field and, having addressed several groups of VISTA trainees, I can assure you they will make wonderful workers in the vineyard of childhood mental illness.

There have been exciting developments in other areas of childhood mental illness which have highlighted the necessity for a comprehensive survey of existing needs and the selection of a set of priorities for the next decade and beyond.

The first incisive plea for such a national survey came in a resolution adopted by both the American Psychiatric Association and the American Academy of Child Psychiatry as a direct result of a 1963 conference on training needs in the field of child psychiatry. Noting that the survey of adult mental illness by the Joint Commission on Mental Illness and Health has led to a long-needed overview of the problem which resulted in positive recommendations and subsequent legislation, the conference adopted the following resolution:

> "In sum, it was the consensus of the Conference that what the Joint Commission had done by way of presenting the nation with a program to combat mental illness as a whole should now be done in comparable manner and style for the problem of childhood mental illness. The Conference members recognized and accepted their obligation to inform the public of the needs of children and registered their opinion that a national survey should be conducted under the leadership of representatives of the entire spectrum of child-care professions in the field of mental illness and health. They pledge to work for the launching of such a study, looking to the formulation of a national program to combat childhood mental illness and to secure the wherewithal to carry out such a plan."

At the March, 1965 meeting of the National Mental Health Advisory Council, the membership of that Council voted unanimously to request the National Institute of Mental Health to explore with all national organizations interested in the emotional health of children the possibility of a joint commission survey comparable in depth and scope to the Joint Commission on Mental Illness and Health study.

I am happy to report that several exploratory meetings have been held, and that a Joint Commission on Mental Health of Children has been incorporated.

Legislation to provide federal support was passed in the last session of Congress; the Commission has acquired a staff and is beginning the job of collecting the data upon which it can base its final recommendations to the Congress and to the people of the United States.

This quest for a national blueprint for mental health services for children is of vital importance, but it is no substitute for continued efforts at the state and local level to meet the immediate and pressing emotional problems of so many of our children.

In looking through the material on your Center, I was deeply impressed with many services you perform for the community. In reaching out to the families in your group consultation work, you are strengthening the major resource which can hold these troubled children in the community. Equally important are your consultation services to the Juvenile Court and to the schools, since through these efforts you expand the spectrum of your professional workers to a role in direct support of people who come in daily contact with children. Since the shortages of personnel in the field of childhood mental illness will be with us for many years, it is absolutely essential that such centers as yours make every attempt to work with all educational and social agencies which have jurisdiction over the child.

I note that you also are aiding in the training of that scarce commodity—the child psychiatrist—and I am delighted that you are seeking approval as a formal training center in child psychiatry.

To expand your services, you must have additional financial support at the state and local governmental levels.

I have been to Florida a number of times, and I am still convinced that the state is not providing sufficient support for community mental health services. The American Psychiatric Association made a very thorough survey of the mental health situation in Florida in 1963; it recommended that no additional state hospitals be built. However, it is my understanding that Florida has not followed the example of 26 of its sister states in passing legislation providing matching monies to communities who wish to build centers under the federal community mental health legislation. There is a need for at least a half dozen community mental health centers here in Dade County, and there is absolutely no reason why the state government cannot match local funds for these centers.

As the 1963 APA survey pointed out, you are disgracefully short of community psyciatric facilities in this county for both adults and children. I know that you are far down on the state priority list in terms of need for these facilities, but I refuse to believe that the geniuses in Tallahassee who appropriated several millions of dollars for a large mental hospital in an isolated part of the state have any conception of what community psychiatry means. You have got to help teach them that a state matching investment in centers is far wiser and far more economical than the construction of another human warehouse.

I applaud the noble efforts of the Dade County Mental Health Association in raising money for a desperately needed adult psychiatric clinic, but I agree with them that this is only a stop-gap measure until the state and county appropriate sufficient tax monies for a network of mental health centers here in Dade County.

To those of your officials who contend that mentally ill children and adults present no critical problem to the county and to the city of Miami, I cite a survey made recently by the American Psychiatric Association which documents the point that you still jail a large number of disturbed people who eventually get to Jackson Memorial or South Florida State, but at what cost to their dignity and their stability?

If Panama City, Daytona and Winter Haven can tap their own local public and private resources to match federal monies in order to construct community mental health centers, I am confident that the good people of this area can—until the slumbering officials in Tallahassee wake up—finance intensive treatment facilities designed to eliminate the jailing of the adult mentally ill and to bring psychiatric help to hundreds upon hundreds of children not now receiving it.

County government must also play an increasing role in support of your Center, and of the additional centers which are needed. I have made it a point to visit with county commissioners in all parts of the country; I remember a very pleasant and rewarding session with the Dade County Commissioners back in 1949. I am deeply aware of the difficulties county commissioners face in proposing new services which raise the local tax base. The National Association of Counties recently invited me to write an article for their official publication on the tax question as it relates to the mentally ill; if I may just quote the following observation from that article:

"In speaking to county groups in many parts of the country over the past fifteen years, I have constantly stressed the point that citizens asking county governments to provide new services for the mentally ill must not only present these officials with a realistic cost estimate of these services, but they must also indicate their willingness to help educate the public on the need for additional tax revenues to finance them. Unless there is strong citizen identification and support for these new programs, it is irresponsible to ask county governments to assume the additional fiscal burdens required to put them into action."

I know that you are constantly being told that state and local taxes have reached a confiscatory level and that mental health services are doing quite well financially. This is sheer hogwash. Last year, less than 3% of all state and local tax monies were used to fight mental illness, which the American Medical Association has described as "America's most pressing and complex health problem".

In a nation which spends $20 billion for recreation, $11 billion for alcoholic beverages, $7 billion for tobacco products, and $1 billion for candy, there is room for additional expenditure of a few hundred million dollars so that four million of our children who are emotionally troubled can be helped so that they may lead useful and productive lives.

H.R. 16775, A BILL TO AID BUSINESSES FORCED TO RELOCATE BY URBAN RENEWAL PROJECTS—DESERVE FAIR COMPENSATION

Mr. FARNUM. Mr. Speaker, I ask unanimous consent that the gentleman from Florida [Mr. Pepper] may extend his remarks at this point in the Record and include extraneous matter.

The **SPEAKER** pro tempore. Is there objection to the request of the gentleman from Michigan?

There was no objection.

Mr. PEPPER. Mr. Speaker, I would like to take this opportunity to speak of grave injustices that can occur when a community undertakes urban renewal projects. One of my constituents, Mrs. Harriet P. Oakes, has brought this situation to my attention.

Mrs. Oakes and her husband John operate a small grocery store in the central Negro district in Miami. Together Mr. and Mrs. Oakes work a total of 108 hours every week to earn a living. They have invested important years of their lives to insure their economic security. Yet because they do not own either the land or the building where their business is located, they are not eligible for a fair payment of the cost of relocating their business nor can they be sure that a new location will be as profitable or that they will not have to move again.

Under existing law, they are permitted but $500 to help defray the cost of relocating their grocery store. The Housing Act of 1949, as amended, provides a maximum of but $3,000 for relocating businesses, but does not permit payments for lost good will, which can often never be replaced in a new location. Now these people, after years of hard work, must begin again in a new location.

Mr. Speaker, I believe the Oakes' and people like them must be sufficiently and fairly compensated for the necessary relocation required by urban renewal projects. Under existing law, those who own land receive adequate compensation for the property used for urban renewal. Residents who are forced to find new places to live also receive adequate compensation. But honest, hard-working business people do not receive payment for loss of the source of their livelihood. after urban renewal forces a business to change its location or close its doors forever, many of these self-supporting people never get back on their feet again. As long as urban renewal represents progress for our cities, Mr. Speaker, then there should not be victims of progress such as Mr. and Mrs. John Oakes.

It is for this reason, Mr. Speaker, that I have introduced legislation to remedy this problem. Mr. Tydings, the distinguished Senator from Maryland, has introduced his own bill, S. 3290, to lessen the hardships of these business people displaced by urban renewal. However, my bill, H.R. 16775, provides that compensation not be limited to businesses earning less than $10,000 a year, and the maximum repayment be fair and equitable. In addition, stores, which need not physically move but still lose their business because customers are forced to relocate, should also receive fair compensation.

The other body has passed legislation which will table the bill introduced by Mr. Tydings. This bill is the Uniform Relocation Act of 1966 which is now pending before the Committee on Public Works. My bill would be such a major change in the whole idea of adequate compensation for relocation due to urban renewal, I have asked my former colleagues on the House Subcommittee on Housing to consider this bill within this session of Congress.

Mr. Speaker, the urban renewal program in this country was born with the Housing Act of 1949. Yet in the intervening 17 years we have done little for the small businessman who often loses his source of livelihood he spent many years building up. Seventeen years is too long to wait, but certainly waiting any longer is even worse. We must do something for these people and we must do it in this session of the 89th Congress.

COMMISSION TO INVESTIGATE INCREASE IN VIOLENCE AND BRUTALITY

Mr. FARNUM. Mr. Speaker, I ask unanimous consent that the gentleman from California [Mr. Edwards] may extend his remarks at this point in the Record and include extraneous matter.

The **SPEAKER** pro tempore. Is there objection to the request of the gentleman from Michigan?

There was no objection.

Mr. EDWARDS of California. Mr. Speaker, I am prompted to speak today primarily due to the startling mass sniper attack yesterday at the University of Texas. I want to strongly emphasize, however, that I am disturbed not just with the breakdown of a sick mind which ends in this attack or in the murder of eight young nurses in Chicago, but an increase all over the Nation in violence and brutality.

There occurred in 1965, 2,780,000 serious crimes, a 6-percent increase over 1964. Violent crime, in the years 1960 to 1965, increased by 35 percent. It is time we ask ourselves some fundamental questions about violence in our society and whether certain aspects of our culture encourage the use of such force.

I suggest today that the President immediately appoint a commission to study and report on this problem. A commission, not of police or government experts who deal in the specifics and the statistics of crime, or in the techniques of law enforcement; but of social scientists, psychologists, psychiatrists, and scholars who may delve into such broad social questions as these:

What relationship does this situation have to the daily, constant show of force and violence on television and in the movies?

What is the connection, if any, to the increased hostility and friction between the races?

And, what effect on the individual have the fears and insecurities of 20 years of cold war, the hatred which is aroused by the fervid crusade of one power and ideology against another?

Nor can such a study ignore the incredible availability of firearms in this country. As has been proved over and over, anyone can build such an arsenal as Charles J. Whitman had yesterday in the tower of the University of Texas.

These questions must be examined. Dr. Benjamin Spock, renowned expert on the growth and development of children, has often referred to the destructive psychological effect of war, both real and in the movies, on the child. Let us have a commission of social scientists investigate more fully this very problem, with the full support of the White House and the Congress, so that we might better understand and do something about this increasingly tragic situation.

YOUNG CITIZENS' COMMITTEE FOR AN ATLANTIC CONVENTION

Mr. FARNUM. Mr. Speaker, I ask unanimous consent that the gentleman from Tennessee [Mr. Fulton] may extend his remarks at this point in the Record and to include extraneous matter.

The **SPEAKER** pro tempore. Is there objection to the request of the gentleman from Michigan?

There was no objection.

Mr. FULTON of Tennessee. Mr. Speaker, I rise today to bring to the attention of my fellow Members of the Congress the formation of a national Young Citizens' Committee for an Atlantic Convention.

During this session of Congress, 76 Members of the House have introduced resolutions calling on this country to establish a delegation of 18 prominent citizens to attend an Atlantic Union Convention. I am proud to be associated with this effort as the author of one such resolution, House Resolution 1096.

In the Senate a companion resolution has been introduced—Senate Concurrent Resolution 64—and cosponsored by 18 Members of that body. Hearings have already been held before a subcommittee of the Senate Foreign Relations Committee. It is my understanding that hearings are planned before the House Foreign Affairs Committee for the latter part of August.

The Young Citizens' Committee includes among its members National and State leaders of the young Democrats, young Republicans, and junior chambers of commerce. Its chairman is D. Bruce Shine, a young attorney from Tennessee, who at 25 authored a book about the Atlantic Community. At one time he served on the NATO staff in Paris.

The broad base of support among young people for the Atlantic Convention becomes apparent in a review of the membership of the National Young Citizens' Committee for an Atlantic Convention. I include the names, addresses, and biographical data of the committee members:

National Young Citizens' Committee for Senate Concurrent Resolution 64

E. Thomas Adams, 30; 1342 Slater St., Toledo, Ohio 43612; Ninth Ohio District Young Republican Committeeman.

Alan Ahrens, 22; Elberfeld, Ind.; Republican College Chairman for Indiana.

Avery L. Avery, 22; 4727 Kavanaugh St., Little Rock, Ark.; Little Rock Jaycees; Young Democrats.

Ted A. Behr, 32; 6353 Hollywood Blvd., Hollywood, Ca. 90028; Past National Director, U.S. Jaycees; Past District Governor, California Jaycees.

Carl R. Biletta, 33; Riviera Blvd., Vineland, N.J. 08360; National Director, New Jersey Jaycees.

Edward F. Bishop, 33; 50 Barnes St., Providence, R.I. 02906; President, Providence, R.I., Jaycees.

R. K. Blomberg, 27; Rte. 1, Box 230, La Grande, Ore; Past Pres., La Grande Jaycees; Past State Vice-Pres., Oregon Jaycees; Current National Director, Oregon Jaycees.

Joanna Bowers, 25; 130 South Union Rd., Dayton, Ohio 45427.

Charles Boyd, 26; 315 Bernard St., Denton, Tex. 76201; Second Vice-Pres., Texas Young Republican Federation.

Victor Braren, 26; 1430 Tulane Ave., New Orleans, La. 70112; Chairman, Second Congressional District, Louisiana Young Republican Federation.

Russel L. Brown, 30; 1442 Tongass, Box 1125, Ketchikan, Alaska 99901; Vice-Chairman, Alaska Young Democratic State Central Committee; Chairman, Young Democratic Southeast Alaska District Committee.

Paul (Bud) Burke, 32; 5110 West 87th St., Prairie Village, Kansas 66207; Chairman, Prairie Village Republican Central Committee; Past City Councilman of Prairie Village; Kansas Turnpike Authority.

J. Frank Cafferty, 31; 1601 Interlaken Pl. E., Seattle, Washington 98102; Pres., Overlake Democratic Club.

Neil Calnan, 23; 2920 Amherst St., Houston, Tex. 77005; Past State Vice-Chairman, Texas Young Republican Federation.

Bobby Capps, 27; Box 2415, Anchorage, Alaska, 99501; Pres., Alaska Young Democrats.

R. D. Carmichael, 30; 812 Monterey Dr., Bessemer, Ala.; Chairman, Bessemer Young Republicans.

Paul Carter, Jr., 23; Rte. 6, Box 304, Salisbury, N.C. 28144; Editor, North Carolina Young Republican News.

Marvin C. Cecil, 29; 105 7th St., N., Naples, Fla. 33940; State Vice-Pres., Florida Jaycees.

Joseph Celauro, 27; 48 St. Paul's Ave., Jersey City, N.J. 07306; Vice-Pres., New Jersey Jaycees; Past Pres., Jersey City Jaycees.

Jack Christensen, 23; 8408 West 42nd St., Tacoma, Washington 98466; Washington State Young Republicans.

Lee W. Cline, 22; 513 West Wabash Ave., Crawfordsville, Ind. 47933; Coordinator of Research, Republican Party of Indiana; Executive Director, Midwest College Republicans.

Charles Coleman, 20; 1910 G St., N.W., Washington, D.C. 20005.

Patricia J. Combs, 37; 5475 Broadway St., Gary, Ind.; District Vice-Chairman, Indiana Young Republicans.

Sally L. Cope, 22; ARC–USAH, Ft. Jackson, S.C.; Vice-Chairman, Richland County Young Republicans; Past Pres., Wesleyan College Young Republicans.

Elizabeth L. Cox, 38; 390 Morris Ave., Summit, N.J. 07901; Former UN Observer; Young Republican National Federation.

Germaine C. Culbertson, 25; 735 Anson St., Winston-Salem, N.C. 27103; Past Secty., North Carolina Federation of Young Republicans.

James B. Culbertson, 28; 735 Anson St., Winston Salem, N.C. 27103; State Chairman, North Carolina Young Republicans.

Howard A. Denis, 26; 4977 Battery Lane, Apt. 119, Bethesda, Md. 20014; National Committeeman, Maryland Federation of Young Republicans; Pres., Montgomery County Young Republican Club.

W. E. (Skip) Dunkirk, 27; 1105 Sheridan Rd., Normal, Ill. 61761; National Director, Illinois and U.S. Jaycees; Republican Precinct Committeeman.

Paul M. Elvig, 24; P.O. Box 1881, Vancouver, Wash. 98663; Vice-Pres., Washington State Young Republican Federation.

Fritz Endris, 28; 722 E. Main St., Greensburg, Ind. 47240; Pres., Decatur County Young Democrats; National Director, Indiana Jaycees.

Cheryl Ann English, 20; 1305 Potomac St., N.W. Apt. 16, Wash., D.C. 20007; Executive Secty., District of Columbia Federation of College Young Democrats.

Claude Farris, 27; 8203 Nelson St., New Orleans, La.; National Committeeman, Louisiana Young Republican Federation.

James L. Fiore, Jr., 30; 72 Robbins Rd., Bricktown, N.J. 08723; National Director, New Jersey Jaycees.

John R. Fiorino, 39; 267 Main St., Matawan, N.J. 07747; Past Pres., Monmouth County Young Democrats, Matawan Boro Municipal Leader.

David T. Flaherty, 37; 803 Hospital Ave., Lenoir, N.C.; Past Chairman, North Carolina Young Republicans; National Committeeman, National Federation of Young Republicans.

Douglas R. Fonnesbeck, 22; 295 North 1st St. W., Logan, Utah 84321; Regional Director, Young Democratic Clubs of America.

M. L. Funderburk, Jr., 27; 4820 Stafford Dr., Durham, N.C. 27705; Executive Secty., North Carolina Federation of Young Republicans; Chairman, Durham County Young Republicans.

Betty Jane Gaffney, 36; 2848 Rockwood Pl., Toledo, Ohio 43160; National Committeewoman, Ohio Young Democratic Clubs.

William Gaia, 23; 4540 Ridgewood Rd., Memphis, Tenn.; Board of Directors, Shelby County Young Republicans; Pres., Whitehaven, Tenn., Young Republicans.

Alan L. Gaudynski, 24; 3564 South 19th St., Milwaukee, Wis. 53221; State Area Coordinator, Wisconsin Young Republicans; Vice-Chairman, Milwaukee County Federation of Young Republicans.

Walter C. Gebelein, Jr., 24; 575 Summer Ave., Newark, N.J. 07104; Past State Chairman, New Jersey College Young Republicans; Past Chairman, Rutgers University Young Republicans.

Harlan L. Gilliland, 29; P.O. Box 435, Vashon, Wash. 98070; Washington State Jaycees.

John R. Gower, 34; 507 N. Joslin St., Charles City, Ia.; State Vice-Pres., Iowa Jaycees; Past Pres., Charles City Jaycees.

Edward Griffith, 29; 4427 Clairmont Ave., Birmingham, Ala. 35222.

John A. Gromala, 36; P.O. Box 626, Fortuna, Ca. 955540; Past Pres., California Young Republicans; Administrative Assistant, California Citizens for Goldwater-Miller.

Ken Hagerty, 21; 1476 Hill Dr., Los Angeles, Ca. 90041; State Vice-Pres., Oregon Republican College League; Pres., Oregon State University Young Republicans.

James H. Handler, 32; 5311 South Cornell, Chicago, Ill. 60615; Executive Committee Chairman, Cook County Young Democrats.

Frances Harris, 37; 629 Dakota Dr., Rapid City, S.D.; National Committeeman, Young Republicans.

Donald A. Henry, 33; 723 Eaton Rd., Rochester, N.Y. 14617; District Pres., New York State Jaycees; Vice-Pres., and Board of Directors, Rochester Jaycees.

Mrs. Mary Hoekstra, 29; 625 E. Orchard Beach, Rice Lake, Wis. 54868; Past National Committeewoman, Young Republicans; League of Women Voters.

Frank J. Horacek, 20; 7937 Flamingo Dr., Alexandria, Va.; National Student Secty., United World Federalists.

Les Edward Hunt, 23; 395 North Broad St., Globe, Ariz. 85501; Republican Precinct Committeeman; State Vice-Pres., Arizona Jaycees.

William L. Hunt III, 23; 2810 West Kirkwood Rd., Nashville, Tenn. 37204; Chairman, Davidson County Young Republicans for Goldwater-Miller.

Merle E. Jansen, 32; 2771 29th Ave., Columbus, Nebr. 68601; Pres., Columbus Jaycees; Vice-Pres., Nebraska Jaycees.

Carol Johnson, 21; 65 Osborne St., Stratford, Conn.; Corresponding Secty., Young Democratic Clubs of Connecticut.

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Richard L. Jorandby, 27; 325 36th St., West Palm Beach, Fla.; State Pres., Tennessee College Republican Clubs; State Director, Tennessee Youth for Goldwater-Miller.

David D. Jordan, 27; P.O. Box 8426, Asheville, N.C. 28804; Candidate, North Carolina House of Representatives; Treasurer, North Carolina Federation of Young Republicans.

Ralph L. Jordan, 34; 71 Steele Rd., Thompsonville, Conn.; National Director, Connecticut Jaycees; Past Pres., Enfield, Conn., Jaycees.

Frank H. Kelly, 33; 51 Newark Ave., Bloomfield, N.J.; National Committeeman, New Jersey Young Democrats.

James M. Klebb, 23; Highway 50, West, Jefferson City, Mo. 65101; Director, New England Region, College Young Democrats; Past Pres., North Central Region, Association of International Relations Clubs.

Barry Allan Klein, 19; 346 New York Ave., Brooklyn, N.Y. 11213; Kings County Young Democrats.

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Walter J. Kozloski, 31; 19 Schiverea Ave., Freehold, N.J. 07728; President, Freehold, N.J. Democratic Club; Past Pres., Greater Freehold Jaycees.

Mrs. Norma Laskey, 35; 6164 Guilford Ave., Detroit, Mich.; Labor Co-Chairman, Executive Board, Young Republican National Committee.

Edwin Latham, 28; P.O. Box 872, Bethany, Okla. 73008; National Committeeman, Young Republicans of Oklahoma.

Thomas D. Loftus, 35; 2304 West Crockett St., Seattle, Wash. 98199; National Vice-Chairman, Young Republican Clubs.

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Frank Lyons, 27; 31 Grace Rd., Quincy, Mass. 02169; Past Pres., Vermont Young Democrats; Past Vice-Pres., New England Intercollegiate Young Democrats; International Director, Massachusetts Jaycees.

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Darrell March, 32; Box 407, Wyoming, Ill. 61491; National Director, Illinois Jaycees.

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James M. McCutcheon, 30; Box 1752, 606 Stephenson Ave., Parkersburg, W. Va. 26102; National Committeeman, Young Republican League of West Virginia.

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Thomas C. Milone, 20; 105 Shoreham Way, Merrick, N.Y. 11566; Past Pres., Merrick, N.Y., Junior Democratic Club.

William G. Myers, M.D., 35; 9 E. Coconut Way, Hobe Sound, Fla. 33455; County Chairman, Republican Executive Committee; Past Pres., Hobe Sound Chamber of Commerce; Pres., Hobe Sound Young Republicans.

Tom Nord, 31; 3105 Futura Dr., Roswell, N.M. 88201; Pres., New Mexico Young Republicans.

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Robert Owens, 22; Carleton College, Northfield, Minn. 55057; Regional Director, Young Democratic Clubs of America; Past State Pres., Minnesota Young Democrats.

Frank N. Peakinson, Jr., 39; 318–A 2nd St., S.W., Roanoke, Va.; Executive Vice-Pres., Young Democratic Clubs of Virginia.

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Sonny Utzman, 31; 601 First National Bank, Longview, Tex. 75601; State Vice-Pres., Texas Jaycees.

Robert David Voreis, 17; 725 Windsor St., Orangeburg, S.C.; Past Chairman, South Carolina Teen Age Republicans.

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Peter Wyman, 30; 2014 West 4th St., Spokane, Wash. 99204; State Director, Washington Young Republicans.

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Joseph Fallon, 25; 236 East 46th St., New York, N.Y. 10017; Pres., United States Youth Council; Former College Director, Democratic National Committee.

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Patricia Eaves, 25; 415 North Jefferson, Cookeville, Tennessee; Nat'l Committeewoman, Young Democratic Clubs of Tennessee; Former "Miss Tennessee" 1957; Attorney.

William M. Hartman, Ph. D., 26; 135 N. Grant Street, Wesmont, Ill. 60559; College Professor.

Michael McGuiness, 21; 768 Maple St., Rocky Hill, Conn., 06067; Ex-Tres. Fairfield Univ. Young Democrats.

Isabelle R. Rudisill, 36; Rfd No. 1, Washington Boro, Penna. 17582; Secretary, Pennsylvania Federation of Young Republicans.

Dexter W. Lehtinen, 20; 9340 S.W. 87th Ave., Miami, Fla. 33156; Chairman, Florida Federation of College Young Republicans.

(Organizations listed for identification purposes only.)

OPINION POLL OF THE 19TH DISTRICT OF MICHIGAN

Mr. FARNUM. Mr. Speaker, I ask unanimous consent to extend my remarks at this point in the Record and include extraneous matter and tables.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Michigan?

There was no objection.

Mr. FARNUM. Mr. Speaker, the 19th District of Michigan is a new one—a new district which now has what I hope will be a tradition: an opinion poll. I mailed my first annual questionnaire to over 120,000 households in my district, and was delighted with the response. "More polls such as this would show the will of the people," one lady wrote me in a note she enclosed as she returned the questionnaire. A businessman commented:

> I appreciate your taking the time and trouble to find out how "we the people" feel.

I was eager to find out how "we the people" feel, and had a good chance to do so. Over 13,000 constituents sent back the questionnaire I sent them—and more than a quarter of them sent additional comments in a letter or a note.

These questionnaires went to every household in my district. The results were independently tabulated, computed and verified. Thanks to the use of automatic data processing methods, I was able to analyze the replies to the questionnaire for each city or township in the district, and can report that there is usually very little difference between the reply for each area and the overall results.

This report will soon be in the hands of all of my constituents for their analysis. Because I know it will be of interest to my colleagues, I include results in the Record:

	Percent		
	Yes	No	Undecided
Do you favor—			
The present programs designed to combat poverty?	22.1	63.5	14.4
More representation by the poor and disadvantaged in planning the war on poverty?	40.3	46.0	13.7
Setting aside a small percentage of revenue each year to reduce the national debt?	83.8	8.4	7.8
Income tax credits for parents paying expenses of children in college?	73.4	22.7	3.9
Extending the minimum wage to farm labor?	57.9	28.7	13.4
Truth-in-packaging laws which require compact packages and simple weight requirements?	88.7	6.6	4.7
A 4-year term for Members of the House of Representatives?	56.7	35.0	8.3
Legislation to provide tax relief to persons who make small political contributions as a method of encouraging broader participation in campaign financing?	32.5	58.8	8.7
Legislation requiring that auto manufacturers include safety features on all new cars they produce?	58.8	33.8	7.4
Administration proposals to undertake broad programs in—			
International health and education?	46.6	42.3	11.1
Highway beautification?	54.9	35.7	9.4
Traffic safety?	78.2	17.2	4.6
Do you feel the present constitutional limitations on the three branches of government (legislative, executive, judicial) are adequate to maintain a healthy balance?	58.5	23.4	18.1
What course do you favor in Vietnam? *Percent*			
Withdrawal? 20.0			
Take whatever military action is necessary to achieve decisive victory? 52.5			
Keep up our present military and peace efforts in hopes the Communists will negotiate? 27.5			

PRESIDENT JOHNSON LEADS TRIBUTE TO HOUSE MAJORITY LEADER CARL ALBERT

Mr. FARNUM. Mr. Speaker, I ask unanimous consent that the gentleman from Oklahoma [Mr. Steed] may extend his remarks at this point in the Record and include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Michigan?

There was no objection.

Mr. STEED. Mr. Speaker, more than 1,000 people joined last Friday night at the Sheraton Park Hotel in Washington, in paying tribute to the majority leader of the House, Carl Albert, for his outstanding service to his district, State, and Nation.

It was, I believe, the greatest gathering of its kind ever held by Oklahomans in Washington. Thus it constituted a fitting salute to 20 years in the House by Mr. Albert, who has attained the highest position ever held by an Oklahoman in our Government. We were honored by the presence of Speaker McCormack, four members of the Cabinet and many Members of both Houses of Congress.

The President of the United States went to the heart of the matter when he gave his thoughts on Carl Albert, and the factors that have made him a great majority leader. I have never seen a better summary of Mr. Albert's accomplishments. The text of the President's remarks follows:

A great son of Oklahoma, Will Rogers, once said:

"A Democrat never adjourns. He is born, becomes of voting age and starts right in arguing over something, and his first political adjournment is his date with the undertaker."

Carl Albert is the kind of Democrat, and the kind of American, who doesn't like to adjourn while there is still work to be done.

So I am proud to join you tonight in giving him honor for his accomplishments for our country.

Carl Albert has been an effective Congressman for 20 years and a strong majority leader for four of those years. But it is his record with the present Congress, the 89th, which I want to emphasize tonight.

This Congress has faced more tough problems than any other, and met them squarely.

It has considered more human needs, and answered them compassionately.

It has sought more ways to build America, and accomplished them wisely.

Much is due to Carl Albert's strength, integrity, and resourcefulness as one of the leaders of the House of Representatives.

The rest of the country might not know what Oklahoma knows—that Carl Albert is *one of the true intellectuals in Washington.*

He doesn't make an issue of it, but his Rhodes Scholarship, his two law degrees from Oxford and his Phi Beta Kappa key speak eloquently enough on the subject.

He has been a great Congressman because of this intellect, and because anyone who went to school at Flowery Mound, Oklahoma, is certain to have a lot of practical sense as well.

Sam Rayburn saw these qualities when Carl first came to the House in the 80th Congress. Mr. Rayburn was a wise judge of men. To be selected as one of his pupils in the art of government was one of the highest honors a man could achieve.

Mr. Rayburn liked Carl Albert as a man. He understood him as a friend and neighbor across the Red River from his own Texas district. He respected him as a brilliant lawyer. It was natural that these two strong minds would come together.

Mr. Rayburn used to say, "When you've got common sense, that's all the sense there is."

He saw in Carl Albert the common sense and good judgment that rounds out an educated man, and he really must have seen a lot of himself in Carl, because they were cut from the same pattern.

There is a first-class quality in the majority team of the present House. I don't know of three men I would rather have on my side than John McCormack, Carl Albert and Hale Boggs. They are leaders of men and movers of legislation. They are men of their word, they are fair and just, and above all they believe in this country.

It is their leadership, and that of their colleagues in the Senate, which is mostly responsible for the fantastic record of the 89th Congress.

This is the Congress that fulfilled, after 100 years, Abraham Lincoln's promise of emancipation. It told people who were afraid to vote that they would be guaranteed their rights, and now American citizens in their 70's and 80's are casting ballots for the first time in their lives.

This is the Congress that eased the burdens of older Americans by enacting Medicare.

It is the Congress that pledged to the young of this country the best possible opportunities for an education. This year we will spend $10 billion more on two items—education and health—than we were spending on these responsibilities when I became President less than three years ago.

This Congress reaffirmed its conviction that poverty can be conquered.

It said people have the right to train for good jobs and to learn to live productive lives.

It wrote a national policy that we shall have clear air and clean water, and not runaway pollution.

It passed legislation to dam our rivers, to produce power, to provide beaches, to build playgrounds, and to add more parks to the national domain than any other similar period in our history.

The 89th Congress passed a farm bill that puts more money in the farmer's pocket. It reduced farm surpluses to a decent level.

In short, this Congress fulfilled the true objectives of government: to care for human beings, and to advance their progress as free people.

All of this has been accomplished while maintaining America's position overseas as the leader of the free world. We have been able to do both, and do them both effectively.

Carl Albert believes as I do, that aggression must not be allowed to succeed in Vietnam.

Carl has been through one war. He still wears a colonel's eagles, and he didn't win them by being timid. He knows that this nation would commit one of the greatest blunders of history if it fails to keep its word and fails to show the courage that leadership requires.

He understands that the only road to peace and security is to teach aggressors that they must leave their neighbors alone.

The greatness of a country is derived from its people. Those of us in Government do not create greatness. We only do our best to enhance and enlarge a quality which is already there.

Carl Albert has worked in the Congress for 20 years to make sure this country will remain great.

He has helped shape policies which have raised the American standard of living to heights the world has never known before.

He has helped foster an economy that has created seven million new jobs for Americans in the past five years.

In these same five years, corporate profits after taxes have doubled. Dividends have gone up 55%. Farm income has grown by 48% per farm. Families have increased their savings and financial assets by nearly half a *trillion* dollars. The average family—even after price increases—is earning the equivalent of 11 extra paychecks each year.

Carl Albert's leadership has contributed to this record of prosperity and growth.

He deserves our thanks for his part in making this the greatest country on the face of the earth.

I'm glad you asked me to help show him our appreciation and affection and deep admiration for a great son of Oklahoma.

THE HIGH COST OF HIGH OFFICE

Mr. FARNUM. Mr. Speaker, I ask unanimous consent that the gentleman from Iowa [Mr. Schmidhauser] may extend his remarks at this point in the Record and include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Michigan?

There was no objection.

Mr. SCHMIDHAUSER. Mr. Speaker, I would like to call to the attention of my colleagues an excellent article on a subject which concerns all of us as November approaches—campaign finances. This study by Neal Peirce, political editor of the Congressional Quarterly, appeared in the August issue of the American Legion magazine. In it Mr. Peirce analyzes the problems which have arisen in political fundraising, their implications, and possible solutions, in the objective and dispassionate manner we have learned to expect from an editor of the Congressional Quarterly. I think the Members of Congress will find this article a timely reminder of the necessity for congressional action on campaign financing, as well as a source of valuable suggestions as to the form possible legislation should take. The editors of the American Legion magazine are to be commended for providing this excellent appraisal as a public service. I personally support these constructive recommendations and have introduced legislation providing for full public disclosure of the outside income of Members of Congress and higher executive officials and have also introduced legislation prohibiting nepotism.

The High Cost of High Office—A Report on Our Multimillion Dollar Political Campaigns and Where the Money Comes From

(By Neal Peirce)

Whether it's a school-board post or the Presidency, a county commissioner's job or a seat in the U.S. Senate, the question any man has to answer before he announces for office is—"Where will I get the money for my campaign?"

The costs of campaigning in the United States have skyrocketed in recent years, and no end is in sight. In 1912 the Democrats reported spending $1,134,848 to elect Woodrow Wilson President, but in 1964 it cost the Republicans 17 times as much—$19,314,796—to run Barry Goldwater's unsuccessful campaign for the Presidency. In 1948, the total reported national-level expenditures of the political parties was $8,771,879. In 1964, the total has soared to $47,762,890.

Even these publicized national spending figures, however, are only the visible portion of an iceberg of massive spending on national, state and local levels—most of which goes unreported because of the gaping loopholes in our national and state campaign funds disclosure laws.

It is estimated that the real, total national bill for political campaigns in 1964, from the Presidency down to town government, was in the neighborhood of $200 million—up from $140 million in 1952. In 1962, when the Presidency wasn't even at stake, about $100 million—or about $2 for each of the 53 million Americans who went to the polls—was spent on races for Congress, state and local government. This figure will probably rise to $120 million in the 1966 mid-term elections as a third of the Senate, all of the House, 35 state Governors, most of the state legislatures and thousands of local government jobs are filled by the voters. Just for Washington operations, the Republicans have set up a budget of $6 million and the Democrats a budget of $4 million for 1966.

For the candidate, election finance is a serious problem because he must take care not to accept so much money from special interest contributors that he will be a "bought" representative if he's elected. For the parties, election finance is a problem because fund raising takes away from time needed for organization and spelling out public policy. And for the voter, campaign money is troublesome because it raises the question of how indebted the man he votes for may be to special interest groups—from "big labor" on the one hand to "big business" on the other.

Some typical campaign bills suggest the breadth of the problem for the candidates and the party organizations that stand behind them.

To win a U.S. Senate seat in 1964, Democrat Joseph D. Tydings of Maryland felt obliged to spend $246,000 to win the primary (his opponent spent $326,000) and then another $284,113 to defeat the Republican incumbent in the general election.

In winning his New York Senate seat in the last campaign, Robert F. Kennedy spent $1,236,851. Supporters of his Republican opponent, then-Sen. Kenneth B. Keating, invested well over $750,000—while the Republican State Committee spent $615,026, in large part on Keating's race.

Even to win re-election in solidly Democratic Florida in 1964, Sen. Spessard L. Holland (D) spent $189,145.

Plainly, with very few exceptions, the candidates don't have that kind of money. They have to get it from someone else—either a lot from a few people, or a little from a lot of people, or a combination of both.

To win the Governorship of Texas in 1962, John B. Connally (D) was obliged to spend $572,480 in the primary and another $205,640 in the general election.

During the 1962 campaign in California, the Democrats charged that former Vice President Richard M. Nixon was spending "a scandalous $1,440,000" in what they said was a ruthless attempt to buy the Governorship. Nixon spokesmen then accused the Democrats of "lies . . . outright smears used in desperation. We are spending only a fraction of that." The Republicans suggested that the expenditures of Gov. Edmund G. Brown (D) were "double that of our campaign." But when the final figures were reported in December, the Nixon committees said they had spent a total of $1,572,664 and committees for Brown listed expenditures of $1,482,206—suggesting that the voter should never take too seriously what one candidate is saying about another's expenditures in the heat of a campaign.

Races for seats in the U.S. House can be exceedingly cheap if a man is well entrenched in a "safe" district. But for any district with real two-party competition, the modern-day costs are likely to range from $25,000 to $75,000 or even higher. In 1964, Democrat Richard L. Ottinger of New York's Westchester County reported spending $192,000 in a successful bid for Congress.

Some of the highest expenditures on U.S. House campaigns in the last mid-term elections were reported by two members of the John Birch Society seeking re-election as Republicans in California. Then-Rep. John Rousselot (R), now a national officer for the Birchers, spent $80,556 in his Los Angeles district while then-Rep. Edgar W. Hiestand (R), another Birch Society member, reported spending $87,330. Both men lost.

One of the cheapest but most colorful Congressional campaigns in history was waged by the late Richard D. Kennedy (no relation to the family of the President) in Ohio in 1962. Kennedy, a political unknown who made his living by dabbling intermittently in Cleveland real estate and repairing old boats, entered an 11-man field for the Democratic nomination for Representative-At-Large and came out the winner by a narrow margin. He didn't campaign but noted later: "If my name hadn't been Kennedy, I would have worked harder." Total primary expenses for Kennedy: $300.

Kennedy's luck ran out in the general election when he was up against Robert Taft, Jr., son of the famous Ohio Senator. Taft won by 621,390 votes. Afterwards Kennedy reported he had spent $435 on the election. His expenditures included:

Travel to Columbus to be ignored by Gov. Michael V. DiSalle (D) $20. Trips downtown in Cleveland to be discouraged by the county chairman, $1. Travel to Washington to be shunned by the President of the United States, $85. Travel to Columbus to be repudiated by the Democratic State Chairman, $30. To derive publicity from all the above, wining and dining newspaper reporters, $5; and wining a New York radical, beer-drinking television director, $8. Sole remaining asset at end of campaign: a $4 bottle of bourbon purchased for a victory party.

In races for state legislatures, expenditures can range from just a few dollars into the thousands. In 1963, one successful candidate for Delegate in the Virginia General Assembly reported spending $24,113, more than $1 for each of the 20,254 votes he received. Another candidate, who lost, said his total expenditures were 15¢ to mail out news releases. In the 1965 primaries for the reapportioned Georgia House, a number of candidates were reported to be spending $10,000 or more in the primary—for a job which pays $2,000 a year.

In 1965, John V. Lindsay's supporters spent close to $2.6 million to get him elected Mayor of New York City. The campaign of his Democratic opponent, Abraham Beame, cost $2.2 million. In 1963, Philadelphia Democrats reported spending $405,000 to maintain control of City Hall, while Republicans spent $300,000 in a spirited but failing effort to unseat them.

As Will Rogers pointed out in a far less expensive day, "It takes a lot of money to even get beat with."

With these millions of dollars changing hands in every campaign year, the voter is likely to ask just what all the money's for—and where it comes from.

The uses of campaign money are endless. A typical campaign budget includes outlays for television and radio, rent for headquarters, telephone, telegraph, auto hire, airplane tickets (if not the actual lease of aircraft), registration drives, hotel rooms, dinners and conferences, campaign literature and sample ballots, public relations counsel . . . the list goes on and on. In 1964, one potential candidate for statewide office in California first assembled a budget and then decided it was so high he wouldn't run. The elements listed: television, $203,960; radio $53,000; billboards, $105,200; newspaper ads, $93,000; mailings, $90,000; headquarters and personnel $83,000. Total—$628,160. And these expenditures would only have taken the candidate through the primary election.

In recent years, electronic campaigning has occupied a greater and greater portion of campaign budgets. In 1956, total general election expenditures for television and radio in the United States were $9,818,000; in 1964 the figure had risen to $24,604,000. Another $10 million was spent on radio-TV in primary elections. This was one reason for the huge sums that the candidates for the Republican Presidential nomination felt they had to spend. Goldwater spent $5.5 million in winning the GOP Presidential bid, while Gov. Nelson Rockefeller (N.Y.) laid out $3.5 million to $5 million or more in losing. Pennsylvania Gov. William Scranton's whirlwind bid for the nomination cost $827,000—a quarter million of that for radio and television. In the general election campaign of 1964, television costs for the major candidates were boosted by the refusal of Congress to lift the "equal time" requirements of the Federal Communications Act as the lawmakers had done in 1960, making it possible for the networks to give free time for the "Great Debates" between Kennedy and Nixon that year. Unless the "equal time" requirements are lifted for a campaign, the networks are obliged—if they want to give free time to the major candidates—to give equal time to minor parties like the Socialist Worker and Prohibitionist Parties which also nominate candidates for President. The networks were understandably unwilling in 1964 to give countless hours of free prime television time that would have been required if the minor candidates had been allowed equal time.

Other major costs of campaigns include newspaper ads, which can run up to thousands of dollars for a single ad in a large paper; public opinion polls, which were estimated to have cost the candidates and parties around $5 million in 1964; the costs of public relations firms which advise on improving the images of candidates and planning advertising campaigns; the billboards, which can cost over $100,000 for good coverage of a large state; air travel costs—especially the astronomical costs of modern jet aircraft, and the cost of printed campaign materials. In the 1960 Kennedy-Johnson campaign, for instance the Democratic campaign managers laid out $805,301 for 24 million campaign buttons, 19 million tabs, 10 million bumper stickers, 10 million window shields, 1.5 million large posters, 14 million campaign brochures and 10 million tabloids boosting the candidates.

Where, then, does all the money come from?

Searching for ways to finance the huge expenses of political campaigns, the candidates and parties have tried at various times to tap every kind of source from huge corporations to rank and file citizens. Only in rare instances—like the campaigns of millionaires like Rockefeller, Kennedy and Harriman—have there been enough financial resources in the family of the candidate to cover a substantial portion of the campaign debts.

A favorite device to raise money in the 19th century was the spoils system, which was born in the Jacksonian era and reached its zenith in the years following the Civil War. The system was simple: the party in power simply docked each Government employee some portion of his pay. As an example, it was reported in 1878 that at least 75% of the money raised by the Republican Congressional Committee came from federal officeholders. Reformers launched a vigorous attack on the spoils system, leading to enactment of the Federal Civil Service Reform Act of 1883, which made it a crime for any federal employee to solicit another for campaign funds. This law is still on the books and most—but not all—of the states have similar statutes. In Indiana, Gov. Paul V. McNutt (D) won national attention in the late 1930s when he developed a Two Percent Club for political gifts from state government employees. In North Carolina a few years later, it was found that the vast majority of gifts to the ruling party came from public employees. One license examiner for the highway department was quoted as having said, "I gave 'cause I thought I had to," but that he wouldn't trust the bossman who took the contribution from him further than he would trust "a new 'coon with a rabbit."

Even on the federal level, scarcely an administration passes without some charge of violation of the Civil Service Reform Act. In April 1961, it was revealed that civil service employees in upper income brackets were receiving letters asking them to buy $100-a-plate tickets for a political birthday dinner in honor of President Kennedy. (The political dinner, with plates priced anywhere from $5 to $5,000, is one of the most effective and widely used modern fund-raising devices.) The letters for the Democratic dinner, bearing the names of Democratic National Chairman John M. Bailey and Treasurer Matthew H. McCloskey, said in part: "Your presence will also be a guarantee of continued support by our party." Republicans charged that this amounted to asking Government workers to "pay tribute" in order to retain their jobs or get promotions.

In 1963, when the Democrats were under fire once more for allegedly improper pressures on federal employees to buy "gala" tickets at $100 a head, then-Sen. (now Vice President) Hubert H. Humphrey said the Democratic National Committee had done nothing wrong and recalled instances in which top officials under the Eisenhower Administration had joined in an appeal to federal workers to contribute to the Grand Old Party.

It has not been uncommon over the years for large donors to party coffers to occasionally receive ambassadorships. When this happens, the opposite party frequently cries that the office was bought. Nobody can ever prove it and it has happened under administrations of both major parties.

Gifts from big corporations to the political parties were a first substitute for the spoils system in the late 19th century. At first the giant companies divided their funds about equally between the parties, but then there was a rush of corporate money into Republican coffers. In 1896, Marcus A. Hanah raised a fund variously estimated between $3.5 million and $16.5 million to elect William McKinley President. There were charges in 1904—later proven in a series of official investigations—that millions of dollars were being spent by giant corporations on the Presidential campaign of Republican Theodore Roosevelt. Historians are not sure how aware Roosevelt was of the corporate contributions to his campaign, but he later became a leading advocate of limiting corporate influence and power in politics.

The public outcry about the big corporations' political gifts led to a demand for reform that culminated in a 1907 federal law making it illegal for any corporation or national bank to make a contribution to any political campaign. That law, still on the books, has stopped open giving by corporations. But a thousand and one ways have been found to evade it. Corporations may urge their chief executives to give to a certain party, and give them bonuses or expense account allowances covering their gifts. Or gifts "in kind"—the services of a key official over the period of a campaign, or a public relations firm, or mailing equipment—may be given. One of the biggest loopholes, carried to new levels of sophistication in recent years, has been the political advertising book, published by the parties. Late last year, the Democrats published a slick 178-page book called "Toward an Age of Greatness."

The book was packed with $15,000-a-page advertisements from corporations, including scores of defense contractors and other industries regulated by the Government. The Republicans were planning a similar ad book for 1966, though one Republican Senator, John J. Williams of Delaware, urged his party to steer clear of what he called a "shakedown" of corporations doing business with the Government. The political ad books received a death blow, however, by an amendment incorporated in the President's 1966 tax bill at Williams' suggestion. The amendment specifically forbids corporations to claim deductions for ads in political journals as business expenses. Thus a corporation buying a $15,000 ad would have to pay for it out of profits—and could be subject to a stockholder's suit for unwarranted distribution of profits.

At least until recent years, the bulk of money from high corporate echelons going into politics was for the Republicans. The Democrats, on the other hand, have been the chief beneficiaries of money spent by labor unions in the political arena. Labor unions made their first serious entry into political spending in 1936, and have increased their outlays ever since. Well over 90% of this money has gone for the benefit of Democratic candidates.

During World War 2, the unions were prohibited from making direct political contributions, just as the corporations had been four decades before. But this prohibition on union political giving, which was then written into the 1947 Taft-Hartley Labor Act, did not extend to union political gifts in campaigns for nonfederal offices—Governors and other state officials and local posts. Nor did the law say anything about "voluntary" contributions by labor union members to political funds. The unions promptly set up satellite organizations, like the modern-day AFL–CIO Committee on Political Education (COPE), which receive "voluntary" gifts from labor union members and then spend the money directly on political campaigns. The unions have also labeled activities such as registration drives or sharply opinionated rundowns of the voting records of Congressmen as "educational." The courts have not intervened in the matter of whether they are actually political expenditures.

While the dollar sums spent by the unions on direct political activity have climbed to a high of $3.8 million reported nationally in 1964, the spending on "educational" political activities has gone totally unreported. Moreover, the most valuable contribution of the unions to the Democrats may well lie in labor's registration drives rather than actual cash contributions to Democratic candidates.

For the better part of a century, the political parties have depended for a major portion of their income on large gifts from men and women of great wealth. In 1928, four rich men together contributed over $1 million to the Presidential campaign of Democrat Alfred E. Smith. In 1936, the DuPont and Pew families jointly gave over $1 million to the Republican Presidential campaign of Alfred Landon. In 1956, it was found that two-thirds of the 76 persons in the country worth $75 million or more had given to that year's Presidential campaign—virtually all to the Republicans at an average of $10,000 each. After the 1964 elections, it was found that members of 12 unusually wealthy families had given $591,426 to national political committees—$445,280 for the Republicans, $122,000 for the Democrats. The families included were DuPont, Field, Ford, Harriman, Lehman, Mellon, Olin, Pew, Reynolds, Rockefeller, Vanderbilt and Whitney.

The 1964 figures, however, suggested an interesting turn in the bulk of large contributions for politics. In 1960, 67.5% of the value of the political gifts of $10,000 or more reported nationally had gone to the Republicans. But in 1964, under the peculiar conditions of the Johnson-Goldwater race for the Presidency, the tables were turned and the Democrats took in 56% of the money in gifts over $10,000, to 41.6% for the Republicans.

The reversal was even more dramatic in the percentage of value in gifts over $500 which each party reported nationally. In 1956, only 44% of the Democratic campaign receipts were in sums of $500 or more. In 1960, the percentage rose to 59% and in 1964 to 69%. On the Republican side, by contrast, the percentage of gifts in this $500-and-above category shifted from 74% in 1956 to 58% in 1960 and only 28% in 1964. Thus the Democrats appear to be moving steadily toward greater dependence on the big contributors, while the Republicans are getting more and more money in small sums, less in large sums.

A major reason that big money is moving to the Democrats and small money to the Republicans is probably that the party in power—now the Democrats—always finds it easier to get contributions from wealthy men. But the fund-raising strategies of the parties have also played a part. In recent years, the Democrats have concentrated on such fund-raising devices as the $1,000-a-year "President's Club" of wealthy contributors which had about a 5,000 membership in 1964. Republicans, on the other hand, have been steadily expanding a $10-a-year sustaining fund operation of small gifts which they inaugurated in 1962. In 1964, Barry Goldwater's ideological appeal to strong conservatives helped widen the base of GOP support. A single, direct-mail appeal of 15 million pieces by the Republicans during the Goldwater campaign brought in 380,000 replies with $5.8 million enclosed. For 1966, Democrats have announced plans to beef up their small solicitations campaign to correct the image of a "fat cat" party. But they privately acknowledge doubts about how much money they will raise this way.

If the parties could raise the bulk of the money they need through small contributions, an age-old dream of political reformers would have come true: making the candidates and parties independent of the influence of extremely wealthy contributors with their own special interests. Big contributors act from many motives. A big giver may simply want to help a friend running for office, or be motivated by ideology alone. But there are also a host of less altruistic motives. A big donor may want to buy "access" to a public figure, so that he can at least get a full hearing from Government if his complex personal and business dealings require it. A lobbyist or industrialist with a specific, financial interst in certain Government policies may give to a candidate in the clear hope of influencing public policy.

Large donations to a political party inevitably cast a shadow on an Administration which supports laws favorable to the donors. In 1952, General Eisenhower campaigned in favor of the tidelands oil legislation. When the Congress later passed the tidelands bill and Mr. Eisenhower signed it, it was a source of political ammunition against the Republicans that the 22 largest oil companies had given more than $300,000 to the Party's war chests in that year. The Democrats have had the same guns turned on them with respect to their prolabor legislation and the support given them in campaigns by unions. The records of campaign giving are filled with instances of corporate leaders, lobbyists or unions making large contributions to politicians who could be of assistance to their cause at a later date. Many a newly elected Congressman has received a call shortly after his election from the representative of some special interest group congratulating him on his election and offering to pay off any remaining campaign debts—leaving the new lawmaker, of course, deeply indebted to the special interest.

And if it is difficult for a U.S. Senator or Representative to withstand these pressures, the situation is all the more difficult for the hard-pressed candidate for a local office who may be tempted to accept a few hundred dollars in return for his subsequent support on zoning, local purchases or highway contracting.

Thus rising interest has been evident in some kind of reform which would encourage small campaign contributions on such a wide scale that the major contributors would lose the special influence they've been able to wield in past years. President Kennedy's Commission on Campaign Costs recommended in 1962 that individuals be given a direct credit on their federal income tax for political contributions of up to $10 a year, or alternatively, a deduction from taxable income of several hundred dollars. President Johnson, after taking office, at first showed little interest in this type of reform. But in his January 1966 State of the Union address he said he would back tax incentives to stimulate small contributions to the political parties and "make it possible for those without personal wealth to enter public life without being obligated to a few large contributors." A Congressional Quarterly poll found that 89% of the Members of Congress would be in favor of a change in the income tax laws along these lines.

A second area of reform that Congress may be considering this year is tightening up the laws now on the books which require candidates and political parties to report on the amount of money they have received and spent in campaigns. As spelled out in the Corrupt Practices Act, approved by Congress in 1925, any political committee interested in federal elections which operates in more than one state must file regular reports in Washington of its receipts and expenditures. Candidates for the House and Senate must render a full report of all campaign money which they handle personally or which someone else handles for them with their "knowledge and consent." Senate candidates are limited to expenditures of $10,000 and House candidates to $2,500, though these totals may be increased to $25,000 and $5,000 respectively, depending on the number of votes cast in the last election. Under a law added in 1940, a ceiling of $3 million a year is set on spending by any national political committee.

These laws, however, are notorious for their loopholes. First of all, they require no reports whatever of spending in *Presidential primary campaigns*, or the battles at Presidential nominating conventions. While Congressional candidates are supposed to report what they spend in the general election campaign, *primary elections* are totally excluded—although in many states the crucial battle is in the primary. Nor is there any requirement for reports by a *political committee working in behalf of a candidate for the Senate or House*—though the great bulk of Congressional campaign expenditures are made in this manner, providing an infinitely expandable loophole. National political committees easily evade the $3 million limitation by setting up any number of front groups. Thus, in 1964, a "TV for Goldwater-Miller Committee" spent $2.7 million while the President's Club for Johnson Committee laid out an equally great sum—all in addition to the expenditures approaching $3 million reported by the Republican and Democratic National Committees.

Few laws in the history of the Republic have been so easy to get around. Political committees find all manner of ways to avoid reporting any gift or expenditures. In 1964, for instance, the Democrats obtained substantial funds on the state level, so that they never showed up in Washington reports. And the reports of candidates for the Senate and House are often a farce. Most candidates simply embrace the fiction that the committees which worked to elect them did so without the candidates' "knowledge and consent," so that a candidate only reports "personal" expenditures of an insignificantly small amount. Some report nothing at all. In 1964, four U.S. Senators reported they had neither received nor spent money in their campaigns: Senators VANCE HARTKE (D-Ind.), EDMUND S. MUSKIE (D-Maine), JOHN STENNIS (D-Miss.) and ROMAN L. HRUSKA (R-Neb.). Yet in at least three of these instances, the Senator had major opposition and major sums were spent to win re-election. Presumably others acting on their behalf spent it in ways not required to be reported.

Some candidates file no reports. In 1964, 38 House candidates—12 Democrats, 26 Republicans—failed to file the required reports with Congress.

The Corrupt Practices Act stipulates fines of up to two years in prison or a $10,000 fine for willful noncompliance. *Yet there has never been a single prosecution of a candidate for failure to report, or for false or incomplete reports, under the Corrupt Practices Act.* The stated policy of the Justice Department, spelled out in a 1963 letter to this writer, is "not to institute investigations into possible violations of (the Act) in the absence of a request from the Clerk of the House of Representatives or Secretary of the Senate." Those officials, chosen by a vote of the Representatives and Senators, have never referred any possible violations to the Justice Department. Plainly the law is not effective.

Over the years, various laws have been proposed to close some or all of the loopholes in the Corrupt Practices Act. Some have passed the Senate, but none has cleared the House. The outlook for any kind of reform action in 1966 was extremely dark until President Johnson, in a section of his State of the Union address that surprised most of official Washington, suggested substantial reforms in the field of election finance. The President said he backed revision of "present unrealistic restrictions on (campaign) contributions—to prohibit the endless proliferation of committees, bringing state and local committees under the Act—to attach strong teeth and severe penalties to the requirement for full disclosure of contributions."

Thus, if Presidential backing can make the difference, there is a chance that the nation's most consistently evaded law may get a real facelifting some day. In the Congressional Quarterly poll, 88% of the Congressmen said they favored more thorough campaign spending requirements, covering both primaries and general elections.

Key points to watch, when Congress finally does get down to work on the problem, will be whether the requirements for reporting are extended to primary elections, both for Presidential and Congressional candidates; whether the multitudinous committees working for the candidates, as well as the candidates themselves, will be required to report; and whether responsibility for receiving spending reports and checking them for accuracy and completeness will be left in the hands of the politically chosen patronage employees on Capitol Hill or moved into the hands of a nonpartisan Government agency like the General Accounting Office, as the President's Commission on Campaign Costs recommended four years ago.

If Congress does act to stimulate small gifts to the parties and candidates by an income tax incentive, and then moves to revise the election finance reporting laws, the country will have made a real effort to make special interest groups count for less in the counsels of Government and put campaign spending out on the top of the table for all to see.

But it is beyond reason to expect the lawmakers to adopt a remedy which only satisfies the moral appetite of the people. Campaign costs being what they are, any remedy will still have to assure that the money will be forthcoming, or it, too, will fail.

THREATS OF PREMIER KY

Mr. FARNUM. Mr. Speaker, I ask unanimous consent that the gentleman from New York [Mr. Ottinger] may extend his remarks at this point in the Record and include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Michigan?

There was no objection.

Mr. OTTINGER. Mr. Speaker, I would like to associate myself with the June 29, 1966, statement by 47 of my congressional colleagues deploring the threats of Premier Ky to carry the Vietnam war to China.

Premier Ky has no right to make such unilateral decisions which could bring about World War III and immediately jeopardize the lives of the hundreds of thousands of American boys in Vietnam.

Military experts from Gen. Douglas MacArthur to Gen. Maxwell Taylor have warned against the folly of a land war on the mainland of China with its 700 million inhabitants.

To provoke a war with China could well bring about nuclear holocaust and the end of modern civilization.

I congratulate my colleagues for expressing the sense of Congress against Premier Ky's rash remarks, and urge the President to strongly repudiate them. I regret that I was not here to join in their original statement.

SAIGON ELECTION PROCEDURES

Mr. FARNUM. Mr. Speaker, I ask unanimous consent that the gentleman from Michigan [Mr. Vivian] may extend his remarks at this point in the Record and include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Michigan?

There was no objection.

Mr. VIVIAN. Mr. Speaker, 2 weeks ago, on July 19, I inserted in the Record, for the benefit of Members of this body, several news reports from South Vietnam expressing concern that its government, under Premier Ky, might unwisely try to rig the national elections set there for September 11. As I remarked at the time, Mr. Speaker, I consider these elections to be of enormous significance to every citizen of the United States, as well as to every Vietnamese citizen. Thus, I am anxious that the elections be conducted as fairly and openly as possible.

I am pleased at this time, therefore, to be able to bring to the attention of the Members a recent news report, published in yesterday's Christian Science Monitor, from its news correspondent in Saigon, who indicates that in Saigon the election procedures appear to be being carried out fairly and responsibly. Mr. Speaker, I ask unanimous consent that this article be printed at the conclusion of my remarks.

Let me remind Members, however, that in spite of my satisfaction that favorable reports are being heard on this situation, I believe it remains incumbent upon us to observe continuously and very closely the conduct of these elections in South Vietnam. We must be certain that the procedures are being followed fairly in the rural provinces, as well as in Saigon. We must be sure that no candidates already named who have significant support are disqualified by the Government for political reasons. And we must be sure that each candidate receives a fair chance to present his views, without harassment, to his electorate.

[From the Christian Science Monitor, Aug. 1, 1966]

Candidates Hurdle Bar to Viet Poll

(By John Dillin)

Saigon.—Twenty-five out of 26 slates of candidates have leaped the first hurdle in Saigon to qualify for the upcoming National Assembly elections, it has been learned on good authority.

The source said only a single slate of five candidates was disqualified by the local review board.

If true, this indicates that the government of Premier Nguyen Cao Ky may be judging potential candidates with a relatively lenient eye. That would be a good sign for those supporting honest elections here.

The source said the disqualified slate was struck because two of the candidates engaged in "questionable activities." But the source did not know what these alleged activities were.

The disqualified candidates still have the opportunity to appeal the local council's decision. Under Vietnamese law, all lists of candidates are first reviewed locally to make sure they have met the qualifications for office. Then, on July 28, the review boards all over the country were to send the approved lists of candidates to a central council.

DISMISSAL GROUNDS

This council will have until Aug. 8 to review the lists and to hear complaints from those disqualified earlier. On Aug. 12 the final lists of candidates are to be posted.

However, this process of judging the candidates' qualifications is filled with pitfalls. The bases of judgment are sweeping and open to very broad interpretations.

For example, candidates can be disqualified "who have directly or indirectly worked for the Communists or pro-Communists neutralists, or neutralists whose actions are advantageous to the Communists."

Such phrases in the election law have led to widespread speculation in the local press that many, if not almost all, of the potential candidates would be struck. One leading newspaper had said it expected at least 60 percent of the candidates in Saigon would be eliminated.

But apparently this is not to be the case.

ELECTION CRITICIZED

If the 25 lists of candidates for Saigon are also approved by the central council, it could partially undermine some of the opposition which has developed to the election among various religious, labor, and political groups.

They have contended vigorously in the past month that the election was to be a fraud. Rumor has been rampant that the "khaki party" would dominate the election around the country.

However, only a few of the 130 candidates approved to run for Saigon's 16 seats are military men. The lists span a wide range of the city's citizenry.

One list is comprised of city councilmen. Another consists largely of businessmen of Chinese origin. There are leading journalists, such as Dr. Dang Van Sung, publisher of the leading newspaper Chinh Luan. There are teachers and professors, a building contractor, civil servants, doctors, and numerous others.

GREATER FEDERAL EFFORT SHOULD BE MADE FOR CHILDREN

The SPEAKER pro tempore. Under previous order of the House, the gentleman from Rhode Island [Mr. Fogarty] is recognized for 30 minutes.

Mr. FOGARTY. Mr. Speaker, as chairman of the subcommittee that hears the request of the Department of Health, Education, and Welfare for appropriations, I have become increasingly aware that, on balance, too little of our Federal effort is going to our children. Childhood is the time for prevention of problems—the period during which we should try to prevent lasting damage to a child or, in order to prevent future damage, to meet as effectively as possible those losses to which children are vulnerable which are not avoidable. Because of this awareness, and after careful discussion with people in my own State who are knowledgeable about child welfare, I am today introducing legislation to strengthen and expand the Federal program providing child welfare services, authorized by title V, part 3 of the Social Security Act.

The Federal Government has long accepted responsibility for substantial help to the aged, the disabled, the widowed, the blind, the sick, and the child living in his own family when he is in financial need as the result of parental inability to care for him. But the Federal Government has failed to offer comparable help to the States in meeting the heavy costs of care of children who suffer from the devastating effects of family disorganization and breakdown, and which result in neglect, abuse, exploitation, delinquency, emotional disturbance, and a host of other psychological and behavioral difficulties. Child welfare services, which both supplement and substitute for parental care and supervision, are the primary defense for children who are in need of protection, care, and physical and emotional sustenance. These children can be helped only through a true partnership of Federal, State, and local governments, yet the costs involved in providing the necessary care, whether within or outside their own homes are a heavy drain on State funds. There are many costs included in child welfare services, such as those for safeguarding abused or neglected children, those for foster care, day care, homemaker services, as well as personnel for licensing, supervising and directing the programs. The Federal Government meets only about 10 percent of the total. In 1965, State and local governments provided approximately $318 million for all public child-welfare services, while the Federal Government provided about $34 million.

Child welfare services should be available to all children through State and local public welfare agencies, to help to prevent family breakdown and unnecessary separation of children from parents. Through the skilled intervention of a child welfare caseworker, a combination of casework counseling and the use of such community facilities as homemaker service and day care services may prevent the destructive experience of a child being separated from his family. On the other hand, some children have no homes. Others cannot remain in inadequate or dangerous home situations. For some of these, the public child welfare agency can offer adoption and a permanent home. For many others, foster families or group care facilities may be necessary, especially for the most deprived young children, the handicapped and older children and youth, until they are able to take responsibility for their own lives.

Children receiving public child welfare services today are not the orphans that agencies frequently served in the past. About 10,000 of these children, less than 2 percent, have lost both parents by death. Currently, the majority are the helpless victims of a complex society which for all its magnificence, also contains immature and inadequate parents, often themselves damaged by harmful family conditions. It is estimated that at least 10,000 child abuse cases annually result from injury inflicted on children by their own parents, and this figure represents only 10 percent of the larger problem of child neglect. A recent study of newspaper reports indicates that at least 500 children are killed each year.

The bill I am introducing is designed to give today's children a second chance—a chance to escape this vicious cycle. We want them to grow up to be good parents and good citizens. This bill represents a vital investment in the future.

Just to pinpoint the terrible plight of these victims of family disaster and the high quality of one service alone—foster family care—required to reverse the damage they have sustained, I would like to give you two examples from my own State:

In 1963, the Rhode Island Child Welfare Services Division of the State Department of Social Welfare had to place on an emergency basis, a family of 7 children whose ages were from 5 to 16 years. Their father had become mentally ill and had killed the mother. He was placed in a State mental hospital. The children required intensive help to overcome the shock of their experience. They will continue to need extended foster care.

A mother deserted two boys, ages 5 and 7 and the father attempted to care for them. However, he had to be hospitalized. On examination, it was found that both boys had tumors of the spine requiring extensive medical care and a special foster family who could understand and work with the ensuing medical and convalescent problems.

I am sure that there are similar cases in every State in the Nation, Rhode Island was able to give immediate service, but I understand that because of the lack of funds, other States are not always able to accept all children needing service. Expenditures for foster care of children in 1965 were about $229 million. State and local governments met 98 percent of this cost.

Many children have difficulties in adjusting because of their experiences, their personalities, and their complex needs. It is apparent from the problems and ages of these children, that there is an enormous need for a wide range of child welfare services and facilities to care for them and heal their hurts. Therefore, the bill that I am introducing provides for the Federal Government to share in costs of these services and facilities. When a child needs to live in a certain kind of foster family or in a certain kind of group care facility it will be possible to provide the living experience which he needs. When a distraught mother begs for help in coping with her retarded child, that cry can be heeded. The bill also provides for Federal matching of costs for child welfare staff on the same basis as already provided for public assistance staff.

Our children are growing up now. They cannot wait. There is a great need for Federal help. I do not know the number of children needing help but not being served, but I do know that in 1965, 34 percent of the counties in our Nation did not have full-time public child welfare services available. On March 31, 1965, 531,200 children were receiving child welfare services from departments of public welfare, a 9-percent increase over the previous year. On this same day, 283,300 children lived in foster family homes or institutions for dependent children, a 15-percent increase. In 1975, according to the mandate of this Congress, child welfare services, including foster care, must be available throughout every State for all children in need of such services. It is extremely doubtful that the States, despite their efforts accelerated by this stimulating congressional action, can reach this important goal without much more substantial financial help from the Federal Government.

Provision of money for personnel, educational leave, and administrative costs, as well as for payment for direct care of children, is extremely vital. As I have illustrated, many children needing care have already endured in their short lives much neglect, inconsistency of treatment, or abuse. These children are difficult to help and require child welfare workers who are trained and who can concentrate their skills on a reasonably limited number of children, so that they can work at the same time to help the natural parents, the child, and the foster parents or child care staff. It requires specialized training and adequate time to provide these children an even break to develop their true potential. To develop these skills in their staffs, and at the same time to help meet the critical manpower shortage, this bill will help States to provide educational leave for staff and to pay other costs of training personnel. The shortage of child welfare personnel has been underscored in the recent report of the Department of Health, Education, and Welfare Task Force on Social Work Education and Manpower, which revealed that an additional 10,000 child welfare staff will be needed by 1970, almost double the number presently employed.

In their report to the Secretary of Health, Education, and Welfare, submitted on June 29, 1966, the Advisory Council on Public Welfare, authorized by the 1962 Public Welfare Amendments, declared:

> The existing program of child welfare services, authorized by Title V of the Social Security Act and State legislative enactments, has pioneered in the provision of services for children and youth but its coverage is so spotty, both geographically and in scope of benefits, that it offers little guarantee of protection to a large number of the nation's children. Some of the most vulnerable, especially children in minority groups who need it most, have had the least protection. Adapting to these needs and deprivations as best they can, today's neglected children become tomorrow's social problems.
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> This is a national problem and a national responsibility. For all these reasons, the Advisory Council on Public Welfare recognizes that child welfare services constitute a major component in the proposed comprehensive program of social guarantees.

The Advisory Council has recommended basic and far-reaching changes in public welfare. Among their recommendations for immediate action is the following:

> Costs of certain expenses in the administration of child welfare and youth services (including professional staff and their immediate supporting clerical staff, and costs of professional education) should be financed

> immediately on the same open-ended matched basis as provided for comparable State costs in the administration of Title IV of the Social Security Act (Aid to Families with Dependent Children) and the Federal government should establish adequate standards for all such services.
>
> This measure is urgently needed to equalize, to a greater degree, Federal responsibility in the provision of services to children and youth since the Federal government now carries a far greater share in the costs of personnel and training in the administration of Aid to Families with Dependent Children than for Child Welfare Services.

The increase in the number of children coming to the attention of public child welfare agencies nationally is reflected by developments in my own State of Rhode Island. The rate of children served by the State department of social welfare has steadily increased from 1960 to 1965. There was a 138-percent increase in the rate of services initiated for children, a 111-percent increase in the volume of children served, and a 75-percent increase in children being served at the end of the fiscal year. In foster care, for example, the department is providing foster care for over a thousand children, a 25-percent increase since 1961.

It cost over a million and a half dollars in 1965 to provide public child welfare services to Rhode Island's children, one-third of which was expended in our O'Rourke Children's Center, which I visited last fall. No Federal funds are used in Rhode Island for the payment of foster care costs or for operating the children's center, which means that these costs are borne entirely by State funds since there are no local funds. Lack of funds is delaying the development of special foster family and group homes to care for an increasing number of mentally retarded, emotionally disturbed, physically handicapped, and predelinquent children who need such resources. Insufficient funds are preventing us from paying higher board rates for regular foster home care, from acquiring more and better trained workers and supervisors, and from properly expanding our adoption and family day care programs, among other things.

To illustrate further, in Rhode Island, payments to foster families currently average less than $2 a day for food and maintenance of children, scarcely enough to meet minimal health standards of basic needs, and nothing at all to the foster mother for her time and devotion. This is one reason why the recruitment of foster homes is becoming difficult. Many pressures are leading more mothers into employment in order to increase the family income thereby reducing the number available to accept foster children in their homes.

The bill I am introducing would enable the Federal Government to provide an expanded program to assist State public welfare agencies in meeting the costs of child welfare services, including the crushing costs of foster care, and to provide special project grants for developing new and necessary child welfare resources.

Each State would receive Federal funds to pay for part of the cost of child welfare services for children who are the responsibility of the State or local public welfare agency. Purchase of care from voluntary agencies is also included. Payments would be on a variable matching basis according to a State's per capita income and with Federal participation ranging from 50 to 83 percent.

The Federal Government would match 75 percent of salary and training costs of personnel employed or preparing for employment.

In order to make sure that the additional Federal moneys made available by the bill will be used to strengthen and expand the child welfare program, the legislation requires that State and local expenditures for child welfare services may not be less than such expenditures for the year ending June 30, 1966.

In addition, because I think it is essential to encourage new and different ideas and to try them out, Federal project grants would be available for developing and maintaining new or experimental forms of child welfare services, including services for children with special needs. If our services are to meet the needs of children with special problems, the mentally retarded child, the child of a minority group in need of adoption, the homeless child needing emergency shelter and care, project funds must be available to develop and provide such services.

Clearly, from the facts I have presented, substantial help from the Federal Government for child welfare services is urgent. I would hope that every effort will be made to bring this legislation before the full House at an early date.

WALTER J. TUOHY

The SPEAKER pro tempore. Under previous order of the House, the gentleman from Ohio [Mr. FEIGHAN] is recognized for 15 minutes.

Mr. FEIGHAN. Mr. Speaker, the recent death of Walter J. Tuohy was a great loss to the American railroad industry. Mr. Tuohy, the chief executive officer of the combined Baltimore & Ohio and Chesapeake & Ohio Railroads, was said to have been called, "my favorite railroad president," by President Johnson. Vice President HUMPHREY, on learning of Mr. Tuohy's death said:

> Walter was a remarkable man—able and talented, and a dear and good friend.

But the charm and consideration which inspired these comments were not reserved for men of power and position. Ted DeAlba, the assistant trainmaster at Huntington, W. Va., recalls:

> He was never too busy to stop and pass the time with other railroaders. Maybe you've heard of the time Mr. Tuohy was in Chicago and they were holding the train for him, but a porter, who knew he was passing through, had brought his several children to the station to meet him. Well, sir, Mr. Tuohy stopped and shook hands and talked with each child and told the reporter what a fine-looking family he had. Mr. Tuohy just wouldn't brush that man aside. . . .

Retired yard conductor, Wayne Bevard and Mrs. Bevard of Toledo, Ohio, give another example of Mr. Tuohy's consideration:

> He never forgot us retired railroaders. When we met him at Veterans' Meetings, he always took time to shake hands and talk. He was a really big man, even if he wasn't tall. We'll miss him at Christmas when he always sent a card.

Mr. Tuohy himself had a modest background. The son of a police sergeant on Chicago's South Side, Walter Tuohy had to leave school at the age of 16 to help support his family. In the daytime he worked in the Chicago Freight Office of the Illinois Central Railroad, while at night he went to school, where he earned a high school diploma, a college degree and a law degree. He rose to be president of the Chicago-based Globe Coal Co., vice president of the Chesapeake & Ohio for coal traffic, Assistant Deputy Administrator of Mines in the Department of the Interior, and finally, president of the Chesapeake & Ohio.

In 1961, Mr. Tuohy's achievement was recognized by the presentation to him of the Horatio Alger Award for "Americans whose careers typify individual initiative, hard work, and honesty in the tradition of the Horatio Alger novels."

The Reverend Father O'Malley, who delivered Mr. Tuohy's eulogy referred to this and another award when he said:

> The qualities of his character were recognized by the honors and awards given him throughout his life. They were underscored by the Pope in naming him a Knight of Malta; by his peers in naming him for the Horatio Alger Award in 1961. Something of his true stature and personality is revealed in a letter he wrote me wherein he said, "The real joy of these honors came, not as a personal recognition, but for family, friends, and associates. Whatever tribute is due came because of others."

The qualities to which Father O'Malley refers were well known in my home city of Cleveland where Mr. Tuohy maintained his residence and headquarters. He had an office in Cleveland's Terminal Tower where he knew the first names of every elevator operator as well as the names of their children.

President Johnson stated that:

> Walter Tuohy brought great dedication and ability to all his responsibilities. He will be greatly missed by all of us who knew him.

We in Cleveland will miss him especially—and extend sympathy to his family, friends, and associates.

Mr. Speaker, I insert in the RECORD at this point an editorial from the May-June issue of Brierchat, an excellent editorial on the life of Walter J. Tuohy, 1901–1966:

> ### WALTER J. TUOHY, 1901–1966
>
> *"And now abideth faith, hope, love, these three; but the greatest of these is love."*—St. Paul's greeting to the Corinthians
>
> Of all the wonderful qualities Walter Tuohy possessed, the greatest was love of his fellow man—for he rightly assigned to everyone, that individual's creation in the image and likeness of God.
>
> As he rose from obscurity to become one of the truly outstanding business leaders of our time, his relationship with people, his total involvement with them, will mark him in men's memory.

The President of John Carroll University said of him—"few men have left a richer legacy of love than Walter Tuohy. A deeply spiritual person, he had a regard for his fellow man that never left him from his humble beginnings to the great heights he attained in his outstanding business career."

Reverend O'Malley, delivering the funeral eulogy said, "the qualities of his character were recognized by the honors and awards given him throughout his life. They were underscored by the Pope in naming him a Knight of Malta; by his peers in naming him for the Horatio Alger Award in 1961. Something of his true stature and personality is revealed in a letter he wrote me wherein he said, 'the real joy of these honors came, not as a personal recognition, but for family, friends and associates. Whatever tribute was due came because of others.' "

Supreme Court Justice Thomas Clark wrote, "Walter Tuohy was a member of the construction crew, not the wrecking gang."

President Lyndon B. Johnson stated, "Walter Tuohy brought great dedication and ability to all of his responsibilities. He will be greatly missed by all of us who knew him."

He demanded more of himself than he asked of others. He was always thoughtful, kind and considerate in his relationship with associates yet strong as hardened steel whenever the situation demanded it. His energy, enthusiasm, his zest for life were integral parts of Walter Tuohy. I wish it were possible to fully transmit his feeling for The Greenbrier . . . as often revealed to me . . . to each one of the 1,130 men and women on our staff today. He had, of course, a personal love of its beauty and enjoyment of its comfort and service. He knew it as a place of recreation and relaxation. He let each of us—as many can testify—know that he loved to come here, and thereby added to our pride in being a part of it.

There were many long, trying years, when the Railroad found The Greenbrier a financial burden. It took Walter Tuohy's faith, confidence, leadership, and his unique ability to inspire others, to guide us through the years of expansion of our facilities to bring The Greenbrier to profitable operation.

In the light of the tremendous responsibilities which were his as President of a great Railroad, the warmth of his interest in The Greenbrier was always encouraging, and the depth and scope of his grasp of the problems of a large resort operation often amazed me. His concern and devoted interest grew with the years. No matter how involved and difficult the legal, financial, and political problems of railroad merger became, he seemed never to falter in his devotion to The Greenbrier; actually a very minor segment of his corporate responsibilities.

He made us feel that The Greenbrier was his pride and joy. He treasured the, all too few, hours of recreation that were his here. He found it an impressive place for conferences. He saw it as a "status symbol" for the C&O-B&O system. He felt with its age and historical association, "White Sulphur" had an obligation to carry on the finest American traditions of hospitality. This unique legacy of Walter Tuohy is left in our trust.

His constant thoughtfulness, encouragement, and staunch friendship, to me personally will never be forgotten. But I speak for each of us at The Greenbrier . . . Walter Tuohy enriched our lives. He was never too busy for a personal greeting, a warm handshake, and he called us by name. It is our privilege to have known him. We can be certain his message to us would be, in railroad parlance—"clear signal!"—full speed ahead!

—E. TRUMAN WRIGHT.

FLOWERS FOR LUCI BAINES JOHNSON'S WEDDING

The SPEAKER pro tempore. Under previous order of the House, the gentleman from Texas [Mr. MAHON] is recognized for 10 minutes.

Mr. MAHON. Mr. Speaker, a few moments ago in the House, the gentleman from Florida [Mr. CRAMER], was on the floor discussing the airline strike. He yielded to the gentleman from California [Mr. YOUNGER]. The gentleman from California [Mr. YOUNGER] read a telegram from Mr. Bill Enomoto, of Redwood City, Calif., to the effect that the flowers for the Luci Baines Johnson wedding were being flown by Government aircraft while others are denied transportation.

The telegram, of course, will appear in the RECORD. I do not have the exact wording before me at the moment.

I made appropriate inquiry of Government agencies as to whether or not this allegation by Mr. Enomoto was true, and I was told categorically that it was not true, that none of the flowers were being flown from California in Government aircraft. I was given the name of the person who is arranging for the flowers and I was given the airline routing for the flowers. It was stated that the flowers are scheduled to be flown on American Airlines from San Francisco to Los Angeles and thence to Washington.

I was able to get Mr. Enomoto, the head of the Farm Bureau for San Mateo County, Calif., the sender of the telegram, on the telephone. I told him that his telegram had been read to the House, explaining to him that as chairman of the Appropriations Committee I was interested in the proper expenditure of Government funds, and I wanted to know the facts about these flowers allegedly being flown here for the wedding at Government expense.

Mr. Enomoto said that when he wrote the telegram he was very angry over the fact that the airline strike was causing flower growers in the area to lose large sums of money. He said that he had no proof that the flowers for the wedding were being flown to Washington in a Government plane.

Mr. Enomoto said that his charge in regard to the flowers was based on a "wild rumor" and that he did not have anything to substantiate it. He further said that he would like to retract the statement and he asked me to help him see that the statement was retracted. I told him that I would quote to the House, now in session, that he wished to retract the statement as to the transportation of the flowers for the wedding. I told him that his statement was already on the press wires blanketing the country and that in my judgment it might be difficult for the retraction to catch up with the original story, or words to that effect.

After my conversation with Mr. Enomoto, I went to Mr. YOUNGER on the floor of the House and told him that I felt I should follow through on the request of Mr. Enomoto that his statement be publicly retracted. I make this statement here today. In fairness I could not do otherwise.

Of course, I think we have other matters of importance to discuss here, but I think the people of the country want the flowers brought here for this historic wedding. All the world loves a lover.

I did feel that since Mr. Enomoto wanted to retract his statement and had no substantiating evidence, and since I could find no substantiating evidence from any sources in the Government, it was only fair to young Luci and Pat, whom I know quite well, to make this statement.

Mr. McCLORY. Mr. Speaker, will the gentleman yield?

Mr. MAHON. I yield to the gentleman from Illinois.

Mr. McCLORY. Mr. Speaker, I thank the gentleman for yielding. I also appreciate his having made his investigation so that this allegation, which was unfortunately made here on the floor of House, can be refuted.

I, for one, want to reject it as far as it may be attributed to any Member on this side. I believe we have here a very attractive young couple. I am proud indeed that the groom comes from my district in Illinois. I know the Members are interested, as the whole Nation is, in the couple having a happy and long and successful marriage. Any suggestion which would in any way detract from the significant and historic and lovely ceremony, I believe, is most unfortunate.

I regret that the incident occurred. I am happy that the gentleman from Texas has ascertained the truth, so that the matter does not reflect in any way upon the ceremony which is to take place on Saturday.

Mr. MAHON. I thank the gentleman for his remarks.

Mr. FARNUM. Mr. Speaker, will the gentleman yield?

Mr. MAHON. Mr. Speaker, I yield to the gentleman from Michigan.

Mr. FARNUM. Mr. Speaker, I take this opportunity to commend the distinguished chairman of the Appropriations Committee for pursuing this matter, as he does all matters, to make sure that public funds are being used only for the purposes for which they are intended.

Mr. MAHON. I thank the gentleman from Michigan. I can only tell the House what I have been told. I felt that I should report that I had talked with the man who sent the telegram and that he had asked to retract the charge. The officials of the executive branch with whom I have talked have repudiated the allegation and state that the flowers are not being brought here by Government plane.

Mr. WATSON. Mr. Speaker, will the gentleman yield?

Mr. MAHON. I yield to the gentleman from South Carolina.

Mr. WATSON. Mr. Speaker, I thank the gentleman for clarifying this issue. At the same time, in defense of the Member who brought this telegram to the attention of this House, I am sure all of us will agree that there was not any attempt on his part to mislead anyone. We—as Members on both sides of the aisle always do—try to diligently pursue the matters that are brought to our attention by our constituents. I appreciate the position of our distinguished chairman of the Appropriations Committee, but at the same time I want to say that in behalf of the gentleman from California [Mr. YOUNGER].

Mr. MAHON. Mr. Speaker, I would say that any of us, before we bring any discredit upon a lovely couple about to enter upon a sacred union, should check our facts before making any statement.

Mr. GROSS. Mr. Speaker, will the gentleman yield?

Mr. MAHON. I yield to the gentleman from Iowa.

Mr. GROSS. Mr. Speaker, I thank the gentleman for yielding. I am pleased the gentleman is able, without too much trouble, to get information concerning the use of military planes.

I have had a great deal of difficulty recently, in the last several months, in obtaining information as to the use of military planes. I now know where I can come to find out whether military planes are being used, and, if so, for what purpose, and the cost of the operation of the military planes.

Mr. MAHON. My major source of information was a private citizen, the head of the Farm Bureau of San Mateo County, Calif. I am sure needed information can be made available.

Mr. GROSS. I am speaking of the information that is not made available in some instances with regard to the operation of military planes by the executive branch of the Government.

Mr. McCORMACK. Mr. Speaker, will the gentleman yield?

Mr. MAHON. I yield to the distinguished Speaker of the House.

Mr. McCORMACK. I believe we should not lose track of the real question in these diversionary remarks which I have just heard. The real question is that the statement previously made would bring unhappiness to the young couple about to be married. She happens to be the President's daughter, but it would be the same for any other daughter of any other mother and father, and for the young man engaged to her.

The gentleman from Texas has done a noble thing in exposing the falsity of the statements made by the original source.

As a matter of fact, if I get a telegram of that kind, and if I am going to make a statement, I am going to make it on my own responsibility, based upon my own investigation, if I feel I should make the statement.

The important thing is that the allegation made would create distress, and would create in the minds of a lot of people throughout the country a wrong impression, an emotional state of mind.

We have to be practical, and we must realize that there are some warped minds in the United States as well as throughout the world—a few of them.

The gentleman from Texas, the chairman of the Appropriations Committee, has done a fine, noble piece of work, outside of the fact that the Federal Government is not paying for the transportation, by bringing the maximum happiness possible to the young couple. In the light of that, the statement should never have been made by any Member of this House.

Mr. MAHON. Let us conclude by saying, "Happy, happy wedding day."

Thank you, Mr. Speaker.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

Mr. MAHON, for 10 minutes, today.

Mr. BOW, for 30 minutes, today; to revise and extend his remarks and include extraneous matter.

Mr. GUBSER (at the request of Mr. WATSON), for 30 minutes, today; and to revise and extend his remarks and include extraneous matter.

Mr. ASHBROOK (at the request of Mr. WATSON), for 5 minutes, today; and to revise and extend his remarks and include extraneous matter.

Mr. FOGARTY (at the request of Mr. FARNUM), for 30 minutes, today; and to revise and extend his remarks and include extraneous matter.

Mr. FEIGHAN (at the request of Mr. FARNUM), for 15 minutes, today; and to revise and extend his remarks and include extraneous matter.

Mr. HOLIFIELD, for 30 minutes, today; and to revise and extend his remarks.

EXTENSION OF REMARKS

By unanimous consent, permission to extend remarks in the CONGRESSIONAL RECORD, or to revise and extend remarks was granted to:

Mr. ULLMAN.

Mr. LEGGETT.

(The following Members (at the request of Mr. FARNUM) and to include extraneous matter:)

Mr. ROSENTHAL.

Mr. RONCALIO.

Mr. EDWARDS of California.

Mr. WELTNER.

SENATE ENROLLED BILLS SIGNED

The SPEAKER announced his signature to enrolled bills of the Senate of the following titles:

S. 2412. An act to terminate use restriction on certain real property previously conveyed to the city of Kodiak, Alaska, by the United States;

S. 3249. An act to consent to the interstate compact defining the boundary between the States of Arizona and California; and

S. 3498. An act to facilitate the carrying out of the obligations of the United States under the Convention on the Settlement of Investment Disputes between States and Nationals of other States, signed on August 27, 1965, and for other purposes.

BILLS PRESENTED TO THE PRESIDENT

Mr. BURLESON, from the Committee on House Administration, reported that that committee did on this day present to the President, for his approval, bills of the House of the following titles:

H.R. 3013. An act to amend title 10, United States Code, to provide gold star lapel buttons for the next of kin of members of the Armed Forces who lost or lose their lives in war or as a result of cold war incidents;

H.R. 11980. An act to authorize the Secretary of the Army to donate two obsolete German weapons to the Federal Republic of Germany;

H.R. 12031. An act to authorize the appointment of Col. William W. Watkin, Jr., professor, of the U.S. Military Academy, in the grade of lieutenant colonel. Regular Army, and for other purposes;

H.R. 12389. An act to increase the amount authorized to be appropriated for the development of the Arkansas Post National Memorial;

H.R. 13374. An act to amend title 10, United States Code, to authorize the award of trophies for the recognition of special accomplishments related to the Armed Forces, and for other purposes; and

H.R. 15225. An act to amend section 15d of the Tennessee Valley Authority Act of 1933 to increase the amount of bonds which may be issued by the Tennessee Valley Authority.

ADJOURNMENT

Mr. FARNUM. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 6 o'clock and 21 minutes p.m.) the House adjourned until tomorrow, Wednesday, August 3, 1966 at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

2603. A letter from the Assistant Secretary of the Interior, transmitting a draft of proposed legislation to establish the National Park Foundation; to the Committee on Interior and Insular Affairs.

2604. A letter from the Commissioner, Immigration and Naturalization Service, Department of Justice, transmitting copies of orders suspending deportation as well as a list of the persons involved, pursuant to the provisions of section 244(a)(1) of the Immigration and Nationality Act of 1952, as amended; to the Committee on the Judiciary.

2605. A letter from the Commissioner, Immigration and Naturalization Service, Department of Justice, transmitting copies of orders entered in cases of certain aliens found admissible to the United States, pursuant to the provisions of section 212(a)(28)(I)(ii) of the Immigration and Nationality Act; to the Committee on the Judiciary.

2606. A letter from the Commissioner, Immigration and Naturalization Service, Department of Justice, transmitting copies of orders suspending deportation as well as a list of the persons involved, pursuant to the provisions of section 244(a)(2) of the Immigration and Nationality Act of 1952, as amended; to the Committee on the Judiciary.

2607. A letter from the Commissioner, Immigration and Naturalization Service, Department of Justice, transmitting copies of orders entered in cases in which the authority contained in section 212(d)(3) of the Immigration and Nationality Act was exercised, pursuant to the provisions of section 212(d)(6) of the Immigration and Nationality Act; to the Committee on the Judiciary.

2608. A letter from the Commissioner, Immigration and Naturalization Service, Department of Justice, transmitting reports concerning visa petitions approved, according the beneficiaries third preference and sixth preference classification, pursuant to the provisions of section 204(d) of the Immigration and Nationality Act, as amended; to the Committee on the Judiciary.

2609. A letter from the Secretary of the Army, transmitting a letter from the Chief of Engineers, Department of the Army, dated July 7, 1966, submitting a report, together with accompanying papers and an illustration, on a letter report on Cohasset Harbor, Mass., requested by a resolution of the Committee on Public Works, House of Representatives, adopted July 31, 1957; no authorization by Congress is recommended as the desired improvement has been adopted for accomplishment by the Chief of Engineers under the provisions of section 107 of the 1960 River and Harbor Act; to the Committee on Public Work.

2610. A letter from the Secretary of the Army, transmitting a letter from the Chief of Engineers, Department of the Army, dated July 6, 1966, submitting a report, together with accompanying papers and an illustration, on a letter report on Queens Creek, Va., requested by a resolution of the Committee on Public Works, House of Representatives, adopted February 24, 1960; no authorization by Congress is recommended as the desired improvement has been adopted for accomplishment by the Chief of Engineers under the provisions of section 107 of the 1960 River and Harbor Act; to the Committee on Public Works.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. DAWSON: Committee on Government Operations. Thirty-fifth report pertaining to Defense contract audits (reorganization of the Defense Accounting and Auditing Division of the General Accounting Office) (Rept. No. 1796). Referred to the Committee of the Whole House on the State of the Union.

Mr. TEAGUE of Texas: Committee on Veterans' Affairs. H.R. 5852. A bill to amend title 38 of the United States Code with respect to the basis on which certain dependency and indemnity compensation will be computed; with amendment (Rept. No. 1797). Referred to the Committee of the Whole House on the State of the Union.

Mr. TEAGUE of Texas: Committee on Veterans' Affairs. H.R. 12723. A bill to amend chapter 17 of title 38, United States Code, to provide medical treatment and services, and drugs and medicines to those veterans receiving additional pension under old law pension provisions based on need for regular aid and attendance; with amendment (Rept. No. 1798). Referred to the Committee of the Whole House on the State of the Union.

Mr. TEAGUE of Texas: Committee on Veterans' Affairs. H.R. 12352. A bill authorizing the Administrator of Veterans' Affairs to convey certain property to Pinellas County, Fla.; with amendment (Rept. No. 1799). Referred to the Committee of the Whole House on the State of the Union.

Mr. BARING: Committee on Interior and Insular Affairs. H.R. 9520. A bill to authorize the Secretary of the Interior to convey certain lands in Inyo County, Calif., to the personal representative of the estate of Gwilym L. Morris, Dolores G. Morris, George D. Ishmael, and Verna H. Ishmael (Rept. No. 1800). Referred to the Committee of the Whole House.

Mr. DAWSON: Committee on Government Operations. House Joint Resolution 1207. Joint resolution to authorize the Administrator of General Services to accept title to the John Fitzgerald Kennedy Library, and for other purposes (Rept. No. 1801). Referred to the Committee of the Whole House on the State of the Union.

PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. BROWN of California:

H.R. 16757. A bill to establish the Channel Islands National Park, in the State of California, and for other purposes; to the Committee on Interior and Insular Affairs.

H.R. 16758. Social Security Amendments of 1966; to the Committee on Ways and Means.

By Mr. CLARK:

H.R. 16759. A bill to protect the domestic economy, to promote the general welfare, and to assist in the national defense by providing for an adequate supply of lead and zinc for consumption in the United States from domestic and foreign sources, and for other purposes; to the Committee on Ways and Means.

By Mr. FOGARTY:

H.R. 16760. A bill to amend title V of the Social Security Act so as to extend and improve the Federal-State program of child-welfare services; to the Committee on Ways and Means.

By Mr. GOODELL:

H.R. 16761. A bill to amend the Federal Property and Administrative Services Act of 1949 to permit donations of surplus property to municipalities and to volunteer fire fighting organizations, and for other purposes; to the Committee on Government Operations.

By Mr. GUBSER:

H.R. 16762. A bill to provide for the issuance of a special postage stamp bearing the inscription, "Law and Order, the Essence of Liberty," and the likeliness of a police officer to symbolize the role played by all of the Nation's law enforcement officers in the preservation of liberty; to the Committee on Post Office and Civil Service.

By Mr. JARMAN:

H.R. 16763. A bill amending the Federal Aviation Act of 1958; to the Committee on Interstate and Foreign Commerce.

By Mr. MATSUNAGA:

H.R. 16764. A bill to amend the Export Control Act of 1949 to remove restrictions on the exportation of cattle hides and calf and kip skins from Hawaii; to the Committee on Banking and Currency.

By Mr. PHILBIN:

H.R. 16765. A bill to reclassify certain positions in the postal field service, and for other purposes; to the Committee on Post Office and Civil Service.

By Mr. RACE:

H.R. 16766. A bill to amend title 39, United States Code, to provide for door delivery service, and for other purposes; to the Committee on Post Office and Civil Service.

By Mr. REES:

H.R. 16767. A bill to establish a Redwood National Park in the State of California, and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. RONCALIO:

H.R. 16768. A bill to authorize the establishment of the Sheep Mountain National Monument in the State of Wyoming; to the Committee on Interior and Insular Affairs.

By Mr. SAYLOR:

H.R. 16769. A bill to amend title 38 of the United States Code so as to increase rates of pension payable to certain veterans and their widows and to liberalize and make more equitable the provisions of that title relating to the payment of pensions; to the Committee on Veterans' Affairs.

By Mr. SCHNEEBELI:

H.R. 16770. A bill to continue for a temporary period the existing suspension of duty on manganese ore and related products; to the Committee on Ways and Means.

By Mr. SENNER:

H.R. 16771. A bill to protect the domestic economy, to promote the general welfare, and to assist in the national defense by providing for an adequate supply of lead and zinc for consumption in the United States from domestic and foreign sources, and for other purposes; to the Committee on Ways and Means.

By Mr. VIVIAN:

H.R. 16772. A bill to provide for a more conservative capitalization of the St. Lawrence Seaway Development Corporation, and for other purposes; to the Committee on Public Works.

By Mr. WATSON:

H.R. 16773. A bill to amend title II of the Social Security Act to provide for cost-of-living increases in the benefits payable thereunder; to the Committee on Ways and Means.

By Mr. MILLS:

H.R. 16774. A bill to continue for a temporary period certain existing rules relating to the deductibility of accrued vacation pay; to the Committee on Ways and Means.

By Mr. PEPPER:

H.R. 16775. A bill to amend section 114(b) of the Housing Act of 1949; to the Committee on Banking and Currency.

By Mr. REINECKE:

H.R. 16776. A bill to amend title II of the Social Security Act to provide for cost-of-living increases in the benefits payable thereunder; to the Committee on Ways and Means.

By Mr. ULLMAN:

H.R. 16777. A bill to protect the domestic economy, to promote the general welfare, and to assist in the national defense by providing for an adequate supply of lead and zinc for consumption in the United States from domestic and foreign sources, and for other purposes; to the Committee on Ways and Means.

By Mr. FULTON of Pennsylvania:

H.R. 16778. A bill to amend the Internal Code of 1954 to increase from $600 to $1,000 the personal income tax exemptions of a taxpayer (including the exemption for a spouse, the exemption for a dependent, and the additional exemptions for old age and blindness); to the Committee on Ways and Means.

By Mr. GILLIGAN:

H.R. 16779. A bill to provide for a more conservative capitalization of the St. Lawrence Seaway Development Corporation, and for other purposes; to the Committee on Public Works.

By Mr. HANSEN of Idaho:

H.R. 16780. A bill to protect the domestic economy, to promote the general welfare, and to assist in the national defense by providing for an adequate supply of lead and zinc for consumption in the United States from domestic and foreign sources, and for other purposes; to the Committee on Ways and Means.

By Mr. KEE:

H.R. 16781. A bill to prohibit desecration of the flag; to the Committee on the Judiciary.

By Mr. WOLFF:

H.R. 16782. A bill to provide that the United States shall reimburse the States and their political subdivisions for real property taxes not collected on certain real property owned by foreign governments; to the Committee on Foreign Affairs.

By Mr. COLLIER:

H.R. 16783. A bill to amend title II of the Social Security Act to provide cost-of-living increases in the benefits payable thereunder; to the Committee on Ways and Means.

By Mr. SHRIVER:

H.R. 16784. A bill to establish a system for the sharing of certain Federal tax receipts with the States; to the Committee on Ways and Means.

By Mr. GOODELL:

H.J. Res. 1253. Joint resolution to provide for the establishment of a Commission on National Defense Policy; to the Committee on Armed Services.

By Mr. GUBSER:

H.J. Res. 1254. Joint resolution to establish an Atlantic Union delegation; to the Committee on Foreign Affairs.

By Mr. KREBS:

H.J. Res. 1255. Joint resolution to authorize the President to proclaim the last week in October of each year as "National Water Awareness Week"; to the Committee on the Judiciary.

By Mr. RACE:

H.J. Res. 1256. Joint resolution to authorize the President to proclaim the last week in October of each year as "National Water Awareness Week"; to the Committee on the Judiciary.

By Mr. DOW:

H.J. Res. 1257. Joint resolution to authorize the President to proclaim the last week in October of each year as "National Water Awareness Week"; to the Committee on the Judiciary.

By Mr. ROSENTHAL:

H. Con. Res. 946. Concurrent resolution relating to U.S. military personnel held captive in Vietnam; to the Committee on Foreign Affairs.

By Mr. BENNETT:

H. Res. 954. Resolution to create a permanent Select Committee on Standards and Conduct; to the Committee on Rules.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. ASHMORE:

H.R. 16785. A bill for the relief of Barbara Wilson; to the Committee on the Judiciary.

By Mr. BROWN of California:

H.R. 16786. A bill for the relief of Zenon Hernandez Betanzos; to the Committee on the Judiciary.

By Mr. CLARK:

H.R. 16787. A bill for the relief of Ok Yon (Mrs. Charles G.) Kirsch; to the Committee on the Judiciary.

By Mr. MINISH:

H.R. 16788. A bill for the relief of Frank I. Mellin, Jr.; to the Committee on the Judiciary.

By Mr. ROGERS of Colorado:

H.R. 16789. A bill for the relief of Harry Bush; to the Committee on the Judiciary.

By Mr. TUNNEY:

H.R. 16790. A bill for the relief of Mrs. Marie J. Saladino; to the Committee on the Judiciary.

SENATE

Tuesday, August 2, 1966

The Senate met at 12 o'clock meridian, and was called to order by the Vice President.

The Chaplain, Rev. Frederick Brown Harris, D.D., offered the following prayer:

Our Father, who hast set a restlessness in our hearts, and made us all seekers after that which we can never fully find, forbid us to be satisfied with what we make of life. Draw us from base content, and set our eyes on far-off goals. Keep us at tasks too hard for us, that we may be driven to Thee for strength. Deliver us from fretfulness and self-pity; make us sure of the goal we cannot see, and of the hidden good in the world.

Open our eyes to simple beauty all around us, and our hearts to the loveliness men hide from us because we do not try enough to understand them.

Save us from ourselves, and show us a vision of a world made new. May the spirit of peace and illumination so enlighten our minds that all life shall glow with new meaning and new purpose; through Jesus Christ our Lord. Amen.

THE JOURNAL

On request by Mr. Mansfield, and by unanimous consent, the reading of the Journal of the proceedings of Monday, August 1, 1966, was dispensed with.

REPORT OF A COMMITTEE SUBMITTED DURING ADJOURNMENT

Pursuant to the order of the Senate of August 1, 1966,

Mr. CLARK, from the Committee on Labor and Public Welfare, reported on August 1, 1966, an original joint resolution (S.J. Res. 186) to provide for the settlement of the labor dispute currently existing between certain air carriers and certain of their employees, and for other purposes, and submitted a report (No. 1424) thereon, together with the individual views of Mr. Dominick, Mr. Fannin, and Mr. Murphy, which joint resolution was read twice by its title, and placed on the calendar, and the report was printed.

MESSAGES FROM THE PRESIDENT—APPROVAL OF BILLS

Messages in writing from the President of the United States were communicated to the Senate by Mr. Geisler, one of his secretaries, and he announced that the President had approved and signed the following acts:

On July 30, 1966:

S. 3093. An act to amend the act of March 3, 1931, and October 9, 1962, relating to the furnishing of books and other materials to the blind so as to authorize the furnishing of such books and other materials to other handicapped persons.

On August 1, 1966:

S. 2948. An act to set aside certain lands in Montana for the Indians of the Confederated Salish and Kootenai Tribes of the Flathead Reservation, Mont.

EXECUTIVE MESSAGES REFERRED

As in executive session,

The VICE PRESIDENT laid before the Senate messages from the President of the United States submitting sundry nominations, which were referred to the Committee on Armed Services.

(For nominations this day received, see the end of Senate proceedings.)

MESSAGE FROM THE HOUSE—ENROLLED BILLS SIGNED

A message from the House of Representatives, by Mr. Hackney, one of its reading clerks, announced that the Speaker had affixed his signature to the following enrolled bills, and they were signed by the Vice President:

S. 2412. An act to terminate use restrictions on certain real property previously conveyed to the city of Kodiak, Alaska, by the United States;

S. 3249. An act to consent to the interstate compact defining the boundary between the States of Arizona and California;

S. 3498. An act to facilitate the carrying out of the obligations of the United States under the Convention on the Settlement of Investment Disputes between States and Nationals of other States, signed on August 27, 1965, and for other purposes;

H.R. 3013. An act to amend title 10, United States Code, to provide gold star lapel buttons for the next of kin of members of the Armed Forces who lost or lose their lives in war or as a result of cold war incidents;

H.R. 11980. An act to authorize the Secretary of the Army to donate two obsolete German weapons to the Federal Republic of Germany;

H.R. 12031. An act to authorize the appointment of Col. William W. Watkin, Jr., professor, of the U.S. Military Academy, in the grade of lieutenant colonel, Regular Army, and for other purposes; and

H.R. 13374. An act to amend title 10, United States Code, to authorize the award of trophies for the recognition of special accomplishments related to the Armed Forces, and for other purposes.

ENROLLED BILLS SIGNED

The VICE PRESIDENT announced *that on today, August 2, 1966, he* signed the following enrolled bills, which had previously been signed by the Speaker of the House of Representatives:

H.R. 12389. An act to increase the amount authorized to be appropriated for the development of the Arkansas Post National Memorial; and

H.R. 15225. An act to amend section 15d of the Tennessee Valley Authority Act of 1933 to increase the amount of bonds which may be issued by the Tennessee Valley Authority.

APPOINTMENT OF DELEGATES TO THE 55TH FALL CONFERENCE OF THE INTER-PARLIAMENTARY UNION, TO BE HELD IN TEHERAN, SEPTEMBER 27 TO OCTOBER 4, 1966

The VICE PRESIDENT. The Chair, pursuant to Public Law 74–170, appoints the following Senators as delegates to the 55th fall conference of the Inter-Parliamentary Union, to be held in Teheran on September 27 to October 4, 1966: Herman E. Talmadge, A. Willis Robertson, Alan Bible, Edward V. Long, Ralph Yarborough, Philip A. Hart, Bourke B. Hickenlooper, Hugh Scott, Hiram L. Fong, Thomas H. Kuchel, and Milward L. Simpson, alternate.

EXECUTIVE COMMUNICATIONS, ETC.

The VICE PRESIDENT laid before the Senate the following letters, which were referred as indicated:

Improvement of Aids to Navigations Services of the Coast Guard

A letter from the Acting Secretary of the Treasury, transmitting a draft of proposed legislation to improve the aids to navigation services of the Coast Guard (with accompanying papers); to the Committee on Commerce.

Report on Refugee-Escapees Paroled Into the United States

A letter from the Commissioner, Immigration and Naturalization Service, Department of Justice, transmitting, pursuant to law, a report on refugee-escapees paroled into the United States (with accompanying papers); to the Committee on the Judiciary.

THE UNEMPLOYMENT INSURANCE AMENDMENTS OF 1966—REPORT OF A COMMITTEE—MINORITY VIEWS (S. REPT. NO. 1425)

Mr. LONG of Louisiana. Mr. President, from the Committee on Finance, I report favorably, with amendments, the bill (H.R. 15119) to extend and improve the Federal-State unemployment compensation program. I ask unanimous consent that the report be printed, together with the minority view of Senators Williams of Delaware, Bennett, Morton, Carlson, Curtis, and Dirksen.

The VICE PRESIDENT. The report will be received and the bill will be placed on the calendar; and, without objection, the report will be printed, as requested by the Senator from Louisiana.

BILLS INTRODUCED

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. DIRKSEN:

S. 3680. A bill authorizing the Administrator of Veterans' Affairs to convey certain property to the Danville Junior College, Danville, Ill.; to the Committee on Government Operations.

By Mr. McCLELLAN (by request):

S. 3681. A bill to amend the act to provide for the registration and protection of trademarks used in commerce, to carry out the provisions of certain international conventions, and for other purposes; to the Committee on the Judiciary.

(See the remarks of Mr. McClellan when he introduced the above bill, which appear under a separate heading.)

By Mr. MONDALE (for himself and Mr. Harris):

S. 3682. A bill to amend title II of the Social Security Act to revise and improve the provisions thereof relating to the adjustment of overpayments and underpayments of benefits thereunder; to the Committee on Finance.

(See the remarks of Mr. Mondale when he introduced the above bill, which appear under a separate heading.)

COMMITTEE MEETINGS DURING SENATE SESSION

On request of Mr. Mansfield, and by unanimous consent, the Subcommittee on Constitutional Amendments of the Committee on the Judiciary and the Permanent Subcommittee on Investigations of the Committee on Government Operations were authorized to meet during the sessions of the Senate today.

LIMITATION ON STATEMENTS DURING THE TRANSACTION OF ROUTINE MORNING BUSINESS

On request of Mr. Mansfield, and by unanimous consent, statements during the transaction of routine morning business were ordered limited to 3 minutes.

ORDER FOR CONSIDERATION OF JOINT RESOLUTION DEALING WITH AIRLINE STRIKE AT CONCLUSION OF MORNING BUSINESS

Mr. MANSFIELD. Mr. President, I ask unanimous consent that at the conclusion of morning business, Senate Joint Resolution 186, Calendar No. 1389, the airline labor dispute measure, be laid down and made the pending business.

The VICE PRESIDENT. Is there objection? Without objection, it is so ordered.

TRIBUTE TO MRS. MARY FRANCILLO FRAZIER, MOTHER OF THE SECRETARY OF THE SENATE

Mr. MANSFIELD. Mr. President, I wish to announce to the Senate the death of the mother of our distinguished Secretary of the Senate.

Mrs. Mary Francillo Frazier, the mother of Emery Frazier, died last night at the age of 94.

I know that she was very proud of her son who has performed such outstanding service in this body for so many years.

To him I wish to extend my sincere regrets and deepest sympathy in his hour of sorrow.

UNFAIR COMPETITION ACT OF 1966

Mr. McCLELLAN. Mr. President, by request, as chairman of the Subcommittee on Patents, Trademarks, and Copyrights of the Committee on the Judiciary, I introduce, for appropriate reference, a bill to amend the Trademark Act of 1946. This measure which is to be cited as the Unfair Competition Act of 1966 has been drafted by the National Coordinating Committee on Trademark and Unfair Competition Matters, composed of a number of bar and business associations.

The basic purpose of the legislation is to create a Federal statutory law of unfair competition affecting interstate commerce, within the framework of the Lanham Trademark Act of 1946. The bill would accomplish this purpose mainly by expanding section 43(a) of that act, which already creates a statutory claim for relief from false designations of origin or false representations as to goods sold in interstate commerce, to include other torts commonly recognized as part of the law of unfair competition. Relief against those torts would be available in accordance with the existing remedies now set forth in the Lanham Act.

I introduce this bill to facilitate study of this important subject. I have reached no final decision concerning its provisions. I invite those who are interested to submit comments to the Subcommittee on Patents, Trademarks, and Copyrights.

The VICE PRESIDENT. The bill will be received and appropriately referred.

The bill (S. 3681) to amend the act to provide for the registration and protection of trademarks used in commerce, to carry out the provisions of certain international conventions, and for other purposes, introduced by Mr. McClellan, by request, was received, read twice by its title, and referred to the Committee on the Judiciary.

ADJUSTMENT OF OVERPAYMENTS AND UNDERPAYMENTS OF BENEFITS UNDER TITLE II OF SOCIAL SECURITY ACT

Mr. MONDALE. Mr. President, I introduce, for appropriate reference, on behalf of myself and Senator Harris, legislation to eliminate a legal roadblock which prevents payment of social security benefits owed to families of deceased beneficiaries.

Mr. President, there is an urgent and pressing need for this technical change in the Social Security Act. Under the law now in effect there are over 64,000 cases of underpayments pending which cannot be paid by the Social Security Administration. The law is inequitably drawn, and unless it is changed, thousands of survivors of social security beneficiaries will not be paid money that is owed to them.

Last year the Social Security Administration requested legislative authorization to pay amounts due a beneficiary at the time he dies because the provision in the law was ambiguous and had been subjected to various interpretations in the courts. During consideration of the Social Security Amendments of 1965, which included the medicare program, the Senate Finance Committee adopted an amendment very similar to the one I am proposing today. This provision was passed by the Senate, but was significantly changed in the conference committee. The law as enacted has been extremely difficult to administer, as is evidenced by the very large number of cases in which payments have not been payable, and the cases are increasing at the rate of about 2,000 a week.

Under present law, where the amount owed to a deceased beneficiary at the time of his death is equal to 1 month's social security benefit or less, it can be paid to the surviving spouse who was living with the deceased beneficiary at the time he died. If the amount owed is more than 1 month's benefit, the underpayment can be made only to a legal representative of the deceased person's estate.

My bill would provide specific statutory direction for the Secretary of Health, Education, and Welfare to pay such amounts to the survivors in a simple manner. If the amount due is less than $1,000, which almost all such amounts are, the payment would be made in the following order of priority: First, to the surviving spouse; second, to the surviving children, divided equally among them; third, to the legal representatives of the estate if one is appointed within 3 months of the decedent's death; and, fourth, to persons who are entitled under State law to inherit personal property from the deceased. If the payment is more than $1,000, it would be made only to the legal representative.

Under the best conditions, the requirement that the underpayment be paid to a legal representative is not only costly and time consuming but also in many instances it blocks payment entirely because the cost to survivors of claiming the underpayment through a legal representative often exceeds the underpayment itself. Forcing the widow or child of a deceased beneficiary to pay the expense of a legal representative and other probate and court costs is difficult to justify in view of the fact that the average of these underpayment amounts is about $100. About 35 percent of the underpayments involve amounts of $50 or less. There is no problem when the estate is one that would be probated anyway, but many social security beneficiaries have little or no assets and when they die the unpaid social security benefits constitute the entire estate.

The social security requirement that most amounts owed deceased beneficiaries must be paid to a legal representative is exceptional among benefit-paying programs. Distribution of amounts due but not paid to deceased civil servants, members of the Armed Forces, and veterans is governed by statutes setting forth priorities of payment. The Railroad Retirement Board pays such amounts first to the surviving spouse living with the decedent, and then on the basis of equitable entitlement to persons paying the decedent's burial expenses. Only the Social Security Administration is required to give such high priority to the legal representative.

Mr. President, the Social Security Administration is being besieged with complaints about this provision from all over the Nation because of the hardship it works on the families of deceased social security beneficiaries. In 1 week in January, 3,402 complaints were registered, including 333 from California, 300 from New York, 285 from Pennsylvania, 227 from Illinois, and 220 from Michigan.

But more important than the administrative problems is the inequity to the beneficiaries. I urge my colleagues to join with me in sponsoring this amendment, which will ease the burden facing thousands of older Americans when one of their loved ones dies.

In order for the Senate to have the opportunity to consider this legislation as soon as possible, I am introducing it not only as a separate bill, but also as an amendment to H.R. 15119, a bill to extend and improve the Federal-State unemployment compensation program. I understand that this bill will be on the floor shortly.

I ask unanimous consent that the full text of the bill be printed in the RECORD.

The VICE PRESIDENT. The bill will be received and appropriately referred; and, without objection, the bill will be printed in the RECORD.

The bill (S. 3682) to amend title II of the Social Security Act to revise and improve the provisions thereof relating to the adjustment of overpayments and underpayments of benefits thereunder, introduced by Mr. MONDALE (for himself and Mr. HARRIS), was received, read twice by its title, referred to the Committee on Finance, and ordered to be printed in the RECORD, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) section 204(a) of the Social Security Act is amended to read as follows:

"(a) Whenever the Secretary finds that more or less than the correct amount of payment has been made to any person under this title, proper adjustment shall be made, under regulations prescribed by the Secretary, as follows:

"(1) with respect to payment to an individual of more than the correct amount, the Secretary shall decrease any payment under this title to which such overpaid individual is entitled, or, if such overpaid individual dies before adjustment is completed, the Secretary shall decrease any payment under this title payable to any other person on the basis of wages and self-employment income which were the basis of the payments to such overpaid individual;

"(2) with respect to payment to an individual of less than the correct amount, the Secretary shall make payment of the balance of the amount due such underpaid individual, or, if such person dies before payments are completed or before negotiating one or more checks representing correct payments, disposition of the amount due shall be made—

"(A) if the amount due exceeds $1,000, to the legal representative of the estate of such deceased individual, or

"(B) if the amount due does not exceed $1,000—

"(i) to the person, if any, determined by the Secretary to be the surviving spouse of such deceased individual;

"(ii) if there is no person who meets the requirements of clause (i), to the child or children, if any, of such deceased individual (and, in case there is more than one such child, in equal parts to each such child);

"(iii) if there is no person who meets the requirements of clause (i) or (ii), to the legal representative of the estate of such deceased individual; or

"(iv) if there is no person who meets the requirements of clause (i) or (ii), and, if at the end of the three-month period which begins on the date such deceased individual died, no legal representative of the estate of such deceased individual has been appointed, to the person or persons who would be entitled to share in the personal property of such deceased individual (if he had died intestate) under the laws of intestate succession of the State of residence of such deceased individual and in an amount or amounts determined pursuant to such law."

(b) Section 204(d) of such Act is hereby repealed.

SEC. 2. The amendments made by the first section of this Act shall take effect on the first day of the second month following the month in which this Act is enacted.

Mr. MONDALE. Mr. President, I also ask unanimous consent that a listing, by State, of the complaints received during one week in January 1966 by the Social Security Administration about underpayments that could not be paid, be printed at this point in the RECORD.

There being no objection, the listing was ordered to be printed in the RECORD, as follows:

The number of complaints in connection with the 1965 amendment underpayment provision received during the week of Jan. 7, to Jan. 13, 1966

State:	
Alabama	53
Alaska	0
Arizona	25
Arkansas	22
California	333
Colorado	3
Connecticut	48
Delaware	3
Florida	98
Georgia	102
Hawaii	4
Idaho	13
Illinois	227
Indiana	117
Iowa	54
Kansas	39
Kentucky	26
Louisiana	36
Maine	8
Maryland	79
Massachusetts	99
Michigan	220
Minnesota	35
Mississippi	25
Missouri	73
Montana	9
Nebraska	53
Nevada	8
New Hampshire	6
New Jersey	72
New Mexico	25
New York	300
North Carolina	52
North Dakota	19
Ohio	113
Oklahoma	47
Oregon	39
Pennsylvania	285
Rhode Island	37
South Carolina	19
South Dakota	15
Tennessee	79
Texas	185
Utah	24
Vermont	13
Virginia	76
Washington	63
Washington, D.C.	9
West Virginia	25
Wisconsin	78
Wyoming	4
Puerto Rico	5
Virgin Islands	0
Total	3,402

Mr. HARRIS. Mr. President, the legislation proposed today by my distinguished colleague from Minnesota [Mr. MONDALE] is necessary to correct a technicality in the present social security law which, in many cases, has prohibited the payment of money owed to the survivors of deceased social security beneficiaries.

Under the present law, where the amount owed to a deceased beneficiary is equal to 1 month's social security benefit or less, it can be paid to the surviving spouse who was living with the deceased beneficiary at the time he died. In every case, when the amount owed is more than 1 month's benefit, the underpayment can be made only to a legal representative of the deceased person's estate.

The Social Security Administration is not happy with this situation. In fact, they are distressed, and so am I, because it affords no alternatives or flexibility in making payments as the law presently directs. As a result, the Social Security Administration reports over 64,000 cases of underpayments pending and unpaid. This represents approximately $6½ million which is lying in the U.S. Treasury—drawing interest—and which can not be released by the Social Security Administration without corrective legislation.

Senator Mondale is proposing legislation which I believe will correct this inequity by providing specific statutory direction to the Secretary of HEW in the following manner: If the amount due is less than $1,000, the payment would be made first to the surviving spouse; second, to the surviving children, divided equally among them; third, to the legal representative of the estate if one is appointed within 3 months of the decedent's death; and fourth, to persons who are entitled under State law to inherit personal property from the deceased. If the payment is more than $1,000, it would be made only to the legal representative.

Senator Mondale quoted an alarming number of complaints made to the Social Security Administration within 1 week last January. This included 47 complaints in Oklahoma, where, because there were no legal representatives of the various estates, payments could not be authorized to those who would inherit the personal property.

Typical of the case in which a relative of the deceased finds it impractical to undergo the expenses of being a court appointed executor of an estate, a constituent of mine recently wrote:

> We were forced to advance money to take care of my sister for a long period of time. Now there are urgent and pressing debts. The Social Security Administration doesn't seem to understand that I would have to pay an attorney's fee, court costs, and the advertising fee for notice to creditors. This would leave practically nothing from the check for $266.40 which is owed my sister.

The average unpaid social security underpayment is around $100 under the present system. Most, if not all, of this money is necessary to pay court costs and lawyer's fees in order to establish legal entitlement to the unpaid benefits. An example of this is well explained in the following letter from a constituent which I ask unanimous consent to have printed in the Record:

> Dear Senator Harris: I want to remind you that there should be some way provided to cash social security checks of the deceased. It doesn't make very much sense to go to court to be appointed executor of an estate that doesn't exist so you can collect a check that you give to a lawyer to pay the court costs and lawyer's fees. I surely am not the only one that is in such a predicament.
>
> It seems to me that a simple affidavit signed by an Administrator of a rest home, Doctors, hospitals, or Directors of funeral homes would be proof enough that you were entitled to collect this money. I can't imagine that any one of them would sign a paper for some one that would not be responsible while they were living.
>
> For the ones that have an estate and have to go to court anyway, they have no problem, but for the ones that do not have to go to court, they have to turn their money back and they are the ones that need it the most.
>
> I signed hospital papers for my sister, also papers at the rest home as well as her funeral bill and I can ill afford to lose her check—yet it was due her, but I had to return it and now can't collect it because I am not court appointed.
>
> Yours sincerely,
>
> ——— ———.

Those who live on a fixed low income and desperately need this money to pay some of the outstanding debts of the deceased are forced, therefore, to forfeit the check. On the other hand, when there is an estate in question which necessitates a legal representative, there is usually adequate money available to pay the court costs of the estate.

I cannot believe that the original authors of the social security law intended for these payments, which represent money earned, and money owed, to remain unpaid. I therefore, strongly urge Congress to act favorably and approve this legislation before adjournment.

EQUITABLE TAX TREATMENT FOR FOREIGN INVESTMENT IN THE UNITED STATES—AMENDMENT

AMENDMENT NO. 717

Mr. DIRKSEN submitted an amendment, intended to be proposed by him, to the bill (H.R. 13103) to amend the Internal Revenue Code of 1954 to provide equitable tax treatment for foreign investment in the United States, which was referred to the Committee on Finance and ordered to be printed.

SETTLEMENT OF LABOR DISPUTE BETWEEN CERTAIN AIR CARRIERS AND THEIR EMPLOYEES—AMENDMENTS

AMENDMENT NO. 718

Mr. JAVITS (for himself and Mr. Morse) submitted amendments, intended to be proposed by them, jointly, to the joint resolution (S.J. Res. 186) to provide for the settlement of the labor dispute currently existing between certain air carriers and certain of their employees, and for other purposes, which were ordered to lie on the table and to be printed.

(See reference to the above amendment when submitted by Mr. Javits, which appears under a separate heading.)

AMENDMENT NO. 719

Mr. MORSE submitted an amendment, in the nature of a substitute, intended to be proposed by him, to Senate Joint Resolution 186, supra, which was ordered to lie on the table and to be printed.

(See reference to the above amendment when submitted by Mr. Morse, which appears under a separate heading.)

AMENDMENT NO. 720

Mr. DOMINICK submitted an amendment, intended to be proposed by him, to Senate Joint Resolution 186, supra, which was ordered to lie on the table and to be printed.

AMENDMENT NO. 721

Mr. LAUSCHE submitted an amendment, intended to be proposed by him, to Senate Joint Resolution 186, supra, which was ordered to lie on the table and to be printed.

(See reference to the above amendment when submitted by Mr. Lausche, which appears under a separate heading.)

EXTENSION AND IMPROVEMENT OF FEDERAL-STATE UNEMPLOYMENT COMPENSATION PROGRAM

AMENDMENT NO. 722

Mr. MONDALE submitted an amendment, intended to be proposed by him to the bill (H.R. 15119) to extend and improve the Federal-State unemployment compensation program, which was ordered to lie on the table and to be printed.

ADDITIONAL COSPONSOR OF BILL AND JOINT RESOLUTION

Mr. MAGNUSON. Mr. President, I ask unanimous consent that at its next printing, the name of the Senator from California [Mr. Kuchel] be added as a cosponsor of the bill (S. 2217) to provide for the conservation, protection, and propagation of native species of fish and wildlife, including migratory birds, that are threatened with extinction; to consolidate the authorities relating to the administration by the Secretary of the Interior of the national wildlife refuge system; and for other purposes.

The VICE PRESIDENT. Without objection, it is so ordered.

Mr. McCARTHY. Mr. President, I ask unanimous consent that the name of Senator Magnuson be added as a cosponsor of the joint resolution I introduced (S.J. Res. 85), proposing an amendment to the Constitution relative to equal rights for men and women, and that his name appear among the list of sponsors at the next printing of the joint resolution.

The VICE PRESIDENT. Without objection, it is so ordered.

ENROLLED BILLS PRESENTED

The Secretary of the Senate reported that on today, August 2, 1966, he presented to the President of the United States the following enrolled bills:

S. 2412. An act to terminate use restrictions on certain real property previously conveyed to the city of Kodiak, Alaska, by the United States;

S. 3249. An act to consent to the interstate compact defining the boundary between the States of Arizona and California; and

S. 3498. An act to facilitate the carrying out of the obligations of the United States under the Convention on the Settlement of Investment Disputes between the States and Nationals of other States, signed on August 27, 1965, and for other purposes.

THE CALENDAR

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar No. 1385 and Calendar No. 1386.

The VICE PRESIDENT. Without objection, it is so ordered.

AMENDMENT OF THE ORGANIC ACT OF GUAM

The Senate proceeded to consider the bill (H.R. 13298) to amend the Organic Act of Guam in order to authorize the legislature thereof to provide by law for the election of its members from election districts, which had been reported from the Committee on Interior and Insular Affairs, with amendments, on page 1, line 10, after the word "members," to insert "to be known as senators,"; on page 3, at the beginning of line 4 to strike out "bill," and insert "Act,"; in line 9, after the word "provision," to insert "the method of electing"; and in line 10, after the word "this" to strike out "bill." and insert "Act."

The amendments were agreed to.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time and passed.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 1420), explaining the purposes of the bill.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

PURPOSE

The purpose of H.R. 13298 is to amend the Organic Act of Guam (64 Stat. 384, as amended; 48 U.S.C. ch. 8A) to authorize the territorial legislature to provide by law for the election of some or all of its members by election districts.

NEED

The Organic Act of Guam gave that island a substantial degree of local self-government and made Gumanians citizens of the United States. It provided for a unicameral legislature composed of 21 members to be elected at large biennially in even-numbered years. The powers of the legislature extend to "all subjects of legislation of local application" not inconsistent with the provisions of the organic act and other laws of the United States which are applicable to Guam. The members of the present legislature come from two parties—the Territorial Party and the Democratic Party of Guam.

At the present time the urban centers on Guam are able to dominate the voting on an at-large basis, and some rural areas lack representation. Though there are 19 voting districts in Guam, the at-large election system often means that the successful candidates come from a limited number of parts of the island. From the first to the incumbent eighth legislature, the average number of districts from which candidates have been elected to office stands at 11. The present legislature is composed of members from only 10 of the 19 districts. Removing the election-at-large requirement of the present statute and permitting election by districts will allow the legislature to bring about the greater equality of representation which, the committee was advised, is very much desired by the people of Guam. It will, in addition, allow the voters of each district to concentrate on the merits and demerits of the candidates from that district instead of having to try to assess those of every candidate for every seat in the legislature.

A solution to a further problem identified with the at-large election of all members of the Guam Legislature will result from districting. Under the present system a slight shift in the attitude or reactions of the electorate can produce a great and perhaps unwarranted change in whole membership of the legislature. It is possible under the present system for 51 percent of the voters to elect all of the legislature. Districting, whole or partial, will reduce the likelihood of this occurring in the future and will make more likely continuous representation of the minority.

H.R. 13298 will, if enacted, permit the Guam Legislature to district the territory and apportion itself as it believes proper, subject to the provision that neither such districting nor such apportionment shall deny to any person in Guam the equal protection of the laws. Its requirement that every voter in every district shall be entitled to vote for the whole number of persons to be elected from the district at that election as well as the whole number of persons to be elected at large, if there are any such, is further assurance of the application to Guam of the "one man, one vote" principle.

Reasonable stability in the electoral process is provided by the prohibition against changing the manner in which members of the legislature are to be elected—that is, the distribution of seats between at-large members, if there are any, and district members—more often than once in 10 years. District lines will be subject to change from time to time to reflect population shifts.

Enactment of this bill will be another step in promoting the full political development of the territory of Guam.

AMENDMENTS

The committee has adopted four amendments, three of which are of a technical and clarifying nature. The fourth amendment provides that members of the Guam Legislature shall be known as senators, as is the case in the Virgin Islands Legislature.

AMENDMENT OF SECTION 8 OF THE REVISED ORGANIC ACT OF THE VIRGIN ISLANDS

The Senate proceeded to consider the bill (S. 3080) to amend section 8 of the Revised Organic Act of the Virgin Islands to increase the special revenue bond borrowing authority, and for other purposes, which had been reported from the Committee on Interior and Insular Affairs, with amendments, on page 2, line 4, after the word "of", to strike out "all bonds or obligations which on original issuance shall have been purchased by the Government of the United States, and excluding"; after line 12 to insert:

(c) Delete the word "specific" wherever it appears in the first and second sentences.

And after line 14 to insert:

(d) Delete in the fifth sentence the words "shall be redeemable after five years without premium" and substitute therefor the following: "may be redeemable (either with or without premium) or nonredeemable".

So as to make the bill read:

S. 3080

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 8(b)(1) of the Revised Organic Act of the Virgin Islands, as amended (68 Stat. 497, 500; 48 U.S.C. 1574(b)), is amended as follows:

(a) Delete "(1)" and delete "and (2) for the establishment, construction, operation, maintenance, reconstruction, improvement, or enlargement of other projects, authorized by an Act of the legislature, which will, in the legislature's judgment, promote the public interest by economic development of the Virgin Islands."

(b) Delete "$10,000,000" and substitute therefor "$30,000,000, exclusive of all bonds or obligations which are held by the Government of the United States as a result of a sale of real or personal property to the government of the Virgin Islands. Not to exceed $10,000,000 of such bonds or obligations may be outstanding at any one time for public improvements or public undertakings other than water or power projects."

(c) Delete the word "specific" wherever it appears in the first and second sentences.

(d) Delete in the fifth sentence the words "shall be redeemable after five years without premium" and substitute therefor the following: "may be redeemable (either with or without premium) or nonredeemable".

The amendments were agreed to.

The bill was ordered to be engrossed for a third reading, was read the third time, and passed.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 1421), explaining the purposes of the bill.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

PURPOSE

The basic purpose of S. 3080 is to increase the special revenue bond borrowing authority of the Virgin Islands for governmental water and power projects, and for limited expenditures for other governmental projects.

Section 8(b) of the Revised Organic Act of the Virgin Islands of 1954, as amended (68 Stat. 497, 500; 48 U.S.C. 1574) provides that the Legislature of the Virgin Islands may cause bonds to be issued under subparagraph (1) for specific public improvement or specific public undertakings authorized by an act of the legislature, and under subparagraph (2) for the establishment, maintenance, and improvement of other projects which will, in the legislature's judgment, promote the public interest by economic development of the Virgin Islands. The total amount of such revenue bonds which may be issued and outstanding for all such improvements or undertakings at any one time may not exceed $10 million. The bonds are to be redeemable after 5 years without premium.

S. 3080 would amend existing law so as to (1) preclude the issuance of bonds or other obligation for nongovernmental projects intended to promote the economic development of the Virgin Islands; (2) increase the outstanding revenue bond ceiling at any one time from $10 to $30 million; (3) exclude from the new bond ceiling these bonds or obligations which are held by the Federal Government as a result of a sale of property to the government of the Virgin Islands; (4) provide that not more than $10 million of such bonds or obligations may be outstanding at any one time for public improvements or undertakings other than water or power projects; (5) delete the word "specific" each time that it appears in the first and second sentences of section 8; and (6) provide that bonds may be redeemable (either with or without premium) or nonredeemable.

The first amendment provided in S. 3080 deletes the provision from the Revised Organic Act which permits issuance of bonds to finance nongovernmental projects for the economic development of the Virgin Islands. No such bonds have been issued, but at one time the territorial legislature authorized a bond issue for hotel and related economic development. The Governor did not issue the bonds, and litigation is now pending in the courts. The committee believes that this

Thousands of business firms and hundreds of thousands of union employees of those firms are taking it on the chin. Congress cannot let these growing economic losses become an economic disaster.

I have a warm place in my heart for the unsung heroes of the aviation industry who keep the planes flying; who often have to work in the middle of the night to get engines back together on time; who have the unglamorous jobs that the average airline customer never sees. The fellows who get grease on their hands deserve a fair share of airline profits. This has been my position over the years in my dealings with the industry as chairman of the Aviation Subcommittee.

However, feelings of sympathy for some of these airline employees took a nosedive after the published reports of tactics used to encourage rejection of their own union leaders' recommendations. We are told that some members of the union here in Washington might have voted for the settlement but for the cries of ridicule hurled at those who openly sought to ratify the agreement. The cause of the IAM would be better served by leaving the name calling and mudslinging to less honorable organizations.

Free collective bargaining is a right and privilege which should not be abused. According to the press reports, the IAM reported that 17,251 of its members voted against accepting the proposed contract; 6,587 voted for it; and 11,500 members failed to vote. The total number voting against ratification therefore was less than half the total membership eligible to vote on the issue. I believe it is both a responsibility as well as a privilege for all members of the IAM to stand up and be counted on a matter of such consequence.

But that episode of this regrettable labor-management tangle is now history. Congress must now move quickly. This strike definitely represents a substantial threat to national security because of its ever more serious effects upon interstate commerce.

THE AIRLINES STRIKE—AMENDMENT TO SENATE JOINT RESOLUTION 186

AMENDMENT NO. 721

Mr. LAUSCHE. Mr. President, I send to the desk an amendment to Senate Joint Resolution 186. I spoke with reference to this amendment yesterday and I wish to do so briefly today.

As indicated, the measure deals with the airlines strike. The joint resolution reported to the Senate by the Committee on Labor and Public Welfare contains a provision that there may be, at a maximum, 180 days of negotiations. If at the end of those 180 days no settlement is reached, the status of the controversy occupies the identical position that it occupies today. No machinery is provided in the joint resolution for a final settlement of the dispute.

My amendment, Mr. President, would provide that after the 180 days have expired and no settlement has been reached, the President shall then be directed, at the request of either of the contesting parties, to appoint an Arbitration Board to consist of not less than five members.

This Arbitration Board shall have as membership a majority of persons who are representatives of the public, and an equal number of representatives to be assigned to the union and to management, respectively.

The Presidential Board so appointed is empowered to take testimony, make investigations, and to finally render a decision that would be conclusive and binding upon both parties in the dispute. The Board would be required to act within 60 days after the matter has been submitted to it for arbitration.

The finding of the Board, as I have said, would be conclusive and not appealable to the courts, except on the claim that there had been a noncompliance with the procedural machinery set forth in the joint resolution as a whole.

The PRESIDING OFFICER (Mr. Montoya in the chair). The time of the Senator has expired.

Mr. LAUSCHE. Mr. President, I ask unanimous consent that I may proceed for 3 more minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LAUSCHE. Mr. President, I might be asked why I propose this method of finally disposing of the measure. In my judgment there must be firmness on the part of the Government in dealing with a dispute between management and labor that ties up the economy of the Nation in a substantial manner.

Why should we allow a situation to exist which, after 180 days of negotiation, added to the 25 days and more that have already taken place and no settlement has been reached, places the public in the position it was in when the strike started?

We should provide machinery that would definitely settle this dispute. Unless provision is made for final settlement, I submit that there is no incentive and no pressure upon either of the parties to act. They will be at work. The joint resolution provides that whatever settlement is reached, it shall be retroactive.

I repeat—what inducement, what incentive, what pressures are upon them to act, if they know that the eventual settlement will be retroactive?

The time has come when Congress should say, "We will see to it that this dispute will come to an end, and it will come to an end on the basis of fairness to both parties."

Mr. President, is there any precedent for what I am suggesting?

In the featherbedding argument of the railroads, no adjustment could be reached. The mediation boards made recommendations. Presidential boards also made recommendations, but no settlement could be reached. One party accepted the recommendation and the other did not. Congress finally passed a bill making arbitration mandatory after all the preliminary steps of negotiation had been completed. That is what my amendment would provide.

Mr. President, I ask unanimous consent that my amendment be printed in the Record.

The PRESIDING OFFICER. Without objection, the amendment will be printed in the Record.

The amendment is as follows:

AMENDMENT NO. 721

On page 4, between lines 6 and 7, insert the following:

"Sec. 5. (a) If agreement has not been reached prior to the date of expiration of the final period of time which the President has ordered pursuant to section 2 and a written request is made by either party to the dispute within fifteen days after such date, the Mediation Board shall immediately notify the President.

"(b) On receipt of a notice referred to in subsection (a), the President shall create a Presidential Board to investigate and decide such dispute. The Presidential Board shall consist of not less than five members, a majority of whom shall be public members appointed by the President (one of whom shall be designated Chairman), with the remaining members divided equally between and designated by the carrier or carriers involved and the representative or representatives of the employees involved. No member appointed by the President shall be financially or otherwise interested in any carrier or any organization of employees. If either party to the dispute shall fail or refuse to designate its members within one week following the appointment of the public members, the President shall appoint such members in the same manner as the public members were appointed. In the event any member of the Presidential Board is unable or unwilling to serve, his successor shall be appointed in the same manner in which he was appointed. Each member of the Presidential Board named by the parties to the dispute shall be compensated by the party naming him. Any member appointed by the President shall be paid reasonable compensation for his services in an amount to be fixed by the President, and shall be reimbursed for his necessary traveling expenses and expenses actually incurred while serving as a member.

"(c) The Presidential Board shall have power to conduct investigations and take testimony at any place within or without the United States. For the purpose of any hearing conducted by such Board, the provisions of sections 9 and 10 (relating to the attendance of witnesses and the production of books, papers, and documents) of the Federal Trade Commission Act of September 16, 1914, as amended (15 U.S.C. 49 and 50), are hereby made applicable to the powers and duties of such Board.

"(d) Upon the appointment of the Presidential Board, such Board shall promptly hold a public hearing of the parties with reference to the dispute and shall make and publish a report in writing with respect to the dispute which shall state the findings, conclusions, and decision of the Board on each of the issues involved on which the parties have not reached agreement. Such report shall be made within sixty days after appointment of the Board, except that the President, on good cause shown, may extend such period.

"(e) The decision of the Board shall be by a majority of the whole Board. The rates of pay or working conditions prescribed or approved by the Board in its report shall be just and reasonable and, unless set aside in judicial proceedings as hereinafter provided or changed by voluntary agreement of the parties, continue in effect until changed in accordance with the provisions of the Railway Labor Act. Such decision shall provide that the wage provisions thereof shall be retroactive to January 1, 1966.

type of financing is probably unwise and unnecessary. Repeal of this authority, however, is not intended to affect the outcome of the pending litigation.

The second amendment proposed by the bill raises the Virgin Islands bond ceiling to $30 million, to provide for present and future projects which will exceed the present $10 million limitation. Currently, obligations secured by revenues in the principal amount of about $6,440,000 are outstanding for water and power purposes, and additional revenue obligations in the principal amount of $1,600,000 are about to be issued for the financing of dormitory housing for the College of the Virgin Islands. These obligations total about $8,100,000, leaving an authorization of less than $2 million for new revenue financing under the present $10 million ceiling.

For power and water purposes alone, approximately $29 million in outside revenue-secured financing is estimated to be needed during the next 5 years in order to meet the average rate of growth in demand for electric power which has been experienced in the Virgin Islands during recent years. For the three islands—St. Thomas, St. John, and St. Croix—this growth rate is 20 percent, or almost three times the average growth rate on the U.S. mainland. Of this estimated total of $29 million, approximately $6 million in revenue financing is needed by September of this year for a new dual-purpose (water and power) plant for St. Thomas.

In addition to the revenue financing needed for water and power purposes, an estimated $5 million will be needed during the next 5 years for staff housing facilities for the new hospital centers in St. Thomas and St. Croix and for additional dormitory and other revenue-producing facilities for the College of the Virgin Islands.

Included in these projected financing needs is approximately $8 million for new water production facilities which can be financed either by the issuance of general obligation bonds under section 8(b)(ii) of the Organic Act or by the issuance of revenue bonds under section 8(b)(i). However, the issuance of $8 million in general obligation bonds for water purposes would—together with outstanding general obligation securities amounting to about $7,800,000—exceed the present general obligation bond ceiling of $14 million and, at the same time, foreclose general obligation financing for other necessary public purposes, such as the school and hospital construction programs.

In short, the increase in the revenue bond financing ceiling which S. 3080 would authorize is urgently needed to enable the local government to undertake self-liquidating projects.

COMMITTEE AMENDMENTS

The committee has adopted three amendments recommended by the Department of the Interior and the Bureau of the Budget. The first amendment would make bonds purchased by the Federal Government chargeable against the new bond ceiling, so as to discourage large-scale public financing of projects by the Virgin Islands. The second amendment would delete the word "specific" from section 8 so as to remove uncertainty about how detailed a project plan must be for passage by the Virgin Islands Legislature. The third amendment would delete the provision that bonds shall be redeemable after 5 years without premium, so as to increase the marketability of the bonds.

The need for the three departmental amendments is more fully explained in the departmental reports which follow.

HIGH INTEREST AND TIGHT MONEY

Mr. GORE. Mr. President, I have spoken many times against the hurtful effects of the Johnson high interest and tight money policy. I am most reluctant to attack the leadership of my own party on matters of this sort, but unless current policies are reversed, we face severe economic dislocations. Some of these dislocations are already in evidence, particularly in housing.

The home mortgage market clearly illustrates the problem. It is now completely demoralized, and homebuilding and related industries are in a dangerous position. Insufficient funds are going into savings and loan associations and other institutions customarily active in home mortgage financing. The stopgap measures which have been advocated by the Johnson administration to get more funds into savings and loan institutions are but pallid palliatives and, even if successful on the surface, would not touch the basic problems.

Housing starts in June were 18 percent below the level of a year ago. Completed homes are standing idle and empty. This is not the result of a housing glut. This is not the result of a lack of demand for decent housing. Far from it. We need much more housing than we have been getting during recent years, and we are now on the threshold of a new spurt in family formations as the huge baby crops of the late years of World War II and the immediate postwar years reach maturity.

The only reason we are not providing adequate housing today is that those who seek and need homes cannot borrow the money to finance a purchase on reasonable terms.

There are several facets to this problem, but for the moment I shall merely cite a few statistics to illustrate the unnecessary burden which is placed on the young couple purchasing a home.

A $15,000, 30-year mortgage, at 6 percent interest, requires a monthly payment for principal and interest in the amount of $89.94. Counting postage, this is a $90-per-month loan. On a similar loan at 4 percent interest, the payment is only $71.62.

Mr. President, some people may think that a difference of $20 a month in a payment on a small home is insignificant, but I suggest that it means a difference of whether or not a couple can own a decent home in which to rear their children.

Johnson interest rates are now higher than Hoover interest rates. We must go back 45 years, to the Harding administration, to find interest rates as high as the interest rates of the Johnson administration. They must come down. At present interest rates, a home purchaser must pay out $6,595.20 during the life of a $15,000 mortgage, for which he obtains no benefit.

The VICE PRESIDENT. The time of the Senator has expired.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senator may proceed for an additional 5 minutes.

Mr. GORE. I shall only require 2 minutes.

The VICE PRESIDENT. Without objection, it is so ordered.

Mr. GORE. Here is another aspect of this problem. Lenders generally require that purchasers have an income of about five times the amount of the monthly payment on a house. A young couple who could qualify for a $15,000 mortgage at 4 percent interest, but who are presented with a 6 percent take-it-or-leave-it mortgage, must go back to their rented room and wait until their income increases by about $90 per month before they can qualify for the higher interest rate mortgage.

Or, suppose this young couple, faced with the arrival of children, are so desperate for a house that they must buy whatever they can qualify to purchase. If they can pay only $71.62 per month for principal and interest, they could buy a house with a $15,000 mortgage at 4 percent interest. But if they must pay 6 percent interest, their mortgage cannot exceed approximately $12,000. In other words, they must settle for a house costing $3,000 less. If construction costs run about $10 per square foot, this means that they must settle for a two-bedroom house when they need, perhaps, four bedrooms.

Mr. President, Johnson interest rates must be brought down. If we are threatened with inflation, and I think we are, other actions must be taken which will remove some of the pressure from monetary policy. Action is needed; action in the public interest is needed; action in keeping with the traditions of the Democratic Party is imperative.

THE AIRLINES STRIKE

Mr. MONRONEY. Mr. President, the Senate should act without delay to pass legislation that will restore air service to the 60 percent of the country which has been denied it for over 3 weeks' time.

The long and drawn out efforts at collective bargaining have failed to bring about a settlement in an industry whose continued service is vital to our country's security and to the public interest of its people.

Two suggestions have been made by the members of the Committee on Labor and Public Welfare. Both of these suggestions one under order of the President, and the other under the order of the Congress, would return the workers to their jobs while the negotiations continue over a settlement of the wage dispute.

By taking up this legislation today the Congress can help to end the crippling effects of this prolonged strike and during the additional time provided by both bills encourage a final settlement that both union members and management can approve.

The failure of individual members of the International Association of Machinists to approve on Sunday the settlement which their leaders had recommended will, in the long run, work to the disadvantage of organized labor generally. The strike is adversely affecting not only the 35,000 IAM members, but it also is affecting countless thousands of workers in other industries serving the traveling public or relying on airline service. Hundreds of thousands of would-be passengers have been inconvenienced.

bank and every dollar of it would be from the repayment of outstanding REA loans, not new money out of the Treasury. In view of this I am somewhat at a loss to understand your statement that "the establishment of Federal banking for rural electric and rural telephone systems would be an erosion of private enterprise."

Surely, neither you nor any other commercial bank is financing the capital needs of our existing rural electric and rural telephone systems. Certain commercial banks are financing and will continue to finance the normal operating needs of these systems, just as they are other local business enterprises.

Of course, I am in no position to know just what information has been presented by those who oppose this legislation but apparently it must have been far from thorough.

You did not raise the question but several of my correspondents have, and I feel that there are at least two other items that must be considered.

The first relates to the nature of rural service. There are many who write me and say that since practically all of our homes are today electrified, there is no further need for REA and there should be no further loans. As a banker you are particularly aware of the fact that practically every line of business is finding it necessary to expand its capitalization. Most business institutions find it utterly impossible to continue to exist if they simply retain their existing size and make no effort to modernize, improve or expand their business to keep up with the customer demand. Certainly the electric business is no exception. The private power companies currently are making something like $5 billion a year in capital expenditures. This is just about the sum total of loans which has been advanced to REA cooperatives over a period of thirty years.

Obviously, these rural systems are going to have to modernize at at least the same rate that the larger privately urban systems are, and probably they must spend at least a larger percentage of their present valuation because of the very nature of their scattered customers—so I reach the inescapable conclusion that if we are going to maintain rural service which is comparable to the service provided in the cities, and I think we should, that the rural systems are going to have to have a substantial amount of new capital.

This raises the corollary question of the interest rates that these rural systems can pay and the obligation, if any, on the part of the government to assist or subsidize. Obviously, strictly rural service is not, in most cases, profitable. The power companies did not give any general rural service prior to the time the REA began making its loans. They did not consider it profitable. When the power companies did offer a competitive rural service, they were able to do so by adding any losses that they might sustain in rural service to the charges collected against their urban customers. Since most of the private power companies operate under exclusive franchises which give them a monopoly in about 99% of the more profitable areas of the United States, they are still able to do this, and I recognize that it can be argued that the way to get rural service is to have the power companies charge for service on what might be called a "postal" rate system—that is, the same rate in urban and rural areas regardless of the cost of supplying the power. This would, of course, effectively move the burden that is now carried by the taxpayers to the consumers of electricity in urban areas.

Frankly, in view of the ever-increasing political power of these urban areas, it seems to me to be rather unrealistic to expect governmental support of any such system. On the other hand, we cannot overlook the fact that while REA financed electric cooperatives sell only 6% of the electricity sold in the United States, they own and service 54% of the line mileage, and whereas the average privately owned utility has a customer density of about 34 customers per mile, the average REA financed cooperative has a customer density of only about 3.2 customers per mile. The figures for rural telephone systems are roughly comparable when compared with the patronage of the Bell system. To me this makes it absolutely clear that if we are going to continue to provide rural electric and rural telephone service that we are going to have to find favorable credit terms.

I have repeatedly asked those who object to this bill to suggest just what they would do. Most of the objectors preface their statement of objections by some declaration to the effect that "no living person is a greater friend of REA than I am but—". Very few, if any, of these objectors have even sought to suggest just how they would deal with the problem and yet I think it is clear that if they do not deal with it—that is, if we collectively do not deal with it, and if the rural electric cooperatives are denied the type of self-help which they are seeking, that they will become even more, not less, severe competitors with the private utilities, to the detriment of all concerned.

It is certainly true that if all subsidized financing were removed, some of the cooperatives would collapse. Some would be taken over by private systems. Some would simply disintegrate. Some would consolidate with their neighbors, and most of these consolidated groups, and many of the existing organizations, would immediately cast about for more profitable fields. It is true that as of any given moment the private utilities have their urban service protected against competition from these cooperatives by exclusive franchise, but over the nation these franchises are constantly coming up for renewal. Under the existing law and under the proposed bill the power companies are protected against any possible competition in all of the larger cities and against all practical competition in at least 98% of the smaller communities. If, however, these rural systems cease to become borrowers from the government or the government sponsored bank, there will be no restraint on their territorial operations except such as is imposed by local authorities.

Knowing American communities and American politics, don't you know, and doesn't every power official know, that this situation would cause friction in a thousand cities over the United States. Surely no responsible power official is naive enough to believe that he can take away the restraining influence of the governmental or governmentally sponsored credit without creating chaos in the matter of service in their urban areas. I believe that you will agree with me that this kind of cutthroat competition would be bad. I believe you will agree that it is desirable to move as much of the credit to these rural systems from the government to a credit bank which the rural systems will themselves ultimately own. I believe you will agree that it is desirable to begin reducing the subsidy as promptly as we can, and I hope you will agree that we should not deny subsidized credit to those rural systems that obviously cannot pay commercial rates and maintain their existence. The proposed legislation attempts to achieve these objectives and it proposes to do it by a method which has been tried successfully for more than half a century.

There are two other possibly relatively minor items that I think must be considered. The first is the charge contained in so many letters that the passage of this bill would "remove all congressional control" over the bank. I doubt that you would argue that the Federal Government has no control over national banks, and yet it does not name any of the directors or officers. So long as the Federal Government has any money in these banks it will participate in the management, and until a majority of the Federal investment is paid off it will have absolute control. Even down the line when all government money is out of the bank it will still be subject to the congressional power and Congress can, if it should provide, determine the purpose for which loans may be made, the size of the loans, terms, etc. Frankly, I cannot see how anyone who has read the bill can seriously urge this objection.

The second item relates to the fact that there are a great many people charging that this bill would provide seven and one-half billion dollars of interest free government money. Of course, this statement derives from the fact that the bill provides for $50 million per year investment by the government, which, over a 15-year period, makes $750 million, or exactly 1/10 of the amount usually mentioned. The bill also provides, as does the Farm Credit legislation, that the bank may issue debentures to ten times the amount of its capital. Incidentally, Federal National Mortgage Association legislation now pending would authorize FNMA debentures to 15 times the amount of the capital. It is then argued that since the government will guarantee these debentures that the government stands to lose $7½ billion. I think that we can only judge the future by the past. During the last 30 years REA has advanced loans of $5 billion and has suffered losses of only $47,000. Even if the loss ratio in the future were 10 times as much as it has been in the past this guarantee obligation of the government would be absolutely nil because earnings on the balance of the loans would far more than offset these losses.

It seems to me that these criticisms are thrown into the picture more for the purpose of creating prejudice than to contribute to the solution of a very real problem.

I make no claim that any of the proposals before the Congress are perfect. On the contrary, I invite constructive suggestions from all who want to offer them, but I again suggest, and I hope that you will agree, that those who oppose this approach should establish their sincerity by pointing out exactly how they feel we should finance the continuing development of our rural electric and telephone service. The Congress wants and welcomes advice and counsel from the electric industry, the banking industry and the rural systems but it does not propose to allow the power companies or any other group to simply exercise a veto over every suggestion that is made. We welcome participation in our councils but we feel there is an obligation to seriously counsel, not simply condemn.

As an illustration of what I think we have a right to expect from the opponents, let me point out that the original bill, while providing for the acquisition of stock by the local rural systems, did not, in the opinion of some of its critics, make sure that there would be a definite retirement of government stock equal to the amount of stock purchased. While I was not, and am not, sure that there was any legal merit to this position, I felt that we should be absolutely sure that this would be the case and immediately proposed an amendment to make it quite clear that such transfer must take place.

The private companies have long expressed criticism of the practice of lending money for building generating plants which they have at some later date stated were uneconomical. They raised the same objection in connection with this bill. As you are doubtless aware, I proposed an amendment, which is in the compromise measure, requiring that before any money can be loaned to build generating plants that there must be public invitations for competitive bids, and that no such loan can be made if it develops "(f) The report of the Presidential Board and the transcript of the proceedings before it, including the evidence, shall be filed with the President and with the National Mediation Board. A copy of such report shall be furnished each party to the proceeding.

"(g) In the event of disagreement between the parties as to the meaning of the findings, conclusions, or decisions, or as to the terms of the detailed agreements or arrangements necessary to give effect thereto, any party may apply to the Presidential Board for a clarification of its report, whereupon the Board shall reconvene and shall, with or without a further hearing, promptly issue a further report setting forth its decision on each of the issues involved in such disagreement.

"(h) A report filed as herein provided shall, unless set aside in judicial proceedings as hereinafter provided, be conclusive and binding on the parties and enforcible by appropriate proceedings in the United States District Court for the District of Columbia, or the United States district court for any district in which proceedings of the Presidential Board were held, or the United States district court for any district in which any party is doing business.

"(i) Within thirty days after the filing of the report a petition to impeach the report may be filed in any United States district court mentioned in the next preceding paragraph by any party to said proceeding on any one or more of the following grounds of invalidity:

"(1) That the report clearly does not conform to the requirements laid down by this Act for such reports, or that the proceedings were not substantially in conformity with the Act, but no such report shall be subject to review on the ground that rates of pay or working conditions prescribed therein, if any, are not just and reasonable;

"(2) That the report does not conform to the issues in the controversy submitted to such Board;

"(3) That a member of such Board rendering the report was guilty of fraud or corruption in connection therewith, or that a party to such proceedings practiced fraud or corruption which fraud or corruption affected the report; or

"(4) That the report violates rights secured by the Constitution of the United States to any of the parties to the dispute or to any employees bound by the report therein.

"(j) No court shall entertain any such petition to impeach a report on the ground that such report is invalid for uncertainty; but such report may be submitted to the reconvened Presidential Board for interpretation as provided by this Act. A report contested as herein provided shall be construed liberally by the court, with a view to favoring its validity, and no report shall be set aside for trivial irregularity or clerical error, going only to form and not to substance.

"(k) If the court shall determine that the entire report is invalid on some ground or grounds designated in this section as a ground of invalidity, the court shall set aside the entire report; but if the court shall find that only a part of the report is invalid and if such invalid part is separable from the valid part the court may in its discretion set aside the entire report or set aside only the invalid part.

"(l) At the expiration of twenty days from the decision of the district court upon the petition filed as aforesaid, the judgment of the court shall be final unless during said twenty days either party shall appeal therefrom to the United States court of appeals. The decision of the court of appeals shall be subject to review by the Supreme Court upon writ of certiorari or certification as provided in section 1254 of title 28 of the United States Code.

"(m) Upon the appointment of a Presidential Board under subsection (b), the period of time provided for in section 10 of the Railway Labor Act, during which no change except by agreement, shall be made by the parties to the controversy, or affiliates of said parties, in the conditions out of which the dispute arose, shall be reinstated and shall continue in effect until the Presidential Board shall have made its report and such report shall have become final and binding on the parties. During said period of time none of the parties to the controversy, or affiliates of said parties shall engage in or continue any strike or lockout."

On page 4, line 7, strike out "Sec. 5" and insert "Sec. 6".

On page 4, line 10, after "section 2" insert "or section 5 (m)".

On page 4, line 24, strike out "Sec. 6" and insert "Sec. 7".

On page 5, line 9, strike out "and 5" and insert "5, and 6".

On page 5, line 12, after "section 3" insert "and any decision under section 5 (e)".

On page 5, line 15, strike out "Sec. 7" and insert "Sec. 8".

The **PRESIDING OFFICER**. The amendment will be received, printed, and will lie on the table.

PROPOSED FEDERAL BANK FOR RURAL ELECTRIC SYSTEMS

Mr. **MOSS**. Mr. President, there is growing misunderstanding about the intent and possible effect of the bill before Congress to establish a Federal bank for rural electric systems.

The purposes of the bill have never been more clearly and simply explained than in a letter written by Representative W. R. POAGE, of Texas, one of the chief sponsors of the bill in the House of Representatives, to a banker in his State who opposes the legislation.

Representative POAGE discusses with great reasonableness and admirable clarity the alternatives to a Federal bank, and invites suggestions. He touches also on the relationship of the rural electric cooperative to the investor-owned utility company, and how this might change should the cooperatives be denied the type of help they are seeking.

I ask unanimous consent to have the letter prepared by Representative POAGE printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

HOUSE OF REPRESENTATIVES OF THE
UNITED STATES, COMMITTEE ON
AGRICULTURE,
Washington, D.C.

DEAR CONSTITUENT: Let me thank you for your letter of recent date in which you express your opposition to the legislation which I proposed, and I take it to all similar legislation, which would gradually move the financing of our rural electric and rural telephone systems from direct 2% government loans to loans from a credit bank patterned after the farm credit institutions.

A number of bankers and power company officials have written me similar letters. I, of course, wish there was an opportunity to sit down and talk to each and everyone who is interested in this problem. Unfortunately, there is no such opportunity. I think that basically most of these letters, particularly those from bankers, are based upon their objection, not so much to the requirement that the rural electric and telephone systems should get their money from private rather than government sources, as it is to their objection to the cooperative system of doing business.

I know that there is much serious and even violent difference of opinion in regard to cooperatives. The pending bill makes no change whatever in the prerogatives and the duties of cooperatives. It does not attempt to decide whether they are good or bad. It recognizes the existence of cooperatives and deals with the situation as we find it. I think, however, in this connection that many of these letters indicate a serious misunderstanding of the present financing of rural electric and telephone systems.

The REA offers loans to cooperatives and to private stock [investor-owned] companies on exactly the same basis and for exactly the same purposes. It is true that there are a very few—I believe about 25—private power companies that have availed themselves of the opportunity to make these cheap loans. Whether this reluctance to use REA loans is due to the fact that the companies actually pass the cost of interest on to their customers or whether it is due to the fact that they do not want to accept the responsibilities of providing so-called area service to all in a service area, as is required of REA borrowers, I do not know, but I do know that REA loans are available to the private companies if they want them. Second about ¾ of all of the telephone loans are presently being made to privately owned stock companies rather than to cooperatives.

I think, therefore, that it is rather inaccurate and misleading to try to either support this legislation on the basis of one's like or dislike of cooperatives. Rather, I think the essential question is: Do we want to move the financing of these rural systems from the direct 2% government loans to loans made by a separate financing agency at a higher rate of interest?

For all of those who can pay the higher interest rate, I think the answer is clearly "yes". The legislation referred to would, if passed, for the first time in our history establish a policy of orderly transfer from dependence upon the government to dependence upon private resources. This is not a wild, untried, or visionary scheme. It is basically what has been done by the Land Banks for half a century. Every dollar of the original Land Bank stock was government money. Today there is no government money in the Land Banks. It took the National Farm Loan Associations, the local lending agencies, about 35 years to pay out this government stock. The Banks for Cooperatives, although established much later, have been paying out at a more rapid rate. Indeed, they have paid out almost ⅔ of the government stock in ten years' time and, as you know, the Houston Bank is completely paid out. The Intermediate Credit System has not moved so successfully but it has returned approximately 50% of the government capital.

Let us assume that these rural systems will not be as successful as any of the Farm Credit systems. Isn't it still wise to move in the direction of private ownership rather than to continue the policy of 100% government loans? And even though we can't remove all of the subsidy at this time, isn't it desirable to make a start toward reducing the subsidy? And certainly, this bill makes that start. I think that the direction in which one is traveling is often more important than is his location.

If we do not pass this bill we are not going to eliminate the REA system. It simply means that we will go on making a fight each year about how much government money we are going to put into the system. For the past several years we have been putting in a little more than $300 million a year. This legislation would put only $50 million a year into the stock of the electric that private companies actually offer to sell the power on the terms and at the location needed more cheaply than the power can be provided by a new plant.

I suggested these amendments not for the purpose of representing cooperative interests but because there seemed to me to be justification in the criticism. Personally, I would certainly accept any other amendments where the proponents or opponents could make what seemed to me to be a sound case, and I think that those who oppose the bill should be willing to approach it with the same willingness to accept those features which the rural systems can show are fair and needed.

I have gone into some detail because I believe you are seriously interested and because I respect your views. I know that you will give equal consideration to my views.

Thanking you, and with all good wishes, I am,

Sincerely yours,

W. R. POAGE,
Congressman.

TIME FOR TREASURY TO STOP ROADBLOCK AGAINST SBIC TAX INCENTIVES

Mr. PROXMIRE. Mr. President, I ask unanimous consent that I may be allowed to proceed during the morning hour for 10 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. PROXMIRE. Mr. President, last Friday, the Subcommittee on Small Business of the Committee on Banking and Currency concluded 3 days of comprehensive hearings on the small business investment company program. I am chairman of that subcommitee, and chaired those hearings.

The Small Business Investment Act of 1958 established a program:

> To stimulate and supplement the flow of private equity capital and long-term loan funds which small business concerns need for the sound financing of their business operations and for their growth, expansion, and modernization.

The act was the result of the some 30 years of study by various private and Government agencies as well as the Congress with respect to the financing needs of small business.

Mr. President, if I recall correctly, this was done by a Senator from Texas, now President Johnson, who was the author of that bill.

Our own Subcommittee on Small Business managed the legislation which culminated in the passage of the 1958 act in the 85th Congress, and it has conducted studies and hearings relative to the program in every succeeding Congress, recommending major amendments which were subsequently approved in the 86th, 87th, and 88th Congresses.

The hearings which we concluded last Friday were prompted by reports of "problem" companies in the program. Those reports prompted us to launch a searching inquiry into all facets of the program.

I am pleased to report to the Senate that our hearings produced dramatic and persuasive evidence of the essential soundness and value of the SBIC program. Testimony from witnesses representing the Small Business Administration and other Government agencies concerned with the program, spokesmen for the industry and small businessmen who have benefited from the use of SBIC funds demonstrated clearly that the SBIC's are indeed doing an effective job.

We heard testimony to the effect that some 20,000 small business concerns have received almost $1 billion in financing in the relatively few years since this pioneering program was launched. This billion dollars does not include hundreds of millions of additional bank credit for small business that SBIC loans have made possible.

As for the "problem" companies, I am confident that the Small Business Administration is determined and able to cope with them. But, as one of the witnesses testified, even if the "problem" companies are removed from the program, much, much more needs to be done by way of legislation to insure the long-term success of this pioneering effort in behalf of small business.

I am personally convinced of the great worth of this program and of the need for new and imaginative action on the part of the Congress and the executive branch to give the SBIC program the impetus it needs to accomplish the mission which we have assigned to it.

While SBIC financial assistance to some 20,000 small business concerns in a period of less than 8 years is highly commendable, this number is but a small fraction of the 4.5 million business entities in this country eligible for SBIC assistance and the vast numbers of small business concerns needing SBIC-type financing.

Our hearings have persuaded me that this program can achieve its great promise only if we, the Congress, help it in two important areas—tax incentives and additional leverage.

I shall speak of leverage at another time, but today I wish to speak particularly about the tax aspects of the SBIC program.

My colleagues will recall that the Technical Amendments Act of 1958 added three new provisions to the Internal Revenue Code, all with the avowed purpose of encouraging private investment in SBIC's. One of those provisions—section 243(a)(2)—gave SBIC's a 100-percent dividends received deduction on dividends received from small corporations from which they purchased stock. Normally, a domestic corporation is entitled to a dividends received deduction of just 85 percent on dividends received from a domestic corporation.

Another provision—section 1242—gave stockholders in an SBIC an ordinary loss deduction, rather than a capital loss deduction, where they incurred a loss on the sale or exchange of their stock in an SBIC. The third provision added to the Internal Revenue Code in 1958—section 1243—gave the SBIC an ordinary loss deduction, rather than a capital loss deduction, where it incurred a loss on the sale or exchange of convertible debentures acquired from small business concerns financed by it, or where the loss was on stock acquired through exercise of the conversion privilege.

One other provision—section 542(c)(8)—was added to the code in 1959 in an effort to exempt SBIC's from the surtax on personal holding companies.

Of these four tax provisions, you will note that two of them are essentially negative, one is defensive in nature, and only one offers any positive incentive to private investors.

The provisions relative to ordinary loss treatment on SBIC stock and on SBIC losses on convertible debentures merely cushion losses incurred by stockholders and SBIC's. The personal holding company surtax exemption, admittedly deficient and ineffective, is purely defensive. The only positive incentive to private investors is contained in the provision permitting SBIC's a 100-percent dividends received deduction.

But the latter provision has been of very limited effect for the reason that dividends declared by small business concerns seeking SBIC financing are very meager and very infrequent. And by their very nature dividends will probably continue meager. Capital gains are likely to be the prime basis for SBIC gain.

One overriding conclusion I reached as a result of our hearings was that we must do more—much more—in the tax area if we are to encourage additional private investment in this program.

The disturbing fact is that despite the significant accomplishments of this program to date, this year 1966 has seen more private funds leave the program than come into it. We must reverse this trend promptly and drastically, and I am convinced that changes in the tax laws relating to SBIC's and their shareholders offer one of the most promising routes to this goal.

This brings me to one of the more disturbing aspects of our hearings: we were reminded that legislation seeking to improve the tax climate for SBIC's and their shareholders has been introduced in every Congress since the enactment of the Small Business Investment Act of 1958. But except for the 1959 provision purporting to grant an exemption to SBIC's from the personal holding company surtax, not one tax proposal has been enacted into law.

The distinguished Senator from Alabama, chairman of the Select Committee on Small Business—in my judgment, the ablest man in Congress in this field—and I am talking about the Senator from Alabama [Mr. SPARKMAN], sponsored S. 979 when it was introduced in the Senate on February 6, 1959.

He also sponsored S. 903 when it was introduced in the Senate in February of 1961. He also sponsored S. 297 which was introduced in the Senate on January 18, 1963, and in the present Congress, he is the sponsor of S. 1854.

Every one of these bills has represented the sound and thoughtful thinking of the distinguished Senator from Alabama, the membership of the Select Committee on Small Business, and industry leaders concerned with the success of the SBIC program.

It is a sad fact, however, that not one of these bills has been enacted into law.

One of the most discouraging aspects of our hearings was the testimony of a spokesman for the Treasury Department who told our subcommittee last Friday that while Treasury has been studying S. 1854 for many months, it has not yet taken a stand for or against the provisions of that bill. We were informed that the Treasury Department wants more evidence of the need for additional tax legislation and proof of the worth of the program.

I say the record of our hearings offers all the evidence needed by the Treasury or any other body concerned with the future of this most promising program. I say that the SBIC program has proven its worth, but that it needs major additional incentives to achieve its great promise, and that one area in which the Congress could act most effectively would be in offering positive tax incentives to SBIC's and their shareholders, both those now in the program and others we would hope would come into it, given meaningful incentives to do so.

S. 1854 is really a rather modest bill. It seeks merely to clarify the types of financing instruments on which SBIC's may establish bad debt reserves and seeks to correct the personal holding company surtax exemption which Congress sought to extend to SBIC's in 1959. Its one major proposal would permit all SBIC's, whether or not registered under the Investment Company Act of 1940, to elect to be taxed as regulated investment companies. Such companies can, of course, pass through their earnings to their shareholders without payment of corporate income tax. Mutual funds are the best known type of regulated investment company.

This incentive, if extended to all SBIC's, would no doubt encourage substantially greater private investment in this program. And Congress set that as one of its goals in launching the SBIC program in 1958.

S. 1854 would also permit an SBIC to be a shareholder in a subchapter S corporation, thus enabling SBIC's to extend their financial and management assistance to an important area of our economy.

I say that S. 1854 is a modest bill. I say that Treasury should have concluded its study of the bill and made a report to the Congress many months ago. I am asking the Secretary of the Treasury to let me have the views of his Department on that bill at the earliest possible date.

I earnestly hope that the Treasury Department will find it agrees with the bill or at least suggest amendments or modifications of the bill, or, it would be better even to say that it opposes it rather than say nothing, for then we could start to take action. For 6 long years the Treasury Department has refused to act. One of the urgent needs has been to provide equity financing for small business. Instead, small business has been standing still. All of us favor small business. All of us recognize the serious problems facing small business. The most serious handicap is inadequate capital. This bill proposes to remedy that. The proposal of the Senator from Alabama [Mr. SPARKMAN] is designed to accelerate it. I think the Treasury Department should act.

I expect to have other tax proposals at a later date to offer to the Senate in order to strengthen the SBIC program, but I am hopeful that with the cooperation of the Treasury Department, we may yet be able to enact much-needed tax legislation on behalf of SBIC's in the present Congress.

SCHOOL MILK PROGRAM PROGRESSES IN HOUSE

Mr. PROXMIRE. Mr. President, I was delighted to learn last Friday that the House Agriculture Committee had reported legislation extending the school milk program for 4 years. This provision was part of a larger child nutrition bill which is quite similar to the Ellender child nutrition legislation, S. 3467. However, there is this one important difference. The House bill, H.R. 13361, makes it crystal clear that the school milk program is not a part of the school lunch program but, rather, is a separate and distinct entity.

Similar legislation was ordered reported by the House Committee on Education and Labor. Once again the legislation makes it clear that the school milk program is to continue to exist as a separate entity.

However, the fact that two similar bills have been acted upon by two House Committees raises the danger that a jurisdictional fight will develop. I sincerely hope that this jurisdictional question will be resolved so that the House can act quickly on a school milk program extension. School administrators as well as parents and children all across the country are eagerly awaiting Congress' final word on this important issue.

THE AIRLINES STRIKE

PRIVILEGE OF THE FLOOR

Mr. PROXMIRE. Mr. President, I ask unanimous consent that additional staff members of the Committee on Labor and Public Welfare may have the privilege of the floor during consideration of Senate Joint Resolution 186.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SMATHERS. Mr. President, the airline strike is now in its 26th day. The damage which has been inflicted on our economy is incalculable. When we inquire about the amount of damage being done, it is almost impossible to ascertain it. The interest of the general public, which is of paramount importance, is seriously affected. In the public interest and the interest of the parties to the dispute it is essential that Congress take affirmative action to settle the pending strike without passing the "buck" to the President.

I was personally disappointed with the resolution which came from the Labor and Public Welfare Committee, for it seemed to me to take a hide-and-seek approach to this emergency. As a matter of fact, it seems to me the resolution tries to take the responsibility which is that of the Congress and transfer it to the executive branch of the Government.

As we look at the resolution, it states that Congress finds and declares that emergency measures are essential to the settlement of this dispute, and so forth.

Then in section 2 it makes it discretionary on the part of the President as to whether he wants to invoke the authority granted by the resolution. In other words the authority is entirely permissive. Let me quote from page 2 of the report which states as follows:

> The authority vested in the President by this resolution is entirely permissive. The President is not required, nor is he necessarily expected, to exercise that authority.

The President, both under the National Labor Relations Act, and the Railway Labor Act, is vested with discretionary authority.

I ask, What answer is this that has been brought to the Senate by the committee?

Mr. LONG of Louisiana. Mr. President, will the Senator yield?

Mr. SMATHERS. Let me finish this thought, and then I shall be glad to yield.

This matter is before the Congress of the United States because the Constitution of the United States provides that Congress has the power to regulate interstate commerce. We ought to do it. We ought to affirmatively deal with an emergency which substantially threatens interstate commerce and deprives any section of the country of essential transportation. We know we have the power to do it. By the resolution we are trying to abrogate what is our constitutional responsibility and let it be decided by the President. It seems to me that we are the ones, as the representatives of the people, the only spokesmen for the people, who should act on the matter. However, I hope the distinguished Senator from Oregon [Mr. MORSE] will offer his resolution, known as the Morse resolution, which seeks to bring about what I think provides for a realistic settlement of the dispute.

Now I am happy to yield to the Senator from Louisiana.

Mr. LONG of Louisiana. Mr. President, the State of Louisiana has not been injured by the strike nearly as much as have the States of Florida and Hawaii, among others. It seems to me if we are to make this our responsibility, we ought to vote on it or leave it. I am not happy to vote to force laboring men to go back to work when they do not want to; but if we must do it, then let us do it. If we do not want to do it, vote against the resolution, rather than throw a hot potato to the President and expect him to take care of the situation when it is not the authority and responsibility of the President to do so.

When the people of my State ask whether I voted to end the strike, I would prefer to be able to say that I either did or did not. I would not like to say: "I passed the buck to the President, talk to him."

Mr. SMATHERS. I agree 100 percent. After 26 days, the airline strike has injured the Nation. Let us not here today abandon our just responsibility by transferring it to the President to exercise it for us. Let us give him a bill that provides for affirmative action in the settlement of this dispute. I feel confident he will join with the Congress and sign such a measure. In this way we maintain and preserve the separation of power concept of government.

Mr. KENNEDY of Massachusetts. Mr. President, will the Senator yield on that point?

Mr. SMATHERS. I yield.

Mr. KENNEDY of Massachusetts. The fundamental question is whether a national emergency exists. I know that 85 percent of passenger air transportation service to my own city of Boston has been disrupted because of this strike. I am aware that the vacation industry of my State, which is our third largest industry, has been hard pressed as a result of this strike.

I am sympathetic with the question raised by the Senator from Florida and his references to the tremendous losses that have taken place. But one of the basic questions raised in the committee over the last 5 days was whether this strike constituted a national emergency. On that very point, the Secretary of Labor, in testifying, questioned whether there was a national emergency. At the same time the distinguished Senator from Oregon [Mr. MORSE] modified his resolution to apply section 10 of the Railway Labor Act, because the administration had not stated that there was an emergency.

Mr. SMATHERS. Mr. President, may I respond to that particular point?

Mr. KENNEDY of Massachusetts. Yes.

Mr. SMATHERS. In the resolution reported by the Labor and Public Welfare Committee it is stated:

> The Congress therefore finds and declares that emergency measures are essential to the settlement of this dispute and to the security and continuity of transportation services by such carriers.

Mr. KENNEDY of Massachusetts. That is correct.

Mr. SMATHERS. In the report it is stated that the dispute, under section 10 of the Railway Labor Act, threatens substantially to interrupt interstate commerce to a degree such as to deprive a section of the country of essential transportation service.

Mr. KENNEDY of Massachusetts. On that very point, as the Senator from Florida knows full well, this language is used in the Railway Labor Act, and is entirely different from the language which applies to national health, welfare, and safety in the Taft-Hartley Act, and focuses over definition of "national emergency."

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. SMATHERS. Mr. President, I ask unanimous consent that I may have 2 additional minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. KENNEDY of Massachusetts. This resolution uses the Railway Labor Act language. That language has been applied 167 times since the enactment of the Railway Labor Act, saying that essential transportation service for a particular section of the country has been affected in such a way to merit the establishment of an emergency board under that act. We agree with that. That language has been put into this measure.

Mr. SMATHERS. May I ask the Senator from Massachusetts this question? Is it not a fact that we have a very serious situation, and we want it to end, and that Congress has authority to end it?

Mr. KENNEDY of Massachusetts. The statement of the Senator is eminently correct.

Mr. SMATHERS. Then I ask the Senate, "Why do we not act?"

Mr. KENNEDY of Massachusetts. I would point out to the Senator from Florida that the proposed legislation reported by the committee is consistent with the legislative procedures that have been followed in these matters by Congress over the years. Traditionally we have given the power to the President to call emergency procedures into play when he determines there is a national emergency. It is not the Senate which has exercised that authority in the past.

Mr. SMATHERS. Congress can declare a national emergency at any time. The Senator is incorrect about that.

Mr. KENNEDY of Massachusetts. That would be an extraordinary exercise of legislative power. Under the Taft-Hartley Act and under the Railway Labor Act, the President of the United States has the authority. I ask the Senator from Florida if he does not agree on this point——

Mr. SMATHERS. No, I do not agree.

Mr. KENNEDY of Massachusetts. I ask him if he will not agree on this one point: With all the available resources which are available to the President of the United States, understanding the demands and the disruption which are evidenced in Florida and which are evidenced in Massachusetts, and the effects on national defense, the President of the United States is in the best position to determine when extraordinary action is needed. We can try to get the evidence before our respective committees, but we must rely on administration witnesses. And the Secretary of Labor was not prepared to state that there was a national emergency.

Mr. SMATHERS. My whole point is——

Mr. KENNEDY of Massachusetts. If the Secretary of Labor, with all the resources available to him, says there is not a national emergency, does not the Senator agree that it is not unreasonable for us at least to consider that statement as having some weight?

Mr. SMATHERS. Mr. President, I am not interested in what the administration is or is not doing. What I am interested in, and what I think we have got to do, is to face up to our own responsibility. Under the Constitution, Congress regulates interstate commerce. The Constitution gives us the authority and the right to declare a national emergency. We either have a national emergency now, or are about to have one. I think we are having one.

Again I ask the Senate, "Why do not we act?" We have the authority to do it. The time has come for us to do it. I say it is not right for us to take this hot potato and try to pass it on to the President. The situation is serious and we should face up to our own responsibility.

Several Senators addressed the Chair.

Mr. SMATHERS. I am happy to yield to the Senator from Louisiana.

Mr. LONG of Louisiana. Mr. President, if we are going to vote for something, I would very much dislike to vote for a resolution that says Eastern Airlines will fly to Miami, but not to New Orleans.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. SMATHERS. Mr. President, I ask unanimous consent that I may have 2 additional minutes, 1 for the Senator and 1 for myself.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LONG of Louisiana. It seems to me that if we are going to vote to end this strike, we ought to vote to end the strike, and if we are not going to vote to end the strike, we should vote not to end it. But I should hate to have voted for something, and then have somebody ask me, "What did you do? Did you vote to have the airlines fly from New Orleans to Washington, or not?" and have to say, "I do not know; what I voted to do was to throw a hot potato into the lap of the President."

Mr. SMATHERS. The report says that the President is not required nor is he necessarily expected to exercise this authority. It is purely permissive on the part of the President. If that is not throwing a "hot potato" into his lap then I am at a loss to clearly understand the action of the committee in reporting this type of resolution to the Senate.

Several Senators addressed the Chair.

Mr. SMATHERS. I yield first to the Senator from Oregon.

Mr. MORSE. Mr. President, I ask unanimous consent that the debate may continue for 5 additional minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MORSE. I would not take the floor at this time, were it not for the fact that the Senator from Massachusetts [Mr. KENNEDY] has brought my name into the discussion. I shall answer the Senator from Massachusetts at some length this afternoon, as to the differences between my proposal and the resolution that he and the others who wish to pass the buck to the President of the United States are proposing, rather than assume what I consider to be their clear legislative responsibility here on the floor of the Senate.

It is true that I changed my resolution from what it was in the first place, from the use of the national emergency language of Taft-Hartley to the emergency language of the Railway Labor Act. But I would not wish what the Senator has said to imply that I do not think there is a national emergency. I have said from the very beginning that there is a national emergency.

There is a national emergency, in my judgment, factually, under the definitive terms of Taft-Hartley, but that does not apply to the case at all, for the airlines do not come under Taft-Hartley, they come under the Railway Labor Act. But there is an emergency under the provisions of the Railway Labor Act, which deals with this question of fact, "Is there a substantial interruption of essential transportation in various sections of the country?"

There is no question about it. The precedents are legion.

But let me say that I, too, am at a loss to understand the report, and I am at a loss, and have been from the beginning to understand why Senators do not wish to pass legislation to order this strike brought to an end, in the interest of the party that now has become the most important of all three parties in this dispute—the public.

When we are dealing with a regulated industry—and they do not like to talk about this, may I say respectfully—an industry on which the taxpayers have spent hundreds of millions of dollars to provide the work opportunities for these men in the airports that they have built, and to provide the private enterprise opportunity for the carriers, the public are entitled to some consideration in regard to this interruption of essential transportation into various sections of the country. That is what we are dealing with here.

Of course, when the President signs a bill, he joins with Congress, then, in a measure such as I shall propose to end the strike. Why does not Congress wish to join with the President in passing a resolution which, before it becomes law, the President will have to sign, in which Congress votes to end the strike, and, if the President signs it, the strike will be ended?

Unfortunately, it is close to elections, and—speaking very respectfully—we have some Senators and Representatives who say, "Oh, no, the President is not a candidate in 1966, but we are."

What is that a surrender to? To certain men now sitting in the gallery listening to this debate, the labor lobbyists, who have brought forth a labor lobby against Congress the like of which I have not seen in my 21 years of service here. I have never surrendered to them nor to any other lobby, and I do not intend to surrender to them today. I intend to continue to support the public interest. That is the way to be fair to the workers in this industry.

I repeat, if we pass legislation in which Congress assumes its responsibility and does not pass the buck to the White House, and the President signs that legislation, then the President and Congress will join as partners—as they should—on such legislation to bring this strike to an end, protecting these men for a fair settlement, and giving them retroactivity when they finally reach a collective bargaining agreement.

That is the issue before Congress, and the senior Senator from Oregon does not intend, in the debate that will take place this afternoon, to let the opponents ever get away from that issue.

Several Senators addressed the Chair.

Mr. **SMATHERS**. I yield to the Senator from Ohio.

Mr. **LAUSCHE**. Mr. President, the Senator from Florida has asked the question, "Why do we not act?" There has been no answer given to that question, except what the Senator from Oregon has just said. I think it is obvious that we are hesitating and refusing to act because we have a fear of fulfilling our responsibility.

It is simple to find excuses when we do not want to act. One excuse for our failure to act is that we are not confronted with an emergency affecting the national interest. I cannot subscribe to that excuse. It is a convenient one. It is advocated for the purpose of avoiding the fulfillment of our responsibility.

I subscribe to what the junior Senator from Florida has said. I am not overly concerned whether the White House is fulfilling its responsibility.

Our concern should be over whether we are prepared to fulfill our responsibility or whether we are prepared to cringe on the floor of the Senate in abject surrender, lying face downward because we fear to fulfill our responsibility.

I believe that we are faced with a national emergency. The economy is affected. It is our responsibility to act in the interest of the people of the United States, and I contemplate doing that.

The **PRESIDING OFFICER**. The time of the Senator has expired.

Mr. **RUSSELL** of Georgia. Mr. President, I ask unanimous consent that the Senator from Florida and other Senators who wish to debate the question may have 5 additional minutes.

The **PRESIDING OFFICER**. Without objection, it is so ordered. The Senator from Rhode Island is recognized.

Mr. **PELL**. Mr. President, the Senator from Florida has spoken very well and I am sure, correctly concerning the airline dispute, and how it affects his own State. I realize that it has a most deleterious effect in Florida and in many other areas of the country.

What proportion of intercity passenger and freight traffic would have to be affected, for a strike to be called a national emergency or a threat to the national interest?

Mr. **SMATHERS**. Mr. President, I am not able to answer that. I do not even want to speculate.

We saw what the stock market did on yesterday. We know what our general economy is. We know that if there has ever been a time when a strike of this character—has dealt a solar plexus blow to our economy, bringing increasing unemployment, and a continuous downward trend of almost every economic indicator, it is now. This strike is hurting us throughout the whole Nation. Of course, it hurts Florida very badly. Let me also point out that more than 150,000 travelers and 4,100 flights a day have been affected. Two hundred and thirty-one cities in the United States have had their air service limited. Seventy cities have no commercial traffic at all. All this adversely affects allied industries and business in the United States. The situation grows worse with each passing hour.

I believe I am safe in saying that there are between 50 to 100 million people who are adversely affected. It does not involve merely the 17,000 machinists who voted against this settlement which had been offered to them. Approximately 35,500 machinists were on strike, but only 17,000 of them voted not to accept what had been offered. Seventeen thousand people are literally bringing to their knees 50 to 100 million people.

The taxi drivers, the restaurant owners, and the gasoline men have been affected by this type and character of strike.

The Senator talks about Rhode Island. It may be that they do not have any particular problems concerning the Allegheny Airlines flying there. However, they are still very adversely affected. People cannot get from Alabama to Rhode Island this year. There is no way to get them there by air. However, that is not the point. The main point is that the entire Nation is adversely affected by this strike.

If the Committee on Labor and Public Welfare had an opportunity to say yes or no with respect to the national emergency, why did the Secretary of Labor say that the situation is approaching a national emergency? He said that certain conditions indicate that it is almost a national emergency. I could not tell whether he was on or off the point, but he was very close to it.

The fact is that he did say several days ago, when he first testified, that if the conditions continued for 2 or 3 days longer it would be a national emergency. The situation has continued and the time has come for us to act.

Mr. **PELL**. Mr. President, will the Senator yield?

Mr. **SMATHERS**. I yield.

Mr. **PELL**. Mr. President, just to place the information in the RECORD, the fact is that 96 percent of the people moving between cities are moving as they always have; 99.9 percent of intercity freight is still moving.

When the Secretary of Labor came to us yesterday, several days after his first appearance, he still testified that the Nation was not in a national emergency situation.

What we are talking about here is the enactment of legislation which would send men back to work against their will with the threat of a jail sentence or a fine if they do not comply. The Senate has not done this since 1917. This indeed is very heavy medicine.

I submit that this particular strike is not as serious an inconvenience to people as other strikes have been. This strike has inconvenienced the articulate, the formers of opinions, Members of Congress, and industrial leaders. Indeed, we are most aware of the situation. Granted general vacationers are also put at a disadvantage. But there was a bus strike which affected far more people; and a strike in the shipping industry which affected a greater segment of our economy.

This is the area in which we are remiss. The Congress should consider legislation of a general nature, as called for by the administration, to handle problems such as this.

Mr. SMATHERS. The Senator forgets one point. I do not like to mention it, but my son has returned from 2 years in Vietnam. He is having a hard time getting to the east coast because of the airlines strike. I presume thousands of others are in the same situation. There are all kinds of interruptions in the plans of people. That is not good, particularly when we have the machinery to get the problem settled in a very effective impartial, and objective manner.

The fact is that the board called in to hear the testimony investigated the strike and notified the President that in its judgment this dispute threatened to substantially interrupt interstate commerce so as to deprive the country of essential transportation service The collective bargaining process broke down. It is now time under such conditions for the Congress to take effective, affirmative action to settle the dispute and in so doing not "pass the buck" to the President of the United States. Let us discharge fully our own responsibilities. I am confident the President will discharge his.

Mr. President, I yield to the Senator from Oregon.

Mr. MORSE. Mr. President, the Senator from Rhode Island said that nothing like this has happened since 1917. That particular strike took place in 1916. The court decision was in 1917. Congress acted before the court decision.

When there was a threatened railroad strike we went even further. When there was a threatened railroad strike in 1963, we passed legislation that prevented them from striking. We did not even wait for them to strike. That was even stronger action.

It has been said that there is no precedent. I want to say that the action taken by Congress in 1963 was even stronger than the proposal we are making today. The 1963 legislation prevented the strike.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. MORSE. Mr. President, I ask unanimous consent that the Senator from Rhode Island be given 5 additional minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. PELL. Mr. President, I have made my point. I thank the Senator from Oregon. He is the Senator who gave me the information concerning the railroad labor dispute in 1916 and 1917. I should have used the correct year, because he was my tutor in the beginning.

Mr. KENNEDY of Massachusetts. Mr. President, the Senator from Oregon is too good a lawyer, I believe, to parallel the situation in 1963 and the situation that is before Congress at this time.

The action taken by Congress in 1963 was the result of a Presidential message which was extremely clear and outlined that the health, welfare, and safety of the Nation was in jeopardy if no action was taken by Congress.

To the contrary, in the present situation, the President has not made that case.

The Senator is not the best one to make a statement concerning the transportation problems between Alabama and Rhode Island. There is only one person who knows and who can quite rightfully say. That is the who has the benefit of all the information that has poured into the offices of the Secretary of Labor, the Secretary of Defense, and the other agencies. They are the people who can best determine what constitutes a national emergency.

There was a dialog earlier with respect to the opinion of the Secretary of Labor. I should like to read from the supplementary statement presented to the committee, in which he said:

> The question is whether to take away from one union, because of its intransigence, the right to strike which is the traditionally recognized means of all labor's enforcing its collective bargaining demands. That right would be worthless if it could be exercised only when a majority of the public agreed with what the union was seeking.
>
> Once—and only once—in the past 20 years, since World War II, has the right to strike been denied by a special law because a union's bargaining demands were considered unreasonable, and its threat to the public interest too great. That was in 1963 when a complete paralysis of the Nation's railroads was imminent.
>
> This isn't that kind of situation.

I believe that that opinion by the Secretary of Labor is extremely important, and should be considered by the Members of the Senate.

Mr. MORSE. I should like 5 minutes to reply.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MORSE. I say to the Senator from Massachusetts that irrespective of what my legal abilities may be, on this matter I am on completely sound ground, because he is quite mistaken as to what happened in 1963.

In 1963, Congress did not follow the President of the United States. In 1963, Congress did not adopt the recommendations of the President. In 1963, the President recommended something quite different from what Congress did.

On the very day that the Senate took its action, I offered, at the request of the President of the United States, his program as a substitute for what was being proposed by Congress. I did this on August 27, 1963.

The President told me that morning that if the majority leader and I were the only two men who voted for his proposal, he wanted his proposal offered. We offered his proposal, and as I recall, approximately 15 Senators voted for it.

The President of the United States did not propose arbitration for the settlement of that dispute. The President did not favor compulsory arbitration for the settlement of that dispute. He had an entirely different program. I offered it and was defeated. I believe we made a great mistake in not following the proposal of the President in 1963.

The point I wish to make is that today we have a situation in which there is a strike, and in 1963 there was only the threat of a strike. It is true that in 1963 the President believed that the strike should be averted. He made a proposal which in essence would have put the matter before the Interstate Commerce Commission, for the Interstate Commerce Commission to consider it and to have jurisdiction over it for a period of time. The Senate rejected that proposal, and itself decided that it ought to take the matter into is own hands and vote for acceptance of its program.

So that I am at a loss to understand why the Senator from Massachusetts believes that the only one in this country who is capable of determining whether or not an emergency exists is the President of the United States. Congress has a clear responsibility, if it decides that the situation is serious enough to bring a strike to an end, to render that judgment, and it is competent to do that.

Mr. KENNEDY of Massachusetts. There is no question that Congress has both the authority and, under the Constitution, the power——

The PRESIDING OFFICER. Does the Senator from Oregon yield to the Senator from Massachusetts?

Mr. MORSE. I yield. The Senator can use my time.

Mr. KENNEDY of Massachusetts. I ask unanimous consent that I may proceed for 3 additional minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. KENNEDY of Massachusetts. I do not dispute the presentation or the representations of the Senator from Oregon that Congress has the power to enact legislation this afternoon. There is no question about that.

The point which is fundamental to my earlier remarks is that the President of the United States made representations to Congress, in a special message, that there had to be action, quite clearly, because the health, welfare, and national security of the United States were threatened.

All I need do is refer to the CONGRESSIONAL RECORD of the day, and in this particular message the President said:

> The national defense and security would be seriously harmed. More than 400,000 commuters would be hard hit.
>
> The Council of Economic Advisers estimates that by the 30th day of a general rail strike, some 6 million nonrailroad workers would have been laid off in addition to the 200,000 members of the striking brotherhoods and 500,000 other railroad employees—that unemployment would reach the 15-percent mark for the first time since 1940—and that the decline in our rate of GNP would be nearly four times as great as the decline which occurred in this Nation's worst postwar recession.

The President went on to say in summary:

> In short, the cost to the national interest of an extended nationwide rail strike is clearly intolerable.

Mr. President, this is exactly the kind of representation which was made in 1963, and Congress acted then, and it decided in its own good course which kind of action it would take. These kinds of representations have not been made in this instance.

All we need do is refer to the statements of the Secretary of Labor before the Committee on Labor and Public Welfare, on the two occasions he appeared, and we will find that he did not make this kind of case.

I believe that the President of the United States, quite clearly—to reiterate what I mentioned before—can make these determinations, can make these findings of fact, and can make these representations to the appropriate committee and to Congress. To date, they have not felt inclined to do so.

I do not question that Congress has the authority and the right. As a matter of fact, in a dialog with the Secretary of Labor, Senator JAVITS said:

> Well, Mr. Secretary, I must say that leaves us very much in the air. When the President had a railroad strike threatened, he sent us a message and he asked for legislation. Now, he is either asking for it now or he is not, or he is neutral or something, and I think we as Senators should know what he is.

Mr. MORSE. Mr. President, will the Senator yield?

Mr. KENNEDY of Massachusetts. I yield.

Mr. MORSE. Does the Senator believe that the President will be neutral if, after legislation has been passed based upon the resolution I have offered, the President signs it? Does the Senator believe he would be neutral then? He is joining with us, as a partner, and we ought to be a partner with him, and not put the President off all alone to make the decision as to whether or not the strike should be ended.

If the President does not believe the facts warrant ending the strike, after we pass the resolution, then he will not sign it. There is that check. I was under the impression that we had a system of checks and balances.

METAL AND NONMETALLIC MINE SAFETY ACT—RESOLUTION BY INTERNATIONAL ASSOCIATION OF GOVERNMENTAL LABOR OFFICIALS

Mr. JAVITS. Mr. President, on July 28, 1966, the International Association of Governmental Labor Officials met in New Orleans. Officials representing the departments of labor of 35 States attended, and voted unanimously to urge the Congress to accept the State plan provision included in H.R. 8989, the Metal and Nonmetallic Mine Safety Act, as it passed the House—substantially the same provision which I offered as an amendment and which was defeated on the Senate floor by only one vote.

Mr. President, for the information of Senators—and particularly those who may be appointed conferees on this bill—I ask unanimous consent that this resolution be printed in the RECORD.

There being no objection, the resolution was ordered to be printed in the RECORD, as follows:

INTERNATIONAL ASSOCIATION OF GOVERNMENTAL LABOR OFFICIALS, RESOLUTION NO. 3, METAL AND NONMETALLIC MINE SAFETY

Whereas, the United States Senate and the United States House of Representatives have approved variant versions of H.R. 8989 entitled: Federal Metal and Nonmetallic Mine Safety Act;

Whereas, such act is designed to require the United States Secretary of the Interior to develop and promulgate safety standards for the protection of life, the promotion of health and safety and the prevention of accidents in mines and to enforce such regulations in all mines within the United States;

Whereas, many of the states in which mining is a significant industry have already enacted laws and promulgated regulations which provide for a broad scope of protection of most of the employees engaged in mining within such states, which laws and regulations are usually enforced by a sufficient number of trained inspectors;

Whereas, the version of H.R. 8989 which was passed by the House of Representatives provides in Section 13(b) thereof that the Secretary of the Interior shall approve the plan of a state which desires to assume responsibility for the development and enforcement of health and safety standards in mines located in such state whenever such state plan meets specified criteria relating to the substance of such state's safety laws and regulations, to such state's enforcement procedures, and to the provision by such state of appropriate reports to the Secretary;

Whereas, the version of H.R. 8989 which was passed in the House of Representatives also provides in Section 13(d) thereof that the refusal of the Secretary of the Interior to approve a plan submitted by a state shall be subject to judicial review provided, however, that the findings of fact by the Secretary, if supported by substantial evidence, shall be conclusive;

Whereas, the version of H.R. 8989 which was passed by the House of Representatives further provides in Section 13(e) thereof that the regulations promulgated by the Secretary of the Interior shall not apply within a state the plan of which has been accepted nor shall the Secretary of the Interior enforce the statute within such state (Section 4);

Whereas, the version of H.R. 8989 which was passed by the Senate also provides in Section 16 thereof for the Secretary of the Interior to approve a state plan which satisfies specified criteria relating to such state's procedures for the enforcement of national safety standards and to the provision by such state of appropriate reports to the Secretary, but does not recognize the substance of such state's safety laws and regulations, does not provide for judicial review of the refusal of the Secretary to approve a state plan, and requires the Secretary to inspect mines within states in which a state plan has been approved, except, in the absence of an emergency, that he shall not inspect such a mine unless a state inspector participates in such inspection;

Whereas, the version of H.R. 8989 which was passed by the Senate would undermine the substance of the mining safety laws and regulations and the enforcement practices of states which are engaged in protecting employee health and safety in mines, and would subject the mines in such states to duplicate inspections by state and national inspectors;

Whereas, the version of the bill which was passed by the House of Representatives would preclude duplicate inspection of mines, maintain the integrity of the mine health and safety plans of states which have effective plans and would assure national standards and national enforcement in states which do not have effective plans;

Whereas, a Conference Committee is being appointed to resolve the differences between the versions of H.R. 8989 which have passed the House of Representatives and the Senate: Now, therefore, be it

Resolved, that this Association affirms its preference for the version of H.R. 8989 which was passed by the House of Representatives, with specific reference to Section 13 of such bill; and respectfully urges upon the Conference Committee of the United States Congress the adoption of Section 13 of the House of Representatives version of H.R. 8989 or language substantially similar to that section; and requests the Secretary-Treasurer of the IAGLO to transmit to the members of the Conference Committee a copy of this Resolution.

Mr. JAVITS. Mr. President, I ask unanimous consent to have printed in the RECORD a list of the State representatives who attended the meeting of the International Association of Governmental Labor Officials.

There being no objection, the list was ordered to be printed in the RECORD, as follows:

REGISTRATION LIST, 49TH ANNUAL IAGLO CONVENTION, NEW ORLEANS, LA., JULY 25, 1966

Alabama: Mr. Arlis R. Fant, Director, Department of Labor.

Arkansas: Mr. Bill Laney, Commissioner, Department of Labor.

California: Mr. A. C. Roth, Chief, Farm Labor Services, Department of Industrial Relations.

Colorado: Mr. Albert S. Mangan, Member, Industrial Commission; Mr. Walter W. Johnson, Member, Industrial Commission; Mr. Richard E. Moss, Secretary, Workmen's Compensation Division.

Connecticut: Mr. Renato Ricciuti, Commissioner, Labor Department.

Delaware: Mr. Joseph A. Bradshaw, Chairman, Department of Labor and Industrial Relations; Mr. Harold T. Bockman, Speaker of the House, Delaware; Mr. Joseph A. Reese, Chief of Wage Collection.

District of Columbia: Mr. Richard R. Seideman, Executive Secretary, D.C. Min. Wage Board; Mr. Charles F. Wilson, Employee Representative, D.C. Minimum Wage Board; Mr. Edward J. Austin, Employer Representative, D.C. Minimum Wage Board.

Florida: Mr. Charles Harris, President, Florida State Federation Labor Council, AFL–CIO; Mr. Walter L. Lightsey, Member, Florida Industrial Commission.

Georgia: Mr. L. C. Butcher, Fiscal Officer, Department of Labor.

Hawaii: Mr. Alfred Laureta, Director, Department of Labor & Industrial Relations.

Idaho: Mr. W. L. Robison, Commissioner, Department of Labor.

Illinois: Mr. John E. Cullerton, Director, Department of Labor.

Iowa: Mr. Dale Parkins, Commissioner, Bureau of Labor.

Kansas: Mr. Leonard R. Williams, Commissioner, Department of Labor.

Kentucky: Dr. Carl Cabe, Commissioner, Department of Labor; Mr. James H. Sandlin, Director, Labor Standards; Mr. Leonard J. Dunman, Director, Division of Occupational Safety; Mr. Murray E. Combs, Executive Assistant to the Commissioner.

Louisiana: Mr. Curtis C. Luttrell, Commissioner, Department of Labor; Mr. Eugene Guillot, Jr., Deputy Commissioner; Mrs. Lazell James, Administrative Assistant; Mrs. Sarah Goostree, Secretary.

Maryland: Mr. Bill Welch, Deputy Commissioner, Department of Labor and Industry.

Massachusetts: Mr. Rocco Alberto, Commissioner, Department of Labor and Industries.

Michigan: Mr. Thomas Roumell, Director, Department of Labor.

Missouri: Mr. Jim Butler, Chairman, Industrial Commission.

New Hampshire: Mr. Robert Duvall, Commissioner, Department of Labor.

New Jersey: Mr. Raymond F. Male, Commissioner, Department of Labor and Industry; Mr. George D. McGuinness, Chief Fiscal & Personnel Officer; Mr. William J. Clark, Director, Wage and Hour Bureau.

New Mexico: Mr. John F. Otero, Labor Commissioner, Labor and Industrial Commission.

New York: Dr. M. P. Catherwood, Industrial Commissioner, State Department of Labor; Mr. Carl J. Mattei, Director, Division of Industrial Safety; Mr. Ralph Vatalaro, Jr., Director, Public Relations; Mr. Dan Daly, State Department of Labor; Mr. Jerome Lefkowitz, Deputy Commissioner; Mr. W. W. Motley, Consultant.

North Carolina: Mr. Frank Crane, Commissioner, Department of Labor.

Ohio: Mr. William O. Walker, Director, Department of Industrial Relations.

Pennsylvania: Mrs. Marjorie Tibbs, Director, Bureau of Women and Children.

Rhode Island: Mr. John J. Hall, Director, Department of Labor.

Tennessee: Mr. W. H. Parham, Commissioner, Department of Labor; Mr. Paul Phillips, Assistant Commissioner of Labor.

Texas: Mr. Charles H. King, Jr., Commissioner, Bureau of Labor Statistics; Mr. A. V. Fletcher, Administrative Asst.; Mr. Tommy V. Smith, Chief Deputy, Bureau of Labor Statistics.

Utah: Mr. John R. Schone, Commissioner, Utah Industrial Commission.

Virginia: Mr. Edmond M. Boggs, Commissioner.

Washington: Mr. Harold J. Petrie, Director, Department of Labor and Industries; Mrs. Maxine Daly, Commissioner, Employment Security Department.

West Virginia: Mr. Lawrence Barker, Commissioner, Department of Labor; Mr. Walter L. Snyder, Director, Division of Employment Standards; Mr. Curtis I. Yago, Director, Division of Safety, Department of Labor.

Wisconsin: Mr. Gene A. Rowland, Commissioner, Ind. Commission of Wisconsin; Mr. Douglas N. Ajer, Director, Division of Labor Standards; Mr. Russell Berg, Deputy, Division of Labor Standards.

Wyoming: Mr. Paul H. Backman, Commissioner, Department of Labor and Statistics.

UNITED JEWISH APPEAL DINNER IN HONOR OF PRESIDENT ZALMAN SHAZAR OF ISRAEL

Mr. JAVITS. Mr. President, I ask unanimous consent to have printed in the RECORD certain speeches by the President of Israel, Zalman Shazar; the general chairman of the national United Jewish Appeal, Max M. Fisher, of Michigan; and Gov. Nelson Rockefeller, of New York, at a dinner given by the United Jewish Appeal of Greater New York and the National United Jewish Appeal for the President of Israel last night at the Plaza Hotel, at which my colleague the Senator from New York [Mr. KENNEDY] and I had the privilege of being present. This great dinner was addressed also by Monroe Goldwater, of New York, president of the United Jewish Appeal of Greater New York.

There being no objection, the speeches were ordered to be printed in the RECORD, as follows:

ADDRESS BY MAX M. FISHER, GENERAL CHAIRMAN, UNITED JEWISH APPEAL, AT UJA DINNER IN HONOR OF PRESIDENT ZALMAN SHAZAR, OF ISRAEL, PLAZA HOTEL, NEW YORK, MONDAY EVENING, AUGUST 1, 1966

Mr. President, Mrs. Shazar, distinguished representatives of the U.S. Government, of Israel, of the State of New York, fellow officers and friends of the United Jewish Appeal, and honored guests: It is with a deep sense of privilege—and the warmest feelings of personal friendship—that I open this meeting.

On many occasions, Mr. President, you have welcomed most of us in this room to Israel.

You have received many of the leaders of the United Jewish Appeal individually, and you have received large groups of us on missions—at the Bait Ha-Na-See, the house of the President in Jerusalem.

Every visit we have ever made with you has been an unforgettable occasion for each one of us.

It was made memorable—first of all—by the warmth of your reception.

For myself, I will never forget meeting with you as I was about to assume the general chairmanship of the United Jewish Appeal.

You noted then that you were not only interested in assisting UJA in any way possible—as a matter of principle—but that you felt you had a special obligation to help me because we were practically "mispocha." . . . Since my father had emigrated from the region of Minsk to go to America . . . even as you did, to go to Palestine.

But in addition to the warmth of your friendship we remember our meetings with you for other things—for the wisdom of your words and for the wonderful sense of history which surrounds such an occasion on meeting you.

Each one of us has felt privileged knowing that we were doing something that Jews before us were unable to do for twenty centuries.

We knew that we were standing in pride and in honor with a head of state—a President—of a reborn sovereign and independent, Jewish state.

Having been your guests then—having enjoyed your great hospitality—it is with the greatest pleasure that we welcome you and Mrs. Shazar as our guests to this great city and State of New York—and to the United States of America. We have followed your visit to the Western Hemisphere with genuine interest.

We have noted with pride and satisfaction how cordial the response has been of the peoples you have visited—to Israel—and to you, personally.

We are sure that your journey has already provided you with many treasured memories.

But it is our heartfelt hope that this meeting and your stay in this great country will be the most memorable part of your visit.

Mr. President, I will not have the pleasure of introducing you to this audience this evening. That honor will go to a great leader of UJA and the Jewish community of this city.

But before we reach that introduction, I think it would be most appropriate if I introduced this distinguished audience to you. I wish that I could introduce each individually, but let me say—simply and directly—that they are a most remarkable group of Americans and Jews.

They are here because they are leaders—men and women of heart and action. But more than this, they are here because each has been filled with a deep love of his people, and each has caught a personal glimpse of a great vision.

In our long history, we Jews have produced many men who have used their abilities and their means to advance the welfare of both mankind and their fellow Jews.

But I think it can be said that the great events and upheavals of our times have produced a whole generation of such men, and these are some of the leaders of that Jewish generation. I say "some of the leaders" because there are several thousand other similar leaders who would have wished to be here tonight.

These are men who have exhibited their leadership in many ways—in great causes for the American general community—in building our American Jewish life, building local Jewish communities and in assisting in the advance of Israel, through Israel bonds, economic development, and many other ways.

But above all, the men and women present have all contributed to the development of that remarkable and inspiring movement—called the United Jewish Appeal.

Mr. President, I know that you are familiar with the main facts about UJA. You are aware that it was formed on the eve of World War Two in a desperate hour to help save the Jews of Europe threatened by Hitler.

You know, too, that it represented an alliance of great institutions in American Jewish life, of the joint distribution committee, which has helped to save literally millions of Jews since world war one, and the United Israel Appeal, which has long served to promote the settlement and upbuilding of Palestine, and since 1948—of Israel.

You are familiar with the fact that in 1946 American Jews—through the United Jewish Appeal—raised $100 million to save the survivors of the concentration camps—the first $100 million in a year ever provided by a single group, in a single year, acting voluntarily.

You are aware too, how American Jewry, mobilized by the UJA, stood with the people of Palestine, in meeting crisis on crisis, for our people abroad. How—in a small way—we were able to help bring about that great day in 1948 that saw Israel reborn. How we have since helped to bring a million and a quarter immigrants to Israel and how we have helped in many other ways to speed the remarkable development which has taken place in Israel in 18 short years.

In this room there are men and women who have been a part of the UJA since it was founded nearly 30 years ago. There are other men who have taken up the challenge of UJA from wonderful fathers who were once our leaders. And there are still other men who have grown to manhood in that time, who rallied to UJA as they took their place as leaders in our community.

What is remarkable is that the UJA—after nearly 30 years—is still the great rallying point of American Jewry, and the American Jewish leadership. These men who have been the heart of the UJA movement have received no special honors. Year after year they have given with a generosity that has aroused the admiration of the entire American community, and has made possible, the raising of more than $1½ billion.

And they have given also of their time, their energy, and their leadership, and above all, gotten others to do the same.

What has motivated them? What has caused them to assume the leader's role? As I see it, Mr. President, they have been moved by a deep sense of responsibility for their fellow Jews.

They were determined that Hitlerism should not mark the end to the great and noble story of the Jew. They believed that Jewish lives were as precious as any other lives—and that if no one else would save them, they would.

But in addition to this, Mr. President, I believe there came a time when each man here caught a glimpse of a special vision.

Each saw, each came to believe, that out of the tragedies of the distant past and the great tragedy of the more immediate past, when we saw 6 million Jews killed by Hitler, there could come a new beginning, a new day, for our people—and that ours was the generation chosen to bring this about.

Yes, each man here dared to think with you in Palestine, that ours was a chosen generation, that in our time we could end age-old suffering and bring light, where there was darkness. They have had their reward, Mr. President, we have all had it.

We have had it in the knowledge that there is a state of Israel, proud, and strong, and forward looking.

We have had it in the daring of Israel's pioneers and leaders—in the heroism and the courage—of Israel's youth—in the continuing progress in the land—in the bright and sparkling faces of Israel's children unmarked by fear—in Israel's willingness to share her knowledge and know-how for the benefit of other peoples—in Israel's devotion to freedom, democracy, and human betterment.

Yes, we have had our reward in many ways that are meaningful and satisfying. Above all, we have had our reward and we still have it, in the knowledge that when the call came to us, as it came to you in Israel, we did not fail. With you we have saved Jewish lives. With you we have helped to restore the land and reopen the gates. With you we have helped to change the world, after 20 centuries, for those of our people faced with suffering and oppression.

And finally, we have our reward, in knowing that we shall go on doing these things with you—that these are the great tasks which it has been given us to do in our time—and in our generation.

With humility, with thankfulness, and with pride, we shall continue to do them together with you to the best of our ability.

TEXT OF REMARKS BY PRESIDENT ZALMAN SHAZAR OF ISRAEL AT THE DINNER GIVEN BY UNITED JEWISH APPEAL, PLAZA HOTEL, MONDAY, AUGUST 1, 1966

Mr. Fisher, Governor Rockefeller, Senator JAVITS, Senator KENNEDY, Ladies and Gentlemen:

I am most grateful to you for your invitation to be here with you tonight. During the few days which Mrs. Shazar and myself have spent in New York we have been shown every kindness and hospitality and we are deeply grateful.

Tomorrow I shall have the great pleasure of meeting with the President of the United States. I took forward to this opportunity to tell him how much we in Israel appreciate his leadership for the progress and independence of small nations.

You have made it possible for me now to meet representatives of the largest single community of Jews in the world, a community which, together with the free Jewish communities in other countries, has been playing a role of extraordinary significance in the history of our generation.

You here and the community we have created in Israel are the two forces which, in effective partnership, have made possible the resurrection of the Jewish people after the Nazi holocaust. Together we have endeavored not only to give the Jewish people a new lease on life, but to assure it of security and dignity for the future—to give Jews freedom to express their attachment to their people and to create in accordance with their tradition and their historic experience and needs.

You in the United Jewish Appeal in New York City and throughout the United States have been particularly concerned with the sacred task of helping Jews to transfer themselves from conditions of subjection, discrimination and fear, to conditions of freedom, above all in Israel.

None of the goals of this partnership have as yet been completely reached.

There are still many who yearn for freedom.

We cannot say that we have completed the central task of creating the cultural, religious and spiritual institutions which must take the place of the great centers of Jewish life so brutally destroyed in Europe.

Nor can we say that we have finished the job of absorption for those we have helped to bring to Israel. The initial steps of immigration and the provision of housing must be supplemented by thorough economic and cultural integration. Unless the new immigrant whom you help to bring and settle in Israel is not further helped to attain the skills and education and social services that will make him and his children rooted and creative members of the community, our pledge to the newcomer has not been honored and the future of Israel itself will be profoundly and sadly affected. This is a challenge to us all which I trust we shall be able jointly to meet.

Yet we cannot sufficiently emphasize that the last eighteen years have been years of great achievement for Israel. Hundreds of thousands of our people have been helped to live as free men should. We have created, I think, a firm and unshakeable foundation for cultural and spiritual progress. There are more schoolchildren in Israel today than the size of the entire population in 1948. These children are being given ever greater opportunities to educate and develop themselves as human beings and as Jews. We have been able to stimulate Jewish research and learning and attract to it fine young minds.

My long acquaintance with United States Jewry leads me to conclude that striking progress in cultural fields has been made here as well. I am particularly happy to have had the chance during my stay here of reestablishing personal contact with many of your religious leaders and cultural and literary figures. But it has been a matter of special satisfaction to me to learn that many more have gone to Israel for the summer and that I will be seeing them a week from now in Jerusalem. This is a practical indication to me of the extent of the partnership and interchange between us, in the area of Jewish religious and cultural development. I am sure that this is a partnership which is destined to grow even closer.

During the course of my life I have seen and experienced the great transformations and convulsions that have swept the Jewish people. There is much, very much, to remember that no longer exists. There is much to mourn. But it is easier to look forward to a bright future for the Jewish people in 1966 than it was in 1906 when I was a boy. It is easier to be confident about the future of Israel in 1966 than it was in 1924 when I first came there or than it was in 1947 and 48 when the world recognized our right to our modest place under the sun in our ancestral home.

None of this happened by itself: it was born of a need for freedom and of a determination to achieve it. The need continues, but I think that the degree of determination and of consistent practical effort has not weakened. Your presence here tonight in the cause of the United Jewish Appeal seems to me profoundly indicative of this.

We have not had an easy road in Israel these last eighteen years and we are still surrounded by openly expressed hostility. But we have grown in every aspect of our national life and in our capacity to defend our freedom.

May I in conclusion make this reflection. The first and immortal President of Israel, Dr. Chaim Weizmann, was in this city of New York as the major spokesman of our aspirations before the United Nations when, in 1948, he was elected the President of the Provisional Council of the newly proclaimed State of Israel. The second president of Israel, my life-long, unforgettable friend, Izhak Ben-Zvi, found refuge in this city in the early days of World War I when he was exiled from the Land of Israel by its then rulers and he returned to our country as a soldier in the first Jewish Legion to be created in modern times. And now I have the honor to be received by you as the third president of Israel. In this capacity I wish to convey to you my deep conviction that this partnership of the free forces in Jewish life, of which I spoke before, is destined to continue, ensuring the course of Jewish history and enriching the life of the whole world.

EXCERPTS OF REMARKS BY GOVERNOR ROCKEFELLER PREPARED FOR DELIVERY AT THE DINNER HONORING PRESIDENT SHAZAR OF ISRAEL, UNITED JEWISH APPEAL OF GREATER NEW YORK, HOTEL PLAZA, NEW YORK, N.Y., MONDAY, AUGUST 1, 1966, 6:30 P.M.

On behalf of the people of the State of New York, I bid you welcome, Mr. President—Shalom, Hanassi. We welcome you as a distinguished scholar and gifted writer; we welcome you as a revered philosopher; and, most of all, we welcome you as the leader of a young, vigorous and vibrant democracy that has captured the American imagination and won the American heart. I am also delighted to welcome Mrs. Shazar to our shores—for she is a remarkable woman, a true Israeli Halutza—a pioneer—and a fine author in her own right.

I'd like to point out, Mr. President, that you and I have a common responsibility. We are each accountable to about two and one half million Jewish citizens. And our nations are joined by so many bonds of humanity, history and common experience.

In the last century, an impassioned American poet proclaimed the promise of America to the world:

"Give me your tired, your poor, your huddled masses . . ."

These words of Emma Lazarus are engraved for all time on our Statute of Liberty in the Port of New York. In this century, they could emblazon the ports of Haifa and Jaffa just as well.

Both our nations—one of the world's oldest democracies and one of the world's youngest—have opened their arms wide to millions. As in the dreams of the Hebrew prophets, we have both been enriched by the gathering of the Exiles.

The more recent migration to Israel—still fresh in our minds—is one of the great, moving dramas of this age. Over a million people—a shattered remnant of the nightmare of Nazism—gathered at a small, barren and all-but-forsaken land. They came from over 70 nations. They took root alongside those who came before them. And just as in this country, the immigrant—by his sweat and by his toil, by his vision and by his creativity—helped to forge a new nation.

By these massive infusions of new blood, both our countries became half-brothers to the whole world—with something of almost every land to be found within us. In fact, long ago we almost became even closer.

One of my scholarly friends recently pointed out to me a fascinating footnote to American history. It seems that our Pilgrim forefathers seriously discussed making Hebrew the official tongue of the New World.

Other ties join us, but I want to mention just one more personal link between President Shazar and myself. Some years ago, Mr. Shazar had an able special assistant, a charming young Israeli woman by the name of Lea Ostrovsky Ben Boaz. On my own staff, I have an able Press Secretary in Leslie Slote. Today, the former Miss Ben Boaz is Mrs. Slote. All of which both Les and I regard as an extremely favorable U.S. balance of trade with Israel.

I would like to tell you of some thoughts I had when I received the kind invitation of the United Jewish Appeal to be here tonight. Two images flashed through my mind. The first was of the Israel we know today: a nation that made the Negev bloom . . . a nation that swiftly created great seats of learning—the Hebrew University, the new Tel Aviv University, the Weizmann Institute and the Technion . . . a nation throbbing with industrial activity and new agriculture . . . a nation of refuge and new hopes for humanity. Then my mind rushed back to a time two brief decades ago when all this was only a dream . . . and the only realities were tens of thousands of displaced Jews herded into the camps of Europe—and off in the distance a strange, untried land. The United Jewish Appeal played a heroic role in joining these people with that land.

I remember going to Eddie Warburg back in those days when he was the UJA chairman. I felt very deeply that the task of resettling this exodus of homeless Jews was a challenge and responsibility not only of the Jewish community but of free men of all faiths. Therefore, I asked him if he would permit me to organize a Non-Sectarian Community Committee for the New York United Jewish Appeal. His response was immediate, and I was proud to have become its first chairman.

To me, the work of the Non-Sectarian Committee dramatized an enormously important principle. It demonstrated our conviction that all civilized men shared the duty of redressing the outrage committed against the Jewish people.

Israel succeeded. The UJA played its part in that success. And I am grateful to have had the chance of playing even a small part over the years. But there is one thing, Mr. President, that I assure you we understand only too well.

Israel was born and Israel prospers in a sea of deep hostility. And as long as fear and danger cloud the lives of your brothers, as long as help is needed, I know that the UJA, under your able chairman, Max Fischer, will keep open its lifeline to Israel.

But I would also like to see fresh, new initiatives emerge from Washington in pursuit of a true and lasting peace for your troubled corner of the world.

America must not let its vital and active commitment to freedom in other parts of the world obscure the dangers to the peace of the Middle East. The United States should and must exercise its full moral force within the United Nations to bring Arab and Jew together in lasting peace.

Mr. President, over 140 years ago a great American said, "I am happy in the restoration of the Jews." In the fullest sense, Thomas Jefferson's words were premature. But today his sentiment is echoed by Americans from coast to coast.

We are happy in the restoration of the Jewish homeland. We are thrilled to have witnessed its birth in our time. We are proud to have assisted its swift growth. And we wish you and your brave, young nation long life . . . prosperity . . . freedom . . . and peace.

EASE OF OBTAINING FIREARMS RESULTS IN SLAUGHTER

Mr. KENNEDY of Massachusetts. Mr. President, Charles Joseph Whitman shot 15 people to death yesterday, and wounded 32 others. There was no rational explanation for this senseless slaughter; it was the product of the maniacal impulse of a diseased mind. But Charles Joseph Whitman was not alone. He was aided and abetted by the system of laws in this county—a system which makes it ridiculously easy for any criminal, any madman, any drug addict and, indeed, any child to obtain lethal firearms which can be used to rain violence and death on innocent people.

When the police finally stopped this mad killer, they found next to him on the Texas tower an incredible array of deadly weapons: a 12-gage shotgun bought on credit at Sears, Roebuck that day, a 6-millimeter Remington magnum rifle, a .35-caliber Remington pump rifle, a .30-caliber reconditioned Army carbine, a 9-millimeter Luger pistol, and a .357-magnum pistol; also, two rifles and two derringer pistols were found in his home.

It may be, as some people argue, that if someone wants a gun badly enough he will be able to obtain it one way or another, regardless of the existence of laws regulating the sale of guns. But it seems obvious to me that we have a responsibility to do everything we can to minimize the senseless bloodshed and crime effectuated through these instruments of destruction. I know of no other civilized country in the world where it is as easy for the dangerous and misguided members of a society to obtain firearms as in the United States.

We are all familiar with the statistics of our failure: 200,000 victims of gun atrocities each year, and the crimes of violence committed with a gun every 2 minutes in the United States.

Decisive action to regulate and control the dangerous traffic in firearms is long overdue. The Senate Juvenile Delinquency Subcommittee, of which I am a member, has reported to the full Judiciary Committee a firearms control bill which would provide basic minimum controls over mail-order interstate traffic.

This bill is not a panacea, and it will have to be matched by responsible legislative action at the State level before truly effective gun regulation can be achieved. But this Federal action is clearly a necessary first step. Unless the Federal Government regulates gun traffic between the States, even strong State laws will be easily circumvented by gun traffic interstate. In 1963 alone, for example, over a million weapons were sold by mail order. In Massachusetts, which has strong gun laws, the traffic in guns cannot be halted because guns are easily purchased out of State. As a matter of fact, Commissioner Caples, of the Massachusetts Department of Public Safety, testified before our subcommittee that 87 percent of the concealable firearms used in crimes in Massachusetts came from out-of-State purchases.

Massachusetts cannot control this interstate traffic in guns, but the Federal Government can, and the Federal Government must, because such regulation is a precondition to effective State regulation, without which the grim statistics of death and destruction can only continue to mount.

It is well known that this legislation is strongly opposed by the National Rifle Association and other members of the gun lobby. I do not quarrel with their rights to express their opposition to this legislation, but I also do not believe that their opposition represents the best interests of this country or the wishes of the great majority of our citizens.

This legislation is supported by the President of the United States, by the American Bar Association, and by a host of religious and civic groups. It is given a high priority by the law enforcement groups throughout our Nation, and I think it commends the support of the great majority of the American people.

Senator DODD's bill, S. 1592, will be taken up by the full Judiciary Committee in the near future. I intend to work to see it is favorably reported by our committee and that it is enacted into law. We have heard from the lobby representing the gun manufacturer and the sportsman and the hunter. Now let us hear from the lobby of the American people, for those of us in Congress who are concerned about the need for effective gun control need their support in the fight which looms ahead.

Mr. SMATHERS. Mr. President, will the Senator yield?

Mr. KENNEDY of Massachusetts. I yield to the Senator from Florida.

Mr. SMATHERS. Mr. President, I wish to associate myself with the Senator from Massachusetts [Mr. KENNEDY] on this particular legislation.

I hope that this bill will be reported by the Committee on the Judiciary. It is long overdue.

I think that the unfortunate tragedy in Texas yesterday more than anything else points out the necessary of passing the bill.

Mr. KENNEDY of Massachusetts. I appreciate the comments of the Senator from Florida.

SENATOR MORSE CITES RECORD IN REPLY TO ARTICLE ENTITLED "HELL HATH NO FURY LIKE WAYNE MORSE SCORNED"

Mr. MORSE. Mr. President, I have received a copy of the publication, the Machinist, for August 4, 1966. The publication has an article under the heading "Hell Hath No Fury Like WAYNE MORSE Scorned."

I am sure that the machinists would want that in the RECORD. I am sure that no one in the Senate would think he was free to insert it in the RECORD because of the rules of the Senate, but I certainly would like to accommodate the machinists by asking unanimous consent to have printed in the RECORD at this point the article from the Machinist of August 4, 1966.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

HELL HATH NO FURY LIKE WAYNE MORSE SCORNED

The question has been asked a thousand times these past few weeks: What has happen to WAYNE MORSE?

The Senator from Oregon has been one of labor's heroes. With only the late Sen. William Langer of North Dakota beside him, he defied the steamroller that stamped the anti-union Landrum-Griffin bill into the law books.

In his 20 years in the U.S. Senate he has had scarcely a wrong vote in the Machinist's annual report card on Congress.

Last week, it was a new WAYNE MORSE who goaded the Senate, trying to ram through an emergency resolution to break the solid airline strike.

Last month, Senator Morse chaired the Presidential Emergency Board that recommended an unacceptable settlement of that dispute. When airline employees struck, rather than accept the Morse Board recommendations, he tried to declare a national emergency and force union members to accept his terms.

FIVE O'CLOCK SHADOW

Since the strike started, Morse has risen in the Senate almost daily to denounce the union and the strikers and anyone who supported them. He has revived a technique he once used on behalf of Oregon's sheep raisers to break price control on wool. In the years after World War II, he became famous as the Senate's "5 o'clock shadow" for his late-afternoon speeches denouncing the Office of Price Administration.

Old timers report that in his bitterest moments he never treated the old OPA to such a bombardment of intemperate invective and insult as he has heaped on the airline strikers and their union officers.

Morse began by calling the union leaders unpatriotic, charging them with failing to carry out their responsibilities to the troops in Vietnam. He has repeated the charge on several occasions despite the fact that Department of Defense officials were praising the union for continuing to service military flights without interruption.

At last week's Senate hearing, Secretary Wirtz testified that air movement of materiel and military personnel had actually increased during the strike.

To Senator Morse, the strikers' failure to embrace his recommendations was "unconscionable," a "flagrant irresponsibility," an attempted "extortion."

One day on the Senate floor he described AFL–CIO President George Meany as one "who claims to be a labor leader."

Almost daily since the strike began, Morse has questioned the competence, the sincerity, the emotional and mental stability of union negotiators.

It was Senator Morse, not the President or the Department of Defense who decided that the airline strike had created a national emergency. Their testimony to the contrary did not influence him.

In the Senator's opinion, any settlement including a cost-of-living clause, hospital coverage for dependents, a company-paid pension plan, or a 10-cent premium for airline mechanics when they are using their Federal licenses would "lead the country over the brink into the bottomless pit of economic inflation."

In the last hysterical hours before the Senate Committee blocked his resolution, Morse was charging that the union proposals would destroy the value of the dollar.

THE METAMORPHOSIS

Those who probe for reasons why Senator Morse switched from labor's champion to strikebreaker say that the change has been coming on gradually for several years.

In foreign affairs, Senator Morse has been moving steadily away from the AFL–CIO position.

Morse has become an implacable critic of the U.S. foreign aid program which the Government has used to encourage and strengthen resistance to Communist aggression. Morse even left last week's Senate hearing on his own resolution to vote against the Administration's foreign aid program.

The AFL–CIO has always supported the foreign aid program.

THE AGGRESSIVE DOVE

On Vietnam, Senator Morse has been the most aggressive of the Senate doves, attacking U.S. military involvement in Southeast Asia. He has insisted that the job be done by the United Nations although the Hanoi government has spurned every effort of the UN to intervene.

The AFL–CIO, including the Machinists, has been outspoken in support of the President's policies of halting Communist aggression in Southeast Asia and elsewhere.

Coincidentally, two other Senate doves, Bartlett of Alaska and Church of Idaho, entered material in the Congressional Record denouncing the airline strike.

Labor's most serious break with Senator Morse happened last month in the Oregon Senate primary. Morse hand picked Howard Morgan, former member of the Federal Power Commission, for the Democratic nomination. The AFL–CIO and the IAM backed Rep. Robert B. Duncan. Morgan—and Morse—were defeated.

Here too, the big issue was Vietnam, Duncan supporting the President, Morgan supporting Morse.

Labor already misses Senator Morse's able support. To his adversaries, the Oregon Senator has always been implacable and ferocious.

One thing is clear, Senator Morse has won himself a whole new set of friends.

Mr. MORSE. Mr. President, I wish to say about the article that, as the headline would seem to indicate, the machinists have appointed themselves to analyze what they think my motives are. Of course, they know my motives are not what they attribute to me. This is what happens in a situation such as this.

This is really a disservice to the great record of the machinists for industrial statesmanship in labor disputes, for it is not like them to engage in this kind of character assassination.

They start out with the statement:

> The question has been asked a thousand times these past few weeks: What happened to Wayne Morse?

Let me say to the machinists: Not one single thing has happened as far as varying from my 32 years of record in the field of labor relations, and my 21 years of record in the Senate. Whenever I have felt that any group in the country, be it labor or any group, was following a course of action that could not be reconciled with the paramount public interest I disagreed with them on the merits.

What has happened in this case is that I think the machinists are following a course of action which cannot be supported by the merits of the dispute, when we look at the paramount public interest. I intend, as I have in all of my public career, to place the public interest first and the labor lobby far down on the scale of importance.

WASHINGTON: THE DEADLOCK OF SUSPICION

Mr. CHURCH. Mr. President, the respected journalist, James Reston, writes in the July 31 edition of the New York Times that the apparent decision of the Government of North Vietnam to spare the captured American airmen has given new hope to those who advocate a deescalation of the Vietnam conflict. Mr. Reston continues:

> The opportunity exists on the larger question of a negotiated settlement of the war.

He makes perfectly clear both that it is a gross miscalculation for Hanoi to believe that the U.S. military presence can be removed from South Vietnam by force, and that it is error to think that the so-called "doves" in America can bring about such an American military withdrawal before negotiation.

I strongly endorse Mr. Reston's analysis, and ask unanimous consent that the article entitled "Washington: the Deadlock of Suspicion" be printed at this point in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

Washington: The Deadlock of Suspicion

(By James Reston)

Washington, July 30.—After almost every war, the historians think they can identify a point where both sides had more to gain by compromising than by fighting. It may be that this point has now been reached in Vietnam.

In the First World War, the Allied powers were so convinced that the Kaiser was the ultimate enemy that they insisted on fighting on to a military victory, and thereby helped bring into existence two much more dangerous and formidable forces—the Nazis on the one hand and the Communists on the other.

In the second World War, this same determination to achieve a military victory, pursued in the name of liberty, resulted in the loss of liberty for various countries in Eastern Europe and the Balkans—the very places whose freedom was the primary aim of both world wars.

This is one of the major lessons of war in the 20th century. No matter how hard the antagonists have tried to anticipate, the consequences of war, the fighting has inevitably produced unexpected results beyond their control.

WASHINGTON'S REACTION

Washington has learned this lesson better than Hanoi. In fairness to President Johnson, he has tried to start the compromising process, but has been rebuffed so consistently that the fighting is again dominating the scene. The air war on North Vietnam was more severe in the last week than in any other week of the conflict. The Prime Minister of South Vietnam, General Ky, has started talking about either an invasion of North Vietnam or a very long war, and while it is easy to repudiate him, there is a certain tragic logic in his point that so long as the enemy has a jungle sanctuary in North Vietnam, bombing will not bring the conflict to a military conclusion.

The tragedy of this is that Hanoi now has a better chance of achieving its major objective by negotiation than it has by fighting, and does not seem to realize it. The major objective of both the North Vietnamese and the Chinese Governments seems fairly clear. They want all American military power out of Vietnam. No doubt they would like to establish a Communist regime in Saigon, but primarily they want to get rid of an air and naval force which could destroy every city in North Vietnam and Communist China, and even if their main aim is to communize South Vietnam, they still have to achieve the evacuation of the American forces in order to do so.

Hanoi has chosen to try to achieve this objective by force of arms rather than by negotiations, and this must be the worst political miscalculation since the Bay of Pigs. The United States is obviously not going to lose the first test of arms in its history to North Vietnam, of all places. China and the Soviet Union might compel a military solution by raising the cost beyond what Washington is willing to pay, but they are no more eager for a vast military test of strength there than the United States.

In this situation, North Vietnam has no hope of driving the American expeditionary force out of the country, but it could undoubtedly negotiate us out. The President has been quite explicit about this.

"We seek neither territory nor bases, economic domination nor military alliance in Vietnam," he said in his State of the Union Message in January of 1966.

"We seek no bases or special position for the United States," Secretary of State Rusk told the Congress on August 3, 1965. And dozens of similar statements have been made on behalf of the Washington Government ever since.

Hanoi obviously does not believe this. The officials there see the United States building an air naval base at Kam Ranh Bay that is the most modern base in Asia. They feel they were twice deceived by negotiation—once at the end of the Second World War, when the United States helped restore French power in Vietnam, and again at Geneva in 1954, when they thought the United States would keep its power out of Vietnam.

THE UNITED NATIONS

The United States could be held to its no-bases promise, however, by international supervision of a compromise settlement, and this is another of the mysteries of Hanoi's diplomacy. The U.S. has offered to bring the United Nations and the International Control Commission into the negotiations, but Hanoi has rejected both, apparently counting on the peace sentiment in the United States to force the withdrawal of the American expeditionary forces before it will talk.

This is undoubtedly a major blunder. All the doves in America, backed by political pressure for peace, cannot bring about such an American military withdrawal before negotiation. Hanoi misinterprets both the objectives and the influence of those of us who want a negotiated settlement in Vietnam. If its main objective is the withdrawal of American power from the country, it can get it by negotiation, supervised by the U.N. or some other international body, but it cannot compel withdrawal by force of arms or pacifist sentiment in the United States.

On the contrary, the longer the war goes on and the greater the American sacrifice in lives, the stronger the pressure will be here in the United States to justify the war by retaining precisely that American strategic presence at Kam Ranh Bay the Communists are seeking to avoid.

THE DOMINION OF FEAR

This is the tragedy of the war. Both sides are caught up in the dominion of fear—Washington in the fear of a Communist conquest of the peninsula and Hanoi and Peking in the fear of permanent U.S. bases that could dominate both North Vietnam and China. The problem is to break this deadlock of suspicion.

In recent days, a hopeful thing has happened in Vietnam. The Hanoi Government has listened to the appeals of the world to spare the captured American fliers.

The opportunity exists on the larger question of a negotiated settlement of the war. If Hanoi's objective really is to get rid of American power in Vietnam, it can undoubtedly do so in an internationally supervised negotiation. It cannot do so by counting on the force of arms or the force of peace sentiment in the United States.

A NEW CAMPAIGN TECHNIQUE

Mr. MUNDT. Mr. President, the Friday, July 29, edition of the Chicago Tribune reveals what is to say the least, an astonishing new technique for political candidates, a recommendation suggested by the Secretary of Agriculture.

In substance, what the Secretary is telling Democratic congressional candidates is that the best way to handle a difficult issue is to ignore it. "Just pretend that it isn't there" seems to be what he is saying about controversial issues such as inflation, according to this report by Chicago Tribune reporter Aldo Beckman, who quotes Mr. Freeman as saying:

> Slip, slide, and duck any question of higher consumer prices if you possibly can.

I have no reason to doubt the accuracy of the statements attributed to Mr. Freeman, for, according to the article, the reporter, Mr. Beckman, was present for this conference, which was intended to instruct candidates in the techniques of how to win elections.

Mr. Freeman also has a suggestion on how to handle the housewives of America, who are up in arms because of the tremendous increases in the cost of living which have occurred in recent months.

While Mr. Freeman is quite right in saying that farm prices are not the cause of inflation, he expresses a wariness that congressional candidates should report this fact, unless, of course, they are confronted with a situation where "slip, slide, and duck" will not work and a candidate must state his position. Then, believe it or not, the spokesman for American agriculture believes it is appropriate to take the farmers' side.

Mr. Freeman suggests taking the farmers' side only if pressed to do so, and then because he also believes it is the easier course to follow, for the politically expedient reason that "housewives are not nearly as well organized."

To compound the confusion of Mr. Freeman's campaign suggestions, the Secretary attempts to explain his action in urging the Defense Department to quit buying pork.

Mr. Freeman said the controversy was a "complete bunch of nonsense," because his action "did not affect farm income one bit." However, the Chicago Tribune reports that Mr. Freeman said he asked the Defense Department to resume their pork purchases as soon as the market price dropped several cents. If his action did not have any effect on market prices, why did he bother to make his suggestion to the Department of Defense in the first place? And why did he later withdraw it?

I have no idea what the candidates thought after hearing Mr. Freeman's outline of how to campaign, but if they are not confused, I am certain the American farmers and the American housewives are confused over this latest effort to refuse to pin the blame of inflation exactly where it belongs: Administration spending policies which have resulted in a national deficit accumulation of about $30 billion in the past 6 years.

Mr. President, I ask unanimous consent to have printed in the RECORD this most interesting report on how to run for office without talking about the issues, and also an editorial on the same subject which was published in the Chicago Tribune on July 31.

There being no objection, the article and editorial were ordered to be printed in the RECORD, as follows:

[From the Chicago Tribune, July 29, 1966]

LBJ AID WARNS CANDIDATES OF FARMERS' IRE—DON'T TALK INFLATION, FREEMAN ADVISES

(By Aldo Bechman)

WASHINGTON, July 28.—Secretary of Agriculture Orville Freeman has told Democratic congressional candidates at a closed briefing that they must overcome deep resentment against the administration in farm areas and should stay away from discussion of inflation.

"There is a reaction far deeper and more bitter than I could ever have anticipated" among the nation's farmers over recent remarks by administration officials concerning farm prices, Freeman told the candidates. "Farmers know what a tremendous minority they are and they are very sensitive."

Several weeks ago, President Johnson indicated that high farm prices were partly to blame for the increased cost of living and two days later, Freeman announced he was "pleased to report" that certain farm prices were down.

DIRECTED TO CONFERENCE

Both remarks triggered almost instant criticism from farm belt congressmen and from farm leaders thruout the nation.

A Chicago Tribune reporter listened in on Freeman's discussions with congressional candidates, after a girl, who was a staff member of the Democratic national committee, directed him into the room for a scheduled "news briefing."

The reporter was wearing a badge which had been issued by press officials, but it was similar to those worn by the candidates and was never checked closely. The reporter later learned that the news briefing, which was to be held in an adjacent room of a Washington hotel, had been canceled.

ASKS FOR ADVICE

A candidate from Columbus, Ohio., told Freeman that a poll in his district showed that the major issue was inflation, and he sought advice on how to handle questions about the increased cost of living.

"I've been trying to figure out an answer to that question for six years," Freeman replied. "Slip, slide, and duck any question of higher consumer prices if you possibly can."

"Don't get caught in a debate over higher prices between housewives and farmers," he cautioned. "If you do, and have to choose a side, take the farmers' side. It's the right side, and, besides, housewives aren't nearly as well organized."

GET 40 PERCENT

Freeman said that farmers get only 40 per cent of the dollar that housewives spend for food at the supermarkets and suggested that candidates could point out that housewives pay extra for the luxury of ready-made foods. "A TV dinner that costs 60 cents at the store could be fixed at home for 20 cents," Freeman said.

He urged the candidates to emphasize that net farm income is at its highest in history. "Farm income and farm outlooks are better under this administration than they have been under any other in years," he said. "But," he warned, "farmers never like to be told they're doing all right."

BUNCH OF NONSENSE

Freeman said grain surpluses that were such a problem several years ago have diminished so much that "we may be able to increase wheat acreage allotments" this fall.

He described as a "complete bunch of nonsense," the controversy over his letter to Secretary of Defense Robert McNamara, asking the defense department to stop buying pork several months ago, when the farmers were receiving 30 cents a pound for hogs at the market. "It didn't affect farm income one bit," he said. "It was the absolutely logical thing to do and was consistent with the farmers' interest."

He indicated he would take the same action if a similar situation arose again. "It is only good sense that the defense department should buy beef when there is less demand for it by the nation's consumers," he said.

THEY WON'T BUY IT

Freeman said he asked the defense department to resume their pork purchases as soon the the market price dropped several cents.

The former Minnesota governor told the candidates that the percentage of each pay check that now goes for food is lower than in 1960. "You could tell them [the housewives] that, but we know they wouldn't buy it," he said.

The three-day closed meeting will end tomorrow. During the sessions the candidates were permitted to question either cabinet members or representatives from each cabinet-level department.

[From the Chicago Tribune, July 31, 1966]

Secretary Freeman Over a Barrel

(The newspaper is an institution developed by modern civilization to present the news of the day, to foster commerce and industry, to inform and lead public opinion, and to furnish that check upon government which no constitution has ever been able to provide.—The Tribune Credo.)

Secretary of Agriculture Orville Freeman has managed to drape himself over a barrel in a "confidential" briefing of Democratic congressional candidates on the subjects of inflation, food costs, and the political mood of the nation's farmers. A Tribune reporter who wandered into the supposedly closed session heard Mr. Freeman unload the following observations.

—"There is a reaction far deeper and more bitter than I could ever have anticipated" among farmers.

—To a candidate who asked how to handle questions about the increased cost of living: "I've been trying to figure out an answer to that question for six years. Slip, slide, and duck any questions on higher consumer prices if you possibly can."

—"Don't get caught in a debate over higher prices between housewives and farmers. If you do, and have to choose a side, take the farmers' side. It's the right side, and, besides, housewives aren't nearly as well organized."

—On the contention of the administration that the percentage of each pay check that now goes for food is lower than in 1960: "You could tell them [the housewives] that, but we know they wouldn't buy it."

The Minnesota Machiavelli therewith wrapped up as deceitful a body of political philosophy as has ever been produced by any exponent of the Great Society, which covers a lot of ground. This administration has distinguished itself by its prediliction for "managing the news," but Mr. Freeman is in a class by himself.

What he told the Democratic candidates for confidential consumption is something quite different from what the administration chooses to tell the people publicly. The administration has engaged in the window dressing of establishing a "consumer counselor" in the person of Mrs. Esther Peterson in the labor department. This is intended to evidence its huge concern for the consumer, who is usually depicted as a nitwit who can't read the label on a package.

Another of the administration's Potemkin villages calls for enactment of "truth-in-packaging" legislation. The consumer is supposed to be befuddled by the large range of packages on the store shelves, so that, as one proponent of the legislation contends, he is unable to buy knowledgeably and stay within the family budget.

But the fact is that it is Democratic fiscal policy that promotes inflation and drives up prices to new records with each succeeding month. As Mr. Freeman made clear, it is a subject from which the administration prefers to steer away, because there is no sensible political answer to it. So the party's candidates are advised to "slip, slide, and duck."

Secretary Freeman on a field trip around the middle west learned of widespread discontent among farmers. They resent President Johnson's statement that high farm prices were partly to blame for the increased cost of living, and they were not mollified when Freeman followed up with the statement that he was "pleased to report" that some farm prices were down.

Mr. Freeman has maneuvered himself into an unenviable position. He is no more popular with the farmers than the administration is with the consumers. The only out for both is to try to do a snow job on the people.

LET TELEVISION REACH ITS POTENTIAL

Mr. BARTLETT. Mr. President, once again the Ford Foundation has done our Nation a great service.

The foundation's suggestion that consideration be given to formation of a nonprofit nationwide satellite television system which would carry an extensive schedule of educational programs financed by transmission of commercial TV shows is a bold and exciting proposal to help upgrade the quality of American life.

Few persons will argue that television has lived up to its great potential or to its great responsibility. If the technological revolution is to have any meaning for our culture, that revolution must not only be concerned with making daily tasks easier to perform. It must not only be concerned with offering people ways to escape the realities of the day.

This revolution must also be shaped to serve the cultural, intellectual and informational needs of the people. Television offers unique opportunities to meet these needs. Freed from the tyranny of audience polls, freed from some of the harsh economic facts of producing programs, television can reach its potential as a great instructional and cultural medium.

For that reason I welcome the Ford Foundations' proposal.

For that reason I strongly urge the Federal Communications Commission to delay any decision on proposals for the construction and operation of communications satellite facilities by other than recognized common carriers until the proposal of the Ford Foundation has been carefully reviewed and other important studies relating to this question are completed.

Regardless of how the FCC rules on this matter, I will consider introducing legislation designed to make certain that national legislation does not stand in the way of educational television reaching its potential when new communications satellites are launched to serve this Nation.

In addition, I hope that when communications satellites are launched service to Alaska will be included in the plan.

Mr. President, I ask unanimous consent that the letter of McGeorge Bundy, president of the Ford Foundation, to Rosel H. Hyde, Chairman of the FCC, concerning the foundation's proposals, be printed in the Record as it appeared in this morning's edition of the New York Times.

There being no objection, the letter was ordered to be printed in the Record, as follows:

August 1, 1966.

Dear Mr. Chairman: I have the honor to submit herewith a statement from the Ford Foundation which responds to the invitation of the Federal Communications Commission for "the views and comments of interested parties" on "proposals for the construction and operation of communications satellite facilities" by others than recognized common carriers. I am also addressing this same letter to each of the other Commissioners.

In this covering letter I want to summarize our conclusions—and also to explain informally the deep concern which moved us to make the studies which have led to this submission.

First, I note that the Ford Foundation has no commercial interest and no operating interest in this matter. We exist for the purpose of giving money away—as wisely and constructively as we can. This is the source of our deep interest in the present question.

We have a wider and longer experience of the effort to establish effective noncommercial television than any other single institution in the country. We have been by far the largest single source of funds for this effort. We have fifteen years of experience. We have made grants, directly and indirectly, of more than a hundred million dollars a year; currently we are making additional grants at the rate of more than ten million dollars a year.

From this experience we have learned three lessons:

(1) The first and most important lesson is that noncommercial television has unlimited potential, for human welfare and for the quality of American life. The best achievements of the best existing stations are proof enough—but there is still more powerful evidence in the best achievements of the best services abroad. And the most powerful evidence of all is in the all-but-unanimous conviction of the ablest men in American television today: that nothing is more needed—for television itself as well as for the country—than a first-rate national noncommercial service.

PRESENT SERVICES INADEQUATE

(2) The second lesson is that existing services, and existing means of support, cannot hope to develop more than a fraction of this potential. The existing systems are much better than nothing. Compared to what this country deserves, they are a depressing failure. This is not the fault of the talented and dedicated men who have worked their hearts out for noncommercial television. It is the fault of all of us—in that we have not yet found a way to give this work the resources it needs. It can well be argued that we at the Ford Foundation have contributed to this failure. When we give $6-million a year to the National Educational Television and Radio Center (NET), we seem to have done a lot. And for us it is a lot—it is our largest continuing

annual grant. But the brutal fact is that our big gift is much too small.

(3) The third lesson follows from the first two: it is that the nation must find a way to a wholly new level of action in this field—one which will release for our whole people all the enlightenment and engagement, all the immediacy and freedom of experience which are inherent in this extraordinary medium and which commercial services—as they freely admit—cannot bring out alone.

These three general conclusions are broadly shared, I believe, among all who have studied this problem—by leaders in the Congress, by the members and staff of your Commission, and by independent experts. They underlie the establishment last year of a distinguished commission of private citizens to study the future of non-commercial television, under a charge from the Carnegie Corporation and with encouragement from President Johnson. Under the chairmanship of Dr. James Killian that commission is working hard to produce a prompt and constructive report. It will be good if we can avoid major decisions affecting the future of educational television until we have the benefit of the Carnegie report. A decision limiting the ownership and operation of communications satellites would be such a decision—and on this ground alone the commission would do well to avoid any ruling of this sort at this time.

PRESSURE FOR DECSIONS

But there are legitimate and important interests which are pressing for early decisions. The Ford Foundation can well understand the forces that could lead some to argue that great commercial questions should not be delayed for months while everyone waits for "one more report" on the future of educational television. Because Carnegie Commission is still at work, it is not in a position today to contest this point in detail. Yet it has seemed to us a matter of high importance that the public interest in the future of noncommercial television be fully and properly represented in the pleadings before your Commission. This is what our submission aims to do. Our right to present this view is the right of any element in our society to be heard. Our duty to do it grows from experience, expenditure, and the terms of our foundation's charter.

This right and this duty are made doubly urgent because of the promise that satellite communications may permit a revolution both in the technology and in the economics of television. Intensive exploratory studies have convinced us at the Ford Foundation that these revolutionary possibilities offer the promise of building a cost-free highway system for multiplied regional and national noncommercial service—and also of providing a large part of the new funds which are desperately needed for noncommercial programming at every level.

The model we present is one way, not the only way. We are sure it can be improved by public study and comment. The state of the art is changing so fast—and we have had so much to learn since March 2—that we are sure our present design can be improved by criticism. For this reason alone we would welcome hearings on this whole subject. And on wider grounds we are sure that any major restrictive action taken without hearings would be offensive to the public sense of fairness.

LOOKING FOR AN ANSWER

While the financial needs of educational television are widely recognized, the sources of the needed funds have been elusive. With the shining exception of the Educational Television Facilities Act of 1962, the Federal Government as a whole has stood to one side (and the Act of 1962, with all its generosity and foresight, carries a total appropriation which is lower than the funds spent by the Ford Foundation alone in the years since the Act was passed).

Moreover, Americans are understandably cautious about direct Federal financing of channels of communication to the public. A number of additional remedies have been suggested, and we must hope for more light on this from the Carnegie Commission, but the hard fact is that up to now no remotely adequate solution has been found. We all want educational television to be properly funded. We do not want the Government to "pay the piper and call the tune." We are looking for an answer.

And that is what makes the possibilities of satellites so extraordinarily important. Noncommercial television has two great needs: first, to become a true national network, at a cost it can afford—and second, to have money for programming at a wholly new level of excellence. Properly used, a television satellite can meet both needs. By its natural economic advantage over long landlines, it can effectively eliminate long-distance charges as a determining element in network choices—commercial and noncommercial alike.

And if in the case of commercial networks a major share of these savings is passed on to the noncommercial programers, then both problems are on the road to solution, and everyone is better off than he was before. This is not magic, or sleight-of-hand. It is a people's dividend, earned by the American nation from its enormous investment in space.

We are far from contending that a portion of the savings of the commercial users will pay for every possible program tomorrow. In our formal submission we estimate that such a system might produce $30-million a year for ETV programming almost at once, and perhaps twice that much within ten years. This is more than enough to start the revolution we seek—and there would be still more in the future.

THE DESERT COULD BLOOM

And all this, our analysis suggests, should be accompanied also by a wholly new level of investment—public and private—in the programs of live instruction that the satellite system invites. The satellite, used in the right way, can make the desert bloom for whole new areas of television. We do not claim that our way of doing it is the best. We do believe the best way must be found.

One cause of questioning may be the initial human effort of establishing a service of the sort that we suggest. Where can we find the first-rate men for a new nonprofit venture? We have considered this question, and we have asked a number of the best professionals for their opinion. Their verdict is unanimous. We are talking here about a vision of excellence for the life of all Americans. Good men will want to work for it. We are convinced the signal of approval for a system like this one would release a rush of talent for the leaders of the new enterprise.

There is also a question of money. Once it is started, the enterprise will surely pay for itself and for much good money to get it off the ground? That is a fair question, but we are convinced that there are good answers—in the resources of the commercial networks, in the lending power of those who know a sure success when they see it and in the resources of those who hold the view that money which helps to turn this corner will be money well used for the quality of American life. Our own commitment to this general purpose is clear.

We fully recognize the legitimate and reasonable needs of others who are concerned with satellite communications. We are convinced that our proposal does no significant harm to the legitimate and recognized interests of Comsat or the common carriers. With or without added responsibility for domestic television, Comsat will remain an unusually privileged commercial enterprise—a prime and protected investment with exclusive chartered rights in international satellite service.

Comsat faces international horizons which can engage its full energies for decades to come. The prosperity of all does not require for any a monopoly of the space communications available to the American people. And for the common carriers the revenue presently at issue is less than 1 percent of a business which grows by more than that in every season of every year.

For all these reasons, we believe the door to a new and separate broadcast satellite service must not be closed. We do not now present a formal application. We think it right to wait for the report of the Carnegie Commission, and we also believe that the Ford Foundation should not undertake alone the framing of a formal application in a matter which relates to the interests and concerns of all Americans.

MODEL OF A SOLUTION

What we have done initially is to develop one possible model of a solution. We have tested it for technical feasibility with the professional counsel of Dr. Eugene Fubini of the International Business Machines Corporation. We have tested it against the laws with the help of Mr. David Ginsburg of Washington. We have tested its economic validity with the advice of Dr. Paul MacAvoy of the Massachusetts Institute of Technology. We have tested it against the realities of television programming with the help of Mr. Fred Friendly, our adviser on television. We have tested it against our own experience in the philanthropic support of noncommercial television.

We think this model is sound against all these tests. But our purpose in presenting it is not to ask the Commission to grant a license now, to us or to anyone else. Our immediate purpose is rather to urge the Commission to take no action now that would foreclose these possibilities.

We think the Commission should invite a more formal proposal from the widest possible public. We think such a proposal would be forthcoming. We think it would be compelling. We would be glad to join with others to present it. All that we feel it right to do today is to enter the strongest possible argument against any action that would close the door to this new hope for all Americans.

In summary, our underlying purpose is not to press for a particular solution, and still less to interfere in any way with the legitimate interests of others. Our purpose is to stress four fundamental propositions:

(1) the critical importance to American life of properly designed domestic communications satellite systems;

(2) the very great—and largely unstudied—potential of such systems for noncommercial television and for education in its widest sense;

(3) the possibility that the management of this new national resource and the rates charged for its use can be arranged in such a way as to provide adequate resources for a wholly new level of service to the American people; and

(4) the desirability of most careful deliberation before national decisions are reached with regard to the assignment of responsibility in this area.

This is a time for due process, and for greatness.

Sincerely,

McGeorge Bundy.

PERMANENT SOLUTION FOR NATIONWIDE STRIKE

MR. ROBERTSON. Mr. President, I ask unanimous consent to have printed in the Record a statement I issued to the news media today regarding the need for a permanent solution to the problem of nationwide strikes.

There being no objection, the statement was ordered to be printed in the Record, as follows:

Release From the Office of Senator A. Willis Robertson, Democrat of Virginia

Senator A. Willis Robertson, Democrat, of Virginia, called on Congress today to deal permanently with the problems of strikes which affect the nation as a whole by making labor unions subject to the anti-trust laws.

"We should either outlaw industry-wide strikes, or make labor unions subject to the anti-trust laws when they interfere with the interstate movement of goods or services essential to the maintenance of the national economy, health or safety," said Senator Robertson.

"I realize that, in the current airline emergency, there is not time to work out a permanent solution to nationwide strikes, but after dealing with the imminent problem, Congress should turn its attention to providing a more satisfactory remedy for similar situations that are bound to arise in the future.

"I am opposed to compulsory arbitration because of the danger that the agency or official designated to name the arbiters could pick individuals favorable to one side or the other.

"The best solution, in my opinion, is the one I proposed in 1950, to empower the government to go into Federal court for a determination of whether a nationwide strike constitutes an unreasonable restraint of trade, as contemplated by the Sherman anti-trust law.

"The record is clear that when Congress passed the Sherman Act in 1890 it intended it to apply to restraint of trade by any group, whether of business or labor, and for many years the act was so construed. But, in 1941, five members of the Supreme Court, in the Hutcheson Case, held otherwise.

"The control of production and the fixing of prices by union action, in commodities or services essential to the public welfare of the United States, seem to me just as objectionable from the standpoint of the ultimate effect on our economy as similar action by employer groups.

"The bill (I said in 1950) which I have offered would in plain language remove the immunizing effect of the Clayton and Norris-LaGuardia Acts from conduct which up until 1941 had been almost universally branded as illegal and against the public interest, and which had always been regarded as outlawed by the Sherman Act.

"It would leave the government free to go into court and it would leave the court free to put a stop to labor union practices which are so detrimental to the national welfare that some remedy, beyond the temporary stop-gap remedy of the Taft-Hartley Act, is essential to protect the people of this country. The Sherman Act would then again serve, as it originally served, as a brake on unions which seek to put their own activities ahead of the national welfare."

PROPOSED AMALGAMATION OF CERTAIN USIA OFFICERS INTO THE FOREIGN SERVICE—H.R. 6277

Mr. PELL. Mr. President, a number of news reports lately have mentioned my part in the Senate's consideration of the Hays bill, H.R. 6277, and the proposed amalgamation of 697 USIA officers into the Foreign Service. Some of these reports were misleading and inaccurate. I would like to correct them for the Record.

First, I have never been fully convinced that the three foreign affairs agencies—the Department of State, the Agency for International Development, and the U.S. Information Agency—must have a single personnel system. Furthermore, I share the worry of interested labor unions and veterans organizations over the possible erosion of the civil service and the principle of veterans preference which would result from this bill. I have kept these views very much in mind. Finally, I did not believe that the blanket amalgamation of 697 USIA officers was a good idea. I believed that it would both change the character of the corps of Foreign Service officers and weaken USIA's chance of having a professional career for information officers.

As a member of the special Subcommittee of the Foreign Relations Committee, chaired by the distinguished Senator from Tennessee [Mr. Gore], I have attempted to change and improve certain aspects of the bill and the proposed amalgamation of USIA officers, with which I disagreed. To do so, I recommended that:

First. Some individuals now in the civil service, who would remain on domestic duty permanently, should be left in the civil service and not drawn into the Foreign Service. The administration opposed this suggestion.

Second. All individuals in the Foreign Service presently having veterans' preference should continue to have it. The Hays bill would have deprived Foreign Service staff people of this right. My amendment, for which I secured the administration's agreement, would have preserved veterans' preference rights for those of the Foreign Service staff corps who are veterans.

Third. We should avoid dilution of the Foreign Service, but assure USIA of a career service, and thus prevent a serious morale problem among the Agency's finest officers whose names have been recommended for Presidential commissions for 2 years in a row. My amendments would have restored this vital Agency's presently threatened esprit de corps by establishing a fully rounded career service by which topflight officers might be recruited, trained, and maintained in a sound personnel system of its own.

It would seem to me that the present attitude in the subcommittee toward the Hays bill, the proposed USIA amalgamation, and my amendments is as follows:

First, the concept of a unified foreign service personnel system has not won favor;

Second, the amalgamation of USIA's 697 officers into the Foreign Service has likewise failed to find support; and

Third, the need for a USIA career service is generally recognized.

All told, the Hays bill, in the form in which it was referred to the Senate, was not approved by me and appears now to have little chance of approval by Senator Gore's subcommittee. Those portions concerned with veterans' preference and changes in the civil service personnel structure of the three foreign affairs agencies are particularly moribund. Therefore, in view of the subcommittee's apparent interest in regularizing USIA's personnel system, I propose shortly to offer separate legislation to establish a permanent career service for USIA.

HONOLULU IRONWORKS RECIPIENT OF PRESIDENTIAL "E" AWARD

Mr. INOUYE. Mr. President, another indication of Hawaii's persistent efforts to increase our volume of foreign trade in the Pacific will come next week when the Honolulu Iron Works receives the Presidential "E" Award from the U.S. Department of Commerce for its "progressive export qualities."

Honolulu has recently established a foreign trade zone which will enable importers to display and store their products on a duty-free basis until they are purchased for import into this country.

In an editorial published July 30, 1966, the Honolulu Advertiser commented on the overseas operations of Honolulu Iron Works and Theo. H. Davies & Co., Ltd., another Honolulu firm.

We in Hawaii are extremely proud of the contributions being made by these and other firms in Hawaii in the field of international commerce.

If there is no objection, I respectfully request that the editorial be printed in full in the Record.

There being no objection, the editorial was ordered to be printed in the Record, as follows:

More on Island Exports

On August 9, the Honolulu Iron Works—through its president, George W. Murphy—will receive the Presidential "E" Award for its "progressive export qualities."

This underlines the point we made in a recent editorial that Hawaii's exports of products and know-how can be of increasing value to us and to the nations of the Pacific and elsewhere.

Honolulu Iron, which produces heavy equipment for sugar, transportation, food processing and other key industries, has engineering and manufacturing facilities not only in Hawaii and Louisiana but in the Philippines—and its products are manufactured through associates in Mexico and Peru as well.

It places considerable emphasis on research and development and currently is offering equipment embodying new processes to both the sugar and pineapple trade.

The company maintains sales offices at each of the overseas sites above as well as in Hong Kong and Okinawa. In all, Honolulu Iron products are at work in 42 countries, accounting for the fact that last year, as an example, 28 per cent or about $10 million of the company's sales were in the export market.

Another firm which, like Honolulu Iron, is long active in the Philippines is Theo H. Davies & Co., Ltd., which has been there since 1928 and now does about $20 million in sales.

Davies Far East is involved in sugar manufacturing, in the concrete block and cement business and in the making of Zenith TV sets for Philippines sales.

What is less known is the company's operation in Spain—Theo. H. Davies, Iberica, S.A., a subsidiary headquartered in Madrid.

Less than three years old, Davies Iberica has shown rapid growth. With its subsidiaries, it manufactures Fedders air conditioners; auxiliary and special equipment for the construction industry and public works companies; concrete blocks and hollow tile.

It also has a substantial investment in a Mediterranean resort devolopment on the Costa del Sol, described as the "new favorite playground of Europe." Plans are for residences, apartment buildings, a first-class hotel, a shopping center and recreation facilities. To keep the 3½-mile beach clean, Davies reports that "special machines (have been) brought from Hawaii."

Thus do Island links spread ever wider, providing profitable outlets for talent and for merchandise.

A SENSE OF LOSS

Mr. CHURCH. Mr. President, the memory of Adlai Stevenson's death on July 14, a few days more than a year ago, still remains clear and painful. Obviously, I am not alone in this feeling. Recently two pieces have appeared, written by his friends, which bring back to us much of the aura of the man. Last week Marquis Childs wrote in the Washington Post on "Adlai Stevenson: A Sense of Loss. He commented that "millions in this country and around the world felt his passing as a personal loss."

Why should his loss be mourned when his influence on our foreign policy was so limited? Marquis Childs went on to say:

> The reason is not hard to find. His generosity of spirit, his magnanimity, his lack of malice, his humor, the free flow of ideas—all this came through in almost everything he wrote and spoke. Above all, a generosity of spirit is missed today.

In the July 9 issue of the Saturday Review, Elmo Roper wrote an editorial entitled "Adlai Stevenson: A New Vision," in which he said:

> There is no question that for most people in this country, Stevenson will be remembered as a Presidential candidate who was greater in defeat than many have been in victory.

Roper continued that Stevenson "captured the conscience and imagination of a particular political generation—the liberals of the fifties."

He concluded with a call for greatness:

> We need what Adlai Stevenson had.

Mr. President, I concur wholeheartedly with the sentiments expressed in these two pieces, and I ask unanimous consent that they be printed in full at this point in the RECORD.

There being no objection, the articles were ordered to be printed in the RECORD, as follows:

ADLAI STEVENSON: A SENSE OF LOSS

(By Marquis Childs)

A year has passed since Adlai Stevenson died while walking in Grosvenor Square in London. He had been through trial and tribulation in his post as Ambassador to the United Nations. His influence on the foreign policy of the Johnson Administration was negligible. Yet millions in this country and around the world felt his passing as a personal loss. And, if one may venture a guess, that sense of loss is still strong not only among his friends but among the unnumbered multitude that looked to him for something more than the exercise of power.

The reason is not hard to find. His generosity of spirit, his magnanimity, his lack of malice, his humor, the free flow of ideas—all this came through in almost everything he wrote and spoke. Above all, a generosity of spirit is missing today and, while this made him vulnerable to petty snipers practicing a dubious power politics, it was the essential element of his greatness.

Much was written after his death about his dismay and disillusion at the course of American policy and the chores he was called on to perform at the U.N. He was in on the crash landings, as in the Bay of Pigs fiasco, but seldom on the take-offs.

This reporter was in South America at the time of his death and the memory of that call from the Embassy giving the news is still sharp. I had spent several days with him in New York at the height of the Dominican crisis in May and he was deeply troubled by the assigned task of justifying the massive American intervention. As a thinking man he knew well that far more was involved than either a Communist threat or the safety of Americans on the island.

But he was loyal to those from whom he took his orders and if at that time of great strain he contemplated resigning his post he never spoke of it. Nor did his humor fail him. The recollection of a small relaxed dinner party as which he told story after story, some new and some old, as the table rocked with laughter is unforgettable.

Increasingly evident in the year since his death is the fact that he was trapped. He was caught between the aspirations of a world organization seeking a common way to peace and the demands of an Administration in Washington resorting to nationalist solutions for situations in which force appeared the only recourse.

This is the dilemma in which Stevenson's successor, Arthur Goldberg, finds himself. By the Lyndon Johnson persuasiveness—a brand seldom equalled in public life—Goldberg was moved to leave the Supreme Court and take a post held out as one in which the potential for achieving peace could mean salvation for the world and a crown of glory for the architect. Ambassador Goldberg finds himself limited to gestures far short of the heroic future unfolded before him in the President's study.

The U.N. is, in fact, in danger, under the one-nation, one-vote rule, of falling under the control of the countries of color. With African nations joined to the Asian bloc they could outvote the West. If and when Red China is admitted such a powerful bloc becomes an even greater threat. A rebellion in this country against paying more than one third the cost of the U.N. is not hard under those circumstances to foresee.

Stevenson understood this danger. He had from time to time talked about resigning and following a quieter life, including the writing he wanted to do. But public office and its perquisites had become a habit. His friends were concerned that in the dizzy round of the U.N. it was an unfortunate habit—a drug of sorts easing the pain of so much disillusion and disappointment.

He was unlucky in his public career. Twice he ran for President against a great military hero and twice he was disastrously defeated. Nothing he might have done in those two campaigns, and particularly in the second one in 1956, was in any way likely to alter the outcome, and with his intuitive knowledge of political trends he surely knew it.

The abiding ambition he carried with him to the grave was to be Secretary of State. His own mistake in judgment when at the 1960 Democratic convention he declined to deal himself out of the Presidential game is widely considered to have denied him that ambition.

Given the imprint he left on his time, the mark of that generous, questing spirit, Stevenson is likely to live longer in history than many of the power-grabbers and power-seekers. His heritage is written in the character of a citizen-patriot who denied the savagery and brutality of his own time of troubles.

[From Saturday Review, July 9, 1966]

ADLAI STEVENSON: A NEW VISION

On July 14 it will be a year since Adlai Stevenson died. During this time his career and character have been praised and analyzed and defined. It is clear that many things Stevenson was and did will be written into history. Yet, although much has been included in the appreciative portrait that has emerged since his death, I think perhaps the most important thing has been the least commented on.

His achievements in office, of course, have been recounted. There is an awareness of the grace with which he played his last and perhaps most difficult role of Ambassador to the United Nations. Frustrated at his distance from the center of power, he yet lent all the fine resources of his intellect to representing that power. We will continue to hear, in the phrases of the President of the U.N. General Assembly, "the echo of his eloquent and tempered words, the expression of a noble spirit and a high culture placed at the service of his country, but placed also at the service of the ideals of peace and justice."

There is less awareness of his perhaps even more remarkable achievements as Governor of Illinois. For a man who has been called impractical, it is worth remembering that his term of office was as constructive as that of any of the governors of that state in this century. While he was governor—to name just a few of his accomplishments—a neglected civil service was revitalized, useless political appointees were eliminated, unemployment and workmen's compensation benefits were increased, and Illinois was started on the path upward from one of the lowest levels of state aid for public schools to a heartening increase. He himself once told me that the period of his life of which he was proudest—and which he most enjoyed—was his four years as Governor of Illinois.

There is no question that for most people in this country, Stevenson will be remembered as a Presidential candidate who was greater in defeat than many have been in victory. All the memorable facets of Stevenson's character were revealed in that first, unforgettable campaign when he chose to put the pursuit of truth above the pursuit of power, and decided to "talk sense to the American people."

In his role as losing Presidential candidate, Adlai Stevenson captured the conscience and imagination of a particular political generation—the liberals of the Fifties, whom the times were against but who, in fact, represented the mainstream of the future. The complexity of his vision and the eloquence of his speech burst upon liberal intellectuals with a shock of recognition: "He's one of us!" More than John Kennedy, who appealed as much for his youth and energy as for the qualities of his mind, it was Stevenson with whom, as with no other political leader in recent history, they could identify.

And Stevenson will, of course, be remembered for his wit. It delighted all those who had not succumbed to the soggy proposition that to be serious one has to be dull. Unfortunately, in the 1950s too many *had* succumbed, and their appetite for portentous platitude was amply satisfied by Stevenson's opponent. It is an odd notion that wit is frivolous, and a dangerous notion if this attitude takes hold among a people. For a people without humor is a people without vision. Adlai Stevenson's humor arose from his ability to stand off and reflect on the political condition, from his awareness of the possibilities of pathos and failure that always lie in wait for noble deeds. He met the supreme test of humor—he could laugh at himself!

Adlai Stevenson will be remembered for all these things and more. But the time has come to put them into perspective, for an evaluation of his lasting imprint on American society. And I think that may be something rather different from the uniquely personal qualities for which he was so greatly admired.

What Adlai Stevenson gave us, at a turning point in our history, was a new vision of and respect for the intellectual life. To a nation too long dependent on improvisation and narrow practicality, too long scornful of the intellect and its fruits, he became a model of a truly educated man. Nearly a decade before Robert Frost was invited to the White House, Adlai Stevenson stood before the nation as an embodiment of humane and civilized intelligence. Though he was derided by some as an "egghead" in his time, since Stevenson it is no longer possible to think of intellectuals as wildeyed and bushy-haired. He made the intellect respectable, and from these beginnings, who knows? The climate for intellectuals may one day become as favorable as it was in the days of Thomas Jefferson.

In recent years Americans have become very nervous about learning. The Russian space achievements have shaken us up, and we've gone about solving the problem in a typical American way. We're building more schools, and the kids are competing harder than ever to get into and out of college. I have even heard that football heroes no longer have their pick of the more desirable females on campus. The intellect is becoming a new status symbol, a new way to win. But if we are to solve the tormenting problems that beset us, if we are to reckon with revolutionary changes in our society and our world, we need more than bright young men. We need what Adlai Stevenson had.

For more than anything, he showed us the proper uses of the mind. He demonstrated that the human intellect can be more than merely learned, more than brilliant, or useful, or shrewd. He showed us a mind at its highest functioning, at home with the culture of the past, involved in a continual quest for enlightenment about the present, and imaginative about philosophies for the future. He gave all of America something to strive for.

INVITATION TO VISIT ST. CLAIR COUNTY, ALA.

Mr. SPARKMAN. Mr. President, as an advocate of seeing America first, so that every American may be enriched by seeing something of the greatness of his country and viewing the monuments of its history, I again invite my colleagues and every American to Alabama, a State which extends from the Gulf of Mexico across the valley of the Tennessee for 300 miles of beauty and excitement.

Today I should like to invite you specifically to come to Alabama and visit in St. Clair County, one of Alabama's mountain counties and an area of great beauty, comparable to the Ozarks of Missouri and Arkansas and the North Carolina mountains. St. Clair County has an added tourist-recreational attraction in the Coosa River lakes which form the eastern boundary of the county. Modern marinas and fishing camps and fine motels make this region particularly attractive to those who enjoy good fishing, boating and water sports.

A most unusual attraction in St. Clair County is Horse Pens Forty, a 40-acre tract atop Chandler Mountain which is characterized by great rocks standing high above the plateau. The mountaintop has been the scene of annual arts and crafts festivals, but it is worth visiting just to wander along the trails between the massive rocks and observe the animallike rock formations—elephants, dinosaurs, turtles, and other sculptures hewn out by the eroding hand of nature.

In former days there were few motels and restaurants in St. Clair County to entertain and shelter the tourist, but this has changed. There is a delightful small restaurant at Odenville, for example, and several motels and restaurants in the Pell City area. The traveler in St. Clair County will be among some of the most hospitable people in the world.

All of this charm is only a few miles from Birmingham, the steel center of the South, or from Gadsden and Anniston, major cities to the east of St. Clair. It is less than a 2-hour drive from Huntsville, the rocket city. Interstate 20 and Interstate 59 cross the county, as do several Federal highways and good State highways. It is easily accessible from Atlanta, Chattanooga, or the Nashville area, and it is worth visiting.

I invite you to come to Alabama, to see our State and to see us as we are. I hope that you will include St. Clair County in your itinerary.

POPULATION PROBLEMS ARE INCREASINGLY BEING DISCUSSED

Mr. GRUENING. Mr. President, the population dilemma is increasingly appreciated and understood. All over the country action in the field of planned parenthood by private groups, by State and local agency action, both in the executive and legislative branches, is taking place.

One interesting evidence among many bits of it is a full page—indeed, the first page of its second section—of the Christian Science Monitor of August 1, 1966, which carries two articles: one entitled "New Look at Population Control"; and the other, "Congressional Dialog on the 'People Crisis.'" There is also a useful map of the 48 States under the title: "Family Planning," which shows a different shading for various States, depending upon their activity. Six of the States pictured in black have no publicly supported programs. States in grey—the great majority—have some form of publicly supported programs; and a few States, indicated by no shading at all, have publicly supported programs in all counties and muncipalities. Their number can be expected to grow as well as the number of those six who have no publicly suported programs may be expected to diminish. Those States with no publicly supported programs are: Massachusetts, Vermont, New Hampshire, Iowa, South Dakota, and Wyoming. Those with publicly supported programs in all counties and municipalities, interestingly enough, are all below the Mason-Dixon line. They are Kentucky, Virginia, and Alabama.

I ask unanimous consent that these two articles be printed at this point in my remarks.

There being no objection, the articles were ordered to be printed in the RECORD, as follows:

[From the Christian Science Monitor, Aug. 1, 1966]

NEW LOOK AT POPULATION CONTROL

(NOTE.—The problem of too many people is no longer one for just the underdeveloped nations of the world. It has become one in the United States, as well—especially in city slums. So Washington is taking action in a field that has been taboo: birth control—or, as federal officials prefer to call it, family planning. On this page, staff correspondent Lyn Shepard traces the causes of this changing federal attitude.)

WASHINGTON.—The federal government is offering family-planning services through its agencies to those who want it most—poor families both at home and abroad.

This new federal posture amounts to a dramatic turnabout in policy in the past few years. Where until recently Washington viewed family planning as "not our business," it now looms as a priority goal.

Programs funded through the Office of Economic Opportunity (OEO), the Department of the Interior, the Department of Defense, the Alliance for Progress, and the Agency for International Development (AID) seek similar goals, though their methods differ at times.

FOUR KEY FACTORS

Four factors have pressed the government into a more active role on behalf of family planning:

The world "population crisis" has reached the disaster point in many under-developed nations like India. The Food and Agriculture Organization of the United Nations (FAO) found in 1964 that nearly 1.5 billion persons—half the world's population—were undernourished.

Partly in response, the Roman Catholic Church showed signs of relaxing its longstanding policy on birth control. Public opinion polls found Roman Catholic families in this country widely divided on the morality of "planned parenthood." But a majority favored some form of tax-supported family-planning program.

President Johnson strongly supported federal action in several speeches early in 1965. "I do not believe," he said then, "that our island of abundance will be finally secure in a sea of despair and unrest or in a world where even the oppressed may one day have access to the engines of modern destruction. . . ."

The Senate held hearings in 1965 under the chairmanship of Senator ERNEST GRUENING (D) of Alaska. Senator GRUENING and other lawmakers in both houses of Congress sponsored bills to formalize the federal commitment. The bills are still pending. But the hearings gained wide publicity and impressed the executive branch with broad public backing.

HEARINGS APPLAUDED

Some Capitol Hill observers think the Gruening hearings fulfilled a much-needed educational function. One House aide summed up that view in these words:

"The hearings . . . let the executive branch know that the mood of the country had changed. After all, if we get executive action, we don't need legislation. It was a classical political science example of hearings having an effect on public policy."

The Senator thinks highly of the approach developed by Secretary of Health, Education, and Welfare John W. Gardner and his Assistant Secretary for Health and Scientific Affairs, Philip R. Lee.

"But if Gardner and Lee leave HEW," the Gruening staff worker asserted, "everything will go back to the 12th century."

The need for a more unified command is all too obvious to some Capitol Hill critics. A recent policy conflict involving the Office of Economic Opportunity and the Department of Health, Education, and Welfare underscored this point.

The OEO released a memorandum May 13 detailing "special conditions" for use of its grant funds in family planning. The conditions barred unmarried women or married women not living with their husbands from using contraceptive devices or drugs supplied through OEO funds.

DEBATE HARD TO RESOLVE

HEW's guidelines place no such conditions on family planning grant funds. Its officials mused privately that the OEO had worked itself into an awkward corner—probably for political reasons.

The merits of the two policies can be debated. But outsiders thought Senator Gruening had scored a point. No arbiter could hammer out a consistent federal policy because Congress had failed to appoint one for the task.

Actually the OEO gets around its own policy via the back door. It reminds local agencies that they can circumvent the federal proviso with their own funds. Nothing prevents unwed women from using family planning equipment paid for from local taxes.

Why did the OEO release its caveat in the first place? Sources close to the OEO put little stock in one suggestion—that R. Sargent Shriver, Director of OEO, acted without choice due to his Roman Catholic faith.

The same observers see Mr. Shriver as deferring instead to powerful political backlash which might have arisen had the OEO adopted the straightforward approach of HEW.

The backlash threat may relate directly to "old school" views now entrenched in many big cities. In such areas, even HEW family-planning programs find rugged opposition.

The New England states, for instance, still resist family planning. Except for five of Maine's 11 counties, the region frowns on using taxpayers' money for birth-control programs. Some states now resort to "under-the-table" payments. Rhode Island, as an example, allows welfare recipients to visit Planned Parenthood clinics at public expense.

Some states, like North Carolina, on the other hand, appear far ahead of the nation in family planning. In fact, results of county-by-county surveys by both HEW and Planned Parenthood show the South uniquely advanced in this respect. However, many Southern birth-control clinics operate with meager funds.

A number of Western states now provide family planning programs for poverty-stricken Indian tribes with the aid of the Department of the Interior. Secretary of the Interior Stewart L. Udall also oversees this service for Alaskan Eskimos.

The number of states now earmarking public funds for family planning now stands at 44.

"That's a sign of real progress," a Health, Education, and Welfare official declared. "Just a few years ago there were hardly any."

GAINS COUNTED UP

"We've stopped counting states," a Planned Parenthood executive in New York City added. "Now we're down to the counties."

HEW's nationwide survey of May 11—as yet unpublished—shows 1,000 of a total of 3,071 counties or municipalities now using tax monies for some form of family planning program.

At the same time, AID's involvement in overseas programs gained momentum. In an April 11 statement, AID's former director, David E. Bell, reported:

The Republic of China supported its family-planning program with AID-generated local currencies.

Turkey has asked for a loan to assist a similar program.

Honduras sought help for educational programs in family planning relating to maternal and child health.

Pakistan requested wide-ranging technical aid for, among other things, launching its national birth-control effort.

India was discussing its plan with AID officials.

The agency estimated its family planning obligations cost $2 million for fiscal year 1965, jumped to $5.5 million for fiscal 1966, and would increase to about $10 million in fiscal 1967.

A researcher on Senator Gruening's staff noted the executive branch awakening—in foreign assistance and in programs close to home—and found a lesson in it.

"We've reached the point," she said, "where public policy and private morality have to work hand in hand."

Washington officials—with a population crisis goading them into action—share a growing sensitivity to this need.

CONGRESSIONAL DIALOG ON THE "PEOPLE CRISIS"

(NOTE.—Two men who have contributed a major impetus to the Capitol Hill "dialogue" on the population crisis are Reps. Paul H. Todd Jr., of Michigan and Spark M. Matsunaga of Hawaii. Following are their views and those of others in Congress on "What can be done?")

WASHINGTON.—"It was war time—1944 at our base in Calcutta," the congressman recalled. "I was a private assigned to the garbage detail.

"I used to watch the Indian women scrambling for food, digging through the garbage cans outside the Army mess hall.

"It was quite a shock coming out of our culture—and I never could forget it. So when I won this seat, I thought maybe I could help."

Rep. Paul H. Todd, Jr. (D) of Michigan saw a face of poverty unknown to most Americans. As a freshman lawmaker in 1965 he enlisted promptly in the "war on hunger."

Mr. Todd sponsored a family-planning bill this session in line with pending Senate legislation. It offered birth-control information and devices to nations like India—nations trying to curb their runaway growth rate.

When the "food for freedom" bill reached the Committee on Agriculture, one member tacked the Todd bill on as an amendment with minor changes in wording. The package passed the House on June 9 by an overwhelming 333–20 vote.

ALLY FROM HAWAII

Mr. Todd's ally in committee was Rep. Spark M. Matsunaga (D) of Hawaii. The latter's strong support of family planning owes also to a stay in Calcutta.

The Hawaiian congressman visited India last December at the behest of the late Prime Minister Lal Bahadur Shastri. The experience convinced him that better farming methods alone were not enough.

"We have to do something about population," he told this reporter. "I visited Calcutta, where a quarter of a million people sleep on the streets at night.

"I have five children of my own. And when I saw those youngsters—really nothing but skin and bones—begging for food and money, I saw my own children looking at me through their eyes.

"Do you realize," he went on, "that India produces 11½ million people annually. That's the population of Australia. So they're adding another Australia every year. And they can't feed those they have."

When the "food for freedom" bill cleared the House with the Matsunaga amendment intact, family-planning supporters rejoiced.

"They started with the back-door approach," one observer remarked. "The way to get Congress on the record of birth control is to place a modest proposal before it, and this Todd bill is very mild."

"Well the food for freedom bill got through without any flak," another House source noted with a strong tinge of cynicism, "because the members think 'these are little yellow and brown people on the other side of the earth.'

"Politicians are not leaders. Nobody is going to pick it up if they're not sure how the people back home will take to it."

Rep. James A. Mackay (D) of Georgia agrees in part.

"Many people think that the population explosion is taking place 'over there,'" he said.

"It isn't. It's right here."

GRUENING GIVEN AMPLE CREDIT

Mr. Mackay should know. He occupies a new House seat created by the landmark Westbury decision. When Georgia redrew its congressional boundaries by judicial decree, it left Mr. Mackay one of the fastest growing areas in the nation as a home base. It includes a slice of Atlanta and its suburbs.

"Georgia has one somber statistic that we're not very proud to mention," he said, tapping a map of the state on his office wall.

"We record more than 8,500 illegitimate births each year.

"Now my interest in strengthening the family unit is a Methodist layman's interest. But I want to translate the thoughts of my constituency into legislation where it's needed."

Many members of Congress credit any stepped-up interest by the executive branch to 1965 hearings held by Sen. Ernest Gruening (D) of Alaska.

"Those hearings gave Secretary of the Interior (Stewart L.) Udall the push he needed," a House observer said. "He passed family-planning aid on to Indians and Eskimos as a result."

The Gruening committee's findings apparently lent impetus to the Department of Health, Education, and Welfare program as well.

"HEW needed evidence of Congress' mood," Mr. Todd said. "Now it's catching up, after proceeding slowly and cautiously for so long."

NEW POSTS RECOMMENDED

Senator Gruening says Congress should commit the executive branch to family planning. He filed a bill creating an "Undersecretary for Population Problems" in both HEW and the State Department. But the administration is thought to prefer its present informal role.

One of Senator GRUENING's backers in this case is Rep. THOMAS M. PELLY (R) of Washington.

Mr. PELLY, a member of the House Science and Astronautics Committee, which is also studying world birth-rate trends, spelled out his thoughts on the proper federal role:

"We have an obligation in this field. We're responsible for lowering the mortality rate through research. But we've not reduced the fertility rate. We spend so much for exploration of space. I'd prefer to devote more of it to improving life on this planet.

"All our foreign aid is almost futile," he went on, "because it doesn't allow for increasing the standard of living. We're going to face a federal food deficit. We'll have to redouble our efforts to grow food and, of course, to curb population growth."

Some big-city congressmen see family planning as an important weapon in the war on poverty. They see a close tie-in between unwanted children and the findings of the Moynihan Report (a 1965 Department of Labor study tracing the breakdown of the Negro family).

The spokesman of this House faction is another freshmen, Rep. CHARLES C. DIGGS JR. (D) of Michigan. Rep. JOHN CONYERS JR. (D) of Michigan and Mr. DIGGS both sponsored domestic family-planning bills. Significantly, both men are Detroit Negroes.

CITIES VARY IN SUCCESS

"We don't have a population explosion here yet," a Conyers aide asserted. "That's not our problem. It's unwanted children. Kids leave home as soon as they can fend for themselves on the street.

"And there's an economic bias in this situation. One has to be in the uper crust in order to be knowledgeable. Poor people don't have access to the information. Welfare and the poverty program won't tell them about it.

"So we want free access. If a municipality wants to set up a birth-control program, it should be able to come before the federal government and get it."

Such a family-planning program remains in the "tooling-up" stage in Detroit. Some other cities like New York fare better, according to HEW sources. But in others like Philadelphia, religious and political factors force clinics to operate "under the table."

Yet birth control finds far less hostility in Congress than it would have just a few years ago. Most observers lay this to a gradually more liberal attitude of the Roman Catholic Church.

"I haven't found anyone in the House opposed," maintained Rep. J. ARTHUR YOUNGER (R) of California. "There's no question but that the country will save money and future difficulties if it adopts family planning."

Mr. YOUNGER, a member of the Planned Parenthood Federation of America, said the majority of his mail on the issue favors birth control.

Recent polls by Mr. CONYERS, Rep. TENO RONCALIO (D) of Wyoming and Rep. CHARLES R. JONAS (R) of North Carolina show the same broad groundswell.

SUPPORT STEADILY GROWING

The shift in public opinion—plus the persuasive abilities of Senator GRUENING, Mr. TODD, and others—has swelled the list of family-planning converts. Rep. CLAUDE PEPPER (D) of Florida, for instance, recently joined the Gruening-Todd forces.

"What should the federal government be doing about the population crisis?" this reporter asked the Miami congressman.

"I'll answer that differently that I would have a few months ago," Mr. PEPPER replied. "I would then have said it's too sensitive a subject and we should softpeddle it.

"But I've been talking with Senator GRUENING, and I want to openly identify myself with it. Now I feel that next to nuclear war, the population explosion is our most serious problem. If it [the birth rate] goes on like this, the prospects are absolutely fearful."

Even so Mr. PEPPER sides with the Office of Economic Opportunity's position in withholding birth-control devices from unwed women and women not living with their husbands. To act otherwise, he feels, would encourage promiscuity.

Mr. PELLY takes another stance.

"Sargent Shriver's [director of the Office of Employment Opportunity] duty is to provide education," he said, "and—if it [birth control] treads on the feelings of some religious groups—I don't think he should go much beyond that. I don't think he could afford to politically."

Though some differ on the means of setting up family-planning services, most congressmen would agree with Mr. PEPPER on the importance of their goal.

"As I see it," he declared, "I have a duty to see my country survive. And I've been slow to take a position, because birth control is a sensitive issue. But I've just about decided that the future of my country is at stake."

THE HUNTER CAN NO LONGER HUNT

Mr. BARTLETT. Mr. President, change comes to the tundra of the Arctic as it comes to the green fields surrounding the great urban areas of the Nation.

Perhaps the rate of change is a bit slower, but it nevertheless takes its toll. The old ways are no longer good enough, but there are no new ways to fill the void with a decent standard of living, let alone with dignity.

The people of the Arctic tundra are Alaska natives. Once they were hunters and fishermen. Now the hunter can no longer hunt, but neither can he find a job.

That last sentence was taken from an editorial appearing in the July 27 edition of the Seattle Post-Intelligencer. The editorial calls attention to the plight of these people and calls upon us not to forget the fate of these 60,000 persons.

As the editorial points out correctly, there are no easy solutions to the problems of their plight. These people lack decent homes, good jobs, and a sound education. Efforts are being made or are proposed to help correct these lacks. Still more must be done.

In the past, uninformed persons have derided efforts to help Alaska natives, suggesting somehow that these people do not really count or that it is really fun to live in igloos in the Arctic.

Mr. President, these people count, each and every one of them, for if they do not, then none of us does.

And Mr. President, they do not live in igloos. No, they live in some of the worst slums on the face of this earth.

I echo the call of the Seattle Post-Intelligencer not to forget these people, for if we do, we forget all that is good and noble in man.

I ask unanimous consent that the editorial from the Seattle Post-Intelligencer be placed in the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

[From the Seattle (Wash.) Post-Intelligencer, July 27, 1966]

ALASKA'S APPALACHIA

A myriad of problems faces the people of the United States at home and overseas, many of them appearing nearly insoluble, most requiring long-range, high caliber planning.

Among these troubles is one right at our side door, so to speak, a problem scattered, in terms of people, across most of the sprawling land of Alaska.

It is the question of the future of native population of Alaska, one-third of the people of that state.

It is a problem that must not be overlooked in the press of matters that, at the moment, may appear more weighty. And it is one, also, that requires the most exquisite of planning over a generation or more.

Bluntly, most of the native peoples of Alaska—Eskimo, Aleut, Indian—are living in the 19th Century—economically, physically, mentally.

They are American citizens but most of them have no part of the America of the latter third of the 20th Century.

Their sons die in Viet Nam but their illiterate families could not find that unhappy land on a map—if they had a map.

The hunter can no longer hunt . . . but neither can he find a job.

Time and again, if it were not for the largesse of state and federal government, starvation would creep through the villages, through the helter-skelter of shacks that make most of the dying towns of Appalachia look like the Gold Coast.

There is no easy solution to the problem of the future of these people of Alaska any more than there is an easy solution to most of the problems that beset us.

The future of racial minorities in the United States quite literally is a burning question.

But in our preoccupation with the future of a minority of some 20 million persons, let us not lose sight of the fate of some 60,000 other Americans in their villages lost in forest and tundra and foggy island.

INTERSTATE HIGHWAYS

Mr. COOPER. Mr. President, in the August 1 issue of Newsweek magazine, Mr. Raymond Moley has written an interesting article entitled "Interstate Highways."

In this article, the author traces the development of our national system of Interstate and Defense Highways as first proposed by the Eisenhower administration in 1954, and the results the Interstate System has achieved not only in connecting our cities through a great network of highways, but also by incorporating safety features of highway construction that provide the Interstate System with the best safety record of all our highways.

Mr. Moley pays tribute to the excellent work of Mr. Rex Whitton, Federal Highway Administrator since 1961, an opinion which I also share.

With the passage last week of the Federal Aid Highway Act of 1966, this article could not be more timely.

I ask unanimous consent that it be inserted in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

Interstate Highways

(By Raymond Moley)

It may be that as the years pass Dwight D. Eisenhower's most enduring service to his country will be regarded as his sponsorship of the great new Interstate Highway system. For he first proposed its creation in 1954 and after long consideration and debate he signed the final legislation which launched the vast project. When completed, this system will transform the face of the nation, bring scores of cities closer through speedy, safe and comfortable automotive travel, facilitate commerce among the states and offer inexpensive recreation for millions of people.

It is a relief after the long preoccupation last winter and spring over the sanguinary matter of highway accidents, and now while the tourist season is at its height, to consider what is right about our highways.

Since 1946 I have crossed the nation 31 times by car and from year to year have literally seen the evidences of improvement. I have used almost every route from coast to coast and have crossed a large majority of the states. Ten or more years ago, such a crossing required eight to ten days. Last month I made the round trip in twelve days of comfortable daytime travel. The difference was due to the construction over those years of what is called the National System of Interstate and Defense Highways and toll turnpikes in six states.

TWO PROGRAMS

There has been some Federal aid ever since the great westward migration in the 1820s. But the first systematic plan was not adopted until 1916. In 1944 Congress adopted the concept of a great network to connect many cities and towns. But it was not until the Eisenhower Administration assumed office that the network plan was adopted. It was in 1956 that the present plan was finally passed by Congress and a means of financing it was created.

There are two systems of Federal highway aid. The older one involves grants in varying amounts to help the states and urban areas construct their own highways. The new system is marked by the shields "Interstate," with even numbering for East-West and odd numbering for North-South. The Interstate is the primary system.

When completed, Interstate will include 41,000 miles of uniform construction with wide pavements, depressed dividing areas and landscaping—the epitome of safety, speed and attractiveness. In March of this year 21,000 miles of this system were open to traffic; 5,900 miles were under construction and the remainder were in various stages of planning. Of these, 17,000 miles have been built under the 90–10 sharing of costs between the Federal government and the states. Interstate will be only 1 per cent of the total mileage of roads, streets and highways of the nation. But it will carry 20 per cent of the automotive traffic.

SOUND FINANCING

Various plans were proposed in the 1950s for financing this immense public work. Tolls were considered and rejected, as was financing by bond issues. Finally the present plan of user taxes routed through a Federal trust fund was adopted. Thus the burden does not fall on the income tax and, since it is not financed by bonds, it is only indirectly inflationary.

A total of $25.6 billion has been committed since 1956. When the system is completed the cost will be $46 billion. This will be the greatest government public-works project in the world's history.

Since safety is a major consideration in highway construction, Interstate has a notable record. The ratio of fatalities on this system to those on highways in the same channels of travel is 2–9. In April and June I traveled nearly 10,000 miles, mostly over Interstate, and saw evidence of only one accident, an overturned truck. The driver sustained only bumps and bruises.

The directing genius in this construction since 1961 has been Rex M. Whitton, Federal Highway Administrator. Whitton has been a highway engineer for 40 years. In 1956 as president of the Association of Highway Departments he gave testimony before Congress which materially contributed to the final plan. When Interstate is completed in 1972 the system will be a monument to his capacity as an administrator. And to Dwight D. Eisenhower, whose vision prevailed at the beginning.

TITLE IV OF S. 3296 AND THE GHETTO

Mr. ERVIN. Mr. President, for several weeks the Subcommittee on Constitutional Rights has been holding hearings on the various civil rights bills now pending before it. Much of the testimony we have received has been concerned with title IV of S. 3296, the housing section of the administration's proposed Civil Rights Act of 1966. As all Members of the Senate know, I object to this title on several grounds. However, my concern today is not with arguments against the bill, but rather with the dangerous rhetoric advanced by many of its proponents.

Chief among the reasons advanced for a Federal open occupancy law is the elimination of the so-called black ghetto, a cliche of recent vintage which I take to mean those urban areas predominantly inhabited by members of the Negro race. The use of the term in this fashion is absolutely incorrect. Historically, a ghetto was the quarter of some European cities to which Jews were restricted for residence. There is no law compelling members of any group to congregate in any one quarter of any American city. Under the law of our land, any man of any color possessing financial means can buy and live in any area where there is a willing seller.

There are other forces which cause low income groups of whatever race or religion, to gravitate toward slum areas. And these economic forces are not related to Federal antidiscrimination bills. If they have done nothing else, the subcommittee hearings have proven that title IV can no more eliminate the black ghetto from our cities than I can eliminate the misleading cliche from our vocabulary.

The real problem our cities face is not one of racial segregation, but of substandard housing, of economic opportunities and of education—problems which cut across ethnic lines. Although not the intention of its drafters, the practical effect of the bill would be the integration of slums, a policy that is both unworthy and unattainable.

There are 17 States with open occupancy laws. In not one of these States has the residential pattern changed as a result of those laws; in not one has there been any impact on what is referred to as the ghetto. New York has housing legislation with stronger enforcement procedures even than that proposed to Congress. But Harlem is still there, and it will remain there whether or not we enact title IV. The same is true of a hundred other Harlems in a hundred other cities. To hold otherwise is to exceed the bounds of responsible debate.

There is not one section of title IV that would provide better housing for a single American of any race or religion. The tension in low income Negro areas is already so great that the added frustration which is bound to occur as a result of false promises would make for intolerable situations.

I do not accuse all proponents of using the ghetto argument; I accuse no one of intentional demagoguery. I do say that in overstating their case, many individuals and organizations are playing a dangerous game with the lives and hopes of millions of Americans. I was happy to see in a recent editorial that the New York Times specifically refuted the connection between the so-called ghettos and the civil rights bill. The Times pointed out:

> It makes little sense to argue the bill's merits in terms of the recent riots, for most of the people in the slums will not be affected whether it is voted up or down.

Recently, the eminent columnist, Richard Wilson, wrote on the subject "Practical Steps Needed to Better Negroes' Lot." In his column, Mr. Wilson eloquently states the immediate needs of those in the ghetto and suggested possible remedies. He observes:

> A law library of statutes guaranteeing the right to vote, equal education, equal employment opportunity and access to all public places won't remove the rotten hearts of our cities. The true problems in the slums lie less in constitutional guarantees and moralistic principles than in improved living conditions.

This article deserves study at every level of government, for the author has pointed the way to solutions for real problems. I ask unanimous consent to have Mr. Wilson's column printed in the Record at this point.

There being no objection, the article was ordered to be printed in the Record, as follows:

[From the Washington (D.C.) Evening Star, July 22, 1966]

Practical Steps Needed To Better Negroes' Lot

(By Richard Wilson)

As was foreseen earlier this year Negro rioting has again broken out in some cities. The common characteristic of these disorders is that they are confined to the areas in which Negroes are concentrated.

Casualties, for the most part, are Negro participants, bystanders, and police who are trying to control the disorders. Negroes have not yet moved out of the ghettoes to "get whitey."

Much hand-wringing and alarmist generalization attends these disorders but very little attention is given to those aspects of the problem for which there are remedies.

That is what the rioting again brings into such tragic focus. Nothing meaningful, or not very much, is being done to improve the housing and environment in which Negroes now live, and will live for many years. Nor is enough being done to correct the extraordinarily high rate of unemployment among Negroes.

Theorists talk of abolishing the Negro ghettoes and discuss broad concepts of social equality and a dream world of universal inter-mixture and brotherhood. We cannot wait that long. Or, theorists discuss the philosophical differences between non-violence and "black power," and the rise of violence-prone black racist groups who comprise only a small fraction of the Negro population.

But they drag their feet in pursuit of measures for improving the environment in which Negroes live now—not 20 or 30 years from now but today, not in some intermixed community of tomorrow but in the ghettoes that will continue to exist for many years.

Recent rioting in Omaha, Neb., is a case in point. Three years ago Negroes demonstrated for more jobs. Civic-minded groups drew up articulated plans to train Negroes for jobs they could fill. The outlook was good. After the recent rioting, a check with those who had drawn up the plans of three years ago revealed that virtually nothing had been done to execute them.

Vice President HUBERT H. HUMPHREY can perhaps be forgiven for the imprudence of his recent remarks that if he had to live as so many Negroes live "with rats nibbling on my children's toes" he might "lead a mighty good revolt himself." The vice president is sometimes given to overstatement when he is exasperated, and it is clear that he is exasperated over the lack of progress in getting on with specific actions that can be taken to relieve the intolerability of life in the slums.

Some of these actions are so very simple—portable swimming pools, lighted playgrounds, transportation, entertainment centers for example. Other actions will require extensive planning and massive expenditure of federal and local funds.

A quick look at the Watts area in Los Angeles, with its unsatisfactory but relatively tolerable living conditions, causes one to wonder what could happen in the inexpressibly worse areas of New York, Washington and Chicago. Life in some of these areas is simply intolerable, the very ragged edge of existence.

These conditions make the current debate in Congress on open housing guarantees seem as if on another planet. Only a small percentage of Negroes have the resources to escape from the slums into better residential neighborhoods. With or without the federal open housing guarantee, they will live in slums that are growing worse and bigger by the hour.

What was true after the Watts rioting in Los Angeles a year ago is even more true today. "A law library of statutes guaranteeing the right to vote, equal education, equal employment opportunity and access to all public places won't remove the rotten hearts of our cities. The true problems in the slums lie less in constitutional guarantees and moralistic principles than in improved living conditions."

The festering centers in the cities that breed crime, degradation and disorder threaten the safety and welfare of the whole community. Prompt action is imperative. This means massive programs for improved education and keeping Negro children in school whether integrated or non-integrated, massive efforts to restore the stability of Negro family life. Most of all, and immediately, it means physical improvement of the Negro areas, relief from overcrowding, poor sanitation, rat infestation, frightful housing. It means beautification and cleaning up.

It means getting on with the correction of specific and visible evils and less preoccupation with the sociological and psychological mysteries of the white-colored relationship that our great grandchildren will still be discussing.

ROLE OF SMALL BUSINESS ADMINISTRATION IN NATIONAL ECONOMY

Mr. PELL. Mr. President, it has been little more than 60 days since President Johnson appointed a new Administrator to head the Small Business Administration.

In that time, under the dynamic leadership of Bernard L. Boutin, the agency, I am happy to say, has taken on a new and vigorous look, ending all talk of merging SBA with another Government agency. Such a merger would have deprived the small businessman, who plays an important role in America's economy, of a strong voice in government. As you know, I have been highly critical of any attempts to deprive the small businessman of an independent voice.

I, as a stanch supporter of small business, am pleased to see that the agency is now ready to provide a strong, permanent voice for small business, a voice that will speak loudly and clearly.

Small businessmen traditionally have been independent. Nevertheless, they sometimes need help so that their firms can grow and prosper. No one knows this better than Mr. Boutin, who for many years was a small businessman in Laconia, N.H. Utilizing his knowledge of the needs of small business, he is helping to better prepare SBA to assist small businessmen, either financially or through management assistance.

At the swearing-in ceremony for the agency's new Administrator in May, President Johnson announced that the moratorium on SBA regular business loans was being lifted. Since that time the agency has provided financial assistance totaling more than $17 million to more than 600 small businesses. In the last 2 months the agency has also made more than $1 million in disaster loans to residents of Topeka, Kans., who lost their homes and businesses as the result of a tornado.

These figures, however, tell only part of the story. Much effort is being put forth now to humanize the agency, to make it more responsive to small businessmen seeking its assistance.

I have learned that SBA field personnel now sit down with every businessman coming into their offices to discuss his needs. They then outline programs available to him and the ones best suited to solve his problems.

In some cases a loan is in order; in others management assistance is needed. Often both forms of aid are necessary. A loan may be of little value if the recipient does not receive management assistance to teach him to run his business more efficiently.

Whatever his needs require, the small businessman can now count on SBA for sound, sympathetic advice.

In addition to the assistance rendered by regular SBA personnel, small businessmen can also receive management aid from members of SCORE, the agency's service corps of retired executives. These dedicated men have provided invaluable assistance to small businessmen who need the advice of experienced hands.

SBA has long needed to force stronger links with the business community, so that small business can profit both financially and intellectually from the resources of both the Federal Government and big business. I am glad that the agency is now moving in this direction.

SBA is trying to sell banks its sound loans, guaranteed up to 90 percent.

The agency is also trying to interest banks in making more loans to small businesses without agency participation. The ultimate goal, Mr. Boutin has said, is "to lend no Federal money when private funds are available."

Banks, however, are not the only non-governmental institution with which SBA is working to help the small businessman.

The agency is putting increased emphasis on its State and National advisory boards. These groups can help explain SBA's program to the small businessman and, in turn, can tell the agency what the small businessman has on his mind. This strengthened link with small business will enable SBA to better cope with the ever-changing problems of the people it serves.

SBA is also placing increased emphasis on assistance from educational institutions. The business schools of our country can render a great service to small businessmen through their management courses and business counseling. This resource has scarcely been tapped. SBA is attempting to utilize it to the maximum extent.

The new Administrator has taken still another step to strengthen SBA through a new approach to choosing among loan investments. This approach will take into account the impact a loan will have on national goals.

In line with this, the agency has established certain lending objectives. They include:

Loans to businesses in areas of substantial or persistent unemployment.

Loans that will result in a reduction in the balance of payments through export sales.

Loans that help achieve such national goals as reduction of air or water pollution or development of federally owned recreation lands.

Loans in the public interest, based on local needs, which clearly help strengthen the local economy.

These objectives are all of equal merit. They are vital to the future growth of this Nation. I am happy to see SBA make them a criteria for granting loans.

Despite the adoption of these equal priorities, SBA will still base its final decision on approving a loan on the merit of the application. This is as it should be. Applicants with good proposals will not be penalized because they happen to fall outside the priority categories.

In the past, SBA has had some problems with the small business investment companies it licenses. These firms, some of which receive Government loans, have lent nearly $1 billion to small business in more than 20,000 separate financial transactions during the past 8 years.

As soon as Mr. Boutin took office he began to look into the problem SBIC's. He has tightened up the inspections of each firm, ordering an examination of every one within the next 4 months. In addition, he has ordered a revamping of SBA's accounting system so that more accurate records on the SBIC's can be kept.

The new Administrator has also ordered a thorough review of regulations governing the SBIC's to take place within the next 2 months.

These are only a few of the steps he has taken to deal with these firms.

I feel certain that with Mr. Boutin riding herd the difficulties will be ironed out, and the SBIC program will be stronger as a result.

The rural small businessman, who frequently has to play second fiddle to his urban brother, has not been neglected in the reshaping of SBA.

Through the agency's local development program—commonly referred to as the 502 program—SBA is focusing on aiding business in towns with populations of less than 50,000.

This program has helped put many towns back on their feet after they have been struck by economic disasters, such as loss of their major industries.

Any community that wishes can form a development corporation and help itself through the 502 program.

In appointing Mr. Boutin to head SBA, President Johnson told him "to remember the real value of the people" who are going to come through the doors of the agency's offices. Mr. Boutin is heeding the President's words.

With his leadership, I am confident SBA will prove its value as an independent agency that is responsible and responsive to small business.

Mr. President, I ask unanimous consent to insert into the RECORD at this point a statement of the Small Business Administration of New England, Inc., presented by Ernest H. Osgood, Jr., president, on July 20 of this year before the House Select Committee on Small Business.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

STATEMENT OF SMALLER BUSINESS ASSOCIATION OF NEW ENGLAND, INC., PRESENTED BY ERNEST H. OSGOOD, JR., PRESIDENT

(Before the Select Committee on Small Business of the House of Representatives, July 20, 1966, concerning the views of our organization on the role of the Small Business Administration in our National economy and the effectiveness of its programs in the interests of small business.)

Gentlemen: Our Association welcomes this opportunity to appear before you today and express our views on the Small Business Administration. Nearly a decade and a half ago, when the Small Business Act was being shaped, SBANE worked closely with the Congress in developing an agency that could best meet the needs of small business.

Today, we ask consideration of the following suggestions designed to improve the effectiveness of this vital agency in assisting small business.

DURING NATURAL DISASTERS THE SBA SHOULD BE CONCERNED SOLELY WITH SMALL BUSINESS LOANS

The passage of legislation in this session of Congress to amend the Small Business Act to create separate funds for business disaster loans was rejoiced by all who are disturbed by the curtailment of the direct loan program in 1964 and 1965.

However, the effect of natural disasters also results in the temporary transfer of SBA loan processors and appraisers from throughout the country to administer the disaster loan program causing serious manpower shortages.

Our Association believes rapid movement of SBA personnel into a disaster area to help small business is commendable. However, this transfer of personnel, worthy as it might have been, resulted in reduced operations in other sections of the country which in turn effected adversely the overall SBA program.

It is of interest to note that as of January 18, 1966 the SBA in Louisiana had granted 20,600 loans for $72,500,000 to homeowners or persons losing household effects as a result of hurricane "Betsy" and 1,100 loans for $22,000,000 for owners of businesses.

SBANE does not believe it was the intent of the Congress in 1953 to place the SBA in the home loan program and would recommend that a study be made to determine if some other agency should administer these residential loans. We suggest that possibly the Federal Housing Administration or Savings and Loan banks with their experience and expertise might be more ideally equipped to handle such loans.

SBA LOANS TO SMALL BUSINESS DISPLACED BY STATE AND LOCAL GOVERNMENT

Under an existing program the Small Business Administration is able to make loans available at reduced interest rates to businesses displaced by Federal programs such as Urban Renewal, highways, etc. However, a small business that suffers serious economic loss because of a State or local project does not enjoy this loan assistance. SBANE recommends that this Committee support expansion of Section 7(b)(3) of the Small Business Act to allow equally deserving small businesses displaced by State or local projects an eligibility for loans on the same basis as those affected by similar Federal projects.

SALE OF SURPLUS U.S. GOVERNMENT MACHINE TOOLS TO SMALL BUSINESS

Our Association asks that consideration be given by the Small Business Administration to establishing a program that would make available U.S. Government surplus machine tools and related equipment for sale to small business.

There is presently a critical shortage of machine tools in the United States in many categories. Rising demand for this equipment has resulted in some machine tools 20 years old selling at a higher price than when new. Small Business is at a disadvantage when ordering new machine tools because of a lack of priority when not involved in prime contracts. The waiting period for delivery of this new equipment is from 12 to 18 months at a time when, due to the Viet Nam crisis, efficient and timely production by small business manufacturers is even more important to its existence.

It has been estimated that government owned surplus in plants and warehouses number over 100,000 tools.

Much of this machinery, which is in good condition, would if made available to the small manufacturing firm enable it to improve its production and in many instances improve the accuracy and quality of the final product. This in turn would enhance the overall efficiency of our arms program.

We feel that under the able direction of the new Administrator, Bernard Boutin, this program could be developed and implemented without delay. The selling price formula could be implemented on the basis of the system used after World War II under the War Assets Program.

REINSTATEMENT OF SBA SET-ASIDE PROGRAM AND PCRS

Once again SBANE strongly urges your support of a measure that will reinstate the Small Business Administration's Set-Aside Program and Procurement Center Representatives. Last year the number of Small Business Administration PCRs were reduced from 46 to 14 by the Administration, thus eliminating SBA's role of initiating small business set-asides.

In our judgment, this move was ill-conceived and will mean a substantial reduction in the amount of government procurement exclusively restricted to small business at a critical time when defense requirements are increasing to support the conflict in Viet Nam.

Each year the SBA has been achieving greater amounts in set-asides by dollar value. The set-asides are largely responsible for the reversal of the downward trend in the percentage of prime contracts awarded to small business. In the fiscal year 1965, 51,556 joint set-asides were made with an estimated value of $3,051,057,000. This is the largest amount of any previous year, and accounts for approximately 20.3% prime contracts being awarded to small business in 1965 as compared with 18% in 1964. In view of the growing success of this program, SBANE cannot understand any reasons for its discontinuance.

The removal of SBA PCRs denies small concerns an independent champion for its interests in government procurement agencies. Although the surveillance program agreed to by the SBA in the Department of Defense may yield some constructive results, it cannot, nor is it intended to, replace the set-aside program now being handled on a unilateral basis in the procurement centers. Under the present system small business specialists at the Center now initiate set-asides to the contracting officers. In many instances, these contracting officers are the people to whom they report in the performance of collateral duties. SBANE appreciates the helpfulness of the small business specialist, but recognizes that no man can equitably serve two masters.

PARTICIPATION OF SBA WITH RELATED GOVERNMENT PROGRAMS

On September 14, 1965, Public Law 89–182 was enacted "to promote commerce and encourage economic growth by supporting state and interstate programs to place the findings of science usefully in the hands of American enterprise."

This important bill was written without mention of any role for the Small Business Administration despite similar assistance offered in Section 9 of the Small Business Act.

Our Association believes that any federal legislation of particular interest to small business should be brought to the attention of the SBA to avoid duplication of existing programs. The SBA's experience should be used in developing such legislation and providing the personnel to assist in the execution of such legislation.

SBANE recommends that closer liaison be developed within the government so that the valuable resources of the SBA will be utilized in all programs that will be especially useful to small business.

REINSTATE LOAN PROGRAM TO PREVIOUS LEVELS

Our Association was pleased to hear President Johnson announce at the swearing-in ceremony of Administrator Boutin on May 19th, that the SBA would resume accepting regular business loan applications in a week. The resumption of this program is especially important in view of the tight money market and its effect on small business.

However, the loan program is still under curtailment compared to previous levels. The direct loan program is limited to $50,000 compared to its former $350,000 ceiling. In New England the bank participation loans of 25% are in greatest demand due to the shortage of money, but in this area limit is $100,000 compared to its former $350,000. Although the loan guarantee program is set at $350,000 many banks do not have the resources since it requires their money.

We ask that the loan program be restored to the previously set ceilings without additional delay.

CONSIDERATION OF LOCAL NEEDS IN SETTING PRIORITIES

Under the prevailing system of granting loans by priorities established in May, defense-oriented firms receive first preference, followed by loans that increase employment, boost export sales, reduce water and air pollution and firms contributing to the public interest based on local economic needs.

SBANE does not believe there is anything intrinsically wrong with the priority system but would recommend greater participation on the local level in establishing these goals. Presently, the priorities are nationwide and we believe there might be some merit to allowing each Area Administrator to set priorities best suited to his region, especially if it encourages diversification of industry.

For example, many sections of New England are heavily involved in defense-oriented businesses. Giving defense first priority will create an unbalanced situation as other types of business in different sections in such fields as consumer goods might well be more deserving of priority for the good of one regional economy. Undoubtedly, in many sections of the country there are other cases where a more flexible, regionalized priority system would result in more diversity.

EXPANSION OF LEASE GUARANTEE PROGRAMS

Under Section 316 of the Housing and Urban Development Act of 1965 the SBA was authorized $5,000,000 for lease guarantees to specified classes of small businesses displaced by eminent domain and businesses covered by Title 4 of the Economic Opportunity Act. We understand this program will soon be implemented by the SBA. SBANE recommends your consideration to extending the coverage of lease guarantees.

Members of our Association have experienced great difficulty in meeting the finanical requirements of shopping center owners. The results have been the exclusion of small businesses from these lucrative locations in many instances. We ask the committees assistance in broadening the eligibility of such guarantees.

TRANSFER OF SBA TO COMMERCE DEPARTMENT

Our Association continues to be concerned by rumors that have persisted for over six months that the Small Business Administration will be stripped of its independent status and placed within the Department of Commerce.

In spite of the assurance that any action formerly contemplated along these lines had been shelved, we continue to receive reports that this move is not yet beyond the realm of possibility.

During the several years that the Smaller Business Association of New England worked closely with both the Senate and House Select Small Business Committees on establishing the SBA, the feeling was unanimous that an independent organization was an absolute necessity. In fact, our Association and many Congressmen would have voted against the 1953 Act if it had not provided that this body would be independent and directly under the control of the President. We all remember when agencies for small business existed within the Department of Commerce several years ago only to be relegated to obscurity in a department traditionally concerned with big business.

We concur with the expressions of Administrator Boutin in a recent speech before the National Advisory Council when he said, ". . . the SBA cannot be the strong and effective voice of small business within the Government unless it maintains its position as an independent agency of this Government."

During the past year the Small Business Administration has faced several serious problems such as the stoppage in the direct loan program, extended vacancy in the office of administrator and threats of the SBA becoming a part of the Commerce Department. Constructive measures have been taken to correct all of these situations and we are hopeful that a more healthy and vigorous SBA will emerge.

Our Association is especially pleased to have a man of the qualifications and experience of Bernard Boutin as the new SBA Administrator. We are confident his leadership will give added stature to this vital agency.

The concern and constructive efforts of this Committee under its distinguished Chairman, Joe Evins, in the interests of small business everywhere has been most gratifying to SBANE and we look forward to continuing our close working relationship.

In the areas presented by SBANE today there are special sub-committees, composed of executives in small business, which will willingly provide more detailed information for your committee.

Thank you and we hope our recommendations will be useful in your study of the Small Business Administration.

THE UNFAIRNESS OF PROPOSED INTERNAL REVENUE SERVICE REGULATIONS ON TEACHERS' EXPENSES

Mr. YARBOROUGH. Mr. President, the Internal Revenue Service is proposing changes in its regulations concerning the deductibility of educational expenses for teachers. These regulations would substantially reduce the expenses which teachers could deduct, and would be quite unfair to them. For example, under present regulations, once an employee satisfies his employer's requirement for a minimum education, any courses which he must take as a result of changes in that minimum are deductible. Under the proposed regulations, if the minimum were increased, expenses for courses which the teacher would take to meet the new requirement would not be considered for deduction. In addition, if courses taken by a teacher qualify him for a different or better position in his school system, the expenses involved will not be deductible, even if the teacher had no intention of seeking an improved position when he took the courses.

Mr. President, I have received quite a few complaints from teachers and school boards about the effect of these proposed regulations on teachers. One of the most detailed and specific communications I have received is from the Laredo, Tex., Independent School District. I ask unanimous consent that the resolution adopted by the board of trustees of the Laredo School District and the covering letter from Mr. J. W. Nixon, superintendent of the Laredo public schools, be printed at this point in the Record.

There being no objection, the letter and resolution were ordered to be printed in the Record, as follows:

Laredo Public Schools,
Laredo, Tex., July 20, 1966.

Hon. Ralph W. Yarborough,
U.S. Senator,
State of Texas,
Senate Building,
Washington, D.C.

Dear Senator Yarborough: On instruction from the Board of Trustees of Laredo Independent School District, I am writing you concerning the recent proposed rule of the Department of the Treasury of the United States which in effect would declare as non-deductible from Income Tax Returns those expenses incurred by a teacher or professor in improving their educational skills in connection with their teaching professions.

It is very clear that this curb on the incentive for a teacher to improve his or her teaching capabilities will reflect detrimentally on the entire teaching profession and result in a still further handicap in obtaining and retaining qualified teachers in the school systems of the country. It is felt that the benefits of the increased revenue obtained from this proposed ruling is far outweighed by the almost certain lowering of the educational standards through a disinclination of most teachers to pursue their educational careers.

I am enclosing a resolution adopted by the board of trustees expressing much of the sentiments above set out and most earnestly and sincerely request you help in seeing that this proposed ruling, as it affects the teachers, will not be adopted by the Treasury Department.

Very truly yours,
J. W. Nixon,
Superintendent, Laredo Public Schools.

Resolution Adopted by the Board of Trustees of the Laredo Independent School District

Whereas, it has been made known to the Board of Trustees of the Laredo Independent School District that a proposed rule of the Treasury Department of the United States, if adopted, would in effect deprive teachers from deducting from their Income Tax Return expenses incurred in furthering their educational pursuits; and,

Whereas, it is the opinion of the Board of Trustees that such rule, if adopted, would serve as a curb on and seriously hamper teachers and professors in bettering their skills and knowledge as teachers and would operate as an obvious detriment to the entire teaching profession throughout the entire country; and,

Whereas, it is felt by the Board of Trustees that they should make known to the properly elected officials their opposition to this proposed rule; Therefore,

Be it resolved that the Board of Trustees of the Laredo Independent School District go on record as being unalterally opposed to said proposed rule of the Treasury Department of the United States and the Superintendent of the Laredo Public Schools communicate to the United States Senators from Texas and the United States Congressman as well as the Senator and Representative, this expression of the Board, with an accompanying copy of this resolution.

Adopted by the Board of Trustees of the Laredo Independent School District, at a regular meeting this the ——— day of ——— 1966.

Laredo Independent School District,
By: Harold R. Yeary, *President.*
Attest:
R. J. Goodman,
Secretary.

Mr. YARBOROUGH. Mr. President, I am quite sympathetic to the complaints raised in this and other letters I have received. Last year I cosponsored S. 1203, which would allow teachers to deduct educational expenses from their gross income for tax purposes. I have also written to Commissioner of Internal Revenue Cohen to state my opposition to portions of the IRS's proposal. Teachers who have served many years and have devoted their lives to their students and their schools will find that expenses involved in maintaining their positions are no longer deductible. Members of other professions are not treated this way in the tax regulations, and there is no reason why teachers should be subjected to the proposed rules. Teachers should be allowed considerable latitude in the means they choose to improve their teaching. The IRS proposal would severely restrict their choice.

Mr. President, I ask unanimous consent that a copy of my letter of June 22, 1966, to the Internal Revenue Service be printed at this point in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

JULY 22, 1966.

Mr. SHELDON S. COHEN,
Commissioner, Internal Revenue Service,
Washington, D.C.
(Attention: CC:LR:T).

DEAR COMMISSIONER COHEN: I am writing to state my opposition to portions of the Internal Revenue Service's recent Notice concerning the deductibility of educational expenses.

Information supplied to me by the Internal Revenue Service indicates that a teacher will no longer be allowed to deduct expenses incurred in meeting increased minimum education requirements set for his position at his initial employment.

This proposal is extremely unfair to teachers, most of whom have worked extremely hard to meet the minimum requirements of their jobs. Many have also served many years, devoted their lives to their students and their schools, only to find that they now have to attend more courses or obtain a new certificate in order to keep their present position. I think it unreasonable for the Internal Revenue Service to say that expenses in connection with increased education requirements for teachers will no longer be deductible. Other professional workers, such as lawyers and accountants, are able to deduct expenses for a broad range of institutes, seminars, and courses, and will be able to under the changes proposed. Teachers should be treated on the same level; they are no less professionals than others who have been able to benefit from these provisions and will be able to do so in the future.

It is my understanding that the Internal Revenue Service will not allow deductions for expenses for courses which qualify a person for a different or better position in his school system, or for a better salary, even though this was not the intention of the teacher when he enrolled for the course or courses involved. I also take exception to this interpretation. Teachers should be able to have considerable latitude in the educational means they choose to improve their teaching, regardless of the job consequences, good or bad, of such additional work on their part.

I strongly urge that these portions of the proposed changes in the regulations be eliminated, and also request that you develop regulations which will allow teachers to claim all legitimate educational and other related expenses they incur.

Sincerely yours,
RALPH W. YARBOROUGH.

THE LATE FORMER SENATOR HAZEL ABEL, OF NEBRASKA

Mr. CURTIS. Mr. President, I wish to speak concerning a former Member of this body, Senator Hazel Abel, who died in a Lincoln, Nebr., hospital on Saturday, July 30, 1966.

Senator Abel's service in this body was short, but it was impressive. She had a broad grasp of public questions. She possessed a very keen mind, and she was representative of everything that is fine and good in our country.

Senator Dwight Griswold, of Nebraska, died in the spring of 1954. Senator Abel was elected to fill out the unexpired term on November 2, 1954. She received 233,589 votes as against the Democratic candidate who received 170,823 votes. That election will be remembered by many Nebraskans. It was on that day that Nebraska elected three U.S. Senators. My senior colleague, Senator ROMAN HRUSKA, was elected to fill the unexpired term of 4 years plus of the late Senator Hugh Butler. In addition to Senator Abel and Senator HRUSKA, I was elected to the U.S. Senate on that day for a full 6-year term.

Mr. President, all of Nebraska and many fine Nebraska institutions owe a great debt of gratitude to Mrs. Abel for her generosity, her help, and her leadership. I, as an individual, am greatly indebted to her. She was helpful to me in many ways, and she resigned her seat in the U.S. Senate effective at the end of the day of December 31, 1954, so that I might become Nebraska's Senator on January 1, 1955.

Senator Abel was a distinguished businesswoman. She was prominent as a civic leader. She was a philanthropist. She helped many individuals and many causes that were never publicized. Hospitals, colleges and universities, churches, youth organizations, and a multitude of worthy individuals were the recipients of Mrs. Abel's time, talent, and money.

Many honors came to Mrs. Abel. In 1957 she was American Mother of the Year. In the same year she received the Distinguished Service Award of the Native Sons and Daughters of Nebraska. In 1958 she received the Distinguished Citizen Award from Nebraska Wesleyan. The University of Nebraska gave her a Distinguished Service Award in 1944 and an honorary doctorate degree was given to her by Doane College in 1955.

Mr. President, Nebraska and the Nation has indeed lost one of its stalwart citizens. I know that I speak for this entire body in extending to her family our words of sincere sympathy.

Mr. President, I wish to extend my remarks by including the account of Mrs. Abel's death which appeared in the Omaha World Herald and the Lincoln Journal. Both articles were published on July 31, 1966.

There being no objection, the articles were ordered to be printed in the RECORD, as follows:

MRS. HAZEL ABEL DIES; STATE LEADER

Mrs. Hazel Abel, 78, of Lincoln, whose successful business and political careers were capped with a term in the U.S. Senate, died Saturday night at a Lincoln hospital.

She had reportedly been at the hospital for several days.

Mrs. Abel was elected at a 1954 general election to fill the two months unexpired Senate term of the late Dwight Griswold, former Nebraska governor.

She was the first Nebraska woman and the third in history to be elected to the U.S. Senate.

Her other political venture was a campaign for governor in 1960, when she finished second in the Republican gubernatorial primary.

Following this defeat, she never became active in Nebraska politics.

MOTHER OF YEAR

Named American Mother of 1957, Mrs. Abel also received that year the distinguished service award of the Native Sons and Daughters of Nebraska and in 1958 the Nebraska Distinguished Citizen Award from Nebraska Wesleyan.

She was chairman of the board of Abel Investment Co. after serving as secretary of the Abel Construction Co. from 1916 to 1936 and president from 1936 to 1951. She had also been president of the George Philip Abel Memorial Foundation.

In May, 1958, she was elected vice president of the American Mothers Committee.

During that month, she was named to the resolutions committee for the 10th biennial convention of the National Federation of Republican Women. She was Nebraska president at that time.

In July, 1958, she accepted chairmanship of the fund-raising campaign for the construction of the W. K. Kellogg Center at the University of Nebraska.

She was chairman of the 1958 Governor's Committee for Youth and a delegate to the White House Conference on Education.

STATE CHAIRMAN

Mrs. Abel was state chairman of the committee working for the Juvenile Court Amendment and vice president of the Lincoln Centennial.

She had been a member of boards of directors for Doane College, Hastings College and Nebraska Wesleyan University.

The Plattsmouth native had also been a former member of the First-Plymouth Congregational Church board of trustees.

She enrolled at the University of Nebraska at the age of 15, graduating in 1908 with a major in mathematics, a B.A. degree and a teacher's certificate.

For 10 years before her marriage to George P. Abel she taught in several Nebraska secondary schools.

After her marriage in 1918, Mr. and Mrs. Abel moved to Lincoln into the house in which Mrs. Abel lived until her death.

For many years Mrs. Abel had been on the board of directors and executive committees of the Community Chest and Red Cross.

HOSPITAL POSTS

She was also a director of Lincoln General Hospital, and for one year was president. She also was president of the Hospital's women's auxiliary.

Mrs. Abel has been president of the Lincoln Branch of the American Assn. of University Women, Parent-Teachers Assn. and Native Sons and Daughters of Nebraska.

She was also a key leader in the Nebraska League of Women Voters, the Lincoln YWCA, Lincoln Camp Fire Girls, Lincoln Girl Scout Council, National Board of Camp Fire Girls, and the Women's Division of the Lincoln Chamber of Commerce.

Survivors include a son, George P. of Lincoln; four daughters, Miss Alice Abel of Lincoln, Mrs. Gene (Hazel) Tallman of Lincoln, Mrs. Harry (Helen) Ragen of San Diego, Calif., and Miss Ann Abel of Nice, France; a brother, Eugene Hempel of San Bernadino, Calif.; a sister, Mrs. A. J. Sistek of Omaha; and seven grandchildren.

Services are pending at Roper and Sons' Mortuary.

DEATH TAKES EX-SENATOR HAZEL ABEL—NEBRASKAN, ALSO ONCE MOTHER OF YEAR

Mrs. Hazel Abel, the only woman elected to the United States Senate from Nebraska, died here Saturday evening at the age of 78.

Mrs. Abel was the widow of George P. Abel. After he died in 1936, she became president of the Abel Construction Company, a post she held until her son, George P. Abel, Jr., assumed it in 1951.

Among her other honors was her selection as American Mother of the Year in 1957.

She was also Nebraska Mother of the Year that year.

BORN IN PLATTSMOUTH

A third-generation Nebraskan, she was born in Plattsmouth on July 10, 1888, daughter of a Burlington Railroad employe, Charles Hempel. Her paternal grandfather fought in the Civil War.

She was graduated from Omaha High School (now Omaha Central High) in 1904 at age of 15. The University of Nebraska would not accept her at that age, so she waited a year and then graduated in three years.

She was a high school principal at Papillion, Ashland and Crete and taught mathematics at Kearney High School before marrying Mr. Abel in 1916.

SUCCEEDED EVE BOWRING

She served as secretary of the Abel Construction Company from 1916 until 1936. Later she was chairman of the board of the Abel Investment Company and president of the George P. Abel Memorial Foundation.

In the fall of 1954, she was elected to serve the unexpired two months of the term of Senator Dwight Griswold, who died that spring. As the first woman elected to Congress from Nebraska, she succeeded the first woman to represent the state in Congress, Eve Bowring of Merriman, who was appointed when Mr. Griswold died.

CENSURED M'CARTHY

Mrs. Abel resigned on December 31, 1954, allowing Carl Curtis, who had been elected to the seat for a full term, to be appointed a few days before other freshmen Senators began to serve, thus gaining in seniority. Mrs. Abel had supported Mr. Curtis in his campaign.

Probably her most important act as a Senator was to vote for the motion to censure Senator Joseph McCarthy (Rep., Wis.). She made a point of listening to "every single minute" of debate on the censure motion and was the first Senator to vote on it. Nebraska's other Senator, Roman Hruska, voted against it.

SUPPORTED EISENHOWER

In 1956, she was chairman of Nebraska's delegation to the Republican National Convention, where she supported President Eisenhower's and Vice-President Richard Nixon's re-nomination.

In 1960 she sought the Republican nomination for Governor, but was defeated in the primary by State Senator John Cooper of Humboldt.

She was a member of First Plymouth Congregational Church of Lincoln, and served on its board of trustees.

At various times she also served as trustee for Lincoln General Hospital, Doane College, Nebraska Wesleyan University, Hastings College and the University of Nebraska Foundation.

U.N. AWARD IN '44

She received the U.N.'s distinguished service award in 1944, an honorary Doctor of Humane Letters from Doane College in 1955 and the distinguished citizen award of Nebraska Wesleyan University in 1958.

Survivors include her son and four daughters: Alice Abel of Lincoln, Mrs. Gene (Hazel) Tallman of Lincoln, Mrs. Harry (Helen) Ragen of San Diego, Cal., and Ann Abel of Nice, France; a brother, Eugene Hempel of Santa Barbara, Cal., a sister, Mrs. A. J. Sistek of 605 Beverly Drive, Omaha; and seven grandchildren.

WHERE IS ESCALATION LEADING US?

Mr. HARTKE. Mr. President, although it has not been called a new step in escalation of the war in Vietnam, I think there can be little doubt that our bombing of the demilitarized zone in Vietnam this week is in fact another new step-up in escalation.

We are told that this is a military necessity, that the zone which is supposed to be militarily free under the Geneva agreements, and which until now has not been deliberately bombed, is harboring enemy forces we must destroy.

This has been the plea—military necessity—each time we have expanded further our operations in Vietnam. When we began the bombing of North Vietnam in February 1965, we were told that the rate of infiltration from north to south was about 1,600 men a month, and that our air strikes would halt or slow that flow. But within a few months we learned that, far from that being the case, the rate of filtration had tripled to 4,500 or 5,000 men a month.

I have said before that escalation breeds escalation. The President has said repeatedly that "we seek no wider war," but our constant increase of military pressure is widening that war. There is good reason to believe that we are moving our forces constantly upward toward a projected mark of at least 800,000.

The result is that, declarations of war or their lack notwithstanding, we now have far more than guerrilla skirmishes, far more than a peacekeeping operation, far more than subsidiary support for the South Vietnamese forces. In looking at these facts the New Republic recently spoke out editorially.

In the course of doing so, the editorial noted the belief of Gen. Ben Sternberg, who commands the 101st Airborne Division, that 500,000 more U.S. troops are needed in Vietnam. Will this further escalation draw in, not just the present 12 North Vietnamese regiments now engaged, but the 300,000-man army which it has in existence? Will this bring us to a further escalation, perhaps a million of our boys? Will it bring the "military necessity" for landing of troops in the north? Will it bring the land war with China we have long sought to avoid?

These are gloomy possibilities, fearful to consider, but logical and all but inevitable under our present policy. In the meantime, we have a war psychology growing apace, a war economy coming into being, and, as the editorial is entitled, "The War President."

Mr. President, I ask unanimous consent that the editorial from the July 16 issue of the New Republic may appear in the Congressional Record.

There being no objection, the editorial was ordered to be printed in the Record, as follows:

[From the New Republic, July 16, 1966]

The War President

In Omaha, the day after Hanoi and Haiphong were first hit, the President called on God to forgive his critics, "for they know not what they do." All of us stand in need of enlightenment; human judgment is fallible. Just how fallible, Mr. Johnson illustrates. "We have made it clear," he said, "that we wish negotiations to begin on the basis of international agreements made in 1954 and in 1966"; and, "those who say that this is merely a Vietnamese 'civil war' are wrong. The warfare in South Vietnam was started by the government of North Vietnam in 1959." God forgive us, we don't think so.

As early as 1956, the then government of South Vietnam with the backing of the United States, violated the 1954 Geneva agreements, which provided, among other things, for "general elections which will bring the unification of Vietnam"; it also prohibited "the introduction into Vietnam of any troop reinforcements and additional military personnel." Within two years, Ngo Dinh Diem, with our military aid, had made himself a dictator, smashed all political opposition and spurned elections to bring about unification. The Viet Cong began as an armed rebellion against Diem (of whom the U.S. itself finally tired and in 1963 allowed to be overthrown and murdered by a military junta). Intervention from outside Vietnam has been largely American—so far.

Nevertheless, the President now affirms that he will accept and abide by those Geneva agreements. Why, then, don't the Viet Cong and the North Vietnamese agree to negotiate on that basis? Our hunch is, because they don't believe him, and they may well be right. Actions do speak louder than words, and Mr. Johnson is acting out his determination to preserve South Vietnam as a client state, close to China, so that there may be another link in a solid chain that includes South Korea, Formosa and Thailand. The well-being of the Vietnamese is a secondary concern. They must serve our purpose—the military containment of Peking. That is the objective, and it is nonnegotiable. We therefore cannot, Secretary Rusk informed the SEATO conference in Australia the end of June (and later told Congressman Frank Horton [R., N.Y.] on TV), permit the Viet Cong to be formally admitted to a peace conference: that would give them a veto on a settlement; they might haggle over terms, whereas what Mr. Rusk and the President really want is unconditional surrender.

When the bombing of North Vietnam began in February last year, the Pentagon stated that the rate of infiltration from North to South was about 1,600 men a month; air strikes, so the logic then ran, would halt or slow down this infiltration. After 15 months of constant pounding from the air, the infiltration rate is said to have tripled to 4,500–5,500 men a month, and the jungle tracks, according to the President, have become "boulevards." Therefore, the original justification had to be discarded and another found. It was. In his July 6 press conference, Mr. Johnson acknowledged that: "We do not say that [the raids] will even reduce it [infiltration]," but they will make life "more difficult" for the enemy. And so they will.

We have been seeing, week after week, where such logic leads us. The estimate of Peter Arnett, who has been reporting from Vietnam for the Associated Press since 1962, is that by bombing the North and pouring American, Korean and Australian troops into the South, "we can beat the major units of the enemy," but "in so doing, we make very little impact on the other two levels of the war." By "the other two levels of the war," Arnett means the battles of the "very tired" Vietnamese army against "local, homegrown" Viet Cong battalions; and the battles of local militia forces against Viet Cong guerrillas in the mountains, in the Mekong Delta rice fields, and along the highly populated coastal plains. It is at this third level that "the real blood of Vietnam is seeping away," and also "at this level the war could continue indefinitely." The Viet Cong can go on fighting as guerrillas for a long, long time.

American forces, who are "beginning to bear the brunt," according to Arnett, are waging war on the enemy units with vastly superior air power, modern artillery and such refinements as the "cluster bomb unit" that shoots out both napalm and hand grenades. But he warns that in order to destroy the main enemy units, the US will have to double its forces; "certainly at least twice as many as are here now will be needed." And, he adds, "it will also probably mean the destruction of much of Vietnam—both North and South. As the war grows, the destruction is getting very considerable over the countryside. Villages are being devastated as a matter of course." The end of this road is genocide, with no one left with whom one need negotiate.

Arnett is a top-flight reporter, but he is not a professional soldier. General Ben Sternberg is. Commander of the 101st Airborne, he recently returned from 26 months in Vietnam, where he served on General Westmoreland's staff. General Sternberg sees "no stabilization of the military regime, at least in the near future"; he thinks Premier Ky eventually "will have to go," but "civilian government is not possible in South Vietnam now." He believes that 500,000 more US troops are needed in Vietnam—a total of about 800,000—to seal off infiltration and supplies from the North.

But first, the gamble of victory through air power must be played out, with doubled and redoubled bets, even though the systematic destruction from the air of North Vietnam, as Richard N. Goodwin, former Special Assistant to both Presidents Kennedy and Johnson has pointed out, is more likely to pressure the North into sending into battle its 300,000-man army, instead of the 12 North Vietnamese regiments thus far engaged. This in turn would bring a million or more GIs into the war and make it very tempting to consider landing US troops in the North.

Politicians in both parties meanwhile press the President to "get it over with," hit harder and more often—and hope that a fist in the face of the North will not provoke too brutal a counterpunch. At the moment, official Washington is rather complacent about the danger of Chinese intervention, believing that Peking has enough troubles without borrowing more. It is a hazardous assumption in view of the history of our entrapment in Vietnam, a history that is littered with miscalculation.

Who could have foreseen it? The Great Society exponent, the practitioner of common sense, compromise and consensus, has become The War President—sworn to prevent at any cost one set of Vietnamese (unfriendly, we have guaranteed that) from overcoming other Vietnamese (who could not hold power without us).

A PEACE CORPS VOLUNTEER WRITES OF VIETNAM

Mr. HARTKE. Mr. President, in the considerable volume of mail which I have recently received concerning Vietnam, one letter in particular has appealed to me as deserving of wider attention.

This is a letter which came to me, handwritten on the thin paper of an oversea self-mailer letter sheet, from a Peace Corps volunteer living and working in a southeast Asian country. From the standpoint of a dedicated person, concerned with improving the living conditions of the underprivileged in another land, the writer looks at our actions in Vietnam. Our escalation—and in this there is indication that many others in the Peace Corps have similar feelings—is seen as an embarrassment which undermines the work and morale of this Peace Corps worker.

Mr. President, I ask unanimous consent that the contents of the letter to which I refer may appear in the CONGRESSIONAL RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

JULY 15, 1966.

Senator VANCE HARTKE,
Senate Office Building,
Washington, D.C.

DEAR MR. HARTKE: I do not know how to adequately express my vast indignation and shame for the pathetic atrocity of our position in Viet Nam. Continual escalation, such as was recently carried out on Hanoi and Haiphong, cannot from this vantage point be interpreted as anything but an arrogant and childish show of force. The question of who the real aggressor is, could, I believe, stand some clarification.

I am not deluded into thinking that the protestations of a few, or even very many, people, will have any effect upon the dogmatic and power-opulent men in the State Department, Pentagon, and White House. However, I would be pleased to add my name to a list of 12,000 Peace Corps Volunteers who would commit themselves to leave their countries of assignment unless something is soon done about the embarrassing escalation. Although such an action may be slightly radical, I feel it could be one of the few adequate means of significant protest.

Sincerely,

—— ——.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Is there further morning business? If not, morning business is closed.

THE AIRLINES LABOR DISPUTE

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of the unfinished business.

The PRESIDING OFFICER. Pursuant to the previous order, the Chair lays before the Senate the pending business, which the clerk will report.

The LEGISLATIVE CLERK. A joint resolution (S.J. Res. 186) to provide for the settlement of the labor dispute currently existing between certain air carriers and certain of their employees, and for other purposes.

The Senate proceeded to consider the joint resolution.

Mr. CLARK obtained the floor.

Mr. MORSE and Mr. MANSFIELD addressed the Chair.

Mr. CLARK. Mr. President, I shall yield first to the majority leader and then to the senior Senator from Oregon [Mr. MORSE].

Mr. MANSFIELD. I was going to suggest the absence of a quorum.

Mr. MORSE. Mr. President, the Senator's resolution is the pending business, and I, by way of an amendment in the nature of a substitute, wish to send to the desk a substitute.

Mr. CLARK. To be called up later?

Mr. MORSE. To be called up later.

Mr. CLARK. Mr. President, I yield for that purpose.

Mr. MORSE. Mr. President, I will have copies of my substitute shortly for the Members of the Senate. This is the first copy that I have obtained from the typewriters and the Mimeograph machine. I send to the desk for myself and certain other Senators, whose names I will announce to the Senate shortly—there will be several Senators joining me in offering this measure as a substitute; I do not have their names on it yet and I would like to have it in printed form—an amendment to Senate Joint Resolution 186 in the form of a substitute.

Mr. CLARK. Mr. President, I now yield to the majority leader [Mr. MANSFIELD], with the understanding that I shall not lose my right to the floor.

Mr. MANSFIELD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. Is there objection to the Senator from Pennsylvania [Mr. CLARK] yielding the floor for that purpose? Without objection, it is so ordered. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. CLARK. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. CLARK. Mr. President, it is my understanding that our Republican colleagues have a luncheon in progress, which probably is due to end soon. Since there are no Republicans here on the floor as this important legislation is about to be considered, I am going to suggest the absence of a quorum. I am not going to let it run very long, but I will ask those on the Republican side to advise the Republican Senators that the bill is about to be called up.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. CLARK. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. CLARK. Mr. President, Senate Joint Resolution 186 was reported yesterday from the Committee on Labor and Public Welfare by a final vote of 10 to 6.

The joint resolution provides the mechanism for the settlement of the labor dispute currently existing between certain air carriers and their employees. First, let me briefly describe the measure which resulted after long and arduous consideration by the Committee on Labor and Public Welfare. The committee, over a period of 5 days, discussed, in considerable depth, the airline strike and what, if anything, to do about it.

The joint resolution recites that there is a strike called by the machinists' union, which represents employees of Eastern, National, Northwest, Trans World, and United Air Lines. Machinists on a sixth airline, American, also voted to strike, but were restrained from doing so by a Presidential finding that such a strike would substantially interrupt interstate commerce, the order issued under the Railway Labor Act in the American strike, as in earlier strikes of the five airlines, was for a period of 60 days.

The resolution recites that this strike "threatens substantially to interrupt interstate commerce to a degree such as to deprive any section of the country of essential transportation services." Those are the words of art used in the Railway Labor Act. A finding to this effect is a prerequisite to an order under the Railway Labor Act.

The resolution finds, on behalf of Congress, that emergency measures are essential to the settlement of the dispute. Then, in section 2, the resolution extends for a period, not to exceed 180 days, the time during which no strike or lockout will be permitted. In the measure as reported, the President is given discretion to invoke this new authority. He is also given discretion as to whether he wishes to break that 180-day period up into one or more segments, but in no event may the period exceed 180 days. Roughly speaking, this would result in the authority expiring about the 1st of February of next year.

The resolution then gives the President permissive, not mandatory, authority to appoint a special airline dispute board, which shall attempt to mediate the dispute between the parties. It also provides that any wage settlement eventually entered into should be retroactive to January 1, 1966.

Section 6 of the joint resolution provides that if, prior to the settlement of the present dispute between the five airline carriers and their employees, a dispute affecting any other air carrier, such as American Airlines, shall in the judgment of the President threaten substantially to interrupt interstate commerce, the President can by Executive order include such an airline and its employees in the directive forbidding a strike or lockout for a period short of the 180 days.

Injunctive relief is provided by the resolution, and the provisions of the Norris-La Guardia Act are waived.

Those are the essential provisions of the committee measure. I shall now briefly explain the background which resulted in this proposed legislation having been brought to the floor of the Senate.

The five airlines to which I have referred represent more than 60 percent of the domestic trunkline air industry, as measured in passenger miles. The International Association of Machinists represents some 35,000 employees who are on strike. Those employees are primarily mechanics, ramp and store, flight kitchen, dining service, plant protection, and related classification employees.

The controversy with which we are dealing began on August 9—almost a year ago—when an agreement was entered into between the carriers and their employees establishing a procedure for joint negotiations between the five airlines and the employees of each airline.

I shall not dwell on the intricate negotiations which ensued. The National Mediation Board attempted to mediate the dispute. On March 18 last, it proffered arbitration, as authorized by section 8 of the Railway Labor Act. The carriers accepted arbitration; the union rejected it.

Then, on April 21 of this year, it being apparent that the parties were nowhere near a settlement, the President, pursuant to the provisions of section 10 of the Railway Labor Act, created an emergency board, and the union withdrew a strike notice which it had theretofore issued.

Under section 10, no strike or lockout was permitted for 60 days after the Presidential action in appointing the board. Note well that it was the President, and not Congress, who triggered the 60-day order requiring the men to stay at work. He did so because he found, in the words of the Railway Labor Act, that the strike "threatened substantially to interrupt interstate commerce to a degree such as to deprive any section of the country of essential transportation services."

Thus, the President last April made a finding on his own that a condition existed which, under present law, required him to keep the men at work.

He made the same finding 3 or 4 days ago when the American Airlines strike was threatened. The President acting in his own discretion has twice within recent months taken action to prevent the men from walking off the job.

The President appointed a distinguished Board of three, chaired by our colleague, Senator WAYNE MORSE, of Oregon. The other members were David Ginsburg, an extremely competent lawyer from Washington, and Richard Neustadt, a well-known professor of government at Harvard University who also served President Kennedy with distinction.

The Board filed its report with the President on June 5.

In my opinion the Senator from Oregon and his colleagues did an outstanding and statesmanlike job in making a comprehensive and incisive report of the issues between the parties, and in recommending terms for a just settlement.

I concur fully in the statement with respect to the report made by the President when he said:

> The recommendations of the Board reflect the highest order of judgment, imagination, and wisdom.
>
> Those recommendations form the framework for a just and prompt settlement, which is in the national interest.

The union rejected the report. The carriers accepted it as the basis for negotiation.

On July 8 the union called a strike and the men left their jobs. They are still out today, on August 2, almost a month later.

The process of collective bargaining, so much respected by all of us as a basic precept—a basic right, if you will—in management-labor affairs has thus been operating since August of last year including the month since the strike started.

On July 22, the senior Senator from Oregon [Mr. MORSE], the Chairman of the Emergency Board—and one of the most competent and skilled labor mediators and arbitrators in the country today, and certainly the most skillful one among our membership—offered a resolution, Senate Joint Resolution 181, which was referred to the Committee on Labor and Public Welfare for consideration.

A number of other resolutions most of them authored by our Republican friends were also referred to the Committee on Labor and Public Welfare. Some called for compulsory arbitration.

The Committee on Labor and Public Welfare determined to hold a 1-day hearing to explore the desirability of reporting legislation to the Senate. That hearing was held on July 27. Witnesses were the Secretary of Labor, W. Willard Wirtz, Mr. Curtin, representing the five carriers, and Mr. Siemiller, representing the Machinists Union.

Yesterday morning, in view of other critical developments, Secretary Wirtz came back and was examined by members of the committee for the better part of 3 hours. At the hearing a number of matters were clarified, while others were not.

There has been a great deal of talk in Congress and in the press as to whether a national emergency exists which justifies congressional intervention in this dispute.

The phrase "national emergency" comes from the Taft-Hartley Act and has reference to a condition in which the national health and welfare are adversely affected by a labor dispute so that the national security is involved.

An important point to make is that the question of whether a national emergency exists has nothing whatever to do with whether the Senate should presently act. The airlines are not under the Taft-Hartley Act, but are under the Railway Labor Act. The test for intervention under the Railway Labor Act is not whether there is a national emergency which threatens the health and safety of the country, but whether the labor dispute, strike or lockout, threatens to interrupt substantially interstate commerce to a degree such as to deprive any section of the country of essential transportation services.

Secretary Wirtz testified that no national emergency existed, and he gave some persuasive statistics to cause most of us on the committee to concur in his judgment. For example, of the travel in interstate commerce today, 94 percent of it is by other than aircraft. That traffic has not been interrupted—89.5 percent of the travel was by automobile, including truck—2.6 percent was by bus. Two percent was by railroads, and only 5.9 percent was by domestic air carriers. Those are the figures for passenger interstate travel.

With regard to freight, less than one-tenth of 1 percent of all domestic intercity freight traveled by air.

In my judgment one cannot fail to conclude, that disruption of the relatively small amount of air traffic does not constitute a national emergency threatening the health and safety of the people of this country, or indeed threatening the national security.

It was alleged by at least one member of the committee—and he had some telegrams from his own State to support him—that the strike was impeding the war effort in Vietnam and that essential material and transportation of military personnel were being slowed down thus endangering the military effort. Secretary Wirtz was very clear that this is not so. I read from his prepared statement before the committee, under the heading "The Military Program":

> The Department of Defense reports little direct impact upon the movement of military personnel, except for those service personnel traveling on leave status.

> At the inception of the strike arrangements were made through the Department of Labor, in cooperation with officials of the Machinists Union, to provide for the orderly and expeditious clearance of all commercial charter flights requested by the Department of Defense. As a result, group movements of military personnel have been accomplished with little delay and in numbers comparable to those transported by commercial air carriers before the strike began.

The Defense Department, speaking through the Secretary of Labor, made no complaint about the strike so far as his operations were concerned.

Thus, the committee had no hesitation in accepting the position of Secretary Wirtz that there was not a national emergency which would threaten the health and safety of the counry. However, the Secretary testified that if the strike continued indefinitely, conditions might change. He said that there is an ever-present threat that if the strike continues indefinitely, a national emergency might well occur.

Mr. AIKEN. Mr. President, will the Senator yield?

Mr. CLARK. I shall yield in one moment.

The Secretary said:

> We are confronted with a serious, substantial adverse impact on the national interest, an impact which, however, has not yet brought the country to an emergency stage. However, any prolongation of the current strike, by increasing the strain on existing services, and by multiplying the current delays and inconveniences may well bring the Nation to that crisis, emergency stage.

I am happy to yield to the Senator from Vermont.

Mr. AIKEN. I was just wondering what Secretary Wirtz meant by the term "indefinitely." How long does it take to reach "indefinitely"? I indicate that "indefinitely" might be reached about the second week in November.

Mr. CLARK. He was very careful not to get into that.

May I say that I recognize the implications of the question of the Senator from Vermont; but I will tell him, perfectly candidly and honestly, that there is not a shadow of a doubt that politics is playing a very real but hidden part in this whole matter. For myself, I do not intend to bring that political matter to the surface. I shall be glad to respond to my friend, the Senator from Vermont, if he should like me to do so.

Mr. AIKEN. I would fully agree with my colleague from Pennsylvania, except in one respect: It is not so hidden. I believe it is pretty well in the open.

Mr. CLARK. I wish to say to the Senator from Vermont that in the last 24 hours it has tended to surface.

I shall finish the emergency aspect by pointing out that in the report, which is on the desk of all Senators, the question was asked of Secretary Wirtz as to whether an emergency exists which threatens substantially to interrupt interstate commerce to a degree such as to deprive any section of the country of essential transportation service.

He answered this question with a categorical "Yes."

I believe it is fair to say that all members of the committee, except one, showed by their votes on the various proposals that in their opinion there was a sufficient interruption to interstate commerce to justify congressional action.

The problem which confronts us today is what sort of acceptable compromise could be brought forward between widely varying views both within the Committee on Labor and Public Welfare and on the floor of the Senate.

I may say that some Senators on the Committee on Labor and Public Welfare, and perhaps more on the floor are, in my opinion, likely to vote against any action, because they do not believe the situation sufficiently serious. They believe that collective bargaining should be given still more opportunity to work its will, and they are not prepared to endorse congressional action.

On the other hand, I believe that it is equally clear that the overwhelming majority of the members of the Committee on Labor and Public Welfare—Republicans as well as Democrats—are of the view that some form of congressional action is desirable.

I believe that I have given enough basic statistics to make clear that the overwhelming preponderance of the testimony brought forward by the Secretary of Labor and by the representative of the carriers is that there is a serious dislocation of interstate commerce, and that action would be justified.

I wish to point out that ordering men back to work is a serious matter.

It has not been done since 1917, when the Nation was in the throes of World War I. It is true that on several occasions, sometimes congressional but more often Presidential, authority has been exercised to require men to stay on the job. But once they have quit the job and gone out on strike, it has been indeed an extraordinary measure to order them to go back to work.

The joint resolution now before the Senate is one which a substantial majority of the committee felt represented the most appropriate compromise among the varying points of view. I may say that personally, as the floor manager of the joint resolution, I came to that point of view reluctantly. I do not like to support legislation which orders striking men back to work. However, after listening to the testimony, I concluded that the inconvenience to the public was a primary consideration—that inconvenience has now continued for the better part of a month; there is no immediate prospect for a settlement unless Congress acts—therefore, I am prepared to reject the advice of my very good friends in the labor movement not to legislate and to come before the Senate supporting the joint resolution.

What does the joint resolution do? It has been said that it passes the buck to the President. Senators will hear that point adequately argued by the distinguished Senator from Oregon [Mr. MORSE] and others. My own view is that proper governmental action in a case in which Congress concludes that men should be sent back to work within the framework of the Constitution is to have Congress pass authorizing legislation—to give the President some flexibility, some freedom of action, some discretion—to give him the tool that is needed to take that extraordinary action of ordering men back to work. I am prepared to do that.

The controversy is around a narrow point. The overwhelming majority of the committee agrees that congressional action is desirable.

The overwhelming majority of the committee agrees that legislation should be passed which would get the men back to work for a relatively short period. In this instance, we are all in accord that the period should not exceed 180 days. The major difference between us is whether Congress should order the men back to work or whether, as I prefer, Congress should authorize the President to send them back to work if he feels that is in the best interest of the Nation and that collective bargaining no longer offers a viable route to a reasonable and speedy settlement.

Mr. PASTORE. Mr. President, will the Senator yield for a question?

Mr. CLARK. I am very happy to yield to the Senator from Rhode Island.

Mr. PASTORE. The Senator from Pennsylvania has stated that the proposed action is more or less unprecedented and that the only other instance in which people have been ordered back to work was in 1917. Who issued the order at that time?

Mr. CLARK. My recollection is not very clear. As I recall, it was joint action with the President. The Senator from Washington [Mr. MAGNUSON], chairman of the Committee on Commerce, who is well versed in these affairs, tells me that that is correct.

Mr. President, may we have order in the galleries?

The PRESIDING OFFICER (Mr. BARTLETT in the chair). The galleries will be in order.

Mr. CLARK. Mr. President, one might summarize this matter by saying that there are some members of the committee, and no doubt there are some Members of the Senate, who do not want any legislation at all because they think that the process of free collective bargaining should be permitted to continue until such time as a real national emergency exists. Some Members of the Senate would have us act right now, pass compulsory arbitration, send the men back to work and keep them there subject to the determination of a compulsory arbitration board. The overwhelming majority of the members of the committee and, I think, the overwhelming majority of the Members of the Senate, believe that action should be taken which would make it possible to send the workers back to their jobs. A large majority of the committee is of the view that this action should be triggered by the President based on a congressional authorization. A minority of the committee felt that the Congress should take full responsibility, leaving no discretion to the President.

I am telling no tales out of school when I say I am confident that the White House wants the Congress to take the whole responsibility. This is not acceptable to me, although it may be acceptable to a majority of the Senate.

Mr. COTTON. Mr. President, will the Senator yield?

Mr. CLARK. I yield to the Senator from New Hampshire [Mr. COTTON].

Mr. COTTON. Mr. President, I merely wish to ask the distinguished Senator from Pennsylvania [Mr. CLARK] this question. The Senator has just stated that the resolution which he is sponsoring requires authority from the Congress to be triggered by action by the Executive.

Mr. CLARK. The Senator is correct. The President has the discretion if he wants to use it.

Mr. COTTON. Mr. President, I notice in the report the use of the word "may." It says that the President "may" at the same time create a special board for arbitration.

Mr. CLARK. A Special Airline Dispute Board for Mediation.

Mr. COTTON. Do I gather from the use of that sentence in the report that the resolution which the distinguished Senator from Pennsylvania [Mr. CLARK] is now presenting permits the President to order men back to work, and not—as is now provided in the existing law—at the same time create any special machinery to try to arbitrate the differences.

Mr. CLARK. I shall state the answer this way to my friend, the Senator from New Hampshire [Mr. COTTON], who is essentially correct in what he says. There has already been intervention by the National Mediation Board, which is a permanent board. They are standing by, ready, willing, and able to get back into the matter again.

There has been a report by a three-man board chaired by the distinguished Senator from Oregon [Mr. MORSE], which explored this situation in depth and submitted an excellent report.

The reason we use "may" instead of "shall" in the act is that some of us felt we had enough boards and studies of the matter. However, a good many members of the committee sought the format of the Railway Labor Act, and we put in authority for a board, but we made it permissive.

Mr. COTTON. The main purpose of my raising the question at this time is we on the Committee on Commerce went through a similar situation, as the Senator knows, several years ago. At that time, I well remember, we were called to the White House. Other Senators who are here were present when the late President Kennedy specifically said he had exhausted, as President Johnson has exhausted, his powers under the Railway Labor Act, and that he was reluctantly asking the Congress to give him more powers to avert a strike.

Mr. CLARK. To give him more power?

Mr. COTTON. That is correct.

Mr. CLARK. He did not want the Congress to take the whole responsibility.

Mr. COTTON. No.

Mr. CLARK. There is a great difference in this instance.

Mr. COTTON. He was fully prepared to go ahead and assume his responsibility. He wanted the power with which to do it.

I also seem to remember—I hope I am accurate in my recollection—that President Kennedy, even in that first informal discussion, emphasized that he was extremely reluctant to resort to even temporary compulsory arbitration, but that he also felt that any order issued by the President based on authority granted him by the Congress should be clearly based on a situation of continuing efforts to reach an agreement, which is the primary purpose at all times. For that reason, it is my recollection that he suggested, and there was provided in the measure which we eventually passed, first, that Congress granted the power to the President, and second, that at that time when the President exercised it he either designate a new board or in some way specifically authorize, encourage, or require further arbitration of those questions that had not been resolved.

In that case, of course, there was a separation of questions resolved and questions not resolved which is not true in this case.

Mr. CLARK. I ask the Senator if in that instance—my recollection is hazy—the legislation provided for compulsory arbitration?

Mr. COTTON. It provided temporary compulsory arbitration. It authorized the laying down of rules that should be in effect for not more than 2 years; provided that further negotiations and attempts to arbitrate should proceed during those 2 years, that temporary rules regarding the firemen and the crew concept, and other matters in dispute, should continue in arbitration. It provided that no strike should take place for a period of 2 years, while the negotiations would continue.

Mr. CLARK. Let me say to my good friend from New Hampshire that the pending bill does exactly what the Senator said, with two exceptions. One, the period is 180 days instead of 2 years; second, there is no compulsory arbitration feature but merely a continuation of mediation.

From my own point of view, I believe that this is sound and temperate legislation. I, for one, am not prepared, yet, to go to compulsory arbitration and shall oppose any amendment brought up today to provide for compulsory arbitration. I do not believe that we have had anything like enough testimony—we had only a 1-day hearing—to justify such action. Also, in my opinion, if the pending legislation is enacted into law in its present form, there is the high probability that the strike will soon be settled. I would be reluctant to go to compulsory arbitration, yet I know that some Senators on the Senator's side of the aisle feel differently.

Mr. COTTON. Well, let me make it very clear that I do not believe that we should proceed to compulsory arbitration at this time. We did it, as President Kennedy suggested. He suggested it with extreme reluctance. We did it with extreme reluctance. But the two situations are not comparable at all to the present one. At that time there had been long-drawn-out negotiations and disagreement over a long period of years.

I should like to make clear at this time that I feel, as the Senator from Pennsylvania does, that this authority should be given to the President by Congress. Congress should never place itself in a position of ordering men back to work. Once the door is opened to ordering men back to work by congressional action, Congress will have opened up a Pandora's box and will be constantly settling strikes. Such action as we may take—if we take any—should be triggered by the President.

It may well be wise to consider whether the President should not at the same time create additional or new machinery to handle the emergency, the old Board having failed. On the matter of the length of time, I feel that 6 months is altogether too long for such action and that we should give the President the power for 30 or 60 days, and then renewed power. But it should be exercised by him at his discretion in the manner he sees fit, because he is the Executive, we are only the legislative. The people of this country by an overwhelming majority, have designated the President to act. They have only designated Congress to give the power to him.

Mr. CLARK. I could not agree more with my friend, the Senator from New Hampshire. I wish the Senator would allow me to make this statement. There is strong sentiment to support the 30, 60, or 90-day period which the Senator from New Hampshire has indicated. For myself, I was originally a proponent of the 30 or 60-day period. It was in the original measure. However, at the urging of the Secretary of Labor, who indicated he represented the administration, and in view of the fact that there will be a number of other labor disputes coming up in the next 6 months, I was persuaded—and a majority of my colleagues agreed—to take out the 30, 60, 90-day periods and put in a period which should not exceed 180 days, and leave it up to the President as to whether he wanted to order the men back to work for 30 days, 60 days, 90 days, or whether he wants to order them back, in the first instance, for 180 days. In that regard, I think the Senator from New Hampshire and I are in substantial accord.

Mr. SIMPSON and **Mr. PASTORE** addressed the Chair.

Mr. CLARK. I have promised to yield to the Senator from Wyoming, and then I shall be happy to yield to the Senator from Rhode Island.

Mr. SIMPSON. Upon coming into the Chamber, I was interested to hear the Senator from Pennsylvania say that the President refused to accept the responsibility for ordering the men back to work.

Mr. CLARK. That is putting it a little strong. I do not want to misrepresent the situation.

Mr. SIMPSON. I do not intend to put words in the Senator's mouth. That is what my understanding was as to what the President had said.

Mr. CLARK. I believe what the President has clearly indicated, informally, is that if there should be legislation—may I point out that he has not recommended legislation, nor has he recommended against legislation—he would very much prefer not to be given any discretion. He would rather have Congress make a blanket determination that the men shall go back for as long as 180 days, unless a settlement is achieved before that time has expired.

Mr. SIMPSON. Did the President indicate to the Senator from Pennsylvania his reasons for not wishing to take that responsibility?

Mr. CLARK. I have not had the privilege of direct communication with the President. I am afraid my conversations with his representatives must remain privileged. I regret that I cannot answer my good friend, the Senator from Wyoming.

Mr. SIMPSON. Let me ask the Senator, does he realize that the President was quite eager to accept the plaudits of the country for having settled the strike the other day—prematurely though it was, such a statement was made—and I was wondering whether the Senator from Pennsylvania would suggest to the President that we adopt a resolution asking for his reasons for not wanting to accept the responsibility?

Mr. CLARK. Let me say to the Senator that—I want to be very careful in what I say—Mr. President, may we have order in the Chamber?

The PRESIDING OFFICER. The Senate will please be in order.

Mr. CLARK. Would the Senator mind repeating his question. With the noise in the Chamber I could not grasp what the Senator was saying.

Mr. SIMPSON. Would the Senator from Pennsylvania be willing to suggest to the President that we adopt a resolution that would ask the President of the United States to give us his reasons for not wanting to accept this responsibility?

Mr. CLARK. Let me say to my good friend, the Senator from Wyoming, that Secretary of Labor Wirtz advised us that he came before the committee representing the administration which had decided to have but one spokesman. We thought perhaps we should have before us in committee the Postmaster General, the Secretary of Defense, and the Secretary of Commerce; but the administration decided otherwise. They sent Secretary Wirtz to represent the administration, and he was unwilling to make a recommendation for legislation on behalf of the administration. But he did make it clear, as my good friend from Oregon will attest—if he is in the Chamber, and I see that he is not—quite clear that he preferred the Morse resolution, which would have Congress take the entire responsibility, to the committee resolution, for which I have reluctantly been designated as floor manager.

Mr. SIMPSON. I thank the Senator from Pennsylvania.

Mr. PASTORE and Mr. DOMINICK addressed the Chair.

Mr. CLARK. Mr. President, I have promised to yield to the Senator from Rhode Island, and then I shall be happy to yield to the Senator from Colorado.

Mr. PASTORE. Mr. President, I do quite agree with my colleague from Pennsylvania that under the Constitution, the President is the chief administrative officer. The very character of the admonition, if we can call it that, or the mandate, or the discretionary power, has the character of an administrative function.

Mr. CLARK. Also executive—would not the Senator agree?

Mr. PASTORE. Well, executive, or chief administrative officer. They mean about the same. What I should like to say, as a preface to my observations, is that we must recognize the fact that the President of the United States has played a part in this controversy.

Mr. CLARK. He certainly has. If I may interrupt the Senator from Rhode Island, I forgot to say in my statement that one reason why the Labor and Public Welfare Committee delayed in reporting legislation to the floor is that over the last weekend there was a real possibility of the strike being settled. The President did intervene. He called representatives of the carriers and the union together and helped work out a settlement which all of us hoped would terminate the controversy. Then when the proposed settlement was submitted to the membership, which is required by the constitution of the union, the members of the union rejected the proposed settlement by a vote of about 3 to 1. It was this agreement that the President had played a principal part in getting the representatives of the union and the carriers to agree to.

Mr. PASTORE. The reason why I mention this is that I think we do a great injustice if we were to leave the impression this afternoon, not only on the Members of the Senate, but the country at large, that the President is reluctant to assume his responsibility. I am directing my remarks to the previous statement of the Senator from Wyoming [Mr. SIMPSON], who was rather caustic in his observation that the President was reluctant to do his job as President of the United States. Not so—the President has acted within existing law. He did call the parties to his Office at the White House, which was beyond the call of duty. The President did make a suggestion—he did get action—and there was a settlement insofar as representatives of both labor and management were concerned.

Afterward, as has been stated, the President was rebuffed by the body of the machinists. They refused, by a vote of 3 to 1, to accept the recommendations. So the President has been a party to this controversy.

I can understand the sensitivity of his exercising discretion at this particular moment. Presidential action might be considered not only unprecedented, but even open to charge of vindictiveness. We should never leave the President in that position, be he a Republican or a Democrat.

A fault I find is that the resolution is again putting the dispute on the doorstep of the President by the language in section 3. The resolution says, "The President may." Why does not the Senator say, "The President is authorized"? Then Congress becomes a party to the legislation. Why not say, "The President of the United States is authorized to do so"?

Mr. CLARK. Is the Senator addressing me or the Senator from Wyoming?

Mr. PASTORE. I am addressing myself to the Members of the Senate. I ask this question of the Senator from Pennsylvania. Why was not the language "The President is hereby authorized" not considered?

Mr. CLARK. If the Senator from Rhode Island wishes to propose that——

Mr. PASTORE. I do not know whether I am going to vote for the resolution. I am asking the question.

Mr. CLARK. I think one reason was that we did not have the wisdom to suggest that better language might be "The President is authorized."

Mr. PASTORE. Under the circumstances, the decision is put on the doorstep of the White House.

Mr. CLARK. Where it belongs.

Mr. PASTORE. We of the Senate are dodging our responsibility. We should authorize the President to do so.

Mr. CLARK. I think the Senator from Rhode Island has, with his usual good sense and eloquence, made a constructive suggestion.

Mr. LAUSCHE. Why should it not be "shall"?

Mr. CLARK. Mr. President, if I may continue my colloquy with the Senator from Rhode Island.

Mr. PASTORE. I think there is good reason for my suggestion.

Mr. CLARK. I have no objection to the word "authorized."

If the Senator from Rhode Island decides to offer a change which will include the word "authorized," I shall take it up with the other members of the committee. However, I think there should be discretion given to the President.

Mr. PASTORE. Will the Senator yield for a statement?

Mr. CLARK. I am glad to yield.

Mr. PASTORE. I think the committee has sharpened our insight into the dispute. A majority, if not all of the committee, has felt that Congress needs to act.

Mr. CLARK. That is correct.

Mr. PASTORE. The only question left to resolve was as to how to do it. Shall Congress order it or shall the President do so?

Mr. CLARK. Or should the President do it as authorized by Congress?

Mr. PASTORE. That is correct.

Mr. CLARK. That is the point.

Mr. PASTORE. When the resolution reads "may," it leaves a great discretion on the President of the United States, in view of his participation. If this were an entirely new matter, we possibly might be said to be engaging in semantics; but, under the circumstances, because the controversy has arisen and because the President has assumed his responsibility, does not the Senator think the approach would be more direct if we, the Congress, said, "The President is authorized"?

Mr. CLARK. I have no objection.

Mr. PASTORE. Rather than say the President "may" or "may not"?

In the resolution it is already stated, in subsection (b) of section (1), that a serious situation exists. Then the resolution continues to say that the President "may" do this. Why do we not either say, "You are authorized to do it," or "You shall do it"? Then we would be standing up and meeting our responsibility as we should.

Mr. CLARK. Let me say to my friend from Rhode Island that I have no objection to the suggestion he makes. If the Senator will, now or later, get into legislative form such amendment as he desires, I shall be happy to confer with my colleagues on the committee, and see whether, in view of the strong feelings of the Senator from Rhode Island, who has great prestige in this body, they would be prepared to accept his suggestion.

Mr. PASTORE. Will the Senator yield further?

Mr. CLARK. I yield.

Mr. PASTORE. Let me make this suggestion. The Senator has the committee staff here. If members of the committee are amenable to the suggestion and think it would be better for their purposes, why not let the staff do the drafting rather than leaving the responsibility to me. Further I have a committee commitment. I must be at a markup of a bill at 2:30 p.m. The Labor Committee staff is present. It has been over this whole matter. If the suggestion is satisfactory, the staff can do it intelligently and promptly.

Mr. CLARK. I shall be happy to have the staff prepare an amendment, take it to the Senator from Rhode Island to see if it meets with his approval, and confer with my colleagues on the committee. Perhaps then it can be offered and accepted.

Mr. PASTORE. I am sure Senators would look at it more kindly——

Mr. CLARK. That is just what we need.

Mr. PASTORE. If the resolution included language to show that Congress was willing to look earnestly at the situation and was willing to shoulder its responsibility.

Mr. CLARK. Mr. President, I had promised to yield to the Senator from Colorado [Mr. DOMINICK]. I yield to him now, and then I shall be glad to yield to the Senator from Ohio.

Mr. DOMINICK. I should like to ask the Senator from Pennsylvania if it is true that practically every procedure—in fact, every procedure—which exists in the law has been exercised, without success, plus the action of the President in bringing together the representatives, at an unusual hour, either on Friday or Saturday, in an attempt to settle the dispute.

Mr. CLARK. With the exception of the Senator's reference to the hour, the Senator is correct.

Mr. DOMINICK. What we have done in committee by making our finding that there has been a breakdown in essential air transportation simply follows what the President has previously done in appointing the Emergency Board——

Mr. CLARK. Twice.

Mr. DOMINICK. The Secretary of Labor also said this was our business, even though it was not yet an emergency.

Mr. CLARK. That is correct.

Mr. DOMINICK. I am sorry the Senator from Rhode Island [Mr. PASTORE] is not present as I ask this question: How can we, as Members of Congress, based on this background, make a finding such as we have in this dispute, but not do anything about it except send it down to the White House and leave the final decision in the hands of the President? To do so is not, in my judgment, the act of a responsible body.

Mr. CLARK. In my opinion, the Senator's question assumes his answer. His views are well known, and were ably presented to the committee. I think he has not accurately stated the problem.

We are going to do something. As the Senator has said, all legal authority has expired; the President is powerless to do anything unless he is given new authority by Congress.

I propose, for my part, to give him that new authority; but, having given it to him, I do not favor directing him to use it. I think he has a right to exercise his own judgment in the matter.

Mr. DOMINICK. Will the Senator yield further?

Mr. CLARK. I am happy to yield.

Mr. DOMINICK. It strikes me that perhaps in this debate—and I ask the Senator's comment on this point—we are overlooking something. The reason an emergency board is established, the reason we have these procedures in the law, is to try to protect the general public from getting caught in the middle of a labor-management fight.

Mr. CLARK. The Senator is correct.

Mr. DOMINICK. That is exactly what has happened to the public in the current situation. The public is caught in the middle of just such a dispute. And it seems to me that we, as representatives of the people, should take our own responsible action to make sure that the public can be relieved of this burden. They are caught in the middle without any involvement of their own.

Mr. CLARK. The Senator made clear that point of view very eloquently before the committee, as he is now making it on the floor.

I am perhaps inhibited by the fact that my discipline is the law. I was trained in the law, and was brought up to believe that within the concept of the Federal Constitution, it is the duty of Congress to legislate and of the President to execute and to administer. I think it is in accordance with that strong constitutional principle of the separation of powers that we should authorize and he should act. It is the duty of the President to see to it that the laws are executed. I think we should give him the authority.

Mr. DOMINICK. May I say for the record that I have always regretted that I did not have the opportunity of debating in a court of law with the Senator from Pennsylvania, because I am trained in the law myself.

Mr. CLARK. I am sure that the Senator, with his great eloquence, would have had the advantage.

Mr. DOMINICK. I cannot see for the life of me why we should say that because the President has the executive authority, there is something executive about what we do if we seek to preserve the status quo of the parties, as a court of law would do, and then say to the National Mediation Service, "Work out an agreement of some kind."

Mr. CLARK. I can only disagree again, as I have for the last 5 days in committee, with my friend from Colorado, by making this one last point. I think the difference in our points of view is pretty well sharpened now.

This is a gray area. There is nothing very clear about it. I am sure some Senators will vote against taking any action at all. These are reasonable men who will vote against any action. I do not happen to agree with them, but this is a situation where one could make a good case for not exercising the authority I hope Congress will give the President, but for allowing the collective bargaining process to continue. The public is inconvenienced, but there is not a national emergency. Perhaps if I were sitting in the White House, with all the pressures and responsibilities of that job, I would say, "No, instead of ordering them back to work, I am going to call these fellows back in again, and we will see if we can work it out."

There are many people in this country who believe that the right of collective bargaining is a very precious right, and any congressional attempt to diminish that right is looked upon with grave disfavor.

I believe that the President should have the opportunity to weigh whether he wants to take any action, or whether he wants to send them back for 60, 90, or 130 days. Those, in my judgment, are Executive, and not legislative, functions and responsibilities.

Mr. DOMINICK. Will the Senator yield further?

Mr. CLARK. Yes, indeed.

Mr. DOMINICK. I think we are faced here with a problem which encompasses more than just this one dispute. What we are doing is taking action in a case of a dispute which has not been settled, and we say we are placing the final settlement in the hands of the President.

Mr. CLARK. Under congressional authority.

Mr. DOMINICK. Under congressional authority.

Mr. CLARK. As of today, he could not do a thing.

Mr. DOMINICK. That is right. And all that Congress is doing in the process is to say, "We are going to extend the cooling off period. We are not injecting ourselves into the general collective bargaining by determining the rights between the parties in any way whatsoever." We are saying, "We will extend the cooling off period, and we hope they will negotiate in the process."

Mr. CLARK. And go back to work during this time.

Mr. DOMINICK. And if we put them back to work in the meantime—and by "we" I mean the U.S. Senate—then we have settled this from the point of view of the public, and they can continue their negotiations under the National Mediation Board, just as they have been doing all along.

If we do not do this, sooner or later, it seems to me, every dispute will end up in the White House; and I cannot conceive of a fate that would be worse for any President, I do not care who he is.

Mr. CLARK. Let me say to my good friend from Colorado, I would rather have it end up in the White House than in the Halls of Congress, where we have 100 Senators and 435 Representatives.

I yield now to the Senator from Ohio, and then to the Senator from New York.

Mr. LAUSCHE. The purpose of my questions will be to acquire information dealing with the differences between the language used in the Morse amendment and that contained in the joint resolution now before the Senate.

Mr. CLARK. I wish that the Senator from Oregon were present. I shall do my best to represent fairly his point of view. Perhaps some other of the members of the committee—mostly the Republicans—would be willing to pick me up if they think I am not being fair.

Mr. LAUSCHE. Am I correct in my understanding that the measure before the Senate uses the permissive word "may" in requesting or suggesting what the President may do in pursuance of the provisions of the joint resolution?

Mr. CLARK. The Senator is correct.

Mr. LAUSCHE. It does not order him, anywhere in the resolution, to take specific action?

Mr. CLARK. It does not. Neither does the Morse proposal.

Mr. LAUSCHE. Right. I have before me the Morse amendment, and I therefore can speak about its language.

The Morse amendment says that the President shall, at the earliest possible date, appoint a special airline dispute board.

Mr. CLARK. Let me interrupt the Senator from Ohio to say that that action would come after Congress had ordered the men back to work, and only after Congress had taken the sole responsibility, without any intervention by the President, to order the men back to work.

Once Congress has ordered them back to work, then Congress orders the President to appoint the board.

Mr. LAUSCHE. Where is the language in the joint resolution where Congress orders the men back to work?

Mr. CLARK. My staff tells me it is section 2.

Mr. LAUSCHE. "Section 2: The period of time provided for in section D of the Railway Labor Act, paragraph 3"——

Mr. CLARK. May I interrupt my friend from Ohio to say that I am afraid he is reading from an obsolete version of the Morse amendment? Here is a copy of the current Morse proposal.

Mr. LAUSCHE. "The President shall appoint a special airline dispute board"—that is mandatory language.

Mr. CLARK. Yes.

Mr. LAUSCHE. Section 2 provides:

> For a period of 180 days effective immediately the provisions of section 10, paragraph 3, of the Railway Labor Act shall apply and no change, except by agreement, shall be made by the parties.

Does the Railway Labor Act provide for a mandatory return to work?

Mr. CLARK. No; it does not, and I think it is important to get that clear. There is nothing in the Railway Labor Act which would authorize sending men on strike back to work. All the Railway Labor Act says is that if the President finds a substantial interruption of interstate commerce, then he has the authority to prevent a strike or lockout. But there is nothing in there about his sending men back to work once there is a strike.

Mr. LAUSCHE. Right. The language that the Senator from Pennsylvania specifically refers to is, I think:

> During said period of time none of the parties to the controversy, or affiliates of such parties, shall engage in—

Mr. CLARK. Strikes or lockouts.

Mr. LAUSCHE (continuing):

> or continue any strike or lockout.

Mr. CLARK. The Senator is correct.

Mr. LAUSCHE. That would mean that the return to work of the men who are now on strike would be under a mandatory order adopted by Congress.

Mr. CLARK. That is correct.

Mr. LAUSCHE. The subsequent proceedings, after they had returned to work, would be under the permissive language suggested for the President.

Mr. CLARK. Mr. President, I am not clear as to whether I understand my friend, the Senator from Ohio, but let me try to clarify it.

Under the Morse language, the Congress would order the men back to work and order the President to appoint the board.

Under the pending committee resolution, Congress would authorize the President in his discretion to send the men back to work. It would further authorize him in his discretion to appoint the board.

The commitee bill authorizes the President to order the men back to work and also authorizes him to appoint the board. He does not have to do either.

Under the Morse bill, Congress says to the President: "We are in charge of this show. Men, go back to work."

Having made that determination, Congress says: "Men, you are now back at work. President, appoint the board."

Mr. LAUSCHE. I understand, but if we want to settle the dispute, if it does affect the national interest, why should we not use language in the bill that would make mandatory the performance of these deeds which seemingly are needed to bring the dispute to an end? Why should it be permissive? I now return to what the Senator from Rhode Island said. The Senator from Pennsylvania said that he would agree to substitute the word "authorize" for "may."

Mr. CLARK. But not "shall."

Mr. LAUSCHE. Why not "shall"?

Mr. CLARK. I have tried to explain that at considerable length. If the Senator from Ohio wants me to try again, I shall.

Mr. LAUSCHE. That is not necessary. Is it because the Senate does not want to order the President to do a thing, or is it because he feels that the potato should be put in the lap of the President?

Mr. CLARK. I do not know about potatoes.

Mr. LAUSCHE. It is a hot one.

Mr. CLARK. It certainly is.

Mr. LAUSCHE. Should we not both be willing to assume the responsibility?

Mr. CLARK. I think not—in those terms.

Mr. LAUSCHE. I cannot agree. I think it is an abdication of responsibility when the President says we both should not assume the responsibility, that it should lie only in the office of the President. I think it is not fair. I think it is not just, and I do not subscribe to it.

Mr. CLARK. The Senator is entitled to his interpretation.

Mr. LAUSCHE. The Senator from Pennsylvania made the point that I wanted to make. He said, in effect, we should put the hot potato in the lap of the President. I do not think that is right.

Mr. CLARK. The Senator is entitled to his interpretation.

I yield to the Senator from New York.

Mr. KENNEDY of New York. Perhaps that is the conclusion that a majority of the Committee on Labor and Public Welfare reached.

Mr. CLARK. Does the Senator refer to what the Senator from Ohio said?

Mr. LAUSCHE. I did not say it. The Senator from Pennsylvania said it.

Mr. KENNEDY of New York. If this were merely an effort by the Committee on Labor and Public Welfare to place this problem completely in the lap of the President of the United States, I do not think that we would be debating any legislation today.

Mr. CLARK. I think the Senator is correct.

Mr. KENNEDY of New York. Is it not correct that the majority of the committee recommended that some legislation be passed by Congress?

Mr. CLARK. The Senator is correct.

Mr. KENNEDY of New York. And is it not correct also that we are therefore willing to take our share of the responsibility and make some findings and take some action in an effort to deal with the strike?

Mr. CLARK. The Senator is correct.

Mr. KENNEDY of New York. Is it not also correct at the present time that the Secretary of Labor came before the Committee on Labor and Public Welfare and said that there is not a national emergency existing in the United States?

Mr. CLARK. The Senator is correct.

Mr. KENNEDY of New York. And has the Secretary of Labor not also been asked, in view of the present circumstances and the effect that the strike is having on the United States, whether he felt that legislation was important at this time?

Mr. CLARK. He was, and specifically by the Senator from New York.

Mr. KENNEDY of New York. He was also asked by a number of other Senators. Did not the Secretary of Labor say that he could not give Congress any advice as to whether any legislation was needed at the present time?

Mr. CLARK. The Senator is correct. I think we should have a little emphasis on the words "could not," because I have the feeling that he would like to do so but did not have authority.

Mr. KENNEDY of New York. The Secretary of Labor was the sole witness on that day.

Mr. CLARK. He was, and he said that he represented the entire administration.

Mr. KENNEDY of New York. All members of the committee recognized that the enactment of legislation would be a very major step for Congress to take.

Mr. CLARK. The Senator is correct.

Mr. KENNEDY of New York. We also recognized that this has not been done before in circumstances of this kind.

Mr. CLARK. The Senator is correct.

Mr. KENNEDY of New York. The last time that men had been sent back to work in this manner was in 1917 in a period of extreme crisis for the United States.

Mr. CLARK. My understanding is that it was after the outbreak of World War I.

Mr. KENNEDY of New York. I understand that it was in 1917, but at any rate the members of the administration at that time recognized that this was a most unusual step to take, required by the exigencies of a particular and most severe crisis.

Mr. CLARK. The Senator is correct.

Mr. KENNEDY of New York. We also recognize that in October and November of this year we may have some major strikes, if collective bargaining does not go well in certain industries where labor contracts are due to expire.

Mr. CLARK. The Senator is correct.

Mr. KENNEDY of New York. We could have labor disputes during October and November in the field of communications, and next year in the automobile and rubber industries. These are very important industries in the United States.

Mr. CLARK. The Senator is correct concerning the seriousness of the situation. They are serious enough, but I am optimistic and hope they will not erupt into strikes.

Mr. KENNEDY of New York. My point is that we should be aware that our taking this action might very well be taken by some as a precedent to urge us to take similar action later on. This is only one of the reasons why the taking of this action should be very seriously considered by Congress.

Mr. CLARK. The Senator is correct in his latter point. However, let me call attention to the committee report which makes it clear that the committee does not intend the resolution before the Senate to indicate any precedent with respect to future labor disputes.

Mr. KENNEDY of New York. The Senator referred to the fact that the language at the very beginning of this legislation states: "threatens substantially to interrupt interstate commerce to a degree such as to deprive any section of the country of essential transportation services."

Mr. CLARK. I wish that the draftsmen of the act had written simpler English. We did use, for technical purposes, the exact language of the Railway Labor Act. The Senator is correct. I interpret these words as meaning that interstate commerce has been seriously interrupted by the strike and that certain sections of the country are now suffering from a loss of essential transportation services. I think that is what it means, and I assume that is what the Senator thinks it means.

Mr. KENNEDY of New York. Let me differentiate that language from the question of whether there is a national emergency in the United States.

I think it is important that the Senate understand that there is a clear differentiation between the use of that language and the existence of a national emergency.

Mr. CLARK. I think that means—and the Senator from New York will tell me if I do not correctly represent his views—that the Taft-Hartley Act standard—a situation threatening the national health and safety, and therefore becoming a national emergency—is a more stringent standard than that of the Railway Labor Act.

Mr. KENNEDY of New York. Is it not correct to say that it was on that basis after the Secretary of Labor had testified before our committee last week, stating that there was not such a national emergency and that such an emergency could not be established, that the committee moved in the direction of relying on the Railway Labor Act instead of the Taft-Hartley Act standard?

Mr. CLARK. It is correct. I believe that the committee, in moving that way, was largely motivated by the original draft of Senate Joint Resolution 181, introduced by the Senator from Oregon [Mr. MORSE], which was based on the language of the Taft-Hartley Act.

After the Senator from Oregon had conferences with the White House and the Department of Labor, he became convinced that the administration was not prepared to testify that those standards had been met, he turned to the less stringent standards.

But we should also remember that the airline industry is not now and never has been under the Taft-Hartley Act, but is under the Railway Labor Act.

Mr. KENNEDY of New York. My point is that there is a difference in the language, and that when we find that the Railway Labor Act test has been met, we have not made a particularly significant finding. The fact is that the Railway Labor Act test, which appears in section 10 of that law, has been resorted to, as the basis for appointment of a Presidential Emergency Board, some 167 times over the period of the last 30 years.

Mr. CLARK. Some of these 167 occasions were not of earth-shaking significance. The Emergency Board of which the Senator from Oregon [Mr. MORSE] was the Chairman was Emergency Board No. 166 and the Board in the American Airlines case is No. 167.

Mr. KENNEDY of New York. The point I wish to make is that the language of section 10 is language of art. The fact that the standard of section 10 is met does not necessarily support extraordinary congressional intervention. Thus, section 10 was invoked when the Rutland Railroad had some labor difficulty; it was used in the case of the Union Railway Co. of Memphis; it was used in the case of the Chicago, North Shore & Milwaukee Railroad; it was used in the case of the Steelton & Highspire Railroad Co.; it was used in the case of the Long Island Rail Road; it was used in the case of the Central of Georgia Railway; it was used in the case of the Erie Railroad Co.; it was used in the case of the Alton Railroad; and in cases involving other individual carriers where the matter was clearly only of local significance, and then not of a paralyzing nature. It has been used, as the Senator from Pennsylvania said, some 167 times.

Mr. CLARK. I am sure the Senator from New York is correct.

Mr. KENNEDY of New York. But the situation confronting us is quite different. The other cases involved strikes, to be sure, and they perhaps had an important effect in particular communities.

But the same language is now used to a much different end in the proposed legislation. This extraordinary legislation will be far reaching and precedent making. Yet it comes on the basis of the administration not finding that a national emergency exists; not finding that the present strike affects the national defense or the movement of defense materiel; and also comes on top of the fact that the administration is not prepared to recommend that Congress pass any legislation.

Would I be correct in thus summarizing the facts?

Mr. CLARK. Yes. I believe the Senator is correct. And I should like to add that it is for that reason that I wish to go slowly. I do not believe we should take the drastic action suggested by the Senator from Oregon.

I believe there is a real question here as to whether or not there ought to be any legislation. I am prepared to vote to extend the present authority to permit an order sending the men back to work. If I were President, I am not sure that I would send them back to work. But I am prepared to go this far, as far as the committee bill goes, but no further.

Mr. KENNEDY of New York. The resolution does not say that we are passing the buck, but that Congress will go on record and vote for legislation which is far reaching. So that the President, at his discretion, when he believes that the national interest dictates it, can put these workers back to work. Is that not what the resolution would do?

Mr. CLARK. The Senator has made a very statesmanlike summary. I agree with him thoroughly. Some Senators like to use the words "pass the buck," "determine on whose doorstep the hot potato shall be laid." I am prepared, if they wish, to meet them on their own ground. But I vastly prefer the statesmanlike way the Senator from New York has put it.

Mr. KENNEDY of New York. I ask unanimous consent to place in the RECORD the Emergency Board index listing the 167 cases in which section 10 of the Railway Labor Act has been invoked. I believe the Senate will be interested in the extreme variations in significance among these cases.

Mr. CLARK. I yield to the Senator from New York for that purpose.

There being no objection, the index was ordered to be printed in the RECORD, as follows:

Emergency board index

No.	Carrier	Organization	Date of order	Members	Date of report	NMB case No.
1	Western Pacific RR. Co.; Sacramento Northern Ry.; Tidewater Southern Ry.	BLE, BLF & E, ORC, BRT	May 21, 1936	G. Stanleigh Arnold, chairman; Will J. French, Macy Nicholson.	June 15, 1936	A-136, A-189, A-202, A-221.
2	Chicago Great Western RR. Co.	BLE, BLF & E, ORT, BRT, SUNA.	Feb. 8, 1937	John P. Devaney, chairman; Walter C. Clephane, Harry A. Millis.	Mar. 7, 1937	
3	Southern Pacific Co. (Pacific Lines); Northwestern Pacific RR. Co.	BLE, BLF & E, ORC, BRT	Apr. 14, 1937	G. S. Arnold, chairman; Charles Kerr, Dexter M. Keezer.	May 6, 1937	A-336, M-149.
4	Pennsylvania; Long Island; Baltimore & Ohio; Reading; Central RR. of New Jersey; Lehigh Valley; New York Central; New York, New Haven & Hartford; Delaware, Lackawanna & Western; and Erie RR.	BRC, ILA	Apr. 26, 1937	F. M. Swacker, chairman; W. H. Davis, I. L. Sharfman.	May 26, 1937	A-369.
5	Pacific Electric Ry. Co.	BRT	Aug. 30, 1937	I. L. Sharfman, Chairman; Dexter M. Keezer, John P. Devaney.	Nov. 28, 1937	A-411.
6	Atchison, Topeka & Santa Fe Ry. and other class I railroads	18 cooperating labor organizations and BRT.	Sept. 27, 1938	Walter P. Stacy, Chairman; James M. Landis, Harry A. Millis.	Oct. 29, 1938	A-529, A-530.
7	Railway Express Agency, Inc.	BRC	July 10, 1940	John P. Devaney, Chairman; Dexter M. Keezer, Harry A. Millis.	Aug. 2, 1940	A-801.
8	The Rutland RR. Co.	15 organizations	Feb. 14, 1941	I. L. Sharfman, Chairman; Walter C. Clephane, Ordway Tead.	Mar. 10, 1941	A-577.
9	The Duluth, Missabe & Iron Range Ry. Co. et al.	BRC	May 9, 1941	G. Stanleigh Arnold, Chairman; William H. Tschappat, Arthur E. Whittemore.	June 6, 1941	A-867.
10	The Atlanta, Birmingham & Coast RR. Co.	B.L.F. & E., BRT	May 16, 1941	George W. Stocking, Chairman; Huston Thompson, H. S. Hawkins.	do	A-896.
11	Certain common carriers by rail	5 transportation brotherhoods, 14 cooperating organizations.	Sept. 10, 1941	WAYNE L. MORSE, chairman; Thomas Reed Powell, James C. Bonbright, Joseph H. Willits, Huston Thompson.	Nov. 5, 1941	A-1000, A-1001.
12	Railway Express Agency	IBT	Nov. 7, 1941	Royal A. Stone, chairman; William H. Tschappat, Matthew Page Andrews.	Nov. 17, 1941	A-1071.
13	Union Ry. Co. (Memphis, Tenn.)	BLF & E., BRT	Sept. 20, 1944	Frank M. Swacker, chairman; Walter C. Clephane, John A. Lapp.	Sept. 29, 1944	
14	Chicago, North Shore & Milwaukee RR. Co. et al.	BLF & E, BRT	Sept. 19, 1944	H. B. Rudolph, chairman; W. H. Spencer, Ernest M. Tipton.	Oct. 4, 1944	
15	Bingham & Garfield Ry.	BLF & E	Nov. 14, 1944	Richard F. Mitchell, chairman; Walter C. Clephane, A. G. Crane.	Nov. 25, 1944	
16	Steelton & Highspire RR. Co.	BLF & E, BRT	Dec. 12, 1944	I. L. Sharfman, chairman; Leif Erickson, Grady Lewis.	Dec. 30, 1944	
17	Seaboard Air Line Ry. Co.	BLF & E, BLE	Dec. 15, 1944	Huston Thompson, chairman; David J. Lewis, William H. Tschappat.	Jan. 17, 1945	
18	The Kentucky & Indiana Terminal	BRT	Feb. 6, 1945	Ernest M. Tipton, Chairman; H. S. Hawkins, Arthur E. Whittemore.	Feb. 20, 1945	
19	The Central of Georgia Co.	BRT	Feb. 8, 1945	H. Nathan Swain, Chairman; Ridgely P. Melvin, Russell Wolfe.	Feb. 24, 1945	
20	Des Moines and Central Iowa	BLE, BRT	Mar. 7, 1945	H. Nathan Swain, Chairman; John W. Yeager, Grady Lewis.	Mar. 28, 1945	
21	The Denver & Rio Grande Western Co.	BLE, BLF & E, ORC, SUNA, BRT	Mar. 8, 1945	Leif Erickson, Chairman; Ridgely P. Melvin, Russell Wolfe.	Mar. 29, 1945	
22	Missouri Pacific Co.	BLF & E	Apr. 7, 1945	H. Nathan Swain, Chairman; Leif Erickson, Robert W. Woolley.	May 5, 1945	
23	Colorado & Wyoming Co.	BLF & E, BRT	May 18, 1945	H. Nathan Swain, Chairman; Ridgely P. Melvin, Eugene L. Pudberg.	June 7, 1945	
24	River Terminal Ry. Co.	BLE, BRT	May 22, 1945	Richard F. Mitchell, Chairman; Roger I. McDonough, Robert W. Woolley.	June 13, 1945	
25	The Illinois Central RR. Co.	BLF & E	May 25, 1945	Huston Thompson, Chairman; Grady Lewis, Curtis G. Shake.	July 24, 1945	
26	Georgia & Florida RR.	BLE, BLF & E, ORC of America, BRT.	June 16, 1945	James P. Hughes, Chairman; Russell Wolfe, Eugene L. Padberg.	July 7, 1945	
27	The Erie RR. Co.	BRT	June 28, 1945	Leif Erickson, Chairman; Ridgely P. Melvin, Robert G. Simmons.	July 18, 1945	
28	Chicago, North Shore & Milwaukee RR. Co. et al.	BLF & E, BRT	July 10, 1945	Roger I. McDonough, Chairman; John W. Yeager, Robert W. Woolley.	July 31, 1945	
29	Railway Express Agency, Inc.	IBT	Oct. 10, 1945	H. Nathan Swain, Chairman; Eugene L. Padberg, Henri Burque.	Oct. 31, 1945	
30	Texas & New Orleans RR. Co. and Hospital Association of the Southern Pacific Lines in Texas and Louisiana.	13 railway labor organizations	Dec. 4, 1945	Richard F. Mitchell, Chairman; Ernest M. Tipton, John W. Yeager.	Jan. 5, 1946	
31	St. Louis-San Francisco Ry. Co. and St. Louis, San Francisco & Texas Ry. Co.	BRT	Jan. 5, 1946	Robert G. Simmons, Chairman; Henri A. Burque, Luther W. Youngdahl.	Jan. 24, 1946	
32	Texas & New Orleans RR. Co.	BLE, BRT	Mar. 2, 1946	H. Nathan Swain, Chairman; Eugene L. Padberg, Grady Lewis.	Mar. 30, 1946 (extended time to Apr. 10, 1946).	
33	The Alton RR. and other carriers	BLE, BRT	Mar. 8, 1946	Leif Erickson, Chairman; Frank M. Swacker, Gordon S. Watkins.	Apr. 18, 1946	
34	The Chicago, Rock Island & Pacific Ry. Co.	BRT	Apr. 19, 1946	Henri A. Burque, Roger I. McDonough, Grady Lewis, Chairman.	May 6, 1946	
35	Railway Express Agency, Inc.	BRC, IAM, International Brotherhood Blacksmiths, Drop Forgers & Helpers.	Apr. 24, 1946 (E.O. 9716)	Robert W. Woolley, Chairman; I. L. Sharfman, Leverett Edwards.	May 23, 1946	

36	Transcontinental & Western Air, Inc., and other carriers	ALPA, Intl	May 7, 1946	George E. Bushnell, chairman, William M. Leiserson, John A. Lapp.	July 8, 1946 (extension of time to July 7, 1946).	A-2219, A-2231, A-2241, through 22-51.
37	Hudson & Manhattan RR. Co	BLE, BRT	May 29, 1946 (E.O. 9731)	John A. Fitch, chairman, Arthur E. Whittemore, Russell Wolfe.	June 20, 1946	
38	Northwest Airlines, Inc	IAM	July 3, 1946	Frank H. Swacker, chairman, Lewis Grady, John A. Lapp.	Aug. 7, 1946 (extended 10 days to Aug. 12, 1946).	
39	Denver & Rio Grande Western RR. Co	BRT	July 10, 1946	John W. Yeager, chairman, Roger I. McDonough, Floyd McGown.	Aug. 14, 1946 (extension of time made between the parties).	A-2350.
40	The Pullman Co	ORC	July 27, 1946	I. L. Sharfman, chairman, Robert G. Simmons, Walton H. Hamilton.	Aug. 23, 1946	
41	The Long Island RR. Co	Railroad Workers Industrial Union Division 50, United Mine Workers of America.	Sept. 5, 1946 (E.O. 9770)	Frank M. Swacker, chairman; H. Nathan Swain, Leverett Edwards.	Oct. 11, 1946 (extention of time to Oct. 21, 1946).	
42	Utah Idaho Central RR. Corp	IAM	Sept. 23, 1946	Richard F. Mitchell, chairman; Norris C. Bakke, Otto S. Beyer.	Oct. 11, 1946	A-2276.
43	The Atlanta & St. Andrews Bay Ry. Co. and other carriers	15 cooperating railway labor organizations.	Oct. 29, 1946	James H. Wolfe, chairman; Robert E. Stone, Floyd McGown.	Dec. 4, 1946 (extension of time granted to Dec. 24, 1946).	
44	The Barre & Chelsea RR. Co. and the St. Johnsbury & Lake Champlain RR. Co.	BLE, BLF & E, BRT	Nov. 6, 1946	James H. Wolfe, chairman; Robert E. Stone, Floyd McGown.	Dec. 4, 1946 (extended to Dec. 24, 1946).	
45	Ann Arbor RR. Co.; Grand Trunk Western Railroad Co.; Pere Marquette Ry. Co.; Wabash RR. Co.	National Maritime Union (CIO)	Mar. 28, 1947	Frank M. Swacker, chairman; Harry H. Schwartz, Hugh B. Fouke.	Apr. 21, 1947	A-2455, A-2456, A-2457, A-2458.
46	Bingham & Garfield Ry. Co	BLF & E, ORC of A	May 16, 1947	H. Nathan Swain, chairman; George E. Bushnell, Joseph L. Miller.	July 16, 1947 (extension of time to July 16, 1947).	
47	Southern Pacific Co. (Pacific Lines); Northwestern Pacific RR. Co.; San Diego & Arizona Eastern Ry. Co.	BLE	July 18, 1947 (E.O. 9172)	Grady Lewis, chairman; Leverett Edwards, Paul A. Dodd.	July 30, 1947	
48	Terminal Railroad Association of St. Louis	BRC	Aug. 6, 1947	Leif Erickson, chairman; Eugene L. Padberg, Andrew Jackson.	Aug. 19, 1947	
49	River Terminal Ry. Co	BRT	Aug. 1, 1947 (E.O. 9880)	Frank M. Swacker, chairman; Hugh B. Fouke, Sidney St. F. Thaxter.	Aug. 20, 1947	A-2542.
50	Railway Express Agency, Inc	IBT	Sept. 15, 1947 (E.O. 9891)	Leverett Edwards, chairman; H. Nathan Swain, Norman J. Ware.	Oct. 13, 1947	A-2584.
51	Atlanta & West Point Co.; the Western of Alabama	BLE	Oct. 16, 1947 (E.O. 9899)	Ernest M. Tipton, chairman; Harry H. Schwartz, John T. McCann.	Nov. 1, 1947	A-2661.
52	Railway Express Agency, Inc	IBT	Oct. 21, 1947 (E.O. 9900)	Arthur S. Meyer, chairman; Frank M. Swacker, Aaron Horvitz.	Jan. 15, 1948 (extension to Dec. 21, 1947) (extension to Jan. 20, 1948).	A-2684.
53	Georgia	BLF & E	Dec. 16, 1947 (E.O. 9910)	Floyd McGown, chairman; John T. McCann, Eugene L. Padberg.	Jan. 20, 1948 (20-day extension to Feb. 4, 1948).	A-2518.
54	Alabama, Tennessee, and Northern Co. and other carriers	17 cooperating railway labor organizations.	Dec. 31, 1947 (E.O. 9918)	Grady Lewis, Hugh B. Fouke, Andrew Jackson.	Jan. 28, 1948	A-2711.
55	Chicago, North Shore & Milwaukee	IU of AA of SE Railway & Motor Coach Employees of America.	Jan. 13, 1948 (E.O. 9922)	Harry H. Schwartz, chairman; Russell Wolfe, Robert E. Stone.	Feb. 14, 1948 (10-day extension of time to Feb. 23, 1948).	A-2693.
56	Akron & Barberton Belt Co	BRT	Jan. 13, 1948 (E.O. 9923)	Robert W. Woolley, chairman; Huston Thompson, Walter Gellhorn.	Jan. 29, 1948	A-2665.
57	Akron, Canton & Youngstown Co. and other carriers	BLE, BLF & E, SUNA	Jan. 27, 1948 (E.O. 9929)	William M. Leiserson, chairman; George E. Bushnell, William Willard Wirtz.	Mar. 27, 1948 (30-day extension to Mar. 27, 1948).	A-2705.
58	Terminal Railroad Association of St. Louis	BLE, BLF & E, BRT	Mar. 18, 1948 (E.O. 9936)	Frank M. Swacker, chairman; George Cheney, James E. Wolfe.	Apr. 7, 1948	
59	Railway Express Agency, Inc	IBT	Mar. 25, 1948 (E.O. 9940)	John A. Lapp, Chairman; John T. McCann, John D. Galey.	Mar. 30, 1948	A-2685.
60	Aliquippa & Southern RR. Co	BRT	Apr. 10, 1948 (E.O. 9948)	Sidney St. F. Thaxter, chairman; Leverett Edwards, Aaron Horvitz.	May 17, 1948 (30-day extension to June 9, 1948).	A-2779.
61	Pennsylvania RR	BLF & E	Apr. 10, 1948 (E.O. 9947)	Andrew Jackson, chairman; James H. Wolfe, E. Wight Bakke.	June 9, 1948[1] (30-day extension to June 9, 1948).	A-2791.
62	National Airlines, Inc	ALPA International, IAM	May 15, 1948 (superseding proclamation June 3, 1948 (E.O. 9958-9965).	Grady Lewis, chairman; Walter V. Schaefer, Curtis W. Roll.	July 9, 1948[2] (extension to July 30, 1948).	A-2707.
63	Grand Trunk Western RR. Co.; Chesapeake & Ohio Ry. Co.; Wabash RR. Co.; and the Ann Arbor RR. Co.	National Maritime Union of America	June 23, 1948 (E.O. 9971)	Robert G. Simmons, chairman; Joseph L. Miller, Thomas F. Gallagher.	July 20, 1948	A-2801, A-2802, A-2803, A-2804.
64	Pittsburgh & West Virginia Ry. Co	BRT	Aug. 26, 1948 (E.O. 9991)	John W. Yeager, chairman; John T. McCann, Thomas J. Reynolds.	Sept. 13, 1948	
65	Public Belt RR. Commission of the City of New Orleans	BLF & E, BRT	Sept. 8, 1948 (E.O. 9996)	Harry H. Schwartz, chairman; Floyd McGown, A. Langley Coffey.	Sept. 18, 1948 (supplemental report dated Sept. 23, 1948).	
66	Akron & Barberton Belt RR. Co., et al	16 cooperating railway labor organizations (nonoperating).	Oct. 18, 1948 (amendment to procedure, Nov. 5, 1948).	William M. Leiserson, chairman; George A. Cook, David L. Cole.	Dec. 17, 1948 (30 day extension to Dec. 17, 1948).	A-2953.
67	Northwest Airlines, Inc	IAM	Jan. 19, 1949 (E.O. 10029)	Harry H. Schwartz, chairman; Aaron Horvitz, Robert O. Boyd.	Mar. 10, 1949 (30 day extension to Mar. 21, 1949).	A-2913.
68	The Akron, Canton & Youngstown RR. Co. and other carriers	IAM	Jan. 28, 1949 (E.O. 10032)	George W. Taylor, Chairman; Grady Lewis, George E. Osborne.	Apr. 11, 1949 (45 day extension to Apr. 13, 1949).	A-2920.
69	Denver & Rio Grande Western RR. Co	SUNA	Feb. 14, 1949 (E.O. 10037)	Frank M. Swacker, Chairman; Leverett Edwards, Adolph E. Wenke.	Mar. 5, 1959	
70	Carriers represented by Eastern, Western & Southeastern carriers Conference Committee.	BLF & E	Feb. 15, 1949	George W. Taylor, Chairman; Grady Lewis, George E. Osborne.	Sept. 19, 1949 (extension of time to Aug. 15, 1949); (extension of time to Sept. 19, 1949).	A-3045.

See footnotes at end of table.

Emergency board index—Continued

No.	Carrier	Organization	Date of order	Members	Date of report	NMB case No.
71	Wabash RR. Co. and the Ann Arbor RR. Co.	BLE, BLF & E, ORC, BRT	Mar. 15, 1949 (E.O. 10045)	Roger I. McDonough, Chairman; John W. Yeager, Curtis G. Shake.	Aprl 6, 1949	A-3028.
72	Southern Pacific Co. (Pacific Lines)	BLF & E	Mar. 30, 1949 (E.O. 10048)	Harry H. Schwartz, Chairman; Robert O. Boyd, Daniel T. Valdez.	Apr. 29, 1949 [3]	A-3016.
73	Railway Express Agency, Inc.	BRC	Apr. 9, 1949 (E.O. 10050)	David L. Cole, Chairman; Leverett Edwards, Aaron Horvitz.	May 6, 1949	A-3006.
74	Aliquippa & Southern RR. Co.	BRT	Apr. 15, 1949 (E.O. 10051)	Andrew Jackson, Chairman; Leif Erickson, Elmer T. Bell.	May 18, 1949 (30-day extension to June 15, 1949).	A-3075.
75	Union RR. Co. (Pittsburgh)	BRT	May 12, 1949 (E.O. 10056)	Andrew Jackson, Chairman; Leif Erickson, Elmer T. Bell.	July 29, 1949 (30-day extension to July 11, 1949). (Additional 30-day extension to Aug. 10, 1949 a/c lack funds).	A-3083.
76	Missouri Pacific RR. Co.	BLE, BLF & E, ORC, BRT	July 8, 1949	Curtis G. Shake, Chairman; Floyd McGown, Roger I. McDonough.	Aug. 2, 1949	A-3157.
77	Southern Pacific Co. (Pacific Lines)	BRT	July 20, 1949 (E.O. 10071)	Frank M. Swacker, Chairman; Robert G. Simmons, Leverett Edwards.	Sept. 1, 1949 (30-day extension to Sept, 18, 1949).	A-3085, A-3086.
78	The Monongahela Connecting RR. Co.	BRT	Sept. 9, 1948 (E.O. 10078)	Harry H. Schwartz, Chairman; Francis J. Robertson, Andrew Jackson.	Oct. 7, 1949	A-3220
79	The Denver & Rio Grande Western Co.	BRT	Feb. 4, 1950 (E.O. 10105)	Robert G. Simmons, Robert O. Boyd, Harold R. Korey.	Feb. 28, 1950	A-3065.
80	Texas & Pacific and its subsidiaries including Fort Worth Belt Co. and the Texas Pacific-Missouri Pacific Terminal of New Orleans.	BLE, BLF & E, ORC & BRT	Feb. 10, 1950 (E.O. 10109)	Frank M. Swacker, Chairman; Paul G. Jasper, Thomas F. Gallagher.	Mar. 9, 1950	A-3137, A-3261.
81	Carriers represented by the Eastern, Western, & Southeastern Carriers Conference Committee.	ORC, BRT	Feb. 24, 1950	Roger I. McDonough, Chairman; Mart J. O'Malley, Gordon S. Watkins.	June 15, 1950 (66-day extension to June 1, 1950) (also handled concurrently with E.B.'s No. 83 and 84) (14-day extension to June 15, 1950 due to lengthy hearings and also so that it be submitted simultaneously with E.B. No. 84).	A-3290.
82	Terminal RR. of St. Louis	BLE and BLF & E	Mar. 3, 1950 (E.O. 10114)	Joseph L. Miller, Chairman; A. Langley Coffey, Walter V. Gellhorn.	Apr. 1, 1950	A-3343.
83	Carriers represented by Western Carriers Conference Committee	SUNA	Mar. 20, 1950 (E.O. 10117)	Roger I. McDonough, Chairman; Mart J. O'Malley, Gordon S. Watkins.	Apr. 18, 1950	A-3332.
84	Carriers represented by the Eastern, Western, Southeastern Carriers Conference Committee.	RYA	Apr. 11, 1950	do	June 15, 1950 (30-day extension to June 11, 1950); (4-day extension to June 15, 1950).	A-3330.
85	Chicago & Illinois Midland Ry. Co.	BRT	Apr. 26, 1950 (E.O. 10125)	Andrew Jackson, Chairman; Harry H. Schwartz, Joseph S. Kane.	May 19, 1950	A-3381.
86	Boston & Albany RR. Co.	BRT	June 6, 1950 (E.O. 10130)	Andrew Jackson, Chairman; Paul G. Jasper, George W. Stocking.	July 6, 1950	A-3392.
87 88 & 88A	Toledo Lakefront Dock Co. Toledo, Lorain & Fairport Dock Co.	ILA Local 158 AFL	July 3, 1950 (E.O. 10138 and 10139).	Robert G. Simmons, chairman, Joseph L. Miller, Dudley E. Whiting.	Aug. 11, 1950 (30 day extension to Sept. 1, 1950).	A-3380.
89	The Pullman Co.	ORC	July 6, 1950 (E.O. 10140)	Ernest M. Tipton, chairman, I. L. Sharfman, Angus Munro.[4]	Nov. 3, 1950 (30 day extention to Sept. 4, 1950) (30 day additional extension to Oct. 4, 1950) (30 days added to Nov. 3, 1950).	A-3300.
90	Braniff Airways, Inc.	BRC	July 12, 1950 (E.O. 10141)	William M. Leiserson, chairman, A. Langley Coffey, Daniel T. Valdes.	Aug. 31, 1950 (20 day extension to Sept. 1, 1950).	A-3149.
91	New York Central RR. Co. lines east of Buffalo	BLE, BLF & E, ORC, BRT	Aug. 4, 1950 (E.O. 10147)	Frank M. Swacker, chairman, Paul G. Jasper, Wayne Quinlan.[4]	Sept. 13, 1950 (30 day extension to Oct. 4, 1950).	A-3419.
92	Atlantic & East Carolina Ry. Co. and other carriers	16 cooperating nonoperating labor organizations.	Aug. 11, 1950 (E.O. 10150)	Thomas F. Callagher, chairman, George W. Stocking, Walter Gellhorn.	Sept. 9, 1950	A-3444.
93	Railway Express Agency, Inc.	IBT	Oct. 3, 1950 (E.O. 10165)	Grady Lewis, chairman: William J. Kelley, O.M.I.,[4] Joseph L. Miller.	Nov. 2, 1950	A-3526.
94	American Airlines, Inc.	ALPA	Jan. 13, 1951 (E.O. 10203)	David L. Cole, chairman; Frank P. Douglass,[5] Aaron Horvitz.	May 25, 1951 (30-day extension to Mar. 14, 1951); (30-day extension to Apr. 13, 1951); (30-day extension to May 13, 1951); (15-day extension to May 28, 1951).	A-3255.
95	The Denver & Rio Grande Western RR. Co., including Denver & Salt Lake RR. Co. (under Supervision of Secretary of Army, E.O. 10155).	BLE	Sept. 6, 1951 (E.O. 10285)	Frank P. Douglass, Frank M. Swacker, Robert G. Simmons.	Sept. 19, 1951	A-3563.
96	The Pullman Co.	ORC	Sept. 6, 1951 (E.O. 10286)	Carroll R. Daugherty, Chairman;[6] George Chemey, Andrew Jackson.	Oct. 3, 1951	A-3637.

97	Baltimore & Ohio RR. Co., including Buffalo Division (formerly Buffalo, Rochester & Pittsburgh Ry.) and Buffalo & Susquehanna District. Chicago & North Western Ry. Co., including Chicago, St. Paul, Minneapolis & Omaha Ry., Louisville & Nashville RR. Co., Terminal Railroad Association of St. Louis and all other carriers represented by Eastern, Western, and Southeastern Carriers' Conference Committees (under supervision of Secretary of Army, E.O. 10155).	BLF & E	Nov. 6, 1951 (E.O. 10303)	Carroll R. Daugherty, Chairman; George Cheney, Andrew Jackson.	Jan. 25, 1952 (20-day extension to Dec. 26, 1951), (20-day additional extension to Jan. 15, 1952), (15-day additional extension to Jan. 30, 1952).	
98	Akron & Barberton Belt RR. Co., and other carriers (under supervision of Secretary of the Army E.O. No. 10155).	17 cooperating labor organizations (nonoperating).	Nov. 15, 1951 (E.O. 10306)	David L. Cole, chairman; George Osborne, Aaron Horvitz.	Feb. 14, 1952 (30-day extension to Jan. 15, 1952) (30-day extension to Feb. 15, 1952).	A-3744 with sub number.
99	Pan American World Airways, Inc	TWU of A, CIO	Dec. 17, 1951 (E.O. 10314)	Curtis G. Shake, chairman; William E. Grady, Jr., Walter Gilkyson.[7]	Feb. 16, 1952 (32-day extension to Feb. 18, 1952, see stipulation).	A-3827.
100	Northwest Airlines, Inc	IAM	Jan. 4, 1952 (E.O. 10319)	Due to the fact that parties to dispute returned to direct negotiations which resulted in an agreement between the parties, dated Apr. 24, 1952, no effort was made to name said board members although 3 30-day extensions of time were granted by the President for investigation and report of dispute. Under the above circumstances this emergency board functioned until said agreement was reached.	None made. (30-day extension of time to Mar. 5, 1952; requested extension of time made to May 5, 1952.)	A-3566.
101	Trans World Airlines, Inc	Flight Engineers' International Association, TWA Chapter.	July 9, 1952 (E.O. 10371)	Adolph E. Wenke, chairman; Robert O. Boyd, I. L. Sharfman.	Report to President, dated Aug. 29, 1952 (30-day extension to Sep. 7, 1952).	A-3968.
102	Northwest Airlines, Inc	IAM	July 10, 1952 (E.O. 10372)	do	Aug. 29, 1952 (30-day extension to Sept. 8, 1952).	A-3894.
103	United Air Lines, Inc	Flight Engineers International Association, UNA Chapter.	Nov. 6, 1952 (E.O. 10406)	Saul Wallen, Robert O. Boyd, Harold R. Korey.	Jan. 2, 1953 (30-day extension to Jan. 5, 1953).	A-3910.
104	New York, Chicago & St. Louis RR. Co	BRT	Apr. 24, 1953 (E.O. 10449)	No members appointed. Parties reached agreement on Apr. 26, 1953, thus no E.B. was set up for hearing this dispute.		A-4182.
105	Railway Express Agency, Inc	BRC	Dec. 16, 1953 (E.O. 10509)	Fred W. Messmore, William E. Grady, Jr., G. Allen Dash, Jr.	Feb. 17, 1954 (30-day extension time to Feb. 17, 1954).	A-4358.
106	Akron, Canton and Youngstown Co. and other carriers represented by Eastern, Western, and Southeastern Carriers Conference Committees.	15 cooperating; nonoperating railway labor organizations.	Dec. 28, 1953 (E.O. 10511)	Charles E. Loring, chairman; Adolph E. Wenke, Dean Martin Paul Catherwood.	May 15, 1954 (52-day extension to Mar. 20, 1954) (41-day extension to Apr. 30, 1954) (15-day extension to May 14, 1954).	A-4336.
107	The Pullman Co	ORC & B	Oct. 16, 1954 (E.O. 10570)	Edward F. Carter, chairman; Edward B. Bunn, Howard A. Johnson.	Nov. 20, 1954	A-4599.
108	Capital Airlines, Inc., National Airlines, Inc., Northwest Airlines, Inc., Trans World Airlines, Inc., United Airlines, Inc., Eastern Air Lines, Inc.	IAM	Nov. 16, 1954 (E.O. 10576)	Adolph E. Wenke, chairman; James P. Carey, Jr., Francis J. Robertson.	Apr. 13, 1955 (30-day extension to Jan. 14, 1955) (30-day extension to Feb. 14, 1955) (30-day extension to Mar. 14, 1955) (30-day extension to Apr. 14, 1955) (30-day extension to May 14, 1955).	A-4579, A-4580, A-4581, A-4582, A-4583, A-4584.
109	Certain carriers represented by Eastern, Western, and Southeastern Carriers' Conference Committees.	ORC & B	Nov. 23, 1954 (E.O. 10578)	Edward M. Sharpe, chairman, John T. Dunlop, Charles A. Sprague.	Mar. 25, 1955 extended to Feb. 1, 1955 extended to Mar. 15, 1955, extended to Apr. 1, 1955.	A-4374.
110	do	BLF & E	June 17, 1955 (E.O. 10615)	Curtis C. Shake, chairman, G. Allan Dash, Jr., Martin P. Gatherwood.	July 30, 1955 (extension time to Aug. 1, 1955).	A-4854.
111	Railway Express Agency, Inc	International Brotherhood of Teamsters, Chauffeurs, Warehousemen, and Helpers of America.	July 1, 1955 (E.O. 10622)	Robert G. Simmons, Chairman, Morrison Bandsaker, Benjamin C. Roberts.	Aug. 1, 1955	A-4779; A-4860.
112	New York Central System, lines East	ORC & B	Aug. 16, 1955 (E.O. 10630)	Mortimer Stone, chairman, Dudley E. Whiting, Arthur Stark.	Sept. 14, 1955	A-4712.
113	Pennsylvania RR. Co	Transport Workers Union of America, CIO.	Sept. 1, 1955 (E.O. 10635)	Howard A. Johnson, chairman, Walter R. Johnson, Mart J. O'Malley.	Oct. 26, 1955 (extended to Oct. 21, 1955) (extended to Oct. 31, 1955).	A-4717, A-4867.
114	The Albany Port District and other carriers represented by: Eastern, Western, and Southeastern Carriers' Conference Committees.	Cooperating and nonoperating railway labor organizations.	Nov. 7, 1955 (E.O. 10643)	Dudley E. Whiting, chairman; G. Allan Dash, Jr., John Day Larkin.	Dec. 12, 1955	A-4985.
115	Spokane, Portland & Seattle Co	BLE	Dec. 5, 1956 (E.O. 10691)	(8)	Extension of time granted to Feb. 3, 1957.	A-5245.
116	Akron & Barberton Belt Co. and other carriers represented by Eastern, Western, and Southeastern Carriers' Conference Committees.	BRT	Dec. 22, 1956 (E.O. 10693)	Nathan Cayton, chairman; Francis J. Robertson, A. Langley Coffey.	Mar. 15, 1957 (extension to Feb. 21, 1957) (extension to Mar. 18, 1957).	A-5248.
117	Railway Express Agency, Inc	IBT	Jan. 25, 1957 (E.O. 10696)	Paul H. Sanders, Chairman; Thomas C. Begley, Harold M. Gilden.	Mar. 21, 1957 (extension to Mar. 25, 1957).	A-5211.

See footnotes at end of table.

Emergency board index—Continued

No.	Carrier	Organization	Date of order	Members	Date of report	NMB case No.
118	Toledo, Lorain & Fairport Dock Co.; Toledo, Lakefront Dock Co.; Cleveland Stevedore Co.	District 50, United Mine Workers of America, independent.	May 9, 1957 (E.O. 10709)	Nathan Cayton, chairman; Dudley E. Whiting, Morrison Handsaker.	June 7, 1957	A-5385, A-5386, A-5433.
119	General Managers' Association of New York representing: New York Central RR. Co.; New York; New Haven & Hartford RR. Co.; Brooklyn Eastern District Terminal; New York Dock Ry.; Bush Terminal RR.; Baltimore & Ohio RR. Co.; Pennsylvania RR.; Erie RR. Co.; Reading Co.; Delaware, Lackawanna & Western RR.; The Central RR. Co. of New Jersey.	International Organization of Masters, Mates and Pilots, Inc.	Aug. 6, 1957 (E.O. 10723)	James J. Healy, chairman; [7] Benjamin C. Roberts, Walter R. Johnson.	Sept. 20, 1957 (extension to Sept. 20, 1957).	A-5435.
120	Eastern Air Lines, Inc	Flight Engineers International Association, EAL Chapter.	Jan. 21, 1958 (E.O. 10749)	David L. Cole, Chairman; [7] Saul Wallen, Dudley E. Whiting.	July 21, 1958 (extension to Mar. 22, 1958) (extension to Apr. 28, 1958).	A-5612, E-148.
121	Eastern Airlines, Inc	ALPA International	Jan. 28, 1958 (E.O. 10750).	David L. Cole, chairman; Saul Wallen, Dudley E. Whiting.	July 21, 1958 (30-day extension to March 29, 1958) (add 30-day extension to April 28, 1958).	E-146.
122	Eastern Air Lines, Inc., Trans World Airlines, Inc., United Air Lines, Inc., Northwest Airlines, Inc., Northeast Airlines, Inc., Capital Airlines, Inc., National Airlines, Inc.	IAM	Feb. 27, 1958 (E.O. 10757).	Howard A. Johnson, chairman; Paul N. Guthrie, Francis J. Robertson.	Sept. 15, 1958 (extended 30 days to May 14, 1958).	A-5599, A-5613, A-5615, A-5618, A-5621, A-5642, A-5643.
123	Trans World Airlines, Inc	Flight Engineers International Association, TWA chapter.	Mar. 27, 1958 (E.O. 10760).	David L. Cole, chairman; Saul Wallen, Dudley E. Whiting.	July 25, 1958 (30-day extension to May 27, 1958) (add extension to June 26, 1958, July 23 and July 31, 1958).	A-5630.
124	American Airlines, Inc	ALPA, International	June 19, 1958 (E.O. 10770).	James J. Healy, chairman; Benjamin C. Roberts, Maynard E. Pirsig.	Sept. 3, 1958	A-5567, E-162.
125	Pan American World Airways, Inc	TWU of A, AFL-CIO	Apr. 22, 1959 (E.O. 10811).	Dudley E. Whiting, chairman; Morrison Handsaker, Arthur Stark.	June 15, 1959 (extension to June 15, 1959).	A-5914, E-193.
126	Atchison, Topeka & Santa Fe	BLE	Feb. 12, 1960 (E.O. 10862)	Dudley E. Whiting, chairman; Harold, M. Weston, R. W. Nahstoll.	July 15, 1960 (stipulation extension of time to June 1, 1960).	A-6117, E-218.
127	New York Central System	ORO & B	Feb. 29, 1960 (E.O. 10868)	Leo C. Brown, chairman; David R. Douglass, James P. Carey, Jr.	June 20, 1960 (stipulation extension approved until June 1, 1960).	A-5866.
128	Pan American World Airways, Inc	BRC	Mar. 18, 1960 (E.O. 10872)	Paul H. Cuthrie, chairman; Saul Wallen, Arthur Stark.	June 2, 1960 (stipulation extension approved until May 18, 1960).	A-6130.
129	Long Island Co	BRP	Apr. 18, 1960 (E.O. 10874)	Curtie G. Shake, chairman; Edward A. Lynch Lloyd A. Bailer.	May 18, 1960	E-213.
130	The Akron & Barberton Belt Co. and other carriers represented by Eastern, Western, and Southeastern Carriers' Conference Committees.	11 cooperating (non-operating) railway labor organizations.	Apr. 22, 1960 (E.O. 10875)	John T. Dunlop, chairman; Benjamin Aaron, Arthur W. Sempliner.	June 8, 1960	A-6157 A-6158.
131	Chicago, Rock Island & Pacific RR. Co	Western Carriers Conference Committee and SUNA.	May 23, 1960 (E.O. 10878)	Russell A. Smith, chairman; Harold M. Gilden, Morrison Handsaker.	July 8, 1960 (extended to July 15, 1960).	A-6082.
132	The Pennsylvania RR. Co	TWU of A, Railroad Division and Railway Employees Department, AFL-CIO, System Bd. No. 152.	May 20, 1960 (E.O. 10877)	Frank P. Douglass, chairman; Paul H. Sanders, A. Langley Coffey.	June 24, 1960 (extended to June 24, 1960).	A-5949, E-134.
133	New York Harbor Carriers' Conference Committee	Employees represented by labor organizations, members of the Railroad Marine Harbor Council.	Sept. 26, 1960 (E.O. 10888)	Dudley E. Whiting, chairman; Benjamin C. Roberts, William H. Coburn.	Dec. 10, 1960	A-6217.
134	do	Lighter Captains' Union, Local No. 996.	Jan. 12, 1961 (E.O. 10904)	James T. O'Connell, chairman; [7] David R. Douglass, Harold M. Gilden.	Mar. 6, 1961 (extended to Feb. 25, 1961), (extended to Mar. 11, 1961).	A-6352
135	Pan American World Airways	Flight Engineers International Association, PAA Chapter.	Feb. 17, 1961 (E.O. 10919) (amended E.O. 10926, dated Mar. 18, 1961).	G. Allan Dash, Jr., chairman; [7] Arthur Stark, Edward A. Lynch.	June 20, 1961	A-6245.
136	Northwest Airlines, Inc	IAM	Feb. 24, 1961 (E.O. 10923)	Paul N. Guthrie, Chairman; [7] Benjamin Aaron, Paul B. Hanlon.	May 24, 1961	A-6176, A-6343.
137	Baltimore & Ohio RR. Co. and other carriers	Eastern, Western, and Southeastern Carriers Conference Committees and Railroad Yardmasters of America.	May 19, 1961 (E.O. 10944)	Harold M. Gilden, Chairman; Leo C. Brown, William H. Coburn.	July 10, 1961 (extended to July 19, 1961).	A-6360.
138	Southern Pacific Co. (Pacific Lines)	ORT	July 20, 1961 (E.O. 10953)	Harry H. Platt, Chairman; [7] Hubert Wyckoff, Morrison Handsaker.	Sept. 15, 1961	A-5904, A-6083.
139	The Pullman Co. and Chicago, Milwaukee, St. Paul & Pacific RR. Co.	ORC & S	Sept. 1, 1961 (E.O. 10963)	David R. Stowe, Chairman; Bryon R. Abernethy, H. Raymond Cluster.	Dec. 11, 1961 (extended to Oct. 30, 1961) (extended to Nov. 30, 1961) (extended to Dec. 15, 1961).	A-6380, A-6400.
140	Trans World Airlines, Inc	TWU of A, AFL-CIO	Oct. 5, 1961 (E.O. 10965)	Saul Wallen, chairman; Israel Ben Scheiber; Emanuel Stein.	Nov. 3, 1961	A-6537.
141	Reading Co	IOOM & P, Local No. 14	Oct. 11, 1961 (E.O. 10969)	Joseph Shister, chairman; Lloyd H. Bailer; Edward A. Lynch.	Dec. 5, 1961	A-6246.
142	Trans World Airlines, Inc	ALPA, International	Jan. 1, 1961 (E.O 10971)	Donald B. Straus; Morrison Handsaker; Patrick J. Fisher, chairman.	Dec. 15, 1961	A-6407.
143	Pan American World Airways, Inc	do	Nov. 10, 1961 (E.O. 10975)	Leo C. Brown, Chairman; Eli Rock; Arthur M. Moss.	Dec. 10, 1961	A-6328.
144	Eastern Air Lines, Inc	Flight Engineers International Association.	Feb. 22, 1962 (E.O. 11006)	Theodore W. Kheel, chairman; Paul N. Guthrie; Byron R. Abarnethy.	May 1, 1962	

145	Akron & Barberton Belt RR. and other carriers represented by Eastern, Western, and Southeastern Carriers Conference Committees.	11 cooperating railway labor organizations.	Mar. 3, 1962 (E.O. 11008)	Saul Wallen, chairman; Lawrence E. Seibel, Edward A. Lynch.	May 3, 1962	A-6627.
146	Trans World Airlines, Inc	Flight Engineers International Association, TWA Chapter	Mar. 20, 1962 (E.O. 11011)	James C. Hill, Chairman; Thomas C. Begley, Arthur W. Sempliner.	May 1, 1962	A-6406.
147	Chicago & North Western Ry. and the former Chicago, St. Paul, Minneapolis & Omaha RR.	ORT	Apr. 23, 1962 (E.O. 11015)	Arthur Ross, Chairman; Paul D. Hanlon, Charles C. Killingsworth.	June 14, 1962	A-5696, A-5739.
148	New York Central RR. System and Pittsburgh & Lake Erie RR	ORT	June 8, 1962 (E.O. 11027)	Joseph Shister, Chairman; Walter F. Eigenbrod, J. Harvey Daly.	Aug. 30, 1962	A-5809, A-6063.
149	American Airlines, Inc	TWU of A, AFL-CIO	June 20, 1962 (E.O. 11033)	Paul N. Guthrie, Chairman; James J. Healy, Burton B. Turkus.	No formal report, Aug. 11, 1962.	A-6582, A-6663.
150	Belt Ry. of Chicago	BLE	Aug. 6, 1962 (E.O. 11040)	Paul D. Hanlon, Chairman; David H. Stowe, Frank D. Reeves.	Mar. 4, 1963 (extension to Jan. 5, 1963).	A-6690.
151	Southern Pacific Co. (Pacific Lines)	BRC	Aug. 10, 1962 (E.O. 11042)	Keith J. Mann, Chairman; John F. Sembower, Abram H. Stockman.	Dec. 31, 1962	A-6617.
152	Pan American World Airways, Inc	TWU of A, AFL-CIO	Aug. 14, 1962 (E.O. 11043)	James C. Hill, Edward A. Lynch, Theodore W. Kheel, Chairman.	Dispute resolved by mutual agreement between parties.	A-6701.
153	REA Express	International Brotherhood of Teamsters, Chauffeurs, Warehousemen & Helpers of America.	Sept. 14, 1962 (E.O. 11050)	Jacob Seidenberg, Chairman; J. Glenn Donaldson, Robert J. Ables.	Nov. 10, 1962	A-6671 A-6696.
154	Eastern, Western, Southeastern Carriers' Conference Committees	BLE, BLF & E, ORC & B, BRT, SUNA.	Apr. 3, 1963 (E.O. 11101)	Samuel I. Roseman, Chairman; Nathan P. Feinsinger, Clark Kerr.	May 13, 1963	A-6700.
155	Pullman Co.; Chicago, Rock Island & Pacific RR. Co.; New York Central; Soo Line RR.	BRCP	July 4, 1963 (E.O. 11115)	Jacob Seidenberg, Chairman; J. Keith Mann, Frank D. Reeves.	Nov. 2, 1963	A-6794, A-6795, A-6796, A-6797.
156	United Air Lines, Inc	IAM	Oct. 9, 1963 (E. O. 11121)	Paul D. Hanlon, chairman; Eli Rock, Laurence E. Seibel.	Nov. 18, 1963	A-6905.
157	Florida East Coast Co	11 cooperating railway labor organizations.	Nov. 9, 1963 (E. O. 11127)	Harry H. Platt, chairman; Derek Bok, Paul N. Guthrie.	Dec. 23, 1963	A-6627, sub. No. 1.
158	Braniff International Airways, Continental Airlines, Eastern Air Lines, Inc., National Airlines, Inc., Northwest Airlines, Inc., Trans World Airlines, Inc.	IAM	Dec. 11, 1963 (E. O. 11131)	Ronald D. Haughton, chairman; Lewis M. Gill, John W. McConnell.	No report (Jan. 20, 1964 agreement).	A-6898, A-6899, A-6900, A-6901, A-6903, A-6904.
159	Eastern, Western, Southeastern Carriers' Conference Committees	BRS	Jan. 3, 1964 (E. O. 11135)	James C. Hill, chairman; Joseph Shister, Michael Deane.	Apr. 3, 1964	A-6967.
160	National Railway Labor Conference	RED	Mar. 17, 1964 (E. O. 11147)	Saul Wallen, chairman; Jean T. McKelvey (Mrs.), Arthur M. Ross.	Aug. 7, 1964	A-7030.
161	do	RED	Aug. 18, 1964 (E. O. 11169)	Richardson Dilworth, chairman; Paul D. Hanlon, Rabbi Jacob Joseph Weinstein,[9] Robert J. Ables, Lewis M. Gill, H. Raymond Cluster, Frank J. Dugan.	Oct. 20, 1964	A-7107.
162	National Railway Labor Conference	11 cooperating railway labor organizations.	Aug. 18, 1964 (E.O. 11168)	(Same as E.B. 161)	do	A-7127.
163	National Railway Labor Conference	5 cooperating railway labor organizations.	Aug. 18, 1964 (E.O. 11170)	do	do	A-7128.
164	National Railway Labor Conference	BLF & E	Sept. 24, 1964 (E.O. 11180)	Ronald D. Haughton, chairman; Jacob Seidenberg, Louis Crane.	Nov. 5, 1964	A-7173.
165	Atchison, Topeka & Santa Fe	Brotherhood of Railroad Trainmen	Sept. 11, 1965 (No. 11243)	Settled in conference between parties	None	A-6318.
166	5 carriers (EAL, NAL, NWA, TWA, UAL)	International Association of Machinists & Aerospace Workers, AFL-CIO.	Apr. 21, 1966 (No. 11276)	Wayne Morse, Chairman; David Ginsburg; Richard E. Neustadt.	June 5, 1966	A-7655.

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[1] Interpretation of report to President dated Aug. 24, 1948.

[2] Clarification of report to President July 23, 1948.

[3] Interpretation of report to President dated June 29, 1949.

[4] Appointed to serve 1st time.

[5] Appointed to serve as member of R.B. for 1st time.

[6] See E.B. No. 63, under supervision of Government also. See E.B. No. 83, restraining order.

[7] Named by White House.

[8] Withdrawn—A settlement was reached between the parties by an agreement dated Jan. 10, 1957 and effective Jan. 16, 1957.

[9] Weinstein appointed Sept. 22, 1964, to replace John W. McConnell who resigned (E.B. 161-162-163 appointed Aug. 18, 1964, by separate Executive orders and heard by same 7-man Board).

Mr. ERVIN. Mr. President, will the Senator yield for a question?

Mr. CLARK. I shall be happy to yield. May I say to Senators that I am prepared to yield at this point to any Senator who wishes to engage in colloquy. I have 5 or 10 minutes more in which to complete my statement, but I shall be glad to put that off in order to get these questions out of the way.

I wish to say, for the information of Senators, that when I complete my statement, it is my understanding that the majority leader will propose a unanimous consent agreement limiting the time for debate.

Mr. ERVIN. I should like to ask the Senator from Pennsylvania if it is not a fact that the present provisions of the Railway Labor Act have been exhausted and are no longer applicable.

Mr. CLARK. The Senator is correct.

Mr. ERVIN. So that we now have no law whatever with which to deal with this situation.

Mr. CLARK. The Senator is correct.

Mr. ERVIN. Does not the Senator from Pennsylvania agree with the Senator from North Carolina that law is a rule of action?

Mr. CLARK. I have a feeling I cannot agree with that until I hear the next question of the Senator. I do not believe that law is action. My view is that legislation lays down the rules of the game, and action is taken by the Chief Executive.

Mr. ERVIN. Since the provisions of the Railway Labor Act have been exhausted in respect to the controversy giving rise to this strike, there is now no law prescribing what action either management or the union shall take in this connection.

Mr. CLARK. The Senator is correct.

Mr. ERVIN. I should like to direct attention to subparagraph (b) of section 1, on page 2 of the resolution reported by the committee. Does it not contain this provision:

> (b) The Congress therefore finds and declares that emergency measures are essential to the settlement of this dispute and to the security and continuity of transportation services by such carriers.

Mr. CLARK. The Senator is correct.

Mr. ERVIN. Would not that language state the conviction of Congress, if it is enacted, that something should be done?

Mr. CLARK. It does, indeed.

Mr. ERVIN. And then the committee resolution says that the provisions of the Railway Labor Act can be reinstated, in the discretion of the President.

Mr. CLARK. The Senator is correct.

Mr. ERVIN. Is that not delegating, or attempting to delegate, to the President the power to make law?

Mr. CLARK. No. Congress makes the law; the President executes it.

Mr. ERVIN. If the President so decides, in his discretion, the President may reinstate the 180-day provision of the Railway Labor Act. Is that not what section 2 of the resolution reported by the committee provides?

Mr. CLARK. It certainly puts the discretion in the hands of the President.

I wish to point out that the statute books of the United States are full of discretionary authority given to the President, far wider than that given to him in this instance.

Mr. ERVIN. Does the Senator from Pennsylvania believe that all the discretion belongs to the President and none to Congress?

Mr. CLARK. The Senator is asking a rhetorical question, and I answer his question "No."

Congress is now debating whether it should act or not. A number of Senators will vote against the resolution. I believe that we are exercising wide discretion in connection with this debate by which we will determine what, if anything, we wish to do. The whole purpose of legislation is to exercise our individual and collective discretion.

Mr. ERVIN. In simple English, does not section 2 provide this: that the 180-day provision of the Railway Labor Act will be reinstated only by the President of the United States and not by act of Congress?

Mr. CLARK. No. I believe the Senator is misreading the purport of section 2.

I would phrase it this way: As the Senator has said, all authority under the Railway Labor Act has expired. The President is the individual who, in the opinion of the majority of the members of the committee, should be given the authority to take the emergency measures which are essential to the settlement of the dispute; and in making up his mind what if anything to do, he should have the authority to do what he sees fit.

In short, we give the President a charter of authority, and we do not attempt to dictate how he uses it.

Mr. ERVIN. Section 2 provides that the President may reinstate the provisions of the law which have now been exhausted. Is that not what section 2 provides?

Mr. CLARK. The Senator is entitled to his opinion. I do not believe a continuation of this colloquy will help clarify the matter. I believe it is fairly sterile.

Mr. ERVIN. Not only is it not sterile, but also, I believe it is pregnant with meaning.

Mr. CLARK. That is a new thought.

Mr. ERVIN. Does not section 2 provide, as follows:

> SEC. 2. The period of time provided for in section 10 of the Railway Labor Act, paragraph 3, during which no change, except by agreement, shall be made by the parties to the dispute, or affiliates of said parties, in the conditions out of which the dispute arose, may, in the discretion of the President, be reinstated and extended for such period or periods of time as may be determined by him upon issuance by him of an Executive order or orders so providing:

Mr. CLARK. That is exactly what it provides.

Mr. ERVIN. And does it not say that the President can extend it for 180 days or any less time he pleases?

Mr. CLARK. It certainly does.

Mr. ERVIN. And the Senator from Pennsylvania contends that that is not an attempt to delegate to the President the power to make law?

Mr. CLARK. No, it is not an attempt to delegate such power. I disagree with the Senator 100 percent in that statement.

Mr. ERVIN. One could not read this statute and find how long it would be reinstated, could one?

Mr. CLARK. Section 10 of the Railway Labor Act gives the President that discretion now. We are not changing that in any way but only extending it for a further period.

Mr. ERVIN. That power has been exercised by the President and has been exhausted. The Senator from Pennsylvania [Mr. CLARK] assured me of that in response to my first question. The President has no power under the Railway Labor Act at this time to extend anything or reinstate anything because his power has been exhausted.

This bill would provide that the President could do that if he saw fit; in other words, that he may do it or may not do it as he sees fit; the bill would allow the President to establish rules of action to govern the airlines and the members of the union for 180 days or any less period. That, in substance, is permitting the President to make laws—a power which belongs to Congress alone.

Mr. CLARK. I must disagree with the Senator again. The President can order the men back to work for up to 180 days, but he cannot establish the rules of action during this period.

Mr. ERVIN. I shall say one further thing. This bill would emulate Pontius Pilate and say on behalf of the Congress: We are going to wash our hands of responsibility, and let the President assume it.

I thank the Senator for yielding. I trust that I have not trespassed too much on his patience or his time.

Mr. CLARK. I thank the Senator for his usual courtesy and good humor.

Mr. COOPER. Mr. President, will the Senator yield?

Mr. CLARK. I yield to the Senator from Kentucky.

Mr. COOPER. I was very much interested in the statement made by the Senator from Pennsylvania [Mr. CLARK] a few moments ago when, I believe, he said he was not sure himself whether or not the President should use the authority proposed to be given to him.

Mr. CLARK. The Senator is correct.

Mr. COOPER. Is it correct then that the committee in reporting the resolution did not mean what it said—that there is an emergency and that transportation should be maintained?

Mr. CLARK. I think that I can answer the Senator's question in this manner. There are some members of the committee and some Members of the Senate who think that the free reign of collective bargaining should be permitted to continue for an appreciable period of time without ordering the men back to work.

They do not think that the situation is critical enough for the exercise of Presidential and congressional authority. I do not think that I agree with them. But a pretty good case can be made that the situation is not yet serious enough to set aside labor's right to strike.

Mr. COOPER. The Senator is saying that some members of the committee believe the President should not invoke the authority that would be given to him under the resolution immediately.

Mr. CLARK. Yes.

Mr. COOPER. They believe that he should wait until such time as he chooses to use the authority—and perhaps not use it at all—to send the men to work and resume operations of the airlines.

Mr. CLARK. The Senator is correct, some members feel that way.

This was the strongest measure that we could bring out of the committee. I am prepared to support it. A more drastic bill was defeated. It was a close vote, but it was defeated. The question was this resolution or nothing, and I believe it is an acceptable compromise.

Mr. COOPER. It is quite interesting that the resolution invokes the emergency settlement provision of the Railway Labor Act; and also provides in subsection (b), the preamble, that—

> Emergency measures are essential to the settlement of this dispute and to the security and continuity of transportation services by such carriers.

The language implies strongly that the committee wants something done now, and yet the Senator has stated to me that it is not certain if it wants anything done.

Mr. CLARK. I think that every member of the committee except one thought that some action should be taken now. Ten members of the committee thought that that action should be temperate and moderate and should leave a substantial amount of discretion in the hands of the President in the days immediately ahead.

A good many members of the committee, but less than a majority, thought that Congress should take the bull by the horns and direct the men to go back to work. I am not of that view.

Mr. COOPER. I know that there is always reluctance, and properly so, I agree, to prohibit legislatively the continuance of a strike. However, the resolution which has been reported by the committee, and the Morse resolution, contain language which would prohibit the continuance of the strike when the authority is invoked. Congress cannot escape the fact that it is writing into law, that a strike cannot continue after the prohibition is invoked. Is that not correct?

Mr. CLARK. No. I think that the committee bill gives the President another tool with which to terminate the dispute, if he thinks it wise to do so.

To me this is temperate and moderate legislation, whereas, in my judgment, the Morse resolution is punitive legislation which orders the men back to work and leaves nothing for the President. That is the difference.

Mr. COOPER. We are arguing about language, but I believe that section 2 is essentially the same in both resolutions by providing that when the action is triggered, whether by the President or Congress the continuation of a strike, would be prohibited. That is clear.

Mr. CLARK. I wish to say to the Senator from Kentucky [Mr. COOPER], I think that the phrase he referred to on page 2, line 16, "emergency measures are essential," still leaves open what emergency measures are essential.

Mr. COOPER. Would the Senator agree with this statement? The public would like to see work stoppage ended and collective bargaining to settle the disputes over wages and other issues resumed. It is correct, is it not, that the Morse resolution, immediately upon its passage and approval by the President would set in motion measures that would end the work stoppage and start collective bargaining, while the resolution that has been reported by the committee gives no such assurance.

Mr. CLARK. Let me make a point.

Mr. COOPER. I would like to know if that is an essential difference between the two resolutions.

Mr. CLARK. Yes, but let me say this to the Senator from Kentucky. The traveling public, or at least that part of the traveling public which goes by air, is very much upset by this. I have been enormously inconvenienced by the stoppage myself. I imagine that every Senator and Congressman, and most of the big corporate executives in the country have been.

Mr. COOPER. I have not been inconvenienced but it is a question of general transportation.

Mr. CLARK. The Senator is fortunate if he has not been inconvenienced by the strike.

Mr. COOPER. Considerable air traffic is shut off in Kentucky, but I have not been greatly inconvenienced.

Mr. CLARK. It is largely public inconvenience directed at the power structure of this country. When the Greyhound Bus Co. went on strike a couple of years ago there was not the slightest suggestion that the Federal Government should intervene, and I think that a great many more people were inconvenienced then than are now being inconvenienced by the airline strike. But those were people who could not raise such a hue and cry.

I believe we should take action, but it is not all that clear.

Mr. COOPER. I think I have made my point. My question was answered. I believe it must be true, that a majority or part of the committee is saying—although an emergency resolution has been reported—that they do not believe at this point that immediate action is required.

Mr. CLARK. That is not a fair statement, Senator. Let me say candidly that the majority of the committee believe that the President should be given authority to bring the men back to work.

They believe it firmly and implicitly, and so do I. But the majority of the committee did not believe that Congress should order these people back to work. I invite attention to the fact that in the testimony given before the committee by the Secretary of Labor, in response to a colloquy which I had with him, I said to him, "What difference does it make, Mr. Secretary, whether the Congress orders these people back to work or the President orders these people back to work?"

He said, "Not much."

I said, "I agree with you."

The only resolution we could get reported by the majority of the committee, particularly by a majority of the Democratic members, by 8 votes out of 10, was the resolution now before the Senate. I believe it is an acceptable compromise.

Mr. COOPER. It is a compromise.

Mr. PELL. Mr. President, will the Senator from Pennsylvania yield?

Mr. CLARK. I am happy to yield to the Senator from Rhode Island.

Mr. PELL. I thank the Senator. I have a general statement I should like to read, and then some questions for the Senator, or would he rather I delayed my statement?

Mr. CLARK. No, I would be happy to have the Senator proceed as he wishes.

Mr. PELL. Mr. President, to my mind, strikes such as the present airline dispute, affecting the public interest, are obviously harmful to our Nation.

The question is whether this strike is a national emergency or whether it is a national nuisance, a national inconvenience, affecting the leaders of opinion, those who are articulate, those who are the leaders of our Nation.

The administration's witness, Secretary of Labor Wirtz, testified to the effect that this is not a national emergency, that more than 96 percent of intercity passengers are moving exactly as they always have, that 99.9 percent of freight movements have been unaffected.

For these reasons, I find myself most reluctant to take a step which would order men back to work under sanction of fine or jail. Such a measure has not been taken since the railroad strike of 1917. Under the present circumstances, I think it would be incorrect to go any further than the committee resolution, by which we have given the President the authority to order the workers back to work. This in itself, to my mind, would be a most serious step.

Mr. CLARK. I thank the Senator.

Mr. PELL. I would also like to add that, I think the word "authorized," proposed by my own senior colleague [Mr. PASTORE] perhaps expresses more fully the intent of our committee than the wording in the reported resolution.

In this connection, Senator CLARK, I want to be sure that my memory is correct—Did not the Secretary of Labor testify, not only last week, but again on yesterday, that we were not by any stretch of the imagination in an emergency state?

Mr. CLARK. He did testify that we did not yet have a national emergency. I must repeat that it does not make any real difference because the relevant test is the Railway Labor Act test—that is, a substantial interruption of interstate commerce.

Mr. PELL. The following question then comes to mind. Why is it that for the first time since 1917 the Senate is asked to order men back to work which means that if they don't comply they go to jail? Is it because this is the most serious strike that has affected the national interest since 1917, or is it because it has affected those who are articulate, leaders of opinion, the most informed people in our country? What would be the opinion of the Senator from Pennsylvania?

Mr. CLARK. I find it difficult to answer that question.

Mr. PELL. I subside. I thank the Senator.

Mr. KENNEDY of New York. Mr. President, will the Senator from Pennsylvania yield?

Mr. CLARK. I am happy to yield to the Senator from New York.

Mr. KENNEDY of New York. Is the Senator aware of the fact that there have been a number of cases over the past 15 years in which the Taft-Hartley Act has been used and in which the President of the United States declared a national emergency?

Mr. CLARK. I am.

Mr. KENNEDY of New York. That provides for an 80-day cooling off period, if a Federal court issues an appropriate injunction after the President, in his discretion, invokes the Taft-Hartley emergency provisions.

Mr. CLARK. The Senator is correct.

Mr. KENNEDY of New York. Is the Senator also aware of the fact that in a number of those cases after the President had declared a national emergency and a court had issued an injunction and an 80-day cooling off period had transpired, a strike then occurred and yet Congress took no action to send those workers back to work? And in the present case, by contrast, the Secretary of Labor told the committee there is no national emergency.

Mr. CLARK. The Senator is correct. But let me point out that the airlines are under the Railway Labor Act, not under the Taft-Hartley Act. Nevertheless, what the Senator said is correct.

Mr. KENNEDY of New York. What I am talking about, really, is, first, the committee considered whether the Taft-Hartley standard should be used to govern the question of whether Congress should act in these extraordinary circumstances, and whether it was in fact a national emergency. The author of the resolution and the committee then learned that there was no national emergency when the Secretary of Labor appeared before the committee and said that there was no national emergency and that, therefore, legislation was not warranted on that basis. After that, they changed it to the Railway Labor Act.

Mr. CLARK. The Senator is correct.

Mr. KENNEDY of New York. Then under the Railway Labor Act, if we use that language, which the Senator's statement and that of the Senator from Kentucky [Mr. COOPER] used, we come to the fact that it has been used 167 times, often to deal with local incidents and disagreements in one community in one part of the United States. That is far different from the kind of drastic finding that we have associated with the Taft-Hartley law.

Mr. CLARK. I wonder whether the Senator would agree with me that it was necessary, in those 166 times, for the President to find that emergency measures were essential to a settlement of the dispute.

Mr. COOPER. Let me intervene to comment that with respect to the act as passed by Congress in 1963, approved August 28, 1963, dealing with labor disputes between railroad carriers, and railroad employees the language used in that act is the same language used in the resolution reported by the committee declaring an emergency.

Mr. CLARK. That is the Railway Labor Act measure?

Mr. COOPER. Yes. And Congress in that act did prohibit strikes and lockouts.

Mr. CLARK. But let me point out to the Senator that the emergency then was far greater than that which now exists.

Mr. COOPER. Of course it was.

Mr. CLARK. That was a situation which threatened to tie up all railroads in the country and to prevent passengers and freight from moving. Here, there are 5 of 11 trunk airlines on strike. The only people being inconvenienced are those who constantly use air traffic. That is a very small percent of the whole.

Mr. COOPER. I understand that the situations are different. I raise my questions because it seems to me rather inconsistent for the committee to report a bill declaring an emergency, recommend its immediate passage, and then say, on the other hand, that perhaps the President should not act.

Mr. CLARK. We are trying our best to get the resolution passed, which will make it possible to take action. We are doing our best to get that resolution passed.

Mr. KENNEDY of New York. The legislation passed in 1963 was promised on the Railway Labor Act kind of finding, but in circumstances which clearly would have justified a Taft-Hartley finding, which the Secretary of Labor has told us cannot be justified here. In 1963, the President declared that there was an emergency. He said that, "the national defense and security would be seriously harmed." Then he asked for the legislation.

Neither of these ingredients is present at the present time.

Additional information was made available to Congress and to the general public at that time. The Council of Economic Advisers stated that by the 30th day of the strike, if a strike were to occur, 6 million nonrailroad workers would be laid off, in addition to 700,000 railway employees, and unemployment would reach 15 percent nationally—the highest since 1940. There would be a decline in the gross national product four times as great as during the Nation's worst postwar recession.

That was our situation in 1963 in the railway crisis.

Mr. COOPER. Mr. President, I remember that the late President of the United States took those important steps. He had exhausted all possible steps for settlement. I have been surprised by the implication that the emergency is not important enough to take action, except just to pass it on to the President. Perhaps he will not act and perhaps he will. Perhaps it will be all right if he does not act. This does not seem to be in harmony with the fact that we are are legislating in an emergency situation.

Mr. KENNEDY of New York. I would say to the Senator that as a member of the Committee, I had serious reservation about this question of whether this is the kind of emergency in which we should legislate at all. But it was felt strongly by the leadership and others that the Senate as a body should have the right at least to consider the legislation, and that we should present the Senate with the best possible law to be applicable in this particular situation. After four days of struggling within the committee we arrived at something to take before the Senate and that is what we are discussing. But I would emphasize that I think all the facts that were before us in committee should be available to Senators to help them in deciding for themselves whether any legislation at all should be passed. And I would add that I still have serious doubt as to whether any legislation at all should be passed.

Mr. CLARK. Has the Senator from New York completed his colloquy?

Mr. KENNEDY of New York. Yes.

Mr. DOMINICK. Mr. President, will the Senator yield?

Mr. CLARK. I yield to the Senator from Colorado.

Mr. DOMINICK. I wish to comment on the remarks of the Senator from New York. We had direct testimony from the Secretary of Labor that the strike was costing the airlines $7 million a day; gross revenues to the country in the amount of $1 million; was adversely affecting the balance of payments $1 million a week, which condition is perfectly awful already. It has put 150,000 passengers a day on the ground, where they cannot get transportation. It has put out of work 35,000 employees of the airlines who are on strike. It has put out of work 36,000 to 37,000 employees who are involuntarily out of work.

It strikes me that while perhaps this may not be a national emergency, we have had a breakdown in transportation services which absolutely demands some kind of action. That is why I think Congress should move faster and take its responsibility, instead of passing the buck to the President as is provided in the Clark resolution.

Mr. CLARK. Mr. President, if no other Senator desires to ask questions, I should like to speak briefly in order to complete my presentation of the joint resolution.

In conclusion, I should like to emphasize, in the words of page 2 of the committee report, that four essential features of the legislation cannot be overemphasized.

First, the committee believes that the dispute, in the words of section 10 of the Railway Labor Act: "threatens substantially to interrupt interstate commerce to a degree such as to deprive any section of the country of essential transportation service."

I think I am correct in saying that all 16 members of the committee concur in that conclusion. This is because the evidence presented to the committee at its hearings on July 27, and again on

August 1, 1966, could lead to no other conclusion than that many sections of the country have in fact been deprived of essential interestate transportation service.

Mr. RANDOLPH. Mr. President, will the Senator yield?

Mr. CLARK. I am happy to yield.

Mr. RANDOLPH. I do not want to interrupt the continuity of the Senator's presentation, but I think it is important for us to realize that there are approximately 4,100 scheduled operations, that have not been operating since the beginning of the strike, every 24 hours. Think of it—4,100 daily flights are not now in operation.

Mr. CLARK. The Senator is correct. May I point out to my friends from the other 48 States the tremendous damage which is being done to the States of Hawaii and Alaska, which depend on air transportation to a far greater extent than does any other State of the Union.

I reiterate that the evidence presented to the committee could lead to no other conclusion than that many sections of the country have in fact been deprived of essential interstate transportation service.

That is the first point.

The second point is that the authority vested in the President by this resolution is entirely permissible. The President is not required, nor is he necessarily expected, to exercise that authority. The President, both under the National Labor Relations Act, under Taft-Hartley, and the Railway Labor Act, which includes the airlines, is already vested with discretionary authority. All we are doing is giving the President more of the same discretionary authority which he already has.

The majority of the committee believed that it is the President, rather than the Congress, who should judge whether requiring the employees in this case to return to work would be in the best interest of achieving a fair and just settlement of this dispute.

I would not want to foreclose the possibility that the President, who is in intimate day-to-day contact with progress in the negotiations may find an opportunity, in talking informally, either directly or through intermediaries, with the representatives of the carriers and the labor union, of invoking an arrangement under which, if another week of collective bargaining were carried on, he could get a commitment, possibly off the record, which would result in a settlement of the dispute under collective bargaining, rather than under the gun of congressional or Presidential order.

So I think if anyone wanted to see the strike settled as soon as possible—and I think all Senators want to see that—we ought to leave the tool in the hands of the President, instead of using arbitrary—and I use the word advisedly— intervention in an attempt to in effect exercise, not legislative, but executive authority.

Mr. RANDOLPH. Mr. President, will the Senator yield?

Mr. CLARK. I am happy to yield to the Senator from West Virginia.

Mr. RANDOLPH. I express admiration for the way in which the distinguished Senator from Pennsylvania is handling the joint resolution and also for his diligence within the committee.

Mr. CLARK. May I interrupt the Senator from West Virginia to acknowledge publicly my debt and that of all the other members of the committee to him. If it had not been for his wise and calm counsel, I do not believe we would have the measure on the floor of the Senate today.

Mr. RANDOLPH. I am grateful to the Senator from Pennsylvania.

Mr. President, when we speak of the cutback in essential air service being felt with greater impact in certain areas of the country, I should be remiss in my duty if I did not remind Senators that the State of West Virginia, as well as some other similar states, feels the impact of any cutback for a very natural reason—and that is the terrain.

My State is known as "The Mountain State," and with good reason. The topography is a delight to our citizens and our tourists, but it does present transportation problems.

Our roads and highways are winding, with steep inclines and numerous bends and curves; our railroad beds follow valleys, circle or tunnel through mountains, as the physiography permits. Neither truck nor train can move with the speed possible in the great flat lands of the midwest and southwest parts of our Nation. We are, therefore, totally dependent on air transportation for speed in the movement of both persons and perishable, or necessary, goods.

It has followed, then, that in my State a loss which would be minor to a large metropolitan area can reach major crisis proportions in its effects on the West Virginia economy.

One presently functioning air carrier has been given permission, within the flexible framework established by the Civil Aeronautics Board, to reduce the number of flights serving one community, Morgantown, in West Virginia, and to reroute them on another operation which is, the carrier says, more in the public interest. This carrier has removed 5 of its flights from Morgantown, which has a population between 25,000 and 30,000.

This city is also the site of West Virginia University, and the university student body, the faculty, and the maintenance personnel constitute an additional 15,000 people. Morgantown lies in a mountainous area and is now suffering a severe loss in the number of flights it has available for service.

I referred, during the hearings, to research at the university being curtailed because of the strike.

Another air carrier has suspended all of its flights into Wheeling, W. Va.

I do not want to belabor the point, but I do want to remind my colleagues that it is not only the large cities—New York, Chicago, Los Angeles—or distant States—Hawaii and Alaska—that are deprived of needed service.

It is our entire country—our America—a nation which is vital, fast moving, mobile; a nation whose people move on wheels and wings.

It matters not whether we call the situation a "national emergency" or try to use refined language to spell out its effects. The facts have shown, in the loss of dollars and cents, in loss of employment, in delays in the transport of needed goods, in breakdowns of vital professional services—to industry, education, the Government—that this strike is debilitating to America.

What we used to call an emergency, under the conditions we knew 20 or 30 years ago, during two World Wars, has no meaning now. Our society has changed too drastically for us to rely, within the framework of realism, on those old definitions.

Whether we use the old approach, however, or a new, more modern, set of criteria, we must use the facts which were presented to our committee. And these facts tell us that this airlines strike is a most serious matter, indeed.

Members of Congress, as they think in terms of passage of the proposed legislation, are, I am sure, thinking in terms of responsiveness to the American people. Our people look to us to be responsible Members of the Senate in a time like this. Although we may disagree upon the way in which we shall act, frankly—and I say this calmly—it is the responsibility of Congress to act now.

Mr. CLARK. The Senator from West Virginia has eloquently stated the reasons why I support the committee joint resolution. I thank him for his helpful intervention.

Mr. PASTORE. Mr. President, will the Senator yield?

Mr. CLARK. I yield.

Mr. PASTORE. What strongly appeals to me about the joint resolution as it is presently sponsored—and I hope we may have some clarification of the record in order to obviate or eliminate passing the buck to the President—is that Senators who voted for the pending measure are courageous Members of the Senate, who are willing to assume their responsibility and do not want to pass it to anyone else.

Mr. CLARK. I thank the Senator from Rhode Island for his comment.

Mr. PASTORE. What appeals to me more than anything else is that the Senators who are sponsoring the joint resolution have not been personally engaged in this controversy, and cannot be accused of either rancor or vindictiveness. They are men of objectivity, men who, after hearing all of the evidence, have rendered what I consider to be an impartial report. They have no ax to grind. They are not antilabor; they are not antimanagement. They have not been so involved in the controvery as to lose any sense of impartiality.

That is what appeals to me, and that is the reason why I hope that, once the resolution is modified or clarified, it will be passed by the Senate.

Mr. CLARK. I thank the Senator very much.

Mr. President, I shall speak only 1 or 2 minutes more, and then I shall yield the floor.

My third point, is that the resolution is not intended to be and does not constitute permanent legislation; nor does it amend the Railway Labor Act or extend the provisions of section 10 of that act except with respect to the present labor dispute involving the five airlines, and such other airlines as might threaten to go on strike in the next 6 months.

Thus, the moment the five airlines and their employees settle the dispute which has given rise to this proposal, the resolution would expire; its legal provisions would become inoperative; and there would be no law on the statute books that was not there before the airlines strike started.

My fourth point is that the resolution is not intended to indicate a precedent for congressional or Executive action with respect to any future labor disputes. We do not wish to make a precedent; and I state for the record, as a matter of legislative history, the committee does not think it is creating a precedent which would enable every other group to come rushing to Congress for legislation. This is an ad hoc solution to a situation which is creating vast disruption in interstate commerce in various areas of the country. The committee does not believe that it, or Congress, should become involved or intervene except in extraordinary circumstances, on an ad hoc basis.

I hope that the labor agreements which are on the horizon, and which must be negotiated in the next 6 months, can be kept out of Congress.

I also hope that the President will shortly make good on the promise he made in his state of the Union message, to send down permanent legislation dealing with national emergency strikes. I hope such legislation will be carefully considered by the relevant committees of Congress, and enacted into law before we adjourn this year. It may well be needed, by reason of the many negotiations which we already know are moving slowly but surely to a critical situation.

Therefore, Mr. President, for the reasons I have stated, I very much hope that the committee resolution will be passed. With that thought, I am prepared to yield the floor.

Mr. PASTORE. Mr. President, will the Senator yield for one further question? That will complete my interrogation of the Senator from Pennsylvania.

Mr. CLARK. I am happy to yield.

Mr. PASTORE. Is it not a fact that should this strike endure long enough, the trunklines involved, if their financial picture became serious enough, would under existing law be entitled to Government subsidies?

Mr. CLARK. The answer is "yes."

Mr. President, I yield the floor.

Several Senators addressed the Chair.

The **PRESIDING OFFICER.** The Senator from Vermont is recognized.

Mr. PROUTY. Mr. President, I rise to speak in support of Senate Joint Resolution 186 reported to the Senate by the Committee on Labor and Public Welfare.

Our committee has put in long hours of hard work since last Wednesday considering what would be the best possible means of coping with the current airline strike. In my opinion, the committee has done a fine job of drafting legislation under extreme pressure and emotional tension and, I might add, without overwhelming cooperation from the administration. I believe that the reported bill is a good bill, and should be passed as expeditiously as possible, although I do think that the 180-day provision in the resolution is much too long.

We have been criticized editorially in the press, and also by some of our colleagues, for recommending a measure which requires the President to activate the emergency powers which it contains by issuance of an Executive order or orders. We have been told that this constitutes "buckpassing," and that we should provide for the emergency powers to become effective immediately and automatically upon the President's approval of the joint resolution.

I do not believe that this criticism is well founded or justified. The hearings on this resolution show clearly that the administration has been playing both sides of the street for what must be purely political purposes. Any "buckpassing" which has been engaged in has been done by the administration in seeking to have Congress enact emergency legislation without taking a position on the record as to whether such legislation is necessary or desirable. I can recall no major piece of legislation that has ever been considered by the Congress where the administration has failed and refused to take a formal position as to whether it favored or was opposed to such legislation.

Early last week our committee was advised that the administration would seek emergency powers to halt the airlines strike on the ground that there was a national emergency or that continuation of the strike would endanger the national health, welfare, or safety. This was the standard contained in the original resolution introduced by the distinguished senior Senator from Oregon [Mr. MORSE], Senate Joint Resolution 181.

The Secretary of Labor testified before our committee last Wednesday. Contrary to what we had been led to believe was the administration's position, the Secretary testified that there was no national emergency, that there was no danger to the national health, safety, or welfare and that there was no present necessity for legislating emergency powers to deal with the airlines strike.

In the first instance, then, we have the administration testifying against a resolution supposedly introduced at its request, and which according to rumor was drafted by the Department of Justice. When this question was raised at the hearing, Senator MORSE stated:

> As a witness I want the record to show that I assume full responsibility for Senate Joint Resolution 181.

While I deeply admire and respect the senior Senator from Oregon, this obviously was not a responsive answer.

I am convinced that a resolution would have been reported to the Senate last Thursday by a practically unanimous vote of the committee, probably in the mandatory form desired by my friend, the Senator from Oregon [Mr. MORSE], had the administration taken the position through the testimony of the Secretary of Labor that a national emergency existed or that the national health, welfare, or safety was involved.

Following last Wednesday's testimony Senator MORSE amended Senate Joint Resolution 181 when the committee met in executive session. The national emergency test was deleted and replaced by a finding that the labor dispute threatens to substantially interrupt interstate commerce to a degree such as to deprive any section of the country of essential transportation services. Secretary Wirtz did testify that the facts existed to warrant this congressional finding.

As we all know, the parties reached agreement on the terms of the new contract last Friday evening following the personal intervention of President Johnson, the terms of which agreement were rejected by the union's membership in a ratification vote on Sunday.

Yesterday afternoon the Secretary of Labor again testified before our committee. He acknowledged that all the avenues of approach which he had felt were open last Wednesday when he recommended that our committee delay action had been exhausted and that he did not believe that an immediate voluntary settlement of the labor dispute was possible. He further stated that, in his opinion, the process of free collective bargaining had taken a tremendous kick in the teeth, with which conclusion I agree.

He continued to maintain the position, however, that there was no national emergency, and that the national interest in health, welfare, or safety still did not warrant the enactment of emergency legislation.

In fairness to the Secretary, his testimony indicates overall that there is a necessity for some kind of action because of the substantial interruption of interstate commerce which has occurred. He also stated clearly that the national interest becomes more deeply involved with every day that passes without an end to the airlines strike.

However, despite repeated direct questioning from members of both political parties, the Secretary refused to take a position as to whether he felt the time had come for legislation or as to whether the administration desired the Congress to enact emergency legislation immediately or at a later date. As I have already stated, I know of no instance when an administration had refused to take a position either for or against a piece of pending, major legislation.

In view of the facts which I have discussed, I conclude that the committee is entirely warranted in providing that the emergency powers contained in this resolution shall become effective only when invoked by the President through issuance of Executive order or orders.

I have no hesitancy in granting the President authority to invoke a special mediation board based upon our finding that this labor dispute threatens substantially to interfere with interstate commerce to a degree such as to deprive any section of the country of essential transportation services. I have grave reservations, however, about ordering striking employees back to work upon such a finding by Congress when the administration takes the position that the national interest is not involved. I believe that it would be entirely improper for Congress to automatically direct the strikers to return to work upon such a finding when the administration refuses to take the position that it wants this legislation at the present time.

It has been said by the Secretary of Labor and certain of my colleagues that the issuance of an Executive order under this resolution constitutes nothing more than a ministerial act. I strongly disagree with this conclusion. Under the resolution reported by the committee, Congress makes the findings necessary to order a termination of the strike. In view of the administration's failure and refusal to take a position as to the necessity of this legislation, however, I believe it entirely proper to leave it to the President's discretion to determine when and if such powers should be invoked. I believe that this will require the exercise of sound judgment by the President far exceeding his engaging in a purely ministerial act.

Turning to the substance of the resolution reported by the committee, I do not agree with those who say that its procedures constitute a departure from those embodied in the Railway Labor Act.

Section 10 of the Railway Labor Act provides that the mediation board shall notify the President if, in its judgment, a dispute between a carrier and its employees threatens to substantially interrupt interstate commerce to a degree such as to deprive any section of the country of essential transportation services.

Senate Joint Resolution 186 contains a congressional finding to this effect, and a further finding by Congress that emergency measures are essential to the settlement of the dispute and to the security and continuity of transportation services by the carriers involved.

Under section 10 of the Railway Labor Act, upon notification by the mediation board that such a labor dispute exists, the President may create an emergency board to investigate and report concerning the merits of the labor dispute. It is important to note that the Railway Labor Act does not require the President to create an emergency board and that this is left entirely to his discretion. However, the original 30-day prohibition against strikes and unilateral changes in terms and conditions of employment does not become effective unless the President in fact creates an emergency board.

Under the Railway Labor Act, an emergency board is required to report to the President 30 days after its creation. There is then a second 30-day period during which no strikes may occur.

Let us compare this with the provisions of Senate Joint Resolution 186. Under this resolution the President may in his discretion prohibit strikes and changes in terms or conditions of employment for a total period of time not to exceed 180 days. He may also, if he so desires, convene a Special Airline Dispute Board to engage in further mediation. The findings necessary for this action are made by Congress under this resolution as they are made by the mediation board under the Railway Labor Act.

The only substantial difference that I can see in the committee's approach is that the President may, under Senate Joint Resolution 186, invoke the emergency ban on strikes, lockouts, and unilateral changes in terms and conditions of employment without first or at the same time creating a special airline dispute board. This was done, however, to permit the President to continue to use the mediation board and the Secretary of Labor in his attempts to resolve this labor dispute if he preferred this approach to the creation of another special board.

Under the resolution, the President may invoke the emergency powers contained therein to stop the airlines strike, and may then await developments for whatever period of time he desires before creating the Special Board. To the extent that the labor dispute may be settled without the creation of another Special Board after the strike has been terminated, the resolution gives the President more flexibility than he is granted under section 10 of the Railway Labor Act.

Under the resolution, if a Special Airlines Dispute Board is created by the President, it must submit a report containing findings and recommendations to the President 30 days prior to the expiration of the maximum period covered by this emergency legislation. This likewise is consistent with the provision in the Railway Labor Act prohibiting a strike for 30 days after the report of the Emergency Board is submitted to the President.

In view of the positions taken by the Secretary of Labor last Wednesday and yesterday in his testimony before our committee, I regret that the Secretary of Commerce and the Secretary of Defense were not also called as witnesses.

However, Mr. President, even on the basis of the testimony before our committee, I cannot agree with the Secretary of Labor's conclusion that the national interest is not involved at the present time. My action on this resolution has been strongly influenced by my conclusion that there is imminent danger to the national health, welfare, and safety.

I do not base my conclusion strictly on the inconvenience being caused business and private passengers, nor upon the losses being incurred in related industries such as hotels and restaurants. The record of our hearing is now available and I do not wish to repeat its contents at length.

It is clear, however, that vital drug supplies and other medicines are not being moved. It is clear that there has been a substantial impact upon defense contractors required to move personnel from one section of the country to another on a timely basis. The record is replete with other indicia of an impending emergency. I am not trying to be an alarmist, but the record leaves the clear implication that the welfare and safety of those members of the public who are continuing to fly is becoming increasingly involved due to the many, many additional flights now being flown by airlines whose employees are not on strike.

To summarize my feelings I believe that this emergency legislation is needed immediately because I am convinced that the national interest is already involved.

I would like to direct a few remarks to my many friends in organized labor. I urge them to act responsibly in their collective bargaining endeavors, and to consider their actions in terms of the public good as well as in terms of benefits to the employees which they represent.

On principle, I am opposed to any legislation which prohibits, denies, or impedes a union from engaging in a legitimate economic strike. This is so even where, as here, I believe that the union is completely wrong and should never have called the strike in the first place. I realize the crippling effect that removing the right to strike has when the parties sit down at the bargaining table.

But, in a larger sense, I am afraid of what may come from precedents of this type. Many segments of the public and a substantial number of Congressmen have already expressed their desire for compulsory arbitration, at least in transportation and communication industries subject to governmental control.

I understand that both management and organized labor are completely against compulsory arbitration. They should be made aware, however, that support for this concept has gone far beyond the point of mere talk.

I am unalterably opposed to compulsory arbitration. I know that if compulsory arbitration comes to Government-regulated industries, it will be that much easier to take the next step and apply it to our basic industries, and to then take the final step and apply it to free enterprise generally. The result obviously will be the end of free collective bargaining as we have known it, which has been greatly responsible for making our Nation the economic giant it is and for giving our people one of the highest standards of living the world has ever known.

For all these reasons, I regret deeply when a segment of organized labor engages in irresponsible conduct which arouses the emotions of the general public to a degree where they begin clamoring for this type of legislation.

I say in all sincerity to the leaders of organized labor, that if this emergency legislation is passed and is fully utilized without a settlement between the union and the carriers, I am convinced that resumption of the strike will result in the introduction, consideration, and possible enactment of compulsory arbitration legislation.

I have not dealt with the inflationary aspects of the union's demands, because I do not feel that this is a proper consideration upon which to base this type of legislation. However, I agree with the statement of the senior Senator from Oregon at the hearings on this matter, that—

> This is not only a bellwether case of this union, this is a bellwether case of many unions in this country. You are dealing here not only with the Machinists Union;

> you are dealing here in this case with the obvious strategy on the parts of a large section of organized labor to break the inflationary controls.

So I say to organized labor that there are two major concepts which you must consider in contract negotiations which transcend the immediate gains sought for your members. First, you must consider the public and the public's interest before engaging in work stoppages such as the one presently under consideration. Second, you must consider the possible inflationary aspects of your demands as they relate to the general economy and the general welfare of our country. A failure to act responsibly in the former area may well result in compulsory arbitration, while a failure in the latter area must inevitably result in the future imposition of governmental wage and price controls. Either way, both organized labor and free enterprise will suffer a serious setback over the long run.

Mr. President, in view of the circumstances that exist today I urge prompt passage of the resolution reported by the Labor and Public Welfare Committee, to get the airplanes of this Nation flying again.

Mr. GRIFFIN. Mr. President, will the Senator yield?

Mr. PROUTY. I yield.

Mr. GRIFFIN. I wish to commend the Senator on his excellent statement, and I should like to associate myself generally with what he has said.

Viewed purely on the merits, aside from the political considerations which seem to have creeped into the discussion, and considering what would be best for the future of collective bargaining, I wonder if the Senator agrees with me that it would be a grave mistake—whether the President wishes us to do so or not—for Congress by legislation to order the airline employees back to work under an inflexible 180-day order. That would be for a 6-month period, without any flexibility in the hands of the President.

Mr. PROUTY. I could not agree more with the Senator.

In a sense, such legislation adopted by Congress certainly would be interpreted by large segments of organized labor as strikebreaking legislation. That is the last thing we wish. However, inflexibly prolonging the ban against striking for 180 days comes pretty close to such action. Obviously, if the Machinists Union or any other union is forced back to work, its bargaining position is not nearly as good as it is when it is on strike or when the threat of a strike is present. I do not want to take the responsibility for prohibiting an otherwise lawful economic strike for 6 months in the present circumstances.

Mr. GRIFFIN. It seems to me that the best way to achieve any success in reaching an agreement between the parties is to leave some flexibility in the hands of the administration, which is necessarily required to deal with the problem on a day-to-day basis. Congress cannot deal with such a problem on a day-to-day basis. We deliberate and then we pass a law. After the law is on the books, the administration must still deal with the situation on a day-to-day basis.

It seems to me that it would be wise for the Congress to pass authorizing legislation which would give the administration some tools and some flexibility with which to deal with the situation in the hope that the parties will come together and reach an agreement. After all, our ultimate objective should be an agreement—not some order by Congress that will force the workers back to work under an inflexible 180-day order. This would not achieve the result that the Nation desires.

Mr. PROUTY. The Senator and I are in complete agreement.

Certainly, the administration is in a position to have access to all the facts, to make determinations, and to exercise persuasion, if that seems desirable, and to bring the parties together. Congress is not in a position to do that in a joint resolution, and I agree that the degree of discretion and flexibility to which you refer is highly desirable.

Mr. GRIFFIN. A further question to consider is whether the workers would be more likely to go back to work if Congress ordered them back, or if Congress passed authorizing legislation under which the President, exercising that authority, based on the national interest, could then require them to resume working. I am not sure of the answer to that question. However, it is my opinion that the workers would be more likely to go back to work in response to the President's execution of such an order.

Mr. PROUTY. I believe that the employees would go back to work under either method, but in the absence of the administration's taking an affirmative position that the national interest is involved, I agree that they would do so with less grumbling if the directions came from the President.

Mr. GRIFFIN. I thank the Senator for yielding.

Mr. COOPER. Mr. President, will the Senator yield?

Mr. PROUTY. I yield.

Mr. COOPER. I respect the judgment of the Senator from Vermont, Senator PROUTY and the Senator from Michigan, Senator GRIFFIN. They serve on this committee and I am familiar with their faithful work to secure a fair resolution. But as I noted in an earlier colloquy with the Senator from Pennsylvania, Senator CLARK, one argument is difficult for me to follow as I see no difference in enacting legislation which would restrict strikes or lockouts whether the power is exercised by the Congress or the President.

We are reluctant, and properly so, to pass legislation which would prohibit or restrict strikes and lockouts. All of us feel the same way about such legislation for many reasons. We believe it impedes the process of collective bargaining. And also, most important, we do not like to tell men that they cannot strike; work or not work, as they please; that they cannot use their bargaining power.

Yet I cannot see much difference between the two joint resolutions in this respect. Both prohibit strikes or lockouts for a certain period of time. Under one, Congress itself prohibits the strike or lockout—under the other—Congress authorizes the President to do so.

Mr. PROUTY. Is the Senator referring to Senate Joint Resolution 181?

Mr. COOPER. Yes.

Mr. PROUTY. Senate Joint Resolution 186, which I am supporting, does not do that.

Mr. COOPER. I know the Senator is correct, but the joint resolution reported by the committee, Senate Joint Resolution 186, provides that the President may act, and thereupon a strike or a lockout would be prohibited. That is correct, is it not?

Mr. PROUTY. If the President finds that to be desirable.

Mr. COOPER. The other proposal, introduced by the Senator from Oregon [Mr. MORSE], which may be submitted as a substitute provides that immediately upon approval of the joint resolution, a strike or a lockout would be prohibited for, as I recall, 180 days, unless the dispute is settled.

Mr. PROUTY. I am very much opposed to the Morse joint resolution. It is not flexible and has not been requested by the administration, although the Secretary favors it over the bill reported by the committee. It prohibits a strike for 6 months.

Mr. COOPER. I do not see much difference. In one case, we would write legislation prohibiting a strike or a lockout during a specified time—or until a settlement is reached though bargaining.

In the other case, we use exactly the same langauge, but leave to the President the decision to prohibit the strike or a lockout.

Mr. PROUTY. We leave it to the discretion of the President, where I think it should be, when the President has not indicated he even wants emergency powers at this time. The President is able to take a much more flexible position under the committee resolution directing him to take action than that which could be taken under the Morse resolution.

Mr. COOPER. But then we are in a circle. We are acting in an emergency, upon the ground that airline transportation should be maintained. We would make a such finding but at the same time provide that nothing should be done unless the President finds that it should be done.

Mr. PROUTY. Under Senate Joint Resolution 186, the President does not have to utilize the 180 days; he may designate a 3-day or a 10-day period, or any other periods of time up to a total of 180 days.

Mr. COOPER. I see one possibility of difference between the two joint resolutions. If the President is given the authority, we would assume that he would quickly try to bring the parties together, and it might not be necessary to invoke the strike prohibition. I can see that possible difference, but I must say that I am not much impressed by the argument that we are not writing temporary legislation which will prohibit a strike or a lockout. If there is an emergency and the need for action. I do not see why we should abrogate our responsibility to the President.

Mr. PROUTY. If the Senator is referring to some kind of permanent legislation which would relate to labor disputes generally, that may be a point well taken. But in this instance we are dealing only with a specific dispute; we are not seeking to write general legislation.

Mr. COOPER. We are not dealing with general legislation. We are dealing with a specific situation—the airlines strike. I say with great deference that, on the one hand, we are saying that a great emergency exists and ought to be dealt with, if the President declares that it should be dealt with——

Mr. PROUTY. The administration has not suggested that a national emergency exists or that the national interest is imperiled at the present time. Had any representative of the administration appeared before the committee and so testified, I am sure that the Morse resolution would have been reported immediately.

Mr. SMATHERS. Mr. President, will the Senator yield?

The PRESIDING OFFICER (Mr. Russell of South Carolina in the chair). Does the Senator yield?

Mr. PROUTY. I yield.

Mr. SMATHERS. Did not the Secretary of Labor say, however, when he first testified, that if the conditions that existed then continued we would have a national emergency?

Mr. PROUTY. I do not think that he said it in those terms. He may have said it in connection with some remote time in the future. He did not say it yesterday.

Mr. SMATHERS. No; he did not put a time limit on it, but he said that it would be a national emergency. How long do we have to suffer inconvenience and severe economic disruption before we act?

Mr. PROUTY. If this resolution is passed, we will permit the President to determine when the national interest requires action.

Mr. SMATHERS. The airlines have lost $150 million. One hundred-fifty thousand would-be air travelers have suffered every single day since the strike began. As the able Senator from West Virginia pointed out, and contrary to what has been suggested, not only have Congressmen, corporate executives, and movie moguls been inconvenienced, but there are many students who ride the airlines, teachers on vacation who would like to ride the airlines, and many other people who would like to ride the airlines. To say that they can ride buses, and that the strike is not really so serious is incorrect. The fact is that buses and trains can not fully absorb all the travelers that would normally be flying. People need the airlines. They are being discommoded and inconvenienced; but worse than that our health and economy are being affected at a time when they cannot stand a solar plexus blow.

Mr. PROUTY. I thank the Senator. I think the Senator is correct, but the Secretary of Labor has not told us that and no representative of the administration has suggested that. We asked the Secretary time and time again and we did not get a response to the effect that the administration considers this an emergency.

Mr. SMATHERS. Does not the Senator from Vermont [Mr. Prouty] recall that article 1, section 8 of the Constitution says that the Congress has jurisdiction over interstate and foreign commerce. We have a responsibility in matters concerning interstate commerce. It is true that the President may have some responsibility but, as I recall, we are always complaining that some other agency of the Government is taking away our authority.

Mr. PROUTY. We are not giving the President much more flexibility than he already has under the Railway Labor Act.

Mr. SMATHERS. Why do we not act? We have the authority, do we not?

Mr. PROUTY. I am not willing to act in a mandatory fashion at the present time unless the President or his representatives tell us that the national interest is affected and that the administration desires legislation.

Mr. SMATHERS. Is the Senator going to maintain that position on all legislation which comes before us? Is he going to suggest that the Congress wait until the President tells us what to do before we do it?

Mr. PROUTY. I believe that the President has that responsibility. This strike has been going on for some months.

Mr. SMATHERS. And negotiations for 1 year, or since August 9.

Mr. PROUTY. One year.

Mr. SMATHERS. That is why it is not going to be settled in the next 4 or 5 days unless Congress acts. Congress has the duty to act and certainly we have the authority to act.

Mr. PROUTY. But we should move very carefully when we interfere with the right to strike, unless we change the laws and abolish free collective bargaining.

If Congress were to pass compulsory arbitration legislation, as some have suggested, I think free collective bargaining would be brought to an end. If we give the President sufficient flexibility to work these things out, I think we will have made real progress, and will have protected and preserved collective bargaining, at least for the time being.

Mr. SMATHERS. Would the Senator agree that a year to negotiate is a reasonable length of time?

Mr. PROUTY. It would seem so to me, but I have not had access to all of the facts and the information which has been available to the administration.

Mr. DOMINICK. Mr. President, I have been following this colloquy between my good friends, the Senator from Vermont [Mr. Prouty] and the Senator from Florida [Mr. Smathers] with a great deal of interest. Prior to this time I had a colloquy with the Senator from Pennsylvania [Mr. Clark].

I wish that the Senator from Rhode Island [Mr. Pastore] had been here at that time. I see that once again he has had to go elsewhere.

I think that there is a middle ground, Mr. President, and I think that this is what we have lost sight of. I have great respect for the Senator from Vermont [Mr. Prouty]. I know that he is sincere and a hard and able worker in this field, but I do not agree with him. I think that we are moving the wrong way when we abrogate our responsibility and shift the burden to the executive branch.

It strikes me that this is not following our responsibility to the public.

In the airline industry, in the railroad industry, and in a good many other transportation industries, we are dealing with something which has been declared by Congress, and in the history of the country has been determined to be, essential to the general public and the national interest.

When there is a regulated industry of this kind in which, as in the airline industry, rates are controlled, routes are controlled, profits are controlled, safety features are controlled, and the type of equipment that can be used is carefully controlled, I think we have a different situation, in that our responsibility as Senators is neither to the airlines nor to the unions, but to the public; the public as a whole. Our responsibiliy is to those who use the airlines as a basic means of transportation both for passenger as well as cargo purposes.

It seems to me Mr. President, that we have an obligation to exercise that responsibility.

Consequently, I am totally unwilling to degrade the Congress by saying that we have found that this is an essential transportation breakdown, but not do anything about it, and instead turn it over to the President, so that he can do something about it, if he so chooses. I do not believe that this is the correct approach.

How long has this been going on? This strike is nothing new. It started in August of 1965, as the Senator from Florida [Mr. Smathers] stated. Negotiations started, and when the contract was going to be terminated they tried to get together to settle some issues, but not all. As it came into this year, it became more and more apparent that the issues were not going to be solved by negotiations. The National Mediation Board moved in. In April, after it had been declared that there had been a breakdown in essential transportation services in the country, a Presidential Emergency Board was appointed. The Presidential Emergency Board under the Senator from Oregon [Mr. Morse], with two other highly qualified men in the labor field, worked over this problem at length and issued its report and recommended a settlement. The airlines accepted the proposal. The union turned it down. That is, of course, the prerogative of the union. This is what started the strike situation.

Thus, there has been the finding of the National Mediation Board, and a finding by the President, that essential transportation services have broken down. The President and the National Mediation Board have just determined the same thing. A new Presidential Emergency Board has been appointed in the case of the American Airlines threatened dispute, which I hope will never come to a strike.

Thus, we have as a background a series of findings by the White House, by the Department of Labor, and by the National Mediation Board that there are many severe problems in the transportation field—the airlines transportation field in particular.

Mr. LAUSCHE. Mr. President, will the Senator from Colorado yield for a question?

Mr. DOMINICK. I am happy to yield to the Senator from Ohio.

Mr. LAUSCHE. I am reading from page 2 of the resolution reported by the committee, on line 3:

> That or procedures for resolving such dispute provided for in the Railway Labor Act have been exhausted and have not resulted in settlement of the dispute.

That is a fact, is it not, that under all of the procedures provided by the Railway Labor Act they have been exhausted?

Mr. DOMINICK. That is correct.

Mr. LAUSCHE. The language continues:

> including a report and recommendations of the emergency board No. 166.

That is the Morse Board; is that correct?

Mr. DOMINICK. That is correct.

Mr. LAUSCHE. Continuing to read:

> a proffer of arbitration and mediation with the parties by the National Mediation Board.

That means the National Mediation Board said that it would arbitrate or mediate, and that has been exhausted?

Mr. DOMINICK. Yes. I would say that it has not been wholly exhausted. Arbitration, as I understand it, has been turned down. Mediation is still going on with the Labor Board and with the National Mediation Board.

Mr. LAUSCHE. I concur with that.

Also, on line 9 of the bill on page 2, there is the following language:

> further, that the efforts of the National Mediation Board and the Secretary of Labor to settle this dispute have been unsuccessful; and that it is desirable to achieve a settlement of this dispute in a manner . . .

That is what the committee has said?

Mr. DOMINICK. The Senator is correct.

Mr. LAUSCHE. Now, on line 15, page 2, it states:

> The Congress therefore finds and declares that emergency measures are essential to the settlement of this dispute and to the security and continuity of transportation services by such carriers.

Mr. DOMINICK. That is correct.

Mr. LAUSCHE. A moment ago, the Senator made the statement that we find transportation paralyzed and local communities prejudicially affected economically, but then we refuse to do anything.

Mr. DOMINICK. Under the resolution, we turn it over to the President.

Mr. LAUSCHE. Turn it over to the President.

Mr. DOMINICK. Which I cannot wholly support. That is why I wrote my individual views.

Mr. LAUSCHE. I thank the Senator very much for his answers.

Mr. DOMINICK. I thank the Senator from Ohio for highlighting these points. I want to continue, Mr. President, by pointing out some of the testimony which I think is important which Secretary Wirtz gave to us last Wednesday when he first came before the committee. I am not going to read very much, but I will read from the summary, because I believe that the RECORD should show it and many people will be interested in reading the Secretary's statements.

I quote from page 9 of the hearings:

> I would sum up the situation this way:
>
> 1. This strike has of course a direct and unquestionably serious impact on the companies and on their employees.
>
> 2. It has caused extensive disruption and inconvenience in air travel and transport generally.
>
> 3. It has hurt particular businesses and particular areas badly.
>
> 4. It has had a marked but not large scale effect on the economy generally.
>
> 5. It has slowed up the Postal Service significantly.
>
> 6. It has not affected the defense or military effort materially.

And I want to emphasize this—

> 7. There are definite signs of increasing loss, cost, inconvenience, and possible danger.

Now, Mr. President, I report that in the RECORD because that was last Wednesday.

The strike continues.

One of the problems we have is with respect to the other airlines which are still operating and trying to take up some of the load. There is a rule in the Federal Aviation Authority that pilots cannot fly for more than 80 hours a month, I believe it is. In their effort to take up this load, more scheduling has occurred and greater efforts have been made on the part of the other airlines. In many cases, they are finding that there are pilots disqualified from continuing to fly, under FAA regulations, as the end of the month approaches. Therefore, they have to cut back on their schedules and this is making it more and more difficult. As to maintenance of aircraft, where other airlines have increased schedules to the maximum extent possible, it is very difficult for the employees of the airlines to make sure that maintenance is being carried on properly.

The employees involved in this work are fine people and highly qualified and I sympathize with their desire to try to get a higher wage. I see no reason why they should not receive higher wages with the increase in productivity which has come to the airlines; but, I do not want to get into the merits of the actual dispute, nor does it seem to me that that is our function in Congress.

As I said earlier, our function is to try to do something to take care of the public interest which is involved in this particular problem.

Mr. LAUSCHE. Mr. President, will the Senator yield for a question at that point?

Mr. DOMINICK. I am happy to yield to the Senator from Ohio.

Mr. LAUSCHE. So far as I am concerned, there is a paradox in the testimony given by the Secretary of Labor, Mr. Wirtz, with his ultimate refusal to make any specific recommendations. My understanding is that he testified yesterday he feels that the problem will not be solved unless legislation is adopted, but he does not recommend legislation. Moreover, he does not want the failure to recommend legislation to be construed that he is against it.

Mr. DOMINICK. I think that is entirely accurate. That entertained me at the time he said it and I believe that it entertained the whole committee.

Mr. LAUSCHE. I simply do not understand that.

Mr. DOMINICK. That was a wide-legged straddle of a very precarious fence.

Mr. LAUSCHE. My question is: Understanding that Secretary Wirtz and others have refused to recommend anything, does that alter our responsibility as Members of Congress to take the necessary action to remedy the wrong which is being perpetrated on the national economy?

Mr. DOMINICK. I do not think it changes our responsibility, because I think we had the responsibility from the beginning to legislate, but do think it points it up and points it up succinctly.

I might say there was an interesting shift in position on the part of the administration between the time the Secretary testified last Wednesday and the time he testified yesterday.

As of last Wednesday, when we were considering legislation, he stated he thought if we should hold up, because there were significant signs of progress in the negotiations and that the collective bargaining system should have one last clear chance.

We held up. Some of us were reluctant to do so, because we did not think we were going to get a settlement. Nevertheless, a settlement was agreed to on Friday evening.

The interesting thing is that when the Secretary came back to testify yesterday, after the union had rejected the settlement, he no longer said he did not want any legislation. He simply took the position of "Hands off. I am not going to touch it at all." He said, "I am not going to recommend against it; I am not going to recommend for it." But he also said, and he said it carefully, and I hope I am not misstating the tenor of what he said, that he could see no such significant sign of a hope for a settlement as he did Wednesday. What he indicated, to me, was that there was nothing in the immediate future that would give him reason to tell the committee that if we did not pass legislation, the parties would settle the dispute.

This is pretty well borne out. When there is a situation of a dispute which has lasted a year and a strike has finally resulted, someone should take action and inject new stimulus.

Mr. LAUSCHE. Mr. President, will the Senator yield?

Mr. DOMINICK. I yield.

Mr. LAUSCHE. I have listened to the argument this afternoon that the administration refuses to make a recommendation. I have my own answer as to what principle shall guide me in my ultimate determination. But I ask the Senator from Colorado, How does he answer the argument that "Inasmuch as the administration refuses to take a step, why should the Congress?"

Mr. DOMINICK. I think we need only consider what has occurred from the time of the appointment of the presidential emergency board, the testimony before the committee, as well as the observations of any Senator who has tried to travel anywhere. My office is piled up with mail, including that from employees of the airlines on strike, asking me to "Please do something." It is therefore our responsibility here, where it belongs, to do something about it. I think the failure of the President and his administration to give a recommendation is awful. There is no excuse for it. I think they have fallen flat in this area. I can only assume why they have not made recommendations. I do not want to impute any particular motives, but labor does want to stand firm. It wants to hold whatever economic power can be exercised by it.

Mr. LAUSCHE. Regardless of what Secretary Wirtz has failed to recommend, I believe Congress has a responsibility of its own. We should not confess that we will do only those things—nothing else—that the administration recommends.

Mr. DOMINICK. I completely agree with the Senator from Ohio.

Mr. LAUSCHE. I thank the Senator for yielding.

Mr. DOMINICK. I wish to make a few more comments.

In view of the fact that the President has made no recommendation, I suppose it is still open as to whether he would take any action. That could leave the whole country in confusion once again.

The administration has stated in committee—and I say this to the Senator from Pennsylvania—that it does not like the Clark resolution, Senate Joint Resolution 186, and that if faced with a choice, it would prefer the Morse resolution, Senate Joint Resolution 181, somewhat modified. I suppose what it is in effect saying is, "We prefer to have Congress take responsibility and move in."

But there is the problem of Senate Joint Resolution 181, the Morse resolution. It provides that Congress will say to the union members that they must go back to work in a mandatory form for 6 months. I cannot support that kind of determination. I do not think we should put a mandamus on the working people of this country for that period of time. Therefore, I could not support that resolution any more than I could support the Clark resolution.

I think there is room for compromise. This is the point I made and tried to bring up over and over again in the committee, and we had some close votes on it. There is room for compromise by having Congress exercise its responsibility and say, "We think you are reasonable people. You have got to go back to work and at the same time negotiate, but you must go back to work for a period of 30 days, or 60 days, but no more than 60 days." At the end of that time, if the dispute has not been settled, the President will look at the circumstances as they then are, and, if he so decides, he can keep the transportation industry moving, and he can keep the men working and continue the negotiations, for up to 120 additional days, if that is what he wants.

I have prepared an amendment which reinstates the cooling off period of the Railway Labor Act for 60 days, effective immediately when the President signs the joint resolution. Then it can be extended for periods, to give it flexibility, by the President, but for a total not to exceed 120 additional days.

That will bring it back to the new Congress when it convenes if nothing has been settled in the meantime. Congress could then take action if nothing had been settled.

Mr. CLARK. Mr. President, will the Senator yield?

Mr. DOMINICK. I yield.

Mr. CLARK. I am interested in the mathematics used by the Senator. Did I understand the total to be 120 days?

Mr. DOMINICK. No; 180 days.

Mr. CLARK. That would bring it into February.

Mr. DOMINICK. It would be for as long as 180 days. I am not exactly sure how long that would be.

Mr. CLARK. It would take it into February.

Mr. DOMINICK. He does not have to invoke it for that long. If the President decided to invoke it only for 10 days, he could call Congress back into session. But my proposal does not require a 180-day period, and it does not pass the buck to the President. My proposal provides that Congress takes authority, and after a period of 60 days, the President could go forward.

Mr. President, having explained my amendment, I now send it to the desk. I shall not call it up at this time, but I send it to the desk so that it will be before us.

I ask that it be printed.

The PRESIDING OFFICER. The amendment will be received, printed, and lie at the desk.

Mr. DOMINICK. Mr. President, I want to talk a little about the special board. It seems to me there is some doubt as to why a Special Airline Dispute Board should be established. I suppose the purpose of providing for it was to inject something new into the argument between the parties, but at least under the amendment as I have proposed it, if it is accepted as part of the legislation, the Special Airline Dispute Board would come into the picture after the 60-day period, after the President has acted, first, to put the people back to work for a further period of time, and, second, put the board into operation.

This would give the National Mediation Board and the ordinary labor negotiators the opportunity to continue negotiations.

I do not think, Mr. President, that this dispute will last long after Congress has taken action. I think within a very short time we will have a settlement; because most of the employees want to go back to work. If the settlement had been explained to them fully, I think they would have gone back to work last time; for my guess is that in rejecting the settlement they were simply saying, "We are not going to be bossed around by the White House, and we are going to reject something which has been pushed upon us in this fashion."

Mr. President, I hope we can take action very soon. The Senate is a great body. I have vast respect for the Senators who hold differing viewpoints. But I do not think we are likely to pass any resolution, either the Clark resolution or the Morse resolution, unless we can reach some compromise. I hope that what I have sent to the desk may prove to be one possible form of compromise.

ORDER FOR ADJOURNMENT UNTIL 11 A.M. TOMORROW

Mr. MANSFIELD. Mr. President, I ask unanimous consent that, when the Senate completes its business tonight, it stand in adjournment until 11 o'clock tomorrow morning.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. JAVITS. Mr. President, I was one of the architects of the plan which is finally before the Senate in the form of the Clark resolution—Senate Joint Resolution 186. I should like to lay before the Senate the considerations which went into the development of that resolution, what it means, what we hope for it, and what are the possible areas for bringing about the maximum consensus it is possible for the Senate to reach.

First, Mr. President, it was and is very clear—as I am sure has been discussed heretofore—that there is no legal authority on the books for the President of the United States to use. There is nothing he can do now except try to bring the parties together by mediation.

Second, we have here a situation which is not an emergency involving the national health and safety as yet—though it may become such an emergency—and therefore it does not meet what is commonly referred to as the Taft-Hartley standard. But the facts certainly warrant a finding that the dispute threatens substantially to interrupt interstate commerce to such a degree as to deprive any section of the country of essential transportation services; so it fully qualifies, and continues to qualify, under the Railway Labor Act—upon which the resolution before us is essentially based—as an emergency situation.

Among the substantive points which appeal most to me is the fact that Congress has had to proceed pretty much on its own. Unbelievably, to me, the administration did not come in with any recommendation at all. In the situation in which the country finds itself, the Railway Labor Act inhibits a continuing strike. Nonetheless, because the law has run out, there is a strike, notwithstanding the declared policy of the Nation that under such circumstances there should not be one. That being the situation, one would certainly expect that the President would recommend to Congress what he felt was needed to fill in the vacuum left by the state of the law. But try as we would, on both sides of the aisle, it was impossible to obtain from the Secretary was in committee, the thing that we should support.

It should be emphasized that this is not the result of a hasty job. It is the result, I think, of a very thorough and workmanlike job. I believe it will work, although I must say that I am deeply disquieted by the fact that the President has not indicated that he will actually use it.

As to the workers, I yield to no one in my being a prolabor Senator. However, that does not mean that I do not have an eye open for the national interest or for the interest of our people as they require essential transportation services.

We have been careful in the retroactivity phase of this resolution to see that it does not contain elements of compulsory arbitration, but does leave the matter to the negotiation of the parties.

One thing that I think is admirable in this resolution is that it does not endeavor to write the terms under which the men will work except, of course, that there shall be no more adverse terms than those which they had under their last contract.

This legislation is drafted with genuine concern for the relationship between the carriers and the employees, as well as the public, and for the morale involved in the return of the men to work under this resolution by order of the President. That morale should be encouraged rather than discouraged by the interim terms and conditions of work while negotiations continue.

We have left this, I think, rather designedly open. I think it is a very intelligent thing that we have done so. We have been realistic, practical, and also respectful of the position of the workers when, because of the overriding public interest, we call upon them to return to work.

Mr. President, this is a public utility industry. It is a public service industry. Hence, the rules which we have a right to apply in respect of labor-management relations here are different from what they would be were this a different kind of business. Indeed, the Railway Labor Act itself carries out that intent. The essential direction of the resolution which we are considering—of which the senior Senator from Oregon was the original author—is to carry out the technique and philosophy of the Railway Labor Act. That, I think, is a proper and a very intelligent way in which to handle the situation.

One of the things which has troubled me and has troubled the senior Senator from Oregon and so many other Senators is the fact that after all of the pain and anguish we went through in 1963 with the railroad dispute, the scares which we have had with steel and other industries, the privations which the people of the city of New York endured during their transit strike, and the difficulties which we currently face in the airlines strike—with other impending strikes at General Electric, Westinghouse, in communications, the steel industry, the trucking industry, and the automobile industry—we still do not have anything on the books to deal with the essential and final responsibility of government to insure its own operations.

I do not believe that the proposed legislation, dealing with a specific emergency, will be complete when it leaves here, unless it contains something which indicates our determination not to go unprepared any longer, in such a serious way, in the national interest.

AMENDMENT NO. 718

Mr. President, with the kind collaboration of the Senator from Oregon [Mr. MORSE], I propose an amendment to the resolution, which I send to the desk for printing as follows:

On page 3, line 20, insert "(a)" after "4".

On page 4, between lines 6 and 7, insert the following:

"(b) The Secretary of Labor is hereby directed to commence immediately a complete study of the operations and adequacy of the emergency labor disputes provisions of the Railway Labor Act and the Labor-Management Relations Act. The Secretary is further instructed to report to the Congress by January 15, 1967, the findings of such study together with appropriate recommendations for such amendments to the Railway Labor Act and the Labor-Management Relations Act as will provide permanent procedures to make unnecessary in the future such special legislation as is embodied in this joint resolution."

The PRESIDING OFFICER. The amendment will be received and printed, and will lie on the table.

Mr. JAVITS. Mr. President, let us remember that we were promised such recommendations by the President of the United States in his message on the state of the Union, and that they have not come forward. We would be in an infinitely stronger position to deal with our problems now, were a law on the books which did not require emergency legislation such as that which is before us now, and which would, on the contrary, keep the men at work.

For those reasons, I hope that we will see fit to deal with this dispute, at the very least, as set out by the Senator from Pennsylvania [Mr. CLARK] in his measure, and that we will at the same time insist that the time has come for us to have from the administration some finite and definitive recommendations for a permanent plan by which we can deal with these problems, so that we will not again be caught unprepared in so serious a national situation as we face today.

Mr. President, I yield the floor.

Mr. FANNIN. Mr. President, I commend the senior Senator from New York and the senior Senator from Oregon for making this recommendation and for placing the proposed legislation before the Senate. I also commend them for their excellent work. The Senators have been working for weeks—the Senator from Oregon for months—on this problem. Without their assistance, it would have been difficult to have carried this matter through. I wish at this time to recognize them for their outstanding service in this regard.

Mr. JAVITS. I thank the Senator.

Mr. FANNIN. Mr. President, during his testimony before the Labor and Public Welfare Committee, Secretary of Labor Wirtz said the Nation had been "kicked in the teeth" by the machinist union's rejection of a recommended settlement in the airlines dispute.

His observation is correct, even if belated. The American public for too long has been the innocent victim of irresponsible union strikes, of which this stoppage of essential air service is only the latest example.

The chair that should have been reserved for the public interest at the bargaining table has been vacant too long.

As a member of the minority on the committee, I strongly supported amendments that would have resulted in the immediate return to work of the union members and the speedy resumption of passenger and cargo service, pending renewed negotiations toward an agreement. The majority of the committee, in reporting the resolution under consideration, saw fit to leave this step to the discretionary power of the President.

In my opinion, this action represents an evasion of our congressional responsibility to act in the public interest.

I voted against reporting this particular resolution for that reason, although I strongly believe that immediate legislative action is required to end the crippling tieup of a major segment of our Nation's air passenger and cargo service.

Let us remember, however, that the legislation we are dealing with today, in an atmosphere of crisis and public indignation, is at best a makeshift remedy which would solve nothing in the long run.

Hopefully, the union and the carriers can be persuaded to resume meaningful negotiations. But there is little reason for optimism on this point, in view of the adamant stand of the union.

The American people should understand that we are only legislating another postponement and providing for another attempt by another presidential panel. We are plowing the same furrow twice.

We have responded to a symptom—but we are not treating the disease.

To those who are sincerely disturbed at the prospect of Government interference in the collective bargaining process, I say that there are other rights in this republic in addition to those special ones enjoyed by organized labor.

On behalf of the public safety and welfare, the Federal Government already is heavily engaged in the regulation of interstate transportation services. It is unthinkable that Federal power should not be employed to terminate a strike whose total impact on our economy is running into millions of dollars daily.

Public convenience is hardly the only factor in this dispute—or even the major one. Mail delay, not to mention the very real adverse effect on our national defense effort, cannot long be endured in a modern society.

My own State of Arizona affords a prime indication of how this continuing disruption in air service is hampering the progress of our defense production program.

The electronics industry is particularly dependent upon a constant two-way flow of men and material between the various scientific and technological complexes in the country. Air cargo is the standard of Labor—as he was obviously uninstructed—any recommendation whatever. We had only the most general personal ideas upon which to proceed—except that it has been communicated to us by various and sundry means that the administration much prefers the Morse resolution to the Clark resolution.

But in the absence of recommendations—and I deeply feel that this lack represents a real failure on the part of the administration to shoulder its responsibility—the mere fact that it is believed that the administration would prefer the Morse proposal to the Clark proposal, without assigning any good reason therefor, Mr. President, aside from perhaps the political reason that the President would not like to exercise this authority himself, leaves us, I think, in the position where Congress is very much on its own as to what it may decide to do.

The other problem we face is that there is no assurance, if we give the President the authority contained in the Clark resolution, that he will use it. This, I believe, is a very critical point as far as Congress is concerned, because it seems to me that it would be really demeaning for Congress to pass legislation of this character, giving authority to bring the men back to work, with no assurance whatever that the authority would be utilized by the President. But we could obtain no such assurance from the Secretary of Labor.

Under those circumstances, Mr. President, the question was, "What shall we do?"

My own opinion, based upon the extended efforts which we made in the committee, was that the optimum solution would be to utilize the entirely warranted finding that there is a substantial interruption of essential transportation service as the basis for continuing the provision of the Railway Labor Act which automatically inhibits a strike or a lockout as long as the mediation procedures and emergency board procedures provided under that law are operating and for 30 days thereafter; and that this would result in an automatic requirement in the legislation that the work stoppage be ended.

I have, however, felt that 6 months of inflexibility on that score was much too long. After some consideration of the matter, the optimum period seemed to me to be something in the area of 30 to 60 days. The suggestion made here by the Senator from Colorado [Mr. DOMINICK] and made in the committee by the Senator from Arizona [Mr. FANNIN] seemed to me to be entirely in accord with the law and the facts, if such period were succeeded by two additional periods, to be invoked if the President determined that the conditions under which Congress invoked the first period still continued—a provision very similar in theory to the Clark resolution.

But, Mr. President, it was impossible to obtain a consensus in the committee, or a majority adequate to report out such legislation, even though logic dictated that that was the way in which the matter should be handled. The reporting of such a measure being impossible, though it followed logic, the law, and the legal precedents as we saw them, we did the next best thing. We did that which it was possible to get the committee to support, and reported the resolution which is here sponsored by the Senator from Pennsylvania [Mr. CLARK].

I may say that a tentative measure before the committee at the end of last week provided for a similar period of time, but divided into three installments of 60 days each, all of which were to be triggered, as it were, by the President. This was the development for which the Senator from Michigan [Mr. GRIFFIN] and I were responsible—were the architects—solely for the purpose of getting a consensus in committee, as it seemed to command a consensus.

But when the Secretary of Labor testified, as he did before the committee on Monday—and this was the only clue he gave us—that the administration preferred to deal with a total period of 180 days rather than individual periods of 60 days, it was that alternative which developed the consensus, and that was what the committee reported to the Senate.

Mr. CLARK. Mr. President, will the Senator from New York yield?

Mr. JAVITS. I yield.

Mr. CLARK. The Senator from New York was originally a cosponsor of the original Morse amendment, was he not?

Mr. JAVITS. Yes, I was—of the Morse proposal.

Mr. CLARK. In the course of the deliberations in committee, the Senator from New York was one of those who voted for the committee proposal, was he not?

Mr. JAVITS. That is correct.

Mr. CLARK. Do I now understand that the Senator has had a third change of mind, and has a third alternative?

Mr. JAVITS. No, the Senator from New York has none, because he voted in committee, not once, but several times, for the 60-day mandatory period. The Senator from New York has been consistent in the fact that it is an optimum plan. I have always said so, have always maintained that, and have voted in that way consistently.

Mr. CLARK. That was not the original Morse proposal.

Mr. JAVITS. That was not the original Morse proposal, but I favored the Morse proposal, so far because it had a recital of a national emergency. However, we could not get evidence to sustain such a recital. Therefore, I believed we had to have some modification of the terms of the proposal itself. The modification that I thought was best, and the one that I supported by my vote consistently, was a 60-day mandatory period, with two additional extensions to be given to the President.

I still think that that is the optimum, but I also believed very deeply that the Senate was under a duty to act in this matter. In my judgment, the proposal we have brought to the Senate is a feasible and practical one. It gives the Senate an opportunity to act and to deal with what is a complete vacuum in the law. Therefore, I supported it and do support it now. But this does not, as it did not in committee, prevent me from supporting an optimum plan, if it is submitted to the Senate, as it undoubtedly will be, and as it was submitted in committee, by way of a substitute.

Mr. CLARK. Mr. President, do I correctly understand that the present view of the Senator is that he would support the Dominick amendment, which has gone to the desk, in preference to the committee bill, but, if that were to fail, he would still vote for the committee-reported resolution?

Mr. JAVITS. That is exactly what I did in committee. I think that is the best thing that can be done under the circumstances before us, though it does not represent an optimum solution in this controversy.

Mr. President, the main point—which I think we all wish to guard against in the Senate—is not to rush through a measure to solve the problem and run the risk which was run some years ago in Congress when the House—fortunately the Senate did not act in that manner—undertook a procedure which would have brought the railroad strikers back into service as Army conscripts. The Senate and the House, I think, have spent a very long time regretting that incident.

It is always a kind of apparition and warning to us that we do not want to repeat that experience. It is, therefore, I think, our duty to report to the Senate that in this particular case, notwithstanding the exigencies which have faced us and which continue to face us, a great amount of intelligence and labor was expended in this endeavor. Hearings were had in respect to this piece of legislation. The Government, as represented by the Secretary of Labor, gave us the authoritative facts gathered from all departments with respect to this matter.

Most importantly, we heard from the union. We heard from the chairman of the negotiating committee for the carriers. These parties appeared before us and gave testimony. We have a factual record before the Senate, a record upon which we acted, and it is a factual record upon which the Senate may act.

We explored various propositions. We debated in the committee hour after hour with the greatest diligence and, I think, with the most exemplary thoroughness. The result which is before the Senate, as reflected by the measure of the Senator from Pennsylvania [Mr. CLARK], is a true consensus of the committee. It is truly the result of the kind of committee inquiry on the facts and deliberation and drafting which the Senate has a right to expect from one of its committees.

I believe that, as far as we have gone today, I would have every justification for supporting—and I shall support—the Clark resolution, assuming that it cannot be improved, as it could not be improved in committee, in the way I have referred to.

We failed in that endeavor in committee, and perhaps, from all indications, we shall fail in that effort here. Therefore, the Clark resolution will be again, as it every campaign from the political action funds of organized labor, and my campaigns rely heavily upon their active assistance. I get a good deal of my campaign money as well, from other groups, including the farmers, consumers, housewives, professional groups, teachers, and many others. It is not easy to be in the position of calling for congressional action to suspend the strike of a leading union, or any union.

I never hesitated to do it in the past and I shall not hesitate to do it now or in the future because when one runs for the Senate and is elected, he is not bound by any group that supported him in the campaign. He is elected on the assumption that he could be trusted to exercise honest, independent judgment on the merits of the issues, and in accordance with the facts as he finds them, and carry out his responsibility and trust that his office places in him.

In my judgment, the procedure of the union in resorting to strike in the critical circumstances that confront this Republic in the hours in which we live is a failure on the part of a union to carry out its responsibility. But I have my responsibility to carry out, and I propose to carry it out irrespective of how much goodwill or illwill it may earn for me in the ranks of this union or any other union.

But my duties, and those of every Senator, go far beyond our obligations to organized labor for campaign support. They go to all the people who sent us here, whether they voted for or against us; and our responsibilities go to the Constitution of the United States, which states that--

> Congress shall have power . . . to regulate commerce with foreign nations, and among the several states.

I point out to Senators that the choice posed in this situation is not one of legislating or not legislating. Ten members of the Senate Labor Committee voted to recommend this bill favorably to the Senate. They recommend its passage. It does not save the machinists from an injunction. It says only that instead of imposing the injunction, we are going to have the President do it, so he will get the blame and not us.

That is a time-honored device. But it is causing a rising inflationary spiral. That spiral must not become an inflationary tornado, but it will if the precedent is set in this case of not taking action in a regulated industry which will prevent an inflationary breakthrough. It is causing the depreciation of the wages won at cost to the public of a strike; it is causing great disaffection between the organized unions that are able to bring economic power to bear upon the economy in support of their demands, and the unorganized working people and nonworking people who are not able to use economic power to keep up with the inflationary spiral—which will soon develop into an inflationary tornado if we do not pass legislation along the lines I have been advocating.

This is why I want to stress the testimony of the Secretary of Labor when he affirmed my own oft-repeated summary of the emergency this strike is causing:

First. It is causing a disruption in essential transportation to many sections of the country. I ask the Senators from Hawaii and Alaska if this is not so. Senators know whether it is true in their own States, but the situation of Alaska and Hawaii is becoming critical. The Railway Labor Act was passed in 1926 for the specific purpose of assuring continuation of transportation service. It relates to disputes that the National Mediation Board finds "threaten substantially to interrupt interstate commerce to a degree such as to deprive any section of the country of essential transportation service."

Surely, there is no question that this is such a dispute.

The act then authorizes the President, who "may thereupon, in his discretion," appoint an emergency fact-finding board. This the President has done. He appointed an Emergency Board on April 21. I served as chairman with Board members David Ginsburg and Richard Neustadt. We performed our duties under the Railway Labor Act. The parties could not cease work during the 30 days of the Board's deliberations, and it could not cease work for another 30 days subsequent to the filing of the report. During this time the parties negotiated on the basis of our report.

My original resolution did nothing more than extend that 60-day no-strike period for another 180 days while the parties continued to negotiate.

Now, the committee has changed it to require the President to make another discretionary finding, or as many discretionary findings as he may choose, that it is desirable, in his opinion, to enjoin the union for whatever period he chooses, or as many times as he chooses, up to a total of 180 days.

CONGRESSIONAL EXERCISE OF AUTHORITY OVER INTERSTATE COMMERCE

There are a number of cases which support the proposition that Congress can legislate return-to-work laws under the general interstate commerce powers.

First. At the outset, it should be noted that the courts have considered transportation to be a particularly appropriate subject for congressional regulation. There is, of course, no question as to the interstate nature of the air transportation as viewed here. The routes of all of the struck carriers cross State lines. They carry passengers and cargo from State to State. See *Island Airlines* v. *United States*, 352 F. 2d 735 (9th Circuit 1965). Commercial air travel wholly within Hawaii was held to be interstate commerce.

Thus, it is difficult to conceive of any type of business which is more interstate in character than the commercial air transportation of the struck carriers.

In addition, air transportation, like railroad transportation, is affected with the public interest. For this reason, each industry is already subject to congressional and agency regulation of a quite detailed nature. And it is these two elements—the clearly interstate nature of and the basic public interest in transportation—which have caused the courts to give Congress broad latitude in the regulation of transportation.

An example of this latitude is found in *Wilson* v. *New*, 243 U.S. 332, where the court upheld a congressional statute which ended a railway strike, sent the employees back to work and prescribed the precise terms on which work was to be continued for up to 9 months.

In this case, the Congress went so far as to set the wages of the employees. In this case, the Congress went so far as to set the hours of work of these employees.

What this case really adds up to, let me say to Members of the Senate, is that Congress arbitrated the case. Its decision was to apply for a period of 9 months, leaving it up to the parties thereafter to enter into whatever agreement they could.

It has been argued on the floor of the Senate this afternoon that Wilson against New is a 50-year-old case, a 1917 case, and that therefore in some way it has weakened the importance of the case. For 50 years that has been an uncontested doctrine of law in this country both in respect to constitutional power of Congress and in respect to what is meant when Congress is vested with control and regulatory powers of interstate commerce.

I shall have something to say before I finish in regard to the 1963 case but, at this moment, suffice it to say, as I said earlier in my colloquy with the Senator from Massachusetts [Mr. KENNEDY], that it is true Congress did not send men back to work in the 1963 case. It just stopped them from striking.

Some way, somehow, the notion is abroad in the Senate that this weakens the action taken by Congress in 1963. Let me say that Congress, in passing a law with the purpose of preventing men from going out on strike is not only analogous but is close to involving exactly the same principle. It is more drastic, in my opinion, to prevent, in advance, the carrying out of an intention to strike.

In my judgment, the 1963 action of Congress was, in effect, a reaffirmation that when the country is confronted with a strike in a regulated industry with serious consequences to the public which must be considered of paramount interest—consequences which call for Congress to act—then Congress must act.

This case is such a strong case, as we analyze the language of the case, that it ought to put to rest any question as to whether or not we can go this short distance that I propose to go in my resolution, which only says to the parties, "You are going to go back to work; you are going to work under your old agreement subject to retroactivity to January 1, 1966, when it is finally settled."

I digress for a moment to say that I think the parties to this dispute ought to be giving consideration to their actions before legislation is passed, because they will get some legislation. I think all the odds are in favor of their getting some legislation. If they do not voluntarily go back to work, they will end by being sent back to work in order to protect the public interest. They might just as well means of shipping the small light-weight components of electronics equipment.

In the Phoenix valley alone, there is a major concentration of industries engaged in defense production which have been hit hard by this strike. I have telegrams from many of them, including such prominent defense contractors as General Electric, Motorola, Sperry, Goodyear Aerospace, Airesearch and others, attesting to delays in shipment of vital materials and components, some of which are directly related to our military forces in Vietnam.

This is just one area. Multiply this situation by similar effects on giant electronics concentrations in other States of the Union and one can gain some idea of how this strike is definitely harming our national security.

The true extent of this strike, in terms of its eventual impact on the scheduling and delivery of defense-related production, may not be known for months.

As I have said on many occasions, we are now reaping the harvest of our longstanding failure to redress the balance of power between management and monolithic unions.

Three decades of legislative and administrative favoritism to organized labor have progressively choked off consideration of the public interest in major strikes.

Unions no longer are weak, divided, and deserving of special privilege to protect themselves against corporate power. Nurtured by favorable Federal laws and court decisions, they have grown rich and strong

It is only stating the obvious to note that many unions have not demonstrated the maturity and responsibility in the exercise of power which their congressional champions always argued they would.

In the final analysis, Mr. President, no amount of election year oratory can obscure the fact that much of this problem can be laid squarely at the doorstep of Congress.

Congress enacted the laws that made it possible for labor to acquire the power now being wielded against the public interest. It is up to Congress to revise those laws and to bring them into line with today's conditions.

In my judgment, the obligation of Congress to undertake a comprehensive study and revision of our entire labor-management code has never been more clearly emphasized than it has been by events of the past 2 years.

Our real need is not for strike-breaking laws, Mr. President, but for strike-preventing laws. Only when the power scales have been rebalanced can we look forward to an honest measure for the public.

Mr. President, Senator DOMINICK has discussed an amendment that he will offer. This amendment would give the Senate an opportunity to take immediate action that would bring about a resumption of service by the carriers involved in the current strike.

Mr. President, I shall support the Dominick amendment, which is similar to the amendment I offered to the committee.

Mr. MORSE. Mr. President, I have just authorized the release of the substitute amendment which I offered earlier this afternoon.

The Senate and the press should know that the reason why I have been off the floor most of the afternoon, while the debate has been on, is that I have been in one conference after another, as we have discussed with officials of the Government—and with Members of the Senate, on both sides of the aisle—various suggestions for perfecting the amendment and for modifying it in some respects.

Mr. President, I wish to make very clear, before I make the speech that has already been delivered to the Press Gallery in manuscript form that those of us opposed to the committee's resolution are in agreement that the major principle of the Morse resolution should be preserved. That principle provides that Congress and not the President should order that the strike end and the men be sent back to work if necessary by writ order.

In other words, the modified resolution that I shall offer tomorrow will not in any way vary from this basic principle which represents the great difference between the substitute and the resolution recommended by the committee.

We all know what the great division is in this debate as far as this basic principle is concerned. The division is whether the Congress should pass a resolution that authorizes the President to order that the men go back to work for a definite period of time and to take necessary legal steps to have the order carried out, or whether the Congress should pass a resolution that makes that provision on the basis of the decision of the Congress, confirmed by the President when he signs the resolution.

That is the major issue. I believe it is a very basic issue.

There have been suggested this afternoon various modifications or perfecting provisions for a 60-day period or a 90-day period, or variations of that. The Dominick amendment has been submitted. It is well known by the members of the committee that I, in committee, voted for the basic principle of the Dominick amendment, in trying to work out a conscionable negotiated settlement of the differences that developed in the committee.

In my judgment, the important thing to keep in mind is whether or not Congress is going to maintain control of this situation by saying, to use the language of my amendment, that there is this interruption in essential transportation that affects various sections of the country.

On the basis of that premise, Mr. President, we rest our resolution. We believe that the Congress should make that finding and pass a resolution, if signed by the President, that orders the men back to work.

The reasons why I support that principle are set forth in the speech that I intended to give at a much earlier hour today, and would have given except for the conferences which I engaged in—which, in my opinion, was the first order of business. However, I do not think the record should close today without there being presented the point of view on the other side of the issue from that already expressed by my friend from Pennsylvania [Mr. CLARK] in support of the resolution which the majority of the Committee on Labor and Public Welfare by a vote of 10 to 6 has sent to the floor of the Senate.

The main action taken by the Senate Labor Committee to change my resolution was to remove from the authority of Congress the decision of sending men back to work, and authorizing the President to do it, at his discretion.

"The President may" are the key words of the committee bill.

> During said period of time none of the parties to the controversy, or affiliates of said parties shall engage in or continue any strike or lockout.

Are the key words of my original resolution.

The question is whether we are going to adopt a resolution that in effect says that the President "may," or whether we are going to adopt a resolution that says "During said period of time none of the parties to the controversy, or affiliates of said parties shall engage in or continue any strike or lockout." These are the key words of my original resolution.

This section is then enforceable upon suit in Federal court by either of the parties or by the Attorney General of the United States.

The issue here is not complicated. It is as simple as election day. I have offered my resolution in this form because the Constitution of the United States vests the authority and responsibility for regulating interstate commerce with the Congress. It does not vest it with the President or his executive branch. The Constitution vests it in the Congress. My resolution is based on the language of the Railway Labor Act, which in turn is predicated upon the power of the Congress to regulate commerce. Anything less than the exercise of this authority by Congress will, as I have said, amount to passing the buck to the President.

The answer came back in committee:

> He passed the buck to us by refusing to recommend legislation; now we are going to pass it right back to him.

It is a sad day for the U.S. Senate and the American people when protection of the country's right to essential transportation service becomes an issue of who can be the last to hold the hot potato.

I do not deny that this is a hot potato. The lobbyists not only for the International Association of Machinists, but for the entire AFL–CIO and many of its associated unions were crowded outside the rooms of the Senate Labor Committee throughout the consideration of this subject. They are crowded now outside the Senate Chamber and they are in the gallery today. That is their right. I protect them in that right. It is also their right to remind Senators how dependent many of them are upon the support of organized unions in their forthcoming campaigns for reelection.

I know how important that support can be. My campaign committees get a good deal of my campaign money in face that fact. I cannot imagine Congress so completely abdicating its responsibilities that it will permit this strike to continue and let the public interest suffer the great losses it will suffer from a continuation of the strike.

Shall Congress let this strike continue to a point at which there will have to be a surrender to a union that uses its naked economic power? I repeat that phrase because the Machinists Union seemed to take offense, in the article I placed in the Record earlier today, because the Senator from Oregon described what they are doing as an "exercise of naked economic power." That is what it is.

In such a critical hour as this, with a great crisis facing the country on many fronts, with the great danger that will confront us if such a precedent is established, I do not see how we can prevent what will happen unless we proceed to pass a whole body of economic-control legislation, including a tax bill, a price-control bill, a wage-control bill, a rent-control bill—in other words, cease functioning as a free economy. But we can maintain a free economy that can work in an hour of crisis, if all groups in America will cooperate to make the economy work.

If the Machinists' Union, by the exercise of naked economic power, is permitted to set a precedent, the whole line of labor disputes waiting in the wings will come onto the economic stage and argue, as they will argue, that they are deserving, not of less, but of as much as was obtained in the airlines case. If they succeed, we shall go through the inflationary protective ceiling, and an inflationary tornado will sweep the country. An irate public will then demand that Congress remain in session for whatever period of time is necesary to pass economic control legislation of the type I have just mentioned—wage controls, price controls, rent control, and taxation.

But such drastic legislation is so unnecessary. That is why I shall continue, no matter how much criticism I receive from labor lobbyists and labor members, to carry out what I consider to be my trust. I shall urge that Congress pass a joint resolution, in keeping with its constitutional responsibility to regulate commerce, ordering the men to return to work, and that the President sign the resolution. That is the responsibility of the President. That is where the responsibility of the President begins. He should join as a partner with Congress in signing legislation that will bring the strike to an end for the period covered by the resolution. What that period should be is one of the things that has been under discussion all afternoon. That is why the Senator from Oregon is not presenting to the Senate tonight a resolution, other than his own joint resolution, because, as he announced earlier this afternoon, it was expected at that time that there would be a resolution cosponsored—and I feel certain that they would not object to my saying so—by the Senator from Florida [Mr. Smathers] and the Senator from Alabama [Mr. Hill], chairman of the Committee on Labor and Public Welfare.

The Senator from Alabama did a magnificent job as chairman and did a magnificent job in discussing the merits of the issue throughout the hearings in the Labor and Public Welfare Committee. Although they would be cosponsors of the resolution in this form, I am not putting the names of the Senator from Florida [Mr. Smathers] or the Senator from Alabama [Mr. Hill] on this resolution tonight, because I think they should have an opportunity to make their judgment on the final form of it as it will be offered tomorrow. That is the reason for my making the speech on the resolution this afternoon, which in the last few minutes has been released to the press.

Mr. President, I was making the point that I think if a resolution mandatory in nature is passed that has the effect of sending men back to work, in addition to other provisions, the parties themselves ought to give favorable consideration, before we pass the final resolution, to an arrangement whereby the men will go back to work on the basis of the wage agreements they entered into with the negotiating committee of the union last Friday night.

After all, they had reached an agreement. I do not think it would be realistic for anyone to think the final settlement will be less than the wage agreement—a fair agreement—which was reached by way of collective bargaining, and which had the superb mediation services of Secretary of Labor Wirtz and Assistant Secretary of Labor Reynolds.

I hope we would be able to modify the resolution to permit the use of the wage agreement that was arrived at the other day, rather than to proceed on the basis of my resolution as it now reads; namely, that of the old agreement, subject to retroactivity to January 1, 1966.

Why not face the fact that the parties are in agreement almost to the extent they agreed the other day? It was an agreement which led to the action of the negotiating committee, in recommending acceptance to the members of the union, but which the members of the union rejected on Sunday.

Further, may I say, there is good reason for the 180 days provision in my resolution. I want the Record to show it. I based it upon good advice and I got it that time from the administration; that is, they wanted the Congress back in session. The parties would have a chance to settle it ahead of time, but the 180 days puts the Congress back in session and the 150 days gives the Congress 30 days in which to pass more legislation.

Now, I think that Congress acted very unwisely in 1916. It is beyond compulsory arbitration. The Congress became the arbitrator. But that is beside the point. Rather, the significance of Wilson against New is that under the Constitution, the Congress has very wide powers under the commerce clause to regulate transportation and, in particular, to deal with labor disputes resulting in serious strikes in that industry.

For, as the Supreme Court stated in that case—and I would recommend that labor and management, in all the regulated industries of our country take note of the language of the Supreme Court:

> When one enters into interstate commerce one enters into a service in which the public has an interest and subjects one's self to its behest. And this is no limitation of liberty; it is the consequence of liberty exercised, the obligation of his undertaking, and constrains no more than any contract constrains. The obligation of a contract is the law under which it is made and submission to regulation is the condition which attaches to one who enters into or accepts employment in a business in which the public has an interest. [See also *Brotherhood of Locomotive Firemen and Enginemen* v. *Chicago, Burlington & Quincy Railway Company,* 225 F. Supp. 11, 21–22 (D.D.C. 1964), aff'd, 331 F. 2d 1020 (D.C. Circ. 1964).]

I mention the Brotherhood of Locomotive Firemen case because most Senators were here in these seats when the locomotive firemen were sent back to work by order of Congress, and not only that, but their case was submitted to compulsory arbitration over my own objections.

We did not pass the buck to the then President of the United States in 1963. The Senate took the issue away from President Kennedy and went beyond the legislation he wanted.

I said, in my colloquy with the Senator from Massachusetts [Mr. Kennedy] this morning, and I want to repeat it now so that it will appear at this point in my formal speech, that the President in 1963 did not ask for the legislation that Congress passed. He asked for different legislation. The very morning of the day that the vote was taken in the Senate, President Kennedy called me to the White House to discuss with me the legislation that was then pending on the floor of the Senate, which was not his proposal.

President Kennedy asked me, at that discussion, to come to the floor of the Senate and offer his proposal as a substitute for the committee proposal. And he said to me—as the Senator from Montana [Mr. Mansfield], our majority leader, can verify—that if only the Senator from Montana and the Senator from Oregon voted for his proposal, he still wanted it offered, because it incorporated what he stood for.

President Kennedy's proposal, in 1963, was not a compulsory arbitration proposal, but a proposal to send the matter to the Interstate Commerce Commission rather than to a compulsory arbitration board. The President's proposal failed to pass by a vote of 15 yeas to 75 nays.

Without taking the time to read it, Mr. President—because the important thing is to have it available to Senators who may wish to read it—I ask unanimous consent that an excerpt from my statement on August 27, 1963, in which I explained the position of the President and in which I offered the President's proposal as a substitute, be printed in the Record at this point.

There being no objection, the excerpt was ordered to be printed in the Record, as follows:

Settlement of Dispute Between Railroad Carriers and Their Employees

> The Senate resumed the consideration of joint resolution (S.J. Res. 102) to provide for the settlement of the labor dispute between certain carriers by railroad and certain of their employees.
>
> Mr. Morse. Mr. President, I wish to speak on my amendment No. 82, which I under-

stand is the pending amendment to Senate Joint Resolution 102. I express my sincere thanks to the Senator from Wyoming [Mr. McGee] and the Senator from Washington [Mr. Magnuson], chairman of the committee, for arranging a parliamentary situation whereby the Senate will proceed to the consideration of this amendment as a substitute for the committee amendment.

I offer the amendment as the administration's amendment. The amendment was prepared by the administration. It is a sound amendment, in my judgment. I shall briefly outline it.

The amendment retains the procedure set forth in the President's original recommendation to the Congress, the original Senate Joint Resolution 102, with this major modification, which was first proposed by the Secretary of Labor in a conference in the majority leader's office several days ago, prior to the final action of the Senate Commerce Committee, as representing the administration's proposal: It proposes that a seven-man board, two from the carriers, two from the brotherhoods, and three public members, the public members to be selected necessarily by the President, proceed to arbitrate the dispute, under the auspices of the Interstate Commerce Commission. They would make their award recommendations to the Interstate Commerce Commission, which would have authority to modify the award if it saw fit, and then promulgate the award.

Speaking only for myself, I say to the carriers and to my colleagues in the Senate that, in my judgment, the possibilities and probabilities of any modification of an award of a fair board of arbitration are most remote.

This proposal of the Secretary of Labor, as he submitted it in the majority leader's office the other day, follows a procedure that prevailed during World War II, under the jurisdiction of the National War Labor Board. The National War Labor Board had ultimate jurisdiction, but there was a series of regional War Labor Boards and special commissions. For example, there was the West Coast Lumber Commission, which had jurisdiction over all disputes in the lumber industry in the Western States. There was a special commission known as the Shipbuilding Stabilization Commission. Other commissions involved other industries.

I served as chairman of the Appeals Division of the National War Labor Board, which had jurisdiction of appeals, acting on behalf of the Board, although there was a procedure permitting a case to be sent to the full Board if necessary. But that did not become necessary. There was a right to take appeals from any decisions of special commissions or regional boards.

Our policy was to sustain the decisions of the special commissions, except on one score: If a special commission should hand down a decision that violated the National Wage Policy, it knew that it would be reversed on that point. It never became necessary to reverse them, because the boards maintained contact with the national Board and determined the question of fact as to what the national wage policy was with respect to a given area. At no time was it necessary to reverse a special commission.

I cite that fact in support of the opinion I have just expressed that, in my judgment, the probability of the Interstate Commerce Commission's modifying a decision of a fair arbitration board is most remote. But I am willing to come to grips with the essence of the argument of those who are in opposition to this part of the measure I am offering. Should this authority be given the Interstate Commerce Commission? My answer is, "Yes, by all means." I know that I am dealing with a phase of the law that is pregnant with legal abstractions.

These legal abstractions are vital to the preservation of our rights in the whole field of American jurisprudence. Let me say to American labor, particularly railroad labor, that in this instance they are vital to the best interests of railroad labor.

It has been argued that the railroad brotherhoods do not have confidence in the Interstate Commerce Commission. That is a rather sad commentary. It certainly would be no justification for Members of Congress to refuse to give to an existing legal agency of Government jurisdiction which falls clearly within the sphere and the province of its authority. It is our agency. It is our instrumentality. Congress created the Interstate Commerce Commission. I do not want to assume that Members of Congress would wish to confess to incompetency on the part of the Interstate Commerce Commission, and not have done anything about it over recent years.

I ask my colleagues in the Senate who make that argument: "What proposals have you made for modifying the Interstate Commerce Commission if you think in an hour of crisis it is not the Government agency that can carry out such legislative function as we seek to delegate to it in my proposal?

I deny the premise, because in my judgment the Interstate Commerce Commission is qualified and competent to carry out the duties that are sought to be imposed upon it in my proposal.

I said last night, and I repeat briefly here, that we have assigned to the Interstate Commerce Commission by law a great many duties in the field of labor relations, although they have not been so called. Sections 5(2)(f) of the Interstate Commerce Act turns over to the Commission administration of the Washington agreement. The Washington agreement came out of the house of the brotherhoods as well as of the carriers. It was the result of a negotiated understanding which the parties reached. We gave to the Interstate Commerce Commission jurisdiction to administer it in the case of all mergers that deal with job security, and the present dispute is primarily a problem of job security.

I do not buy the argument that the Interstate Commerce Commission does not have the competency or experience which qualifies it to deal with the review power which is provided for in the substitute amendment now under discussion.

That is not the only jurisdiction which the Interstate Commerce Commission has over jobs and working rules. When we are dealing with the Interstate Commerce Commission we are dealing with an agency of Government—and I do not believe this is subject to dispute—that knows more about railroad problems than any other group within the Government. We have given them the jurisdiction to supervise and regulate the railroads of the country, and have done so for years by legislative fiat.

I am one politician who is not going to give heed to the propaganda of the brotherhoods, that because they do not want the dispute to go to the Interstate Commerce Commission, Congress should not place it with the Interstate Commerce Commission. Who is in control of this Government, the brotherhoods, or Congress, acting on behalf of all the people?

If we have set up a commission in behalf of all the people which is not competent to regulate the railroads and pass upon the issues of job security involved in connection with working rules which affect the operation of the railroads, we had better get busy and do something about the Interstate Commerce Commission. I will not vote to keep this dispute from the Interstate Commerce Commission merely because some brotherhood politicians do not want it placed in the Interstate Commerce Commission. They ought to be brought under the canopy of a system of Government by law. We have in our system of Government by law an existing agency to which we have entrusted jurisdiction over railroad operations.

Every time the Interstate Commerce Commission must deal with a litigious matter, or an adversary matter, in regard to a continuance or discontinuance of a railroad train or a railroad line, working rules are bound up in that controversy, and jobs are bound up in it, and the interests of families of those who are connected with the railroad are bound up in it.

For years the Interstate Commerce Commission has been given jurisdiction by Congress to pass on that subject matter.

I could cite the authority that the Interstate Commerce Commission has over safety matters. Do Senators believe that jobs are not involved in that field? Do Senators believe that the Interstate Commerce Commission is not passing in those cases upon job security, upon the bread and butter of hundreds and perhaps even thousands of workers in the railroad industry? Of course it is.

We should come to grips with this problem. Let us not assume a most extreme hypothetical situation. Aside from the appeal procedure, to which I shall refer in a moment, and remaining in the political arena for the moment, suppose that the Interstate Commerce Commission should hand down an unfair decision. Do Senators believe that we would sit on our haunches?

The Commission is our agent. It is our baby. We gave it birth. We have clothed it with its jurisdiction.

I say to the members of the brotherhoods that they have no right at this time to suppose that Congress would sit idly by—if all the fears that they have voiced in their lobbying activities of recent days on the Hill should prove to have any justification in fact—and permit an injustice to be done to the railroad workers. We would not, any more than we would sit by and permit an injustice to be done to the stockholders of the railroads. They, too, are parties to the dispute.

As I have listened to some of the discussions in the cloakrooms and elsewhere, I have come to the conclusion that apparently some people believe that there is only one party to the dispute; namely, the railroad brotherhoods. There are two others, and one of them is more important than two of the three. They are the carriers and there is the public. The public interest must come first. I say most respectfully that Congress, in this historic debate, should direct its attention to what is in the best interest of the public. The substitute which I am offering this afternoon is in the best interest of the public and fair to the party litigants. It would set up a seven-man arbitration board. That is what the committee measures would do. It is a tripartite board. We may finally decide upon a presidential appointment, if necessary, to arbitrate the dispute, now that the parties have put Congress in the position where it must pass some legislation. That would call for arbitration. What kind of arbitration? Senators should remember that if this dispute is kept within the framework of the Interstate Commerce Commission, we make available to the parties all the procedures of review and appeal, and all the procedures of the Administrative Procedure Act. If we put it in the hands of an independent, ad hoc arbitration board, those procedures will not be available to the parties. I am at a loss to understand why the brotherhoods have not recognized that important procedural difference between my proposal and that of the committee.

My amendment speaks for itself. However, because questions have been raised in respect to how all the issues in dispute will be handled, I wish to read section 6 of my amendment, beginning on page 5, line 18. I am talking about the so-called secondary issues. The two main issues go directly to arbitration, and this is the way the so-called secondary issues are included, although I know of no real secondary issues in the case, for every issue involves the bread and butter of thousands of workers. Every issue is of vital concern to the railroad families of the country. In my judgment, every issue, unless equitably handled, could lead to a strike. So my proposal handles this problem as follows, beginning on page 5, line 18:

"Sec. 6. The parties shall proceed immediately to bargain collectively, with the assistance of the National Mediation Board concerning any unresolved issues regarding any proposals which were included in the notices of November 2, 1959, or September 7, 1960, but which do not involve the manning of train or engine crews and the protection of the interests of the employees affected thereby. If agreement has not been reached within sixty days following the effective date of this joint resolution, any party may submit its proposal to the Interstate Commerce Commission. If the Commission determines (1) that the party submitting such proposal has exhausted all reasonable efforts to reach a settlement of such issues through collective bargaining, and (2) that it is unlikely that any agreement with respect to such issue or issues or with respect to voluntary procedures for the disposition of such issue or issues will result from further efforts to bargain collectively, the Commission shall refer the proposal to the Special Board—"

That is the special arbitration board provided for in the amendment—

"for disposition in the same manner as in the case of applications filed under section 1. The provisions of section 5 of this joint resolution shall be applicable to matters covered by such proposals.

"Sec. 7. (a) The provisions of the Act of March 23, 1932, entitled "An Act to amend the Judicial Code and to define and limit the jurisdiction of courts sitting in equity, and for other purposes" (29 U.S.C. 101–115) shall not be applicable to an action under sections 5 or 6 of this Act In any such action, service of the complaint and summons shall be made on the parties to the controversy by delivery thereof to an officer or to any other agent of said parties authorized by appointment or by law to receive service of process."

Mr. President, I close with this final argument: Unless there are vital reasons for not following the original proposal of the President of the United States, I plead with Senators to support the hand of the President, for, in my judgment, he recommended to Congress a procedure that is fair. It has been greatly improved by the Wirtz amendment. The amendment provides for the tripartite board that the Committee on Commerce provides, a board which would function under the auspices of the Interstate Commerce Commission.

The proposal would provide for a fair settlement of the dispute. It continues to avoid my major objection to the committee's proposal of an ad hoc, general, compulsory arbitration board that might very well set an unfortunate precedent that could be brought to bear upon many labor disputes in the future, involving workers outside the railway industry.

I repeat what I said last night: Congress has always, as a matter of course, tended to treat railway labor differently, legislatively, than the rest of labor. Thus we have the National Mediation Board, the Washington agreement, the boards that are established to handle the retirement funds of the railroad brotherhoods, the Chicago board that considers grievances that arise with respect to the expenditures of funds. There is a set of separate legislation for railway labor, including the Interstate Commerce Act and the Railway Labor Act of 1926.

The proposal offered by the administration keeps the procedure within the framework of existing legislation that is applicable to railroad labor.

Mr. President, I urge the adoption of my amendment.

Mr. MORSE. Mr. President, the important thing right now is that Congress did act on its own in 1963. It did prevent men from going out on strike by that action. It considered the situation sufficiently important to warrant such action.

That was only 3 years ago. We do not have to go back 40 years for a precedent as far as the principle involved is concerned. We only have to go back 3 years. In that dispute, the union was not yet out on strike, but it was threatening to strike, and we all knew it would strike if we did not pass legislation to prevent it from striking.

In the railroad case, there were only 32,500 firemen involved. Some are saying there are only 35,000 mechanics involved in this case, and that is not enough to justify congressional action. But Congress went much further 3 years ago to act against fewer railroad firemen.

But it knew the effect of the strike. I am only urging that the Senate take into account the effect of this strike. It is the effect of the strike, irrespective of the number of people involved, that determines whether or not Congress, vested under the Constitution with power to regulate interstate commerce, should persist in its efforts, particularly at a time as critical as the present.

I quote the opening section of the Senate Joint Resolution 102 adopted by the Senate on August 27, 1963:

> *Resolved,* * * * that no carrier which served the notices of November 2, 1959, and no labor organization which received such notices or served the labor organization notices of September 7, 1960, shall make any change except by agreement, or pursuant to an arbitration award as hereinafter provided, in rates of pay, rules, or working conditions encompassed by any of such notices, or, engage in any strike or lockout over any dispute arising from any of such notices.

The 32,500 firemen were not even on strike when Congress took that action less than 3 years ago.

I am at a loss to understand what seems to me to be the implication of some of the statements made on the floor of the Senate this afternoon that because the men were not on strike then, that case is not applicable to the situation which confronts us now in the case of the airline strike.

But then we went even further. We did not even wait for a strike in 1963. We stopped the strike. We ordered them not to strike. That was going even farther than the 1917 case, Mr. President.

If in 1963, Congress felt that it had the responsibility to forestall a strike, in my judgment it certainly has a responsibility to end the strike that is now going on.

As I have noted, I voted against that resolution because it went on to submit the issues to compulsory arbitration. But it was a carrying out of the congressional responsibility and authority to regulate commerce.

I have never said Congress does not have the authority, in carrying out its regulatory powers under the interstate commerce clause, to pass legislation for compulsory arbitration. I just do not vote for compulsory arbitration, because I do not think it is justified. I think we need to seek ways other than the compulsory arbitration technique, because compulsory arbitration can become the pattern.

The Record will show that in 1963 I said:

> Watch out for this as a precedent.

There were speeches on the floor of the Senate, as the Record will show, by Senators who said:

> I am voting for this, but this is no precedent.

But our acts speak louder than our words. In voting thus, we do establish a precedent for compulsory arbitration.

In those days, the railroad brotherhoods were very angry with the senior Senator from Oregon. The Record will show that I addressed a few remarks to the chiefs of the five operating brotherhoods, who were sitting in the gallery, when that debate took place, also.

I said to them:

> I wish to say, as a friend of the legitimate rights of labor, you are establishing a very bad precedent today. You are the group of labor leaders who, for the first time in all of our legislative history, here will have to assume the responsibility for suggesting that Congress go along with a compulsory arbitration law.

Mr. President, labor does not like to hear me say so, but that is what they were lobbying for that afternoon. That does not mean that they favor compulsory arbitration in general, but they thought it would be the lesser of two evils. They were dead wrong about it, Mr. President.

But the fact is that in 1963, Congress did pass compulsory arbitration legislation.

We did not shrink from it. We did not try further to dilute and dissipate the remaining fragments of congressional authority by trying to pass that buck, too, to the President of the United States in 1963.

I say to Senators that we must cease being the collaborators in our own decline. We cannot complain about growing executive supremacy if we refuse to accept the most basic assignment of responsibility which the Constitution makes to us. We cannot complain about excessive Presidential discretion over the lives of people and the economy of the Nation when we thrust upon him a discretion that he did not seek, and which we are supposed to exercise ourselves.

Mr. LONG of Louisiana. Mr. President, will the Senator yield?

Mr. MORSE. I yield.

Mr. LONG of Louisiana. May I say to the Senator, I have never heard him more right about anything—and I have heard him be 100 percent right on many occasions—than in the statement he makes that Senators who talk about the executive usurping the powers of Congress, but who in some instances propose that we vote unfettered power to the

President, without setting down what the standards should be, cannot decline to share the responsibility.

How can a Senator complain, on the one hand, that the executive usurps our power, and, when the problems come to Congress, decline to accept our share of the responsibility?

Mr. MORSE. I say to the Senator from Louisiana, we cannot do it. Of course, as he knows, I have discussed this principle of constitutional law so many times in the Senate during my many years here that I know it becomes a little monotonous to my fellow Senators.

But it appears to me to be basic to the preservation of our form of government. It appears to be basic to the question of whether or not we will continue to maintain a system of three coordinate and coequal branches of government, each with a check on the other two. It is a question of whether we are going to abdicate, time after time, here in the Senate, so far as our checking power is concerned, and as far as our basic, substantive legislative rights are concerned, by passing the buck to the executive branch of the Government more and more; and then, when we find we are in the position of not liking what the President is doing, proceeding to attack and criticize the President because, in that instance, we think he makes capricious and arbitrary use of his discretionary power.

It does not add up. I cannot square that Jekyll and Hyde attitude of many of my fellow Senators on this particular matter. I say either these employees should be put back to work by Congress, or they should not be put back to work.

These men either should be put back to work by Congress, in carrying out its responsibility under the interstate commerce clause, or they should not be put back to work at all. In my judgment, this decision is basically a legislative responsibility and not an executive responsibility at all.

I argued it in committee yesterday, and I have argued it elsewhere. In one sense although they do not want to do so, in another sense they are saying: "Mr. President, we will let you legislate for us." In effect, what we are doing by the resolution that I oppose is saying to the President: "If you want to send the men back to work, we authorize you to do it."

The President, in effect, is saying: "This is a legislative responsibility." And so it is. All I am asking is that Congress live up to its legislative responsibility.

I shall say only a few words by way of summary, as to why I think the approach that those of us who are advocating mandatory legislation passed by Congress, and not legislation that simply seeks to pass the discretionary responsibility to the President, is a much sounder approach.

The legislation that I am proposing is a sound and sensible approach in my judgment, to the airlines' dispute, first, because its fundamental concepts are fair and workable. It will get the planes flying, but it will also maintain the maximum opportunity for free collective bargaining and a settlement through continuing mediation. It will do so without seizure or compulsory arbitration, and it will do so without any or the serious flaws that I think exist in the present resolution. I shall summarize my opposition to the pending resolution after I present this affirmative summary of what I consider to be the advantages of my resolution.

Second, the structure of my resolution, I think, is practical. There would be a 180-day period in which work will resume while the Special Airlines Dispute Board appointed by the President considers the background and circumstances of this dispute in an endeavor to reach an agreement between the parties.

If an agreement has not been reached within 150 days, the Board would make recommendations to the President, and the President would advise the Congress of the terms or procedures which will assure a final agreement in the public interest.

Why do I say that the structure is very practical? Take out the calendar. As we pass this legislation, we had better have a calendar in front of us at all times, because under my resolution the 150 days takes us to that period of time after Congress adjourns sine die, and until Congress reconvenes in January.

Who can say when we are going to adjourn sine die? No one can say. I think the probabilities are that we will adjourn sometime prior to the election, although I well remember in 1962 when we had such a critical situation existing in our country that we did not adjourn until, I think, a day or 2 less than 3 weeks from the date of the election.

The crisis then was reaching an explosion point over the missile situation in Cuba. A good many of us had to come back because of our work either with the Foreign Relations, Armed Services or the other committees which had vital responsibilities in connection with the Cuban situation. We consulted for those few days before the Cuban crisis was resolved.

It may very well be that the situation will become so critical, because of an international or domestic crisis, or if we find ourselves between now and the election in a situation involving management-labor relations, or other critical domestic issues, that it might be necessary for Congress to stay in session right up to just before the election. Who knows?

The probabilities are that we will get out some time early in October. That is the latest date that we hear mentioned at the present time. I certainly think that, from let us say the 10th of October until reconvening in the early part of January, we should have legislation on the books which would give to the American people a guarantee that there is not going to be a breakdown, through a return to a strike situation in an industry which is as essential and vital to the transportation of people to various sections of the country as is the airlines transportation industry.

This is practical. This makes sense. Furthermore, the 150-day figure contained in the resolution is a desirable one because the resolution provides that after 150 days the President shall report to Congress the findings of the Special Airlines Dispute Board that is set up in the resolution.

If the findings are that there is still not much hope for a settlement of the dispute by the end of 180 days, then Congress still has 30 days to pass additional legislation to continue to guarantee to the American public that their paramount interest, over the interests of the carriers and the workers, will be protected by Congress.

I repeat that I think the structure of my resolution is very practical. I said earlier that if a better provision to protect the interest of the public is worked out, the senior Senator from Oregon is open to accepting any reasonable modification of that part of the resolution. I also am open to accepting a reasonable modification of any other part of the resolution.

Third, and this is important to me and to men who are as sincere and dedicated to their trust as I am, but who may disagree with me—and that is what a part of the debate is all about—then my resolution, in my judgment, has the additional strength that it does not pass the responsibility to the President of the United States.

Under my resolution Congress makes the necessary findings to the President of the United States under the special procedure provided. What is involved is basically an extension of the time-tested techniques of the Railway Labor Act, specifically tailored to the special circumstances of this case.

There is no placing the onus on the President in broad and sweeping terms after a series of preliminary findings. Responsibility begins with Congress, and it ends with Congress, as far as the passage of the resolution is concerned. Then the responsibility is taken up by the President on the issue as to whether he signs or vetoes it.

This establishes a cooperative relationship between Congress and the President. This makes Congress and the President partners in a joint settlement of this dispute for the 180-day period, as far as jointly agreeing that the strike must end, the paramount interest of the public must prevail, and the men must go back to work, enforced, if necessary, by a court order for that period of time or so much of that period of time as is necessary prior to entering into a voluntary collective bargaining agreement. That is an essential point in my resolution.

I know that I have repeated it, but it cannot be repeated too much, because even with all the discussion of it, I still find colleagues who do not understand that great difference between my resolution and the resolution that was reported by the committee. Furthermore, may I say, I think we ought to strengthen the hand of the President and not weaken the hand of the President.

I am at a loss to understand the argument that giving him this arbitrary discretion is going to strengthen his hand. We would make him the subject, in my judgment, of an attack, and isolate him, all alone, as an easy target.

We ought to be perfectly willing, more than 500 of us in Congress, to stand shoulder to shoulder with the President if he signs the resolution, as I am satisfied he will sign it.

I cannot say more than that, other than to put it in this way: I do not have the slightest doubt but what the President will sign a resolution based upon the major principle of the Morse resolution.

Mr. LONG of Louisiana. Mr. President, will the Senator yield?

Mr. MORSE. I yield.

Mr. LONG of Louisiana. In this case has not the President already put the prestige of his office on the line?

Mr. MORSE. No question about it.

Mr. LONG of Louisiana. He has tried to settle the strike. He succeeded in getting the labor leaders and the spokesmen for management together, and they reached an agreement. But the rank and file of labor told the President "No."

Mr. MORSE. Of course.

Mr. LONG of Louisiana. When the President has been rebuffed, would it not be particularly inappropriate of Congress to shirk its responsibility in this matter? Is it not the responsibility of Congress to pass on this issue rather than to give the President the discretionary power to force labor to do that which labor does not wish to do, after it has told the President "No"?

Mr. MORSE. I completely agree.

Mr. LONG of Louisiana. The President has placed his prestige on the line. Labor has told him "No." Would it not be inviting a lawsuit—even inviting downright defiance—when labor has declined to accept the suggestion of the President, for the President to have discretion to order labor back, without Congress saying that labor should be asked to go back to work or whether it should not be asked to go back to work?

Mr. MORSE. I completely agree.

Mr. LONG of Louisiana. So, would it not actually invite lawsuit, at that point, to contest any proposed injunction in the event labor preferred not to go back? Would it not wave a red flag in front of labor, on one hand, and invite a court test on injunction, on the other hand, for Congress to decline to say whether labor should or should not go back to work?

Mr. MORSE. I agree.

I shall not go into a long legal argument tonight. When I finish this summary of what I believe are the affirmative values of my resolution, I shall make a brief summary of my reasons for opposing the committee's resolution, and I shall discuss those in detail tomorrow. In the interest of time tonight, I shall postpone my discussion of that aspect of *this case.*

Mr. LONG of Louisiana. In the last analysis, when the President has suggested *that this would be an appropriate* settlement, and the rank and file of labor have declined to accept it—to go the route of a continued strike—would it *not be well for Congress to sit in the* position of being the jury on this issue, to insist on further negotiations in pursuit of a voluntary settlement?

Mr. MORSE. I think so.

Mr. LONG of Louisiana. We have heard from the contending sides. Congress does not wish to side with management or with labor. If we wish to end the strike, Congress should take the affirmative, courageous position of saying that this is what should be done.

Mr. MORSE. The Senator is correct.

The President is putting himself on the line in another way, also. He deserves the credit, in my judgment, for the two parties coming to an agreement the other night. As I have said on the floor of the Senate before, he deserves the credit for the settlement of the steel case and for the settlement of the second east coast longshoremen case, just as President Kennedy deserved the credit for the settlement of the first longshoremen case. In addition, the President has made perfectly clear his position on the substantive issues involved, by making the public statement, in effect, that he believed the case should be settled within the framework of his Emergency Board's report.

By saying, since the agreement was reached the other night, that the agreement was within the framework of the Emergency Board's report, he has also put himself on the line in regard to the substantive issues involved.

I shall say something momentarily about some of the discussions that have occurred in the Senate, concerning the substantive issues, by very sincere men who, in my judgment, overlook the many facts involved. If the Senators knew about the facts or took the time to analyze them, they would not have made those statements in regard to the substantive issues.

Mr. LONG of Louisiana. Perhaps the Senator intends to cover this further in his statement, but this thought disturbs me. The Senator has mentioned the precedent involved. Can the Senator think of a worse precedent to set in Congress? When a major strike is in progress, it is proposed for Congress to say that it will not say that labor is right; it will not say that labor is wrong; it will not say that this is a sufficiently serious matter to justify the President acting; it will say that the President should know more about it than Congress, and that with more facts available to him than to Congress, he should either assume the responsibility to either stop the strike and bring the people back to work, or not to exercise that responsibility?

I ask the Senator, does that not invite every Member of Congress in the future in the case of all big strikes to vote for the resolution and then to say to labor and to management: "I did not say the President should do this. I believe he *exercised his discretion the wrong way.* If I had been the President, I would not have done this. But somebody had to *make the decision, and we believed that* the President would know more about the situation than we."

Would it not be more appropriate for *Congress to study the matter well enough* and to understand it well enough so that we could take the responsibility for what we do, so that we could say that the strike will end and the men will go back to work, or that the strike will not end and the men will not go back to work?

Once we set this precedent of throwing the matter into the unfettered discretion of the President, does that not set the worst possible precedent for the future?

Mr. MORSE. I believe so. But sincere and honest men disagree with me. I believe that it does. I believe it would be a most unfortunate legislative precedent.

Mr. LONG of Louisiana. Does it not invite us, in other major strikes in the future, to say:

"I shall not judge this matter. I shall not judge whether or not these people should be required to go back to work. I shall just let the President decide it. If he believes it is in the national interest, he will decide it."

And then Congress would pass measures that could never be passed in the event Congress had to take the responsibility of saying, "Yes, we believe this should happen."

Mr. MORSE. I believe it would be a great mistake.

The fourth point I wish to make, by way of summary, as to why I recommend my resolution to Senators, is that it exercises restraint and preserves traditional rights.

It might be easier and simpler to prescribe a binding and final settlement now, as Congress did in 1916 and, to a degree, did in 1963, when it passed a compulsory arbitration law. But I wish to urge that broader principles are at stake, which transcend the immediate case—among them the right to free collective bargaining in a free society. This traditional right would be protected by the Morse resolution, and the interests of the public would be served as well.

Why do I say that? Because the rights of the workers would be protected under my resolution, as far as retroactivity is concerned, and it would not impose compulsory arbitration upon them. It would not impose upon them a congressional determination of the substantive issues involved in the dispute, but it would leave to them the right to bargain collectively, and to negotiate and mediate collectively, in regard to the dispute, knowing full well that naked economic power in a regulated industry does not give them the right, in the name of right-to-strike, to force a settlement that cannot be reconciled with the public interest.

So this becomes, as we see, a matter of degree and also a matter of judgment. But there is no denying to labor of their legitimate rights—I stress the word "legitimate." There is no denying their legitimate rights, under a free society, for free collective bargaining.

If the union insists on following a course of action of striking against the public interest because they may have the economic power to force out of the carriers a settlement not in the interest of the public, a settlement which is unjustifiable in this case, they will not serve the best interests of labor, nor will they serve, in my judgment, as they should serve, as protectors of free collective bargaining and negotiation by way of mediation.

A summary of my main objections to the committee's joint resolution is as follows:

First, I think it violates the basic concepts of fair play and equal protection of the laws. The joint resolution cannot be reconciled with the Constitution. It mocks the Constitution. It delegates to the President severe and drastic powers over 35,000 workers and five major airlines without a finding of a national emergency, without a single guiding standard, without a single procedural safeguard, and without a provision for any hearing.

Such a deprivation of the right to strike is inherently unfair. It raises grave constitutional doubts.

The pending joint resolution will settle no dispute. In my judgment, it will not only buy a lawsuit, it will result in a chain reaction of litigation. In my legal judgment, the joint resolution cannot be justified on legal grounds. It will result in a great deal of litigation. I am not alone in that view, for even the Attorney General of the United States shares that view. Not enough thought has been given to the legal consequences of the joint resolution, because of the discretionary power it seeks to vest in the executive branch of the Government, through the President. That is quite a different thing from a manadatory congressional act based upon the constitutional authority of Congress under the commerce clause. When the President exercised the discretion that he would exercise under the joint resolution, he would not be acting under the commerce clause.

He does not have the authority to regulate commerce. He will be taken into court. We know the litigation which took place in the Truman administration in connection with the steel case.

Mr. President, you will remember that because of the serious international situation that was involved in that case, the President, exercising his discretion, decided that the national security was so seriously jeopardized, that by Executive order, he issued an order for a seizure of the steel plants.

Many people seem to think that the Supreme Court decision in that case was a decision to the effect that a President does not have the inherent power to order a seizure of a plant that is vital because of its processes in protecting the security of the public.

I am surprised that even so many lawyers have fallen victim to the fallacious contention that the Supreme Court in the steel case decided that a President of the United States cannot in time of national crisis and emergency engage in a seizure order.

That is not what the Court decided at all. *The Court decided that the facts* presented in the case did not show any such national emergency. That is what that case stands for.

I knew something about the steel case. I had been involved in that question in an advisory capacity, too. I thought it was perfectly clear that a national emergency did exist, but we could not tolerate a strike in the steel industry because of the need for the equipment and the product of the steel mills for American defense establishments, in light of the terrible crisis that had developed in Korea.

But what the Supreme Court really found was that the Government failed to establish the facts that would support a national emergency finding. That is all.

Mr. President, the situations are not parallel. I am not arguing as a lawyer that the situations are parallel. I am arguing that there is an analog of connection between the two cases because, in my judgment, the resolution reported by the committee, due to the discretionary power it seeks to give the President, is going to result in litigation. It is going to put the union in a position where there is a possibility that there may be held up the application of the law; where injunction will be denied for an interminable period of time until the court can search into the questions, and the matter will have to undergo court processes to determine whether this is a legal exercise of discretion by the President.

Mr. President, I talked about this very matter with the Attorney General this afternoon. He agrees with me that that is one of the weaknesses of the pending resolution, to say nothing about the other weaknesses I shall mention in a moment.

There is no question about the ability of the Department of Justice, if the union makes it necessary—and I cannot believe that they would be that shortsighted—under the Morse resolution to proceed with necessary legal steps to end the strike and put the men back to work on the ground that the legislation is based on the power of the Congress to regulate interstate commerce.

That is quite different than giving the President discretionary power to issue an order that the men go back to work on the basis of his finding. A finding has to be a congressional finding, and that is why I am urging that we keep in this resolution the mandatory provisions that I have in it whereby the Congress orders the men back to work, and the President signs it. The President agrees with the Congress, and the President joins with the Congress when he puts his signature on that joint resolution.

Now, I mentioned this matter in the Labor Committee yesterday. Many of my colleagues disagreed with me. I read the resolution I was offering. I pointed out that the resolution I was offering left no doubt for legal soundness. The resolution proposed by the committee, in my judgment, raised grievous legal doubt as to its effectiveness for quick implementation because I think it would throw the entire issue into protracted litigation.

Mr. LONG of Louisiana. Mr. President, will the Senator yield?

Mr. MORSE. I yield to the Senator from Louisiana.

Mr. LONG of Louisiana. Is it not true that the legal doubts that would result from conferring on the President unfettered discretion make it more difficult to rely upon labor respecting that decision by the President?

Mr. MORSE. I hear that they believe that, but I hate to think that we have gotten into that kind of dilemma in this country. I hate to think it, but nevertheless, as the Senator has heard me say so many times, we had better watch the procedure that we put into any legislation. If there are procedural loopholes there is no assurance that some persons, without this sense of responsibility to the public, may not take advantage of the loopholes.

Mr. LONG of Louisiana. I inquired of the Attorney General about the legal certainty that the committee resolution could be carried out.

Mr. MORSE. I was with the Senator when the Senator discussed it with him, following the receipt of the communication which the Senator has in his hand.

Mr. LONG of Louisiana. I asked the Attorney General to put in writing what he told me: that he felt that a good labor lawyer might very well challenge the power of the President to act under the committee bill. The Attorney General has written to me. Mr. President, I ask unanimous consent to have printed in the RECORD the entire letter from the Attorney General dated August 2, 1966.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

OFFICE OF THE ATTORNEY GENERAL,
Washington, D.C., August 2, 1966.

Hon. RUSSELL B. LONG,
U.S. Senate,
Washington, D.C.

DEAR SENATOR: I am writing in response to your inquiry regarding any constitutional or other legal problems involved in S.J. Res. 181 as reported by the Senate Labor Committee yesterday.

While I do not wish to comment on either the need or merits of this legislation I would like to call your attention to Section 2 which delegates the broadest possible authority to the President to order people back to work pending settlement of a labor dispute. No standards are expressed in the resolution by which to guide the President in this extraordinary delegation of power.

Section 5 provides for enforcement through injunctive relief. In any judicial proceedings a court would have to find that the power had been exercised properly. Thus the absence of express standards would invite attack in such proceedings. The unnecessarily broad nature of the delegation is underscored by the fact that Congress would already have made the finding expressed in the Railway Labor Act without stating what further findings, if any, the President should make before exercising his discretion.

Sincerely,
NICHOLAS DEB. KATZENBACH,
Attorney General.

Mr. MORSE. I am glad that the Senator has introduced the letter.

Mr. LONG of Louisiana. Here is a statement of the Attorney General, who is an extremely able lawyer, saying that to proceed in a fashion that the committee recommended is to invite a contest in court as to whether these men can be required to go back to work by discretionary authority of the President. I am sure that no one intends that, but there is no doubt whatever in my judgment—and I believe the Attorney General concurs, and so does the Senator from Oregon—that if an act of Congress is passed, signed by the President, terminating the strike, then there is no doubt whatever that Congress has the authority to do exactly what it is trying to achieve.

Mr. MORSE. That is my argument, too. The Senator will recall another case during the tenure of the Senator from Louisiana and myself—I do not recall the exact date—but we had, in effect, a railroad strike. President Truman on that occasion, I recall, came before a joint session of Congress and recommended that strikers be put in the Army. Immediately, some of us on the floor of the Senate, when we returned from the joint session, opposed the proposal of the President. It was an interesting debate to read in retrospect because there, too, we pointed out that there would be some serious legal difficulties as to whether a President had the discretionary right to do what he recommended, to submit men to a form of involuntary servitude, which I thought was an abuse of discretionary power on the part of the President.

Fortunately, in that case, the issue never got to the point of a legal test because the brotherhoods, as the Senator will recall, even on that day, announced that they were going back to work. I very well remember, even at that time, that the same legal concerns I am expressing tonight were being expressed at that time. The Senator from Ohio, Robert Taft, who was majority leader then, made a brilliant legal argument in opposition to it, a point of view which I shared and supported.

Returning to my discussion of the committee resolution, I make these further observations:

IT COULD CREATE A SERIES OF SWEEPING DECISIONS AND CONTROLS

Mr. President, so unrestrained are the powers granted under the resolution that the President could set wages for the workers, set profits for the airlines.

Order one airline to operate on Mondays and Thursdays, one to operate only on Saturdays, and the remaining three not to fly at all.

Allow one airline to operate 50 days and another to fly only 7.

Determine details of airline operations from timetables to menus.

Direct the resumption of work for 2 hours, for 2 days, for 2 weeks, 2 months, or for 6 months.

Or, on the other extreme, he could do absolutely nothing at all.

IT SHIRKS SENATORIAL RESPONSIBILITIES

The resolution begins with a congressional "finding" that the airlines dispute "threatens substantially to interupt interstate commerce." It continues with a congressional "finding" that emergency measures are "essential" to settle the dispute. After these findings one would think that the resolution would prescribe a carefully conceived and thoroughly debated remedy. But in this case the resolution stops short. It backs away and says to the President—"We made the findings. It is your problem now—you handle it." The Senate cannot abdicate its responsibility so lightly on matters so vital to the public interest. Yet, that is the purpose and intent of Senate Joint Resolution 181.

ITS MOTIVATION MUST SERIOUSLY BE QUESTIONED

The resolution is seriously flawed. It is difficult to imagine so casual an approach to such basic and complex issues—the right to strike and the right to have labor disputes settled by free collective bargaining in the absence of a finding of national emergency. Because of this have the tactics of ward politics now become the watchwords of the Senate? This must not be allowed to happen.

Because of this, I happen to think that there is the question of the election ahead to be considered. I believe that if it were not for the election date in November, we would have less difficulty getting Congress to go along with mandatory legislation. Those on the other side—and I respect them—have assured me that that is not their motivation, although some cannot very well assure me of that, because of the statements they have made in which they express concern about the effect of the resolution on the elections in 1966, pointing out that the President is not a candidate in 1966 and will not be until 1968.

In my judgment, the general public, by the millions, will charge Congress with playing politics with the issue if it fails to adopt mandatory legislation. I do not think that we should walk in with that kind of attack upon Congress when all we need to do is show that there is no basis for it at all by joining the President in passage of legislation mandatory in nature which he will sign.

Mr. President, I have been asked by many for some information on these points. I am not going to take time to read it now, but will ask unanimous consent to have it printed in the RECORD.

I have been asked whether the Railway Labor Act language in my amendment is a sufficient basis for ordering strikers back to work. I have covered this point and ask unanimous consent that the memorandum containing the legal proof be printed in the RECORD.

There being no objection, the memorandum was ordered to be printed in the RECORD, as follows:

Is Railway Labor Act Language in Morse Amendment to Senate Joint Resolution 181 Sufficient Basis for Ordering Strikers Back to Work?

The answer to this question, in my opinion, is clearly and unequivocally, yes. The language in question is contained in the Railway Labor Act, Sec. 10, "threaten substantially to interrupt interstate commerce to a degree such as to deprive any section of the country of essential transportation service."

A finding by the National Mediation Board and subsequently the President triggers the appointment of an Emergency Board. The Board has thirty days to make its investigation and report to the President. During this thirty days and for thirty days after the report is filed, no change, except by agreement, shall be made by the parties to the controversy in the conditions out of which the dispute arose. In effect then upon a finding in accordance with the language of Sec. 10, which I have included in S.J. Res. 181, the parties are enjoined from a lockout or strike. Certainly if it is legal and constitutional to so enjoin a strike under the Railway Labor Act, it is under S.J. Res. 181.

In addition, there are a number of cases which support the proposition that Congress can legislate return to work laws under the general interstate commerce powers.

1. At the outset, it should be noted that the Courts have considered transportation to be a particular appropriate subject for Congressional regulation. There is, of course, no question as to the interstate nature of the air transportation as viewed here. The routes of all of the struck carriers cross state lines. They carry passengers and cargo from state to state. See *Island Airlines* v. *United States*, 352 F. 2d 735 (9th Cir. 1965) (commercial air travel wholly within Hawaii held to be interstate commerce). Thus, it is difficult to conceive of any type of business which is more interstate in character than the commercial air transportation of the struck carriers.

In addition, air transportation, like railroad transportation, is affected with the public interest. For this reason each industry is already subject to Congressional and agency regulation of a quite detailed nature. And it is these two elements—the clearly interstate nature of and the basic public interest in transportation—which have caused the Courts to give Congress broad latitude in the regulation of transportation.

An example of this latitude is found in *Wilson* v. *New*, 243 U.S. 332, where the Court upheld a Congressional statute which ended a railway strike, sent the employees back to work and prescribed the precise terms on which work was to be continued for up to nine months.

Now, I happen to think that Congress acted very unwisely in following that course of action. It went beyond compulsory arbitration. But that is beside the point. Rather, the significance of *Wilson* v. *New* is that under the Constitution the Congress has very wide powers under the Commerce clause to regulate transportation and, in particular, to deal with labor disputes resulting in serious strikes in that industry. For as the Supreme Court stated in that case:

"When one enters into interstate commerce one enters into a service in which the public has an interest and subjects one's self to its behest. And this is no limitation of liberty; It is the consequence of liberty exercised, the obligation of his undertaking, and constrains no more than any contract constrains. The obligation of a contract is the law under which it is made and submission to regulation is the condition which attaches to one who enters into or accepts employment in a business in which the public has an interest." See also *Brotherhood Loc. Fire & Eng.* v. *Chicago B & Q R Co.*, 225 F Supp. 11, 21–22 (D.D.C. 1964), aff'd, 331 F. 2d 1020 (D.C. Cir. 1964)

2. General constitutional principles applicable to regulation of interstate commerce likewise support the constitutionality of the Morse Resolution.

In passing upon cases predicated on such commerce, the courts adopt a very simple approach. They first ask whether the object of Congressional regulation may be rationally said to move in or affect interstate commerce—the interstate nature of air transportation here requires no argument.

After concluding that interstate commerce is involved, the courts then determine whether there is *a rational connection* between the problem which the legislation seeks to meet and the method chosen by the Congress to deal with it. The courts' function is not to decide whether the methods chosen were the best or the wisest ways of regulating the commerce. These are the responsibilities of the legislature. The courts' job is ended once it decides if there was a reasonable tie between the evils against which the Act is drawn and the means chosen to cope with the evils.

And in deciding the degree of rationality required to uphold the constitutionality of Congressional regulation of commerce, the court properly accords great latitude to the

Congress. Indeed, I know of no case during the last 25 years in which the Supreme Court has held to be unconstitutional a statute dealing with something which the Court has concluded to move in or affect interstate commerce.

Thus, in *Atlanta Motel* v. *United States,* 379 U.S. 241, upholding the constitutionality of the public accommodations provisions of 1964 Civil Rights Act, the Supreme Court described the judicial function in interstate commerce cases in explicit terms.

"The only questions are: (1) whether Congress had a rational basis for finding that racial discrimination by motels affected commerce, and (2) if it had such a basis, whether the means it selected to eliminate that evil are reasonable and appropriate." *Id.* at 258–259.

These tests are easily met here. First, air transportation is clearly interstate commerce. Second, the means contemplated by the Morse Resolution (a 180-day no-strike period, during which time mediation will go forward and in which any agreement with respect to wages will be retroactive to January 1, 1966) are "reasonable and appropriate" to "eliminate the evil" (a tie-up of essential air transportation services which has inflicted heavy and continuing damage to the national interest and to the traveling public). While it could be argued that the Morse Resolution is not the *only* rational means of coping with the current strike, it cannot fairly be said that it is not *a* rational means of dealing with the strike.

3. When essential transportation services are threatened, Section 10 of the Railway Labor Act calls not only for the establishment of an emergency board, *but also for a ban on strikes or lockouts during the 60-day period the emergency board is considering and has reported on the dispute.* 45 U.S.C. 160. There are no cases on this point only because the law is so clear that neither management nor labor has ever thought it worth the trouble to make the contrary argument.

Since the Morse Resolution merely extends the Section 10 period during which work and mediation is to proceed, it can be said to be unconstitutional only if Section 10 as now constituted is unconstitutional. In other words, the Morse Resolution is unconstitutional only if the whole pattern of railway labor negotiations over the past 40 years is unconstitutional.

Neither does it make sense to contend that although the 60-day ban on strikes is constitutional under the present Section 10, the extension of that period by 180 days makes it unconstitutional. After all, the operation of the Railway Labor Act now often prohibits strikes for far more than 180 days while the normal processes of the Act—including the notices, bargaining, mediation and reporting—are being exhausted.

First, however, any lingering doubt on the constitutionality of a 180-day no-strike period should have been laid to rest by the decision of the Court of Appeals for the District of Columbia Circuit in *Brotherhood of Locomotive Fire & Eng.* v. *Certain Carriers,* 225 F. Supp. 11 (D.D.C. 1964), 331 F. 2d 1020 (D.C. Cir. 1964). There, the Court of Appeals affirmed a lower court decision upholding the 1963 railway strike statute, which prohibited strikes for two years after the arbitration award went into effect—for a total ban of about 2½ years after passage of the statute itself.

4. The Court of Appeals decision in the *Locomotive Firemen* case *supra,* supports the Morse Resolution in another respect. The 1963 railway statute provided a far more drastic remedy than would the Morse Resolution in that the former called for compulsory arbitration whereas the Morse Resolution does not. The 1963 Act banned strikes for 2½ years *and* imposed compulsory arbitration and nevertheless was found to be constitutional. These two elements would appear to make the constitutionality of the milder Morse Resolution an *a fortiori* matter.

5. It is true that the 1963 railway situation posed more of an emergency threat than does the current airline strike at this time. But this difference is not significant. In the first place, it is settled that Congress has the authority to avert emergencies, as well as to resolve those that have actually arisen. *Wilson* v. *New, supra,* 243 U.S. at 348. Moreover, in weighing the constitutionality of legislative action, it is settled that the courts will relate the statutory remedy to the situation it seeks to correct. In other words, an emergency situation may justify imposition of more drastic measures than would be true of a less-than-emergency situation. The Morse Resolution follows this approach by avoiding drastic steps. It avoids compulsory arbitration and cuts the no-strike, no lockout period from 2½ years to the relatively short period of ½ year. And, under the terms of the bill, the parties themselves will fix the wages and working conditions for the six-month cooling-off period, as well as for the future. To put it another way, the Morse Resolution rationally tailors the relief sought to the nature of the conditions against which the relief is directed. This underscores the essential soundness of the bill in constitutional terms; it deals logically and rationally with the precise nature of the interruption of air services.

6. *Wilson* v. *New,* 243 U.S. 332, held constitutional a Congressional statute which went far beyond anything contemplated by the Morse Resolution. The Act in question imposed, by *legislation,* the terms and conditions on which a railway labor dispute was to be settled. In other words, Congress *legislated* a solution. It did not leave the parties free to try to resolve their difference during a no-strike period as does the Morse Resolution.

It did not set up a board of arbitration to resolve the points of controversy as did the 1963 Emergency Railway Act. Instead, in *Wilson* v. *New,* the Congress had imposed specific terms on the railroads and unions for which work was to be continued for a period of up to 9 months. Nevertheless, the Act was upheld. In the light of that decision, the constitutionality of the Morse Resolution follows as a matter of course.

Mr. MORSE. It is not surprising but understandable that many of my colleagues have been asking me a good many questions dealing with the merits of the substantive issue in this dispute; namely, the argument as to whether, in view of the profits of the industry during the past 2 years, the workers are not entitled to their demands, or almost their demands.

I have already discussed in previous speeches in the Senate, and in the committee, my position in regard to that point. I have said over and over again that the workers are entitled to a fair settlement, but the fact is that in the past 2 years, which is really the only 2-year period in the last 10-year period the airline companies have been making substantial profits. In fact, during the past 10-year period there have been several years in which various companies have lost money and not made money. Including the years of profits, their return is 5.1 percent. They would have a hard time getting an investment in industry if, over a 10-year period, there was only a 5.1-percent return on investment.

The question is also raised as to how much of the profits the workers are entitled to. They are entitled to some, but so is the public.

As I said earlier, this is a regulated industry, with hundreds of millions of dollars of the taxpayers' money invested in the industry, first in the form of subsidies for the large carriers, in the building of airports with taxpayers' money, which provided work opportunities for the workers and the private enterprise opportunity for the carriers.

So we have an industry that has a vested public interest, which means Government has regulatory power over it. It does not mean that in a regulated industry the workers can demand whatever they think the traffic will bear and enforce their demand with a strike, if their demand is obviously exhorbitant. Nor does it mean that the carriers can charge anything they want. It means the Government has set up a regulatory board, known as the Civil Aeronautics Board, to regulate the industry, to take whatever steps are necessary in the fixing of rates, to see to it that it receives a fair return, to see to it that the public shares in the profits, to the point of having the rates fixed at a reasonable figure, leaving also a fair share of profits to the workers and the companies.

With regard to whether or not in some particular industry, some particular job classification may get more in that particular plant, and that therefore these workers ought to be allowed higher wages, there must be a complete understanding of the criteria that will have to be considered by any board, or by any arbiter, for that matter, in connection with mediation in the fixing of wages.

So I ask unanimous consent to have printed at this point in the RECORD a memorandum headed "Special Comparison of Airline Wage Rates to Wages in Comparable Industries and Occupations."

There being no objection, the memorandum was ordered to be printed in the RECORD, as follows:

SPECIAL COMPARISON OF AIRLINE WAGE RATES TO WAGES IN COMPARABLE INDUSTRIES AND OCCUPATIONS

During a public hearing before the Committee on Labor and Public Welfare of the United States Senate on July 27, 1966, suggestions were made by a spokesman for the IAM that wages currently being paid to the employees they represent are inequitably low when compared to certain other industries and contract settlements. Particular reference was made to comparable wages in bus line repair, auto and truck repair, defense industries, etc. Actually, these allegations amount to an attempt at relitigating the questions of fact which had been fully heard and decided by Presidential Emergency Board No. 166. A discussion of selected rates in this context is inappropriate. The following comments are offered, however, to assist interested persons in analyzing the accuracy and credibility of the allegations made in the Hearing:

I. TYPICAL GREYHOUND BUS RATES

There is a wide variation between the rates of pay for Greyhound bus mechanics around the country and for such mechanics in certain west coast locations. The IAM cited a recent IAM-Greyhound settlement which gave a basic hourly wage to west coast bus repair mechanics in excess of $4.00 an hour. That is true. The reference to this figure overlooks, however, the fact that the pay for bus repair mechanics working for this and related companies elsewhere in the United States is as follows:

Miami	$3.32
Chicago	3.38
Washington-Baltimore	3.39
New York City	3.32
Boston	3.32
Atlanta	3.32
Pittsburgh	3.32
Minneapolis-St. Paul	3.38

To the best of our knowledge, the foregoing rates include cost of living factors where such factors are an element in the contract. When comparing the current $3.52 mechanics rate, which would be subject to an immediate 18¢ increase to $3.70 according to the PEB No. 166 recommendation, it should be evident that the recommendation continues to keep airline mechanics far ahead of the large majority of their colleagues working on bus repair around the nation. In this brief analysis, it is also impossible to completely tell how the bus companies place a limited number of employees in the maximum rates which are described above. Early reports indicate a tendency to restrict the number of mechanics occupying the maximum rate and to expand the number of lesser skilled employees in lower labor grades working on bus repair.

II. TYPICAL TRUCK REPAIR RATES

The Industrial Relations Department of the American Trucking Association published on June 1, 1966 a compilation of journeymen mechanics hourly wage rates in effect in selected cities throughout the United States. The rates were drawn from trucking labor agreements, primarily negotiated with the IAM. A copy of that compilation is attached. It should be evident from a comparison of the $3.70 airlines mechanics rate (the result of $3.52 plus 18¢ per PEB recommendation) with the typical rates in effect in 1966 that the airline mechanics are far ahead of the majority of their colleagues working in truck repair around the United States. Again, a small number of west coast locations enjoy a higher wage. Significantly, the PEB recommendation for wage increases of 18¢, 15¢ and 15¢ over the life of the agreement will bring the airline mechanics rates very close to even these, most extreme west coast rates. On the whole, however, the airlines mechanics rate is far ahead and will continue to be far ahead of the majority of truck repair mechanics rates.

III. TYPICAL AEROSPACE WAGE RATES

Douglas Aircraft Company, Inc. and IAM District Lodge 1578 are under a contract from August 2, 1965 through July 15, 1968 for aerospace work by machinists in Santa Monica, California. Wages paid to some representative job categories as of July 18, 1966 are set forth below. These figures show not only the basic wage rate but also a cost of living factor which is being included in the rate beginning in August 1966:

Building and equipment mechanic A	$3.57
Carpenter maintenance A	3.63
Machinists maintenance	3.89
Mechanic, auto A	3.49
Mechanic maintenance A	3.63
Sheetmetal workers, maintenance A	3.57
Storekeeper	3.07

The airlines employ so called "mechanics" to perform comparable functions for these job titles (with the exception of storekeeper whom the airlines entitle a "store's clerk"). Comparing the $3.70 airline mechanics rate for all of these job categories to the rates stated above, it should be evident that the airlines are ahead of the wages paid in most of the representative mechanical categories drawn from the Douglas-Lodge 1578 agreement. Under the PEB recommendation, a typical airline storekeeper would be paid $3.07, the same wage being paid at Douglas for the same function. Obviously, a more detailed analysis is necessary if this subject is going to be seriously pursued. A brief study shows, however, that there is no pattern of inequity when comparing airlines mechanics rates to a typical aerospace company under contract with the IAM in a west coast location. We have not even discussed the lengthy progression steps through which the Douglas-Lodge 1958 contract compels workers to move as they go toward the top of the rate. Again, just as in the bus line situation, there is a great tendency to subdivide categories into lesser skilled levels and lesser pay rates.

IV. UPDATING OF CARRIER EXHIBIT NO. 27 BEFORE PRESIDENTIAL EMERGENCY BOARD NO. 166 COMPARING GROSS HOURLY EARNINGS OF A TYPICAL AIRLINE EMPLOYEE WITH THOSE OF TYPICAL EMPLOYEES IN AMERICAN INDUSTRY

Before the Presidential Emergency Board #166, the carriers introuced Exhibit #27, copy of which is attached. When all of the published categories and rate levels in this airline bargaining unit are considered, from messenger to technician, including mechanics, and when overtime and various forms of premium pay are included in the computation, the weighted average gross hourly wage for a typical employee in this airline bargaining unit turned out to be $3.42 per hour (this is a statistical figure and there is not necessarily any employee receiving this particular sum). Exhibit #27 showed that when this airline figure was compared to an identically computed figure in other American industries, the airline employees ranked first and have ranked first for many years. We have reviewed the U.S. Department of Labor's booklet "Employment and Earnings and Monthly Report on the Labor Force" Volume 12 No. 12 for June 1966, to update the earnings rankings shown in Exhibit #27.

A copy of that United States Department of Labor release is enclosed. Based on the data available in May 1966, the airline employees ranking in first place continues to be true. We refer interested parties to data on pages 60, 62, 64, 66 and 68 of the most recent BLS study, for confirmation of this fact. The weighted average used in Exhibit 27 was $3.42. We conservatively estimate that the Presidential Emergency Board's recommendation would add 18¢ to that figure, resulting in a new $3.60 weighted average. That keeps the airline employees substantially ahead of their counterparts in a broad representative sample of other American industries.

Mr. MORSE. Mr. President, I also ask unanimous consent to have inserted at this point in the RECORD other data and material that I have used in the presentation of my point of view before the Labor and Public Welfare Committee, and before the Senate, dealing, for example, with the item of earnings, dealing with a table showing the comparison of wage rates of comparable workers in this industry and with workers generally or in so-called comparable industries.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[CARRIERS EXHIBIT 27]

RANKING OF AVERAGE GROSS HOURLY EARNINGS OF PRODUCTION WORKERS BY INDUSTRY, MAINTENANCE OF EQUIPMENT, AND STORES EMPLOYEES OF THE RAILROADS AND IAM-REPRESENTED EMPLOYEES OF THE FIVE CARRIERS

This exhibit shows the relationship of the average gross hourly earnings of the IAM-represented employees of the five carriers with the gross hourly earnings of production workers by industry groups and railroad maintenance of equipment and stores employees throughout the past 10 years.

The IAM-represented employees progressed from a ranking of fifth place among the groups in 1956 to the top position in 1962, a position which has been retained to date.

Ranking of average gross hourly earnings of production workers by industry, maintenance of equipment, and stores employees of the railroad and IAM-represented employees of the 5 carriers, January of each year 1956–66

	1966	1965	1964	1963	1962	1961	1960	1959	1958	1957	1956
5 carriers	$3.42 (1)	$3.41 (1)	$3.32 (1)	$3.18 (1)	$3.09 (1)	$2.94 (2)	$2.86 (2)	$2.78 (1)	$2.48 (3)	$2.35 (4)	$2.19 (5)
Petroleum refining and related industries	3.37 (2)	3.24 (2)	3.20 (2)	3.14 (2)	3.08 (2)	3.00 (1)	2.89 (1)	2.77 (2)	2.73 (1)	2.60 (1)	2.43 (1)
Transportation equipment	3.29 (3)	3.19 (3)	3.08 (3)	2.97 (4)	2.87 (4)	2.76 (4)	2.74 (4)	2.60 (4)	2.44 (5)	2.36 (3)	2.23 (4)
Primary metals industries	3.23 (4)	3.15 (4)	3.06 (4)	2.99 (3)	3.01 (3)	2.82 (3)	2.86 (2)	2.76 (3)	2.56 (2)	2.47 (2)	2.33 (2)
Ordnance and accessories	3.16 (5)	3.07 (5)	2.97 (5)	2.89 (5)	2.80 (5)	2.74 (5)	2.64 (5)	2.58 (5)	2.46 (4)	2.30 (6)	2.14 (7)
Printing publishing and allied industries	3.09 (6)	3.00 (6)	3.93 (6)	2.83 (6)	2.78 (6)	2.71 (6)	2.63 (6)	2.54 (6)	2.44 (5)	2.35 (4)	2.28 (3)
Machinery	3.03 (7)	2.92 (7)	2.84 (7)	2.75 (7)	2.67 (7)	2.58 (8)	2.53 (8)	2.43 (8)	2.33 (8)	2.26 (7)	2.16 (6)
Railroad, maintenance of equipment and stores	[1]2.96 (8)	2.88 (8)	2.74 (9)	2.73 (8)	2.62 (9)	2.62 (7)	2.55 (7)	2.51 (7)	2.36 (7)	2.21 (8)	2.09 (8)
Chemicals and allied products	2.93 (9)	2.84 (9)	2.77 (8)	2.69 (9)	2.63 (8)	2.54 (9)	2.46 (9)	2.35 (9)	2.25 (9)	2.14 (9)	2.03 (9)
Fabricated metal products	2.81 (10)	2.72 (10)	2.65 (10)	2.58 (10)	2.53 (10)	2.45 (10)	2.42 (10)	2.31 (10)	2.20 (10)	2.11 (10)	2.00 (11)
Paper and allied products	2.70 (11)	2.61 (11)	2.52 (11)	2.44 (13)	2.38 (14)	2.29 (15)	2.22 (15)	2.15 (15)	2.06 (15)	1.97 (15)	1.87 (15)
Stone, clay, and glass products	2.67 (12)	2.56 (14)	2.50 (13)	2.44 (13)	2.39 (13)	2.30 (14)	2.26 (13)	2.17 (14)	2.10 (13)	2.02 (13)	1.91 (13)
Instruments and related products	2.66 (13)	2.59 (12)	2.51 (12)	2.46 (11)	2.42 (11)	2.36 (11)	2.27 (12)	2.20 (12)	2.11 (12)	2.04 (12)	1.93 (11)
Rubber and miscellaneous plastic products	2.64 (14)	2.59 (12)	2.50 (13)	2.46 (11)	2.42 (11)	2.34 (12)	2.32 (11)	2.26 (11)	2.14 (11)	2.08 (11)	2.01 (10)
Electrical equipment and supplies	2.61 (15)	2.56 (14)	2.50 (13)	2.43 (15)	2.38 (14)	2.3[illegible] (13)	2.25 (14)	2.18 (13)	2.09 (14)	2.02 (13)	1.90 (14)
Food and kindred products	2.48 (16)	2.44 (16)	2.38 (16)	2.30 (16)	2.24 (16)	2.16 (16)	2.10 (16)	2.01 (16)	1.93 (16)	1.84 (16)	1.75 (16)
Miscellaneous manufacturing industries	2.20 (17)	2.14 (17)	2.09 (17)	2.03 (17)	1.98 (17)	1.93 (17)	1.89 (17)	1.83 (17)	1.79 (17)	1.75 (17)	1.66 (17)
Lumber and wood products	2.16 (18)	2.08 (18)	2.08 (18)	1.97 (18)	1.97 (18)	1.84 (19)	1.83 (19)	1.80 (19)	1.74 (19)	1.65 (19)	1.60 (19)
Furniture and fixtures	2.15 (19)	2.07 (19)	2.02 (19)	1.97 (18)	1.94 (19)	1.89 (18)	1.86 (18)	1.81 (18)	1.76 (18)	1.72 (18)	1.65 (18)
Tobacco manufacturers	2.15 (19)	2.05 (20)	1.97 (20)	1.90 (20)	1.81 (20)	1.74 (20)	1.69 (20)	1.63 (20)	1.55 (20)	1.50 (21)	1.41 (21)
Leather and leather products	1.91 (21)	1.86 (21)	1.79 (21)	1.74 (21)	1.71 (21)	1.65 (21)	1.62 (21)	1.58 (21)	1.54 (21)	1.50 (21)	1.43 (20)
Textile-mill products	1.91 (21)	1.83 (22)	1.76 (23)	1.69 (23)	1.65 (23)	1.61 (23)	1.59 (22)	1.51 (23)	1.49 (23)	1.49 (23)	1.41 (21)
Apparel and related products	1.85 (23)	1.81 (23)	1.78 (22)	1.70 (22)	1.69 (22)	1.62 (22)	1.58 (23)	1.57 (22)	1.53 (22)	1.51 (20)	1.41 (21)

[1] As of November 1965.

NOTE.—Figure in parenthesis indicates ranking of earnings.

Source: "Employment and Earnings," U.S. Department of Labor, "Wage Statistics for Class I Carriers," Interstate Commerce Commission Company Records.

TABLE C-2.—*Gross hours and earnings of production workers, by industry*

SIC Code	Industry	Average weekly earnings					Average hourly earnings				
		May 1966	April 1966	March 1966	May 1965	April 1965	May 1966	April 1966	March 1966	May 1965	April 1965
	Mining	$129.81	$122.60	$127.37	$123.97	$120.51	$3.04	$2.94	$2.99	$2.91	$2.89
10	Metal mining		134.30	129.79	127.68	125.33		3.16	3.12	3.04	3.02
101	Iron ores		139.07	133.74	131.04	127.98		3.28	3.27	3.15	3.16
102	Copper ores		141.76	135.99	134.42	132.25		3.20	3.17	3.09	3.09
11, 12	Coal mining		117.64	143.44	138.40	134.11		3.40	3.49	3.46	3.43
12	Bituminous		120.05	146.08	141.40	137.07		3.43	3.52	3.50	3.47
	Crude petroleum and natural gas		122.12	121.69	117.15	114.66		2.86	2.83	2.75	2.73
131, 132	Crude petroleum and natural gas fields.		128.84	126.36	123.73	121.80		3.15	3.12	3.04	3.00
138	Oil and gas field services		116.87	118.09	112.20	108.61		2.65	2.63	2.55	2.52
14	Quarrying and nonmetallic mining.		120.50	116.22	119.09	111.25		2.66	2.60	2.55	2.50
142	Crushed and broken stone		119.66	114.29	117.85	110.38		2.59	2.49	2.45	2.41
	Contract construction	141.35	140.60	142.88	140.16	132.49	3.81	3.80	3.79	3.65	3.61
15	General building contractors		131.74	134.32	129.54	124.24		3.68	3.65	3.52	3.49
16	Heavy construction		137.48	138.65	139.86	126.72		3.42	3.39	3.33	3.20
161	Highway and street construction.		134.89	133.95	139.53	121.20		3.29	3.22	3.26	3.03
162	Other heavy construction		139.87	142.61	140.22	132.10		3.55	3.53	3.42	3.37
17	Special trade contractors		147.42	149.92	147.04	139.76		4.05	4.03	3.89	3.85
171	Plumbing, heating, and air conditioning.		155.07	155.96	152.10	147.45		4.07	4.03	3.90	3.87
172	Painting, paperhanging, and decorating.		136.22	134.82	136.90	128.49		3.87	3.83	3.72	3.64
173	Electrical work		171.97	173.38	170.82	166.71		4.49	4.48	4.38	4.33
174	Masonry, plastering, stone, and tile work.		140.59	142.40	137.47	129.28		4.04	4.00	3.84	3.78
176	Roofing and sheet metal work		116.90	122.50	121.97	108.24		3.50	3.51	3.36	3.28
	Manufacturing	112.05	111.24	110.95	107.53	105.82	2.70	2.70	2.68	2.61	2.60
19, 24, 25, 32–39	Durable goods	121.82	121.54	120.69	117.46	115.93	2.88	2.88	2.86	2.79	2.78
20–23, 26–31	Nondurable goods	97.93	96.71	96.88	94.00	92.20	2.43	2.43	2.41	2.35	2.34
	DURABLE GOODS										
19	Ordnance and accessories	132.19	132.62	131.67	128.96	126.28	3.14	3.15	3.15	3.10	3.08
192	Ammunition, except for small arms	131.52	132.99	132.75	133.34	130.19	3.20	3.22	3.23	3.19	3.16
1925	Guided missiles and space-craft, complete		143.45	144.14	140.61	137.78		3.44	3.44	3.34	3.32
194	Sighting and fire control equipment		130.42	134.51	125.37	125.11		3.12	3.15	3.15	3.12
191, 193, 195, 196, 199	Other ordnance and accessories	134.23	132.00	129.03	120.22	117.50	3.03	3.00	2.98	2.89	2.88
24	Lumber and wood products, except furniture.	94.47	91.84	88.51	89.42	86.69	2.26	2.24	2.18	2.16	2.13
242	Sawmills and planing mills	88.41	85.48	82.62	82.40	79.59	2.11	2.09	2.04	2.00	1.97
2421	Sawmills and planing mills, general.		87.10	84.23	84.46	81.41		2.14	2.09	2.05	2.02
243	Millwork, plywood, and related products.	103.39	99.25	97.47	98.79	94.76	2.41	2.38	2.36	2.33	2.30
2431	Millwork		96.22	94.87	94.53	89.72		2.37	2.36	2.30	2.26
2432	Veneer and plywood		102.29	100.06	102.23	99.30		2.39	2.36	2.35	2.32
244	Wooden containers	76.26	75.53	73.98	72.98	71.81	1.82	1.82	1.80	1.75	1.76
2441, 2442	Wooden boxes, shook, and crates.		73.74	71.28	71.48	69.94		1.76	1.73	1.71	1.71
249	Miscellaneous wood products	87.56	87.14	87.14	85.08	83.64	2.12	2.11	2.11	2.05	2.04
25	Furniture and fixtures	90.67	88.75	89.64	85.89	85.06	2.19	2.17	2.16	2.10	2.09
251	Household furniture	84.87	83.64	84.67	80.99	80.39	2.07	2.06	2.05	1.99	1.98
2511	Wood house furniture, unupholstered.		80.10	80.98	77.65	77.04		1.93	1.91	1.84	1.83
2512	Wood house furniture, upholstered.		88.98	89.69	83.11	84.63		2.23	2.22	2.17	2.17
2515	Mattresses and bedsprings		89.01	89.70	86.75	85.79		2.30	2.30	2.23	2.24
252	Office furniture		108.20	108.97	102.48	99.63		2.54	2.54	2.44	2.43
254	Partitions: office and store fixtures		112.89	113.02	111.64	108.00		2.74	2.73	2.69	2.68
253, 259	Other furniture and fixtures	97.29	94.58	94.43	90.47	89.16	2.30	2.29	2.27	2.18	2.18
32	Stone, clay, and glass products	115.06	113.82	112.56	110.66	106.97	2.72	2.71	2.68	2.61	2.59
321	Flat glass		155.86	154.51	147.98	150.58		3.65	3.61	3.49	3.51
322	Glass and glassware, pressed or blown.	109.62	109.47	111.92	106.52	104.54	2.70	2.73	2.71	2.63	2.64
3221	Glass containers		110.09	114.13	109.89	108.11		2.78	2.75	2.70	2.73
3229	Pressed and blown glassware, not elsewhere classified.		108.40	109.47	101.96	100.04		2.67	2.67	2.53	2.52
324	Cement, hydraulic	131.56	132.19	130.94	121.54	124.09	3.17	3.17	3.14	2.95	2.99
325	Structural clay products	98.41	98.23	95.87	95.15	94.02	2.36	2.35	2.31	2.26	2.26
3251	Brick and structural clay tile		92.87	89.04	89.86	87.77		2.18	2.12	2.08	2.07
326	Pottery and related products		98.00	96.87	94.49	93.06		2.45	2.44	2.38	2.35
327	Concrete, gypsum and plaster products.	118.99	116.60	114.06	116.10	108.11	2.68	2.65	2.61	2.58	2.52
328, 329	Other stone and mineral products	116.33	115.63	113.82	109.88	107.27	2.75	2.74	2.71	2.61	2.61
3291	Abrasive products		119.42	118.58	112.61	111.36		2.85	2.83	2.72	2.69
33	Primary metal industries	137.99	138.74	137.25	134.09	141.12	3.27	3.28	3.26	3.17	3.20
331	Blast furnace and basic steel products.		146.97	143.56	140.69	156.52		3.55	3.51	3.39	3.44
3312	Blast furnaces, steel and rolling mills.		147.55	144.54	141.66	159.04		3.59	3.56	3.43	3.48
332	Iron and steel foundries	126.85	128.17	128.60	126.58	122.12	2.95	2.96	2.97	2.89	2.86
3321	Gray iron foundries		126.73	126.59	127.68	122.97		2.90	2.91	2.85	2.84
3322	Malleable iron foundries		128.13	132.49	122.72	126.05		3.08	3.11	2.95	2.98
3323	Steel foundries		131.33	130.90	124.82	120.10		3.04	3.03	2.93	2.88
333, 334	Nonferrous smelting and refining	128.71	129.32	126.96	123.06	125.21	3.05	3.05	3.03	2.93	2.96
335	Nonferrous rolling, drawing, and extruding.	137.64	134.77	134.20	128.76	127.15	3.10	3.07	3.05	2.96	2.95
3351	Copper rolling, drawing, and extruding.		139.99	140.30	133.29	126.18		3.16	3.16	3.05	2.99
3352	Aluminum rolling, drawing, and extruding.		141.04	137.26	132.56	140.85		3.22	3.17	3.09	3.13
3357	Nonferrous wire drawing and insulating.		127.02	128.16	123.64	117.04		2.90	2.88	2.81	2.78
336	Nonferrous foundries	118.16	117.74	117.17	113.13	109.06	2.80	2.79	2.77	2.70	2.66
3361	Aluminum castings		118.58	118.02	112.34	109.48		2.83	2.81	2.72	2.69
3362, 3369	Other nonferrous castings		117.30	116.03	114.06	109.03		2.76	2.73	2.69	2.64
339	Miscellaneous primary metal industries.	151.51	146.46	150.23	141.57	134.55	3.42	3.43	3.43	3.30	3.25
3391	Iron and steel forgings		150.72	156.09	146.20	139.74		3.58	3.58	3.44	3.40

TABLE C-2.—*Gross hours and earnings of production workers, by industry*—Continued

SIC Code	Industry	Average weekly earnings					Average hourly earnings				
		May 1966	April 1966	March 1966	May 1965	April 1965	May 1966	April 1966	March 1966	May 1965	April 1965
34	**Fabricated metal products**	$121.84	$119.99	$119.85	$116.75	$113.02	$2.86	$2.85	$2.84	$2.76	$2.73
341	Metal cans	141.70	138.14	135.36	134.83	143.66	3.25	3.22	3.20	3.18	3.28
342	Cutlery, handtools, and general hardware.	114.26	113.02	113.57	110.81	108.65	2.74	2.73	2.73	2.67	2.65
3421, 3423, 3425	Cutlery and handtools, including saws.		113.21	112.36	105.41	102.66		2.67	2.65	2.54	2.51
3429	Hardware, not elsewhere classified.		113.15	114.67	113.85	112.20		2.78	2.79	2.75	2.73
343	Heating equipment and plumbing fixtures.	110.03	108.40	108.00	104.40	101.01	2.71	2.71	2.70	2.61	2.59
3431, 3432	Sanitary ware and plumbers' brass goods.		110.42	109.07	105.59	103.10		2.74	2.72	2.62	2.61
3433	Heating equipment, except electric.		106.40	106.53	103.22	99.33		2.68	2.67	2.60	2.58
344	Fabricated structural metal products.	119.42	117.73	117.03	114.11	108.95	2.85	2.83	2.82	2.73	2.69
3441	Fabricated structural steel		120.38	119.39	116.06	111.66		2.88	2.87	2.77	2.73
3442	Metal doors, sash, frames, and trim.		99.38	98.40	98.47	92.67		2.46	2.46	2.39	2.37
3443	Fabricated platework (boiler shops).		123.06	124.10	119.85	113.70		2.93	2.92	2.84	2.78
3444	Sheet metalwork		123.02	123.35	120.98	116.62		2.95	2.93	2.86	2.81
3446, 3449	Architectural and miscellaneous metalwork.		119.70	113.93	110.70	106.38		2.85	2.82	2.72	2.70
345	Screw machine products, bolts, etc.	128.13	126.83	128.82	121.00	117.50	2.86	2.85	2.85	2.75	2.72
3451	Screw machine products		118.63	120.78	112.15	110.94		2.69	2.69	2.59	2.58
3452	Bolts, nuts, screws, rivets, and washers.		133.80	135.29	128.45	123.26		2.98	2.98	2.88	2.84
346	Metal stampings	134.90	132.75	131.89	131.26	125.40	3.08	3.08	3.06	2.99	2.93
347	Coating, engraving, and allied services.	107.36	105.08	105.42	98.95	96.29	2.55	2.52	2.51	2.39	2.36
348	Miscellaneous fabricated wire products.	110.46	108.84	108.52	104.25	101.93	2.63	2.61	2.59	2.50	2.48
349	Miscellaneous fabricated metal products.	119.99	117.46	117.87	116.05	111.65	2.81	2.79	2.78	2.75	2.71
3494, 3498	Valves, pipe, and pipe fittings		120.70	121.55	119.71	114.26		2.84	2.84	2.81	2.74
35	**Machinery**	135.83	134.03	134.51	127.74	123.38	3.08	3.06	3.05	2.95	2.91
351	Engines and turbines		144.86	141.57	132.29	132.48		3.33	3.30	3.18	3.20
3511	Steam engines and turbines		147.65	145.51	135.74	138.04		3.41	3.44	3.36	3.40
3519	Internal combustion engines, not elsewhere classified.		143.88	140.40	130.82	130.00		3.30	3.25	3.10	3.11
352	Farm machinery and equipment		131.09	132.62	119.31	116.97		3.07	3.07	2.91	2.86
353	Construction and related machinery.	133.85	132.07	133.42	124.82	122.22	3.07	3.05	3.06	2.93	2.91
3531, 3532	Construction and mining machinery.		135.56	135.77	127.44	125.70		3.16	3.15	3.02	3.00
3533	Oil field machinery and equipment.		124.68	121.82	121.00	118.21		2.84	2.82	2.75	2.73
3535, 3536	Conveyors, hoists, and industrial cranes.		130.24	136.34	120.37	115.93		2.94	2.99	2.81	2.78
3540	Metalworking machinery and equipment.	156.37	153.45	153.64	146.10	141.75	3.32	3.30	3.29	3.19	3.1
3541	Machine tools, metal cutting types.		146.28	146.45	138.31	133.79		3.18	3.17	3.06	3.02
3544	Special dies, tools, jigs, and fixtures.		172.18	171.34	164.57	160.14		3.55	3.54	3.45	3.40
3545	Machine tool accessories		137.56	138.01	130.54	126.29		3.03	3.02	2.94	2.91
3542, 3548	Miscellaneous metalworking machinery.		141.51	143.74	135.86	130.94		3.18	3.18	3.06	3.01
355	Special industry machinery	125.99	124.98	125.24	120.22	114.36	2.87	2.86	2.84	2.77	2.71
3551	Food products machinery		131.26	129.79	127.01	114.00		2.99	2.96	2.94	2.85
3552	Textile machinery		103.76	105.22	101.95	99.06		2.43	2.43	2.36	2.32
3555	Printing trades machinery		134.04	131.67	127.54	124.07		3.11	3.02	2.98	2.49
356	General industrial machinery	134.33	132.24	132.54	125.99	120.80	3.06	3.04	3.04	2.93	2.89
3561	Pumps; air and gas compressors		127.46	127.31	122.39	116.48		2.93	2.92	2.82	2.78
3562	Ball and roller bearings		137.34	136.28	132.68	123.97		3.15	3.14	3.05	2.98
3566	Mechanical power transmission goods		135.58	135.74	125.42	121.96		3.04	3.03	2.91	2.89
357	Office, computing, and accounting machines.	131.63	128.52	132.13	125.33	122.13	3.09	3.06	3.08	2.97	2.95
3571	Computing machines and cash registers.		134.92	139.00	132.40	128.96		3.22	3.24	3.13	3.10
358	Service industry machines	116.34	115.79	115.92	113.82	109.34	2.79	2.77	2.76	2.71	2.68
3585	Refrigeration, except home refrigerators.		115.37	114.54	115.08	110.30		2.78	2.76	2.74	2.71
359	Miscellaneous machinery	128.03	127.58	127.87	122.48	117.00	2.89	2.88	2.88	2.79	2.74
36	**Electrical equipment and supplies**	108.09	107.68	107.79	150.37	102.91	2.63	2.62	2.61	2.57	2.56
361	Electric distribution equipment	114.53	113.30	115.50	112.75	110.03	2.74	2.73	2.75	2.73	2.71
3611	Electric measuring instruments.		103.41	103.66	99.54	98.31		2.51	2.51	2.47	2.47
3612	Power and distribution transformers.		118.86	119.00	116.75	117.18		2.81	2.84	2.82	2.81
3613	Switchgear and switchboard apparatus.		118.53	122.83	120.25	114.09		2.87	2.89	2.87	2.81
362	Electrical industrial apparatus	117.73	117.87	118.71	115.48	112.19	2.77	2.78	2.78	2.73	2.71
3621	Motors and generators		119.14	119.14	117.87	113.99		2.81	2.81	2.78	2.76
3622	Industrial controls		114.09	115.83	111.83	108.88		2.71	2.70	2.65	2.63
363	Household appliances	118.24	119.68	114.77	112.33	111.93	2.87	2.87	2.82	2.76	2.75
3632	Household refrigerators and freezers.		132.68	121.50	124.92	123.19		3.10	3.03	3.01	2.99
3633	Household laundry equipment.		120.36	125.28	110.26	108.86		2.95	2.99	2.82	2.77
3634	Electric housewares and fans		99.14	100.04	97.61	97.61		2.46	2.47	2.41	2.41
364	Electric lighting and wiring equipment.	102.91	101.34	101.43	99.63	96.24	2.51	2.49	2.48	2.43	2.40
3641	Electric lamps		104.86	104.86	103.38	100.00		2.57	2.57	2.54	2.50
3642	Lighting fixtures		99.29	99.06	100.21	97.77		2.47	2.44	2.45	2.42
3643, 4	Wiring devices		100.86	101.35	97.23	93.13		2.46	2.46	2.36	2.34
365	Radio and TV receiving sets	89.17	91.57	91.87	88.98	87.62	2.31	2.33	2.32	2.27	2.27
366	Communication equipment	120.22	119.65	120.67	116.31	111.48	2.89	2.89	2.88	2.83	2.78
3661	Telephone and telegraph apparatus.		121.72	123.19	118.53	110.92		2.94	2.94	2.87	2.78
3662	Radio and TV communication equipment.		118.28	119.00	114.80	112.03		2.85	2.84	2.80	2.78

TABLE C-2.—*Gross hours and earnings of production workers, by industry*—Continued

SIC Code	Industry	Average weekly earnings					Average hourly earnings				
		May 1966	April 1966	March 1966	May 1965	April 1965	May 1966	April 1966	March 1966	May 1965	April 1965
367	Electronic components and accessories.	$93.25	$91.35	$92.43	$90.20	$87.56	$2.28	$2.25	$2.26	$2.20	$2.20
3671-3673	Electron tubes	--------	110.93	112.46	102.75	101.40	--------	2.55	2.55	2.47	2.51
3674, 3679	Electronic components, not elsewhere classified.	--------	86.37	87.02	86.50	83.56	--------	2.17	2.17	2.12	2.11
369	Miscellaneous electrical equipment and supplies.	117.79	117.62	117.10	112.33	111.35	2.88	2.89	2.87	2.76	2.77
3694	Electrical equipment for engines.	--------	121.10	118.80	118.20	116.87	--------	2.99	2.97	2.89	2.90
37	Transportation equipment	140.48	141.47	140.06	137.81	134.09	3.29	3.29	3.28	3.19	3.17
371	Motor vehicles and equipment	--------	148.68	144.57	148.07	144.32	--------	3.41	3.37	3.32	3.31
3711	Motor vehicles	--------	154.86	149.04	155.50	150.62	--------	3.48	3.45	3.41	3.40
3712	Passenger car bodies	--------	149.74	144.14	148.70	154.07	--------	3.54	3.49	3.45	3.47
3713	Truck and bus bodies	--------	114.11	114.54	114.51	111.78	--------	2.79	2.78	2.72	2.70
3714	Motor vehicle parts and accessories.	--------	148.43	145.68	147.74	142.35	--------	3.42	3.38	3.32	3.28
372	Aircraft and parts	141.70	139.75	141.48	130.73	127.00	3.25	3.25	3.26	3.12	3.09
3721	Aircraft	--------	139.73	140.81	128.86	127.41	--------	3.28	3.29	3.12	3.10
3722	Aircraft engines and engine parts.	--------	141.26	143.01	134.30	125.96	--------	3.27	3.28	3.16	3.11
3723, 3729	Other aircraft parts and equipment.	--------	137.09	140.04	129.93	126.42	--------	3.13	3.14	3.05	3.01
373	Ship and boat building and repairing.	130.83	129.07	130.10	122.78	120.47	3.13	3.11	3.12	2.98	2.96
3731	Shipbuilding and repairing	--------	135.05	137.52	128.64	126.27	--------	3.27	3.29	3.13	3.11
3732	Boatbuilding and repairing	--------	101.63	98.71	99.48	97.88	--------	2.38	2.39	2.38	2.37
374	Railroad equipment	--------	138.20	132.44	127.92	124.34	--------	3.33	3.27	3.19	3.18
375, 379	Other transportation equipment	--------	95.68	95.60	93.56	89.77	--------	2.38	2.39	2.31	2.29
38	Instruments and related products	114.33	112.29	112.67	107.90	104.38	2.69	2.68	2.67	2.60	2.59
381	Engineering and scientific instruments.	--------	130.59	133.18	124.44	113.96	--------	3.08	3.09	2.97	2.96
382	Mechanical measuring and control devices.	116.14	114.36	113.79	108.47	103.86	2.72	2.71	2.69	2.62	2.59
3821	Mechanical measuring devices	--------	117.12	116.69	109.67	105.56	--------	2.73	2.72	2.63	2.60
3822	Automatic temperature controls.	--------	110.27	109.98	107.01	101.26	--------	2.67	2.65	2.61	2.57
383, 385	Optical and ophthalmic goods	102.43	96.63	101.46	96.70	95.82	2.41	2.38	2.41	2.33	2.32
385	Ophthalmic goods	--------	88.26	91.24	88.37	87.72	--------	2.19	2.22	2.15	2.15
384	Surgical, medical, and dental equipment.	96.51	93.79	93.89	90.63	88.26	2.32	2.31	2.29	2.26	2.24
386	Photographic equipment and supplies.	--------	135.21	131.63	129.90	127.75	--------	3.08	3.04	3.00	3.02
387	Watches and clocks	--------	90.50	91.62	87.85	85.28	--------	2.24	2.24	2.18	2.17
39	Miscellaneous manufacturing industries.	88.80	87.74	88.88	84.56	83.10	2.22	2.21	2.20	2.13	2.12
391	Jewelry, silverware, and plated ware.	100.12	100.21	100.60	93.96	92.92	2.46	2.45	2.43	2.32	2.30
394	Toys, amusement, and sporting goods.	--------	77.61	78.99	76.05	73.92	--------	1.99	2.01	1.94	1.93
3941-3943	Toys, games, dolls, and play vehicles.	--------	74.30	76.82	72.77	70.69	--------	1.94	1.98	1.89	1.89
3949	Sporting and athletic goods, not elsewhere classified.	--------	83.01	82.81	81.61	80.00	--------	2.07	2.06	2.02	2.01
395	Pens, pencils, office and art materials.	--------	84.84	85.44	82.41	81.19	--------	2.10	2.12	2.05	2.04
396	Costume jewelry, buttons, and notions.	--------	79.97	82.42	78.41	77.03	--------	2.04	2.04	1.97	1.97
393, 398, 399	Other manufacturing industries	95.75	94.80	95.47	90.52	89.04	2.37	2.37	2.34	2.28	2.26
393	Musical instruments and parts	--------	98.25	99.53	95.27	93.06	--------	2.42	2.41	2.37	2.35
	NONDURABLE GOODS										
20	Food and kindred products	103.89	102.21	101.25	100.45	98.74	2.54	2.53	2.50	2.45	2.45
201	Meat products	109.20	106.53	105.73	107.42	105.06	2.67	2.65	2.67	2.62	2.62
2011	Meatpacking	--------	124.64	124.94	123.73	123.31	--------	3.04	3.04	2.96	2.95
2013	Sausages and other prepared meats.	--------	114.51	115.83	116.34	110.00	--------	2.87	2.86	2.79	2.75
2015	Poultry dressing and packing	--------	61.60	56.25	60.45	55.65	--------	1.60	1.58	1.57	1.55
202	Dairy products	107.94	107.26	106.85	105.15	103.74	2.57	2.56	2.55	2.48	2.47
2024	Ice cream and frozen desserts	--------	104.94	104.41	104.83	103.28	--------	2.63	2.63	2.52	2.55
2026	Fluid milk	--------	112.36	111.14	110.17	108.54	--------	2.65	2.64	2.58	2.56
203	Canned and preserved food, except meats.	--------	83.55	81.30	79.17	75.17	--------	2.17	2.09	2.03	2.01
2031, 2036	Canned, cured and frozen seafoods.	--------	56.00	57.96	52.49	51.10	--------	1.83	1.72	1.63	1.53
2032, 2033	Canned food, except seafood	--------	91.37	89.91	88.13	83.10	--------	2.29	2.22	2.16	2.21
2037	Frozen food, except seafoods	--------	84.87	78.00	78.88	75.58	--------	2.05	1.95	1.91	1.88
204	Grain mill products	115.44	114.23	114.84	110.25	111.25	2.60	2.62	2.61	2.50	2.54
2041	Flour and other grain mill products.	--------	122.99	121.21	116.34	118.10	--------	2.77	2.73	2.65	2.66
2042	Prepared feeds for animals and fowls.	--------	98.12	96.79	94.26	94.76	--------	2.21	2.18	2.09	2.12
205	Bakery products	104.75	102.40	101.35	100.35	99.05	2.58	2.56	2.54	2.49	2.47
2051	Bread, cake, and perishable products.	--------	103.97	102.40	102.72	101.25	--------	2.58	2.56	2.53	2.50
2052	Biscuit, crackers, and pretzels.	--------	95.94	97.42	93.30	92.19	--------	2.46	2.46	2.38	2.37
206	Sugar	--------	117.01	119.97	117.17	110.40	--------	2.84	2.79	2.77	2.76
207	Confectionery and related products.	86.46	85.14	86.18	83.28	80.98	2.24	2.20	2.16	2.13	2.12
2071	Candy and other confectionery products.	--------	81.20	82.58	80.13	77.11	--------	2.12	2.08	2.06	2.04
208	Beverages	116.64	116.93	114.97	114.95	112.72	2.88	2.88	2.86	2.79	2.79
2082	Malt liquors	--------	152.18	149.85	147.78	144.80	--------	3.73	3.70	3.64	3.62
2086	Bottled and canned soft drinks.	--------	87.13	85.47	86.05	81.77	--------	2.12	2.10	2.02	1.98
209	Miscellaneous food and kindred products.	102.06	99.84	99.54	97.86	96.28	2.43	2.40	2.37	2.33	2.32
21	Tobacco manufacturers	86.41	85.65	84.80	81.10	77.96	2.28	2.26	2.22	2.18	2.19
211	Cigarettes	--------	103.72	102.80	96.72	94.17	--------	2.68	2.67	2.60	2.58
212	Cigars	--------	65.28	66.15	62.87	58.48	--------	1.75	1.75	1.69	1.71
22	Textile mill products	81.64	79.90	81.22	76.54	75.03	1.93	1.94	1.92	1.84	1.83
221	Cotton broad woven fabrics	83.76	82.84	84.15	78.38	77.23	1.93	1.94	1.93	1.84	1.83
222	Silk and synthetic broad woven fabrics.	87.32	85.14	86.68	82.78	80.60	1.98	1.98	1.97	1.89	1.87

Table C-2.—*Gross hours and earnings of production workers, by industry*—Continued

SIC Code	Industry	Average weekly earnings					Average hourly earnings				
		May 1966	April 1966	March 1966	May 1965	April 1965	May 1966	April 1966	March 1966	May 1965	April 1965
223	Weaving and finishing broad woolens.	$89.76	$87.26	$87.23	$83.42	$82.18	$2.04	$2.02	$2.01	$1.94	$1.92
224	Narrow fabrics and smallwares	80.64	77.49	79.52	75.76	73.67	1.92	1.89	1.88	1.83	1.81
225	Knitting	72.68	68.81	70.98	67.55	65.60	1.84	1.83	1.82	1.75	1.74
2251	Women's full and knee length hosiery.		65.87	72.22	66.29	65.39		1.79	1.81	1.74	1.73
2252	All other hosiery		56.80	59.31	56.83	55.29		1.60	1.59	1.54	1.54
2253	Knit outerwear		73.63	73.89	72.57	69.19		1.99	1.96	1.88	1.87
2254	Knit underwear		66.56	67.60	63.53	62.54		1.72	1.72	1.65	1.65
226	Finishing textiles, except wool and knit.	90.92	92.19	91.94	84.77	81.56	2.09	2.10	2.08	1.99	1.97
227	Floor covering		79.95	81.60	76.63	77.15		1.95	1.92	1.86	1.85
228	Yarn and thread	76.50	76.32	76.79	72.25	71.15	1.80	1.80	1.79	1.70	1.69
229	Miscellaneous textile goods	92.45	91.59	91.38	86.11	84.05	2.16	2.15	2.13	2.06	2.05
23	Apparel and related products	68.44	67.51	69.37	65.52	63.72	1.87	1.87	1.88	1.80	1.79
231	Men's and boys' suits and coats	85.47	83.92	85.25	81.37	78.28	2.22	2.22	2.22	2.13	2.11
232	Men's and boys' furnishings	57.93	57.67	59.09	57.68	56.61	1.57	1.58	1.58	1.53	1.53
2321	Men's and boys' shirts and nightwear.		57.04	58.93	56.70	56.24		1.58	1.58	1.52	1.52
2327	Men's and boys' separate trousers.		58.46	60.04	58.14	57.68		1.58	1.58	1.53	1.53
2328	Work clothing		56.24	56.17	56.92	54.61		1.52	1.51	1.49	1.48
233	Women's misses', and juniors' outerwear.	71.40	70.99	73.28	66.84	65.86	2.04	2.04	2.07	1.96	1.96
2331	Women's blouses, waists, and shirts.		62.63	62.81	58.31	57.29		1.81	1.81	1.72	1.71
2335	Women's, misses', and juniors' dresses.		73.70	74.69	67.67	68.21		2.13	2.11	2.02	2.03
2337	Women's suits, skirts, and coats.		77.45	83.49	76.16	69.53		2.34	2.47	2.26	2.25
2339	Women's and misses' outerwear, not elsewhere classified.		64.58	66.15	62.24	61.90		1.75	1.75	1.71	1.71
234	Women's and children's undergarments.	63.30	61.39	63.07	59.50	57.21	1.72	1.71	1.70	1.63	1.63
2341	Women's and children's underwear.		58.03	60.64	56.83	54.64		1.63	1.63	1.57	1.57
2342	Corsets and allied garments		67.70	68.27	64.58	62.13		1.86	1.85	1.75	1.75
235	Hats, caps, and millinery		66.23	73.66	67.13	67.07		1.85	1.98	1.87	1.90
236	Girls' and children's outerwear	64.24	62.47	64.38	61.12	57.40	1.76	1.74	1.74	1.67	1.64
2361	Children's dresses, blouses, and shirts.		60.37	62.26	60.09	57.45		1.72	1.72	1.66	1.67
237, 238	Fur goods and miscellaneous apparel.		71.34	71.57	70.25	67.26		1.96	1.95	1.93	1.90
239	Miscellaneous fabricated textile products.	74.69	73.71	73.92	73.54	70.88	1.95	1.95	1.93	1.92	1.89
2391, 2392	Housefurnishings		62.87	65.40	60.72	59.86		1.69	1.69	1.65	1.64
26	Paper and allied products	119.30	117.50	116.91	112.66	109.72	2.73	2.72	2.70	2.62	2.60
261, 262, 266	Paper and pulp	135.00	132.91	131.72	127.11	123.52	3.00	2.98	2.96	2.85	2.82
263	Paperboard	142.13	141.52	136.96	130.34	125.12	3.05	3.05	3.01	2.89	2.85
264	Converted paper and paperboard products.	103.99	101.92	101.99	97.88	97.00	2.47	2.45	2.44	2.37	2.36
2643	Bags, except textile bags		96.64	97.63	90.63	90.72		2.34	2.33	2.26	2.24
265	Paperboard containers and boxes	107.78	105.34	107.10	102.41	98.66	2.53	2.52	2.52	2.45	2.43
2651, 2652	Folding and setup paperboard boxes.		92.63	95.17	91.58	87.74		2.31	2.31	2.25	2.21
2653	Corrugated and solid fiber boxes		114.48	114.84	110.59	105.47		2.67	2.64	2.59	2.56
27	Printing, publishing, and allied industries.	122.22	120.12	121.06	117.04	115.67	3.15	3.12	3.12	3.04	3.02
271	Newspaper publishing and printing.	124.87	122.38	119.60	120.15	116.71	3.44	3.39	3.35	3.31	3.26
272	Periodical publishing and printing		124.74	126.00	122.30	121.27		3.15	3.15	3.12	3.07
273	Books		112.05	114.36	110.12	108.09		2.70	2.71	2.66	2.63
275	Commercial printing	125.85	124.03	125.77	119.87	118.78	3.17	3.14	3.16	3.05	3.03
2751	Commerical printing, except litho.		119.81	121.52	115.71	115.41		3.08	3.10	2.99	2.99
2752	Commerical printing, lithographic.		130.73	132.84	127.66	125.33		3.22	3.24	3.16	3.11
278	Bookbinding and related industries.	94.92	93.65	94.95	92.28	90.09	2.44	2.42	2.41	2.36	2.34
274, 276, 277, 279	Other publishing and printing industries.	122.50	122.11	125.05	119.12	119.27	3.19	3.18	3.19	3.07	3.09
28	Chemicals and allied products	124.49	124.66	122.64	120.69	120.84	2.95	2.94	2.92	2.86	2.85
281	Industrial chemicals	137.61	139.68	137.76	135.24	138.88	3.30	3.31	3.28	3.22	3.26
2812	Alkalies and chlorine		135.62	133.40	131.84	137.85		3.26	3.23	3.20	3.29
2818	Industrial organic chemicals, not elsewhere classified.		150.15	147.13	143.06	148.26		3.50	3.47	3.39	3.44
2819	Industrial inorganic chemicals, not elsewhere classified.		132.99	132.89	131.46	135.46		3.22	3.21	3.16	3.21
282	Plastics materials and synthetics	124.12	125.70	122.09	120.13	122.11	2.90	2.93	2.90	2.82	2.82
2821	Plastics materials and resins		136.03	134.51	131.40	132.46		3.05	3.05	3.00	2.99
2823, 2824	Synthetic fibers		114.68	109.75	109.88	111.45		2.75	2.69	2.61	2.61
283	Drugs	112.88	111.93	111.93	106.60	104.12	2.76	2.73	2.73	2.60	2.59
2834	Pharmaceutical preparations		106.00	106.53	101.15	99.54		2.65	2.65	2.51	2.52
284	Soap, cleaners, and toilet goods	119.52	116.18	116.20	111.70	108.80	2.88	2.82	2.80	2.74	2.72
2841	Soap and detergents		143.30	140.19	132.19	130.09		3.42	3.33	3.24	3.22
2844	Toilet preparations		96.80	97.51	92.66	90.32		2.39	2.39	2.34	2.31
285	Paints, varnishes, and allied products.	120.70	117.74	115.23	115.06	111.24	2.84	2.81	2.77	2.72	2.70
287	Agricultural chemicals	108.03	108.35	106.48	105.11	104.09	2.39	2.33	2.33	2.30	2.21
2871, 2872	Fertilizers, complete and mixing only.		105.06	102.58	102.34	101.07		2.24	2.23	2.22	2.11
286.9	Other chemical products	119.42	118.43	115.62	116.20	115.23	2.85	2.84	2.82	2.76	2.75
29	Petroleum refining and related industries.	144.24	146.12	141.62	137.80	139.07	3.41	3.43	3.38	3.25	3.28
291	Petroleum refining	151.98	154.64	149.58	143.72	147.05	3.61	3.63	3.57	3.43	3.46
295, 299	Other petroleum and coal products.	118.96	116.14	111.87	116.33	108.94	2.76	2.72	2.67	2.62	2.60
30	Rubber and miscellaneous plastics products.	111.41	110.51	110.46	107.59	104.45	2.64	2.65	2.63	2.58	2.56
301	Tires and inner tubes		163.16	159.56	148.43	145.86		3.65	3.61	3.46	3.44
302, 303, 306	Other rubber products	107.01	104.14	105.57	102.75	99.54	2.56	2.54	2.55	2.50	2.47
307	Miscellaneous plastics products	93.79	92.25	92.96	91.52	88.91	2.26	2.25	2.24	2.20	2.19

TABLE C-2.—*Gross hours and earnings of production workers, by industry*—Continued

SIC Code	Industry	Average weekly earnings					Average hourly earnings				
		May 1966	April 1966	March 1966	May 1965	April 1965	May 1966	April 1966	March 1966	May 1965	April 1965
31	Leather and leather products	$74.69	$72.95	$73.92	$71.44	$69.56	$1.94	$1.93	$1.92	$1.88	$1.88
311	Leather tanning and finishing	103.16	101.43	101.52	99.42	96.93	2.51	2.48	2.47	2.39	2.37
314	Footwear, except rubber	72.19	69.94	71.05	68.25	66.61	1.88	1.87	1.86	1.82	1.82
312, 313, 315, 316, 317, 319	Other leather products	71.82	71.63	72.77	69.74	67.16	1.89	1.89	1.89	1.84	1.84
317	Handbags and personal leather goods.		67.52	69.91	66.05	63.01		1.82	1.83	1.79	1.79
	TRANSPORTATION AND PUBLIC UTILITIES										
4011	Railroad transportation: Class I railroads.				129.43	129.93				3.01	2.98
	Local and interurban passenger transit:										
411	Local and suburban transportation.		110.88	109.62	109.06	106.50		2.64	2.61	2.56	2.56
413	Intercity and rural buslines		143.42	131.77	130.94	128.40		3.18	3.13	3.01	3.00
42	Motor freight transportation and storage.		131.25	131.88	129.55	126.46		3.14	3.14	3.07	3.04
422	Public warehousing		93.53	92.98	91.49	92.51		2.38	2.36	2.34	2.36
46	Pipeline transportation		152.81	150.75	148.45	146.37		3.70	3.65	3.56	3.51
48	Communication		115.89	116.47	113.08	112.12		2.89	2.89	2.82	2.81
481	Telephone communication		111.08	111.63	107.87	106.66		2.77	2.77	2.69	2.68
4817	Switchboard operating employees.		83.90	82.63	82.80	80.15		2.28	2.27	2.25	2.19
4818	Line construction employees		153.32	156.05	149.63	150.30		3.43	3.46	3.37	3.37
482	Telegraph communication		124.85	124.26	122.24	120.53		2.89	2.91	2.81	2.79
483	Radio and television broadcasting		148.52	148.45	146.52	145.78		3.76	3.73	3.70	3.70
49	Electric, gas, and sanitary services		133.99	133.25	131.14	130.00		3.26	3.25	3.16	3.14
491	Electric companies and systems		135.88	136.29	133.22	132.07		3.29	3.30	3.21	3.19
492	Gas companies and systems		123.22	121.58	120.83	118.03		3.02	2.98	2.94	2.90
493	Combined utility systems		145.91	144.89	142.54	142.54		3.55	3.56	3.41	3.41
494, 495, 496, 497	Water, steam, and sanitary systems.		109.74	107.83	104.83	104.33		2.67	2.63	2.52	2.52

Source: Employment and Earnings and Monthly Report on the Labor Force, June 1966, U.S. Department of Labor, W. Willard Wirtz, Secretary.

NOTE.—Data for the 2 most recent months are preliminary.

Selected hourly wage rates for journeymen mechanics (excerpts from International Association of Machinists trucking labor contracts)

City and State	1965		1966		1967		Contract expires
	Date	Rate	Date	Rate	Date	Rate	
Akron, Ohio	July 1	$3.36					Mar. 15, 1967
Albuquerque, N. Mex	Aug. 1	3.28	Jan. 1	$3.33			Mar. 31, 1967
Allentown, Pa	Aug. 31	3.28	Aug. 31	3.36	Mar. 31	$3.46	Aug. 31, 1967
Baltimore, Md	Oct. 1	3.25	Oct. 1	3.37			Oct. 1, 1967
Billings, Mont	Aug. 1	3.30	Aug. 1	3.44			Aug. 1, 1967
Boston, Mass	Nov. 28	3.27	Dec. 27	3.43			July 1, 1967
Buffalo, N.Y	Aug. 1	3.345	Aug. 1	3.445			July 31, 1967
Butte, Mont	July 1	3.28	July 1	3.40	July 1	3.53	June 30, 1968
Chicago, Ill	Jan. 1	3.58	Jan. 1	3.76	Jan. 1	4.02	Dec. 31, 1968
Cincinnati, Ohio	Mar. 1	3.45	Mar. 1	3.55			June 1, 1967
Cleveland, Ohio	July 1	3.30	July 1	3.37			June 30, 1967
Columbus, Ohio	do	3.30	do	3.37			Do.
Detroit, Mich	Feb. 1	3.48	Feb. 1	3.58			Apr. 1, 1967
Des Moines, Iowa	Apr. 1	3.40	Apr. 1	3.51			Do.
El Paso, Tex	Jan. 1 July 1	3.40 3.55	May 1	3.68	May 1	3.82	May 1, 1968
Erie, Pa	Jan. 1	3.165	Jan. 1	3.265	Jan. 1	3.365	Jan. 1, 1966
Fresno, Calif	July 1	3.86	May 1	4.06	May 1	4.29	Apr. 30, 1968
Galesburg, Ill	May 1	3.51	do	3.61			Apr. 30, 1967
Kansas City, Kans	Feb. 1	3.23					
Los Angeles, Calif	July 1	3.86	May 1	4.01	May 1	4.16	Apr. 30, 1968
New England area	Nov. 1	3.10	Nov. 1	3.15	do	3.25	Oct. 31, 1967
Newark, N.J	July 1	3.15					July 1, 1966
New Castle, Pa	June 1	3.355	June 1	3.455			May 31, 1967
New York City, N.Y	Apr. 1	3.50	October 1966	3.645			Aug. 31, 1966
Oklahoma City, Okla	Feb. 1	3.29	Feb. 1	3.39			Apr. 1, 1967
Omaha, Nebr	Mar. 18	3.51	Mar. 18	3.61			Mar. 31, 1967
Peoria, Ill	Feb. 1	3.20	Feb. 1	3.30			Do.
Pittsburgh, Pa	do	3.42	do	3.52			Do.
Philadelphia, Pa	Feb. 17	3.27					Feb. 17, 1966
Phoenix, Ariz	July 1	3.55	May 1	3.68	May 1	3.82	Aug. 1, 1968
Portland, Oreg	May 1	3.40					May 1, 1965
Reading, Pa	Oct. 1	3.36	Oct. 1	3.46			Oct. 30, 1967
Sacramento, Calif	July 1	3.86	May 1	4.06	May 1	4.26	Apr. 30, 1968
San Francisco, Calif	do	3.86	do	4.06	do	4.26	Do.
St. Louis, Mo	May 16	3.08		3.08			May 15, 1968
Seattle, Wash	May 1	3.50	May 1	3.63	May 1	3.77	May 1, 1968
San Diego, Calif	July 1	3.86	do	4.01	do	4.16	Apr. 30, 1968
St. Paul, Minn	Feb. 1	3.46	Feb. 1	3.57			Apr. 1, 1967
Toledo, Ohio	July 1	3.42	July 1	3.52			Aug. 31, 1967
Wichita, Kans	Feb. 1 Aug. 1	3.18 3.23	Jan. 1	3.28			Jan. 31, 1966

Mr. MORSE. Mr. President, I am surprised, as I read newspapers, to read the impression created by some of these articles that the workers in this industry are an underpaid group of workers. They are not underpaid workers in comparison with wages prevailing in comparable industry generally. That does not mean they are not entitled to a wage increase. I have always said they are. It is a question of how much they are entitled to.

During the debate today, there has been much discussion by Senators who feel we should not pass any legislation at all because there is no national emergency. There cropped up in the several days of testimony or debate the statement that more defense goods had been moved since the strike started than before the strike.

There are two points to which I call attention. How many more defense goods would have been moved if there had not been a strike? Second, if the Air Force had not absorbed some of the shock of the strike, in my judgment the Defense Department could not be making any such statement. If the Government owned all the trains and all the telephone systems, there would not be a defense threat from possible stoppages in those services in the months and weeks ahead. We have a multimillion-dollar Air Force Establishment, and it has been able to take up some of the shock.

This union is entitled to the highest of praise for the cooperation it extended to the Defense Establishment in regard to servicing flights dealing with transportation for the Defense Establishment. It worked out with the Department of Labor and with the Defense Department an understanding in regard to this matter, and it has kept it. I highly commend the union for it. At the same time, I point out that our defense posture tonight would be much better if the strike had not occurred and the workers had continued to service the civilian planes in connection with defense transportation thus permitting the Air Force to use its flights for purposes other than those to which the Air Force planes have been put since the strike started.

Let us not forget that the taxpayers are paying an unknown amount of money to make certain that the Air Force takes care of any business that is presented to it that this strike has created that is not taken care of by use of civilian planes still flying. We do not know how much that amount of money is, but I have been assured, when I have pressed officials who know, that it is considerable.

Another point in closing is that the joint resolution which was passed by the Congress on August 29, 1963, did deal with the railroad strike. That is the reason why the Congress stated in that resolution:

> *Resolved by the Senate and House of Representatives of the United States of America in Congress assembled,* That no carrier which served the notices of November 2, 1959, and no labor organization which received such notices or served the labor organization notices of September 7, 1960, shall make any change except by agreement, or pursuant to an arbitration award as hereinafter provided, in rates of pay, rules, or working conditions encompassed by any of such notices, or engage in any strike or lockout over any dispute arising from any of such notices. Any action heretofore taken which would be prohibited by the foregoing sentence shall be forthwith rescinded and the status existing immediately prior to such action restored.

I ask unanimous consent that the entire joint resolution be printed at this point in the RECORD, because it is on the basis of that resolution that, in my judgment, Congress took an action even more drastic than the action of sending men back to work.

There being no objection, the joint resolution was ordered to be printed in the RECORD, as follows:

THE 1963 RAILWAY WORK RULES LAW

(Public Law 88-108, 88th Congress, S. J. Res. 102, August 28, 1963)

[77 Stat. 132]

Joint resolution to provide for the settlement of the labor dispute between certain carriers by railroad and certain of their employees

Whereas the labor dispute between the carriers represented by the Eastern, Western, and Southeastern Carriers' Conference Committees and certain of their employees represented by the Brotherhood of Locomotive Engineers, Brotherhood of Locomotive Firemen and Enginemen, Order of Railway Conductors and Brakemen, Brotherhood of Railroad Trainmen, and the Switchmen's Union of North America, labor organizations, threatens essential transportation services of the Nation; and

Whereas it is essential to the national interest, including the national health and defense, that essential transportation services be maintained; and

[45 USC 151]

Whereas all the procedures for resolving such dispute provided for in the Railway Labor Act have been exhausted and have not resulted in settlement of the dispute; and

Whereas the Congress finds that emergency measures are essential to security and continuity of transportation services by such carriers; and

Whereas it is desirable to achieve the above objectives in a manner which preserves and prefers solutions reached through collective bargaining; and

Whereas, on August 2, 1963, the Secretary of Labor submitted to the carrier and organization representatives certain suggestions as a basis of negotiation for disposition of the fireman (helper) and crew consist issues in the dispute and thereupon through such negotiations tentative agreement was reached with respect to portions of such suggestions; and

Whereas, on August 16, 1963, the carrier parties to the dispute accepted and the organization parties to the dispute accepted with certain reservations the Secretary of Labor's suggestion that the fireman (helper) and crew consist issues be resolved by binding arbitration but the said parties have been unable to agree upon the terms and procedures of an arbitration agreement: Therefore be it

[Railroads, settlement of disputes]

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That no carrier which served the notices of November 2, 1959, and no labor organization which received such notices or served the labor organization notices of September 7, 1960, shall make any change except by agreement, or pursuant to an arbitration award as hereinafter provided, in rates of pay, rules, or working conditions encompassed by any of such notices, or engage in any strike or lockout over any dispute arising from any of such notices. Any action heretofore taken which would be prohibited by the foregoing sentence shall be forthwith rescinded and the status existing immediately prior to such action restored.

[Arbitration Board]

SEC. 2. There is hereby established an arbitration board to consist of seven members. The representatives of the carrier and organization parties to the aforesaid dispute are hereby directed, respectively, within five days after the enactment hereof each to name two persons to serve as members of such arbitration board. The four members thus chosen shall select three additional members. The seven members shall then elect a chairman. If the members chosen by the parties shall fail to name one or more of the additional three members within ten days, such additional members shall be named by the President. If either party fails to name a member or members to the arbitration board within the five days provided, the President shall name such member or members in lieu of such party and shall also name the additional three members necessary to constitute a board of seven members, all within ten days after the date of enactment of this joint resolution. Notwithstanding any other provision of law, the National Mediation Board is authorized and directed: (1) to compensate the arbitrators not named by the parties at a rate not in excess of $100 for each day together with necessary travel and subsistence expenses, and (2) to provide such services and facilities as may be necessary and appropriate in carrying out the purposes of this joint resolution.

SEC. 3. Promptly upon the completion of the naming of the arbitration board the Secretary of Labor shall furnish to the board and to the parties to the dispute copies of his statement to the parties of August 2, 1963, and the papers therewith submitted to the parties, together with memorandums and such other data as the board may request setting forth the matters with respect to which the parties were in tentative agreement and the extent of disagreement with respect to matters on which the parties were not in tentative agreement. The arbitration board shall make a decision, pursuant to the procedures hereinafter set forth, as to what disposition shall be made of those portions of the carriers' notices of November 2, 1959, identified as "Use of Firemen (Helpers) on Other Than Steam Power" and "Consist of Road and Yard Crews" and that portion of the organizations' notices of September 7, 1960, identified as "Minimum Safe Crew Consist" and implementing proposals pertaining thereto. The arbitration board shall incorporate in such decision any matters on which it finds the parties were in agreement, shall resolve the matters on which the parties were not in agreement, and shall, in making its award, give due consideration to those matters on which the parties were in tentative agreement. Such award shall be binding on both the carrier and organization parties to the dispute and shall constitute a complete and final disposition of the aforesaid issues covered by the decision of the board of arbitration.

[44 Stat. 582-585. 45 USC 157, 158, 159]

SEC. 4. To the extent not inconsistent with this joint resolution the arbitration shall be conducted pursuant to sections 7 and 8 of the Railway Labor Act, the board's award shall be made and filed as provided in said sections and shall be subject to section 9 of said Act. The United States District Court for the District of Columbia is hereby designated as the court in which the award is to be filed, and the arbitration board shall report to the National Mediation Board in the same manner as arbitration boards functioning pursuant to the Railway Labor Act. The award shall continue in force for such period as the arbitration board shall determine in its award, but not to exceed two years from the date the award takes effect, unless the parties agree otherwise.

[Hearings]

SEC. 5. The arbitration board shall begin its hearings thirty days after the enactment of this joint resolution or on such earlier date as the parties to the dispute and the board may agree upon and shall make and file its award not later than ninety days after the enactment of this joint resolution: *Provided, however,* That said award shall not become effective until sixty days after the filing of the award.

SEC. 6. The parties to the disputes arising from the aforesaid notices shall immediately resume collective bargaining with respect to all issues raised in the notices of November 2, 1959, and September 7, 1960, not to be disposed of by arbitration under section 3 of this joint resolution and shall exert every reasonable effort to resolve such issues by agreement. The Secretary of Labor and the National Mediation Board are hereby directed to give all reasonable assistance to the parties and to engage in mediatory action toward promoting such agreement.

SEC. 7. (a) In making any award under this joint resolution the arbitration board established under section 2 shall give due consideration to the effect of the proposed award upon adequate and safe transportation service to the public and upon the interests of the carrier and employees affected, giving due consideration to the narrowing of the areas of disagreement which has been accomplished in bargaining and mediation.

(b) The obligations imposed by this joint resolution, upon suit by the Attorney General, shall be enforcible through such orders as may be necessary by any court of the United States having jurisdiction of any of the parties.

[Expiration date]

SEC. 8. This joint resolution shall expire one hundred and eighty days after the enactment, except that it shall remain in effect with respect to the last sentence of section 4 for the period prescribed in that sentence.

SEC. 9. If any provision of this joint resolution or the application thereof is held invalid, the remainder of this joint resolution and the application of such provision to other parties or in other circumstances not held invalid shall not be affected thereby.

Approved August 28, 1963.

LEGISLATIVE HISTORY

House Report No. 713 accompanying H.J. Res. 665 (Comm. on Interstate & Foreign Commerce).

Senate Report No. 459 (Comm. on Commerce).

CONGRESSIONAL RECORD, Vol. 109 (1963):

Aug. 26: Considered in Senate.

Aug. 27: Considered and passed Senate.

Aug. 28: Considered and passed House in lieu of H.J. Res. 665.

Mr. MORSE. This was an action to prevent men from stopping work. This was an action even ahead of the strike stage. Section 8 of the joint resolution provides:

> This joint resolution shall expire one hundred and eighty days after the date of its enactment, except that it shall remain in effect with respect to the last sentence of section 4 for the period prescribed in that sentence.

That sentence reads as follows, speaking of the award:

> The award shall continue in force for such period as the arbitration board shall determine in its award, but not to exceed two years from the date the award takes effect, unless the parties agree otherwise.

That is quite a drastic resolution. It is an interesting precedent that the Senator from Oregon cites in support of the major principle of his own resolution.

I am sorry that it was necessary to take this amount of time, but I felt that the RECORD ought to be made tonight so that it will be available to Senators tomorrow.

Mr. CLARK. Mr. President, the hour is late.

I do not intend to reply tonight to what the Senator from Oregon and the Senator from Louisiana have said. To the extent that it may be necessary, I shall be prepared to speak tomorrow.

For the moment, I feel compelled by the action of the Senator from Louisiana in placing in the RECORD a letter from the Attorney General to say that, in my opinion and in the opinion of many other lawyers in the Senate, no serious legal or constitutional issue is involved. The Attorney General raised constitutional and legal issues, and this merely creates a smokescreen that obscures the real problem. In the end, the issue between the majority of the committee and the Senator from Oregon boiled down to a question of good government and political judgment as to which method was preferable.

I have advanced my own reasons earlier as to why I think the committee resolution is preferable to that of the Senator from Oregon. I have no desire to repeat them now.

I would hope that in accordance with the order heretofore entered, the Senate might stand in adjournment until 11 o'clock tomorrow morning.

Mr. LONG of Louisiana. Mr. President, will the Senator withhold that for a moment?

Mr. CLARK. I am happy to withdraw it for the time being.

Mr. LONG of Louisiana. Mr. President, lawyers differ about many things. As a lawyer, I find myself sometimes thinking of a statement that the majority leader [Mr. MANSFIELD] once made. Senator MANSFIELD is not a lawyer; and when he has heard lawyers debate back and forth over a long period of time on some technical point of law, he has said that his best understanding about lawyers is that in every lawsuit you have lawyers on both sides; one side wins and the other side loses; so his impression is that the average lawyer is right 50 percent of the time.

I, of course, have a high regard for the legal talents of the Senator from Pennsylvania. I have a high regard for the talents of the Senator from Oregon, who was one of the great law school deans of the country prior to coming to the Senate. The Senator from Oregon has had much experience in the labor field, and I would say, as one who is a lawyer of sorts and has practiced some government law, I yield to those who are professionals in the labor field on a matter of this sort.

I do not know what experience the Senator from Pennsylvania may have had in this field; but generally speaking, Mr. President, it has been my opinion that the Attorney General is a very good lawyer, and he has some extremely able lawyers available to work with and advise him in this field. I would say that if I were seeking a sound opinion from someone on a matter of this sort, the opinion of the Attorney General would rate very high, in my judgment.

The Senator from Oregon is also a very experienced student and teacher of the law. In the labor relations field he has been eminent.

I should say, Mr. President, that while every Senator is entitled to have the highest regard for his own opinion, I would not lightly dismiss the opinion of the Attorney General of the United States and the opinion of the senior Senator from Oregon on a matter such as this, where both of them have great experience and, in my judgment, great talent in the field.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Hackney, one of its reading clerks, announced that the House had agreed to the amendment of the Senate to the bill (H.R. 10220) for the relief of Abdul Wohabe.

The message also announced that the House had passed the following bills and joint resolutions, in which it requested the concurrence of the Senate:

H.R. 7028. An act to provide compensation to the Crow Tribe of Indians, Montana, for certain lands, for the validation of titles of those lands, and for other purposes;

H.R. 7973. An act to amend section 4339 of title 10, United States Code;

H.R. 8000. An act to amend the Ship Mortgage Act, 1920, relating to fees for certification of certain documents, and for other purposes;

H.R. 11979. An act to make permanent the act of May 22, 1965, authorizing the payment of special allowances to dependents of members of the uniformed service to offset expenses incident to their evacuation, and for other purposes;

H.R. 11984. An act to amend section 701 of title 10, United States Code, to authorize additional accumulation of leave in certain foreign areas;

H.R. 12596. An act to amend the Immigration and Nationality Act, as amended;

H.R. 13982. An act to amend the act of August 14, 1964, to authorize payments of any amounts authorized under the act to the estate of persons who would have been eligible for payments under the authority of the act, and for other purposes;

H.R. 14075. An act to authorize the Secretary of Commerce to settle and pay certain claims arising out of the taking of the 1960 decennial census;

H.R. 14615. An act for the relief of certain members and former members of the Army on whose behalf erroneous payments were made for storage of household goods;

H.R. 15485. An act to authorize the exchange of certain fluorspar and ferromanganese held in the national and supplemental stockpiles;

H.R. 15748. An act to amend title 10, United States Code, to authorize a special 30-day period of leave for a member of a uniformed service who voluntarily extends his tour of duty in a hostile fire area;

H.R. 16074. An act to cancel certain unpaid interest accrued after September 30, 1931, on loans made to World War I veterans upon the security of adjusted-service certificates;

H.J. Res. 561. Joint resolution to authorize the Secretary of the Army to furnish memorial headstones or markers to commemorate those civilians who lost their lives aboard the submarine U.S.S. *Thresher*; and

H.J. Res. 810. Joint resolution to authorize the President to proclaim the 8th day of September 1966 as "International Literacy Day."

HOUSE BILLS AND JOINT RESOLUTIONS REFERRED

The following bills and joint resolutions were severally read twice by their titles and referred, as indicated:

H.R. 7028. An act to provide compensation to the Crow Tribe of Indians, Montana, for certain lands, for the validation of titles of those lands, and for other purposes; to the Committee on Interior and Insular Affairs.

H.R. 7973. An act to amend section 4339 of title 10, United States Code;

H.R. 11979. An act to make permanent the act of May 22, 1965, authorizing the payment of special allowances to dependents of members of the uniformed services to offset expenses incident to their evacuation, and for other purposes;

H.R. 11984. An act to amend section 701 of title 10, United States Code, to authorize additional accumulation of leave in certain foreign areas;

H.R. 15485. An act to authorize the exchange of certain fluorspar and ferromanganese held in the national and supplemental stockpiles;

H.R. 15748. An act to amend title 10, United States Code, to authorize a special 30-day period of leave for a member of a uniformed service who voluntarily extends his tour of duty in a hostile fire area; and

H.J. Res. 561. Joint resolution to authorize the Secretary of the Army to furnish memorial headstones or markers to commemorate those civilians who lost their lives aboard the submarine U.S.S. *Thresher*; to the Committee on the Armed Services.

H.R. 8000. An act to amend the Ship Mortgage Act, 1920, relating to fees for certification of certain documents, and for other purposes; to the Committee on Commerce.

H.R. 12596. An act to amend the Immigration and Nationality Act, as amended;

H.R. 13982. An act to amend the act of August 14, 1964, to authorize payments of any amounts authorized under the act to the estate of persons who would have been eligible for payments under the authority of the act, and for other purposes;

H.R. 14075. An act to authorize the Secretary of Commerce to settle and pay certain claims arising out of the taking of the 1960 decennial census;

H.R. 14615. An act for the relief of certain members and former members of the Army on whose behalf erroneous payments were made for storage of household goods;

H.R. 16074. An act to cancel certain unpaid interest accrued after September 30, 1931, on loans made to World War I veterans upon the security of adjusted-service certificates; and

H.J. Res. 810. Joint Resolution to authorize the President to proclaim the 8th day of September 1966 as "International Literacy Day": to the Committee on the Judiciary.

ADJOURNMENT UNTIL 11 A.M. TOMORROW

Mr. LONG of Louisiana. Mr. President, if there be no further business to come before the Senate, I move, in accordance with the order heretofore entered, that the Senate adjourn until 11 o'clock a.m. tomorrow.

The motion was agreed to; and (at 6 o'clock and 45 minutes p.m.) the Senate adjourned until 11 o'clock a.m., Wednesday, August 3, 1966.

NOMINATIONS

Executive nominations received by the Senate August 2, 1966:

IN THE AIR FORCE

Marsene E. Adkisson, FR34673, for reappointment to the active list of the Regular Air Force, in the grade of lieutenant colonel, from the temporary disability retired list, under the provisions of sections 1210 and 1211, title 10, United States Code.

The following persons for appointment in the Regular Air Force, in the grades indicated, under the provisions of section 8284, title 10, United States Code, with a view to designation under the provisions of section 8067, title 10, United States Code, to perform the duties indicated, and with dates of rank to be prescribed by the Secretary of the Air Force:

To be captain, USAF (Medical)

Robert S. Demski, FV3126109.

To be captain, USAF (Dental)

Richard A. Gallagher, FV3140460.

To be first lieutenants, USAF (Dental)

James L. Bowman, FV3142061.
John W. Nehls, Jr., FV3165753.
Paul C. Doran, FV3141533.
Kenneth L. Roehrig, FV3142321.

The following distinguished graduates of the Air Force precommissioned schools for appointment in the Regular Air Force in the grade of second lieutenant, under the provisions of section 8284, title 10, United States Code, with dates of rank to be determined by the Secretary of the Air Force:

Charles J. Abbe, FV3160420.
Frederic L. Abrams, FV3177377.
John W. Adams, FV3172214.
Bruce D. Allen, FV3183795.
Mervin B. Allen, FV3162834.
Martin G. Anderson, FV3183796.
Lawrence A. Ankeney, FV3175861.
Edward L. Arnn, Jr., FV3159580.
Karl Auerbach, FV3174225.
Jon P. Bachelder, FV3160996.
John W. Bandy, FV3170928.
John B. Barham, FV3159199.
Richard L. Bartels, FV3175729.
James B. Barton, FV3173013.
John W. Beasley, FV3176371.
Scott W. Beckwith, FV3162232.
Robert E. Bennett, FV3173610.
David W. Blakely, FV3162565.
Samuel J. Bowden, FV3183800.
George V. Boyd III, FV3174738.
John A. Boyd, FV3175555.
Paul H. Bragaw, FV3159382.
James H. Brittingham, FV3162980.
Wesley H. Broers, FV3158508.
Nelson C. Brown, FV3176911.
John F. Bubel, FV3174526.
James P. Buchanan, FV3162238.
Daniel R. Burchfield, FV3163510.
William E. Burrows, FV3172294.
John A. Caffo, FV3171671.
Lawrence J. Cahill, FV3174077.
Von A. Campbell, FV3179210.
Ralph J. Capio, FV3174079.
William L. Cesarotti, FV3172203.
Michael A. Ciolli, FV316217.
Alan B. Cirino, FV3171306.
Warren E. Cockerham, FV319204.
Sebastian Coglitore, FV3174177.
Peter Conforti, FV3179188.
Richard Coullahan, FV3174178.
Kenneth E. Cox, FV3183801.
Gary L. Curtin, FV3173179.
Arthur D. Daub, FV3172495.
Bobby G. Davis, FV3183803.
John S. Davis, FV3159205.
William W. Davis, FV3173944.
Richard A. Devoss, FV3173180.
David M. Dirks, FV3134217.
Gary R. Ebert, FV3177367.
Edgar C. Edwards, FV3160072.
William V. Edwards, FV3161250.
Timm G. Engh, FV3183804.
John J. Ezell, FV3162383.
Jack S. Fenster, FV3158224.
William D. Fields III, FV3171933.
John M. Florell, FV3172790.
Joseph V. Florini, FFV3133965.
Richard E. Ford, FV3172498.
Thomas W. Forehand, FV3183806.
Alan M. Forker, FV3172664.
James A. Freeman, FV3171599.
Phillip M. Friday, FV3178987.
Robert C. Fuge, FV3174231.
Lewis B. Gaines, FV3172921.
Brian W. Galusha, FV3174408.
Manuel W. Garrido, FV3174187.
Samuel R. Gaston, FV3162578.
John D. German, Jr., FV3177203.
Sidney C. Gibson, FV3183807.
Ronald A. Gieleghem, FV3173492.
Benjamin J. Giles, FV3157319.
Joseph K. Gill, FV3174542.
Orest R. Gogosha, FV3174486.
Richard A. Goodwin, FV3174021.
Howard M. Goodwyn, Jr., FV3154490.
Leon M. Gopon, FV3158532.
John B. Gordon, FV3172372.
Wade A. Greer, FV3176620.
James R. Grigsby, FV3171047.
David M. Grimm, FV3173434.
Robert K. Gross, FV3173562.
Donald L. Hall, Jr., FV3179141.
Stephen E. Harrison, FV3159411.
Gary T. Hawes, FV3176759.
Lee M. Hazel, FV3183811.
Wayne R. Heinke, FV3172503.
Earl D. Henderson, FV3183813.
Arthur K. Hendrick, FV3183814.
Peter M. Hendricks, FV3172454.
James L. Hendrickson, FV3175131.
Dennis C. Hermerding, FV3176274.
John C. Heuss, FV3174593.
Douglas W. Hill, FV3157705.
Terry S. Hoag, FV3158486.
Gerald R. Holladay, FV3183815.
Claude F. Hough III, FV3175564.
Richard A. House II, FV3171230.
Harold E. Howell, FV3183816.
Jack D. Howell, FFV3163517.
Robert F. Jobe, FV3171050.
Gerald L. Jones, FV3183818.
Johnnie Kemp, FV3176455.
David J. Kilpatrick, FV3177423.
James T. Kindle, FV3160212.
Oscar W. King, FV3158054.
Jerry G. Klinko, FV3171142.
Ronald D. Langlas, FV3172678.
John T. Large, FV3183842.
Charles T. Larue, Jr., FV3176281.
Robert G. Leadbitter, FV3177309.
Douglas L. Leavens, FV3174594.
Robert L. Leboeuf, FV3179206.
Jamie R. Little, FV3173716.
Daniel W. Litwhiler, FV3158171.
Harold E. Livings, FV3174415.
Gerald J. Lopez, FV3176027.
John S. Lowry III, FV3171008.
Milton A. Magaw, FV3174115.
Gary J. Magnusson, FV3174116.
Frederic J. Maley, FV3159339.
Robert C. Marcan, FV3171314.
Phil S. Martin, FV3175569.
William M. Martin, Jr., FV3174639.
Martin R. McAulay, FV3171146.
Ronald A. McBride, FV3172076.
Roland J. McDonald, FV3173545.
William R. McFadden, FV3172960.
William B. McKelvey, FV3175077.
Robert M. McWhorter, FV3174712.
Richard G. Meck, FV3171512.
Robert A. Meyer, FV3175290.
Douglas A. Milbury, FV3174418.
Barry A. Miller, FV3176394.
Kent G. Miller, FV3176547.
Norman A. Mingle, FV3174642.
Gary L. Mitchell, FV3173854.
Joseph A. Mitchell, FV3170746.
Stephen J. Mitchell, FV3174643.
William A. Mitchell, FV3176651.
Carroll E. Mizelle, FV3178975.
Thomas N. Moe, FV3175200.
David M. Morrison, FV3175837.
Wendell F. Moseley, Jr., FV3176707.
David J. Moss, FV3175431.
Gene P. Neely, FV3173906.
Donald J. Neese, FV3183827.
George E. Nelson, FV3183828.
Norman S. Newhouse, FV3179131.
James G. Nicholas, FV3174128.
William C. Oberlin, FV3172548.
William J. O'Neill, FV3172472.
Wesley E. Parks, FV3176859.
Clifford L. Pate, FV3183829.
Roger G. Patrick, FV3173966.
Michael L. Patton, FV3172264.
Dennis A. Piermarini, FV3178980.
William Popendorf, FV3171354.
Stephen G. Porter, FV3179149.
Bronislaw Prokuski, Jr., FV3160563.
Thomas Radziewicz, FV3174138.
Barry J. Rapalas, FV3171016.
George A. Repasy, FV3171232.
Franklin M. Ridenour, FV3173061.
Kenneth A. Rivers, FV3174212.
Kenneth L. Roberts, FV3170966.
Albert E. Rodriguez, FV3173500.
William V. Rogers, FV3160991.
William G. Rohde, FV3172817.
Johnny W. Roquemore, FV3170752.
Richard L. Rose, FV3177179.
Gary C. Ross, FV3173152.
Richard H. Rossmiller, FV3172551.
William J. Ruddell, FV3172333.
Jay D. Ruzak, FV3171360.
Thomas E. Ruzzo, FV3172418.
Terry Sao, FV3177181.
Lawrence E. Sawler, FV3173154.
Charles P. Saxer, FV3171018.
Edward J. Schur, FV3174152.
Barry P. Scott, FV3175579.
Robert J. Selter, FV3172636.
Robert E. Setlow, FV3177092.
Dennis A. Sevakis, FV3173504.
George F. Shaw, FV3155933.
George W. Shell, FV3158064.
James E. Sherrard III, FV3173729.

Carlan W. Silha, FV3172050.
James R. Sloan, FV3177105.
William E. Smith, FV3158818.
William R. Sneddon, FV3183831.
Joseph A. L. Soulia, FV3183832.
William F. Spitzer, FV3175240.
William E. Stanfill, FV3159172.
Richard P. Stead, FV3175514.
Jackie L. Stopkotte, FV3183833.
Daniel E. Stribling, FV3176688.
Errol G. Stump, FV3175347.
Ellison Summerfield, FV3177217.
Robert Taiclet, FV3178892.
Eugene L. Tattini, FV3177388.
Charles H. Tracy, FV3183834.
Bobby D. Taylor, FV3174726.
Earl A. Tonjes, FV3174981.
John P. Tonkinson, FV3174161.
Theodore L. Tower, FV3173476.
Paul E. Tyler, FV3183841.
Leon G. Vandevender, FV3173686.
James Vanlare, FV3174507.
Nicholas C. Varney, FV3177364.
Michael J. Weppner, FV3172486.
Durren L. Westbrooke, FV3183763.
Thomas J. Westerman, FV3173808.
David J. Westfall, FV3161245.
John T. Whaley, FV3176403.
Anthony N. White, FV3161410.
Henry C. Willener, FV3161462.
Edward D. Willette, FV3183837.
David J. Willoughby, FV3172640.
Bennie J. Wilson, FV3171157.
Donald H. Wolber, FV3172441.
James H. Wood, FV3176141.
John A. Zaloudek, FV3134141.
James L. Zartman, FV3176829.
David M. Zieff, FV3160581.
Jaul J. Zwolinski, FV3175973.

Subject to medical qualification and subject to designation as distinguished graduates, the following students of the Air Force Reserve Officers' Training Corps for appointment in the Regular Air Force, in the grade of second lieutenant, under the provision of section 2106, title 10, United States Code, with dates of rank to be determined by the Secretary of the Air Force:

Robert E. Allison, Jr.
Robert C. Allphin, Jr.
Lee S. Altpeter
Alden H. Armentrout
Palmer G. Arnold
Robert B. Barnes
David W. Barton
Robert L. Bennett
William H. Block
James E. Bohlen
Ralph H. Boswell
Jon E. Bouwhuis
William B. Brackin, Jr.
Ronald L. Bruce
George M. Burnup
Stanley J. Bury
Frederick W. Butler
John P. Cable
Curtis S. Carlson
James G. Chickles
Robert A. Coulter
Bruce T. Cowee
James P. Crumley, Jr.
Frederich C. Damm
Otha B. Davenport
Robert I. Davis
Roger S. Dong
James H. Doolittle III
Timothy R. Eby
William H. Edwards II
James C. Elliott
Donald L. Ellis
Nathan F. Fulcher, Jr.
Robert W. Gallon
Richard A. Garrett
Frank W. Gayer
Marlin H. Golnitz
Howard W. Guiles
Claudie A. Hamilton
Nicholas D. Hanks
Robert M. Hargett
George W. Hazlett
Harold E. Heater
Robert A. Hendrix
William C. Henny
James L. Horton, Jr.
James B. Houston
Bernard A. James
Bradford P. Johnson
Donald L. Krump
Frederick E. Lackey
Richard C. Lemon
Eugene M. Loffbourrow, Jr.
William N. Manning
Michael S. McAllister
Danny L. Mencke
Charles L. Miller, Jr.
John W. Miller
William P. Miller III
Marcus M. Mullis
Dennis J. Murphy
John R. Niles
Leonard J. Otten III
Ronald L. Paxson
Dennis W. Rabe
Alfred J. Ramsey
David B. Reuber
Michael C. Saunders
William D. Schmelzer
Richard L. Schoff
Robert G. Sims
Benjamin D. Smith
William D. Smith
Ronald D. Stafford
Richard H. Swasey
Franklyn Tauzel
Thomas L. Terrell
Ra D. Weaver
Henry D. Webb, Jr.
Joseph W. Widhalm

IN THE ARMY

The following-named officers for promotion in the Regular Army of the United States, under the provisions of title 10, United States Code, sections 3284 and 3305:

To be colonels

Cortez, James J., O53277.
Sydnor, William D., Jr., O32618.

The following-named officers for promotion in the Regular Army of the United States, under the provisions of title 10, United States Code, sections 3284 and 3299:

To be lieutenant colonel, Medical Corps

Schwamb, Halbert H., O67954.

To be lieutenant colonel, Medical Service Corps

Kinney, Charles R., O38566.

To be majors

Doerer, Richard C., OF106098.
Lotz, Alvin W., OF106176.
Thoreson, Dale B., O67477.

To be major, Medical Service Corps

Paradise, Leo J., O73110.

To be captains, Medical Corps

Pastore, Robert A., OF105788.
Stafford, Chester T., OF105831.
Warden, David R., OF105577.
Wilson, Don E., OF106256.
Wurster, John C., OF105884.

To be captains, Dental Corps

Beatty, Edward J., OF106055.
Edington, Dodd E., OF105663.
Wehmeyer, Thomas E., OF106254.

To be captain, Medical Service Corps

Riordan, Michael W., O83442.

The following-named officers for promotion in the Regular Army of the United States, under the provisions of title 10, United States Code, sections 3284 and 3298:

To be first lieutenants

Adamick, Donald H., O99124.
Adams, Donald L., Jr., O97375.
Adams, Jack E., O98571.
Adams, Peter D., O98572.
Adkins, Steven M., O97379.
Alakulppi, Vesa J., O98573.
Alexander, William, O98574.
Alger, Terrence F., O98575.
Allen, Glenn R., O97380.
Allen, Harold F., O98002.
Allen, Jonathan W., O98576.
Allen, Michael B., O98577.
Almaguer, Joseph A., O98578.
Anastas, John M., O98003.
Andersen, Jerome R., O98579.
Andersen, Ronald J., O98004.
Anderson, Don W., O97382.
Anderson, Lawrence, O98580.
Anderson, Randall J., O98006.
Anderson, Robert L., O98330.
Andre, David J., O98007.
Andrean, Charles M., OF104369.
Andrews, James H., O97383.
Angle, Thomas L., O97384.
Arbogast, Gordon W., O98581.
Armogida, James A.,O98582.
Armstrong, Donald G., O98583.
Armstrong, Lester F., O98360.
Aronson, Stephen M., O97385.
Arrington, Theron R., O98010.
Asbury, Lloyd T., O98584.
Aufdemberge, Robert, O98013.
Bagby, Durwood R., O98585.
Baker, Alfred W., O98014.
Balady, Salim J., O98349.
Ballard, Clark T., O98586.
Banks, Edgar, Jr., O98587.
Barber, Duane D., O97386.
Barger, Walter K., O98103.
Barnett, William A., O97388.
Barron, Max R., O98588.
Barron, William M., O98366.
Barry, David A., Jr., OF102808.
Barry Michael J., O98589.
Bartee, William F., O97400.
Bassett, Byron E., O98590.
Baucum, William N., O98591.
Bauer, Frank L., O98369.
Baumann, Bruce W., O98018.
Baumgarten, John R., OF104372.
Beach, Karl L., O98592.
Beatty, Norman E., O98593.
Beatty, Phillip M., O97391.
Becker, James W., O97392.
Beitz, James E., O97394.
Bell, Clarence D., Jr., 098020.
Bell, John P., O98594.
Bennett, Jerry C., O98021.
Benson, Phillip E., O96316.
Bentson, Peter M., O98595.
Bentz, George H., O98596.
Benware, Marshall G., O97398.
Best, Stephen J., O98597.
Best, Thomas W., O97411.
Betaque, Norman E., O98598.
Bishop, Alexius O., O98022.
Bisio, Carl A., O97402.
Bitter, David D., O98023.
Bivens, Rodger M., O98599.
Blackgrove, Joseph, O98600.
Blackwell, Eugene B., O98601.
Blackwell, James L., O98602.
Bleam, William D., O98024.
Boberg, Walter W., O98375.
Boehlke, Robert J., O98603.
Boesch, Carl R., O97409.
Boice, William M., O98604.
Bollman, Allen R., O97705.
Bolt, William J., OF105629.
Borden, Donald F., O97413.
Born, Howard P., O97412.
Bosma, Phillip H., O98606.
Bowes, Robert S., III, O98607.
Boyle, Michael J., O98608.
Bradford, John D., O99134.
Brady, Edward C., O98609.
Bragg, Thomas B., O98381.
Brant, Arthur S., O98028.
Braun, Sidney J., O98382.
Brendle, Thomas M., O98610.
Brennan, Thomas R., O98611.
Brett, Thomas H., O97417.
Brewer, Thomas A., O99136.
Briggs, Donald T. E., OF101181.
Briggs, Joseph, O97419.
Brinkley, Harley L., O99137.
Brobeil, Francis G., O97420.
Brodie, Craig E., O97421.
Brown, Gerald A., O98385.
Brown, Noel A., O98614.
Brown, Ralph P., O98615.
Brown, Robert E., Jr., O98616.
Brown, William R., Jr., O98617.
Brownback, Paul T., O98618.
Bruce, Robert, O98619.
Brunner, Harry J., Jr., O97860.
Bryan, Edward R., O98251.
Bryant, Thomas, O98386.
Buchheim, Steven O., O98620.
Buckley, Peter J., O98621.
Bugielski, Dennis E., O97430.
Bunting, Josiah, III, O98040.
Burke, Peter P., O98387.
Butler, Johnny M., O99140.
Butts, Melvin A., O97433.
Byard, Johnny R., O99141.
Byrne, Donald G., O98622.
Byrns, John W., O98623.
Cademartori, James, O97434.
Cady, Donald F., O98054.
Caldwell, Marion L., O98043.
Cannaliato, Vincent, O97437.
Cannon, Hoyt E., Jr., O98388.
Capps, Larry R., O98625.
Carey, Spencer V., OF104386.
Cargile, Eugene D., O98626.
Carlson, Albert E., O99143.
Carmouche, Joseph M., O99142.
Carney, Thomas P., O98627.
Carns, Edwin H. J., Jr., O98628.
Carr, Peter H., O97443.
Carroll, Bartlett J., O98063.
Cartland, John C., Jr., O97446.

Casey, Thomas E., O98629.
Castleberry, Pierce, O98390.
Cawley, Thomas J., O98047.
Caywood, James R., O98630.
Cebula, Joseph A., OF101051.
Chambers, James E., O98392.
Chapman, Alan A., O98631.
Chase, Jack S., O98632.
Chavey, Robert G., O97451.
Cheal, Arnold E., O99145.
Chester, James T., Jr., O97452.
Chickedantz, Carle, O98633.
Childers, Stephen A., O98634.
Chinen, Paul Y., O97453.
Chrisman, Ronald G., O98635.
Christensen, Allen, O98636.
Christian, Stephen, O98393.
Church, Billy R., O99146.
Cianfrocca, Gerald, O97456.
Cibik, Dennis M., O98394.
Ciz-Madia, Joseph, O98395.
Clark, Allen B., Jr., O98637.
Clark, William N., O98638.
Clarke, Warren E., O97458.
Clay, Michael A., O98639.
Clement, James F., O97459.
Clifford, David M., O98052.
Clinton, Roy J., O98640.
Cochran, Larry W., O98396.
Coe, Gary Q., O98641.
Coker, Fletcher C., Jr., OF105359.
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Sanchez, Luis T., O98919.
Sarn, James E., O98920.
Sarratt, Robert R., O99246.
Sartor, William M., O98921.
Sasaki, Raymond N., O98276.
Sausser, Robert G., O98922.
Savage, George N., O98277.
Sawin, Peter L., O98923.
Scharf, Paul A., O97764.
Schaum, Fred W., O98925.
Scheidig, Robert E., O98926.
Scherrer, George, Jr., O98927.
Schmidt, Charles L., O98928.
Schodowski, Leonard, O98090.
Schwartz, Karl O., O98930.
Scott, Alan H., O98931.
Scott, William W., O98282.
Scott, William A., O99247.
Seay, Thomas P., O98535.
Seidel, Andrew B., O98932.
Seiwert, Anthony J., O98933.
Senecal, Jan L., O98934.
Sepanski, Stephen J., O97775.
Seremeth, Andrew J., O97776.
Shanholtz, James E., O98537.
Shell, William L., O99248.
Shelton, Gerald F., O97780.
Shepard, John T., O98935.
Shepherd, James G., O97781.
Shine, Alexander P., O98936.
Shirley, Frederick, OF105825.
Shotwell, James H., O98937.
Siebenaler, Donald, O98938.
Sielinski, Peter E., O97785.
Silberstein, Kenneth, O98939.
Sill, Louis F., Jr., O98940.
Silvasy, Stephen, Jr., O98941.
Silvey, William J., O98942.
Sim, Alan R., O98943.
Simmons, Michael D., O98944.
Simonetta, Russell, O98945.
Sivacek, Paul M., O97787.
Sivells,, James B., O99249.
Skender, Louis E., O98284.
Skierkowski, Paul, O98285.
Slakie, Ronald J., O97788.
Sloane, Robert L., O98946.
Smart, Neil A., O98947.
Smelcer, Charles, OF103906.
Smith, Allen C., O97790.
Smith, Converse B., O97791.
Smith, Donald J., O98948.
Smith, Emmette W., O98949.
Smith, Glenn N., O98950.
Smith, Kenneth V., O97793.
Smith, Patrick R., O98951.
Smith, Roger M., O98952.
Smith, Vernon L., O99252.
Smith, William D., Jr., O98953.
Snetzer, Michael A., O98290.
Solenberger, Thomas, O98954.
Sorensen, James E., O98955.
Sorrentini, Hector, O97798.
Soth, Michael J., O98956.
Sowers, Errol G., O99254.
Speed, James W., O98957.
Spight, Thomas, Jr., O98548.
Spohn, Larry L., O98958.
St. Amant, Philemon, O98959.
Stahl, Steven P., O98961.
Stamey, Victor E., O98549.
Stanley, Paul D., O98962.
Steiner, Frederick, OF105832.
Steadman, Kenneth A., O98550.
Steele, Robert M., O98963.
Steinig, Ronald D., O98964.
Stennis, William H., O98965.
Sterrett, John D., O98298.
Stevens, Pat M. IV, O98966.
Stewart, Charles W., O98967.
Stidham, Robert J., O98968.
Stiner, Tommy C., O99258.
Stoesser, Joel W., O98306.
Stonehouse, Gerald, O98969.
Stotski, Chester J., O99259.
Stratton, John W., O97805.
Strauss, Robert E., O98300.
Stribling, Roger W., O98970.
Strickland, David S., OF104554.
Strommer, Mathias A., O98551.
Struble, Daniel O., O98971.
Stryker, James W., O98972.
Stuart, Raymond W., O97806.
Sturbois, Louis J., O98973.
Sturges, Scott L., O98154.
Suddick, Robert A., O97809.
Sullivan, Bloomer D., O99262.
Sullivan, Gerard A., O97810.
Sullivan, John E., O97811.
Sullivan, John P., O97812.
Sullivan, Terrence, O97813.
Summers, Michael H., O98974.
Surgent, Joseph R., O97814.
Sutton, Paul D., O98975.
Swan, Alfred W., Jr., O97550.
Swenson, William E., O97816.
Swisher, Arthur H., O98976.
Taft, John M., O98303.
Tagliaferi, Frederick, O99263.
Taillie, Dennis K., O98977.
Takata, Alvin M., O98304.
Talbott, Charlie Y., O98305.
Tames, Robert G., OF103912.
Tate, Christopher P., O98978.
Taylor, Archie B., Jr., O97820.
Taylor, James D., O99193.
Terry, Elbridge W., O98555.
Tezak, Edward G., O98979.
Thomas, James M., O97823.
Thomas, Michael T., O98308.
Thomas, Ronald W., O97824.
Thompson, Leon G., O98980.
Thompson, Tommy R., O98981.
Thomson, Alexander, O98982.
Thorlin, Philip S., O98983.
Tierney, William J., O97827.
Tilelli, John H., Jr., O98309.
Tilson, James G., O99265.
Tiwanak, Eugene N., O98181.
Tomita, Ralph S., OF105847.
Tomlin, James E., O97829.
Tracz, William J., OF103915.
Travis, James O., O97831.
Trucksa, Robert C., O98984.
Tubb, Albert H., O98491.
Turpin, William C., O98985.
Tyler, Tyron S., O98986.
Tyner, Harris W., O99266.
Uyenoyama, Dennis H., O98315.

Vail, John S., O98192.
Van Zant, John H., Jr., OF105570.
Vande Hei, Thomas F., O98317.
Vandermosten, John, O97838.
Vanderploog, Paul J., O98318.
Vanneman, Robert G., O98987.
Varnell, Allan K., O98988.
Vaughan, Curry N., Jr., O98989.
Vaughn, Robert H., O99267.
Vaughn, Tom J., Jr., O98990.
Vecchiarello, Robert, O98278.
Vejar, Ray J., OF103761.
Venes, Richard A., O98991.
Verrier, Thomas L., O99209.
Vesey, Joseph T., O99268.
Virant, Leo B., II, O98992.
Vlasak, Walter R., O98322.
Vogel, Robert A., O98993.
Vogt, Herman J., O97841.
Vopatak, Michael J., O98994.
Voss, Didrik A., O98995.
Vote, Gary F., O98996.
Wahlbom, Philip C., OF102662.
Walker, John J., O98343.
Walker, John S., Jr., O98997.
Walker, Ralph, II. O98998.
Wall, John C., O98999.
Wall, Kenneth E., Jr., O99000.
Wall, Lewis W., O97842.
Wall, Sandy K., O99001.
Wallace, Gary F., O98505.
Wallace, Terrence M., O98326.
Waller, John S., O99002.
Walsh, Cecil L., O98560.
Walsh, John P., O97843.
Walsh, Michael E., O99003.
Walsh, Richard R., O99004.
Walsh, Robert E., O97844.
Walton, Charles M., O98329.
Wandke, Richard D., O99223.
Wangsgard, Chris P., O99005.
Ward, Richard F., O99270.
Warder, Hiram W., II, O99006.
Ware, Robert P., O97698.
Waring, Kurt E., O97849.
Watkins, James M., O99525.
Watson, Jerry L., 099271.
Watson, Raymon L., O97850.
Weber, Richard E., O99007.
Weishaupt, Robert M., O98561.
Welch, Kennard R., O97853.
Wenners, Edward B., O97854.
Westbrook, Joseph A., O99008.
Westermeier, John T., O99009.
Weyrauch, Paul T., O99010.
Wheeler, John B., O99011.
Whidden, David L., Jr., O99012.
Whipple, Robert E., 098335.
White, Charles T., Jr., O99013.
White, George C., III, O99528.
White, John M., Jr., O97723.
White, Perry S., O98336.
Whitehead, William, O99014.
Whitesides, Leonard, O97861.
Whitman, Gordon L., O97862.
Wilde, Gary D., O99529.
Wilde, Ronnie L., O99530.
Wildrick, Edward W., O99015.
Williams, Budge E., O98564.
Williams, Douglas T., O99016.
Williams, Gomer R., O98339.
Williams, Robert G., O99276.
Williams, William J., O98340.
Williams, William J., O99277.
Williamson, John G., 0F103923.
Willman, Landon P., O99278.
Willson, Daniel A., O99017.
Wilman, James F., O97865.
Wilson, Joe H. R., O99018.
Wilson, John W., III, O99019.
Wilson, Richard A., O99021.
Wilson, Thomas A., II, O99022.
Wilson, William L., O99023.
Wilson, William, O98567.
Winder, Gordon L., O99280.
Wing, Raymond A., O97869.
Winn, Robert E., O98247.
Winters, Robert F., O99024.
Wishart Francis E., O97871.
Wishowski, Thomas M., O99281.
Witt, William W., O99025.
Wolz, Donald J., O99026.
Womack, Charles H., O98344.
Wood, Robert H., O99027.
Wood, Shelton E., OF105881.
Woods, John M., Jr., O99028.
Woods, Luther L., O99029.
Wright, Johnny F., OF105882.
Wright, Walter C., Jr., OF105883.
Wroblewski, Frank M., OF103732.
Wykle, Kenneth R., O98347.
Wyrwas, John A., O99030.
Xenakis, John J., O97872.
Yamashita, Teddy K., O99031.
Yanagihara, Galen H., O99032.
Yando, Arthur N., O99256.
Yearout, Paul H., O99282.
Yoshimura, John P., O98348.
Young, Richard G., Jr., O99034.
Young, Ronald E., O98569.
Young, Timothy R., O99035.
Zelley, Robert A., O99036.
Zeltner, Richard L., O98351.
Zimmerman, James E., O99284.
Zinni, Gabriel J., O98354.

To be first lieutenants, Medical Service Corps

Boe, Gerard P., OF105330.
Carlson, Ronald O. J., O98046.
Covington, William, OF102837.
Dorogi, Louis T., O97497.
Fahey, Thomas E., O97404.
Finkelstein, Eugene, OF105386.
Fleming, Jerry M., O97522.
Fobbs, Benjamin F., O98420.
Gregg, Jerry L., OF105413.
Grosshans, John H., O99169.
Hanson, Larry L., O98130.
Harrell, Henry C., OF104442.
Hawkins, James W., Jr., O97577.
Kingry, Roy L., Jr., O98794.
Ladestro, Ralph, OF105455.
Megehee, Jacob H., O99212.
Meuth, Michael L., O97442.
Miketinac, Bruce T., O97681.
Mitchell, Charles H., O99494.
Modarelli, Robert O., O97755.
Modderman, Melvin E., O97687.
Nason, Jesse N., OF105776.
Nutt, John W., OF105780.
Pierce, Gerald P., O99503.
Provost, John M., O98525.
Schnakenberg, David, O97767.
Simpson, Arthur E., O98541.
Stephenson, Thomas, O98115.
Stocks, Robert B., O98180.
Walker, Jimmy, OF103767.
Warner, Lyle W., OF104573.
Weiser, Philip C., O99227.
Wichelt, Roger H., O99273.
Zalkalns, Gundars, O97875.

IN THE AIR FORCE

The following-named officers for promotion in the Regular Air Force, under the appropriate provisions of chapter 835, title 10, United States Code, as amended. All officers are subject to physical examination required by law.

Lieutenant colonel to colonel

LINE OF THE AIR FORCE

Aamodt, Duane A., FR13643.
Abrahajam, Bruce H., Jr., FR22591.
Adams, William P., Jr., FR11810.
Ahalt, Roy M., Jr., FR34343.
Alderson, Sam W., FR34015.
Alexander, Jim V., FR12215.
Alkonis Stanley J., FR51804.
Allen, Robert C., FR14624.
Amick, Roy W., FR34001.
Amundson, Lowell O., FR13561.
Andersen, Leslie E., FR33615.
Anderson, John G. M., FR33497.
Anderson, John J., FR14475.
Andrae, Paul H., II, FR13309.
Aswad, Saleem, FR14042.
Atteberry, Billy N., FR33681.
Aumer, Thurman D., FR13857.
Ayres, Frank L., FR18173.
Baldwin, Oscar F., Jr., FR33326.
Ballinger, Philip R., FR14404.
Bankard, Harry V., FR33859.
Bard, Paul F., FR34184.
Barnett, James W., FR13924.
Barry, Michael A., FR33588.
Bartlett, Edward J., FR34166.
Bass, Robert A., FR20632.
Batsel, Lee H., FR34406.
Baumann, Robert P., Jr., FR18203.
Baumgardner, Haynes M., FR14897.
Baydala, Edward T., FR14091.
Beckett, Thomas A., FR10175.
Beckham, Dwight S., FR34196.
Beckman, Kenneth N., FR14183.
Behn, Milton A., FR09766.
Bell, Walter W., Jr., FR33611.
Bennett, Charles I., Jr., FR16442.
Beno, William G., FR18205.
Berry Erskine G., Jr., FR34344.
Best, William H., Jr., FR14383.
Billings, Donald E., FR33522.
Bird, Joseph M., FR34102.
Blackburn, Thomas W., Jr., FR14415.
Boelter, Herbert O., FR33689.
Bogan, Leon S., FR12224.
Bogard, Lawrence M., FR12550.
Borders, Charles W., FR18149.
Bourus, George J., FR51818.
Bower, James A., FR13691.
Bowlin, Roy L., Jr., FR09806.
Bowman, Gordon Y., FR51845.
Boyd, Henry L., FR23652.
Boyles, Dixon R., FR13874.
Bradford, James W., FR10082.
Bradley, Clyde W., Jr., FR13856.
Bradley, Lewis L., Jr., FR13995.
Brake, William J., FR13707.
Brand, Dudley V., FR33396.
Britting, Wesley E., FR14945.
Brofft, Robert E., FR14332.
Brookie, Donald W., FR33569.
Brown, Frederick I., Jr., FR33540.
Brunner, Arnold C., FR34226.
Bull, Daniel H., FR 34140.
Bullen, Howard R., Jr., FR14454.
Bulli, Dante E., FR 14964.
Burnett, Elvin E., FR 20601.
Burns, Carlton L., FR11841.
Buzard, Frank S., FR33814.
Byrd, Neal A., FR14272.
Cameron, Wallace H., FR12044.
Campbell, Warren E., FR15032.
Carkeet, John L., Jr., FR11950.
Carter, Charles R., FR09748.
Carter, Wilbur D., FR14531.
Casbeer, Roy N., FR14858.
Casey, Robert W., Sr., FR51842.
Cavanaugh, William D., FR12938.
Cecil, Thomas J., FR23654.
Chamberlain, Clarence N., Jr., FR23686.
Chasteen, John R., FR33505.
Chenault, Charles J., FR14665.
Christensen, Douglas H., FR14672.
Christner, Winton, FR34246.
Churchville, Louis J., FR12635.
Clark, James K., FR13673.
Clark, Waymon D., FR12749.
Clark, William T., Jr., FR13611.
Clarke, Donald L., FR12531.
Clarke, John S., Jr., FR14963.
Clarke, Russell C., FR13934.
Claybaugh, K. Wayne, FR14854.
Clemence, Charles J., Jr., FR14017.
Clisham, Winston H., FR22618.
Cloaninger, Francis A., FR34230.
Clowry, John P., FR23687.
Cobeaga, Mitchell A., FR34338.
Cochrane, Robert G., FR14614.
Cole, Heston C., FR10197.
Coleman, Robert G., FR14719.
Collier, Milton, FR13620.
Collins, Glenn R., FR14255.
Combs, John H., Jr., FR13368.
Conti, James F., FR33757.
Copher, Paul D., FR22619.
Cordes, Harry N., FR14659.
Cormany, William F., FR09714.
Cottingham, Paul F., FR51734.
Coursey, Robert J., FR12971.
Covell, Dwight W., FR14333.

Craig, Charles D., Jr., FR33510.
Crawford, William A., FR10005.
Crego, John C., FR14130.
Crosby, Samuel E., Jr., FR20612.
Cross, Richard G., Jr., FR14492.
Crum, Glenn, FR34237.
Culbertson, William W., FR14738.
Culet, Ralph S., FR14430.
Cummins, Daniel G., FR12136.
Cummins, Timothy, FR22594.
Curry, Deane G., FR34378.
Curton, Warren D., FR14337.
Dailey, John G., FR14910.
Daly, Robert P., FR14795.
Davis, Beverly E., Jr., FR14529.
Davis, Lavoi B., FR14136.
Davis, Ruby E., Jr., FR14946.
Decker, Lynne E., FR09720.
Delbeccaro, Vincent J., FR19779.
Deleo, Hector J., FR34030.
Dellamonico, Anthony S., FR33803.
Dessert, Donald M., FR13359.
Dethman, Ivan H., FR14258.
Dick, Wagner W., FR14139
Dixon, Robert J., FR14462.
Doersch, George A., FR09972.
Dorff, Richard W., FR09863.
Dorman, Reynold C., FR49139.
Dowell, Ralph H., Jr., FR13818.
Downey, Russell A., FR14747.
Downie, Currie S., FR14376.
Downs, Richard J., FR34297.
Dufault, William F., FR20680.
Duff, David J., FR33858.
Duff, Robert T., FR14238.
Duffus, John D., FR13563.
Dukes, Ernest F., Jr., FR14801.
Dumontier, Louis D., FR18171.
Dunaway, Kenneth D., FR14478.
Dunn, John H., FR14656.
Dusenberry, Robert K., FR13429.
Dvorak, Edward H., FR34081.
Dwyre, George T., FR34375.
Dyke, Samuel E., FR14319.
Dysart, Blan P., Jr.. FR34108.
Earhart, Pat H., FR34360.
Eckles, William H., FR34299.
Elarth, Vernon H., FR11851.
Elliott, William P., FR14043.
Emig, John W., FR34276.
Eubank, Graydon K., FR18132.
Evans, J. L., FR14368.
Evans, Lawrence W., FR33984.
Evans, William R., FR14076.
Eve, Arthur. Jr., FR33746.
Everett, Hal W., FR14323.
Fahrney, Richard L., FR18191.
Falk, David M., FR13841.
Fallon, Edward R., Jr., FR34173.
Farr, John W., FR20660.
Farr, Robert, FR12109.
Faulk, William, Jr., FR33835.
Fetters, Rolland F., FR09916.
Findlay, Clayton, FR14020.
Fisher, Charles D., Jr., FR51740.
Fisher, Gene E., FR33500.
Fitch, Edward B., FR12941.
Fitjar, Raymond A., FR34342.
Fitzgerald, Paul A., FR34364.
Flake, Alma R., FR34206.
Flannigan, Ralph E., FR06869.
Fory, Garland V., FR12612.
Foster, Charles R., FR14637.
Foster, Martin A., Jr., FR33431.
Foulk, Tom B., Jr., FR10183 .
Frakes, James F., FR09821.
Franco, John A., FR33598.
Franklin, George W., FR14699.
Frederick, Paul A., III, FR13062.
Frederick, Russell R., FR12148.
Fritz, Paul C., FR12284.
Fulmer, James H., FR33818.
Galentine, Paul G., Jr., FR14734.
Gallagher, James G., FR14056.
Gallagher, John J., FR13318.
Gallerani, Alterio, FR12746.
Gamble, Jack K., FR14026.
Garden, Francis, FR19904.
Garner, Harold C., FR33885.
Garrison, Vermont, FR33987.
Geary, Paul X., Jr., FR33592.
Gettelfinger, Robert J., FR13066.
Gibney, Richard J., FR34376.
Gibson, Billy P., FR14070.
Gilchrist, William T., FR09890.
Gill, Robert E., FR14263.
Goade, William R., FR14552.
Godbey, Donald E., FR12705.
Goforth, Pat E., FR33649.
Goodlad, Harold G., FR14520.
Goppert, Jean G., FR18167.
Gore, Granville I., FR22721.
Gray, William E., FR33833.
Green, Dexter M., FR33651.
Green, Joseph, FR12921.
Green, Robert V., FR12967.
Greene, Clarence R., FR12745.
Greene, Julius P., FR14609.
Greenspun, Morris J., FR21432.
Greer, Walker B., FR33550.
Gregory, Fountain L., Jr., FR13122.
Grimes. Robert Z., FR14342.
Griswold, Edward D., FR33352.
Groom, John F., FR14218.
Gruber, Donald C., FR33755.
Guinn, Euin N., FR14861.
Gulino, Vasco E., FR09930.
Gutekunst, Charles J., FR14474.
Guy, George A., FR34148.
Hagenback, James J., FR12372.
Hambleton, Bertram L., Jr., FR09865.
Hamill, Jimmy M., FR12243.
Hamill, Robert S., FR34078.
Hamilton, Richard L., FR13042.
Hancock. Quentin L., FR33947.
Hancock, Robert M., Jr., FR13683.
Hanks, Dale J., FR14356.
Hanna, Max E., FR33524.
Hanner, Charles K., Jr., FR13079.
Hansen, Homer K., FR14983.
Harkness. Orlo V., FR12424.
Harris, Bert S., FR09938.
Harris, Daniel B., FR14441.
Harris, George W. E., FR34033.
Harris, Robert W., FR12704.
Harte, Allan S., Jr., FR14459.
Harwell, Albert S., Jr., FR33883.
Hassel, Robert K., FR14164.
Haynie Frank M., FR10221.
Hemingway, Norman B., FR33643.
Henderson, Jack J., FR14532.
Henley, Robert M., FR13033.
Henry, Patrick H., FR14548.
Herberg, John A., FR51784.
Herrera, Alfred C., FR20608.
Hester, Benjamin F., FR12011.
Heyroth, James W., FR14789.
Hill, David M., FR33671.
Hill, Harold I., FR14714.
Hill, Louis D., FR33716.
Himes, David A., FR34112.
Hof, Robert T., FR33986.
Horgan, Michael C., FR34044.
Horn, Willard L., FR13416.
Horrocks, John T., FR33560.
Hudson, Jere H., FR09983.
Huffman, Delbert L., FR12233.
Hughes, Paul A., FR19947.
Hurley, Richard M., FR14498.
Hutchins, Alfred G., FR14682.
Iles, George J., FR14792.
Irons, Stanley W., FR09717.
Iverson, Robert W., FR33869.
Jacobi, George A., FR34009.
Jacobs, John W., FR14774.
James, Daniel, Jr., FR34012.
Jarman, Wallace J., FR34203.
Jarrett, David D., FR13636.
Jenkins, Russell H., FR33495.
Jerman, Charles E., FR12897.
Johnson, Charles G., FR14992.
Johnson, Francis E., FR33595.
Johnson, Gordon M., FR14949.
Johnson, John R., Jr., FR13656.
Johnson Warren D., FR14367.
Jones, Howard A., FR14965.
Jones, Troy H., Jr., FR14049.
Jordan, Hugh F., FR09840.
Joyce, Daniel G., FR25605.
Keating, Philip J., FR09897.
Keils, Walter A., FR22599.
Kekoa, Curtis, FR14730.
Kelley, George J., Jr., FR12519.
Kelso William R., FR12822.
Kennedy, Jerome M., FR13260.
Kennedy, Joseph J., FR33632.
Kenney, William R., FR14428.
Kensler, Thomas C., Jr., FR14909.
Kerr, Robert A., FR12804.
Kidd, John B., FR34076.
Killian, Melvin J., FR33568.
King, Donald B., FR34353.
King, Walter S., FR34374.
Kissell, William G., FR11776.
Knight, Jack, FR20039.
Knowles, Edward, Jr., FR13365.
Koelbl, Henry C., FR33538.
Kouts, Alexander, FR33544.
Kraus, Robert E., FR34281.
Lacagnin, Leonard J., FR14574.
Lacey, William H., FR34255.
Ladd, Robert B., FR11700.
Landry, John F., FR33283.
Lane, Thomas W., FR34084.
Lasalle Harry S., Jr., FR13937.
Lawrence, Norman T., FR14284.
Lee, Maurice E., Jr., FR33345.
Leech, Richard G., FR24312.
Legge, Leonard M., FR14749.
Legrand, George, FR33714.
Leigon, Charles W., FR14006.
Lenihan, John J., FR33700.
Levan, Jay E., FR11839.
Lewis, Henry S., Jr., FR19794.
Linden, Robert M., FR51805.
Linn, Howard A., FR12862.
Livingston, Clyde M., FR11657.
Loman, William T., Jr., FR20669.
Long, Paul H., FR20635.
Lovelady, Albert P., FR33867.
Lowell, Charles L., FR13928.
Lucas, Truman, FR33999.
Lukeman, Robert P., FR14156.
Lutz, George W., FR13388.
Lyon, Moncure N., Jr., FR34191.
Macefield, James FR34233.
Macgregor, Jack M., FR14859.
Mackenzie, Alexander S., FR34188.
Maitland, William W., FR13341.
Malkiewicz, Frank J., FR14978.
Mamalis, Solon, FR12453.
Mann, William L., FR13777.
Manning, Simon W., Jr., FR14286.
Manor, Leroy J., FR14307.
Marcum, Everette L., FR14137.
Marcum, Robert S., FR12212.
Markel, Carrol B., FR14602.
Marr, James A., FR33686.
Marsden, Roy F., FR11921.
Marshall, Benjamin C., FR12129.
Martin, Edward O., FR14366.
Martin, Jack T., FR13634.
Masden, Gilbert A., FR11991.
Mask, Kenneth J., FR12690.
Mason, John J., FR13482.
Matlick, Benjamin M., Jr., FR14607.
Matte, Joseph Z., FR20615.
Mayo, Francis L., FR34329.
McCarty, Harold H., FR14239.
McCorkle, George W., FR34043.
McCormack, Lemuel H., Jr., FR09978.
McCormack, Robert, FR14618.
McCuskey, Michael A., FR33428.
McFadden, Kenneth L., FR20746.
McKendrick, Howard R., FR14676.
McLaughlin, William A., FR14515.
McLeod, Billy A., FR33520.
McMahon, James J., Jr., FR12805.
McManaman, Charles J., FR34384.
McMunigle, Francis M., FR34144.
Meacham, Chauncey W., FR13986.
Meador, Thomas R., Jr., FR33890.
Meek, Frank E., Jr., FR12334.
Merrill, Edward G., FR14303.
Mertely, Frank, FR18201.
Metheney, Frank W., FR14374.
Miller, Burdsall D., FR09745.
Miller, Cecil D., FR34394.
Miller, Clarence M., Jr., FR14088.
Miller, Luther J., FR34016.

Mills, Arthur J., FR18180.
Mills, Clarence H., FR22650.
Mills, Robert J., FR12661.
Mish, Charles C., FR13828.
Misner, Richard F., FR12445.
Mitchell, John W., FR14159.
Mitchell, Maurice S., FR14171.
Moats, Sanford K., FR14948.
Moench, John O., FR14318.
Morey, John B., FR59989.
Morgan, Thomas W., FR13964.
Moseley, Walter S., FR34117.
Mozley, Claude D., Jr., FR14028.
Mullen, John T., FR13925.
Muller, Frank J., FR33809.
Murphy, John E., FR14169.
Myers, Bill E., FR14038.
Navarro, Michael, FR14499.
Nesley, William L., FR14378.
Newbern, Robert G., FR33280.
Newell, Jamieson H. B., FR13501.
Newquist, Weldon D., FR34067.
Neyland, Lewis J., FR14387.
Niersbach, Norman G., FR12760.
Nolan, Robert A., FR34193.
Norwood, Howard L., Jr., FR33898.
Noyes, Arnold V., FR12472.
Nurnberg, Malcolm L., FR14046.
Ocarroll, Thomas K., FR11898.
Ogburn, Henly M., Jr., FR33605.
Ogozaly, Leo E., FR13999.
Oldfield, Charles S., FR13901.
Olsson, Ward T., FR34006.
Ong, Dong, FR14556.
Oreagan, John P., FR09912.
Orsi, Victor, FR48722.
Orton, George W., FR14675.
Ottaway, Harold E., FR13065.
Ousley, Carl A., FR33997.
Overbey, George D., FR10230.
Page, Jack C., FR13032.
Palmos, Peter G., FR14919.
Pamperien, Roka D., FR13752.
Park, Paul L., FR13662.
Patterson, Alfred K., FR14311.
Patterson, Edward H., FR13845.
Penrod, James B., FR12389.
Perron, Gregory H., FR09970.
Perry, Marshall F., FR33647.
Pesacreta, Samuel, FR14281.
Petrul, Paul J., FR14207.
Pettit, Roy F., FR13382.
Phifer, James H., Jr., FR14453.
Pierson, Robert E., FR14826.
Pitts, Morris B., FR25502.
Ports, Robert A., FR13277.
Post, George M., FR12321.
Potter, Waldo F., FR10165.
Prahler, Robert H., FR13806.
Preller, Gordon C., FR18144.
Price, James L., FR34018.
Pritchard, James B., FR13836.
Prochoroff, George, FR12984.
Purdy, Douglas C., FR13322.
Purkey, Gerald L., FR33392.
Qualls, Melvin E., FR34098.
Raeke, Louis A., Jr., FR12033.
Raisor, Clifford E., FR14015.
Ramer, Richard L., FR14436.
Rawls, Don M., FR13487.
Ray, Arthur G., Jr., FR51773.
Reap, Cyril J., FR33690.
Reed, Howard E., FR33369.
Reeder, William D., FR18161.
Reilley, Orville K., FR51843.
Reiss, Leonard, FR21439.
Richard, Anthony H., Jr., FR10202.
Richard, William W., Jr., FR14162.
Richardson, Howard, FR14345.
Richmond, Joe F., FR14057.
Riordan, Daniel W., FR24327.
Risher, Edward H., FR34293.
Ristau, Siegfried E., FR18169.
Robertson, Everett E., Jr., FR11987.
Robinson, Richard S., FR33309.
Rodriguez, Edward F., FR12881.
Romo, Peter E., FR13157.
Rood, Eric W., FR22620.
Ross, Amos H., Jr., FR10023.
Sanders, Wendell W., FR12121.
Santala, Eugene W., FR11940.
Sapp, Roger E., FR11789.
Savage, Robert B., FR13156.
Schatzley, Byron L., FR33708.
Schmerbeck, David J., FR14781.
Schmidt, George R., FR18202.
Schmidt, Robert C., FR12962.
Schreiber, Joseph, FR14988.
Schueler, Eldor H., FR12384.
Schuering, Alvin G., FR18166.
Scott, Charles E., Jr., FR13831.
Scott, Richard E. J., FR14002.
Scurlock, Frank L., FR14748.
Scurzi, Joseph R., FR13547.
Shannon, James A., FR14510.
Sheehan, Frank A., FR51812.
Shook, Abraham E., FR14821.
Shotts, Bryan M., FR14680.
Simmons, Malcolm C., FR13013.
Simokaitis, Frank J., FR15013.
Simpson, Robert F., Jr., FR14068.
Simpson, Thomas L., FR14423.
Sims, Thomas J., FR34205.
Sitler, Fred H., FR13124.
Sloan, Howard M., FR14745.
Smallfield, George B., FR14959.
Smith, Clark S., FR33509.
Smith, Donavon F., FR14577.
Smith, Edgar H., FR23684.
Smith, James C., FR51786.
Smith, Larkin B., Jr., FR33317.
Smith, Orrin R., Jr., FR15038.
Smith, Paul K., FR51806.
Smith, Ralph L., FR13285.
Smith, Robert E., FR13507.
Smith, Robert W., FR13454.
Smolen, Michael, FR34368.
Snyder, Wallace S., FR33720.
Sokay, Leslie W., FR14362.
Speed, Worth M., FR34116.
Spiva, Thurman, FR13527.
Sprinkel, Milton D., FR13304.
Stackhouse, Carl B., FR33420.
Stearns, Seymour, FR51808.
Steele, Ralph J., FR14388.
Steelnack Einar H., Jr., FR33994.
Steiger, George J., FR33929.
Steinkraus, Lawrence W., FR14847.
Sterr, Roger, J., FR33769.
Stooksberry, Sam D., FR14370.
Story, Harvey L., FR14772.
Stringfellow, Glassell S., FR34145.
Strong, Roy L., FR14364.
Struby, Joseph R., FR14707.
Stubblefield, Lee E., FR51853.
Stuyvesant, Ernest D., FR13586.
Surowiec, Eugene L., FR34200.
Swayze, Jack, FR12546.
Tapscott, Wilbur A., FR10076.
Tarwater, Benjamin W., FR14264.
Tate, Clark A., FR34169.
Teller, J. Craig, FR10184.
Terrell, James H., Jr., FR13134.
Thomas, Harold P. G. H., FR33547.
Thompson, William M., FR09841.
Tillman, Herma G., Jr., FR09990.
Tillotson, Bascom E., Jr., FR33466.
Tremblay, Armand L., FR22624.
Trudeau, Carvil A., FR33973.
Trueblood, Roger W., FR14848.
Unger, Edward C., FR14491.
Valentine, Dwane R., FR12694.
Vantrease, Hubert C., FR13422.
Vella, Vito T., FR14841.
Vowinkel, Merlin J., FR14778.
Wack, Joseph H., FR34337.
Waggener, Herman A., Jr., FR14047.
Walker, Barton F., Jr., FR14249.
Walker, Harold E., FR14432.
Walker, John D., FR14005.
Walsh, Edward J., Jr., FR13712.
Watson, Paul C., FR14603.
Wayland, Robert H., Jr., FR33308.
Weaver, William H., Jr., FR14813.
Webb, Bert H., Jr., FR12132.
Weber, Charles G., FR33854.
Weidenbusch, Albert C., FR34357.
Weigle, Vincent J., FR12793.
Weigner, Leonard N., FR33706.
Welch, Robert G., FR33620.
Wells, John H., Jr., FR33756.
Wernette, Eugene C., FR34146.
Westerman, Raymond S., FR14617.
Weyant, Jack A., FR13424.
White, Victor M., FR14594.
Whittington, Richard L., FR12193.
Wier, Charlie Y., FR21785.
Wilborn, William T., FR18194.
Wilkerson, Joe T., FR33386.
Wille, Herman B., FR34314.
Wille, Thomas, FR51849.
Williams, Cyril E., FR13363.
Williams, Hubert L., FR14446.
Wilson, George M., FR21777.
Wilson, James B., FR33613.
Wilson, James R., FR34160.
Wilson, Lee V., FR34105.
Wine, Paul H., FR14055.
Wise, John W., FR14340.
Wolfe, Charles S., FR18176.
Wood, Edwin A., FR14117.
Wood, Theodore S., FR33349.
Woody, Rufus, Jr., FR23655.
Woodyard, Jean K., Jr., FR13676.
Yraceburn, Joe R., FR11805.
Zimmermann, Hugo, FR14728.
Zubon, Michael, FR10134.
Zukerberg, Harry, FR13869.

CHAPLAINS

Engell, Arthur T., FR70980.
Hanlon, Thomas C., FR48574.
Jameson, Ashley D., FR48588.
Shoemaker, Harold D., FR27660.
Trent, B. C., FR26649.
Unger, Orvil T., FR55107.
Woodruff, James R., FR27659.

DENTAL CORPS

Feldmann, Earl E., FR20008.
Grant, Ambrose G., FR24675.
Hughes, Wilbur R., Jr., FR25693.
Louis, John D., FR20058.
Oleary, Timothy J., FR18966.
Poor, Willard H., FR21728.
Sprague, William G., FR25667.
Stumpf, Arthur J., Jr., FR23058.
Tarsitano, John J., FR27495.
Zellhoefer, Robert W., FR27598.

MEDICAL CORPS

Archdeacon, John R., FR23068.
Culver, Warren T., FR19346.
Douglas, William K., FR19967.
Flaherty, Bernard E., FR22399.
Hennessen, John A., Jr., FR20013.
Hessberg, Rufus R., Jr., FR24647.
Kurth, Robert J., FR22401.
Marshall, Charles B., Jr., FR19962.
Myers, Paul W., FR21761.
Preston, Rhea S., FR19770.
Robison, Jack R., FR22550.
Ryan, Arthur E., FR29614.
Thomas, Herrick M., FR19566.
Wright, Walter D., FR23063.

NURSE CORPS

Gersema, Vivian M., FR21082.

MEDICAL SERVICE CORPS

Cooper, Nathan, FR19521.
Ehardt, Frederick, FR48906.
Goings, Charles E., Jr., FR19522.
Hodge, Joseph E., FR24235.
Keller, Paul C., FR48930.
Manrow, William E., FR19504.
Marolf, Kenneth L., FR21613.
McDermaid, Richard, FR19575.
Pomphrey, Patrick J., FR19485.
Woolf, Henry M., FR21615.

VETERINARY CORPS

Couch, J. B., FR21601.
Dalziel, George T., FR21605.
Werntz, Omar G., FR51117.

BIOMEDICAL SCIENCES CORPS

Allen, Wallace B., FR15390.

Second lieutenant to first lieutenant

LINE OF THE AIR FORCE

Adair, Samuel Y., Jr., FR75473.
Adamson, Russell E., Jr., FR79260.

Ahearn, Terrence J., FR75474.
Akers, James C., FR75585.
Akin, Robert L., FR77998.
Albright, Edwin R., Jr., FR79994.
Albritton, Edward C., FR78158.
Allen, George W., FR79263.
Allen, Thomas R., FR75586.
Allen William H., Jr., FR77999.
Allis, Richard A., FR78193.
Almeda, Charles E., FR79218.
Alverson, Richard V., FR78252.
Anderson, Dale D., FR79267.
Anderson, Harry K., Jr., FR79996.
Anderson, James M., FR3137473.
Anderson, Paul V., FR3135414.
Anderson, Terry D., FR75587.
Anderson, William A., FR78214.
Anger, Terry G., FR78159.
Arganbright, Michael J., FR75476.
Armbruster, Louis F., FR75588.
Arthurs, Dale D., FR78468.
Arvik, Jon H., FR80144.
Ashbaker, Phillip N., FR75800.
Ashe, Thurman O., FR75589.
Aston, Gary M., FR3135490.
Atack, Rodney M., FR79831.
Atkins, Jerome A., FR79269.
Aultman, Fred C., FR79998.
Ayer, Frederick L., FR78393.
Baas, Melvin T., FR3139139.
Bacon, Michael J., FR79648.
Baergen, Edward, FR80000.
Bailey, Carl D., FR79833.
Bainton, Ronald W., FR3135515.
Baird, James, FR77940.
Bakenhus, Frederick A., FR79649.
Baker, Dalton W., FR79271.
Baker, Kenneth E., FR75592.
Baker, Larry K., FR78228.
Ballard, Malcolm J., Jr., FR77941.
Ballee, William J., FR75802.
Bandy, Finis W., FR79650.
Barineau, James E., FR75478.
Barnes, Gary L., FR75593.
Barnhart, Joe W., Jr., FR75594.
Barrere, Howard A., FR75595.
Bart, Seigfried G., Jr., FR78469.
Barthelemy, Robert R., FR75804.
Bassin, Stanley L., FR79835.
Bastien, Peter M., FR79652.
Bates, Larrie C., FR75596.
Baughman, John S., FR75480.
Bayer Robert E., FR77942.
Beasley, Dennis C., FR77943.
Beaton, David A., FR79837.
Becnel, Marion O., FR3130631.
Beighle, William P., II., FR79654.
Bellingham, Davi E., FR80002.
Benjamin, Warren E., FR79114.
Bennett, Charles M., IV., FR79655.
Bennett, Gary W., FR75805.
Bennett, Lewis D., FR79656.
Benson, Verne H., FR78160.
Benton, Ronald L., FR3139140.
Berls, Robert E., Jr., FR80003.
Bernhard, John S., FR75483.
Bernhart, Michael H., FR78215.
Bernier, Johnnie O., FR75806.
Bernstein, Ivan H., FR79839.
Bernstein, Peter D., FR3131802.
Berringer, William G., FR75601.
Best, James R., FR75602.
Bethea, Jackie C., FR79658.
Bickford, John D., FR37889.
Biltz, James E., FR76338.
Birch, George E., FR78161.
Birdsong, Marcus D., FR79277.
Biscardi, James Jr., FR79278.
Bischoff, John W., FR78194.
Black, Thomas A., FR79279.
Blackmon, Jerry M., FR78253.
Blackwood, Jimmie, FR3136387.
Blake, Ronald W., FR79280.
Blankenship, Kenneth L., FR75484.
Blansett, Bennie B., Jr., FR75604.
Blount, Jack R., Jr., FR3137857.
Blume, Frederic K., FR75605.
Bocklage, Joseph T., FR76140.
Bohutinsky, Andrew, FR75807.
Bolinger, Roy E. J., FR79840.
Bonalewicz, Richard, FR80004.
Bonse, Gilbert, FR79968.
Boomstra, Ronald J., FR79284.
Borchert, Frederick C., FR78195.
Borner, Frank D., FR78352.
Boubelik, David K., FR79841.
Boucher, Paul A., FR78000.
Bousek, Ronald R., FR75808.
Bowen, Robert E., FR79252.
Bowers, Joseph H., FR75606.
Boyd, James A., Jr., FR79842.
Boyner, Daniel D., Jr., FR75607.
Brandberry, Brian L., FR78162.
Bramlett, Harry R., FR79289.
Brandt, Paul A., III, FR78163.
Branscome, James A., FR80005.
Branscum, Harold W., FR77944.
Brennan, William J., Jr., FR79290.
Brever, William A., FR80006.
Bricker, Lee E., FR80007.
Brinson, Edwin L., FR78394.
Britt, Paul S., FR79661.
Brock, Harvey T., Jr., FR79662.
Bronnenberg, Gerald E., FR3137945.
Brooks, Joseph P., Sr., FR79291.
Brosveen, Douglas A., FR30996.
Brown, Charles R., Jr., FR75485.
Brown, Gerald R., FR80008.
Brown, Richard D., FR75809.
Brown, Richard M., FR79663.
Brown, Wesley, FR75608.
Browne, Cletus C., FR78002.
Broyles, James K., FR3137886.
Brune, Peter L., FR79294.
Bryan, Robert L., FR79296.
Buck, Erhard, FR79297.
Bucknell, Edward K., FR79664.
Bullock, William F., Jr., FR80009.
Bundrick, Myrl W., FR79665.
Bunting, Richard E., FR75487.
Burckel, William P., FR78003.
Burdash, Charles S., FR79298.
Burdick, David R., FR77945.
Burford, Edward G., FR80788.
Burgess, Jackie D., FR79667.
Burhans, William A., FR77946.
Burk, William J., FR78004.
Burke, Bruce L., FR75609.
Burnette, William H., FR79669.
Bush, Richard L., FR78005.
Bush, Ronald J., FR78216.
Butler, Robert B., FR75488.
Byford, Forrest E., FR79670.
Calabrese, John R., Jr., FR78459.
Callan, Walter M., FR79302.
Callaway, Jay C., Jr., FR3133178.
Campbell, William S., FR79305.
Cardell, Williams W., FR79307.
Carlson, Gary W., FR75810.
Carroll, Roger A., FR80013.
Carson, Gerald G., FR79635.
Carson, Peter A., FR75611.
Carter, Edward G., FR75612.
Cartwright, Jack E., FR79310.
Carzoli, Albert F., FR3137726.
Cascales, Charles W., Jr., FR79311.
Casey, Bobby L., FR3137904.
Cason, Thomas O., FR79168.
Casteel, Dwight O., FR3132037.
Cates, Robert T., FR79640.
Caulfield, Donna L., FR79312.
Cayler, Russell L., FR75613.
Cecchett, Gary M., FR79844.
Chada, William L., FR 75614.
Chambers, Linton T., FR80158.
Chandler, James W., Jr., FR75489.
Chang, George C. W., FR80014.
Charity, Louis H., Jr., FR79313.
Chartrain, Richard A., FR75811.
Chase, Edward L., FR3131859.
Cheshire, Jimmie D., FR80792.
Chew, Richard A., FR79315.
Chmielewski, Michael R., FR78217.
Choplin, John R., FR79674.
Christ, Francis E., Jr., FR3131047.
Christiansen, James W., FR80015.
Clapper, James R., Jr., FR75491.
Clark, David J., FR3138033.
Clark, Melvin E., FR79317.
Clarke, Charles E., FR77947.
Clayton, James W., Jr., FR79676.
Coakley, Roger L., FR3131178.
Cochrane, Norman J., FR75616.
Coco, Eugene G., Jr., FR75812.
Coesfeld, Paul E., FR75617.
Coffas, James, FR78353.
Coffey, James A., FR77948.
Cohn, Marcus T., FR77949.
Colapietro, Robert L., FR78395.
Cole, David B., FR75616.
Cole, George M., FR79678.
Collins, Edward M., Jr., FR75619.
Componovo, William, FR79847.
Conant, Richard C., FR3137733.
Conaway, Douglas F., FR3132500.
Conder, Lowell R., FR3132534.
Conerly, Lanny P., FR75813.
Conley, John L., FR75814.
Conrardy, Dale E., FR79848.
Consolvo, Charles W., Jr., FR80017.
Coogler, Munro A., Jr., FR78164.
Cook, John W., FR79321.
Cook, Thomas E., FR80018.
Cook, William A., FR78006.
Coons, David J., FR77950.
Cooper, Hugh S., FR80019.
Cooper, James K., FR79322.
Cooper, Robert N., FR78196.
Corbett, Philip W., FR75620.
Corn, John H., FR79849,
Couch, Robert M., FR80020.
Counts, Lawrence J., FR3129974.
Cox, David L., Jr., FR79680.
Cox, James D., FR78008.
Cox, Raymond C., FR75815.
Cox, Stephen E., FR78165.
Crabb, James H., FR78354.
Cramer, Randolph S., FR78375.
Crane, Kerry J., FR76493.
Crawford, Thomas P., FR75816.
Cress, Gary R., FR79323.
Crews, Ronald K., FR79681.
Croft, Robert L., FR78460.
Crosby, Chester G., FR3137738.
Crow, Wesley B., FR78396.
Culley, Robert B., FR79325.
Culp, Eugene R., FR77951.
Cunningham, Charles E., Jr., FR79851.
Daggett, Jesse B., II, FR77952.
Dahler, Alfred, FR79684.
Daley, Philip, FR79327.
Damron, Gerhard S., FR79328.
Dang, Norman K., FR79685.
Daniel, Jimmy L., FR3130105.
Dark, John J., FR80022.
Davee, Steven C., FR75493,
Davi, Emanuel F., FR75621.
Davis Arnold E., Jr., FR79329.
Davis, Dale L., FR75817.
Davis, Donny R., FR79253.
Davis, Edward A., FR79854.
Davis, Jefferson J., FR79686.
Davis, John S., FR79125.
Davis, Loyd E., FR79334.
Davis, Thomas D., FR75622.
Davis, William H., FR77953.
Daye, Charles R., FR79855.
Debolt, Richard A., FR77954.
Dederick, Arthur, III, FR75628.
Dee, William, FR69960.
Deere, Monte M., FR77955.
Dehart, Thomas Z., Jr., FR79330.
Dehner, Frederick T., FR75494,
Delaurentis, Robert H., FR79332.
Demuth, Ronald N., FR78355.
Denman, Daniel F., IV, FR79687.
Dent, Roy V., FR3132740.
Derochi, Steven F., FR79333.
Desch, Larry L., FR3119741.
Deschenes, Frederick D., FR79688.
Dice, Eugene E., FR78009.
Dierker, Ronald J., FR78010.
Dietrich, Joseph G., FR3130125.
Dietz, Daniel R., FR69965.
Digiacomo, Frederic V., FR79335.
Dilley, Dana A., FR3131807.
Dimauro, Anthony J., FR79336.
Ditch, Larry W., FR77300.
Ditterline, Raymond L., FR75623.
Doll, Bruce A., FR79691.

Dollahite, David R., FR75624.
Dombrowski, Robert F., FR79337.
Doorley, William A., Jr., FR3130133.
Doran, Thomas E., FR3130134.
Doran, William D., FR3146235.
Douglass, John W., FR78470.
Dove, Jack P., FR79692.
Dowden, Robert D., FR80027.
Downs, Lewis T., FR79341.
Druffel, Lawrence E., FR79343.
Dryden, Ronald L., FR80028.
Duarte, Frederick, FR78218.
Dubay, Donald H., FR79345.
Dubose, David R., FR79346.
Ducat, Bruce C., FR75625.
Dudac, Thomas W., Jr., FR78011.
Dumas, Jerry C., FR3131035.
Duncan, John A., FR75626.
Duncan, Noel H., FR75818.
Duncan, Robert M., FR75819.
Dunn, James S., FR75820.
Dunn, Philip K., FR79347.
Durst, Robert B., FR80982.
Dwelle, Stephen B., FR79859.
Dykman, Ronald C., FR80030.
Eby, Donald W., FR79348.
Edde, Richard L., FR79860.
Eddings, James A., FR3118706.
Edwards, Carlton W., FR78166.
Edwards, John V., Jr., FR79349.
Edwards, Robert F., FR3130146.
Efird, Robert A., FR79351.
Egan, Raymond J., FR79696.
Ehler, George R., FR79352.
Elder, Richard W., FR77956.
Eldridge, John L., FR79353.
Eldrup, Kenneth N., FR3130149.
Ellis, William G., Jr., FR80983.
Ellroot, Bernard F., FR78012.
Endee, Daniel G., FR79699.
Entrican, Robert A., FR75631.
Erickson, Mark S., FR79861.
Erickson, Theodore O., FR80032.
Evans, William H., FR77957.
Everett, Grant H., FR3139143.
Fadden, Delmar M., FR75821.
Fairchild, Paul H., FR80035.
Fallon, Thomas A., FR78461.
Fannin, Armand A., Jr., FR75822.
Fasick, John C., Jr., FR75633.
Favaron, George T., FR79862.
Fawcett, Delane S., FR79357.
Fay, Andrew F., FR79701.
Fender, James E., FR76142.
Ferguson, Charles M., FR75634
Ferrell, Jack L., FR79359.
Findley, William D., FR79703.
Finigan, Thomas R., FR77958.
Fitch, Duane A., FR3138275.
Fleischmann, Michael S., FR79363.
Fletcher, Thomas B., FR79364.
Foechterle, Edward R., FR75824.
Foran, Rory, FR79366.
Fortenberry, Charles P., FR3138291.
Foss, Charles H., FR75497.
Fouts, Jan N., FR79367.
Fox, Leslie H., FR75635.
Fox, Michael J., FR77959.
Francis, David P., FR3120240.
Francis, Eldon G., FR79368.
Frank, Richard E., FR77960.
Frankhauser, Walt A., FR78013.
Frazier, Keith V., FR77961.
Frediani, George A., III, FR79369.
Fredrickson, Wayde T., FR79864.
French, Thomas B., FR79866.
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Fresh, Donald W., FR78014.
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Thayer, Ralph E., FR79569.
Theorell, John R., FR75729.
Theriot, Ernest R., III, FR75877.
Thomas, Jimmy R., FR3137388.
Thomas, Joseph M., FR3119542.
Thompson, Harold E., Jr., FR79806.
Thompson, Robert S., FR79807.
Thompson, Theodore C., FR79808.
Thornberry, Robert E., FR79570.
Thrasher, Gary K., FR79809.
Tobie, Neil M., FR75878.
Tomain, Robert F., FR79572.
Truesdell, John C., FR75880.
Truitt, Rolland D., FR79946.
Trusty, Monty J., FR78175.
Trusz, Raymond E., FR3129998.
Trytten, Chris T., FR79575.
Tucker, David G., FR80121.
Tucker, James H., FR78208.
Tucker, Paul K., FR79945.
Tufts, Robert J., FR75881.
Tures, Gifford G., Jr., FR80122.
Ulmer, Charles H., FR3137831.
Vandermey, James E., FR79577.
Vanderpoel, Halsted S., FR3137415.
Vandeventer, John W., FR79810.
Vawter, Ronald B., FR79811.
Veasey, Columbus, Jr., FR79580.
Veazey, Douglas D., FR79812.
Vervisch, Charles D., FR80124.
Veth, John J., FR75882.
Vetter, Gary L., FR79581.
Vice, Gary E., FR3132723.
Victorino, Leonard L., FR79582.
Vion, Jerry E., FR75536.
Vitelli, John L., FR75730.
Vogelsang, Douglas C., FR79950.
Vranesh, George E., FR75731.
Vrooman, Robert S., FR79583.
Wagy, Lawrence E., FR75732.
Walbridge, Raymond D., FR79584.
Walker, Harold C., FR78176.
Walker, Thomas G., FR75883.
Wallace, James A., Jr., FR75733.
Walters, Joe K., FR75735.
Warren, Max E., FR77992.
Wasson, Robert L., FR3139138.
Waterman, Charles R., FR78368.
Watne, Conrad A., FR79952.
Wattawa, Verne V., FR75884.
Weaver, Lonnie E., FR79588.
Weaver, Parke R., Jr., FR3138930.
Weaver, Richard T., FR80126.
Webb, Edward P., FR79589.
Weber, Floyd, FR79816.
Weber, John G., FR75885.
Weber, Lester J., FR79590.
Webster, Joseph B., III, FR78060.
Webster, Thomas R., FR79591.
Weeks, Edson S., FR3137434.
Weigand, Louis G., III, FR78369.
Weiss, John J., FR79817.
Weitz, Charles F., FR75886.
Welch, William E., FR3137682.
Welday, Richard B., FR79592.
Wells, Donald A., FR79593.
Wells, Kenneth L., FR77311.
Wells, Walter C., FR75887.
Wessel, James R., FR78209.
Westwood, Charles E., FR79594.
Wetzel, Raymond A., FR79953.
Weyler, Kenneth L., FR78062.
Wheeler, William A., II, FR79595.
Whitaker, Alvin E., FR79596.
White, Jack A., FR79820.
White, James S., FR78467.
Whitehead, Ellis H., FR75736.
Whiteley, Patrick M., FR79821.
Whitley, Jerry F., FR75538.
Whitney, John C., FR75539.
Whitten, John L., FR79598.
Whittier, Charles E., FR78225.
Wickham, Frederic O., Jr., FR78226.
Wielatz, Robert J., FR3137844.
Wilder, Philip D., FR79599.
Wilkins, Kermit D., FR78177.
Willems, Gary B., FR78178.
Williams, John W. O., FR79600.
Williamson, Fred H., Jr., FR75737.
Wilson, Edwin W., FR79601.
Wilson, Jack G., FR79085.
Wilson, John H., FR78403.
Wilson, Larry J., FR75888.
Wilson, Robert E., FR78179.
Wilson, William E., FR3131752.
Wimberly, Charles H., FR3133165.

Wingo, Jon L., FR75738.
Winkelmann, Marvin B., FR79602.
Winner, Robert J., FR79824.
Wiseman, James E., III, FR75739.
Withuhn, William L., FR76524.
Witkowski, Dennis N., FR79605.
Wolf, Gary K., FR78404.
Wood, John D., FR79825.
Woodall, Ronald L., FR75541.
Woodson, Murphy A., FR77994.
Wright, Alfred A., FR78061.
Wright, Bobby R., FR79607.
Wright, David K., FR78227.
Wright, Franklin E., FR78370.
Wright, John D., FR78063.
Wyman, Devon E., FR79608.
Young, Jimmie D., FR77993.
Young, Robert A., FR77995.
Younger, Jey E., III, FR78064.
Zach, Larry D., FR75890.
Zadra, Jon A., FR75542.
Zavislak, Raymond W., FR79611.
Ziegler, Norton N., FR79957.
Zimmer, James L., FR79958.
Zimmer, Peter B., FR77996.
Zone, Thomas J., FR79613.
Zwerg, Ralph F., FR79829.
Zwolinski, Ronald J., FR79614.

MEDICAL SERVICE CORPS

Frazier, Charles L., FR76143.
Gallagher, Thomas M., FR80038.
Johnson, Robert B., FR75665.
Norris, Victor G., FR75696.
Roundtree, Lester J., FR77309.
Terry, Charles R., FR75728.

BIOMEDICAL SCIENCES CORPS

Armour, James T., FR75477.
Baety, Walter G., III, FR79832.
England, Douglas M., FR79700.
Gaudot, Frank J., FR79868.
Hastings, Humphrey K., Jr., FR79713.

EXTENSIONS OF REMARKS

Treatment of Prisoners in Vietnam

EXTENSION OF REMARKS
OF

HON. BENJAMIN S. ROSENTHAL

OF NEW YORK
IN THE HOUSE OF REPRESENTATIVES
Tuesday, August 2, 1966

Mr. ROSENTHAL. Mr. Speaker, I have noted with interest and relief Ho Chi Minh's recent statement concerning the treatment of American prisoners of war. He has reprieved our captured airmen for the present, but his pronouncement does not in any way guarantee their futures.

I have, therefore, introduced today a resolution indicating that the sense of the Congress and the American people is firm on insisting that humane treatment be accorded our captured soldiers now and in the future. As signatories to the Geneva Convention of 1949, the Government of North Vietnam should abide by the provisions in the agreement concerning prisoners of war. Any violation of accepted codes of international behavior in this regard would be inhumane, and would tend to estrange North Vietnam from the family of nations. Further, improper treatment of American prisoners of war justifiably arouses the anger of the American people thus damaging the prospects of ending hostilities.

Unfortunately, the issue of proper consideration of prisoners of war is not as clear as we might desire. In the Washington Post of August 1, Joseph Kraft astutely comments on the difficult position of the United States vis-a-vis captured North Vietnamese troops. Currently the United States turns over to the South Vietnamese all North Vietnamese prisoners taken by American forces. Our South Vietnamese allies have themselves often been accused of inhumane treatment of such prisoners.

When the American commitment in Vietnam was limited to an advisory one, we were not in a position to deal with prisoners of war. However, having assumed a principal military role in the struggle, we should now also accept responsibility for all prisoners whom we capture. When we accept this responsibility, we would, of course, comply with the letter and the spirit of the Geneva accord.

As a step in this direction, the International Red Cross should be permitted to inspect all existing detention facilities in the south and to otherwise carry out their obligations to prisoners. Their reports should be made public and submitted to the International Control Commission. In return for such consideration of North Vietnamese prisoners, it is hoped that North Vietnam will take equivalent humanitarian steps for their prisoners.

It is my hope that my colleagues in this Congress will support the President in his endeavors to explore all possible channels leading to the humane treatment of prisoners on both sides. Justice and humane consideration for these individuals is an essential part of our efforts to establish groundwork for negotiations in an atmosphere of trust and mutual respect.

New York Hilo Demonstration Ride, a Success

EXTENSION OF REMARKS
OF

HON. ROBERT L. LEGGETT

OF CALIFORNIA
IN THE HOUSE OF REPRESENTATIVES
Tuesday, August 2, 1966

Mr. LEGGETT. Mr. Speaker, Monday morning, August 1, 1966, I was delighted to be aboard New York Hilo Flight No. 3 of the demonstration flight connecting downtown Washington with Dulles and Friendship International Airports.

We were airborne at 11:15 a.m., and in exactly 11 minutes, we arrived at Friendship Airport. After a few moments for refueling and servicing of the twin jet motor helicopter we were airborne again. The seats were quite comfortable as we relaxed and had refreshments served by the stewardess. In approximately 20 minutes, traveling at 130 miles per hour, we arrived at Dulles International Airport. We landed and took off immediately and exactly 11 minutes later, we landed on the vacant lot adjacent to and immediately east of the Cannon House Office Building. The entire flight took 1 hour.

I think this will be an excellent service for Washington and hope it is initiated at the earliest possible date.

Forty-seven Voices for Sanity

EXTENSION OF REMARKS
OF

HON. DON EDWARDS

OF CALIFORNIA
IN THE HOUSE OF REPRESENTATIVES
Tuesday, August 2, 1966

Mr. EDWARDS of California. Mr. Speaker, on July 29, I, along with many of my colleagues, issued a release opposing recent statements by Premier Ky which suggested invasion of North Vietnam and an eventual war with China. Our views, as set forth in the release, were the subject of many newspaper editorials across the country. Among these was the New York Post whose editorial is entitled "47 Voices for Sanity."

At this point, Mr. Speaker, I insert in the RECORD, our release and the New York Post editorial.

[From the New York Post, Aug. 1, 1966]

FORTY-SEVEN VOICES FOR SANITY

In calling on the Johnson Administration to repudiate openly the mindless "spirit of escalation" being preached by Premier Ky of South Viet Nam, 47 Congressmen have displayed both sanity and independence.

The weekend appeal of the 44 House Democrats and three Republicans, who also urged "new initiatives" by the U.S. for peace talks and support for Viet Nam elections "open to all parties," would have been dramatic in any case.

It took special courage for many of the signers to embrace the statement because the "spirit of escalation" is not simply the rash raving of Ky. It seems to have become the main force animating Washington's Viet Nam policy.

The latest evidence is grim enough. Last week, reaffirming his willingness to fight to the last American, Ky proposed an immediate military showdown with Red China and armed invasion of North Viet Nam.

As this wild hip shot echoed round the world, the White House and the State Dept. mildly reminded everyone once again that the U.S. wants no "wider war." Washington then proceeded to widen the war, first with a record-size air raid on North Viet Nam and then, over the weekend, with the first bombings of the demilitarized buffer zone between North and South.

On the same day that the anxious Congressmen declared that "the danger that the war will spread is increasing daily," UN Secretary General Thant left Moscow warning that the war "will develop into a major war if the present trend continues."

These warnings will be lost on Premier Ky. We only hope they will not be lost on the Administration. There is no reason to suppose that Washington is about to mount an invasion of the North—at the moment. There is no reason to think Washington proposes to follow Ky's advice about the Chinese and "face them right now."

But as long as the U.S. is transfixed by the "spirit of escalation," Ky's insane proposals will grow more and more plausible in Washington and the United States will sleepwalk on toward the brink.

We derive no real relief from Ky's latest disclaimer of ultimate personal ambitions for Viet Nam's presidency. That is hardly the immediate matter on the agenda, as he knew when modesty overcame him.

[Press release, July 29, 1966]

STATEMENT ON VIETNAM

The Members of the House of Representatives listed below joined in the following statement today:

"Recent statements by Premier Ky suggesting an invasion of North Vietnam, and eventual war with China, indicate he and other South Vietnamese generals have ambitions that extend far beyond and contradict the limited aims stated by President Johnson in seeking self-determination for the Vietnamese people. The danger that the war will spread is increasing daily. Extension of the conflict may embroil the major powers of the world in a destructive and brutal confrontation that would shatter all hopes of world peace.

"Premier Ky's statements dramatize the necessity for the American government to redirect its energies more forcefully in pursuit of a peaceful political settlement of the war. The spiral of escalation now being advocated by General Ky must be opposed and new initiatives attempted for negotiated settlement. The United States should use its great influence to assure that fair and free elections open to all parties will be held in the South so that a truly representative civilian government may be established. The granting of political rights to all would offer a peaceful alternative to those who now pursue the path of armed rebellion."

DEMOCRATS

JOSEPH P. ADDABBO, JOHN A. BLATNIK, JONATHAN B. BINGHAM, GEORGE E. BROWN, JR., PHILLIP BURTON, RONALD BROOKS CAMERON, JEFFERY COHELAN, JOHN CONYERS, JR., CHARLES C. DIGGS, JR., JOHN DOW,

KEN W. DYAL, DON EDWARDS, LEONARD FARBSTEIN, DONALD FRASER, JACOB H. GILBERT, BERNARD F. GRABOWSKI, HENRY B. GONZALEZ, AUGUSTUS HAWKINS, KEN HECHLER, HENRY HELSTOSKI,

ROBERT W. KASTENMEIER, ROBERT LEGGETT, JOHN C. MACKIE, SPARK M. MATSUNAGA, RICHARD D. MCCARTHY, PATSY T. MINK, WILLIAM S. MOORHEAD, ROBERT N. C. NIX, BARRATT O'HARA, EDWARD J. PATTEN,

THOMAS REES, JOSEPH Y. RESNICK, HENRY S. REUSS, BENJAMIN S. ROSENTHAL, EDWARD ROYBAL, WILLIAM F. RYAN, JAMES H. SCHEUER, JOHN R. SCHMIDHAUSER, WILLIAM L. ST. ONGE, HERBERT TENZER, PAUL H. TODD, JR.,

LIONEL VAN DEERLIN, WESTON VIVIAN, JEROME R. WALDIE, LESTER WOLFF, SIDNEY R. YATES.

REPUBLICANS

SEYMOUR HALPERN, THEODORE R. KUPFERMAN, OGDEN R. REID.

Introduction of Legislation To Establish the Sheep Mountain National Monument

EXTENSION OF REMARKS

OF

HON. TENO RONCALIO

OF WYOMING

IN THE HOUSE OF REPRESENTATIVES

Tuesday, August 2, 1966

Mr. RONCALIO. Mr. Speaker, northwestern Wyoming contains a complex of physiographic features of exceptional scenic and recreational value, some of which are of great scientific interest. Here, in the middle Rocky Mountain province of the Rocky Mountain physiographic division, Sheep Mountain lies in the depression of the Bighorn Basin surrounded by mountains and plateaus.

Sheep Mountain is an impressive sight, rising some 1,000 feet above the immediately surrounding and relatively low-lying country. The sides of the mountain reveal successive layers of multicolored rock, beginning at the bottom with a gray limestone of Mississippian Age, continuing with bright red sandstone of the Triassic period through green and yellow shales of the Jurassic, and ending in rather dark and drab Cretaceous sediments. The Bighorn River, as it flows northward through the Bighorn Basin, has cut a deep canyon directly across Sheep Mountain. This deep, narrow canyon provides a natural trench or cross section across the mountain in which one may view the structure of the rocks.

The structure of the mountain as clearly shown in the canyon is that of a relatively large upfold of bedded sedimentary rocks. The upfold, or anticline, is convex upward and both limbs or sides of the fold dip away from one another in opposite directions. Walking through the canyon, one can readily trace individual strata or beds from one side of the fold to the other. This anticline, which can be so easily traced both at the surface and in cross section at the canyon, represents one of the principal types of structures formed during mountain-building movements, which add to the construction of the landscape.

Equally obvious in the vicinity of Sheep Mountain are the results of erosion which, through the action of wind and water, cause destruction of the landscape of the fold on the sides of the mountain. observe that sedimentary rock layers, which once were continuous over the fold, have been worn away and only their truncated beds are found on each limb of the fold on the sides of the mountain. The mountain owes its topographic expression to a very resistant sequence of beds which are now exposed over most of the crest of the fold. Erosive forces active even today can be seen at work destroying this fold which was formed millions of years ago.

Numerous heart-shaped patches are cut through the resistant beds on the mountain and mark the sites of intermittent streams which during flash storms carry water and cut ever deeper into the core of the fold, exposing older rocks to erosion. Gravity, along with water runoff, causes the endless downward movement of rock fragments and particles to the flanks of the fold. The Bighorn River, while cutting the canyon ever deeper across the fold, carries off particles and fragments that have moved downslope from the mountain itself. All these processes of destruction act very slowly, but they have greatly reduced the original size of the fold over the millions of years since its formation.

Sheep Mountain thus represents an unusual exposure of a breached, topographically expressed anticline where the results of both the constructive and destructive forces that shape the face of the earth can be easily observed. This area presents such excellent possibilities for depicting many significant geologic processes that Sheep Mountain has been cited in Life magazine in the series "The World We Live In" and in college historical geology textbooks. The area has been mapped, geologically, by the U.S. Geological Survey. In addition, Sheep Mountain has been visited by numerous oil company geologists making detailed stratigraphic studies and by students from many universities across the country in connection with summer field studies.

Today, Mr. Speaker, it is my pleasure to introduce legislation designed to establish Sheep Mountain as a National Monument in the State of Wyoming.

This proposed legislation would preserve this site for the benefit and enjoyment of present and future generations and would provide another link in this historic and scenic chain of Teton National Park, Yellowstone National Park, Bighorn National Recreation Area, Custers Battlefield National Monument, Devils Tower National Monument, the Black Hills, and Mount Rushmore.

Praise for Delta Air Lines

EXTENSION OF REMARKS

OF

HON. CHARLES L. WELTNER

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, August 2, 1966

Mr. WELTNER. Mr. Speaker, a great many Members have had a great deal to say about the airlines strike—most of it critical. Certainly, the long stoppage has disrupted many plans. Yet, the inconvenience to the traveling public would be immeasurably worse were it not for the splendid service rendered by airlines still flying.

Principal among these, Mr. Speaker, is Delta Air Lines, based in Atlanta, Ga.

Mr. C. E. Woolman, board chairman of Delta, likes to refer to his organization as "a country airline." Perhaps Delta began that way but today it is a major carrier, spanning the continent from South to North, and from East to West.

During the strike, Delta has borne a particularly heavy burden. The only major carrier operation from the air hub of the South, the entire organization has worked feverishly—and with remarkable efficiency to handle the inordinate demand of the public.

Thus, amid all the censure, I wish to add a word of praise for Delta Air Lines, of Atlanta, whose performance and service during these trying times is in the highest and best tradition of a great industry.

Import Quotas on Lead and Zinc

EXTENSION OF REMARKS

OF

HON. AL ULLMAN

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Tuesday, August 2, 1966

Mr. ULLMAN. Mr. Speaker, I am pleased to join with our colleague from Colorado, the chairman of the Interior and Insular Affairs Committee, in introducing new legislation to establish a formula for reasonable import quotas on lead and zinc into the United States.

I believe it is in the interest of the United States to promote stability in the supply of these minerals—so important to our industrial economy. This stability can only be achieved through congressional recognition of the requirements of domestic producers as well as foreign suppliers. The proposed legislation provides the balance between the two sources that will assure a continued supply of lead and zinc to American industry at reasonable prices.